



# OFFICE OF THE CLERK/TREASURER

City of Burlington

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## BOARD OF FINANCE MONDAY, MAY 13, 2013

### MINUTES

**PRESENT:** Mayor Weinberger; City Council President Shannon; Councilors Bushor and Knodell; Interim CAO Sisson

**ALSO PRESENT:** Councilor Hartnett; ACAO Goodwin; ACAO Schrader; Stephen Barraclough, BT; Assistant City Attorneys Gene Bergman and Richard Haesler; Pat Buteau, Steve Goodkind, and Norm Baldwin, DPW; Peter Owens, CEDO; Seth Lasker, Fire; Lise Veronneau, Police/Fire; Phil Lavigne, Channel 17.

#### 1. Agenda

Mayor Weinberger stated they will add item 10.5. Authorization to Accept Grant for Portable Radios – Police to the agenda.

Councilor Knodell requested they add item 12. Discussion of Future Meeting Dates.

On a motion by Councilors Bushor and Knodell, the agenda was adopted unanimously as amended.

#### 2. Public Forum

No one spoke on this item.

#### 3. Approval of the Board of Finance Minutes

a. April 18, 2012

b. April 22, 2013

Councilor Knodell requested amendments to the April 18 minutes to clarify the answer to a question she had asked. She also requested they insert language to clarify the reasoning behind her vote.

City Council President Shannon requested they add language to the minutes clarifying the purpose of the bond.

Councilors Knodell and Bushor made a motion to adopt the April 18 minutes as amended and the April 22 minutes as presented. The motion passed unanimously.

#### 4. Authorization for Contract Amendment for Repair of Stormwater Basins – DPW

Councilors Bushor and Knodell made a motion to approve the contract amendment. The motion passed unanimously.

**5. Authorization for Use of Traffic Impact Fees for Pedestrian Signal Projects – DPW and**

**6. Authorization for Use of Traffic Impact Fees for Traffic Signal Upgrades – DPW**

City Council President Shannon and Councilor Bushor made a motion to approve the use of Traffic Impact Fees for traffic and pedestrian signal upgrades.

Councilor Bushor inquired if the total cost of the project is \$91,000. She inquired if the \$5,500 request is included in that total. Pat Buteau, DPW, stated that the \$5,500 request is separate.

Councilor Knodell stated the signal at Archibald St. and North Winooski Ave. is much needed. Mr. Buteau stated it is one of the last signals to be upgraded.

The motion passed unanimously.

**7. Authorization for Contract Amendment with VTrans for Champlain Parkway – DPW**

Councilors Bushor and Mayor Weinberger made a motion to approve the contract amendment.

City Council President Shannon inquired if this is request for reimbursement. Steve Goodkind, DPW, stated they are requesting approval for additional funds from which they can request reimbursement in the future. They do not want the work to get ahead of the budget. This will increase the budget by \$400,000. The agreement with the contractor also needs to be amended to allow for an increased total expenditure. City Council President Shannon inquired if this is increasing funding for money that has not already been spent. Norm Baldwin, DPW, stated they are asking for authorization to amend the contract to allow the City more funds to do more work. City Council President Shannon inquired what the money will go to. Mr. Baldwin stated it will be used to advance the project. It will pay for work being done by Clough Harbor, the State of Vermont, legal services, and internal engineering expenses. City Council President Shannon stated she appreciates that this is no longer being done retroactively.

Councilor Knodell inquired if they are current on payments from the State. Mr. Goodkind stated there are some bills from a few years ago that they are disputing. Mr. Baldwin stated they have made significant progress in reducing outstanding bills for this project.

The motion passed unanimously.

**8. Authorization for Contract Amendment with Clough Harbor & Associates – DPW**

The Board addressed an item that would allow for increased maximum limiting amounts in contracts associated with design and legal work for the Champlain Parkway.

City Council President Shannon and Councilor Knodell made a motion to approve the contract amendment. The motion passed unanimously.

Councilor Bushor requested an update about projected costs and the status of the Champlain Parkway project.

**9. Amendment to Encumbrance Permit/License Agreement with 41 Cherry St. LLC – City Attorney**

Assistant City Attorney Haesler stated this is an agreement with Hotel Vermont which is in the final stretch of construction. The original encumbrance permit allowed for 18 meter bags, but there have been periods of time where they have used 24 bags. They have done a great job getting the project done. They did not have an agreement in place to reduce the bag fees for the additional bags that they needed to use. This would amend their encumbrance permit to allow for the extra bags and reimburse them for the excess that they paid for the additional bags. Their original permit expired in March, but there was a provision it could be extended on a month to month basis. This will extend the obstruction period at no additional fee in exchange for resolving the meter bag fee dispute. It will reflect the true encumbrance period and all of the fees have been paid.

Councilor Bushor stated this refers to the construction of the hotel. Assistant City Attorney Haesler stated the restaurant is a part of that project. They are extending the period of the encumbrance. Councilor Bushor inquired about the license fee. Assistant City Attorney Haesler stated they have removed the fee. The first amendment allowed them until May 31. They had extended the encumbrance fee by \$1,100. Through discussions, they determined that they will need four additional months. They are resolving a dispute by removing references to the fees. They have 24 meter bags and an encumbrance period running through July. All of their fees are paid and the City is not seeking additional monies. Councilor Bushor inquired if the resolution needs to reference the fees. Assistant City Attorney Haesler stated that fees can be referenced in the resolution but should not be in the agreement. This cleans up a document that was executed two years ago. Councilor Bushor inquired how she would know that the financial piece of this has been resolved if she were to research this project in the future. Assistant City Attorney Haesler stated that the encumbrance agreement should not reflect anything other than the extensions. The resolution will explain the City's rationale for allowing these changes.

Councilor Knodell inquired if they would have been charged the same rate had they known the correct quantity of bags up front. Assistant City Attorney Haesler stated he believes so. They negotiated the price based on past agreements and the fact that this is a partnership with the City. The City is making an effort to ensure they are being fair, as it is a project taking place on City land. Councilor Knodell inquired about the fee. Assistant City Attorney Haesler stated they are not requiring them to pay an additional fee for the extension. This has been a successful project.

City Council President Shannon stated she does not like this but does appreciate the process. She will support this, but requested that going forward they establish a rate for situations like this that reflects what the City's income would be on these meters. They could calculate what an average meter gets over the course of a month. The City should probably be getting more money for the loss of revenue from meters. This project is significantly impacting that portion of the City and they should have to pay for that. Assistant City Attorney Haesler stated the rate was based on typical income. The reason they typically charge a higher rate is because of the inconvenience that it causes to the City and its citizens. Asking them to pay the higher rate did not make sense in this case, as it was very important that the City accommodate this project. They may need to

amend the Ordinance to reflect long-term agreements as having consistency. City Council President Shannon stated that is good to know, but it is not something that the City Attorney's Office should have to negotiate. It would be helpful to have something in writing.

Interim CAO Sisson stated they are working to review how much money meters take in. Mayor Weinberger stated he is happy to review the policy, although this particular project may have had too many facets for a blanket policy. This project is a key driver of the liquidity of the TIF District. There were a number of issues over the last year and he is pleased with the outcome.

Councilor Bushor inquired if the company came back to the City with their request for additional meters. Assistant City Attorney Haesler stated this was not a regular occurrence. It happened during a period of time when there was a lot going on with construction. If it could have been anticipated, it would have been. It was rolled into a number of disputes and they bargained with each other. This is the final result. There will soon be an opening and everyone will be pleased. Councilor Bushor stated if a project needs more spaces they need to evaluate whether they can accommodate them. Assistant City Attorney Haesler stated they were given the bags because they were available. They then needed to negotiate price.

Councilors Knodell and Bushor made a motion to approve the amendment to the encumbrance permit. The motion passed unanimously.

#### **10. Authorization for Mutual Equipment Sharing Agreement with S. Burlington – FIRE**

The Board addressed an item to allow the Fire Department to enter into an agreement with South Burlington that would allow them to share equipment.

Councilors Bushor and Knodell made a motion to approve the agreement.

Councilor Bushor requested they correct the resolution to pluralize the word department.

The motion passed unanimously.

#### **10.5 Authorization to Accept Portable Radio Grant - POLICE**

The Board addressed an item to allow the Police Department to accept a grant from the State of Vermont Department of Public Safety for \$50,248 to purchase portable radios.

Councilor Knodell and City Council President Shannon made a motion to accept the grant and amend the budget. The motion passed unanimously.

#### **11. Authorization for Video Signal Equipment Purchase - BT**

Councilor Bushor and City Council President Shannon made a motion to approve the purchase.

Mayor Weinberger inquired if this will have an impact on their ability to make payment. Stephen Barraclough, BT, stated in any given month they may not have an ability to make payment, but they always project accordingly.

The motion passed unanimously.

## **12. Discussion of Future Meeting Dates**

Interim CAO Sisson outlined the meeting dates that are currently scheduled.

Councilor Bushor suggested they consider meeting on the same nights as City Council so that they do not have to meet every single Monday. She understands the desire to avoid concurrency, but does not want to burden the Board with meeting every week. Interim CAO Sisson stated doing that in the summer is difficult because items addressed at the Board of Finance would have to wait a whole month for City Council action. Councilor Bushor stated beyond the summer months, she would like to consider doing it the same night as City Council meetings. In the past, an item would appear before Board of Finance and two weeks later would appear on the City Council agenda. Interim CAO Sisson stated that model requires three weeks from the time they know they will need Board of Finance approval to the time they can actually get City Council approval. Many items need to move more quickly. Councilor Bushor stated meeting on City Council nights has worked in the past.

Councilor Knodell stated she likes having some meetings that are not the same night as City Council meetings because it makes for a very long evening when there are two back to back meetings. She is not convinced that meeting the same night is always the best.

Mayor Weinberger stated in the summer months they will hold Board of Finance meetings the week before the City Council meetings.

City Council President Shannon stated she prefers to meet on the same night as City Council to the extent that it is practical. She does not object to having concurrent items, but others may. However, when items are concurrent, it is helpful to have information farther in advance. Meaty items should not be concurrent.

Without objection, Mayor Weinberger adjourned the Board of Finance meeting at 5:53 pm.