

June 8, 2009

Regular meeting of the Ludington City Council held in the Council Chambers of the Municipal Building on Monday, June 8, 2009, at 6:30 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: City Treasurer Mary Reeds-Mortensen.

Also present were City Manager John Shay, City Attorney Roger Anderson, 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 Holman, seconded by Councilor Peterson, that the Agenda be approved as presented. Motion Carried.

The meeting was opened for public comments.

Maurie Holbrook, 710 E. 6th Street, introduced himself and was available to answer questions on the request to use the skate park for a skate boarding camp this summer. After no further comments were received, the regular order of business was resumed.

Moved by Councilor Castonia, seconded by Councilor Holman, to approve the minutes of the regular meeting 5/18/09. Motion Carried.

The meeting was opened for the scheduled public hearing to hear comments on the vacation and abandonment of the alley located in Block 1 of the Assessor's Plat, Sixth Addition.

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

RESOLUTION OF VACATION AND ABANDONMENT

WHEREAS, a request was made to the Ludington City Council to abandon, vacate, and discontinue the alleyway in the Assessor's Plat Sixth Addition, Block 1, bounded on the north by Bryant Ave, on the south by Lowell St., on the east by Vogel St. and on the west by N. Lakeshore Dr.; and

WHEREAS, June 8, 2009, at 6:30 o'clock p.m. in the Council Chambers of the Municipal Building, 400 S. Harrison St., Ludington, Michigan, was appointed as the time when the City Council would hear comments and objections thereto; and

WHEREAS, notice of the hearing was sent by U.S. Mail to all affected property owners on said alleyway; and

WHEREAS, said hearing has been held in accordance with such notice on the 8th day of June, 2009, at the time appointed.

NOW, THEREFORE, BE IT RESOLVED, that the City of Ludington, a Municipal Corporation, does hereby vacate and abandon the alleyway located in the Assessor's Plat Sixth Addition, Block 1, bounded on north by Bryant Rd, on the south by Lowell St., on the east by Vogel St., and on the west by N. Lakeshore Dr. of the City of Ludington.

BE IT FURTHER RESOLVED that an easement be reserved for existing utilities, if any, located within the above described alley for the purpose of maintaining, repairing, or replacing said utilities.

IT IS FURTHER RESOLVED, that this Resolution shall be recorded in the office of the City Clerk, in the Book of Street Records, and shall further be recorded in the office of the Register of Deeds for the County of Mason evidencing this action of vacation and abandonment.

Moved by Councilor Castonia, seconded by Councilor Scott, to approve the foregoing Resolution for Vacation and Abandonment of Block 1 of Assessors Plat, Sixth Addition. His Honor Mayor Henderson did state that the Clerk received three phone calls from residents in this location and they had no problems with the vacation and abandonment. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Peterson, that the Finance Report with total expenditures in the amount of \$456,544.49 for this period be approved and orders drawn according to the City Charter. Councilor Scott questioned an invoice in the amount of \$80 for business cards. City Manager Shay explained that this invoice

included business cards for four officers, including Officer Wells. Councilor Holman expressed appreciation to Councilor Scott for questioning an invoice on the Finance Report. Motion Carried.

ORDINANCE NO. 195-09

AN ORDINANCE TO ENTER INTO AGREEMENT FOR PROFESSIONAL ASSESSOR SERVICES THE CITY OF LUDINGTON ORDAINS:

Section 1: The City Council hereby approves the agreement for professional assessor services, a copy of which is attached to provide for assessing related services as described in such agreement for the term indicated in the agreement.

Section 2: The City Manager and City Clerk are authorized and directed to execute the attached agreement on behalf of the City.

Section 3: Should any provisions of this Ordinance or any part thereof be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions hereof or of any other provisions of the code or Ordinances of the City of Ludington.

Section 4: This Ordinance shall be effective 20 days after publication.

Moved by Councilor Scott, seconded by Councilor Holman, to adopt Ordinance No. 195-09, an ordinance to enter into an Agreement for Professional Assessor Services. Councilor Scott explained that this ordinance represents an agreement between the City and Chuck Zemla for Assessing Services. Chuck Zemla will work 16 hours (2 days a week) at the City office and will be available by telephone to answer resident questions during the week. He will attend the Board of Review meetings and represent the City during these meetings. He will defend all appeals to the Small Claims Division of the Michigan Tax Tribunal and will reappraise at least 20% of the City's properties each year. The agreement will begin on May 19, 2009 and expire March 31, 2010. The City will pay Mr. Zemla a total of \$41,677 for approximately 10 months and will recognize an annual savings of \$37,557.

Roll Call: Ayes: Councilors Engblade, Holman, Castonia, Peterson, Scott, Weston, and Dykstra.

Nays: None. Motion Carried.

RESOLUTION

WHEREAS, the State of Michigan, Department of Transportation, (MDOT) requires the governmental body to adopt a Resolution naming the officials who are authorized to sign the State Trunkline Maintenance Contract; and

WHEREAS, MDOT also requires that the governmental body designate individual positions to apply for necessary permits on behalf of the governmental body.

NOW, THEREFORE, BE IT RESOLVED that the Resolution of Authorized Signatures required by MDOT be adopted, and that John E. Shay and Deborah L. Luskin be authorized to sign the Michigan Department of Transportation State Trunkline Maintenance Contract.

Moved by Councilor Castonia, seconded by Councilor Dykstra, to adopt the foregoing Resolution. Motion Carried.

A public hearing was set for June 22, 2009, to hear comments on the Application for Industrial Facilities Tax Exemption Certificate by The Brill Company, Inc.

Councilor Engblade presented the May Building, Zoning, and Enforcement Report.

Moved by Councilor Dykstra, seconded by Councilor Holman, to approve the Fellowship of Christian Athletes request to use the City skateboard park for a skateboarding camp for kids ages 8-12 on August 4-7, 2009 from 8:30-10:30 a.m. Motion Carried.

Moved by Councilor Dykstra, seconded by Councilor Holman, to approve the Agreement to Use and Occupy Unpatented Great Lakes Bottomlands for Private Purposes. This is a 25 year agreement which will allow the City to construct the new breakwater at the Loomis Street boat ramps on the State of Michigan bottomlands. The State is not charging any rent or fee for the use of these bottomlands. It was noted that this agreement has been reviewed by the City Attorney. Motion Carried.

Moved by Councilor Dykstra, seconded by Councilor Weston, to approve the Air It Out 3 on 3 Basketball Program on July 25, 2009. There will be 80 to 100 teams playing on courts at the west end of Ludington Ave. Councilor Holman questioned whether Police Chief Barnett had any problems with this event. Police Chief Barnett explained that he was at the Committee meeting and heard the proposal and it sounded fine to him. Motion Carried.

PROCLAMATION

AMERICAN CANCER SOCIETY RELAY FOR LIFE

WHEREAS, the American Cancer Society is the nationwide community based voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service; and

WHEREAS, Dr. Gordon Platt founded the RELAY FOR LIFE idea, and literally ran and walked around a track in Tacoma, Washington in 1985 and raised over \$27,000 while traveling some 81 miles; and

WHEREAS, the American Cancer Society adopted this activity as its signature event to hold yearly nationwide, and this will be the twelfth annual event to be held in Mason County; and

WHEREAS, the Mason County RELAY FOR LIFE has thousands of volunteers, and has raised almost one million dollars to date to aid in the fight against cancer.

NOW, THEREFORE, BE IT PROCLAIMED, that I, John E. Henderson, Mayor of the City of Ludington, do hereby proclaim the month of June, 2009 as RELAY FOR LIFE MONTH and the dates of June 13th and 14th as RELAY FOR LIFE WEEKEND and urge all citizens to continue their generous support to the mission of the American Cancer Society of Michigan.

Moved by Councilor Weston, seconded by Councilor Dykstra, to approve the foregoing Proclamation. His Honor Mayor Henderson reminded all that the Relay for Life event is this weekend at Oriole Field. Motion Carried.

Councilor Holman publicly thanked Police Chief Mark Barnett for shutting down the skate park when cleanup was necessary by the users of this park.

Moved by Councilor Engblade, seconded by Councilor Dykstra, that the meeting be adjourned. So carried at 6:47 p.m.

Deborah L. Luskin, CMC
City Clerk