



**CITY OF BURTON**  
**BURTON CITY COUNCIL MEETING**  
**APRIL 5, 2021**  
**MINUTES**

**Council Chambers**

**Regular Meeting**

**7:00 PM**

**4303 S. CENTER ROAD**  
**BURTON, MI 48519**

**This meeting was opened by President Steven Heffner at 7:00 PM.**

**A. MEETING INFORMATION**

Burton City Council  
Hosted by Racheal Boggs

<https://cityofburton.my.webex.com/cityofburton.my/j.php?MTID=m314a7719936bd6320efb-ab82a7cecd28>

Monday, Apr 5, 2021 7:00 pm | 2 hours | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 182 003 6721

Password: BCC2021 (2222021 from phones and video systems)

Join by video system

Dial 1820036721@webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-415-655-0001 US Toll

Access code: 182 003 6721

**B. INVOCATION LED BY: TINA CONLEY**

**C. THE PLEDGE OF ALLEGIANCE IS LED BY: TINA CONLEY**

**D. ROLL CALL**

Council Members attending through the virtual forum must state their name and physical location for the record.

Mrs. Conley, Burton, MI

Mr. Martinbianco, Burton, MI

Mr. O'Keefe, Burton, MI

Mr. Heffner, Burton, MI

| Attendee Name    | Title          | Status  | Arrived |
|------------------|----------------|---------|---------|
| Tom Martinbianco | Councilman     | Remote  |         |
| Dennis O'Keefe   | Councilman     | Remote  |         |
| Steven Heffner   | President      | Remote  |         |
| Danny Wells      | Councilman     | Present |         |
| Vaughn Smith     | Councilman     | Present |         |
| Gregory Fenner   | Vice President | Present |         |
| Christina Conley | Councilwoman   | Remote  |         |

**E. STAFF PRESENT**

Duane Haskins, Mayor  
Racheal Boggs, City Clerk  
Brian Ross, Police Chief  
Kirk Wilkinson, Fire Chief  
Charles Abbey, DPW Director/HR  
Amanda Doyle, City Attorney  
Jodi Holbrook, Controller  
Mike Vogt, Assistant Fire Chief  
Steve Phillips, IT Director  
Ann Abbey, Assessor

## F. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Mar 15, 2021 7:00 PM

|                  |                                                              |
|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ACCEPTED [UNANIMOUS]</b>                                  |
| <b>MOVER:</b>    | Dennis O'Keefe, Councilman                                   |
| <b>SECONDER:</b> | Vaughn Smith, Councilman                                     |
| <b>AYES:</b>     | Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley |

2. City Council - Workshop - Mar 29, 2021 6:00 PM

|                  |                                                              |
|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ACCEPTED [UNANIMOUS]</b>                                  |
| <b>MOVER:</b>    | Dennis O'Keefe, Councilman                                   |
| <b>SECONDER:</b> | Vaughn Smith, Councilman                                     |
| <b>AYES:</b>     | Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley |

## G. ADMINISTRATIVE REPORTS

Mayor Haskins stated Attorney Leadford is here if the council chooses to go into closed session under section 8c of the Open Meetings Act for contract strategy and discussion on the Police Patrol MOU. I extended the Local State of Emergency. Virtual meetings allowed through the Open Meetings Act ended on March 31, 2021. I extended it so we will continue to be allowed to hold virtual meetings in the city for board members who are medically vulnerable. Regarding agenda item #7, the Police equipment being requested, the money came from reimbursement from CARES Act funding for hazardous first responder pay. This gives us the ability to do some things that we otherwise would not be able to do. One of the things is in-car cameras. Ours are out of date and no longer serviceable. There are two options, a lease for \$25,000 a year at 8% interest (\$22,000) or we can purchase them outright for roughly \$100,000. City Council and the residents in Burton have expressed concerns about speeding, stop signs and the amount of travel in local neighborhoods. We will also be able to purchase 3-4 speed signs that have cameras on them. They will also have data technology for license plate retrieval. The Police Chief came up with these ideas to spend the money and this will be an asset to the city. Parking lots, sidewalks and gasoline storage tank have been in the budget for a while. Police vehicles are for the detectives. The vehicles we have currently are outdated and have high miles. Also on the agenda, under First Reading of an Ordinance, you will see an option A and option B. The reason that is on there is to make the dates in alignment with the other Charter Five members. Also, these two administrators have not had an increase since 2009. To keep the continuity of addressing them all at the same time on December 31st. Also tonight, I am proud to present the 2021-22 proposed balanced budget. Those council members here in person tonight have received theirs. Mr. Smith has offered to deliver the budget to those of

you who are at home. It was a lot of hard work especially with a new Controller but, she did a great job. I am looking forward to working with you on the budget. Memorial Day events are progressing along well. Anyone wishing to volunteer or help out, we are happy to have them. We are slated to have probably the biggest firework show in Burton history. We have three platinum sponsors who stepped up to donate money. We are still getting parade participants. We are encouraging churches, schools or anyone who would like to be in the parade. The Police Chief and I have been talking a lot about community policing. COVID has stalled some of these ideas. We have been able to move forward with the Community And Resident Equality Services (CARES) Program. The Police will have door hangers with them and when they see something unusual such as an open car door, they will leave a door hanger on residents doors to let them know. The door hanger also provides safety tips to residents. Mr. Smith has given me proposed budget meeting dates. As of right now, those dates work for the administration.

1. Motion to go into closed session for negotiation strategy under the Open Meetings Act Section 8C.

Council went into closed session at 7:28 PM.

Council returned from closed session at 7:52 PM.

|                  |                                                              |
|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [UNANIMOUS]</b>                                   |
| <b>MOVER:</b>    | Vaughn Smith, Councilman                                     |
| <b>SECONDER:</b> | Tom Martinbianco, Councilman                                 |
| <b>AYES:</b>     | Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley |

## H. COMMITTEE REPORTS

Mayor Haskins stated two meetings ago, Mr. Abbey brought up the \$140,000 we are receiving from our marijuana business. If it is councils wish to have that money go into street preservation, as discussed, we would need council to make a motion to secure the funds because the contract expires tomorrow with the contractor we have hired to do that work.

Mr. Abbey stated the council indicated wanting to use the money toward local streets using a multitude of approaches. We have analyzed them, the money is in the building fund currently and would need to be transferred into local street preservation. We have a contract from last year and are one of the first ones on the docket with the contractor. We will get better pricing if we do it now. Once they get started, we may not get them back in this construction season. We need to give them the commitment.

Mr. Heffner asked if the exact amount is \$140,006.60.

Ms. Holbrook concurred.

Mr. Martinbianco asked where will we be spending it.

Mr. Abbey stated we were going to start in the south end off of Maple Road. Local streets take a little more than just a chip seal so we are going to fog seal them. The next area will be the Killarney Park neighborhood. They are still salvageable. Then, we will keep going on the worst ones until the money runs out. You will get the list before we do them.

Mr. Fenner stated we held a Legislative Meeting prior to the council meeting tonight. We discussed the salary of the Fire Chief. We were unable to come up with a consensus on a number so we voted to bring it to council for discussion. We do have some comparable

information however, I wasn't able to get with the administration in time to get full comparables, that was my fault.

1. Motion to add item # 8 to the agenda: Approve and authorize \$140,006.60 from marijuana money to be placed into road preservation GL# 2003-4063-818.2000.

Mr. Smith stated there is \$90,000 in there currently. Where did this come from?

Mr. Abbey stated we made it a priority last year to fund local streets and we tried to transfer money from other line items that were broke out such as chip seal. We eliminated some line items to streamline them and added the money to local streets.

Mr. Smith stated so when we add the \$140,000, that will give us \$230,000 for local streets, correct?

Mr. Abbey said, correct.

Mr. Wells asked if this will apply to ditching as well.

Mr. Abbey stated when you get your budget book you will see that we added a plan for ditching.

Mr. Martibianco asked if this will be going into this fiscal year or next fiscal year budget.

Mr. Abbey stated he believes the work will be done by July so, it should be in this years budget.

Further discussion ensued regarding road preservation and budget line items.

|                  |                                                              |
|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [UNANIMOUS]</b>                                   |
| <b>MOVER:</b>    | Vaughn Smith, Councilman                                     |
| <b>SECONDER:</b> | Danny Wells, Councilman                                      |
| <b>AYES:</b>     | Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley |

## I. AUDIENCE PARTICIPATION

Public comment may be sent to: [publiccomment@burtonmi.gov](mailto:publiccomment@burtonmi.gov). Comments received prior to the meeting will be read into the record.

The following comments were received by the Clerk's Office prior to the meeting and read into the record:

John Stapish of Burton expressed concerns regarding trees limbs and logs being left after demolition on the property at the Tom Burns building on Belsay Road.

Mr. Heffner stated Sweet After Thoughts, a new business opened December 23, 2020 in the old Jablonski's Bakery building. Owner Diana Rhines stated Sweet After Thoughts is more of a sweet shop than a bakery. We are excited to serve the people of Burton and look forward to many years of serving our faithful customers.

## J. COUNCIL DISCUSSION

Mr. Wells stated I have been to Sweet Afterthoughts and give it two thumbs up. The food is delicious.

Mrs. Conley stated last week, I had a couple residents ask about 1071 Forest Avenue, did anyone go by there and check it out? Also, 1057 Bristol Road needs to go on the demo list. It is an eyesore. There are port-a-johns laying around. Has the fence at Fire Station #1 gone out for bid yet? At the Legislative Meeting, we discussed Ordinance 30.03. A couple summers ago, we voted and I did not vote for the Fire Chief at that time because he did not live in Burton. If you are in the Charter Five, you should live in Burton and give back. I think the Fire Chief needs a raise. He has been with the city for 25 years, he works 24/7, he is at every city event and he has worked under all the other Fire Chiefs so he is well experienced. We did not get the comparables like we did the week before for the Clerk and Assessor. I want the council to discuss this. If you look at what everyone makes, the Fire Chief deserves a raise more than anybody. I would like everyone to give their input.

Mr. Martinbianco stated we had a long discussion at the Legislative Committee Meeting. The committee was charged with dealing with the Assessor and Clerk not the Fire Chief. If Mrs. Conley would like to bring this up at a later date, I don't have a problem with that. This was also expressed by the Legislative Committee Chairman and I think we need to take that into account and discuss this later on, maybe during or after the budget. The one thing we have to divorce ourselves on is that this is not about the individual, it is about the position. Mrs. Conley continues to focus on the individual. She has not brought forth anything of a material nature as far as comparables. I would eliminate this discussion this evening and focus on the ordinances that have already been brought forth.

Mrs. Conley stated I was looking online for average salaries in Michigan and it says the average salary for a Fire Chief is \$85,764 per year. I asked for back up at our last meeting and I didn't get it. I don't understand that. I looked it up on Google and it says Fenton gets \$83,231 and Fenton/Fenton Township is \$87,642. This isn't about our Fire Chief. I just feel that after getting the research I got, and comparing to the other Charter Five members, the Fire Chief deserves more. As far as the Clerk not getting a raise since 2009, that's not what Racheal didn't get paid, it was previous Clerks, as an example.

Mayor Haskins reminded everyone to mute and unmute themselves because of the back feed we are getting in Council Chambers.

Mr. O'Keefe stated I don't have a problem looking at this but I don't know what to look at. I respect Kirk but these decisions need to be made based on the position not the person. Unfortunately, in the past and you just brought it up, personalities got involved which is why the Clerk hasn't got a raise since 2009. I would be happy to look at this but I need the peer group analysis in Burton not how long someone has lived in Burton or they do a lot of community stuff. When we look at the other two readings tonight, I would encourage everyone to look at option B which states an amount determined by the mayor. These people are senior management, they are not in a union. Just because December 31st comes doesn't mean they are entitled to the raise. That should come from their boss, the Mayor. If they are not performing at the right level, he should be doing some counseling to get them there. It would be a travesty to just give someone a raise regardless of performance. I would be glad to look at the Fire Chief at a later date and perhaps the Treasurer too. These are the only two we haven't looked at. Again, this is not about the person. It is about the position.

Mrs. Conley stated what I will do is, if the Legislative Committee wants to meet again, I will go out to the cities and townships and get the information myself. I am not looking at the person, I am looking at the Fire Chief position.

Mr. Heffner stated my two cents is that the two go together. When you look at the position, you also have to look at the person that's filling the position. We have a wonderful Fire Chief right now. God forbid he get a job offer somewhere else that pays more money. The Legislative Committee should take this seriously and bring it back to council. Hopefully, the administration will get these numbers together that Mrs. Conley is requesting so they can have it on April 19th.

Mr. O'Keefe stated we need to add the Treasurer to that meeting as well.

Mr. Heffner said, I agree.

Mr. Abbey stated I don't have a problem with this but I want to make it clear, we did give Mr. Fenner a group of comparables around the county as well as state figures and averages for the Fire Chief. Mr. Fenner does have a packet for you and if we need more, we have more. To say that these two have not been addressed is not an accurate statement. Both the Fire Chief and Treasurer were given raises in 2019 when you gave the Police Chief a raise. The only two that were not addressed at all since 2009 were the Clerk and Assessor. Mr. Martinbianco's statement was that we had a part time Assessor and that when we had a full time Assessor, we would address it then. With the Clerk, the council had a different take on why that wasn't getting addressed.

Mr. Heffner stated we did not have a Clerk at that time.

Mr. Abbey stated that is correct. My point is, the other three did get addressed and received an increase. Read the ordinance. I am okay with what you decide to do, and if you want to re-address it. I just want you to be accurate.

Mr. Smith stated I had the opportunity to look over the comparables. Mr. Fenner shared them with me tonight. Did we just receive these tonight?

Mr. Fenner said, yes. I didn't ask for them in a timely manner. I asked on Friday and they were given to me today. Unfortunately, with Webex, I wasn't able to get this to my colleagues.

Mr. Smith stated we have the comparable information here and it is a lot of information. We didn't have time to look at it for tonight and there are too many questions. Some of these are full time, on-call and volunteer. These are questions I would be asking. Kirk is a wonderful Fire Chief. He is at \$70,000 now and December 31st, he will be at \$72,000. I ask that the Legislative Committee take this into account when discussing it. I request the Legislative Committee meet again to get a handle on this. If you do that, whatever you recommend, I will support.

Mrs. Conley stated I came to City Hall on Thursday and got my agenda. There was nothing on the agenda for the Legislative Meeting. I did my homework, getting wages and salaries on my own and all of a sudden, tonight, somebody has got the stuff? Why don't I have the stuff? Why wasn't it given in a packet before tonight like normal things that people ask for? It was not in my email, at all. I brought it to their attention and that's why it is there tonight.

Mayor Haskins stated I need to address this because it has been said numerous times and I believe it is being pointed in my direction. I would like to clarify this. First of all, I was at the last Legislative Meeting and the portion of that meeting that I heard was Mr. Martinbianco when he stated we are not willing to discuss this, we don't have comparables. During that time, I left Council Chambers to go to the outside door to let Councilman Smith in the building. If something changed in that meeting or if Mrs. Conley scheduled a meeting or

asked for comparables, I did not hear that. The Clerk notified me when she stayed after work to give Mrs. Conley her council packet. Mr. Fenner got a hold of me on Friday to request it. Wherever the breakdown is in communication, all anyone had to do was call me. You didn't even have to come in just call, text or email Mr. Abbey or myself. I apologize for the communication breakdown but no one ever came to me to request it. It is not the Clerk's job and you all know that. It was as simple as a phone call to me. If it was a miscommunication our end, I apologize. There was nothing intentional there. There does not have to be this breakdown in communication. Everything we have been doing between the administration and city council is progressing and moving this city forward. Why do we want to go back to the old days of bickering, fighting and arguing over simple things when all it takes is a phone call. We could have had this done and there wouldn't have been an issue. Why is this being made into something personal? Mrs. Conley said in the Legislative Meeting that because it was something she wanted, that's why you didn't get it. It has nothing to do with that. I wasn't aware of it. I am willing to work with each of you as much as possible on these things. I am all about giving raises, especially to my Charter Five. How am I supposed to do things if I am unaware of your intentions? Never once did anyone say to me that was the intention. It wasn't even discussed at the council meeting just following the Legislative Meeting. No one said anything about needing comparables for the Legislative Meeting. Nothing was brought up about the Fire Chief or anything else. We will get the comparables for the next Legislative Meeting, please just let me know when you schedule it. Let's just all try to work together and get through this. If you intend to include the Treasurer, let me know and we will have the stuff together for that as well.

Mr. Smith stated I have spoke to the Mayor and Mrs. Conley both about this and I don't see any intent to create ill-will or knowingly do something malicious. Sometimes there are breakdowns in communication. To me, the administration and council are working together better now than they ever have and one of my concerns is that I do not want to lose sight of that. We can agree to disagree. We have good workers here and we are trying to do what's right for the employees and also represent the residents. The Mayor did have to let me in the building that day and he did say he was missing part of the meeting. What he said happened. There was no ill-intent just a miscommunication. We have a good thing going right now. If the Legislative Committee meets again, they can come back to council with the types of Fire Chiefs these are and comparable cities as far as wealth. They will have time to do it and do it right. I don't want this to set us back.

Mr. O'Keefe stated I think we have discussed this enough. My suggestion is that we have a plan to have another Legislative Meeting so let's get the information out to everybody so we can move on.

Mr. Fenner stated I would like to schedule the next Legislative Meeting prior to the next council meeting at 6:00 PM on April 19th to discuss the Fire Chief. The administration is here and I am sure they will send out the information that they gave me for tonight. Again, I apologize for not getting with the administration sooner this time. I did call the Mayor on Friday and got the information on Monday. That is pretty quick. Unfortunately, it is not quick enough to get it to peoples houses when they are not physically at the meeting. Will the administration please email the information to the Legislative Committee as well as the other council members?

Mayor Haskins asked for clarification. Will it be just the Fire Chief or the Fire Chief and Treasurer?

Council agreed that they would like to discuss both positions.

Mayor Haskins stated we will get that information out to you. Thank you.

Mr. Martinbianco asked if Mr. Abbey is a union member?

Mr. Abbey said, yes, I am.

Mr. Martinbianco stated he has a problem with a union member negotiating on behalf of non-union people. I prefer not having a union member discussing these positions and on the behalf of the Mayor.

#### K. COUNCIL ACTION

1. Approve and authorize the payment of Attorney Billing (Doyle) 3/10/21 to 3/30/21 in the amount of \$4,859.00.

|                  |                                                              |
|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [UNANIMOUS]</b>                                   |
| <b>MOVER:</b>    | Dennis O'Keefe, Councilman                                   |
| <b>SECONDER:</b> | Vaughn Smith, Councilman                                     |
| <b>AYES:</b>     | Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley |

2. Approve and authorize the request for a Residential Sanitary Water & Sewer Installer's License for Greg Prose Excavating, LLC., 10615 Eagle Road, Davisburg, Michigan.

|                  |                                                              |
|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [UNANIMOUS]</b>                                   |
| <b>MOVER:</b>    | Danny Wells, Councilman                                      |
| <b>SECONDER:</b> | Christina Conley, Councilwoman                               |
| <b>AYES:</b>     | Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley |

3. Approve and authorize the Mayor and City Clerk to sign Resolution 2021-09 Local Government Approval for a request for a new liquor license by NCG Courtland, Inc., located at 4190 East Court Street, Suite 200, Burton, MI. 48509 and forward recommendation of approval to the Michigan Liquor Control Commission (MCL 436.1501).

Mr. Martibianco stated he went to LARA and there are three requests for two liquor licenses. I am not sure the theater is the proper venue for that.

Ms. Boggs stated she contacted LARA regarding this. They assured me that they will only allocate up to the maximum number of licenses allowed which for the city is 20 licenses. They allocate them on a first come basis so they asked me to provide to you with the dates of outstanding local approvals for the year. You will see that in a memo that is attached for your packet. Mr. Martinbianco you are correct. This will be the second and third licenses this year for two available licenses.

Mr. O'Keefe asked if the Police Chief has signed off on both of these.

Chief Ross stated my part of the process takes place after the information goes to LARA. They will send me their packet and ask me if I have issues with it. If there are issues at that time, we will explain why. Looking at these two, I don't know if there would be an issue.

Mr. O'Keefe stated this isn't a trick question. You are very close to what is going on. It is very important to me that from a police angle, there are no problems with it.

Chief Ross stated he does not see a problem with either one of these licenses.

|                  |                                                              |
|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [UNANIMOUS]</b>                                   |
| <b>MOVER:</b>    | Vaughn Smith, Councilman                                     |
| <b>SECONDER:</b> | Dennis O'Keefe, Councilman                                   |
| <b>AYES:</b>     | Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley |

4. Approve and authorize the Mayor and City Clerk to sign Resolution 2021-10 Local Government Approval for a request for a new liquor license by Drinks of Essence, Inc., located at G-4549 S. Saginaw Street, Burton, MI. 48529 and forward recommendation of approval to the Michigan Liquor Control Commission (MCL 436.1501).

Mr. Fenner stated, for Drinks of Essence, I know where this building is and the size of the building. What is their intention?

Ms. Boggs stated the applicant intends to provide bartending training and services.

Discussion ensued regarding the building and services provided.

Mr. Wells stated to be clear, we have two licenses available so the first two would be Brother's Brunch House on Davison Road and NCG Cinemas. The third one here, even if approved, would have to wait until another one opened up. Is that correct?

Ms. Boggs stated that is correct. I would like to point out that none of the licenses, including Brother's Brunch House that you approved in January, have been allocated by the state which means they have not turned in their application paperwork. So, if Brother's Brunch House changes their mind and never turns their paperwork in then these other two licenses could be allocated.

Discussion continued on the number of allowable and allocated licenses.

Mayor Haskins stated once council approves a liquor license it is up to the applicant to turn their paperwork in to the state. It is first come first served.

|                  |                                               |
|------------------|-----------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [5 TO 2]</b>                       |
| <b>MOVER:</b>    | Vaughn Smith, Councilman                      |
| <b>SECONDER:</b> | Tom Martinbianco, Councilman                  |
| <b>AYES:</b>     | Martinbianco, O'Keefe, Heffner, Smith, Conley |
| <b>NAYS:</b>     | Wells, Fenner                                 |

5. Approve and authorize the Mayor and Clerk to sign an amendment to the contract with Consumers Energy to correct low hanging traffic signals at the corner of Genesee Road and Lapeer Road at no additional cost to the city.

**RESULT:** CARRIED [UNANIMOUS]  
**MOVER:** Danny Wells, Councilman  
**SECONDER:** Christina Conley, Councilwoman  
**AYES:** Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley

6. Approve and authorize acceptance of the Memorandum of Understanding between the City of Burton and the Police Officers Labor Council - Burton Patrol Officers wage reopener.

**RESULT:** CARRIED [6 TO 1]  
**MOVER:** Gregory Fenner, Vice President  
**SECONDER:** Tom Martinbianco, Councilman  
**AYES:** Martinbianco, Heffner, Wells, Smith, Fenner, Conley  
**NAYS:** O'Keefe

7. Budget Amendment POL3 Approve and authorize the following 2020-2021 budget amendment: Increase 2007-2007-975.0002 Gasoline Storage Tank by \$5,000; Increase 2007-2007-975.0003 Parking Lot & Sidewalks by \$50,000; Increase 2007-2007-985.0000 Police Vehicles by \$100,000; Increase 2007-2007-984.0000 Equipment by \$227,000; Increase 2007-2007-934.0000 by \$24,500, Decreasing the 2007 Police Fund Balance by \$406,500.

**RESULT:** CARRIED [6 TO 1]  
**MOVER:** Dennis O'Keefe, Councilman  
**SECONDER:** Vaughn Smith, Councilman  
**AYES:** O'Keefe, Heffner, Wells, Smith, Fenner, Conley  
**NAYS:** Martinbianco

8. Approve and authorize \$140,006.60 from marijuana money to be placed into road preservation GL# 2003-4063-818.2000.

**RESULT:** CARRIED [UNANIMOUS]  
**MOVER:** Vaughn Smith, Councilman  
**SECONDER:** Danny Wells, Councilman  
**AYES:** Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley

#### L. FIRST READING OF ORDINANCE

1. 5043 : First reading of amended Ordinance 30.03 (A) with option B.

Mr. Martinbianco stated at Legislative Committee, there was no option (B). It was only option (A). I do not know where it came from.

Mr. Heffner stated the Mayor previously stated that he added option (B).

Mr. Martinbianco stated he cannot add that. We only discussed option (A). I would

like the Legislative Chair to weigh in on this.

Mr. Fenner stated I can only agree that option (A) was the only thing we decided. I understand the reason behind the Mayor adding the option. I also agree with Mr. O'Keefe.

Mr. Martinbianco stated the Mayor has no authority over the Legislative Committee. It is an ordinance and we said how it was going to be. The amount determined by the Mayor was removed. We could have left it in there and we chose not to.

Attorney Doyle stated the Legislative Committee is just a committee that gives recommendations. The Mayor has the authority to add to the agenda just like the Council President or any of you. There is nothing improper here.

Mr. O'Keefe stated I see the dates as a secondary situation. These people work at the will of the Mayor. They are not in a union or entitled to that money just because they are in that position. These are the Mayor's employees. This is why I would like to choose option (B).

Motion was made by Mr. O'Keefe and supported by Mr. Wells to approve option (B). Motion was made by Mrs. Conley and supported by Mr. Martinbianco to approve option (A).

Mr. Heffner stated this is what we are going to do, we will take a roll call vote and each council person will state either (A) or (B). Whichever gets the most votes will be the victor.

Mr. Martinbianco stated I will probably protest that.

Roll call results are as follows:

Mrs. Conley: A  
Mr. Martinbianco: A  
Mr. Wells: B  
Mr. O'Keefe: B  
Mr. Smith: B  
Mr. Fenner: B  
Mr. Heffner: A

Vote result: 3 votes for option (A), 4 votes for option (B).

|                  |                                                                   |
|------------------|-------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED TO SECOND READING [4 TO 3] Next: 4/19/2021 7:00 PM</b> |
| <b>MOVER:</b>    | Dennis O'Keefe, Councilman                                        |
| <b>SECONDER:</b> | Danny Wells, Councilman                                           |
| <b>AYES:</b>     | O'Keefe, Wells, Smith, Fenner                                     |
| <b>NAYS:</b>     | Martinbianco, Heffner, Conley                                     |

2. 5044 : First reading of amended Ordinance 30.03 (C) with option B.

Motion was made by Mr. O'keefe and supported by Mr. Wells to approve option (B).

Mr. Martibianco stated he would like to pass.

Mr. Heffner stated you cannot do that.

Attorney Doyle stated there is no reason for you to abstain.

Roll call results are as follows:

Mrs. Conley: A  
Mr. Martinbianco: B  
Mr. Wells: B  
Mr. O'Keefe: B  
Mr. Smith: B  
Mr. Fenner: B  
Mr. Heffner: A

Vote result: 2 votes for option (A), 5 votes for option (B).

Mrs. Conley would like an answer if the fence has gone out to bid yet?

Mr. Abbey stated the budget was our priority by law. We will get it done as soon as possible. Regarding your other questions, Bristol Road is well underway and will be on the next set of demos. We don't do demos individually because it is not cost effective. We have to wait until after the budget is approved because we need additional funding. All notifications have been given and they are moving forward.

Mrs. Conley stated if you want me to paint at the Fire Station, I will work with you. Regarding the Legislative Meeting, I would rather have seen it cancelled. Hopefully, this doesn't happen again and we can get it all straightened out.

Mr. Heffner stated on the corner of Lombarde and Lapeer, Consumers tore out part of the turn lane and replaced it with cold patch. They were supposed to fix it last year and it is still not fixed. Can you contact Consumers while they are in the area? Who cut the holes on Center Road South of Lippincott? One more spot on Belsay Road where we did the temporary asphalt in the southbound lane, there was a hole cut there that is settling.

Mr. Abbey stated we will put Consumers on notice. Center Road was probably Consumers as well. They have a new process that includes the temporary patch.

Mr. Wells asked about Burton Auto Glass. Is that scheduled for demolition?

Mayor Haskins stated Mr. Fenner asked me about this the other day. The owner that is responsible for that was medically incapacitated and was off the charts for a few months. About three weeks ago, I was told they are starting to move on it.

Mr. O'Keefe stated at the last budget, I think it was \$180,000 in demolitions. I added up this year and we are nowhere close. We need to check on it and destroy some houses. What is going on with the Code Enforcement Officer we approved last year?

Mr. Abbey stated if we post the position we will lose another operator from another position. I am going to come to you with a proposal. It isn't going to benefit us like you think it is. The courts are not open. It takes a long time to get through the process. We have many bigger needs than that.

Mr. Heffner stated the council said we want another Code Enforcer. We expect them to be hired. That is what those dollars were set aside for.

Discussion continued regarding the Code Enforcer position.

|                  |                                                                   |
|------------------|-------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED TO SECOND READING [5 TO 2] Next: 4/19/2021 7:00 PM</b> |
| <b>MOVER:</b>    | Dennis O'Keefe, Councilman                                        |
| <b>SECONDER:</b> | Danny Wells, Councilman                                           |
| <b>AYES:</b>     | Martinbianco, O'Keefe, Wells, Smith, Fenner                       |
| <b>NAYS:</b>     | Heffner, Conley                                                   |

Agendas and minutes may be found at [www.burtonmi.gov](http://www.burtonmi.gov)

Meeting was adjourned at 9:23 PM.

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**CITY OF BURTON**  
**BURTON CITY COUNCIL MEETING**  
**MARCH 15, 2021**  
**MINUTES**

**Council Chambers**

**Regular Meeting**

**7:00 PM**

**4303 S. CENTER ROAD**  
**BURTON, MI 48519**

**This meeting was opened by President Steven Heffner at 7:00 PM.**

**A. MEETING INFORMATION**

Burton City Council

Hosted by Racheal Boggs

<https://cityofburton.my.webex.com/cityofburton.my/j.php?MTID=m637587b269ee4feffd0fc58cc3ba96b2>

Monday, Mar 15, 2021 7:00 pm | 2 hours | (UTC-05:00) Eastern Time (US & Canada)

Meeting number: 182 048 6165

Password: BCC2021 (2222021 from phones and video systems)

Join by video system

Dial 1820486165@webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-415-655-0001 US Toll

Access code: 182 048 6165

**B. INVOCATION LED BY: STEVE HEFFNER**

**C. THE PLEDGE OF ALLEGIANCE IS LED BY: STEVE HEFFNER**

**D. ROLL CALL**

Mr. Heffner, Burton, MI

Mr. Martinbianco, Burton, MI

Mr. O'Keefe, Burton, MI

| Attendee Name    | Title          | Status  | Arrived |
|------------------|----------------|---------|---------|
| Tom Martinbianco | Councilman     | Remote  |         |
| Dennis O'Keefe   | Councilman     | Remote  |         |
| Steven Heffner   | President      | Remote  |         |
| Danny Wells      | Councilman     | Present | 7:07 PM |
| Vaughn Smith     | Councilman     | Present |         |
| Gregory Fenner   | Vice President | Present |         |
| Christina Conley | Councilwoman   | Present |         |

**E. STAFF PRESENT**

Duane Haskins, Mayor

Racheal Boggs, City Clerk

Brian Ross, Police Chief

Minutes Acceptance: Minutes of Mar 15, 2021 7:00 PM (APPROVAL OF MINUTES)

Kirk Wilkinson, Fire Chief  
 Charles Abbey, DPW Director/HR  
 Amber Abbey, Deputy DPW Director  
 Jean Johnson, Senior Center Director  
 Amanda Doyle, City Attorney  
 Mike Vogt, Assistant Fire Chief  
 Ann Abbey, Assessor  
 Steve Phillips, IT Director

Others Present:

Dan Russell, Genesee Health System CEO  
 David Lossing, Vanguard Public Affairs

## F. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Mar 1, 2021 7:00 PM

|                  |                                                              |
|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ACCEPTED [UNANIMOUS]</b>                                  |
| <b>MOVER:</b>    | Tom Martinbianco, Councilman                                 |
| <b>SECONDER:</b> | Christina Conley, Councilwoman                               |
| <b>AYES:</b>     | Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley |

## G. ADMINISTRATIVE REPORTS

Mayor Haskins stated he would like everyone to keep the Defreese family in your thoughts and prayers for the passing of Frankie Defreese. He was born and raised here in Burton and his father, Stan was a member of the Fire Department for close to 50 years. Attorney Leadford is here tonight requesting a closed session for contract negotiation strategy under section 8C of the Open Meetings Act. Also here tonight are Dan Russell, Genesee Health System CEO and David Lossing of Vanguard Public Affairs for a presentation and to answer questions regarding the Genesee Health System Community Mental Health millage that is being proposed. As you are aware, we had emergency maintenance on our server that went down for three days. We are currently up and running and things are going well. There is an ongoing investigation so we cannot provide all the results and details. We are safe and have extra things in place now to protect us. We were informed that from our recreational marijuana businesses, we will be receiving \$140,000 from the state. If you so choose, we can use this toward local roads or something of that nature. In addition, we are getting over \$2 million through the COVID relief package. Once we get through all the parameters that are being put into place, we can come to council to see where we would like to use the funds to better our city. Memorial Day festivities are moving forward. We are still seeking donations. At the Finance Meeting, there was an approval to move money. I am not sure if that is all for the fence or to help with Memorial Day festivities. I am sure council will inform us of that. Regarding the Genesee County 911 system, we do not have a choice and will be switching over to the new system. This will be in place and implemented by 2023. The reason I say we don't have a choice is because per the law, and the \$240 surcharge money, it wouldn't behoove us to stay with the Premier One system.

1. Motion to go into closed session for contract negotiation strategy under section 8C of the Open Meetings Act.

Council went into closed session at 7:15 PM.

Council returned from closed session at 7:54 PM.

Minutes Acceptance: Minutes of Mar 15, 2021 7:00 PM (APPROVAL OF MINUTES)

|                  |                                                              |
|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [UNANIMOUS]</b>                                   |
| <b>MOVER:</b>    | Tom Martinbianco, Councilman                                 |
| <b>SECONDER:</b> | Gregory Fenner, Vice President                               |
| <b>AYES:</b>     | Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley |

## H. COMMITTEE REPORTS

Mr. Smith stated we had a Finance Meeting tonight to look at possible reallocation of the money in the Parks & Recreation budget from cancelled events to improve the park at Fire Station #1. Councilwoman, Tina Conley has spear headed this and I am asking that she go over this with you.

Mrs. Conley stated Jeremy Scharrer, Chairman of the Parks & Recreation Board and I put a package together to propose a new fence at Water Tower Park. The fence that is there now was put in place in 1992 and is 30 years old. You can see in the pictures that we are in dire need of a new fence due to the damage. What we would like to do is move the fence 10 feet back behind the fire hydrant. We would like ornamental fence in the front and black chain link on the rest. We would also like to close one of the gates so we will only have one. The gate on the Fire Station side, we would like to be big enough for a full size truck to come through in case we need wood chips delivered. I will get with the Mayor with the dimensions. You can see there is a garden in the pictures, we would like to remove it and use the bricks in the front so when they weed whack they don't damage the fence. We would also like to bring the fence in 2 feet on each side because when the business next door plows snow, there is nowhere for them to put it. I would like to talk to the business and ask that they put their snow in their parking lot and not against the fence. I would like to pay for the project with unused money in the amount of \$13,800 from the following funds: Pizza with Santa \$2,800; Tree Lighting Ceremony \$3,000; Trick or Treat Trail \$3,800; Easter Egg Hunt \$2,000; P&R Community Events \$3,000 We also didn't use the money from last years Memorial Day Event, it went back into the general fund so the money is there.

Mr. Heffner stated the Mayor had requested that you discuss the Memorial Day funding at the Finance Meeting. Was that discussed at the Finance Meeting?

Mr. Smith stated the \$19,200 is still there. We are not touching that.

Mr. Heffner stated I thought he was asking for additional funds.

Mayor Haskins stated when I originally brought this up, I said I wasn't for sure how well we would be able to do with getting donations this year. I thought we could use the funds for Memorial Day. I guess they only discussed a fence. I know Mrs. Conley has brought this up before. I am sure there is money in the general fund that we could transfer for the fence or for Memorial Day, either way. I was just asking council for help in the event we could not get enough donations.

Mr. Heffner asked the Mayor to come to council with a number at our next council meeting so we can discuss it and see what council thinks. I am sure the council will be willing to help in some way.

Mayor Haskins stated it is difficult because I don't know where we will be with donations but I will try to put something together.

Mrs. Conley stated in the past we have had the parade, a band, activities for the kids and fireworks. With COVID, will we be only doing the parade and fireworks and not the other

activities?

Mayor Haskins stated we spoke to the CDC, MDHHS and Genesee County Health Department and they stated outdoor festivities doesn't spread COVID as much as indoor activities and they felt we would be fine with masks and social distancing as long as the activities were outdoors. The types of activities may change; maybe rock climbing, clowns, putt-putt golf or other things we can come up with that would be less congregation of people like a bounce house would be.

Mr. Smith stated some of the dynamics of the Memorial Day 5K have changed. Atherton will allow us to use the parking lot but not the school. We are having a virtual and in-person race and have limited it to 300 participants. We can't give out food or water. Can we be assured that we will have police for the course?

Mayor Haskins stated I assume so. Whatever was done in the past, we should be able to cover without any issues.

Mr. Fenner stated can we go ahead and get bids on the fence now that Mrs. Conley has all the specifications so we know how much money is needed. Also, we should have discussions with the DDA to see if they are still willing to help out with the fence. The Legislative Committee had a meeting tonight to discuss Ordinance 30.03 for the Clerk and the Assessor. We have come up with some suggestions to bring to council at the next meeting. I appreciate Mr. Martinbianco's input as a senior member.

### **A. Presentation**

Dan Russell, Genesee Health System CEO & David Lossing, Vanguard Public Affairs gave a presentation on the countywide mental health millage proposal that is on the May Election ballot. The following information was presented:

Dan Russell

- Approval was received from Genesee County Board of Commissioners for ballot language in January. Genesee County Health System approached the board with millage last summer and they did not entertain it at that time.
- Mostly Medicaid funded program which increasing through pandemic & need for flexible spending will increase for those who do not meet full Medicaid benefit eligibility.

David Lossing

- Currently five counties in Michigan that provide local millage support for mental health services including Ingham, Eaton, Jackson, Hillsdale and Washtenaw.
- Millage is .94 mills per year with 10 year sunset so it will go back to the voters in the year 2030 for renewal.
- Research focused on seven investment areas:
  1. Working with law enforcement officers in a crisis intervention team model as best practice- Funding used to train every Police Officer in Genesee County, includes wages and training costs.
  2. Working with the court system- Providing de-escalation and hospital/jail diversion.
  3. Courts and Corrections system- Augment the current county mental health/circuit court with an assisted outpatient treatment program.
  4. Suicide and crisis prevention- provide treatment services and

- activities that are not fully funded through traditional sources.
5. Working with K-12 community including public schools, charter schools & nonprofit organizations that deal with young people to provide services for student mental health.
  6. Physical footprint for mental health facility- in collaboration with Hurley Medical Center, located on 5<sup>th</sup> avenue west of Grand Traverse, open 24 hours/7 days & staffed by medical professionals.
  7. Focus on vulnerable population- provide support to become productive members of community.
- Poll results indicated 81% of voters would support a millage to expand mental health services in Genesee County.
  - Biggest question is what will it cost taxpayers: Using taxable value of \$25,000, the cost per year would be \$23.50; taxable value of \$50,000, the cost per year would be \$47.00; taxable value of \$200,000, the cost per year would be \$188.00.
  - Millage has received several endorsements from officials and organizations throughout the county.
  - Website for more information [www.geneseethefuture.org](http://www.geneseethefuture.org).

Mr. Heffner asked who is funding mental health in Genesee County right now.

Mr. Russell stated most of our funding is Medicaid. The services we just described are mostly not covered through Medicaid reimbursement. The need for these services continues to grow and that is why we are seeking flexible spending.

Mr. Heffner asked if the state or county is putting in any dollars.

Mr. Russell said, yes. Medicaid is a match between federal and state government. Also, there is a little bit of flexible funding provided by the state but we have lost funding due to the expansion of Medicaid. The county gives of mandated funding less than 2% of our budget.

Mr. Heffner asked if the county funding would continue if the millage passes. Will they withdraw the funding?

Mr. Russell stated it would continue.

Mr. Heffner stated Hurley is owned by the City of Flint. It is a City of Flint asset. I don't know why Burton taxes should pay for a City of Flint asset. That is one thing I don't like about this.

Mr. Russell stated the millage does not pay for the asset. It pays for the services and people that go into the building. Hurley will keep the building and lease it to us. Behavioral Health individuals go to Hurley Emergency Department currently or they go to jail.

Mr. Lossing stated additionally, the City of Flint does not support the hospital financially.

Discussion ensued regarding previous millages, results of polls taken for this millage and advertising for millage campaign.

Mr. Smith asked how much money this will raise the first year if the millage passes.

Mr. Lossing stated according to the County Equalization Department, \$9.5 million. Of

that, about \$300,000 will be redirected to districts within the county such as local DDA's.

Discussion ensued regarding Genesee County's allocation to Genesee Health System.

Mr. Wells stated this will be a good program and I think you need more money than that. I will be voting for it.

Mayor Haskins stated the mental health status in the county, state and nation is a growing concern. From a law enforcement standpoint, dealing with a subject who has mental health issues, the problem is, what do we do with them. They go to the hospital or jail and end up back on the street. We recognize the mental health crisis and the need to fix it. The question is should it go back to the taxpayers. Will this be for everyone regardless of medical coverage or income?

Mr. Russell stated we intend to make the crisis center for anyone regardless of age or ability to pay.

Mr. Heffner stated the timing on this is horrible. I do not agree with May elections.

Mr. Lossing stated we approached the Board of Commissioners in August of last year and they declined it. May was the next available election date by law. Unfortunately, this was our only recourse. We are sharing the ballot with the 911 Consortium and Bendle Schools.

## **I. AUDIENCE PARTICIPATION**

Public comment may be sent to: [publiccomment@burtonmi.gov](mailto:publiccomment@burtonmi.gov). Comments received prior to the meeting will be read into the record.

The following public comments received via email were read into the record:

Ryan Doyle of Burton discussed water bill late fees.

Michelle Roberts of Burton would like an explanation why the storage facility that backs up to her house does not have to get proper fencing.

## **J. COUNCIL DISCUSSION**

Mrs. Conley stated she received a code enforcement complaint regarding 1056 Bristol Road. Also, Forest and old Court Street that goes along the expressway, there is a house that I am receiving complaints about. Regarding Mr. Doyle's public comment, Belsay Road is bad, it feels like speed bumps.

Mr. Smith stated I went to look at the fence on the property that Michelle Roberts is speaking about. I sent a picture to everyone. I would like input from the council. What are your thoughts?

Mr. Martinbianco asked how this got through the Planning Commission. Do we require an obscured fence? Was Ms. Roberts at the Planning meeting during the time of approval?

Mrs. Abbey stated in went in front of the ZBA first and they required a 4ft high berm with 5-6ft high pine trees on top in addition to the fence. The people doing the project are doing exactly what they were approved to do. The Planning Commission also approved it with the same conditions. I don't think they have it done but they are working on it. I have not spoken to Ms. Roberts and do not know if she was present during the meeting but I can look into that and get back to you.

Mr. Martinbianco stated you allowed them to put in the berm? How high is the berm?

Mrs. Abbey stated the Planning Commission and ZBA allowed them to put a berm in. It is 4ft high.

Mr. Martinbianco asked what controls we have for enforcement purposes.

Mrs. Abbey stated there is no certificate of occupancy issued. It will only be issued when he completes the measures on the site plan.

Further discussion ensued on the fence, berm and trees in the picture of Raymond Avenue provided by Mr. Smith.

Mrs. Abbey stated tomorrow she will pull up the site plan and email it to council.

Mr. Wells stated I am always glad to see new business coming into the city. It is sad that it is a storage facility. I would like to have seen a restaurant or hotel there. I am receiving complaints about Ameriguard on Maple Road that backs up to Friel Street. Maybe we can send someone over there to look at it. I went out this week and looked at ditching and have spoken to the Mayor about Covert, Risendorf, Beechwood and Cashin. I took some pictures that I would like to send to Mr. Abbey. The ditches are full and no water can run through. Residents have put new driveways in and culverts are collapsing. I am happy to see the plan to fix the fence that Mrs. Conley and Mr. Scharrer have come up with. Well done.

Discussion ensued regarding the COVID relief package.

Mr. Martinbianco stated there is a lot of speeding on Farley Street. We did a great job grading there. Regarding the bumps and condition of Belsay Road between Davison and Potter, when is that scheduled for street paving?

Mr. Abbey stated that one is scheduled for next year. We will go take a look at it. Once the frost settles, there might be some things we can do on a temporary basis.

Mr. Martinbianco asked if the budget will be available the first meeting in April or will we need an extension.

Mayor Haskins stated the budget will be on time as scheduled.

Mr. Smith stated we have \$140,000 coming in from our marijuana businesses; I would like to use it for local streets. What does the council think?

Mr. Martinbianco stated that is a great idea. If it will be a constant flow of dollars, we can set up a sinking fund.

Mrs. Conley stated she would like to see it used for local streets or blight.

Mr. Heffner stated I have been on council since 2007 and can't remember a time that we put a significant amount of dollars into local streets. It is time we focus on that. I think we need to hold a special meeting of the council to discuss how we intend to spend the COVID relief money. I would like the administration to get a list of what is allowable.

Mr. Martinbianco stated we shouldn't put the cart before the horse. Let's get the guidance from the federal government so we know the requirements before we make judgments about spending.

Discussion ensued on state shared revenue, 2020 Census and status on the down payment money from the state for water.

Mr. Wells stated the council should put something together so we can vote on it and send it to the state to be a part of the Flint Water Crisis lawsuit.

## K. COUNCIL ACTION

1. Approve and authorize the payment of Attorney Billing (Doyle) 2/10/21 to 2/23/21 in the amount of \$4,540.25.

|                  |                                                              |
|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [UNANIMOUS]</b>                                   |
| <b>MOVER:</b>    | Dennis O'Keefe, Councilman                                   |
| <b>SECONDER:</b> | Vaughn Smith, Councilman                                     |
| <b>AYES:</b>     | Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley |

2. Approve and authorize the payment of Attorney Billing (Masud) 2/1/2021 to 2/23/2021 in the amount of \$2,203.66.

|                  |                                                     |
|------------------|-----------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [6 TO 1]</b>                             |
| <b>MOVER:</b>    | Christina Conley, Councilwoman                      |
| <b>SECONDER:</b> | Vaughn Smith, Councilman                            |
| <b>AYES:</b>     | Martinbianco, Heffner, Wells, Smith, Fenner, Conley |
| <b>NAYS:</b>     | O'Keefe                                             |

3. Approve and authorize the request for a Residential Sanitary Water & Sewer Installer's License for Carson Site-Prep, LLC., P.O. Box 748, Goodrich, Michigan 48438.

|                  |                                                              |
|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [UNANIMOUS]</b>                                   |
| <b>MOVER:</b>    | Dennis O'Keefe, Councilman                                   |
| <b>SECONDER:</b> | Christina Conley, Councilwoman                               |
| <b>AYES:</b>     | Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley |

4. Approve and authorize Resolution 2021-06 for submission of a Genesee County Senior Center 2021-2022 Level 3 Funding Application.

Mr. Wells asked for an explanation of the resolution.

Mayor Haskins stated Jean Johnson is here if you have questions but this is the same thing we go through every year, the allocation of the Senior Center millage that was passed several years ago. This is so we can get our allotment of the money.

Minutes Acceptance: Minutes of Mar 15, 2021 7:00 PM (APPROVAL OF MINUTES)

|                  |                                                              |
|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [UNANIMOUS]</b>                                   |
| <b>MOVER:</b>    | Danny Wells, Councilman                                      |
| <b>SECONDER:</b> | Christina Conley, Councilwoman                               |
| <b>AYES:</b>     | Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley |

5. Approve and authorize the acceptance of the low bid and allow the Mayor and Clerk to enter into a contract, contingent upon the submittal and approval of the required bonds and insurance documents, on behalf of the City of Burton with Green Tech Systems, LLC 1203 Brissette Beach Rd. Kawkawlin MI 48631, in the amount of \$18,100.00 for the installation of a water service lead at 4062 Saginaw St.

Mr. Martinbianco asked what property this is going to.

Mr. Abbey stated it is the car wash. They had a water main break recently. The system is old and dilapidated. We are getting ready to fix the road so before we have to dig a pit in the middle of the new road, they are tapping in.

Mr. Heffner stated the bids were close between Greentech and Waldorf. What is our policy is on Burton businesses bidding?

Mr. Wells stated at one time we made an amendment to our bid policy that there was a home rule that stated a business in Burton got a 5% leeway.

Mr. Martinbianco stated Waldorf is not a Burton business.

Further discussion ensued on the bid process and how bids appear on the agenda.

Mr. Heffner stated we have several Burton residents that work for Waldorf. I will be voting no on this because it is not a Burton or Genesee County based company.

Mr. Fenner agrees he likes to use local businesses. Are there any statutes that prohibit us from not selecting the lowest bidder?

Mr. Abbey stated you can deviate from that. You do not have to take the low bidder as long as they are a responsible bidder. When you start down that path, the competitive bid goes out the window. It is hard enough to get bidders as it is.

Attorney Doyle stated she agrees with Mr. Abbey. There is no law that requires you to go with the lowest bidder. We do have an ordinance that suggests to go with the low bid.

Mr. Smith stated he did the math and even with the 5%, Greentech is still the lowest bid.

**RESULT:** CARRIED [5 TO 2]  
**MOVER:** Dennis O'Keefe, Councilman  
**SECONDER:** Gregory Fenner, Vice President  
**AYES:** Martinbianco, O'Keefe, Smith, Fenner, Conley  
**NAYS:** Heffner, Wells

6. Approve and authorize the following 2020-2021 budget amendment: Increase Local Streets 2003-4063-818.0000 Contractual Service – Street Sweeping by \$22,580.

Mr. Martinbianco asked where the funding for the transfer is coming from.

Mr. Abbey stated we paid from last years funding out of the wrong GL# which took us into the previous years allocations. After last fiscal year, it dropped to fund balance. We have to take it back from fund balance in local streets. The next agenda item is the same thing.

Mr. Martinbianco stated I will vote for it tonight with the expectation that an appropriate resolution be prepared for the next meeting.

**RESULT:** CARRIED [UNANIMOUS]  
**MOVER:** Christina Conley, Councilwoman  
**SECONDER:** Vaughn Smith, Councilman  
**AYES:** Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley

7. Approve and authorize the following 2020-2021 budget amendment: Increase Major Streets 2002-4063-818.0000 Contractual Service – Street Sweeping by \$15,054.

Mr. Martinbianco stated I will vote for it tonight with the expectation that an appropriate resolution be prepared for the next meeting.

**RESULT:** CARRIED [UNANIMOUS]  
**MOVER:** Vaughn Smith, Councilman  
**SECONDER:** Christina Conley, Councilwoman  
**AYES:** Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley

8. Approve and Authorize the Mayor and City Clerk to execute a contract with ROWE Professional Services Company, 540 S. Saginaw St. Ste 200 Flint, MI 48502, for Construction Engineering of Southbound Grand Traverse, Hemphill to Bristol (DPW Project No. 20-003-P), at an estimated cost of \$73,371.76, contingent upon approval of the City Attorney.

**RESULT:** CARRIED [UNANIMOUS]  
**MOVER:** Danny Wells, Councilman  
**SECONDER:** Vaughn Smith, Councilman  
**AYES:** Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley

9. Approve and authorize Mayor and Clerk to sign Resolution 2021-07 to accept the fourth amendment to the Genesee County Phase II Regulations Storm Water Management System Contract.

Mr. Martinbianco stated I don't understand the absence of Mundy Township, Grand Blanc Township, Gaines Township, City of Flint and Flushing Township in the storm water management. What happens if there is an adjustment based on their formula at a later date?

**RESULT:** CARRIED [6 TO 1]  
**MOVER:** Gregory Fenner, Vice President  
**SECONDER:** Dennis O'Keefe, Councilman  
**AYES:** O'Keefe, Heffner, Wells, Smith, Fenner, Conley  
**NAYS:** Martinbianco

10. Ordinance 2021-3-87 (C) to Purchase Bonds

Mr. Smith stated I was going through the contract and I thought it came in lower than anticipated.

Mayor Haskins stated it was the construction cost that came in lower. We are still roughly \$500,000 below what we were at.

Mr. Abbey stated I have never seen them come in this low. EGLE will not let you take more than your actual cost anyway, it is a number not to exceed. Mr. Colis is here if you need further explanation.

**RESULT:** CARRIED [UNANIMOUS]  
**MOVER:** Danny Wells, Councilman  
**SECONDER:** Vaughn Smith, Councilman  
**AYES:** Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley

Agendas and minutes may be found at [www.burtonmi.gov](http://www.burtonmi.gov)

Meeting was adjourned at 9:47 PM.



**CITY OF BURTON**  
**BURTON CITY COUNCIL MEETING**  
**MARCH 29, 2021**  
**MINUTES**

**Council Chambers**

**Workshop**

**6:00 PM**

**4303 S. CENTER ROAD**  
**BURTON, MI 48519**

**This meeting was opened by President Steven Heffner at 6:10 PM.**

**A. MEETING INFORMATION**

Burton City Council Workshop  
 Hosted by Racheal Boggs

<https://cityofburton.my.webex.com/cityofburton.my/j.php?MTID=m6688411f19efa217eeb00305ba919ffe>

Monday, Mar 29, 2021 6:00 pm | 2 hours | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 182 056 6127

Password: CCW2021 (2292021 from phones and video systems)

Join by video system

Dial 1820566127@webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-415-655-0001 US Toll

Access code: 182 056 6127

**B. CALL TO ORDER**

Council Members attending through the virtual forum must state their name and physical location for the record.

Mr. Heffner, Burton, MI  
 Mr. Martinbianco, Burton, MI  
 Mrs. Conley, City Hall  
 Mr. Wells, City Hall  
 Mr. Smith, City Hall  
 Mr. Fenner, City Hall

| Attendee Name    | Title          | Status  | Arrived |
|------------------|----------------|---------|---------|
| Tom Martinbianco | Councilman     | Remote  |         |
| Dennis O'Keefe   | Councilman     | Late    | 6:22 PM |
| Steven Heffner   | President      | Remote  |         |
| Danny Wells      | Councilman     | Present |         |
| Vaughn Smith     | Councilman     | Present |         |
| Gregory Fenner   | Vice President | Present |         |
| Christina Conley | Councilwoman   | Present |         |

**C. STAFF PRESENT**

Duane Haskins, Mayor

Minutes Acceptance: Minutes of Mar 29, 2021 6:00 PM (APPROVAL OF MINUTES)

Charles Abbey, DPW Director/HR  
Ann Abbey, Assessor  
Mike Vogt, Assistant Fire Chief  
Steve Phillips, IT Director  
Lindsey Bice, Records Tech

#### D. ADMINISTRATIVE REPORT

Mayor Haskins stated after the last council meeting, I did some research to try to figure out what we were getting. There was not a lot out there. It did state the two things you could not do, which was pension and pay taxes. Everything out there was an estimate, so after talks with the MML and other agencies I got in touch with Congressman Kildee's office. There will be two different types of disbursements on the American Rescue Plan. They are an entitlement community or a non-entitlement community. Entitlement communities will get the funding directly from the federal government. For non-entitlement communities, the funding will go to the state and then the state will disperse the money to the community or the county. We are a non-entitlement community. The law was signed into effect three weeks ago, the treasury has 60 days to come up with a plan on how you can and cannot spend the money. The Congressman's Office is working diligently with the Treasury Department to try to get them to loosen the parameters on where communities will be able to spend the money on how they see fit. We could potentially see our first payment by the end of summer if things do not get held up. The \$2.8 million is just an estimate, it is not a guarantee at this time.

#### E. COUNCIL DISCUSSION

1. Council discussion of the American Rescue Plan and the City of Burton allocation.

Mr. Heffner stated I watched a few videos from the MML and Dan Gilmartin gave a pretty good speech on this. One thing he spoke on was entitlement cities and non-entitlement cities. He said entitlement cities are ones that get their money by way of CDBG dollars which we get, so that would make us an entitlement city which would mean we would be getting our funds directly from the federal government.

Mayor Haskins stated I watched the webinar that Mr. Smith sent to me. What I got out of the webinar was CDBG money was a parameter that they used to estimate how much funds local municipalities will get. Entitlement communities are communities that are metropolitan, large in base, or they have their own income tax. That is what I was told by the Congressman's Office.

Mr. Heffner stated you are right about that, they did speak about communities of 50,000 or more getting it directly from the federal government, but they also spoke about the CDBG monies.

Mr. Abbey stated I believe the Mayor is correct and what we understand from Dan is that we get block grant monies, but we get those allocated through the state as well. Did he clarify where those CDBG funds come from? We do get them, every community is entitled to them, but ours come from the federal government disbursed to the state to the county and then down to us. I think that may be the difference.

Mr. Heffner stated either way, we will be getting it. We wanted to talk tonight to discuss where Council wanted to see these funds go once we get them.

Minutes Acceptance: Minutes of Mar 29, 2021 6:00 PM (APPROVAL OF MINUTES)

Mr. Martinbianco stated we have not consulted with Plante Moran to see if there is a mechanism they need us to use. I would assume we need to set up a special revenue fund and delegate the money only from that account. We need to get reimbursed from past cost, and any physical improvements that have to be made. Any special services relating to police and fire, we need to be reimbursed for that first. Keeping that in a quarantine fund so to speak, which would take five votes to get it out of there, would make it more of a community decision as to how we move forward. I think talking to Pam Hill would help us gather a lot of ideas since we can't use this for a retirement, which is one of our big issues. Infrastructure, sewer, the bond we just agreed to go through, if those are allowable, that would be where we should focus on spending this money.

Mr. Wells asked, what is the time frame on when we can expect to get this money?

Mr. Heffner stated it has to be spent by 2024. It was my understanding we should get it within 60 days if it comes from the county.

Mr. Wells stated in my mind it's pretty simple, roads, firm up our Police Department, firm up our DPW, take care of the infrastructure of the city. We can't waste this.

Mr. Martinbianco stated this is not like the old Federal Revenue Sharing Program that was established years ago. They are not trying to bail out cities, they are trying to make us whole for any expenditures that we have incurred or could potentially incur because of the COVID crisis. To think you are going to get more police officers and DPW workers and fix the roads is not going to happen, nor is that what this is intended for. It is for problems that occurred directly relating to Covid-19. Once the regulations come out to state what we can and can't do, we will have specifics.

Mr. Wells stated according to this information we are premature even having this meeting and throwing these ideas out there. I would wait until we have more information and have an idea what we are looking at and where we can spend this money. I don't know where we are out any money as far as Covid. I think the administration has done a really good job at keeping the city running at minimum. I don't know that we have lost a lot of money, but what we have lost is work, time, maintenance and people. Until we know what we are going to get, when we are going to get it, and what we can spend it on, we are just spinning our wheels here tonight.

Mr. Heffner stated I agree with you to an extent, Mr. Wells. It did say we could use it on sewer, water or broadband. What does any of that have to do with Covid?

Mr. Wells said, exactly.

Mr. Heffner stated if we can use it on water, sewer, and broadband, I believe we could use it on streets. That is infrastructure also. The government is very specific on things we can't do, they stated at the bottom the things we cannot use it on. It said we can use it on infrastructure, so I think there is a possibility that we can use it on streets.

Mayor Haskins stated if we can use it on streets that would be ideal. Through the Metropolitan Alliance Committee and going over our TIP projects, they were the ones

that said more than likely it is not going to be approved to be used on streets and roads. We won't know whether that happens or not until the Treasury Department makes up their mind.

Mr. Heffner stated Mr. Wells we know this meeting is early, but every community is receiving some type of dollars. So every contractor is going to be busy. We want to be on the ball here and get things done.

Mr. Wells stated I agree with you and I was excited to come to this meeting to find out everyone's thoughts and what we can do with this money.

Mr. Heffner stated we do know it can be used for parks and recreation.

Mayor Haskins read an email he received from Congressman Dan Kildee's office regarding the American Rescue Plan.

Mrs. Conley stated I would like to see the money go towards streets, the blight on main roads, and our Veterans Park.

Mr. O'Keefe stated this text that we received does not tell us much as far as how they came up with the dollar amounts and what we can spend the funds on. I agree with you Mr. President as far as infrastructure and the roads being part of our infrastructure. In here it states "in addition, the language allowing for the investment of these funds in water, sewer, and broadband infrastructure will provide our communities an opportunity to invest in infrastructure that has taken a backseat to other critical budget needs over the past decade." If roads don't fit in there, what does? If that is where the money is going, the entire city will benefit from that.

Mr. Heffner stated this is a chance that we could almost revitalize neighborhoods.

Mr. Fenner stated leading off from the paragraph Mr. O'Keefe was just reading on, "Clear guidance from US Treasury will be critical to helping local governments determine eligible expenses". Without that we are all guessing here. That same paragraph does speak to water and sewer funds. I can see where Mr. O'Keefe would lead us to believe roads would fall under infrastructure there. Because we do get TIP money and other grants for the roads, I am not sure they are going to want to include that in this. This is explaining the money will be for such things as revenue lost by income tax, parking revenue, parks and recreation, and event revenue. Unfortunately, we do not have those revenues, so I don't know what revenue we are going to have to show or prove that we are lacking in or what we are going to be able to do with this money. Until we get that clear guidance from the US Treasury, we are just spinning our wheels here.

Mr. Martinbianco stated until we have that guidance, I do not want to go around thinking we can spend money on things that may be disallowed later on. Mayor, from the time you invoked emergency status last year when employees were laid off and sent home, how much of our unemployment costs were accrued?

Mayor Haskins stated we never laid anyone off.

Mr. Martinbianco stated I'll stand by my previous statement, we cannot make

exclusions or availability for funds until we have clear guidance on where we can put it. Which comes at a bad time for us seeing as how next week we get presented with a budget. When it comes in, I would like to see it get put into a special revenue fund which would make it easier for federal compliance with respect to Plante Moran when they come in to do the audit.

Mr. Smith stated if we can use it for roads, I think we should use it for local roads. This is explicit as far as investment in water, sewer, or broadband infrastructure. I look at our water fund and it is getting better. It is going to take some clarification from the Treasury Department as far as anything we want to do on the water side. I do believe the administration probably has a plan on how best to use this as far as both the water and sewer funds and how we can maximize the benefits of this money. Water and sewer is here, we know these funds can be used for that. I suggest the administration and council decide how to leverage this money and what we have in the budget under water and sewer that can be slid over to save money.

Mr. Wells stated listening to everybody here, I would like us to proceed with patience and caution. They may pass through another major infrastructure bill that could be just for roads and water and sewer and then we already used our \$2 million on that and beat ourselves out of it. It is going to be a while before we see any of this money. I would like to wait and see what happens.

Mr. O'Keefe stated I do not believe we should even talk about this money at budget time. We don't have it yet, so we should go on as usual. I think Mr. Martinbianco had a good idea as far as putting this money in a separate GL account that way if anyone wants to look at it, it's all there.

Mr. Heffner stated on our previous discussion regarding the Metropolitan Alliance and the TIP, I don't believe they cover local streets. Do we receive any money for local streets, Mr. Abbey?

Mr. Abbey stated that is correct. TIP program is only for federally funded major roads.

Mr. Heffner stated whatever we get for local roads comes from us.

Mr. Abbey said, that is correct.

Mr. Heffner asked, how far could we go on local roads with \$2 million?

Mr. Abbey stated it could go a long way on local roads depending on what we do with them and how we target our areas. We have been doing a lot of work on that with the administration, targeting different scenarios even without this money.

Mr. Heffner stated my point is, if they pass another infrastructure bill like Mr. Wells stated, and we received another two or three million dollars, would we be able to put that towards the local streets as well?

Mr. Abbey stated it wouldn't even touch it. You could put the \$2 million and even \$3 million more into the roads. In the next infrastructure bill, I believe they were targeting highways, expressways, major roads and bridges.

Mr. Wells stated I am looking at the 2023 projects from the county. They have Bristol Road from Fenton Road to Saginaw Street. They have new federal money of \$1.244 million to use on that project; our cost would be \$142,000. The other project is Court Street to North Davison Road. They received \$744,507 that saved us \$85,000 on that street. There is also Lapeer Road to I-69, we already did this but now they have money to do it.

Mr. Abbey stated Mr. Wells you are correct. They just released that, their meeting was 10 a.m. on Thursday. There are some problems with that proposal; it all looks good on the surface, like it saves us some money, because you go to a 90-10 math from an 80-20 math. The problem is that you are responsible for both your PE and CE. On both of those projects, they end up costing us a considerable amount of money to move forward for the year. We do not get reimbursed for the construction engineering or the design engineering. Therefore, it does not end up being a true 90-10.

Mr. Wells stated I agree that it's a problem but we are still getting more money to do those projects. We have to continue fixing our roads. Every neighborhood I've stopped in lately, it is all about the roads. We have to fix them right before they continue falling apart and end up in our sewers causing more problems.

Mayor Haskins stated the money that Mr. Wells is talking about is two-fold, to a certain degree. Another municipality in the area was not ready for it, whereas Burton is ready to move forward. The rough estimate of moving projects around, we are looking at losing probably \$800,000. I'm not sure where we can make up that money by trying to move projects around to make it more steadfast. Like Mr. Abbey said, we are still in talks with them, the money's there, the projects are there, we need to keep it the same so we aren't losing that type of money. If it were \$90,000 or \$100,000, we might be able to make it up on the backside but \$800,000 is a large chunk of money. That is where the issue is.

Mr. Wells stated my point of that whole conversation is this; we are trying to figure out where we can spend this money. People have money out there. Do we want to lay money out? The Mayor makes a good point, do we want to put money into these projects and find out later we could have got more money to do the project if we had just been patient?

Mr. O'Keefe stated I would bet that the national infrastructure bill that is passing will not trickle down to local roads and streets. It is going to be for the entire country and they will probably use it on airports, trains and other things. It is not going to happen.

Mr. Heffner stated this is the most we have talked about local streets in 20 years. Hopefully, we started something tonight that won't end here.

Mr. Smith asked if this \$2.8 million will have any impact on the current budget that is being worked on. Or will you have a contingency plan for the 1.4 million dollars if it becomes available this year?

Mayor Haskins stated for budget purposes no, the budget is almost done. When we

spoke with the Congressman's Office as far as a timeline on when we might receive our first half of this, it was not even feasible to try to implement it into the budget. When we receive the parameters on what we can and cannot do with the money, we will come right to you with a plan and see how we want to progress. Local streets as well as parks were ideas I also had in mind. If I do not receive the money until the end of summer and we are able to use it on local roads, we would not be able to get those projects started until next spring.

Mr. Fenner stated I would like to caution us until we receive these funds. I do not want to mislead our residents into thinking this is something that we can do. I think we should make it clear to everybody that our hands are tied until we get the guidelines.

Mr. Abbey stated I don't think it was a total waste because the Mayor had some ideas and we've been working hard. You all have some independent ideas on what we can and can't do, I do not want to discourage anyone. The Mayor and I have had discussions with our Controller's Office, if a project makes sense financially and we can get it done, we will jump on it. I think that is how we will stay ahead of this, if we keep doing our engineering and keep our plan out there. We need to find an aggressive way to fix dilapidated roads that have been going on for many years.

Mr. Martinbianco stated we've totally ignored the one component that the federal government has raised in regards to broadband. I don't know how many city properties would be available that might be amenable to this new 5G technology. Perhaps somebody may approach us and want to make an offer on the property because it's located in a great cell station.

Meeting was adjourned at 7:01 PM.



**Burton City Council**  
4303 S. Center Road  
Burton, MI 48519

Meeting: 04/05/21 07:00 PM  
Department: Clerk's Office  
Category: Attorney Billing  
Prepared By: Racheal Boggs  
Department Head: Racheal Boggs

**K.1**

**ADOPTED**

**AGENDA ITEM (ID # 5046)**

DOC ID: 5046

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## **Approve and authorize the payment of Attorney Billing (Doyle) 3/10/21 to 3/30/21 in the amount of \$4,859.00.**

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|                  |                                                              |
|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [UNANIMOUS]</b>                                   |
| <b>MOVER:</b>    | Dennis O'Keefe, Councilman                                   |
| <b>SECONDER:</b> | Vaughn Smith, Councilman                                     |
| <b>AYES:</b>     | Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley |



**ADOPTED**

**AGENDA ITEM (ID # 5045)**

DOC ID: 5045

**Approve and authorize the request for a Residential Sanitary Water & Sewer Installer's License for Greg Prose Excavating, LLC., 10615 Eagle Road, Davisburg, Michigan.**

**ATTACHMENTS:**

- Greg Prose License Application (PDF)

|                  |                                                              |
|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [UNANIMOUS]</b>                                   |
| <b>MOVER:</b>    | Danny Wells, Councilman                                      |
| <b>SECONDER:</b> | Christina Conley, Councilwoman                               |
| <b>AYES:</b>     | Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley |



City of Burton  
4303 S. Center Rd.  
Burton, MI 48519  
www.burtonmi.gov

K.2.a

## Application for Sewer & Water Installer License

Date: 3-15-21 License Expiration: \_\_\_\_\_  
Name of Applicant: Greg Prose  
Applicant Address: 10615 Eagle H, DAULSBURG, MI 48350  
Phone Number: (248) 634-3169 Email: PROSE-EXC@comcast.net  
Name of Business: Greg Prose EXCAVATING LLC  
Business Address: 10615 Eagle H DAULSBURG, MI 48350  
Phone Number: (248) 459-2545 Plumbing License #: \_\_\_\_\_

| LICENSE FEES                                    | Amount   | Proration | PAID                                |
|-------------------------------------------------|----------|-----------|-------------------------------------|
| 1. Sewer Installer<br>Expires - March 31, _____ | \$100.00 |           | <input checked="" type="checkbox"/> |
| 2. Water Installer<br>Expires - March 31, _____ | \$100.00 |           | <input checked="" type="checkbox"/> |

- Applicant must file a Performance Bond in the Amount of \$10,000.
- Applicant must maintain insurance against liability in the amounts of \$100,000 for injury to one person and \$300,000 per occurrence, and against liability for property damage in the amount of \$100,000.
- Each contractor shall maintain Workman's Compensation insurance covering all employees.

The undersigned hereby specifically agrees that any approval granted for license received after said approval is subject to revocation at any time by the Burton City Council, and that there shall be no liability on the part of the Burton City Council of the City of Burton, or any officers, members or employees of said units, because of any revocations and the granting of such approval of license does not create a vested right.

The undersigned hereby specifically agrees to abide by all provisions of Burton City Ordinance #112, adopted 8-4-69, effective 9-15-69, and all City Ordinances and Resolutions of the Burton City Council now in force or hereinafter adopted.

I, Greg Prose (applicant) being duly sworn, state that I have read the foregoing application and exhibits therein contained and attached, by me subscribe and knowingly made the foregoing answers, statements, and representations therein contained and that said statement representations are true.

THIS APPLICATION MUST BE SIGNED BEFORE A NOTARY: \_\_\_\_\_

Greg Prose  
Signature of Applicant

Subscribed and sworn before me a Notary Public in and for the County of Genesee, State of Michigan this 15 day of March, 2021.

Lindsey Beer  
Notary Public

01/04/1987  
Commission Expires



# CERTIFICATE OF LIABILITY INSURANCE

GREGPRO-01

HJOSEPH

DATE (MM/DD/YYYY)

11/9/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

|                                                                                        |  |                                                                                                                                                                                               |  |               |
|----------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------|
| <b>PRODUCER</b><br>Hartland Insurance Agency, Inc.<br>PO Box 129<br>Hartland, MI 48353 |  | <b>CONTACT NAME:</b> David Thureau<br><b>PHONE (A/C, No, Ext):</b> (810) 632-5161 223<br><b>FAX (A/C, No):</b> (810) 632-6775<br><b>E-MAIL:</b> dave@hartlandinsurance.com<br><b>ADDRESS:</b> |  |               |
| <b>INSURED</b><br><br>Greg Prose Excavating LLC<br>10615 Eagle<br>Davisburg, MI 48350  |  | <b>INSURER(S) AFFORDING COVERAGE</b>                                                                                                                                                          |  | <b>NAIC #</b> |
|                                                                                        |  | <b>INSURER A:</b> Home-Owners Insurance Co.                                                                                                                                                   |  | 26638         |
|                                                                                        |  | <b>INSURER B:</b> Liberty Mutual Insurance Co                                                                                                                                                 |  |               |
|                                                                                        |  | <b>INSURER C:</b>                                                                                                                                                                             |  |               |
|                                                                                        |  | <b>INSURER D:</b>                                                                                                                                                                             |  |               |
|                                                                                        |  | <b>INSURER E:</b>                                                                                                                                                                             |  |               |
| <b>INSURER F:</b>                                                                      |  |                                                                                                                                                                                               |  |               |

**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE                                                                                                                                                                                                                                                                                                  | ADDL INSD | SUBR WVD | POLICY NUMBER   | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                                                                                                                                                                                                                    |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------|-----------------|-------------------------|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A        | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY<br><input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR<br><br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC<br>OTHER: |           |          | 14346013        | 12/6/2020               | 12/6/2021               | EACH OCCURRENCE \$ 1,000,000<br>DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000<br>MED EXP (Any one person) \$ 10,000<br>PERSONAL & ADV INJURY \$ 1,000,000<br>GENERAL AGGREGATE \$ 2,000,000<br>PRODUCTS - COMP/OP AGG \$ 2,000,000 |
| A        | <b>AUTOMOBILE LIABILITY</b><br><input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS<br><input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY                                                             |           |          | 4934601300      | 12/6/2020               | 12/6/2021               | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000<br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$                                                                                 |
|          | <b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR<br><b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE<br>DED \$ RETENTION \$                                                                                                                                                                              |           |          |                 |                         |                         | EACH OCCURRENCE \$<br>AGGREGATE \$                                                                                                                                                                                                        |
| B        | <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b><br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N<br>If yes, describe under DESCRIPTION OF OPERATIONS below                                                                                         |           | N/A      | WC534S533993010 | 8/3/2020                | 8/3/2021                | <input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER<br>E.L. EACH ACCIDENT \$ 500,000<br>E.L. DISEASE - EA EMPLOYEE \$ 500,000<br>E.L. DISEASE - POLICY LIMIT \$ 500,000                                        |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

**CERTIFICATE HOLDER****CANCELLATION**

|                                                      |                                                                                                                                                                |
|------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| City of Burton<br>4303 S. Center<br>Burton, MI 48579 | SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. |
|                                                      | AUTHORIZED REPRESENTATIVE<br><i>David K. Thureau</i>                                                                                                           |



# Western Surety Company

## CONTINUATION CERTIFICATE

Western Surety Company hereby continues in force Bond No. 63065048 briefly described as SEWER CONTRACTOR CITY OF BURTON,  
for GREG PROSE EXCAVATING, LLC, as Principal,  
 in the sum of \$ TEN THOUSAND AND NO/100 Dollars, for the term beginning April 01, 2021, and ending March 31, 2022, subject to all the covenants and conditions of the original bond referred to above.

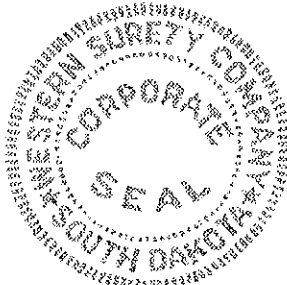
This continuation is issued upon the express condition that the liability of Western Surety Company under said Bond and this and all continuations thereof shall not be cumulative and shall in no event exceed the total sum above written.

Dated this 10th day of March, 2021.

WESTERN SURETY COMPANY

By

Paul T. Bruhat, Vice President



**THIS "Continuation Certificate" MUST BE FILED WITH THE ABOVE BOND.**

CITY OF BURTON  
4303 S. CENTER RD.  
BURTON, MI 48519  
Phone : 810-743-1500  
WWW.BURTONMI.GOV

Received From:  
GREG PROSE EXCAVATING LLC

Date: 03/15/2021 Time: 2:04:12  
Receipt: 110698199  
Cashier: HOLBROOKC  
Workstation: Drawer: 1

| ITEM REFERENCE              | AMOUNT |
|-----------------------------|--------|
| -----                       |        |
| LICENSE LICENSE FEES        |        |
| GREG PROSE EXCA WATER/SEWER |        |
| 1001-0000-450.0000          | \$200  |
| -----                       |        |
| TOTAL                       | \$200  |
|                             |        |
| CHECK 6437                  | \$200  |
| Total Tendered:             | \$200  |
|                             |        |
| Change:                     | \$0    |

Attachment: Greg Prose License Application (5045 : Residential Sanitary Water & Sewer Installer's License)



**ADOPTED**

**AGENDA ITEM (ID # 5048)**

DOC ID: 5048

**Approve and authorize the Mayor and City Clerk to sign Resolution 2021-09 Local Government Approval for a request for a new liquor license by NCG Courtland, Inc., located at 4190 East Court Street, Suite 200, Burton, MI. 48509 and forward recommendation of approval to the Michigan Liquor Control Commission (MCL 436.1501).**

**COMMENTS - Current Meeting:**

Mr. Martibianco stated he went to LARA and there are three requests for two liquor licenses. I am not sure the theater is the proper venue for that.

Ms. Boggs stated she contacted LARA regarding this. They assured me that they will only allocate up to the maximum number of licenses allowed which for the city is 20 licenses. They allocate them on a first come basis so they asked me to provide to you with the dates of outstanding local approvals for the year. You will see that in a memo that is attached for your packet. Mr. Martinbianco you are correct. This will be the second and third licenses this year for two available licenses.

Mr. O'Keefe asked if the Police Chief has signed off on both of these.

Chief Ross stated my part of the process takes place after the information goes to LARA. They will send me their packet and ask me if I have issues with it. If there are issues at that time, we will explain why. Looking at these two, I don't know if there would be an issue.

Mr. O'Keefe stated this isn't a trick question. You are very close to what is going on. It is very important to me that from a police angle, there are no problems with it.

Chief Ross stated he does not see a problem with either one of these licenses.

**ATTACHMENTS:**

- NCG-Courtland Liquor License Local Government Approval (PDF)

|                  |                                                              |
|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [UNANIMOUS]</b>                                   |
| <b>MOVER:</b>    | Vaughn Smith, Councilman                                     |
| <b>SECONDER:</b> | Dennis O'Keefe, Councilman                                   |
| <b>AYES:</b>     | Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley |



Michigan Department of Licensing and Regulatory Affairs  
Liquor Control Commission (MLCC)  
Toll Free: 866-813-0011 • [www.michigan.gov/lcc](http://www.michigan.gov/lcc)

Business ID: \_\_\_\_\_  
Request ID: \_\_\_\_\_  
(For MLCC use only)

**Local Government Approval**  
(Authorized by MCL 436.1501)

**Instructions for Applicants:**

- You must obtain a recommendation from the local legislative body for a new on-premises license application, certain types of license classification transfers, and/or a new banquet facility permit.

**Instructions for Local Legislative Body:**

- Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a regular meeting of the Burton City council/board  
(regular or special) (township, city, village)  
called to order by \_\_\_\_\_ on 4/5/2021 at \_\_\_\_\_  
(date) (time)  
the following resolution was offered:  
Moved by \_\_\_\_\_ and supported by \_\_\_\_\_  
that the application from NCG Courtland, Inc.  
(name of applicant - If a corporation or limited liability company, please state the company name)

for the following license(s): Class C  
(list specific licenses requested)

to be located at: 4190 East Court Street, Suite 200, Burton, MI 48509

and the following permit, if applied for:

☐ Banquet Facility Permit Address of Banquet Facility: \_\_\_\_\_

It is the consensus of this body that it \_\_\_\_\_ this application be considered for  
(recommends/does not recommend)  
approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are \_\_\_\_\_

**Vote**

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the  
council/board at a \_\_\_\_\_ meeting held on \_\_\_\_\_ (township, city, village)  
(regular or special) (date)

Print Name of Clerk

Signature of Clerk

Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Please return this completed form along with any corresponding documents to:

Michigan Liquor Control Commission

Mailing address: P.O. Box 30005, Lansing, MI 48909

Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933

Fax to: 517-763-0059



**ADOPTED**

**AGENDA ITEM (ID # 5049)**

DOC ID: 5049

**Approve and authorize the Mayor and City Clerk to sign Resolution 2021-10 Local Government Approval for a request for a new liquor license by Drinks of Essence, Inc., located at G-4549 S. Saginaw Street, Burton, MI. 48529 and forward recommendation of approval to the Michigan Liquor Control Commission (MCL 436.1501).**

**COMMENTS - Current Meeting:**

Mr. Fenner stated, for Drinks of Essence, I know where this building is and the size of the building. What is their intention?

Ms. Boggs stated the applicant intends to provide bartending training and services.

Discussion ensued regarding the building and services provided.

Mr. Wells stated to be clear, we have two licenses available so the first two would be Brother's Brunch House on Davison Road and NCG Cinemas. The third one here, even if approved, would have to wait until another one opened up. Is that correct?

Ms. Boggs stated that is correct. I would like to point out that none of the licenses, including Brother's Brunch House that you approved in January, have been allocated by the state which means they have not turned in their application paperwork. So, if Brother's Brunch House changes their mind and never turns their paperwork in then these other two licenses could be allocated.

Discussion continued on the number of allowable and allocated licenses.

Mayor Haskins stated once council approves a liquor license it is up to the applicant to turn their paperwork in to the state. It is first come first served.

**ATTACHMENTS:**

- Drinks of Essence- Liquor License Local Government Approval (PDF)
- Council Memo- Liquor License allocations (DOCX)

|                  |                                               |
|------------------|-----------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [5 TO 2]</b>                       |
| <b>MOVER:</b>    | Vaughn Smith, Councilman                      |
| <b>SECONDER:</b> | Tom Martinbianco, Councilman                  |
| <b>AYES:</b>     | Martinbianco, O'Keefe, Heffner, Smith, Conley |
| <b>NAYS:</b>     | Danny Wells, Gregory Fenner                   |

Business ID: \_\_\_\_\_ **K.4.a**  
Request ID: \_\_\_\_\_  
(For MLCC use only)



# Memo

**To:** Members of the Burton City Council

**From:** Racheal Boggs, City Clerk

**Date:** 3/31/2021

**Re:** City Liquor License Allocations

City Council,

The Local Government Approval Application from Drinks of Essence, Inc. located at G-4549 S. Saginaw Street will be the third Class C Retail application to come before council this year. Currently, the City of Burton has two unallocated licenses available. The Liquor Control Commission will only allocate our licenses on a first come basis and only up to our maximum of 20 allowable licenses. Below is a summary of applicants for the remaining two Class C Retail Licenses.

| Applicant                    | Date Received    | Local Approval          | LCC approval |
|------------------------------|------------------|-------------------------|--------------|
| Brother's Brunch House, Inc. | January 15, 2021 | January 21, 2021        | No           |
| NCG Courtland, Inc.          | March 17, 2021   | April 5, 2021 (pending) | No           |
| Drinks of Essence, Inc.      | March 31, 2021   | April 5, 2021 (pending) | No           |



**ADOPTED**

**AGENDA ITEM (ID # 5038)**

DOC ID: 5038

**Approve and authorize the Mayor and Clerk to sign an amendment to the contract with Consumers Energy to correct low hanging traffic signals at the corner of Genesee Road and Lapeer Road at no additional cost to the city.**

**ATTACHMENTS:**

- GENESEE RD BURTON(PDF)

|                  |                                                              |
|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [UNANIMOUS]</b>                                   |
| <b>MOVER:</b>    | Danny Wells, Councilman                                      |
| <b>SECONDER:</b> | Christina Conley, Councilwoman                               |
| <b>AYES:</b>     | Martinbianco, O'Keefe, Heffner, Wells, Smith, Fenner, Conley |



A CMS Energy Company

**CEM Support Center**

Consumers Energy, CEM Support Center, Lansing Service Center, Rm. 122, 530 W. Willow St., P.O. Box 30162 Lansing, MI 48909-7662

January 13, 2021

NOTIFICATION #:  
1056018202

CITY OF BURTON  
4303 S CENTER RD  
BURTON, MI 48519-1449

REFERENCE: GENESEE RD, BURTON

Dear Valued Customer,

Thank you for contacting Consumers Energy for your energy needs. Please note the Notification Number above and include it on any correspondence you send. Please note the Account Number, located above the Account Name on your invoice, when submitting payment.

Enclosed for approval and signature is the original Authorization for Change and Resolution covering the replacement and/or installation of streetlight(s). You are responsible for the final restoration.

The estimated cost for your energy request is as follows:

Non Refundable Agreement for Installation of Electric Facilities:

Winter Construction Costs:

\$ -

Installation Charge:

\$ -

Additional Costs

**Total Estimated Cost:**

**\$ -**

Less Prepayment Received:

\$ -

**Total Estimated Cost Due:**

**\$ -**

Please sign and return the original Authorization for Change and Resolution in the enclosed self-addressed envelope or email to: [POBoxCEServiceRequest@cmsenergy.com](mailto:POBoxCEServiceRequest@cmsenergy.com). Payment in full is required before the installation can be scheduled for construction.

Please review all attached materials carefully and direct inquiries for your request to:

Tracy Mahar at 989-729-3250 .

Attachment: GENESEE RD BURTON (5038 : Consumers Contract Amendment)

**CEM Support Center**

Consumers Energy, Lansing Service Center, Rm. 122, 530 W. Willow St., P.O. Box 30162 Lansing, MI 48909-7662

|                                                                                                                                                                                                   |                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PLEASE RETURN THE CHECKED DOCUMENTS BELOW TO CONSUMERS ENERGY IN THE ENVELOPE PROVIDED</b>                                                                                                     |                                                                                                                                                                                                                                |
| <b>TO EXPEDITE SERVICE, RETURN VIA EMAIL TO:</b><br><a href="mailto:POBoxCEServiceRequest@cmsenergy.com" style="color: blue; text-decoration: underline;">POBoxCEServiceRequest@cmsenergy.com</a> |                                                                                                                                                                                                                                |
| <input type="checkbox"/>                                                                                                                                                                          | <b>AGREEMENT FOR INSTALLATION</b> (Please return all pages of contracts)<br>(Form 93, Form 94 and Form 95 - 2 Page Document Each)<br>(Form 861, Form 862 and Form 230 - 4 Page Document Each)                                  |
| <input type="checkbox"/>                                                                                                                                                                          | <b>PAYMENT WITH INVOICE STUB</b><br>(BOTTOM STUB IS REQUIRED FOR PROCESSING)                                                                                                                                                   |
| <input type="checkbox"/>                                                                                                                                                                          | <b>REQUEST FOR ELEVATED CUSTOMER DELIVERY PRESSURE</b>                                                                                                                                                                         |
| <input checked="" type="checkbox"/>                                                                                                                                                               | <b>STANDARD LIGHTING CONTRACT</b><br>(MUST BE CERTIFIED BY CLERK)                                                                                                                                                              |
| <input type="checkbox"/>                                                                                                                                                                          | <b>SIGNED CUSTOMER ATTACHMENT PROGRAM (CAP) CONTRACT</b><br>(PLEASE ENSURE TO CHECK PAYMENT OPTION ON CONTRACT)                                                                                                                |
| <input type="checkbox"/>                                                                                                                                                                          | <b>GO READY FORM (FORM 1250)</b><br>TO EXPEDITE SERVICE, RETURN VIA EMAIL TO:<br><a href="mailto:POBoxCEServiceRequest@cmsenergy.com" style="color: blue; text-decoration: underline;">POBoxCEServiceRequest@cmsenergy.com</a> |
| <input type="checkbox"/>                                                                                                                                                                          | <b>SITE READY PHOTO(S)</b><br>TO EXPEDITE SERVICE, RETURN VIA EMAIL TO:<br><a href="mailto:POBoxCEServiceRequest@cmsenergy.com" style="color: blue; text-decoration: underline;">POBoxCEServiceRequest@cmsenergy.com</a>       |
| <input type="checkbox"/>                                                                                                                                                                          | <b>OTHER:</b>                                                                                                                                                                                                                  |
| <b>NOTIFICATION REFERENCE NUMBERS</b>                                                                                                                                                             |                                                                                                                                                                                                                                |
| ELECTRIC SERVICE NOTIFICATION:                                                                                                                                                                    |                                                                                                                                                                                                                                |
| GAS SERVICE NOTIFICATION:                                                                                                                                                                         |                                                                                                                                                                                                                                |
| ELECTRIC OH DISTRIBUTION NOTIFICATION:                                                                                                                                                            |                                                                                                                                                                                                                                |
| ELECTRIC UG DISTRIBUTION NOTIFICATION:                                                                                                                                                            |                                                                                                                                                                                                                                |
| GAS MAIN NOTIFICATION:                                                                                                                                                                            |                                                                                                                                                                                                                                |
| STREETLIGHT NOTIFICATION:                                                                                                                                                                         | 1056018202                                                                                                                                                                                                                     |

Attachment: GENESEE RD BURTON (5038 : Consumers Contract Amendment)



**AUTHORIZATION FOR CHANGE IN  
STANDARD LIGHTING CONTRACT  
(COMPANY-OWNED) FORM 547**

Contract Number: 103022826483

Consumers Energy Company is authorized as of \_\_\_\_\_, by the City of Burton, to make changes, as listed below, in the lighting system(s) covered by the existing Standard Lighting Contract between the Company and the City of Burton, dated 3/9/2016.

Lighting Type:

General Unmetered Experimental Lighting Rate GU-XL

Notification Number(s):

1056018202

Construction Work Order Number(s):

Except for the changes in the lighting system(s) as herein authorized, all provisions of the aforesaid Standard Lighting Contract dated 3/9/2016 shall remain in full force and effect.

City of Burton

By:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed)

Its

\_\_\_\_\_  
(Title)

This Agreement may be executed and delivered in counterparts, including by a facsimile or an electronic transmission thereof, each of which shall be deemed an original. Any document generated by the parties with respect to this Agreement, including this Agreement, may be imaged and stored electronically and introduced as evidence in any proceeding as if original business records. Neither party will object to the admissibility of such images as evidence in any proceeding on account of having been stored electronically.

Attachment: GENESEE RD BURTON (5038 : Consumers Contract Amendment)

**RESOLUTION**

RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the City of Burton, dated 3/9/2016, in accordance with the Authorization for Change in Standard Lighting Contract dated \_\_\_\_\_,

heretofore submitted to and considered by this ☐ commission ☐ council ☐ board ;and

RESOLVED, further, that the \_\_\_\_\_ Clerk be and are authorized to execute such authorization for change on the behalf of the City.

STATE OF MICHIGAN  
COUNTY OF Genesee

I, \_\_\_\_\_, Clerk of the City of Burton, do hereby certify that the foregoing resolution was duly adopted by the ☐ commission ☐ council ☐ board of said municipality, at the meeting held on \_\_\_\_\_.

Dated:

\_\_\_\_\_  
Municipal Customer Type: City

\_\_\_\_\_

Attachment: GENESEE RD BURTON (5038 : Consumers Contract Amendment)

## GENERAL UNMETERED EXPERIMENTAL LIGHTING RATE GU-XL

| <i>Number of<br/>Luminaires</i> | <i>Nominal<br/>Watts</i> | <i>Luminaire<br/>Type</i> | <i>Fixture Type</i> | <i>Fixture Style</i> | <i>Install<br/>Remove</i> | <i>Location</i>            |
|---------------------------------|--------------------------|---------------------------|---------------------|----------------------|---------------------------|----------------------------|
| 1                               | <u>72</u>                | <u>LED</u>                | <u>Cobrahead</u>    | <u>Cutoff</u>        | <u>Install</u>            | S Genesee Rd and Lapeer Rd |



**AUTHORIZATION FOR CHANGE IN  
STANDARD LIGHTING CONTRACT  
(COMPANY-OWNED) FORM 547**

Contract Number: 100000186419

Consumers Energy Company is authorized as of \_\_\_\_\_, by the City of Burton, to make changes, as listed below, in the lighting system(s) covered by the existing Standard Lighting Contract between the Company and the City of Burton, dated 11/1/2014.

Lighting Type:

General Service Unmetered Lighting Rate GUL, Standard High Intensity Discharge

Notification Number(s):

1056018202

Construction Work Order Number(s):

Except for the changes in the lighting system(s) as herein authorized, all provisions of the aforesaid Standard Lighting Contract dated 11/1/2014 shall remain in full force and effect.

City of Burton

By:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed)

Its

\_\_\_\_\_  
(Title)

This Agreement may be executed and delivered in counterparts, including by a facsimile or an electronic transmission thereof, each of which shall be deemed an original. Any document generated by the parties with respect to this Agreement, including this Agreement, may be imaged and stored electronically and introduced as evidence in any proceeding as if original business records. Neither party will object to the admissibility of such images as evidence in any proceeding on account of having been stored electronically.

Attachment: GENESEE RD BURTON (5038 : Consumers Contract Amendment)

**RESOLUTION**

RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the City of Burton, dated 11/1/2014, in accordance with the Authorization for Change in Standard Lighting Contract dated \_\_\_\_\_,

heretofore submitted to and considered by this ☐ commission ☐ council ☐ board ;and

RESOLVED, further, that the \_\_\_\_\_ Clerk be and are authorized to execute such authorization for change on the behalf of the City.

STATE OF MICHIGAN  
COUNTY OF Genesee

I, \_\_\_\_\_, Clerk of the City of Burton, do hereby certify that the foregoing resolution was duly adopted by the ☐ commission ☐ council ☐ board of said municipality, at the meeting held on \_\_\_\_\_.

Dated:

\_\_\_\_\_  
Municipal Customer Type: City

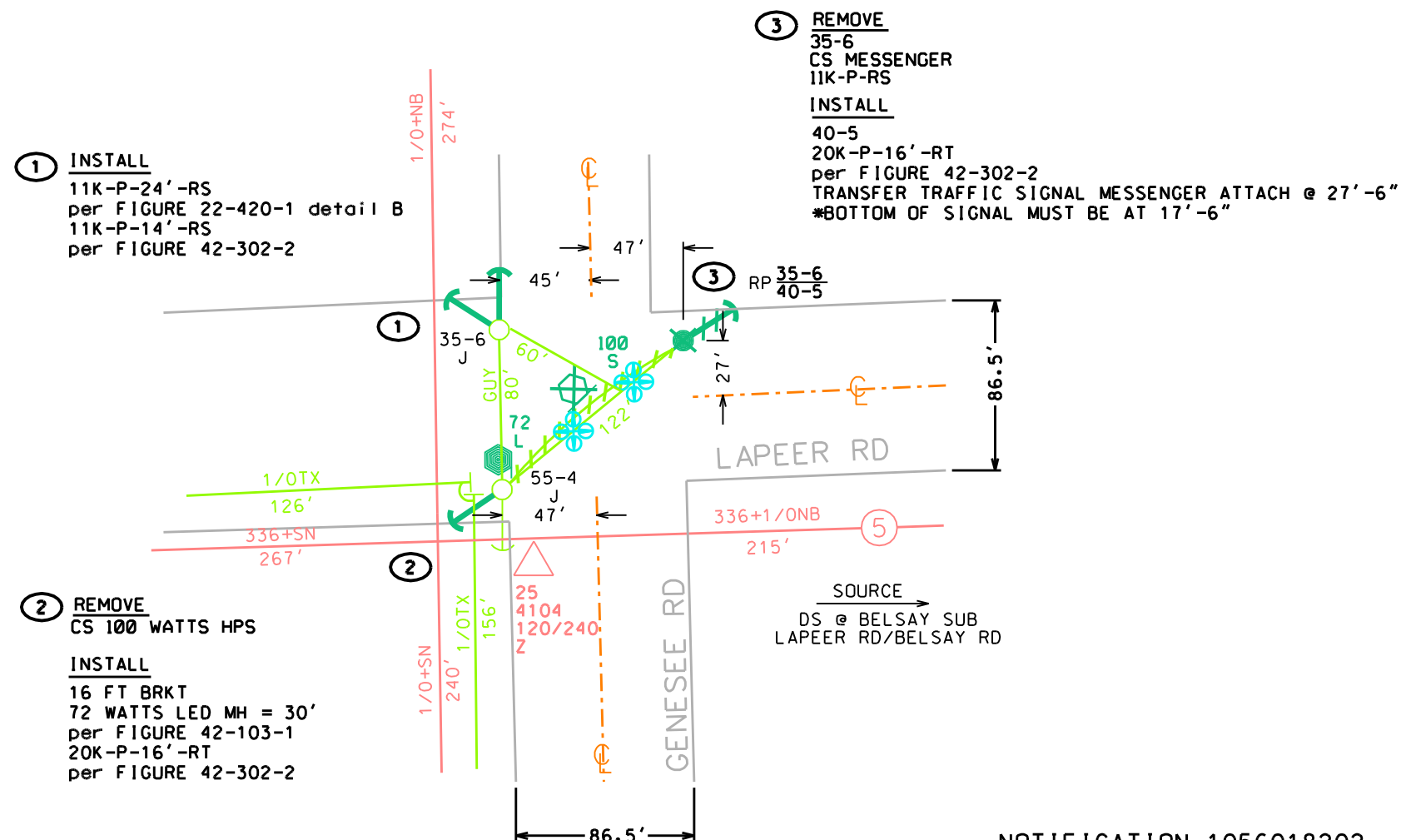
\_\_\_\_\_

Attachment: GENESEE RD BURTON (5038 : Consumers Contract Amendment)

## GENERAL SERVICE UNMETERED LIGHTING RATE GUL, STANDARD HIGH INTENSITY DISCHARGE

| <i>Number of<br/>Luminaires</i> | <i>Nominal<br/>Watts</i> | <i>Luminaire<br/>Type</i> | <i>Fixture Type</i> | <i>Fixture Style</i> | <i>Install<br/>Remove</i> | <i>Location</i>            |
|---------------------------------|--------------------------|---------------------------|---------------------|----------------------|---------------------------|----------------------------|
| 1                               | <u>100</u>               | <u>HPS</u>                | <u>Mongoose</u>     | <u>NA</u>            | <u>Remove</u>             | S Genesee Rd and Lapeer Rd |

GENESEE CO  
BURTON TWP  
T07 R57 SEC.15



NOTIFICATION 1056018202

| CONSUMERS ENERGY CONTACTS |             |              |              |
|---------------------------|-------------|--------------|--------------|
| DEPARTMENT                | NAME        | NUMBER       | ALTERNATE    |
| DESIGNER                  | TRACY MAHAR | 989-729-3250 | 517-204-9018 |
| COORDINATOR               | TRACY MAHAR | 989-729-3250 | 517-204-9018 |

|              |
|--------------|
| ORDER NUMBER |
|--------------|

|                                                                                                                                                                                      |  |  |                                                                            |           |                                                                                                                               |                        |                                   |                    |  |                     |         |  |                  |                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|----------------------------------------------------------------------------|-----------|-------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------------------------------|--------------------|--|---------------------|---------|--|------------------|----------------------|
| <p align="center"><b>-CONSTRUCTION CERTIFICATION-</b></p> <p>Work was constructed as Engineered or Changed as Indicated.</p> <p>All Salvageable Material Was Returned to Stores.</p> |  |  | STAKED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |           | <br><b>A CMS Energy Company ELECTRIC</b> |                        | THDPY Genesee and Lapeer Signals  |                    |  |                     |         |  |                  |                      |
|                                                                                                                                                                                      |  |  | TREES <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO  |           |                                                                                                                               |                        | For: CITY OF BURTON<br>GENESEE RD |                    |  | CM NO. 100006164349 |         |  |                  |                      |
| Signed _____ in Direct Charge of Work                                                                                                                                                |  |  | TLM NUMBER                                                                 | # OF RODS | OHMS                                                                                                                          | DESIGNED BY<br>TMMAHAR |                                   |                    |  |                     |         |  | DATE<br>01/05/21 | SUBSTATION<br>BELSAY |
| Dates: Started _____ Completed _____                                                                                                                                                 |  |  | 0757154104                                                                 |           |                                                                                                                               | APPROVED BY            | DATE                              |                    |  |                     |         |  |                  |                      |
| MISS DIG NUMBER: _____ DATE: _____                                                                                                                                                   |  |  |                                                                            |           |                                                                                                                               | SHEET 1 OF 1           | SCALE<br>NTS                      | CIRCUIT<br>RAYMOND |  | CKT NO.<br>03       | LCP NO. |  |                  |                      |

ELECTRIC CAD TITLE BLOCK (11x17) 10-30-2008

**SHEET B**

1/5/2021 10:46:24 AM C:\of\backup\wrad\ustn\daq\11212854.001

DESIGN FILE NAME: 11212854.001

T R S 07 57 15

Packet Pg. 52



**ADOPTED**

**AGENDA ITEM (ID # 5050)**

DOC ID: 5050

**Approve and authorize acceptance of the Memorandum of Understanding between the City of Burton and the Police Officers Labor Council - Burton Patrol Officers wage reopener.**

|                  |                                                     |
|------------------|-----------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [6 TO 1]</b>                             |
| <b>MOVER:</b>    | Gregory Fenner, Vice President                      |
| <b>SECONDER:</b> | Tom Martinbianco, Councilman                        |
| <b>AYES:</b>     | Martinbianco, Heffner, Wells, Smith, Fenner, Conley |
| <b>NAYS:</b>     | Dennis O'Keefe                                      |



**ADOPTED**

**AGENDA ITEM (ID # 5051)**

DOC ID: 5051

**Budget Amendment POL3 Approve and authorize the following 2020-2021 budget amendment: Increase 2007-975.0002 Gasoline Storage Tank by \$5,000; Increase 2007-2007-975.0003 Parking Lot & Sidewalks by \$50,000; Increase 2007-2007-985.0000 Police Vehicles by \$100,000; Increase 2007-2007-984.0000 Equipment by \$227,000; Increase 2007-2007-934.0000 by \$24,500, Decreasing the 2007 Police Fund Balance by \$406,500.**

**ATTACHMENTS:**

- Budget Amendment 2020-21 04-05-21 Pol3 (DOC)

|                  |                                                |
|------------------|------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [6 TO 1]</b>                        |
| <b>MOVER:</b>    | Dennis O'Keefe, Councilman                     |
| <b>SECONDER:</b> | Vaughn Smith, Councilman                       |
| <b>AYES:</b>     | O'Keefe, Heffner, Wells, Smith, Fenner, Conley |
| <b>NAYS:</b>     | Tom Martinbianco                               |

## INTEROFFICE MEMORANDUM

To: Mayor Duane Haskins  
From: Controller Jodi Holbrook  
Date: March 31, 2021

Re: Memo of Explanation for  
City Council Meeting of 04/05/2021

Mayor Haskins:

**I am requesting that Council approve a budget amendment within the Police Fund Budget as follows: Increase 2007-2007-975.0002 Gasoline Storage Tank by \$5,000; Increase 2007-2007-975.0003 Parking Lot & Sidewalks by \$50,000; Increase 2007-2007-985.0000 Police Vehicles by \$100,000; Increase 2007-2007-984.0000 Equipment by \$227,000; Increase 2007-2007-934.0000 by \$24,500, Decreasing the 2007 Police Fund Balance by \$406,500.**

This budget increases the replacement cost of the police gasoline storage tank by \$5,000 and increases the cost of repaving the police parking lot and sidewalks by \$50,000 for the 2020-21 budget. These items were previously approved at \$35,000 and \$150,000 respectively. For age and discretionary purposes, the department is in need of 4 detective vehicles at a cost of \$100,000. To lower training expenses and to have a more accessible format of training during COVID, the budget would allow \$56,500 for repair and construction of a training room. An additional \$50,000 in the budget would allow for repairs and updates to the administration area. Those amounts are split into building repairs and equipment. To better serve the community and our police force, \$100,000 in the budget would allow for dash cams for our patrol vehicles, and \$45,000 would allow for 4 speed signs with cameras. The Police fund has received additional funding this year that would cover the requested expenses.

Addition:

As part of the Cares Act, First Responder Hazard Pay Premiums Program, some first responder wages were reimbursed. The total amount received for police wages was \$455,413. The reimbursed wages were for hours worked prior to July 1, 2020. However, the funds were received after July 1, 2020. Therefore, the reimbursement received is a one-time payment that will go to the fund balance in the police fund.

Attachment: Budget Amendment 2020-21 04-05-21 Pol3 [Revision 1] (5051 : Budget Amendment POL3)



**SCHEDULED**

**AGENDA ITEM (ID # 5043)**

DOC ID: 5043

**Approve and authorize the first reading of amended Ordinance 30.03. An ordinance to amend Chapter 30.03 (A) of the City of Burton Code of Ordinances by the increase in the salary of the City Clerk of the City of Burton and to provide for the effective dates thereto. Please choose option (A) or option (B):**

(A) The annual salary of the Clerk of the City of Burton shall be not in excess of the following amounts for the periods set forth:

- (1) April 5, 2021: \$60,571.08
- (2) Effective July 1, 2021 - \$70,000
- (3) Effective July 1, 2022 - \$72,000
- (4) Effective July 1, 2023 - \$75,000

(B) The annual salary of the Clerk of the City of Burton shall be an amount determined by the Mayor not in excess of the following amounts for the periods set forth:

- (1) April 5, 2021: \$60,571.08
- (2) Effective July 1, 2021 - \$70,000
- (3) Effective December 31, 2021 - \$72,000
- (4) Effective December 31, 2022 - \$75,000

**COMMENTS - Current Meeting:**

Mr. Martinbianco stated at Legislative Committee, there was no option (B). It was only option (A). I do not know where it came from.

Mr. Heffner stated the Mayor previously stated that he added option (B).

Mr. Martinbianco stated he cannot add that. We only discussed option (A). I would like the Legislative Chair to weigh in on this.

Mr. Fenner stated I can only agree that option (A) was the only thing we decided. I understand the reason behind the Mayor adding the option. I also agree with Mr. O'Keefe.

Mr. Martinbianco stated the Mayor has no authority over the Legislative Committee. It is an ordinance and we said how it was going to be. The amount determined by the Mayor was removed. We could have left it in there and we chose not to.

Attorney Doyle stated the Legislative Committee is just a committee that gives recommendations. The Mayor has the authority to add to the agenda just like the Council President or any of you. There is nothing improper here.

Mr. O'Keefe stated I see the dates as a secondary situation. These people work at the will of the Mayor. They are not in a union or entitled to that money just because they are in that position. These are the Mayor's employees. This is why I would like to choose option (B).

Motion was made by Mr. O'Keefe and supported by Mr. Wells to approve option (B).

Motion was made by Mrs. Conley and supported by Mr. Martinbianco to approve option (A).

Mr. Heffner stated this is what we are going to do, we will take a roll call vote and each council person will state either (A) or (B). Whichever gets the most votes will be the victor.

Mr. Martinbianco stated I will probably protest that.

Roll call results are as follows:

Mrs. Conley: A

Mr. Martinbianco: A

Mr. Wells: B

Mr. O'Keefe: B

Mr. Smith: B

Mr. Fenner: B

Mr. Heffner: A

Vote result: 3 votes for option (A), 4 votes for option (B).

**ATTACHMENTS:**

- CH 30.03 (A) Administrative Officers- Clerk (DOCX)

|                  |                                                           |                                |
|------------------|-----------------------------------------------------------|--------------------------------|
| <b>RESULT:</b>   | <b>CARRIED TO SECOND READING [4 TO 3]</b>                 | <b>Next: 4/19/2021 7:00 PM</b> |
| <b>MOVER:</b>    | Dennis O'Keefe, Councilman                                |                                |
| <b>SECONDER:</b> | Danny Wells, Councilman                                   |                                |
| <b>AYES:</b>     | Dennis O'Keefe, Danny Wells, Vaughn Smith, Gregory Fenner |                                |
| <b>NAYS:</b>     | Tom Martinbianco, Steven Heffner, Christina Conley        |                                |

§ 30.03 ADMINISTRATIVE OFFICERS; COMPENSATION AND BENEFITS ADOPTED.

(A) The annual salary of the Clerk of the City of Burton shall be an amount determined by the Mayor not in excess of the following amounts for the periods set forth:

(1) March 9, 2009 — \$58,241.42.

(2) July 1, 2009 until modified by ordinance: \$60,571.08.

(B) The annual salary of the Treasurer of the City of Burton shall be an amount determined by the Mayor in accordance with the following:

(1) December 17, 2018 — \$60,643.91.

(2) Effective January 1, 2019 the base salary upon appointment shall be \$65,000.00.

(3) Effective December 31, 2019 and upon fulfillment of 12 months of continuous service as Treasurer, the salary shall not exceed \$68,000.00.

(4) Effective December 31, 2020 and upon fulfillment of 24 months of continuous Service as Treasurer, the salary shall not exceed \$70,000.00.

(C) The annual salary of the Assessor of the City of Burton shall be an amount determined by the Mayor not in excess of the following amounts for the periods set forth:

(1) March 9, 2009 — \$72,704.27.

(2) July 1, 2009 until modified by ordinance: \$75,612.44.

(D) The annual salary of the Chief of Police of the City of Burton shall be an amount determined by the Mayor in accordance with the following:

(1) December 17, 2018 — \$70,169.55.

(2) Effective January 1, 2019 the base salary upon appointment shall be \$92,000.00.

(3) Effective December 31, 2019 and upon fulfillment of 12 months of continuous service as Chief of Police, the salary shall not exceed \$93,500.00.

(4) Effective December 31, 2020 and upon fulfillment of 24 months of continuous service as Chief of Police, the salary shall not exceed \$95,000.00.

(E) The annual salary of the Fire Chief of the City of Burton shall be an amount determined by the Mayor in accordance with the following:

(1) December 17, 2018 — \$60,571.08.

(2) Effective January 1, 2019 the base salary upon appointment shall be \$68,000.00.

(3) Effective December 31, 2019 and upon fulfillment of 12 months of continuous service as Fire Chief, the salary shall not exceed \$70,000.00.

(4) Effective December 31, 2020 and upon fulfillment of 24 months of continuous service as Fire Chief, the salary shall not exceed \$72,000.00.



**SCHEDULED**

**AGENDA ITEM (ID # 5044)**

DOC ID: 5044

**Approve and authorize the first reading of amended Ordinance 30.03. An ordinance to amend Chapter 30.03 (C) of the City of Burton Code of Ordinances by the increase in the salary of the City Assessor of the City of Burton and to provide for the effective dates thereto. Please choose option (A) or option (B):**

(A) The annual salary of the Assessor of the City of Burton shall be not in excess of the following amounts for the periods set forth:

- (1) April 5, 2021: \$75,612.44
- (2) Effective July 1, 2021 - \$80,000
- (3) Effective July 1, 2022 - \$83,000
- (4) Effective July 1, 2023 - \$86,000

(B) The annual salary of the Assessor of the City of Burton shall be an amount determined by the Mayor not in excess of the following amounts for the periods set forth:

- (1) April 5, 2021: \$75,612.44
- (2) Effective July 1, 2021 - \$80,000
- (3) Effective December 31, 2021 - \$83,000
- (4) Effective December 31, 2022 - \$86,000

**COMMENTS - Current Meeting:**

Motion was made by Mr. O'keefe and supported by Mr. Wells to approve option (B).

Mr. Martibianco stated he would like to pass.

Mr. Heffner stated you cannot do that.

Attorney Doyle stated there is no reason for you to abstain.

Roll call results are as follows:

Mrs. Conley: A

Mr. Martinbianco: B

Mr. Wells: B

Mr. O'Keefe: B

Mr. Smith: B

Mr. Fenner: B

Mr. Heffner: A

Vote result: 2 votes for option (A), 5 votes for option (B).

Mrs. Conley would like an answer if the fence has gone out to bid yet?

Mr. Abbey stated the budget was our priority by law. We will get it done as soon as possible. Regarding your other questions, Bristol Road is well underway and will be on the next set of demos. We don't do demos individually because it is not cost effective. We have to wait until after the budget is approved because we need additional funding. All notifications have been given and they are moving forward.

Mrs. Conley stated if you want me to paint at the Fire Station, I will work with you. Regarding the Legislative Meeting, I would rather have seen it cancelled. Hopefully, this doesn't happen again and we can get it all straightened out.

Mr. Heffner stated on the corner of Lombard and Lapeer, Consumers tore out part of the turn lane and replaced it with cold patch. They were supposed to fix it last year and it is still not fixed. Can you contact Consumers while they are in the area? Who cut the holes on Center Road South of Lippincott? One more spot on Belsay Road where we did the temporary asphalt in the southbound lane, there was a hole cut there that is settling.

Mr. Abbey stated we will put Consumers on notice. Center Road was probably Consumers as well. They have a new process that includes the temporary patch.

Mr. Wells asked about Burton Auto Glass. Is that scheduled for demolition?

Mayor Haskins stated Mr. Fenner asked me about this the other day. The owner that is responsible for that was medically incapacitated and was off the charts for a few months. About three weeks ago, I was told they are starting to move on it.

Mr. O'Keefe stated at the last budget, I think it was \$180,000 in demolitions. I added up this year and we are nowhere close. We need to check on it and destroy some houses. What is going on with the Code Enforcement Officer we approved last year?

Mr. Abbey stated if we post the position we will lose another operator from another position. I am going to come to you with a proposal. It isn't going to benefit us like you think it is. The courts are not open. It takes a long time to get through the process. We have many bigger needs than that.

Mr. Heffner stated the council said we want another Code Enforcer. We expect them to be hired. That is what those dollars were set aside for.

Discussion continued regarding the Code Enforcer position.

**ATTACHMENTS:**

- CH 30.03 (C) Administrative Officers- Assessor (DOCX)

|                  |                                              |                             |
|------------------|----------------------------------------------|-----------------------------|
| <b>RESULT:</b>   | <b>CARRIED TO SECOND READING [5 TO 2] PM</b> | <b>Next: 4/19/2021 7:00</b> |
| <b>MOVER:</b>    | Dennis O'Keefe, Councilman                   |                             |
| <b>SECONDER:</b> | Danny Wells, Councilman                      |                             |
| <b>AYES:</b>     | Martinbianco, O'Keefe, Wells, Smith, Fenner  |                             |
| <b>NAYS:</b>     | Steven Heffner, Christina Conley             |                             |

L.2

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