

CITY OF BURTON
REGULAR COUNCIL MEETING
DECEMBER 5, 1982, 7:30 p.m., COUNCIL CHAMBERS

This Regular Council Meeting was called to order by President Nimcheski. Invocation was offered by Councilman Barrera and the Pledge of Allegiance Led by Councilman Abbey.

Visual roll call indicated the following members in attendance: Mikulich, Wright, Brown, Barrera, Nimcheski, Abbey and Goulet. Other in attendance: R. Hamilton, R. Rabine and D. Woodbury.

Councilman Mikulich moved to accept minutes of the Regular Council Meeting of November 15, 1982 and received support Councilman Barrera. The motion carried with a 7 - 0 vote.

ADMINISTRATIVE REPORT

X Mr. Rabine referred to a memo regarding additional lights in the Golfview Subdivision. He stated that increased lights would mean a yearly operational cost of \$938.00 and a city wide conversion program \$402,000 plus operating costs of \$157,000. He further indicated that this money was not available in the budget and the administration does not recommend such improvements in the street lights at this time.

President Nimcheski said she had contacted Mr. Pudvay from Consumers Power Company and he is willing to attend a Council meeting in January.

X Mr. Rabine then informed Council that we had appealed our Gilkey Creek Assessment; however, the Court ruled in favor of the Drain Commission thus the City will be forced to pay the 15% assessment on this project.

President Nimcheski then said the Fire Station III addition was still not complete and asked that OCSA be contacted to check the hose tower before the contractor is paid.

AUDIENCE PARTICIPATION

X Duncan Wooster, 5230 E. Bristol asked about the status of the sewer project in his area.

Mr. Rabine indicated that the City will let bids within one month. Councilman Brown questioned the length of time to get a sewer project underway and is concerned over a prior letter indicating that this project was ready to begin. Mr. Rabine stated that at one time Genesee County had granted the necessary permits; however, at this time they will not accept the prior permits and some minor changes were made and the County must now issue another permit.

Barbara Carso, 6136 Brookwood received a copy of the communication from the DPW regarding street lights and feels there is a gross interpretation of her request. She is asking that the 22 existing lights be increased.

Pauline Dargel, 6119 Hugh asked when the Mayor's "overpayment" would be deposited in the City Treasury.

Sandra Buchanan 4484 E. Court talked about street lights along Court St and also asked about the status of her pending litigation against the City.

Jim Townsend, 2051 Covert spoke about Taylor's Junk Yard on Davison Road and asks that Council direct the attorney to take additional action to force compliance. He also addressed the issue of the proposed water/sewer rates.

Regular Council Meeting

December 5, 1982

Page 2

Howard Klink, 6156 Hugh spoke about a position created for the Director of Building and Planning, the certification of resolutions by the clerk and read poetry to the Council.

Beverly Yuille, Brunswick asked about a lot split and if Council would grant this to her so they might sell part of their land to another family member. She indicated that they live on a private road. Mr. Rabine is to draft the necessary resolution for the next Council Meeting to allow immediate action.

Mr. Charles Smiley 2253 McLaren discussed a problem with a watermain assessment which the builder had agreed to pay. A meeting will be set up between the involved residents, the City Attorney, DPW, Assessor and Treasurer to resolve this problem.

John Stapish, 5160 E. Atherton talked about a newspaper article and the reappointment of two DDA members.

Sandra Buchanan, E. Court asked if the City was an Equal Opportunity Employer and if the position of Director of Building and Planning had been advertised.

COMMITTEE REPORTS

President Nimcheski indicated that Council members had received a report from the Senior Citizens Advisory Committee. She read this into the record (see attached)

Councilman Wright then read from a memo regarding Gas and Weight monies and the possibility of funds coming to Burton through Genesee County and having the County contract the City to maintain the County Roads within Burton. He asks that the Administration review this funding situation and return a recommendation to Council by February 15, 1983. (see attached memo)

COUNCIL DISCUSSION

Attorney Hamilton asked that an Executive Session be called to discuss pending litigation in the Ingham County and Court Street Law Suits. Councilwoman Goulet then moved to go into Executive Session, Councilman Wright supported the motion which carried 7 - 0.

The Regular meeting was recessed at 9:00 p.m. to allow for the Executive Session.

10:05 p.m. Regular Meeting reconvened after Executive Session.

COUNCIL DISCUSSION CONT

President Nimcheski indicated that during the Executive Session Council had discussed the Ingham Law Suit and read the following resolution:

Approve and authorize that consistent with the action of the prior Burton City Council in the Ingham County Law Suit be resolved by the repayment of \$2,000 as restitution for meeting pay to the City of Burton by Mayor Wurtz and the dismissal of the Ingham County Law Suite with State of Michigan Department of Treasury. Councilwoman Goulet moved for approval, support received from Councilman Wright with a roll call vote indicating: Abbey, yes; Nimcheski, yes; Barrera, yes; Brown, No; Wright, yes; Mikulich, yes; Goulet yes. Motion carried 6 - 1.

Councilman Barrera asked that Mr. Hamilton give a brief explanation of this and Mr. Hamilton informed those present that sick pay and pension were previously authorized by resolution rather than by an Ordinance. Both of these payments are authorized by the Charter. An Ordinance was then adopted to cover such payments and the Attorney General did not have any dispute with these items.

President Nimcheski then directed Attorney Hamilton to look into the figure of the check given to Mr. Nelson and report back to Council. Councilman Mikulich asked that all allegations previously mentioned regarding this position be answered by the Attorney at the next council meeting.

Councilman Brown said that two or three months ago a meeting was held with the County Road Department and the 50-50 payment agreement was at a stalemate. He therefore moved to have all Act 51 monies earmarked for resurfacing on a 50/50 plan with the County Road Department. Councilman Barrera supported this motion.

President Nimcheski stated that a newspaper account indicated that the County did not have the funds they no longer would participate in any 50/50 agreements. She did not feel the Council could justify such a move to earmark all Act 51 monies for resurfacing. Councilman Mikulich asked how other communities handle this and especially our sister city, Kentwood. He further indicated that his vote on the issue would reflect the current economy.

Abbey, No; Nimcheski, no; Barrera, No; Brown, yes; Wright, No; Mikulich, No; Goulet, No. Motion failed by a 6 - 1 vote.

Councilman Brown then stated he questioned the present bid opening process and would like to see this procedure studied by the Legislative Committee and further recommended that all bids be accepted by the Clerk and opened in the presence of Council.

MASTER RESOLUTION

Moved by Councilman Wright, supported by Councilman Abbey to approve items 1 thru 3 of the master resolution. A roll call vote indicated each member's support.

1. Approve and authorize a Special Council Meeting to review the 1981-82 City Audit on December 20, 1982 at 6:30 p.m.
2. Authorize the DPW to apply for a parade permit on behalf of Riverbend Striders and Burton Track Club for road race December 31st at 1:30 p.m. . The Burton Police Dept. to provide overall control of traffic plan and DPW to provide necessary barricades and signs with cost billed to public service budget.
3. Approve and accept the reappointment of Leonard Chenault and James Mann to the Downtown Development Authority term ending November of 1986.

Councilman Mikulich then asked that the Recommendations from the Senior Citizens' Advisory Committee be placed on the next agenda for council action.

The meeting was adjourned at 10:18 p.m.

Darene Woodbury
Clerk