CITY OF BURTON

BURTON CITY COUNCIL MEETING

SEPTEMBER 20, 2021

AGENDA

Council Chambers	Regular Meeting	7:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

A. INVOCATION LED BY: VAUGHN SMITH

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

C. ROLL CALL

D. APPROVAL OF AGENDA

E. STAFF PRESENT

F. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Sep 9, 2021 7:00 PM

2. City Council - Special Meeting - Sep 13, 2021 7:00 PM

G. ADMINISTRATIVE REPORTS

H. COMMITTEE REPORTS

I. AUDIENCE PARTICIPATION

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

J. COUNCIL DISCUSSION

K. COUNCIL ACTION

1. Approve and authorize the payment of Attorney Billing (Doyle) 9/1/21 to 9/14/21 in the amount of $6,324.00.

2. Approve and authorize the payment of Attorney Billing (Masud) 8/1/2021 to 8/31/2021 in the amount of $1,862.00.

3. Approve and authorize the acceptance of the low bid and allow the Mayor and Clerk to enter into a contract, contingent upon the submittal and approval of the required bonds and insurance documents, on behalf of the City of Burton with Bartman Excavating, 4068 Dowdall St. Flint, MI 48506, in the amount of $6,860.00 for the demolition of 1454 Carman St.

4. Approve and authorize the acceptance of the low bid and allow the Mayor and Clerk to enter into a contract, contingent upon the submittal and approval of the required bonds and insurance documents, on behalf of the City of Burton with Bartman Excavating, 4068 Dowdall St. Flint, MI 48506, in the amount of $6,860.00 for the demolition of 3155 Hemphill Rd.

5. Approve and authorize the acceptance of the low bid and allow the Mayor and Clerk to enter into a contract, contingent upon the submittal and approval of the required bonds and insurance documents, on behalf of the City of Burton with Bartman Excavating, 4068 Dowdall St. Flint, MI 48506, in the amount of $9,740.00 for the demolition of 6076 Lapeer Rd.

6. Approve and authorize the acceptance of the Teamsters Collective Bargaining Agreement effective July 1, 2021 through June 30, 2025.

7. Approve and Authorize Charles Abbey, Human Resources Director as the City of Burton MERS Conference Delegate and Jack Spillane as the City of Burton MERS Conference Alternate in accordance with section 78 (2) of the MERS Plan Document.

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

CITY OF BURTON

BURTON CITY COUNCIL MEETING

SEPTEMBER 9, 2021

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.

Minutes Acceptance: Minutes of Sep 9, 2021 7:00 PM (APPROVAL OF MINUTES)

A. INVOCATION LED BY: DEBORAH WALTON

Mr. Heffner led the Invocation in Mrs. Walton's absence.

B. THE PLEDGE OF ALLEGIANCE IS LED BY: DEBORAH WALTON

Mr. Heffner led the Pledge of Allegiance in Mrs. Walton's absence.

C. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Councilman	Present	
Steven Heffner	President	Present	
Danny Wells	Councilman	Present	
Vaughn Smith	Councilman	Present	
Gregory Fenner	Vice President	Present	
Deborah K Walton	Councilwoman	Excused	
Christina Conley	Councilwoman	Present	

D. APPROVAL OF AGENDA

1. Motion to approve the agenda as presented.

   Mr. Martinbianco objected to item #3 on the agenda.

RESULT:	**CARRIED [5 TO 1]**
MOVER:	Vaughn Smith, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Heffner, Wells, Smith, Fenner, Conley
NAYS:	Martinbianco
EXCUSED:	Walton

E. STAFF PRESENT

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

F. APPROVAL OF MINUTES

1. City Council - Special Meeting - Aug 10, 2021 6:30 PM

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Gregory Fenner, Vice President
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Conley
EXCUSED:	Walton

2. City Council - Special Meeting - Aug 16, 2021 6:30 PM

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Gregory Fenner, Vice President
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Conley
EXCUSED:	Walton

3. City Council - Regular Meeting - Aug 16, 2021 7:00 PM

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Gregory Fenner, Vice President
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Conley
EXCUSED:	Walton

G. ADMINISTRATIVE REPORTS

Mayor Haskins provided updates on the following:

- Grand Traverse and Center Road projects are underway and we hope to have them completed in the next couple of weeks.
- Genesee County announced a new permanent hazardous waste drop off facility. It is free and open to all Genesee County residents.
- The Police Department received two of three radar trailers. One is in front of City Hall. Training will take place tomorrow. We will take requests by residents for the use of these in areas where speeding is a concern. There are two ways to make a request, residents can call 810-742-2542 or email burtonpolicecares@burtonmi.gov.
- Attorney Leadford is here requesting a closed session for contract negotiation strategy.
- The next Neighborhood Watch Meeting will be this Monday, September 13th at 6:00 PM at the Police Station.
- Item #2 on your agenda is the appointment of Nathan Henry to the DDA. He comes highly recommended by the DDA Chair, Mr. Richvalsky.
- The flooding issue at City Hall is ongoing. We brought in a camera and there is potential blockage under the tile floor. The floor will removed next week.
- We were approved for our ARPA money. They hope to send the first half of the money, approximately $1.4 million within 30 days.

1. Motion to go into closed session after audience participation under section 8C of the Open Meeting Act for the purpose of contract negotiation strategy.

Minutes Acceptance: Minutes of Sep 9, 2021 7:00 PM (APPROVAL OF MINUTES)

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Tom Martinbianco, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Conley
EXCUSED:	Walton

H. COMMITTEE REPORTS

None.

I. AUDIENCE PARTICIPATION

Joseph Richvalsky of Burton and DDA Chairman stated he is in support of the appointment of Nathan Henry to the Downtown Development Authority.

Bobbie Cox of Carman Street in Burton expressed concerns regarding Steve Heffner dumping in a public access area next door to her property on Carman Street. We would like him to clean up his mess.

Bill Ponziani of Carman Street in Burton asked if it is illegal to dump on a public access road in Burton. I would like City Council to set an example for the community.

Mr. Heffner stated if you have a question for me privately, we can talk about it later.

City Council went into closed session at 7:17PM.
City Council returned from closed session at 8:00PM.

J. COUNCIL DISCUSSION

Mr. Smith stated Project Heats On is scheduled for October 23, 2021. The application deadline is October 8th. Residents can find an application in the Burton View, at City Hall or the Senior Center. Your home must be owner-occupied. You must be current on city taxes and water bill and willing to provide information demonstrating financial need. Sponsorship forms are also at City Hall. Mr. Smith provided council with a document regarding MERS actuarial projections and outlined the following points:

- The city paid an extra $7 million in contributions over the last seven years.
- Valuation Asset Balance of $28,635,281.
- In 2020, the required contribution was $2,068,543 plus additional $1,000,000 and employee contribution of $413,406, for a total of $3,481,949.
- In 2020, under benefit payments, we paid retirees $3,737,466.
- Without the $1 million extra payment, we would have been in a deficit.
- We generated $2,059,889 return on investment.
- We did not have to use money from our general fund.
- We only have 13 years left of police millage.
- 2006 percent funded in MERS was 47%, 2020 percent funded in MERS is 49%.

Mr. Martinbianco expressed concerns regarding what will happen when there is a market correction. He thanked Mr. Smith.

Mr. Heffner expressed gratitude to Mr. Smith for his leadership. When MERS was telling the city we were fine, Mr. Smith took further steps to convince the council to correct the issue.

Mr. Smith asked the council not to lose focus on this down the road.

Minutes Acceptance: Minutes of Sep 9, 2021 7:00 PM (APPROVAL OF MINUTES)

Mrs. Conley concurred and thanked Mr. Smith for his leadership as the Finance Chair.

Mr. Wells gave Mr. Smith accolades for his hard work. My issue with MERS is they continue to move the goal post a little further away each time. I hope we can do enough to keep this going in the right direction.

Mr. Fenner stated he received a note from Linda Hartman regarding the condemning of a house on Carman Street. She was very happy and I would like to thank the DPW team.

Mr. Heffner reopened audience participation for discussion on agenda item#4 that was added tonight.

No audience participation for item#4.

Mr. Wells stated I am still receiving calls regarding the issue with the neighbor on Belsay Road. This time it was regarding gunshots and riding his jeep in the woods at 6:00AM. There were several calls to the police. Please help these people out.

1. Motion to add to the agenda: Motion to approve and authorize a memorandum to amend the Teamsters Administrative Contract to utilize an IT Director at a salary of $84,000 per year.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Gregory Fenner, Vice President
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Conley
EXCUSED:	Walton

K. COUNCIL ACTION

1. Approve and authorize the payment of Attorney Billing (Doyle) 8/11/21 to 8/31/21 in the amount of $5,019.00.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Christina Conley, Councilwoman
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Conley
EXCUSED:	Walton

2. Approve and authorize the Mayor's appointment of Nathan Henry, 5411 Don Shenk Drive., Swartz Creek, MI. 48473 to the Downtown Development Authority, with a term ending August 2025.

   Mr. Fenner stated he has spoken to and dealt with Mr. Henry on a few occasions and he is an upstanding individual and will be an asset to the DDA as Mr. Richvalsky has stated.

Minutes Acceptance: Minutes of Sep 9, 2021 7:00 PM (APPROVAL OF MINUTES)

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Christina Conley, Councilwoman
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Conley
EXCUSED:	Walton

3. Approve and Authorize Duane Haskins, Mayor as the City of Burton MERS Conference Delegate and Charles Abbey, Human Resources Director as the City of Burton MERS Conference Alternate.

   Mr. Martinbianco stated he thinks the City Council should be represented as well as the administration. I would like to offer an amendment to the motion.

   The following motion to amend agenda item #3 was moved by Mr. Martinbianco and supported by Mr. Wells:

   Approve and Authorize Vaughn Smith, City Councilman as the City of Burton MERS Conference Delegate and Duane Haskins, Mayor as the City of Burton MERS Conference Alternate.

   Mr. Fenner asked, what is customary? Can it be anybody? Is there a standard or requirement we have to meet?

   Discussion continued on the amendment to the motion.

   Mr. Smith asked, if I go, can the Mayor still go? I believe the Mayor should still go to the conference.

   Mr. Abbey stated this has nothing to do with who goes to the conference. This is to determine who the voting delegate will be. If a change is made to the MERS plan document, every municipality has one vote.

   Mr. Wells stated it is important that a member from council and the administration go to the conference.

   Discussion continued on MERS and MERS Conference.

RESULT:	**CARRIED AS AMENDED [UNANIMOUS]**
MOVER:	Danny Wells, Councilman
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Conley
EXCUSED:	Walton

4. Motion to approve and authorize a memorandum to amend the Teamsters Administrative Contract to utilize an IT Director at a salary of $84,000 per year.

Minutes Acceptance: Minutes of Sep 9, 2021 7:00 PM (APPROVAL OF MINUTES)

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Gregory Fenner, Vice President
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Conley
EXCUSED:	Walton

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

Meeting was adjourned at 8:38 PM.

Minutes Acceptance: Minutes of Sep 9, 2021 7:00 PM (APPROVAL OF MINUTES)

CITY OF BURTON

BURTON CITY COUNCIL MEETING

SEPTEMBER 13, 2021

MINUTES

Council Chambers | **Special Meeting** | **7:00 PM**

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by President Steven Heffner at 7:00 PM.

A. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Councilman	Present	
Steven Heffner	President	Present	
Danny Wells	Councilman	Present	
Vaughn Smith	Councilman	Present	
Gregory Fenner	Vice President	Present	
Deborah K Walton	Councilwoman	Excused	
Christina Conley	Councilwoman	Excused	

B. STAFF PRESENT

Duane Haskins, Mayor
Charles Abbey, DPW Director/HR
Lindsey Bice, Clerk's Office

C. ADMINISTRATIVE REPORT

No report.

D. AUDIENCE PARTICIPATION

Diane Diamond of Cypress Circle in Burton expressed concerns about the road conditions in Maplewood Meadows. The residents in this area would like to participate in a match program with the city. We are circulating petitions.

Warren Nimcheski of Genesee Road in Burton spoke regarding the history, condition and safety of Genesee Road. Council should think about a millage to fix the roads.

Mr. Smith stated a resident, Jim Shustock had a question regarding the plans for Springfield and Howe. What are the administrations plans for this area?

Mr. Abbey stated he is unsure what Mr. Shustock is referring to. I will need to go look at it.

E. COUNCIL ACTION

1. Discussion and Possible Action on Local Road Projects.

   Mr. Abbey read a statement from Mr. Howser regarding the process we use for road projects in the DPW. Genesee Road will need to be addressed by the TIP program where we get 80/20 matching funds. Mr. Abbey provided the council with the PASER rating map.

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Discussion ensued on the city's budget for local roads.

Mr. Abbey stated we get our best bids for road projects in February or March.

Mr. Martinbianco stated there is an infrastructure push by the Federal Government that may impact bids.

Discussion ensued on using marijuana money toward local roads and using match funds with residents to fix roads.

Mr. Abbey stated the city should participate in a match program on a first come basis, until the money is gone. We need to decide what the number is. Is it 50/50?

Mr. Smith expressed the importance of setting a deadline.

Mr. Fenner asked for clarification, are we talking about entire subdivisions only or individual streets? Not all of our local roads are in subdivisions. We should approach the districts in the worst condition first.

Mr. Abbey discussed setting districts appropriately and posting the policy and procedure adopted by council on the website. The important part for us is picking a reasonable number to get the most done with the money we have available.

Mr. Wells thanked the audience members for attending. He expressed concerns regarding the need to change an ordinance.

Mr. Abbey stated there are a number of ways that roads were paved in the past. This is not a one shoe fits all situation. The city is diversified just like our funding. Some areas are low to moderate income and qualify for additional funding. Others do not qualify.

Mr. Wells asked if we will charge more in higher income areas. I do not want to overstep our bounds.

Mr. Abbey stated we need to be fair and consistent in our method. If it's a 50/50 match, it is a 50/50 match for everyone no matter where you are or who you are. What I meant was, we can use federal dollars for some areas that are lower income because they qualify for that funding.

Discussion ensued on local roads, county roads becoming our responsibility, the possibility of giving responsibility back to the county and different approaches to fixing different roads.

Mr. Heffner stated he is in support of the 50/50 match. If we don't use all of the money, we put it back in the budget for next year.

Mr. Fenner stated if you do the math at 50/50, we can do roads that will impact about 1,000 homes with the $1.5 million we have.

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Mr. Abbey stated smaller subdivisions or those with open ditch as opposed to curb and gutter, will cost less. We may be able to leverage six or eight subdivisions right away.

Mr. Martibinaco stated we have to be cognizant of our 5-year projected fund balance. I would like the council to receive a map of all the roads that have been chip sealed.

Mr. Abbey said, yes. We can give you a map of all improvements, including chip seal. Another thing to think about is, roads do not get cheaper. A full reconstruction is over $1 million per lane mile. If you have the opportunity now, the administration recommends we take advantage of it.

Mr. Smith stated this $1.5 million is a one time gift. If we can turn it into $3 million, I am all for it. I support the 50/50 match. Where do we start the process from here?

Mr. Abbey stated tomorrow we will get all the legalities for you and bring it to the next council meeting.

Mr. Heffner asked if the council agrees to the 50/50 match.

Council members concurred to the city participating in a 50/50 match for local roads.

Mr. Wells asked about bonding for the city's 50%.

Discussion continued regarding the legalities of bonding.

Meeting was adjourned at 8:18 PM.

Minutes Acceptance: Minutes of Sep 13, 2021 7:00 PM (APPROVAL OF MINUTES)

Approve and authorize the payment of Attorney Billing (Doyle) 9/1/21 to 9/14/21 in the amount of $6,324.00.

Approve and authorize the payment of Attorney Billing (Masud) 8/1/2021 to 8/31/2021 in the amount of $1,862.00.

Approve and authorize the acceptance of the low bid and allow the Mayor and Clerk to enter into a contract, contingent upon the submittal and approval of the required bonds and insurance documents, on behalf of the City of Burton with Bartman Excavating, 4068 Dowdall St. Flint, MI 48506, in the amount of $6,860.00 for the demolition of 1454 Carman St.

ATTACHMENTS:

- BID TAB Demo 2021 (XLSX)
- 1454 Carman Demo Bid (PDF)

BID TABULATION
CITY OF BURTON
Department of Public Works

Project: DEMOLITIONS 2021
Bid Opening at: CITY HALL
Date & Time: SEPTEMBER 13, 2021 10am
Present: Julie Griffith, Amber Abbey

	Bidder Name and Address	Falcon Demolition	Bartman Excavating	Efficient Demolition			
1	1454 CARMAN	9,377.00	6,860.00	8,000.00			
2	3155 HEMPHILL	9,300.00	6,860.00	8,000.00			
3	6076 LAPEER	12,390.00	9,740.00	10,800.00			
4							
5							
6							
7							
8							
	5% BOND	Yes	Yes	Yes			
	SIGNED BID	Yes	Yes	Yes			

Attachment: BID TAB Demo 2021 (5197 : Acceptance Bids)

NUISANCE OR HAZARDOUS ABATEMENT

PROPOSAL FORM

Date: 9-13-2021

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

To Whom It May Concern:

We hereby submit the following proposal for the abatement of a nuisance and/or hazardous **including asbestos determination and removal** if present at the premises as follows:

Address: 1454 Carman #059-30-578-019 Total Bid Price:$ 6,860.00

Please submit bid for the above referenced location by 10 a.m., September 13, 2021 at the address listed above. Each bid must be clearly labeled on the outside of envelope "DEMOLITION" Sealed Bid and MUST include the property address they are bidding on. (Please note: if bidding on more than one property address, submit separate sealed bids for each property). The City of Burton reserves the right to reject any or all bids, and to accept any bid which shall be deemed to be most favorable to the City of Burton. Bids will not be received via email. The Bids will be opened at City Hall in the Council Chambers immediately following. All contractors are welcome to attend.

Name of Bidder: Bartman Excavating
By: (signature) [signature]
Address: 4068 Dowdall St. Flint MI
Telephone: (810) 931-9065
Email Address: Bartman Excavating@Hotmail.com

Attachment: 1454 Carman Demo Bid (5197 : Acceptance Bids)

CONTRACT DETAILS

1. Contractor shall provide insurance, bid, and performance bonds as follows:

PROPERTY DAMAGE LIABILITY		BODILY INJURY LIABILITY	
Each Accident	Aggregate	Each Person	Each Accident
$1,000,000	$1,000,000	$1,000,000	$1,000,000

AUTOMOBILE LIABILITY		WORKMAN'S COMPENSATION and EMPLOYER'S LIABILITY
Each Occurrence	Aggregate	
$1,000,000	$1,000,000	Statutory Amount

Contractor shall furnish the City of Burton with a performance bond in an amount equal to fifty percent (15%) of the bid price.

The bidder must submit with his bid a certified check or bid bond in the amount of five percent (5%) of the bid price.

2. Property affected shall be restored to a level of safe condition, with seed and straw placed over all affected areas on private property or public right-of-way to the satisfaction of the Building Official.

3. All brush, trees, and bushes as tagged will be removed as directed by the Building Official.

4. A backfill and final inspections by a Building Official is required prior to the contractor leaving the site; twenty-four (24) hours notification to the Building Official prior to demolition is required.

5. Total removal of all foundations and slabs. Leave only driveway approaches. Commercial property may require the removal of asphalt/concrete parking lots, at the building inspector's discretion.

6. The City of Burton reserves the right to reject any and all bids and may award multiple locations to individual bidders based solely on the best interest of the City.

Attachment: 1454 Carman Demo Bid (5197 : Acceptance Bids)

7. The Contractor must remove all footings and/or foundations upon which time the Building Official will do a backfill inspection. Upon approval by the Building Official, the excavated area may be filled to grade with clean fill material and compact with an excavation machine. A final inspection by the Building Official is required prior to the contractor leaving the site.

8. A demolition permit must be issued from the Building Official before the work is commenced.

9. The Contractor shall comply with Erosion & Sedimentation Control – Part 91 provisions.

10. The Contractor is responsible for contacting all utilities affected for any necessary disconnects and is responsible to pay all fees for said disconnects.

11. The Contractor must give the City twenty-four (24) hour notice prior to beginning demolition, and must notify "MISS DIG" so that all utilities can be terminated or located.

12. The City will hold back $500.00 for a six month period for any necessary seeding and restoring of the site should any settlement occur.

13. The Contactor must comply with all Genesee County Health Department regulations (i.e. safety glasses, work gloves, and N-95 mask) regarding the removal of a house infected with black mold.

Attachment: 1454 Carman Demo Bid (5197 : Acceptance Bids)

Approve and authorize the acceptance of the low bid and allow the Mayor and Clerk to enter into a contract, contingent upon the submittal and approval of the required bonds and insurance documents, on behalf of the City of Burton with Bartman Excavating, 4068 Dowdall St. Flint, MI 48506, in the amount of $6,860.00 for the demolition of 3155 Hemphill Rd.

ATTACHMENTS:

- BID TAB Demo 2021 (XLSX)
- 3155 Hemphill Rd Demo Bid (PDF)

BID TABULATION
CITY OF BURTON
Department of Public Works

Project: DEMOLITIONS 2021
Bid Opening at: CITY HALL
Date & Time: SEPTEMBER 13, 2021 10am
Present: Julie Griffith, Amber Abbey

	Bidder Name and Address	Falcon Demolition	Bartman Excavating	Efficient Demolition			
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2	3155 HEMPHILL	9,300.00	6,860.00	8,000.00			
3	6076 LAPEER	12,390.00	9,740.00	10,800.00			
4							
5							
6							
7							
8							
	5% BOND	Yes	Yes	Yes			
	SIGNED BID	Yes	Yes	Yes			

Attachment: BID TAB Demo 2021 (5198 : Acceptance Bids)

NUISANCE OR HAZARDOUS ABATEMENT

PROPOSAL FORM

Date: 9-13-2021

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

To Whom It May Concern:

We hereby submit the following proposal for the abatement of a nuisance and/or hazardous **including asbestos determination and removal** if present at the premises as follows:

Address: 3155 Hemphill Rd #59-28-502-057 Total Bid Price: $ 6,860.00

Please submit bid for the above referenced location by 10 a.m., September 13, 2021 at the address listed above. Each bid must be clearly labeled on the outside of envelope "DEMOLITION" Sealed Bid and MUST include the property address they are bidding on. (Please note: if bidding on more than one property address, submit separate sealed bids for each property). The City of Burton reserves the right to reject any or all bids, and to accept any bid which shall be deemed to be most favorable to the City of Burton. Bids will not be received via email. The Bids will be opened at City Hall in the Council Chambers immediately following. All contractors are welcome to attend.

Name of Bidder: Bartman Excavating
By: (signature) Scott Bartman
Address: 4068 Dowdall St. Flint, MI
Telephone: (810) 931-9065
Email Address: BartmanExcavating@Hotmail.com

Attachment: 3155 Hemphill Rd Demo Bid (5198 : Acceptance Bids)

CONTRACT DETAILS

1. Contractor shall provide insurance, bid, and performance bonds as follows:

PROPERTY DAMAGE LIABILITY		BODILY INJURY LIABILITY	
Each Accident	Aggregate	Each Person	Each Accident
$1,000,000	$1,000,000	$1,000,000	$1,000,000

AUTOMOBILE LIABILITY		WORKMAN'S COMPENSATION and EMPLOYER'S LIABILITY
Each Occurrence	Aggregate	
$1,000,000	$1,000,000	Statutory Amount

Contractor shall furnish the City of Burton with a performance bond in an amount equal to fifty percent (15%) of the bid price.

The bidder must submit with his bid a certified check or bid bond in the amount of five percent (5%) of the bid price.

2. Property affected shall be restored to a level of safe condition, with seed and straw placed over all affected areas on private property or public right-of-way to the satisfaction of the Building Official.

3. All brush, trees, and bushes as tagged will be removed as directed by the Building Official.

4. A backfill and final inspections by a Building Official is required prior to the contractor leaving the site; twenty-four (24) hours notification to the Building Official prior to demolition is required.

5. Total removal of all foundations and slabs. Leave only driveway approaches. Commercial property may require the removal of asphalt/concrete parking lots, at the building inspector's discretion.

6. The City of Burton reserves the right to reject any and all bids and may award multiple locations to individual bidders based solely on the best interest of the City.

Attachment: 3155 Hemphill Rd Demo Bid (5198 : Acceptance Bids)

7. The Contractor must remove all footings and/or foundations upon which time the Building Official will do a backfill inspection. Upon approval by the Building Official, the excavated area may be filled to grade with clean fill material and compact with an excavation machine. A final inspection by the Building Official is required prior to the contractor leaving the site.

8. A demolition permit must be issued from the Building Official before the work is commenced.

9. The Contractor shall comply with Erosion & Sedimentation Control – Part 91 provisions.

10. The Contractor is responsible for contacting all utilities affected for any necessary disconnects and is responsible to pay all fees for said disconnects.

11. The Contractor must give the City twenty-four (24) hour notice prior to beginning demolition, and must notify "MISS DIG" so that all utilities can be terminated or located.

12. The City will hold back $500.00 for a six month period for any necessary seeding and restoring of the site should any settlement occur.

13. The Contactor must comply with all Genesee County Health Department regulations (i.e. safety glasses, work gloves, and N-95 mask) regarding the removal of a house infected with black mold.

Attachment: 3155 Hemphill Rd Demo Bid (5198 : Acceptance Bids)

Approve and authorize the acceptance of the low bid and allow the Mayor and Clerk to enter into a contract, contingent upon the submittal and approval of the required bonds and insurance documents, on behalf of the City of Burton with Bartman Excavating, 4068 Dowdall St. Flint, MI 48506, in the amount of $9,740.00 for the demolition of 6076 Lapeer Rd.

ATTACHMENTS:

- BID TAB Demo 2021 (XLSX)
- 6076 Lapeer Rd Demo Bid (PDF)

BID TABULATION
CITY OF BURTON
Department of Public Works

Project: DEMOLITIONS 2021
Bid Opening at: CITY HALL
Date & Time: SEPTEMBER 13, 2021 10am
Present: Julie Griffith, Amber Abbey

	Bidder Name and Address	Falcon Demolition	Bartman Excavating	Efficient Demolition			
1	1454 CARMAN	9,377.00	6,860.00	8,000.00			
2	3155 HEMPHILL	9,300.00	6,860.00	8,000.00			
3	6076 LAPEER	12,390.00	9,740.00	10,800.00			
4							
5							
6							
7							
8							
	5% BOND	Yes	Yes	Yes			
	SIGNED BID	Yes	Yes	Yes			

Attachment: BID TAB Demo 2021 (5199 : Acceptance Bids)

NUISANCE OR HAZARDOUS ABATEMENT

PROPOSAL FORM

Date: 9-13-2021

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

To Whom It May Concern:

We hereby submit the following proposal for the abatement of a nuisance and/or hazardous **including asbestos determination and removal** if present at the premises as follows:

Address: 6076 Lapeer Rd #59-13-503-005 Total Bid Price: $9,740.00

Please submit bid for the above referenced location by 10 a.m., September 13, 2021 at the address listed above. Each bid must be clearly labeled on the outside of envelope "DEMOLITION" Sealed Bid and MUST include the property address they are bidding on. (Please note: if bidding on more than one property address, submit separate sealed bids for each property). The City of Burton reserves the right to reject any or all bids, and to accept any bid which shall be deemed to be most favorable to the City of Burton. Bids will not be received via email. The Bids will be opened at City Hall in the Council Chambers immediately following. All contractors are welcome to attend.

Name of Bidder: Bartman Excavating
By: (signature) Scott Bartman
Address: 4068 Dowdall St. Flint, MI
Telephone: (810) 931-9065
Email Address: BartmanExcavating@Hotmail.com

Attachment: 6076 Lapeer Rd Demo Bid (5199 : Acceptance Bids)

CONTRACT DETAILS

1. Contractor shall provide insurance, bid, and performance bonds as follows:

PROPERTY DAMAGE LIABILITY		BODILY INJURY LIABILITY	
Each Accident	Aggregate	Each Person	Each Accident
$1,000,000	$1,000,000	$1,000,000	$1,000,000

AUTOMOBILE LIABILITY		WORKMAN'S COMPENSATION and EMPLOYER'S LIABILITY
Each Occurrence	Aggregate	
$1,000,000	$1,000,000	Statutory Amount

Contractor shall furnish the City of Burton with a performance bond in an amount equal to fifty percent (15%) of the bid price.

The bidder must submit with his bid a certified check or bid bond in the amount of five percent (5%) of the bid price.

2. Property affected shall be restored to a level of safe condition, with seed and straw placed over all affected areas on private property or public right-of-way to the satisfaction of the Building Official.

3. All brush, trees, and bushes as tagged will be removed as directed by the Building Official.

4. A backfill and final inspections by a Building Official is required prior to the contractor leaving the site; twenty-four (24) hours notification to the Building Official prior to demolition is required.

5. Total removal of all foundations and slabs. Leave only driveway approaches. Commercial property may require the removal of asphalt/concrete parking lots, at the building inspector's discretion.

6. The City of Burton reserves the right to reject any and all bids and may award multiple locations to individual bidders based solely on the best interest of the City.

Attachment: 6076 Lapeer Rd Demo Bid (5199 : Acceptance Bids)

7. The Contractor must remove all footings and/or foundations upon which time the Building Official will do a backfill inspection. Upon approval by the Building Official, the excavated area may be filled to grade with clean fill material and compact with an excavation machine. A final inspection by the Building Official is required prior to the contractor leaving the site.

8. A demolition permit must be issued from the Building Official before the work is commenced.

9. The Contractor shall comply with Erosion & Sedimentation Control – Part 91 provisions.

10. The Contractor is responsible for contacting all utilities affected for any necessary disconnects and is responsible to pay all fees for said disconnects.

11. The Contractor must give the City twenty-four (24) hour notice prior to beginning demolition, and must notify "MISS DIG" so that all utilities can be terminated or located.

12. The City will hold back $500.00 for a six month period for any necessary seeding and restoring of the site should any settlement occur.

13. The Contactor must comply with all Genesee County Health Department regulations (i.e. safety glasses, work gloves, and N-95 mask) regarding the removal of a house infected with black mold.

Attachment: 6076 Lapeer Rd Demo Bid (5199 : Acceptance Bids)

Approve and authorize the acceptance of the Teamsters Collective Bargaining Agreement effective July 1, 2021 through June 30, 2025.

Approve and Authorize Charles Abbey, Human Resources Director as the City of Burton MERS Conference Delegate and Jack Spillane as the City of Burton MERS Conference Alternate in accordance with section 78 (2) of the MERS Plan Document.

ATTACHMENTS:

- MERS Plan Document Section 78 (PDF)
- MCL Section 38.1545 (PDF)

(a) expressly prohibit any part of the System's corpus or income from being used for, or diverted to, any purpose other than for the exclusive benefit of the members and beneficiaries of the System,

(b) be operated or maintained exclusively for the comingling and collective investment of funds from other trusts that is holds,

(c) be intended to qualify as a group trust under Internal Revenue Code Sections 401(a) and 501(a), and

(d) satisfy the requirements of Internal Revenue Code Section 401(a)(24) and the requirements for a group trust as established by Revenue Ruling 81-100, 1981-1 C.B. 326, as amended by Revenue Ruling 2004-67, 2004-2 C.B. 28, and as modified by Revenue Ruling 2011-1, 2011-2 I.R.B. 251.

In this regard, the Retirement Board will only invest in group trusts which also are maintained to reflect the interest(s) of each participating retiree benefit plan, including separate accounting for contributions to the group trust by each such plan, disbursements made from each such plan's account, and the investment experience of the group trust as allocable to that account. To the extent necessary, the Retirement Board is authorized to adopt the terms of the group trust as additional terms of this Plan Document.

Sec. 77. Prohibited Conduct. [MCL 38.1540].

Members of the Retirement Board and employees of the System are prohibited from:

(1) Having any beneficial interest, direct or indirect, in any investment of the System.

(2) Being an endorser or obligor, or providing surety, for any money loaned to or borrowed from the System.

(3) Borrowing any of the money or other assets of the System.

(4) Receiving any pay or emolument from any individual or organization, other than compensation paid by the System, with respect to investments of the System.

Sec. 78. Annual Meeting; Selection of Members to Retirement Board; Transaction of Business; Notice of Meeting; Certification of Delegates; Conduct of Election; Nominating Procedures; Referendum. [MCL 38.1545].

(1) The Retirement Board shall call an annual meeting of the System for the purpose of selecting certain members of the Retirement Board and the transaction of such other business as the Retirement Board determines. Notice of the annual meeting shall be sent to each participating municipality and court, by registered mail, at least 30 days before the date of the meeting. Notice of the annual meeting shall be sent to each retiree at least 30 days before the date of the meeting.

(2) The governing body of each participating municipality shall certify the names of 2 delegates to the annual meeting. One delegate shall be a member who is an officer of

Attachment: MERS Plan Document Section 78 (5203 : MERS Conference Delegate)

the participating municipality, selected by the governing body of the participating municipality. The other delegate shall be a member who is not an officer of the participating municipality, elected by the member employees of the participating municipality. The election shall be by secret ballot and shall be conducted by an officer of the participating municipality. The election shall be conducted in a manner that affords each member employee an opportunity to vote.

(3) The chief judge of each participating court shall certify the names of 2 delegates to the annual meeting. One delegate shall be a member who is an officer of the participating court, selected by the chief judge of the participating court. The other delegate shall be a member who is not an officer of the participating court, elected by the member employees of the participating court. The election shall be by secret ballot and shall be conducted by an officer of the participating court. The election shall be conducted in a manner that affords each member employee an opportunity to vote.

(4) The nomination of candidates for election to the Retirement Board shall be made pursuant to procedures established by the Retirement Board and adopted by the delegates to an annual meeting of the System. A nomination for the position of officer board member shall be made by a member who is an officer of a participating municipality or of a court. A nomination for the position of employee board member shall be made by a member who is not an officer of a participating municipality or of a court.

(5) The Retirement Board shall hold a referendum of the assembled delegates to elect members of the Retirement Board. The referendum shall be conducted pursuant to procedures established by the Retirement Board and adopted by the delegates to an annual meeting of the System. An individual elected to the Retirement Board shall become a member of the Retirement Board on the January 1 immediately following the referendum.

Sec. 79. Funding Objective of System; Contribution Requirement; Payment of Required Contributions; Interest and Liquidated Damages; Suspension of Benefits.

(1) The funding objective of the System is to establish and receive contributions during each System Fiscal Year that are sufficient to fully cover the actuarial cost of benefits likely to be paid on account of service rendered by members during the System's Fiscal Year (the normal cost requirements of the System), and amortize the unfunded actuarial costs of benefits likely to be paid on account of service rendered before the System's Fiscal Year (the unfunded actuarial accrued liability of the System), consistent with the Michigan Constitution, article 9, section 24. Distinct contribution requirements shall be established for each participating municipality and court, based upon each such participating municipality or court's Fiscal Year.

(2) Contribution requirements shall be determined pursuant to the MERS Actuarial Policy, as amended.

(3) The System shall annually inform each participating municipality and court of its contribution obligation for the participating municipality or court's Fiscal Year. The required contribution shall be paid to the System pursuant to procedures and schedules established by the Retirement Board. The System may assess an interest charge and liquidated damages on any payment not made by its due date.

Attachment: MERS Plan Document Section 78 (5203 : MERS Conference Delegate)

NAVIGATE SECTIONS

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Chapter 38
Act 427 of 1984
Section 38.1545

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Section 38.1545

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MUNICIPAL EMPLOYEES RETIREMENT ACT OF 1984 (EXCERPT)
Act 427 of 1984

38.1545 Annual meeting; selection of members to retirement board; transaction of business; notice of meeting; certification of delegates; conduct of election; nominating procedures; referendum.

Sec. 45.

(1) The retirement board shall call an annual meeting of the retirement system for the purpose of selecting members of the retirement board and the transaction of such other business as the retirement board determines. Notice of the annual meeting shall be sent to each participating municipality and participating court, by registered mail, at least 30 days before the date of the meeting. Notice of the annual meeting shall be sent to each retiree at least 30 days before the date of the meeting.

(2) The governing body of each participating municipality shall certify the names of 2 delegates to the annual meeting. One delegate shall be a member who is an officer of the participating municipality, selected by the governing body of the participating municipality. The other delegate shall be a member who is not an officer of the participating municipality, elected by the member employees of the participating municipality. The election shall be by secret ballot and shall be conducted by an officer of the participating municipality. The election shall be conducted in a manner that affords each member employee an opportunity to vote.

(3) The chief judge of each participating court shall certify the names of 2 delegates to the annual meeting. One delegate shall be a member who is an officer of the participating court, selected by the chief judge of the participating court. The other delegate shall be a member who is not an officer of the participating court, elected by the member employees of the participating court. The election shall be by secret ballot and shall be conducted by an officer of the participating court. The election shall be conducted in a manner that affords each member employee an opportunity to vote.

(4) The nomination of candidates for election to the retirement board shall be made pursuant to procedures established by the retirement board and adopted by the delegates to an annual meeting of the retirement system. A nomination for the position of officer board member shall be made by a member who is an officer of a participating municipality or of a participating court. A nomination for the position of employee board member shall be made by a member who is not an officer of a participating municipality or of a participating court.

(5) The retirement board shall hold a referendum of the assembled delegates to elect members of the retirement board. The referendum shall be conducted pursuant to procedures established by the retirement board and adopted by the delegates to an annual meeting of the retirement system. An individual

Attachment: MCL Section 38.1545 (5203 : MERS Conference Delegate)

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mcl 38 1545

elected to the retirement board shall become a member of the retirement board on the January 1 immediately following the referendum.

History: 1984, Act 427, Imd. Eff. Jan. 2, 1985 ;-- Am. 1988, Act 500, Imd. Eff. Dec. 29, 1988 ;-- Am. 1996, Act 220, Eff. Aug. 15, 1996

Compiler's Notes: Section 4 of Act 220 of 1996, which amendatory act amended this section, provides:"Section 4. (1) This amendatory act shall not take effect unless submitted to a vote of the official delegates who are certified as provided for in section 45 of the municipal employees retirement act of 1984, Act No. 427 of the Public Acts of 1984, being section 38.1545 of the Michigan Compiled Laws, and ratified by a 2/3 majority of the delegates actually voting on the question. The question of adoption of this amendatory act shall be submitted by certified mail to the delegates as certified to the most recent annual meeting of the municipal employees retirement system or, if no such delegates were certified or if previously certified delegates are no longer employed, then those delegates as certified by the participating municipality or participating court within 60 days after the enactment of this amendatory act. To be valid, each delegate's vote shall be received at the place designated by the retirement system no later than 75 days from the date of enactment of this amendatory act. The question shall be submitted in substantially the following form:"Shall Act No. _____ of the Public Acts of 1996, entitled 'An act to amend the municipal employees retirement act of 1984', providing for the retirement system to become a public corporation be adopted?Yes_____No_____".(2) The retirement board of the municipal employees retirement system shall certify in writing the results of the voting on the question and file the certification with the secretary of state not later than the fifth business day following the tally of the votes. If a 2/3 majority of the delegates voting on the question approve the adoption of this amendatory act, the provisions of this amendatory act shall become effective on the date that is 10 calendar days after the filing of the certification with the secretary of state, which date shall be set forth in the filing and shall be known as the certification date."The official tally of the vote on the question having occurred at the Special Meeting of the Board held on August 1, 1996, resulting in a determination that more than a two-thirds majority of the delegates voting on the question approved the adoption of Act 220 of 1996, a certification of the results of the voting was filed with the Secretary of State on August 5, 1996. The certification provided that the effective date of Act 220 of 1996 shall be August 15, 1996, which date shall be officially known as the "certification date."

Attachment: MCL Section 38.1545 (5203 : MERS Conference Delegate)

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