

**I. CALL TO ORDER**

The Regular Meeting of the Dillingham City Council was held on Thursday, January 6, 2011, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:02 p.m.

**II. ROLL CALL**

Mayor/Council Members present:

Mayor Alice Ruby  
Elizabeth Pearch, Seat A, arrived at 7:05 p.m.  
Carol Shade, Seat B  
Bob Himschoot, Seat C  
Keggie Tubbs, Seat D  
Sue Mulkeit, Seat E  
Tim Sands, Seat F

Staff in attendance:

Janice Williams, Interim City Manager/City Clerk  
Hank Boggs, Public Works Director  
Tammy Judd, Senior Center Director  
Dan Pasquariello, Sergeant-at-Arms  
Ruth Steele, Interim Finance Director  
Jayne Bennett, Executive Assistant

**III. APPROVAL OF MINUTES**

- A. Regular Meeting, December 9, 2010
- B. Special Meeting, December 16, 2010

**MOTION:** Tim Sands moved and Sue Mulkeit seconded the motion to approve the minutes of December 9, 2010, and December 16, 2010.

**Discussion:** None

**VOTE:** The motion passed unanimously.

**IV. APPROVAL OF CONSENT AGENDA**

There was no consent agenda.

**APPROVAL OF AGENDA**

**MOTION:** Tim Sands moved and Keggie Tubbs seconded the motion to approve the agenda.

Discussion: None

VOTE: The motion passed unanimously.

## V. STAFF REPORTS

### A. City Manager Report

Janice Williams, Interim City Manager:

- recommended holding a workshop prior to the regular Council meeting on Feb. 3 for a presentation on the FY10 Audit by the City's auditing firm, Mikunda, Cottrell, & Co.; and
- reported staff had filed a questionnaire for a loan with State of Alaska Clean Water Fund in the amount of \$4.5M for the construction of the sewer main, if approved, this would allow the City to apply for a line of credit, however, it was suggested by Randy Romenesko, Special Project Manager, and Don Moore, that the better solution would be for the Mayor and several Council members to visit with legislators and Governor Parnell in Juneau in the next couple of weeks and legislate for a direct legislative grant given the seriousness of the situation.

Discussion:

- spoke in favor of the Port of Dillingham Advisory Committee meeting before the season started to address the harbor freight fees of which any changes to the tariff would have to be approved via an ordinance;
- spoke in favor of the Finance Committee reviewing the recommendation for another mechanic, answered Finance was working on a staffing study and as part of an overall plan the City would address staffing in general, the needs, additions, that might be included in the next year's budget;
- asked how the City had consulted with Phinncraft on the energy audit, staff answered an employee of the firm was working at a local grocery store and asked the employee to work on the City's waste oil heater at the shop, was impressed with his work, found him to be very qualified to work on the energy upgrades, and put him in touch with Alaska Building Science Network;
- asked if the City would be moving forward with a deposit as noted in the report from Phinncraft and would like to see a cost analysis and the expected payback on the work, staff answered he was confident Alaska Building Science Network would have a process in place to make this determination and would ensure the City receive a cost breakdown that would be shared with the Council;
- asked if the main should break and the pumper trucks were employed to move the waste to the lagoon how often would they have to run with the concern one should break down or need to be repaired, staff answered crew would be making about 15 trips a day, an hour per trip to load and unload, that a local contractor had one truck that could be made available, and a second truck would help keep up with the flow until a temporary line was installed; and
- asked the status of the Potato House, staff answered that Finance had worked up a proposed monthly rental cost which included janitorial service and utilities, and would be contacting the State early next week to find out the status of a contract.

### B. Standing Committee Reports

Keggie Tubbs, Chair, Finance and Budget Committee:

- reported that Finance had met on December 28;
- reported that the Potato House was a standing item until finalized, that the State preferred to use their own contract for the lease of the Potato House, and understood it would be forthcoming;
- reported a majority of the meeting was taken up with Phase II of the Staffing Study, the Committee was looking for Council approval to amend the FY10 Budget to increase MBL's contract for additional information; the study used the market average for each position which didn't take into consideration longevity, but what the position was currently making, and the Committee wanted the base starting average; the study would compare 15-17 other Alaska communities on and off the road system, taking into consideration the cost of living in Dillingham, that the study could take up to a couple of months to get responses, recognized the staffing study had been going on for some time and knew how important it was to get the task accomplished, and was confident the Committee would then have the information they needed to present an option to the Council;
- reported Bob Himschoot had requested on behalf of the Public Outreach Committee, and the Finance Committee had concurred, for an amendment to the FY10 Budget in order to increase the annexation budget to include additional expenses to get annexation to the finish line; and
- reported that the Finance Committee had approved of staff applying for a loan to construct and relocate a new sewer line, based on it was an emergency situation and it appeared there were few other alternatives.

Alice Ruby, Chair, Public Outreach Committee:

- reported that the budget amendment to increase the annexation budget to add additional services would be expended to campaign in favor of the petition to annex; and
- reported that the committee had discussed contacting various citizens to get their support and encouraged the Council to be at the public meeting on January 19.

Alice Ruby, MOU Committee:

- reported was continuing to work to set up a meeting.

## **VI. PUBLIC HEARINGS**

- A. Adopt Ordinance No. 2010-12, An Ordinance of the Dillingham City Council Amending DMC Section 6.08.020.A and DMC Section 6.08.,020.B to Allow Licensed Bars and Restaurants to Serve Alcohol on Super Bowl Sunday from 10:00 A.M. to 9:00 P.M.
- B. Adopt Ordinance No. 2010-13, An Ordinance of the Dillingham City Council Amending DMC Section 2.68.040, Officers, to Provide for Regular Election of Officers of the Planning Commission

Mayor Ruby opened the public hearing on Ordinance No. 2010-12 and Ordinance No. 2010-13, and there being no one who wished to present testimony the public hearing closed.

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

There was no citizen's discussion.

## VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2010-12, An Ordinance of the Dillingham City Council Amending DMC Section 6.08.020.A and DMC Section 6.08.,020.B to Allow Licensed Bars and Restaurants to Serve Alcohol on Super Bowl Sunday from 10:00 A.M. to 9:00 P.M.

MOTION: Tim Sands moved and Elizabeth Pearch seconded the motion to adopt Ordinance No. 2010-12.

Discussion:

- spoke in favor of limiting the hours more in line with the game time, and suggested from noon to 6:00 p.m.

MOTION TO AMEND: Keggie Tubbs moved and Bob Himschoot seconded the motion to change the hours to noon to 6 p.m.

Discussion:

- spoke in favor of changing the hours more in line with kickoff time about 2:30 p.m., and suggested from 1:00 p.m. to 7:00 p.m.

MOTION TO AMEND: Bob Himschoot moved to change the hours from 1:00 p.m. to 7:00 p.m. The maker of the first motion to amend did not object.

Discussion:

- clarified the ordinance didn't dictate when the businesses could be opened and closed, but when the sale of alcohol could be served on this particular Sunday, when it would normally not be allowed; and
- asked if a permanent change was being considered that it be forwarded to the Code Committee.

VOTE: The motion to adopt Ordinance No. 2010-12 as amended passed unanimously.

- B. Adopt Ordinance No. 2010-13, An Ordinance of the Dillingham City Council Amending DMC Section 2.68.040, Officers, to Provide for Regular Election of Officers of the Planning Commission

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to adopt Ordinance No. 2010-13.

Discussion: None

VOTE: The motion to adopt Ordinance No. 2010-13 passed unanimously.

- C. Introduce Ordinance No. 2011-01, An Ordinance of the Dillingham City Council Amending the Budget and Appropriating Funds for the FY 2011 City of Dillingham Budget

MOTION: Keggie Tubbs moved and Elizabeth Pearch seconded the motion to introduce Ordinance No. 2011-01.

Mayor Ruby reported that the Manager had asked to schedule a Special Meeting for January 18 in order to have the budget amendments in place to move forward with the proposed annexation projects.

Discussion: None

VOTE: The motion to introduce Ordinance No. 2011-01 passed unanimously.

- D. Resolution No 2011-01, A Resolution of the Dillingham City Council Adopting an Alternative Allocation Method for the FY10 Shared Fisheries Business Tax Program and Certifying that this Allocation Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Bristol Bay Fisheries Management Area (FMA 5)

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to adopt Resolution No. 2011-01.

Mayor Ruby reported the City had supported the Alternative Allocation Method in recognition that some communities had little source of monies, and it was a way of compromising with sister communities.

Discussion:

- asked if the City knew the value of the State formula, staff answered they would look into it and the results given to the Public Outreach Committee.

VOTE: The motion to adopt Resolution No. 2011-01 passed unanimously.

- E. Resolution No. 2011-02, A Resolution of the Dillingham City Council Requesting Use of BBEDC FY11 Community Block Grant Funds to Purchase a Septic Pumper Truck for the Emergency Response Plan for the Snag Point Sewer Line

MOTION: Tim Sands moved and Sue Mulkeit seconded the motion to approve Resolution No. 2011-02.

Interim Manager Williams reported the City was asking BBEDC to reallocate grant funds to cover the purchase of a septic pumper truck, and that the truck fell under items that would be covered by the grant.

Mayor Ruby and Keggie Tubbs disclosed that they work for BBEDC, but would receive no financial gain.

Discussion:

- reported the reference to FY11 Community Block Grant Funds should be FY10.

*(Clerk note: the resolution was corrected.)*

VOTE: The motion to adopt Resolution No. 2011-02 passed unanimously.

- F. Resolution No. 2011-03, A Resolution of the Dillingham City Council Authorizing the City Manager to Waive the Advertising Requirements to Award the Purchase of

a Septic Pumper Truck for the Emergency Response Plan for the Snag Point Sewer Line

MOTION: Tim Sands moved and Sue Mulkeit seconded the motion to adopt Resolution No. 2011-03.

Interim Manager Williams reported staff was asking Council to waive the advertising requirements, that staff had contacted a firm in Anchorage to help locate a pumper truck in Alaska, and only one was located, and results would probably have been no different if the City had advertised for a pumper truck, given this is a unique piece of equipment.

Discussion: None

VOTE: The motion to adopt Resolution No. 2011-03 passed unanimously.

- G. Resolution No. 2011-04, A Resolution of the Dillingham City Council Authorizing the City Manager to Award the Purchase of a Used Septic Pumper Truck for the Emergency Response Plan for the Snag Point Sewer Line

MOTION: Tim Sands moved and Sue Mulkeit seconded the motion to adopt Resolution No. 2011-04.

Public Works Director Hank Boggs reported that the Anchorage firm of Sterling and Western Star was able to locate only one truck in Alaska, in Wasilla, and they had a history with the truck having done all the maintenance on the vehicle.

Discussion:

- asked why the City couldn't move forward with the temporary fix, staff answered the reason for going to Juneau was to ask not only for money for new construction but for the temporary fix as well estimated to be around \$360,000, that the City could tap into the emergency stabilization grant but would need the approval of the legislature beforehand, enforcing the reason to go to Juneau, but the pumper trucks could be used to haul the septic until a temporary line was installed;
- asked if the pipe and hot taps were readily available in Alaska, reported a portion of the 2,600 feet of Arctic pipe was readily available, but there was a supplier in the lower 48 that could supply the remainder, and Arctic pipe would not be used again, since it's not used in Dillingham;
- asked if the pumper truck would be used again, staff answered most municipalities of the City's size with seven lift stations have a pumper truck, there are often breakdowns in the City's lift stations, and the City pays a contractor to use their truck, but runs the risk of the contractor not always being in town;
- asked if a contract services were not available in town could the City come to the aid of a resident, answered the City would not compete with a private enterprise, would only do that if private enterprise could not act on the situation and it was an emergency; and
- asked if it would be cheaper to buy locally a pumper truck that needed repairs and repair it, staff answered the City would not repair someone else's equipment and they would not want to add a piece of equipment that would need a lot of attention.

VOTE: The motion to adopt Resolution No. 2011-04 passed unanimously.

- H. Resolution No. 2011-05, A Resolution of the Dillingham City Council to Authorize the City Manager to Sign a Letter of Intent for the Dillingham Public to Participate in the Alaska OWL Project

Interim Manager Williams reported that the City of Dillingham already participated in the E-Rate program through the Public Library and this would be an enhanced program to increase bandwidth.

MOTION: Tim Sands moved and Elizabeth Pearch seconded the motion to adopt Resolution No. 2011-05.

Discussion: None

VOTE: The motion to adopt Resolution No. 2011-05 passed unanimously.

- I. Resolution No. 2011-06, A Resolution of the Dillingham City Council Supporting the Memorandum of Agreement with Safe and Fear Free Environment for the CANDU Project Partnership

MOTION: Tim Sands moved and Carol Shade seconded the motion to adopt Resolution No. 2011-06.

Discussion:

- stated concern that the City staff would be taking on another grant to administer when they were already over tasked and understaffed, and asked if the City would be taking on the responsibility for the Alano Club by adopting this resolution, and should the City become responsible for it, the City Council should be privy to that discussion beforehand.

Ginger Baim, Executive Director for Safe and Fearfree Environment, reported if the grant was awarded, Safe would pass the check to the City and the City would pass it on to the Alano Club. The reason for doing it this way was because the grant was late getting out, it wouldn't be awarded until February, and the funds would have to be spent by Safe by June 30. If the check was handed over to the City the money would be considered spent and there would be no further obligation. The money would cover one year of utility bills - heat and lights.

VOTE: The motion to adopt Resolution No. 2011-06 passed unanimously.

## **X. UNFINISHED BUSINESS**

### **A. Annexation**

1. Action Memorandum No. 2011-01, Approve Contract with Johanna Eurich for Consulting Services

Mayor Ruby reported that the Public Outreach Committee had asked Don to contract services to provide outreach material. She noted a draft would be available soon because the contractor was going to be out of the State, but the final product would not be available until after the LBC staff opinion had been issued, a public hearing, and ready to move forward with the election.

MOTION: Tim Sands moved and Carol Shade seconded the motion to approve Action Memorandum No. 2011-01.

Discussion: No other discussion.

VOTE: The motion to approve Action Memorandum No. 2011-01 passed unanimously.

2. Meeting of LBC, January 19, Dillingham City Hall, 3:00 p.m. to 7:00 p.m.

Interim Manager Williams corrected the meeting place to the Bristol Inn not City Hall.

Mayor Ruby reported the agenda item was to give Council more notice, encourage them to be in the audience, and ask the Council to encourage others to be there.

B. City Manager Hire

Mayor Ruby read from a report from consultant Tim Pearson. He noted the search for City Manager was still in the sourcing and screening steps, that he had 12 applicants, was in conversation with past candidates, and had identified 70 people in Alaska who held municipal positions in Alaska that could be stepping stones to the City Manager and was in the process of contacting them individually. He noted the best case scenario was that finalists could be identified by January 20, but more likely at the February meeting.

C. Interim City Manager

Mayor Ruby reported the item would be taken up under Executive Session.

D. Action Memorandum No. 2011-02, Approve Police Chief Hire

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to approve Action Memorandum No. 2011-02.

Interim Manager Williams reported that Douglas Dombroski had signed the offer letter and in addition had asked for a vehicle for personal use and for the City to provide housing for the first 3-5 months. She noted she had discussed the matter with Don Moore, and it was agreed that it would be appropriate to approve both requests up to a maximum of five months.

Discussion:

- spoke in favor of reviewing the City's relocation policy to ensure it was applied consistently;
- thanked Acting Chief Pasquariello for the memorandum he put together listing his ideas for the qualities needed by a new police chief (had served under five police chiefs); and
- reported as a member of the selection committee, if Douglas Dombroski did not take the job, the committee's recommendation would be to start with a new list of applicants.

VOTE: The motion to approve Action Memorandum No. 2011-02 passed unanimously.

Discussion:

- asked if the Council had approved the two additional requests, answered the Council had approved the appointment of Doug Dombroski as police chief depending on the background check and medical report.

Mayor Ruby stated that the police chief worked under an employment agreement issued by the City and if they wanted to take action to approve the terms it would help clarify any misunderstandings.

**MOTION:** Elizabeth Pearch moved and Tim Sands seconded the motion to approve the terms of Mr. Dombroski's employment according to Manager Williams's explanation.

**Discussion:**

- stated it was his understanding that the City wasn't paying rent but providing the candidate with a place to live until he finds his own place, which seemed reasonable; and
- spoke in favor of providing a housing allowance for five months up to a certain amount.

**VOTE:** The motion to approve the terms of the Mr. Dombroski's employment according to Manager Williams's explanation passed unanimously.

**E. Action Memorandum No. 2011-03, Approve Finance Director Hire**

**MOTION:** Tim Sands moved and Elizabeth Pearch seconded the motion to approve Action Memorandum No. 2011-03.

Mayor Ruby reported that based on the Attorney's advice that Carol Shade would excuse herself and leave the room so there would be no perceived conflict of interest. (Carol left the council chambers.) Mayor Ruby noted that at the last meeting the Manager had been authorized to negotiate with Tim Pearson to recruit for a finance director. Tim had advised if he did a full recruitment if it would cost around \$17,000 [\$14,000], but since Carol was recruited from within the community, and Tim only needed to do an initial screening, the amount would be much less. She reported if the Council appointed Carol to the finance position, Carol would have to resign her Council seat immediately.

**Discussion:**

- asked if the Council appointed Carol was there anything in Code that would prohibit the Council from appointing Carol to the position, staff answered the direction taken was the advice that was provided by the Attorney.

**VOTE:** The motion to approve Action Memorandum No. 2011-03 passed unanimously.

Carol Shade reentered the council chambers at 8:37 p.m., approached the Council, and tendered her resignation in writing.

**X. NEW BUSINESS**

**A. Action Memorandum No. 2011-04, Approve an Agreement for Use of Space for Antennae Attachment**

**MOTION:** Tim Sands moved and Keggie Tubbs seconded the motion to approve Action Memorandum No. 2011-04.

Interim Manager Williams noted the agreement would be initiated as of January 1, 2011, that it was a standard agreement, and there had been no agreement in place or rent collected since the antennas had been installed on the water tower some years ago.

**Discussion:**

- asked if there had been consideration for the problem that had arisen originally, that part of the problem with the roof collapsing was attributed to the mounted antennas, answered

the antennas were back in place, and was confident that staff had reviewed this prior to the new construction; and

- asked if the electronics that were affiliated with the antennas were being housed at the water treatment plant, that he assumed they were somewhere on site, answered staff would have to get back to the Council.

VOTE: The motion to approve Action Memorandum No. 2011-04 passed unanimously.

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

There was no citizen's discussion.

## **XII. COUNCIL COMMENTS**

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to add to the Code Committee's To Do List a permanent change to allow alcohol sales on Super Bowl Sunday.

Discussion: None

VOTE: The motion passed unanimously.

Tim Sands:

- noted he could go to Juneau if needed;
- thanked the City staff for keeping it running;
- congratulated and welcomed Carol Shade and thanked Ruth Steele for returning as finance director;
- thanked and wished LaPreal good luck; and
- hoped to see the Senior Center back in operation soon.

Keggie Tubbs:

- thanked Ruth Steele for filling in as interim finance director;
- thanked Dan Pasquariello for filling in as Chief again, as always does a good job;
- asked if the Planning Director was looking for the Council to schedule a joint workshop with the Planning Commission, noted it would be scheduled at the February Council meeting;
- recommended that the personnel regs regarding relocation expenses be reviewed to be sure they were being applied fairly; and
- asked to be assured that the antennas that were placed back on the water tower would not cause any damage to the new tower, staff answered a report would be provided at the next meeting.

Sue Mulkeit:

- thanked the volunteers who helped out at the Senior Center;
- thanked Ruth and Dan and welcomed Carol and thanked all the City employees; and
- shared her condolences to those who had lost someone.

Bob Himschoot:

- thanked the staff for helping to clean up the Senior Center;
- welcomed Doug Dombroski and Carol Shade;

- goodbyes to Don Moore and Ruth Steele;
- asked if the public works crew could remove the snow from the hockey arena or from the opening where the snow was dumped; and
- asked if Hank could find out if the pumper truck owned by a local contractor was in a reliable state in case it needed to be used, staff answered this could be confirmed.

Mayor Ruby asked for staff to continue to report on the status of the Snag Point sewer main line.

Bob Himschoot:

- agreed that there needed to be some concise direction on employee relocation expenses.

Elizabeth Pearch:

- asked to include the relocation policy in the next Council packet;
- thanked Carol and congratulated her in her new position;
- noted she could go to Juneau;
- asked why the stop signs were set up the way they were near the new relocation of Tower Road, answered this preserved the stop signs the way they were previously; and
- asked the staff to examine the traffic patterns at both Tower Road and the next one approaching Tower Road from town, and come back with a recommendation;
- asked if anything had come of a request to place a street light near the school, staff answered there was possibly a service order in place but would follow up;
- thanked Dan Pasquariello for his time;
- thanked LaPreal for working for the City;
- thanked Ruth Steele for coming to the City's aid; and
- thanked staff for helping to clean up the Senior Center.

### **XIII. MAYOR'S COMMENTS**

**MOTION:** Tim Sands moved and Keggie Tubbs seconded the motion to set a special Council meeting for January 18, 2011, at 7:00 p.m., for the purpose of adopting Ordinance No. 2011-01 and any other business that may need to be brought before the Council.

**Discussion:**

- spoke in favor of setting a time for a meeting to end at a specific time, answered the Code only references that the Council cannot take action after midnight.

**VOTE:** The motion passed unanimously.

**Mayor Ruby:**

- asked staff to place an advertisement to fill Carol's vacant seat, Seat B;
- asked staff to confirm what would be the best time to go to Juneau and legislate;
- asked if the Police Chief could be available for the next meeting so he could be presented to the full Council;
- asked if a report could be made available at the January 18 meeting of the services that would be impacted by the Senior Center building not being available to the Seniors, and how the need was being met while the building was closed;
- reported there was travel money in the Council budget to attend the SWAMC conference and encouraged Council attendance;

- reported she would be working to facilitate a breakfast with the Bristol Bay communities during the SWAMC conference;
- thanked Ruth for returning as the interim finance director;
- thanked Dan Pasquariello for his excellent report that he prepared for the Police Chief Screening committee, the qualities he was looking for in a police chief;
- asked that a resolution be prepared for the next meeting to thank Donald Moore; and
- asked for a moment of silence to recognize those who had been lost including her niece.

#### XIV. EXECUTIVE SESSION

##### A. Legal Matter

**MOTION:** Tim Sands moved and Keggie Tubbs seconded the motion to enter into executive session [9:12 p.m.] under DMC 2.09.050, regarding legal matters.

**Discussion:**

- spoke in favor of setting a workshop date at the January 18 meeting to review the audit.

**VOTE:** The motion to enter into executive session passed unanimously.

**MOTION:** Tim Sands moved and Keggie Tubbs seconded the motion to come out of executive session [at 10:09 p.m.]

**GENERAL CONSENT:** There was no objection.

**MOTION:** Tim Sands moved and Keggie Tubbs seconded the motion to direct the Manager and Mayor to work on an interim contract with Steve Cropsey.

**Discussion:**

- clarified it was not necessary to bring the contract to the January 18 special meeting, that Steve could be available to start by January 10, to move ahead with the a contract based on \$2,500 a week, and to research if he could enter into an employee agreement even though he was presently a contractor with the City.

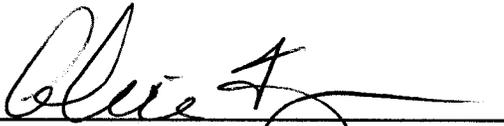
Mayor Ruby noted if arrangements could not be made with Steve Cropsey a report would be provided at the January 18 meeting.

**GENERAL CONSENT:** There was no objection.

#### XV. ADJOURNMENT

Mayor Ruby thanked Interim Manager Williams for stepping up to the Manager's position again.

Mayor Alice Ruby adjourned the meeting at 10:12 p.m.

  
 \_\_\_\_\_  
 Alice Ruby, Mayor

ATTEST:

Janice Williams  
Janice Williams, City Clerk

