

CITY OF LEWISTON

CITY COUNCIL

MAY 20, 2014

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Dubois, D'Auteuil, Libby, Christ, Cloutier, Cayer and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.
Moment of Silence.

ARBOR DAY PROCLAMATION

Mayor Macdonald read a Proclamation in support of Arbor Day in Lewiston.

LEWISTON YOUTH ADVISORY COUNCIL UPDATE

Councilor Cloutier read the LYAC report noting the students have a DVD of the Celebration of Immigration program and will be working with Head Start on a community beautification project.

PUBLIC COMMENT PERIOD

No members of the public offered comment at this time.

**AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING LOADING ZONES ON
COMMERCIAL STREET**

VOTE (168-2014)

Motion by Councilor Libby, seconded by Councilor Cloutier:

To approve an amendment to the Traffic Schedule regarding loading zone areas on Commercial Street as outlined in the agenda material. Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE
AMENDMENT 2 TO THE LEASE WITH CASELLA RECYCLING LLC TO
CONSTRUCT A ROOF STRUCTURE AND ADD STEEL PLATES TO REINFORCE
THE COLLECTION AREA WITHIN THE DROP-OFF AREA AT A COST TO THE
CITY OF \$100,500**

VOTE (169-2014)

Motion by Councilor Libby, seconded by Councilor Cloutier:

To approve the Order authorizing the City Administrator to execute Amendment 2 to the Lease with Casella Recycling, LLC to construct a roof structure and add steel plates to reinforce the

collection area within the drop-off area at a cost to the City of \$100,500:

Whereas, on February 25, 2013 the City of Lewiston and Casella Recycling, LLC entered into a lease agreement to lease certain property to allow Casella to establish a Materials Recycling Facility (“MRF”); and

Whereas, both parties have met the obligations on the lease to date and Casella continues to make progress toward establishing the MRF; and

Whereas, as planning for the facility has progressed, the City has to construct a protective roof structure over a portion of the drop-off area to accommodate relocation of operations from the property Casella will occupy as part of the lease; and

Whereas, the City Council authorized funds to perform this (and other associated work) totaling \$310,000 as part of the FY2014 Lewiston Capital Improvement Program Bond Issue Order at their meeting on June 4, 2013; and

Whereas, because of the proximity of the area to where Casella’s contractor will be working makes sense to use the same contractor to perform the work to avoid problems and conflicts; and

Whereas, the City negotiated the scope and price of the work with the contractor performing the work for Casella and this is within the budgeted amount approved by the City Council;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is authorized execute an amendment to the Lease agreement to construct a roof structure and add steel plates to reinforce the collection area within the drop-off area at a cost to the City of \$100,500.

Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN
EASEMENT WITH THE LEWISTON HOUSE OF PIZZA TO ALLOW PLACEMENT
OF A DUMPSTER ON CITY PROPERTY**

VOTE (170-2014)

Motion by Councilor Libby, seconded by Councilor Cloutier:

To approve the Order authorizing the City Administrator to execute an easement with the Lewiston House of Pizza to allow placement of a dumpster on city property:

Whereas, the City and the owner of the Lewiston House of Pizza agree that the current location of a dumpster on House of Pizza property will become inappropriate given the improvements the City is undertaking on the property immediately adjacent to the dumpster location; and

Whereas, a more suitable location for the dumpster has been identified on other City owned property in the immediate vicinity;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute an Easement with the Lewiston House of Pizza to allow placement of a dumpster on City property located at 87 Lincoln Street.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINSTRATOR TO ENTER INTO A JOINT DEVELOPMENT AGREEMENT WITH AGORA, LLC REGARDING REDEVELOPMENT OF THE FORMER ST. PATRICK'S CHURCH

VOTE (171-2014)

Motion by Councilor Libby, seconded by Councilor Cloutier:

To approve the Order authorizing the City Administrator to enter into a Joint Development Agreement with AGORA LLC regarding redevelopment of the former St. Patrick's Church:

Whereas, St. Patrick Church was closed by the Roman Catholic Diocese of Portland in 2009 and has remained vacant and unused since then; and

Whereas, this property includes a number of structures that have been designated as contributing structures within the Kennedy Park Historic District; and

Whereas, the property is located in the City's downtown in proximity to parks, libraries, residences, and businesses, and vacancy and disrepair of the property would have a deleterious impact on the economic vitality of the City; and

Whereas, AGORA LLC acquired the property in March 2014 with the intent to rehabilitate it for commercial use; and

Whereas, rehabilitation and reuse of the property will involve the investment of substantial financial resources by the developer and will substantially benefit the City by preserving an historically significant building; restoring the property to good repair; returning an empty building to active use; generating increased tax revenue for the City; and contribute to the economic revitalization of the City; and

Whereas, the developer has requested that the City provide assistance to the project in the form of a stable property assessment and property tax payment over the project's initial five years;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that

the City Administrator is hereby authorized to enter into a Joint Development Agreement, in a form substantially as attached hereto, with Agora LLC to assist in supporting the redevelopment and reuse of St. Patrick Church and associated properties.

Passed - Vote 7-0

PUBLIC HEARING FOR APPROVAL OF OUTDOOR CONCERTS IN CONJUNCTION WITH THE GREAT FALLS BREWFEST AT SIMARD PAYNE PARK

Mayor Macdonald opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. The Mayor then closed the hearing.

VOTE (172-2014)

Motion by Councilor Lachance, seconded by Councilor Christ:

To conduct a public hearing on an application from Baxter Brewing Company for the outdoor music concerts to be held at Simard Payne Park on Saturday, June 21, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to Baxter Brewing Company for the outdoor concerts, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE FOR AN AMENDMENT TO THE CONDITIONAL REZONING AGREEMENT FOR 33 ROGER STREET

Mayor Macdonald opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. The Mayor then closed the hearing.

VOTE (173-2014)

Motion by Councilor Cayer, seconded by Councilor Christ:

To approve first passage for the amendment to the conditional rezoning agreement for the property at 33 Roger Street, to conditionally rezone the property, subject to the conditions defined in the rezoning agreement. Passed – Vote 7-0

ADOPTION OF CITY POLICY REGARDING MULTIFAMILY ENERGY EFFICIENCY LOAN PROGRAM

VOTE (174-2014)

Motion by Councilor Libby, seconded by Councilor Cayer:

To establish and adopt the City Multifamily Energy Efficiency Loan Program, Policy Manual Number 12-5, as recommended by the City Administrator and Director of Economic and Community Development. Passed - Vote 7-0

FINAL BUDGET PUBLIC HEARING FOR THE FISCAL YEAR 2015 MUNICIPAL BUDGET

The City Administrator provided background information regarding the development of the budget and the impact this budget will have on city operations and the taxpayers. Mayor Macdonald opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. The Mayor then closed the hearing.

**RESOLVE APPROVING THE FINAL ADJUSTMENTS TO THE FISCAL YEAR 2015
MUNICIPAL BUDGET**

VOTE (175-2014)

Motion by Councilor Cayer, seconded by Councilor Dubois:

To adopt the Resolve approving the final adjustments to the Fiscal Year 2015 Municipal Budget:

Whereas, in accordance with the Charter, the City Administrator presented his proposed Fiscal Year 2015 budget to the City Council on March 25, 2014; and

Whereas, since then, the City Council has met on numerous occasions to review the various departmental budgets and to discuss changes to the Administrator’s proposal; and

Whereas, throughout this process, the City Council has shown support for certain changes and adjustments affecting both the revenue and expenditure budgets; and

Whereas, the overall goals of this effort were to maintain essential public services while reducing the impact of the budget on the taxpayers of the City of Lewiston; and

Whereas, the following summary represents the results of this effort;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the following Final Budget Adjustments Summary for Fiscal Year 2015, is hereby approved:

1	41110	4028819	Youth Council	450
2	41220	4035800	Public Safety Supplies	250
3	41220	4050500	Office Equipment	750
4	41310	4015000	Legal	5,000
5	41410	4021500	Postage	500
6	41410	4028800	Misc. Services	200
7	41410	4030500	Office Supplies	150
8	41410	4039800	Other Supplies	200
9	41410	4042000	Dues	360
10	41440	4012500	Temporary Wages	1,500
11	41510	4020500	Printing	715
12	41510	4024500	Subscriptions	50
13	41520	4031000	Printing	150
14	41520	4042000	Dues	185
15	41530	4031000	Printing	150
16	41550	4011000	Salaries	18,644
17	41550	4012000	Overtime	200
18	41550	4021500	Postage	709
19	41550	4028801	Lien Recording	350
20	41550	4042000	Dues	50
21	41590	4027000	Repair to Equipment	1,540
22	41600	4020500	Printing	125

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23	41600	4050500	Office Equipment	6,900
24	41610	4011000	Salaries	7,328
25	41610	4042000	Dues	240
26	41710	4021000	Advertising	450
27	41710	4024500	Subscriptions	525
28	41710	4031000	Printing	200
29	41710	4042000	Dues	200
30	41910	4022500	Utilities	1,000
31	41910	4058000	Buildings	9,300
32	41930	4026100	Outside Rental	3,000
33	41930	4027600	Repairs to Grounds	250
34	41940	4026100	Outside Rental	1,000
35	41940	4027600	Repairs to Grounds	300
36	41950	4026100	Outside Rental	1,000
37	41950	4027600	Repairs to Grounds	150
38	41960	4027600	Repairs to Grounds	200
39	41970	4036000	Small Tools	650
40	41970	4026100	Outside Rental	1,000
41	41970	4027500	Repairs to Building	700
42	41970	4027600	Repairs to Grounds	300
43	41970	4058000	Buildings	10,000
44	42110	4020500	Printing	100
45	42110	4022000	Telephone	1,080
46	42110	4028800	Misc. Services	150
47	42110	4042000	Dues	240
48	42120	4012000	Overtime	5,000
49	42130	4011000	Salaries	66,839
50	42130	4012000	Overtime	(3,500)
51	42130	4026500	Repairs to Vehicles	2,000
52	42130	4028900	Training	7,500
53	42130	4034500	Uniforms	5,250
54	42130	4051000	Vehicles	90,800
55	42160	4039800	Other Supplies	400
56	42210	4020500	Printing	100
57	42210	4021500	Postage	100
58	42210	4022000	Telephone	100
59	42210	4027000	Repairs to Equipment	100
60	42210	4028800	Misc. Services	250
61	42210	4030500	Office Supplies	200
62	42210	4042000	Dues	525
63	42220	4028900	Training	(4,200)
64	42220	4032500	Tires	230
65	42220	4034500	Dept. Apparel	1,600
66	42220	4036000	Small Tools	100
67	42220	4037500	Educational Supplies	200
68	42220	4052500	Public Safety Equipment	8,750
69	42230	4030500	Office Supplies	150

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70	42230	4032500	Tires	100
71	42230	4038500	Materials	250
72	42250	4020500	Printing	200
73	42250	4032500	Tires	200
74	42290	4024500	Subscriptions	60
75	42290	4026100	Outside Rental	600
76	42290	4031500	Fuel	6,600
77	42290	4053000	Household Equipment	1,600
78	42410	4020500	Printing	525
79	42410	4024500	Subscriptions	300
80	42410	4028805	Historic Review	150
81	42410	4031000	Printing	1,663
82	42410	4036000	Small Tools	150
83	42410	4042000	Dues	393
84	43210	4030500	Office Supplies	400
85	43210	4042000	Dues	1,131
86	43210	4057000	Other Betterments	2,500
87	43310	4012000	Overtime	675
88	43310	4027200	Repairs to signs	1,500
89	43310	4027201	Street Line Painting	2,500
90	43310	4035800	Public Safety Supplies	1,000
91	43310	4036000	Small Tools	850
92	43310	4038800	Tarring Materials	4,050
93	43310	4039800	Other Supplies	500
94	43310	4057000	River Rd. Local Share	5,000
95	43310	4057003	Guardrails	1,600
96	43320	4011000	Salaries	16,000
97	43320	4012000	Overtime	500
98	43320	4026000	Vehicle Rental	18,000
99	43320	4036000	Small Tools	350
100	43340	4057000	Other Betterments	16,000
101	43380	4012000	Overtime	1,500
102	43380	4027000	Repairs to Equipment	100
103	43380	4042000	Dues	250
104	43430	4011000	Salaries	31,075
105	43430	4012000	Overtime	2,427
106	43430	4022000	Telephone	1,200
107	43430	4036000	Small Tools	100
108	43510	4012000	Overtime	1,900
109	43510	4028800	Misc. Services	1,000
110	43810	4020500	Printing	100
111	43810	4028800	Misc. Services	1,350
112	43810	4034500	Dept. Apparel	600
113	43810	4039800	Other Supplies	600
114	43920	4022500	Utilities	2,728
115	43920	4028800	Misc. Services	1,000
116	44210	4011000	Salaries	54,531

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117	44210	4020500	Printing	100
118	44250	4022500	Utilities	15,000
119	44250	4033500	Food	45,000
120	44250	4041000	Rent	40,000
121	45110	4020500	Printing	300
122	45110	4024500	Subscriptions	150
123	45110	4042000	Dues	265
124	45190	4011000	Salaries	3,390
125	45190	4027500	Repairs to Building	3,000
126	45190	4039800	Other Supplies	150
127	45190	4058000	Building & Structures	6,000
128	45510	4027000	Repairs to Equipment	738
129	45510	4042000	Dues	275
130	45520	4020500	Printing	440
131	45520	4028600	Microfilm	2,310
132	45520	4037800	Recreation Supplies	360
133	45520	4038201	Reference Books	4,760
134	45520	4038202	Nonfiction Books	7,852
135	45520	4038203	Fiction Books	6,460
135	45520	4038203	Fiction Books	6,460
136	45520	4038204	Children's Books	6,050
137	45520	4038205	Periodicals	3,600
138	45520	4038206	Paperbacks	2,556
139	45520	4039051	Children's Visual Aids	1,080
140	45520	4039052	Adult Visual Aids	2,840
141	45530	4011000	Salaries	25,370
142	45530	4012500	Temporary Wages	(16,770)
143	45590	4027500	Repairs to Building	2,500
144	45590	4058000	Building & Structures	28,500
145	48110	4049000	Airport Subsidy	18,750
146	48120	4049000	Transit Subsidy	25,643
147	48130	4043000	911 Subsidy	12,535
148	49210	4046004	Health Insurance	65,516
149	49210	4046005	Boston Mutual	1,200
150	49210	4046012	Section 125	677
151	49310	4044001	Maine State Retirement	8,509
152	49310	4044003	City Pension Plan	24,813
153	49310	4044004	Retirement	11,376
154	49310	4044500	FICA & Medicare	7,894
155	49310	4044600	Severance Pay	250,729
156	49410	4047000	Workers Comp	28,295
157	49510	4030000	Donations	1,955
158	49510	4042000	Dues	8,226
159	49610	4049000	Tax Sharing - Hydro	3,007
160	49710	4011000	Salaries	225,700
Total General Fund Expenditure Adjustments				1,333,894

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161	44250	3342000	GA Reimbursement	(90,000)
162	41410	3212000	Food Licenses	3,918
Total General Fund Revenue Adjustments				(86,082)
163	60100	4012000	Overtime	3,247
164	60300	6062001	Construction Materials	2,000
165	60300	6062001	Construction Materials	4,000
166	60500	6060406	Training	200
167	60500	6062001	Materials & Supplies	5,000
168	60700	4011000	Salaries	2,731
169	60700	6063509	Communications	360
Total Water Fund Adjustments				17,538
170	62100	4012000	Overtime	500
171	62700	4011000	Salaries	2,731
172	62700	6063509	Communications	360
Total Sewer Fund Adjustments				3,591
173	64100	6063101	Engineering	750
174	64200	6063101	Engineering	3,000
175	64700	4011000	Salaries	2,731
176	64850	6040301	Capital Outlay	2,500
177	64500	4011000	Salaries	(16,000)
178	64850	6040301	Capital Outlay	(26,000)
179	64500	4012000	Overtime	2,246
180	64500	6062001	Materials & Supplies	12,000
181	64500	6064201	Equipment Rental	(8,000)
Total Stormwater Fund Adjustments				(26,773)
182	1110	4011000	Salaries	7,328
183	53180	4012000	Overtime	1,900
184	59002	4012000	Overtime	5,000
Total Special Revenue Fund Adjustments				14,228
Total Adjustments				1,256,396

Passed - Vote 7-0

**ADOPTION OF MUNICIPAL BUDGET APPROPRIATION RESOLVE FOR
FISCAL YEAR 2015**

VOTE (176-2014)

Motion by Councilor Cayer, seconded by Councilor Christ:

To approve the Municipal Budget Appropriation Resolve for Fiscal Year 2015:

Be It Resolved by the City Council of the City of Lewiston that the sum of forty-two million eight hundred seventy-nine thousand and forty-eight dollars (\$42,879,048) is hereby appropriated in the General Fund for the municipal year 2015 in accordance with the schedule of appropriations; and

Be It Further Resolved by the City Council of the City of Lewiston that the following City services have been eliminated or adjusted in the 2015 budget: City Hall public hours have been reduced by one hour and are now 8:30 a.m. to 4:00 p.m.; electrical inspections will not be performed at a time which will require the inspector to incur overtime; and the extended solid waste facility Saturday hours from 12:00 noon to 3:00 p.m. during the summer will be eliminated; and

Be It Further Resolved by the City Council of the City of Lewiston that, in addition to such other revenues as are estimated to be available to meet the above appropriations including the Homestead and Business Equipment Tax Exemption reimbursement, the sum of thirty-one million six hundred forty-three thousand six hundred three dollars (\$31,643,603) be raised by assessment upon the estates of the inhabitants of the City of Lewiston and upon the estates of non-resident proprietors within said City for the present municipal year; and

Be It Further Resolved by the City Council of the City of Lewiston that the sum of eleven million two hundred thirty-five thousand four hundred forty-five dollars (\$11,235,445) be appropriated as non-tax revenues in the General Fund for the municipal year 2015 in accordance with the schedule of appropriations; and

Be It Further Resolved by the City Council of the City of Lewiston that the list of tax assessment upon the estates in Lewiston for all city taxes, together with all assessments and charges made under the provisions of the Maine Revised Statutes annotated, Title 30A, Section 3406 and 3442 to 3445 inclusive, and the City's due proportion of the County Tax in the amount of two million two hundred ninety-two thousand two hundred and forty-six dollars (\$2,292,246) for the period of July 1, 2014 through June 30, 2015 shall be committed by the Assessor to the Finance Director and one-half of said taxes shall be due and payable on the 15th day of September 2014 with the remaining one-half of said taxes due and payable on the 16th day of March 2015; and

Be It Further Resolved by the City Council of the City of Lewiston that interest at the maximum State approved rate of 7% per annum for fiscal year 2015 shall be collected on the first half of said taxes from September 16, 2014, if not voluntarily paid to the Finance Director on or before September 15, 2014 and on the second half of said taxes from March 17, 2015, if not voluntarily paid to the Finance Director on or before March 16, 2015; and

Be It Further Resolved by the City Council of the City of Lewiston that in each case, said interest shall be added to and become a part of said taxes; and

Be It Further Resolved by the City Council of the City of Lewiston that the Treasury Manager/Tax Collector is authorized to accept payments of uncommitted taxes and to pay to the taxpayer interest from the date of payment to the commitment date at a rate of 0% and that refunds for overpayments or abatements shall be paid to the taxpayer with interest from the date of payment to the date of abatement or refund, whichever is earlier, at an interest rate of 3.00%; and

Be It Further Resolved by the City Council of the City of Lewiston that the Treasury Manager/Tax Collector shall apply all payments to the oldest balance due to the City on that account regardless of any instructions the customer/taxpayer may give. If, however, a lien has matured, the Treasury Manager/Tax Collector may not accept payment on that account unless a workout agreement is in place or approval has been granted by the Finance Director to accept payment. If a customer/taxpayer has more than one account, any payment shall be applied to the oldest balance due; and

Be It Further Resolved by the City Council of the City of Lewiston that the appropriation for municipal year 2015 for the following Enterprise Funds is hereby authorized and approved: the Water Fund in the amount of \$5,342,896, the Sewer Fund in the amount of \$5,436,946, and the Stormwater Fund in the amount of \$2,720,799; and

Be It Further Resolved by the City Council of the City of Lewiston that the appropriation for municipal year 2015 for the following Special Revenue Funds is hereby authorized and approved: the Walmart Tax Increment Financing Fund in the amount of \$755,236, the Argo Tax Increment Financing Fund in the amount of \$24,622, the Recreation Activity Fund in the amount of \$165,718, the Lewiston Mill Redevelopment fund in the amount of \$453,605, and the Police Drug Forfeiture Fund in the amount of \$59,316; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally accepts and appropriates any cash contributions received during this budget year to the appropriate department and purpose for which such contribution has been made and where such contribution is equal to or less than \$10,000; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally appropriates any grants from the State of Maine, the Government of the United States of America, or any other organization received during this budget year where such grant is equal to or less than \$25,000, such appropriation to become effective upon formal Council action to accept such grant; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally appropriates any insurance proceeds received during this budget year to the appropriate department for the purpose of repairing or replacing the damaged property where such amount is equal to or less than \$50,000, such appropriation to become effective upon receipt of funds; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally appropriates any Municipal Garage revenues in excess of the amount expended at the end of the fiscal year to be included in the General Fund Municipal Garage Vehicle Reserve Account; and

Be It Further Resolved by the City Council of the City of Lewiston that an appropriation is authorized from the library's permanent endowment fund in accordance with the recommendation of the Library Board of Trustees and to the extent that the City Administrator determines that such an appropriation is in accordance with existing City and Library policies; and

Be It Further Resolved by the City Council of the City of Lewiston that an appropriation is authorized to transfer the amount of \$6.62 or the current State reimbursement rate per snowmobile registration to the Hillside Snowmobile Club. Payment will be made annually to the Hillside Snowmobile Club by June 30, 2015; and

Be It Further Resolved by the City Council of the City of Lewiston that an appropriation is authorized to transfer the amount of 20% of the net timber harvesting revenue, if any, to the Community Forestry Fund in accordance with City Ordinance 78-45. Payment will be made annually to the Community Forestry Fund by June 30, 2015; and

Be It Further Resolved by the City Council of the City of Lewiston that the City Administrator is hereby authorized to take such actions and to enter into such agreements as may be necessary to realize the personnel savings required by the Fiscal Year 2015 municipal budget; and

Be It Further Resolved by the City Council of the City of Lewiston that the City Council deems it necessary to adopt a budget which exceeds the percent increase of the Gross National Product-Implicit Price Deflator, and hereby waives the provisions of Section 6.07(h) of the City Charter.

Passed - Vote 7-0

RESOLVE AUTHORIZING THE USE OF \$1,429,062 FROM THE GENERAL FUND UNASSIGNED FUND BALANCE FOR CAPITAL OUTLAY PURCHASES AND OTHER ONE-TIME COSTS

Councilors asked to have a workshop session in September on road funding issues.

VOTE (177-2014)

Motion by Councilor Libby, seconded by Councilor Cloutier:

To approve the Resolve authorizing the use of \$1,429,062 from the General Fund Unassigned Fund Balance for Capital Outlay purchases and other one-time costs:

Whereas, the City of Lewiston adopted Ordinance 11-05 pertaining to Unassigned Fund Balance and effective on August 18, 2011; and

Whereas, the ordinance establishes an unassigned fund balance floor of 8% and a ceiling of 12% of GAAP revenues including transfers in; and

Whereas, as of June 30, 2013, the City's General Fund Unassigned Fund Balance floor was \$8,259,179 and the ceiling was \$12,388,768; and

Whereas, the City's actual General Fund Unassigned Fund Balance was \$12,937,935 or 12.53% as of June 30, 2013; and

Whereas, the City Council wishes to minimize the tax rate increase needed to balance the fiscal year 2015 budget;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that \$1,429,062 of unassigned fund balance is hereby appropriated to purchase the following capital needs:

- the local share of 2 transit buses (\$40,000);
- City Hall roof repair (\$9,300);
- Fire ladder swivel repair (\$25,000);
- Parking Garage LED light replacement program (\$46,700);
- Library Building roof repair (\$28,500);
- 4 police cruisers (\$90,800);
- Fire hose and foam (\$8,750);
- Fire furniture replacement (\$1,300);
- River Road ARTC local share of reconstruction (\$5,000);
- Acquisition/demolition funds (\$200,000);
- River Rd Dark Fiber (\$35,000);
- Municipal garage vehicles (\$696,000); and
- Severance payments (\$242,712)

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO PROVIDE CITY SERVICES AND FUNDING FOR CITY NON-PROFIT ORGANIZATION ACTIVITIES IN ACCORDNANCE WITH THE FY2015 CITY COUNCIL APPROVED LIST

VOTE (178-2014)

Motion by Councilor Libby, seconded by Councilor Cloutier:

To approve the Order authorizing the City Administrator to provide city services and funding for City Non-Profit Organization Activities in accordance with the FY2015 City Council approved list:

Whereas, the City of Lewiston has a history of providing support services and limited cash contributions for a variety of activities that will enhance our city's quality-of-life and provide certain non-profit organizations a source of revenue to support programming available to eligible Lewiston residents; and

Whereas, the organizations who will receive FY 2015 city support have complied with the application requirements set forth in the "Charitable Organization Support Policy;" and

Whereas, requests for such City support have been reviewed by the City Council as a part of the FY 2015 budget process;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to direct city departments to provide applicable city support services and to issue cash payments outlined in the attached "Lewiston Charitable Donations – Summary of Requests for FY 2015", less the \$50 application fee and prorated share of licenses and permits which is included on the summary; and

Be It Further Ordered that the City Policy restricting the loaning of tables and chairs be waived for Advocates for Children and the Great Falls Balloon Festival.

Passed - Vote 7-0

RESOLVE AUTHORIZING THE USE OF \$2,500 FROM THE FARRAR FUND FOR EXPENSES RELATED TO BASIC NECESSARY SERVICES

VOTE (179-2014)

Motion by Councilor Cloutier, seconded by Councilor Libby:

To approve the Resolve authorizing the use of up to \$2,500 from the Farrar Fund for the expenses of basic necessary services for Lewiston residents where such costs are not covered by other assistance programs and as determined by the Director of Social Services:

Whereas, the City of Lewiston was left an endowment to provide for medical and dental expenses for needy individuals; and

Whereas, in 2008, the City Council authorized the use of these funds, as determined by the Social Services Director, to provide basic, necessary services to those individuals whose income is no greater than 185% of the federal poverty level; and

Whereas, fund principal in the amount of \$18,551 is to be maintained in perpetuity; and

Whereas, due to the low rate of return on investments, it is anticipated that the demand for service will exceed the adopted procedure of only utilizing the prior year's investment earnings; and

Whereas, the past year's appropriation of \$2,500 is again recommended with additional funding for this amount over and above the interest earned in the prior year coming from interest earnings accumulated and retained over time;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the Social Services Director is authorized to spend up to \$2,500 from the Farrar Fund, the same amount as last fiscal year.

Passed - Vote 7-0

ORDER AUTHORIZING APPLICATION AND ACCEPTANCE OF FUNDS FROM THE US DEPARTMENT OF JUSTICE – EDWARD BYRNE JUSTICE ASSISTANCE GRANT PROGRAM

VOTE (180-2014)

Motion by Councilor Dubois, seconded by Councilor Cloutier:

To approve the Order to authorize city staff to apply for and accept funds from the U.S. Department of Justice – Edward Byrne Justice Assistance Grant Program:

Whereas, the Lewiston and Auburn Police Departments are eligible to apply for a joint Byrne Memorial Justice Assistance Grant in the amount of \$48,408; and

Whereas, in order to apply for these funds, the City must accept the funds if they are awarded and provide opportunities for public feedback and the proposed uses of these funds; and

Whereas, the agencies involved will meet and discuss how to spend their portions of this grant as outlined in the attached material from the Chief of Police;

Now Therefore, Be It Ordered by the City Council of the City of Lewiston that staff is hereby authorized to apply for and accept funding through the Edward Byrne Memorial Justice Assistance Grant program subsequent to the receipt, if any, of public feedback on the proposed uses of these funds.

Passed - Vote 7-0

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT
28 WAKEFIELD STREET**

David Hediger, Deputy Director of Planning and Code Enforcement, and Tom Maynard, Code Enforcement Officer, provided their professional background credentials regarding their working knowledge of building codes and building safety. Mr. Hediger and Mr. Maynard then reviewed the City's efforts to communicate with the building owners and to work with them to resolve the numerous outstanding safety violations. They then outlined the condition of the building noting it is unsafe for habitation and is a danger to the neighborhood. They also showed photographs documenting the code violations and safety concerns. No Councilors know the property owner. An attorney representing the bank that holds the mortgage was present.

VOTE (181-2014)

Motion by Councilor Cayer, seconded by Councilor Dubois:

With regard to the property at 28 Wakefield Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorizes the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City's costs through a special tax or collective action. Passed - Vote 7-0

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT
60 HOWE STREET**

David Hediger, Deputy Director of Planning and Code Enforcement, and Tom Maynard, Code Enforcement Officer, provided their professional background credentials regarding their working knowledge of building codes and building safety. Mr. Hediger and Mr. Maynard then reviewed the City's efforts to communicate with the building owners and to work with them to resolve the numerous outstanding safety violations. They then outlined the condition of the building noting it is unsafe for habitation and is a danger to the neighborhood. They also showed photographs

documenting the code violations and safety concerns. No Councilors know the property owner. Shannon Merrill, an attorney representing Wells Fargo, the bank that holds the mortgage was present and stated they were not opposed to the condemnation.

VOTE (182-2014)

Motion by Councilor Cloutier, seconded by Councilor Libby:

With regard to the property at 60 Howe Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorizes the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City's costs through a special tax or collective action. Passed - Vote 7-0

REPORTS AND UPDATES

The City Clerk reminded residents of the availability of absentee ballots for the June election. She also thanked the L/A Veterans Council for coordinating the placement of 5,000 flags at St. Peter's Cemetery and noted the Knights of Columbus are looking for volunteers for this Saturday to place flags at Riverside Cemetery.

OTHER BUSINESS

No other business was presented at this time.

VOTE (183-2014)

Motion by Councilor Cayer, seconded by Councilor Christ:

To adjourn at 8:14 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine