
I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, April 11, 2013, at the Dillingham City Council Chambers, Dillingham, Alaska. Keggie Tubbs, Mayor Pro Tempore, called the meeting to order at 7:01 p.m.

II. ROLL CALL

Mayor Alice Ruby was absent and excused, but was available for the teleconference during executive session.

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

Guest:

William F. Mede, Turner & Mede, P.C. – *via teleconference*

III. APPROVAL OF MINUTES

A. Regular Council Meeting, March 7, 2013

MOTION: Chris Maines moved and Paul Liedberg seconded the motion to approve the minutes of March 7, 2013.

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

IV. APPROVAL OF CONSENT AGENDA

A. Resolution No. 2013-11, A Resolution of the Dillingham City Council to Commend Dr. Tom Marsik and Ms. Kristin Donaldson

MOTION: Tracy Hightower moved and Bob Himschoot seconded the motion to approve the consent agenda.

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

APPROVAL OF AGENDA

MOTION: Bob Himschoot moved and Chris Maines seconded the motion to approve the agenda.

VOTE: The motion to approve the agenda passed unanimously.

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

City Manager Rose Loera reported on the following:

- Seven sets of standing committee meeting minutes in the packet - an indication how busy the Council was in the past month;
- Corrections to Manager's Monthly Report – the Fire Dept. Fund should be the Ambulance Dept. Fund, and the City did not get the funding for the CDBG Planning Grant;
- Vacancies – 3 senior patrol officer positions vacant, corrections officer, fire dept. coordinator, heavy duty mechanic, and public works director. Had received some good applications for the patrol officer positions. K-9 handler had resigned, and would be bringing forward a recommendation at the next meeting;
- Visit from National Guard reps – Major General Thomas Katkus and Jerry Walton, Senior Facility Maintenance Person for Alaska. The Guard planned to continue a presence in Dillingham, and were interested in partnering on a Public Safety Building;
- traveled to Egegik with staff members, council member, and reps from Shearwater and Waste-to-Energy Canada. Egegik cannery has had a gasifier since 1996 used for fish waste. System appeared to be a pretty simplified process and doable for COD. Looking to present something more formal at the May Council meeting;
- \$3M for WWTP - was taken out of the State's proposed operating budget. AkDEC prioritized the projects throughout the State, and City lost points because not enough certified operators onsite. COD would reapply next year and work toward meeting the criteria;
- Landfill Improvements – Rep. Edgmon was working hard to get some funding through the legislature;
- \$2M put in the budget to increase funding was still intact for the 13 regional jails, COD being one of them; and
- New pumps for dock lift station - received and would be installed when Project Mgr. Steve Cropsey returned to Dillingham in a few weeks.

Discussion:

- requested more information on the new records management software:
 - what was the City's goal, how much staff time scanning documents, and how would it be handled;
 - would it help with legal liability of storing old hard copies, could we get rid of them after;
 - who would be using it;
 - what kind of documents would be stored;
 - did it integrate with the planner's GIS system;
 - can the public access and print out hard documents.

- commented had received countless complaints regarding the noise at night from Knik's plant operation and could the City verify that there wasn't already a regulating authority, state and/or federal without going through the code process.

City Planner Seitz had suggested asking the Planning Commission to look into ordinances regarding buffer zones around such operations and to require mitigation measures like planting willows and such to offset noise, dust and the view impacts.

MOTION: Chris Maines moved and Bob Himschoot seconded the motion to refer the issue to the Planning Commission to research existing state and federal regulations, and what the purview of the local ordinances would be.

VOTE: The motion passed unanimously.

B. Standing Committee Reports

Bob Himschoot, Chair, Finance and Budget Committee, informed the Council that the firm, FCS Group, would be presenting the results of the water and wastewater study at the April 15 Finance and Budget Committee meeting.

Mayor Pro Tempore Tubbs commented that the minutes of other meetings were included in the packet as well, and though Manager gave credit to the Council, staff should also accept credit for all the work that went into supporting the committees.

VI. PUBLIC HEARINGS

Mayor Pro Tempore advised the public that several ordinances were coming back as a substitute, and that comments on the substitute versions, Ordinance No. 2013-01 (SUB-1) and Ordinance No. 2013-02 (SUB-1), would also be welcomed during the public hearing. Two more ordinances were up for a public hearing, Ordinance No. 2013-03, and Ordinance No. 2013-04.

- 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%
- 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
- Adopt 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
- Adopt 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

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. 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 Pro Tempore Tubbs informed the Council they would be voting on the amended version, Ordinance No. 2013-01 (SUB-1).

MOTION: Paul Liedberg moved and Chris Maines seconded the motion to amend Ordinance No. 2013-01 by substituting Ordinance No. 2013-01 (SUB-1).

Paul Liedberg commented this ordinance dealt with both the raw fish and severance tax, was intended to align both taxes since they were similar, and was part of an effort to standardize penalties and interest in the tax code. The penalty for failing to remit taxes was changed from 5% assessed each month, to a flat 10%, and the interest rate was changed from 10.5% to 6 %, and interest would not accrue on penalties.

VOTE: The motion to amend Ordinance No. 2013-01 by substituting Ordinance No. 2013-01 (SUB-1) passed unanimously.

VOTE: The motion to adopt the amended ordinance, Ordinance No. 2013-01 (SUB-1) 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 Pro Tempore Tubbs informed the Council that they would be voting on the amended version, Ordinance No. 2013-02 (SUB-1).

MOTION: Paul Liedberg moved and Bob Himschoot seconded the motion to amend Ordinance No. 2013-02 by substituting Ordinance No. 2013-02 (SUB-1).

Paul Liedberg informed the Council this ordinance would set a timeline to appeal an assessment and then have it over. He noted language had been inserted to include a 30 day period to appeal, and more significant, the board would hold an organizational meeting and the intent

would be to determine the number of appeals to be heard and schedule a hearing date, and could state no more late filed appeals. For any late appeals the taxpayer could go before the Council. Due to the amount of language that had been removed as duplicate language, the committee had suggested allowing another meeting before it was adopted.

VOTE: The motion to amend Ordinance No. 2013-02 by substituting Ordinance No. 2013-02 (SUB-1) and to postpone to the April 25 Council Meeting passed unanimously.

- C. Adopt 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 Paul Liedberg seconded the motion to adopt Ordinance No. 2013-03.

Manager Loera reported a copy of the adjustments by department was attached and had been reviewed by the Finance and Budget Committee.

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

- D. Adopt 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: Chris Maines moved and Tracy Hightower seconded the motion to adopt Ordinance No. 2013-04.

Manager Loera commented the change had been reviewed by legal counsel, and had advised that the change would be little more than extend Council action by 15 days.

Discussion:

- spoke against the proposed changes since it would change where the approval took place, noting the code gave the Planning Commission authority to approve vacations of a street or public area, and the only action it gave the Council was to veto it, and felt it was appropriate to give the PC the authority to approve them, since they studied and discussed the issue, held the public hearings;
- commented the Council didn't normally pass resolutions in the negative, so was trying to correct the language, and was not intended to take authority from the planning commission; and
- agreed extending the period to 45 days was appropriate for meeting a Council meeting date.

MOTION: Brenda Akelkok moved and Bob Himschoot seconded the motion to postpone adoption and refer it back to the Code Review Committee for further evaluation.

VOTE: The motion to postpone action and refer to the Code Review Committee passed unanimously.

- E. Introduce Ordinance No. 2013-05, An Ordinance of the Dillingham City Council Amending Section 4.16.060 of the Dillingham Municipal Code to Revise the Penalties Assessed for Failing to Apply for A City Business License

Mayor Pro Tempore Tubbs informed Council that staff had provided an amended ordinance, would be looking for a motion to introduce, and a second motion to move to amend by substituting with Ordinance No. 2013-05 (SUB-1).

MOTION: Brenda Akelkok moved and Bob Himschoot seconded the motion to introduce Ordinance No. 2013-05.

MOTION: Bob Himschoot moved and Chris Maines seconded the motion to amend Ordinance No. 2013-05 by substituting Ordinance No. 2013-05 (SUB-1) and to schedule this ordinance for a public hearing on April 25, 2013.

Manager Loera directed Council to the lay down version to correct two errors: the text the Code Committee was proposing to strike had been inadvertently omitted from the ordinance, and the added language was now designated as underlined and emboldened.

VOTE: The motion to amend Ordinance No. 2013-05, by substituting Ordinance No. 2013-15 (SUB-1) passed unanimously.

VOTE: The motion to introduce the amended Ordinance No. 2013-05 (SUB-1) and schedule for a public hearing on April 25, 2013 passed unanimously.

- F. Introduce Ordinance No. 2013-06, An Ordinance of the Dillingham City Council Authorizing the Conveyance of Certain Real Property Obtained by Foreclosure Back to the Former Owner

Mayor Pro Tempore Tubbs informed the Council that they were being asked to postpone a public hearing until the May 23rd Council meeting in order to allow for a 30-day waiting period as required by law.

MOTION: Chris Maines moved and Tracy Hightower seconded the motion to introduce Ordinance No. 2013-06 and schedule for a public hearing on May 23, 2013.

VOTE: The motion to introduce Ordinance No. 2013-06 and schedule for a public hearing May 23, 2013 passed unanimously.

- G. Resolution No. 2013-12, A Resolution of the Dillingham City Council Approving a Long Term Encroachment of a Roof and Fence into the Utility Easement on Lot 6 Block 18 USS 2732 AB on Alaska Street

MOTION: Paul Liedberg moved and Bob Himschoot seconded the motion to approve Resolution No. 2013-12.

VOTE: The motion to approve Resolution No. 2013-12 passed unanimously.

H. Resolution No. 2013-13, A Resolution of the Dillingham City Council Authorizing a Health Reimbursement Arrangement

MOTION: Bob Himschoot moved and Tracy Hightower seconded the motion to approve Resolution No. 2013-13.

VOTE: The motion to approve Resolution No. 2013-13 passed unanimously.

I. Resolution No. 2013-14, A Resolution of the Dillingham City Council Approving an Increase in the Ambulance Billing Rates

MOTION: Paul Liedberg moved and Bob Himschoot seconded the motion to approve Resolution No. 2013-14.

Mayor Pro Tempore Tubbs reported that staff had recommended a change in the fee schedule, since the City was undercharging for its fees based on the research that had been done.

Discussion:

- noted had discussed in length at the Finance and Budget Committee what Medicaid and Medicare would reimburse to mitigate the impact from the proposed increases.

Manager Loera asked to amend the resolution to be effective May 1, 2013.

MOTION: Bob Himschoot moved and Paul Liedberg seconded the motion to amend the resolution to insert effective May 1, 2013 in the paragraph starting with Now, Therefore, Be it Resolved.

VOTE: The motion to approve the amended Resolution No. 2013-14 passed unanimously.

VOTE: The motion to adopt the amended Resolution No. 2013-14 passed unanimously.

J. Resolution No. 2013-15, A Resolution of the Dillingham City Council Requesting FY 14 Payment in Lieu of Taxes Funding from the Department of Commerce, Community, and Economic Development

MOTION: Chris Maines moved and Tracy Hightower seconded the motion to approve Resolution No. 2013-15.

This was a standard annual filing, a federal funding source channeled through the State, and once again, the program could be targeted to end.

VOTE: The motion to approve Resolution No. 2013-15 passed unanimously.

- K. Resolution No. 2013-16, A Resolution of the Dillingham City Council Approving an Increase in Harbor Fees and Amending the Fee Structure

MOTION: Bob Himschoot moved and Paul Liedberg seconded the motion to approve Resolution No. 2013-16.

Manager Loera asked that the resolution be amended to be made effective May 1, 2013.

MOTION: Bob Himschoot moved and Chris Maines seconded the motion to amend the resolution to insert effective May 1, 2013, in the paragraph starting with Now, Therefore, Be it Resolved.

Mayor Pro Tempore Tubbs reported the Port of Dillingham Advisory Committee and the Finance and Budget Committee had reviewed the proposed rates. The changes would eliminate the daily rate for vessels less than 25', requiring a \$70 sticker fee, the sticker fee of \$260 for vessels over 25' would remain the same, transient vessels would increase to \$45/day to encourage those that came back and forth to purchase a sticker, because staff had a difficult time monitoring the daily traffic, especially when the season was in full swing.

VOTE: The motion to amend Resolution No. 2013-16 passed unanimously.

- L. Resolution No. 2013-17, A Resolution of the Dillingham City Council Authorizing Foreclosure Proceedings on Delinquent Property Taxes for the Years 2007-2012

MOTION: Bob Himschoot moved and Chris Maines seconded the motion to approve Resolution No. 2013-17 with the lay down updated version of the foreclosure list.

Discussion:

- spoke against the resolution unless the accounts could be filed individually with the court, because of the concern if they paid early they would still be anchored to the same body of paperwork as it made its way through the court process; and
- asked as people pay they are they taken off the list so they don't go through the foreclosure and have their property taken away from them, confirmed that once the list was sent to the court there was a period when the list was advertised for four weeks in a row, an adjusted list would go back to the court, not quite sure about the rest of the time, but there was an opportunity to be removed from the list.

Staff suggested bringing back the process for foreclosing to the next meeting, and postpone the adoption of the resolution.

MOTION: Brenda Akelkok moved and Bob Himschoot seconded the motion to postpone adoption of Resolution No. 2013-17 until the next meeting.

VOTE: The motion to postpone Resolution No. 2013-17 until the next meeting passed unanimously.

IX. UNFINISHED BUSINESS

A. Animal Shelter Facility

Manager Loera informed the Council this item would be taken up under New Business.

B. Citizen Committee Appointments

1. Cemetery Committee – 4 Seats
2. Senior Advisory Commission – 2 Seats Expire in April

Mayor Pro Tempore Tubbs informed the Council that there were no updates for the Cemetery Committee and recommended reappointing VI Braswell to the Senior Advisory Commission.

MOTION: Bob Himschoot moved and Tracy Hightower seconded the motion to concur with the recommendation to reappoint VI Braswell to a seat on the Senior Advisory Commission.

GENERAL CONSENT: The motion passed with no objection.

C. Strategic Planning – Schedule Workshop April 25, 5:30 PM

MOTION: Bob Himschoot moved and Chris Maines seconded the motion to schedule a Strategic Planning Workshop for April 25, at 5:30 p.m.

GENERAL CONSENT: The motion passed with no objection.

X. NEW BUSINESS

A. Action Memorandum No. 2013-02, Authorizing the City Manager to Execute a Contract for the Re-roofing of the Dillingham Library / Sam Fox Museum Building with Paug-Vik Services Inc.

MOTION: Chris Maines moved and Bob Himschoot seconded the motion to approve Action Memorandum No. 2013-02.

Manager Loera reported no protests had been received for awarding the contract. The City had looked to use the remaining grant for the walkways, but DEC only allowed the funding for the roof. Staff was considering reinsulating the roof.

VOTE: The motion to approve Action Memorandum No. 2013-02 passed unanimously.

B. Action Memorandum No. 2013-03, Authorizing the City Manager to Execute a Contract for the Re-roofing of the Dillingham High / Middle School Science Wing to Day Night Construction

MOTION: Paul Liedberg moved and Chris Maines seconded the motion to approve Action Memorandum No. 2013-03.

Manager Loera reported this project was made possible with the remaining funding from the school bond. No protests had been received for awarding the contract. She confirmed that the construction companies, both located outside Dillingham, would be required to purchase a Dillingham business license as part of the contract.

VOTE: The motion to approve Action Memorandum No. 2013-03 passed unanimously.

- C. Action Memorandum No. 2013-04, Approval for City of Dillingham to Assist the University of Alaska Fairbanks Marine Advisory Program with a Composting Project in 2013 and 2014 and Accepting Equipment from the Project

MOTION: Paul Liedberg moved and Bob Himschoot seconded the motion to approve Action Memorandum No. 2013-04.

Manager Loera reported the Bristol Bay Campus had received a grant from the Marine Advisory Program to conduct a pilot project to compost. The project would involve about 10 local families. The City would receive a piece of equipment of which the City's contribution was 35% paid from monies existing in a current landfill grant. The City would provide a site, some staffing time, and some heavy equipment needs through the existing budget. The campus would monitor the project. The landfill employees had been involved in the meeting with the campus and were in agreement with the scope of the project.

VOTE: The motion to approve Action Memorandum No. 2013-04 passed unanimously.

- D. Action Memorandum No. 2013-05, Approval to Move the Animal Shelter from its Current Location on the Aleknagik Lake Road and to Renovate the East End of the National Guard Armory for the New Location

MOTION: Chris Maines moved and Tracy Hightower seconded the motion to approve Action Memorandum No. 2013-05.

Manager Loera reported the Finance and Budget had reviewed her recommendation to house the animal shelter in a section of the existing National Guard Armory building. During their visit, the National Guard reps had offered to have their staff help with the renovation. Any renovation would not take away from the building, and was being considered until a permanent location could be found. In the future, if it became vacant it would be used for the harbor or a fishing facility. The renovations would come from the general funds, and would be brought back to the Council when it went out to bid. The utilities would be shared based on square footage.

VOTE: The motion to approve Action Memorandum No. 2013-05 passed unanimously.

- E. Action Memorandum No. 2013-06, Authorize the City Manager to Execute a Contract with eDocsAlaska Inc. for the purchase and installation of a 3 User Laserfiche Avante System for Electronic Document Records Management

MOTION: Bob Himschoot moved and Paul Liedberg seconded the motion to approve Action Memorandum No. 2013-06.

Manager Loera noted this item had been budgeted and it was time to move on it, noting there had been discussion how other departments would be able to use it.

VOTE: The motion to approve Action Memorandum No. 2013-06 passed unanimously.

- F. Action Memorandum No. 2013-07, Adopt Dillingham Public Safety Operations Manual – Snow Machine Operating Procedures

MOTION: Chris Maines moved and Tracy Hightower seconded the motion to approve Action Memorandum No. 2013-07.

Manager Loera reported that a revised policy was in front of the Council for their approval to include the changes recommended at the last meeting.

VOTE: The motion to approve Action Memorandum No. 2013-07 passed unanimously.

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

There was no citizen's discussion.

XII. COUNCIL COMMENTS

Paul Liedberg:

- noted he had heard some very positive comments on the CIP list that had been perfected over the last couple of years; and
- commented on last year's joint Planning Commission/Council Meeting and looked for an opportunity when it was appropriate to meet again, possibly on the landfill changes, strategic planning.

Bob Himschoot:

- spoke in support of revisiting having electronic readers to replace the Council packet, using their existing large packet as an example.

Chris Maines:

- gave kudos to Keggie for handling the meeting in the Mayor's absence.

Tracy Hightower:

- spoke in favor of a legislative bill regarding handling of hand guns; and
- noted as the Council went into the budget, needed to really look at a livable and affordable budget, and maybe combining Port and Public Works to save money.

Brenda Akelkok: no comment

Keggie Tubbs:

- thanked the Council for being patient with him as he lead the meeting;
- noted he wasn't sure if he was ready to go the electronic route, preferred the paper copy;
- noted he appreciated the comments made at the meeting, and staff's hard work; and

- asked for a moment of silence to remember those who had passed away since the last meeting.

XIII. MAYOR'S COMMENTS

XIV. EXECUTIVE SESSION

- A. Union Negotiations
- B. Gladden vs. City of Dillingham
- C. Point of Sale

MOTION: Bob Himschoot moved and Tracy Hightower seconded the motion to move into executive session for the purpose of discussing union negotiations, Gladden vs. City of Dillingham, and Point of Sale [8:37 p.m.].

VOTE: The motion to enter into executive session passed unanimously.

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

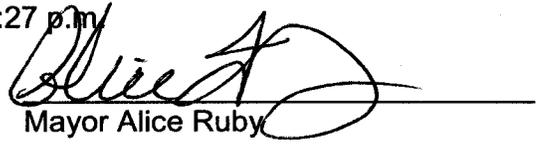
(The meeting recessed at 8:37 p.m. for a five minute break before going into executive session.)

MOTION: Chris Maines moved and Bob Himschoot seconded the motion to come out of executive session [9:27 p.m.].

GENERAL CONSENT: The motion passed with no objection.

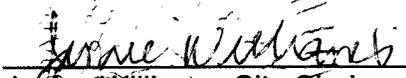
XV. ADJOURNMENT

Mayor Pro Tempore Tubbs adjourned the meeting at 9:27 p.m.



Mayor Alice Ruby

ATTEST:



Janice Williams, City Clerk

Approval Date: 5/9/2013