



**CITY OF
MONTPELIER
MONTPELIER,
VERMONT**

Agenda for City
Council Meeting
Wednesday, June 26,
2013
06:30 P.M.

- 1) Call to Order by the Mayor
- 2) 13-163. General Business and Appearances
- 3) 13-164. Consent Agenda:
 - a) Consideration of the Minutes from the June 5th Special City Council Meeting and the June 12th, 2013 Regular Council Meeting.
 - b) Consideration of approving an Engineering Services Agreement for construction and bid phase services for the Barre Street Culvert Reconstruction Project.
 - 1) Construction and bid phase services will be used to support the Public Works Department staff to undertake this Federal Aid, Emergency Relief Program project made necessary as a result of tropical storm Irene. The culvert carries the Blanchard Brook flowing through "Sabin's Pasture" under Barre Street.
 - 2) The project design engineer, The Dufresne Group, was retained last fall and the project design has been completed. The Public Works staff has released an invitation for competitive construction bids with a bid opening scheduled on July 2nd.
 - 3) Project funding assistance is provided by the Federal Highway Administration's (FHWA) Emergency Relief (ER) program and the State of Vermont, Agency of Transportation (VTrans). ER projects

are funded at a ratio of 81.08% FHWA, 8.92% State, & 10% Local. Funding participation for the construction services is expected to be at the same proportions and pre-approval from VTrans has been obtained.

- 4) The Dufresne Group has submitted an Engineering Services Agreement which will be at a time and expense basis with an estimated total cost of \$26,630.
 - 5) Recommendation: Approval of the Engineering Services Agreement and authorization for the Assistant City Manager to execute the agreement, acting as the City's duly authorized agent.
- c) Consideration of approving a Maintenance Agreement between the State of Vermont and the City of Montpelier for Accessibility Improvements.
- 1) The Public Works Department, in collaboration with Montpelier Alive, submitted a grant application through the Vermont Downtown Program, a Division of the Department of Economic, Housing & Community Development. The grant is entitled "Accessibility Improvements Assistance" which is supported and funded at a level of 100% by the Vermont Agency of Transportation (VTrans), Bicycle and Pedestrian Program.
 - 2) For this funding opportunity, two sites were selected where accessibility improvements are needed as defined by the Americans with Disabilities Act (ADA). The approved site is the Elm Street / School Street / Court Street Intersection which will be reconstructed to install new crosswalk ramps and address sidewalk deficiencies adjacent to the School Street bridge and the Elm Street sidewalk southerly of the intersection.
 - 3) The grant award is for funding only; the design and construction are being managed and administered by VTrans and their consultant. VTrans will package all of the several project sites located throughout the state in a single contract. The construction is expected to take place during the 2014 season.
 - 4) The Maintenance Agreement describes the project funding, provides assurance that the City will provide the necessary public highway right-of-way, and support the project planning and design

activities. It also certifies that the City agrees to maintain the project upon completion including snow removal, repairs, etc.

- 5) Recommendation: Approval of the Maintenance Agreement with the State of Vermont and authorization for the Assistant City Manager to execute the agreement, acting as the City's duly authorized agent.
- d) Approve, and authorize the City Manager to sign, as the Sublessor, the Sub Lease Agreement between The City of Montpelier, Vermont, and Capital City Farmers Market, Inc. for the Market's use of the 60 State Street Lot owned by the Heney Family.
- e) Payroll and Bills
- 4) 13-165. Re-consideration of a request from Fred Barnett, Director of Facility Operations at the National Life Group, for a waiver of the City's Noise Ordinance for a week of paving projects they are hoping to schedule.
 - a) When contacted by Mr. Barnett, staff explained the procedure of notifying "property owners within two hundred fifty (250) feet of the site(s) where the activity is to occur", especially since part of the paving project includes the driveways at the Hopkins House, and 22, 24 and 27 Mountainview Street and "all work will be performed at night, Sunday through Thursday from 6:00 P.M. to 6:00 A.M."
 - b) Only one letter of concern had been received from Steven Cook, owner of 34 Mountainview; for that reason, Council wondered if most neighbors fully understood the impact.
 - c) Council pointed out that windows will be open at night this time of year and working those hours, the noise will carry even more. Council would like to see National Life reps extend the 250 foot radius to include all of Mountainview Street, Meadow Lane, Derby Drive, and a few houses on Northfield Street.
 - d) Council suggested that, depending on responses received the second time around, possibly alternative housing could be offered.
 - e) Recommendation: Receive update from National Life reps; discussion;

and advise whether or not Council feels this paving project can move forward.

5) 13-166. Second Public Hearing to consider amendments to the City's Code of Ordinances, Chapter 3. Public Works, Article 3-IV, Sewer Department.

A) As the Water and Sewer Rate Study Committee reviewed and discussed proposed rates, they also came up with the following proposed revision:

1) Sec. 3-411. WATER & SEWER BENEFIT CHARGE.

- a. The City Council determines that the water treatment and sewage disposal systems [is] are of general benefit to the municipality and will utilize the assessed value of property, as determined by the City Assessor on April 1 of the billing year, to pay for capital improvements and/or expansion of the systems.
- b. The owner of any tenement, house, building or lot shall be liable for the Water and Sewer Benefit charge, including exempt properties, and excepting only those buildings regularly established and maintained for religious worship, cemeteries, and those properties owned by the City of Montpelier and the United States Government for governmental purposes, which exemption shall apply only to the portion of the charge based on general benefit. (Red lettering notes an additional change missed during the First Public Hearing.)
- c. The Treasurer of the City of Montpelier shall bill each property owner on or before July 15 of each year for the Water and Sewer Benefit charge. This charge shall be due and payable by August 15, and if not paid by August 15, the charge shall be forwarded to the Tax Collector for collection with a penalty and interest included, as specified in Section 3-409.

B) Recommendation: Conduct the Second Public Hearing; approve with or without further revisions.

6) 13-167. Review certain parking restrictions on East State Street.

- a) A request for the Traffic Committee to review the parking restrictions on East State Street was received from Councilor Guerlain; he recommends that the current restriction of parking from 54 East State Street through the Hubbard Street intersection be modified to allow parking along that stretch with the exception of a restriction for sight distance consideration at the Hubbard Street intersection.
- b) The Traffic Committee discussed the situation and their findings are included in the attached memo from Committee Chair Todd Law. "The Traffic Committee cannot endorse a condition which is not within the street geometry standards to allow parking on one side, but understands the position of the City Council if the current restrictions are lifted with the consideration of providing adequate sight distance from Hubbard Street westerly. The ordinance reflecting such a change is found in the modification below.

1) Sec. 10-716. PARKING PROHIBITED.

(u) East State Street. Parking is prohibited on the south side of East State Street from Main Street to No. 79 East State Street; and parking is prohibited on the north side of East State Street from a point two spaces (forty-two feet) westerly of the intersection with Hubbard Street No. 54 East State to a point two spaces (forty-two feet) easterly of Hubbard Street; and on the north side of East State Street from 78 East State Street to College Street; and on the south side of East State Street from West Street westerly for a distance of ninety (90) feet, and from West Street easterly for a distance of sixty (60) feet; and on the south side of East State Street for a distance of forty (40) feet from the College Street intersection.

- c) Recommendation: The Committee is recommending that the above change be warned as a First Public Hearing/First Reading; if approved, the second Public Hearing/Reading should be scheduled for a subsequent meeting.

7) 13-168. Consideration of proposed amendments to the City's Code of Ordinances as they relate to various licenses issued by the City.

- a) City Clerk John Odum has been working on getting these ordinances updated. Attached are his recommendations.
- b) Recommendation: Following Clerk Odum's presentation; discussion; set

the First Reading/Public Hearing for July 10th.

8) 13-169. Update on City Council's "Energy Initiatives" Goal

- a) City Council adopted their 2013-2014 Goals on May 22, 2013. One of the goals reads: "Proactively explore energy initiatives."
- b) The steps listed are: 1) Explore reenergizing the North Branch Dam; and 2) Pursue photovoltaic initiative.
- c) Recommendation: Receive update from Planning Director Gwen Hallsmith, and possibly reps from the Energy Committee; discussion; possible direction to staff.

9) 13-170. Update on City Council's Goal: "Make significant progress on three major outstanding capital projects: District Heat, Transit Center and Montpelier Bike Path"

- a) The steps listed are: 1) Acquire the Carr Lot and ensure that it is out to bid by the end of the calendar year; 2) Maintain the Bike Path Schedule; and 3) Complete the District Heat Project.
- b) During the City Council's 2013 Goal-setting Session, it was requested that regular updates be provided to the Council on the established goals.
 - b) City Manager Bill Fraser and Assistant City Manager Jessie Baker have provided a memo which "intends to capture updates from the last three months and efforts anticipated in the next month."
- c) Recommendation: Receive any further information from Assistant City Manager Jessie Baker; discussion; possible direction to staff.

3) 13-164. Consent Agenda:

10) 13-171. Council Reports

11) 13-172. Mayor's Report

- 12) 13-173. Report by the City Clerk
- 13) 13-174. Status Reports by the City Manager
- 14) 13-175. Agenda Reports by the City Manager
- 15) Adjournment