CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
NOVEMBER 15, 2004, 7:00 P.M., COUNCIL CHAMBERS
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Pastor Greg Rowan of Judson Baptist Church led the Invocation.

Councilman Charles Cross 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 and Wells.

MEMBERS ABSENT: Martinbianco and Isham.

OTHERS PRESENT: B. Whitman, Police Chief; D. Lacy, Assistant Fire Chief; J. Major, DPW Representative, Attorney R. Hamilton and G. Webster, City Clerk.

Bement moved and Cross seconded the following motion:

Approve and authorize the minutes of the following meeting: Special Council Meeting of October 26, 2004 at 4:00 P.M. and the Regular Council Meeting of November 1, 2004 at 6:30 P.M. Motion carried, 5-0.

COMMITTEE REPORTS:

Mr. Cross scheduled a Legislative Meeting for Tuesday, November 23, 2004 at 3:30 p.m. Topics to be discussed include the proposed Landlord Rental Inspection Ordinance and Prevailing Wage.

COUNCIL DISCUSSION ACTION:

Moved by Cross, seconded by Curtis to: Approve and authorize Council to go into Executive Session after Item 8, for the purpose of discussion regarding the Meesseman vs. City of Burton pending litigation, under Section 8 (e) of the Open Meeting Act. Motion carried 5-0.

Moved by Cross, seconded by Curtis to: Approve and authorize the acceptance of the report to the Burton City Council on Investigation of Potential Nuisance or Hazardous Condition of Premises on the following property located in the City of Burton and set a Public Hearing date and time to consider any objections and/or favorable comments relative to the referenced premises, with the public hearing to be scheduled for 5:30 p.m. on Monday, December 6, 2004 to address the old Action Auto Building located at 1275 S. Center Rd. Motion carried 5-0.

Moved by Curtis, Seconded by Cross to amend Item 3 to add contingent upon proof of payment that all personal taxes and real estate property taxes are paid in whole to the City of Burton. Motion carried 5-0.

Moved by Curtis, seconded by Bement to: Approve and authorize the Council's negotiated settlement resolution of the Meesseman vs. City of Burton, et al litigation (Circuit Court Case No. 03-075622-NI; Court of Appeals No. 257552), as discussed in Executive Session.
Motion carried 5-0.

COUNCIL DISCUSSION:

Council recessed for Executive Session at 8:00 p.m.

The Regular Council Meeting resumed at 8:20 p.m.

COUNCIL ACTION:

Curtis moved and Cross seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from October 27, 2004 through November 10, 2004 in the amount of $2,256.00.

Motion carried 5-0.

Cross moved and Bement seconded the following motion:

2. Approve and authorize the Attorney Billing (Richard Hamilton) from October 28, 2004 through November 10, 2004 in the amount of $2,400.00.

Motion carried 5-0.

Cross moved and Bement seconded the following motion as amended:

3. Approve and authorize the request from Coolich, Inc., to transfer ownership of 2004 Class C licensed business with dance-entertainment permit, located at G-4225 S. Saginaw, Burton, MI 48529, Genesee County, from Lynn M. Lewis LTD, contingent upon proof of payment that all personal taxes and real estate property taxes are paid in whole to the City of Burton.

Motion carried 5-0.

Curtis moved and Bement seconded the following motion:

4. Approve and authorize the rescinding of item #9 and item #10 from the Regular City Council Meeting agenda of November 1, 2004.

Motion carried 5-0.

Cross moved and Curtis seconded the following motion:

5. Approve and authorize the Mayor and City Clerk approval on behalf of the City Council to execute a "Preliminary Engineering Contract" with Rowe, Inc. for the design of the proposed reconstruction of Atherton Road from Belsay Road to Vassar Road, (DPW Job #04-0017B-P/FAUS Project / 2004/08 T.I.P) at an estimated cost of $41,676.00 (80% federal @ $33,340.80 & 20% Burton @ $8,335.20) contingent upon approval of the City Attorney and City Controller.

Motion carried 5-0.

Bement moved and Curtis seconded the following motion:

6. Approve and authorize the City Controller to transfer $41,676.00 from the 2004/05 Major streets/unappropriated surplus to DPW Job #04-0017B for City share of design engineering.

Motion carried 5-0.

Cross moved and Curtis seconded the following motion:

7. Approve and authorize the Mayor and City Clerk approval on behalf of the City Council to execute a "Preliminary Engineering Contract" with Rowe, Inc. for the design of the proposed reconstruction of Atherton Road from Center Road to Genesee Road, (DPW Job #04-0017A-P/FAUS Project / 2004/08 T.I.P) at an estimated cost of $84,250.00 (80% federal @ $67,400.00 & 20% Burton @ $16,850.00) contingent upon approval of the City Attorney and City Controller.

Motion carried 5-0.

Cross moved and Bement seconded the following motion:

8. Approve and authorize the City Controller to transfer $84,250.00 from the 2004/05 Major streets/unappropriated surplus to DPW Job #04-0017A-P for City share of design engineering.

Motion carried 5-0.

Meeting adjourned at 7:50 P.M.

Gayle Webster,
City Clerk

GW/jra