

*City of Utica*  
**Regular Council Meeting**  
**July 14, 2009**

The City Council meeting was called to order by Mayor Noonan, who led the pledge of allegiance at 7:30 p.m.

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

**Minutes of 6/9 and 7/7/09**

Motion by Sikora, seconded by Kraft, to approve the minutes of 6/9 and 7/7/09 as corrected. Voting all ayes, motion **CARRIED**.

**Historic District Certificate**

A Historic District Certificate was presented to the owners of 7747 Auburn, Andrea and Geof Garabedian, acknowledging their work on the building and making it an appealing business in the downtown area.

**Unfinished Business**

**Film Ordinance Draft**

The draft was presented to Council and will be on the August agenda for adoption.

**Consent Business**

None.

**Correspondence**

Motion by Figurski, seconded by Kraft, to receive and file correspondence received from Ann Kay for the wonderful work of the DPW, Traffic Safety Association, and Officer Tom Bowman announcing his impending retirement. Voting all ayes, motion **CARRIED**.

**New Business**

**Department Reports**

**Mayor Noonan**

**Macomb County Trailways Resolution**

Motion by Barthelmeh, seconded by Sikora, to approve the resolution for the Macomb County Trailways 70 Mile Trail Loop as presented. Voting all ayes, motion **CARRIED**.

**Public Hearing 7:45 p.m.**

**Temporary Structure at 45015 Van Dyke**

Motion by Figurski, seconded by Barthelmeh, to open the public hearing. Voting all ayes, motion **CARRIED**. Public hearing opened at 7:45 p.m.

**Regular Council Meeting**

7/14/09

Page 2 of 5

John Venterini, owner of 45015 Van Dyke, is requesting permission to install a 10'x20' tent on his property south of the building from 7/31 thru 8/2/09. The purpose of the tent is for a fund raiser for the Royal Family of SE Michigan, a camp for abused children. They will be selling hot dogs, chips and pop under the tent. A table will be set up on the north side of the building for the sale of cookies and jewelry.

Planning commission and the Planner recommended approval of the request.

**Variance Requests for Proposed Retail Building**

Paul Weisberger, representing the owner of the vacant property west of the Mattress Shop on Hall Road, was present to request 2 variances – a side lot variance and a rear lot variance. This parcel is the remains of various lots from the M59 widening and the configuration of the vacant lot makes development difficult. The proposed building is a brick design, 6 ft masonry wall at the rear and complies with all requirements.

Planning Commission and the Planner recommend approval of the request.

Motion by Figurski, seconded by Sikora, to close the public hearing as there were no comments from the public. Voting all ayes, motion **CARRIED**. Public hearing closed at 8:02 p.m.

Motion by Barthelmeh, seconded by Osladil, to approve the request for the temporary structure at 45015 Van Dyke as requested. Voting all ayes, motion **CARRIED**.

Motion by Sikora, seconded by Kraft, to approve the two variances requested for the proposed retail development on Hall Road, west of the Mattress Shop, as requested. Voting all ayes, motion **CARRIED**.

**Mayor's Report (continued)**

**Farmer's Market**

The DDA has brought a Farmer's Market proposal to Council for the use of the vacant, city-owned property on Davis, across from the Library. Vernon McClain has offered to put the market together and run it if approved by the City.

The City Attorney offered an amendment to Ordinance 116 which would allow the City to lease city-owned property with whatever restrictions the city would like to impose.

Motion by Figurski, seconded by Sikora, to approve Ordinance 116D as presented and to enter into a lease agreement with Vernon McClain for the Farmer's Market on Davis.

Voting by roll, all ayes, motion **CARRIED**. Mr. McClain was invited to do it right the first time to keep people coming back for more.

**Family Fun Night**

Sponsorship Solutions presented a proposal for a family fun night to be held in Grant Park which would include a movie, and various activities for the family. They are presenting the fun night in Roseville, Clinton Twp, Washington Twp, Macomb Twp, Chesterfield Twp, St. Clair Shores, Grosse Pointe and Sterling Hts.

Motion Sikora, seconded by Kraft, to approve the Family Fun Night as presented and choose the appropriate family movie. Voting all ayes, motion **CARRIED**.

**Council Reports**

Councilwoman Figurski commented on the beautiful flowers from Boyka's and tended to by Rob Lootens and DPW.

**Assessing- Nancy Strehl, Assessor**

Motion by Osladil, seconded by Sikora, to approve the change of the Assessor's hours to 5:00 p.m. to 8:00 p.m. on Tuesdays and Thursdays as requested. Voting all ayes, motion **CARRIED**.

**Building- Ed Durbin**

No report.

**DPW- Bill Lang, Superintendent**

**Beck Pavilion Roof**

Motion by Figurski, seconded by Sikora, to accept the bid from Orchard Construction for the roof replacement on the Beck Pavilion, cost not to exceed \$7625, funding from 101-751-937.00 as requested. Voting all ayes, motion **CARRIED**.

**Michigan Works Program**

DPW Superintendent indicated that they currently have 6 Michigan Works employees ranging in age from 15 to 19 years. They will be doing some of the projects that the DPW has not been able to do. Administration also has one MI Works employee.

**Fire- Kevin Wilseck, Chief**

**Ambulance Fees**

Motion by Sikora, seconded by Osladil, to update the ambulance fees as requested to help cover the costs of the city. Voting all ayes, motion **CARRIED**,

**Toughbook Computers**

Motion by Sikora, seconded by Barthelmeh, to approve the purchase of 3 Toughbook computers as requested, cost not to exceed \$4600 which will enable the department to comply with the State mandate on electronic reporting. Voting all ayes, motion **CARRIED**.

Motion by Figurski, seconded by Sikora, to amend the budget with equipment replacement funds of \$4600 as requested. Voting all ayes, motion **CARRIED**.

**Police- Mike Reaves, Chief**

**Practice Ammunition**

Motion by Barthelmeh, seconded by Kraft, to approve the purchase of the practice ammunition as requested, cost not to exceed \$2430 plus shipping and handling, 101-310-957-000. Voting all ayes, motion **CARRIED**.

**Treasurer- Philip Paternoster**

**Ford Motor Credit Bid**

Motion by Barthelmeh, seconded by Figurski, to accept the Ford Motor Credit Bid for the police vehicles, cost not to exceed \$162,500 with the additional equipment. Voting by roll, 6 ayes, 1 absent (Baker), motion **CARRIED**.

**Administration- Cathy McGrail, City Clerk**

**Uncollectible Accounts**

Motion by Sikora, seconded by Kraft, to delete the uncollectible accounts as presented, total amount \$17,182.47. Voting all ayes, motion **CARRIED**.

**MML Worker's Comp Fund Ballot**

Motion by Barthelmeh, seconded by Osladil, to vote the MML Worker's Comp Fund ballot as presented. Voting all ayes, motion **CARRIED**.

**Library- Marsha Doege, Director**

No report.

**Parks and Recreation Commission**

**Upcoming Events**

The Old Mill Art's and Crafts festival is July 24-26 and the Cruisin' with the Oldies is August 1.

**City Attorney**

No Report.

**Planning Commission**

**Rezoning 6981 Auburn Road**

After review by the Planning Commission and the Planner, motion by Sikora, seconded by Noonan, to rezone 6981 Auburn from I to DMXD and to begin the process to rezone the neighboring property, 6991 Auburn, also. Voting all ayes, motion **CARRIED**.

**Conditional Use, 6981 Auburn Road**

After review by the Planning Commission and the Planner, motion by Sikora, seconded by Barthelmeh, to approve the conditional use request contingent upon the variance request granted for less than 2 acres in the parcel. Voting all ayes, motion **CARRIED**.

**Senior Housing Steering Committee**

Motion by Sikora, seconded by Barthelmeh, to authorize the treasurer to solicit bids for the balcony repairs. Voting all ayes, motion **CARRIED**.

**Brownfield Redevelopment Authority**

No report.

**Sandra Warneck, 7664 Auburn**

**Regular Council Meeting**

**7/14/09**

**Page 5 of 5**

Motion by Sikora, seconded by Barthelmeh, to approve the request of Sandra Warneck for Pet Clix trailer but the trailer must be parked either on Auburn Road in front of her shop or on the west end of the City parking lot. No vehicles can be parked on the dirt behind the building. Voting all ayes, motion **CARRIED**.

**Boyd Kraft, owner of 46162 Van Dyke**

Boyd Kraft, owner of 46162 Van Dyke, is requesting relief from the sewer bill received for the vacant building. Motion by Sikora, seconded by Osladil, to table this matter until the August meeting to allow DPW to review the situation. Voting all ayes, motion **CARRIED**.

**Bills Payable**

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

**Communication from the Public**

None.

**Adjournment**

Motion by Barthelmeh, seconded by Figurski, to adjourn the meeting. Voting all ayes, motion **CARRIED**. Meeting adjourned at 9:34 p.m.

M. Catherine McGrail

CITY OF UTICA

City Clerk