I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, May 5, 2011, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:04 p.m.

II. ROLL CALL

Mayor and Council Members present and establishing a quorum were:

Mayor Alice Ruby
Elizabeth Pearch, Seat A
Scott King, Seat B
Bob Himschoot, Seat C
Keggie Tubbs, Seat D
Tim Sands, Seat F

Staff in attendance was:

Don Moore, Interim City Manager
Doug Dombroski, Chief of Police
Jody Seitz, Planning Director
Carol Shade, Finance Director
Janice Williams, City Clerk

III. APPROVAL OF MINUTES

A. Regular Meeting, April 13, 2011

B. Regular Meeting, April 21, 2011

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to approve both sets of minutes.

VOTE: The motion passed unanimously.

IV. APPROVAL OF CONSENT AGENDA

A. Proclamation: National Bike to Work Week, May 16-20, 2011, and May 20, 2011 as Dillingham's Bike and Walk to Work and School Day

B. Proclamation: National Police Week, May 15-21, 2011

MOTION: Tim Sands moved and Elizabeth Pearch seconded the motion to approve the consent agenda.

VOTE: The motion passed unanimously.

Manager Moore reported he would request postponing action on the loan agreement when it came up on the agenda for discussion.

Discussion:

- asked if Resolution No. 2011-34 would be discussed in executive session, Mayor Ruby answered she would ask to table action until after the executive session.

Mayor Ruby asked to delete item B. 3, Appointment of Planning Commissioner, from under New Business.

APPROVAL OF AGENDA

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to approve the agenda as amended, removing item B. 3.

VOTE: The motion passed unanimously.

V. STAFF REPORTS

A. City Manager Report

City Manager Moore referred to his supplemental report:

- personnel actions - City hired Carl Cearley to fill Patrol Officer position, Patrol Officer McFadden has resigned effective May 16, Dan Sykes, Heavy Equipment Mechanic, has resigned effective May 18, and effective May 27 Anthony Early-Kruger, Buildings and Grounds Foreman will resign, along with David Nukwak, Library Aide;
- failed road that runs from the Courthouse past the Thai Inn – this area was never constructed as a road, but became one over time. The City laid its waterline to the water treatment plant under the road, it has provided access to several private properties and utilities, and has basically become passable and will have to be engineered and constructed right;
- sewer main replacement project – the project is ready to go out to bid, but City is still working with the State on some language in the loan agreement, and he was asking for a special meeting because of the urgency of getting it out to bid with the short construction season;
- state revenue sharing – legislation was approved to appropriate additional revenue sharing and Dillingham's share is $70,323; State has yet to approve the capital budget that has a $1M appropriation for the City's emergency sewer main replacement;
- lobbying – Jerry Reinwand, City's lobbyist, withdrew his services earlier in the year, City has some current issues that could use lobbying efforts, and Council will need to consider during budget time if it wants to continue to fund a lobbyist and select one; noted he had attached a recent article on lobbying in Alaska that appeared in the Anchorage Daily News [Tiny Alaska towns spend big on lobbying federal government].
- emergency bank stabilization project – this $21M project is of critical importance for the City of Dillingham, but is hung up at the federal level with the US Army Corps of Engineers, State and City also figures into it, and will need help from Senator Begich, Senator Murkowski, and Congressman Young, to help straighten it out, and would be a good reason to hire a lobbyist;
- floodplain insurance program – FEMA has notified Dillingham of new floodplain requirements. A meeting is to be held in Dillingham May 19. This would be an unfunded federal mandate for communities that want a floodplain program and it would be up to the community to enforce the regulations;
- city vehicles and equipment – there is an ongoing effort to review the inventory of City vehicles with the goal of removing used vehicles that aren't needed and can be surplused;

- animal spay and neuter clinic – this was a very successful event with many volunteers turning out. The veterinarians commented it was the best one they ever worked on;
- City-wide clean up – will be asking employees to spend at least an hour to clean up along both sides of the stretch of highway that the City adopted and invited the council members to participate;
- Free land-fill day – the cost associated with the three free days based on May activity from prior years is about $600 a day.

Discussion:

- confirmed an initiative had been filed to revise the city ordinances to remove bars from the list of areas where smoking is not regulated;
- asked that staff track how much exact revenue will be lost over the three free landfill days, noting recent past practice has been to approve one free landfill day because the landfill doesn't pay for itself, recognizing the numbers might be skewed because people may be saving up for the free days;
- reported the Finance and Budget Committee was looking for an overall evaluation of the entire fleet because it had grown, and a staff member had discussed whether or not some vehicles were needed in some departments;
- asked if the bingo hall issues had been resolved regarding NUSHWAC's comment that the Council had given permission for no rental, Mayor Ruby answered that the manager had authority to waive fees, didn't require Council permission; in 2010 council discussed supporting Beaver Round Up with both a donation and contributing to facility use, due to BRU's lean budget, and they may have carried last year's arrangement to the current year;
- appreciated the list of grants in progress in the Planning Director's report.

B. Standing Committee Reports

Keggie Tubbs, Chair for Finance and Budget Committee:

- reported that the committee had reviewed the revenue numbers for the projected FY2012 budget;
- reported that he had stepped down as the chair of the committee.

VI. PUBLIC HEARINGS

There were no public hearings.

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

Dave McClure, Executive Director for the Bristol Bay Housing Authority, reported this was the seventh presentation to a Dillingham City Council since the agency's inception in 1974. This latest project had begun around February of 2010, but since then the three entities involved, Curyung Tribal Council, the City, and BBHA, have not been very successful at getting together. In November, he sent a copy of the agreement to then Manager Moore, but they had not met on it. He had come to the meeting requesting that the Council take action on the proposed Cooperation Agreement. He noted also that he had provided the City with a copy of a federal statute that they would follow in the event an agreement could not be reached.

There was no other citizen's discussion.

VIII. ORDINANCES AND RESOLUTIONS

A. Resolution No. 2011-34, A Resolution of the Dillingham City Council to Enter into a Cooperation Agreement with the Bristol Bay Housing Authority

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to adopt Resolution No. 2011-34.

Mayor Ruby advised the Council that they could choose to adopt the resolution or wait until they had conferred on the legal document with the City Attorney in the executive session. She acknowledged that Dave had presented the agreement months ago, but had been challenged with scheduling a meeting with all three entities.

Discussion:

- asked what was different with this agreement from those approved in the past that would require legal advice.

Mayor Ruby noted the reason for the legal advice was whether or not the Council was required to adopt the agreement and what would be the implications if they didn't adopt it.

MOTION: Tim Sands moved and Elizabeth Pearch seconded the motion to table the resolution until after the executive session.

VOTE: The motion passed unanimously.

B. Resolution No. 2011-35, A Resolution of the Dillingham City Council Authorizing the City Manager to Waive the Advertising Requirements and Accept Competitive Quotes for the Replacement of the City's Accounting Software

MOTION: Tim Sands moved and Elizabeth Pearch seconded the motion to adopt Resolution No. 2011-35.

Manager Moore commented that adopting new finance software had been in the works for a number of years as was reported in the Finance Director's report the prior month.

VOTE: The motion passed unanimously.

C. Resolution No. 2011-36, A Resolution of the Dillingham City Council Authorizing the City Manager to Execute a Contract with NWBS Consulting for the Purchase and Implementation of AccuFund Accounting Software

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to adopt Resolution No. 2011-36.

Manager Moore reported the City's ordinances were written such that for services similar to this purchase the City did not have to go with the lowest bidder.

VOTE: The motion passed unanimously.

D. Resolution No. 2011-37, A Resolution of the Dillingham City Council Authorizing the City Manager to Sign ACWF Loan #283051 for the Repair of the Sewer Main

MOTION: Tim Sands moved and Elizabeth Pearch seconded the motion to adopt Resolution No. 2011-38.

Manager Moore reported that the State was still making changes to the loan wording, and as a result he was not prepared to present it at this time, and was requesting the Council postpone adoption. He commented that delays in reconciling the language was burning up prime construction time, and it was critical the project go out to bid.

MOTION: Tim Sands moved and Elizabeth Pearch seconded the motion to postpone action to a date uncertain.

VOTE: The motion to postpone passed unanimously.

E. Resolution No. 2011-38, A Resolution of the Dillingham City Council Supporting an Application to Amend, Extend, and Increase the Safe Routes to School Grant

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to adopt Resolution No. 2011-38.

Jody Seitz, Planning Director, reported that the existing grant was for the purpose of reducing pollution around schools and obesity in children and the grant was designed to encourage people to use non-motorized forms of transportation primarily to and from school. Another component was for improving intersections and sidewalks, and the AkDOT grant would have the potential to increase from $5,000 to $100,000-$200,000 for design costs that would focus on the areas from HUD to school and the multi-use path to school.

VOTE: The motion passed unanimously.

F. Resolution No. 2011-39, A Resolution of the Dillingham City Council Approving Task Order No. 1 with Alaska Map Company and Amending the Company's Contract

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to adopt Resolution No. 2011-39.

Manager Moore reported this project would update parcel ids and tie to the City's maps.

VOTE: The motion passed unanimously.

G. Resolution No. 2011-40, A Resolution of the Dillingham City Council Supporting Legislation to Fund Research and Monitoring of Ocean Acidification

MOTION: Tim Sands moved and Elizabeth Pearch seconded the motion to adopt Resolution No. 2011-40.

Manager Moore reported that the resolution was recommended by the Planning Commission, and the language would support a legislative effort to fund research on ocean acidification.

Discussion:

- commented that although ocean acidification was an important issue supporting research was not in the top list of priorities for the City.

MOTION: Tim Sands moved the previous question. *(Clerk Note: The effect of this motion is to immediately stop debate.)*

VOTE: The motion passed with Keggie Tubbs, Tim Sands, Bob Himschoot, and Elizabeth Pearch in favor, and Scott King opposed.

H. Resolution No. 2011-41, A Resolution of the Dillingham City Council Thanking Golden Heart PAL and Community Volunteers for Their Participation in the Animal Spay and Neutering Clinic in Dillingham, Held April 21-25, 2011

MOTION: Tim Sands moved and Elizabeth Pearch seconded the motion to adopt Resolution No. 2011-41.

Discussion:

- shared that a citizen had questioned why the City was supporting a spay and neutering clinic when, in their opinion, the City had chased off a vet, and now there were no vets coming regularly or otherwise.

Mayor Ruby commented she had heard this before, and, for her part, didn't agree the City had run the vet out of town and strongly supported the spay and neutering clinic.

VOTE: The motion passed unanimously.

I. Resolution No. 2011-42, A Resolution of the Dillingham City Council Expressing Thanks and a Commendation to Steve Cropsey

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to adopt Resolution No. 2011-42.

MOTION: Keggie Tubbs moved the previous question. *(Clerk Note: The effect of this motion is to immediately stop debate.)*

VOTE: The motion passed unanimously.

J. Resolution No. 2011-43, A Resolution of the Dillingham City Council Commending SAFE for Making Dillingham a Better Place With its Community Mural Project

MOTION: Tim Sands moved and Elizabeth Pearch seconded the motion to adopt Resolution No. 2011-43.

VOTE: The motion passed unanimously.

K. Resolution No. 2011-44, A Resolution of the Dillingham City Council Amending the Bank Signature Cards for City Bank Accounts Due to a Change in Personnel

MOTION: Tim Sands moved and Elizabeth Pearch seconded the motion to adopt Resolution No. 2011-44.

Mayor Ruby noted that the resolutions regarding amending the bank signature cards on bank accounts and safety deposit accounts could be placed on the consent agenda in the future.

MOTION: Keggie Tubbs moved the previous question. *(Clerk Note: The effect of this motion is to immediately stop debate.)*

VOTE: The motion passed unanimously.

L. Resolution No. 2011-45, A Resolution of the Dillingham City Council Amending the Bank Signature Cards for the City's Safety Deposit Box Due to a Change in Personnel

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to adopt Resolution No. 2011-45.

MOTION: Keggie Tubbs moved the previous question. *(Clerk Note: The effect of this motion is to immediately stop debate.)*

VOTE: The motion passed unanimously.

IX. UNFINISHED BUSINESS

A. Annexation

Mayor Ruby commented that there was nothing to report at this time.

B. City Manager Hire

Mayor Ruby noted a report would be brought to the next meeting.

X. NEW BUSINESS

A. Set Board of Equalization Meeting for May 12, 2011

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to set the BOE meeting for May 12, 2011 at 5:30 p.m.

VOTE: The motion passed unanimously.

B. Committee Appointments

1. Board of Equalization

Mayor Ruby reported the committee was comprised of the mayor plus three council members, and appointed Keggie Tubbs, Elizabeth Pearch, and Scott King to serve on the committee. There was no objection.

2. Senior Advisory Board (Seats D & E)

Mayor Ruby recommended appointing incumbents June Ingram and Angela Clark to Seats D & E, respectively.

MOTION: Tim Sands moved and Elizabeth Pearch seconded the motion to concur with the Mayor's recommendation.

VOTE: The motion passed unanimously.

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

There was no citizen's discussion.

XII. COUNCIL COMMENTS

Scott King: no comment

Elizabeth Pearch:

- commented it was good to be back and appreciated the flowers the staff had sent.

Keggie Tubbs:

- commented that lobbying is a necessary evil, but the City has to compete with other communities for funding or get left behind;
- shared he was sorry to see Bob Hallmark go for he has done wonders at the landfill;
- reported the Finance and Budget Committee had recommended moving ahead and contracting with Alaska USA Insurance Brokers to assist with the health renewals and bring back options that would hopefully save on health costs, for committee review;
- curious about the recruitment process for the vacant Council seat;
- thinking of creating a resolution in support of full IHS funding for BBAHC, since they are the largest employer in the region year-round, and people are losing their jobs, and was looking to have it on a future agenda;
- noted he understood the need for the loan for the emergency sewer main replacement, but was having problems with the language that will require the City to increase water and sewer fees by 12.5% increase for each of the next six years, a 75% across the board increase, that it took a mandate to initiate a study when he has asked for the last three years if not longer for a study because of perceived inequities in rates, and understood that there has been staff turnover and staff is busy, but would not support a rate increase until the rate fee schedule for both water and sewer was made more equitable.

Tim Sands:

- thanked staff for keeping the City running, welcomed the new employees and thanked those that were leaving for their service time; and
- thanked everyone who participated in the annexation meetings, appreciated that those in attendance were able to disagree without being disagreeable.

Bob Himschoot:

- commented at the last meeting he had talked about potential state legislation exempting electric cars and was hoping when staff has time to see if it is appropriate for Dillingham;
- spoke in favor of the additional funding for GIS to help manage the community from a property standpoint;
- commented he had received a letter from a citizen regarding the lack of a notice that business licenses were due and the penalties applied, and wanted to be assured that administration was dealing with it; Manager Moore noted it was being dealt with.

XIII. MAYOR'S COMMENTS

Mayor Ruby:

- reported the City had started the process of advertising to fill the vacant seat on the Council, and this would be on the next council agenda;

- welcomed the new staff and thanked those who were leaving for their service time, especially Bob Hallmark, for making a big difference at the landfill;
- noted Keggie had stepped down as Chair of the Finance and Budget Committee, and was appointing Tim Sands as Chair if there was no objection; no objection was noted; and
- asked for a moment of silence for all of those lost since the last meeting.

XIV. EXECUTIVE SESSION

MOTION: Tim Sands moved and Elizabeth Pearch seconded the motion to go into executive session under DMC, 2.09.050, regarding legal matters [8:15 p.m.].

VOTE: The motion passed unanimously.

(The meeting recessed for five minutes.)

MOTION: Tim Sands moved and Elizabeth Pearch seconded the motion to come out of executive session [9:55 p.m.].

VOTE: The motion passed unanimously.

MOTION: Bob Himschoot moved and Scott King seconded the motion to take Resolution No. 2011-34 off the table.

MOTION: Scott King moved and Tim Sands seconded the motion to postpone action on Resolution No. 2011-34 until the May 19 meeting to allow staff to review the verbiage changes advised by the Attorney.

Mayor Ruby noted the verbiage changes would be reviewed by staff and shared with BBHA, and the agreement would be brought to the next Council meeting, and would be looking to the Attorney for a full review:

1. remove personal property from property exemptions;
2. include verbiage about MOU for future work; and
3. limited to the homes referenced in the agreement and not future projects.

Discussion:

- asked Dave McClure if postponing action would make it difficult to meet his deadlines, he answered two weeks would not be a problem, but there were some substantive issues identified and would likely request a waiver from the secretary;
- asked if there was one issue in particular that was a problem, he answered he did not see items 1 & 3 as being an issue, but had issues with a committee (MOU) of the Tribe, Housing Authority, and City, that he agreed to work together, but would not pass the decision-making authority to a committee or the City Council, and would not want to abrogate the responsibility as a tribally-designated entity to put those decisions on the City,

Mayor Ruby noted the MOU was intended not as a committee, but would identify a working relationship between the Tribe, the City, and the Housing Authority on future projects.

Discussion:

- asked Dave if the agreement was the same template used for all the other ones, he answered the last 2 or 3 had been condensed down from about the previous 5 pages,

and the language in the offered agreement was 99.9% the same as the last two or three agreements;

- asked Dave if in the last agreement wasn't it agreed BBHA would only buy three existing houses, he noted this was an issue that BBHA was not going to budge on because the fiscal impact of the budget being cut, HA can serve a lot more families with acquisition then they can building, because of the nature of the funding have to build four, but everything after that would have to be acquisition;
- asked if it was suggested in the MOA to put in verbiage to limit the number of properties purchased to an assessed value, he answered it could probably be considered, but if it limited them to 3, 4, or 5 acquisitions they might not agree to it;
- asked if the number built could be negotiated, he answered they absolutely have to build four homes due to the nature of the funding, but would not build more than four, because they need to service as many people as they can.

VOTE: The motion passed unanimously.

XV. ADJOURNMENT

Mayor Alice Ruby adjourned the meeting at 10:11 p.m.

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk