



City of Caribou, Maine

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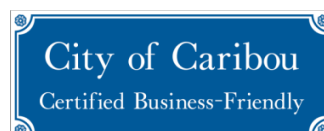
AGENDA Caribou City Council Regular City Council Meeting 6:00 P.M. Monday, February 23, 2015 Caribou City Council Chambers

1. Public Input
2. Declaration of Conflicts of Interest from the City Council regarding any agenda item.
3. Consider authorizing the minutes of the following meetings:
 - a) February 5, 2015 Council Workshop 2
 - b) February 9, 2015 Council Meeting 3-5
4. Consent Agenda
 - a) Approval of Quit Claim Deed 6
5. Ordinance Regarding Sale Of City Property 7-8
6. Nuisance Property Ordinance 9-14
7. Putting Tax Acquired Property out for Bid 15
8. Other Business

Upcoming Meeting Dates:

Regular City Council Meeting March 9, 2015 at 6pm

Regular City Council Meeting March 23, 2015 at 6pm



A joint workshop meeting of the Caribou City Council with the Nylander Board was held 6:00 p.m. on Thursday, February 5, 2015 at the Nylander Museum with the following members present: Mayor Gary Aiken, Deputy Mayor David Martin, Philip McDonough II, Joan L. Theriault, Shane McDougall, and Jody R. Smith. Tiffany Stewart was absent and excused. Austin Bleess, City Manager was present.

Nylander Board Members: Kimber Noyes and Jessica Feeley.

Kimber gave a brief presentation discussing the history of the Museum. The building was built to house Professor Nylander's collection, which was mostly collected in the area. He was the first Curator.

The Curator used to work almost full time and the position was cut. The position was completely eliminated in June 2013. In 2012 the Chamber of Commerce was invited to locate here. That has been a very helpful arrangement.

Within the last four months the Board has decided to get some audio aids for the Museum. This will be paid for by donations. They are looking at implementing the Senior Volunteer Program at the Museum.

The Board is trying to get new members. They'd like to get the Board active and going again.

Councilor McDonough discussed the ordinance and bylaws with the Board.

Mayor Aiken expressed his concern that no one is admiring or appreciating the collections. Even the schools don't come. The collection never changes. Kimber says we need to have more involvement to get the collection to change properly.

The Mayor stated we should put display cases in the Library, City Hall, and Recreation Center. Kimber asked if there would be room, Manager Bleess said there likely would be.

Kimber stated he is trying to work with the Superintendent of Schools to get the fourth graders to come to the museum when they study geology. Jessica stated we get a lot of home school tours.

A lot of the photos that are available for viewing are also available to be viewed online at the Maine Memory Network.

Looking at a grant opportunity to help fund things at the Museum.

The Mayor reiterated that he feels it is a shame the collection does not appear to be appreciated here in Caribou, and the collection should be someplace where it is appreciated. Perhaps we need to promote the Museum to schools downstate. And the local universities.

Kimber stated summer time has more tourists come through and winter is pretty slim. Often times it is a mix of ages. Discussion ensued on how to help get more people into the Museum.

A traveling display to Thursday's on Sweden was discussed.

The necessity of an active board was stressed.

Another meeting of the groups was set for Tuesday April 7 at 6 p.m. at the Nylander.

Meeting declared adjourned at 6:53pm.

Austin Bleess, City Manager

A regular meeting of the Caribou City Council was held 6:00 p.m. on Monday February 9, 2015 in Council Chambers with following members present: Mayor Gary Aiken, Deputy Mayor David Martin, Philip McDonough II, Joan L. Theriault, Shane McDougall, Tiffany J. Stewart, and Jody R. Smith.

Austin Bless, City Manager was present.

Department Manager: Penny G. Thompson, Tax Assessor.

Natalie De La Garza, representing the Aroostook Republican; and Time Warner covered the meeting.

Council Agenda Item #1: Public Input

None.

Council Agenda Item #2: Declaration of Conflicts of Interest from the City Council regarding any agenda item.

None.

Council Agenda Item #3: Consider authorizing the minutes of the following meeting:

- a) January 26, 2015 Council Meeting

Motion made by P. McDonough, seconded by S. McDougall, to approve the minutes of the January 26, 2015 Council Meeting as presented. (6 yes) So voted.

Council Agenda Item #4: Consent Agenda

- a) January Fire Department Report
- b) January Police Department Report
- c) January Library Report
- d) January Housing Department Report
- e) January 2015 Financials

Manager Bless answered Mayor Aiken's questions concerning the January 2015 Financials. The Mayor asked about the Trail Groomer Reserve, Library Roof account, Drink Grant account, Nasiff Clean Up account, D. Cooper Memorial Fund, Deferred Ambulance Revenue, GG Health Insurance Line, Fire & Ambulance expenses and revenues, meals for prisoners line, and Public Works rock salt line.

Motion made by P. McDonough, seconded by J. Theriault, to approve the Consent Agenda with Business Items A, B, C, D, & E as presented. (6 yes) So voted.

Council Agenda Item #5: Consent agreement with Daniel Bourgoine

Motion made by P. McDonough, seconded by J. Smith to approve a Consent agreement with Daniel Bourgoine which he agrees to demolish the house on Map 9, Lot 30. (6 yes) So voted.

Council Agenda Item #6: Investment Policy

Motion made by P. McDonough, seconded by D. Martin, to accept the Investment Policy as presented. (6 yes) So voted.

Council Agenda Item #7: Parking Lot Ordinance

6:16 p.m. Public Hearing Opened.

Patrick Bennett, owner of a downtown office building, extended congratulations about the addition of Sitel to the City's business economy. He understands the net result of the ordinance change is to clear the way to allow for the additional parking needed by Sitel. Mr. Bennett stated that at times there is a scarcity of parking in the downtown area. He questions whether the addition of Sitel will create pressure on the other parking lots. He wonders if language has been developed to include in the deeds to revert the lots to the City if the business entity leaves Caribou.

Robby Jandreau, Site Director at Sitel, stated that Sitel has been here for 17 years and that they want to have partnerships in the area. They want to see Caribou grow, they are here to stay, and that they want to work with the downtown business owners. Parking is a huge issue and without it, Sitel's ability to move to town would be restricted. Sitel wants to be a good partner with the City, local business owners, and local citizens. Sitel will not allow employees to park on Sweden Street.

6:22 p.m. Public Hearing Closed.

Motion made by S. McDougall, seconded by P. McDonough, to adopt Ordinance No. 1, 2015 Series, An Ordinance amending Chapter 12 Traffic, Short Title: An ordinance amending downtown parking lot restrictions as presented. (6 yes) So voted.

Councilor McDougall wants the Highway & Protection Committee to take the additional step to address other concerns with this ordinance.

Council Agenda Item #8: Introduction of an Ordinance Regarding Sale of City Property

Councilor Smith introduced Ordinance No 2, 2015 Series, An Ordinance regarding the Sale of Municipal Property.

A Public Hearing scheduled for February 23, 2015.

Council Agenda Item #9: Introduction of Nuisance Property Ordinance

Councilor McDonough introduced Ordinance No 3, 2015 Series, An Ordinance creating Chapter 8, Article V Nuisance Property Ordinance. Short Title: Nuisance Property Ordinance.

A Public Hearing scheduled for February 23, 2015.

Council Agenda Item #10: Other Business

- A. Motion made by P. McDonough, seconded by J. Theriault, to have marked the City vehicles that are not currently marked with the City's logo. (6 yes) So voted.
- B. Highway & Protection Meeting scheduled for Tuesday, February 24, 2015 at 10:00 a.m.
- C. Pellet Boilers-Auger systems have been installed in the Fire Station and Recreation Center. The Library's auger system has been ordered and is expected to arrive this week. They are working on engineering a solution for the pellet boiler in City Office. The one at the Fire Station has been in place for about a month and has worked well except for one instance. The City continues to use the same pellets. There isn't much the City can do to fight the methodology used by Trane to calculate savings.

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Motion made by P. McDonough, seconded by T. Stewart, to adjourn the meeting at 6:31 p.m. (6 yes) So voted.

Upcoming Meeting Dates:

City Council Workshop February 23, 2015 at 6:00 p.m.

Regular City Council Meeting March 9, 2015 at 6:00 p.m.

Jayne R. Farrin, Secretary



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Mayor and Council Members
From: Austin Bleess, City Manager
Date: February 23, 2015
Re: Approval of Quit Claim Deed

The high bidder for Map 15, Lot 49 that was made paid the balance of what he bid. Council approved the bid in January. We need Council to authorize the Quit Claim Deed for this property.



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Mayor and Council Members
From: Austin Bleess, City Manager
Date: February 23, 2015
Re: Ordinance Regarding Sale Of City Property

Chapter 2.11(7) of the Caribou City Charter requires an ordinance to convey to authorize the conveyance of land owned by the City.

Pursuant to that requirement the ordinance on the following pages, Ordinance 2, 2015 Series is being presented here tonight. This ordinance was introduced at our last meeting and tonight we must hold the public hearing of it.

As Council is aware we have interested buyers for most of this property. There are 17 spaces which includes 3 handicap parking spaces immediately in front of the building at 7 Hatch Drive which no one as of yet has come forward and wanted to buy. This ordinance allows the City Manager to sell those 17 spots if someone does come forward. The sale price per space will be the same methodology used for the other parking spaces that are being sold.

The entrance/exit to the parking lot at 7 Hatch Drive is 16 feet wide. Each piece of the parking lot will get 8 feet of space with an easement on to the other 8 feet so that all parties may freely enter from Hatch Drive and exit on to Washburn Street.

As soon as the sale of this property is complete we will notify Emera Maine and the costs for the lights in the parking lots will be turned over to the respective owners.

After the public hearing the Council may act on the ordinance.

Councilor _____ introduced the following ordinance:

Ordinance No. 2, 2015 Series
City of Caribou
County of Aroostook
State of Maine

AN ORDINANCE REGARDING THE SALE OF MUNICIPAL PROPERTY

The City Council of the City of Caribou, County of Aroostook, State of Maine, pursuant to the requirements of the City of Caribou Charter, Section 2.11 (7) does ordain the following:

The City Council of the City of Caribou hereby authorizes the sale of municipally owned property located at Tax Map 031, Lot 011, Lot 032, and the westernly portion of Lot 090 of the 2013 Tax Maps. The lots to be sold are more accurately depicted on the following page labeled Exhibit A.

The City Manager is hereby authorized to execute any and all documentation necessary for the conveyance of said property.

This ordinance, being introduced on February 9, 2015 and a public hearing being held on _____, 2015 was duly passed by the City Council of the City of Caribou, Maine, this _____ day of _____ 2015.

Gary Aiken, Mayor

David Martin, Councilor

Shane McDougall, Councilor

Tiffany Stewart, Councilor

Philip J. McDonough II, Councilor

Jody Smith, Councilor

Joan Theriault, Councilor

Attest:

Jayne R. Farrin, City Clerk



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Mayor and Council Members
From: Austin Bleess, City Manager
Date: February 23, 2015
Re: Nuisance Property Ordinance

On the following pages is the Nuisance Property Ordinance that the Planning Board has been working on for the past several months. The Board took a lot of time to go over this ordinance, solicited feedback from residents and landlords over the past several months, and voted to pass this ordinance on to the City Council with a recommendation for passage.

At the Public Hearing held by the Planning Board on February 4th no members of the public spoke in regards to this ordinance.

This ordinance will allow the City to better protect the health, safety, and welfare of the residents of the City of Caribou by reducing the recurrence of nuisance conduct in dwellings that disturbs the peace and tranquility of others.

The ordinance was introduced at our last meeting, and a public hearing was scheduled for tonight. The council needs to hold the public hearing and then they may act on the ordinance.

Councilor _____ introduced the following ordinance:

Ordinance No. 3, 2015 Series
City of Caribou
County of Aroostook
State of Maine

AN ORDINANCE CREATING CHAPTER 8, Article V Nuisance Property Ordinance

Short Title: Nuisance Property Ordinance.

The City Council of the City of Caribou, County of Aroostook, State of Maine, pursuant to the requirements of the City of Caribou Charter, Section 2.11 (1) does ordain the following:

Article V of Chapter 8, Miscellaneous Offices, of the Caribou City Ordinances is hereby created.

Article V of Chapter 8, Miscellaneous Offices, of the Caribou City Ordinances shall read as follows:

**Chapter 8, Article V
Nuisance Property Ordinance**

501. Purpose; Legislative Findings.

The purpose of this Nuisance Property Ordinance is to protect the health, safety, and welfare of the residents of the City of Caribou by reducing the recurrence of nuisance conduct in dwellings that disturbs the peace and tranquility of others. The City has a substantial and compelling interest in protecting neighborhoods affected by conduct that unlawfully disturbs the peace and/or constitutes a nuisance, because such conduct adversely affects the health, safety, and welfare of residents, and diminishes the quality of life in neighborhoods where it occurs. Such nuisance conduct, and its impact, should be abated. This Nuisance Property Ordinance is required because other prohibitions and penalties under state law and the City Code have not adequately eliminated or controlled chronic, disorderly or nuisance activity in the City. The enactment of this ordinance is intended to alleviate the deleterious impact of chronic, unlawful or nuisance activity in dwelling places and neighborhoods by authorizing early and constructive intervention by the City's Police Department. The goal of the City of Caribou is to provide a framework for property owners and the City to work collaboratively to address nuisance issues in the community.

502. Definitions.

As used in this Ordinance, the following terms have the following meanings:

"Authorized agent" means the person or entity identified by the Owner as the Owner's authorized agent in the Caribou Property Management Designation Form on file with the City of Caribou.

"Chronic nuisance property" means any property at which five (5) or more nuisance activities have occurred in any sixty (60) day period, or ten (10) or more nuisance activities have occurred

in any one (1) year period.

“Hotel”, “bed & breakfast”, “rooming house” and “apartment building” shall have the same meanings as set forth in the Caribou Code.

“Nuisance activity” or “Nuisance conduct” means-

- a) any activity which constitutes a crime or civil infraction under either federal, state or local law;
- b) illegal sale, distribution or consumption of alcoholic beverages;
- c) disorderly conduct as defined in Title 17-A MRSA §501;
- d) illegal sale, manufacture, storing, use, possession or distribution of narcotics or other controlled substances or drug paraphernalia;

For the purpose of this ordinance, calls related to domestic violence complaints shall not be considered a nuisance activity or nuisance conduct.

For the purpose of this ordinance, calls related to a chronically ill person who has repeated visits by emergency services shall not be considered a nuisance activity or nuisance conduct.

“Owner” means any person or entity with legal title to the property or the beneficial interest in a property as recorded in the tax records of the City of Caribou or Aroostook Registry of Deeds.

“Police Chief” means the acting Chief of Police of the City of Caribou or other official of the Police Department as may be designated by the Police Chief.

“Residential property” means (a) a parcel of land on which a residential building or a building of mixed occupancy in which there is at least one residential occupancy, including, single and multi-family dwellings, apartment buildings and multi-family housing developments.

503. Administration; Notice; Meeting with Property Owner(s).

- a. The Police Department shall document and monitor the occurrence of nuisance conduct at properties in the City of Caribou.
- b. When any occurrence of nuisance conduct has taken place, it will be recorded by the Police Chief or his/her designee who shall provide written notice of the occurrence to the property owner and the authorized agent in accordance with Section 509.
- c. Each written notice of nuisance conduct shall identify the property, describe the nuisance conduct and advise that subsequent nuisance conduct may result in the property being classified as a chronic nuisance property. The notice shall request that the property owner (or the owner’s duly authorized agent) contact the Police Chief within ten (10) days to discuss the nuisance incident and develop a plan to

abate the nuisance and prevent a recurrence.

- d. An owner wishing to appoint an agent with the authority to act on the owner's behalf must complete the City of Caribou Property Management Designation Form. Only agents duly appointed through the approved Property Management Designation process shall be authorized to act on behalf of the Owner. If an owner has completed a Property Management Application Form with the City office, all written notices will be mailed to the authorized agent in addition to the owner.

504. Declaration of a Chronic Nuisance Property

- a. If there have been five (5) or more documented occurrences of nuisance conduct at any property in any sixty (60) day period, or ten (10) or more occurrences of nuisance conduct in the preceding year, the property shall be classified as a chronic nuisance property.
 - i. For purposes of calculating the number of occurrences of nuisance conduct which have occurred at a particular property, the following rules shall apply:
 - 1. All occurrences of nuisance conduct which occur at a single family residence, multi-family residence of 1-4 units, bed and breakfast, hotel, motel, or rooming house shall be counted against the property as a whole regardless of the number of units;
 - 2. With respect to apartment buildings with 5 or more units, a property will only be classified as chronic nuisance property if any individual apartment unit exceeds the specified limit. By way of example, a 30 unit apartment complex will only be classified as a chronic nuisance property if there are 5 or more occurrences of nuisance conduct at the same apartment unit in any 60 day period or 10 or more occurrences at the same unit in any one year period.
- b. Whenever a property is classified as a chronic nuisance property, the City shall cause the owner of the property to be notified, in writing, of such classification and of the events which form the basis for that designation. The notice shall require the owner or owner's agent to meet with the Police Chief or his designee(s) within ten (10) business days from the date of delivery of the written notification to identify ways to prevent additional nuisance conduct at the property.
- c. At the time of the nuisance property meeting required under section 504 (b), the owner or his/her designee shall be obligated to provide to the city the following documentation:
 - i. A copy of the names of all tenants or other persons authorized to reside or presently residing in the building(s) on the property and the units they occupy;
 - ii. Copies of all leases with tenants residing in the building(s) on the

- property; and
- iii. Contracts with any property manager or other person responsible for the orderly operation of the property;

In addition, the owner or his/her designee must agree to take effective measures to abate the nuisance activity which measures shall be memorialized in a written remediation agreement at the conclusion of the meeting with the City. The written agreement shall be signed by both parties and be implemented by the owner within seven 7 days of said meeting unless another date is agreed upon.

505. Duration of Chronic Nuisance Property Classification.

The chronic nuisance property classification shall be removed from the property by the Chief of Police upon the Chief's determination that:

- a. The passage of 180 days without any nuisance conduct at the property;
- b. Payment of all civil penalties and costs arising from enforcement;
- c. Satisfactory implementation of the remediation agreement agreed upon between the City and owner.

506. Declaration of Public Nuisance

A chronic nuisance property is hereby declared to be a public nuisance.

The owner of residential property shall provide sufficient control, oversight, monitoring and management of the property to prevent the same from becoming a chronic nuisance property.

The owner of a chronic nuisance property shall be responsible for taking all necessary measures to abate or eliminate the public nuisance.

507. Violations

- a. No owner of property shall maintain or allow to be maintained a chronic nuisance property as defined in this Ordinance. Each and every day that a nuisance activity occurs on a property after it has been classified as a chronic nuisance property shall constitute a separate offense.
- b. It is a further violation of this Ordinance for any owner to:
 - i. refuse to meet with the Police Chief or other authorized City official as required by Section 504 (b), or to have the owner's duly authorized agent meet with the Chief; or
 - ii. refuse to enter into a written remediation agreement as required by Section 504 (c); or
 - iii. fails to fully implement the remediation agreement in compliance with the timetable specified in the agreement; or
 - iv. fails to abate or eliminate the public nuisance caused by a chronic

nuisance property.

508. Civil Penalty

Any person who is found in violation of any provision of this Ordinance shall be subject to a civil penalty of not less than \$250.00 and not more than \$2,500.00. Each violation of a separate provision of this Ordinance and each day of violation shall constitute separate offenses.

In addition, if the City is the prevailing party in any enforcement action, said Owner shall also be liable for all reasonable expenses incurred by the City in enforcement, including City of Caribou staff time, attorney fees and costs. All civil penalties shall inure to the benefit of the City of Caribou.

509. Notices

Any notice authorized or required within this article shall be deemed delivered to the owner as follows:

- a. if notice is provided by certified mail, return receipt requested, the date the owner signs the receipt; or
- b. the date the owner is personally served by a Caribou police officer; or
- c. the date the owner is personally served by another person authorized to effect service of process.

510. Other Remedies

In addition to a civil penalty, the City may seek injunctive relief in any legal action to enforce this Ordinance and to abate the public nuisance.

This ordinance, being introduced on February 9, 2015 and a public hearing being held on _____, 2015 was duly passed by the City Council of the City of Caribou, Maine, this _____ day of _____ 2015.

Gary Aiken, Mayor

David Martin, Councilor

Shane McDougall, Councilor

Tiffany Stewart, Councilor

Philip J. McDonough II, Councilor

Jody Smith, Councilor

Joan Theriault, Councilor

Attest:

Jayne R. Farrin, City Clerk



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Mayor and Council Members
From: Austin Bleess, City Manager
Date: February 23, 2015
Re: Putting Tax Acquired Property Out for Bid

We would like to put the following tax acquired properties out for bid.

Taxpayer	Map	Lot	Location	Assessed Value	Tax Amount On Books	Occupied	Amount Owed to CUD	Minimum Bid	Lot Size (acres)	Building Details
McDougal, Joseph & Michelle	27	8	11 Lower Washington St	89,700	\$ 5,570.37	YES	\$ 663.51	\$ 17,000	0.20	1 Story, SF home
Carter, Kim N	28	78	22 York Street	91,400	\$ 5,675.89	NO	\$ 1,314.30	\$ 18,000	1.11	2 Story, SF home
Levesque, Ronald - Dec	34	167	8 South Park Street	41,700	\$ 2,589.57	YES	\$ 726.10	\$ 6,000	0.17	1 1/2 Story, SF home
Forbes, Iona G	35	137	28 Hammond Street	53,400	\$ 2,322.54	NO	\$ 936.28	\$ 8,000	0.20	1 1/2 Story, SF home

These properties have all been out to bid before, and the new proposed bid amounts are lower than they were previously. We anticipate putting these out for bid on the 25th, with bids due on March 6th and the Council may act on the bids at their meeting on March 9th.