

August 16, 2010

10-16

A regular meeting of the Caribou City Council was held at 7:00 p.m. on Monday, August 16, 2010, in Council Chambers with the following members present: Mayor Kenneth G. Murchison, Jr., Deputy Mayor Karla M. Bell, R. Mark Goughan, David Martin, Mary Kate Barbosa, Christopher A. R. Bell, and John R. Boone.

Steven R. Buck, City Manager, Mike Shrewsberry, Director of Community Development, and David Ouellette, Director of Public Works.

Also attending the meeting were Donald W. Goughan, Wilfred Martin, and Phillip St. Peter.

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

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

Council Agenda item #2: Public Hearing to receive written and verbal input an Incorporated Civic Organization Liquor License for the Limestone Snow Hawks beer garden at Spud Speed way, September 4th & 5th.

7:01 p.m. Public Hearing opened.

This is the first time Limestone Snow Hawks have applied for this type of license in the City of Caribou. Manager Buck reported that Chief Gahagan is satisfied with the proposed setup. Limestone Snow Hawks representative Phillip St. Peter spoke about the event and mentioned that it is a fundraiser for the organization.

7:04 p.m. Public Hearing closed.

Council Agenda item #3: Consider acting upon the application for the Incorporated Civic Organization Liquor License for the Limestone Snow Hawks beer garden at Spud Speedway, September 4th & 5th.

Motion made by C. Bell, seconded by D. Martin, to approve the application of the Limestone Snow Hawks to provide a two-day liquor license for a beer garden at Spud Speedway as an Incorporated Civic organization. (7 yes) So voted.

Council Agenda item #4: Consider authorizing the renewal of a Special Entertainment Permit for Spud Speedway, Inc., 209 Thompson Road.

Motion made by K. Bell, seconded by D. Martin, to authorize the renewal of a Special Entertainment Permit for Spud Speedway, Inc., 209 Thompson Road. (7 yes) So voted.

Council Agenda item #5: Consider authorizing the minutes of the following meetings:

a. Council Meeting of July 19, 2010

Motion made by C. Bell, seconded by K. Bell, to approve the minutes of the July 19, 2010 Council Meeting as printed. (7 yes) So voted.

b. Council Workshop of July 19, 2010

Motion made by C. Bell, seconded by K. Bell, to approve the minutes of the July 19, 2010 Council Workshop as printed. (7 yes) So voted.

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

The City Manager noted that all of the June 28, 2010 Council authorized budget adjustments have been made. The Revenue Summary Report is closing at 56.27% or 2.06% behind projections YTD. The Expense Summary Report is closing with total expenditures of \$4,857,978.42 or 56.42%, just 1.91% under target YTD. The net positive cash position YTD compared to Budget is a positive \$164,454.00, a net decrease of \$159,274.00 compared to last month. Manager Buck reviewed and commented on the status of the six major revenues that represent 81.51% of the 2010 total projected revenues. He moved to the Expense Summary Report and provided information and additional details for several accounts including General Assistance, Fire Department, Ambulance Bad Debt and Contractual Allowance, Police Department, and Public Works.

Councilor M. Goughan asked about Ambulance billing and whether the expected reimbursement should be received before the end of the year. The City Manager is not sure, but if it is not then the City will work with the auditors to set-up a receivable for it. Councilor M. Goughan stated that the number he will be watching is the Net Cash Position which is \$54,145.00 and if an item is not in the budget he will be voting “no” regardless of the cause. Councilor C. Bell asked if last year the Cash Balance included School Department monies and if part of the cause for reduction in Cash Balance is due to the separation of the School Department from the City and issues with Ambulance billing. Mr. Buck answered that it did. The City Manager stated that the Balance Sheet looks good but it is the cash flow that is the difference from other years. Beside the change in the School Department there are three major elements that have impacted cash flow. They are Ambulance Contractual Allowance, Tri-Community Landfill end of the year crediting, and construction projects were completed about one month early.

Motion made by D. Martin, seconded by K. Bell to accept the Financial Statements for the period ending July 31, 2010 as presented. (6 yes, 1 no, M. Goughan) So voted.

Council Agenda item #7: Consider acting upon Bids submitted for lighting improvements, LED conversion, funded by the American Recovery and Reinvestment Act of 2009 for the following:

- a. Airport Runway Lights
- b. City-owned Street Lights

Director of Community Development Mike Shrewsberry provided details about the August 11th bid opening and scoring of the bids received from R. L. Todd & Son and County Electric. With this conversion it is anticipated that the City will see an annual savings of \$9000.00 in street light expense and \$800.00 in airport runway light expense.

City-owned Street Lights: The following bids were received

R. L. Todd & Son	\$48,896.00
County Electric	\$36,752.00

Motion made by C. Bell, seconded by D. Martin, to accept the bid from County Electric for the Caribou Downtown Street Light LED Conversion as presented in the amount of \$36,752.00. (7 yes) So voted.

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Airport Runway Lights: The following bids were received

R. L. Todd & Son	\$55,683.00
County Electric	\$56,560.00

Motion made by D. Martin, seconded by K. Bell, to accept the bid from R. L. Todd & Son for the Caribou Airport Perimeter Lighting LED Conversion as presented in the amount of \$55,683.00. (6 yes, 1 no, M. Goughan) So voted.

Council Agenda item #8: Consider acting upon a draft Tax Amnesty communication for personal property as prepared by legal counsel.

Manager Buck reviewed correspondence received from Attorney Richard Solman on this topic plus an example of a taxpayer letter.

Motion made by K. Bell, seconded by C. Bell, to table until the next meeting for further review by Attorney Solman and any additional information brought forward. (7 yes) So voted.

Council Agenda item #9: Consider acting upon recommendations from legal counsel pursuant to the further development of an Alternative Enforcement Procedure.

The Council reviewed and discussed correspondence received from Attorney Richard Solman on this topic. There was discussion as to whether the Council has all the information it needs to make a decision and whether it should be tabled. Councilor C. Bell feels the City has momentum and does not want to see this tabled unless it is to a date certain.

Motion made by C. Bell, seconded by D. Martin, to table this matter until the next meeting and request additional information from Code Enforcement Officer Stephen Wentworth. (7 yes) So voted.

Council Agenda item #10: Consider acting upon the removal of the former airport beacon tower to assist adjoining agricultural operations.

Cavendish Farms has requested to purchase or lease a 400 square foot parcel from the City. On this parcel is a former Beacon Tower for the Airport. Manager Buck recommends that the Council table any action until he has spoken with Cavendish Farms about removal of the tower and checked with FFA. If everything is agreeable then have Attorney Rick Solman prepare a lease. Any monies earned through the lease would have to go back to the Airport account. Councilor Boone stated that the City should continue to look to sell this small parcel and move forward with completing those necessary steps.

Motion made by MK Barbosa, seconded by K. Bell, to table this matter to a workshop. (7 yes) So voted.

Council Agenda item #11: Consider the appointment of Stephanie Fields Beaulieu as a Caribou Police Reserve Officer, pursuant to MRSA Title 30-A § 2671.

Motion made by K. Bell, seconded by MK Barbosa, to appoint Stephanie Fields Beaulieu as a Caribou Reserve Police Officer, pursuant to MRSA Title 30-A § 2671. (7 yes) So voted.

Motion made by K. Bell, seconded by D. Martin, to appoint Chad Cochran as a full-time Caribou Police Officer, pursuant to MRSA Title 30-A § 2671. (7 yes) So voted.

Council Agenda item #12: Consider acting upon bids for 3,200 cubic yards of winter sand as specified.

The following bids were received

Carvell Goodine Sons LTD \$ 8.63 per cubic yard

O'Neal General Contracting LTD \$11.50 per cubic yard

Motion made by D. Martin, seconded by K. Bell, to accept the low bid of \$8.63 by Carvell Goodine Sons LTD for the purchase of 3,200 cubic yards of winter sand pursuant to the specification supplied by the Public Works Department. (7 yes) So voted.

Council Agenda item #13: Consider acting upon a Resolve supporting the continuation of the 100,000 pound weight limit on I-95 currently provided for under PL 111-117.

Director of Community Development Mike Shrewsberry wrote the Resolve.

Motion made by C. Bell, seconded by D. Martin, to authorize the Resolve supporting the continuation of the 100,000 pound weight limit on I-95 currently provided for under PL 111-117. (7 yes) So voted.

Council Agenda item #14: Consider the development of Legislative Priorities for consideration of the 2011-2012 Maine Municipal Association Legislative Policy Committee and pending Agenda.

The Council recommends the following Legislative Priorities:

1. Reinstatement of the revenue sharing percentage
2. Increase Mainecare ambulance reimbursements
3. Stabilization of the Maine State Retirement Fund
4. Maine Department of Transportation and classification of roads
5. Alternative Enforcement Procedure as it relates to a locally administered fine structure for a Property Maintenance Code
6. Seeing that the State is paying its required 55% share towards education

Council Agenda item #15: Consider placing to bid tax acquired property Tax Map 027 Lot 077, 23 River Road.

Motion made by K. Bell, seconded by C. Bell, to place to bid tax acquired property Tax Map 027 Lot 077, 23 River Road for a minimum bid of \$1521.60. (7 yes) So voted.

Council Agenda item #16: Consider renewal of permits for Tammie Crouch d/b/a Caribou Bowl-a-drome Sport's Inn, 97 Bennett Drive:

- a. Restaurant class liquor license
- b. Special Entertainment Permit

Motion made by C. Bell, seconded by D. Martin, to renew the restaurant class liquor license and Special Entertainment Permit for Tammie Crouch d/b/a/ Caribou Bowl-a-drome Sport's Inn, 97 Bennett Drive. (7 yes) So voted.

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Council Agenda item #17: Consider renewal of permits for John Wong d/b/a Great Wall Inc. Jade Palace, 748 Skyway Plaza Drive:

- a. Restaurant/Lounge liquor license
- b. Special Entertainment Permit

Motion made by K. Bell, seconded by D. Martin, to renew the restaurant/lounge liquor license and Special Entertainment Permit for John Wong d/b/a/ Great Wall Inc. Jade Palace, 748 Skyway Plaza Drive. (7 yes) So voted.

Council Agenda item #18: Consider the application for a B.Y.O.B Function by Florentine Berube to be held at the VFW Post 9389, 253 Van Buren Road.

Motion made by D. Martin, seconded by K. Bell, to authorize the application for a B.Y.O.B. Function by Florentine Berube to be held at the VFW Post 9389, 253 Van Buren Road. (7 yes) So voted.

Council Agenda item #19: Consider acting upon the adoption of Clerk's fees for the following:

- a. Lineage Verification Fee \$2.00
- b. Non-Certified Copy Fee \$5.00

Motion made by K. Bell, seconded by C. Bell, to approve the Lineage Verification Fee of \$2.00 and the Non-Certified Copy Fee of \$5.00 for Vital Records processing and production. (7 yes) So voted.

Council Agenda item #20: Consider the onetime application for a Game of Chance License, Texas Hold-Em, for the American Legion Post #15, 67 Sweden Street.

Motion made by D. Martin, seconded by K. Bell, to approve the onetime application for a Game of Chance License, Texas Hold-Em, for the American Legion Post #15, 67 Sweden Street for September 4, 2010. (7 yes) So voted.

Council Agenda item #21: Consider the renewal of a Bingo Game of Chance license for the Lister-Knowlton VFW Post 9389, 253 Van Buren Road.

Motion made by D. Martin, seconded by K. Bell, to authorize the renewal of a Bingo Game of Chance license for the Lister-Knowlton VFW Post 9389, 253. Van Buren Road. (7 yes) So voted.

Council Agenda item #22: Consider the renewal of a Special Entertainment Permit for the Par & Grill, 118 Bennett Drive.

Motion made by K. Bell, seconded by MK Barbosa, to renew the Special Entertainment Permit for the Par & Gil, 118 Bennett Drive. (7 yes) So voted.

Council Agenda item #22A: Consider authorizing a Letter of Support towards applications for funding rail improvements on the Montreal Maine & Atlantic line.

Motion made by K. Bell, seconded by C. Bell, to authorize the letter of support for the application for funding rail improvements on the Montreal Maine & Atlantic rail lines. (6 yes, 1 no, M. Goughan) So voted.

Council Agenda item #22B.: Consider a request to abate outstanding taxes for the disposition of B&A Trust II lands, Carroll Street, Map 11 Lot 5J, in an amount of \$903.34.

Manager Buck provided a short history of this parcel and mentioned that in the past the City has chosen not to foreclose on a tax lien. Now an abutter has contacted the holders of the B&A Trust II lands and

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wants to acquire this parcel. The B&A Trust is willing to transfer the property but the tax balances are complicating this action.

Motion made by K. Bell, seconded by MK Barbosa, to abate the 2007, 2008, 2009 and 2010 taxes on Map 11 Lot 5J in the amount of \$903.34 property currently owned by the Pension Benefit Guaranty Corporation & Trustee Pension II Trust of B&A Railroad. (6 yes, 1 no, D. Martin) So voted.

Council Agenda item #23: Updates

- MMA Update – Trackage Rights – this is new to the STB and if the STB were to provide such rights, it would set a precedent that may affect and influence future abandonment scenarios in the country.
- High Street – Senator Collins has placed an earmark funding of \$1 million for the reconstruction of High Street within the Federal Highway Appropriations.
- Highway Simplification Plan – Public Works Director David Ouellette has been in Augusta to provide Caribou’s perspective towards reclassifying all Maine roads.
- Airport Request for Qualification – The City is in the process of selecting a qualified engineering firm or firms to utilize for any airport project.
- Maine Better Transportation Association Presentation – More than 100 people attended to hear the Caribou Connector presentation.
- Segment 4 – There are two design-build teams bidding – one is Soderberg Construction.
- Meeting with Phil Bosse and Melissa Simones – discussed new facilities for Pines at Cary – acquisition of the CCH/ATX building – retention of the Loran C assets – continuation of the Wellness Center.
- Micmac Nation Development – The City has not received a building permit application yet, but it is the City Manager’s understanding that it will be a place to store and sell agricultural products.
- GIS Update – Professor Wang indicates that the GIS parcel data development is on track to be completed by the end of September.
- Regulated Garbage – The Airport has complied with the Department of Homeland Security and the US Department of Agriculture’s regulations for the disposal of Regulated Garbage.
- Revaluation – RJD Appraisal is on site.
- Roads – rural chip sealing has been completed – work on South Main Street continues.

Council Agenda item #24: Other Business

- a. Review of actions taken towards the renewal of the Maine Military Authority Lease for the 60 Access Highway facility.

Motion made by D. Martin, seconded by K. Bell to authorize the Manager to sign and implement a Contract for Services proposal by Criterium Brown Engineering to update the 2005 Property Condition Assessment and to authorize the expenditure up to \$985.00 to be taken from line G1466 for this Condition Assessment. (5 yes, 2 no, C. Bell, M. Goughan) So voted.

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- b. Review of timing of the adoption of the Maine Uniform Building and Energy Code and Caribou's pending adoption by December, 2010.
No action taken.
- c. Review of status of the Medical Marijuana Moratorium and timeline
The City Manager reviewed the timeline covered by the Moratorium and the Council will need to determine if this Moratorium should be extended for another six months.
- d. Receipt of the 2009 Audit and future actions
The City Manager briefly discussed the 2009 Audit. Councilor M. Goughan had a question about Exhibit C.
- e. Presentation of Welcome to Caribou Signs
The Councilors offered their comments on the proposed design. Councilor D. Martin suggested that "America" be changed to "United States". Councilor K. Bell suggested for simplicity the removal of the quote "Where The Spirit Still Lives". Councilor K. Bell requested that the Sign Committee be given a chance to review this design.
- f. Letters from Caribou Students
The letters came from a Junior English class and went to several City Departments.
- g. Other - none

Meeting Dates previously set:

Council Meeting – September 13th, 2010, 7:00PM Council Chambers 25 High Street

Council Meeting – September 27th, 2010, 7:00PM Council Chambers 25 High Street

Council Agenda item #25: Executive Session: Consider moving to executive session for consideration of the appointment of vacancy on the Planning Board and Zoning Board of Appeals, pursuant to Title 1 MRSA §405 (6)(A).

9:50 p.m. Motion made by C. Bell, seconded by K. Bell, to move to executive session for the consideration of the appointment of vacancy on the Planning Board and Zoning Board of Appeals pursuant to Title 1 MRSA §405 (6)(A). (7 yes) So voted.

9:58 p.m. Returned from Executive Session.

Motion made by K. Bell, seconded by D. Martin, to appoint Christine Solman to the Planning Board to fulfill the vacancy of Lynn McNeal. (7yes) So voted.

Council Agenda item #26: Executive Session: Consider moving to Executive Session for the purpose of receiving attorney client privileged information, pursuant to Title 1 MRSA § 405 (6)(E).

9:59 p.m. Motion made by C. Bell, seconded by K. Bell, to move to Executive Session for the purpose of receiving attorney client privileged information, pursuant to Title 1 MRSA § 405 (6)(E).

10:17 p.m. Returned from Executive Session.

No action was taken pursuant to the information as presented

Council Agenda item #27: Adjourn

Meeting adjourned at 10:18 pm.

Jayne R. Farrin, Secretary

A workshop session followed the meeting.