

I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, November 1, 2012, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:01 p.m.

A. Swearing in Ceremony for Newly Elected Official

Mayor Ruby asked City Clerk Williams to swear in Tracy Hightower who was reelected to Council Seat E at the October 4, 2012 Regular City Election.

II. ROLL CALL

Mayor Alice Ruby was present.

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

- Doug Holt, Seat A
- Chris Maines, Seat B
- Bob Himschoot, Seat C
- Keggie Tubbs, Seat D
- Tracy Hightower, Seat E
- Paul Liedberg, Seat F

Staff in attendance:

- Rose Loera, City Manager
- Carol Shade, Finance Director
- Janice Williams, City Clerk
- Dan Pasquariello, Interim Chief of Police
- Jody Seitz, Planning Director

Guests:

- Attorney Brooks Chandler - *via teleconference*
- Steve Cropsey, Project Manager - *via teleconference*

III. APPROVAL OF MINUTES

- A. Regular Council Meeting, October 4, 2012
- B. Special Council Meeting, October 11, 2012

MOTION: Tracy Hightower moved and Paul Liedberg seconded the motion to approve both sets of minutes.

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

IV. APPROVAL OF CONSENT AGENDA

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- A. Resolution No. 2012-60, A Resolution of the Dillingham City Council Amending the Bank Account Signature Authority Forms for the City Bank Accounts Due to a Change in Council Members
 - B. Resolution No. 2012-61, A Resolution of the Dillingham City Council Amending the Bank Signature Authority Forms for the City Safety Deposit Box Due to a Change in Personnel
 - C. Resolution No. 2012-62, A Resolution of the Dillingham City Council Amending the Investment Account Signature Authority Forms for City Investment Accounts

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve the consent agenda.

VOTE: The motion passed unanimously.

APPROVAL OF AGENDA

Mayor Ruby asked the Council's approval for two additional items: item A. under Citizen's Discussion, Ecological Engineering Group, and item D. under Executive Session, Ecological Engineering Group - Council Decision on Bid. She further noted when the Council got to New Business, they would be asked to postpone action on Action Memorandum 2012-12 until after the Executive Session.

MOTION: Keggie Tubbs moved and Doug Holt seconded the motion to approve the agenda as amended.

VOTE: The motion passed unanimously.

V. STAFF REPORTS

A. City Manager Report

City Manager Rose Loera:

- Landfill 2012 Inspection Report – meeting with staff and Curyung Tribe employee to address issues outlined in the report in order to bring the landfill in compliance by 2014 or the landfill permit could be denied if the City did not clear up some of the issues;
- Horizontal Drilling Project – project itself was completed, but continuing to work with Trenchless Construction and engineers to address problems with pushing the flow of sewer at the dock lift station, possibly caused by a blocked airlock in the line, and also evaluating the size of the pumps;
- Job Vacancies – filled the accounting tech III position, and would be interviewing for the fire dept. coordinator, interviewed 2 applicants for landfill operator position, holding on the fire dept. assistant until the coordinator position is filled to help with the hiring;
- Raw Fish Tax – processors have remitted a total of \$429,000, which could increase if there are adjustment bonuses; and

- Community Development Block Grant – had initially looked at applying for a design grant, but would be applying for a planning grant instead and would be looking to seek ideas from the community.

There was no discussion.

B. Standing Committee Reports

Bob Himschoot, Chair for Finance and Budget Committee:

- continuing to work on agenda items;
- business tax incentives would be removed from their list to the Council's priority list for consideration; and
- the committee had recommended that the entire Council meet quarterly for the purpose of reviewing the financial statements.

Alice Ruby, Code Review Committee:

- noted there were two ordinances on the agenda, one with additional revisions, and another that the Code Committee was asking not be adopted yet, because some additional changes were being recommended.

VI. PUBLIC HEARINGS

Mayor Ruby reported that Ordinance No. 2012-18 would be recommended for postponement due to some additional changes being reviewed by the Code Committee, and a substitute version of Ordinance No. 2012-17 would be in front of the council for adoption.

Mayor Ruby opened the public hearing on Ordinance No. 2012-17 and Ordinance No. 2012-18.

- A. Adopt Ordinance No. 2012-17, An Ordinance of the Dillingham City Council Amending Chapter 3.60.050, Ballots- Marking, Validity – Removal Prohibited, and Adding Chapter 3.60.055, Write-In Candidates
- B. Adopt 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 (*Clerk Note: A second public hearing will be recommended for December 6, 2012.*)

There being no comments the public hearing closed.

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

- A. Ecological Engineering Group – Protest Bid (*Clerk Note: added to the agenda*)

City Manager Loera reported that Ecological Engineering had informed her via email that they would not be attending the meeting in person.

VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2012-17, An Ordinance of the Dillingham City Council Amending Chapter 3.60.050, Ballots- Marking, Validity – Removal Prohibited, and Adding Chapter 3.60.055, Write-In Candidates

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to adopt Ordinance No. 2012-17.

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to adopt the amended version of Ordinance No. 2012-17, Ordinance No. 2012-17 (SUB 1).

Discussion:

- asked staff to clarify item 7.e under qualifications for a write-in candidate, "is not a candidate for any other office to be voted on at the election", interpreted as can't be a declared candidate and a write in candidate at the same time, but doesn't distinguish between school board and city council.

MOTION: Paul Liedberg moved and Doug Holt seconded the motion to postpone adoption of Ordinance 2012-17 (SUB 1) until the next meeting.

VOTE: The motion to postpone adoption of Ordinance No. 2012-17 (SUB 1) passed unanimously.

- B. Adopt 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 (*Clerk Note: A second public hearing will be recommended for December 6, 2012*)

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to adopt Ordinance No. 2012-18.

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to postpone adoption until the next meeting.

VOTE: The motion to postpone adoption until the next meeting passed unanimously.

- C. Resolution No. 2012-63, A Resolution of the Dillingham City Council Waiving Section 3.95 of the City's Personnel Regulations in Order to Allow Craig Maines to Continue His Employment as a Corrections Officer with the City of Dillingham Department of Public Safety While His Brother, Christopher Maines, Serves on the City Council

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Resolution No. 2012-63.

Chris Maines disclosed he would not benefit financially from this resolution. Mayor Ruby noted she did not feel there was a conflict of interest, since he would not benefit financially, and that he be allowed to vote. There was no objection.

VOTE: The motion to approve Resolution No. 2012-63 passed unanimously.

- D. Resolution No. 2012-64, A Resolution of the Dillingham City Council Approving a Long Term Encroachment Permit for Nushagak Cooperative to Install an Overhead Utility Road Crossing to a New Residence Located at the Corner of Aspen and Spruce

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Resolution No. 2012-64.

VOTE: The motion to approve Resolution No. 2012-64 passed unanimously.

- E. Resolution No. 2012-65, A Resolution Of The Dillingham City Council Approving A Long Term Encroachment Permit For Utility Installation Across Emperor Way North to Install Electric and Telephone Lines to Lot 8, Creekside Subdivision

MOTION: Keggie Tubbs moved and Doug Holt seconded the motion to approve Resolution No. 2012-65.

VOTE: The motion to approve Resolution No. 2012-65 passed unanimously.

- F. Resolution No. 2012-66, A Resolution of the Dillingham City Council Authorizing Participation in the Community Development Block Grant Program (CDBG), Administered by the Alaska Department of Community, Commerce, and Economic Development

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Resolution No. 2012-66.

City Manager Loera confirmed staff's position to move forward with applying for a CDBG grant by the deadline of December 7, for a planning grant in lieu of a design grant as originally planned. The planning grant would help with researching possible sites, reviewing the current assessment, and evaluating the cost. The City had also applied to BBEDC for some grant writing assistance.

VOTE: The motion to approve Resolution No. 2012-66 passed unanimously.

- G. Resolution No. 2012-67, A Resolution of the Dillingham City Council Adopting an Alternative Allocation Method for the FY 2013 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 Paul Liedberg seconded the motion to approve Resolution No. 2012-67.

Council was informed that a resolution to adopt the allocation for the shared fisheries tax was done annually.

VOTE: The motion to approve Resolution No. 2012-67 passed unanimously.

IX. UNFINISHED BUSINESS

A. Animal Shelter Facility

City Manager Loera noted she was reporting back to the Council, and that it cost the City around \$38.61 a day to house an animal in the City's animal shelter.

B. Citizen Committee Appointments

1. Library Board – 1 Seat
2. Planning Commission – 1 Seat
3. Cemetery Committee – 6 seats

Mayor Ruby noted she had received an email for the library board seat, but it was after the council packets had gone out, and would have it for the December meeting. No other letters of interest had been received.

X. NEW BUSINESS

A. Council Committee Appointments

Mayor Ruby recommended changes to the committee appointment list as follows:

Code Review Committee:
Paul Liedberg, named chair
Chris Maines

Parks and Recreation Committee:
Paul Liedberg

Carlson House Advisory Committee:
Keggie Tubbs

School Facility Committee:
Tracy Hightower, Alternate

MOU Committee:
Doug Holt

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to concur with the Mayor's recommendations:

VOTE: The motion passed unanimously.

- B. Action Memorandum No. 2012-12, Authorize the City Manager to Execute a Professional Services Engineering and Design Contract with CH2M Hill Engineers

MOTION: Keggie Tubbs moved and Doug Holt seconded the motion to introduce AM 2012-12 and postpone action until after the executive session.

VOTE: The motion passed unanimously.

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

There was no citizen's discussion.

XII. COUNCIL COMMENTS

Chris Maines: no comment

Bob Himschoot:

- welcomed Chris;
- thanked Rose and staff for moving forward on the public safety building that several years ago was identified as a critical need; and
- reported Alaska Energy Authority had approached him and Fritz Johnson on a project that would turn waste heat into ice, that he not was approaching this project as a council member, and as they moved forward if City staff was needed would be sure to inform the City Manager beforehand.

Tracy Hightower: no comment

Keggie Tubbs: no comment

Doug Holt:

- reported he would be attending the newly elected officials session at the AML conference.

Paul Liedberg:

- commented with the general election coming up thanked City for making absentee voting available at City Hall.

XIII. MAYOR'S COMMENTS

Mayor Alice Ruby:

- encouraged all to get out and vote;

- reported the City had contributed \$10,000 to help send representatives from the City to attend the Board of Fisheries meeting in Naknek, and encouraged nominating a couple of people, and inform the city manager;
- asked if the Council would be interested in planning quarterly workshops to review the financial statements, could plan for a 6:00 or 6:30 PM meeting, before a regular council; there was no objection; and
- asked for a moment of silence to recognize community members that had recently lost someone, particularly the Tubbs family.

IV. EXECUTIVE SESSION

A. Legal Matter

1. Annexation
2. Gladden vs. City of Dillingham
3. Union Negotiations
4. Ecological Engineering Group – Council Decision on Bid (*Clerk Note: added to the agenda*)

MOTION: Bob Himschoot moved and Tracy Hightower seconded the motion to enter into executive session under DMC, 2.09.050, regarding legal matters. [7:41 PM].

GENERAL CONSENT: There was no objection to the motion.

(The meeting recessed for a five minute break.)

Manager Loera was invited into the executive session along with Finance Director Carol Shade and City Clerk Williams. Attorney Brooks Chandler and Project Manager Steve Cropsey joined by teleconference.

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to come out of executive session [9:59 p.m.].

GENERAL CONSENT: The motion passed with no objection.

MOTION: Paul Liedberg moved and Bob Himschoot seconded the motion to agree with the City Manager's recommendation in Action Memorandum 2012-12 to award the contract to CH2M Hill.

VOTE: The motion passed unanimously.

MOTION: Paul Liedberg moved and Chris Maines seconded the motion to direct staff and attorney to put together their written findings to support the determination that was made that will be adopted at the December meeting.

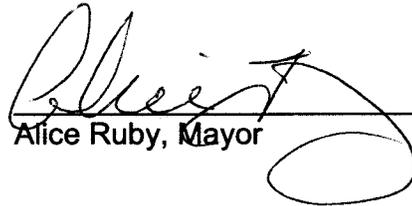
Discussion:

- commented consideration had been given to CH2M Hill because they had scored the highest in the committee's scoring process, they had Alaskan experience, and believed they had a better ability to work with staff toward the completion of the project; and
- commented that based on the materials provided it was in the best interest of the community and citizens of Dillingham to award the contract to CH2M Hill.

VOTE: The motion passed unanimously.

VIII. ADJOURNMENT

Mayor Ruby adjourned the meeting at 10:03 p.m.

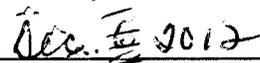


Alice Ruby, Mayor

ATTEST:



Janice Williams, City Clerk

Approved: 

Dec. 5 2012

