

1. CALL TO ORDER

A regular meeting of the Dillingham City Council was held on Thursday, April 7, 2016, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:00 p.m.

2. ROLL CALL

Mayor Alice Ruby was present.

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

Holly Johnson	Misty Savo	Chris Maines
Curt Armstrong	Paul Liedberg	

Council members absent and excused:

Andy Anderson

Staff in attendance:

Rose Loera	Dan Pasquariello	Janice Williams
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Guest: City Attorney Brooks Chandler – attended via teleconference

3. APPROVAL OF MINUTES

- a. Regular Council Meeting, March 3, 2016
- b. Special Council Meeting, March 29, 2016

MOTION: Holly Johnson moved and Chris Maines seconded the motion to approve the minutes of March 3, and March 29, with a correction to the March 3 minutes, to remove Holly Johnson from approving adoption of AM 2016-03.

VOTE: The motion passed unanimously by voice vote.

4. APPROVAL OF CONSENT AGENDA

There was no consent agenda.

APPROVAL OF AGENDA

MOTION: Holly Johnson moved and Chris Maines seconded the motion to approve the agenda as amended April 5, 2016.

VOTE: The motion passed unanimously by voice vote.

5. STAFF REPORTS

- a. City Manager and Staff Reports

City Manager Loera reported on the following items in addition to her staff report:

- Job vacancies: include Public Works Director and Police Officer;
- Fish Grinder Design: to make it more likely to have it in place this year, had polled engineering firms that previously provided design bids, and suggested going with PND Engineers or follow the formal bidding process.

Discussion ensued since the odds of completing the project this year might not be doable, favored following the RFP bid process.

- State Revenue Sharing: looking to increase PERS up to 25%, but not yet finalized;
- Purchase Dolphins for the Dock: Will bring back a resolution in May and a recommendation to award in June;
- Marijuana Advisory Committee recommendations: Have assigned them to the Code Review committee;
- Rescheduling May 5 Council meeting to May 12 to allow for a 30 day noticing period for Ord. No. 2016-07, Disposal of Land, and Code Review Meeting from May 12 to May 5;
- Squaw Creek Road: Have not received any responses from recent letters sent.

b. Standing Committee Reports

Finance and Budget Committee: Paul Liedberg reported the committee had reviewed a proposal to revamp the foreclosure costs with a fixed fee schedule and were continuing to progress through the FY17 draft budget.

Carlson House Advisory Committee: Holly Johnson reported there was a resolution in the packet for Council approval.

Marijuana Advisory Committee: Misty Savo reported she was impressed with the commitment being made by the committee, that they were thoroughly vetting the marijuana issues, and appreciated the research provided by staff. The recommendations made to date were being presented in a resolution in the packet for Council approval.

6. PUBLIC HEARINGS

Mayor Ruby opened the hearing on Ordinances 2016-04 and 2016-05. There being no comments the hearing closed.

- a. Adopt Ordinance No. 2016-04, An Ordinance of the Dillingham City Council Amending the Budget by Adopting Budget Amendment No. 1 and Appropriating Funds for the FY 2016 City of Dillingham Budget
- b. Adopt Ordinance No. 2016-05, An Ordinance of the Dillingham City Council Amending Chapter 8.16 of the Dillingham Municipal Code Related to Enhanced 911 Service to Increase the Surcharge from \$1.76 per month to \$2.00 per month

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

Susanna Henry, refuge manager for Togiak National Wildlife Refuge, commented the Refuge was in favor of Resolution No. 2016-17, and was available to answer any questions.

Ray Kase Jr. informed the Council he had applied for a limited marijuana growth license with the State, and that he had visited with the local residents to get their opinion about having a business on Bea Avenue, would not be selling it, except in bulk to a retail store. He noted the State had recommended keeping the Council informed through the process.

8. ORDINANCES AND RESOLUTIONS

- a. Adopt Ordinance No. 2016-04, An Ordinance of the Dillingham City Council Amending the Budget by Adopting Budget Amendment No. 1 and Appropriating Funds for the FY 2016 City of Dillingham Budget

MOTION: Holly Johnson moved and Paul Liedberg seconded the motion to adopt Ordinance No. 2016-04.

VOTE: The motion to adopt Ordinance No. 2016-04 passed unanimously by voice vote.

- b. Adopt Ordinance No. 2016-05, An Ordinance of the Dillingham City Council Amending Chapter 8.16 of the Dillingham Municipal Code Related to Enhanced 911 Service to Increase the Surcharge from \$1.76 per month to \$2.00 per month

MOTION: Chris Maines moved and Holly Johnson seconded the motion to adopt Ordinance No. 2016-05.

VOTE: The motion to adopt Ordinance No. 2016-05 passed unanimously by voice vote.

- c. Introduce Ordinance No. 2016-06, An Ordinance of the Dillingham City Council Amending Section DMC 4.15.030, Exemptions, to Provide a Cap on Personal Property Tax for Aircraft if the Assessed Valuation is More Than \$300,000

MOTION: Chris Maines moved and Holly Johnson seconded the motion to introduce Ordinance No. 2016-06.

VOTE: The motion to introduce Ordinance No. 2016-06 passed unanimously by voice vote. *(This ordinance will be set for a public hearing May 12, 2016.)*

- d. Adopt Resolution No. 2016-08 (AM), A Resolution of the Dillingham City Council Formally Adopting the Hazard Mitigation Plan

MOTION: Holly Johnson moved and Chris Maines seconded the motion to adopt Resolution No. 2016-08 (AM).

Manager Loera reported since the resolution was introduced no meetings had been held other than discussion at a Curyung Tribal meeting to get a meeting together. The Planning Commission had also met and voted to postpone making a recommendation for sixty days to allow various groups to come together and work on updating it. In the meantime, she had

amended the resolution to identify specific areas that were experiencing significant erosion that would be added to the current plan.

Mayor Ruby commented Julie Baltar of BBNA had confirmed that her organization could help revise the plan, had since commented it might be a conflict of interest, so it might fall to the City to update it.

Discussion ensued:

- Commented influenced by the Planning Commission's request to delay adoption and allow sixty days to update it, recognizing staff time may be limited, but it was important the Plan be updated to apply for FEMA erosion funds; and
- Spoke in favor of delaying adoption and make time to fix some of the glaring errors, included references to charts that didn't exist.

Council members, Misty Savo, Paul Liedberg, and Holly Johnson, volunteered to help City staff revise the plan, recognizing it might be futile to try and get a wider group of other organizations involved given the timeline.

MOTION: Misty Savo moved and Holly Johnson seconded the motion to postpone Resolution No. 2016-08 (AM) for sixty days.

VOTE: The motion to postpone action on Resolution No. 2016-08 (AM) for sixty days passed unanimously by voice vote.

- e. Adopt Resolution No. 2016-17, A Resolution of the Dillingham City Council Approving U.S. Fish and Wildlife's Proposal to Make the Carlson House Property the site of a new U.S. Fish and Wildlife Service Togiak National Wildlife Refuge Headquarters

MOTION: Holly Johnson moved and Chris Maines seconded the motion to adopt Resolution No. 2016-17.

VOTE: The motion to adopt Resolution No. 2016-17 passed unanimously by voice vote.

- f. Adopt Resolution No. 2016-18, A Resolution of the Dillingham City Council Establishing the Level of Funding for the Dillingham City School District for the Fiscal Year Ending June 30, 2017

MOTION: Holly Johnson moved and Paul Liedberg seconded the motion to adopt Resolution No. 2016-18.

Manager Loera reported the FY17 school budget was the same one presented at the workshop with the exception the cover sheet read as Final Budget.

Discussion ensued:

- Asked for clarification; was the Council also being asked to approve the total amount as stated in the first whereas, because the title only addressed establishing the level of funding [contribution].

Mayor Ruby read from DMC 2.72.060 School District - Budget, and AS 14.14.060(c), and summarized the Council was to approve the total amount of the budget and any allocation appropriated by the Council.

MOTION: Holly Johnson moved and Chris Maines seconded the motion to add "approving the total of the FY17 budget" to the title.

VOTE: The motion to amend Resolution No. 2016-018 failed with Holly Johnson, Chris Maines and Curt Armstrong in favor and Misty Savo and Paul Liedberg opposed. *(City Clerk Note: Four affirmative votes are required for passage of a resolution.)*

Discussion:

- Stated there were two actions in the resolution to consider, and the resolution was still unclear.

MOTION: Holly Johnson moved to table the motion. *(City Clerk Note: Since there was no second, no action was taken.)*

Mayor Ruby reported the Council had 30 days to approve the budget from the date the budget was received. If the budget was not approved within 30 days, it was automatically approved.

- Voiced concern teaching positions had been cut, yet the superintendent had received a wage increase, and when the budget was presented, it was not reported;
- Voiced concern the budget wasn't finished since cutting some student activities was still under review, and none of the fringe benefits that went along with the salary increase were in the budget;
- Noted the school budget was a working document, the legislature had yet to approve the school allocation, and the school was in contract negotiations, which could amend the budget later.

Mayor Ruby commented the citizens elected a school board to work on the details, some details were still up in the air, but the school presented a balanced budget and they would amend their budget same as the City.

VOTE: The motion to adopt Resolution No. 2016-18 failed with Misty Savo, Curt Armstrong, and Paul Liedberg voting in favor, and Chris Maines and Holly Johnson opposed. *(City Clerk Note: Four affirmative votes are required for passage of a resolution.)*

Mayor Ruby commented the vote failed and Resolution No. 2016-18 was not adopted.

- g. Adopt Resolution No. 2016-19, A Resolution of the Dillingham City Council Approving a Request for Proposal for Water System Design and Testing

MOTION: Holly Johnson moved and Misty Savo seconded the motion to adopt Resolution No. 2016-19.

VOTE: The motion to adopt Resolution No. 2016-19 passed unanimously by voice vote.

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- h. Adopt Resolution No. 2016-20, A Resolution of the Dillingham City Council Concurring with the Marijuana Advisory Committee's Recommendation Not to Ban or Limit Marijuana Facilities in Dillingham

MOTION: Holly Johnson moved and Chris Maines seconded the motion to adopt Resolution No. 2016-20.

Misty Savo reported the resolution gave the citizens notice that the City was not looking to ban or limit marijuana businesses. She noted following adoption of this resolution, any restrictions could be vetted through the Code Review Committee. She was surprised more people weren't attending the meetings, but no one had really come out in opposition to the committee's recommendations.

VOTE: The motion to adopt Resolution No. 2016-20 passed unanimously by voice vote.

- i. Adopt Resolution No. 2016-21, A Resolution of the Dillingham City Council Authorizing a Long Term Encroachment Permit for Delta Western Inc. to Install Monitoring Wells on City Property

MOTION: Holly Johnson moved and Chris Maines seconded the motion to adopt Resolution No. 2016-21.

Manager Loera reported she would look into the possibility of the City working with Delta Western to share their resources for monitoring wells at the landfill.

VOTE: The motion to adopt Resolution No. 2016-21 passed unanimously by voice vote.

- j. Adopt Resolution No. 2016-22, A Resolution of the Dillingham City Council Authorizing the City Manager to Advertise a Request for Proposal for Replacing Equipment in Lift Stations

MOTION: Holly Johnson moved and Chris Maines seconded the motion to adopt Resolution No. 2016-22.

VOTE: The motion to adopt Resolution No. 2016-22 passed unanimously by voice vote.

- k. Adopt Resolution No. 2016-23, A Resolution of the Dillingham City Council Approving Changes to the Personnel Regulations

MOTION: Holly Johnson moved and Chris Maines seconded the motion to adopt Resolution No. 2016-23.

VOTE: The motion to adopt Resolution No. 2016-23 passed unanimously by voice vote.

- l. Adopt Resolution No. 2016-24, A Resolution of the Dillingham City Council Accepting a Grant Under the Terms of the BBEDC Community Block Grant Program

MOTION: Chris Maines moved and Holly Johnson seconded the motion to adopt Resolution No. 2016-24.

Mayor Ruby disclosed as an employee for BBEDC she oversaw the program but did not gain financially from it.

VOTE: The motion to adopt Resolution No. 2016-24 passed unanimously by voice vote.

- m. Introduce Ordinance No. 2016-07, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property by Lease

MOTION: Chris Maines moved and Holly Johnson seconded the motion to introduce Ordinance No. 2016-07 and set for a public hearing May 12, 2016.

Manger Loera noted this proposal would open up additional areas for lease at the boat harbor.

Discussion ensued:

- Recommended if not already in place that staff would have a set of criteria to evaluate how the results were decided.

VOTE: The motion to introduce Ordinance No. 2016-07 passed unanimously by voice vote.

9. UNFINISHED BUSINESS

- a. Citizen Committee Appointments
 - 1) Planning Commission, 2 Seats Open
 - 2) Library Advisory Board, 2 Seats Open

Mayor Ruby reported there were no letters of interest on file.

- b. DLG Petition to Annex Nushagak Commercial Fishing Waters Update

Mayor Ruby noted this would be taken up under the Executive Session.

- c. Interim Task Force Borough Feasibility Study Update

Mayor Ruby reported a consultant had been chosen, and each community would be contacted in May to nominate someone to represent their community.

- d. Manokotak/Dillingham Road Feasibility Study

Mayor Ruby reported Bristol Bay Environmental would be retained to conduct the feasibility study. She was expecting to sign the final version of the Memorandum of Understanding.

- e. Appoint to the Board of Equalization

Mayor Ruby appointed Chris Maines, Holly Johnson, and Andy Anderson to the BOE, and Misty Savo as the alternate.

10. NEW BUSINESS

- a. Action Memorandum No. 2016-04, Accept the 2016 City of Dillingham Strategic Plan

MOTION: Holly Johnson moved and Chris Maines seconded the motion to approve Action Memorandum No. 2016-04.

VOTE: The motion to approve Action Memorandum No. 2016-04 passed unanimously by voice vote.

- b. Action Memorandum No. 2016-05, Award a Contract for the Septic Concrete Spillway

MOTION: Holly Johnson moved and Paul Liedberg seconded the motion to approve Action Memorandum No. 2016-05.

VOTE: The motion to approve Action Memorandum No. 2016-05 passed unanimously by voice vote.

- c. Action Memorandum No. 2016-06, Authorizing the City to Collaborate with Nushagak Cooperative for a Community Clean-Up May 13, 14, and 15

MOTION: Misty Savo moved and Holly Johnson seconded the motion to approve Action Memorandum No. 2016-06.

VOTE: The motion to approve Action Memorandum No. 2016-06 passed unanimously by voice vote.

- d. Application for Marijuana Establishment License

Manager Loera reported this was for the Council's information only at this time. An applicant for a growing facility had applied to the State, but the application was still in the process of being completed. If approved by the State, the City would have 60 days to rule on it. The State would then have another 30 days to review it. If approved, the applicant would have 90 days to be up and ready to go into business.

- e. Set Up a Reward for Information Leading to DPD Shooting

Mayor Ruby noted the idea of a reward fund for information leading to a conviction had come about as the result of a shooting at an officer. It would be funded from citizen contributions. The fund would be overseen and administered by the Public Safety department, and accounted for in the City budget.

MOTION: Misty Savo moved and Chris Maines seconded the motion to establish the fund that would remain open.

VOTE: The motion passed unanimously by voice vote.

- f. Action Memorandum No. 2016-07, Award a Contract for the FY17 Aggregate Bid

MOTION: Holly Johnson moved and Paul Liedberg seconded the motion to approve Action Memorandum No. 2016-07.

VOTE: The motion to approve Action Memorandum No. 2016-07 passed unanimously by voice vote.

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

There was no citizen's discussion.

12. COUNCIL COMMENTS

Chris Maines:

- Thanked Paul and the Finance and Budget Committee for reviewing the FY17 budget, recognizing that it involved a lot of meetings;
- Thanked Holly Johnson for her involvement on the Carlson House Committee and finding a solution for the property; and
- Thanked Misty Savo for her work on the Marijuana Advisory Committee.

Paul Liedberg:

- Thanked Chris, and acknowledged the Mayor and Manager for all their involvement in the meetings; and
- Thanked the employees for all their hard work.

Misty Savo:

- Thanked the Public Works Director for working for the City, that he had done a good job;
- Noted the Native Youth Olympics was happening over the weekend; and
- Noted April 27 was the next Marijuana Advisory Committee Meeting to pass the word along if they have some information they want to share.

Holly Johnson:

- Recognized the Finance Department for doing a good job, appreciated the Finance Director emailing the quarterly reports; and
- Voiced concern the January expenses were a little high especially concerned with State cuts already happening.

13. MAYOR'S COMMENTS

Mayor Ruby:

- Reported the minutes from the BBNA Economic Development conference that she had attended would be in the May packet;
- Reported she and Manager Loera met with Lieutenant Governor Mallot, and had shared their concerns for funding revenue sharing, PERS, Dist. Attorney office;
- Reported she and Manager Loera were interviewed by Rhonda McBride and shared their concerns over challenges facing Dillingham;
- Thanked Public Works Director for working for the city and wished he and his family well;
- Asked for a moment of silence to remember those lost since the last meeting.

14. EXECUTIVE SESSION

A. Legal Matter

- 1) Dillingham & Manokotak Annexation Petitions
- 2) Climate Change Litigation

MOTION: Misty Savo moved and Paul Liedberg seconded the motion to enter into executive session to discuss Legal Matters, Dillingham & Manokotak Annexation Petition and Climate Change Litigation. [9:55 p.m.]

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

Manager Loera and Janice Williams joined the session along with Attorney Brooks Chandler who attended via teleconference.

Chris Maines departed at 10:30 p.m.

MOTION: Holly Johnson moved and Curt Armstrong seconded the motion to come out of executive session [10:49 p.m.].

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

15. ADJOURNMENT

Mayor Ruby adjourned the meeting at 10:49 p.m.


 Mayor Alice Ruby
 [SEAL]

ATTEST:


 Janice Williams, City Clerk
 Approval Date: 5/12/16