



Regular City Council Meeting - Monday, June 12, 2017, 7:00 pm, Contois Auditorium, City Hall 6/12/2017

MINUTES SUBJECT TO CORRECTION BY BURLINGTON CITY COUNCIL. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE CITY COUNCIL.

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

June 12, 2017

MEMBERS PRESENT: Jane Knodell (Council President) – Central District

David Hartnett – North District

Joan Shannon – South District

Richard Deane – East District

Sharon Foley Bushor – Ward 1

Max Tracy – Ward 2

Sara Moore - Ward 3

Kurt Wright – Ward 4

William “Chip” Mason – Ward 5

Karen Paul – Ward 6

Tom Ayres – Ward 7

Adam Roof – Ward 8

ADMINISTRATION: Miro Weinberger, Mayor

Bob Rusten, CAO

Rich Goodwin, DFO

Eileen Blackwood, City Attorney

Brian Lowe, Mayor’s Office

Katie Vane, Mayor’s Office



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Amy Bovee, C/T Office

Lori Olberg, C/T Office

Brandon del Pozo, Police Chief

Steve Locke, Fire Chief

Neale Lunderville, BED

Jen Green, BED

OTHERS PRESENT: Jesse Bridges

Jake Perkinson

Gabrielle Stebbins

Scott Moody

Sarah Kenney

Ron Ruloff

1.0 CALL TO ORDER and AGENDA

City Council President Knodell called the meeting to order at 7:07 PM on June 12, 2017 and led the assemblage in the Pledge of Allegiance.

1.01 Agenda

MOTION by Councilor Roof, SECOND by Councilor Bushor, to approve the agenda with the following amendments:

- **Add and advance on agenda Item 5.08 (BTAB Update on BT Sale).**
- **Add co-sponsors Ayres, Deane, Roof, Tracy to Item 5.02 (Climate Action).**

VOTING: unanimous; motion carried.

2.0 ANNUAL REPORTS TO CITY COUNCIL

2.01 Electric Commission

Electric Commission Chair, Gabrielle Stebbins, Vice Chair, Scott Moody, and BED General Manager, Neale Lunderville, were present. Chair Stebbins reported the annual report shows highlights and performance measures. BED continues to do well with safety, reliability, and keeping rates constant and manageable. BED is also doing well with support of electric vehicles and net zero modular homes, and is making strides in the vision for a net zero city. Chair Stebbins recognized the great





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BED staff.

Vice Chair Moody explained the approach taken by the Electric Commission with regard to looking at the commission's responsibilities and how the commission relates to management. The commission has more detailed discussions with department managers on their respective departments. General Manager Lunderville added BED has a great Electric Commission that is passionate about energy and Burlington continuing to be the most progressive energy city in the country.

Councilor Bushor spoke in support of the high level of synopsis with the Electric Commission and BED, and the city owning its own electric utility. Councilor Bushor mentioned the operation of the waste wood yard by BED and the savings of \$100,000 in fuel cost at the McNeil Plant. General Manager Lunderville said woodchips are the largest budget item each year so the wood yard is a valuable resource.

Councilor Deane asked for an explanation of how BED works with Efficiency Vermont. General Manager Lunderville said BED was the template used by Efficiency Vermont and is the only distribution system in the state to run its own efficiency program. BED works closely with Efficiency Vermont. The goal is to provide a path to efficiency for construction of high performance, net zero energy efficient buildings in Burlington.

Councilor Tracy commended the work in re-examining the role of the Electric Commission and mentioned finding ways to work better with City Council and vice versa. Chair Stebbins said different ideas have been discussed. The Electric Commission does strive to make sure City Council is informed.

Mayor Weinberger stated another outstanding year at BED is complete with improving reliability, increasing worker safety, improving customer service, and dialing in on the goal of making a net zero city across thermal, electric, and ground transportation sectors over the next 10 to 15 years.

Councilor Paul asked that all the commissioners on the Electric Commission sign the annual report to confirm they have read and agree with the contents.

Council President Knodell asked for a breakdown of the 100% renewable sourcing of power by BED. General Manager Lunderville said 43% of energy comes from biomass, 33% from hydro, 23% from wind, and 1% from solar. BED is always looking for interesting energy contracts for power.

2.02 Fire Commission

Fire Commission Chair, Jake Perkinson, and Fire Chief, Steve Locke, were present. Chair Perkinson reported the number of





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calls last year by the Fire Department totaled 7,517 with 5,183 EMS calls and 2,334 fire and other emergency calls. There has been a 7.3% increase in call volume in the last five years. Fire Chief Locke has reorganized and made the department more efficient. Morale continues to increase with respect to the direction of the department.

Fire Chief Locke spoke of the new equipment coming into the department, the great staff, and the new hires.

Councilor Bushor asked if 10 paramedics on staff is enough. Fire Chief Locke explained every staff member is EMT-Basic certified, half of those are EMT-Advanced certified plus there will be 10 paramedics on staff by the end of the year which is the target. Overtime hours will continue to be monitored.

Councilor Hartnett asked about using the fire truck from South Burlington. Fire Chief Locke said the truck was borrowed three times last year because Burlington's vehicles were out of service, but the newer fleet should eliminate the borrowing. Chair Perkinson stated the department has trucks well beyond the useful life of the vehicle.

3.0 PUBLIC FORUM

Public forum was opened at 7:35 PM.

COMMENTS

- Ron Ruloff, resident, spoke of real estate development reinvesting mob money from narcotics and other enterprises, and urged City Council to check the credentials of Rousse Industries and vet with due diligence. Check the paper trail of the money. Ask Rousse how many companies they deal with and which ones are on watch lists by which Attorney Generals in which states.

There were no further comments. Public Forum was closed at 7:39 PM.

4.0 CONSENT AGENDA

- 4.01 PROCEDURAL: Amend/Adopt Consent Agenda and Take Action(s) as Indicated
- 4.02 COMMUNICATION: Accountability List
- 4.03 COMMUNICATION: Resignation - Ryan Herrington, Medical Examiner
- 4.04 REPORT: Conservation Board
- 4.05 REPORT: Housing Board of Review
- 4.06 COMMUNICATION: Public Safety Committee Proposal Plan 2017/2018





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- 4.07 COMMUNICATION: General Fund Revenue Unaudited April 2017 Financial
- 4.08 COMMUNICATION: Sweep Accounts & Other Bank Accounts
- 4.09 COMMUNICATION: Minutes Board of Finance May 1, 2017
- 4.10 COMMUNICATION: Minutes Board of Finance May 8, 2017
- 4.11 COMMUNICATION: Minutes Board of Finance May 15, 2017
- 4.12 COMMUNICATION: CCRPC Clean Water Advisory Committee Appointments
- 4.13 COMMUNICATION: CCRPC Transportation Advisory Committee Appointments
- 4.14 COMMUNICATION: Renewal of License Agreement for Encumbrance Outside CSM 2017-1028
- 4.15 COMMUNICATION: MOU for Merger of Regional Stormwater Education Program and Chittenden County Stream Team
- 4.16 RESOLUTION: Appointment – Karen Huyck, Board of Medical Examiners
- 4.17 RESOLUTION: Contract – Stantec Consulting Services, Annual Stormwater Permit Management Services at Airport
- 4.18 RESOLUTION: Accept Grant – Rotating Navigation Beacon at Airport
- 4.19 RESOLUTION: Accept Grant/Contract – Reconstruction of Taxiway Golf at Airport
- 4.20 RESOLUTION: Pine Street Historic District on National Register of Historic Places

MOTION by Councilor Roof, SECOND by Councilor Shannon, to adopt the Consent Agenda, Items 4.01 through 4.20, and take the action indicated. VOTING: unanimous; motion carried.

5.0 DELIBERATIVE AGENDA

5.01 Appreciation to Jesse Bridges – City Council

MOTION by Councilor Paul, SECOND by Councilor Wright, to adopt the resolution of appreciation for Jess Bridges for services as Director of Parks and Recreation since 2012 with creativity and dedication and to extend well wishes with all his future endeavors.

DISCUSSION:

- Councilor Hartnett recalled Jesse Bridges was hired after a national search and interview of many applicants, but the decision was made to hire Director Bridges after the first interview. Director Bridges has made the parks and the city a better place.
- Councilor Tracy spoke of Director Bridges' calm communication style when dealing with people.
- Councilor Ayres said it has been a pleasure working with Director Bridges. Thanks are extended for the collaborative, collegial, compromise, consensus building brought to the city.
- Councilor Shannon said Director Bridges has handled with grace all the small tasks while developing the big plans for the city. Director Bridges has done an awesome job with a pleasant demeanor.





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- Councilor Wright agreed Director Bridges has done a fantastic job dealing with all the issues which were handled with grace and dignity. The citizens were kept informed and the city is a better place thanks to Director Bridges' leadership and pleasant demeanor.
- Mayor Weinberger echoed the positive remarks about Director Bridges and the many accomplishments including the rehab of the bike path, the new park as part of former Burlington College land, and the community center at St. Joseph's School. Burlington looks forward to working with Mr. Bridges in his role with United Way of Northwest Vermont in turning around the opioid crisis, moving toward the end of chronic homelessness, and amping up new investments in learning.
- Director Bridges expressed appreciation for the kind words and said it has been a pleasure to serve the city and the citizens. Being in public service is an experience of a lifetime. Director Bridges said thank you for the opportunity to serve and that he is looking forward to partnering in the path ahead. Director Bridges spoke of the exceptional Parks & Rec staff and assured the city is in great hands going forward.

There were no further comments.

VOTING: unanimous; motion carried.

5.02 Commitment to Climate Action – City Council

MOTION by Councilor Bushor, SECOND by Councilor Roof, to waive the reading and adopt the resolution reaffirming the city's commitment to climate action.

DISCUSSION:

- Councilor Bushor said the resolution speaks to the local and global conscientiousness the city has and reaffirms the commitment to a climate action plan. Councilor Bushor mentioned how people can control use of resources by walking, biking, turning off lights when not in use.
- Councilor Shannon expressed pride being in a community and state where everyone values the environment. Other cities across the country are doing the same and making a statement.
- Councilor Tracy mentioned the resolution refocuses on a municipal level to have an impact and put some elements of the climate plan into action.
- Mayor Weinberger stated the resolution is consistent with joining with other mayors in cities throughout the country to make progress toward clear targets and continue the conversation on climate change.
- Jen Green, BED, said the city is committed to tracking emissions every three years. Past analyses show the trajectory is dropping slightly in buildings. Transportation is on the uptick, but the bike path is part of the puzzle. The city also has a \$1,200 rebate for electric vehicles and will be launching the E-bike program and an E-bike library so people can try out a bike before purchase. E-buses may be coming as well. There is much going on, but still a lot of work to do.

There were no further comments.

VOTING: unanimous; motion carried.

5.03 Fair and Impartial Policing Policy and Reaffirmation of Burlington as a Welcoming and Inclusive City for Immigrants – Welcoming City Ad Hoc Committee

MOTION by Councilor Shannon, SECOND by Councilor Hartnett, to waive the reading and adopt the Fair and





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Impartial Policing Policy and reaffirm Burlington as a welcoming and inclusive city for immigrants.

DISCUSSION:

- Councilor Shannon credited the city councilors, City Attorney, Police Commission, and ACLU representatives who brought consensus to create a policy to ensure fair and impartial policing in regards particularly to immigration. The policy does not put any grant money at risk. Per the policy the city will abide by federal regulations Section 1373 and Burlington Police will not ask about the immigration status of people and immigration status will not be used against a detainee or as a criteria for arrest. Burlington Police will not enforce federal immigration laws.
- Sarah Kenney, Chair of the Burlington Police Commission, said the public forums held across the city were eye-opening. It is hoped to continue connecting with people in the community who feel they do not have a voice and that the best policies are developed to protect the most vulnerable citizens without circumventing the work of the police.
- Council President Knodell expressed appreciation for the work done by all.
- Councilor Hartnett expressed concern the state and local policies will be at odds and suggested waiting until the state policy is set before adopting a local policy. The concern for new American families is appreciated, but Councilor Hartnett said his observation after meeting with many such families is they do not feel a sense of panic or discomfort in the community. Councilor Hartnett expressed concern about sanctuary city status and not being in good standing with federal guidelines.
- City Attorney Blackwood referred to the memo from Attorney General Sessions regarding a sanctuary city being one that willfully chooses to violate 8USC1373. Burlington's policy includes language that the city does not intend to violate Section 1373 and may not prohibit any government entity or official from sending or receiving information from federal immigration authorities about citizenship or immigration status of any individual. Burlington Police will not affirmatively ask about immigration status when that status is not known and when dealing with an individual on a different matter.
- Councilor Wright asked if Burlington will be considered a sanctuary city if the policy is passed. City Attorney Blackwood said Burlington will not be considered a sanctuary city under the definition of Attorney General Sessions in conjunction with the President's Executive Order. Regarding the state policy, there were sections that appeared to violate Section 1373 so those needed to be fixed. Burlington's policy is modeled on what the state was told should be in the state policy. The city can modify the policy in the future if necessary.
- Councilor Wright asked Police Chief del Pozo about the difference between the bias-free directive in place for the past 15 years and what is proposed. Chief del Pozo said the new policy goes into more depth on issues of immigration and civil enforcements of certain detainers, and makes carve-outs for the Operation Stonegarden program in which Burlington does not participate. The Middlebury and Burlington policies in collaboration with the ACLU and Migrant Justice resulted in the state's policy though Burlington's policy is more thorough and detailed.
- Councilor Wright asked what the police would do with immigration status information not acquired from police work. Chief del Pozo said federal law cannot prevent the Burlington Police from communicating information to a federal agency, but the city does not have a policy that requires this. The proposed policy does not prevent cooperation on criminal matters including execution and acknowledgement of the judiciary process (i.e. criminal warrants, sanctions, and such). Per Section 1373 an officer on their own volition can communicate on immigration status with federal authorities.
- Councilor Wright asked about the impact of the changes wanted by the Police Commission. Chief del Pozo said taking into account the mandatory and optional language of the existing state policy there are phrasings and wordings of portions of the optional language in the state policy. If the context is the broadest relative to the language in the state policy including the optional language then the tweaks are not substantive.





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- Councilor Wright asked if there is anything in the policy that ties the hands of the police while doing their job. Chief del Pozo said if the job does not involve enforcement of civil immigration matters then the policy does not prevent the police from doing their job. Police work centers on public safety and crime prevention and collaborating with the federal government in public safety and crime prevention more so than the civil immigration process.
- Council President Knodell said her understanding of the proposed changes by the Police Commission were inserting language from Attorney General Sessions around Section 1373 to have a clear document in one place.
- Mayor Weinberger stated the policy reaffirms the way Burlington does policing and that will not change. The work has been done diligently and there is a consensus agreement with support by Migrant Justice and the ACLU as well as the clear opinion of the City Attorney that the city is acting consistent with federal law. Burlington will stay a community where all individuals can approach the police no matter their immigration status without reprisal and the police are fully empowered to keep the community safe and inclusive.
- Councilor Mason asked if the city would be required to modify its policy if state policy is different. Attorney Blackwood said the city must abide by the essential elements of the state policy.

There were no further comments.

VOTING: 11 ayes, one nay (Councilor Hartnett); motion carried.

5.04 Annual Appropriation and Budget for Fiscal Year Beginning July 1, 2017 – Mayor and Board of Finance

MOTION by Councilor Paul, SECOND by Councilor Bushor, to adopt the resolution to accept the annual appropriation and budget for the fiscal year beginning July 1, 2017.

DISCUSSION:

- Councilor Paul stated City Council is asked to approve the annual appropriation and budget for FY18 after many months of planning. City Council held four budget hearings. The Board of Finance had multiple budget meetings and unanimously approved the budget. The resolution details use of unexpended balances from the prior year, current year fund balance unused, and new initiatives and funding sources, employee health insurance, the city's retirement plan contribution, fees for water, waste water, and permitting. The resolution offers a complete and comprehensive overview of the city's budget. The budget addresses the Mayor's priorities of investment in public safety, Early Learning Initiative, infrastructure funding, energy efficiency, and reform of the permit system, all done without a tax increase and a level funded pension contribution for the third year in a row. City services are better now than ever due to the culture of "citizen first" and the collaboration and creativity among departments. The city's fund balance has met the stated goal. There are unexpended appropriations from last year and the year before to fund important initiatives. The city is living within its means and planning for rainy days, and continuing to build a strong financial house for the future. According to CAO Rusten the budget is "fair, factual, and forward" because it is fair to all those who use city services, it is transparent, accessible, and easy to read, and it looks to the future. The budget is a working document that can adjust to facts as they develop.
- Councilor Wright agreed the budget is solid and achieves much without a tax increase, and hopefully the focus will continue to be on keeping the tax rate as low as possible going forward.
- CAO Rusten said the department heads and staff looked at what was not spent in previous budgets and where to reallocate or cut spending. New revenue sources were identified other than the property tax. The budget has been a collaborative effort and is a living document that is constantly reviewed to make determinations of ways to do better, less expensively, and more efficiently. New development plays a part in



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growing the economy in terms of the property tax being used to fund basic city services. The grand list has grown at 1% per year. In addition to property tax revenue there is gross receipts tax revenue which continues to grow. Local options tax revenue has growth due to the improving economy. Attracting people to the hotels and restaurants in the city and to events, such as the Jazz Festival, to spend money is good.

- Councilor Bushor stated the budget meetings and being able to ask questions on the budget were helpful. The CAO and Administration and department heads did a solid budget that addresses the needs of the community. There will always be unmet needs because the city does not have unlimited resources, but the budget provides \$175,000 to the Housing Trust Fund and supports a year round warming shelter. The budget also supports school lunches for summer camps to people who depend on these meals. Water rates are increasing to cover the bonds for water infrastructure improvements. City Council needs to be sure people can afford the rates. Thought should also be given to funding going into the Traffic Fund. The contingency fund has \$65,000 that can be used to address hunger issues in the city.
- Councilor Tracy asked about the use of PILOT funds and the Department of Education requirements. Mayor Weinberger explained the agreement signed by the School District and the Department of Education on use of PILOT funds. Of the \$1.4 million, \$400,000 will be used on budget relief support, \$500,000 will go to the Burlington Early Learning Initiative, and \$500,000 will be allocated to youth programs. Conversation will continue with the school district on how to invest future dollars in the school district to meet school district goals and the city summer programs.
- Councilor Roof observed the funding in the green revolving loan fund (\$500,000) shows a commitment to climate change by backing up ideals with dollars. The budget also focuses on public safety with the new fire truck and computer aided dispatch. The money to the Housing Trust Fund is for programs to help combat the housing crisis and provide affordable housing that is needed.
- Councilor Shannon stated the budget was crafted to improve the level of service to citizens while holding the line on taxes. The budget supports more police officers, firefighters, the Early Learning Initiative, a warming shelter, green infrastructure fund, city arts, and Parks Dept. festivals.
- Mayor Weinberger stated as a result of years of work to strengthen the city's financial position the city is now at a point where much needed new investments can be made while still holding the tax rate to .2% above the level of three years ago due to the work of the team of department heads, energy efficiency reforms, City Council, and the voters setting policies that are making this happen. The city now has an "A" bond rating so bonding is less expensive. The fund balance is exceeded so one time capital investments can be done. The city is moving in the direction of greater growth resulting in more hotels and increased revenue from permitting fees. The total tax rate with no increase in the general city tax or dedicated tax for annual operating costs and a modest increase in sustainable infrastructure plan and debt service tax is .2% in FY18 over FY15.
- Councilor Wright mentioned the warming shelter and encampments, noting that when the police tried to remove the encampment the people did not want to go to a shelter, but wanted to remain camping in the woods. Also, for many in Burlington the city is an expensive place to live. The state is an expensive place to live. Going forward it is hoped between the state, the schools, and the city a way can be found to continue to grow the economy and the taxpayers can reap the benefit.
- CAO Rusten commended the staff in the Clerk/Treasurer Office, in particular Deputy Financial Officer, Rich Goodwin, and other staff members who worked diligently on the budget to address concerns that were identified, find new revenue sources, and work with the other departments to identify ways to be more efficient and save money.

There were no further comments.

VOTING: unanimous; motion carried.





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5.05 Annual Tax Assessments on the Property Grand List for Fiscal Year Beginning July 1, 2017 – Mayor and Board of Finance

MOTION by Councilor Paul, SECOND by Councilor Wright, to adopt the resolution in support of the annual tax assessment on the property grand list of the city for the fiscal year beginning July 1, 2017.

DISCUSSION:

- **Councilor Paul stated the total municipal tax rate for FY2018 is \$.7971 per \$100 of assessed value. The tax rate is a total of 14 tax rates that cover all city services, debt service liabilities including the Bike Path Maintenance and Improvement Fund, Housing Trust Fund, open land conservation, books and other media for the library. The many aspects of the tax rate add to the quality of life in Burlington, address important needs of the citizens, and add to the culture of the city.**

VOTING: unanimous; motion carried.

5.06 Authorization for Public Improvement Bonds for Fiscal Year 2018 – Mayor and Board of Finance

5.07 Approval of Issuance of Grant Anticipation Notes for Costs of Certain Airport Improvement Projects for FY2018 – Mayor and Board of Finance

MOTION by Councilor Paul, SECOND by Councilor Bushor, to approve the public improvement bonds for FY2018 and grant anticipation notes for certain airport improvement projects for FY2018.

DISCUSSION:

- **Councilor Paul explained the \$7 million in public improvement bonds will be used for city working capital and capital improvement needs (\$2 million), for BED working capital and capital improvement needs (\$3 million), and for the schools (\$2 million). The schools separately budget for their share of debt service. The grant anticipation notes for the airport projects are due to the timing of federal funding for the projects (i.e. bridge financing).**

VOTING: unanimous; motion carried.

5.08 Update on Burlington Telecom Sale – David Provost

David Provost, Chair of the Burlington Telecom Advisory Board (BTAB) gave an update on the sale of Burlington Telecom. Eight letters of interest were received by the deadline. There were no letters from the large telecom conglomerates in the country. BTAB reviewed the letters and is ranking how each submitter meets the criteria. The range in price offers from the submitters, lowest to highest, is 2.5 times. The submitters will be asked to answer clarifying questions. A list of finalist will be presented to City Council in July.

6.0 COMMITTEE REPORTS

- Councilor Moore thanked City Council for approving the plan for the Public Safety Committee for next year. The next





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meeting of the committee is 6/22/17 to discuss the State Police Advisory Committee model and the committee on evictions.

- Councilor Roof announced the CDNR Committee is meeting 6/15/17 to discuss code enforcement and impact on quality of life in neighborhoods.
- Councilor Deane announced the Local Control Subcommittee and Licensing Committee will meet 6/13/17.
- Councilor Mason said the Boards and Commission Committee will meet 6/13/17.

7.0 CITY COUNCIL – GENERAL AFFAIRS

- Councilor Bushor commented positively on the Jazz Festival and the performance by Trombone Shorty.

8.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

- Council members on the ad hoc committee on permit reform include Council President Knodell, Councilor Wright, and Councilor Mason. CIO Beth Anderson will provide staff support.

9.0 MAYOR – GENERAL AFFAIRS

Mayor Weinberger reported the following:

- Leddy Park Beach Bites is June 14, 2017.
- The summer cinema series at Battery Park is beginning.
- An arrest has been made in the homicide two and half years ago in Burlington thanks to good police work. Burlington continues to be one of the safest cities in the country due to an outstanding police department.

10.0 ADJOURNMENT

MOTION by Councilor Wright, SECOND by Councilor Bushor, to adjourn the meeting. VOTING: unanimous; motion carried.

The meeting was adjourned at 9:25 PM.

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