

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
JULY 15, 1991, 7:30 P.M., COUNCIL CHAMBERS

INVOCATION AND PLEDGE OF ALLEGIANCE IS LED BY COUNCILMAN SMILEY.

This Regular Meeting is called to order by Council President Cross at 7:30 P.M.

Members Present: Cross, Hammon, Martinbianco, Smiley and Walls.

Members Absent: Abbey and Card.

Others Present: Mayor Jane Nimcheski, W. Walworth, City Clerk and K. Collard, City Administrator.

Martinbianco moved and Hammon supported the following motion:

Approve and authorize the minutes of the following meetings: Regular Meeting of July 1, 1991 at 7:30 P.M.; Special Meeting of July 8, 1991 at 7:00 P.M.
Motion carried 5-0.

ADMINISTRATIVE REPORT:

Mayor Nimcheski advised the Council that they have the report from the Division of Water Services, dated June 26, 1991 regarding the Genesee County Interceptor and Treatment Facilities Capacity Utilization report, which will be made a part of the official minutes.

AUDIENCE PARTICIPATION:

Stephen Richvalsky, 11644 Schram, complained about commercial vehicles parked in the front yard of a residential property. He also complained of work being done from the garage. Mr. Martinbianco reminded Mr. Richvalsky that changes in zoning do not affect those properties that were grandfathered in when the Township became a City.

Mr. Cross asked the Mayor if she would look into the matter.

Sherry Conklin, 1114 Rinn, complained about the citations she has recieved on her swimming pool and on the bus parked in her yard.

Mr. Martinbianco asked if she has any proof of the approval permit on the swimming pool. She said she got final approval before being written up. Mr. Martinbianco said she should get a copy of it to the administration.

Mr. Cross asked the Mayor if she would check on the problem.

Eugene Kovacs 4528 Sunnymede, said that the Council had not finalized the vote approving the budget for 1991-92 and suggested that they do so before they get in trouble with the State Treasurer's office.

He said the Council adopted Roberts Rules of Order in July 1972 and he had the tapes transcribed of the June 17, 1991 meeting which he said shows the Council had not finalized the budget.

He asked Mr. Cross how they operated and he said the Council uses parliamentary procedures and the agenda.

Mr. Kovacs said the Council cannot pass a compound motion.

Mr. Cross asked him if he would give his documentation to the Attorney to review. He said he would get the documents to the Council as soon as he got copies made. Mr. Martinbianco asked Mr. Kovacs if he had reviewed section 12 subsection 6 of the Home Rule Act. Mr. Kovacs said he had researched all pertinent parliamentary procedure materials.

Mr. Kovacs also spoke about the garbage fee. He said it was not an equitable tax. He noted that in 1990 and 1989, the garbage fee was passed unanimously by those present at the meeting.

He said that in 1988 the fee was approved by the full council. (Clerk's research shows a 5-2 vote.)

Dawn Jordan, 1096 Rinn, again complained about the barbed wire fencing next door to her at 1102 Rinn.

Mr. Cross asked the Mayor if she would handle this matter. Mayor Nimcheski said she would look into it and try to settle the matter.

Jim Townsend, 2051 Covert, asked for a clarification of the grandfather clause which was explained to him by the Attorney.

John Davis, 1514 Alcona (lot split #91-11), said that his neighbor was complaining about the water in her ditch and wanted to know when the City was going to handle the problem.

Mr. Cross asked the Mayor if she could have someone look into the matter.

Fred Perkins, 4349 Woodrow, asked about citizen's complaints being referred to the administration and wondered if a report could be brought back to Council at their next regular meeting.

Mayor Nimcheski said she saw no problem with that process.

COUNCIL DISCUSSION:

Mr. Cross added item #4 to the agenda.

Mr. Martinbianco said that the Finance Committee met on July 10th and is recommending an acceleration of the water project W-91-1 as outlined in item #2 on the agenda.

He said that the committee also discussed the different methods available to finance special assessments.

He said that the committee also discussed the rubbish contract and the committee has no recommendation to make. He said it could be re-negotiated but it is in the best interest of the City to stay with the present contract and look at it again after we have had at least another fiscal year under our belt.

He said that the administration has a July 1, 1991 update on the stops.

He said that item #3 relates to a cooperate venture with Davison Township. He said that it was a good investment on our part.

Mr. Smiley said that the Legislative Committee met and is recommending changes to the swimming pool ordinance. Mr. Hamilton said he would have the changes by the next Council meeting.

Mr. Martinbianco asked about liability to the City if we add restrictions to the ordinance. Mr. Hamilton said that the City has no liability but that violations implies a strong presumption of negligence on the part of the owner in a Court of Law.

Mrs. Walls asked about enforcement and Mr. Hamilton said the City should not have ordinances that are not enforceable.

Mr. Hammon said that most ordinances are not enforceable and common sense should prevail in looking at City ordinances.

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After a lengthy discussion, Mr. Hamilton said he would look at the issues of the age of a person supervising the pool, fencing and removable ladders and bring something back at the next meeting.

Mr. Cross noted that it was a consensus of the Council to set the age at 16.

Mr. Smiley asked the attorney to also look at the BOCA code regulations and restrictions concerning swimming pools.

Mr. Smiley said that the committee had no recommendation to make on the MTA millage and referred the item back to the Council President.

Mr. Cross asked the administration to look into the light being burned out at Columbine and Dudley.

Mr. Smiley said he liked the committee reports being given before audience participation.

He asked the administration to look into the yellow caution light being blocked out at Covert and Leith. He also said there was a weed problem at McEwen and Lapeer.

Mrs. Walls asked if a Council member could refer a weed problem to the administration. She thought the ordinance required that it needed to be in writing from a citizen's complaint. Mr. Smiley said that the Council could air complaints on weed problems under the ordinance.

Mr. Smiley said he had asked for a list of the 370 stops that had been identified.

Mr. Collard said the old and new reports were available in the Clerk's office for anyone to look at.

Mr. Cross asked if it was a problem to go through the reports and sift out the new names.

Mayor Nimcheski said the project has already taken up too much time and it would be too costly to sift out the names.

Mr. Martinbianco said that the administration had already gone through five data bases to get the present report which has cost the City \$5000 of tax payers money. He said we are getting our monies worth from the contract.

Mr. Smiley asked about the software used by the City. The clerk said we are using First Choice and DBase 111 on the personal computers. The main frame is set up with software from IBM and New World. It was noted that the stop report was generated from the County's computer.

Mr. Martinbianco noted that in item #2, the costs could be higher than originally projected due to speeding up the time of a small bond sale. He said the bond sale rates could up the cost to the owners by \$75 to \$150 per household.

COUNCIL DISCUSSION ACTION:

Moved by Martinbianco supported by Walls to make the Genesee County Interceptor and Treatment Facilities Capacity Utilization report a part of the official minutes. Motion carried 5-0.

COUNCIL ACTION:

Walls moved and Hammon supported the following motion:

1. Approve and authorize the Attorney Billing from June 25, 1991 to July 10, 1991 in the amount of \$891.35.

Motion carried 5-0.

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Martinbianco moved and Walls supported the following motion:

2. Approve and authorize the City Treasurer/Controller to transfer \$7,427.00 from 1991-1992 Water Budget Unappropriated Surplus to Special Assessment District W-91-1 for final Design Engineering Services by CHMP, Inc., with the right that the City may, in the future, issue bonds in connection with the Capital Improvements being paid for, part by the appropriation discussed herein and to the extent such bonds are issued, the City fully intends to be reimbursed for such costs temporarily advanced.

Motion carried 5-0.

Hammon moved and Martinbianco supported the following motion:

3. Approve and authorize the City Treasurer/Controller to transfer \$60,023.70 from 1991-1992 Water Budget Unappropriated Surplus to DPW Job #90-006-W, Vassar Road Water Extension, in conjunction with Davison Township.

Motion carried 5-0.

Martinbianco moved and Walls supported the following motion:

4. Approve and authorize a resolution for the publishing of the Notice of intent by the City Clerk to issue 1991 Special Assessment Limited Tax Bonds, Series II at Two Hundred Thousand Dollars (\$200,000.00) not to exceed pursuant to Act 279, Public Acts of Michigan 1909, amended, for the purpose of defraying all or part of the cost of acquiring the constructing watermain improvement in Special Assessment District: W-91-1 Brookwood Estates (Brian Circle Lane & Natzke Ct.)

Motion carried 5-0.

MEETING ADJOURNED AT 8:50 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/jb