

**I. CALL TO ORDER**

A regular meeting of the Dillingham City Council was held on Thursday, August 7, 2014, 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):  
Bob Himschoot (attended via teleconference)      Paul Liedberg  
Tracy Hightower      Chris Maines  
Holly Johnson

Council Member Keggie Tubbs was absent and excused.

Staff in attendance:

Rose Loera, City Manager	Jody Seitz, Planning Director
Janice Williams, City Clerk	Carol Shade, Finance Director
Rodney Etheridge/Sergeant at Arms	City Attorney Brooks Chandler

**III. APPROVAL OF MINUTES**

- A. June 5, 2014 Regular Council Meeting
- B. June 19, 2014 Regular Council Meeting

MOTION: Chris Maines moved and Holly Johnson seconded the motion to adopt the minutes of June 5, 2014 and June 19, 2014.

VOTE: The motion passed unanimously by roll call vote.

**IV. APPROVAL OF CONSENT AGENDA**

- A. Proclamation – Extra Mile Day is November 1, 2014

MOTION: Holly Johnson moved and Chris Maines seconded the motion to approve the consent agenda.

VOTE: The motion passed unanimously by roll call vote.

**APPROVAL OF AGENDA**

Mayor Ruby asked to add information item D. Bingman Property Update under Unfinished Business.

MOTION: Holly Johnson moved and Paul Liedberg seconded the motion to approve the agenda as amended.

VOTE: The motion passed unanimously by roll call vote.

## V. STAFF REPORTS

City Manager Loera reported on the following:

- Contracts awarded under \$20,000 will become a standing item in her manager's report;
- Action memorandum in the packet to ratify the award of a contract to Aleknagik Enterprises for delivering soil and gravel to the landfill;
- Purchasing riprap from Horizon Contractors, only contractor in town that can provide large rocks, for erosion at the outfall and Snag Point;
- RFP for two septic holding tanks will be awarded in the packet;
- RFP for design/build for aeration, only submittal came back as design only, but working with the vendor;
- Moved fish bin within landfill area and away from front gates, lots of dumping on the grounds;
- Landfill inspection improved from a score of 48 two years ago to 81; areas of improvement include burying metal pile, and a plan for an asbestos cell; received a quote to ship asbestos to Seattle;
- Incinerator is being shipped to the barge company;
- Compliance Order by Consent from AKDEC does not need to be signed since it would put city in a position of complying with time frames; they see the City as making progress;
- Hoping to at least get the pumps into the lagoon before winter.

MOTION: Chris Maines moved and Holly Johnson seconded the motion to assign a review of the records management policy to the Code Committee's To Do List.

VOTE: The motion passed unanimously by roll call vote.

Mayor Ruby suggested adding grants applied for to the City Manager's report as a standing item.

Mayor Ruby reported on the possibility of merging some committees, since there have not been enough people to populate the cemetery committee that will sunset in October.

## VI. PUBLIC HEARINGS

Mayor Alice Ruby opened the public hearing. There being no comments, the public hearing closed.

- A. Adopt Ordinance No. 2014-13, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property, Identified in the Ordinance as Parcel A, for Use as a Public Driveway and Access Easement

- B. Adopt Ordinance No. 2014-14, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property, Identified in the Ordinance as Parcel B, for Use as a Public Driveway and Access Easement

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

- A. Jessica Walker

Jessica Walker did not make an appearance.

Danielle Laarsgard – Some civil PBTs (Portable Breathalyzer Tests) are being court ordered but the police department is no longer providing the testing. She was interested in knowing why they were no longer being done.

**VIII. ORDINANCES AND RESOLUTIONS**

- A. Adopt Ordinance No. 2014-13, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property, Identified in the Ordinance as Parcel A, for Use as a Public Driveway and Access Easement

MOTION: Paul Liedberg moved and Chris Maines seconded the motion to adopt Ordinance No. 2014-13.

City Manager Loera reported this ordinance would provide an easement and access to two pieces of property located behind the public safety building and given to the City by the State.

VOTE: The motion passed unanimously by roll call vote.

- B. Adopt Ordinance No. 2014-14, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property, Identified in the Ordinance as Parcel B, for Use as a Public Driveway and Access Easement

MOTION: Holly Johnson moved and Chris Maines seconded the motion to adopt Ordinance No. 2014-14.

VOTE: The motion passed unanimously by roll call vote.

- C. Adopt Resolution No. 2014-30, A Resolution of the Dillingham City Council Authorizing Foreclosure Proceedings on Delinquent Properties for the Years 2008-2013, and Repealing Resolution No. 2013-17, and Resolution No. 2014-14

MOTION: Chris Maines moved and Paul Liedberg seconded the motion to adopt Resolution No. 2014-30.

City Manager Loera reported the City had not started the process for the foreclosures listed on Resolution No. 2013-17 and 2014-14, but consolidated both lists.

VOTE: The motion passed unanimously by roll call vote.

- D. Adopt Resolution No. 2014-41, A Resolution of the Dillingham City Council Amending Alaska Department of Environmental Conservation Municipal Matching Grant #28306 in the Amount of \$3 Million for Water System Improvement Projects

MOTION: Paul Liedberg moved and Holly Johnson seconded the motion to adopt Resolution No. 2014-41.

Manager Loera reported the grant was reappropriated from water system improvements to wastewater system improvements during the last legislative session. The resolution would formally accept the grant in the amount of \$3 Million.

VOTE: The motion passed unanimously by roll call vote.

- E. Adopt Resolution No. 2014-42, A Resolution of the Dillingham City Council Approving a Draft Petition to Annex the Nushagak Commercial Salmon District and the Wood River Sockeye Salmon Special Harvest Area by the Legislative Review Method

MOTION: Chris Maines moved and Holly Johnson seconded the motion to adopt Resolution No. 2014-42.

VOTE: The motion passed with Chris Maines, Holly Johnson, Bob Himschoot, Paul Liedberg voting in favor, and Tracy Hightower voting against Res. No. 2014-42.

- F. Adopt Resolution No. 2014-43, A Resolution of the Dillingham City Council Authorizing a Long Term Encroachment in Central Avenue and an Alley Between F and G Streets By Safe and Fear Free Environment (SAFE) to Tie Into the City's Sewer System

MOTION: Holly Johnson moved and Tracy Hightower seconded the motion to adopt Resolution No. 2014-43.

Manager Loera reported SAFE was having issues with their sewer line and was looking to pass their gray water system through the City's system. They would be responsible for maintaining the line that tied into the City's sewer system. She confirmed item 5 under NOW, THEREFORE, BE IT RESOLVED be amended to read SAFE (not Nushagak) would restore the public right-of-way.

VOTE: The motion passed unanimously by roll call vote.

- G. Adopt Resolution No. 2014-44, A Resolution of the Dillingham City Council Authorizing a Long Term Encroachment Into First Avenue East by BBEDC to TIE Into the City's Sewer System

MOTION: Paul Liedberg moved and Tracy Hightower seconded the motion to adopt Resolution No. 2014-44.

Manager Loera reported BBEDC had installed a new septic line because of a number of breaks and had connected it to the City's sewer line.

Mayor Ruby disclosed that she worked for BBEDC and would not gain financially.

VOTE: The motion passed unanimously by roll call vote.

- H. Adopt Resolution No. 2014-45, A Resolution of the Dillingham City Council Authorizing Boyd, Chandler & Falconer to Participate in an Appeal with the Lake and Peninsula Borough on the "SAVE OUR SALMON" Initiative

MOTION: Bob Himschoot moved and Paul Liedberg seconded the motion to adopt Resolution No. 2014-45.

MOTION: Paul Liedberg moved and Holly Johnson seconded the motion to amend the resolution to add language in the NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council authorize Boyd, Chandler & Falconer to participate on behalf of the City if there are other municipalities involved and the cost to the City of Dillingham does not exceed three thousand dollars

VOTE: The motion to amend the resolution passed unanimously by roll call vote.

VOTE: The motion to approve the amended resolution passed unanimously by roll call vote.

- I. Adopt Resolution No. 2014-46, A Resolution of the Dillingham City Council Approving the 2015-2020 Capital Improvement Plan and Adopting the FY 2016 Legislative Priorities List

MOTION: Paul Liedberg moved and Chris Maines seconded the motion to adopt Resolution No. 2014-46.

Discussion:

- Noted would work through the School Facility Committee to include the school's projects in next year's city budget.

VOTE: The motion passed unanimously by roll call vote.

- J. Adopt Resolution No. 2014-47, A Resolution of the Dillingham City Council Amending Long Term Encroachment 2014-02 for Installation of Utilities to Tract D Mission Subdivision for a New Courthouse

MOTION: Chris Maines moved and Tracy Hightower seconded the motion to adopt Resolution No. 2014-47.

Manager Loera reported this resolution would amend a long term encroachment previously approved to include telephone service.

VOTE: The motion passed unanimously by roll call vote.

- K. Adopt Resolution No. 2014-48, A Resolution of the Dillingham City Council Designating Wastewater System Upgrades as the Number One Local State Funding Priority for Fiscal Year 2016

MOTION: Paul Liedberg moved and Tracy Hightower seconded the motion to adopt Resolution No. 2014-48.

Manager Loera reported this resolution was required annually by AkDEC if seeking funding.

VOTE: The motion passed unanimously by roll call vote.

- L. Adopt Resolution No. 2014-49, A Resolution of the Dillingham City Council Authorizing the City Manager to Enter Into a Lease Agreement with Ford Motor Credit for a Public Safety Vehicle

MOTION: Paul Liedberg moved and Tracy Hightower seconded the motion to adopt Resolution No. 2014-49.

Manager Loera reported the funds had been budgeted.

VOTE: The motion passed unanimously by roll call vote.

**X. UNFINISHED BUSINESS**

- A. Citizen Committee Appointments
  - 1. Cemetery Committee, 4 Seats Open
  - 2. Planning Commission, 2 Seats Open
  - 3. Parks and Recreation Committee, 3 Seats Open
  - 4. Senior Advisory Board, 2 Seats Open

Mayor Ruby reported there were no letters of interest to present.

- B. Annexation Reconsideration Update
  - 1. Public Hearing Set for September 24 at 6 PM, in the Council Chambers

Manager Loera reported the City of Dillingham was holding this public hearing to present the City's draft petition. The public hearing would be advertised on the City's website and posted around town.

- C. Squaw Creek Road Update

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Manager Loera reported on a letter from the city dated 1993 to the private owners that stated there was some BIA road money available that could be applied for. It appeared they could not come to an agreement on the width of the right-of-way, but in any case it did not go any further. Agreed a copy of AkDot's reply letter would be dispersed to the residents along the road, BBNA, and Curyung Tribal Council.

D. City of Dillingham vs. James Bingman Sr.

Manager Loera reported the City had received a final judgment in the amount of \$292,000 and would pursue the next step to foreclosure, a lengthy process.

**X. NEW BUSINESS**

A. Action Memorandum No. 2014-11, Award Contract for a Design/Build Thermal Conversion Building to G&S Management

MOTION: Chris Maines moved and Holly Johnson seconded the motion to approve Action Memorandum No. 2014-11.

VOTE: The motion passed unanimously by roll call vote.

B. Action Memorandum No. 2014-12, Award Contract for Engineering Services to Michael L. Foster & Associates, Anchorage

MOTION: Paul Liedberg moved and Chris Maines seconded the motion to approve Action Memorandum No. 2014-12.

Manager Loera and Gary Gordon had visited with and interviewed the top four companies. Michael Foster's staff was very experienced, had the lowest bid, and their references were excellent.

VOTE: The motion passed unanimously by roll call vote.

C. Action Memorandum No. 2014-13, Ratify the Award of a Contract to Aleknagik Enterprises for Providing Soil to Build a New Landfill Cell

MOTION: Paul Liedberg moved and Chris Maines seconded the motion to approve Action Memorandum No. 2014-13.

Manager Loera reported Res. No. 2014-38 gave staff approval to move forward with a RFP. There were three bids, and Aleknagik Enterprises was the lowest. The City would only be responsible for paying to transport the free soil.

VOTE: The motion passed unanimously by roll call vote.

D. Action Memorandum No. 2014-14, Authorize the Purchase of Two 9,000 Gallon Septic Holding Tanks

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MOTION: Chris Maines moved and Paul Liedberg seconded the motion to approve Action Memorandum No. 2014-14.

Manager Loera noted with the addition of the two tanks and the use of geotubes, it would keep from dumping raw sewage directly into the lagoon.

VOTE: The motion passed unanimously by roll call vote.

E. DMV Options

Manager Loera felt the options were a lot to absorb in one meeting, and was not in favor of continuing to subsidize the DMV office. The state would put it out for bid for someone else to operate if the City did not want to continue providing the service. The item was sent to the Finance and Budget Committee to come back with a recommendation.

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

There was no citizen's discussion.

**XII. COUNCIL COMMENTS**

Bob Himschoot:

- Thanked the council for being patient while he attended by teleconference.

Chris Maines:

- Thanked staff for the work they did on the petition for annexation, noting he was looking forward to the public hearing on September 24.

Paul Liedberg:

- Thanked staff for not scheduling meetings this summer.

Tracy Hightower:

- Received a complaint from Jessica Walker [regarding City not providing PBTs] and felt the City should not be defying the court order; and
- Noted there was a rumor going around that the City was looking to raise the sales tax to 8%.

Holly Johnson: No comment.

**XIII. MAYOR'S COMMENTS**

Mayor Ruby:

- Thanked public works for the work they did around BBEDC this past summer;
- Encouraged public to run for Council seat;
- Noted the City's attorney usually visits in the fall and if he was coming out for annexation maybe could get a presentation on the City's current legal activity;

- Asked Mgr. Loera and Police Chief Pasquariello to bring back a report next month on the issue of providing PBTs; and
- Asked for a moment of silence to recognize those lost since the last meeting.

**XIV. EXECUTIVE SESSION**

- A. Legal Matter – Discuss Village of Ekuk vs. Local Boundary Commission
- B. Personnel Matter – Discuss City Manager Contract

MOTION: Chris Maines moved and Holly Johnson seconded the motion to enter into executive session to discuss Legal Matters, Ekuk vs. Local Boundary Commission and Personnel Matter, Discuss City Manager Contract [8:34 p.m.].

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

*(The meeting recessed for a short break.)*

Mayor Alice Ruby invited Manager Loera and Janice Williams into the executive session on Ekuk vs. Local Boundary Commission, which was joined by Attorney Brooks Chandler.

MOTION: Chris Maines moved and Paul Liedberg seconded the motion to come out of executive session [9:12 p.m.].

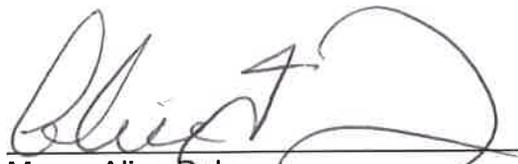
GENERAL CONSENT: The motion to come out of executive session passed without objection.

MOTION: Paul Liedberg moved and Holly Johnson seconded the motion to direct staff to send a letter to the neighboring communities and regional organizations inquiring if they would like to invite the City to a meeting to discuss the petition for annexation.

GENERAL CONSENT: The motion passed unanimously by roll call vote.

**XV. ADJOURNMENT**

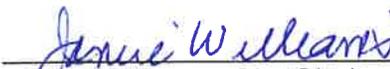
Mayor Ruby adjourned the meeting at 9:13 p.m.



Mayor Alice Ruby

ATTEST:

[SEAL]

  
 Janice Williams, City Clerk  
 Approval Date: Oct. 7, 2014