

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
JUNE 7, 1993, 7:30 P.M., COUNCIL CHAMBERS

INVOCATION AND PLEDGE OF ALLEGIANCE WAS LED BY COUNCILWOMAN PAULA ZELENKO.

The meeting was called to order by Tom Martinbianco, President at 7:30 P.M.

Members Present: Abbey, Cox, Cross, Hammon, Martinbianco, Walls and Zelenko.

Members Absent: None.

Others Present: Mayor Charles H. Smiley; K. McArdle, Personnel Director; J. Major, DPW Director and W. Walworth, City Clerk.

Abbey moved and Zelenko supported the following motion:

Approve and authorize the minutes of the following meetings: Special Council Meeting of May 17, 1993 at 7:00 P.M. and Regular Council Meeting of May 17, 1993 at 7:30 P.M., as printed. Motion carried 6-0.

ADMINISTRATIVE REPORT:

X Mayor Smiley said each Council Member had a packet of materials concerning the garbage unit locations.

X The Mayor said Mr. McArdle gave the Council a packet of materials concerning the Killarney clean up problem.

Mr. McArdle reviewed the materials for Council and possible action against Walter Chupek.

Mr. Major said others have been cited, including George's Towing.

Mayor Smiley said he and Commissioner Cherry toured the City to have first hand knowledge on the drainage problems in the City for the County to address.

Mayor Smiley and President Martinbianco presented a resolution to Charlie Ballmer from Atherton High School. (See resolution attached to the minutes).

COMMITTEE REPORTS:

None.

AUDIENCE PARTICIPATION:

Don Sanderlin, 4460 Killarney Park, thanked the Council and Mayor for their efforts in the Killarney problem.

Wes Siebert, 3235 Shannon asked about the other problems he addressed at the last meeting. Mr. Major said letters have been sent to C&O and Consumers and they are waiting for a response. He also said a letter was addressed to Keith Kerr concerning no more dumping.

Pauline Dargel, 6119 Hugh St., asked about any discussion on a line item budget for this year. She also asked about the garbage refund and expressed concern on what items should be assessed the one percent administrative fee on the tax statement.

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X Ralph Tucker, 5353 E. Bristol, expressed concern about the low bid for sweeping and why he did not get the award.

Jim Townsend, 3051 Covert, asked Council to consider Mr. Tucker's request.

COUNCIL DISCUSSION:

X Mr. Abbey commended the administration on a job well done in the Killarney problem.

Mr. Cox asked if there was any problem in the past with Mr. Tucker's services. Mr. Major replied no.

X Mr. Cox wanted to know why Excor continued south of Atherton Road without a further bid. Mr. Major said they had problems in laying the water line on either side of the street and to stop any delays they proceeded as it is an administrative decision to go up to 25% beyond the bid when necessary.

An extensive discussion then took place on the administration exceeding the contract by 25% when necessary.

X Mr. Cox asked about the \$100 a month in lieu of hospitalization for retirees.

Mr. McArdle said this would help clear up other contract language and allow the administration to clarify future directions for this fringe benefit.

Mr. Cross and Mrs. Walls said Ordinance 68 (C) was premature for the first reading.

Mr. Martinbianco said the first reading puts it in place for an adoption at the second reading.

X Mr. Hammon thanked the administration for their work on the Killarney Park problem. He said the Library Fund now has \$51,000, due to the Council putting away \$20,000 each year for expansion of the Library. He said the time had come for the Council to proceed to go for grants so that the project can be realized.

Mr. Hammon introduced the Friends of the Library that were present.

Bev Browning then reviewed the project and timetable for securing the grants and starting construction of the addition.

Mr. Cross asked if there were any relatives working for the City in items #5 and #6. Mr. Major replied no.

After reviewing the bid of Mr. Tucker, Mr. Abbey wanted to be sure that they were acting on the low bidder in item #6. Mr. Major said yes.

Mr. Cross asked for some further explanation concerning the truth in taxation hearings to be scheduled.

Mr. Abbey wanted to be sure that Steve Perez will be working with Bev Browning on the library grant, as that is his area of responsibility. He was told that Mr. Perez has been working with Bev Browning throughout the process, to date.

Mr. Cross and Mrs. Walls said they were against the first reading of Ordinance 68 (C), as it was premature in their opinion.

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Mr. Abbey reminded them that they were not adopting the ordinance, just having a first reading of the ordinance and it can be changed at the second reading.

Mr. Abbey said Administrators should at least be treated as equals to the rest of the employees.

Mr. Cross and Mr. Hammon had a discussion on the Chartered requirement on passage of a budget.

Mayor Smiley said the ordinance is timely.

Mrs. Zelenko asked if there was any problem with the first reading even though the budget had not been passed yet. Mr. Hamilton said no.

COUNCIL DISCUSSION ACTION:

Moved by Abbey, supported by Hammon to direct the City Attorney to initiate Circuit Court proceedings on behalf of the City of Burton against John and Walter Chupek at 3151 Maple Ave. Parcel #(Q-83-E), regarding the site clean up compliance. The basis for the abatement is a public nuisance as documented by the Department of Natural Resources and the City administration. This action is to be coordinated with the DNR actions. Motion carried 7-0.

Moved by Hammon, supported by Zelenko to add item #11 concerning an architect for the library expansion; item #12 concerning a grant contract; and item #13 regarding a library committee, as spelled out in the resolutions below. Motion carried 7-0.

COUNCIL ACTION:

Abbey moved and Cross supported the following motion:

1. Approve and authorize the Attorney Billing from May 12, 1993 to June 2, 1993 in the amount of \$6,863.90.
- Motion carried 7-0.

Hammon moved and Zelenko supported the following motion:

2. Approve and authorize the Mayor and Clerk to accept and execute the Resolution Petition for the Belsay Road Branch of Gilkey Creek Drain, for the purpose of a Board of Determination Hearing to consider the creation of this new drainage district.
- Motion carried 7-0.

Zelenko moved and Cross supported the following motion:

3. Approve and authorize the Mayor and Clerk to accept and execute the Resolution Petition for the Nelson Court Branch of Gilkey Creek Drain, for the purpose of a Board of Determination Hearing to consider the creation of this new drainage district.
- Motion carried 7-0.

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Walls moved and Abbey supported the following motion:

4. Approve and authorize Council to set the First Public Hearing for Zoning Case #198 on August 16, 1993 at 7:00 P.M. (ZC #198, Carl M. Schultz, Inc., Q-454-8 Section 36, SE corner of Bristol & Belsay Roads).

Motion carried 7-0.

Abbey moved and Hammon supported the following motion:

5. Approve and authorize the Mayor and the Burton City Clerk to enter into a contract with RS Contracting, 42279 Irwin Drive, Harrison Township, MI 48045, for the 1993 Pavement Marking Program in the contract amount of thirteen thousand eight hundred sixty-five dollars and sixty-three cents (\$13,865.63) contingent upon submission of the mandatory bonds and insurance documents with the Burton City Attorney's review. The project cost is to be charged against the current 1993-1994 Budget, contractual service line item provided pavement marking, and is contingent on the passage of the proposed 1993-1994 Budget.

Motion carried 7-0.

Cross moved and Hammon supported the following motion:

6. Approve and authorize the Mayor and the Burton City Clerk to enter into a contract with Century Parking Lot Maintenance, P.O. Box 204, Clio, MI 48420 for the 1993-94 Street Sweeping Program in the contract amount of five thousand, four hundred ninety seven dollars and eight cents (\$5,497.08) per round trip contingent upon submission of the mandatory bonds and insurance documents with the Burton City Attorney's review. The project cost is to be charged against the current 1993-94 Budget, contractual service line item provided for street and municipal parking lot sweeping, and is contingent on the passage of the proposed 1993-1994 Budget.

Motion carried 6-1 with Mr. Cox voting no.

Hammon moved and Abbey supported the following motion:

7. Approve and authorize the low bid of Excor of MI in the amount of \$342,737.50 for construction of watermain along Belsay Road from Atherton Road to Maple Road, known as City of Burton Watermain System, DPW Job #93-001-W.

Motion carried 7-0.

Walls moved and Abbey supported the following motion:

8. Approve and authorize the Mayor and Clerk to enter into a contract with Excor of MI in the amount of \$342,737.50 for construction of the City of Burton Watermain System, DPW Job Number 93-001-W, contingent upon approval of the City Attorney with submission of mandatory bonds and insurance policies. The total project cost is \$603,805.00.

Motion carried 7-0.

elenko moved and Hammon supported the following motion:

9. Approve and authorize the calling of a public hearing on June 21, 1993, at 7:00 P.M., for the purpose of considering the proposed additional .25 mills to be levied for General Fund Operating purposes, on the 1993 tax roll. This hearing is pursuant to Act 5, P.A. of 1982.

Motion carried 7-0.

Abbey moved and Zelenko supported the following motion:

10. Approve and authorize the calling of a public hearing on June 21, 1993, at 7:15 P.M., for the purpose of considering the proposed additional .02 mills to be levied for Downtown Development Authority Operating purposes, on the 1993 tax roll. This hearing is pursuant to Act 5, P.A. of 1982.

Motion carried 7-0.

Hammon moved and Abbey supported the following motion:

11. Approve and authorize the Mayor and Clerk to enter into a contract with Wade Trim for the possible expansion of the Burton Memorial Library.

Motion carried 7-0.

Hammon moved and Zelenko supported the following motion:

12. Approve and authorize the Mayor and Clerk to enter into a contract with Grant\$line Incorporated for securing grants from the Library of Michigan LSCA Grant and the Herrick Foundation for the expansion of the the Burton Memorial Library.

Motion carried 7-0.

Cross moved and Zelenko supported the following motion:

13. Approve and authorize the Council Chairman to appoint a Citizen Advisory Committee to study and make recommendations for the expansion of the Burton Memorial Library.

Motion carried 7-0.

FIRST READING OF AN ORDINANCE:

Hammon moved and Abbey supported the following motion:

1. Approve and authorize the First Reading of Ordinance No. 68-18 (C), amending Ordinance No. 68 (C) in reference to compensation for Administrative Officers of the City of Burton.

Motion carried 4-3 with Cox, Cross and Walls voting no.

Meeting Adjourned at 9:10 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk