

**Rochester Regular City Council Meeting
October 1, 2013
COUNCIL CHAMBERS
7:00 PM**

MEMBERS PRESENT

Councilor Gray
Councilor Hervey
Councilor Hynes
Councilor Keans
Councilor LaBranche
Councilor Lauterborn
Councilor Lachapelle
Councilor Larochelle
Councilor Reed-Erickson
Councilor Varney
Councilor Walker
Mayor Jean

MEMBERS EXCUSED

Councilor Hynes

OTHERS PRESENT

City Manager Fitzpatrick
Deputy City Manager Cox
Attorney Wensley
Commissioner Nourse
Michael Bezanson, City Engineer
Elena Engle, Community
Development Specialist

MINUTES

1. Call to Order

Mayor Jean called the Regular City Council meeting to order at 7:01 PM.

2. Pledge of Allegiance

Mayor Jean led the Pledge of Allegiance.

3. Opening Prayer

Mayor Jean called for a moment of silence in honor of all military personnel.

4. Roll Call

City Clerk Walters called the roll. All Council members were present with the exception of Councilor Hynes, who had been excused.

5. Resolution Supporting Frisbie Memorial Hospital Relative to Implementation of the New Hampshire Health Insurance Exchange Under the Affordable Care Act

Mayor Jean briefed the City Council about the proposed resolution. He introduced Alvin Felgar, President and CEO of Frisbie Memorial Hospital.

Mr. Felgar described the recent action of “excluding” Frisbie Memorial Hospital from the Healthcare Exchange program under the Affordable Care Act as the greatest threat to his entire career. It has been realized that Anthem Blue Cross/Blue Shield has excluded various hospitals throughout the State from participating in this program. He said the Affordable Care Act had been originally presented by President Obama with the following two basic principles: first, the Health Exchange Program would encourage competitive market pricing, and secondly, the participants would be able to keep their existing doctors. He stated that both of these concepts have been violated as it relates to the City of Rochester. He added that Frisbie Memorial Hospital had been excluded from all of the prior discussions and there has been no public commentary; however, it has now been approved by the federal government and by the State of New Hampshire Insurance Commissioner. There were no hearings, no public debates and no due process involved. He explained the impact this action would have on residents of Rochester as well as the functions of Frisbie Memorial Hospital. He urged the Community and Government Officials to get involved in order to inform the public of what has happened and to assist in resolving this matter if possible.

Councilor Lachapelle questioned what would happen if this resolution were to be adopted by the City Council. Mayor Jean stated that he drafted this resolution. If the resolution is adopted, it would be sent to the legislative delegation along with a cover letter. This action would indicate that the City Council is in support of the endeavor being made by Frisbie Memorial Hospital relative to participating in the Healthcare Exchange Program. He added that there are no guarantees that this resolution would accomplish anything; however, the City Council should support the local hospital and the concerned citizens of Rochester.

Councilor Varney clarified that this healthcare “exclusion” only applies to non-insured residents who wish to apply for the new Healthcare Exchange Program. He added it does not apply to Medicare patients or to those people who are already covered by Anthem insurance or any other kind of

healthcare insurance carrier. Mr. Felgar agreed with Councilor Varney's statements. He stated that this would impact approximately fifteen to twenty percent of the hospital's existing patients and it would have a large impact on the hospital operations now and especially moving forward.

Mayor Jean stated that Frisbie Memorial Hospital has always provided emergency healthcare to all individuals seeking care no matter their ability to pay. Now that these individuals may qualify for an insurance carrier, they are being directed to seek healthcare elsewhere. He said this is grossly inappropriate.

Councilor Walker **MOVED** to read the resolution by title only. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution as follows:

RESOLUTION SUPPORTING FRISBIE MEMORIAL HOSPITAL
RELATIVE TO IMPLEMENTATION OF
THE NEW HAMPSHIRE HEALTH INSURANCE EXCHANGE
UNDER THE AFFORDABLE CARE ACT

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:

- WHEREAS:** Frisbie Memorial Hospital has been serving the Greater Rochester area for over 80 years; and
- WHEREAS:** The hospital has, and continues today, to provide high quality patient care regardless of an individual's ability to pay; and
- WHEREAS:** As a result of the newly created "New Hampshire Health Insurance Exchange" under the provisions of the Affordable Care Act (a/k/a "ObamaCare"), only one health insurance company, Anthem Insurance Companies, Inc., will be participating in the exchange; and
- WHEREAS:** Anthem has excluded Frisbie Memorial Hospital and its 70 employed Doctors, Nurse Practitioners and Physician Assistants from participating in the newly created health plan (a/k/a the "Pathway Network") with the exception of emergency medical services; and
- WHEREAS:** This exclusion will mean covered citizens of Rochester under the Pathway Network will be required to sever their

relationship with Frisbie Memorial Hospital and its employed Providers, some of which have been established for years; and

WHEREAS: Further, this exclusion will have a direct and lasting impact on the healthcare needs of the City of Rochester and potentially jeopardize the long-term sustainability of one of our community's largest employer and investors in the health and vitality of Rochester.

NOW THEREFORE: The Rochester City Council hereby requests our legislative delegation to act swiftly to include Frisbie Memorial Hospital and its employed Providers in the Pathway Network.

Further, we feel the recent action in New Hampshire contradicts the spirit in which the Affordable Care Act was presented to the taxpayers of our state and country.

ADOPTED this 1st day of October, 2013, by vote of the Rochester City Council.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean thanked Mr. Felgar for attending the City Council meeting.

6. Resolution Authorizing and Approving Transfers in Various Fiscal Years to the 2013-2014 Community Block Grant Budget and Making a Supplemental Appropriation in Connection Therewith for Rochester Community Center Gym Heater Project

Elena Engle, Community Development Specialist, briefed the City Council about the Rochester Community Center Gym Heater Project. She supplied the City Council with a packet of information which can be found as an addendum to the City Council packet.

Ms. Engle informed the City Council that they could expect to hear from her again in a few weeks' time regarding another CDBG project, which is named the Gonic Playground Project. She said more information could be expected soon.

Councilor Lachapelle **MOVED** to read the resolution by title only for the first time. Councilor walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution by title only for the first time as follows:

**RESOLUTION AUTHORIZING AND APPROVING TRANSFERS IN
VARIOUS FISCAL YEARS TO THE 2013-2014 COMMUNITY BLOCK
GRANT BUDGET AND MAKING A SUPPLEMENTAL APPROPRIATION IN
CONNECTION THEREWITH FOR ROCHESTER COMMUNITY CENTER
GYM HEATER PROJECT**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:

That the sum of One Hundred and Twenty-Five Thousand Dollars (\$125,000) presently appropriated in line items below

FY11 CDBG (Fund 6082) =	\$2,614.00
FY13 CDBG (Fund 6097) =	\$70,000.00
FY14 CDBG (Fund 6100) =	\$13,743.00
FY14 CDBG (Fund 6100) =	<u>\$38,643.00</u>
	\$125,000

in the Community Development Block Grant Budgets for the Department of Planning and Development for the above indicated fiscal years be, and hereby is, transferred to a "Public Facilities" line item of the corresponding fiscal year's Community Development Block Grant Budget, for the purpose of providing funds necessary for the so-called Rochester Community Center Gym Heater Project. Additionally, the appropriations in the line item accounts from which the above transfers are to be made as specified above are hereby withdrawn and deauthorized to the extent of \$125,000.00

Further, the sum of One Hundred and Twenty-Five Thousand Dollars (\$125,000) hereby transferred to the "Public Facilities" line items of the various Community Development Block Grant Budgets referred to above, be, and hereby are, appropriated as supplemental appropriations to the corresponding fiscal year various Community Development Block Grant Budgets for the Department of Planning and Development Budget for the purpose of providing sums necessary for the so-called Rochester Community Center Gym Heater, such appropriations to be drawn in their entirety from the herein above funds transferred to the "Public Facilities" line item of the various Community Development Block Grant Budgets referred to above.

To the extent necessary and/or appropriate, the Finance Director is hereby authorized to assign account numbers to accounts and/or to establish accounts necessary to implement this resolution.

7. Recess to Public Hearing

Mayor Jean called for a recess in order to call the Public Hearing to order at 7:17 PM.

8. Reconvene Regular City Council Meeting

Mayor Jean reconvened the Regular City Council meeting at 7:17 PM.

9. Acceptance of Minutes

Councilor Walker **MOVED** to **ACCEPT** the Regular City Council meeting minutes of September 3, 2013. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10. Communications from the City Manager

City Manager Fitzpatrick invited Commissioner Nourse to address the City Council.

Commissioner Nourse stated that the City of Rochester has hired a new City Engineer from the Hartford Connecticut area with twenty years experience in municipal engineering. He introduced Michael Bezanson, City Engineer, to the City Council. Mr. Bezanson stated that he is looking forward to working for the City of Rochester.

- **Employee of the Month Award**

City Manager Fitzpatrick invited Jim Campbell, Chief Planner and Crystal DeButts, Planning Department secretary, to come forward. City Manager Fitzpatrick briefed the City Council about Ms. DeButts' work ethics and awarded Ms. DeButts with the Employee of the Month Award for October.

- **City Manager's Report**

City Manager Fitzpatrick stated that the following Management Team Meeting minutes have been included in the City Council packet:

- August 26, 2013
- September 3, 2013
- September 9, 2013
- September 16, 2013

City Manager Fitzpatrick stated that the following contracts and documents have been executed since last month:

- Pine Street – Final Completion and Certification of Buy America Provision for ARRA Projects
- Pump Station Project Upgrades Contract
- Employee Computer Lease/Purchase Agreement – Kaitlin Olsen, Rochester Fire Department
- Employee Computer Lease/Purchase Agreement – Shane Tufts, Public Buildings

City Manager Fitzpatrick said the following information has been included in the packet:

- TREE Health Care Waste Facility Annual Report
- Property Liability Trust (PLT) surplus check in the amount of \$94,450.68 received

City Manager Fitzpatrick stated that the following standard reports have also been enclosed in the City Council packet:

- Personnel Action Report Summary
- Permission and Permits Issued
- City Council Request and Inquiry Report

Councilor Lachapelle inquired about the “striping” on Pickering Road. He said it has been two years since the road was originally paved and there are still no stripes on the road. Commissioner Nourse indicated that he has contacted the New Hampshire Department of Transportation several times about this issue. He agreed to contact the State again in order to request that the road be striped as soon as possible.

Councilor Lauterborn questioned if the City of Rochester anticipated receiving the Property Liability Trust surplus check in the amount of \$94,450.68 and if it had been included with the budget calculations. City Manager Fitzpatrick replied no, this was not budgeted as anticipated revenue and there is no appropriation attached to it either. He reminded the City Council that the matter is still being discussed by the governing body at this time.

11. Communications from the Mayor

- **Proclamation for Domestic Violence Awareness Month**

Mayor Jean invited members of the Family Justice Center to come forward. He read the proclamation declaring the Month of October 2013 as Domestic Violence Awareness Month. He urged citizens to participate in the scheduled activities and programs sponsored by the Strafford County Family Justice Center, in order to work towards the elimination of personal and institutional violence against women, men, and children.

Mayor Jean gave a brief overview of the American Veterans' Traveling Tribute named *The Cost of Freedom*.

- **November Regular City Council Meeting Date: Wednesday, November 6, 2013,**

Mayor Jean stated that the Rochester Municipal Election would be held on Wednesday, November 5, 2013; therefore, the November Regular City Council Meeting would be postponed until Wednesday, November 6, 2013.

Councilor Walker stated that the Police Commission normally meets on that same evening. It was determined that the Police Commission, which normally meets at this time, should therefore hold their regular monthly meeting at the Police Lecture Hall.

12. Presentations of Petitions and Council Correspondence

- **Presentation: Conservation Commission – Hope Farm**

Deborah Shigo, Chair of the Rochester Conservation Commission, introduced Bambi Miller, formerly of the Strafford County Conservation District, and together they gave a PowerPoint presentation about the Conservation Easement Project [Hope Farm – 36 Peaslee Road, Rochester, New Hampshire.] This printout can be found as an Addendum to the City Council Packet.

Ms. Shigo introduced Charlene and Molly Sanborn and their son, Joe Sanborn. Joe Sanborn read an essay which he wrote describing the work and rewards of a farmer, which can also be found in the addendum packet. Ms. Miller stated that Joe Sanborn is an important part of this project because he is dedicated to ensuring the farm continues in the future.

Ms. Shigo stated that the Conservation Commission has been working on this project since 2005 and is seeking the City Council's continued support.

Mayor Jean thanked Joe Sanborn for reading his essay to the City Council.

Councilor Reed-Erickson wished to express his support to the family's effort in seeking the LCHIP Grant.

Mayor Jean stated that no formal action is required at this time. He thanked the Sanborn family as well as Ms. Shiloh and Ms. Miller for taking the time to present the project to the City Council.

13. Nominations, Appointments, Resignations, and Elections

13.1 Resignation: Trustees of the Trust Fund

Councilor Lachapelle **MOVED** to **ACCEPT** the resignation of Brad Trafton with regret. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean asked the City Clerk to send a letter of thanks to Mr. Trafton.

13.2 Election: Ward 6 School Board [Seat A]

13.2.1 Statement of Interest: Pat Carroll

Mayor Jean stated that there is still a vacant School Board Seat. He added that Patricia Carroll, resident of Ward Six, has submitted a Statement of Interest. She is also the only candidate who signed up for the upcoming election for Ward 6, School Board, Seat A.

Mayor Jean invited Ms. Carroll to address the City Council. Ms. Carroll stated her own children have attended the Rochester School District and she has been active in the School system for the past twenty years. She has always been involved in her children's education. She felt she would be an asset to the School Board.

Mayor Jean nominated Patricia Carroll to serve on the School Board for Ward Six, Seat A. Councilor Walker seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Ms. Carroll has been appointed to the School Board by a unanimous roll call. Councilor Reed-Erickson, Keans, Lauterborn, Walker, Lachapelle, Gray, Larochelle, Torr, Hervey, LaBranche, Varney, and Mayor Jean voted in favor of the appointment.

Mayor Jean stated if there were no objections from any Councilor Members he would add another Statement of Interest to the agenda.

Mayor Jean stated that Lisa Lundborn has submitted a Statement of Interest to fill the vacant Selectman's position for Ward Four. He stated that Ms. Lundborn and her family have been very involved with the Community for many years.

Mayor Jean nominated Lisa Lundborn, resident of Ward Four, to fill the vacant position of Selectman. Councilor Keans seconded the nomination. Councilor Walker **MOVED** that nominations cease. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Ms. Lundborn has been appointed to serve as Selectman for Ward Four by a unanimous roll call vote. Councilors Larochelle, LaBranche, Hervey, Reed-Erickson, Varney, Torr, Keans, Lauterborn, Gray, Walker, Larochelle, and Mayor Jean voted in favor of the motion.

14. Reports of Committee

14.1 Codes and Ordinances Committee

Councilor Lachapelle reported that Deputy City Manager Pollard attended the last Codes and Ordinances Committee meeting in order to address the Committee regarding changing the name of the "Building Safety" Department, *formerly known as "Code Enforcement"*, to the Building, Zoning, and Licensing Department. The Codes and Ordinances Committee unanimously recommended approving this request. Attorney Wensley informed the City Council that this action would require an Amendment to the City Ordinances. This item will be sent to the November Regular City Council meeting.

Councilor Lachapelle reported that the Codes and Ordinances Committee unanimously recommends to the full City Council that a permanent "no smoking" sign be erected near the playground at the Common and during events at the Common, that a removable "no smoking" sign be placed near the seating area; however, Attorney Wensley has suggested making an Amendment to the City Ordinances. Attorney Wensley gave reasons why temporary signs might cause enforcement issues and that there should also be circumstances for which an organization could request a waiver to the policy. Mayor Jean distributed the proposed ordinance to the City Council.

Councilor Lachapelle **MOVED** to read the Amendment to the City Ordinances for the first time by title only. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a majority voice vote. Mayor Jean read the resolution by title only as follows:

**AMENDMENT TO ORDINANCES RELATIVE TO SMOKING ON THE
SO-CALLED ROCHESTER COMMON**

- I. That Chapter 21 of the General Ordinances of the City of Rochester, as presently amended, be further amended, by inserting in Section 21.2 thereof, at the end of such Section, the following new subparagraph, to be known as subparagraph (j) of Section 21.2 of the General Ordinances of the City of Rochester, to with:

“(j) Smoking on the Rochester Common.

No person shall smoke on the portion of the so-called Rochester Common between the northeasterly side of the path bisecting said Common, at the Civil War Memorial, and the northeasterly fence line surrounding said Common, where it adjoins the South Main Street right-of-way, at any time, provided, however, that a temporary waiver from the prohibition of this section may be granted to any Rochester based non-profit organization upon written application to, and approval by, the Licensing Board, which application and approval shall specify the date and hours during which such waiver shall be effective”

It was determined that there should be a Public Hearing on the Amendment to Ordinances relative to prohibiting smoking on the Common at the next City Council Workshop to be held on October 15, 2013.

Councilor Lachapelle informed the City Council and the public that the next Codes and Ordinances Committee meeting is to be held Thursday, October 3, 2013, at 7:00 PM in the City Council Chambers. He added that the matter of the proposed RAPID software and a proposed holding period for secondhand dealers and pawnbrokers would be on the Agenda. He invited anyone from the public who is interested to attend the meeting.

Councilor Keans informed the City Council that she placed information about a recent related law suit from the City of Manchester into each of the Councilors mailboxes for review.

14.2 Community Development – *Meeting scheduled 9-26-2013*

Councilor Lauterborn reported that the minutes of the September 26, 2013, Community Development Committee meeting were not expected to be completed in time for this Council packet; however, she wished to brief the City Council on a few important items.

Councilor Lauterborn stated that it has come to the attention of the Community Development Committee that the Housing Authority has decided not to continue to allow the public use of the Roberge Center for various community meetings. They have decided to use this space as a storage facility instead. The Committee is seeking to have the full City Council address this matter. Council briefly discussed the use of the building. Councilor Lauterborn **MOVED** to have a letter sent to the Rochester Housing Authority requesting that they rescind the decision made to discontinue allowing the Roberge Center to be utilized for meetings. She reiterated that the Roberge Center should not be used as a storage facility. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean suggested that the City Manager's secretary draft the letter and he would sign it. He offered to attend a Housing Authority meeting in the near future.

14.3 Finance Committee

Mayor Jean briefed the City Council about the Finance Committee meeting minutes.

Mayor Jean **MOVED** to increase the single income level for disabled and elderly exemptions by 10% [\$29,000]. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

It was determined that no City Council action is required to renew the Community Center rental rates.

Mayor Jean stated that the Finance Committee voted to send an Amendment to the Ordinances to the full City Council relative to Purchasing Procedures and it will be addressed under New Business.

Councilor Varney indicated that there are some remaining funds from the Granite State Business Park bridge project. The Finance Committee should discuss this matter. Mayor Jean stated that matter should be added to the next Finance Committee agenda. City Manager Fitzpatrick stated that the project appears to be complete; however, the project is still under review.

Councilor Varney questioned the additional \$42,450.38 of principal contained in the Business Finance Authority Debt Service. He asked to know if the loan could be refinanced now that interest rates are lower. Mayor Jean stated that this matter should be looked at by the Finance Department.

Councilor Lachapelle asked what the status is on the Stillwater Circle project. Mayor Jean stated more research is necessary and agreed to place it on the next Finance Committee Agenda.

14.4 Joint Building Committee – These minutes will be sent out as an addendum to the City Council packet.

Councilor Keans indicated that the Committee approved the selection of Hutter Construction to provide Construction Management Services for the East Rochester School Project. She informed the City Council about an article in the local newspaper relative to discussions between the School Board and the construction company happening without the Joint Building Committee's consent. The City Council briefly discussed the matter.

Councilor Walker reported that there were no action items; however, the Committee denied the request made by a resident of 470 Pickering Road to post "no hunting" signs. Councilor Walker stated that the current State RSA prohibits hunting within 300 feet from a residence.

Councilor Keans stated that the Public Safety Committee directed City staff to place boulders in front of the entrance to the "old dump" in order to prevent vehicle traffic. She questioned if this is an appropriate action for a Committee to take or should it be sent to the full City Council for review. Council briefly debated the matter.

Councilor Keans requested to view the property using "pictometry." Councilor Walker stated that the Public Works Committee brought this matter to the attention of the Public Safety Committee and recommended that "jersey" barriers or "boulders" be placed at the entrance in order to prevent the vehicle traffic.

Councilor Keans asked if the City owns the property of the old dump. Attorney Wensley confirmed that it is City property. Councilor Keans cautioned Council against blocking access to City property. She said emergency vehicles should be able to access this property in the case of an emergency.

Mayor Jean understood Councilor Keans concern about bringing the matter to the full City Council.

The City Council debated the matter and how much money should be spent resolving the issue. Commissioner Nourse noted that anti-ATV gates were placed at the Wastewater Treatment Plant and the ATV users actually uprooted the gate and threw it into the woods. The City Council discussed other options and the property itself.

Councilor Lachapelle **MOVED** to place boulders at the entrance of the old dump road. Councilor Walker seconded the motion. Councilor Walker stated that the goal is to prevent ATV and other vehicles from accessing the property and individuals "partying" on the property. A discussion ensued about emergency vehicles accessing the particular road/driveway. Councilor Gray indicated that the property owners agreed to allow emergency vehicles to access the property by way of their own driveway.

Councilor Walker stated that the boulders would prevent vehicles from accessing the property. There are teenagers "drinking" on City property and it is a liability issue.

Mayor Jean suggested posting "no trespassing" signs. He added that the Police Department currently has an ATV which could be used for enforcement issues if necessary. Councilor Hervey explained that the owners of the property did not want to post the "no trespassing" signs, because it would prevent the neighbors from accessing the property to walk their dogs. Councilor Varney stated that "no motorized vehicles" signs could be posted. It was determined that the boulders would be enough to prevent vehicle traffic.

Mayor Jean called for a vote on the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean asked about the "senior citizen" parking signs at the Community Center. Councilor Walker stated that there are currently two "senior citizen" parking signs posted at the Community Center and the seniors are seeking additional parking signs to be posted. The City Council briefly discussed the matter and Mayor Jean stated that he would follow up with the Senior Citizens Center and report back to Councilor Walker, Chair of the Public Safety Committee.

14.6 Public Works Committee

Councilor Torr expressed his concern about the Gonic Fire Station roof replacement project. This roof is approximately twelve years old and there should not be any problems with it yet. He added that the roofing company is not taking responsibility for the repairs unless a warranty is found. Mayor Jean stated for the record that the name of the roofing company is Murphy and Sons. It is unfortunate that this local business is not willing to work something out with the City. Councilor Torr stated that there should be some record of this purchase and the warranty should be kept somewhere.

Councilor Torr stated that it is important to gather input from the residents of Chamberlain Street relative to water and sewer lines. He **MOVED** to have the City Manager direct staff to send a letter and questionnaire, to the individual home owners of Chamberlain Street, detailing the project and the individual cost to each, to see if they are willing to commit to tying-in their homes, at their own expense, to the water/sewer lines. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilor Larochele stated that there should be a standard policy for this process. Mayor Jean agreed that administration or the Utility Advisory Board could look into the matter.

Councilor Torr spoke about the Historical Society windows project. Commissioner Nourse informed the City Council that he has done some additional research on this matter and he actually met with the same company responsible for repairing the historical windows at the Rochester Library. The City Council discussed the funding of the project. Councilor Keans asked how many windows are on the building. Commissioner Nourse replied 34 all together, including the basement. Mayor Jean stated Commissioner Nourse should send all of the information back to the Public Works Committee for review.

Councilor Torr **MOVED** to have the City Manager direct staff to install curbing, *using City stock*, at the Route 11 Farmington Road Parking Area. This would discourage the parking issue. Councilor Keans spoke against the motion. The **MOTION CARRIED** by a 7 to 5 show-of-hands vote, *the first voice vote had been unclear*.

Councilor Torr stated that there is currently a problem with the water metering at Fieldstone Village. It seems that this problem is being addressed by the State of New Hampshire Department of Environmental Services.

Councilor Torr informed the City Council that the Rochester Hill Water Tank is in the process of being filled.

Councilor Varney stated that a recommendation was made at the Committee level to install a gradual slope curbing for the Franklin Street Project.

Councilor Varney stated that there have been parking issues on Grove Street. He suggested keeping this in mind while completing the Franklin Street project, which is a similar neighborhood. He suggested restricting parking to one side of the street. The parking should also be limited close to the stop signs. He added that Highland Street is another area of concern.

Councilor Torr stated that there still remain some outstanding invoices for the water and sewer fund relative to the turnpike widening project. He requested to have the City Manager contact the State regarding this matter.

15. Old Business

No discussion.

16. Consent Calendar

Councilor Walker **MOVED** to **APPROVE** all items on the Consent Calendar as proposed. Councilor Varney seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

16.1 Resolution De-Authorizing \$80,000 from the CIP Project # 10506 [Paint Bay Equipment] – *First Reading, Second Reading, and Adoption*

RESOLUTION DEAUTHORIZING FY 2009-2010 DPW PAINT BAY EQUIPMENT CAPITAL BUDGET APPROPRIATION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF THE CITY OF ROCHESTER, AS FOLLOWS:

WHEREAS, by June 2009 Resolution, a Capital Improvements Budget appropriation by the Mayor and City Council, in the sum of Eighty Thousand Dollars (\$80,000.00) was appropriated in the FY 2009-2010 City of Rochester, Public Works Department Capital Improvements Project budget for the so-called Paint Bay Equipment project (project# 10506) (the "Project"), with such appropriation to be funded, in its entirety, from the proceeds of bonding by the City of Rochester; and

WHEREAS, the City Administration has determined that, to the extent of Eighty Thousand Dollars (\$80,000.00) funds for such Project are unneeded, since the Project is currently unnecessary, in its entirety; and

WHEREAS, the sum of Eighty Thousand Dollars (\$80,000.00) of the aforementioned funds appropriated for such Project, are, therefore, no longer necessary for such Project's purposes;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize Eighty Thousand Dollars (\$80,000.00) of the previously appropriated funds for the so-called Project, leaving no appropriated funds (\$0.00) for said Project, and further withdraws all bonding authority with respect to such Project.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution.

**16.2 Resolution De-Authorizing \$150,000 from the CIP Project
10507 [Wash Bay] – *First Reading, Second Reading,
and Adoption***

**RESOLUTION DEAUTHORIZING
FY 2009-2010 DPW WASH BAY
CAPITAL BUDGET APPROPRIATION**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:

WHEREAS, by June 2009 Resolution, a Capital Improvements Budget appropriation by the Mayor and City Council, in the sum of One Hundred and Fifty Thousand Dollars (\$150,000.00) was appropriated in the FY 2009-2010 City of Rochester, Public Works Department Capital Improvements Project budget for the so-called Wash Bay project (project# 10507) (the "Project"), with such appropriation to be funded, in its entirety, from the proceeds of bonding by the City of Rochester; and

WHEREAS, the City Administration has determined that such Project is currently unnecessary in its entirety; and

WHEREAS, the sum of One Hundred and Fifty Thousand Dollars (\$150,000.00) of the aforementioned funds appropriated for such Project is therefore no longer necessary for such Project's purposes;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize One Hundred and Fifty Thousand Dollars (\$150,000.00) of the previously appropriated funds for the so-called Project, leaving no appropriated funds (\$0.00) for said Project, and further withdraws all bonding authority with respect to such Project.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution.

16.3 Resolution De-Authorizing \$12,000 from the Public Buildings CIP Project # 12506 [Opera House] – *First Reading, Second Reading, and Adoption*

**RESOLUTION DEAUTHORIZING
FY 2011-2012 CITY OF ROCHESTER PUBLIC BUILDINGS
CAPITAL BUDGET APPROPRIATION**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:

WHEREAS, by June 2011 Resolution, a Capital Improvements Budget appropriation by the Mayor and City Council, in the sum of Twelve Thousand Dollars (\$12,000.00) was appropriated in the FY 2011-2012 City of Rochester, Public Buildings Capital Improvements Project budget, for the so-called Opera House Restoration project (project# 12506) (the "Project"), with such appropriation to be funded, in its entirety, from cash from the City of Rochester; and

WHEREAS, the particulars of such Project have been completed, in their entirety, with CDBG funds; and

WHEREAS, the sum of Twelve Thousand Dollars (\$12,000.00) of the aforementioned funds appropriated for such Project is, therefore, no longer necessary for such Project's purposes;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize Twelve Thousand Dollars (\$12,000.00) of the previously appropriated funds for the so-called Project, leaving no appropriated funds (\$0.00) for said Project. Further, that the Finance Director is hereby directed to transfer the deauthorized Twelve Thousand Dollars (\$12,000.00) to the General Fund of the City of Rochester.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution.

16.4 Resolution Pertaining to FY 2007 Ground Water Development CIP Project # 07525 a De-Authorization of Funds and a Change in Funding Source – *Second Reading and Adoption*

RESOLUTION

"Pertaining to FY2007 Ground Water Development CIP Project # 07525 a de-authorization of funds and a change in funding source."

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, NEW HAMPSHIRE:

1. Whereas: As part of the Fiscal Year 2007 Water Works Capital Improvements Budget, the City Council appropriated \$300,000 for Ground Water Development (the Project) and authorized funding the entire amount of said appropriation from borrowing through the N.H. Department of Environmental Services (DES) Drinking Water State Revolving Fund (DWSRF) program; and
2. Whereas: The Project has been completed at a final total cost of \$299,800, leaving an unexpended appropriation of \$200; and
3. Whereas: Of the final total cost of \$299,800, only \$228,241.55 was ultimately available in DWSRF funding, leaving an unavailable amount of \$71,558.45; and
4. Whereas: Of the \$228,241.55 available in DWSRF funding; American Recovery & Reinvestment Act (ARRA) funds in the amount of \$114,120.77 were received by the DES leaving a balance of DWSRF borrowing of \$114,120.78.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND ROCHESTER CITY COUNCIL THAT:

Pursuant to the City Charter and the N.H. Municipal Finance Act and any other enabling authority-

5. \$200 of the Project's previously appropriated DWSRF borrowing authority is hereby withdrawn and de-authorized; and
6. \$71,558.45 of the Project's previously appropriated DWSRF borrowing authority is hereby changed to General Obligation bonding authority.
7. \$114,120.77 of ARRA funding is hereby accepted.
8. Further, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to carry out actions necessary to implement the transactions contemplated by the Resolution.

Note: The funding change contemplated above requires a duly advertised public hearing and a 2/3 favorable vote of all Council members for adoption.

Mayor Jean indicated that this item would be sent to a Public Hearing for the next City Council Regular meeting.

**16.5 Resolution Pertaining to the FY 2009 Ground Water
Resource Development CIP Project # 09541 a De-
Authorization of Funds – *Second Reading and Adoption***

RESOLUTION

**"Pertaining to FY2009 Ground Water Resource Development CIP
Project # 09541 a de-authorization of funds."**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
ROCHESTER, NEW HAMPSHIRE:**

1. Whereas: As part of the Fiscal Year 2009 Water Works Capital Improvements Budget, the City Council approved a Supplemental Appropriation on May 19, 2009 of \$4,150,000 for Ground Water Resource Development (the Project) and authorized funding the above amount as follows:

a. \$2,075,000 in borrowing through the N.H. Department of Environmental Services (DES) Drinking Water State Revolving Fund (DWSRF) program

b. \$2,075,000 in American Recovery & Reinvestment Act (ARRA) funds

2. Whereas: The Council de-authorized on March 16, 2010 \$888,953, as follows:

a. \$444,476.50 in DWSRF funding

b. \$444,476.50 in ARRA funding

3. Whereas: The above de-authorizations leave \$3,261,047 in borrowing authority as follows:

a. \$1,630,523.50 in DWSRF funding

b. \$1,630,523.50 in ARRA funding

4. Whereas: The Project has been completed at a final total cost of \$3,097,028.36, leaving an unexpended appropriation and borrowing authority of \$164,018.64; and

5. Whereas: Of the total Project cost of \$3,097,028.36, borrowing through:

a. the DWSRF program is available in the amount of \$1,548,514.18; and

b. ARRA in the amount of \$1,548,514.18

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND ROCHESTER CITY COUNCIL THAT:

Pursuant to the City Charter and the N.H. Municipal Finance Act and any other enabling authority-

6. \$164,018.64 of the Project's previously appropriated borrowing authority is hereby withdrawn and de-authorized as follows:

a. \$82,009.32 from DWSRF funding

b. \$82,009.32 from ARRA funding

7. Retain \$3,097,028.36 in borrowing authority as follows:

a. \$1,548,514.18 of said borrowing authority to be funded through the DWSRF program

b. \$1,548,514.18 to be accepted and funded through available ARRA funds

8. Further, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to carry out actions necessary to implement the transactions contemplated by this Resolution.

16.6 Resolution Pertaining to FY2008 Ground Water Resource Development CIP Project # 08256 a de-authorization of funds and a change in funding sources – *Second Reading and Adoption*

RESOLUTION

"Pertaining to FY2008 Ground Water Resource Development CIP Project # 08256 a de-authorization of funds and a change in funding sources."

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, NEW HAMPSHIRE:

1. Whereas: As part of the Fiscal Year 2008 Water Works Capital Improvements Budget, the City Council appropriated \$500,000 for Ground Water Resource Development (the Project) and authorized funding the above amount entirely through Water Works general obligation bonding; and
2. Whereas: The Council later de-authorized \$136,922, leaving \$363,078 in bonding authority; and
3. Whereas: The Project has been completed at a total cost of \$256,503.44, leaving an unexpended appropriation of \$106,574.56; and
4. Whereas: Of the total Project cost of \$256,503.44, borrowing through the N.H. Department of Environmental Services (DES) Drinking Water State Revolving Fund (DWSRF) program is available in the amount of \$28,319.72 and through the American Recovery & Reinvestment Act (ARRA) funds in the amount of \$28,319.72;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND ROCHESTER CITY COUNCIL THAT:

Pursuant to the City Charter and the N.H. Municipal Finance Act and any other enabling authority-

5. \$106,574.56 of the Project's previously appropriated bonded borrowing authority is hereby withdrawn and de-authorized; and

6. \$256,503 in borrowing authority is retained as follows:
 - a. Change \$28,319.72 of said general obligation bonding authority to be funded instead through the DWSRF program; and
 - b. Change \$28,319.72 of said general obligation bonding authority funded through acceptance of available ARRA funds
 - c. Retain \$199,864.00 to be funded through Water Works general obligation bonding; and
7. Further, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to carry out actions necessary to implement the transactions contemplated by this Resolution.

17. New Business

Mayor Jean stated if there were no objections from the City Council members he would amend the Agenda to take action on the CDBG resolution.

Councilor LaBranche **MOVED** to read the resolution by title only for the second time. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a majority voice vote. Mayor Jean read the resolution by title only for the second time as follows:

**RESOLUTION AUTHORIZING AND APPROVING TRANSFERS IN
VARIOUS FISCAL YEARS TO THE 2013-2014 COMMUNITY BLOCK
GRANT BUDGET AND MAKING A SUPPLEMENTAL APPROPRIATION IN
CONNECTION THEREWITH FOR ROCHESTER COMMUNITY CENTER
GYM HEATER PROJECT**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:

That the sum of One Hundred and Twenty-Five Thousand Dollars (\$125,000) presently appropriated in line items below

FY11 CDBG (Fund 6082) =	\$2,614.00
FY13 CDBG (Fund 6097) =	\$70,000.00
FY14 CDBG (Fund 6100) =	\$13,743.00
FY14 CDBG (Fund 6100) =	\$38,643.00
	\$125,000

in the Community Development Block Grant Budgets for the Department of Planning and Development for the above indicated fiscal years be, and hereby is, transferred to a "Public Facilities" line item of the corresponding fiscal year's Community Development Block Grant Budget, for the purpose of providing funds necessary for the so-called Rochester Community Center Gym Heater Project. Additionally, the appropriations in the line item accounts from which the above transfers are to be made as specified above are hereby withdrawn and deauthorized to the extent of \$125,000.00

Further, the sum of One Hundred and Twenty-Five Thousand Dollars (\$125,000) hereby transferred to the "Public Facilities" line items of the various Community Development Block Grant Budgets referred to above, be, and hereby are, appropriated as supplemental appropriations to the corresponding fiscal year various Community Development Block Grant Budgets for the Department of Planning and Development Budget for the purpose of providing sums necessary for the so-called Rochester Community Center Gym Heater, such appropriations to be drawn in their entirety from the herein above funds transferred to the "Public Facilities" line item of the various Community Development Block Grant Budgets referred to above.

To the extent necessary and/or appropriate, the Finance Director is hereby authorized to assign account numbers to accounts and/or to establish accounts necessary to implement this resolution.

Councilor Lauterborn stated that Councilor Walker has previously stated that the Community Center is an enterprise fund and expressed concerns relative to appropriate use of CDBG funds for a project of this sort. Ms. Engle believed that the Community Center is listed as a "special fund" not an "enterprise fund." Deputy City Manager Cox agreed. City Manager Fitzpatrick stated that he has worked with CDBG funds for many years and did not believe that this project posed a conflict, it is still a City owned building.

Councilor Walker questioned why this project was not dealt with as a CIP project. Mayor Jean recalled that the City Council voted to remove this project from the CIP during the budget deliberations this year.

Ms. Engle stated that HUD has already reviewed the project and it must be approved by HUD in order to receive funding. Councilor Keans stated that her concern is related to utilizing the CDBG funding for underserved parts of the community and it should not be used to replace items in the City's CIP budget. The City Council briefly discussed the matter. The **MOTION CARRIED** by a majority voice vote.

17.1 Approval of New Secondhand Dealer's License – Wal-Mart Stores East LP – *Exchange of Cell Phones*

Councilor Lachapelle **MOVED** to read the item by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the name of the secondhand dealer and briefly explained the request to the City Council.

Councilor Keans questioned why this particular store would need to obtain a secondhand dealers license. The City Council briefly discussed the matter. Councilor LaBranche agreed that the store should have to obtain a secondhand dealers license. Attorney Wensley said the difference between these types of stores seems to be that Wal-Mart is actually going to be placing some sort of value on these used cell-phones whereas a Verizon store will dispose of the phone for the customer as a service without placing a value on the used phone. Council discussed the matter. Councilor Keans said if this is the case, then maybe there are more stores which need to obtain a secondhand dealers license too.

Councilor Walker **MOVED** to **APPROVE** the secondhand dealers' license. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

17.2 Amendment to the City Ordinance Chapter 4.3 Purchasing: Sections (a) and (b)

Councilor Lachapelle **MOVED** to read the Amendment to the City Ordinances relative to Chapter 4.3 Purchasing Procedures for the first time by title only. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the Amendment by title only for the first time as follows:

AMENDMENT TO ORDINANCES RELATIVE TO PURCHASING PROCEDURES

THE CITY OF ROCHESTER ORDAINS:

I. That Chapter 4 of the General Ordinances of the City of Rochester, as presently amended, be further amended, by deleting Section 4.3 thereof, in its entirety, and by inserting, in its stead, the following Section, such Section to be known as Section 4.3 of the General Ordinances of the City of Rochester, to wit:

"4.3 Purchasing Procedures.

(a) All purchases of One Thousand Dollars (\$1,000), or less, shall have the electronic approval of the department head and purchasing department with the limitation that said sum shall not be exceeded for any one item or combination of items to be purchased from any single vendor.

(b) All purchases greater than One Thousand Dollars (\$1,000) and up to Ten Thousand Dollars (\$10,000) shall have a minimum of three comparable quotes. If three quotes are not available then an exception may be made with the approval of the City Manager, or his designee, clearly documenting the reason for the exception in the electronic requisition document. The Ten Thousand Dollar (\$10,000) maximum shall not be exceeded for any one item or combination of items to be purchased from any single vendor.

(c) All individual item purchases or contracts over an amount of Ten Thousand Dollars (\$10,000) shall require a competitive sealed bid process, approval of the department head, Finance Director and the City Manager. Exceptions for purchases over Ten Thousand (\$10,000) Dollars may be allowed at the discretion of the City Manager for professional service contracts, computer software/hardware, passenger vehicles/one-ton vehicles or smaller, or other items where comparative pricing instead of a sealed bid process may be in the best overall interest of the City. The City Council shall be formally notified whenever an exception to the sealed bid process occurs."

Mayor Jean indicated that this procedure is consistent with the public sector. He referred the matter to a Public Hearing to be held at the next City Council Workshop on October 15, 2013.

17.3 Resolution Authorizing and Approving Transfers in Various Fiscal Years to the 2013-2014 Community Block Grant Budget and Making a Supplemental Appropriation in Connection Therewith for Rochester Community Center Gym Heater Project

This resolution was approved earlier in the meeting.

17.4 Rescind Action Taken at the November 5, 2008, Regular City Council Meeting – Surety of 48 Church Street, Gonic

Mayor Jean stated that the City Council formally adopted a resolution in order take over the surety of 48 Church Street in Gonic, New Hampshire; however, the City did not follow through on this action. Since that time, the developer has completed the work with their own money and is now seeking

to obtain the surety from the City. Councilor Keans asked if anyone from the Public Works Department has verified that this work has been completed. It was determined that Gretchen Young, City Engineer, has inspected the work. Council discussed if the action was even necessary.

Councilor Lachapelle **MOVED** to rescind the action taken on November 5, 2008, by the Rochester City Council relative to taking the surety of 48 Church Street in Gonic, New Hampshire. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**17.5 Resolution Seeking Permission to Receive JAG Grant in
the Amount of \$21,826.80**

Councilor Walker **MOVED** to read the resolution by title only for the first time. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

RESOLUTION ACCEPTING
US DEPARTMENT OF JUSTICE,
JUSTICE ASSISTANCE GRANT
TO THE ROCHESTER POLICE DEPARTMENT
AND MAKING A SUPPLEMENTAL APPROPRIATION
IN CONNECTION THEREWITH

**BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE
CITY OF ROCHESTER, AS FOLLOWS:**

That a U.S. Department of Justice, Justice Assistance grant (Grant No. 2013-DJ-BX-0276) in the amount of Twenty-One Thousand Eight Hundred Twenty-Six Dollars and Eighty Cents (\$21,826.80) to the City of Rochester, Police Department, for the purpose of providing funds for the purchase of forensic cell phone software, training equipment and honor guard uniforms (the "Project"), all as more particularly set forth in the application for such grant and the notice of award thereof, is hereby accepted by the City of Rochester, and such funds shall be assigned to an account(s) the number(s) of which is/are to be established by the Finance Director in the 2013-2014 operating budget of the City of Rochester, Police Department. Further, that the sum of Twenty-One Thousand Eight Hundred Twenty-Six Dollars and Eighty Cents (\$21,826.80) be, and hereby is, appropriated as a supplemental appropriation to the City of Rochester, Police Department operating budget, with such sums to be placed in a special non-lapsing reserve account to be established/designated by the Finance Director, such funds to be used exclusively for Project purposes. Further, that the source of the sums

necessary to fund such appropriation shall be drawn, in their entirety, from the aforesaid grant. Such grant program shall be administered by the Strafford County Sheriff's Department as fiscal agent for this multi-jurisdictional Justice Assistance grant.

ADDITIONALLY, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution.

Councilor Walker **MOVED** to suspend the rules and read the resolution by title only for the second time. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution for the second time.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Keans questioned the fact that this amount seems to be the same figure of last year's grant. Chief Allen stated that he would have to double check to see if it is exactly the same amount; however, he is sure that the figure should be close to the figure of last year.

Councilor Keans asked about the employee who had been hired and resigned in the same month. Chief Allen replied that this employee resigned the first day of the Police Academy. He confirmed that there is no requirement for the employee to reimburse the City because the resignation had been received on the first day of the program and the City is not obligated to pay for the one day at the Academy.

Mayor Jean notified the City Council and the public that Al Bemis, Police Commissioner, is gravely ill and has been sent to Massachusetts General Hospital in Boston.

18. Items Removed from Consent Calendar:

No discussion.

19. Other

No discussion.

20. Non-Public

20.1 Personnel, RSA 91-A: 3 II (a)

20.2 Reputation, RSA 91-A: 3, II (a) and (c)

Councilor Lachapelle **MOVED** to enter the Non-Public Session under Personnel, RSA 91-A: II (a) and Reputation, RSA 91-A: 3, II (a) and (C) at 8:59 PM. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 12 to 0. Councilors Walker, LaBranche, Varney, Hervey, Lachapelle, Gray, Larochele, Torr, Reed-Erickson, Keans, Lauterborn, and Mayor Jean voted in favor of the motion. *Councilor Lachapelle was excused from the meeting at 9:20 PM.*

Councilor Walker **MOVED** to exit the Non-Public Session at 9:30 PM and to seal the minutes indefinitely. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

21. Adjournment

Councilor Walker **MOVED** to **ADJOURN** the Regular City Council meeting at 9:30 PM. Councilor Lauterborn seconded the motion;. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters

Kelly Walters
City Clerk