

I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, June 7, 2012, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:02 p.m.

II. ROLL CALL

Mayor Alice Ruby was present.

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

Doug Holt, Seat A
Paul Liedberg, Seat B
Bob Himschoot, Seat C – *via teleconference*
Keggie Tubbs, Seat D
Tracy Hightower, Seat E
Tim Sands, Seat F

Staff in attendance:

Dan Forster, City Manager
Carter Cole, Public Works Director
Steve Cropsey, Project Manager - *via teleconference*
Doug Dombroski, Chief of Police
Carol Shade, Finance Director
Janice Williams, City Clerk

Guests:

Attorney Brooks Chandler – *via teleconference*

III. APPROVAL OF MINUTES

A. Regular Meeting, May 17, 2012

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to approve the minutes of May 17, 2012.

VOTE: The motion passed unanimously.

IV. APPROVAL OF CONSENT AGENDA

There was no consent agenda.

APPROVAL OF AGENDA

Mayor Alice Ruby reported that the Council would be going into Executive Session at 7:30 p.m. to take up Legal Matters, items A. Annexation and B. Gladden vs. City of Dillingham. She asked the Council to approve adding under VII. Citizen's Discussion, item B. Pat Roth, Super Sack.

MOTION: Tim Sands moved and Paul Liedberg seconded the motion to approve the amended agenda.

VOTE: The motion passed unanimously.

V. STAFF REPORTS

A. City Manager Report

City Manager Dan Forster reported on the following:

- NAPA had broken ground on their leased harbor lot;
- Water and Sewer Rate Study contract had been signed;
- Senior Center grant had been verbally approved;
- Mayor's Sale was a big success taking in \$1,200 in cash sales, and bid items \$53,000.

Discussion:

- congratulated the Library on getting a BBEDC summer intern.

Public Works Director Cole reported that the City and Snowpak were involved in a scrap metal project, and if space was available could involve the public this year. He was hoping this would become an annual event. He also noted the low water levels in the two wells was common this time of the year, but not sure why.

Jody Seitz, City Planner, spoke on behalf of the Walk and Roll to Work event held on National Bike to Work Day. She reported there were 91 participants. Southwest Region Schools, one of the six entities, won the Sprocket trophy. She thanked the many sponsors who helped make it a very successful day.

B. Standing Committee Reports

Bob Himschoot, Chair, Finance and Budget Committee, reported the committee was proposing a Special Council Meeting for June 14, to introduce the budget, and present the budget for adoption at the June 21 Council meeting.

VI. PUBLIC HEARINGS

Mayor Ruby opened the public hearing on Ordinance No. 2012-11 and 2012-12.

- A. Adopt Ordinance No. 2012-11, An Ordinance of the Dillingham City Council Amending Section 4.21.135, Tax Refunds
- B. Adopt Ordinance No. 2012-12, An Ordinance of the Dillingham City Council Amending Section 2.80.040 Library Board to Change the Terms from Two Years to Three Years Consistent With Other Boards and Commissions

There being no comments the public hearing closed.

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

A. Michael Filipek - Invoiced City for Trapping Foxes

Michael Filipek reported he had been hired by the City to trap fox downtown last winter when they getting overrun. It started with his request to the public safety dept. to remove a loose dog from his

yard. ACO Boyd asked if he was doing any trapping, that the Togiak Wildlife Refuge had given his name, and was he interested and when could he start. He worked on it for 3 ½ weeks and had informed ACO Boyd that he was keeping track of his hours. When he turned in his bill, he was told there was no written agreement to provide the service, and the City would not be paying him. He had caught 12 foxes, 4 of which had mange, requiring additional work. He was asking to be compensated for snowmobile oil, gas, bait, traps, his time, \$50/hr, 4 X a day (4 hrs), for 24 days, in temps usually below 0.

Mayor Ruby asked the Manager to bring back a report to the Council, that this time was for citizen's discussion, and not to turn it into a debate.

B. Pat Roth – Super Sack

Patrick Roth represented himself as the Program Manager for the cleanup in Port Heiden that originated with the USAF. In January 2012 he reported to the Council that during a barge to barge transfer in November, one 5 cubic yard sack of PCB contaminated soil fell in the water about 60 feet off the Dillingham City's dock. He described the soil as having low level PCB contamination. The contractor had looked at an April/May timeframe to remove it, when conditions would be safer. The contractor was in Dillingham and a diver attempted to locate the bag using sonar equipment, but was unsuccessful. They attributed it mainly to the strong current. The State regulator was of the opinion the contractor had done a thorough job, given the conditions of the water, and places to tie up. The Alaska Dept. of Environmental Conservation would turn the case over to the EPA Enforcement Division. He did not personally feel there was a concern about PCB levels affecting the salmon, and no testing had been done for contamination.

Discussion:

- noted the event had made state and national news, and without testing and locating the sack it could make for a real image problem.

Mayor Ruby thanked the speaker and announced the Council would be entering into Executive Session, it being 7:30 p.m.

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to suspend the rules to enter into Executive Session under DMC 2.09.050, regarding legal matters [7:35 p.m.].

GENERAL CONSENT: The motion passed without objection.

Executive Session items, Legal Matters, Annexation and Gladden vs. City of Dillingham were taken up at this time. Manager Forster, Janice Williams, and Steve Cropsey were included in the Executive Session.

XIV. EXECUTIVE SESSION

A. Legal Matter

1. Annexation

2. Gladden vs. City of Dillingham

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to come out of Executive Session [8:23 p.m.].

GENERAL CONSENT: The motion passed without objection.

Mayor Ruby asked to resume Citizen's Discussion.

Dr. Todd Radenbaugh, U of Fairbanks, opined that the City needed to move fast to do damage control before the fish came in and the price was set, and immediately start a sample testing program with EPA independent of the contractor. He reported the problem was a public perception issue not a scientific issue, because there was not much PCB.

VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2012-11, An Ordinance of the Dillingham City Council Amending Section 4.21.135, Tax Refunds

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to adopt Ordinance No. 2012-11.

Tim Sands reported the ordinance would bring the raw fish sales tax refund in line with the severance tax refund.

VOTE: The motion to adopt Ordinance No. 2012-11 passed unanimously.

- B. Adopt Ordinance No. 2012-12, An Ordinance of the Dillingham City Council Amending Section 2.80.040 Library Board to Change the Terms from Two Years to Three Years Consistent With Other Boards and Commissions

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to adopt Ordinance No. 2012-12.

VOTE: The motion to adopt Ordinance No. 2012-12 passed unanimously.

- C. Resolution No. 2012-29, A Resolution of the Dillingham City Council Authorizing the City Manager to Negotiate an Annual Lease for Use of the City Property Known as the Potato House

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to approve Resolution No. 2012-29.

City Manager reported the City had gone back out for advertising and was prepared to sign a lease agreement with a vendor selling heating supplies. The net affect was an increase of \$800 a month, \$500 rent/mth plus estimated \$300/mth in utilities.

VOTE: The motion to adopt Resolution No. 2012-29 passed unanimously.

- D. Resolution No. 2012-30, A Resolution of the Dillingham City Council Authorizing the City Manager to Enter into a Purchase Order Agreement of Armor Rock and Expenses for Related Support Activities for Erosion Control and Repealing Resolution No. 2012-28

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to approve Resolution No. 2012-30.

Manager Forster reported Resolution No. 2012-28 had been presented to the Council earlier to approve the purchase of armor rock and other related support expenses. The amount for both, \$166,360, was included in the information memorandum, but the amount for other related support expenses of \$35,110 was not included in the body of the resolution, just the armor rock amount of \$131,250. This resolution would make it clear the Council was approving both amounts.

VOTE: The motion to adopt Resolution No. 2012-30 passed unanimously.

- E. Action Memorandum No. 2012-01, Accept DCSD FY13 CIP List

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to approve Action Memorandum No. 2012-01.

Mayor Ruby reported the Capital Projects List was vetted through the School Facility Committee that was responsible for coordinating an annual inspection of the school buildings. From the report that transpired, a projects list was created and then prioritized based on a set of criteria. The CIP list was to be adopted by the School Board and Council, and would be used for guidance to fund major maintenance projects.

Tim Sands, School Board member, reported some money had been set aside to replace the high school bleachers, a project that had ranked high on the priority list because of life and safety issues. The school was hoping to get an extra \$50,000 from the City to support a program initiated last year.

VOTE: The motion to approve Action Memorandum No. 2012-01 passed unanimously.

- F. Introduce Ordinance No. 2012-13, An Ordinance of the Dillingham City Council Repealing and Reenacting Ordinance No. 2012-05 (SUB) a Non-Code Ordinance to Amend the Value of the City's Interest for Lots 1, 2, 3, and 4, Harbor Lease Lots Subdivision

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to introduce Ordinance No. 2012-13.

Manager Forster reported that in the process of reviewing Ordinance No. 2012-05 (SUB) he realized the rate was erroneously recorded as \$.21/per square foot per month, but it should have been per year.

VOTE: The motion to introduce Ordinance No. 2012-13 passed unanimously.

IX. UNFINISHED BUSINESS

- A. Animal Shelter Facility

There was no update.

- B. Committee Appointments
 - 1. Library Board – 2 Seats

There was nothing to report at this time.

- C. City Manager Hire

Mayor Ruby asked the Council if they would be able to meet June 27 or after for a Special Meeting to interview a potential candidate, recognizing the City wished to expedite the process. More information would be made available at their next meeting.

X. NEW BUSINESS

- A. Schedule Special Meeting for June 14, 2012
 - 1. Budget Workshop
 - 2. Introduce FY 2013 Budget Ordinance
 - 3. Adopt Resolution to Establish the Rate of Levy of Tax, the Date Taxes are Due and the Delinquent Date for 2012, and Accept the Certification of the Tax Roll

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to schedule a special meeting for June 14, 2012 starting with a budget workshop at 6:00 p.m. and followed by a meeting at 7:00 p.m. to go over the items on the agenda.

Tim Sands suggested the Code Review Committee that was scheduled for the same day at 5:30 p.m. be canceled and meet next in August. There was no objection.

VOTE: The motion to hold a Special Meeting June 14, 2012 passed unanimously.

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

Dr. Todd Radenbaugh reported he had been asked by the funding agency to make a full proposal. He wanted to be assured that the City Council was still consenting to contribute in-kind services and wanted to be aware of any changes. He was directed to consult with Jean Barrett, Port Director, to verify the numbers.

XII. COUNCIL COMMENTS

Keggie Tubbs:

- asked for a written report regarding the City's position on the presentation made by Mike Filipek for the June 14 meeting;

- voiced his concern over the public's perception with the contaminated soil, and asked if the Manager could coordinate with EPA and AkDEC for a testing program to put the public and the industry's mind at ease; and
- would like more information for use of the land that a land owner was looking to transfer to the City.

Tim Sands:

- agreed having one of the agencies pursue testing from a marketing perspective, wanted to see more effort to find the super sack, that the City shouldn't be satisfied with a day or ½ day of looking, and recommended keeping our legislators apprised;
- asked for additional information on the notification he received stating 25 gallons of hydraulic oil had spilled in the water at the dock;
- noted he had participated in the high school and MAP school graduation, and congratulated all the graduates, and the college graduates; and
- thanked all the City staff for their hard work and for keeping the City running.

Paul Liedberg:

- favored giving the Manager maximum flexibility to pursue testing and act on it as soon as possible; and
- noted his pleasure at seeing the bleachers being replaced and hoped the hickory from the old bleachers would be made available to the public.

Tracy Hightower: no comment

Doug Holt:

- was curious if the owner of the request to transfer land to the City had clear title; and
- agreed that the City would have to move on the testing, noting from experience results could be returned rather quickly, that the hospital had used Bristol Environmental in the past.

Bob Himschoot:

- noted he was also concerned about the response to the super sack.

XIII. MAYOR'S COMMENTS

Mayor Ruby:

- echoed the Council's comments, including the super sack and research on Michael Filipek's presentation;
- spoke in favor of producing an informational flyer on the raw fish tax and for posting at the harbor;
- noted Citizen's Discussion was for citizens to talk to the Council, and any time staff was not allowed to address a citizen's issue, it was not meant to discourage them, but avoid engaging in debate on the floor; and
- asked everyone to come together in a moment of silence and recognize both citizens and non-citizens lost since the last meeting.

XIV. EXECUTIVE SESSION

A. Legal Matter

3. Union Negotiations Update

4. Complaint Investigation

B. Personnel Matter

1. Finance Director Status

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to go into executive session under DMC, 2.09.050, regarding legal matters [9:12 p.m.].

GENERAL CONSENT: The motion passed without objection.

Manager Forster and Steve Cropsey were included in the entire executive session. Finance Director Shade was included in item Union Negotiations Update. City Clerk Williams was included in all but Personnel Matter, Finance Director Status.

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to come out of executive session [10:08 p.m.].

GENERAL CONSENT: The motion passed with no objection.

MOTION: Tim Sands moved and Paul Liedberg seconded the motion to concur with the manager's recommendation regarding personnel issue.

VOTE: The motion passed unanimously.

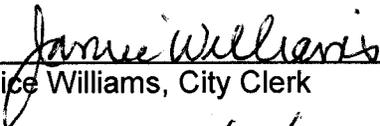
XV. ADJOURNMENT

Mayor Ruby adjourned the meeting at 10:09 p.m.



Alice Ruby, Mayor

ATTEST:



Janice Williams, City Clerk

Approved: 6/21/2012