

I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, August 4, 2011, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:01 p.m.

II. ROLL CALL

Mayor Alice Ruby present.

Council Members present and establishing a quorum:

- Elizabeth Pearch, Seat A
- Scott King, Seat B
- Bob Himschoot, Seat C
- Keggie Tubbs, Seat D
- Chris Napoli, Seat E
- Tim Sands, Seat F

Staff in attendance:

- Carol Shade, Finance Director/Interim City Manager
- Doug Dombroski, Chief of Police
- Janice Williams, City Clerk

Guests:

- Bill Mead, Turner & Meade (*via teleconference*)

III. APPROVAL OF MINUTES

- A. Regular Meeting, June 16, 2011
- B. Special Meeting, June 21, 2011
- C. Special Meeting, July 14, 2011

MOTION: Tim Sands moved and Chris Napoli seconded the motion to approve all three sets of minutes.

VOTE: The motion to approve all three sets of minutes passed unanimously.

IV. APPROVAL OF CONSENT AGENDA

- A. Proclamation – Health Center Week, August 7-13, 2011

MOTION: Tim Sands moved and Chris Napoli seconded the motion to approve the consent agenda.

VOTE: The motion passed unanimously.

APPROVAL OF AGENDA

There were no recommended changes.

MOTION: Tim Sands moved and Chris Napoli seconded the motion to approve the agenda.

VOTE: The motion passed unanimously.

V. STAFF REPORTS**A. City Manager Report**

Interim City Manager/Finance Director Carol Shade reported:

- U Pop Em Fireworks – was planning to extend their permit for selling fireworks near the harbor after July 6 to include the week of December 24 through December 31, since they'd already purchased fireworks, and then the City would reevaluate their position to allow fireworks sales in proximity to flammable buildings and other hazardous materials;
- Right-of-Way Encroachment – 20-day noticing period of unauthorized encroachment given to Fred Knutsen to remove the fishing vessel, period was up, and would be contacting a boat mover to have it moved from property and boat would be impounded;
- Dan Forster – first day of work is August 30;
- Millrock fish survey – Tim Troll had secured all but \$500 in contributions toward \$35,000 needed for the survey; and
- Taxi Cab Permitting – spoke in favor of having Council review the requirements for operating a taxi cab service which currently only required a business license, and no stipulations on insurance.

Discussion:

- voiced approval for staff putting the City's vision statement back on the bottom of the report;
- asked for additional information on the harbor grant for the new floats as reported on by City Planner;
- asked for additional information on the Kananak Road maintenance as reported on by the City Planner;
- asked for a status report on wood cutting at the landfill;
- noted the executive summary provided by PND as reported on by Project Manager led to believe there might be some issues on the erosion wall and was curious if the Council would be getting a more detailed report on its condition;
- suggested from past experience the fishing vessel that was proposed to be moved be documented with pictures and a statement of its condition;
- spoke in favor of an analysis of the costs associated with the potential leasing of lots at the harbor as reported on by the City Planner; and
- asked for a report on the court house sewer line in the September or October packet;
- spoke in favor of incorporating some of the items, including leasing harbor lots, into a strategic planning exercise when City Manager comes on board.

B. Standing Committee Reports

There were no standing committee reports.

VI. PUBLIC HEARINGS

There were no public hearings.

VII. CITIZEN'S DISCUSSION (Prior Notice or Agenda Items)

There was no citizen's discussion.

VIII. ORDINANCES AND RESOLUTIONS

- Introduce Ordinance No. 2011-07, An Ordinance of the Dillingham City Council Amending Section 3.10.075 of the Dillingham Municipal Code Related to the Election of Candidates to Fill a Vacancy on the City Council

MOTION: Tim Sands moved and Chris Napoli seconded the motion to introduce Ordinance No. 2011-07.

City Clerk reported that this ordinance was basically to clean up a section of code to be consistent with another section.

VOTE: The motion to introduce Ordinance No. 2011-07 passed unanimously.

- A. Resolution No. 2011-63, A Resolution of the Dillingham City Council Awarding a Contract for the Supply of Sand and Gravel for FY 2012

MOTION: Tim Sands moved and Chris Napoli seconded the motion to approve Resolution No. 2011-63.

Interim Manager/Finance Director Carol Shade reported the contract was awarded to Bennett Enterprises as the low bidder.

Discussion:

- asked if staff had done their due diligence and ensured contractor was not owing the City, commented would follow up.

VOTE: The motion to adopt Resolution No. 2011-63 passed unanimously.

- B. Resolution No. 2011-64, A Resolution of the Dillingham City Council Approving a Long Term Encroachment Permit for Nushagak Cooperative to Install an Alternate 3-Phase Power Line Within and Across Kakanak Road to Serve Peter Pan Seafoods

MOTION: Tim Sands moved and Chris Napoli seconded the motion to approve Resolution No. 2011-64.

Council Member Chris Napoli declared he was on the Nushagak Cooperative Board of Directors, but had no financial interest in the project. Mayor Ruby affirmed there was no conflict of interest.

Discussion:

- commented if the project required removing more pavement that the repair work ties in while the paving equipment was in town.

VOTE: The motion to adopt Resolution No. 2011-64 passed unanimously.

- C. Resolution No. 2011-65, A Resolution of the Dillingham City Council Authorizing the City Manager to Execute a Certain Long Term Land Lease with Alascom, Inc., D/B/A AT&T Alaska, for City Owned Property Located on Tower Road

MOTION: Tim Sands moved and Chris Napoli seconded the motion to approve Resolution No. 2011-65.

Project Manager Cropsey reported on the agreement noting it replaced an existing lease on two City parcels of land.

Discussion:

- thanked Mr. Cropsey for looking out for the best interest of the City; and
- voiced appreciation that the new lease would bring in additional revenues to the City.

VOTE: The motion to adopt Resolution No. 2011-65 passed unanimously.

- D. Resolution No. 2011-66, A Resolution of the Dillingham City Council Authorizing the City Manager to Execute a Quit Claim Deed on a Certain City Owned Property Located at 334 Kokwok Circle AKA Snagpoint Subdivision Block 2 Lot 18

MOTION: Tim Sands moved and Chris Napoli seconded the motion to approve Resolution No. 2011-66.

Mayor Ruby declared that Council Member Chris Napoli disclosed that he had a conflict of interest since he had a personal interest in the property and would refrain from discussion and vote.

VOTE: The motion to adopt Resolution No. 2011-66 passed with Bob Himschoot, Scott King, Elizabeth Pearch, Keggie Tubbs, and Tim Sands voting in favor, and Chris Napoli abstaining from voting.

- E. Resolution No. 2011-67, A Resolution of the Dillingham City Council Authorizing the City Manager to Execute a Contract with Grubstake Auction Co. to Provide Auctioneering Services for the Disposal of the City Apartment Building and Land and Personal Property

MOTION: Tim Sands moved and Chris Napoli seconded the motion to approve Resolution No. 2011-67.

Project Manager Steve Cropsey reported that the selected company, Grubstake Auction Co., had a tremendous reputation in the State, and the experience to do this type of an auction. Proceeds from the personal and real property would have to be separated. The auction would start in the morning of September 17 or 24 at a time to be announced. A brochure would be mailed out and posted on the internet. Bidding would also be conducted through a live internet setup. He guesstimated the minimum bid for the real property to be four to five hundred thousand.

Discussion:

- asked if the City would be able to recoup the administrative costs involved in preparing for the sale, Cropsey verified City could recoup all of the taxes due, penalties, interest, and all costs of sale.

VOTE: The motion to adopt Resolution No. 2011-67 passed unanimously.

- F. Resolution No. 2011-68, A Resolution of the Dillingham City Council Authorizing the City Manager to Execute a Contract Between the City of Dillingham and King's Carpentry for the Installation of a Walk In Freezer and Construction of a Protective Shelter at the Police Department

MOTION: Tim Sands moved and Chris Napoli seconded the motion to approve Resolution No. 2011-68.

Mayor Ruby declared Council Member Scott King as the owner of King's Carpentry had a potential conflict of interest and he would be refraining from debating the issue and voting.

Interim Manager/Finance Director Carol Shade reported the walk-in freezer that was being stored at the dock had been purchased for the Corrections Facility to be able to purchase and house large quantities of food. Due to a backlog of work in Public Works, it had been decided to outsource the installation of the freezer.

Discussion:

- asked if the installation was included in the FY 2012 budget, Ms. Shade noted the project cost would require a budget revision, but the offset would come from understaffed Public Safety and Public Works Department positions and a fund transfer could be made.

VOTE: The motion to adopt Resolution No. 2011-68 passed with Chris Napoli, Bob Himschoot, Tim Sands, Elizabeth Pearch and Keggie Tubbs in favor and Scott King abstaining from voting.

- G. Resolution No. 2011-69, A Resolution of the Dillingham City Council Authorizing the City Manager to Execute a Contract with Nushagak Technical Services to Provide the City of Dillingham Department of Public Safety with Technical Support

MOTION: Tim Sands moved and Chris Napoli seconded the motion to approve Resolution No. 2011-69.

Interim Manager/Finance Director Carol Shade reported the City had requested a proposal for IT services for the Public Safety Dept. which was separate from the City's IT services, had received two bids of which Nushagak Technical Services, a solely-owned local company, was the low bidder, and Chief Dombroski was supportive of the owner who was familiar with the equipment.

Discussion:

- voiced concerned that a sole owner may not always be available; and
- asked if there be a requirement for a confidentiality agreement or background check since the vendor would be dealing with sensitive information, staff confirmed the vendor would be interfacing with State's record management system, and would be required beforehand to get a clearance by the State.

VOTE: The motion to adopt Resolution No. 2011-69 carried with Tim Sands, Keggie Tubbs, Bob Himschoot, Scott King, and Chris Napoli in favor and Elizabeth Pearch in opposition.

- H. Resolution No. 2011-70, A Resolution of the Dillingham City Council Approving Freight Increase for Grader

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to approve Resolution No. 2011-70.

Interim Manager/Finance Director Carol Shade reported the resolution was for the purpose of bringing the total cost of leasing a new grader in line with the lease agreement as required by the City's Attorney. The original resolution approving the lease of a new grader adopted in August 2010 had estimated the freight costs.

VOTE: The motion to adopt Resolution No. 2011-70 passed unanimously.

IX. UNFINISHED BUSINESS

- A. Annexation – Informational Meetings Update

Mayor Ruby reported the seven communities identified by the Local Boundary Commission had been notified by mail (May) that the City was interested in meeting. The City had received a written response from the Ekuk Council in June noting the communities would be interested in meeting as a group when fishing was over. The City recently sent out another letter reporting with fishing almost over, the City was hoping to schedule a meeting, and was looking to target some dates.

- B. Encroachment on City R-O-W (right-of-way)

Mayor Ruby asked staff to report on cleaning up the City's right-of-way located on the Knutsen property downtown and the status of the same R-O-W that was to have been transferred to the property by the City if the owner completed the plat, a process that had started some time ago, since it wasn't completed it was still the City's R-O-W. The owners had recently been given an opportunity to finalize the plat and complete the transfer of the R-O-W by a designated date.

X. NEW BUSINESS

There was no new business.

XI. CITIZEN'S DISCUSSION (Open to the Public)

Project Manager Steve Cropsey reported on a roof problem above the high school band room that was causing water to leak into the band room. He noted the City had prepared a drawing of the roof that needed to be repaired, created the specs, approached Rain Proof Roofing to get a price to complete the work and was able to create a change order to the existing contract with F&W Construction to replace that roof. The School Board had approved of Supt. McLeod spending \$127,070 from the school's capital improvement budget to pay for it.

There was no other citizen's discussion.

XII. COUNCIL COMMENTS

Tim Sands:

- asked if there was a way the City could share the State's brush cutter reported on in PW Director's staff report as a need;
- asked if equipment needs at the dock could be purchased through the dock fund, Mayor Ruby noted it was possible through the equipment replacement process; and
- thanked staff for keeping the City running and improving.

Bob Himschoot: no comment

Chris Napoli:

- confirmed was in favor of discussing the lease lots at the harbor in a strategic planning session; and
- asked if the Planning Commission's Resolution 2011-09 court house septic system was going to be discussed at the Sept. meeting, Mayor Ruby recommended having the new manager report on it to the Council.

Keggie Tubbs:

- asked for a report on who's responsibility it was to enforce the existing code as it related to the Court's septic system; and
- noted he was anticipating a report on Parks and Rec.

Elizabeth Pearch: no comment

Scott King: no comment

XIII. MAYOR'S COMMENTS

Mayor Ruby:

- reported Dan Forster was in favor of delaying the first meeting with a working group on Parks and Recreation so he could be part of the process;

- noted she would not be available for the September 1 Council meeting, but the Council could move forward with a meeting;
- reported Don Moore would be in Dillingham to assist Dan Forster transition into his new job and would also be in Anchorage the following week to meet with several of the City's key contacts, including attorney and engineering firms;
- shared that there were eight or nine applicants for the retiring magistrate's position, and it was a compliment to the community that the applicants would choose to relocate to Dillingham;
- urged the Council to promote the four vacant seats coming up in the next election, was pleased with the existing Council as a good working group and hoped the incumbents would choose to run again and keep the momentum going; and
- recognized those who had been lost since the last Council meeting.

XIV. EXECUTIVE SESSION

- A. Legal Matter
 - 1. Union
 - 2. Annexation

MOTION: Tim Sands moved and Elizabeth Pearch seconded the motion to go into executive session under DMC, 2.09.050, regarding legal matters [8:08 p.m.].

GENERAL CONSENT: The motion passed with no objection

Mayor Ruby invited Chief Dombroski to attend the executive session.

(The meeting recessed at 8:08 p.m. and reconvened at 8:14 p.m.)

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to come out of executive session [9:12 p.m.].

GENERAL CONSENT: The motion passed with no objection.

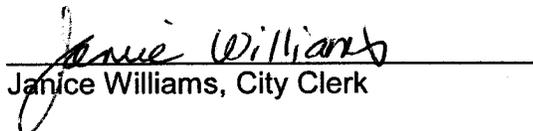
XV. ADJOURNMENT

Mayor Alice Ruby adjourned the meeting at 9:12 p.m.



Alice Ruby, Mayor

ATTEST:



Janice Williams, City Clerk