

**IDENTIFICATION OF UGLG**

**Project Title/Name: N James Street Plaza/Legacy Plaza**

UGLG CONTACT INFORMATION	
Unit of General Local Government	City of Ludington
Chief Elected Official	Name: Steve Miller Title: Mayor
Chief Elected Official Phone and Email	Ph. 231-845-6237 Fx. 231-845-1146 mayor@ci.ludington.mi.us
Street/PO Box	400 S Harrison Street
City	Ludington
State/Zip	MI, 49431
County	Mason
UGLG Project Contact (PC)	Name: Heather Tykoski Title: Community Development Director
UGLG PC Phone and Email	Ph. 231-845-6237 Fx. 231-845-1146 htykoski@ci.ludington.mi.us
Street/PO Box	400 S Harrison Street
City	Ludington
State/Zip	MI, 49431
County	Mason
Application Preparer	Name: Heather Tykoski Title: Community Development Director

FUNDING SOURCES (Indicate all funding sources)	
CDBG Grant	\$ 2123190.00
CLP/RLF	\$
UGLG	\$ 235910.00
Private	\$
	\$
	\$
<b>TOTAL</b>	<b>\$ 2359100.00</b>

UGLG INFORMATION
UGLG DUNS # 007514676 <a href="http://www.dnb.com/duns-number.html">http://www.dnb.com/duns-number.html</a>
UGLG Federal ID # 38-6004706
UGLG Fiscal Year January to December (month start and end)

STATE GOVERNMENT REPRESENTATION			
Senator Name	Curt Vanderwall	Senate District	35
Representative Name	Jack O'Malley	House District	101

FEDERAL GOVERNMENT REPRESENTATION			
Representative Name	Bill Huizinga	Congressional District	02

NATIONAL OBJECTIVE ELIGIBILITY	
The project must meet a National Objective. Please check the category (only one) that applies to the project:	
<input checked="" type="checkbox"/> Benefit Persons of Low and Moderate Income <input checked="" type="checkbox"/> LMI Area Benefit <input type="checkbox"/> LMI Job Creation <input type="checkbox"/> LMI Housing <input type="checkbox"/> Limited Clientele	<input type="checkbox"/> Prevention or Elimination of Slums or Blight <input type="checkbox"/> Area Benefit <input type="checkbox"/> Spot Blight

PROJECT DESCRIPTION	
Provide a project <b>narrative</b> , include the following: A. Identify the need for this project B. How does project fulfill an intended goal outlined in either the UGLG’s Master Plan, CIP, or other associated community plan? C. Identify the intended outcome of the project D. The current or past use of the building/property, whether its residential or commercial, if applicable E. Identify any community support for this project, including support from local partnerships F. Outline activities necessary to complete the project	
Check all that apply as it pertains to the <b>Historic Status</b> of the property(s) involved: <input type="checkbox"/> Listed in the National Register of Historic Properties <input type="checkbox"/> Potentially eligible to be listed in the National Register of Historic Properties <input type="checkbox"/> Listed in a state or local inventory of historic places <input type="checkbox"/> Designated as a state or local landmark or historic district <input type="checkbox"/> None of the above <input checked="" type="checkbox"/> Not applicable	
Provide the address(es) of the <b>benefited property(s)/building(s)/businesses</b> . Indicate whether commercial and/or residential:  What is the total square footage impacted by this project? <b>35,000square feet</b>	
Provide the <b>name(s) of the private property/building owner(s)</b> seeking to participate as a sub-recipient of funds. Include <u>all individuals</u> that have ownership of the property/building(s). <b>None</b>	
Provide the <b>DUNS Number of the private business owners</b> , along with their respective owner’s names listed above, if applicable. <b>None</b>	
Has the <b>NEPA Environmental Review</b> been initiated?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Will <b>jobs be relocated</b> from another City or State as a result of this project? If Yes, explain:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Will the project result in the <b>demolition or conversion</b> of residential dwelling units, both occupied and vacant? If Yes, explain:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Will the project result in <b>special fees</b> (i.e., tap in / hookup fees, special assessments)? If Yes, explain:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA

Are there any <b>local, state and federal permits</b> required for implementation of the proposed project? If Yes, will permit requests delay the proposed project or influence the timeline?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Are there <b>acquisitions, leases, easements, or property option/purchase agreements</b> necessary to complete the project activities?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Are there <b>current or incoming residential or commercial tenants</b> ? If Yes, provide the number of tenants and whether they are residential, commercial or both:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Will there be any <b>temporary or permanent relocation</b> of businesses, non-profit organizations, homeowners, or tenants needed to complete the project?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA

PROJECT TIMELINE		
Provide the tentative Start and End dates for activities associated with completing the project		
ACTIVITIES	START DATE (mm/yr)	END DATE (mm/yr)
Engineered Drawings and Bidding Documents	1/20	3/20
Bidding	7/20	8/20
Construction	9/20	3/21

PROJECT BUDGET						
ACTIVITY COSTS	CDBG	LOCAL	PRIVATE	OTHER	OTHER	TOTAL
Administrative Services	\$	\$	\$	\$	\$	\$
Lead Testing	\$	\$	\$	\$	\$	\$
Asbestos Testing	\$	\$	\$	\$	\$	\$
Engineering	\$47190	\$235910	\$	\$	\$	\$283100
3 <sup>rd</sup> Party Environmental	\$	\$	\$	\$	\$	\$
Acquisition	\$	\$	\$	\$	\$	\$
Demolition	\$	\$	\$	\$	\$	\$
Lead Abatement	\$	\$	\$	\$	\$	\$
Asbestos Abatement	\$	\$	\$	\$	\$	\$
Construction	\$2076000	\$	\$	\$	\$	\$2076000
	\$	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$	\$
<b>GRAND TOTAL</b>	<b>\$2123190</b>	<b>\$235910</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$2359100</b>

Are there **other funding sources available** to contribute to the proposed project? Provide inquires made and the responses provided by associated funding sources.

The DDA has been saving money over the years for this project and will provide the local match. A fundraising event was held locally that raised \$6000 towards the project. Other grants have been explored but have been used recently for other projects which does not make us competitive for this one. The MNRTF program priority areas are heavily weighted toward trails project and the city received a grant for a water trails project. Because of the way this grant is scored it would be highly unlikely to receive that grant in a significant amount for a few years.

**Is Program Income available to help fund the proposed project? Note program income funds cannot count towards project match.**

No

<b>UGLG CAPACITY AND CONFLICT OF INTEREST</b>			
Who will provide the administrative capacity for the proposed grant? <input checked="" type="checkbox"/> UGLG Staff <input type="checkbox"/> MEDC Certified Grant Administrator <input type="checkbox"/> Third Party Administrator/Consultant/EDO/EDC			
Has the UGLG received <b>CDBG grants or loans in the past 5 years</b> and/or have any open CDBG grants or loans, including grants or loans provided by MSF, MEDC and MSHDA? If Yes, please identify the associated projects and describe all, if any, findings or areas of concern regarding those projects: <b>the UGLG has successfully managed and closed out several façade and Rental Rehab programs and was the Third Party Administrator for the County Housing program in years past</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA		
Does the UGLG have any <b>outstanding CDBG grants or loans</b> that have not been drawn down? If Yes, describe:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA		
Will local officials and staff be a party to any <b>contract involving the procurement of goods and services</b> assisted with CDBG funds? If Yes, describe:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA		
Will any person who is an employee, agent, consultant, officer, elected or appointed official of the UGLG obtain a <b>financial interest or benefit</b> from a CDBG assisted activity or have an interest in any contract, subcontract or agreement with respect thereto, or in the proceeds hereunder, either for themselves or for those with whom they have family or business ties, during their tenure or for one year thereafter? If Yes, describe:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA		
Indicate whether the UGLG has a <b>contractual relationship</b> with any of the following entities: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> ASG Renaissance  <input type="checkbox"/> Detroit Pistons  <input type="checkbox"/> Northern Michigan University  <input type="checkbox"/> City of Kalamazoo  <input type="checkbox"/> Crystal Mountain  <input type="checkbox"/> Governmental Relations Ilitch Holdings  <input type="checkbox"/> DTE Energy  <input type="checkbox"/> Grand Rapids Community College  <input type="checkbox"/> Huron River Venture Company  <input type="checkbox"/> City of Flint                             </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Michigan Economic Development Corporation  <input type="checkbox"/> Department of Labor and Economic Opportunity  <input type="checkbox"/> Michigan State University Federal Credit Union  <input type="checkbox"/> American Arab Chamber of Commerce  <input type="checkbox"/> Council of Michigan Foundations  <input type="checkbox"/> Michigan Regional Council of Carpenters  <input type="checkbox"/> Short's Brewing Company  <input type="checkbox"/> Whirlpool Corporation  <input type="checkbox"/> Shaltz Automation  <input type="checkbox"/> Kettering University                             </td> </tr> </table> If Yes to any of the above, describe the nature of relationship:		<input type="checkbox"/> ASG Renaissance <input type="checkbox"/> Detroit Pistons <input type="checkbox"/> Northern Michigan University <input type="checkbox"/> City of Kalamazoo <input type="checkbox"/> Crystal Mountain <input type="checkbox"/> Governmental Relations Ilitch Holdings <input type="checkbox"/> DTE Energy <input type="checkbox"/> Grand Rapids Community College <input type="checkbox"/> Huron River Venture Company <input type="checkbox"/> City of Flint	<input type="checkbox"/> Michigan Economic Development Corporation <input type="checkbox"/> Department of Labor and Economic Opportunity <input type="checkbox"/> Michigan State University Federal Credit Union <input type="checkbox"/> American Arab Chamber of Commerce <input type="checkbox"/> Council of Michigan Foundations <input type="checkbox"/> Michigan Regional Council of Carpenters <input type="checkbox"/> Short's Brewing Company <input type="checkbox"/> Whirlpool Corporation <input type="checkbox"/> Shaltz Automation <input type="checkbox"/> Kettering University
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The **UGLG** agrees to adhere to HUD, CDBG and MEDC rules, regulations and the Grant Administration Manual (GAM) policies, procedures and reporting requirements. In agreeing to this, the UGLG will ensure that all entities involved in completing the proposed project will also adhere to rules and regulations during grant administration.

<b>AUTHORIZED UGLG OFFICIAL</b>	
Name and Title	<b>Mitch Foster, City Manager</b>
Signature	

Date	
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## N James Street Plaza/ Legacy Plaza Narrative Ludington, MI

The need for a “town square” or gathering place in the Downtown area has been evident for several decades. In 2007, the decision was made to close the one-way street heading north from the main intersection of Downtown in order to test an area that could be used for this purpose.

Creating a gathering place in Downtown became a priority for the Downtown Ludington Board (aka the DDA) when it realized that this was an essential move to get more people playing, shopping, and overall congregating in Downtown. The Economic impact of this type of development was supported through placemaking research.

In 2008, when the Downtown Ludington Board redid their TIF plan, the N James Street areas’ development as a plaza was the number one project goal. In the past 12 years, plans have been created and the Downtown Ludington Board began saving as much as they could of their small budget to hopefully one day transform this space into a public plaza. The Downtown Ludington TIF plan is again being updated and the Plaza project remains the number one goal. Fortunately, the Board has been saving and has been able to put together enough savings to meet the 10% required match of the Public Infrastructure Program. This year the City of Ludington was put on the HUD Low/Mod list. This made the project possible through this grant program as there was no way to directly create jobs (albeit enough jobs) to be able to access the program previously.

If grant funding is received, the Downtown Ludington Board will move forward with contracting construction drawings and beginning construction as soon as possible.

The goal of this project has several components that make this a crucial development for the City of Ludington and the Downtown Area. First, this will create an event space with a permanent pavilion, year-round bathroom structure and event storage, fireplace, and a great public gathering place in the heart of Downtown Ludington. However, here is a deeper meaning to the name “Legacy Plaza” ... This area will take visitors on a walk-through Ludington’s History, a way to honor the past and utilize the space adequately for present and future needs. When entering the plaza, visitors will be greeted with a nod to our maritime history. A sculpture made from parts of the Carferry, a part of the proud Maritime History of Ludington, will be the first visible nod to Ludington’s identity. Next, a fireplace will become visible, the fireplace will represent the three tribes that were the first people to settle this area. The Council of the Three Fires was representative of the Ottawa, the Ojibwa, and the Potawatomi people. In meeting with the Ogemaw for the Little River Band of Ottawa Indians, Ogemaw Romanelli was very supportive of this way of honoring the past contributions of Native Americans in the Ludington Area. In addition to the fireplace, it has been learned that the Little River Band has only 3 fluent native speakers of the Ojibwa language. It is the intention to honor that language in this area as well. This will be done in close relationship with the tribe to ensure the proper respect is given. The next element honoring Ludington’s past will be in the pavilion structure itself. The structure will be built with timber components to honor the vast lumbering heritage of Ludington. The north end of the plaza will be home to the relocated clock tower that was placed on Ludington Avenue in the 1980’s. It will remain part of the newly renovated park and with cap off the north entrance.

With these renovations, the area will be able to house festivals and events and become a gathering place that truly speaks of Ludington's current atmosphere as well as honors its roots.

The plaza has evolved gradually over the past 12 years, but still looks much like a road with curbing and tripping hazards. The DDA has added some tables to the area and added some concrete on the north end to make it possible to start a Farmer's Market but the area is in need of an overhaul to truly serve the community.

The DDA, and City Council are in support of this project. Plans created in 2016, and recently updated, have been shared at a variety of meetings and committees.

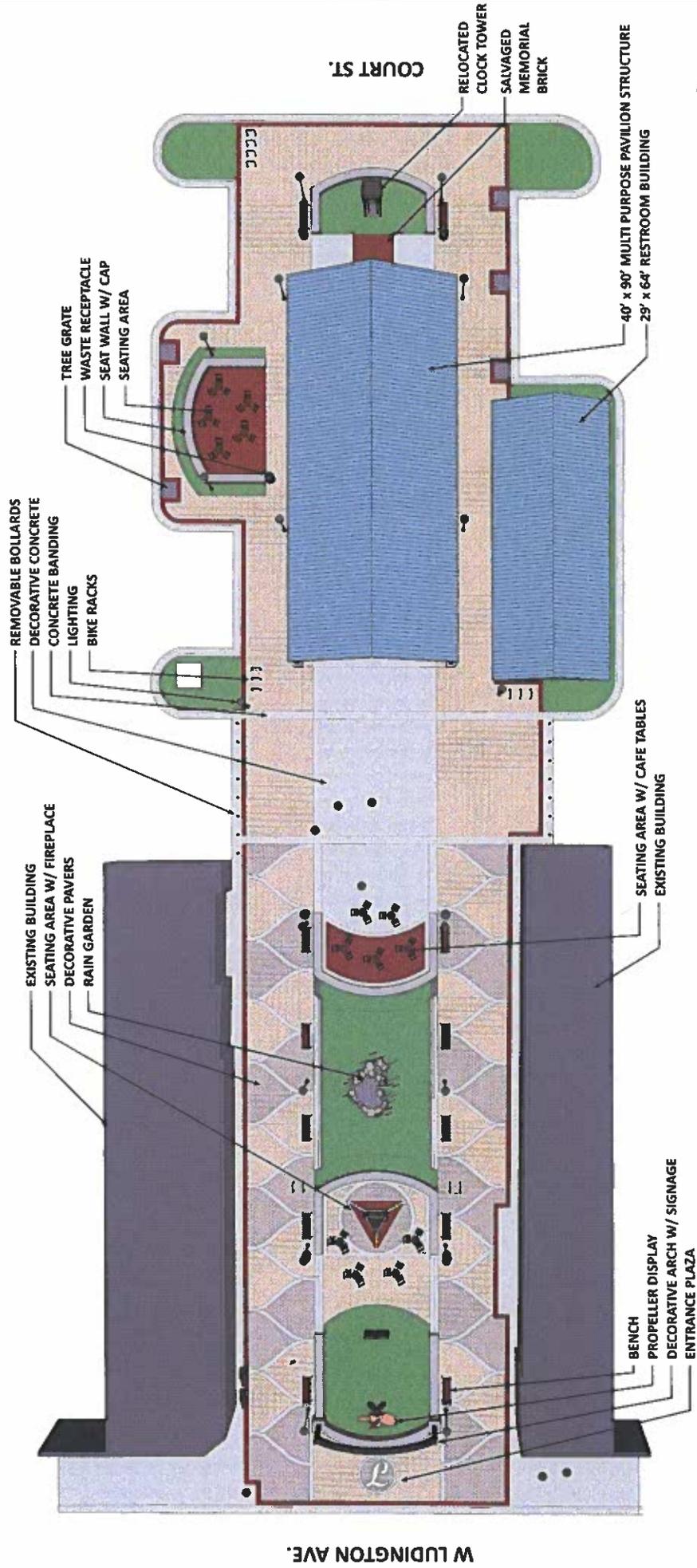
The only hurdle with completing this project is the receipt of this grant and necessary environmental reviews to move the project forward.

<b>Supporting Documentation</b>		
<b>Exhibit I</b>	Project Location Map	Attached <input checked="" type="checkbox"/>
<b>Exhibit II</b>	Preliminary Architectural/Engineering Drawings	Attached <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
<b>Exhibit III</b>	Independent 3 <sup>rd</sup> Party Estimate	Attached <input checked="" type="checkbox"/>
<b>Exhibit IV</b>	Financial Commitment Letter(s)	Attached <input checked="" type="checkbox"/>
<b>Exhibit V</b>	Site Control – Deed or Lease Agreement	Attached <input checked="" type="checkbox"/>
<b>Exhibit VI</b>	Blight Letter or Area Blight Resolution (Sample Form 2-B)	Attached <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<b>Exhibit VII</b>	Lead-Based Paint Applicability and Compliance Worksheet (Form 5-S)	Attached <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<b>Exhibit VIII</b>	Asbestos Applicability and Compliance Worksheet (Form 5-V)	Attached <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<b>Exhibit IX</b>	Historic Property Proof of Eligibility	Attached <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<b>Exhibit X</b>	Appraisal for CDBG-funded Acquisitions; or Waiver Valuation (Form 6-D)	Attached <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<b>Exhibit XI</b>	Maintenance/Sustainability Plan	Attached <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
<b>Exhibit XII</b>	Background Check Form (filled out for processing); A form for each building owner(s) and whoever is authorized to manage and sign for the grant	Attached <input checked="" type="checkbox"/>
<b>Exhibit XIII</b>	Limited Denial of Participation, HUD Funding Disqualifications and Voluntary Abstentions	Attached <input checked="" type="checkbox"/>
<b>Exhibit XIV</b>	System Award Management (SAM) Certification	Attached <input checked="" type="checkbox"/>
<b>Job Creation Exhibit</b>	Job Creation Summary Job Creation Assurance Machinery and Equipment (M&E) List, if applicable	Attached <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<b>Rental Rehabilitation Exhibit</b>	Rental Rehabilitation Workbook	Attached <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<b>Façades Exhibit</b>	Façade Budget Façade Building Owner and Activity Identification	Attached <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<p><b>Please attach all supporting documents in the order they are requested. If submitting electronically, label each supporting document appropriately.</b></p> <p><b>This list is not all inclusive. Additional compliance documentation will be sought post-application.</b></p>		



# CITY OF LUDINGTON

## LEGACY PARK - CONCEPT PLAN

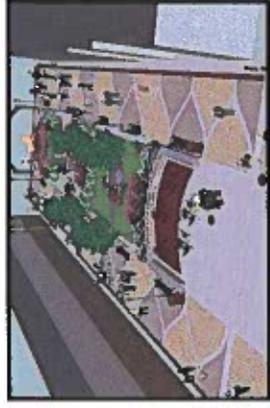
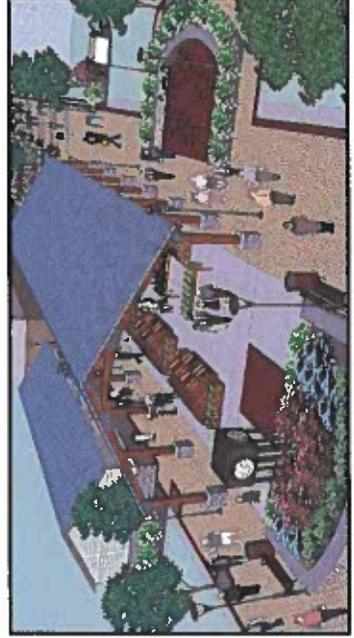
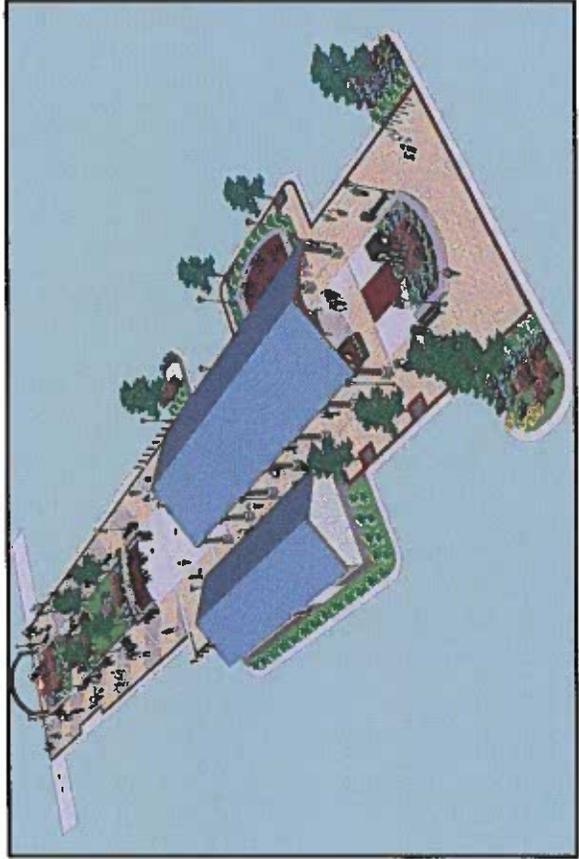
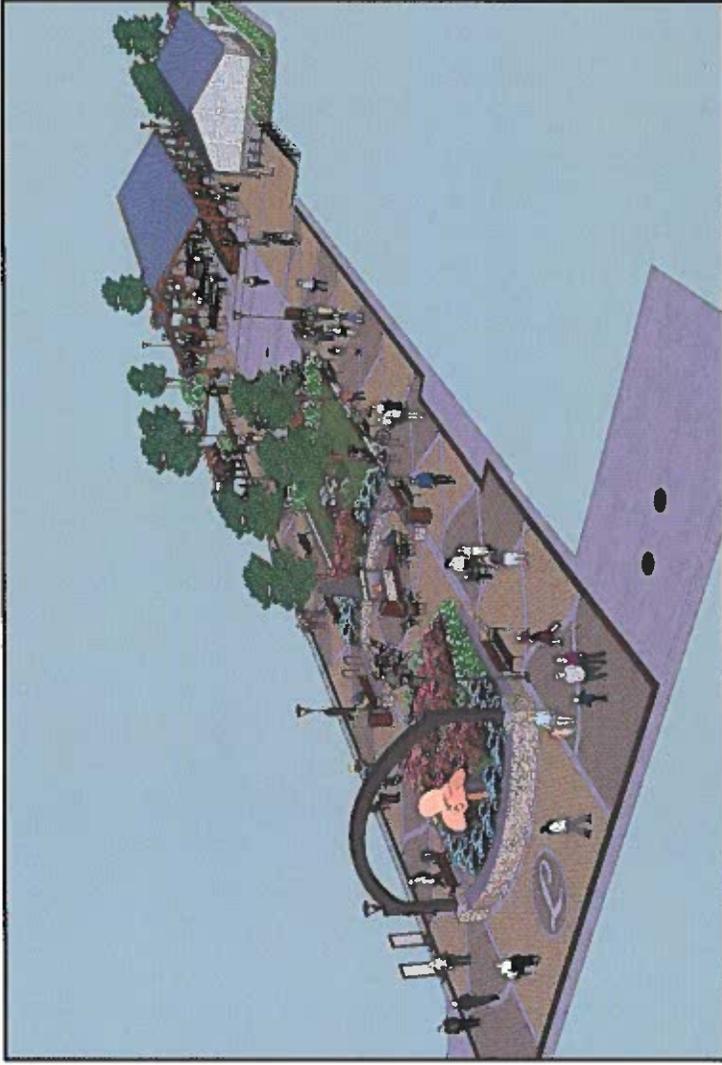
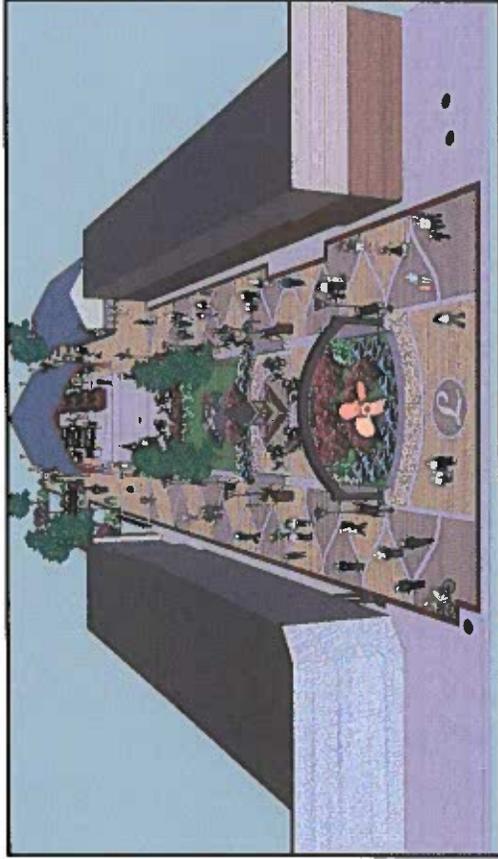


Prein&Newhof

\*LANDSCAPING NOT SHOWN FOR CLARITY

# CITY OF LUDINGTON

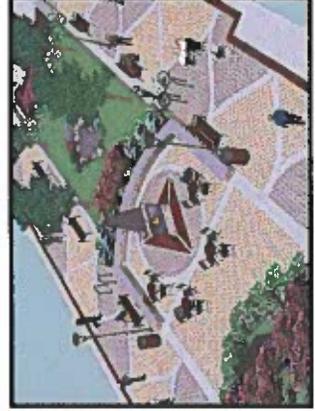
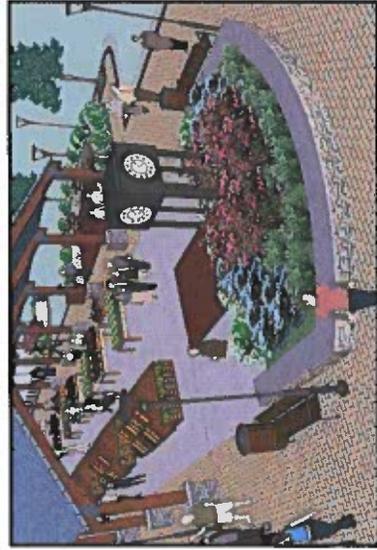
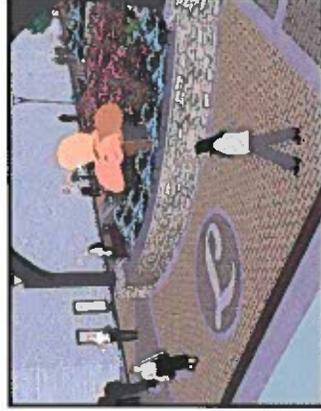
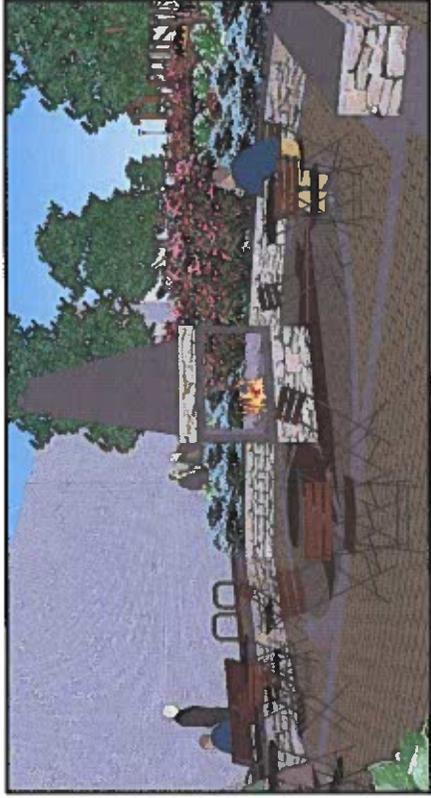
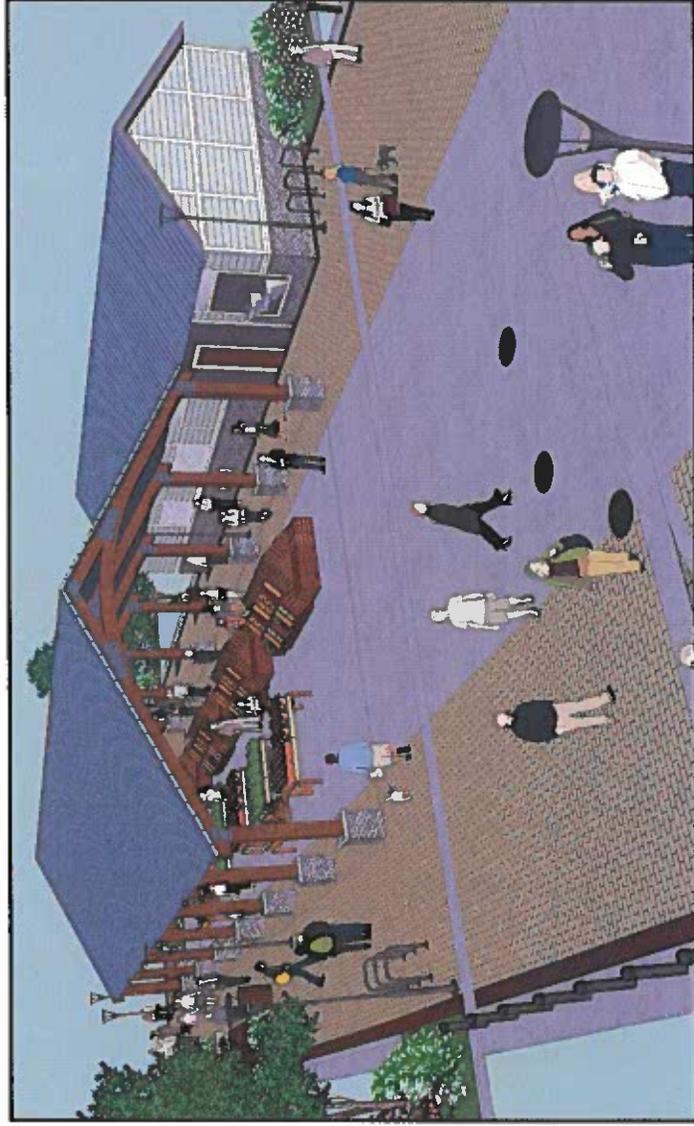
## LEGACY PARK - OVERALL VIEWS



Prein & Newhof

# CITY OF LUDINGTON

## LEGACY PARK - PERSPECTIVE VIEWS



Prein&Newhof

**City of Ludington - Legacy Park**

#2190425

22-Oct-19

Order of Magnitude Cost Projection

**Prein&Newhof**

Site Preparation & Removals	UNIT	QUANTITY	UNIT PRICE	COST
Mobilization (preparation & staging) 5% Max	LS	1	\$ 100,000.00	\$ 100,000.00
Construction Staking	LS	1	\$ 5,000.00	\$ 5,000.00
Tree Removal	Ea	21	\$ 300.00	\$ 6,300.00
Curb and Gutter Removal	Ft	310	\$ 5.00	\$ 1,550.00
Sidewalk/Pavement Removals	Syd	2252	\$ 8.00	\$ 18,016.00
Restroom Building Removal	Ea	1	\$ 20,000.00	\$ 20,000.00
Light Pole Removal	Ea	8	\$ 250.00	\$ 2,000.00
Sawcut	Ft	330	\$ 5.00	\$ 1,650.00
Excavation	Cyd	500	\$ 8.00	\$ 4,000.00
<b>Subtotal Site Preparation &amp; Removals</b>				<b>\$ 158,500.00 *</b>

Site Improvements	UNIT	QUANTITY	UNIT PRICE	COST
Seat Walls	SFF	1133	\$ 65.00	\$ 73,645.00
Seat Wall Cap	Ft	280	\$ 20.00	\$ 5,600.00
Decorative Arch with signage	LS	1	\$ 50,000.00	\$ 50,000.00
Clock relocation	LS	1	\$ 3,500.00	\$ 3,500.00
Pavillion Structure (40'x90')	SFt	3600	\$ 110.00	\$ 396,000.00
Restroom/Storage structure (29' x 64')	SFt	1800	\$ 225.00	\$ 405,000.00
Aggregate base	Cyd	470	\$ 25.00	\$ 11,750.00
Decorative Concrete	SFt	12900	\$ 12.00	\$ 154,800.00
Decorative Pavers	SFt	1500	\$ 16.00	\$ 24,000.00
Standard Concrete Paving - 4" thick	SFt	4800	\$ 8.00	\$ 38,400.00
Concrete Banding	Ft	610	\$ 25.00	\$ 15,250.00
Propeller Foundation	LS	1	\$ 2,500.00	\$ 2,500.00
Propeller Display Area	SFt	80	\$ 8.00	\$ 640.00
Asphalt (HMA) ramps/patch	Ton	13	\$ 120.00	\$ 1,560.00
Concrete curb & gutter	Ft	115	\$ 25.00	\$ 2,875.00
Memorial brick salvage & installation	LS	1	\$ 4,000.00	\$ 4,000.00
<b>Subtotal Site Improvements</b>				<b>\$ 1,189,500.00 *</b>

Site Furnishing & Landscape	UNIT	QUANTITY	UNIT PRICE	COST
Canopy Trees	Ea	3	\$ 600.00	\$ 1,800.00
Ornamental Trees	Ea	9	\$ 500.00	\$ 4,500.00
Columnar Evergreen Trees	Ea	10	\$ 300.00	\$ 3,000.00
Shrubs	Ea	80	\$ 60.00	\$ 4,800.00
Grasses/Perennials	Ea	140	\$ 40.00	\$ 5,600.00
Topsoil	Cyd	25	\$ 40.00	\$ 1,000.00
Planting mix	Cyd	50	\$ 50.00	\$ 2,500.00
Sod	Syd	100	\$ 10.00	\$ 1,000.00
Mulch	Cyd	50	\$ 50.00	\$ 2,500.00
Steel edging	Ft	75	\$ 12.00	\$ 900.00
Irrigation	LS	1	\$ 40,000.00	\$ 40,000.00
Benches	Ea	12	\$ 2,500.00	\$ 30,000.00
Interactive Illuminated Art Tree	LS	1	\$ 20,000.00	\$ 20,000.00
Litter/recycling receptacles	Ea	8	\$ 1,500.00	\$ 12,000.00
Bike racks	Ea	14	\$ 500.00	\$ 7,000.00
Removable Bollards	Ea	16	\$ 1,500.00	\$ 24,000.00
Tree grates	Ea	5	\$ 2,000.00	\$ 10,000.00
Cafe Table & Chair Sets	Ea	14	\$ 2,500.00	\$ 35,000.00
Outdoor gas fireplace	LS	1	\$ 50,000.00	\$ 50,000.00
<b>Subtotal Site Furnishings &amp; Landscape</b>				<b>\$ 255,600.00 *</b>

Site Utilities	UNIT	QUANTITY	UNIT PRICE	COST
Storm drainage	LS	1	\$ 50,000.00	\$ 50,000.00
Sanitary	LS	1	\$ 10,000.00	\$ 10,000.00
Water	LS	1	\$ 7,500.00	\$ 7,500.00
Security Cameras	LS	1	\$ 5,000.00	\$ 5,000.00
Gas Service to Fireplace	LS	1	\$ 5,000.00	\$ 5,000.00
Pedestrial Lights	Ea	18	\$ 6,000.00	\$ 108,000.00
Site Electrical Power & Control	LS	1	\$ 30,000.00	\$ 30,000.00
Digital Message Board (with power & data)	LS	1	\$ 30,000.00	\$ 30,000.00
Power Pedestal Relocation	LS	1	\$ 25,000.00	\$ 25,000.00
Tent Tie Downs	Ea	12	\$ 350.00	\$ 4,200.00
Manhole/Structure adjustment	LS	12	\$ 750.00	\$ 9,000.00
<b>Subtotal Site Utilities</b>				<b>\$ 283,700.00 *</b>

<b>Subtotal All Categories</b>				<b>\$ 1,887,300.00 *</b>
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Design & Construction Contingency	10%			\$ 188,700.00 *
Engineering & Construction Administration	15%			\$ 283,100.00 *
<b>Grand Total</b>				<b>\$2,359,100.00 *</b>

\* Cost Subtotals Rounded \* Estimate not a guarantee of actual costs

# U.S. Department of Housing and Urban Development

## Limited Denial of Participation, HUD Funding Disqualifications and Voluntary Abstentions list as of 10/17/2019

**Search Criteria:** City of Ludington

**Records Found:** 0

Subject	Affiliate	Address	Scope of Disqualification	Disqualification Start Date	Disqualification End Date	Disqualification List Date	Office	Contact Person	Contact Office Phone	Contact Email
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 SAM.gov will be down for scheduled maintenance Saturday, 11/23/2019, from 8:00 AM to 2:00 PM

**Learn About Registration Status**

[How do I start a new registration?](#)

[What is Draft status?](#)

[What is Work in Progress status?](#)

[What is Submitted status?](#)

[What is Active status?](#)

[What is Expired status?](#)

**What If?**

[What if my entity fails TIN validation?](#)

[What if my entity fails CAGE Code validation?](#)

[What if I still need help?](#)

**What's Next?**

[Find Your Registration in SAM](#)

**SAM Status Tracker**

**Check Entity Registration Status**

**Page Description**

You can quickly check an entity's registration status in SAM by entering a DUNS Number or CAGE Code. The SAM Status Tracker will show you the current status of that entity's most recent record, as well as tell you what steps are left to complete based on why they are registering.

The SAM Status Tracker only returns the registration status for publicly-searchable registration records. If you are a Federal government user, select Search Records in the main navigation menu to view registrations or data that are not publicly available. Results are based on your account type and data access level.

**Use the SAM Status Tracker Now**

Check registration status by typing in a DUNS Number.

DUNS Number  Plus 4 (Optional)

Or, check registration status by typing in a CAGE Code.

CAGE Code  508B1

LUDINGTON, CITY OF

Status: Active

Your registration was activated on Sep 17, 2019. It expires on Sep 16, 2020 which is one year after you submitted it for processing.



**Core Data**

Completed



**Assertions**

Not Required



**Reps & Certs**

Not Required



**POCs**

Completed



**Submit**

Completed



**Processing**

Completed



**Active**

Completed



Michigan Strategic Fund and Michigan Economic Development Corporation  
General Applicant Certification Form

APPLICANT ENTITY LEGAL NAME *(business entity to receive incentive)*

**City of Ludington**

APPLICANT ENTITY ADDRESS *(include city, state, and zip code)*

**400 S Harrison Street Ludington, MI 49431**

APPLICANT EMPLOYER TAX ID NUMBER (EIN)

**38-6004706**

Check if Applicant is a municipality, non-profit organization, or an institution of higher education.

If there are no Key Owners, please indicate in the Key Owners section.

**APPLICANT KEY INDIVIDUALS**

List the Applicant's CEO, CFO, COO, and the person(s) responsible for managing the incentive, or the similarly situated position responsible for those duties associated with each role. Each individual listed must also complete a separate Background Check Disclosure Form. **All Applicant Key Individuals must be listed, even if duplicative.**

<b>CEO or the similarly situated position in charge of the Applicant's executive operations</b>
Full first, middle, and last name <i>(full middle name mandatory; if none, please indicate)</i>
Steve Miller

<b>CFO or the similarly situated position in charge of the Applicant's financial affairs</b>
Full first, middle, and last name <i>(full middle name mandatory; if none, please indicate)</i>
Deb Luskin

<b>COO or the similarly situated position in charge of the Applicant's daily affairs</b>
Full first, middle, and last name <i>(full middle name mandatory; if none, please indicate)</i>
Mitchell Foster

<b>Person responsible for managing the incentive for the Applicant</b>
Full first, middle, and last name <i>(full middle name mandatory; if none, please indicate)</i>
Heather Lynn-Venzke Tykoski

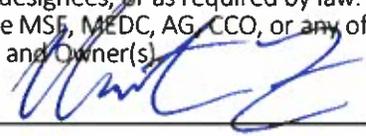
**APPLICANT KEY OWNERS**

List each individual or entity, if any, who directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise, owns either an actual or financial interest in the Applicant. Each Applicant Key Owner with a 20% or greater interest, either direct or indirect, must also complete a separate Background Check Disclosure Form. **Direct AND indirect ownership percentages must each separately total 100%.** Attach a separate sheet if necessary.

Owner Full Legal Name	Direct Ownership Percentage	Indirect Ownership Percentage	Check if owner is publicly traded in U.S.
None			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

**CERTIFICATION**

I consent to the release of information contained herein to the MEDC, the Department of Attorney General, MSF, CCO, or any of their designees, or as required by law. I have the authority to submit this form on behalf of the Applicant and authorize the MSF, MEDC, AG, CCO, or any of their designees to perform background checks on the applicant and its Key Individual(s) and Owner(s).

Signature 

Title City Manager

Date 10/17/2019



STEVE MILLER, MAYOR  
MITCH FOSTER, CITY MANAGER  
DEBORAH LUSKIN, CITY CLERK  
TOM EZDEBSKI, CITY TREASURER

## CITY OF LUDINGTON

400 S HARRISON STREET  
LUDINGTON, MI 49431  
(231) 845-6237 FX (231) 845-1146  
[WWW.LUDINGTON-MI.GOV](http://WWW.LUDINGTON-MI.GOV)

October 14, 2019

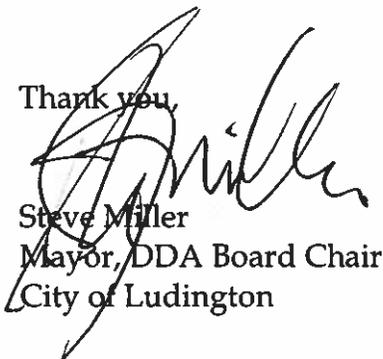
Sue Devries  
Michigan Economic Development Corporation

RE: Public Infrastructure Grant Project N James Street Plaza Intake forms

This letter is to confirm that the Downtown Ludington Board (DDA) for the City of Ludington has in its fund balance, the match amount of 10% required for the Public Infrastructure Grant Project on N James Street.

As Chair of the Downtown Ludington Board, I can confirm that this money is available and committed to this project. A balance sheet showing the fund balance has been submitted with our intake materials.

Thank you,



Steve Miller  
Mayor, DDA Board Chair  
City of Ludington

*On the Shores of Lake Michigan*



STEVE MILLER, MAYOR  
MITCH FOSTER, CITY MANAGER  
DEBORAH LUSKIN, CITY CLERK  
TOM EZDEBSKI, CITY TREASURER

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October 14, 2019

Sue Devries  
Michigan Economic Development Corporation

RE: Public Infrastructure Grant Project N James Street Plaza Intake forms

This letter is to confirm that the N James Street Plaza area is owned and maintained as a public space by the City of Ludington. The proposed improvements to turn this into a public event and gathering space will enhance that area and will continue to be maintained under the same general fund budget as it is currently maintained under. Snow removal, grass mowing, and general maintenance are budgeted annually under our parks and public works departments and will continue with these upgrades.

Thank you,

Mitch Foster  
City Manager  
City of Ludington

*On the Shores of Lake Michigan*

## Heather Tykoski

---

**From:** Richard M. Wilson <RWilson@mikameyers.com>  
**Sent:** Monday, November 18, 2019 4:14 PM  
**To:** Heather Tykoski  
**Cc:** George V. Saylor  
**Subject:** Local Control of James Street plaza

Heather,

You have requested my view on whether the City of Ludington has “control” over the James Street plaza between Ludington Ave. and Court Street. The short answer is yes, that segment of James Street is under the exclusive jurisdiction and control of the City and no one else.

James Street is a platted street, dedicated to the use of the public in the original plat. It was closed to vehicular traffic some years ago, but not vacated, abandoned or discontinued as a public thoroughfare. Under the Michigan Constitution, art VII, sec 29, the right to reasonably control all streets and other public places is reserved to the local units of government, in this case the City, unless otherwise provided in the constitution. In this case, no provision of the constitution abolishes the City’s control. Similarly, section 117.4h of the Home Rule Cities Act, provides that city charters may provide for regulation of its streets, MCL 117.117.4h, and the City of Ludington has done so in sec. 2.1 of our Charter.

Because public streets are established (in this case) by the original plat, the dedication of the street to the public in that plat, and the acceptance by the City of that dedication, constitute, together, the conveyance of the James Street plaza to the City. This principle is established in many Supreme Court opinions, *Krause v Department of Commerce*, from around 1999, being the most famous. There is no deed, per se, for this or any other street in the City.

Please let me know if you have any further questions.

Richard Wilson  
City Attorney

**Mika Meyers**<sup>PC</sup>

**Richard M. Wilson, Jr.**  
**Mika Meyers PLC**  
414 Water Street  
PO Box 537  
Manistee, MI 49660  
Tel: 231-723-8333  
Fax: 231-723-3888  
[mikameyers.com](http://mikameyers.com)

E-mail: [rwilson@mikameyers.com](mailto:rwilson@mikameyers.com)

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## **SITE CONTROL**

The N James Street/Legacy plaza area is a public right of way. Therefore, no deed exists.

Attached is a print of the plat map with the area highlighted showing that it is a public right of way and is thereby controlled by the City of Ludington.

Additionally, City Council minutes reflecting the Resolution to close this area to vehicular traffic for the purpose of the plaza are attached.



October 26, 2009

Regular meeting of the Ludington City Council held in the Council Chambers of the Municipal Building on Monday, October 26, 2009, at 6:30 o'clock p.m.

Present: His Honor Mayor John Henderson and Councilors Kaye Holman, Paul Peterson, Greg Dykstra, Dave Weston, Pete Engblade, and Gary Castonia.

Absent: Councilor Scott who was excused.

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.

His Honor Mayor Henderson added item b under Communication as Presentation by the Mayor. Moved by Councilor Castonia, seconded by Councilor Holman, that the agenda be approved as corrected. Motion Carried.

The meeting was opened for public comments.

Chris Raven, Raven's MensWear, located on the north side of Ludington Ave. between Harrison St. and James St. thanked the Council for allowing him to express his viewpoint on the closure of James St. He explained that his view was that James St. should never have been changed from a two-way street to a one way street and certainly not permanently closed. He prepared his own survey in these two blocks which resulted in eleven out of thirteen businesses wanting James Street open in the winter, six businesses wanting James Street open year round, and only two businesses wanting it closed year round. When convenience is taken away from the customer it is very detrimental to retail sales. This is the most important street coming off of Ludington Avenue and there is no good reason to block this street off. Because James Street is closed, the alley has become a road and cars and delivery trucks travel between Harrison Street and Rath Ave using this alley. It is dangerous for customers leaving his business out the back entrance, and several have almost been hit. There was talk of doing events and a winter ice skating rink in this area, but the positives cannot override the negative impact of the closing. He expressed appreciation of the City's efforts downtown and the new signage.

John Riedl, 202 N. Robert St., thought the closing of the plaza has been one of the finer things that the City has done in a long time. This has brought a lot of people downtown, brought events downtown, and gave people the ability to stop, sit down, and chat. With the location of the Farmers Market there it has given him, as a crafter, the ability to talk to the people who seemed happy to have these events in this location.

Gail Lyons, Mariellens' Hallmark, 116 E. Ludington Ave., spoke favorably on the closing of James Street. The Farmers Market brought a lot of people to her store and for her business it was a benefit. She has received a lot positive comments.

Terry Murphy, 321 N. Rath Ave., also spoke in favor of keeping the James St. Plaza closed all year. It has been a beautiful addition to Ludington. It has created some greenscape with a place for people to gather and brought people together with the Farmers' Market. She stated that she thought this has been a great thing for downtown and all downtown businesses.

Lyla McClelland, 309 N. Harrison, was an instigator of the original Downtown Development Authority years ago and the closure of the James St. Plaza finally came to completion after having been proposed almost identically in 1998 to what it ended up with. She stated that businesses need people and having all of the people come down for the events in this plaza is a plus for the City and for businesses. The Plaza has created more people downtown than any other thing. It can only improve and every year there will be an opportunity to add more things and events. She also stated she would like to see the back parking lot available for other events. It is a center of attraction.

Natalie Wroble, owner of the Cedar Chest, located on the corner of Ludington Ave. and James St. commented that she does love the plaza being closed in the summer, but because most of her merchandise for this store comes from the elderly, it is hard for the people to walk from the back parking lot to her store with merchandise especially in the winter. She would like to have the five parking lots, especially in the winter. She favors this street closed in the summer and open in the winter.

Vicki Raven, owner of Raven's Men'sWear, asked if the closure is in the right place, could the plaza be located in a different area, possibly South James Street. This is the main access to the Harrison and Rath parking lots. She expressed concern over closing the major thoroughfare for the twenty four stores located in the two blocks.

Tom McKenna, 110 N. James, the Plaza Café, commented that he had the most impact with this closure, having one winter with this street open and one winter with it closed. He stated that he wholeheartedly went into it with it closed, and the numbers last winter went down 50% from the winter before. It is a real struggle to be noticed by anyone who does not know where his business is located. However, everything that the City has done in this plaza has been a huge success. This past summer was the busiest summer for the downtown. He favors the plaza area being closed. He also complimented the City for a good job in bringing people downtown.

Aleksy Urick, 108 Threads and Smiling Lotus Yoga, also spoke in favor of having the road closed and would like to see the speed in the back alley controlled with possible speed bumps.

Heather Venzke, Community Development Director, explained that she spoke with the business owners and encouraged them to come to the City Council meeting tonight to voice their opinions on the closure of this block. She explained that she heard comment from Jill Snyder, Snyder Shoes, who wanted it known that she was in favor of the closure but was concerned about the loss of a handicap parking lot. Heather explained that she will work with the Mayor and the DPW Superintendent regarding the replacement or compensation of the handicap spot. There has been talk about the speed in the alley and how can this be addressed. She referred to a letter from Shawn Shelton and Doreen Shreiber of Bones & Butts BBQ located in the Plaza who were in favor of the closure and also provided some constructive improvements to the Plaza. There was an issue about the potential seasonal closure of this Plaza. Shawn McDonald, DPW Superintendent, informed Heather that the State of Michigan has a problem with a seasonal closure of this road, because they would have to come out and change the turn or no turn signs that are part of the light, and the big orange barricade would have to go up for eight weeks every time the sign is changed. This needs to be done to break people of the habit of turning. Heather commented that there are 43 businesses who will participate in a downtown trick or treat on Saturday from 1 to 3 p.m.

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

Moved by Councilor Dykstra, seconded by Councilor Weston, to approve the minutes of the regular meeting on 10/12/09. Motion Carried.

The meeting was then opened for the scheduled public hearing to hear comments on the application for PA 328 Personal Property Tax Relief filed by FloraCraft.

Julie VanDyke, Mason County Growth Alliance, explained that the reason for the PA 328 tax abatement was to retain jobs in Ludington at FloraCraft. FloraCraft could have chosen any of their offices in the United States but they chose to invest in the new machinery here in Ludington.

Jim Scatena, President of FloraCraft Corporation, explained that their company has five facilities in North America and the most difficult to get to is Ludington. They would be much better off logistically to increase size of Arkansas, where there is a significant customer, or to the east or west part of the country, where there are ports of entry. However, this company is committed to the City of Ludington. Many of the other states have significant incentives to have businesses expand and these incentives at times do not exist here. He was appreciative of the City of Ludington looking to approve the PA 328 plan.

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

**RESOLUTION TO APPROVE THE APPLICATION OF  
FLORACRAFT CORPORATION FOR AN  
EXEMPTION OF NEW PERSONAL PROPERTY CERTIFICATE**

WHEREAS, Act No. 328 of the Michigan Public Acts of 1998, as amended, authorizes the City of Ludington, an eligible local assessing district, to approve applications for Exemption of New Personal Property certificates for personal property owned or leased by an eligible business located in an eligible district; and

WHEREAS, pursuant to Act No. 198 of Michigan Public Acts of 1974, and after a duly noticed public hearing held, the Ludington City Commission, by resolution adopted on March 14, 1985, created a Plant Rehabilitation District for FloraCraft Corporation; and

WHEREAS, FloraCraft Corporation, a business engaged primarily in manufacturing and, therefore, an eligible business under Act 328, did on October 13, 2009, file an application with the City of Ludington for an Exemption of New Personal Property Certificate for new machinery and equipment; and

WHEREAS, the estimated cost of the new machinery and equipment to be added as set forth in its application exceeds \$300,000, and this project is estimated to create or retain 5 jobs.

WHEREAS, before acting on said application, the Ludington City Council held a hearing on October 26, 2009, at the City Municipal Building, 400 South Harrison Street, Ludington, Michigan 49431 at 6:30 p.m., at which hearing the applicant, the assessor, and a representative of the effected taxing units, who were given previous written notice, were afforded an opportunity to be heard on said application; and

WHEREAS, this City Council also finds as follows:

(a) The application covers the installation of new machinery and equipment at FloraCraft Corporation's existing facility at 1001 North Rowe Street (One Longfellow Place) in the City of Ludington. This project qualifies as new personal property within the meaning of Act 328 and is situated within a Plant Rehabilitation District duly established by the City of Ludington.

(b) That the addition of this new equipment is calculated to have the reasonable likelihood to create employment, retain employment or prevent a loss of employment in the City.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the application of FloraCraft Corporation for an Exemption of New Personal Property Certificate for this new machinery and equipment be and is hereby approved, subject to the following condition:

That the exemption for the personal property included in this application shall remain in force and effect for a period of four (4) years, unless otherwise modified or revoked pursuant to the provisions of Act 328 of 1998, as amended.

Moved by Councilor Castonia, seconded by Councilor Holman, to adopt the foregoing resolution. Motion Carried.

The meeting was opened for the scheduled public hearing to hear comments on the Proposed Water Well Restriction Ordinance No. 202-09. It was noted that this was the third session for public comment.

All people affiliated with the ordinance were reintroduced. Duane Tyndall, General Manager, Straits Steel and Wire, 902 N. Rowe, read a letter of support of the City of Ludington's proposed Ordinance No. 202-09. Mike Varenhorst, Human Resource Manager with Straits Steel and Wire was also introduced.

Bob Tushek, 1007 N. William St, commented that when he entered this meeting he had the impression that the well ordinance was still open for discussion. However, when he looked at the agenda he noted that this ordinance was ready for adoption. He then questioned Mr. Peterson and Mr. Weston on how many wells are contaminated in the First Ward. He then asked if Fourth Ward has wells and if any of these have been tested for contamination. These areas should also be taken into consideration before Council takes a vote on the wells on the north side. He then asked if any of the area south and west of the plumes has been tested to determine if there is contamination. He stated that he resents the fact that he is below 100 feet deep, this is not groundwater. He is wondering why 50 years after Ludington Plating and Straits Steel and Wire were dumping contaminants in the soil there is a crisis now. He explained that his well is deep enough to not be considered in this ordinance, his is deep enough. He then asked why the City would not consider using a filter on those wells that are contaminated until they are corrected.

Bob Williams, 711 N. James St., agreed with Bob Tushek. He stated that Steve Cunningham from DEQ informed them earlier that the water from these wells shows no harmful effects for watering lawns and gardens and should not be used for drinking. The test wells are 125 feet deep, shallow wells are 20-25 feet deep. No one knows that any of these wells, including Bob Tushek's are contaminated. The homeowner should have the right to do what they want to.

Larry Bentz, 1038 N. Ferry, questioned the City building which handles the sewer treatment on Sixth Street. He said there is a faucet out there which says "Not Safe For Drinking" will this be capped also.

After no further comments were received, Ordinance No. 202-09 was moved to the Council for discussion.

ORDINANCE NO: 202-09

CITY OF LUDINGTON

MASON COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LUDINGTON BY ADDING ARTICLE VI OF CHAPTER 18 TO REGULATE THE USE OF GROUNDWATER IN CERTAIN AREAS OF THE CITY.

THE CITY OF LUDINGTON ORDAINS:

Section 1: Amendment. The Code of Ordinances of the City of Ludington, Michigan is hereby amended by adding Article VI of Chapter 18, entitled "Water Well Restriction Ordinance" to read as follows:

ARTICLE VI. WATER WELL RESTRICTION ORDINANCE.

SEC. 18-161. FINDINGS. The City Council has been informed and hereby finds that an aquifer in certain areas of the City has been contaminated or otherwise adversely impacted by hazardous substances and that identified public health, safety and welfare risks may affect drinking water drawn from certain areas of such impacted aquifers. The City Council has determined that it is necessary and appropriate to prohibit and/or otherwise restrict the use of wells to supply water in and from the affected areas in order to protect City residents by minimizing the health, safety and welfare risks and minimizing the potential for migration of contaminated groundwater into presently unaffected groundwater.

SEC. 18-162. DEFINITIONS. The following definitions shall apply to terms used in this Article:

- (1) "Affected Parcel" means a parcel of land, any part of which is located within a Restricted Zone.
- (2) "Applicant" means a person who applies or applied for the establishment of a Restricted Zone pursuant to this Article.
- (3) "City" means the City of Ludington.
- (4) "City Property" means any interest in real property owned or held by the City and shall include but not be limited to the following: (i) Real property owned by the City; (ii) Real property leased by the City as Lessee; and (iii) City streets, alleys or other City rights-of-way or easements.
- (5) "Contaminated Groundwater" means groundwater in which there is present concentrations of materials that exceed drinking water criteria under the Safe Drinking Water Act, 1976 PA 399, as amended, or the residential drinking water criteria established by the MDEQ in operational memoranda or rules promulgated pursuant to Part 201, Environmental Remediation (MCL 324.20101 *et seq.*).
- (6) "Domestic Use" means the use of water by humans for drinking, cooking, food preparation and other food-related services, cleaning, washing, bathing and similar household-type water uses in any dwelling, or in any building in which commercial/business, governmental/public or industrial activities are conducted. The term does not include water used solely for closed-loop heat pumps, non-contact cooling, or production and/or processing purposes of commercial or industrial enterprises.
- (7) "Irrigation Use" means the use of water for lawn, garden, or landscaping irrigation on a residential parcel of land. The term does not include water used for commercial, agricultural or farm irrigation, except as specifically directed by the MDEQ.
- (8) "MDEQ" means the Michigan Department of Environmental Quality, or its successor agency.
- (9) "Owner" means the holder of record title for a parcel of land and also the occupant of a parcel of land in possession under a land contract or lease.
- (10) "Person" means any individual, partnership, corporation, association, club, joint venture, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit.
- (11) "Restricted Zone" means an area or areas described within Section 3 of this Ordinance for which the prohibition of Wells and the use of groundwater applies and includes parcels of land that are legally described on the attached Schedule 1 and that are depicted in the map(s) attached as Schedule 2, as amended from time to time as provided in this Ordinance.
- (12) "WB" means the Water Bureau of the MDEQ, or its successor agency.
- (13) "Well" means an opening in the surface of the earth for the purpose of removing fresh water through non-mechanical or mechanical means for any purpose other than a public emergency or conducting response actions that are consistent with the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("NREPA"), the Comprehensive Environmental Response, Compensation and Liability Act, the Resource Conservation and Recovery Act, or other applicable statute.

SEC. 18-163. RESTRICTED ZONE. The following described areas in the City shall be Restricted Zones under this Article. They may be referred to by reference to the names provided in the caption preceding their descriptions. Additional Restricted Zones, along with a map illustrating the Restricted Zone, may be added by amending the Ordinance in accordance with Sections 11 and 12 and all other applicable laws.

- (1) Whittier/Delia Restricted Zone – legally described on the attached Schedule 1 and depicted in the map attached as Schedule 2.

SEC. 18-164. PROHIBITION. Except as provided in Section 5, no person shall install or utilize, or allow, permit, or provide for the installation or utilization of a Well on any Affected Parcel. Any existing Well at the time of the enactment of a Restricted Zone on any Affected Parcel within that Restricted Zone shall be plugged/abandoned at the expense of the Applicant for that particular Restricted Zone and as provided for in Section 6 and in accordance with applicable laws, regulations and ordinances, unless such existing Well falls within one of the exceptions listed in Section 5. Except as provided in Section 5, no person shall use any groundwater from an Affected Parcel.

SEC. 18-165. EXCEPTIONS. A person may install or utilize, or allow, permit, or provide for the installation or utilization of a Well in any Restricted Zone if any of the following exceptions applies and the requirements of the exception are complied with. The party proposing an exception to the Well prohibition shall conduct all appropriate inquiry and prepare a due care analysis pursuant to Part 201 of NREPA.

- (1) *Proof of No Influence.* If the MDEQ determines based on information provided to it by the person seeking this exception that the use of a Well in a Restricted Zone will not exacerbate existing groundwater contamination, and that water from the proposed Well will not be affected by Contaminated Groundwater, and proof of those determinations is delivered to the City, the Well may be so used.
- (2) *Groundwater Monitoring/Remediation.* A Well may be used for groundwater monitoring and/or remediation as part of a response activity approved by the MDEQ or the United States Environmental Protection Agency.
- (3) *Construction Dewatering.* A Well may be used for construction dewatering if the following conditions are satisfied: (i) the use of the dewatering Well will not result in unacceptable exposure to Contaminated Groundwater, possible cross-contamination between saturated zones, or exacerbation of Contaminated Groundwater, as defined in Part 201 of NREPA; and (ii) the water generated by that activity is properly handled and disposed of in compliance with all applicable laws, rules, regulations, permit and license requirements, orders and directives of any governmental entity or agency of competent jurisdiction. Any exacerbation caused by the use of the Well under this exception shall be the responsibility of the person operating the de-watering Well, as provided in Part 201 of NREPA.
- (4) *Processing Activities.* If the MDEQ determines that the use of a Well for non-contact heating, cooling, production, or processing involved in industrial or commercial activities will not cause migration or exacerbation of Contaminated Groundwater, and proof of that determination is delivered to the City, such use of the Well under terms and conditions specified by the MDEQ will be allowed. All information necessary for the MDEQ determination described in this subsection shall be provided by the person seeking this exception.
- (5) *Public Emergencies.* A Well may be used in the event of a public emergency. Notice of such use shall be provided to the MDEQ within a reasonable time thereafter.

**SEC. 18-166. SOURCES OF WATER SUPPLIED FOR DOMESTIC USE AND IRRIGATION USE.**

- (1) For Affected Parcels that are not already connected to the City water system on the day of enactment of a Restricted Zone, the Applicant of the Restricted Zone shall be responsible for the costs to connect those Affected Parcels within that Restricted Zone to the City water system. Furthermore, for Affected Parcels that have a Well on the day of enactment of a Restricted Zone which is used primarily for Irrigation Uses, the Applicant of the Restricted Zone shall be responsible for the costs to connect the irrigation system on the Affected Parcel within that Restricted Zone to the City water system.
- (2) This Section shall not be deemed as affecting the rights and remedies of an Owner, or any other person or entity and/or of any federal, state or local government that may exist under any law, regulation, rule, ordinance, order, agreement and or/remedial action plan addressing groundwater within the City.
- (3) In no event shall the City be required to incur any expense or cost under this Ordinance, except as may otherwise be approved by the City Council for a public works project or by a separate agreement with the Applicant, Owner, other person or entity, or a governmental body or agency.

**SEC. 18-167 ENFORCEMENT.** The City Manager, or his/her designee, shall be the official having the authority to enforce this Ordinance. After the Effective Date of this Ordinance, the enforcement official shall contact all Owners of Affected Parcels, which from the information available to the City, appear to have Wells prohibited under this Ordinance, giving written notice of the need to cease using such Wells and of the need for establishment of a Domestic Use water source as prescribed under Section 6, or to obtain approval or acknowledgment of an exception under Section 5. The Owner shall immediately take steps so as to comply with the provisions of this Ordinance with regard to provision of Domestic Use water within sixty (60) days from the date of such notice. Any existing Well in violation of this Ordinance shall then be plugged or abandoned in conformance with applicable legal requirements. Where, upon information available to the enforcement official, it is suspected that a Well is being used on an Affected Parcel in violation of this Ordinance, the enforcement official may inspect such Affected Parcel and serve an appropriate notice and order of such violation requiring that action be taken promptly by the Owner to bring the Affected Parcel into compliance. If the Owner fails to act in accordance with such order, the enforcement official may seek remedies and penalties as provided in Section 8.

**SEC. 18-168. PENALTY.** Any person who violates any provision of this Ordinance shall be liable for a municipal civil infraction under the provisions of City Code Sec. 1-7. In addition, the City may seek an order from a court of appropriate jurisdiction requiring compliance with this Ordinance and may also seek collection of costs and attorney fees associated with such enforcement action. Any violation of this Ordinance is a public nuisance, subject to abatement, and any Well in violation of this Ordinance shall be immediately taken out of service and lawfully abandoned in compliance with applicable legal requirements. A court of competent jurisdiction may order any person violating any provision of this Ordinance to properly and lawfully remove or abandon a Well.

**SEC. 18-169. BUILDING AND ZONING PERMITS.** No permit for the construction or alteration of a building or structure nor any permit for any zoning approval shall be issued by the City Building and Zoning

Administrator for any improvement on an Affected Parcel which has, or proposes, a water supply from a Well in violation of this Ordinance.

- SEC. 18-170. ADMINISTRATIVE LIABILITY. No officer, agent or employee of the City or member of the City Council shall render himself or herself personally liable for any damage which may occur to any person or entity as the result of any act or decision performed in the discharge of his or her duties and responsibilities pursuant to the Ordinance.
- SEC. 18-171. AMENDMENT; REPEAL. The MDEQ, an Applicant, an Owner, an entity involved in a RAP or other interested party may request in writing to add parcels to or delete parcels from a Restricted Zone or to establish an additional Restricted Zone or to otherwise amend or repeal this Ordinance, and shall provide advance notice to the MDEQ and any Applicant for such Restricted Zone of any proposed change hereunder, including the reasons supporting such request. The City on its own motion and upon advance notice to the MDEQ and any Applicant for such Restricted Zone, may also take action to amend or repeal this Ordinance as it deems appropriate. The amendment or repeal of this Ordinance shall be by an appropriate ordinance adopted in the same manner as this Ordinance, and any such action shall be in the sole legislative discretion of the City Council.
- SEC. 18-172. NOTIFICATION OF LAPSE, OR INTENT TO AMEND OR REPEAL. At least thirty (30) days prior to any action regarding a proposed amendment or repeal in whole or in part of this Ordinance, the City shall notify the MDEQ and any Applicant of its intent to so act. The City shall also notify the MDEQ and any Applicant that this Ordinance may lapse at least thirty (30) days prior to the Ordinance being allowed to lapse.
- SEC. 18-173. SEVERABILITY AND CAPTIONS. If any article, section, subsection, sentence, clause, phrase, or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the Ordinance, it being the intent of the City that this Ordinance shall be fully severable. The City shall promptly notify the MDEQ and any Applicant upon the occurrence of any event described in this section. The captions included at the beginning of each section are for convenience only and shall not be considered a part of this Ordinance.
- SEC. 18-174. REPEAL. All resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.
- SEC. 18-175. REIMBURSEMENT OF ADDITIONAL CITY CONSTRUCTION COSTS. The Applicant of a Restricted Zone shall reimburse the City for the reasonable additional costs the City incurs for dewatering Contaminated Groundwater or disposing of soils impacted by Contaminated Groundwater in connection with construction activity undertaken by the City on City property in that Restricted Zone, provided that the City supplies the Applicant with documentation confirming the amount and necessity of such additional costs, including the extent to which they exceeded the cost of dewatering or disposing of materials not impacted by Contaminated Groundwater.
- SEC 18-176. EFFECTIVE DATE. This Ordinance shall take effect upon November 15, 2009.

Legal Description of Restricted Area

ASSESSORS PLAT OF SIXTH ADDITION:

Lots 14-33, Block 3  
Lots 7-36, Block 4  
Lots 1-40, Block 5  
Lots 1-40, Block 6  
Lots 1-42, block 7

QUEVILLION'S ADDITION:

Lots 4&5, Block 12  
Lots 1-3, Block 13

MANUFACTURER'S ADDITION TO THE CITY OF LUDINGTON:

Lots 1-28, Block 11  
Lots 1-28, Block 12  
Lots 1-28, Block 13  
Lots 5-25, Block 14  
Lots 1-28, Block 15  
Lots 1-28, Block 16  
Lots 1-28, Block 17  
Lots 1-28, Block 18

THE NW ¼ OF SECTION 10, T18N, R18W

His Honor Mayor Henderson attempted to answer Mr. Tushek's questions regarding the number of wells tested in the Fourth Ward and explained that these wells have not been tested as this is not the issue. The City has not nor are they willing to test the wells. Mr. Tushek's well is located at 100 feet southeast and some of the wells tested at 100-105 feet do show contamination. No one is aware of anyone who has been sick. He attempted to answer Mr. Bentz's question regarding the faucet at Sixth Street. City Manager Shay explained that he would get an answer to that question.

Councilor Engblade asked what committee reviewed this ordinance. City Manager Shay explained that it was addressed at the Public Safety Public Utilities Committee and it was the Committee's recommendation to adopt this ordinance. He then commented that this ordinance addresses 12 wells and these wells have been in operation for 60-65 years and there have been no reported instances of anyone falling ill. He believes that the City is tying the hands of the property owners who have the wells now. No one can say that these wells cause a threat to anyone, unless they drank from the well. He then stated that is the City going to penalize the 12 property owners that have wells but there is nothing documented in sixty years. DEQ stated that the contamination has dropped, the center plume is stagnant. He stated that he does not like to pass an ordinance to outlaw something that the City has not seen an effect on anyone. Councilor Engblade stated that this is an injustice if we pass this ordinance because now these residents will have to pay for the use of the City's water and he will vote no.

Councilor Peterson stated that he knows that there was a dump on Madison St. and a dump on James St., why is the ordinance not inclusive, to include the entire City rather than just this area. He asked if the City would have to come back with these types of ordinances for other areas in town in the future. His Honor Mayor Henderson explained that the reason the north, northwest area is being targeted is because the industries have come forward to propose the capping of the wells. He stated that he is aware of another industry outside the City which has approached the City with a similar ordinance but has not taken further action yet.

Councilor Weston asked if there could be a waiver whereby the residents could sign so if they do get sick from the well water they would not sue the City, possibly grandfather these well owners in. City Attorney Roger Anderson recommended that they do not have the owners sign a waiver. The issue is that these companies are trying to achieve closure and get approval for closure from the MDEQ. It has been a policy of the City to work with industry without significantly adversely affecting the neighborhood. The DEQ is making the requirement of the closure to maintain monitoring wells and purge wells but it will be up to 40 or 50 years before the water wells will be good for drinking water. The capping of the wells is so that when property changes hands the new owners will not be unaware of the contamination of the water.

Councilor Engblade disagreed with the City Attorney and stated that this is not an economic issue but rather a rights issue to the property owners. He is a firm believer that individual rights come before economic issues. He stated he goes along with Councilor Weston and would like to see the City grandfather these wells in. Then make it a requirement when they transfer their property that these wells be capped at that time.

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

Councilor Engblade asked to make an amendment to this ordinance. Councilor Holman explained that there was not a motion on the ordinance yet.

Moved by Councilor Holman, seconded by Councilor Peterson to refer the Water Well Restriction Ordinance No. 202-09 back to Committee.

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

Nays: Councilors Weston, Castonia, and Dykstra. His Honor Mayor Henderson voted against this motion. Motion Failed.

Moved by Councilor Castonia, seconded by Councilor Dykstra, to adopt Ordinance No. 202-09, Water Well Restriction Ordinance. Moved by Councilor Engblade, seconded by Councilor Weston, to amend this Ordinance to reflect a grandfather in clause for the existing wells and that these wells be capped at the transfer or sale of property. City Attorney Roger Anderson questioned whether this grandfather in clause would satisfy the requirement of the MDEQ for the remedial action plan or whether Straits Steel and Wire and Northrop Grumman would have to do some other type of remediation to try to address it. The DEQ is requiring a blanket restriction on water wells because their experience has been in areas where they have adopted a well water ordinance which restricted only drinking when they have come back 10 to 15 years later, they have found people have forgotten about the ordinance and had used the water wells. So now the DEQ only accepts either a deed restriction on all the properties which is almost impossible or a water well restriction ordinance. He is unsure if DEQ would approve a grandfather in clause and does not think that they will accept this as an institutional control.

The motion to amend this Ordinance to reflect the grandfather in clause was then brought to roll call.

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

Nays: Councilors Castonia, Dykstra, and Peterson. His Honor Mayor Henderson voted against this motion. Motion Failed.

The original motion to adopt Ordinance No. 202-09, Water Well Restriction Ordinance was then brought to roll call.

Roll Call: Ayes: Councilors Weston, Dykstra, and Castonia.

Nays: Councilors Peterson, Engblade, and Holman. His Honor Mayor Henderson voted in favor of the adoption of Ordinance No. 202-09, Water Well Restriction Ordinance. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Dykstra, to approve the Lakestride Running Club Halloween Hustle on October 29<sup>th</sup> in Cartier Park at 4:00 p.m. Councilor Holman commented that she liked the idea of all participating in this event receiving finishing ribbons. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Peterson, that the finance report with total expenditures in the amount of \$318, 670.46 for this period be approved and orders drawn according to the City Charter. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Weston, to approve the 2010 Seasonal and Transient Rates for the Marina. It was noted that there were no increases in rates over the 2009 rates and these rates are set by the DNR Waterways Commission. Motion Carried.

#### RESOLUTION TO CONTINUE THE CLOSURE OF THE NORTH JAMES STREET PLAZA TO VEHICULAR TRAFFIC

WHEREAS, the Ludington City Council closed the 100 block of North James Street to vehicular traffic on a trial basis in October of 2008; and

WHEREAS, the Ludington City Council asked to review the effects of that closure and to determine whether or not to continue a closure to vehicular traffic on the 100 block of North James Street; and

WHEREAS, the Downtown Ludington Board has received comments from businesses located on the plaza and is formally recommending the continued closure of the 100 block of North James Street to vehicular traffic.

NOW THEREFORE BE IT RESOLVED, that the Ludington City Council supports the continued closure to vehicular traffic of the 100 block of North James Street.

Moved by Councilor Castonia, seconded by Councilor Weston, that the foregoing resolution be adopted. Councilor Engblade commented about the survey from Chris Raven which summarized that 11 people liked the road closed in the winter and 8 people liked the road closed in the summer. He stated that he was against the closure initially and during holiday time it does get busy. He honors the business owners in that area and is against the closure unless the City can work out some hours for keeping the road open for part of the year. Councilor Holman stated that MDOT is going to make things very hard to close for part of the year and keep it open for part of the year. She stated that she would vote for the closure as it is the best way to work things out. Councilor Engblade then asked who rules the City, MDOT or MDEQ, do they dictate what we do or do we just rubber stamp this. The City is the one that has to regulate the City and they make the rules. If we do not stand up for the City then we do not belong here. Councilor Holman stated that closing this street is the right thing to do. Councilors Weston and Peterson agreed with Councilor Holman. Councilor Engblade opposed the motion. 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 ARRA Preliminary Engineering Modified Part II Contract.

NOW, THEREFORE, BE IT RESOLVED that the Resolution of Authorized Signatures required by MDOT be adopted, and the John E. Shay and Deborah L. Luskin are authorized to sign the Michigan Department of Transportation ARRA Preliminary Engineering Modified Part II Contract.

Moved by Councilor Castonia, seconded by Councilor Engblade, to approve the foregoing resolution to designate authorized signatures to sign the contract between the City of Ludington and the Michigan Department of Transportation for the reimbursement to the City of \$13,748 in design engineering fees on the South William Street road project. Motion Carried.

The September building zoning and enforcement report was provided by Councilor Engblade.

Moved by Councilor Dykstra, seconded by Councilor Peterson, to approve the 3 year Concession Agreement between the City of Ludington and Stacy Sutton for the operation of both concession stands at Stearns Park. The City retains the ability to terminate the agreement at any time. Councilor Dykstra stated that Stacy Sutton has done a remarkable job in the concessions, there have been no complaints, and she has kept it clean and presentable to the people who have come to the City. Motion Carried.

Moved by Councilor Weston, seconded by Councilor Holman, to approve His Honor Mayor John Henderson's recommendation to appoint Gockerman, Wilson, Saylor, and Hesslin, PC as the new City Attorney for civil matters to be effective October 27, 2009, until December 31, 2009, at a monthly retainer rate of \$2,350 and a special project rate of \$135 per hour, as outlined in the City Attorney Agreement. Richard Wilson, a principal of this firm introduced himself as well as his partner George Saylor, Kate Glancy, a City of Ludington resident, and Sara Alden. Motion Carried.

**RESOLUTION OF APPRECIATION  
ROGER H. ANDERSON**

WHEREAS, the firm of Gavigan, Anderson and Andrews was engaged by the City of Ludington, Michigan, to serve as legal Counsel to the City in January, 1991; and

WHEREAS, Roger H. Anderson of the firm of Gavigan, Anderson and Andrews has served as the primary Counsel from January 1, 1991 to October 26, 2009; and

WHEREAS, Roger H. Anderson has been a dedicated and faithful servant of the Ludington City Council for over eighteen years; and

WHEREAS, Roger H. Anderson has performed the duties with loyalty, dedication and in a most conscientious judiciousness; and

WHEREAS, Roger H. Anderson leaves those in the City of Ludington proud to have known him and to have served with him. His guidance, support as a friend, and mentor will be missed.

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor John Henderson, and the Ludington City Council take this opportunity on behalf of the people of the City of Ludington to express official gratitude and deep appreciation to Roger H. Anderson for his lifelong efforts and devotion to public service; and

BE IT FURTHER RESOLVED, that this resolution become a permanent part of the records of the Ludington City Council.

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

His Honor Mayor Henderson presented several gifts including the Resolution of Appreciation and expressed his gratitude for his service as well as a City of Ludington mug, a City of Ludington pin, and a key to the City of Ludington. City Attorney Roger Anderson expressed his appreciation to be the City Attorney and to represent the City. He thanked all in the City as well as the Council for working with him over the years.

Councilor Peterson recognized a letter from John Gregory Burton who has asked for a Muni WiFi network be installed within the City and asked that this communication to be forwarded to the Tech Committee. His Honor Mayor Henderson moved this correspondence to the Technology Committee.

City Manager Shay publicly thanked City Attorney Roger Anderson for the wise counsel that he has given him over the years.

Moved by Councilor Engblade, seconded by Councilor Holman, that the meeting be adjourned. So carried at 7:50p.m.

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Deborah L. Luskin, CMC  
City Clerk

May 19, 2008

Regular meeting of the Ludington City Council held in the Council Chambers of the Municipal Building on Monday, May 19, 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: City Treasurer Mary Reeds-Mortensen who was excused due to illness.

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 Dykstra, seconded by Councilor Castonia, that the Agenda be approved as presented. Motion Carried.

The meeting was opened for public comments.

Sue Ann Schnitker, 409 E. Ludington Ave., introduced herself and explained that she and her husband have lived in Ludington for 2-1/2 years and own Cartier Mansion. She thanked the City for accepting her family into the community and asked Council to vote yes on various issues before them such as the closure of North James Street. This closure will provide a city center for a gathering place as well as enhance the adjacent properties such as the restaurants for outside eating. She also believes this will build on the idea of Ludington as a walk able city and will act as an anchor to the downtown development. Traffic flow was recognized as a small inconvenience but one that could be worked out. She also asked Council to vote yes on the Horse Chase LLC for the horse drawn carriage rides as well as the request for the guided tour van.

Dan Scripps introduced himself and explained that he is running for State Representative in the 101<sup>st</sup> District from Leelanau County.

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

Moved by Councilor Castonia, seconded by Councilor Scott, that the minutes of the regular meeting held 05/05/08 be approved as printed. Motion Carried.

A public hearing was held to discuss the closure to vehicular traffic on that portion of North James Street between Ludington Avenue and Court Street (except the alley). The area would be used as a community gathering with outdoor seating.

Two comments were received via email to the City Clerk. Ronald Johnson responded in favor of the closure. Leo of Luciano's Restaurant spoke in favor of the closure.

Terry Murphy, 321 N Rath Ave., stated that the closure of North James Street will make Ludington more walk able. She explained that there are not a lot of common spaces downtown and believes this would be a welcome addition to the downtown. Terry asked Council to consider voting yes on this issue.

Lyla McClelland, 311 N Harrison St., introduced herself and explained that she was a member of the original Downtown Development Authority and shared the original plans which called for the closing of North James Street. She echoed comments that had been said earlier in favor of this closure.

Moved by Councilor Castonia, seconded by Councilor Holman, to temporarily close the 100 block of North James Street with the exception of the alley. Councilor Peterson stated that this would be a move in the right direction to enhance the downtown and would be a step forward for the City. Councilor Engblade asked if the City would designate a parking area for pick up and deliveries. He expressed concern over what happened in the past when the City closed off a portion of North James Street and placed a gazebo in that area. He hopes that when the interest dies off that this area does not become a nuisance and asks that there will be adequate policing. Councilor Scott explained that there will be a delivery area as well as pickups for LMTA. Councilor Engblade then asked how long the City was planning on temporarily closing this area. His Honor Mayor Henderson suggested that the temporary closure go through the tourism season and be revisited in October with the parking on pickups and deliveries worked out in October to

eliminate the traffic flow problem with summer tourist season. The way the street will be closed is with oversized decorative pots and plants. Police Chief Mark Barnett also suggested that the north end of this block would be a perfect location for pickup and drop off of tours, with the alley access for deliveries and the south end of James Street with a cut in to allow for pickup and deliveries.

Moved by Councilor Engblade, seconded by Councilor Dykstra, to amend the initial motion to bring the closure of the 100 block of North James Street (with the exception of the alley) back to Council on October 13, 2008. Motion Carried.

Discussion continued on the original motion. Councilor Scott questioned the loss of one handicap parking space and suggested moving the handicap parking sign to the parking lot north of the alley and to add another handicap parking lot. Councilor Peterson asked if there were any issues with the Fire Department. Fire Chief Funk was available and he stated as long as the alley was left open there would be no concerns with closing the 100 block of North James Street. Councilor Dykstra concurred with the concerns of Councilor Engblade as well as his concerns with the additional traffic on Harrison Street and Rath Avenue. He explained that he is excited about trying the plan but is still concerned about the traffic flow as well as the type of people who will be gathering in this location. Motion Carried. Mayor Henderson stated that on behalf of the Downtown Board and himself he would like to thank the Council for the temporary closure of North James Street. He stated the concerns are understood but the potential for what could happen here outweighs the concerns and will all be addressed again in October.

Moved by Councilor Peterson, seconded by Councilor Holman, that the request received from the American Association of University Women Ludington Branch to place signs in the City advertising the 19<sup>th</sup> annual Antique Show on July 13, 2008, be approved. Motion Carried.

#### DOWNTOWN LUDINGTON BOARD REQUEST TO HOLD FRIDAY NIGHT LIVE EVENT

WHEREAS, the Ludington Downtown Board is proposing "Friday Night Live events in downtown Ludington to promote the downtown by providing a family atmosphere with a variety of entertainers on July 18, 2008, July 25, 2008, August 1, 2008, and August 8, 2008; and

WHEREAS, the proposed location for the festival is Ludington Avenue between Harrison Street and Robert Street and the first half block of North and South James Street and North and South Rath Ave; and

WHEREAS, MDOT requires the City Council's approval of requests for street closure.

THEREFORE, BE IT RESOLVED, that the Ludington City Council approves the Downtown Ludington Board's request to close Ludington Avenue from 5 p.m. to 10 p.m. on the above dates.

Moved by Councilor Scott, seconded by Councilor Holman, that the foregoing Resolution be approved. Motion Carried.

#### RESOLUTION OF REQUEST TO HOLD BLESSING OF THE BADGES EVENT

WHEREAS, the Blessing of the Badges Committee is proposing "Blessing of the Badges Ceremony" in downtown Ludington to honor area public service professionals and personnel on August 2, 2008; and

WHEREAS, the proposed location for the ceremony is Ludington Avenue, West of James Street to Rath Avenue; and

WHEREAS, MDOT requires the City Council's approval of requests for street closures.

THEREFORE, BE IT RESOLVED, that the Ludington City Council approves the Downtown Ludington Board's request to close Ludington Avenue from 10 a.m. to 12 p.m. on the above date.

Moved by Councilor Holman, seconded by Councilor Peterson, that the foregoing Resolution be approved. Motion Carried.

#### RESOLUTION OF REQUEST TO HOLD BIKE NIGHT EVENT

WHEREAS, the Ludington Downtown Board and the Community Development Department are proposing the annual "Ludington Bike Night" event in downtown Ludington to promote the downtown by providing a variety of entertainment on September 13, 2008; and

WHEREAS, the proposed location for the festival is South James Street from Ludington Avenue to the alley between Foster and Danaher, and the side streets between Rath Avenue and Harrison Street from James Street to the alleys (with the exception of Loomis Street west of James Street); and

WHEREAS, MDOT requires the City Council's approval of requests from street closures.

THEREFORE, BE IT RESOLVED, that the Ludington City Council approves the request to close South James Street from Ludington Avenue to the alley between Foster and Danaher Streets, and the side streets between Rath Avenue and Harrison Streets from James Street to the alleys (with the exception of Loomis Street west of James Street) to vehicular traffic other than motorcycles from 4 p.m. to 9 p.m. on the above date.

Moved by Councilor Castonia, seconded by Councilor Dykstra, that the foregoing Resolution be approved. Motion Carried.

**RESOLUTION BY DOWNTOWN LUDINGTON BOARD TO REQUEST TO HOLD OKTOBERFEST EVENT**

WHEREAS, the Ludington Downtown Board is proposing "Oktoberfest" events in downtown Ludington to promote the downtown by providing a family atmosphere with a variety of activities on October 4, 2008; and  
WHEREAS, the proposed location for the festival is Ludington Avneue between James Street and Rath Ave.;

and

WHEREAS, MDOT requires the City Council's approval of requests for street closure.

THEREFORE, BE IT RESOLVED, that the Ludington City Council approves the Downtown Ludington Board's request to close Ludington Avenue from 10 a.m. to 6 p.m. on the above date.

Moved by Councilor Castonia, seconded by Councilor Dykstra, that the foregoing Resolution be approved. Motion Carried.

Moved by Councilor Scott, seconded by Councilor Weston, that the request by the Ludington Elks Lodge #736 to put a lighted sign in front of their building on May 28, 2008 through June 1, 2008 to promote the Friday night dinner and fundraising event for the Andre' Bosse Center be approved. Councilor Holman questioned where this sign was to be placed. Tim Callihan, Lodge Secretary for the Elks Lodge, was available to answer questions. He stated that the proposed spot would be the first parking spot just west of Harrison Street on the north side of Ludington Avenue. It would be an 8 foot long by 2 foot wide trailered sign with an extension cord plug in to go across the sidewalk with an extension guard. Police Chief Barnett suggested that there might be an electrical box in one of the trees to avoid the cord across the sidewalk; however, he has no problem with this sign. Councilor Holman stated that it is a prohibited sign in the Downtown Ludington Area. City Manager Shay stated that there is a provision in the zoning ordinance which allows a community or special event sign advertising a public entertainment or event if approved by City Council as to size, location, duration or content. This request for the lighted sign meets these requirements under the special zoning ordinance and as such is coming to City Council for approval. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Peterson, that the Finance Report with total expenditures in the amount of \$587,010.64 for this period be approved and orders drawn according to the City Charter. Motion Carried.

Moved by Councilor Weston, seconded by Councilor Castonia, to approve the request by Horse Chase LLC, Mike and Courtney Morrow owners, to provide carriage rides in downtown Ludington during the months of June through September from 5 to 10 p.m. The Morrows were available to answer questions. They did ask to put up a sandwich sign on the corner of Ludington Avenue and James Street. His Honor Mayor Henderson stated that the City must send the sandwich sign back to Planning Commission for discussion prior to approval. Councilor Engblade stated at the Public Safety Committee meeting there was discussion about the possibility of a second carriage and horse if there was interest. The Committee has left this up to the City Manager and the business to decide if an additional carriage would be allowed. Councilor Castonia questioned the location of the start of the tour being Loomis Street Boat Launch. The Committee recommended that the Morrows move this start to the James Street Court Street area and that was found to be acceptable by the Morrows. The location of the start will be left up to the discretion of the City Manager and the Chief of Police. Councilor Holman reminded the Morrows that the sandwich sign request has to go back to the Planning Commission. Motion Carried.

Moved by Councilor Weston, seconded by Councilor Dykstra, to approve the request by Lisa Cooper to operate a Beachology 101 guided tour vehicle (14 Passenger Van) in the Ludington area during the summer. Lisa Cooper, 1588 N. Dennis Road, explained that this guided tour is a 90 minute spoken guided tour of the north Lakeshore highlighting the history, industry, biology, and local lifestyle facts. Councilor Weston questioned the number of vehicles and Lisa explained that it is her intention to operate only one vehicle at the present time. Councilor Peterson asked about historical facts of the area. Lisa explained that she is working on a script for the driver, which begins with the foundation of the area, the rise and fall of the logging industry, and have several contacts to ensure that the facts are correct. Councilor Dykstra asked where the van will be stationed. The tours will begin on Court Street and North James Street. Councilor Holman reminded all that the sandwich signs must go to Planning Commission. Councilor Dykstra asked if this request as well as the horse carriage rides were just a one season thing. It was explained that the business will drive the decision for the future. Motion Carried.

**RESOLUTION IN SUPPORT OF USING LOCAL BRIDGE PROGRAM FUNDS TO REPLACE THE SOUTH WASHINGTON AVENUE BRIDGE**

WHEREAS, the City of Ludington retained Scott Civil Engineering Company to inspect the South Washington Avenue bridge; and

WHEREAS, Scott Civil Engineering Company inspected the bridge on September 10, 2007; and

WHEREAS, the inspection report revealed that the bridge is in terrible condition and the box beams on the South Washington Avenue Bridge are in serious condition due to the fact that there were multiple areas where pre

stressing strands were exposed and broken. The exposed strands that were not broken will continue to deteriorate rapidly; and

WHEREAS, Scott Civil Engineering Company is recommending that the City of Ludington strongly consider replacing the superstructure in the near future; and

WHEREAS, the estimated cost to replace the bridge in \$1,790,000, which includes both construction and engineering costs; and

WHEREAS, the City of Ludington has prepared an application to obtain funds in fiscal year 2011 from the Local Bridge Program to pay for a maximum of 95% of the construction costs to replace the South Washington Avenue Bridge. Thus, the City's match would be approximately \$315,476 (\$89,500 construction costs + \$225,976 engineering costs).

NOW, THEREFORE, BE IT RESOLVED, that the City Councilor of the City of Ludington hereby supports the City of Ludington's application to replace the South Washington Avenue bridge in fiscal year 2011 with funds from the Local Bridge Program.

City Manager Shay explained that this application has been before City Council before. The application from last year had not been rejected, but was not approved by MDOT. The bridge was inspected in September 2007 and it was indicated that the bridge was in poor shape. As a result, the City lowered the weight limits on the bridge. The local bridge program would pay 95% of the construction costs and none of the engineering costs and the City's portion would be about \$315,476 with work to occur in 2011. The bridge is 41 years old. Councilor Weston asked about the estimate and it was explained that the estimate included a 4% inflation factor to go to 2011 which is the basis of this recommendation. Councilor Peterson asked if in 2005 when the last bridge inspection was done if the bridge was fine then. It was explained that the bridge was not listed as unsafe at that time; however, in 2007 it was listed as unsafe. City Manager Shay explained that under the major street program the City tries to do these projects in conjunction with a grant. Councilor Engblade stated that if the City is going to replace the bridge, a maintenance standard should be put in place to ensure the life expectancy of the bridge and to ensure safety. City Manager Shay explained that the recommendation from the bridge inspector is to replace the bridge. His Honor Mayor Henderson stated that the bridge is safe and the weight restrictions have been lowered, but he assured everyone that the bridge needs to be replaced.

Moved by Councilor Castonia, seconded by Councilor Weston, to approve the foregoing Resolution in Support of Using Local Bridge Program Funds to Replace the South Washington Avenue Bridge. Motion Carried.

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

Ordinance No. 178-08, an ordinance to amend Section 14-49 of the City Code as it relates to professional monument workers as the only ones to lay the monument and that the foundations of monuments be purchased from the City was presented for the first reading.

His Honor Henderson asked the Planning Commission to look at the sandwich signs for businesses either in front of their business as well as away from their business.

Councilor Castonia stated that at his last meeting of the WMRSDC he received an update on the prison in Baldwin which is hoping to be up and running with 400 jobs by August 2009. Most of the prisoners will be INS people and two to five year felony prisoners. This may also boost the economy in Mason County. His Honor Mayor Henderson commended Representative Hansen for his work in this area.

Moved by Councilor Peterson, seconded by Councilor Dykstra, that the meeting be adjourned. So carried at 8:55 p.m.

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Deborah L. Luskin, City Clerk

October 13, 2008

Regular meeting of the Ludington City Council held in the Council Chambers of the Municipal Building on Monday, October 13, 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, City Treasurer Mary Reeds-Mortensen, 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 Dykstra, that the Agenda be approved as presented. Motion Carried.

The meeting was opened for public comments.

Mary Sherlock, 209 N. William, explained how upset she was regarding the house at 201 N. William St., which is owned by Mr. Zeman. She stated that there is black mold in the basement and people continue living in this house. She does not understand why this house is not condemned like the house on Foster St. All of the people who lived in the Foster St. house moved to the 201 William St. house. This house is a dump and is bringing the property values of the houses in the neighborhood down. She explained that she is a landlord and a few years ago the City tried to get a rental inspection code going and has asked that the City work to put together a code so that each landlord's rental property is inspected.

David Holmquist, 207 S. Washington Ave., Manager of Ludington Taxi, and Joyce Padron, 118 E. Danaher St. mother of the owner of Ludington Taxi, Dennis Padron, explained that several months ago Dennis gave some taxi rules to Officer J.B. Wells and stated that he would like to see these rules be implemented as other taxi companies are now starting to show up around town. He would like to see the rules in place for taxi companies so that he can compete fairly. David stated that the owner of Town & Country Taxi, is a sex offender and he stated that all of his internet research revealed that sex offenders are not allowed to drive taxis. It is difficult to compete and pay the required insurance if Ludington Taxi continues to lose business to companies that may not be set up legally. They do not believe that Town & Country Taxi is acting legally as they go to the bars and tell the customers that they will charge half price for rides. They also state that there are no meters in the Town & Country Taxi cars. There are no laws in Ludington for the taxi business. There needs to be fair rules for competition in Ludington for the taxi businesses and there needs to be laws which require the taxi vehicles to be checked regularly, that there is adequate insurance coverage, and that there are working meters in the vehicles.

Bill Loforte, 207 N Gaylord Ave., spoke on the recent shooting at 201 N. William St. He explained that he owns a rental house at 310 W. Court St., and he stated that for too long he has turned his head the other way regarding 201 N. William St. There has been drug dealing in this house in the past and now there has been a shooting. The day after the shooting, he knocked on several doors up and down the street and no one wants to get involved. This has been the attitude in the past, and now it is getting worse, but he believes that the City has to do something now. He has a personal interest in getting 201 N. William cleaned up and asked whether the Council has a personal interest in this situation. He is asking the Council to find a way to care, to find a way to correct this situation and to clean this house up.

Curtis Haynes, rents the place at 310 W. Court, and lives there with his fiancé and three children. He explained he has a clear view of what is going on at 201 N. William St. He works late at House of Flavors Restaurant and comes home at night to 15-30 kids on the street at this house. There are children and a fiancé at his home and he is concerned for their safety. There are people going in and out of this house at 201 N. William St. at all hours of the day and night. There are 13 people living in the basement of this home and 6 of these are kids. He is concerned about the welfare of his family especially when there was a shooting. He explained that he moved to this side of town because it was supposed to be the good side of town. He is looking for a solution to clean the house up at 201 N. William St.

Gene Point, 306 S. Delia, told Council about the same type of houses and the same type of people who live in these houses. He lives at a house on Foster St. next to the house that the City just recently condemned. He is

questioning how long he has to put up with the smell at that house. He cannot even walk to his garage without getting sick to his stomach, something has to be done.

Dan Grubich, 210 N. William St., also commented on the house at 201 N. William St., and explained that a lot of the neighbors are putting in a lot of time and money to improve their homes and this improvement is all held up because of this one landlord who is not making the effort with the house and with the people he is renting to. He explained that he is reaching out and looking for a solution to this problem as he is at his wits end.

Fred Jamieson, 207 N. William St., complained about 201 N. William St. and explained that he has complained in the past about the trash left and the cars that block the sidewalk. There does not seem to be any end to what the people will do on that corner. He feels there must be rules about the number of people living in an apartment as well as providing parking spaces for tenants. He is asking Council to listen to him and his neighbors and start some action soon to correct this situation.

Kim Spooler, 306 W. Court St., commented that she has only been in this house since April. She has seen an increase in fights at 201 N. William St. and the gangs are growing. She has a 15 year old daughter who is also seeing what is happening and she is concerned about her daughter's safety. She also works in the public school system and sees the young kids who live at 201 N. William St. who do not have any rules to live by and she is concerned for them as well. She stated that someone needs to watch out for these kids.

Lucy Kuras, 602 E. Lowell, received a letter from the Planning Commission on the public hearing for rezoning 901 N. Washington Ave. She attended this meeting and was not aware of what went on. There appeared to be confusion as to when the public was to speak. She tried to raise her hand to make a comment apparently after the public comment period and was told she was not able to speak at that time as the comment session was over. She has asked City Manager Shay and Fire Chief Funk about the records they keep on fire calls.

His Honor Mayor Henderson referred the taxi service comment to Public Safety Public Utilities Committee for action. He also sent the rental standards and specifically to understand what is going at 201 N. William to Public Safety and Public Utilities Committee. The Foster St. smell issue will also be addressed at the Public Safety Public Utilities Committee.

City Manager Shay stated that in the past, the rental ordinance issues have gone to the Building & Licenses Committee. Councilor Engblade stated that he is concerned about the number of times the residents in the 200 block of North William St. have called the police. The public commented that there were lots calls made to the police, so it will go to the Public Safety Public Utilities Committee.

Councilor Scott expressed appreciation to the speakers who addressed their concern for their neighborhood.

Councilor Holman stated that the Planning Commission has a Committee consisting of Mike Nekola and Joe Moloney who have been involved in rental regulations and she suggested that the Public Safety Public Utilities Committee make contact with this group based on the amount of work they have already performed.

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

Moved by Councilor Holman, seconded by Councilor Peterson, that the minutes of the regular meeting held on 9/22/08 and the special meeting held on 9/17/08, be approved as printed. Councilor Holman asked that the minutes of the special meeting held on 9/17/08 be corrected to reflect that the Downtown Ludington Board is planning on hiring one summer seasonal employee and the City is planning on hiring 3-4 summer seasonal employees to maintain the downtown and City. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Peterson, to approve the Fall Hustle by the Lakestride Running Club held Tuesday October 28<sup>th</sup> in Cartier Park right after school. Motion Carried.

Moved by Councilor Scott, seconded by Councilor Dykstra, to approve the Ludington & Scottville Chamber of Commerce 'Aglow on the Avenue' holiday parade on Friday, December 5, 2008. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Peterson, that the Finance Report with total expenditures in the amount of \$589,967.55 for this period be approved and orders drawn according to the City Charter. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Peterson, to approve the purchase of a CAT 938h Wheel Loader in the amount of \$158,000. Motion Carried.

Moved by Councilor Castonia, seconded by Councilor Weston, to approve the low bid submitted by Jackson-Merkey Contractors in the amount of \$63,457.78 based on the changes to the project specifications for the new leachate receiving station at the wastewater treatment plant. At the meeting on April 28, 2008, City Council approved seeking bids to construct a new leachate receiving station at the wastewater treatment plant, which would allow haulers of leachate and septage waste to dump their load directly at the wastewater plant. The City received three bids of which Jackson-Merkey submitted the low bid of \$77,186, which was higher than the engineer's estimate of \$40,520. The primary reasons for the bid being higher than the engineer's estimate are that some additional paving was added to the project to improve the turning radius for trucks and to eliminate some drainage problems along with the cost to install the pumps was higher than anticipated. To reduce the cost of this project, it was the consensus of the Public Utilities Committee to eliminate all additional paving of the driveway approaches at the wastewater treatment plant, agreeing to use alternate pumps, agreeing to use different materials for the pipes in the wet well, and having the City clean the wet well prior to the installation of the pumps and piping. These changes reduced the project cost to \$63,457.78. Councilor Engblade asked if by reducing the bid, has the City reduced the quality of the project and the life expectancy of the project. It was explained that the quality of the project and the life expectancy were not be decreased. Motion Carried.

Moved by Councilor Castonia, seconded by Councilor Dykstra, to award the Gravity Sewer Portion of the Bryant Road Sewer Extension Project to Hallack Contracting for \$48,442.00. City Manager Shay, explained that while Mark Lee of Prein & Newhof was preparing the project to go out for bid, there were two parts to this bid; one being the digging to put in the new sanitary sewer main along Bryant Road between Lakeshore Dr. and Vogel St., and the second part is to install directional drilling and force main to reroute the Tamarac force main and the force main from the Cartier and Linlook Parks. When Mark Lee was soliciting for companies who would be interested in this project, Hallack Contracting indicated that they would use the same unit prices from the North Rowe street project on this project. By doing this and by not going out on bid the work could be started three weeks earlier than what was expected. Councilor Scott explained that Hallack's pricing on the Rowe St. which would carry over to this project is considerably lower than other pricing. Motion Carried.

Moved by Councilor Engblade, seconded by Councilor Castonia, to approve the proposed First Amendment to the License Agreement between the City of Ludington and AT&T. Councilor Engblade asked if this was an ordinance, and it was explained that the City is not paying anything out so it does not have to be approved in ordinance form. The City has been renting out the use of the water towers for antennas by NPI-Omnipoint Wireless and the lease is to expire October 31, 2008. AT&T recently acquired ownership of these antennas and is asking the City to consider an agreement for 30 years (six 5-year terms). The current agreement has what was NPI, now AT&T, paying the City a monthly rent of \$1,500 for both towers. In addition, the City receives five free phones with free phone service, which has a value of about \$250 per month. AT&T will eliminate the free phones and free phone service and increase the monthly rent to \$2,800 in exchange for the right to replace the existing equipment and have the capability of installing up to nine antennas on each tower. There is a 3% cost of living increase each year. City Attorney Anderson explained that the City is not leasing the water towers, but rather allowing AT&T to put these antennas on the water towers. Motion Carried.

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

Dawn Evans, Life Guard Supervisor, presented an update on the 2008 Life Guard Season. She explained that it was a very good season with very few problems. When the kids were not on life guard duty, they were able to help at Friday Night Live events, working at the Cemetery, as well as helping at City Hall. She stated that the kids would like to start the season a little earlier next year, possibly in the middle of May.

#### RESOLUTION APPROVING THE APPLICATION FOR CONVEYANCE

WHEREAS, the City of Ludington desires to construct a breakwater from the shore out 280 feet to an existing breakwater at the Loomis Street boat launch in order to minimize future dredging of this boat launch facility; and

WHEREAS, the construction of the new breakwater requires the Michigan Department of Environmental Quality to approve a Great Lakes Bottomland Conveyance Application filed by the City of Ludington.

THEREFORE, BE IT RESOLVED, that the Ludington City Council approves the Application for Conveyance.

Moved by Councilor Holman, seconded by Councilor Peterson, to adopt the foregoing Resolution Approving the Application for Conveyance. City Manager Shay explained that this is simply an application to apply for conveyance and is not the bottomland agreement itself. He also explained that because of the lateness of the Bottomlands Agreement, the Marina Project is put on hold until next fall after the boating season. Mark Lee explained the City has not applied for the permit for the breakwater, which is a 3 month period and the process to build the breakwater would take 3 months. His Honor Mayor Henderson stated that he would like to start this process as soon as

possible. There is a concrete walkway above this dock and the City has not received all of the funding for this yet. It was suggested that we see what these projects cost. It was recommended that the Waterfront Committee look at this to determine when the appropriate time would be to start the project, spring or fall. Motion Carried.

Heather Loney, Community Development Director, made a presentation on the input she has received from the Downtown Ludington Board and the downtown businesses about the idea of making the temporary closure of the 100 block of North James Street permanent. The Downtown Ludington Board approached the City in May 2008 about the closing of North James St. The Downtown Ludington Board met today and she provided their recommendation. The way she sees it there are four options.

1. Vote to close the 100 block of North James St. permanently.
2. Vote to close the 100 block of North James St. permanently and review it in a year's time.
3. Vote to close the 100 block of North James St. seasonally.
4. Vote to reopen the 100 block of North James St. permanently.

Business owners stated that they have seen an increase in foot traffic this summer. The Downtown Ludington Board did vote to recommend to the City Council a permanent closure of the 100 block of North James St. Councilor Holman explained that there were letters discussing how to take care of snow. She questioned whether DPW could handle the snow around the big planters. Shawn McDonald, Superintendent of DPW, stated that they could handle the snow removal. It was explained that it was not a complete consensus from the business owners to close this area, some of the business owners have expressed concerns about the closure. Three written comments were provided for Council's review. Two were supporting the closure and one expressed his concern regarding the closure all year, he believes it should be closed from November through May. His Honor Mayor Henderson suggested that Council look to keep it closed and then review it again next year. Moved by Councilor Holman, seconded by Councilor Weston to permanently close the first block of North James St. for one year and address it again in one year with the alley remaining open. Councilor Engblade opposed. Motion Carried.

Moved by Councilor Dykstra, seconded by Councilor Holman, that the meeting be adjourned. So carried at 8:50p.m.

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Deborah L. Luskin, City Clerk

