

**I. CALL TO ORDER**

The regular meeting of the Dillingham City Council was held on Thursday, May 21, 2009 at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:05 p.m.

**II. ROLL CALL**

Mayor Alice Ruby present

Council Members present:

Keggie Tubbs  
Bob Himschoot  
Steve Hunt  
Sue Mulkeit  
Carol Shade  
Tim Sands

Staff/Project Manager(s) in attendance:

Janice Shilanski, City Manager  
Richard Thompson, Chief of Police  
Ruth Steele, Interim Finance Director  
Jody Seitz, Planning Director  
Karen McCambly, City Clerk

**III. APPROVAL OF MINUTES**

A. Minutes of Preceding Meetings

1. Special Meeting, April 27, 2009

MOTION: Keggie Tubbs moved and Carol Shade seconded the motion to approve the minutes of April 27, 2009.

Discussion:

- noted that under discussion Item B on page two it should read City instead of school; and
- stated that Steve Cropsey commented that the engineering survey and request for proposal were both very complete and should reduce the need for change orders.

VOTE: The motion passed unanimously.

2. Regular Meeting, May 7, 2009

MOTION: Keggie Tubbs moved and Carol Shade seconded the motion to approve the minutes of May 7, 2009.

Discussion:

- requested that under Item A of New Business, "to amend the motion", be added to the second motion; and
- noted that under that same discussion item it should say subsidized instead of substantial.

VOTE: The motion passed unanimously.

#### **IV. APPROVAL OF CONSENT CALENDAR**

MOTION: Tim Sands moved and Steve Hunt seconded the motion to approve the consent calendar.

Discussion: None.

VOTE: The motion passed unanimously.

#### **APPROVAL OF AGENDA**

Mayor Ruby informed the Council that agenda item XII. Executive Session would be removed.

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve the agenda as amended.

Discussion: None.

VOTE: The motion passed unanimously.

#### **V. STAFF REPORTS**

##### **A. City Manager Report**

City Manager Shilanski:

- reported that she went to the IMCA site to review guidelines for the priorities list; and
- stated that she did consolidate the list and that every item is either in progress or complete but that she will continue to update the Council.

Discussion:

- commented on the Public Works Department report and requested that the Council extend a special thank you letter to each one thanking them for their time and effort as the public often remembers when something is wrong but forgets to tell them when things go right;
- asked who wrote Port Department report, answered that they would be asked to sign; and
- encouraged taking the time to talk with neighbors as noted in the Port Department report.

##### **B. Standing Committee Report**

Finance and Budget Committee:

- reported that the committee has identified projects that the committee wanted to include;
- reported that the committee is 95% of the way through and will meet again on Tuesday; and

- requested a special meeting the following Thursday to introduce the budget with a workshop to be held prior to get the Council familiar.

Public Outreach Committee:

- reported that the committee will bring a resolution to the Council for approval of the Alaska Coastal Climate Change Compact.

Code Committee:

- reported that the committee met last Thursday and that included in the packet was a resolution requested by the Planning Commission in relation to the preliminary plat standards for access to surrounding parcels; and
- stated that the Code Committee is looking for Council concurrence to add amending of the road language to the code committee assignments.

Clerk Note: There were no objections to add this item to the Code Committee's To Do List.

School Facilities Committee:

- reported having had conversations with the school about holding a meeting for some time;
- stated that the City Manager would try to put one together before June 1<sup>st</sup>;
- asked if the City received a response regarding maintenance to the building answered that the school's response led the Mayor to believe that they need to talk;
- noted that the school is struggling with their budget and that they have no final word on the stimulus money but that they are hoping the funds will cover the position.

SWAMC:

- reported that the board has applied for a USDA grant to do a series of small business workshops in the region targeting primarily the Aleutian area;
- noted that years ago Senator Stevens channeled funds through SWAMC to help mitigate the Stellar Sea Lion ruling that ended up shutting off high seas fishing areas;
- commented that interest earned on SWAMC district funds was used to do region wide projects and that now is the time for new policies to be taken up in August; and
- reported that the next SWAMC conference is to be held in January.

## VI. PUBLIC HEARINGS

There was no public hearing.

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

There was no citizen's discussion.

## VIII. ORDINANCES AND RESOLUTIONS

- A. Resolution No. 2009-29, A Resolution of the Dillingham City Council Authorizing the City Manager to Waive the Advertising Requirements and Approve a Contract with Bristol Environmental & Engineering

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to approve Resolution No. 2009-29.

The City Manager stated that this was a follow up from the last meeting to waive the advertisement requirements for professional service for ongoing services. Stated that BEESC did the engineering study for the water projects and put together the master plan as they have been the City's engineering firm for a while.

Discussion: None.

VOTE: The motion passed unanimously.

- B. Resolution No. 2009-30, A Resolution of the Dillingham City Council Authorizing the City Manager to Extend Contract Services with the Auditing Firm of Mikunda, Cottrell & Co., Inc. for FY 2010 and FY 2011.

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Resolution No. 2009-30.

The City Manager stated that when the City went out to bid for auditing services in 2006 that the contract was for FY 2006, 2007 and 2008 with provision to extend for two years by mutual agreement. She stated that they agreed to provide services for FY 2009 and 2010.

Discussion:

- reported that the Finance Committee recommends that the resolution be adopted by the Council as there has been a long standing relationship and considering the turnover in the Finance Department being consistent with auditors is important for staff;
- noted that the resolution should read FY 2009 and FY 2010; and
- commented that firms interested in working with small communities are limited and that once a good deal is made that it is hard to find better.

VOTE: The motion passed unanimously.

- C. Resolution No. 2009-31, A Resolution of the Dillingham City Council Authorizing the City Manager to Waive the Advertising Requirements to Contract for Consulting Services to Assist in Preparing a Petition to Annex Territory into its City.

MOTION: Carol Shade moved and Bob Himschoot seconded the motion to approve Resolution No. 2009-31.

The City Manager stated that the code does allow waiving if it is in the best interest of public.

Mayor Ruby stated that there is a long standing relationship with Sheinberg as they did the last study and workshop stating that it seems logical to continue with the same contractor.

Discussion: None

VOTE: The motion passed unanimously.

- D. Resolution No. 2009-32, A Resolution of the Dillingham City Council Authorizing the City Manager to Award a Contract with Sheinberg Associates to Assist in Preparing A Petition to Annex Territory into its City

MOTION: Keggie Tubbs moved and Carol Shade seconded the motion to approve Resolution No. 2009-32.

The City Manager noted the attached contract to hire for services.

Mayor Ruby noted that Sheinberg answered the Council's timing question stating that the City may not have the petition ready for the 2010 legislative session but that Sheinberg was aware of the desired timing.

Discussion:

- asked to clarify that the Council is asking Sheinberg to put together the fiscal analysis and that there will be time to pick and choose the options if it is decided to move forward at all;
- noted a difference in numbers as Sheinberg's fee estimate are \$23,996 with reversible of \$3,896 which is different than the resolution;
- commented that the resolution and contract do not provide an option of not proceeding after the fiscal analysis;
- requested that the contract offer a breakpoint where work that is billable is paid as there is a significant difference between the 25% for the fiscal analysis at \$6K and \$24K for all of it;
- stated that Sheinberg is aware that the Council felt strongly about having a trigger point;
- commented that the Council could insert in the scope of services a line stating that no petition will be prepared if the Council chooses not to move forward;
- noted that the City makes payments as services are preformed;
- commented that the estimate of 25% may not hold true as there would not be much after travel expenses that it may be larger than 25% to get to that point, answered that 25% is for the fiscal analysis that travel expenses takes place after;
- asked if the City uses in house boiler plates for creating contracts assured that the intent expressed is what is reflected in the contract; and
- commented that we have had a good, open relationship with Sheinberg.

MOTION: Keggie Tubbs moved and Sue Mulkeit seconded to amend the adoption of Resolution 2009-32 to direct the Manager to include the verbiage in the scope of services adding no petition will be prepared if the Council chooses not to go forward and to also amend the amounts in the be it further resolved to say that this work is \$23,996 and \$3,896 for travel lodging/meals.

VOTE: The amended motion passed unanimously.

- E. Resolution No. 2009-33, A Resolution of the Dillingham City Council Approving Waiving the Job Advertising Requirements to Fill the Position of Interim Public Works Director.

MOTION: Bob Himschoot moved and Steve Hunt seconded the motion to approve Resolution No. 2009-33.

The City Manager reported that the Public Works Director's (PWD) last day was May 8<sup>th</sup> that there are currently no applications submitted for a PWD. Reported that Hank Boggs applied previously and that the City Manager did contact him and asked if he would serve as an Interim PWD. The City Manger stated that she would not look to fill the position as long as Boggs served

as the interim commenting that the City is going into the summer season, needs leadership and that the resolution would waive the job advertisement. Stated that there is a stipulation that the City Manger can publish a part time or temp as deemed appropriate and is asking the Council to approve the resolution which will be taken up under New Business.

Discussion:

- noted concern in the amount of waiving with caution against relying upon waiving the code and policies, answered that the point was well taken but that each one should be looked at on own merit;
- commented that it is case by case that the Council does not want to fall into a pattern as there are provision in code for specifics reasons based on emergencies stated that if the City is in a state of perpetual emergency that the Council should deal with the issues instead of waiving statues;
- asked if there is a time line for filling the position answered that the City would start looking in August as employees are scheduling their annual leave at this time and that the City needs to get through this busy time;
- stated that this is not a reflection on management as the responsibility is on the Council as well as the City Manager answered that each needs to looked at with their own merit;
- commented that when asked Public Works what the common denominator was that the director was either coming out of retirement or about to retire; and
- stated that it would be nice to groom a PWD but that when the employees were asked if they were interested that they said no.

VOTE: The motior: passed unanimously.

F. Resolution No. 2009-34, A Resolution of the Dillingham City Council Authorizing Foreclosure Proceedings on Delinquent Property Taxes for the Years 2003 – 2008.

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Resolution No. 2009-34.

The City Manager reported that this is the normal process at the end of the year stating that the list of delinquent accounts needs to be brought before the Council for approval that once approved the list would be advertised with follow through on the foreclosure process. Noted that foreclosure is a long process and that the petition filed for judgment last year will not come up until February of next year and that the City is asking for the Council to approve the list.

Discussion:

- asked if 2003-2008 was included because it has not been done in a while or if it has not been resolved answered that they are delinquent for 2008 but also owe for prior years;
- asked if this process has not been happening, answered that the City can only collect on six years that last year it was done it was not known if this was done prior but that it will be on a regular schedule now;
- asked if this is catch up answered that it is taxes due for prior years;
- stated that prior to the current City Manager that it had not been done consistent but the City is making the effort now;
- stated that what was accomplished with outreach before it gets to foreclosures critical step as foreclosure is something that has to be done but is a serious step;

- noted that there is allowance for payment to be made on reasonable period of time asked if it is on a case by case basis, answered that reasonable is about a year or less because if you make a deferred payment agreement go longer you have gone into another year and have to make sure not only get caught up for the prior but also keep current;
- asked if it was codified answered that it should be something that realistic;
- stated that it is not on the Code Committee list that the Council has never established a policy to give staff authority so the staff has developed reasonable terms that they are trying to apply consistently and that it is on the Codes Committee's list;
- stated that the more liberal the better as it is in everyone's best interest to keep people in their homes and work with them as much as possible within reason;
- asked if there is a per person dollar amount that it costs to pursue foreclosure and if there is going to be a big cost associated with the smaller amounts, answered that accounts would not be singled out to discuss but that last year there was a cut off on those that would be pursued; and
- spoke in favor of the Code Committee of creating policies that guided resolution of accounts agreeing that some start out small enough that after couple years the City would never collect money but that it is on the Code Committees list as a priority.

VOTE: The motion passed unanimously.

- G. Resolution No. 2009-35, A Resolution of the Dillingham City Council Approving Amendment No. 1 to the Contract with Blue Skies Solutions, LLC.

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Resolution No. 2009-35.

The City Manager stated that Blue Skies Solution is a firm that the City Planner is working with on the GIS needs assessment stating that this is an amendment to that contract by \$2,975 that the money would come out of the budget line item and that the resolution would be to approve the amendment to the contract.

Discussion: None.

VOTE: The motion passed unanimously.

## **IX. UNFINISHED BUSINESS**

There was no unfinished business.

## **X. NEW BUSINESS**

- A. Special Meeting & Budget Workshop - May 28
1. Introduce Ordinance to Approve FY10 Budget

Mayor Ruby stated that the Finance and Budge Committee wanted to present a draft budget and hoped that the Council would set a Workshop at 6 pm and Special Council meeting at 7 pm to introduce the budget. Stated that ordinances has to be introduced at one meeting and posted with a public hearing at a meeting before it can be adopted.

MOTION: Keggie Tubbs moved and Carol Shade seconded the motion to set a Workshop for 6 pm and a Special Meeting at 7pm on May 28, 2009.

Discussion:

- noted that the understanding of the purpose of the Special Meeting is to introduce the Ordinance to approve the FY 2010 budget; and
- requested that the environmental resolution be included on the agenda as well; and
- asked if it were limited to the budget, answered that Mayor and City Manager could add what was deemed important.

VOTE: The motion passed unanimously.

B. Transition Plan - Interim Public Works Director

The City Manager noted that included in the packet was the employment agreement for Hank Boggs as the Interim Public Works Director as talked about previously. Stated that one change needed to be made which would be to take out Ruth and add Hank Boggs. Reported that on the backside was a copy of his resume that he worked with City on several different occasions.

Discussion:

- asked if the Council was being asked to approve an employment agreement, answered yes;
- noted that the contract was through August 31<sup>st</sup> and before the position was filled on a permanent basis that the City would do advertising and regular recruiting, answered yes.

MOTION: Bob Himschoot moved and Steve Hunt seconded the motion to approve the employment agreement for the Interim Public Works Director.

Discussion:

- spoke in support of the resolution as summer is a busy time and someone it needed to head the department; and
- asked what is deemed temporary and what is deemed as getting his feet wet and wanting to know if this is going to be permanent wanting to be clear that this position will be open and that he will have to apply just as everyone else, answered yes.

VOTE: The motion passed unanimously.

C. Appoint Committee Members

1. Senior Advisory Commission

Mayor Ruby stated that Dugan Nielsen and Mary Ann Dickey were both interested in filling the positions. Stated that the advisory committee would do well with Mary Ann continuing and addition of Dugan. Asked for Council concurrence for the appointment.

MOTION: Bob Himschoot moved and Carol Shade seconded to concur with the Mayor's reappointment of Mary Ann Dickey and appointment of Dugan Nielsen to the Senior Advisory Committee.

Discussion: None.

VOTE: The motion passed unanimously.

## **XI. CITIZEN DISCUSSION (Open to Public)**

There was no citizen's discussion.

## **XII. COUNCIL DISCUSSION**

Tim Sands

- thanked the City employees; and
- stated that he would be in Togiak for the Finance Committee meeting and may dial in for the meeting but might not for the workshop.

Sue Mulkeit:

- thanked the City staff.

Carol Shade:

- thanked the City staff for a wonderful job done in the month of May.

Steve Hunt:

- none.

Keggie Tubbs:

- thanked the City Manager and City staff for the work put into the workshop;
- thanked Ruth Steele and the finance staff for all their support on the Finance Committee;
- commented that the Council will see the fruits of their labor next week and that he is pleased to be on the Finance Committee.

Bob Himschoot:

- congratulated the 8<sup>th</sup> grade as well as his daughter for their graduation;
- congratulated the high school graduating class in advance;
- noted the report from the Senior Center Director about the fresh veggies and donation of boxes of full circle farms that do not get picked up; and
- stating that it is a wonderful idea and is a small example of things that happen that does not always get noticed.

## **XIII. MAYOR DISCUSSION**

Mayor Ruby:

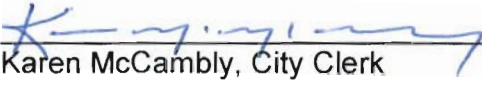
- thanked Carol and Jody and all who worked on Bike to Work Day;
- thanked Ruth and Gregg in the Finance Department;
- thanked the Fire Department for doing trauma day as they are primarily volunteers and their service is worthwhile;
- stated that she will be out of town for the first couple weeks of June; and
- acknowledged the loss of elders: Nels Wahl, Mary Timurphy and Hannah Sorensen.

## **XV. ADJOURNMENT**

Mayor Ruby adjourned the meeting at 8:18 p.m.

  
Alice Ruby, Mayor

ATTEST:

  
Karen McCambly, City Clerk