

**St. Albans City Council
Minutes of Meeting
Monday, April 8, 2013
City Hall, Council Chambers**

A regular meeting of the St. Albans City Council was held on Monday, April 8, 2013, in council chambers at City Hall at 6:30 pm.

Council Present: Mayor Elizabeth Gamache; Aldermen: Chad Spooner, Ryan Doyle, Tim Hawkins, and Jeff Young.

Council Absent: Aldermen Jim Pelkey & Aaron O'Grady.

Staff Present: Dominic Cloud, City Manager; Chip Sawyer, Director of Planning & Development; Sue Krupp, City Clerk and Treasurer; Peg Strait, Director of Finance & Administration and Allen Robtoy, Director of Public Works.

Visitors: See attached sign-in sheet.

1. Executive Session.

a) To consider civil matters where premature disclosure would compromise the City or person involved.

A motion was made by Alderman Young; seconded by Alderman Spooner to enter executive session at 6:00 pm. Vote was unanimous, 4-0.

Alderman Pelkey joined Executive Session at 6:05 pm.

A motion was made by Alderman Spooner; seconded by Alderman Young to exit executive session at 6:30 pm. Vote was unanimous, 5-0.

2. Convene Open Session with Pledge of Allegiance.

Mayor Gamache called the meeting to order and led the pledge of allegiance at 6:35 pm.

3. Public Comment.

Mayor Gamache stated that agenda item # 7 would follow agenda item # 4. Marian Bombardier, a member of the public, asked where the Maple Festival rides would be located in the future if a parking garage is built. Mayor Gamache stated that they have been working collaboratively with the Maple Festival Committee to find a solution and to ensure that the Maple Festival is able to succeed in the future.

4. To consider ratification of settlement agreement between Keith Taruski and the City (D&V).

Mayor Gamache stated that at this point, both parties are continuing negotiations and a settlement has not been finalized, and therefore is seeking a motion from council to table the agenda item.

A motion was made by Alderman Young; seconded by Alderman Spooner to table agenda item. Vote was unanimous, 4-0 with Alderman Hawkins recused.

5. Recess for Liquor Control (see separate agenda).

A motion was made by Alderman Doyle; seconded by Alderman Young to recess out of regular session and commence as Liquor Control Board at 6:39 p.m. Vote was unanimous, 4-0. (See Liquor Control Board minutes).

6. Authorization of State RLF funds for Preliminary Engineering on Wastewater Upgrade (D&V).

a) Dominic Cloud, City Manager.

Mr. Cloud recalled that a 20-year evaluation on the wastewater plant was completed by Aldrich & Elliott and Mr. Elliot had presented on the useful life issues at the wastewater plant at a prior council meeting. The City accepted that report and the next step is to move into preliminary engineering on the plant. Mr. Cloud explained that the City would borrow the money through the State RLF (Revolving Loan Fund) and start paying that money back until it decided to not move forward with the project which is unlikely or the loan of \$53,900 would be rolled into a grant from the State for the project into a bond bank. Mr. Cloud added that this would allow the project to move forward without borrowing funds from the City's operating budget.

b) Wayne Elliot, Aldrich and Elliot.

Mr. Elliot reiterated that he presented to council on the 20-year evaluation on December 20, 2012. After council approved the evaluation, a letter was submitted to the State which addressed approval of the evaluation and included proceeding steps. Mr. Elliot explained that the next step includes preliminary engineering which will be ongoing for approximately eight months and will allow for a more comprehensive look at the plant by mechanical and electrical engineers. He explained that the objective after this process is to have a more in depth cost and timeline with recommendations laid out to be presented for a future bond vote. Mr. Hawkins asked Mr. Elliot if he foresaw a time when a down vote after presenting information to council could cost the City some type of approval from the State. Mr. Elliot responded that it could and explained that the State wouldn't necessarily dictate certain items and costs that council approves or disproves for the project but would typically intervene if there were any effluent or permit violations. Mr. Hawkins asked Mr. Elliot if the City is on a favorable course with the State in terms of upgrades and compliance for the effluent plan. Mr. Elliot responded affirmatively and stated that moving the preliminary engineering step ahead will be a big step toward keeping on track. He added that there will be periodic review meetings throughout the engineering process. Mr. Young asked how much of a factor it is that the Feds haven't set the TMDL (Total Maximum Daily Load) standards. Mr. Elliot responded that it could or could not be a factor and explained that right now, the filter at the wastewater plant which is the biggest treatment component that has to do primarily with the phosphorous removal will not be touched. He recalled from the December presentation that the City is meeting a relatively strict limit now and the growth between the City and Town responsibility going forward will be the largest driver in determining how to upgrade the filtration component of the treatment process. Mr. Elliot stated that the areas they will be working on during this next phase will not be affected by what happens with the phosphorous TMDL. Mr. Young asked Mr. Elliot whether the concentration would be on B.O.D (biochemical oxygen demand). Mr. Elliot responded negatively and explained that they would be working on the buildings, the headworks, the primary clarifiers and the RBC's (rotating biological contactors). Mr. Elliot explained that the cost to replace the plant's current filter would be \$800,000 to \$900,000 and if the plant had to move to the next degree of treatment it could cost around \$2 million.

A motion was made by Alderman Spooner; seconded by Alderman Young to authorize State RLF funds for preliminary engineering on wastewater upgrade. Vote was unanimous 4-0.

7. If item 4 is not passed, continuation of arguments for necessity of taking a fee simple interest and determining just compensation for a property located at 11-15 Federal St.
A motion was made by Alderman Young; seconded by Alderman Spooner to table the agenda item for April 15th at 6:30 pm. Vote was unanimous 4-0 with Alderman Hawkins recused.

- a) Final Comments from Property Owner on Necessity
- b) Final Comments from City on Necessity
- c) Council Determination (D&V)
- d) City Presentation of Value
- e) Property Owner Presentation of Value
- f) Rebuttal
- g) Council Determination of Value (D&V)

8. Election of Council President (D&V).

A motion was made by Alderman Hawkins; seconded by Alderman Young to nominate Alderman Spooner as Council President. Mayor Gamache asked council if there were any further nominations. None were made. **A motion was made by Alderman Hawkins; seconded by Alderman Young to close nomination and re-elect Alderman Spooner as Council President. Vote was unanimous, 4-0.**

Mayor Gamache thanked Mr. Spooner for his services as council president over the last year. Mr. Young and Mr. Hawkins also expressed their thanks to Mr. Spooner for his tremendous leadership on behalf of council.

9. Mayor's Report.

- a) Council Committees

Mayor Gamache stated that if there are no objections, she proposes to re-appoint the current members to the Finance Committee and Public Safety Committee. No objections were made. Mayor Gamache appointed Aldermen Hawkins, Young and Pelkey to the Finance Committee with Alderman Hawkins as Chair and appointed Aldermen Spooner, Doyle and O'Grady to the Public Safety Committee with Alderman Spooner as Chair.

- b) Library Trustees Vacancy

Mayor Gamache stated that there is a vacancy for a Library Trustee position and added that information for those who have an interest in applying will be posted on the City website and published in the St. Albans Messenger, allowing a two week window for applications to be received.

Mr. Young asked if vacancies would also be filled for the Planning Commission and the Development Review Board. Mayor Gamache responded affirmatively and stated that those vacancies will be posted as well in the near future.

10. Public Safety Report (Chad Spooner).

Mr. Spooner explained that the Public Safety Committee recently met and will be making recommendations to council. During their meeting, the committee primarily discussed sidewalks

and placement of a stop sign at the intersection of Bishop Street and Brown Avenue. He added that paving was also discussed but needs to be fine tuned between Mr. Cloud and Mr. Robtoy. Mr. Spooner explained that the proposed sidewalk projects include the north side of Brainerd Street up to High Street and sidewalk down the north side of Aldis Street before crossing to the new sidewalk on the south side. Mr. Spooner stated that at this time, there are no recommendations for council because there is more to discuss and noted that the estimated cost for sidewalks on Aldis and Brainerd Street total \$64,000 of the \$80,000 budget. Mr. Spooner added that when the time comes, the committee will recommend a stop sign at the corner of Bishop Street and Brown Avenue. Mr. Young commented that at some point, he would propose that Bishop Street be turned into a one-way street. Mr. Spooner stated that the committee also discussed some of the committee's priorities and will finalize the list of priorities during the council retreat. Mr. Young asked if the two sidewalk projects would be moving forward. Mr. Spooner stated that recommendations have not been made yet. Mr. Young asked if there was a diagram of the proposed projects that could be posted on the City website. Mr. Cloud stated that process-wise, staff brought items to the committee for discussion purposes and will then come back before council for approval. He added that as part of that process, staff can certainly post information on the website.

11. Special Liquor Committee Report (Tim Hawkins).

Mayor Gamache explained that the Special Liquor Committee was created to review and make recommendations regarding ranks for the Liquor Control Board in terms of renewals and enforcement. Mr. Hawkins explained that the Special Liquor Committee will be meeting with Bill Goggins, Director of Vermont Liquor Control, on April 23rd at 5:30 pm and is hopeful to have some materials ready to hand out prior to that meeting and will invite some members of the public to attend. Mr. Hawkins added that he has begun drafting a proposed liquor ordinance and wants to be sure that council knows what their authority is in the City.

12. Streetscape Update (Chip Sawyer).

Mr. Hawkins stated that the updates in the Messenger regarding the Streetscape construction have been very effective. Mr. Sawyer added that in terms of communication, all tenants of the block under construction have received flyers and/or a phone call to make them aware of the timeline for construction. After that initial communication effort, Mr. Sawyer explained that the City has been using the City webpage (stalbandsvt.com/streetscape) the Downtown Facebook page, email blasts, Front Porch Forum as well as the St. Albans Messenger to alert residents of construction updates. He stated that he has yet to receive a single complaint about the one-way lane closure today. The utility portion of the project is one week ahead of schedule and he believes that the sidewalk will be poured by the end of April. Mr. Sawyer added that the quilt show that took place at City Hall this past weekend was successful, despite the construction. Weston & Sampson will be moving construction to the vicinity of Chow Bella in May, Taylor Park in June and Lake Street south by end of July, early August.

Moving onto design aspects, Mr. Sawyer explained that there are some design changes that need to be made. The first includes the alleyway driveways located across the street from City Hall next to Howard's and the James Levy building. Mr. Sawyer explained that planning had to be done to determine how the new curb would meet the driveway and end at a stop. It was decided that a granite box would be created at the juncture of the curb and driveway to house flowers or shrubs, possibly in a raised planter. Located next to this granite box would be the placement of a tree pit, ringed with brick. Additionally, on the corner of Bank Street and Main Street, there was an issue with matching and ending the step-up and believes that the solution will also be to add a granite

box for flowers or shrubs. Mr. Sawyer explained that the parking signs were redesigned to be much smaller and to be placed on the street lights and will allow the City to eliminate the poles that the large parking signs were originally attached to. Mr. Sawyer stated that the other issue is that the original construction plans showed the two alley ways (one located between City Hall and Sweet Nothings and the other located between Mi Casita and Subway) with curbing at the street and realized that the City would need to confirm with property owners to see whether they mind that their driveway access be closed off to vehicles. Mr. Sawyer explained that the alley located next to Mi Casita will need to be redesigned after speaking to that property owner. Mr. Sawyer stated that an ornamental street clock has finished being designed and will be located at the midpoint of Taylor Park at the crosswalk facing north and south. The clock will have Arabic numerals with a black and gold finish. Other design features include recycling stations, bike racks, dog stations and trash barrels. Mr. Sawyer added that a map indicating where individuals can park during construction has also been produced and is located on the City website and Facebook page. In addition, display boards showing the Streetscape project similar to the board located outside of City Hall will be placed in the park and next to Tim's Place.

Mr. Hawkins stated that he is displeased with the off-working state of the sidewalk between businesses and the construction site and is wondering if some planking should be put down in an effort to level the walkway. Mr. Sawyer responded that Weston & Sampson can likely add more gravel. Mr. Hawkins stated that he also read Jeff Young's message on Front Porch Forum regarding the newly laid, middle section of the east sidewalk at Taylor Park and doesn't believe there should be any deterioration after one year. Mr. Robtoy stated that he has not personally seen it yet and thought the post was referring to the northwest corner by Bank Street which was installed four years ago. Mr. Sawyer stated that there was a post on Front Porch Forum from Jordan Weinstein that was referring to the two ends of the western sidewalk and the deteriorating bricks of the crosswalk off the western sidewalk. Mr. Sawyer stated that the City has learned a lot about what sheeting water action coming from the north/south sidewalks does where they meet the ends of the western sidewalk and now know that we cannot place pervious sidewalk at the ends. Mr. Young confirmed that the City did not use pervious sidewalk on the east side. Mr. Sawyer stated that it was his recollection that some of the work on the uphill side of the east sidewalk was never finished and would be completed this year. Mr. Hawkins asked that this issue be addressed on the next meeting's agenda. Mr. Young stated that the east sidewalk was not built like the west sidewalk which has 6" of crushed stone drainage on either side. He added that the water was never intended to sheet off on the east sidewalk and stated that the only problem has been when the east/west sidewalks sheet off when they're full of sand in the springtime. Mr. Young explained that the problem was recognized during the first year the sidewalk was installed and the plan is to fix them during the Streetscape project. When the east sidewalks were built, solid concrete ends were included to avoid the sheeting action, but didn't realize that there would be significant sheeting action off of that small slope. Mr. Young explained that a lot of fine sand was dug up when the sidewalk was installed and during the springtime when the sheeting action occurs, the sand falls into the holes and plugs them and the water which has nowhere to go then freezes and breaks the top. Mr. Young stated that some investigating will need to be done to determine whether or not the concrete was sound and added that the worst case scenario will be that three sections of the sidewalk needed replacement and now know what the problem is for future reference. Mr. Robtoy asked if that was the conventional sidewalk or the porous concrete. Mr. Young responded that it was the porous concrete. Mr. Young noted that the sidewalk was funded by State money.

Pearl Gilbert, a member of the audience, introduced herself and asked where the access will be located for the handicap in the Streetscape project. Mr. Sawyer responded that there is handicap parking on Main Street at the corner of Congress Street in addition to handicap parking on Bank Street. Ms. Gilbert also asked if the tree planter to be installed next to the Levy building driveway would create an obstruction for a vehicle trying to enter and exit the driveway. Mr. Sawyer responded negatively. Mayor Gamache commented on how accessible City staff has been during the project.

13. Financial Report (Peg Strait).

Ms. Strait explained that at the end of the 3rd quarter, the General Fund has a number of substantial, one-time payments which allows for surpluses for the first six months. She added that this is typically the quarter where the expenses start to catch up with the revenue which is 73.7% year to date. Expenses are 74% year to date, leaving a 1% deficit which is the same deficit the City had last year at this time.

Ms. Strait explained that there is one more coupon for property taxes which is due May 30th. Between 2009 and 2011, the City is still owed approximately \$29,000 in delinquent taxes and in 2012 the City is owed just over \$77,000. There are twenty five total properties that have delinquencies over \$1,000 which is the threshold for a property to be eligible for tax sale, twelve of which have payment agreements in good standing. Ms. Strait explained that the remaining thirteen properties are eligible for tax sale which the City plans to initiate within the next six weeks. The City expects to receive approximately \$10,000 in delinquent taxes from existing payment agreements by the end of the fiscal year.

Ms. Strait stated that some non-property tax revenue is still due for the General Fund. The State payment for Railroad taxes has been trending between \$8,085 and will be received in late May, early June. The refund of worker's compensation premium after the May workers comp audit ranges from \$23,000 - \$28,000 and is shared by all three funds. Assessing revenue includes the \$21,000 - \$22,000 per parcel payment from the State. Ms. Strait proceeded to explain the self-supporting, non budgeted governmental funds which had activity in the month of March; The Revolving Loan Fund accrued between \$20 - \$25 in interest, \$19,500 was paid out for Federal Street By-Pass Project, just over \$15,500 was paid out for the Streetscape Project and \$48,000 was paid out in Tax Increment Financing for general consulting costs.

In terms of Water and Wastewater, Ms. Strait stated that the funds are doing very well prior to depreciation. All of the items in excess of the 75% target in the Water fund are related to the accelerated work at the Fairfax dam. In March, \$190,200 was refunded in allocation fees and interest which included \$38,000 from the Water fund for the current year and \$47,000 from the Wastewater fund for the current year. The remaining \$15,000 was a prior period adjustment that does not affect the current year.

Ms. Strait recapped on a discussion that occurred at a prior meeting during the auditor's presentation and recalled that Mayor Gamache asked how the City's debt limits compare to other municipalities. She explained that 24 VSA Section 1762 limits debt for public improvements for General Fund to ten times the grand list. Ms. Strait stated that the City's grand list is \$4.7 million. At end of 2012, the General Fund long-term debt was approximately \$1.7 million or 36% of the grand list. Ms. Strait stated that over the last several years, the Finance Department has developed some accounting policies and procedures and it is their recommendation that debt be kept under 50% of the grand list. Ms. Strait stated that another meaningful measure in terms of

long-term debt is how it trends in relation to equity. Generally, if debt decreases or remains steady as equity grows, a company is considered to be in a strong, healthy financial position. In 2001, the general fund had \$1.4 million in debt and negative net assets. That has slowly improved and this past year debt was 35% of equity.

Mr. Spooner asked where fundraising for the fountain can be found on the financial spreadsheet. Ms. Strait responded that it is not on the balance sheet but is in its own fund. Mr. Spooner asked if that fund could be listed on the financial spreadsheet in the future and also asked if fundraising goals could be included on the website. Ms. Strait responded affirmatively. Mr. Young acknowledged that the first \$25 donation for the fountain fund came from Marie Limoge. Mayor Gamache stated that council is hopeful to receive additional money from upcoming fundraising activities and stated that Mr. Cloud and Alderman Spooner will be jumping into the lake at the bay dock on Saturday at noon to raise money. Mr. Doyle asked if acronyms could be placed on the bottom of the television screen at Channel 15 for viewers watching at home. Ian, the cameraman confirmed he could if an acronym list is sent to Channel 15 prior to the meeting.

14. Minutes: Special Council Mtg. 3/25

A motion was made by Alderman Spooner; seconded by Alderman Young to approve Special Council Minutes from March 25, 2013 with the changes discussed. Vote was unanimous, 4-0.

15. Warrant (D&V) 4/3/13. Item was tabled for future meeting.

16. Other Business.

Mr. Cloud explained that it is with great regret that Brad Lanute, Zoning Administrator, has submitted his resignation letter and will be relocating to Louisiana. Mr. Cloud added that he is working with staff on a couple of ideas in terms of how to restructure the position in the future. In addition, the City has been recruiting for a Director of Finance & Administration position to replace Peg Strait who is tentatively scheduled to depart on July 1st. Ms. Strait added that thirty two applications have been received thus far. Mr. Young expressed that he is very sad to see Brad Lanute leave and explained that he has done a tremendous job for the City.

Mr. Doyle stated that the Planning Commission has been discussing the low income housing application that was presented by the Champlain Housing Trust at the last meeting and would like to discuss further. Mayor Gamache encouraged Mr. Doyle to bring that item forward during the council retreat.

Mr. Young noted that he will be meeting with Mike Willard and Chip Sawyer on Wednesday at noon to discuss tree planting in the streetscape. Mr. Young stated that he will also be meeting with the engineers responsible for the fountain repair shortly to start working on the details and expressed that the \$500,000 cost estimate is in his opinion a worst case scenario. Mr. Sawyer asked Mr. Young what type of trees will be planted during Streetscape Project. Mr. Young stated that the trees in the initial plan are not the species that they will be using and will be meeting with Mr. Willard to determine the exact species but added that they will be 2" shade trees. Mayor Gamache asked if the objective remains that a tree species with good chances of survival will be chosen as well as a species that has a shape that would not block store fronts. Mr. Young responded affirmatively and added that the trees will be actively maintained. Mr. Young explained that generally, sidewalk trees are considered to have a twenty year life span but is hopeful that these trees will have an extended life span.

17. Adjourn.

A motion was made by Alderman Young; seconded by Alderman Spooner to adjourn meeting at 7:45 pm. Vote was unanimous, 4-0.

Respectfully Submitted,

Kristen Knoff
Administrative Coordinator

Approved by Council