INFORMATIONAL MEETING AGENDA
THURSDAY, MARCH 9, 2017
CITY HALL (COUNCIL CHAMBERS)
6:30 P.M.

A. Items for discussion submitted by the City Council and/or the City Manager:

1. Howard Hill Project Agreement – City Manager
2. MDOT Painting of Calumet Bridge – City Manager
3. Continued Discussion of Mineral Extraction and Blasting Ordinance – City Manager
4. Real Estate Owned at 8 Maine Street – City Manager
5. Kennebec Locke RFP – City Manager
6. Historic District Review Board Recommendations – City Manager

B. Persons wishing to address the City Council who have submitted a formal request in accordance with Section 2-61 of the Code of Ordinances:

C. Open comment period for any persons wishing to address the City Council.
To: Mayor and Council  
Fr: City Manager Bill Bridgeo  
Da: March 6, 2017  
Re: Howard Hill Project

In preparing to go forward with closure to the Howard Hill project that will convey title of the land from its current owner, the Kennebec Land Trust (KLT), to the City along with a perpetual conservation easement back to KLT, a requirement by the State’s Land For Maine’s Future funding agency has come up that only City Council can address.

Here some history may be helpful. For several years, the Land Trust has worked to acquire this prominent 164 acre historic backdrop to the State Capitol and valuable open space parcel. KLT was ultimately successful in negotiating a purchase price ($925,000) from owner Sumner Lipman that was below appraised value. KLT then conducted a successful fundraising campaign to raise privately about two-thirds of the approximately $1.19 million project costs (includes purchase price, survey, environmental assessment, a $100,000 fund for stewardship of the property and other project costs).

Part of the funds raised included a $337,500 grant from the Land for Maine’s Future program. Stiff opposition from the Governor to this project (and a general animus on his part to the LMF program in general) ultimately resulted in a reduction of the LMF grant amount to slightly less than half of the original award ($163,500). Not to be deterred, KLT redoubled its fund-raising effort and raised the shortfall caused by the cut to the LMF award.

Dating back to when KLT first approached the City Council several years ago about a partnership to acquire and preserve the property, Council has been enthusiastically supportive (unanimously so as I recall). All along, the intention has been for the KLT to negotiate for and purchase the property and then deed it over to the City in exchange for the City granting back to the KLT a perpetual conservation easement that will forever preserve the property for the benefit and passive recreational enjoyment of the general public.

When all of the funding components fell into place, KLT secured a bank loan ($500,000) in October, 2015 to cover the anticipated LMF $337,500 and funds that had yet to be raised and closed with Mr. Lipman. About this time, City Council authorized me, after appropriate review by the City Attorney, to execute the documents that would transfer ownership of the property to the City and put in effect the conservation easement. In addition, as part of the grant agreement with LMF, the City and the KLT were then required to execute a "Project Agreement" whereby the City agrees to adhere to the current regulations for LMF projects and any future LMF regulations that may be promulgated (in this case by the Maine Department of Inland Fisheries and Wildlife – the Designated State Agency for this project). This is where our attorney handling this matter (Mike Lane, a partner of Corporation Counsel Steve...
Langsdorf) and vetting the documents raised a concern about the open ended nature of this City commitment to the State. Attorney Lane’s concern is articulated in the attached memo provided to me last week.

After a number of conversations between City staff (including me), our attorney, representatives and the attorney for KLT, and representatives (from LMF and IF&W) and the attorney for the State, there appears to be no alternative for getting to closure on this project other than the City agreeing to the terms LMF has laid out in the project agreement whereby the City certifies that it will abide by all current and future state regulations associated with property acquired with the assistance of LMF funds.

My long experience with state programs like this tells me that as a practical matter there is minimal likelihood that the City of Augusta will ever be forced to expend a burdensome amount of money to comply with future state requirements (the property is by the nature of this program bound by a strict conservation easement). Leif Dahlin (whose career experience in grant programs like this matches or exceeds mine) feels the same way. But neither of us can state unequivocally that there would never be a time when the state might impose some new regulation that had cost implications for the City. So, it becomes a question of whether City Council feels that the public purpose and public benefit of acquiring and preserving this property for posterity outweighs the uncertainty of committing to a grant condition that might someday obligate the City to some cost.

As I do not see any willingness or ability on the part of the state to drop this language from the project agreement (they advise that it is standard and that a number of other municipalities that have received LMF grants have agreed to it without objection), I believe that if we refuse to agree then the entire project is jeopardized. I look forward to receiving guidance from you on Thursday evening.
MEMORANDUM

TO: William Bridgeo, City Manager, City of Augusta

FROM: Michael L. Lane

DATE: March 2, 2017

RE: Howard Hill

On behalf of the City, I have reviewed the proposed Land for Maine’s Future (“LMF”) Project Agreement (“PA”), the Conservation Easement (“CE”) from the City to the Kennebec Land Trust (“KLT”) and the deed (“Deed”) from KLT to the City, the most recent drafts of which are attached to this memo. My principal concern with these documents is that they obligate the City to take whatever actions and to expend whatever monies LMF deems necessary to ensure that the City’s ownership and use of the Howard Hill property conforms with the provisions of the PA, which requires compliance with all current and future LMF regulations, rules, policies and so on (collectively, “LMF Policies”). It is this future unknown that concerns me.

In a February 26, 2017 email to me, the Director of LMF states (and the current drafts of the documents support this position) that LMF may force the City to take action and/or spend money to ensure the property remains in compliance with the PA and all current and future LMF Policies:

The State and KLT have rights to enforce the PA and CE to the extent that the laws allow. Maintaining compliance may or may not require the City to expend money.

MDIFW, representing the State as the Designated State Agency and LMF as the funder have the responsibility of ensuring that the City complies with the Project Agreement and provisions of the bond.

It is clearly stated in the PA that in the event the City does not meet its obligations under the PA, the Designated State Agency may require the City to come into compliance. See the LAND FOR MAINE’S FUTURE FUND PROJECT AGREEMENT GENERAL PROVISIONS for details, particularly Sections: B. FINANCIAL ABILITY; D. USE AND MAINTENANCE OF PREMISES; and I. ENFORCEMENT ALTERNATIVES.
Memorandum

William Bridgeo, City Manager, City of Augusta
March 2, 2017

In a series of emails to you and City staff, I have advised you all as to the present obligations of the City contemplated by the documents. I cannot foresee what future LMF Policies may be and thus cannot advise the City as to what future compliance might entail.
Calumet at Old Fort Western Bridge
Painting Project

GENERAL SCOPE OF WORK

The Maine Department of Transportation is currently working on the final design of the Painting project for the Calumet Bridge #3078 WIN 21712.00 in the City of Augusta. Advertisement of the subject project for competitive bids is scheduled for April 2017. We estimate that the construction would begin approximately in August 2017 and be completed by November 15th, 2017.

The project is further described as follows: Bridge painting of Calumet bridge #3078 in Augusta carries route 27 over the Kennebec River.

Traffic will be maintained such that two-lanes of traffic will be maintained with the third lane closed (Upstream lane closed from assisted living home to roughly center of bridge allowing enough space for traffic signals to maintain traffic) for painting equipment for 2 months. One sidewalk shall be closed for equipment and building containment for two months.

This work will be very loud and we will be using sound walls to reduce the noise but it will still be very loud.

The Contractor shall plan and conduct his operations in such a manner that the Route 27 remains open to traffic with a minimum of two 12 foot lanes and one sidewalk. All traffic control items necessary to maintain two lanes of traffic shall be paid for by the appropriate pay items.

The contractor is allowed to close one lane for installing containment and staging equipment for 60 days. No lane closures shall be allowed before August 1, 2017. The lane and sidewalk that can be closed is the northerly or upstream side of the bridge from in front of the Assisted living home to just prior to the center of the bridge (Approximately 250 feet). The west bound approach to Water Street will require 250 feet of storage in the right hand lane and a 50 foot taper in the right hand lane to maintain traffic flow. The west bound lane starting at Willow street just beyond the cross walk will require a 100 foot taper to close the upstream west bound lane.

The contractor shall conduct their work such that high noise work such as Blasting and cleaning shall be done between 6:00 AM and 9:00 PM. The contractor shall conduct their work such that high noise work such as blasting and cleaning shall not start prior to August 14th, 2017. Noise mitigation will be required on this project.

The bridges shall be complete and the connector opened to three lanes of traffic and no shoulder closures with no restrictions on or before November 17, 2017. Supplemental liquidated damages will be assessed to the Contractor at the rate of One Thousand ($1000.00) U.S. dollars per Calendar Day for every day lane restrictions and the shoulder closures are still in place after November 17, 2017. Supplemental liquidated damages will be assessed to the Contractor at the rate of One Thousand ($1000.00) U.S. dollars per Calendar Day for every day beyond the 60 days allowed for the lane and sidewalk closure.

This assessment of liquidated damages will be in addition to the liquidated damages specified in section 107 of the Department of Transportation Standard specification.
MEMORANDUM

To: Mayor and Council
From: William R. Bridgeo, City Manager
Date: March 6, 2017
RE: Tax Acquired Property
   8 Maine Street

In March, 2011 the City acquired the above vacant lot of land as a result of non payment of real estate taxes. Details of the lot are as follows:

   Address:  8 Maine Street
   Style:   vacant land
   Assessed value: $28,000.00
   Map:  25, Lot 63
   Lot size:  0.12 acres
   Zone:   RA

The Conservation Commission did review the parcel and recommends that the City not retain it for its own use.

Several attempts have been made by the City to liquidate the property. Contacting the abutters and holding several sealed bid requests have resulted in no sales or interest.

It is my recommendation that we list the property with realtor Matt Pouliot with whom the City has a sellers agent agreement.

Attachments:  Site Map
              Assessor’s Property Card
REQUEST FOR QUALIFICATIONS FOR
THE DEVELOPMENT OF CITY-OWNED PROPERTY
AT THE KENNEBEC LOCKE SITE

Issue Date
April 3, 2017

Due Date
1:00 P.M. Local Time
May 1, 2017
REQUEST FOR QUALIFICATIONS

FOR

DEVELOPMENT OF CITY-OWNED PROPERTY At

THE KENNEBEC LOCKE SITE

SECTION I. INTENT.

The City of Augusta ("City"), by this Request for Qualifications ("RFQ"), sets forth its intent to consider proposals for development of City-owned property. The City invites developers, end-users and interested parties (collectively "Responders") to submit qualifications to develop City-owned property located at the terminus of Drum Barker Road ("City Property") described in Section II of this Request for Qualifications ("RFQ"). This portion of the site contains 4± acres. The selected respondent will have experience developing single family and/or multifamily housing consistent with the established Kennebec Locke at Head Tide Development Plan ("Development Plan").

A copy of the Redevelopment Plan is available at: http://ftp.augustamaine.gov/kennebeclocke/

SECTION II. CITY PROPERTY DESCRIPTION.

The site has 4± acres and is located at the end of Drum Barker Road in Augusta, identified on City tax maps as a portion of Map 40 – Lot 14, described in a deed recorded at the Kennebec County Registry of Deeds Book 11944, pages 105-110.

A survey of the site can be downloaded here: http://ftp.augustamaine.gov/kennebeclocke/

SECTION III. ZONING.

The current zoning of the City Property is "KL" Kennebec Lockes – a site-assigned zoning district intended to promote flexible, multi-purpose development including a range of appropriate retail, commercial and residential uses, included but not limited to residential condominiums, single and multi-family home development.

Details of the Kennebec Locke Zoning district are available here - http://www.ecode360.com/30399493

SECTION IV. UTILITIES.

The City Property has access to all typical utilities including but not limited to water, electric (including three-phase), telephone, and sewer. The site is not currently served by natural gas, but is located in a natural gas service district.
SECTION V. PROPOSAL REQUIREMENTS.

Qualifications must address the following:

(1) Provide a complete description of the Responder's team including names, addresses, individual resumes' of those individuals to be assigned to the project; the responsibilities of each team member or firm; and the experience of all those involved.

(2) Include a certified financial statement, at delivery of the RFQ, supporting the Responder’s financial capability of undertaking any proposed project including current operating revenues and expenses, and a history of debt repayments.

(3) Provide a complete description of the Responder’s entity (corporation, partnership, etc.) and identification of all parties, including disclosure of all persons or entities having a beneficial interest in any proposed project.

(4) Resume’ of previous experience identifying significant experience directly related to the proposed use of the City Property.

(5) A detailed description of the concept of how any subsequently proposed project will further the goals established by the Kennebec Locke Redevelopment Plan.

(6) Time periods for commencing and completing construction of any project.

(7) Estimated build out and/or improvements cost.

(8) Proof of financial capability.

(9) A primary contact name and numbers including phone, fax, and email.

(10) An affirmative statement that the City Property will not be subject to any liens.

(11) An affirmative statement that the City will not be required to provide any financing.

(12) A signed Proposal Form that is Exhibit "B" to this RFQ.

SECTION VI. PREFERRED PROPOSAL.

The selected respondent shall:

(1) Be willing and capable of commencing construction not more than eighteen (18) months after any contract has been awarded.

(2) Be willing and capable of completing construction not more than three (3) years after commencement of any project.

(3) Include financial compensation to the City of Augusta
SECTION VII. QUALIFICATIONS PACKAGE.

Please submit one (1) bound hardcopy of the RFQ and one (1) electronic copy in PDF format.

SECTION VIII. DELIVERY.

Proposals should be marked "REQUEST FOR QUALIFICATIONS FOR DEVELOPMENT OF THE KENNEBEC LOCKE PROPERTY" and delivered:

(1) By hand, courier, USPS, FEDEX or otherwise to the City of Augusta, Development Services Office, 16 Cony Street, Augusta, Maine 04330.

SECTION IX. DEADLINE 1:00 P.M. LOCAL TIME May 1, 2017.

Proposals received after the specified time and date will not be considered. The City will not be responsible for failure of the United States Postal Service, private courier, or any other delivery means to deliver a proposal to the appointed place at the specified time in order to be considered.

SECTION X. SCHEDULE.

(1) Issue/advertise Request for Qualifications on ........................................April 3, 2017
(2) Last day for questions ............................................................ April 17, 2017
(3) Proposals due by 1:00 P.M. ......................................................... May 1, 2017
(4) Staff Selection of Respondent ........................................not later than May 15, 2017
(5) Council selection of Respondent..............................not later than June 30, 2017

SECTION XI. SELECTION.

The Development Services office shall review all qualified proposals and the proposal selected, if any, that is determined to be in the public interest for uses in accordance with the RFQ, will be presented to the City Council for consideration and approval.

SECTION XII. PURCHASE AND SALES AGREEMENT.

Subsequent to the selection, a finalized purchase and sales agreement between the City and the Responder must be approved by the City Council of the City of Augusta.

SECTION XIII. INQUIRIES AND QUESTIONS.

All inquiries, questions, requests for interpretation, correction, or clarification must be submitted in writing, either by letter or e-mail the City Contact, and shall arrive not later than noon, April 17, 2017. All responses from the City shall be in writing.
SECTION XIV. CITY CONTACT.

Keith Luke, Deputy Director of Development Services, City of Augusta at (207) 751-2962 or by email to Keith.Luke@augustamaine.gov. Copies of this RFQ may be downloaded at the City's website www.augustamaine.gov/realestate.

SECTION XV. CITY RESERVATIONS.

The City reserves the right to:

(1) Modify, waive, or otherwise vary the terms and conditions of this RFQ at any time, including but not limited to, the date schedule and proposal requirements.

(2) Waive irregularities in the proposals.

(3) Reject or refuse any or all proposals.

(4) Cancel and withdraw this RFQ at any time.

(5) Negotiate with selected Responder in order to obtain terms most beneficial to the City.

(6) Accept the proposal which, in its sole and absolute discretion, best serves the interest of the City.

SECTION XVI. DISCLOSURE.

Information regarding the City Property is believed to be reliable; however, interested parties should rely on their own experts for counsel.

SECTION XVII. PUBLIC RECORDS.

All proposals submitted to the City are subject to public disclosure pursuant to Maine State Law. An exception may be made for "trade secrets". Additional information regarding trade secrets' requirement are available upon written request.

SECTION XVIII. COLLUSION.

More than one proposal from the same Responder under the same or different names will not be considered. Reasonable grounds for believing that a Responder is submitting more than one proposal will cause the rejection of all proposals in which the Responder is involved. Those proposals will be rejected if there is reason for believing that collusion exists among Responders, and no participant in such collusion will be considered in any future RFQ's.

SECTION XIX. LOBBYING.

Responders are prohibited from lobbying with City Council, the Mayor or City Administration relative to its proposal or response to this RFQ. Non-compliance with this provision shall result in disqualification from consideration.
Memo

To:    City Council
       William Bridgeo, City Manager

From:  Matt Nazar, Director of Development Services

Date:  March 6, 2017

Re:    Historic District

The Augusta Historic District Review Board has reviewed and recommended two of the existing National Historic District boundaries be adopted as local historic districts regulated by the historic district ordinance adopted by City Council last year. The two National Historic Districts that they recommend for adoption are the downtown district and the Bond Street district.

After consultation with the State Historic Preservation Office, and being sensitive to the desire of the Council to apply for Certified Local Government status to make additional funds available to the city, these two districts are recent and the inventories of contributing and non-contributing properties is up to date. Maps of the two districts are attached.

The Historic District Review Board is working with city staff to get quotes from a consultant to update the contributing vs non-contributing designation for properties within the other two National Historic Districts on the west side of the city. Those districts are the Crosby Street National Historic District and the Westside Neighborhood National Historic District. The hope is to have those inventories updated as soon as possible, which will likely result in a recommendation to the Council for the adoption of those boundaries as local historic districts.

In addition to the boundaries on the attached maps, the Historic District Review Board recommends that the Demolition Delay ordinance carve out the geographies of the local historic districts as places within the city where the Demo Delay ordinance does not apply. The reason for this exception is that the historic district ordinance provides greater oversight and regulation of proposed demolitions than the Demo Delay ordinance, and there’s no need for a property owner to go to two different boards for a review of a proposed demolition.