

MINUTES OF THE SPECIAL CITY OF BURTON COUNCIL MEETING
HELD SEPTEMBER 25, 1978 AT 4303 SOUTH CENTER ROAD, BURTON,
GENESEE COUNTY, MICHIGAN

Meeting was called to order at 7:52 P.M. by Dombrowski, Council President.

COUNCIL MEMBERS PRESENT: Dombrowski, Paris, Card, Kita, Dallas, Mikulich

COUNCIL MEMBERS ABSENT: Mann

OTHERS PRESENT: D. Lowthian, City Assessor; J. Rabine, Director of DPW; J. Major, Assistant Director of DPW; R. Maike, Civil Engineering Technician; M. Martinson, City Clerk.

PURPOSE OF THE MEETING:

Public Hearing for P-78-1 Beechwood Estates #1, Sycamore North, Sycamore South, Sycamore Circle - Paving.

PRESENTATION: Mr. Rabine

The residents of this area filed petitions for a paving program and the Assessor certified 66% valid signatures. On March 20, 1978, the special assessment district was established. On May 8, we held a First Public Hearing, estimates were given, and were accepted. We accepted bids for this project August 30, 1978. We hope to begin construction this year but if we delay until early next year we may get it done cheaper as the contractors are extremely busy right now. After the completion of the project, we can post no parking signs on the same side of the street as the mailboxes. There will be complete restoration of the area. Inspection will be done by our own full time City Inspectors, or others under our supervision. Prior to construction, we will send out flyers with names and phone numbers of those working on the project so that you may contact them re/any problems. The project will commence as soon as the bonds and insurances are in. The cost of the entire project is \$270,000.00, but the City will pay 25% of your construction costs (about \$55,000.00.) The method of assessment we use is the average lot method. The costs per unit were \$3,500.00, but are now \$4,198.00 which is 19% higher than our estimates. We checked with the County Road Commission and their projects were with ours. Their costs are \$47.00 per running foot and ours is \$43.00, but they use 9" asphalt and we use only 7". You can pay cash without interest up to July 1, 1979, or you can pay once a year for 15 years with interest of about 6-6½%.

AUDIENCE PARTICIPATION:

George Darrah, owner of Lot #14, Q-2128-18. He has a vacant lot, but asked how he could get to his property once the street is in?
Mr. Rabine explained that if he knew where he wanted his driveway, we would do the approach for you.
Mr. Darrah asked if he could get back with the City on this before the project has begun?
Mr. Major stated that his assessment cost includes a driveway approach, so no problem.
Mr. H. Mayhack, 2211 N. Sycamore, asked how much the City is going to pay? His calculations, with City's contribution shows \$3,235.00 per unit. He asked why the difference?
Mr. Rabine explained that the City pays 25% of construction costs only, and the residents pay 75% plus bond costs, contingencies, Engineering fees, legal and financial costs, etc.

Councilman Dombrowski explained that the contingency fund is for problems unforeseen. If all the money is not used, you will receive a refund. You pay only the exact cost of the project

Dick Shurter, 2174 N. Sycamore asked if the latest cost which they received in the mail, is the final cost?
Mr. Rabine explained that the costs which they received earlier were our best estimate. Their costs now are quite accurate. We do not expect an overrun. The cost you have is based on the actual bids by the contractor. You will be charged the exact amount only.

Mr. Shurter stated that where he works, their estimates are nowhere near their actual costs.

Mrs. Radke, 5418 S. Sycamore asked if they all pay the same according to their lot size?

Mr. Lowthian explained the average lot method, and stated that method is the most fair and equitable of all methods. The burden of the larger lots is spread throughout the district. This method is used by the County Road Commission also.

Mr. Walt Bresnahan, 5372 N. Sycamore stated that his ditch has not been adequate since the sewers were put in. He asked if we will do something about this?
Mr. Rabine said that the ditches will be redone.

Mrs. Compton, 5478 N. Sycamore asked if we are going to close off the street?
Mr. Rabine stated that they will be able to park in the area most of the time. The street may be closed for $\frac{1}{2}$ day as the asphalt is being poured.
Mrs. Compton asked when construction will begin?
Mr. Rabine said he hoped they would begin soon. They hope to have at least the roads and driveways in before winter. They may have to do restoration in the spring.

COUNCIL DISCUSSION:

None.

HEARING WAS DECLARED CLOSED:

RESOLUTION #5:

Resolution that the Council desires to proceed with the making of said improvements and the confirming of special assessment roll Re P-78-1 Beechwood Estates #1 and said costs of special assessed against the lands within the respective districts.

BOND RESOLUTION:

Resolution authorizing City Clerk to instruct Bond Attorney to advertise for the sale of special assessment bonds for: P-78-1 Beechwood Estates #1

NOTICE OF INTEREST RESOLUTION:

Resolution instruction City Clerk to publish Notice of Intent to issue special assessment bonds for: P-78-1 Beechwood Estates #1.

CONSTRUCTION CONTRACT, AWARDING:

RESOLUTION: (Project cost including City contribution of \$55,007.40:25%)

Resolution authorizing and approving the Mayor and Clerk to enter into a contract with: Ace Asphalt Paving Company, Inc., 2184 E. Coldwater Road, Flint Michigan 48505 in the construction amount of \$220,031.40 with a project cost of \$270,007.40, contingent upon the City Attorney's review and issuance of the Mandatory Bonds and Insurance Documents by the contractor.

Moved by Mikulich, supported by Card to approve the above Resolutions as printed.
Motion carried 6-0.

ADJOURNED: Time 8:25 P.M.

Submitted by,

Mollie L. Martinson
Burton City Clerk.

MIM/jmc

MINUTES OF THE SPECIAL CITY OF BURTON COUNCIL MEETING
HELD SEPTEMBER 25, 1978 AT 4303 SOUTH CENTER ROAD, BURTON
GENESEE COUNTY, MICHIGAN

Meeting was called to order at 7:02 P.M. by Dombrowski, Council President.

COUNCIL MEMBERS PRESENT: Dombrowski, Paris, Card, Kita, Dallas, Mikulich

COUNCIL MEMBERS ABSENT: Mann

OTHERS PRESENT: Rabine, Director of DPW; J. Major, Assistant Director of DPW; Martz, Zoning Technician; Martinson, City Clerk.

PURPOSE OF THE MEETING:

Discussion and possible action re/purchasing of right of way easement for Section 3 watermain, and approval of tax roll and setting date for Second Public Hearing for Section 3.

PRESENTATION: Mr. Rabine

The DPW has found Kearsley High School Auditorium available for October 23, 1978 at 7:30 P.M. for the Second Public Hearing for Section 3 watermain. We recommend adjournment until Tuesday October 24, 1978 at 7:30 P.M., to City Hall, in accordance with the City Charter, for necessary action by Council.

We have offered the owners of the property at the corner of Davison Road and Center Road \$1.00 per parcel watermain easements. This offer was refused by Mr. Harrison and Mr. Hecker. They submitted to us their offer for right-of-way easements, the total cost for all parcels is \$15,000.00. The first Resolution, the Administration recommends denial. The second Resolution is our counter offer which we feel is a fair offer for easements, and they will still have their full rights to their property. If they reject our offer, we are prepared to go to the City Attorney and commence a condemnation procedure.

Re/Q-60-17, we could move the watermain and construction adjacent to his property, but it would mean a lot of additional work however. Re/permanent easements, the DPW recommends that we offer half of the amounts listed by the Assessor.

DISCUSSION:

Councilman Dallas asked if the property owned by Robert Hecker is commercial? Mr. Major said that it is commercial although it has residential uses. Councilman Dallas asked if Mr. Hecker and Mr. Harrison had been contacted re/our updated proposals?

Mr. Rabine stated that we can not legally make them an offer without Council approval. We did attempt to contact both of them re/the meeting tonight.

Councilman Card asked why he was asking \$15,000.00?

Mr. Major said that that would be his combined water assessments for that property. Councilman Card asked if the \$15,000.00 would be spread through out the district?

Mr. Major said that it would not affect the individuals within that district. It would be a part of the contingency fund.

Councilman Card asked how long would the condemnation procedure take?

Mr. Rabine said that we could expect a decision within four weeks. We need a title search and we have started that already. It would be no more than 2 weeks in Court. We appointed an appraisor to give us a fair appraisal. United Cleaners is within 10 foot of the easement. Storms and sewers both duck around him. There is not enough room coming down Davison Road and we need to be 42 feet from the center line of the road.

Councilman Card asked if we were part of the water loop, would this still be a problem?

Mr. Rabine said yes. If we came down the other side of the road, we would have the problem of crossing the road.

Councilman Kita asked where he is getting water from now?

Mr. Rabine said from several wells.

Councilman Kita asked if construction would interfere with his parking?

Mr. Rabine said no.

Councilman Dombrowski asked if Mr. Harrison owned all this property, including parcels listed re/Mr. Hecker?

Mr. Rabine said he was not sure and that is why we are doing a title search.

The amount specified by the Assessor, we recommend 1/2 that amount or about \$4,800.00. If his property goes to condemnation, we may have to pay him what we offer. Mr. Rabine said Administration does not recommend we offer the full market value.

AUDIENCE PARTICIPATION:

None.

RESOLUTION:

Moved by Paris, supported by Dallas to approve and authorize Standard Resolution #4 for W-77-1 Section 3 Calvert Park:

- (a) Accept Assessment Roll and file in the office of the City Clerk.
- (b) Set Second Public Hearing for Monday, October 23, 1978 at 7:30 P.M. at Kearsley High School Auditorium.
- (c) Order City Clerk and/or DPW/Engineering Division to publish notices in a local newspaper and notify the taxpayers within the District as per City Ordinance #12, Section 10.
- (d) Set a Special Meeting for Tuesday, October 24, 1978 at City Hall, Council Chambers, to consider action as deemed necessary.

Councilman Card stated that he would not make the Tuesday Meeting (October 24, 1978). Mr. Major stated that we would need only 5 votes by Council. Motion carried 6-0.

RE/PURCHASING OF EASEMENTS FOR SECTION 3:

Councilman Card recommended we give him \$1.00 like we have done the others in the past. He asked if we had ever paid more than \$1.00?

Mr. Major said back in Township days, but not while a City, have they paid more than \$1.00?

Councilman Dallas recommended we delete "in good faith."

Mr. Rabine said no problem.

Councilman Kita said if we pay what they are asking we will be setting a precedent for others in the similar situation.

Mr. Rabine stated that any property owner has this right. All others have donated the right-of-way easements for \$1.00.

RESOLUTIONS:

1. Moved by Dallas, supported by Card to deny accepting the option prepared by Herbert Harrison, 4001 Davison Road, date June 5, 1978 for watermain easements on Q parcel's number: Q-60-14; Q-60-15; Q-60-17; Q-60-18; Q-60-20; Q-60-21; Q-61; Q-60-24; Q-60-25 and Q-60-26. This option is for Section 3 special assessment watermain construction and is of an amount of \$15,000.00 which is to be charged against the special assessment district.
Motion carried 6-0.

2. Moved by Mikulich, supported by Dallas to authorize the Administration to make a final offer for construction and permanent easements to the owners of record of the following Q-parcels:

<u>Parcel No:</u>	<u>Type of Easement</u>	<u>Value</u>	<u>Easement Acq. Value</u>
Q-60-14	Construction	\$ 1.00	\$ 1.00
Q-60-15	Construction	1.00	1.00
Q-60-17	Permanent	3,970.00	1,985.00
Q-60-17	Permanent	3,765.00	1,882.50
Q-60-18	Permanent	340.00	170.00
Q-60-20	Permanent	115.00	57.50
Q-60-21	Permanent	115.00	57.50
Q-61	Permanent	<u>1,080.00</u>	<u>540.00</u>
		\$9,387.00	\$4,644.50
Q-60-24	Permanent	\$ 115.00	\$ 57.50
Q-60-25	Permanent	115.00	57.50
Q-60-26	Permanent	<u>160.00</u>	<u>80.00</u>
		\$ 390.00	\$ 195.00

ROLL CALL VOTE: Card, no; Paris, yes; Kita, no; Dombrowski, yes; Dallas, yes; Mikulich, yes. Motion carried 4-2.

ADJOURNMENT: Time 7:40 P.M.

Submitted by,

Mollye L. Martinson
Burton City Clerk

MIM/jmc