

I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, October 10, 2013, 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 was present.

Council Members present and establishing a quorum (a quorum being four):

Chris Maines, Seat B
Bob Himschoot, Seat C (attended via teleconference)
Keggie Tubbs, Seat D
Tracy Hightower, Seat E
Paul Liedberg, Seat F

Brenda Akelkok, Seat A – absent and excused

Staff in attendance:

Rose Loera, City Manager
Carol Shade, Finance Director
Dan Pasquariello, Chief of Police/Sergeant-at-Arms
Jody Seitz, Planning Director
Janice McDowell, Acting City Clerk

Guest:

Attorney Brooks Chandler, City's Counsel
Bernita Venua, Parks and Recreation Member

III. APPROVAL OF MINUTES

A. Regular Council Meeting – September 5, 2013

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to approve the minutes of September 5, 2013.

VOTE: The motion passed unanimously.

IV. APPROVAL OF CONSENT AGENDA

A. Proclamation – Declaring National Friends of Library Week, October 20 - 26, 2013

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve the consent agenda.

VOTE: The motion passed unanimously.

APPROVAL OF AGENDA

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve the agenda.

VOTE: The motion passed unanimously.

V. SPECIAL BUSINESS

- A. Resolution No. 2013-57, A Resolution of the Dillingham City Council Accepting the Certification of the Canvassing Committee Results and Certifying the October 1, 2013 Regular City Election

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to approve Resolution No. 2013-57 AM.

VOTE: The motion to approve Resolution No. 2013-57 (AM) passed with Bob Himschoot, Paul Liedberg, Keggie Tubbs, and Chris Maines in favor, and Tracy Hightower opposed.

- B. Swearing in Ceremony of Newly Elected Council Members (New Council Members Take Their Seat)

Mayor Ruby asked Acting City Clerk McDowell to swear in Chris Maines to Council Seat B.

The newly elected Council member will receive a copy of the Certificate of Election as required by Code.

VI. STAFF REPORTS

- A. City Manager Report

City Manager Loera reported on the following:

- Welcomed Brooks Chandler, general counsel for the City of Dillingham;
- Animal Shelter – shelter was being used; there were some small items left to do;
- Vacancies – hired Megan Brown as Fire Dept. Coordinator; had prior Alaska experience;
- Dock damage – City's insurance company will be covering all expenses; engineer on the case reported damage was caused by the docking of the barges; barge companies have been notified not to pivot on the dock;
- Public Safety – Corrections Dept. had received a grant for electronic fingering equipment;
- Procurement Policy – request to bring the City's code in line with the City's Procurement Policy and established practice; wording states every purchase required a purchase order which would be cumbersome when making small local purchases;
- RFP for Thermal Conversion System and Building and Slab – expect to advertise within the next several weeks for a period of thirty days; and
- Planning for Public Safety Building – scheduled to begin discussions the week of Oct. 21.

Discussion:

- asked if the tentative schedule for subdivision access was being followed, answered it was a far-reaching goal, but so far the Commission had completed reviewing the information gathered in the Subdivision Access Committee meetings, had reviewed the legal information, Fire Chief attended a meeting, Planning Commission had asked for some guests to talk to them about different codes where private access exists and how they handle road standards, they would like to hear from BLM-BIA regarding platting; still working toward November to turn it over to the Code Committee;
- asked whether a present subdivision issue wasn't similar to the Randy Triplett Subdivision and why it couldn't be resolved, answered when Randy wanted to subdivide his subdivision into 3 lots there was a platting error in his original subdivision (2 lots) that allowed for a flag lot which was not allowed in code; the surveyor resolved an exception was in order based on the fact the property was right next to a creek, that the platting error was not of the owner's doing, and that the owner be allowed a private access easement;
- complimented the City Manager for resolving the U Pop EM fireworks issue; and
- noted the Planning Commissioners were deciding whether to handle private access easements through code rather as variances or exceptions to code or the road standards;

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to assign the procurement policy/procurement code alignment to the Code Committee.

GENERAL CONSENT: The motion passed without objection.

B. Standing Committee Reports

Bob Himschoot, Chair of Finance and Budget Committee:

- invited Council members to presentation on water and wastewater rates October 28.

Paul Liedberg, Chair of Code Review Committee referred the members to the committee minutes.

City Manager Loera clarified the Collection Committee was creating standard operating procedures, not policies as referenced in the minutes of the Code Review Committee meeting.

Mayor Alice Ruby, reporting on the School Facility Committee meeting, noted they would be asking the Council to set aside some time possibly in November for a joint meeting of the school board and council in order to present a recommendation for the territorial school.

VII. PUBLIC HEARINGS

- A. Adopt Ordinance No. 2013-17, An Ordinance of the Dillingham City Council Amending Title 17 of the Dillingham Municipal Code to Add Section 17.33 Establishing a Simple Procedure for Dedicating Rights-of-Way Dedicated for a Public Purpose

Mayor Ruby opened the public hearing on Ordinance No. 2013-17.

There being no comments the public hearing closed.

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

- A. Kyle Belleque – 4-H Club

Kyle Belleque was not in the audience.

There being no comments the citizen's discussion closed.

IX. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2013-17, An Ordinance of the Dillingham City Council Amending Title 17 of the Dillingham Municipal Code to Add Section 17.33 Establishing a Simple Procedure for Dedicating Rights-of-Way Dedicated for a Public Purpose

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to adopt Ordinance No. 2013-17.

VOTE: The motion to adopt Ordinance No. 2013-17 passed unanimously.

- B. Introduce Ordinance No. 2013-18, An Ordinance of the Dillingham City Council Amending Chapter 2.80 Public Library to Remove Library Board and Create a Library Advisory Board by Resolution and to Amend Sections Librarian and Violation of Library Property

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to introduce Ordinance No. 2013-18.

City Manager Loera reported this ordinance would make the Library Advisory Board consistent with other advisory boards.

VOTE: The motion to introduce Ordinance No. 2013-18 passed unanimously.

- C. Introduce Ordinance No. 2013-19, An Ordinance of the Dillingham City Council Amending Title 1 of the Dillingham Municipal Code to Create a Fine Schedule for Minor Offenses and Amending Other Titles of the DMC to Make Violations and Penalties Consistent with New Title 1

MOTION: Paul Liedberg moved and Chris Maines seconded the motion to introduce Ordinance No. 2013-19.

City Manager Loera reported the fines the city was issuing for minor offenses were being forwarded to the Court, rejected, and the State capturing the revenues, because the State was not recognizing the City's code as it was written. The State's interpretation was affecting a

number of municipalities in Alaska. The fines for all departments affected had been reviewed with the City's Attorney. She noted the fines would be posted on the City's website following the adoption of the ordinance and all fines would be referred to Section 1.25.

VOTE: The motion to introduce Ordinance No. 2013-19 passed unanimously.

- D. Introduce Ordinance No. 2013-20, An Ordinance of the Dillingham City Council Repealing Chapter 6.04, Transient Vendors

MOTION: Chris Maines moved and Paul Liedberg seconded the motion to introduce Ordinance No. 2013-20.

City Manager Loera noted this ordinance was adopted when door-to-door salesmen was more prevalent and was a duplicate of business licenses in Title IV.

VOTE: The motion to introduce Ordinance No. 2013-20 passed unanimously.

- E. Resolution No. 2013-58, A Resolution of the Dillingham City Council Approving Extending the Parks and Recreation Committee Until December 31, 2015

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve Resolution No. 2013-58.

VOTE: The motion to approve Resolution No. 2013-58 passed unanimously.

- F. Resolution No. 2013-59, A Resolution of the Dillingham City Council Authorizing the City Manager to Waive the Purchasing Requirements and Issue Task Order No. 1 with Agnew::Beck to Assist the City with Identifying Options for Managing Material Sites within City Limits

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to approve Resolution No. 2013-59.

City Manager Loera was asking to amend Chris Beck's contract of Agnew::Beck to add another task, consulting on regulating material sites, who had been working with various municipalities on this issue.

Discussion:

- spoke in favor of the City following its purchasing requirements whenever possible, recognizing the Code did allow for waivers of purchasing requirements based on certain criteria.

VOTE: The motion to approve Resolution No. 2013-59 passed unanimously.

- G. Resolution No. 2013-60, A Resolution of the Dillingham City Council Authorizing the City Manager or Mayor to Sign on Behalf of the City for the Sale of Property Identified as Nina Nicholson Block 2, Lot 4

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to approve Resolution No. 2013-60.

City Manager Loera noted the title company wouldn't accept her signature as authority without a resolution, and would be remedied in future ordinances approving a sale of property.

VOTE: The motion to approve Resolution No. 2013-60 passed unanimously.

- H. Resolution No. 2013-61, A Resolution of the Dillingham City Council Authorizing the City Manager to Contract with Unum Life Insurance to Increase Life Insurance Coverage for City of Dillingham Employees

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve Resolution No. 2013-61.

City Manager Loera reported to meet the city manager's contract obligations, the City had been self-insuring, but it is harder to get insurance for one individual than for a group. She noted both unions had been contacted and informed the impact on taxes would be minimal.

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to remove the fourth Whereas, "the trend in employees benefits is to have a more generous life insurance policy offering".

VOTE: The motion to amend Resolution No. 2013-61 passed unanimously.

VOTE: The motion to approve the amended Resolution No. 2013-61 passed unanimously.

- I. Resolution No. 2013-62, A Resolution of the Dillingham City Council Authorizing Boyd, Chandler & Falconer, LLP, the City Attorney, to Sue for Dishonored Checks

MOTION: Paul Liedberg moved and Chris Maines seconded the motion to approve Resolution No. 2013-62.

VOTE: The motion to approve Resolution No. 2013-62 passed unanimously.

- J. Resolution No. 2013-63, A Resolution of the Dillingham City Council Authorizing the City Manager to Negotiate An Annual Lease for Office Space at the Senior Center with the Bristol Bay Native Association (BBNA)

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to adopt Resolution No. 2013-63.

City Manager Loera reported this had been brought up previously to work closer with BBNA, and make elderly services more available at the Senior Center.

VOTE: The motion to adopt Resolution No. 2013-63 passed unanimously.

- K. Resolution No. 2013-64, A Resolution of the Dillingham City Council Authorizing the City Manager to Advertise a RFP for Project Management Services

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to approve Resolution No. 2013-64.

City Manager Loera reported there was a need to have some oversight over the City's bigger projects, and would be looking to fill that position. She noted upcoming projects for FY14 included Phase II of the wastewater treatment plant at the lagoon: dock lift station, chlorination system at the lagoon, permanent septic receiving station; dolphins at the dock; and landfill project.

VOTE: The motion to adopt Resolution No. 2013-64 passed unanimously.

X. UNFINISHED BUSINESS

- A. Citizen Committee Appointments

- 1. Cemetery Committee, 4 Seats Open

Mayor Ruby reported she had no additional names to offer.

- 2. Planning Commission, 3 Seats Open

Mayor Ruby recommended appointing Ben McDowell to the Planning Commission.

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to concur with the Mayor's recommendation to appoint Ben McDowell to the Planning Commission.

VOTE: The motion to appoint Ben McDowell to the Planning Commission passed unanimously.

- 3. Library Board, 2 Seats Expire September 30

Mayor Ruby recommended reappointing Amy Ruby and Annette Stelling to the Library Board, and sending Amy Eisenberg a letter thanking her for her interest, and hopefully will stay interested.

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to concur with the Mayor's recommendation to reappoint Amy Ruby and Annette Stelling to the Library Board.

VOTE: The motion to appoint Amy Ruby and Annette Stelling to the Library Board passed unanimously.

XI. NEW BUSINESS

- A. Declare a Vacancy on Council Seat A

Mayor Ruby noted Seat A was vacant following the certification of the October 1 municipal election. Staff would begin the advertising process to fill the seat.

MOTION: Keggie Tubbs moved Chris Maines and seconded the motion to declare a vacancy on Council Seat.

VOTE: The motion passed unanimously.

- B. Action Memorandum No. 2013-28, Authorizing the City Manager to Accept the Homeland Security Grant for the Upgrade of the Security Camera Radios at the Dock and Harbor

MOTION: Chris Maines moved and Paul Liedberg seconded the motion to approve Action Memorandum No. 2013-28.

City Manager Loera noted she had an amended copy for the Council, noting this action memorandum would accept a grant to upgrade the cameras and waive the purchasing requirements in order to allow TecPro who had done the original install.

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to amend Action Memorandum to allow for a waiver of the purchasing requirements and contract with TecPro.

Manager Loera noted this upgrade would change the frequency that the cameras operated on, which has been a problem.

Discussion:

- felt the issue was not time critical, and the City go out for bid.

VOTE: The motion to amend Action Memorandum No. 2013-28 failed with Paul Liedberg, Bob Himschoot, Paul Liedberg, Chris Maines, and Keggie Tubbs voting against the amendment and Tracy Hightower in favor.

Discussion:

- concerned had not seen a copy of the grant the Council was being asked to accept; and
- spoke in favor that there be a plan to maintain the cameras, agreed it was the City's responsibility to keep them maintained.

VOTE: The motion to approve (the original) Action Memorandum No. 2013-28 passed unanimously.

- C. Action Memorandum No. 2013-29, Authorizing the City Manager to Execute a Contract with _____ for Appraisal Services for the Tax Years 2014, 2015, 2016

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve Action Memorandum No. 2013-29.

Manager Loera reported the City had gone out for bid and only one firm had submitted a bid, the present appraisal company had not submitted a bid, but had mentioned they would after the fact if the City was still interested. Finance Director Shade noted the company, Alaska Assessment Assistance, had included site visits in the bid amount, and had received glowing references.

VOTE: The motion to adopt Action Memorandum No. 2013-29 passed with Keggie Tubbs, Tracy Hightower, Paul Liedberg, and Chris Maines voting in favor. (Bob Himschoot was not available on the teleconference (8:20 p.m.)

D. Action Memorandum No. 2013-30, Authorizing the City Manager to Execute a Contract with _____ for One Mobile Water Supply Fire Apparatus

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve Action Memorandum No. 2013-30.

Manager Loera reported four people had reviewed the two bids, was hoping to award a contract, but neither bid met the specifications for the pumper truck, and was asking to rebid the project for two more weeks. This would reject the current bid and rebid the project.

VOTE: The motion to adopt Action Memorandum No. 2013-30 passed unanimously.

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

There was no citizen's discussion.

XIII. COUNCIL COMMENTS

Keggie Tubbs:

- spoke in favor of resolving the subdivision access issue soon, it appeared the Planning Commission seemed to be reviewing the same information previously covered by the Subdivision Committee;
- asked if any complaints had been filed regarding a sulphur smell in their water, being experienced at the BBEDC building; and
- congratulated Chris Maines, Chris Napoli, and Tonya O'Connor.

Mayor Ruby noted when they had contacted Public Works they were told staff was trying to adjust the chlorine which sometimes caused the scaling in the pipes to release that smell. They were told to run the water, but the smell has remained. Manager Loera noted she would follow up with staff.

Chris Maines:

- thanked everyone for voting for him, looking forward to another three years.

Paul Liedberg:

- congratulated Chris;
- commented he had visited the animal shelter and it looked great.

Tracy Hightower:

- stated that he had been contacted from someone who wanted to run as a write-in, but was unable to since she was not registered to vote although she claimed she had filed multiple times but never received a voting card; didn't seem fair that someone who wanted to vote, to sit on a Council seat, wasn't allowed to, according to DMC 3.60.55.

Bob Himschoot: (came back on line at 8:23 p.m.; cell phone battery had gone low)

- congratulated Chris, commenting he looked forward to continue working with him.

XIV. MAYOR'S COMMENTS

Mayor Ruby:

- thanked the candidates who had run for office;
- noted the person Tracy was mentioning would be able to file for the vacant Council seat;
- thanked all those who had participated in the clean-up day recently;
- reminded the Council members there were two upcoming events: hopefully the last presentation by the consultants on the rate study, October 28 Finance Meeting, and a workshop on the Territorial School would be scheduled;
- would be contacting Council members about committee appointments probably in December after Council seat was appointed;
- would be participating in strategic planning as part of the SWAMC board;
- noted she had seen a presentation by West Pack Energy, private company that developed energy infrastructure (use L&G to displace diesel), and would invite them if an opportunity presented itself; and
- asked for a moment of silence to recognize all those that the City had lost since the last meeting.

XV. EXECUTIVE SESSION

A. Legal Matter

1. Meet with Attorney Brooks Chandler to Discuss Pending Law Suits

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to enter into executive session to meet with Attorney Brooks Chandler to Discuss Pending Law Suits [8:32 p.m.].

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

The Mayor and Council moved into executive session. Manager Loera and Attorney Brooks Chandler were included in the executive session.

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to come out of executive session [9:38 p.m.].

GENERAL CONSENT: The motion to come out of executive session passed without objection.

XVI. ADJOURNMENT

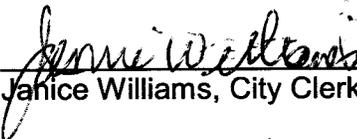
Mayor Ruby adjourned the meeting at 9:38 p.m.





Mayor Alice Ruby

ATTEST:



Janice Williams, City Clerk

Approval Date: NOV 7, 2013