CITY OF BURTON

BURTON CITY COUNCIL MEETING

NOVEMBER 16, 2015

MINUTES

Council Chambers	**Regular Meeting**	**7:00 PM**

4303 S. CENTER ROAD
BURTON, MI 48519

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

A. INVOCATION LED BY: STEVEN HATFIELD

B. THE PLEDGE OF ALLEGIANCE IS LED BY: STEVEN HATFIELD

C. ROLL CALL

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

D. STAFF PRESENT

Paula Zelenko, Mayor
Robert Slattery, DPW Director
Teresa Karsney, Clerk
Tom Osterholzer, Police Chief
Sue Warren, Human Resources

Rik Hayman, Chief of Staff
Ginger Burke-Miller, Controller
Marvin Epperson, Fire Chief
Kirk Wilkinson, Assistant Fire Chief
Marcy Kimball, Record Tech

E. APPROVAL OF MINUTES

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

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

2. City Council - Public Hearing - Nov 2, 2015 6:30 PM

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

F. ADMINISTRATIVE REPORTS

Mayor Zelenko proved updates to the Council:

- The City Attorney has provided you an opinion on budget amendments and transfers as requested by Councilman O'Keefe.
- Belsay Road is still on track to have all 5 lanes open November 20th.
- Casto Street and Potter Boulevard are on track, as is Saginaw Street.
- Gabriel Roder Smith has informed us that their independent audit of the MERS pension will be completed between January 11 and February 2, 2016.
- The hard cap, 80/20, or opt out information was put in your boxes. Let me know if you have any questions. We plan to put this on your December 7 meeting agenda.
- The new low/mod CDBG income maps were put in your boxes.
- Last Monday, we swore-in new Burton Police Officers Rebiddis and Newman.
- Saturday was the Veteran's Honor Run; thank you to Committee Chairman Jim Craig, and to the Parks and Recreation Director Bette Bigsby for all the hard work in making this such a successful event.
- Saturday, December 5 will be Pizza with Santa at Bendle High School and later that day, the Christmas Parade on South Saginaw.

Mayor Zelenko presented the agenda items.

1. City Attorney Billing.
2. Labor Attorney Billing
3. The recommendations for the allocation of the CDBG dollars discussed at the public hearing.

4-5. The first of two approvals required to sell city owned properties.

6. The resolution authorizing the Controller and Deputy Controller to request reimbursement from CDBG program.

Just a reminder that immediately following the 8 p.m. meeting, please join us for refreshments and fellowship.

G. COMMITTEE REPORTS

None

H. AUDIENCE PARTICIPATION

Council received comments from the following people:

John Stapish of Burton on the Fire in the strip mall at Belsay and Lapeer Rd.

I. COUNCIL DISCUSSION

Council President Martinbianco asked Chief Epperson if they had an update from the fire at Belsay and Lapeer Road.

Chief Epperson stated that most of the fire was contained to the back left corner of the building. The rest of the units were just heavy smoke damage. We still don't know what the owner is going to do.

Mr. Smith asked that the Council to read over the fund balance policy.

Mrs. Ellenburg thanked Mr. Slattery for keeping the public and Council updated on the roads.

J. COUNCIL ACTION

1. Approve and authorize the Attorney Billing (Amanda Doyle) 10/28/15 to 11/10/15 in the amount $4,513.00.

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

2. Approve and authorize the Attorney Billing (Keller Thoma) 10/19/15 to 11/01/15 in the amount $82.50

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

3. Approve and authorize the current estimated allocation of $210,859.00 for the 2016 Community Development Block Grant Program monies as follows: Senior Citizen's Director Salary - 15% $31,628.85; Watermain - 65% $137,058.35; LED Lighting Improvements -20% $42,171.80.

   Mrs. Ellenburg asked if the Watermain portion is the water loop on Hemphill to get the Burton residents on Burton Water line instead of the Flint waterline.

   Mr. Haskins asked how it's going with the City of Flint on the waterline.

   Mayor Zelenko stated we were waiting for Mayor Weaver to take office.

   Mr. Haskins asked where the LED lights were going.

   Mr. Slattery stated at the Senior Center and Burton Library inside and outside.

   Mrs. Ellenburg asked if we were going to have to purchase the waterline from the City of Flint.

   Mayor Zelenko stated she didn't know yet.

   Mr. Martinbianco asked if this was in the budget for this year.

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

4. Approve and authorize the sale of vacant lot - Withey St., Parcel No. 59-28-528-106, to give first of two approvals for the sale of this improved parcel to Johanna I. Hernandez, 1234 Simca St., Flint, MI 48507, for the sum of $500.00 cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

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

5. Approve and authorize the sale of vacant lot - Kenneth St., Parcel No. 59-29-555-112, to give first of two approvals for the sale of this improved parcel to Robert Stone, Jr., 14502 Hess Rd., Holly, MI 48442, for the sum of $600.00 cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

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

6. Approve and authorize the Resolution 2015-24 that the following individuals, Ginger Burke-Miller and Karen Moffitt are authorized to request reimbursements from the Community Development Block Grant (CDBG) Program.

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

Meeting was adjourned at 7:31 PM.

CITY OF BURTON

BURTON CITY COUNCIL MEETING

NOVEMBER 2, 2015

MINUTES

Council Chambers	**Regular Meeting**	**7:00 PM**

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by President Tom Martinbianco at 7:25 PM.

A. INVOCATION LED BY: ELLEN ELLENBURG

1. Tom Gorang gave the invocation for Ellen Ellenburg.

B. THE PLEDGE OF ALLEGIANCE IS LED BY: ELLEN ELLENBURG

C. ROLL CALL

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

D. STAFF PRESENT

Paula Zelenko, Mayor
Rik Hayman, Chief of Staff
Ginger Burke-Miller, Controller
Robert Slattery, DPW Director
Sue Warren, Human Resources
Racheal Boggs, Clerk's Office

E. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Oct 19, 2015 7:00 PM

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Steven Heffner, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith, Hatfield

F. ADMINISTRATIVE REPORTS

Mayor Zelenko provided updates to the Council:

- Belsay Road project is on target to have all 5 lanes open by November 20, 2015. The railroad crossing, sidewalks, and lawns will be done in the spring.
- We have hired two more police officers. We are working on a date for their swearing

in. We will let you know when the date is set.
- End of the calendar year is approaching. We are working on healthcare-hard cap/80-20 information so you can take action by the end of the year. As well as MERS unfunded liability payment. The audit is going very well and Rehmann is reviewing the final draft.

Mayor Zelenko presented the agenda items.

The Treasurer's report is in tonight's packet as well as the Controller's report of budget amendments less than $500.00.

Item #1 is Attorney billing.

Item #2 is a MERS purchase at the employee's expense. This is an item allowed under the police contract and we have provided a copy of that section.

Item #3 is the annual resolution regarding our 2016 calendar year bond payments on the Fenton Road water main.

Item #4 - Item #9 are budget amendments.

The last agenda item is the second reading of an ordinance. Note that section 157.006 does indicate the definition of a kennel changed to reflect the council's action amendment from four to three dogs.

Mr. Slattery stated the sidewalks on Belsay Road are going to be complete by November 20, 2015. The weather has accelerated the paving work. They are paving the three inside lines Wednesday and Thursday; it should take three of four days. It has to cure for up to seven days depending on the temperature. They are finishing up the intersection at Court Street and Belsay Road. Wednesday morning they will do the traffic shift to the south side to work on the north side and next week they will be doing the driveways and sidewalks. At Potter Road and Casto Street, the leveling course is already installed and most of the driveways have been installed. By the end of the week they will be finished paving Potter and Casto. They will also be placing gravel on the shoulders, and finishing the curbs, driveway approaches and striping. Center Road south of Bristol, we will be mud-jacking. We want to remove the barrels for the winter but it isn't prudent to go out for bid for complete replacement this late in the season because of the expense. So, we are going into the tube under the road, repairing the holes in the culvert, boring a couple holes in the road and pouring grout in to fill the void and make a completely stabilized road. The bridge on Bristol Road has lived its useful life; it's weak on the inside lane. It is the result of under investment by the state. There are two options that we will be considering over the winter. We can try to obtain funding to replace the entire substructure or we can replace the superstructure which will require modification to the existing bridge substructure. Street sweeping is ongoing; we are about halfway finished. It is taking longer than anticipated but we expect to be finished by Thanksgiving.

Ms. Warren provided an update on the conversation with the labor Attorney regarding the MERS purchase:

If you recall from our last meeting, our labor attorney wanted to do an investigation to see if there were any issues with approval or denial. There could be some issue with denial based on past practice. We are not seeing a disadvantage to the city in this case because the employee is covering the whole cost.

1. Investment Report

2. Budget Amendments less than $500

   Mrs. Burke-Miller provided further explanation of budget amendments.

G. COMMITTEE REPORTS

None.

H. AUDIENCE PARTICIPATION

The council received comments from the following people:

Mona Miron of Burton informed the council that Term Street is being used as a truck route.

Rick Fuhst of Burton asked for clarification on the kennel definition of three dogs. Also spoke about budget transfers coming before council.

Charles Cross of Burton asked a question regarding the pot holes on Belsay Road and Court Street on the south side.

Mark Davis of Burton spoke about his driveway and a drain issue on Greenview Court.

I. COUNCIL DISCUSSION

Council discussion regarding item #3 Purchase of MERS time at the employees expense.

Council discussed budget amendments item #4-item #9.

J. COUNCIL ACTION

1. Approve and authorize the Attorney Billing (Amanda Doyle) 10-14-2015 to10-27-15 in the amount $3,229.24.

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

2. Motion to table approval of Michael Mathiak to purchase five (5) years and zero (0) months of MERS pension generic service time until January.

RESULT:	**FAILED [3 TO 4]**
MOVER:	Duane Haskins, Steven Heffner
SECONDER:	Vaughn Smith, Steven Hatfield
AYES:	Martinbianco, Heffner, Smith
NAYS:	Haskins, O'Keefe, Ellenburg, Hatfield

3. Approve and authorize Michael Mathiak to purchase five (5) years and zero (0) months of MERS pension generic service time. The total cost of $31,421.00 will be at the employee's expense.

RESULT:	**CARRIED [4 TO 3]**
MOVER:	Duane Haskins, Steven Heffner
SECONDER:	Steven Hatfield, Councilman
AYES:	Haskins, O'Keefe, Ellenburg, Hatfield
NAYS:	Martinbianco, Heffner, Smith

4. Approve and authorize Resolution 2015-23 for the 2016 calendar year bond payment for the City of Burton's portion of the Fenton Road Watermain Project, not to exceed $29,490.81.

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

5. Budget Amendment 57-60 To Approve and authorize a budget amendment to increase 2002-4051-802.7562 I-69 Reconstruction/Repairs by $4,200.00, increase 2002-4051-802.7588 Atherton (Dort - Center 2013_2014) by $3,600.00, increase 2002-4051-802.7590 Center Rd. (Atherton to Lippincott) by $49,500.00 and decrease 2002-4051-802.7587 Lapeer (Belsay to Vassar 2013-2014) by $57,300.00

RESULT:	**CARRIED [5 TO 1]**
MOVER:	Steven Heffner, Councilman
SECONDER:	Ellen Ellenburg, Councilwoman
AYES:	O'Keefe, Heffner, Ellenburg, Smith, Hatfield
NAYS:	Haskins
AWAY:	Martinbianco

6. Budget Amendment 61-63 To approve and authorize the following budget amendment: Increase 2002-4069-757.0000 Drainage Materials $1,050.00, Increase 2002-4069-943.0000 Drainage Equipment Rental by $4,000.00, Decrease 2002-4069-818.0000 Drainage Contractual Service by $5,050.00.

RESULT:	**CARRIED [6 TO 1]**
MOVER:	Vaughn Smith, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Martinbianco, O'Keefe, Heffner, Ellenburg, Smith, Hatfield
NAYS:	Haskins

7. Budget Amendment 64-66 To approve and authorize the following budget amendment: Increase 2006-0000-678.0000 Reimbursement Income by $12,125.22, increase 2006-2006-937.0000 building maintenance and supplies by $10,749.03, increase 2006-2006-963.0000 prevention materials by $1,376.19

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

8. Budget Amendment 67-68 To approve and authorize the following budget amendment: Increase 2069-2069-943.000 Equipment Rental by $5,000 and increase 2069-0000-699.0000 Contingency by $5,000

RESULT:	**CARRIED [4 TO 3]**
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Steven Heffner, Councilman
AYES:	O'Keefe, Ellenburg, Smith, Hatfield
NAYS:	Martinbianco, Haskins, Heffner

9. Budget Amendment 69-70 To approve and authorize the following budget amendment: To increase 2007-2007-984.0000 Office Equipment by $1,515.99 and increase 2007-0000-699.0000 Contingency by $1,515.99.

RESULT:	**CARRIED [5 TO 2]**
MOVER:	Steven Heffner, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	O'Keefe, Heffner, Ellenburg, Smith, Hatfield
NAYS:	Martinbianco, Haskins

10. Budget Amendment 71-72 To approve and authorize the following budget amendment: Increase 1001-2071-922.0000 Drains at Large by $19,000 and increase 1001-0000-699.0000 Contingency by $19,000

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

K. SECOND READING OF ORDINANCE

1. ZC# 314 - Approve and authorize the Second Reading of an Ordinance, being Ordinance No. 2015- 5-157.006, An Ordinance Amending Zoning Ordinance, Chapter 157 of the Code of Ordinances of the City of Burton.

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

Meeting was adjourned at 8:55 PM.

CITY OF BURTON

BURTON CITY COUNCIL MEETING

NOVEMBER 2, 2015

MINUTES

Council Chambers	Public Hearing	6:30 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by President Tom Martinbianco at 6:30 PM.

I. ROLL CALL

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

II. STAFF PRESENT

Paula Zelenko, Mayor
Ginger Burke-Miller, Controller
Robert Slattery, DPW Director
Racheal Boggs, Clerk's Office

III. PRESENTATION

1. 2016 Community Development Block Grant Public Needs Hearing

Mr. Martinbianco stated that we are here tonight to talk about the options for using the Community Development Block Grant funds. He deferred to the administration.

Mayor Zelenko apologized for the maps being so small and hard to read. She is trying to get bigger maps for the Council. She summarized the purpose of the Public Hearing tonight. We have put together a list of proposed projects that could be eligible for CDBG dollars. Any project that we are going to use CDBG funds for, we have to discuss at this Public Hearing. The DDA is present in the audience and they are taking an active role in this project.

Mr. Slattery summarized the 2016 CDBG Proposed Project list.

Mayor Zelenko referenced the two properties on Saginaw Street that are listed under Demolition and Clearance Activities. She stated this is in the event that there is a private public partnership developed with the owners of these buildings so we can work together to have them demolished.

IV. AUDIENCE PARTICIPATION

Joey Richvalsky, DDA Chair, of Burton stated the DDA is in full agreement with the items discussed tonight. They fully support this. Additionally, he would like to see bus shelters on Saginaw Street. Also, the walks on Hemphill Road are in bad shape and a danger to the public, they are a liability. The blighted property on Saginaw Street has been a problem for years and he is glad to see it being addressed tonight.

Bud LaGrande of Burton asked for clarification regarding where we will be getting the money for the items on this list.

Mr. Slattery stated there is a sign-in sheet that the audience members need to sign as part of the Public Hearing.

V. COUNCIL DISCUSSION

Mr. O'Keefe asked for more detail regarding Mayor Zelenko's statement about the demolition of the two properties on Saginaw Street.

Mayor Zelenko stated they are not just proposing to go in and tear down two buildings that are privately owned. This is in the event that we could create a public private partnership with the owners. We are setting the ground work here by adding this to our list of possible projects for which to use the CDBG dollars.

Mr. O'Keefe asked for more information about the emergency safety equipment for the Fire Department.

Mayor Zelenko stated it is various equipment. She deferred to Mr. Slattery for further explanation.

Mr. Slattery stated Chief Epperson has a list of items. Some of the items include: new cribbing for extrication calls to allow replacement for all the old and splintered wood cribbing, two portable light sets to assist on structure fires and night time incident calls, a rolling rack which is a cart system used for rolling and loading 5 inch supply lines. This is safety equipment that we are doing without right now and we need it badly.

Mr. O'Keefe asked how our residents are doing with the Flint City water issue.

Mayor Zelenko stated we have 60-80 customers, residential and business that are on the Flint franchise system. They have had similar issues to the City of Flint residents. We have been in contact with the City of Flint. We are trying to get a release of the infrastructure.

Mr. Smith asked if there has been any study on the amount of money we would save in electricity with the LED improvements.

Mr. Slattery said a couple months ago we started a conversation about upgrading this lighting through a rebate program that consumers energy was offering. We do have some estimates of what the cost would be, the annual savings and the rate of return. I don't have these numbers with me but I can get them to you for your discussion.

Mrs. Ellenburg asked if Burton Auto is a Brownfield and if it would be tested through soil samples to determine that.

Mayor Zelenko said it is still under discussion whether it is eligible for Brownfield. There would be an environmental report.

Mrs. Ellenburg stated the City of Flint received Brownfield grant money when the factories went out. She doesn't see why Burton isn't receiving some of the grant money.

Mayor Zelenko said some of these grants, that one in particular, go to cities with a certain population. In this case, we didn't have a large enough population to apply for the grant. We were able to reap some benefit from the land bank demolition grant because we have houses within a certain amount of feet from the City of Flint border. What is really difficult for us is there's virtually no money available for commercial demolitions.

Mrs. Ellenburg asked about the brick building on Saginaw Street. Isn't it the responsibility of the owner? Can't we just say it is an eye sore to the DDA and it has to go?

Mayor Zelenko stated there is a demolition process that we have to go through and it is quite lengthy. Right now, there are 50 buildings on the demo list; these should be coming to City Council around the first of the year.

Mr. Haskins feels the most important thing on the list is taking over the water over from the City of Flint. This should have been worked on a long time ago. It is only $140,000.00 and it just needs to be done. What exactly does it take from the City of Flint to make it happen?

Mayor Zelenko said we have to have their permission to shut down or take over their infrastructure. They have been under an emergency manager for quite awhile so the power has just come back to the Mayor and City Council in the City of Flint. So, now we can have those talks. Our Treasurer and the City of Flint's Treasurer have had conversations.

Mr. Slattery said physically, it isn't difficult to do because we have water in that area. It is a matter of closing valves on our system to remove them, opening valves on their side and adding some loops.

Mr. Haskins said he would like the dirt roads paved in the subdivisions. We can't do them all but Kenneth and Connell area for example. The list looks spot-on.

Meeting was adjourned at 7:10 PM.

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

ADOPTED

Meeting: 11/16/15 07:00 PM
Department: Clerk's Office
Category: Attorney Billing
Prepared By: Teresa M. Karsney
Department Head: Teresa M. Karsney

AGENDA ITEM (ID # 1968)

DOC ID: 1968

Approve and authorize the Attorney Billing (Amanda Doyle) 10/28/15 to 11/10/15 in the amount $4,513.00.

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

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

Meeting: 11/16/15 07:00 PM
Department: Clerk's Office
Category: Attorney Billing
Prepared By: Teresa M. Karsney
Department Head: Teresa M. Karsney

ADOPTED

AGENDA ITEM (ID # 1969)

DOC ID: 1969

Approve and authorize the Attorney Billing (Keller Thoma) 10/19/15 to 11/01/15 in the amount $82.50

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

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

ADOPTED

Meeting: 11/16/15 07:00 PM
Department: Department of Public Works
Category: Resolution
Prepared By: Amber Abbey
Department Head: Rachael Boggs

AGENDA ITEM (ID # 1965)

DOC ID: 1965

Approve and authorize the current estimated allocation of $210,859.00 for the 2016 Community Development Block Grant Program monies as follows: Senior Citizen's Director Salary - 15% $31,628.85; Watermain - 65% $137,058.35; LED Lighting Improvements -20% $42,171.80.

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

Approve and authorize the sale of vacant lot - Withey St., Parcel No. 59-28-528-106, to give first of two approvals for the sale of this improved parcel to Johanna I. Hernandez, 1234 Simca St., Flint, MI 48507, for the sum of $500.00 cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

ATTACHMENTS:

- Jhernandez - Withey St. (PDF)

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

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

ADOPTED

Meeting: 11/16/15 07:00 PM
Department: Purchasing Department
Category: Resolution
Prepared By: Brenda Moulton
Department Head: Brenda Moulton

AGENDA ITEM (ID # 1967)

DOC ID: 1967

Approve and authorize the sale of vacant lot - Kenneth St., Parcel No. 59-29-555-112, to give first of two approvals for the sale of this improved parcel to Robert Stone, Jr., 14502 Hess Rd., Holly, MI 48442, for the sum of $600.00 cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

ATTACHMENTS:

- RStone - Kenneth St. (PDF)

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

CONDITIONAL PURCHASE AGREEMENT
Conditioned upon TWO City Council Approvals

Section 11.3 of the Burton City Charter requires the Burton City Council to approve all land sales twice 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 Robert Stone, JR., ~~husband and wife~~/a single man/~~woman,~~ of 14502 Hess Rd., Holly, Michigan 48442, as Purchaser(s), agree to purchase, the following described real property, vacant land, located in the City of Burton, Genesee County, Michigan being legally described as:

Lot(s) Lot 75 STAR Subdivision (06) Split on 12/13/2005 From 59-29-555-046
More commonly known as: Vacant Lot - Kenneth St.
Permanent Parcel #: 59-29-555-112

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

1. **PURCHASE PRICE.**
The Purchase Price for the above described property shall be $ 600.00 payable in cash or certified funds at closing.

2. **DEPOSIT:**
a) In the event this property was purchased at public auction then the Purchaser hereby agrees and acknowledges that Purchaser bid bond submitted with the bid for this property shall be retained by Seller and credited against the purchase price.

b) 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 on **two** separate occasions. If the Council fails to approve this sale on either occasion, then and in that event this Agreement will be deemed null and void and Seller shall forthwith return Purchaser's earnest money deposit.

(b) Closing shall take place within ten (10) business days of the second City Council approval of this sale. At which time Purchaser will pay to Seller the balance of the purchase price in cash or certified funds and Seller shall convey a Covenant Deed to purchaser in a form suitable for recording. **Purchaser will be responsible for recording the Covenant Deed.**

4. **TITLE:**

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

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

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

5. **CONDITION OF PREMISES:**

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

6. **TAXES:**

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

7. **ENTIRE CONTRACT:**

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

8. **BINDING EFFECT:**

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

9. **MISCELLANEOUS PROVISIONS:**

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

SIGNED IN THE PRESENCE OF:

Brenda S. Moulton
BRENDA S. MOULTON

SELLER:

THE CITY OF BURTON

____
BY: PAULA ZELENKO
ITS MAYOR

Dated: ______________________

____
BY: TERESA KARSNEY
ITS CLERK

Dated: ______________________

PURCHASER:

Robert Stone Jr.
____
* Robert Stone, JR.
Dated: 10/21/15

____
*
Dated: ______________________

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

ADOPTED

Meeting: 11/16/15 07:00 PM
Department: Clerk's Office
Category: Resolution
Prepared By: Teresa M. Karsney
Department Head: Teresa M. Karsney

J.6

AGENDA ITEM (ID # 1970)

DOC ID: 1970

Approve and authorize the Resolution 2015-24 that the following individuals, Ginger Burke-Miller and Karen Moffitt are authorized to request reimbursements from the Community Development Block Grant (CDBG) Program.

ATTACHMENTS:

- CDBG Signature Resolution 2015-24 (DOC)

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

RESOLUTION 2015-24

CITY OF BURTON
GENESEE, COUNTY

_________________ moved ______________seconded the following:

WHEREAS, THE City of Burton participates in the Genesee County Community Development Program; and

WHEREAS, the Genesee County Community Development Program has requested that we update our authorized signature card;

NOW THEREFORE BE IT RESOLVED, that the following individuals are authorized to request reimbursement from the Community Development Block Grant (CDBG) Program;

Ginger Burke-Miller, Controller
Karen Moffitt, Deputy Controller

CERTIFICATION

I, Teresa Karsney, City Clerk of Burton, do certify that the above Resolution was duly adopted in conformance with Act 267 Public Acts of Michigan, 1976, at a Regular Council Meeting of the City of Burton Council held at City Hall, November 16, 2015 by the following vote:

Ayes:
Nays:
Absent:

Dated:

____
Teresa Karsney, City Clerk

Prepared by Teresa Karsney
City of Burton
4303 S. Center Rd.
Burton, MI 48519