

April 14, 2008

Regular meeting of the Ludington City Council held in the Council Chambers of the Municipal Building on Monday, April 14, 2008, at 7:30 o'clock p.m.

Present: His Honor, Mayor John Henderson, Councilors Paul Peterson, Greg Dykstra, Brent Scott, Pete Engblade, and David Weston.

Absent: Councilor Gary Castonia who was excused as he was on vacation and Councilor Holman who was excused due to an unexpected emergency.

Also present were City Manager John Shay, City Attorney Roger Anderson, Police Chief Mark Barnett, Fire Chief Jerry Funk, City Treasurer Mary Reeds-Mortensen, and City Clerk Deborah Luskin.

Invocation was pronounced by Councilor Pete Engblade.

Pledge to the Flag was given.

Public Safety/Public Utilities Items 3 and 4 are removed from the agenda and will be addressed at the next meeting. Moved by Councilor Scott, seconded by Councilor Dykstra, that the Agenda be approved as corrected. Motion Carried.

The meeting was opened for public comments.

Gary Dancz, 315 N. Ferry, asked that the Council look at the alley in the 300 block on North Ferry. The south half of the alley has been abandoned but the north half of the alley is still an alley and is not being maintained by the City. He is asking that the City recognize this alley and maintain it as there is no records showing that this half has been abandoned. His Honor, Mayor Henderson moved this request to the Public Safety/Public Utilities Committee for review.

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

Moved by Councilor Engblade, seconded by Councilor Dykstra, that the minutes of the regular meeting held 03/24/08 be approved as printed. Motion Carried.

Moved by Councilor Scott, seconded by Councilor Engblade, that the request received from the State of Michigan Liquor Control Commission for a Dance Permit for Ludington Yacht Club be approved. Police Chief Mark Barnett investigated this request and found no problems. He is recommending this application for approval. Motion Carried.

Moved by Councilor Peterson, seconded by Councilor Weston, that the Finance Report with total expenditures in the amount of \$582,800.17 for this period be approved and orders drawn according to the City Charter. Motion Carried.

Moved by Councilor Scott, seconded by Councilor Dykstra, to approve the proposed front office reorganization, the revised job descriptions, and to approve increasing the Deputy Clerk's hourly wage from \$15.04 to \$17.04. Councilor Scott clarified that even though the new job descriptions for each of the four front office employees did not refer to fringe benefits, each employee would receive the fringe benefits that are stated on the old job descriptions. The fringe benefit package has not changed. The Personnel Committee is also recommending that they meet with the affected front office personnel in 3 months to evaluate whether this process is effective. Councilor Engblade stated that there will only be one position which will receive a pay increase due to the increased responsibility and centralization of all water and sewer utility accounting and work orders. It was noted that the management will not come to Council later with other proposed pay increases for these employees. Motion Carried.

Moved by Councilor Scott, seconded by Councilor Weston, to award the alley paving bid to Rieth-Riley Construction, Inc. for 2008 at \$13.43 per lineal foot which was also the low bid. This is a \$1.00 more per lineal foot over last year. Motion Carried.

#### RESOLUTION TO ADOPT STANDARD SPECIFICATIONS FOR SANITARY SEWER AND WATER MAIN CONSTRUCTION

WHEREAS, the City of Ludington's engineering firm, Prein & Newhof, has prepared standard specifications for the construction of sanitary sewers and water main; and

WHEREAS, such standard specifications will ensure that contractors installing new sanitary sewers, water mains, and related equipment will do so in a professional and workmanlike manner; and

WHEREAS, the adoption of such standard specifications will expedite the process of obtaining the appropriate permits from the Michigan Department of Environmental Quality.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Ludington hereby adopts the Standard Specifications for Sanitary Sewer Construction with a revision date of March 2008 and the Standard Specifications for Water Main Construction with a revision date of March 2008.

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

Councilor Dykstra, Member of the Cemetery and Parks Committee, brought attention to the letter in the council packets from Carleen Goodwin. He read a portion of letter where Carleen Goodwin expressed appreciation for Derek Karl and the other lifeguards and the City of Ludington for saving her son's life. He expressed support for having lifeguards and explained that it is the lives that the lifeguards potentially save and it is much easier getting a letter such as this than not having lifeguards.

Councilor Peterson, Member of the Waterfront Committee, explained that on March 28th a conference call was held between City officials, representatives from Pete Hoekstra's office, a representative from the Coast Guard, as well as a representative from GSA in Chicago. The reason for the call was to clarify the City's position on a phase II environmental study on the old Coast Guard Station. Originally, the City was told they would not be able to conduct the phase II environmental study on the old Coast Guard Station. However, as a result of this call, the GSA told the City that they could proceed with this study. The City will have an environmental study performed as well as the Coast Guard would also have a study performed. The City must send a letter to the Coast Guard Civil Engineering Unit in Cleveland with a written request to allow the City to enter the property to conduct a phase II study and then a license would be then be issued to allow the consultant to enter the property. The cost will be covered by the \$200,000 grant from the Michigan Department of Environmental Quality. If contamination is found the Coast Guard will be responsible to pay for clean up. If there is substantial contamination the City will be able to make an informed decision as to whether to acquire the property or not.

#### RESOLUTION TO APPLY FOR GRANT FROM MICHIGAN COUNCIL FOR ARTS AND CULTURAL AFFAIRS ON BEHALF OF THE LUDINGTON AREA ARTS COUNCIL

WHEREAS, The City of Ludington supported the Ludington Area Arts Council application for assistance in 2007; and

WHEREAS, the City of Ludington supports the development of an Arts Center in the United Methodist Church building; and

WHEREAS, the \$50,000 request will be paid to the Ludington Area Arts Council upon closing; and

WHEREAS, the City will continue to have a mortgage or lien on the property so that in the event that the property is not developed for the purpose which the grant is given, and if under those circumstances the City would be responsible for repaying the grant, the City would have a secured claim for the amount that is needed to be repaid to the State; and

WHEREAS, the City agrees to make application on behalf of the Ludington Area Arts council for the sole purpose of property acquisition; and

WHEREAS, the Ludington Area Arts Council will be solely responsible for any local match requirements of the grant;

NOW, THEREFORE BE IT RESOLVED, the Ludington City Council approves the request by the Ludington Area Arts Council to apply for \$50,000 from the Michigan Council for Arts and Cultural Affairs provided they supply the local match requirement and comply with the terms listed above and all of the stipulations of the previous year's application.

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

#### RESOLUTION OF APPRECIATION ROBERT "BOB NEAL"

WHEREAS, Bob Neal has been chosen as the 2008 BUSINESS LEADER OF THE YEAR; and

WHEREAS, Bob Neal is recognized as being a driving force in development in Downtown Ludington; and

WHEREAS, Bob Neal is most well known for his landmark House of Flavors ice cream plant and restaurant;  
and

WHEREAS, Bob Neal has been responsible for the One Ludington Place Condominiums, Lakewinds Centre and Office Building and Condominiums, the building that is currently home to Best Choice Market, Artists Market, and the downtown Visitors Center and upstairs condo units; and

WHEREAS, Bob Neal's vision of enhancing Downtown Ludington is steadily being realized in new developments and added businesses; and

WHEREAS, Bob Neal is committed to future improvements to Downtown Ludington for the betterment of the City, the residents of the community, and its visitors.

THEREFORE, BE IT RESOLVED, I Ludington Mayor John Henderson speaking on behalf of the people of Ludington and the Ludington City Council, hereby recognize and commend Bob Neal for his substantial contributions, and for his exceptional business achievements, and extend our sincere appreciation for his enrichment of the community.

Moved by Councilor Weston, seconded by Councilor Dykstra, that the foregoing Resolution of Appreciation be adopted. Motion Carried.

#### RESOLUTION OF APPRECIATION LAUDE HARTRUM III

WHEREAS, LAUDE HARTRUM, has been chosen as the Ludington Area 2008 CITIZEN OF THE YEAR;  
and

WHEREAS, LAUDE HARTRUM, has been an area resident for nearly 30 years and during that time, has found joy in helping others; and

WHEREAS, LAUDE HARTRUM, has served and continues to serve on the Mason County Traffic Safety, Lakeshore Traffic Committee, Mason-Oceana 911 board, chairs the Law Enforcement Committee for the Regional Homeland Security Board, as well as a number of other committee's and task forces that support a variety of local and regional law enforcement concerns; and

WHEREAS, LAUDE HARTRUM, along with the Andre' Bosse Child Advocacy Centers, is seeking to support young victims of abuse; and through his continued involvement with the Boy Scouts he seeks to encourage young people to make right choices; and

WHEREAS, LAUDE HARTRUM, as Mason County Sheriff, is committed to improving the lives of the area residents by enforcing the law, preventing crime as well as providing opportunities for kids to make rights choices, and in meeting the needs of young crime victims.

WHEREAS, LAUDE HARTRUM, has followed in his father's footsteps by volunteering his time and staying active within the community, and passing on the importance of public service to his son and daughter.

THEREFORE, BE IT RESOLVED, that the Ludington City Council hereby recognizes and commends LAUDE HARTRUM, for his dedication and his exceptional community service and extend to him our sincere appreciation for his contribution to the our community.

Moved by Councilor Engblade, seconded by Councilor Scott, that the foregoing Resolution of Appreciation be adopted. Motion Carried.

Councilor Engblade asked about the location of sanitary waste dumps as he has received several calls regarding this. City Manager Shay explained that there is one at the Wastewater Treatment Plant and that there is no charge for this dumping service.

In response to a comment from Councilor Peterson at the last meeting, His Honor Mayor Henderson explained that the Council packets would be delivered on Thursday with the understanding that it would be acceptable to deliver packets on Friday if the staff found it difficult to deliver these packets on Thursday.

City Manager Shay stated that the City's custodian, Jim Bogner's, father passed away recently and several individuals contributed monetary gifts to the family and it was the family's intention to use these gifts to make a financial contribution to the Ludington Recreation Department. It was noted that it was a very generous gesture on the part of the family. City Manager Shay explained that Hubert Bogner was a mechanic with the City in the DPW Motor Pool Department from October 1970 to May 1986.

Moved by Councilor Engblade, seconded by Councilor Scott, that the meeting be adjourned. So carried at 8:00 p.m.

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Deborah L. Luskin, City Clerk