



CITY OF BURTON
BURTON CITY COUNCIL MEETING
SEPTEMBER 9, 2021
AGENDA

Council Chambers

Regular Meeting

7:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

- A. INVOCATION LED BY: DEBORAH WALTON**
- B. THE PLEDGE OF ALLEGIANCE IS LED BY: DEBORAH WALTON**
- C. ROLL CALL**
- D. APPROVAL OF AGENDA**
- E. STAFF PRESENT**
- F. APPROVAL OF MINUTES**

- 1. City Council - Special Meeting - Aug 10, 2021 6:30 PM
- 2. City Council - Special Meeting - Aug 16, 2021 6:30 PM
- 3. City Council - Regular Meeting - Aug 16, 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) 8/11/21 to 8/31/21 in the amount of \$5,019.00.
- 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.

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.

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



CITY OF BURTON
BURTON CITY COUNCIL MEETING
AUGUST 10, 2021
MINUTES

Council Chambers

Special Meeting

6:30 PM

4303 S. CENTER ROAD
BURTON, MI 48519

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

B. STAFF PRESENT

Katie Malin, Clerk's Office

C. ADMINISTRATIVE REPORT

None.

D. AUDIENCE PARTICIPATION

None.

E. COUNCIL ACTION

1. Discussion and Possible Action on Local Road Projects.

Mr. Martinbianco stated he has not received a copy of the approved 2021-2022 budget.

Mr. Heffner added, he has not received a copy either.

Mr. Martinbianco asked if the Clerk was aware that council has not received the approved 2021-2022 budget.

Ms. Malin stated she was not aware, but she will look into it.

Mr. Martinbianco stated for this project we need to look at the current budget. We all received a five-year report from the administration, so we can look and specifically dial in to local streets. Our goal is to bring a better lasting surface and management to the residents that is low cost. I think it is fair to say any kind of improvement we do to local streets will involve private investment. We will need to identify by a

PASER rating each local street, identify cost of repair, get the property owners thoughts and evaluate a time table for the work.

Mr. Heffner stated the PASER study is important to have. It will help determine what we do. I think we have two options; the city pays 75 percent and the residents pay 25 percent or the city pays 50 percent and the residents pay 50 percent. I think we need to get the residents involved. We need to identify which streets need work the most and take care of them first.

Mr. Smith stated he is concerned without the administration here tonight that an informed decision cannot be made.

Mr. Heffner asked, what are we lacking?

Mr. Smith stated this is not our area of expertise, and we only control a part of this project.

Mr. Martinbianco stated we are here tonight to set a plan and identify what City Council can do with the resources we have.

Mr. Smith stated I still do not feel confident that I can make an informed decision until all the parties involved are here.

Mr. Heffner stated the purpose tonight is to just come up with a policy and procedure.

Mr. Wells asked, do we know why no one from the administration is here tonight?

Mr. Smith stated they told us that no one was available to come tonight.

Mr. Heffner stated with all the employees, not one person was available tonight to represent the administration.

Mr. Smith stated no one was available for the meeting tonight from the DPW, knowing that, I would have preferred to have this meeting when someone was available. I think it would have been a better use of our time.

Discussion continued regarding the purpose of the meeting tonight and previous road resurfacing projects.

Mr. Martinbianco stated if these roads have already been identified by a PASER rating, our strategy would be to focus on the roads that are fives and fours first.

Mr. Smith stated I agree we need a PASER rating as a guide, but we do not know if they have one or not and that's a reason we need to have a meeting with the administration. We can ask them questions and they can inform us and educate us on how and why things are done.

Discussion continued regarding reasons to have a meeting with the administration present.

Mr. Fenner stated I thought the reason for the meeting tonight was to create the mechanism to allow the administration to move forward. The administration cannot move forward until we have a plan. The purpose tonight is to determine how we want to spend the money and how we plan to reach out to the residents. Once we establish that then we can meet with the administration and look at the PASER ratings and that can help us determine which residents we offer the project to first. That is the focus tonight.

Mr. Heffner stated we do not need to know anything about roads because we go by the PASER ratings.

Mr. Fenner stated the resident's participation will be key in determining how we go about this.

Mr. Wells stated we need to do our homework and spend the taxpayer's money wisely and do it right.

Mrs. Conley stated we told the residents we were going to fix the roads, so we need to fix the roads. We need to all work together to move the city forward and we are obviously not because no one from the administration is here tonight to work with us.

Mr. Heffner stated I don't think they would help with the process we are putting together tonight. Once we have a plan on how we are going to do this, then the next step would be to involve the administration.

Mrs. Conley asked, who is in charge of the roads in the DPW?

Mr. Martinbianco said, Chris Howser is the Road Superintendent.

Mr. Heffner stated on a rebuild, if a resident is able to get a petition signed by 51 percent of the residents on that street, I'd like to see the city pay for 75 percent of the project and then the residents pay 25 percent. If it is a dirt road that needs to be paved, the city pay 50 percent and the residents pay 50 percent.

Mr. Wells stated that may involve changing an ordinance.

Mr. Smith stated we have never been in a position like this before; having money to fund some of these projects.

Discussion continued regarding money allocated for road projects.

Mr. Wells stated he thinks part of the plan should include hiring more people in the DPW and making sure they are trained properly.

Mr. Smith stated some of this money can be used for labor, but the only problem with that is what do you do when the money runs out.

Mr. Wells stated we need to fix the things the residents can see, so they know where their money is going.

Minutes Acceptance: Minutes of Aug 10, 2021 6:30 PM (APPROVAL OF MINUTES)

Mr. Fenner stated I want to get back to what we are here to talk about tonight and that is the \$1.5 million dollars we set aside for local roads and how we are going to get that to the residents. I think we are talking about things tonight that we can't decide until we have a plan on how we are going to let this money be spent. Mr. Martinbianco laid out a good starting plan earlier.

Mr. Heffner said, this is the first year in a long time something like this has been done. It is going to take this first year to gauge how far that money can go.

Mr. Fenner stated I do think we need to have the residents involved and that's what we need to decide, how much we want to contribute.

Mr. Heffner stated I know we have paved gravel roads in the past and it cost the homeowner about \$5,000.00 and that was them paying 100 percent. So, this might only cost them \$1,500.00.

Mr. Fenner stated I think the price has gone up since then.

Mr. Martinbianco stated I would never let it get that low. This is where we would get into the ordinance change Mr. Wells was talking about as far as assessing.

Mr. Fenner stated we might find no one is willing to pay, then we need to decide what we plan to do in that situation.

Mr. Heffner stated ultimately, we are trying to revitalize neighborhoods.

Mr. Fenner stated another option might be we will pay a flat fee. Tell the residents we will pay the first so many dollars of the paving.

Mr. Heffner asked, doesn't the city usually finance that for the first 10 years?

Mr. Martinbianco said, yes up to 15 years. I think tonight our conversation helped us start a plan.

Mr. Heffner asked if the council would like to schedule another meeting and have the administration present.

Mr. Fenner said yes. I think we need to give the administration some guidance on what we would like them to bring to the meeting. We could look at the PASER study, if it's available.

Mr. Martinbianco said, yes. That would give us a basis on how we want to go about this. I would like Mr. Howser to be here, he is the one out on the streets every day.

The City Council members decided to schedule a Special Meeting for Local Road Projects on Monday, September 13, 2021, at 7:00 PM and that they would like Mr. Howser, Road Superintendent in attendance.

Meeting was adjourned at 7:48 PM.

Minutes Acceptance: Minutes of Aug 10, 2021 6:30 PM (APPROVAL OF MINUTES)



CITY OF BURTON
BURTON CITY COUNCIL MEETING
AUGUST 16, 2021
MINUTES

Council Chambers

Special Meeting

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	
Steven Heffner	President	Present	
Danny Wells	Councilman	Present	
Vaughn Smith	Councilman	Present	
Gregory Fenner	Vice President	Present	
Deborah K Walton	Councilwoman	Present	
Christina Conley	Councilwoman	Present	

B. STAFF PRESENT

Duane Haskins, Mayor
 Racheal Boggs, City Clerk
 Charles Abbey, DPW Director/HR
 Amber Abbey, Deputy DPW Director
 Dave Martinez, Building Official

C. AUDIENCE PARTICIPATION

Brandon Freeland of 6076 Lapeer Road stated he has been working on the house for almost two years. It took five 40 yard dumpsters to get the garbage out. I had to buy another 40 yard dumpster to gut the house. I didn't know the house was as bad as it was. Every floor board had to be replaced, the living room was gutted and turned into a cathedral, I put a metal roof on which is 80% complete. I didn't order enough material. I have about half of the house wired. The yard is clean. I work a full time job. When the pandemic hit, no one was allowed to leave their house for almost a year. When I went back to work, I was working 84 hours a week and had no time to do anything but work. I worked from 7:00AM until 7:00PM. I have spent all my money on the materials. I have windows, siding and all the plumbing. I want to finish the house.

Cheryl Ross of 6080 Lapeer Road stated she lives next door to this house. I see and hear everything that goes on here. She expressed concerns regarding the owner harvesting marijuana in the garage. The owner came to check on the property all through the pandemic. When Burton shut him down last fall, he didn't return until he was sure no one would check on him again. When I spoke to Amber Abbey on June 18th, she told me he had received a letter. On June 19th, there were seven or eight people there harvesting until 1:00AM. I believe when he first started, he was renting space to people because different cars were coming and bringing stuff to the house. To me, this is just a front to be able to grow pot. He does not live there. I had to call the police a few weeks ago on a Friday night. They had been there since 3:20PM and did nothing. At 10:00PM, they decided to start

sawing and hammering. He told the police he had all his permits and Burton told me he is working with no permits.

D. PRESENTATION: THE BUILDING OFFICIAL WILL GIVE A PRESENTATION ON THE PROPERTY.

Mrs. Abbey stated when we sold the property in September of 2019 as a tax reverted property, we were aware that the property was in bad condition. Because of this, we required a \$10,000 performance bond as part of the purchase agreement. This was the only one we required this on. Mr. Freeland was aware of the bond and the condition of the building. He was confident that he could make the repairs in a timely fashion. Part of the purchase agreement was that repairs had to be done within 90 days and an inspection done within 10 days. He did schedule an inspection on September 5, 2019. He was given a list of repairs and informed he needed a building permit. It took him almost a month to pull the building permit. After that, the city was very friendly with the time frames. Due to the pandemic, building was shut down from March until May. It took us until June 17, 2020 to send him a certified letter reminding him of the time frame and asking for a progress inspection. He did respond and let us in to have a progress inspection. At that time, the Building Official found that someone was using the pole barn to grow marijuana. Mr. Freeland stated he rented out the space to someone and did not have access to it. We told him that he cannot do that. This is not a business. It is a residential property and as long as the house is unoccupiable, the pole barn cannot be used. You also cannot rent out space to somebody even if the house was occupiable. We made that very clear to him. At that time, everything was removed from the garage. A 30-day progress was also required. A few months went by and we had to send another letter reminding him of the condition that was put on it. The Building Official went to the property in September of 2020 and he had made some progress and that is where it stopped. No progress has been made in almost a year. According to the neighbor, it appears they are still using the pole barn or have started using the pole barn once again, without approval from our department or any type of occupancy on the home. In June of 2021, we sent a final letter informing the owner we are done working with him and will be referring the property to City Council for demolition. Mr. Freeland then came in and said he planned to do the roof that weekend. This was on June 18th and as of now, the roof is still not complete. The city has worked with Mr. Freeland for over two years trying to get this building in some type of occupiable condition. We have not had any success and that is why we are here today. The Building Official is here to go over the building conditions.

Mr. Martinez stated on September 21, 2020, I visited the home. It was fully cleaned out, stripped down and ready to start rebuilding. Interior and exterior walls were rebuilt and the floor was stabilized. At that time, he had no permits for mechanical, electrical or plumbing. We were willing to work with that. I don't believe he has these permits as of today. Progress is not far enough along for the trades to be inspected. The steel roofing has been sitting on a trailer for quite some time. I don't believe any of the windows have been changed out yet and no new siding has been added to the home. Progress on the roof only began after we made him aware that we were moving forward with the demolition process.

E. COUNCIL ACTION

Mr. Martinbianco asked Mr. Martinez for his opinion about the structural condition of the home.

Mr. Martinez stated I believe it is in stable condition right now.

Mr. Martibinaco stated the owner indicated he used four to five dumpsters to clean out the home. Was it cleaned out to your satisfaction?

Minutes Acceptance: Minutes of Aug 16, 2021 6:30 PM (APPROVAL OF MINUTES)

Mr. Martinez stated the prior occupant of the home was somewhat of a hoarder and left belongings in the interior as well as junk and debris around the exterior of the home. It would have taken a little bit of work to get it cleaned up before he could get started with any type of progress on the home.

Mr. Fenner asked if there have been permits issued by the DPW for the current work that is being done on the home.

Mrs. Abbey said, no. The permit expired in March of 2021 just prior to us sending the letter. We have denied any type of renewal at this point until the council meeting.

Mr. Fenner asked, any work that has been done since that notice has been done without a permit?

Mrs. Abbey said, that is correct.

Mr. Fenner stated the last time or second to last time the property was mowed, we had to send someone out to take care of that property. Is that correct?

Mrs. Abbey stated the Code Enforcement Officer had a junk and debris complaint there in June of 2021 and a lawn mowing complaint in July of 2021. We mowed the lawn in July. We also had a lawn mowing complaint on June 15, 2021 but the grass wasn't quite 10 inches at that time, so we did not mow and it must have been done by the property owner.

Mr. Fenner stated the property hasn't really been kept up. Did the property owner admit to using the pole barn?

Mrs. Abbey stated that was the first time in June of 2020. I guess you would have to ask him that question. I will say that on July 13, 2021, I spoke to the Attorney and made reference to the violation of the pole barn and the owner said, "so we have to get everything out of the pole barn?" and I said, "yes". He never said that they were specifically using it for that.

Mr. Fenner stated they are not supposed to be using it for anything until the house is occupiable.

Mrs. Abbey said, that is correct.

Mr. Fenner stated I am looking at the address where we sent the certified mail. It is not this address. It is to an address on Vassar Road. Would that be his residence?

Mrs. Abbey stated that is his mailing address. We assume he lives there.

Mr. Wells stated we are not in the business of tearing down houses in the City of Burton. We go along with people and try to help them out for years and years and it never gets done. Then, the neighbors speak up and want to know what we are doing about the blight. It always comes back to us. We have talked about this before, we can't keep wasting our time. When we give people 30-60 days, they need to do something in 30-60 days, not two years.

1. 6076 Lapeer Rd: Approve and Authorize Immediate Demolition, with DPW given authorization to request sealed bids and the structure to be razed within the thirty (30) days of Burton City Council's acceptance of the low bid and the City Attorney's approval of the contract documents for execution of a contract with the Mayor and Clerk.

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

Meeting was adjourned at 6:50 PM.

Minutes Acceptance: Minutes of Aug 16, 2021 6:30 PM (APPROVAL OF MINUTES)



CITY OF BURTON
BURTON CITY COUNCIL MEETING
AUGUST 16, 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.

A. INVOCATION LED BY: DANNY WELLS

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

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	Present	
Christina Conley	Councilwoman	Present	

D. APPROVAL OF AGENDA

1. Motion to Approve the Agenda as presented.

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

E. STAFF PRESENT

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

F. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Aug 2, 2021 7:00 PM

Minutes Acceptance: Minutes of Aug 16, 2021 7:00 PM (APPROVAL OF MINUTES)

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

G. ADMINISTRATIVE REPORTS

Mayor Haskins stated prayers and thoughts to the O'Keefe family for the passing of Linda O'Keefe. The Fire Chief's mother passed away, please keep his family in your prayers as well as the family of Deputy Ryan Proxmire from Kalamazoo who was killed over the weekend. Back to the Bricks is here and this will be a great event. Attorney Leadford is here at councils request, for a closed session tonight. The Census numbers are back. We missed the mark by .95%. We were at 29,999 and now we are at 29,715. There is good and bad with that. The bad is we are not getting any additional funding and the good news is we stay where we are and move forward with what we have. Grand Traverse Street will be starting this week. The next big project will be Center Road.

H. COMMITTEE REPORTS

None.

I. AUDIENCE PARTICIPATION

Gary Isham of 3443 Saxton Street stated he has letters of support and photographs for the council. He expressed concern regarding the DPW Road Commission dispatching a brush hog in June to the northeast corner of Saxton and Marion Blvd and mistakenly mowing over about 100 square feet of raspberry canes that took years to cultivate and develop. In the 25 years I have been there, the city has never touched anything in the right-of-way at my property. I filed a complaint at the DPW immediately. There was no obstruction to traffic or complaints by residents. In mid July, I met with the DPW again and was told the right-of-way is 30 feet from the middle of the road. I asked for documentation regarding the right-of-way. I also asked for closure by the end of July. I followed up with phone calls on the first of August with no reply. My wife uses these berries to make jam. We enjoy growing and eating our produce and sharing with our neighbors and friends. This experience has been disruptive, disrespectful and hurtful. The economic impact is not short term. I hope we can resolve this misunderstanding. I have faith that the council will do the right thing.

Mary Mitchelson of 3324 Shannon Road expressed concerns regarding the portion of her road near the mailbox (cul-de-sac) that was not paved. The contractor stated that was not in their contract. After visiting City Hall, I was told my driveway goes on to private property. I have been there for 55 years and this is the first time I have been told that it is private property. I called the Mayor's Office and nobody came out. I spoke with a couple councilmen and they came out to look at it. My deed states the south side of Shannon Road to the center of Myers Drain. They told me that had been deeded to the Killarney Park Association. The deed encompasses all the property up to my mailbox. Mrs. Mitchelson referred to pictures that were given to the council. I am asking the City Council to look into this and see if something can be done. I cannot get a response about this.

Mr. Wells would like to get some answers for the audience members who spoke prior to going into closed session.

Mr. Abbey stated the city employee does not deny cutting down some of the raspberry bushes. They were in the right-of-way. The right-of-way is correct and it is 30 feet from the center of the road. According to the equipment operator and foreman, they did protrude a foot or two into the right-of-way. We cut stuff out of the right-of-ways all the time. The bushes blocked the corner view of the intersection.

Minutes Acceptance: Minutes of Aug 16, 2021 7:00 PM (APPROVAL OF MINUTES)

Mr. Heffner asked if Mr. Isham was notified about this.

Mr. Abbey said, no. We do not send notices or knock on doors. We drop a cone in the yard. Our weed ordinance is published in the paper every year. If it is 10 inches, it gets cut.

Mr. Isham stated when the operator pulled up with the brush hog, the bushes were a sea of red. It was going to be my best harvest ever that took a decade to develop. The right-of-way is not 30 feet. It is 25 feet on Saxton and 30 feet on Marion according to the city documents. It was a tragic mistake that shouldn't have happened. Not answering phone calls does not make the problem go away. I have been a resident for 30 years. I love this city. This is a huge injustice. I appreciate your consideration.

Mr. Heffner asked Mr. Isham to provide a copy of his documentation.

Mr. Abbey stated that operator stated he did impede outside of the right-of-way by a foot to 16 inches. I want to make this clear, it was a mistake. He was wrong. I did not respond to Mr. Isham because Mr. Laduke stated they were friends and he wanted to handle it. We are sorry. It was an honest mistake.

Further discussion on raspberry bushes, right-of-way measurements and how to come to a resolution for Mr. Isham.

Mr. Fenner asked for the City Attorney's opinion on providing compensation.

Attorney Doyle stated that would be a determination for the administration to make. The administration has that authority.

Mr. Heffner asked for Mr. Isham to set an appointment with the Mayor and Mr. Abbey to come to a resolution. They could come up with something and bring it to us for approval, correct?

Attorney Doyle said, I would agree with that.

Mr. Wells asked if this has ever happened before and expressed concern about setting a precedence by compensating for this.

Attorney Doyle stated that is a concern. That is why we need to be careful what we are compensating for. We cannot compensate for anything that was in the right-of-way. We just can't. Off the top of my head, in over ten years, I can't recall a time when this has happened.

Mrs. Conley stated everyone knows Gary and his wife. They have given a lot to Burton. Why didn't somebody go up to him and give him the opportunity to move the bushes if they were in the way. I think that's what should have been done. If they were in the way, he has had them there for 25 years. Why cut them this year and not last year or the year before?

Discussion continued regarding raspberry bushes.

Mr. Smith stated this was a terrible mistake and we need to make it right. It should be delineated from where the line of the right-of-way is as much as possible.

Mrs. Conley stated I visited Mary's home on Shannon Road. I want to know the answer too because it was cut off at her mailbox. When she gave her land to Burton to do a cul-de-sac,

I don't know why you wouldn't automatically do the cul-de-sac for her when the whole road was done. I think this is terrible.

Mr. Heffner stated another mistake has been made here. The city created this cul-de-sac sometime in the past.

Mr. Abbey stated the cul-de-sac was done many years ago and that portion was not built to the road specs. I have been out there several times. I wish they wouldn't have stopped either. When you are chip sealing there are a lot of things you can do such as hand shoveling it. The problem is the asphalt is falling away. The person across the street controlled that though the association along with access to the lake that is back there. The plat map shows the cut out around there.

Further discussion regarding the cul-de-sac on Shannon Road.

Mr. Heffner asked if the city put in the cul-de-sac.

Mr. Abbey said, no. The original paving happened many years ago. It doesn't show that on the map. It shows that it belongs to a lot there. It was like somebody paved it after the fact to use as a turn around. I understand what she is saying. We don't have a right to go on to or do work on private property. That's the problem. It doesn't show this as part of the road that is maintained. I don't have a problem trying to work something out and have DPW do some work if the council so chooses. I understand Mrs. Mitchelson's concerns and it isn't our desire to hurt her. The road is in rough shape. It will never be good, but we can do what we did to the rest of it.

Mr. Heffner asked if we need to get paperwork from the property owner to turn that over to the city.

Mr. Abbey deferred to the City Attorney. I do believe Mrs. Mitchelson that the city could have put the cul-de-sac in for purposes of emergency services.

Mr. Martinbianco stated I am most concerned about the hole in the middle of the area. Did you go back to 1991 when we did the special assessment there?

Mr. Abbey stated we did. Our Engineer and Mrs. Abbey worked on it. The Mayor and I drove back there and what Mrs. Mitchelson is saying, it makes sense. It is private property.

Mr. Heffner stated Mrs. Mitchelson is claiming it is city property and Mr. Abbey is claiming that it is private property. Madam Attorney, can we write up a document to have her turn it over to the city?

Mr. Abbey stated she only owns half of it.

Attorney Doyle stated she recommends a title search but it can be costly.

Discussion continued regarding the ownership of Shannon Road, plat maps and title search.

Mr. Fenner stated I would like to see a remedy before we pay for a title search.

Mr. Abbey stated we want that part of the road to look the same as the rest of the road. Let's try to achieve that and go from there. This will be the quickest way and it makes the most sense. If the council has different ideas, tell me what you want me to do.

Mr. Martinbianco asked where the contractors that did the chip seal received their process documents.

Mr. Abbey stated they drive them with us and we give them a bid spec. Our engineer measures the area and we do a cost estimate. Then the companies come out and measure it themselves and submit a sealed bid. Their information probably comes from our plat maps.

Mr. Wells stated the Attorney has been informed, the administration wants to take care of it and what Mrs. Mitchelson is saying makes sense. I understand she has a different piece of paperwork but it sounds like we are going to take care of you.

Mr. Smith stated at the last meeting there were only five council people present. We voted on something that I feel should have been voted on by the council in its entirety. I will be making a motion to the agenda as it was worded at the last meeting. This way, everyone will have a chance to vote on this. The result may be the same or it may be different, but I believe all seven council members, not just five, should vote on this.

1. Motion to add to agenda: 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 2021 Pavement Preservation contract which will include the Milling and Resurfacing of Center Road from Atherton to Maple and McLaren Ave from Columbine to Fern, for the Not-to-Exceed fee of \$770,242.00.

Mr. Heffner stated they were on the losing end of the motion at the last meeting. Madam Attorney, what is your opinion?

Attorney Doyle stated this is not a motion to reconsider. It is a renewal motion which can happen at a subsequent meeting as long as there has not been an act in furtherance of it. The motion that actually passed and was adopted wasn't this motion. The motion was amended at the last meeting. The original motion did not pass, so this is a renewal motion.

Discussion continued on the original motion which included McLaren versus the amended motion which did not include McLaren.

Mr. Heffner stated Center Road has already been approved.

Attorney Doyle stated when you talk about a motion to reconsider, then it matters who voted for or against it. This is a renewal motion. You can bring a motion, the same motion every meeting if you like. It can be voted on again.

RESULT:	CARRIED [4 TO 3]
MOVER:	Vaughn Smith, Councilman
SECONDER:	Gregory Fenner, Vice President
AYES:	Wells, Smith, Fenner, Walton
NAYS:	Martinbianco, Heffner, Conley

2. Motion to go into closed session under Section 8C of the Open Meetings Act for the purpose of contract negotiations.

Council went into closed session at 8:04PM.

Council returned from closed session at 9:10PM.

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

J. COUNCIL DISCUSSION

Mr. Wells stated I went out and looked at some of the ditching work and it looks beautiful. The neighbors love it. I have two people on Covert Road that would like to know when that will be done. They want to replace their driveways before winter.

Mr. Abbey stated I don't know exactly when that will be done but I will get a plan in place right away and let you know. The ditches we are targeting right now are the ones that need immediate attention where the heavy rain surfaces and they are really bad. We will section off the city and come up with a plan.

Mr. Wells stated one of the people I am referring to doesn't have a ditch anymore, the ground has swallowed up the tube and everything.

Mr. Abbey stated if you have them call us, we can send the Engineer and road workers out there to look at it.

Mr. Wells stated at 6161 Woodmoor Drive there is a tree that is split from the storm that is hanging over the wires. Consumers marked it before the storm. I called Consumers today and left a message. Can someone from DPW go look at it?

Mr. Abbey stated that is a special crew they send out for that. It takes a minute for them to get there.

Mr. Wells asked if we received a credit from Emterra for when the recycling pick up was delayed. Dan Garman said they were crediting .1935 per home. That is for 10,905 homes for a total of \$2,110.12.

Mayor Haskins stated he will look into this.

K. COUNCIL ACTION

1. Approve and authorize the payment of Attorney Billing (Doyle) 7/28/21 to 8/10/21 in the amount of \$4,474.00.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Christina Conley, Councilwoman
SECONDER:	Deborah K Walton, Councilwoman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

2. Approve and authorize the payment of Attorney Billing (Masud) 7/1/2021 to 7/31/2021 in the amount of \$2,356.00.

Minutes Acceptance: Minutes of Aug 16, 2021 7:00 PM (APPROVAL OF MINUTES)

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

3. Approve and authorize the request for a Residential Sanitary Water & Sewer Installer's License for Kennedy Excavating, Inc., 4345 North State Road, Davison, Michigan.

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

4. Approve and authorize the Mayor and City Clerk to execute a contract with L & T Painting Inc. 50502 Hunters Creek Trail Shelby Twp, MI 48317, for the painting and miscellaneous minor repairs on the 400,000 gallon elevated water tank contract in the amount of \$121,400.00.

Mr. Heffner asked where the tank is located.

Mr. Abbey stated this is our water tower on Bristol Road. Every three to five years we have to have it inspected. The last time they made a recommendation, they said we could wait a few years because the coating on the inside was still good. Since then, we have had a couple of valves blow. We will need that fixed as well as a complete epoxy on the inside.

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

5. Motion to 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 2021 Pavement Preservation contract which will include the Milling and Resurfacing of Center Road from Atherton to Maple and McLaren Ave from Columbine to Fern, for the Not-to-Exceed fee of \$770,242.00.

Mr. Wells asked why we are voting for this again when it was approved at the last meeting.

Mr. Heffner stated because Mr. Martinbianco removed McLaren from the project. A few of us agreed with it. The reason I agreed is because we are starting the paving project and we will be asking the entire city to pay to have their streets paved and this street we are going to pave for free. If they wanted to pave this one it could have been done by milling the edges down. It would have looked like garbage, but it could have been done.

Mr. Fenner stated McLaren was included in the south end preservation project. Unfortunately, it has curbs and gutters and the DPW Director said it is not suitable to be chip sealed like the rest of the south end project. This was an anomaly. It was added to the Center Road project to get us a cheaper price on doing it. Mr. Martinbianco had it removed and we are bringing back the motion as it was originally.

Mr. Heffner asked if this is the only street with curbs and gutters in the south end.

Mr. Abbey said, on that side of Saginaw Street, it is the only one.

Discussion continued regarding additional south end road projects.

Mr. Heffner stated the problem I have is that I don't think this is fair to the rest of the residents. When the administration sold this to us at the last council meeting, you said they had to bring equipment all the way from Saginaw and that's why we are getting a better deal.

Mr. Abbey said, no. What I said was if they have to do this road later it will cost almost double. This isn't my numbers. That is the contractors estimate because they are already here. There is a mob-cost all the time. You pay it when they move street to street but it is built in across the whole project. I used Saginaw as a scenario. If they are already in the city doing work and they move a machine four blocks, the mob-cost to move four blocks is less than moving it from one of their plants in Saginaw or anywhere else.

Mr. Heffner stated my point in all of this is, they are moving it from Center Road. We just paved Saginaw Street and part of Columbine. How come it wasn't redone then? The equipment was a lot closer then.

Mr. Abbey stated because that is a federally funded project. It is a different type of funding. We are using the preservation money out of the taxes we collect. This is the road department money that you allocated. For TIP projects, you can not add something outside of the scope of that project.

Mr. Heffner stated Zito was the contractor for Saginaw Street. Their equipment was already there. We couldn't have gone to Zito and asked how much they would charge to do McLaren?

Mr. Abbey stated Zito was the general contractor. ACE actually does the paving. We could have done that, but you had preservation money allocated specifically for this project. McLaren was already put into the other project.

Mr. Heffner stated I am not against paving roads. Every road in the city needs to be repaved, pretty much. We need to be fair.

Mr. Abbey stated to do this right, there is a lot of discussion that needs to take place. We know the council has to approve this and buy in to it. It needs to be thought out and you need to listen to the professionals and have the engineers tell us what needs to be done. There are passer ratings and we try not to jump all over and try to do

what gives us the best bang for our buck. We try to package things to stretch the buck a little bit. We have to stretch every dollar we can.

Mr. Heffner asked, if a road has a passer rating of a four and we chip seal it, does that make it a three on the scale or is it still a four?

Mr. Abbey stated we don't know that yet. When we get it, you will have it. They probably will move up.

Discussion continued on passer ratings, chip seal and truck routes.

Mr. Wells asked, if we don't keep McLaren on this project then McLaren won't be paved this year?

Mr. Abbey said, no. It will not.

RESULT:	CARRIED [4 TO 3]
MOVER:	Gregory Fenner, Vice President
SECONDER:	Deborah K Walton, Councilwoman
AYES:	Wells, Smith, Fenner, Walton
NAYS:	Martinbianco, Heffner, Conley

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

Meeting was adjourned at 9:33 PM.



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

Meeting: 09/09/21 07:00 PM
Department: Clerk's Office
Category: Attorney Billing
Prepared By: Racheal Boggs
Department Head: Racheal Boggs

K.1

SCHEDULED

AGENDA ITEM (ID # 5195)

DOC ID: 5195

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



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

Meeting: 09/09/21 07:00 PM
Department: Clerk's Office
Category: Appointment
Prepared By: Racheal Boggs
Department Head: Racheal Boggs

K.2

SCHEDULED

AGENDA ITEM (ID # 5186)

DOC ID: 5186

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.

ATTACHMENTS:

- DDA Vacancy application- Nate Henry (PDF)



City of Burton
4303 S. Center Road
Burton, MI 48519
810-743-1500
www.burtonmi.gov

APPLICATION FOR APPOINTMENT TO BOARDS AND COMMISSIONS

NAME: Henry Nathan E.
(Please Print) (Last) (First) (Middle Initial) MI 48473

HOME ADDRESS: 5411 Don Shenk Dr. Swartz Creek 81040717
(Street) (City/Zip) (Phone)

EMAIL ADDRESS: natehenry4@aol.com

HOW LONG HAVE YOU LIVED IN BURTON? NA ARE YOU A U.S. CITIZEN? Yes

DO YOU WORK IN BURTON? Yes LENGTH OF TIME EMPLOYED IN BURTON: 13 years

If you work in Burton, please list the name and address of the business:

First Storage One 4258 Somers Dr. Burton, MI 48529
(Business Name) (Number/Street) (Phone) A/O: 5

PLEASE LIST WHICH BOARD/COMMISSION YOU ARE INTERESTED IN: DDA

WHAT SPECIALTIES/EXPERIENCE/EDUCATION DO YOU BRING TO THIS BOARD/COMMISSION:
(Attach additional sheet if necessary)

Attached.

LIST ANY CIVIC/COMMUNITY ACTIVITIES THAT ARE YOU INVOLVED IN:
(Attach additional sheet if necessary)

Swartz Creek City Council, SC Planning Commission, Greenlee Co.
Metro Alliance, Gen. County Small Cities & Villages Ass. A.I.T.

Please return this form to the City Clerk's Office at the above address for processing. This information will be provided to the City Council, on a public agenda, for the use in making appointment to the various Boards and Commissions at the City Council Meeting.

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

[Signature]
(Signature)

8-16-2021
(Date)

8-16-2021

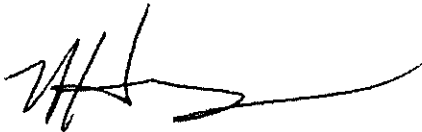
Nate Henry

DDA Application for Appointment

My name is Nate Henry. I am a resident of Swartz Creek where I was raised and live. I am a 1998 graduate of Swartz Creek High School. I attended the University of Michigan-Flint and graduated with a BBA in 2004. I've been the site manager at First Storage One, 4258 Somers Drive, Burton, MI 48529 since spring of 2008. I have seen the business grow by adding 2 additional rental buildings and an RV lot on the once blighted neighboring property. I strive to keep the business successful, safe, and attractive. I plant and maintain flowers each year and decorate my office for Christmas. I mention this to demonstrate I understand the importance of things like this to the betterment of a community. I also hope doing it inspires others to do the same.

I serve on the city council and planning commission in my hometown. Through this experience I have gained an understanding of how beneficial a DDA can be and would like to be a part of that where I work and spend so much of my time. I'm in Burton 6 days a week. I shop here, I bank here, and I work here. I would like to work towards its continued success so I ask for your consideration of my appointment to the DDA.

Thank you,



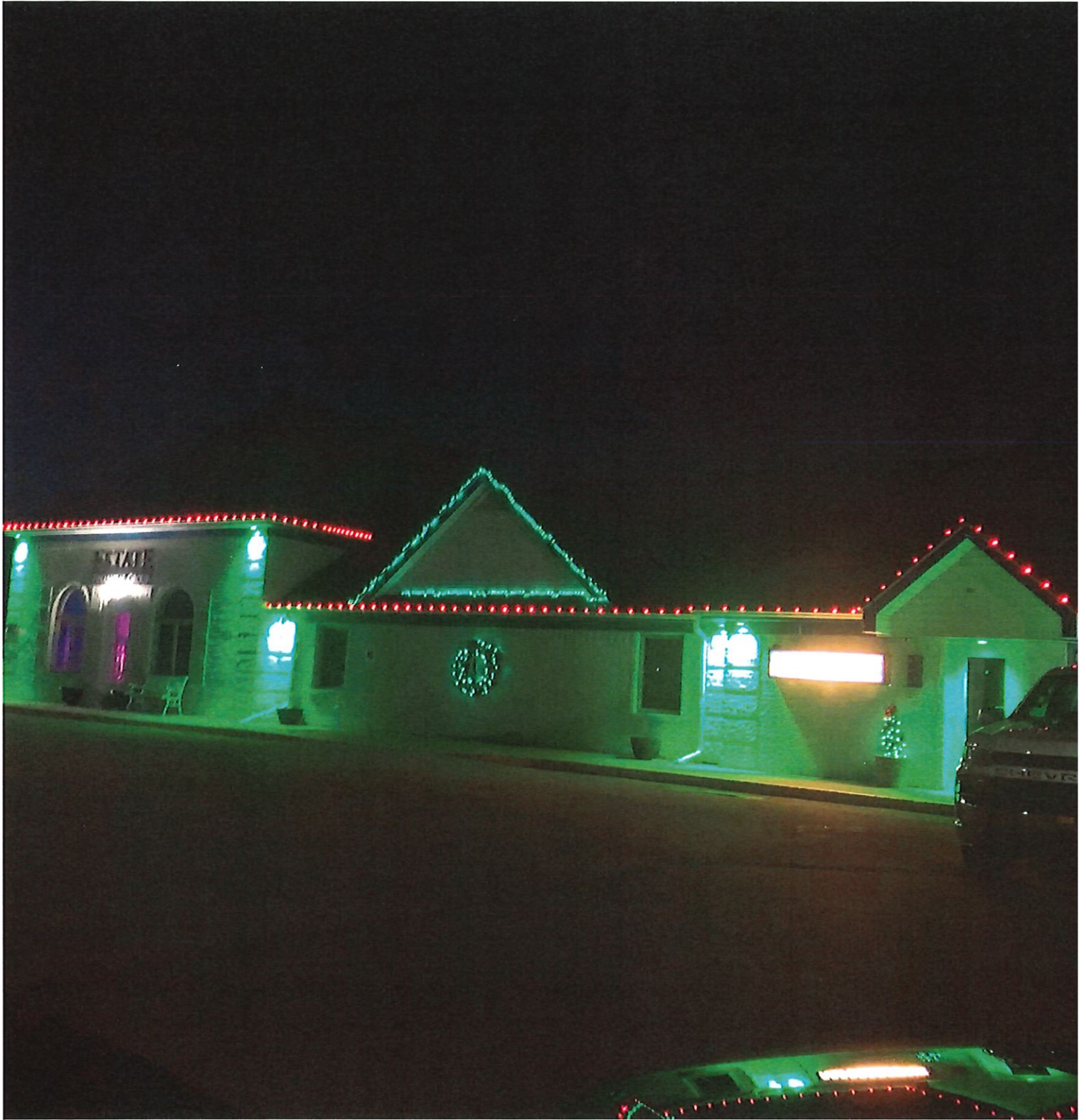
Nate Henry

8104071789

Attachment: DDA Vacancy application- Nate Henry (5186 : DDA Appointment)



Attachment: DDA Vacancy application- Nate Henry (5186 : DDA Appointment)



Attachment: DDA Vacancy application- Nate Henry (5186 : DDA Appointment)



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

Meeting: 09/09/21 07:00 PM
Department: Mayor's Office
Category: Appointment
Prepared By: Racheal Boggs
Department Head: Duane Haskins

K.3

SCHEDULED

AGENDA ITEM (ID # 5196)

DOC ID: 5196 A

**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.**