CITY OF BURTON

BURTON CITY COUNCIL MEETING

SEPTEMBER 6, 2018

AGENDA

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

4303 S. CENTER ROAD
BURTON, MI 48519

A. INVOCATION LED BY: MR. HEFFNER

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

C. ROLL CALL

D. STAFF PRESENT

E. APPROVAL OF MINUTES

1. City Council - Budget Workshop - Jun 6, 2018 6:30 PM
2. City Council - Regular Meeting - Aug 20, 2018 7:00 PM

F. ADMINISTRATIVE REPORTS

G. COMMITTEE REPORTS

H. 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.

I. COUNCIL DISCUSSION

J. COUNCIL ACTION

1. Approve and authorize the Attorney Billing (Doyle) 8/14/2018 to 8/27/2018 in the amount $3,859.50.

2. Waiver of Penalties that may be imposed if purchaser does not timely file Form 2766, Property Transfer Affidavit.

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

CITY OF BURTON

BURTON CITY COUNCIL MEETING

JUNE 6, 2018

MINUTES

Council Chambers	Budget Workshop	6:30 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by President Steven Heffner at 6:30 PM.

A. CALL TO ORDER

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

B. STAFF PRESENT

Paula Zelenko, Mayor
Rik Hayman, Chief of Staff
Bette Bigsby, Acting City Clerk
Alice Bryce, Treasurer
Brenda Moulton, Purchasing Agent
Charles Abbey, Deputy DPW Director
Karen Moffitt, Controller
Bill Fowler, Assessor
Kirk Wilkinson, Assistant Fire chief
Sue Warren, HR Director
Mike Odette, Lt.
Brian warden, Lt.

C. PRESENTATION & DISCUSSION

1. General Fund Departments

Ms. Moffitt said we have seven water and sewer laborers. They are charged between the two, dependant on what they are working on. There are two supervisors and some office staff. We have settled the Teamster's contract, I will be bringing in a budget amendment on the current year's budget, and possibly next year's if it is ready.

ESTIMATED REVENUES Dept. 0000 pg. 10

Ms. Moffitt said on page 10 of the General Fund, under Revenues, the current real and personal property taxes have been increased by 4.75% and the charge backs. The Interest & Penalties on Taxes was reduced from $147,000 to $120,000. Permits and License Fees were increased from $4,000 to $6,000. Franchise Fees were reduced from $475,000 to $450,000. The Lease Fees are increased from $37,000 to $41,600. The Local Community Station line item I decreased by $1,000. This is our reimbursement for our personal property taxes from the State. The State Shared Revenues increased to $2,731.274. This is an estimate based on what has been provided on the State's website. The Board of Appeals revenue line item was lowered from $10,700 to $8,000 because we have collected less in the prior year. Copy Fees were increase by $200 to $1,500. We have added a new line item for most of the race accounts. It was requested to separate each race into a separate fund.

Mr. Smith said there should be a separate line item for the Burton Race Series. This money is portioned out to all the races.

Ms. Moffitt said we set up a separate fund on page 22. These should be reviewed tomorrow. The races have all been zero'd out and we haven't collected any movie revenue so that has been reduced to zero. We are not receiving as much in the Memorial Day donations so this budget was lowered from 7,000 to 1,000. If we have received more donations, we can always amend the budget. Capital improvements was $20,000 this year and I have lowered that to zero. This was when there was an issue with funding the Deputy Clerk position. We were looking for funds and I think the clerk said we could transfer money out of her election equipment line item that was in the capital improvements fund to the General Fund and use that money to pay for that position. We figured we wouldn’t need that this year because we can cover the cost of that position. In the Other Revenues line item, a lot of that is pilot fee's we collect, I lowered that from $18,000 to $15,000 based on what we are expecting to collect this year.

Mr. Martinbianco replied, you said pilot revenues are included in Other Revenues, did you mean Pilot Ordinance?

Ms. Bryce said this is payment in lieu of taxes. Such as Blackberry Creek, Lockwood and Burton Place. We lost one of the pilots which was Kings Lane.

Mr. Martinbianco said that was never brought to the Council for rejection.

Mayor Zelenko stated that's because it has been foreclosed on.

Mr. Martinbianco said did anyone get any communication that indicated the City of Burton would be interested in purchasing that note.

Mayor Zelenko said yes, it's in your mailbox.

Mr. Martinbianco said I want to make it part of the record that they asked us to do that. It's costing the taxpayer’s money for them to go against what they agreed to in the beginning. It's wrong for them to come in, make extravagant profits and then walk away from a project.

Mr. Abbey stated when you lose the pilot; it goes back on the tax rolls. I would think we would gain not lose.

Mr. Fowler said the project was revoked by another authority. It was placed on the 2018 assessment roll. The assessment is approximately $6 Million. If we just looked at the General Fund operating four mills, that would generate about $14,400. If you look at your other millages, it will also generate revenue for your Police and Fire millages that were approved. Ms. Moffitt has made an adjustment of a $3,000 reduction in the pilot payments but has also made a projection in line 1.

Mr. Wells asked are we under an obligation to offer a pilot back to the next person that comes in there.

Mr. Fowler said the pilot's are transferrable, however the question will be whether or not MSHDA will allow participation in the program and whether or not there are federal funds involved.

Ms. Moffitt said there are other revenues that get recorded into the Other Revenues line item.

Mr. Wells asked what is the Liquor Fees line item for.

Ms. Moffitt said it's money that comes from the State.

Mayor Zelenko said I believe this is a portion of the tax revenue on liquor that we receive.

APPROPRIATIONS Dept. 1001-Council, pg. 10 &11

Ms. Moffitt said under Fringe Benefits we need to add $18,000 making this amount $67,500. Information Tech Allocation Increased from $22,400 to $34,600. Legal line item increased from $70,000 to $100,000.

Mr. Heffner said we need to add a new line item for specialized internal control reviews and put $50,000 in this.

Mayor Zelenko suggested rather than add a new line item, increase the Audit & Other Professional Services line item.

Mr. Heffner said I would like it to have it's own line item. At the end of the year, if the money is still there and we need it somewhere else, we could move it.

Mr. Martinbianco suggested cutting the money out of the City Council Newsletter.

APPROPRIATIONS Dept. 1071-Mayor, pg. 11

Ms. Moffitt said Retirement-MERS Retirees was increased from $15,500 to $22,300. Fringe Benefits was increased from $71,300 to $71,500. Information Tech Allocation increased from $8,200 to $12,500. We brought the Auto Wash line item down to zero and increase the Gas & Oil line item from $1,000 to $1,300.

Mr. Martinbianco asked where the money came from to pay Attorney Greenfelder. I do not see a line item here for legal.

Mayor Zelenko said that came out of the Council Legal and City Hall Legal line item in the previous budget.

Mr. Smith said the additional money came out of the General Fund balance.

APPROPRIATIONS Dept. 1091-Elections, pg. 11

Ms. Moffitt stated Salaries Permanent line item decreased from $68,900 to $67,400. Overtime increased from $6,100 to $9,700. MERS Active increased by $500. MERS Retirees increased by $3,000. Fringe Benefits increased by $500. Information Tech Allocation increased by $400.

Dept. 2009-Assessor, Pg. 12:

Ms. Moffitt said Salaries Permanent was increased from $141,700 to $147,300. The Information Tech Allocation increased from $6,100 to $9,400. Postage increased $300. Gas and Oil decreased by $500. Office Equipment was reduced by $200.

Dept. 2015-Clerk, Pg. 12:

Ms. Moffitt stated the Salaries Permanent line item increased from $29,200 to $32,200 based on the SEIU contract increase. Overtime reduced from $3,800 to $1,800. Retirement-MERS Active increased from $10,900 to $12,300. Fringe Benefits increased by $300. Information Tech Allocation increased from $3,100 to $4,700.

Dept. 2023-Controller, Pg. 13:

Ms. Moffitt said Salaries Permanent increased by $400. Retirement-MERS Active increased by $400. MERS retirees increased from $24,300 to $25,900. Fringe Benefits decreased from $28,700 to $27,800. Information Tech Allocation increased from $6,100 to $9,400. The Controller's salaries are split. 17% to the Controller Department, 20% to Police, 21% to the Senior Center, 2% to the Building Department, 6% to Water, 5% to Sewer, 5% to Local Streets, 3% to Major Streets, 1% to Motorpool and 20% to Fire.

Dept. 2053-Treasurer, Pg. 13:

Ms. Moffitt said Salaries Permanent line item increased from $38,000 to $45,200. MERS Active line increased from $800 to $6,800. MERS Retirees increased from $4,200 to $21,600. Fringe Benefits increased from $21,000 to $33,800. Information Tech Allocation increased from $95,000 to $110,100. Payment on Pension UAL increased from $976,000 to $1,000,000. City Hall Expansion/Lease Dept SE was lowered from $150,000 to $142,100.

Dept. 2065-City Hall, Pg. 13:

Ms. Moffitt stated the Salaries Permanent increased from $38,000 to $45,200. MERS Active increased from $800 to $6,800. MERS Retirees increased from $4,200 to $21,600. Fringe Benefits increased from $21,000 to $33,800. This was due to the reorganizing position in City Hall. Information Tech Allocation increased from

$95,000 to $110,100. The Payment on Pension UAL increased from $976,000 to $1,000,000.

Dept. 2071-Public Service, Pg. 14:

Ms. Moffitt said the Gilkey Creek Interest was lowered by $200. Street Lighting increased by $1,000. Weed Cutting-Tax Reverted Property increased from $16,000 to $37,000.

Mr. Heffner asked why do we not have anything in the LED Street Lighting Program line item. Our costs continue to rise.

Mr. Hayman stated he will speak to Mr. Slattery about this tomorrow.

Dept. 6090-Parks & Recreation, Pg. 14:

Ms. Moffitt said the Retirement-MERS Active decreased from 400 to $200. The Retirement-MERS retirees increased from $1,000 to $1,300. Fringe Benefits decreased from $7,000 to $2,000. Information Tech Allocation increased from $1,100 to $1,500. Maint. of Grounds reduced from $14,000 to $12,800. Equipment Rental reduced from $14,000 to $12,700. Training & Memberships was reduced from $3,000 to $1,000. Trick or Treat Trail was decreased from $5,000 to $4,500. Pizza with Santa was reduced from $3,000 to $2,500. Movie Expenditures is zero and the expenses for the different races have been reduced down to zero due to these being moved to a separate fund.

Dept. 8001-Planning, Pg. 14 & 15:

Ms. Moffitt said Retirement-MERS Active reduced from $500 to $300. Retirement-MERS Retirees reduced from $2,700 to $1,400. Fringe Benefits reduced from $18,300 to $16,500. Supplies & Postage increased from $500 to $700. We added a Legal line with the amount of $10,000. Mr. Abbey stated this is mainly for the blight elimination program and Medical Marijuana. We need to know exactly what we have invested in these type of things and keep a better track. There will be addition cost such as legal and notifications.

Mr. Martinbianco asked about the Planning, Zoning and Parks & Recreation commission members compensation and raising this from $40 to $50 per month.

Ms. Moffitt said Training line item was increased from $650 to $1,000. Notices line item went up from $500 to $600.

Dept. 8005-Zoning, Pg. 15:

Ms. Moffitt stated the Overtime line item increased from $400 to $700. Board Salaries decreased from $2,500 to $2,400. Retirement-MERS Active reduced from $500 to $300. Retirement-MERS Retirees reduced from $2,600 to $1,400. Fringe Benefits reduced from $17,100 to $16,500. Training line item was increased from $650 to $1,000 and the Notices line item was increased from $800 to $1,000.

Dept. 9099-Transfers Out, Pg. 15:

Ms. Moffitt said we added a Transfer to Major Streets line item with $150,000 to cover the costs in that department. Transfer to Fire Department Fund needs to be reduced from $929,200 to $879,200 and while doing that, we will need to reduce the transfer out on the General Fund Budget. With these few changes, adding the $50,000 for the Specialized Internal Control, we need to add $70,000 to expense, which brings our net revenue over expenditures to $129,699. Transfer to Police Fund was reduced from $500,000 down to $200,000. Transfer to Building Department was increased from $94,000 to $200,000. They had eroded their fund balance so in order to balance that fund we needed to increase the transfer.

Mr. Abbey stated we are comparing our fee structure for permits, etc. to what other municipalities charge. Our fees are extremely low. We are trying to review this and see what our actual costs are to perform these inspections, etc. We are not covering our costs in some areas.

Meeting was adjourned at 9:17 PM.

CITY OF BURTON

BURTON CITY COUNCIL MEETING

AUGUST 20, 2018

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: DUANE HASKINS

B. THE PLEDGE OF ALLEGIANCE IS LED BY: DUANE HASKINS

C. ROLL CALL

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

D. STAFF PRESENT

Rik Hayman, Chief of Staff
Amanda Doyle, Attorney
Bette Bigsby, Acting City Clerk
Robert Slattery, DPW Director
Charles Abbey, Deputy DPW Director
Mike Odette, LT

E. APPROVAL OF MINUTES

1. City Council - Budget Workshop - May 30, 2018 6:30 PM

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

2. City Council - Budget Workshop - Jun 5, 2018 6:30 PM

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

3. City Council - Regular Meeting - Jun 7, 2018 6:30 PM

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

4. City Council - Regular Meeting - Jun 18, 2018 7:00 PM

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

5. City Council - Public Hearing - Jul 2, 2018 6:00 PM

RESULT:	**ACCEPTED [5 TO 0]**
MOVER:	Duane Haskins, Vice President
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, Haskins, Heffner, Wells, Smith
EXCUSED:	Conley
RECUSED:	O'Keefe

6. City Council - Regular Meeting - Jul 2, 2018 7:00 PM

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

7. City Council - Regular Meeting - Jul 16, 2018 7:00 PM

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

8. City Council - Regular Meeting - Aug 6, 2018 7:00 PM

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

F. ADMINISTRATIVE REPORTS

Mr. Hayman spoke on behalf of Mayor Zelenko. He did a review of the agenda.

G. COMMITTEE REPORTS

Mr. Smith spoke on the Planning Commission meeting. He spoke on Central Business District designation. He also proposed giving the Chairperson of the Planning Commission and Zoning Board of Appeals a $10.00 stipend.

Mr. Heffner asked if that would include the Park & Recreation Director in the stipend.

Mr. Wells is having a meeting on the LED Committee the following week.

Mr. Heffner asked about a Legislative Committee meeting. Mr. Martinbianco stated he would set one next month

H. AUDIENCE PARTICIPATION

Deborah Jackson stated she has lived in Burton her entire life. She has made complaints about things going on There has been driveways blocked cars parked up to the intersection. Complaints filed letters to the Mayor. If its being reported we need someone to back us up. It is not just her people in area having problems with same people. Codes are not being enforced. They are repeat offenders. Wants to know why nothing being done.

Jerry Cross introduced himself as a candidate running for County Commissioner.

Rick Fuhst asked about item #3 attorney billing about City Clerk. How many more of tax dollars of mine and the citizens of Burton are going to spend to resolve this issue. John Gleason sent a letter about a month ago. We have a perfectly capable person here who can do that job. Pretty sure they all knew who he was talking about. Why have we not give her this position? We have spent enough of the taxpayers money on this issue.

I. COUNCIL DISCUSSION

Mr. Smith asked Mr. Abbey about the situation on Wells Street.

Mr. Abbey stated he had just recently become aware of the situation. They have had some conversation internally about this situation with code enforcer. Mr. Wells had also called about the situation. Pulled up a violation summary. Mr. Abbey proceeded to outline the violations and remedies that were suggested to the occupant. Code enforcer did see some movement on cleaning up the violation. Vehicles were tagged because they were not plated. As of 8/15/18 all vehicles are plated and operable.

Mr. O'Keefe stated at the last Legislative Committee meeting he proposed salary ranges for the Charter 5 to take back to the administration. Wondered how they were progressing. Mr. Hayman stated they were looking for additional information to compare benefits. Mr. O'Keefe would like salary ranges brought forward.

Mr. O'Keefe asked for the update for the 5 year forecast as well as on the two enterprise funds. He is also looking for an update on the internal review by Plante and Moran.

Mr. Wells stated for people commenting on the City Council page. We are running on a skeleton crew. He asked for patience.

Mr. Heffner asked to have Ordinance forwarded to Clerk's office.

Mr. Heffner spoke about a house on Allen Street that has 20-30 cars in yard. Mr. Abbey stated he has 30 days to remove. The resident felt he was grand fathered in because his grandfather had run a business there.

Mr. Smith stated that there was a disagreement between the Council and the Administration on the budget issue. We have been spending a lot of money on legal. We owe the residents accountability on how the money has been spent. Right now he could not tell what the cost of that budget issue was. Should know what the cost is. We spent a lot of money on legal. No one really knows what it cost us. Ask administration for the bill so he can share with residents. Wants bill for Attorney Belzer and Greenfelder from start to end.

Mr. Hayman stated invoices are all available for Greenfelder and Belzer.

Mr. Smith stated they had to increase the budget line a couple of times this year.

Mr. Heffner asked to get clarification as to what line item they were paid out of.

Mr Haskins spoke about item number three on agenda. It specifically breaks out Belzer and Council President attorney billing. How come this one appeared on agenda? Mr Hayman stated it was a courtesy. On July 6, 2017 Mr. Belzer was hired to represent the Council in any litigation were the City attorney cannot represent the Council in litigation.

Mr. Hayman stated that this particular billing there was no conflict of interest. The City attorney gave an opinion on the Clerk. You also had an opinion from Mr. Leadford. Not sure the billing by Mr. Belzer was authorized under your action of July 2017.

Mr. Smith stated the first bill was for $25,000.00 at the very start then never saw a bill from Greenfelder.

Mr. Wells stated a couple of weeks ago we had a nice presentation about water rate studies. Alluded to 1.1 million in the red in water department. Coincide with water lines we put in off Hemphill road. Do we have anything from the State of Michigan that they are going to reimburse us for that?

Mr. Heffner stated that he did have a letter saying they would not pay us back for door-to-door water deliveries.

Mr. Hayman stated they had a meeting with the Legislative delegation. There is another meeting in Lansing with Nick Khouri and continuing to push for reimbursement at least some of it.

Mr. Wells asked how could you guys have vote to do that job if you nothing in writing from the state to begin with.

Mr. Heffner stated our residents were drinking poison. Our number one priority as Council people is the safety and welfare of our residents. So, we had to do whatever it took to take the poison out of their house and give them fresh , clean water.

Mr. Wells stated they were getting clean water as part of being on the Flint water line. I agree I wanted them hooked up to Burton water line. Until you knew you were going to get $1.1 million back from state I don't know how you could have gone forward with that.

Mr. Heffner replied that when it comes to poisoning children and people not being able to bathe in their own homes, we had some tough choices to make. All seven of us agreed that we needed to do something. We were told Burton would get everything Flint got but Flint did not offer door-to-door water deliveries. That is why we did not get paid for that.

Mr Hayman stated we did get reimbursed for some of the door-to-door deliveries. But the Governor's office assured us we would be included. Not just Burton but all associated entities.

Mr. Wells asked for updates as they come in. We cannot afford to give away $1.1 million dollars.

Mr. Haskins stated we could not afford to give up the $1.1 million for our residents. Seems to remember that there was a communication prior to the replacement on the reimbursement.

Mr. Heffner stated we did use some Community Development Block Grant money for the project.

Mr. O'Keefe reiterated his concern that Flint was getting all the limelight on this issue. He is still concerned that the children continue to be covered for anything like Flint children. Play nice now but if they do not continue we need to take the gloves off.

Mr. Hayman commented we want to play nice. State said we planned to do it as part of the DWRF anyway. State needs to know we did not plan on it because it was not our infrastructure.

J. COUNCIL ACTION

1. Approve and authorize the Attorney Billing (Doyle) 7/31/2018to 8/13/2018 in the amount $6,725.75.

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

2. Approve and authorize the payment of Attorney Billing (Masud) June 28, 2018 - July 31, 2018 in the amount $4,446.00

RESULT:	**CARRIED [5 TO 1]**
MOVER:	Duane Haskins, Vice President
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Smith
NAYS:	Wells
EXCUSED:	Conley

3. Approve and authorize the Attorney Billing for Jack Belzer (July 2018 consultations with Council President) in the amount of $568.75.

   Mr. Martinbianco offered an amendment to strike the parenthetical notation what the consultation was all about on the billing. He feels it singles out the Council President. If you don't like somebody's opinion you go get another one.

   Mr. Smith made speech about being transparent to our residents about where our attorney fees are going. How many opinions do you need on this?

   Mr. Heffner stated we could not talk about it in public. He will talk about it privately.

   Mr. O'Keefe state because of pending litigation.

   Mr. Wells stated you have a little loop hole going. You can support if you want.

   Mr. Heffner said he could not call all the Council but he did talk to the Finance chair and the Legislative Chair. Both encouraged him to call the attorney.

   Mr. Wells stated you already contacted Mr. Gleason. He said you already have a Clerk. Ms. Doyle already gave you an opinion.

   Mr. Heffner stated that Mr. Gleason stated they had no help to offer us.

   Mr. Wells stated he said you already had a certified Clerk.
   Mr. O'Keefe I have a different slant on this. When we hired Mr. Belzer we went through the motions and hired him. It was just for a specific purpose. I think we need to have another motion. One person cannot spend money. I think right now we are going against. Has to be put in motion and voted upon.

   Mr. Smith asked to consult the City Attorney on this issue. Council president right doing his due diligence. Mr.Heffner was directed to send a correspondence to state and to County. We did not do a vote on it at the time. We left thinking it was going to happen. Do we need to do a vote on what Dennis said? Can we deal with as it is?

Ms. Doyle asked if Mr. Belzer was retained for this particular issue if you don't feel he was then you would need to vote on it. If you believe this is a separate issue you would have to retain him again for that separate issue.

Mr. Wells stated we are going down treacherous road here. You may have hired Mr. Belzer in regards to the last topic you were arguing with the Mayor about this is a totally different topic. This is the City Clerk. If your going to open door and you three guys make a decision for the whole Council, I am totally opposed to that. It shouldn't be that way. I think you know that Madam Attorney.

Mr Haskins stated he would withdraw his motion to approve and pay until we can come up with a motion to make sure Mr. Belzer was retained in the right fashion with a proper motion. This is possible litigation again. It is Clarification of what we are trying to understand here. It has been talked about in open meetings. You were here for the meetings. This isn't a big surprise to anybody except for what exactly was discussed. I am not exactly privy to that. I would be happy to withdraw my motion and make a tabling motion until we can get this addressed at a different fashion to pay it. I honestly believe from our last motion that Mr. Belzer retained in the right fashion because if this goes to court Mr. Belzer would have to represent us again.

Mr. Hayman read original motion to hire Mr. Belzer. Motion is to hire Mr. Belzer for any litigation in which the City Attorney cannot represent the Council due to conflict of interest.

Mr. Haskins withdrew his withdrawal. Probably going to have to have an executive session with Mr. Belzer. Voting on this to pay then Council should be in the loop. It might need to be explained before we pay.

Mr. Heffner asked if would like to have a closed session with Mr. Belzer. Mr. Wells stated not if it was going to cost us money. What is the conflict of interest with our own attorney? Didn't you give an opinion on the Clerk? I think you did.

Ms. Doyle stated we don't know what those consultations were for. If it was for potential litigation with regard to the City Clerk by the Council there would have been a conflict. I don't know what the consultations were about so I don't know if I would have been conflicted out or not.

Mr. Wells said it is just an interpretation of the Charter. The Charter says the Mayor has 30 days to bring forward a Clerk and Council rejected it then she came back with another one and Council rejected it. This could go on and on. I don't want to see another $1.1 million pissed away on the Clerk when it is very simple solution. Part of the solution is to quit playing politics. We have a certified Clerk right there.

Mr Heffner stated actually we don't. She wasn't confirmed by the Council.

Mr. Wells stated that's not the administration's fault they are following the Charter. She keeps throwing them at you and you keep throwing them back. Do you want to name your own Clerk.

Mr Heffner stated that is not how the Charter works. The council confirm or doesn't conform.

Mr. Wells stated if people, watch these meetings people don't want to come here and be Clerk much less anything else. We can't find suitable people for position right now.

RESULT:	**CARRIED AS AMENDED [4 TO 2]**
MOVER:	Duane Haskins, Vice President
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Haskins, Heffner, Smith
NAYS:	O'Keefe, Wells
EXCUSED:	Conley

4. Approve and Authorize the Mayor and City Clerk to execute a contract with ROWE Professional Services Company, 540 S. Saginaw Street, Flint, MI 48502, for Preliminary Engineering of Center Road from Davison Road to the north City limit (DPW Project No. 18-006-P), at an estimated cost of $129,687.23, contingent upon approval of the City Attorney.

   Mr. Martinbianco asked if it was the preliminary engineering on the project and wondered if it was 2019 or 2020 construction.

   Mr. Slattery replied they were hoping to do that in 2019. The state infrastructure bank loan has approved and things are looking very good to do this next summer.

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

5. Approve and authorize the sale of Lot 25 in the Burton Estates Subdivision number 1 - commonly known as 6084 Burton Estates Drive, Parcel No. 59-24-502-025, to give first and final approval for the sale of this parcel to VIP Land Holdings, LLC, 52188 Van Dyke Ave., Suite 105, Shelby Township, MI 48316, for the sum of $7,142.80 cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

   Mr. Wells stated this sticks in his craw. Million of dollars the taxpayers have into sidewalks and infrastructure. This guy bought now he is cherry picking. City had to come out and mow lawn because he didn't do it. Close to $2,000.00.

   Mr. Smith stated he does not own all that property he just has first option. The City still owned them.

Mr Hayman stated that is true if you remember three years ago you approved a sale for Mallard Ponds, Cross Creek and we sold three lots in Burton Estates. With the first right of refusal for $7,000.00 part of sales agreement. He is attempting to exercise part of sales agreement

Mr. Smith said we didn't have He has first option a choice. Mallard ponds is sold out going for over $200,000.00. We have Cross Creek they are building like crazy. I think it was a phenomenal move. These are not cheap homes. The gentleman is abiding by his agreement. Families coming in shopping in Burton. Best we could with what we had.

Mr. Wells stated If we offered them to residents of Burton for $7,200.00 we could have sold them again.

Mr. Smith stated we had lots of lots we could not get rid of. Builder worked away from.

Mr. Heffner stated we were stuck with the special assessments that former Council approved and you were part of that.

Mr. Wells stated times changes there is an ebb and flow. At that time people were building in Burton. Sticks in craw that people would buy a lot and we give a guy first right of refusal.

Mr Heffner stated try to fix a mistake prior Councils made.

RESULT:	**CARRIED [5 TO 1]**
MOVER:	Duane Haskins, Vice President
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Smith
NAYS:	Wells
EXCUSED:	Conley

6. Consumers Energy Company Gas and/or Electric Franchise Ordinance Approve and Authorize, AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services, and to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas and/or electric business in the CITY OF BURTON, GENESEE COUNTY, MICHIGAN, for a period of thirty years.

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

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

Meeting was adjourned at 8:08 PM.

Approve and authorize the Attorney Billing (Doyle) 8/14/2018 to 8/27/2018 in the amount $3,859.50.

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

DRAFT

Meeting: 09/06/18 07:00 PM
Department: Clerk's Office
Category: Resolution
Prepared By: Bette Bigsby
Department Head: Bette Bigsby

AGENDA ITEM (ID # 4026)

DOC ID: 4026

Waiver of Penalties that may be imposed if purchaser does not timely file Form 2766, Property Transfer Affidavit.

ATTACHMENTS:

- Resolution To Waive T of O Penalties (DOC)

RESOLUTION TO WAIVE PENALTIES AUTHORIZED BY MCL 211.27b(1)(c) AND/OR MCL 211.27b(1)(d)

Minutes of a (regular/special) meeting of the Burton City Council of the City of Burton, held on (date), at (place), in (location), at (time).

PRESENT:

ABSENT:

The following preamble and resolution were offered by ________________________ and supported by ______________________.

RESOLUTION TO WAIVE PENALTIES AUTHORIZED BY MCL 211.27b(1)(c) AND/OR MCL 211.27b(1)(d

WHEREAS, MCL 211.27b(1)(c) and MCL 211.27b(1)(d) statutorily authorize the levy of penalties upon the buyer, grantee, or other transferee who fails to provide notification of a transfer of ownership within 45 days of the transfer of ownership to the appropriate assessing office.; and

WHEREAS, MCL 211.27b(5) provides permissible statutory authority for the local governing body of a local tax collecting unit to waive, by resolution, said penalties

NOW, THEREFORE, BE IT RESOLVED BY the Burton City Council of the City of Burton of Genesee County that it hereby voluntarily and formally waives any and all entitlement to penalties permissible under MCL 211.27b(1)(c) and MCL 211.27b(1)(d) and pursuant to MCL 211.27b(5).

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Burton City Council of the City of Burton, County of Genesee, Michigan, at a regular meeting held on (date).

____

Acting Clerk's Signature
Bette Bigsby
Acting City Clerk
City of Burton

5.22.2014