



AGENDA
Committee of the Whole
Monday, August 22, 2016 – 5:30 p.m.
City Council Chambers, City Hall 10th Floor

Councilmember Judi Brown Clarke, Chair
Councilmember Jessica Yorko, Vice Chair

1. **Call to Order**
2. **Roll Call**
3. **Approval of Minutes:**
 - August 8, 2016
4. **Public Comment on Agenda Items**
5. **Presentation:**
 - ENBRIDGE (Jason Manshum-Mgr. Community Relations US Public Affairs)
6. **Discussion/Action:**
 - A.) RESOLUTION – Support of HR 182 and CR15 to Shut Down Line 5
 - B.) RESOLUTION – LBWL Capital Improvements Plan for FY 2017-2022
 - C.) DISCUSSION – Scott House Sunken Garden
7. **Other**

{CLOSED SESSION} Active Litigation Update
8. **Adjourn**

The City of Lansing's Mission is to ensure quality of life by:

- I. Promoting a vibrant, safe, healthy and inclusive community that provides opportunity for personal and economic growth for residents, businesses and visitors
- II. Securing short and long term financial stability through prudent management of city resources.
- III. Providing reliable, efficient and quality services that are responsive to the needs of residents and businesses.
- IV. Adopting sustainable practices that protect and enhance our cultural, natural and historical resources.
- V. Facilitating regional collaboration and connecting communities

Please print

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MINUTES
Committee of the Whole
Monday, August 8, 2016 @ 5:30 p.m.
City Council Chambers

CALL TO ORDER

The meeting was called to order at 5:33 p.m.

PRESENT

Councilmember Brown Clarke
Councilmember Jessica Yorko- excused
Councilmember Patricia Spitzley
Councilmember Adam Hussain
Councilmember Kathie Dunbar.
Councilmember Carol Wood
Councilmember Jody Washington
Councilmember Tina Houghton

OTHERS PRESENT

Brian Jackson, Deputy City Clerk
Jim Smiertka, City Attorney
Sean McBrearty, Clean Water Action
Family of James Tate

Minutes

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM JUNE 27, 2016 AS PRESENTED. MOTION CARRIED 8-0.

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE MINUTES FROM JULY 11, 2016 AS PRESENTED. MOTION CARRIED 8-0.

Public Comment

No public comment.

Presentations

Clean Water Action

Mr. McBrearty provided a map of Line 5 and other main oil pipeline in the Midwest of the United States and Canada. He then proceeded to discussed Clear Water Action's concerns about the Line 5 oil pipeline. At this time, Mr. McBrearty was requesting the Lansing City Council to approve a resolution proposal that would call for swift action to shut down Line 5.

Council Member Houghton asked Mr. McBrearty what the source of information was regarding the number of spills. Mr. McBrearty responded that spills are required to be reported and information can be found on www.oilandwaterdontmix.org. There could be 1.5 gallons of oil lost at the Straits of Mackinaw according to a U of M university study that was signed off by Enbridge. He shared that his group believes that it would be a devastating impact if there was an oil spill or leak of Line 5. He continued by stating that it would take over seventy hours to provide clean up equipment to the site, and that the Coast Guard would not come out to break the ice unless there is human harm. The Kalamazoo spill was underestimated and his group questioned the validity of the facts that Enbridge provided about the Kalamazoo River Spill.

Council Members asked a question how does Enbridge repair or replace the line. CWA believes that an Enbridge line could be taken out of use and use the “Alberta Clipper” line and Line 6B instead of using the Line 5.

Council Member Wood wanted to clarify the number of municipalities that have passed the resolution. Mr. McBrearty believed it was over 50 municipalities including counties, and cities. Council Member Wood then asked how it impacts the past history of opposition of the proposed Wolverine pipeline. They believe 6B has additional capacities since the spill to handle the load. Lastly, Mr. MCBrearty was asked if there was support from labor, but he could not directly speak to that.

Council Member Houghton asked if Alberta Clipper pipeline goes over or under the Great Lakes. The Alberta Clipper does go along the shoreline at Chicago and at Lake Superior.

Council Member Dunbar asked about the Alberta Clipper capacity and purpose of the design of going through Chicago. Mr. McBrearty stated that the Alberta Clipper carries different types of fuel unlike Line 5. He could not speak to the complete impact of the additional capacity of the Alberta Clipper, but he stressed again the urgency to close Line 5. Council Member Dunbar then asked Mr. McBrearty about the impact to Michigan families who are impacted home heating fuel. It was clarified that residents in the Lower Peninsula do not receive that home heating fuel because it only goes to Sarnia.

Council Member Dunbar asked about safety issues of other gas lines, and Mr. McBrearty confirmed there had been an oil spill at every line in the last 20 years, however, the biggest concern is with Line 5 given the volume and risky location.

Council Member Spitzley asked if a federal or state permit is required to approve the shutdown of Line 5. Mr. McBrearty stated that the easement allows them to do it. The question was then asked on clarification that Line 6b was the one that caused the spill of the Kalamazoo River. Council Member Spitzley stated her concerns that Enbridge is not here to speak, and her concern is that there is speculation and someone is speaking on behalf of the company (Enbridge) that is not here to represent themselves. It was noted though that she also understand the importance of the issue and impact of environment. Lastly, Council Member Spitzley acknowledged experience working with the DEQ and EPA, and their diligent work to clean up after the Kalamazoo Spill. Council Member Dunbar shared the concerns, and the missing fact that Enbridge would have to support their plans.

The consensus of the rest of the Committee shared in the concerns without all the information from both sides. Council President Brown Clarke stated she would be making communications with Enbridge to have them present at a future meeting. Council Member Washington shared with Mr. McBrearty that as a private citizen she would notify the Governor and Attorney General.

DRAFT

Mr. McBrearty stated he would provide the packet of information he presented to Council via email.

Discussion/Action

Clean Water Action – Resolution

No action taken on the resolution.

RESOLUTION- Reappointments of Five (5) Individuals to Various Boards and Commissions

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE RESOLUTION FOR THE FIVE (5) INDIVIDUAL REAPPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS.

Council Member Dunbar asked why multiple boards are incorporated into one resolution.

Council Member Wood asked for clarification on the number of years for the EDC Board. Deputy Clerk Jackson confirmed the dates were correct.

ADJOURN

The meeting was adjourned at 6:13 p.m.

Respectfully Submitted by,

Brian Jackson

Deputy City Clerk, Lansing City Council

Approved by the Committee on

AGENDA ITEM

INFORMATION
NOT AVAILABLE
AT THE TIME
PACKET WAS
DISTRIBUTED



CLEAN WATER ACTION

MICHIGAN

To: Governor Rick Snyder, Attorney General Bill Schuette, MDEQ Director Dan Wyant and Members of the Michigan Petroleum Pipeline Task Force

From: Clean Water Action

Subject: Request that the Pipeline Task Force recommend that Enbridge's Line 5 be permanently decommissioned for its threat to the economy and environment

Cause for Concern

Line 5, which carries nearly 23 million gallons of light crude oil and natural gas liquids through the Straits of Mackinac every day¹ has not been replaced since it was constructed over 6 decades ago. The location of the pipeline along the 10km Straits of Mackinac connects Lakes Michigan and Huron into a single hydraulic system where an oil spill would severely impact both lakes. According to Enbridge Energy's emergency response plans, it would take the company a minimum of 8 minutes to shut down the ruptured pipeline and isolate the flow of oil.² They estimate that given this "worst case" scenario, **1.5 million gallons of oil and gas would be released into the Great Lakes.** However, while it may take Enbridge 8 minutes to shut the pipeline down, it could take considerably longer for them to identify that a rupture occurred. During the 2010 Kalamazoo River spill which released over 1 million gallons of oil along 40 miles of the river watershed, **operators did not shut Line 6B down for 17 hours** and in fact increased the pressure in the pipeline resulting in more discharged oil as they mistakenly interpreted a warning signal.

Given this recent track record and that the U.S Pipeline and Hazardous Materials Safety Administration (PHMSA) has initiated **28 enforcement actions against Enbridge** over the past decade alone resulting in millions of dollars in fines, the chances of an oil spill greater than 1.5 million gallons is highly probable and would have significant economic, social and environmental impacts for the Great Lakes.³ Additional information obtained from PHMSA and a 2013 National Wildlife Federation dive along Line 5 highlighted some of the structural defects that had previously gone unnoticed:⁴

- Line 5 had at least 2,400 known defects as of 2011
- Less than 12 percent of the known defects have been inspected
- A "pinhole" leak was detected in the Upper Peninsula which released an undetermined amount of natural gas liquid that was vaporized into the atmosphere⁵

Unfortunately, PHMSA has been unwilling to provide details of where these defects are, claiming that transparency poses a threat to national security. This lack of transparency increases the economic and environmental harm as it is nearly impossible to predict where an oil spill will occur along Line 5.

The Importance of the Lakes

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- 1) Ellison, G. Michigan officials seek assurances from Enbridge on safety of Straits oil pipeline. Mlive.com. 2014. Available at http://www.mlive.com/news/index.ssf/2014/04/michigan_officials_seek_assura.html Accessed on May 12, 2015.
 - 2) Alexander, Jess, and Beth Wallace. "Sunken Hazard: Aging Oil Pipelines Beneath The Straits of Mackinac An Ever-Present Threat To The Great Lakes." *National Wildlife Federation* (2012): 2-5.
 - 3) Congressional Hearing on "Enbridge Pipeline Oil Spill in Marshall, Michigan". Committee on Transportation and Infrastructure, One Hundred Eleventh Congress, September 15, 2010 available at <http://www.gpo.gov/fdsys/pkg/CHRG-111hhrg58236/pdf/CHRG-111hhrg58236.pdf>
 - 4) Great Lakes Commission. [Issue Brief 3]. "Crude Oil Transport: Risks and Impacts." September 2014
 - 5) Office of Attorney General Bill Schuette. [Press Release]. "Wyant, Schuette issue statement on Enbridge U.P. pipeline incident following Pipeline Task Force Meeting." December 2014.

The lakes and their connecting channels contain 20 percent of the world's supply of freshwater and 90 percent of the freshwater of the U.S. serving as a drinking water source for over 35 million people.⁶ The high quantity and quality of freshwater is responsible for:

- One out of every five jobs in Michigan
- \$1.2 billion in visitor spending in 2013⁷
- A total of \$18 billion in economic benefits
- 50 billion gallons of water delivered daily for industrial, agricultural and municipal use
- 525,000 jobs including agriculture, fisheries and shipping/transportation delivering⁸

According to the Michigan State University Extension, **“Tourism is one of Michigan's largest income industries based on the millions of travelers' dollars spent, generation of state and local taxes, and nearly 150,000 jobs it creates.”**⁹ If the 6 decade old Line 5 pipeline were to rupture, the time it would take for environmental and economic recovery would place many people's' livelihoods at risk. Furthermore, the true time to complete social recovery is highly unknown due to the hydrological uncertainties of the Straits of Mackinac as described by research scientist David Schwab in a 2014 University of Michigan study; **“if you were to pick the worst possible place for an oil spill in the Great Lakes, [the Straits of Mackinac] would be it.”**¹⁰

Unique Attributes of the Straits of Mackinac Add Substantial Risk

The flow of water through the Straits play an important role in water quality, contaminant transport, navigation, and ecological process which are imperative in maintaining the biodiversity and ecosystem functionality of the Lakes. **The oscillating currents in the Straits will have a strong influence on the transport of oil released in the event of a spill**, moving eastward into Lake Huron or westward into Lake Michigan depending the vertically bi-directional flow in the Straits during summer and fall.¹¹ Special characteristics of the Straits which would make containing an oil spill highly problematic include:

- Currents in the Straits can be as strong as currents in the Detroit river (1 m/sec)
- Currents tend to reverse direction between eastward and westward every few days
- At its peak, the rate of water which flows through the Straits (80,000 m³/sec) is 10 times greater than the flow of the Niagara River.¹²
- The Straits freeze during winter which would trap the oil below the ice

Twenty days after an initial rupture from Line 5, oil could spread as far southeast as Roger's City in Lake Huron and as far west as Beaver Island in Lake Michigan.¹³ “An oil spill in the Straits of Mackinac would have devastating consequences for people, fish and wildlife, and the economy.

Public Trust Issue:

Line 5 was built in 1953, **prior to the adoption of the Great Lakes Submerged Lands Act**. Subsequently, the pipelines' owner, Enbridge, has never had to go through the Great Lakes Bottomlands Permitting process, required by the Act, to determine the risks of Line 5 to the public trust. If Enbridge sought to construct Line 5 today it would have to go through the permitting process to ensure that the pipeline would

6) University of Wisconsin, Sea Grant Institute. “Great Lakes and Wisconsin Water Facts

7) Pure Michigan. “Great Lakes.” Available at <http://www.michigan.org/news/great-lakes> Accessed May 12, 2015.

8) NOAA. “About Our Great Lakes: Great Lakes Basin Facts.”

9) Michigan State University, Extension. “Tourism.” Available at <http://bookstore.msue.msu.edu/topic/info/tourism> Accessed May 12, 2015.

10) Anderson, Eric J., and David J. Schwab. “Predicting the oscillating bi-directional exchange flow in the Straits of Mackinac.” *Journal of Great Lakes Research* 39.4 (2013): 663-671.

11) Anderson, Eric J., and David J. Schwab. “Predicting the oscillating bi-directional exchange flow in the Straits of Mackinac.” *Journal of Great Lakes Research* 39.4 (2013): 663-671.

12) Schwab, David. “Research report for the National Wildlife federation great lakes regional center”. University of Michigan Water Center. 2014.

13) Schwab, David. “Research report for the National Wildlife federation great lakes regional center”. University of Michigan Water Center. 2014.

not pose a threat to the surrounding water bodies or to the public's use of the water such as fishing and other recreational activities. To date, **Enbridge has not been required to ensure that Line 5 would not pose a threat for its occupation** along the Great Lakes bottomlands.

Enbridge is putting the integrity of the Great Lakes in danger for its own benefit. Any sort of leakage from Line 5 could spew toxins into the Great Lakes, the largest cluster of freshwater lakes in the world. The Great Lakes region is

- Home to 10 percent of the U.S. population and 30 percent of Canada's population
- Provides habitat for various species of flora and fauna, several of which are endangered or threatened.

When Line 5 was constructed, the state retained the right to terminate the easement and order the pipeline removed if Enbridge failed to meet all stated conditions. In 2014, Enbridge admitted to violating the easement by not installing the required anchoring structures every 75 feet. These structures are very necessary in the event of a strong storm which have been occurring with increased frequency over the last several years and due to the turbulent hydrological conditions in the Straits of Mackinac. **Line 5 poses a significant threat to the continued survival of the Great Lakes and must be met with an appropriate response, which warrants decommission.**

WHEREAS, Line 5 is a set of twin, 62-year-old pipelines owned by Enbridge that carry light crude oil and natural gas under the Straits of Mackinac; and

WHEREAS, the currents in the Straits of Mackinac at peak volumetric transport can be more than 10 times greater than the flow of Niagara Falls and switch bi-directionally from east to west every few days, and according to a 2014 University of Michigan study are the “worst possible place” for an oil spill in the Great Lakes; and

WHEREAS, the Great Lakes contain 20 percent of the world’s fresh, available, surface water and are a drinking water source for over 35 million people; and

WHEREAS, one out of every five jobs in Michigan is linked to the high quality and quantity of fresh water in the Great Lakes; and

WHEREAS, tourism is one of Michigan’s largest income industries bringing in billions of travelers dollars spent each year; and

WHEREAS, agriculture, fisheries, shipping and industry depend on the health of the Great Lakes; and

WHEREAS, in 2009 the Great Lakes were linked to over 1.5 million jobs, with Michigan accounting for 35 percent of those jobs; and

WHEREAS, Enbridge has a shaky track record that includes 1,244 reportable spills, leaks and releases from 1996 to 2013; and

WHEREAS, Enbridge was in violation for their spacing requirements of its 1953 easement for Line 5 in 2014 and were responsible for a pinhole leak in a section of the pipeline north of the Straits in December 2014; and

WHEREAS, Enbridge was responsible for one of the worst and most expensive oils spills in U.S. history when Line 6b ruptured near Kalamazoo in 2010 allowing almost 1 million gallons of tar sands oil to leak for 17 hours before shutting down the line; and

WHEREAS, corrosion is the number one reason that pipelines fail; and

WHEREAS, Line 5 was built before the Great Lakes Submerged Lands Act was adopted so it didn’t have to obtain a permit and ensure that the pipeline wouldn’t pose a threat to the waters or the public’s use of the waters; and

WHEREAS, Michigan’s Attorney General Bill Schuette has stated (in regards to Line 5) that the “pipeline wouldn’t be built today” and that “the pipeline’s days are numbered”; and

WHEREAS, the Coast Guard Commandant testified before congress in 2015 that the Coast Guard would be unable to respond effectively to an open water oil spill in the heart of the Great Lakes; and

WHEREAS, there is no plan for how to recover oil if there was a leak during the winter when the lakes are covered with ice; and

WHEREAS, as Michiganders we have a responsibility to be wise stewards of the waters of our state for generations to come; and

WHEREAS, protection of Michigan's water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to clean up contamination and restore degraded environments after the fact;

NOW, THEREFORE, BE IT RESOLVED, that on the 8th day of August, 2016, the City of Lansing supports stopping the transportation of oil under the Great Lakes; and

BE IT FURTHER RESOLVED, that the City of Lansing supports shutting down Line 5 and the flow of oil under the Great Lakes, and

BE IT FURTHER RESOLVED, that the City of Lansing supports H.R. 182 and C.R. 15 introduced by State Representatives Sarah Roberts and Jeff Irwin calling on Governor Rick Snyder and Attorney General Bill Schuette to shut down Line 5, and

AND BE IT FURTHER RESOLVED that the City of Lansing will send a letter to Governor Rick Snyder, Attorney General Bill Schuette, our State Representatives, State Senators and U.S. Senators calling on them to take swift action to shut down Line 5.

PASSED, APPROVED, AND EFFECTIVE on this ____ day of ____, 2016.

ATTEST:

Mayor

Council President

PLEASE SEND A COPY OF THIS SIGNED RESOLUTION TO:

1. [Governor Rick Snyder]
2. [Attorney General Bill Schuette]
3. [town's state representatives]
4. [town's state senators]
5. [US Senators]
6. [Clean Water Action]

Municipalities that have passed resolutions to shut down Line 5

Cities & Villages

Alpena (City of), MI
Ann Arbor (City of), MI
Boyer City (City of), MI
Charlevoix (City of), MI
Cheboygan (City of), MI
Detroit (City of), MI
East Jordan (City of), MI
Empire (Village of), MI
Frankfort (City of), MI
Mackinaw City (Village of), MI
Mackinac Island (City of), MI
Northport (Village of), MI
Petoskey (City of), MI
Rogers City (City of), MI
Sault Ste. Marie (City of), MI
Tawas City (City of), MI
Traverse City (City of), MI
Warren (City of), MI

Counties

Alcona County, MI
Alger County, MI
Alpena County, MI
Antrim County, MI
Cheboygan County, MI
Chippewa County, MI
Emmet County, MI
Genesee County, MI
Grand Traverse County, MI
Ingham County, MI
Iosco County, MI
Macomb County, MI
Presque Isle County, MI
Wayne County, MI

Townships

Alpena Township, MI
Beaugrand Township, MI
Benton Township, MI
Blaine Township, MI
Bois Blanc Island Township, MI
Burt Township, MI
Centerville Township, MI
Charlevoix Township, MI
Clark Township, MI
Empire Township, MI
Grant Township, MI
Hayes Township, MI
Inverness Township, MI
Krakow Township, MI
Leelanau Township, MI
Mentor Township, MI
Moran Township, MI
Munising Township, MI
Presque Isle Township, MI
Suttons Bay Township, MI
Tuscarora Township, MI
Waterford Township, MI
West Bloomfield Township, MI



Chris Swope
Lansing City Clerk

August 5, 2016

City Council President and Lansing City Councilmembers
10th Floor City Hall
Lansing, MI 48933

Dear Council President and Councilmembers:

Pursuant to Article 5, Chapter 2, Section 5-203.5 of the Lansing City Charter, on September 30, 2014 my office received and placed on file:

Lansing Board of Water and Light's Capital Improvements Plan for Fiscal years 2017-2022

This document is available for review at the office of the City Clerk and on the City Clerk's website (www.lansingmi.gov/clerk).

Sincerely,

Chris Swope, CMC
Lansing City Clerk



Lansing Board of Water and Light
P.O. Box 13007
1201 S. Washington Ave.
Lansing, MI 48912

Electronic Delivery

August 4, 2016

Honorable Lansing City Clerk Chris Swope
City of Lansing
124 W. Michigan Avenue, 9th Floor
Lansing, MI 48933

Re: Capital Forecast for Fiscal Years 2017-2022

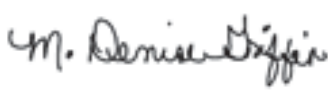
Dear City Clerk Swope:

In accordance with provisions of the Lansing City Charter, Article 5, Chapter 2, Section 5-203.6, a copy of Lansing Board of Water and Light's Capital Improvements Plan for Fiscal years 2017-2022 is attached for filing with your office.

The Board of Commissioners accepted the Capital Forecast for Fiscal Years 2017-2022 at a regular board meeting held July 26, 2016.

Respectfully submitted,

Aug 4 2016

X  



M. Denise Griffin
Corporate Secretary

Enclosure: pdf attachment

Electronic Copy:

Dick Peffley, BWL General Manager
Heather Shawa-DeCook, BWL Chief Financial Officer
Virgil Bernero, Mayor City of Lansing

CAPITAL PROJECTS SUMMARY
SIX YEAR FORECAST FY 2017 - FY 2022
BOARD OF WATER & LIGHT

Dollars in (000's)

UTILITY	2017	2018	2019	2020	2021	2022	Six-Year Total
ELECTRIC	36,807	69,869	49,103	37,353	29,042	41,283	263,457
WATER	9,843	11,139	11,040	7,824	5,739	5,922	51,506
STEAM	2,901	3,132	5,592	6,039	3,002	3,011	23,678
CHILLED WATER	180	494	158	162	166	166	1,324
COMMON	11,087	3,886	4,848	3,985	4,077	3,953	31,837
TOTAL BUDGET	60,818	88,521	70,741	55,363	42,025	54,335	371,802

LOCATION	2017	2018	2019	2020	2021	2022	Six-Year Total
ECKERT	3,280	187	208	110	113	113	4,011
ERICKSON	1,941	3,543	19,917	13,008	155	-	38,562
REO PLANT	144	35	2,500	3,025	-	-	5,704
T&D	41,643	75,762	40,102	33,857	36,985	49,854	278,202
DYE/CEDAR	3,039	4,805	2,917	1,128	445	165	12,499
CHILLER PLANT	42	340	-	-	-	-	382
OTHER	10,729	3,849	5,098	4,235	4,327	4,203	32,443
TOTAL BUDGET	60,818	88,521	70,741	55,363	42,025	54,335	371,802

AGENDA ITEM

INFORMATION
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AT THE TIME
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