

March 15, 2010

Regular meeting of the Ludington City Council held in the Council Chambers of the Municipal Building on Monday, March 15, 2010, at 6:30 o'clock p.m.

Present: His Honor Mayor John Henderson, and Councilors Kaye Holman, Paul Peterson, Wally Taranko, Brent Scott, Wanda Marrison, Pete Engblade, and Gary Castonia.

Absent: None.

Also present were City Manager John Shay, City Attorney Richard Wilson, Police Chief Mark Barnett, Fire Chief Jerry Funk, Interim City Treasurer Linda Rogers, and City Clerk Deborah Luskin.

Invocation was pronounced by Councilor Engblade.

Pledge to the Flag was given.

Moved by Councilor Holman, seconded by Councilor Peterson, that the Agenda be approved as presented. Motion Carried.

The meeting was opened for public comments.

After no comments were received, the regular order of business was resumed.

Moved by Councilor Peterson, seconded by Councilor Holman, to approve the minutes of the regular meeting 03/01/10. Motion Carried.

The meeting was opened for the scheduled public hearing for the OPRA District for KDMAC Ventures LLC. After no comments were received the regular order of business was resumed.

A RESOLUTION FOR THE ESTABLISHMENT OF AN  
OBSOLETE PROPERTY REHABILITATION DISTRICT FOR  
KDMAC Ventures LLC 102 W. Ludington Ave.

WHEREAS, Act No. 146 of the Michigan Public Acts of 2000, as amended, authorizes the City of Ludington to establish Obsolete Property Rehabilitation Districts; and

WHEREAS, by and according to Section 2(k) of the Act, the City of Ludington is a qualified local governmental unit; and

WHEREAS, by letter dated, February 9, 2010 (sic), KDMAC Ventures LLC has requested the City Council to establish an Obsolete Property Rehabilitation District under the provisions of Act No. 146 of the Michigan Public Acts of 2000, as amended; and

WHEREAS, notice of hearing of said request was published in the Ludington Daily News on March 1, 2010; and

WHEREAS, notice of said hearing was sent by certified mail, return receipt requested, to owners of all real estate in the proposed district and to all taxing jurisdictions affected by the establishment of said district, hereinafter legally described; and

WHEREAS, the Assessor of the City of Ludington has written an opinion finding that the property is a commercial property, according to the Act, and that the property is a functionally obsolete property, thereby meeting the requirements of the Act, and that the property is not a blighted property, nor is it a facility; and

WHEREAS, before acting on said application, the Ludington City Council held a hearing on March 15, 2010, at 6:30 p.m., at the Ludington Municipal Building, City Council Chambers, 400 S. Harrison St., Ludington, Michigan, at which hearing the applicant, the assessor, the owners of all real estate in the proposed district expansion, hereinafter legally described, and a representative of the affected taxing units, who were given previous written notice, were afforded an opportunity to be heard on said application; and

WHEREAS, said Act 146 of the Michigan Public Acts of 2000, as amended provides the local government unit, by resolution of its legislative body, may establish an Obsolete Property District;

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

That in accordance with the provisions of Act 146 of the Michigan Public Acts of 2000, as amended (Obsolete Property Rehabilitation Act), an Obsolete Property Rehabilitation District for KDMAC Ventures LLC is hereby established and is legally described as follows:

ORIGINAL PLAT E 42 FT OF LOT 10 BLOCK 26, commonly known as 102 W. Ludington Ave., all situated in the City of Ludington, Mason County, Michigan.

Moved by Councilor Peterson, seconded by Councilor Taranko, that the above Resolution be adopted. City Manager John Shay explained that David and Kathy Maclean purchased the former Harbor Pharmacy/Anna Bach building at 102 W. Ludington Ave. and plan to renovate the second floor of this building and create 4-5 residential units. The request is for an OPRA district just composed of this building. Once the district is approved, KDMAC Ventures LLC will come back to Council with an OPRA application for a tax abatement under the OPRA Act. Motion Carried

Moved by Councilor Scott, seconded by Councilor Marrison, that the request by the Ludington Area Arts Council to hold the Sweet Summer Party on Saturday, July 24, 2010, be approved. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Engblade, that the request by the Lakestride Planning Committee to hold the annual Lakestride ½ Marathon and 5K Race be approved for the weekend of June 11<sup>th</sup> and 12<sup>th</sup>. Motion Carried.

Moved by Councilor Taranko, seconded by Councilor Peterson, that the St. Johns Lutheran Church Easter Egg Hunt to be held on April 3, 2010, be approved. Councilors Engblade and Castonia abstained due to a conflict. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Peterson, that the Finance Report with total expenditures in the amount of \$118,259.42 for this period be approved and orders drawn according to the City Charter. Motion Carried.

#### RESOLUTION TO ACCEPT BID FOR PURCHASE OF BOAT

WHEREAS, the City of Ludington received a federal grant in the amount of \$185,000 to purchase a boat that will be used for law enforcement, firefighting, and rescue purposes; and

WHEREAS, on March 9, 2010, the City received two bids to purchase the boat; and

WHEREAS, Harbor Guard Boats, Inc. submitted the lowest bid in the amount of \$185,000.

NOW, THEREFORE, BE IT RESOLVED that the Ludington City Council hereby approves Harbor Guard Boats, Inc.'s low bid in the amount of \$185,000 for the purchase of the boat.

Moved by Councilor Castonia, seconded by Councilor Scott, that the foregoing Resolution be adopted. Motion Carried.

#### RESOLUTION TO APPROVE THE CONTRACT BETWEEN THE CITY OF LUDINGTON AND THE MICHIGAN DEPARTMENT OF TRANSPORTATION FOR THE RECONSTRUCTION OF SOUTH WILLIAM STREET (JOB NO. 107058)

WHEREAS, the City of Ludington received \$185,000 in federal stimulus funding to reconstruct South William Street between Ludington Avenue and Filer Street; and

WHEREAS, the receipt of the stimulus funding requires the City to enter into a contract with the Michigan Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ludington hereby authorizes City Manager John Shay and City Clerk Deborah Luskin to sign the contract between the City and the Michigan Department of Transportation to reconstruct South William Street between Ludington Avenue and Filer Street (Job No. 107058).

Moved by Councilor Castonia, seconded by Councilor Holman, that the foregoing Resolution be adopted. Councilor Engblade asked if this was the only street that the City would be working on. City Manager Shay explained that there will be a listing of the local streets scheduled for repair which Council will receive at a later date for approval. Councilor Engblade asked how South William Street was selected for paving rather than a street like South Washington which is in rough shape. City Manager Shay explained that not all streets are federal aid funded streets and South William Street was a federal aid street. The City has applied for Category F funding for South Washington Street. The City tried to pick a road for repair which would not be eligible for any other funding to maximize the number of streets which the City could receive funding for. Councilor Holman asked what qualifies a street for a federal aid street. City Manager Shay explained that the streets in Ludington are classified as major and local streets. None of the local streets are considered federal aid streets. The major streets can be considered for federal aid. Motion Carried.

Ordinance No. 210-10, an ordinance to amend Chapter 50 of the Ludington City Code to establish procedures for the division of platted lots, and to repeal all ordinances in conflict herewith was presented for the first reading.

Councilor Enghlade explained that the City was approached by the Elks Lodge to split the property into two separate sections. The City Attorney explained that an ordinance is required to be able to split any lot in the City. City Manager Shay explained that both lots would have to have their own water and sewer connection and the request would go to the Zoning Administrator to make sure the application was complete prior to being sent to the Planning Commission for recommendation of approval to the City Council.

Ordinance No. 210-10 shall be presented for adoption on 4/12/10 and is available for public inspection in the City Clerk's office during regular business hours.

Councilor Enghlade presented the January and February Building, Zoning and Enforcement Report.

Recreation Director, Cathy VanSickle presented the 2009 Annual Recreation Report and was available to answer questions. Cathy VanSickle recognized the family and friends of Thomas Koegler because when he passed away, they donated a large sum of money to the Ludington Recreation Program. Also recognized were Mr. & Mrs. David Maltbie who continually contribute to Ludington Recreation through United Way and who also coach several leagues. She explained that the same programs were offered as in the past due to the financial involvement by Hamlin Township, Amber Township, Summit Township, and Pere Marquette Township who contribute to the Ludington Rec program. The cost to a child to participate in each program then is \$7 which is the cost of a t-shirt. Cathy listed the many programs that are part of the Ludington Rec Program. The pay programs are those that have a cost to them including cheer program, water aerobics, tennis camps. Any moneys received from participants in the pay programs go back to the instructor. Cathy then discussed field maintenance in 2009. There are 11 fields (3 fields at Oriole Field, American Legion, Memorial Tree Park, Dow Field, Optimist 1, Bus Garage, LAC field, 2 fields in Hamlin Township) which are maintained for t-ball, baseball, men's and women's fast pitch. She explained that the goal for 2010 is to maintain all the programs and all of the contributions from the City and the Townships will remain the same. Councilor Holman asked why there would be no more arthritic aquatics and Cathy VanSickle explained that they could not get enough interest in this class so they combined the arthritic aquatics with the water aerobics class. There are two certified instructors who have been sent to the Arthritic Foundation and now incorporate this into the water aerobics class. Councilor Peterson asked what was meant by eligibility. Cathy explained that there are 1,683 children who are eligible to participate in programs, not necessarily that they do participate in a program. Overall, the participation was down in 2009 compared with 2008. Councilor Scott explained that participation was down 48 participants overall for 2009 over 2008. Cathy VanSickle explained that actual enrollment in the schools has also decreased.

Moved by Councilor Castonia, seconded by Councilor Holman, to approve the 2009 Recreation Annual Report. Motion Carried.

#### RESOLUTION IN SUPPORT OF FEDERAL AND STATE EFFORTS TO PREVENT THE ASIAN CARP FROM INFILTRATING THE GREAT LAKES

WHEREAS, the City of Ludington wishes to express its unified support of all aggressive efforts to stop the Asian carp from entering Lake Michigan; and

WHEREAS, Asian carp was brought to the United States from Taiwan in 1972;

WHEREAS, Asian carp was classified as an invasive species by the United States Department of the Interior in 2007 under the Lacey Act; and

WHEREAS, Asian carp have proven to be remarkably effective at adapting to and reproducing in the freshwaters of the United States of America; and

WHEREAS, this invasive species insatiably consumes forty percent (40%) of its own body weight each day and can grow to weigh one-hundred pounds (100 lbs.); and

WHEREAS, the rapid expansion of this invasive species has shown to decrease the abundance of indigenous mussels, other invertebrates and fish species; and

WHEREAS, Asian carp have migrated north via the Mississippi River and now threaten the Great Lakes ecosystem; and

WHEREAS, recent studies have conservatively associated more than 800,000 jobs with the Great Lakes; and

WHEREAS, the sport and commercial fishing of indigenous species and the associated fisheries in the Great Lakes are valued at more than \$7 billion; and

WHEREAS, the Great Lakes provide one-fifth (1/5) of the world's freshwater; and

WHEREAS, both the commercial and recreational use of Lake Michigan is the lifeblood of our City.

NOW, THEREFORE, BE IT RESOLVE the Ludington City Council hereby urges the United States Congress and the State of Michigan to take all necessary precautions to protect the Great Lakes from Asian carp and the eventual disaster and devastation that is associated with an invasion of this invasive species would pose to the Great Lakes ecosystem, and ultimately, the economies of the Great Lakes States.

Moved by Councilor Castonia, seconded by Councilor Scott, that the foregoing Resolution be adopted. Motion Carried.

RESOLUTION OF APPRECIATION  
GEORGE WILSON  
"BIG GEORGE"

WHEREAS, GEORGE WILSON has been a familiar voice heard on WKLA since he began his radio career in June of 1959; and

WHEREAS, GEORGE WILSON's program on WKLA 1450 AM has been a favorite of many who have tuned in daily to listen to the ever popular "Morning Show"; and

WHEREAS, over the years, GEORGE WILSON, better known as "Big George" has served in a variety of radio announcement roles and also given unselfishly of his time volunteering for numerous community activities; and

WHEREAS, GEORGE WILSON is known locally as a radio legend that has been providing entertainment and information to generations of listeners for decades.

WHEREAS, GEORGE WILSON, is well-known for his smiling face leading the Scottville Clown Band down Ludington Avenue during the annual 4<sup>th</sup> of July Parade and many other events; and

NOW, THEREFORE BE IT RESOLVED, that as Mayor of the City of Ludington, on behalf of the Ludington City Council, hereby recognize and commend GEORGE WILSON for his commitment and devoted service and extend to him our sincere appreciation for his dedication and loyalty to our community.

BE IT FURTHER RESOLVED, that on behalf of the citizens of Ludington, we hereby congratulate GEORGE WILSON on his retirement and wish him good health and happiness in the future. Enjoy!

His Honor Mayor Henderson introduced Lynn Baerwolf, owner of WKLA, and Alan Neushwander a coworker were present on behalf of George Wilson. His Honor Mayor Henderson expressed appreciation to George Wilson and his efforts for our community. Moved by Councilor Castonia, seconded by Councilor Taranko, that the foregoing Resolution be approved. Motion Carried.

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

At a Regular Meeting of the City Council called to order by on Monday, March 15, 2010 at 6:30 p.m. the following resolution was offered:

Moved by Councilor , seconded by Councilor , that the request from COVE of 906 E Ludington Ave., Ludington, MI 49431, County of Mason, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, to be considered for approval.

Moved by Councilor Holman, seconded by Councilor Castonia, that the foregoing resolution be adopted. Marie Waite, 301 E Filer Street, was able to answer questions on this resolution to Council. Councilor Holman asked what type of gambling will be held. Marie Waite explained that there will be a raffle for a quilt and gambling squares offered several times during the year. Motion Carried.

Senior Center Director Donna Baade presented the 2009 Senior Center Annual Report and was available to answer questions. She explained that her staff keeps current on trainings and there is a large volunteer core of about 30 who help to run the Senior Center. They are advocates and friends to the seniors. They serve all seniors in Mason County not just in the City of Ludington. The Senior Center works with 29 area agencies. They offer an intergenerational cooking program with the Ludington Journey School. During the 2009 tax season, 218 clients were served and the Senior Center helped save \$386,032 which was kept in Mason County. There were 348 seniors served in the Medicare and Medicaid program and 249 were served from November 15 to December 31. With these services, \$839,432 was kept in Mason County. The Senior Center is involved with Triad with a care trac unit. There has been one individual who was located using the care trac unit.

Moved by Councilor Holman, seconded by Councilor Castonia, to accept the 2009 Senior Center Annual Report. Motion Carried.

Moved by Councilor Englade, seconded by Councilor Holman, to approve the Qualified Voter File's Electronic Poll Book Laptop & Accessories Purchase. Motion Carried.

Police Chief Mark Barnett informed the Council that Sargeant Sands will be making the sand hauling trips Monday through Friday, from 6:30 a.m. to 8 p.m. The season runs now until October 15, 2010. The route will be inbound empty north on Jebavy Drive and west on Jagger Road and north on M116. Outbound loaded would be south on M116 and east on Ludington Avenue.

His Honor Mayor Henderson reminded all that the annual lake jump will be held on Saturday.

Moved by Councilor Engblade, seconded by Councilor Holman, that the meeting be adjourned. So carried at 7:25 p.m.

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Deborah L. Luskin, CMC  
City Clerk