

I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, June 27, 2013, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 6:00 p.m.

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

Brenda Akelkok, Seat A – absent and excused

Staff in attendance:

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

III. APPROVAL OF MINUTES

A. Board of Equalization Meeting - June 6, 2013

B. Council Meeting - June 13, 2013

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve the BOE minutes of June 6.

VOTE: The motion to approve the minutes passed unanimously.

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to approve the Council minutes of June 13.

*(Clerk Note: On page 7, correct the Vote to read adopted 2013-23 **and 2013-32.**)*

VOTE: The motion to approve the minutes passed unanimously.

IV. APPROVAL OF CONSENT AGENDA

A. Resolution No. 2013-34, A Resolution of the Dillingham City Council Amending the Bank Signature Cards for the City's Two Safety Deposit Boxes Due to a Change in Personnel

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve Resolution No. 2013-34.

VOTE: The motion passed unanimously.

APPROVAL OF AGENDA

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve the agenda revised June 26, 2013.

VOTE: The motion passed unanimously.

V. STAFF REPORTS

A. City Manager Report

City Manager Loera reported on the following:

- City Lobbyist, Cliff Stone, will be in Dillingham to familiarize himself with the City's capital structure and plans; have scheduled a luncheon to meet with him for July 23, from noon to two;
- Mayor's Sale – sold 3 vehicles, and made about \$3,000 in total sales of all items;
- AkDEC Landfill inspector was on site; need to start looking at a whole new solid waste management plan because of batch oxidation system being planned, and would have no problem after RFP for engineer has been awarded and engineer on board; DEC would extend the City's permitting date if needed;
- Local 71 was on site to sign up employees and review various forms;
- Personnel - advertising for a landfill supervisor, a corrections officer had transferred to police officer position, need to fill one more police officer position; and
- Fish Bin – would be looking at improvements, since the chutes can accommodate a 5-gallon pail, but nothing much bigger.

B. Standing Committee Reports

There were no standing committee reports.

VI. PUBLIC HEARINGS

Mayor Ruby advised the public that copies of the ordinances were on the table.

- A. Adopt Ordinance No. 2013-09 (SUB-1), An Ordinance of the Dillingham City Council Authorizing Disposal of Municipal Property to Delta Western by Lease
- B. Adopt Ordinance No. 2013-12, An Ordinance of the Dillingham City Council Adopting the Budget and Appropriating Funds for the FY 2014 City of Dillingham Budget
- C. Adopt Ordinance No. 2013-13, An Ordinance of the Dillingham City Council Amending Section DMC 4.15.030, Exemptions, to Provide a Cap on Personal Property Tax for Boats and Vessels if the Assessed Valuation is More Than \$300,000

- D. Adopt Ordinance No. 2013-14 (SUB-1), An Ordinance of the Dillingham City Council Repealing and Reenacting Chapter 11.20 of the Dillingham Municipal Code Pertaining to the Use of Off-Road Vehicles Within the Boundaries of the City of Dillingham

There being no comments the public hearing closed.

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

Ron Bowes spoke in support of making bars smoke free. He shared his experience as a prior council member working to get the ban on smoking in public places, that it was a long battle, eventually went to a ballot vote, and it passed. The ordinance did not include bars, same as Anchorage at the time. Anchorage has since then gone smoke free in bars. He then referenced a personal experience watching a mother of seven children fight a courageous battle against cancer, using up all their financial resources. He noted second hand smoke was a major contributing factor to cancer, heart disease, and stroke, and the second leading killer in America.

- A. Adam Kane, Ban Smoking in Bars

Adam Kane thanked the Council for having this item on the agenda, and asked for full Council support. He noted he was helping to acquire the necessary voter signatures to put the petition on the ballot if the ordinance failed to get adopted in August.

VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2013-09 (SUB-1), An Ordinance of the Dillingham City Council Authorizing Disposal of Municipal Property to Delta Western by Lease

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to adopt Ordinance No. 2013-09 (SUB-1).

Discussion:

- acknowledged it would be appropriate to change "harbor" to "port" in the ordinance.

VOTE: The motion to adopt Ordinance No. 2013-09 (SUB-1) with the correction passed unanimously.

- B. Adopt Ordinance No. 2013-12, An Ordinance of the Dillingham City Council Adopting the Budget and Appropriating Funds for the FY 2014 City of Dillingham Budget

MOTION: Bob Himschoot moved and Keggie Tubbs seconded the motion to adopt Ordinance No. 2013-12.

Manager Loera reported the salary schedule was now revised with the passage of the union contract, and the budget already reflected the salary change.

VOTE: The motion to adopt Ordinance No. 2013-12 passed unanimously.

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- C. Adopt Ordinance No. 2013-13, An Ordinance of the Dillingham City Council Amending Section DMC 4.15.030, Exemptions, to Provide a Cap on Personal Property Tax for Boats and Vessels if the Assessed Valuation is More Than \$300,000

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to adopt Ordinance No. 2013-13.

Discussion:

- asked if the expiration date to review in five years might conflict with the company's interest in making a major investment, answered this was consistent with an ordinance passed in the Bristol Bay Borough, and would hope to review at least a year before the expiration date.

VOTE: The motion to adopt Ordinance No. 2013-13 passed unanimously.

- D. Adopt Ordinance No. 2013-14 (SUB-1), An Ordinance of the Dillingham City Council Repealing and Reenacting Chapter 11.20 of the Dillingham Municipal Code Pertaining to the Use of Off-Road Vehicles Within the Boundaries of the City of Dillingham

MOTION: Bob Himschoot moved and Chris Maines seconded the motion to adopt Ordinance No. 2013-14 (SUB-1).

Discussion:

- noted on page 4 the reference to the second offense should be corrected to read as seventy-five dollars; and
- asked if 48 hours was enough time for the city manager to act on a hearing in the case of an impoundment, manager answered would pay attention to that time frame.

Paul Liedberg noted the reason for having a reference to the state law regarding ATV usage as well as the city law was to have it all in one place in the ordinance.

- noted the summary statement spelled out the reason for the ATV issue dragging on, but asked for clarification on the 6th Whereas, staff answered it should read, "but was not intended to repeal sections in 11.20";
- commented way back when the current ATV code was adopted, the committee that worked on it thought the new code would supplement it, but instead replaced it with a very simple law, and this ordinance would make it more comprehensive; and
- noted the map of the business district was in the old ordinance and would be included in the new ordinance.

VOTE: The motion to adopt Ordinance No. 2013-14 (SUB-1) passed unanimously.

- E. Introduce Ordinance No. 2013-15, An Ordinance of the Dillingham Municipal Code to Amend DMC Section 8.10.060 Where Smoking Not Regulated, to Remove Section 8.10.060 A.6 Bars

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to introduce Ordinance No. 2013-15.

Discussion:

- noted was on the Council when the original ordinance was adopted, and was surprised smoking was still allowed in some establishments;
- spoke in favor of the businesses self-regulating; and
- commented that it was hoped the citizens appreciated the Council following the public process, allowing the public to participate, noting the frustration from some that the Council hadn't moved quicker on the ordinance.

VOTE: The motion to introduce Ordinance No. 2013-15 with a public hearing set for August 1 passed unanimously.

- F. Introduce Ordinance No. 2013-16, An Ordinance of the Dillingham City Council Authorizing the Disposition and Sale of Unredeemed Foreclosed Property

MOTION: Paul Liedberg moved and Keggie Tubbs seconded the motion to introduce Ordinance No. 2013-16.

VOTE: The motion to introduce Ordinance No. 2013-16 passed unanimously.

- G. Resolution No. 2013-28, A Resolution of the Dillingham City Council Adopting the Waste Water Treatment Plant Facility Plan

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to adopt Resolution No. 2013-28.

Manager Loera reported the final draft was on the table if the Council was interested in seeing a copy. She noted the difference between the final draft and the workshop conducted earlier was the removal of the outflow project at Snag Point which had been completed in the prior year.

VOTE: The motion to adopt Resolution No. 2013-28 passed unanimously.

- H. Resolution No. 2013-35, A Resolution of the Dillingham City Council Accepting a Grant Under the Terms of the BBEDC Community Block Grant Program

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to adopt Resolution No. 2013-35.

Mayor Ruby reported the resolution was basically a formality to submit an application to BBEDC.

Keggie Tubbs and Mayor Ruby disclosed that they worked for BBEDC, but would not financially gain from passage of the resolution.

Discussion:

- suggested changing the wording in the first Whereas from "will provide" to "provides".

VOTE: The motion to adopt Resolution No. 2013-35 with the suggested change passed unanimously.

- I. Resolution No. 2013-36, A Resolution of the Dillingham City Council Accepting a Long Term Encroachment of Three Phase Power to Harbor Lease Lot 3

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to adopt Resolution No. 2013-36.

VOTE: The motion to adopt Resolution No. 2013-36 passed unanimously.

- J. Resolution No. 2013-37, A Resolution of the Dillingham City Council Approving Planning Commission Resolution No. 2013-12 Vacating Easements

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to adopt Resolution No. 2013-37.

VOTE: The motion to adopt Resolution No. 2013-37 passed unanimously.

- K. Resolution No. 2013-38, A Resolution of the Dillingham City Council Approving the Planning Commission Resolution No. 2013-14 Downtown Streets Walking Plan

MOTION: Paul Liedberg moved and Chris Maines seconded the motion to adopt Resolution No. 2013-38.

Manager Loera reported she had attend a meeting of the Planning Commission along with reps from DOT and Public Works. The group worked out the concerns which included no medians, and 8' walkways.

Paul Liedberg reported the Planning Commission had been working on this issue for the last five years with the goal of making the downtown area more walker and driver friendly.

Discussion:

- spoke in favor of energy efficiency and making the landscaping more natural and low cost; concerned about the long term O&M costs, noting the City's resources were limited.

VOTE: The motion to adopt Resolution No. 2013-38 passed unanimously.

- L. Resolution No. 2013-39, A Resolution of the Dillingham City Council Waiving Section 3.95 of the City's Personnel Regulations in Order to Allow Chelsea Wassily (Maines) to Continue her Employment as a Dispatcher with the City of Dillingham Department of Public Safety While Her Husband, Christopher Maines, Serves on the Council

Chris Maines declared there was a conflict of interest, that he would have a financial stake considering it was his wife. Mayor Ruby concurred that it would involve his household income and asked that he abstain from the discussion and the vote.

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to adopt Resolution No. 2013-39.

VOTE: The motion to adopt Resolution No. 2013-39 passed unanimously with Chris Maines abstaining from the vote.

- M. Resolution No. 2013-40, A Resolution of the Dillingham City Council Waiving the Purchasing Restrictions to Purchase a Bobcat, Trailer, and Accessories for the Landfill

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to adopt Resolution No. 2013-40.

Manager Loera reported that earlier in the week AkDEC had informed the City that it had until June 30 to spend the remaining landfill grant in the amount of \$124,280 for improvements at the landfill, but not for operational costs. They were now informed the City would not lose the funding, but impressed that it be used, the grant having been issued in 1999. She had originally anticipated the money would go toward an assessment of the gasifier.

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to postpone to the August 1 meeting.

VOTE: The motion to postpone Resolution No. 2013-40 to the August 1 meeting passed unanimously.

IX. UNFINISHED BUSINESS

- A. Citizen Committee Appointments
1. Cemetery Committee, 4 Seats

There was nothing to report.

2. Carlson House Committee, 3 Seats

Mayor Ruby reported that Keggie Tubbs had been appointed during the Council committee appointments earlier, and was recommending also appointing Rae Belle Whitcomb and Phil Carpenter.

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

VOTE: The motion to concur passed unanimously.

X. NEW BUSINESS

- A. Action Memorandum No. 2013-15, Authorize City Manager to Contract with the Alaska Department of Public Safety for Special Services

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Action Memorandum No. 2013-15.

Manager Loera reported this was the standard contract with Ak Dept. of Public Safety for the City to provide dispatch and APSIN services for the State Troopers.

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

- B. Action Memorandum No. 2013-16, Authorize the City Manager to Extend the Managed Services Agreement with Tekmate on a Month-by-Month Basis

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

Manager Loera reported the request was to extend the contracts for both IT providers on a month-to-month basis as identified in AM 2013-16 and 2013-17, while the City went out to bid for one IT provider. She was hoping to bring a recommendation to the August meeting to be effective in September. Manager Loera to provide additional information at the August meeting.

VOTE: The motion to approve Action Memorandum No. 2013-16 passed unanimously.

- C. Action Memorandum No. 2013-17, Authorize the City Manager to Extend the Information Technology Contract with Nushagak Technical Services (NTS) on a Month-by-Month Basis

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Action Memorandum No. 2013-17.

VOTE: The motion to approve Action Memorandum No. 2013-17 passed unanimously.

- D. Action Memorandum No. 2013-18, Authorize the City Manager to Enter into an Agreement with the Alaska Court System (ACS) to Execute Electronically on Defendants' Permanent Fund Dividend to Satisfy Unpaid Municipal Minor Offenses and Criminal Judgments Issued by the Dillingham Public Safety

MOTION: Chris Maines moved and Bob Himschoot seconded the motion to approve Action Memorandum No. 2013-18.

Manager Loera reported that approving this action memorandum would give the City the authority to enter into an agreement with the Alaska State Court to garnish PFDs for minor offenses, and would list the City as a higher priority.

VOTE: The motion to approve Action Memorandum No. 2013-18 passed unanimously.

- E. Action Memorandum No. 2013-19, Authorize the City Manager to Contract with the Alaska Department of Corrections, Division of Probation and Parole

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Action Memorandum No. 2013-19.

Manager Loera reported the new jail contract for FY14 was for \$641,300, the City budgeted for \$618K, and the City would need to include the difference in its mid-year budget. She noted Chief Pasquariello had done a good job providing information on the jail operation.

VOTE: The motion to approve Action Memorandum No. 2013-19 passed unanimously.

- F. Action Memorandum No. 2013-20, Authorize the City Manager to Execute a Memorandum of Understanding Between the City of Dillingham and Curyung Tribal Council for the Bristol Bay Economic Development Corporation's (BBEDC) Community Block Grant Funds

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve Action Memorandum No. 2013-20.

Manager Loera reported that the Curyung Tribe had allowed the City to apply for 50% of the CDBG funds.

Keggie Tubbs disclosed that he worked for BBEDC, but would not financially gain from passage of the action memorandum.

Discussion:

- commented this was a good example of cooperation and working together for the betterment of the community.

VOTE: The motion to approve Action Memorandum No. 2013-20 passed unanimously.

- G. Action Memorandum No. 2013-21, Authorize the City Manager to Execute Task Order No. 1 with TekMate LLC to Assist the City in Implementation of Gmail to Replace Existing Email Solution

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to approve Action Memorandum No. 2013-21.

Manager Loera reported this task order would approve of Tekmate assisting the City to migrate to gmail service. She noted this would be implemented city-wide and would include City Council/Mayor emails addresses. Instructions/training would be available to all.

VOTE: The motion to approve Action Memorandum No. 2013-21 passed unanimously.

- H. Action Memorandum No. 2013-22, Authorize the City Manager to Enter into a Lease Agreement for the Rental of the Potato House

MOTION: Paul Liedberg moved and Bob Himschoot seconded the motion to approve Action Memorandum No. 2013-22.

Manager Loera reported that the City had received an offer to buy the Potato House, but in the meantime was asking that the Council provide authority to the manager to lease the property, \$800/month plus utilities.

Discussion:

- asked if disposal by sale could be taken up on a direct offer, answered the City would have to determine if it didn't need the property, and determine the value;
- asked if the action memorandum was coming to the Council because the rent was increased or if it needed to come to the Council whenever there was a change in the renter, answered the manager was authorized to choose the lessee for the harbor lots, but the lease came back to the council for approval; would apply the same way; and
- asked if it was necessary to create an ordinance to dispose of the property by lease, answered the original legwork had been done several years ago, and the City was just amending the rent amount.

Bob Himschoot declared he might have a conflict of interest as a GCI employee, but Mayor Ruby felt his interest in the company was so small that it would not create a financial gain for him.

VOTE: The motion to approve Action Memorandum No. 2013-22 passed unanimously.

- I. Action Memorandum No. 2013-23, Adopt Electronic Communications System Policy

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to approve Action Memorandum No. 2013-23.

Manager Loera reported the City's Attorney had drafted similar policies for other municipalities and helped to inform what could and couldn't be done on the employees' computers. The policy had been vetted through the IT Committee. All employees would be required to sign the acknowledgement form and a copy placed in their personnel files.

Mayor Ruby commented something similar might be necessary for the Council based on their earlier training with the City's Attorney even though they would just be accessing city email.

VOTE: The motion to approve Action Memorandum No. 2013-23 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:

- commented he had been approached by a citizen regarding the regulations for slow moving vehicles and would direct them to Chief Pasquariello; and

- asked about the fireworks sold at the harbor whether there was an agreement with the owner.

Mayor Ruby noted the City Manager had the authority to waive the code and allow the sales, but there were concerns about the fireworks being so close to the harbor. City Manager to research past practices and efforts to look for another area away from the harbor for safety reasons.

(Christopher Maines was excused for a quick break and returned prior to going into executive session.)

Keggie Tubbs:

- wished everyone a successful fishing season.

Paul Liedberg:

- thanked staff for all their work and to have a good July in the absence of any Council meetings.

XIII. MAYOR'S COMMENTS

Mayor Ruby:

- reported there would be no meetings until the end of July, a meeting with the city lobbyist July 23;
- noted Attorney Chandler might attend the August 1 meeting, suggesting this would be a good opportunity to meet and have a summary of projects he was working on and the associated cost; and
- wished everyone a safe and successful fishing season.

XIV. EXECUTIVE SESSION

A. Personnel Matter

1. City Manager's Contract

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to enter into executive session to discuss Personnel Matter, City Manager's Contract [7:23 p.m.].

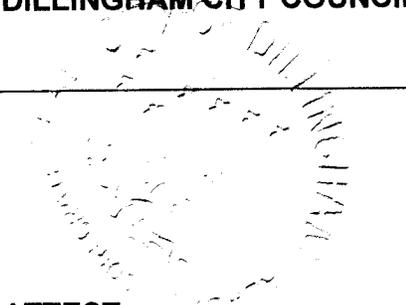
GENERAL CONSENT: The motion to enter into executive session passed without objection.

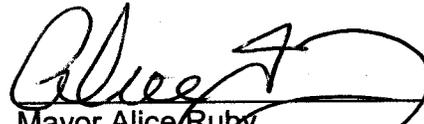
MOTION: Chris Maines moved and Bob Himschoot seconded the motion to come out of executive session [7:30 p.m.].

GENERAL CONSENT: The motion to come out of executive session passed without objection.

XV. ADJOURNMENT

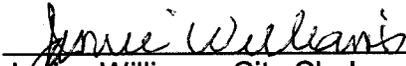
Mayor Ruby adjourned the meeting around 7:31 p.m.





Mayor Alice Ruby

ATTEST:



Janice Williams, City Clerk

Approval Date: August 1, 2013