CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
FEBRUARY 7, 2005, 7:00 P.M., COUNCIL CHAMBERS
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Pastor Bruce Billing of Atherton United Methodist Church led the Invocation.

Councilman Robert Bement led the Pledge of Allegiance.

President Danny Wells called the Regular Meeting to order at 7:00 P.M.

MEMBERS PRESENT: Bement, Centilli, Cross, Curtis, Isham, Martinbianco and Wells.

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor C. Smiley; C. Abbey, City Administrator; J. Major, DPW Representative; Attorney R. Hamilton and G. Webster, City Clerk.

Isham moved and Bement seconded the following motion:

Approve and authorize the minutes of the following meeting: Regular Council Meeting of January 17, 2005 at 7:00 p.m. Motion carried 7-0.

COUNCIL DISCUSSION:

Council went into Executive Session at 8:30 p.m.

The Regular Council Meeting resumed at 8:48 p.m.

COUNCIL DISCUSSION ACTION:

(Add Items 11, 12 and 13 were voted on together.)

Moved by Martinbianco, Seconded by Cross to: Add as Item 11 to approve and authorize the reappointment of Terry Parker to the Zoning Board of Appeals with the term expiring January 2008. Motion carried 7-0.

Moved by Martinbianco, Seconded by Cross to: Add as Item 12 to approve and authorize the reappointment of Bobbi Weatherford to the Zoning Board of Appeals with the term expiring January 2008. Motion carried 7-0.

Moved by Martinbianco, Seconded by Cross to: Add as Item 13 to approve and authorize the reappointment of Steve Welch to the Zoning Board of Appeals with the term expiring March 2008. Motion carried 7-0.

Moved by Centilli, Seconded by Cross to: Approve and authorize a three-minute time period for audience participation. Motion carried 5-2, with Martinbianco and Wells voting no.

Moved by Martinbianco, Seconded by Cross to: Approve and authorize Council to go into Executive Session under Section 8 (e) of the Open Meeting Act for discussion on pending litigation at the conclusion of council discussion. Motion carried 7-0.

Moved by Cross, Seconded Martinbianco to: Table Item 8 until the next Regular Council Meeting on February 21, 2005. Motion carried 7-0.

Moved by Martinbianco, Seconded by Curtis to: Amend Ordinance 68-27 C by striking Section 6 from the ordinance. Motion carried 4-3, with Isham, Centilli and Wells voting no.

COUNCIL ACTION:

Cross moved and Isham seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from January 12, 2005 through February 2, 2005 in the amount of $5,209.00.

Motion carried 7-0.

Bement moved and Cross seconded the following motion:

2. Approve and authorize the Attorney Billing (Richard Hamilton) from December 27, 2004 through January 25, 2005 in the amount of $1,600.00.

Motion carried 7-0.

Centilli moved and Cross seconded the following motion:

3. Approve and authorize the appointment of Iris Piske as Treasurer.

Motion carried 7-0.

Cross moved and Curtis seconded the following motion:

4. Approve and authorize the Mayor and City Clerk approval on behalf of the City Council to execute a “Preliminary Engineering Contract – Modified Part II” with M-DOT for the funding of the design of the proposed reconstruction of Atherton Road from Belsay Road to Vassar Road. (DPW Job #04-017B-P/FAUS Category “C” Project / 2006 T.I.P. Project) at an estimated cost of $41,700.00 (80% federal @ $34,100.00 & 20% Burton @ $7,600.00) contingent upon approval of the City Attorney and City Controller. Note: M-DOT Control Section #STU 25402, Job #82820, Project #STP0425 (037) Federal Item #4164, CFDA 20,205 Contract #05-5001).

Motion carried 7-0.

Cross moved and Curtis seconded the following motion:

5. Approve and authorize the City Controller to transfer $42,000.00 from the 2004/05 Major Streets/unappropriated surplus to DPW Job #04-017B-P for the costs of design engineering. (Note: City will be reimbursed by M-DOT for 80% of $41,700.00 for (P/E) services.)

Motion carried 7-0.

Moved by Cross and Curtis seconded the following motion:

6. Approve and authorize the acceptance of the low bid and allow the Mayor and Clerk to enter into a contract, contingent upon the submittal and approval by the City Attorney of the required bonds and insurance documents, on behalf of the City of Burton with Bartman Excavating, 4068 Dowdall St., Flint, MI 48506, in the demolition amounts of the following:

    1) 2174 Judd $6,220.00
    2) 3309 S. Center $4,240.00

Motion carried 7-0.

Curtis moved and Isham seconded the following motion:

7. Approve and authorize the acceptance of the low bid and allow the Mayor and Clerk to enter into a contract, contingent upon the submittal and approval by the City Attorney of the required bonds and insurance documents, on behalf of the City of Burton with Efficient Demolition, Inc., 6319 E. Potter Rd., Davison, MI 48423, in the demolition amounts of the following:

    1) 1312 S. Belsay Rd. $6,165.00

Motion carried 7-0.

Motion tabled until the next Regular Council Meeting on February 21, 2005.

8. Approve and authorize the final plat approval for Spring Gardens Phase II, Section 26, R-1B zoned.

Cross moved and Martinbianco seconded the following motion:

9. Approve and authorize the Mayor's re-appointment of Leslie Bertram, 3280 Shannon, Burton, MI 48529 to the Burton Planning Commission. Term to expire January 2008.

Motion carried 7-0.

Isham moved and Bement seconded the following motion:

10. Approve and authorize transfer of funds of $135,185 from various fund contingencies to various fund salaries and fringes to satisfy union and administrative contract obligations.

Motion carried 7-0.

(Items 11, 12 and 13 were voted on together.)

Martinbianco moved and Cross seconded the following motion:

11. Approve and authorize the reappointment of Terry Parker to the Zoning Board of Appeals with the term expiring January 2008.
Motion carried 7-0.

Martinbianco moved and Cross seconded the following motion:

12. Approve and authorize the reappointment of Bobbi Weatherford to the Zoning Board of Appeals with the term expiring January 2008.
Motion carried 7-0.

Martinbianco moved and Cross seconded the following motion:

13. Approve and authorize the reappointment of Steve Welch to the Zoning Board of Appeal with the term expiring March 2008.
Motion carried 7-0.

INTRODUCTION OF AN ORDINANCE:

Cross moved and Curtis seconded the following motion:

1. Approve and authorize the Introduction of an Ordinance No. 68-27 C, as amended, amending Ordinance No. 68 C, Compensation for Administrative Officers of the City of Burton.
Motion carried 7-0.

Meeting adjourned at 9:05 P.M.

Gayle Webster, CMC
City Clerk

GW/jra