

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
FEBRUARY 1, 2010, 7:00 P.M., COUNCIL CHAMBERS
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Councilman Danny Wells led the Invocation and Pledge of Allegiance.
The Regular Meeting was called to order by President Steven Heffner at 7:10 p.m.

MEMBERS PRESENT: Ellenburg, Haskins, Heffner, Martinbianco, Smith, Wells and Zelenko.

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor C. Smiley; G. Kray, DPW Director; Attorney K. Tucker and G. Webster, City Clerk.

Haskins moved and Wells seconded the following motion:

Approve and authorize the minutes of the Regular Council Meeting on January 18, 2010 p.m.
Motion carried 7-0.

ADMINISTRATIVE REPORT:

Nancy Grant and Steve Johnson of the Fraternal Order of Eagles Post 3814 presented Mayor Smiley and the Burton Police K-Nine Unit with a check for \$1,500. The Eagles planned to continue fund raising efforts to support the community and the K-Nine Unit. Officer Tony Greenway thanked the Eagles for their generous contribution. He said they planned to spend the funds on a bulletproof vest for their dog, Cade.

Commissioner Jamie Curtis presented City Clerk Gayle Webster with a special tribute of recognition for receiving the designation of Master Municipal Clerk. He congratulated her for this high achievement. He said the resolution was presented to her as a token of esteem from all members of the Genesee County Board of Commissioners. Mrs. Webster thanked Mr. Curtis for the gracious acknowledgement. She was very pleased and honored to receive the award from the Board of Commissioners.

Mayor Smiley announced that the South Bendle Running Club would hold a one-mile run at City Hall on May 22, 2010 at 9:00 a.m. The running club, which is part of the Crim program, is trying to get other schools involved. The Mayor indicated that Mr. Smith was familiar with the program.

Mayor Smiley planned to distribute Census information to the entire community by organizing a massive door-to-door lid drop. He hoped this information would encourage people to fill out the Census. Our revenue source is tied to population, so it is important for everyone to be counted. He is working with our Census representative Anthony Turner to set up seminars and get the word out. He asked for volunteers to help with this citywide endeavor.

Mayor Smiley congratulated Ms. Webster on her award. He thought it was very nice.

COMMITTEE REPORTS:

Mrs. Ellenburg reported the Friends of the Library made approximately \$600.00 on their recent book sale. The remaining sales will be held on Thursdays and Saturdays. She invited everyone to attend the book sales.

REGULAR COUNCIL MEETING MINUTES

FEBRUARY 1, 2010 / 7:00 P.M.

PAGE 2

Mrs. Zelenko reported on the legislative meeting that was held prior to this meeting. The topics of discussion included the policy on water meter fees and backyard chickens. Information was handed out regarding back yard chickens. In addition, there was discussion relating to water meters and well customers who have experienced sewer rate increases. We want to know if these people would benefit by adding a meter to determine their actual water usage. She asked for Council's input on these topics. The committee will meet again on February 15th to discuss these and several other items.

Mr. Wells and Mr. Smith met with Mr. Udell to discuss on-line payment procedures.

Mr. Smith announced that customers could now make on-line payments for sewer, water and property taxes. This is all done at no additional cost to the City. The company we are working with is called Official Payments. Several other municipalities are using this company. He said Mrs. Foster and Mrs. Piske have worked hard to make this billing process a smooth transition for residents. Mr. Smith said the company charges a 3% convenience fee to process transactions. A customer with a \$90.20 bill would be charged \$2.71 to use these services. All things considered, the service charge is reasonable. The system takes Visa, Master Card, Discover and American Express. He gave a detailed explanation on how to complete the payment transactions through the City's website at www.burtonmi.com. He thought this was a good venture for the City of Burton and would prove to be beneficial for the residents.

Mr. Wells set another Public Access Committee meeting for February 9th at 4:00 p.m. He would like an MTA representative available to speak about senior transportation. The committee will be discussing how to disseminate all forms of information to the general public. Mr. Martinbianco said the bill payment process should be put in writing. He would like Mrs. Piske and Mr. Udell to be present at the next committee meeting to provide feedback on this issue. Mr. Wells said these types of requests should go through the Mayor's Office.

Mr. Heffner thanked the Public Access Committee for moving forward with these important issues.

Mr. Martinbianco appreciated the auditors providing a three-year projection on the City's finances, so the necessary financial adjustments could be addressed. It was Mr. Martinbianco's understanding that the City would be facing financial difficulties in the next few years. He felt we should be very frugal in the upcoming budget and just provide basic necessities for the government. He could not ask the taxpayers to contribute any more to the City.

AUDIENCE PARTICIPATION:

Michael Breczinski, 5005 Lapeer, announced that he would be running for the district court judgeship. He has been a resident for 11 years, a business owner for 22 years and a lawyer for 27 years. He was the attorney that got shot with the BB gun at Courtland. He chased the kids down in the parking lot. He does not let the offenders escape justice.

REGULAR COUNCIL MEETING MINUTES

FEBRUARY 1, 2010 / 7:00 P.M.

PAGE 3

Donna Hart, 5351 Walker Rd, Davison, said an employee did not answer a customer's question regarding energy tax credits. She said employees should have nameplates so customers can identify them.

Rick Fuhst, 1208 Genesee Rd., asked for clarification on the funding of the Davison Road project. He asked for clarification on the Crank's motel water bill. He opposed everyone having access to all billing accounts. He said Consumer Energy provides energy credits for items such as light bulbs, thermostats and furnaces that are energy efficient. This information is on the Consumer's Energy website.

COUNCIL DISCUSSION:

Mr. Haskins spoke on positive aspects of the City. He said the legislative committee planned to address the water meter issue to help out senior citizens and others. He felt the Eagles were doing a good job by helping out the community. He thanked them for their contribution. He congratulated Gayle Webster for receiving yet another award. That was great. He mentioned the upcoming Bendle Running Club event in May. He said Council should do whatever they could to promote a successful Census count. He thanked the Public Access Committee for helping to move along important projects, such as on-line payments. He acknowledged there would be difficult financial decisions to be made in the future. He did not plan to go after the residents to make up short falls. The residents have given enough. If the residents make the decision to do something further, that would be up to them. He said not to forget all the positive uplifting things that are going on in the City.

Mrs. Ellenburg said that Local 651 was holding an educational meeting tomorrow at 9:00 a.m. to discuss the Census. She thanked the Bentley girls for coming to the meeting tonight. She said today was the beginning of the senior Olympic games. She thanked the Eagles for the \$1,500 donation to the K-Nine Unit. She said it was greatly appreciated. She said the Consumers Energy website has a list of energy efficient items that can be deducted on your taxes.

Mr. Wells said there has only been one new board application. He suggested a policy be put in place to encourage residents to apply for these positions. He wanted the energy credit information to be made available to the residents.

There was a brief conversation on Hemphill East Inn, which was formerly Cranks Motel. The Mayor said the property has been sold. Improvements are being made to the property. They are working to pay down the water bill. They are paying the current water bill, while reducing the old balance. He was happy that someone purchased the building and it would be utilized for the intended purpose.

Mrs. Zelenko gave an overview of the committee's discussion. She said they are looking at what other communities are doing with backyard chickens. They are considering lot sizes and the number of hens. She will provide Council with this information. She would like more input from Council on this topic.

REGULAR COUNCIL MEETING MINUTES

FEBRUARY 1, 2010 / 7:00 P.M.

PAGE 4

There was a brief discussion on backyard chickens. Consideration should be given to the potential for noise, other farm animals, neighbors' rights and specific regulations. Other aspects that need to be considered include the number of chickens, the need for a pen and permits. Chickens would be for personal use and not commercial use.

Mr. Wells suggested Council hold a meeting and invite Mr. Wright to speak on meter related issues. He was told the meters would cost between \$300-\$500, with a payment plan of five years. In addition, he was told if the people had to pay more for the water once the meter was put on, it wouldn't be taken off. He would like further discussion on this issue.

Mr. Martinbianco was concerned with backup sump pumps powered by City water. This could increase the water usage and water rates. He said the homeowners were responsible for the installation costs of the meters. We do not have to install it and Mr. Wright doesn't have anything to do with it. If it is a certified meter, we will read it, even if it goes into the storm drain.

Attorney Ken Tucker said Mr. Joliat would be handling tax tribunal issues. Mr. Martinbianco wanted to know if the November 25, 2009 billing entry had been paid. Mr. Tucker will refer this issue to Mr. Austin.

In reference to Item 2, Mr. Martinbianco wanted to know if there was a specific date in which Mr. Phillips would execute that agreement. Mr. Kray referred the question to the Controller. Mr. Martinbianco wanted to table Item 2 until he could get clarification on that matter.

Mr. Martinbianco moved and Mr. Smith seconded the following motion to: Table Item 2 until the next regular Council meeting. (Re: Paul Philips purchasing MERS pension generic service time). The motion carried 6-1, with Mr. Haskins voting no.

In reference to Item 4, Mr. Wells said we had to approve the total amount of the project and a large portion of the money will be credited back. The City will be responsible for their share of \$104,500.00. Mr. Martinbianco said this was a coordinated cost recovery project. We have to authenticate the entire allotment. It was his understanding that MDOT's shares would be approximately \$750,000 and Burton's share would be \$104,500.00.

COUNCIL DISCUSSION ACTION:

Moved by Martinbianco, seconded by Smith to: Table Item 2 to the next regular meeting. (Re: Paul Philips purchasing MERS pension generic service time). Motion carried 6-1, with Haskins voting no.

COUNCIL ACTION:

REGULAR COUNCIL MEETING MINUTES

FEBRUARY 1, 2010 / 7:00 P.M.

PAGE 5

Haskins moved and Zelenko seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from January 13, 2010 through January 27, 2010, in the amount of \$7,606.50.

Motion carried 7-0.

Motion was tabled until the next regular meeting.

2. Approve and authorize Paul Philips to purchase two (2) years of MERS pension generic service time. The total cost of \$36,656.00 will be at the employee's expense.

Haskins moved and Ellenburg seconded the following motion:

3. Approve and authorize the Mayor and City Clerk to execute a construction contract with the Michigan Department of Transportation for hot mix asphalt, cold milling and resurfacing work along Davison Road from Genesee Road to Belsay Road; including base course repair, joint and crack repair, earthwork, sidewalk ramps, and aggregate shoulder work, and all together with necessary related work. DPW project number 08-015-P. (MDOT CS ARU 25402, Job No. 106192, Project No. ARRA 1025(021), Federal Item No. JJ 3914, CFDA No. 20205, Contract No. 09-5808) at an estimated cost of \$852,500.00 of which the City of Burton's share will be approximately \$104,500.00 contingent upon approval of the City Controller.

Motion carried 7-0.

Haskins moved and Zelenko seconded the following motion:

4. Approve and authorize the City Controller to transfer \$852,500.00 from the 2009/2010 Major Street budget unappropriated surplus to DPW Job No. 08-015-P with an estimated actual cost to the City of \$104,500.00.

Motion carried 7-0.

Meeting adjourned at 8:25 p.m.

Gayle Webster, MMC
City Clerk