CITY OF BURTON
SPECIAL COUNCIL MEETING MINUTES
MARCH 7, 2007, 7:00 P.M., COUNCIL CHAMBERS
www.burtonmi.us

Councilwoman Laurie Tinnin led the Invocation and Pledge of Allegiance.

The Regular Meeting was called to order by President Gary Isham at 7:00 P.M.

MEMBERS PRESENT: Cross, Isham, LaDuke, Major, Tinnin and Wells.

MEMBERS ABSENT: Conley.

OTHERS PRESENT: D. Heidenberger, Assessor; G. Kray, Deputy DPW Director;
J. Johnson, Senior Center Director and G. Webster, City Clerk.

A moment of silence was held in memory of our former Mayor, George Thomas.

Wells moved and Tinnin seconded the following motion:

Approve and authorize the minutes of the following meeting: Regular Council Meeting on February 19, 2007 at 7:00 p.m. Motion carried 6-0.

ADMINISTRATIVE REPORT:

Mr. Isham referred to the Mayor's written Administrative Report. He indicated that Mrs. Heidenberger was the Administrative Representative for tonight's meeting.

COMMITTEE REPORTS:

Mr. Wells planned to meet with Mr. Austin in reference to a City Charter review. He will set a legislative meeting at a later date to address this issue.

AUDIENCE PARTICIPATION:

Angel Young, 2219 Champion Dr., opposed HUD help for Burton Estates Subdivision. She was concerned that this would have a negative impact on the property value of their homes.

Warren Nimcheski, 2429 N. Genesee Rd., spoke regarding numerous streetlights that needed to be repaired. He opposed the addition of a streetlight on Dortch Drive.

Pauline Dargel, 6119 Hugh St., spoke in reference to budget expenditures, the sanitary sewers on Bristol Rd. and the watermain on Saginaw St.

John Stapish, P.O. Box 190134, spoke regarding oversight and administrative fees on the Bristol Rd sanitary sewer project.

COUNCIL DISCUSSION:

In reply to Ms. Young comments, Mr. Cross said the resolution supporting the County Home Dollar project was send to the County for review. They will make the final decision on this issue. He suggested residents contact their County Commissioner Jamie Curtis.

Mr. Cross requested that a flexible microphone be placed on the podium. Mr. Kray will look into this issue.

Mr. Cross wanted a status report on the picture gallery. Mr. Major said he wasn't working on the project and did not any have information.

A discussion was held in reference to the Genesee County Home Dollar project. The developer said this program would provide homebuyers assistant with their down payment, as they attempt to mortgage a home. The homes would be similar to others in the subdivision. The County will make the final decision on this issue. The residents should have been informed before this issue was addressed.

A discussion was held in reference to the Dortch Drive streetlight. Consumers designed the placement of the streetlights. However, there was still a need for an additional light. The City has a pump station at the end of that street and there is a creek with a cul-de-sac that needs to be lit.

Mrs. Tinnin moved and Mr. Cross seconded the motion to add to the agenda as Item 10: Approve and authorize Marquerite Scott, 2378 Harmony Dr., Burton, Mi. 48509 to serve on the Zoning Board of Appeals, term June 2007-2010. Motion carried 6-0.

Mr. Major moved and Mr. Cross seconded the motion to add to the agenda as Item 11: Approve and authorize the setting of a public hearing on April 2, 2007 at 6:30 p.m. for consideration of the application filed by Trialon Corporation. Motion carried 6-0. This meeting was previously canceled due to the death of Mr. Thomas.

Mr. Cross is working with the County to find out who owns the swale on Old Genesee Road. He would like to have that property turned over to the City. Instead of paving Old Genesee Road, he suggested the property be sectioned off to the neighboring properties and their driveways extended out to Genesee Rd. It would get rid of the swale and we would not have to worry about paving that section of Old Genesee Road.

Mr. Major said it would be in our best interest to have the County transfer ownership of the property before coming to the City. In addition, Mrs. Heidenberger said each one of those property descriptions should be surveyed before coming back to the City.

Mr. LaDuke moved and Mr. Major seconded the motion to add to the agenda as Item12: Approve and authorize the City of Burton to enter into an agreement with CHMP, Inc. at 5198 Territorial Road, Grand Blanc, MI 48439 for the purpose of providing Task I: Construction Plan

Review at and estimated cost of $2100.00, and if necessary Task II: Construction Plan Revisions at and estimated cost of $1800.00 for the Southeast Relief Sewer Project. This work will be performed at a price not to exceed $3900.00 to be paid from the Sanitary Sewer Unappropriated Surplus.

Discussion was held in reference to the Southeast Relief Sewer Project. This project is 95% completed. The survey and design layout are basically done. The job is ready for bid. The Council authorized this project in 2004. There is a need for the relief sewer because of our capacity issues.

Mrs. Tinnin was concerned because the funding of the project has not yet been determined. Unappropriated surplus dollars are being used for these projects and they are shelved for years. Then they have to be redesigned because nothing was done. She questioned why we would even expand the system if no one wanted to develop it.

Mr. Major said the capacity has to be available when banks and developers call to determine if they can build in that area. Right now they cannot build in that area.

Mr. LaDuke said with these types of projects we have to determine what is right for the City. He felt the Council has not done anything to promote these types of projects in1½ years. This will help move the City forward.

A vote was taken to add the Southeast Relief Sewer Project to the agenda. The motion carried 5-1, with Cross voting no.

Mr. Major moved and Mr.Cross seconded the motion to add to the agenda as Item 13: Approve and authorize Council to cancel the Special Council Meeting set for March 15, 2007 at 5:00 p.m. Motion carried 6-0.

Mr. Cross moved and Mr. LaDuke seconded the motion to add to the agenda as Item 14: Approve and authorize Council to set a Special Council Meeting for March 9, 2007 at 3:00-5:00 p.m. for the purpose of discussion and possible action regarding the agreement with Teamsters Local 214. Motion carried 6-0.

In reference to Item 3, Mrs. Tinnin said she left a message for Mr. Abbey. She wanted to know if we had approval from the Genesee County Drain Commission for these projects. She was concerned that we were using unappropriated sewer funds. In addition, she still wanted more information regarding these projects.

Mr. Major said this project had County approval. This is not a new subdivision street. This is an existing road that didn't have a sewer. This is near Howe Rd. west on Bristol Rd. We have an obligation based on the millage to finish existing roadways in the City. The sewer department indicated that this is one section on the list that needed to be completed.

Mr. LaDuke indicated that the Council received their packets almost a week ago. That was ample time to obtain information pertaining to the agenda. If you don't do your homework, you won't get answers to your questions. DPW provided him with additional information. It only takes a simple phone call. There is no excuse not to know the answers, if we do our homework. By doing the research, it helps Council make a better informed decision. This piece of property has paid their fair share of sewer taxes since 1966, like every parcel in the City of Burton. He felt DPW was recommending this project in the best interest of the City.

In reference to Item 4, Mr. Cross asked for clarification on the staking fee.

Mr. Kray explained that each project needed to be laid out and staked so the builder knows where to build. DPW has provided very specific costs details on this project.

Mr. Major moved and Mr. Wells seconded the following amendment to Item 4: Upon final audit by the City Controller any project funds unexpended shall be returned to the sanitary sewer Unappropriated Surplus Account and a copy of the final audit should be sent to Council. Motion carried 6-0.

Mr. LaDuke moved and Mr. Cross seconded the motion to: Table Items 5, 6 and 7 and send them to the Finance Committee. Motion carried 6-0.

In reference to Item 8, Mrs. Heidenberger clarified the Uniform Poverty Guidelines. There was a provision added giving consideration for extraordinary or unusual expenses.

In reference to Items 9A and 9B, Mrs. Johnson explained details relating to two County resolutions that needed to be approved before she could apply for the Senior Center 2007 Base Grant Program. This grant would provide $151,673.00 for the Burton Senior Center.

Mr. Major had concerns with the County resolutions. He felt there should be a shift of current funding, if the Burton Senior Center received grant funding. He would like more information regarding this issue.

In reference to the March 9th meeting, Council members suggested the Mayor make a presentation on the proposed Teamster contract and leave. This would allow the Council time to discuss the issue without the Administration being present.

In reference to the upcoming finance meeting, Mr. LaDuke said he is looking for a shared financial commitment from Fifth Third Bank before proceeding with the Saginaw St. Watermain Extension. He has asked the administration to look into this issue.

COUNCIL DISCUSSION ACTION:

Moved by Tinnin, Seconded by Cross to add to the agenda as Item 10: Approve and authorize Marquerite Scott, 2378 Harmony Dr., Burton, Mi. 48509 to serve on the Zoning Board of Appeals, term June 2007-2010. Motion carried 6-0.

Moved by Major, Seconded by Cross to add to the agenda as Item 11: Approve and authorize the setting of a public hearing on April 2, 2007 at 6:30 p.m. for consideration of the application filed by Trialon Corporation. Motion carried 6-0.

Moved by LaDuke, Seconded by Major to add to the agenda as Item12: Approve and authorize the City of Burton to enter into an agreement with CHMP, Inc. at 5198 Territorial Road, Grand Blanc, MI 48439 for the purpose of providing Task I: Construction Plan Review at and estimated cost of $2100.00, and if necessary Task II: Construction Plan Revisions at and estimated cost of $1800.00 for the Southeast Relief Sewer Project. This work will be performed at a price not to exceed $3900.00 to be paid from the Sanitary Sewer Unappropriated Surplus. Motion carried 5-1, with Cross voting no.

Moved by Major, Seconded by Cross to add to the agenda as Item 13: Approve and authorize Council to cancel the Special Council Meeting set for March 15, 2007 at 5:00 p.m. Motion carried 6-0.

Moved by Cross, Seconded by LaDuke to add to the agenda as Item 14: Approve and authorize Council to set a Special Council Meeting for March 9, 2007 at 3:00 p.m. for the purpose of discussion and possible action regarding the agreement with Teamsters Local 214. Motion carried 6-0.

Moved by Major, seconded by Mr. Wells to amend Item 4 adding the following languages: Upon final audit by the City Controller any project funds unexpended shall be returned to the sanitary sewer Unappropriated Surplus Account and a copy of the final audit should be sent to Council. Motion carried 6-0.

Moved by LaDuke, seconded by Cross to: Table Items 5, 6 and 7 and send them to the Finance Committee. Motion carried 6-0.

COUNCIL ACTION:

Cross moved and Tinnin seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from February 14, 2007 through February 22, 2007 in the amount of $5,772.00.

Motion carried 6-0.

Major moved and Wells seconded the following motion:

2. Approve and authorize the acceptance of the low bid of Zito Construction Co., 8033 Fenton Road, Grand Blanc, Michigan 48439, in the amount of $58,825.00 for the project known as: Bristol Road Sanitary Sewer Extension, Job #04-007-SS.

Motion carried 4-2, with Cross and Tinnin voting no.

Major moved and Wells seconded the following motion:

3. Approve and authorize the Mayor and Clerk to enter into a contract with Zito Construction Co., 8033 Fenton Road, Grand Blanc, Michigan 48439, in the amount of $58,825.00 for the Project known as Bristol Road Sanitary Sewer Extension, Job #04-007-SS, contingent upon the submittal and approved by the City Attorney of the required bonds and insurance documents.

Motion carried 5-1, with Tinnin voting no.

Major moved and Wells seconded the following motion:

Main motion as amended:

4. Approve and authorize the City Controller to transfer $71,766.50 from the 2006/07 Sewer Contingency Budget to DPW Job #04-007-SS, Bristol Road Sanitary Sewer Extension ($58,825.00 construction cost + 10% contingency $5,882.50 + 12% staking, inspection, testing and administration $7,059.00 = $71,766.50). Upon final audit by the City Controller any project funds unexpended shall be returned to the Sanitary Sewer Unappropriated Surplus Account and a copy of the final audit should be sent to Council.

Motion carried 5-1, with Tinnin voting no.

Tabled and sent to the Finance Committee.

5. Approve and authorize the acceptance of the low bid of Fick Excavating, 2500 S. Elms Rd., Swartz Creek, MI 48473, in the amount of $110,509.65 for the project known as: Saginaw Street / 5th 3rd Watermain Extension, Job #06-001-W.

Tabled and sent to the Finance Committee.

6. Approve and authorize the Mayor and Clerk to enter into a contract with Fick Excavating, 2500 S. Elms Rd., Swartz Creek, MI 48473, in the amount of $110,509.65 for the project known as: Saginaw Street / 5th 3rd Watermain Extension, Job #06-001-W, contingent upon the submittal and approval by the City Attorney of the required bonds and insurance documents.

Tabled and sent to the Finance Committee.

7. Approve and authorize the City Controller to transfer $134,821.77 from the 2006/07 Water Unappropriated Surplus Budget to DPW Job #06-001-W, Saginaw Street / 5th 3rd Watermain Extension ($110,509.65 construction cost + 10% contingency $11,050.96 + 12% staking, inspection, testing and administration $13,261.16 = $134,821.77).

Wells moved and Major seconded the following motion:

8. Approve and authorize the City of Burton Uniform Poverty Guidelines. These guidelines are pursuant to P.A. 390 of 1994, and as further amended by P.A. 620 of 2002.

Motion carried 6-0.

Tinnin moved and Cross seconded the following motion:

Items 9A and 9B were voted on together.

9A.Approve and authorize a County resolution committing local unit funding for the Burton

Senior Center.
Motion carried 6-0.

Tinnin moved and Cross seconded the following motion:

9B.Approve and authorize a County resolution approving submission of a Genesee County Senior
Center 2007 Base Grant Application for the Burton Senior Center.
Motion carried 6-0.

Cross moved and Wells seconded the following motion:

10. Approve and authorize Marquerite Scott, 2378 Harmony Dr., Burton, Mi. 48509 to serve on the Zoning Board of Appeals, term June 2007 until 2010.

Motion carried 6-0.

Cross moved and LaDuke seconded the following motion:

11. Approve and authorize the setting of a public hearing on April 2, 2007 at 6:30 p.m. for consideration of the application filed by Trialon Corporation.

Motion carried 6-0.

Major moved and Wells seconded the following motion:

12. Approve and authorize the City of Burton to enter into an agreement with CHMP, Inc. at 5198 Territorial Road, Grand Blanc, MI 48439 for the purpose of providing Task I: Construction Plan Review at and estimated cost of $2100.00, and if necessary Task II: Construction Plan Revisions at and estimated cost of $1800.00 for the Southeast Relief Sewer Project. This work will be performed at a price Not to Exceed $3900.00 to be paid from the Sanitary Sewer Unappropriated Surplus.

Motion carried 6-0.

Wells moved and Major seconded the following motion:

13. Approve and authorize Council to cancel the Special Council Meeting set for March 15, 2007 at 5:00 p.m.

Motion carried 6-0.

Wells moved and Cross seconded the following motion:

14. Approve and authorize Council to set a Special Council Meeting for March 9, 2007 at 3:00 p.m. for the purpose of discussion and possible action regarding the agreement with

Teamsters Local 214.
Motion carried 6-0.

MEETING ADJOURNED AT 9:00 P.M.

Gayle Webster, CMC
City Clerk