

1. CALL TO ORDER

A regular meeting of the Dillingham City Council was held on Thursday, November 5, 2020, via video and conference call, in Dillingham, Alaska. Mayor Ruby called the meeting to order at 7:00 p.m.

2. ROLL CALL

Mayor Ruby was present.

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

Andy Anderson	Curt Armstrong	Gregg Marxmiller
Chris Napoli	Bill Rodawalt	Aksel Buholm

Staff in attendance:

Tod Larson	Lori Goodell	Sam Severin
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3. APPROVAL OF MINUTES

- a. Regular Council Meeting, October 1, 2020
- b. Special Council Meeting, October 15, 2020

MOTION: Chris Napoli moved and Andy Anderson seconded the motion to approve the minutes of October 1, and October 15, 2020 in block.

October 1, 2020 Council Comments, add "the head of the" prior to CDC under Gregg Marxmiller comments.

VOTE: The motion passed as amended unanimously by roll call vote.

4. APPROVAL OF CONSENT AGENDA

- a. Adopt Resolution 2020-21; A Resolution of the Dillingham City Council Amending the Bank Signature Card for Wells Fargo Checking Account Due to a Change in Council Members
- b. Adopt Resolution 2020-22; A Resolution of the Dillingham City Council Amending the Investment Account Signature Authority Forms for the City Investment Accounts Due to a Change in Council Members
- c. Adopt Resolution 2020-23; A Resolution of the Dillingham City Council Expressing Thanks and Commendation to Mr. Braden Tinker
- d. Adopt Resolution 2020-24; A Resolution of the Dillingham City Council to Offer Thanks and Commendation to Kaleb Westfall For His Service on the Dillingham City Council

MOTION: Chris Napoli moved and Gregg Marxmiller seconded the motion to approve the consent agenda.

Resolution 2020-23 was read aloud at the request of the Council.

VOTE: The motion passed unanimously by roll call vote.

APPROVAL OF AGENDA

MOTION: Chris Napoli moved and Aksel Buholm seconded the motion to approve the agenda.

VOTE: The motion passed unanimously by roll call vote.

5. STAFF REPORTS

a. City Manager and Staff Reports

In addition to the written report the City Manager reported on the following:

- The request to remove burn barrels from the burn permit will be taken care of.
- Two Police Officers have been hired.

b. Standing Committee Reports

Code Review Committee:

- One marijuana license applications was reviewed. The Committee recommended that the city waive their right to protest.
- The plastic bag ban effective date was reconsidered in light of the current pandemic. The Committee recommended that the city extend the effective date to December 31, 2021.

Finance & Budget Committee:

- Financial report was reviewed.
- 2nd round of the CARES Act Grant Funding Plan was finalized. The Committee endorsed the program moving forward.

6. PUBLIC HEARINGS

a. Ordinance No. 2020-22(S); An Ordinance of the Dillingham City Council Authorizing the City Manager to Utilize the Emergency Operations Center to Promulgate and Enforce Regulations to Stop the Spread of COVID-19 in Accordance with the Recommendations in the City of Dillingham COVID-19 Mitigation Plan

Local citizens made the following comments regarding Ordinance 2020-22(S):

- Petition with 167 signature submitted requesting Ordinance 2020-22(S) be tabled, noting it needs definitions, parameters, and to be more specific. Definition of emergency and a defined end are needed. There is no justification for this legislation. Measures need to be quantifiable.
- Worry about government overreaching; taking food and fuel.
- Support for extension of current measures was requested.
- Oppose measures taken by the city and referenced survival rate for this virus 99%, there have been no local deaths. Other categories of deaths need to be addressed.
- Too much authority for one person is dangerous.
- Concern for constitutional rights stated.
- Zoom platform for all or go back to in person meetings was requested, so all can be heard.
- Requested City explain why they are going beyond state actions.
- Need to write something that will work for people on both sides of the issue. Allow for thorough debate, comment by all that desire, and come to a consensus.
- Communication / public notice are imperative. Make it easy to find what the current policy is. Indicate what the triggers for change will be.
- Rapid testing needs to be available.
- Please indicate how the changes will affect essential workers.
- The increase number of new cases was cited.
- There remains a need for protective measures to be in place. They may be inconvenient but it is the right thing to do. Protection keeps case numbers reduced. Prevention is the best defense.
- Support measures taken by the City because lives of loved ones are what matters the most.
- Support expressed for the command center, this approach provides direction with clear delegation. This method allows for a quick response to changing circumstances. It makes sense to have the City Manager as the IC.

- EOC is a standardized approach used nationwide. Confidence expressed for Council, Mayor and Manager to respond to the pandemic.
- Ordinance 2020-22(S) gives options, Council can repeal, ratify, amend emergency orders.
- Support the City's efforts. Results in other communities across state and nation that relax measures show increase in case numbers.
- Noted increase risk factors with the local population.
- Emergency Order No. 1 provides clarification and is an improvement over current emergency ordinances.

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

Terry: Spoke in opposition of Ordinance 2020-22(S) because of uncertainty in legality but noted the need diligence, and to care for community as well as constitutional rights.

Jenny: Requested clarification regarding the CARES Act Grant Funds distribution that limited one grant per household with regard to the business grant and individual grant. Spoke in support of finding balance with protective measures.

Jack: Commended Public Works for work done on Nerka Loop.

8. ORDINANCES AND RESOLUTIONS

- Adopt **Ordinance No. 2020-22(S)**; An Ordinance of the Dillingham City Council Authorizing the City Manager to Utilize the Emergency Operations Center to Promulgate and Enforce Regulations to Stop the Spread of COVID-19 in Accordance with the Recommendations in the City of Dillingham COVID-19 Mitigation Plan

MOTION: Chris Napoli moved and Bill Rodawalt seconded the motion to adopt Ordinance 2020-22(S).

MOTION: Bill Rodawalt moved and Aksel Buholm seconded the motion to postpone Ordinance 2020-22(S) until the next regular meeting.

VOTE: The motion to postpone failed: 2 in favor, 4 opposed.
 Andy – N Chris – N Bill – Y Gregg – N Aksel – Y Curt – N

MOTION: Bill Rodawalt moved and Aksel Buholm seconded the motion to amend Ordinance 2020-22(S): Such regulations include, ~~but are not limited to,~~ required use of facemasks, limiting travel into Dillingham, traveler quarantine requirements and ~~reasonable~~ restrictions, such as occupancy limits, for businesses and public spaces **and other regulations previously passed by the City Council through Emergence Ordinances addressing the COVID 19 pandemic.**

VOTE: The motion to postpone failed: 1 in favor, 5 opposed.
 Andy – N Chris – N Bill – Y Gregg – N Aksel – N Curt – N

MOTION: Bill Rodawalt moved and Aksel Buholm seconded the motion to replace, The City Manager shall report to the City Council ~~at the next meeting,~~ **within one week** ~~whether it be regularly scheduled or a special session,~~ on actions taken, in Ordinance 2020-22(S).

Motion withdrawn by unanimous consent.

MOTION: Gregg Marxmiller moved and Chris Napoli seconded the motion to replace typographical error Section I with Section A.

VOTE: The motion to replace Section I with Section A passed by unanimous roll call vote.

VOTE: The motion to adopt Ordinance 2020-22(S) passed unanimously by roll call vote.

- b. Introduce **Ordinance No. 2020-23**; An Ordinance of the Dillingham City Council Amending the Effective Date of Ordinance 2020-02

MOTION: Andy Anderson moved and Chris Napoli seconded the motion to introduce Ordinance 2020-23.

This keeps the intent of the Ordinance in place just extends the effective date for one year.

VOTE: The motion passed unanimously by roll call vote.

- c. Adopt **Resolution No. 2020-25**, A Resolution of the Dillingham City Council Extending Emergency Ordinance 2020-21

MOTION: Andy Anderson moved and Chris Napoli seconded the motion to strike Resolution 2020-25 from the agenda.

VOTE: The motion to strike Resolution 2020-25 from the agenda passed unanimously by roll call vote.

9. UNFINISHED BUSINESS

- a. Citizen Committee Appointments
 - 1) Library Advisory Board – 3 seats
 - 2) School Facility Committee – 1 seat
 - 3) Port Advisory Committee – 1 seat
 - 4) Senior Advisory Commission – 2 seats
 - 5) Friends of the Landfill – 1 seat

Mayor Ruby made the following Committee recommendations:

Code Review Committee: Aksel Buholm

Finance and Budget Committee: Bill Rodawalt

Board of Equalization: Alice Ruby, Chris Napoli, Andy Anderson, Gregg Marxmiller and Bill Rodawalt as alternate.

MOTION: Chris Napoli moved and Andy Anderson seconded the motion to concur with Mayor Ruby's committee recommendations.

VOTE: The motion passed unanimously by roll call vote.

- b. Progress Report
 - 1) Dave Carlson House Property
 - 2) Territorial School

There were no progress reports.

10. NEW BUSINESS

- a. 17948 J&R Green Farms. Limited Marijuana Cultivation Facility License Renewal

MOTION: Chris Napoli moved and Bill Rodawalt seconded the motion to waive the City's right to protest this application.

VOTE: The motion passed by unanimous roll call vote.

MOTION: Bill Rodawalt moved and Chris Napoli seconded the motion to approve New Business items B, C, D, and E in block.

It was confirmed that Motorola is the preferred brand for emergency communications systems. Other brands are available, but have proven to have significant problems.

VOTE: The motion passed unanimously by roll call vote.

- b. CARES Act Grant Update
- c. Adopt **Action Memorandum 2020-09**; Authorize the City Manager to enter into a renewal contract with Premera Blue Cross Blue Shield of Alaska and Navia for an HRA
- d. Adopt **Action Memorandum 2020-10**; Authorize the City Manager to award a contract for RFP 2020-05, Emergency Communication System
- e. Adopt **Action Memorandum 2020-11**; Authorize the City Manager to hire a temporary intern for administrative special projects

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

Gayla: Spoke in opposition to Ordinance 2020-22(S), noting the need for clarification, and the undue burden it places on citizens.

Barbara: Expressed concern regarding availability of Emergency Orders. The challenge for all to understand regulations was voiced.

Jack: Stated more public outreach is needed. Noting there is a communication gap between the City/Council/public.

Carolyn: Confirmed the effective date and time of Emergency Order No. 1 is 11/5/2020 11:59 p.m.

Kaleb: Urged the use of CARES funding to improve the process for public participation.

12. COUNCIL COMMENTS

Gregg Marxmiller:

- Noted the work that goes into meetings.
- Thanked the City Clerk and Tele Communication team.
- Stated appreciation for election workers.
- Thanked all for participating in the public process.
- Suggested a contract for a virtual town hall.

Bill Rodawalt:

- Appreciates the parliamentary process. Noting discussion is important.
- Thanked all who emailed comments and are engaged in the process.
- Supports finding a way to resume in person meetings.

Aksel Buholm:

- Recommends all zoom, or in person meetings.
- Noted citizens for their comments.
- Suggested scaling back the frequency of manager updates.
- Thanked City Manager for his service to the country.
- Requested Council explore a merit raise for city employees for extra work needed in the pandemic.

13. MAYOR'S COMMENTS

- Thanked all citizens who are involved in the public process.
- Noted citizen comments and public hearings are a time for council to listen to citizens; not a time for discussion or engagement. Council does hear and consider citizens comments.

- Council was polled regarding preference for meeting type and all expressed the priorities of Safety of public, staff, and council will be foremost consideration. Council will demonstrate adherence to adopted regulations.
- Recognized updated equipment in chambers, and bandwidth limitations locally. Apologized for meeting being hijacked and disruption during comment periods.
- Commented on the Finance and Budget Committee followed the Council's objective to guide the City's CARES Act Grant program to get the funds to as many people as possible.
- A moment of silence was observed to recognize all those lost since the last meeting.

14. ADJOURNMENT

Mayor Ruby adjourned the meeting at 11:08 p.m.

Mayor Alice Ruby

[SEAL]

ATTEST:

Lori Goodell, City Clerk

Approval Date: _____

DRAFT