

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
January 27, 2025
DRAFT**

MEMBERS PRESENT:

Joan Shannon (at 6:43 PM)
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Melo Grant
Carter Neubieser
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Katherine Schad
Jessica Brown
Lori Olberg
Keaton Knowles
David Mickenberg
Clare Wool
Nathan Lavery
Chapin Spencer
Megan Moir
Ashley Parker

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:40 PM.

MOTION by Councilor Carpenter, SECOND by Councilor Litwin, to adopt the agenda.

VOTING: unanimous; motion carries.

2. WORKING SESSION REGARDING LEGISLATIVE UPDATE

2.1. Working Session Regarding Legislative Update

Mayor Mulvaney-Stanak began by noting that the Administration has begun having regular meetings with the Burlington delegation at the Statehouse. She noted that they had a productive meeting with the State Treasurer, Mike Pieciak, to begin assessing what other sources of funding are available within the state for infrastructure needs. She also noted that in anticipation of a potential ballot item related to the charter change around banning guns in certain establishments, she has had proactive conversations with the Speaker of the House, Senate Pro Tem, and one of the Government Operations committees to flag this charter change. She also noted the introduction of a similar bill (H.45) that would ban guns statewide in establishments that serve alcohol.

David Mickenberg began by noting that the partisan balance of the legislature has shifted as a result of the last election. He noted that many of the issues the City Council identified as its priorities have been taken up at the Statehouse. He said that related to housing, there have been conversations about increasing permanent affordable housing as well as housing through the General Assistance voucher program. He noted that committees will discuss the GA Task Force's recommendations, and

that the House Human Services committee also recommended that GA coverage be extended from April 15 to June, and proposed allocating funding into the FY25 Budget Adjustment Act to do so. He also noted recommendations for inclusion in the BAA related to permanent affordable housing, which are being discussed in House Appropriations this week. He said that related to mental health and substance use disorder supports, there was a recommendation for a \$10 million allocation in the BAA for more support for residential treatment facilities and providers. He also noted an update at the House Human Services Committee from the Department of Health on overdose prevention centers. He said that related to the judiciary and monitoring systems, one of the biggest questions will be around the age in which juveniles would be considered adults for the purposes of criminal proceedings. He noted that in terms of water infrastructure, not much has occurred to date this session and that committees are being oriented to the current state of water. He said that they will know more about potential funding when the capital bill is released, which provides funding and resources for capital projects around the state. He said that the charter change around police oversight was introduced in H.59, and is being considered in the Government Operations committees. He spoke about gun reform legislation, including H.45 (which was modeled on Burlington's charter change language). He noted another bill introduced in the Senate that creates a penalty for the discharge of a firearm within 500 feet of a childcare center or school.

Councilor Litwin noted H.39, which would override the \$1 million earmarked last session for the overdose prevention center in Burlington, and asked about the impact of this bill on Burlington's efforts. Mr. Mickenberg noted that the bill was introduced but hasn't had a hearing yet, and said that it would be a full repeal of the statute (not just a clawback of Burlington's allocated funds). Mayor Mulvaney-Stanak said that they will monitor the bill, but also said that hundreds of bills are introduced that never get considered.

Councilor Bergman said a follow-up communication on the no-cause eviction conversation would be helpful, in terms of the testimony and lines of support and opposition from legislators.

Councilor Barlow spoke about Green Mountain Transit (GMT)'s \$1.5 million operating deficit and asked that this issue be tracked as well.

3. MAYOR – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

3.1 Verbal Reports

Mayor Mulvaney-Stanak began by speaking about last weekend's joyous celebration for the UVM men's soccer team's Division 1 championship on Church Street and thanked staff for their support, and thanked UVM for its collaboration on the event. She then spoke about community safety updates, including the operation of an emergency weather shelter for between 45-80 people, the swearing-in of new professional staff and officers of the Burlington Police Department, meeting with BPD leadership to learn more about the gaps related to drug trafficking in the court system, working on upgrades to the BPD facility, and noting that the City's next community safety public forum is on March 13 and will focus on hate and bias-related incidents. She provided a brief update of the new CityPlace building and when units in the north and south towers will come online. She also provided an update on the City's work related to climate mitigation, noting that staff are conducting an inventory of current initiatives and will look to bring on climate advisors from the community in the coming weeks. She then noted that the City's Tax Fairness Working Group will meet later this week for the first time, and that work continues on the Fiscal Year 2026 budget. She spoke about the upcoming election, noting that all registered voters will be mailed a ballot between February 10 and February 12, and further noting that same-day voter registration will also be available on Town Meeting Day. She then spoke about engagement with the Burlington School District, particularly around school safety and language access. She ended by noting several Martin Luther King Jr Day events held by the City, events for PlanBTV, and a BCA arts exhibit opening.

4. CITY COUNCIL – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

4.1 Verbal Reports

Councilor Neubieser spoke about a study through CDNR about doubling the funding for the City's Affordable Housing Trust, particularly focusing on solutions to do so without relying on regressive taxes.

Councilor Grant spoke about concerns raised during public forum about not getting the help needed for public safety. She said that everyone should be prepared to effectively communicate to dispatch in order to get an appropriately-prioritized response, especially if they feel that there is the potential for physical danger. She offered to discuss this further with anyone who wishes to do so. She also clarified that the Mayor did not issue a gag order for the Police Department, but is requesting that they run press releases by the Mayor's Office. She also noted that she shared a link to the BPOA survey for police officers and encouraged the public to review the survey results.

Councilor Barlow concurred with the Mayor about the celebration for the UVM men's soccer team, saying that it was also beneficial for businesses downtown.

Councilor Litwin said he would like the Council to have a timeline for the recruitment efforts and activities for the upcoming Police Chief position vacancy. He spoke about the communications topic related to the Mayor's Office and Police Department, noting that the Human Resources Committee will be taking up the topic at an upcoming meeting on February 3. He said that he hopes the committee will be a neutral space where they can discuss communications policies and potential updates to the City's personnel manual. He thanked the Board of Health for its work on evaluating solutions to the City's syringe litter issue.

Councilor Broderick noted that the Transportation, Energy, and Utilities Committee is meeting tomorrow and will be discussing Green Mountain Transit's FY26 assessment.

5. PUBLIC FORUM: TIME CERTAIN: 7:00 PM

5.1. Verbal Comments

Forum opened at 7:01 PM.

COMMENTS:

Burlington residents (in person):

- Len Whitehouse spoke about public safety concerns in Burlington and relayed a personal experience with having to respond to an intruder himself due to lack of police response, which was due to lack of police funding in the City.
- Bill Oetjen spoke about open drug use and human trafficking around the downtown area, saying that the gangs responsible are better-resourced than the public safety apparatus in the City. He said the Burlington Police Department needs better tools and personnel to combat these threats to public safety.
- Dave Maher urged the Council to support the resolution for rebuilding the Burlington Police Department. He spoke about the decimation of the Police Department by the City Council between 2020 and 2022, which has led to a feeling of lack of support. He said that tonight's resolution could begin to rebuild the support of the BPD by the local government.
- Jane McDougal spoke about the need to have more sidewalks fixed in the City. She spoke as a resident of Cathedral Square, saying that not enough sidewalks have been repaired and that it makes it difficult for the elderly to get around.
- Christopher Aaron Felker spoke in support of the resolution on tonight's agenda for rebuilding the Police Department. He also spoke about the importance of investing in sidewalk infrastructure. He also spoke in defense of women, sex-based rights, and female-only spaces.
- Lee Morrigan gave a formal resignation from his seat on the Burlington Parks, Recreation, and Waterfront Commission. He said that public service is about envisioning and working toward something better for neighbors, community, and the future. He said that while sometimes one's vision meets with resistance, the most transformative work occurs when individuals refuse to be silenced. He spoke about how his tenure on the Commission has been undermined by the Democratic majority (even blocking this resignation letter from appearing on the consent agenda). He spoke about how the harm caused by this has been deeply personal, and about how projects he championed were stripped of their intended purpose under Democratic influence, and have jeopardized the existence of these projects and

programs. He spoke about how his own family was used in Democrats' campaigns, which also engaged in transphobia.

- Caryn Long said that she feels that the City's public safety measures are working, and said that if the police know that something is an emergency when 911 is dialed, they will show up. She also noted that Outdoor Gear Exchange is closing its Essex location to focus on its flagship store on Church Street, and that the owner has said this is because there have been positive improvements in the conditions in downtown Burlington. She also spoke about several other businesses coming into or expanding their businesses downtown, saying that this is necessary for a vibrant downtown.
- Michael Long spoke about the significant number of well-qualified candidates in upcoming local elections, unlike some of the candidates on the national stage. He spoke about his worry that some of the Democratic caucus were undermining the Mayor, but then noted that the caucus is now emphasizing the need for Democrats on the Council to provide collaborative balance to the Mayor's Progressive administration. He spoke about the importance of collaboration on the City Council.
- Todd Deluca spoke about a number of public safety incidents that he has experienced over the last seven months.
- Nolan Rogers expressed support for putting the water bond on the ballot, and expressed his appreciation for infrastructure and for maintenance work. He said that doing maintenance improvements will help the City grow in the future.

Burlington residents (via Zoom):

- Eliana Fox spoke in support of the Lake Water and General Obligation bonds, and urged the City Council to support them as well. She spoke about the importance of investing in critical infrastructure and assets. She acknowledged the high cost, but said that is a product of deferring maintenance for so long, and said that these upgrades are key to the City's continued development and expanded housing and commercial spaces.
- Robert Etter said that the City should not be proposing any budget increases for anything other than public safety, and said that if bonds and infrastructure are needed due to deferred maintenance, the City needs to shift its existing budget priorities and not demand higher taxes of its residents. He spoke with disappointment about the Mayor's gag order on the Police Department, which fosters further mistrust of the police among major political elements in the City.
- Jeanne Keller spoke about the UVM Medical Center MOU, saying that the added building heights for the new campus overlay will exceed the height of the water tower and may necessitate the addition of blinking lights on top of the building to meet Federal Aviation Administration requirements. She noted that residents of the East District are being denied representation during this debate due to the vacancy of the East District Council seat. She asked that the Council complete a daylighting study to address concerns about canyoning between Colchester and East Avenues, require the hospital to float numerous highly visible balloons to mark the boundaries of the requested height allowances, and postpone the vote on the MOU until the studies are done and a Councilor is elected to the East District seat.
- Martha Lang spoke about the MOU between UVM Medical Center and the City, expressing concern that the proposed building could have a footprint of an acre and a half, which would destroy the full grown trees on Colchester Avenue. She suggested that the City Council do a site visit and allow residents to participate in it, as well as ask the Medical Center to conduct a computer-generated study to show how the neighborhood would look with the proposed changes.
- Mark Leopold spoke about National Holocaust Remembrance Day, and spoke about how not all Gazans are innocent and that the goals of Hamas are to kill all Jews in the world. He connected these goals with those of Hitler.
- Sharon Bushor spoke in support of the \$20 million General Obligation bond for capital improvements and the \$20 million drinking water bond, but expressed concern about the high cost of the stormwater and wastewater bonds and the impact on affordability.

Forum closed at 7:35 PM.

6. SECOND PUBLIC HEARING ON CHARTER CHANGES FOR MARCH 4, 2025 ANNUAL CITY ELECTION

6.1 Second Public Hearing on Charter Changes for March 4, 2025 Annual City Election

City Council President Traverse opened the public hearing at 8:02 PM.

There was no public comment.

City Council President Traverse closed the public hearing at 8:02 PM.

7. CONSENT AGENDA

7.1 Motion to adopt the consent agenda (as amended) and take the actions indicated

7.2 Accountability List – C/T – waive the reading, accept the communication, and place it on file.

7.3 Communication: Marc Bilodeau, Parking Manager, DPW to Sam Pratt, re: parking issues – waive the reading, accept the communication, and place it on file.

7.4 Appointment of City Attorney as State Ethics Liaison - confirm whoever holds the position of City Attorney shall serve as the City of Burlington's Ethics Liaison to the State Ethics Commission.

7.5 Open Space Plan Rewrite Statues Update – DPW – waive the reading, accept the communication, and place it on file.

7.6 Communication: Martha R. Lang, Ph.D., re: UVMCMC modest increase in height overlay request – waive the reading and place the communication on file.

7.7 Communication: Martha R. Lang, Ph.D. to Green Mountain Care Board, re: Docket No. GMCB-023024-con, UVMCMC Conceptual CON for the Construction of Replacement Parking Garage – waive the reading and place the communication on file.

7.8 Re-classification of one position, the HVAC Technician, in the Department of Parks, Recreation, and Waterfront to Central Facilities Working Foreperson Heating, Ventilating and Air Conditioning (HVAC) Technician – BPRW/HR – approve and authorize the reclassification of the HVAC Technician, a regular, full-time, non-exempt, AFSCME, Grade 17 position to the Central Facilities Working Foreperson Heating, Ventilation and Air Conditioning (HVAC) Technician, a regular, full-time, non-exempt, AFSCME , Grade 18 position in the Department of Parks, Recreation & Waterfront.

7.9 FIO Documents – For information only.

MOTION by Councilor Litwin, SECOND by Councilor Shannon, to approve the consent agenda and take the actions indicated for items 7.1-7.9.

VOTING: unanimous; motion carries.

8. DELIBERATIVE AGENDA

8.1 Potential Charter Change Amendments Based on Public Hearings

None.

8.2 Resolution: Short Form Ballot Language Re: Charter Change Re: Authority To Regulate Rental Notifications And Notification Periods (Councilor Bergman)

MOTION by Councilor Bergman, SECOND by Councilor Grant, to waive the reading and adopt the resolutions for items 8.2, 8.3, and 8.4.

DISCUSSION:

- **Councilor Bergman said the three charter changes are related to notifications for rental units, redistricting language, and banning firearms in establishments with liquor licenses. He spoke about the process for approving charter changes at the state level if the voters approve of them on Town Meeting Day.**
- **Mayor Mulvaney-Stanak spoke about the proposed charter change related to banning firearms in establishments with liquor licenses, saying that this could be one additional tool to keep the public safe in the downtown area, and could also help jumpstart conversations related to this topic at a statewide level (through H.45).**

VOTING: unanimous; motion carries.

8.3 Resolution: Short Form Ballot Language Re: Charter Change To Article II. Sec. 2 Of The Charter Of The City Of Burlington (Councilor Bergman)
See action taken in item #8.2 above.

8.4 Resolution: Short Form Ballot Language Re: Charter Amendment Re: Ban On Firearms In Any Establishment With A Liquor License (Councilor Bergman)
See action taken in item #8.2 above.

8.5 Resolution: City Council Commitment To Rebuilding And Reconciling With The Burlington Police Department (Councilors Shannon, McKnight, Litwin, Barlow, Traverse, Carpenter)

MOTION by Councilor Shannon, SECOND by Councilor Litwin, to waive the reading and adopt the resolution.

DISCUSSION:

- Councilor Shannon spoke about an initial resolution in September to increase the cap on sworn officers in the BPD, which also requested a report-out from the Police Chief on what the cap should reasonably be, as well as updates on recruitment and retention activities at the Police Department. She noted that in his report-out, the Chief recommended a cap of 105 sworn officers, but that the BPOA noted that removing the cap entirely would be a good step to improving morale at the department and the relationship between the BPD and local government. She spoke about the CNA's recommended cap, which was based on 2019 data, and also had a number of caveats. She also said that regardless of the number, the City needs far more officers than it currently has, and should be signaling that intent during recruitment efforts. She said this resolution recommends removing the cap on police officers, and that the number of officers should be driven by the City's budget and ability to recruit. She said the resolution also asks the Chief Administrative Officer (CAO) to determine whether funding can be found in the budget for recruitment and retention bonuses. She noted that the resolution was drafted with input from the BPD and BPOA. She noted several changes between this version of the resolution and the prior version of the resolution, saying these changes are in response to events that occurred in recent weeks related to public safety issues. Mayor Mulvaney-Stanak spoke about the requirement in the resolution for a report-out from her office, and asked that this date be changed to February 18, 2025.

MOTION TO AMEND by Councilor Shannon, SECOND by Councilor Neubieser, to change the date on Line 128 from February 10, 2025 to February 18, 2025.

VOTING (ON AMENDMENT): 10-1; motion carries (Councilor Litwin dissenting).

DISCUSSION (ON RESOLUTION AS AMENDED):

- Councilor Bergman began by expressing appreciation for personnel in the BPD, saying that the Progressive caucus will continue to work to meet the target of 87 sworn officers and support a data-driven and supported assessment of the need for sworn officers, and noting that this resolution does neither of those things. He said that this resolution is controversial and divisive, and the Progressive caucus cannot support it. He said the most important objection is to the resolved clause that removes the cap, given that the resolution does not require an assessment of needs, and is a performative distraction. He noted several items that they reached consensus on, such as how to attract lateral hires, a review of the BPD budget to hire youth, a report on the police facility, and a commitment to look at longer-term measures to rebuild.
- Councilor Grant began by speaking about her attitude toward resolutions as a concept, saying that they often serve as distractions or performative measures. She expressed concern that the whereas clauses related to the CNA report imply that certain data was not taken into consideration. She noted that the BPD has not been cooperative or engaging with regards to having a strategic recruitment plan for lateral transfers. She said that commitments between the City Council and BPD are useless unless the BPD is a willing partner in that commitment. She concurred with

Councilor Bergman's sentiments, and said that this resolution will not be effective because it does not address the underlying issues.

- Councilor Neubieser agreed with Councilor Bergman's statements around the Progressive caucus's position on this resolution. He noted that his constituents have spoken about their exhaustion with the endless relitigation of the June 2020 vote. He said that the City and BPD should focus on the complexity of the situation. He agreed that rank and file police officers should be supported, and said that EMTs, crisis workers, firefighters, social workers, and healthcare providers on the front lines should also be supported. He pointed out that the June 2020 vote came about in part due to the conditions at the time, including excessive use of force on the part of some officers, expensive settlements, and lack of transparency by the prior administration in addressing the issues. He reassured constituents that new leadership, resources, and perspectives are focusing on this issue to try and make improvements.
- Councilor Barlow noted that exit interview data has spoken about the perception that the BPD is not supported by City government. He also noted that no other department has a politically imposed limit to hiring like BPD does. He said that removing this cap could potentially be removing an obstacle to recruitment and could unlock the City's ability to attract more lateral hires.
- Councilor McKnight said this resolution brings forth actions that are directly responsive to what BPD is asking the City Council to do. She noted that constituents are urging the City Council to do something in order to help hire more police officers and see more forward momentum on this topic. She pushed back against assertions that resolutions are performative and symbolic.
- Councilor Kane said one way to support officers is to help reduce the stress related to lawsuits. He said that the institution of policing has grown to respond to a range of social ills, many of them issues that sworn officers are not equipped or trained to deal with, and the cap pushes the City to be intentional in making sure that these issues are dealt with by other positions than by sworn officers.
- Councilor Litwin said that Councilors are stating that they wish to rebuild the BPD while simultaneously attacking its leadership, and said that the Council needs to stop dwelling in the past. He said that the cap should be the budget, as this is what truly limits the number of officers the City can hire. He said the City needs more sworn officers.
- Mayor Mulvaney-Stanak said she remains concerned about a policy that lifts the cap on the number of sworn officers, saying it is a premature move given that the City cannot even reach the staffing levels included in the current fiscal year's budget. She said that the legislative body's continued focus should be on evidence-based rebuilding strategies. She said that the Council and her administration should continue to examine what the community was asking leadership to do in 2020, which was to think more expansively about community safety and understand the racial justice commitments made at that time.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – nay, Councilor Shannon – aye, City Council President Traverse – aye (6 ayes, 5 nays); motion carries.

8.6 City Council School Budget Update – Burlington School District

Burlington School District Chair Wool and Executive Director Lavery provided the update on the FY26 BSD budget. Executive Director Lavery began by noting that the FY26 budget is projected to decrease education property taxes by 4% across the City. He said that this is somewhat driven by the change in the pupil weights within the financing formula and a drive to develop a more equitable and transparent budgeting model, particularly around aligning staffing to enrollment changes. He said that though they are projecting a tax rate decrease, there are still a number of headwinds for the BSD, including rising wages, healthcare costs, and beginning to pay down the debt associated with constructing the new high school and tech center campus.

Councilor Bergman thanked the BSD for their work in focusing on affordability.

Councilor Shannon also thanked the BSD for this work, and acknowledged that this reduction due to changes in pupil weights is the product of decades of work on the part of the BSD to lobby in Montpelier for Burlington's fair share related to education financing.

Councilor Litwin agreed with Councilors Bergman and Shannon's sentiments. However, he expressed concern about the banking relationship between BSD and TD Bank and asked that BSD look at its RFP process when selecting the bank that serves it. He cited recent criminal convictions for TD Bank after investigations at the federal level. Executive Director Lavery replied that it is a realistic expectation for the school board to set expectations around this the next time it reprocures financial services.

Councilor Barlow recognized BSD leadership for running responsible budgets and managing them in a way that there are positive fund balances every year.

Councilor McKnight spoke about the downward trend in enrollment, saying that part of this is likely due to the lack of affordable housing in the City. She said that the more affordable housing the City can help create, the bigger the grand list and the lower the tax burden for individual households.

Councilor Neubieser thanked BSD leadership for the good news about the tax rate decrease.

Mayor Mulvaney-Stanak spoke about BSD's equity-based budgeting practices and the commitment she has made to bringing these types of practices into the municipal side of the budget. She spoke about potential future collaboration in terms of educational inserts that can be included in the ballot mailings, as well as increased accessibility around language and using plain language for the ease of translation.

Chair Wool thanked Burlingtonians for the support in the past number of years related to having to bond for a new high school, and for acknowledging the work done to remain prudently frugal and trying to keep Burlington affordable. She said she is excited to see the new housing being built and looks forward to that positively impacting enrollment numbers.

8.7 **Item postponed until 2/10** FY26 City Budget Presentation **material to be posted later**
No discussion – item postponed.

8.8 Resolution: March 4, 2025 – Annual City Meeting Issuance Of Revenue Bonds For Wastewater And Stormwater Utility Projects (Board of Finance)

Mayor Mulvaney-Stanak provided context for the bonds in items 8.8, 8.9, and 8.10, saying that they relate to making sure the City is able to focus on public safety, have ample affordable housing and a climate resiliency strategy that looks at adaptation and mitigation work. She noted that the general obligation (GO) bond includes replacing 30% of the City's aging vehicle fleet, and the resources necessary for traffic calming measures. She said that there is an estimated additional 5,000 units of housing that will come online in the next several years, and that the City needs to ensure it has the capacity in terms of infrastructure to accommodate that additional housing. She said that in terms of climate, the City needs to think about the health of the lake and the energy efficiency of its buildings. She emphasized the focus on affordability.

Division Director Moir began by reiterating why investment is needed at this time, saying that it is needed in order to provide reliable and sustainable drinking water and wastewater/stormwater services to current and future Burlington users. They said that this bond would allow the City to replace aged infrastructure that is at significant risk of failure, ensure that there is sufficient capacity for housing growth, improve climate resiliency and address safety and code upgrades to protect and retain workers. They said that the bond would also include more phosphorous removal to continue improving water quality and protecting the lake. They spoke about how through engagement with the Council and public, they reduced the initial bond amounts to focus on the highest priority investments (mainly in the main wastewater treatment plant), though they noted that the work needed around the east and north treatment plants isn't going away and will be tackled through later phases of this work (and additional bond requests). They said that the bond request for this first phase of work will be \$172 million across water, wastewater, and stormwater. They said that they will come back to the City Council to provide updates after certain milestones, and outlined these milestones. They spoke about

the work to continue to reduce the impact on ratepayers, including the pursuit of grants, low-interest loans, and other areas of state support.

Councilor Shannon noted that the impact of increased standards for water, wastewater, and stormwater have been around \$30 million for Burlington, and also asked how the 5,000 new units and accommodating that scale impacts the cost of what the City is doing. Division Director Moir noted that Burlington is one of a small handful of communities that is having to meet this enhanced phosphorus standard, but that all of Burlington's plants are big enough to meet the trigger for these stricter standards. They also noted that this is why they feel comfortable continuing to approach the state to ask for more grant support, given the higher burden placed on the Burlington community as a result of this stricter phosphorus regulation. They also noted that about 20% of the proposed project can be attributed to capacity need and making sure that they City can handle 5,000 more units.

Councilor Neubieser spoke about how much of a priority access to clean, reliable, and safe drinking water is for the City, and thanked Division Director Moir and other City staff for their work on this important set of projects.

Councilor Barlow said that though he supports putting the bond questions on the ballot, he continues to have concerns about affordability. He said he is looking at these bond requests and the GO bond request as parts of a whole. He said the need for this multi-generational investment is critical, and thanked staff for their continued work to phase the project in a way that lessens impacts on rate payers in the near term. He expressed appreciation for managing the costs during the final design process with the inclusion of value engineering and construction management at risk model for the wastewater project.

Councilor Grant spoke about the importance of access to safe water, as well as the need for additional capacity in order to ensure safe growth for the City. She also spoke about deferred maintenance and how these improvements are critical to implement at this juncture.

MOTION by Councilor Barlow, SECOND by Councilor Bergman, to waive the reading and adopt the resolution authorizing the placement of a bond request for an amount not to exceed \$152 million for capital improvements and additions to the wastewater and stormwater systems on the ballot of the Annual City Meeting to be held on March 4, 2025 as more specifically set forth in the attached resolution.

VOTING: unanimous; motion carries.

8.9 Resolution: March 4, 2025 – Annual City Meeting Issuance Of Revenue Bonds For Drinking Water Utility Projects (Board of Finance)

MOTION by Councilor Barlow, SECOND by Councilor Bergman, to waive the reading and adopt the resolution authorizing the placement of a bond request for an amount not to exceed \$20 million for capital improvements and additions to the waterworks system on the ballot of the Annual City Meeting to be held on March 4, 2025 as more specifically set forth in the attached resolution.

VOTING: unanimous; motion carries.

8.10 March 4, 2025 Annual City Meeting – Pledging The Credit Of The City Issue General Obligation Bonds For City's Five-Year Capital Plan (Board of Finance)

Capital Programs Director Parker spoke about why the City needs more than the annual \$2 million limit in bonding for capital improvement projects, noting that critical assets (fleet, sidewalks, streets, bridges, buildings, and parks) are currently showing more than \$2 million of need. She walked through a draft table of proposed allocations if the City is successful in obtaining a \$20 million GO bond.

Councilor Barlow said that the needs for this funding are apparent and he will be supporting this. He said that in the longer term, he expressed support for increasing the City's annual capital bonding authority to a level that reflects the City's actual annual needs for capital replacement (as well as

accounting for inflation).

MOTION by Councilor Barlow, SECOND by Councilor Bergman, to waive the reading and adopt the resolution authorizing the proposed question related to the \$20 million general Obligation bond for general fund capital infrastructure to be placed on the ballot of the Annual City Meeting to be held on March 4, 2025.

VOTING: unanimous; motion carries.

8.11 Resolution: Establishing A Violation Reporting Incentivization Pilot (VRIP) (Councilors Litwin, McKnight, Traverse, Carpenter, Shannon, Barlow)

MOTION by Councilor Litwin, SECOND by Councilor Barlow, to waive the reading and adopt the resolution.

DISCUSSION:

- Councilor Litwin offered context for this resolution, which came out of the December City Council meeting's discussion of the graffiti ordinance, and particularly around the private right of action part of the proposed ordinance (around which there was notable disagreement). He said that this resolution is an attempt to bring forth a constitutionally-defensible way to enable members of the public to help the City crowd-source violations of specific ordinances as part of a pilot program and to reward residents or others who report these incidents when the City is able to successfully ticket offenders for specific violations of issues. He said that this is modeled after other successful programs incentivizing residents to help with violation reporting, notably a program in New York City to combat vehicle idling. He said that if this moves forward, he encouraged the Ordinance Committee to make sure that there is a clear definition of graffiti associated with it.
- Councilor Bergman said he is not in favor of this resolution, given the City's lack of resources for enforcement. He said that this resolution does not solve that root issue, and will not be effective. He also noted that the cost of enforcement is rarely covered by the fines assessed, and that the impact on the City's financial situation should be assessed prior to the creation of a pilot program or permanent system. He said it would have been better to send this idea to the Administration and its departments and to other Council committees of jurisdiction to study it. He also expressed concern with the tight timeline for implementing the pilot.
- Councilor Shannon said she shares some of Councilor Bergman's concerns, but said that if other communities have made something like this work, it could be successful here. She said that would be helpful if the City Attorney could look at this and determine if there is a proposal or framework that could be brought to the Ordinance Committee for discussion.
- Councilor Carpenter said that there was an invitation for other alternatives or ideas for private right of action when this was discussed in December, and said that this invitation to the Administration still stands.
- Councilor Grant said that the City already has many issues with enforcement and that now is not the time to implement a new pilot. She spoke about the New York example, saying that there have been some issues with it. She spoke about the importance of doing diligence prior to introducing more enforcement mechanisms.
- Councilor Neubieser noted that one of the main points of contention with the private right of action mechanism was that it would pit neighbors against neighbors, and noted that this resolution would essentially deputize residents to hand out fines to their neighbors. Councilor Litwin clarified that this does not deputize individuals, but creates a reporting mechanism for people to gather evidence and report it. Councilor Neubieser expressed concern that this almost feels like a step toward vigilantism, which is incredibly dangerous for the community, and that it sets up more and more opportunities for conflict between members of the community. He said that the main pain point is the inability to have enough enforcement capacity and resources.
- Councilor McKnight said this is a much more practical and accessible tool to empower the community deal with hateful and harmful graffiti and vandalism. She said that the private right of action was constitutionally questionable and

impractical. She said this resolution looks to other cities and looks at data to inform an initiative.

- **Councilor Broderick expressed appreciation for the research Councilor Litwin conducted to develop this proposal, but said he cannot support this because it introduces financial reward into public service, which does not align with his values.**
- **Councilor Kane said residents are already frustrated about the lack of response to documentation and complaints they have submitted to the City, and that this would create competing and additional requests that would further delay resolution.**

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – nay, Councilor Shannon – aye, City Council President Traverse – aye (6 ayes, 5 nays); motion carries.

9. COMMITTEE REPORTS

9.1. Verbal reports

Councilor Barlow said the Transportation, Energy, and Utilities Committee will meet on January 28 at 5:30 PM to discuss the GMT FY26 assessment and special assessment, as well as the Battery Street scoping study preferred alternative presentation. He also noted there will be a presentation on parking services license plate readers.

Councilor Shannon said the Ordinance Committee will meet on January 28 at 11:00 AM to discuss the vacant building ordinance, as well as recommendations from the Dog Task Force and next steps related to cats.

Councilor Neubieser noted that the Community Development and Neighborhood Revitalization Committee is discussing the resolution clarifying the relationship between NPAs and City government and that a working group has produced a draft set of recommendations which are being considered by CDNR. He said that the recommendation will also be circulated among NPAs as well as brought back to the Council.

10. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

10.1. Verbal reports

City Council President Traverse noted that the public hearing related to the bond items will take place on Wednesday, February 12, 2025 at 5:30 PM.

11. ADJOURNMENT

11.1 Motion to Adjourn

MOTION by Councilor Bergman, SECOND by Councilor Litwin, to adjourn the meeting.

VOTING: unanimous; motion carries.

The meeting adjourned at 10:32 PM.

RScty: AACoonradt