



CITY OF BURTON
BURTON CITY COUNCIL MEETING
OCTOBER 5, 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. MEETING INFORMATION

Burton City Council
Hosted by Racheal Boggs

<https://cityofburton.my.webex.com/cityofburton.my/j.php?MTID=m1f457634953a2920ae98900c72862639>

Monday, Oct 5, 2020 7:00 pm | 2 hours | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 126 934 6740

Password: BCC2020 (2222020 from phones and video systems)
f08623907e3141ac8fe8868dddfc05a7

Join by video system

Dial 1269346740@webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-415-655-0001 US Toll

Access code: 126 934 6740

B. INVOCATION LED BY: DANNY WELLS

C. THE PLEDGE OF ALLEGIANCE IS LED BY: DANNY WELLS

D. ROLL CALL

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

E. STAFF PRESENT

Duane Haskins, Mayor
Racheal Boggs, City Clerk
Brian Ross, Police Chief
Mike Vogt, Assistant Fire Chief
Amanda Doyle, City Attorney

Josh Leadford, Labor Attorney
Charles Abbey, DPW Director/HR
Matt Stanley, IT Department

F. APPROVAL OF MINUTES

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

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

G. ADMINISTRATIVE REPORTS

Mayor Haskins stated Attorney Josh Leadford is here for a closed session for collective bargaining strategy under section 8c of the Open Meetings Act. From everything we are reading, the Census has been extended to October 31st. Right now we are at 76.4% which is 2.2% ahead of where we were 10 years ago. We are still encouraging people to fill it out. The LED sign is up and operational. We are still getting training on it. The City of Burton will be having Trick or Treating from 5:00 PM - 7:30 PM. We are putting out recommendations to stay safe to help eliminate the spread of COVID. Schools are reporting more and more cases everyday. We have two employees who currently cannot come to work because their kids can't go to school because of COVID. State Representative Tim Sneller called me and we did secure a \$250,000 down payment for the water infrastructure improvement for our residents that were on Flint water. On the back side of this, I would like to let our residents who were on the Flint water system know that they do qualify for the \$600 million settlement that was issued through the courts, if they meet the criteria. This was mainly children in the household. The website is www.flintwaterjustice.com to add yourself to the settlement. The phone number is 1-866-536-0717. You may also text the word FLINT to 47177. Governor Whitmer announced a clean water plan of a half a billion dollars. \$290 million of it is allocated for waste water projects. This puts our city in a good position to be eligible under our SRF plan. The money is allocated in the form of grants and principle forgiveness. Stantec is working on securing funding. We had two unfortunate incidents in the city over the weekend. We had a couple shootings. I would like to let the residents know that these were isolated incidents that sort of spilled over into our city. One thing I would like to make clear is that if any of our residents are in immediate danger or a suspect is on the loose in your neighborhood, everyone would be alerted through the reverse 911 system. That means you would get a phone call telling you to stay in your home. That was not the case in these incidents. Agenda item #4 you will see the resolution to reduce water rates. This process was long and tedious. It took several months of tests. We met with each council member individually except Mrs. Conley who was unable to meet. This is huge for our residents. We were able to do it because of the council and administration working together during budget time to make cuts and consolidate positions. We will be revisiting this every year. I am so proud and pleased to say that we are able to reduce rates.

Mr. O'Keefe thanked the Mayor for addressing the folks that were on the Flint water system. Can we put a letter in the water bills for the residents in that area so we can be sure to reach them with this information?

Mayor Haskins stated we are drafting a letter to mail out individually to the approximately 100 residents.

H. COMMITTEE REPORTS

Mr. Smith stated the 2.2% increase in the Census numbers that the Mayor discussed doesn't seem like a lot but, it is. This has been a very strong group effort. For example, I hear Collette still pushing it at the front desk when I come into City Hall. Evidentially, someone here must have spoke to a resident because I received a call from someone this weekend and I walked him through filling out his Census. For the two people in the home that is \$3,600 a year for 10 years, or \$36,000 for the city. Everyone here is helping with this. It really is a group effort. I commend you all for that. If you look at this like a relay race, we are ahead of the pack. We are ahead of county, state and national numbers. Now it becomes how well the Census does at the Michigan level. When looking at the enumeration which is how many households have been contacted, Michigan is at 99%.

I. AUDIENCE PARTICIPATION

Public comment may be sent to publiccomment@burtonmi.gov. Comments received prior to the meeting will be read into the record.

No audience participation.

J. COUNCIL DISCUSSION

1. Motion to go into closed session under section 8C of the Open Meetings Act.

Council went into closed session at 7:19 PM.

Council returned from closed session at 8:10 PM.

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

K. COUNCIL ACTION

1. Approve and authorize the payment of Attorney Billing (Doyle) 9/16/20 to 9/29/20 in the amount of \$3,030.00.

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

2. Approve and authorize the payment of Attorney Billing (Masud) 8/5/2020 to 8/31/2020 in the amount of \$1,911.00.

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

3. Approve and authorize the request for a Residential Sanitary Water & Sewer Installer's License for Waldorf & Sons Inc. 9118 N. Dort Highway, Mount Morris, Michigan 48458.

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

4. Water and Sewer Rates and Charges Resolution 2020-10

Mr. Martinbianco stated after doing a re-analysis in conjunction with the meeting that Mr. Smith and I had with the Mayor and Mr. Abbey, I took the liberty to run my own numbers and believe that sewer-only customers are still being overcharged. Right now, according to the study from a year ago, sewer-only customers should be paying \$95 a quarter. My calculation is that it should be \$114 a quarter. I am very happy with that.

Mr. O'Keefe asked what involvement the Woodhill Group had with this.

Mayor Haskins stated the Woodhill Group was involved every step of the way, for every test, meeting and re-check. One of the biggest things that the Woodhill Group had to say was the cost saving measures that the administration and council did by putting over a quarter of a million dollars back into the water fund.

Mr. O'Keefe stated I have been asking for six weeks to have the Woodhill Group address the council. I thought they would be here this evening and they are not. I have questions for them. We hired a consulting group who is supposed to do an annual review on this. I have questions about the 5-year forecast they did. I am not getting my questions answered so, I will not be able to vote on this tonight. If someone would like to table it, that's fine but I will be voting no until I can have my questions answered.

Mayor Haskins stated we called each of you individually to discuss the fee reduction. We broke it out and explained it. Everyone seemed to be good with it. No one asked for Woodhill to be here at that time.

Mr. O'Keefe stated I have been asking for six weeks.

Mayor Haskins stated, I understand that and we can still meet with Woodhill. I am not sure if they are doing in-person meetings. I am not opposed to them coming in, at all. I will say that we have a good opportunity in front of us to reduce the water rates that have been plaguing our residents. I have been working on getting this resolution done since I took office. We have done it through cutting wasteful

spending. We need to give relief to our residents. We should still move forward on this water rate reduction and bring Woodhill in at a different time.

Mr. Abbey asked if there are specific question Mr. O'Keefe wants answered.

Mr. O'Keefe stated I have a lot of questions. I can't believe cost cutting can pay for this reduction. We were on a thin line for five years on this. It is not making sense to me. We had to borrow \$600,000 from the city's general fund six months ago for the water fund.

Mr. Abbey stated it wasn't just the \$233,000 we cut out of water. It was a combination of things. Will we be able to maintain it long term? Who knows. We will have to wait and see. This is a document that has always been designed to re-visit every budget year. Right now we are tracking in the black and we are covering costs, plus. We redistributed the costs. We have not eliminated the revenue we are taking in. There will be a little bit of that because of meter size. Some were considered two meters because they are compound meters. There is also the 3/4 versus 5/8 meters and we went through that exercise. There is savings to those individuals much more than others but everybody, residential and small business will see a reduction because the shift is back on the large rate users. There are anomalies in our system and we have all talked about those. It is unlike anything the Woodhill Group has ever seen. We went to a straight AWWA water table based on meter size. There are variables with those. For example, one of our largest users, a manufacturing facility doubled their size (meter and compound) and their base rate dropped by \$1,000 a month. So, we went back and looked at the hybrid. We looked at the county rates and how they did it. It takes in the same revenue but distributes it differently. That is why we put a number back in the commodity because the high water users have to pay a little more. The low water users were the ones being hit so hard because it went onto the fixed costs. Even if they tried to conserve water, they couldn't save money. There has to be a balance to these things. We think this is a more balanced approach because it spreads the cost more evenly and still takes in the revenue needed.

Mr. O'Keefe stated I still have questions. We are paying Woodhill and the contract says they are supposed to be involved for the next five years. Will they be doing the year end review?

Mr. Abbey stated yes, they are. We look at our budget and they make sure our rates meet the bond obligation. That is their primary function.

Mr. Heffner stated he agrees with Mr. O'Keefe. We do need to sit down with the Woodhill Group. I do support item #4 and I will vote yes on this tonight. Right now, we have a chance to give our residents some relief.

Mr. O'Keefe asked why we are voting on this prior to the meeting with the Woodhill Group.

Mr. Heffner stated I agree with that. Right now we have a chance to give the residents some relief and I don't want to delay that. We may find more savings down the road when Woodhill comes in.

Mr. Wells stated I had a nice conversation with the Mayor about this and I would be excited if we could lower the water rates this much. Part of me is really concerned why this information didn't come out last year at this time. Everyone said we have to raise the rates, the city is going broke and the water fund is broke. Now it's 180 degrees. I have some questions for Woodhill, too. I tried to call Colleen today and she didn't return my call which concerns me. Right now, you probably have the four votes. I would like to hear what they have to say before I vote yes and a year from now we realize we messed up again. I hope it does pass but, I can't vote yes on it tonight. There is something about it that just doesn't make sense. Has this gone into effect already? I have had three people call me who have received their October water bill to thank me for lowering the rates.

Mr. Abbey stated part of it has. We are working on the part that is an administrative function and that is the terminology on the 3/4 inch meter versus 5/8 inch meter. It was a methodology thing from AWWA. Some residents will already see a savings because of this.

Mr. Wells stated so, you think you can lower the water rates without the council even knowing about it?

Mr. Abbey stated this is not lowering water rates. It is making a determination on meter size. Woodhill didn't understand this because some meters say 3/4 inch on them but, they are 5/8 inch. If you don't want to give those 700 or so people a break, then we will leave it.

Mr. Wells stated I don't have one scrap of paper from the Woodhill Group. I had a good conversation with the Mayor and I understand this but I still don't know where the \$250,000 came from.

Mayor Haskins stated there were so many different anomalies that came into play. A lot of it was based off the AWWA table versus how the county bills. These things were never addressed or investigated thoroughly when this went through the first time. That is what we were doing over the last nine months. We went through all of these things, tracked it and tested it to see what we could do to make sure we could keep our water fund in the black and still give relief to our residents.

Mr. Wells stated we have talked to the county about this and they never brought up the 3/4 or 5/8 meter.

Mr. Abbey stated they have no idea what we charge. They bill us off a master meter. We get billed straight for the usage coming into our transmission lines.

Mrs. Conley stated I agree with some of my colleagues. It would have been nice to have Woodhill here or Jeff Wright. We could have had a workshop. I am not against giving relief to our residents but I would sure like to not have it thrown in our lap tonight without the right people giving us answers. This is what got us in trouble last time. We need Woodhill here to answer some questions for everybody.

Mayor Haskins stated last time Woodhill was here. We have spent nine months working on this. We can have Woodhill come in but the relief to our residents shouldn't be delayed. What questions do you have, Mrs. Conley?

Mrs. Conley stated Mr. O'Keefe has asked for six weeks. It is not just me, so you don't have to point it out.

Mr. Heffner asked if we can get the Woodhill Group to come to our first meeting in November. This is a reduction in rates that will help a lot of people if we pass it tonight. If it was an increase I would say, no. If there is something else wrong, we can always change it in the future.

Mayor Haskins stated we can definitely reach out to the Woodhill Group.

Mr. Martinbianco stated this is an increase to the sewer-only customers. Why is our discussion only about water?

Mr. Abbey stated it isn't, they go together. In the document you received from the Woodhill Group, lowering the sewer rates in the original proposal was only for the first couple of years then it would begin to increase. We didn't implement it at that time because we had to have a history. The mistake with the sewer was because the county bills us a different rate than what we charge the sewer-only people. That was never put into the equation. We had to adjust it based on that. We have to bill how they bill us or we are subsidizing people again. Woodhill didn't do anything wrong, it was just a major methodology change. As we saw things pop up that weren't equitable and fair, we adjusted it. We should always re-visit this at budget time to make sure the numbers are going in the right direction and that we are covering our costs and putting a little away for future improvements.

Mr. Martinbianco stated I couldn't agree with you more.

Mr. Smith stated the water has been a really difficult situation for many years. It has a lot of moving parts. In 2018, I can remember us being at a \$20,000 a month deficit. Multiple times, we discussed doing a rate study. We knew we had a problem. A couple years later, \$20,000 went to \$60,000 because of the equity and interest on the bonds. In our most recent CAFER on page 116, it shows in 2010 we paid \$250,000 in interest for water and sewer. By 2019, it was \$1.7 million. We did do raises. We had Karegnondi and the 42 inch pipeline. We had Detroit water and sewer raising double digit numbers. Woodhill is only guilty of using a cookie cutter approach. We are all better educated about the anomalies in our system. Beta runs should have been done back in 2018 and they were not. We didn't have time because we needed to stop the bleeding. Since then, we have done several beta runs with the bills to make sure there are two variables: making sure we are covering the deficit and that the people who use the water are the ones paying. We haven't been hemorrhaging and it has given us time to take a look at this very complicated problem. If this was an increase in rates, I would agree with you but, we are lowering rates and we are still in the black. Why don't we give our residents a water decrease and talk to Woodhill about our questions later. Let's vote and get this passed.

Mr. O'Keefe stated on the proposal for tonight it states, whereas, the City Council has reviewed the proposed rate allocation methodology and has determined that rates and charges are appropriate and equitable. Then there is a small box here and that is it. Maybe to make it clearer, what I am looking for is a cut-off at the end of

September with what was used and the rates. Then we can start up the new thing. There has to be a forecast. We need dollars plugged in there instead of talking about the size of meters. That way, we can see the cash flow of this. We have been bleeding money out of this and had to go to the general fund for \$600,000 not too long ago. We have to get this right. I am not convinced and this resolution says I have to be convinced. It has to be in a timeline or graph and equate to dollars.

Mr. Wells stated all I want is some clarity. The last time we went through this in 2019, the Woodhill Group came in at special meetings and we were able to ask questions. At that time, both Woodhill and the administration told us if we did not do what they said to do then the state would come in and take over our water fund. They said we were \$1.4 million in the red. After all the conversations we had, I thought I was doing the right thing. I fell for it, I guess. I have had many sleepless nights since then. I want to see real numbers and I want to see how we got to this. Apparently, by the phone calls I am getting this is already in motion, so we are not hurting anybody. I don't know how this happened. How do you lower the water rates without City Council voting on it?

Mr. Heffner stated they changed the classifications of the meters, Mr. Wells. They were charging for 3/4 meters and now they are charging for 5/8.

Mr. Wells stated that would have been helpful for us to know. What else is going on behind the scenes? We come in every other Monday and have things thrown in our lap to vote on. That's crap. We deserve better than that. I want to know why things work the way they work. Mr. Smith is privy to this information. Why aren't we all? We have a new Councilman here and he is getting thrown into a storm again.

Mr. Martinbianco asked for the extent of what we are doing with the Census.

Mr. Smith stated in 2010 the city had 74.2% of homes respond to the Census. Currently, for the 2020 Census we have 76.4% of homes in Burton respond to the Census. So, we are up by 2.2%. I say homes because you could have anywhere from one person to a family in it. We don't have a definitive number but we know that we are ahead. Roughly one third of the homes in a typical town, don't respond. That is when the Census workers go out to knock on doors to see who is living in those homes. If the Census workers do an equally good job as they did in 2010, we will see positive numbers. We will not know the final numbers until sometime mid next year.

Mr. O'Keefe stated Mr. Mayor, I would like to make it clear that I have questions for the Woodhill Group so they can be prepared when they get here. My questions are how the usage equates out to dollars with the changes you have made and how it covers our obligations. I understand about the usage but, I have seen nothing about dollars. Please let them know this prior to them meeting with us.

Mr. Abbey stated we know the dollars. We will get them for you.

Mr. Okeefe stated he would like the council to receive this information prior to the meeting so we have a chance to look at it.

RESULT:	CARRIED [5 TO 2]
MOVER:	Vaughn Smith, Councilman
SECONDER:	Gregory Fenner, Vice President
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley
NAYS:	O'Keefe, Wells

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

Meeting was adjourned at 9:03 PM.



CITY OF BURTON
BURTON CITY COUNCIL MEETING
SEPTEMBER 21, 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 7:12 PM.

A. MEETING INFORMATION

Burton City Council
 Hosted by Racheal Boggs

Monday, Sep 21, 2020 7:00 pm | 3 hours | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 126 798 9718

Password: BCC2020 (2222020 from phones and video systems)

<https://cityofburton.my.webex.com/cityofburton.my/j.php?MTID=meff80000150335f1d6309754b5de1d8b>

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Dial 1267989718@webex.com

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Join by phone

+1-415-655-0001 US Toll

Access code: 126 798 9718

B. INVOCATION LED BY: TOM MARTINBIANCO

C. THE PLEDGE OF ALLEGIANCE IS LED BY: TOM MARTINBIANCO

President Heffner provided the following announcement:

We have recently installed a new sound system in Council Chambers. It has been thoroughly tested and the sound is much clearer for all types of users both on Webex and in person in Council Chambers. The new system is VERY sensitive to background noise. It is VERY important that everyone STAY MUTED during the entire meeting anytime you are not speaking.

- Council Members/Administration MUST unmute and mute themselves each time before and after speaking. Only one person may speak at a time.
- Please speak directly into your table microphone.
- Audience members MUST remain muted at all times until called upon during audience participation. Everyone will have a chance to speak! Those unmuting themselves, speaking out of turn or causing disturbances will be given a warning or placed in the Webex "lobby" and will be unable to speak.
- Profanity or vulgar statements on the virtual forum will not be tolerated.

Minutes Acceptance: Minutes of Sep 21, 2020 7:00 PM (APPROVAL OF MINUTES)

- We will be using the "chat" and "raise your hand" option in Webex for audience participation. To sign-up to speak, you may type your name & address into the chat box or click on the "raise hand" feature. You will be unmuted by the host when called upon to speak. You must state your name and address before making comments. Each person is allowed to speak for no more than 3 minutes. The Council President will alert you when the 3 minutes has elapsed.

D. ROLL CALL

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

E. STAFF PRESENT

Duane Haskins, Mayor
 Charles Abbey, DPW Director/HR
 Racheal Boggs, City Clerk
 Amanda Doyle, City Attorney
 Kirk Wilkinson, Fire Chief
 Mike Vogt, Assistant Fire Chief
 Brian Ross, Police Chief
 Steve Phillips, IT Director
 Matt Stanley, IT Department

F. APPROVAL OF MINUTES

- City Council - Regular Meeting - Sep 8, 2020 7:00 PM

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

G. ADMINISTRATIVE REPORTS

Mayor Haskins stated as a reminder, on October 5th, Attorney Leadford would like to meet for an executive session at 7:00 PM. I was able to schedule the audit workshop with Plante Moran on December 7th at 5:30 PM as long as that works for the council. The LED sign is installed and lit up. We still need to get the downloads and training. This should happen next week. Once that is complete, we will be able to put things on the sign. The Census is at 76.1% right now. September 30th is the cut off. Let's spend the next week to try to get that number boosted up. Absentee ballots will be ready in the Clerk's Office this Thursday, September 24, 2020. Testing of our voting machines is being done now and ballots will be mailed to people who have already applied shortly. We received our OPEB unfunded liability actuarial. With us contributing 15% instead of the state mandated 1% along with us putting in the additional \$300,000, it reduced our unfunded liability by \$5 million. This is awesome news. We have a preliminary resolve with the water and sewer rate issue. We scheduled a

meeting with Mr. Martinbianco and Mr. Smith who were both present during the initial committee. We are meeting Wednesday at 11:00 AM. If all goes well, a resolution will be on the next council agenda. With half the manpower in our DPW, we are down 1,200 hours of overtime so far this year. Great job to the DPW team for still getting the job done. I also want to make it clear that I do not support sewer increases. I did not raise sewer rates. Furthermore, I can't. That is a City Council function not a Mayor function. I think the city is doing fine even during this pandemic. That is, with the help of this council, so I want to say thank you. It is great to have our meeting sounding great so far.

Mr. Heffner asked if Mr. O'Keefe and Mr. Martinbianco can hear okay through Webex.

Mr. O'keefe and Mr. Martinbianco both stated they can hear well.

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

H. COMMITTEE REPORTS

Mrs. Conley stated this is not a committee report, but she would like to make a motion to table the firearms ordinance 139.02 indefinitely.

Mr. Wells supported the motion.

I. AUDIENCE PARTICIPATION

Public comments for this meeting may be sent to: publiccomment@burtonmi.gov and will be read into the record.

Judge Herman Marable of Flint stated as school is getting started, this is the 16th year for the Judge Marable Student of the Month Program. It is for 10th graders. Students who would like to enter the program can go to the judgemarable.net website. Last year, our student of the year won \$500. That student was from Bentley High School in Burton. Students have to write an essay about their career path and fill out an application. There is a cash prize and they can shadow me in the courtroom.

Ben Graham of Burton spoke regarding the firearms ordinance. Please keep in mind when looking at this ordinance in the future that Burton is a unique city with a lot of properties with a significant amount of acreage. I personally have 16 acres. Shooting can be done safely and respectfully. I know there are some specific complaints on Belsay Road. In this case, he is already violating the current ordinance, so changing it will not affect him at all. It is a law enforcement issue and he should be ticketed, fined and taken to jail. Please don't punish the rest of us who are law abiding and respectful to our neighbors.

President Heffner stated at this time we will read into the record the letters we received via email for audience participation.

Mr. Martinbianco expressed concern regarding the reading of the letters. Does an email make evidence of what the problem is?

Mr. Heffner stated the letters came to the Clerk for the purpose of audience participation at this meeting. This is the peoples right to be heard. They sent the letters to be read into the record and that is what we are going to do.

The following letters of objections to the amendment of the firearms ordinance 139.02 were read into the record:

Donna Wallace, 4154 Vassar Rd., Burton

Anthony Wallace, 4154 Vassar Rd., Burton
Tyler Berry, 3247 S. Belsay Rd., Burton
Mark Ely, 4283 Howe Rd., Burton
Carole Berry, 3361 S. Belsay Rd., Burton
Karen Kellogg, 3030 Center Rd., Burton
Nelson Cheney, 3036 Center Rd., Burton
Kristofer Jensen of Burton
Jeffrey Lindsey, Burton
Bethany Eaton of Burton
Mike Marko of Burton
Cris Sikkila of Burton
Anderson Pettigrew of Burton
T. Robertson of Burton

The following letters of support of the amendment to the firearms ordinance 139.02 were read into the record:

Andrea Calvert, Belsay Rd., Burton

J. COUNCIL DISCUSSION

Mr. Smith thanked the residents for the Census responses. We are at 76.1%. This is up by almost 2% over 2010. If you know of anyone who has not filled it out, please encourage them to do so. Each individual person is worth \$18,000 to the city over the next 10 years. This helps our schools, seniors, healthcare and first responders. The deadline is September 30th. I received a response back from the U.S. Census Bureau and the 76% represents the number of homes not the individuals, so there could be one or five people in the home. We are ahead of where we were in 2010. We are working on the Burton Project Heats On. This is the 12th year for the program. It is for Burton residents who own their own home, are current on property taxes and experiencing a financial hardship. The program does everything from cleaning all the way up to replacement of furnaces to make sure every resident has clean, safe heat. We handle between 40-50 homes each year. We are currently at 32 homes. The deadline to apply is October 7th. Applications are available at City Hall, Burton Senior Center and in the View Newspaper. If you know anyone in need, please let them know about this. The program is kept confidential.

Mr. Wells thanked the Police Chief for his involvement with the issues on Belsay Road. You are taking a different approach and I appreciate it. The neighbors also appreciate it however, it doesn't look like the residents are going to be willing to sit down with this guy because he has been terrorizing them for three years. Thank you to the residents who have sent letters in tonight. If we learn anything from this it is that we are not trying to hide anything. You can go to your computer and watch the video of our meetings. No one is trying to pull the wool over anyone's eyes. You can't do it anymore in Burton. We are completely transparent. We are always looking to upgrade and find new ways to talk to the residents and let them talk to us. It was great to see everyone in the parking lot tonight wanting to talk to us. We look forward to filling this room up as soon as we can.

Mr. O'Keefe would like to give the administration team a compliment. At the last meeting, we had quite a discussion about the poor quality of Webex. It was difficult to hear. Since then, it has been a world of difference. I would ask if those viewing from home could let us know how the quality is for them. This will enable us to do this when we need to in the future. I commend my colleagues for meeting with the residents in the parking lot tonight. We are looking for these ideas. We need to know what you want and we heard that tonight. Thank you.

Minutes Acceptance: Minutes of Sep 21, 2020 7:00 PM (APPROVAL OF MINUTES)

Mr. Fenner stated one thing that has become abundantly clear is that our method of getting information to our residents (our website) isn't cutting it. We have discussed this in the past and we really need an Official City Facebook page to avoid this appearance of cloak and dagger. We went through the protocol to have these meetings posted to the public and to have them attend. Nothing subversive has gone on but it seems to be that way. I don't know the answer to how we can get the information to the residents better. That was one of the faults that happened here; we didn't get participation at the meetings leading up to tonight. How we get the information out needs to be expanded somehow.

Mr. Heffner agrees. Can the Public Access Chair expand on this?

Mr. Smith stated we had Matt Bach come in and give a presentation. There are ways to do it. The problem is not getting the Facebook page up. It is managing the Facebook page. The page has to be FOIA-able, so it must include an archive. We also have to have someone to monitor it. There is a way to do it through the Michigan Municipal League and they are more than happy to help, but it will cost money. We have to keep it legal.

Mr. Heffner stated we would have to work with the administration on this because the Mayor would have to appoint someone to monitor it.

Mayor Haskins stated maybe the best thing to do is set an appointment with Matt Bach to discuss how we can make this work. If Mr. Smith would reach out to Mr. Bach and see what his schedule is like, we can set it up. He will probably charge us for it. I am definitely open to it.

Discussion continued regarding meeting with Matt Bach about a city Facebook page. Mr. Smith will forward sample social media policies to the City Clerk to forward to the council for review.

Mr. Martinbianco stated I am not very happy about some of the conversation involved in tabling this action tonight. We have done everything we can to be transparent. To say we are doing something behind the scenes or kept it from the public, that is nothing that I would ever be happy with and I don't want someone accusing me of that. That is not Tom Martinbianco and it is not anything any of my colleagues would do either. We try to put everything on front street to make sure everyone understands what the issue is. Tabling this was a smart move not a political one. We can learn from this and get everyone together. We may need a commission if we are going to explore this in the future. I was looking at a map of the city and those who responded tonight are probably in the best areas that should be excluded from this. I understand what is going on on Belsay Road, but that is not the only place where this occurs. Saturday night for example, in section 32, there were multiple gunshots fired. I counted 17 shots. For what? It wasn't even the start of early doe season. I do respect everyone here and recognize a lot of the names. These are great hunters who respect other peoples property. I took offense that someone thought we were trying to slide this through.

Mr. Wells asked if the Mayor is in discussion with a developer to develop property on Bristol and Vassar Road.

Mayor Haskins said, no.

Mr. Wells stated this was on Burton City Chat. If the person who posted this knows something we don't know, please call the Mayor. We need this.

Mr. Smith stated he sent the social media policies to the Clerk. It will take time to look it over but please do that when the Clerk sends it to you.

Mr. Heffner asked where the property from item #3 is located.

Mayor Haskins stated these were the properties that were sold by the city before I took office. After Washington DC got involved, the past administration found out that these are FEMA properties. The administration reached out to all three owners of these properties and only one responded. So, that one was refunded money and received the parcel back per FEMA guidelines. Two did not respond and still have not responded. The past administration and the attorney have reached out to the owners on several occasions to let them know that we were not permitted to sell the property because of the flood zone. Now, it has been a year and FEMA is getting impatient. This resolution is to allow the city to proceed through the court system to obtain the properties back.

Attorney Doyle stated these properties are on Clarice Avenue.

Mr. Wells stated there was quite a discussion when we sold these properties. I knew they were FEMA properties. The people who previously owned them and had them taken away were very upset. There is quite a bit of paperwork on this somewhere. I would like to see the records of the sale. This was a big mess up on our part. We definitely knew they were FEMA properties that should not be sold. At the time, we were told by the administration that we could sell them.

Attorney stated there is pending litigation, so I would prefer we not discuss it at this time.

K. COUNCIL ACTION

1. Approve and authorize the payment of Attorney Billing (Doyle) 9/1/20 to 9/15/20 in the amount of \$4,655.05.

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

2. Approve and authorize the Mayor and City Clerk to execute a contract with Chippewa Asphalt Paving, P.O. Box 515, Clio, MI, 48420 for pavement repairs on Vassar Road (Sanitary) and Center/Walli Strasse (Watermain) in accordance with their low responsive sealed bid of \$35,062.00.

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 Resolution 2020-09 declaring that the City of Burton deems it necessary to take for public use absolute title in fee to certain properties within the city.

Mr. Martinbianco asked what public purpose will we be using this property for? What are our limitations if we take it over?

Mr. Heffner stated when I served on the Parks & Recreation Commission, we talked about having a boat launch there so people could kayak from there to Settlement Park.

Attorney Doyle stated if we do not take the property, FEMA will get involved and force the issue. There are deed restrictions that were not uncovered. The past administration, as far as I could tell, had no evidence of these 1977 FEMA restrictions. Title searches did not uncover them. They were finally uncovered when FEMA got involved because of the issues the property owners and surrounding property owners were having. That being said, they cannot be owned by any individual. They must be owned by the city and used for a public purpose. They cannot be built upon.

Mr. Martinbianco stated it is in a flood zone and cannot be built upon anyway, no matter who owns it. If the adjoining property owners want to take possession of it, we can't pass this.

Attorney Doyle state they cannot take possession of it. They can use it because it will be open for a public purpose, presumably. They cannot possess it.

Mr. Martinbianco asked how we can make it so they can possess it.

Attorney Doyle stated we cannot. It is not our decision. FEMA has determined this. We have been attempting to get these properties back for about a year now. We have offered to reimburse all the monies spent for the purchase price and any money expended in the combining of parcels. The only option now is to file a suit to condemn it which is a way to exercise eminent domain.

Mr. Martinbiaco stated the only purpose for the property is that it can be a park or public space. That is the problem I have.

Mr. O'Keefe stated if we condemn the property, do they still get all the reimbursements.

Attorney Doyle stated the judge will determine this. The property is worth nothing. They cannot be built upon or used. We would argue that we will give back the money you spent and nothing more.

Mr. O'Keefe stated we are all in a bad position and I just want to be fair.

Mr. Wells would like to see the minutes of the meetings where we conducted this business. I am sure we went through all of this. It was three years ago. They have paid taxes or built a fence on the property.

Mayor Haskins stated he will defer to the Attorney who has all the time lines. They acquired the properties just a touch over a year ago. It was February or March of 2019, I thought.

Mr. Heffner asked the City Clerk to forward the minutes of that meeting to Mr. Wells.

Ms. Boggs stated she will do so.

Mr. Heffner thanked the residents for coming to the City Hall parking lot yesterday and today to voice their opinions.

Mr. Martinbianco expressed concern that he was not invited to talk with the residents.

Mr. Heffner stated the residents tagged all of us on a Facebook post.

Mr. Marinbianco stated he is not always on Facebook. Do we have a social media policy that states we should be looking at that all the time? During the course of the evening, there were discussions about us doing something despicable and nefarious under the law. I will never be a part of that. Mr. President and my colleagues will never be a part of that. We are in this together and will make the right decisions as a community.

Mr. Heffner stated you have to look at it from their eyes. They don't pay attention to everything that is going on in the city like we do. To them, it may have looked like we were doing that especially with the Governor's Executive Orders. They don't know our processes.

Mayor Haskins stated for Mr. Wells, it was the February 4, 2019 Council Meeting where we approved the FEMA properties. Thank you Madam Clerk.

Mr. Wells stated he would like a copy of those minutes.

Mr. Heffner stated the minutes are on IQM2.

Mrs. Conley thanked everyone who called and reached out to me about the ordinance. Sometimes people don't hear everything. If we all sit down with the residents and talk to them, they understand us. When somebody posts on Burton City Chat, things get blown out of proportion. Thank you to the DPW for all the overtime they are doing.

RESULT:	CARRIED [5 TO 2]
MOVER:	Tom Martinbianco, Councilman
SECONDER:	Danny Wells, Councilman
AYES:	O'Keefe, Heffner, Smith, Fenner, Conley
NAYS:	Martinbianco, Wells

L. FIRST READING OF ORDINANCE

1. First Reading of Ordinance: Amendment to Weeds, Grasses and Brush Ordinance 91.01

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

2. First Reading of Ordinance: Amendment to Firearms Ordinance 139.02.

This item was tabled indefinitely.

Mr. Heffner thanked everyone for their attendance tonight.

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

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

Meeting was adjourned at 8:38 PM.

Minutes Acceptance: Minutes of Sep 21, 2020 7:00 PM (APPROVAL OF MINUTES)



ADOPTED

AGENDA ITEM (ID # 4886)

DOC ID: 4886

**Approve and authorize the payment of Attorney Billing
(Doyle) 9/16/20 to 9/29/20 in the amount of \$3,030.00.**

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



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

Meeting: 10/05/20 07:00 PM
Department: Clerk's Office
Category: Attorney Billing
Prepared By: Racheal Boggs
Department Head: Racheal Boggs

K.2

ADOPTED

AGENDA ITEM (ID # 4885)

DOC ID: 4885

Approve and authorize the payment of Attorney Billing (Masud) 8/5/2020 to 8/31/2020 in the amount of \$1,911.00.

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



ADOPTED

AGENDA ITEM (ID # 4892)

DOC ID: 4892

**Approve and authorize the request for a Residential Sanitary
Water & Sewer Installer's License for Waldorf & Sons Inc.
9118 N. Dort Highway, Mount Morris, Michigan 48458.**

ATTACHMENTS:

- Waldorf&Sons (PDF)

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



City of Burton
4303 S. Center Rd.
Burton, MI 48519
www.burtonmi.gov

Application for Sewer & Water Installer License

Date: 9-17-2020 License Expiration: 9-16-2020
Name of Applicant: Daryl T. Little
Applicant Address: 10281 E. Mt. Morris Rd Davison, MI 48423
Phone Number: (810) 691-3531 Email: Office@waldorfandsonsinc.com
Name of Business: Waldorf & Sons Inc.
Business Address: 9118 N. Dort Hwy, Mt. Morris MI 48458
Phone Number: (810) 564-5000 Plumbing License #: 8004298

LICENSE FEES	Amount	Proration	PAID
1. Sewer Installer Expires - March 31, _____	\$100.00		☒
2. Water Installer Expires - March 31, _____	\$100.00		☒

- Applicant must file a Performance Bond in the Amount of \$10,000.
- Applicant must maintain insurance against liability in the amounts of \$100,000 for injury to one person and \$300,000 per occurrence, and against liability for property damage in the amount of \$100,000.
- Each contractor shall maintain Workman's Compensation insurance covering all employees.

The undersigned hereby specifically agrees that any approval granted for license received after said approval is subject to revocation at any time by the Burton City Council, and that there shall be no liability on the part of the Burton City Council of the City of Burton, or any officers, members or employees of said units, because of any revocations and the granting of such approval of license does not create a vested right.

The undersigned hereby specifically agrees to abide by all provisions of Burton City Ordinance #112, adopted 8-4-69, effective 9-15-69, and all City Ordinances and Resolutions of the Burton City Council now in force or hereinafter adopted.

I, Daryl T. Little (applicant) being duly sworn, state that I have read the foregoing application and exhibits therein contained and attached, by me subscribe and knowingly made the foregoing answers, statements, and representations therein contained and that said statement representations are true.

THIS APPLICATION MUST BE SIGNED BEFORE A NOTARY:

Daryl T. Little
Signature of Applicant

Subscribed and sworn before me a Notary Public in and for the County of Genesee, State of Michigan this 17th day of September, 2020.

[Signature]
Notary Public

10-02-2025
Commission Expires

Y:\Documents\LICENSES\Applications\Sewer & Water Installer.docx

Attachment: Waldorf&Sons (4892 : Residential Sanitary Water & Sewer Installer's License)

CITY OF BURTON
4303 S. CENTER RD.
BURTON, MI 48519
Phone : 810-743-1500
WWW.BURTONMI.GOV

Received From:
WALDORF & SONS INC

Date: 09/17/2020 Time: 11:20:24 AM
Receipt: 110674628
Cashier: BICEV
Workstation: Drawer: 1

ITEM REFERENCE	AMOUNT
LICENSE LICENSE FEES	
WATER/SEWER INSTALLER	
1001-0000-450.0000	\$200.00
TOTAL	\$200.00
CHECK 82094	\$200.00
Total Tendered:	\$200.00
Change:	\$0.00

Attachment: Waldorf&Sons (4892 : Residential Sanitary Water & Sewer Installer's License)

Continuation Certificate

KNOW ALL MEN BY THESE PRESENTS, THAT:

In consideration of the payment of a renewal premium, United States Fire Insurance Company as SURETY, does hereby continue

Bond Number: 602-117025-3

Amount of Bond: \$10,000.00

Continued from : 04/01/2020 to 04/01/2021

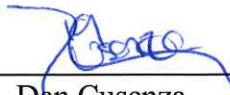
On behalf of Waldorf & Sons, Inc.

In favor of City of Burton (Sewer Installation Bond)

Provided, however, that this Continuation Certificate does not create a new obligation and is executed upon the express condition and provision that the Surety's liability under said bond and this and all Continuation Certificates issued in connection therewith shall not be cumulative and that said Surety's aggregate liability under said bond and this and all such Continuation Certificates on account of all defaults committed during the period (regardless of the number of years) said bond has been and shall be in force, shall not in any event exceed the amount of said bond as hereinbefore set forth.

Dated this 20th day of March, 2020.

United States Fire Insurance Company
Surety

By: 
Dan Cusenza
Attorney-in-Fact

Attachment: Waldorf&Sons (4892 : Residential Sanitary Water & Sewer Installer's License)

**POWER OF ATTORNEY
UNITED STATES FIRE INSURANCE COMPANY
PRINCIPAL OFFICE - MORRISTOWN, NEW JERSEY**

01129408920

KNOW ALL MEN BY THESE PRESENTS: That United States Fire Insurance Company, a corporation duly organized and existing under the laws of the state of Delaware, has made, constituted and appointed, and does hereby make, constitute and appoint:

John Foster, Dan Cusenza, James Slear, Heather Buonodono

each, its true and lawful Attorney(s)-In-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver: Any and all bonds and undertakings of surety and other documents that the ordinary course of surety business may require, and to bind United States Fire Insurance Company thereby as fully and to the same extent as if such bonds or undertakings had been duly executed and acknowledged by the regularly elected officers of United States Fire Insurance Company at principal office, in amounts or penalties not exceeding: **Seven Million, Five Hundred Thousand Dollars (\$7,500,000)**.

This Power of Attorney limits the act of those named therein to the bonds and undertakings specifically named therein, and they have no authority to bind United States Fire Insurance Company except in the manner and to the extent therein stated.

This Power of Attorney revokes all previous Powers of Attorney issued on behalf of the Attorneys-In-Fact named above and expires on January 31, 2021.

This Power of Attorney is granted pursuant to Article IV of the By-Laws of United States Fire Insurance Company as now in full force and effect, and consistent with Article thereof, which Articles provide, in pertinent part:

Article IV, Execution of Instruments - Except as the Board of Directors may authorize by resolution, the Chairman of the Board, President, any Vice-President, any Assistant Vice President, the Secretary, or any Assistant Secretary shall have power on behalf of the Corporation:

(a) to execute, affix the corporate seal manually or by facsimile to, acknowledge, verify and deliver any contracts, obligations, instruments and documents whatsoever in connection with its business including, without limiting the foregoing, any bonds, guarantees, undertakings, recognizances, powers of attorney or revocations of any powers of attorney, stipulations, policies of insurance, deeds, leases, mortgages, releases, satisfactions and agency agreements;

(b) to appoint, in writing, one or more persons for any or all of the purposes mentioned in the preceding paragraph (a), including affixing the seal of the Corporation.

Article III, Officers, Section 3.11, Facsimile Signatures. The signature of any officer authorized by the Corporation to sign any bonds, guarantees, undertakings, recognizances, stipulations, powers of attorney or revocations of any powers of attorney and policies of insurance issued by the Corporation may be printed, facsimile, lithographed or otherwise produced. In addition, if and as authorized by the Board of Directors, dividend warrants or checks, or other numerous instruments similar to one another in form, may be signed by the facsimile signature or signatures, lithographed or otherwise produced, of such officer or officers of the Corporation as from time to time may be authorized to sign such instruments on behalf of the Corporation. The Corporation may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Corporation, notwithstanding the fact that he may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, United States Fire Insurance Company has caused these presents to be signed and attested by its appropriate officer and its corporate seal hereunto affixed this 22nd day of August 2019.

UNITED STATES FIRE INSURANCE COMPANY



A.R.S.

Anthony R. Slimowicz, Executive Vice President

State of Pennsylvania }
County of Philadelphia }

On this 22nd day of August 2019, before me, a Notary public of the State of Pennsylvania, came the above named officer of United States Fire Insurance Company, to me personally known to be the individual and officer described herein, and acknowledged that he executed the foregoing instrument and affixed the seal of United States Fire Insurance Company thereto by the authority of his office.

Commonwealth of Pennsylvania – Notary Seal
Tamara Watkins, Notary Public
Philadelphia County
My commission expires August 22, 2023
Commission number 1348843

Tamara Watkins

Tamara Watkins

(Notary Public)

I, the undersigned officer of United States Fire Insurance Company, a Delaware corporation, do hereby certify that the original Power of Attorney of which foregoing is a full, true and correct copy is still in force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of United States Fire Insurance Company on the 20 day of March 2020

UNITED STATES FIRE INSURANCE COMPANY

Al Wright

Al Wright, Senior Vice President



Attachment: Waldorf & Sons (4892 : Residential Sanitary Water & Sewer Installer's License)

Continuation Certificate

KNOW ALL MEN BY THESE PRESENTS, THAT:

In consideration of the payment of a renewal premium, United States Fire Insurance Company as SURETY, does hereby continue

Bond Number: 602-117026-2

Amount of Bond: \$10,000.00

Continued from : 04/01/2020 to 04/01/2021

On behalf of Waldorf & Sons, Inc.

In favor of City of Burton (Water Installation Bond)

Provided, however, that this Continuation Certificate does not create a new obligation and is executed upon the express condition and provision that the Surety's liability under said bond and this and all Continuation Certificates issued in connection therewith shall not be cumulative and that said Surety's aggregate liability under said bond and this and all such Continuation Certificates on account of all defaults committed during the period (regardless of the number of years) said bond has been and shall be in force, shall not in any event exceed the amount of said bond as hereinbefore set forth.

Dated this 20th day of March, 2020.

United States Fire Insurance Company
Surety

By: 
Dan Cusenza
Attorney-in-Fact

Attachment: Waldorf&Sons (4892 : Residential Sanitary Water & Sewer Installer's License)

**POWER OF ATTORNEY
UNITED STATES FIRE INSURANCE COMPANY
PRINCIPAL OFFICE - MORRISTOWN, NEW JERSEY**

01129408920

KNOW ALL MEN BY THESE PRESENTS: That United States Fire Insurance Company, a corporation duly organized and existing under the laws of the state of Delaware, is made, constituted and appointed, and does hereby make, constitute and appoint:

John Foster, Dan Cusenza, James Slear, Heather Buonodono

each, its true and lawful Attorney(s)-In-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver: Any and all bonds and undertakings of surety and other documents that the ordinary course of surety business may require, and to bind United States Fire Insurance Company thereby as fully and to the same extent as if such bonds or undertakings had been duly executed and acknowledged by the regularly elected officers of United States Fire Insurance Company at principal office, in amounts or penalties not exceeding: **Seven Million, Five Hundred Thousand Dollars (\$7,500,000)**.

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(b) to appoint, in writing, one or more persons for any or all of the purposes mentioned in the preceding paragraph (a), including affixing the seal of the Corporation.

Article III, Officers, Section 3.11, Facsimile Signatures. The signature of any officer authorized by the Corporation to sign any bonds, guarantees, undertakings, recognizances, stipulations, powers of attorney or revocations of any powers of attorney and policies of insurance issued by the Corporation may be printed, facsimile, lithographed or otherwise produced. In addition, if and as authorized by the Board of Directors, dividend warrants or checks, or other numerous instruments similar to one another in form, may be signed by the facsimile signature or signatures, lithographed or otherwise produced, of such officer or officers of the Corporation as from time to time may be authorized to sign such instruments on behalf of the Corporation. The Corporation may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Corporation, notwithstanding the fact that he may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, United States Fire Insurance Company has caused these presents to be signed and attested by its appropriate officer and its corporate seal hereunto affixed this 22nd day of August 2019.

UNITED STATES FIRE INSURANCE COMPANY

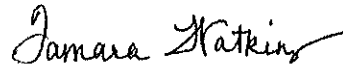


Anthony R. Slimowicz, Executive Vice President

State of Pennsylvania }
County of Philadelphia }

On this 22nd day of August 2019, before me, a Notary public of the State of Pennsylvania, came the above named officer of United States Fire Insurance Company, to me personally known to be the individual and officer described herein, and acknowledged that he executed the foregoing instrument and affixed the seal of United States Fire Insurance Company thereto by the authority of his office.

Commonwealth of Pennsylvania – Notary Seal
Tamara Watkins, Notary Public
Philadelphia County
My commission expires August 22, 2023
Commission number 1348843



Tamara Watkins

(Notary Public)

I, the undersigned officer of United States Fire Insurance Company, a Delaware corporation, do hereby certify that the original Power of Attorney of which foregoing is a full, true and correct copy is still in force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of United States Fire Insurance Company on the 20 day of March 2020

UNITED STATES FIRE INSURANCE COMPANY



Al Wright, Senior Vice President

Attachment: Waldorf & Sons (4892 : Residential Sanitary Water & Sewer Installer's License)



CERTIFICATE OF LIABILITY INSURANCE

K.3.a

DATE (MM/DD/YYYY)

05/04/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Peabody Insurance Agency, Inc. 265 N. Alloy Dr. Fenton MI 48430		CONTACT NAME: Tiffany Settlemoir PHONE (A/C, No, Ext): (810) 629-1504 FAX (A/C, No): (810) 629-2822 E-MAIL ADDRESS: tsettlemoir@peabodyinc.com	
INSURED Waldorf and Sons Inc. 9118 N Dort Hwy Mt Morris MI 48458		INSURER(S) AFFORDING COVERAGE INSURER A: Selective Way Insurance INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 28301	

COVERAGES **CERTIFICATE NUMBER:** 20-21 COI Master **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☐ LOC ☐ OTHER:			S2418302	04/04/2020	04/04/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000 \$
A	AUTOMOBILE LIABILITY ☐ ANY AUTO ☒ OWNED AUTOS ONLY ☒ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS ONLY			S2418302-BA	04/04/2020	04/04/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ 1,000 \$ 1,000,000
A	☒ UMBRELLA LIAB ☐ EXCESS LIAB ☒ OCCUR ☐ CLAIMS-MADE DED RETENTION \$			S2418302-UMB	04/04/2020	04/04/2021	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N Y N/A			S2418302-WC	04/04/2020	04/04/2021	☒ PER STATUTE E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

All operations of the named insured.

CERTIFICATE HOLDER

City of Burton 4303 S Center Rd Burton MI 48519-1449
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CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Handwritten Signature

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ADOPTED

AGENDA ITEM (ID # 4897)

DOC ID: 4897

Water and Sewer Rates and Charges Resolution 2020-10

COMMENTS - Current Meeting:

Mr. Martinbianco stated after doing a re-analysis in conjunction with the meeting that Mr. Smith and I had with the Mayor and Mr. Abbey, I took the liberty to run my own numbers and believe that sewer-only customers are still being overcharged. Right now, according to the study from a year ago, sewer-only customers should be paying \$95 a quarter. My calculation is that it should be \$114 a quarter. I am very happy with that.

Mr. O'Keefe asked what involvement the Woodhill Group had with this.

Mayor Haskins stated the Woodhill Group was involved every step of the way, for every test, meeting and re-check. One of the biggest things that the Woodhill Group had to say was the cost saving measures that the administration and council did by putting over a quarter of a million dollars back into the water fund.

Mr. O'Keefe stated I have been asking for six weeks to have the Woodhill Group address the council. I thought they would be here this evening and they are not. I have questions for them. We hired a consulting group who is supposed to do an annual review on this. I have questions about the 5-year forecast they did. I am not getting my questions answered so, I will not be able to vote on this tonight. If someone would like to table it, that's fine but I will be voting no until I can have my questions answered.

Mayor Haskins stated we called each of you individually to discuss the fee reduction. We broke it out and explained it. Everyone seemed to be good with it. No one asked for Woodhill to be here at that time.

Mr. O'Keefe stated I have been asking for six weeks.

Mayor Haskins stated, I understand that and we can still meet with Woodhill. I am not sure if they are doing in-person meetings. I am not opposed to them coming in, at all. I will say that we have a good opportunity in front of us to reduce the water rates that have been plaguing our residents. I have been working on getting this resolution done since I took office. We have done it through cutting wasteful spending. We need to give relief to our residents. We should still move forward on this water rate reduction and bring Woodhill in at a different time.

Mr. Abbey asked if there are specific question Mr. O'Keefe wants answered.

Mr. O'Keefe stated I have a lot of questions. I can't believe cost cutting can pay for this reduction. We were on a thin line for five years on this. It is not making sense to me. We had to borrow \$600,000 from the city's general fund six months ago for the water fund.

Mr. Abbey stated it wasn't just the \$233,000 we cut out of water. It was a combination of things. Will we be able to maintain it long term? Who knows. We will have to wait and see. This is a document that has always been designed to re-visit every budget year. Right now we are tracking in the black and we are covering costs, plus. We redistributed the costs. We have not eliminated the revenue we are taking in. There will be a little bit of that because of meter size. Some were considered two meters because they are compound meters. There is also the 3/4 versus 5/8 meters and we went through that exercise. There is savings to those individuals much more than others but everybody, residential and small business will see a reduction because the shift is back on the large rate users. There are anomalies in our system and we have all talked about those. It is unlike anything the Woodhill Group has ever seen. We went to a straight AWWA water table based on meter size. There are variables with those. For example, one of our largest users, a manufacturing facility doubled their size (meter and compound) and their base rate dropped by \$1,000 a month. So, we went back and looked at the hybrid. We looked at the county rates and how they did it. It takes in the same revenue but distributes it differently. That is why we put a number back in the commodity because the high water users have to pay a little more. The low water users were the ones being hit so hard because it went onto the fixed costs. Even if they tried to conserve water, they couldn't save money. There has to be a balance to these things. We think this is a more balanced approach because it spreads the cost more evenly and still takes in the revenue needed.

Mr. O'Keefe stated I still have questions. We are paying Woodhill and the contract says they are supposed to be involved for the next five years. Will they be doing the year end review?

Mr. Abbey stated yes, they are. We look at our budget and they make sure our rates meet the bond obligation. That is their primary function.

Mr. Heffner stated he agrees with Mr. O'Keefe. We do need to sit down with the Woodhill Group. I do support item #4 and I will vote yes on this tonight. Right now, we have a chance to give our residents some relief.

Mr. O'Keefe asked why we are voting on this prior to the meeting with the Woodhill Group.

Mr. Heffner stated I agree with that. Right now we have a chance to give the residents some relief and I don't want to delay that. We may find more savings down the road when Woodhill comes in.

Mr. Wells stated I had a nice conversation with the Mayor about this and I would be excited if we could lower the water rates this much. Part of me is really concerned why this information didn't come out last year at this time. Everyone said we have to raise the rates, the city is going broke and the water fund is broke. Now it's 180 degrees. I have some questions for Woodhill, too. I tried to call Colleen today and she didn't return my call which concerns me. Right now, you probably have the four votes. I would like to hear what they have to say before I vote yes and a year from now we realize we messed up again. I hope it does pass but, I can't vote yes on it tonight. There is something about it that just doesn't make sense. Has this gone into effect already? I have had three people call me who have received their October water bill to thank me for lowering the rates.

Mr. Abbey stated part of it has. We are working on the part that is an administrative function and that is the terminology on the 3/4 inch meter versus 5/8 inch meter. It was a methodology thing from AWWA. Some residents will already see a savings because of this.

Mr. Wells stated so, you think you can lower the water rates without the council even knowing about it?

Mr. Abbey stated this is not lowering water rates. It is making a determination on meter size. Woodhill didn't understand this because some meters say 3/4 inch on them but, they are 5/8 inch. If you don't want to give those 700 or so people a break, then we will leave it.

Mr. Wells stated I don't have one scrap of paper from the Woodhill Group. I had a good conversation with the Mayor and I understand this but I still don't know where the \$250,000 came from.

Mayor Haskins stated there were so many different anomalies that came into play. A lot of it was based off the AWWA table versus how the county bills. These things were never addressed or investigated thoroughly when this went through the first time. That is what we were doing over the last nine months. We went through all of these things, tracked it and tested it to see what we could do to make sure we could keep our water fund in the black and still give relief to our residents.

Mr. Wells stated we have talked to the county about this and they never brought up the 3/4 or 5/8 meter.

Mr. Abbey stated they have no idea what we charge. They bill us off a master meter. We get billed straight for the usage coming into our transmission lines.

Mrs. Conley stated I agree with some of my colleagues. It would have been nice to have Woodhill here or Jeff Wright. We could have had a workshop. I am not against giving relief to our residents but I would sure like to not have it thrown in our lap tonight without the right people giving us answers. This is what got us in trouble last time. We need Woodhill here to answer some questions for everybody.

Mayor Haskins stated last time Woodhill was here. We have spent nine months working on this. We can have Woodhill come in but the relief to our residents shouldn't be delayed. What questions do you have, Mrs. Conley?

Mrs. Conley stated Mr. O'Keefe has asked for six weeks. It is not just me, so you don't have to point it out.

Mr. Heffner asked if we can get the Woodhill Group to come to our first meeting in November. This is a reduction in rates that will help a lot of people if we pass it tonight. If it was an increase I would say, no. If there is something else wrong, we can always change it in the future.

Mayor Haskins stated we can definitely reach out to the Woodhill Group.

K.4

Mr. Martinbianco stated this is an increase to the sewer-only customers. Why is our discussion only about water?

Mr. Abbey stated it isn't, they go together. In the document you received from the Woodhill Group, lowering the sewer rates in the original proposal was only for the first couple of years then it would begin to increase. We didn't implement it at that time because we had to have a history. The mistake with the sewer was because the county bills us a different rate than what we charge the sewer-only people. That was never put into the equation. We had to adjust it based on that. We have to bill how they bill us or we are subsidizing people again. Woodhill didn't do anything wrong, it was just a major methodology change. As we saw things pop up that weren't equitable and fair, we adjusted it. We should always re-visit this at budget time to make sure the numbers are going in the right direction and that we are covering our costs and putting a little away for future improvements.

Mr. Martinbianco stated I couldn't agree with you more.

Mr. Smith stated the water has been a really difficult situation for many years. It has a lot of moving parts. In 2018, I can remember us being at a \$20,000 a month deficit. Multiple times, we discussed doing a rate study. We knew we had a problem. A couple years later, \$20,000 went to \$60,000 because of the equity and interest on the bonds. In our most recent CAFER on page 116, it shows in 2010 we paid \$250,000 in interest for water and sewer. By 2019, it was \$1.7 million. We did do raises. We had Karegnondi and the 42 inch pipeline. We had Detroit water and sewer raising double digit numbers. Woodhill is only guilty of using a cookie cutter approach. We are all better educated about the anomalies in our system. Beta runs should have been done back in 2018 and they were not. We didn't have time because we needed to stop the bleeding. Since then, we have done several beta runs with the bills to make sure there are two variables: making sure we are covering the deficit and that the people who use the water are the ones paying. We haven't been hemorrhaging and it has given us time to take a look at this very complicated problem. If this was an increase in rates, I would agree with you but, we are lowering rates and we are still in the black. Why don't we give our residents a water decrease and talk to Woodhill about our questions later. Let's vote and get this passed.

Mr. O'Keefe stated on the proposal for tonight it states, whereas, the City Council has reviewed the proposed rate allocation methodology and has determined that rates and charges are appropriate and equitable. Then there is a small box here and that is it. Maybe to make it clearer, what I am looking for is a cut-off at the end of September with what was used and the rates. Then we can start up the new thing. There has to be a forecast. We need dollars plugged in there instead of talking about the size of meters. That way, we can see the cash flow of this. We have been bleeding money out of this and had to go to the general fund for \$600,000 not too long ago. We have to get this right. I am not convinced and this resolution says I have to be convinced. It has to be in a timeline or graph and equate to dollars.

Mr. Wells stated all I want is some clarity. The last time we went through this in 2019, the Woodhill Group came in at special meetings and we were able to ask questions. At that time, both Woodhill and the administration told us if we did not do what they said to do then the state would come in and take over our water fund. They said we were \$1.4 million in the red. After all the conversations we had, I thought I was doing the right thing. I fell for it, I guess. I have had many sleepless nights since then. I want to see real numbers and I

want to see how we got to this. Apparently, by the phone calls I am getting this is already in motion, so we are not hurting anybody. I don't know how this happened. How do you lower the water rates without City Council voting on it?

K.4

Mr. Heffner stated they changed the classifications of the meters, Mr. Wells. They were charging for 3/4 meters and now they are charging for 5/8.

Mr. Wells stated that would have been helpful for us to know. What else is going on behind the scenes? We come in every other Monday and have things thrown in our lap to vote on. That's crap. We deserve better than that. I want to know why things work the way they work. Mr. Smith is privy to this information. Why aren't we all? We have a new Councilman here and he is getting thrown into a storm again.

Mr. Martinbianco asked for the extent of what we are doing with the Census.

Mr. Smith stated in 2010 the city had 74.2% of homes respond to the Census. Currently, for the 2020 Census we have 76.4% of homes in Burton respond to the Census. So, we are up by 2.2%. I say homes because you could have anywhere from one person to a family in it. We don't have a definitive number but we know that we are ahead. Roughly one third of the homes in a typical town, don't respond. That is when the Census workers go out to knock on doors to see who is living in those homes. If the Census workers do an equally good job as they did in 2010, we will see positive numbers. We will not know the final numbers until sometime mid next year.

Mr. O'Keefe stated Mr. Mayor, I would like to make it clear that I have questions for the Woodhill Group so they can be prepared when they get here. My questions are how the usage equates out to dollars with the changes you have made and how it covers our obligations. I understand about the usage but, I have seen nothing about dollars. Please let them know this prior to them meeting with us.

Mr. Abbey stated we know the dollars. We will get them for you.

Mr. Okeefe stated he would like the council to receive this information prior to the meeting so we have a chance to look at it.

ATTACHMENTS:

- Draft Resolution for October 2020 to June 2021 Rate- UPDATED (DOCX)

RESULT:	CARRIED [5 TO 2]
MOVER:	Vaughn Smith, Councilman
SECONDER:	Gregory Fenner, Vice President
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley
NAYS:	Dennis O'Keefe, Danny Wells

RESOLUTION 2020-10
CITY OF BURTON
GENESEE COUNTY MICHIGAN

RESOLUTION REGARDING WATER AND SEWER RATES AND CHARGES

WHEREAS, the City of Burton's Code of Ordinances, Section 51.145 (water) and Chapter 52 (sewer), provides that all water and sewer charges, fees and deposits shall be established by the City Council and amended by resolution; and,

WHEREAS, the City Council is desirous of achieving a more equitable allocation of costs among its water and sewer customers; and,

WHEREAS, the City Council previously approved fees to recover costs on specific user activities, and previously modified the ordinance to include vacant or empty buildings as part of the cost recovery; and

WHEREAS, the City Administration has taken steps to reduce the annual operating expenses and the city has six months of revenue from the above cost recovery steps; and,

WHEREAS, the City Administration is proposing costs will be recovered by fees charged for user specific activities allocated equitably among users by use of the American Water Works Association (AWWA) equivalent user table as noted in Appendix B for the water, and the Genesee County Water and Waste table of unit factor for sewer, and passing through the Genesee County commodity rate plus any related water loss costs; and,

WHEREAS, the City Council previously adopted a five-year cost recovery rate schedule with review of the same to occur annually; and,

WHEREAS, the City Administration has delayed the implementation of the sewer rates due to a request for additional information; and

WHEREAS, due to the previous actions taken by City Council and the current steps taken by the City Administration, the proposed October 2020 to June 2021 water rates are an adjustment to the 5 year schedule, and

WHEREAS, the City Council has reviewed the proposed rate allocation methodology and has determined that said rates and charges are appropriate and equitable,

NOW, THEREFORE, BE IT RESOLVED by the Burton City Council that:

Section 1. The following fee schedule is approved:

	Current Rates	Billing Period
	November 2019- September 2020	October 2020- June 2021
Capacity Rate Monthly Rate per REU	17.02	16.21
Debt Service Monthly Rate per REU	13.05	9.92
Commodity Rate per 100 cf Unit	0.0575	0.0652

Attachment: Draft Resolution for October 2020 to June 2021 Rate- UPDATED (4897 : Water and Sewer Rate Resolution)

Section 2. Sewer rate usage recovery will not change until further notice.

Section 3. Commodity rates will consist of a direct pass through from Genesee County plus the cost of any lost water on the purchases and updated periodically when the rate charged from Genesee County changes.

Section 4. Water debt service payments are to be allocated equitably among users by use of the AWWA equivalent user table and adjusted annually each July 1 to meet the legally required debt service payments for the fiscal year and taking into account any overage or shortfall from the previous year(s).

CITY OF BURTON,

By: Duane Haskins, MAYOR

By: Racheal Boggs, CLERK