

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
AUGUST 16, 1999, 7:30 P.M., COUNCIL CHAMBERS

Invocation and Pledge of Allegiance was led by Councilman Keith Cox.

The Regular Meeting was called to order by President Ted Hammon, at 7:30 P.M.

MEMBERS PRESENT: Centilli, Cox, Martinbianco, Walls and Zelenko.

MEMBERS ABSENT: Cross and Hammon.

OTHERS PRESENT: Mayor C. Smiley, C. Abbey, Personnel Director; R. Riess, Water Superintendent; Attorney R. Hamilton and G. Webster, City Clerk.

Council requested the approval of the minutes from the Special Council Meeting of August 9, 1999 at 6:30 P.M. be postponed to the next Regular Council Meeting of September 7th. This would give Council more time to review the minutes.

Moved by Walls, seconded by Centilli to approve and authorize the minutes of the Regular Meeting of August 2, 1999 at 6:30 P.M., as printed. Motion carried 5-0.

ADMINISTRATIVE REPORT:

The Mayor summarized information discussed at the water study workshop of August 10, 1999. The County Drain Commissioner admitted that there would be an increase in water rates on a yearly basis to cover operations. There will be an additional cost incurred for the construction of the transmission main of approximately \$300,000,000.00. The Drain Commissioner is still trying to sell water to customers outside the county; for example Birch Run, while still trying to place water use restrictions on county users. The County's proposed transmission main to Port Huron would result in approximately 85% increase to existing water users. The Mayor explained that water rates will go to \$9.80 per 1000 units, which would equate to about \$700,000.00 cost to the City of Burton. He said it would be difficult for the City to pay for that. If the Council elects to pass it on, records show that a household of five could pay an extra \$37.24 to \$64.68 per quarter. City records have shown that watering lawns, filling pools, washing cars and other non-household uses could show an increase of \$199.92 per quarter. Owosso sells water to its customers for approximately half of our existing rates. This is one of many municipalities within the state that delivers water of similar quality and economy. The Mayor plans to visit other municipalities in Michigan that maintain their own water systems. We should give our residents all the facts, as we determine the right choice on this water issue. Our residents deserve quality water at the most reasonable cost available. Currently, the City of Burton doesn't have a voice on water rates that are being set by the County Board of Commissioners. The Mayor welcomed any comments on this issue.

COMMITTEE REPORTS:

Mrs. Zelenko indicated that the next Parks and Recreation Meeting would be held September 1st at 4:00 P.M. at Fire Station #1. There will be a brief park's meeting followed by a ribbon cutting ceremony for Water Tower Park. She said everyone is invited to attend.

Mr. Cox said the Senior Center is celebrating its 20th Anniversary this week and there are several activities planned for the week. There was an open house today with food and entertainment. He invited people to stop by the Senior Center this week and join in the celebration.

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AUDIENCE PARTICIPATION:

Jeff Wright, 2174 Sycamore, spoke on the proposed water study. He referred to a Flint Journal editorial "Fragmented water system would be drain on county". He thought Burton's water rates would double with the current County's water system and possibly triple, if Flint was eliminated from this program. He suggested pursuing the water study to help determine the best alternative for the citizens of Burton, not the County.

Don Sanderlin, 4460 Killarney Park, commented on the water study. He would like the City to thoroughly weigh all the options before making any decisions on maintaining their own water system. He would like the City to consider the quality of water; the capacity of water needed to supply the city; and the taste of the water. He thought the recent Detroit water rate increases would be passed on to the City of Burton.

Laurie Tinnin, 2340 Harmony Dr., spoke in opposition to the water study. She thought the City of Burton was marking up water a great deal, considering it is being supplied from the County. She wasn't quite sure what the \$25,000 water study would accomplish. She thought this money could be spent on a police officer. In addition, she commented on the MERS pension in regards to the police union contracts.

Mr. Abbey said the POAM contract has been approved. The document is being retyped due to the omission of the traffic officer's job assignment. The contract will then go to Council. As of July 1st, additional pension costs are being recouped out of paychecks. A MERS representative will meet with labor unions and administration later in the month for further explanation of pension formulas.

Discussion continued on MERS pension issues.

Pauline Dargel, 6119 Hugh, referenced a notice in the Flint Journal and suggested that the City look into buying used furniture for the council chambers. In addition, she spoke on the postponement of the Master Plan Update, Davison Road water project and the water study workshop.

The Mayor indicated that the City financed the Davison Road water project by purchasing revenue bonds.

Mr. Riess clarified that the Davison Road project would not be located in a floodplain.

In reference to the water study, Mrs. Dargel questioned the need for a secondary water source for the City.

Mayor Smiley briefly explained the configuration of the water system in Owosso.

Discussion continued in reference to the proposed water study.

Mr. Abbey clarified the cost that the County charges us for water and the cost residence are charged. Currently, residents pay \$1.65 for 100 cubic feet of water. In return, the City pays the County \$1.17 for that amount of water. The City collects 48 cents on a 100 cubic feet.

Dave Gibson, 2126 Morris, commented on the recent paving of Judd Road. He said the City did a good job with the paving; however, the approach on Dort Hwy. was shortened considerably. He thought the longer approach would be safer with all the traffic on Dort Hwy. In addition, he said "No Parking" signs have been removed from his street. He would like them replaced.

Mr. Gibson commented favorably on the old Burton well water.

Chief Benthall asked Mr. Gibson to call him personally on the street sign issue. He said there are two traffic officers in Burton and their sole purpose is to enforce traffic codes.

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Larry Petrella, 1081 Howe Road, commented on the postponement of the Master Plan Meeting and the part-time park's director. He would like more audience participation before the Master Plan is formalized.

Mrs. Walls said the Master Plan meeting was postponed at the Planning Commission meeting. One reason for rescheduling the meeting was due to vacations at Rowe Engineering.

Mrs. Zelenko suggested Mr. Petrella could ask the Planning Commission why they postponed the Master Plan Meeting.

Mayor Smiley said it has not yet been determined how to implement the park director's position.

Mrs. Zelenko said the \$25,000 allocated for the park director's position would not necessarily be all salary. There are other costs involved in running the program.

COUNCIL DISCUSSION:

Mr. Cox thanked the Mayor for arranging the Water Study workshop. He thought the information that was covered was very beneficial. He would like more information on the Owosso water system and would like to know if that city is comparable to Burton in size and water consumption. He asked that the Mayor share the water study results with Council before making a final determination on this issue.

Mayor Smiley will continue to share information and keep Council updated on this issue. Data will be compiled in respect to comparing different municipalities to Burton. The study will cover many aspects, which will help the City of Burton determine the feasibility of maintaining a municipal water system.

Mr. Cox spoke in regards to the POAM contract. He was not sure how the payment was being made to make up the difference in pension cost that increased from 21% to 34%. He referred to the formula used in calculating pension costs.

Mr. Abbey indicated that some job classification numbers were used as a blend only in the calculation of the pension formula.

Discussion continued in regards to the MERS pension formula.

Mr. Cox said he received some complaints on street signs being removed. He has talked to Mr. Throop and the signs will be replaced. He noted if anyone has a problem with this issue to contact the administration or DPW.

Mr. Cox received a complaint in regards to a lawn care business working out of a residential home in Calvert Park. He would like Mr. LaDuke to look into this matter.

Mr. Cox thanked Mr. LaDuke for providing Council with an update on the demolition buildings.

Mr. Cox said a yellow chevette has been parked at BJ's Bar for several weeks. He would like DPW to look into this issue.

Mr. Cox commented on the last Master Plan update meeting. He said Mr. Piggott from Rowe Engineering was not present at that meeting. He thought there should be a presentation outlining the Master Plan Update and then allow for community input on this matter.

Mr. Martinbianco asked for clarification on a proposed amendment from the last meeting. He wanted to know what the impact of a majority vote for a road contract would be if funds weren't transferred to cover the contract. He referred to page 6, Item #7 of the Regular Council Meeting Minutes of August 2, 1999.

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Mr. Hamilton said that if you enter into a contract you have an obligation to fund it. It would be up to the administration to fund the contracts within the aspects of the existing allocated funds. The budget is adopted on a

departmental basis and, assuming there were funds available to meet the contract obligation, it would be incumbent upon the administration to fund that within the specific budget.

Mr. Martinbianco wanted to know what would happen if the money wasn't available for the contract.

Mr. Hamilton said we are still bound by the contract to pay it. However, this situation hasn't arisen before, so the question has not been broached.

Mr. Martinbianco said this might be a dangerous precedence to set.

Mr. Martinbianco referred to the Flint Journal article, "Fragmented water system would be drain on county". The article mentioned that several townships were thinking about building their own water system. He wanted to know if any nearby communities have expressed an interest in doing this.

The Mayor indicated that several surrounding communities have shown an interest in supplying their own water. When this issue came out in March, Bill Delaney of Grand Blanc Twp was very supportive.

Mr. Martinbianco asked for clarification on the contractual obligation that we have with the County until 2026 with respect to the waterloop.

Mr. Hamilton said our obligation is to make specific payments to the County until that time. The County sold bonds based on our contract to retire the bonds that they sold. We could fund our entire obligation of the bond contract. However, we are still obligated to buy water from the County until 2026. We have the right to utilize a percentage of the capacity of that line once it is paid for.

Discussion continued in reference to existing water contracts Burton has with the County.

In regards to Item #3, Mr. Cox asked for clarification on the revision of Ordinance 19, Section 5.29.

Mr. Hamilton said this deletion would eliminate the inconsistency between Ordinance 19 and the tower-licensing Ordinance 89.

In reference to Item #5, Mr. Cox wanted to know the bid process that was followed for the 1999 Crack Sealing Program. He would like to know if the bids were invitational or competitive. He will contact Mr. Major for more information on this issue.

COUNCIL ACTION:

Cox moved and Walls seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from July 28, 1999 thru August 11, 1999, in the amount of \$1,269.00.

Motion carried 5-0.

Cox moved and Walls seconded the following motion:

2. Approve and authorize the Attorney Billing (Richard Hamilton) from July 28, 1999 thru August 11, 1999 in the amount of \$2,311.50.

Motion carried 5-0.

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Cox moved and Martinbianco seconded the following motion:

3. Approve and authorize the setting of a 2nd Public Hearing for Zoning Case #246 on September 20, 1999, at

7:00 P.M. (City of Burton, Text Change, Delete Section 5.29 of Zoning Ordinance #19).
Motion carried 5-0.

Martinbianco moved and Centilli seconded the following motion:

4. Approve and authorize Council to change the date of the next Regular Council Meeting from Monday, September 6, 1999, at 7:30 P.M., to Tuesday, September 7, 1999 at 7:30 P.M., due to Labor Day.
- Motion carried 5-0.

Centilli moved and Martinbianco seconded the following motion:

5. Approve and authorize the acceptance of the low bid of Scodeller Construction, P.O. Box 448, South Lyon, MI 48178, in the amount of \$24,800.00, for the 1999 Overband Crack Sealing Program.
- Motion carried 5-0.

Cox moved and Centilli seconded the following motion:

6. Approve and authorize the Mayor and Clerk to enter into a contract with Scodeller Construction, P.O. Box 448, South Lyon, MI 48178, in the amount of Twenty Four Thousand, Eight Hundred Dollars and 00/100 (\$24,800.00), for the 1999 Overband Crack Sealing Program for Lippincott Blvd. (Belsay Road west to repave) and Maple Avenue (Vassar Road west to Belsay Road N), contingent upon the submittal and approval by the City Attorney of the required bonds and insurance documents.
- Motion carried 5-0.

Martinbianco moved and Walls seconded the following motion:

7. Approve and authorize the request from Nightingale Lanes & Lounge, Inc., to transfer ownership of 1999 Class C Licensed business with Dance-Entertainment Permit, located at 4403 Davison Rd., Burton, MI 48509, Genesee County, from 21st Century, LTD.
- Motion carried 5-0.

Meeting Adjourned at 9:45 P.M.

Gayle Webster
Burton City Clerk

GW/cml