

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
DECEMBER 20, 2004, 7:00 P.M., COUNCIL CHAMBERS
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Councilman Gary Isham led the Invocation and Pledge of Allegiance.

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

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

MEMBERS ABSENT: Bement.

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

Isham moved and Martinbianco seconded the following motion:

Approve and authorize the minutes of the following meeting: Special Council Meetings held on December 6, 2004 at 5:30 P.M, 5:45 P.M., 6:00 P.M., 6:15 P.M., 6:30 P.M. and the Regular Council Meeting of December 6, 2004 at 7:00 p.m.

Motion carried 6-0.

COUNCIL DISCUSSION ACTION:

Moved by Cross, Seconded by Curtis to change all council meetings to 6:30 p.m. for the next calendar year 2005. Motion failed 3-3, with Isham, Martinbianco and Wells voting no.

Moved by Martinbianco, Seconded by Isham to keep the council calendar times the same as they were last year. Motion carried 6-0.

Moved by Cross to call the question regarding the sale of vacant property.
Motion failed 4-2, with Cross, Curtis, Martinbianco, and Wells voting no.

Moved by Centilli, Seconded by Martinbianco the referral to the legislative committee to review the sale of city owned property and specifically to review the resolution adopted April 18, 1994 in conjunction with Section 11.3, (a), (1) of the City Charter. Motion carried 6-0.

Moved by Martinbianco, Seconded by Isham to table Item 5 regarding the collection of personal property taxes indefinitely. Motion carried 6-0.

COUNCIL ACTION:

Isham moved and Cross seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from December 1, 2004 through December 15, 2004 in the amount of \$2,145.00.

Motion carried 6-0.

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Cross moved and Curtis seconded the following motion:

2. Approve and authorize the Attorney Billing (Richard Hamilton) from December 6, 2004 through December 9, 2004 in the amount of \$1,150.00.

Motion carried 6-0

Cross moved and Martinbianco seconded the following motion:

3. Approve and authorize the Final Plat Approval for Heather Heights Sub. No. 2.

Motion carried 6-0.

Isham moved and Centilli seconded the following motion:

4. Approve and Authorize the Mayor and City Clerk to execute the authorization for changes in the standard street lighting contract with Consumers Energy Company for:
 - 1) Four (4) street lights at the Maplewood Meadows Subdivision Island entrances (2 at each entrance)

Motion carried 6-0.

The following motion was tabled indefinitely:

5. Approve and authorize the resolution regarding the collection of personal property taxes as written.

Centilli moved and Isham seconded the following motion:

6. Approve and authorize transfer of funds of \$10,400 from General Fund-Contingency to Police-Utilities & Building Repairs for the purchase of a new fuel card reader system.

Motion carried 6-0.

Cross moved and Martinbianco seconded the following motion:

7. Approve and authorize the following Resolution:

WHEREAS, the City of Burton Employees' Pension Plan and Trust (hereinafter "the Plan") was restated effective July 1, 1997 and approved by the Internal Revenue Service on August 30, 2002; and

WHEREAS, Amendment Number One to the Plan was adopted to comply with recent tax law changes; and

WHEREAS, the City of Burton now wishes to amend and restate the Plan in the form of the ICMA Retirement Corporation 401 Governmental Money Purchase Plan and Trust Document (ICMA Plan) with special language reflected in the adoption agreement for the ICMA Plan;

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NOW, THEREFORE:

BE IT RESOLVED that, subject to approval of the proposed adoption agreement for the ICMA Plan by the ICMA Retirement Corporation and Internal Revenue Service approval of the amended and restated Plan, the City of Burton hereby amends and restates the City of Burton Employees' Pension Plan and Trust in the form of the ICMA Retirement Corporation 401 Governmental Money Purchase Plan and Trust Document (including the ICMA Retirement Corporation Governmental Money Purchase Plan & Trust EGTRRA Amendment) with special language reflected in the adoption agreement for the ICMA Plan effective January 1, 2005; and

BE IT FURTHER RESOLVED that, subject to the approval of the proposed adoption agreement for the ICMA Plan by the ICMA Retirement Corporation and Internal Revenue Service approval of the Plan as amended and restated by the City of Burton, the City of Burton hereby adopts the Declaration of Trust of Vantage Trust effective January 1, 2005; and

BE IT FURTHER RESOLVED that the City of Burton hereby authorizes and directs the Mayor to execute the adoption agreement for the ICMA Plan on behalf of the City of Burton and to take all other necessary actions to effectuate the amendment and restatement of the Plan as described above, including, but not limited to the execution of an Administrative Services Agreement between the City of Burton and the ICMA Retirement Corporation.
Motion carried 6-0.

MEETING ADJOURNED AT 9:15 P.M.

Gayle Webster,CMC
City Clerk