CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
SEPTEMBER 3, 1991, 7:30 P.M., COUNCIL CHAMBERS

Invocation and Pledge of Allegiance was led by Council President Cross.

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

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

Members Absent: Abbey.

Others Present: Mayor Jane L. Nimcheski; K. Collard, City Administrator; W. Walworth, City Clerk; H. Clark, Police Chief; C. Sanford, Fire Chief; D. Lowthian, Assessor; B. Becker, Treasurer/Controller; P. Pero-McArdle, Sr. Citizens Director; A. James, Administrative Assistant; S. Perez, Purchasing Agent.

Card moved and Martinbianco supported the following motion:

Approve and authorize the minutes of the following meetings: Regular Council Meeting of August 19, 1991 at 7:30 P.M., as printed. Motion carried 6-0.

ADMINISTRATIVE REPORT:

Mr. Cross said Mr. Abbey was sick and would not be attending tonight's meeting.

Mayor Nimcheski congratulated the firefighters for their efforts in the Muscular Dystrophy Labor Day program. They collected over $31,000 which is the highest they have ever collected.

The Mayor asked for an executive session at the end of the meeting to discuss contact negotiations.

Mr. Becker reviewed the MERS request of the administrators. He said the group had been pursuing this program since January 1990 but needed a larger group in the program before they could go into it. He said that with the POAM now in the program, the non-union group could proceed. He said there would be no additional cost to the City and it did not need to be in the ordinance since that only addressed the amount of the City's contribution to a pension plan.

AUDIENCE PARTICIPATION:

Jim Townsend, 2051 Covert, spoke about the garbage contract and said he could find no quotas in the agreement.

John Stapish, 5061 E. Atherton, suggested that one way to handle the trash problem was for the Council to allow open burning without the 25 ft. limit. He also asked a series of questions on the MERS program.

Pauline Dargel, 6119 Hugh, asked about the MERS request in item #6. She said the group usually came in last and under an ordinance. She asked that the item be handled after the election.

COUNCIL DISCUSSION:

Mr. Cross asked about the garbage trucks leaving liquid on the black top during their collection of garbage and asked if the administration would contact the company and see if this could be controlled. He said residents were also complaining about the odor from the dumped liquid.

Mr. Smiley reported on the legislative meeting of August 21st. He said the committee is recommending the adoption of the attached agreement and also wanted a registered letter sent to the owner notifying them of the meeting at which the the assessment deferral would be approved.

Mr. Martinbianco wanted to know if this could become very expensive. Mr. Hamilton said that most of them would be picked up at the hearing when the roll is approved.

Mr. Cross said he thought the person was planning to be present tonight on the deferral.

Mr. Martinbianco asked how long they had to sign. Mr. Lowthian said he would make a contact this week and there would be no change in the roll until the agreement is signed.

Mr. Smiley said the committee wanted the political sign ordinance to stay as written. He said no further action was taken on the weed ordinance.

Mr. Smiley asked about the light at Bristol and Fern being turned off at night and the weekends. Mr. Collard will pass the information on to the County Road Commission.

After a lengthy discussion on the Administrators request to join MERS (item #6), the matter was referred to the Finance Committee. The Council wanted more time to study the plan including the actuary study. They also wanted to address the issue of effective date and if the program had any relationship to Ordinance 68C.

COUNCIL DISCUSSION ACTION:

Moved by Martinbianco, supported by Walls to go into a closed session at the end of Council action, under Section 8(c) of the Open Meetings Act.
Motion carried 6-0 with a roll call vote.

Moved by Walls, supported by Card to appoint William Walworth as the Official Representative to the MML Annual Business Meeting in Grand Rapids in October and Ted Hammon as the Alternate Representative.
Motion carried 6-0.

Moved by Smiley, supported by Walls to adopt the attached assessment deferral contract and to mail a registered letter notifying owners of the meeting at which the agreement would be enacted.
Motion carried 5-1 with Hammon voting no.

Moved by Martinbianco, supported by Card to refer the MERS request to the Finance Committee to be held on September 11, 1991.
Motion carried 5-1 with Smiley voting no.

COUNCIL ACTION:

Hammon moved and Card supported the following motion:

1. Approve and authorize the Attorney Billing from August 14, 1991 to August 25, 1991 in the amount of $1,686.90.

Motion carried 6-0.

Walls moved and Card supported the following motion:

2. Approve and authorize a resolution for the filing of the Notice of Intent by the City Treasurer to issue and sell Special Assessment Limited Tax Bonds, Series II at One Hundred Twenty-Five Thousand Dollars ($125,000.00) not to exceed, pursuant to Act 279, Public Acts of Michigan, 1909, as amended for the purpose of defraying all or part of the cost of acquiring and constructing Municipal Watermain Improvements in Special Assessment District W-91-1: Brookwood Estates (Brian Circle Lane & Natzke Court), with the Michigan Department of Treasury.

Motion carried 6-0.

Walls moved and Card supported the following motion:

3. Approve and authorize the acceptance of the low bid of Barker Bros. Construction, 10517 Bishop, Diamondale, MI 48821, in the amount of Seventy-Five Thousand Four Hundred Ten Dollars ($75,410.00), for the project known as W-91-1; Brookwood Estates Special Assessment Municipal Watermain District, (Brian Circle Lane & Natzke Court) DPW Job #90-003-W.

Motion carried 6-0.

Walls moved and Card supported the following motion:

4. Approve and authorize Standard Resolution No. 4 for W-91-1, Brookwood Estates & Estates #1 Subdivision Municipal Watermain Special Assessment District:
   A. Accept and file Special Assessment Roll;
   B. Set date of Monday, September 23, 1991 at 7:00 P.M. for the Second Public Hearing;
   C. Instruct the City Clerk through the Department of Public Works to provide notifications of said District as per Ordinance No. 12.

Motion carried 6-0.

Martinbianco moved and Smiley supported the following motion:

5. Approve and authorize an amendment to P-89-3 (Lapeer Heights Paving), changing the unit factor assigned to parcel number Q-6744 from 1.0 to 0. This change is a result of Lot 378 Lapeer Heights not being buildable due to a storm drain easement. This action is contingent upon the property owner signing an Agreement for Assessment Deferral.

Motion carried 6-0.

6. This item was removed from the agenda and referred to Finance Committee.

Council went into Executive Session at 8:30 P.M. and returned at 9:04 P.M.

Meeting adjourned at 9:05 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml