



**CITY OF
MONTPELIER
MONTPELIER,
VERMONT**

Agenda for City
Council Meeting
Wednesday, April
28, 2010
07:00 P.M.

- 1) Call to Order by the Mayor
- 2) 10-101. General Business and Appearances
- 3) 10-102. Consideration of the Consent Agenda:
 - a. Consideration of the minutes from the City Council's April 14, 2010 Regular Meeting.
 - b. Summary Budget Report by Finance Department for General Fund and Detailed Budget Status Reports for General Fund, Water Fund, Sewer Fund, Cemetery Fund, Parks Fund, Parking Fund and Senior Center Fund for a eight-month period beginning July 1, 2009, and ending March 31, 2010.
 - c. Consideration of Approval of "Amendment #4" revising the Cooperative Agreement (CA) between the City of Montpelier and the State of Vermont for the purpose of altering the allocations of the two primary funding arrangements (95% federal roadway and 100% federal roundabout) for the reconstruction of the US2/302 intersection (roundabout - Project #Montpelier FEGC 028-3(34)S). This will further amend the agreement approved by City Council on May 7, 2002. A Cooperative Agreement provides for the funding and project development relationship with the delegation of responsibilities between the State of Vermont and the City of Montpelier. The project is now complete but federal reimbursements are still pending. The Public Works staff requested amendment #4 to the CA because all funds allocated to the 95% federal roadway category were expended leaving insufficient funds available for all authorized expenditures. However, there are excess

funds available in the 100% federal roundabout category. To address the imbalance, a shift between the two funding arrangements was requested and has been approved by Federal and State authorities. The total project cost will be less than the overall project budget established by Amendment #3.

Recommendation: Approval of Amendment #4 to the Cooperative Agreement and authorization for the City Manager to execute the amendment document on behalf of the City Council as it's duly authorized agent.

- d. Consideration of awarding of bid for hardware and labor proposal received from Tech Group for the replacement and installation of a domain control at a cost of \$12,140. This was a FY 2010 budgeted item.

Recommendation: Authorize City Manager to execute the documents with Tech Group.

- e. Consideration of becoming the Liquor Control Commission for the purpose of acting on Tobacco and Liquor licenses: Annual renewal of Tobacco and Liquor Licenses. (City Clerk will distribute list of applications at the meeting.)
- f. Approval of Payroll and Bills

4. 10-103. Discussion of ANR enforcement action regarding Wastewater Treatment Plant.

- a. In the fall of 2008, ultraviolet lights at the WWTP briefly flickered off resulting in some discharge of treated but not finally disinfected wastewater.
- b. Due to an internal error, this discharge was not immediately reported to the State. A similar error had been made earlier in the same year.
- c. The City has corrected both the operations discharge problem and the internal communications system. No further problems have occurred.
- d. The state of Vermont Agency of Natural Resources has

initiated an enforcement action and proposed fines. The City Manager and Attorney Stitzel have been in negotiation with ANR since the Spring of 2009 about this matter. The issue has not been resolved.

- e. Attorney Steve Stitzel was present on April 14, 2010 to brief the council on the issue and outline the choices for the council.
- f. Attorney Stitzel has had conversations with ANR attorneys since the last meeting and the City Manager has sent a letter to the DEC Commissioner. Attorney Stitzel will not be present for this meeting

Recommendation. Review issue. Decide whether to accept the Assurance of Discontinuance.

5. 10-104 Second public hearing to consider proposed amendments to the City's Vendor Ordinance.

- a. City Council first began discussing these proposed amendments at their March 10th meeting; they'd received a memo from Montpelier Alive Executive Director Suzanne Eikenberry, outlining some changes they'd like to see incorporated before the 2010 summer vending season.
- b. This subject was revisited at the Council's March 24th meeting. At that time, Council instructed staff to invite a group of interested vendors and business owners to meet and discuss their concerns and suggestions; the City Manager held this meeting on April 7th. At the April 14th the council approved the proposed changes including those made by the Police Chief regarding enforcement and moved to second reading.
- c. A copy of the revised ordinance based on the first reading has been provided.

Recommendation: Conduct the second public hearing. Adopt the ordinance.

6. 10-105 City Hall Arts Center Management - ordinance.

- a. First Reading of proposed revisions to Article VIII of the City ordinances concerning use of City Hall.
- b. The City Manager has proposed amendments to the ordinance which more accurately reflect current practices and which allow changes to rental policies and fees without requiring future ordinance amendments.

Recommendation: Conduct first reading, set second reading for May 12, 2010.

7. 10-106 City Hall Arts Center Management - policies and agreements.

- a. In conjunction with this Council will consider
 - 1) Revised Rental Management Agent with Lost Nation Theatre.
 - 2) Revised use Rental Agreement with Lost Nation Theatre.
 - 3) Revised City Hall Arts Center Rental Policy and Rate Sheet.
 - 4) Revised City Hall Arts Center Rental Contract
- b. The City Manager has proposed the above policies and agreements which are consistent with the proposed ordinance amendment and which reflect current practices.

Recommendation: Approve the policies and agreements as presented.

8. 10-106 Discussion of continuing the \$75 Zoning Appeals fee.

- a. Decisions or determinations by the Zoning Administrator may be appealed to the Development Review Board. These include determinations of whether a permit is needed, approval of permits, determinations of whether a variance is

needed, enforcement decisions and many other determinations.

- b. Appeals to the DRB include a \$75 fee paid by the appellant.
- c. A citizen recently questioned whether this fee was appropriate in all cases, particularly when the appellant was not the person seeking to make changes to their property.

Recommendation: Discussion, direction to staff.

9. 10-108. Reports by City Council

10. 10-109. Mayor's Report

11. 10-110. Report by City Clerk-Treasurer

12. 10-111. Status Reports by the City Manager

13. 10-112. Agenda Reports by the City Manager

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Adjournment