

*City of Utica*  
**Regular Council Meeting**  
**February 12, 2008**

The City Council meeting was called to order by Mayor Noonan at 7:10 p.m.

**Members present:** Figurski, Kraft, Sikora, Baker, Barthelmeh, Osladil

**Absent:** None

**Executive Session**

Motion by Barthelmeh, seconded by Kraft, to recess to executive session to discuss personnel issues. Voting all ayes by roll, motion **CARRIED**. Meeting recessed at 7:10 p.m.

Meeting reconvened at 7:30 p.m.

**Minutes**

Motion by Barthelmeh, seconded by Figurski, to approve the minutes of 1/8/08 as presented. Voting all ayes, motion **CARRIED**.

**Fire Department Promotion**

The agenda was amended to enable the Fire Department promotion be handled first.

Motion by Osladil, seconded by Kraft, to accept and approve the promotional list as presented. Voting all ayes, motion **CARRIED**.

Motion by Osladil, seconded by Baker, to declare a vacancy in the rank of Fire Department Sergeant and to promote Josh Lundin to the office of FD Sergeant. Voting all ayes, motion **CARRIED**.

Mayor Noonan administered the Oath of Office to Sgt. Lundin.

**Public Hearing**

**7:45 p.m. Establishment of an Industrial Development District**

Motion by Figurski, seconded by Barthelmeh, to open the public hearing. Voting all ayes, motion **CARRIED**. Public hearing opened at 7:46 p.m.

Sara Gibb, owner of HL Manufacturing, is requesting that an IDD be established at the southwest corner of Park Ave and Utica Park Blvd. Planning Commission had approved the site plan, City Council had approved the conditional use and written communication was received from Macomb County Economic Development in support of the IDD. As there were no other comments, motion by Barthelmeh, seconded by Figurski, to close the public hearing. Voting all ayes, motion **CARRIED**. Public hearing closed at 7:54 p.m.

**Regular Council Meeting**

2/12/08

Page 2 of 6

Motion by Barthelmeh, seconded by Baker, to establish an Industrial Development District as advertised for: The southwest corner of Park Avenue and Utica Park Boulevard,  
Utica, Macomb County, Michigan  
Sidwell No. 50-11-07-35-351-007

All that part of the S.M. ¼ of Section 35, T.3.N., R.12 E., City of Utica, Macomb County Michigan, described as: Commencing at the South ¼ corner of said Section 35; thence S 87 degrees 34'54"W., 1372.22 feet long the South line of said Section 35; thence N 02 degrees 25'06" W., 246.95 feet to the proposed Northerly right-of-way line S. 79 degrees 49'53"W., 67.10 feet; thence continuing along said line N. 15 degrees 54'07"W. 5.00 feet; thence continuing along said line S. 80 degrees 20'30"W., 131.40 feet; thence continuing along said line S. 81 degree 58'21" W., 268.10 feet to the Northeasterly line of M-53; thence along said right-of-way line N. 38 degree 45'09"W., 253.20 feet; thence N. 44 degree 20'53"W., 537.52 feet to the point of beginning; thence continuing along said line N. 33 degree 40'03"W., 107.27 feet; thence N. 47 degree 30'55"E., 283.68 feet; thence 22.56 feet along the arc of a curve to the left, having a radius of 207.52 feet, a central angle of 06 degree 13'45", and a chord which bears S. 39 degree 22'12" E., 22.55 feet; thence S. 42 degree 29'05" E., 136.83 feet; thence S. 47 degree 30'55" W., 297.16 feet to the point of beginning. Containing 46,720 square feet or 1.073 acres and subject to easements and restrictions of record.

Voting all ayes, motion **CARRIED**.

**Unfinished Business**

None.

**Consent Business**

Motion by Barthelmeh, seconded by Figurski, to approve the Knights of Columbus Tootsie Roll Drive on 3/14-16/08. Voting all ayes, motion **CARRIED**.

**Correspondence**

Motion by Barthelmeh, seconded by Kraft, to receive and file correspondence from CLEMIS regarding Federal Appropriations; Oakland County Drain Commissioner; Carmella Sabaugh; Chris Wilseck and Jason Bestard's letters of resignation; Shelby Township Supervisor Maccarone. Voting all ayes, motion **CARRIED**.

**New Business**

**Department Reports**

**Mayor Noonan**

**Myth Busting the Michigan Budget**

Mayor Noonan presented the Myth Busting the Michigan Budget as prepared by independent financial people regarding the state of the Michigan budget. No action needed.

**Board of Review Appointment**

Motion by Barthelmeh, seconded by Sikora, to appoint Michael Lemerise to the Board of Review as recommended by the Mayor. Voting all ayes, motion **CARRIED**.

**Library – Marsha Doege, Director**

Marsha Doege, Library Director, addressed Council and the residents on the upcoming book sale on February 16 and 17. The library has ample supplies of books, children's books and other materials including videos, CD and DVDs. Hours of the sale are 10 a.m.-5p.m. on Saturday and 1:00 p.m. – 3:00 p.m. on Sunday.

**Public Hearing**

**8:00 p.m. Temporary Structure, 7715 Auburn Road**

Motion by Barthelmeh, seconded by Kraft, to open the public hearing. Voting all ayes, motion **CARRIED**. Public hearing opened at 8:01 p.m.

Joe Mayernik, owner of 7715 Auburn Road, was present to request the temporary structure, a 20 x 30 tent covering the outside patio to provide weather protection for the customers, tent to be installed on 3/14 and removed 3/19. All permits will be applied for and work will be compliant to current codes.

Motion by Barthelmeh, seconded by Osladil, to close the public hearing as there were no public comments. Voting all ayes, motion **CARRIED**. Public hearing closed at 8:04 p.m.

Motion by Barthelmeh, seconded by Sikora, to approve the request for the temporary structure at 7715 Auburn Road. Voting all ayes, motion **CARRIED**.

**8:00 p.m. CDBG Allocation**

Motion by Figurski, supported by Kraft, to open the public hearing. Voting all ayes, motion **CARRIED**. Public hearing opened at 8:05 p.m.

CDBG allocation for fiscal year 2008 is \$33,000. Phil Ogle from McRest indicated that McRest serves over 18,000 shelter nights throughout the county. Trinity Lutheran and St. Lawrence Churches host one week each, service over 100 people. McRest is requesting \$1000.

Bill Lang, Utica's Department of Public Works Superintendent, requested funds for park development at Grant Park. The basketball court will be reconstructed this spring but the fencing around the perimeter of the tennis courts needs replacement as well as the fencing on the south end of the basketball court; the Beck pavilion needs a high rib metal roof and upgraded trim, walkway needs to be brought up to ADA compliance.

Utica Pioneers submitted their budget for the upcoming year in anticipation of receiving public service funds. Additionally, a letter was received from Oakland County Fair Housing Center for public service money.

As there were no other comments, motion by Barthelmeh, seconded by Figurski, to close the public hearing. Voting all ayes, motion **CARRIED**. Public hearing closed at 8:16 p.m.

After much discussion, motion by Barthelmeh, seconded by Figurski, to allocate the \$33,000 CDBG funds in the following manner:

Utica Pioneers	\$3950
McRest	\$1000
Grant Park - Park Development	\$28,050

Voting all ayes, motion **CARRIED**.

### **Council Reports**

No report.

#### **Assessing- Nancy Strehl, Assessor**

Nancy Strehl, Assessor, addressed Council with a summary of pertinent information and data on the assessment administration for 2008. No action required. Board of Review dates are March 12 and 13 by appointment only.

#### **Building- Ed Durbin**

No report.

#### **DPW- Bill Lang, Superintendent**

##### **MDOT Annual Permit Resolution**

Motion by Kraft, seconded by Osladil, to enter into the contract with MDOT regarding work in the right of way on M-59. Voting all ayes, motion **CARRIED**.

#### **Cass Ave. and Auburn Road – Road Improvement Meeting**

Bill Lang, DPW Superintendent, updated Council on the 2/27 meeting for all property owners who will be affected by the Cass Ave. and Auburn Road reconstruction that will take place this summer. No action required.

#### **Miscellaneous**

Council members questioned the DPW Superintendent regarding the Detroit water and sewer charges as well as the road salt supplies. No action required.

#### **Fire- John Clark, Chief**

##### **Fire Code Adoption Ordinance**

Motion by Sikora, seconded by Baker, to adopt the Fire Code Adoption Ordinance, Ordinance 157, as presented. Voting all ayes, motion **CARRIED**.

##### **Ambulance Ordinance Rate Revision**

Fire Chief Clark requested that the Ambulance ordinance rates be revised to reflect the current federal Medicare and Blue Cross payments.

Motion by Baker, seconded by Barthelmeh, to adopt the revised ambulance fees as outlined by Chief Clark. Voting all ayes, motion **CARRIED**.

**Annual Report**

Chief Clark presented the Fire Department Annual Report. No action required.

**Police- Mike Reaves, Chief**

**Designated Fund Balance Line Item/Towing Fees**

Police Chief Reaves requested that the Finance Director be directed to create a line item for the Administrative revenues for towing and storage charges adopted in 3/2004 to be entered into this item to be used for equipment purchases for the Police Department.

Motion by Sikora, seconded by Kraft, to create the Police Department designated fund balance with line item for the Administrative towing and storage fees, effective 3/1/08. Voting all ayes, motion **CARRIED**.

**Request to Purchase Firearms**

Police Chief Reaves requested permission to purchase 15 model #22 Glock service weapons and 3 model #27 service weapons, also requesting permission to trade in the current service weapons, final cost is \$3642.

Motion by Noonan, seconded by Baker, to approve the request to purchase the new firearms from Michigan Police Equipment as requested by the Chief. Voting by roll, all ayes, motion **CARRIED**.

Motion by Sikora, seconded by Kraft, to amend the budget to show the credit of \$5,130 from Michigan Police Equipment for the trade in of the old equipment. Voting all ayes, motion **CARRIED**.

**Request to Purchase Tactical Patrol Rifles**

Police Chief Reaves requested permission to purchase tactical patrol rifles with peripheral equipment, cost not to exceed \$13,200 and the appropriate training for the equipment.

Motion by Kraft, seconded by Osladil, to approve the purchase of the rifles, cost not to exceed \$13,200 and the appropriate training as outlined by the Police Chief. Voting all ayes, motion **CARRIED**.

Motion by Sikora, seconded by Kraft, to amend the budget as outlined by the Chief to secure the above purchase. Voting all ayes, motion **CARRIED**.

**Treasurer- Philip Paternoster**

Treasurer Phil Paternoster reminded residents that the last day for the payment of winter taxes without penalty is 2/29/08.

**Administration- Cathy McGrail, City Clerk**

City Clerk Cathy McGrail reminded Council members of the MML Capital Conference, April 1-2, 2008 in Lansing. Interested members may contact the Clerk for applications.

**Regular Council Meeting**

2/12/08

Page 6 of 6

**Parks and Recreation Commission**

No report although this weekend is the annual Ice Carving Spectacular and all are invited. The event will take place on Saturday and Sunday in Historic Downtown Utica.

**Historic District Commission**

No report.

**City Attorney**

No report.

**Planning Commission**

No report.

**Senior Housing Steering Committee**

No report although there have been a few furnace problems but the Committee will keep Council posted.

**Brownfield Redevelopment Authority**

No report.

**Bills Payable**

Motion by Baker, seconded by Barthelmeh, to approve the payment of all bills, as presented. Voting all ayes, motion **CARRIED**.

**Communication from the Public**

Richard Rondeau, representing MADD, was present to explain to Council and the public the mission of MADD and to also present to the Police Department an award for their support in getting the drunk drivers off the road.

**Adjournment**

Motion by Barthelmeh, seconded by Osladil, to adjourn the meeting. Voting all ayes, motion **CARRIED**. Meeting adjourned at 10:00 p.m.

M. Catherine McGrail

CITY OF UTICA

City Clerk