

**I. CALL TO ORDER**

The Regular Meeting of the Dillingham City Council was held on Thursday, March 7, 2013, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:03 p.m.

**II. ROLL CALL**

Mayor Alice Ruby was present.

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

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

**III. APPROVAL OF MINUTES**

A. Regular Council Meeting, February 7, 2013

**MOTION:** Bob Himschoot moved and Keggie Tubbs seconded the motion to approve the minutes of February 7, 2013.

**VOTE:** The motion to approve the minutes of February 7, 2013 passed unanimously.

**IV. APPROVAL OF CONSENT AGENDA**

A. Resolution No. 2013-08, A Resolution of the Dillingham City Council Expressing Thanks and a Commendation to Patrick Solana-Walkinshaw

B. Resolution No. 2013-09, A Resolution of the Dillingham City Council Amending the Bank Account Signature Authority Forms for City Bank Accounts Due to a Change in Council Members

C. Resolution No. 2013-10, A Resolution of the Dillingham City Council Amending the Investment Account Signature Authority Forms for City Investment Accounts Due to a Change in Council Members

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

GENERAL CONSENT: The motion passed without objection.

### APPROVAL OF AGENDA

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

VOTE: The motion passed unanimously.

## V. STAFF REPORTS

### A. City Manager Report

City Manager Loera reported on the following:

- Employee vacancies filled: receptionist, executive assistant, and corrections officer; and yet to be filled: heavy equipment mechanic, accounting tech, and senior patrol officer;
- Waste-to-Energy – a telephonic meeting with Shearwater was scheduled for the following week to include staff and Curyung Tribe to review the next steps;
- Beaver Round-Up (BRU) – patrol officers made their presence at a lot of the events, there were several arrests per day, jail became overcrowded, but State Troopers responded and moved out some of the prisoners;
- 2<sup>nd</sup> Trip to Juneau – Lobbyists felt the City's \$3M in the Governor's budget would remain, and didn't feel it necessary to make a second trip; staff participated in a teleconference supporting \$2M in the budget for additional funding for correctional facilities;
- Theft at Museum – the amount was probably small, but staff moved the donation box to the library area where it could be more secure, the museum gate was closed shut, and users would be escorted to the museum area;
- Patrol positions were mostly filled resulting in scheduling 80 hour pay periods instead of 100 hour pay periods, greatly reducing overtime hours; and
- Dr. Seuss's 50<sup>th</sup> Birthday was celebrated at the Library during BRU – volunteers and guests donned costumes with about 90 people attending the successful event.

Discussion:

- asked about other departments than public safety using the snow machines, answered public works might use them to access a substation, only official use;
- referenced the clerk's report on House Bill 3 that would require a photo voter ID, proposed it may not be practical in rural Alaska, and asked if the City could take a position opposing the legislature;
- asked about efforts to seek grant funding for public safety and fire department building, answered it was at the Commissioner's office, should hear something in a few weeks;
- asked if snow machine operators would be tested beforehand for their competency skills; if there were guidelines on preventative maintenance, and if the policy would identify safety equipment to have on board, staff to follow up.

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**B. Standing Committee Reports****Mayor Ruby, Chair, School Facility Committee Meeting:**

- school had prepared an assessment for the suggested uses of the Territorial School;
- additional information was forthcoming from the architect including cost to remodel;
- identifying funding sources with consultant support;
- annual inspection of the school facilities to be conducted; and
- funds remaining in the school bond fund could be used to reroof one section.

**Discussion:**

- asked about the rents collected by the school for the upstairs apartments, answered they accumulated, some contributed to O&M costs; City was paying to heat the building.

**Paul Liedberg, Chair, Code Review Committee:**

- a proposal to exempt sales tax on all arts and crafts that was brought forward in the form of a petition by Adam Kane resulted in creating a subcommittee to evaluate other ideas that surfaced during discussion;
- during the process of reviewing unlicensed cabs, proposed revising the penalty of \$100 a day for late filing of business licenses after 45 days to something more practical;
- recommending changing the approval process on the vacation of an alleyway from a negative to a positive statement; and
- addressing isolated issues that arose in the process of administering the raw fish sales tax refund.

**Bob Himschoot, Chair, Finance and Budget Committee:**

- staff had created a spreadsheet to track collections by month;
- mid-year 2013 Budget amendment was being introduced on the agenda;
- water and wastewater rates – no update;
- unless Council objects, will remove landfill rates from agenda due to putting in place more consistent rates and new hours; will review in the future with expected changes at the landfill due to repermitting; no objection;
- harbor fees - awaiting Port of Dillingham Advisory Committee's review;
- animal shelter – will have a proposal for council review in the near future;
- ambulance fees – to be presented at the next Council meeting;
- Point of Sale – members were evaluating the memo prepared by Attorney Munson; and
- monthly or quarterly sales tax filings – felt a review of existing thresholds was overdue.

**Discussion:**

- noted the proposed ambulance rates had been reviewed by the Fire Dept. Executive Committee several times, and would be brought back to the next Finance and Budget meeting; and
- noted ambulance rates were extremely low when compared to other areas, and the proposed rates would match what Medicaid would reimburse.

**MOTION:** Keggie Tubbs moved and Bob Himschoot seconded the motion to concur with the Mayor's recommendation to appoint Brenda Akelkok to the Code Review Committee.

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GENERAL CONSENT: The motion passed with no objection.

Paul Liedberg, member of the Parks and Recreation Committee, reported the committee had some new members, and they were moving forward since Patrick's departure.

Bob Himschoot reported on his role and that of Paul Liedberg's, both participating on the Planning Commission's Sub-Committee on Subdivisions and Private Access. He noted they had worked it out so that Paul, as Planning Commissioner, was the primary, and Bob Himschoot, as Council Member, was the alternate for voting purposes, but both were providing input and recommending revisions to the existing code.

## VI. PUBLIC HEARINGS

Mayor Ruby opened the public hearing for comments. She reported both ordinances were in the process of being revised, and the Council would be asked to postpone action.

- A. Adopt Ordinance No. 2013-01, An Ordinance of the Dillingham City Council Amending Section 4.21.040 of the Dillingham Municipal Code to Limit the Penalty Assessed for Failure to File or Remit Raw Fish Sales Tax Returns to Ten Percent, and to Limit the Interest to 6%
- B. Adopt Ordinance no. 2013-02, An Ordinance of the Dillingham City Council Amending Sections 4.15.110 Through 4.15.170 of the Dillingham Municipal Code to Amend the Procedures for Appeal Hearings Before the Board of Equalization and to Delete Repetitive Language in these Sections

There being no public comments the public hearing closed.

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

- A. Glen Johnson – Tribal Involvement

Glen Johnson introduced himself as a long standing advocate for tribal involvement and suggested some perceived opportunities including:

- job shadowing, retaining law officials was a problem, and could see a 25% reduction in cost using VPSOs who get paid less;
- City would own the public works systems like water and sewer, but tribe could operate, maintain, and secure funding;
- saw a potential for a charter school for exceptionally gifted and developmentally disabled people that had a harder time fitting in the mainstream of college life, with tribes securing funding;
- considering the City was serving 75% and higher tribal users, seemed logical for tribes to secure, operate, and maintain senior services;
- advocate for closing down the harbor, there were other launch and retrieve areas that could be used, save on water and power costs in the winter and costly Corps operations for dredging and erosion control, some of the villages had purchased emergency response vessels, concerned with safety issues in the harbor;

- landfill – people could get trained through the Rural Alaska Landfill Operators program, other villages have 24/7 operations with no limitations, but not feasible for Dillingham with its high costs;
- Potato House was a real estate opportunity;
- since 1980 City administration had grown, other villages don't have that level of staffing, because they don't have the burden of administering tax records;
- Animal control – cost efficiency could be best accomplished by shooting the dogs, and not having to keep dogs in an expensive facility;
- KDLG needed a new facility, relied too heavily on grant programs, there may be an opportunity for involvement with native broadcasting services; and
- few people paid property taxes, and it doesn't seem fair; but culturally integrating all these operations and services, rely on tribe involvement to secure state and federal funds, believes the City could still maintain what it has and have lower taxes.

#### VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2013-01, An Ordinance of the Dillingham City Council Amending Section 4.21.040 of the Dillingham Municipal Code to Limit the Penalty Assessed for Failure to File or Remit Raw Fish Sales Tax Returns to Ten Percent, and to Limit the Interest to 6%

Mayor Ruby reported since the ordinance had been introduced, the Code Review Committee was suggesting some other changes that were substantial. In lieu of bringing forth an amendment to the meeting, the Council would be asked to postpone adoption of the ordinance until the next meeting.

**MOTION:** Keggie Tubbs moved and Paul Liedberg seconded the motion to postpone Ordinance No. 2013-01 to the next meeting.

**VOTE:** The motion to postpone Ordinance No. 2013-01 until the next meeting passed unanimously.

- B. Adopt Ordinance no. 2013-02, An Ordinance of the Dillingham City Council Amending Sections 4.15.110 Through 4.15.170 of the Dillingham Municipal Code to Amend the Procedures for Appeal Hearings Before the Board of Equalization and to Delete Repetitive Language in these Sections

Mayor Ruby reported since the ordinance had been introduced, the Code Review Committee was suggesting some other changes that were substantial. In lieu of bringing forth an amendment to the meeting, the Council would be asked to postpone adoption of the ordinance until the next meeting.

**MOTION:** Keggie Tubbs moved and Chris Maines seconded the motion to postpone adoption of Ordinance 2013-02 until the next meeting.

**VOTE:** The motion to postpone adoption of Ordinance No. 2013-02 until the next meeting passed unanimously.

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- C. Introduce Ordinance No. 2013-03, An Ordinance of the Dillingham City Council Amending the Budget by Adopting Budget Amendment No. 1 and Appropriating Funds for the FY 2013 City of Dillingham Budget

MOTION: Bob Himschoot moved and Keggie Tubbs seconded the motion to introduce Ordinance No. 2013-03.

Mayor Ruby reported the Finance and Budget Committee was recommending adoption of the budget amendment.

VOTE: The motion to introduce Ordinance No. 2013-03 passed unanimously.

- D. Introduce Ordinance No. 2013-04, An Ordinance of the Dillingham City Council Amending Section 17.15.030 of the Dillingham Municipal Code to Change the Language Requesting Council Take Action on Planning Commission Resolution to Recommend Vacation of an Alley from "30 Days to Veto" to "45 Days to Approve" a Recommended Vacation

MOTION: Paul Liedberg moved and Keggie Tubbs seconded the motion to introduce Ordinance No. 2013-04.

Mayor Ruby noted the ordinance extended the period to review a proposed vacation from 30 to 45 days in order to allow enough time for the Council to act on it, but not keep the citizen waiting too long for the result. The Council would still be notified, and if the Council did nothing it was considered approved.

Discussion:

- understood the Planning Commission had adjudication authority besides the Council, but thought this would change the relationship between the Council and the Commission, noting there's a difference requiring approval for an action and giving authority for a negative action, one takes authority away from the other; and
- commented the City needed the Commission to specialize in this area, that the ordinance might also impact the appeal process, and suggested asking legal counsel to review the ordinance.

VOTE: The motion to introduce Ordinance No. 2013-04 passed unanimously.

**IX. UNFINISHED BUSINESS**

- A. Animal Shelter Facility

City Manager Loera reported she would be prepared to have a report for the Finance and Budget Committee at their upcoming meeting, and would work to have a report for the Council at their next meeting.

Discussion:

- asked if administration was looking at all the options including using Happy Tails.

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**B. Citizen Committee Appointments****1. Planning Commission – 1 Seat, Expired December 2012**

Mayor Ruby reported that Rachel Muir had filed a letter of interest to continue sitting on the Planning Commission, and was recommending her reappointment.

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

**VOTE:** The motion passed unanimously.

**2. Cemetery Committee – 4 Seats**

Mayor Ruby noted she had no new appointments to report.

**C. Strategic Planning – Foraker Group**

Mayor Ruby recommended polling the Council for a workshop to review the comments submitted by the Foraker Group.

**X. NEW BUSINESS****A. Instream Flow Reservation Co-Applicant Sign-Off****1. Action Memorandum No. 2013-01 – Approve City of Dillingham to Join Curyung Tribe, Southwest Alaska Salmon Habitat Partnership, and the Bristol Bay Heritage Land Trust as Co-Applicant on Instream Flow Reservation Application Filed with ADNR for Several Tributaries in the Nushagak Watershed**

Sue Flensburg and Bill Maines:

Reported the City was being asked to join as a co-applicant on a number of different water reservations on behalf of three entities: Curyung Tribal Council, BB Heritage Land Trust, and SW Alaska Salmon Habitat Partnership. Essentially there were two (2) legislative bills that would essentially take away the right of individuals, non-profits, and tribes, to pursue instream flow reservations, and would only allow municipalities as well as state and federal agencies to apply for them. For some reason the State did not want to recognize tribal entities, and the tribe wanted to keep their date and time when the original applications were filed eight years ago (first in time, first in line provision). The reservations were designed to achieve a higher level of protection for fish and wildlife and to ensure there would be sufficient water in the stream.

Sue did not anticipate any cost to the City, all the funding was in place, and she and Tim Troll would craft a draft letter for the City and fill out the applications. She noted hopefully in the future DNR would adjudicate the applications, that it was up to the State to decide which to adjudicate and the public could weigh in. The goal was to file the applications as soon as possible.

## Discussion:

- spoke in favor of keeping the Council current on any action taken; and
- thanked Sue Flensburg and Billy Maines for presenting to the Council.

**MOTION:** Keggie Tubbs moved and Chris Maines seconded the motion to approve Action Memorandum No. 2013-01.

## Discussion:

- commented the federal government recognized tribal governments in Alaska, and when was the State going to do the same; and
- commented it was disheartening to see the continuing erosion of a citizen's ability to be involved in resource development.

**VOTE:** The motion passed unanimously.

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

Sue Flensburg represented herself as a resident of Dillingham. She noted she had been involved in the earlier BB Area Management Plan, how lands were to be managed. However, the land use classifications from 1984 were radically changed in 2005, people were less informed, and a lawsuit was filed by several tribes. In the settlement, the state agreed to reopen the BB Area Plan. She noted it was a bit of an improvement, but fell way short of what the region deserved, that fish was essential to this economy, culture, and way of life. She was bringing it to the Council's attention to get involved with its large population dependent on subsistence living, and to participate in the public comment period, which would end April 4. She provided several handouts comparing the 1984 and 2005 plan.

Bill Maines, resident of Dillingham, confirmed the comment period was coming up quickly, April 4. He noted the City was a major population in the area, and a lot of people used the land upriver and down the coast for subsistence, commercial, and sport use.

**XII. COUNCIL COMMENTS**

## Chris Maines:

- commented he was pleased the Council had agreed to sign on as a co-applicant on instream flow reservations; and
- noted he appreciated Glen Johnson's comments, and felt he had made a lot of good points.

## Bob Himschoot:

- thanked Sue Flensburg, Billy Maines and Glen Johnson for their presentations, noting he appreciated that the City had signed on as a co-applicant on the instream flow reservations.

## Tracy Hightower:

- noted he agreed with the previous comments made.

**Keggie Tubbs:**

- thanked all of the volunteers and the coordinator who put on a very successful Beaver Round-Up festival;
- congratulated the boys' and girls' basketball teams for winning regions and moving on to State; and
- spoke against the legislative bill that he felt would discourage people from voting if asked to present a photo ID, noting expecting a photo ID in rural Alaska might not be feasible for some.

**MOTION:** Keggie Tubbs made a motion and Chris Maines seconded the motion to have the Manager work with the City's lobbyist and draft a letter or provide committee testimony to make known the City's opposition to the proposed changes in the voting process.

**Discussion:**

- opined there wasn't rampant voter fraud in Alaska, and no need to change how elections were conducted.

**GENERAL CONSENT:** The motion passed without objection.

**Brenda Akelkok:**

- thanked Billy Maines and Sue Flensburg for their extreme dedication over the years, with many hours devoted to helping to preserve the region's resources; and
- thanked N&N for the 30-pound turkey her son won at Beaver Round-Up, second year in a row.

**Paul Liedberg:**

- echoed everyone's comments, agreed with them all;
- recognized the City's employees for doing a tremendous job, that things were really cooking along;
- noted he was appreciative of those that had attended the meeting; and
- commented Senate Bill 32 would have opened the Chikuminuk Lake hydro development project, but public comment had succeeded in authorizing only a feasibility study at this time.

**XIII. MAYOR'S COMMENTS****Mayor Ruby:**

- commented she had attended SWAMC meeting along with several other City reps, and was intending to put together a report;
- noted the terms of the Parks and Rec Committee had the Council appointing the Chair, and would follow up with the Manager;
- noted staff had invited Patrick Solana-Walkinshaw to receive a resolution commending him for his role on the Parks and Rec Committee and for all his hard work;
- commented she was going to draft a letter to the BRU organizers and volunteers, noting schedule was packed, with something for everyone, and it was a great weekend; and

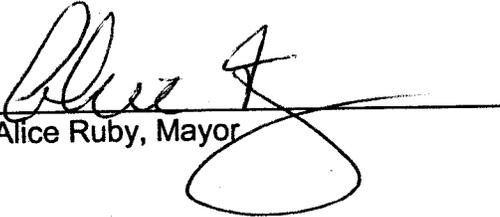
- asked everyone to join in a moment of silence to recognize all of those lost since the last meeting.

**XIV. EXECUTIVE SESSION**

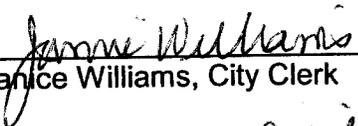
There was no executive session.

**XV. ADJOURNMENT**

Mayor Ruby adjourned the meeting at 8:50 p.m.

  
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Alice Ruby, Mayor

ATTEST:

  
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Janice Williams, City Clerk

Approval Date: April 11, 2013

