

August 25, 2008

Regular meeting of the Ludington City Council held in the Council Chambers of the Municipal Building on Monday, August 25, 2008, at 7:30 o'clock p.m.

Present: His Honor Mayor John Henderson, 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.

His Honor Mayor Henderson asked to have Item 9b-Skate Plaza Update and Proclamation-Appreciation-Cary Shindeldecker removed from the agenda and add item 10a-Recommendation to go into Closed Session to discuss pending litigation. Moved by Councilor Castonia, seconded by Councilor Scott, that the Agenda be approved as corrected. Motion Carried.

The meeting was opened for public comments.

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

Moved by Councilor Weston, seconded by Councilor Dykstra, the minutes of the regular meeting held 08/11/08 be approved as printed. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Peterson, that the Finance Report with total expenditures in the amount of \$454,527.24 for this period be approved and orders drawn according to the City Charter. Motion Carried.

ORDINANCE NO. 182-08

An ordinance to authorize the City Manager and City Clerk to enter into an agreement with the Charter Business Telephone and Internet Service.

THE CITY OF LUDINGTON ORDAINS:

Section 1: The City Manager and City Clerk are authorized and directed to enter into the attached three (3) year agreement with the Charter Business Telephone and Internet Service.

Section 2: Severability: 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.

Section 3: Repeal: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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

City Manager Shay summarized the Charter proposal for telephone and internet service and stated that at the present time Charter cannot provide service to the police and fire departments due to some reporting restrictions that pertain with homeland security requirements and Charter is looking into this. Charter is also researching the ability to switch to Charter phones while still maintaining one Verizon analog line in the police and fire department. City Manager Shay also explained that Charter has just provided a cost estimate for the wireless internet access which includes the cable modems. The cost exceeded the amount budgeted of \$4,000 to provide wireless internet access to two locations. Based on a recommendation from the Technology Committee and because of the time of year, it was suggested we wait until the Spring of 2009 to put the cable modems in but with the existing \$4,000 budget, the City could install fiber optic, antennas, and other infrastructure that will be necessary to bring the wireless into place next year. Councilor Weston questioned the length of contract which was explained that it was 36 months. Councilor Castonia stated that when the power goes out with Charter, the phones go out. Even with backup power and generator the City would be without phones. Councilor Castonia stated that even with Verizon you would have a hard line so that if the power went out and the generator did not come on you would still have a phone and with Charter you do not have that capability. Councilor Engblade stated that the police department should have phones even when the cable goes out. He believes that public safety is primary and Charter cannot provide the service to keep the phones going.

Moved by Councilor Holman, seconded by Councilor Peterson, to adopt the foregoing Ordinance.

Roll Call: Ayes: Councilors Peterson, Holman, and Dykstra.

Nays: Councilors Castonia, Scott, Weston, and Engblade. Ordinance Failed

Moved by Councilor Castonia, seconded by Councilor Holman, to approve the engineering agreement for the Ferry Street Sewer Odor Project. The total amount for Prein & Newhof is \$30,595 which includes both the design and construction engineering costs. Motion Carried.

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

Moved by Councilor Scott, seconded by Councilor Holman, to approve the recommendation by the City of Ludington Election Commission to change the polling location for Ward 3 from the Ludington Fire Barn at 210 West Loomis Street to the Ludington City Hall Council Chambers, 400 S. Harrison Street effective immediately. Motion Carried.

Moved by Councilor Holman seconded by Councilor Castonia, to approve the recommendation by the City of Ludington Election Commission to establish a polling place for the Absentee Voter Counting Board at the Community Room at Ludington City Hall, 400 S. Harrison Street. Motion Carried.

Moved by Councilor Scott, seconded by Councilor Holman, to go into closed session at 7:55 p.m. to discuss the Jack Byers pending lawsuit

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

Nays: None. Carried.

Moved back to open session at 8:17 p.m.

Moved by Councilor Scott, seconded by Councilor Holman, to follow the strategy of Attorney Allan Vanderlaan in regards to the settlement of the Jack Byers lawsuit. Motion Carried.

Chief Barnett gave an update on the efforts to raise funds for helmets for the kids at the Skate Park.

Moved by Councilor Engblade, seconded by Councilor Scott, that the meeting be adjourned. So carried at 8:23p.m.

Deborah L. Luskin, City Clerk