

March 8, 2010

10-07

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

Steven R. Buck, City Manager, was present.

Paul Theriault, Doug Morrell, Wilfred Martin, and Jim Cerrato also attended.

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

Council Agenda item #1: Public Input

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

- a. February 22, 2010 Council Meeting.
- b. February 22, 2010 Council Workshop
- c. February 18, 2010 Council Workshop
- d. March 3, 2010 Council Workshop

Motion made by K. Bell, seconded by D. Martin, to accept the minutes of the February 22, 2010 Council Meeting as printed. (7 yes) So voted.

Motion made by K. Bell, seconded by C. Bell, to accept the minutes of the February 22, 2010 Council Workshop, the February 18, 2010 Council Workshop, and the March 3, 2010 Council Workshop with one amendment that the February 18, 2010 Workshop minutes state that Councilor Goughan was absent. Councilor Goughan also asked that the February 22, 2010 Workshop minutes be amended to state that Councilor Goughan left "before the meeting started" without an explanation. Councilor K. Bell agreed to amend the motion, C. Bell agreed to second the amended motion. (6 yes, 1 abstention, M. Goughan) So voted.

Council Agenda item #3: Public Hearing to receive written and verbal input on the proposed re-zoning of a portion of lots Tax Map 26, Lots 48 & 79 from C-2 and R-2 to C-2, only.

7:04 p.m. Public Hearing opened.

The City Manager related that the Planning Board had held their public hearing on this change and were now recommending approval of the Council.

7:06 p.m. Public Hearing closed.

Council Agenda item #4: Consider acting upon the proposed re-zoning of Tax Map 26, Lots 48 & 79.

Motion made by C. Bell, seconded by M.K. Barbosa, to re-zone Tax Map 26 Lots 48 & 79 from a split of C-2 and R-2 to C-2 only. (7 yes) So voted.

Council Agenda item #5: Consider authorizing the Financial Statements for the period ending December 31, 2009.

The City Manager reported that the month of December ended with the Revenue Summary Report closing at 98.25%, or 1.75% behind projections, and the Expense Summary Report closing at 96.99%, or 3.01% under budget YTD. This resulted in net cash earnings for the year of \$113,337.41. The reported net change in Fund Balance due to Municipal Operations in 2009 was \$148,554.62, which included the net change in receivables of \$35,217.21 and the net cash earnings. The starting balance for 2010 was \$1,763,109.06 as compared to the starting balance in 2009 of \$1,029,683.66. Steve had advised against paying down the gymnasium debt service early mainly due to cash flow issues. He summarized the major factors most affecting the closing figures for the year.

Councilor Goughan said that he would prefer to see actual numbers “in some kind of category off to the side” throughout the year for tracking purposes to estimate, sometime in July, what the net cash earnings might be at the end of the year.

Motion made by C. Bell, seconded by K. Bell, to authorize Financial Statements for the period ending December 31, 2009 as presented. (6 yes, 1 no, M. Goughan) So voted.

Council Agenda item #6: Consider the amendment of Caribou Code Section 4-103.1 Building Permit Fees from \$4.00 per thousand to \$5.00 per thousand by a future act of ordinance.

Motion made by C. Bell, seconded by D. Martin, to set a Public Hearing date of March 22, 2010 to consider the amendment of Code Section 4-103 raising the base fee to \$50.00 and the per thousand fee from \$4.00 to \$5.00. (7 yes) So voted.

Council Agenda item #7: Consider a legal review and draft of a Moratorium on Medical Marijuana Dispensaries placement until such time as the State completes legislative actions.

Motion made by C. Bell, seconded by K. Bell, to table the setting of a public hearing date on this issue until the City Manager and Attorney Solman complete the draft of a Moratorium on Medical Marijuana Dispensaries placement. (7 yes) So voted.

Council Agenda item #8: Consider the review of and authorization of the submission of Transportation Project Requests to the Maine Department of Transportation for 2010.

The City Manager presented a prioritized list of projects for consideration as follows:

1. Route 164 – Reconstruction of High Street from intersection of the Route 1 by-pass to Main Street. (Project #009054.00)
2. Route 228/161 – Full reconstruction of Sweden Street from intersection of Route 228 to Prospect Street. (This was not included in 6 year plan and has no candidate listing)
3. Route 164 – Fort Fairfield Road from the Aroostook River Bridge. (Project #012780.00)
4. North Main Street – Mill and Fill from Herschel Street to the top of the hill at Garden Circle (Candidate #42537)

A discussion ensued concerning the preferred order of the projects. Switching the Sweden Street project with the Fort Fairfield Road project was considered, since Route 164 has a project number and the Sweden Street construction has not even been assigned a candidate number. However, the Councilors agreed to the importance of keeping the Sweden Street project high on the list in hopes that the State will also acknowledge the great need there. Some suggestions to potentially be used to persuade MDOT to do a full reconstruction of Sweden Street were to circulate a petition, contact Bob Watson, or to include the topic in the phone conference sessions the City Manager has with the legislators.

Motion made by K. Bell, seconded by D. Martin, to approve the 2010 MDOT Transportation Project Requests as submitted. (7 yes) So voted.

Council Agenda item #9: Consider setting a Public Hearing Date of March 29, 2010 to receive written and verbal input on the 2010 Municipal Budget, pursuant to Charter Section 5.08.

Motion made by C. Bell, seconded by K. Bell, to set a public Hearing date of March 29, 2010 to receive written and verbal input on the 2010 Municipal Budget, pursuant to Charter Section 5.08. (7 yes) So voted.

Council Agenda item #10: Consider posting certain municipal roads to vehicles over 23,000 lbs, pursuant to 29-A MRSA § 2395

Motion made by K. Bell, seconded by C. Bell, to post the municipal ways of the Albair Road, Bailey Road, Belanger Road, Caribou Lake Road, Old Washburn Road, Plante Road, Railroad Street, Vance Road, and Westgate Road to vehicles over 32,000 lbs., pursuant to 29-A MRSA, Section 2390 (4). (7 yes) So voted.

Council Agenda item #11: Consider the renewal of two licenses for the Caribou Country Club:
a. Golf Club liquor license, malt & vinous
b. Special Entertainment Permit

Motion made by K. Bell, seconded by D. Martin, to approve the renewal of a Golf Club liquor license, malt & vinous and a Special Entertainment Permit for the Caribou Country Club. (7 yes) So voted.

Council Agenda item #12: Consider placing to bid Tax Acquired Properties pursuant to Policy for the following parcels:

- | | |
|------------------------|----------------------------|
| a. Map 004 Lot 025 A | 261 West Presque Isle Road |
| b. Map 030 Lot 162-009 | 45 Railroad Street |
| c. Map 034 Lot 184 | 203 Limestone Street |
| d. Map 011 Lot 028 C | Access Highway |
| e. Map 005 Lot 075 | 800 E. Presque Isle Road |

The City Manager presented the list of tax acquired properties for consideration. He pointed out that Map 004 Lot 25A at 261 West Presque Isle Road was occupied and that all certified mailings sent by the Tax Collector had been refused and he had been unable to reach anyone by phone. There was a discussion about the fact that the occupants had ignored all attempts to notify them of the property's status and the fact that it would be put out to bid. Steve suggested a

cruiser could be sent to the home and the police officer could deliver the notice and explain the situation to them. This option was discussed. Voicing concerns about there being occupants involved who potentially could be evicted, Councilor K. Bell suggested holding off on including this property in the bid process until the police officer has made a final contact. Councilors C. Bell and M. Goughan agreed that it was a reasonable plan of action. Councilor Martin suggested sending them all out to bid, noting that the occupants in question would still have time to pay the lien. There was more discussion.

Motion made by D. Martin to place the slate of tax acquired properties to bid. There was no second to the motion. Motion died.

Motion made by K. Bell, seconded by M. Goughan, to place all of the tax acquired properties out to bid except Map 004 lot 025A, which will be visited by a police officer to deliver and explain the heretofore refused certified mailing and brought back to us in two weeks.

(6 yes, 1 no, D. Martin) So voted.

Motion made by K. Bell, seconded by C. Bell, to set a minimum bid of \$750.00 for Map 030 Lot 162-009 45 at 45 Railroad Street. (7 yes) So voted.

Motion made by C. Bell, seconded by K. Bell, to set a minimum bid of \$4,250.00 for Map 034 Lot 184 at 203 Limestone Street. (7 yes) So voted.

Motion made by K. Bell, seconded by D. Martin, to set a minimum bid of \$1,000 for Map 011 Lot 028C on the Access Highway. (7 yes) So voted.

Motion made by K. Bell, seconded by D. Martin, to set a minimum bid of \$1,000 for Map 005 Lot 075 at 800 E. Presque Isle Road. (7 yes) So voted.

Council Agenda item #13: Consider a review and adoption of a fee schedule for the reproduction of electronic and printed materials.

Motion made by K. Bell, seconded by D. Martin, to adopt the fee schedule for the reproduction of electronic and printed materials as printed with the addition of phrasing from the Freedom of Access statements. (7 yes) So voted.

Council Agenda item #14: Updates

The City Manager offered information on several topics, including:

- Jobs Bill – Work being done to pass a bill that would direct Federal Stimulus dollars to road, water and sewer projects – \$99.2 million bond package for creating jobs has met some opposition – Package includes \$47.5 million for highway construction and \$25 million for rail lines, \$20 million of which for purchase, acquisition and upgrading of the M M&A line
- Legislative Conference Calls – Discussion of LD 1655 N1 H1 Flu Bill would require small employers to pay sick days – Proposed amendments would change that to having to have 25 employees or greater and if any paid vacation or earned benefit time would be excluded – City would not be impacted – Discussion of TIF (windmill development) within unorganized territories to their benefit as well as to adjoining organized areas

- M M & A Rail closure – Snowe and Collins both committed to preserving rail line – Transportation Board encouraged to hold hearings in Maine to discuss disposition – Rep Michaud on board as well - M M&A filed for discontinuance February 25th – Oral hearing to follow March 8th – Several steps in the spring to be taken before an acceptance of application to abandon on June 25th
- Ambulance Reimbursements – Super Rural reimbursements moved to Tax Extenders Bill – Amendment would extend Medicare provider relief for up to 26% for Super Rural designation - Medicare Ambulance Access Preservation Act would prevent this one to two year renewal periods from happening in the future
- MMA website – Link outlines the Governor’s proposed amendments and how they would impact municipalities
- ME Ambulance Assoc – Commissioner Brenda Harvey working with Association to do away with cumbersome Ryder A application that is supported by Legislature – Instead, work is being done to increase reimbursements rates for ambulance proposed to 70% of Urban Reimbursements, which is 26% lower than City receives under Super Rural designation – Proposed mileage increases from \$2.00 to \$5.26 for net gain of \$36,000 – Historically Ryder A would have provided \$50,000 increase
- Border Patrol – Steve has started the first of five training sessions with the Border Patrol – More departments than were previously realized are part of the Border Patrol and Customs - It is proving to be an informative and interesting experience

Two points of interest:

The City Manager recognized local business owner Chris York of Blue Ox Technologies for being featured in the latest issue of *Mainebz*.

Chief Woods has announced that Ann King had been appointed as the newest Caribou Fire and Ambulance Honorary Member and the first female to achieve this status. She is a nurse at Cary Medical Center in charge of Infection Control for the hospital and also serves as a critical care flight nurse.

There is an Elected Officials Workshop to be held in Houlton April 13, 2010 at 4:30 p.m. Councilors interested in attending may contact Denise Lausier.

Council Agenda item #15: Other Business

- a. First Read: Presentation of Highway Protection Committee information from the February 24, 2010 meeting.

Councilor K. Bell reported that Mike Shrewsbury has been working on a publication to be sent to everyone that filled out a survey. A number of Requests for Information are still due to come back. The Committee would possibly set a meeting in the near future.

- b. First Read: Submission of a Draft of an Electrical Generating Windmills Section 4-101.2.

Mayor Murchison reported that the current noise ordinance specifications were applied to the Electrical Generating Windmills draft, which only addresses privately owned single free standing operations and does not include wind farms or any commercial type operations. The City Manager understood that the Council's working relationship with the Planning Board on this issue proved to be a successful exchange of information, and pointed out that a public hearing on the ordinance may be held whenever the Council is comfortable.

- c. Setting of Times for Budget Workshop/s or Committee Meetings
- d. Other Business

Councilor Goughan referred to minutes from the Highway/Protection meeting on improving crosswalk locations and markings. He asked that the work that was done by former Councilor Bob Albert on this issue be acknowledged in a brief summary of the cost analysis be placed as an agenda item for future reference. He was interested in knowing that Bob's fervent efforts to improve crosswalks in Caribou would be noted for posterity. Councilor K. Bell said the committee's work on this issue would be brought to the Council for consideration in the near future.

Meeting Dates previously set:

- Council Meeting March 22, 2010 at 7:00PM in the Council Chambers
- Public Hearing for Budget – March 29, 2010, 7:00PM council Chambers

9:25 p.m. Motion made by K. Bell, seconded by C. Bell, to adjourn. (7 yes) So voted.

Judy-Ann Corrow, Secretary