

On Wednesday evening, February 11, 2009, the City Council Members met in the Council Chamber.

Present: Mayor Hooper; Council Members Jarvis, Golonka, Sheridan, and Weiss; also City Manager Fraser. Council Members Hooper and Sherman arrived shortly after the meeting began.

Call to order by the Mayor:

Mayor Hooper called the meeting to order at 7:00 P.M.

09-026.

General business and appearances.

Ann Marie Keppel appeared before the Council as coordinator for the Fashion Week events and the Montpelier Fashion Show. She is asking that the hours of the actual event be extended so they will have the regular fashion show and also live music. Some of the Farmer's Market vendors want to join the event so it will be more like a festival. It is going to be called "Rhythm, Fashion and Fair." Jesse Schmidt who coordinates the Farmer's Market couldn't be present tonight and she wanted them know there is a lot of interest in this. They are hoping for a really good event to bring in even more people. The entertainers who will perform are called "Movement of the People", which is a Nigerian group. The Fashion show will be held the first Saturday in June.

Council Member Golonka said she was asking for a fee waiver for the ten vendors and he asked how much is that total amount they would be waiving?

Ms. Keppel replied it is \$250. It is a maximum of ten vendors. She isn't sure they will have ten vendors, but she wanted to put a cap on it.

09-027.

Consideration of the Consent Agenda:

V.A.

Consideration of the minutes from the January 22<sup>nd</sup>, 2009 City Council Meeting.

Summary Budget Report by Department for General Fund and Detailed Budget Status Reports for General Fund, Water Fund, Sewer Fund, Cemetery Fund, Parks Fund and Parking Fund for a six-month period beginning July 1, 2008, and ending December 31, 2008.

Consideration of a request from Anne-Marie Keppel, Event Coordinator for the Annual Montpelier Fashion Show, for State Street to be closed (from the Main to Elm) on Saturday, June 6<sup>th</sup>, from 8:00 A.M. to 4:00 P.M. (This allotment of time would allow for the street to be completely cleared, set-up time, the actual event and then clean-up. The Fire Chief, Police Chief and Public Works Director have all reviewed her request, and Council Members have received a copy of their comments.)

Consideration of a request from Anne-Marie Keppel, Event Coordinator for the Annual Montpelier Fashion Show, asking that the City waive its Vendor's fee to allow no more than ten vendors, who normally participate in the Farmer's Market, to join the Fashion Show event on State Street on Saturday, June 6<sup>th</sup>. (Council Members have received a copy of the request for further review.)

Consideration of approving an AGREEMENT BETWEEN THE STATE OF VERMONT AND THE CITY OF MONTPELIER, VERMONT, FOR THE WINOOSKI RIVER FLOOD DAMAGE REDUCTION FEASIBILITY STUDY IN MONTPELIER, VERMONT, and authorize the City Manager to execute this document.

Consideration of approving the Annual Highway Mileage Certificate for State Fiscal Year 2010. The certificate is required annually by the Vermont Agency of Transportation, Policy & Planning Division, to formally document the mileage of public highways owned and maintained by the City of Montpelier. The certificate is the basis for determining the amount of state aid participation a town receives for maintenance. No changes to the measurements are necessary or proposed at this time. The document must be returned to the State by February 20<sup>th</sup>.

Recommendation: Approval of the Certificate of Highway Mileage for state fiscal year 2010. A majority of the City Council should sign the certificate in the space provided. The City Clerk will record the document upon return receipt of the approved certificate from the Vermont Agency of Transportation.

Consideration of becoming the Liquor Control Commission for the purpose of reviewing the following:

Ratification of "poll votes" taken of Council Members for Catering Permit Applications from Vermont Hospitality Management, Inc., d/b/a New England Culinary Institute, for Corporate Events on Wednesday and Thursday, February 4<sup>th</sup> and 5<sup>th</sup>, from 5:00 to 10:00 P.M. at the National Life Guest House; and from Yebba, Inc., d/b/a The Abbey Pub & Restaurant, for Cocktail Receptions on Wednesday, February 4<sup>th</sup>, and Wednesday, February 11<sup>th</sup>, from 3:00 to 7:00 P.M. in the Cedar Creek Room of the State House.

Applications for two Catering Permits from Yebba, Inc., d/b/a The Abbey Pub & Restaurant, for Cocktail Receptions on Thursday, March 5<sup>th</sup>, and Tuesday, March 17<sup>th</sup>, both from 3:00 to 7:00 P.M. in the Cedar Creek Room of the State House.

Approval of Payroll and Bills:

General Fund Warrant dated January 28, 2009, in the amount of \$864,847.33 and Community Development Agency Funds in the amount of \$321.75 and \$1,212.29.

Payroll Warrant dated February 5, 2009, in the amount of \$136,699.49.

General Fund Warrant dated February 11, 2009, in the amount of \$1,076,000.00.

Council Member Weiss said he had four items he would like pulled from the Consent Agenda – the Summary Budget Report, the Requests for the Fashion Show and the Agreement between the State of Vermont and the City of Montpelier.

Motion was made by Council Member Sheridan, seconded by Council Member Jarvis to approve the consent agenda after removal of the items that Council Member Weiss had requested to have considered separately. The vote was 6-0, motion carried unanimously.

08-027(a)

Summary Budget Report by Department for General Fund and Detailed Budget Status Reports for General Fund, Water Fund, Sewer Fund, Cemetery Fund, Parks Fund and Parking Fund for a six-month period beginning July 1, 2008, and ending December 31, 2008.

Council Member Weiss said on December 17<sup>th</sup> City Manager Fraser said they had received notice from the Town of Berlin that taxes would be reduced by about \$17,000. He asked where that appeared in our current budget.

City Manager Fraser said the city paid taxes on all of the property owned in Berlin and those are exclusively for city water around Berlin Pond and the land where the water treatment plant sits, so those are part of our operating costs in the water budget. The city has been anticipating that reduction and just heard a while back that it was going to be granted. Berlin had done a reappraisal and raised the values. Under state law if one municipality owns land in another municipality there is a formula that needs to be followed with a cap.

08-027(b)

Consideration of a request from Anne-Marie Keppel, Event Coordinator for the Annual Montpelier Fashion Show, for State Street to be closed (from the Main to Elm) on Saturday, June 6<sup>th</sup>, from 8:00 A.M. to 4:00 P.M. (This allotment of time would allow for the street to be completely cleared, set-up time, the actual event and then clean-up. The Fire Chief, Police Chief and Public Works Director have all reviewed her request, and Council Members have received a copy of their comments.)

Consideration of a request from Anne-Marie Keppel, Event Coordinator for the Annual Montpelier Fashion Show, asking that the City waive its Vendor's fee to allow no more than ten vendors, who normally participate in the Farmer's Market, to join the Fashion Show event on State Street on Saturday, June 6<sup>th</sup>. (Council Members have received a copy of the request for further review.)

Council Member Weiss asked who was responsible for the Fashion Show.

Ms. Keppel said it would be her as the Coordinator. The event was started by Emma Bay-Hansen and Sarah Merritt, the owners of Damsel's. She has been coordinating events for about ten years. The MDCA co-sponsors it.

Council Member Weiss inquired if they had insurance that covers this event.

Ms. Keppel replied yes.

Council Member Weiss said normally when they look at some of these requests there is an affidavit that all of the other merchants on that portion of State Street have agreed to this. Have they agreed to this?

Ms. Keppel said as of right now, no. She is happy to do that. She didn't know that was something she needed to do before. She wanted to know how the Council felt about having the street closed for a longer period of time.

Assistant City Manager Hill said the City also notifies our insurance carrier because it is on a municipal street.

Council Member Weiss said he would like to table this item until the Council receives the affidavit from all of the merchants on State Street.

Mayor Hooper said that alternatively they could condition approval upon receiving it.

Council Member Goionka asked if the Council was going to have a discussion on an events policy at the next Council meeting. That would take care of a lot of these issues.

Mayor Hooper said if they don't act on this tonight what does that do to Ms. Keppel's planning.

Ms. Keppel said that would be fine.

Mayor Hooper said the Council is in the process of establishing a city wide procedure for managing things like this.

City Manager Fraser said one of the things he heard Anne Marie say was her main concern was if the Council had issues with the hours.

Council Member Sherman asked if she would partner with the dance group.

Ms. Keppel said she is trying to coordinate as many groups from in town as possible.

Mayor Hooper said they would table this request pending the Council's approval.

09-027(c) Consideration of approving an AGREEMENT BETWEEN THE STATE OF VERMONT AND THE CITY OF MONTPELIER, VERMONT, FOR THE WINOOSKI RIVER FLOOD DAMAGE REDUCTION FEASIBILITY STUDY IN MONTPELIER, VERMONT, and authorize the City Manager to execute this document.

Council Member Weiss said this project is not to be completed until January of 2013. It starts out as a feasibility study.

City Manager Fraser said they set that date just because they wanted to allow the maximum time. The state did most of the drafting and the city reviewed it. This agreement is between the city and the state and our agreement to work together for our local share.

Council Member Weiss said this is not an agreement that allows the city and the state to work together. The state controls everything. We are only minor players in this, even to the point if there is a request it goes up to somebody who has 90 days to decide and the decision of that person is not reviewable. He felt they were getting the short end of the stick.

City Manager Fraser said he would like to have that conversation with Council Member Weiss in more detail because staff didn't see it that way. The city attorney went over it pretty carefully with him and it is designed to be the other way around. The state did not want to have the management of the project. They wanted the city to be the prime manager. He would be pleased to review those concerns.

Mayor Hooper asked for clarification on what the city's share would be.

City Manager Fraser said the local share is the combined city and state share or 50% of the project cost and the city's share would be 50% of that cost.

Motion was made by Council Member Sheridan, seconded by Council Member Jarvis to accept the Summary Budget Report and approve the agreement between the state and city for the Winooski River Flood Damage Reduction Study. The vote was 6-0, motion carried unanimously.

Motion was made by Council Member Sheridan, seconded by Council Member Jarvis to table the requests for the Annual Montpelier Fashion Show. The vote was 6-0 motion carried unanimously.

09-028. Reappraisal Update.

Bill Krajieski, NEW ENGLAND MUNICIPAL CONSULTANTS, and City Assessor Steve Twombly will be present to update the Council on preparations for the upcoming reappraisal.

Recommendation: Receive update; opportunity for questions and discussion.

City Manager Fraser said they just completed a meeting of the Reappraisal Committee this evening that started at 5:30 P.M. He introduced Bill Krajeski from the New England Municipal Consultants to the City Council. Their goal tonight is to introduce Mr. Krajeski to the Council and to let them know what the schedule is. The Reappraisal Committee is pleased and happy with the progress of the reappraisal. The city is working with the committee to see how they can help get the word out to the community members and make them aware of the importance of allowing inspections of their homes and participating fully in the reappraisal process.

Mr. Krajeski said they have converted the existing information. Their goal to begin with was to load the software and the software is now active and the Assessor has access to it. They have converted basic legal files at this point to create a record of everyone in town so they have the parcel with a name and location on it. They have begun to physically convert some other data they use before they begin their data collection, such as the date when the house was built. The reason they do that is that it is easier to go out and visit the property and know when the house was built. They have a basic footprint of the house. They have a little bit of information to know they are at the right place and have some good information to work with. They will do an inspection inside to look at the types of flooring, number of bedrooms, bathrooms and basic overall quality, the foundation, heating systems. They also measure the house completely from the outside and designate the different areas. You have a two-story portion of the house that is the living quarters and an enclosed porch versus an open porch. They also look at all of the out buildings – garages, sheds, pools, etc.

He went on to say their focus is to begin around April 1<sup>st</sup>. They will be spending eight months until December collecting data. They want to measure, look inside the houses. They aren't concerned about market value until they start to reach the end of the job in April 2010. This April as they start collecting data he will still have 12 months of sales that will occur. Their focus is always on data and trying to make people a little more comfortable with collecting that data. They are going to spend some time with the Reappraisal Committee, do a little publicity and have people understand it is to their advantage to allow them to inspect their house. They work with the community and try to be very transparent in what they do. They don't hide anything. They will let the Police Department know where they are going to be when they are working because they do the community in segments. They will mail out approximately 300 notices at a time saying they will be in a certain neighborhood during a time period. There are at least three times when they contact the homeowners. This will get them between a 70 to 90 percent entry rate. After that it depends on how hard the committee works on this to make people a little more comfortable with the process.

There isn't a fine for not letting the appraiser inside the house. If they don't have the data correct you may be the ones being cheated because he can only estimate what's there at that point, and it's only fair that they estimate reasonable at that point. They are better off showing them what is inside the house. That is one of the things they really want to work with the Reappraisal Committee on. Getting the data is what is going to make the whole system work.

The city puts out their grievance notices toward the end of June. The public can basically expect they will begin informal public hearings at the beginning of May. People will receive a booklet in the mail where all of the different properties in town will be listed. They will be given instructions on how to go through an informal process and come in and talk about their values. There are three ways they can adjust their values. You get people to focus on how much the market changes or their changes compares to others. That is only an issue, but the only way he can make sure they are treating them fairly is by looking at those three items. They will show them sales that houses that are relatively close to theirs is. The transparency end of it is really important. He is not here to prove he is right. He is here to see whether they have done things correctly.

Council Member Hooper said he is curious about how long a home inspection takes.

Mr. Krajewski said home inspections typically take anywhere from as little as 5 minutes to 30 minutes long. There are two guys plus himself working. He has looked at 40,000 houses in his life. When he walks into a house he knows what to expect. He knows he is in a ranch house and is going to see three bedrooms and one bathroom, so he is looking at the things that are going to be different. Did they remodel their kitchen? Have they finished their basement? If he is in an older house, did they put in a new wiring system in the house? Or, is it the original box inside the house? They are looking for very specific things. They will say they didn't even notice there wasn't a closet in that room. If he is in a house that was built in 1880 a lot of times there aren't closets in any of the bedrooms. If he walks into a 1975 ranch and he sees there is no closet in a bedroom, that's a different issue. There was an issue earlier this evening with low basements. Again, if he is in an old house that basement is not a place you want to be for the most part. If he is in a 1985 ranch that is a functional living space. They are very aware of that when they walk through.

Council Member Golonka said this town has had a bad experience with the prior reappraisal. He was on the Reappraisal Committee and one of the comments he kept receiving was the suspect nature of the old data. How much of the old data will they use? Are they going to be able to salvage any of the old data?

Mr. Krajewski said if they break it down into two categories of external and internal data, that is 100% recollected because they measure every single house in town. The interior information hopefully they will get 100% entry. When he doesn't get into the house, that's about the only time we go back to the prior record. If they are going to make an estimate on the house, they will look at the prior information, their eyeball of the house, and as you go through a community you get a feel for the housing and what is going on. He is going through a neighborhood and everybody has been finishing their basement, he can't get into the house and can't see very well he is going to assume it is a finished basement because everybody else has been doing it in that neighborhood. You look at those three factors. That is the only time they ever go back to old information. They are recollecting this information 100%. They need to move forward and collect it from ground zero, and in particular since they did have some problems in the past.

Council Member Hooper said that would be a good incentive for people to let them into their houses.

Mr. Krajewski said there has been a concern about the fairness, and the ways they can put that to rest is by collecting the data properly and then give you any number of different chances. There is an informal appeal period, a grievance appeal period, a BCA appeal period, and the ability to take it to the state; there are a lot of different appeal avenues.

City Manager Fraser said actually one of the steps he mentioned is new to Montpelier, which is the informal appeal process. That is an additional step they have brought to us.

Mr. Krajewski said this is prior to grievance. They want to informally release all of the values to the public through a booklet and give them the ability to come in and sit with his company and talk about their value. That is when they will go over those three things, if it is a good sale price, is it fair and is the data correct. We want to work with them before the grievances are issued. First of all, it starts the process of transparency. They will show them the record and tell them how they got there. They will show comparables, sales and equity, similar houses, and the opportunity to make that argument that they don't think they have judged some problems in their houses correctly. Hopefully, they can avoid a grievance issue at that point. They have always looked at this as their final step in quality control. It works well for them. It might get rid of dumb mistakes they may have made. Occasionally, you will recognize as you look through the informal process and get finished with them and find they had a lot of people complaining about this issue. They need to look at this issue again and get it corrected. Where that really comes into play some time is a lot of value drive comes

through neighborhoods. He would pay more to live in one area of town than he would in another, and usually that is invested in land and location. Sometimes they make a judgment about a neighborhood. There are no sales on the street, but they are making a comparison. Sometime the taxpayers will come in and bring it to their attention that it isn't that way. The informal process gives them the ability to correct that so it isn't a grievance issue. The worst thing that can happen at a grievance is that when someone comes in you realize you made a mistake but he can only correct those that came in and grieved and the others are going to have to wait. They want to avoid that if possibly.

Council Member Weiss said he has been talking about residential. Will they also be doing retail and commercial?

Mr. Krajewski said they are going to reappraise all property in town, even the exempt. They will put a value on the State House.

Council Member Weiss asked if the process was the same for the non-residential properties.

Mr. Krajewski said the process of data collection is the same. There is an additional step in data collection with commercial properties. They will be using the income approach as a backup approach, so they will be sending out income and expense statements and asking for responses from property owners. They make it very clear to them that it is confidential information and goes nowhere else except in the Assessor's Office. The documents they give us are typically destroyed. What they are trying to do is find out what is a typical retail rent downtown on the first floor, what they are seeing on the second floors. When an owner sells a building like that, that is the reason why the building sells. It's all about rent. Remember, this is not about your business, but the real estate. I can make a million dollars out of a hole in the wall and can lose a million dollars out of a \$100 million building. It's about the real estate and not about the business. That is very critical in a community like this because you have an older downtown block situation where it is very important for us to read those rentals, particularly to understand what is happening above street level. That becomes really critical in those buildings.

Council Member Jarvis said she thinks they all appreciate hearing him use the word transparency. That is quite reassuring to the Council, and will be to the public as well. She assumes there will be a two-way street between their organization and the Planning Department in terms of building permits. She wonders how their oversight of the process will work in terms of site visits for data collection.

Steve Twombly, City Assessor, said he is doing inspections as he goes along, mostly of the permits. Anything he inspects he can double check against Bill Krajewski's work so his intention is to be watching closely and making sure they are fulfilling their contractual obligation.

Council Member Jarvis inquired if Assessor Twombly would be going on any of the site visits?

Mr. Twombly said it was his plan to go on site visits.

Mr. Krajewski said from their point of view it is very important because there does come a time when they are done, and it is very important that it's not only Steve, but Jane who works with them. Their goal when they walk out of here is they don't need them.

Council Member Sherman said when he does commercials and residentials they talk to the building owner. There are a number of buildings that are condominiums. How does that work?

Mr. Krajleski replied that condominiums are pretty easy. Condominiums have different owners to the units. They contact the owners just like everybody else. Condominiums are actually one of the easiest things to value. They are very much a market oriented thing unlike other properties. They handle them the same way they do everything else. The problem they have sometimes with condominiums is making sure they identify the entity correctly. A lot of time a lot of assessors and listers will say there is a pool, etc. That is all common area. The value of your unit includes the land value, pool value and all of those things built into those amenities. We collect data in the very same way. He still needs to know how many bedrooms, how many bathrooms, and the quality of the unit. There seems to be a lot of the old buildings that have been converted into condominiums and then buildings which were built as condominiums so there are two different classes to deal with. It is the same process of making sure they collect the data and understand what they will value.

Mayor Hooper said in terms of the conversion of the data and reentering new data, what is being converted, what is in the system and what is new?

Mr. Krajleski replied what they basically converted was the NEMRC records just so they could get the parcel identification, location, owner of the property and a little bit of history. There is some sales history. The data they convert from the old system has to do with the ease of their beginning the process. It's the basic sketch of your home because it is easier for his people to work with a sketch and make the corrections. The third area is the garages and pools so when he walks on the property he knows if he is supposed to find a shed, a pool or a garage.

Mayor Hooper said he is confident they will meet their statutory deadlines in terms of getting this done.

Mr. Krajleski said he gets fined and he doesn't want to give the city any money back.

City Manager Fraser reminded the Council they are talking about meeting the deadlines for 2010.

Mr. Twombly said there is one other side project they are working on which also should lead to better accuracy in terms of the new assessments, which is improving the tax maps. Since he has been working here he has noticed that the existing tax maps are rudimentary and not accurate. He has found that the surveys which exist, of which there are about 1,500, have never been worked into the tax map system. A lot of the assessments are quite inaccurate in terms of what people actually own for land. A couple of times he has gone out and inspected a property and it says they have 8 acres and they will say they have 10.16 acres. They say they filed a survey with the city, and that data has just never gotten reconciled. He stumbled across a survey of National Life Insurance which shows they have almost 50 more acres of land than they are assessed for. There is at least 60 acres of land he has identified that has never been assessed in the past. He talked to Bill about it and got an estimate from a mapper he has worked with in the past and for a minimum price of \$9,000 he is going to go through and redo the whole map. That should be completed sometime this summer. When that is completed there will be some type of public viewing. That should help us get more accurate data in terms of how big parcels are measured. With modern technology we can start to overlay them on to topographic and wetland maps so he can see some of the features. That should be a real good tool in terms of making the reappraisal more accurate.

Mayor Hooper asked if that would be converted into the city's GIS system.

Mr. Twombly replied it would, yes. It will give the people in the Planning Department a much more accurate depiction of the parcel lines as well.

09-029. Update on Winooski River conditions. V.A.

Based on recent history with freeze up ice jams occurring in the Winooski River, city staff has been monitoring conditions and creating various action plans.

The City's emergency management team will update the Council on conditions, actions/decisions to date and future planning.

The City Manager will also update the Council on the status of the ice jam mitigation study being done by the Army Corps of Engineers.

Recommendation: Receive report; discussion; direction to staff, if necessary.

Fire Chief Schneider reviewed the potential for river flooding in the city. He explained that there were two kinds of ice jams. There was the freeze-up jams which do not generally cause flooding themselves but set up the conditions for potential flooding. With a freeze-up jam you have the slush floating on the river and it gets to a point where it bridges across the river. Once it bridges across the river that slush starts riding underneath and rises up. Basically, it builds up from the bottom and the slush attaches to the ice bottom and builds from the top right down to the river bed. There are conditions below cemetery curve where this has been going on for years. The freeze-up jams are not very high. They only discovered two years ago there was a problem because the flows were so high that year that when it froze up it actually backed up into the cellars in the Langdon Street area. That was why it was flooding along the North Branch.

Since that time by monitoring the river they have discovered that last year it froze up a number of times and this year it has frozen up two times so far. The first time was before Christmas and the levels rose so there was concern. Right now it is currently a freeze-up jam and it is backing up water about 1.5 to 2 feet, and that is in line with what they saw last year. It is very predictable. When you start getting temperatures down around zero you can almost guarantee you will see slush in the river.

The other jam is the break-up jam, which is the one that most people think about. You have big chunks of ice floating down the river and they start to stack up causing piles that block the river. That is generally when you have flooding conditions. That is what happened in 1992 with considerable ice just jamming up and flooded the city until another surge of water came down that literally lifted the jam and flushed it out.

He went on to explain that for a number of years they had a crane on stand by at a cost of \$5,000. This year when they sent out bids the cost was going to be \$18,000 to have a crane on standby for a month and a half. Because of staffs knowledge about the river they felt fairly comfortable that they didn't need to have a crane on standby and could recognize the situation when they might need a crane. If needed there are cranes in both Morrisville and Windsor which would be available if needed.

The second action they took two years ago is the sewer discharge diversion which would have two significant effects. One is that it could very likely prevent the complete freeze-up jam by putting warm water into the river by cemetery curve. It would keep the freeze-up jam from occurring there and allow the regular formation of the sheet ice across the river to occur without a dam building up in that area. It would also help to melt out channels and soften and loosen the ice in the lower part of the river so ice coming down from up above would have a better chance of just flowing through the city.

Right at this moment the temporary pipes are not set up. They are waiting for parts for the pump which is borrowed from the state. The parts are coming from England and should be here at the end of

the month. If there was an emergency situation, the state does have other pumps in other communities we could call upon.

He spoke about a permanent system and it appears with state grants they could set up a number of outlets along the bike path to allow for discharge in a number of different locations. There is a good possibility this construction could happen this year.

City Manager Fraser said the financial issues are all reconciled and the grants are in place. It's just a question of doing the design and construction. By next winter we should be ready to go.

Fire Chief Schneider said they are actively monitoring the river. They are paying \$6,000 a year to maintain two gauges. There are now four gauges around the city and the location of them provides a very good sense of what is going on with the river. It monitors what the flow is coming in to the city from both the North Branch and the Winooski and comparing that with what should be going out on the other end. They also have regular visual checks. All of the employees in the Fire Department, Public Works Department and the Police Department are aware of the river and are keeping a good check on it.

City Manager Fraser added that since the gauges have been installed the Fire Department has a daily reading every single morning seven days a week. Every day an e-mail is sent at 7:00 A.M. to the Fire Chief, the Police Chief, the Director of Public Works and himself showing the daily readings and how they have changed from the day before with any visual observations they have had.

Council Member Hooper asked if they were different gauges than the ones that are available on site.

Fire Chief Schneider replied they were the same. They have also done some work on the notification process. They have worked with Suzanne Hechmer from the MDCA to help coordinate the notification process for the downtown businesses so they will be aware of the conditions that exist. He went on to review some of the other warning systems that would be used to notify the general public.

There is the long term mitigation effort by the Corps of Engineers which is to build the ice retention structure up near the Pioneer Street Bridge area.

Mayor Hooper said they are hoping to get the sewer rerouting in by next season. How far back into town will it go?

Fire Chief Schneider said he isn't sure if it will get up to the bike path bridge or not, but it would at least get up to the Bailey Avenue bridge.

City Manager Fraser said the Corps of Engineers are doing an analysis of the proper solution based on the 1994 study that there would be an ice retention structure. Obviously, they need to look for changes and conditions from 1994. They are doing all of the hydraulic analysis, and when this is done there will be a chosen project and a design and they will end up with a project ready to go. Tonight they have reached an agreement with the state as far as what the local share will be. They are finishing up their project management plan and incorporating some of the city's ideas and using local consultants. They are waiting for funding from Congress. That is \$1.6 million of planning and design. Senator Sanders sits on the Public Works Committee that oversees this.

Mayor Hooper asked when the city will have the design documents.

City Manager Fraser said he didn't have an answer for that. Things just move slowly. He thinks it will be closer to two years for an approved design project. There were preliminary cost estimates in 1994

which they have updated. The exact quote was that if we had done it in 1994 it would be built by now and we wouldn't be worrying about it.

Mayor Hooper asked why the city doesn't dredge cemetery corner.

City Manager Fraser said they aren't allowed to.

Mayor Hooper said they should have done that last spring.

Fire Chief Schneider said the real problem is the ledge at cemetery curve. The ledge makes it very flat, but even if you did something about the ledge, because of the drop between here and Middlesex, he doesn't think it would make a difference. It is only a few feet from the level of the water under the Interstate Bridge to the level of water back in town. It would be a very gradual dredging.

Mayor Hooper said the other thing she has been asked about is why we are allowing people to dump snow into the river. She asked if that was a policy issue.

City Manager Fraser said state law allows people to push snow from their property over the bank, but you can't bring snow from another location and dump it into the river. You can dump it on the river bank, but you are not allowed to bring snow and dump it into the river. You can push it as incidental clearing of your own property if you live on the river.

City Manager Fraser said he would like to commend Fire Chief Schneider for taking the lead on this as well as the Police Chief and Public Works Director, and also the excellent cooperation from Vermont Emergency Management and Barbara Farr. She has met with the city a number of times to do regular updates.

- 09-30. Conduct a public hearing to receive feedback on three Community Development Programs that has been completed: Riverside Center Planning Grant, One More Home, and the Bianchi Hebert Development.

Recommendation: Conduct the public hearing. Staff is only looking for input from the Council and community members; no voting action is necessary.

Mayor Hooper opened the public hearing at 8:13 P.M.

Nina Thompson, Community Development Specialist, appeared before the Council to explain that they were closing three grants – the Riverside Center Planning Grant which was when the Central Vermont Community Land Trust and the Pyralisk were looking at building a multi-use building and this was part of the feasibility study that CVCLT undertook. The One More Home Program, which is the accessory apartment program that started about two years ago. She explained that they were able to build five apartments in the city. They had hoped to do twice that, but they were unable to get more people to participate in that program. The public portion of the program they served 69% of LMI, meaning that 69 percent of the people that participated were at 80 percent of the median income or less. The final program was the Bianchi Hebert Development located at 208 Barre Street and Stonewall Meadows. They built eight apartments at 208 Barre Street and were able to renovate there. At Stonewall Meadow they were able to help renovate ten apartments at Stonewall Meadows. They were all perpetually affordable.

Mayor Hooper inquired if the city received any money from the Riverside project.

Ms. Thompson replied no, but the City would receive \$11,000 from the Bianchi Hebert project and \$23,000 from the One More Home Program. Most of the staff time for the One More Home Program was used before she was employed by the City, she believes approximately \$3,000 would be used for staff time.

Mayor Hooper closed the public hearing at 8:16 P.M., no voting action was required.

- 09-031. Review of a concept paper for a planning grant to be submitted to the State Community Development Block Grant Program to explore the establishment of a system for improved senior care, child care, and preventative health services in the city. V.A.

This was recommended unanimously by the Social Systems and Human Development Committee of enVision Montpelier.

Recommendation: Presentation and opportunity for discussion; Planning staff is looking for the "go ahead" to prepare the CDBG planning grant for the Care Bank.

Gwen Hallsmith, Director of Planning and Community Development, appeared before City Council to give them a concept paper for a planning grant on the CDBG program to form a Care Bank. This isn't the grant application itself which isn't due until March 17<sup>th</sup>. They are still working on getting the grant application together, but because of all of the bureaucratic requirements around the grants they have to publish the announcement that the city is thinking about applying a lot sooner than they have the grant application done. There will be an ad in the paper on Monday for this and the Home Share CDBG grant. The Home Share grant is something that Nina Thompson is working on, and it is a continuation of a grant we had underway. That will also be in the ad on Monday along with the Care Bank.

The Care Bank is something they have been working on as part of the enVision Project. It came out of the Social Systems Committee much the same way the Onion River Exchange came out of the Social Systems Committee by identifying a gap in city services. The concept paper shows that we have a rapidly growing aging population. By next year over 50 percent of our citizens will be over the age of

50. A more rapidly growing population is people over 85. One of the gaps in services to people in the city is the kind of care that people in this age group need. There are also gaps in child care, and there are other health promotion services and health related services that are not covered by traditional medical insurance. The Care Bank is very similar to the Onion River Exchange in that it enables a voluntary system for providing care without needing to use money, but it works a little more like an insurance policy where you pay in on a monthly basis like you would buy insurance and you also make a commitment to a certain number of hours each month. By doing that you can access care for elderly relatives or friends that need ongoing housekeeping, trips to the doctor, etc. or the way they are trying to structure it some of the alternative therapies that aren't typically covered by medical insurance. It's true that people don't always live in the same town or even nearby some of their elderly family members. They are hoping with the system in place if there are people in our community that need the care and their families live elsewhere, even though those families could not provide necessarily the time commitment but they might be able to supplement the time commitment with additional premium payments. Or, if there are people here who have a circle of friends that circle of friends could work to provide those supportive services. It is a fairly complex system and it does require some careful and thoughtful planning. Since public services are eligible for CDBG funds they thought applying for a planning grant to help us think it through, check its feasibility and getting the stakeholders involved in a more systematic way would be a good thing to do.

One of the things that changed slightly about her thinking on this since she wrote the grant is the idea that we would try to match it with a business loan. She isn't convinced that is the best way to go at this point so the match she identified will not be used. We'll just apply for the grant.

Mayor Hooper asked if they were required to make a match?

Planning & Development Director Hallsmith replied not for a planning grant. We can do an in-kind match. The Care Bank would need a business model that would work with an income and expense stream. It wouldn't necessarily be a for-profit business, but it would be a new enterprise in the city that would have staff, jobs, revenues and expenditures. It wouldn't be run by city government. This would need to develop a business plan. That is part of the function of the Montpelier Business Revolving Loan Fund, to help businesses in the community.

Council Member Sheridan asked about using the Mazer grant.

Planning & Development Director Hallsmith said that would be a possibility. They could use the Mazer grant as a potential match.

Council Member Hooper asked if this would have the same tax benefits as the Onion River Exchange even though there is money involved with this.

Planning & Development Director Hallsmith replied yes because they are both considered voluntary time. The money you are paying is into a system of voluntary time. The services you receive are based on voluntary time. It's a pilot project based on programs in San Antonio, Texas and Salt Lake City, Utah. We are actually entering new territory in terms of the type of service provision that this represent. They do have some assistance from Edgar Khan who is also the inventor of the time banks for the Onion River Exchange Program. He has received a fellowship to set these up around the country and he is visiting Montpelier in May to do an event around this and pull the stakeholders together.

Mayor Hooper asked if the city makes the CBDG grant application, what does that mean for other opportunities that we might be interested in?

Planning & Development Director Hallsmith said they could apply for a planning and implementation grant at the same time so it doesn't affect the Home Share grant they are currently pursuing, but we couldn't do another planning grant. She hasn't received any request for another planning grant at this point, but if there were one then the City Council would need to decide which one to apply for. We can't apply for two. This is a CBDG planning grant which needs to be providing public services to low income residents.

Mayor Hooper said one of the goals and objectives that she wanted the council to look at next year was to think about looking at the River Street corridor and thinking about how to make it as fabulous as other parts of the city. She didn't want to lose that opportunity.

Planning & Development Director Hallsmith said the Social Systems Committee took this up at their last meeting and unanimously approved recommending it to the Council.

Mayor Hooper said Gwen is asking the Council for conceptual approval to go ahead with this. The other question associated with this is if we are working on this, how does this affect the work with the many other balls in the air?

Planning & Development Director Hallsmith said she thinks this is an important project. Part of the reason she would like to get a planning grant for it is to hire somebody to do the work. Otherwise it will be her doing the work and this would be a real benefit to the Planning Department to have somebody else help with the organization that goes with it. This is a lot more complicated than the Onion River Exchange. The Onion River Exchange is basically a marketplace. We put it up and people do what they do. It has been quite successful. There are now over 200 members who have traded 2,500 hours worth of time, so if you multiply that by \$10 per hour it is a significant economic benefit. This is more like an insurance program so it does need to be thought through carefully.

Council Member Weiss asked if this was going to be a business plan, or first a feasibility study and the outcome will be the business plan.

Planning & Development Director Hallsmith said she sees the two very closely related. Feasibility is in part dependent upon what you have determined the business plan could be. It's a combination of a stakeholder process, business planning and feasibility because, for example, the hospital would have an interest in being part of the project because they have people who serve as counselors when people are leaving the hospital and going home. If this system provided better support for people who are leaving the hospital they will have fewer people returning. Given the way Medicare and Medicaid work in terms of reimbursement, that could stand to save a hospital quite a bit of money. They need to explore what that system looks like, how much they pay for it, what the costs are, and document a benefit to them in order for them to sign on and put some money into the project. In Salt Lake City the grant they received comes from an Elderly Abuse Prevention Program in the State of Utah because it is a fact that more contacted people in the community will help prevent and alert people to abuse of the elderly. Maybe they will invent a program like that here in Vermont. This isn't start-up funding. This is business planning and feasibility work.

- 09-032. Review of the Request for Proposals for a District Energy Plant and discussion of a concept paper for an application to the Clean Energy Development Fund for a planning grant for the facility. V.A.

Recommendation: Presentation and discussion; Planning staff is looking for approval of the RFP.

Gwen Hallsmith, Director of Planning and Development, said there are some minor revisions to the RFP. It relates to the weighting of the criteria at the end and they changed the knowledge, skills and abilities to be more focused on district energy instead of civil engineering in the section before that. The basic point is they would like to issue an RFP for pursuing a partnership with a private entity to work on the district energy plant that we have done the feasibility studies for and solicitation of interest. It seems like a promising time to move forward.

They have put together a package and with it is a draft application to the CEDF, the Clean Energy Development Fund, for an additional feasibility study piece of money. They have increased the feasibility study amount since the last time they applied. The first time they applied it was limited to \$25,000 and now it is up to \$100,000. They did that specifically for projects exactly like Montpelier's. They have encouraged the city to apply. We are not ineligible because we have had one before. There is the RFP to find a partner and the Clean Energy Development Fund application to do more work on permitting and siting of the facility. They are hoping with the two pieces they will actually have a "shovel ready" project by this time next year. The partner, as you can see from the RFP, would be working with the city to develop a business plan and business model for it. We are still leaving some areas open around how the revenues will be shared and how the owners and operations will work. That is a negotiated process with a partner that would have the kind of experience and qualifications that they are seeking.

They did have a lot of very qualified applicants respond to the city's solicitation of interest in the fall. She receives just about daily requests for when is the RFP coming out, so there is still quite a lot of interest out there.

Planning & Development Director Hallsmith said the application she gave the Council isn't due yet. The application is for \$100,000 for siting and permitting of the facility. The application will probably be revised before it is completed, but she wanted to give them the full picture of what we are doing now because they should get the RFP out because they are pursuing both things simultaneously.

Mayor Hooper said the proposal is to submit an application to the Clean Energy Development Fund for \$100,000 to help with the feasibility study and move it to construction drawing for a district heating system, and we are also issuing an RFP soliciting a partner to do that work for us for the grant.

Council Member Sheridan said he wasn't sure if there is going to be a conflict on the piece of land they want to use.

Planning & Development Director Hallsmith said there is no land that has been chosen yet.

Council Member Sheridan said he thought they were talking about some of the Zorzi land.

Planning & Development Director Hallsmith said at the end of Barre Street in general is a good site for the facility for a few reasons.

Council Member Sheridan inquired if this was across from Sabin's Pasture.

Planning & Development Director Hallsmith said it has not been determined yet. She received a call from Vermont College this week and they are very interested. Siting feasibility is part of what they will be doing with this next grant. There are floodplain needs in that area which eliminates it as a feasible site. Vermont College is very interested in a district energy facility and would even be willing to consider putting it on their land, which is a good idea. Again, we need to look at the site constraints. One of the advantages of being on the other side of Barre Street is that you are on the rail line and the rail line would be helpful when you are talking about shipping in lots of wood chips and pellets. That is all part of the siting process.

The reason that the end of Barre Street is one of her choices is for a couple of reasons. One is because Sabin's Pasture is moving forward and they have the potential for the Capital Heights project as well. Having a thermal plant right near them would enable those housing units and commercial buildings to be outfitted with this type of heat right up front so they wouldn't need to install oil boilers and will be in the 20<sup>th</sup> century technology right from the beginning. The other is that from an air quality point of view when they did an analysis of the height of the stacks, which essentially gives you the sense of where air quality issues are potentially more problematic, that end of town is the one with the shortest stack which means the air quality considerations are just resolved better there than in other places. It has to do with prevailing winds and existing knots and particulates.

Mayor Hooper asked if the District Energy Committee had looked at this.

Planning & Development Director Hallsmith said they had been discussing it, but have not looked at these particular proposals.

Mayor Hooper said she was surprised that the application talks about combined heat and energy because she thought the last conversation the District Energy Committee had was around a concern about going with such a large facility.

Planning & Development Director Hallsmith said there had been two new developments there. Tim has met with some technology manufacturers from Sweden with a new type of CHP system that can both be deployed on a relatively small scale and is very efficient. He was actually excited about this combined heat and power technology this firm had to offer. The Clean Energy Development Fund only funds energy projects. They are pursuing that even if it may turn out to be a small part of their project to make it consistent with the feasibility to keep that in the proposal.

Mayor Hooper said community members were working on this and we need to engage them.

Mayor Hooper said they are looking for conceptual approval of the grant application and issuance of an RFP. The consensus of the council was to move forward. No voting action was taken.

09-033. Update on Sabin's Pasture. *(possible voting action)*

(City Council *may* choose to enter into an Executive Session, in accordance with Title I, Section 313, Subsection (a) for the purpose of discussing this matter further.)

Catherine Cooper and Roger Krussman from the Trust for Public Lands appeared to provide an update to the City Council on the work that has been done.

Catherine Cooper passed around the context map which goes with the site plan map. This plan gives the broader view of the site plan the Council Members have already received. The main reason she and Roger Krussman appeared tonight is to give the Council an update on the feasibility process on the Sabin's Pasture property. This effort has been funded in part through a grant that the city and the Trust for Public Land got from the VHCB and also from funding that the City Council approved to support TPL's efforts to complete the feasibility work. They are not asking for City Council action tonight or a vote on the site plan. It is really just an opportunity for them to present what they have learned through the feasibility study and to answer questions.

She went on to say the consultant team they worked with on this included Michael Wisniewski of Duncan-Wisniewski Architecture out of Burlington, and they also worked with Peter Richardson from Housing Strategies who was the overall coordinator of the process. They also worked with Lamourex & Dickinson who are civil engineers out of Essex. They received a market study from Development Cycles which is a company out of Amherst, Massachusetts.

They had assigned the consulting team to take the recommendations of the Sabin's Pasture Working Group and look at the site conditions, the market and see whether that recommendation was something that was feasible and could be done on the ground. What they learned in the process is that there are several aspects of the Working Group's recommendation that either don't quite fit with what they think the market could bear or would be really challenging to get on this particular site. Through the process of doing a feasibility study we consulted with the Working Group and consulted with city staff. The plan they are presenting tonight is the plan that the Trust for Public Land is presenting. It is not a plan that has been endorsed by the Working Group or endorsed by city staff. It is TPL's best foot forward of integrating all of these different pieces of information into a plan they think is feasible on the ground and adheres as well as we can to what the Working Group put forward in their recommendations.

The next steps for TPL is to take this information and pull together a Master Permit Application through Act 250. That is basically a permit that helps them move the development process forward but it isn't a building permit. The information that is provided in that permit application is not as detailed as what you would see in a permit application that came to the city. They have looked at the

buildings to some degree to make sure they are big enough to fit 36 units proposed, but they are not fully designed. The footprints of the buildings and exactly how they are going to lie on the ground hasn't been engineered yet, and that is intentional. What they would be looking for with Act 250 approval is just the approval of the overall feasibility and overall density within the area they are proposing and not the building permit. It is essentially Step 1 in many steps along the permitting process.

As part of the Act 250 process there will be official opportunities for public input. TPL will host a public hearing to seek public input on the permitting process in early March. There will be a lot of opportunities for input and modification along the way.

Ms. Cooper referred to the context map and said the Master Plan basically proposes a dense neighborhood that is on 20 acres of the property. The idea here is that it really does emulate the density in the adjacent neighborhoods so it fits in with the development that is already in the neighborhood. The development would be on about 20 acres and the remaining 80 acres would be a public park. The development area they are proposing here lies substantially within the areas that the Working Group recommended. There are a couple of spots where the development does move outside of the line the Working Group defined, but it is pretty close. There are pedestrian connections through the neighborhood to the park, and along the street there are sidewalks everywhere. There is a spot up on the top that shows a future connection for a parking area in the future park so there would be integration between the neighborhood and the park.

The total number of units on the plan is 145 and a mix of zero lot line single family, which basically just means a single family house that is connected by a garage with separate entrances and separate backyards. There are also some duplex units and multi-family units. The way it is laid out on the plan is that the single family units are up at the top and the zero lot line single family duplexes are basically in the middle, and the multi-family units are along the Barre Street corridor. Some of the multi-family units also have some commercial space proposed, so it's a combination use.

Another important element of the plan is that it includes the bike path that has always been a part of the plan for the property. The bike path shown is on the alignment for the Central Vermont Bike Path. They have managed to integrate that alignment into this plan so they are not proposing moving the bike path off what has already been engineered. That bike path is located approximately 30 feet back from Barre Street. The plan proposes a sidewalk right along Barre Street, a grass strip, the bike path, and then some buildings right behind the bike path with some pedestrian connections as well that run perpendicular so there would be a way to get from the sidewalk to the buildings by crossing the bike path.

The parking, which they thought would be a big challenge on this property, actually has turned out to be manageable. There is some underground parking under the multi-family units, and some on-street parking and each of the units has its own parking as well. The plan has 357 parking units, and it meets the parking requirements under the City's zoning.

One of the constraints on the site is definitely the slopes. All of the roads outlined on the plan, most of them are right up against the 10% slope limit. You can have a road that is 13%, but it is subject to DRB approval. That is one area where the steepness of the terrain is a bigger challenge. What the plan is actually proposing is just one entrance off of Barre Street. That level of detail is something that would be decided at the local permitting process, not at the Act 250 Master Permit level. They have been struggling with this and talking with city staff and trying to make this the most feasible plan and make it fit the best they can with the local regulations.

She said she wanted to highlight just a few areas where this plan diverges from the Working Group's recommendation because they want to be clear about the compromises they have decided to make in

order to pull the plan together and present the plan to City Council. The first and most obvious place where this plan diverges from the Working Group's plan is the physical number of units. We are talking about 145 units here and the Working Group's recommendation was that there would be between 175 and 225 units on the property. The Working Group's recommendation was that if possible all those units should be on Parcel A, which is the lower part of the pasture, and then if that density range couldn't be accommodated in A then go up into Parcel B. They came up with a different number and there are a couple of reasons for that. The first reason is from the market study information they received back from Development Cycles. The study indicated that the market could absorb between 114 and 146 units for this site by 2015. Based on that information they didn't want to present a development that they had a professional opinion indicating that it wouldn't be supported by the market. This number of units is a number their studies indicate is a number that would be supported by the market within that window. It would certainly be a phased in-project.

The other reason supporting that conclusion was that when the architects and engineers looked at the site and we asked them if they could put 225 units on these defined areas of the property they said it was possible to get 200 units within Areas A and B, but it would require significant site work. That would mean it would be an expensive development, but it would also mean that the resulting development would have very steep slopes and lots of fill that could be very expensive for the city to maintain long term. You would be looking at a more expensive development that might make it less likely that it could be an affordable development, which is one of the goals, and, secondly, it could be something that would be creating a maintenance burden for the city. They took those two pieces from the site side and market side and came up with this plan which is a little bit more respectful of the topography of the site to try to reduce the amount of site work that would be needed. There is certainly going to be site work needed in order to get any development on the property, but this mitigates that somewhat and is more in line with the market information.

The second area where this diverges a little bit from the Working Group's recommendation is about the bike path. The Working Group's recommendation was that the bike path should be integrated in the neighborhood, and one of the reasons for that was to maximize the density along Barre Street because that is the place where you might have the multi-family and mixed use buildings. They have elected to leave the bike path where it has already been engineered. They managed to do it in a way that they think they can still maintain the multi-family buildings close to Barre Street and maintain a fairly active streetscape.

There are a few other recommendations of the Working Group that are not things that the Master Permit application is going to address, but they did receive some information in the feasibility study that touches on those other recommendations. One is the recommendation from the Working Group about how the development would proceed on the property. Their market study recommended that restriction would really dramatically decrease the marketability of this project. At this point the Trust for Public Land is not intending to keep that restriction when they are talking with developers to help work on this project. That is not to say that the developer might elect to develop Area A first and Area B later; they don't know. Their goal is to try to find someone who can help develop the property, and since they have found that one of the recommendations is that this restriction could be a serious impediment so at this point they are just seeking to find a developer who can achieve A and B and develop it in whatever order they think would most make sense from the market's perspective.

Another piece their Master Permit application will not address is affordable housing, but they think that anything on the plan can be affordable. The affordable housing component is still important to them and will certainly be part of the conversation they have with developers in moving forward and part of the reconfiguration of the plan to make it less costly to develop. Part of the whole thinking behind that is to make sure they have a better chance to achieving affordable housing for the property.

Council Member Sheridan asked why they didn't consider another floor on the multi-family buildings.

Ms. Cooper said there are three stories right now.

Council Member Sheridan said one was only two floors. Why were two and three picked as opposed to four stories, especially seeing how apartments seem to go quicker than houses? The apartments on Barre Street all went immediately. They are having problem moving the condominiums, but the apartments were gone immediately. It wouldn't change the footprint. They would have to create a little more room for parking, but he would suggest looking at four stories. You would be able to add 36 to 38 more units, which would put you at the 175 range.

Mr. Krussman told Council Member Sheridan that they had looked at that and his recollection of the conversation was that it had a lot to do with the site lines of the houses where the slope increased. If you get into four stories, that line of houses behind those buildings was basically looking at the back of a building as opposed to over the top of them. There was some concern about the housing behind the buildings basically looking at the back of a building as opposed to having a more open view.

Mayor Hooper said it isn't just how to get more units but the market study says there isn't a market for more units.

Council Member Sheridan said he didn't believe that about apartments.

Mr. Krussman told Council Member Sheridan that his understanding was that it was the rental component and it is the ownership component that is taking a longer time.

Council Member Sheridan asked if these were going to be rental units.

Mr. Krussman said that hasn't been determined. They could be condominiums on the top floor for sale. That detail hasn't been deciphered yet.

Council Member Sheridan spoke about the slopes and asked why didn't they have the houses swing up around the corner.

Ms. Cooper replied that was because of the power line right-of-way. That was another constraint. The road that goes into Parcel B goes right along the right-of-way and crossing it is not possible. Certainly, having houses there isn't possible.

Council Member Golonka said he would like a copy of the market study.

Ms. Cooper said it has been provided to city staff and she would get him a copy.

Council Member Hooper asked if the city had the other studies as well.

Mr. Krussman replied that the city staff has all of the drafts and studies that TPL has done.

Ms. Cooper said the traffic study is still being updated.

Council Member Golonka said with the economy the way it is the timeline looks rather stretched out for any of the development on this property. What does that mean in regards to the negotiations with the Zorzi family? Are you constrained to get this done quicker or later? What are the implications of that?

Mr. Krussman said that is what they would like to talk to the Council about in Executive Session. It is a contractual matter. Yes, it has direct impacts on the way the Trust for Public Land would move forward with their conversations and contractual obligations with the owners.

Assistant City Manager Hill said it appears that the two front multi-family buildings do overlap into the railroad right-of-way. Have they talked with the Railroad Division about that? Do those buildings have to be moved back, and if so will it change the number of units?

Mr. Krussman said they made a clear decision to include the buildings in the right-of-way but not have them impact the bike path. They realized in doing so there is still an open question about whether you can actually build in the right-of-way or not, but that is something they would love to continue to explore with the city and with the state about how they can do that. He thinks the short answer is that it has a pretty significant impact on the number of units if they can't do that.

Ms. Cooper said the buildings certainly could be moved back out of the right-of-way corridor. If you do move them back, is it still feasible to have the same kinds of buildings that are here now because they are just going to be that much further back from the road.

Mayor Hooper said it is deeply disappointing to move the buildings back away from the road because they are losing the street wall they were trying to replicate of continuing on Barre Street with the same mapping and sense of place that was there. It is really frustrating this is an issue and it would be nice to determine that they can in fact build a lot closer to the road and in the railroad right-of-way.

City Manager Fraser said the preliminary indications they have received says they cannot use the railroad right-of-way.

Mayor Hooper said it is a really interesting issue that they are preserving a right-of-way for a railroad that doesn't run. Think about the likelihood of any railroad ever going there, and the city might be interested in having some different authority say the answer should be yes.

Assistant City Manager Hill said when they were going through the Act 250 process for the bike path they had to indicate they would avoid the railroad. They had always assumed that because the bike path was going to act as a sidewalk from the corner of Granite Street as it goes out through and front of the Ibey property there was mentioned there would be the bike path and a grassy area and a sidewalk in front of this development. It would seem to be an extra cost to build a sidewalk there if there was a bike path running parallel.

Mr. Krussman said they mentioned sidewalks perpendicular to the bike path.

Ms. Cooper said on the plan there is a sidewalk that goes along Barre Street in the normal location of the sidewalk and the bike path further back. Their thinking in doing that was there might be a benefit to having the pedestrian traffic in a different place than the bike path traffic. Also, if there is on-street parking you might want to have a sidewalk there as well. One of the reasons they are showing the two entrances to the development is that as many of them are aware the subdivision regulations recommend that for developments with more than 20 units they have two access points.

Mr. Krussman said they fully expect through the Act 250 process the right-of-way issue will obviously be something they will look at.

Mayor Hooper asked if there were any questions about the concept or how the Trust for Public Land is proceeding on the time frame for Act 250.

Ms. Cooper said their plan right now is they would have an application to submit around March 1<sup>st</sup>.

Mayor Hooper said she would entertain a motion to go into Executive Session to discuss contractual items.

Council Member Hooper moved to go into executive session. The motion died for lack of a second.

City Manager Fraser asked if they wanted to include the Planning staff and suggest they finish the remaining agenda items before going into executive session.

09-034. Report by City Council.

Council Member Hooper reported that the Revenue/Expense Committee met again. Mr. Twombly came in with the best idea they have heard yet, which is to add more land to the City of Montpelier.

Council Member Jarvis said they had been meeting and have more meetings with other entities and organizations. One of the things that came up in her mind because of the highway mileage certification is exploring the idea of either reclassifying or discontinuing several roads in Montpelier.

City Manager Fraser said they are planning that as an agenda item for the next meeting because they had talked about doing that in February. They will try to put together an inventory of the roads that either are dirt, connect to dirt roads or that only serve one home, etc. He spoke to Todd today and asked if he could identify any major repairs or costs we saw coming up on these roads and a sense of what we are doing to maintain them.

Council Member Jarvis said she has been asked about the snow removal on College Street and why that was happening even though the streets are already pretty wide and no more snow predicted. Why are we spending time and money to do that? Todd Law replied it was a drainage and storm water issue, and if we get it while it is snow rather than waiting until it melts it is much better for everyone.

Council Member Sherman reported there are numerous enVision Montpelier meetings. She asked if on Thursday, February 12<sup>th</sup>, if the City was ringing bells at 2:12 P.M. honoring the 200<sup>th</sup> anniversary of the birth of Abraham Lincoln. There was a call for church bells to ring at 2:12 for 10 minutes.

Council Member Sheridan said he has been receiving questions from people asking if we are going to freeze salaries. There are contracts that have already been approved, but the Council is going to talk about opening them up. There are a number of people out there who have had their salaries frozen for awhile who are wondering if the city is going to look into this. If there was ever a year we had to return the same Council members it couldn't be a better year than next year, which is going to be an extremely tough year. Going with the same Council who know each other is great that we can hit the ground running on what looks to be a tough year on a lot of issues.

Council Member Weiss said he is still the "Rookie" on the Council. On February 19<sup>th</sup> from 5:00 to 6:30 P.M. the Central Vermont Chamber of Commerce is holding a meeting and inviting the representatives of the four areas of Barre, Barre Town, Berlin and Montpelier. It would be great if some of us could attend. It would also be great if at some point we could agree to become an active member of the Central Vermont Chamber of Commerce and perhaps have an influence over some of their actions. On May 3<sup>rd</sup> through the 9<sup>th</sup> is Drinking Water Week in Vermont and Montpelier has one of the best facilities in the state. If we decide to participate he would volunteer to help.

City Manager Fraser said the city actually does participate and often give lots of tours of our facility.

09-035. Mayor's Report:

Mayor Hooper reported that many people said the Legislative Reception was a great time and they enjoyed it. Many of the same people have also gone out of their way to complement our Public Works Department on the quality of the roads and sidewalk clearings.

She went on to say that Council Member Weiss asked that she do legislative updates periodically. Her legislative committee has been working almost exclusively on the Sex Offender Legislation. She has done due diligence in asking about the impact on local communities and if they are not going to be supervising other offenders because they are spending more time supervising the high risk offenders what does it mean to our communities. PILOT money is in and is down a little bit over what it was last year. The community of Essex Junction is proposing to institute a local options tax which would significantly increase the pot. Hopefully, the city can see at least level funding from PILOT.

On Monday night her neighborhood association had a meeting and Warren Kitzmiller and she talked about their experiences. Bethany Pombar who is the leader asked the group what they would like to know from their City Council representatives. There is a real desire for more information about what is going on within city government. The question came up about the clearing of the pedestrian bridge at the Lane Shops.

City Manager Fraser said that is one of the bridges they actually have in the budget for repair. It requires hand clearing.

Mayor Hooper said people have repeatedly said how important that is. The community of folks who live there are walkers and many don't drive. It was interesting hearing all of the complements from people who don't live in town, and at this meeting there was a lot of commentary about why aren't the sidewalks cleared a lot better. Some of the frustration was around Main Street Middle School and the safety concerns about visibility in the crosswalks.

Mayor Hooper said she wanted Council Members to think about goals and objectives setting. The Council has talked about wanting to have annual meetings with the other committees within city government, and maybe that is something they could think about doing in March so we learn from them what their interests and needs are.

Mayor Hooper told Jim that his comment about the salaries he should recall at the end of our budget discussion she at least asked that Bill begin the process of working with the city's employees on opening up the benefit package question. She is very hopeful that will be engaged.

City Manager Fraser said that is exactly what Sarah was talking about. Jim is correct that two-thirds of our employees are under contract so it makes it a dicey situation about how you handle people who aren't under contract. They have had success in years past, both in the pension conversion and health insurance savings, by creating working groups, so his challenge is going to basically call everyone together and say we can't have the divide and conquer things related to personnel costs. He has already talked to the attorneys for the unions to let them know this was coming. The city can't unilaterally reopen the contracts because it is against the law. We have to give them a reason to do it, and it has to be done in a way that is constructive, meaningful and productive.

Mayor Hooper said the last thing she wanted to mention is that next Wednesday, February 18<sup>th</sup> at 7:00 P.M. at the Library there is a film event hosted by the Montpelier Historical Society which is entitled "Stories of Montpelier." It is Senator Bill Doyle's Vermont history and government class who has done a video collection of images and stories from Montpelier. Senator Doyle would love to have folks attend that.

09-036. Report by the City Clerk-Treasurer:

City Clerk-Treasurer Hoyt reported that property taxes are due on Tuesday, February 17<sup>th</sup> since the due date is Sunday and Monday is a holiday. The ballots for the Annual Meeting are available so anybody who wants to vote early or will be away can request a ballot. We can also e-mail ballots to voters. People should check the checklist to make sure they are on at the correct address. The last day to register to vote for the Annual City Meeting is Wednesday, February 25<sup>th</sup>.

09-037. Status Reports by the City Manager.

February 18<sup>th</sup> is the Vermont League of Cities and Towns' local government day that will be held at the Capitol Plaza. There is an overview providing information on various legislation that affects local governments with a visit to the State House to meet with legislators.

There is a Vermont League of Cities and Towns board meeting tomorrow and the main item on the agenda is the location of their headquarters. They would be receiving tours of some of the facilities that are in consideration.

City Manager Fraser said he sent out forms for his review and we need to figure out a time to meet and get those forms back. They could do it at the next meeting if they want to start early.

Mayor Hooper said they could meet on February 25<sup>th</sup> and start at 6:00 P.M.

## 09-038. No further items as of "press time".

Executive Session.

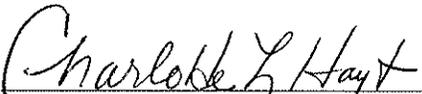
Motion was made by Council Member Sherman, seconded by Council Member Jarvis to go into executive session in accordance with Title I, Section 313, Subsection (a) to discuss a contractual matter regarding the Sabins Pasture project at 9:40 P.M. and invited Roger Krussman and Catherine Cooper from Trust for Public Lands and Planning Department staff to attend. The vote was 6-0, motion carried unanimously.

Present: Mayor Hooper; Council Members Sherman, Sheridan, Weiss, Golonka, Jarvis and Hooper also City Manager Fraser, Planning and Development Staff Hallsmith and Thompson and Roger Krussman and Catherine Cooper.

After proper motion the council came out of executive session and the Council Meeting was adjourned.

Transcribed by Joan Clack

Attest:

  
Charlotte L. Hoyt, City Clerk