

**I. CALL TO ORDER**

The Regular Meeting of the Dillingham City Council was held on Thursday, December 5, 2013, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:05 p.m. The meeting was preceded by a Council workshop at 6:00 p.m. to review the proposed increases in water and sewer rates.

**II. ROLL CALL**

Mayor Alice Ruby was present.

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

Holly Johnson, Seat A  
Chris Maines, Seat B  
Bob Himschoot, Seat C  
Keggie Tubbs, Seat D  
Tracy Hightower, Seat E  
Paul Liedberg, Seat F

Staff in attendance:

Rose Loera, City Manager (*via teleconference*)  
Jody Seitz, Planning Director  
Janice Williams, City Clerk

Guests:

Marty McGee, Alaska Assessment Assistance  
Emma Youngman, Eco Solutions

**III. APPROVAL OF MINUTES**

- A. Regular Council Meeting – November 7, 2013
- B. Special Council Meeting – November 27, 2013

**MOTION:** Keggie Tubbs moved and Paul Liedberg seconded the motion to approve the minutes of November 7 and November 27.

**VOTE:** The motion to approve the minutes of November 7 and November 27 passed unanimously.

**IV. APPROVAL OF CONSENT AGENDA**

There was no consent agenda.

**APPROVAL OF AGENDA**

**MOTION:** Keggie Tubbs moved and Chris Maines seconded the motion to approve the revised agenda from the supplemental packet.

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VOTE: The motion to approve the revised agenda passed unanimously.

**V. STAFF REPORTS**

**A. City Manager Report**

City Manager Loera reported on the following:

- Vacancies – City has hired a new patrol officer, Dan Decker;
- Landfill staff had traveled to Egegik to see the gasifier in operation;
- AML legislative priorities enclosed in the Council packet;
- Position open for a heavy duty equipment operator – looking to hire an employee with prior experience with the City on the same pay scale when he departed, on an on-call basis for now, and then would evaluate full employment;
- Fines for Prohibiting Dumping Hazardous Waste not addressed in Code, but Code allows City Manager to develop a regulation in the best interest of the City, but at some point City will want to establish a fine;
- DMV Office – staff member was on medical leave; will be training a current seasonal employee for a temporary job, and advertising for a backup; and
- Agnew::Beck reps will be in town to further along discussion on occupancy of the proposed public safety building(s).

Discussion:

- commented obtaining a temporary license online was not an easy process;
- appreciated the PSAs on the radio and the information posted on the City's website regarding the DMV closing and online access;
- asked if residents with expired licenses would be ticketed, because not everyone had internet access; Manager Loera to follow up with Police Chief Pasquariello;
- asked how many properties had not been redeemed on the foreclosure list, noted there was one property; and
- thanked the City staff who participated in the Mock Flu Pandemic Disaster Drill.

**B. Standing Committee Reports**

Bob Himschoot, Chair of the Finance and Budget Committee, reported the committee would be recommending the Council adopt the new water and sewer rates.

Paul Liedberg, Chair of the Code Review Committee, reported on the three main items:

**1. Point of Sale for Assessing City's Sales Tax.**

Paul Liedberg reported it was brought to the City's attention during their sales tax audits of business owners that it hasn't been following its code. He noted if the primary business location was in Dillingham the city should be charging sales tax no matter where the sale took place, citing electric sales outside of City limits were not being taxed, and cited the example of a local tax preparer, who was not assessing city sales tax when he was physically preparing the tax outside the city.

The committee evaluated that the loss of revenues from not enforcing its code based on these two examples was around \$25,000/year. The committee felt the amount was not substantial enough to go through the challenge of enforcing its code, and was recommending changing its code so the point of sale only applied in the City.

Mayor Ruby noted the change was made to its code a while back to capture sales from retailers shipping goods to Dillingham and sending a staff person to distribute it, but felt they weren't subject to the City's tax since they didn't have a building in town. The practice of sending a staff person pretty much ended after the tax code changed.

Discussion:

- asked if other communities fell under the existing code, noted telephone sales in several villages would also be affected if enforced.

**MOTION:** Keggie Tubbs moved and Chris Maines seconded the motion to concur with the Code Committee's recommendation to draft an ordinance to change the tax code to an earlier version to be presented at the next regular meeting.

**VOTE:** The motion passed unanimously.

## 2. Subdivision Access

Paul Liedberg reported this item originated from a request to review the subdivision access code to allow for private access. The lengthy review process started with a sub-committee (Subdivision Access Committee) comprised of local land owners, a representative from BBNA's land dept., and Planning Commission members, with their recommendations then reviewed by the Planning Commission (PC). The recommendations from both bodies were submitted to the Code Committee for a possible ordinance change.

The recommendations included: allow for private access; set a standard for roads based on the number of houses (PC felt basing it on the number of lots was more feasible); a 50' easement; an 8' improved travel way (PC changed it to 16' for practical and safety reasons for EMS needs). Paul Liedberg asked to clarify for the record that the sub-committee's intent was to base the road standards on the number of lots, since both parties agreed the City did not have the right to go on a native allotment, but did have platting authority.

Discussion:

- concerned might not have enough information to make an informed decision, noting the Planning Commission did not agree with the recommendation from the sub-committee to remove the requirement for gift deed and access to adjacent parcels.

Mayor Ruby noted from her prior work experience anything that was about ½ mile off the Lake Road was land-locked, didn't want to put hardships on landowners to build roads, but remembered asking owners to allow for a 25' easement.

**MOTION:** Keggie Tubbs moved and Paul Liedberg seconded the motion to concur with the Code Committee's recommendation to move forward and get an ordinance drafted by the City's Attorney to be introduced at the February meeting.

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VOTE: The motion passed unanimously.

### 3. Propose Regulating Material Sites

Paul Liedberg referred the Council to the report drafted by Agnew::Beck, page 15, Spectrum of Approaches to Manage Material Extraction. He noted the Code Committee was recommending providing some additional regulation of material sites, implementing administrative and conditional use permits based on a tiered approach, size of the proposed development, proximity to homeowner's wells, etc. would determine how a permit would be issued.

#### Discussion:

- commented the committee was not interested in laying a lot of heavy burdens on the small operators that were already following other agency regulations.

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to direct the Code Committee to move forward to work on language that would come back to the Council.

VOTE: The motion passed unanimously.

## VI. PUBLIC HEARINGS

There was no public hearing.

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

Mayor Ruby introduced two guests sitting in the audience.

Marty McGee, City's new assessor, introduced himself to the Council, noting he had worked as the assessor for the Municipality of Anchorage for the last 13 years, lived in Alaska all his life, and had worked all over the state. He noted the City had many assessment challenges, but was on the right path to cure most of the problems, especially developing the GIS system. He asked the Council to lobby for the acquisition of an assessment database that he felt was badly needed by all the small tax jurisdictions in the State. The \$10,000 total cost would help pay for the development costs for a program Ketchikan had developed that would work in the MS Office Suite. He noted it was the most fully developed system now available.

Emma Youngman from Eco Solutions, [Ontario, Canada], had earlier in the day hand-delivered an RFP for a Thermal Conversion System for the landfill.

## VIII. ORDINANCES AND RESOLUTIONS

- A. Resolution No. 2013-69, A Resolution of the Dillingham City Council Increasing the Water and Sewer System Rates

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve Resolution No. 2013-69.

Discussion:

- asked the City Manager to look into the cost to implement a metering system, if it was required, for commercial owners and private owners, and present the findings to the Finance and Budget Committee.

VOTE: The motion to approve Resolution No. 2013-69 passed unanimously.

- B. No. 2013-74, A Resolution of the Dillingham City Council Approving Amending the BBEDC CBG Grants by Increasing the Funding for the Projects to Upgrade and Increase Technology and Repair and Improve Facilities

MOTION: Keggie Tubbs moved and Holly Johnson seconded the motion to approve Resolution No. 2013-74.

Manager Loera noted the remaining funds from grants in place would have to be applied for before the end of the year. Keggie Tubbs and Mayor Ruby disclosed they worked for BBEDC, but would not benefit financially and to clarify in the summary statement, the City had entered into a MOU with Curyung Tribe for  $\frac{1}{2}$  of the BBEDC Community Development Block Grant.

VOTE: The motion to approve Resolution No. 2013-74 passed unanimously.

- C. Resolution No. 2013-75, A Resolution of the Dillingham City Council Approving the Application for Southeast Region Emergency Medical Services (SREMS) Mini-grant for Pediatric Sized Equipment for Use by the Dillingham Volunteer Fire Department and Rescue Squad (DVFD/RS)

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Resolution No. 2013-75.

Discussion:

- suggested if the City didn't get the grant, to find some place in the budget to purchase the items, if staff felt it was a priority.

VOTE: The motion to approve Resolution No. 2013-75 passed unanimously.

- D. Resolution No. 2013-76, A Resolution of Dillingham City Council Approving the Application for an Assistance to Firefighter's Grant (AFG) for Personal Protective Equipment (PPE), Turnout Gear, for all Members of Dillingham Volunteer Fire Department and Rescue Squad (DVFD/RS)

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to approve Resolution No. 2013-76.

VOTE: The motion to approve Resolution No. 2013-76 passed unanimously.

**IX. UNFINISHED BUSINESS**

- A. Citizen Committee Appointments

1. Cemetery Committee, 4 Seats Open
2. Planning Commission, 1 Seat Open

Mayor Ruby reported she had no nominations to bring forward.

B. Council Committee Appointments

Mayor Ruby reported she would bring the committee appointments to the next meeting.

C. Strategic Planning – Foraker Group

Manager Loera apologized she had nothing to report, but was keeping the item on the agenda as a place holder.

D. Schedule a Joint Workshop of the School Board and Council for a Presentation from the School Facility Committee on the Territorial School

Mayor Ruby noted they were awaiting Supt. McLeod, who was out on personal leave, to get back to town.

E. Request for a Late Filed Appeal – Earlene George

Mayor Ruby reported staff had followed up with Ms. George as directed, but was asking the Council to postpone making a decision until the new assessor had an opportunity to talk with the City's attorney.

Discussion:

- asked if penalties and interest could be suspended until the issue was resolved, answered could review this request after the issue was resolved.

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to postpone considering the late filed appeal until the January meeting.

VOTE: The motion to postpone consideration of the late filed appeal passed unanimously.

**X. NEW BUSINESS**

A. Action Memorandum No. 2013-34, Authorize the City Manager to Execute a Contract for the City-Wide Camera Upgrade to TecPro Ltd.

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to approve Action Memorandum No. 2013-34.

Manager Loera reported \$30,000 had been assigned to the upgrade in the BBEDC Block Grant to make up the difference in cost.

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VOTE: The motion to approve Action Memorandum No. 2013-34 passed unanimously.

- B. Action Memorandum No. 2013-35, Authorize the City Manager to Execute a Contract for the Alternate Emergency Operations Center to Arcticom

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to approve Action Memorandum No. 2013-35.

Manager Loera reported the City had a legislative appropriation of \$200,000 to pay for the equipment, but it wasn't enough, and had to amend the original RFP, because the City didn't realize the alternative site would have to be a complete duplication of the current system. The equipment would be phased over several years. The equipment could be moved to a new public safety facility.

VOTE: The motion to approve Action Memorandum No. 2013-35 passed unanimously.

- C. Action Memorandum No. 2013-36, Approve Administrative Leave for Christmas and New Year Holiday

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve Action Memorandum No. 2013-36.

VOTE: The motion to approve Action Memorandum No. 2013-36 passed unanimously.

- D. Action Memorandum No. 2013-37, Approve Library's Five-Year Plan

MOTION: Keggie Tubbs moved and Holly Johnson seconded the motion to approve Action Memorandum No. 2013-37.

Manager Loera reported some of the computers being replaced with new purchases could be used to replace some of the computers for public use at the library.

VOTE: The motion to approve Action Memorandum No. 2013-37 passed unanimously.

- E. Reschedule January 2, 2014, Council Meeting to January 9, 2014, at 7:00 PM

MOTION: Keggie Tubbs moved and Holly Johnson seconded the motion to reschedule the January 2, 2014 Meeting to January 9, 2014.

VOTE: The motion to approve rescheduling the January 2 meeting to January 9 passed unanimously.

- F. Consider Regulating Material Sites

This item was discussed under Committee reports.

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

There was no citizen's discussion.

**XII. COUNCIL COMMENTS**

Keggie Tubbs:

- congratulated Denise Lisac for making Teacher of the Year;
- praised Paul Liedberg for his leadership and hard work on the Code Review Committee; and
- wished everyone Happy Holidays.

Chris Maines:

- no comments.

Paul Liedberg:

- congratulated Denise Lisac for making Teacher of the Year; and
- wished everyone Happy Holidays.

Tracy Hightower:

- welcomed Holly Johnson to the Council.

Holly Johnson:

- no comment.

Bob Himschoot:

- agreed with Keggie Tubb's comments.

**XIII. MAYOR'S COMMENTS**

Mayor Ruby:

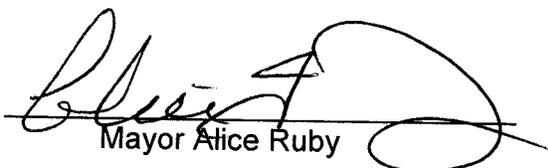
- reported the SWAMC director was moving to Sand Point to be the City Manager;
- noted the wood cutting session was a first step and the City would upload the maps to its website;
- wished everyone a Merry Christmas and a Happy New Year;
- asked to recognize a moment of silence for those that had been lost since the last meeting; and
- asked for a prayer for the City's DMV staff member out on medical leave.

**XIV. EXECUTIVE SESSION**

There was no executive session.

**XV. ADJOURNMENT**

Mayor Ruby adjourned the meeting at 9:00 p.m.

  
Mayor Alice Ruby

ATTEST:

[SEAL]

Janice Williams  
Janice Williams, City Clerk

Approval Date: January 9, 2014

