

November 8, 2010

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A regular meeting of the Caribou City Council was held 7:00 p.m. on Monday November 8, 2010 in Council Chambers with the following members present: Mayor Kenneth G. Murchison, Jr. Deputy Mayor Karla M. Bell, R. Mark Goughan, Christopher A. R. Bell, Mary Kate Barbosa, and John R. Boone. David Martin was absent and excused.

Steven R. Buck, City Manager, Stephen Wentworth, Code Enforcement Officer, and Kalen Hill, Deputy City Clerk.

Also attending the meeting were James Cerrato, Archie LaPointe, and Marie LaPointe.

Barbara Scott, representing the Aroostook Republican, and Time Warner covered the meeting.

Mayor Murchison recognized and extended congratulations to the student athletics of Caribou High School including the Boys' State Champion Cross-Country Team and the Girls' Eastern Maine Champion Soccer Team.

Council Agenda item #1: Public Input. No Public Input.

Council Agenda item #2: Consider acceptance of the minutes for the following meetings:

a. Council Meeting of October 25, 2010

Motion made by K. Bell, seconded by MK Barbosa, to accept the minutes of the October 25, 2010 meeting without amendment. (5 yes, 1 abstention, C. Bell) So voted.

b. Council Workshop of October 25, 2010

Motion made by K. Bell, seconded by MK Barbosa, to accept the minutes of the October 25, 2010 workshop without amendment. (5 yes, 1 abstention, C. Bell) So voted.

Council Agenda item #3: Viewing and judging of drawings submitted for the City's Annual United Way Campaign fundraiser.

No action was taken.

Council Agenda item #4: Public Hearing to receive written and verbal input on proposed changes to the dimensional requirements for multi-family housing in the R-3 Zone.

7:04 p.m. Public Hearing Opened.

On behalf of the Planning Board, Code Enforcement Officer Stephen Wentworth presented the board's recommendation to the Council. The Planning Board has reviewed the minimum lot size for multi-family dwellings in the R-3 and a public hearing on this topic was held October 7, 2010. The recommendation of the Planning Board would allow in the R-3 Zone an increase in dwelling units on smaller existing lots of record based on the State's Minimum Lot Size for Multi-Family Dwellings Formula provided by Maine Municipal Association. All requirements of the Maine Subsurface Waste Water Disposal Rules would apply in full. The R-3 Zone is the City's rural residential zone outside the

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compact area. The Planning Board is reviewing the lot size in the R-1 and R-2 Zones within the compact area.

7:09 p.m. Public Hearing Closed.

Council Agenda item #5: Consider acting upon proposed changes to the dimensional requirements for multi-family housing in the R-3 Zone.

Motion made by C. Bell, seconded by J. Boone, to amend the minimum lot size for lots of record for multi-family dwellings in the R-3 Zone and to calculate the minimum lot size as 120 gallons per day per bedroom multiplied by 66.7 sq. ft. per gallon. (6 yes) So voted.

Council Agenda item #6: Consider acceptance of the Financial Statements for the period ending October 31, 2010.

The City Manager noted the Revenue Summary Report is closing at 1.75% under Budget YTD, a positive gain of 0.72% as compared to last month. The net positive cash position YTD compared to Budget is a positive \$150,678, a net gain of \$61,994 compared to last month. Revenues are projected to make Budget for year end with the Tri-Community Landfill payment and Ambulance receipts being current.

At the end of October the cash balance was \$3,006,753.89 and Finance is reviewing investment options. Ambulance Billing is current with all accounts having been billed. The percentage outstanding for the 2010 Real Property taxes is 15.89% of the total commitment as compared to 16.43% for 2009. Manager Buck corrected information regarding State reimbursement being withheld from the 2010 tax year, instead of it being BETE monies it is Homestead Exemption monies. The amount of \$54,791.05 will be posted to Receivables at the year end.

The revaluation team has completed their ground assessment work for the year and returned to the Pittsfield office. Steps have been taken to set them up remotely to the City's central server so that data sets may be entered directly over the winter.

The City Manager commented on several accounts including salary lines for several departments, Airport, new pump house at the Trailer Park, CCC&I has not submit a bill for two months, and obtaining quotes for the replacement of the Nylander Museum furnace.

Motion made by C. Bell, seconded by K. Bell, to accept the Financial Statements for the period ending October 31, 2010. (5 yes, 1 no, M. Goughan) So voted.

Council Agenda item #7: Consider a review of the 2009 School Fund Balance Transfer pursuant to the formation of RSU #39 and associated opinion of legal counsel and auditor.

The Council has received a packet containing relevant information outlining the steps that were taken with 2009 School Fund Balance Transfer pursuant to the formation of RSU #39. The City Manager reviewed and provided additional explanation regarding this topic. The School Fund Balance Transfer was completed in 2009 and is part of the 2009 audited financials. Gregory A. Dickinson, auditor with Felch & Company, LLC, provided information through a letter on the \$1,749,682 special assessment to the City by RSU#39. Manager Buck reviewed the material gathered from law firm Drummond Woodsum and Attorney Eric Stumpf of Eaton Peabody. The Manager further noted that the City paid \$2,856,245 as its regular assessment in addition to the \$1,749,682 special assessment.

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The City's audited financials exhibit D shows that the City Fund Balance was credited with \$1,749,682 and then it was immediately paid to the RSU #39 so there was not a net gain to the City's Fund Balance.

Council consensus was to place this topic on the November 22, 2010 Workshop Agenda.

Council Agenda item #8: Consider a review of and acting upon pending 2008 tax lien properties pursuant to the Tax Acquired Property Policy.

Per the City's Tax Acquired Property Policy, the City Manager reviewed with the Council the various categories of properties with pending liens: properties with and without mortgage holders, liens greater than \$1000.00 and \$3000.00, trailers without land, pre-1976 trailers without land, and land only without mortgage holders. The Manager provided a list of 15 problematic properties which are held by four taxpayers with a principal balance of \$32,899.28 owned to the City.

Motion made by K. Bell, seconded by C. Bell, to authorize Manager Buck to issue waivers of foreclosure for problematic properties as identified by account numbers #1139, #1638, #1643, #1644, #1645, #1649, #2046, #2053, #2063, #4729, #4875, #4876, #2547, #2715 and #4773. (6 yes) So voted.

Council Agenda item #9: Consider the onetime application for a Game of Chance License, Texas Hold-Em, for the American Legion Post #15, 67 Sweden Street, for December 4, 2010.

Motion made by C. Bell, seconded by K. Bell, to authorize the Game of Chance License, Texas Hold-Em, for the American Legion Post #15, 67 Sweden Street, for December 4, 2010. (6 yes) So voted.

Council Agenda item #10: Consider authorizing the following license and permit for Kirk Violette d/b/a Napolis of Aroostook, Inc., 6 Center Street:

a. Restaurant Class I Liquor License

Motion made by C. Bell, seconded by K. Bell, to authorize the Restaurant Class I Liquor License for Kirk Violette d/b/a Napolis of Aroostook, Inc., 6 Center Street. (6 yes) So voted.

b. Special Entertainment Permit

Motion made by C. Bell, seconded by K. Bell, to authorize the Special Entertainment Permit for Kirk Violette d/b/a Napolis of Aroostook, Inc. 6 Center Street. (6 yes) So voted.

Council Agenda item #11: Updates

- Mayor Kenneth G. Murchison, Jr. praised and thanked Caribou's election workers.

The City Manager provided updated information on several topics including:

- Caribou Connector –

Contract 1 – Contract has been awarded to Soderberg Construction of Caribou and work has been started.

Contract 2 - An apparent award pending has been issued to the Design Build Team of Sargent Construction and T.Y. Lin International. A letter of intent to award was mailed today.

Contract 3 – Paving and guardrail contract has not been awarded.

MDOT is aggressively working on replacement of the current Park & Ride facility. The State is going to acquire the property owned by Dragon, Inc. just north of current Park & Ride facility.

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- Personal Property Amnesty Program – The City has received a reasonable response to the letters. A little over \$8,000 has been received. At the end of the year, the City will look at three problematic accounts that represent over half of the outstanding balance.
- Recognition was given to the 150th Committee for the Electronic Bulletin and Community Clock that is located on Bennett Drive.
- The City Manager answered Council Goughan's questions about the Micmacs and whether an agreement has been reached regarding Caribou's CEO providing inspection services. Mr. Buck stated that an agreement has been reached and the CEO has started conducting inspections. The Micmacs only want to have this service the years they have projects.

Council Agenda item #12: Other Business

- a. First Read: Proposed addition to Chapter 7 Licenses and Permits for the Sale of Liquor to include Seller/Server Training requirements  
The City Manager introduced the first draft of a License Ordinance for Liquor Licenses, including the Seller/Server Training. The draft will be sent to Attorney Rick Solman for his review.
- b. First Read: Current draft of an Agreement between the Caribou Utilities District and City for the cooperative recovery of water and sewer liens  
Historically the CUD and the City cooperate in the collecting of water and sewer liens on properties the City has acquired through the tax lien process. If approved this Agreement would formalize the procedure.
- c. Copy of City Charter for markup and input for a future Charter Commission Public Hearing, anticipated for mid-December. (Organizational Meeting is November 18<sup>th</sup>, 2010 at 7:00PM - Public Hearing to be held within 30 days of the Organizational Meeting)  
The Charter will be on the November 22, 2010 Council Workshop Agenda.
- d. Other – Discussion as to which Councilors are able to attend the Cary/Council Workshop to be held November 10, 2010.

Meeting Dates previously set:

- Council Meeting – November 22, 7:00PM Council Chambers 25 High Street
- Council Workshop – November 22, 2010 following Council meeting
- Cary/Council Workshop – November 10, 2010 at Cary, 5:00PM
- Union Negotiations, AFSCME – November 23, 2010 6:00PM Council Chambers, 25 High Street
- Charter Commission Organizational Meeting – November 18, 2010 at 7:00PM, Lions Community Building
- Personnel Committee – Workshop to set Points of Negotiations – Set time and date

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Council Agenda item #13: Consider moving to Executive Session for the purpose of discussing appointments to the Capital Improvements Committee, pursuant to Title 1 MRSA § 405 6 A.

8:45 p.m. Motion made by C. Bell, seconded by K. Bell, to move to Executive Session for the purpose of discussing appointments to the Capital Improvements Committee, pursuant to Title 1 MRSA § 405 6 A. (6 yes) So voted.

8:54 p.m. Returned from Executive Session.

Council Agenda item #14: Consider making appointments of five persons to the Capital Improvements Committee.

Motion made by C. Bell, seconded by J. Boone, to appoint Craig Staples and Philip McDonough to the Capital Improvements Committee for a three year term. (6 yes) So voted.

Council Agenda item #15: Adjourn

Meeting adjourned at 8:55 p.m.

Jayne R. Farrin, Secretary