



CITY OF BURTON
BURTON CITY COUNCIL MEETING
AUGUST 15, 2022
MINUTES

Council Chambers

Regular Meeting

7:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by President Steven Heffner at 7:07 PM.

A. INVOCATION LED BY: GREG FENNER

B. THE PLEDGE OF ALLEGIANCE IS LED BY: GREG FENNER

C. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Vice President	Present	
Steven Heffner	President	Present	
Vaughn Smith	Councilman	Present	
Gregory Fenner	Councilman	Present	
Christina Conley	Councilwoman	Present	
Greg Hull	Councilman	Present	
Christina Hickson	Councilwoman	Present	

D. APPROVAL OF AGENDA

1. Approve the Agenda as Presented.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tom Martinbianco, Vice President
SECONDER:	Christina Hickson, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

E. STAFF PRESENT

Duane Haskins, Mayor
Racheal Boggs, City Clerk
Charles Abbey, DPW Director/HR
Brian Ross, Police Chief
Kirk Wilkinson, Fire Chief

F. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Aug 1, 2022 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Gregory Fenner, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

G. ADMINISTRATIVE REPORTS

Mayor Haskins expressed condolences for the Thomas-Pavlica family for the passing of Kimberly Pavlica (Thomas). She was a dedicated election worker and will be missed. Please keep the family in your prayers and thoughts. Back to the Bricks kicks off on Wednesday of this week. The end of summer is near and school will be starting back up. Please be mindful of kids walking and school buses. Happy Labor Day to everyone.

H. COMMITTEE REPORTS

Mrs. Conley stated the Friends of the Library will be holding a book sale on Saturday, August 27th from 10:00AM-4:00PM.

Mr. Hull stated Parks & Recreation will be having a clean-up at Fireman's Park on August 18th at 5:30 PM and the Trick or Treat Trail is scheduled for October 22nd.

Mr. Heffner stated he is putting together a new committee. The retail committee will include Mr. Smith as the Chair, Mr. Martinbianco, The Zoning Board President and members of the administration. This will be to try and bring more retail businesses to Burton.

Discussion continued regarding the goals of the retail committee and specific expertise needed.

I. AUDIENCE PARTICIPATION

Jim Shustock of 1346 Howe Road in Burton expressed concerns regarding the election process and suggested a committee to monitor this.

J. COUNCIL DISCUSSION

Mrs. Conley stated I got a text about Belsay Road again. The guy is revving up his truck for no reason at all. They have to keep their windows closed and run the air conditioner to drown out the noise.

Mr. Hull stated at their last meeting, the Parks & Recreation Commission discussed moving the Tree Lighting Ceremony from the Fire Station #1 to City Hall. I received calls from residents who did not want this to happen.

Mr. Smith stated you may remember that I asked the Mayor to send us the information regarding the Elga investment accounts and the dual signature issue. He did that and I have an email here from Pam Hill. Mr. Smith read the email into the record. Pam Hill has indicated that a detective control was added to the process to assist in mitigating risk and the firm will test, confirm and verify the controls during the audit. I recommend bringing this up to see if there will be an additional cost.

Discussion continued regarding the dual signatory, Elga not offering dual signatures, issues with notifications and the audit timeline.

Mr. Heffner asked if we have sent Elga a letter indicating that we may have to pull our funds from them if we cannot get the dual signatures.

Mayor Haskins stated this is an investment account and there are no checks written, bills paid, or money transferred from it. This is also the best rate of return we can get.

Discussion continued regarding contacting Elga.

Mr. Hull stated if a board member of a company we were working with called our City Clerk and threatened to kill her dog, I wouldn't want to do business with them, period.

Mr. Martinbianco stated item # 4 is about the rehabilitation of roads on the west side of the city. As part of the new retail committee, we need to siphon traffic from Court and Irish and entice them to the Belsay Road corridor to keep them local and off the expressway. We need to take a look at the condition of Court between Belsay and Vassar. There is school traffic there and I receive a number of complaints about the area.

Mr. Abbey stated we are looking at this. We missed an opportunity years ago when the county did Irish Road to Davison, we should have piggy-backed on that project. Now, we have to look at another plan to get it done.

Mr. Fenner stated I have had some very disappointed residents with the thought of moving the Tree Lighting Event. It is an established event for that area and they like it at the Fire Station. The kids enjoy the playground all lit up and people enjoy seeing the Fire Station. I understand though, if there is a reason to move it.

Mr. Heffner stated years ago, we did the Tree Lighting at City Hall, everyone who attended was a city employee or their family. We have a successful event now and to move it back to City Hall I feel, is crazy. The neighborhood comes out to the event where it is. If we wanted to do a couple tree lighting events, we can do that.

Mrs. Conley concurred that she would hate to see the event moved. Everyone has worked very hard on this event and it is a good thing for residents in the south end as well as throughout the city.

Discussion ensued regarding a Christmas parade and the idea of having Christmas Carolers.

Mrs. Conley stated a tree is donated each year by Williams Tree Farm, my husband picks it up with his truck and Gray's Towing places it, so I will need to know if we decide to move the event.

Mr. Hull stated anytime you have people willing to donate or contribute, you should nurture that relationship and not do things that will hurt it. It seems like moving the event would hurt that relationship.

Mr. Martinbianco stated in response to Mr. Shustock's comment, I would like to ask the City Clerk how things went at each of the polling places.

Ms. Boggs stated August Primary Elections can be chaotic, you can't split your ticket, we often have to spoil ballots which can be a confusing process. We also have quite a few new election workers at each of our locations. Each of our precincts balanced and canvass was completed with no issues.

Mr. Martinbianco asked if workers will be further trained before the November Election.

Ms. Boggs said, yes.

Mr. Martinbianco asked if the council will receive a budget spreadsheet from the Controller

of the Memorial Day/50th Anniversary Event.

Mayor Haskins said, I am sure of it, they are still closing some things up.

Mr. Heffner stated during budget season, we budgeted for cameras to be placed at the ballot drop box and in the room where absentee ballots are counted. Have we started the process of getting this installed?

Mayor Haskins stated we are determining if we are still going to count the ballots in Council Chambers because if that is the case, we already have cameras here and there is no sense spending the money on additional cameras.

Mr. Heffner stated they would have to be on the whole time while ballots are being counted. They are usually counted in Council Chambers, correct?

Ms. Boggs stated for years, ballots were counted in the community room next to the Clerk's Office. When the Controller's Office moved into that room, we began using Council Chambers. For August, we used the room next door which will eventually become the new community room and it went very well. I would recommend continuing to use that room. The money you allocated is in the IT budget and we have begun discussions about the types of cameras and if the budgeted amount will be enough.

Mr. Heffner stated I don't want a repeat when the election is over, of us getting slammed with people accusing the Clerk's Office of misdeeds. This way, we are open and transparent and doing everything we can to show everybody that their vote is safe here in Burton.

Mr. Smith stated I spoke to Mr. Abbey about the \$400,000 for the DPW building. Under motor pool on page 33 of your budget, it is the last one on the estimated revenues. The question is, what do we do from here? Can the administration explain to the council why the money didn't go to general fund.

Mayor Haskins stated it did not go into the general fund because you approved it and we still plan on building the barn. The costs were too high at that time, so it went to the fund balance in motor pool. Mr. Abbey has been coming up with different ideas to save costs and we still plan to build it.

Mr. Heffner stated it was not approved by City Council. It was approved in the 2021-22 budget which was a completely different council. Money from any department that is not used rolls back into the general fund.

Mr. Abbey stated this does not happen automatically.

Mr. Heffner stated that is our decision, not yours. It was not discussed in this years budget, at all. This is a new council, Mr. Hull and Mrs. Hickson didn't vote on it.

Mr. Abbey stated that is because we didn't think we needed to discuss it again. You didn't take the money and you knew that was the plan. Unused money goes to the departments fund balance unless you guys take it back.

Mr. Martinbianco stated to refer to the footnote on page 46 on your budget that refers to the building. That is as much as to say we haven't budgeted for it but we need it. I agree with Mr. Heffner. If we have to make a motion to move it back and have discussion on it, I don't have a problem doing that.

Discussion continued regarding the DPW barn and associated budget.

Mr. Abbey stated we will have a discussion with the auditors. This is a depreciation fund in the motor pool. It is a depreciated item. We will see where it goes and report back to you.

Mayor Haskins stated being good fiduciary stewards of the taxpayers money by trying to do something at a reasonable cost, you are now going to hold penalty against the DPW in getting the barn by saying they are not getting it now because it rolled down to fund balance and this is a new council. I don't understand the logic behind this.

Further discussion about when the barn was budgeted, where the funds are and should go, and prevailing wage.

Mr. Smith stated we need to get a professional opinion from Plante Moran. He suggests the Finance Chair contact them for the proper accounting answer.

K. COUNCIL ACTION

1. Approve and authorize the payment of Attorney Billing (Doyle) 7/27/22 to 8/9/22 in the amount of \$6,627.00.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Greg Hull, Councilman
SECONDER:	Christina Hickson, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

2. Approve and authorize Resolution 2022-25 for temporary road closure for the Bikes on the Bricks Event on September 10, 2022.

Mr. Fenner stated after seeing what the Clerk provided us, intersections will only be closed for the time they are passing through each intersection. This is not really a street closure and should have no negative effect on the businesses on Saginaw Street.

Mayor Haskins stated we do this every year since 2015.

Mr. Heffner stated this is like Back to the Bricks except for it is motorcycles.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Vaughn Smith, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

3. Approve and authorize the sale of Vacant Lot - Hemphill Rd, Parcel No. 59-28-502-057, to give first and final approval for the sale of this parcel to Thomas and Deborah Cook, 3169 Hemphill Rd., Burton, MI 48529 (Vacant Lot is adjacent to 3159 Hemphill Rd owned by Thomas and Deborah Cook), for the sum of \$3,000 cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

Mr. Heffner asked where the money goes for the sale of these lots.

Mr. Abbey stated it might go back to the building fund. I don't do that end of it but I will check on it tomorrow.

Mr. Heffner recommends this go into a blight fund.

Mr. Abbey stated every dime that is spent on blight comes from the building department fund, including prosecutions. If we do a clean up on blight, it comes out of that fund.

Mr. Hull recommends a fund to promote home ownership. This will help to reduce blight in the long run.

Mr. Heffner said, great job selling these lots and homes. We have been moving a lot in the last few years.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Gregory Fenner, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

4. Approve and authorize the Mayor and City Clerk to execute a contract with Hutch Paving Inc. 3000 E. Ten Mile Rd. Warren, MI 48390, for the 2022 Pavement Rehab contract which is the Rehabilitation of Judd Rd.(Fenton Rd. to Lawnwood Dr.), Davenport Dr. (Fenton Rd. to Brunswick Dr.) & Barnes Ave. (Judd Rd to Parkwood Ave.) for the amount of \$496,131.30

Mr. Heffner stated this is about 40 years late. It should have been done a long time ago.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Greg Hull, Councilman
SECONDER:	Christina Hickson, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

Agendas and minutes may be found at www.burtonmi.gov

Meeting was adjourned at 8:05 PM.



CITY OF BURTON
BURTON CITY COUNCIL MEETING
AUGUST 1, 2022
MINUTES

Council Chambers

Regular Meeting

7:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by President Steven Heffner at 7:10 PM.

A. INVOCATION LED BY: VAUGHN SMITH

B. THE PLEDGE OF ALLEGIANCE IS LED BY: VAUGHN SMITH

C. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Vice President	Present	
Steven Heffner	President	Present	
Vaughn Smith	Councilman	Present	
Gregory Fenner	Councilman	Present	
Christina Conley	Councilwoman	Excused	
Greg Hull	Councilman	Present	
Christina Hickson	Councilwoman	Late	7:14 PM

D. APPROVAL OF AGENDA

1. Motion to Approve the Agenda as Presented.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Gregory Fenner, Councilman
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Heffner, Smith, Fenner, Hull, Hickson
EXCUSED:	Conley

E. STAFF PRESENT

Duane Haskins, Mayor
Racheal Boggs, City Clerk
Charles Abbey, DPW Director/HR
Brian Ross, Police Chief
Kirk Wilkinson, Fire Chief

F. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Jul 18, 2022 7:00 PM

Minutes Acceptance: Minutes of Aug 1, 2022 7:00 PM (APPROVAL OF MINUTES)

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Tom Martinbianco, Vice President
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Heffner, Smith, Fenner, Hull
ABSENT:	Hickson
EXCUSED:	Conley

G. ADMINISTRATIVE REPORTS

Mayor Haskins stated Attorney Leadford is here tonight requesting a closed session under section 8C of the Open Meetings Act for the purpose of collective bargaining strategy. Tomorrow is the Primary Election and I would like to wish good luck to those who are on the ballot. Thank you to our Clerk, her office, and everyone else who has been involved in preparing for the election. They have worked tirelessly and are doing an outstanding job. Mr. Abbey would like to speak to the council regarding the barn at DPW.

Mr. Abbey stated we would like the council to consider a proposal for the barn. If we buy the barn directly from Carter Lumber, we can save on the price as well as the sales tax. We would only have to pay for labor and we have done this in the past.

Mr. Heffner stated I don't remember budgeting for the barn. I thought that was two years ago.

Mr. Abbey stated you did and we asked to carry it over.

Discussion continued regarding whether the barn was approved and where it was budgeted.

Mayor Haskins welcomed former Councilman Steve Hatfield who is in the audience tonight.

1. July 2022 Investment Report
2. Motion to go into Closed Session after Audience Participation under Section 8C of the Open Meetings Act for the Purpose of Collective Bargaining Strategy.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tom Martinbianco, Vice President
SECONDER:	Greg Hull, Councilman
AYES:	Martinbianco, Heffner, Smith, Fenner, Hull, Hickson
EXCUSED:	Conley

H. COMMITTEE REPORTS

None.

I. AUDIENCE PARTICIPATION

Steve Hatfield of 9491 SE 174th Place Road, Summerfield Florida stated I watch the meetings from home and thank you for posting them online. Tomorrow is the election so make sure you get out and vote. It is great to see everyone.

J. COUNCIL DISCUSSION

Council went into closed session at 7:23PM.

Minutes Acceptance: Minutes of Aug 1, 2022 7:00 PM (APPROVAL OF MINUTES)

Council returned from closed session at 7:58PM.

Mr. Smith stated I spoke some time ago about Pam Hill and the Elga account with the two signatories. Mayor, will you please send that correspondence to the council?

Mayor Haskins said, yes, sir.

K. COUNCIL ACTION

1. Approve and authorize the payment of Attorney Billing (Doyle) 7/13/22 to 7/26/22 in the amount of \$5,226.00.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Greg Hull, Councilman
SECONDER:	Christina Hickson, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Hull, Hickson
EXCUSED:	Conley

2. Approve and authorize the payment of Attorney Billing (Masud) 4/8/2022 to 5/23/2022 in the amount of \$3,456.00.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Greg Hull, Councilman
SECONDER:	Christina Hickson, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Hull, Hickson
EXCUSED:	Conley

3. Approve and Authorize the Mayor and City Clerk to execute a contract with Orchard, Hiltz & McCliment, In. (OHM), 34000 Plymouth Rd. Livonia, MI 48150, for additional Professional Engineering of Genesee Road from Court to Davison Road (DPW Project No. 21-023-P) to extend the culverts at the Gilkey Creek Drain Crossings , at an estimated cost of \$28,445.00, contingent upon approval of the City Attorney.

Mr. Martinbianco thanked Derrick Bradshaw and Mr. Abbey for explaining the inclusion for the non-motorized path going from Kelly Lake to Formar. He also thanked Jeff Allen with Communication Technologies and the Burton Rotary who helped support the bike giveaway program through the Boys and Girls Club of Genesee County. They did a really admiral job and I am very proud of both organizations.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Gregory Fenner, Councilman
SECONDER:	Christina Hickson, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Hull, Hickson
EXCUSED:	Conley

Agendas and minutes may be found at www.burtonmi.gov

Minutes Acceptance: Minutes of Aug 1, 2022 7:00 PM (APPROVAL OF MINUTES)

Meeting was adjourned at 8:02 PM.

Minutes Acceptance: Minutes of Aug 1, 2022 7:00 PM (APPROVAL OF MINUTES)



ADOPTED

AGENDA ITEM (ID # 5479)

DOC ID: 5479

**Approve and authorize the payment of Attorney Billing
(Doyle) 7/27/22 to 8/9/22 in the amount of \$6,627.00.**

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Greg Hull, Councilman
SECONDER:	Christina Hickson, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson



ADOPTED

AGENDA ITEM (ID # 5481)

DOC ID: 5481

Approve and authorize Resolution 2022-25 for temporary road closure for the Bikes on the Bricks Event on September 10, 2022.

COMMENTS - Current Meeting:

Mr. Fenner stated after seeing what the Clerk provided us, intersections will only be closed for the time they are passing through each intersection. This is not really a street closure and should have no negative effect on the businesses on Saginaw Street.

Mayor Haskins stated we do this every year since 2015.

Mr. Heffner stated this is like Back to the Bricks except for it is motorcycles.

ATTACHMENTS:

- Bikes on the Bricks Resolution 2022-25 (PDF)

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Vaughn Smith, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

2022-25

RESOLUTION

To be used by Governmental Units in Connection with
Applications to Construct, Operate, Use and/or Maintain
Within the Right-of-way; or to Close a County Road.

(Note: It is not necessary to use this form when
submitting a Resolution. It may be used as
a sample of adequate wording and content for
Permit Resolutions)

RESOLVED, that the Bikes on the Bricks is hereby authorized to make
(title)

Application to the Genesee County Road Commission on behalf of the City
(City, Twp.)

of Burton in the county of Genesee Michigan for the
(name)

necessary permit(s) to allow police escorted ride on September
(description of what is desired)

10, 2022 from approx. 10 am to 1 pm E/B Maple Rd to
Saginaw St. Saginaw St. N/B to Downtown Flint

This will include a temporary blocking of
intersections

within the right-of-way of County Roads _____,

and that the City of Burton in the County of Genesee,
(City, Twp.) (name)

Michigan will faithfully fulfill all permit requirements, and will indemnify and save

harmless all persons from claims of every kind arising out of operations authorized by

such permit(s) as is (are) issued. I HEREBY CERTIFY that the foregoing is a true copy

of a resolution adopted by the _____ at a _____
(name of governing body) (regular, special)

meeting held on the _____ day of _____ A.D. 20____.

Signed _____

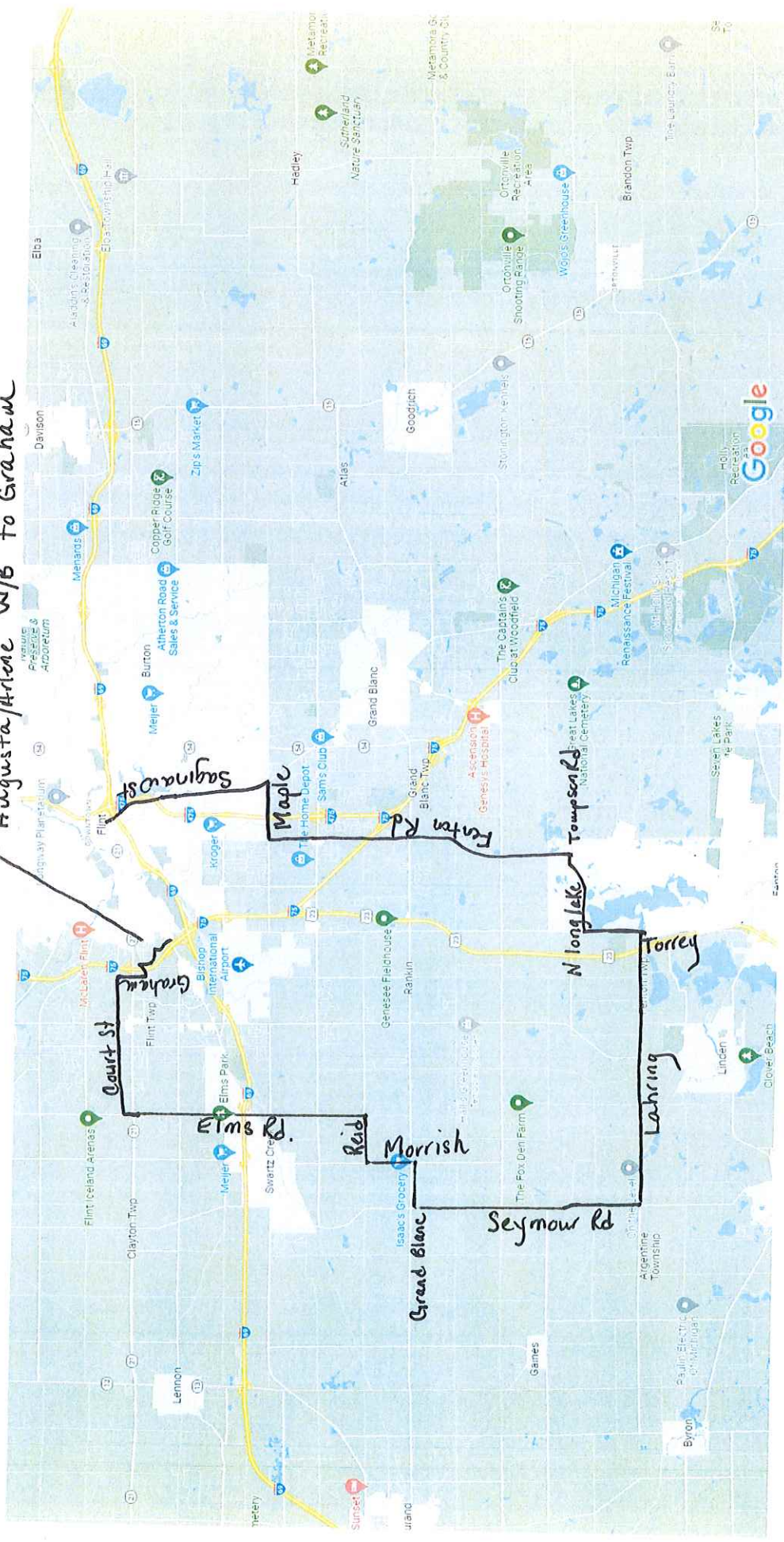
Title _____

Attachment: Bikes on the Bricks Resolution 2022-25 (5481 : Bikes on the Bricks)

2022 BIKES ON THE BRICKS MOTORCYCLE RIDE ROUTE

AUSTIN PARKWAY N/B TO HOGARTH AVE (TURN LEFT)
HOGARTH AVE W/B TO AUGUSTA/ARLENE (TURN LEFT)
AUGUSTA/ARLENE W/B TO GRAHAM (TURN RIGHT)
GRAHAM N/B TO COURT ST (TURN LEFT)
COURT ST W/B TO ELMS RD (TURN LEFT)
ELMS RD S/B TO REID RD (TURN RIGHT)
REID RD W/B TO MORRISH RD (TURN LEFT)
MORRISH RD S/B TO GRAND BLANC RD (TURN RIGHT)
GRAND BLANC RD W/B TO SEYMOUR RD (TURN LEFT)
SEYMOUR RD S/B TO LAHRING RD (TURN LEFT)
LAHRING E/B TO TORREY RD (TURN LEFT)
TORREY RD N/B TO NORTH LONG LAKE RD (TURN RIGHT)
NORTH LONG LAKE RD E/B, VEER ONTO WIGGINS RD E/B TO THOMPSON RD (TURN RIGHT)
THOMPSON RD E/B TO FENTON RD (TURN LEFT)
FENTON RD N/B TO MAPLE RD. (TURN RIGHT)
MAPLE RD E/B TO SAGINAW ST. (TURN LEFT)
SAGINAW ST. N/B TO DOWNTOWN FLINT

- Austin Parkway N/B to Hogarth
- Hogarth w/B to Augusta/Arlene
- Augusta/Arlene w/B to Graham



Map data ©2022 2 mi



ADOPTED

AGENDA ITEM (ID # 5473)

DOC ID: 5473

Approve and authorize the sale of Vacant Lot - Hemphill Rd, Parcel No. 59-28-502-057, to give first and final approval for the sale of this parcel to Thomas and Deborah Cook, 3169 Hemphill Rd., Burton, MI 48529 (Vacant Lot is adjacent to 3159 Hemphill Rd owned by Thomas and Deborah Cook), for the sum of \$3,000 cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

COMMENTS - Current Meeting:

Mr. Heffner asked where the money goes for the sale of these lots.

Mr. Abbey stated it might go back to the building fund. I don't do that end of it but I will check on it tomorrow.

Mr. Heffner recommends this go into a blight fund.

Mr. Abbey stated every dime that is spent on blight comes from the building department fund, including prosecutions. If we do a clean up on blight, it comes out of that fund.

Mr. Hull recommends a fund to promote home ownership. This will help to reduce blight in the long run.

Mr. Heffner said, great job selling these lots and homes. We have been moving a lot in the last few years.

ATTACHMENTS:

- Purchase Agreement (PDF)

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Gregory Fenner, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

CONDITIONAL PURCHASE AGREEMENT

Conditioned upon City Council Approvals with Inspection and Repairs/Demolition Requirements

Section 11.3 of the Burton City Charter requires the Burton City Council to approve all land sales by an affirmative vote of five of the seven council members. No sale can be finalized without these approvals.

For valuable consideration **THE CITY OF BURTON**, a municipal corporation, of 4303 S. Center Road, Burton, Michigan 48519, as Seller and Thomas Cook & Deborah L. Maxwell/Cook, husband and wife a single man/woman, of 3169 E Hemphill Rd Burton MI 48529, Michigan 48 529, as Purchaser(s), agree to purchase, the following described real property located in the City of Burton, Genesee County, Michigan being legally described as:

Legal Description(s) LOT 58 SUPERVISORS PLAT OF ATHERTON GARDENS

More commonly known as: Vacant Lot on Hemphill Rd.

Permanent Parcel #: 59-28-502-057

together with all improvements, appurtenances, hereditament now on the premises.

1. **PURCHASE PRICE:**

The Purchase Price for the above described property shall be \$ 3,000.00 payable in cash or certified funds at closing.
(offer amount)

2. **DEPOSIT:**

In the event that the Purchaser is submitting this Purchase Agreement for City Council consideration, an earnest money deposit in the amount of Ten (10%) percent of the price being offered is hereby submitted with this Purchase Agreement.

3. **CLOSING:**

- a. Purchaser acknowledges that all sales of City owned property must be approved by the Burton City Council. If the Council fails to approve this sale, then and in that event this Agreement will be deemed null and void and Seller shall forthwith return Purchaser's earnest money deposit.
- b. Closing shall take place within fifteen (15) business days of the City Council approval of this sale. At which time Purchaser will pay to Seller the balance of the purchase price in cash or certified funds and Seller shall convey a Covenant Deed to purchaser in a form suitable for recording. **Purchaser will be responsible for recording the Covenant Deed.**

4. **Supplemental Conditions:**

- a. Purchaser acknowledges and stipulates that Purchaser shall be solely responsible for the maintenance of the property from the date of closing forward, this shall include lawn mowing, tree upkeep, junk removal, brush, and any other violations of the City of Burton Ordinances.
- b. Purchaser further acknowledges and stipulates that said maintenance shall be at the sole expense of the Purchaser and Seller shall not bear any liability therefrom.
- c. Purchaser further acknowledges that they will get an inspection conducted by the City of Burton Building Inspector on the house and any accessory structures within 15 days and will pay the \$100.00 inspections fee so associated.

- d. Purchaser further acknowledges they will make any and all repairs or demolish as required by the inspection mentioned above (c) within 90 days and will be responsible for all such costs associated therewith.

5. **Repair of Structure/ Reversionary Clause/ Election of Remedies:**

- a. Purchaser acknowledges and stipulates that Purchaser shall cause to be repair or demolished the house and any accessory structures that is the subject of the agreement within 90 days of compliance with paragraph 4, above.
- b. Purchaser further acknowledges and stipulates that said repairs/demolitions shall be the sole responsibility and at the sole expense of the Purchaser and Seller shall not bear any liability therefrom.
- c. Purchaser further acknowledges and stipulates that in the event that the subject house and accessory structures have not been repaired/demolished as set forth in subparagraph 5(a), irrespective of compliance with paragraph 4, above, the property shall either revert back to the Seller and any and all money deposited by Purchaser shall be retained by the Seller or the City may institute legal action to compel the repairs/demolitions, at the City's sole election.
***Purchaser shall be responsible for all fees**, legal and otherwise, associated with the reversion of the property to the Seller in the event Purchaser does not voluntarily transfer title back to the Seller and legal proceedings are necessary to obtain title or in the event legal proceedings are necessary to compel specific performance of the repair/demolition of the house and any accessory structures.

6. **TITLE:**

- a. Seller has obtained title to the above described property through a Circuit Court Quiet Title Action. Seller does not warrant title. Purchaser is responsible to obtain evidence of satisfactory title. Seller will not provide title insurance.
- b. In the event that Purchaser's title search discloses title defects, Purchaser shall have twenty (20) days from the date of the execution of this Agreement to rescind this transaction by written notification to the City Clerk. Upon termination within the twenty (20) day period, Seller shall return the earnest money deposit to Purchaser and this Agreement shall be null and void.
- c. Seller will convey its interest in the property, which it has obtained by a Genesee County Circuit Court Judgment Quieting Title to Purchaser by Covenant Deed.

7. **CONDITION OF PREMISES:**

Purchaser acknowledges, notwithstanding paragraph 4, above, that the premises is being sold "AS IS" and that Seller has made absolutely no representations to Purchaser regarding the condition of the premises or any personal property which may be located within or upon the premises. There are no warranties of any type, expressed or implied being given by Seller to Purchaser.

8. **TAXES:**

Seller makes no representations regarding the status of either real or personal property taxes pertaining to the property above described. There shall be no proration of taxes as Purchaser shall be solely responsible for all unpaid taxes, assessments, and fees which may or may not be a lien against the premises at the time of closing. In addition to being solely responsible for all taxes, both past due and current, Purchaser is also responsible to pay any tax certification, revenue stamp and recording fees which may be associated with the recording of the deed.

9. ENTIRE CONTRACT:

Seller and Purchaser agree that they have read this document, that they understand its terms and agree to be bound thereby, and that there are no other agreements in writing or otherwise between them concerning the subject of this contract, and that this contract embodies the complete and entire agreement between them concerning the subject of this contract.

10. BINDING EFFECT:

Seller and Purchaser agree that the covenants and undertakings of this contract shall also bind their heirs, personal representatives, administrators, executors, assigns and successors; and that said covenants and undertakings as expressed herein shall continue to bind the parties subsequent to the final closing.

11. MISCELLANEOUS PROVISIONS:

- a. Each party shall be responsible to pay their respective attorney fees.
- b. All parties acknowledge receipt of a signed copy of this Purchase Agreement.
- c. In the event that the property being conveyed herein was subject to a Circuit Court Title Action, all parties acknowledge receipt of a copy of the Genesee County Circuit Court Judgment Quieting Title or an Order Conveying Title to the City of Burton.

SIGNED IN THE PRESENCE OF:**SELLER:
THE CITY OF BURTON**JULIE GRIFFITHBY: DUANE HASKINS, MAYORDATEBY: RACHEAL BOGGS, CLERKDATE**Purchaser:****Print Name:**THOMAS R. COOK**Signature:**Thomas R. Cook**Date:**1-19-22**Address:**3169 E HEMPHILLBURTON, Michigan**Phone:**810-744-3520**Is your spouse also going to be on the title?****No****Yes - if yes, spouse must sign below****Spouse:****Print Name:**Deborah L. Maxwell-Cook**Signature:**Deborah L. Maxwell-Cook**Date:**1-19-2022



Attachment: Purchase Agreement (5473 : Sale of City-Owned Property - V/L Hemphill Rd)

Have a great day!

Valerie L. Bice

All owned by
Thomas Cook



ADOPTED

AGENDA ITEM (ID # 5480)

DOC ID: 5480

Approve and authorize the Mayor and City Clerk to execute a contract with Hutch Paving Inc. 3000 E. Ten Mile Rd. Warren, MI 48390, for the 2022 Pavement Rehab contract which is the Rehabilitation of Judd Rd.(Fenton Rd. to Lawnwood Dr.), Davenport Dr. (Fenton Rd. to Brunswick Dr.) & Barnes Ave. (Judd Rd to Parkwood Ave.) for the amount of \$496,131.30

COMMENTS - Current Meeting:

Mr. Heffner stated this is about 40 years late. It should have been done a long time ago.

ATTACHMENTS:

- 2022 Pavement Rehab 22-003-P BID (PDF)
- BID TAB 2022 Pavement Rehab 22-003-P (PDF)

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Greg Hull, Councilman
SECONDER:	Christina Hickson, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

PROPOSAL

2022 PAVEMENT REHAB 22-003-P

This is the PROPOSAL of Hutch Paving, hereinafter called the Bidder, to the City of Burton, a Michigan Governmental Corporation, hereinafter called the Owner.

The Bidder, having familiarized himself with the local conditions affecting the work, and having examined the contract documents including the Advertisement, Instruction to Bidders, Proposal, Agreement, Bonds, Insurances, Specifications and Addenda, hereby proposes to furnish all labor, materials, tools, equipment, utilities and transportation services, and to perform and fully complete all the work listed on the proposal form and/or described in the contract documents and specifications designated as:

CITY OF BURTON, MICHIGAN

2022 PAVEMENT REHAB 22-003-P

SCHEDULE

The successful Bidder will be required to complete all work within the schedule specified below.

All contract work must be completed in its entirety by **October 31, 2022**. Failure to complete all contract work by **October 31, 2022**, will result in the Contractor being assessed liquidated damages in accordance with MDOT 2012 Standard Specifications for Construction. Additional time may be requested for the purpose of establishing turf.

The successful Bidder will be required to submit a construction schedule to the Owner indicating the dates of completion of the various items of work. This schedule, when approved by the Owner, will become a part of the contract documents.

* See attached documentation of basis of proposal.

BASE PROPOSAL

Item#	Item	Quantity	Unit Price	Total Price
1	Traffic Control, SP	1 LS	\$6,000.00	\$ 6,000.00
2	Pavement Remove, Mod, SP	150 SY	\$ 8.00	\$ 1,200.00
3	HMA Base Crush and Shape, Mod, SP	5,800 SY	\$ 5.25	\$ 30,450.00
4	HMA 13A, Top (1.5" average)	885 TN	\$ 124.38	\$ 110,076.30
5	HMA 13A, Base (2.5-3.5" average)	1,800 TN	\$ 123.20	\$ 221,760.00
6	Pavement for Butt Joints, Removal	60 SY	\$40.00	\$ 2,400.00
7	HMA Approach, Modified, SP	50 TN	\$ 325.00	\$ 16,250.00
8	Drive, Conc, 6" Nonreinforced	150 SY	\$ 115.00	\$ 17,250.00
9	Aggregate Surface, SP	100 TN	\$ 50.00	\$ 5,000.00
10	Salv Crushed Material, LM	150 CY	\$ 60.00	\$ 9,000.00
11	Subgrade Undercutting Type II, Mod, SP	75 CY	\$ 85.00	\$ 6,375.00
12	Drainage Structure Cover, Adjust, Case 1	1 EA	\$ 1,500.00	\$ 1,500.00
13	Slope Restoration, SP	1,750 SY	\$ 25.00	\$ 43,750.00
14	Aggregate Base, SP	50 TN	\$ 50.00	\$ 2,500.00
15	Post, Mailbox	30 EA	\$ 170.00	\$ 5,100.00
16	HMA Surface Remove	3,650 SY	\$4.80	\$ 17,520.00
	TOTAL			\$ 496,131.30

13/05/2018

1.30

Attachment: 2022 Pavement Rehab 22-003-P BID (5480 : 2022 Pavement Rehab 22-003-P)

The undersigned hereby agrees that if the foregoing proposal shall be accepted by the Owner, he will, within fifteen (15) consecutive calendar days after receiving notice of the acceptance of such proposal, enter into contract, in the appropriate form, to furnish all labor, materials, tools, and construction equipment necessary for the full and complete execution of the work at and for the prices named in this proposal, and he will furnish to the Owner all required insurance certificates and policies, and furnish such surety as shall be approved by the Owner for the faithful performance of such contract and for the payment of all materials used in this work and for all labor expended thereon and for the maintenance and guarantee of his work as shall be approved by the Owner.

The attention of the undersigned is directed to the liquidated damages provision of the contract documents. The undersigned hereby agrees that if this proposal be accepted by the Owner, he will complete the entire work of the contract within the specified number of consecutive calendar days after being notified to proceed, and if the work is not completed in the designated time, the liquidated damages specified shall be deducted from any money due the Contractor.

Project to be opened to traffic throughout construction.

Project shall be to complete all work within the schedule specified in this proposal.

The successful Bidder

The undersigned has attached hereto a (Bid Bond) (Certified Check) in the sum of Four hundred-ninety-six thousand one hundred thirty-one (\$ 496,131.00) as required in the "Advertisement" and the undersigned agrees that in case he shall fail to fulfill his obligations under the foregoing proposal and agreement, the Owner may, at its option, determine that the undersigned has abandoned his rights and interest in such proposal, and that the certified check or bid bond accompanying his proposal has been forfeited to the said Owner, but otherwise, the said certified check or bid bond shall be returned to the undersigned upon the execution of such contract and the acceptance of his bonds and insurances or upon the rejection of his proposal.

The undersigned affirms that in making such proposal neither he nor any company that he may represent, nor anyone on behalf of himself or his company, has directly or indirectly entered into any collusion, undertaking, or agreement with any bidder to maintain the prices of said work, and further affirms that such proposal is made without regard or reference to any other bidder or proposal and without any agreement or understanding or combination, either directly or indirectly, with any other person or persons with reference to such bidding.

In submitting this bid it is understood that the right is reserved by the Owner to waive any informality in bids, to reject any or all bids, or accept any bid or combination of bids, which is considered most favorable to the Owner.

The Owner reserves the right to decide which divisions will be constructed under this contract. Once the bids are received, the scope of the work will be decided.

Bidder acknowledges receipt of the following addenda(s):

N/A

Dated and signed at _____, State of Michigan, this 9th day of August, 2022.

Name of Bidder Cotton Oedy
 By: Cotton Oedy
 Address: 3000 E. 10 Mile Rd
Warren, MI 48390
 Telephone: 586-427-7283

Attachment: 2022 Pavement Rehab 22-003-P BID (5480 : 2022 Pavement Rehab 22-003-P)



BID TABULATION CITY OF BURTON

K.4.b

Department of Public Works

Project: 2022 PAVEMENT REHAB 22-003- P
Bid Opening at: CITY HALL
Date & Time: AUGUST 10, 2022 10am

Present: Julie Griffith, Purchasing Agent

	BIDDER NAME & ADDRESS	5% BOND	SIGNED BID	TOTAL BID
1	Hutch Paving 3000 East Ten Mile Rd. Warren, MI 48091	Yes	Yes	\$496,131.30
2	Ace-Saginaw Paving Company 115 S. Averill Ave. Flint, MI 48506	Yes	Yes	\$499,250.00
3				
4				
5				
6				
7				
8				
9				
10				

Attachment: BID TAB 2022 Pavement Rehab 22-003-P (5480 : 2022 Pavement Rehab 22-003-P)