



**CITY OF
MONTPELIER
MONTPELIER,
VERMONT**

Agenda for City
Council Meeting
Wednesday, May 28,
2014
06:30 P.M.

- 1) 5:30 P.M. Call to Order by the Mayor
- 2) 14-130. Council will Recess for City Dump Road Site Visit (Off of Elm Street)
 - a) City Councilors will meet at the site to prepare for a Public Hearing scheduled to be conducted during the regular portion of this meeting; Council is being asked to consider the reclassification of this road.)
- 3) 6:30 P.M. Meeting will be Reconvened by the Mayor
- 4) 14-131. General Business and Appearances
- 5) 14-132. Consideration of the Consent Agenda:
 - a) Approve Minutes from the May 14th, 2014 City Council Meeting.
 - b) Accept the bid proposal from H.P. Fairfield, Inc. of Morrisville, Vermont, for the dump body and related equipment and hydraulics for Truck #6, in the amount of \$46,810.00, and authorize the City Manager to sign all documents related to this purchase. (After purchase of cab and chassis, remaining amount in budget: \$55,626.60)
 - c) Accept the bid proposal for a new half-ton pickup truck, submitted by Gateway Motors, White River Junction, Vermont, in the amount of \$12,476.00, plus the extended warranty in the amount of \$1,100.00, for a total price of \$13,576.00; also authorize the City Manager to execute all documents related to this purchase. (Included in the budget: \$24,000.00)

- d) Approve a "Finance, Right-of-Way, & Maintenance Agreement" between the State of Vermont Agency of Transportation (VTrans) and the City of Montpelier for a project entitled "Montpelier BO 1446(36)" Contract No. FM0124.
- 1) This is in regards to the replacement of the Cummings Street Bridge (BR #13) which spans the North Branch of the Winooski River. The bridge project was accepted by VTrans as an eligible project in the Town Highway Bridge Program and received funding for the Scoping Phase which was completed by the Vtrans Structures Design Section.
 - 2) A publicly warned and advertised Alternative Presentation meeting was conducted on November 6, 2013. As a result of the public meeting discussion, Public Works staff review and with expertise provided by the VTrans Structures Project Manager, the full bridge replacement was selected as the recommended alternative to address this aging bridge.
 - 3) The recommendation was subsequently considered and accepted by the Montpelier City Council during their regular meeting of February 12, 2014. The Finance, Right-of-Way, & Maintenance Agreement is a standard agreement between the State and municipalities as the legal mechanism to establish and assign obligations, rights, responsibilities and the identification and allocation of project-related costs (including various cost implications should the project be cancelled by the municipality or State). In this case, the City of Montpelier will be responsible for 10% of project eligible costs with the State and Federal Highway Administration (FHWA) bearing 90% of the costs. The preliminary project cost estimate of \$1,580,000 will require a local share of \$158,000 which has been (or will be) included in the Capital Improvement Plan for FY 18 at which time expenses are expected to be incurred.
 - 4) The Public Works staff has reviewed the Scoping Report, project plans and agreement and recommends approval. A majority of the City Council will need to sign the agreement in the space provided to consummate this agreement.
- e) Consideration of awarding the contract for installation of a fire alarm

system at the DPW Garage/Office Building to Vermont Life Safety LC in the amount of \$13,384.12.

- 1) This is a top-priority capital needs project to bring this building into safety code compliance and protect this asset.
- 2) The project was designed by Pearson & Associates of Stowe and then put out to bid. Six bids were received and opened Thursday, May 15, and were as follows:

i.	Vermont Life Safety LC Bolton, Vermont	\$13,384.12
ii.	Mountain View Security Systems Plainfield, Vermont	\$14,322.00
iii.	CE Wendel Electric Middlesex, Vermont	\$14,856.00
iv.	Norway & Sons Inc. Vermont	\$18,585.00 Barre,
v.	Benoit Electric Inc. Barre, Vermont	\$18,680.00
vi.	Selectric LLC Worcester, Vermont	\$23,166.00

- 3) Funds for this project are available from the 2012 Bond - Capital Needs Assessment (CNA) funds.
- 4) Recommendation: Award of the contract for the fire alarm system at the DPW Garage/Office Building as recommended by staff to Vermont Life Safety LC in the amount of \$13,384.12 and designate the City Manager as the duly authorized agent to execute the contract documents.

f) Payroll and Bills

- 6) 14-133. Public Hearing for a Resolution to consider reclassifying a public highway known as City Dump Road (aka Stump Dump Road) from a Class 4 town highway to a Class 3 town highway. This action is recommended by the Public Works Department in support of a request from an adjoining property owner and is to be in accordance with VT Statutes, Title 19: Highways, Chapter 7: Laying Out, Discontinuing, and Reclassifying Highways.

a) WHEREAS:

- b) 19 VSA 708(a) permits the City Council to initiate proceedings to consider reclassification of a municipal highway.
- c) City Dump Road is considered a class 4 town highway 0.3 miles in length as identified on the Vermont Agency of Transportation highway map for the City of Montpelier. City Attorney J. Paul Giuliani provided an opinion letter in 2005 stating "it is safe to assume that City Dump Road is a Class 4 highway?". He also pointed out "that the City has fee ownership over the land which City Dump Road is located."
- d) In April, 2011, the Montpelier Development Review Board approved a two lot subdivision for the adjoining property owned by Bryndle, LLC. The access to one of the lots was to be provided by City Dump Road. As a condition of the subdivision approval, the Applicant first needed to secure an access easement from the City of Montpelier to connect the lot to City Dump Road.
- e) During its regular meeting on January 12, 2011, the Montpelier City Council granted an easement to Bryndle, LLC for construction of a driveway and bridge across a portion of City's property. Upon recommendation of the Public Works Department, approval was also granted to undertake certain upgrades and alterations of City Dump Road in preparation for reclassification. The upgrades and alterations have now been completed and approved by the Director of Public Works.
- f) On April 9, 2014, in accordance with 19 V.S.A § 709, "Notice and Hearing", the City Council established the time and date for examining the premises and hearing the persons interested, and gave 30 days notice to persons owning or interested in lands through which the highway may pass or abut, of the time when they will inspect the site and receive testimony, as well as giving notice to the Planning Commission, and posting and publishing notice of the hearing. (see full text of statute). Said date and time, as duly warned and notice given thereof, was May 28 ,

2014 at 5:30 PM for inspection of the highway; with the hearing to be held on the proposed reclassification to follow at City Council Chambers at 6:30 PM.

- g) Per 19 V.S.A. § 710, "Survey or Order of Discontinuance", after examining the premises and hearing any interested parties, and if the selectmen judge that the public good, necessity, and convenience of the inhabitants of the municipality require the highway to be reclassified, they shall cause the highway to be surveyed if the bounds of the original highway right-of-way cannot be determined. (see full text of statute).
 - h) Resolution: After considering the information presented by the Public Works Director and the recommendation for reclassification, and the inspection made May 28th by members of the City Council, and upon consideration of testimony provided by the public and interested persons, The City Council hereby approves the reclassification of the 0.3 mile segment of City Dump Road from a Class 4 to a Class 3 highway. The City Council further authorizes the City Public Works Director to obtain a metes and bounds survey by a licensed land surveyor so the true bounds of the roadway can be properly located and legally recorded.
- 7) 14-134. Second Reading/Public Hearing for proposed amendments to the Downtown Improvement District (DID) Ordinance.
- a) Council conducted the First Public Hearing on May 14th; minor changes were made and are shown in the attached copy.
 - b) Recommendation: Conduct the Second Public Hearing; approve the ordinance, with or without further amendments.
- 8) 14-135. Presentation of Montpelier Alive's proposed budget for Downtown Improvement District Funds, FY 15.
- a) Montpelier Alive Board members will present the proposed budget.
 - b) Recommendation: Receive presentation; opportunity for discussion; provide input and approve the proposed budget.
- 9) 14-136. Continuation of Second Reading/Public Hearing for a City Fireworks Ordinance, specifically for use by private citizens.

- a) Safety issues have become a concern for fireworks displays being set off by private citizens rather than a licensed professional company.
 - b) Fire Chief Bob Gowans drafted a new ordinance which Council reviewed during a second public hearing held at their May 14th meeting. Issues were raised that needed further review by a City Attorney.
 - c) Staff has a new copy, with requested revisions included.
 - d) Recommendation: Continue Second Public Hearing; approve the ordinance, with or without further amendments.
- 10) 14-137. Presentation by Rick DeAngelis, Montpelier's Town Service Officer, on homelessness in Montpelier and Central Vermont.
- a) In his report, Mr. DeAngelis hopes to address the following questions:
 - 1) How many people are homeless in Montpelier and in Central Vermont?
 - 2) What are the causes of homelessness?
 - 3) What services are most essential to addressing the needs?
 - 4) What can the City or its citizens do to help?
 - b) Recommendation: Receive presentation; opportunity for discussion.
- 11) 14-138. Kim Brittenham, Chair of the Montpelier Americans with Disabilities Act (ADA) Committee, will present an update on the Committee's recent efforts.
- 12) 14-139. Presentation by Ann Gilbert, Director of Central Vermont New Directions Coalition.
- a) Items that she would like to talk with Council about include:

- i) CVNDC's work in the community and how it supports the City's goals of becoming a pedestrian-friendly city, and promoting a vibrant downtown.
 - ii) CVNDC as a resource, i.e. 802 Quits smoking cessation and signage and media.
 - iii) Current information about smoke-free initiatives and examples from other towns.
 - iv) October 17, 2013 meeting with the Montpelier Parks Commission, and their vote in favor of Montpelier's city parks becoming a smoke-free zone.
 - v) CVNDC's hope that Council will approve designating Montpelier city parks as smoke free.
 - b) Recommendation: Receive presentation; discussion; direction to CVNDC and/or staff.
- 13) 14-140. Chris Andresen, Chair of the City's Pedestrian Advisory Committee will provide an update from the Committee and present the City's draft application to Walk Friendly Communities.
- 14) 14-141. Consideration of a request from Gary Schy for an "exploratory committee to study the need for a "Citizens Oversight Board".
- a) Mr. Schy's letter requesting this discussion, and outlining a more detailed reason for his request, is attached.
 - b) Recommendation: Discussion with Mr. Schy; possible direction to staff.
- 15) 14-142. Appointment of a City Representative and Alternate to the Central Vermont Regional Planning Commission.
- a) According to CVRPC's Bylaws, town representatives and alternates serving on the Commission are to be appointed annually, or re-appointed if that's the municipality's preference. CVRPC staff realizes that it is ideally better to have an alternate, as well as a Commissioner, but they

recognize that it is not always possible to find two willing volunteers.

b) Staff has communicated with the City's current representative and alternate, Tina Ruth and Kimberly Cheney. Tina would like to continue serving as the City's rep; Kim has agreed to stay on as the alternate as well.

c) Recommendation: Reappoint Tina Ruth as the City's representative, and Kim Cheney as the alternate, to the CVRPC.

16) 14-143. Set the summer schedule for City Council Meetings.

17) 14-144. Reports by City Council

18) 14-145. Mayor's Report

19) 14-146. Report by the City Clerk

20) 14-147. Status Reports by the City Manager

21) Adjournment