

**AGENDA FOR THE REGULAR CITY COUNCIL MEETING  
THURSDAY, JUNE 17, 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.

PRESENTATION - 2010 Edward's Dam Scholarship to James Neff

PRESENTATION - Recognition of Augusta Police Officer Eric Dos Santos for his service as a Army First Lieutenant in Afghanistan and his receipt of the Bronze Star Medal.

PRESENTATION - The Petanque' Courts for Mill Park by Ray Fecteau

PUBLIC HEARING - CDBG Business Assistance Grant to Kenway Corporation

PUBLIC HEARING - CDBG Phase II - Mount Vernon Avenue Sanitary Line Replacement Project

PUBLIC HEARING - CDBG Phase II - Bread of Life Day Shelter Project

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.

093 Manager (Bureau of City Clerk)

ORDERED, That the minutes of the City Council meeting held June 3, 2010, submitted by the City Clerk, be approved.

094 City Manager

ORDERED, That the City Council accept various donations to the Lithgow Public Library for the Augusta Reads program in an amount totaling \$2,800, from Maine Reads (\$2,000), Future Forest Inc. (\$400), Lagos Dental, PA (\$100), St. Michael School (\$100), Farrington School PTC (\$100) and Lincoln School (\$100).

095 Mayor Katz

ORDERED, That the following be reappointed to the Greater Augusta Utility District:  
Charlene Hamiwka - term expires July 2, 2013  
Stephen Roberge - term expires July 31, 2013  
Donald Roberts - term expires July 2, 2013

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:

*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.

OLD BUSINESS AND TABLED MATTERS (Con't)

SECOND READING

092 City Manager

BE IT ORDERED, That (1) Borrowing of a sum not to exceed \$500,000 be and hereby is authorized 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) Improvement of City streets, sidewalks and related facilities throughout the City	12	150,000
(B) Replacement of the Blair Road Bridge (local share)	25	150,000
(C) Repair and improvement of municipal facilities throughout the City	12	200,000
<b>Total</b>		<b><u>\$500,000</u></b>

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 carry out the aforesaid borrowing authorization, 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 7 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 on such terms as the Authorized Representative determines are necessary and proper, including the interest rate or rates, the principal and interest payment date or dates, the date or dates of the bonds, the denomination or denominations of the bonds, and all other particulars as to form, issue and sale of each issue of the bonds, 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

OLD BUSINESS AND TABLED MATTERS (Con't)

SECOND READING (Con't)

092 Continued

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 five (25) 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 which the Authorized Representative determines are necessary and proper 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, the date or dates on which principal, interest or both will be paid 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. The notes 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 notes. An Authorized Representative is authorized to sign such other agreements, instruments or certificates which the Authorized Representative determines are necessary and proper in connection with the issuance of the notes.

(5) For purposes of U.S. Treasury Regulation §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

OLD BUSINESS AND TABLED MATTERS (Con't)

SECOND READING (Con't)

- 092 Continued  
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.

NEW BUSINESS

- 096 Manager (Development Services)  
WHEREAS, the City of Augusta wishes to apply to the Department of Economic and Community Development for a Community Development Block Grant to carry out a community development program; and

WHEREAS, the planning process required by Maine Law and the CDBG Program have been complied with, including participation in the planning process by low and moderate income families and individuals and the community has conducted at least one duly advertised public hearing; and

WHEREAS, the City of Augusta is cognizant of the requirement that should the intended National Objective of the CDBG program not be met all CDBG funds must be repaid to the State of Maine CDBG program; and

WHEREAS, this Council approves the Phase II documentation required by CDBG grants and requested to be updated by the State Department of Economic and Community Development, attached hereto as the Standards of Conduct, Fair Housing Resolution, Fair Housing Self Assessment, Federal Funds Disclosure Form, ADA/Section 504 Certification, Residential Anti-Displacement and Relocation Assistance Plan and EEO Policy Statement, and

NOW THEREFORE, be it resolved by the Council of the City of Augusta that the City Manager:

- 1) Is authorized and directed to submit an application for the following program(s) and dollar amount(s) within the State of Maine's CDBG Program:

Program: Public Infrastructure                      Amount: \$500,000

Program: Public Facilities                              Amount: \$150,000

To the Department of Economic and Community Development on behalf of the City of Augusta, substantially in the form presented to this Council;

- 2) Is authorized to make assurances on behalf of the City Augusta required as part of such applications, and

NEW BUSINESS (Con't)

096 Continued

- 3) Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing and said program(s), consistent with the Charter of the City of Augusta and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

097 Manager (Development Services)

ORDERED, That the City Council authorizes the City Manager to apply to the Maine Department of Transportation's 'Quality Community Programs' grant program due July 1, 2010 for the following three projects:

- (1) Kennebec River Rail Trail – Waterfront Park Trailhead Connection,
- (2) Civic Center Drive Sidewalk Installation Project and
- (3) Farrington School/Cony High School Walking Trail

BE IT FURTHER ORDERED, That priority will be determined by the City Council.

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell, City Clerk  
June 14, 2010