

CITY OF DILLINGHAM, ALASKA
ORDINANCE NO. 2013-01 (SUB-1)

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTERS 4.21 AND 4.22 OF THE DILLINGHAM MUNICIPAL CODE TO IMPLEMENT IDENTICAL PENALTIES FOR VIOLATIONS OF THE CITY'S FISH AND SEVERANCE TAX PROVISIONS AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING SECTION 4.21.040 OF THE DILLINGHAM MUNICIPAL CODE TO LIMIT THE PENALTY ASSESSED FOR FAILURE TO FILE OR REMIT RAW FISH SALES TAX RETURNS TO TEN PERCENT, AND TO LIMIT THE INTEREST TO 6%

WHEREAS, it is in the City of Dillingham's best interest to standardize its penalty and interest rates when legally possible in order to facilitate the administration of its Code by providing some consistency;

WHEREAS, the severance and raw fish tax provisions, including those related to enforcement, recordkeeping, and legal remedies, are intended to be consistent with one another;

NOW, THEREFORE, BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Amendment of Section 4.21.140. Section 4.21.140 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

4.21.140 Penalties and Interest.

A. A person who fails to file a return as required under this chapter or who fails to remit all the taxes due the city shall pay a penalty of five ~~ten~~ percent of the taxes due with a minimum penalty of one hundred dollars if no return is filed. ~~The penalty is imposed for each month or part of a month during which the delinquency or failure to file exists up to a maximum of fifteen percent; provided, .~~ The total penalty for a single calendar quarter shall not exceed three thousand dollars. The filing of an incomplete return shall be treated as the filing of no return.

B. Interest at the rate of ~~ten and one-half~~ six percent per annum shall be paid on all amounts due the city that are not received by the city as required under this chapter, ~~except~~ Interest does not accrue on penalties.

C. A person who fails to apply for a certificate of registration as required by this chapter shall pay a penalty of three hundred dollars for the first offense. A buyer purchaser of seafood products who, after notice, continues to conduct business without ~~obtaining a certificate of authority to collect sales tax~~ registering as required by section 4.22.040 is subject to a penalty of five hundred dollars for each subsequent offense. Each day the purchaser conducts business without registering shall constitute a separate offense. If the City determines that a registered purchaser has previously violated this chapter, the registered purchaser is subject to the same penalty for violations committed prior to the registration. A certificate of registration shall not be issued or renewed is the purchaser has not paid all fines, penalties, and other obligations to the city.

(Items highlighted in gray shading are being introduced as Substitute 1 (SUB-1).

~~Such penalty must be paid before the license is issued if the original license was issued before the determination that a penalty was due. A person who fails to apply for a certificate of registration, who engages in taxable transactions after being informed in writing that a certificate of registration is required, shall pay a penalty of four hundred dollars before the license is issued or before a renewal or amended license is issued if the original license was issued before the determination that a penalty was due.~~

D. A person required to collect a tax under this chapter who fails to provide a written statement setting out the amount of the tax due on the transaction shall pay a penalty to the city equal to the amount of the tax due on the sale.

E. In the event that the city is unable to ascertain the tax due to be remitted by a seller by reason of the failure of the seller to keep accurate books or records, allow inspection, failure to file a return, or falsification of records, the city may make an estimate of the tax due based on any information available to it. Notice of the estimate of taxes due shall be furnished the seller and shall become final for the purposes of determining liability of seller to the city in thirty (30) days unless the seller earlier files an accurate return, supported by satisfactory records, indicating a lesser liability. A failure of or refusal of a person required to collect a tax under this chapter to produce records or allow inspection at such reasonable times as requested or demanded by the sales tax administrator shall pay to the city a penalty equal to three times any deficiency found or estimated to have occurred by the sales tax administrator; provided, the minimum penalty payment is one thousand dollars.

F. A person required to maintain records under the provisions of this chapter shall immediately notify the city of any fire, theft or other casualty that would prevent the person from complying with the provisions of this chapter. Such casualty is a defense to a civil penalty levied under subsection E of this section, but does not excuse the person from the liability for payment to the city of taxes required to be collected. Accidental or unexplained loss of funds or records does not excuse a person from the performance of any of the requirements under this chapter.

Section 2. Repeal of Section 4.22.050. Section 4.22.050 of the Dillingham Municipal Code is hereby repealed.

~~4.22.050 Enforcement and penalties.~~

~~A. The superior court, upon request of the city, shall issue an injunction requiring compliance with the provisions of this chapter.~~

~~B. The city may determine the severance tax on parties who have not filed a return in an amount based on historical data or the best information reasonably available to the city.~~

~~C. A person who fails, refuses, or neglects to file a severance tax return in compliance with this chapter shall, in addition to any other penalties provided by law, be liable for a penalty of ten percent of the tax. (Ord. 12-09 § 1 (part), 2012.)~~

Section 3. Repeal and Reenactment of Section 4.22.090. Section 4.20.090 of the Dillingham Municipal Code is hereby repealed and reenacted to read as follows:

~~4.22.090 Penalties and interest.~~

~~All taxes due under this chapter but not timely paid as required are subject to a penalty of five percent of the tax due. Interest shall accrue on the tax due including penalties and interest at the rate of twelve percent per year from the date such taxes are due. Partial payments shall be applied first to accrued penalties, then to interest, and then to principal. A payment is timely paid when mailed to the city postage prepaid bearing a postmark date no later than the due date. (Ord. 12-09 § 1 (part), 2012.)~~

(Items highlighted in gray shading are being introduced as SUB-1.)

4.22.090 Penalties and interest.

A. A person who fails to file a return as required under this chapter or who fails to remit all the taxes due the city shall pay a penalty of ten percent of the taxes due with a minimum penalty of one hundred dollars if no return is file. The total penalty for a single calendar quarter shall not exceed three thousand dollars. The filing of an incomplete return shall be treated as the filing of no return.

B. Interest at the rate of six percent per annum shall be paid on all amounts due the city that are not received by the city as required under this chapter. Interest does not accrue on penalties.

C. A person who fails to apply for a certificate of registration as required by this chapter shall pay a penalty of three hundred dollars for the first offense. A purchaser of seafood products who, after notice, continues to conduct business without registering as required by section 4.22.040 is subject to a penalty of five hundred dollars for each subsequent offense. Each day the purchaser conducts business without registering shall constitute a separate offense. If the City determines that a registered purchaser has previously violated this chapter, the registered purchaser is subject to the same penalty for violations of this chapter committed prior to the registration. A certificate of registration shall not be issued or renewed if the purchaser has not paid all fines, penalties, and other obligations to the City.

D. A person required to collect a tax under this chapter who fails to provide a written statement setting out the amount of the tax due on the transaction shall pay a penalty to the city equal to the amount of the tax due on the sale.

E. In the event that the city is unable to ascertain the tax due to be remitted by a seller by reason of the failure of the seller to keep accurate books or records, allow inspection, failure to file a return, or falsification of records, the city may make an estimate of the tax due based on any information available to it. Notice of the estimate of taxes due shall be furnished the seller and shall become final for the purposes of determining liability of seller to the city in thirty (30) days unless the seller earlier files an accurate return, supported by satisfactory records, indicating a lesser liability.

F. A person required to maintain records under the provisions of this chapter shall immediately notify the city of any fire, theft or other casualty that would prevent the person from complying with the provisions of this chapter. Such casualty is a defense to a civil penalty levied under subsection E of this section, but does not excuse the person from the liability for payment to the city of taxes required to be collected. Accidental or unexplained loss of funds or records does not excuse a person from the performance of any of the requirements under this chapter.

Section 4. Chapter 4.22 of the Dillingham Municipal Code is hereby amended by adding a new section 4.22.100 to read as follows:

4.22.100 Enforcement and Collection

The provisions of Sections 4.21.150 - .290, except sections 4.21.240 and 4.21.260 are incorporated herein by reference and shall apply equally to all transactions that are subject to, and all liabilities arising under, this chapter.

Section 5. Effective Date. This ordinance is effective upon adoption.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on _____.

(Items highlighted in gray shading are being introduced as SUB-1.)

SEAL:

⋮

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

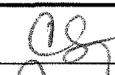
Subject: An ordinance of the Dillingham City Council amending section 4.21.040 of the Dillingham Municipal Code to limit the penalty assessed for failure to file or remit raw fish sales tax returns to ten percent, and to limit the interest to 6%

Agenda of: April 11, 2013

Council Action: Council introduced Ordinance No. 2013-01 at the February 7, 2013 Regular Council Meeting.

Manager: Recommend approval.

City Manager: Carol Shade, acting
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Finance Director / Carol Shade		
X	City Clerk / Janice Williams		

Fiscal Note: Yes _____ No X Funds Available: Yes _____ No _____

Other Attachment(s):

- Public Hearing was advertised in the March 28, 2013 edition of Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing.

Summary Statement.

This ordinance was vetted through the Code Review Committee, introduced February 7, scheduled for a public hearing March 7, and then postponed to April 11 pending a further review by the Committee. This City is required to hold another public hearing. It is being brought back as a substitute ordinance, Ordinance No. 2013-01 (SUB-1). The original ordinance proposed bringing the penalty and interest in the raw fish tax code in line with sales, and real and personal property tax penalty and interest. We were proposing dealing with the severance tax code separately since the enforcement section found in the raw fish sales tax was not included in the severance tax section, as it should have been.

However, when the Attorney started working on the severance code, he proposed combining the ordinances for the recommended changes to the severance and raw fish tax, since the two were intended to be identical. Instead of rewriting the entire sections of the raw fish tax code in the severance tax code, he cross-referenced some sections the raw fish sales tax code.

The substitute language is presented in gray-coloring. These are not substantive changes. It is mainly clean up and to standardize penalties and interest.

We will be recommending Council adopt Ordinance No. 2013-01 (SUB-1) at their April 11, 2013 meeting.

CLASSIFIEDS & LEGALS

RATES: 55 cents per word,
minimum \$5.50 per ad.
DEADLINE: 12 noon, Monday for
next publication

March 28, 2013

Alaska Media, LLC. • 500 West International, Suite F • Anchorage, AK 99518 • (907) 770-0820 • Fax: (800) 770-0822 • ads@reportalaska.com

Page 17

LEGALS

Notice of Petition to Change Name

A petition has been filed in the Superior Court (Case # 3UN-13-00014C) requesting a name change from (current name) Kingston J. Jankowiak to Kingston J. Jankowiak-Heim. A hearing on this request will be held on 5/20/2013 at 8:30 am.

Notice of petition to Change Name

A petition has been filed in the Superior Court (Case # 3D1-13-00010C) requesting a name change from (current name) Heather J. Mueller to Heather J. Michelson. A hearing on this request will be held on April 05, 2013 at 3:00 pm at Courtroom B Dillingham Courthouse, 715 Seward, Dillingham, AK.

Montana 11th Judicial District Court Flat Head County

In re the parenting of: KS. Kimberly Bruner, Petitioner, and Tyler Sloan, Respondent.

Cause No: DR-12-808A Summons for Publication

THE STATE OF MONTANA SENDS GREETINGS TO THE ABOVE NAMED RESPONDENT:

You the respondent, are hereby summoned to answer the Petition in this action, which is filed with the Clerk of this Court, a copy of which is herewith served upon you, and to file your answer and serve a copy thereof upon the Petitioner within twenty-one days after the service of this Summons, exclusive of the day of service; and in case of your failure to appear or answer, judgement will be taken against you for the relief demanded in the Petition.

This action is brought to establish a permanent parenting plan for the minor child(ren).

Dated this 8th day of January, 2013.

Peg L. Allison Clerk of Court

Kathleen Donohue By: Deputy Clerk

HELP WANTED

Journeyman Lineman
Nushagak Cooperative

Nushagak Cooperative seeks applicants for the position of Journeyman Lineman. Minimum qualifications include: must possess a Journeyman Lineman Classification and be able to possess the Alaska State Certification of fitness classification for Journeyman Lineman within one (1) year from the date of hire.

CDL License required. Salary range is \$29.71/hr - \$38.19/hr DOE. A detailed job description is available at the Cooperative's Customer Service Office, our website www.nushak.com or the Employment Service Office. If interested, please submit an application and resume to Nushagak Cooperative Customer Service Office or mail or fax it to the below address, attention Gayla Powers. Position open until filled.

Gayla Powers Human Resource Generalist
Nushagak Cooperative
P.O. Box 350
Dillingham, AK 99576
Fax: 907-842-2780
Email: gpowers@nushagak.coop
EOE

SAVEC Job Announcement

Bristol Bay Rural Jobs Accelerator Project Coordinator OBJECTIVE:

Gain an understanding of SAVEC, the Bristol Bay Jobs Accelerator Project, and the Bristol Bay Regional Vision to develop and implement a fisheries, seafood processing, and maritime training program, provide information to local and regional agencies, businesses and individuals, and to meet grant requirements. **Job Knowledge/documentation required.** Bachelor's Degree in Business, Economics, Rural Development or related field. Preferred two years' work experience in project coordination and curriculum development or similar activities. Must be self-motivated, detail-oriented with ability to multi-task and have excellent planning and logistical skills. Ability to independently track multiple activities and provide follow-through to ensure timelines and funding requirements are met. Outstanding written and verbal communication skills. Familiarity with making travel arrangements, conference planning and monitoring project budget is preferred. Familiarity with Bristol Bay area, people, and cultures. Familiarity with fishing, seafood and maritime industry is preferred. Computer skills: MS programs, email/internet, and database programs. Complete achievement of certain of the above specifications may not be required if, in the opinion of SAVEC a particular candidate possesses significant offsetting characteristics, such as past accomplishments, experience, education, or estimate of future potential. **REPORTS TO: Instructional Operations Manager** or designee. **DUTY STATION:** King Salmon, Alaska. **TO APPLY:** In addition to a fully completed SAVEC application form, candidates are asked to provide a current resume and writing sample. **CLOSING DATE: March 29, 2013.**

For more details or to apply, contact Steven Angasan at Southwest Alaska Vocational and Education Center, Box 615 King Salmon, AK 99613. Visit www.savec.org for information on SAVEC and its offerings. For a full job description, application, or more information, you can email your request to steven@savec.org and steven_angasan@yahoo.com. Applications can be scanned and e-mailed back, or faxed. Phone: (907) 246-4600 Fax (907) 246-4607.

SERVICES

COAST GUARD LICENSES. 6 PACK TO 100 GT MASTERS. \$700 IN ANCHORAGE. EMAIL OR CALL TOLL FREE ants@mtaonline.net 1-866-357-2687. WE FURNISH ALL BOOKS AND SUPPLIES. www.aknauticaltraining.com WE OFFER DISCOUNTS ON COAST GUARD REQUIREMENTS.

Wanted 2013 Bristol Bay Drift Permit On Medical

Transfer. Will pay up front money before season.
Call 808-652-5231

FOR SALE

LAND FOR SALE

The Bristol Bay Native Association, on behalf of the Native landowner, is offering the following land for sale by sealed bid: U. S. Survey 9183, contains 159.98 acres. Situated approximately 8 1/2 miles southeasterly of the village of Egegik, Alaska. Access is in winter with snow mobile. Terrain is generally level with a slight slope to the northwest. The ground surface is predominately rocky tussocks. Vegetation is low lying tundra plants. Best use of this land is determined to be subsistence or private recreational use. No utilities available, no zoning or taxes. Minimum Bid is \$64,000.00. Cash or Deferred payment accepted. Property is subject to

easements & dedications of record and CCR on record. For more information on property, bid procedures, and terms of sale, call or write:

Bristol Bay Native Association
Land Management Services
P.O. Box 310
Dillingham, Alaska 99576
Phone: 907-842-5257 ext. 330

Title to land sold as a result of this advertisement will be conveyed in fee simple status by approved deed. Award will be made to the highest bidder who meets or exceeds the minimum bid, subject to approval of the Native owner. BID OPENING 2 pm, May 09, 2013 at Bristol Bay Native Association Land Management Services, 1500 Kanakanak Road, P.O. Box 310, Dillingham, Alaska 99576.



PUBLIC NOTICE

Public Hearing on Ordinance Nos. 2013-01, 2013-02, 2013-03 and 2013-04

The City Of Dillingham will hold a **Public Hearing on Thursday, April 11, 2013, at 7:00 P.M. in the City Council Chambers** for the purpose of taking comment from the public on Ordinance No. 2013-01, 2013-02, 2013-03, and 2013-04 as follows:

Ordinance No. 2013-01, An Ordinance of the Dillingham City Council Amending Section 4.21.040 of the Dillingham Municipal Code to Limit the Penalty Assessed for Failure to File or Remit Raw Fish Sales Tax Returns to Ten Percent, and to Limit the Interest to 6%

Ordinance no. 2013-02, An Ordinance of the Dillingham City Council Amending Sections 4.15.110 Through 4.15.170 of the Dillingham Municipal Code to Amend the Procedures for Appeal Hearings Before the Board of Equalization and to Delete Repetitive Language in these Sections

Ordinance No. 2013-03, An Ordinance of the Dillingham City Council Amending the Budget by Adopting Budget Amendment No. 1 and Appropriating Funds for the FY 2013 City of Dillingham Budget

Ordinance No. 2013-04, An Ordinance of the Dillingham City Council Amending Section 17.15.030 of the Dillingham Municipal Code to Change the Language Requesting Council Take Action on Planning Commission Resolution to Recommend Vacation of an Alley from "30 Days to Veto" to "45 days to Approve" a Recommended Vacation

If you have any questions, please forward them to the City Clerk's office at 842-5212 or email cityclerk@dillinghamak.us.

3/28



ARCTIC CHIROPRACTIC
& MASSAGE



ARCTIC CHIROPRACTIC
& MASSAGE



ARCTIC CHIROPRACTIC
& MASSAGE

Requested by: City Council
Introduced Ord. No. 2013-02: February 7, 2013
Public Hearing Ord. No. 2013-02 Scheduled for: March 7, 2013
Postponed to: April 11, 2013
Public Hearing Scheduled for: April 11, 2013
Presented Ord. No. 2013-02 (SUB-1): April 11, 2013
Postponed to: April 25, 2013
Public Hearing Ord. No. 2013-02 (SUB-1): April 25, 2013
Enacted:

ORDINANCE NO. 2013-02 (SUB-1)

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING SECTIONS ~~4.15.110~~ 4.15.070 THROUGH 4.15.170 OF THE DILLINGHAM MUNICIPAL CODE TO AMEND THE PROCEDURES FOR APPEAL HEARINGS BEFORE THE BOARD OF EQUALIZATION AND TO DELETE REPETITIVE LANGUAGE IN THESE SECTIONS

WHEREAS, Chapter 4.15, Sections 4.15.110 through 4.15.170, of the Dillingham Municipal Code was difficult to follow, because the sections were out of order, and in some cases the language was a duplication of another section; and

WHEREAS, through the process of reviewing these sections other errors, mostly minor, were discovered; and

WHEREAS, the City Council believes cleaning up these sections would be appropriate;

NOW, THEREFORE, BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Amendment of Section 4.15.070. Section 4.15.070 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and emboldened and deletions are shown as strikethrough.)

4.15.070 Assessment roll and notice – ~~Assessor~~ City to prepare and mail.

A. Annually, the city ~~assessor~~ shall prepare the assessment roll pursuant to AS 29.45.160. The roll shall be prepared in duplicate and shall include particulars on delinquent taxes owing by any persons.

B. The city ~~assessor~~ shall mail each person named in the roll a notice of assessment by March 15th or the next business day should the fifteenth fall on a weekend or holiday, pursuant to the provisions of AS 29.45.170.

C. Corrections to the assessment notice may be made pursuant to AS 29.45.180.

D. The notice shall include the deadline for filing an appeal, which shall be established pursuant to Section 4.15.130(C) and shall be thirty days from the date the notice is mailed.

Section 3. Amendment of Section 4.15.110. Section 4.15.110 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and emboldened and deletions are shown as strikethrough.)

4.15.110 Posting required.

(Items highlighted in gray shading are being introduced as SUB-1)

When valuation notices have been mailed, the assessor city shall cause notice that the assessment rolls have been completed to be posted at two public places for a period of two weeks. Such notice shall also state the time and location of the board of equalization's organizational meeting when and where the equalization hearings shall be heard and that an appeal may be taken to the board of equalization upon the by filing of notice in writing with the board specifying the grounds of the appeal.

Section 4. Amendment of Chapter 4.15. Chapter 4.15 is hereby amended by repealing and re-enacting Sections 4.15.120, 4.15.125, 4.15.130 to read as follows: (Additions are underlined and emboldened and deletions are shown as strikethrough.)

~~4.15.120 Membership and procedures of board of equalization.~~

~~A. Membership Duties.~~

- ~~1. Membership. The board of equalization shall be composed of three city council members and the mayor, who will preside. Members shall not be in default with the city for taxes.~~
- ~~2. Duties. The board may determine equalization on properties brought before the board by appellants or by one or more members of the board. The board may alter an assessment of a lot only pursuant to an appeal filed as to the particular lot.~~

~~B. Duties of Municipal Assessor. The municipal assessor shall furnish the board of equalization with copies of the appellant's appeal and a short narrative of the assessor's position. The assessor shall certify that material furnished to the board under Section 4.15.125 is true and correct, and such material shall be considered as part of the official testimony the board may hear. The assessor or his representative may supplement the record by additional testimony, documentation and exhibits in accordance with subsection (D)(7) of this section.~~

~~C. Quorum and Voting.~~

- ~~1. Quorum. A quorum shall consist of three members.~~
- ~~2. Voting. The granting of any appeal or part thereof shall require the concurring vote of all board members. Any appeal or part thereof that is not granted by the board may be presented to the city council by the second meeting in May.~~

~~D. Conduct of Hearings Decisions. Except as otherwise provided in this chapter, hearings shall be conducted by the board in accordance with Robert's Rules of Order, Newly Revised, subject to the following standards:~~

- ~~1. Record. The city clerk shall keep verbatim stenographic records or electronic recordings of the board's proceedings, showing the vote of each member on every question and all of the evidence presented. The city clerk shall prepare written minutes for all board proceedings and the chairperson of the board and the city clerk shall sign such minutes.~~
- ~~2. Counsel. All parties may be represented by counsel during hearings before the board. The municipal attorney may offer legal counsel to the board in the course of its proceedings.~~
- ~~3. Case Number. Every appeal shall be assigned a case number which shall be read into the record along with the name of the appellant before the hearing on that appeal commences.~~
- ~~4. Burden of Proof. The burden of proof rests with the appellant. The only grounds for adjustment of an assessment are unequal, excessive, improper or under valuation based on the facts that are stated in a valid written appeal or provided at the appeal hearings in accordance with subsection (D)(7) of this section. If the valuation is found to be too low, the board of equalization may raise the assessment. The municipality shall make available to the appellant all reasonably pertinent documents requested for presentation of the appeal.~~
- ~~5. Rules of Evidence. The board shall not be restricted by the formal rules of evidence; however, the chairperson may exclude evidence irrelevant to the issues appealed. Hearsay~~
(Items highlighted in gray coloring are being introduced as SUB-1).

evidence may be considered provided that there are adequate guarantees of its trustworthiness and that it is more probative on the point for which it is offered than any other evidence which the proponent can procure by reasonable efforts.

6. ~~Order of Presentation.~~ The appellant may present his appeal in person, in writing, or by authorized representative and shall present his argument first. Following the appellant, the assessor shall present the municipality's argument. The appellant may, at the discretion of the chairperson, make rebuttal presentations directed solely to the issues raised by the assessor. The municipal attorney may question the appellant or the assessor on matters relating to the appeal. The members of the board may ask questions, through the chairperson, of either the appellant or the assessor at any time during the hearing. After both the appellant and the assessor have presented their arguments, each may question the other through the chairperson.

7. ~~Witnesses and Exhibits.~~ The appellant and the assessor may offer oral testimony of witnesses and documentary evidence during the hearing. Any documents presented to the board by either party must be provided to the opposing party at least seven days before the hearing. Documents to be submitted as evidence to the board must be filed with the city clerk no later than seven days before the board hearing to be admitted. All testimony before the board shall be under oath.

8. ~~Decisions.~~ At the conclusion of the hearing the boards shall determine whether the assessment is proper. The board shall issue findings of fact and conclusions of law clearly stating the grounds upon which the board relied to reach its decision.

9. ~~Certification.~~ The board shall certify its decision for an appeal to the assessor within seven days following its issuance.

10. ~~Approval of Value Agreed Upon Between Assessor and Appellant.~~ After an appeal has been filed to the board of equalization, the assessor will prepare a memorandum to the board of equalization for any new value which has been tentatively agreed to by the assessor and appellant, requesting the approval of the new value. If the board of equalization does not approve the value, the assessor shall schedule the appeal for a hearing and the city clerk shall properly notify the appellant.

F. ~~Appeal to Superior Court.~~ The appellant or the assessor may appeal a decision of the board to the superior court within thirty days in accordance with the rules of appellate procedure of the state. (Ord. 01-12 § 1 (part), 2001.)

4.15.125 Appeals to board of equalization.

A. ~~A person whose name appears on the assessment roll or his agent or assigns may appeal to the board of equalization for relief from an alleged error in valuation.~~

B. ~~No appeal may be taken unless the applicant files with the city clerk written notice of appeal specifying grounds for such appeal within thirty days from the date the assessment notice was mailed.~~

C. ~~The city clerk shall acknowledge the written appeal by sending the appellant a notice, and notify the appellant by mail of the time and place for the hearing before the board and assign a case number to the appeal.~~

D. ~~A taxpayer who requests to appeal his valuation after the thirty-day filing period has closed shall file a letter with the city clerk stating the reasons why the taxpayer was unable to comply within the thirty-day period. The board of equalization shall consider each letter. The board's determination shall be based on the letter and any supporting documents. A taxpayer may not make an oral presentation at this hearing. The board shall interpret the term "unable to comply"~~

(Items highlighted in gray coloring are being introduced as SUB-1).

~~as meaning that a taxpayer must demonstrate compelling reasons or circumstances which would prevent a reasonable person under the circumstances from filing an appeal. If the request is granted, the taxpayer shall have thirty days from the date of notification by the city clerk to file an appeal. If the request is denied, the city clerk shall notify the taxpayer of the board's decision. (Ord. 01-12 § 1 (part), 2001.)~~

4.15.130 Assessment roll—Appeal and hearing.

~~A. Pursuant to AS 29.45.190, a person whose name appears on the assessment roll or the agent or assigns of that person may appeal to the board of equalization for relief from an alleged error in valuation not adjusted by the assessor to the taxpayer's satisfaction. In addition to the appeal procedures set forth therein, whenever it appears to the board that there are overcharges or errors or invalidities in the assessment roll, or in any of the proceedings leading up to or subsequent to the preparation of the roll, and there is no appeal before the board by which the same may be dealt with, or where the name of any person is ordered by the board to be entered on the assessment roll, by way of addition or substitution, for the purpose of assessment, the board shall cause notice of assessment to be mailed to that person or his agent giving him a least thirty days from the date of such mailing within which to appeal to the board against the assessment.~~

~~B. In compliance with the provisions of AS 29.45.210, at the time appointed for the hearing of the appeal or as soon thereafter as the appeal may be heard, the board shall hear the appellant, the assessor, other parties to the appeal and their witnesses, and consider the testimony and evidence adduced, and shall determine the matters in question on the merits and render its decision accordingly. If any party to whom notice was mailed, as above set forth, fails to appear, the board may proceed with the hearing in his/her absence. The burden of proof in all cases shall be upon the party appealing. The board shall from time to time enter in the appeal record its decision upon appeals brought before it, and shall certify to the same. (Ord. 01-12 § 1 (part), 2001.)~~

4.15.120 Membership of the board of equalization.

A. Membership—Duties.

1. Membership. The board of equalization shall be composed of three city council members and the mayor, who will preside. Members shall not be in default with the city for taxes.

2. Duties. The board may determine equalization on properties brought before the board by appellants or by one or more members of the board. The board may alter an assessment of a lot only pursuant to an appeal filed as to the particular lot.

B. Duties of Municipal Assessor. The municipal assessor shall furnish the board of equalization with copies of the appellant's appeal and a short narrative of the assessor's position. The assessor shall certify that material furnished to the board under Section 4.15.125 is true and correct, and such material shall be considered as part of the official **record** testimony the board may **consider**. ~~hear.~~ The assessor or his representative may supplement the record by additional testimony, documentation and exhibits in accordance with **DMC 4.15.130(10)**. ~~subsection (D)(7) of this section.~~

4.15.125 Appeals to board of equalization.

A. A person whose name appears on the assessment roll or his agent or assigns may appeal to the board of equalization for relief from an alleged error in valuation.

(Items highlighted in gray shading are being introduced as SUB-1.)

B. No appeal may be taken unless the applicant files with the city clerk written notice of appeal specifying grounds for such appeal within thirty days from the date the assessment notice was mailed.

C. The city clerk shall acknowledge the written appeal by sending the appellant a notice indicating the time and location of the board's organizational meeting, and shall refer all appeals to the assessor, including transmitting to the assessor any documents submitted by the appellant., and notify the appellant by mail of the time and place for the hearing before the board and assign a case number to the appeal.

D. Prior to the hearing, the appellant taxpayer may present relevant information directly to the assessor, who may revise the original assessment if the information indicates that the original assessment was unequal, excessive, improper or under valued. If the assessor and the appellant taxpayer tentatively agree upon a revised assessment value prior to the hearing, the assessor will prepare a memorandum to the board of equalization stating the reasons for the revised assessment, the amount thereof, and requesting approval of the new value. The board shall consider the memo at the organizational meeting described in subsection E. If the board of equalization does not approve the value, the assessor shall schedule the appeal for a hearing and the city clerk shall properly notify the appellant.

E. As soon as practicable after the deadline for filing appeals expires, the board shall convene an organizational meeting to determine the number of outstanding appeals and schedule hearings. No more appeals shall be accepted.

~~F. A taxpayer who requests to appeal his valuation after the thirty day filing period has closed shall file a letter with the city clerk stating the reasons why the taxpayer was unable to comply within the thirty day period. The board of equalization shall consider each letter. The board's determination shall be based on the letter and any supporting documents. A taxpayer may not make an oral presentation at this hearing. The board shall interpret the term "unable to comply" as meaning that a taxpayer must demonstrate compelling reasons or circumstances which would prevent a reasonable person under the circumstances from filing an appeal. If the request is granted, the taxpayer shall have thirty days from the date of notification by the city clerk to file an appeal. If the request is denied, the city clerk shall notify the taxpayer of the board's decision.~~

G. Hearings for all outstanding appeals shall be held prior to May 15 of the tax year for which the assessment is appealed, unless the board determines at its organizational meeting that additional time is necessary to conduct all the hearings. All hearings and assessments must be complete before the council considers the resolution required by DMC 4.15.020(B).

4.15.130 Board of equalization hearing.

The following procedures shall govern the hearing:

1. Quorum. A quorum shall consist of three members.
2. Voting. The board shall act by simple majority vote, and may decide to reject, approve, or partially approve or reject an adjustment requested by either party by a majority vote of the board members present at the hearing. ~~granting of any appeal or part thereof shall require the concurring vote of all board members.~~

(Items highlighted in gray shading are being introduced as SUB-1).

3. Conduct of Hearings. Except as otherwise provided in this chapter, hearings shall be conducted by the board in accordance with Robert's Rules of Order, Newly Revised.
4. Record. The city clerk shall keep verbatim stenographic records or electronic recordings of the board's proceedings, showing the vote of each member on every question and all of the evidence presented. The city clerk shall prepare written minutes for all board proceedings and the chairperson of the board and the city clerk shall sign such minutes.
5. Counsel. All parties may be represented by counsel during hearings before the board. The municipal attorney may offer legal counsel to the board in the course of its proceedings.
6. Case Number. Every appeal shall be assigned a case number which shall be read into the record along with the name of the appellant before the hearing on that appeal commences.
7. Burden of Proof. The burden of proof rests with the appellant. The only grounds for adjustment of an assessment are unequal, excessive, improper or under valuation based on the facts that are stated in a valid written appeal or provided at the appeal hearings in accordance with subsection (F)(10) of this section. If the valuation is found to be too low, the board of equalization may raise the assessment. The municipality shall make available to the appellant all reasonably pertinent documents requested for presentation of the appeal.
8. Rules of Evidence. The board shall not be restricted by the formal rules of evidence; however, the chairperson may exclude evidence irrelevant to the issues appealed. Hearsay evidence may be considered provided that there are adequate guarantees of its trustworthiness and that it is more probative on the point for which it is offered than any other evidence which the proponent can procure by reasonable efforts.
9. Order of Presentation. The appellant may present his appeal in person, in writing, or by authorized representative and shall present his argument first. **If any party to whom notice of the hearing was mailed fails to appear, the board may proceed with the hearing in his/her absence.** Following the appellant, the assessor shall present the municipality's argument. The appellant may, at the discretion of the chairperson, make rebuttal presentations directed solely to the issues raised by the assessor. The municipal attorney may question the appellant or the assessor on matters relating to the appeal. The members of the board may ask questions, ~~through the chairperson,~~ of either the appellant or the assessor at any time during the hearing. ~~After both the appellant and the assessor have presented their arguments, each may question the other through the chairperson.~~
10. Witnesses and Exhibits. The appellant and the assessor may offer oral testimony of witnesses and documentary evidence during the hearing. Any documents presented to the board by either party must be provided to the opposing party **and to the city clerk** at least seven days before the hearing, **but failure to produce such documents prior to the hearing shall not prevent the board from accepting the documents as evidence unless doing so would substantially prejudice the other party.** ~~Documents to be submitted as evidence to the board must be filed with the city clerk no later than seven days before the board hearing to be admitted.~~ All testimony before the board shall be under oath.

(Items highlighted in gray shading are being introduced as SUB-1).

11. Decisions. At the conclusion of the hearing, the boards shall determine the correct valuation and shall clearly state the reason for the its decision on the record. whether the assessment is proper. The board shall issue findings of fact and conclusions of law clearly stating the grounds upon which the board relied to reach its decision.

12. Certification. The city clerk shall transmit the results of the hearings to the parties and the city finance department within three days of the hearings in accordance with DMC 4.15.140. board shall certify its decision for an appeal to the assessor within seven days following its issuance. Except as to supplementary assessments, the city council shall certify the final assessment roll by June 15.

Section 5. Amend Section 4.15.170 to the correct information. (Additions are underlined and emboldened and deletions are shown as strikethrough.)

4.15.170 Assessor to mMail tax statements.

Following adoption of the council resolution provided in AS- DMC 14.15.160.C. and by July 1st, the assessor- the city shall mail tax statements by July 1st, setting out the levy and the dates when taxes are due and delinquent, and the penalties and interest.

Section 6. Effective Date. This ordinance shall be made as of July 1, 2013.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on

_____.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: An ordinance of the Dillingham City Council amending sections 4.15.110 through 4.15.170 of the Dillingham Municipal Code to amend the procedures for appeal hearings before the Board of Equalization and to delete repetitive language in these sections

Agenda of: April 11, 2013

Council Action: This ordinance was introduced at the February 7, 2013 Council meeting.

Manager: Recommend approval.

City Manager: *Carol Shade, acting*
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Finance Director / Carol Shade	CS	
X	City Clerk / Janice Williams	JW	

Fiscal Note: Yes _____ No X Funds Available: Yes _____ No _____

Other Attachment(s):

- Public Hearing was advertised in the March 28, 2013 edition of Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing.

Summary Statement.

This ordinance was vetted through the Code Review Committee, introduced February 7, scheduled for a public hearing on March 7, but we asked Council to postpone adoption until April 11 pending further review by the committee. Another public hearing was required.

Attorney Munson revised the ordinance to address the burden imposed on the BOE from having to rule on on-going late filed appeals. The significant changes to Ordinance No. 2013-02 were to add a BOE organizational meeting which would be held soon after the assessment period closed, to determine the number of outstanding appeals, and to schedule the hearing date. They would also declare no more appeals would be accepted. If someone wanted to push for a hearing on a late filed appeal, they could always go before the Council.

The committee favored introducing the substitute ordinance April 11 allowing for time to absorb the changes, and bring it back for a public hearing and adoption April 25. It appears the substitute ordinance he is proposing is changing a lot more than it is, but he has taken the original Ordinance No. 2013-02 that had restructured the code to remove duplicate language and to provide a chronology of events, and has further organized it, but in substance it really hasn't changed.

We will be recommending Council adopt Ordinance No. 2013-02 (SUB-1) at their April 25, 2013 meeting, in order to allow sufficient time to review the changes.

CLASSIFIEDS & LEGALS

RATES: 55 cents per word,
minimum \$5.50 per ad.
DEADLINE: 12 noon, Monday for
next publication

March 28, 2013

Alaska Media, LLC. • 500 West International, Suite F • Anchorage, AK 99518 • (907) 770-0820 • Fax: (800) 770-0822 • ads@reportalaska.com

Page 17

LEGALS

Notice of Petition to Change Name

A petition has been filed in the Superior Court (Case # 3UN-13-00014C) requesting a name change from (current name) Kingston J. Jankowiak to Kingston J. Jankowiak-Heim. A hearing on this request will be held on 5/20/2013 at 8:30 am.

Notice of petition to Change Name

A petition has been filed in the Superior Court (Case # 3D1-13-00010C) requesting a name change from (current name) Heather J. Mueller to Heather J. Michelson. A hearing on this request will be held on April 05, 2013 at 3:00 pm at Courtroom B Dillingham Courthouse, 715 Seward, Dillingham, AK.

Montana 11th Judicial District Court Flat Head County

In re the parenting of: KS. Kimberly Bruner, Petitioner, and Tyler Sloan, Respondent.

Cause No: DR-12-808A Summons for Publication

THE STATE OF MONTANA SENDS GREETINGS TO THE ABOVE NAMED RESPONDENT:

You the respondent, are hereby summoned to answer the Petition in this action, which is filed with the Clerk of this Court, a copy of which is herewith served upon you, and to file your answer and serve a copy thereof upon the Petitioner within twenty-one days after the service of this Summons, exclusive of the day of service; and in case of your failure to appear or answer, judgement will be taken against you for the relief demanded in the Petition.

This action is brought to establish a permanent parenting plan for the minor child(ren).

Dated this 8th day of January, 2013.

Peg L Allison Clerk of Court
Kathleen Donohue By: Deputy Clerk

HELP WANTED

Journeyman Lineman
Nushagak Cooperative

Nushagak Cooperative seeks applicants for the position of Journeyman Lineman. Minimum qualifications include: must possess a Journeyman Lineman Classification and be able to possess the Alaska State Certification of fitness classification for Journeyman Lineman within one (1) year from the date of hire. CDL License required. Salary range is \$29.71/hr - \$38.19/hr DOE. A detailed job description is available at the Cooperative's Customer Service Office, our website www.nushtel.com or the Employment Service Office. If interested, please submit an application and resume to Nushagak Cooperative Customer Service Office or mail or fax it to the below address, attention Gayla Powers. Position open until filled.

Gayla Powers Human Resource Generalist
Nushagak Cooperative
P.O. Box 350
Dillingham, AK 99576
Fax: 907-842-2780
Email: gpowers@nushagak.coop
EOE

SAVEC Job Announcement

Bristol Bay Rural Jobs Accelerator Project Coordinator OBJECTIVE:

Gain an understanding of SAVEC, the Bristol Bay Jobs Accelerator Project, and the Bristol Bay Regional Vision to develop and implement a fisheries, seafood processing, and maritime training program, provide information to local and regional agencies, businesses and individuals, and to meet grant requirements. **Job Knowledge / documentation required.** Bachelor's Degree in Business, Economics, Rural Development or related field. Preferred two years' work experience in project coordination and curriculum development or similar activities. Must be self-motivated, detail-oriented with ability to multi-task and have excellent planning and logistical skills. Ability to independently track multiple activities and provide follow-through to ensure timelines and funding requirements are met. Outstanding written and verbal communication skills. Familiarity with making travel arrangements, conference planning and monitoring project budget is preferred. Familiarity with Bristol Bay area, people, and cultures. Familiarity with fishing, seafood and maritime industry is preferred. Computer skills: MS programs, email/internet, and database programs. Complete achievement of certain of the above specifications may not be required if, in the opinion of SAVEC a particular candidate possesses significant offsetting characteristics, such as past accomplishments, experience, education, or estimate of future potential. **REPORTS TO: Instructional Operations Manager** or designee. **DUTY STATION:** King Salmon, Alaska. **TO APPLY:** In addition to a fully completed **SAVEC application form, candidates are asked to provide a current resume and writing sample.** **CLOSING DATE: March 29, 2013.**

For more details or to apply, contact Steven Angasan at Southwest Alaska Vocational and Education Center, Box 615 King Salmon, AK 99613. Visit www.savec.org for information on SAVEC and its offerings. For a full job description, application, or more information, you can email your request to steven@savec.org and steven_angasan@yahoo.com. Applications can be scanned and e-mailed back, or faxed. Phone: (907) 246-4600 Fax (907) 246-4607.

SERVICES

COAST GUARD LICENSES. 6 PACK TO 100 GT MASTERS. \$700 IN ANCHORAGE. EMAIL OR CALL TOLL FREE ants@mtaonline.net 1-866-357-2687. WE FURNISH ALL BOOKS AND SUPPLIES. www.aknauticaltraining.com WE OFFER DISCOUNTS ON COAST GUARD REQUIREMENTS.

Wanted 2013 Bristol Bay Drift Permit On Medical

Transfer. Will pay up front money before season.
Call 808-652-5231

FOR SALE

LAND FOR SALE

The Bristol Bay Native Association, on behalf of the Native landowner, is offering the following land for sale by sealed bid: U. S. Survey 9183, contains 159.98 acres. Situated approximately 8 1/2 miles southeasterly of the village of Egegik, Alaska. Access is in winter with snow mobile. Terrain is generally level with a slight slope to the northwest. The ground surface is predominately rocky tussocks. Vegetation is low lying tundra plants. Best use of this land is determined to be subsistence or private recreational use. No utilities available, no zoning or taxes. Minimum Bid is \$64,000.00. Cash or Deferred payment accepted. Property is subject to

easements & dedications of record and CCR on record. For more information on property, bid procedures, and terms of sale, call or write:

Bristol Bay Native Association
Land Management Services
P.O. Box 310
Dillingham, Alaska 99576
Phone: 907-842-5257 ext. 330

Title to land sold as a result of this advertisement will be conveyed in fee simple status by approved deed. Award will be made to the highest bidder who meets or exceeds the minimum bid, subject to approval of the Native owner. BID OPENING 2 pm, May 09, 2013 at Bristol Bay Native Association Land Management Services, 1500 Kakanak Road, P.O. Box 310, Dillingham, Alaska 99576.



PUBLIC NOTICE

Public Hearing on Ordinance Nos. 2013-01, 2013-02, 2013-03 and 2013-04

The City Of Dillingham will hold a **Public Hearing on Thursday, April 11, 2013, at 7:00 P.M. in the City Council Chambers** for the purpose of taking comment from the public on Ordinance No. 2013-01, 2013-02, 2013-03, and 2013-04 as follows:

Ordinance No. 2013-01, An Ordinance of the Dillingham City Council Amending Section 4.21.040 of the Dillingham Municipal Code to Limit the Penalty Assessed for Failure to File or Remit Raw Fish Sales Tax Returns to Ten Percent, and to Limit the Interest to 6%

Ordinance no. 2013-02, An Ordinance of the Dillingham City Council Amending Sections 4.15.110 Through 4.15.170 of the Dillingham Municipal Code to Amend the Procedures for Appeal Hearings Before the Board of Equalization and to Delete Repetitive Language in these Sections

Ordinance No. 2013-03, An Ordinance of the Dillingham City Council Amending the Budget by Adopting Budget Amendment No. 1 and Appropriating Funds for the FY 2013 City of Dillingham Budget

Ordinance No. 2013-04, An Ordinance of the Dillingham City Council Amending Section 17.15.030 of the Dillingham Municipal Code to Change the Language Requesting Council Take Action on Planning Commission Resolution to Recommend Vacation of an Alley from "30 Days to Veto" to "45 days to Approve" a Recommended Vacation

If you have any questions, please forward them to the City Clerk's office at 842-5212 or email cityclerk@dillinghamak.us.

3/28

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-03

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING THE BUDGET BY ADOPTING BUDGET AMENDMENT NO. 1 AND APPROPRIATING FUNDS FOR THE FY 2013 CITY OF DILLINGHAM BUDGET

WHEREAS, the City Council has approved the Operating Budget and Capital Improvement Budget for FY 13 to the City Council in accordance with Title 4 of the Dillingham Municipal Code pursuant to A.S. 20.20.500(3); and

WHEREAS, duly advertised public workshops were held and the City Council reviewed the budget amendment recommendations presented; and

WHEREAS, the City Council has set the rate of levy of property tax for the City of Dillingham for FY 2013 budget at 13 mills; and

WHEREAS, the budget presented, reviewed and changed is in accordance with sound and efficient municipal management principles. The City Council should have the power to transfer appropriated monies from one General Government Fund or Special Revenue Fund to another and from one Capital Project to another by resolution and the City Manager should have the power to transfer funds from one line item object to another object code within a fund and within a Capital Improvement Project; and

WHEREAS, additional FY 13 funds are available for appropriation by ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Dillingham City Council that:

1. The FY 13 Operating Budget and Capital Improvement Budget amendment as recommended by the City Manager is hereby adopted for the City of Dillingham.
2. The amounts set forth in the budget as amended by the City Council for the respective departments and/or funds shall be, and hereby are, appropriated for the fiscal year ending June 30, 2013.
3. The City Council shall have the power to transfer approved and appropriated General Fund or Special Revenue Fund monies from one to another and from one Capital Project to another by resolution.
4. The City Manager shall have the power to transfer funds from one line item object code to another within a fund and within a Capital Improvement Project.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF DILLINGHAM that:

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Severability. If any portion of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Appropriation summary. The original appropriation from the Treasury in Section 4 was a total of \$12,293,204 and the amended appropriation is \$16,177,488.

Section 4. Appropriations.

A. General Fund Government Operations

City Council	\$ 88,800
City Clerk	127,769
Administration	308,990
Finance	580,666
Legal	135,000
Insurance	97,501
Non-Departmental	260,100
Planning	142,096
PS Administration	197,625
PS Dispatch	415,229
PS Patrol	543,529
PS Investigations/WAANT	135,864
PS Corrections	551,864
PS DMV	85,699
PS Animal Control Officer	130,070
PS Fire Department	294,536
PS K-9	93,719
PS IT Support	26,500
PW Administration	217,095
PW Buildings & Grounds	376,606
PW Shop	247,151
PW Streets	581,271
Library	201,510
Meeting Hall	3,680
Contributions	24,000
Foreclosures	0
City School District	1,300,000
Transfer Subsidy for Operations	932,902
Transfer to Equipment Fund	-
Total General Fund Appropriations:	\$ 8,099,772

Special Revenue & Other Funds Appropriations	
Nushagak Fish Tax	\$ 459,500
Water	210,148
Waste Water	263,138
Landfill	362,898
Port-Dock	479,327
Port-Harbor	211,544
E-911	65,352
Senior Center	469,969
Debt Service	1,177,840
Ambulance Replacement Fund	38,000
Mary Carlson Estate	10,000
Total Special Revenue & Other Funds Appropriations	<u>\$ 3,747,716</u>
Capital Improvement Projects	
Water Treatment Plant	\$ 2,280,000
Library Roof	250,000
Snag Point Sewer Relocate	<u>1,800,000</u>
Total Capital Improvement	\$ 4,330,000
Total Appropriations	<u>\$ 16,177,488</u>

Section 5. Revenues

General Fund

Taxes

Sales Taxes	\$ 2,720,000
Alcohol Sales Taxes	285,000
Transient Lodging Sales Taxes	105,000
Real Property Taxes	1,466,000
Personal Property Taxes	500,000
Penalty and Interest on Property Taxes	55,000
Penalty and Interest on Sales Taxes	11,000
Gaming Sales Tax	65,000
Payment in Lieu Taxes (PILT)	429,392

Other Revenues

Jail Contract Revenue	480,417
Revenue Sharing	298,970
Shared Fisheries	32,206
Raw Fish Tax	339,410
Revenues from State of Alaska	396,302
Revenues from Federal Government	12,000
Administrative Overhead	364,723
Charges for Current Services	60,000
Licenses Fees Fines and Permits	28,200
Lease and Rental Income	42,071

Investment Income	50,000
Other Revenues	113,572
Transfer from Nushagak Fish Tax	400,920
Total General Fund Revenues	<u>\$ 8,255,183</u>

Special Revenue & Other Funds Revenues	
Nushagak Fish Tax	\$ 459,500
Water	180,368
Waste Water	235,700
Landfill	156,071
Port – Dock	709,603
Port – Harbor	175,426
E-911	74,650
Asset Forfeitures	800
Senior Center	192,464
Debt Service	824,488
Mary Carlson Estate Permanent Fund	<u>10,000</u>

Total Special Revenue Funds & Other Funds Revenues	<u>\$ 3,019,070</u>
---	---------------------

<u>Capital Improvement Projects</u>	
Water Treatment Plant	\$ 2,280,000
Library Roof	250,000
Snag Point Sewer Relocation	<u>1,800,000</u>
	\$ 4,330,000

TOTAL REVENUES	<u>\$ 15,642,253</u>
----------------	----------------------

Section 6. Transfers

Transfers from General Fund to Other Funds	
Water	\$ 29,780
Waste Water	27,438
Landfill	206,827
Senior Center	277,505
Ambulance Reserve	38,000
Debt Service	<u>353,352</u>
Total General Fund Transfers	\$ 932,902

Total Revenues	\$ 16,537,155
Total Appropriations	<u>\$ 16,177,488</u>
Net Increase (Decrease) to Fund Balances	\$ 359,667

Section 7. Effective Date. This ordinance is effective upon passage.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on _____.

SEAL

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

City of Dillingham Information Memorandum No. O2013-03

Subject: An ordinance of the Dillingham City Council amending the budget by adopting budget amendment No. 1 and appropriating funds for the FY 2013 City of Dillingham budget

Agenda of: April 11, 2013

Council Action: This ordinance was introduced at the March 7, 2013 Regular Council Meeting.

Manager: Recommend approval.

City Manager: Carol Shade, acting
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade	CS	
X	City Clerk / Janice Williams	JW	

Fiscal Note: Yes _____ No X Funds Available: Yes _____ No _____

Other Attachment(s):

- Public Hearing was advertised in the March 28, 2013 edition of Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing
- FY13 Mid-Year Budget Review Summary

This ordinance was vetted through the Finance and Budget Committee and is being recommended for adoption.

We will be recommending Council adopt Ordinance No. 2013-03 at their April 11, 2013 meeting.

CLASSIFIEDS & LEGALS

RATES: 55 cents per word,
minimum \$5.50 per ad.
DEADLINE: 12 noon, Monday for
next publication

March 28, 2013

Alaska Media, LLC. • 500 West International, Suite F • Anchorage, AK 99518 • (907) 770-0820 • Fax: (800) 770-0822 • ads@reportalaska.com

Page 17

LEGALS

Notice of Petition to Change Name

A petition has been filed in the Superior Court (Case # 3UN-13-00014C) requesting a name change from (current name) Kingston J. Jankowiak to Kingston J. Jankowiak-Heim. A hearing on this request will be held on 5/20/2013 at 8:30 am.

Notice of petition to Change Name

A petition has been filed in the Superior Court (Case # 3D1-13-00010C) requesting a name change from (current name) Heather J. Mueller to Heather J. Michelson. A hearing on this request will be held on April 05, 2013 at 3:00 pm at Courtroom B Dillingham Courthouse, 715 Seward, Dillingham, AK.

Montana 11th Judicial District Court Flat Head County

In re the parenting of: KS. Kimberly Bruner, Petitioner, and Tyler Sloan, Respondent.

Cause No: DR-12-808A Summons for Publication
THE STATE OF MONTANA SENDS GREETINGS TO THE ABOVE NAMED RESPONDENT:

You the respondent, are hereby summoned to answer the Petition in this action, which is filed with the Clerk of this Court, a copy of which is herewith served upon you, and to file your answer and serve a copy thereof upon the Petitioner within twenty-one days after the service of this Summons, exclusive of the day of service; and in case of your failure to appear or answer, judgement will be taken against you for the relief demanded in the Petition.

This action is brought to establish a permanent parenting plan for the minor child(ren).

Dated this 8th day of January, 2013.

Peg L Allison Clerk of Court
Kathleen Donohue By: Deputy Clerk

HELP WANTED

Journeyman Lineman
Nushagak Cooperative

Nushagak Cooperative seeks applicants for the position of Journeyman Lineman. Minimum qualifications include: must possess a Journeyman Lineman Classification and be able to possess the Alaska State Certification of fitness classification for Journeyman Lineman within one (1) year from the date of hire.

CDL License required. Salary range is \$29.71/hr - \$38.19/hr DOE. A detailed job description is available at the Cooperative's Customer Service Office, our website www.nushak.com or the Employment Service Office. If interested, please submit an application and resume to Nushagak Cooperative Customer Service Office or mail or fax it to the below address, attention Gayla Powers. Position open until filled.

Gayla Powers Human Resource Generalist
Nushagak Cooperative
P.O. Box 350
Dillingham, AK 99576
Fax: 907-842-2780
Email: gpowers@nushagak.coop
EOE

SAVEC Job Announcement
Bristol Bay Rural Jobs Accelerator Project Coordinator OBJECTIVE: Gain an understanding of SAVEC, the Bristol Bay Jobs Accelerator Project, and the Bristol Bay Regional Vision to develop and implement a fisheries, seafood processing, and maritime training program, provide information to local and regional agencies, businesses and individuals, and to meet grant requirements. **Job Knowledge / documentation required.** Bachelor's Degree in Business, Economics, Rural Development or related field. Preferred two years' work experience in project coordination and curriculum development or similar activities. Must be self-motivated, detail-oriented with ability to multi-task and have excellent planning and logistical skills. Ability to independently track multiple activities and provide follow-through to ensure timelines and funding requirements are met. Outstanding written and verbal communication skills. Familiarity with making travel arrangements, conference planning and monitoring project budget is preferred. Familiarity with Bristol Bay area, people, and cultures. Familiarity with fishing, seafood and maritime industry is preferred. Computer skills: MS programs, email/internet, and database programs. Complete achievement of certain of the above specifications may not be required if, in the opinion of SAVEC a particular candidate possesses significant offsetting characteristics, such as past accomplishments, experience, education, or estimate of future potential. **REPORTS TO: Instructional Operations Manager** or designee. **DUTY STATION:** King Salmon, Alaska. **TO APPLY:** In addition to a fully completed SAVEC application form, candidates are asked to provide a current resume and writing sample. **CLOSING DATE: March 29, 2013.**

For more details or to apply, contact Steven Angasan at Southwest Alaska Vocational and Education Center, Box 615 King Salmon, AK 99613. Visit www.savec.org for information on SAVEC and its offerings. For a full job description, application, or more information, you can email your request to steven@savec.org and steven_angasan@yahoo.com. Applications can be scanned and e-mailed back, or faxed. Phone: (907) 246-4600 Fax (907) 246-4607.

SERVICES

COAST GUARD LICENSES. 6 PACK TO 100 GT MASTERS. \$700 IN ANCHORAGE. EMAIL OR CALL TOLL FREE ants@mtaonline.net 1-866-357-2687. WE FURNISH ALL BOOKS AND SUPPLIES. www.aknauticaltraining.com WE OFFER DISCOUNTS ON COAST GUARD REQUIREMENTS.

Wanted 2013 Bristol Bay Drift Permit On Medical

Transfer. Will pay up front money before season.
Call 808-652-5231

FOR SALE

LAND FOR SALE
The Bristol Bay Native Association, on behalf of the Native landowner, is offering the following land for sale by sealed bid: U. S. Survey 9183, contains 159.98 acres. Situated approximately 8 1/2 miles southeasterly of the village of Egegik, Alaska. Access is in winter with snow mobile. Terrain is generally level with a slight slope to the northwest. The ground surface is predominately rocky tussocks. Vegetation is low lying tundra plants. Best use of this land is determined to be subsistence or private recreational use. No utilities available, no zoning or taxes. Minimum Bid is \$64,000.00. Cash or Deferred payment accepted. Property is subject to

easements & dedications of record and CCR on record. For more information on property, bid procedures, and terms of sale, call or write:

Bristol Bay Native Association
Land Management Services
P.O. Box 310
Dillingham, Alaska 99576
Phone: 907-842-5257 ext. 330

Title to land sold as a result of this advertisement will be conveyed in fee simple status by approved deed. Award will be made to the highest bidder who meets or exceeds the minimum bid, subject to approval of the Native owner. **BID OPENING** 2 pm, May 09, 2013 at Bristol Bay Native Association Land Management Services, 1500 Kanakanak Road, P.O. Box 310, Dillingham, Alaska 99576.



PUBLIC NOTICE

Public Hearing on Ordinance Nos. 2013-01, 2013-02, 2013-03 and 2013-04

The City Of Dillingham will hold a **Public Hearing on Thursday, April 11, 2013, at 7:00 P.M. in the City Council Chambers** for the purpose of taking comment from the public on Ordinance No. 2013-01, 2013-02, 2013-03, and 2013-04 as follows:

Ordinance No. 2013-01, An Ordinance of the Dillingham City Council Amending Section 4.21.040 of the Dillingham Municipal Code to Limit the Penalty Assessed for Failure to File or Remit Raw Fish Sales Tax Returns to Ten Percent, and to Limit the Interest to 6%

Ordinance no. 2013-02, An Ordinance of the Dillingham City Council Amending Sections 4.15.110 Through 4.15.170 of the Dillingham Municipal Code to Amend the Procedures for Appeal Hearings Before the Board of Equalization and to Delete Repetitive Language in these Sections

Ordinance No. 2013-03, An Ordinance of the Dillingham City Council Amending the Budget by Adopting Budget Amendment No. 1 and Appropriating Funds for the FY 2013 City of Dillingham Budget

Ordinance No. 2013-04, An Ordinance of the Dillingham City Council Amending Section 17.15.030 of the Dillingham Municipal Code to Change the Language Requesting Council Take Action on Planning Commission Resolution to Recommend Vacation of an Alley from "30 Days to Veto" to "45 days to Approve" a Recommended Vacation

If you have any questions, please forward them to the City Clerk's office at 842-5212 or email cityclerk@dillinghamak.us.

3/28

City of Dillingham
FY13 Mid-Year Budget Review Summary

A	B	C	D	F	G
	Original FY13 Budget	Amended FY13 Budget	Difference C - B Change	FY13 Actuals at 12/31/12	% Expensed at 12/31/12
General Fund Appropriations					
Department					
City Council	\$ 88,800	\$ 88,800	\$ -	\$ 23,702	27%
City Clerk	132,282	127,769	(4,513)	60,987	48%
Administration	319,445	308,990	(10,455)	148,114	48%
Finance	581,108	580,666	(442)	274,182	47%
Legal	135,000	135,000	0	92,625	69%
Insurance	88,642	97,501	8,859	97,501	100%
Non-Departmental	204,975	260,100	55,125	133,555	51%
Planning	153,591	142,096	(11,495)	60,041	42%
PS Administration	273,506	197,625	(75,881)	60,368	31%
PS Dispatch	428,354	415,229	(13,125)	214,720	52%
PS Patrol	577,922	543,529	(34,393)	251,788	46%
PS Investigations/WAANT	126,659	135,864	9,205	59,084	43%
PS Corrections	571,597	551,864	(19,733)	260,647	47%
PS DMV	103,356	85,699	(17,657)	38,308	45%
PS Animal Control Officer	131,564	130,070	(1,494)	63,670	49%
PS Fire Department	299,447	294,536	(4,911)	69,841	24%
PS K-9	83,719	93,719	10,000	46,349	49%
PS IT Support	21,500	26,500	5,000	8,824	33%
PW Administration	237,953	217,095	(20,858)	105,290	48%
PW Buildings & Grounds	326,357	376,606	50,249	198,942	53%
PW Shop	267,525	247,151	(20,374)	54,230	22%
PW Streets	605,656	581,271	(24,385)	303,931	52%
Library	203,996	201,510	(2,486)	86,173	43%
Meeting Hall	3,680	3,680	0	1,518	41%
Contributions	4,000	24,000	20,000	0	0%
Foreclosures	0	0	0	5,886	
City School District	1,300,000	1,300,000	0	650,000	50%
Transfer Subsidy for Operations	933,383	932,902	(481)	314,653	34%
Transfer to Equipment/Capital Reserves	100,000	-	(100,000)	0	
Total General Fund Appropriations:	\$ 8,304,017	\$ 8,099,772	\$ (204,245)	\$ 3,684,929	45%
Total General Fund Revenue:	\$ 8,204,314	\$ 8,255,183	\$ 50,869	\$ 5,077,526	62%
Net General Fund:	\$ (99,703)	\$ 155,411	\$ 255,114	\$ 1,392,597	

**City of Dillingham
FY13 Mid-Year Budget Review Summary**

A	B	C	<u>Difference</u>	F	G
	Original FY13 Budget	Amended FY13 Budget	C - B Change	FY13 Actuals at 12/31/12	% Expensed at 12/31/12
<u>Special Revenue Funds not dependent on General Fund</u>					
Dock Expenses	426,996	479,327	52,331	277,596	58%
Dock Revenues	709,603	709,603	0	389,072	55%
	<u>282,607</u>	<u>230,276</u>	(52,331)	111,476	48%
Boat Harbor Expenses	214,524	211,544	(2,980)	118,880	56%
Boat Harbor Revenues	175,426	175,426	0	35,587	20%
Due to/(from) Dock Fund	(39,098)	(36,118)	2,980	(19,549)	54%
E-911 Expenses	14,060	65,352	51,292	44,016	67%
E-911 Revenues	74,650	74,650	0	33,175	44%
	<u>60,590</u>	<u>9,298</u>	(51,292)	0	0%
Asset Forfeitures Expenses	0	0	0	0	
Asset Forfeitures Revenues	800	800	0	0	
	<u>800</u>	<u>800</u>	0	0	
Overall Budget Surplus/(Deficit):	<u>205,196</u>	<u>359,667</u>	<u>154,471</u>	<u>1,484,524</u>	
<u>Special Revenue Funds dependent on General Fund</u>					
Water Expenses	224,479	210,148	(14,331)	98,034	47%
Water Revenue	178,368	180,368	2,000	76,516	42%
Due to/(from) General Fund	(46,111)	(29,780)	16,331	(23,055)	77%
Waste Water Expenses	263,138	263,138	0	158,412	60%
Waste Water Revenues	232,150	235,700	3,550	107,483	46%
Due to/(from) General Fund	(30,988)	(27,438)	3,550	(15,494)	56%
Landfill Expenses	339,298	362,898	23,600	187,258	52%
Landfill Revenues	156,071	156,071	0	63,508	41%
Due to/(from) General Fund	(183,227)	(206,827)	(23,600)	(91,614)	44%
Senior Center Expenses (Operations)	469,969	469,969	0	215,929	46%
Senior Center Revenues (Operations)	188,264	192,464	4,200	70,392	37%
Due to/(from) General Fund	(281,705)	(277,505)	4,200	(184,491)	66%

City of Dillingham
FY13 Mid-Year Budget Review Summary

A	B	C	D	F	G
	Original FY13 Budget	Amended FY13 Budget	Difference C - B Change	FY13 Actuals at 12/31/12	% Expensed at 12/31/12
Debt Service Expenses	1,177,840	1,177,840	0	1,177,840	100%
Debt Service Revenues	824,488	824,488	0	217,674	26%
Due to/(from) General Fund	<u>(353,352)</u>	<u>(353,352)</u>	<u>0</u>	<u>0</u>	
Equipment Replacement Fund Expenses	100,000	0	(100,000)	0	
Equipment Replacement Fund Transfer in	0	0	0	0	
Due to/(from) General Fund	<u>(100,000)</u>	<u>0</u>	<u>100,000</u>	<u>0</u>	
Ambulance Reserve Fund Expenses	38,000	38,000	0	0	
Ambulance Reserve Fund Transfer in	0	0	0	0	
Due to/(from) General Fund	<u>(38,000)</u>	<u>(38,000)</u>	<u>0</u>	<u>0</u>	
Total Transfers from General Fund	<u>\$ (1,033,383)</u>	<u>\$ (932,902)</u>	<u>\$ 100,481</u>	<u>\$ (314,653)</u>	
<u>Restricted & Captial Project Funds</u>					
Carlson House Expenses	10,000	10,000	0	3,842	38%
Carlson House Revenues	10,000	10,000	0	0	0%
	<u>0</u>	<u>0</u>	<u>0</u>	<u>(3,842)</u>	
Snag Point Sewer Relocation Expenses	1,800,000	1,800,000	0	1,237,260	69%
Snag Point Sewer Relocation Revenues	1,800,000	1,800,000	0	952,660	53%
	<u>0</u>	<u>0</u>	<u>0</u>	<u>(284,600)</u>	
Waste Water Treatment Plant Expenses	2,280,000	2,280,000	0	62,412	3%
Waste Water Treatment Plant Revenues	2,280,000	2,280,000	0	1,068	0%
	<u>0</u>	<u>0</u>	<u>0</u>	<u>(61,344)</u>	
Library Roof Expenses	250,000	250,000	0	70	0%
Library Roof Revenues	250,000	250,000	0	0	0%
	<u>0</u>	<u>0</u>	<u>0</u>	<u>(70)</u>	
<u>Nushagak Fish Tax Funds</u>					
Nushagak Fish Tax Refunds Expense	74,500	15,500	(59,000)	11,806	76%
Borough Study	21,326	16,155	(5,171)	15,603	97%
Fisheries Fund	35,544	26,925	(8,619)	26,004	97%
Transfer to General Fund	579,513	400,920	(178,593)	0	0%
Total Fish Tax Expenses	<u>710,883</u>	<u>459,500</u>	<u>(251,383)</u>	<u>53,413</u>	<u>12%</u>

**City of Dillingham
FY13 Mid-Year Budget Review Summary**

A	B Original FY13 Budget	C Amended FY13 Budget	D <u>Difference</u> C - B Change	F FY13 Actuals at 12/31/12	G % Expensed at 12/31/12
Nushagak Fish Tax Revenues	<u>710,883</u>	<u>459,500</u>	<u>(251,383)</u>	<u>380,616</u>	<u>83%</u>

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-04

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING SECTION 17.15.030 OF THE DILLINGHAM MUNICIPAL CODE TO CHANGE THE LANGUAGE REQUESTING COUNCIL TAKE ACTION ON PLANNING COMMISSION RESOLUTION TO RECOMMEND VACATION OF AN ALLEY FROM “30 DAYS TO VETO” TO “45 DAYS TO APPROVE” A RECOMMENDED VACATION OF AN ALLEY

WHEREAS, the DMC Section 17.15.030 requires that a Planning Commission recommendation for a vacation of any alley be referred to the Council; and

WHEREAS, the Council has 30 days to veto the recommendation; and

WHEREAS, the wording “30 days to veto” has caused some confusion since the normal course of action is to present the resolution asking for approval, not for a veto; and

WHEREAS, it has been determined that there is no legal reason to prevent the City from changing the wording;

NOW, THEREFORE, BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Amend Section 17.15.030 Determination and recording. Section 17.15.030 of the Dillingham Municipal Code is hereby amended to read as follows (Text displayed in underlined font and deleted text displayed in strike out font.):

17.15.030 Determination and recording.

A. Following the public hearing, the planning commission shall make its decision on the merits of the proposal.

B. If vacation of a city street or other public area is involved, the petition shall be forwarded to the city council with a copy of the planning commission recommendation.

C. The council has ~~thirty~~ forty-five days from the date of the decision of the planning commission in which to ~~veto~~ approve a recommended vacation. If no ~~veto is received~~ action is taken, consent is considered to have been given and the planning director shall notify the planning commission and the applicant.

D. If the vacation, alteration, or replat is approved, the revised plat shall be acknowledged and filed in accordance with AS 40.15, as amended from time to time. (Ord. 90-03 § 1 (part), 1990.)

Section 3. Effective Date. This ordinance is effective upon adoption.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on

_____.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: Introduce Ordinance No. 2013-04, An Ordinance of the Dillingham City Council Amending Section 17.15.030 of the Dillingham Municipal Code to Change the Language Requesting Council Take Action on Planning Commission Resolution to Recommend Vacation of an Alley from "30 Days to Veto" to "45 Days to Approve" a Recommended Vacation of an Alley

Agenda of: April 11, 2013

Council Action: This ordinance was introduced at the March 7, 2013 Regular Council Meeting.

Manager: Recommend approval.

City Manager: *X Carol Shade, Acting*
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Planning Director / Jody Seitz	<i>Jody Seitz</i>	
X	City Clerk / Janice Williams	<i>Janice Williams</i>	

Fiscal Note: Yes _____ No X Funds Available: Yes _____ No _____

Other Attachment(s):

- Public Hearing was advertised in the March 28, 2013 edition of Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing.

Summary Statement.

This ordinance was vetted through the Code Review Committee and is being recommended for adoption. It came about as the result of two resolutions from the Planning Commission to the Council in which the Council had thirty days from the date of the decision of the Planning Commission in which to veto a recommended vacation. The standard practice is to present a resolution asking for approval, not veto. It was recommended that the language be changed to conform to standard practice and avoid unnecessary confusion. This was legally advisable. To ensure the Council would have ample time to act on a resolution requesting the vacation of an alley, the number of days was extended from 30 days to 45 days.

We will be recommending Council adopt Ordinance No. 2013-04 at the April 11, 2013 meeting.

Advisement from Legal Counsel:

Because the City Council would have to actively approve the PC's resolution to vacate, it makes the PC's resolution somewhat more advisory than it is now because currently the PC's decision is treated as law unless overruled. The difference is negligible in real terms, and all the more so if the Ordinance as re-drafted will continue to allow the resolution to take effect (i.e., the ROW would be vacated) even if the Council does not take action on it within 45 days. The end result is the same – no action = PC recommendation goes into effect.

From a City management perspective it makes more sense to have the City Council ratify all vacations, rather than requiring action to prevent it. It could be quite a serious mistake if the vacation was inadvertently omitted from the City Council meeting agenda during the veto period, though extending this period out to 45 days increases the opportunities to correct it. Requiring Council approval rather than disapproval is also more consistent with the other real property disposal procedures set forth in DMC 5.30. On the other hand, the requirement calling for disapproval makes it easier for a person receiving title to the vacated ROW to prove that he or she is the lawful owner if that is later called in to question. A title check that turns up a PC resolution would be presumed effective absent a City Council order vetoing it, whereas if City Council approval was required, the PC resolution by itself would arguably not be enough to establish clear title because it would be the City Council action that actually completed the vacation. But because this ordinance still presumes that the vacation goes into effect without City Council approval, this concern is really more illusory than real too.

In sum, this change would do little more than extend the time for City Council action by 15 days.

CLASSIFIEDS & LEGALS

RATES: 55 cents per word,
minimum \$5.50 per ad.
DEADLINE: 12 noon, Monday for
next publication

March 28, 2013

Alaska Media, LLC • 500 West International, Suite F • Anchorage, AK 99518 • (907) 770-0820 • Fax: (800) 770-0822 • ads@reportalaska.com

Page 17

LEGALS

Notice of Petition to Change Name

A petition has been filed in the Superior Court (Case # 3UN-13-00014C) requesting a name change from (current name) **Kingston J. Jankowiak to Kingston J. Jankowiak-Heim**. A hearing on this request will be held on **5/20/2013 at 8:30 am**.

Notice of petition to Change Name

A petition has been filed in the Superior Court (Case # 3DI-13-00010C) requesting a name change from (current name) **Heather J. Mueller to Heather J. Michelson**. A hearing on this request will be held on **April 05, 2013 at 3:00 pm at Courtroom B Dillingham Courthouse, 715 Seward, Dillingham, AK**.

Montana 11th Judicial District Court Flat Head County

In re the parenting of: KS. Kimberly Bruner, Petitioner, and Tyler Sloan, Respondent.

Cause No: DR-12-808A Summons for Publication

THE STATE OF MONTANA SENDS GREETINGS TO THE ABOVE NAMED RESPONDENT:

You the respondent, are hereby summoned to answer the Petition in this action, which is filed with the Clerk of this Court, a copy of which is herewith served upon you, and to file your answer and serve a copy thereof upon the Petitioner within twenty-one days after the service of this Summons, exclusive of the day of service; and in case of your failure to appear or answer, judgement will be taken against you for the relief demanded in the Petition.

This action is brought to establish a permanent parenting plan for the minor child(ren).

Dated this 8th day of January, 2013.

Peg L Allison Clerk of Court

Kathleen Donohue By: Deputy Clerk

HELP WANTED

Journeyman Lineman
Nushagak Cooperative

Nushagak Cooperative seeks applicants for the position of Journeyman Lineman. Minimum qualifications include: must possess a Journeyman Lineman Classification and be able to possess the Alaska State Certification of fitness classification for Journeyman Lineman within one (1) year from the date of hire. CDL License required. Salary range is \$29.71/hr - \$38.19/hr DOE. A detailed job description is available at the Cooperative's Customer Service Office, our website www.nushtel.com or the Employment Service Office. If interested, please submit an application and resume to Nushagak Cooperative Customer Service Office or mail or fax it to the below address, attention Gayla Powers. Position open until filled.

Gayla Powers Human Resource Generalist
Nushagak Cooperative
P.O. Box 350
Dillingham, AK 99576
Fax: 907-842-2780
Email: gpowers@nushagak.coop
EOE

SAVEC Job Announcement

Bristol Bay Rural Jobs Accelerator Project Coordinator OBJECTIVE:

Gain an understanding of SAVEC, the Bristol Bay Jobs Accelerator Project, and the Bristol Bay Regional Vision to develop and implement a fisheries, seafood processing, and maritime training program, provide information to local and regional agencies, businesses and individuals, and to meet grant requirements. **Job Knowledge / documentation required.** Bachelor's Degree in Business, Economics, Rural Development or related field. Preferred two years' work experience in project coordination and curriculum development or similar activities. Must be self-motivated, detail-oriented with ability to multi-task and have excellent planning and logistical skills. Ability to independently track multiple activities and provide follow-through to ensure timelines and funding requirements are met. Outstanding written and verbal communication skills. Familiarity with making travel arrangements, conference planning and monitoring project budget is preferred. Familiarity with Bristol Bay area, people, and cultures. Familiarity with fishing, seafood and maritime industry is preferred. Computer skills: MS programs, email/internet, and database programs. Complete achievement of certain of the above specifications may not be required if, in the opinion of SAVEC a particular candidate possesses significant offsetting characteristics, such as past accomplishments, experience, education, or estimate of future potential. **REPORTS TO: Instructional Operations Manager** or designee. **DUTY STATION:** King Salmon, Alaska. **TO APPLY:** In addition to a fully completed **SAVEC application form, candidates are asked to provide a current resume and writing sample.** **CLOSING DATE: March 29, 2013.**

For more details or to apply, contact Steven Angasan at Southwest Alaska Vocational and Education Center, Box 615 King Salmon, AK 99613. Visit www.savec.org for information on SAVEC and its offerings. For a full job description, application, or more information, you can email your request to steven@savec.org and steven_angasan@yahoo.com. Applications can be scanned and e-mailed back, or faxed. Phone: (907) 246-4600 Fax (907) 246-4607.

SERVICES

COAST GUARD LICENSES. 6 PACK TO 100 GT MASTERS. \$700 IN ANCHORAGE. EMAIL OR CALL TOLL FREE ants@mtaonline.net 1-866-357-2687. WE FURNISH ALL BOOKS AND SUPPLIES. www.aknauticaltraining.com WE OFFER DISCOUNTS ON COAST GUARD REQUIREMENTS.

Wanted 2013 Bristol Bay Drift Permit On Medical

Transfer. Will pay up front money before season.
Call 808-652-5231

FOR SALE

LAND FOR SALE

The Bristol Bay Native Association, on behalf of the Native landowner, is offering the following land for sale by sealed bid: U. S. Survey 9183, contains 159.98 acres. Situated approximately 8 1/2 miles southeasterly of the village of Egegik, Alaska. Access is in winter with snow mobile. Terrain is generally level with a slight slope to the northwest. The ground surface is predominately rocky tussocks. Vegetation is low lying tundra plants. Best use of this land is determined to be subsistence or private recreational use. No utilities available, no zoning or taxes. Minimum Bid is \$64,000.00. Cash or Deferred payment accepted. Property is subject to

easements & dedications of record and CCR on record. For more information on property, bid procedures, and terms of sale, call or write:

Bristol Bay Native Association
Land Management Services
P.O. Box 310

Dillingham, Alaska 99576
Phone: 907-842-5257 ext. 330

Title to land sold as a result of this advertisement will be conveyed in fee simple status by approved deed. Award will be made to the highest bidder who meets or exceeds the minimum bid, subject to approval of the Native owner. **BID OPENING 2 pm, May 09, 2013 at Bristol Bay Native Association Land Management Services, 1500 Kanakanak Road, P.O. Box 310, Dillingham, Alaska 99576.**



PUBLIC NOTICE

Public Hearing on Ordinance Nos. 2013-01, 2013-02, 2013-03 and 2013-04

The City Of Dillingham will hold a **Public Hearing on Thursday, April 11, 2013, at 7:00 P.M. in the City Council Chambers** for the purpose of taking comment from the public on Ordinance No. 2013-01, 2013-02, 2013-03, and 2013-04 as follows:

Ordinance No. 2013-01, An Ordinance of the Dillingham City Council Amending Section 4.21.040 of the Dillingham Municipal Code to Limit the Penalty Assessed for Failure to File or Remit Raw Fish Sales Tax Returns to Ten Percent, and to Limit the Interest to 6%

Ordinance no. 2013-02, An Ordinance of the Dillingham City Council Amending Sections 4.15.110 Through 4.15.170 of the Dillingham Municipal Code to Amend the Procedures for Appeal Hearings Before the Board of Equalization and to Delete Repetitive Language in these Sections

Ordinance No. 2013-03, An Ordinance of the Dillingham City Council Amending the Budget by Adopting Budget Amendment No. 1 and Appropriating Funds for the FY 2013 City of Dillingham Budget

Ordinance No. 2013-04, An Ordinance of the Dillingham City Council Amending Section 17.15.030 of the Dillingham Municipal Code to Change the Language Requesting Council Take Action on Planning Commission Resolution to Recommend Vacation of an Alley from "30 Days to Veto" to "45 days to Approve" a Recommended Vacation

If you have any questions, please forward them to the City Clerk's office at 842-5212 or email cityclerk@dillinghamak.us.

3/28



ARCTIC CHIROPRACTIC
& MASSAGE



ARCTIC CHIROPRACTIC
& MASSAGE



ARCTIC CHIROPRACTIC
& MASSAGE

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-05

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING SECTION 4.16.060 OF THE DILLINGHAM MUNICIPAL CODE TO REVISE THE PENALTIES ASSESSED FOR FAILING TO APPLY FOR A CITY BUSINESS LICENSE

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Amend Section 4.16.060 Penalties—Enforcement. Section 4.16.060 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and **emboldened** deletions are shown as strikethrough.)

4.16.060 Penalties—Enforcement.

Any person who has effective control of a business required by this chapter to have a Dillingham business license and each business required by this chapter to have a Dillingham business license shall be subject to a civil penalty of one hundred dollars. **Penalties shall be assessed in addition to the application fee.** Any surcharge required to be imposed under AS 12.55.039 shall also be assessed in addition to any penalty.

As used in this section, the following persons have effective control of a business: its proprietor or proprietors, general partners in case of a partnership, the president, and each person or entity owning more than thirty percent of the voting stock in case of a corporation; and in case of a limited liability company the manager of the company, or if there is no manager, all members of the company.

In addition to this monetary penalty, the city may seek an injunction in the Superior Court requiring the business, or each person with effective control of the business, to obtain the required business license and also recover compensatory damages, including full, actual, reasonable attorneys' fees, from each such person. Upon application for an injunction under this section, the Superior Court shall issue the injunction.

The city shall also have any person who has effective control of a business required by this chapter to have a Dillingham business license and each business required by this chapter to have a Dillingham business license who has failed to obtain the business license required by this chapter, or any vessel owned by any such person, placed on the ~~delinquent list~~ **City's denied services list** of the Port of Dillingham. (Ord. 92-13 § 1 (part), 1992; Ord. 95-13 § 1, 1995; Ord. 96-8 § 4, 1996; Ord. 99-04 § 5, 1999.)

Section 3. Effective Date. This ordinance is effective upon adoption.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on _____.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: Introduce Ordinance No. 2013-05, An Ordinance of the Dillingham City Council Amending Section 4.16.060 of the Dillingham Municipal Code to revise the penalties assessed for failing to apply for a City business license

Agenda of: April 11, 2013

Council Action:

Manager: Recommend approval.

City Manager: *Carol Shade, Acting*
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade	<i>CS</i>	
X	City Clerk / Janice Williams	<i>JW</i>	

Fiscal Note: Yes _____ No X Funds Available: Yes _____ No _____

Other Attachment(s): None

Summary Statement.

This ordinance is being recommended by the Code Review Committee and will be introduced April 11, and is up for a public hearing and adoption April 25. Under the current code after 45 days being late for filing for a business license the penalty was \$100 a day, which was considered unrealistic, and would be a detriment to coming in and getting a business license at all as the penalty gradually accrued. The committee is recommending removing the reference to the forty-fifth day, and imposing a flat \$100 penalty. They also proposed in the future a adding a statement to the business application that states failure to apply for a license will result in being put on the deny services list.

We will be recommending Council introduce this ordinance at their April 11 meeting, and schedule it for a public hearing on April 25.

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-06

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY OBTAINED BY FORECLOSURE BACK TO THE FORMER OWNER

WHEREAS, the City of Dillingham obtained title to the property known as Snag Point Subdivision, Block 1, Lot 10 (the "Property") through foreclosure due to failure to pay real property taxes; and

WHEREAS, AS 29.45.470 allows the record owner to repurchase the Property from the City within ten years by paying the full amount due plus interest, delinquent taxes, and costs; and

WHEREAS, the former owner has now paid the entire amount due and owing for the Property; and

WHEREAS, the City Council finds that the Property is not needed for municipal purposes and that conveying the Property back to its former owner promotes the public purpose of requiring all property owners to pay their real property taxes; and

WHEREAS, the City therefore desires to convey the Property back to its former owner; and

WHEREAS, the Property shall continue to accrue real property taxes under private ownership, the new owner shall be responsible for paying such taxes, and this conveyance shall in no way limit the City's right or ability to foreclose on the Property in the future should tax payments become delinquent again;

NOW BE IT ENACTED BY THE VOTERS OF THE CITY OF DILLINGHAM:

Section 1. Classification. This is a non-code ordinance.

Section 2. The City hereby agrees to convey the Property described as Snag Point Subdivision, Block 1, Lot 10 to the former owner Daniel Noden Sr. in the manner set forth in the Quitclaim Deed attached as Exhibit A, hereto.

Section 3. The Mayor is hereby authorized and directed to execute all necessary documents to effectuate the conveyance.

Section 4. Effective Date. This ordinance shall be made effective immediately upon passage.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on

_____.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: Introduce Ordinance No. 2013-06, City of Dillingham Information Memorandum No. O2013-07, An Ordinance of the Dillingham City Council authorizing conveyance of certain real property obtained by foreclosure back to the former owner

Agenda of: April 11, 2013

Council Action:

Manager: Recommend approval.

City Manager: Carol Shade, Acting
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade	CS	
X	City Clerk / Janice Williams	JW	

Fiscal Note: Yes _____ No X Funds Available: Yes _____ No _____

Other Attachment(s): Quitclaim Deed

Summary Statement.

This ordinance was prepared by legal counsel.

5.30.030 Public notice. At least thirty days is required between the time a disposal ordinance is introduced and the time that it is finally adopted by the city council. Once an ordinance is introduced, it will be posted at those places outlined in municipal code for thirty days and may serve as the only public notice of disposal. (Ord. 94-16 (part), 1995.)

We will be recommending this ordinance be introduced at the April 11 Regular Council meeting. To allow for a 30 day posting period, when it is introduced the Council member making the motion will state that the ordinance will be scheduled for a public hearing May 23rd.

RECORD AT BRISTOL BAY RECORDING DISTRICT

QUIT CLAIM DEED

WHEREAS, by Clerk's Deed dated March 10, 2004, and recorded in the Bristol Bay Recording District as Document Number 2004-000153-0 on March 22, 2004, the Superior Court for the State of Alaska, Third Judicial District, conveyed to the City of Dillingham the property legally described as Snag Point Subdivision, Block 1, Lot 10;

Now Therefore, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City of Dillingham ("GRANTOR") of P.O. Box 889, Dillingham, Alaska 99576, conveys and quitclaims all interests which it has, if any, to Daniel Noden, Sr. ("GRANTEE") that certain real property described as

SNAG POINT SUBDIVISION, Block 1, Lot 10

CITY OF DILLINGHAM

DATE

By: Alice Ruby
Its: Mayor

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 2013, before me appeared Alice Ruby, who acknowledged being the Mayor of the City of Dillingham, an Alaska municipal corporation, and voluntarily signing and sealing the foregoing instrument on behalf of said municipality, and being authorized so to do.

Notary Public in and for Alaska
My Commission Expires: _____

After Recording Return To:

BOYD, CHANDLER & FALCONER, LLP
911 W. 8th Ave., Suite 302
Anchorage, AK 99501

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-12

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING A LONG TERM ENCROACHMENT OF A ROOF AND A FENCE INTO THE UTILITY EASEMENT ON LOT 6 BLOCK 18 USS 2732AB ON ALASKA STREET

WHEREAS, a citizen would like to sell a house he owns on Lot 6, Block 18, USS 2732AB at 306 Alaska Street; and

WHEREAS, the Dillingham City Council approved the vacation of the alley on this lot at its January 10th meeting; and

WHEREAS, the City is retaining an easement to service utilities in the easement; and

WHEREAS, there is a fence and a portion of the house's roof which encroach into the easement; and

WHEREAS, neither structure is expected to interfere with City operations; and

WHEREAS, the City Public Works Department and Volunteer Fire and Public Safety Departments do not object to these encroachments; and

WHEREAS, there is no cost to the City for this encroachment permit; and

WHEREAS, in order to sell the property the homeowner requires evidence of assurance that the City will allow these encroachments into its easement;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council approves the long term encroachment of into the easement on Lot 6 Block 18 USS 2732AB with the following condition, per DMC 12.08.05:

1. The landowner agrees to indemnify the City against any and all claims to persons or property which may grow out of or arise from servicing utilities located within the easement.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on April 11, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: A resolution of the Dillingham City Council authorizing a long term encroachment permit for a utility easement located in Lot 6 Block 18 of USS 2732AB, on Alaska Street

Agenda of: April 11, 2013

Council Action:

Manager: Recommend approval.

City Manager: Carol Shade, Acting
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Public Works /		
X	Planning /Jody Seitz	<i>JS</i>	
X	City Clerk / Janice Williams	<i>JW</i>	

Fiscal Note: Yes _____ No X Funds Available: Yes _____ No _____

Other Attachment(s): None

Summary Statement.

This resolution is to allow a citizen to maintain a roof which encroaches into the City's utility easement on Alaska Street as well as a fence, which crosses the easement.

The utilities in the area include a sewer line and manhole buried in the easement itself as well as overhead power lines and a utility pole.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-13

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING THE HEALTH REIMBURSEMENT ARRANGEMENT

WHEREAS, the City of Dillingham has entered into a Health Reimbursement Arrangement (HRA) effective January 1, 2013; and

WHEREAS, the Health Reimbursement Arrangement effective January 1, 2013, presented to this meeting is hereby approved and adopted and that the proper officers of the Employer are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the plan; and

WHEREAS, the Administrator of the Health Reimbursement Arrangement shall be instructed to take such actions that are deemed necessary and proper in order to implement the Plan, and to set up adequate accounting and administrative procedures to provide benefits under the Plan;

NOW, THEREFORE, BE IT RESOLVED that the City of Dillingham further certifies that the attached hereto is a true copy of the Health Reimbursement Arrangement and the Summary Plan Description approved and adopted in this resolution.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on April 11, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: A Resolution of the Dillingham City Council approving the Health Reimbursement Arrangement

Agenda of: April 11, 2013

City Council Action:

Manager: Recommend approval.

City Manager: Carol Shade, Acting
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade	CS	
X	City Clerk / Janice Williams	JW	

Fiscal Note: Yes ___ No X Funds Available: Yes X No ___

Other Attachment(s): None

Summary Statement.

In January of 2013, the City implemented the new health insurance coverage with the additional implementation of a Health Reimbursement Arrangement. The Summary Plan Document (SPD) has to be approved by the City Council with a resolution. Unfortunately, the SPD was not received from the people who process the HRA disbursements in time for the last council meeting. This resolution formally adopts the plan. This signed document has to be maintained in our files.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-14

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING AN INCREASE IN THE AMBULANCE BILLING RATES

WHEREAS, the City of Dillingham has not reviewed nor adjusted the Ambulance Billing Rate since 2001; and

WHEREAS, the City of Dillingham currently charges for Basic Life Support, Advanced Life Support and Mileage; and

WHEREAS, the City of Dillingham Fire Department conducted an Ambulance Billing Rate Comparison comparing rates with over 150 fire departments in Washington and Alaska; and

WHEREAS, the comparison indicated that our billing rates were considerably lower than other fire departments and the City was not billing for all the services that were allowable; and

WHEREAS, the City of Dillingham is considered Super Rural by Medicaid standards which means the Medicaid reimbursement rate is higher than urban areas; and

WHEREAS, the current rates that are being charged are below the rate that Medicaid allows for reimbursement; and

WHEREAS, the Fire Department Executive Committee is recommending the rate increase; and

WHEREAS, the Fire Department Executive Committee indicated that the funds generated from the Ambulance Billing will be used to enhance the Fire Department by replacing or repairing equipment or supplies, replacing or repairing the ambulance and fire trucks, provide a Volunteer Stipend, and to be used to replace the building they are currently located in;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council hereby authorizes the increase of the Ambulance Billing Rates as follows:

Non Transport (Non-TX)	\$200
Basic Life Support - Non Emergency (BLS-NE)	\$400
Basic Life Support - Emergency (BLS-E)	\$450
Advanced Life Support Level One – Emergency (ADLS1-E)	\$550
Advanced Life Support Level Two – Emergency (ADLS2-E)	\$650
Special Care Transport (SCT)	\$750
Mileage per mile with patient on board	\$13

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on April 11, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

City of Dillingham Information Memorandum No. R2013-14

Subject: A resolution of the Dillingham City Council approving an increase in the ambulance billing rates

Agenda of: April 11, 2013

Council Action:

Manager: Recommend approval.

City Manager: Carol Shade, Acting
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Fire Department		
X	City Clerk / Janice Williams	<i>JW</i>	

Fiscal Note: Yes _____ No X Funds Available: Yes _____ No _____

Other Attachment(s):

- Ambulance Billing Rate Comparison Report

Summary Statement.

This resolution was vetted through the Finance and Budget Committee and the Fire Department Executive Committee and is being recommended for adoption.

Ambulance Billing Rate Comparison

The Dillingham Fire Department currently only charges for BLS at \$300, ALS at \$400, and Mileage at \$7.50 per mile with patient on board. We are considered super rural by Medicaid in the Dillingham area as many parts of Alaska are due to the distance from major hospitals for critical care. I have received from a Native American contact that works with Indian Health Services (IHS) from the lower 48 states, and they provided me with some very useful information on rural Medicaid payables.

Rural Medicaid payables:

BLS - \$366.43

ALS1 - \$435.14

ALS2 - \$629.80

Mileage - \$7.03 per mile with patient on board

I suggest achieving a little above what Medicaid charges in order to help better evaluate the ambulance-billing rate for this coming year. After the allotted amounts are agreed upon I suggest we reevaluate the ambulance rates and possibly increasing them from \$25 to \$50 across the board because Medicaid raises their rates every year. This will allow us to stay as close as we can to Medicaid on our ambulance rates.

My suggestions are as follows:

Non-TX - \$200

BLS-NE - \$400

BLS-E - \$450

ALS1-E - \$550

ALS2-E - \$650

SCT - \$750

Mileage - \$13 per mile with patient on board

The six ground ambulance categories, which apply to both land and water transportation include:

1. Basic Life Support (BLS) Non Emergency;
2. Basic Life Support (BLS) Emergency;
3. Advance Life Support (ALS1), Level One, Emergency;
4. Advance Life Support (ALS2), Level Two, Emergency;
5. Special Care Transport (MEDEVAC's);
6. Non Transport (NON-TX);

Ambulance Billing Rate Comparison

BASIC LIFE SUPPORT (NON EMERGENCY)

Basic life support (BLS) is transportation by ground ambulance vehicle and the provision of medically necessary supplies and services, including BLS ambulance services as defined by state. The ambulance must be staffed by an individual who is qualified in accordance with state and local laws as an emergency medical technician basic (EMT-B). Only in the state of Alaska is an EMT-B permitted to operate limited equipment onboard the vehicle, assist more qualified personnel in performing assessments and interventions within their scope of practice.

EMERGENCY RESPONSE

Emergency response is one in which a BLS, ALS1, or ALS2 level of service has been provided in immediate response in which the ambulance begins as quickly as possible to take the steps necessary to respond to the call. Regardless the call is an emergent nature when based on the information available to the dispatcher at the time of the call.

ADVANCE LIFE SUPPORT, LEVEL 1 (ALS1)

Advanced life support, level 1 (ALS1) is the transportation by the ambulance and the provision of medically necessary supplies and services including the provision of ALS assessment or at least one ALS intervention. This would include starting an Intravenous line, Intraosseous line, and EKG.

ADVANCED LIFE SUPPORT ASSESSMENT

Advanced life support (ALS) assessment is an assessment performed by an ALS crew as part of an emergency response that was necessary because the patient's reported condition at the time of dispatch was such that only an ALS crew was qualified to perform the assessment. An ALS assessment does not necessarily result in determining that the patient requires an ALS level of service. The determination to respond emergently with an ALS ambulance crew is at the time of dispatch.

ADVANCE LIFE SUPPORT, LEVEL 2 (ALS2)

Advance life support, level 2 (ALS2) is the transportation by ambulance and the provision of medically necessary supplies and services including: (1) at least three separate administrations of one or more medications by intravenous push/bolus or by continuous infusion (excluding crystalloid fluids); or (2) ambulance transport and the provision of at least one of the ALS2 procedures listed below.

Application: Crystalloid fluids include fluids such as 5% dextrose in water, saline and lactated ringers. Medications that are administered by other means, i.e., intramuscular/subcutaneous injection, oral, sublingually or nebulizer, do not qualify to determine whether the ALS2 level rate is payable. ALS payment rate does not apply if the medication is administered fractionally, i.e., one-third of a single dose of medication administered.

For purpose of this definition, the ALS2 procedures are:

1. Manual defibrillation/cardioversion;
2. Central venous line;
3. Cardiac pacing;
4. Chest decompression;
5. Surgical airway;

Ambulance Billing Rate Comparison

The monitoring and maintenance of an endotracheal tube that was previously inserted prior to the transport also qualifies as an ALS2 procedure. This means any MEDEVAC's that has them in place would be considered a ALS2 Level of service.

BASIC LIFE SUPPORT PERSONNEL

Emergency Trauma Technician (ETT)

The Emergency Trauma Technician training program is 40 hours in length and teaches the basics of emergency medical care.

Emergency Medical Technician Basic (EMT-B)

The Emergency Medical Technician-Basic requires 160 hours to certify, excluding the use of advanced airway devices. The EMT-B provides basic life support such as splinting, hemorrhage control, oxygen therapy, suction, CPR and use of automated external defibrillators (AEDs). Clearly, most treatment procedures performed in any EMS System, regardless of level, are basic life support procedures.

ADVANCE LIFE SUPPORT INTERVENTION

Advanced life support (ALS) intervention is a procedure that is in accordance with Alaska State and local laws beyond the scope of practice of an emergency medical technician-basic (EMT-B). These procedures are performed by EMT-2, EMT-3, and Paramedic.

ADVANCE LIFE SUPPORT (ALS) PERSONNEL

Emergency Medical Technician 2 (EMT-2)

The EMT-2 certification level exceeds the training level of an EMT-B in Alaska. The EMT-2 class is at least 50 hours in length and prepares the student to initiate intravenous lines, endotracheal intubation and administer fluids and certain medications such as Naloxone and D-50 dextrose. This level of certification as an EMT-2 also requires that the individual be under the sponsorship of a department approved physician medical director.

Emergency Medical Technician 3 (EMT-3)

The EMT-3 certification level is an additional 50 hours to the EMT-2 program designed to add advance cardiac care skills to those the EMT-B and EMT-2 has learned already. Also included in the training program is the use of EKG, manual defibrillation, and certain medication as morphine, lidocaine, atropine, and epinephrine. This level of certification as an EMT-3 also requires that the individual be under the sponsorship of a department approved physician medical director.

Mobile Intensive Care Paramedic (MICP)

Mobile Intensive Care Paramedics are licensed by the Alaska Department of Commerce and Economic Development. The training is in excess of the EMT-3 level and MICPs function under the direct or indirect supervision (standing orders, etc.) of a physician.

SPECIALTY CARE TRANSPORT (SCT)

Specialty care transport (SCT) is hospital to hospital transportation of a critically injured or medical illness and is transported for MEDEVAC. This also includes a MEDEVAC service coming in from a village or remote area with non medical or medical personnel on board a aircraft to our airport and is transported to Kakanak Hospital by ambulance.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-15

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL REQUESTING FY 14
PAYMENT IN LIEU OF TAXES FUNDING FROM THE DEPARTMENT OF
COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT**

WHEREAS, 3 ACC 152.100 requires the governing body of a city to adopt a resolution requesting funding from the Payment in Lieu of Taxes Program for cities in the unorganized borough and to submit the resolution to the Department of Commerce, Community, and Economic Development; and

WHEREAS, the City has conducted a regular election during the preceding state fiscal year and has reported the results of the election to the commissioner; and

WHEREAS, regular meetings of the governing body are held in the City and a record of the proceedings is maintained; and

WHEREAS, ordinances adopted by the City have been codified in accordance with AS 29.25.050;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council by this resolution hereby requests distribution from the FY 14 Payment in Lieu of Taxes Program by the Department of Commerce, Community, and Economic Development on the date required by law.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on April 11, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

City of Dillingham Information Memorandum No. R2013-15

Subject: A resolution of the Dillingham City Council requesting FY 13 payment in lieu of taxes funding from the Department of Commerce, Community, and Economic Development

Agenda of: April 11, 2013

Council Action:

Manager: Recommend approval.

City Manager: Carol Shade, acting
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade	CS	
X	City Clerk / Janice Williams	JW	

Fiscal Note: Yes _____ No X Funds Available: Yes _____ No _____

Other Attachment(s):

- Letter dated March 13, 2013 from State of Alaska, Dept. of Commerce, Community and Economic Development

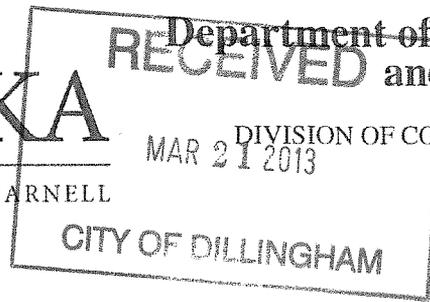
Summary Statement.

Excerpt from the attached letter: "As a reminder, the PILT program is slated to end this year. Congress authorized full funding of the program through FFY 13 (October 2012-September 2013). If Congress fails to reauthorize PILT, the payment you receive this summer will be your last payment under this program."

Payment for FY 13 -
Payment for FY 12 - \$421,879
Payment for FY 11 - \$407,510
Payment for FY 10 - \$417,035



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL



Department of Commerce, Community,
and Economic Development

DIVISION OF COMMUNITY AND REGIONAL AFFAIRS

P.O. Box 110809
Juneau, Alaska 99811-0809
Main: 907.465.4751/907.465.4733
Programs fax: 907.465.4761

March 13, 2013

Dear Municipal Official:

RE: FY 14 PAYMENT IN LIEU OF TAXES PROGRAM FOR CITIES IN THE UNORGANIZED BOROUGH

Enclosed is a sample resolution for the FY 14 Payment in Lieu of Taxes (PILT) Program for Cities in the Unorganized Borough. FY 14 PILT payments will be available for distribution in July, 2013. Funding for this program originates from the U.S. Department of the Interior and the CFDA number is 15.226.

Program regulations require that to receive a FY 14 PILT payment, a city must submit to the Department a resolution which requests payment and certifies that certain minimum standards have been met. Program regulations also require that a city submit to the Department a copy of its FY 14 approved budget (2013 budget for cities operating on a calendar fiscal year) and a copy of its FY 12 audit or certified financial statement. However, if you have already submitted these documents to the Department, you do not have to submit them again.

The adopted resolution, FY 14 budget, and FY 12 audit or certified financial statement should be submitted to:

Department of Commerce, Community, and Economic Development
Division of Community & Regional Affairs
Payment in Lieu of Taxes Program
P.O. Box 110809
Juneau, AK 99811

As a reminder, the PILT program is slated to end this year. Congress authorized full funding of the program through FFY 13 (October 2012 – September 2013). The Department receives the funds for the program in June and disburses it to PILT recipients in July (SFY 14). If Congress fails to reauthorize PILT, the payment you receive this summer will be your last payment under this program.

Should you have any questions regarding the FY 14 PILT program, please feel free to contact me. I can be reached via email at danielle.lindoff@alaska.gov, or you may call me at 907-465-4733.

Sincerely,

Handwritten signature of Danielle Lindoff in cursive.
Danielle Lindoff
Local Government Specialist IV

Enclosure: Sample FY 14 PILT Resolution

**FY 14 PAYMENT IN LIEU OF TAXES
FUNDING RESOLUTION**

(City)

RESOLUTION NO. _____

A RESOLUTION REQUESTING FY 14 PAYMENT IN LIEU OF TAXES FUNDING FROM THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT.

WHEREAS, 3 AAC 152.100 requires the governing body of a city to adopt a resolution requesting funding from the Payment in Lieu of Taxes Program for cities in the unorganized borough and to submit the resolution to the Department of Commerce, Community, and Economic Development; and

WHEREAS, the city has conducted a regular election during the preceding state fiscal year and has reported the results of the election to the commissioner; and

WHEREAS, regular meetings of the governing body are held in the city and a record of the proceedings is maintained; and

WHEREAS, ordinances adopted by the city have been codified in accordance with AS 29.25.050;

NOW THEREFORE BE IT RESOLVED THAT: The City Council by this resolution hereby requests distribution from the FY 14 Payment in Lieu of Taxes Program by the Department of Commerce, Community, and Economic Development on the date required by law.

PASSED AND APPROVED by a duly constituted quorum of the city council this _____ day of _____, 2_____.

SIGNED: _____
(Mayor)

ATTEST: _____
(City Clerk)

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-16

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL INCREASING THE HARBOR FEES AND AMENDING THE FEE STRUCTURE

WHEREAS, the harbor fees were last amended in 2004;

WHEREAS, staff reviewed the fees and fee structure and proposed that some changes were in order;

WHEREAS, the proposed changes were vetted through several meetings of the Port of Dillingham Advisory Committee and the Finance and Budget Committee and are being recommended for adoption;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council hereby authorizes the proposed changes to the Harbor Fees as follows:

FEE DESCRIPTION	CURRENT	PROPOSED
Moorage	\$260/year 25' and over	No Change
	\$70/year vessels under 25'	Require a sticker (\$70)
Bulkhead	\$7.50 / ft	Refer to Port of Dillingham Terminal Tariff No. 400 – Gross Tonnage
	\$25.00 all day docking	Not used unless on daily
	\$50.00 for skiffs under 25'	Delete
Launch / Haul out Fee	\$70 / per L/HO vessels 25' and over without a sticker – different days	No Change
	\$100.00 in / out for vessels over 25' without a sticker – same tide	No Change
	\$25.00 per L/HO vessels under 25'	Delete
Transient Moorage	\$25 /day vessels over 25' regardless of number of times used	\$45.00 per day regardless of number of times used
	\$12.50/day skiffs under 25' regardless of number of times used	Require a sticker (\$70)
Wharfage Charges	Per adopted DLG Tariff	.35 per 100 lbs NOS – Not Otherwise Specified Refer Port of Dillingham Terminal Tariff
Harbor Services		
Other Services	\$50.00 / man hour of service	No Change

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on April 11, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: A resolution of the Dillingham City Council approving an increase in the harbor fees and amending the fee structure

Agenda of: April 11, 2013

Council Action:

Manager: Recommend approval.

City Manager: Carol Shade, Acting
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Port / Jean Barrett	<i>[Signature]</i>	
X	City Clerk / Janice Williams	<i>[Signature]</i>	

Fiscal Note: Yes _____ No X Funds Available: Yes _____ No _____

Other Attachment(s): None

Summary Statement.

This resolution was vetted through the Finance and Budget Committee and the Port of Dillingham Advisory Committee and is being recommended for adoption.

The harbor fees that were amended in Resolution No. 2004-12, were inadvertently omitted when the Port of Dillingham Terminal Tariff No.400 was revised and adopted in 2007. Following adoption of Resolution 2013-16 the harbor fees will be added to the Terminal Tariff.

At the December 21, 2012 Port of Dillingham Advisory Committee Meeting, Jean Barrett reviewed the following harbor fees:

Moorage fees – suggested no change.

- Skiff fees – suggested removing the in and out fees for skiffs applied mostly to guiding outfits, and charge a sticker fee for all skiffs.

Discussion:

- spoke in favor of encouraging people to buy a seasonal ticket so staff was not having to track down skiffs and boats that would otherwise pay a daily fee.

Bulkhead fees – noted in 2012 year he had started charging the larger boats, scows and tenders, gross tonnage per 24 hour period same as the dock. This had effectively eliminated vessels from camping out at the bulkhead.

- Docking fee of \$25/day and \$50/day for Skiffs under 25' – noted he had never applied the \$50/day fee, but \$25/ a day had been applied for transient moorage. Commented if the crew of a 32 footer with a sticker needed work done at the bulkhead, they were not charged the \$25/day docking fee as long as they did their business and moved on.

Launch/Haul Out fee

- \$70 per launch and \$70 per haul out for vessels 25' and over, applied the rate to those that wintered in Dillingham, then launched in the season and went to other rivers to fish, returned, and for time spent in the harbor pay a \$25 daily rate.
- \$100 In/Out fee – for vessels that didn't have a sticker, and launch and haul same tide. If boat had a sticker, there was no charge.
- Vessels under 25' \$25 Launch and Haul Out fee – suggest deleting it and require a sticker for all skiffs.

Transient Moorage – in 2001 rate was \$37.50/day, in 2004 it dropped to \$25/day for vessels over 25' regardless of number of times used. Suggested it be a requirement that all boats have a harbor sticker to eliminate staff time keeping track of these boats. Past year staff kept track of over 120 boats on the daily rate. Staff had provided a sticker after \$260 reached “regardless of the number of times used”. Suggested going back to the \$37.50/day to encourage purchasing a sticker. (Final proposal increased to \$45 per day).

Discussion:

- suggested increasing the daily rate to make it worth it to purchase a sticker; and
- commented when the harbor was filled with boats, staff was being pulled away from more important services in order to track boats on a daily rate.

Transient Moorage - Vessels under 25' \$12.50/day regardless of times used – had been administering this at \$25 a day. Suggested all skiffs and boats be required to purchase a sticker (\$70 for the season) and do away with the in and out rate. Noted for a skiff that entered the harbor to do some quick grocery shopping on the same tide, there have been no charges.

Wharfage (freight) fees – administered NOS (Not Otherwise Specified) charges at \$.35/per 100 pounds that covered all goods coming over the bulkhead. Individuals with a harbor sticker are free to use the bulkhead to change nets, remove rollers, with help of staff if available, considered a service for purchasing a sticker. Those paying the daily rate were charged per pound.

Harbor services – “other services” \$50/per man hour plus equipment use, suggested retaining the language, but eliminate the list of individual goods at different rates. Hadn't been charging for helping to submerge skiffs swamped due to negligence, but will going forward. Didn't feel they should add to someone's misery by issuing a bill when they've helped submerge a skiff due to a storm.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-17

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING FORECLOSURE PROCEEDINGS ON DELINQUENT PROPERTY TAXES FOR THE YEARS 2007 - 2012

WHEREAS, AS 29.45.320-330 allows the City of Dillingham to collect unpaid real property taxes through in rem foreclosure proceedings against all real property for which the property tax has not been paid in full; and

WHEREAS, the City's Finance Department has prepared a foreclosure list identifying properties for which the tax has not been paid in accordance with AS 29.45.330;

NOW, THEREFORE, BE IT RESOLVED by the Dillingham City Council that:

1. The City Attorney is hereby authorized to file a foreclosure action against all property identified in the foreclosure list.
2. The City Clerk is hereby directed to certify and publish the foreclosure list and provide notice of the commencement of the foreclosure action in accordance with AS 29.45.330 and DMC Chapter 4.15.

PASSED and ADOPTED by the Dillingham City Council on April 11, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: A Resolution of the Dillingham City Council authorizing foreclosure proceedings on delinquent property taxes for the years 2007-2012

Agenda of: April 11, 2013

Council Action:

Manager: Recommend approval.

City Manager: Carol Shade, Acting
Rose Loera, City Manager

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade	CS	
X	City Clerk / Janice Williams	JW	

Fiscal Note: Yes _____ No X Funds Available: Yes _____ No _____

Other Attachment(s):

- Foreclosure List covering the period 2007 - 2012

Summary Statement.

Property taxes are mailed out by July 1 of each year for property in place as of January 1 of the same year. Taxes are due and payable in full by the first working day in December of the same year. On accounts with outstanding balances remaining at December 31, DMC Section 4.15.200, Foreclosure List, lays out the process for collecting on those accounts.

Upon adoption of the resolution, the City will present a petition for judgment and a certified copy of the foreclosure list for the previous year's delinquent taxes in the Superior Court for judgment.

Moving through the foreclosure steps can be a very lengthy process. During that time, property owners are encouraged to work with the City to make payment arrangements if they are financially unable to pay off the debt in a lump sum. The City can provide a deferred payment option which allows the owner to pay off their account over a reasonable period of time.

Definition of in rem (first paragraph of the resolution, "allows the City of Dillingham to collect unpaid real property taxes through in rem foreclosure proceedings") – the power of the court to exercise proceedings over property.

City of Dillingham

Foreclosure List 2012 (for 2007-2012)

Acct No	Acct Name	2007	2008	2009	2010	2011	2012	Penalties	Interest	Grand Total
101122	Adkison, Sharren					1,017.90	900.90	90.09	36.30	2,045.19
101132	Angasan Val & Cecelia						2,242.50	224.25	40.35	2,507.10
101130	Andrew, Phil/George/Gabriel			-	651.31	1,324.70	1,045.20	104.52	1,248.25	4,373.98
101150	Bingman, James Sr						18,029.70	1,802.97	633.84	20,466.51
101152	Bingman, Lester & Jill						4,447.30	444.73	89.62	4,981.65
101496	Estate of Lucy Roehl		67.48	1,055.54	1,003.73	816.26	942.50	362.00	74.40	4,321.91
101500	Estate of Alexandra Backford					630.73	956.80	191.36	31.50	1,810.39
101257	Ishnook, Anuska					1,221.98	1,355.90	135.59	51.22	2,764.69
100915	Jackson, Hope						977.60	97.76	2.85	1,112.44
101507	Land Management						6,110.00	611.00	88.89	6,844.12
101294	Libby, Jack						4,447.30	444.73	1,503.79	6,395.82
101298	Lindenau, David						486.20	48.62	19.60	554.42
101309	Maines, William & Patricia					2,156.62	3,044.60	304.46	169.49	5,675.17
101322	McLinn, Kathy						1,917.50	191.75	103.84	2,213.09
101329	Estate of Myron Moran						690.30	69.03	320.33	1,079.66
101340	Nelson, Yolanda						4,209.40	420.94	84.82	4,715.16
100981	Nichols, Carla					3,997.50	3,997.50	799.50	1,445.59	10,240.09
101344	Nielsen, Robert						942.50	94.25	18.99	1,055.74
100965	Nunn, Larry E Sr.					434.74	1,223.30	122.33	34.54	1,814.91
101380	Rold, Russell & julie						1,835.60	183.56	36.99	2,056.15
100989	Sampson, Eileen						924.30	92.43	20.41	1,037.14
100993	Savo, Jack						1,444.30	144.43	29.10	1,617.83
101394	Smith, H. Sally						3,586.70	358.67	53.06	3,998.43
101403	Straley, Andrew						257.40	25.74	12.96	296.10
101416	Tilden, Anuska					2,362.61	2,700.10	270.01	172.87	5,505.59
101010	Timmerman, Valerie			926.90	926.90		926.90	278.07	1,885.24	4,944.01
101019	Wassily, Steve						994.50	99.45	39.04	1,132.99
101440	Whittington, David & Kathy						2,535.00	253.50	51.09	2,839.59
101456	Wren, John						1,371.50	137.15	87.30	1,595.95
101460	York, Jessica						939.25	93.93	92.39	1,125.57
101462	Yukluk, Fannie A						418.60	41.86	14.75	475.21
101461	Yukluk, Josephine						1,362.40	136.24	48.09	1,546.73
Grand Total		-	67.48	1,982.44	2,581.94	13,963.04	77,263.55	8,674.92	8,541.50	113,143.33
										113,074.87

Janice Williams

Subject: FW: Seat Expires - VI Backford - April 2013

From: Vivian Braswell [<mailto:vbraswell@bbna.com>]

Sent: Wednesday, March 27, 2013 9:21 AM

To: Janice Williams

Cc: 'Ida Noonkesser'; mary anne dickey (mdickey@alaska.edu); June Ingram; johannabouker@yahoo.com; Tracy Hightower (tracy.hightower13@gmail.com)

Subject: RE: Seat Expires - VI Backford - April 2013

Good morning Janice!

Please consider this as my request to be appointed to the Senior Advisory Committee. We Have an excellent working group and I would like to continue to be part of it.

Thank you!

V.I. Braswell

City of Dillingham Action Memorandum No. 2013-02

Subject: Authorize the City Manager to Execute a Contract for the Re-roofing of the Dillingham Library / Sam Fox Museum building with Paug-Vik Services Inc.

Agenda of: April 11, 2013

Council Action:

Manager: Recommend approval.

City Manager: Carol Shade, Acting
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade	CS	
X	Project Mgr / Steve Cropsey		
X	Public Works		
X	City Clerk / Janice Williams	JW	

Fiscal Note: Yes X No _____ Funds Available: Yes X No _____

Other Attachment(s):

- Bid Results

Summary Statement.

The purpose of this Action Memorandum is to authorize the City Manager to execute a Construction Contract to Re-roof The Dillingham Library / Sam Fox Museum Building. An RFP was advertised for 30 days asking for licensed contractors to give a bid to provide all labor materials and equipment needed to remove the existing "R" Panel metal roofing and replace it with a standing seam metal roof with no through surface fasteners.

Eight bidders submitted bids with Paug-Vik services Inc. providing the low bid in the amount of \$137,269.00. The 10-day protest period allowing unsuccessful bidders to protest the award of the contract expires April 6, 2013. As of April 4, there were no protests filed.

Funding for this work came from a Legislative Grant 13 DC-317 in the amount of \$250,000. Ms. Seitz has asked the State Grant Administrator if the scope of the grant could be increased to replace the existing wood constructed walk and ADA compliant ramp both of which are in need of replacement. Payment would come from funds unexpended after paying for the roof replacement. Conservatively it is estimated that \$70,000 is unencumbered and could be used for additional upgrades.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on April 11, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

City of Dillingham
Fiscal Note

Agenda Date: April 11, 2013

Request: _____

ORIGINATOR: Carol Shade

FISCAL ACTION (TO BE COMPLETED BY FINANCE)		FISCAL IMPACT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
AMOUNT REQUESTED: <p style="text-align: right;">\$ 137,269.00</p>		FUNDING SOURCE <p style="text-align: center;">Leg Grant 13 DC-317</p>	
FROM ACCOUNT 3813 8710 40 41 0000 0 <p style="text-align: right;">\$ 137,269.00</p>		Project <p style="text-align: center;">Library Roof</p>	
TO ACCOUNT:	VERIFIED BY: Carol Shade	Date:	4/3/2013

EXPENDITURES

OPERATING	FY13	FY14	FY15	FY16
Personnel				
Fringe Benefits				
Computer Support				
Equipment				
Land/Buildings				
Miscellaneous				
TOTAL OPERATING	\$ -	\$ -	\$ -	\$ -

CAPITAL	137,269.00			
---------	------------	--	--	--

REVENUE				
---------	--	--	--	--

FUNDING

General Fund				
State/Federal Funds	137,269.00			
Other				
TOTAL FUNDING	\$ 137,269.00			\$ -

POSITIONS

Full-Time				
Part-Time				
Temporary				

ANALYSIS: (Attach a separate page if necessary)

See Attached Action Memorandum AM 2013-02

PREPARED BY: Carol Shade

April 11, 2013

DEPARTMENT: Finance Department

April 11, 2013

APPROVED BY: _____

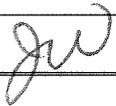
Subject: Authorize the City Manager to Execute a Contract for the Re-roofing of the Dillingham High / Middle School Science Wing to Day Night Construction

Agenda of: April 11, 2013

Council Action:

Manager: Recommend approval.

City Manager: Carol Shade, Acting
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade		
X	Project Mgr / Steve Cropsey		
X	Public Works		
X	City Clerk / Janice Williams		

Fiscal Note: Yes X No _____ Funds Available: Yes X No _____

Other Attachment(s):

- Bid Results

Summary Statement.

The purpose of this Action Memorandum is to authorize the City Manager to execute a Construction Contract to Re-roof the Dillingham High Middle School Science Wing. An RFP was advertised for 30 days asking for licensed contractors to give a bid to provide all labor materials and equipment needed to remove the existing metal roofing and re-roof, the approximately 27,000 sq. ft. using EPDM rubberized roofing material manufactured by Carlisle or Firestone. This project also includes re-roofing two small "Shed" roofs attached to the school building, which are in poor condition. The District will receive a 20-year manufacturer's warranty upon completion.

Six bidders submitted bids with Day Night Construction Inc. providing the low bid in the amount of \$261,909.20. The 10-day protest period allowing unsuccessful bidders to protest the award of the contract expired April 6, 2013. As of April 4, 2013, there were no protests.

Funding for this work came from the school improvement bonds sold in 2008. There is approximately \$300,000 available and unencumbered, and, therefore, available for this work. The science wing roof has been in place since the mid 1980's and has developed leaks in the SW corner.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on April 11, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

City of Dillingham
Fiscal Note

Agenda Date: April 11, 2013

Request:

ORIGINATOR: Carol Shade

FISCAL ACTION (TO BE COMPLETED BY FINANCE)		FISCAL IMPACT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
AMOUNT REQUESTED: <p style="text-align: right;">\$ 261,907.20</p>		FUNDING SOURCE <p style="text-align: center;">School Bond</p>	
FROM ACCOUNT 7130 8710 50 51 0000 0 <p style="text-align: right;">\$ 261,907.20</p>		Project <p style="text-align: center;">DHMS Roof</p>	
TO ACCOUNT:	VERIFIED BY: <u>Carol Shade</u>	Date:	<u>4/3/2013</u>

EXPENDITURES

OPERATING	FY13	FY14	FY15	FY16
Personnel				
Fringe Benefits				
Computer Support				
Equipment				
Land/Buildings				
Miscellaneous				
TOTAL OPERATING	\$ -	\$ -	\$ -	\$ -

CAPITAL	261,907.20			
---------	------------	--	--	--

REVENUE				
---------	--	--	--	--

FUNDING

General Fund				
State/Federal Funds	261,907.20			
Other				
TOTAL FUNDING	\$ 261,907.20			\$ -

POSITIONS

Full-Time				
Part-Time				
Temporary				

ANALYSIS: (Attach a separate page if necessary)

See Attached Action Memorandum AM 2013-03

PREPARED BY: Carol Shade

April 11, 2013

DEPARTMENT: Finance Department

April 11, 2013

APPROVED BY: _____

Subject: Approval for City of Dillingham to assist the University of Alaska Fairbanks Marine Advisory Program with a composting project in 2013 and 2014 and accepting equipment from the project

Agenda of: April 11, 2013

Council Action:

Manager: Recommend approval.

City Manager: Carol Shade, Acting
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade		
X	Planning/Jody Seitz		
X	City Clerk / Janice Williams		

Fiscal Note: Yes _____ No X Funds Available: Yes _____ No _____

Other Attachment(s):

Summary Statement.

The purpose of the action memorandum is to approve the attached scope of work for a joint project initiated by the University of Alaska Marine Advisory Program and funded through the Alaska Coastal impact Assistance Program.

The project is intended to reduce the amount of fish waste illegally and irresponsibly dumped, to provide for a safe and efficient disposal alternative to incineration of fish waste and to produce useable compost. It also has the potential to provide an alternative disposal method for wood waste, paper product waste, and cardboard waste.

The City is to provide a space for the composting project, staff assistance, and oversight for the area. The ACIAP grant will purchase equipment, a tractor and attachments for use at the landfill which will become property of the City of Dillingham following the project.

The Composting project provides a match to an ADEC grant (# 28303) which allowed the grant to be extended so that the full amount of the grant could be utilized.

The remainder of ADEC Municipal Matching Grant 28303 allows for a major planning effort to redesign the overall landfill operations.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on April 11, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Scope of Work for the City Landfill Compost Project
a joint project of the
Alaska Sea Grant Marine Advisory Program, University of Alaska
Fairbanks
and City of Dillingham
March 2013

1. Purpose

The purpose of this written Scope of Work is to formalize the access to and use of certain lands located at the City of Dillingham Landfill site for the purpose of implementing a pilot compost project. It briefly outlines the access policies, the timeframe, equipment purchase and ownership, staff time of both parties, and any associated conditions.

It represents one of the two key documents that describe the collaboration, namely:

1. The Scope of Work: this document, formalising the collaboration, the timeframe and listing the use of equipment, staff time, and land use;
2. The Compost Pilot Project Plan (the "Plan"): The technical description of the planned use of the landfill site identified by City staff as available for use for the composting project by the Alaska Sea Grant Marine Advisory Program agent (Izetta Chambers) and City of Dillingham landfill staff for execution of the composting project. It details the resource request presented herein for adoption by the City Council.

By signing this Scope of Work, the City of Dillingham and the Alaska Sea Grant Marine Advisory Program agent Chambers agree to conditions hereby stated and in particular to the Plan.

2. Alaska Sea Grant Marine Advisory Program ("MAP")

MAP is an extension program that applies knowledge and understanding gained through research to aid individuals, groups, and coastal communities in Alaska. The funds for this particular composting project were awarded to MAP agent Izetta Chambers, as the Project Investigator (PI) by the Alaska Department of Natural Resources (DNR) through the Coastal Community Impact Assistance Program (CCIAP).

The project is intended to reduce the amount of fish waste illegally and irresponsibly dumped, to provide for a safe and efficient disposal alternative to incineration of fish waste and to produce useable compost. It also has the potential to provide an alternative disposal method for wood waste, paper product waste, and cardboard waste.

MAP Agent/Assistant Professor, Izetta Chambers is designated as the Principal Investigator (PI) on the project.

3. City of Dillingham

The City of Dillingham is a first class municipality. The Dillingham Municipal Landfill has a Class II Municipal Solid waste disposal facility permit (SW2A015-14) last renewed June 1, 2009.

The Dillingham Solid Waste Facility consists of 100 acres, up to 69 of which are designated to receive wastes.

4. The use of the infrastructure

The City of Dillingham agrees to allow access by the PI to an area designated for the composting project during regular work hours, or at times agreed to by authorized City representatives. The City agrees to have landfill staff assist the PI by providing access to the site, transporting fish waste into the composting area, and to oversee activities at the composting area. The composting area will be open during the normal hours available to the public. Visitors will dispose of compostable materials as directed by the MAP staff and local students. Violations of the Dillingham Municipal code will be addressed as the code specifies.

4.1 Technical details

The technical details of the agreed use of infrastructure are explained in the document “Composting Pilot Project Plan”.

4.2 Timeline

The timeline for the collaboration is shown below:

Date	Milestone
March 2013	Finalize Scope of Work between MAP PI and City of Dillingham
October 2012 – April 2013	Purchase equipment for project – chipper-shredder, ComposTex, bear fence components and other small tools that can ship via air freight, including compost collection bins for pilot project.
April 2013	Install electric fence at designated site at Landfill. Work with City Landfill staff on operation, troubleshooting, and maintenance of fence.
May 2013	Equip 10 – 15 home composters with food waste collection bins for collection of food scraps to be incorporated into operation.
May 2013	Conduct 1-hour training session on proper food scrap management for household participants and landfill staff.
March - May 2013	Coordinate with Landfill staff and Public Works Dept. on purchase of equipment for composting operation.
May 2013	Host composting workshop at Bristol Bay Campus; invite Mingchu Zhang from Fairbanks to present his research on fish waste composting.
April 2013	Purchase and schedule barge delivery or composting equipment (either tractor or compost aerator attachment for existing equipment).
May 2013	Issue press release and radio announcement regarding the composting alternative for fish waste disposal.

Composting Pilot Project	UAF MAP – City of Dillingham-Memorandum-of-Understanding
--------------------------	--

August 2013	Draft brochure for composting operation; submit for review to City staff, compost researchers, and household compost pilot study participants.
September 2013	Distribute brochure to community members – expand household food scrap collection pilot project to 10 more households.
September 2013	Host workshop on source separation and composting for new household food waste participants for pilot project.
October 1, 2013	Composting demonstration and public showcase of composting project at City Landfill. Take soil samples and send off for analysis.
November 2013	Issue press release detailing results of first year of operations of composting pilot project.
April 2014	Make finished compost product available to gardening and agricultural community in Dillingham.
September 2014	Finalize grant reporting and write case study for use by City staff and other interested parties.

Additional tasks:

1. Write Scope of Work Resolution for Council.
2. Designate a composting site.

4.3 City of Dillingham Obligations

City of Dillingham agrees:

- To collaborate on this composting project: providing staff time within their normal work hours, expertise on landfill operations, and assistance within the scope of the composting project;
- To provide an 80 x 80 sq ft. cleared, brushed, area for the compost pile, equipment storage, and staging of compostable materials.
- To allow educational materials regarding recycling and composting to be distributed by the MAP PI about the composting project.
- To allow access to the City of Dillingham Landfill by the MAP PI during normal working hours, during the course of this grant project, to conduct compost testing, ensure compliance with the Plan, answer questions by landfill staff, and troubleshoot any problems that may arise from the composting operation;
- To provide access to water from the existing city well to the composting area;
- To collaborate on the installation of an electric fence, budgeted for under the Grant, and to install signs indicating that the fence has an electrical charge;
- To provide oversight and protection from damage to the compost project and related equipment, storage facilities and the compost material.
- To collaborate on the type of equipment needed for the composting project and the solid waste disposal facility.
- To take ownership and control of the grant-funded equipment, supplies, and electric fence at the conclusion of the two-year term of the grant project.

5. Partnership

Nothing in this Scope of Work implies any partnership between the parties other than the duties and roles specifically outlined herein.

Composting Pilot Project	UAF MAP – City of Dillingham- Memorandum-of-Understanding
--------------------------	--

6. Financing

Each party is responsible for financing its own participation in this collaboration.

7. Term and Termination

This Scope of Work shall become effective upon signature by both parties and shall remain in force until the termination of the grant agreement with ADNR. The Scope of Work may be extended by mutual agreement.

8. Signatures

Two originals to be signed; one for each party.

Marine Advisory Program

City of Dillingham

MAP Agent

City Manager

Izetta Chambers

Rose Loera

Signature:

Signature:

Date:

Date:

Subject: Approval of the City of Dillingham to move the Animal Shelter from its current location on the Aleknagik Lake Road and to renovate the East end of the National Guard Armory for the new location

Agenda of: April 11, 2013

Council Action:

Manager: Recommend approval for moving the Animal Shelter and putting out to bid for renovating the National Guard Armory for its new location.

City Manager: Carol Shade, Acting
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade	CS	
X	City Clerk / Janice Williams	JW	
X	Chief of Police/Dan Pasquerillo		

Fiscal Note: Yes _____ No X Funds Available: Yes X No _____

Other Attachment(s):

- Memorandum on Animal Shelter dated March 22, 2013
- Spreadsheet – Dollar Comparison of Animal Shelter Options

Summary Statement. There is a need to move the Animal Shelter from its current location because it was not meant to be permanent. The lease for the current location expires on 6/30/13. We have explored different options such as:

- Request for Proposal for design and build new on City property; design and build on property owned by proposer and leased or purchased and owner provide building and renovate for City lease. We received 8 proposals all to build new and we did not pursue.
- Renovate the Old Pollock Warehouse – major renovation.
- Contacted Happy Tails regarding their interest, but no response.
- Public Safety Building – housed temporary in the past, but was not suitable.
- Renovate National Guard Armory - lease expires on 4/30/13 and the building is not fully used by the guard.

The attached memorandum goes into more detail in all the areas of consideration. We are recommending to the council to provide authority for the City Manager to put out to bid for renovating the National Guard Armory for the Animal Shelter. The renovations to the building will not affect the integrity of the building and in the future if we were to find

another location it can be used for a fisheries related service or for the harbor as it is intended.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on April 11, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Brenda Akelkok
Chris Maines
Bob Himschoot
Keggie Tubbs
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: March 22, 2013
To: Mayor Ruby and City Council Member
From: Rose Loera, City Manager
Subject: Animal Shelter

Over the past 6 months I have been researching the animal shelter location issue. Following are a few bullets that I have been operating from to guide a recommendation:

- The current Animal Shelter is housed in a leased building located on Aleknagik Lake road. The lease expires on June 30, 2013. The current Animal Shelter is for sale for approximately \$300,000.
- The current location was not intended to be a permanent animal shelter.
- A Request for Proposal (RFP) was publicized seeking bids for three options for a shelter:
 - design and build a 2,000 sq ft building on City owned property possibly the landfill or near the sewage lagoon on Tower Road;
 - design and build a 2,000 sq tf building at a site owned by the proposer to be either leased or purchased after construction; and
 - owner to propose providing an existing building to renovate for the City's needs to either lease or sell.
- Eight proposals were received all to design and build on city owned property ranging from \$220,000 - \$684,686. No bids were received for the other two options.
- The City has not pursued the funding needed for a new building at this time.

Things that I have been told or discovered during my research for the animal shelter are:

- purchasing the current location by getting a loan for it makes the most sense;
- the current location is not where the shelter should be because it is a residential area and the homeowners were told it was a temporary location;
- the Animal Shelter doesn't belong at the landfill because dogs ears are sensitive and the gun shots from the rifle range will scare them, bears around the dump would be frightening for the animals and when closed no one can see the animals and it could result in poor care;
- the Harbor should be reserved for fishing related activities; and

*Our Vision. By 2015 to have an infrastructure that supports a sustainable, diversified and growing economy. * We will take a leadership role and partner with others to achieve economic development and other common goals. * We will develop a high quality City workforce to serve the community. * We will promote excellence in education.*

- contacted Deanna Baier, owner of Happy Tails and asked her if she had any interest in housing the shelter at Happy Tails. She did not respond to the RFP that was publicized. She said she would get back to me and hasn't.

Current City buildings that could possibly house a shelter:

- Old Pollock Warehouse. This warehouse has the potential to place an enclosed structure on the inside of the warehouse on the South corner with some major renovations. It is storing miscellaneous vehicles and stuff that could easily be moved. The Warehouse is right next to the tin building that housed the dogs that were starved. The building does not have a water source but in the winter freezes. The tin building is scheduled to be torn down and when it is the land could be used for the dog cages.
- National Guard Armory – this building is being leased to the National Guard. The lease expires on 4/30/13. It is approximately 3,200 sf. The building has a cement floor, water and sewer, a fenced in yard, garage door and side door entrances on both the East and West sides of the building. I spoke with Jerry Walton a Senior Facilities Manager for the State of Alaska about his thoughts of us renovating the building and taking 800 sf from the East side. His initial response was it is your building and you could do whatever you want but when he brought the subject to the tenants they were not excited about being next to an animal shelter. Mr. Walton did state that they could purchase our current location for us and do a swap for what they are currently leasing since they like the location. The National Guard has about \$550,000 in the Governor's Capital budget for 2014 for a new National Guard building. A delegation from the National Guard will be here in Dillingham on 3/28 to participate in the "Choose Respect" march that SAFE is organizing. They have requested a meeting with us to discuss this further.
- Public Safety Building in the back – this was suggested by a community member. It was also the location where the animals were housed after the dog issue for a time period. The inmates were able to care for the dogs but according to the Chief of Police it was not the ideal location for the shelter. The building already has many uses and the Police needs to use the garage area for staging inmates and for storing the vehicles.

Recommendation: In reviewing the options I recommend renovating the National Guard building for the following reasons:

1. The area to renovate is currently being used for storage of a couple of snow machines that could easily be moved to the other side of the building;
2. It has a fenced in yard that could be used to bring the animals outside. We would need to install a gate on the East side for access;
3. The building already has cement flooring, water and sewer;
4. The location of the facility is close to the bike path and adopting out the animals may be easier since they could be seen from the road and bike path.

*Our Vision. By 2015 to have an infrastructure that supports a sustainable, diversified and growing economy. * We will take a leadership role and partner with others to achieve economic development and other common goals. * We will develop a high quality City workforce to serve the community. * We will promote excellence in education.*

5. The shelter will be housed in a facility owned by the City and the operational costs would be reduced without the annual lease.
6. The renovation will consist of:
 - building a wall to separate 800 sqf of the building from the area that the Guard is using;
 - water and sewer will need to be extended to the East side of the building for a washroom and washer and dryers;
 - we may need to get the heat vented to the renovated area because the forced air furnace will be located on the opposite side of where the shelter would be;
 - putting some type of separation, possibly a curtain, between cats and dogs;
 - shelves for storage of supplies; and
 - weatherization for the building to minimize heating cost.
7. The cost to do the renovation will not be known until we put it out for bid.
8. If we move to this location we will have to figure out coverage when our Animal Control Officer is on leave and who will put the animals back inside in the evening.

Animal Shelter Options Compared

Option 1 Build New

Capital Cost	
Contractors Proposed Costs	\$ 316,000
Site Development	\$ 100,000
Estimated Overruns (air handling and pad insulation)	\$ 85,000
Total	\$ 501,000
Apx. Loan annual cost over 20 yrs.	\$ 32,000

Annual Maintenance/Operations			
	Cost PSF	SF	Annual
Maintenance Cost	\$7.07	2000	\$14,140
Fuel Costs	3.76		\$6,768
Electricity Cost (apx)			\$2,000
Additional operations W/O Apt*			\$11,360
		Total	\$34,268

Total Annual Cost for Build New \$ 66,268

Purchase Existing Building

Capital Cost	
Purchase Price	\$ 290,000
Estimated Upgrades (upgrades to be comparable with new)	\$ 50,000
Total	\$ 340,000
Apx. Loan annual cost over 20 yrs	\$ 19,200

Annual Maintenance/Operations			
	Cost PSF	SF	Annual
Maintenance Cost	\$ 10.43	2300	\$23,989
Fuel Costs	3.76		\$9,024
Electricity Cost (apx)			\$2,500
Loss of property tax			\$ 1,685
		Total	\$37,198

Total Annual Cost for Purchase Existing \$ 56,398

Renovate National Guard Armory

National Guard Armory	
Approximate Renovation	\$ 55,000
Site Development	\$ -
Estimated Overruns (air handling and pad insulation)	\$ -
Total one time outlay	\$ 55,000

Annual Maintenance/Operations			
	Cost PSF	SF	Annual
Maintenance Cost	\$10.43	800	\$8,344
Fuel Costs	3.76	25%	\$3,000
Electricity Cost (apx)		25%	\$1,000
Additional operations W/O Apt*			\$11,360
		Total	\$23,704

Total Annual cost 1st year Natl Grd. \$ 78,704

Total Annual cost after 1st yr. Natl Grd \$23,704

Current Lease is \$2,300 a month - \$27,600 annual

* Animal Control cover at 4hr per day when off			
38 Days off & Holiday	152		
Off days 104 (2 per wk)	416		
Total	568	\$20	\$11,360

Does not include security coverage

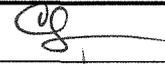
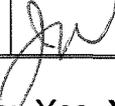
Subject: Authorize the City Manager to execute a contract with eDocsAlaska, Inc. for the purchase and installation of a 3-User Laserfiche Avante System for electronic document records management

Agenda of: April 11, 2013

Council Action:

Manager: Recommend approval.

City Manager: Carol Shade, Acting
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade		
X	City Clerk / Janice Williams		

Fiscal Note: Yes No Funds Available: Yes No

Other Attachment(s):

- Bid Quote from eDocsAlaska Inc.

Summary Statement.

The purpose of this Action Memorandum is to authorize the City Manager to execute a contract to acquire electronic document record management software/hardware. We received written quotes from SIRE and eDocsAlaska. When I polled other communities, both rural and urban in Alaska, these two companies were the only known providers of document management solutions tailored to the needs of state and local government agencies. We budgeted \$10,000 for this product in the FY13 budget. EDocs provided the low bid in the amount of \$8,795. We will be asking City Council to approve a not-to-exceed amount of \$10,000, to account for additional hours required due to unforeseen issues or problems.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on April 11, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

City of Dillingham
Fiscal Note

Agenda Date: April 11, 2013

Request:

ORIGINATOR: Carol Shade

FISCAL ACTION (TO BE COMPLETED BY FINANCE)		FISCAL IMPACT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
AMOUNT REQUESTED: <p style="text-align: right;">\$ 10,000.00</p>		FUNDING SOURCE <p style="text-align: center;">General Fund</p>	
FROM ACCOUNT 1000 7620 10 12 0000 0 <p style="text-align: right;">\$ 1,000.00</p>		Project <p style="text-align: center;">Record Mgt Software</p>	
TO ACCOUNT:	VERIFIED BY: Carol Shade	Date:	4/3/2013

EXPENDITURES

OPERATING	FY13	FY14	FY15	FY16
Personnel				
Fringe Benefits				
Major Equipment	\$10,000.00			
Equipment				
Land/Buildings				
Miscellaneous				
TOTAL OPERATING	\$ 10,000.00	\$ -	\$ -	\$ -

CAPITAL				
---------	--	--	--	--

REVENUE				
---------	--	--	--	--

FUNDING

General Fund	\$ 10,000.00			
State/Federal Funds				
Other				
TOTAL FUNDING	\$ 10,000.00			\$ -

POSITIONS

Full-Time				
Part-Time				
Temporary				

ANALYSIS: (Attach a separate page if necessary)

See Attached Action Memorandum AM 2013-06

PREPARED BY: Carol Shade

April 11, 2013

DEPARTMENT: Finance Department

April 11, 2013

APPROVED BY: _____

Subject: Adopt Dillingham Public Safety Operations Manual – Snow Machine Operating Procedures

Agenda of: April 11, 2013

Council Action:

Manager: Recommend approval.

City Manager: *Carol Shade, Acting*
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Public Safety / Chief Pasquariello		
X	City Clerk / Janice Williams	<i>JW</i>	

Fiscal Note: Yes _____ No X Funds Available: Yes _____ No _____

Other Attachment(s):

- Copy of Snow Machine Operating Procedures

Summary Statement.

The Snow Machine Operating Procedures will be incorporated into the Dillingham Public Safety Operations Manual after it is adopted. This document was introduced at the March 7, 2013 Council Meeting and is being brought back with the recommended changes from that meeting. The changes, highlighted in gray-coloring on the document, are as follows:

Under Item II. Policy, added:

- C. Operators will adhere to the City of Dillingham’s Fleet Management Operating Procedures, which includes preventive maintenance.

Under Item III. Procedures, added:

- I. Snow machines will be equipped with a rope and a shovel at a minimum.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on April 11, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk



DILLINGHAM PUBLIC SAFETY OPERATIONS MANUAL

Title	SNOW MACHINE OPERATING PROCEDURES	Reference	Fleet Management Operating Procedures
Resource	DLG Public Safety Manual	Recommended	Dillingham City Council
Adopted	April 11, 2013	Issued By	City Manager Rose Loera

I. PURPOSE

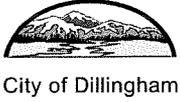
To establish policies and procedures to ensure that the Public Safety Department has clear guidance on the use of company-owned snow machines on the job.

II. POLICY

- A. City of Dillingham will provide for the use of snow machine travel for the Public Safety Department.
- B. No vehicle/motorized equipment will be operated with a known safety deficiency.
- C. Operators will adhere to the City of Dillingham's Fleet Management Operating Procedures, which includes preventive maintenance.

III. GENERAL PROCEDURES

- A. Officers will NOT use snow machines for routine patrol.
- B. If a need exists, Officers may use the department's snow machines for:
 - 1. investigative purposes;
 - 2. fugitive apprehensions;
 - 3. EMS calls.
- C. Permission must first be obtained from:
 - 1. a Patrol Sergeant; or
 - 2. Chief of Police.
- D. Officers are responsible for performing a check of the snow machine's fuel and oil levels prior to operation. Any maintenance problems will be brought to the attention of a supervisor.
- E. Officers will operate snow machines in pairs for safety purposes.
- F. Officers will make sure that they have a functioning radio and cell phone when operating a snow machine.
- G. Officers will advise Dispatch of their intended purpose and destination prior to departure.



DILLINGHAM PUBLIC SAFETY OPERATIONS MANUAL

- H. Officers will wear helmets and appropriate cold weather clothing when operating a snow machine.
- I. Snow Machines will be equipped with a rope and shovel at a minimum.
- J. Officers will NOT engage in vehicle pursuits while driving a snow machine.
- K. The snow machines may be used by other City of Dillingham departments for official business. Permission must first be obtained from the Chief of Police.



March 11, 2013

Mr. Ryan Savo, President
Nushagak Classic/Western Alaska Sled Dog Race Association
General Delivery
Dillingham, Alaska 99576

Dear Ryan:

It is with great pleasure that I write to you on behalf of the City Council to commend your organization and your dedicated volunteers for making Beaver Round Up 2013 an outstanding success. The number and variety of activities rivaled even the largest events across the state and you succeeded in engaging many, many residents whether to participate or attend the events. What a great success!

Many thanks to your Board, including yourself, Marina Nelson, Deon Lopez, William Corbett and Angeli Venua for your efforts on this event and throughout the year. Thanks to your core BRU organizers including Kristina Ramirez, Bernina Venua, Angeli Venua, William Corbett, Leo Roehl, Michelle Roehl, Leo Roehl Jr., Lee Ann Andrews, Greg Marksmiller, Chuy Ramirez and Jennifer Gardiner. Last, but certainly not least, a special thanks to Charlene Lopez whose personal commitment and dedication have been critical for making the winter celebration a success.

Not too long ago, Beaver Round Up was in jeopardy of being lost. Thanks to you and a dedicated group of volunteers, not only has it been preserved but it has been reenergized. Your organization has done an outstanding job of rallying the community around the event and we look forward to many, many more celebrations.

Sincerely,

A handwritten signature in black ink that reads "Alice A. Ruby". The signature is written in a cursive style with a large, prominent "A" and "R".

Alice Ruby
Mayor

**Dillingham Small Boat Harbor
Dredged Material Management Plan
Preliminary Assessment
Dillingham, Alaska
September 2007**

1.0 Purpose

A Preliminary Assessment (PA) report is required for all Federal navigation projects to determine the need for a Dredged Material Management Plan (ER1105-2-100, 22 Apr 2000, Section E-15, page E-68). A PA report determines:

- If continued operation and maintenance of the project is economically justified.
- The consistency of existing environmental compliance documents with ongoing operation and maintenance activities.
- The dredged material storage capability under current disposal practices.
- The need for a Dredged Material Management Plan (based on projected storage capacity for dredged materials).

Federal Navigation projects are required to have storage capacity sufficient for 20 years disposal of dredged materials. If a PA of the dredging operation determines that 20 years storage capacity is not available, a Dredged Material Management Plan (DMMP) must be written to ensure management of the material for the 20 years of dredging and disposal.

2.0 Project Description and Authorization

The Dillingham Small Boat Harbor was authorized by the River and Harbor Act of 3 July 1958 (House Doc. 390, 84th Congress, 2nd Session), which initially provided for a small boat basin of 230,000 square feet (ft²) dredged to a depth of +2 feet mean lower low water (MLLW). The harbor and 1,100-foot-long entrance was dredged at the mouth of Scandinavian Creek where it enters Nushagak Bay (figure 1). A sheet-pile sill with elevation of 7 feet MLLW was authorized for placement at the basin outlet, but design modification replaced the sheet-pile sill with a rock sill. An embankment was constructed on three sides of the basin to protect moored vessels from waves.

The project depth was reduced in 1963 from +2 feet to +7 feet MLLW due to excessive siltation. Maintenance was suspended in 1964 pending restudy of the project. In 1968 a supplemental design memorandum was approved authorizing re-excavation to the project depth of +2 feet MLLW and the purchase of a dredge owned by the Corps of Engineers. The harbor was dredged with the Corps dredge, "Dillingham" from 1969 through 1988. The Corps dredge was sold in 1988 and the harbor dredged by contract beginning in 1989. The rock sill was removed to the depth of the existing bottom in 1999.

The harbor (table 1 and figure 1) currently provides moorage for about 320 commercial fishing and recreational craft. At conclusion of the 2004 dredging season, controlling depth of the basin was +2 feet MLLW and entrance channel was +2.6 feet MLLW (Alaska District 2006a). The project is subject to rapid siltation due to sediment from the turbid Nushagak Bay settling out in the harbor basin.

3.0 Maintenance Dredging Operations

The Dillingham Small Boat Harbor is dredged annually due to heavy silting in the basin and the upper entrance channel and would become unusable to the commercial fishing fleet within 1 to 2 years without dredging. The official dredging window is from May through October, but the traditional dredging window is from May 1 to June 30 to mitigate conflict with the fishing fleet. Quantities and contract costs of dredging at Dillingham from fiscal year 2000 through 2007 are in table 2.

Table 2: Dredged Quantities and Contract Costs FY 00 through FY 07.

Fiscal Year	Quantity (Cubic Yards)	Contract Costs (\$)	Disposal
2000	76,475	299,199	Inland
2001	101,076	274,418	Inland
2002	74,104	320,308	Inland
2003	103,299	551,605	Inland
2004	90,000	356,653	In-water
2005	90,000	470,302	In-water
2006	98,320	571,920	In-water
2007	99,868	524,300	In-water

Dredging is with a contracted hydraulic cutterhead and pipeline suction dredge that pumps the sediment and water through a portable, 12-inch pipeline to a disposal site. From 1969 to 2003 disposal was in two inland confined dewatering facilities (CDFs) on private land adjacent to the harbor (figure 2) (Alaska District 1974). The site west of the harbor is referred to as the “Old Western Site” and reached capacity in 1979 (Alaska District 1979). The disposal site east of the harbor is referred to as the “Peter Pan Site” because the land is owned by Peter Pan Seafoods of Seattle, Washington. The Peter Pan CDF reached capacity in 2003. Beginning in 2004 disposal has been directly into the Nushagak River estuary (figure 2) under a trial and interim disposal agreement with the State of Alaska Department of Natural Resources pending implementation of a DMMP starting in 2009 (Alaska District 2003 and 2005a). Current disposal is through a floating pipeline to a defined disposal area over water that averages -26 feet MLLW in depth. Strong currents in the disposal area are expected to disperse the dredged sediments within the naturally high bedload of the Nushagak River estuary.

4.0 Disposal Alternatives Considered

The following alternatives for disposal of sediment dredged from the Dillingham Small Boat Harbor were considered.

4.1 Alternative 1: No Action Alternative, Disposal at Peter Pan Site

Under a No-Action alternative, sediment dredged from the harbor would continue to be discharged into the privately owned Peter Pan disposal site without refurbishment. The No-Action alternative was eliminated from consideration because the Peter Pan disposal site reached capacity in 2003 and the berms confining the dredged sediment have been weakened by wave erosion from the Nushagak River. Retention time is insufficient and

effluent flowing from the CDF will not meet State water quality standards for discharge in fresh water (DEC 2003).

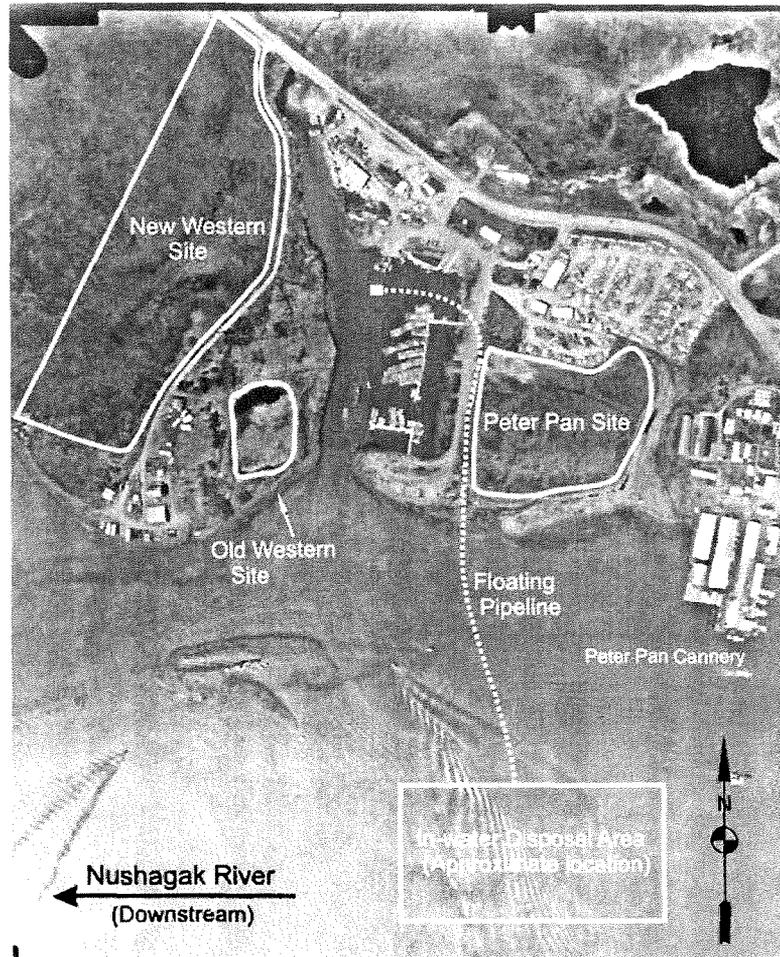


Figure 2. Dillingham harbor with approximate locations of alternative features.

4.2 Alternative 2: Disposal at the Peter Pan Site with Maintenance Hauling

Alternative 2 would reinstate dewatering dredged sediment in the privately owned Peter Pan Site (figure 2) and disposal by trucking to at another location. Approximately 90,000 cubic yards (yd^3) of dewatered sediment would be removed annually to an unknown location, and the berms rebuilt annually to prepare the site for dewatering. Alternative 2 was eliminated from consideration because:

- (1) The Corps does not have authority to continue disposal in the privately owned Peter Pan Site CDF.
- (2) The City of Dillingham (the local sponsor) has not responded to requests they identify inland locations on which to dispose of an initial 90,000 yd^3 and an estimated 1,800,000 yd^3 of sediment over the 20-year project life.
- (3) There is insufficient time between spring thaw and dredging operations to prepare the Peter Pan Site (removing an estimated 7,500, 12- yd^3 dump truck loads of previous season sediment to an inland disposal/storage site).

- (4) Effluent flowing from the site will not meet State of Alaska water quality standards because there is insufficient area for retention and clarification of the effluent before returning it to the river.

4.3 Alternative 3 - Confined Disposal Facility on Wetland

Alternative 3 would construct a 60-acre CDF on a large bog-type wetland west of the harbor. This location is referred to as the "New Western Site" (figure 2). Alternative 3 was eliminated from consideration because:

- (1) Studies conducted by the Corps in 2004 determined that the wetland is a bog up to 40 feet deep covered by a relatively thin layer of floating vegetation (Alaska District 2005b).
- (2) Alternative 3 would be on private land and the City of Dillingham (the local sponsor) has not indicated a willingness to acquire and provide the land for construction of a CDF.
- (3) Corps engineers estimates that 800,000 yd³ of gravel from a local borrow pit and 64,600 yd³ of previously dredged sediment from the Old Western Site would be needed to construct confinement berms on the New Western Site.
- (4) The cost of materials at an estimated \$20 per yd³ delivered on site would be approximately \$17,292,000 of which the City of Dillingham would be responsible for 20 percent before crediting the cost of lands, easements, relocations, and rights-of way (LERR). The City of Dillingham has not indicated a willingness to cost share this alternative.
- (5) Corps engineers estimate that disposal on the site would jeopardize the integrity of a private road leading to a privately-owned fuel distribution facility and tank farm. The road would have to be upgraded and it is likely it would have to be maintained for the life of the alternative.
- (6) The old Western Site, a material source, is privately owned and the City of Dillingham (the local sponsor) has not acquired authority to take materials from the site.

4.4 Alternative 4 – Wetland Disposal without Confinement

Alternative 4 would allow the sediment and its carrier water to run free across the wetland described in Alternative 3. This alternative was eliminated from consideration because:

- (1) The hydraulic characteristics of the wetland bog are unknown.
- (2) Alternative 4 would be on private land and the City of Dillingham (the local sponsor) has not indicated a willingness to provide this land for a disposal site.
- (3) Alternative 4 could affect the integrity of the main Dillingham highway and a private road leading to a fuel distribution facility and tank farm resulting in maintenance to these roads for the life of the project.

4.5 Alternative 5 – Wetland Disposal by Injection

- (1) Alternative 5 would inject the sediment and its carrier effluent under the surface vegetation of the wetland bog described in Alternative 3. This alternative was eliminated from consideration for the same reasons that Alternative 4 was eliminated.

4.6 Alternative 6– In-water Disposal

Alternative 6 is disposal in the Nushagak River estuary via a floating pipeline to a defined disposal area in -26 feet MLLW and approximately 800 feet offshore (figure 2).

Alternative 6 (in-water disposal) is the preferred alternative because:

- (1) It has been proven technically feasible, environmentally benign, and cost effective to return the sediment to the Nushagak River estuary.
- (2) Sediments returned to the river are not significantly contaminated above ambient levels during their relatively short stay in the harbor.
- (3) In-water disposal meets State of Alaska water quality standards with approval and application of a mixing zone.
- (4) In-water disposal results in only minor and temporary disruption of fishing fleet activities and navigation.
- (5) Impact to subsistence activities by in-water disposal is negligible.
- (6) Impact to adult salmon by in-water disposal is negligible.
- (7) Potential impact to out migrating sockeye salmon smolt can be easily and effectively mitigated.
- (8) In-water disposal does not appear to result in long-term shoaling or retention of a significant disposal mound on the river bottom.

Unlimited disposal capacity is available with in water disposal. The dredged material is composed of 7 percent sand, 25 percent clay, 32 percent fine silt, and 37 percent coarse silt (Teeter 2003). This disposal operation does not add inland sediment to the Nushagak River, but moves natural river sediment back to the river after a short stay in the harbor. Contaminants in sediment placed back to the river are not elevated significantly beyond ambient levels.

It is possible to enter the harbor on extreme high tides by cutting short the entrance channel and entering the harbor by crossing tide flats. The floating pipeline requires vessels to enter the harbor via the entrance channel at all times when the harbor can be entered. The floating pipeline prohibits the practice of short cutting the entrance channel during dredging and disposal.

In-water disposal at Dillingham is untested during a major storm event. The dredging contractor would be required to have a safety plan that would maintain the safety and integrity of the dredging and in-water disposal operation during a major storm event. Storms are rare in June compared with late September, October, and November.

Pre and post disposal bathymetric surveys would be standard practice for in-water disposal. The post 2006 survey indicates that a mound was forming at the – 20-foot MLLW depth (figure 3). A comparison of the post 2006 and pre 2007 surveys (figure 4) suggests the mound migrated upstream on strong flood tide currents over the winter, as would be expected. A mound in 2006 likely resulted from the discharge of about 5,000 yd³ of gravel dredged from the entrance channel. The source of the gravel is unknown, but it could have been from eroding fill downstream of the entrance channel or gravel naturally carried by the extreme bedload of the Nushagak River estuary. Whatever the

source, the dredging subcontractor reported that the quantity of gravel appears to be diminishing and was just under 2,000 yd³ in the 2007 discharge (2007 E-mail communication, Nehalem Dredging Company). Recent construction of large sheet-pile docks upstream and downstream of the entrance channel may also be cutting off the supply of gravel to the entrance channel.

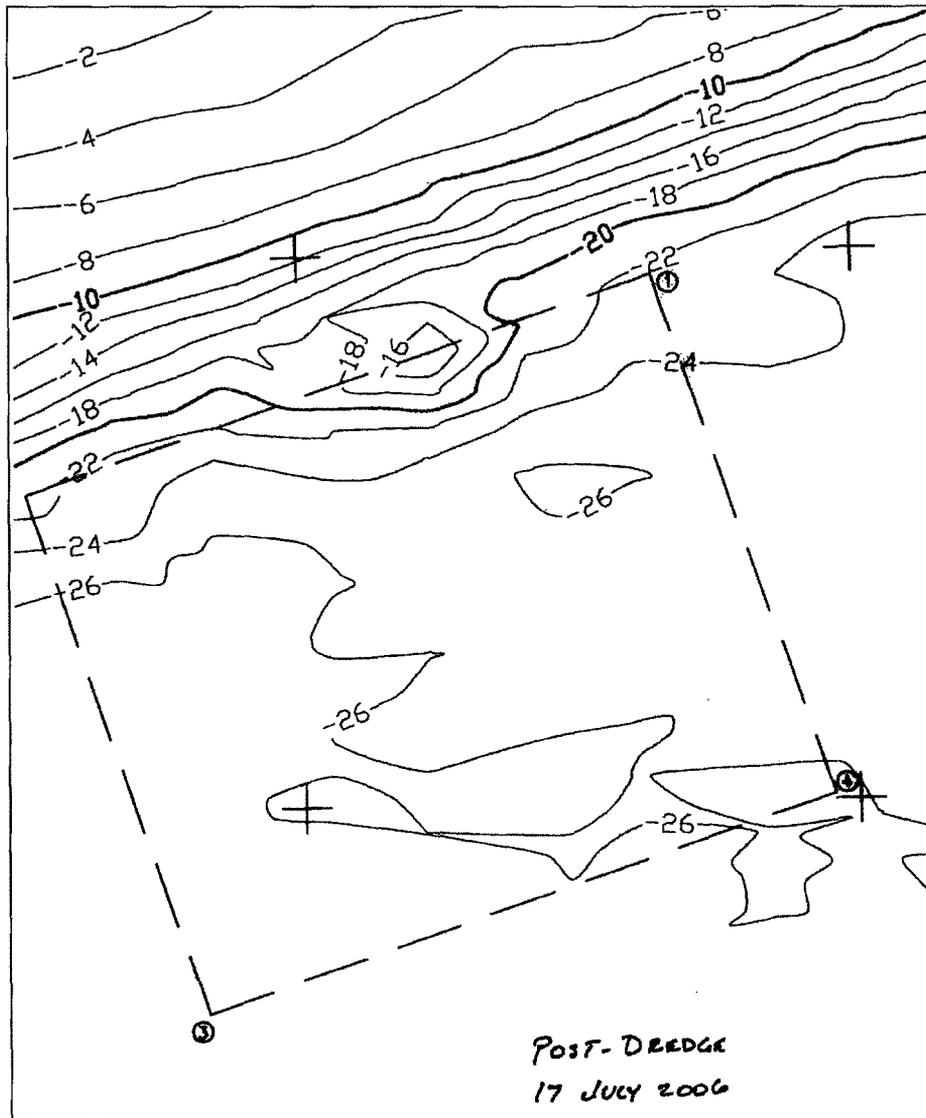


Figure 3. Post 2006 disposal bathymetric survey at Dillingham, Alaska showing what appears to be a disposal mound at the -20-foot MLLW depth.

Comparison of the post 2006 and pre 2007 surveys (figure 4) and the post 2007 survey (figure 5) indicates that mound building on the river bottom would not be a significant problem in the future. The potential of mound building from in-water disposal would also be mitigated by requiring disposal over the deepest depth in the disposal area and not just over the inshore boarder of the disposal area.

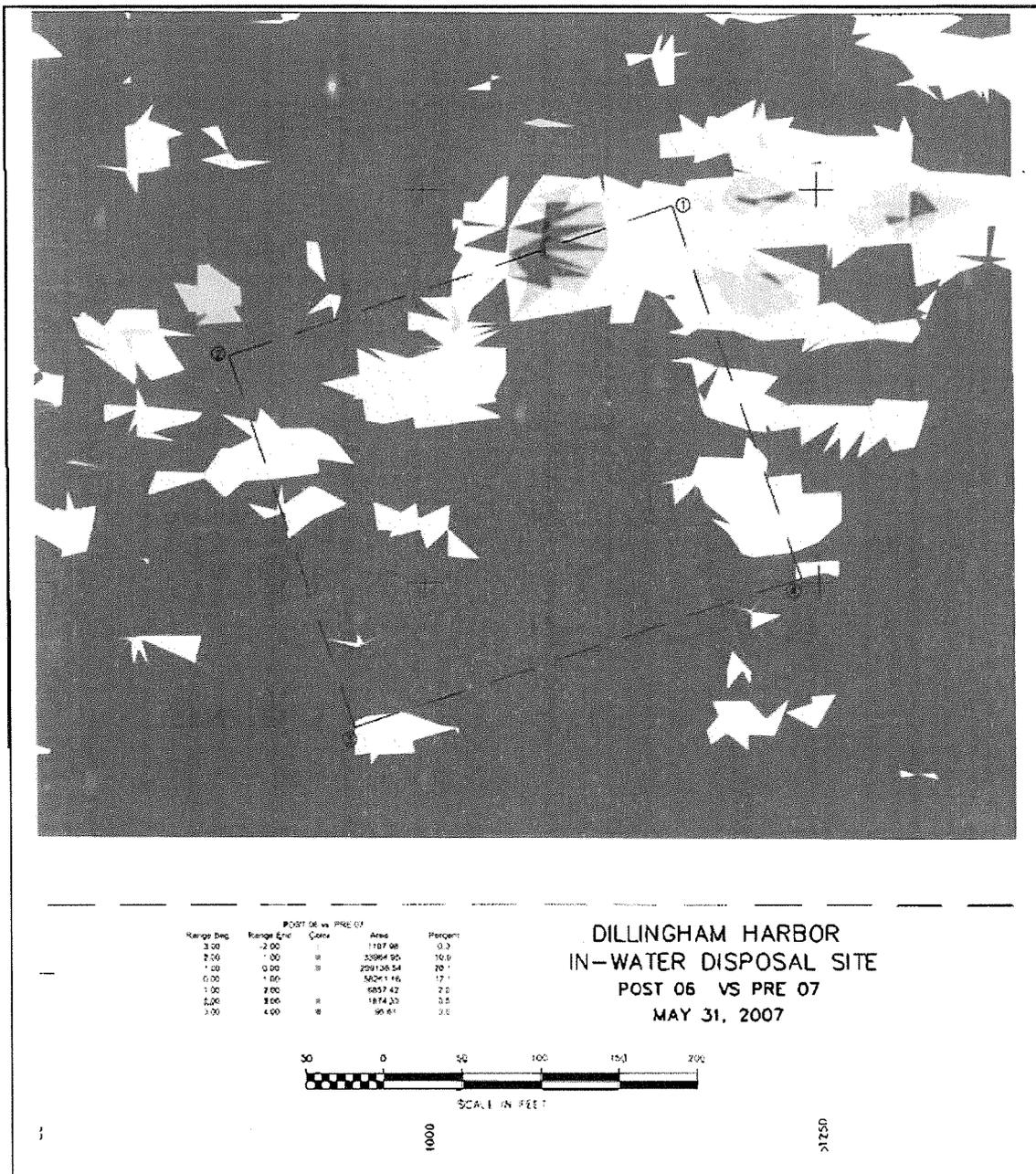


Figure 4. A comparison of the post 2006 disposal bathymetric survey at Dillingham, Alaska with the pre 2007 bathymetric survey showing elevations in bottom contour.

4.6 Environmentally Preferred Alternative

Alternative 6 (in-water disposal) is the environmentally preferred alternative because:

- (1) It does not impact wetlands and associated hydraulic functions.
- (2) It does not result in significant adverse impacts to subsistence activities.
- (3) It allows effective and easily implemented mitigation for out migrating sockeye salmon smolt.
- (4) It does not result in significant impact to adult salmon or interfere with their upstream migration.

- (5) It does not adversely affect water quality in the Nushagak River estuary.
- (6) It does not adversely affect threatened or endangered species.
- (7) It does not adversely affect protected marine mammals.
- (8) It does not adversely affect birds, protected or unprotected.
- (9) It does not adversely affect essential fish habitat.
- (10) It does not result in long-term shoaling or mound building on the river bed between disposal seasons.
- (11) It does not result in long-term disruption of harbor activities.

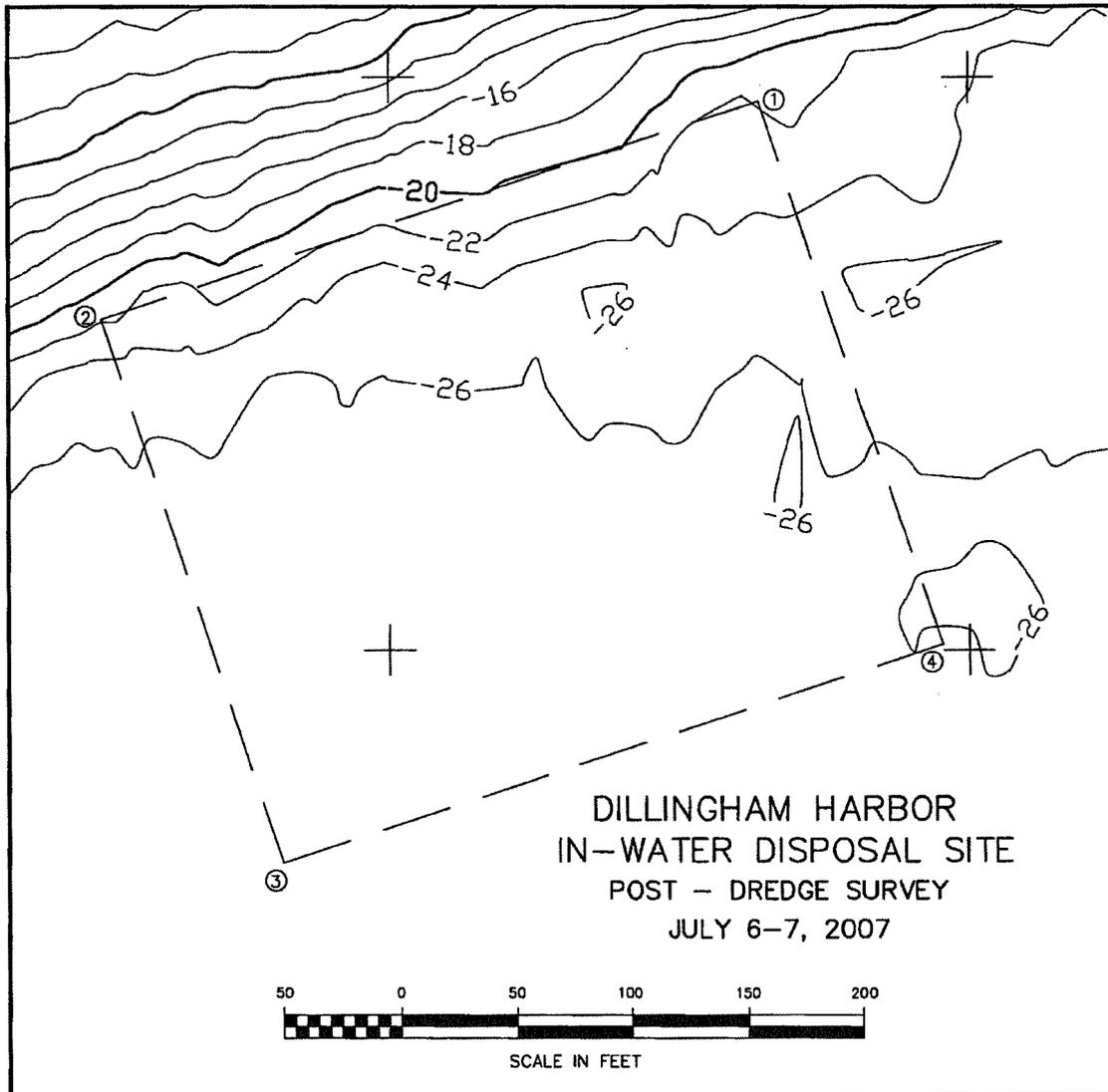


Figure 5. Post 2007 disposal bathymetric survey at Dillingham, Alaska.

4.7 Locally Preferred Alternative

Meetings were held in Dillingham in November 2003 and April 2006 during which the city manager was asked to propose a locally preferred alternative for disposal of the dredged sediments. A follow-up letter requesting the city to propose a locally preferred

alternative was not answered (Appendix A, Correspondence). The City of Dillingham voiced preference for inland disposal during the above meetings, but apparently does not have an official, locally preferred alternative for this disposal of dredged material. The City of Dillingham has not responded to requests by the Corps and its representatives to identify and provide land for inland disposal.

4.8 Public Testimony and Comment

Public testimony and comment at public meetings held in Dillingham in November 2003 and April 2006 focused on the potential effects of in-water disposal on: (1) out migrating sockeye salmon smolt, (2) disrupting the upstream migration of returning adult salmon, (3) fouling subsistence beaches with sediment, (4) preventing boats from entering the harbor by cutting across the tide flats during high tide, and(5) building a permanent shoal on the river bottom. The Alaska District held meetings with the Alaska Department of Natural Resources and Fish and Game during which the follow mitigation measures were determined.

- (1) Out migrating sockeye salmon smolt.
 - a. The discharge would be injected 10 feet below the surface at all tide levels to mitigate contact with surface oriented salmon smolt. This mitigation measure was used successfully during the 2005 and 2006 disposals, and will be used during 2007 and 2008.
- (2) Disruption of migrating adult salmon.
 - a. Significant changes to the subsistence catch that might be related to in-water disposal would be detected during routine catch monitoring by the Alaska Department of Fish and Game. No significant changes in the subsistence catch were detected during 2004 and 2005.
- (3) Fouling subsistence beaches with dredged sediment.
 - a. The Alaska District conducted accretion studies on subsistence beaches during 2004 (Alaska District 2004). Sediment accretion was not detected and the study indicated the beaches are eroding.
- (4) Preventing boats from entering the harbor by cutting across the tide flats during high tide.
 - a. This is unavoidable due to the need to place a floating discharge pipe out to the disposal site and vessels must use the entrance channel during dredging and in-water disposal. The pipe is well marked and a notice to mariners is published to mitigate its placement.
- (5) Building a permanent shoal on the river bottom.
 - a. The Alaska District would conduct pre and post dredging bathymetric surveys during the permitted trial and interim in-water disposals (2005, 2006, 2007 and 2008).

5.0 Disposal Limitations

5.1 Inland

Inland disposal is limited by:

- (1) Failure of the City of Dillingham to provide land for disposal of dredged materials as described in Alternatives 1, 2 and 3.

- (2) Environmental destruction of a 60-acre wetland bog on the New Western Site and possibly wetland hydraulic functions over a larger area (Alternative 2).
- (3) Resource agency staff and the local CRSA representative have voiced concern about filling wetlands (Alternative 2 and 3).
- (4) Costs to excavate and haul 864,600 yd³ of material for construction of a CDF in the wetland bog on the New Western Site (Alternative 2).
- (5) Potentially adverse impacts to the wetland hydraulics resulting from injection of dredged materials under the vegetative mat of the wetland bog on the New Western Site (Alternative 3).
- (6) Potential need for maintenance of adjacent public and private roads for the life of the project (Alternatives 2 and 3).

5.2 In-water

In-water disposal is limited by:

- (1) The length and diameter of floating pipe that be safely anchored to withstand strong flood tide currents in the Nushagak River estuary.
- (2) A period of operation prior to June 30 so dredging and disposal operations do not interfere excessively with operations of the local fishing fleet.
- (3) A need for relatively storm free weather conditions to keep the floating pipeline in operation.

6.0 Mitigation Measures of Maintenance Dredging and In-water Disposal

Dredging operations are mitigated by timing dredging prior to the peak use of the harbor by the commercial fishing fleet. Peak fleet activities focus on sockeye salmon that run in July. Timing dredging and disposal operations prior to the July sockeye salmon fishery allows the harbor to be dredged when it is used by fewer vessels and allows the floating pipeline to be positioned with few temporary impediments to vessels entering and leaving the harbor.

Natural turbidity in the Nushagak River estuary ranges from about 3,300 mg/l suspended solids on the bottom to an average of 140 mg/l suspended solids near the surface (PND 1988). The millions of sockeye salmon smolt that migrate to sea through the 2.5-mile wide Nushagak River estuary select water of highest quality through which to migrate, and in the Nushagak River estuary the highest quality water (lowest suspended solids) is near the surface in the center of the river. Consequently, in-water disposal is mitigated by injecting the discharge a minimum of 10 feet below the surface at all tide stages. Turbidity resulting from in-water disposal was monitored in 2005 (Alaska District 2005c). This study showed that measurable turbidity was effectively dispersed within 50 meters (164 feet) of the discharge point.

Few if any benthic fish or invertebrates are expected to inhabit the river bottom within the discharge area because of the high bedload that is present. Consequently, mitigation for disposal on the river bottom is not necessary. Post and pre-dredged bathymetric surveys show that any mound resulting from the discharge is dispersed by tidal currents and is not detectable by the following dredging season.

harbor is recommended. Table 10 summarizes the economic characteristics and the relatively stable cost to maintain access to Dillingham Harbor.

Demand for moorage space at Dillingham far exceeds original project expectations. As Dillingham grows in population, commercial diversification will likely offset any year-to-year volatility of fishing industry use of the harbor. A likely stable or increasing demand for harbor services will continue the need for dredging and disposal of harbor sediments.

Dillingham continues to be an active and important boat harbor in Bristol Bay, currently serving on average 750 commercial fishing vessels each year, compared with the original study expectation of 100 vessels. The harbor is also an important freight distribution center for the Bristol Bay region.

Dillingham Harbor continues to serve as an important regional harbor of refuge for commercial and non-commercial vessels during storm conditions. The availability of this harbor of refuge likely reduces the amount of vessel and equipment damage due to storms. If the Dillingham entrance channel and harbor basin were not dredged, they would fill with sediment and become unusable to the commercial fleet within 1 to 2 years (Evert 1976). Smaller vessels that include the commercial fishing fleet would be required to moor in exposed areas where they would risk damage from storm waves or undergo the time and expense of leaving the Dillingham area when storms are forecast. The annual economic cost to the fleet is estimated at \$390,600 and the total cost over the 20 year project life is estimated at more than \$13 million (Section 14.3).

Although the Dillingham commercial fish harvest and value is lower today compared with the 1980's, it continues to be significant, particularly when compared with Bristol Bay region statistics. Over 41 percent of the total average commercial harvest (in pounds) from Bristol Bay communities near Dillingham is associated with Dillingham fishermen that are residents of Dillingham.

15.0 Recommendations

Based on the findings in this PA, it is recommended that:

- (1) Dredging of the Dillingham Small Boat Harbor be continued.
- (2) Disposal of the sediments dredged from the harbor be discharged in-water as is currently being discharged under the interim disposal EA (Alaska District 2005a).
- (3) Alternative 6 (in-water disposal) be adopted as the Corps' base plan.

A Project Cooperation Agreement (PCA) is not required for the recommended alternative because construction of facilities is not required and operations are 100 percent federal costs.

The details of this alternative, as it currently exists, are described in the Alaska District Environmental Assessment titled, "Interim Dredging and In-water Disposal, Dillingham Small Boat Harbor, Dillingham, Alaska" (Alaska District 2005a). The storage capacity of in-water discharge (Alternative 6) is unlimited and exceeds the 20-year life of this PA.

It is further recommended that:

- (1) The term of discharge be for 20 years from 2009 through 2029.
- (2) The timing of dredging be from May 15 through July 15 with a preference to complete dredging and disposal by 30 June annually.
- (3) Coordination with State of Alaska resource agencies be continued for implementation of appropriate mitigation measures as described in Section 4.8 of this PA.
- (4) Technical and environmental aspects of the discharge be reviewed in 10 years (2019) to guarantee incorporation of lessons learned during the preceding period.
- (5) A public meeting be held in Dillingham every 5 years (year 5, 10 and 15) to gather and consider incorporation of public findings in refinement of the dredging and discharge methods.

The recommendations for implementation of navigation improvements at Dillingham, Alaska, reflect the policies governing formulation of individual projects and the information available at this time. They do not necessarily reflect the program and budgeting priorities inherent in local and State programs or the formulation of a national civil works water resources program. Consequently, the recommendations may be changed at higher review levels of the executive branch outside Alaska before they are used to support funding.

Date: _____

Kevin J. Wilson
Colonel, Corps of Engineers
District Engineer

stopped in 2004. An aerial photograph of the harbor shows that this suspended material moves along the shoreline and could reenter the harbor (figure 3). Erosion of shoreline berms also contributed to closing the site.

In-water disposal proposed in this EA is based on the success of the in-water disposals in 2005, 2006 and 2007. Interim in-water disposal will be in effect through the 2008 dredging season, and results similar to the 2005 through 2007 seasons are expected in 2008. A trial in-water disposal was conducted in 2005 as a test of in-water disposal because, although used in many places through the world, in-water disposal had not been successfully tested at Dillingham. In-water disposal was further refined during the interim disposal years of 2006 and 2007. The 2008 season will not be used to formulate this assessment, but will be used to fine tune in-water disposal methodology if necessary.

In-water disposal at Dillingham currently consists of a 12-inch floating discharge pipe terminating over a designated discharge area where there is sufficient depth and current to adequately dissipate the plume and bedload sediments (figure 3). Discharge velocity is approximately 12 cubic feet per second and is directed downward at a 45-degree angle starting 10 feet below the surface. Ten feet was selected as a compromise to protect surface-oriented outmigrating sockeye smolt and the physical ability to hold the equipment in position during exposure to currents that average about 3 knots on flood tides.

2.0 Public Concerns Over In-water Disposal at Dillingham

Principal public and agency concerns scoped prior to in-water disposal in 2005 were as follows:

- In-water disposal would kill fish.
- In-water disposal would foul subsistence beaches making them unusable for subsistence fishing.
- In-water disposal would prevent adult salmon from migrating upriver or cause them to avoid subsistence gill nets set on three main subsistence beaches (figure 4).
- In-water disposal would form bars and make the river shallow (i.e. result in shoaling).
- In-water disposal would be a navigation hazard.

Public comments also focused on the timing of dredging. The Dillingham public is accustomed to the harbor being dredged from late May through June, and dredging is traditionally timed to result in minimal conflict with the commercial fishing fleet.

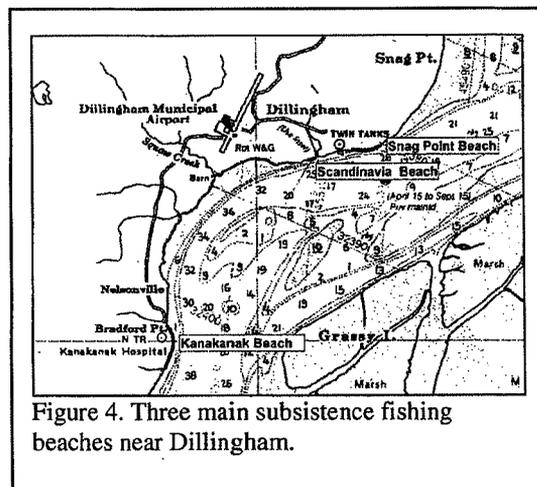


Figure 4. Three main subsistence fishing beaches near Dillingham.

None of the above concerns scoped prior to the in-water disposal came to pass during 2005, 2006, and 2007.

- No fish were known killed as a result of in-water disposal.
- In-water disposal did not foul subsistence-fishing beaches.
- In-water disposal did not prevent adult salmon from migrating upriver.
- In-water disposal did not cause returning adult salmon to avoid subsistence nets.
- In-water disposal did not result in permanent shoaling.
- The floating in-water disposal pipeline was well marked and was not a navigational hazard.

The Corps took these concerns seriously and instituted environmental monitoring during the 2005 and 2006 dredging seasons. Public and local officials also observed the disposal during these years. Pre and post disposal bathymetric surveys would continue as part of the monitoring program.

The Corps also conducted an accretion study of the three subsistence beaches (figure 4) in 2004 (Alaska District 2005b). This study determined that these beaches were eroding during the study period. Conversations with local residents engaged in subsistence fishing on the beaches during the study suggest there is an annual cycle of deposition and erosion on these beaches. The annual cycle as related by these users is minor accretion during winter followed by erosion during summer with the overall net result favoring erosion and loss of shoreline. Details on the loss of shoreline in the harbor area can be found in the pending Corp of Engineers Draft Letter Report and Environmental Assessment titled, "Dillingham Emergency Bank Stabilization West Harbor Entrance Protection Draft Letter Report and Environmental Assessment" (Alaska District 2003a).

3.0 Alternatives

Six base alternatives were considered for disposal of sediments from the Dillingham Harbor during the 20-year disposal period (2009 through 2029). Alternatives considered are summarized below and are discussed in more detail in the following sections.

- Alternative 1. No action. Dispose of sediments on the Peter Pan site without restoration or refurbishment.
- Alternative 2. Reinstate upland disposal at the Peter Pan site and annually haul $\pm 90,000$ yd³ of sediment from the site to maintain capacity.
- Alternative 3. Develop a 60-acre upland disposal facility on wetlands within pumping distance of the harbor without using booster pumps.
- Alternative 4. Dispose of sediments on wetland without benefit of confinement.
- Alternative 5. Dispose of sediments under vegetation mat on wetland by injection.
- Alternative 6. Dispose of sediments in the Nushagak River estuary (in-water disposal).

eventually mix with the natural bedload. The bathymetric surveys indicate that long-term shoaling in the disposal area does not occur.

The higher quality water in which sockeye salmon smolt would tend to migrate is offshore and very near the surface (figure 5). When dispersed 10 feet below the surface, the finer particles (silt) would tend to disperse lower in the water column where higher concentrations of sediment are naturally present and where sockeye smolt would tend to avoid.

It takes 3 to 4 weeks to dredge the Dillingham harbor, and it would be dredged annually between May 15 and July 15 from 2009 through 2029. Disposal in the designated disposal area (figure 3) would coincide with the dredging operations. Monitoring during 2005 and 2006 shows that a turbidity plume is detectible for about 50 meters (164 feet) up or down from the discharge pipe depending on which way the tide was running. Although measurable with sensitive instruments, this turbidity plume is often indistinguishable from ambient turbidity. A similar plume would be expected during the 20-year life of the disposal plan.

3.6 Environmentally Preferred and Recommended Alternative.

Alternative 6, in-water disposal is the environmentally preferred alternative and recommended by the Corps of Engineers. It is presented as the base plan in the Dredged Material Management Plan Preliminary Assessment in which this EA is included. Existing in-water disposal indicates that this disposal method is technically feasible and environmentally safe.

3.7 Safety and Monitoring

Protection of the floating pipeline from damage by predictable situations such as storms might be employed by retracting the pipeline to shore if a storm that exceeds the estimated ability of the pipe to hold its position was forecast. A trigger point for retraction might be linked to forecast wind velocity or wave height. The pipe might be disconnected near the shoreline and the floating portion pulled onshore to wait out the event. The LGP equipment would be required to operate on the mudflats during this operation.

Dredging is conducted during summer when there are approximately 22 hours of daylight and 2 hours of twilight. Although the floating pipeline is naturally visible, it would be well marked with fluorescent buoys. The dredge transport vessel (cover photo) is typically anchored near the terminus of the discharge pipe, but the terminus might also be marked with a portable strobe light. The U.S. Coast Guard would be notified of the floating pipeline before each dredging season, and the harbor master would post a notice of dredging and disposal in the harbor master's office

The Corps of Engineers and Alaska Departments of Natural Resources, Environmental Conservation, and Fish and Game will reevaluate the disposal action for adverse environmental impacts after 10 years (2019) or sooner if major changes in disposal methods or unexpected environmental impacts occur.

The Alaska Department of Fish and Game, Commercial Fish Division monitors the subsistence catch of Chinook salmon on public beaches in Dillingham almost daily while dredging is active. This monitoring effort is expected to alert the area commercial fish biologist of any problems that could be related to in-water disposal. Technicians monitoring the subsistence catch would be alert to unusually large numbers of dead salmon smolt or unusually high depositions of sediment on public beaches. If either of these conditions occurred, local fishery managers would alert the Corps of Engineers to suspend dredging while the cause of the incident was investigated. If the incident was determined to be directly related to in-water disposal, in-water disposal would remain suspended until fishery managers approved a restart.

The Corps would consider public input on in-water disposal prior to in-water disposal reevaluation discussions with the resource agencies. A public meeting would be held in Dillingham in the month prior to reevaluation of in-water disposal.

Based on the most recent findings, adverse environmental impacts related to in-water disposal are not probable. However, should investigations during disposal prove adverse environmental impacts are resulting from in-water disposal, three possible actions could result: (1) dredging and in-water disposal would stop and the harbor be allowed to fill with sediment, or (2) annual in-water disposal would continue until a time when the Corps of Engineers and City of Dillingham could acquire land and construct an upland confined disposal facility near the harbor regardless of cost and technical difficulty, potential damage to nearby infrastructure (mainly roads), and adverse environmental impacts to wetland, or (3) the disposal site would be moved if adverse impacts involved excessive shoaling.

Any major change in disposal methods during the 20-year life of this disposal plan would trigger a reevaluation of the disposal regardless of date.

4.0 Existing Conditions

4.1 General

Dillingham is a major regional fishing community in the Bristol Bay area at the confluence of the Wood and Nushagak rivers at Nushagak Bay. Several wildlife refuges, parks, and critical habitat areas are found in this area of western Alaska. The Togiak National Wildlife Refuge (TNWR) is immediately west of Dillingham. The Walrus Island State Game Sanctuary is south of the TNWR. The Wood-Tikchik State Park is about 40 miles north of Dillingham, and the Alaska National Maritime Wildlife Refuge (ANMWR) occupies offshore waters in a large area of Bristol Bay.

Dillingham is in the southwestern region of the Nushagak Bristol Bay Lowlands. The Ahlakum Mountains to the west, the Aleutian Range to the east, and the Nushagak Big River Hills to the north contain the lowlands. The land surrounding Dillingham is gently rolling with local relief of 50 to 200 feet, and has wide expanses of muskeg, lakes, and