

1. CALL TO ORDER

A regular meeting of the Dillingham City Council was held on Friday, May 8, 2020, via conference call, in Dillingham, Alaska. Mayor Ruby called the meeting to order at 6:00 p.m.

2. ROLL CALL

Mayor Ruby was present.

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

Andy Anderson	Bill Rodawalt	Gregg Marxmiller
Chris Napoli	Kaleb Westfall	Curt Armstrong

Staff in attendance:

Tod Larson	Lori Goodell	Brooks Chandler
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3. APPROVAL OF MINUTES

- a. Regular Council Meeting, April 2, 2020
- b. Special Council Meeting, April 30, 2020
- c. BOE Meeting, May 5, 2020

MOTION: Chris Napoli moved and Andy Anderson seconded the motion to approve the minutes of April 2, April 30, and BOE of May 5, 2020 in block

VOTE: The motion passed unanimously by roll call vote.

4. APPROVAL OF CONSENT AGENDA

There was no consent agenda.

APPROVAL OF AGENDA

MOTION: Gregg Marxmiller moved and Andy Anderson 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:

- The State is moving forward with testing in the region. An assessment team will be in Dillingham next week.

b. Standing Committee Reports

There were no reports.

6. PUBLIC HEARINGS

There were no public comments on any of the listed ordinances.

- a. Ordinance No. 2020-02; An Ordinance of the Dillingham City Council Amending Dillingham Municipal code Chapter 8.04 to Prohibit the Distribution of Single Use Disposable Plastic Shopping Bags
- b. Ordinance No. 2020-03; An Ordinance of the Dillingham City Council Amending Title 4 of the Dillingham Municipal Code to Adopt by Reference the Alaska Remote Sellers Sales Tax

Code and to Amend Chapter 4.20 to Add and Amend Definitions, Repeal Section 4.20.150, Adopt a Late Filing Fee, and Amend Penalty and Interest Provisions

- c. Ordinance No. 2020-04; An Ordinance of the Dillingham City Council Amending Chapter 4.30, Contract and Purchase Procedures to Adjust the Purchase Parameters
- d. Ordinance No. 2020-08; An Emergency Ordinance of the Dillingham City Council Requiring Protective Measures to Prevent the Spread of COVID 19
- e. Ordinance No. 2020-09; An Emergency Ordinance of the Dillingham City Council Requiring Quarantine and Isolation Measures to Prevent the Spread of COVID 19
- f. Ordinance No. 2020-10; An Emergency Ordinance of the Dillingham City Council Mandating Hygienic Standards for the Use of City Facilities and Properties to Facilitate Sustainable Economic Opening
- g. Ordinance No. 2020-11; An Emergency Ordinance of the Dillingham City Council 1) Establishing a Temporary Land Use District Called the Fisheries Related Use District; 2) Limiting Permitted Uses Within the Fisheries Related Use District; and 3) Requiring Persons Entering the Fisheries Related Use District to Comply with State Mandates and City Rules

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

Norm VanVactor, BBEDC:

- Commented on the alarming number of littered plastic bags.
- Spoke regarding their proposed procedure for quarantine, testing, and enforcement. Noted testing has become more available in Anchorage. Anyone can contact him for more information on testing at Norm@bbedc.com. Stated he is encouraged by the State's leadership.
- Noted a high level delegation from the State will be visiting Dillingham, Egegik, and Naknek and King Salmon.

Travis Roenfan, Peter Pan Seafoods:

- Reported on the plan in place for the season regarding staffing, quarantine, isolation, cleaning and sanitation measures.
- Noted Peter Pan Seafoods recognizes the unique needs of the community regarding the pandemic and the fishing season.

Patty Buholm:

- Noted many in the community use plastic bags as a secondary resource.

8. ORDINANCES AND RESOLUTIONS

- a. Adopt **Ordinance No. 2020-02**; An Ordinance of the Dillingham City Council Amending Dillingham Municipal code Chapter 8.04 to Prohibit the Distribution of Single Use Disposable Plastic Shopping Bags

MOTION: Chris Napoli moved and Bill Rodawalt seconded the motion to adopt Ordinance 2020-02.

The effective date is December 31, 2020. This allows time for public outreach, and vendors to deplete current stock of plastic bags.

VOTE: The motion passed unanimously by roll call vote.

- b. Adopt **Ordinance No. 2020-03**; An Ordinance of the Dillingham City Council Amending Title 4 of the Dillingham Municipal Code to Adopt by Reference the Alaska Remote Sellers Sales Tax Code and to Amend Chapter 4.20 to Add and Amend Definitions, Repeal Section 4.20.150, Adopt a Late Filing Fee, and Amend Penalty and Interest Provisions

MOTION: Bill Rodawalt moved and Chris Napoli seconded the motion to adopt Ordinance 2020-03.

This is not a new tax, rather it allows membership in the AML group set up to administer collection of remote / online sales tax collection, made available with the SCOTUS Wayfair decision. This helps make sales fair for local businesses.

VOTE: The motion passed unanimously by roll call vote.

- c. Adopt **Ordinance No. 2020-04**; An Ordinance of the Dillingham City Council Amending Chapter 4.30, Contract and Purchase Procedures to Adjust the Purchase Parameters

MOTION: Andy Anderson moved and Gregg Marxmiller seconded the motion to adopt Ordinance 2020-04.

VOTE: The motion passed unanimously by roll call vote.

- d. Adopt **Ordinance No. 2020-08**; An Emergency Ordinance of the Dillingham City Council Requiring Protective Measures to Prevent the Spread of COVID 19

MOTION: Chris Napoli moved and Gregg Marxmiller seconded the motion to adopt Emergency Ordinance 2020-08, and delete Section 8 A.

MOTION: Gregg Marxmiller moved and Bill Rodawalt seconded the motion to add “upon review of the City Council: to the first sentence of 5 C.

The City Manager gives weekly updates. Adaptability in a quickly changing situation will be important.

VOTE: The motion to amend 5 C failed; one in favor, five opposed.

Andy – N Bill – N Chris – N Curt – N Gregg – Y Kaleb – N

MOTION: Curt Armstrong moved and Kaleb Westfall seconded the motion to delete Section 4.

SOA mandate 17 addresses this issue. Added layer of protection is needed. Social distancing is still in effect. Restriction of individual rights needs to be considered.

VOTE: The motion to delete Section 4 failed; two in favor, four opposed.

Andy – N Bill – N Chris – N Curt – Y Gregg – N Kaleb – Y

VOTE: The motion to adopt O 2020-08 as amended passed; five in favor, one opposed.

Andy – Y Bill – Y Chris – Y Curt – Y Gregg – Y Kaleb – N

- e. Adopt **Ordinance No. 2020-09**; An Emergency Ordinance of the Dillingham City Council Requiring Quarantine and Isolation Measures to Prevent the Spread of COVID 19

MOTION: Bill Rodawalt moved and Chris Napoli seconded the motion to adopt Emergency Ordinance 2020-09.

This ordinance deals with quarantine and isolation in Dillingham.

MOTION: Chris Napoli moved and Kaleb Westfall seconded the motion to amend Section 4(B)(4) to replace “their Dillingham residence” with “a Dillingham residence”.

VOTE: The motion passed unanimously by roll call vote.

MOTION: Andy Anderson moved and Curt Armstrong seconded the motion to amend Section 4(B) by deleting subsections 6, 7, and 8.

VOTE: The motion passed unanimously by roll call vote.

MOTION: Gregg Marxmiller moved and Kaleb Westfall seconded the motion to delete Section 4(F).

VOTE: The motion passed unanimously by roll call vote.

MOTION: Kaleb Westfall moved and Andy Anderson seconded the motion to delete the last sentence of Section 4(B)(3).

VOTE: The motion passed unanimously by roll call vote.

MOTION: Gregg Marxmiller moved and Chris Napoli seconded the motion to amend Section 6(A) to add a new subsection 5 "leave Dillingham".

VOTE: The motion passed unanimously by roll call vote.

MOTION: Chris Napoli moved and Bill Rodawalt seconded the motion to amend Section 6 to add new subsection (D). "Those quarantining on a vessel must stay within 10 yards of the vessel".

VOTE: The motion to add subsection (D) to Section 6 failed; two in favor, four opposed.
Andy – Y Bill – N Chris – Y Curt – N Gregg – N Kaleb – N

MOTION: Gregg Marxmiller moved and Bill Rodawalt seconded the motion to amend Section 7(A)(2) to add "or operate" after "own"; and "or commercial fishing equipment" after "vessel". To amend Section 7(A)(3) to replace "vessel" with "permit holder or operator". To amend Section 7(A)(4) to replace "vessel" with "set net or permit holder whose vessel or equipment is".

VOTE: The motion passed unanimously by roll call vote.

MOTION: Kaleb Westfall moved and Gregg Marxmiller seconded the motion to delete Section 7(B).

VOTE: The motion to delete Section 7(B) passed; five in favor, one opposed.
Andy – Y Bill – Y Chris – N Curt – Y Gregg – Y Kaleb – Y

MOTION: Kaleb Westfall moved to delete Section 8.
There was no second – motion fails.

MOTION: Gregg Marxmiller moved and Kaleb Westfall seconded the motion to delete the last sentence of Section 10(2).

VOTE: The motion passed unanimously by roll call vote.

MOTION: Kaleb Westfall moved delete Section 10(D).
There was no second – motion fails.

MOTION: Chris Napoli moved and Bill Rodawalt seconded the motion to delete Section 11(A).

VOTE: The motion passed unanimously by roll call vote.

MOTION: Gregg Marxmiller moved and Kaleb Westfall seconded the motion to amend Section 7(A) to add line 7, "owns or works at a place of business within that area."

VOTE: The motion to amend Section 7(A) failed; one in favor, five opposed.
Andy – N Bill – N Chris – N Curt – N Gregg – Y Kaleb – N

MOTION: Gregg Marxmiller moved and Bill Rodawalt seconded the motion to amend Section 4B(1) to add, “conex or fishing encampment,” after commercial fishing vessel.

VOTE: The motion to amend 4B(1) passed unanimously by roll call vote.

MOTION: Chris Napoli moved and Andy Anderson seconded the motion to amend Section 4B to add “on land or water.” at the end of the paragraph.

VOTE: The motion to amend 4B(1) passed unanimously by roll call vote.

MOTION: Gregg Marxmiller moved and Bill Rodawalt seconded the motion to add Section 4F, “14 day quarantine in Dillingham can be waived upon two negative COVID-19 tests which must be administered no less than ten days apart. One COVID-19 test must be done in Dillingham no less than 72 hours after arrival”.

VOTE: The motion to add 4F passed unanimously by roll call vote.

MOTION: Gregg Marxmiller moved and Kaleb Westfall seconded the motion to add Section 4(G), “People who have maintained 14 days quarantine or have had two negative COVID-19 tests and have stayed in the Dillingham Census Area or in the Nushagak/Igushik Fishing District or the Wood/Tikchik State Park and Nushagak river system will not have to quarantine again upon entry to Dillingham.”

VOTE: The motion to add Section 4(G) passed; four in favor, two opposed.
Andy – N Bill – Y Chris – N Curt – Y Gregg – Y Kaleb – Y

MOTION: Kaleb Westfall moved and Curt Armstrong seconded the motion to delete Section 8.

VOTE: The motion to delete Section 8 failed; one in favor, five opposed.
Andy – N Bill – N Chris – N Curt – N Gregg – N Kaleb – Y

VOTE: The motion to adopt Ordinance 2020-09 as amended passed; five in favor, one opposed.
Andy – Y Bill – Y Chris – Y Curt – Y Gregg – Y Kaleb – N

MOTION: Bill Rodawalt moved and Andy Anderson seconded the motion to reconsider Ordinance 2020-09.

VOTE: The motion passed unanimously by roll call vote.

MOTION: Bill Rodawalt moved and Kaleb Westfall seconded the motion to amend Section 13 and revise the effective date to May 11, 2020 at 11:59 p.m.

VOTE: The motion passed unanimously by roll call vote.

MOTION: Chris Napoli moved and Bill Rodawalt seconded the motion to add Section 4(H), “If quarantine is being completed while in Dillingham a COVID-19 test must be taken in Dillingham on the thirteenth day of quarantine. Persons shall continue in quarantine for an additional day after this test is administered unless the test is positive in which case the person will be placed in isolation until such time as a subsequent test is negative for COVID-19”.

VOTE: The motion to add Section 4(H) passed; four in favor, two opposed.
Andy – Y Bill – N Chris – Y Curt – Y Gregg – Y Kaleb – N

MOTION: Bill Rodawalt moved and Chris Napoli seconded the motion to adopt Ordinance 2020-09 as amended.

VOTE: The motion failed by unanimous roll call vote.

MOTION: Gregg Marxmiller moved and Bill Rodawalt seconded the motion to amend Section 13 and revise the effective date for Section 4(H) to May 22, 2020.

VOTE: The motion to amend the effective date for Section 4(H) passed; five in favor, one opposed.
Andy – Y Bill – Y Chris – Y Curt – Y Gregg – Y Kaleb – N

MOTION: Gregg Marxmiller moved and Bill Rodawalt seconded the motion to adopt Ordinance 2020-09 as amended.

VOTE: The motion to adopt Ordinance 2020-09 as amended passed; five in favor, one opposed.
Andy – Y Bill – Y Chris – Y Curt – Y Gregg – Y Kaleb – N

- f. Adopt **Ordinance No. 2020-10(A)**; An Emergency Ordinance of the Dillingham City Council Mandating Hygienic Standards for the Use of City Facilities and Property to Facilitate Sustainable Economic Opening

MOTION: Andy Anderson moved and Bill Rodawalt seconded the motion to adopt Emergency Ordinance 2020-10.

VOTE: The motion failed by unanimous roll call vote.

MOTION: Gregg Marxmiller moved and Andy Anderson seconded the motion to adopt Emergency Ordinance 2020-10(A).

VOTE: The motion to adopt Ordinance 2020-10(A) as amended passed; five in favor, one opposed.
Andy – Y Bill – Y Chris – Y Curt – Y Gregg – Y Kaleb – N

- g. Adopt **Ordinance No. 2020-11**; An Emergency Ordinance of the Dillingham City Council 1) Establishing a Temporary Land Use District Called the Fisheries Related Use District; 2) Limiting Permitted Uses Within the Fisheries Related Use District; and 3) Requiring Persons Entering the Fisheries Related Use District to Comply with State Mandates and City Rules

MOTION: Andy Anderson moved and Curt Armstrong seconded the motion to adopt Emergency Ordinance 2020-11.

VOTE: The motion failed by unanimous roll call vote.

9. UNFINISHED BUSINESS

- a. Citizen Committee Appointments
 - 1) Friends of the Landfill
 - 2) Library Advisory Board
 - 3) School Facility Committee

There were no letters of interest.

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

There were no progress reports.

10. NEW BUSINESS

There was no new business.

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

Fritz Johnson, BBRSDA:

- Noted hard work of City Council and Staff.
- Stated BBRSDA sent a letter dated May 1, 2020 to the Governor requesting the State of Alaska meet certain needs of the Bristol Bay Region. They have not received a reply. Commented BBRSDA is not the governing body and encouraged the City to follow up with the State as soon as possible.
- Commented on the effort to relocate boats from PAF to the BAF dock. Noting the limitation of hours to access vessels at that location. Asked if there are alternate locations that might be utilized.
- Noted BBEDC for providing funding for the signage around town regarding quarantine and social distancing. Stated 26 signs were produced and requested that all signs be put up to increase the dissemination of information.

Fritz was thanked for his help with the signage and relocation of boats.

12. COUNCIL COMMENTS

Bill Rodawalt:

- Noted the fantastic job the Mayor is doing.
- Stated it is the virus he does not trust.
- Commented the Thursday meeting would have lasted to 2:20 am if not rescheduled.

Gregg Marxmiller:

- Thanked city staff, fellow council members, and Mayor Ruby.
- Acknowledged the citizens that attend and participate.
- Recognized those that do behind the scene work.
- Noted the work done may not be perfect.

Kaleb Westfall:

- Stated that he is mindful of the responsibility of being on council. Commented that he votes no at times, noting the need to uphold the U.S. Constitution, the State of Alaska, and local code.
- Indicated this has been made a difficult process for people to understand.
- Noted we should fall back to the State mandates, leaving as many layer as possible to the state, not the local level.

Chris Napoli:

- Thanked staff for their hard work.
- Noted the items sent by the City Attorney, stating it made the process simpler.
- Commented council cannot take action after midnight.

Andy Anderson:

- Thanked Tod for the job ahead of him, wished him good luck.
- Observed the community is working together, noting it does him good.

13. MAYOR'S COMMENTS

Alice Ruby:

- Echoed council's comments, thanking staff and citizens.
- Noted there are many that care about Dillingham, including our surrounding neighbors.
- A moment of silence was observed for all those lost since the last time Council met.

14. ADJOURNMENT

Mayor Ruby adjourned the meeting at 10:26 p.m.


Mayor Alice Ruby [SEAL]

ATTEST:



Lori Goodell, City Clerk

Approval Date: June 4, 2020