



CITY OF BURTON
BURTON CITY COUNCIL MEETING
MARCH 16, 2015
MINUTES

Council Chambers

Regular Meeting

7:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by President Tom Martinbianco at 7:05 PM.

A. INVOCATION LED BY VAUGHN SMITH

B. THE PLEDGE OF ALLEGIANCE IS LED BY VAUGHN SMITH

C. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	President	Present	
Duane Haskins	Vice-President	Present	
Dennis O'Keefe	Councilman	Present	
Steven Heffner	Councilman	Present	
Ellen Ellenburg	Councilwoman	Present	
Vaughn Smith	Councilman	Present	
Steven Hatfield	Councilman	Present	

D. STAFF PRESENT

Paula Zelenko, Mayor	Rik Hayman, Chief of Staff
Marvin Epperson, Fire Chief	Kirk Wilkinson, Assistant Fire Chief
Greg Kray, Deputy DPW Director	Teresa Karsney, Clerk

E. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Mar 2, 2015 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Duane Haskins, Vice-President
SECONDER:	Steven Heffner, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith, Hatfield

F. ADMINISTRATIVE REPORT

A. Administrative Reports

Mayor Zelenko stated that the February Revenue and Expenditure report is attached to your agenda.

Item 1 is the Attorney Billing

Item 2 and 3 are regarding the CMAC contract with Rowe. Congestion Mitigation and

Air Quality, simply put traffic signals and timing.

Item 3 is a transfer of funds for local match on CMAC.

Item 4 through 20 are the second and final approval of low bids on City owned property.

Item 21 is the first and final approval of City owned property. Mr. Wagner's address was inadvertently left out of this action item; it is 6311 Hedgerow Circle, Grand Blanc, MI 48439.

Mayor Zelenko and Mrs. Burke-Miller have been working diligently with department heads through the proposed budget process so that we can present a budget to you at the April 6th Council meeting.

ReMax Grande has been marking our tax reverted subdivision properties and are receiving more inquiries about these subdivisions. While there is not an offer to bring before you, please know that ReMax is working closely with us to attract buyers.

There has been many inquiries about the helicopter activity in the area. The Michigan State Police have assigned a helicopter to the Genesee County Area. They have been offering their assistance to several communities as eyes in the sky.

The Center Road paving project is scheduled to start next month as preparation, we are going to hold a Town Hall type meeting here in Council Chambers on Thursday, March 26, 2015 at 6:00 p.m. This is to invite the public, especially the residents and businesses along the Center Road corridor to attend and learn about the process. On March 18th, 2015 at the Burton Chamber of Commerce meeting, we will give the Center Road presentation a trial run.

You have at your seats, the road report from IMS that we received today. The road and streets are ranked from best to worst. I have not had an opportunity to review it, but at first glance, it appears to further break down each road into sections and rank the conditions of the sections.

Lastly, Fire Chief Epperson and Assistant Chief Wilkinson are here to address the ideas proposed to the legislative committee in regards to clarifying and separating our recreational fire permits and open burn permits. Mr. President, I would like to defer to the Fire Chief at this time.

Chief Epperson stated that since he took over as Chief some 9 months ago, Assistant Chief Wilkinson and I have been going over all aspects of our department to see if any changes and/or improvements need to be made. To this date numerous changes have been made with the goal of improving our department and taking it into the future.

During the process one of the items we went over was burning permits and burning rules and regulations. We saw an opportunity to make some changes to the burning permit process and the burning rules which we feel will be more citizen friendly. Our current plan is to have these changes in place on May 1, 2015. A couple of these changes are:

An annual recreational burn permit, will be good for the entire calendar year and save residents from having to get a permit every time they want to have a recreational fire. Splitting the rules of burning from one general rule sheet to two

separate rule sheets, a separate rule sheet for open burns and a separate rule sheet for recreational fires. Being both types of fires have different rules we feel this will eliminate confusion.

We initially went to the legislative committee and suggested that an annual cost be associated with the annual recreational permit to help recoup administrative cost from going on burn complaint calls. Last year these calls cost the Fire Department approximately \$13,800.00.

Since this initial suggestion of an associated cost and after further consideration between the Mayor, Assistant Chief Wilkinson and myself we have come to the conclusion that the associated cost be dropped. The new changes to make our burn permits more citizen friendly will still take effect May 1, 2015.

G. COMMITTEE REPORTS

Mr. O'Keefe stated that he attended the 911 Consortium meetings with the Fire Chief and Assistant Fire Chief. We currently have 126 radios in Burton and we have been paying for them with credits. Our credits are going to run out next year. With Flint coming on board they have several credits that Genesee County is going to be able to use as a whole and this will last us another 2 years so we don't have to pay for the radios.

Mrs. Ellenburg stated that National Pie Day at the library was a lot of fun. They had over 20 pies donated. She also asked about the Finance Committee and about the fund balance policies.

Mayor Zelenko stated that Mrs. Burke-Miller had talked with Mr. Deeter from Rehmann and he is ok with the 30 to 33% as a fund balance policy. As for the sinking fund it would have to be excess that goes to general fund and then transferred to a sinking fund. As for water and sewer Mr. Deeter stated that we would have to increase our rates or lower our cost. Will discuss more with the proposed budget.

Mrs. Ellenburg stated that only the fee was being referred to Council not the permits. The permits are in the ordinance that the Fire Chief was able to change permits. The Fire Chief put in amount and there were not a lot of people in favor of it so that why he took it out. Council was only going to have to vote on the fee and the Chief decided not to have a fee.

Mr. Hatfield said he wished he knew the fee for the fire permits had been resolved before the meeting when he was fielding calls.

Mr. Heffner asked City Attorney Mrs. Doyle if a Chairman could override the Legislative committee to refer the burn permits to Council.

Mrs. Doyle stated the way that question is phrased generally the Chairman follows what was dictated to the Chair by that committee.

Mr. Heffner said although I was against it and was on the losing side, I thought it was to be brought to Council for a vote of the Council. I am wondering if the Chair can override the vote of the committee.

Mrs. Doyle said I don't know if overriding took place here necessarily, but if you are asking if one single legislative committee member took initiative.

Mr. Heffner said that the committee voted to bring it to the Council for a vote.

Mrs. Doyle stated correct.

Mr. Heffner said it sounds like the chairman decided not to do that.

Mr. Martinbianco stated that just for clarification. The minutes that were adopted from March 2, 2015 under committee reports "Mrs. Ellenburg stated the Legislative Committee passed the burn permit onto the Council and will be on the March 16, 2015 meeting." So to summarize Mr. Heffner comments was that which the committee agrees to of the March 2 meeting under committee reports. That this ordinance change would be brought to Council on tonight's agenda and was not put on the agenda, by someone's propagative whether it was the Mayor or the Chairman, but if it was agreed to with respect to the minutes of the meeting, then something should have happened on tonight's agenda or referred back to committee at a later date.

Mrs. Doyle said that is correct or you can add it to the agenda now.

Mrs. Ellenburg stated that there is no ordinance change. The only change that would have been there for the Council to vote on was the fee. Because the Fire Chief has the right to change the burn permits per the ordinance. You can add it but it already has been solved.

Mr. Martinbianco stated that the Fire Chief has the right to make the changes to the burn permits.

Mrs. Ellenburg stated that yes that is correct. The Fire Chief does not have the right to charge a fee, the Council sets the fees. Since the Fire Chief removed the fee there was nothing for the Council to vote on.

Mr. Haskins asked Assistant Fire Chief Wilkinson, didn't the former Fire Chief Halstead work out a way that we wouldn't have a fee for several years.

Assistant Fire Chief Wilkinson stated yes. That is the credit system that Mr. O'Keefe referred to.

1. Discussion on Committee Reports

H. AUDIENCE PARTICIPATION

John Stapish of Burton asked why there was not a legislative meeting tonight. Asked if there was going to be a fee for the recreational burn permits. Mr. Martinbianco stated that there is no fee. Mr. Stapish said in the old permit it states that you can burn within 50 feet of a building. With the lots on the south end being 35 x 100 there was no possible way you could burn anything. Mr. Stapish thinks that the 50 feet rule should be eliminated. Mr. Stapish had a concern about Neil Martz purchasing some of the properties the City had for sale. And what does the air quality mean. Mr. Martinbianco stated it has to do with the congestion of traffic and timing of the lights.

Rick Fuhst of Burton has a concern about paying for engineering again and again for these time studies. Also he wanted to know the status of the residency of the Fire Chief.

Louie Kedorvary of Burton asked if Belsay Road is going to get done in the near future.

Mayor Zelenko stated that Belsay Road is on the list to be done this year.

I. COUNCIL DISCUSSION

1. Items Council Discussed

Mr. Heffner stated that he would like the Assistant Fire Chief Wilkinson to explain why one permit stated 25 feet from a building and the other is 50 feet from a building.

Assistant Fire Chief Wilkinson stated the distances from a building are not set by the fire department, this is set by the International Fire Code. Which states the recreational fires have to be 25 feet from a building and all open burn has to be 50 feet from a structure. This is one of the changes in the burn permits. This is something they discovered in the review of the burn permits.

Mr. O'Keefe stated he appreciates the road report but he needs some help to understand all these codes. At some point in time can we have a session to go over this report.

Mayor Zelenko said we could have a Committee of the Whole Meeting before the next Council meeting at 6:00 p.m. She said if there is anything else we need on the agenda to please let her know.

Mr. Smith said that Mr. Fuhst asked about that time study. Can we discuss that item.

Mr. Kray stated that Item 2 is that we have 1.2 or 1.4 million dollars to install timing devices and signals like they did on Bristol Road. This will make it so at the right time of day you won't have to stop at every light. The \$99,000.00 is to design the job. This is a TIP project (Transportation Improvement Plan). This is a federal funding grant match money (80% federal and 20% local) for the design.

Mrs. Ellenburg stated that Perani has named their hockey team Flint Firebirds and that a Burton resident Tom Barden had submitted the name. Also representative Charles Smiley will be having a coffee hour on March 20, 2015 from 9:00 a.m. to 10:00 a.m. at Scotty's Coney Island on Lapeer Road in Burton.

Mr. Smith just wanted to make sure he understood the Fire permits. That there will be a year long permit for recreational burn permit at no cost starting May 1, 2015.

Fire Chief Epperson stated that is correct.

Mr. Heffner asked the Fire Chief the fee is dead, and will not pop back up in a couple of weeks.

Fire Chief Epperson stated there is no fee to residents for the annual recreational burn permit.

Mr. Hatfield asked if you will be able to apply for the annual one on the internet.

Fire Chief Epperson stated yes.

2. To vote on items #4 through #20 all together in a block.

RESULT: CARRIED [UNANIMOUS]
MOVER: Dennis O'Keefe, Councilman
SECONDER: Duane Haskins, Vice-President
AYES: Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith, Hatfield

J. COUNCIL ACTION

1. Approve and authorize the Attorney Billing (Amanda Doyle) from 02/02/15 - 03/10/15 in the amount of \$3366.73.

RESULT: CARRIED [UNANIMOUS]
MOVER: Duane Haskins, Vice-President
SECONDER: Steven Hatfield, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith, Hatfield

2. Approve and authorize the Mayor and City Clerk on behalf of the City of Burton and its Council to execute a design contract with ROWE PSC, 540 S. Saginaw Street #200, Flint, MI 48502 in the Not to Exceed amount of \$99,935.98 for Congestion Mitigation and Air Quality along Center Road from Atherton Road to Davison Road, DPW Job No. 15-004-P.

RESULT: CARRIED [UNANIMOUS]
MOVER: Duane Haskins, Vice-President
SECONDER: Steven Heffner, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith, Hatfield

3. Approve and authorize the Controller to transfer \$36,000.00 from Major Streets Unappropriated Surplus to DPW Project No. 15-004-P.

RESULT: CARRIED [UNANIMOUS]
MOVER: Duane Haskins, Vice-President
SECONDER: Ellen Ellenburg, Councilwoman
AYES: Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith, Hatfield

4. Approve and authorize the acceptance of a bid in the amount of \$9,501.00 (Second and final approval) for the sale of 4344 Bennett Dr., Parcel No. 59-22-527-007 to H3 Equity, LLC, 4532 W. Kennedy Blvd., Tampa, FL 33609, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.
5. Approve and authorize the acceptance of a bid in the amount of \$7,000.00 (Second and final approval) for the sale of 3370 Ellis Park, Parcel No. 59-27-576-053 to Star Services, LLC, 4038 Oak St., Grand Blanc, MI 48439, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

6. Approve and authorize the acceptance of a bid in the amount of \$2,515.00 (Second and final approval) for the sale of vacant land located on Shadycroft, Parcel No. 59-22-582-039 to Jeremy and Kelly Smith, 2360 Shadycroft, Burton, MI 48519, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.
7. Approve and authorize the acceptance of a bid in the amount of \$250.00 (Second and final approval) for the sale of 3148 Ludwig St., Parcel No. 59-28-501-036 to Paul Kosmicki, 3167 Ludwig St., Burton, MI 48529, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.
8. Approve and authorize the acceptance of a bid in the amount of \$300.00 (Second and final approval) for the sale of 1031 Mandeville St., Parcel No. 59-30-551-008 to Russell Easton, 1159 E. DeCamp, Burton MI 48529, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.
9. Approve and authorize the acceptance of a bid in the amount of \$250.00 (Second and final approval) for the sale of 1412 Kenneth St., Parcel No. 59-30-578-218 to Crystal Fingerle, 1416 Kenneth St., Burton, MI 48529 and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.
10. Approve and authorize the acceptance of a bid in the amount of \$5,000.00 (Second and final approval) for the sale of 3063 E. Hemphill St., Parcel No. 59-28-501-173 to Misty Christopher, 3188 S. Term St., Burton, MI 48529, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.
11. Approve and authorize the acceptance of a bid in the amount of \$3,675.00 (Second and final approval) for the sale of 1507 Webber Ave., Parcel No. 59-31-527-167 to Kathleen Wolfe, 2195 E. Buder Ave., Burton, MI 48529, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.
12. Approve and authorize the acceptance of a bid in the amount of \$3,225.00 (Second and final approval) for the sale of vacant land on Pinebrook Ln., Parcel No. 59-01-576-042 to Lawrence Kopasz, 5470 Raymond Ave., Burton, MI 48509, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.
13. Approve and authorize the acceptance of a bid in the amount of \$4,200.00 (Second and final approval) for the sale of 1395 Connell St., Parcel No. 59-30-578-241 to Star Services, LLC, 4038 Oak St., Grand Blanc, MI 48439, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.
14. Approve and authorize the acceptance of a bid in the amount of \$3,225.00 (Second and final approval) for the sale of 5008 Davison Rd., Parcel No. 59-11-100-003 to Lawrence Kopasz, 5470 Raymond Ave., Burton, MI 48509, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.
15. Approve and authorize the acceptance of a bid in the amount of \$505.00 (Second and final approval) for the sale of vacant land located on DeCamp St., Parcel No. 59-30-577-122 to Martha Tinker, 194 N. Huron Rd., Au Gres, MI 49703, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

16. Approve and authorize the acceptance of a bid in the amount of \$2,510.00 (Second and final approval) for the sale of vacant lot located on Friel Ave., Parcel No. 59-31-576-317 to Alan and Susan Waller, 2331 E. Judd, Burton, MI 48529, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.
17. Approve and authorize the acceptance of a bid in the amount of \$2,655.00 (Second and final approval) for the sale of 2114 McLean Ave., Parcel No. 59-32-503-206 to Milissa Craddock and David Ross, 3166 S. Term St., Burton, MI 48529, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.
18. Approve and authorize the acceptance of a bid in the amount of \$4,505.00 (Second and final approval) for the sale of 2278 Donovan St., Parcel No. 59-29-576-045 to Joshua Griffith, 249 Robinhood, Montrose, MI 48457, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.
19. Approve and authorize the acceptance of a bid in the amount of \$2,150.00 (Second and final approval) for the sale of 2106 Scottwood, Parcel No. 59-32-503-239 to Neil Martz, 1441 Allen, Burton, MI 48529, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.
20. Approve and authorize the acceptance of a bid in the amount of \$2,167.00 (Second and final approval) for the sale of 1482 Friel, Parcel No. 59-31-576-312 to Neil Martz, 1441 Allen, Burton, MI 48529, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.
21. Motion to approve items #4 through #20 on agenda in a block vote.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Duane Haskins, Vice-President
SECONDER:	Ellen Ellenburg, Councilwoman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith, Hatfield

22. Approve and authorize Resolution 2015-6 Authorizing Sale of Vacant Lot - Maplewood Meadows, Parcel No. 59-35-528-066, to give first and final approval for the sale of this improved parcel to Paul A. Wagner for the sum of \$150.00 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:	Duane Haskins, Vice-President
SECONDER:	Steven Heffner, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith, Hatfield

Meeting was adjourned at 7:50 PM.



CITY OF BURTON

BURTON CITY COUNCIL MEETING

MARCH 2, 2015

MINUTES

Council Chambers
Regular Meeting
7:00 PM

**4303 S. CENTER ROAD
BURTON, MI 48519**

This meeting was opened by President Tom Martinbianco at 7:09 PM.

A. INVOCATION LED BY DENNIS O'KEEFE

1. President Martinbianco has a moment of silence for Mr. O'Keefe father.

B. THE PLEDGE OF ALLEGIANCE IS LED BY DENNIS O'KEEFE

C. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	President	Present	
Duane Haskins	Vice-President	Present	
Dennis O'Keefe	Councilman	Present	
Steven Heffner	Councilman	Present	
Ellen Ellenburg	Councilwoman	Present	
Vaughn Smith	Councilman	Present	
Steven Hatfield	Councilman	Present	

D. STAFF PRESENT

Paula Zelenko, Mayor
Tom Osterholzer, Police Chief

Rik Hayman, Chief of Staff
Teresa Karsney, Clerk

E. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Feb 16, 2015 7:00 PM

RESULT: MOVER: SECONDER: AYES:	ACCEPTED [UNANIMOUS] Steven Heffner, Councilman Duane Haskins, Vice-President Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith, Hatfield
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F. ADMINISTRATIVE REPORT

Mayor Zelenko went over the agenda:

- Item 1 and 2 are the attorney billings.
- Item 3 is the annual resolution for Bikin for Burns motorcycle run.
- Item 4 is the sale of city property tabled from your last meeting. This was a good catch by Councilman Heffner's part and we thank him for that. The administration is recommending no vote on this item. As soon as council rejects this offer, the

purchasing department can move forward with a new bid advertisement.

Mr. President, our Board of Review Alternate, Bruce Williams, recently resigned and there is a need to have a new alternate for the March Board of Review, so I would like to ask the council for an addition to tonight's agenda.

- Item 5 Approve and authorize the Mayor's appointment of Sheila Clark, 1477 Mallard Drive, Burton, MI 48509 as the Alternate for the City of Burton Board of Review serving the remainder of a term to expire December 2015.

In addition, I am asking for a closed session under Section 8€ of the Open Meeting Act to consult with our attorney regarding litigation and settlement strategy.

The Burton Water and Sewer Divisions are continuing to request that residents drip their faucets to help prevent frozen pipes. We currently have three residents with frozen lines under roadways.

On behalf of the entire administration, we would like to extend our deepest sympathies to Councilman O'Keefe on the passing of this father. Councilman, we are truly sorry for your loss and hope that you will find comfort and strength in the love of family and friends. We will keep you in our prayers.

Mr. President, the Burton community has lost another friend and former employee: Lynette LaDuke passed away over the weekend. Please keep her family in your thoughts and prayers.

G. COMMITTEE REPORTS

Mrs. Ellenburg stated the Legislative committee has passed the burn permits onto the Council and it will be on the March 16, 2015 meeting. She said that Deb Walton was unable to attend tonight because she was ill but asked her to pass on that the Neighborhood Watch meetings are going well. They are no longer a part of the Burton Neighborhood Watch Hub pages on Facebook, they are a part of the Bristol Saginaw page instead. The next neighborhood watch meeting is March 26, 2015.

Mr. Smith also typed up his take on the recreational burn permits and passed it out to Council. He stated that the Hot Fudge Run had 326 runners this year. The Burton Race Series continues to grow and it is a great way to market our community.

H. AUDIENCE PARTICIPATION

Bob Walls of Burton thanked the Council for their help on the race, also the Mayor for making sure that roads and cross walks had been cleared, and the police chief for the officers that closed the roads for the race. Mr. Walls also stated that he is against the fee for the one time recreational burn permit.

Bud Legrande of Burton stated he was not happy with how the police handled some renters problems he was having.

John Stapish of Burton asked by we are taking money out of general fund again to support the police department. He thought the 6 mills were covering everything in the police department.

Katie Walls of Burton thought having a year long recreational burn permit was a good idea but feels there shouldn't be a fee for it.

Colette Metcalf stated that she didn't feel the police department handled her domestic violence case very well. She turned in a form to the City Clerk to pass out to all the Council members. Would like to make sure our officers know what domestic violence really is.

Dorothy Batchelder of Holly, she is Colette's mother and she is here because she feels her daughters rights are being denied. Domestic violence is a crime. Didn't like how the police department handled her daughters case and just wanted the council to know about it.

I. COUNCIL DISCUSSION

1. To add as item #5 Approve and authorize the Mayor's appointment of Sheila Clark, 1477 Mallard Dr., Burton, MI 48509 as the alternate for the City of Burton Board of Review serving the remainder of a term to expire December 2015.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Duane Haskins, Vice-President
SECONDER:	Steven Heffner, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith, Hatfield

2. Motion to go into closed session under Section 8€ of the Open Meeting Act to consult with our attorney regarding litigation and settlement strategy.

Went into closed session at 8:02 p.m. and came out of closed session at 8:24 p.m.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Duane Haskins, Vice-President
SECONDER:	Steven Heffner, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith, Hatfield

3. To add as Item #6 Approve and authorize the settlement according to the orders of the court for an undisclosed amount in the case of Harvey Johnson PRE, of Harvey Steward, deceased, vs. Officer Jeremy Driggett.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Ellen Ellenburg, Councilwoman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith, Hatfield

J. COUNCIL ACTION

1. Approve and authorize the Attorney Billing (Amanda Doyle) from 02/10/15 to 02/25/15 in the amount of \$5,688.25.

Minutes Acceptance: Minutes of Mar 2, 2015 7:00 PM (Approval of Minutes)

RESULT: CARRIED [UNANIMOUS]
MOVER: Steven Heffner, Councilman
SECONDER: Ellen Ellenburg, Councilwoman
AYES: Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith, Hatfield

2. Approve and authorize the Attorney Billing (Kellar Thoma) from 12/2/14 to 1/15/15 in the amount of \$2,061.31.

RESULT: CARRIED [UNANIMOUS]
MOVER: Steven Heffner, Councilman
SECONDER: Duane Haskins, Vice-President
AYES: Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith, Hatfield

3. Approve and authorize Resolution 2015-5 15th Annual Bikin' for Burns.

RESULT: CARRIED [UNANIMOUS]
MOVER: Duane Haskins, Vice-President
SECONDER: Steven Heffner, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith, Hatfield

4. Approve and authorize the acceptance of a bid in the amount of \$1,050 (First of two approvals) for the sale of 4101 S. Saginaw St., Parcel No. 59-32-501-009 to Hector Garcia, 6377 Brewer Rd., Flint, MI 48507, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale. (Tabled from the February 16, 2015 meeting).

RESULT: FAILED [1 TO 6]
MOVER: Steven Heffner, Councilman
SECONDER: Ellen Ellenburg, Councilwoman
AYES: O'Keefe
NAYS: Martinbianco, Haskins, Heffner, Ellenburg, Smith, Hatfield

5. Approve and authorize the Mayor's appointment of Sheila Clark, 1477 Mallard Dr., Burton, MI 48509 as the alternate for the City of Burton Board of Review serving the remainder of a term to expire December 2015.

RESULT: CARRIED [UNANIMOUS]
MOVER: Duane Haskins, Vice-President
SECONDER: Steven Heffner, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith, Hatfield

6. Approve and authorize the settlement according to the orders of the court for an undisclosed amount in the case of Harvey Johnson PRE, of Harvey Steward, deceased, vs. Officer Jeremy Driggett.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Steven Heffner, Councilman
SECONDER:	Ellen Ellenburg, Councilwoman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith, Hatfield

Meeting was adjourned at 8:50 PM.

Minutes Acceptance: Minutes of Mar 2, 2015 7:00 PM (Approval of Minutes)



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

Meeting: 03/16/15 07:00 PM
Department: Clerk's Office
Category: Attorney Billing
Prepared By: Teresa M. Karsney
Department Head: Teresa M. Karsney

J.1

ADOPTED

AGENDA ITEM (ID # 1434)

DOC ID: 1434

**Approve and authorize the Attorney Billing (Amanda Doyle)
from 02/02/15 - 03/10/15 in the amount of \$3366.73.**

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Duane Haskins, Vice-President
SECONDER:	Steven Hatfield, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith, Hatfield



ADOPTED

AGENDA ITEM (ID # 1402)

DOC ID: 1402 A

Approve and authorize the Mayor and City Clerk on behalf of the City of Burton and its Council to execute a design contract with ROWE PSC, 540 S. Saginaw Street #200, Flint, MI 48502 in the Not to Exceed amount of \$99,935.98 for Congestion Mitigation and Air Quality along Center Road from Atherton Road to Davison Road, DPW Job No. 15-004-P.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Duane Haskins, Vice-President
SECONDER:	Steven Heffner, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith, Hatfield



ADOPTED

AGENDA ITEM (ID # 1403)

DOC ID: 1403

**Approve and authorize the Controller to transfer \$36,000.00
from Major Streets Unappropriated Surplus to DPW Project
No. 15-004-P.**

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Duane Haskins, Vice-President
SECONDER:	Ellen Ellenburg, Councilwoman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith, Hatfield



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

Meeting: 03/16/15 07:00 PM
Department: Purchasing Department
Category: Resolution
Prepared By: Brenda Moulton
Department Head: Brenda Moulton

J.4

SCHEDULED

AGENDA ITEM (ID # 1408)

DOC ID: 1408

Approve and authorize the acceptance of a bid in the amount of \$9,501.00 (Second and final approval) for the sale of 4344 Bennett Dr., Parcel No. 59-22-527-007 to H3 Equity, LLC, 4532 W. Kennedy Blvd., Tampa, FL 33609, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.



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

Meeting: 03/16/15 07:00 PM
Department: Purchasing Department
Category: Resolution
Prepared By: Brenda Moulton
Department Head: Brenda Moulton

J.5

SCHEDULED

AGENDA ITEM (ID # 1409)

DOC ID: 1409

Approve and authorize the acceptance of a bid in the amount of \$7,000.00 (Second and final approval) for the sale of 3370 Ellis Park, Parcel No. 59-27-576-053 to Star Services, LLC, 4038 Oak St., Grand Blanc, MI 48439, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.



SCHEDULED

AGENDA ITEM (ID # 1410)

DOC ID: 1410

Approve and authorize the acceptance of a bid in the amount of \$2,515.00 (Second and final approval) for the sale of vacant land located on Shadycroft, Parcel No. 59-22-582-039 to Jeremy and Kelly Smith, 2360 Shadycroft, Burton, MI 48519, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.



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

Meeting: 03/16/15 07:00 PM
Department: Purchasing Department
Category: Resolution
Prepared By: Brenda Moulton
Department Head: Brenda Moulton

J.7

SCHEDULED

AGENDA ITEM (ID # 1411)

DOC ID: 1411

Approve and authorize the acceptance of a bid in the amount of \$250.00 (Second and final approval) for the sale of 3148 Ludwig St., Parcel No. 59-28-501-036 to Paul Kosmicki, 3167 Ludwig St., Burton, MI 48529, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.



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

Meeting: 03/16/15 07:00 PM
Department: Purchasing Department
Category: Resolution
Prepared By: Brenda Moulton
Department Head: Brenda Moulton

J.8

SCHEDULED

AGENDA ITEM (ID # 1412)

DOC ID: 1412

Approve and authorize the acceptance of a bid in the amount of \$300.00 (Second and final approval) for the sale of 1031 Mandeville St., Parcel No. 59-30-551-008 to Russell Easton, 1159 E. DeCamp, Burton MI 48529, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.



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

Meeting: 03/16/15 07:00 PM
Department: Purchasing Department
Category: Resolution
Prepared By: Brenda Moulton
Department Head: Brenda Moulton

J.9

SCHEDULED

AGENDA ITEM (ID # 1413)

DOC ID: 1413

Approve and authorize the acceptance of a bid in the amount of \$250.00(Second and final approval) for the sale of 1412 Kenneth St., Parcel No. 59-30-578-218 to Crystal Fingerle, 1416 Kenneth St., Burton, MI 48529 and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.



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

Meeting: 03/16/15 07:00 PM
Department: Purchasing Department
Category: Resolution
Prepared By: Brenda Moulton
Department Head: Brenda Moulton

J.10

SCHEDULED

AGENDA ITEM (ID # 1414)

DOC ID: 1414

Approve and authorize the acceptance of a bid in the amount of \$5,000.00 (Second and final approval) for the sale of 3063 E. Hemphill St., Parcel No. 59-28-501-173 to Misty Christopher, 3188 S. Term St., Burton, MI 48529, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.



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

Meeting: 03/16/15 07:00 PM
Department: Purchasing Department
Category: Resolution
Prepared By: Brenda Moulton
Department Head: Brenda Moulton

J.11

SCHEDULED

AGENDA ITEM (ID # 1415)

DOC ID: 1415

Approve and authorize the acceptance of a bid in the amount of \$3,675.00 (Second and final approval) for the sale of 1507 Webber Ave., Parcel No. 59-31-527-167 to Kathleen Wolfe, 2195 E. Buder Ave., Burton, MI 48529, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.



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

Meeting: 03/16/15 07:00 PM
Department: Purchasing Department
Category: Resolution
Prepared By: Brenda Moulton
Department Head: Brenda Moulton

J.12

SCHEDULED

AGENDA ITEM (ID # 1416)

DOC ID: 1416

Approve and authorize the acceptance of a bid in the amount of \$3,225.00 (Second and final approval) for the sale of vacant land on Pinebrook Ln., Parcel No. 59-01-576-042 to Lawrence Kopasz, 5470 Raymond Ave., Burton, MI 48509, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.



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

Meeting: 03/16/15 07:00 PM
Department: Purchasing Department
Category: Resolution
Prepared By: Brenda Moulton
Department Head: Brenda Moulton

J.13

SCHEDULED

AGENDA ITEM (ID # 1417)

DOC ID: 1417

Approve and authorize the acceptance of a bid in the amount of \$4,200.00 (Second and final approval) for the sale of 1395 Connell St., Parcel No. 59-30-578-241 to Star Services, LLC, 4038 Oak St., Grand Blanc, MI 48439, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.



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

Meeting: 03/16/15 07:00 PM
Department: Purchasing Department
Category: Resolution
Prepared By: Brenda Moulton
Department Head: Brenda Moulton

J.14

SCHEDULED

AGENDA ITEM (ID # 1418)

DOC ID: 1418

Approve and authorize the acceptance of a bid in the amount of \$3,225.00 (Second and final approval) for the sale of 5008 Davison Rd., Parcel No. 59-11-100-003 to Lawrence Kopasz, 5470 Raymond Ave., Burton, MI 48509, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.



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

Meeting: 03/16/15 07:00 PM
Department: Purchasing Department
Category: Resolution
Prepared By: Brenda Moulton
Department Head: Brenda Moulton

J.15

SCHEDULED

AGENDA ITEM (ID # 1419)

DOC ID: 1419

Approve and authorize the acceptance of a bid in the amount of \$505.00 (Second and final approval) for the sale of vacant land located on DeCamp St., Parcel No. 59-30-577-122 to Martha Tinker, 194 N. Huron Rd., AuGres, MI 49703, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.



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

Meeting: 03/16/15 07:00 PM
Department: Purchasing Department
Category: Resolution
Prepared By: Brenda Moulton
Department Head: Brenda Moulton

J.16

SCHEDULED

AGENDA ITEM (ID # 1421)

DOC ID: 1421

Approve and authorize the acceptance of a bid in the amount of \$2,510.00 (Second and final approval) for the sale of vacant lot located on Friel Ave., Parcel No. 59-31-576-317 to Alan and Susan Waller, 2331 E. Judd, Burton, MI 48529, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.



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

Meeting: 03/16/15 07:00 PM
Department: Purchasing Department
Category: Resolution
Prepared By: Brenda Moulton
Department Head: Brenda Moulton

J.17

SCHEDULED

AGENDA ITEM (ID # 1420)

DOC ID: 1420

Approve and authorize the acceptance of a bid in the amount of \$2,655.00 (Second and final approval) for the sale of 2114 McLean Ave., Parcel No. 59-32-503-206 to Milissa Craddock and David Ross, 3166 S. Term St., Burton, MI 48529, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.



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

Meeting: 03/16/15 07:00 PM
Department: Purchasing Department
Category: Resolution
Prepared By: Brenda Moulton
Department Head: Brenda Moulton

J.18

SCHEDULED

AGENDA ITEM (ID # 1422)

DOC ID: 1422

Approve and authorize the acceptance of a bid in the amount of \$4,505.00 (Second and final approval) for the sale of 2278 Donovan St., Parcel No. 59-29-576-045 to Joshua Griffith, 249 Robinhood, Montrose, MI 48457, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.



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

Meeting: 03/16/15 07:00 PM
Department: Purchasing Department
Category: Resolution
Prepared By: Brenda Moulton
Department Head: Brenda Moulton

J.19

SCHEDULED

AGENDA ITEM (ID # 1423)

DOC ID: 1423

Approve and authorize the acceptance of a bid in the amount of \$2,150.00 (Second and final approval) for the sale of 2106 Scottwood, Parcel No. 59-32-503-239 to Neil Martz, 1441 Allen, Burton, MI 48529, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.



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

Meeting: 03/16/15 07:00 PM
Department: Purchasing Department
Category: Resolution
Prepared By: Brenda Moulton
Department Head: Brenda Moulton

J.20

SCHEDULED

AGENDA ITEM (ID # 1424)

DOC ID: 1424

Approve and authorize the acceptance of a bid in the amount of \$2,167.00 (Second and final approval) for the sale of 1482 Friel, Parcel No. 59-31-576-312 to Neil Martz, 1441 Allen, Burton, MI 48529, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.



ADOPTED

AGENDA ITEM (ID # 1425)

DOC ID: 1425

Approve and authorize Resolution 2015-6 Authorizing Sale of Vacant Lot - Maplewood Meadows, Parcel No. 59-35-528-066, to give first and final approval for the sale of this improved parcel to Paul A. Wagner for the sum of \$150.00 cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

ATTACHMENTS:

- PA Vacant Lot Maplewood Meadows (PDF)

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Duane Haskins, Vice-President
SECONDER:	Steven Heffner, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith, Hatfield

CONDITIONAL PURCHASE AGREEMENTConditioned upon ONE City Council Approval

On _____ the Burton City Council passed Resolution R-_____ authorizing the sale of certain City owned real estate at specific prices. The subject of this Purchase Agreement is one of those parcels. Accordingly, this sale will only require one approval by the Burton City Council prior to closing.

For valuable consideration **THE CITY OF BURTON**, a municipal corporation, of 4303 S. Center Road, Burton, Michigan 48519, as Seller and Paul A. WAGNER, ~~husband and wife/a single~~ ^{married} man/woman, of 6133 Hedgerow Circle, Grand Blanc, Michigan 48439, as Purchaser(s), agree to purchase, the following described real property, vacant land, located in the City of Burton, Genesee County, Michigan being legally described as:

Lot(s) Maplewood Meadows Park Maplewood Meadows No 6 (07)
 More commonly known as: VACANT LOT - Maplewood Meadows
 Permanent Parcel #: 59-35-528-066

together with all improvements, appurtenances, hereditaments now on the premises.

1. PURCHASE PRICE.

The Purchase Price for the above described property shall be \$ 150.00 payable in cash or certified funds at closing.

2. DEPOSIT:

In the event that the Purchaser is submitting this Purchase Agreement for City Council consideration, an earnest money deposit in the amount of Ten (10%) percent of the price being offered is hereby submitted with this Purchase Agreement.

3. CLOSING:

(a) Purchaser acknowledges and understands that all sales of City owned property must be approved by the Burton City Council and that the sale of this particular parcel of property is conditioned upon one such council approval. If the Council fails to approve this sale, then and in that event this Agreement will be deemed null and void and Seller shall forthwith return Purchaser's earnest money deposit.

(b) Closing shall take place within fifteen (15) business days of City Council approval of this sale. At which time Purchaser will pay to Seller the balance of the purchase price in cash or certified funds and Seller shall convey a Covenant Deed to

Attachment: PA Vacant Lot Maplewood Meadows (1425 : Purchase of Vacant Lot)

purchaser in a form suitable for recording. **Purchaser will be responsible for recording the Covenant Deed.**

4. **TITLE:**

Seller has obtained title to the above described property through the property tax reversion process, through a Genesee County Circuit Court Quiet Title Action, or by bequest. Seller does not warrant title. Purchaser is responsible to obtain evidence of satisfactory title. Seller will not provide title insurance.

In the event that Purchaser's title search discloses title defects, Purchaser shall have twenty (20) days from the date of the execution of this Agreement to rescind this transaction by written notification to the City Clerk. Upon termination within the twenty (20) day period, Seller shall return the earnest money deposit to Purchaser and this Agreement shall be null and void.

Seller will convey it's interest in the property, which it has obtained by Circuit Court Judgment Quieting Title, by bequest or by Circuit Court Judgment conveying same, to Purchaser by Covenant Deed.

5. **CONDITION OF PREMISES:**

Purchaser acknowledges that the premises is being sold "AS IS" and that Seller has made absolutely no representations to Purchaser regarding the condition of the premises or any personal property which may be located within or upon the premises. There are no warranties of any type, expressed or implied being given by Seller to Purchaser.

6. **TAXES:**

Seller makes no representations regarding the status of either real or personal property taxes pertaining to the property above described. There shall be no proration of taxes as Purchaser shall be solely responsible for all unpaid taxes, assessments, and fees which may or may not be a lien against the premises at the time of closing. In addition to being solely responsible for all taxes, both past due and current, Purchaser is also responsible to pay any tax certification, revenue stamp and recording fees which may be associated with the recording of the deed.

7. **ENTIRE CONTRACT:**

Seller and Purchaser agree that they have read this document, that they understand its terms and agree to be bound thereby, and that there are no other agreements in writing or otherwise between them concerning the subject of this contract, and that this contract embodies the complete and entire agreement between them concerning the subject of this contract.

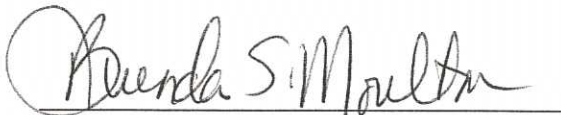
8. BINDING EFFECT:

Seller and Purchaser agree that the covenants and undertakings of this contract shall also bind their heirs, personal representatives, administrators, executors, assigns and successors; and that said covenants and undertakings as expressed herein shall continue to bind the parties subsequent to the final closing.

9. MISCELLANEOUS PROVISIONS:

- 1) Each party shall be responsible to pay their respective attorney fees.
- 2) All parties acknowledge receipt of a signed copy of this Purchase Agreement.
- 3) In the event that the property being conveyed herein was subject to a Circuit Court Title Action, all parties acknowledge receipt of a copy of the Judgment Quieting Title or an Order Conveying Title to the City of Burton.

SIGNED IN THE PRESENCE OF:


 BREND A. S. MOULTON
 PURCHASING AGENT

SELLER:

THE CITY OF BURTON

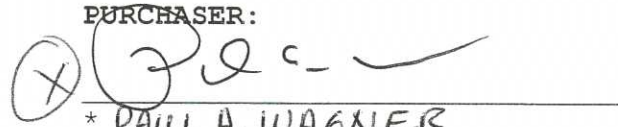
 BY: PAULA ZELENKO
 ITS MAYOR

Dated: _____

 BY: TERESA KARSNEY
 ITS CLERK

Dated: _____

PURCHASER:


 * PAUL A. WAGNER
 Dated: 3/2/2015

*

Dated: _____

Attachment: PA Vacant Lot Maplewood Meadows (1425 : Purchase of Vacant Lot)