CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
JULY 16, 2007, 7:00 P.M., COUNCIL CHAMBERS
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Councilwoman Tina Conley led the Invocation and the Pledge of Allegiance.

The Regular Meeting was called to order by Council President Gary Isham at 7:10 p.m.

MEMBERS PRESENT: Conley, Cross, Isham, LaDuke, Major and Tinnin.

MEMBERS ABSENT: Wells.

OTHERS PRESENT: G. Kray, DPW Director; D. Halstead, Fire Chief; Attorney R.Austin and G. Webster, City Clerk.

Cross moved and LaDuke seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Council Meeting on June 18, 2007 at 6:30 p.m., Special Council Meeting on June 18, 2007 at 6:45 p.m., Regular Council Meeting on June 18, 2007 at 7:00 p.m., Special Council Meeting on June 21, 2007 at 4:30 p.m., Special Council Meeting on June 27, 2007 at 4:30 p.m., and Special Council Meeting on June 27, 2007 at 5:00 p.m. Motion carried 6-0.

Mr. Isham was given several campaign signs that were found in a field. He wanted to return the signs to the candidates.

Mr. Isham indicated that Mr. Wells was not feeling well and was unable to attend the meeting.

ADMINISTRATIVE REPORT:

Mr. Kray spoke regarding the proposed Wooden Handicap Ramp ordinance. This would be addressed at the Planning Commission on August 14th and come before Council in September.

Mr. Cross wanted to know why the Mayor was not in attendance. He had several questions to ask him.

COMMITTEE REPORTS:

Mr. LaDuke set a Finance Meeting for July 23, 2007 at 4:30 p.m. He said there would be six items on the agenda. He would like Mrs. Foster to be present at the meeting.

Mr. Isham acknowledged County Commissioner Jamie Curtis.

AUDIENCE PARTICIPATION:

Roger Mead, 1272 Arrowhead Dr., wanted to know who was responsible for the cancellation of the last Council Meeting. He felt it was a violation of the Charter not to hold two meetings a month.

Don Sanderlin, 4460 Killarney Park, spoke regarding bridge repairs on Maple Road and the need for a left hand turn lane on Center Rd. He would like a left hand turn lane added at Dort and Maple because of the extra traffic with the school bus terminal.

Warren Nimcheski, 2429 N. Genesee Rd, was concerned that heavy equipment and excavation would damage the new pavement on Davison Road.

Gary Card, 2098 Delaney, spoke regarding recycling and a duplicate tax bill he received.

Jim Douglas, 4111 Maplewood Meadows Ave., would like the volume increased on the public microphone. He felt the Atherton/Center Rd. intersection was dangerous and should have a left hand turn signal.

Diana Walton, 1410 Carman St., thanked Gayle Webster for relaying her concerns to the Police Department. She indicated that her previous complaints regarding loud honking, drug use, sewer problems, lack of a stop sign and adding a street light has not been addressed.

Mary Crawford, 6203 Briggs, spoke in favor of Kelly Lake. She said the Parks and Recreation Commission was responsible for the park, not the Mayor. She spoke in support of keeping the Code Enforcer and Purchasing Agent positions.

Freddy Aragon, 1188 Carman St., would like a streetlight added to the pole near his home. This area is very dark at night.

Don Crawford, 6203 Briggs, spoke in support of Kelly Lake Park. He said the park was clean and beautiful. The handicap dock is beneficial and many people are using it.

John Stapish, P.O. Box 190134, said a block wall was removed from his property on Wells St. without a demolition order. He wanted to file a complaint against the employees who removed it.

Mr. Isham wanted Council to receive a status report on this issue by the next Council Meeting.

COUNCIL DISCUSSION:

Mr. LaDuke was proud of the progress that has been made at Kelly Lake. He requested that the signs and benches be redone.

Mr. LaDuke spoke regarding the shortfall in the last budget. He said the Council did not underestimate revenues in the building department by $160,000. The administration was accountable for that. The Council was not informed that a potential problem was developing. The Council chose not to cover that shortfall. The Council tried to solve a financial problem by eliminating some expenditures in the building department. The Council’s budget wishes are not being followed by the administration. He planned to address these issues at the upcoming finance meeting. He requested that the auditor and attorney be present at that meeting. He opposed the editorial written by Ms. Moss. He wanted to know if she wrote the letter on city time, using a city computer. If this was done, he felt she should be disciplined.

Mr. Major felt there should be a mechanism in place to respond to residents' requests and complaints. The Council should receive a status report on these issues by the following meeting. He wanted a response for Mr. Sanderlin regarding the addition of left hand turn on Dort and Maple. He would like a status report on the Carman Street problems.

In reply to Mr. Nimcheski's comments regarding Davison Rd. excavation work, Mr. Major said there should be a five-year maintenance bond in place to make any needed repairs to the roadway. Someone should look into this matter and report back to Council.

Mr. Cross suggested Council set up a three-member response committee. He would like the committee to meet a least once with the Mayor between Council meetings. There should be a report back to the Council on these complaints.

Mrs. Tinnin would like DPW to initiate repairs to the railroad tracks north of Robert T. Longway on Center Road, in the southbound lane.

A discussion was held in reference to Carrie Flood being billed for mowing services. For ten years the right away property by the subdivision sign was being mowed and maintained. Now, he is being billed for the work. Supposedly, Mr. Hamilton made a ruling August 15, 2005 that the City was responsible for maintaining that strip of property. Mr. Flood would like some clarification on this issue.

Mrs. Tinnin would like Council to receive a response regarding the laundry list of complaints from tonight's meeting.

Mr. Kray said that he would speak to the Mayor regarding Council's request for complaint updates.

In response to Mr. Mead, Mr. Isham said on June 27th it was determined that there would be enough members to hold the July 2nd meeting. At that time, three members were going to be out of town. Later, a fourth member had to go out of town on business. Knowing that we would not have a quorum present, the meeting was canceled.

Mr. Isham spoke on the lack of communication between the Legislative and Executive branch of government. He indicated that he would not approve thousand dollar projects that came to the Council at 7:00 p.m., without any prior knowledge. In addition, he felt it was important that the Mayor attends the council meetings.

Mr. Isham supports the Parks and Recreation Commission. In the past, he has lobbied for them to keep their budget surplus. At the end of the year, that money eventually went back into the General Fund.

Mr. Isham spoke on issues relating to the 2007/2008 Budget. He said this was the first time the Mayor's budget has been amended. He strongly disagreed with the Mayor's comments stating the Council lacked the knowledge or credibility to collectively handle multi-million dollar budgets.

Mr. Isham has worked on the Atherton School budget, while others have worked on the City's budget for several years. He said Council members do take their job seriously.

At the DPW request, Mr. Major moved and Mr. LaDuke seconded the motion to add as agenda Item 11: Approve and authorize the rescinding of the contract approval by Burton City Council for US Construction Co for ADA improvements at the Police/Fire Facility and Senior Citizen Center, if US Construction Co. does not file the mandatory contract performance bonds by 5:00 P.M. on July 17, 2007 with the DPW. The motion carried 6-0.

Mr. Major moved and Mr. LaDuke seconded the motion to add as agenda Item 12: If approval of the US Construction contract is rescinded, approve and authorize the ADA construction contract with Perez Construction, the second lowest bidder, contingent upon submitting the mandatory contract performance bonds and insurance documents to the DPW for review and approval by the City Attorney.

Mr. Cross wanted to know if we were under a deadline to complete the ADA renovations.

The Attorney said that he has already written a proposed response to the Department of Justice. He sent this to the Mayor for review. The letter indicated that the contract has been awarded. He has not yet sent it to the DOJ. However, our timeframe for sending that letter is now fast approaching. The deadline date is August 4, 2007.

Mr. Cross wanted to know if the Mayor should have signed the contract.

Mr. Austin said the contract couldn't be signed until he approved it and he hasn't done that.

A vote was taken to add Item 12. The motion carried 6-0.

In reference to Item 7, Mr. Kray indicated the installation of the new streetlight was initiated by Consumers Energy, with no cost to the City. A vote was taken on Item 7. The motion carried 6-0.

Mr. Isham said Item 10 was tabled from the Regular Council Meeting of June 18, 2007.

Mr. LaDuke said there was a need for renovations and a new fire station. However, he thought a committee, including the Fire Chief, should discuss the plans and make a recommendation back to the Council. He said the current bond does not expire until 2008.

Mr. Cross agreed with Mr. LaDuke. He sat on a committee for the Police/Fire Facility and City Hall. He felt the City needed to acquire more property next to the fire stations.

Mr. Major would like more information on the plans for each station. He felt several factors should be considered including state shared revenue funding and bonding costs. We may need to reserve the bond money to run the general fund departments. If the Council approves a budget to do the project, it will have to go to the Building Authority. Our financial consultant will need to advise us on the sale of bonds.

Mrs. Tinnin would like a copy of Mr. Austin's ADA response letter. She still has concerns with the ADA compliance issues.

Mr. Austin sent a draft of his response to the acting ADA Coordinator, which happens to be the Mayor, for his review. He felt all the physical improvements that we were required to be done were completed, except for the Police Station and Senior Center. He is waiting for a response from the Mayor indicating that his proposed draft is acceptable. He will release the response to Council once this has been done. This is the third response, which is due August 4, 2007. He plans to make a final report in six months time. Hopefully, we will be able to state the two remaining projects have been completed. We have done everything that we have been asked to do.

Mrs. Tinnin wanted to meet with our auditors to determine our true financial picture with the new budget. She wanted to know if we were in compliance with the budget. She wanted to make sure these issues were out of the way before embarking on another multi-million dollar bond issue.

Mr. Major moved and Mr. Cross seconded the motion to: Table Item 10 until Council receives a report from the Fire Station Committee regarding fire stations needs and building renovations.

Mr. Isham asked Mr. Cross to oversee the Fire Station Committee. Mr. Cross accepted the appointment.

A vote was taken on Item 10. The motion carried 5-1, with Isham voting no.

Mrs. Webster announced that the next Regular Council Meeting for August 6, 2007 would be held at 6:00 p.m., due to the election.

COUNCIL DISCUSSION ACTION:

Moved by Major, seconded by LaDuke to add as agenda Item 11: Approve and authorize the rescinding of the contract approval by Burton City Council for US Construction Co for ADA improvements at the Police/Fire Facility and Senior Citizen Center, if US Construction Co. does not file the mandatory contract performance bonds by 5:00 P.M. on July 17, 2007 with the DPW. The motion carried 6-0.

Moved by Major, seconded by LaDuke to add as agenda Item 12: If approval of the US Construction contract is rescinded, approve and authorize a construction contract with Perez Construction, the second lowest bidder, contingent upon submitting the mandatory contract performance bonds and insurance documents to the DPW for review and approval by the City Attorney. The motion carried 6-0.

Moved by Major, seconded by Cross to: Table Item 10 until Council receives a report from the Fire Station Committee regarding fire stations needs and building renovations. The motion carried 5-1, with Isham voting no.

COUNCIL ACTION:

Cross moved and LaDuke seconded the following motion:

Approve and authorize the Regular Council Consent Agenda items 1-6, 8, 9, 11 and 12 for July 16, 2007. Motion carried 6-0.

Cross moved and LaDuke seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from June 13, 2007 through June 27, 2007 in the amount of $4,947.75.

Motion carried 6-0.

Cross moved and LaDuke seconded the following motion:

2. Approve and authorize the Attorney Billing (Richard Austin) from June 27, 2007 through July 11, 2007 in the amount of $4,375.40.

Motion carried 6-0.

Cross moved and LaDuke seconded the following motion:

3. Approve and authorize the Attorney billing of Spender & Robb from May 29, 2007 through June 18, 2007 in the amount of $4,921.74.

Motion carried 6-0.

Cross moved and LaDuke seconded the following motion:

4. Approve and authorize the Mayor and City Clerk to execute a construction contract with the Michigan Department of Transportation for the widening, traffic signal work, milling, and Paving of the Lapeer/Vassar intersection. DPW project number 04-006P. (MDOT CS STH 25609; STU 25402, Job Nos. 78219; 100358, Federal Project Nos. STP 0725 (039) (044), Federal Item Nos. RR 5707; HH 5040, CFDA No. 20.205, Contract No. 07-5290) at an estimated cost of $533,000.00 of which the City of Burton’s share will be $106,600 contingent upon approval of the City Controller.

Motion carried 6-0.

Cross moved and LaDuke seconded the following motion:

5. Approve and authorize the City Controller to transfer $533,000.00 from the 2006/2007 Major Street budget unappropriated surplus to DPW Job No. 04-006-P with an estimated actual cost to the City of $106,600.00.

Motion carried 6-0.

Cross moved and LaDuke seconded the following motion:

6. Approve and authorize the Controller to transfer $83,447.00 from Major Street budget unappropriated surplus to DPW Job No. 04-017-PA for inspection services with an estimated actual cost to the City of $15,145.63.

Motion carried 6-0.

Major moved and Conley seconded the following motion:

7. Approve and authorize the Mayor and City Clerk to execute the authorization for:

   1) The installation of two (2) streetlights at the intersection of Bristol and Center. One at the northwest corner and one at the southeast corner of the intersection, at no cost to the City of Burton.

Motion carried 6-0.

Cross moved and LaDuke seconded the following motion:

8. Approve and authorize Council to adopt the Genesee County Hazard Mitigation Plan.

Motion carried 6-0.

Cross moved and LaDuke seconded the following motion:

9. Approve and authorize Mayor Charles Smiley or Controller Karen Foster as designated signatories for Community Development Block Grant Reimbursements.

Motion carried 6-0.

Motion was tabled until Fire Station Committee submits a report.

10. Approve and authorize the Mayor and Fire Chief to solicit bids for the architectural design phase of the fire station improvements / expansion project.

Cross moved and LaDuke seconded the following motion:

11. Approve and authorize the rescinding of the contract approval by Burton City Council for US Construction Co for ADA improvements at the Police/Fire Facility and Senior Citizen Center, if US Construction Co. does not file the mandatory contract performance bond by 5:00 P.M. on July 17, 2007 with the DPW.

Motion carried 6-0.

Cross moved and LaDuke seconded the following motion:

12. If approval of the US Construction contract is rescinded, approve and authorize a construction contract with Perez Construction, the second lowest bidder, contingent upon submitting the mandatory contract performance bonds and insurance documents to the DPW for review and approval by the City Attorney.

Motion carried 6-0.

Meeting adjourned at 8:30 p.m.

Gayle Webster, CMC