
I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, December 6, 2012, 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):

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
David Bivens, Fire Dept. Coordinator

III. APPROVAL OF MINUTES

A. Regular Council Meeting, November 1, 2012

MOTION: Paul Liedberg moved and Keggie Tubbs seconded the motion to approve the minutes of November 1, 2012.

VOTE: The motion to approve the minutes of November 1, 2012 passed unanimously.

IV. APPROVAL OF CONSENT AGENDA

A. Resolution No. 2012-68, A Resolution of the Dillingham City Council Expressing Thanks and a Commendation to Ms. Judith "Judi" Nelson

MOTION: Keggie Tubbs moved and Dough Holt seconded the motion to approve the consent agenda.

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

APPROVAL OF AGENDA

Mayor Ruby asked to add item C. Special Meeting in December under New Business.

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve the agenda with the addition of item C.

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

V. STAFF REPORTS

A. City Manager Report

City Manager Rose Loera:

- Introduced David Bivens, newly appointed Fire Dept. Coordinator, noting one of his priorities would be working on the emergency response plans;
- Council training – Attorney Chandler cannot attend but he recommended Attorney Munson in his place;
- New Sewer Line – dock lift station needed a total upgrade that could be paid from the municipal grant to upgrade the wastewater treatment. A change order was processed for CH2M Hill to do the work to include new pumps, electrical work, and new building;
- Evaluate Shortening the Hours at the Landfill – would be conducting a survey to evaluate the peak times and possibly shorten the hours open to the public, which would allow staff more time to work the landfill and to close down at the end of the day;
- Library Code Changes – recommendation from the Library Board to revise several sections of code relating to the Library;
- Appoint Police Chief – was hoping to bring forward a recommendation, but will be asking for a special meeting next week;
- Visit Juneau to Lobby – City's lobbyists recommended an early visit to the legislative session, possibly last week in January, or first week in February. In the meantime, Could should start thinking about who will be going and finalize at the January meeting;
- CDBG Grant for Planning for Public Safety Building – City Planner with help of the firm of Agnew Beck have applied for a grant for planning in the amount of \$83K. The match was made in part with in kind services from the assessment prepared by Bettisworth North. Hoping to have the planning process done by summer/early fall, and then apply for the design component;
- Emergency Response – at the AML conference discussion evolved around communicating an emergency response via Facebook, one-way communication, where the City can post information and have better control over it;
- Gift from Inspector General's Office in Kabul - Dennis O'Malley, one of the police chief applicants, and a staff member at the Inspector General's Office, presented the flag that flew over Kabul on Veteran's Day. A similar donation was made in every place the staff visited; and
- FY 2013 Budget – bound copies were laid down before the meeting.

Mayor Ruby suggested Council members interested in receiving their packets via digital format to display on their personal laptops or iPads should get with the City Clerk, and may look at possibly budgeting for electronic devices in the future.

B. Standing Committee Reports

Bob Himschoot, Chair, Finance and Budget Committee reported the committee had reviewed the current financials, and other items including the situation with Trenchless Construction.

Paul Liedberg, Chair, Code Review Committee reported the major items, two ordinances, were on the agenda for approval. He noted the committee was continuing to inform itself on ATVs and snowmobile traffic, and regulations for taxi cabs.

Mayor Ruby asked the Council if there was any objection to assigning the Code Committee the proposed changes to the code relating to the Library Board. There were no objections.

VI. PUBLIC HEARINGS

Mayor Ruby opened the public hearing for comments.

Mayor Ruby noted the Code Review Committee had some additional changes and the council would be asked to adopt Ordinance No. 2012-17 (SUB 2) and Ordinance No. 2012-18 (SUB 1), of which copies were available for the public on the table.

- A. Adopt Ordinance No. 2012-17 (SUB 1), 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

There being no public comments 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. 2012-17 (SUB 1), 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 Chris Maines seconded the motion to adopt Ordinance No. 2012-17 (SUB 1).

MOTION: Keggie Tubbs moved and Doug Holt seconded the motion to amend Ordinance No. 2012-17 (SUB 1) by substituting Ordinance No. 2012-17 (SUB 2).

Paul Liedberg provided the history of the ordinance that went through several edits, was introduced in September, and deferred to a public hearing for November so as not to confuse the election process in October.

He noted the Code Review Committee was recommending:

- disallow stickers on the ballot bearing the write-in's name;
- adopt language write-in votes and tabulated only if the total number of write-in votes exceeded the smallest number of votes cast for a candidate for that office whose name was printed on the ballot;
- require a letter of intent be on file for all write-ins;
- adopt language for the type of marks that would be allowed in filling in the oval on the ballot including X's, check marks, etc.; and
- added language a candidate could file for both a city council and a school board seat, and several other minor changes.

VOTE: The motion to amend Ordinance No. 2012-17 (SUB 1) by substituting Ordinance No. 2012-17 (SUB 2) passed unanimously.

VOTE: The motion to adopt amended ordinance, Ordinance No. 2012-17 (SUB 2), 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

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

MOTION: Keggie Tubbs moved and Doug Holt seconded the motion to amend Ordinance No. 2012-18 by substituting Ordinance No. 2012-18 (SUB 1).

Paul Liedberg noted the committee's recommendations included standardizing the interest and penalty for sales tax and add language for a repayment plan and foreclosing on a sales tax lien if a repayment plan was not carried through.

VOTE: The motion to amend Ordinance No. 2012-18 by substituting Ordinance No. 2012-18 (SUB 1) passed unanimously.

VOTE: The motion to adopt the amended ordinance, Ordinance No. 2012-18 (SUB 1), passed unanimously.

IX. UNFINISHED BUSINESS

- A. Animal Shelter Facility

There was nothing to report.

B. Citizen Committee Appointments

1. Library Board – 1 seat

Mayor Ruby asked for the Council's approval to concur with her recommendation to appoint Annette Stelling to the Library Board.

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

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

2. Planning Commission – 1 seat

There were no letters of interest.

3. Cemetery Committee – 6 seats

Mayor Ruby reported she had received letters of interest from Rae Belle Whitcomb and Imogene Gardiner. She noted it would be best to appoint all the seats at one time when there would be a full board. .

4. Senior Advisory Commission – 1 seat

There were no letters of interest.

C. Findings on Waste Water Treatment Project RFP Award

MOTION: Keggie Tubbs moved and Chris Maines to approve the findings on the waste water treatment RFP award.

VOTE: The motion to approve the findings passed unanimously.

X. NEW BUSINESS

- A. Action Memorandum No. 2012-13, Approve Administrative Leave for Christmas and New Year Holiday

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to adopt Action Memorandum No. 2012-13.

Manager Loera commented she would have Christmas cards for the Mayor's signature that would accompany the holiday message announcing the administrative leave.

VOTE: The motion to adopt Action Memorandum No. 2012-13 passed unanimously.

- B. Reschedule January 3, 2013, Council Meeting to January 10, 2013, at 7:00 PM, with a Workshop at 6:30 PM

Mayor Ruby asked for Council approval to reschedule the January 3 meeting due to the busy holiday schedule with a workshop to review the budget report.

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to reschedule the January 3, 2012 Council Meeting to January 10, 2013 with a workshop to review the financial statements at 6:30 PM.

VOTE: The motion to reschedule the January 3 meeting to January 10 with a workshop beforehand passed unanimously.

Mayor Ruby and City Manager Loera reported that a Council training session was being set up in January, possibly extending to a day and a half. Plans were also to meet with Representative Edgmon sometime in January.

C. Schedule a Special Meeting to Appoint Police Chief

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to set a Special Meeting for December 12, 2012 at 12:00 noon, to appoint the Police Chief.

VOTE: The motion to set a Special Meeting for December 12 at noon 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 David Bivens; and
- asked if the Code Committee could update on the state statute that allowed for local option for slow moving vehicles; and
- noted his appreciation for the work that was done on the two ordinances brought forward.

Tracy Hightower:

- wished everyone Happy Holidays and to be safe.

Keggie Tubbs:

- wish everyone a Happy Holiday; and
- appreciated all the staff's hard work and the thorough reports; and
- appreciated the calendar provided by City Clerk.

Doug Holt:

- wished everyone Happy Holidays and to be safe.

Paul Liedberg:

- stated he echoed those comments; and
- noted he recognized how much work City does now that he was more involved, and thanked all the city employees.

XIII. MAYOR'S COMMENTS

Mayor Ruby:

- noted her appreciation for the officers who had to work in the icy cold to direct traffic around the bus broken down on the highway, and offered that they needed to remember to wear their orange vests so they can be seen;
- wished everyone a Happy Holiday, the community, staff, and council; and
- asked for a moment of silence to remember those lost in the Dillingham community and other communities since the last meeting.

XIV. EXECUTIVE SESSION

A. Legal Matter

1. Union Negotiations

MOTION: Bob Himschoot moved and Keggie Tubbs seconded the motion to enter into executive session under DMC, 2.09.050, regarding legal matters, union negotiations. [7:48 PM].

GENERAL CONSENT: The motion passed with no objection.

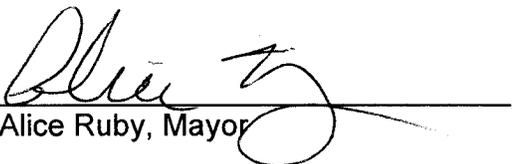
Manager Loera was invited into the executive session along with Finance Director Carol Shade and City Clerk Williams.

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to come out of executive session [8:09 p.m.].

GENERAL CONSENT: The motion passed with no objection.

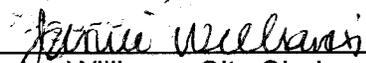
VIII. ADJOURNMENT

Mayor Ruby adjourned the meeting at 8:09 p.m.



Alice Ruby, Mayor

ATTEST:



Janice Williams, City Clerk

Approved: January 10, 2013