

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

August 2, 2007

Minutes of the special City Council meeting held Monday, July 30, 2007 at 6:30 p.m., Council Chambers, City Center.

All members of the Council were present except Councilors Doore and Lund; Mayor Katz presided.

Public Hearing - Capital Improvement Bond Issue \$500,000 (Order 149)

Public Hearing - Capital Improvement Bond Issue \$410,000 (Order 150)

Public Hearing - Lithgow Library Bond Issue \$8,900,000 (Order 151)

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND PASSED, FINAL READING

149 ORDERED, That (1) A sum not to exceed \$500,000 be and hereby is appropriated for the purpose of paying costs of capital expenditures for the construction, reconstruction, renovation and improvement of streets, buildings and other public facilities in and of the City of Augusta (the "City") to constitute the following:

<u>Description of Improvements</u>	<u>Est. Period of Utility</u>	<u>Amount</u>
(A) Reconstruction of Winthrop Street and improvement of related facilities	22	\$250,000
(B) Improvement of City streets and related facilities throughout the City	12	\$100,000
(C) Construction of Winthrop Street sanitary sewer and improvement of related facilities	22	\$120,000
(D) Repair and Improvement of City Center	12	\$ 30,000
Total:		\$500,000

The estimated period of utility of each of the foregoing

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ AND PASSED, FINAL READING (Con't)

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improvements is hereby declared to be in excess of the number of years in the column entitled "Est. Period of Utility" following the respective description of the improvement in the table above.

(2) To meet the aforesaid appropriation, the City Manager of the City or his designee, including without limitation the Assistant City Manager for Finance and Administration (any of whom is referred to herein as an Authorized Representative), is hereby authorized and directed under and pursuant to Section 8 of Article VII of the City Charter and other enabling authority to prepare, issue and sell, at one time or from time to time, as one or more separate issues, general obligation bonds of the City in an aggregate principal amount not to exceed \$500,000. The date or dates, denominations, interest rate or rates and all other particulars as to form, issue and sale of each issue of the bonds shall be determined by an Authorized Representative, provided that each of the bonds shall be signed by an Authorized Representative and by the Mayor, whose signature may be by facsimile, shall bear the City seal or an authorized facsimile thereof, and shall mature or be payable in annual installments, the first installment to be payable on or before December 31 of the year after the year in which the bonds are issued, and the last installment with respect to an amount authorized for an improvement to be payable not later than (a) ten (10) years after the date for payment of the first installment if the estimated period of utility of the improvement is declared to be in excess of twelve (12) years or (b) twenty (20) years after the date for payment of the first installment if the estimated period of utility of the improvement is declared to be in excess of twenty-two (22) years. The bond issues authorized hereby may be consolidated for purposes of sale and issuance with any other authorized bonds, provided that the principal amount of each component of the consolidated bonds shall mature over a term not longer than the term permitted by the City Charter and other applicable law for such component and by the order authorizing such component. The bonds may be subject to call for redemption with or without premium at the election of the City before the date fixed for final payment of the bonds. An Authorized Representative is authorized to sign such agreements, instruments and certificates as are required in connection with the issuance of the bonds.

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ AND PASSED, FINAL READING (Con't)

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(3) An amount sufficient for the payment of the annual installments of principal of and interest on the bonds or any notes shall be included in the tax levy for each year during which any of such bonds or notes shall be outstanding until the debt represented by the bonds or notes is extinguished.

(4) An Authorized Representative be and hereby is authorized to borrow at one time or from time to time in anticipation of the bonds to be issued as herein authorized, when and as funds may be required, a sum or sums not exceeding the aggregate principal amount of the bonds as herein authorized, and to prepare, issue and sell at public or private sale, the temporary note or notes of the City therefor and to renew the same as deemed advisable, provided that any such temporary note or renewal note shall be paid within the maximum term permitted by law therefor. An Authorized Representative is hereby authorized and directed, subject to the provisions of this Order and applicable provisions of law, to sign and determine the date or dates of the note or notes (including renewal notes), the interest rate or rates they shall bear and all other details of things necessary and proper to effectuate the issue and sale thereof, provided that each note shall be signed by an Authorized Representative and by the Mayor, whose signature may be by facsimile, and shall bear the City seal or an authorized facsimile thereof. An Authorized Representative is authorized to sign such other agreements, instruments or certificates as are required in connection with the issuance of the notes.

(5) For purposes of U.S. Treasury Regulation Sec.1.150-2, the City reasonably expects (1) to incur debt to reimburse expenditures (including expenditures made within the last sixty (60) days) temporarily advanced from funds of the City, such expenditures to be made to pay the cost, or a portion of the cost, of the foregoing construction, reconstruction, renovation and improvement and (2) that the maximum principal amount of debt to be issued by the City for the foregoing construction, reconstruction, renovation and improvement including for reimbursement purposes is \$500,000 and an Authorized Representative is authorized to advance money of the City for payment of such costs.

Yeas: 6; Byron, Gomeau, O'Brien,
Rollins, Coffin, Koski

Nays: 0

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND PASSED, FINAL READING, AS AMENDED

150 ORDERED, That (1) A sum not to exceed \$410,000 be and hereby is appropriated for the purpose of paying costs of capital expenditures for the construction, reconstruction, renovation and improvement of streets, buildings and other public facilities in and of the City of Augusta (the "City") to constitute the following: constituting the construction of a sand and salt shed, the renovation of the Buker Community Center, the renovation and repair of the Police Station and related improvements.

The estimated period of utility of each of the foregoing improvements is hereby declared to be in excess of the number of years in the column entitled "Est. Period of Utility" following the respective description of the improvement in the table below.

<u>Description of Improvements</u>	<u>Est. Period of Utility</u>	<u>Amount</u>
(A) Construction of Sand and Salt Shed	22	\$ 275,000
(B) Renovation of Buker Community Center	12	\$ 46,000
(C) Renovation and Repair of Police Station	22	\$ 89,000
Total:		\$410,000

The estimated period of utility of each of the foregoing improvements is hereby declared to be in excess of the number of years in the column entitled Est. Period of Utility following the respective description of the improvement in the table above.

(2) To meet the aforesaid appropriation, the City Manager of the City or his designee, including without limitation the Assistant City Manager for Finance and Administration (any of whom is referred to herein as an Authorized Representative), is hereby authorized and directed under and pursuant to Section 8 of Article VII of the City Charter and other enabling authority to prepare, issue and sell, at one time or from time to time, as one or more separate issues, general

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ AND PASSED, FINAL READING, AS AMENDED (Con't)

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obligation bonds of the City in an aggregate principal amount not to exceed \$410,000. The date or dates, denominations, interest rate or rates and all other particulars as to form, issue and sale of each issue of the bonds shall be determined by an Authorized Representative, provided that each of the bonds shall be signed by an Authorized Representative and by the Mayor, whose signature may be by facsimile, shall bear the City seal or an authorized facsimile thereof, and shall mature or be payable in annual installments, the first installment to be payable on or before December 31 of the year after the year in which the bonds are issued, and the last installment with respect to an amount authorized for an improvement to be payable not later than (a) ten (10) years after the date for payment of the first installment if the estimated period of utility of the improvement is declared to be in excess of twelve (12) years or (b) twenty (20) years after the date for payment of the first installment if the estimated period of utility of the improvement is declared to be in excess of twenty-two (22) years. The bond issues authorized hereby may be consolidated for purposes of sale and issuance with any other authorized bonds, provided that the principal amount of each component of the consolidated bonds shall mature over a term not longer than the term permitted by the City Charter and other applicable law for such component and by the order authorizing such component. The bonds may be subject to call for redemption with or without premium at the election of the City before the date fixed for final payment of the bonds. An Authorized Representative is authorized to sign such agreements, instruments and certificates as are required in connection with the issuance of the bonds.

(3) An amount sufficient for the payment of the annual installments of principal of and interest on the bonds or any notes shall be included in the tax levy for each year during which any of such bonds or notes shall be outstanding until the debt represented by the bonds or notes is extinguished.

(4) An Authorized Representative be and hereby is authorized to borrow at one time or from time to time in anticipation of the bonds to be issued as herein authorized, when and as funds may be required, a sum or sums not exceeding the aggregate principal amount of the bonds as herein authorized, and to prepare, issue and sell at public or private sale, the temporary note or notes of the City therefor and to renew the same as deemed advisable, provided that any such temporary note or renewal note shall be paid within the maximum term

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND PASSED, FINAL READING, AS AMENDED (Con't)

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permitted by law therefor. An Authorized Representative is hereby authorized and directed, subject to the provisions of this Order and applicable provisions of law, to sign and determine the date or dates of the note or notes (including renewal notes), the interest rate or rates they shall bear and all other details of things necessary and proper to effectuate the issue and sale thereof, provided that each note shall be signed by an Authorized Representative and by the Mayor, whose signature may be by facsimile, and shall bear the City seal or an authorized facsimile thereof. An Authorized Representative is authorized to sign such other agreements, instruments or certificates as are required in connection with the issuance of the notes.

(5) For purposes of U.S. Treasury Regulation Sec.1.150-2, the City reasonably expects (1) to incur debt to reimburse expenditures (including expenditures made within the last sixty (60) days) temporarily advanced from funds of the City, such expenditures to be made to pay the cost, or a portion of the cost, of the foregoing construction, reconstruction, renovation and improvement and (2) that the maximum principal amount of debt to be issued by the City for the foregoing construction, reconstruction, renovation and improvement including for reimbursement purposes is \$410,000 and an Authorized Representative is authorized to advance money of the City for payment of such costs.

(6) Upon passage of this Order, the City Clerk is hereby directed to submit the referendum question of ratification of this Order, in substantially the following form, This Order takes effect when approved by the City Council initially for the purpose of permitting the submission of the question of its ratification to the voters of the City at the municipal election to be held on November 6, 2007 Shall Order #150, titled \$410,000 Capital Improvement Bonds, passed by the council on -----, 2007 and authorizing issuance of bonds in the amount of \$410,000 for capital improvements be approved? in substantially the following form:

"Do you favor a \$410,000 bond issue for the construction of a sand and salt shed, the renovation of the Buker Community Center and the renovation and repair of the Police Station?"

If such question is answered in the affirmative by a majority of the voters voting thereon at such November 6, 2007 election, then this Order takes effect for all purposes set

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND PASSED, FINAL READING, AS AMENDED (Con't)

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forth in this Order.

Yeas: 6; Byron, Gomeau, O'Brien,
Rollins, Coffin, Koski

Nays: 0

151 ORDERED, That (1) A sum not to exceed \$8,900,000.00 be and hereby is appropriated for the purpose of paying costs of capital expenditures for the expansion, construction, reconstruction, renovation and improvement of, and the acquisition of equipment of a lasting character for, the public facility known as Lithgow Public Library (the "Lithgow Public Library Project"). The estimated period of utility of the permanent improvements constituting the Lithgow Public Library Project is hereby declared to be in excess of thirty (30) years.

(2) To meet the aforesaid appropriation, the City Manager of the City or his designee, including without limitation the Assistant City Manager for Finance and Administration (any of whom is referred to herein as an Authorized Representative), is hereby authorized and directed under and pursuant to Section 8 of Article VII of the City Charter and other enabling authority to prepare, issue and sell, at one time or from time to time, as one or more separate issues, general obligation bonds of the City in an aggregate principal amount not to exceed \$8,900,000. The date or dates, denominations, interest rate or rates and all other particulars as to form, issue and sale of each issue of the bonds shall be determined by an Authorized Representative, provided that each of the bonds shall be signed by an Authorized Representative and by the Mayor, whose signature may be by facsimile, shall bear the City seal or an authorized facsimile thereof, and shall mature or be payable in annual installments, the first installment to be payable on or before December 31 of the year after the year in which the bonds are issued, and the last installment to be payable not later than thirty (30) years after the date of issue of such bonds. The bonds authorized hereby may be consolidated for purposes of sale and issuance with any other authorized bonds, provided that the bonds of each component of the consolidated bonds shall mature over a term not longer than the term permitted by the City Charter and other applicable law for such component and by the order authorizing such component. The bonds may be subject to call for redemption with or without premium at the election of the City before the date fixed for final payment of the bonds. An

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ AND PASSED, FINAL READING, AS AMENDED (Con't)

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Authorized Representative is authorized to sign such agreements, instruments and certificates as are required in connection with the issuance of the bonds.

(3) An amount sufficient for the payment of the annual installments of principal of and interest on the bonds or any notes shall be included in the tax levy for each year during which any of such bonds or notes shall be outstanding until the debt represented by the bonds or notes is extinguished.

(4) An Authorized Representative be and hereby is authorized to borrow at one time or from time to time in anticipation of the bonds to be issued as herein authorized, when and as funds may be required, a sum or sums not exceeding the aggregate principal amount of the bonds as herein authorized, and to prepare, issue and sell at public or private sale, the temporary note or notes of the City therefor and to renew the same as deemed advisable, provided that any such temporary note or renewal note shall be paid within the maximum term permitted by law therefor. An Authorized Representative is hereby authorized and directed, subject to the provisions of this Order and applicable provisions of law, to sign and determine the date or dates of the note or notes (including renewal notes), the interest rate or rates they shall bear and all other details of things necessary and proper to effectuate the issue and sale thereof, provided that each note shall be signed by an Authorized Representative and by the Mayor, whose signature may be by facsimile, and shall bear the City seal or an authorized facsimile thereof. An Authorized Representative is authorized to sign such other agreements, instruments or certificates as are required in connection with the issuance of the notes.

(5) For purposes of U.S. Treasury Regulation Sec.1.150-2, the City reasonably expects (1) to incur debt to reimburse expenditures (including expenditures made within the last sixty (60) days) temporarily advanced from funds of the City, such expenditures to be made to pay the cost, or a portion of the cost, of the foregoing construction, reconstruction, renovation and improvement and (2) that the maximum principal amount of debt to be issued by the City for the foregoing construction, reconstruction, renovation and improvement including for reimbursement purposes is \$8,900,000 and an Authorized Representative is authorized to advance money of the City for payment of such costs.

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND PASSED, FINAL READING, AS AMENDED (Con't)

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(6) Upon passage of this Order, the City Clerk is hereby directed to submit the referendum question of ratification of this Order, in substantially the following form, This Order takes effect when approved by the City Council initially for the purpose of permitting the submission of the question of its ratification to the voters of the City at the municipal election to be held on November 6, 2007, Shall-Order-#151, titled \$8,900,000 Lithgow Library Bonds, passed by the council on -----, 2007 and authorizing issuance of bonds in the amount of in substantially the following form:

"Do you favor a bond issue in an amount not to exceed \$8,900,000 for the renovation and expansion of the Lithgow Public Library be approved ?"

If such question is answered in the affirmative by a majority of the voters voting thereon at such November 6, 2007 election, then this Order takes effect for all purposes set forth in this Order.

Yeas: 6; Byron, Gomeau, O'Brien,
Rollins, Coffin, Koski
Nays: 0

NEW BUSINESS

HAS BEEN READ AND PASSED, AS AMENDED

153 ORDERED, That the City Council contribute \$1,000 to the Augusta Babe Ruth League to assist in hosting the 2007 New England Regional Babe Ruth (13- to 15-year old) tournament to be held in Augusta on August 3 through August 8, consistent with the requirements of Order #627 passed September 8, 1992; said funds to be charged to the Council Contingency Account #10140072-722880.

Yeas: 4; Byron, Rollins, Coffin, Koski
Nays: 2; Gomeau, O'Brien
(TWO-THIRDS MAJORITY VOTED TO WAIVE MAXIMUM AWARD AMOUNT OF \$250.00 PER ORGANIZATION)

Respectfully submitted,

Barbara E. Wardwell
City Clerk