

I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, November 7, 2013, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:05 p.m. The meeting was preceded by a Council workshop at 6:30 p.m. to review the quarterly financial statements.

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
Keggie Tubbs, Seat D
Tracy Hightower, Seat E
Paul Liedberg, Seat F

Seat A is vacant

Staff in attendance:

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

III. APPROVAL OF MINUTES

A. Regular Council Meeting – October 10, 2013

MOTION: Paul Liedberg moved and Chris Maines seconded the motion to approve the minutes of October 10, 2013.

VOTE: The motion to approve the minutes of October 10, 2013 passed unanimously.

IV. APPROVAL OF CONSENT AGENDA

A. Resolution No. 2013-65, A Resolution of the Dillingham City Council to Offer Thanks and Commendation to Brenda Akelkok for Her Service on the Dillingham City Council

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to approve the consent agenda.

VOTE: The motion to approve the consent agenda passed unanimously.

APPROVAL OF AGENDA

Manager Loera asked to amend the agenda to add item E. under New Business, schedule a special meeting for the purpose of approving a bid for a new fire tender.

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve amending the agenda to add item E. Special Meeting under New Business.

VOTE: The motion to approve the agenda as amended passed unanimously.

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

City Manager Loera reported on the following:

- Fire Dept. Coordinator Megan Brown hit the ground running, completed the hose testing, and was busy inventorying supplies;
- Dock Repairs - total cost would be about \$340K;
- Several RFPs out for Bid – Project Manager, upgrade surveillance cameras, a backup E 911 system; staff had created a more organized bid process;
- SCERP- City was working on its Small Community Emergency Response Plan and preparing for its first city-wide exercise on emergency preparedness working with Public Health Services on a mass dispensing of flu shots; also working on testing sirens monthly;
- DOT visit regarding Dillingham area projects – about \$100M in projects including Aleknagik bridge; their goal was better communication, looking at a Transportation Fair in March to bring in State personnel and invite in the public; they noted activity on the roads would be worse next year due to multiple road projects planned and the continuing airport project;
- Gravel donation – as a requirement for restoration of wetlands, State was required to develop a mitigation plan in which they identified three roads in Lupine and Emperor Way that were sinking below the tundra; State will deliver gravel and fill and City will need to have it in place by October of next year when airport project will be finalized;
- GCI moving into the Potato House by December 1; planning to have 2 people manage the office;
- Library adopted a Five-Year Plan at their last meeting, which was reviewed beforehand with the library president and librarian;
- Scrap Metal – baler was in place at the landfill;
- Landfill shop was renovated in order to store the swap loader that transfers the bins; this was vital for the operation of the hydraulics when temperatures drop below 10 degrees;
- Out of the office the week of November 17, but available by phone and email; Chief of Police Dan Pasquariello will be in charge;
- Alaska Municipal League Conference – looking to inquire into staggering each group's participation, because a lot of the key positions are scheduled for the same week;
- Finance Director Shade will be out of the office attending AML/JIA and taking annual leave;

- New Library Ramp - encouraged Council to check out the new ramp constructed by Dagen Nelson, noting his thoroughness and the City was fortunate to have him; and
- ADEC Alaska Clean Water Loan (Planning Director's Monthly Report) – had reviewed with staff the Voltaic Solutions Financial Capacity Report that was done on the landfill, and had resubmitted it with some corrections to the data.

Discussion:

- asked to have the Library's Five-Year Plan on the next agenda for public information and Council endorsement;
- pleased to hear the City was working to fix all the compliant issues at the landfill;
- commented was pleased to hear Jean Barrett had been appointed to the Harbormaster Board; and
- asked to keep the Council apprised on the police department losing its K-9 officer.

Planning Director Seitz commented the City had received several complaints that the City wasn't maintaining Birch Lane and Sunny Lane. Birch Lane had never been built to City standards, was choked with lots of discarded materials alongside the roadway and there had been a lot of open burning, most recently cardboard. The owner's rep opined the road wasn't in the correct place on the plat, that it constituted a driveway instead of a road, and, therefore, the City had no jurisdiction. The City's Attorney advised the City did have the responsibility and the authority to ask the owner to move the encroachments alongside the road for emergency and fire truck access.

B. Standing Committee Reports

Paul Liedberg, Chair of the Code Review Committee, urged the Council to review the minutes of the Special Meeting on material sites. The meeting was set up to identify the issues, and recommend whether the City should be involved in regulating material sites, basically gravel pits, within the City's limits. He noted the City had contracted with Agnew::Beck to outline some options, and would meet Nov. 21 to review the report with a goal of presenting to the Council in December.

Bob Himschoot, Chair of the Finance and Budget Committee, reported the Committee had met and discussed proposed water and sewer rate increases with a presentation from FCS Group, and discussed setting up a Nushagak Fish Tax Fund for managing fish tax revenues.

Mayor Alice Ruby, School Facility Committee. The committee discussed scheduling a joint workshop with the School Board and the City Council to present a report on the Territorial School, and she recommended postponing the meeting to December when the Superintendent could be available. The committee had also discussed having a procedure in place so they could track funding to the school that was allocated from the city for major projects.

VI. PUBLIC HEARINGS

Mayor Ruby reported the City was presenting Resolution No. 2013-66 to apply for a grant through the Community Development Block Grant, and one of the requirements was to hold a public hearing. After a presentation from staff, the public could then speak on any of the other Ordinances, Ordinance No. 2013-18, 2013-19, and 2013-20.

(The teleconference line was opened at 7:00 p.m. for those wishing to comment on Resolution No. 2013-66.)

Planning Director Seitz read from a prepared script at the start of the public hearing for the Community Development Block Grant.

"The Community Development Block Grant is a federal grant administered by the State of Alaska.

The purpose of the CDBG is to provide projects that benefit low to moderate income people and provide financial resources to communities for public facilities, planning, and special economic development activities which encourage community self sufficiency, reduce or eliminate conditions which are detrimental to the health and safety of local residents, and reduce the costs of essential community services.

The CDBG can be used for the acquisition, construction, reconstruction of public facilities and improvements like health clinics, daycare centers, shelters for homeless, water and sewer systems, solid waste disposal facilities, community center, dock and harbors, electrical distribution lines, fuel and gas distribution systems, transportation improvements, removal of architectural barriers, which bar elderly and handicapped persons from accessing public facilities, acquisition and disposition of real property, design and engineering plans, fire protection facilities and equipment.

The CDBG can be used to conduct studies, collect data, do marketing, feasibility studies, comprehensive land use plans, erosion control plans, community economic development plans, to prepare capital improvement plans, update any of the above, all as planning projects. Can also do special economic development projects.

Projects that are not eligible include equipment, courthouses, buildings for regular government operations, maintenance and operations expenses, and political activities.

Are there any questions about the types of projects that CDBG funds can be used for?

An example of a proposed project that is needed in the census area. Dillingham is the hub of a census area of about 11 different communities. The current project would be the Fire and Public Safety Facilities. That would be to replace public safety building, jail facility, E911 dispatch, also, the area housing the Division of Motor Vehicles, the police department, as well as the current fire hall downtown. This project was number five on the Capital Improvement Projects Plan that Dillingham worked on last year, it was identified as the top priority in the Six Year Capital Improvement plan. When we updated that plan this year on the Legislative Priorities List it was number four on our list. It is the top project that we have on the list that would serve a regional interest, and would serve our surrounding communities as well.

The City is beginning to hold meetings to plan for Fire and Public Safety Facilities. This grant would be to ask for funding for design.

Tonight we'd like to know if there are comments on the proposed project and if there are other projects which people would like to have the City apply to fund through the Community Development Block Grant.

Thank you.

There are no alternatives, we have the teleconference on, and we don't have anyone calling in from the surrounding communities."

Mayor Ruby closed the public hearing on the CDBG grant.

Mayor Ruby resumed the public hearing to take testimony from the public on Ordinance Nos. 2013-18, 2013-19, 2013-20 and Resolution No. 2013-66. She noted that the public hearing on Ordinance No. 2013-19 would be for the substitute ordinance.

- A. Adopt 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
- B. Adopt 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
- C. Adopt Ordinance No. 2013-20, An Ordinance of the Dillingham City Council Repealing Chapter 6.04, Transient Vendor
- D. Resolution No. 2013-66, A Resolution of the Dillingham City Council Authorizing the City of Dillingham to Apply for a Community Block Grant for the Design of the Public Safety Building(s)

Mark Gleason speaking on Ordinance No. 2013-19, Fine Schedule, presented comments on behalf of local business owner, Bob Kallstrom. Mr. Kallstrom was concerned about fine offenses that could take business away from Dillingham, referring to an offense for operating a snowmobile after dark, noting snowmobiles had headlights, and this could deter villagers from traveling to the City to conduct business.

Greg Marxmiller, speaking on the grant for a public safety building, encouraged the City to preserve the mural on the front of the fire hall that identified Dillingham. He asked if the City would be considering accessibility to the building, noting the staircase to the top floor of the fire hall was narrow and long and not accessible for some, and to include in the design access to a kitchen facility to have another venue other than the schools.

There being no further comments, Mayor Ruby closed the public hearing.

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

- A. Kyle Belleque - 4-H Club

Kyle Belleque, as a Cooperative Extension Service employee (arm of the UAF), was starting a 4-H program that would eventually reach out to surrounding villages. The program's success depended on volunteers and a required adult to children ratio. A trapping group and mushing group were already in progress. All the kids from ages 5 on up would meet once a month, run their own meetings, help make decisions, and learn how to take a leadership role. The group was looking to hold meetings in different business locations around town, and suggested the City Council Chambers.

- B. Earlene George – Request for a Late Filed Appeal

Earlene George, real property owner, was asking to submit a late filed appeal due to extenuating circumstances. She commented after the house was conveyed to her in 2012, she had contacted City Hall to put the property in her name. She noted she had not received a copy of the property assessment that went out in March. Instead it had gone to the Bristol Bay Housing Authority, which she attributed her request for a late filed appeal was the City's fault because she was not properly noticed.

VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt 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 Chris Maines seconded the motion to adopt Ordinance No. 2013-18.

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

- B. Adopt 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 Bob Himschoot seconded the motion to adopt Ordinance No. 2013-19 (SUB-1).

Mayor Ruby reported there was some concern that the City was adopting a whole new slate of fines, when in fact the City was attempting to standardize its fines. She asked staff to work on public outreach to clear up any confusion.

Manager Loera commented that previously if someone was fined they would have to go to court to determine the fine that was defined as being up to \$300. State of Alaska did not recognize the way the City's ordinance was written, so the State was collecting the revenue instead of submitting it to the City. She noted the fine amounts were now listed in one table in Chapter 1.20, but still left intact in their existing section of the code. She noted other than public safety that already had procedures in place, each department would be adopting its own standard operating procedure for issuing fines.

Discussion:

- commented had received comments from the public regarding one of the fines titled snow machine operation after dark, which in the City's code identified operation after dark as may only be on the right side of a designated snowmobile route and in the same direction as the roadway motor vehicle traffic; and
- noted the fines listed in the table were abbreviated and should refer to the code for further explanation.

VOTE: The motion to adopt the amended Ordinance No. 2013-19 (SUB-1) passed unanimously.

- C. Adopt 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 adopt Ordinance No. 2013-20.

Manager Loera reported this chapter was no longer necessary since licensing for transient vendors was covered in Title IV.

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

- D. Resolution No. 2013-66, A Resolution of the Dillingham City Council Authorizing the City of Dillingham to Apply for a Community Block Grant for the Design of the Public Safety Building(s)

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Resolution No. 2013-66.

Manager Loera reported the grant assistance program at BBEDC was helping to write the grant, and the grant did require a match.

VOTE: The motion to adopt Resolution No. 2013-66 passed unanimously.

- E. Resolution No. 2013-67, A Resolution of the Dillingham City Council Approving the Establishment of a Nushagak Fish Tax Fund

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve Resolution No. 2013-67.

Bob Himschoot reported setting up this fund would help separate the revenues collected from the fish tax from the refunds, and provide a mechanism instead of budgeting based on forecasting the City could forward fund the next year once the City knew the amount.

VOTE: The motion to approve Resolution No. 2013-67 passed unanimously.

- F. Resolution No. 2013-68, A Resolution of the Dillingham City Council Approving a Contract Extension with Alaska Map Company for GIS Services

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Resolution No. 2013-68.

Manager Loera reported Alaska Map Company had been working on the City's addressing and mapping system and the City was looking to extend their contract to include tying in the City's accounting system with the addressing system and work on several more tasks.

VOTE: The motion to approve Resolution No. 2013-68 passed unanimously.

- G. Resolution No. 2013-69, A Resolution of the Dillingham City Council Increasing the Water and Sewer System Rates

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Resolution No. 2013-69.

Mayor Ruby reported the resolution was only being introduced at this time, that a workshop would be scheduled before the next meeting for a presentation on the newly proposed rates, and then recommended for adoption at the Council meeting following the workshop.

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to postpone adoption to the December 5 Council meeting.

VOTE: The motion to approve Resolution No. 2013-69 passed unanimously.

- H. Resolution No. 2013-70, A Resolution of the Dillingham City Council Approving a Long Term Encroachment at 312 Main Street for the Dillingham Liquor Store to Connect to the City's Water Main

MOTION: Paul Liedberg moved and Keggie Tubbs seconded the motion to approve Resolution No. 2013-70.

VOTE: The motion to approve Resolution No. 2013-70 passed unanimously.

- I. Resolution No. 2013-71, A Resolution of the Dillingham City Council Creating a City of Dillingham Library Advisory Board

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to approve Resolution No. 2013-71.

VOTE: The motion to approve Resolution No. 2013-71 passed unanimously.

- J. Resolution No. 2013-72, A Resolution of the Dillingham City Council Approving Task Order No. 15 with Bristol Engineering Services Corp. to Design Improvements to Lift Station #6 (City Dock)

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Resolution No. 2013-72.

Manager Loera reported the City had contracted with CH2M Hill for a water treatment facility plan to phase in getting the lagoon into compliance. The City was looking to start phase 2, an upgrade to the lift station at the dock, which they estimated to be \$1.7M; this was not for design services. Bristol Engineering Services had provided an estimate at one time that was considerably less, and the City was looking to receive a second opinion from them for the cost to design.

It was discussed that the sewer main from the BBHA had not been cleared because the logistics involved would have made it an extensive project. Instead the sewer flow from that area was

routed to the dock lift station and up to the lagoon. The new pumps were efficiently handling the extra sewage. She noted she would ask BESC if the upgrade to the dock lift station would be able to accommodate possible future processing development.

Discussion:

- asked if the plugged main would ever get cleared, answered if capacity became a problem would look to put it in another phase and attempt to clear it, noting different sizes of line were improperly installed, and it lacked a screening mechanism.

VOTE: The motion to approve Resolution No. 2013-72 passed unanimously.

IX. UNFINISHED BUSINESS

A. Citizen Committee Appointments

1. Cemetery Committee, 4 Seats Open

Mayor Ruby reported she had no new appointments.

2. Planning Commission, 2 Seats Open

Mayor Ruby recommended appointing William Corbett to the Planning Commission.

MOTION: Bob Himschoot moved and Keggie Tubbs seconded the motion to concur with the Mayor's recommendation and appoint William Corbett to the Planning Commission.

VOTE: The motion to appoint William Corbett passed unanimously.

B. Appoint Council Member to Seat A – Interim Appointment

Mayor Ruby reported the one letter of interest she had received was from Holly Johnson, who met the residency requirements, and recommended appointing Holly to Council Seat A.

MOTION: Tracy Hightower moved and Keggie Tubbs seconded the motion to concur with the Mayor's recommendation and appoint Holly Johnson to an interim appointment on City Council Seat A.

VOTE: The motion to appoint Holly Johnson passed unanimously.

C. Strategic Planning (Foraker Group)

Mayor Ruby reported there was nothing to present at this time, but would be making some plans.

X. NEW BUSINESS

- A. Action Memorandum No. 2013-31, Approving Entering into a Contract with South West Alaska Equipment for Scrap Metal Removal

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to approve Action Memorandum No. 2013-31.

Manager Loera noted there was no time frame for this project that the baler would remain at the landfill, and could be used as long as the cold temperatures allowed it to due to the adverse affect on the hydraulic rams. The firm noted that the Dillingham site was a pilot project, and planned to carry it out in other communities.

VOTE: The motion passed unanimously.

- B. Action Memorandum No. 2013-32, Awarding a Contract to _____ for the Purchase of a 2,800-3,000 US Gallon Tender for the Volunteer Fire Department
(An amended version of AM 2013-32 will be distributed at the Council Meeting.)

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve Action Memorandum No. 2013-32.

Manager Loera reported the City had gone out to bid for 30 days for a new fire pumper truck, and was looking to award at the October meeting. The two bids received were rejected because they did not include 4-wheel drive. The City went out to bid again a for a period of two more weeks for a new fire tender, but the specifications may not have been clear enough, because the three bids did not include 4-wheel drive. The City's Attorney had advised the City to reject the three bids, to contact the three bidders and provide explicit directions for a bid with 4-wheel drive, provide a week to submit, and the City would retain their current bid package.

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to postpone to a special meeting.

VOTE: The motion to postpone to a special meeting passed unanimously.

- C. Application for a New Liquor License - The Rack

Mayor Ruby reported in the past the City would contact the ABC Board if the Council objected to the issuance of a liquor license, and if they didn't object the Council didn't take any action. She noted the Attorney had advised that this Council Meeting was the public's opportunity to express to the City if they thought the City should object. She further noted the Council was sensitive to the issues of alcoholic and substance abuse problems, but was also sensitive to small business progress and having restaurants and establishments that were well run, and hoped they didn't contribute to the problem.

- D. Schedule a Joint Workshop of the School Board and Council for a Presentation from the School Facility Committee on the Territorial School

Mayor Ruby noted this item would be on the December agenda.

E. Schedule a Special Meeting to Award a Contract for a New Fire Tender

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to leave scheduling a special meeting at the call of the Mayor at a time that was convenient for a majority of the Council.

Mayor Ruby noted the purpose of the special meeting was primarily to award a contract for a new fire tender and any other issues that might come up.

VOTE: The motion passed unanimously.

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

There was no citizen's discussion.

XII. COUNCIL COMMENTS

Tracy Hightower: no comment

Bob Himschoot:

- thanked the guests for bringing forward their comments; and
- asked if the Council could rule on a late filed appeal.

Mayor Ruby reported the Council adopted a new ordinance setting a hard deadline for filing appeals. She noted the Board of Equalization no longer had a role. Staff was directed to create a chronology of events for Earlene George's request, and to bring back the information to the Council for review at the special meeting if it could be made available by then. Manager Loera disclosed Earlene was her niece and would recommend having someone in Finance put it together.

Chris Maines: no comment

Paul Liedberg:

- congratulated Jean Barrett on his election to the harbor board, noting the benefits of investing in the City's employees; and
- noted his appreciation for getting the packets as early as possible, and thanked staff for all their work.

Keggie Tubbs:

- commented he was disappointed the City had lost its dog companion, and hoped the City would find a good home for him; wanted to see the K-9 program succeed; and
- noted there were some disgruntled gun range users not having access to the gun range especially on Sundays, and were encouraged to contact the City Manager.

XIII. MAYOR'S COMMENTS

Mayor Alice Ruby:

- noted SWAMC had been working with BBNA on a regional energy plan and the first presentation would be made at the BBNC Officers and Directors Meeting, for which the City was invited; noted Bob Himschoot might be in Anchorage at that time, and to let her know if anyone else might be interested in attending;
- noted the Manager Loera would be attending BBNC's presentation on Sand, Gravel and Rock contracts which would be held at the same time;
- noted another presentation by PacWest, an energy group, and would like to invite them out to Dillingham; thought it might be late November;
- SWAMC was planning their conference in Anchorage March 6&7;
- encouraged everyone to thank a veteran with Veteran's Day observed November 11;
- noted she had joined in a conference call with Senator Begich's staff and City Manager Loera; the City was looking for sources of funding for the dock and erosion projects; and
- asked for a moment of silence to recognize all those lost since the last meeting.

XIV. EXECUTIVE SESSION

There was no executive session.

XV. ADJOURNMENT

Mayor Ruby adjourned the meeting at 9:00 p.m.

ATTEST:



Janice Williams
Janice Williams, City Clerk

Alice Ruby
Mayor Alice Ruby

Approval Date: Dec 5 2013