

**Minutes of the Montpelier City Council Meeting
March 16, 2013
Montpelier High School Library**

In attendance: Mayor John Hollar (presiding), City Manager Bill Fraser, City Councilors Jessica Edgerly Walsh, Thierry Guerlain, Alan Weiss, Tom Golonka and Anne Watson (Councilor Andy Hooper arrived later). City Clerk John Odum acted as Secretary of the Meeting.

Mayor Hollar called the meeting to order at 6:34. City Manager Fraser took a moment to introduce recently-hired Assistant City Manager Jessie Baker, who is scheduled to start work in April.

- 13-069. The City Clerk administered the oaths of office to Councilors Golonka, Watson, and Walsh.
- 13-070. The Council appointed Councilor Golonka to the position of Council President, Councilor Guerlain to the position of Vice President, and Councilor Hooper to the position of Parliamentarian.
- 13-071. Councilor Golonka moved the re-adoption of the council ethics policy. Councilor Guerlain seconded the motion, which passed unanimously at 6:37.
- 13-072. Councilor Guerlain moved approval of the council's rules of procedure. Councilor Watson seconded. Upon a question from Councilor Weiss, the replacement of the word "hand-delivered" in item 10 was replaced by "Delivered" through a friendly amendment. There was a brief clarifying discussion of item 12, before the motion as amended was approved unanimously at 6:39.
- 12-073. The council took the following actions regarding committee assignments for councilors. The list was moved by Councilor Golonka, seconded by Councilor Walsh, and approved unanimously at 7:04.

- Building codes appeal committee – Councilor Golonka.
- Capital projects committee – Councilors Walsh, Watson and Guerlain (it was noted that Councilor Hooper was also interested, but no action was taken to appoint him).
- Central Vermont core communities regional public service committees – Councilor Golonka
- Central Vermont solid waste – Councilor Hooper (as an alternate).
- Citizen advisory: community justice – Councilor Watson
- Energy advisory – Councilor Watson
- Housing task force – Councilor Walsh
- Housing trust fund – Councilor Golonka
- Senior Center advisory board – Councilor Guerlain
- Recreation board – Councilor Golonka
- Regional bike path – Councilor Walsh
- Water rate study committee – Councilors Golonka, Hooper and Guerlain
- Harry Sheridan scholarship – Councilor Weiss (as liaison)
- Charter committee – Councilor Weiss (as liaison)

Other committees were left without a formal council appointment, either by direct intention, or with the intent of discussing them further at a later date.

Councilor Weiss asked for a master printout of committee membership. Councilor Guerlain suggested it be posted on the website. Mayor Hollar asked the list be included in next meeting's packet.

- 13-074. Thomas Weiss rose to speak about the audit reports in the city annual report. He characterized the library and school financial audits as "complete", while noting that the city audit was missing referenced portions. He felt that in the future, the full audit should be printed.

City Manager Fraser noted that the decision was made some years back to save space and money, noting that the policy could be changed. The mayor questioned whether it was necessary given the cost and the full audit's availability on the web. Weiss countered that it was a burden on those without web access.

- 13-075. Councilor Hooper arrived at 7:09 and moved approval of the consent agenda. Councilor Golonka recused himself from considering the approval of a liquor license for Bashara & company, and asked that item e be pulled for discussion. Councilor Weiss asked that items a, c and d be pulled for discussion. Councilor Hooper amended his motion accordingly, and it was seconded by Councilor Watson. The motion passed unanimously at 7:11.

- 13-076. Councilor Weiss moved that the Council authorize the City Manager to sign a Billing Agreement with Barre City Fire & Ambulance for the City of Montpelier's ambulance billing for a three-year period beginning April 1, 2013. Councilor Watson seconded. The City Manager gave some background in a brief discussion with Councilor Golonka. The motion carried unanimously at 7:14.

- 13-077. Jeffrey Tucker addressed the council on the status of the Bike Path project. The Mayor was hopeful that the path could be completed this year if the Carr lot sale was complete. Tucker and City Manager Fraser indicated that was unlikely.

Councilors Watson and Guerlain asked for clarification on the status of the buildings in the path area. Watson asked further about the impacts on the intersection over Main Street.

Mayor Hollar expressed frustration with the pace of the project. Tucker detailed the reasons for the delays, particularly the right-of-ways. Fraser noted the overall delay came when the railroad decided to reassert its right of way around the tracks.

Councilor Golonka moved to authorize continuing the path as "Montpelier only" given Berlin's removing itself from the project. Councilor Guerlain seconded. Councilor Weiss asked about the interaction with the citizens' bike committees. The motion carried unanimously at 7:46.

Tucker also reviewed the "ice jam study" on flood damage risk reduction, and what comes next in that process.

13-080. Councilor Hooper welcomed Councilor Walsh to the Council. Councilor Guerlain also welcomed Jessica. Councilor Weiss jovially advised Jessica to “get used to it.”

Councilor Weiss also made note of a pending bill, H.450, which would grant sweeping administrative powers to regional planning committees. Weiss requested that – at some point – the council discuss it, and hear from the regional planning commission, expressing concerns about potential assessment powers over municipalities.

Councilor Golonka welcomed Councilor Walsh and thanked the voters of District 1.

Councilor Watson thanked voters of District 2 and welcomed Councilor Walsh. Watson noted that the energy fair was a success and thanked the organizers and participants. She also reported that the energy committee has been approached by commercial interests regarding the city installing photovoltaics at no cost, advised that details would be forthcoming.

Councilor Walsh thanked voters of District 3 and praised Councilor Watson and the energy committee for their work on the fair.

13-082. The City Clerk noted that water/sewer payments were coming due, and noted that the recent City Meeting went well.

13-083. The City Manger welcomed Councilor Walsh and soon-to-be Assistant City Manager Jessie Baker.

13-075a,c,d,e Councilor Weiss asked for clarification on item c from the consent agenda. Councilor Weiss moved approval of item c. Councilor Hooper seconded. The motion was unanimously approved at 8:05.

Councilor Weiss received confirmation from the Clerk that media requests for information relating to City Council minutes were being honored within the time laid required under the state Open Records law. Councilor Golonka moved approval of item a from the consent agenda. Councilor Hooper seconded. The motion carried unanimously, also at 8:05.

Councilor Weiss asked for clarification on the timing of consent agenda item d. Councilor Weiss then moved its approval, and was seconded by Councilor Guerlain. The motion passed unanimously at 8:07.

Regarding consent agenda item e – Councilor Golonka asked about termination clauses. City Manager Fraser indicated that there were such clauses, but that he would double check on the particulars. Councilor Golonka then moved approval of the item, and was seconded by Councilor Hooper. The motion carried unanimously at 8:08.

Councilor Walsh moved that the council enter executive session to discuss District Heat negotiations. Councilor Watson seconded. The motion carried unanimously at 8:08.

At 8:50 PM Golonka moved to come out of executive session, Guerlain seconded. The motion was approved unanimously

Councilor Golonka moved to authorize the Mayor to finalize and sign an agreement with the State regarding District Heat with the key terms as follows:

1. The state will not be able to provide heat for October 1st but should have temporary boilers working at some point in October on or before the 31st. The permanent oil boiler is likely to be operational by mid-November and the Wood Chip boilers functional by December 31. We all understand that this will result in slightly higher heating costs until the wood chip boilers are up and running.
2. The city will handle the flood plan permitting as expeditiously as possible, ideally through administrative approval assuming that meets legal standard.
3. To address sections 5 (g) and (h) of the Procurement agreement, the city will contribute \$408,000 toward current state heat plant cost overruns (defined in 4 below). This will be paid in two ways: The city, after completing the distribution system and reconciling all project costs, will pay at least 50% of any surplus project funds toward the \$408,000 total. The city may, at its discretion, pay more than 50%. Any remaining unpaid balance will be added to the price of future capacity with the payment schedule in Attachment A of the Thermal Purchase and Sale Agreement adjusted accordingly.
4. The State and City agree that the current estimated cost of the Heat Plant is \$18,360,208. This represents an estimated cost overrun of \$3,312,883 from prior State estimates, as set forth in the Procurement Agreement between the parties. Of this amount \$732,288 represents costs not related to the City. Of the remaining \$2.5 million, the parties agree the City will reimburse the State for the cost of the thermal conversion unit (generally referred to as the "City Room") in the amount of \$408,000. This reimbursement is the full City contribution towards the current estimated Heat Plant cost overruns and is not based on a percentage of project costs.

Councilor Watson seconded. The motion carried unanimously.

13-078/13-079. At 8:51 Weiss moved to go back into executive session to discuss Carr Lot Negotiations and the Firefighter Public Records litigation. Councilor Walsh seconded. The motion was unanimously approved.

At 9:37 PM, Councilor Guerlain moved to come out of executive session, Councilor Weiss seconded. The motion was unanimously carried.

At 9:38 PM Councilor Guerlain moved to adjourn, and was seconded by Councilor Weiss. The motion carried unanimously.