



CITY OF BURTON
BURTON CITY COUNCIL MEETING
MARCH 4, 2019
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: VAUGHN SMITH

B. THE PLEDGE OF ALLEGIANCE IS LED BY: VAUGHN SMITH

Mr. Wells acknowledged the passing of Bette Bigsby's mother, Shirley Hillaker, former city employee with a moment of silence.

C. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Councilman	Present	
Duane Haskins	Vice President	Present	
Dennis O'Keefe	Councilman	Excused	
Steven Heffner	President	Present	
Danny Wells	Councilman	Present	
Vaughn Smith	Councilman	Present	
Christina Conley	Councilwoman	Excused	

D. STAFF PRESENT

Rik Hayman, Chief of Staff
Bob Slattery, DPW Director
Charles Abbey, Deputy DPW Director

Mike Odette, Police Chief
Racheal Boggs, Deputy Clerk

E. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Feb 18, 2019 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Duane Haskins, Vice President
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, Haskins, Heffner, Wells, Smith
EXCUSED:	O'Keefe, Conley

F. ADMINISTRATIVE REPORTS

Mr. Abbey stated we are trying to schedule a workshop meeting for the water rate study prior to the regular Council Meeting on April 1, 2019. He will check with the administration to make sure it will not interfere with the budget.

Mr. Smith and Mr. Martinbianco stated they will each be available during that time.

G. COMMITTEE REPORTS

Mr. Martinbianco stated we completed the second meeting regarding the water and sewer ordinance. It comes down to adopting a consistent rate of unit factor for both ordinances. We changed the language in a few sections that will need to go through the City Attorney. The plan is we will have another meeting with the Woodhill Group as Mr. Abbey discussed and I will have more highlights at that time. Thank you to the Woodhill group for doing a great job with this.

H. AUDIENCE PARTICIPATION

Genevieve Field of Burton stated in 2018 China changed the amount of contamination that they will accept in the recyclable materials that we ship to china from the United States. This has led to a lot of municipalities having to dump the recyclable items they collect in their communities in land fills or incinerators. I am curious if anyone has had conversations with Waste Management to find out what they are doing with our recyclables.

I. COUNCIL DISCUSSION

Mr. Smith stated he did have a conversation with Waste Management last summer and they were struggling with the terms in our contract that gives \$5,000 for the use of the materials. Suddenly, it is costing them money. He would like to know what the administration has heard about this since last summer.

Mr. Hayman stated we haven't heard anything new. He wants to thank Ms. Field for bringing it our attention. We will check on it.

Discussion regarding China, recyclables and the cost associated with this.

Mr. Haskins stated at 2186 E. Bristol Road, two elderly females live there and their water bill is \$262.80. The highest bill they have ever had was \$124. I don't know if there is a leak there but this is such a dramatic change in the bill that something has to be going on. Can someone please look into this?

Mr. Abbey stated he will check into the account history and send someone out there to do tests for leaks. We will report our findings back to the council.

Mr. Wells stated Atherton Road Sales is pushing their snow into a ditch covering the drain. We go through this every year with them. We send someone out and they don't pay any attention to it. The neighbors are concerned it may cause flooding later when we get a thaw.

Mr. Hayman stated we will check into it.

J. COUNCIL ACTION

1. Approve and authorize the Attorney Billing (Doyle) 2/13/2019 to 2/26/2019 in the amount \$3,851.75.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Duane Haskins, Vice President
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Haskins, Heffner, Wells, Smith
EXCUSED:	O'Keefe, Conley

2. Motion to Untable Attorney Billing (Belzer) 9/24/2018 to 11/27/2018 in the amount of \$1,700.00.

Council discussion on the tabling/untabling of attorney billing.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Duane Haskins, Vice President
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Haskins, Heffner, Wells, Smith
EXCUSED:	O'Keefe, Conley

3. Motion to Amend Attorney Billing (Belzer) 9/24/2018 to 11/27/2018 to \$1,250.00.

Mr. Heffner stated we want to remove the \$250. I spoke to Audrey Forbush from Plunkett Cooney and she said to send the bill to them. There is another \$200 on the bill for discussion of meetings with the union. We are removing that also. So, the bill will be \$1,250.

Mr. Haskins made a motion to amend the attorney billing to \$1,250.00 by removing \$450.00; \$200.00 for discussion with union member on 10/16/18 and \$250.00 for attendance at a meeting regarding Clerk issue on 11/27/18.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Duane Haskins, Vice President
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, Haskins, Heffner, Wells, Smith
EXCUSED:	O'Keefe, Conley

4. Approve and authorize the Attorney Billing (Belzer) 9/24/2018 to 11/27/2018 in the amount \$1,250.00.

Mr. Wells stated he does not want to hold this up any longer because Mr. Belzer has waited since September to get paid. In the future, he would like council to know the purpose of the call and be able to provide paperwork so we can see what it's about.

Mr. Heffner stated he passed it around in closed session. The Open Meetings Act does not allow for me to call every Council Member. Maybe next time we should call a Special Meeting.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Duane Haskins, Vice President
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Haskins, Heffner, Wells, Smith
EXCUSED:	O'Keefe, Conley

5. Approve and authorize the Council appointment of _____ to City of Burton Zoning Board of Appeals, term serving March 2019 through March 2022.

Mr. Martinbianco stated since we are missing two Council Members, it is not fair to either of the applicants to vote tonight as it may change the influence of the appointment. I would like to table this item until the next meeting.

Mr. Wells would like to know if this is a full time appointment or an alternate position.

Mr. Heffner stated it is for a full time position.

RESULT:	TABLED [UNANIMOUS]	Next: 3/18/2019 7:00 PM
MOVER:	Tom Martinbianco, Councilman	
SECONDER:	Vaughn Smith, Councilman	
AYES:	Martinbianco, Haskins, Heffner, Wells, Smith	
EXCUSED:	O'Keefe, Conley	

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

Meeting was adjourned at 7:35 PM.



CITY OF BURTON
BURTON CITY COUNCIL MEETING
FEBRUARY 18, 2019
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: DENNIS O'KEEFE

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

C. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Councilman	Present	
Duane Haskins	Vice President	Present	
Dennis O'Keefe	Councilman	Present	
Steven Heffner	President	Present	
Danny Wells	Councilman	Present	
Vaughn Smith	Councilman	Present	
Christina Conley	Councilwoman	Present	

D. STAFF PRESENT

Rik Hayman, Chief of Staff
Mike Joliat, Attorney
Bette Bigsby, Acting Clerk
Bob Slattery, DPW Director
Charles Abbey, Deputy DPW Director
Mike Odette, Police Chief
Sue Warren, Hr Director/ Park & Recreation Director

E. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Feb 4, 2019 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Duane Haskins, Vice President
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley

F. ADMINISTRATIVE REPORTS

Mr. Hayman went over the agenda and introduced Mr. Craig to do a check presentation from the Veteran's Honor Run.

Minutes Acceptance: Minutes of Feb 18, 2019 7:00 PM (APPROVAL OF MINUTES)

Mr. Jim Craig presented a representative from the Burton Disabled American Veteran Post #3 with a check for \$2,500.00 from the proceeds from the Veteran's Honor Run.

1. Credit Card statement
2. Revenue and Expenditure Report as of January 31, 2019

G. COMMITTEE REPORTS

Ms. Conley let Council know about the Easter Egg Hunt scheduled for April 13, 2019 from 1-3 PM at Atherton Schools.

H. AUDIENCE PARTICIPATION

NONE

I. COUNCIL DISCUSSION

Mr. Wells stated that HUD had their auction last week and a company out of Detroit bought Kings Lane for 6.9 million dollars. He asked Mr. Hayman if he knew anything about the company. Mr Hayman stated he did not. He said he would make a phone call and try to find out.

Mr. Wells stated from looking at their resume they have no experience running an apartment complex. Mr. Wells did not have the name of the company on hand. They have done some small hotels and rental homes. He understand that HUD has a week to determine if they have the experience needed.

Mr Hayman stated that HUD has a vetting process. Mr. Wells is concerned that we hand it over to the same people that come in and suck the life out of it and leave it back in our hands again. Those people deserve a safe place to live. He is going to stay on top of it. I want to know who is going in there and what is going on.

Mr. Smith asked Mr. Joliat since we have over a thousand police calls in Kings Lane in a year. Can we put something in the PILOT for them to subsidize a police position? We are losing a good part of our police time and presence going to this one location.

Mr. Joliat stated that at this stage it was to early to say if there will be a PILOT. The mortgage would no longer be guaranteed by HUD. HUD would be out of the picture. The Property would be back on the tax roll. My expectation is that it would be treated like Blackberry Creek and go back on the tax rolls from a number the assessor would determine. From prosecuting the crimes that occur there, it is not uncommon for the police to go back to the same area 2-3 times the same night. I am sure the City will want to sit down and talk to them about that. When new owners manage the complex I am sure the administration will want to look into that.

Mr. Heffner stated this is kind of a reset button. We can step in and figure out a way to manage the problem.

J. COUNCIL ACTION

1. Approve and authorize the Attorney Billing (Doyle) 1/30/2019 to 2/12/2019 in the amount \$6,679.00.

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

2. Approve and authorize the payment of Attorney Billing (Masud) December 21, 2018 - January 29, 2019 in the amount \$6,194.00.

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

3. Approve and authorize the Attorney Billing (Belzer) 9/24/2018 to 11/27/2018 in the amount \$1,700.00.

Mr. Martinbianco stated we took no action on initial billing he submitted back in October -November. He has submitted another billing with the adjusted dollar per hour?

Mr. Heffner stated the hourly rate was incorrect on the bill that was previously submitted. They have corrected it and resubmitted the bill at the regular rate.

Mr. Heffner stated the last thing on the billing. Jack Belzer is the Council's attorney. It has nothing to do with the Karsney case. He asked to have the \$250.00 taken off the billing. He would like to see Plunkett & Cooney pay it who requested Belzer to be there or have it come out of City Hall's line item.

Mr. Wells asked who requested Mr. Belzer be there for the Karsney case.

Mr. Heffner stated it had to be Audrey Forbush. If she requested him then they should be paying the \$250.00. They also had Belzer, Amanda Doyle and Josh Leadford go there. I have no idea why the Council's attorney would be there.

Mr. Haskins asked why she would have requested Mr. Belzer be there.

Mr. Heffner stated he had a meeting with her the following morning at 9 Am and he would find out. He had no idea why the Council's attorney would be requested.

Mr. Martinbianco offered an amendment "to approve and authorize the attorney billing for Jack Belzer in the amount of \$1,450.00." Mr. Smith seconded the motion.

Mr. Martinbianco asked Mr. Heffner to relay the findings from meeting with Ms. Forbush to Council members and if she can justify the \$250.00 we can go ahead and reinstate it with a notation it come out of City Hall budget.

Mr O'Keefe stated all this language, between us and Jack Belzer I have not heard or seen one thing. Out of \$1,700.00 we spent I have seen nothing. I am in the dark on

this thing. Now we have three attorneys? We have a labor attorney, a City attorney and now the Council has their own attorney? I am in the dark on that one.

Mr. Heffner asked Mr. O'Keefe if he knew why the Council had their own attorney. Mr. O'Keefe stated he was aware that they had to have their own attorney to represent them in the law suit with the Mayor. After that I don't know how this works we have a City attorney. Why aren't we using the City attorney? After that I just don't know how this works why are we not using the city attorney.

Mr. Heffner replied that anytime there is possible action against the Mayor we have to use our own attorney. Back when the mayor sued the Council she was suing the Charter. We were representing the Charter. She claimed the Charter didn't say what is said.

Mr. O'Keefe stated that was the original. Was this going to be a retainer for anytime we wanted to use him.

Mr. Heffner stated yes that is what the resolution was for.

Mr. O'Keefe stated he did not remember that.

Mr. Heffner believe Mr. O'Keefe voted for it.

Mr. O'Keefe stated there is \$1,700.00 worth of legal work and he isn't privy to any of it.

Mr Heffner stated when the Mayor changed the contract with the police officers union this is what it has to do with it.

Mr. O'Keefe stated again there are letters coming to you and I would think we would automatically get those. If he is our attorney. I never received one.

Mr. Heffner stated he never got a letter either. They spoke over the phone. We did spend \$1,450.00. The reason we did not pursue a court action is because we did a resolution and the Mayor vetoed it and this Council did not override the veto.

Mr. O'Keefe stated three months of work and I have nothing.

Mr. Wells stated he was in agreement with Mr. O'Keefe. It sends up red flags with three attorney billings on one agenda from all the way back to September. A city this size has 5-6 attorneys. She has a couple of attorneys and we are paying their bills. I am going to vote no. I have seen nothing come from it. Are we doing things the right way according to the Charter the constitution and the law. Not anything outside of that.

Mr. Hayman asked to clarify something on the bill. In July 2018 there was something incorrect on the bill the Council overlooked it and approved it that night we are due a credit. Belzer's office will put on an invoice. The Mayor has had one attorney that she hired for the law suit. She has not talked to him since the lawsuit. He is not on retainer.

Mr. Wells asked if Mr. Greenfelder was paid off. Mr. Hayman stated he was paid off a long time ago.

Mr. Haskins stated you never received a letter and that is a \$100.00 charge. If you never received a letter then it should be redacted.

Mr. Heffner asked if they wanted to table this until the next meeting.

Mr. Haskins made a motion to table until the next meeting. Mr. Smith seconded the motion.

RESULT:	TABLED [6 TO 1]	Next: 3/4/2019 7:00 PM
MOVER:	Duane Haskins, Vice President	
SECONDER:	Vaughn Smith, Councilman	
AYES:	Martinbianco, Haskins, Heffner, Wells, Smith, Conley	
NAYS:	O'Keefe	

4. Approve and authorize Resolution 2019-__ to commit to provide the required 20% local match for City of Burton projects in the 2020-2023 Transportation Improvement Program (TIP) in the years in which they are programmed, which is to be determined.

Mr. Martinbianco asked Mr. Slattery if he wanted to comment on the TIP. What we may have potentially going on between 2020-2023

Mr. Slattery stated they had submitted 17 projects for federal aid. It is a 80/20 match. He then explained the process for grant of the TIP funds.

Mr. Martinbianco asked if it was correct that Townships all go through the Road Commission. Mr. Slattery stated that was correct.

Mr. O'Keefe stated they are all good projects. The question I have is the phone calls he gets the most calls about is Belsay Road from I-69 to lapeer road.

Mr. Slattery stated it was submitted and did not get funded. It is on the approved unfunded list along with Center Road and Bristol Road.

Mr. Smith stated last year we appropriated \$600,000.00 in the budget for road work. Do you have a plan for that this year.

Mr. Slattery stated it was for preservation, putting together a program and getting bids next week for chip seal, fog seal, crack seal and thin overlays. Try to do a lot of miles in preservation work to keep the good roads good.

Mr. Wells what would our 20% be? Mr. Slattery stated it would be \$1.568 thousand over three years.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Duane Haskins, Vice President
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley

5. Approve and authorize the sale of Vacant Lot - Allen St., Parcel No. 59-30-576-063, to give first and final approval for the sale of this improved parcel to G G Y Homes, LLC, 1482 Winfield Dr., Swartz Creek, MI 48473 for the sum of \$50 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:	Christina Conley, Councilwoman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley

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

Meeting was adjourned at 7:55 PM.

Minutes Acceptance: Minutes of Feb 18, 2019 7:00 PM (APPROVAL OF MINUTES)



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

Meeting: 03/04/19 07:00 PM
Department: Clerk's Office
Category: Attorney Billing
Prepared By: Bette Bigsby
Department Head: Bette Bigsby

J.1

ADOPTED

AGENDA ITEM (ID # 4260)

DOC ID: 4260

**Approve and authorize the Attorney Billing (Doyle) 2/13/2019
to 2/26/2019 in the amount \$3,851.75.**

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Duane Haskins, Vice President
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Haskins, Heffner, Wells, Smith
EXCUSED:	Dennis O'Keefe, Christina Conley



ADOPTED

AGENDA ITEM (ID # 4248)

DOC ID: 4248

Approve and authorize the Attorney Billing (Belzer) 9/24/2018 to 11/27/2018 in the amount \$1,250.00.

HISTORY:

02/18/19 City Council

TABLED

Next: 03/04/19

COMMENTS - Current Meeting:

Mr. Wells stated he does not want to hold this up any longer because Mr. Belzer has waited since September to get paid. In the future, he would like council to know the purpose of the call and be able to provide paperwork so we can see what it's about.

Mr. Heffner stated he passed it around in closed session. The Open Meetings Act does not allow for me to call every Council Member. Maybe next time we should call a Special Meeting.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Duane Haskins, Vice President
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Haskins, Heffner, Wells, Smith
EXCUSED:	Dennis O'Keefe, Christina Conley



TABLED

AGENDA ITEM (ID # 4261)

DOC ID: 4261

Approve and authorize the Council appointment of _____ to City of Burton Zoning Board of Appeals, term serving March 2019 through March 2022.

COMMENTS - Current Meeting:

Mr. Martinbianco stated since we are missing two Council Members, it is not fair to either of the applicants to vote tonight as it may change the influence of the appointment. I would like to table this item until the next meeting.

Mr. Wells would like to know if this is a full time appointment or an alternate position.

Mr. Heffner stated it is for a full time position.

ATTACHMENTS:

- Joseph (PDF)
- Tim R (PDF)

RESULT:	TABLED [UNANIMOUS]	Next: 3/18/2019 7:00 PM
MOVER:	Tom Martinbianco, Councilman	
SECONDER:	Vaughn Smith, Councilman	
AYES:	Martinbianco, Haskins, Heffner, Wells, Smith	
EXCUSED:	Dennis O'Keefe, Christina Conley	

Office
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Richvalsky & Sons Realty Co.

Brokers and Appraisers
G-4387 South Saginaw Street
Burton, MI 48529

"Irish Joe" Richvalsky (1907-1993)
Joseph S. Richvalsky, Broker
State Certified Appraiser

Not
With Seal

J.5.a

January 9, 2019

Mayor Paula Zelenko
Burton City Hall
4303 S. Center Rd.
Burton, MI 48519

Candidate
Zoning Alternates
JS

Dear Mayor Zelenko;

Please be informed that I would greatly appreciate the opportunity to serve on the Burton Zoning Board of Appeals as I understand that presently, there is a vacancy on that board. My involvement in the city, all of my life, as a resident and business person behooves me to act. At your recommendation, please, and with council approval; I would be proud to serve.

Respectfully,

Joseph S. Richvalsky
Joseph S. Richvalsky

Attachment: Joseph (4261 : Appointment to the Zoning Board of Appeals)

To Whom It May Concern:

I will gladly continue to
serve on the Zoning Board of
Appeals as a Commissioner.

If you have any questions
Please let me know.

Sincerely,

Tim Ruggier

2011- Present