

I. CALL TO ORDER

A regular meeting of the Dillingham City Council was held on Thursday, May 14, 2015, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:02 p.m. The meeting was preceded by a workshop to present the quarterly financial statements.

II. ROLL CALL

Mayor Alice Ruby was present.

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

Holly Johnson	Paul Liedberg	Chris Maines
Tracy Hightower		

Council Members absent:

Curt Armstrong – excused	Misty Savo - excused
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Staff in attendance:

Rose Loera	Janice Williams	Rodney Etheridge (Sergeant at Arms)
Jody Seitz		

III. APPROVAL OF MINUTES

A. Minutes of April 2, 2015, Regular Council Meeting

MOTION: Chris Maines moved and Holly Johnson seconded the motion to approve the minutes of April 2, 2015.

VOTE: The motion passed unanimously by voice vote.

IV. APPROVAL OF CONSENT AGENDA

APPROVAL OF AGENDA

MOTION: Holly Johnson moved and Tracy Hightower seconded the motion to approve the revised agenda dated May 14, 2015.

VOTE: The motion passed unanimously by voice vote.

V. STAFF REPORTS

A. City Manager's Report

City Manager Loera reported on the following (these items were in addition to the Manager's report in the packet):

- Vacancies – advertising for a planning director;

- Incinerator – Penn Ram has been very attentive in helping to troubleshoot problems as they arise;
- Plan to develop a new cell at the landfill, but may require another design; still in discussion with DEC;
- DEC is asking that a hydrological study be done at the landfill; this was not budgeted;
- Amended Annexation Petition was filed with the Local Boundary Commission May 11;
- Lobbyist contract due to expire in June, recommended extending the contract for another three years; there was no objection to bringing back a contract to the next meeting;
- Recognized members of the American Legion Post in the audience; with Council permission would give them permission to fix up the memorial site.
- New Employee Intranet created by staff is in service;
- Gravel at the harbor was purchased from Knik Construction at half the cost for gravel;
- Working to rectify the plat for the conveyance of state property for H. Samuelsen Center, because the Kenny Wren Road was not clearly defined;
- Asked to assign to the Code Committee to include a time frame to comment when a Notice of Intent to Award is issued; there was no objection.
- Repairs on the Dock lift station will be put out for bid;
- Thanked Jody for all her hard work for the City, noting her last day was May 22;
- Open House at the landfill more likely to be held in the fall to allow time to address some safety issues such as lack of railings, to perform a three-day 24/7 continual burn, and to work out any problems.

B. Standing Committee Reports

Finance and Budget Committee: Paul Liedberg reported on their activities of which a copy of the draft minutes of the April 22 meeting are included in the packet.

Code Review Committee: Chris Maines reported on their activities of which a copy of the draft minutes of the May 6 meeting are included in the packet.

Carlson House Advisory Committee: Holly Johnson reported on recent activities:

- Conducted a walk-through of the Carlson property;
- Will be brainstorming options for the house and property;
- Looking to move a tool shed and its contents belonging to the Carlson property that was located on ADF&G property and must be moved.

School Facility Committee: Mayor Ruby reported on their activities of which a copy of the draft minutes are included in the packet.

Board of Equalization Organizational Meeting: Mayor Ruby noted the draft minutes of the BOE meeting of April 23 were in the packet.

VI. PUBLIC HEARINGS

Mayor Ruby opened the public hearing on Ordinance No. 2015-04, 2015-05, 2015-06, and 2015-07 (SUB-1). She noted a substitute ordinance was being proposed for 2015-04, of which a copy was on the table.

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- A. Adopt Ordinance No. 2015-04, An Ordinance of the Dillingham City Council Amending Dillingham Municipal Code Title 8 – Health and Welfare by the Addition of a New Chapter Providing Regulation of Marijuana in the City of Dillingham, Alaska
 - B. Adopt Ordinance No. 2015-05, An Ordinance of the Dillingham City Council Amending Dillingham Municipal Code Chapter 8.10, Prohibition of Smoking in Public Places, Section 8.10.010 Definitions
 - C. Adopt Ordinance No. 2015-06, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property by Lease
 - D. Adopt Ordinance No. 2015-07 (SUB-1), An Ordinance of the Dillingham City Council Amending Title 8, Health and Safety, of the Dillingham Municipal Code to Prohibit Improper Deposit of Fish Waste

There being no public comments, the public hearing closed.

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

Don Myers presented for the American Legion Post noting the Post was created to help the community, and their main goal was to help the veterans out. He noted there were a lot of programs that could be put in place over time, and they were looking to work on the memorial.

Dave Bouker commented Holly Johnson was the local American Legion Post's second-in-command.

Kent Winship reported the Post was planning to rebuild the memorial that was falling apart, but would keep it similar to what presently existed. They were interested in having the City install a LED light so they could post the flag, keep it lit, keep it from being a sleep off area, and ward off potential vandalism.

- A. David McNease – Introduce his Service Dog

David McNease, recent resident, introduced himself accompanied by his service dog. He noted he had served in the army for over 20 years some of it in combat-related deployments. His service dog accompanied him for a post-traumatic stress disorder disability. He distributed copies of the American Disabilities Act of 2010. He noted under the Act state and local business governments, businesses and non-profit organizations that serve the public generally must allow service animals to accompany people with disabilities where the public is allowed to go with few exceptions. He noted staff could ask two questions only: 1) Is the dog a service animal required because of a disability, and 2) What work or task has the dog been trained to perform. Any other questions about his disability were against the law nor could he be asked for proof of documentation. He noted a person with a disability could not be asked to remove his service dog from the premises or be isolated. He commented in the City he had been discriminated against eleven times. He cited several Alaska State laws 12.55.35 and 12.55.135, a Class B misdemeanor for violation of the Act.

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There being no public comments, the public hearing closed.

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

Don Myers, Post Commander for the newly chartered local American Legion Post, noted their role was to help the community, and their main goal was to help the veterans out. He commented there were a lot of programs that could be put in place, and they were looking to work on the fixing up the veterans' memorial.

Dave Bouker commented Holly Johnson served as the Post's Second-in-Command.

Kent Winship reported the Post was planning to rebuild the memorial that was falling apart, but it would be a similar design. The group was interested in having the City install a LED light so they could post the flag, keep it lit, keep the property from being a sleep off area, and ward off potential vandalism.

- A. David McNease – Introduce his Service Dog

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- D. Adopt Ordinance No. 2015-07(SUB-1), An Ordinance of the Dillingham City Council Amending Title 8, Health and Safety , of the Dillingham Municipal Code to Prohibit Improper Deposit of Fish Waste

MOTION: Holly Johnson moved and Tracy Hightower seconded the motion to adopt Ordinance No. 2015-07 (SUB-1).

VOTE: The motion to adopt Ordinance No. 2015-07 (SUB-1) passed unanimously by voice vote.

- E. Introduce Ordinance No. 2015-08, An Ordinance of the Dillingham City Council Amending Title 8 of the Dillingham Municipal Code to Prohibit Disposal of Hazardous Materials in the City Owned Solid Waste Disposal Facility and Establishing a Penalty for Any Violation

MOTION: Tracy Hightower moved and Holly Johnson seconded the motion to introduce Ordinance No. 2015-08.

VOTE: The motion to introduce Ordinance No. 2015-08 passed unanimously by voice vote.

- F. Adopt Resolution No. 2015-24, A Resolution of the Dillingham City Council to Correct the City's Minimum Contribution Amount for the FY16 DCSD Funding Allocation and Repealing Resolution No. 2015-23 (AM)

MOTION: Paul Liedberg moved and Holly Johnson seconded the motion to adopt Resolution No. 2015-24.

Discussion:

- Recommended before next year's presentation to clarify the 1% sales tax that is allocated to the school contribution.

VOTE: The motion to adopt Resolution No. 2015-24 passed unanimously by voice vote.

- G. Adopt Resolution No. 2015-25, A Resolution of the Dillingham City Council Approving a Task Order with Barb Sheinberg to Further Work on the Annexation Petition

MOTION: Paul Liedberg moved and Holly Johnson seconded the motion to adopt Resolution No. 2015-25.

Mayor Ruby commented Barb Sheinberg had done other work for the City and her greatest value was her familiarity with the area, which probably helped to reduce the cost of the study.

VOTE: The motion to adopt Resolution No. 2015-25 passed unanimously by voice vote.

- H. Adopt Resolution No. 2015-26, A Resolution of the Dillingham City Council Approving Task Order No. 1 with Michael L. Foster and Associates for Preliminary Engineering on the Water Project identified as Water System Improvements

MOTION: Chris Maines moved and Holly Johnson seconded the motion to adopt Resolution No. 2015-26.

Manager Loera reported DEC was looking for the City to start using the \$2.1 Million grant and phase-in projects from its master plan, otherwise it could risk having the state reappropriating the money elsewhere. The grant could only be used for water projects.

VOTE: The motion to adopt Resolution No. 2015-26 passed unanimously by voice vote.

- I. Adopt Resolution No. 2015-27, A Resolution of the Dillingham City Council Approving the Designation of the Facility and Equipment Purchase or Maintenance Fund

MOTION: Paul Liedberg moved and Holly Johnson seconded the motion to adopt Resolution No. 2015-27.

VOTE: The motion to adopt Resolution No. 2015-27 passed unanimously by voice vote.

- J. Adopt Resolution No. 2015-28, A Resolution of the Dillingham City Council Amending the Investment Account Signature Authority Forms for City Investment Accounts Due to a Change in Personnel

MOTION: Chris Maines moved and Holly Johnson seconded the motion to adopt Resolution No. 2015-28.

VOTE: The motion to adopt Resolution No. 2015-28 passed unanimously by voice vote.

- K. Adopt Resolution No. 2015-29 (AM), A Resolution of the Dillingham City Council Approving the Purchase of Rip Rap from ~~Horizon~~ Amanka Lake Construction

MOTION: Holly Johnson moved and Tracy Hightower seconded the motion to Resolution 2015-29 (AM).

VOTE: The motion to adopt Resolution No. 2015-29 (AM) passed unanimously by voice vote.

- L. Adopt Resolution No. 2015-30, A Resolution of the Dillingham City Council Approving Incremental Increases in the Rates for Container Vans

MOTION: Holly Johnson moved and Chris Maines seconded the motion to adopt Resolution No. 2015-30.

VOTE: The motion to adopt Resolution No. 2015-30 passed unanimously by voice vote.

- M. Adopt Resolution No. 2015-31, A Resolution of the Dillingham City Council Adopting Participation in the AMLJIA Loss Control Incentive Program for the City of Dillingham

MOTION: Holly Johnson moved and Tracy Hightower seconded the motion to adopt Resolution No. 2015-31.

VOTE: The motion to adopt Resolution No. 2015-31 passed unanimously by voice vote.

IX. UNFINISHED BUSINESS

A. Citizen Committee Appointments

1. Planning Commission, 2 Seats Open

There were no letters of interest.

2. Senior Advisory Commission, 4 Seats Open

MOTION: Holly Johnson moved and Chris Maines seconded the motion to concur with the Mayor's recommendation to appoint Maryanne Dickey, Johanna Bouker, Flossie Andersen, and Jackie Russell to the Senior Advisory Commission.

VOTE: The motion passed unanimously by voice vote.

B. Annexation Update

There was nothing else to report.

C. Interim Task Force Borough Feasibility Study Update

Mayor Ruby reported Ralph Andersen had noted there was not enough response to their letter to warrant an adequate working group. He suggested that they wait on the results of the grant.

X. NEW BUSINESS

A. Action Memorandum No. 2015-06, Contract with Carmen Jackson as Acting Finance Director

MOTION: Chris Maines moved and Paul Liedberg seconded the motion to adopt Action Memorandum No. 2015-06.

VOTE: The motion to adopt AM No. 2015-06 passed unanimously by voice vote.

B. Action Memorandum No. 2015-07, Contract with Dillingham Chiropractic for the Lease of the Harbor Office Building

MOTION: Chris Maines moved and Holly Johnson seconded the motion to adopt Action Memorandum No. 2015-07.

VOTE: The motion to adopt AM No. 2015-07 passed unanimously by voice vote.

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

There was no citizen's discussion.

XII. COUNCIL COMMENTS

Tracy Hightower:

- Suggested the committee also advise the Council on the City's ordinances, permits, and business licenses related to marijuana; and
- Recommended holding more neighborhood meetings with more Council present to hear what the public had to say.

Discussion ensued to seek models used by other cities, come up with a strategy to pull in many interests with more committee meetings to get more input. This will be added to the August agenda.

Paul Liedberg:

- Thanked Jody Seitz for her many years of service to the City and KDLG, and wished her good luck on her new venture.

Chris Maines:

- Thanked Jody Seitz for her contributions, especially the GIS maps that he used regularly; and
- Suggested the council add service animals to Title 7, Animal code.

Holly Johnson:

- Wished Jody Seitz good luck; and
- Noted her concern with the complaint about discrimination against the service animal, and to see if it might have occurred with a city employee; and
- Thanked the Council for approving a letter to the American Legion Post.

XIII. MAYOR'S COMMENTS

Mayor Ruby:

- Noted Manokotak was researching building a road to Dillingham, which was supported by various entities; they were looking to fund a feasibility study with a possible contribution from the City;
- Thanked Jody and wished her well; appreciated her service to the community; and
- Asked for a moment of silence for those lost recently, especially for Bobby Andrew.

XIV. EXECUTIVE SESSION

- A. Legal Matter – City of Dillingham vs. Jim Bingman
- B. Personnel Matter – Discuss City Manager Contract

MOTION: Paul Liedberg moved and Holly Johnson seconded the motion to enter into executive session to discuss Legal Matter – City of Dillingham vs. Jim Bingman and Personnel Matter to discuss City Manager’s Contract [8:38 p.m.].

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

Mayor Ruby invited Manager Loera and Janice Williams into the executive session for the first item.

MOTION: Holly Johnson moved and Chris Maines seconded the motion to come out of executive session [9:39 p.m.].

VOTE: The motion to come out of executive session passed unanimously by voice vote.

XV. ADJOURNMENT

Mayor Ruby adjourned the meeting at 10:00 p.m.


Mayor Alice Ruby

ATTEST: [SEAL]

Bernadette Packa Acting City Clerk
Janice Williams, City Clerk
Approval Date: 6.4.15