
I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, October 4, 2012, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:22 p.m. It was preceded by a workshop on the 2013-2018 Six Year Capital Improvement Program and FY 2014 Legislative Priorities.

II. ROLL CALL

Mayor Alice Ruby was present.

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

Doug Holt, Seat A
Bob Himschoot, Seat C
Keggie Tubbs, Seat D
Tracy Hightower, Seat E
Tim Sands, Seat F

Council Member absent and excused:

Paul Liedberg, Seat B

Staff in attendance:

Rose Loera, City Manager
Malcolm Brown, Public Works Director
Steve Cropsey, Project Manager
Nancy Chamberlain, Interim Chief of Police
Jody Seitz, City Planner
Carol Shade, Finance Director
Janice Williams, City Clerk

Guests:

Atty. William Mede – *via teleconference*
Atty. Patricia Vecera – *via telephone*

III. APPROVAL OF MINUTES

- A. Board of Equalization Meeting, September 6, 2012
- B. Regular Council Meeting, September 6, 2012

MOTION: Tim Sands moved and Doug Holt seconded the motion to approve both sets of minutes.

VOTE: The motion passed unanimously.

IV. APPROVAL OF CONSENT AGENDA

- A. Proclamation – Extra Mile Day

- B. Resolution No. 2012-52, A Resolution of the Dillingham City Council Expressing Thanks and a Commendation to the Dillingham City School District for a Job Well Done

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

VOTE: The motion passed unanimously.

APPROVAL OF AGENDA

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

VOTE: The motion passed unanimously.

V. STAFF REPORTS

A. City Manager Report

City Manager Rose Loera:

- Chief of Police Finalists – would be conducting telephone interviews with the three finalists and then schedule a site visit;
- Collections/Foreclosure Process – working with staff to make it a clear process;
- Landfill Committee created – currently comprised of staff members to address landfill problems, and will be bringing in community members as process continues; and
- Dept. of Labor's High Hazard rating – based on worker's compensation claims filed; DOL will go through a safety process with the City help rectify some of those safety issues.

Steve Cropsey, Project Manager:

- Horizontal Directional Drilling (HDD) – working toward completion, but experienced a mechanical problem while drilling through underground which was further exacerbated by the soil types; project was several weeks behind, but was confident with the company's skills and equipment that it would be completed before winter;
- Waste Water treatment upgrades – Ecological Environmental Group did not have a design/engineering license for Alaska, which they were putting together; and
- Rolland Thomas land lots – City would purchase property for \$1 and would encumber some additional expenses est. \$1,800 before they were put out for sale, but this was preferable over a foreclosure process, both in time and money.

Discussion:

- recommended the slow moving vehicle statute presented in the Chief of Police's report be moved through the Code Committee; and
- appreciated the public safety report format and would like to see it carried forward.

Tim Sands, Chair for the Code Review Committee, requested late filed appeals for property assessments added to their task list to research if the City could impose a deadline and/or fee.

Bob Himschoot, Chair for the Finance and Budget Committee invited Tim Sands to the next meeting to share his interest in business tax incentives. He also reported the water and wastewater study was still in progress, staff was looking at the landfill rates, had discussed the sales ratio used to determine property valuations that would be shared annually with the Council in the future, and they were looking to set up a workshop with the city's assessor.

Mayor Ruby reported on the School Facility Committee meeting, noting the meetings overall have been very productive, and reported a draft Memorandum of Agreement with the school for the red school building was on the Council agenda.

Mayor Ruby reported on a meeting with the Curyung Tribe, noting they had discussed a mutual community block grant, and had introduced Chief Nancy Chamberlain at the meeting.

Mayor Ruby reported on a meeting with the Bristol Bay Housing Authority, noting they had discussed housing to be developed in 2016, and were looking to identify what the City might be able to bring to the table.

Mayor Ruby reported she would bring an appointment list to the November meeting, and, in the meantime, for the council members to let her know their preferences.

VI. PUBLIC HEARINGS

Mayor Ruby opened the public hearing on Ordinance No. 2012-16.

- A. Adopt Ordinance No. 2012-16, An Ordinance of the Dillingham City Council Amending Title 7, Animals, and Adding Chapters 7.08.011, Investigations of Cruelty to Animal Complaints, and 7.08.015, Seizure of Animal

There being no comments the public hearing closed.

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

- A. Veterans Memorial Park – Wayne Kapotak

Wayne Kapotak, employed with the National Guard, reported a group of individuals were looking to honor veterans of Dillingham and Bristol Bay and build a memorial park on the Carlson property. They had put together a petition asking for the council's support, and would continue to work with other veterans.

Mayor Ruby noted the Carlson House Committee would be appointed in November, and one of their tasks could be to work with the veterans group. Keggie Tubbs had attended a meeting of the veterans group on her behalf.

Isaac Woods spoke in support of the project, noting he assisted veterans to apply for veteran benefits and to get cemetery markers, and had learned Mrs. Carlson wanted the lot to be a veterans' memorial, and they were also hoping to include Bristol Bay.

Malcolm Brown, National Guard member, extended an appreciation to the City for leasing the building and property at the harbor used by the National Guard. He noted there was funding available, state and federal, that could go to a veterans memorial.

VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2012-16, An Ordinance of the Dillingham City Council Amending Title 7, Animals, and Adding Chapters 7.08.011, Investigations of Cruelty to Animal Complaints, and 7.08.015, Seizure of Animals

MOTION: Tim Sands moved and Doug Holt seconded the motion to amend Ordinance No. 2012-16 by substituting Ordinance No. 2012-16 (SUB 1).

Tim Sands reported the ordinance was created to add investigations for cruelty to animal complaints, to change the number of days an animal was held before adopting out, 10 days, and in cases of protective custody, 10 business days. The substitute ordinance further clarified the section on animals taken into protective custody.

VOTE: The motion to amend Ordinance No. 2012-16 by substituting Ordinance No. 2012-16 (SUB 1) passed unanimously.

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to adopt Ordinance No. 2012-16 (SUB 1).

VOTE: The motion to adopt Ordinance No. 2012-16 (SUB 1) passed unanimously.

- B. Introduce Ordinance No. 2012-18, An Ordinance of the Dillingham City Council Amending Chapter 4.20 of the Dillingham Municipal Code to Limit the Penalty Assessed for Failure to File Sales Tax Returns or Remit Sales Tax to Fifteen Percent, Eliminate Interest Accrual on Penalty Amounts and Provide Authority for Repayment Plans for Unpaid Tax

MOTION: Tim Sands moved and Tracy Hightower seconded the motion to introduce Ordinance No. 2012-18.

Tim Sands reported this ordinance would increase the sales tax penalty from 5 to 15% but would be a one-time penalty, and not assessed each month.

VOTE: The motion to introduce Ordinance No. 2012-18 passed unanimously.

- C. Resolution No. 2012-53, A Resolution of the Dillingham City Council Creating a City of Dillingham Cemetery Committee

MOTION: Tim Sands moved and Doug Holt seconded the motion to approve Resolution No. 2012-53.

Mayor Ruby reported this committee would be created similar to the Parks and Rec Committee. The City would begin advertising, and several had already shown an interest. The committee

would be advisory to the City Manager. Staff could expand the group's tasks, including what had been suggested, to research other available cemetery sites.

VOTE: The motion to approve Resolution No. 2012-53 passed unanimously.

- D. Resolution No. 2012-54, A Resolution of the Dillingham City Council Amending the Allocation of Funding for the Dillingham City School District for the Fiscal Year Ending June 30, 2013 and Repealing Resolution No. 2012-21

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to approve Resolution No. 2012-54.

This resolution would repeal the initial resolution approving the school's allocation of funding, in part, based on the school submitting their budget prior to May 1 for approval as required in Code, and would reflect the actual allocation of school funding in the City's adopted budget.

VOTE: The motion to approve Resolution No. 2012-54 passed unanimously.

- E. Resolution No. 2012-55, A Resolution of the Dillingham City Council 2013-2018 Six Year Capital Improvement Program and FY 2014 Legislative Priorities

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to approve Resolution No. 2012-55.

Mayor Ruby noted the Council was adopting the laid down version that was presented at the workshop.

VOTE: The motion to approve Resolution No. 2012-55 passed unanimously.

- F. Resolution No. 2012-56, A Resolution of the Dillingham City Council Approving an Encroachment Permit for the Installation of a Buried Electrical Line at 4700 Cessna Drive

MOTION: Tim Sands moved and Doug Holt seconded the motion to approve Resolution No. 2012-56.

Manager Loera noted there was no cost to the City that the request was being expedited and had not been brought before the Planning Commission, because the weather was rapidly turning colder.

VOTE: The motion to approve Resolution No. 2012-56 passed unanimously.

- G. Resolution No. 2012-57, A Resolution of the Dillingham City Council Approving an Encroachment Permit for the Installation of a Buried Electrical Line at 4735 Cessna Drive

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to approve Resolution No. 2012-57.

VOTE: The motion to approve Resolution No. 2012-57 passed unanimously.

- H. Resolution No. 2012-58, A Resolution of the Dillingham City Council Authorizing the City Attorney to Investigate and File Suit against James Bingman for Unpaid Sales Tax

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to approve Resolution No. 2012-58.

Manager Loera noted by approving the resolution the City was following the same process that had been used in another substantial law suit, Dave Gladden's.

VOTE: The motion to approve Resolution No. 2012-58 passed unanimously.

IX. UNFINISHED BUSINESS

- A. Animal Shelter Facility

There was nothing to report.

- B. Committee Appointments

- 1. Library Board – 1 Seat

There was nothing to report.

- 2. Selection Committee – Police Chief Hire

Mayor Ruby reported that Bill Wiley had been appointed as the business representative, but they didn't have a state trooper appointed.

MOTION: Keggie Tubbs moved and Tim Sands moved to concur with the new appointment.

GENERAL CONSENT: The motion passed with no objection.

- 3. Planning Commission – 1 Seat

There have no letters of interest filed.

X. NEW BUSINESS

- A. Action Memorandum No. 2012-06, Authorize City Manager to Sign Contract with Delta Western for the Annual Petroleum Purchase of No. 1 Heating/Diesel, No. 2 Heating/Diesel, and Unleaded Gasoline

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to approve Action Memorandum No. 2012-06.

Manager Loera reported the new contract would cover the period October 1, 2012 through June 30, 2013. The City would be going out to bid in early spring in order to have the contract period coincide with the budget process which was based on a fiscal year.

VOTE: The motion passed unanimously.

- B. Action Memorandum No. 2012-07, Waive Nepotism Provisions to Allow Christopher Marx to Accept a Grant Funded Position as the Internet Technology Aide at the Library

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to approve Action Memorandum No. 2012-07.

Manager Loera reported she was requesting a waiver of the nepotism policy, because the one and only applicant, was the son of the librarian, Sonja Marx. He had worked at the library in the past, but he would be directly supervised by his mom. She was not involved in the hiring process.

VOTE: The motion to approve Action Memorandum No. 2012-07 passed unanimously.

- C. Action Memorandum No. 2012-08, Placement of Barbecue Grills in City Parks

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to approve Action Memorandum No. 2012-08.

VOTE: The motion to approve Action Memorandum No. 2012-08 passed unanimously.

- D. Action Memorandum No. 2012-09, Adopt Dillingham Public Safety Operations Manual - Animal Shelter Operating Procedures

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to approve Action Memorandum No. 2012-09.

Manager Loera reported the policy had been amended to bring it in line with the recently passed ordinance, and also added language to formalize in writing that the animals could be sheltered outside between the hours of 7 AM and 8 PM, weather permitting.

VOTE: The motion to approve Action Memorandum No. 2012-09 passed unanimously.

- E. Action Memorandum No. 2012-10, the City Manager to Negotiate and Execute a Professional Services Engineering and Design Contract with Ecological Engineering Inc.

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to approve the lay down version on the table in a not to exceed amount of \$214,265.

VOTE: The motion to approve Action Memorandum No. 2012-10 passed unanimously.

(Clerk Note: The lay down version reads as: AM 2012-10, Authorize the City Manager to Negotiate and Execute Professional Services Engineering and Design Contract with Ecological Engineering Inc. (The Selection Committee's first choice) or if negotiations fail, with CH2M Hill (The Committee's second choice).

- F. Action Memorandum No. 2012-11, Authorize the City Manager to Negotiate and Execute the Mutual Aide Agreements with the Alaska State Troopers (AST) and the Dillingham City School District, and a Memorandum of Understanding with Choggiung Limited

MOTION: Tim Sands moved and Doug Holt seconded the motion to approve Action Memorandum No. 2012-11.

Manager Loera reported in a meeting with public safety and the state troopers, it was acknowledged that the City's understanding with passage of annexation was that the troopers would be the first responders, and they assumed the opposite. Both agreed it would be unrealistic to respond to emergencies in outside waters, and that the Coast Guard had been a major player in the past and during fishing usually the closest boat would help with rescue. The City would work to get better equipment for its employees, recognizing it had limitations.

Manager Loera reported each of the entities had received their draft copy and would be bringing back the final agreed upon document.

- G. Special Meeting Scheduled for October 11 (DMC 3.70.040)
- a. Certify the October 2, 2012 Regular City Election
 - b. Swearing in Ceremony of Newly Elected Council Members

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to hold a special meeting, October 11, at 12:30 PM, to certify the election and swear in the newly elected Council members.

VOTE: The motion passed unanimously.

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

Greg Marxmiller, speaking for a local men's group, Dillingmen, reported they had received a grant to purchase several grills that would be installed in the spring in several parks.

XII. COUNCIL COMMENTS

Tracy Hightower:

- thanked all the voters, and he looked forward to the next three years to improve the City and its relationship with the Tribe.

Bob Himschoot:

- thanked Jody Seitz for her earlier presentation;
- congratulated the newly elected officials and thanked Tim Sands;

- thanked Chief Chamberlain, noting she would be leaving Dillingham a better place;
- thanked Dillingmen for the donation of the grills; and
- wanted to explore using IPAD devices, an electronic format in lieu of so much paper.

Doug Holt:

- thanked the voters for entrusting him with a seat on the Council; and
- thanked Dillingmen for their donation.

Keggie Tubbs:

- noted he was sad to see Chief Chamberlain leave, and that he had heard nothing but good things about her;
- thanked Tim Sands;
- congratulated everyone who ran for office including the school board;
- noted he appreciated the CIP process;
- thanked the city clerk for all her support during the election, and for cooking them a meal;
- thanked the election judges for volunteering their time; and
- noted he would continue to meet with the veterans group if that was the Council's wish.

Tim Sands:

- commented it had been very interesting, and that he had learned a lot;
- appreciated all the Council members, that it was a big commitment;
- felt affirmed with the election results, and that it was nice to see there's interest in the community;
- thanked all the staff for keeping the City running, and a special thanks to Chief Chamberlain;
- noted there are so many ways people can serve in this community, and there are so many people who volunteer behind the scenes;
- thanked the Dillingmen; and
- thanked the veterans, noting his dad was a veteran.

XIII. MAYOR'S COMMENTS

Mayor Ruby:

- reminded Council members to check their Council emails that were put in place to keep a clear separation;
- congratulated the Council members, noting they received no fees, no gas money, but they got a lot of satisfaction serving in their role;
- noted she appreciated the presentation on the veterans memorial;
- reported Council training was being planning for November or December, and the City Manager was interested in setting priorities;
- noted she was thankful Chief Chamberlain had served the last couple of months;
- thanked Tim Sands, that he had been a dedicated Council member, showed up on short notice, always attended functions, had a great head for numbers, had helped the Council through some hard times, and appreciated his honesty and integrity; and
- asked for a moment of silence to recognize all those lost since the last meeting.

IV. EXECUTIVE SESSION

A. Legal Matter

1. Annexation
2. Gladden vs. City of Dillingham
3. Union Negotiations
4. Update from the Public Safety Department

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to go into executive session under DMC, 2.09.050, regarding legal matters.

GENERAL CONSENT: The motion passed without objection.

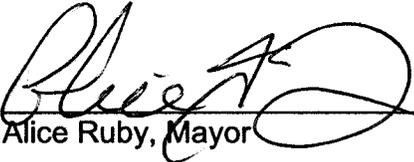
Manager Loera was invited into the executive session along with Chief Nancy Chamberlain and City Clerk Williams. Attorneys Mede and Vecera joined by teleconference during the session on Union Negotiations.

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to come out of executive session [11:09 p.m.].

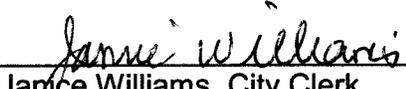
GENERAL CONSENT: The motion passed with no objection.

XV. ADJOURNMENT

Mayor Ruby adjourned the meeting at 11:09 p.m.


Alice Ruby, Mayor

ATTEST:


Janice Williams, City Clerk

Approved: 