CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
MAY 20, 2013, 7:00 P.M., COUNCIL CHAMBERS
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Council President Tom Martinbianco led the Invocation and Pledge of Allegiance.
The Regular Meeting was called to order by President Martinbianco at 7:15 p.m.

MEMBERS PRESENT: Martinbianco, Heffner, Smith, Wells, Ellenburg, O'Keefe and Haskins.
MEMBERS ABSENT: None.
OTHERS PRESENT: Mayor P. Zelenko, Atty. R. Austin, L. Moss, Deputy DPW Director, and J. Adams, City Clerk

Wells moved and O'Keefe seconded the following motion:
To table approving the minutes of the Regular Council Meeting on May 6, 2013 at 7:00 p.m. to the next Regular Council Meeting on June 3, 2013 at 7:00 p.m. Motion carried 5-2, with Martinbianco and Heffner voting no.

ADMINISTRATIVE REPORT:

Mayor Zelenko said Item 2 is the sale of a vacant lot. Items 3 and 4 is for the lift station abandonment. Ms. Moss is here to address any questions. The difference in the amount of $22,000 to $25,300 is 15% administration costs, engineering and inspection fee. Council's backup material reflects that information. Items 5, 6, 7 and 8 were tabled from the last meeting. What Council and Administration is trying to do with roads and things we are trying to bring to your attention budgetarily of budget transfers, Administration recommends denying these tonight and we will address it at a future meeting. Once you have a meeting with the roads and Bond Counsel it will give you more insight to these. There have been requests to do other things with this money into Center Road or someplace other than Casto. There have been discussions on Casto that we may need more money there in order to do the job right. Perhaps we need to look at meeting with Bond Counsel first on the roads before you move forward with that.

Mayor Zelenko said the Council of the Whole Meeting is scheduled for June 5th at 5:00 p.m. Mr. Bendzinski from our Bond Counsel could not be here on May 22nd. The earliest date he could be available is June 5th to go over funding options we may have regarding the roads. She took the liberty of scheduling that meeting as well as the Special Council Meeting for this Wednesday for a presentation, discussion and possible action regarding entering into a listing agreement with ReMax Grande for the City-owned subdivisions. Mayor Zelenko said she sent Council a message on the Center Road railroad tracks scheduled to be worked on right away. Council should have the contract from D.M. Burr as requested in the last meeting as well as job descriptions on Teamsters and correspondence from the City Attorney on current litigations were are in.

Mr. Martinbianco inquired regarding the Court Street railroad crossing, it is being done as a preliminary towards that section of the Center Rd. paving and how are they going to tie the two together. We are going to do the stretch between Court St. and Davison Rd. He is assuming the railroad was brought in as part of the project. I am surprised they would do it so much in advance.

Mayor Zelenko said they were brought in for that through Rowe on the roads. She put pressure to some folks in Lansing. They also had time to expedite and step it up. It was scheduling on their part and pressure from Lansing.

Mr. Martinbianco said he wants to make sure Rowe has allocated that kind of construction engineering that will allow us to use what they are doing now and not create another fiasco later on after the roads are done.

Mayor Zelenko said they are going to work on the double set of tracks; they are re-doing that and the approaches on that single set too. That is why it is going to be all week long. They also shared that Belsay Road tracks are scheduled for next spring.

COMMITTEE REPORTS:

Mr. Heffner said next weekend is our Memorial Day Festivities. On Saturday at 9:00 a.m. at Elga Credit Union, they have partnered with Burton Parks & Recreation for our car show. There is an all you can eat sausage/pancake breakfast starting at 8:00 a.m. with cost at $5.00. Prizes will be given away at the car show. This is to raise money for Pack-the-Truck which helps a lot of our Burton youths. On Monday we have the Burton Race that probably Mr. Smith will talk about. Line up for the parade is 2:00 p.m. and the parade at 3:00 p.m. From 4:00 p.m. to 7:00 p.m. is dinner with the VFW and music is by Jessie Couch. At 7:00 p.m. is the Memorial Service, 9:15 p.m. is the Candlelight Vigil, and at 9:50 p.m. is the 3-D Fireworks. We have 2,500 pair of glasses. Mr. Heffner stated we put 50 American flags on Center Road from Bristol Road down to a little past Manor Drive.

Mr. Smith said this will be our 3rd year in row for the City of Burton Memorial Day 5K run and walk. With the help of many volunteers in our community we raised over $4,000 in the first 2 years for Pack-the-Truck. The race continues to grow every year. Last year we had 418 race participants. This year we are looking at between 450 to 500. It is one of the larger run/walks in Genesee County area. We have 51 volunteers, for the most part Burton volunteers to make this event happen. That says a lot of good things about our community; helping raise money for our kids. Mr. Smith said the flags along Center Road were done with a lot of hard work. He wants to recognize along with Councilman Steve Heffner, Jim Craig, Rob Spose and Council President Tom Martinbianco, Steve Zimmer and Steve Zimmer Jr., and Sherry Adams. In these days and times, it is going to be for the most part grass-roots efforts that lead to the re-birth to a community.

Mr. Smith stated Council's budget workshop was earlier this evening. We were looking at numbers for making our budget match with our revenues. In every department you see the fringe benefits went up dramatically. In the last 2 years our MERS, the City's pension fund, the municipal portion of what we pay towards our employees went from 28% to 55% in this budget. This is happening in an environment where our revenues are half of what they were in 2007. Obviously, our expenses are not half of what they were in 2007. The Council for the last 3 or 4 years has been watching every dime to make sure it is leveraged to the greatest extent. We are looking for out of the box solutions. We historically have had Plante & Moran do our audit. For many, many years that was sufficient.

Mr. Smith stated further, now with the challenges we face from a financial end, Councilman O'Keefe mentioned maybe we need to call Plante & Moran and ask what areas they can help us with legacy costs, what resources can they bring to the City that traditionally they have not done. As a result of that he spoke to Tadd Harburn from Plante & Moran last week and he is going to prepare for Council a proposal on looking at our legacy costs on both our pensions and health care costs, and offering resources that Plante & Moran has and if there are any fees involved in that and traditional audit scenario that they have done for many years. He wants to thank Councilman O'Keefe for that suggestion.

Mr. Wells said on Thursday, May 16th the Michigan Muncipal League offered a webinar concerning franchise fees in Michigan. We are talking about $440,000 in revenues estimated this year. He talked to Katie Divine at MML who is in charge of putting that up on their website. It will cost us $40.00 but we can download it at the City and all of us can see it. We can also send it to everyone's computer and you can watch it at your leisure. Mr. Wells stated further he is making arrangements for all of us to get on board with it, take a look at it and discuss it. Katie is going to call when it is there. He will call the Mayor and get it uploaded here. Maybe we can sit down and watch it together.

AUDIENCE PARTICIPATION:

Jim Shustock, 1346 Howe, stated 2 weeks ago he reported a wash out by a sewer and it still has not been taken care of. It is at 4200 block of Howe. It is an empty house. There is about a 4 foot deep hole and with lots of children that run around that area, it is important it get taken care of.

COUNCIL DISCUSSION:

Mr. Haskins said he has a point of order he would like to address. At the last meeting, in the minutes on Page 32, it says moved by Haskins, seconded by O'Keefe to table Items 11, 12, 13, and 14 till sometime after the adoption of the 2013-2014 budget.

Mr. Martinbianco said he will call your point of order. The minutes of the meeting of May 6th were not agreed to. That is not a reference point at this point in time and won't be till the next meeting. Your choice to do something with them will come at that appropriate time those items will be discussed.

Mr. Wells thanked Julie Adams for working to get those minutes done. It has to be an all-time record of minutes for a meeting pages-wise. It had nothing to do with her in tabling them. He wants to be able to read them and think it is only right for our residents.

Mr. Wells said he is concerned with the sewer on Springfield. He e-mailed the Mayor and Mr. President on an issue on Center Road. I thought we contracted for Zito Construction to do emergency work like that.

Ms. Moss responded it is emergency deep digs only.

Mr. Wells said this guy has had a leak for 3 weeks on Center Road and now he has a sink hole in his front yard and is starting to eat away at the road. Our guys have been out there twice and it hasn't been fixed.

Ms. Moss said they were out there again today and replaced 2 valves that had been leaking. Dave also has a full list of cleanups and restorations. She will look into it further.

Mr. Wells said during our budget hearing this afternoon we talked about how busy you guys are with other issues. Do we need an emergency contract to take care of some of this other work that is not deep digs?

Ms. Moss stated we are contracting out some of the restorations and the rest of it we will do.

Mr. Wells said he would like to thank Ms. Warren of putting together the job descriptions for the Teamsters and to Mr. Austin's office for coming through with the list of litigations. He will go through it tonight as well as the packet for the jobs. Mr. Wells also expressed thanks for the service agreement for D.M. Burr. He asked if Mr. Burr is related to the Police Chief. He understands they are cousins.

Mayor Zelenko said that is news to her, she does not know.

Mr. Wells said this would have to be disclosed at some point. He had 15 calls and counting; a lot from the law enforcement field. I would like to disclose what that relationship is if any, and it may not mean a thing but at least we will do our due diligence.

Mayor Zelenko said she would find out.

Mr. Wells mentioned the letter from Plante & Moran and stated he would still like to send it out for bid. If they were really concerned about saving us money, they could have contacted the rest of Council in August, October, December and all the way up till this got rolling. They are going to save us $23,000 if we sign up for 2 more years. This is important and a big contract. He would like to look into sending it out for bid and see what we come up with.

Mr. O'Keefe said he would like to take this opportunity to thank the City Clerk for all she does for Council and he knows he speaks for all of Council. Mr. O'Keefe referenced Mr. Shustock's concerns and said he seen Ms. Moss taking notes so hopefully we get that taken care of. On Packard at the corner of Woodmoor, about a year ago one of those holes was there. DPW came out and put a 5 ft. barrel there that sunk down and disappeared underground. There is a big hole now. The neighbor called me the other day so we need to take a look at that.

Mr. Haskins inquired to Mr. Austin on the tabling of items at the last Council Meeting. They are back on the agenda this week. Whether it is reflected in the minutes that are not approved or held off and tabled till next week, it is still a course of action that occurred. Is it out of line to ask that the items just be removed diligently until the request that was made till after the budget?

Mr. Austin responded that he agrees with you. Even though these minutes have not been approved, they are simply evidence of the action taken. Looking at the proposed minutes that have not been approved, it appears to me that action Items 11, 12, 13 and 14 were tabled until a specific time after the adoption of the 2013-2014 budget. If that is in fact of what occurred, if that is in fact an accurate reflection of the motion made, carried and approved, those items should have been tabled until that event occurs, and it has not yet occurred. Mr. Austin stated further, the only way therefore, these items could appear on your budget, is not necessarily with the approval of the budget because this would require the over-ruling of an action that you have already taken. In other words, a motion of reconsideration would have to be made, seconded and approved to advance these items onto this agenda or any agenda prior to the adoption of the 2013-2014 budget. You already went on record saying will not consider these items until after the adoption of the budget, if the minutes are an accurate reflection of what happened. That is my opinion.

Mr. Haskins said the point of order could stand firm to remove them without any further discussion.
Mr. Austin said he does not feel they should be on tonight's agenda.
Mr. Haskins said he is once again I am requesting they be removed without any further discussion held in advance to the last motion that was brought up at the last Council meeting

Mr. Martinbianco stated they are on the agenda. The Mayor suggested we vote against them.
Mr. Haskins said they should not be on the agenda period so they should just be removed without any further discussion.
Mr. Martinbianco said as director of the meeting, he is not going to allow it despite the Attorney's assertion of the opposite. You can make a motion at this point in time. The evidence as the Attorney even said in his own words, is not there because you did not accept the minutes of the meeting, which is the transcribed record of what we did, and the action we transpired. Whether it was said or implied, it was not agreed to early on in this motion. If you would like to make a motion to that affect, I would entertain that.

Mr. Haskins said he has last week's agenda if you would like to refer back to it that shows the vote total and everything else. These minutes is merely a brief synopsis of the whole meeting and not written in stone that this is what it goes by. I will entertain your philosophy of making a motion to take them off there, but I will say it is a direct violation of Roberts Rules of Order and I will further look into it after the meeting. I will make the motion to entertain to remove these, per President Martinbianco, to remove Items 5, 6, 7 and 8 to hold fast the last Council Meeting till after the budget.

Mr. Smith said he mentioned earlier he spoke to Tadd Harburn of Plante & Moran. The letter didn't directly allude to the additional services that they would provide us because of our legacy issues. He is in the process of putting together that letter. I don't have a problem going out for bid, we might want to call him so he doesn't do all the work until you put together your bid of how you would like to do that.

Mayor Zelenko stated since Council is responsible for hiring the auditor I would need some direction from you as to how you want that request for proposal to read. What are the aspects you want from your auditor for us to go out to bid? What are the specifications?

Mr. Martinbianco stated it is a Finance Committee's recommendation as to how to do that, assembling the RFP might be somewhat tenuous because we have to know what questions to ask within the scope of that. If you look at some of the past requests for re-service by Plante & Moran and their predecessors, they pretty well outline exactly what would be included within the scope of the RFP. That would be a Finance Committee meeting. We have some time to look at it, but not a lot. If we bring a new firm in we still have to publish, interview, select and even after that has all happened, the June 30th timetable is ticking and we have to make sure we are completely in compliance, both with what we have to do and the requests have been made through Controller's Office for additional staffing and maybe this is one of those things where we may need to error on the side of the professional look in the Controller's Office of people that are already up to speed on that type of accounting machinations, and for us to take a look at the requisite firms that can come back in at the end of July and start re-creating and looking at things they have never looked at before in terms of how our budgeting process goes. Hopefully, our system is not equined to its own separate accounting machinations but it is consistent with other generally accepted accounting principles in all matters and all facts. I think it is a Finance Committee call, if you can get things moving.

Mr. Wells said due to the fact we voted to bring Taylor & Morgan in to about July 30th, it buys us a little more time. Maybe by them touching base with Taylor & Morgan, whoever it is, if it is a fly by night company we never heard of, of course we are not going to move, it is going to be a professional decision. It may be Plante & Moran and they are the low bidder, it may make more sense to stay with them. In lieu of what happened, I think it is a good time to go out and at least say we weren't really satisfied with what happened last time, and we are willing to take a look at what else is out there.

Mr. Martinbianco asked what part of Plante & Moran's presence and their work product were you dissatisfied with.

Mr. Wells responded he was dissatisfied with the fact they never came and told us about our problems with reconciling checks, software not lining up, they came in August, October and December and never really fessed up until I walked into a room and it was not Plante & Moran working on stuff, it was another auditing firm. I think we deserve that disclosure. If you read their letter, they said they came in and did over 200 journal entries, had to re-audit work affected by the journal entries, attended multiple meetings with management and Council and participated in many phone conferences. All they had to do was participate in one conference and bring the Council as a whole on board and we could have saved $100,000 or so had we known about this before.

Mr. Martinbianco stated he believes their interaction with management was what was most important in bringing management to bear to say you don't have these things in line, what are you going to do to bring them in line so we can do it. We can't do it because we can't work. I think it became incumbent upon at that point in time. I think that is when the realization came in from Administration and they made an executive decision and said we have to do something. To tell Council about it, the outcome is still going to be the same, we still have to do something; we have to hire somebody else. We tried to do it with a temp service and it didn't work out so we had to do something from that December point forward where I talked to Tadd and he let me know, which as far as I am concerned is the same as telling Council.

Mr. Martinbianco indicated further, we are working toward that end, we are getting close but are probably not going to make the January 31st deadline that was kind of predisposed.

Mr. Wells said you could have left that meeting with Tadd in December and got run over in front of City Hall and we would have never known about that. The entire Council votes on these people, they work at the pleasure of the City Council. We should have been informed about this. I am not sure we would have known about this until we brought it up. That is my problem with it. I am not saying anything was going on behind the scenes other than the fact we didn't get the disclosure we should have had. Mr. Wells asked when Plante & Moran's contract expires.

Mayor Zelenko stated June of 2012 audit was their last responsibility. She recommended they make a decision before the end of the fiscal year. I want to be clear on what their service contract was when the 2012 audit was finished. The Administration would like to get started provided Taylor & Morgan helps us to get to that point and they can get us by the end of July as they anticipated. We would like to get started on the audit process in August.

Mr. O'Keefe said in his due-diligence Council did not know some very pertinent information, however it was told the first part of December to the Council President. President Martinbianco said he made a mistake; we've already talked about that. I don't know if the CPA firm needs to come to each Council person and give them news like that. When I was talking to Tadd later down the way, he thought we knew. Again it was drop the ball, we didn't find out. I am pretty familiar with CPA firms in our area. I think CPA firms will apply but don't know if they will have the firepower to do what Plante & Moran does. They have a huge amount of municipalities in their book. I sit on the 911 Consortium and they are a counsel for them. The young lady that was here the other night, I am familiar with her work from that organization. If you don't hire someone here, you are going to hire a Detroit firm. I don't have a comfort level with that. What I have seen of Plante & Moran and what Mr. Smith was saying about our conversation, we have some other items that need to be looked at and kind of a short turn around and we need some help on some financial issues. Flip it around, we are in a transition year, we have had some speed bumps. I have a real uncomfortable feeling about changing CPA firms at this point in time just to change CPA firms.

Mr. O'Keefe stated further, if we can get through another year and next year, I think the bidding process is a healthy one, I would have no problem supporting that next year. I just feel with timing, I have a real gut feeling this isn't the time to have another speed bump in running the City's finances. I would have a real difficult time in voting for them not to be kept on for one more year and then possibly look at bidding it out. I think continuity is the name of the game right now. We have too many issues going on and we have several items that is not the audit that they are going to try and help us get out of some financial dilemmas here. I just feel uncomfortable making a change like that right now. That is my position.

Mr. Smith said you mentioned a one-year extension. Is that something we could look at?

Mr. O'Keefe asked how often their contract is.

Mayor Zelenko replied 2 years.

Mr. O'Keefe said if we renewed for another 3 years, at this point in time, I would have more comfort level with that then not having them come back at this crucial – crucial time.

Mr. Smith said that helps me. Having talking with Tadd I sense he is really trying to help us. He is hearing us now. I don't know what he is bringing to the table. I know he is working on something. He is a professional. As Councilman O'Keefe mentioned, this is a powerhouse accounting firm. I understand what you are saying. I read the letter and I didn't like the tone of it, it was quite confrontational in some respects.

Mr. Smith stated further, that is why I called Councilman O'Keefe and said I need your input on this. Sometimes you have to be willing to take a step back from your first natural reaction which is you want to shove back. When you are in a leadership position such as these, you have to be willing to stop for a moment and take that step back. Mr. O'Keefe gave me a perception that when I did talk to Tadd, I thought it was a worthwhile conversation.

Mr. Martinbianco said he agrees with Mr. O'Keefe in offering a one-year extension and give us time to ascertain if they can help us with the issues that are abound and if in moving forward, they are going to be able to address any particular issues or positions we need to be taking in moving forward, and if they are going to be able to handle that within a cost conscious fashion.

Mr. Haskins said if the Finance Committee wants to sit down and discuss it and put together something and we go out for bids, I don't have a problem with that. If it is the decision of the whole of Council to stay with Plante & Moran for another year in a contract extension, I don't have a problem with that either. Mr. Haskins stated he would not be able to attend the meeting of June 5th. It is his son's graduation.

Mr. Heffner indicated as a Finance Committee member he would like to also be informed with a call.

Mr. Smith said he was trying to stay within the bounds of the Open Meetings Act.

Mr. Heffner said he agrees with Mr. Wells, we should at least discuss it. He referenced a book Guarding the Public Checkbook and stated it said you should change so often auditing firms. We need to at least discuss it.

Mr. Smith said he does not have a problem with that.

Mr. Martinbianco said May 29th at 6:00 p.m. for a Finance Meeting works with everyone. Then give us a recommendation and have a presentation ready for conclusion on June 3rd, and if not, June 20th works fine if we want to have more discussion about it after the fact.

Mr. Smith mentioned the Open Meetings Act and stated you can't when you are on a committee, like the 3 Finance members, you can't call all 3 as I understand. I will call one of the other Council members on the Finance Committee and ask them to contact people or hopefully they will do that.

Mr. Wells said you can't call O'Keefe and say to get a hold of Heffner - that is round-robining.

Mr. Smith said I don't know how else to do it.

Mr. Heffner inquired to Mr. Austin for his opinion.

Mr. Austin said the last comment Mr. Smith made, I would prefer those contacts be made to the Clerk's Office. I would suggest the Committee members not perform the work of the Committee by a round-robin telephone communication method.

Mr. Haskins said you set it up to have a meeting.

Mr. Austin said he suggests you do not do that, even though you yourself would not be having it, you don't get around the Open Meetings Act. For instance you can't call Councilman O'Keefe and have a discussion and then say to Mr. O'Keefe now would you call Mr. Heffner and discuss these items with him. That is called round-robining and it is not permitted. You can't deliberate towards the rendering of a decision as a Committee, unless you are in an open meeting. If it has to do with the scheduling of a meeting, you can go through the Clerk's Office and the Clerk will simply notify the members of the committee and ask the availability.

Mr. Smith asked you can't ever talk to a Council person at all?

Mr. Austin replied you can talk to one other person. During that conversation say okay Mr. O'Keefe you and I have had a fruitful discussion on these issues would you please contact Mr. Heffner and discuss these issues with him. That is round-robining and that is what got the University of Michigan in trouble when they tried to decimate their President. It was all in good faith, nobody intended to violate the Open Meetings Act, but that is exactly how they did it and how they violated the Act.

Mr. Smith said he stands corrected and apologize.
Mr. Austin said if you are going to discuss or what the Act refers to as deliberate towards the rendering of a decision in a committee or a meeting of the Council as a Whole, you can't do it in that fashion, you have to do it in a public meeting.

Mr. Smith said he will do that in the future.
Mr. Austin said it is a very strict Act as far as what you can do outside the context of an open meeting.

Mrs. Ellenburg asked for clarification that is with all committees.
Mr. Austin said with all committees which are Bodies under the Act and with the Council as a Whole.

Mr. Martinbianco said a person could ask me to schedule a meeting and here is what I want on the agenda and here is the reasons why I want it on the agenda, would you contact the other members and tell them we are going to have a meeting and this is what is going to be on the agenda, and get your thoughts together to think about what is going on.

Mr. Austin said as far as scheduling, he doesn't have a problem. That is not deliberating toward rendering a decision. Can you meet on this date or that date at 5:00, you are not deliberating at that point in rendering a decision. As soon as you get past that point and say hey what do you think about getting a new accounting firm in here, you are now deliberating towards the rendering of a decision and that is what the Act does not permit.

Mr. Martinbianco said there is ways to frame either the question or the directive to make it reflective of me trying to illicit an opinion or tell them we have a meeting coming on here is what is on the agenda have a nice day.

Mr. Austin re-iterated that the Act prohibits the deliberation towards rendering a decision. It is a pretty strict standard. Once you get to the substance or heart of a matter, you are in the process of deliberations.

Mr. Smith referenced again the Plante & Moran letter and said he called Mr. O'Keefe to ask his thoughts on the letter. I had no idea after we spoke, whether or not the Council of the Whole was going to want to go out for bid. I wanted a different perspective from someone who had been there with it.

Mr. Austin said you can have those verbal deliberations right here, right now at our public meeting. I know sometimes it is awkward to have them but that is what the Open Meetings Act requires, that those exact conversations be held in an open meeting.

Mr. Smith thanked Mr. Austin and said he learned something tonight.

Mr. Wells said what you did tonight was all open and transparent. You took a straw poll tonight and got some ideas. Plante & Moran, if we send it out for bid may certainly get that bid but they will do it on our terms, not their terms. I didn't get upset when I read this. I talked to a few people without disclosing all the information on the letter and asked if they heard anything like that. Had they come to us all and said this is what is going on, we need to fix this now, we could have saved an abundance of money in the tune of over $100,000. They may well get it again, I have nothing against Tadd. He has always helped me when I called him. He didn't disclose all this other stuff journal entries, re-auditing. The young lady that came in Mr. O'Keefe mentioned, may be that could be part of the deal. I thought she was very professional and knowledgeable. So maybe that is the key. If it went out to bid, they would certainly have a shot at it. They have had it for over 20 years now; it is a little too much time to get comfy and cozy with people. It is almost unheard of in the business world to keep someone that long in that position.

In reference to Item #3, Mr. Wells asked if it went go out for bid. Mr. Martinbianco stated it did. The bid opening was May 13th. Mr. Wells asked if anyone else bid on it, did we send it out for bid or just publicize it. Ms. Moss responded we had a notice and they came into DPW to pick up the paperwork. Zito's and Waldorf's picked it up. Waldorf did not bid, Zito's was the only bid.

Mrs. Ellenburg expressed thanks for putting the bid in their packet.

Mr. Martinbianco mentioned the sewer problems on Farmcrest and asked if it was a faulty sewer lift station that caused that?

Ms. Moss replied it was faulty pipe. We had some big holes blasted through our pipe it is really bad corrosive soil and doesn't bode well with the materials we used. When we re-did that pipe Waldorf and Zito each did part of it and they backfilled with good material.

Mr. Martinbianco asked if they used PBC.

Ms. Moss replied no – they didn't use that.

Mr. Wells asked if Zito is subcontracting out Waldorf to do some of this work.

Ms. Moss responded no, Zito does their own work.

Mayor Zelenko stated for the Finance Meeting on the 29th, is it your intention to have anyone from the Administration there because both she and Ginger are not available.

Mr. Smith said I have to find out what we even want. We could hold the meeting Tuesday, May 28th.

Mr. Heffner and Mr. O'Keefe both responded that date was good for them.
The Finance Meeting is scheduled for Tuesday, May 28th at 6:00 p.m.

Mayor Zelenko said on the job descriptions Ms. Warren gave to Council, those are the last copies we have of record. It doesn't reflect that they are accurate as to some of the things we moved around in the departments now. We are in the process of re-doing job descriptions.

Mr. Heffner mentioned purchasing the books he referenced earlier for Council.

Mr. Martinbianco suggested seeing if there is money in the Council budget to do it in the next fiscal year.

COUNCIL DISCUSSION ACTION:

Moved by Haskins and seconded by Smith to: Approve and authorize removing Items 5, 6, 7, and 8 to hold fast the last Council Meeting that they be addressed to after the budget. Motion carried 7-0.

COUNCIL ACTION:

Ellenburg moved and Smith seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from May 1, 2013 through May 14, 2013 in the amount of $6,241.75.

Motion carried 6-0. (Mr. Haskins not present for vote)

Heffner moved and Ellenburg seconded the following motion:

2. Approve and authorize the Resolution Authorizing Sale of Allen Street/Vacant Lot, Parcel #59-30-576-036, to give first and final approval for the sale of this parcel to William M. Neithercut, a married man, for the sum of $750.00 cash or its equivalent, and authorizing the Mayor and Clerk to execute any and all documents required to effectuate this sale.

Motion carried 6-0. (Mr. Haskins not present for vote)

Heffner moved and Ellenburg seconded the following motion:

3. Approve and authorize the Mayor and Clerk to enter into a contract with Zito Construction Company, 8033 Fenton Rd., Grand Blanc, MI 48439, for the purpose of abandoning pump stations at a cost of $22,000.00 for the project known as: Lift Station Abandonment, DPW Job #12-001-S.

Motion carried 7-0.

Haskins moved and Heffner seconded the following motion:

4. Approve and authorize the City Controller to transfer $25,300.00 from the 2012/2013 Sewer Unappropriateed Surplus to DPW Job #12-001-S.

Motion carried 7-0.

Removed to after budget.

5. Approve and authorize a budget transfer of $40,000.00 from Local Streets 2003-4051-02.7585 Chip Seal Casto Street 2012 to Local Streets 2003-4090-957.0020 Special Assessments City Owned.

Removed to after budget.

6. Approve and authorize a budget transfer of $56,000 from Local Streets 2003-4069-943.0000 Equipment Rental to Local Streets 2003-4090-957.0020 Special Assessments City Owned.

Removed to after budget.

7. Approve and authorize a budget transfer of $60,000 from Local Streets Winter Equipment Rental 2003-4078-943.0000 to Local Streets Fringe Benefits 2003-4082-719.0000.

Removed to after budget.

8. Approve and authorize a budget transfer of $40,000.00 from Major Streets 2002-4051-802.7584 Davison Road (Center to Genesee) to Major Streets 2002-4051-802.7585 for Casto St. Repair 2012/2013 in fund 2002.

Meeting adjourned at 8:20 p.m.

Julie Adams, City Clerk