



Agenda for Regular City Council Meeting

City Council Chambers, City Hall
Wednesday, April 13, 2016

5:00 P.M.

- 1) Call to Order by the Mayor
- 2) 16-107. Review and Approve Agenda
- 3) 16-108. Continuation of discussion regarding the City Manager's Contract.
 - a) It is anticipated that this entire discussion will be held in Executive Session in accordance with Title I, VSA §313, Executive Sessions, (a) (3), *The appointment or employment or evaluation of a public officer or employee.*

6:30 P.M. ...

- 4) 16-109. General Business and Appearances
- 5) 16-110. Consideration of the Consent Agenda:
 - a) Approve Minutes from the March 23rd Regular City Council Meeting and the Saturday, March 26th Council Workshop. 
 - b) Approve request for the closure of Langdon Street on Saturday, May 7th, for Onion River Sports' Annual Bike Swap. 
 - c) Approve request for the closure of a portion of State Street on Saturday, May 7th, for Montpelier's Mayfest. 
 - d) Amend District Heat's \$750,000 Note and Commitment Letter with the Vermont Economic Development Authority 
 - e) Resolution for Downstreet Housing and Community Development Proposal 
 - f) Adopt Resolution to amend and restate the City's ICMA-RC 401 Qualified Retirement Plan and authorize the Mayor to execute the ICMA-RC Adoption Agreement; required by the IRS by April 30, 2016. 

g) VTrans Grant Requirement – Approval of Documents: “Annual Financial Plan – Town Highways” and “Certificate of Compliance for Town Road and Bridge Standards and Network Inventory” 

h) Consideration of becoming the Liquor Control Commission for the purpose of acting on the following:

1) Annual renewal of Liquor Licenses (City Clerk will distribute list of applications at the meeting.)

i) Payroll and Bills

- 6) 16-111. Appointment to the Montpelier Foundation Board 
- 7) 16-112. Zoning Update 
- 8) 16-113. Review, Discussion and Adoption of Goals 
- 9) 16-114. Taxi Ordinance/Uber Update 
- 10) 16-115. Website Analytics Report 
- 11) 16-116. Other Business
- 12) 16-117. Council Reports
- 13) 16-118. Mayor’s Report
- 14) 16-119. City Clerk’s Report
- 15) 16-119. City Manager’s Report
- 16) Adjournment



**Addendum to Agenda
for
Regular City Council Meeting**

April 13, 2016

16-115(a). Update on the Recreation Building RFP Process

16-115(b). Acquisition of Overlake Park, LLC Easement by Eminent Domain



CITY COUNCIL Agenda Item #16-116(a).

Date: April 13, 2016

Consent ☐ Discussion ☒

SUBJECT: Update on the Recreation Building RFP Process

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Receive update from staff.

RELATED COUNCIL GOAL/PRIOR ACTION: "Explore and encourage intra-municipal and other regional efforts with the goal of maintaining service levels and reducing costs." This includes "Implement Recreation Department transition; Begin work on internal consolidation (Rec, Senior Center, Parks, Cemetery)."

EXPENDITURE REQUIRED: None at this time.

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: None at this time.

BACKGROUND INFORMATION: At the February 10, 2016 City Council meeting, there was a discussion about the future of the Recreation building at 55 Barre Street. At that time, the decision was made to issue a Request for Proposals to solicit business' interest in purchasing the property. RFP responses are due on Friday, April 15th. If responses are received, the City Council will then weigh these proposals against intermediate and future programming needs.

At this meeting, staff will provide a brief update and answer any questions the Council may have about this process.

SUPPORTING DOCUMENTS: The Request for Proposals and supporting documents are available here: <http://www.montpelier-vt.org/857/Recreation-Building-Redevelopment>

INTERESTED PARTIES: Recreation Advisory Board

CITY MANAGER'S APPROVAL:

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CITY COUNCIL Agenda Item #16-116(b).

Date: April 13, 2016

Consent ☐ Discussion ☒

SUBJECT: Acquisition of Overlake Park, LLC easement by eminent domain

SUBMITTING DEPARTMENT: City Manager on behalf of Mayor

RECOMMENDED ACTION: Set date for necessity hearing on May 25th.

RELATED COUNCIL GOAL/PRIOR ACTION: E. Maintain current timeline and budget for the One Taylor Street Redevelopment Project

EXPENDITURE REQUIRED: None to set hearing. Parcel is appraised at \$1,350. Costs of hearing dependent on amount of presentation.

SOURCE OF FUNDS: One Taylor Street Project Funds

LEGAL REQUIREMENTS: Set hearing date. Provide 30 day notice of hearing to all interested parties. Perform title search. Create survey of parcel if none exists.

BACKGROUND INFORMATION: A bike path connection from Taylor Street to Main Street is an integral part of the One Taylor Street project. The Overlake Park, LLC parcel is essential for the siting of a bike/pedestrian bridge crossing the North Branch River.

SUPPORTING DOCUMENTS: None

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over the City Manager's Approval line.



CITY COUNCIL Agenda Item #16-113.

Date: April 13, 2016

Consent __ **Discussion** **x**__

SUBJECT: Discussion of City Council's 2016-17 Goals

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Review Recommendation. Adopt recommended goals.

RELATED COUNCIL GOAL/PRIOR ACTION: 2015-16 Goals document, discussion at March 9, 2016, March 23, 2016 meeting, March 26, 2016 workshop.

EXPENDITURE REQUIRED: No expenditure required for the goals document, several items on the list require funding.

SOURCE OF FUNDS: Cost of projects and initiatives will come from annual Budget and allocated funding.

LEGAL REQUIREMENTS: None

BACKGROUND INFORMATION: The City Council annually adopts goals and priorities to guide Council agendas and Staff work throughout the year. In an attempt to align staff capacity with council vision and public support, the leadership team has drafted recommended goals, strategies and activities for the Council's consideration.

Since the workshop, the goals document has been revised to include more explanation and more specific dates. Items which require direct council action or attention have been highlighted in yellow.

SUPPORTING DOCUMENTS: Leadership Team Revised Goals

INTERESTED PARTIES: Leadership Team, City Committees

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. J. [unclear]", written over a horizontal line.

Proposed 2016-2017 City Council Goals – Staff Recommendations

Reference Letter	Policy Goal	Strategies	FY17 Actions	FY17 Deliverables to Council	Future Actions	Lead Agency	Future Resources Needed	Anticipated Council Review/Update
A	Keep Montpelier Affordable for residents	Adopt budget within resources available	Set funding levels and priorities		Develop a Long term budget	City Council Finance		Council to set
		Keep tax rates and user fees sustainable	Establish long term sustainability target		Adopt new water rate structure	Council Finance MSAC/Rec/ Parks		
		Increase Grand List	Approve and Implement EDSP	*Final EDSP for approval *Proposed updated tax stabilization policy for approval *Other deliverables based on recommendations	Continue commitments	City Council City Manager	New funding	*EDSP – June *Policy updates – September *FY18 funding - December
		Maintain a variety of housing choices	Prepare housing strategies plan	*Draft plan outlining various options and strategies for adding housing in Montpelier *Housing Plan as part of Master Plan	Implement strategies	City Manager Planning		Report in October June 2017
		Seek new revenue sources	Implement local options tax Implement user fees in budget	*Ordinance or resolution to authorize tax *Rate resolution for new items		Finance Council City Manager		After legislature acts on charter change (June 2016) June 2016
				*Develop MSAC endowment/estate planning outreach plan based on consultation with CS team and other stakeholders	Build long term endowment funds	MSAC Cemetery		Report results and updates in 4 th quarter

Proposed 2016-2017 City Council Goals – Staff Recommendations

Reference Letter	Policy Goal	Strategies	FY17 Actions	FY17 Deliverables to Council	Future Actions	Lead Agency	Future Resources Needed	Anticipated Council Review/Update
B	Maintain excellent services	Develop high performing organization	Promote Leadership Values and Philosophy			City Manager		
					Strategic Plan	City Manager		
		Meet organizational needs	Build HR capacity	*Improved human resources practices (annual evaluations, streamlined hiring processes, increased training)		City Manager		Update – January 2017
			Update Personnel Plan	*Updated Personnel Plan	Negotiate Union contracts	City Manager		Personnel Plan for approval – August 2016
			Work toward MSAC Accreditation	*National Peer review site visit completed by October 2016		MSAC		4 th quarter report
			Emphasize Employee Wellness			Finance Police		
			Develop an integrated plan to provide facilities and grounds management	*FY18 Budget to include an integrated plan for ground and facilities management	Implement management structure	City Manager DPW Rec/Parks	Potential Funding Need	FY18 budget presentation - December
			Develop/acquire asset management capabilities					
		Seek opportunities for efficiencies	Complete Community Services Plan	*Facilitator identified to guide process *Community process *Final plan built in to the FY18 budget	Implement Plan	City Manager Rec/MSAC/Parks/Cem		*Approve facilitator contract – May *Meet with facilitator – June *FY 18 budget process – December
			Participate in planning for	MPD supporting two grant		Police/Fire		April 2016

Proposed 2016-2017 City Council Goals – Staff Recommendations

Reference Letter	Policy Goal	Strategies	FY17 Actions	FY17 Deliverables to Council	Future Actions	Lead Agency	Future Resources Needed	Anticipated Council Review/Update
			Regional Public Safety Authority	opportunities for CVPSA				
Reference Letter	Policy Goal	Strategies	FY17 Actions	FY17 Deliverables to Council	Future Actions	Lead Agency	Future Resources Needed	Anticipated Council Review/Update
C	Maintain a safe community	Address Drug Issues proactively	Implement Project Safe Catch Continue to support Vermont Drug Task Force and Federal/Local enforcement efforts	*Referral work started. Full implementation June 2016. *Drug interdiction, prevention efforts ongoing		Police		
		Maintain Emergency Preparedness	Review and Implement Water System security measures including cyber security	Security matter for executive session or individual briefing	To be determined by review	DPW Finance/IT	Training if applicable	May, 2016 +/-
			Achieve control of source Develop Cont. plan to protect public health	*Charter Change *Continue with Alternative Evaluation Study for Enhanced Treatment	Water Source Protection Plan	Council DPW	Enhanced testing and monitoring	Sept, 2016
			Emergency Training for key staff			City Manager Fire		
			Develop CSO Overflow reduction plan	Compliance with New Rules: Phase 1: Min Controls Phase 2: Long Term Control Plan	Implement new rules and maintain	DPW	Funding to implement	Min Control reporting to state DEC by Jan, 2017
		Improve Public Safety Capacity	Participate in planning for Regional Public Safety Authority	Ongoing support to include negotiations with additional communities for dispatch		Police Fire		
			Update Continuity of Operations Plan (COOP) and conduct training on Plan.	Barre City to migrate to Valcour RMS April 2016	Implement Paramedic services	Fire	Funding source	

Proposed 2016-2017 City Council Goals – Staff Recommendations

		Use Restorative Justice practices	Fully implement Victim outreach		Continue ordinance review and changes	CJC Police		
			Begin ordinance review and changes			All departments	Legal intern, funding	
		Maintain Safe facilities	Broaden use of CJC services			CJC		
			Develop Park Safety & Rescue Plan		Implement Plan	Parks	New equipment	

Proposed 2016-2017 City Council Goals – Staff Recommendations

Reference Letter	Policy Goal	Strategies	FY17 Actions	FY17 Deliverables to Council	Future Actions	Lead Agency	Future Resources Needed	Anticipated Council Review/Update
D	Create and maintain a healthy environment for housing and economic growth	Enact responsible growth policies	Adopt and implement zoning	*Draft zoning and river hazard are regulations		Council Planning		Update April 2016 Deliver May 2016
			Adopt and implement EDSP	*Final EDSP for approval *Proposed updated tax stabilization policy for approval *Other deliverables based on recommendations		Council City Manager	New funding	*EDSP – June *Policy updates – September *FY18 funding - December
			Begin Master Plan revision	Introduce Consultant to Council	Complete and adopt Master Plan	Planning Council		May 2016
			Prepare housing strategies plan	*Prepare plan with specific options and strategies for increasing housing *Housing Section of Master Plan	Implement strategies	Planning City Manager		October 2016 May 2017
		Explore opportunities for public and private cooperation	Continue working with potential development partners regarding infrastructure needs.	Updated policy on infrastructure needs for development for council consideration	Develop policy for infrastructure expansion related to development	Planning City Manager DPW	Staff and legal resources	Policy consideration – October 2017
		Facilitate Housing projects	One Taylor Street	*Right of Way obtained *Final design of path and building *Architectural and construction documents executed		City Manager		*Easements for approval – May *Final design – December *Contracts – July and February
			Support development of Dickey (French) Block	Bring forward proposals to advance project as necessary		Planning		
			Actively work with landowner to create a Sabins Pasture development plan	Infrastructure cost estimates		City Manager Planning DPW		
		Facilitate Economic Development	Explore potential of Rec Building	*Development proposals *Plan to sell or update facility		City Manager	Possible new facility	*Proposals – May *Sale contract – July

Proposed 2016-2017 City Council Goals – Staff Recommendations

		opportunities						OR plan to update facility with the FY18 budget – December
			Support Mowatt Project	Finalize real estate transaction		City Manager		

Proposed 2016-2017 City Council Goals – Staff Recommendations

Reference Letter	Policy Goal	Strategies	FY17 Actions	FY17 Deliverables to Council	Future Actions	Lead Agency	Future Resources Needed	Anticipated Council Review/Update
E	Maintain a healthy community for people	Promote Health-building Activity	Continue to Implement Montpelier in Motion plan	Presentation of update & completed work. Intentions for FY18 budget consideration		DPW	Expanded funding source Allocated engineering services	Dec, 2016 +/-
			Develop Policy for balancing Community Services demand and resources	Reported results of CS Strategic Planning Potential new consolidated CS policies and protocols		Rec/MSAC		FY18 Budget process
			Develop Community Services transition plan	*Facilitator identified to guide process *Community process *Final plan built in to the FY18 budget	Implement Plan	City Manager		*Approve facilitator contract – May *Meet with facilitator – June *FY 18 budget process – December
			Complete Stonewall Meadows Park Plan			Parks		
			Identify Funding for new Park lands			Parks		
		Promote equity and fairness	Fully implement Victim outreach program			CJC Police		
			Engage collaboratively with community stakeholders to improve circumstances for vulnerable people			CJC		
			Implement Project Safecatch			Police		
			Implement President's task Force on 21 st Century Policing	Ongoing		Police		
		Maintain senior nutrition program to improve health and socialization for aging	Meet meal demand and explore potential changes to FEAST partnership	FY16 Actual data and FY17 projections by August 2016 Discussions among current	Possible implementation of	MSAC	FY18 budgeting, federal	FY18 Budget process

Proposed 2016-2017 City Council Goals – Staff Recommendations

		population		FEAST partners and stakeholders about options by September	changes		contract, possible PT staff	
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Proposed 2016-2017 City Council Goals – Staff Recommendations

Reference Letter	Policy Goal	Strategies	FY17 Actions	FY17 Deliverables to Council	Future Actions	Lead Agency	Future Resources Needed	Anticipated Council Review/Update
F	Maintain a Vibrant downtown	Improve downtown infrastructure	One Taylor St	*Right of Way obtained *Final design of path and building *Architectural and construction documents executed	Build 1 Taylor Downtown Master Plan	City Manager DPW Planning		*Easements for approval – May *Final design – December *Contracts – July and February
			Taylor St reconstruction and water quality improvements	Preliminary design plans & cost estimate	Upon completion, move to CIP and asset management	City Manager Planning DPW		June or July, 2016
			2017 Project Public Relations plan	*Public relations campaign launched in the spring of 2017 in advance of construction	2017-18 project construction	DPW City Manager	Possible new funds	*Possible identification of new funding – November *PR preview – Feb or March, 2017
			Wayfinding Sign Plan – design and state approval	RFP for design services issued	Implementation	DPW Montpelier Alive	Funding	
		Improve Parking	Complete Parking Plan	Plan to be integrated into Master Plan	Implement Parking Plan	Planning		December 2016
		Provide Financial and Logistic Support for downtown	Continue DID			Council		
			Fund Montpelier Alive			Council		
			Assist with events and projects	Street closures and other assistance needed for events such as MayFest, July 3 rd , New Year's Eve, etc.	Ongoing	All Departments		Regular requests
		Increase downtown housing	One Taylor St	See above	Construct	City Manager		See above
			Participate in planning for Dickey (French) Block	Bring forward proposals to advance project as necessary	Assist in project completion	Planning City Manager		

Proposed 2016-2017 City Council Goals – Staff Recommendations

Reference Letter	Policy Goal	Strategies	FY17 Actions	FY17 Deliverables to Council	Future Actions	Lead Agency	Future Resources Needed	Anticipated Council Review/Update
G	Achieve a steady state for infrastructure maintenance and improvements, facilities and equipment.	Complete Current Major Projects	One Taylor St	See above	2017-18 construction	City Manager DPW		See above
			Taylor St Reconstruction - complete design, permit, ROW, utility relocation	Preliminary design plans & cost estimate	Upon completion, move to CIP and Asset management	City Manager DPW Planning		June or July, 2016
			Shared Use Path (Winooski East extension)	*Secure right of way *Final design *Award construction contracts	Construction Construction Inspection Services - RFP	DPW		*Easements – September *Final design – December *Construction contracts -- March
		Fund/Implement CIP Maintenance	Complete projects Full funding in budget	Project Schedule – preliminary & final schedules after contract award for wall / slope, paving & sidewalk projects		DPW Council City Manager		Nov., 2016 End of construction season comp report
			Identify new initiatives and projects			Council	New Project money	
			Implement Montpelier in Motion	Complete work already approved	Matching funds for Grants	DPW	Expanded funding source Allocated engineering services	Dec., 2016 update
		Address Facility needs in a coordinated manner	Develop a plan for facilities and grounds maintenance to be implemented in FY18 budget	FY18 Budget to include an integrated plan for ground and facilities management	Capital Needs assessment CIP funding in FY18	City Manager	FY18 Budget funds	FY18 budget presentation - December
		Address Equipment needs	Fund Equip Plan		Plan for procurement of Tower Truck	Council Fire	Funds in equipment plan	

Proposed 2016-2017 City Council Goals – Staff Recommendations

		Address Water/Sewer Infrastructure needs	*Complete long term funding plan *Asset Management Grant Application	Funding Plan & Presentation	Fund and implement Plan	City Manager Finance DPW	Asset Management software	*May/June, 2016 *Unknown
		Ensure that District Heat Montpelier is financially sound	Renegotiate capacity rates	Updated contracted capacities and capacity rates	Study expansion feasibility	City Manager	Consulting services	*Approve customer agreements and new rates - June

Proposed 2016-2017 City Council Goals – Staff Recommendations

Reference Letter	Policy Goal	Strategies	FY17 Actions	FY17 Deliverables to Council	Future Actions	Lead Agency	Future Resources Needed	Anticipated Council Review/Update
H	Maintain a clean and healthy natural environment	Move toward Net Zero	Create a Net Zero implementation plan		Implement Plan	MEAC		
		Provide Effective Storm Water management	Complete Storm water Plan Implement recommendations	Present completed plan	Follow best management practices. Engage and educate public	DPW Planning	Method to provide public assistance	September 2016
		Assure Clean rivers and waterways	Implement CSO rules	See below		DPW Cons Comm		See below
			Identify needs, projects. Develop cost estimates.	Compliance with New Rules: Phase 1: Min Controls Phase 2: Long Term Control Plan	Implement requirements. Ongoing State & EPA mandate	DPW	Design services – source of funds	Min Control reporting to state DEC by Jan, 2017
		Be as Energy Efficient as possible	Continue review of all city facilities with MEAC	Water plant reviewed – awaiting final recommendation	Fund & implement. Partner with E-VT.	MEAC DPW	Design services	
		Provide Clean Drinking water	Implement Charter change if approved	Source Water Control Measures		City Manager Police DPW		
			Investigate Protective measures	N/A	Update Source Protection plan	DPW	Design services – source of funds	Due to State Sept, 2016
		Implement Greening America's Capitals	Evaluate concepts and selection for advancement	See Taylor St Recon Project	Move selected projects forward	Finance DPW	Consulting services – source of funds	

Minutes of the Montpelier City Council Meeting
March 23, 2016, 5:30PM
City Council Chambers, City Hall

In attendance: Mayor John Hollar, Councilors Justin Turcotte, Tom Golonka and Jean Olson, Dona Bate, Jessica Edgerly Walsh Anne Watson. City Manager William Fraser participated. City Clerk John Odum served as Secretary of the meeting.

The Mayor called the meeting to order at 5:30PM.

- 16-093. Hearing no objection, the Mayor declared the meeting enter into closed session, under statute, for the purpose of discussing the City Manager's Contract, by unanimous consent.
- Without objection, the Mayor declared the meeting returned to open session by unanimous consent at 6:30PM.
- 16-092. Without objection, the proposed agenda was approved by unanimous consent.
- 16-095. Mary Roehm addressed the Council on a developing proposal for a wood-fired bread oven and kiln.
- 16-096. Councilor Watson moved approval of the consent agenda, with item f (FY16 – Q2 Performance Management Report for the Period Ending December 31, 2015) tabled for discussion. Councilor Edgerly Walsh seconded and the motion carried unanimously.
- 16-097. The Council revisited discussions of committee assignments. There was a brief status review, followed by discussion and informal assignments. Councilor Olson moved the Council re-appoint Thierry Guerlain as a city representative on the Kellogg-Hubbard Library board, and was seconded by Councilor Turcotte. After discussion, the motion was withdrawn.
- 16-098. After a brief discussion, Councilor Watson moved the Council re-appoint Clare Wheeler as the City Representative to the Central Vermont Solid Waste Management District. Councilor Bate seconded, and the motion carried unanimously at 6:58.
- 16-099. Michael Miller and Kevin Casey of the Planning Department introduced a discussion of comparative advantages and disadvantages of single-space parking meters (SSPM) versus multi-space parking meters (Kiosks) in downtown. Councilor Turcotte moved the Council suspend exploration of street parking kiosks and pursue the single space meter solution. Councilor Bate seconded second. More discussion followed, and was joined by Police Chief Tony Facos joined. The motion passed unanimously at 7:18.
- 16-100. City Manager Fraser introduced a discussion of the status of Berlin Pond. Public Works Director Tom McArdle participated. Councilor Watson moved the Council authorize the City Manager to pursue legal issues surrounding Berlin Pond and file for a legal injunction if necessary. Councilor Bate seconded the motion.

After some discussion, the underlying motion was withdrawn, and Councilor Golonka moved the City manager be empowered to initiate necessary action, including legal action, to prevent a boat launch at Berlin Pond. Councilor Bate seconded. More discussion followed, before the motion carried unanimously at 7:44.

- 16-101. The City Manager offered a power point presentation to introduce a discussion of the City Council's 2016-17 Goals. Comments were offered by Kate Stephenson (Chair of the Energy Advisory Committee), Ginny Hurley (of the Central Vermont New Directions Coalition), Jack McCullough (of the Housing Task Force), and John Bodreski (Bike Committee Chair). Police Chief Facos, Parks Director Geoff Beyer, Community Justice Center Director Yvonne Byrd, Planning Director Mike Miller, and Fire Chief Bob Gowans also participated.
- 16-102. Item f from the consent agenda was taken from the table for discussion (FY16 – Q2 Performance Management Report for the Period Ending December 31, 2015). Assistant City manager Jessie Baker and Fire Chief Gowans participated in the discussion. No formal action was taken.
- 16-103. Councilor Bate noted that legislative activity on the proposed charter change was underway, and encouraged interested citizens to contact her.
- Councilor Turcotte noted that it was a good time of year to prune fruit trees before reminding residents of the upcoming Easter egg hunt.
- Councilor Watson indicated she may not be able to attend the next Council meeting.
- Councilor Edgerly Walsh reported that her son had taken his first steps.
- 16-104. The Mayor thanked Representative Mary Hooper for working to secure an increase in PILOT funds from the state. He then noted that he had met with representatives of Uber, and that Uber would begin offering service in Montpelier.

Hearing no objection, the Mayor declared the meeting adjourned by unanimous consent at 7:55.

Minutes of the Montpelier City Council Meeting
March 26, 2016, 9:00AM
Montpelier High School Library

In attendance: Mayor John Hollar, Councilors Justin Turcotte, Tom Golonka and Jean Olson, Dona Bate, Jessica Edgerly Walsh Anne Watson. City Manager William Fraser served as Secretary of the meeting.

The meeting was called to order at 9:10 AM in the Montpelier High School Library. Also present were Assistant City Manager Jessie Baker and Facilitator Susan Terry. Ken Jones and a person from the Vermont Clean Water coalition were also present.

The Agenda was approved by unanimous consent with the addition of an executive session related to easement acquisition.

The Council discussed Goals. During this session both members of the public left.

Following a brief recess at 11:00 AM, the Council discussed roles, responsibilities and communications.

At 11:45 Councilor Edgerly Walsh moved the Council go into executive session to discuss easement acquisition, Councilor Bate seconded the motion. The motion carried with a 5-0 in favor. Councilor Golonka recused himself and left the meeting due to conflict of interest.

At 12:03 Council came out of executive session and adjourned by acclaim.



CITY COUNCIL Agenda Item #16-110(d).

Date: April 13, 2016

Consent x Discussion

SUBJECT: Amend District Heat's \$750,000 Note and Commitment Letter with the Vermont Economic Development Authority

SUBMITTING DEPARTMENT: City Manager/Finance Department - Please direct questions to Sandra Gallup, Finance Director or William Fraser, City Manager.

RECOMMENDED ACTION: Accept and acknowledge the First Note Modification Agreement and First Amendment to Commitment Letter for District Heat Montpelier's \$750,000 loan with the Vermont Economic Development Authority and authorize the Mayor to sign the amendment documents.

RELATED COUNCIL GOAL/PRIOR ACTION: In August 2012, The City borrowed \$750,000 from the Clean Energy Development Fund through the Vermont Economic Development Authority.

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: The original loan documents (Loan Agreement and Commitment Letter) stated that the City would pay interest only (1%) until the District Heat Project "achieves net positive cash flow". This definition of "net positive cash flow" has proven difficult to understand and to calculate. This amendment eliminates this confusion by setting a date of June 30, 2019 for the negotiation of a plan for future principal and interest payments. The City (District Heat) will pay interest only up until that time. Also this amendment allows the City to make quarterly interest payments, instead of monthly interest payments. Both these changes make future loan payments more predictable and save on payment processing time.

SUPPORTING DOCUMENTS: FIRST NOTE MODIFICATION AGREEMENT, FIRST AMENDMENT TO THE COMMITMENT TO FINANCE LETTER

INTERESTED PARTIES: District Heat Montpelier

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Fraser", written over a horizontal line.

FIRST NOTE MODIFICATION AGREEMENT

This First Note Modification Agreement is effective April 1, 2016 and refers to the loan evidenced by a Capital Improvement Note dated August 1, 2012 (the "Note") executed and delivered by the City of Montpelier ("Borrower") to the order of Vermont Economic Development Authority ("Lender") in the original principal amount of \$750,000 (Loan No. 39CM11-01).

It is expressly understood, agreed and acknowledged that from and after the date of this Agreement the terms of the Note are hereby modified and amended as follows:

The Commitment to Finance Letter dated June 19, 2012 is hereby amended by a First Amendment to the Commitment to Finance Letter and is effective April 1, 2016 modifying payments terms under the Note.

This Agreement is a modification only and not a novation; except as herein provided, all of the terms and conditions of the Note and the mortgage and security agreement securing repayment thereof shall remain in full force and effect and shall be unaffected by this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused their hands and seals to be affixed as of the date and year first above written.

City of Montpelier

Witness

By: _____
Its Mayor

By: _____
Its Assistant Treasurer

Vermont Economic Development Authority

Witness

By: _____
Its Duly Authorized Agent



**VERMONT ECONOMIC
DEVELOPMENT AUTHORITY**

Vermont Agricultural Credit Corporation
Vermont Small Business Loan Program
Vermont 504 Corporation

April 1, 2016

William Fraser, City Manager
City of Montpelier
City Hall, Main Street
Montpelier, VT 05602

**FIRST AMENDMENT TO
COMMITMENT TO FINANCE LETTER**

Dear Bill:

This First Amendment to the Commitment to Finance Letter replaces and supersedes the TERMS/AMORTIZATION/PAYMENTS section of the Commitment Letter dated June 19, 2012. Please read this First Amended Commitment Letter carefully as it contains the terms and conditions under which the VEDA loan payments will be modified. If you agree with these terms and conditions, please sign and return the enclosed copy of this First Amended Commitment Letter together with the First Note Modification Agreement as evidence of your acceptance and acknowledgment of the terms and conditions of the loan.

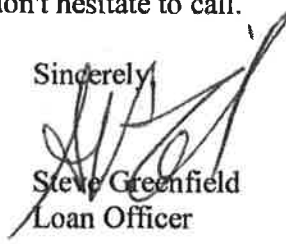
**TERM/
AMORTIZATION/
PAYMENTS:**

Borrower shall pay interest only quarterly at the interest rate of 1% until June 30, 2019.

On or before June 30, 2019 Lender and Borrower shall negotiate a revised principal and interest payment plan with the entire balance of principal and interest due and payable on December 1, 2036.

If you have any questions, please don't hesitate to call.

Sincerely,


Steve Greenfield
Loan Officer

ACCEPTANCE AND ACKNOWLEDGMENT

I, _____, on behalf of City of Montpelier, do hereby acknowledge receipt of a copy of the aforementioned First Amendment to Commitment Letter of the Vermont Economic Development Authority and accept and agree to the terms and conditions herein contained.

City of Montpelier

By: _____
Its Mayor

By: _____
Its Assistant Treasurer

Monthly, 2016, City of Montpelier CEDF 1st Amend to Com Ltr 3-2016



CITY COUNCIL Agenda Item #16-110(f)

Date: April 13, 2016

Consent X Discussion ____

SUBJECT: ICMA-Retirement Corporation 401 Money Purchase Plan Document Restatement as required by the IRS by April 30, 2016

SUBMITTING DEPARTMENT: Finance Department - Please direct any questions to Sandra Gallup, Finance Director.

RECOMMENDED ACTION: Adopt the Resolution to amend and restate the City's ICMA-RC 401 qualified retirement plan and authorize the Mayor to execute the ICMA-RC Adoption Agreement

RELATED COUNCIL GOAL/PRIOR ACTION: City Council first executed an ICMA-RC 401 Plan for the City Manager in February, 1997.

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: The IRS requires that plan sponsors must execute a new, updated, adoption agreement by April 30, 2016. If we do not meet the deadline, it will place the plan at risk of losing its IRS qualified status.

BACKGROUND INFORMATION: In February of 1997, the City Council established a 401 Governmental Money Purchase Plan through ICMA-RC for the City Manager. Recently, ICMA-RC notified all 401 Plan sponsors that there is an IRS requirement to execute a new Adoption Agreement. I consulted with ICMA Retirement Specialists, and Paul Giuliani, our City Attorney, as I prepared the attached updated documents. Although the majority of the adoption agreement has not changed, there are new clarifications for final pay contributions.

SUPPORTING DOCUMENTS: (3) ICMA-RC Notice of Action Required, updated Governmental Money Purchase Plan & Trust Adoption Agreement, and Resolution to amend and restate the qualified retirement plan.

INTERESTED PARTIES: N/A

FINANCE DIRECTOR'S APPROVAL:

A handwritten signature in black ink, appearing to read "Sandra Gallup".



February 2016

IMMEDIATE ACTION REQUIRED – MAINTAIN IRS COMPLIANCE, AVOID IRS PENALTIES

Dear Plan Sponsor:

Action is required on your part to ensure your 401 plan with ICMA-RC continues to be operated in accordance with IRS regulations. **Please make this a high priority and take time this week to execute an adoption agreement for your 401 plan(s) with ICMA-RC, if you have not already done so.**

If your 401 plan uses the ICMA-RC plan document, failure to execute a new adoption agreement may result in the need for your organization to retain legal counsel and submit the plan to the IRS's Voluntary Correction Program. It could also result in your organization paying a fee to the IRS and being required to provide both a detailed description of why the current document was not adopted in a timely manner and the procedural changes you are implementing to ensure compliance in the future.

As the record keeper for your 401 plan, we maintain a plan document in compliance with the Internal Revenue Code and related regulations, and we are doing everything possible to keep your plan compliant with the regulations. This is a joint effort, which requires your help.

Please follow the steps below to execute an adoption agreement for the current plan document:

- 1. Review the adoption agreement for each of your 401 plans with ICMA-RC** — A partially pre-populated agreement for your plan is available online. Within EZLink (www.icmarc.org/login), click My Plan, then View/Request Publications, and then Plan Documents. Click the “Pickup Plan Adoption Agreement” button to access the pre-populated agreement for your plan.
- 2. Complete the adoption agreement** — You can complete the document electronically. Simply provide the information applicable to your plan in each section by checking the boxes provided and entering information as necessary.
- 3. Save the completed adoption agreement to your computer** — After you've reviewed the document to ensure you've completed each section, save it to your computer so you have a copy for your records.
- 4. Submit the completed adoption agreement to ICMA-RC** — On the Plan Documents page in EZLink, use the “Drop Off Plan Adoption Agreement” button to submit the completed document to ICMA-RC.

We will review the document to ensure it's completed in its entirety before countersigning the document and returning an executed copy to you. Be sure to keep a copy of the executed document for your records.

Please contact your ICMA-RC Plan Sponsor Services team at (800) 326-7272 if you have any questions about the plan document adoption process and the action required on your part.

Thank you for allowing us to serve you and for your prompt attention to this critical requirement.

Sincerely,

Renee Briggs
Vice President, Client Services

AC: 27892-0216-8225

ICMA RETIREMENT CORPORATION

GOVERNMENTAL MONEY PURCHASE PLAN & TRUST ADOPTION AGREEMENT



**ICMA RETIREMENT CORPORATION
GOVERNMENTAL MONEY PURCHASE PLAN & TRUST
ADOPTION AGREEMENT**

Plan Number 109872

The Employer hereby establishes a Money Purchase Plan and Trust to be known as CITY OF MONTPELIER
(the "Plan") in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust.

This Plan is an amendment and restatement of an existing defined contribution money purchase plan.

☒ Yes ☐ No

If yes, please specify the name of the defined contribution money purchase plan which this Plan hereby amends and restates:

CITY OF MONTPELIER

I. Employer: CITY OF MONTPELIER

II. Effective Dates

- ☒ 1. **Effective Date of Restatement.** If this document is a restatement of an existing plan, the effective date of the Plan shall be January 1, 2007 unless an alternate effective date is hereby specified: _____

(Note: An alternate effective date can be no earlier than January 1, 2007.)

- ☐ 2. **Effective Date of New Plan.** If this is a new Plan, the effective date of the Plan shall be the first day of the Plan Year during which the Employer adopts the Plan, unless an alternate Effective Date is hereby specified:

3. **Special Effective Dates.** Please note here any elections in the Adoption Agreement with an effective date that is different from that noted in 1. or 2. above.

(Note provision and effective date.)

III. Plan Year will mean:

- ☒ The twelve (12) consecutive month period which coincides with the limitation year. (See Section 5.03(f) of the Plan.)
- ☐ The twelve (12) consecutive month period commencing on _____ and each anniversary thereof.

IV. Normal Retirement Age shall be age 65.0 (not to exceed age 65).

Important Note to Employers: Normal Retirement Age is significant for determining the earliest date at which the Plan may allow for in-service distributions. Normal Retirement Age also defines the latest date at which a Participant must have a fully vested right to his/her Account. There are IRS rules that limit the age that may be specified as the Plan's Normal Retirement Age. The Normal Retirement Age cannot be earlier than what is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed. An age under 55 is presumed not to satisfy this requirement, unless the Commissioner of Internal Revenue determines that the facts and circumstances show otherwise.

Whether an age between 55 and 62 satisfies this requirement depends on the facts and circumstances, but an Employer's good

Whether an age between 55 and 62 satisfies this requirement depends on the facts and circumstances, but an Employer's good faith, reasonable determination will generally be given deference. A special rule, however, applies in the case of a plan where substantially all of the participants in the plan are qualified public safety employees within the meaning of section 72(t)(10)(B) of the Code, in which case an age of 50 or later is deemed not to be earlier than the earliest age that is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed.

V. ELIGIBILITY REQUIREMENTS

1. The following group or groups of Employees are eligible to participate in the Plan:

- ☐ All Employees
- ☐ All Full Time Employees
- ☐ Salaried Employees
- ☐ Non union Employees
- ☐ Management Employees
- ☐ Public Safety Employees
- ☐ General Employees
- ☒ Other Employees (Specify the group(s) of eligible employees below. Do not specify employees by name. Specific positions are acceptable.) CITY MANAGER

The group specified must correspond to a group of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other material in effect in the state or locality of the Employer. The eligibility requirements cannot be such that an Employee becomes eligible only in the Plan Year in which the Employee terminates employment. **Note:** As stated in Sections 4.07 and 4.08, the Plan may, however, provide that Final Pay Contributions or Accrued Leave Contributions are the only contributions made under the Plan.

2. The Employer hereby waives or reduces the requirement of a twelve (12) month Period of Service for participation. The required Period of Service shall be (write N/A if an Employee is eligible to participate upon employment) N/A.

If this waiver or reduction is elected, it shall apply to all Employees within the Covered Employment Classification.

3. A minimum age requirement is hereby specified for eligibility to participate. The minimum age requirement is N/A (not to exceed age 21. Write N/A if no minimum age is declared.)

VI. CONTRIBUTION PROVISIONS

1. **The Employer shall contribute as follows:** (Choose all that apply, but at least one of Options A or B. If Option A is not selected, Employer must pick up Participant Contributions under Option B.)

Fixed Employer Contributions With or Without Mandatory Participant Contributions. (If Option B is chosen, please complete section C.)

- ☒ A. Employer Contributions. The Employer shall contribute on behalf of each Participant 9.0 % of Earnings or \$ _____ for the Plan Year (subject to the limitations of Article V of the Plan).
Mandatory Participant Contributions
☐ are required ☒ are not required
to be eligible for this Employer Contribution.

- ☐ B. Mandatory Participant Contributions for Plan Participation.

Required Mandatory Contributions. A Participant is required to contribute (subject to the limitations of Article V of the Plan) the specified amounts designated in items (i) through (iii) of the Contribution Schedule below:

☐ Yes ☐ No

Employee Opt-In Mandatory Contributions. Each Employee eligible to participate in the Plan shall be given the opportunity to irrevocably elect to participate in the Mandatory Participant Contribution portion of the Plan by electing to contribute the specified amounts designated in items (i) through (iii) of the Contribution Schedule below for each Plan Year (subject to the limitations of Article V of the Plan):

☐ Yes ☐ No

Contribution Schedule.

- (i) _____% of Earnings,
(ii) \$ _____, or
(iii) a whole percentage of Earnings between the range of _____ (insert range of percentages between 1% and 20% inclusive (e.g., 3%, 6%, or 20%; 5% to 7%)), as designated by the Employee in accordance with guidelines and procedures established by the Employer for the Plan Year as a condition of participation in the Plan. A Participant must pick a single percentage and shall not have the right to discontinue or vary the rate of such contributions after becoming a Plan Participant.

Employer "Pick up". The Employer hereby elects to "pick up" the Mandatory Participant Contributions¹ (pick up is required if Option A is not selected).

☒ Yes ☐ No ("**Yes**" is the default provision under the Plan if no selection is made.)

- ☐ C. **Election Window** (Complete if Option B is selected):
Newly eligible Employees shall be provided an election window of _____ days (no more than 60 calendar days) from the date of initial eligibility during which they may make the election to participate in the Mandatory Participant Contribution portion of the Plan. Participation in the Mandatory Participant Contribution portion of the Plan shall begin the first of the month following the end of the election window.

An Employee's election is irrevocable and shall remain in force until the Employee terminates employment or ceases to be eligible to participate in the Plan. In the event of re-employment to an eligible position, the Employee's original election will resume. In no event does the Employee have the option of receiving the pick-up contribution amount directly.

2. The Employer may also elect to contribute as follows:

- ☐ A. **Fixed Employer Match of Voluntary After-Tax Participant Contributions.** The Employer shall contribute on behalf of each Participant _____% of Earnings for the Plan Year (subject to the limitations of Article V of the Plan) for each Plan Year that such Participant has contributed _____% of Earnings or \$ _____. Under this option, there is a single, fixed rate of Employer contributions, but a Participant may decline to make the required Participant contributions in any Plan Year, in which case no Employer contribution will be made on the Participant's behalf in that Plan Year.
- ☐ B. **Variable Employer Match of Voluntary After-Tax Participant Contributions.** The Employer shall contribute on behalf of each Participant an amount determined as follows (subject to the limitations of Article V of the Plan):
_____ % of the Voluntary Participant Contributions made by the Participant for the Plan Year (not including Participant contributions exceeding _____% of Earnings or \$ _____);

¹ Neither an IRS advisory letter nor a determination letter issued to an adopting Employer is a ruling by the Internal Revenue Service that Participant contributions that are "picked up" by the Employer are not includable in the Participant's gross income for federal income tax purposes. Pick-up contributions are not mandated to receive private letter rulings; however, if an adopting employer wishes to receive a ruling on pick-up contributions they may request one in accordance with Revenue Procedure 2012-4 (or subsequent guidance).

PLUS _____% of the contributions made by the Participant for the Plan Year in excess of those included in the above paragraph (but not including Voluntary Participant Contributions exceeding in the aggregate _____% of Earnings or \$ _____).

Employer Matching Contributions on behalf of a Participant for a Plan Year shall not exceed \$ _____ or _____% of Earnings, whichever is _____ more or _____ less.

3. Each Participant may make a voluntary (unmatched), after tax contribution, subject to the limitations of Section 4.05 and Article V of the Plan:

☒ Yes ☐ No (***"No" is the default provision under the Plan if no selection is made.***)

4. Employer contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation year ends, or in accordance with applicable law):

BI-WEEKLY

5. Participant contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation year ends, or in accordance with applicable law):

BI-WEEKLY

6. In the case of a Participant performing qualified military service (as defined in Code section 414(u)) with respect to the Employer:

- A. Plan contributions will be made based on differential wage payments:

☐ Yes ☒ No (***"Yes" is the default provision under the Plan if no selection is made.***)

If yes is selected, this is effective beginning January 1, 2009 unless another later effective date is filled in here:

- B. Participants who die or become disabled will receive Plan contributions with respect to such service:

☐ Yes ☒ No (***"No" is the default provision under the Plan if no selection is made.***)

If yes is selected, this is effective for participants who died or became disabled while performing qualified military service on or after January 1, 2007, unless another later effective date is filled in here:

VII. EARNINGS

Earnings, as defined under Section 2.09 of the Plan, shall include:

1. Overtime
☐ Yes ☒ No
2. Bonuses
☒ Yes ☐ No
3. Other Pay (specifically describe any other types of pay to be included below)

VIII. ROLLOVER PROVISIONS

1. The Employer will permit rollover contributions in accordance with Section 4.12 of the Plan:
☒ Yes ☐ No (*"Yes" is the default provision under the Plan if no selection is made.*)
2. Direct rollovers by non-spouse beneficiaries are effective for distributions after 2006 unless the Plan delayed making them available. If the Plan delayed making such rollovers available, check the box below and indicate the later effective date in the space provided.
☐ Effective Date is _____.
(*Note: Plans must offer direct rollovers by non-spouse beneficiaries no later than plan years beginning after December 31, 2009.*)

IX. LIMITATION ON ALLOCATIONS

If the Employer maintains or ever maintained another qualified plan in which any Participant in this Plan is (or was) a participant or could possibly become a participant, the Employer hereby agrees to limit contributions to all such plans as provided herein, if necessary in order to avoid excess contributions (as described in Section 5.02 of the Plan).

1. If the Participant is covered under another qualified defined contribution plan maintained by the Employer, the provisions of Section 5.02(a) through (e) of the Plan will apply unless another method has been indicated below.
☐ Other Method. (Provide the method under which the plans will limit total Annual Additions to the Maximum Permissible Amount, and will properly reduce any excess amounts, in a manner that precludes Employer discretion.)
2. The Limitation Year is the following 12 consecutive month period: _____
3. Unless the Employer elects a delayed effective date below, Article 5 of the Plan will apply to limitations years beginning on or after July 1, 2007. _____

(*The effective date listed cannot be later than 90 days after the close of the first regular legislative session of the legislative body with authority to amend the plan that begins on or after July 1, 2007.*)

X. VESTING PROVISIONS

The Employer hereby specifies the following vesting schedule, subject to (1) the minimum vesting requirements and (2) the concurrence of the Plan Administrator. (For the blanks below, enter the applicable percent – from 0 to 100 (with no entry after the year in which 100% is entered), in ascending order.)

Period of Service Completed	Percent Vested
Zero	100 %
One	100 %
Two	100 %
Three	100 %
Four	100 %
Five	100 %
Six	100 %
Seven	100 %
Eight	100 %
Nine	100 %
Ten	100 %

XI. WITHDRAWALS AND LOANS

1. In-service distributions are permitted under the Plan after a participant attains (select one of the below options):

- ☒ Normal Retirement Age
☐ Age 70½ (*"70½" is the default provision under the Plan if no selection is made.*)
☐ Alternate age (after Normal Retirement Age): _____
☐ Not permitted at any age

2. A Participant shall be deemed to have a severance from employment solely for purposes of eligibility to receive distributions from the Plan during any period the individual is performing service in the uniformed services for more than 30 days.

- ☒ Yes ☐ No (*"Yes" is the default provision under the plan if no selection is made.*)

3. Tax-free distributions of up to \$3,000 for the direct payment of qualifying insurance premiums for eligible retired public safety officers are available under the Plan.

- ☐ Yes ☒ No (*"No" is the default provision under the Plan if no selection is made.*)

4. In-service distributions of the Rollover Account are permitted under the Plan, as provided in Section 9.07.

- ☐ Yes ☒ No (*"No" is the default provision under the Plan if no selection is made.*)

5. Loans are permitted under the Plan, as provided in Article XIII of the Plan:

- ☒ Yes ☐ No (*"No" is the default provision under the Plan if no selection is made.*)

XII. SPOUSAL PROTECTION

The Plan will provide the following level of spousal protection (select one):

- ☐ 1. Participant Directed Election. The normal form of payment of benefits under the Plan is a lump sum. The Participant can name any person(s) as the Beneficiary of the Plan, with no spousal consent required.
- ☒ 2. Beneficiary Spousal Consent Election (Article XII). The normal form of payment of benefits under the Plan is a lump sum. Upon death, the surviving spouse is the Beneficiary, unless he or she consents to the Participant's naming another Beneficiary. (***"Beneficiary Spousal Consent Election" is the default provision under the Plan if no selection is made.***)
- ☐ 3. QJSA Election (Article XVII). The normal form of payment of benefits under the Plan is a 50% qualified joint and survivor annuity with the spouse (or life annuity, if single). In the event of the Participant's death prior to commencing payments, the spouse will receive an annuity for his or her lifetime. (If C is selected, the spousal consent requirements in Article XII also will apply.)

XIII. FINAL PAY CONTRIBUTIONS

The Plan will provide for Final Pay Contributions if either 1 or 2 below is selected.

The following group of Employees shall be eligible for Final Pay Contributions:

☒ All Eligible Employees

☐ Other: _____

Final Pay shall be defined as (select one):

- ☒ A. Accrued unpaid vacation
- ☐ B. Accrued unpaid sick leave
- ☐ C. Accrued unpaid vacation and sick leave
- ☒ D. Other (*insert definition of Final Pay – must be leave that Employee would have been able to use if employment had continued and must be bona fide vacation and/or sick leave*):
SEVERANCE PAY

- ☒ 1. **Employer Final Pay Contribution.** The Employer shall contribute on behalf of each Participant _____ 9 % of Final Pay to the Plan (subject to the limitations of Article V of the Plan).
- ☐ 2. **Employee Designated Final Pay Contribution.** Each Employee eligible to participate in the Plan shall be given the opportunity at enrollment to irrevocably elect to contribute ____ % (insert fixed percentage of final pay to be contributed) or up to ____ % (insert maximum percentage of final pay to be contributed) of Final Pay to the Plan (subject to the limitations of Article V of the Plan).

Once elected, an Employee's election shall remain in force and may not be revised or revoked.

XIV. ACCRUED LEAVE CONTRIBUTIONS

The Plan will provide for accrued unpaid leave contributions annually if either 1 or 2 is selected below.

The following group of Employees shall be eligible for Accrued Leave Contributions:

- ☐ All Eligible Employees
- ☐ Other: _____

Accrued Leave shall be defined as (select one):

- ☐ A. Accrued unpaid vacation
- ☐ B. Accrued unpaid sick leave
- ☐ C. Accrued unpaid vacation and sick leave
- ☐ D. Other (insert definition of accrued leave that is bona fide vacation and/or sick leave):

- ☐ 1. **Employer Accrued Leave Contribution.** The Employer shall contribute as follows (choose one of the following options):

☐ For each Plan Year, the Employer shall contribute on behalf of each Eligible Participant the unused Accrued Leave in excess of _____ (insert number of hours/days/weeks (circle one)) to the Plan (subject to the limitations of Article V of the Plan).

☐ For each Plan Year, the Employer shall contribute on behalf of each Eligible Participant _____% of unused Accrued Leave to the Plan (subject to the limitations of Article V of the Plan).

- ☐ 2. **Employee Designated Accrued Leave Contribution.**

Each eligible Participant shall be given the opportunity at enrollment to irrevocably elect to contribute _____% (insert fixed percentage of accrued unpaid leave to be contributed) or up to _____% (insert maximum percentage of accrued unpaid leave to be contributed) of Accrued Leave to the Plan (subject to the limitations of Article V of the Plan). Once elected, an Employee's election shall remain in force and may not be revised or revoked.

XV. The Employer hereby attests that it is a unit of state or local government or an agency or instrumentality of one or more units of state or local government.

XVI. The Employer understands that this Adoption Agreement is to be used with only the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust. This ICMA Retirement Corporation Governmental Money Purchase Plan and Trust is a restatement of a previous plan, which was submitted to the Internal Revenue Service for approval on April 2, 2012, and received approval on March 31, 2014.

The Plan Administrator hereby agrees to inform the Employer of any amendments to the Plan made pursuant to Section 14.05 of the Plan or of the discontinuance or abandonment of the Plan. The Employer understands that an amendment(s) made pursuant to Section 14.05 of the Plan will become effective within 30 days of notice of the amendment(s) unless the Employer notifies the Plan Administrator, in writing, that it disapproves of the amendment(s). If the Employer so disapproves, the Plan Administrator will be under no obligation to act as Administrator under the Plan.

XVII. The Employer hereby appoints the ICMA Retirement Corporation as the Plan Administrator pursuant to the terms and conditions of the ICMA RETIREMENT CORPORATION GOVERNMENTAL MONEY PURCHASE PLAN & TRUST.

The Employer hereby agrees to the provisions of the Plan and Trust.

XVIII. The Employer hereby acknowledges it understands that failure to properly fill out this Adoption Agreement may result in disqualification of the Plan.

XIX. An adopting Employer may rely on an advisory letter issued by the Internal Revenue Service as evidence that the Plan is qualified under section 401 of the Internal Revenue Code to the extent provided in applicable IRS revenue procedures and other official guidance.

In Witness Whereof, the Employer hereby causes this Agreement to be executed on this _____ day of _____, 20_____.

EMPLOYER

ICMA RETIREMENT CORPORATION

777 North Capitol St., NE Suite 600

Washington, DC 20002

800-326-7272

By: _____

By: _____

Print Name: John Hollar

Print Name: _____

Title: Mayor

Title: _____

Attest: _____

Attest: _____



RESOLUTION

WHEREAS, the City of Montpelier ("Employer") has established a qualified retirement plan for such employees that serves the interest of the Employer by enabling it to provide reasonable retirement security for its employees; and

WHEREAS, the Employer has determined that the continuance of the qualified retirement plan will serve this objective; and

NOW THEREFORE BE IT RESOLVED that the Employer hereby amends and restates the ICMA Retirement Corporation Governmental Money Purchase Plan & Trust Number 109872 (the "Plan").

BE IT FURTHER RESOLVED that the Mayor be authorized to execute the Plan attached hereto on behalf of the Employer.

BE IT FURTHER RESOLVED that the assets of the Plan shall be held in trust, with the Employer serving as trustee ("Trustee"), for the exclusive benefit of Plan participants and their beneficiaries, and the assets shall not be diverted to any other purpose. The Trustee's beneficial ownership of Plan assets held in VantageTrust shall be held for the further exclusive benefit of the Plan participants and their beneficiaries;

BE IT FURTHER RESOLVED that the Employer hereby agrees to serve as Trustee under the Plan.

I, John Odum, Clerk of the City of Montpelier, do hereby certify that the foregoing resolution was duly adopted by the Montpelier City Council at a regular meeting thereof assembled on April 13, 2016.

CITY SEAL:

John Odum, City Clerk



CITY COUNCIL Agenda Item #16-110(b).

Date:

Consent x Discussion

SUBJECT: Request from Onion River Sports for the closure of Langdon Street for their Annual Bike Swap on Saturday, May 7th; in preparation for the event, the full length of Langdon Street would be closed starting at 8:00 P.M. on Friday, May 5th, and re-opened after the event on Saturday which takes place from 12:00 noon to 2:00 P.M.

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Approve

RELATED COUNCIL GOAL/PRIOR ACTION: N/A

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Requests for street closures require Council approval.

BACKGROUND INFORMATION: See attached letter from Events Director for Onion River Sports.

SUPPORTING DOCUMENTS: In addition to the letter of request, also attached is a sheet which includes e-mail responses from the Police Chief, Fire Chief and Public Works Director regarding this request.

INTERESTED PARTIES: Onion River Sports staff

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over the City Manager's Approval line.

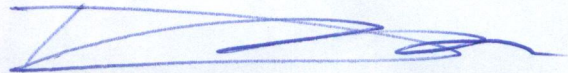
April 6th, 2016

Dear Local Businesses,

On Saturday, May 7th, 2016 Onion River Sports will be hosting it's Annual Bike Swap, a local downtown tradition here in downtown Montpelier. In preparation for the event, **the full length of Langdon Street will be closed starting at 8:00pm Friday, May 6th and ending May 7th 12 to 2 pm.** Foot traffic will still flow freely to all Langdon Street businesses Friday night and all day Saturday. Our expectation is that the Bike Swap's presence will only bring more community interaction to downtown Montpelier.

We appreciate your understanding. If you have any questions or concerns, please feel free to contact me at (802) 229-9409 or events@onionriver.com.

Sincerely,



Tristan Von Duntz

*Events Coordinator
Onion River Sports*

From: Sandy Pitonyak
Sent: Wednesday, April 06, 2016 12:35 PM
To: Anthony Facos; NEIL MARTEL; ROBERT GOWANS; James Quinn; Tom McArdle
Subject: FW: For City Council Meeting, Street Closure Request, May 7th

See request below from Montpelier Alive; attached is another request from Onion River Sports. Ashley told me (and reminded Jessie) that she'd talked with Bill and the Mayor about this and they're ok with it.

Apparently, Three Penny Tap wanted to close a section of Main Street, as well, and were told no. FYI ...

These will go on the April 13th Council agenda so just let me know what your thoughts are so I can attach them. Thank you ...

From: Ashley Witzenberger-Director
Sent: Wednesday, April 06, 2016 11:54 AM
To: Sandy Pitonyak
Subject: For City Council Meeting, Street Closure Request, May 7th

Montpelier Alive would like to request a street closure for Saturday, May 7th, 8 am-1 pm for Montpelier Mayfest.

The following events will take place on State Street on May 7th:

Yoga on State Street with Grateful Yoga
A Bike Valet during the farmers' market
WDEV Tent for remote broadcast
Green Up Day check in tent

The farmers' market will stay in the Heney lot.

Please let me know any questions.
Thank you,
Ashley

From: NEIL MARTEL
Sent: Wednesday, April 06, 2016 3:45 PM
To: Sandy Pitonyak
Cc: Tom McArdle
Subject: RE: For City Council Meeting, Street Closure Request, May 7th

No, just need to make sure DPW concerns as mentioned by Tom M. are addressed and they(DPW)will need to bring in the necessary barricades(probably on Friday PM) for the street closures on this date.

Neil

From: ROBERT GOWANS
Sent: Friday, April 08, 2016 5:09 AM
To: Sandy Pitonyak
Subject: Re: Street Closures

I talked with Tristan and I'm ok with the closing.
Thank you
Bob

From: Tom McArdle
Sent: Friday, April 08, 2016 2:20 PM
To: Sandy Pitonyak
Subject: RE: Closing of State and Langdon on May 7th

I've never been asked for a written statement and they agree to close it frequently....but here it is:

The Department of Public Works Director has not expressed any concerns that cannot be addressed consistent with past practice. It is recommended that the closures be properly marked in compliance with the Manual of Uniform Traffic Control Devices and that the exact date & duration of the closures be posted in advance for public convenience via the local media, city web site and on the VT 511 Traveler Information site. It is also expected that the streets will be cleaned of event debris and cleared of all obstructions and hazards prior to re-opening for traffic use. If the event organizers will rely on DPW for



CITY COUNCIL Agenda Item #16-111.

Date: April 13, 2016

Consent ____ Discussion x

SUBJECT: Appointment to the Montpelier Foundation Board

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Opportunity for Jake Brown to address the Council; appointment

RELATED COUNCIL GOAL/PRIOR ACTION: N/A

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: No legal requirements

BACKGROUND INFORMATION: The Foundation was created by Resolution of the City Council in 1993. It is a City agency which functions as the trustee of donations, bequests, and gifts to fund community projects. Most original members had served since the committee's inception; they were ready to step down and let new citizens serve. Jim Higgins and Karen Freeman were recently appointed and now staff has received an application from Jake Brown.

SUPPORTING DOCUMENTS: Copy of Jake Brown's e-mail and resume

INTERESTED PARTIES: Remaining members and staff

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "K. Freeman".

Sandy Pitonyak

From: Jake Brown <jakebrown2301@gmail.com>
Sent: Friday, April 08, 2016 7:52 AM
To: Sandy Pitonyak
Cc: Paul Giuliani; cody, bill; jimhiggins; Freeman, Karen; Flanagan, Ed; Jean Olson
Subject: Application for appointment - Montpelier Foundation
Attachments: Montpelier Foundation cover letter.docx; Montpelier Foundation resume.docx

Dear Sandy - please find attached a letter expressing my interest in being appointed to the Montpelier Foundation, along with an abbreviated resume. If you have any questions, please feel free to contact me at 802-793-5074.

Thank you!

Jake

April 8, 2016

Montpelier City Council
c/o City Manager's Office
39 Main Street
Montpelier, Vermont 05602
Via Email

Montpelier City Council:

I'd like to express my interest in serving on the board of the Montpelier Foundation. I would like the opportunity to help advance discrete, capital projects in the city through this special fund to improve our already wonderful quality of life.

I am currently the chair of the Montpelier Cemetery Commission and, among other things, help oversee a perpetual care fund that helps fund the cemetery budget. I also have significant communications and outreach experience that could be helpful to the Foundation.

I have attached my resume and would be happy to speak to the council about this request.

Thank you,

Jake Brown

115 College Street



CITY COUNCIL Agenda Item #16-116(a).

Date: April 13, 2016

Consent ☐ Discussion ☒

SUBJECT: Update on the Recreation Building RFP Process

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Receive update from staff.

RELATED COUNCIL GOAL/PRIOR ACTION: "Explore and encourage intra-municipal and other regional efforts with the goal of maintaining service levels and reducing costs." This includes "Implement Recreation Department transition; Begin work on internal consolidation (Rec, Senior Center, Parks, Cemetery)."

EXPENDITURE REQUIRED: None at this time.

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: None at this time.

BACKGROUND INFORMATION: At the February 10, 2016 City Council meeting, there was a discussion about the future of the Recreation building at 55 Barre Street. At that time, the decision was made to issue a Request for Proposals to solicit business' interest in purchasing the property. RFP responses are due on Friday, April 15th. If responses are received, the City Council will then weigh these proposals against intermediate and future programming needs.

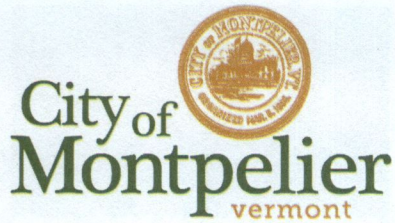
At this meeting, staff will provide a brief update and answer any questions the Council may have about this process.

SUPPORTING DOCUMENTS: The Request for Proposals and supporting documents are available here: <http://www.montpelier-vt.org/857/Recreation-Building-Redevelopment>

INTERESTED PARTIES: Recreation Advisory Board

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over the City Manager's Approval line.



CITY COUNCIL Agenda Item #16-110(e).

Date: April 13, 2016

Consent x Discussion

SUBJECT: Resolution for Downstreet Housing and Community Development

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Approve Resolution

RELATED COUNCIL GOAL/PRIOR ACTION: Support and Promote a Vibrant Downtown, Create a Hospitable Environment for Housing Development and Grand List Growth

EXPENDITURE REQUIRED: None for the Resolution. As part of the Grant Application, City committed \$175,000 in matching funds.

SOURCE OF FUNDS: For the grant - Housing Trust Fund, Community Development Revolving Funds, In-kind

LEGAL REQUIREMENTS: None

BACKGROUND INFORMATION: Downstreet is proposing to convert the long vacant French Block (Dickey Block) into 18 apartments. They are seeking other grant funds; a statement of support from the City is important for that effort.

SUPPORTING DOCUMENTS: Draft Resolution

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over the City Manager's Approval line.

CITY OF MONTPELIER

Capital City of the State of Vermont

RESOLUTION

For

DOWNSTREET HOUSING AND COMMUNITY DEVELOPMENT PROPOSAL

- WHEREAS, Downstreet Housing and Community Development is proposing to create 18 housing units at 49 Main Street in Montpelier (also known as the French Block or Dickey Block); and
- WHEREAS, the 14,600 square feet of upper floor space in downtown Montpelier has been vacant and unused for more than 70 years; and
- WHEREAS, the creation of additional subsidized and market rate housing units in the core downtown is a high priority for the City; and
- WHEREAS, downtown residents greatly enhance the vibrancy of an historic downtown; and
- WHEREAS, rehabilitating and using a long neglected space improves the value of the historic building and improves public safety.
- NOW, THEREFOE, BE IT RESOLVED, that the Mayor and City Council of Montpelier do hereby enthusiastically support this project and the Downstreet Housing and Community Developments proposals for the funding and construction of these housing units.

Signed this 13rd day of April, 2016

John Hollar, Mayor

City Council Members:

CITY SEAL:

ATTEST:

John Odum, City Clerk



CITY COUNCIL Agenda Item #16-110(c).

Date:

Consent ☒ Discussion ☐

SUBJECT: Request from Montpelier Alive for the closure of State Street (from Main to Elm) on Saturday, May 7th, from 8:00 A.M. to 1:00 P.M. for Montpelier's Mayfest. The following events will take place:

Yoga on State Street with Grateful Yoga
A Bike Valet During the Farmers' Market
WDEV Tent for Remote Broadcast
Green Up Day Check-in Tent

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Approve

RELATED COUNCIL GOAL/PRIOR ACTION: N/A

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Requests for street closures require Council approval.

BACKGROUND INFORMATION: See attached e-mail from Montpelier Alive's Executive Director.

SUPPORTING DOCUMENTS: In addition to the e-mail outlining this request, also attached is a sheet which includes e-mail responses from the Police Chief, Fire Chief and Public Works Director regarding this request.

INTERESTED PARTIES: Montpelier Alive staff

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over the "CITY MANAGER'S APPROVAL:" text.



CITY COUNCIL Agenda Item #16-114.

Date: 4/13/16

Consent ☐ Discussion ☒

SUBJECT: Ordinance Amendments regarding Uber, Taxis, Non-Traditional Businesses

SUBMITTING DEPARTMENT: City Clerk/Police Department

RECOMMENDED ACTION: Set public hearing if desired

RELATED COUNCIL GOAL/PRIOR ACTION: N/A

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: No legal requirements

BACKGROUND INFORMATION: Uber's operation in the city presents challenges under the current taxi and licensing ordinances, and in doing so, highlights out-of-date language and requirements within the Taxi Ordinance.

SUPPORTING DOCUMENTS: Proposed Ordinance Amendment Language: Chapter 9, Article XIX. Taxicabs; and Article III, Non-Traditional Business Licenses

INTERESTED PARTIES: City Clerk, Police Department, Taxi services operating within Montpelier

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over the City Manager's Approval line.

Chapter 9

ARTICLE XIX. TAXICABS

Sec. 9-1900. LICENSE REQUIRED, TAXICAB.

No person, firm or corporation shall operate a taxicab within the city limits until a license has been obtained for each vehicle and unless there has been compliance with all other regulations in this article.

Sec. 9-1901. LICENSE REQUIRED, OPERATOR.

Each natural person who shall operate a taxicab within the city limits shall obtain a City of Montpelier Taxicab Operator's License.

~~Sec. 9-1902. DRIVER CONDUCT.~~

~~All operators of taxicabs shall be neat, clean and courteous at all times when operating a cab for hire. No taxicab operator shall drive about the streets or other public places seeking business, nor soliciting passengers with a loud voice or in a rude, rough, or boisterous manner.~~

Sec. 9-1903. DEFINITIONS.

(a) "Taxicab" is a motor vehicle used for transporting passengers for hire within the city of Montpelier but shall not include those vehicles operating on regularly scheduled routes and times in intertown and interstate transportation which are subject to state or federal regulation.

(b) "Operator" is the individual driver of a taxicab.

Sec. 9-1904. INSURANCE REQUIRED.

It shall be unlawful for any person to operate or drive a taxicab, or permit the same to be driven or operated on the streets of the city unless the owner or operator thereof shall have first procured and filed with the city clerk proof of purchase for the license year of a liability insurance policy which terms and conditions thereof shall be such as to provide protection for all persons suffering injury, loss or damage to person or to property by reason of the operation of such taxicab. Every such insurance policy shall be executed by an insurance company authorized to do business in the state and acceptable to the city council and shall be in the penal sum of ten thousand dollars (\$10,000.00) for injury or death to any one person, in the penal sum of twenty thousand dollars (\$20,000.00) for injury or death to all persons caused by any one accident, and in the penal sum of five thousand dollars (\$5,000.00) for damage to property resulting from any one accident, and each of such penal sums shall remain in full force and shall be undiminished during the license year. Every such insurance policy shall contain a provision whereby every company executing the same shall obligate itself to notify the City Clerk in writing at least thirty (30) days before any alteration, modification or cancellation of such policy is to become effective. No permit shall be issued to operate any taxicab unless and until evidence of purchase of such liability insurance policy is filed with the City Clerk, and failure of the owner or operator of such taxicab to procure and keep on file with the City Clerk at all times such evidence of purchase for the license year

of a liability insurance policy in the penal sums aforesaid shall be grounds for the revocation or suspension of the operator's permit for such taxicab.

Sec. 9-1905. APPLICATION FOR LICENSES.

The taxicab license may be granted by the City Council Clerk upon application for same, ~~filed with the City Clerk~~. The application must be accompanied by the required fee and proof of insurance. The taxicab operator license application must be accompanied by the required fee. Application forms are supplied by the City Clerk's Office.

~~Sec. 9-1906. DISCRETIONARY GRANT OF LICENSES.~~

~~The City Council may refuse to grant a taxicab license if in its judgment there are already in operation within the City limits a sufficient number of licensed taxicabs to meet the needs of the inhabitants, subject to the approval of the Chief of Police.~~

Sec. 9-1907. LICENSE FEES.

The annual license fee for each individual taxicab vehicle shall be twenty-five dollars (\$25.00). The license shall be required for each individual vehicle so operated with a capacity of not more than five passengers, and thirty-five dollars (\$35.00) for vehicles with a capacity of more than five passengers. The annual fee for each individual operator of a taxicab shall be twenty-five dollars (\$25.00).

~~Sec. 9-1908. TEMPORARY LICENSES.~~

~~The City Clerk shall have the power to issue a temporary license to operate a taxicab after due application which shall be valid until the next regular meeting of the City Council, provided said application has been approved by the Mayor and the Chief of Police.~~

Sec. 9-1909. SALE OR TRANSFERENCE OF LICENSE.

A taxicab license may not be sold or assigned, but may be transferred to another vehicle of the same owner upon proper application therefor and approval of the City Council.

Sec. 9-1910. DISPLAY OF LICENSES.

Every taxicab operator shall at all times post his license, the vehicle's license and a card which bears the name and address of the owner of such vehicle in the vehicle he is operating so that these are readily seen by any passenger seated in said vehicle. Said operator shall have his picture attached to his said posted license. Said picture shall be of date recent enough to identify the taxicab operator to whose license it is attached and the chief of police, if not satisfied with the likeness of any picture, may order any taxicab operator to attach to his license a picture which identifies said taxicab operator to the satisfaction of the chief of police.

Sec. 9-1911. VEHICLES MARKED.

Each and every taxicab operated in the city of Montpelier shall be clearly marked as such on the exterior of the vehicle.

~~Sec. 9-1912. RATES OF FARE.~~

~~Rates of fare to be charged by taxicab operators for the conveyance of passengers and baggage shall be set from time to time, upon due notice to all owners of licensed taxicabs, by the city council.~~

~~Sec. 9-1913. NOTICE OF RATES OF FARE.~~

~~All rates of fare applying to taxicabs shall be available upon any request by customers; copies of the current applicable rate schedules are available to the taxi operators in reasonable number from the city clerk.~~

~~Sec. 9-1914. OVERCHARGES.~~

~~No person shall charge or attempt to charge any passenger a greater rate of fare than that to which the operator is entitled.~~

~~Sec. 9-1915. DISPUTES.~~

~~All disputes as to the local rate of fare shall, upon request of either the operator or passenger, be determined by the police, either by the nearest officer or at the police station. Failure to comply with such determination by the police shall subject the offender to a charge of disorderly conduct.~~

A Taxi Appeal Committee established by the City Council, shall be the arbiter of any disputes relating to the provisions of this article.

~~Sec. 9-1916. SEATING CAPACITY.~~

~~No taxicab shall carry more adult passengers than its seating capacity is designed to permit.~~

~~Sec. 9-1917. NON-DISCRIMINATION.~~

No taxicab operator shall refuse service based on customers' race, creed (religion), color, national origin, marital status, sex, sexual orientation, disability, or gender identity.

~~Sec. 9-1918. REFUSAL TO PAY FARE.~~

A person who refuses to pay or attempts to avoid payment of fare shall be fined not more than ten dollars (\$10.00).

~~Sec. 9-1919. STOPS.~~

~~No taxicab operator shall allow his taxi to stop in a street or other public place, other than in places assigned as taxi stands, for more than fifteen (15) consecutive minutes.~~

~~Sec. 9-1920. OBEDIENCE TO POLICE OFFICERS.~~

A taxicab operator shall obey the direction of any police officer respecting the stand of his taxicab and his own position while waiting for passengers, and the route to be taken in going to and from the place of standing.

~~Sec. 9-1921. CONVEYANCE OF DISEASED PERSONS.~~

No taxicab operator shall receive or permit to be placed in a taxi, nor convey in or upon the same, a person ill with an infectious or contagious disease, or the body of a person deceased from such disease.

~~Sec. 9-1922. PROPERTY LEFT IN A TAXICAB.~~

A taxicab operator shall immediately after delivering a passenger, search his taxicab for property which may have been left therein, and if any be found, he shall return the same to the owner thereof if the owner be known; but if the owner be not known, he shall immediately deliver the property to the chief of police and take his receipt therefor; provided, however, that nothing herein shall relieve such operator of his duty under the law relating to lost property. The chief of police shall deliver such property to its rightful owner when ascertained.

~~Sec. 9-1923. INSPECTION OF VEHICLES.~~

It shall be the duty of the operator of each taxicab engaged and used in the transportation of persons for hire within the city, to submit such taxicab to the chief of police at the police station every three months beginning in March of each year and during June, September and December, for the purpose of having the currency of the State safety inspection sticker verified and the interior of the vehicle checked for cleanliness, lack of excessive wear to seats and other interior accouterment; check of the obvious safety defects and conditions which in the chief's opinion would probably endanger the safety, health or dignity of occupants; verification that licenses and notification as to ownership are prominently displayed; the foregoing shall not be construed to affect the liability of the owner and operator of the taxi towards passengers or the general public and shall not limit inspections to months indicated; the chief of police shall have the authority to stop a taxicab on the street any time to check for compliance with the requirements of this chapter.

~~Sec. 9-1924. TAXISTANDS.~~

Application may be made in writing to the chief of police for a taxistand on the public street or right of way. The chief shall refer with recommendation such application to the city council who may designate said taxistand as to number of spaces and location; such designation is in the council's sole discretion and shall be subject to change at any time.

~~Sec. 9-1925. STANDING.~~

Each taxicab operator shall remain near his taxicab while it is unemployed upon a taxistand, unless he is necessarily absent therefrom in the course of his duty or business.

~~Sec. 9-1926. TAXISTAND FEE.~~

~~The fee for such taxistand on public property shall be one hundred dollars (\$100.00) per parking space for one vehicle. The fee shall be nonrefundable for any cause and shall be in lieu of parking meter fees.~~

Chapter 9 Licenses

Article 23 Non-Traditional Business Licenses

Sec 9-2300. License Required

Any entity doing business in the city that directly competes with traditional businesses which must be licensed under city ordinances, but whose business model is deemed by the City Clerk to fall outside the parameters of other business licensing regulations, shall apply for a non-traditional business license with the City Clerk.

Sec 9-2301. Special Conditions at time of Licensing

The City may attach conditions to the non-traditional business license as are reasonably required to protect the public health, safety and welfare from risks including, but not limited to: adverse impact on public health, public safety, increased demand on city services, increased environmental impacts, or increased traffic or congestion in the public way. The City may attach any such conditions when the emerging business permit is issued, or the city may attach, remove or modify conditions at any time during the term of the permit, upon reasonable notice to the permit holder.

The City may engage in public education activities to protect the public health, safety and welfare from risks posed by any business operating as a licensed non-traditional business, if doing so is deemed appropriate and necessary by city public safety authorities.

Sec 9-2302. Special Considerations During License Period

The City may make a determination at any time during the term of the non-traditional business license that the permitted business activity as conducted presents an unreasonable risk to the public health, safety and welfare which cannot be mitigated, and may rescind the license, with or without prior notice.

Sec 9-2303. Insurance

No license shall be issued to an applicant unless the applicant furnishes proof to the City Clerk of a business insurance policy in an amount deemed adequate for liabilities incurred by the operation of the business.

Sec 9-2304. License Fee

The cost of this license shall be \$500.



CITY COUNCIL Agenda Item # 16-110(g).

Date:

Consent ☒ Discussion ☐

SUBJECT: VTrans Grant Requirement – approval of documents: “Annual Financial Plan – Town Highways” and “Certificate of Compliance for Town Road and Bridge Standards and Network Inventory”

SUBMITTING DEPARTMENT: Public Works

RECOMMENDED ACTION: Approval of documents with signatures of a majority of Council Members

RELATED COUNCIL GOAL/PRIOR ACTION: “C” – Steady State: Infrastructure Maintenance

EXPENDITURE REQUIRED: 20% local match for Class 2 Paving Project

SOURCE OF FUNDS: CIP – Street Paving & Rehabilitation

LEGAL REQUIREMENTS: 19 V.S.A. § 306(j)

BACKGROUND INFORMATION: The VT Agency of Transportation requires submittal of these documents annually when applying for grant funding support

SUPPORTING DOCUMENTS: Grant Application – available on request

INTERESTED PARTIES:

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. J. [unclear]", written over the City Manager's Approval line.

ANNUAL FINANCIAL PLAN - TOWN HIGHWAYS

TA-60

19 V.S.A. § 306(j)

(page 2)

We, the Legislative Body of the Municipality of Montpelier certify
that funds raised by municipal taxes are equivalent to or greater than a sum of at least **\$300.00**
per mile for each mile of Class 1, 2, and 3 Town Highway in the municipality. (19 V.S.A. 307)

Date: _____

(Duly Authorized Representatives)

The submitted Town Plan meets the requirements of Title 19, Section 306(j).

Date: _____
District Transportation Administrator

ANNUAL FINANCIAL PLAN - TOWN HIGHWAYS
19 V.S.A. § 306(j)

TA-60

City of Montpelier Fiscal Year 2017 Begin July 1 End June 30

INCOME

DESCRIPTION	ESTIMATED
State Funds - 19 V.S.A. Section 306(a):	
Class 1 10.531	\$ 117,992.31
Class 2 8.311	\$ 34,124.20
Class 3 32.87	\$ 50,015.04
Town Tax Funds - 19 V.S.A. Section 307	\$ 1,980,979.69
Special Funds (e.g., bonds or earmarks):	
a. Retaining Wall Bond	\$ 150,000.00
b.	\$
c.	\$
TOTAL	\$ 2,333,111.24

EXPENSES

DESCRIPTION	ESTIMATED
Winter Maintenance	\$ 924,240.24
Non-Winter Maintenance	\$ 711,871.00
Major Construction Projects	
a. Streets	\$ 489,000.00
b. Retaining Walls	\$ 150,000.00
c. Stormwater	\$ 58,000.00
TOTAL	\$ 2,333,111.24

Comments:

This form shall be signed by the appropriate town officials and forwarded to the District Transportation Administrator.

TA-60 Rev 09-13

SNOW REMOVAL SUPPLIES & EQUIPMENT

4/8/2016

**Certification of Compliance
for
Town Road and Bridge Standards
and
Network Inventory**

We, the Legislative Body of the Municipality of _____ certify
that we have reviewed, understand and comply with the Town Road and Bridge
Standards / Public Works Specifications and Standards passed and adopted by the
Selectboard / City Council / Village Board of Trustees on _____, 20____.

We further certify that our adopted standards ☐do ☐do not meet or exceed the
minimum requirements included in the January 23, 2013 VTrans template.

We further certify that we ☐do ☐do not have an up-to-date highway network
inventory which identifies location, size, deficiencies/condition of roads, bridges,
causeways, culverts and highway-related retaining walls on class 1, 2, and 3 town
highways, and estimated cost of repair.

Date: _____

(Duly Authorized Administrator)

For a summary of your community's road and bridge information
please visit: tinyurl.com/rdsinfo



CITY COUNCIL Agenda Item #16-115.

Date:

Consent ☐ Discussion ☒

SUBJECT: Website Analytics Report

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Receive Report

RELATED COUNCIL GOAL/PRIOR ACTION: Council Goal: Consistently collect and communicate information in a transparent manner.

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: FY16 Budget

LEGAL REQUIREMENTS: None

BACKGROUND INFORMATION: The City launched a new website on November 2, 2015. On March 23, 2016, Councilor Turcotte requested an agenda item and report on analytics related to the new website.

SUPPORTING DOCUMENTS: Attached please find the requested report.

INTERESTED PARTIES: All with an interest in Montpelier

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over a horizontal line.



America's Small Town Capital

Mayor John Hollar

William Fraser
City Manager

City Council Members:

Dona Bate
Jessica Edgerly Walsh
Tom Golonka
Jean Olson
Justin Turcotte
Anne Watson

Jessie Baker
Assistant City Manager

MEMORANDUM

To: Mayor Hollar & City Council Members
From: William Fraser, City Manager
Jessie Baker, Assistant City Manager
Re: Website Usage
Date: April 6, 2016

On November 2, 2015 the City of Montpelier launched a new website. This website, hosted by CivicPlus, provides many new amenities including improved search capabilities, a clearer organizational structure that allows users to better access information, and analytics on usage. On March 23, 2016, Councilor Turcotte requested a report of usage be provided to the Council at a Council meeting. Below we outline key data available on site usage.

This data is provided for the period January 1, 2016 to March 31, 2016. During this period there were:

- 43,697 visits
- 83,132 page views
- 2 minutes and 43 seconds was the average duration
- 62% bounced (or left the website after one page)
- 2.3 was the average actions per visit
- 3,088 total searches with 1,260 unique keywords
- 14,238 downloads

Users accessed the site from:

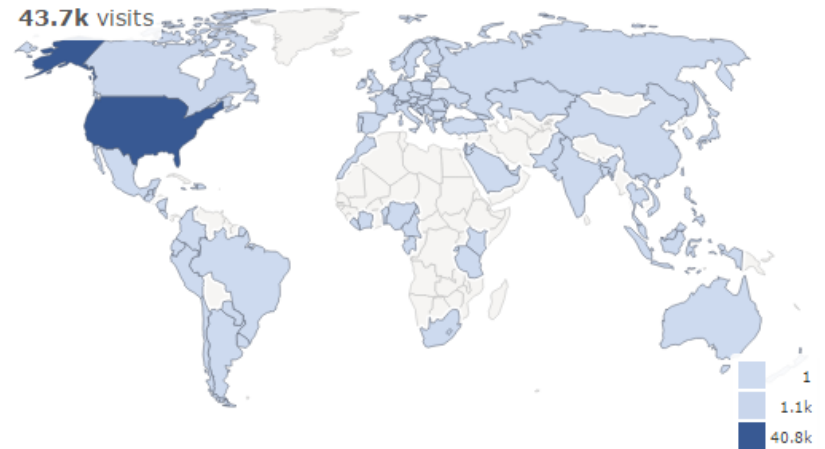
- 73% Desktop
- 18% Smartphone
- 6.5% Tablet
- 2.5% Other

93.3% of our visitors are from the United States

Of the 43,697 visits:

- 93.3% of our visitors are from the United States
- 11,669 (27%) are from Vermont
- 3,399 (8%) from Montpelier
- 915 (2%) from Barre
- 696 (2%) from Waterbury
- 482 (1%) from Northfield

Visitor Map



What pages did they visit?

Page	Page Views	% of Total	Unique Page Views	Average time on page
Home Page	33,176	40%	25,626	0:01:03
Montpelier Senior Activity Center	2,214	3%	1,480	0:02:13
City Clerk	1,703	2%	1,374	0:01:12
Assessor	1,620	2%	1,151	0:01:52
Government Homepage	1,439	2%	1,034	0:00:40
Previous Site Links	1,207	1%	1,192	0:00:14
Jobs Listings	1,190	1%	834	0:00:56
Police Department	1,146	1%	900	0:00:45
Uploads (City Manager's Reports, meeting minutes, agendas, etc)	1,110	1%	1,075	0:03:41
Alert Center - Winter Parking Bans	1,085	1%	960	0:01:08
Media Archive	1,079	1%	879	0:02:41
MSAC Class Listings	889	1%	603	0:01:25
About Montpelier	839	1%	666	0:01:14
Winter Parking Ban homepage	837	1%	723	0:01:14
Staff Directory	813	1%	479	0:00:57
Police Department Media Logs	802	1%	638	0:01:16
Agenda Center	778	1%	527	0:01:07
City Council and Mayor Homepage	685	1%	577	0:01:24
Grand List	604	1%	535	0:01:57
Public Bids	534	1%	449	0:00:35



CITY COUNCIL Agenda Item #16-112.

Date: April 13, 2016

Consent ☐ Discussion ☒

SUBJECT: Update on Draft Zoning Bylaws and Draft River Hazard Area Bylaws

SUBMITTING DEPARTMENT: Planning

RECOMMENDED ACTION: None

RELATED COUNCIL GOAL/PRIOR ACTION: Alleviate parking pressures in Montpelier to maintain a vibrant downtown; create a hospitable environment for housing development and grand list growth

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: None

BACKGROUND INFORMATION: Planning Commission held its second public hearing on the two sets of bylaws on April 11. The Commission is reviewing final comments and getting legal opinions on a few items before sending the bylaws for Council consideration. It was/is hoped that the draft zoning would be ready for Council by this meeting but may need to wait until April 27th.

SUPPORTING DOCUMENTS: None

INTERESTED PARTIES: Planning Commission

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over a horizontal line.