

Unedited Captioning Transcript of the Parks and Sustainability Committee Meeting - March 9, 2023

Please welcome to the parks and sustainability committee. Today is Thursday March the 9th 2023. the time is currently 305 PM. I'm chairman jukari out there. We also have vice chair, Maryland Parker with committee members. Philip Baker. chair maryland parker with committee members philip baker

Jeff Hudson a little bit Shawn, and we have council members on and.

Chapel joining us as well, this meeting is being held pursuant to 61.826 and council rule 5 a, we have 1 item on our agenda today.

Our dash 014 dash 23 a resolution opposing the seizure of conservation land for the purpose of building a natural gas pipeline through bernheim auditorium and research force may have a motion.

2nd, thank you so much.

Our primary sponsor is on the committee councilman.

Thank you chairman Arthur good afternoon.

Everyone, this resolution is asking metro council to speak out against needs attempts to use eminent domain to take land and bernheim forest an area protected by a conservation easement to run a gas line to areas served by another public utility.

The staff at bernheim and citizens across the region, have thought this proposal since was 1st announced and I supported them. Call me. The, I'll speak for the truth for the trees have no voice.

Especially in court.

I know this is not happening in Jefferson County. So many people think we don't have a vested interest, but I think we do.

As residents of this planet were steadily destroying it as ratepayers we don't want to see our utility invest millions in what will soon become a stranded asset as citizens were watching a private companies,

eminent domain to increase profits for their stockholders.

And as members of metro Council, we have passed multiple resolutions in the past 3 years, advocating for renewable energy, and a target of net 0, greenhouse gas emissions community wide by 2040. we can't. forty we can't

Get there without pressuring you need to move away from fossil fuels.

When he 1st announced the route for the new pipeline, they said it was the cheapest group. Thanks to litigation inflation. The cost is tripled. It's no longer the cheapest route.

In addition engineers for utility that already has an easement through that area will not allow algae. You need to use their land because they say it's unsuitable for a gas pipeline.

In addition, the country is steadily switching from fossil fuels to renewables. Solar is actually cheaper to install than natural gas. Now, fossil fuels are a non renewable resource. They will only become more expensive as they become more scarce.

Financially, it doesn't make sense to build more fossil fuel infrastructure.

And finally eminent domain is to be used for the public. Good.

There are other possible routes, as a matter of fact, has no customers currently in the path of that pipeline they want to expand their market at a cost to you me and the planet.

We do have a stake in this, it will affect us as rate payers and the planet we all share. So I'll ask you to vote in support of this resolution.

Thank you and I'll turn it over to our guests who have presentations.

For our guests, please make sure that you state your name title organization. Absolutely. Absolutely. Good afternoon. Chairman, Arthur and vice chairman Parker.

It is my pleasure to come before the whole committee this afternoon. I am Elisa. Owen.

I am the executive director of Kentucky interface, power and light, and we are kentucky's chapter in a national coalition of religiously. Based organizations.

That exists to mobilize a religious response to climate change.

I am an ordained Presbyterian pastor who also happens to have about 10 years of experience in the business of sustainability and electricity regulation. And thus I have the honor of being a spokesperson today.

I'm not just speaking for people. I also have the honor of being the spokesperson for a coalition of nonprofits and individuals. We represent 8,450 individuals that live in the Jefferson. that live in the jefferson

On the area, and in addition to capital, we have religious and secular groups that include the Dominican sisters of peace.

The orphan spirit center friends for environmental justice the Kentucky students environmental coalition, the Kentucky waterways alliance the Loretto community.

New pioneers for a sustainable future.

The Sierra Club of greater Louisville, the justice center at all peoples, and the renewable energy alliance of Louisville or real,

who was instrumental in getting that resolution that council women Ray mentioned that they is trying to help Louisville get to 100% this metro area to 100% of renewable energy by 2040, and,

as she said, we're going to need the cooperation of. we're going to need the cooperation of

Monopoly utility to make that renewable energy resolution, you guys had the wisdom to pass happen.

Now, our coalition views, insistence on building new, natural gas infrastructure in bullet county.

As especially when that area could just as easily be served by electric power, it's not like the folks don't have power. It's just that they don't have gas power.

We view that as unwanted proof that leadership has not fully grasp the imperatives of this, the 21st century. century

As such our view is that they are moving our local utility about a 180 degrees from where it needs to be and they're doing that in 3 ways. Let me tell you what they are.

1st, assaulting private property rights. property rights

And the viability of conservation easement throughout the state.

Number 2, disregarding the interests of their own captive ratepayers.

Driving up costs for us.

And finally threatening our environment now before I go any further to unpack these overarching reasons, why we hope you'll support this resolution. Let me let me just.

Remind you of the gentle person's agreement.

That requires to keep its rate payer's front and center.

Just like, it does its shareholders when it makes a decision on how to allocate its capital resources.

In a nutshell L. D. E. did not.

As a fabulous business, earn the trust and the consent of the people it serves instead.

The company was given the privilege of providing monopoly electric service to our community and many other areas of the state in exchange for attending to our interest. Our being a ratepayer. I'm 1.

and so are you.

In attending to our interest in electricity at the lowest cost rates.

And rates that are fair, just and reasonable when the company doesn't attend to this interest what happens?

It goes before the Kentucky public service commission.

Which exists to make sure the company does not ignore ratepayers as it makes business decisions.

Now, in this instance of the pipeline, our coalition is quite convinced that we that the bernheim pipeline might quickly become a stranded asset.

And what does that mean simply means that because of the economics of fossil fuel in this day and age, it will quickly, quickly, quickly, become unprofitable and.

It does who is still on the hook for paying the bill.

The taxpayers either the taxpayers or the shareholders, and you tell me which 1 will eventually be end up paying the bill. All right so.

Given that given that, let's.

Quickly unpack the 3 buckets of reasons that were asking you to vote.

Vote in favor of the resolution that we put before you get today that has been put before you today.

1st assault on private property rights.

In trying to condemn land.

In order to provide gas service to an area, which it doesn't have customers.

Threatens private property rights that are deeply embedded and for good reason.

In our state's political culture.

Uh, Kentucky appeals court decided that actually the state of Kentucky does have a property interest in the 494 acres that the pipeline would pass through. Why? Because it used taxpayer money.

it used taxpayer money

Through the Kentucky land heritage Conservation fund to buy the land in which bernheim currently owns.

But even so, even though it's semi public property in that way, that public money was used to buy it.

Uh, Kentucky appeals court ruled that the conservation easement is not relevant and comfort in condemnation proceedings, pertaining to this portion of bernheim land.

But I would submit to you that legal questions and many of them still remain.

Does this mean, our state's conservation? Easement? Law is effectively null and void because of the way the imminent domain law is written.

Or is more judicial exploration of these issues needed to determine if and how kentucky's imminent domain law can really coexist.

With the conservation easement law.

Finally, does this mean that farmers and other landowners across our state are vulnerable to land grabs by utilities who do not really meet a very high bar for condemnation.

Let me tell you what I mean, by high bar for our, from our point of view, the eminent domain law.

Would not willy nilly render all conservation easement, null and void.

Instead, it would be used to build infrastructure, assuming that that infrastructure were the sole way to provide power service to those living in a territory. In question. That's just an example of a high bar, right?

And we have already made clear that power for bullet county development. Can be had already through.

Salt river electric, cooperative, branded.

It's not any your infrastructure, but it exists.

2nd of all your constituents who all of whom have no choice, but to receive electricity from louisville's, monopoly, utility, all of those constituents.

I can guarantee you want to make sure that that company does not invest in costly infrastructure. That cannot be paid down over the course of its natural life.

The International Energy Agency has stated clearly that our planet to avoid the worst effects of climate change needs no new fossil fuel infrastructure after 2021.

I'll have to remind you why it's 2023. not only is our utility threaten thing, the health of our planet by making this investment.

It's also threatening the financial health of its own company and the right of methane guest customers to low cost rates fossil gas. Ratepayers already call your office.

I know they do complaining about high rates. complaining about high rates

I don't want this risky investment to push the fossil gas rates of your constituents.

Finally, our planet is facing the twin crises. Each exacerbates the other of wildlife loss and climate change.

Monitored populations of vertebrae.

Vertebrates mammals, birds, amphibians, reptiles and fish have seen a devastating 69% drop.

Since 9,970, that's according to the World Wildlife Fund living planet report.

In climate change, that's as close to us as Friday's devastating. Windstorm.

And canceled school day, in order to reverse these crises that are threatening, not only our current quality of life, but also the survivability of our children and grandchildren,

we have to hold the monopoly utility who enjoys.

A revenue stream that we provide.

We have to hold them accountable, especially when renewable energy with storage is both lower cost over its life cycle than even natural gas.

And infinitely better for human and planetary health.

On that note and a small digression not digression. Really.

On that note, I want to reiterate to all of you that social justice.

Is environmental justice and black and brown communities disproportionately live around fossil fuel power plants and other industrial pollutants.

As such, they disproportionately suffer the health consequences of fossil pollution and often as communities with less.

Disposable income, then the mean are those who would most benefit from lower cost? Renewable options both to power their homes and their cars and buses.

But given historical, systemic racism, these communities have the least extra resources to be able to make the transition.

We all need to make them included, right to lower rates across the board.

And so, in my view, what we need to do is encourage the utility, not just for the health of the planet, but for the health of the people on the planet, right.

To get rid of this nasty inequality that plagues us we need to encourage the utilities to lower rates across the board by choosing to power power our community not with more fossil gas infrastructure,

but with low cost renewable power. Now, my colleague.

And friend in this fight to hold our monopoly utility.

Accountable is Mark worms and he's the director of bernheim forest, which is directly threatened by this pipeline and he has the honor, I guess, of summarizing all these people's positions.

So very well. Listen to what he said.

Then you can listen to him, the opposition to the proposed pipeline is larger than.

The entire community metro council included through its renewable energy resolution.

Is expressing concern that we can no longer afford big energy businesses as usual. Especially while we struggle with the dual crises of climate change and bio diversity loss.

That's why we are pushing for a safe.

Sustainable and healthy future where community thrive using low cost renewable power and nature also flourishes.

L. E. has an opportunity to be a national leader in decarbonizing energy production and delivery.

We should help them do the right thing. And so I asked for your vote.

Supporting this resolution mark.

While our next speaker is coming up, let the record show we're joined by committee members. Pat Mulvihill and Cindy father. Please say your name position organization for the record Thank you. I'm Mark warm's executive director. bernheim, arboretum and research forest.

I want to thank the council for let me speak today greatly. Appreciate it. I'm going to show some pretty pictures as we go, because I don't think you all get to see enough beauty in what you're working. So hard for. How do I do that?

Oh, come over here. Okay. And make sure the button is lit up.

Should be green for committee members, and for the public, this presentation is attached to the agenda.

Okay, um, I'm lost.

Oh, I said, okay.

Oh, I meant to change it. Oh, 1 of those. Okay. All right. Great.

You just give me that. Okay.

I'll take a few minutes of your time.

What I'd like to do is start by giving you some sense of what bernheim is give you a sense of why this committee, and the council should care about what happens at bernheim, how it affects civilians and everyone throughout the region,

and then go into some of the details about the pipeline and how we can do something quite more improve than that. So, with that.

Um.

Isaac will bernheim founded bernheim, arboretum and research for us.

90, almost 95 years ago he believed that nature was important that it was regenerative for all people, regardless of race Creed, or economic status. Today. bernheim remains free.

A suggested donation is all and if they don't want to give we invite everyone in. And by the way we have about 350 to 400,000 visitors a year. four hundred thousand visitors a year

From all over the, the metro area.

The state and the nation about 50% of those are coming from Louisville, Metro.

bernheim forest is often called just that why? Because we're big, largely unbroken force. Very rare. In central Kentucky and force are important. We'll talk about those ecological services in a minute.

But just think about the Clean Air, the Clean water, the cooling of the air that occurs.

And our mission is connecting people with nature, and we do that in so many fun ways from engaging school kids with nature, hands on, including nature base,

education programs. We'll immerse those kids in the beautiful habitats to clean water at bernheim, et cetera. We work with schools from Jay CPS, including hazelwood, elementary and Frederick loans.

Dead middle school, just to name a few, but we also have programs that come down from URL and many others about 10 to 12,000 students a year interact at bernheim.

We use art as a means to draw people in, but also tell engaging stories and touch the heart and the mind and so ego, tourism and art tourism brought in 530,000 people in 2019.

when we introduce the forest giants in a giant forest, people loved them, came in from 50 states, 36 countries, and they're still coming to see the forest giants. We are an economic driver.

the forest giants we are an economic driver

Along the bourbon trail that affects everyone.

There's mama, Lou Marie contemplating the future of the forest.

She is a little bit worried about what she sees going on around us.

And here it is land use changes are quite dramatic.

Let me, let me tell you, bernheim does not oppose development by any means. development's going to happen.

What we want it to be is planned sustainable, equitable, smart development and, you know, it's hard to say, but that's bernheim in the background.

And that's going on all around us. So we, we are affected by this.

Go ahead, Forrester important as I mentioned, they do many things.

They, they clean water, they collect water, they call the air, they provide habitat and, you know, some of that is because we provide 13 streams coming out of bernheim.

Where the headwaters for 13 streams that's servicing everybody in this region. Including those people who like, limestone filtered water for their.

That.

These are some images are wish it was a brighter these are from our environmental artists and residents. Carla Rhodes.

There's a beautiful shot of a beaver we're going to go through a couple of these real fast, great blue hair and down at bernheim. Not very far from where this pipeline is proposed.

Bobcat, and of course, we have other habitats besides prairie besides force parish, provide that bowed adversity. And of course, they're critical.

pollinators and other beautiful creatures, such as monarch butterflies, which, by the way are about to be listed as in dangerous species themselves.

And here it is, this is what's going on this is a proposed route from L. G. E. for 12 mile pipeline, cutting across bernheim cedar Grove, wildlife quarter.

What we're attempting to do is patch land together to go all the way up to those other protected lands above us and up to the salt river.

If we can do that, that means populations of wildlife will be able to move for generations to come extremely important.

But this is this pipeline proposed by, uh, a 1.2Billion dollar company by the way is projected to last 70 years.

Why are we going to be pumping hydrocarbons for 70 years?

where are their best practices cedar grove is used by a bunch of very cool species you say well you know why do we care about bats they're part of the ecosystem they eat in sex they're part of the system that

ties us all together and keeps us healthy this is a northern long haired bat which by the way is an endangered species it was just listed

There's a tucked into that bark is an Indiana bat a long listed.

Endangered bad species rare as it can be, but we have healthy populations that bernheim because we're intact Uncaught up natural forest.

And Here's a beautiful limestone rock, full holes and crevices and on that rock lives this really cool little snail. It's called the glove vertigo.

And it's an extremely rare snail, only found in a handful of places in Kentucky.

It's so rare you can't even call it in danger. We don't know enough about it.

And yet that's really important for carb, uh, uh, for for, uh.

Calcium cycling within the environment. Go ahead.

Indigo bouncing uses that space.

And my favorite, the ghost of the forest, that is a golden eagle. We have been tracking gold eagles for 7 years. Now, this is the.

And that backpacks you, whereas allows us to track her on her migratory routes to her breeding grounds in the Hudson Bay of Canada and coming all the way back to enjoy the mild winters of Kentucky nobody else is doing that we have been tracking these birds.

They're rare in Kentucky because they need large unbroken for us and this pipeline will be 1 more cut.

And many reason, this is bigger than burness. bernheim is right here.

We have conservation easement and deed restrictions on that land intentionally put there to protect that land into perpetuity.

And yet a, for profit energy company, whose parent company were 5Billion dollars .

Is trying to take our privately owned land.

The land that Kentucky has interest in.

For their own corporate use. Hmm.

Interesting, but, you know, we're bigger than that. We're bigger than that. We're doing best practices. Here's the best practice right here.

We're helping install green rooms living rooms right here in downtown level, because literally a heat island is getting hotter every day.

But when you plan to roof like that, it's slow stormwater, it cools the roof. It allows energy conservation in the winter. It provides habitat for birds, bees and other pollinators.

And it's just cool. We're also looking to expand our solar capacity of bernheim. Here's an example of a solar canopy above a parking lot.

You want to provide solar energy, which is cheaper than natural gas.

Well, we got a lot of parking lots downtown, don't we?

There's a lot of parking lots in shepherds Ville. I don't know there's a possibility there.

And, of course, we're restoring habitat than rather than trying to we're restoring habitat rather than trying to destroy habitat. And here's an image of Wilson creek used to be farmed.

We moved that creek back into a meandering habitat down the middle of the creek.

Few years later has grown in, has a beaverdam on it and is biologically rich.

Now, it's a beautiful example of a lowland wet.

Forest, if you help say, bernheim, you're saving more than that.

You're providing a healthy future.

For our kids and their kids, you're providing a way forward that is sustainable for humans and nature.

And you're holding a.

Monopoly accountable we want a sustainable future and I hope you do too. Thank you very much.

That's when do you have any other speakers or any other remarks you want to make.

I don't see anyone in the queue on my monitor. I don't know about group me if I share Parker.

Yes, thank you. And thank you for your very zealous presentations. Um.

I was just wondering we've heard from Birmingham forest and an advocacy group, or will we not be hearing from anyone? From L. E.

They were not invited at this point. Okay.

Um, was also wondering.

I heard I'm curious as to the size of bernheim for us to, um.

Perhaps you can answer this and.

We can't hear from so I'll have to take you at your knowledge base but how large will the swap be in relationship?

Uh, to the overall size of bernheim for us.

Well, the, the size of the cut is not the issue, the placement of that cut and the fact that it's another cut is the issue. So, bernheim is about 16,000 acres.

And so the pipeline right of way will take about 12 acres total out of bernheim.

But that is accessed forever.

And so no trees will grow on that land. It will be managed by L. G. and E.

And bernheim will have little say about that, so it's not the size of the cut. It's the fact that it's cutting across the wildlife quarter.

The fact that it is breaking conservation, easements and deed restrictions that were meant to protect this very kind of conservation land.

And the fact that a private company is doing this for their own profit and.

Um, okay, they are a utility service, but so on the 12 acres.

This is going underground, correct? So, initially. Oh, man. So it's on top. Okay. So it's going underground.

But 1 of the things I wanted to add,

vice chairman Parker is that this land is unstable land that there was a utility that already evaluated it and said that it was not appropriate to put a gas pipeline on because, as,

you know, if you've got the limestone underneath.

Right. What is it? The dust Karst underneath you have the limestone underneath then that is opens up the way for sync holes and other problems that could destabilize the pipeline.

So, in addition to the.

Part of the park that it would take the force that it would take.

We are very concerned about the stability of the land overall and we do not want a pipeline run over land that is unstable and unable to adequately protect the pipeline from accident.

So, I guess they, I mean, I don't know, because we can't hear from them if they have a remedial action or something that would stabilize that.

Um, they do, they do German Parker that their solution to that is to pour concrete into the holes, which is where all the wildlife you just saw this.

So that's their solution. Um.

So the wildlife can't won't be able to to reverse.

That area they can't run through it or.

Well, there are over there are species that rely on caves and sinkholes and other kinds of pockets to live in. That's where they nest or breed or whatever you want to call it.

So that's 1 thing where that will be eliminated. But secondly, the instability of the land is is the real problem because if that pipeline is exposed, or if it breaks, um, you know, that could be a catastrophe.

And there's plenty of natural gas.

Pipelines breaking around the country every year and causing forest fires and exploding houses and all kinds of things. So, this is a, this is an infrastructure that is outdated.

And will be in use probably for 70 years.

And the question is, is where is the sustainability plan and what are they going to do to wean themselves off of carbon rich fuels? And, you know what? Nobody nobody can hold them accountable for that.

Their answer to that question was well, we're just going to continue converting from coal to natural gas.

Little less carbon output, but.

From the carbon from the natural gas, we're going to count on the fact that carbon capture and sequence duration will eventually be figured out.

That is a sustainability plan. That is a wish and a prayer.

Okay, I might have 1 more question, but I'll let other people get in the keys happy happy to answer anything.

Committee member Hudson believe I believe, uh.

Councilman action is next in the queue. That's the Mike.

I'm okay with, uh, vice chair Parker, asking that last question. Maybe. I'd like to hear that. 1st, if that's okay. Oh, make your mind.

Okay, then the other thing it's actually kind of more might be more of a comment, but bullet county is 1 of our fastest growing.

Areas in the.

Large Metro, so if they can't get energy out there.

Um, this might actually be more costly and.

For them and then, so if we can't get energy out there, that's.

Available right now then.

Were essentially mandating all of those new businesses in homes.

We're kind of mandating them to be all solar.

So, there is respectfully there is energy available energy comes in many different forms and from many different sources.

And the difference is that L E provides natural gas to that area. It does not provide electrical power. Electrical power is provided by salt river, electric cooperative.

There's plenty of electricity available to power every business, and every home in shepherds bill.

And so, or bull county for that matter and so it's not a matter of shutting businesses down or denying service. It's denying gas service at this point.

And, you know, we have not been able to find out who has been denied guest service that's proprietary information for.

So, we can only take their word for it that these are homes and not just big businesses because their, their certificate of public need necessity is based upon.

Residential need and not corporate need. Um, so, you know, that's there's just so many nuances with this. But power is available in the form of electricity.

What we're suggesting is not only is it available from electrical sources that are traditional, but let's move ahead and build correctly. And provide solar power, electricity that way.

It's a cleaner environment for us. And the kids.

It's a sustainable environment with prices dropping rather than increasing. And why wouldn't it be something for Kentucky to be a leader? Um, in something.

And we have a chance to do that. Thank you. Thank you.

I mean, to me my best way, thank you. Uh, thank you. Um.

Sure, Arthur, um, I just would like to make a motion to table this.

2, at least here version or side, um, of this, so we can make an educated wise decision on how this needs to be done because I'm only hearing.

This side, and with all due respect, I think bernheim is a beautiful wonderful place. I've been there. Visited. It's amazing. I think we need to make a motion to table this and here take on this.

Um, I just think it's wise for us to, to at least have both parties.

To listen to my motion is to table this until we can hear from.

Each table 4th. All right let's do a roll call. This seems like it might be a little device if we want to clearly hear if we want to table or move forward with it.

The table committee member, mobile.

To my wife's employment at I am going to abstain on all matters.

Pertain to this, and even quoting, even even voting whether to table. Now, thank you.

Thank you. I'm sorry, this is Sonia hardware. The clerk, Melissa can you call councilmen and councilwomen follow? We would need you to turn on your camera.

I thought I had my camera on.

Can you hear me we can hear you we just don't see you.

I'm pushing the button. Can you see me now?

Cannot okay, wait a minute. How about now? Because there. Okay. Um, my bone.

No, thank you.

So, Mr. Mr Julia 3 years before no votes and 1 abstain.

So, it does not pass. The assumption is that the motion, the table, uh.

Fails in the future, if anybody wants to bring in somebody who has an opposing voice or posing position.

Feel free to hit me up and say, hey, invite this has been on our agenda for weeks. Now, do you have any other questions?

Committee member Hudson I can share Arthur.

So, I, I'm not opposed to.

Um, this, this resolution from the perspective of everything that has been talked about here today.

Uh, where this motion goes, uh, where this resolution goes a bridge too far for me is in subsection, 2 section 1, uh, where, uh.

We are directing a private business how to conduct their business.

So, for that reason, I'll be voting now.

Cosmopolitan, um, I, I wanted to take a couple things here 1, um, from someone who's involved in in real estate and property rights. I want everyone to think very carefully.

About what this, what is trying to do.

As it relates to property rights, think about imminent domain and what that could mean for something that you owned your house, your business think about what that means.

Think about how strong our property rights laws are in Kentucky and, in my opinion should not be used.

Willy nilly, based on the situation if we have strong property rights, then that should be the case across the board that should include.

Conservation easements and other things it should not be when it's when it's.

Um, when it's not beneficial to you, we want to erode our property rights. So I think we should think very carefully about that number 1 number 2.

Is a private entity? Yes, but does E is granted of monopoly to do their business.

Buy us the answer to that is yes and so should they have.

A, should should we be able to.

I have an opinion on how they run their business.

Most definitely, yes.

That's 23, if you're going to use eminent domain and overturn private property rights in Kentucky.

It better be an extremely high bar.

This, in my opinion is not a very high bar, and it sets a precedent that for me.

Is scary. So, I just want you to think about it from that perspective.

If didn't have another way that could go.

If L. G. E. if there was no other type of power that could be provided to bullet county.

If all there are any number of things that you could say, meet a higher bar than what I've heard here. Today. What I've heard here today is not a very high bar. It's oh, this is the, the, the cheapest way to get.

A, a non viable, frankly type of power to.

And the truth of the matter is the farther we get away from this decision, the worst decision, the worst this decision's going to look because the more competitive renewables are going to become,

and the more stranded this asset is going to become and it's going to look bad on all of us.

It just is, it's this is not going to age. Well.

What's going to happen? And I will absolutely guarantee you. This is 6 months from now 2 years from now.

Is gonna say, oh, well, no, this is not a great investment, but we've already sunk the investment and they're going to expect all of us as ratepayers to say.

People that are pragmatic. Like, I am generally to say, well, you're right, it's a sunk cost. Well, we just have to we just have to, to eat it and and lose all of that investment as ratepayers.

And what I think we're doing here today, Jeff customer Hudson. Sorry. Um, is.

And I would, I would like to hear I W, when asked, I have not heard a very compelling response from about this issue. Um, but I think what we're doing is.

Reminding them that this is going to be a stranded assets that this is not the best way forward both in terms of their business plan. And in terms of all of our best interests.

And I think, because we grant them a monopoly to provide this business, and when they need to raise their, when they need to raise their income to hit. So they can provide their, their investors with a certain rate of return.

They come to the public commission preserves condition. That doesn't mean that. Every decision they make is correct. It means sometimes when they're not correct, they've got to come to the public service commission and say, we didn't make enough money. We have guaranteed our investors a certain rate of return.

We need to raise the our rates to cover that rate of return. All of those things to me, say.

They are more responsible to us as taxpayers and ratepayers than just about any other business to operate.

So, I just want to keep all of those things in mind. I can share.

Councilman travel sure.

Um, I, I don't have a lot to say, because I think it's been said very well, but as the former chair of the Jefferson County sole and water conservation district supervisor, who resigned from that position to come to metro council to advocate for environmental issues,

such as this I really feel like it's important for me to speak up and say that I'm in support of this resolution. And I really

hope that my fellow council members will give it more consideration again. I don't have much to say that hasn't already been said.

I think it's very important, even if this isn't in Jefferson County, that we prioritize our natural environment, because it affects us all.

Committee member Hudson, thank you chair. So since, um, councilman owen's remarks were directed at me by name of I feel like I need to respond. Um.

So, again, I, I agree with with 99% of everything that council and said.

And without subsection, 2 of section, 1, I could support this resolution.

But with with subsection, 2 in.

In there, I, I cannot, thank you.

Point of order. Did you say something.

Okay, I'd like to ask the assistant county attorney just to speak to something really quickly.

Could you talk to us about subsection 2 and the legal authority that we have?

With this resolution, just to clarify what exactly that means.

Thank you chair Jason Fowler, assistant county attorney.

As a resolution, this does not force action by.

We are urging to take that action, so it won't be, um.

In other words, if this passes, and as you read the language in subsection to the should the divert.

That's, um, what do we call that that is um.

Subjective language that is, um.

We are urging and asking them to divert.

And I take the councilman's point that, that that seems like we're, we're interfering and meddling in their business. Um.

To a degree that he's uncomfortable with.

But there is no, there's no legal binding element in this resolution that will make and take these actions.

We are urging and asking that they take these actions Thank you. And just to add to that, we're telling them what we want them to do.

But we're not telling them what to do a committee member bathroom.

Um, thank you, uh, are there, um, 2.

The respect of my colleagues here and listening to councilman.

With piggybacking off of what councilman ohlins said to an extent is, I think is all the more reason.

That because we grant and we should at the very least hear their take on this and is the reason why I think we should be tabling this.

Is that emotion? Another 1? I just strongly. Sorry we can't. So, this is Sonia hardware. The clerk we cannot make the same motion. I'm so sorry.

So someone would like to make another motion to at least listen to on the subsection 2 issue as well as the project in a whole.

I feel like it is very advantageous as advantageous of us and it's maybe our fiduciary responsibility to listen to both parties involved.

So maybe a question for the primary sponsor, could we see if they have a response to this resolution? I know they're a little busy right now.

Maybe see if they have a responses resolution before we vote on it with the full body.

Would you be okay with that? I'm I would love to hear from obviously councilman Ruby is the sponsor on this.

Mr. is it okay if we can table this.

To listen to, but I can't make that motion so it's not like we couldn't table it. Period. I'm sorry this is Sonia. Harvard the clerk you cannot table of at this level you could table it if it went on to the council.

You could also have it reconsider, you know, re, committed back to committee after it goes to the council. But it's too late to the table at this point.

Thank you so much. You have a comment you'd like to make councilman.

The will be given the opportunity to respond when it goes to natural Council.

Go ahead and continue and vote on it today.

I'm sorry, this is SONYA Harvard again, the metro council clerk.

Outside agencies cannot speak at a council meeting.

So, please keep that in mind the voice of Goddess I'm so sorry committee member follow.

Thank you. So, is there any way, um, Miss Clark that we can just, um, not vote on this today?

I know, I know you know, you interpret your own rules, ma'am. And honestly, I think, you know, you could take a motion to reconsider the motion to.

Table that would be as close as you could try to be try to get. And if that.

And see, if you can get that motion, reconsider, that's okay. I can go ahead or not.

Prevailed you can make the motion to reconsider the motion to table.

I would like to make a motion to reconsider to table this.

Until we can get more information, not necessarily from algae and but from somebody.

I got a 2nd.

The assistant county attorney wanting to speak committee member file. Could you mute yourself? You sound like you're in a tornado.

Thank you. I, I was muted. Okay. Whoever that was.

Blowing it said a Mike assistant county attorney.

As you were, I believe my issue has been addressed, thank you.

Okay, do we have a 2nd for the 2nd and is that 2nd allowed from.

From people who voted to table before for the 2nd, does not know.

Thank you, we'll need a roll call again because there's an extension.

Can you explain the motion? Just 1 more time the the white noise was was getting.

To table the resolution yes, it's to reconsider the motion to table the revenue. You don't have to take like, 3 votes.

Lord.

I can wait, we'll need another extension. Correct? So we need a roll call.

Okay, yep.

The minimum for mobile Hill, I'll need to abstain my wife's employment with.

Mini member Fowler, we are, this is on the motion to reconsider.

Correct? Yes, man my vote is yes.

Mr. chair you have 4 yes. Votes.

3 and no votes in 1 abstain. So now we vote on tabling. Yes.

You need a motion milliseconds and can that motion come from someone who voted to table earlier? That will not matter. Okay. Thank you so much. Do we have a motion to table? A 2nd.

And we need to roll call once again for the extension.

Remember mobile hill.

I will abstain again for the reasons given already in the committee. Thank you.

You remember Fowler? Ah, yes.

Mr. chair you have 4 years votes 3 now and 1 of.

The resolution is table, we don't have any other business before us so we are adjourned before everybody runs off quick shout out to all of our workers who have been working around the clock to get people's power restored. Thank you all so much.