

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
APRIL 20, 2009, 7:00 P.M., COUNCIL CHAMBERS
www.burtonmi.us

Pastor Edward Norton of Faith Tabernacle Church led the Invocation and Vice President Duane Haskins led the Pledge of Allegiance.

The Regular Meeting was called to order by President Tom Martinbianco at 7:00 p.m.

MEMBERS PRESENT: Conley, Ellenburg, Haskins, Heffner, Martinbianco and Zelenko.

MEMBERS ABSENT: Tinnin.

OTHERS PRESENT: Mayor C. Smiley; G. Kray, DPW Director; Attorney R. Austin and G. Webster, City Clerk.

Haskins moved and Zelenko seconded the following motion:

Approve and authorize the minutes of the Regular Council Meeting on April 6, 2009 at 7:00 p.m.
Motion carried 6-0.

ADMINISTRATIVE REPORT:

The Mayor invited everyone to attend an informational Census Workshop that would be held on May 18, 2009 at 6:00 p.m. Anthony Turner is our census representative. He indicated that workers would be canvassing in our area for the next 60 to 90 days. It is very important to have an accurate census count of the community. Mr. Turner would like the Council to pass a resolution supporting the Census Bureau.

Spring Clean Up is scheduled for the week of May 19th. Residents will participate on their regularly scheduled pick up day. Normally, our waste company will pick up anything that two men can carry. If there is any problems with trash pick up, it will be addressed on an individual basis. He would like the press to inform residents of the Spring Clean Up.

In reference to Spring Clean Up, Mr. Kray clarified that the company would not take paint, hazardous liquids or whole tires. Residents need to call DPW to find out how to dispose of these items. The Mayor indicated they would take tires that were cut in half. However, this might present some safety issues.

The Mayor received information from the Michigan Municipal League requesting that we join them in fighting Consumers Energy rate increase. The shared legal cost to join in this effort is about \$2,000. The annual increase of the street lighting has gone up 4.5%. In 2007, we reflected a 9.8% increase. He felt there was no accountability for these energy cost increases. Consumers Energy pleads their case for rate increases to the Public Service Commission. We have no say. This is happening year after year. It is time we band together and start fighting some of the increases. He asked Council to join forces with our League and do what we can to offset this cost. Mr. Kray said the Davison Road project would be ready and sent to MDOT before the Tuesday's deadline. MDOT will set up the grade inspection. We will be ready for construction next spring. The design work is on track.

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Mr. Martinbianco wanted to know the status of the Fenton Rd water project.

Mayor Smiley, Mrs. Ellenburg and Mrs. Zelenko attended a meeting with the Governor. She outlined where some of the stimulus money would be utilized. However, she didn't mention one specific project. They were not able to speak to the Governor in reference to the Fenton Rd project. Mrs. Zelenko indicated that information regarding the stimulus package is on line at michigan.gov/recovery. There are competitive grant opportunities available for Michigan communities. In reference to the Fenton Rd water project, she referred to a drinking water revolving fund. This provides for EPA administered low interest loans to public water suppliers for the construction of drinking water infrastructure.

The Mayor indicated that the Police Department has applied for a grant that would provide three additional police officers. One stipulation to the grant was that no officers would be laid off. Because union members gave up vacation payouts, we do not plan to lay anyone off. We are hopeful Burton will receive the grant. In addition, senior citizens will receive a \$250.00 check. These things are all part of the stimulus package.

COMMITTEE REPORTS:

Mrs. Ellenburg announced that the library would be having a book sale on April 24-25th. Volunteers are needed to help with the books. She said the United Way food drive would take place May 9th. Food will be collected from the mailboxes on that day. Volunteers are needed at the United Way, 4465 Davison Rd to sort the food.

AUDIENCE PARTICIPATION:

Gerald Johnston, 2058 Valley Forge, wanted to know if Maple Rd residents would be counted as Burton or Grand Blanc during the census.

John Stapish, PO Box 190134, asked for clarification regarding the ongoing Keller Thoma billings. He opposed entering into the Dort Hwy traffic signal agreement. In addition, he wanted to know when the dead animals would be removed from the roadways.

COUNCIL DISCUSSION:

Mrs. Zelenko spoke regarding Consumers Energy rate increases and joining forces with other municipalities with the MML. She had Mr. Austin prepare a resolution to put before Council regarding this issue. Consumers had asked for a rate increase in November 2008 and before the last one went into effect they asked for another increase. Under the new act utility rate increases automatically go into effect within six months, unless the Public Service Commission rejects it. Therefore, she feels it is necessary to proceed and join forces with other communities.

Mrs. Zelenko moved and Mrs. Ellenburg seconded the motion to add as Item 4:

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Whereas, the Michigan Municipal League has retained Attorney Rick Coy of the Clark Hill Law firm to represent the League in its efforts to challenge the recent rate increase proposed by Consumers Energy, and

Whereas, the Michigan Municipal League has requested communities throughout the State of Michigan to join the League in its efforts to oppose the proposed rate increase, and

Whereas, it is in the best interest of the City of Burton to work collectively with the Michigan Municipal League and other Cities throughout the State of Michigan to challenge any unnecessary rate increases sought by Consumers Energy.

Now, Therefore Be It Resolved that the City of Burton hereby approves the payment of the sum of \$2,082.98 to the Michigan Municipal League to assist in the effort to challenge the rate increase requested by Consumers Energy.

Mr. Martinbianco suggested Council pass a resolution to transfer the funds to pay for the Consumer Energy endeavor. Mrs. Zelenko planned to address the transfer after the addition of Item 4. The motion carried 6-0.

Mrs. Zelenko moved and Mrs. Ellenburg seconded the motion to add as Item 5: Approve and authorize the transfer of \$2,100 to the MML Consumer Energy Case as stated in Item 4. The motion carried 6-0.

Mrs. Zelenko spoke regarding an ordinance that would require the registration of vacant, abandon or foreclosed properties. This would give the City a tool in which to control the conditions of these properties. Mr. Austin will prepare the ordinance for a first reading. This is basically an abandon property registration that will help identify, track and address these types of situations. It would allow city services, such as garbage collection to be adjusted, as well as other necessary steps that needed to be taken. Mr. Martinbianco planned to contact Mrs. Tinnin regarding the proposed ordinance.

Mr. Haskins was proud that the City of Burton would be presenting a balanced budget. He thought it was a great accomplishment in these hard economic times. He spoke regarding upcoming events such as, Gus Macker, Guns and Hoses, Memorial Day and Relay For Life. He encouraged everyone to volunteer as much as possible. He said these are becoming large events for the City and they are a lot of fun.

In reference to the census count, the Mayor clarified that all the Grand Blanc addresses within the City are counted as Burton residents. He said that Mrs. Heidenberger and Mrs. Moulton are currently working on census information.

The Mayor indicated that DPW, clean up crews and Genesee County workers pick up road kill in the City.

Mrs. Ellenburg said the workers were doing a nice job cleaning up and constructing sidewalks on Fern St. She thanked the water department for addressing the flooding and drainage problem for Mr. Nelson.

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Mrs. Zelenko told Mr. Stapish the Dort Hwy traffic signal agreement pertains to future maintenance.

There was a brief discussion on the Center Rd. project. Mr. Kray received a letter from the City of Flint indicating they have programmed the cost sharing of improvements into their proposed budget. He will not have any further information until they finalize their budget.

Mr. Martinbianco asked Mr. Austin to prepare an ordinance for the next regular council meeting that would address requisite changes for the Planning Commission, pursuant to State law. Mr. Austin said that he would prepare the ordinance amendment for Council's consideration at the next meeting.

Mrs. Ellenburg reported that ten people saved \$255.00 with the NLC prescription drug cards.

Mrs. Conley indicated that people with insurance could not use the prescription discount cards.

Mrs. Ellenburg said people could use the cards if they do not have insurance or if they need a name brand drug that is not covered under their insurance. She suggested checking the website if there were any questions regarding the prescription card.

Mr. Heffner said if the insurance company does not cover a certain name brand drug, that is when the card will offset some of the costs. Mrs. Ellenburg said the card would not cover generic drugs.

In reference to Item 4, Mr. Martinbianco had some concerns with challenging the Consumers Energy rate increases. He wanted to know how long the case would take and what other municipalities were involved. He did not want to continue to throw good money after bad in this case, if the deep pockets of Consumers Energy dragged this out for a long time. He thought it was important to challenge Consumers at this level, in the initial stage and bring it to the MPSC. However, he doesn't want to use this as a starting base and have MML continue to come back and asked for a lot more money. Mr. Austin said to his knowledge, this case should be completed by November 2009. He outlined the timelines of the case.

Mr. Martinbianco pointed out that Consumers has filed an appeal on the tax assessment of their property. This is another legal issue for the City to resolve. In addition, Consumers could appeal the MML rate increase case.

Mr. Austin said they could always appeal. However, the appeal is not based on the merits, the appeal had to be based on a violation of the process. Rather than file an appeal, he thought Consumers would just file a new rate request. Mr. Martinbianco was concerned that this legal issue would continue for a long time. Mr. Austin suggested Mrs. Zelenko research aspects of the Consumer Case and report back to Council.

COUNCIL DISCUSSION ACTION:

Moved by Zelenko, Seconded by Ellenburg to add as Item 4:

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Moved by Zelenko, Seconded by Ellenburg to add as Item 5: Approve and authorize the transfer of \$2,100 to the MML Consumer Energy Case as stated in Item 4. Motion carried 6-0.

COUNCIL ACTION:

Haskins moved and Zelenko seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from April 1, 2009 through April 15, 2009 in the amount of \$5,286.30.
Motion carried 6-0.

Haskins moved and Heffner seconded the following motion:

2. Approve and authorize the Attorney Billing (Keller Thoma) 440 East Congress, 5th Floor, Detroit, MI 48226, for the month of March in the amount of \$397.25.
Motion carried 6-0.

Ellenburg moved and Zelenko seconded the following motion:

3. Approve and authorize the Mayor and Clerk to sign the attached MDOT Cost Agreements For Traffic Signal Control for traffic signs at M-54 Dort at Hemphill Rd. (25072-01-003) and M-54 Dort at Atherton Rd. (25072-01-004).
Motion carried 6-0.

Ellenburg moved and Zelenko seconded the following motion:

4. Approve and authorize the following resolution:

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Motion carried 5-1, with Conley voting no.

Haskins moved and Ellenburg seconded the following motion:

5. Approve and authorize the transfer of \$2,100 from General Fund Contingency to a line item in the Council Budget called the MML Consumer Energy Case.

Motion carried 5-1, with Conley voting no.

Meeting adjourned at 7:50 p.m.

Gayle Webster, CMC
City Clerk