



CITY OF BURTON
BURTON CITY COUNCIL MEETING
JULY 18, 2022
MINUTES

Council Chambers

Regular Meeting

7:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by President Steven Heffner at 7:00 PM.

A. INVOCATION LED BY: TINA CONLEY

Mrs. Conley introduced Burton resident, Mr. Chuck Loader who will be leading us in prayer tonight. We are honored to have him.

B. THE PLEDGE OF ALLEGIANCE IS LED BY: TINA CONLEY

C. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Vice President	Present	
Steven Heffner	President	Present	
Vaughn Smith	Councilman	Present	
Gregory Fenner	Councilman	Present	
Christina Conley	Councilwoman	Present	
Greg Hull	Councilman	Present	
Christina Hickson	Councilwoman	Late	7:24 PM

D. APPROVAL OF AGENDA

Mr. Martinbianco stated he reserves the right to object to the agenda because he has an issue with item #5.

1. Motion to Approve the Agenda as Presented.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Gregory Fenner, Councilman
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

E. STAFF PRESENT

Charles Abbey, DPW Director/HR
Racheal Boggs, City Clerk
Brian Ross, Police Chief
Kirk Wilkinson, Fire Chief

F. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Jul 7, 2022 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Gregory Fenner, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

G. ADMINISTRATIVE REPORTS

Mr. Abbey stated the Mayor is feeling under the weather and cannot be here tonight. The City Clerk's Office will be conducting the Public Accuracy Testing for the equipment and programming to be used at the August 2, 2022 Primary Election on Tuesday, July 26th at 10:00 AM. This is a public meeting and the Clerk invites everyone to attend.

H. COMMITTEE REPORTS

Mr. Fenner stated he attended the DDA meeting this morning and they are taking quotes for replacing trees in the district and design work for "Welcome to Burton" project at Maple Road and Saginaw Street.

I. AUDIENCE PARTICIPATION

County Commissioner, Ellen Ellenburg of Burton stated the county is working on the budget and there is funding available to the City of Burton in the amount of \$26,000 for the Senior Center. We were able to maintain the same amount as last year. We also started a new program for disabled individuals to install handicap ramps for those in need. Anyone needing this service, please contact the County Senior Services or Veterans Department.

Tina Nichols of 1343 S. Center Road, land owner of over two acres between Center Road and Clarice Avenue in the City of Burton stated she had received a citation from Code Enforcement for raised garden beds. She stated she is trying to erect an urban farming project. I don't believe I have broken any ordinance rules or that I need a permit to grow fruits and vegetables. I am asking the City Council to help me challenge this.

Wayne Cinquegrani of 3075 Clarice spoke regarding Ms. Nichols' proposal and stated he is Ms. Nichols' neighbor and has lived here for 25 years. That property has been plowed and planted for many years and I have never seen this happen. The pile of dirt was temporary and it is gone now.

Roderick McCain of 5427 Sycamore Drive in Burton expressed concerns regarding an adult mental facility near his home on Brookwood by Formar Nature Preserve. I understand this has been an ongoing problem throughout the city at other locations and the police have been involved numerous times. My neighbors have been complaining. They have been throwing trash into Formar and my yard. They once tried to start a fire. They burn rubber up and down the street. I have concerns for my safety and the safety of my elderly neighbors. I am a retired Police Officer of 28 years in Detroit and I invested in this home to receive a sort of mental break. This is causing me unnecessary stress. Is this a concern of City Council?

John Shenkin expressed concern with a commercial property on Card Drive. There is a conservatorship over the property where I have more than 30 vehicles. The night the people received control of my property, they destroyed my cars with a baseball bat. They are now living on the property, scrapping and destroying my vehicles. They have stolen my tools and smashed my lights. I was told I could not make a police report.

Roberta Compton of 5347 Lapeer Road in Burton spoke regarding neighbor issues of drinking and yelling, involving the police. The Receptionist at City Hall told me to schedule a

meeting with Mayor Haskins. She also expressed concerns regarding the amount of taxes and water bill she pays. Why has it gone up so high?

Mike Telgenhof of 3054 Clarice Street stated three years ago, the city sold him a piece of property on an auction and it was illegal. He believes the city owes him \$15,000-\$20,000 for the upkeep and taxes paid. I am a disabled Veteran and you are holding my money up. Please look into it.

Mike Killbreath of the Morning Gazette Radio Show spoke in support of Mr. Shenkin getting his vehicles back. I have met with Mayor Haskins, the Police Chief and Lieutenant regarding this. There are 29 titles to vehicles that Mr. Shenkin has paid \$209,000 for and a tow truck that he paid \$120,000 for. They are his property. The Mayor told Mr. Shenkin to go get his vehicles. Afterward, the Chief said to get a warrant. The judge said the vehicles are part of the estate. I am unable to find the judges order. This has been going on for two months. The place looks like a junkyard and there are crack heads living there, on commercial property. We have an ordinance against that. A Police Officer told him to get out of Burton. That is not ok. The officer needs to be held accountable.

J. COUNCIL DISCUSSION

Mr. Smith asked the administration to clarify the situation on Clarice Street with the garden beds.

Mr. Abbey stated the site requires a zoning variance because our ordinance does not allow for this on vacant land. A complaint was made about the garden beds and dirt placed at the end of the street. The Code Enforcer went out and it was against the ordinance, and a citation was issued. This is the process when complaints are made. If the council would like to do something different, we need to change the ordinance.

Mr. Martinbianco stated he would like the specific citation number and go back to the ordinance book to take a look at it. Community gardens are not an unusual thing.

Mr. Hull asked for an opinion from the City Attorney.

Attorney Doyle stated I believe the issue is not that she is growing vegetables, it is that there are structures being placed on vacant land which is not permitted by ordinance. A variance would be required by the Zoning Board of Appeals.

Mr. Fenner stated I don't think we are saying you cannot grow vegetables. It is about the structures. If she were growing it in the ground, there would be no issue. She just needs a variance for the raised beds. Has she applied for a variance? Was it denied?

Mr. Abbey stated she has not applied for a variance.

Mrs. Hickson stated they are doing this in Flint, it is called the community greenhouse project. Maybe we can look into how they are doing their ordinances.

Discussion continued regarding the current ordinance and the need to change the ordinance.

Council recommends the Legislative Committee set up a meeting to look into changing the ordinance.

Mr. Smith would like the Police Chief to speak regarding the ongoing problem with the facility that Mr. McCain spoke of near Formar.

Chief Ross stated the issue is that there are no regulations for these facilities and the city has zero control over them. The state has ruled that they are just like any other house. We have workers and residents that are causing issues. Some residents are mentally ill and some cannot take care of themselves. There are about six of these facilities throughout the city. This is a huge concern. We spend a lot of time responding to calls. The facility on the south end for example, we have responded to calls 300 times in one year. This has been a problem for us and we have very little recourse.

Attorney Doyle stated we are keeping track of every complaint whether criminal or otherwise. I have attempted to make contact with the property owners and receive no response. I have contacted Macomb Community Mental Health who has placed some of its clients in these facilities and they are concerned. We are also working with Genesee Health Services. We just cannot legislate it. If there are violations and we can show them evidence of these issues, then they will get involved. It is time consuming but that is what we are trying to do at this point. The Adult Foster Care Licensing website has an online complaint form that I would recommend everyone use to file complaints.

Mr. Heffner asked if they are considered businesses.

Attorney Doyle stated no, they are not.

Chief Ross stated they are homes just like the ones you and I live in.

Mr. Heffner asked if we can pass an ordinance to require a troubled area like this to have a security guard on staff.

Attorney Doyle stated it is not a business. You cannot make a resident do this. You could try to sue in circuit court as a nuisance. Nuisance law is usually drug related and I don't think that we can prove that. We can site them for blight or other things.

Chief Ross stated the one near my house, we had an incident where all the employees left the house and a resident walked away. How do you control that? If it was a regular business, we might have some say but right now, we have nothing.

Mr. Fenner stated we are going to have to take this to the next level. Residents and council members need to write to their state legislators and congressmen. We are angry, but nothing can happen until the state does something.

Discussion continued regarding the state regulations regarding these facilities and what the police can do.

Chief Ross stated we have issued parking tickets, pulled cars over, and impounded vehicles. We are doing what we can but it is not going to solve the problem without legislation.

Mr. Smith asked the Police Chief for an update regarding the issues on Card Drive that Mr. Shenkin spoke about.

Chief Ross stated this has been going on for a few months. There are two sides to this. We went to the judge who said this in probate court and all assets are tied up in probate court. The police cannot say who owns what. This is up to the court. Until they decide, I cannot hand over any property to anybody.

Mr. Heffner is concerned that Mr. Shenkin was told by a Police Officer to get out of Burton. I would like to see the body cam footage of this, please.

Chief Ross stated if I had a date and time that this took place, I can look at it.

Mr. Martinbianco stated he is concerned about the property damage.

Discussion continued about the relationship between parties involved and the police departments authority while this case is in probate court.

Mr. Smith asked the administration to meet with Mrs. Compton after the meeting regarding her issues and asked about the property on Clarice Street.

Mr. Heffner stated the property on Clarice is under litigation and we cannot speak on it.

Attorney Doyle stated there is a trial date set for this.

Mr. Fenner clarified for the audience that he is not Mayor Haskins.

K. COUNCIL ACTION

1. Approve and authorize the payment of Attorney Billing (Doyle) 7/1/22 to 7/12/22 in the amount of \$4,865.00.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Christina Conley, Councilwoman
SECONDER:	Christina Hickson, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

2. Motion to amend demo hearing schedule as follows: Remove 2279 Connell Street and replace it with 4237 Leith Street at 5:30PM.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tom Martinbianco, Vice President
SECONDER:	Greg Hull, Councilman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

3. Approve and authorize the Burton City Council to set a Public Hearing on Monday, September 19th, 2022 for the following properties: 2017 Term at 6:30 p.m.; 2079 Judd at 6:15 p.m.; 2118 James at 6:00 p.m.; 2172 Scottwood at 5:45 p.m.; 2279 Connell at 5:30 p.m.; 4237 Leith at 5:15 p.m. to consider any objections and/or favorable comments relative to the Investigation of Potential Nuisance or Hazardous Condition of Premises on the following properties located in the City of Burton: should the council find this favorable or any other date and time Council prefers, allowing 45 days to get title search done and notice to property taxpayers for the scheduled hearings.

Mr. Abbey stated there are some corrections to these hearings. The list has been modified for one of the locations, 2279 Connell Street, we would like to remove because the Building Official went out and there is significant progress being made.

Mr. Fenner asked if we remove the property and progress stops, how long does it take to get them back on the list?

Mr. Abbey stated the process would start all over and it would be close to a year. The Building Official is confident that these properties will be complete. The new schedule is as follows:

Monday, September 19th, 2022 for the following properties:

2017 Term at 6:30 p.m.

2079 Judd at 6:15 p.m.

2118 James at 6:00 p.m.

2172 Scottwood at 5:45 p.m.

4237 Leith at 5:30 p.m.

RESULT:	CARRIED AS AMENDED [UNANIMOUS]
MOVER:	Gregory Fenner, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

4. Approve and authorize the Burton City Council to set a Public Hearing on Tuesday, September 20th, 2022 for the following properties: 1180 Allen at 6:30 p.m.; 3491 Atherton at 6:15 p.m.; 3512 Barcy Ct at 6:00 p.m.; 1423 S. Belsay Rd at 5:45 p.m.; 3518 Laurel at 5:30 p.m.; 2095 Whittemore at 5:15 p.m. to consider any objections and/or favorable comments relative to the Investigation of Potential Nuisance or Hazardous Condition of Premises on the following properties located in the City of Burton: should the council find this favorable or any other date and time Council prefers, allowing 45 days to get title search done and notice to property taxpayers for the scheduled hearings.

Mr. Abbey stated we would like to modify this list as well; 1180 Allen, we would like to remove because it is reverted back from the county and 2095 Whittemore should be removed because the Building Official has reported that significant progress is being made. The new schedule is as follows:

Tuesday, September 20th, 2022 for the following properties:

3491 Atherton at 6:30 p.m.

3512 Barcy Ct at 6:15 p.m.

1423 S. Belsay Rd at 6:00 p.m.

3518 Laurel at 5:45 p.m.

RESULT:	CARRIED AS AMENDED [UNANIMOUS]
MOVER:	Gregory Fenner, Councilman
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

5. Approve and authorize the Resolution 2022-24 of Intent to Sell the City Owned Properties.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Vaughn Smith, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

6. Approve and Authorize the Mayor and City Clerk to execute a contract with Orchard, Hiltz & McCliment, In. (OHM), 34000 Plymouth Rd. Livonia, MI 48150, for Professional Engineering of Bristol Road, Belsay to Vassar (DPW Project No. 22-013-P), at an estimated cost of \$144,620.00, contingent upon approval of the City Attorney.

Mr. Martinbianco stated he would like to refer this action item to the Finance Committee. He made the motion, seconded by Mrs. Conley.

Mr. Martinbianco stated in our 2022-23 approved budget, we allocated \$1.8 million toward the rehabilitation of this project. The administration agrees that it will be a lot more than that. I discussed this with Mr. Nordberg at the Genesee County Planning Commission and he finds nothing on the radar that indicates it will qualify for the federal program before 2026. The project cannot be done without federal support. I would like to get more information about it before doing the preliminary engineering now.

Mr. Abbey stated I think you have this mixed up. The council set aside the money to build this without using the TIP program. We decided to do this with our own money. The preliminary engineering is less than 10% of the project and has to be done this year if you intend to construct it next year. It is all part of the original money you funded. This will never qualify for TIP money, it doesn't have the traffic count.

Mr. Martinbianco stated we may have to rethink the entire I475 road diet project.

Mr. Abbey stated we have been involved on all of those meetings. We need to know the plan now before we start construction on Bristol from Fenton to Saginaw. If they change the dynamics of the intersections, we need to know. This is at the states cost, not ours.

Mr. Martinbianco withdrew his motion. Mrs. Conley withdrew her support.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Vaughn Smith, Councilman
SECONDER:	Christina Hickson, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

Agendas and minutes may be found at www.burtonmi.gov

Meeting was adjourned at 8:17 PM.



CITY OF BURTON
BURTON CITY COUNCIL MEETING
JULY 7, 2022
MINUTES

Council Chambers

Regular Meeting

7:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by President Steven Heffner at 7:00 PM.

A. INVOCATION LED BY: STEVE HEFFNER

B. THE PLEDGE OF ALLEGIANCE IS LED BY: STEVE HEFFNER

C. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Vice President	Present	
Steven Heffner	President	Present	
Vaughn Smith	Councilman	Present	
Gregory Fenner	Councilman	Present	
Christina Conley	Councilwoman	Present	
Greg Hull	Councilman	Present	
Christina Hickson	Councilwoman	Present	

D. APPROVAL OF AGENDA

1. Motion to Approve the Agenda as Presented.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Vaughn Smith, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

E. STAFF PRESENT

Duane Haskins, Mayor
 Racheal Boggs, City Clerk
 Charles Abbey, DPW Director/HR
 Julie Griffith, Purchasing Director
 Brian Ross, Police Chief
 Kirk Wilkinson, Fire Chief

Others Present:

County Commissioner Ellen Ellenburg

Comissioner Ellenburg presented the City of Burton with a Resolution from the Genesee County Commissioners in recognition of the 50th Anniversary of the city.

F. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Jun 20, 2022 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Gregory Fenner, Councilman
SECONDER:	Christina Hickson, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

G. ADMINISTRATIVE REPORTS

Mayor Haskins offered condolences to the family of Detroit Police Officer Courts who lost his life tragically in the line of duty. Please keep the family and Police Department in your thoughts and prayers. The Mayor also gave a report on the following:

- I hope everyone had a happy and safe 4th of July weekend.
- Maplewood Meadows is in the final stages of completion.
- The Maple Road project should be complete within the next week.
- State Rep Sneller and State Rep Cherry have informed us that the State of Michigan has passed their budget and with that, they have allocated money for pensions for municipalities. This will take Burton up to 60%. The last report in 2021 had Burton at 52.2% funded. This is outstanding news.

H. COMMITTEE REPORTS

None.

I. AUDIENCE PARTICIPATION

Patrick Dargel of 6119 Hugh Street in Burton spoke regarding the MDOT/I475 meeting and how it will impact agenda item #4 and the bridges being enhanced in the City of Burton.

Joseph Petrylak of 4183 Maplewood Meadows in Burton spoke regarding the pavement of his subdivision and if the asphalt will hold up long term because there is cracking and spots that are sinking.

Lynn Frieberger of Term Street in Burton stated she is running for the 68th District, Republican seat.

Raymond Frieberger of Term Street in Burton stated he is running 68th District as a Democrat. He spoke in support of keeping the absentee drop box. He suggests using a survey asking voters what they want. Nobody is being attacked about the ballot boxes like we were at the last meeting. There are voters who cannot get there and need to use the ballot box. This is a non political council and we need to leave political beliefs out of it.

Deb Walton of Carman Street spoke regarding Mr. Smith's comments in the Burton View and thanked him for speaking out for the residents regarding politics being brought into the city. She also expressed her opinion concerning Council Woman Hickson owing the city a large amount of money for a past due water bill that is impacting the water rates of all residents.

The following letters of public comment were read into the record:

Janice Weeden of Fairwood Drive in Burton spoke regarding an inappropriate political float participating in the Memorial Day Parade that was offensive to her and others riding in the Burton Senior Center Trolley.

Larry Flood of Burton spoke regarding the convenience of the absentee ballot drop box and false claims of election fraud in the 2020 election and the movie 2,000 mules. He stated he recommends leaving the drop boxes in place to make it easier for people to vote.

Pegge Adams of the Flint Area League of Women's Voters spoke regarding the required security of absentee ballot drop boxes by the state, myths surrounding the election process, and disenfranchising voters by removing the absentee ballot drop box.

Jamie Buchanan of Potter Boulevard in Burton spoke regarding the need to keep the absentee ballot drop box.

Jody Stone of Hidden Trails in Burton spoke in favor of keeping the absentee ballot drop box, signatures on absentee ballots are verified by the Clerk and that removing the drop box will make it more difficult for people to vote.

Carol Golombeski of Golfview Drive in Burton asked to keep the drop box in place stating she and her husband are near 80 years old and have health issues.

Molly DeKruger of Genesee Road in Burton spoke in favor of keeping the absentee ballot drop box stating she often works out of town and removal of the drop box would make it difficult for her to vote.

Joy Roe of Morton Avenue in Flint stated she has worked elections in Burton for 16 years and has become familiar with all aspects of the election process. She encouraged anyone with questions of the process to contact the Clerk's Office or watch free videos on Youtube provided by the Michigan Bureau of Elections. She also spoke regarding attacks on election officials, the security of the absentee ballot drop box and how useful the ballot drop is for the elderly and handicapped; removing the drop box takes away the option for people to cast their vote.

J. COUNCIL DISCUSSION

Mr. Martinbianco stated it is great news that the City of Flint is going to receive \$220 million toward their pension. Do we have an exact number of how that will translate to us?

Mayor Haskins said no, we do not. We will have to fill out paperwork to get it. I don't have all the details yet.

Mr. Martinbianco asked about Maplewood Meadows and if we are monitoring the situation. I know weather has a lot to do with it. Are we holding them accountable and how long is it guaranteed?

Mr. Abbey stated we had a meeting this morning about that road. We have another meeting there next week. We are monitoring it, everyday. The project started early. We have some concerns about the area. It is supposed to last as long as the pay back. This is a mill and resurface project and not a reconstruct. Keep that in mind. We all want the greatest return. The contractor does a punch list and they will make necessary repairs. There are assurances such as a contingency and bond.

Mr. Martinbianco asked if we have a schedule for the chip seal project.

Mr. Abbey said, no, not so far in that contract. We have a lot of different projects going, more than we have ever done. We only have a couple inspectors and our guys are bouncing around daily from job to job. As we have projects nearing completion, it will get better. When asphalt is fresh, it does get scarred by big trucks such as trash trucks. Unfortunately, there are those out there that like to do silly things like back out of a driveway and turn their tires. That is not the contractors problem, it is a resident problem and we deal with that when we can catch them. We are watching, every day. It will be addressed.

Mr. Martinbianco asked the Clerk, how has redistricting impacted the Clerk's Office?

Ms. Boggs stated it impacted a small section of one of our precincts and we had to mail out new Voter ID cards to those voters. It also caused a split in precinct 3 where approximately 120 voters are in a different Senate district.

Mr. Martinbianco stated on Bristol Road between Belsay and Vassar, is there something specific about the Gilkey Creek vault they we have to do?

Mr. Abbey stated that road is concrete so it's a little bit different. This is why it is so costly. We are looking for other options. EGLE and the County Drain Commission want you to oversize it when you reconstruct them to make sure there is ample capacity for future water run-off and flow. We are working with the Drain Commissioner about alternatives and other methods; steel culverts, aprons and different approaches. This one is unique because of the angle and its proximity to Dallas Street. It's tricky but we will get a plan for it.

Mr. Hull stated there is legislation moving through the state to make it easier for municipalities to apply for sewer and storm water. It hasn't made it to the House yet. I sent you an email about it, Mr. Abbey.

Mr. Fenner stated there is an increase in blight, possibly due to the warm weather. I want to thank the administration and the Code Enforcer for addressing these complaints in a very timely manner. They are doing a great job. Our weed control and mowing has increased since we found the right people to handle that. I am still getting complaints regarding the Flat Rock property on Connell Street. This time, a resident escaped and went onto a neighbors property. The worker came to get the resident who began assaulting the worker in the road. I don't know what we need to do or what pressure we can put on the state. Our residents do not feel comfortable. Maybe we need to reach out to our State Reps or Senators.

Discussion continued regarding rental houses in the city providing adult care services and state laws related to them.

Mr. Smith stated I would like to give accolades to the Burton Police Department. We have a longtime resident who passed away in my neighborhood and the house became rental. The renters are violating the noise ordinance with loud music on a regular basis until sometimes 4:00 AM. Several of my neighbors have been contacting me and I have told them to call 911. The police came out and when they left, the resident turned the music up louder. I contacted the Mayor because I couldn't go out of my house without neighbors approaching me with it. I then received a call from the Police Chief who spoke with the resident and so far, I haven't heard a thing in two weeks. Thank you Chief and the Burton Police Department.

K. COUNCIL ACTION

1. Approve and authorize the payment of Attorney Billing (Doyle) 6/15/22 to 6/30/22 in the amount of \$4,757.00.

RESULT: CARRIED [UNANIMOUS]
MOVER: Christina Conley, Councilwoman
SECONDER: Christina Hickson, Councilwoman
AYES: Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

2. Approve and authorize the sale of Vacant Lot - Bramblewood, Parcel No. 59-22-529-026, to give first and final approval for the sale of this parcel to Roy Eugene Riley II, 2109 Bramblewood., Burton, MI 48519 (Vacant Lot is adjacent to), for the sum of \$400 cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

RESULT: CARRIED [UNANIMOUS]
MOVER: Gregory Fenner, Councilman
SECONDER: Christina Conley, Councilwoman
AYES: Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

3. Approve and authorize the acceptance of the bid and allow the Mayor and Clerk to enter into a 3-year contract for Janitorial Services, contingent upon the submittal and approval by the City Attorney of the required bonds and insurance documents, on behalf of the City of Burton with Professional Building Services, 411 Stroebel Dr. Frankenmuth, MI 48734 in the amount of \$5,391.00 per month.

Mr Smith stated there was a \$400 difference in the pricing between the first and second bidder. He asked if the second bidder was a Burton business.

Mayor Haskins stated the only Burton business that placed a bid wanted about \$11,000 per month.

RESULT: CARRIED [UNANIMOUS]
MOVER: Vaughn Smith, Councilman
SECONDER: Greg Hull, Councilman
AYES: Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

4. Approve and authorize the Mayor and City Clerk to execute a Contract with the Michigan Department of Transportation for The performance of preliminary engineering activities for road rehabilitation along East Bristol Road from Fenton Road to Saginaw Street; and all together with necessary related work in the City of Burton, Genesee County (DPW project No. 21-022-P) MDOT Control Section STU 25000, Michigan Department of Transportation Contract 22-5311 for Job Number 207654PE at an estimated total cost of \$137,600 of which the City of Burton's final cost will be approximately \$27,520. and to authorize Amber Abbey, Street Administrator / Deputy DPW Director to digitally sign said contract on behalf of the City of Burton.

Mr. Heffner asked when the project is slated to be paved.

Mr. Abbey said, next year.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Gregory Fenner, Councilman
SECONDER:	Tom Martinbianco, Vice President
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

Agendas and minutes may be found at www.burtonmi.gov

Meeting was adjourned at 8:03 PM.

Minutes Acceptance: Minutes of Jul 7, 2022 7:00 PM (APPROVAL OF MINUTES)



Burton City Council
4303 S. Center Road
Burton, MI 48519

Meeting: 07/18/22 07:00 PM
Department: Clerk's Office
Category: Attorney Billing
Prepared By: Racheal Boggs
Department Head: Racheal Boggs

K.1

ADOPTED

AGENDA ITEM (ID # 5470)

DOC ID: 5470

Approve and authorize the payment of Attorney Billing (Doyle) 7/1/22 to 7/12/22 in the amount of \$4,865.00.

RESULT:	CARRIED [UNANIMOUS]
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SECONDER:	Christina Hickson, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson



ADOPTED

AGENDA ITEM (ID # 5466)

DOC ID: 5466

Approve and authorize the Burton City Council to set a Public Hearing on Monday, September 19th, 2022 for the following properties: 2017 Term at 6:30 p.m.; 2079 Judd at 6:15 p.m.; 2118 James at 6:00 p.m.; 2172 Scottwood at 5:45 p.m.; 2279 Connell at 5:30 p.m.; 4237 Leith at 5:15 p.m. to consider any objections and/or favorable comments relative to the Investigation of Potential Nuisance or Hazardous Condition of Premises on the following properties located in the City of Burton: should the council find this favorable or any other date and time Council prefers, allowing 45 days to get title search done and notice to property taxpayers for the scheduled hearings.

COMMENTS - Current Meeting:

Mr. Abbey stated there are some corrections to these hearings. The list has been modified for one of the locations, 2279 Connell Street, we would like to remove because the Building Official went out and there is significant progress being made.

Mr. Fenner asked if we remove the property and progress stops, how long does it take to get them back on the list?

Mr. Abbey stated the process would start all over and it would be close to a year. The Building Official is confident that these properties will be complete. The new schedule is as follows:

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2017 Term at 6:30 p.m.

2079 Judd at 6:15 p.m.

2118 James at 6:00 p.m.

2172 Scottwood at 5:45 p.m.

4237 Leith at 5:30 p.m.

RESULT:	CARRIED AS AMENDED [UNANIMOUS]
MOVER:	Gregory Fenner, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson



ADOPTED

AGENDA ITEM (ID # 5467)

DOC ID: 5467

Approve and authorize the Burton City Council to set a Public Hearing on Tuesday, September 20th, 2022 for the following properties: 1180 Allen at 6:30 p.m.; 3491 Atherton at 6:15 p.m.; 3512 Barcy Ct at 6:00 p.m.; 1423 S. Belsay Rd at 5:45 p.m.; 3518 Laurel at 5:30 p.m.; 2095 Whittemore at 5:15 p.m. to consider any objections and/or favorable comments relative to the Investigation of Potential Nuisance or Hazardous Condition of Premises on the following properties located in the City of Burton: should the council find this favorable or any other date and time Council prefers, allowing 45 days to get title search done and notice to property taxpayers for the scheduled hearings.

COMMENTS - Current Meeting:

Mr. Abbey stated we would like to modify this list as well; 1180 Allen, we would like to remove because it is reverted back from the county and 2095 Whittemore should be removed because the Building Official has reported that significant progress is being made. The new schedule is as follows:

Tuesday, September 20th, 2022 for the following properties:

3491 Atherton at 6:30 p.m.

3512 Barcy Ct at 6:15 p.m.

1423 S. Belsay Rd at 6:00 p.m.

3518 Laurel at 5:45 p.m.

RESULT:	CARRIED AS AMENDED [UNANIMOUS]
MOVER:	Gregory Fenner, Councilman
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson



ADOPTED

AGENDA ITEM (ID # 5468)

DOC ID: 5468

Approve and authorize the Resolution 2022-24 of Intent to Sell the City Owned Properties.

ATTACHMENTS:

- 2022 resolution intent to sell (1)- final version (DOCX)

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Vaughn Smith, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

CITY OF BURTON
GENESEE COUNTY, MICHIGAN

RESOLUTION 2022-24

**A RESOLUTION OF INTENT TO SELL CITY-OWNED
REAL PROPERTY BY SEALED BIDS AND
CONDITIONAL PURCHASE AGREEMENTS**

WHEREAS, Section 32.19 of the Codified Ordinances of the City of Burton establishes a procedure for the sale of City-owned real property not identified as necessary for public purposes; and

WHEREAS, the City's Department Heads, including the Assessor, have identified certain parcels now owned by the City which they believe will not be utilized for any public purpose; and

WHEREAS, the City Council of the City of Burton, in accordance with the above-referenced land sales procedure and the City Charter of the City of Burton, desires to identify those parcels to be made available for sale and to authorize the sale of said parcels;

NOW THEREFORE, BE IT RESOLVED that all real property identified as not necessary for a public purpose received by the City of Burton shall be offered for sale by the City by means of sealed bids; and

BE IT FURTHER RESOLVED that the following properties will, therefore, be offered for sale on a sealed bid basis and sold with a minimum bid equal to or greater than sale price set in accordance with 32.19 of the codified ordinance set forth below:

Parcel	Address
59-14-502-023	1109 S GENESEE RD
59-21-526-037	MORRISH ST
59-28-501-088	SHAW ST
59-30-576-123	DECAMP ST
59-30-576-188	NORTON ST
59-30-576-275	WELLS ST
59-30-577-048	1182 E HEMPHILL RD
59-30-577-167	WELLS ST
59-30-578-019	CARMAN ST
59-30-578-182	1375 KENNETH ST
59-31-527-056	MCLEAN AVE
59-31-576-069	GRAM ST
59-31-576-070	GRAM ST
59-32-503-225	BUDER AVE
59-32-503-286	BUDER AVE

Attachment: 2022 resolution intent to sell (1)- final version (5468 : Intent to Sell)

59-32-552-126	SAVOY AVE
59-32-554-029	JOLSON AVE

BE IT FURTHER RESOLVED that the Purchasing Agent shall advertise for sealed bids for the above identified properties by placing an advertisement in the Burton View and in the Grand Blanc View not less than fifteen (15) days prior to the deadline for the submission of sealed bids, and by the placement of a copy of the Resolution or Notice of the Adoption of Resolution of Intent to Sell along with a listing of all properties to be offered for sale by sealed bid on the official website of the City of Burton.

BE IT FURTHER RESOLVED that this Resolution shall be first approval of the sale of City owned property and it, in its final form, shall be transferred to the office of the City Clerk for a period of not less than twenty-eight (28) days at which time the matter of the sale of City owned real property may once again be placed on the City Council agenda for consideration,

BE IT FURTHER RESOLVED that sealed bids for any of the properties above listed shall be received by the City of Burton on a date specified on the notice. Immediately thereafter all sealed bids received will be publicly opened and read aloud.

BE IT FURTHER RESOLVED that each sealed bid shall be accompanied by a certified check, cashier's check, or money order made payable to the City of Burton in an amount not less than ten percent (10%) of the total bid.

BE IT FURTHER RESOLVED that all properties receiving bids in conformance with the requirements set forth in the Resolution shall be presented to the Burton City Council. The City Council may award the property to the highest qualified bidder, but may elect to reject all bids and may further elect to waive any irregularities in any of the bids received. Deposits accompanying any unsuccessful bids shall be returned to the bidders within forty-eight (48) hours.

BE IT FURTHER RESOLVED that all bids accepted by Council shall be accepted by separate Resolution approved by five (5) or more members of the Burton City Council pursuant to City Charter Section 11.3 and shall be considered the second and final approval and, if the sale, acceptance of bid, or other disposal is approved by the affirmative vote of five (5) or more members of the City Council, closing shall be scheduled within fifteen (15) days thereafter.

BE IT FURTHER RESOLVED that any parcel subject to the sealed bid sales procedure which is not sold shall thereafter be available for sale at the pre-approved cash sale price in accordance with Subsection 32.19(B)(1) of the City's Codified Ordinances.

BE IT FURTHER RESOLVED that the Purchasing Director is hereby authorized to accept Conditional Purchase Agreements subject to the adoption of a Resolution Authorizing Sale approved by five (5) or more members of City Council which shall give final authorization to consummate approved sales.

BE IT FURTHER RESOLVED that any proposed sale of City owned real property not specifically identified by this Resolution, or upon terms other than a cash sale, shall be completed in accordance with Section 11.3 of the Charter of the City of Burton.

THIS RESOLUTION IS DECLARED ADOPTED.

Ayes: _____

Nays: _____

Absent: _____

I certify that the foregoing is a true and accurate copy of a Resolution adopted by the City Council of the City of Burton Genesee County, Michigan, at its regular meeting held on the ____ of _____, 2022, at the Burton City Hall, 4303 S. Center Road, Burton, Michigan 48519.

RACHEAL BOGGS, CITY CLERK



ADOPTED

AGENDA ITEM (ID # 5465)

DOC ID: 5465

Approve and Authorize the Mayor and City Clerk to execute a contract with Orchard, Hiltz & McCliment, In. (OHM), 34000 Plymouth Rd. Livonia, MI 48150, for Professional Engineering of Bristol Road, Belsay to Vassar (DPW Project No. 22-013-P), at an estimated cost of \$144,620.00, contingent upon approval of the City Attorney.

COMMENTS - Current Meeting:

Mr. Martinbianco stated he would like to refer this action item to the Finance Committee. He made the motion, seconded by Mrs. Conley.

Mr. Martinbianco stated in our 2022-23 approved budget, we allocated \$1.8 million toward the rehabilitation of this project. The administration agrees that it will be a lot more than that. I discussed this with Mr. Nordberg at the Genesee County Planning Commission and he finds nothing on the radar that indicates it will qualify for the federal program before 2026. The project cannot be done without federal support. I would like to get more information about it before doing the preliminary engineering now.

Mr. Abbey stated I think you have this mixed up. The council set aside the money to build this without using the TIP program. We decided to do this with our own money. The preliminary engineering is less than 10% of the project and has to be done this year if you intend to construct it next year. It is all part of the original money you funded. This will never qualify for TIP money, it doesn't have the traffic count.

Mr. Martinbianco stated we may have to rethink the entire I475 road diet project.

Mr. Abbey stated we have been involved on all of those meetings. We need to know the plan now before we start construction on Bristol from Fenton to Saginaw. If they change the dynamics of the intersections, we need to know. This is at the states cost, not ours.

Mr. Martinbianco withdrew his motion. Mrs. Conley withdrew her support.

ATTACHMENTS:

- Bristol Road Rehabilitation (Belsay to vassar) PE Prop -signed - sent to City 6-30-22 (PDF)

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Vaughn Smith, Councilman
SECONDER:	Christina Hickson, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson



ARCHITECTS. ENGINEERS. PLANNERS.

July 1, 2022

City of Burton
Department of Public Works
4093 Manor Drive
Burton, MI 48519

Attention: **Mr. Peter Wingblad**
Engineering and Inspection Superintendent

Regarding: **Bristol Road Rehabilitation Project**
Design Engineering Services

Dear Mr. Wingblad:

OHM Advisors is excited for the opportunity to provide professional engineering services for the Bristol Road Rehabilitation project. We have prepared the following project understanding and scope of services to be provided by OHM Advisors based on our previous discussions.

PROJECT UNDERSTANDING

The City recently allocated \$1.8 million in local funds to rehabilitate approximately 1-mile of Bristol Road from Belsay Road to Vassar Road within the City limits. The existing pavement section is mostly full depth concrete with a section of hot mix asphalt overlaying concrete near the Belsay Road intersection. These section depths are not known. Existing curb and gutter is located near the Bristol Road and Belsay Road intersection, however the majority of the road section has gravel shoulders. The project will consist of rubblizing the existing concrete road section, adding supplemental aggregate, and overlaying with HMA bituminous pavement. Soil borings will be required to confirm existing pavement thickness and determine the new road section design. It is our understanding that the City wants to focus on the road improvement, repairs to existing curb and gutter at the Belsay Road intersection, partial driveway adjustments, and limited drainage improvements throughout the project. Permanent signing and pavement markings will be completed within the project limits. We understand that the City may consider constructing a roundabout at Belsay Road per GCMPO's county-wide roundabout study. The rehabilitation project will also include replacing the existing 3-sided cast-in-place concrete box culvert at the Gilkey Creek crossing with a new adequately sized box culvert.

It is understood that the City would like this rehabilitation project to be locally bid in late 2022 with construction beginning in the spring of 2023.

SCOPE OF SERVICE

Task 1 – Project Initiation and Obtain Information

Under this task, we will initiate the project and obtain necessary information to proceed with the design. Specific work efforts include:

- Organize and attend a kickoff meeting with City staff to review project objectives, prepare design criteria, and establish a specific delivery schedule.
- Review existing utility information and record drawings for the Bristol Road corridor.
- Perform a site review to identify elements that are sensitive to project, i.e. driveway locations and other access issues, utility facilities in the area, geometric deficiencies.
- Collect topographic survey from ROW to ROW throughout the project limits. Collect hydraulic survey along

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FLINT, MICHIGAN 48507

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OHM-Advisors.com



Gilkey Creek for 300' upstream and 300' downstream of the culvert.

- Notify known utility agencies of the proposed work and verify locations of existing known utilities, including both public and private, within the project limits for conflicts and coordinate relocations if necessary.
- Coordinate with G2 Consulting Group to obtain soil borings and pavement cores along the project route. We anticipate nine (9) full depth pavement cores and ten (10) 3' soil borings. In addition, two (2) 25' deep borings will be taken at the culvert site.
- Delineate wetlands at the culvert location.
- Submit flow discharge request to EGLE.
- Perform hydraulic analysis of existing and proposed culvert using HY-8.
- Set up and attend pre-application meeting with EGLE.

Task 2 – Preliminary Plan Development

Under this task, develop preliminary geometrics for the project. The design will be developed in accordance with the City's standards, deferring to MDOT's Local Agency Programs Guidelines for Geometrics and AASHTO's A Policy on Geometric Design of Highways and Streets, 2018, as needed. These plans will include input from several elements, including roadway geometrics, utility evaluation, traffic crash analysis, geotechnical evaluation, and special provisions. The plan development phase represents approximately 80% of the total design. Specific work efforts include:

- Review field information collected to identify any deficient areas in the existing geometrics.
- Prepare existing and proposed typical roadway cross-sections for the project.
- Evaluate grading and ROW impacts associated with elevation adjustment of the proposed overlay and determine construction limits.
- Evaluate and identify temporary grading easements required for the purposes of tying existing drive approaches into the proposed road elevation.
- Prepare a Maintenance of Traffic concept for the City's review and general concurrence.
- Compute preliminary quantities and Engineer's Opinion of Probable Construction Cost.
- Prepare and submit the Joint Permit Application through MiWaters.
- Prepare and submit the permit application to Genesee County Drain Office.
- Prepare culvert plans, details, and special provisions.
- Develop road plans in accordance with City's standards. Plans will be prepared using a scale of 1" = 40' (profile scale 1" = 4').
- Develop pavement marking and signing plans within the affected influence of the project in accordance with MMUTCD requirements.
- Detailed maintenance of traffic plans will be provided for the project per the approved concept completed during the Base Plan phase. The maintenance of traffic plans will be developed in accordance with MDOT work zone safety and mobility guidelines.
- Create special provisions for all non-standard pay items in accordance with the City's specifications for Construction.
- Prepare proposed preliminary schedule for work including the construction start, substantial completion, and final completion dates.
- Coordinate and attend review meeting with City representatives.

Task 3 – Final Plan Development

Based on comments received from the City's review, Final Plans will be created. Specific work efforts include:

- Finalize design plans based on comments obtained from City's review meeting.
- Complete construction details.
- Finalize detailed grading.
- Finalize the locations and limits of grading easement(s), if required.
- Submit final plans, project specifications, and an opinion of probable construction cost to City.



Task 4 – Preparation of Contract Documents

- Prepare an advertisement for bid, coordinate bid letting with the City, and deliver a digital copy to the City.
- Facilitate the bid process including advertisement, bid opening, questions, and any necessary addendum.
- Evaluate contractor submissions, compile a bid tabulation, review submitted documents for completeness and qualifications.
- Provide a recommendation of award for potential Contractor to the City.
- Partially executed contract documents will be reviewed and checked for conformance with securities and insurance specifications.

SCHEDULE

This project will commence upon authorization to proceed. It is anticipated that the field work would take place as soon as possible with design and permitting to be complete in late 2022. Bidding would take place in early 2023 with a spring construction anticipated.

COMPENSATION

The services outlined above will be performed on an hourly basis for the **not-to-exceed amount of one-hundred forty four thousand six hundred twenty dollars (\$144,620.00)**. This amount is based on the assumptions listed below. The City will be invoiced for services on a monthly basis. The estimated budget breakdown is as follows:

Topographic Survey	\$	16,220.00
Road Design	\$	75,830.00
Culvert Design	\$	36,630.00
Administration and Bidding	\$	3,440.00
<u>Soil Borings by G2 Consulting Group</u>	<u>\$</u>	<u>12,500.00</u>
Engineering Services Total	\$	144,620.00

FURTHER CLARIFICATIONS AND ASSUMPTIONS

The above-listed scope of services was prepared with the following assumptions.

- The City will be responsible for all permit application fees and permit fees.
- No temporary easements or permanent right-of-way acquisition is anticipated. If acquisitions are necessary, the City will be responsible for negotiations and valuation determinations. OHM can provide sketches and descriptions for an additional fee of \$1,500.00 per location.
- No threatened and endangered species survey is included.
- State Historic Preservation Office clearance is not included.
- OHM will be pleased to provide any additional services for this project on an hourly basis. Services not included in this proposal:
 - a. Construction phase services such as, but not limited to, construction management, construction engineering, contract administration, construction observation and/or construction layout.
 - b. Relocation design services for sanitary sewer, if required.
 - c. Additional wetland delineation and survey, mitigation, and permitting.
 - d. Environmental assessments or reports, drainage studies, or other environmental evaluations associated with potential contaminated soils.
 - e. Traffic study / traffic signalization design.
 - f. Preparation of plans for landscaping and ornamental features.
 - g. Location of private utilities, other than requesting as-built information from private utility owners.

Should you find this agreement acceptable, please execute both copies and return one copy to us for our files. We look forward to providing professional services on this project. If you have any questions, please feel free to contact me at rob.merinsky@ohm_advisors.com or (810) 396-4372.



Sincerely,
OHM Advisors

Robert A. Merinsky, P.E.
Project Manager

Andrew J. Harris, P.E.
Principal

Enclosure: *Standard Terms and Conditions*

cc: Amber Abbey, Deputy DPW Director
File

City of Burton
Bristol Road Rehabilitation – Engineering Design Services

Accepted By: _____

Printed Name: _____

Title: _____

Date: _____

Attachment: Bristol Road Rehabilitation (Belsay to vassar) PE Prop -signed - sent to City 6-30-22 (5465 : OHM For PE For Bristol Road: Belsay