

August 13, 2012

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A regular meeting of the Caribou City Council was held 7:00 p.m. on Monday, August 13, 2012 in Council Chambers with the following members present: Mayor Kenneth G. Murchison, Jr., Deputy Mayor David Martin, Mary Kate Barbosa, John R. Boone, Philip McDonough II, Gary Aiken, and Bryan Thompson.

Margaret N. Daigle, Interim City Manager; Michael Shrewsberry, Community Development Director; and Scott Susi, Fire Chief were present.

Attending: Ronald L. Gagnon, Kevin O'Bar, Paul Theriault, and Joan Theriault.

Natalie Bazinet, representing the Aroostook Republican and Time Warner covered the meeting.

Council Agenda Item #1: Public Input

- ❖ Ronald L. Gagnon, resident of 231 Madawaska Road, requested that he be allowed to make a payment arrangement with the Finance Director to purchase his former property. The property has been placed out to bid and is on this evening's agenda. He requested that the Council waive the interest and lien costs. The property is identified as Tax Map 15, Lot 10A.
- ❖ Carol Pierson provided written and oral information plus photographs concerning agenda item #10 and requested that the Council authorize a consent agreement allowing the Unitarian Universalist Church to construct an ADA compliant accessible ramp. This is being requested because of setback requirements for this zone.

Council Agenda Item #2: Updates from City Administration

The Interim City Manager provided information on a variety of topics including

- There will be a Search and Rescue exercise at Caribou Airport on Saturday from 8:30 a.m. to 4:30 p.m.
- The Interim Manager has been meeting with the Chamber of Commerce regarding the resignation of the Director.
- The Code Enforcement Officer will be speaking with the City Attorney regarding a couple of properties and code violations. This issue will be on a future Council agenda.
- Library Roof Project is moving forward with a request for proposals with cost estimates. The project may be expanded to correct the overall problems rather than looking at the short term solution.

Council Agenda Item #3: Declaration of Conflicts of Interest from the City Council regarding any agenda item

Declaration of Conflicts of Interest: None

Council Agenda Item #4: Consider authorizing the minutes of the following meetings:

- A. July 16, 2012 Council Meeting
- B. July 23, 2012 Council Workshop Meeting
- C. July 30, 2012 Council Meeting

Motion made by P. McDonough, seconded by D. Martin, to approve the minutes of the July 16, 2012 Council Meeting, July 23, 2012 Council Workshop, and July 30, 2012 Council Meeting as presented. (7 yes) So voted.

Council Agenda Item #5: CONSENT AGENDA (Business items A & B)

- A. Consider approval of the Restaurant-Lounge (Class XI) license renewal and Special Amusement Permit for John Wong, Great Wall, Inc, d/b/a/ Jade Palace Restaurant.
- B. Consider approval and sign the Municipal Quit Claim Deeds for Tax Acquired Property identified as Caribou Tax Map 16, Lot 20D (Book 4284, Page 179 of the Aroostook County Registry) and Caribou Tax Map 10, Lot 35E (Book 4125, Page 226 of the Aroostook County Registry)

Motion made by D. Martin, seconded by P. McDonough, to approve the Consent Agenda with Business items A & B as presented. (7 yes) So voted.

Council Agenda Item #6: Acceptance of the June 2012 and July 2012 Financial Reports

The Council had several questions concerning the Financial Reports for both expenses and revenues. The Interim City Manager will research their questions and report back the answers to all the Councilors.

Motion made by P. McDonough, seconded by MK Barbosa, to accept the June 2012 and July 2012 Financial Reports as presented. (7 yes) So voted.

Council Agenda Item #7: Amend the 2011 and 2012 Fire Protection Interlocal Cooperation Agreement between the County of Aroostook for Connor township and the City of Caribou and approve the 2013 Fire Protection Interlocal Cooperation Agreement between the County of Aroostook for Connor township and the City of Caribou

A calculation error was made in both the 2011 and 2012 Fire Protection Interlocal Cooperation Agreements. The Interim City Manager recommends that the Council sign new amended agreements for those years and then the County of Aroostook plans to finish paying the monies due to the City of Caribou. The calculation error reduces the amount the City will receive. The Fire Chief noted that the 2013 contract is for \$24,243.00 rather than the amount written in the prepared 2013 Fire Protection Interlocal Cooperation Agreement.

Motion made by D. Martin, seconded by MK Barbosa, to approve the amended 2011 and 2012 Fire Protection Interlocal Cooperation Agreement between the County of Aroostook for Connor township and the City of Caribou and to approve the 2013 Fire Protection Interlocal Cooperation Agreement between the County of Aroostook for Connor township and the City of Caribou as amended to change the fee to \$24,243.00. (7 yes) So voted.

Council Agenda Item #8: Authorize the hiring of John Holden, Eaton Peabody Consulting Group to complete the TIF documents for RC-2 TIF District as required by State requirements and to develop other TIF documents as proposed by the Caribou Economic Growth Council

The Interim City Manager informed the Council that generally this type of expense is paid by the business that is benefiting from the development of a TIF District. The State's questions have to do with what can be fully funded by this TIF. The fee for the proposed Professional Services Agreement between the City of Caribou and Eaton Peabody Consulting Group will not exceed \$2000.00. The Interim City Manager wants the Council to consider the scope of this TIF and if it is what the Council really wants to see as it covers a huge amount of land. The Interim City Manager has been reviewing

documents to see what has been approved and to develop an understanding of their meaning. Before the final TIF documents are executed the Council will have them to review.

Motion made by D. Martin, seconded by MK Barbosa, to authorize the hiring of John Holden, Eaton Peabody Consulting Group to complete the TIF documents for RC-2 TIF District as required by State requirements. (7 yes) So voted.

Council Agenda Item #9: Approve and authorize a consent agreement to be drafted by the City Attorney and signed by the City Manager to allow the County Federal Credit Union to use an illuminated digital display sign as part of the business signage and to waive the prohibited sign provision as outlined in the Caribou Code.

Mayor Murchison reported that he has been contacted directly by a representative of the County Federal Credit Union (CFCU) and that the illuminated digital sign has already been purchased. The sign is the same or similar to the sign installed in front of the Presque Isle CFCU branch. The Mayor noted that this type of prohibited sign has been installed on City of Caribou property in front of the Wellness Center. Councilor McDonough commented that the Planning Board has it on their schedule to review at an upcoming workshop. Councilor McDonough stated that consent agreements allow the Caribou Code to be violated, does not allow for the public process to take place, and at the very least a public hearing should be held. Councilor McDonough noted that his comments are not directed specifically to this consent agreement but rather going forward. This project is time sensitive as the CFCU does not want to miss the 2012 construction season. Councilor Martin questioned why these types of signs are prohibited and has the standard for changing the Code been set by the sign in front of the Wellness Center. Without this consent agreement, the CFCU can install the new sign but would not be able to light it.

Motion made by J. Boone, seconded by P. McDonough, to authorize a consent agreement to be drafted by the City Attorney and signed by the Interim City Manager to allow the County Federal to use an illuminated digital display sign as part of the business signage and to waive the prohibited sign provision as outlined in the Caribou Code. (7 yes) So voted.

Council Agenda Item #10: Approve and authorize a consent agreement to be drafted by the City Attorney and signed by the City Manager to allow the Unitarian Universalist Church to construct an ADA compliant accessible ramp in the same location as the former handicap accessible ramp and to waive the 10 foot side setbacks from the right of way as outlined in the Caribou Code.

This consent agreement was recommended by Code Enforcement Officer Stephen Wentworth.

Motion made by P. McDonough, seconded by D. Martin, to authorize a consent agreement to be drafted by the City Attorney and signed by the Interim City Manager to allow the Unitarian Universalist Church to construct an ADA complaint accessible ramp in the same location as the former handicap accessible ramp to waive the 10 foot side setbacks from the right of way as outlined in the Caribou Code. (7 yes) So voted.

Council Agenda Item #11: Approve the following recommendation on the tax acquired properties as advertised for sale by bid pursuant to the City policy on Tax Acquired Properties.

1. Tax Map 29, Lot 28: Land & Buildings. Recommended: To approve the sale of this property to John Stubbs for \$4,400 and to issue a quit claim deed upon payment in full.

Motion made by D. Martin, Seconded by P. McDonough to approve the sale of Tax Map 29, Lot 28 to John Stubbs for \$4,400 and to issue a quit claim deed upon payment in full. (7 yes) So voted.

2. Tax Map 10, Lot 35E: Land & Buildings. Recommended: To reject the bid proposal as the owner has paid the amount owed in full.

Motion made by P. McDonough, seconded by MK Barbosa, to reject the bid proposal as the owner has paid the amount owned in full. (7 yes) So voted.

3. Tax Map 17, Lot 31C: Land & Buildings. Recommended: No bids.

No action taken.

4. Tax Map 15, Lot 10A: Land & Buildings. Recommended: Two conflicting recommendations. See Agenda Item 12 for Council Action.

5. Tax Map 16, Lot 20D: Land only. Recommended: No bid. Amount paid in full by owner.

No action taken

6. Tax Map 16, Lot 20E: Land & Buildings. Recommended: No bid. Finance Director is working on developing a payment plan with the owner.

No action taken.

Council Agenda Item #12: We received a bid for tax acquired property #4, Tax Map 15, Lot 10A: Land and Buildings bid from Ray Salch for a total of \$14,000. The Finance Director requests the Council reject this bid and to allow her to work with the current owner-occupant on a payment plan. The payment plan requested will waive all interest and lien costs (\$2,567.86) which will enable him to pay the full amount (\$7,898.92) owed in back taxes on the property.

Councilors asked several questions regarding the City's Tax-Acquired Property Policy, the tax lien process, whether a payment arrangement has been made with Ronald Gagnon, and they expressed their concerns about the bid that was given in good faith by Mr. Salch.

Motion made by MK Barbosa, seconded by B. Thompson, to accept the Finance Director's recommendation to allow her to work with Ronald Gagnon on a payment plan for the \$7,898.92 owed in back taxes and to waive all interest and lien costs totaling \$2,567.86. (7 yes) So voted.

Council Agenda Item #13: Agree to waive all interest and lien costs (\$1,825.29) on a property located at 215 Lombard Road (Caribou Tax Map 10, Lot 35D) in exchange for payment in full of \$5,422.64 and to issue a quit claim deed upon receipt of payment in full.

Motion made by P. McDonough, seconded MK Barbosa, to waive all interest and lien costs (\$1,825.29) on a property located at 215 Lombard Road (Caribou Tax Map 10, Lot 35D) in exchange for payment in full of \$5,422.64 and to issue a quit claim deed upon receipt of payment in full. (7 yes) So voted.

Council Agenda Item #14: Accept with regret resignation of Jenny Coon, Director of Caribou Area Chamber of Commerce. Effective date of the resignation is August 29, 2012.

The Interim City Manager stated that the Chamber Board of Directors will be discussing this at their meeting on the 14th. The Mayor praised the work done by Jenny Coon as Director. The Council briefly discussed the issues facing the Chamber Director and how difficult the job is for one person.

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Motion made by P. McDonough, seconded by MK Barbosa, to accept with regret resignation of Jenny Coon, Director of Caribou Area Chamber of Commerce with an effective date of resignation as August 29, 2012. (7 voted) So voted.

Council Agenda Item #15: Other Business

Meeting Dates previously set:

- August 27, 2012 at 5:30 p.m. in Executive Session with D. Barrett to discuss applicants for City Manager.
- August 27, 2012 at 7:00 p.m. – Council Meeting
- August 28, 2012 – Council Workshop

Council Agenda Item #16: Executive Session: Consider moving to Executive Session with the City Manager, the CEGC and a developer to discuss an economic development proposal, pursuant to MRSA Title 1 §405 (6)(C).

8:20 p.m. Motion made by P. McDonough, seconded by MK Barbosa, to move to Executive Session with the City Manager, the CEGC and a developer to discuss an economic development proposal, pursuant to MRSA Title 1 §405 (6)(C). (7 yes) So voted.

8:57 p.m. Motion made by D. Martin, seconded by P. McDonough, to come out of executive session. (7 yes) So voted.

Motion made by MK Barbosa, seconded by D. Martin, to authorize the Interim City Manager and the City Attorney to draw up a purchase and sale agreement pursuant to the agreed upon terms and conditions. (7 yes) So voted.

Council Agenda Item #17: Adjourn

Meeting adjourned at 9:00 p.m.

Jayne R. Farrin, Secretary