

I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, September 5, 2013, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:20 p.m. A workshop at 6:30 p.m. to review the June 30, 2013 Financial Statements preceded the meeting.

II. ROLL CALL

Mayor Alice Ruby was present.

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

Brenda Akelkok, Seat A
Chris Maines, Seat B
Bob Himschoot, Seat C (*arrived at 7:23 p.m.*)
Keggie Tubbs, Seat D
Tracy Hightower, Seat E

Paul Liedberg, Seat F – absent and excused

Staff in attendance:

Rose Loera, City Manager
Francisco Garcia, Public Works Director
Carol Shade, Finance Director
Dan Pasquariello, Chief of Police/Sergeant-at-Arms
Jody Seitz, Planning Director
Janice Williams, City Clerk

III. APPROVAL OF MINUTES

A. Regular Council Meeting – August 1, 2013

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve the minutes of August 1, 2013.

VOTE: The motion passed unanimously.

B. Special Council Meeting – August 13, 2013

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve the minutes of August 13, 2013.

VOTE: The motion passed unanimously.

IV. APPROVAL OF CONSENT AGENDA

There was no consent agenda.

APPROVAL OF AGENDA

Mayor Ruby commented under Executive Session item B would be taken up before item A.

(Clerk Note: Bob Himschoot arrived at 7:23 p.m.)

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve the agenda that was revised September 4, 2013.

VOTE: The motion to approve the agenda passed unanimously.

V. STAFF REPORTS**A. City Manager Report**

City Manager Rose Loera reported on the following:

Library Roofing – nearing completion; hoping to finish up the following week;

Baffles Installed in the Sewer Lagoon – AkDEC had inspected the lagoon and reported a considerable positive difference;

Animal Shelter – staff had moved into their new quarters although it wasn't completely finished, City will hold an open house when construction's completed;

Fire Dept. Coordinator Position – still in negotiations with the perspective candidate; there was one other possible applicant;

Dock Open – 1st barge since the repairs were made arrived earlier in the day; staff had directed the barge to not pivot on the corners; staff will be available when barges dock and depart;

Other Job Announcements – two police officer positions vacant, and public works director started in his new position September 2;

Planning Commission Resolution 2013-18 – recommending the resolution regarding the development of material sites to be vetted through the Code Review Committee;

Wellness Program – program sponsored by the City's health insurance carrier required a health screening from the 24 employees that participated; the screening would be an annual event; and

Airport Expansion – part of the project was to trade some wetlands for gravel, as a result the City would receive 1,000 tons of gravel; the gravel could be stored at the landfill and some of it used to cover cell sites.

Mayor Ruby addressed PC Resolution No. 2013-18, commenting the resolution from the Planning Commission was recommending that the issue be vetted through Code to work out the different alternatives, such as requiring a land use permit, a separate set of codes, zoning, a development permit.

Discussion:

- commented the issue required technical expertise to assess the project and thought it would be better vetted through the planning commission that would be responsible for regulating, answered part of the vetting was to find out to what degree the city wanted to regulate; and
- commented this was broader than Knik and encouraged contacting BBNC to see if they might be able to provide some expertise.

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to move the consideration of regulations of material sites to the Code Committee.

Mayor Ruby noted this item would be on the Code Committee's September agenda and would look to have a report to the Council by October or November.

Discussion:

- opined that the broader issue of resource extraction would be better placed with the Planning Commission; agreed at some point it could be their responsibility to evaluate if the City adopted a permit system, but they also realized the City needed to move forward with a minimal plan at the very least; and
- commented hadn't detected a desire from anyone to shut down gravel extraction, just influence development.

VOTE: The motion to move the consideration of regulations of material sites to the Code Committee passed unanimously.

Manager Loera:

- Grant and Fund Research – planning director was busy applying for a village energy efficiency grant for City buildings (\$337K), and for the remaining funding for waste water treatment plant, and landfill;
- Lobbyist Reports – mistake in the PILT funding amount for FY13 of \$811 should be \$437;
- Lutri (drug dog) - qualified to go back to work now that a patrol officer had been trained to work with him;
- U POP EM Fireworks – owner of the fireworks stand at the boat harbor was asking the city to reconsider an earlier request to move its operation, noting had not found where a prior administrator had supposedly given the owner permission to remain there, and unless there was any objection would be confirming the City's position; and
- Small Community Emergency Response Plan – working on it in house and will then invite in other agencies.

Discussion:

- asked to reconsider the new winter hours to remain open until 6 p.m. until 5:30 p.m. to make it easier to get to the landfill for those that work until 5 p.m.;
- asked if the original issue with the fireworks stand was still relevant, answered the possibility of another fire and close proximity to the harbor remained an issue;
- noted fishermen are always concerned about fires in the harbor, and at the Port of Dillingham Advisory Committee supported the City's effort to move it further from the harbor;
- felt it was in store to meet with the owner and inform the City welcomed the business and was not asking them to move the operations outside city limits;
- noted would be more concerned if the business was moved into a heavily congested neighborhood; and
- asked if it would be in order to get an opinion from the Fire Dept. Executive Committee, staff to follow up.

B. Standing Committee Reports

Mayor Ruby referred the Council to the minutes of the Code Review Committee enclosed in the Council packet.

Finance and Budget Committee Chair Bob Himschoot thanked staff for holding the water and wastewater study workshop, and referred the Council to the minutes of the Finance Committee enclosed in the packet.

Discussion:

- commented the extraordinary cost of the sewer lift stations and people not receiving water and sewer service shouldn't have to subsidize the cost of the lift stations when they're not on it; answered one of the parameters of the study was that the systems cover their own O&M costs.

VI. PUBLIC HEARINGS

There was no public hearing.

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

Tim Fritzler, General Contractor for Wolverine Supply reported he was attending on behalf of the U of Fairbanks Bristol Bay Campus project that required installing a tie in to the City's water main. He was asking if the resolution could have a definite date on the project for warranty work.

VIII. ORDINANCES AND RESOLUTIONS

- A. Introduce Ordinance No. 2013-17, An Ordinance of the Dillingham City Council Amending Title 17 of the Dillingham Municipal Code to Add Section 17.33 Establishing a Simple Procedure for Dedicating Rights-of-Way Dedicated for a Public Purpose

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to introduce Ordinance No. 2013-17 and set the public hearing for the next regularly scheduled meeting.

VOTE: The motion to introduce Ordinance No. 2013-17 passed unanimously.

- B. Resolution No. 2013-50, A Resolution of the Dillingham City Council Supporting the Reestablishment of the Alaska Regional Development Organizations (ARDOR) in the State of Alaska

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Resolution No. 2013-50.

Mayor Ruby reported SWAMC had asked municipalities to renew their support, noting although the legislators had not adopted the enabling legislation, the money was in the Governor's operations budget, and legislators had promised to take it up in the upcoming legislative session.

VOTE: The motion to approve Resolution No. 2013-50 passed unanimously.

- C. Resolution No. 2013-51, 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: Keggie Tubbs moved and Chris Maines seconded the motion to approve Resolution No. 2013-51.

Manager Loera reported the Council had given her authority to rent out the Potato House at a prior meeting. She had received three responses, and since GCI was the furthest along in the process, had offered them the lease. Further discussion noted the use fit the building design, and the lease was on a year-to-year basis with the possibility of extending it up to four years.

VOTE: The motion to approve Resolution No. 2013-51 passed unanimously.

- D. Resolution No. 2013-52, A Resolution of the Dillingham City Council Approving Amending the BBEDC CBG Grant from Assessing the Downtown Storms Drains to Upgrading and Increasing Technologic Capacity Throughout the City

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Resolution No. 2013-52.

Manager Loera reported \$60K approved earlier for use on the storm drains downtown was already incorporated in the State's Downtown Streets budget. She was asking the Council to use that money instead to increase and upgrade the City's technology needs, many computers were on MS XP which would no longer be supported sometime next year, many of them were out of warranty, software programs would be more consistent, and would start a replacement program. She noted the purchases would be shared with Curyung Tribe at the next MOU meeting.

Discussion:

- asked if this purchase could be justified as fisheries-related a requirement of the BBEDC CBG, answered another grant requirement was could it meet the economic standards of the community, felt it would replace the library's six computers that failed this summer, provide connection to the water and wastewater treatment plant, and the landfill; and
- concerned if the City had resources to help with training on the Windows 7 and network integration, answered would rely on Tekmate for their expertise.

Mayor Ruby disclosed that she worked for BBEDC and administered the program, but would not benefit financially from this resolution. She clarified that for the purposes of this program, the way fisheries-related had been interpreted was if it supporting the infrastructure that supported the fisheries, harbor, landfill, dock.

Keggie Tubbs disclosed that he worked for BBEDC and would not benefit financially from this resolution.

VOTE: The motion to approve Resolution No. 2013-52 passed unanimously.

VOTE: The motion to approve Resolution No. 2013-52 passed unanimously.

- E. Resolution No. 2013-53, A Resolution of the Dillingham City Council Authorizing the University Science Center to Tie into The City's Water Main on D Street

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Resolution No. 2013-53 with guidance from staff did it need a date.

Planning Director Seitz recommended in condition #4 (warranty work) due to the installation, suggest inserting "until June 30, 2015 or until DOT begins removing pavement, whichever is sooner". She noted the University was making the contractor responsible for the conditions in the resolution. The contractor noted it was urgent to get the resolution adopted because it was time sensitive.

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to amend the condition #4 to add until June 30, 2015 or until DOT starts removing the pavement, whichever occurs first.

Discussion:

- commented did not feel the 4 foot wide install in the street to put in the 6" water line was much of a liability, and to allow the contractor to continue with the project.

VOTE: The motion to approve the amendment passed unanimously.

VOTE: The motion to approve the amended Resolution No. 2013-53 passed unanimously.

- F. Resolution No. 2013-54, A Resolution of the Dillingham City Council Authorizing the City to Apply for a Loan to the Alaska Clean Water Fund

MOTION: Bob Himschoot moved and Tracy Hightower seconded the motion to approve Resolution No. 2013-54.

Manager Loera reported the loan application would provide DEC the opportunity to conduct an independent review of the City's financial status, would not commit the City to the loan, similar to a line of credit, which would provide a 1.5% interest. The loan would be for a planning grant to show the City was serious about moving forward with a gasification system that would show it would improve the water quality at the landfill. It would also get the City on DEC's intended use list. The loan would be for \$240K. The process would put the City in a queue for a larger loan later if needed to purchase the gasification plant. DEC wouldn't consider a loan unless the City started the planning process.

She noted the money could also be used to update the Solid Landfill Management Plan which was being required by DEC whether the loan was applied for or not, and look into purchasing a scale at the landfill.

Discussion:

- concerned the financial analysis might point out that landfill rates would need to be increased if it was a requirement to take advantage of the loan, similar to when the water and wastewater loan application was pursued.

VOTE: The motion to approve Resolution No. 2013-54 passed unanimously.
G. Resolution No. 2013-55, A Resolution of the Dillingham City Council Amending the 2014-2019 Capital Improvement Plan and the FY 15 Legislative Priorities List

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve Resolution No. 2013-55.

Manager Loera noted this resolution would amend the previous resolution to remove the expense for storm drains downtown and to add dolphins at the dock to protect it.

VOTE: The motion to approve Resolution No. 2013-55 passed unanimously.
H. Resolution No. 2013-56, A Resolution of the Dillingham City Council Supporting Curyung Tribal Council's BBEDC Arctic Tern Grant Application

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Resolution No. 2013-56.

Mayor Ruby noted this was a formality required by BBEDC and disclosed she worked for BBEDC, managed the program, but would not benefit financially. Keggie Tubbs reported he worked for BBEDC and would not benefit financially. Chris Maines disclosed he worked for Curyung Tribe and would not benefit financially.

VOTE: The motion to approve Resolution No. 2013-56 passed unanimously.

IX. UNFINISHED BUSINESS

- A. Citizen Committee Appointments
1. Cemetery Committee, 4 Seats Open
 2. Planning Commission, 3 Seats Open
 3. Wood-Tikchik State Park Advisory Council

Mayor Ruby reported there were no nominations for the Cemetery Committee or Planning Commission. She noted Jody Seitz represented the community of Dillingham on the Wood-Tikchik State Park, her seat was up, and she would be willing to serve again. The Governor's office required at least three nominations. Mayor Ruby suggested nominating several Council members as had been done in the past, give their names to the Governor, and hopefully he would appoint Jody again. Keggie Tubbs threw in his name, and she would find another Council Member.

X. NEW BUSINESS

- A. Action Memorandum No. 2013-25, Authorize the City Manager to Execute a Contract with Tekmate LLC to Provide Technical Support for all City Departments

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Action Memorandum No. 2013-25.

Manager Loera reported the City had gone out to bid for a sole IT provider for all departments. Two firms had submitted a bid, the City distributed additional technical questions, and Tekmate was the only firm that responded. She was recommending hiring Tekmate who met the qualifications of the RFP.

VOTE: The motion to approve Resolution No. 2013-25 passed unanimously.

- B. Action Memorandum No. 2013-26, Authorize the City Manager to Execute a Contract with Bennett Enterprises LLC for the FY 2014 Aggregate Bid

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Action Memorandum No. 2013-26.

Manager Loera reported this was an annual bid. Bennett Enterprises was the lowest and only bidder. The City would not need the pit run now that it had received the gravel from the State.

Discussion:

- commented it had been a few years since the City had multiple bidders; and
- concerned that the sand was 50% higher than last year, answered the contractor had responded even though the City should go out to bid earlier in the year to allow more time to prepare the sand, it was getting more expensive to prepare.

VOTE: The motion to approve Resolution No. 2013-26 passed unanimously.

- C. Action Memorandum No. 2013-27, Authorize the City Manager to Execute a Contract with Agnew::Beck to Provide Consulting Services for a New Public Safety and Fire Department Building

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Action Memorandum No. 2013-27.

Manager Loera reported the City had received two responses and after analyzing the bids Agnew::Beck had done the best job of addressing the RFP. Recently she found a third bid on her desk that was not addressed to the City Clerk, but to the City Manager, nor did the envelope identify the contents. She noted the instructions were very clear, and since the 3rd responder did not follow them, was recommending the City move forward and award a contract to Agnew::Beck, a qualified bidder.

Discussion:

- noted had assumed the Council was going to determine the direction the City was going to take, answered the consulting firm would get the stake holders (Fire Dept., National Guard, State Troopers) together since there were differing opinions of what the building should be like, but the final decision would be the Council's; and
- noted the parcel of land that the fire dept. was located on had been donated by Peter Pan for a Youth Center.

Mayor Ruby noted there would be a core group of people working on it which would include several Council members.

VOTE: The motion to approve Resolution No. 2013-27 passed unanimously.

- D. Parks and Recreation Committee Expires December 31, 2013 Unless Extended by City Council

Mayor Ruby noted the committee would sunset unless extended by the City Council. She advised having the chair report in person to the Council, to include if they were meeting the expectations that they had advocated for, and a recommendation asking for an extension. A resolution would be brought back to the next council meeting.

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

There was no citizen's discussion.

XII. COUNCIL COMMENTS

Bob Himschoot: No comment.

Chris Maines:

- commented he was disheartened to see he was the sole Council candidate for this election and encouraged others to run.

Keggie Tubbs:

- commented he hoped other people would step up as well; and
- noted he was disheartened we'd lost a lot of people in the community recently, combination of elders and young people, condolences to the families suffering losses of a loved one.

Tracy Hightower: No comment.

Brenda Akelkok:

- complimented Chris on his nice radio voice, (referring to his interview for Council seat).

XIII. MAYOR'S COMMENTS

Mayor Ruby:

- commented Brenda Akelkok's last meeting would be next month, and hoped she was thinking about the next cycle;

- noted she'd been getting calls about the mining project, had given the Council a report on the meeting she'd attended, and would keep working on it; and
- noted she would be attending the SWAMC board strategic meeting in October and would appreciate ideas for how they could be more involved in issues.

Discussion:

- commented SWAMC had been helpful as capital projects came up, getting letters of support and resolutions and adding the project into their economic development plan.

Mayor Ruby:

- welcomed Pancho Garcia onboard as the new public works director;
- thanked staff, noted it had been a busy summer, and was impressed with the City getting so much done; and
- commented she was sad to see the loss of many other people in the community, especially when they are family members we know and are people that we work with every day, and to recognize a moment of silence for those lost since the last meeting.

XIV. EXECUTIVE SESSION

A. Personnel Matter

1. Manager's Contract

B. Legal Matter

1. Update from the Public Safety Department

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to enter into executive session to discuss Personnel Matter, City Manager's Contract and Legal Matter, Update from the Public Safety Department. [9:13 p.m.].

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

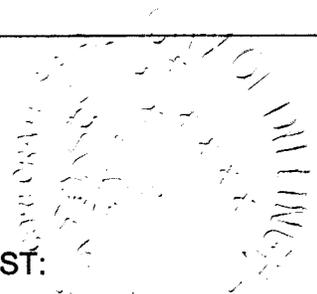
The Mayor and Council moved into executive session. Manager Loera, City Clerk Williams, and Chief of Police Pasquariello were included in the session under item B. Legal Matter, and Manager Loera was also included under item A, Personnel Matter.

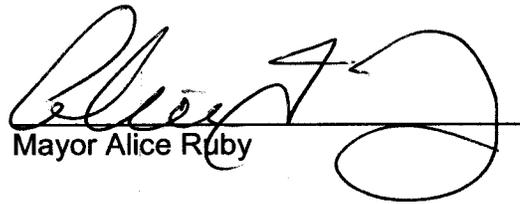
MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to come out of executive session [10:12 p.m.].

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

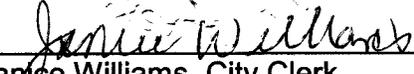
XV. ADJOURNMENT

Mayor Ruby adjourned the meeting at 10:12 p.m.




Mayor Alice Ruby

ATTEST:


Janice Williams, City Clerk

Approval Date: October 10, 2013