

City of New Baltimore
Regular Council Meeting
April 13, 2009

Mayor Thomas Goldenbogen called the regular meeting of the City Council to order at 7:00 PM.

Roll Call: Butler, Christie, Duffy, Hayman, Burkhardt, Morisette
Absent: None

Also in attendance were Jack Dolan, City Attorney, Marc Levis Administrative Assistant, John Bolgar, Police Chief, Ken Littlejohn Assistant Fire Chief, Greg Nikkel, Building Official, Mike Hoffard, Andy Messina, Water Plant Superintendent, Craig Higgins, Wastewater Plant Superintendent, Ken Littlejohn, Assistant Fire Chief, Judy Sproat, Director of Planning & Economic Development, and John Monte, City Engineer.

The VFW Post 7573 was present and introduced the 2009 Poppy Princess, Ms. Riley Karris. Riley sold the first poppy to kick off the fundraiser to Mayor Thomas A. Goldenbogen, City Council and the audience.

Opening prayer was offered by Rev. Philip Myers.

Motion by Butler, second by Duffy to approve the regular City Council meeting minutes and the Public Hearing meeting minutes of March 23, 2009.

All voting yes. Opposing: none Motion carried.

Motion by Christie, second by Butler to receive and file the monthly department reports for March 2009.

All voting yes. Opposing: none Motion carried.

Motion by Duffy, second by Burkhardt to approve the consent agenda as follows:

- A. York, Dolan & Tomlinson P.C. \$10,439.00 Legal Services for February 2009
- B. Waste Management Invoice \$39,909.25 – March refuse removal
- C. Sorensen Gross Construction \$117,945.32 – Wastewater Plant Project, payment #22
- D. Spicer Group – Wastewater Plant Project
 - 1. Invoice #157250 - \$15,189.75
 - 2. Invoice #157251 - \$2,004.75
 - 3. Invoice #157447 - \$12,208.25
 - 4. Invoice #157448 - \$4,174.00
- E. Wastewater Plant Project – Change Orders \$56,575.64
 - 1. \$1,700.00 – Building Plaque - Request No. 49
 - 2. \$4,497.49 – Two gate valves -Request No. 50
 - 3. \$26,516.38 – Sales Tax from change order #36 – Request No. 51
 - 4. \$14,890.73 – Structural & Elevation changes to Headwork's Bldg.- Bulletin #4
 - 5. \$8,971.04 – labor and material associated with Headwork's Bldg. – Bulletin #6
- F. Project Control Engineering \$31,037.03 – Engineering Services for February 2009
- G. Stuart Brown Printing \$2,820.00 – Spring issue of Channel Newsletter
- H. Schedule of bills

All voting yes. Opposing: none Motion carried.

Motion by Christie, second by Burkhardt to receive and file the following communications and petitions.

- C-1 Planning Commission regular meeting minutes of March 17, 2009 (approved)
- C-2 MacDonald Public Library board meeting minutes of February 25, 2009 (approved)
- C-3 Citizens Advisory Committee meeting minutes of February 26, 2009 (approved)
- C-4 Utility Advisory Committee meeting minutes of February 25, 2009
- C-5 Owner's meeting minutes of March 25, 2009 (Wastewater Plant Project)
- C-6 Advisory Committee meeting minutes of March 25, 2009 (Wastewater Plant Project)

All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Christie to add agenda item S-1b Request from VFW Post 7573 to hold their annual Memorial Day Service on May 25, 2009 and C-7 Road Committee meeting minutes of March 19, 2009.

All voting yes. Opposing: none Motion carried.

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Motion by Hayman, second by Burkhardt to adopt the recommendation of the Planning Commission and approve the Special Approval Land Use #255-03-09, Geri's Gift Boutique, 35914 Green Street with the following conditions:

1. Any future expansion beyond the proposed 600 square feet of occupancy, will require full site plan review.
2. There will be no residential use of the property.
3. Prior to occupancy, the parking will be paved including the handicapped area, and the Sidewalk installed. The use of the alley for parking is prohibited.

All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Duffy to approve the request from the VFW Post 7573 to use City Hall on Monday, May 25, 2009 for their annual Memorial Day service including the use of the podium and microphones for the service and the Mayor's participation in the service.

All voting yes. Opposing: none Motion carried.

Motion by Christie, second by Morisette to approve the request from the Wastewater Plant Superintendent to purchase a 2009 GMC 4-wheel drive pickup truck from Red Holman Pontiac GMC in the amount of \$26,472.00.

All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Hayman to adopt Resolution No. 717 Supporting Silver Star Banner Day honoring the men and women in the Armed Forces on May 1, 2009 in the City of New Baltimore.

All voting yes. Opposing: none Motion carried.

Motion by Hayman, second by Burkhardt to adopt Resolution No. 718 Establishing a Moratorium on Medical Marijuana Dispensary.

Voting yes: Hayman, Burkhardt, Duffy, Morisette Opposing: Butler, Christie
Motion carried.

Motion by Morisette, second by Butler to approve the request from the Chief of Police to approve the proposal from Wallside Windows to replace the windows at the Police Station in the amount of \$3,990.00.

Voting yes: Morisette, Butler, Christie, Hayman, Duffy Opposing: Burkhardt
Motion carried.

Motion by Duffy, second by Butler to approve the request from the Parks & Recreation Director to approve the proposal from Miracle of Michigan for playground wood surfacing in the amount of \$2,500.00

All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Christie to approve the following agenda items:

S-7 Proposal to increase the capacity of the wireless network connection to City Hall due to the location change of the network server(s) to City Hall from Central Solutions in the amount of \$32,001.00.

S-8 Proposal for Security camera(s) in City Hall including the City Hall grounds from Central Solutions in the amount of \$4,977.00.

S-9 Proposal for digital IP security camera system at the Police Department from Central Solutions in the amount of \$30,760.00.

All voting yes. Opposing: none Motion carried.

Motion by Duffy, second by Burkhardt to approve the request from Ashley Elementary PTG to be recognized by resolution as a non-profit organization.

All voting yes. Opposing: none Motion carried.

Motion by Christie, second by Duffy to approve the request from the VFW Post 7573 to hold their 2009 Buddy Poppy Campaign on May 7th, 8th, and 9, 2009 in the City of New Baltimore,

All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Duffy to table the request from Mike & Melissa Morrison to place a children's playscape on the City owned property located behind their home to allow the Building Official and DPS Superintendent an opportunity to view the location for the City's infrastructure location and to determine whether the homeowner has sufficient room to place the playscape on their property versus the City property.

All voting yes. Opposing: none Motion carried.

Motion by Morisette, second by Butler to approve the proposal from Pamar Enterprises to increase the turning radiuses and pavement thickness to improve truck maneuvering on Highview Street in the amount of \$10,376.25.

All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Duffy to schedule a Public Hearing for April 27, 2009 at 6:45 PM to receive comments regarding the continuation of water rates.

All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Hayman to approve prepare and submit a Michigan Department of Natural Resources Waterways Grant application and preparation of a needs assessment for the proposed Transient Harbor Facility in the City of New Baltimore in the amount of \$4,500.00

Voting yes: Butler, Hayman, Morisette Opposing: Burkhardt, Duffy, Christie
Motion tie vote.

Mayor Goldenbogen cast an affirmative vote and the motion carried.

Motion by Butler, second by Morisette to approve the 2009 Waterways Grant Application including preliminary engineering budget estimate in the amount of \$125,400.00 for the proposed City of New Baltimore Transient Harbor Facility.

Voting yes: Butler, Morisette, Hayman Opposing: Burkhardt, Christie, Duffy.
Motion tie vote.

Mayor Goldenbogen cast an affirmative vote and the motion carried.

Motion by Duffy, second by Butler to table the discussion regarding the City's current building permit fees and capital charge fee schedule.

All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Hayman to approve the Mayor's appointment to the Historic District Commission as follows:

Mike Wojciechowski thru December 31, 2011

All voting yes. Opposing: none Motion carried.

Motion by Christie, second by Butler to approve the request from "The Friends" of MacDonnald Public Library to hold their second annual plant sale on May 30, 2009 from 10:00 AM – 4:00 PM.

All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Hayman to approve the request from the New Baltimore Lions Club to hold their annual White Cane Sale fundraiser on April 24th, and 25, 2009 and the use of the indoor park pavilion to coordinate the event contingent upon the participants wearing reflective safety vests while soliciting in the streets.

All voting yes. Opposing: none Motion carried.

Motion by Butler, second by Morisette, to go into closed session at 7: 55 PM regarding the following:
John James Andary Revocable Trust vs. City of New Baltimore

Legacy Land Development vs. City of New Baltimore

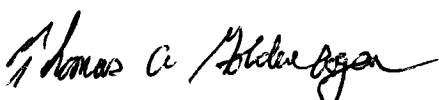
Attorney's written legal opinion regarding analysis and action letter regarding the potential for a New Baltimore Municipal Harbor

Consideration of lease of City property and land acquisition – Bay Rama

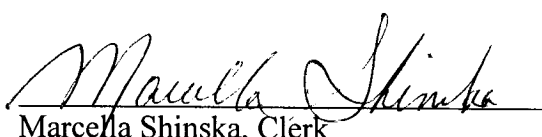
All voting yes. Opposing: none Motion carried.

Council reconvened into open session at 9:25 PM.

Motion by Butler, second by Christie to adjourn at 9:25 PM.



Thomas Goldenbogen, Mayor



Marcela Shinska, Clerk