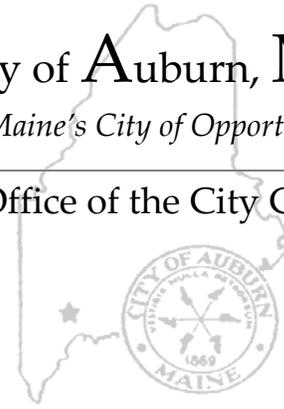


City of Auburn, Maine

"Maine's City of Opportunity"

Office of the City Clerk



Council Meeting Agenda Packet

July 17, 2006

This packet contains the City Council Agenda and supporting documents. The items in this packet are bookmarked in Adobe Acrobat .pdf format. You may need to click on the Bookmark tab on the left to open the Bookmark window. If you do not see a Bookmark tab on the left, you may need to select the Show/Hide Navigation Pane button in your icon toolbar above or update your version of the Adobe Reader. You can download the free Adobe Reader application at www.adobe.com.



City Council Meeting and Workshop July 17, 2006

Agenda

5:30 p.m. Workshop

- 2006 Tax Assessment
- Discussion of items on the Agenda

7:00 p.m. Council Meeting

Consent Items – All items listed with an asterisk (*) are considered as routine and will be approved in one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests. If requested, the item will be removed from the consent agenda and considered in the order it appears on the agenda.

Minutes

*071006-00 Minutes of July 10, 2006 Council Meeting

Reports

- **Mayor**
Appointment of Firearms Discharge Committee
- **City Councilors**
- **City Manager**

Communications and Recognitions

Open Session - Members of the public are invited to speak to the Council about any issue which does *not* appear on the agenda

Old Business

New Business

- 071706-01 Order – Authorizing a Capital Improvement Bond to Fund Street Improvements (Mall Area) (1st Reading) (Public Hearing)
- 071706-02 Order – Authorizing Annual Capital Improvement Program Bond (1st Reading) (Public Hearing)

- 071706-03 Order – Discontinuance of Cottage Road and a Portion of Church Street
- 071706-04 Resolve – Accepting Certain Forfeited Funds
- 071706-05 Appointments (2) to the Planning Board
- 071706-06 Set next Meeting date: July 24

ADJOURNMENT

Executives Sessions: 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. Those applicable to municipal government are:

1. Discussion of personnel issues
2. Discussion or consideration of the condition, acquisition, or the use of real or personal property or economic development if premature disclosure of the information would prejudice the competitive or bargaining position of the body or agency.
3. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators.
4. Consultations between a body or agency and its attorney
5. Discussion 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.
6. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes
7. Consultations between municipal officers and a code enforcement officer relating to enforcement matter pending in District Court.

**CITY OF AUBURN
JULY 10, 2006
CITY COUNCIL MEETING**

PRESENT

Mayor Normand W. Guay, Councilors Bethel B. Shields, Robert P. Hayes, Eric G. Samson, Donna L. Rowell, Belinda A. Gerry, Robert C. Mennealy, and M. Kelly Matzen, City Manager Pat Finnigan, Assistant City Manager Laurie Smith and City Clerk Mary Lou Magno. There were 18 people in the audience.

Mayor Guay called the meeting to order at 7:00 p.m. in the Council Chambers of Auburn Hall with a salute to the flag.

CONSENT AGENDA

Councilor Gerry moved to accept, approve and place on file the following items listed with an asterisk. Seconded by Councilor Mennealy. Vote: 7 Yeas.

***MINUTES OF JUNE 5, 2006**

Approved under consent agenda.

REPORTS OF THE MAYOR

Mayor Guay recently participated in the welcoming of the new minister at Court Street Baptist Church; he also participated in the press conference for the Best Buy announcement and noted that the principals of LongHorn and Ruby Tuesday's also attended and indicated that the Auburn restaurants had exceeded business over original projections.

REPORTS OF CITY COUNCILORS

Councilor Samson noted that he had a request from a constituent for the city to provide services for the visually impaired i.e. elevators and computers.

Councilor Rowell asked questions of the City Manager regarding maintenance at Festival Plaza and recognizing the retirement of Police Chief Richard Small; she also asked questions of Cheryl Dubois, Tax Assessor.

Councilor Mennealy questioned the status of the handicapped accessible doors on the walkway from the Parking Garage to Auburn Hall.

REPORTS OF THE CITY MANAGER

Pat Finnigan, City Manager, thanked staff from Parks and Recreation and Public Works and all the citizen volunteers who made the July Fourth Celebration successful.

COMMUNICATIONS AND RECOGNITIONS

***COMMUNICATION FROM GREAT FALLS BALLOON FESTIVAL
COMMITTEE FOR USE OF CITY PROOPERTY, AND WAIVING
LICENSE AND TIPPING FEES**

Approved under consent agenda.

OPEN SESSION

The following people spoke during open session: Jonathan Labonte, 40 Reginald Street; Fern Lake, 612 South Main Street; Dan Herrick, 470 Hatch Road; Andy Titus, 45 Carson Street; and Dorothy Austin, 59 Whitney Street.

CLOSED OPEN SESSION

OLD BUSINESS

None

NEW BUSINESS

1a. RESOLVE – ACCEPTING CERTAIN FORFEITED FUNDS

Councilor Shields moved for passage of the resolve. Seconded by Councilor Gerry. Deputy Chief Crowell answered Councilors questions.
Vote: 7 Yeas.

1b. RESOLVE – ACCEPTING CERTAIN FORFEITED PROPERTY

Councilor Samson moved for passage of the resolve. Seconded by Councilor Rowell. Vote: 7 Yeas.

EXECUTIVE SESSION

Councilor Shields moved to go into Executive Session to discuss Personnel Committee Appointment and Labor Negotiations. Seconded by Councilor Mennealy. Vote: 6 Yeas with Councilor Gerry voting Nay.

ADJOURNMENT – 8:20 p.m.

Councilor Samson moved to adjourn. Seconded by Councilor Mennealy. Vote: 7 Yeas.

A TRUE RECORD

ATTEST: _____
City Clerk

City Council

Agenda Information Sheet

Council Meeting Date: July 17, 2006 **Agenda Item No. 1**

SUBJECT: **Order** – Authorizing the Issuance and Sale of Capital Improvement Bonds In The Amount Of \$5,000,000 (Mall Area Road/Infrastructure Improvements) [*Public Hearing*]

INFORMATION:

The City prepares a 5 Year Capital Improvement Plan each year which serves as a long-range planning tool for elected officials. In addition, the City develops plans for specific major areas of the City, such as an Industrial Park Master Plan, the Auburn Downtown Action Plan for Tomorrow, and the Mall Area Master Plan. Each of these plans is intended to promote a planned approach to development, and prudent use of public resources. The Mall Area Master Plan, which was adopted by the City Council in 2000, provided a blueprint for the phase-in of public infrastructure improvements that would be necessary to encourage planned economic development in that area.

The purpose of this proposed capital improvement bond is to fund street, sidewalk, utility and other infrastructure improvements that are needed in the Mall Area. These improvements will provide a safe and efficient network of public ways for motorists, pedestrians, and bicyclists to access the mall area. The debt service on the bond will be funded through funds in the existing Mall Area Tax Increment Finance (TIF) district and a portion of the new taxes generated by new and expanded businesses in the Mall Area.

STAFF COMMENTS/RECOMMENDATION:

Staff recommends that the Council approves the proposed capital improvement bond issue as presented.

REQUESTED ACTION:

Passage of the order

VOTE:

City of Auburn

CITY COUNCIL, AUBURN, MAINE

Date: July 17, 2005

TITLE: ORDER - AUTHORIZING THE ISSUANCE AND SALE OF CAPITAL IMPROVEMENT BONDS IN THE AMOUNT OF \$5,000,000 (Mall Area Road/Infrastructure Improvements)

Be It 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 amount of \$5,000,000, the proceeds of which are hereby appropriated to fund the costs of the following Capital Improvements (including costs of issuance, capitalized interest, and any other costs related or ancillary thereto):

Acquisition of the following capital equipment and the design, construction, renovation, and rehabilitation of the following capital improvements, all constituting part of the City's FY07 Capital Improvement Program:

Project:	Authorized Amount
Transportation Improvements Auburn Mall Area	\$5,000,0000

THAT the bonds shall be issued as authorized hereunder and shall be signed by the Finance Director and City Treasurer, attested by the City Clerk under the seal of the City. A tax levy is hereby provided for each fiscal year that the bonds authorized hereunder remain outstanding to meet the annual installments of principal and interest as may accrue in each respective year. 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 rate, place of payment, form and other details of said bonds and notes, 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 City Treasurer.

THAT the bonds authorized hereunder may be made subject to call for redemption, either with or without premium, on such terms as may be determined by the Finance Director.

THAT in order to finance temporarily the projects described above, the Finance Director is authorized to expend up to \$5,000,000 either from available funds of the City or from the proceeds of Bond Anticipation Notes (BAN's) which would be reimbursed or refinanced from bond proceeds.

THAT the authority and discretion to designate the bond or notes, or a portion thereof, as qualified tax-exempt obligations under Section 265 of the Internal Revenue Code of 1986, as amended, is hereby delegated to the Finance Director.

City Council

Agenda Information Sheet

Council Meeting Date: July 17, 2006 **Agenda Item No. 2**

SUBJECT: Order – Authorizing the Issuance and Sale of Capital Improvement Bonds in the Amount of \$5 million [*Public Hearing*]

INFORMATION:

The City prepares a 5 Year Capital Improvement Plan each year which serves as a long-range planning tool for elected officials, staff and the public to identify buildings, equipment, technology and infrastructure needs. The CIP allows the City to develop a planned approach to protect the City's investment in the existing infrastructure and project the future funding levels necessary to maintain and enhance public facilities.

The proposed Capital Improvement Bond package continues this planned approach of investing in City and School capital needs including road improvements, technology upgrades, building improvements which are necessary for safety code compliance, public safety equipment, and funding for the Comprehensive Plan.

STAFF COMMENTS/RECOMMENDATION:

Staff recommends that the Council approves the Capital Improvement program bond issue as presented.

REQUESTED ACTION:

Passage of the order

VOTE:

City of Auburn

CITY COUNCIL, AUBURN, MAINE

Date: July 17, 2005

TITLE: ORDER - AUTHORIZING THE ISSUANCE AND SALE OF CAPITAL IMPROVEMENT BONDS IN THE AMOUNT OF \$5,000,000 (Annual Capital Improvement Program)

Be It 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 amount of \$5,000,000, the proceeds of which are hereby appropriated to fund the costs of the following Capital Improvements (including costs of issuance, capitalized interest, and any other costs related or ancillary thereto):

Acquisition of the following capital equipment and the design, construction, renovation, and rehabilitation of the following capital improvements, all constituting part of the City's FY07 Capital Improvement Program:

FY 07 Capital Improvement Program:

Project	Authorized Amount
School Building and Equipment Improvements and Repairs and technology improvements	\$1,000,000
Street/Drainage Reconstructions, Reclamation, Improvements and Upgrades, Sidewalks and Retaining Walls	\$2,760,000
Equipment and Technology	\$ 920,922
Building Improvements	\$ 272,800
Contingency	\$ 46,278

THAT the bonds shall be issued as authorized hereunder and shall be signed by the Finance Director and City Treasurer, attested by the City Clerk under the seal of the City. A tax levy is hereby provided for each fiscal year that the bonds authorized hereunder remain outstanding to meet the annual installments of principal and interest as may accrue in each respective year. 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 rate, place of payment, form and other details of said bonds and notes, 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 City Treasurer.

City of Auburn
Capital Improvement Program
FY07-11

Department/Project	Type	FY07	Recommended Bond
<u>Fire</u>			
Vehicle Replacement - Engine 3(Yr. 2)	Equipment	\$365,922	\$365,922
Engine 3 Refurbishment	Equipment	\$24,000	\$24,000
Engine Five Roof Brick and Ceiling Repair	Bldg/Facilities	\$35,000	\$35,000
Rescue Boat	Equipment	\$35,000	\$35,000
subtotal - Fire		\$659,922	\$459,922
<u>Information Services</u>			
GIS Base Map Update (Photogrammetry)	Technology	\$59,000	\$59,000
IP Telephony	Technology	\$12,000	\$12,000
subtotal - Information Services		\$121,000	\$71,000
<u>Parks & Recreation</u>			
Upper Hasty Roof	Bldg/Facilities	\$50,000	\$50,000
Driveway Paving	Infrastructure	\$60,000	\$60,000
Municipal Beach Improvements	Bldg/Facilities	\$27,800	\$27,800
subtotal - Parks & Recreation		\$165,800	\$137,800
<u>Property</u>			
Great Falls Arts Center			
Sprinkler Fire Alarm & Security System	Bldg/Facilities	\$100,000	\$100,000
subtotal - Property		\$100,000	\$100,000
<u>Public Works</u>			
Equipment Replacement	Equipment	\$696,000	\$425,000
Street Improvements-Resurfacing/Reclamation	Infrastructure	\$1,500,000	\$400,000
Sidewalk Improvement Prog.	Infrastructure	\$60,000	\$60,000
Street Improvements-Reconstruction	Infrastructure	\$1,000,000	\$900,000
Drainage Improvement Prog. Major	Infrastructure	\$930,000	\$900,000
Infrastructure - Other	Infrastructure	\$500,000	\$500,000
subtotal - Public Works		\$4,931,300	\$3,185,000
Municipal Contingency			\$46,278
<u>Education</u>	Various	\$1,000,000	\$1,000,000
		\$7,038,670	\$5,000,000

City Council

Agenda Information Sheet

Council Meeting Date: July 17, 2006 Agenda Item No. 3

SUBJECT:

**ORDER – DISCONTINUANCE OF COTTAGE ROAD AND A PORTION OF
CHURCH STREET**

INFORMATION:

The Lake Auburn Watershed Protection Commission (LAWPC) and the Auburn Water District have filed a petition for the discontinuance of Cottage Road and a portion of Church Street. LAWPC owns all of the property abutting the portions of roads petitioned for discontinuance. The petitioner has requested that the order include the discontinuance of the public easement and has waived any claim for damages resulting from this action.

As required, both the abutting property owners and the Planning Board have been notified.

STAFF COMMENTS/RECOMMENDATION:

Both Planning and Engineering Departments have reviewed this request. For the reasons stated in the petition, recommend the discontinuance order be approved.

REQUESTED ACTION:

Motion for passage of the order.

VOTE:

CITY OF AUBURN

CITY COUNCIL, AUBURN, MAINE

DATE: July 17, 2005

TITLE: ORDER – DISCONTINUANCE OF COTTAGE ROAD AND A PORTION OF CHURCH STREET

Be It Ordered by the Auburn City Council that

Cottage Road and a portion of Church Street, town ways, are no longer of public use and necessity and are hereby discontinued as provided in Title 23 M.R.S.A. § 3026 et sequ.

DESCRIPTION OF WAYS DISCONTINUED:

Cottage Road: Beginning at a point twenty-five (25) feet northerly of the northerly line of Church St; thence northerly to the end of Cottage Rd. Being all but the first twenty-five (25) feet of Cottage Road as accepted by the Auburn City Council on April 6, 1953.

Church Street: Beginning at the westerly line of Cottage Road; thence westerly to the end of Church Street. Being a portion of Church Street as accepted by the Auburn City Council on April 6, 1953.

Both roads being a portion of the town ways laid out on a survey plan entitled “Lakeshore Morrell Farm,” prepared by G.H. Barron, Engineer and recorded at the Androscoggin County Registry of Deeds on May 2, 1924, in Volume 2, Book 2, Page 177.

The City of Auburn hereby relinquishes all of its interest for highway purposes and all rights of the public in the above-described ways.

Having given best practicable notice to all abutting property owners and the Auburn Planning Board, and with all claims for damages being waived none are awarded.

Motion for passage:

Seconded by:

Vote:

Action by Council:

DATE:

ATTEST:

CITY CLERK

PETITION FOR DISCONTINUANCE

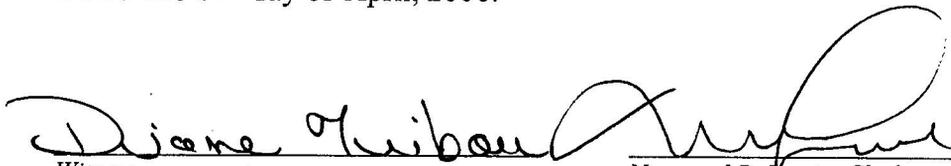
Cottage Road Church Street

To the Municipal Officers of the City of Auburn: The undersigned, being the sole owners of property abutting a certain town ways known as the Cottage Road and Church Street in the City of Auburn, respectfully represent that all of said Cottage Road and a portion of Church Street are no longer of public use and necessity and it is requested that the same be discontinued as provided in Title 23 MRSA, Section 3026 et sequ. We hereby waive any and all claim for damages arising from the discontinuance of the Cottage Road and Church Street as petitioned. As no other properties remain on Cottage Road or Church Street, retaining a public easement for public utilities is necessary and is therefore not being requested.

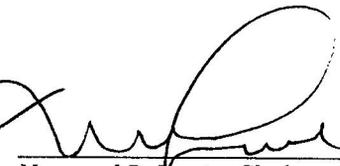
The Petition for the discontinuance of the Cottage Road and portion of Church Street is based on the following:

1. The road is no longer necessary to be used by the public for travel.
2. The discontinuance of the road will result in a significant financial benefit to the City of Auburn.
3. The only remaining property abutter is the Lake Auburn Watershed Protection Commission and supports the discontinuance.
4. The water quality of Lake Auburn will be significantly enhanced by the discontinuance of the road.

Dated this 24th day of April, 2006.



Witness



*Normand R. Lamie, Clerk
Lake Auburn Watershed Protection Commission*

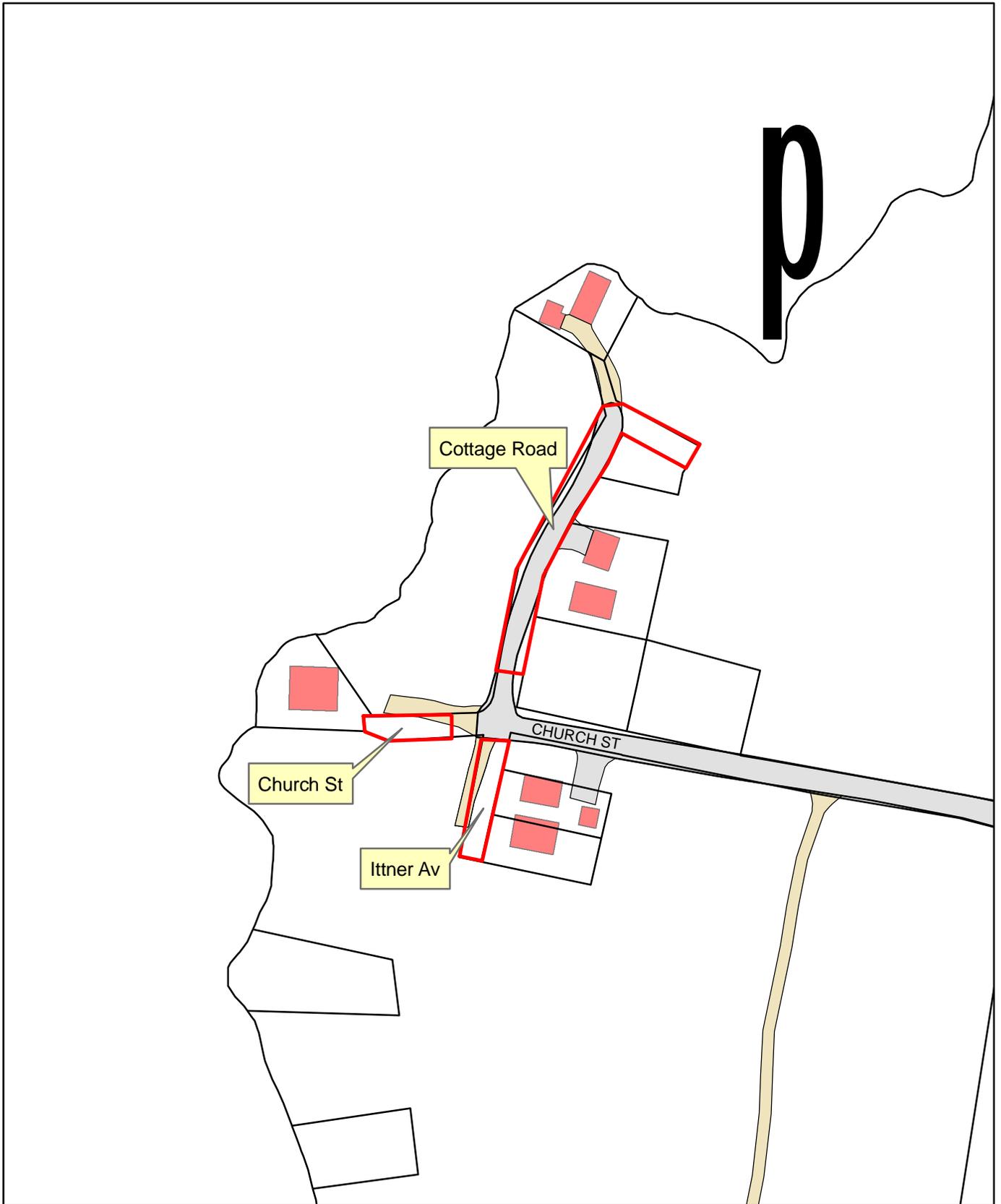
Description of way requested to be discontinued:

Cottage Road: Beginning at a point twenty five (25) feet northerly of the northerly line of Church St; thence northerly to the end of Cottage Rd. Being all but the first twenty five (25) feet of Cottage Road as accepted by the Auburn City Council on April 6, 1953.

Church Street: Beginning at the westerly line of Cottage Road; thence westerly to the end of Church Street. Being a portion of Church Street as accepted by the Auburn City Council on April 6, 1953

Both roads being a portion of the town ways laid out on a survey plan titled Lakeshore Morrell Farm prepared by G.H. Barron Engineer, recorded at the Androscoggin Registry of Deeds on May 2, 1924, in Volume 2, Book of Plans 2, Page 177.

Discontinuance Church Street & Cottage Road



City Council

Agenda Information Sheet

Council Meeting Date 7/17/06 **Agenda Item No.** 4

SUBJECT:

RESOLVES (2) – ACCEPTING CERTAIN FORFEITED FUNDS

INFORMATION:

Federal Forfeiture Law permits the forfeiture of currency/property used to facilitate drug trafficking or which exists as the result of being the proceeds of drug trafficking. The law further permits the United States to distribute up to 90% of the value of forfeited property to State and local law enforcement agencies who participate in the underlying investigation. Justice Department policy dictates that local law enforcement agencies must use the monies for “law enforcement purposes”.

STAFF COMMENTS/RECOMMENDATION:

Staff recommends approval of this resolve.

REQUESTED ACTION:

Motion for passage of the resolve.

CITY OF AUBURN

CITY COUNCIL, AUBURN, MAINE

DATE: July 17, 2006

TITLE: RESOLVE – ACCEPTING CERTAIN FORFEITED FUNDS

Be It Resolved by the Auburn City Council, that the City of Auburn agrees to accept the sum of \$412.00 in funds seized in connection with drug enforcement matters. The funds in question shall be made available to the Auburn Police Department for use in their law enforcement purposes.

Motion for passage:

Seconded by:

Vote:

ACTION BY COUNCIL:

DATE:

ATTEST:

CITY CLERK

Item #5

MEMO

TO: Mayor Guay and Members of the City Council

FROM: Councilors Sheilds and Matzen

SUBJ: Appointments

DATE: July 13, 2006

PLANNING BOARD

Reappoint Clifton Greim and Richard Whiting to the Planning Board until November 2008.