

July 27, 2009

Regular meeting of the Ludington City Council held in the Council Chambers of the Municipal Building on Monday, July 27, 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 Enblade, and Gary Castonia.

Absent: None.

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

Invocation was pronounced by Councilor Pete Enblade.

Pledge to the Flag was given.

Moved by Councilor Dykstra, seconded by Councilor Scott, 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 Dykstra, seconded by Councilor Scott, to approve the minutes of the regular meeting 7/13/09. Motion Carried.

A public hearing was held on the vacation and abandonment of Lots 11-18, North End of Block 12 Straits Steel & Wire, bounded on the West by North Harrison St, on the east by North Rowe Street, on the South by Whittier St, and on the North by Lowell Street. It was noted that the City Clerk received one public comment simply questioning the location of the abandonment. 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 that portion of the alleyway in the Manufacturer's Addition, Block 12, Lots 11 through 18, bounded on the north by Lowell St, on the south by Whittier St, on the east by N. Rowe St, and on the west by N. Harrison St.; and

WHEREAS, July 27, 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 27<sup>th</sup> day of July, 2009, at the time appointed.

NOW, THEREFORE, BE IT RESOLVED, that the City of Ludington, a Municipal Corporation, does hereby vacate and abandon that portion of the alleyway located in the Manufacturer's Addition, Block 12, Lots 11 through 18, bounded on the north by Lowell St., on the south by Whittier St., on the east by N. Rowe St., and on the west by N. Harrison St. of the City of Ludington.

BE IT FURTHER RESOLVED that an easement be reversed 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 Weston, that the foregoing Resolution be adopted. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Peterson, that the Finance Report with total expenditures in the amount of \$654,394.21 for this period be approved and orders drawn according to the City Charter. Motion Carried.

Ordinance No. 201-09, an ordinance setting the operating and garbage & rubbish millage at a total of 14.2719 mills, was presented for the first reading. It was noted that the information presented at the last City Council meeting indicated that the Refuse millage would decrease to 2.6513 mills due to the Truth in Taxation Act. This was an inadvertent error. It will actually decrease to 2.7623 mills. The operating millage will decrease from 11.5675 mills to

11.5096 mills. The total reduction in General Fund revenue as a result of the decreases in both of these millages will be about \$19,851.

Ordinance No. 201-09 shall be presented for adoption on 8/10/09 and is available for public inspection in the City Clerk's office during regular business hours.

ORDINANCE NO. 200-09

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

Section 1: The City Council hereby approves the agreement for professional engineering services, a copy of which is attached, for the South William Street reconstruction project from Ludington Avenue to Filer Street, including storm sewer improvements, and sidewalk replacement as needed.

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 City Code or Ordinances of the City of Ludington.

Section 4: Effective date: This ordinance shall be effective 20 days after publication.

Moved by Councilor Castonia, seconded by Councilor Dykstra, that Ordinance No. 200-09 be adopted.

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

Nays: None. Motion Carried.

Moved by Councilor Castonia, seconded by Councilor Holman, to approve the 1<sup>st</sup> Annual Organized Mayor's Bridge Walk/Parade over the Washington St. Bridge up to 5<sup>th</sup> Street, in the City of Ludington 4<sup>th</sup> Ward on 9/6/09, with a rain date of 9/7/09 at 2:00 p.m. Councilor Holman stated that with the many organizations that have come to Council over the year with activities, she has not seen a better written presentation of the activity than what Warren Smith has put together. Motion Carried.

CITY OF LUDINGTON  
MANAGER'S REPORT FOR SPECIAL ASSESSMENT

2009 ALLEY PAVING NO. 1:  
BLOCK 2, RESSEGUIE'S ADDITION  
IN THE CITY OF LUDINGTON

(Bounded on the West by Delia St, on the East by Lavinia St, on the North By Ludington Ave., and on the South by Loomis St.)

PURSUANT to Section 42.31, I, John E. Shay, submit the following report regarding the above described proposed improvement:

1. The description of the Assessment District is as follows: THAT PORTION OF LOTS 1 THROUGH 9 INCLUSIVE OF BLOCK 2, RESSEGUIE'S ADDITION OF THE CITY OF LUDINGTON WHICH IS BOUNDED ON THE WEST BY DELIA ST., ON THE EAST BY LAVINIA ST., ON THE NORTH BY LUDINGTON AVE., AND ON THE SOUTH BY LOOMIS ST.
2. The estimated cost of the proposed improvement is: FOUR THOUSAND SIX HUNDRED THIRTY EIGHT DOLLARS AND ZERO CENTS. (\$4,638.00).
3. The description of the extent of the improvement is as follows: To pave the alley running east and west through the above-described block.
4. The reason for the necessity of the improvement is: to comply with the wishes of the property owners in the proposed district and to facilitate city maintenance of the alleyway in said block.
5. The portion recommended to be paid by special assessment is: the total cost of the proposed alley paving improvement.
6. The portion recommended to be paid by the City at Large is: NONE.

Moved by Councilor Holman, seconded by Councilor Dykstra, to approve the Manager's Report for Special Assessment on the alley paving. Councilor Engblade questioned what the percentage of taxpayers were needed to bring a petition to Council for approval. City Manager Shay explained that 70% of the total amount to be assessed upon the privately owned real property located within the assessment district per the City Code. Motion Carried.

CITY OF LUDINGTON  
TENTATIVE DETERMINATION OF NECESSITY

2009 ALLEY PAVING NO. 1:

BLOCK 2, RESSEGUIE'S ADDITION  
IN THE CITY OF LUDINGTON

(Bounded on the West by Delia St, on the East by Lavinia St, on the North by Ludington Ave, and on the South by Loomis St)

WHEREAS, a petition containing the signatures of four (4) property owners has been filed with the City, wherein these property owners seek paving of the alley in THAT PORTION OF LOTS 1 THROUGH 9 INCLUSIVE OF BLOCK 2, RESSEGUIE'S ADDITION OF THE CITY OF LUDINGTON WHICH IS BOUNDED ON THE WEST BY DELIA ST., ON THE EAST BY LAVINIA ST., ON THE NORTH BY LUDINGTON AVE., AND ON THE SOUTH BY LOOMIS ST., and

WHEREAS, the City Manager has filed his report pursuant to Section 42.31 of Chapter 42 of the Ludington's City Code, and

WHEREAS, the City Council has tentatively determined that it is in the best interest of the City and of the residents whose property is to be benefited to proceed with such improvement.

NOW THEREFORE, BE IT RESOLVED:

1. Pursuant to Section 42.30(b) of the City Code, the City Council waives the Resolution required in Section 42.30(a).
2. That the City Council tentatively determines the necessity of the improvement to be in the best interest of the City and the residents whose property is benefited by such improvement.
3. That the description of the proposed improvement is: ALLEY PAVING FOR THAT PORTION OF LOTS 1 THROUGH 9 INCLUSIVE OF BLOCK 2, RESSEGUIE'S ADDITION OF THE CITY OF LUDINGTON WHICH IS BOUNDED ON THE WEST BY DELIA ST., ON THE EAST BY LAVINIA ST., ON THE NORTH BY LUDINGTON AVE., AND ON THE SOUTH BY LOOMIS ST.
4. That the estimated cost of the proposed improvement is: FOUR THOUSAND SIX HUNDRED THIRTY EIGHT AND ZERO CENTS (\$4,638.00).
5. That the portion to be specifically assessed against the properties benefited is: the total cost of the proposed improvement.
6. That the portion to be paid by the City at large is: NONE.
7. That the description of the District is: THAT PORTION OF LOTS 1 THROUGH 9 INCLUSIVE OF BLOCK 2, RESSEGUIE'S ADDITION OF THE CITY OF LUDINGTON WHICH IS BOUNDED ON THE WEST BY DELIA ST., ON THE EAST BY LAVINIA ST., ON THE NORTH BY LUDINGTON AVE., AND ON THE SOUTH BY LOOMIS ST.
8. That the manner in which the assessment is to be made (e.g. lineal foot or other benefit) is: based on the amount of alley frontage on each parcel of property included in the District.
9. That the Special Assessments may be paid in full or in five (5) equal annual installments.
10. That the unpaid balance of such Special Assessment shall bear interest at six percent (6%) per annum.
11. That the City Assessor shall prepare and deliver to the City Clerk a proposed assessment roll based on the above estimated cost of the improvement and the method by which such assessment is to be determined in accordance with Sections 42.36 and 42.37 of Chapter 42 of the City Code.
12. That complete information concerning this proposed improvement and the proposed assessment roll shall be placed in the office of the City Clerk and available for inspection during normal business hours.
13. That the City Clerk is directed to give notice of the time and place of the hearings at which time interested persons may be heard upon the determination of the necessity and the confirmation of the assessment roll. Such notice to each interested person shall include the amount proposed to be assessed upon the property of such interested person.
14. Such notice shall comply with Act 162 of the Public Acts of 1962, or any successor provisions thereof, and with the Charter and City Code of the City of Ludington.

Moved by Councilor Castonia, seconded by Councilor Weston, to approve the Tentative Determination of Necessity on the 2009 Alley Paving No. 1. Motion Carried.

A public hearing was set for 8/10/09 to hear comments on the alley paving in Block 2, Resseguie's Addition of the City of Ludington.

Councilor Castonia congratulated the Fire Department on the great job they did on the recent fire at 311 N. Harrison St., as evidenced by two letters received from the public and included in the Council packet.

His Honor Mayor Henderson reminded Council about the Budget Projection Workshop for August 3, 2009 at 5:30 p.m. in the Community Room of Ludington City Hall, 400 S. Harrison St.

Councilor Holman reminded the public of the next two Friday Night Live Events in downtown from 6 p.m. to 9 p.m.

Councilor Peterson made note of the fact that the City of Ludington received an upgrade on the bonding from Standard and Poors from A- to A+. City Manager Shay explained that with this upgrade, whenever the City issues bonds or borrows money for large projects in the future, the better the bond rating the City has, the lower the interest rate which will end up with lower costs to the City.

Moved by Councilor Engblade, seconded by Councilor Scott, that the meeting be adjourned. So carried at 7:45 p.m.

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Deborah L. Luskin, CMC  
City Clerk