

Ann Arbor City Council Regular Session: May 06, 2019
Email Redactions List Pursuant to Council Resolution R-09-386x

	A	B	C	D	E	F	G
1	<u>Sent Time</u>	<u>Received Time</u>	<u>TO</u>	<u>From</u>	<u>CC</u>	<u>Redactions</u>	<u>Reason for Redaction</u>
2	7:12 PM		City Council, Jacqueline Beaudry	Jeff Hayner			
3	7:50 PM		Brett Lenart	Julie Weatherbee	Jon Barrett, Christopher Taylor	Email address	Privacy
4	7:59 PM		Julie Weatherbee	Brett Lenart	Jon Barrett, Christopher Taylor	Email address	Privacy
5	9:15 PM		Jane Lumm	Emily Eisbruch	Avraham Eisbruch	Email address	Privacy
6	9:48 PM		City Council, Jacqueline Beaudry	Jeff Hayner	Matthew Rechten, Stephen Postema		
7	10:40 PM		Katie Jesaitis	Jeff Hayner			
8	10:40 PM		Jeff Hayner	Katie Jesaitis			
9	10:41 PM		Jeff Hayner	Katie Jesaitis			
10	10:42 PM		Katie Jesaitis	Jeff Hayner			
11	10:45 PM		Jacqueline Beaudry	Jeff Hayner			
12	10:45 PM		Jacqueline Beaudry	Jeff Hayner			
13	11:24 PM		Kathy Griswold, Jeff Hayner	Vince Caruso		Email address	Privacy
14	11:28 PM		Vince Caruso	Jeff Hayner			
15	11:35 PM		City Council	Kai Petainen		Email address	Privacy

Journal Archive

From: Hayner, Jeff
Sent: Monday, May 06, 2019 7:12 PM
To: *City Council Members (All); Beaudry, Jacqueline
Subject: DC-5 Revised

All,

This is the amended resolution I will bring forth to replace the current DC-5, thank you for your consideration of this important issue,

Jeff Hayner

..Title

Resolution Directing City Administrator to Prepare and Publish Joint Letter with Interveners Supporting the Environmental Protection Agency's Active Involvement with the Gelman Site and Encouraging its Listing of the same as a "Superfund" Site

..Memorandum

The City and its residents have worked for decades to require Gelman to delineate and clean up City ground water contaminated by 1,4-dioxane that originated at the Gelman Sciences Wagner Road facility, and to protect City ground water from further spreading of the Contamination. As part of that effort, the City sued Gelman in state and federal court more than 10 years ago, before agreeing to settle the lawsuit. Separately, the State has for decades litigated against, and otherwise regulated, Gelman to enforce State environmental laws that apply to the Contamination. Those parties have operated under various versions of a consent judgment over the years.

Following the State's recent tightening of its standards for dioxane groundwater pollution, the City, with others, intervened in the State's ongoing lawsuit against Gelman pending in Washtenaw County Trial Court. Since its intervention was allowed in 2017, the City has engaged in settlement negotiations over a potential new consent judgment. Those negotiations aside, however, the City is simply not satisfied with the progress of the delineation, containment and remediation of the contamination. The City believes that delineation, containment and remediation may be bolstered by EPA's active involvement and enforcement of the Superfund law at this site. At this time, the EPA has a single employee assigned to monitor this situation and work with the State. Unless the EPA's involvement moves beyond the preliminary assessment that it's completed, that employee may be reassigned.

..Staff

Prepared by: Kathy Griswold, Councilmember

Reviewed by: Matt Rechten, Senior Assistant City Attorney

..Body

Whereas, The City and its residents have worked for decades to require Gelman to delineate, and clean up City ground water contaminated by 1,4-dioxane ("Dioxane") that originated at the Gelman Sciences ("Gelman") Wagner Road facility (the "Contamination"), and to protect City ground water from further spreading of the Contamination;

Whereas, As part of that work, The City sued Gelman in state and federal court more than 10 years ago, and ultimately agreed to settle that lawsuit;

Whereas, The State of Michigan (“State”) has for decades separately litigated against, and otherwise regulated, Gelman to enforce State environmental laws that apply to the Contamination;

Whereas, Following the State’s recent tightening of its standards for Dioxane groundwater pollution, as part of the City’s continuing efforts, it, along with others, intervened in the State’s ongoing lawsuit against Gelman pending in Washtenaw County Trial Court;

Whereas, Since its intervention was allowed in 2017, the City has engaged in settlement negotiations over a potential new consent judgment;

Whereas, Negotiations aside, the City is not satisfied with the progress of the delineation, containment and remediation of the Contamination;

Whereas, The City recognizes that the Contamination may pose a long-term threat to public health and the security of the City’s municipal water system; and

Whereas, The City believes that delineation, containment and remediation of the Contamination may be bolstered by the United States Environmental Protection Agency’s (“EPA”) active involvement and enforcement of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), the “Superfund” Act, as it applies to the Contamination;

RESOLVED, That the City Council supports EPA’s active involvement, as the lead agency, and enforcement of CERCLA, the “Superfund” Act, as it applies to the Contamination;

RESOLVED, That the City Council encourages the EPA to list the site of the Contamination a “Superfund” site on the National Priorities List (“NPL”) under CERCLA;

RESOLVED, That the City Council directs the City Administrator to draft a letter to the Governor soliciting her written concurrence to the EPA, supporting adding the site of the Contamination to the NPL;

RESOLVED, That the City Council directs the City Administrator, by July 1 and by means at his discretion, to: (1) secure, if possible, the signatures of the interveners in the State’s lawsuit against Gelman on said letter and, if he is able to do so, (2) then send the letter to the Governor, enclosing therewith this resolution and any others adopted by the interveners;

RESOLVED, That the City Council directs the City Administrator to send this resolution and any such State concurrence to the Washtenaw County delegation to the Michigan Legislature, the Director of the Michigan Department of Environment, Great Lakes, and Energy, and Congresswoman Debbie Dingell; and

RESOLVED, That the City Council authorizes the City Administrator to take such further actions that are consistent with the purposes of this resolution.

Sponsored by: Councilmembers Griswold, Bannister and Hayner

Journal Archive

From: Julie Weatherbee [REDACTED]
Sent: Monday, May 06, 2019 7:50 PM
To: Lenart, Brett
Cc: Barrett, Jon; Taylor, Christopher (Mayor)
Subject: ZBA reappointment

Hmm, at the Council meeting just now, Mayor Taylor read off my name as needing to be reappointed to the ZBA. I didn't think my appointment was up yet since I started in May of 2017 and they are three year terms (and it is a separate appointment process to the Planning Commission).

Thoughts?

—Julie
Julie Weatherbee

Journal Archive

From: Lenart, Brett
Sent: Monday, May 06, 2019 7:59 PM
To: Julie Weatherbee
Cc: Barrett, Jon; Taylor, Christopher (Mayor)
Subject: Re: ZBA reappointment

Both of your terms are up this spring.

-Brett Lenart, Planning Manager
City of Ann Arbor

On Mon, May 6, 2019 at 7:50 PM -0400, "Julie Weatherbee" [REDACTED] wrote:

Hmm, at the Council meeting just now, Mayor Taylor read off my name as needing to be reappointed to the ZBA. I didn't think my appointment was up yet since I started in May of 2017 and they are three year terms (and it is a separate appointment process to the Planning Commission).

Thoughts?

-Julie
Julie Weatherbee

Journal Archive

From: Emily Eisbruch [REDACTED]
Sent: Monday, May 06, 2019 9:15 PM
To: Lumm, Jane
Cc: Eisbruch, Avraham
Subject: Re: question on Transportation Commission Chair and Vice Chair Reappointment

Hi Jane,

Thanks, we are glad to hear you plan to support reappointment of Linda Diane Feldt. It certainly seems that she is a valuable member of the Transportation Commission.

- Emily and Avi

On Mon, May 6, 2019 at 5:07 PM Lumm, Jane <JLumm@a2gov.org> wrote:

>

> Hi Emily and Avi,

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>

> Thanks for your kind thanks and for your question about the reappts. of Linda Diane Feldt and Robert Gordon.

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>

> I've been mulling these, and other, recommended appts. for some time, and will share that I believe I will vote to reappoint Linda Diane. I know all candidates who are up for reappointment have an interest in continuing to serve, and I appreciate their interest, their service and their contributions to the City's Transportation Commission-related work.

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> I also am all for providing opportunities to serve to members of our community who have not been afforded the opportunity to serve. In the case of Mr. Gordon, he has been appointed to multiple boards and commissions, and this is one reason why I am not inclined to support his reappointment. I also think it's important to have balanced representation of a multitude of perspectives on our boards and commissions, and apply this consideration to all appointments and reappointment recommendations. These are some of the factors I consider when we are asked to consider candidates for boards and commissions.

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> Thanks very much, and hope this is helpful.

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> All my best, Jane

>

>

>
> From: Emily Eisbruch [REDACTED]
> Sent: Sunday, May 5, 2019 8:45 AM
> To: Lumm, Jane <JLumm@a2gov.org>; Eisbruch, Avraham
> <eisbruch@med.umich.edu>
> Subject: question on Transportation Commission Chair and Vice Chair
> Reappointment

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>
> Hi Jane,
> Thanks for all this news. Very helpful.

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>
> April 2019 2nd Ward Update

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> We would like to know more about the decision to oppose reappointment of transportation
commission Chair Linda Diane Feldt and
> Robert Gordon, Vice-Chair

>
> Can you share with us your position on this and the reasoning?

>
> Thank you,
> Emily and Avi Eisbruch

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>
> On Mon, Apr 29, 2019 at 2:41 PM Lumm, Jane <JLumm@a2gov.org> wrote:

>>
>> Dear Friends and Neighbors,

>>
>> Happy Spring - I hope all is well with you! Here's my latest 2nd Ward and City update. Lots going
on, and please click the link below to open the document:

>>
>>
>> April 2019 2nd Ward Update

>>
>> As always, I'd love to hear from you -- join me for coffee at Plum Market (3601 Plymouth Rd.) any
Thursday from 8:00AM to 9:30 AM or after-work at Paesano's Restaurant (3411 Washtenaw) from
5:00PM to 7:00PM the first Thursday of each month.

>>
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>> Alternatively, you can email me at jlumm@a2gov.org or call 734-677-4010.

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>> Thanks, and enjoy the Spring!

>>
>>
>> Jane

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> >

> > This email was sent to Jlumm@a2gov.org

> > why did I get this? unsubscribe from this list update subscription preferences

> > Jane Lumm, Ann Arbor City Council-Ward 2 · 3075 Override · Ann

> > Arbor, MI 48104 · USA

> >

Journal Archive

From: Hayner, Jeff
Sent: Monday, May 06, 2019 9:48 PM
To: *City Council Members (All); Beaudry, Jacqueline
Cc: Rechten, Matthew; Postema, Stephen
Subject: FW: DC-5 Revised

All,

Please accept this as my forthcoming amendment to the language of DC-5

Jeff Hayner

..Title

Resolution Directing City Administrator to Take Steps to Organize Meeting with State-Lawsuit Intervenors to Explore Requesting Environmental Protection Agency's Active Involvement with the Gelman Site and its Listing as a "Superfund" Site

..Memorandum

The City and its residents have worked for decades to require Gelman to delineate and clean up City ground water contaminated by 1,4-dioxane that originated at the Gelman Sciences Wagner Road facility, and to protect City ground water from further spreading of the Contamination. As part of that effort, the City sued Gelman in state and federal court more than 10 years ago, before agreeing to settle the lawsuit. Separately, the State has for decades litigated against, and otherwise regulated, Gelman to enforce State environmental laws that apply to the Contamination. Those parties have operated under various versions of a consent judgment over the years.

Following the State's recent tightening of its standards for dioxane groundwater pollution, the City, with others, intervened in the State's ongoing lawsuit against Gelman pending in Washtenaw County Trial Court. Since its intervention was allowed in 2017, the City has engaged in settlement negotiations over a potential new consent judgment. Those negotiations aside, however, the City is simply not satisfied with the progress of the delineation, containment and remediation of the contamination. The City believes that delineation, containment and remediation may be bolstered by EPA's active involvement and enforcement of the Superfund law at this site. At this time, the EPA has a single employee assigned to monitor this situation and work with the State. Unless the EPA's involvement moves beyond the preliminary assessment that it's completed, that employee may be reassigned.

..Staff

Prepared by: Kathy Griswold, Councilmember

Reviewed by: Matt Rechten, Senior Assistant City Attorney

..Body

Whereas, The City and its residents have worked for decades to require Gelman to delineate, and clean up City ground water contaminated by 1,4-dioxane (“Dioxane”) that originated at the Gelman Sciences (“Gelman”) Wagner Road facility (the “Contamination”), and to protect City ground water from further spreading of the Contamination;

Whereas, As part of that work, The City sued Gelman in state and federal court more than 10 years ago, and ultimately agreed to settle that lawsuit;

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Whereas, Since its intervention was allowed in 2017, the City has engaged in settlement negotiations over a potential new consent judgment;

Whereas, Negotiations aside, the City is not satisfied with the progress of the delineation, containment and remediation of the Contamination;

Whereas, The City recognizes that the Contamination may pose a long-term threat to public health and the security of the City’s municipal water system; and

Whereas, The City believes that delineation, containment and remediation of the Contamination may be bolstered by the United States Environmental Protection Agency’s (“EPA”) active involvement and enforcement of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), the “Superfund” Act, as it applies to the Contamination;

RESOLVED, That the City Council directs the City Administrator, by July 1, 2019, to take all reasonable steps to convene a meeting with the other State-Lawsuit intervenors to explore requesting EPA's active involvement with the Gelman site and its listing as a "Superfund" site under CERCLA by, among other things, soliciting a concurrence letter from the Governor; and,

RESOLVED, That the City Council authorizes the City Administrator to take such further actions that are consistent with the purposes of this resolution.

Sponsored by: Councilmembers Griswold, Bannister and Hayner

Journal Archive

From: Hayner, Jeff
Sent: Monday, May 06, 2019 10:40 PM
To: katie.jesaitis@mail.house.gov
Subject: FW: DC-5 Revised

From: Hayner, Jeff <JHayner@a2gov.org>
Sent: Monday, May 6, 2019 9:48 PM
To: *City Council Members (All) <CityCouncilMembersAll@a2gov.org>; Beaudry, Jacqueline <JBeaudry@a2gov.org>
Cc: Rechtien, Matthew <MRechtien@a2gov.org>; Postema, Stephen <SPostema@a2gov.org>
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believes that delineation, containment and remediation may be bolstered by EPA's active involvement and enforcement of the Superfund law at this site. At this time, the EPA has a single employee assigned to monitor this situation and work with the State. Unless the EPA's involvement moves beyond the preliminary assessment that it's completed, that employee may be reassigned.

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Reviewed by: Matt Rechtien, Senior Assistant City Attorney

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Sponsored by: Councilmembers Griswold, Bannister and Hayner

Journal Archive

From: Jesaitis, Katie <Katie.Jesaitis@mail.house.gov>
Sent: Monday, May 06, 2019 10:40 PM
To: Hayner, Jeff
Subject: Katie Jesaitis' email

Please send the new language for the resolution when you get a minute!

Thanks,
Katie

Sent from my iPhone

Journal Archive

From: Jesaitis, Katie <Katie.Jesaitis@mail.house.gov>
Sent: Monday, May 06, 2019 10:41 PM
To: Hayner, Jeff
Subject: Re: DC-5 Revised

Thank you!

Sent from my iPhone

On May 6, 2019, at 10:40 PM, Hayner, Jeff <JHayner@a2gov.org> wrote:

From: Hayner, Jeff <JHayner@a2gov.org>
Sent: Monday, May 6, 2019 9:48 PM
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Prepared by: Kathy Griswold, Councilmember

Reviewed by: Matt Rechten, Senior Assistant City Attorney

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Journal Archive

From: Hayner, Jeff
Sent: Monday, May 06, 2019 10:42 PM
To: Jesaitis, Katie
Subject: RE: DC-5 Revised

Please note there are errors that will be corrected by the clerk the missing “;and” after each clause sorry!

From: Jesaitis, Katie <Katie.Jesaitis@mail.house.gov>
Sent: Monday, May 6, 2019 10:41 PM
To: Hayner, Jeff <JHayner@a2gov.org>
Subject: Re: DC-5 Revised

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Sponsored by: Councilmembers Griswold, Bannister and Hayner

Journal Archive

From: Hayner, Jeff
Sent: Monday, May 06, 2019 10:45 PM
To: Beaudry, Jacqueline
Subject: DC-5

Dear Ms. Beaudry,

The language adopted in DC-5 has typographical omissions, the “;and” is missing from all the clauses in my haste to re-write. Can this be rectified before publishing?

Thank you for your support,

Jeff Hayner

Journal Archive

From: Hayner, Jeff
Sent: Monday, May 06, 2019 10:54 PM
To: Beaudry, Jacqueline
Subject: RE: DC-5

Ok thanks appreciate the information,

Jeff

From: Beaudry, Jacqueline <JBeaudry@a2gov.org>
Sent: Monday, May 6, 2019 10:53 PM
To: Hayner, Jeff <JHayner@a2gov.org>
Subject: RE: DC-5

We only include the "and" between the last two Whereas Clauses and the last two RESOLVED Clauses so I think it is all set. Let me know if you still think something is missing.

Thanks,
Jackie

From: Hayner, Jeff <JHayner@a2gov.org>
Sent: Monday, May 6, 2019 10:45 PM
To: Beaudry, Jacqueline <JBeaudry@a2gov.org>
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Journal Archive

From: Vince Caruso [REDACTED]
Sent: Monday, May 06, 2019 11:24 PM
To: Griswold, Kathy; Hayner, Jeff
Subject: Copy of EPA resolution for CARD meeting tomorrow

Sorry I missed the CC meeting, did watch most of it. I was riding my bike down to the meeting and wiped out with my handlebars came loose and fell forward. A little banged up, but not too bad, bike will need some work.

I would like to have a copy of the resolution to bring to the CARD meeting at 10am. It is not on the city web site currently.

Thanks for all your work on this EPA effort. Hope we can petition Whitmer ASAP.

Thanks,
Vince

Journal Archive

From: Hayner, Jeff
Sent: Monday, May 06, 2019 11:28 PM
To: Vince Caruso
Subject: FW: DC-5 Revised

From: Jesaitis, Katie <Katie.Jesaitis@mail.house.gov>
Sent: Monday, May 6, 2019 10:41 PM
To: Hayner, Jeff <JHayner@a2gov.org>
Subject: Re: DC-5 Revised

Thank you!

Sent from my iPhone

On May 6, 2019, at 10:40 PM, Hayner, Jeff <JHayner@a2gov.org> wrote:

From: Hayner, Jeff <JHayner@a2gov.org>
Sent: Monday, May 6, 2019 9:48 PM
To: *City Council Members (All) <CityCouncilMembersAll@a2gov.org>; Beaudry, Jacqueline <JBeaudry@a2gov.org>
Cc: Rechten, Matthew <MRechten@a2gov.org>; Postema, Stephen <SPostema@a2gov.org>
Subject: FW: DC-5 Revised

All,

Please accept this as my forthcoming amendment to the language of DC-5

Jeff Hayner

..Title

Resolution Directing City Administrator to Take Steps to Organize Meeting with State-Lawsuit Intervenors to Explore Requesting Environmental Protection Agency's Active Involvement with the Gelman Site and its Listing as a "Superfund" Site

..Memorandum

The City and its residents have worked for decades to require Gelman to delineate and clean up City ground water contaminated by 1,4-dioxane that originated at the Gelman Sciences Wagner Road facility, and to protect City ground water from further spreading of the Contamination. As part of that effort, the City sued Gelman in state and federal

court more than 10 years ago, before agreeing to settle the lawsuit. Separately, the State has for decades litigated against, and otherwise regulated, Gelman to enforce State environmental laws that apply to the Contamination. Those parties have operated under various versions of a consent judgment over the years.

Following the State's recent tightening of its standards for dioxane groundwater pollution, the City, with others, intervened in the State's ongoing lawsuit against Gelman pending in Washtenaw County Trial Court. Since its intervention was allowed in 2017, the City has engaged in settlement negotiations over a potential new consent judgment. Those negotiations aside, however, the City is simply not satisfied with the progress of the delineation, containment and remediation of the contamination. The City believes that delineation, containment and remediation may be bolstered by EPA's active involvement and enforcement of the Superfund law at this site. At this time, the EPA has a single employee assigned to monitor this situation and work with the State. Unless the EPA's involvement moves beyond the preliminary assessment that it's completed, that employee may be reassigned.

..Staff

Prepared by: Kathy Griswold, Councilmember

Reviewed by: Matt Rehtien, Senior Assistant City Attorney

..Body

Whereas, The City and its residents have worked for decades to require Gelman to delineate, and clean up City ground water contaminated by 1,4-dioxane ("Dioxane") that originated at the Gelman Sciences ("Gelman") Wagner Road facility (the "Contamination"), and to protect City ground water from further spreading of the Contamination;

Whereas, As part of that work, The City sued Gelman in state and federal court more than 10 years ago, and ultimately agreed to settle that lawsuit;

Whereas, The State of Michigan ("State") has for decades separately litigated against, and otherwise regulated, Gelman to enforce State environmental laws that apply to the Contamination;

Whereas, Following the State's recent tightening of its standards for Dioxane groundwater pollution, as part of the City's continuing efforts, it, along with others, intervened in the State's ongoing lawsuit against Gelman pending in Washtenaw County Trial Court;

Whereas, Since its intervention was allowed in 2017, the City has engaged in settlement negotiations over a potential new consent judgment;

Whereas, Negotiations aside, the City is not satisfied with the progress of the delineation, containment and remediation of the Contamination;

Whereas, The City recognizes that the Contamination may pose a long-term threat to public health and the security of the City's municipal water system; and

Whereas, The City believes that delineation, containment and remediation of the Contamination may be bolstered by the United States Environmental Protection Agency's ("EPA") active involvement and enforcement of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), the "Superfund" Act, as it applies to the Contamination;

RESOLVED, That the City Council directs the City Administrator, by July 1, 2019, to take all reasonable steps to convene a meeting with the other State-Lawsuit intervenors to explore requesting EPA's active involvement with the Gelman site and its listing as a "Superfund" site under CERCLA by, among other things, soliciting a concurrence letter from the Governor; and,

RESOLVED, That the City Council authorizes the City Administrator to take such further actions that are consistent with the purposes of this resolution.

Sponsored by: Councilmembers Griswold, Bannister and Hayner

Journal Archive

From: Kai Petainen [REDACTED]
Sent: Monday, May 06, 2019 11:35 PM
To: CityCouncil
Subject: Thanks. Dioxane, that other issue, a locomotive, public hearings and happy 1 year

CM Smith and Lumm, thank you for going to the Dioxane meeting and for explaining about what you heard with respect to the concerns I raised earlier. Thanks to CM Eaton and Griswold for addressing the question that I posed at caucus last night — that discussion was quite helpful. Ha, you probably didn't expect me to compliment you or the caucus meeting. But thank you. Tonight and last night, the 4 of you really helped alleviate my concerns. Thank you. Unity is important and so thanks for addressing my concerns and my criticism, and for going through this process. Representative Dingell and Roger, thank you.

CMs Grand, Lumm and Bannister. Thanks for commenting back to me about the other issue that I raised quite recently. And particular thanks to Lazarus. I trust that the city and UofM will look into the matter. Thank you.

On a different topic, I found it quite sad to see that we had 10 public hearings tonight, but not one person spoke. When I see anonymous or fake accounts in the press comments or on social media.. I wish folks would come here and speak in-person. It's their chance to have their voice heard. It was just sad to see no one speak out. I wish people would exercise that opportunity.

One minor complaint and CM Grand thankfully touched on this issue. When people speak out about values, they aren't judging any of you on your personal character. I know at times I've spoken about what I value (and I might even sound preachy) but it doesn't mean that your values are a judgement call about you as a person. When I talk about values it is merely to give you an idea of what I prioritize and the angle that I'm coming from on an issue. So if any of you take that personally, please don't. It's all part of debate and discussion as each of you (us — the public included) brings a different and diverse perspective to the issue at hand.

I had to personally laugh a bit when you were speaking about how kids were climbing on the canoes. When I was a kid, the park in my hometown of Soo had a train locomotive that you could climb on and over. A train! I'd climb to the top of that steel train and sit at the top. Sadly, that structure no longer allows any climbing on it.

Btw, as of midnight I hit my 1 year anniversary of being an American. That's a moment I will never forget. Please realize that even when I disagree with each of you on issues, I have a lot of admiration and respect for each of you, and your service to this community. You don't have an easy job.

- just kai

Sent from my iPhone