

CITY OF LEWISTON

CITY COUNCIL

JUNE 4, 2019

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

THE HONORABLE KRISTEN S. CLOUTIER, MAYOR, PRESIDING.

PRESENT: Mayor Cloutier, Councilors Lysen, Pettengill, Rea, Lajoie, Beam and Marcotte, City Administrator Edward Barrett and City Clerk Kathleen Montejo. Note: Under the City Charter, in the absence of a City Councilor, the Mayor may cast a vote.

EXECUTIVE SESSION

VOTE (111-2019)

Motion by Councilor Lysen, seconded by Councilor Rea:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

Executive Session began at 6:00pm and ended at 6:45pm.

VOTE (112-2019)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the International Association of Firefighters, Local 785. Passed - Vote 7-0

Executive Session began at 6:45pm and ended at 6:55pm.

THE HONORABLE KRISTEN S. CLOUTIER, MAYOR, PRESIDING.

PRESENT: Mayor Cloutier, Councilors Lysen, Pettengill, Rea, Lajoie, Beam and Marcotte, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.

Moment of Silence held in memory of the victims of the workplace shooting at the City of Virginia Beach municipal complex earlier this week.

It was noted there was an error on the agenda and all votes for this meeting should start with the Councilor from Ward 4.

**RECOGNITION OF GEIGER ELEMENTARY SCHOOL ODYSSEY
OF THE MIND TEAM**

The students and their coach attended the meeting to receive recognition from the Mayor and

Council on their recent participation in the Maine state championship. They thanked the students for representing Lewiston so well at the statewide competition.

PUBLIC COMMENT PERIOD

No members of the public offered comment at this time.

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

Mayor Cloutier 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 (113-2019)

Motion by Councilor Lysen, seconded by Councilor Pettengill:

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 22, 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 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 CELEBRATION

Mayor Cloutier 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 (114-2019)

Motion by Councilor Lysen, seconded by Councilor Rea:

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 29, 2019 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 FINAL PASSAGE FOR LAND USE CODE AMENDMENTS REGARDING THE CREATION OF THE LEWISTON COMMERCIAL HISTORIC DISTRICT

VOTE (115-2019)

Motion by Councilor Marcotte, seconded by Councilor Rea:

To continue the public hearing and to postpone action on this item to the next City Council meeting. Passed - Vote 7-0

**PUBLIC HEARING AND ADOPTION OF THE ORDER AUTHORIZING THE
ISSUANCE OF \$13,400,000 IN PUBLIC IMPROVEMENT BONDS FOR THE NEW
LEWISTON HIGH SCHOOL CLASSROOM WING**

Mayor Cloutier opened the public hearing to receive citizen input and comment. Theresa Nash spoke in favor of the bond noting there is no space, light or good quality air exchange where the performing arts students study. Ronnie Paradis also spoke in favor stating concerns with safety, atmosphere for safe breathing and delayed access to school nursing services. Bob Reed was in favor and this expansion will benefit many students. Bruce Damon said this building was constructed in the 1970s and has poor air quality which negatively impacts learning. Jim Parakilas said the arts benefit many students and this area needs to be improved. Maggie Diamond-Stanic said arts can provide a safe space and outlet for students. Mark Cayer said the community has been a good steward of the building for 50 years and it is time to construction something for the next 50 years. Luke Jensen said this expansion will support a wide array of studnets. Wayne Shaw said the science room keeps windows and a fan going year round for air circulation. Orisa Shaw said that music, band, choir, drama are all enrichment programs that need to be supported. Francis Gagnon said the new wing will have air conditioning to facilitate summer school programs. Rachel Nadeau said as a special education teacher, the rooms are carved up into smaller and smaller sections and conversations that need to be confidential by state law cannot be private. Erin Morrison is a music teacher and spaces that were previously used as closets are now used as classrooms. JR David said the elementary school population is growing. Rebecca Spellman said the arts programs at the school are getting state and national attention for their high quality. Dani Finn said the support for this project is inspiring. Jody Dube said the arts help with creative problem solving and decision making. Heather Everly said arts are a great escape and provide life tools to students. Todd Finn said as the new Superintendent he is excited to see this project come to life. The Mayor then closed the hearing.

VOTE (116-2019)

Motion by Councilor Rea, seconded by Councilor Beam:

To adopt the Order authorizing the issuance of \$13,400,000 in Public Improvement Bonds for the New Lewiston High School Classroom Wing:

ORDERED, That \$13,400,000 be appropriated for financing the new Lewiston High School Classroom Wing;

FURTHER ORDERED, That to meet this appropriation, \$13,400,000 shall be raised by Public Improvement Bond Issue(s);

FURTHER ORDERED, That the City Council instruct the Finance Director to advertise for bids for \$13,400,000 or increments thereof, Public Improvement Bonds; to award the loan; and to employ Locke Lord 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 6-1 (Councilor Marcotte opposed)

At this time, Councilor Marcotte asked to take agenda item 6 out of order and address it at this time. There was no objection.

APPROVAL OF ELECTION WARRANT CALLING FOR A MUNICIPAL REFERENDUM ELECTION ON NOVEMBER 5, 2019 FOR A HIGH SCHOOL CLASSROOM WING CONSTRUCTION BOND

VOTE (118-2019)

Motion by Councilor Marcotte, seconded by Councilor Lajoie:

To approve the Warrant calling for a Municipal Referendum Election on November 5, 2019 for a High School Classroom Wing Construction Bond. Passed – Vote 7-0

RESOLVE AMENDING MASTER POLICY 52, SOLID WASTE FEE POLICY - PENALTIES

VOTE (117-2019)

Motion by Councilor Rea, seconded by Councilor Lysen:

To approve the Resolve Amending Master Policy 52, Solid Waste Fee Policy – Penalties:

Whereas, the current Solid Waste Fee Policy establishes fines for violating the City’s Solid Waste Ordinance and authorizing billing the responsible party for the cost of removing inappropriately discarded waste under certain circumstances; and

Whereas, the City intends to engage in a public information effort to improve public understanding of the requirements for handling and disposing of solid waste; and

Whereas, failure to follow the City’s requirements for solid waste handling can result in fines and penalties; and

Whereas, the Penalty section of our solid waste master policy should be updated to clarify the circumstances under which a responsible party can be charged for the City’s cost of removing inappropriately discarded waste and who the responsible parties are for determining to impose such costs;

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

The Penalty section of Master Policy 52 is hereby amended as follows:

Penalties - Chapter 62 Solid Waste

The first violation minimum fine is \$100. A second violation minimum fine for a violation occurring within six months of a first violation is \$210.00. A third or any subsequent violation occurring within six months of a first violation is \$420.00. In addition, where, in the opinion of the Director of Planning and Code, the Public Works Director, or their designees, superintendent the nature or volume of waste material is considered excessive, and/or if the waste material is other than solid waste, and/or if the responsible party does not timely remove it, the minimum fine shall also include all costs incurred by the City to ~~of collection, transportation, and disposal of this material.~~ Note: This penalty is outlined in the City Code of Ordinances Chapter 62, Article I In General.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A RELEASE DEED TO STANTON BIRD CLUB CLARIFYING THE BOUNDARY BETWEEN CITY PROPERTY AND STANTON BIRD CLUB PROPERTY

VOTE (119-2019)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To approve the Order Authorizing the City Administrator to execute a Release Deed to Stanton Bird Club clarifying the boundary between City property and Stanton Bird Club property:

Whereas, based on a survey conducted in 2016 by the Stanton Bird Club, the boundary between property of the Bird Club and the City cannot be conclusively established; and

Whereas, the boundary uncertainty is a matter of a few feet and establishing an agreed upon boundary can be done without causing harm or substantive loss to either property; and

Whereas, the parties have reached an agreement to establish a clear boundary through the exchange of release deeds;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is authorized to execute a release deed to the Stanton Bird Club clarifying the boundary between City Property and Bird Club property in exchange for a similar release deed from the Stanton Bird Club.

Passed - Vote 7-0

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

VOTE (120-2019)

Motion by Councilor Lysen, seconded by Councilor Pettengill:

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 16th at 7:00pm and to hold only one regular meeting during the month of August, said meeting to be held on Tuesday, August 13th at 7:00pm. Passed - Vote 7-0

REPORTS AND UPDATES

Councilor Rea reported they had a School Committee meeting yesterday and it was the last meeting with Superintendent Bill Webster.

OTHER BUSINESS

Councilor Marcotte asked to have additional information on the discounts offered for special events.

EXECUTIVE SESSION

VOTE (121-2019)

Motion by Councilor Lysen, seconded by Councilor Rea:

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 8:25 pm and ended at 9:45pm.

VOTE (122-2019)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To adjourn at 9:45 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine