



CITY OF BURTON
BURTON CITY COUNCIL MEETING
MARCH 2, 2020
AGENDA

Council Chambers

Regular Meeting

7:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

A. INVOCATION LED BY: TOM MARTINBIANCO

B. THE PLEDGE OF ALLEGIANCE IS LED BY:

C. ROLL CALL

D. STAFF PRESENT

E. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Feb 3, 2020 7:00 PM
2. City Council - Regular Meeting - Feb 17, 2020 7:00 PM

F. ADMINISTRATIVE REPORTS

G. COMMITTEE REPORTS

H. AUDIENCE PARTICIPATION

Now is the time set-aside for members of the audience to address the Burton City Council. I would ask each individual to give their name and address for the record and to limit their comments to three (3) minutes and to speak on the topics germane to City business.

I. COUNCIL DISCUSSION

J. COUNCIL ACTION

1. Approve and authorize the Attorney Billing (Doyle) 2/12/2020 to 2/25/2020 in the amount \$3,377.00.
2. Approve and authorize the payment of Attorney Billing (Masud) December 23, 2020 - January 27, 2020 in the amount of \$5,073.00.

3. Approve and authorize the sale of Vacant Lot to the highest bidder with the applicable conditions, to give final approval for the same of this improved lot, for the sum of cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate the sale as follows: Parcel 59-29-576-052, Vacant Lot on Donovan, to Howard Chatterson 2285 Donovan St. Burton, MI 48529 for the amount of \$1,000.00 with the condition that the property must be combined with parcel number 59-29-576-054
4. Approve and Authorize the sale of a parcel of land that contains improved structures to the highest bidder with the condition that a building inspection be completed within 15 days and repair made within 90 days of the closing, to give final approval for the same of this improved lot, for the sum of cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate the sale as follows: Parcel 59-12-526-052, 1416 Kra Nur to Vash Investments 4040 Bristol Rd. Burton, MI 48519 for the amount of \$31,500.00 Parcel 59-15-300-006, 4080 Lapeer Rd to Joel and Kelly Diamond 2132 Pero Lake Rd. Lapeer, MI 48446 for the amount of \$17,621.00 Parcel 59-22-529-038, 2084 Bramblewood to Jennifer Qualls 7556 Parsonage Rd. Saranac, MI 48881 for the amount of \$3,600.00 Parcel 59-30-576-002, 3380 S. Saginaw St to James Binkley 3376 S. Saginaw St. Burton, MI 48529 for the amount of \$10,163.00 Parcel 59-30-577-142, 1243 Norton St. to Matthew Kimball 1814 Bayberry Ln. Flint, MI 48507 for the amount of \$3,860.00 Parcel 59-30-578-068, 1463 Donovan St. to Douglas Brown & Rhonda Cody-Brown 2205 Judd Rd. Burton, MI 48529 for the amount of \$4,000.00
5. Approve and authorize the sale of Vacant Lot owned by the City of Burton since 2018 - Connell St., Parcel No. 59-30-578-247, to give first and final approval for the sale of this improved parcel to Rocky Brook Land Company, Inc., 483 Billings Rd., Hermon, ME 04401 for the sum of \$100.00 cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.
6. Approve and authorize the sale of Vacant Lot owned by the City of Burton since 2015 - Kenneth St., Parcel No. 59-29-555-049, to give first and final approval for the sale of this improved parcel to Rocky Brook Land Company, Inc., 483 Billings Rd., Hermon, ME 04401 for the sum of \$100.00 cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.
7. Approve and authorize the sale of Vacant Lot owned by the City of Burton since 2018 - Carman St., Parcel No. 59-30-577-214, to give first and final approval for the sale of this improved parcel to Rocky Brook Land Company, Inc., 483 Billings Rd., Hermon, ME 04401 for the sum of \$100.00 cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

8. Approve and authorize the designation of Interim Deputy DPW Director Amber Abbey as Street Administrator as required by Section 247.663.13(9) of Public Acts 51 of 1951.

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



CITY OF BURTON
BURTON CITY COUNCIL MEETING
FEBRUARY 3, 2020
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	Councilman	Present	
Dennis O'Keefe	Councilman	Present	
Steven Heffner	President	Present	
Danny Wells	Councilman	Late	7:08 PM
Vaughn Smith	Councilman	Present	
Gregory Fenner	Vice President	Present	
Christina Conley	Councilwoman	Present	

D. STAFF PRESENT

Duane Haskins, Mayor
Charles Abbey, Deputy DPW Director
Brian Ross, Police Chief
Kirk Wilkinson, Fire Chief
Racheal Boggs, City Clerk

E. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Jan 21, 2020 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley

F. ADMINISTRATIVE REPORTS

Mayor Haskins stated we had our first Census Committee Meeting and it was a great turnout that produced a lot of ideas. He read into the record the area businesses that have agreed to partner with the City of Burton in promoting the Census:

Sharky's Sports Bar
Puzzler's Pub

U.S. Family Restaurant
 Captain's Quarter's
 Bentley Florist
 Burton DPW
 Volunteer's of America
 Elga Credit Union
 Scotty's Coney Island
 Biggby Coffee
 Batteries & Bulbs Plus
 Dairy Queen

We appreciate the businesses getting involved. The agenda is pretty simple tonight. We have the attorney billing, two ZBA appointments: Mrs. Ward-Terry and Mr. Welch. Two Parks & Recreation appointments: Debra Dunsmore and Sandra Talbot. We did get a preliminary report for the Retail Coach so we can start moving forward on that and try to attract new businesses to the City of Burton. We are steadily working on the water rate issues. We did contact the Woodhill Group and they were requesting we try to meet in July and we are trying to meet sooner. All department heads have met with the Controller regarding their respective budgets. We are working on cutting some money and we will be presenting it soon. The Approved 2019-2020 Budget is in front of you tonight. I did not realize we did not receive it. We were able to locate it and hand it out.

Mr. Heffner announced the Retail/ Marketing Committee as follows: Councilman Smith as the Chair, Councilman Fenner as the Vice-Chair and Council Lady Conley. I will leave it up to the Mayor to appoint members from the administration, Planning Commission and Zoning Board to appoint one person from each board as their representatives.

G. COMMITTEE REPORTS

Mr. Fenner stated the Census Committee breakfast included attendance from all three school Superintendents: John Ploof from Atherton, John Krolewski from Bendle and Kristy Swann from Bentley. They have all agreed to get on board and promote this at the schools. Also in attendance was County Commissioner Ellenburg who presented us with a lot of information we hadn't yet received including a sample questionnaire and important time lines. Jean Johnson was in attendance and assured us she will be working with the seniors. The next Census Committee breakfast is scheduled for Tuesday, February 25, 2020 at 9:00 AM at U.S. Family Restaurant at the corner of Dort and Bristol. It is open to the public so please come. This Thursday take a look at the Burton View for a Census Ad that says "Make Burton Count" The Police Chief, Fire Chief and Assistant Fire Chief, Kevin Burge and Steve Welch were all in attendance. We are diligently working as a committee and we would love to have as much participation as possible.

Mr. Smith stated the Public Access Committee met and he would like to apologize to Mr. Wells for the miscommunication regarding his availability for the meeting. It was unintentional. The purpose of the meeting was regarding a digital LED sign in front of City Hall. We were just looking for information regarding available sizes and features of signs as well as potential pricing. We received information from three different sign companies. We discovered the best location would be where the current sign is in front of City Hall because there is already electricity there. The informal presentation was for a sign exactly like the one at Faith Tabernacle. The price range for various brands, sizes and pixels was between \$18,000 and \$28,000. We are aware that not everyone was bidding on apples to apples here and that there will be a sealed bid process. The council expressed some interest when I brought this up the last time. Why do we need this sign? We get a lot of calls, council and the administration both get calls and this is about working more efficiently as a government. We no longer have a daily newspaper keeping the community updated and informed on events. The sign can notify residents of upcoming board meetings and encourage people to

come to meetings and get involved. Not everyone is online and this is a way to let residents know what's going on. We could respond to misinformation that people are reading on social media. DPW could use the sign for advanced notice for road work and closings. Community events can be advertised: Memorial Day, open houses, library events and senior center events. We can do monthly employee recognition so they know they're valued. The Clerk can advertise election and voting deadlines and dates. During the growing season we can notify residents of the dangers of grass clippings in roads and clogging our sewer system. We can notify residents of beginning and ending dates of yard waste pick-up or when trash pick-up will be a day late due to a holiday. We have heard this question asked hundreds of times. Over the Christmas holiday, we could notify residents that we are closed. This year, we all received a lot of calls about this.

Mr. Martinbianco asked where the sign will be located?

Mr. Smith said, where the existing sign is, in front of city hall.

Mr. Martinbianco stated to me it is a waste of money because we are almost at the end of the city limits. My friends that live in Lapeer Manor will have to drive down Center Road to go see what's going on in the city. All the things you said could be done on a city social media page. The majority of the people from the south end as well as my end of town will not drive down Center Road.

Mr. Smith stated Center Road is the major artery of our city. We have a fragmented market for media. There is no one way to reach our residents. We want to reach them through the Burton View, social media, our website and this sign. Everyone gets their information in a different way. Ten years ago, we had the Flint Journal. We need to accept it, move forward and take advantage of new ways to reach the public.

Discussion ensued regarding various digital signs in the city and how they reach residents.

Mr. Smith stated this will enhance the image of Burton as a welcoming, 21st century community on the move; a place you want to raise a family or open a business. This ties in to what we are doing with the Retail Coach. The schools in our city are already ahead of us on this and they are much smaller entities than we are. This is our chance to move forward. Where are we going to get the money? This will cost less than \$30,000. Last year we had \$300,000 from the building department that we never spent and it went back into the general fund. I would have loved to have this sign for promoting the 2020 Census. Racheal has been posting on social media about the upcoming election and she could have used the sign for that. It will only take a couple hours for someone to learn to use it and it is well worth the money.

Mayor Haskins stated I had a conversation with Mr. Heffner about this and I am not opposed to putting the sign up. I believe it could be a great asset to the city. I am asking for a little bit of time. There is a lot that comes along with it that we need to discuss. I believe we will have to create an ordinance for it, we need to create rules and regulations for it, we need to decide who will run the sign and which employees will facilitate it. We are trying to get through the budget right now and I asked every department for a 15% cut. We are trying to reduce the water and sewer rates right now. I am just asking for a little more time. If we make a move on it, you are going to expect it to be up and running immediately and there are a lot of logistics that need to be worked out before we get to that point. Also, it sounds like the money that was for the sale of the property is not in the general fund. According to Plante Moran, we can't touch that money. There is something in the accounting laws but we are waiting for confirmation on it.

Mr. Abbey stated that during the budget process, we talked about fund balances in each department. One of the concerns we had in the building department was we're steadily increasing the fund balance. When I asked where the number came from, I was told it was from the windfall from the property sales. At that time, I was told it does not fall to general fund that it is encumbered in the building department. Karen put in a request to Pam Hill to see if we have an opportunity to move that this fiscal year.

Mr. Smith stated there will be no problems to the city as far as the ordinance. These sign companies work with Amber all the time. I understand what you mean about the administrative side. We are already talking 90 days for the sign. Will four months give you enough time?

Mayor Haskins stated I was hoping to wait until next budget season honestly. This is my first budget and I am trying to cut out wasteful spending and make positive changes in the budget.

Discussion regarding time frame to have the LED sign up and running.

Mr. O'Keefe stated this is a neat idea and I think there is some real merit to it. I do have some questions. Would it be better to send this back to the Public Access Committee and work through some of the Mayor's concerns.

Mr. Heffner stated I think all Mr. Smith was asking for was to go out to bid which has to come back to us to accept the bid. So, our final approval would be then, right?

Mr. Smith said, yes.

Mrs. Conley discussed the proposed locations for the sign and agrees that City Hall is the best location.

Mr. Fenner stated there is more traffic at Center and Atherton.

Mr. Heffner stated that will be a safety concern to have a bright sign at the stop light there. It could cause accidents. He complimented Mr. Smith on doing a good job with this. Ten years ago, I didn't need a computer or a cell phone. Today, I couldn't live without them. I think it is the same thing with this sign. If we end up with one we will wonder how we ever got along without it. For elections, this will be great for the Clerk. I can't think of any department in the city that won't use this sign. If you want to add this to the agenda, I think it's a good thing.

Mr. Fenner asked if we are replacing the existing sign and how old is the sign that is currently there?

Mr. Abbey and Mr. Martinbianco agreed the sign is about 20 years old.

Mr. Fenner stated the sign is antiquated and everyone else is updated except for our city.

Mr. Heffner stated the perception of a new sign is that we are moving into the 21st century.

Mr. Wells stated I think we always think too small. We need four signs in different parts of the city. We have the GM plant, Brookwood Golf Course, Meijer. Let's put one at each end of the city and every quarter someone can sponsor them.

1. Motion to add to the agenda: Motion to seek digital sign bids not to exceed \$30,000 with a target date of being installed and in operating condition by May 1, 2020.

RESULT:	CARRIED [6 TO 1]
MOVER:	Vaughn Smith, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	O'Keefe, Heffner, Wells, Smith, Fenner, Conley
NAYS:	Martinbianco

H. AUDIENCE PARTICIPATION

Karen Sak of Eastgate Street in Burton stated we have a big problem with speeding on our street. She would like a police cruiser to come by that area.

Nathan Riddle of Davison Township has an issue with Davison Township Police setting up a Police trap and operating in the City of Burton or citing for infractions within the City of Burton.

John Stapish of Burton stated he has water and sewer bills and debt service for houses that have never had water turned on.

Rick Fuhst of Burton stated the digital sign is a good idea. The problem is if I didn't come to city meetings, I would never see them because I would never come over here. People are not going to see the sign.

Mona Miron of Burton stated she loves the digital sign idea. Everyone else has one. We need a sign out front so residents know what's going on. She recommends getting more bids.

I. COUNCIL DISCUSSION

Mr. Wells stated he apologized for missing a couple meetings. He went to a different shift at his job to help out in Lansing. He would like to know who came up with the formula for the water and sewer rates.

Mr. Abbey stated he doesn't have an answer for that right now. It is a complex issue. There are a lot of assumptions with rate studies. Sewer is an easier fix than with water. They got part of it right; we are covering our costs. We have a four month history to base it on. We have a list of questions, we are bringing the Woodhill Group back in. We are very close to figuring it out. They are used to communities that supply their own source. We are a middle man.

Mr. Martinbianco stated some of the intrinsic costs that were totally isolated and parochial to the businesses that everyone was paying the whole note on, we made it stop because it wasn't fair to the rest of our rate users.

Mr. Wells stated I don't have a lot of faith in the Woodhill Group. Is there anyone on staff that knows what's going on with the water bills?

Mr. Abbey stated our community is unique. The last thing we want to do is get it wrong again. There are five of us working on this together. We have 4,700 sewer only customers. No one else in the state has this. There is a lot to this. We were told an 8% increase and we all know it is more than that in a lot of cases.

Mr. Wells wants to know about Mr. Stapish's issue of getting billed for water usage when water was never hooked up. I have heard of other people having the same issue. This individual said they were told by City Hall that it has been capped off but it is possible that

he may use it so they still have to be charged. Are we just trying to pay bills and fix a problem that has been going on for 15 years on the backs of our residents and business owners? Who is paying for all the pipes we put in off of Atherton Road?

Mr. Abbey stated we all are. All rate users. There was a vote this summer to increase the rates and to approve the Woodhill Group's methodology.

Mr. Martinbianco stated that's not true. The general fund subsidized the water fund \$662,000 to pay what we owed. So everybody is paying until we get that back. Rate users or not, everyone is paying for the water system.

Discussion ensued regarding water debt service and how it has always been on the bills but it was included in the commodity charge in the past.

Mr. Abbey stated this is not an easy fix. We fully intend to have our working committee bring you up to date. They don't have equity across the board. The small family, the low-end user was hit the hardest. There is no doubt about that. Splitting out all the bills which we did for transparency, so people could see exactly how their money is spent, only confused everyone. Stand at the Treasury window for an hour one day and see how confused people are. They just want a bill with one number on it.

Mr. Martinbianco stated if you go back and look at the water fund, we have to go back and talk about depreciation and what that was designed to do. We need to go back and talk about the "readiness to serve" charge. I hope the Mayor understands that we need to take this out in the budget and treat them as separate line items.

Mr. Fenner stated one month he didn't use one unit of water so my bill was zero. Yet my debt service was raised and my bill was larger than normal. It seems Woodhill took the easy way out. To cover the debt, they charged everyone a flat rate through the debt service.

Mr. Wells stated Woodhill Group told me they would get back with me and straighten all this out this summer and I haven't heard a word from them. When we get calls from people upset about their bills, we tell them we don't know how it got that way but keep paying it anyway.

Mr. Abbey stated we tell them the truth; we are working on it and to be patient with us. Give me the name of that business and I will figure out what he is being charged and we will bring it back and talk about it at our next public meeting. I don't think Woodhill spread the cost to all users like they said they were going to do. We didn't get into this mess overnight and we are not going to get out of it overnight. It is frustrating. You take 2-4 calls about this and we take 200-400. I feel sorry for the girls at the Treasury window.

Mrs. Conley asked if we can have Woodhill and Jeff Wright come in for a workshop. The Drain Commissioner tried to reach out to Woodhill and Woodhill didn't have the right figures and did not contact him back. The residents are upset about getting bills when they go on vacation.

Mr. Abbey stated the county has a different perspective than we do and they don't know our system. I don't have a problem bringing them in but we have to find out the issue with the billing system that we have first. If Woodhill says they have taken into consideration the way the county bills us, then they have to show us that.

Mr. Heffner said, I know the Mayor has been working on this since November the 19th; the day he was sworn in. He plans to bring this to us as fast as he can and I am sure in the next

couple of months there will be a special council meeting called so we can tackle this.

Mr. Wells asked if there is any sign of the money to pay off the Menominee waterline?

Mr. Abbey stated the Mayor and I went to a meeting last week with State Representative Sneller and were told it will come in two separate payments from two separate sources. Tim Sneller said realistically, we are probably looking at June or July based on what he is being told. The Mayor was present at the Governor's State of the State and they addressed it there too and they assured him we are getting the money.

Mr. Wells stated we should have been paying for the pipes when they were in the ground and raising rates a little at a time as projects were done instead of raising them all at once. I am proud of the award Burton was recognized for.

City Council took a recess at 8:38 PM.

City Council returned from recess at 8:43 PM.

Mr. Martinbianco asked the administration to interact with Supervisor Elkins from Davison Township regarding a reciprocal agreement as it relates to Mr. Riddle's comment during audience participation.

Mr. O'Keefe asked if he heard correctly that the Mayor has asked each department to cut their budget by 15%.

Mr. Abbey said, you heard correctly, the Mayor has asked each department head to cut 15% from their budgets. Everyone is diligently looking at each line item. I don't know if it is possible but we are working through it now.

Mr. O'Keefe asked, what is the motivation to do it that way? What is the goal? I feel the city budgets are pretty lean right now.

Mr. Abbey stated in the Mayor's absence, I don't want to speak for him but I think the idea is that because we have increased rates, we need to be serious about cutting out what is not necessary to give back. It is a goal.

Mr. O'Keefe asked, this isn't meant to subsidize the water situation, is it?

Mr. Abbey said, I don't believe it is. I can't totally speak for the Mayor but he has never told me that.

Mr. O'Keefe stated we have had multiple professionals come in and look at our rates. They have all said the same thing and council has never reacted to rate increases and that's what got us here. Cutting the budget by 15% to subsidize the water rate problem is wrong and potentially unethical.

Mr. Abbey stated that wasn't the intent, to use general tax dollars. I think the intent is that with the rising costs, if we can save with the unnecessary things to find some savings.

Mr. Wells stated Karen Sak is interested in helping with the 2020 Census. She would be a tremendous asset.

Mr. Smith stated he would be happy to have her and will speak to her after the meeting. He also wants to commend Mayor Haskins in his work to make sure every dollar is judiciously spent. It is a tough thing to do. The Census is one way to get the money our residents have already paid to come back to the community. We have issues with our pension plan and

healthcare plan. We only have one shot every ten years for this. Racheal has been great. She did a phenomenal job placing all the Census signs in the council chambers so they appear on camera during our meetings.

Mr. Heffner would like to see a Census videos on social media of Mayor Haskins and Councilman Wells, Councilman Martinbianco and Council Lady Conley, Councilman O'Keefe and Councilman Smith, Vice President Fenner and myself. This is our best chance of bringing millions of dollars back to our community without raising taxes.

Mr. Smith stated this will help the roads we all drive on. We all have to work together. Don't let this leave your mind.

J. COUNCIL ACTION

1. Approve and authorize the Attorney Billing (Doyle) 1/15/2020 to 1/28/2020 in the amount \$4,995.75.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Christina Conley, Councilwoman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley

2. Approve and authorize the appointment of Stephen M. Welch, 5272 White Pines, Grand Blanc, MI 48439 to City of Burton Zoning Board of Appeals, term serving February 2020 through February 2023.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Christina Conley, Councilwoman
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley

3. Approve and authorize the appointment of Michaeline Ward-Terry, 2313 Pear Tree Dr., Burton, MI 48519 to the City of Burton Zoning Board of Appeals for term serving February 2020 through February 2023.

Mr Wells stated he does not know Mrs. Terry. She lives across the street from me. We have talked on Facebook and on the phone one time. I don't hold any grudges against people that vote against me. She has no idea who I am but she didn't want to meet me. She shut her garage door in my face. She attacked me on Facebook every night with things that never happened. People like this, close-minded, should not be serving on our boards. I am voting no on this. It is personal to me. She said things about my wife who she does not know. It was bizarre. I wouldn't know her if I seen her on the street but I can show you a string of Facebook messages she put out about me This is a definite no for me.

Mr. Smith would like to table this to see if it can be resolved.

Mr. Martinbianco stated the Zoning Board appointments are council appointments and should go through the Council President.

RESULT:	TABLED [4 TO 3]	Next: 2/17/2020 7:00 PM
MOVER:	Vaughn Smith, Councilman	
SECONDER:	Tom Martinbianco, Councilman	
AYES:	Martinbianco, O'Keefe, Smith, Fenner	
NAYS:	Heffner, Wells, Conley	

4. Approve and authorize the Mayor's re-appointment of Sandra Talbot, 3196 E. Hemphill Road., Burton MI 48529 to the City of Burton Parks and Recreation Commission term expiring February 2023.

Mr. Wells stated Mrs. Talbot has always supported me. This year, she changed her mind. We talked about it. I have no ill will toward her whatsoever. She is a tremendous asset to the city. She will get my yes vote every time.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Danny Wells, Councilman
AYES:	Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley

5. Approve and authorize the Mayor's re-appointment of Debra Dunsmore, 2156 Judd Road., Burton MI 48529 to the City of Burton Parks and Recreation Commission term expiring February 2023.

Mr. Wells stated we are very fortunate to have Mrs. Dunsmore on this board. Her community service goes back as far as I can remember. She and Sandra Talbot are the types of people who should be serving on our boards.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Danny Wells, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley

6. Motion to seek digital sign bids not to exceed \$30,000 with a target date of being installed and in operating condition by May 1, 2020.

RESULT:	CARRIED [6 TO 1]
MOVER:	Christina Conley, Councilwoman
SECONDER:	Gregory Fenner, Vice President
AYES:	O'Keefe, Heffner, Wells, Smith, Fenner, Conley
NAYS:	Martinbianco

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

Meeting was adjourned at 9:04 PM.



CITY OF BURTON

BURTON CITY COUNCIL MEETING

FEBRUARY 17, 2020

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

At Mrs. Conley's request, Bob Wilson led the invocation.

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

At Mrs. conley's request, Bob Wilson led the pledge of allegiance.

C. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Councilman	Present	
Dennis O'Keefe	Councilman	Present	
Steven Heffner	President	Present	
Danny Wells	Councilman	Late	7:08 PM
Vaughn Smith	Councilman	Present	
Gregory Fenner	Vice President	Present	
Christina Conley	Councilwoman	Present	

D. STAFF PRESENT

Duane Haskins, Mayor
Charles Abbey, Deputy DPW Director
Brian Ross, Police Chief
Kirk Wilkinson, Fire Chief
Racheal Boggs, City Clerk

E. APPROVAL OF MINUTES

None.

F. ADMINISTRATIVE REPORTS

Mayor Haskins stated there are no minutes on the agenda tonight. The Clerk's Office has been busy with equipment testing and absentee ballots for the Presidential Primary Election coming up. The minutes will be on our next meeting agenda. Mr. Craig is here from the Parks & Rec Board and he will be presenting a check to the DAV for the proceeds of the Veteran's Honor Run. February 25th we have our second Census Committee Meeting at U.S. Family Restaurant at 9:00 AM. Reminder: the MML Capital Conference is March 24th and 25th if anyone is interested in registering. On February 4th, I had a meeting with all the school Superintendents. It was a positive meeting and everyone is onboard with the coloring contest for the Census. We have reached out to the Woodhill Group by phone and email and are still waiting to hear back from them.

Minutes Acceptance: Minutes of Feb 17, 2020 7:00 PM (APPROVAL OF MINUTES)

Mr. Craig and Mr. Wilson presented a \$2,000 check to George Cannon, DAV Chapter 3 Commander for the proceeds from the Veteran's Honor Run.

Mr. Craig stated we do this every year. Since the beginning of this, we have raised over \$20,000 for the local DAV. He thanked the following sponsors:

Hurley Medical Center, Race Series Sponsor
Family Care Plus Physical Therapy and Wellness, medal sponsor
Vetbiz Plus, challenge coin sponsor
Councilman Heffner, dog tag sponsor
Complete Runner
Newton Timing
Burton Kiwanis
Sullivan's Biggby Coffee
Councilman Smith
Council Lady Conley
Burton Chamber of Commerce
Tri County Council of the Navy League US
VFW 822 Honor Guard

Special Thanks to:

The Burton Police and Fire Departments for traffic control. We always hear what a great job they do at our races.

Thanks to our water station volunteers:

American Heritage Girls
Bentley Robotics Club

Commander Cannon stated on behalf of the membership of the DAV, Chapter 3, we would like to thank you. This money will be spent to purchase a new vehicle. Our goal is always to help the veteran's. We are currently working with the Veteran's Village to help provide housing for more than 2,000 homeless vets in Genesee County. We welcome you to come by anytime and walk through the post.

Mayor Haskins thanked Jim Craig and the Parks & Recreation Commission for everything they do.

Mr. Heffner asked if Mr. Craig knew about the Burton Dog Park he is hearing about.

Mr. Craig stated this is going around Facebook. It is a group of people involved in different areas of the city, partnering with a church to put a dog park in at the church on Lapeer Road. Burton Parks & Rec has nothing to do with this.

Mr. Heffner stated he saw they are using the City of Burton logo.

Mr. Craig stated that could be a concern and to talk to the attorney about a trademark or copyright infringement.

Mr. Fenner stated Kris Johns has called me about it. They are doing this privately. They have an application in with the ZBA. Their goal is to get private funding and a perpetual fund to keep it clean and maintained. Parking is available at the church and the liability will be on the church. This will be at no cost to the city. They have already taken decibel readings from the highway. What he shared with me, the city will not be liable in anyway.

Mr. Heffner stated using the city logo on it gave the perception that this was a city page and a city dog park.

1. Revenue and Expenditure Report as of January 31, 2020

G. COMMITTEE REPORTS

Mrs. Conley stated there is a Parks & Rec 50th Anniversary Meeting tomorrow at 5:30PM in the Community Room upstairs and everyone is invited to come and share ideas.

Mr. Fenner stated we are getting great cooperation from our schools. Bendle and Bentley have it on their digital signs. The Senior Center has it on their sign. Elga and Security Credit Union are helping out with it and putting it on their signs. We can't lag on it until it's done. Larry Petrella has asked to be a member of the Census Committee. I will pass his information along to the administration. Our next Census Committee Meeting is on February 25th at 9:00 AM at U.S. Family Restaurant.

Mr. Smith stated I have given the administration a list of our 2019 budget workshops. It shows how we broke everything up. This will help us plan for our upcoming budget workshops.

H. AUDIENCE PARTICIPATION

Karen Sak of Burton spoke regarding the positive feedback she is receiving about the Census. I am enjoying working on the committee.

Steve Welch of Burton stated for clarification, Mr. Johns is coming in front of the ZBA for a variance to the zoning for the dog park.

I. COUNCIL DISCUSSION

Mr. Martinbianco would like to know if we have talked to Pam Hill about the disbursement of the \$320,000.

Mayor Haskins state Pam Hill will be at our second meeting in March. We will get an answer then.

Mr. Martinbianc stated it is budget season. This is the first one for you Mayor and I applaud you on taking the high road on things such as electronic signs. Are you progressing along with the process? Can we expect to be presented with it at the first meeting in April?

Mayor Haskins said, yes.

Mr. Martinbianco stated he read in the Burton View that we have some properties for sale. Some of them were on our minimum bid list a year ago. Is there a process for this, because there are still people living in some of them? Have the been contacted? Is there anything we need to do? Also, I don't see any minimum bids attached to these properties. Is there a reason we don't put the minimum bids in the newspaper? The council should at least be aware of what the minimum bid is and here's why that's important, last time, the property on Saginaw Street, someone submitted a bid that was far less than the minimum. I don't want to go through that again and put them through that.

Mr. Abbey stated I don't think we have ever put the minimum bids in the paper.

Mr. Heffner stated the bid we got for that, I believe was \$12,500 at the time. This council rejected it. Mr. O'Keefe and I didn't, but the rest of the council did. My point is that now the

minimum bid is \$8,000.

Mr. Abbey stated the bid packages are on the website. All of the property information is available there including instructions of how to submit a bid. Any questions can be directed to the DPW or the Purchasing Agent.

Mr. Heffner asked how we turn down a bid for \$12,500 and then lower the minimum bid to \$8,000? Does that make any sense? I think the minimum bid should be \$12,500 on that property.

Mr. Abbey stated that wasn't my decision. That decision was made by the council but the philosophy is there are sometimes parcels that get no interest and we re-bid them and if we lower the price, we might get more interest.

Mr. O'Keefe stated we did this process about five or six years ago. The first time we sell a property, it is a sealed bid with a minimum bid. If it doesn't get sold at that time then it becomes available for anyone who wants to purchase it.

Mr. Abbey stated in the past, we weren't selling very many. We will do it however you want but the problem was it wasn't executed and the ordinance wasn't changed as we were implementing them. We may want to go back and revisit the ordinance.

Mr. O'Keefe stated the important part is the first bid and keeping the process sterile. After that, it's however you want to play it out. If we are putting it in the paper without a minimum bid, it defeats the purpose of a sterile bid.

Mr. Martinbianco stated when at the county, properties get tax reverted, the county has a minimum bid process and then after the minimum bid process, they go to no minimum bid.

Mr. O'Keefe stated the city has to have some control over the sale price. I am concerned that we do it right on the front end. We had a situation in the past where two neighbors were interested in an adjoining property and the one neighbor just came in and bought it. The other neighbor made accusations about the process being unfair. That's why there's a sealed bid process.

Mr. Abbey stated we are different than the county because they don't sell properties individually. They package them in groups now.

Mr. O'Keefe stated the Fenton Road property that currently has a minimum bid of \$5,000 and has been on the books since 2015, what was the original minimum bid?

Mr. Abbey stated the same as it is today, \$5,000. We bid it two different times. It actually sold once. They put the minimum down and decided later it wasn't worth all the money he had to put into it. We kept his 10% as part of the process. It then sat on the website with no activity. Finally, someone offered the minimum bid and that is what is in front of you tonight. Mr. Heffner referenced a sale that the council rejected. In that scenario, if you didn't have a minimum bid, the next guy could come in and bid \$1.00. I don't think that is being very prudent with taxpayers money.

Mr. Heffner stated we set some rules about four or five years ago that we failed as a council to follow ourselves last fall. When we set a minimum and someone offers the minimum, we should accept the bid. That property should not be in the paper right now. It should have already been sold and we should be collecting taxes on it right now. Instead, we are going to potentially lose \$4,500. I would like to see this property come off this bid at \$8,000 and go back up to \$12,500 or call the individual who won it and give him first shot at it. I don't

know if that's legal to do or not but that's what I would do.

Mr. Abbey stated I don't think you can do that, Mr. President but you will have to ask the attorney. The one thing I will say is I do not believe that person is interested in it. They have walked away.

Mr. Martinbianco asked the City Attorney if we can amend what has been published and change the minimum price for that property only.

Mr. Fenner stated I was on the DDA when this came up for sale. No one had ever discussed with the DDA that this property was even going to sale. The DDA Board visited the property and looked it over. The building, as it stands, does not fit the future plans of the DDA for the downtown area. By the DDA's standards, it needed to be condemned. Mr. Abbey has assured me that it is able to be rehabilitated. If anyone cares to drive by the property and actually look at it, it's a mess. I understand what the city is saying that it's \$12,500 in our pocket but if that property sits there for another several years and decay, the DDA is opposed to it. What the council was doing when they rejected all bids was give the city some time to reassess the property to make sure it was not uninhabitable before accepting any bids. The DDA had something to do with this because we came to the council with our opinion that the property needed to be reassessed. The property has very limited parking, if any and is very close to another property and to the main road. It has two garage doors off the road. The front of the building is leaning. I think if you cut two metal straps, the whole front of the building would fall down. There are holes in the blocks that you can put your arm through to the inside. We can sell it and hope that someone can afford to rehab it.

Mr. Abbey stated the Building Official said it is not condemned but there comes a point with any structure whether the cost justifies the amount it will take to bring it up to code. The argument about it sitting there long term can't happen because they close within a week, they only have 10 days to come in and pay \$100.00 fee for an inspection. We write up all the things that have to be done officially and at that point, they have 30 day increments to start the process. If there is significant progress, we will give them another 30 days but we like it done by 90 days.

Mr. Fenner stated as a member of the DDA, we watched that exact process happen on another building on Saginaw Street next to the transmission shop for a number of years. The guy would pull the permit, start the work, you guys would look at it and say ok, he started and pretty soon, he would stop. Then you would go out again and start the process over. That building was eventually tore down. The property looks 100% better without a building that says "not for sale" spray painted on it with a tarp hanging over it. The building we are talking about is in the same condition. Every businessman up here knows that you can't invest that kind of money into a building that will never be worth what you paid. I am asking that we reassess this building again.

Mr. Heffner stated the DDA should buy the property.

Discussion ensued regarding potential outcomes of selling or not selling the property on Saginaw Street.

Mr. Martinbianco asked the Attorney opinion regarding if the DDA could buy the property.

Attorney Doyle stated I am not prepared to answer that at this point. There are things the DDA can do and things they cannot. I would need to look into it.

Mr. Heffner said, don't waste your time looking into it.

Mr. Smith stated I did some homework on digital signs. I googled Burton City traffic counts. It took me to a link to our own website where there is a link to the Genesee County Metropolitan Planning Commission Transportation Data Management System. There is a big map where you can locate City Hall by putting in the address. From there I was able to get the annual average daily traffic count for City Hall and it is about 13,000 cars that go by City Hall everyday. If we had a digital sign out front, we could inform 13,000 people of job openings, Burton races, etc. We have approximately 12,000 homes in the city. The Burton View reaches the majority of those people. Ads can be costly. The sign is a good deal for advertising.

Mr. Heffner stated the digital sign is part of the City Master Plan that we started about 10 years ago. We fought hard against the Mayor back then to get newer technology. We came up with the Public Access Committee to get around the Mayor for a new website. This is another step in communicating with the residents. Next, we need an official Facebook page to communicate with the residents.

Mr. Smith stated change is difficult. For many years, the Memorial Day Race was the only race the city did. Now, we have many. We have marketed our community. We are know as a racing community. You never know what can happen until you try. This sign will help our community move forward. We have two people here tonight and 30,000 residents in the city. Let's try to reach them. Let's fill this room. Let's make sure they know about the Census, Project Heats On and when they vote. It is another way to touch our residents. There isn't any one way to reach people anymore. People who see the sign will post the information on social media so we will be reaching more people than the ones who just drive by.

Discussion ensued on traffic counts throughout the city and where the traffic is coming from.

Mr. Martinbianco stated we have marketed the races successfully without a bulletin board out front.

Mr. Smith stated we have used bulletin boards for the races. Bentley puts it on their sign for months prior to the races.

Mr. Martinbianco stated a gentleman came in from Raymond Street two weeks ago and spoke regarding Davison Township Police Officers stationed somewhere in Burton. Have we spoke to Davison Township Supervisor Elkins regarding this?

Police Chief Ross stated I had a conversation with him and there is a turn-around on I69 by Vassar Road in between our borders. They sit in the median and watch traffic headed eastbound into Davison.

Discussion ensued regarding the original complaint by the resident who lives on Raymond Ave.

Mr. Martinbianco asked, absentee ballots were sent out, correct Madam Clerk?

Ms. Boggs said, yes. They were sent out last week.

Mr. Martinbianco asked the Mayor for a timeline for budget requests from the council.

Mayor Haskins stated please get them in as soon as possible. We appreciate it.

Mr. Martinbianco asked if we have had any further discussion with the Woodhill Group. We

have a contract with them to see if what we are doing is right. I don't want to double pay them.

Mayor Haskins stated as I stated in my administrative report, we have reached out and are still waiting for them to get back with us.

Mr. Martinbianco stated that is not a good sign. He asked, what is our next step?

Mayor Haskins stated if we don't hear something soon, we will have the attorney reach out to them and take action that way.

Mr. Wells asked if the property we are discussing on Saginaw Street is the partially collapsed building next to Trapper Joe's. The DDA had a great impact on my vote. That's why the DDA exists; to help give us their vision of the downtown area. I will always listen to their input. This cost us a few thousand dollars but if we do it right, it could still turn out in our favor. We should not turn down any outside groups especially groups who have a history of doing good things. The group wanting to do the dog park also did Grand Blanc's dog park and it has rave reviews. If we have a group that wants to save the city money and bring something new to the city, we should listen to them and try to work with them. I don't think they should use our logo. I want to thank the Mayor and Police Chief for attending to some issues we had by Bentley schools and people speeding past busses in those areas. We had an accident and no one was hurt but it could have been a catastrophe. I think we made some money that day writing tickets. Maybe if the Mayor could talk to bus drivers about where the most dangerous areas are located and do more of this. Also Mayor, is there a direct line that I can contact you on?

Mayor Haskins said, absolutely.

Discussion regarding phone system at City Hall.

Mr. Wells stated a resident contacted him about a house at the corner of Woodrow and Covert Road with old cars in the yard without plates and junk in the yard. He said Code Enforcement was out there once but nothing has been done yet. It has been about five weeks.

Mr. Heffner stated I was given a letter that I am supposed to read into the record. I have a copy for everyone. Mr. Heffner stated the letter is dated 2/17/2020. He read the following: Good Evening Burton City Council Members, Administration and Fellow Residents, this letter is being written to be read into records concerning false allegations that were made publicly by Mr. Wells during the council meeting on Monday, February 3, 2020 in an attempt to slander my reputation. I have been counseled that I should answer these libelous claims.

Mr. Heffner discontinued reading the letter and stated that he does not feel comfortable reading it. I will not be taking sides one way or another. Everyone has a copy of the letter and if anyone would like to read my copy, they are welcome to.

J. COUNCIL ACTION

1. Approve and authorize the Attorney Billing (Doyle) 1/30/20 to 2/11/2020 in the amount \$5,868.00.

Minutes Acceptance: Minutes of Feb 17, 2020 7:00 PM (APPROVAL OF MINUTES)

RESULT: CARRIED [UNANIMOUS]
MOVER: Dennis O'Keefe, Councilman
SECONDER: Christina Conley, Councilwoman
AYES: Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley

2. Approve and authorize the sale of 4443 Fenton Rd., Parcel No. 59-31-551-049, tax reverted to the City of Burton in 2015, to give first and final approval for the sale of this improved parcel to Tracy Parker, 1131 Davenport Court, Burton, MI 48529 for the sum of \$5,000 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: Dennis O'Keefe, Councilman
SECONDER: Tom Martinbianco, Councilman
AYES: Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley

3. Approve and authorize the sale of Vacant Lot - Buder, Parcel No. 59-31-527-002, tax reverted to the City of Burton in 2011, to give first and final approval for the sale of this improved parcel to Melissa Kenyon, 1433 Brabyn Ave., Flint, MI 48503 for the sum of \$100 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: Dennis O'Keefe, Councilman
SECONDER: Christina Conley, Councilwoman
AYES: Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley

4. Motion to untable tabled item #1 Appointment to Zoning Board of Appeals.

RESULT: CARRIED [UNANIMOUS]
MOVER: Vaughn Smith, Councilman
SECONDER: Tom Martinbianco, Councilman
AYES: Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley

K. TABLED ITEMS

1. Approve and authorize the appointment of Michaeline Ward-Terry, 2313 Pear Tree Dr., Burton, MI 48519 to the City of Burton Zoning Board of Appeals for term serving February 2020 through February 2023.

Mr. Smith stated we will have frisbee fliers available at City Hall for anyone who would like them. They are in support of the Census.

RESULT:	CARRIED [4 TO 3]
MOVER:	Vaughn Smith, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Conley
NAYS:	O'Keefe, Wells, Fenner

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

Meeting was adjourned at 8:18 PM.

Minutes Acceptance: Minutes of Feb 17, 2020 7:00 PM (APPROVAL OF MINUTES)



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

Meeting: 03/02/20 07:00 PM
Department: Clerk's Office
Category: Attorney Billing
Prepared By: Racheal Boggs
Department Head: Racheal Boggs

J.1

SCHEDULED

AGENDA ITEM (ID # 4755)

DOC ID: 4755

**Approve and authorize the Attorney Billing (Doyle) 2/12/2020
to 2/25/2020 in the amount \$3,377.00.**



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

Meeting: 03/02/20 07:00 PM
Department: Clerk's Office
Category: Attorney Billing
Prepared By: Racheal Boggs
Department Head: Racheal Boggs

J.2

SCHEDULED

AGENDA ITEM (ID # 4742)

DOC ID: 4742

**Approve and authorize the payment of Attorney Billing
(Masud) December 23, 2020 - January 27, 2020 in the amount
of \$5,073.00.**



SCHEDULED

AGENDA ITEM (ID # 4739)

DOC ID: 4739

Approve and authorize the sale of Vacant Lot to the highest bidder with the applicable conditions, to give final approval for the same of this improved lot, for the sum of cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate the sale as follows: Parcel 59-29-576-052, Vacant Lot on Donovan, to Howard Chatterson 2285 Donovan St. Burton, MI 48529 for the amount of \$1,000.00 with the condition that the property must be combined with parcel number 59-29-576-054

ATTACHMENTS:

- Final Bid Tabs (PDF)
- Final List to be sold (PDF)

Bid Opening City Property Sales

Thursday, February 20, 2020

10:00 a.m.

City Hall, 4303 S. Center Rd. Burton, MI 48519

Bid Tab for:

Parcel	Address	Min Bid
59-22-529-038	2084 Bramblewood	\$3,500.00

Bids Received:

Name	Amount	Bond	Signed
Jennifer Qualls 7556 Parsonage Rd. Saranac MI 48881	\$3,600.00	Yes	Yes

Attachment: Final Bid Tabs (4739 : Sales of City Owned Property)

Bid Opening City Property Sales

Thursday, February 20, 2020

10:00 a.m.

City Hall, 4303 S. Center Rd. Burton, MI 48519

Bid Tab for:

Parcel	Address	Min Bid
59-29-576-052	Vacant Lot on Donovan St	\$250.00

Bids Received:

Name	Amount	Bond	Signed
Howard Chatterson 2285 Donovan Burton MI 48529	\$1,000.00	Yes	Yes
Rocky Brook Land Co. 483 Billings Rd Hermon ME 04401	\$300.00	Yes	Yes

Attachment: Final Bid Tabs (4739 : Sales of City Owned Property)

Bid Opening City Property Sales

Thursday, February 20, 2020

10:00 a.m.

City Hall, 4303 S. Center Rd. Burton, MI 48519

Bid Tab for:

Parcel	Address	Min Bid
59-30-576-002	3380 S. Saginaw St.	\$8,000.00

Bids Received:

Name	Amount	Bond	Signed
James M. Binkley G3386 S. Saginaw St. Burton MI 48529	\$10,163.00	Yes	Yes
Leroy Shinabarger 2133 Chapin St Grand Blanc MI 48439	\$8,100.00	Yes	Yes

Attachment: Final Bid Tabs (4739 : Sales of City Owned Property)

Bid Opening City Property Sales

Thursday, February 20, 2020

10:00 a.m.

City Hall, 4303 S. Center Rd. Burton, MI 48519

Bid Tab for:

Parcel	Address	Min Bid
59-30-577-142	1243 Norton St.	\$3,500.00

Bids Received:

Name	Amount	Bond	Signed
Jennifer Qualls 7556 Parsonage Rd Saranac MI 48881	\$3,600.00	Yes	Yes
Douglas E. Brown & Rhonda Cody-Brown 2205 E Judd Rd. Burton MI 48529	\$3,500.00	Yes	Yes
Matthew Kimball 1814 Bayberry Ln. Flint MI 48507	\$3,860.00	Yes	Yes

Attachment: Final Bid Tabs (4739 : Sales of City Owned Property)

Bid Opening City Property Sales

Thursday, February 20, 2020

10:00 a.m.

City Hall, 4303 S. Center Rd. Burton, MI 48519

Bid Tab for:

Parcel	Address	Min Bid
59-30-578-068	1463 Donovan St.	\$3,500.00

Bids Received:

Name	Amount	Bond	Signed
Lary Michael 2122 McLean Ave Burton MI 48529	\$4,000.00	Yes	Yes
Jennifer Qualls 7556 Parsonage Rd. Saranac MI 48881	\$3,600.00	Yes	Yes
Douglas E. Brown & Rhonda Cody-Brown 2205 E Judd Rd. Burton MI 48529	\$4,000.00	Yes	Yes

Attachment: Final Bid Tabs (4739 : Sales of City Owned Property)

Bid Opening City Property Sales

Thursday, February 20, 2020

10:00 a.m.

City Hall, 4303 S. Center Rd. Burton, MI 48519

Bid Tab for:

Parcel	Address	Min Bid
59-12-526-052	1416 Kra-Nur Dr.	\$20,000.00

Bids Received:

Name	Amount	Bond	Signed
Custom PLC Solutions LLC Sunset Blvd. Blanc MI 48439	4449 Grand \$25,300.00	Yes	Yes
Vash Investments Group 4040 E Bristol Rd Burton MI	\$31,500.00	Yes	Yes
Jennifer Qualls 7556 Parsonage Rd. Saranac MI 48881	\$23,000.00	Yes	Yes
Matthew Kimball 1814 Bayberry Ln. Flint MI 48507	\$22,800.00	Yes	Yes
Todd & Alice Bryce 1954 Amsbury Lane Lake Orion MI 48360	\$26,501.00	Yes	Yes

Attachment: Final Bid Tabs (4739 : Sales of City Owned Property)

Bid Opening City Property Sales

Thursday, February 20, 2020

10:00 a.m.

City Hall, 4303 S. Center Rd. Burton, MI 48519

Bid Tab for:

Parcel	Address	Min Bid
59-15-300-006	4080 Lapeer Rd.	\$15,000.00

Bids Received:

Name	Amount	Bond	Signed
Cherry Properties II 5904 Dixie Hwy Clarkston MI 48346	\$16,500.00	Yes	Yes
Joel and Kelly Diamond 2132 Pero Lake Rd. Lapeer MI 48446	\$17,621.00	Yes	Yes

Attachment: Final Bid Tabs (4739 : Sales of City Owned Property)

	Parcel	Address	Min Bid	Highest Bidder	Bid Amount	Recommended bid	Bid Amount	Comments
1	59-12-526-052	1416 Kra-Nur	\$20,000	Vash Investments Group 4040 E. Bristol Rd. Burton MI	\$31,500.00	Vash Investments Group 4040 E. Bristol Rd. Burton MI	\$31,500.00	
2	59-15-300-006	4080 Lapeer Rd	\$15,000	Joel and Kelly Diamond 2132 Pero Lake Rd. Lapeer MI 48446	\$17,621.00	Joel and Kelly Diamond 2132 Pero Lake Rd. Lapeer MI 48446	\$17,621.00	
3	59-22-529-038	2084 Bramblewood	\$3,500	Jennifer Qualls 7556 Parsonage Rd. Saranac MI 48881	\$3,600.00	Jennifer Qualls 7556 Parsonage Rd. Saranac MI 48881	\$3,600.00	
4	59-29-576-052	Donovan St	\$250	Howard Chatterson 2285 Donovan St Burton MI 48529	\$1,000.00	Howard Chatterson 2285 Donovan St Burton MI 48529	\$1,000.00	Must combine with 59-29-576-054
5	59-30-576-002	3380 S Saginaw	\$8,000	James M. Binkley 3376 S Saginaw St Burton MI 48529	\$10,163.00	James M. Binkley 3376 S Saginaw St Burton MI 48529	\$10,163.00	
6	59-30-577-142	1243 Norton St	\$3,500	Matthew Kimball 1814 Bayberry Ln Flint MI 48507	\$3,860.00	Matthew Kimball 1814 Bayberry Ln Flint MI 48507	\$3,860.00	
7	59-30-578-068	1463 Donovan St	\$3,500	Douglas E. Brown & Rhonda Cody-Brown 2205 E Judd Rd. Burton MI 48529	\$4,000.00	Douglas E. Brown & Rhonda Cody-Brown 2205 E Judd Rd. Burton MI 48529	\$4,000.00	
				Total Bids	\$71,744.00	Total of Recommended Bid	\$71,744.00	
Difference between taking the high bid and taking the recommended bids based on the bids of the adjoining property owners								\$0.00

Summary of the bid tab	
Properties that are vacant lots being sold to someone other than an adjoining property owner. Potential for new development	0
Existing Structures to sell with the requirement of inspections within 15 days and repairs within 90 days.	6
Vacant lots when the adjoining property owner is the high bid. They are required to combine with their parcel.	1
Total Properties Sold	7

Attachment: Final List to be sold (4739 : Sales of City Owned Property)



SCHEDULED

AGENDA ITEM (ID # 4740)

DOC ID: 4740

Approve and Authorize the sale of a parcel of land that contains improved structures to the highest bidder with the condition that a building inspection be completed within 15 days and repair made within 90 days of the closing, to give final approval for the same of this improved lot, for the sum of cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate the sale as follows: Parcel 59-12-526-052, 1416 Kra Nur to Vash Investments 4040 Bristol Rd. Burton, MI 48519 for the amount of \$31,500.00 Parcel 59-15-300-006, 4080 Lapeer Rd to Joel and Kelly Diamond 2132 Pero Lake Rd. Lapeer, MI 48446 for the amount of \$17,621.00 Parcel 59-22-529-038, 2084 Bramblewood to Jennifer Qualls 7556 Parsonage Rd. Saranac, MI 48881 for the amount of \$3,600.00 Parcel 59-30-576-002, 3380 S. Saginaw St to James Binkley 3376 S. Saginaw St. Burton, MI 48529 for the amount of \$10,163.00 Parcel 59-30-577-142, 1243 Norton St. to Matthew Kimball 1814 Bayberry Ln. Flint, MI 48507 for the amount of \$3,860.00 Parcel 59-30-578-068, 1463 Donovan St. to Douglas Brown & Rhonda Cody-Brown 2205 Judd Rd. Burton, MI 48529 for the amount of \$4,000.00

ATTACHMENTS:

- Final Bid Tabs (PDF)
- Final List to be sold (PDF)

Bid Opening City Property Sales

Thursday, February 20, 2020

10:00 a.m.

City Hall, 4303 S. Center Rd. Burton, MI 48519

Bid Tab for:

Parcel	Address	Min Bid
59-22-529-038	2084 Bramblewood	\$3,500.00

Bids Received:

Name	Amount	Bond	Signed
Jennifer Qualls 7556 Parsonage Rd. Saranac MI 48881	\$3,600.00	Yes	Yes

Attachment: Final Bid Tabs (4740 : Sales of City Owned Property)

Bid Opening City Property Sales

Thursday, February 20, 2020

10:00 a.m.

City Hall, 4303 S. Center Rd. Burton, MI 48519

Bid Tab for:

Parcel	Address	Min Bid
59-29-576-052	Vacant Lot on Donovan St	\$250.00

Bids Received:

Name	Amount	Bond	Signed
Howard Chatterson 2285 Donovan Burton MI 48529	\$1,000.00	Yes	Yes
Rocky Brook Land Co. 483 Billings Rd Hermon ME 04401	\$300.00	Yes	Yes

Attachment: Final Bid Tabs (4740 : Sales of City Owned Property)

Bid Opening City Property Sales

Thursday, February 20, 2020

10:00 a.m.

City Hall, 4303 S. Center Rd. Burton, MI 48519

Bid Tab for:

Parcel	Address	Min Bid
59-30-576-002	3380 S. Saginaw St.	\$8,000.00

Bids Received:

Name	Amount	Bond	Signed
James M. Binkley G3386 S. Saginaw St. Burton MI 48529	\$10,163.00	Yes	Yes
Leroy Shinabarger 2133 Chapin St Grand Blanc MI 48439	\$8,100.00	Yes	Yes

Attachment: Final Bid Tabs (4740 : Sales of City Owned Property)

Bid Opening City Property Sales

Thursday, February 20, 2020

10:00 a.m.

City Hall, 4303 S. Center Rd. Burton, MI 48519

Bid Tab for:

Parcel	Address	Min Bid
59-30-577-142	1243 Norton St.	\$3,500.00

Bids Received:

Name	Amount	Bond	Signed
Jennifer Qualls 7556 Parsonage Rd Saranac MI 48881	\$3,600.00	Yes	Yes
Douglas E. Brown & Rhonda Cody-Brown 2205 E Judd Rd. Burton MI 48529	\$3,500.00	Yes	Yes
Matthew Kimball 1814 Bayberry Ln. Flint MI 48507	\$3,860.00	Yes	Yes

Attachment: Final Bid Tabs (4740 : Sales of City Owned Property)

Bid Opening City Property Sales

Thursday, February 20, 2020

10:00 a.m.

City Hall, 4303 S. Center Rd. Burton, MI 48519

Bid Tab for:

Parcel	Address	Min Bid
59-30-578-068	1463 Donovan St.	\$3,500.00

Bids Received:

Name	Amount	Bond	Signed
Lary Michael 2122 McLean Ave Burton MI 48529	\$4,000.00	Yes	Yes
Jennifer Qualls 7556 Parsonage Rd. Saranac MI 48881	\$3,600.00	Yes	Yes
Douglas E. Brown & Rhonda Cody-Brown 2205 E Judd Rd. Burton MI 48529	\$4,000.00	Yes	Yes

Attachment: Final Bid Tabs (4740 : Sales of City Owned Property)

Bid Opening City Property Sales

Thursday, February 20, 2020

10:00 a.m.

City Hall, 4303 S. Center Rd. Burton, MI 48519

Bid Tab for:

Parcel	Address	Min Bid
59-12-526-052	1416 Kra-Nur Dr.	\$20,000.00

Bids Received:

Name	Amount	Bond	Signed
Custom PLC Solutions LLC Sunset Blvd. Blanc MI 48439	4449 Grand \$25,300.00	Yes	Yes
Vash Investments Group 4040 E Bristol Rd Burton MI	\$31,500.00	Yes	Yes
Jennifer Qualls 7556 Parsonage Rd. Saranac MI 48881	\$23,000.00	Yes	Yes
Matthew Kimball 1814 Bayberry Ln. Flint MI 48507	\$22,800.00	Yes	Yes
Todd & Alice Bryce 1954 Amsbury Lane Lake Orion MI 48360	\$26,501.00	Yes	Yes

Attachment: Final Bid Tabs (4740 : Sales of City Owned Property)

Bid Opening City Property Sales

Thursday, February 20, 2020

10:00 a.m.

City Hall, 4303 S. Center Rd. Burton, MI 48519

Bid Tab for:

Parcel	Address	Min Bid
59-15-300-006	4080 Lapeer Rd.	\$15,000.00

Bids Received:

Name	Amount	Bond	Signed
Cherry Properties II 5904 Dixie Hwy Clarkston MI 48346	\$16,500.00	Yes	Yes
Joel and Kelly Diamond 2132 Pero Lake Rd. Lapeer MI 48446	\$17,621.00	Yes	Yes

Attachment: Final Bid Tabs (4740 : Sales of City Owned Property)

	Parcel	Address	Min Bid	Highest Bidder	Bid Amount	Recommended bid	Bid Amount	Comments
1	59-12-526-052	1416 Kra-Nur	\$20,000	Vash Investments Group 4040 E. Bristol Rd. Burton MI	\$31,500.00	Vash Investments Group 4040 E. Bristol Rd. Burton MI	\$31,500.00	
2	59-15-300-006	4080 Lapeer Rd	\$15,000	Joel and Kelly Diamond 2132 Pero Lake Rd. Lapeer MI 48446	\$17,621.00	Joel and Kelly Diamond 2132 Pero Lake Rd. Lapeer MI 48446	\$17,621.00	
3	59-22-529-038	2084 Bramblewood	\$3,500	Jennifer Qualls 7556 Parsonage Rd. Saranac MI 48881	\$3,600.00	Jennifer Qualls 7556 Parsonage Rd. Saranac MI 48881	\$3,600.00	
4	59-29-576-052	Donovan St	\$250	Howard Chatterson 2285 Donovan St Burton MI 48529	\$1,000.00	Howard Chatterson 2285 Donovan St Burton MI 48529	\$1,000.00	Must combine with 59-29-576-054
5	59-30-576-002	3380 S Saginaw	\$8,000	James M. Binkley 3376 S Saginaw St Burton MI 48529	\$10,163.00	James M. Binkley 3376 S Saginaw St Burton MI 48529	\$10,163.00	
6	59-30-577-142	1243 Norton St	\$3,500	Matthew Kimball 1814 Bayberry Ln Flint MI 48507	\$3,860.00	Matthew Kimball 1814 Bayberry Ln Flint MI 48507	\$3,860.00	
7	59-30-578-068	1463 Donovan St	\$3,500	Douglas E. Brown & Rhonda Cody-Brown 2205 E Judd Rd. Burton MI 48529	\$4,000.00	Douglas E. Brown & Rhonda Cody-Brown 2205 E Judd Rd. Burton MI 48529	\$4,000.00	
				Total Bids	\$71,744.00	Total of Recommended Bid	\$71,744.00	
Difference between taking the high bid and taking the recommended bids based on the bids of the adjoining property owners								\$0.00

Summary of the bid tab	
Properties that are vacant lots being sold to someone other than an adjoining property owner. Potential for new development	0
Existing Structures to sell with the requirement of inspections within 15 days and repairs within 90 days.	6
Vacant lots when the adjoining property owner is the high bid. They are required to combine with their parcel.	1

Total Properties Sold 7

Attachment: Final List to be sold (4740 : Sales of City Owned Property)



SCHEDULED

AGENDA ITEM (ID # 4743)

DOC ID: 4743

Approve and authorize the sale of Vacant Lot owned by the City of Burton since 2018 - Connell St., Parcel No. 59-30-578-247, to give first and final approval for the sale of this improved parcel to Rocky Brook Land Company, Inc., 483 Billings Rd., Hermon, ME 04401 for the sum of \$100.00 cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

ATTACHMENTS:

- Rocky Brook PA - 247 (PDF)

CONDITIONAL PURCHASE AGREEMENT

Conditioned upon City Council Approvals with possible Combination with Adjacent Parcel

Section 11.3 of the Burton City Charter requires the Burton City Council to approve all land sales by an affirmative vote of five of the seven council members. No sale can be finalized without these approvals.

For valuable consideration **THE CITY OF BURTON**, a municipal corporation, of 4303 S. Center Road, Burton, Michigan 48519, as Seller and Rocky Brook Land Company, Inc., husband and wife/a single man/woman, of 483 Billings Rd, Herrin, ME, Michigan 48-0446, as Purchaser(s), agree to purchase, the following described real property located in the City of Burton, Genesee County, Michigan being legally described as:

Legal Description(s) LOT 1234 BAKER PARK NO 1 (82) FR 5900049239

More commonly known as: Vacant lot on Connell St.

Permanent Parcel #: 59-30-578-247

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

1. **PURCHASE PRICE:**

The Purchase Price for the above described property shall be \$ 100.00 payable in cash or certified funds at closing. (bid amount)

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 that all sales of City owned property must be approved by the Burton City Council. 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.
- a. Closing shall take place within fifteen (15) business days of the 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 Quit Claim Deed to purchaser in a form suitable for recording. **Purchaser will be responsible for recording the Quit Claim Deed.**

4. **Supplemental Conditions:**

- a. Purchaser acknowledges and stipulates that Purchaser shall be solely responsible for the maintenance of the property from the date of closing forward, this shall include lawn mowing, tree upkeep, junk removal, brush, and any other violations of the City of Burton Ordinances.
- b. Purchaser further acknowledges and stipulates that said maintenance shall be at the sole expense of the Purchaser and Seller shall not bear any liability therefrom.

- c. Purchaser further acknowledges that if they are the adjacent property owner, they must combine the purchased parcel with their principle parcel within 30 days of the date of closing. (as set forth in section 5 of the agreement)

5. **COMBINATION OF PARCELS/ Reversionary Clause/ Election of Remedies:**

- a. Purchaser acknowledges and stipulates that Purchaser shall cause to be combined the purchased parcel that is the subject of the Agreement and the adjacent principle parcel within 30 days of compliance with paragraph 4, above.
- b. Purchaser further acknowledges and stipulates that said parcel combination shall be the sole responsibility and at the sole expense of the Purchaser and Seller shall not bear any liability therefrom.
- c. Purchaser further acknowledges and stipulates that in the event that the subject parcels have not been combined as set forth in subparagraph 5(a), irrespective of compliance with paragraph 4, above, the property shall either revert back to the Seller and any and all money deposited by Purchaser shall be retained by the Seller or the City may institute legal action to compel combination of the parcels, at the City's sole election. ***Purchaser shall be responsible for all fees**, legal and otherwise, associated with the reversion of the property to the Seller in the event Purchaser does not voluntarily transfer title back to the Seller and legal proceedings are necessary to obtain title or in the event legal proceedings are necessary to compel specific performance of the combining of the parcels.

6. **TITLE:**

- a. Seller does not warrant title. Purchaser is responsible to obtain evidence of satisfactory title. Seller will not provide title insurance.
- b. 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.

7. **CONDITION OF PREMISES:**

Purchaser acknowledges, notwithstanding paragraph 4, above, 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.

8. **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.

9. **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.

10. 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.

11. MISCELLANEOUS PROVISIONS:

- a. Each party shall be responsible to pay their respective attorney fees.
- b. All parties acknowledge receipt of a signed copy of this Purchase Agreement.

SIGNED IN THE PRESENCE OF:

SELLER:
THE CITY OF BURTON

BRENDA S. MOULTONBY: DUANE HASKINS, MAYORDATEBY: RACHEAL BOGGS, CLERKDATE**Purchaser:****Print Name:**Rocky Brook Land Company, Inc.**Signature:**D. McFly**Date:** 2-12-2020**Address:**483 Billings RdHerman, ME 04401**Phone:**(207) 498-9696**Is your spouse also going to be on the title?**No**Yes - if yes, spouse must sign below****Spouse:****Print Name:** _____**Signature:** _____**Date:** _____



SCHEDULED

AGENDA ITEM (ID # 4745)

DOC ID: 4745

Approve and authorize the sale of Vacant Lot owned by the City of Burton since 2015 - Kenneth St., Parcel No. 59-29-555-049, to give first and final approval for the sale of this improved parcel to Rocky Brook Land Company, Inc., 483 Billings Rd., Hermon, ME 04401 for the sum of \$100.00 cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

ATTACHMENTS:

- Rocky Brook PA - 049 (PDF)

CONDITIONAL PURCHASE AGREEMENT

Conditioned upon City Council Approvals with possible Combination with Adjacent Parcel

Section 11.3 of the Burton City Charter requires the Burton City Council to approve all land sales by an affirmative vote of five of the seven council members. No sale can be finalized without these approvals.

For valuable consideration **THE CITY OF BURTON**, a municipal corporation, of 4303 S. Center Road, Burton, Michigan 48519, as Seller and Rocky Brook Land Company, Inc., husband and wife/a single man/woman, of Herman 483 Billings Rd Maine, Michigan 48⁰⁰⁰⁰, as Purchaser(s), agree to purchase, the following described real property located in the City of Burton, Genesee County, Michigan being legally described as:

Legal Description(s) LOT 79 STAR SUBDIVISION

More commonly known as: Vacant lot on Kenneth

Permanent Parcel #: 59-29-555-049

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

1. PURCHASE PRICE:

The Purchase Price for the above described property shall be \$ 100.00 payable in cash or certified funds at closing. (bid amount)

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 that all sales of City owned property must be approved by the Burton City Council. 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.
- a. Closing shall take place within fifteen (15) business days of the 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 Quit Claim Deed to purchaser in a form suitable for recording. **Purchaser will be responsible for recording the Quit Claim Deed.**

4. Supplemental Conditions:

- a. Purchaser acknowledges and stipulates that Purchaser shall be solely responsible for the maintenance of the property from the date of closing forward, this shall include lawn mowing, tree upkeep, junk removal, brush, and any other violations of the City of Burton Ordinances.
- b. Purchaser further acknowledges and stipulates that said maintenance shall be at the sole expense of the Purchaser and Seller shall not bear any liability therefrom.

- c. Purchaser further acknowledges that if they are the adjacent property owner, they must combine the purchased parcel with their principle parcel within 30 days of the date of closing. (as set forth in section 5 of the agreement)

5. **COMBINATION OF PARCELS/ Reversionary Clause/ Election of Remedies:**

- a. Purchaser acknowledges and stipulates that Purchaser shall cause to be combined the purchased parcel that is the subject of the Agreement and the adjacent principle parcel within 30 days of compliance with paragraph 4, above.
- b. Purchaser further acknowledges and stipulates that said parcel combination shall be the sole responsibility and at the sole expense of the Purchaser and Seller shall not bear any liability therefrom.
- c. Purchaser further acknowledges and stipulates that in the event that the subject parcels have not been combined as set forth in subparagraph 5(a), irrespective of compliance with paragraph 4, above, the property shall either revert back to the Seller and any and all money deposited by Purchaser shall be retained by the Seller or the City may institute legal action to compel combination of the parcels, at the City's sole election. ***Purchaser shall be responsible for all fees**, legal and otherwise, associated with the reversion of the property to the Seller in the event Purchaser does not voluntarily transfer title back to the Seller and legal proceedings are necessary to obtain title or in the event legal proceedings are necessary to compel specific performance of the combining of the parcels.

6. **TITLE:**

- a. Seller does not warrant title. Purchaser is responsible to obtain evidence of satisfactory title. Seller will not provide title insurance.
- b. 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.

7. **CONDITION OF PREMISES:**

Purchaser acknowledges, notwithstanding paragraph 4, above, 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.

8. **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.

9. **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.

10. 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.

11. MISCELLANEOUS PROVISIONS:

- a. Each party shall be responsible to pay their respective attorney fees.
- b. All parties acknowledge receipt of a signed copy of this Purchase Agreement.

SIGNED IN THE PRESENCE OF:**SELLER:
THE CITY OF BURTON**BRENDA S. MOULTONBY: DUANE HASKINS, MAYORDATEBY: RACHEAL BOGGS, CLERKDATE**Purchaser:****Print Name:** Rocky Brook Land Company, Inc.**Signature:** Dd McElly, President**Date:** 2/12/2020**Address:** 483 Billings Rd
Herman, ME 0440**Phone:** (207) 498-9696**Is your spouse also going to be on the title?** (No) Yes - if yes, spouse must sign below**Spouse:****Print Name:** _____**Signature:** _____**Date:** _____



SCHEDULED

AGENDA ITEM (ID # 4744)

DOC ID: 4744

Approve and authorize the sale of Vacant Lot owned by the City of Burton since 2018 - Carman St., Parcel No. 59-30-577-214, to give first and final approval for the sale of this improved parcel to Rocky Brook Land Company, Inc., 483 Billings Rd., Hermon, ME 04401 for the sum of \$100.00 cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

ATTACHMENTS:

- Rocky Brook PA - 214 (PDF)

CONDITIONAL PURCHASE AGREEMENT

Conditioned upon City Council Approvals with possible Combination with Adjacent Parcel

Section 11.3 of the Burton City Charter requires the Burton City Council to approve all land sales by an affirmative vote of five of the seven council members. No sale can be finalized without these approvals.

For valuable consideration **THE CITY OF BURTON**, a municipal corporation, of 4303 S. Center Road, Burton, Michigan 48519, as Seller and Rocky Brook Land Company, Inc; ~~husband and wife/a single man/woman~~, of 403 Billings Rd, Herron Maine, Michigan 48⁸⁴⁴⁰¹, as Purchaser(s), agree to purchase, the following described real property located in the City of Burton, Genesee County, Michigan being legally described as:

Legal Description(s) LOT 805 BAKER PARK

More commonly known as: Vacant lot on Carman St

Permanent Parcel #: 59-30-577-214

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

1. PURCHASE PRICE:

The Purchase Price for the above described property shall be \$ 100.00 payable in cash or certified funds at closing. (bid amount)

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 that all sales of City owned property must be approved by the Burton City Council. 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.
- a. Closing shall take place within fifteen (15) business days of the 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 Quit Claim Deed to purchaser in a form suitable for recording. **Purchaser will be responsible for recording the Quit Claim Deed.**

4. Supplemental Conditions:

- a. Purchaser acknowledges and stipulates that Purchaser shall be solely responsible for the maintenance of the property from the date of closing forward, this shall include lawn mowing, tree upkeep, junk removal, brush, and any other violations of the City of Burton Ordinances.
- b. Purchaser further acknowledges and stipulates that said maintenance shall be at the sole expense of the Purchaser and Seller shall not bear any liability therefrom.

- c. Purchaser further acknowledges that if they are the adjacent property owner, they must combine the purchased parcel with their principle parcel within 30 days of the date of closing. (as set forth in section 5 of the agreement)

5. **COMBINATION OF PARCELS/ Reversionary Clause/ Election of Remedies:**

- a. Purchaser acknowledges and stipulates that Purchaser shall cause to be combined the purchased parcel that is the subject of the Agreement and the adjacent principle parcel within 30 days of compliance with paragraph 4, above.
- b. Purchaser further acknowledges and stipulates that said parcel combination shall be the sole responsibility and at the sole expense of the Purchaser and Seller shall not bear any liability therefrom.
- c. Purchaser further acknowledges and stipulates that in the event that the subject parcels have not been combined as set forth in subparagraph 5(a), irrespective of compliance with paragraph 4, above, the property shall either revert back to the Seller and any and all money deposited by Purchaser shall be retained by the Seller or the City may institute legal action to compel combination of the parcels, at the City's sole election. ***Purchaser shall be responsible for all fees**, legal and otherwise, associated with the reversion of the property to the Seller in the event Purchaser does not voluntarily transfer title back to the Seller and legal proceedings are necessary to obtain title or in the event legal proceedings are necessary to compel specific performance of the combining of the parcels.

6. **TITLE:**

- a. Seller does not warrant title. Purchaser is responsible to obtain evidence of satisfactory title. Seller will not provide title insurance.
- b. 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.

7. **CONDITION OF PREMISES:**

Purchaser acknowledges, notwithstanding paragraph 4, above, 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.

8. **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.

9. **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.

10. 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.

11. MISCELLANEOUS PROVISIONS:

- a. Each party shall be responsible to pay their respective attorney fees.
- b. All parties acknowledge receipt of a signed copy of this Purchase Agreement.

SIGNED IN THE PRESENCE OF:

SELLER:
THE CITY OF BURTON

BRENDA S. MOULTONBY: DUANE HASKINS, MAYORDATEBY: RACHEAL BOGGS, CLERKDATE**Purchaser:****Print Name:**Rocky Brook Land Company, Inc.**Signature:**D. M. S. G.**Date:**2/12/2020**Address:**483 Billings Rd.Herman, ME 0440**Phone:**(207) 498-9096**Is your spouse also going to be on the title?**☒ **No****Yes - if yes, spouse must sign below****Spouse:****Print Name:****Signature:****Date:**

Attachment: Rocky Brook PA - 214 (4744 : Sale of City-Owned Properties)



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

Meeting: 03/02/20 07:00 PM
Department: Department of Public Works
Category: Resolution
Prepared By: Amber Abbey
Department Head: Charles Abbey

J.8

SCHEDULED

AGENDA ITEM (ID # 4741)

DOC ID: 4741

**Approve and authorize the designation of Interim Deputy
DPW Director Amber Abbey as Street Administrator as
required by Section 247.663.13(9) of Public Acts 51 of 1951.**

ATTACHMENTS:

- Resolution (PDF)

RESOLUTION FOR DESIGNATION OF STREET ADMINISTRATOR

This information is required by Act 51, P.A. 1951 as amended. Failure to supply this information will result in funds being withheld.

MAIL TO: Michigan Department of Transportation, Bureau of Finance
and Administration, P.O. Box 30050, **Lansing, MI 48909.**
or Fax to: 517-241-2589

NOTE: Indicate, if possible, where Street Administrator can usually be reached during normal working hours, if different than City or Village Office. List any other office held by the Administrator.

Councilperson or Commissioner _____
offered the following resolution and moved its adoption:

Whereas, Section 13(9) of Act 51, Public Acts of 1951 provided that each incorporated city and village to which funds are returned under the provisions of this section, that, "the responsibility for street improvements, maintenance, and traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for and shall represent the municipality in transactions with the State Transportation Department pursuant to this act."

Therefore, be it resolved, that this Honorable Body designate _____
_____ as the single Street Administrator for the City or Village of
_____ in all transactions with the State Transportation Department
as provided in Section 13 of the Act.

Supported by the Councilperson or Commissioner _____

Yeas _____

Nays _____

I hereby certify that the foregoing is a true and correct copy of a resolution made and adopted at a regular meeting
of the governing body of this municipality on the _____ day of

CITY OR VILLAGE CLERK (SIGNATURE)	EMAIL ADDRESS	DATE
STREET ADMINISTRATOR (SIGNATURE)	EMAIL ADDRESS	DATE
ADDRESS OF CITY OR VILLAGE OFFICE		P.O.BOX
CITY OR VILLAGE	ZIP CODE	PHONE NUMBER

Attachment: Resolution (4741 : Designation of Street Administrator)