

October 12, 2009

Regular meeting of the Ludington City Council held in the Council Chambers of the Municipal Building on Monday, October 12, 2009, at 6:30 o'clock p.m.

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

Absent: None.

Also present were City Manager John Shay, City Attorney Roger Anderson, Police Chief Mark Barnett, City Treasurer Mary Reeds-Mortensen, and City Clerk Deborah Lusk.

Invocation was pronounced by Councilor Enghlade.

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. Moved by Councilor Castonia, seconded by Councilor Holman, 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 Holman, seconded by Councilor Dykstra, to approve the minutes of the regular meeting on 9/28/09. Motion Carried.

The meeting was opened for the scheduled public hearing to hear comments on the alley paving in Block 3 Resseguie's Addition. After no comments were received the regular order of business was resumed.

DETERMINATION OF NECESSITY AND
CONFIRMATION OF ASSESSMENT ROLL

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

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

WHEREAS, a combined hearing was held by the City Council to determine the necessity for the alley paving in THAT PORTION OF LOTS 1 THROUGH 10 INCLUSIVE OF BLOCK 3, RESSEGUIE'S ADDITION OF THE CITY OF LUDINGTON WHICH IS BOUNDED ON THE WEST BY LAVINIA ST., ON THE EAST BY EMILY ST., ON THE NORTH BY LUDINGTON AVE., AND ON THE SOUTH BY LOOMIS ST., and to consider the confirmation of the proposed assessment roll, and

WHEREAS, due notice was provided by the City Clerk to all property owners or parties in interest in the property to be specially assessed, and

WHEREAS, the City Council finds that the above project is necessary for the benefit of the property owners to be assessed, and

WHEREAS, the City Council finds that the cost of improvement has been fairly allocated and assessed against the properties benefited,

THEREFORE, BE IT RESOLVED:

1. That the City Council determines that the above improvement is necessary for the benefit of the properties to be benefited.
2. That the Special Assessment District is described as THAT PORTION OF LOTS 1 THROUGH 10 INCLUSIVE OF BLOCK 3, RESSEGUIE'S ADDITION OF THE CITY OF LUDINGTON WHICH IS BOUNDED ON THE WEST BY LAVINIA ST., ON THE EAST BY EMILY ST., ON THE NORTH BY LUDINGTON AVE., AND ON THE SOUTH BY LOOMIS ST. WHICH FRONT ON THE ALLEY OF SAID BLOCK.
3. That the above improvement will specially benefit the properties contained in the attached list.
4. That the estimated cost of the improvement is: FOUR THOUSAND SIX HUNDRED THIRTY EIGHT DOLLARS and 00/100 (\$4,638.00).
5. That the entire cost of such improvement shall be paid by special assessments.
6. That the assessments as contained in the attached assessment roll are hereby confirmed.

7. That the assessments may be paid in full or in five (5) equal annual installments, which installments shall be subject to the provisions of Chapter 42 of the Code of the City of Ludington.
8. That any portion of the unpaid assessment shall bear interest at the rate of six percent per annum.
9. That the assessments shall be a lien upon the property described in the attached assessment roll in accordance with the State Statute and Local Ordinances, including Chapter 42 of the Code of the City of Ludington.

Moved by Councilor Castonia, seconded by Councilor Scott, to adopt the Determination of Necessity and Confirmation of Assessment Roll for Alley Paving 2, Block 3 Resseguie's Addition. Councilor Dykstra questioned why there were a number of properties excluded from the special assessment as these properties did abut the alley to be paved and he explained that that is was not typical of what the Council has done in the past. Councilor Dykstra asked if maybe the Council were opening themselves up to difficulties in the future. He stated that in the past if a garage abutted the alley it was perceived that the property had an interest in the alley and to exclude them in this case leaves the burden and expense to the rest of the homeowners. He is wondering if the people who are having their alley paved who did not agree to this would they have recourse to come back to the City and state that they did not support this and will this change things in the future. Councilor Castonia explained that when this paving was first brought up it was determined that in the ordinance there was a provision that allowed those that did not have a direct benefit to be excluded, and it was never used by the City in the past. The people whose properties do not derive a benefit to the paving and the property owners who will derive a benefit are aware that they are paying for those owners who do not receive a direct benefit. Councilor Dykstra explained that the perceived benefit could be in dust or noise and there is benefit if the property abuts the alley. In the past the Council has always used the fact that if the property abuts the alley they are considered a perceived interest and are assessed for this special assessment. City Manager Shay explained that in the past if one has property that abutted the alley; every property owner was assessed for the cost of repaving the alley. When this petition was brought to the City the petitioner indicated that he was proposing to exclude three properties from the assessment because the houses immediately abut the alley, they never had vehicle access to the alley nor was it likely that they would have vehicle access in the future. This was then brought to the City Attorney and the question was posed as to whether these three property owners who do not have direct vehicle access to the alley do they really derive a benefit from the repaving of the alley, and the City Attorney indicated that this was the appropriate thing to do. The Committee then met and discussed the change and they determined that they were in favor of excluding these properties as they did not receive a direct benefit from the repaving of the alley. This is a different interpretation than what has been done in the past. Councilor Scott explained that any future alley paving would require the City Manager to help determine any properties to be assessed. His Honor Mayor Henderson also noted that there was a new letter sent to the property owners in this block noting the differential in cost that each would be responsible for paying to have this alley repaved and there was no public comment. Councilor Dykstra asked if everyone that had a perceived interest agreed to this alley paving assessment. City Manager Shay explained that of the 7 property owners who would receive a direct benefit from this repaving, 5 of these property owners signed the petition and 2 did not. The letters sent out explaining this were sent to all owners who would be specially assessed including those who did not sign the petition. It was explained that the letter sent out noted that these 7 owners would be paying for the share of those 3 property owners who did not receive a direct benefit to this repaving.

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

Nays: Councilors Dykstra and Holman. Motion Carried.

Moved by Councilor Scott, seconded by Councilor Castonia, to approve the Foster PTC request to place signs in the City to advertise the location of the 2009 Arts and Crafts Fair. Councilor Holman explained that this past weekend there was a crop walk. She explained that the parade application came in and signs were put up either on trees by shrink wrapping these signs to trees or nailing them to utility poles and the signs were not taken down appropriately. The City Clerk did call the gentleman involved and he was very apologetic and would pick up the signs that evening. She is asking that these sign requests go back to the committee for discussion. She would like to establish some defined guidelines to have a sign placement consistently applied in the City. His Honor Mayor Henderson moved this item to the Building and Licensing Committee for establishing these guidelines for nonprofit signage. City Manager Shay explained that the zoning ordinance currently states that any community or special event signs advertising a public event if approved by City Council as to size, location, content, duration are permitted. Motion Carried.

Moved by Councilor Engblade, seconded by Councilor Peterson, to approve the Ludington and Scottville Chamber of Commerce Holiday Parade scheduled for December 4, 2009 and are requesting some street closures. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Peterson, that the Finance Report with total expenditures in the amount of \$331,781.85 for this period be approved and orders drawn according to the City Charter. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Peterson, to adopt the Industrial Tax Abatement Policy Act 198 of 1974. City Manager Shay explained that at the request of the Finance Committee they asked for some

guidelines that the City could use when considering the approval of a tax abatement. This policy provides a 50% tax abatement on both real and personal property taxes. This has been the most common form of tax abatements that the City has granted to local manufacturers in the past. This policy will limit the tax abatements to 12 years on real property and 6 years on personal property. The policy does provide a point system which stipulates the more investment that the company puts in and the more jobs that are created or retained the more points a company would receive and would dictate the number of years the abatement would be. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Peterson, to adopt the Personal Property Tax Relief Policy P.A. 328 of 1998. City Manager Shay explained that this was 100% tax abatement on personal property taxes only not on real property. There is a local manufacturer that is looking to receive an abatement of taxes for machinery and equipment under this policy. The criteria would be similar to the Industrial Tax Abatement Policy, whereby the more a company invests in machinery and equipment and the more jobs created or retained the longer the abatement would be. It was noted that there is a minimum investment of \$250,000 in machinery and equipment in order to qualify. This abatement runs up to 12 years. His Honor Mayor Henderson thanked the Finance Committee for taking the time to look at these abatements. Motion Carried.

Moved by Councilor Holman, seconded by Councilor Peterson, to approve the proposed Contract for Services to Older Adults Under Title III of the Older Americans Act and/or the Michiganians Act. This agreement runs from October 1, 2009 to September 30, 2012, and provides that the Area Agency on Aging of West Michigan will grant \$12,062.00 to the City each year to pay for staffing and for the costs associated with operating the Matter of Balance class. The City is responsible for providing \$1,340.00 as local match. Motion Carried.

AGREEMENT FOR ACT 146 CERTIFICATE

THIS AGREEMENT is made this 12th day of October, 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 (\$150,000.00) (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 agrees 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. 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.

Moved by Councilor Holman, seconded by Councilor Peterson, to adopt the Agreement for the Act 146 Certificate for Westnd Development LLC. Councilor Holman explained that at a meeting on September 28, 2009, the City Council approved the Agreement for Act 146 Certificate with Westnd Development in which the City granted a 12-year tax abatement under the Obsolete Property Rehabilitation Act (OPRA) for the redevelopment of the bowling alley building. Mr. Bob Neal then contacted City Manager Shay and requested that paragraphs 3 and 4 of the proposed agreement be removed because he intends to sell the property to individual store owners after the renovations are complete. These paragraphs grant the City the option to terminate the tax abatement if Mr. Neal were to sell the property. Motion Carried.

RESOLUTION ESTABLISHING THE HISTORIC DISTRICT STUDY COMMITTEE

WHEREAS, the City of Ludington has expressed its interest in protecting and preserving historical properties in the City; and

WHEREAS, East Ludington Avenue has some of the oldest Victorian structures in the City of Ludington and includes a number of properties that may be eligible for designation as historic structures; and

WHEREAS, there is a renewed public interest in the future development of this area; and

WHEREAS, according to Michigan law, the City must receive a report from a historic district study committee before establishing a historic district,

THEREFORE, BE IT RESOLVED that the Ludington City Council hereby establishes the Historic District Study Committee (“Study Committee”); and

BE IT FURTHER RESOLVED that the area to be examined by the Study Committee (“Study Area”) be generally the area of East Ludington Avenue east of the downtown area and on portions of North and South Washington Avenue with the final area to be determined by the Study Committee; and

BE IT FURTHER RESOLVED that this Study Committee consist of seven members to be appointed by the City Council, including at least two members who reside in the Study Area; and

BE IT FURTHER RESOLVED that the City Council selects the following people to serve on the Historic District Study Committee:

William M. Anderson, 6348 Cambride Drive, Ludington
Ronald M. Wood, 1687 South Lakeshore Drive, Ludington
Heather Venzke, 400 South Harrison Street, Ludington
Kendra C. Thompson, 304 Oak Street, Manistee
Sharon Bluhm, 3600 West Deren Road, Ludington
David Germain, 808 East Ludington Avenue, Ludington
William R. Stumpf, 501 East Ludington Avenue, Ludington

BE IT FURTHER RESOLVED that the term of this Study Committee is one year and that it shall report its findings and recommendations to the City Council no later than October, 2010.

Moved by Councilor Engblade, seconded by Councilor Holman, to adopt the foregoing Resolution Establishing the Historic District Study Committee. Councilor Castonia asked what the eastern boundary would be to this district. City Manager Shay explained that the final boundary would be determined by the study committee as part of its research into that area and the Committee will bring their recommendations as to what the boundaries should be to the Building and Licensing Committee and ultimately to the City Council for approval. Councilor Peterson asked if this Committee differs from the one that was appointed 10 years ago. His Honor Mayor Henderson explained that the scope of this committee is much different. The committee will look at the east Ludington Avenue corridor. The mission is to try to define the district, educate those that may be in the district so they understand what a historic district brings to them, and explain the requirements of a historic district. Councilor Peterson said that this is necessary and hopes that it has more clout than it had in the past. Motion Carried.

Moved by Councilor Dykstra, seconded by Councilor Peterson, to approve the bids for Loomis Street Breakwater and Concrete Walkway Project. City Manager Shay explained that about a month ago the bids came back for the construction of the breakwater at the Loomis Street Boat Launch and the concrete walkway on top. One of the main purposes of this construction was to get out of having to annually dredge the boat launch area. When the bids came in they were quite a bit over budget. Since that time, the engineers have been working with the contractor and by reducing the size of the core stone which is on the inside of the breakwater, this reduced the cost of the project by \$42,790. The City also received two grants, a grant to construct the breakwater and a grant to construct the walkway on top. Both of these grants would pay 75% of the cost. The City was able to convince the State to take the unused grant money on the walkway and transfer this to the breakwater project. The City is now able to do both projects for \$15,500 over what was budgeted. City Manager Shay explained that over the last six years, the City has averaged over \$24,000 a year in dredging costs. The additional cost of \$15,500 would be recouped in one year if we no longer had to dredge. This would be contingent on receiving the signed revised grant agreements from the State transferring the unused grant money from the walkway to the breakwater and to approve the low bid for both projects, \$237,973.26 for the breakwater and \$89,488.70 for the walkway. Councilor Engblade asked when this was originally bid out, why did we not take the alternative to start with and how can we use smaller stone than what was in the bid. City Manager Shay explained that the original estimates varied widely due to the cost of the stone. The engineer thought that there would be more cost to get 8 inch stone down to 1 inch stone. Councilor Engblade stated that we would have to take \$15,000 out of our fund balance, what if the project exceeds this price. City Manager Shay explained that any excess would have to come out of the General Fund fund balance. If the City did not have to dredge any more, the savings would be in not having to pay for the dredging. Councilor Engblade explained that he is worried about the budget issues. The City Manager explained that if there was no long term savings by not having to dredge anymore he would not pursue this. He believes that in the long run this will save the dredging money. Councilor Engblade opposed this 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. City Manager Shay presented an overview of this ordinance. He stated that if the City were to adopt Ordinance No. 202-09 any properties located within a restricted area using a well to access the groundwater would be required to have that well permanently capped and would have to connect to the City’s water system if they chose to continue to use water. Straits Steel and Wire and Northrop Grumman would be responsible for paying the owner’s cost to plug the well and to connect the homeowner to the City’s water system. The ordinance does contain some exceptions which include a homeowner provides documentation to the MDEQ showing that their well is safe to use and the MDEQ agrees with this information.

Those representing Straits Steel and Wire included Duane Tyndall, General Manager, and Mike Varenhorst, Human Resource Manager. Representing Northrop Grumman as outside counsel was Todd Schebor and representing Arcadis was John McInnis. Representing MDEQ were Steve Cunningham and John Vanderhoof.

Todd Schebor, 24270 Rockford, Dearborn, outside council for Northrop Grumman, who has taken on the responsibility for the former Handy Things liability, clarified that it appeared that there may have been some confusion as to what properties were in the restricted area at the last council meeting. He wanted to make sure those property owners outside the restricted area understand that they are not affected by this ordinance. Todd identified the properties in the restricted area on the most current map which was presented to the public on the overhead. These properties were identified in the blue shaded area. Mr. Schebor also clarified that an article in the newspaper had indicated that hexavalentchromium had been found in the Handy Things plume and this is not correct. The current constituents found in the area are depicted in the handouts along with the most recent data sampled, the depth of the sample as well as the depth of the groundwater in that sample. The monitoring wells within the fingers on the map have detected a contaminant above what is the criteria for residential drinking water criteria. The wells outside the area have not shown the contaminant above the criteria.

City Manager Shay used an example to understand the presentation, the trichloroethylene level of .0011 found in monitoring well 13, and asked what this means. John McInnis, 21129 West Farm Court, Northville representing Arcadis, explained that for that contaminant, trichloroethylene, the drinking level standard for the State is .005 and the level detected is below this amount and does not contain a hazard. Other contaminants were identified and discussed. Anything within the blue shaded dashed lines is above the .005 criteria. He stated that well MW33 the contaminant is above the .005 drinking water level. Councilor Holman asked about MW65 and it was confirmed that this well is above the drinking water criteria. These samples were taken deep at depths of between 79 and 84 feet below ground level and so these are not near the surface of groundwater. These contaminants are not found in the shallow groundwater. There are 11 wells over the thresholds. The PW 1, 2, and 3 wells are the purged wells which should show some contaminants in them as it shows these wells are extracting the groundwater and treating the water. These purge wells are running 24/7. City Manager Shay asked if it was fair to say that any of the readings above drinking water criteria are within the actual plumes themselves, but those outside the plumes MDEQ has not discovered any contamination above drinking water criteria. It was agreed that this was true. His Honor Mayor Henderson asked if it the plumes were moving, staying the same, or decreasing. It was verified that some of the higher concentrations have moved and they are not near the plant location. There is some movement of the higher concentrations toward the purge wells. It was noted that the size of the plumes is primarily staying the same.

Steve Cunningham, 1211 South 15 Road, Harrietta, representing MDEQ clarified that John McInnis represents the southern plume. He stated that the middle finger is stable and has shrunk in size. It does not have any active pumping going on. The proposal from both companies is not to stop the pumping. The plan is to continue with the treatment. Restriction of the groundwater is necessary as it takes a long time for the groundwater to get to the pumping wells. Steve explained that MDEQ is the oversight state agency to make sure that what is being proposed with the ordinance complies with state law.

John Vanderhoof, 20394 Crestview Dr, representing MDEQ presented a written report of the acceptable drinking level criteria on the overhead and it compared with the testing numbers which were given in an earlier report.

At the last meeting there was a question on whether the wells are protected by clay. John McInnis state that for all of the data presented for these wells, there is no clay. In general there is some silty sand, but no clay barrier until you get down to 130 feet or lower. The water above 130 feet can move up and down within the sandy area, there is nothing to stop it with clay.

Bob Lanterman, 708 N. Harrison, resides just south of the shaded area, and commented that with his well he tasted it once and has never tasted it again. He asked if there is any provision for testing wells outside of this shaded area. Steve Cunningham with MDEQ explained that they can talk after the meeting. There has been a lot of testing outside the fingers. There were a line of monitoring wells called a fence and there is a party investigating this fence and the wells, and there is a good feel for where the contamination is located. Steve Cunningham asked that Bob Lanterman meet with him after the meeting to discuss this.

Kurt Chavalia, 505 William St., and also owns a house at 816 N. Harrison Street in front of Handy Things commented that his concern is if this ordinance goes through, and if someone's garden or lawn that does not handle the same service as they were accustomed to, will there be something in writing for the homeowners that have wells that they would be upgraded from the center of the street where the City takes care of the water to the house. City Manager Shay explained that the ordinance states that Straits Steel and Northrop Grumman will pay for the cost of connecting the homeowner to the City's water system. The City's current water requirement for a residential water service line is a 1 inch water line and Straits Steel and Northrop Grumman would have to comply with this requirement. If they have to hook up to the City's water system then they would have to pay for this and to plug the well. His Honor Mayor

Henderson asked what the process is. Todd Schebor, outside counsel for Northrop Grumman will hire the contractor and connect the properties and they would work with the homeowner to arrange a time to do the upgrades. A survey was completed and follow up visits were done and Northrop Grumman identified 12 wells which are affected and they now have contact information to work with once this ordinance is passed.

Marla Zatarga, 814 N. James, commented that if nobody is using the well water for drinking but only for the irrigation of lawns did not the MDEQ person say this is safe to do. If the water has been contaminated for all these years why all of a sudden is it a big deal to have these wells capped? If the ordinance does go through and they label this area a contaminated area, will the City lower taxes because she will not be able to sell her house as the property values will go down. Is the City prepared to lower taxes in this area if this ordinance goes through? Steve Cunningham, MDEQ, explained that it has been their experience that even though people use groundwater to water the lawn, fill up swimming pools, and wash cars that over time especially as ownership changes, exposures occur that are unintended. He used an example of Cadillac where a major contamination took place. MDEQ brought in municipal water to everyone who had well water and it was a quarter of a million dollar project and they replaced water to fifty homes. Ten years later, they happened to be working in that area and one of the neighbors came out to ask what they were doing. MDEQ explained that they were tracking the groundwater. One of the people asked at that point, if they should not be drinking their ground water and they explained that that was all right because they were on municipal water. The individual stated that no they were using the well water. Steve explained that in just ten years, because MDEQ did not require these wells to be capped, individuals are back to using these wells for drinking. If you are going to have a long term solution to a problem the most prudent thing to do is to abandon the wells. MDEQ does not use this approach if there is no municipal water. The question on timing, MDEQ has worked with these two companies for over twenty years and now they are at a point to make sure all the bells and whistles are in place and sources are taken care of and all the pathways are remedied. The companies have decided that the drinking water route has been permanently taken care of. This ordinance is not declaring a contamination area; this area has been a contamination area for over twenty years. City Attorney Roger Anderson explained that whether the ordinance is passed or not, this area has been contaminated. The passage of this ordinance does not change anything that is out there at the present time. If you have contamination on your property and you go to sell this property, there is a seller disclosure statement that is required to be filed. Whether the City passes the ordinance or not, this does not change any of the requirements for notifying a party of contamination when they sell their property. MDEQ is concerned about a matter of safety they do not want the people to be unwittingly drinking this water and not knowing that they are exposing themselves to contamination.

Bob Williams, 711 N. James Street, asked the following questions.

1. What was the reason that these companies came to the City to create an ordinance to abandon these wells in the first place? City Manager Shay explained that about two years ago, the companies approached the City of Ludington about implementing this ordinance to minimize or eliminate people's exposure to contaminated ground water. As MDEQ explained, even if the City were to adopt this ordinance, the companies and MDEQ are not going away. They still have other tools that MDEQ is going to require the companies do to continue cleaning up this ground water.
2. Why did the companies wait so long, are they being pressured by the MDEQ? This was answered in the previous questions which were asked.
3. The property owners have rights and what happens if the homeowner says no to capping their well? City Attorney Roger Anderson explained that there would then be a municipal civil infraction which includes a ticket and a fine.
4. Wells that are already in place should be grandfathered in. Steve Cunningham from MDEQ provided a reason as to why these wells should not be grandfathered in. It is not possible to grandfather the wells in and get these wells sampled. MDEQ explained that when a company approaches MDEQ to use this tool to abandon wells, they make them have an area that is bigger than the area where the drinking water level is exceeded (the blue shaded area on the map which was presented is bigger than the finger plumes that are showing the contamination). This is called the buffer zone. With pumping going on, the plume can move a little bit. The intention of both companies is to continue pumping even after these wells are abandoned. Even with pumping, that water will remain above drinking water level criteria for years. Even with active treatment, it will stay contaminated for some time. This buffer zone is necessary as MDEQ wants a safety zone.
5. What will be the value for property owners in this area? City Attorney Roger Anderson explained that the ordinance does not change the values of the property. He explained that the City is not dealing with any rights that the property owner has and with the companies, the City is only dealing with the ground water well ordinance. To protect the health of the people in the restricted area, the City is recommending the passage of the ordinance.
6. Why are the 12 wells not being tested? Steve Cunningham explained that generally speaking, residential drinking wells are not used to monitor plumes because they do not know where the well screen is and the construction of the wells is not done for monitoring purposes. If there were wells used for drinking water, these people were advised in the past not to use the water for drinking.

MDEQ requires the three dimensional maps from the companies to know where these wells are and how severe the problem is. Testing wells for any other reason is not required by the MDEQ as they know what the numbers are. There is a network of monitoring wells out there already that the companies are testing at the present time. Even if the wells were tested today, and one of the wells was not terribly contaminated, could the well be used in the future? Steve explained that real time sampling is very expensive. None of the numbers within the plume are above the numbers that should be avoided by direct dermal contact with the skin.

7. Is this an easy way out for the company or is there a value to pumping more water, is this the best reasonable process that is being used? Steve Cunningham stated that the law requires that the companies actively treat and control these wells and the law does not specify the intensity which this needs to happen. Even with the economy as bad as it is, this does not relieve these companies from their responsibility. Part of why this is happening is because the MDEQ is after these companies to finish these things up and finish the job. Another way to handle this is to keep active and make sure no one is exposed, which is why this ordinance is being suggested. This is the most reasonable, prudent, safe method for public health purposes.

Shirley Laude, 2952 North George Lane, explained that she owns a house with her daughter and her son owns a house, both in the 600 block of North Lakeshore Drive (618 and 624 North Lakeshore Drive). According to this ordinance, she is asking if they would not be able to have a well in their yard to water their lawn. His Honor Mayor Henderson stated that North Lakeshore Drive is not part of this ordinance. She is asking what boundaries are covered by this ordinance. City Attorney Roger Anderson stated that there will be legal descriptions attached to the ordinance. Shirley Laude stated that she is asking for the legal descriptions right now. It will be the blue shaded area that is on the map. The Mayor explained to her that the addresses that were given will not be affected by this ordinance.

Thomas Murphy, 6035 Rasmussen Road, commented that he is a water well driller and said that some of the emphasis of on the contamination should be in cleaning it up at a quicker rate. He stated that he does not think this information should be getting out or the City will have a "Love Canal" in Ludington which could hurt the whole town. The problem has to go away and the issue of addressing the clean up should be done.

Bob Williams questioned the Mayor and City Manager. Straits Steel and Wire is now treating ground water waste in the pump house off Bryant Road and this goes to the wastewater treatment plant. He is asking how many gallons a day are they sending out there. Duane Tyndall, General Manager of Straits Steel and Wire, 6940 West Jackson Road, explained that they are pumping 40 gallons per minute, the well was down to 19 gallons per minute, but they expensed \$6,000 into this well to have it acidized and cleaned and the pumping increased to 40 gallons per minute. This is being pumped through filters. Bob Williams suggested that each homeowner should have a filter on their own wells.

His Honor Mayor Henderson also noted that the state governs the speed and method at which the wells are cleaned up. The residents can express their questions but it is ultimately up to the state to control this. Steve Cunningham explained that the size of the wells and the pumping rates is what was determined through engineering to make sure that the plume does not grow in size which is required by the state.

His Honor Mayor Henderson closed the meeting to public comment and explained that this was the first presentation of Ordinance No. 202-09, Water Well Restriction Ordinance. This ordinance will be brought up at the next city council meeting and also time for public comment.

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

Moved by Councilor Engblade, seconded by Councilor Dykstra, that the meeting be adjourned. So carried at 8:20 p.m.

Deborah L. Luskin, CMC
City Clerk