

April 13, 2009

Regular meeting of the Ludington City Council held in the Council Chambers of the Municipal Building on Monday, April 13, 2009, at 7:30 o'clock p.m.

Present: His Honor Mayor John Henderson and Councilors Kaye Holman, Paul Peterson, Greg Dykstra, Brent Scott, Dave Weston, Pete Engblade, and Gary Castonia.

Absent: None.

Also present were City Manager John Shay, Police Chief Mark Barnett, Fire Chief Jerry Funk, and City Clerk Deborah Luskin.

Invocation was pronounced by Councilor Pete Engblade.

Pledge to the Flag was given.

Moved by Councilor Engblade, seconded by Councilor Castonia, that the Agenda be approved as presented. Motion Carried.

The meeting was opened for public comments.

Dave Miehke, 600 Sherman Oaks Ct, introduced himself and asked City Council and the Mayor to consider adopting an ORV ordinance allowing ORVs to operate within the City of Ludington. He stated that he had sent an email earlier today and he is hoping that the Council will give a fair and impartial hearing to this request.

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

Moved by Councilor Holman, seconded by Councilor Peterson, to approve the minutes of the regular meeting 3/23/09. Motion Carried.

The meeting was opened for the scheduled public hearing on the BRYNE JAG Grant Funding. Police Chief Mark Barnett provided background on the grant. This grant represents an amount of money that has been set aside for the City of Ludington equal to \$16,700 and will allow the Police Department to purchase some equipment which was not possible in the 2009 budget.

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

**RESOLUTION TO APPLY FOR
BYRNE JAG GRANT FUNDING FOR THE LUDINGTON POLICE DEPARTMENT**

WHEREAS, the City of Ludington is interested in continuing to support the Ludington Police Department with the proper equipment to ensure the safety of the public throughout the City of Ludington;

WHEREAS, said Ludington City Council has reviewed and understands the content of the application for funding;

WHEREAS, said Ludington City Council accepts the recommendation of the Community Development Office to apply for BYRNE JAG Grant Funds; and

WHEREAS, said Ludington City Council authorizes the City Manager to sign the application form as required;

THEREFORE, BE IT RESOLVED that the City of Ludington authorizes the Community Development Office to prepare and submit the application for funding through the BRYNE JAG Grant Program.

Moved by Councilor Castonia, seconded by Councilor Dykstra, to approve the foregoing resolution. Motion Carried.

Moved by Councilor Scott, seconded by Councilor Holman, to approve the Lakestride Half-Marathon and 5K race request for the weekend of June 12th. Motion Carried.

Terry Murphy, Interim Executive Director of the Ludington Area Center for the Arts (LAAC), made a presentation for the LAAC. She explained that the City has been involved and very generous in being the recipient of State grant funds for LAAC. They have received many state grants which have been funneled through mini grants at other arts council, including the Holland Arts Council, they have a partnership with the Ludington Visiting Writers, and they have been involved with a film series through the Mason County District Library. Councilor Peterson and His

Honor Mayor Henderson commended the Ludington Area Arts Council and congratulated them for the progress that they have made so far.

Earth Day Proclamation

WHEREAS, the first Earth Day was celebrated on April 22, 1970, with the goal of inspiring environmental awareness and encouraging the conservation, protection, and sustainability of our nation's natural resources; and

WHEREAS, it is the responsibility of each citizen to safeguard the environment, by recognizing that all human life depends upon the Earth and upon one another for mutual existence, well-being, and development; and

WHEREAS, the steps we can take to protect and preserve our natural environment through education, partnerships, and positive actions should be encouraged in the City of Ludington; and

WHEREAS, the citizens of Ludington are committed not only to the protection and preservation of our environment, but also to the restoration of ecosystems and habitat; and

WHEREAS, Ludington citizens, staff, and elected officials have worked closely with federal, state, local, and non-governmental organizations to develop and implement regulations and ordinances specifically designed to preserve and improve Ludington's fragile ecosystem and the quality of life therein; and

WHEREAS, Ludington proudly recognizes all who participate in Earth Day for their dedication to taking a proactive role in shaping the future of our environment by protecting and sustaining Ludington's precious natural resources.

NOW, THEREFORE, BE IT RESOLVED that the Ludington City Council does hereby proclaim April 18, 2009, as EARTH DAY in the City of Ludington and urges all citizens to be mindful of local, state, and national laws, which protect our environment, and to join in efforts to preserve the beauty and wonder of the lands, skies, and water of the Earth in all its diversity.

Moved by Councilor Holman, seconded by Councilor Scott, to approve the foregoing Earth Day Proclamation. Motion Carried.

A PROCLAMATION FOR NATIONAL GARDEN WEEK

WHEREAS, Gardeners have a passion for nurturing the beauty and resources of the earth through the planting of seeds, the care of all plants and the riches of their efforts; and

WHEREAS, Gardeners seek to add beauty, splendor, fragrance and nutrition to our lives through the growing of herbs, vegetables, foliage and flowers; and

WHEREAS, Gardeners advocate the importance of all creatures, large and small, that share our world and their roles in a balanced and productive ecology; and

WHEREAS, Gardening furnishes a challenging and productive activity for many citizens, for those just learning as well as those having years of experience; and

WHEREAS, Gardening promotes a healthy lifestyle that lasts a lifetime, helps reduce stress from other areas of our life, teaches that rewards can come from diligent efforts; and

WHEREAS, Gardening enables members of Garden Clubs across the nation and the world to serve others in the communities where they reside and work;

NOW, THEREFORE, BE IT RESOLVED that in an effort to acknowledge the importance of Gardening and the numerous contributions of Gardeners, the Ludington City Council hereby designates the week of June 7-13, 2009 as National Garden Week.

Moved by Councilor Peterson, seconded by Councilor Castonia, to approve the foregoing National Garden Week Proclamation. Councilor Scott commended our local Garden Club for the many contributions they make to beautify our community. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Peterson, that the Finance Report with total expenditures in the amount of \$537,855.02 for this period be approved and orders drawn according to the City Charter. Motion Carried.

Resolution to Authorize Acceptance of Payments by Credit Card or Similar Financial Transaction Devices

WHEREAS, the City Council recognizes that it may be more convenient for individuals and businesses to pay taxes or other fees by credit card or other similar financial transaction device, so long as such transactions are deemed by the Treasurer and the City Manager to be an appropriate and safe way of accepting payments for taxes or fees, and so long as the additional costs charged by such credit card issuers or the issuers or sponsors of such other financial transaction devices are paid by the persons using the convenience of such financial transaction devices, and that the City not incur such costs;

NOW THEREFORE BE IT RESOLVED that pursuant to Public Act 280 of the Public Acts of 1995 (MCL 129.221-129-224), the City Council hereby authorizes acceptance of payments by credit card or other financial transaction devices determined jointly by the City Treasurer and City Manager so long as the individuals or businesses

using such financial transactional devices for convenience pay the costs associated with the use of such credit cards or financial transactional devices to pay taxes or other fees;

BE IT FURTHER RESOLVED that the City Treasurer and City Manager acting jointly shall determine what taxes or other fees shall be applicable for payment by credit card or other financial transaction device;

BE IT FURTHER RESOLVED that the City Manager and City Clerk are authorized to sign any agreements for the acceptance of payments by credit card or other financial transaction device necessary to carry out this resolution.

Moved by Councilor Holman, seconded by Councilor Dykstra, to approve the foregoing Resolution to Authorize Payments by Credit Card. Councilor Engblade questioned the 3% fee, does the City pay this or how is it charged to the credit card company. City Manager Shay explained that when the customer is online to make their payment by credit card the customer will be notified that 3% will be added to the charge. Once the payment clears the Official Payment Corporation site the City will be notified of the actual tax or utility charge that will be deposited and the 3% fee will be sent directly to Official Payment Corporation. The question then was raised as to when the payment would directly hit the City of Ludington's bank account. City Clerk Luskin explained that the Treasurer would be notified of this payment once a week with a daily email notification. It was later learned that Official Payment Corporation must deposit this online credit card payment within 72 hours of the customer's application for payment. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Peterson, to approve Schmock's bid in the amount of \$140.00 per cut to mow the grass at the Municipal Marina. Motion Carried.

Councilor presented the COPS Grant and noted that it was the Finance Committee's recommendation to decline the application.

Moved by Councilor Castonia, seconded by Councilor Peterson, to approve the 2008 Wastewater Treatment Plant Annual Report. Wastewater Treatment Plant Superintendent Robert Allard was available to answer questions and to present highlights of this report as well as progress on the 2008 goals. He gave a summary of the challenges this department faced during 2008 including the June 13th storm as well as finishing the upgrade at Rath Avenue and replacement of the variable frequency drives and controllers, and started the new Washington Avenue lift station, built to replace the old lift station at South Delia and to pump the sewage from that part of town directly to the City's force main. Wastewater flow was down 2% over the previous year and 3% over the past seven year average. The sewage strength was lower by 10% attributable to House of Flavors, the largest contributor to the Wastewater Plant. On the agenda for 2009, there is a proposed bypass lift station pump, to perform the clarifier wall coating, and to put some new auto dialers in three lift stations. Projects on the horizon into 2012 include the relocation of the wastewater outfall pipe outlet as the DEQ has asked the City to relocate this pipe as well as routine replacement of pipes and plumbing. Superintendent Allard explained that the Sewer Fund is inadequate and underfunded and is asking Council to consider adjusting the sewer rates to meet the above noted goals. A question was raised by City Manager Shay as to the options regarding the outfall pipe. It was explained that there was the option not to move the pipe at all which if accepted, the DEQ would impose strict guidelines on the amount of flow that would be allowed, or to go straight south with the pipe through the wetland owned by the DNR with the DNR showing resistance to allowing the easement, or to go down Conrad Road west to PM Highway south to the first twin bridge with this being the most costly of the three options or approximately \$715,000. Councilor Holman asked Superintendent Allard to provide something more in writing with dollars attached on the projects that the City is looking at in the future. City Manager Shay explained that Superintendent Allard has kept the Public Safety Public Utility Committee informed of these projects. Motion Carried.

Moved by Councilor Scott, seconded by Councilor Castonia, to approve the 2008 Water Treatment Plant Annual Report. Water Treatment Plant Superintendent Kurt Malzahn was available to answer questions and to present highlights of this report as well as progress on the 2008 goals. He recognized his dedicated staff as the reason that his department was able to accomplish their goals. It was explained that the amount of water pumped during 2008 was down 5% or 40 million gallons as compared with 2007. This was due to the wet summer and the downturn in the economy. The goals accomplished were a feasibility study from Fishbeck Engineering as well as a booster station bypass project. In 2006, the City received a MDEQ sanitary sewer report with recommendations in the filtering capacity/redundancy and pretreatment capabilities at the Water Plant. The City then hired Fishbeck Engineering to help the City with these areas. It was explained that the Water Treatment Plant is 40 years old with only 2 filters available. Current MDEQ design standards require 4 filters. Fishbeck Engineering came up with 6 options in their study. One of the options would be a high rate sedimentation basin along with two new sand filters which has an estimated price tag of \$4.7 million. This option would be built on their existing footprint with an extension of life of the water plant to another 25-30 years and would satisfy the MDEQ concern. In May 2008, the Water Treatment Plant completed a bypass of the Brye Road Booster Station which supplies water to Scottville and the corridor between Brye Road and Scottville. After this bypass, the City can now isolate the station and supply water down the corridor to Scottville. Water tanks were recently inspected with the recommendation that in the next two years, the City will need to paint the water tanks both inside and out with an estimated cost of \$350,000-\$400,000. Superintendent Malzahn explained that one of the goals for the future is that the City must look at water rates.

Councilor Peterson questioned how much water loss is there. Superintendent Malzahn explained that the water loss is dependent on the weather. Pere Marquette Township (PM) buys 200,000 gallons of water a day. He explained that PM went on their own well system in August and the City has not seen a decrease in production. It has been a while since they did a water loss study. The last study showed water loss at 8% which is very typical. His Honor Mayor Henderson asked that the variation of how much water the City is using and not using and how much water is pumped each month be included in future reports. His concern is that the City also looks at solutions to control water costs not just to expand projects. Motion Carried.

Moved by Councilor Castonia, seconded by Councilor Dykstra, to approve the 2008 Utility Maintenance Department Annual Report. Utility Maintenance Superintendent Jon Kortge was available to answer questions and to provide highlights of this report as well as progress on the 2008 goals. He commended his staff and recognized their respective licensing. In preventative maintenance this department cleaned 48,500 feet of sanitary sewer main, 10,600 feet of storm sewer piping, 83 storm sewer catch basins, televised 15,300 feet of sanitary sewer mains, and treated 3,200 feet of sanitary sewer main for root infestation. They replaced 8 fire hydrants, and responded to 4 water main breaks. The 2009 projects include sewer force main relocation from Tamarac Village, the sewer force main extension on the south Ferry Street from West Filer Street North to West Loomis Street, the water and sewer main replacement on North Lewis Street from West Fitch Street North to Tinkham Avenue, and the sewer main replacement on Mitchell Street from North Staffon Street to Clark Street. Superintendent Kortge explained that MDEQ has instructed the City to implement a documented valve exercising program. This would consist of turning 1,000 water system valves and record the date turned, type, size, turns, location and any problems associated with the turn. A valve exerciser costs between \$23,000-\$25,000. City Manager Shay asked how the Utility Maintenance Department turn valves now. It was explained that it is done manually by a t wrench. With the new valve turner there would be a torque converter which would sense the turn. Councilor Holman asked if this was brought up in the past as she did not remember seeing this in the 2009 budget request. Superintendent Kortge explained that this was the result of a sanitary survey completed this spring and was recommended by the MDEQ. Motion Carried.

His Honor Mayor Henderson commended all three on their excellent reports.

Councilor Castonia presented the March Monthly Police Department Activity Report.

RESOLUTION OF APPRECIATION JIM SCATENA

WHEREAS, JIM SCATENA has been chosen as the 2009 BUSINESS LEADER OF THE YEAR; and
WHEREAS, twelve years ago Jim Scatena and his family relocated to Ludington to begin a new business endeavor as CEO of Floracraft; and
WHEREAS, during this time, Jim has touched the lives of many people throughout the community by being involved both personally and through his position as a local businessman; and
WHEREAS, Jim's outstanding management and leadership skills have proven to be one of his greatest successes; and
WHEREAS, Jim's leading by example has encouraged many others to participate and become involved in local community activities; and
WHEREAS, Jim's business involvement locally, nationally and internationally are to be commended; and
WHEREAS, Jim's profound respect for others and his acknowledgement of their accomplishments and efforts is one of his greatest assets; and
WHEREAS, Ludington is very fortunate to have such a remarkable person as Jim Scatena living and working in its community.
THEREFORE, BE IT RESOLVED, that the Ludington City Council hereby recognizes and commends JIM SCATENA for his substantial contributions, and for his exceptional business achievements, and extend our sincere appreciation for his enrichment of the community.

Moved by Councilor Castonia, seconded by Councilor Holman, to approve the foregoing resolution. Motion Carried.

RESOLUTION OF APPRECIATION BILL CARPENTER

WHEREAS, BILL CARPENTER has been chosen as the Ludington Area 2009 CITIZEN OF THE YEAR; and
WHEREAS, his talent, drive, enthusiasm and leadership skills have been instrumental in the success of the Ludington Area Center for the Arts; and
WHEREAS, Bill's involvement in other area programs such as the Ludington Rotary STRIVE program, WSCC Foundation Board, WSCC Choir, Habitat for Humanity along with operating his own local business with his wife Jane, are all things that keep Bill extremely busy and active within the community; and

WHEREAS, Bill unselfishly gives numerous hours of his own time volunteering for many community activities and providing help and assistance to those in need; and

WHEREAS, Bill's positive attitude and encouragement are witnessed regularly by those working with Bill doing various tasks to make this a better community; and

WHEREAS, Ludington is very fortunate to have Bill Carpenter living within its community.

THEREFORE, BE IT RESOLVED, that the Ludington City Council hereby recognizes and commends BILL CARPENTER for his knowledge, dedication and exceptional community service and extends to him our sincere appreciation for his contribution and commitment to the community.

Moved by Councilor Castonia, seconded by Councilor Holmnan, to approve the foregoing Resolution for Citizen of the Year. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Peterson, to request that the regularly scheduled Council Meeting times be moved to 6:30 p.m., beginning April 27, 2009. Councilor Dykstra opposed this motion. Motion Carried.

His Honor Mayor Henderson asked to have the ORV ordinance moved to the Public Safety and Public Utilities Committee.

Police Chief Mark Barnett recognized and thanked the Fire Department for the immediate response time in the location of an elderly person.

His Honor Mayor Henderson commended the WMOM lake jump participants.

Moved by Councilor Castonia, seconded by Councilor Holman, that the meeting be adjourned. So carried at 8:40 p.m.

Deborah L. Luskin, CMC
City Clerk