

Minutes of the Montpelier City Council Meeting
June 26, 2013
Montpelier City Hall Council Chambers

In attendance: Mayor John Hollar (presiding), City Councilors Jessica Edgerly Walsh, Thierry Guerlain, Alan Weiss, Andy Hooper, Tom Golonka and Anne Watson, and Assistant City Manager Jessie Baker. City Clerk John Odum acted as Secretary of the meeting.

Mayor Hollar called the meeting to order at 6:34 PM.

- 13-164. Councilor Weiss asked that items b and c be removed, while Councilor Guerlain noted a typo in the minutes. The last-minute addendum from the Basement Teen Center was noted. The consent agenda was unanimously approved with the requested changes at 6:36PM (moved by Councilor Guerlain, seconded by Councilor Hooper).
- 13-165. The Council re-opened the 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. The expected duration and impact of the process was discussed by Tim Shea, representing National Life. He noted that he had discussed the project with Steve Cook, who had objected in a previous letter to the council. Mitigation and neighborhood accommodation strategies were also discussed. Shea stated that National Life was committed to minimizing the impact to the planned evening work.
- The Mayor asked follow up questions about sound impacts, while Councilor Golonka asked about "plan b" if the request is not granted, and further asked about the possibility of shuttling workers from the high school lot during the day, if daytime work is necessary. Councilor Weiss moved that the Council approve the request with the understanding that accommodations for residents who may need to be relocated will be covered by National Life. Councilor Hooper seconded the motion, which carried unanimously at 6:49PM.
- 13-166. The mayor opened the Second Public Hearing to consider amendments to the City's Code of Ordinances, Chapter 3. Public Works, Article 3-IV, Sewer Department, at 6:50PM. Assistant City Manager Baker reviewed the proposed ordinance changes. At 6:51, the mayor closed the public hearing. Councilor Guerlain moved the approval of the proposed amendments, and was seconded by Councilor Hooper. The motion carried unanimously at 6:51.
- 13-167. Councilor Guerlain explained his requested agenda item regarding potential parking spots on East State Street - noting that 14 new spaces with proximity to downtown could be added. He hoped that public works could be directed to make the change as soon as possible, that they be unmetered, and that they don't have street markings

designating specific spaces. He indicated he had discussed the proposal with DPW Director Todd Law (who provided feedback to the council via attachments to the agenda).

The Mayor opened the public hearing on the parking proposal at 6:55PM. The public hearing was closed a minute later when no one rose to offer testimony. The Mayor announced the second and final public hearing for next meeting.

13-168. The Clerk reviewed the modified proposal for changes to the city ordinances regarding licensing, and Mayor Hollar opened the first public hearing on the proposal at 6:57. The Mayor suggested the numerals be removed from the ordinance proposals, as their inclusion was anachronistic. The public hearing closed at 6:59.

13-169. Planning and Development Director Gwen Hallsmith provided an update on the City Council's "Energy Initiatives" Goal, starting by reviewing the status of the dam on the North Branch (as requested by the Council). Hallsmith discussed the potential of the dam to produce power. Councilor Edgerly Walsh felt that the potential was worth pursuing further. Hallsmith felt that Lori Barg could be approached to update the report from 2007 that Hallsmith was basing her information on. Councilors Guerlain and Hooper suggested other names as potential sources of opinions on the viability of a hydro project at the site.

Assistant City Manager Jessie Baker gave a brief update on the photovoltaic project, noting that the Energy Committee had done a tremendous amount of work in preparation for putting out an RFI. Councilor Watson also reported on the work of the committee.

13-170. The discussion moved to the update on City Council's Goal to "make significant progress on three major outstanding capital projects: District Heat, Transit Center and Montpelier Bike Path." The Mayor referenced the progress report, now posted on the website. Assistant Manager Baker gave an additional update on the district heat schedule/timeline, noting that the state had received permit approval and had attached firm dates to their schedule. Baker also noted that biomass heat would not be available until February, and that the city was working well with the state to be sure customers will be accommodated until then via oil heat. Baker reported the acquisition of a new customer (Capitol Plaza), and that another customer may soon be ready to sign on - which would mean 20 buildings served.

Councilor Watson had questions about the potential for maintenance problems created by a system that may need to be idle for an extended time before actively producing heat. Baker indicated it was being considered. Councilor Hooper asked for details about accommodating customers, given the later than originally planned date that the biomass heat will be available.

Councilor Guerlain asked about the potential for customers paying "dual cost" for heating, given their preparation for district heat and the delay in availability for heat from the city. He was further concerned that additional costs could roll to city taxpayers because of the delay. Councilor Golonka and Mayor Hollar discussed the impact on capacity charges for customers, given the delay.

- 13-164. Councilor Weiss explained his concerns about the two, pulled consent agenda items. He felt, in regards to item b, that the city was not adequately protected in the project, and that the contractor may be given too broad of latitude on unforeseen costs. Councilor Watson expressed concerns about the engineering of the culverts, and how the contract relates to both state and federal expectations and funding. The Assistant City Manager responded, and noted that the agenda item was time sensitive.

The Mayor asked that councilors in the future bring their concerns about consent agenda items to him in advance of meetings, so relevant staff can be made aware and be present.

Councilor Golonka moved approval of item b of the consent agenda. Councilor Hooper seconded. The motion passed 5-1, with Councilor Watson voting 'nay,' at 7:33PM.

On consent agenda item c, Councilor Weiss asked about the relationship with Montpelier Alive in the project. The Assistant Manager indicated that their participation was part of the grant process, as Montpelier Alive had a relationship with the funder. Councilor Golonka expressed some trepidation about a potential repeat of the negative public feedback that accompanied the ADA compliant walk signals at intersections, and hoped that the project could be moved forward with care so as to avoid a similar reaction.

Councilor Weiss moved approval of item c. Councilor Hooper seconded. The motion carried unanimously at 7:37PM.

- 13-171. Councilor Guerlain lauded the removal of some utility poles recently. He also appreciated the capital project updates. He further hoped for an update on the removal of fire department pull boxes.

Councilor Weiss reported positively on the local meeting of the Campaign for Vermont.

- 13-174. The Assistant City Manager reported on the Berlin Pond petition application. She indicated the city's attorney had recommended adding a prohibition on shanties for ice fishing. Councilor Guerlain spoke in favor of adding the ice shanty prohibition.

Baker reviewed flooding concerns, given the heavy rains.

The Mayor asked about the suggestion by some in the town of Berlin that a portion of city-owned land (which could serve as access to Berlin Pond) may be the property of

Berlin. Glenn Howland addressed the Council on the issue, indicating he was communicating with Berlin attorneys on the matter. His short answer is that he has seen no evidence of merit to the claim, but that it was being studied further. He noted that he had seen documents relating to Berlin and the highway department regarding the protocols for managing the roadway that passes near the pond that relate to the claim.

At 8:02, Councilor Hooper moved that the city enter executive session (and include Glenn Howland and the Assistant City Manager) to discuss Carr Lot negotiations, as well as questions on the tax exempt status of property owned by the Vermont College of Fine Arts. The motion was seconded by Councilor Guerlain, and carried unanimously.

At 9:15 Councilor Guerlain motioned to end the executive session, and was seconded by Councilor Edgerly Walsh. The motion passed unanimously.

At 9:16, Councilor Edgerly Walsh moved to adjourn the meeting. Councilor Golonka seconded. The motion carried unanimously.