



CITY OF BURTON
BURTON CITY COUNCIL MEETING
SEPTEMBER 5, 2017
MINUTES

Council Chambers

Regular Meeting

7:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

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

A. INVOCATION LED BY: MR. SMITH

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

C. ROLL CALL

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

D. STAFF PRESENT

Rik Hayman, Chief of Staff
Robert Slattery, DPW Director

Teresa Karsney, Clerk

E. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Aug 7, 2017 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Vaughn Smith, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Martinbianco, Haskins, Heffner, Conley, O'Keefe, Smith
EXCUSED:	Hatfield

F. ADMINISTRATIVE REPORTS

Mr. Hayman stated I am here to represent the administration. Mayor Zelenko is at the MML property pool meeting tonight.

- He went over the agenda items
- No neighborhood watch meeting through the end of the year
- He passed out save the dates memo to the Council

1. Motion to bring Tabled items off the table and make them items 6, 7, 8, 9.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tom Martinbianco, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Martinbianco, Haskins, Heffner, Conley, O'Keefe, Smith
EXCUSED:	Hatfield

G. COMMITTEE REPORTS

None

H. AUDIENCE PARTICIPATION

Council received comments from following people:

Mr. LaBell, Attorney for Verizon - reason the cell tower needs put up.
Mr. Webber, from Verizon - What the cell tower is going to look like
Matthew Topham of Burton - Against placement of tower
Tom Rau of Burton - Doesn't want the cell tower at the church
Marie Caudle of Burton - Is against the placement of the cell tower
Jan McDaniel of Burton - Asked why they only went to the church for placement of tower
Bill Haberland of Burton - Verizon is taking a cheap way out.
Donald Embury of Burton - turned in several pages of petitions against the cell tower.
Neil Banks of Burton - Representing Walker Farms, who would allow a tower to be put on their property. Gave proposal to Verizon Attorney.
Rick Fusht of Burton - Thinks Walker Farms would be a better place for cell tower
John Horseman of Burton - Asked that Council not allow the placement of the cell phone tower
Greg Rowan from Judson Baptist Church - Doesn't want the churches gain to be a cost to the neighborhood
Attorney Doyle from City of Burton - Gave reason why the city could or could not allow the tower

I. COUNCIL DISCUSSION

Council took a break from 8:22 p.m. until 8:47 p.m.

1. Motion to add as item #10 Professional Service agreement with Plante Moran consulting services will include an assessment of the process and transactions for fiscal year 2014, 2015, 2016 in the following three areas: DPW, Motor Pool and credit cards/Expense reports.

Mr. Haskins noted that under section 7.12 of the Charter, "A special independent audit may be made at any time that the Council may designate. Such audits shall be made to the Council by a Certified Public Accountant designated by it." Per the Charter we have full authorization to authorize this. The agreement will have to be signed by the parties there with.

Mr. Hayman asked to clarify the dates, are they calendar date from January to December or fiscal year from July 1 to June 30th.

Mr. Haskins stated fiscal year 2013/2014, 2014/2015, and 2015/2016.

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

2. Mr. Heffner opened up audience participation for the addition of Item #10

Council received comments from the following:

Patrick Dargel of Burton - Didn't quite hear the purpose adding Item #10 was.

Mr. Heffner stated it would be independent audit, specialized in internal controls review for the City of Burton, to begin with the DPW, Motor Pool and Credit Card/Expense reports for years 2014, 2015 and 2016.

Mr. Dargel stated basically cash flow items. Was there a trigger.

Mr. Haskins stated we made it known during other meetings. Mr. Haskins asked President Heffner if he should reflect back on it.

Mr. Heffner said, yes

Mr. Haskins stated there were a couple issues, but one of the main issues we have found is that one of the schools had not been billed for salt for two years. There was a misunderstanding when the person in the Motor Pool left. Council was told by Mr. Hayman that it was just an oversight because the person who was handling this resigned. We are just asking for an internal review.

Mr. Heffner stated we will now go back into Council Discussion.

Mr. O'Keefe stated Mr. Hayman, after we finished the budget process we normally get an updated 5 year forecast. We did not this year. I feel that is one of the biggest budgeting tools that this City Council has. We all know there is going to be some hiccups next year. I am requesting that be updated and provided to the Finance Committee. I would like the Finance Committee to have some discussion and then bring it back to the full Council. I think we better do this sooner than later because the clock is ticking, I think there are some surprises in there. I think when we see them in print we are all going to be a little shocked.

Mr. Hayman asked if the Council or Finance Committee wanted to establish a date that you would like that and when the next Finance Committee meeting will be.

Mr. O'Keefe stated we don't want this dragged out weeks and months. I think the important issue is to address this 5-year forecast, way before the end of the year. So before we go into the budget process we are all well prepared to the situation I think we are going to have to deal with.

Mr. Hayman stated we will get it on the radar and I will get with the Finance Chairman in terms of timing.

Mr. Smith stated he has talked with Pam Hill and she is prepared to work on it with administration. When you contact her or Crystal it shouldn't be coming out of the blue. I applaud you all for being here tonight, this is what democracy is all about, and I hear you. I am sure my companions hear you, we are here to represent you. I want to thank you for helping me make my decision much easier.

Mr. Heffner asked Mr. Hayman on item #3 that we took out the words "not to exceed" part.

Mr. Hayman stated yes sir.

Mr. Heffner stated that potentially that could go over.

Mr. Hayman said I am going to let Mr. Slattery address that.

Mr. Slattery stated this is not typical standard language in a road contract because there can sometimes be minor overruns. An example would be like if they decided to go outside a radius of an intersection. We would just prefer to use the normal language we use in a road contract.

Mr. Haskins stated that most road contracts have the 20% bid in there for that.

Mr. Slattery stated that is what I am talking about. We don't expect any but it was brought to my attention that is not typical road contract language. It was a cut and paste error from another typed contract.

Mr. Heffner stated he does not want to give the DPW a blank check.

Mr. Martinbianco stated in item #3 I understand the part from Dort Highway to Center Road but what is the north leg of Belsay Road to Vassar Road what is that?

Mr. Slattery said if there was not a jog in that intersection you would see the north leg of Belsay. Since there is a jog its still that same segment.

Mr. Martinbianco stated he has been approached by people who are having problems with the drainage along Lapeer Road, from the high towers all the way back toward Howe Road. They have asked that when they put their request in for ditching that maybe we can take it back to Gilkey Creek storm drain. Is that going to be something that may be in the near future? Maybe you can go take a look at it and maybe we can figure something out.

Mr. Slattery stated that he would go have a look.

Mr. Smith asked Mr. Hayman to explain Item #6 the D.M. Burr contract. Normally we have to approve the contract and I want to hear from you guys on what you did.

Mr. Hayman asked in terms since that item has been tabled.

Mr. Smith stated yes.

Mr. Hayman stated since this has been tabled from quite some time. There was a conversation between D.M. Burr and the administration, they agreed to continue to do the work while they waited for Council to act on the contract. It was money that was budgeted and they kept it at the same rate. We continued thinking that any moment Council would pull that off the table and act on the contract. When Council acted on the contract and approved it we would have gone into the new contract. Or if they didn't approve it then we would have ended our relationship with them.

J. COUNCIL ACTION

1. Approve and authorize the Attorney Billing (Amanda Doyle) 08/16/17 to 08/29/17 in the amount \$6,482.35.

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

2. Approve and authorize the Attorney Billing (F. Jack Belzer) 07/01/17 to 07/25/17 in the amount \$9,450.00.

Mr. Haskins just wanted to say even though this was a necessity, it was a big waste of a necessity. Nine thousand four hundred and fifty dollars to an attorney to represent this Council against the Administration. The Administration said this Council did not have rights to adjust the budget. So now here we sit with a bill for almost ten thousand dollars, I feel this is a travesty of tax payers money and it is not over, because the Mayor filled for an appeal on it against the Judges ruling. With that being said the D.M. Burr contract was held up because the Mayor was not abiding by the budget that we set forth. We have a Mayor who has been a House Representative and sat up here on the Council and has been through this process more than once. This is a waste of tax payers money. I think it is terrible and it is not over.

Mr. Martinbianco stated another travesty was we allowed Mr. Belzer to give us advice relative to the installation of the stop signs along Judd Road. I haven't heard anyone from the Council thank the Administration for having those put in place. He had no business getting involved in that and it should have been taken care of by our City Attorney. Whenever you want to say thank you to the Administration I think they totally deserve it.

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

3. Approve and authorize the Mayor and City Clerk to execute a contract with ACE Saginaw Paving Co. 115 S. Averill Ave., Flint, MI 48506, for the Milling and Resurfacing of Maple Road from Dort Highway to Center Road and the north leg of Belsay Road to Vassar Road, for \$148,360.80.

Mr. Martinbianco asked when this project will start and stop?

Mr. Slattery stated they will start within two weeks and it is only a four day project.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Duane Haskins, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Martinbianco, Haskins, Heffner, Conley, O'Keefe, Smith
EXCUSED:	Hatfield

4. Approve and authorize the sale of Vacant Lot - E. Judd Rd., Parcel No. 59-31-527-244, to give first and final approval for the sale of this improved parcel to Ryburn L. Brown, 10084 Braemoor Dr., Grand Blanc, MI 48439 for the sum of \$500 cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

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

5. Approve and authorize the Monday, November 6, 2017 7:00 pm regular meeting of the Burton City Council be changed to Thursday, November 9, 2017 at 7:00 pm.

Mr. Haskins asked the Clerk is this a necessity?

Mrs. Karsney stated yes. We have new equipment and will have to help DPW set up the night before the election.

Mr. Haskins stated since it may be someone's last Council Meeting or possibly not being someone's last council Meeting after the election, could effect the way they vote or not vote, I guess is my concern. Because November 6 is the scheduled meeting and November 7th is the election than they don't have any other meetings after that. By changing the date is there any way it could possibly effect the vote and that is my concern.

Mr. Heffner didn't feel that was a concern. He thought it would help the Clerk out.

Mr. Haskins stated agenda's are set and could be put lite to help the Clerk out.

RESULT:	CARRIED [5 TO 1]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Conley, O'Keefe, Smith
NAYS:	Haskins
EXCUSED:	Hatfield

6. Approve and authorize the Mayor, Clerk, and Human Resources Director to enter into a contract with the DM Burr Group, 4252 Holiday Drive, Flint, MI 48507, for the purpose of hiring up to "4 Summer Labor Workers" for the periods of July 1, 2017 through October 31, 2017 and April 1, 2018 through June 30, 2018 for an amount not to exceed \$49,000.00.

RESULT:	FAILED [3 TO 3]
MOVER:	Tom Martinbianco, Councilman
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, O'Keefe, Smith
NAYS:	Haskins, Heffner, Conley
EXCUSED:	Hatfield

7. Approve and authorize the Application for Wireless Communication System submitted by Verizon Wireless for the erection of a new 150' stealth monopole tower facility upon 2462 S. Genesee parcel ID# 59-22-400-006, wireless communication site to be located at the Northwest corner of Genesee Rd. and Atherton Rd. provided the applicant furnish a cash bond or performance bond in the amount equal to the cost for the removal of the facility prior to the issuance of a building permit.

Mr. O'Keefe finds it unusual that the communication companies don't have some type of a listening session in the community. Communication with the residences that were going to be effected and with local officials in advance would have helped the cause. I am looking at the template our Attorney gave us, and as the least instructive situation, one of the questions were, has the city offered other alternatives. I have not been convinced with this Walker Farms case that was presented from the cellular company that it would be more costly for them and take another two years for them to get all their approvals. I will be voting no tonight.

Mr. Smith stated I received a lot of calls, emails and text. I did have a chance to talk to one of the Atherton Board Members and he doesn't remember this ever being discussed. So I will be voting no.

Mr. Heffner stated no demonstration of clear gap in coverage was provided to us. I also believe the applicant research is flawed. The site was predetermined and each alternative was shot down before given adequate consideration. I also believe the City has offered alternatives that were not considered, they were only given lip service. I believe this Council should and will consider our Zoning Code, our City

Ordinances, our Zoning classifications and set back requirements. This process is there to protect the community values and this would run a fowl of those values, so I also have to vote no on this.

RESULT:	FAILED [0 TO 6]
MOVER:	Duane Haskins, Councilman
SECONDER:	Christina Conley, Councilwoman
NAYS:	Martinbianco, Haskins, Heffner, Conley, O'Keefe, Smith
EXCUSED:	Hatfield

8. Approve and authorize the Treasurer to adjust water rates in accordance with the recommended rates in the rate study review performed by Public Financial Management Inc.. as follows: Ready to Serve Charge – \$ per month 5/8" – 3/4" meter – \$30.65, 1" – \$52.11, 1.5" – \$107.28, 2" – \$205.36, 3" – \$459.75, 4" – \$827.55, 6" – \$1,839.00, 8" – \$3,065.00, 10" – \$6,589.75. Commodity Rate \$6.67/ccf.

Mr. Smith feels we should take a pause here because we based our rates on the study which seems to be flawed. The ready to serve charge was suppose to go from \$12.00 to \$27.00 and then we have to put the County increase on top of that. I think we should take a pause and do some more research on this.

Mr. Hayman wanted to make sure we are on record that it can be handled in every way Council desires, it appears to me that Council is going to vote this down. The concern that I have is that Stantec, maybe you have heard all you need to hear from Stantec. Stantec is going to be required to report this to the State of Michigan and the State is going to have some concerns of the final phase of our DWRP project and other things by taking this action. Hopefully we can come back with a different proposal that fits the needs and doesn't cause us to lose that funding.

Mr. Smith stated we can only make decisions on accurate information. That information has proved not to be accurate, so we need to update that information.

Mr. Hayman said he is unclear about the notion that the Bendenski study is inaccurate.

Mr. Smith said yes.

Mr. Hayman stated I can't respond because there is nothing I have heard in the last month or so that the study was inaccurate.

Mr. Smith said what we made our decisions on was inaccurate.

Mr. Hayman said the initial intent was to have a Finance meeting to discuss this.

Mr. O'Keefe said I have to agree with Mr. Hayman. Mr. Smith you sound pretty astute and I don't have all those facts. I agree we need to have a Finance meeting because this is very important. Nobody likes increase. Get all the right information. I just don't believe I have this at this time.

RESULT:	FAILED [0 TO 6]
MOVER:	Duane Haskins, Councilman
SECONDER:	Christina Conley, Councilwoman
NAYS:	Martinbianco, Haskins, Heffner, Conley, O'Keefe, Smith
EXCUSED:	Hatfield

9. Approve and authorize the Mayor and Clerk to sign a resolution authorizing the expenditure in excess of statutory limit in order to complete necessary maintenance and repair of the 1494 Gilkey Creek Drain, Courtland Center Branch a total estimated cost of \$76,169.99.

Mr. Martinbianco stated you can clean that out until the cows come home, but until you find somebody from our neighbors to the west to clean out that area from Center Road all the way to Gilkey Creek which goes under Dort Highway and becomes Gilkey Creek open, you are going to continue to have backups. If it is necessary maintenance and they haven't been doing it, then that is on the Drain Commission.

Mr. Hayman says the Administration agrees with Mr. Martinbianco.

RESULT:	FAILED [0 TO 6]
MOVER:	Duane Haskins, Councilman
SECONDER:	Christina Conley, Councilwoman
NAYS:	Martinbianco, Haskins, Heffner, Conley, O'Keefe, Smith
EXCUSED:	Hatfield

10. Approve and authorize the Mayor and Clerk to enter into a Professional Service agreement with Plante Moran consulting services for an assessment of the processes and transactions for fiscal year 2014, 2015, 2016 in the following three areas: DPW, Motor Pool and credit cards/Expense reports.

Mr. Martinbianco asked why we are going back so far, which will soon be four fiscal years old.

Mr. Haskins stated the one discrepancy was two years old. This way we can check back an additional year.

Mr. Heffner stated the way he was looking at it is one year it was a mistake, two years is a red flag.

Mr. Smith stated we are in charge of your money and we are just making sure it is properly handled. I would rather air on the side of caution that not.

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

Meeting was adjourned at 9:36 PM.
