

CITY OF LEWISTON

CITY COUNCIL

MAY 16, 2017

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:00 P.M.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Lysen, Lajoie, Golden, Bouchard, Cloutier, Beam and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

EXECUTIVE SESSION

VOTE (117-2017)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (A) to discuss a personnel matter. Passed - Vote 7-0

Executive Session began at 6:00pm and ended at 6:05pm.

VOTE (118-2017)

Motion by Councilor Bouchard, seconded by Councilor Golden:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (E) to discuss a legal matter with the City Attorney. Passed - Vote 7-0

Executive Session began at 6:05pm and ended at 6:35pm.

VOTE (119-2017)

Motion by Councilor Cloutier, seconded by Councilor Lachance:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (E) to discuss a legal matter with the City Attorney. Passed - Vote 7-0

Executive Session began at 6:35pm and ended at 6:53pm.

The regular City Council meeting began at 7pm.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Lysen, Lajoie, Golden, Bouchard, Cloutier, Beam and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.

Moment of Silence.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Councilor Golden, LYAC advisor, stated the students are meeting with elementary school students to consider a sidewalk art project. More information will be shared later.

PUBLIC COMMENT PERIOD

No members of the public offered comment at this time.

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (120-2017)

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822 (4) (A), the City Council hereby acknowledges and approves of the transfer of \$3,428.00, or any portion thereof, in the case of the State of Maine vs. Brittany Rancourt, CR-16-3966 Court Records, being funds forfeited pursuant to the court process. It is further acknowledged that these funds shall be credited to the “City of Lewiston Drug Enforcement Program” account.
Passed - Vote 7-0

**RECOMMENDATION FROM THE CITY CLERK/REGISTRAR OF VOTERS ON
ACTIONS NECESSARY TO CONDUCT THE SPECIAL STATE REFERENDUM
ELECTION, TO BE HELD ON TUESDAY, JUNE 13, 2017**

VOTE (121-2017)

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

To approve the following recommendation from the City Clerk/Registrar of Voters on actions necessary to conduct the Special State Referendum Election to be held on Tuesday, June 13, 2017:

- A. That the hours for acceptance of registrations in person only, prior to the June 13th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:30am to 4:00pm, May 23 through June 12, 2017.
- B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B, except the day prior to the election when they shall be recorded in accordance with subsec. 7A.
- C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the polling place at 7:00am and any and all remaining shall be processed at 8:00pm, if necessary.
- D. To appoint the City Clerk as the City’s Election Warden and the Deputy Registrar of Voters as the City’s Ward Clerk, for the June 13 election.

Passed - Vote 7-0

**ADOPTION OF CITY COUNCIL MEETING SCHEDULE FOR THE MONTHS OF
JULY AND AUGUST**

VOTE (122-2017)

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

To suspend Section 1 (a), of the Rules Governing the City Council, and to only hold one regular meeting during the month of July, said meeting to be held on Tuesday, July 18th at 7:00pm and to hold only one regular meeting during the month of August, said meeting to be held on Tuesday, August 15th at 7:00pm. Passed - Vote 7-0

**PUBLIC HEARING ON APPLICATIONS FOR A NEW LIQUOR LICENSE AND
SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR
BEN'S BURRITOS, 97 LISBON STREET**

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

VOTE (123-2017)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Ben's Burritos, 97 Lisbon Street. Passed - Vote 7-0

**PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT
PERMIT FOR THE LEWISTON FARMERS MARKET CONCERTS**

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

VOTE (124-2017)

Motion by Councilor Lysen, seconded by Councilor Golden:

To conduct a public hearing on an application for an outdoor entertainment event for the Lewiston Farmers Market concerts, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Lewiston Farmers Market Association for outdoor music concerts for the Market, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances. Passed - Vote 7-0

**PUBLIC HEARING FOR APPROVAL OF OUTDOOR CONCERTS SPONSORED BY
L/A ARTS AT DUFRENSE PLAZA AND KENNEDY PARK**

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

VOTE (125-2017)

Motion by Councilor Lachance, seconded by Councilor Lysen:

To conduct a public hearing on an application from L/A Arts for the evening outdoor concerts to be held at Dufresne Plaza and Kennedy Park on May 19, June 16, July 21, August 18, September 15, October 20, November 17 and December 15 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 L/A Arts for the outdoor concerts, contingent upon positive recommendations from the Recreation Division, 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 FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR THE PRIDE LA FESTIVAL

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

VOTE (126-2017)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To conduct a public hearing on an application for an outdoor entertainment event for the Pride LA Festival, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Pride LA Festival Committee for outdoor music concerts for the Festival to be held at Simard-Payne Memorial Park on June 10, 2017 contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances. Passed - Vote 7-0

PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR THE RESCUE MISSION BLOCK PARTY AND CONCERT

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

VOTE (127-2017)

Motion by Councilor Lajoie, seconded by Councilor Lachance:

To conduct a public hearing on an application for an outdoor entertainment event for the Rescue Mission Celebratory Block Party and Concert, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Thomas Memorial Baptist Church for outdoor music concerts for the concert to be held at Simard-Payne Memorial Park on June 18, 2017 contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances. 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 issue. The Mayor then closed the hearing.

VOTE (128-2017)

Motion by Councilor Lysen, seconded by Councilor Golden:

To conduct a public hearing on an application from Baxter Brewing Company for the outdoor music concert to be held at Simard Payne Park on Saturday, June 24, 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 Division, 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 FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR WORLD REFUGEE DAY

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

VOTE (129-2017)

Motion by Councilor Bouchard, seconded by Councilor Lysen:

To conduct a public hearing on an application for an outdoor entertainment event for the World Refugee Day celebration, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Immigrant Resource Center of Maine for outdoor music concerts for the annual celebration to be held at Simard-Payne Memorial Park on June 29, 2017, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances. Passed - Vote 7-0

PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR 99.9 THE WOLF SUMMER COUNTRY CONCERT

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

VOTE (130-2017)

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

To conduct a public hearing on an application for an outdoor entertainment event for the The Wolf Summer Country Concert, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to Binnie Media

for an outdoor music concert to be held at Simard-Payne Memorial Park on June 29, 2017, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances. Passed - Vote 7-0

PUBLIC HEARING AND ADOPTION OF THE FY2018 LEWISTON CAPITAL IMPROVEMENT PROGRAM BOND ISSUE ORDER

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

VOTE (131-2017)

Motion by Councilor Lysen, seconded by Councilor Bouchard:

To adopt the FY2018 Lewiston Capital Improvement Program Bond Issue Order authorizing the issuance of \$13,458,500 in FY2018 Public Improvement Bonds and making an appropriation for certain capital projects:

Ordered, That \$13,458,500 be appropriated for financing the following FY2018 projects in the Lewiston Capital Improvement Program:

PROJECT	AMOUNT
CITY	
Riverfront Island Implementation	320,000
Camera System Upgrade	150,000
Central Fire Station Generator	58,000
Central Fire Station Roof Replacement Project	165,000
Sabattus Street Fire Station Replacement Project	315,000
City Hall Building Second Floor Interior Restoration Project	104,000
Sidewalk Maintenance & Rehabilitation	301,000
Street Crosswalk Evaluation & Implementation Plan	175,000
Street Maintenance Program	2,732,000
Kennedy Park Master Plan	339,000
Marcotte Park Playground	75,000
Hudson Bus Property Soccer Field	300,000
Municipal Garage Vehicle & Equipment Replacement	1,232,500
	6,266,500
SCHOOL	
LHS Parking Lot Expansion	240,000
Montello Electrical Upgrade & Library Air Conditioning	462,000
	702,000
WATER	
Distribution Water Main Replacement/Rehabilitation	1,995,000
	1,995,000
SEWER	
Rehabilitation of Old Sanitary Sewer Mains	1,000,000
Collection System Inspection & Rehabilitation	600,000

Pump Station Replacement	205,000
CSO Separation - Various Areas	500,000
EPA Order Implementation Software	450,000
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	2,755,000
 STORMWATER	
Culvert Replacement Program	210,000
Jepson Brook Channel Upgrades	1,030,000
CSO Separation - Various Areas	500,000
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	1,740,000
Total Bond Order	<hr/> <hr/> 13,458,500

Further Ordered, That to meet this appropriation, \$13,458,500 shall be raised by Public Improvement Bond Issue(s);

Further Ordered, That the City Council instruct the Finance Director to advertise for bids for \$13,458,500 or increments thereof, Public Improvement Bonds; to award the loan; and to employ Edwards Wildman Palmer LLP to furnish the legal opinion for the same; provided that in the alternative, the Finance Director is authorized to award the loan to the Maine Municipal Bond Bank;

Further Ordered, That the bonds shall be signed by the City Treasurer and Mayor;

Further Ordered, That the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Finance Director under the advice of UniBank Fiscal Advisory Services Inc.;

Further Ordered, That bonds issued hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director; and

Further Ordered, On or before the call date, the Finance Director is authorized to refund/advance refund this bond series if a net present value benefit is derived.

Passed - Vote 7-0

**RESOLVE AUTHORIZING SUBMITTAL OF AN ECONOMIC AND
INFRASTRUCTURE DEVELOPMENT INVESTMENT GRANT APPLICATION TO
THE NORTHERN BORDER REGIONAL COMMISSION FOR \$500,000 TO SUPPORT
THE EXPANSION OF THE LINCOLN STREET GARAGE**

VOTE (132-2017)

Motion by Councilor Lysen, seconded by Councilor Bouchard:

To approve the Resolve authorizing submittal of an Economic and Infrastructure Development Investment grant application to the Northern Border Regional Commission for \$500,000 to support the expansion of the Lincoln Street Garage:

Whereas, the redevelopment of Bates Mill 5 and other properties in the riverfront island will

further increase parking demand in that area; and

Whereas, the City of Lewiston will need to expand parking in the riverfront island area to meet this new demand; and

Whereas, the City of Lewiston is eligible for the Northern Border Regional Commission Economic and Infrastructure Development Investment grant to assist with parking garage expansion; and

Whereas, the grant has a local match requirement of 20% or \$100,000; and

Whereas, the initial estimate for expanding the Lincoln Street Garage is approximately \$10,700,000;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the City Administrator is authorized to submit an application for a Northern Border Regional Commission Economic and Infrastructure Development Investment grant in the amount of \$500,000 and to accept such grant if awarded.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO SUBMIT AND ACCEPT A GRANT FROM THE MAINE HISTORIC PRESERVATION COMMISSION TO UNDERTAKE THE NECESSARY RESEARCH TO COMPLETE DOCUMENTATION NECESSARY TO CREATE A DOWNTOWN LISBON STREET/MAIN STREET NATIONAL REGISTER HISTORIC DISTRICT

VOTE (133-2017)

Motion by Councilor Bouchard, seconded by Councilor Lysen:

To approve the Order authorizing the City Administrator to submit and accept a grant from the Maine Historic Preservation Commission to undertake the necessary research to complete documentation necessary to create a Downtown Lisbon Street/Main Street National Register Historic District:

Whereas, the owner of the building at 197 Lisbon Street is seeking to have that property listed as a contributing structure within said National Register Historic District; and

Whereas, to apply for such a listing, the applicant must complete and submit the necessary research required for such district designation; and

Whereas, the Maine Historic Preservation Commission provides a grant program to fund a portion of these costs; and

Whereas, such grants will cover 50% of the cost but must be matched with 50% non-federal share; and

Whereas, the building's owner will cover 35% (i.e., \$9,500) of the non-federal share and the City will cover 15% (i.e., \$4,000); and

Whereas, applications for grant funding must be submitted by a local government; and

Whereas, the City will be responsible for ensuring that the project is carried out according to federal and state requirements; and

Whereas, listing on the national register will provide the building owner with access to federal and state historic tax credits;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is Hereby Authorized to Submit and Accept a Grant from the Maine Historic Preservation Commission to Undertake the Necessary Research to Complete Documentation Necessary to Create a Downtown Lisbon Street/Main Street National Register Historic District with the owner of the property at 197 Lisbon Street providing \$9,500 in matching funds and the City providing \$4,000, the City share to be funded through repayments received from a \$93,000 United States Economic Development Initiative Grant.

Passed - Vote 7-0

**RESOLVE MAKING AN APPROPRIATION FROM THE GENERAL FUND'S
UNASSIGNED FUND BALANCE FOR THE PURPOSE OF PROVIDING A ONE-YEAR
REDUCTION IN THE STORMWATER UTILITY BASE RATE**

The City Administrator provided some background information regarding this item. Several Councilors had questions regarding the impact and effectiveness of this proposal as a one-time program and wondered if the funds could be used more effectively in another manner. Given the additional questions, the Council decided to continue this discussion to a workshop to allow for a more in-depth review.

VOTE (134-2017)

Motion by Councilor Lachance, seconded by Councilor Bouchard:

To postpone action on this item until a workshop can be held on June 13. Passed - Vote 7-0

UPDATE FROM THE LEWISTON SCHOOL COMMITTEE REPRESENTATIVE

Councilor Cloutier reported that the School Committee recently approved some school field trips as well as Policy Manual changes regarding Special Education. They also reviewed the school construction bid. The next meeting is May 22.

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

No other business was presented at this time.

VOTE (135-2017)

Motion by Councilor Lysen, seconded by Councilor Golden:

To adjourn at 8:03P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine