

**AGENDA FOR THE REGULAR CITY COUNCIL MEETING
THURSDAY, MAY 6, 2010
COUNCIL CHAMBERS, CITY CENTER
7:00 P.M.**

There will be a pre-meeting of the City Council at 6:30 p.m. in Conference Room A. No Council actions are taken at pre-meetings. Pre-meetings are open to the public.

PROCLAMATION- Arbor Month

PRESENTATION- United Way Day of Caring

PRESENTATION- Update of Scope of Activities for the Augusta Boys and Girls Club by Kathi Wall

PRESENTATION- Recognition of Augusta Paramedics for Provision of CPR Program

PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA

CONSENT AGENDA

All matters listed under this item will be considered routine and will be enacted by one motion. If a Councilor wishes to discuss one (or more) item(s), Councilor may ask to have the item(s) removed from the Consent Agenda and considered individually.

- 064 Manager (Bureau of City Clerk)
ORDERED, That the minutes of the City Council meeting held April 15, 2010, submitted by the City Clerk, be approved.
- 065 Manager (Bureau of Audit Accounts)
ORDERED, That the Roll of Accounts for the month of April 2010 in the amount of \$5,891,187.57 be approved.
- 066 City Manager
ORDERED, That the City Council accept from Hannaford Brothers, Cony Store, one thousand pounds of bagged rock salt valued at \$857.62.
- 067 City Manager
ORDERED, That City Council accepts a donation for the City's Fourth of July festivities in an amount totaling One Thousand Dollars (\$1,000.00) from Roger Pomerleau.
- 068 Mayor Katz
ORDERED, That Kenneth Knight be reappointed to the Greater Augusta Utility District; said term to expire June 1, 2013.

CONSENT AGENDA (Con't)

- 069 Mayor Katz
ORDERED that John V. Finnegan be reappointed to the Augusta Parking District; said term to expire May 1, 2015.
- 070 Mayor Katz
ORDERED That David M. Rollins be reappointed to the Capitol Planning Commission; said term to expire April 7, 2011.

OLD BUSINESS AND TABLED MATTERS

TABLED

- 115 City Manager
ORDERED, That the City Manager is authorized to expend an amount not to exceed \$5,000 to conduct a structural engineering analysis of the Colonial Theater.
- 156 Councilor Munson
WHEREAS, the Mineral Extraction Ordinance intended to protect the public health, safety, and general welfare, and to minimize the adverse impact of extraction to citizens of the city, abutting property owners, and wildlife and natural resources.

WHEREAS, two uses identified as accessory to a mineral extraction use have been found to have a significant impact on abutting property owners by virtue of additional traffic, additional noise, additional dust, and additional odor, unanticipated at the time the Mineral Extraction Ordinance was initially adopted.

WHEREAS, due to the lack of experience with these two accessory uses, the city and the public did not adequately scrutinize the uses during the initial licensing of mineral extraction sites.

WHEREAS, no permanent bituminous mix plants or ready mix concrete plants have yet been installed.

WHEREAS, sunsetting the one existing temporary bituminous mix plant and requiring further planning board review and authorization for it to restart seasonal operation as an accessory use in the spring of 2010 is not found to be an unreasonable financial burden to the owner of the mineral extraction site, since an accessory use is by its nature not the primary function of the site.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta hereby amends the Mineral Extraction Ordinance as follows:

OLD BUSINESS AND TABLED MATTERS (Con't)

156 Continued

Allowable associated mineral extraction uses. Associated mineral extraction uses include, but are not limited to, bituminous mix plants, crushing/screening operations, ready mix concrete plants, materials being recycled / reprocessed. Each of these associated uses must be expressly approved by the Planning Board to be considered allowable under a mineral extraction license. Ready mix concrete plants and bituminous mix plants shall be reviewed using the Site Plan Review Criteria Applicable to Conditional Uses, found in Section 6.3.4 of the Land Use Ordinance. Any existing temporary bituminous mix plants or ready mix concrete plants associated with a licensed mineral extraction site as an accessory use at the time of adoption shall be eliminated by May 1, 2010, unless they receive additional approval from the planning board for their operation as per this section.

NEW BUSINESS

PART 1 - ORDERS

071 Councilor Paradis

ORDERED, That the City Council approve Smokey's Greater Shows carnival scheduled for the week of June 20, 2010 through June 27, 2010 and approves the necessary variances as required in the City's Code of Ordinances for such show to be held at the Mill Park.

072 Councilors Rollins and Stokes

WHEREAS, the owner of 371 Water Street needs an easement to ensure proper construction, maintenance, and repair of a second means of egress from her building, and

WHEREAS, the City would benefit from a reciprocal easement to ensure proper access for maintenance of Hartford Station,

NOW THEREFORE BE IT ORDERED, That the City Manager is authorized to execute a document creating reciprocal easements as presented in the document entitled "Reciprocal Easement Agreement and Declaration of Restrictions" for the benefit of the City and the owner of 371 Water Street, to be recorded at the Kennebec County Registry of Deeds after execution by both parties.

073 Manager (Bureau of City Clerk)

ORDERED, That the Voter Registration hourly schedule for open session for the June 8, 2010 Primary and Referendum and School Budget Referendum Election be:

Thursday, June 3, 2010 from 1:00 p.m. to 6:00 p.m.

NEW BUSINESS (Con't)

073 Continued
The intent of this order is to change the evening session time in accordance with M.R.S.A., Title 21-A, Section 122(8), as amended.

074 Mayor Katz
ORDERED, That the City Manager is authorized to sign a Credit Enhancement Agreement with the Greater Augusta Utility District.

PART 2 – ORDER BEING READ FOR THE FIRST TIME
NO VOTE REQUIRED

075 Manager
BE IT RESOLVED, that there is hereby appropriated for the support of the departments of the City of Augusta, for payment of County Taxes, for the bonded indebtedness of the City, and for all the other debts incurred by the City for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the sum of \$49,578,066 of which a summary appears below.

BE IT FURTHER RESOLVED, that the amount to be raised from current real and personal taxes considering estimated departmental revenues, fund balance, and other sources of \$24,492,991 to be set at \$25,085,075.

BE IT FURTHER RESOLVED, that the City of Augusta appropriate \$25,551,032 for the total cost of funding public education from pre-kindergarten to grade twelve as described in Essential Programs and Services Funding Act and that the City of Augusta raise \$10,013,351 as the City's contribution to the total cost of funding public education from pre-kindergarten to grade twelve as described in Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688.

Explanation: The City's contribution to the total cost of funding public education from pre-kindergarten to grade twelve as described in Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that the municipality must raise in order to receive the full amount of state dollars.

BE IT FURTHER RESOLVED, that the City of Augusta raise and appropriate \$298,477 for the annual payments on debt service previously approved by the legislative body for non-state-funded school construction projects, non-state-funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the school administrative unit's contribution to the total cost of funding public education from pre-kindergarten to grade twelve.

NEW BUSINESS (Con't)

075 Continued

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the City's long-term debt for major capital school construction and minor capital renovations that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters of the City as follows:

- New Cony High School – approved by the voters on December 2, 2003.

BE IT FURTHER RESOLVED, that the City of Augusta raise and appropriate \$0 in additional local funds, which is less than the State's Essential Programs and Services allocation model by \$502,111 as required to fund the budget recommended by the School Board.

Explanation: The additional local funds, if any, are those locally raised funds over and above the City's local contribution to the total cost of funding public education from pre-kindergarten through grade twelve as described in the Essential Programs and Services Funding Act and local amounts raised for the annual debt service payment on previously approved non-state-funded school construction projects and the non-state-funded portion of minor capital school construction projects that will help achieve the City's budget for educational programs. The appropriate is less than the Essential Program and Services model.

BE IT FURTHER RESOLVED, that the City of Augusta appropriate \$610,041 and raise \$401,341 for Adult Education.

BE IT FURTHER RESOLVED, that the City of Augusta authorize the Augusta Board of Education to expend \$26,459,550 for the fiscal year beginning July 1, 2010 and ending June 30, 2011 from the City's contribution to the total cost of funding public education from pre-kindergarten to grade twelve as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy, and other receipts for the support of schools.

**PRELIMINARY
BUDGET**

LEGISLATIVE AND EXECUTIVE

MAYOR AND COUNCIL	\$33,319
CITY MANAGER	\$238,544
CORPORATION COUNSEL	\$115,800
CENTRAL SERVICES	\$9,687
UNCLASSIFIED	\$173,495

NEW BUSINESS (Con't)

075	Continued	
	COUNCIL CONTINGENCY	\$20,000
	MANAGER CONTINGENCY	\$10,000
	TOTAL LEGISLATIVE AND EXECUTIVE	<hr/> \$600,845

	FINANCE AND ADMINISTRATION	
	CITY CLERK, TREASURER, TAX COLLECTOR	\$442,306
	REGISTRATION AND ELECTIONS	\$23,164
	CITY AUDITOR	\$146,703
	INFORMATION SYSTEMS	\$386,400
	ASSESSOR	\$204,203
	FINANCE AND ADMINISTRATION	\$111,400
	HUMAN RESOURCES	\$228,803
	TOTAL FINANCE AND ADMINISTRATION	<hr/> \$1,542,979

	CITY SERVICES	
	ECONOMIC DEVELOPMENT	\$233,121
	PLANNING	\$132,151
	HISTORICAL PRESERVATION	\$5,825
	CODE ENFORCEMENT	\$147,221
	CITY SERVICES ADMINISTRATION	\$65,145
	ENGINEER	\$107,796
	CITY BUILDINGS	\$511,267
	BUKER SCHOOL	\$178,679
	CONY/FLATIRON	\$56,026
	TOTAL CITY SERVICES	<hr/> \$1,437,231

	COMMUNITY SERVICES	
	CONSERVATION COMMISSION	\$0
	COMMUNITY SERVICES ADMINISTRATION	\$150,645
	PUBLIC LIBRARY	\$571,802
	RECREATION	\$173,999
	PARKS AND CEMETERIES	\$710,179
	FORT WESTERN	\$66,408
	BICENTENNIAL NATURE PARK	\$42,900
	HEALTH AND WELFARE	\$98,676
	GENERAL ASSISTANCE	\$93,900
	TOTAL COMMUNITY SERVICES	<hr/> \$1,908,509

NEW BUSINESS (Con't)

075	Continued	
	PUBLIC SAFETY	
	POLICE	\$3,985,435
	FIRE	\$3,655,438
	CIVIL EMERGENCY PREPAREDNESS	\$13,540
	TOTAL PUBLIC SAFETY	<hr/> \$7,654,413
	PUBLIC WORKS	
	PUBLIC WORKS ADM	\$113,236
	HIGHWAY	\$1,163,445
	SNOW REMOVAL	\$1,158,951
	WASTE REMOVAL	\$745,907
	TOTAL PUBLIC WORKS	<hr/> \$3,181,539
	TOTAL UTILITIES	\$1,893,472
	TOTAL RETIREMENT AND INSURANCE	\$2,558,913
	TOTAL SERIAL BONDS AND NOTES	\$837,835
	TOTAL RESERVE AND CASH C.I.P.	0
	TOTAL COUNTY TAX	\$1,502,780
	DEPARTMENT OF EDUCATION	
	REGULAR INSTRUCTION	\$8,520,473
	SPECIAL EDUCATION	\$3,869,610
	CAREER AND TECHNICAL EDUCATION	\$2,525,094
	OTHER INSTRUCTION	\$580,658
	STUDENT AND STAFF SUPPORT	\$2,252,454
	SYSTEM ADMINISTRATION	\$686,986
	SCHOOL ADMINISTRATION	\$1,375,019
	TRANSPORTATION	\$1,115,000
	FACILITIES MANAGEMENT	\$2,297,646
	DEBT SERVICE	\$2,401,125
	ALL OTHER EXPENDITURES	\$225,444
	ADULT EDUCATION	\$610,041
	TOTAL DEPARTMENT OF EDUCATION	<hr/> \$26,459,550
	TOTAL APPROPRIATIONS	<hr/> <hr/> \$49,578,066

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell, City Clerk
May 3, 2010