

**SPECIAL COUNCIL MEETING
GARDINER CITY COUNCIL**

**Wednesday, July 16, 2008
City Council Chambers
7 p.m. Business Meeting**

1. CALLED TO ORDER AT 7:06

2. ROLL CALL

Councilors present were Jeff Kobrock, Rich Rambo, Mike Giberson, Martha Mentall, Richard Nickless, Chuck LeBlanc, Andrew Maclean, Phil Hart, and Brian Blanchard

3. PETITIONS, COMMUNICATIONS, RESOLUTIONS, & PUBLIC HEARINGS:

3.1. Consideration of Comments from the Public on Issues that Do Not Appear Elsewhere on the Agenda (Please limit comments to five minutes.)

Ann Davis the cities IT personnel spoke about a virus called antivirus2009 that has been infecting the city's computers. Also she would like the councilors to leave laptops for maintenance.

**3.2 Public Hearing on Liquor License Renewal for Gardiner House of Pizza
No members of the public had concerns to address.**

4. CONSENT AGENDA

4.1 Consideration of Liquor License Renewal for Gardiner House of Pizza

Motion to accept consent agenda was made by Councilor LeBlanc and it was seconded by Councilor Rambo, Vote was unanimous.

5. OLD BUSINESS

5.1 Consideration of Second Reading of Resolution [08-14](#), Establishing Appropriations and Directing the Levy of Taxes for City Services

City Manager Jeff Kobrock states that the majority of the reductions in the budget will be with small numbers "nickel and Diming" various lines. He also stated that the paving by far is the biggest cut by \$50,000.00. Councilor Hart inquired on heat costs and suggested looking at turning down thermostats and implementing a goal for cutting back on heating cost, and also asked if we could reduce the contingency line. Jeff states that it is as low as it has ever been. Councilor Hart asked what do we need to do for an emergency vote on the budget? Jeff stated that the city has no less than 10 days before the city can act on the budget. Councilor Nickless asked if we had any other reductions on salary besides the library's, and Jeff answered no. Councilor Nickless then directed his question towards Ann Davis the Director of the Gardiner Library and asked what is going to happen with

the library being so short staffed as it is. Ann stated that the Library is cutting some benefits for part time employees and some positions for the part time help in the summer. Councilor Hart asked by doing these cuts does this get us under the LD1. Jeff stated that this would not get us under LD1; we are over by about \$45,000.00.

Councilor LeBlanc Motioned to accept the Budget with the reductions and it was seconded by Councilor Nickless, the vote was unanimous.

Councilor Rambo stated the he would like to thank Jeff and all the department heads for everything. Councilor Hart states that the reval would be putting a lot of people in a bad position with there taxes, himself included and that there has been a few councilors that feel a small amount of money like this is no big deal. Councilor LeBlanc comments that he doesn't think that anyone has said that a small amount of money is not a big deal. Councilor Rambo states that it's no secret that he doesn't agree with the reval and doing this to the people. He would like to see about deferring the reval until next year. Jeff stated that the council was to hear the report of the assessor to authorize that we are in need of a reval and it is solely the assessor to assess the taxes and the council leaves the taxes. It is solely the assessor's authority to determine the tax assessment; you can't direct me to direct the assessor to change assessments. Mayor Maclean states that we spoke last week about throwing this reval out and nobody spoke up about the matter. Councilor Blanchard suggested delaying implantation of the reval until we receive more data on the new market. Councilor Rambo comments that it makes sense that rather than make the assessor's look at a totally different assessment to defer this until we have more data and the reval does way to much harm and it's not vision or the assessor's fault. Jeff said we have told everyone what their value is with an estimated mill rate on the reval. Councilor Rambo response by asking if it was a 18% mill rate and adds that if we defer implementation 82% would not see the increase and 18% would not see the decrease. Then they would come in the long term legal process, file an abatement, then they would have to do the formal appeal and the question is will all 500 do that, not likely but we might tap a hornets nest by doing this. Councilor LeBlanc asks if the new abatements are based on the new reval and not on the old value how would the abatement apply if the reval is not passed? Jeff states that the liability for the city is that the people have the chance to go back to the old assessed value with the abatement. Councilor Nickless states that people are under the assumption that I like the reval and I don't, this is a very confusing and difficult conversation for me, and I'm not clear on what the cons on deferring are? Also if we get a second opinion do we hire another company to do this, and how do we have our part time assessor that doesn't have enough time to do so now do another reval. Councilor Blanchard said that because of the reval we are moving father away from equity and that's not the reason for the reval. George Trask a citizen of Gardiner stated that he agreed with Councilor Rambo and Councilor Blanchard, I don't think that the reval is any way near right. If you defer and keep an eye on the market for the next year you might be better off. Two of the biggest banks are getting bailed out and a year from now it could be worse and the next year could be a lot worse. There was \$80000.00 debt that was put back in the budget that shouldn't have been. I would wait and see what the market does. Jason Simcock director of Planning and Development wants to refer about the house that was brought up about being assessed at \$300,000.00

and it wasn't worth ½ that. It was a property that was a subdivide and the info that was given to vision was given wrong and there was confusion on the property, she had a hearing and it was corrected. That's why we want people coming into these hearings with corrections and letting us know if there is a mistake. Jason also added that we had 500 hearings. Councilor Mentall states that there is no market on property right now. Jeff pointed out that Vision took sales activity of the housing in Gardiner up to one week before the workshop of a hand full of properties, but it wasn't enough info so they had to go back to 2006. Councilor Rambo stated that Vision has been an impossible task given the circumstances. Councilor Blanchard said that sort of like a doctor trying to diagnose a patient not having access to them, we cannot do a reval when we have not market to base it on. I regret putting 500 people through such a traumatic event, and it should have never happened with incorrect data. Jeff showed a slide from the Maine Supreme Court about the assessor's actions. He also showed an equity distribution slide. Councilor LeBlanc asked what would happened if there were no sales at all. Jeff answered by telling him that we wouldn't have a reval, and Vision was very honest in the data stating that they had to go back to 06 for sales data. Council LeBlanc states that the council is going slightly off task, we still need to raise \$3.5 million to pass this budget. Mayor Maclean said that the council had worked very hard through the process last week and some of the councilors wound up on the same page and he would like to end that way tonight, and they might not be on the same page tonight but yet he wanted to make sure all questions are answered. Councilor Nickless asked if we pass this reading does this mean we are committing on the reval? Jeff said no. Council Hart said that in the past we have just giving permission to do the study and figure out if the data is correct. Jeff said that he didn't think the council has the authority to say we don't accept the appraisal, the only way we would be able to do so would be to hire someone of equal statute to do another appraisal. Jeff also added that we have been shown that there is data and these mass appraisals aren't done in a vacuum and the market fluctuates, weather you did the reval in an up cycle or a down cycle it's all going to even out. Councilor Blanchard states that you wouldn't take the lowest and the highest price and take an average on sales. Jason Simcock said that you have to at some point pick a starting point and April first is our starting point. Councilor Nickless said that there has been some thought about my vote being based on convenience and just to get it over with, and that's not true and I m not doing it out of convince. Councilor LeBlanc states that 08-14 says nothing about the reval. Councilor Blanchard stated that he was ready to accept the second reading. Councilor Giberson said he was a little confused about if the reval, is it on the agenda or is it implied on the agenda, and what are our optioned is it a straw pull or what? Mayor Maclean stated that we could make the reval an item on next meeting agenda to discuss the matter further. George Trask stated that in 1998 we did the last reval and in those ten year how did it get to 68%, and you don't think you can find the money to go below LD1? Mr. Trask also stated that the local people are causing the property taxes to where they are, not blaming anyone (the school and the county). Councilor Hart said if you vote for the budget you are basically voting for the reval and voting to exceeding LD1, and we are going to go over LD1 against their wishes. I'm not going to vote for the second reading because I'm not going to vote people out of their homes. Councilor Blanchard said he was unaware that we had to vote on the reval with the second reading. Councilor LeBlanc said that we still need to raise 3.5 million dollar to run the city. Councilor

Rambo said if we pass the budget it means that the assessor will need to commit the taxes on August 1 which means we need an opinion of our city solicitor and it needs to be an item on the agenda on July 30 to make the commitment date.

Jeff states that if we ask the city solicitor for opinion and make it an item on the agenda the request is clear.

Recess 8:50 until 9:00

Call back to order 9:05

Mayor Maclean offered to put the reveal as an item on the next agenda and stated that we have a prudent spending plan for the city.

Motion made by Councilor Rambo, and also asked the question “there’s no chance that Curt can commit taxes before August 1?” Jeff replies with no. Councilor Hart out of all my expenses my taxes have grown the fastest and it means that there is no relief in sight, and I was wondering how anyone can support going over LD1. Mayor Maclean stated that at the beginning Jeff warned us that it was going to be very hard to stay under LD1. Jeff said that this year we have the lowest local defined growth factor and state impose growth factor, and we have had a growth of 9% this year it’s 2%. Council LeBlanc asked if the LD1 is based on the tax commitment. Jeff answered with No, it is based on the core municipal commitment, and we have a very Low local factor and a low state factor this year. Mayor Maclean said that Councilor Rambo made a point about LD1 this is the first time in four years we had to deal with this. Council Rambo said that he would be the first to point out that the state was the first one to go over LD1, and the proof is in the pudding, how many years have we had a flat budget and because all the cost going so high we have a slight increase in the budget. Councilor Nickless said that he agreed that taxes have gone up but it’s not just property it’s all taxes but you get the most when you pay property tax, you get your street plowed you get your city services. Councilor Hart stated that if you vote for the budget you are voting for the sidewalks.

Councilor Rambo made a motion, seconded by Council Nickless, Vote 7 - 1 in favor. Councilor Hart voted in the negative.

Councilor Hart spoke out “Thanks for selling my home!” and walked out of the meeting. 9:45 p.m.

5.2 Consideration of Second Reading Order [08-15](#), Establishing Appropriations for the Enterprise Accounts

Motion to Accept 08-15 by Councilor Mentall, Seconded by Nickless, vote: 7 – 0. Councilor Hart absent

5.3 Consideration of Second Reading Resolution [08-19](#) Financing Libby Hill Business Park Expansion

Motion to Accept 08-19 by Councilor Mentall, Seconded by Councilor Nickless, vote 7 - 0 in favor. Councilor Hart absent.

5.4 Consideration of Order [08-05](#) Financing Sidewalk Rehabilitation Project

Mayor Maclean stated that this is the item that we deferred last week. Jeff Kobrock explained that by FY11 our debt service will have fallen off by \$70,000.00 and we will see another 65 to 70 that have fallen off. Jeff said that the project we are looking at is a new Northwest Quadrant project and a sidewalk to the middle school. Councilor Rambo said that given the dynamics this is not the time or place for a project like this. This is sort of a luxury and repair and replacement has not been finalized. Councilor Nickless stated that he couldn't believe he was saying this but he agreed with Councilor Rambo, he couldn't support this project when we are dealing with bigger project like the budget and it being so hard to pass now. Mayor Maclean said that if we don't act on this we are at the end of the time frame with our bid from St Laurent.

Motion to refer 08-05 back to the next budget cycle by Councilor LeBlanc and seconded by Councilor Rambo, vote was 7 - 0 in favor with Councilor Hart absent.

6. NEW BUSINESS

6.1 Consideration of Accepting Sidewalk Rehabilitation Bid [Memo](#) / [Bid](#) / [Attachment1](#) / [Attachment2](#)

Motion not to accept bid by Councilor LeBlanc, and Seconded by Councilor Mentall, vote was 6-0 in favor with Councilors Rambo and Hart Absent.

6.2 Consideration of [08-16](#) Authorizing Lease Purchases

Motion to accept by Councilor Nickless, seconded by Councilor Mentall, vote 7-0 in favor Councilor Hart absent.

6.3 Consideration of Order [08-24](#) Setting Tax Due Dates

Jeff said that we are pushing two weeks from our normal due dates because we are not sure we able to have the same timeline due to new software and the reval.

Motion to Accept 08-24 by Councilor Mentall, Seconded by Councilor Rambo, vote was 7-0 in favor; Councilor Hart absent.

6.4 Consideration of Order [08-25](#) Adjusting Appropriations in FY09 Budget

Motion to Accept 08-25 by Councilor Blanchard, seconded by Councilor Nickless.
Vote: 7-0 in favor, Councilor Hart absent

6.5 Consideration of Order [08-27](#) Authorizing Project Carry-overs

Motion to Accept 08-27 by Councilor Blanchard seconded by Councilor Mentall
vote 7 -0 in favor Councilor Hart absent

6.6 Consideration of Order [08-26](#) Authorizing Increase of LD1 Growth Cap

Jeff gave an explanation of the LD1, he also suggest going beyond the estimate by 2.7 million for a little breathing room.

Motion to Accept Consent Agenda by Councilor Rambo seconded by Councilor Mentall
Vote 7 in favo, Councilor Hart absent.

7. CITY MANAGER REPORT

Jeff stated that the Water District has recently acted on the action plan for jointly doing sewer and water billing that the council acted on in December and the water district has accepted it now and the key is we need to hit somebody's fiscal year so the city is shooting for January 1. When the city receives an updated plan Jeff with put it in the packet. The river bond Jason has authorized is a two to one match and the city seems like a very competitive match. It would be the cities intention to apply for the river bond and not to do anything on the water front to keep the \$300,000.00 for next year for a match with the bond. Scheduling issues were discussed. We're looking at a goal statement meeting in September.

8. COUNCIL DISCUSSION

Councilor LeBlanc stated that when the council returns he wanted to see about reinstating city staff appreciation day, we need a recondition day for our staff. Councilor Rambo expressed that he was very happy to hear the water district is on board.

Jeff stated that the Council would like to defer the goal statement until September and Kathy Tyson is ready to submit the 07 audit and would like to get that out of the way before the break. Councilor Nickless asked if we defer the reval are we throwing it out? Jeff answered with no.

9. ADJOURNMENT

10:20 pm