

September 14, 2009

Regular meeting of the Ludington City Council held in the Council Chambers of the Municipal Building on Monday, September 14, 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: None.

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 Engblade.

Pledge to the Flag was given.

Moved by Councilor Dykstra, seconded by Councilor Holman, 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 Scott, seconded by Councilor Dykstra, to approve the minutes of the regular meeting on 8/24/09 and the minutes of the special meeting held 8/31/09. Motion Carried.

Police Chief Mark Barnett introduced Seasonal Police Officer Anthony Kuster. Officer Kuster provided the Council with his background with the Michigan State Police working both in undercover narcotics and as a motor officer. He has a wife and two children.

Moved by Councilor Holman, seconded by Councilor Peterson, that the Finance Report with total expenditures in the amount of \$567,108.64 for this period be approved and orders drawn according to the City Charter. Motion Carried.

CITY OF LUDINGTON
MANAGER'S REPORT FOR SPECIAL ASSESSMENT
2009 ALLEY PAVING NO. 2:
BLOCK 3, RESSEGUIE'S ADDITION
IN THE CITY OF LUDINGTON

(Bounded on the West by Lavinia St, on the East by Emily 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 10 INCLUSIVE OF BLOCK 3, RESSEGUIE'S ADDITION OF THE CITY OF LUDINGTON WHICH IS BOUNDED ON THE WEST BY LAVINIA ST., ON THE EAST BY EMILY 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 Castonia, seconded by Councilor Dykstra, to accept the Manager's Report for the Alley Paving Block 3, Resseguie's Addition. Motion Carried.

CITY OF LUDINGTON
TENTATIVE DETERMINATION OF NECESSITY

2009 ALLEY PAVING NO. 2:
BLOCK 3, RESSEGUIE'S ADDITION
IN THE CITY OF LUDINGTON

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

WHEREAS, a petition containing the signatures of five (5) property owners has been filed with the City, wherein these property owners seek paving of the alley in THAT PORTION OF LOTS 1 THROUGH 10 INCLUSIVE OF BLOCK 3, RESSEGUIE'S ADDITION OF THE CITY OF LUDINGTON WHICH IS BOUNDED ON THE WEST BY LAVINIA ST., ON THE EAST BY EMILY 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 10 INCLUSIVE OF BLOCK 3, RESSEGUIE'S ADDITION OF THE CITY OF LUDINGTON WHICH IS BOUNDED ON THE WEST BY LAVINIA ST., ON THE EAST BY EMILY 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 10 INCLUSIVE OF BLOCK 3, RESSEGUIE'S ADDITION OF THE CITY OF LUDINGTON WHICH IS BOUNDED ON THE WEST BY LAVINIA ST., ON THE EAST BY EMILY 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 Dykstra, to accept the Tentative Determination of Necessity for the Alley Paving in Block 3, Resseguie's Addition. Motion Carried.

The Council set a public hearing for September 28, 2009, at 6:30 p.m. to hear public comments on the alley paving No. 2, Block 3, Resseguie's Addition.

The Council set a public hearing for September 28, 2009 at 6:30 p.m. to hear public comments on the Water Well Restriction Ordinance. City Manager Shay explained that Straits Steel and Northrop Grumman are requesting that the City Council adopt an ordinance prohibiting the use of wells within a defined area primarily in the north and west portion of the City. Anyone who has a well and the ordinance is adopted, the well will have to be abandoned and capped off. The expenses associated with connecting the residents' water supply, either irrigation or indoor water use, will be the responsibility of Straits Steel and Northrop Grumman

Councilor Castonia presented the August Police Department Activity Report.

The Council set a public hearing for September 28, 2009 at 6:30 p.m. to hear public comments on the Obsolete Property Rehabilitation (OPRA) Application for Exemption Certificate filed with the City by Westnd Development LLC. This application is to renovate and rehabilitate the old bowling alley building.

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

RESOLUTION
AMENDMENT TO LOOMIS STREET BREAKWATER GRANT AGREEMENT

RESOLVED, that the City of Ludington, Mason County, Michigan does hereby accept the terms of the Agreement Addendum as received from the Michigan Department of Natural Resources, and the City does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate the sum of Fifty-six Thousand Nine Hundred dollars (\$56,900), to match the grant authorized by the Department.
2. To maintain satisfactory financial accounts, documents, and records and to make them available to the Department for auditing at reasonable times.
3. To construct the facility improvements and provide such funds, services, and materials as may be necessary to satisfy the terms of the said Agreement Addendum.
4. To insure that all premises, buildings, and equipment related procedures comply with all applicable State and federal regulations.
5. To comply with any and all terms of the said Agreement Addendum including all terms not specifically set forth in the foregoing portions of the Resolution.

Moved by Councilor Dykstra, seconded by Councilor Castonia, to adopt the foregoing Resolution approving the Agreement Addendum to the Loomis Street Breakwater Grant Agreement. Motion Carried.

RESOLUTION
LOOMIS STREET BOAT RAMP DREDGING GRANT AGREEMENT

RESOLVED, that the City of Ludington, Michigan, accepts the terms of the Agreement as received from the Michigan Department of Natural Resources and the City agrees, but not by way of limitation, as follows:

1. To appropriate the sum of Twelve Thousand Five Hundred dollars (\$12,500) to match the Twelve Thousand Five Hundred dollars (\$12,500) State grant authorized by the Department.
2. To maintain satisfactory financial accounts, documents, and records, and to make them available to the Department for auditing at reasonable times.
3. To construct the facilities and provide the funds, services, and materials as may be necessary to satisfy the terms of the Agreement.
4. To ensure that all premises, buildings, and equipment related procedures comply with all applicable State and federal regulations.
5. To establish and appoint the City Manager to regulate the use of the facilities constructed under this Agreement to assure the use thereof by the public on equal and reasonable terms.
6. To enforce all State statutes and local ordinances pertaining to marine safety and to enforce statutes of the State of Michigan within the confines of the City pertaining to the licensing of watercraft. Watercraft not fully complying with the laws of the State of Michigan relative to licensing shall not be permitted to use the facility until full compliance with those laws has been made.
7. To comply with all terms of the Agreement, including all terms not specifically set forth in the foregoing portions of this Resolution.

Moved by Councilor Dykstra, seconded by Councilor Peterson, to adopt the foregoing Resolution approving the Waterways Grant Agreement to pay 50% of the dredging costs (up to a maximum of \$12,500) at the Loomis Street Boat Ramp. Motion Carried.

Moved by Councilor Engblade, seconded by Councilor Castonia, that the meeting be adjourned. So carried at 6:42 p.m.

Deborah L. Luskin, CMC
City Clerk