

CITY OF BURTON
SPECIAL COUNCIL MEETING MINUTES
SEPTEMBER 15, 2003, 6:00 P.M., COUNCIL CHAMBERS

THE SPECIAL MEETING IS CALLED TO ORDER BY COUNCIL PRESIDENT LARRY BRAWNER AT 6:00 P.M.

MEMBERS PRESENT: Brawner, Cross, Bement, Tinnin, Centilli, Wells, Martinbianco

MEMBERS ABSENT: None

OTHERS PRESENT: R. LaDuke, DPW Director, C. Abbey, Administrative Assistant,
J. Adams, Clerk's Office

PURPOSE OF THE MEETING: Discussion and possible action to establish the criteria and assistance for the Paving of the unique streets in the City of Burton.

PRESENTATION:

Mr. LaDuke said this is an issue he thinks is important to the City of Burton and also in how we do it. It sends a message throughout our community how we do these things. I don't think my position has changed and I still believe there is a need especially as I prepare to grade and chloride before winter, that we need to pave all the streets. He looked again and unique streets that come to mind are Alcott, Potter, Sitka, and along Thread Creek. Glengary, Ogema, and Red Arrow are unique only in the fact it is so flat there is no storm sewer. So prior to paving we would either have to assess a storm sewer like we did at Pratt and Wagner, and we ended up doing it jointly. But that is unique just because of no drainage in that particular part of town and it abuts Flint, and there is just nothing there to tie into. There is also old Genesee Road.

Mr. LaDuke expressed we are talking about supplementing these paving projects and how we justify doing it. My Original letter requesting this, I did justify in part doing it. Some of my reasoning, we were doing something out of the norm by assessing people without a petition. In my own mind I justified that by doing that, it was not the traditional petition that people brought into us with 50% signatures. We as a city imposing our will on those people without really much representation. I justified that was one of the reasons where we could supplement, and then if we did them all, there would be no reason after a year or two to grade or chloride gravel roads. If we do these number of miles it would even free up our ditching crew because they are all new ditches.

In summary, Mr. LaDuke said he came to Council and there are so many unanswered questions and concerns. It is a difficult situation, and we knew going in it was difficult. What we talk about tonight and what you decide is really what you think is best and fairest for the community as a whole. I am supportive of paving and I think we have to be cautious on what we do to set a standard if we are not going to go 100% city-wide, I think it is tougher to justify it. That is where I am concerned about supplementing these projects and try to justify to the people why I am not supplementing theirs to a certain extent.

AUDIENCE PARTICIPATION:

Jane Nimcheski, 2429 N. Genesee Rd., Burton, MI, said at the last meeting concerning this, they were told to go get petitions and get them signed because the money was limited. She got a petition for old Genesee Rd. and the assessment was \$11,689. They have 9 taxpayers on this list but one person they cannot assess because he would not benefit at all from the paving because he is on the main road. So that leaves us with 8, and if you take that assessment and split it, that is going to leave an assessment of over \$13,000 for every person on that road. No one will sign \$13,000 assessment for a road paving. The other side of the road is vacant and probably owned by the County Road Commission. Hopefully, we could get them to contribute some, but they are not going to contribute for the whole side of that road. Mrs. Nimcheski asked what can be done, they need the road paved. If we are not going to pave it, we need to have gravel and things on the road to bring it up to where it should be.

Mr. Brawner said his information shows 8 lots with a project cost estimated at \$86,000, a cost of \$10,000 per person.

Nimcheski said she is going by what they said one unit cost would be. An amount of \$11,689 is on the petition.

Mr. LaDuke said it was based on a number of projects with a smaller bond issue. This petition we prepared for that street was a stand alone project. A stand alone incurs all the cost for the bonds, increasing that cost. The costs are higher for a single bond issue and because it is a smaller project. When we were providing information originally, it was based on a large quantity amount and the individual unit prices would have been less. We adjusted those accordingly for the petition because it was a stand alone petition.

Mr. Brawner asked if the figures they have are based on one large project.

Mr. LaDuke responded yes.

Mrs. Nimcheski re-iterated she does not know how they can assess the person at the northern end of the road because his driveway comes right out to the main road. I know in the past there has been projects for unique situations the city has helped with those projects.

Larry Petrella, 1081 Howe Rd., Burton, MI, asked how many petitions was pulled from the last meeting they had on the roads.

Mr. LaDuke said old Genesee Rd. was pulled. We had requests for Kosta, Amy, and we also received a letter from the residents on Potter off of Covert. A lady went to neighbors on Genesee Rd. and they agreed to pay a share of that cost too. We stopped preparing petitions once this meeting was set because we don't know what the resolution will be. We have only that one petition out now, but there are a request for three others.

Jerry Thomas, 4057 S. Belsay Rd., Burton, MI, said he owns frontage on Sitka Street that is not buildable. A petition was taken out several years ago. People that approved the paving found out I did not have to pay it according to this Board because it was not buildable property, I received no benefits. My grandfather built the road on his farm and paid for the road. There was an argument as you well know, the road was moved over a foot. I want to know what the standings are on non-buildable property. I asked the Assessor's office whether the old school property has been divided as buildable property or is it non-taxable.

Mr. Brawner said Sitka has been discussed as one of the unique streets.

Mr. LaDuke said Sitka is unique, it has that one foot strip and it did have school property in the past. They don't have to be in a non-taxable. Bendle and Atherton Schools have both participated in special assessments. Atherton School has those 4 lots for sale, and they will be taxable properties. We already have a bid on those lots.

Mr. LaDuke stated further, we are in a position now with that spike strip that we need to have attorneys take a look at to see if that strip means nothing to no one other than it has been an old feud from years back. We need to get rid of that and make that property viable. If the church owns the field then they would be assessed. If we could either purchase that strip from the owner for a minimal fee or we need to go through the other process to get that foot strip.

Mr. Thomas asked what the other process would be.

Mr. LaDuke replied, condemnation. It has caused a problem with that paving for years and it stopped paving on it. I think it is time to open it up and assess the people if they choose to.

Mr. Thomas said he is tired of hearing the wording spite feud. My grandfather was a businessman and built that road. The neighbor decided he would use almost $\frac{1}{4}$ of a mile and not pay a dime. It was not a spite feud, my grandfather was a businessman and moved the road over 1 foot. He built Nelson Ct., Dallas, Eastgate, and Sitka. He had no feud with anyone, it was his property. He built a road called Sitka on his property. It was the proper width and there is no reason to even talk condemnation. It is my property I pay the taxes on religiously twice a year.

COUNCIL DISCUSSION:

Mr. Martinbianco said Mr. Thomas made a valid issue regarding properties that are owned by the Atherton School District and their taxability. In the event we do something with Sitka Street, assuming we can come to some agreement with Mr. Thomas about those lots being divided at this point in time. At this point, while Atherton School has contributed in the past due to financial obligations otherwise, they may not be able to participate in that same vein now. At what point might they be assessable and if there is interest in those lots by outside individuals, how long does it take to convey those lots.

Mr. LaDuke responded, he would hope for the Atherton community those lots sell within the next month, and then they are taxable pieces of property. We have them up for sale and we have a good need for the money for those lots. Our goal is to sell them as quickly as possible. We have already had them appraised and declared an excess property by the school district which is required. We already have a resident with a purchase agreement.

Mr. Martinbianco inquired regarding timelines.

Mr. LaDuke replied, within 60 days we could have it sold and it would be taxable lots. This process here of special assessing Sitka will take a lot longer than 60 days.

Mr. Centilli asked Mr. Thomas if the property is in his name and he has the deed and title to it. Mr. Centilli also asked if he would sell it for reasonable price.

Mr. Thomas stated there is no sale on the property.

Mr. Martinbianco reviewed Mr. LaDuke's memorandum dated September 2nd at length. Mr. Martinbianco stated even with unique streets, he has a hard time justifying going back to some of the folks that in the past paid a strong assessment. The past City policy has been we are not going to take any disclaimer or allow any credit for the prior road condition, or for the fact we have to chloride or put gravel on their street. It was always said we are going to build a class-A street and do it very affordably, we are not going to supplement anybody else, and we are going to put as many as those projects together as we possibly can, and at one we consider to be affordable rates. I have to believe when we did those and made those decisions as a Council, both past and present, we did with a very open mind and legitimately so. I struggle with being able to tell the person that did pay, to pave Eastgate, Lapeer Heights, or Mandeville, why we should augment someone else's paving with what we are doing today. When the same set of parameters such as gravel and chloride are being used in the calculation today, and we didn't take them into account before.

Mr. Martinbianco stated further, Mrs. Nimcheski raises a valid argument about Calvert Park using old Genesee as an outlet or inlet. My recommendation would be to re-consider a City-wide program or revert back to the petition process and let each small district pay the entire cost. The City Council may choose to wait till after the first of the year to re-visit this issue. We have wrestled with this for a long time and looked at a lot of options. Mr. Martinbianco addressed concerns of setting a precedence, ACT 51, and other future issues with Local & Major Streets.

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Mr. Brawner said Mr. Martinbianco brought up some real valid points. Concerning Mrs. Nimcheski's road, it would cost \$60,000 for the City to do two tenths of a mile of road. What kind of precedence does it set for the next persons that comes in. I am concerned too especially when we are not sure of where our ACT 51 money is.

Brief discussion followed concerning Potter Rd. and Calvert Park.

Mrs. Tinnin inquired regarding the number of residents on Amy Street that are interested in paving their street.

Mr. LaDuke said Mrs. Hodack is the person he spoke to, and she has two other neighbors. I don't know if it is over 50%. I put it on hold until we came up with a decision. I won't put the time into petitions just based on single because the cost on some of these streets is astronomical.

Mrs. Tinnin said she agrees with a lot of what Mr. Martinbianco stated. It is hard to assist some and we have others that come before us in the future and want the same assistance.

Mr. Martinbianco said we have special situation streets, and then we have all the other blocks of streets we have a desire as a city to get paved. Mr. Martinbianco referred again to Mr. LaDuke's memo.

Mr. Cross asked if CD funding can be used on streets in a designated area.

Mr. LaDuke replied yes, those dollars can be used for that if the Council chooses to. In the past it was divided between the water, parks and roads.

Mr. Cross inquired regarding Cashin Street.

Mr. LaDuke responded, it was unique in that it was quasi-paved 15 years ago, and over the years it deteriorated to the point that a decision had to be made to have it go back to gravel or pave it. It was recommended by DPW at that time to pave it because it was a paved surface. We did this as a maintenance project similar to Lapeer Heights, Seely Sub., Friel St., Jolson and Ready.

Mr. Cross asked how many streets are left on the other side of Dort Hwy. that could use CD funding.

Mr. LaDuke said he did not know off hand, but he could get that information

Mr. Wells asked for clarification if the County owns property on Genesee Road

Mr. LaDuke said it was his understanding the County still owns that property because it was a parcel with a Q number. It was not a right-of-way per say, that we took over when we took Genesee. It is unbuildable because of what it is, so it is really non-accessible. Just like Mr. Thomas' one foot strip is non-accessible. One of the requirements for assessment is it has to be buildable. From time to time we have unique lots in subdivisions that are either in wetlands, low areas or utilities going through the middle. There is one on Alcott that was determined years ago that because the storm sewer goes directly through the middle, that the 100 ft. lot is really unbuildable because there is no place to put a house. That is not considered to be a buildable lot and it was not figured on the assessment. My calculation show 8 properties, the petition Mrs. Nimcheski has 9, but in my notes I looked at 8 potential assessments.

Mr. Wells asked if For-Mar paid for any assessments.

Mr. LaDuke stated to his understanding, they participated with Eastmoreland because it benefited them in the fact they could still use that sledding hill. We would approach them if they would, but if you look at the County's budget like others, if it is something they have to do legally, I am sure they would participate. If it is something they do because it is a good neighbor type of thing, I don't know if the dollars are there and they would do that.

Mr. Wells stated he believes the City should pay its fair share on these unique streets. This paving project helps the City of Burton and it will ultimately help the taxpayers. On the unique streets, the city should pay a one to one match for those houses in that neighborhood, get our best cost, check out the Alcott situation, check out the County road property and see what they do.

Mr. Martinbianco said most everyone that moved on unique streets knew the condition when they moved there. I don't agree with a 50-50 match, and it will not come out of my vote. Part of the problem with that philosophy is you still have other local streets that are still under bond and we still have to maintain and we have to do those first. You still have a large major street program that we are in our infancy stages on that we really have to get a handle on. To decide to spend at large \$60,000, \$70,000, \$150,00 and maybe upwards of \$250,000 just in the initial stages of taking care of a 50-50 match on those unique streets, to me really puts the budget out of sync. Even doing a 5 year analysis on what ACT 51 dollars will give us and not knowing what the State will do, but given the same perimeters, I don't see it as the way to go.

Mr. LaDuke said with the latest upgraded and revised list in August, you are probably talking about a \$300,000 bill. If you split old Genesee Rd. and it was a \$80,000 project and there is 8 lots, \$10,000 a piece and you are going to split that 50-50, you have a \$40,000 cost on that one. Alcott is a \$90,000 project. It adds up, there are different options. There is about \$600,000 in Local Streets Fund Equity.

Discussion continued regarding clarifying unique streets, costs, further research by Mr. LaDuke, and continued discussions.

Meeting adjourned at 7:16 p.m.

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