

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: NOVEMBER 18, 2019**

**TIME: 7:00 PM**

**PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS**

**CITY COUNCIL PRESENT: BLANCHETTE (arrived at presentation of awards), GRINDLE, HAMILTON, KAPLAN (arrived during Appointment of Committees), MILLER, MOORE, AND PHILLIPS.**

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE, SHAWN WILLEY, LARRY GARDNER, REGGIE WINSLOW, LISA SEKULICH, KELLY HERRICK, AND HEIDI GRINDLE.**

*Call to Order.*

Chair Hamilton called the regular meeting of the Ellsworth City Council to order at 7:00 PM.

*Pledge of Allegiance.*

All stood for the pledge of allegiance.

*Rules of Order.*

The meeting was conducted under Robert's Rules of Order and other rules adopted at the November 13, 2019 Annual Organizational Meeting of the Ellsworth City Council. After being recognized by the Chairman, a person may speak not more than three (3) minutes on any one item on the agenda. In addition, the person may speak not more than two (2) minutes in rebuttal.

*Adoption of minutes from the following meeting (s) of the Ellsworth City Council:*

October 21, 2019 Regular Council Meeting.

*On a motion by Phillips, seconded by Moore, it was unanimously*

**RESOLVED to approve the adoption of minutes from the October 21, 2019 Regular Council Meeting as presented.**

*City Manager's Report.*

David Cole, City Manager noted the tree lighting at SK Whiting Park would be on Saturday, November 30, 2019 at 5 PM. This will also be Small Business Saturday, Cole encouraged the public to shop local and attend the tree lighting. Cole also reminded the public to stop by City Hall now through November 30 to bid on items donated to the Silent Auction by local businesses to benefit the Fuel Discretionary Fund. The annual Holiday Parade will start at 11 AM on December 7. A complete

**Call to Order.**

**Pledge of Allegiance.**

**Rules of Order.**

**Approved - Adoption of minutes from the October 21, 2019 Regular Council Meeting as presented.**

**City Manager's Report.**

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list of Holiday events can be found at <https://christmasinellsworth.com/>. The Local Roads Committee is meeting on Wednesday night at 6 PM.

*Committee Reports.*

*Harbor Commission:* Councilor Moore reported the Harbor Commission met on November 13. There was \$30,125.94 in fees collected during 2019, included in that figure is \$2,000 in donations. There were discussions concerning allowing boaters to take advantage of the Harbor until the ice freezes over; there is currently one transient slip being used for this extended period. It is expected there will be more boaters interested in extending their stay. The Harbor Commission was in favor of making it possible for boaters to stay all winter; however, due to the ice eaters it was ultimately decided to close the extended period when the ice has come into the Harbor. There is a possibility the Harbor will open back up earlier in the spring; there appears to be a few commercial boaters who would like to use the Harbor as soon as the ice is out. During the storm in late October, five lobster boats docked in the Harbor to avoid the weather. In 2019, approximately 10,000 gallons of gas was sold. The Harbor has been winterized and closed for the season. The ice eaters are being installed. There was a pre-construction meeting held for the new gas pump project and it appears they will be installed on schedule in the spring of 2020. Everyone is looking forward to having both gas and diesel available at the Harbor.

*Recreation Commission:* Chair Hamilton reported there have been on-going discussions concerning developing a dog park. The ice rink is starting to be installed. The Recreation Commission would like the Council to endorse an Ad-Hoc group made up of representatives from the Recreation Commission as well as some other groups in the City to meet and develop plans for the State of Maine Bicentennial. The consensus of the Council was to endorse the creation of the Ad-Hoc Committee. Hamilton will send that information back to the Commission and have them work with the other groups.

*Appointment of Councilors to various City Committees by the Chairman of the City Council.*

Chair Hamilton distributed the complete list of Committee, Commission, and Board assignments for the upcoming year to the Council this evening, see attachment #1. This list will be posted on the website within a week or two in lieu of reading it this

**Committee Reports.**

**Appointment of Councilors.**

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evening. Hamilton noted one amendment is being made to the Capital Planning Committee, Councilor Phillips will be replacing Councilor Grindle.

*Citizens' Comments.*

Nick Turner, Director for The Grand presented the Waterfront Line-up and Attendance from 2019. See attachment #2 for the complete list and attendance numbers which resulted in over 1,200 people. There were 8 concerts held. Turner explained the City funds the Waterfront Concert series at the Ellsworth Harbor as well as includes the Grand in that programming.

*Presentation of Awards.*

Kelly Herrick, for 5 years with the City of Ellsworth.

Kelly Herrick was present to accept her service award from Chair Hamilton on behalf of the Ellsworth citizens.

*Small Business Day Proclamation – November 30, 2019.*

Chair Hamilton read the Small Business Day Proclamation into the record. A copy of the Proclamation was then presented to the Ellsworth Business Community. See attachment #3 for the complete proclamation.

UNFINISHED BUSINESS

There were no items under Unfinished Business this month.

CONSENT AGENDA

CONSENT AGENDA: All items with an asterisk (\*) are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

**Citizens' Comments.**

**Presentation of Awards.**

**Kelly Herrick – 5 years with the City.**

**Small Business Day Proclamation.**

**Unfinished Business.**

**Consent Agenda.**

**Approved - Consent agenda items #9 Council Order #111902, #10 Council Order #111903, and #11 Council Order #111904, as**

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*Council Order #111902, Discussion and action on the request of the Branch Lake Water Steward to set the Branch Lake boat and aeroplane sticker fee at \$0 for the calendar year 2020. \**

The Branch Lake boat and aero plane sticker fee was approved at \$0 for the calendar year 2020. See attachment #4 for the complete explanation.

*Council Order #111903, Request of the City Assessor for abatement of FY 2017 (\$237.40) and FY 2018 (\$227.05) taxes assessed to David Mitchell, Munis ID# 130022, in the amount of \$464.45 plus interest and fees. \**

See attachment #5 for the complete request.

*Council Order #111904, Request of the Planning Board to accept a resignation letter from Lisa Enman with a term to expire on June 30, 2020. \**

See attachment #6 for the letter of resignation.

*Council Order #111905, Request of the Recreation Commission to appoint Shane Lowell to the Recreation Commission with a term to expire June 30, 2021. \**

There was a request to remove this item from the Consent Agenda and hear it separately.

Before a vote was taken on the Consent Agenda, Councilor Kaplan noted she knew the family referenced in Council Order #111903 (item #10) and would need to abstain from the vote on that item.

***On a motion by Blanchette seconded by Moore, it was***

***RESOLVED to approve consent agenda items #9 Council Order #111902, #10 Council Order #111903, and #11 Council Order #111904, as presented this evening.***

presented this evening.

**Approved – Council Order #111902, Branch Lake boat and aeroplane sticker at \$0 for calendar year 2020.**

**Approved – Council Order #111903, FY 2017 and FY 2018 abatement of taxes to David Mitchell.**

**Approved – Council Order #111904, resignation from L. Enman term to expire 6/30/2020.**

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**A final vote was taken on the above motion with 6 in favor (Blanchette, Grindle, Hamilton, Miller, Moore, and Phillips) and 1 member abstaining from the vote (Kaplan).**

*Council Order #111905, Request of the Recreation Commission to appoint Shane Lowell to the Recreation Commission with a term to expire June 30, 2021. \**

See attachment #7 for the complete request and letter of interest. Councilor Phillips stated he had reservations appointing Shane Lowell. He did not have issues with Lowell as a person; his concern is that he is employed by the YMCA. The YMCA is one of the largest benefactors from the City financially. Phillips felt placing Lowell in a voting position on the Commission would cause a conflict. Councilor Miller stated as a former member of the Recreation Commission he agreed with Phillips. This topic has been discussed in the past and it was decided by the Commission that Lowell should not be a member of the Commission. Councilor Grindle explained at the Commission meeting it was discussed that now Lowell is an Ellsworth resident he could join the Committee and if ever a vote is needed impacting the YMCA he would be required to abstain. Grindle reminded the Council there are acting members such as Nick Turner from The Grand which is also an organization that receives funding; this has not been an issue in the past. Phillips felt that between the amount of financial influence between the YMCA and the City combined with some past history he personally could not support this request. Councilor Moore was not aware of these concerns and when he first heard of this request his opinion was Lowell would be a good appointee. Moore based this on Lowell's involvement with athletic events; however, recognized the need to make it clear that Lowell recuse himself from issues that might conflict with the City of Ellsworth and the YMCA. Moore did not see that Lowell was unfit for the appointment. Phillips noted he realized Turner is connected to The Grand; however, the financial involvement with that organization is substantially less than it is with the YMCA. The City gives the YMCA approximately \$65,000 plus funding for the skating rink as well as the use of fields that the City maintains. Based on this financial commitment, Phillips felt allowing Lowell to sit on this Commission even though he is only an employee of the YMCA has an undue influence on the outcome of some of the votes. He does not doubt Lowell's abilities; however, has a concern with his affiliation. Chair Hamilton added although he can understand the concerns raised, ultimately any votes taken by the Commission come before the City Council for final action. The only thing coming

**Approved - Council Order #111905, the acceptance of the appointment for a member to the Recreation Commission, Shane Lowell term to expire June 30, 2021.**

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out of any Committee or Commission meeting is a recommendation and ultimately the City Council will approve and endorse any type of spending. One of Hamilton's concerns is the City has someone who is very interested in helping the community in regards to recreation whether it is with the YMCA or a different avenue. Lowell has been attending the Commission meetings, has been very involved, and is very interested in going beyond the Recreation Commission to help the City. Hamilton felt if the Council is going to draw a line of where a conflict arises than is should be decided whether it is a certain monetary number and thus define it; otherwise Hamilton feels people who are interested in joining should be welcomed to get involved. This Council will continue to make the ultimate decision where the spending goes. Councilor Blanchette agreed with Hamilton that the final decision remains with the Council. Blanchette noted over the past several years there have been many people join the Recreation Commission and not finish their terms as well as months that the Commission has had a number of vacancies in membership because no one has been interested in becoming a member. He felt because Lowell has proven to be a valuable member of the Commission in the capacity he has been serving mixed with the fact the Council makes the final decisions on recommendations, Blanchette will support this nomination. Miller stated he likes the capacity Lowell has been serving in as an advisory to the Commission and providing a report from the YMCA; he is opposed to Lowell becoming a voting member of the Commission.

*On a motion by Moore seconded by Grindle, it was*

***RESOLVED to approve Council Order #111905, the acceptance of the appointment for a member to the Recreation Commission, Shane Lowell term to expire June 30, 2021.***

**A final vote was taken with 4 members voting in favor (Blanchette, Grindle, Hamilton, and Moore) and 3 members voting in opposition (Kaplan, Miller, and Phillips).**

**NEW BUSINESS**

Public hearing and action on the following business licenses:

*VFW 109, 419 Main Street, for renewal of a City Class B License (victualer, liquor, and amusement) and renewal of a State Bottle Club Registration.*

**New Business.**

**Approved - VFW  
109, 419 Main Street,**

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The staff reports the premises are in compliance with required codes and ordinances necessary to issue the requested licenses.

Public hearing was opened.

There were no comments.

Public hearing was closed.

*On a motion by Blanchette, seconded by Miller, it was unanimously*

**RESOLVED to approve the request of VFW 109, 419 Main Street, for renewal of a City Class B License (victualer, liquor, and amusement) and renewal of a State Bottle Club Registration.**

*Acadia Bowling Lanes LLC, 25 Eastward Lanes, for a new City Class B License (victualer, liquor, and arcade) and a new State Restaurant (Class III and IV) Malt and Vinous Liquor License.*

City Clerk Heidi Grindle explained she had left a message earlier in the day with the owner to remind him to send a representative as it was required by the Ordinance. She called the applicant during the beginning of the City Council meeting to double check whether a representative was on their way into the meeting. Clerk Grindle was informed a representative would not be present from Acadia Bowling Lanes LLC, as it was required by the Licensing Ordinance. Clerk Grindle stated this request is new only because the applicant is changing the LLC; in September this license was heard with the same physical owners but a different corporation name. According to the Ordinance, if a license is viewed as new a representative is required. Under that guidance the request should be tabled until the December 16 Regular Council meeting; however, Clerk Grindle recommended holding the public hearing as the business had already paid for the notice. Councilor Phillips noted that rule was put in place many years ago for a particular reason; there were certain times applicants were not appearing. The Council has had representation from the same owners recently and this request is only an LLC name change; the same individuals will be running the business. Phillips felt the requirement for the owners to be present was likely redundant since they have

**for renewal of a City Class B License (victualer, liquor, and amusement) and renewal of a State Bottle Club Registration.**

**Approved - Acadia Bowling Lanes LLC, 25 Eastward Lanes, for a new City Class B License (victualer, liquor, and arcade) and a new State Restaurant (Class III and IV) Malt and Vinous Liquor License and waive the requirement to be present this evening as they were here under a different name but same physical owner in a prior meeting.**

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appeared in person last year and the license just renewed in September. Phillips noted he would feel differently if it was a different ownership; the original Ordinance was designed to be able to talk to the new people coming into business. In this situation that time has passed. Councilor Moore noted in the packet it stated this establishment currently has a temporary license with the State of Maine Liquor Enforcement Division. Clerk Grindle explained following the City Council's approval of the renewal application in September the State gave this establishment a temporary license based on their desire to change the LLC. This also allowed time for the City to hear the license again under the new LLC. If the Council does not approve this request tonight, the City would need to issue another letter of extension to the applicant who would then forward that to the State for consideration on extending their temporary license; without the extension by the State the establishment would not be able to serve alcohol until after the December 16 Council meeting. Moore agreed with Phillips explanation in regards to moving forward on this request subject to the applicants obtaining the proper paperwork from the City Clerk. Chair Hamilton confirmed the consensus of the Council was to proceed with the hearing.

Public hearing was opened.

There were no comments.

Public hearing was closed.

*On a motion by Phillips, seconded by Miller, it was unanimously*

***RESOLVED to approve the request of Acadia Bowling Lanes LLC, 25 Eastward Lanes, for a new City Class B License (victualer, liquor, and arcade) and a new State Restaurant (Class III and IV) Malt and Vinous Liquor License and waive the requirement to be present this evening as they were here under a different name but same physical owner in a prior meeting.***

*Public hearing and action on revising the user rates for the Ellsworth Water Department.*

Reggie Winslow, Water Superintendent stated the last rate increase was in 2008 and the previous rate increase was in 1997 or 1998. Winslow introduced Nick Henry,

**Approved -  
Ellsworth Water  
Department's water  
rate increase per the  
attached documents**

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from Horton, McFarland, and Veysey. Henry presented his findings from the rate study. See attachment #8 for the complete request (submitted to the Council prior to the meeting), 2019 Rate Filing Exhibits and Schedules Filed Pursuant to Title 35-A M.R.S.A Section 6104 (submitted to the Council prior to the meeting), State of Maine Public Utilities Commission Schedule of Rates proposed Effective Date January 1, 2020 Fifth Revision (submitted to the Council prior to the meeting), blank Petition Filed Under 35-A MRSA Section 6104 as presented the evening of the meeting, and the copy of the 2019 Rate Filing Exhibits, Schedules presented the evening of the meeting, and State of Maine Public Utilities Commission Schedule of Rates Fifth edition as presented the evening of the meeting. Henry noted the Water Department is regulated by the Maine Public Utilities Commission (PUC). This process is governed by the PUC Statutes which requires a public hearing be held in conjunction with their set of rules. The first rule requires all customers to be notified of their rights under the Statutes. To start this hearing Henry reviewed those rights, gave a few reasons why the City needs a rate increase, and what the rate increase will look like for the customers. The hearing will then be opened up for customer comments, concerns, and questions. This process will satisfy all the requirements for the PUC. This rate case is governed by 35-A MRSA Section 6104; customers have the right to request additional information relating to present and proposed rates from the department, the right to an open and fair hearing as well as assistance from the public advocate. Customers also have the right under Section 6104 to petition the PUC to suspend and investigate the department's rates according to MRSA Section 310 if on or before December 18, 2019 15% of the department's customers file with the treasurer of the department and with the PUC a petition or petitions demanding review by the PUC of the proposed rate changes. The department was required to notify the public that signatures filed on the petitions in accordance with Section 7 are invalid unless accompanied by the printed names and addresses of the signers and upon request, the proper petition forms will be provided (blank forms were submitted to the City Clerk at the meeting and are on file at City Hall as well as a sample is attached to the minutes). Henry provided a quick summary of the proposed rate increase. The City is proposing an overall 10% rate increase. On the PUC website they provide a listing of every department's rates across the State of Maine based on 1,200 cubic feet; based on this Ellsworth's 1,200 cubic foot rate would be \$74.00 per quarter. The State average is approximately \$75 to \$80 per quarter, which places Ellsworth below the State average. If only Hancock County is considered based on the same usage; the average is \$110.00 a quarter; placing Ellsworth significantly below that matrix.

**to become effective  
on January 1, 2020.**

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When Utilities are looked at throughout the State based on the same number of customers (1,000 to 2,000) the City of Ellsworth is right in line with \$74 a quarter. The 10% increase was based on a desire to balance the fairness of the rate to the customers. The average household on the Ellsworth system uses approximately 1,800 cubic feet per quarter which translates into an additional charge of \$9 per quarter or \$3 a month. Based on the minimal charge for a 5/8" meter there will be an additional charge of \$5.50 per quarter or approximately \$1.83 per month. The proposed rate increase will place the price per gallon of water at under a cent; this water meets all State and Federal drinking water requirements. Henry explained the management team analyzed the short term needs of the customers and the long term needs of the Department. If the department went for everything allowed under the current PUC rules, regulations, and statutes this proposed rate increase would have been 30%. At that point, the team determined what the customers could handle for an increase after running different scenarios. A determination was made that a 10% increase would meet both considerations. Henry listed the reasons for this request. One of those reasons is a rate increase is long overdue as it has been at least 10 years and the State average is 3 to 5 years. There has been a documented increase in operating expenses during that time and there is a need to increase the rates to cover those increased expenses. Henry noted, while reviewing the fiscal year 2020 budget for the Water Department he sees a \$40,000 net loss with really no money for investments and capital. This situation is not sustainable long term for the Ellsworth Water Department. Henry noted rates need to be put in place that will generate funds for capital improvements.

Councilor Kaplan inquired why this increase was necessary right now compared to last year or even next year. Henry stated it is needed right now, ideally it should have been completed two years ago. He stated the City could hold off and it would not cause the Ellsworth Water Department to go bankrupt; however, there will not be needed investments within the system moving forward. Henry has seen the same scenario across his client base; the mentality is to push off a rate increase. Unfortunately, this causes deferred maintenance to be put off and the problems that are present behind the scenes start to crumb the entire system. Ideally, two years ago a new rate structure should have been established to bring in a proper amount of revenue for investments to be made to the system. The majority of users will see a \$9.00 per quarter increase and the few users that only use 900 or less cubic feet a quarter will see a \$5.50 increase. Kaplan noted she is most concerned about the family that is on TANF living at their house with children using water for laundry

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and they cannot afford this increase. Henry agreed with that concern; however, feels a balance has been reached to protect that demographic of residents by keeping the proposed increase at 10%. This increase cannot be pushed off any longer and even if it were possible that argument could always be made why the increase should never be approved. Councilor Phillips agreed with statements made by Henry on how the increase keeps getting pushed off and how necessary maintenance gets deferred and before long (ten years or so) the department finds their available funds in the red and the revenues no longer cover the expenses with the infrastructure. The Water Department is an enterprise fund which is designed to be self-supporting and is not funded by tax dollars. The users pay for this system; Phillips agreed there are residents on the lower financial scale that are negatively impacted by any change in rate whether it is water, sewer, or taxes. Phillips noted inflation does happen, costs increase and unfortunately there is no other way to cover those increased expenses other than by raising rates. Kaplan noted another way to offset costs would be to decrease the actual amount being spent on items such as vehicles, gasoline, and similar items. Phillips noted that is a piece of it; however, there are items related to the infrastructure that need to be made including waterlines that are aging. Henry noted there is currently no mechanism in place with the PUC that allows the rates to be increased 1% per year. This whole process has to be conducted whether the increase is 10%, 15%, or decreased by 5%. Most departments would prefer to increase the rates 2% each year because that is easier for residents to absorb; however, based on the current PUC rules that govern this process that is not possible. It was noted looking ahead there will be some very large capital projects in the near future that will need to be bonded. The upcoming projects which include a standpipe, \$3 million in infrastructure projects, and a \$3 million lagoon project will require significant debt service costs and ultimately another rate increase. Henry stated if the costs associated with these projects were to be included in this rate increase it would result in an additional 20%; this additional revenue would cover the cost of the bond payment. If more increases are likely in the near future, the best plan to meet the needs of the customer would include a 10% increase now, and then a decent increase next time and a decent increase the third time to reach the end goal; opposed to reducing this increase to 2% now and seeking a much larger increase next time to cover the bond payment. Chair Hamilton asked Winslow to speak on the future infrastructure projects as well as the other specific projects this rate increase is tied to. Winslow described one project involving a section of waterline that is very old and has had 4 leaks in one area during the last three years. The asbestos cement pipe has had four breaks and

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each time that line breaks a sample has to be sent to the State of New Hampshire because there are no companies in Maine qualified to test the samples. The test for asbestos cost \$540 per sample each time it breaks; if this test fails more work must be completed to remove the asbestos from the line and then tested again. Winslow noted the lagoon system is way undersized and is not designed for the capacity that the City is producing for backwash water now. This project will be coming up soon and is expected to cost \$3 million. David Cole, City Manager noted this is a compliance issue with the DEP. This project is not optional it is a requirement. Winslow addressed the Oak Street/Church Street/State Street reconstruction project altogether this project will cost approximately \$1.2 million. The lines involved in this project date back to 1940. In 2002, an estimate was obtained to redo State Street from the intersection of Water Street to what is now the old Ellsworth High School; the cost to complete this portion was \$514,000. This involved 5,200' of water main. As some of that has been redone, the project now involves 2,800 ft. with a cost of \$900,000, to complete the small section from Water Street to the Shore Road. Councilor Moore inquired if it were true that larger water users such as Jackson Lab and the addition of the developments will eventually help to offset the deficits. Winslow explained yes that thought process is correct, it has helped to offset costs and was included within the rate study. The more water that is used, the less expensive it gets for the customer. The final project to be considered at this time is updating the Treatment Plant.

Public hearing opened.

Nicole Grohoski, resident of the Bangor Road as well as the State Representative for Ellsworth; however, not currently a water user spoke briefly on her role as part of the Energy Utilities and Technology Committee at the State House. This subject matter comes before her Committee often; Grohoski explained many communities are struggling with this same issue. She felt the Ellsworth residents are very lucky the rate increase is as low as it is. Other communities are facing a 30% increase and that is not even covering what their expenses are. Grohoski stated at the State level they have been searching for sources of funding to help at the State level and this has been a challenge. There are many communities in worse shape than Ellsworth so even if funds were found, it is unlikely the City would receive State funding anytime soon to help with these deferred maintenance items. Grohoski said she was sorry to say there is no lifeline available from the State; a bond was put out however

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: NOVEMBER 18, 2019**

**TIME: 7:00 PM**

**PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS**

**CITY COUNCIL PRESENT: BLANCHETTE (arrived at presentation of awards), GRINDLE, HAMILTON, KAPLAN (arrived during Appointment of Committees), MILLER, MOORE, AND PHILLIPS.**

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE, SHAWN WILLEY, LARRY GARDNER, REGGIE WINSLOW, LISA SEKULICH, KELLY HERRICK, AND HEIDI GRINDLE.**

was not approved. Grohoski was supportive of incrementally increasing the rates in such a way that is less disruptive to especially the low income water users.

Public hearing closed.

*On a motion by Moore, seconded by Blanchette, it was unanimously*

**RESOLVED to approve the Ellsworth Water Department's water rate increase per the attached documents to become effective on January 1, 2020.**

*Council Order #111906, Request of the Deputy City Manager to award a \$3,068,992 Bond Anticipation Note (BAN).*

Tammy Mote, Deputy City Manager explained the City recently accepted bids for a Bond Anticipation Note (BAN). The proceeds of this BAN will be used for multiple projects including the rescue truck, two plow trucks, vacuum sweeper, loader and pusher with wings, radio communications infrastructure, the Water Street pump station, vacuum truck, and the Alexis Way reconstruction project. See attachment #9 for the complete request, the bid received from Key Bank, and the memo as well as supporting documents from when the Order Authorizing Borrowing was approved at the October 21, 2019 Council meeting. Mote noted the City Council has previously authorized the borrowing for all of these projects; this request is to obtain the actual money to fund these projects. Six bids were received; the low bid was 1.73% from Key Bank. Mote explained the projects she listed will be required to individually come back to Council for approval with the exception of the plow truck, vacuum sweeper, the loader and pusher with wings as well as Alexis Way project because they have already been approved at a specific Council meeting. Last month, the City Council authorized the borrowing of \$460,000 for Water Department improvement projects. Before funding can be authorized by the City Council, the PUC must issue prior authorization. Therefore, a request to award a bid for the water projects will come back at a later date. Councilor Moore questioned whether Mote mentioned the vacuum truck or the vacuum sweeper. Mote explained there is a request for a vacuum truck and a vacuum sweeper; the vacuum sweeper has already been authorized by the Council and purchased by the Public Works Department. The vacuum truck will be coming individually before the Council for discussion and possible approval at a later date as will the remaining projects that have not already been approved at a specific Council meeting.

**Approved - Council Order #111906, award the Bond Anticipation Note (BAN) low bid to Key Bank at an interest rate of 1.73 percent for a \$3,148,992 BAN as presented in attachment #9.**

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**DATE: NOVEMBER 18, 2019**

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**CITY COUNCIL PRESENT: BLANCHETTE (arrived at presentation of awards), GRINDLE, HAMILTON, KAPLAN (arrived during Appointment of Committees), MILLER, MOORE, AND PHILLIPS.**

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE, SHAWN WILLEY, LARRY GARDNER, REGGIE WINSLOW, LISA SEKULICH, KELLY HERRICK, AND HEIDI GRINDLE.**

Councilor Phillips clarified the following pieces of equipment have already been purchased and delivered to the City: one plow truck, vacuum sweeper, and the loader and pusher with wings. The agreement pertaining to the Alexis Way project has been satisfied within a prior Council meeting. The rest of the items included in this BAN will need to go through the Council approval process prior to being ordered, purchased, or delivered. Moore inquired if a certain amount of this money is being contemplated for road repairs and improvements. Mote explained that work was not authorized within this borrowing; at the Council meeting last month the City Council approved the items to be included within this borrowing. If the Council would like to borrow funds for roads, a request for authorization would need to be brought back to the Council. David Cole, City Manager explained the Local Roads Committee will be making a recommendation to the City Council and the Capital Budgeting Committee; that request for authorization is on a separate track at this point. Councilor Kaplan inquired why the City is borrowing money for these purchases. She understood the equipment is needed. She wondered why the City did not put money aside before the equipment was needed; opposed to borrowing and paying interest on the monies. Phillips noted it comes down to budgeting and the impact on the mil-rate. It would be difficult to add large purchases to the budget and in turn onto the taxpayers in a given year resulting in a burden. If the cost of the projects is borrowed and the payments are spread out over five or ten years it lessens the financial burden on the taxpayers by reducing the mil-rate. Phillips noted many of these purchases have been delayed and not purchased or resolved for years. For example, the budget is approved in July; therefore, a plow truck would not be ready for order until September as it needs to be bid out, once the purchase has been approved by the Council, based on this process the truck will arrive just after winter is over. There is currently a logistics problem with timing the purchases of seasonal equipment. In an effort to get back on schedule, two plow trucks were budgeted this year. One has already been purchased as a second-hand truck which actually saved the City a significant amount of money and timing from ordering it. The second truck is in this BAN package so that it will be on site in time for the season when it is needed. If all of these projects were budgeted for within a single tax year, the mil-rate would have been increased by 3 mils; the current mil-rate is approximately \$18.72 that would have been increased to \$22. Phillips noted money is set aside for capital improvements; however, it never seems to be enough when trying to balance savings with maintaining the mil-rate. It is challenging to strike a balance between keeping it affordable to live here and providing the needed equipment. Savings

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**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE, SHAWN WILLEY, LARRY GARDNER, REGGIE WINSLOW, LISA SEKULICH, KELLY HERRICK, AND HEIDI GRINDLE.**

may be recognized if some of the items included in this BAN do not get approved when they come before the Council in preparation for ordering them. Phillips also noted once the money is obtained by the City they are not required to spend it. The interest rate to borrow the funds is very reasonable. Kaplan inquired about the requirement in the past that items costing over a million dollars had to go out to a referendum vote prior to approval. Mote explained the Charter now requires purchases costing ½ of 1 percent of the City's evaluation be placed before the voters at a referendum election, which is approximately \$5 million. Phillips noted in the past expenditures that the Council finds to be contentious have also been put out for public vote.

*On a motion by Blanchette, seconded by Moore, it was unanimously*

**RESOLVED to approve Council Order #111906, award the Bond Anticipation Note (BAN) low bid to Key Bank at an interest rate of 1.73 percent for a \$3,148,992 BAN as presented in attachment #9.**

*Public hearing and action on amendments to the City of Ellsworth Code of Ordinances Chapter 10: Ordinance for the Maintenance, Administration, and Disposition of Tax Acquired Property.*

Tammy Mote, Deputy City Manager explained every year the City forecloses on multiple timeshare units; the City currently has 252 units. Notices were just sent out for another 50 units that have unpaid 2018 taxes; if not paid these will be foreclosed on as of December 7, 2019. This process is extremely time consuming, costly, and places a burden on staff who are trying to manage and sell these units. Over the past six months, the City staff has been working with the Acadia Village Resort and the City attorney to find a solution for managing these more efficiently. Mote provided some background information on how the City's Code of Ordinance, Chapter 10: Ordinance for the Maintenance, Administration, and Disposition of Tax Acquired Property currently works. Currently, after a property forecloses for non-payment of taxes, the City will send a letter of redemption that allows the taxpayer an additional 30 days to pay all back taxes (3 years taxes) and the City will then quit-claim deed the property back to the owner. If the owner chooses not to pay during that redemption period, the City has the authority to sell the property through a sealed bid process at a minimum bid of the past due taxes. If that process doesn't work, staff comes before the Council and requests permission to sell the property a

**Approved -  
Amending the City of  
Ellsworth Code of  
Ordinances Chapter  
10 Maintenance,  
Administration and  
Disposition of Tax  
Acquired Property  
effective immediately  
as presented per  
attachment #10.**

**RECORD OF REGULAR MEETING  
ELLSWORTH CITY COUNCIL**

**DATE: NOVEMBER 18, 2019**

**TIME: 7:00 PM**

**PLACE: ELLSWORTH CITY HALL COUNCIL CHAMBERS**

**CITY COUNCIL PRESENT: BLANCHETTE (arrived at presentation of awards), GRINDLE, HAMILTON, KAPLAN (arrived during Appointment of Committees), MILLER, MOORE, AND PHILLIPS.**

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE, SHAWN WILLEY, LARRY GARDNER, REGGIE WINSLOW, LISA SEKULICH, KELLY HERRICK, AND HEIDI GRINDLE.**

different way. Currently, the City Council has authorized selling the timeshare units at \$100 each and writing off the remaining balance. Although the City has sold multiple units, there still remains nearly 300 units each year. See attachment #10 for the complete request as well as the proposed changes to the current Ordinance and a copy of the full Ordinance incorporating the proposed language. The City will continue to work with the Acadia Village Resort officials to develop a master lease agreement to market these timeshare units for both sale and for short-term rentals. The master lease agreement will be scheduled for a hearing at the December Council meeting. The proposed changes would allow the City to remove the redemption period on timeshare units, write-off past taxes, interest, and fees once a timeshare unit has foreclosed, and allow Acadia Village Resort to handle the rentals and sales of the property. Once the timeshare unit has sold this will allow the City Manager to actually sign the quit-claim deed without City staff coming to the City Council for authorization to issue a quit-claim deed. Councilor Moore did not feel like this was a good enough deal for the City. He recognized that there was a lot involved in this process and it has been decades since this current arrangement was developed leading up to this hardship. It was felt a significant amount of time would be saved by implementing these changes; however, it will still result in approximately \$300-\$400 in taxes, interest and fees being written-off every time a unit is sold for \$100. This proposed process will not improve the write-offs just the process will be quicker. David Cole, City Manager stated there are advantages to adopting the proposed Ordinance revisions even if the Council does not wish to move forward with the master lease agreement. The current process requires a new owner of the timeshare unit to wait up to a month to gain full ownership of the property. Councilor Phillips recognized currently there does not seem to be a lot of value associated with the timeshare units based on the number of units the City acquires a year compared to the few that might sell during the course of a year. Phillips felt this was at least a way to save the City some time until there is a better way to deal with these units; he also noted the City Assessor has been charged with finding an alternative method for taxation on this property. The preferred method would be similar to the way it was handled in the past, one tax bill was mailed to the establishment and they were in charge of collecting the tax obligation and not the City. Phillips was in favor of at least trying this alternative because clearly the current process is not working.

Public hearing opened.

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**DATE: NOVEMBER 18, 2019**

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**CITY COUNCIL PRESENT: BLANCHETTE (arrived at presentation of awards), GRINDLE, HAMILTON, KAPLAN (arrived during Appointment of Committees), MILLER, MOORE, AND PHILLIPS.**

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE, SHAWN WILLEY, LARRY GARDNER, REGGIE WINSLOW, LISA SEKULICH, KELLY HERRICK, AND HEIDI GRINDLE.**

There were no comments.

Public hearing closed.

*On a motion by Phillips, seconded by Grindle, it was*

***RESOLVED to approve the request of the Deputy Treasurer/Tax Collector to amend the City of Ellsworth Code of Ordinances Chapter 10 Maintenance, Administration and Disposition of Tax Acquired Property effective immediately as presented per attachment #10.***

**A final vote was taken with 6 members voting in favor of the above motion (Blanchette, Grindle, Hamilton, Kaplan, Miller, and Phillips) and 1 member voting in opposition (Moore).**

*Council Order #111907, Request of the Police Chief to authorize the City Manager to enter into an agreement with Brown's Communication for the Digital Radio Communications System project.*

Sargeant Shawn Willey presented a request for funding in order to replace the failing communication system. The proposed equipment will move the department into the modern era of communications. In 2017, a failure was first noticed with the radios, upon some investigation by Brown's Communications it was determined the Dollard Hill site located off the Bucksport Road had completely died. This system was put into place in 1998. As part of this process a site survey was conducted on the full tower system located on the Bangor Road which was put into service in 1987 and has had very little maintenance performed on it since. The only real upkeep was the addition of the narrow banding as it was required by the FCC in 2012. It was determined the best alternative was to not spend money replacing or mending aging equipment located on Dollard Hill but rather to upgrade the equipment to the modern era. Councilor Phillips confirmed there are areas within the City when using the existing communication system the officers cannot communicate with each other or the command station. Willey noted even when the Dollard Hill tower was working the officers could not communicate in the schools. This lack of communication impacts the ability to successfully perform the job requirements as well as could impact the safety of the officers. There have been multiple tests on the new system and a tower that is located on Beckwith Hill was considered; however, the cost of this option was not feasible. It would cost \$768 per month per antenna just to use this tower; due to this unreasonable fee a 50 watt used digital repeater system was tested. This will put out approximately 25 watts and through this system the officers were able to communicate within the schools,

**Approved - Council Order #111907, authorize the City Manager to enter into an agreement between the City of Ellsworth and Brown's Communication for the construction of and continued maintenance of the digital Radio Communication System. Project to be funded by the 2019 bond package.**

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**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE, SHAWN WILLEY, LARRY GARDNER, REGGIE WINSLOW, LISA SEKULICH, KELLY HERRICK, AND HEIDI GRINDLE.**

hospital, and other buildings the officers could never communicate within before on their portable radios. The main repeater site would be installed on the Bangor Road, is a 100 watt repeater, and will put out approximately 70 watts; it is expected the current communications level will improve. Willey provided a technical description of how the equipment would be installed to create the best communication scenario possible. See attachment #11 for the complete request as well as the proposal from Brown's Communications, Inc., and the technical refresh quotation from Exacom. Willey noted the life span for communication equipment is generally 10 years and the Department has pushed some of this equipment to nearly 30 years. Willey stated in reference to Councilor Miller's question, there is no backup system for the communication equipment; there are some redundancies built into this new system. Willey provided an example of some of the redundancies that will be put into place with this new system. Chair Hamilton inquired about the process the Department was facing with the FCC that needed to be resolved prior to the implementation. Willey explained he had to file for some licensing to change the department from analog to digital which required letters be sent across the State to users near the City's frequency. This process was successfully completed and the Department has been licensed to move forward on this project. Willey explained how Exacom factors into this project and the warranties that come with that equipment. There is a five year service agreement, along with the dispatch console has a service agreement as well; everything operates through fiber and over a computer system now. The same warranty is available on the current analog system. The dispatch console will be able to cover all City services and other regional channels. In the event of a major incident, it could be used to communicate through and that capability is currently not available. David Cole, City Manager noted this console can be scaled for other departments to be added on in the future. Upon approval by the City Council the goal is to have the equipment arrive within 30 days and have everything on the tower before January with a completion date in February. This schedule hinges on the RCC as well; they are currently undergoing some construction in order to add a fourth station which ultimately will save the City some money. The RCC is considering using the same dispatch console which allows the company to make only one trip to the City of Ellsworth and therefore a lot of the associated costs can be split between the City and the County if that purchase were to move forward.

*On a motion by Moore, seconded by Miller, it was unanimously*

***RESOLVED to approve Council Order #111907, authorize the City Manager to enter into an agreement between the City of Ellsworth and Brown's Communication for the construction of and continued maintenance of the digital Radio Communication System. Project to be funded by the 2019 bond package.***

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GRINDLE, HAMILTON, KAPLAN (arrived during Appointment of Committees),  
MILLER, MOORE, AND PHILLIPS.**

**CITY COUNCIL ABSENT:**

**KEY SPEAKERS PRESENT: CITY MANAGER DAVID COLE, TAMMY MOTE,  
SHAWN WILLEY, LARRY GARDNER, REGGIE WINSLOW, LISA SEKULICH,  
KELLY HERRICK, AND HEIDI GRINDLE.**

*Adjournment.*

*On a motion by Moore, seconded by Blanchette, it was unanimously*

**RESOLVED to approve adjournment at 8:11 PM.**

**A TRUE COPY**

**ATTEST: \_\_\_\_\_**

**HEIDI-NOËL GRINDLE**

**Approved -  
Adjournment at 8:11  
PM.**