



Special City Council Meeting and Workshop

June 25, 2012

Agenda

5:30 P.M. Workshop

- A. Liberty Festival - Cathy MacDonald
 - B. Qualified Zone Academy Bonds (QZAB) – Bill Stockmeyer
 - C. Ice Arena discussion with Public Comment to follow – Denis D’Auteuil and Ravi Sharma
- City Council may go into Executive Session, pursuant to 1 M.R.S.A. §405(6)(C) with possible action.

7:00 P.M. City Council Meeting

Pledge of Allegiance

I. New Business

1. Order 44-06252012

Granting a mass gathering permit and in kind services to the Liberty Festival 2012.

2. Order 45-06252012

Authorizing the issuance and sale of general obligation Qualified Zone Academy Bonds for the city school capital equipment and improvements in the amount of \$1,057,323 (First Reading – Public Hearing)

II. Open Session - Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*

III. Adjournment

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

- A. Discussion of personnel issues
- B. Discussion or consideration by a school board of suspension of expulsion

Auburn City Council Meeting & Workshop

June 25, 2012

- C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency
- D. Labor contracts
- E. Contemplated litigation
- F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;
- G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and
- H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: June 25, 2012

Item A

Author: Sue Clements-Dallaire, City Clerk

Subject: Liberty Festival 2012

Information: The Liberty Festival 2012 requests approval of their mass gathering permit and in kind services for the 2012 Liberty Festival scheduled for July 4, with a rain date of July 5, 2012.

Financial: \$8,750 toward the cost of fireworks and in kind services

Action Requested at this Meeting: Passage of order

Previous Meetings and History: N/A

Attachments: Under agenda item 1 (tab 1 in notebooks)

- Mass Gathering permit request
- Site map
- Memo from Auburn Police Department (to follow)
- Order 44-06252012



City Council Workshop Information Sheet

City of Auburn

Council Workshop Meeting Date: June 25, 2012

Item B

Author: Jill M. Eastman, Finance Director

Subject: Order adopting the 2012-2013 Qualified Zone Academy Bonds (QZAB) (First Reading)

Information: See Attached

Financial: This bond proposal suggests bonding \$1,057,323 for School Department Capital Improvement Projects

Action Requested at this Meeting: Council adoption of the Order will allow staff to begin the bonding process and proceed with public notice as required by the City Charter.

Why?

Previous Meetings and History:

Attachments: Under agenda item 2 (tab 2 in notebooks)

- Order for the 2012-2013 Qualified Zone Academy Bonds. (QZAB)



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: 6/25/2012

Item C

Author: Ravi Sharma

Subject: Double Surface Ice Arena Proposal

Information: The Public Service Team will present supplementary information to Council and members of the public about a proposed double surface ice arena.

Financial:

Action Requested at this Meeting: Discussion

Previous Meetings and History: March 31st, April 4th, May 5th and June 18th

Attachments:



City Council Information Sheet

City of Auburn

Council Meeting Date: June 25, 2012

Subject: Executive Session pursuant to 1 M.R.S.A. §405(6)(C) with possible action.

- C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency.

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

- A. Discussion of personnel issues
 - B. Discussion or consideration by a school board of suspension or expulsion
 - C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency
 - D. Labor contracts
 - E. Contemplated litigation
 - F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;
 - G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and
 - H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.
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City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: June 25, 2012

Order 44-06252012

Author: Sue Clements-Dallaire, City Clerk

Subject: Liberty Festival 2012

Information: The Liberty Festival 2012 requests approval of their mass gathering permit and in kind services for the 2012 Liberty Festival scheduled for July 4, with a rain date of July 5, 2012.

Financial: \$8,750 toward the cost of fireworks and in kind services

Action Requested at this Meeting: Passage of order

Previous Meetings and History: N/A

Attachments:

- Mass Gathering permit request
- Site map
- Memo from Auburn Police Department (to follow)
- Order 44-06252012



Mass Gathering Permit Request

Submitted To The

City of Auburn

Per Chapter 24 Licenses and Permits...Article 2 Licenses...Section 2.32 Mass Gathering and Events...we, the Liberty Festival Board of Directors, submit the following request to the City of Auburn.

The Liberty Festival requests permission from the City of Auburn for exclusive use, responsibility and control of all property specified within this request that is owned and/or controlled by the City of Auburn during the times necessary for set-up and tear down of the Fourth of July event.

The Liberty Festival requests that the Longley Bridge be restricted to varying degrees throughout the day on the Fourth of July (rain date is July 5th). We request that one lane be closed by 7:00 a.m. with a second lane closed between 4:00 p.m. and 6:00 p.m. These times may be adjusted by the Auburn Police Department as they see necessary the day of the event.

The Liberty Festival requests that the City of Auburn provide the services of its departments at no charge. The Liberty Festival is responsible for the cost of any additional, private security.

The Liberty Festival requests that all city license fees for vendor licenses to non-profit organizations approved by the Liberty Festival for all days in question be waived. A list of vendors will be forwarded to the City Clerk as soon as possible prior to the event.

The President of the Independence Day Committee, Cathy McDonald and Festival Director, Richard Martin, respectfully submit this request.

Re: 24/2/2.32/C1 Permit Application

The Liberty Festival requests a waiver of the specified submission requirement for the mass gathering permit, as the event is in its 16th year, and is sponsored in part by the City of Auburn.

Re: 24/2/2.32/C/2 Fee

The Liberty Festival requests a waiver of all fees as specified in the article.

Re: 24/2/2.32/D/1 Operator/Landowner

Liberty Festival
P.O. Box 97
Lewiston, Maine 04243-0097

Cathy McDonald, President of the Independence's Day Committee
212-8227.

Mass Gathering Permit Request

Submitted To The

City of Auburn

The Liberty Festival is Maine's Premier Fourth of July event. On the 4th of July, (rain date is July 5th) the Festival provides music on multiple concert stages, including Main Street in Auburn and the Hilton Hotel, ground activities, food vendors, and a fireworks display. Past Festivals have entertained a conservative estimate of more than 40,000 to 50,000 local citizens and residents of surrounding communities.

Re: 24/2/2.32/G Insurance

The Liberty Festival shall provide to the City of Auburn at their request a copy of our certificate of insurance listing the City as an additional insured as soon as it is issued.

Re: 24/2/2.32/D/3 Date and Time

The opening ceremonies will begin at 2:00 p.m. on July 4th 2012.
There will be a fireworks display at approximately 9:30 p.m.
The event will end at 11:00 p.m.
The rain date is July 5th, 2012.

Re: 24/2/2.32/D/4 Curfew

The event will end at 11:00 p.m., within the City of Auburn's Curfew guidelines.

Re: 24/2/2.32/D/5 Site Plan

- The site in question is the land in and around Great Falls Plaza, West Pitch Park, Festival Plaza and Main Street from Mechanics Row to Court Street.
- There will be one outdoor concert stage near TD BankNorth (**refer to Site Map, Area 4**) and another stage at Festival Plaza featuring the Auburn Community Band. (**refer to Site Map, Area 6**).
- Other areas include, Court Street, Main Street, the Great Falls parking lot. Approximately 10-20 profit and/or non-profit vendors provide food to Festival goers, and will establish their own water and waste water disposal system (**refer to Site Map, Area 4**); and the site for Pyrotechnics, traditionally located at West Pitch Park (**refer to Site Map, Area 1**).
- There are many egress and access points to the site.
- There are parking spaces available for staff, vendors and necessary personnel. There will also be limited parking reserved for handicapped drivers on a first come basis. (**refer to Site Map, Area 3**)
- There will be 9 portable toilets arranged throughout the site, which includes 1 ADA, handicap unit and one hand-washing unit for the vendors (**refer to Site Map, Area 3**).
- The Auburn Fire Department will provide first aid.
- Cellular phones are on site during the event.
- There will be an ample supply of water on site for heat related conditions.
- The seating will be open-air self-use during the event.

Mass Gathering Permit Request

Submitted To The

City of Auburn

- Sleeping areas, if used, will be motor homes or tents for staff for security purposes.
- Electrical Connections will be set up and maintained by Dave Iannotti, Advanced Wiring Co. in accordance with the City Electrical Inspector's standards.
- Lighting will be by overhead city-parking area lights; 110 volt lighting at booths, and special stage lighting at each stage as the usage permits.
- There will be a forklift being used in the set up and tear down process; it may also be used during the event, only if absolutely necessary.
- There are no known environmental concerns.
- There are five hydrants available for Auburn Fire Department as they are aware of their location. Meetings held with Fire Prevention will determine exact location and procedures to maintain use of hydrants.
- There are no fire permit areas needed. Auburn Fire will be consulted before any fire use is contemplated.

Re: 24/2/2.32/D/6 Attendance

The expected attendance from 4:00 p.m. to 8:00 p.m. is expected to be between 5,000 to 10,000 people. The expected attendance for the fireworks display will be 40,000 people.

Re: 24/2/2.32/D/7 Overnight Assembly

There may be persons staying overnight on site to maintain security of property and materials between July 3rd and July 5th.

Re: 24/2/2.32/D/8 Traffic Control

The Auburn Police Department will be responsible for traffic control throughout the Festival site. The Auburn Police Department will also provide road closure barricades and cones as required. Private security and volunteers may also be used to control traffic inside the site perimeter and the fireworks launch site. All security will be under the direction of the Auburn and Lewiston Police Departments.

Re: 24/2/2.32/D/9 Parking

There will be ample parking for spectators throughout the downtown area on a first come basis. We are requesting use of the parking lot located on the site known as Platz Field for paid fundraising parking. We will also make this request for use from Platz Associates.

Re: 24/2/2.32/D/10 Security

Site security will be handled and administered by the Auburn Police, Lewiston Police, contracted private security, and volunteers. Meetings with Auburn and Lewiston Police Departments will be held to establish what strategy and levels are needed.

Mass Gathering Permit Request

Submitted To The

City of Auburn

Re: 24/2/2.32/D/11 Fire Prevention

Auburn Fire Department will be on site for emergency purposes. Auburn Fire Department will also assist the overseeing the pyrotechnic display area, subject to final launch site approval.

Re: 24/2/2.32/D/12 Medical Services

Auburn Fire and Rescue will be available and handle medical services.

Re: 24/2/2.32/D/13 Food

Food will be provided by both non-profit and for-profit organizations. The procedure is that approval of a vendor by the Liberty Festival is required before the vendor can approach the City of Auburn for an event license. The Liberty Festival will work with the Auburn Health Department and City Clerk to ensure proper food procedures and requirements.

Re: 24/2/2.32/D/14 Sanitation

This issue is addressed in Re: 4/2/2.32/D/3

Re: 24/2/2.32/D/15 Water Supply

This issue addressed in Re: 24/2/2.32/D/3

Re: 24/2/2.32/D/16 Solid Waste/Refuse Disposal

Clean up shall be handled by volunteers from the Liberty Festival and shall be disposed of properly. Auburn Public Works and/or Auburn Parks and Recreation Department will deliver and pick up trash barrels to be distributed throughout the festival area. Auburn Public Works will also coordinate with Lewiston Public Works for sweeping of the parking lots and bridge after the event.

Re: 24/2/2.32/D/17 Illumination

This issue addressed in Re: 24/2/2.32/D/3

Re: 24/2/2.32/D/18 Protection of Environmental Procedures

This issue addressed in Re: 24/2/2.32/D/3

Re: 24/2/2.32/D/19 Alcoholic Beverages

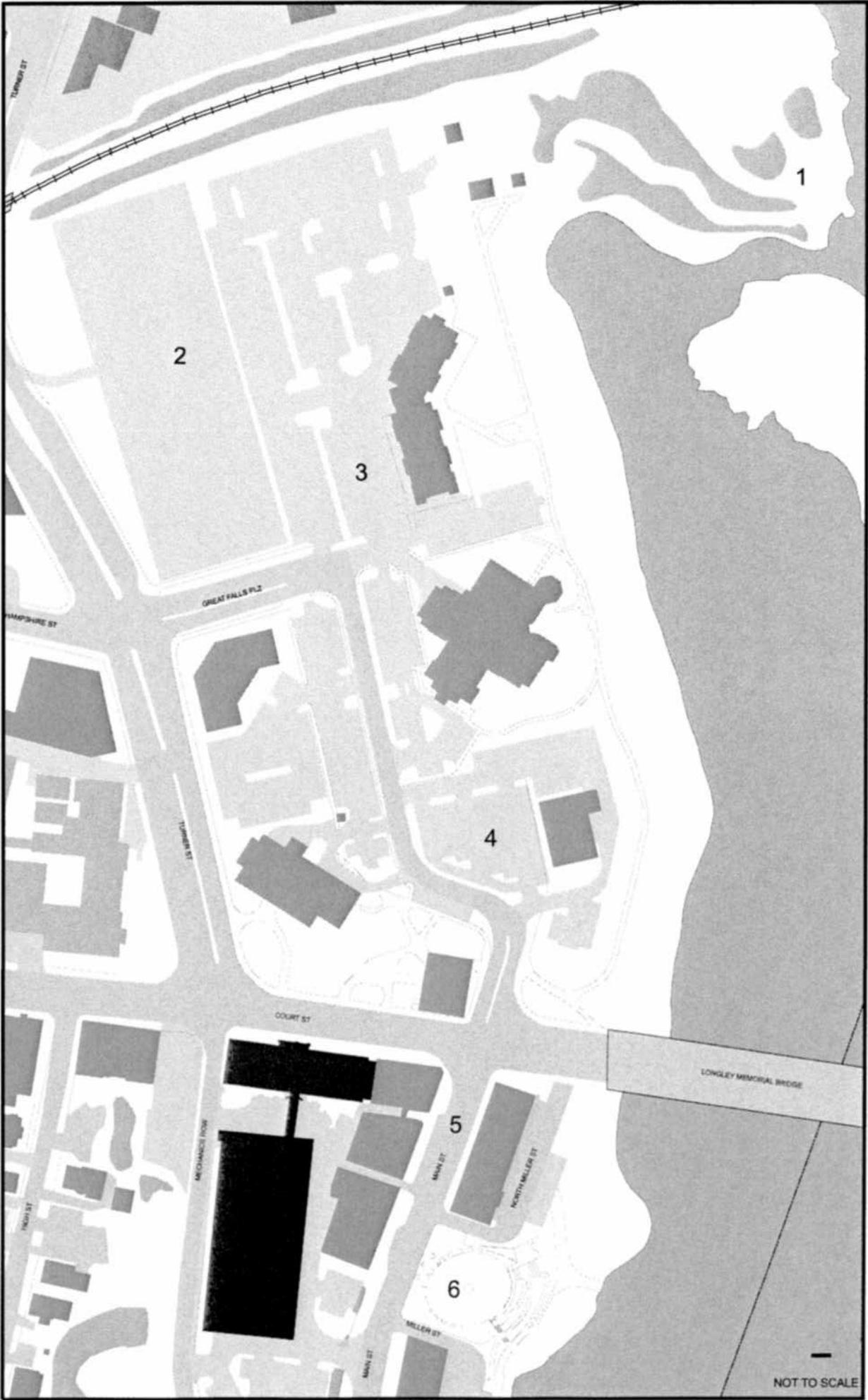
Alcohol is prohibited from this event, and anyone found drinking will be reported immediately to authorities. The exception being the stage near TD BankNorth, set up in a controlled area for the purpose of serving alcohol. The Independence Day Committee will be solely responsible for the site as has been past practice.

Re; 24/2/2.32/D/20 Noise Level

We will abide by all requirements of the City of Auburn with regards to noise levels, and will work with any city official to ensure that proper levels are maintained.

Re: 24/2/2.32/D/21 Site Clean Up

This issue addressed in Re: 24/2/2.32/D/16



1

2

3

4

5

6

TURNER ST

HAMPDEN ST

GREAT FALLS PLZ

US HIGHWAY 11

COURT ST

THOMAS ST

MECHANIC ROW

MILLER ST

NORTH MILLER ST

LONGLEY MEMORIAL BRIDGE

NOT TO SCALE

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 44-06252012

Ordered that Liberty Festival 2012 be and hereby is granted a mass gathering permit for July 4, 2012 (rain date July 5, 2012) for the locations shown on the attached site map.

Be it further ordered that the City hereby waives all license fees for non-profit vendors and City employee overtime costs associated with the event.

Be it further ordered that the City of Auburn hereby donates \$8,750 toward the cost of fireworks for the event.



City Council Agenda Information Sheet

City of Auburn

Council Workshop Meeting Date: June 25, 2012

Order 45-06252012

Author: Jill M. Eastman, Finance Director

Subject: Order adopting the 2012-2013 Qualified Zone Academy Bonds (QZAB) (First Reading)

Information: See Attached

Financial: This bond proposal suggests bonding \$1,057,323 for School Department Capital Improvement Projects

Action Requested at this Meeting: Council adoption of the Order will allow staff to begin the bonding process and proceed with public notice as required by the City Charter.

Why?

Previous Meetings and History:

Attachments:

- Order for the 2012-2013 Qualified Zone Academy Bonds. (QZAB)

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 45-06252012

Ordered by the Auburn City Council, following a public hearing duly called and held as required by Article 8, Section 8.13 of the Auburn City Charter, that there be and hereby is authorized the issuance and sale of the City's general obligation bonds in the principal amount of \$1,057,323, and notes in anticipation thereof (the "Bonds"), the proceeds of which, including any investment earnings thereon, are hereby appropriated to fund the costs of the following capital equipment for and capital improvements to City schools, including costs of issuance, capitalized interest, and any other costs related or ancillary thereto (the "Project"):

The Project include acquisition of the following capital equipment for, and the design, construction, renovation, and rehabilitation of the following capital improvements to, City Schools:

<u>Project Element</u>	<u>Estimated Cost</u>
<u>Walton Elementary School</u> New shingled roof and exterior parking lot security lights	\$195,720
<u>Auburn Middle School</u> Skylight replacement.	\$30,030
<u>Edward Little High School</u> New boilers, domestic hot water, and natural gas conversion. Remove and dispose of existing asphalt of tennis courts, install new gravel and asphalt, paint and stripe court, reinstall fence and posts.	\$596,898
<u>Franklin Alternative High School</u> New HVAC system.	\$234,675
Total:	\$1,057,323

THAT under and pursuant to sections 54A and 54E of the Internal Revenue Code of 1986, as amended (the "Code") and regulations promulgated thereunder, the Bonds be issued and designated as a qualified zone academy bonds;

THAT pursuant to section 6431 of the Code, as amended by the Hiring Incentives to Restore Employment Act (Pub. L. No. 111-147), an irrevocable election be and is hereby made to have Section 6431(f) of the Code apply to the Bonds, and to receive subsidy payments from the Department of the Treasury in lieu of allowing a taxpayer that owns the Bonds to qualify for credits against that taxpayer's federal income tax liability to the extent otherwise allowable under the Code;

THAT a segregated project fund is established and shall be maintained for proceeds of the Bonds, including all investment proceeds, pending expenditure pursuant to this Order, and that to the extent required by the purchasers of the Bonds the Finance Director is authorized to establish an escrow account for proceeds of the Bonds pending disbursement, and to execute and deliver an escrow agreement and such other documents and instruments as may be required to establish and to disburse funds from such escrow account upon requisitions of the school department for the Project;

THAT the Bonds shall be issued as authorized hereunder and shall be executed and delivered by the Finance Director, and attested by the City Clerk under the seal of the City;

THAT a tax levy is hereby provided for each fiscal year that the Bonds authorized hereunder remain outstanding to meet the installments of principal of the Bonds and such interest as may accrue in each respective year;

THAT the Bonds may be issued at one time or from time to time, either singly or in series, and the authority and discretion to fix the issue date, maturities, denominations, interest rates, place of payment, form and other details of said Bonds, and to take all other actions and to sign and deliver all other documents, certificates and agreements in order to provide for the sale thereof, is hereby delegated to the Finance Director; and that the retention of McLiney & Company as the City's agent for the sale of the Bonds is hereby ratified and approved.

THAT without limitation of the foregoing, the Finance Director is authorized to accept a proposal for the purchase of the Bonds, and that pursuant to Section 54A of the Code, and regulations thereunder, said written acceptance shall constitute a binding written contract for the sale of the Bonds for purposes of establishing the applicable federal credit rate and maximum term of the Bonds;

THAT without limitation of the foregoing, the Bonds may be issued as one or more term bonds payable as to principal on or before the date that is not later than ten (10) years from the date of issue, provided, however, that such term bond(s) shall be subject to mandatory annual redemption of substantially equal principal installments, with interest payable semi-annually.

THAT the Bonds authorized hereunder may otherwise be made subject to call for redemption, either with or without premium, on such terms not inconsistent herewith as may be determined by the Finance Director.

THAT the Finance Director is authorized to covenant on behalf of the City that no part of the proceeds of the Bonds shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code and to covenant on behalf of the City to file any information report and pay any rebate due to the United States in connection with the issuance of the Bonds;

THAT the Finance Director establish written procedures with respect to the Bonds for the purpose of ensuring timely "remedial action" for any portion of the Bonds that may become "non-qualified bonds," as those terms are defined in the Code and regulations thereunder; and monitoring the City's compliance following the issuance of the Bonds with the arbitrage, yield restriction and rebate requirements of the Code and regulations thereunder; and that the Finance Director is designated to implement and follow these written procedures;

THAT the Finance Director is authorized to covenant, certify and agree, on behalf of the City, for the benefit of the holders of Bonds, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, to the extent applicable, are met;

That the Finance Director is authorized to execute and deliver such tax certificates, arbitrage and use of proceeds certificates and other documents and certificates as may, in the Finance Director's opinion, be

necessary or convenient to effect the transactions herein authorized, to be in such form not inconsistent with this Order as the Finance Director may approve;

THAT the Finance Director is authorized to enter into an agreement with UMB Bank, N.A. or other financial institution for transfer agent, registration agent, and/or paying agent services, which may include, among other things, services related to the completion and periodic filing of IRS Form 8038-CP or such other forms and submissions as may be required for the City to receive direct federal subsidy of the interest payments under the Bonds;

THAT the Finance Director and other appropriate officials of the City, acting singly, be authorized to execute and deliver on behalf of the City such other documents and certificates and to take such other actions as they may deem necessary to effect to the issuance, sale and delivery of the Bonds in accordance herewith and otherwise for the Bonds to comply with all requirements for qualified zone academy bonds within the meaning of Sections 54A and 54E of the Code, and any such prior action by them is hereby ratified and confirmed;

That if the Finance Director, Clerk or any other City officer or official is for any reason unavailable to, as applicable, approve, execute or attest the Bonds or any related documents or certificates, the person or persons acting in any such capacity, whether as an assistant, a deputy or otherwise, is authorized to act for such official with the same force and effect as if such official had herself/himself performed such act;

That if any of the officers or officials of the City who have signed or sealed the Bonds shall cease to be such officers or officials before the Bonds so signed and sealed shall have been actually authenticated or delivered by the City, such Bonds nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds had not ceased to be such officer or official; and also any such Bonds may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Bonds, shall be the proper officers and officials of the City, although at the nominal date of such Bonds any such person shall not have been such officer or official;

THAT in order to finance temporarily the Project, the Finance Director is authorized to expend up to \$1,057,323 from the general fund of the City and to reimburse said expenditures from proceeds of the Bonds; and

THAT this order is a declaration of official intent pursuant to Treas. Reg. § 1.150-2 and shall be kept available for public inspection during reasonable business hours at the office of the City Clerk.

A Public Notice describing the general purpose of the borrowing and the terms thereof was published on June 11, 2012 in the *Lewiston Sun-Journal*, a daily newspaper published in Androscoggin County.