

September 28, 2009

Regular meeting of the Ludington City Council held in the Council Chambers of the Municipal Building on Monday, September 28, 2009, at 6:30 o'clock p.m.

Present: His Honor Mayor John Henderson and Councilors Kaye Holman, Greg Dykstra, Brent Scott, Dave Weston, Pete Enblade, and Gary Castonia.

Absent: Councilor Peterson who was excused.

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 Enblade.

Pledge to the Flag was given.

His Honor Mayor Henderson asked that the public hearing on the proposed Water Well Restriction Ordinance No. 202-09 be moved down in the agenda to allow for representation from the Michigan DEQ to arrive. Councilor Holman asked to delete the Industrial Tax Abatement Policy Act 198 of 1974 and the Personal Property Tax Relief (PA 328 of 1998) items from the Finance Committee Reports section of the agenda and explained that these items will go back to the Finance Committee for further discussion and analysis. Moved by Councilor Holman, seconded by Councilor Dykstra, that the agenda be approved as corrected. Motion Carried.

The meeting was opened for public comments.

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

Moved by Councilor Castonia, seconded by Councilor Holman, to approve the minutes of the regular meeting on 9/14/09. Motion Carried.

The meeting was opened for the scheduled public hearing to hear comments on the Obsolete Property Rehabilitation (OPRA) application submitted by Westnd Development LLC. Bob Neal, owner of Westnd Development LLC, gave a brief presentation on the OPRA application for 225 W. Ludington Ave. He is asking that the City approve the OPRA tax abatement so he can proceed to renovate the old bowling alley into 5 retail shops to open in the summer with the intention of employing 14 people. He is asking that the OPRA abatement is granted for 12 years. After no comments were received, the regular order of business was resumed.

#### AGREEMENT FOR ACT 146 CERTIFICATE

THIS AGREEMENT is made this 28<sup>th</sup> day of September, 2009, by and between the City of Ludington, a Michigan municipal corporation, with offices at 400 South Harrison Street, Ludington, Michigan 49431 (the "City") and Westnd Development, LLC (the "Owner") owners of commercial property located at 225 West Ludington Avenue, Ludington, Michigan, 49431, with reference to the following:

1. The City has previously established an Obsolete Property Rehabilitation District (the "District") pursuant to the requirements of Act 146 of the Michigan Public Acts of 2000, as amended (the "Act");
2. The Owner owns a commercial property located in the district and has requested the city to grant an Obsolete Property Rehabilitation Exemption Certificate for the cost of building rehabilitation only in the aggregate amount of One Hundred Fifty Thousand and no/cents (\$150,000) (the "Project")
3. The Owner and the City are entering into this Agreement to set forth their respective rights and responsibilities in connection with the granting of an Act 146 Obsolete Property Rehabilitation Exemption Certificate for the proposed Project.

NOW, THEREFORE, in consideration of the mutual covenants set forth in this Agreement, the Owner and the City agree as follows:

1. Subject to requisite State of Michigan approval, the City shall grant a tax abatement to the Owner for twelve (12) years for any rehabilitation of the existing property associated with the Project.
2. The Owner estimates that approximately 14 jobs will be retained or created as a result of completion of the Project and agrees to use its best efforts to increase its employment in the City in accordance with its estimate.
3. The city may, but is not required to, terminate the tax abatement granted to the Owner in accordance with this Agreement, effective with the tax levy following notice to the Owner, in the event that the Owner divests itself of all, or a part, of its ownership of the property.
4. If the City wishes to terminate the tax abatement granted to the Owner as provided by Paragraph 3 above, it shall provide written notice to the Owner of such termination at least sixty (60) days before the date of the tax levy that the abatement will be terminated.

5. This Agreement applies only to the tax abatement for the Project described herein and does not apply to any other outstanding Obsolete Property Rehabilitation Exemption Certificate(s) granted to the Owner by the City of Ludington.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and delivered as of the day and year first above written.

Moved by Councilor Castonia, seconded by Councilor Holman, to approve the above mentioned Agreement for Act 146 Certificate. Motion Carried.

**RESOLUTION APPROVING APPLICATION OF  
WESTND DEVELOPMENT LLC  
PHASE I  
FOR AN OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE**

WHEREAS, Act No. 146, Sec 2(k) of the Michigan Public Acts of 2000, as amended, authorizes the City of Ludington to establish Obsolete Property Rehabilitation District and to approve applications for Obsolete Property Rehabilitation Exemption Certificates; and

WHEREAS, pursuant to Act No. 146, and after a duly noticed public hearing held, the Ludington City Council, by resolution adopted on August 24, 2009, created a Obsolete Property Rehabilitation District for the above applicant at 225 W. Ludington Avenue; and

WHEREAS, the Applicant did on September 2, 2009, file an application with the City of Ludington for an Obsolete Property Rehabilitation Exemption Certificate under the provisions of Act 146 for a project to modify, remodel and/or rehabilitate the building located at 225 W. Ludington Avenue in the City of Ludington; and

WHEREAS, the City and Applicant have entered into a written agreement pursuant to P.A. 146 of 2000; and

WHEREAS, before acting on said application, the Ludington City Council held a public hearing on September 28, 2009, at the Ludington City Council Chambers, located at 400 South Harrison Street, Ludington, Michigan, at 6:30 p.m., at which hearing the applicant, the assessor, and representatives of the affected 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) That the application relates to a rehabilitation project which when completed constitutes a remodeling of the current building within the meaning of Act 146, and which rehabilitation is situated within the Obsolete Property Rehabilitation District duly established by the City of Ludington.
- b) That the Project is calculated to have the reasonable likelihood to create employment, retain employment or prevent a loss of employment in the City.
- c) That the facility does not have the primary effect of transferring employment from another community within the State of Michigan to the City of Ludington.
- d) That the primary purpose of Applicant's rehabilitation project is to restore or update the current physical building of its current functional obsolescence.
- e) That the aggregate state equalized valuation of real and personal property from ad valorem taxes under Act No. 146 and under Act No. 198 including that for which the applicant seeks exemption does not in fact exceed five (5) percent of the total state equalized valuation of the City of Ludington
- f) All of the items required by No. 9 of the application, i.e. Items (a) through (f), inclusive, have been provided by the applicant.
- g) That the rehabilitation of the facility did not commence prior to the establishment of the district.
- h) The rehabilitation of the building exceeds 10% of the aggregate improvement true cash value as provided in section 2(1) of the Act.
- i) The rehabilitation of the building shall commence upon approval by the State Tax Commission and shall be completed within two (2) years from date of commencement.
- j) The applicant is not delinquent in any property taxes related to the facility.
- k) That the City Assessor certifies that the SEV and Taxable Value of the facility are \$24,935 and \$11,366, respectively, and they were certified at those values by the State Tax Commission for the year 2009 on the fourth Monday of May, 2009.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. That the application of WESTND DEVELOPMENT LLC for an Obsolete Property Rehabilitation Exemption Certificate for this rehabilitation project be and is hereby approved, subject to the following condition:
  - a) That the exemption for the real property portion of this application shall remain in force and effect for a period of twelve (12) years, unless otherwise modified or revoked pursuant to the provisions of Act 146 of 2000.

The estimated cost of Applicant's rehabilitation project as set forth in the application is: \$150,000.

Moved by Councilor Dykstra, seconded by Councilor Scott, to adopt the Resolution Approving the Application of Westnd Development LLC Phase I for an Obsolete Property Rehabilitation Exemption Certificate. Councilor Holman thanked Bob Neal for his interest in improving that property. Motion Carried.

Kathy Maclean, President/CEO, of the Ludington & Scottville Chamber of Commerce and Convention and Visitors Bureau, provided Council with an update of Chamber events this past summer. Kathy thanked the City for their help in the Gus Macker and the Fishing Tournament. She provided an update on the concessionaire income which totaled \$28,327. The charity funding donations that the Chamber made from the profits were \$15,500 and the breakdown of the amount received by the charities was provided to Council. She expressed gratitude to the City for the help that they provide on these events. The Chamber does not take the "free assistance" the City provides for granted. The Chamber realizes that the City is trying to meet tough budget constraints and stated that they would like to sit down with the Council and DPW to look at ways to cut costs on these events and continue to work together. The fishing tournament also had a good turnout and \$3,250 went back to nonprofit charities. Kathy Maclean thanked the City for their support in this event.

Moved by Councilor Holman, seconded by Councilor Dykstra, to approve Ludington High Schools' request to hold the Ludington Homecoming Parade on October 9, 2009. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Dykstra, to approve Ludington High School's request to hold a homecoming pep assembly on October 8, 2009 with the students walking down Tinkham Avenue to Oriole Field. Motion Carried.

#### DOWNTOWN LUDINGTON BOARD 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 3, 2009; and

WHEREAS, the proposed location for the festival is Ludington Avenue between Harrison St. and Rath Ave. and the first half block of S. James St.; 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 9 a.m. to 6 p.m. on the above dates.

Moved by Councilor Scott, seconded by Councilor Castonia, to approve the Downtown Ludington Board's request to hold the Oktoberfest Event on October 3, 2009 and to close the streets. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Castonia, that the Finance Report with total expenditures in the amount of \$403,843.10 for this period be approved and orders drawn according to the City Charter. Motion Carried.

Moved by Councilor Castonia, seconded by Councilor Dykstra, to adopt Traffic Control Order #103-A, to establish a "No Parking 6:00 a.m. through 2:00 p.m. School Days" zone on the south side of Tinkham Ave. beginning forty-five (45) feet, and ending two hundred and fifty (250) feet east of Washington Avenue. Police Chief Mark Barnett received a request from Ludington Area Schools to close off during school hours parking on the south side of Tinkham Avenue from 45 feet east of Washington Avenue to 250 feet east of Washington Ave. to encourage parents to drop off students in the parking lot on the east side of the building or on Washington Avenue. Chief Barnett initially signed this as a temporary traffic control order and is requesting Council to consider adopting it as permanent. Motion Carried.

Moved by Councilor Scott, seconded by Councilor Castonia, to approve Traffic Control Order # 104-A, to establish a stop street at the intersection of Court Street and North James Street, as it is determined that a hazard exists on southbound North James Street at the intersection of Court Street. Police Chief Barnett explained that prior to the Temporary Traffic Control Order, southbound James Street at Court Street was not required to stop, but eastbound and westbound Court Streets were required to stop. This created confusion and there was concern for pedestrian safety. Councilor Holman explained that she felt a yield sign would be better fit for this corner and voted no against this order. Motion Carried.

Moved by Councilor Castonia, seconded by Councilor Dykstra, to approve Traffic Control Order #105-A, to establish a stop street at the intersection of Loomis Street and southbound Park Street, as it is determined that a hazard exists on Park Street, at the intersection of Loomis Street. Police Chief Barnett explained that there is a yield sign here and not a stop intersection. Considering the amount of boat traffic that stacks up there in the morning for the boat ramps, Police Chief Barnett thought it prudent to make this a permanent stop sign. Councilor Engblade stated that he has no problem with a stop sign but asked how many accidents have been at that corner. Police Chief Barnett explained that it was not a matter of accidents but rather a matter of making things consistent. Councilor Engblade explained that sometimes we overregulate the traffic with too many stop signs. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Dykstra, to approve Traffic Control Order #106-A, to establish a "No Parking 8 a.m. – 4 p.m. School Day" zone, on the south side of East Foster Street, east of Emily Street. Police Chief Barnett explained that this was pursuant to a request by Ludington Area Schools stating that if a school bus was turning on eastbound Foster Street from southbound Emily Street and there is a vehicle parked in front of the house facing the southeast corner, the bus cannot make a turn. Chief Barnett contacted the owners of the home and they do not park there anyway so there is no problem with this no parking zone. Councilor Castonia opposed the motion. Motion Carried.

The meeting was opened for the scheduled public hearing to hear comments on the proposed Water Well Restriction Ordinance No. 202-09.

Those representing Straits Steel and Wire included Duane Tyndall, General Manager, Mike Varenhorst, Human Resource Manager, and Vernon Campbell, Corporate Director of Environmental Safety Compliance. Representing Northrop Grumman as outside counsel were Todd Schebor and John McInnis. Those representing MDEQ were Steve Cunningham and John Vanderhoof.

Vernon Campbell, Corporate Director of Environmental Safety Compliance for SSW Holding Company which is the mother company of Straits Steel and Wire, introduced himself and stated that he has been with the company since 1975, and has been involved with the groundwater situation since 1976. He presented a quick overview of the situation. In the mid to late 1960s and early 1970s the accepted method of disposal of wastewater from industrial processes was through groundwater lagoons in the State of Michigan. These facilities were permitted and licensed by the County as well as the State of Michigan. From Straits Steel and Wire standpoint, there was never a violation of the permit standards. In the early to mid 1970s Straits Steel and Wire changed the processes to discharge into the City of Ludington's sanitary sewer system after the pretreatment. The materials that were discharged into the ground prior to this time stay in the ground due to the predominantly sandy soil and they flow with the ground water which is west to northwest and this was pointed out on a map to the public. There were three plumes identified, Strait Steel and Wire being the northern plume, Industrial Plating being the center plume, and the old Handy Things now Northrop Grumman being the southern plume. All of these facilities stopped the processes that were contributing to these plumes in the 1970s when they hooked into the City of Ludington's sanitary sewer system. However, these materials do not go away. In the 1990s, two of these facilities, Straits Steel and Wire and Northrop Grumman, undertook efforts to begin to remediate these plumes. Straits Steel and Wire has a purge well located just east of Cemetery and north of Bryant Road. This well pumps an average 40 gallons a minute 24 hours a day 7 days a week of contaminated material out of the ground. All of the documents continue to show a decrease in a level of the contaminants through that period. However, it will take a continued effort by all facilities to continue to remove this material. This material does not appear to be progressing beyond the purge well. It is being pumped out and the City of Ludington does treat these materials through the City's wastewater treatment facility. There was a study done to show that this material would not impact the discharge of the wastewater or the sludge coming from the wastewater facility. Straits Steel and Wire pays the standard fee for discharge of the water into the sewer of the City of Ludington. Straits Steel and Wire does not have any intention of stopping this clean up process. It is the shallow area of the ground that the contaminants are running in which affects the shallow wells that are predominately used for irrigation. Straits Steel and Wire's last survey revealed 10 wells that are hooked to the shallow aquifer. To prevent any possible exposure they have worked with MDEQ to ask for this ordinance to prevent any wells in this aquifer and to remove those that are currently located there until such time as the water is safe to drink.

His Honor Mayor Henderson asked Mr. Campbell if he could identify the types of contaminants that were found in the water. Mr. Campbell stated that several years ago Straits Steel and Wire sent out a letter to all of the landowners in that area identifying the materials found in the water. There is chrome, cyanide, zinc, and some slight concentrations of nickel all found in low concentrations. These materials are typical of the processes used at that time in electroplating of chrome, nickel, and zinc which was put on refrigerator shelves or Christmas tree stands. His Honor Mayor Henderson asked if in the current testing whether Mr. Campbell has the levels where these materials are at right now. The current testing is down to the levels below 1/2 part per million on cyanide, and the chrome is down to a few hundredths part per million. He stated that this testing will be available for Council and for the public to view. This information is given to the Wastewater Treatment Plant each month. Samples are taken out of the purge well and 10 of the monitoring wells each quarter on the northern plume only. His Honor Mayor Henderson asked if we had the sampling data from the other plumes.

Todd Schebor, 24720 Rockford, Dearborn, Michigan, introduced himself and is speaking on counsel for Northrop Grumman who is addressing the issue on behalf of Handy Things on the southern plume and its sampling and testing. As part of this treatment there are three treatment wells with similar technology that the northern plume has and this data has been sent to the City and MDEQ regularly. John McInnis, 21129 West Farm, Northville, explained that they are addressing the Handy Things with three extraction wells, one of these wells is pumped to the City's sanitary sewer system, two are pumped through a treatment system which cleans the water up and treats it and pumps it to a

surface water system through the MDEQ permit process, called a NPDES permit. These three wells are currently operating and remove the impacted groundwater prior to discharge. He pointed these wells out on the map to the public.

MDEQ explained that they are the party which is sampling the middle plume. Steve Cunningham, 1211 S. 15 Road, Harrietta, Michigan, of MDEQ, explained that the middle plume emanates from the old Ludington Plating Building or the Industrial Plating Building which it was later named. The middle plume does not have any active pumping going on, because the source area which was in and around the old building was removed when the building was removed. The State paid for this through the State Bond Fund because the responsible parties went defunct. When the source area was removed it shut the faucet off. The middle plume is stationery, and the hydraulic activity is not needed. This well has been sampled by the State of Michigan and Northrop Grumman. They were confident some time ago that that plume had reached stationery status and is not advancing any more. His Honor Mayor Henderson asked if the contaminants that this middle plume was getting were similar to the northern and southern plumes. Steve Cunningham explained that the contaminants in the middle and southern plume also have volatile organic compounds called VOCs,

Councilor Engblade asked about the physical health or potential health hazards for people who use these wells for watering grass. Steve Cunningham explained that the levels in the water used for irrigation are not above what would cause any health effects. What they are concerned about is that the irrigation wells be used for drinking. That is why the effort to prohibit the water even for irrigation is so important to MDEQ. They do not want to see these irrigation wells turned over to drinking water. There are significant drinking water concerns here but not serious enough to cause skin problems. Councilor Engblade reminded Council that this came up about 8 years ago and the drinking was addressed at this time.

His Honor Mayor Henderson stated that as part of this ordinance, caps anyone that who has a well, caps the well, and connects to the City water system would see the cost associated with modifying the sprinkler or irrigation system covered by the parties at hand.

Councilor Castonia wanted to know the difference between Handy Things and Industrial Plating. John McInnis explained that source materials were removed from Handy Things before it was torn down, but there is still some impacted groundwater that is being addressed.

Councilor Holman asked about 1 part per million of zinc and questioned when is that considered the problem. John Vanderhoof, 20394 Crestview Drive, Reed City of the MDEQ explained that for every contaminant there is a drinking water number established and a number permissible to enter surface water body. For example, in chrome the drinking water number is 100 parts per billion and we are talking parts per million, or 0.1 parts per million. For some of the volatiles the drinking water number is 5 parts per billion. For cyanide the drinking water number is 200 parts per billion. The numbers are getting lower.

Bob Williams, 711 N. James St., explained that he has lived in Manufacturing Addition to the City of Ludington and lived there for 70 years. He explained that he has watched Straits Steel and Handy Things start from the beginning and go up and down and he explained that he cannot see why the City is having an ordinance for these companies. Mr. Williams stated that if they created the problem let them take care of it. The City should not have the right to take a resident's right to have a well. Leave the wells alone and let the people who live there make the decision to keep their wells.

Bob Tushek, 1007 N. William St., read a letter asking for further consideration on the blanket covering of all wells on the map attached to a letter of intent. He explained that he put in a well 25 years ago with the intention of using this for lawn watering only. He explained that he took pride in green grass and his taxes have increased due to the upkeep of the property. He explained that he has had his well tested twice by the County Health Department and has been given a clean bill of health. Two or three years ago someone called from the company connected with this problem. They took water samples at that time including running the water for a great length of time before taking the sample. Since he was not advised of any contamination at that time, he did not expect any problems. Recently, someone called again and they were told about the testing a few years back and that the well at this house is at a depth of 100 feet. The caller was not aware of the testing or the depth of the well. Since the representatives have made it known that the contamination is improving, this well is located on the outside of the plume, and because this well is 5-10 times deeper than where the contaminated ground water is located, if he is required to cover this well than the parties involved should pay for the cost of covering the well as well as future water bills.

Joe Moloney 1032 N. Ferry St., asked for clarification on how current and up to date the plume map is. It was confirmed that this map is up to date.

Jan Tallefson, 1026 Vogel St., asked if the people stop using the wells and the contaminated ground water recedes will the City ever let the people use these wells again. She also questioned if this was near the surface groundwater, what about the wells that are 50 to 60 feet down, are these wells pulling clean water, and wouldn't it be beneficial to have these wells tested periodically. Steve Cunningham, MDEQ, stated that the answer to the first question is yes, as dilution and other natural factors eat away at the contaminants the water will be restored, eventually the ordinance can be lifted and the water reused again. However, this will take many years. To answer the second question, if the wells are deep and the problem is shallow couldn't the deep wells stay, and Mr. Cunningham explained that if there is a barrier to groundwater vertical movement, like a clay layer, MDEQ would accept ordinances that would restrict shallow use of the groundwater and all deep use of the groundwater. The third question had to do with a safety issue. MDEQ would like a buffer zone; the area being protected is larger than where the problem is. Two of the wells are under active pumping, if there is a power outage the yellow lines can change. The restriction could change within the yellow lines, but all of these answers come with expensive answers. Must have a pretty frequent and intense monitoring program before you can with any confidence say Parcel A is ok but Parcel B needs a restriction. Therefore, covering the larger area than what appears to be necessary is an effort to be protective of public health.

Leslie Wilbur, 806 N. St. Catherine, asked about the use of a well water to water a vegetable garden and then eating the vegetables. Steve Cunningham, MDEQ, stated that in the middle and the southern plumes, there are VOCs in them and those compounds volatilize and move off into a gaseous state and into the air at a low level. However, Steve explained that the preference is to limit the use of the water for all purposes.

Kurt Chavalía, 505 N. William St., and owns a house at 816 N. Harrison St., with a well which has not been used in years. He stated that people have wells to save money, but he asked if by putting a city water line in all of these people who have wells will have to pay the additional cost of water so he asked if this ordinance goes through how would the people handle this cost. He also questioned what legalities come about if the wells are capped and this problem is made known what happens when the homeowner tries to sell their house. His Honor Mayor Henderson asked if someone has addressed the question if a homeowner has a flow issue and the pipe is not wide enough to bring the City water in, are the companies willing to put in new service lines to handle the water. Todd Schebor explained that this is written in the ordinance that both the connection to the municipal service as well as any upgrades to that would have to be made for that irrigation system to work on the municipal side and would be paid for by the companies, not the residents. One of the other questions regarding notification by the homeowner if they sell their property was then addressed. Steve Cunningham explained that current real estate law requires the disclosure of environmental problems. This does not change anything that has already been in existence. Current statutory law states that if this contamination has migrated onto their property you are exempt from any liability for it, so you have the migration exemption. He then described the Brownfield Redevelopment working on places with contamination turning the property into better use. A future land owner would also not have liability.

Marla Zatarra, 814 N. James St., stated that if a resident does have to disclose the contamination then the property value will go down. She explained that this has been going on for 20 or 30 years, and she bought her house 18 years ago and this contamination was not disclosed to her. She used her well to irrigate her lawn for the last 18 years and has not had any health problems. She asked why she could not have her well tested and if there is no problem then she could continue to use it. Marla then questioned whether there has been any health problems reported related to these wells. City Attorney Roger Anderson explained that under the ordinance, if you can convince the MDEQ that there is no impact on the homeowner's well a homeowner is allowed to have the well under the ordinance. But those tests are very expensive and not normally done when one buys or sells a house. He suggested that whatever rights a homeowner has they should consult a private attorney. Marla then asked about the letter sent out to residents years ago regarding the type of contaminants that are in the ground water and she stated that she has never received this letter, there are a lot of unknown facts. His Honor Mayor Henderson explained that this information will be brought to City Hall and homeowners are welcome to come in and view it. Marla then stated that she is against the ordinance.

Kurt Chavalía, 505 N. William St., asked what the difference in cost between irrigating the lawn and what they pay now and who would pay this if the homeowner tied into the City water. City Manager John Shay explained that the proposed ordinance would have Straits Steel and Wire and Northrop Grumman pay for the connection costs to city water and the ongoing expense will be up to property owner.

Debbie Rasmussen, 914 N. Harrison St., explained that she resides at "Ground Zero." She has 4 test wells surrounding her property, and stated that there are three plumes with different people taking care of different test wells. She is asking if the property owners could get a map indicating precisely who is taking care of and responsible for which test wells. His Honor Mayor Henderson stated that the City will get this map. The second question is when the talk is about parts per million is the contamination at the end of the plume or at "Ground Zero" where it starts. She explained that she resides at less than 1000 feet of Handy Things. Steve Cunningham is suggesting that the companies and MDEQ collectively get the information on one map to show what the current numbers of contamination are. His Honor Mayor Henderson asked when we could get this map. It was decided that within 2 weeks they could have this

map to the City for people to view. The City will then take more public comment at the next council meeting, October 12<sup>th</sup>, and then take the ordinance to the October 26<sup>th</sup> meeting.

Steve Cunningham explained that the MDEQ staff is neutral in their position and they are not trying to promote or discourage this ordinance, their job is simply to be a resource.

His Honor Mayor Henderson then asked Steve Cunningham what MDEQ would do if they do not adopt the ordinance. Steve explained that these contamination problems are not new. The companies have come together to bring these sites together for closure. There are many ways of doing this, including ordinances. This is a safe approach because properties change hands, this is an approach to make sure no one is exposed to contamination in the future. What MDEQ would do is to continue watching these plumes in the future and monitoring the wells.

Norm Nielsen, 906 N. James St., asked about the center plume. Because this plume has stagnated, will there ever be any remediation. The second question is regarding the VOCs, when they become airborne, could these gases leach into basements. Steve Cunningham explained that there is no remediation on the center plume because there is no money. The State of Michigan does not have any funds any more and the parties responsible are defunct and do not exist. The cause of the release is no longer available. Steve could not answer the second question. They will look at the levels and determine how deep the problem is and how volatile the compounds are. His Honor Mayor Henderson asked if this is something that MDEQ would do. Steve explained that it would not be in a couple of weeks, but they would look into this. If you do not vent the water off through sprinkling lawns he is not sure if the VOCs can then vent off into soil gas and leach into basements. He will get back with the City on this and it was decided the contact person for the City would be the City Attorney, Roger Anderson.

Roger Anderson then asked if on the map that will be provided if the depths of various groundwater at various levels could be added. The City does not want anyone to come into contact or being exposed to dangerous compounds in the soil.

Jeremy Ray, 1019 N Robert St., explained that he recently purchased this house and it does have a well which was disclosed in the seller's disclosure which was one of the selling points. He questioned in what year did Northrop Grumman acquire the property from Handy Things and in what year did Straits Steel and Wire acquire the property from where Rowe Engineering was. If there is a safety issue with groundwater contamination, capping a well and hooking to City water is fine but he stated there should be some compensation on top of this.

Todd Schebor explained that it is his understanding that Northrop Grumman never did own the property, but that through corporate mergers, Handy Things essentially became their responsibility and the liability for this property. Vernon Campbell explained that in the early to mid 1970s Straits Steel and Wire acquired the property.

Bob Williams, 711 N. James St., asked if Northrop Grumman is taking care of the property now and if the old plating company is capped off and safe, where is the rest of contamination coming from. If it belongs to Northrop Grumman then let them dig it up and clean it up. He asked where this is emanating from. Todd Schebor explained again that Northrop Grumman does not own the property and that there are three treatment wells in place that are not turned off and are operating. John McInnis then describe how the treatment system works. He explained that the contaminated soil source has been removed but the groundwater contamination is still at risk, it takes time to cure itself.

Kurt Chavalia, 505 N. Harrison, asked if all the money is going to be spent to tap into the City water wouldn't it be better to put this money into more wells to clean this contamination up. Vernon Campbell explained that the location of the wells you do not just go out and pick a spot to put them down. In order to locate the purged well for Straits Steel and Wire, they installed 62 monitoring wells in the ground to determine the exact flow of the plume. If you put a well in and you miss the nose of the plume than you will miss the extraction of the materials from that plume. The installation of the 62 monitoring wells gave them the data to locate the purge well where it will do the most good and be the most effective. There is a geological, scientific, and the physical process to locate the wells.

Steve Cunningham with MDEQ stated that the statutes that deal with these sites look at these sites in a holistic manner. All of the different pathways to exposure will be analyzed. The discussion tonight simply deals with one issue. MDEQ will look at the indoor air issue, the source area, and a number of other issues for these facilities

Joe Moloney, 1032 N. Ferry St., stated that this is a great ordinance and the City needs to be consistent. This is one issue that we can control and he supports this ordinance.

After no further public comment, the meeting was closed to public comment and the regular order of business was resumed. His Honor Mayor Henderson stated that as soon as the map is available, the City will make it available on the website in two weeks.

Councilor Scott then asked whether the center plume which is not being pumped, are all three plumes connected and is the center plume getting the advantage of the pumping. Vernon Campbell explained that the plumes are not physically connected and there areas non contamination between the plumes. There is not enough water being pumped to influence the center plume.

Steve Cunningham MDEQ explained that he disagreed with Vernon Campbell. At the toe of the plumes there is some separation. As you get back to the source of the plume there is some question as to whether there is some comingling of the plumes. Vernon then agreed with Steve with the comingling at the source and as they got away from the source they are being separated. Where they are being remediated is at its separation point. Back toward the source there is some cross lapping.

His Honor Mayor Henderson stated that at the next council meeting the City will take more public comment, the City will review what it has asked to be presented to us, and then the City will decide where to go after this. This is considered the first reading of Ordinance No. 202-09.

Ordinance No. 202-09 is available for public inspection in the City Clerk's Office during regular business hours.

Councilor Castonia stated United Airlines will be coming in to Muskegon Airport.

Moved by Councilor Engblade, seconded by Councilor Dykstra, that the meeting be adjourned. So carried at 8:25p.m.

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Deborah L. Luskin, CMC  
City Clerk