



Alice Ruby, **Mayor**

Council Members

- Brenda Akelkok (Seat A) • Chris Maines (Seat B) • Bob Himschoot (Seat C)
- Keggie Tubbs (Seat D) • Tracy Hightower (Seat E) • Paul Liedberg (Seat F)

DILLINGHAM CITY COUNCIL

MEETING AGENDA

David B. Carlson Council Chambers

Dillingham City Hall, 141 Main Street, Dillingham, AK 99576 (907) 842-5212

REGULAR MEETING

7:00 P.M.

APRIL 25, 2013

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. Regular Council Meeting, April 11, 2013

IV. APPROVAL OF CONSENT AGENDA

- A. Resolution No. 2013-18, A Resolution of the Dillingham City Council to Commend Jim Woolington

APPROVAL OF AGENDA

V. STAFF REPORTS

- A. City Manager Report
- B. Standing Committee Reports

VI. PUBLIC HEARINGS

- A. Adopt Ordinance no. 2013-02 (SUB-1), 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
- B. Adopt 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 Alleyway
- C. Adopt Ordinance No. 2013-05 (SUB-1), 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

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

- A. Yeganeh Ataian – Bristol Alliance Fuel

VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance no. 2013-02 (SUB-1), 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
- B. Adopt 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
- C. Adopt Ordinance No. 2013-05 (SUB-1), 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
- D. Introduce Ordinance No. 2013-07, An Ordinance of the Dillingham City Council Amending Section 4.20.050 of the Dillingham Municipal Code, Sales Tax Exemption
- E. Introduce Ordinance No. 2013-08, An Ordinance of the Dillingham City Council Amending Chapter 4.16 and 4.20 of the Dillingham Municipal Code to Require a City Business License Only if Sales of Certain Businesses Exceed Ten Thousand Dollars in a Calendar Year and to Exempt Sales of Goods and Services Made by Persons Not Required to Obtain a Business License
- F. Resolution No. 2013-17, A Resolution of the Dillingham City Council Authorizing Foreclosure Proceedings on Delinquent Property Taxes for the Years 2007-2012
- G. Resolution No. 2013-19, A Resolution of the Dillingham City Council Establishing the Level of Funding for the Dillingham City School District for the Fiscal Year Ending June 30, 2014
- H. Resolution No. 2013-20, A Resolution of the Dillingham City Council Approving to Support the Citizen's Alternative Bristol Bay Area Plan

IX. UNFINISHED BUSINESS

- A. Citizen Committee Appointments
 - 1. Cemetery Committee – 4 Seats
 - 2. Senior Advisory Commission – 1 Seat

X. NEW BUSINESS

- A. Action Memorandum No. 2013-08, Authorize the City Manager to Extend the Lease Agreement with the Construction & Facilities Management Office, Alaska Army National Guard for the property at the Boat Harbor for One Year and Include Two (2) Additional One Year Clauses
- B. Action Memorandum No. 2013-09, Award a Contract with a Licensed Professional Land Surveyor for the Purpose of Completing a Land Exchange at the Dillingham Port
- C. Assign Items to the Code Committee's To Do List
 - 1. Review Inconsistencies Between Dillingham Municipal Code and the Port of Dillingham Terminal Tariff No. 400
 - 2. Review Threshold for Filing Monthly Sales Tax Reports Monthly or Quarterly
 - 3. Review Public Safety Fines
 - 4. Review Placing a Cap of \$300K on Personal Property Tax for Commercial Watercraft

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

XII. COUNCIL COMMENTS

XIII. MAYOR'S COMMENTS

XIV. EXECUTIVE SESSION

XV. ADJOURNMENT

I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, April 11, 2013, at the Dillingham City Council Chambers, Dillingham, Alaska. Keggie Tubbs, Mayor Pro Tempore, called the meeting to order at 7:01 p.m.

II. ROLL CALL

Mayor Alice Ruby was absent and excused, but was available for the teleconference during executive session.

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

- Brenda Akelkok, Seat A
- Chris Maines, Seat B
- Bob Himschoot, Seat C
- Keggie Tubbs, Seat D
- Tracy Hightower, Seat E
- Paul Liedberg, Seat F

Staff in attendance:

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

Guest:

- William F. Mede, Turner & Mede, P.C. – *via teleconference*

III. APPROVAL OF MINUTES

- A. Regular Council Meeting, March 7, 2013

MOTION: Chris Maines moved and Paul Liedberg seconded the motion to approve the minutes of March 7, 2013.

VOTE: The motion to approve the minutes of March 7, 2013 passed unanimously.

IV. APPROVAL OF CONSENT AGENDA

- A. Resolution No. 2013-11, A Resolution of the Dillingham City Council to Commend Dr. Tom Marsik and Ms. Kristin Donaldson

MOTION: Tracy Hightower moved and Bob Himschoot seconded the motion to approve the consent agenda.

VOTE: The motion to approve the consent agenda passed unanimously.

APPROVAL OF AGENDA

MOTION: Bob Himschoot moved and Chris Maines seconded the motion to approve the agenda.

VOTE: The motion to approve the agenda passed unanimously.

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

City Manager Rose Loera reported on the following:

- Seven sets of standing committee meeting minutes in the packet - an indication how busy the Council was in the past month;
- Corrections to Manager's Monthly Report – the Fire Dept. Fund should be the Ambulance Dept. Fund, and the City did not get the funding for the CDBG Planning Grant;
- Vacancies – 3 senior patrol officer positions vacant, corrections officer, fire dept. coordinator, heavy duty mechanic, and public works director. Had received some good applications for the patrol officer positions. K-9 handler had resigned, and would be bringing forward a recommendation at the next meeting;
- Visit from National Guard reps – Major General Thomas Katkus and Jerry Walton, Senior Facility Maintenance Person for Alaska. The Guard planned to continue a presence in Dillingham, and were interested in partnering on a Public Safety Building;
- traveled to Egegik with staff members, council member, and reps from Shearwater and Waste-to-Energy Canada. Egegik cannery has had a gasifier since 1996 used for fish waste. System appeared to be a pretty simplified process and doable for COD. Looking to present something more formal at the May Council meeting;
- \$3M for WWTP - was taken out of the State's proposed operating budget. AkDEC prioritized the projects throughout the State, and City lost points because not enough certified operators onsite. COD would reapply next year and work toward meeting the criteria;
- Landfill Improvements – Rep. Edgmon was working hard to get some funding through the legislature;
- \$2M put in the budget to increase funding was still intact for the 13 regional jails, COD being one of them; and
- New pumps for dock lift station - received and would be installed when Project Mgr. Steve Cropsey returned to Dillingham in a few weeks.

Discussion:

- requested more information on the new records management software:
 - what was the City's goal, how much staff time scanning documents, and how would it be handled;
 - would it help with legal liability of storing old hard copies, could we get rid of them after;
 - who would be using it;
 - what kind of documents would be stored;
 - did it integrate with the planner's GIS system;
 - can the public access and print out hard documents.

- commented had received countless complaints regarding the noise at night from Knik's plant operation and could the City verify that there wasn't already a regulating authority, state and/or federal without going through the code process.

City Planner Seitz had suggested asking the Planning Commission to look into ordinances regarding buffer zones around such operations and to require mitigation measures like planning willows and such to offset noise, dust and the view impacts.

MOTION: Chris Maines moved and Bob Himschoot seconded the motion to ask the Planning Commission to research existing state and federal regulations, and what the purview of the local ordinances would be.

VOTE: The motion passed unanimously.

B. Standing Committee Reports

Bob Himschoot, Chair, Finance and Budget Committee, informed the Council that the firm, FCS Group, would be presenting the results of the water and wastewater study at the April 15 Finance and Budget Committee meeting.

Mayor Pro Tempore Tubbs commented that the minutes of other meetings were included in the packet as well, and though Manager gave credit to the Council, staff should also accept credit for all the work that went into supporting the committees.

VI. PUBLIC HEARINGS

Mayor Pro Tempore advised the public that several ordinances were coming back as a substitute, and that comments on the substitute versions, Ordinance No. 2013-01 (SUB-1) and Ordinance No. 2013-02 (SUB-1), would also be welcomed during the public hearing. Two more ordinances were up for a public hearing, Ordinance No. 2013-03, and Ordinance No. 2013-04.

- A. Adopt 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%
- B. Adopt 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
- C. Adopt 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
- D. Adopt 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

There being no public comments, the public hearing closed.

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

There was no citizen's discussion.

VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt 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%

Mayor Pro Tempore Tubbs informed the Council they would be voting on the amended version, Ordinance No. 2013-01 (SUB-1).

MOTION: Paul Liedberg moved and Chris Maines seconded the motion to amend Ordinance No. 2013-01 by substituting Ordinance No. 2013-01 (SUB-1).

Paul Liedberg commented this ordinance dealt with both the raw fish and severance tax, was intended to align both taxes since they were similar, and was part of an effort to standardize penalties and interest in the tax code. The penalty for failing to remit taxes was changed from 5% assessed each month, to a flat 10%, and the interest rate was changed from 10.5% to 6 %, and interest would not accrue on penalties.

VOTE: The motion to amend Ordinance No. 2013-01 by substituting Ordinance No. 2013-01 (SUB-1) passed unanimously.

VOTE: The motion to adopt the amended ordinance, Ordinance No. 2013-01 (SUB-1) passed unanimously.

- B. Adopt 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

Mayor Pro Tempore Tubbs informed the Council that they would be voting on the amended version, Ordinance No. 2013-02 (SUB-1).

MOTION: Paul Liedberg moved and Bob Himschoot seconded the motion to amend Ordinance No. 2013-02 by substituting Ordinance No. 2013-02 (SUB-1).

Paul Liedberg informed the Council this ordinance would set a timeline to appeal an assessment and then have it over. He noted language had been inserted to include a 30 day period to appeal, and more significant, the board would hold an organizational meeting and the intent

would be to determine the number of appeals to be heard and schedule a hearing date, and could state no more late filed appeals. For any late appeals the taxpayer could go before the Council. Due to the amount of language that had been removed as duplicate language, the committee had suggested allowing another meeting before it was adopted.

VOTE: The motion to amend Ordinance No. 2013-02 by substituting Ordinance No. 2013-02 (SUB-1) and to postpone to the April 25 Council Meeting passed unanimously.

- C. Adopt 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

MOTION: Bob Himschoot moved and Paul Liedberg seconded the motion to adopt Ordinance No. 2013-03.

Manager Loera reported a copy of the adjustments by department was attached and had been reviewed by the Finance and Budget Committee.

VOTE: The motion to adopt Ordinance No. 2013-03 passed unanimously.

- D. Adopt 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

MOTION: Chris Maines moved and Tracy Hightower seconded the motion to adopt Ordinance No. 2013-04.

Manager Loera commented the change had been reviewed by legal counsel, and had advised that the change would be little more than extend Council action by 15 days.

Discussion:

- spoke against the proposed changes since it would change where the approval took place, noting the code gave the Planning Commission authority to approve vacations of a street or public area, and the only action it gave the Council was to veto it, and felt it was appropriate to give the PC the authority to approve them, since they studied and discussed the issue, held the public hearings;
- commented the Council didn't normally pass resolutions in the negative, so was trying to correct the language, and was not intended to take authority from the planning commission; and
- agreed extending the period to 45 days was appropriate for meeting a Council meeting date.

MOTION: Brenda Akelkok moved and Bob Himschoot seconded the motion to postpone adoption and refer it back to the Code Review Committee for further evaluation.

VOTE: The motion to postpone action and refer to the Code Review Committee passed unanimously.

- E. 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

Mayor Pro Tempore Tubbs informed Council that staff had provided an amended ordinance, would be looking for a motion to introduce, and a second motion to move to amend by substituting with Ordinance No. 2013-05 (SUB-1).

MOTION: Brenda Akelkok moved and Bob Himschoot seconded the motion to introduce Ordinance No. 2013-05.

MOTION: Bob Himschoot moved and Chris Maines seconded the motion to amend Ordinance No. 2013-05 by substituting Ordinance No. 2013-05 (SUB-1) and to schedule this ordinance for a public hearing on April 25, 2013.

Manager Loera directed Council to the lay down version to correct two errors: the text the Code Committee was proposing to strike had been inadvertently omitted from the ordinance, and the added language was now designated as underlined and emboldened.

VOTE: The motion to amend Ordinance No. 2013-05, by substituting Ordinance No. 2013-15 (SUB-1) passed unanimously.

VOTE: The motion to introduce the amended Ordinance No. 2013-05 (SUB-1) and schedule for a public hearing on April 25, 2013 passed unanimously.

- F. Introduce 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

Mayor Pro Tempore Tubbs informed the Council that they were being asked to postpone a public hearing until the May 23rd Council meeting in order to allow for a 30-day waiting period as required by law.

MOTION: Chris Maines moved and Tracy Hightower seconded the motion to introduce Ordinance No. 2013-06 and schedule for a public hearing on May 23, 2013.

VOTE: The motion to introduce Ordinance No. 2013-06 and schedule for a public hearing May 23, 2013 passed unanimously.

- G. Resolution No. 2013-12, A Resolution of the Dillingham City Council Approving a Long Term Encroachment of a Roof and Fence into the Utility Easement on Lot 6 Block 18 USS 2732 AB on Alaska Street

MOTION: Paul Liedberg moved and Bob Himschoot seconded the motion to approve Resolution No. 2013-12.

VOTE: The motion to approve Resolution No. 2013-12 passed unanimously.

H. Resolution No. 2013-13, A Resolution of the Dillingham City Council Authorizing a Health Reimbursement Arrangement

MOTION: Bob Himschoot moved and Tracy Hightower seconded the motion to approve Resolution No. 2013-13.

VOTE: The motion to approve Resolution No. 2013-13 passed unanimously.

I. Resolution No. 2013-14, A Resolution of the Dillingham City Council Approving an Increase in the Ambulance Billing Rates

MOTION: Paul Liedberg moved and Bob Himschoot seconded the motion to approve Resolution No. 2013-14.

Mayor Pro Tempore Tubbs reported that staff had recommended a change in the fee schedule, since the City was undercharging for its fees based on the research that had been done.

Discussion:

- noted had discussed in length at the Finance and Budget Committee what Medicaid and Medicare would reimburse to mitigate the impact from the proposed increases.

Manager Loera asked to amend the resolution to be effective May 1, 2013.

MOTION: Bob Himschoot moved and Paul Liedberg seconded the motion to amend the resolution to insert effective May 1, 2013 in the paragraph starting with Now, Therefore, Be it Resolved.

VOTE: The motion to approve the amended Resolution No. 2013-14 passed unanimously.

VOTE: The motion to adopt the amended Resolution No. 2013-14 passed unanimously.

J. 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

MOTION: Chris Maines moved and Tracy Hightower seconded the motion to approve Resolution No. 2013-15.

This was a standard annual filing, a federal funding source channeled through the State, and once again, the program could be targeted to end.

VOTE: The motion to approve Resolution No. 2013-15 passed unanimously.

- K. Resolution No. 2013-16, A Resolution of the Dillingham City Council Approving an Increase in Harbor Fees and Amending the Fee Structure

MOTION: Bob Himschoot moved and Paul Liedberg seconded the motion to approve Resolution No. 2013-16.

Manager Loera asked that the resolution be amended to be made effective May 1, 2013.

MOTION: Bob Himschoot moved and Chris Maines seconded the motion to amend the resolution to insert effective May 1, 2013, in the paragraph starting with Now, Therefore, Be it Resolved.

Mayor Pro Tempore Tubbs reported the Port of Dillingham Advisory Committee and the Finance and Budget Committee had reviewed the proposed rates. The changes would eliminate the daily rate for vessels less than 25', requiring a \$70 sticker fee, the sticker fee of \$260 for vessels over 25' would remain the same, transient vessels would increase to \$45/day to encourage those that came back and forth to purchase a sticker, because staff had a difficult time monitoring the daily traffic, especially when the season was in full swing.

VOTE: The motion to amend Resolution No. 2013-16 passed unanimously.

- L. Resolution No. 2013-17, A Resolution of the Dillingham City Council Authorizing Foreclosure Proceedings on Delinquent Property Taxes for the Years 2007-2012

MOTION: Bob Himschoot moved and Chris Maines seconded the motion to approve Resolution No. 2013-17 with the lay down updated version of the foreclosure list.

Discussion:

- spoke against the resolution unless the accounts could be filed individually with the court, because of the concern if they paid early they would still be anchored to the same body of paperwork as it made its way through the court process; and
- asked as people pay they are they taken off the list so they don't go through the foreclosure and have their property taken away from them, confirmed that once the list was sent to the court there was a period when the list was advertised for four weeks in a row, an adjusted list would go back to the court, not quite sure about the rest of the time, but there was an opportunity to be removed from the list.

Staff suggested bringing back the process for foreclosing to the next meeting, and postpone the adoption of the resolution.

MOTION: Brenda Akelkok moved and Bob Himschoot seconded the motion to postpone adoption of Resolution No. 2013-17 until the next meeting.

VOTE: The motion to postpone Resolution No. 2013-17 until the next meeting passed unanimously.

IX. UNFINISHED BUSINESS

A. Animal Shelter Facility

Manager Loera informed the Council this item would be taken up under New Business.

B. Citizen Committee Appointments

1. Cemetery Committee – 4 Seats
2. Senior Advisory Commission – 2 Seats Expire in April

Mayor Pro Tempore Tubbs informed the Council that there were no updates for the Cemetery Committee and recommended reappointing VI Braswell to the Senior Advisory Commission.

MOTION: Bob Himschoot moved and Tracy Hightower seconded the motion to concur with the recommendation to reappoint VI Braswell to a seat on the Senior Advisory Commission.

GENERAL CONSENT: The motion passed with no objection.

C. Strategic Planning – Schedule Workshop April 25, 5:30 PM

MOTION: Bob Himschoot moved and Chris Maines seconded the motion to schedule a Strategic Planning Workshop for April 25, at 5:30 p.m.

GENERAL CONSENT: The motion passed with no objection.

X. NEW BUSINESS

- A. Action Memorandum No. 2013-02, Authorizing the City Manager to Execute a Contract for the Re-roofing of the Dillingham Library / Sam Fox Museum Building with Paug-Vik Services Inc.

MOTION: Chris Maines moved and Bob Himschoot seconded the motion to approve Action Memorandum No. 2013-02.

Manager Loera reported no protests had been received for awarding the contract. The City had looked to use the remaining grant for the walkways, but DEC only allowed the funding for the roof. Staff was considering reinsulating the roof.

VOTE: The motion to approve Action Memorandum No. 2013-02 passed unanimously.

- B. Action Memorandum No. 2013-03, Authorizing the City Manager to Execute a Contract for the Re-roofing of the Dillingham High / Middle School Science Wing to Day Night Construction

MOTION: Paul Liedberg moved and Chris Maines seconded the motion to approve Action Memorandum No. 2013-03.

Manager Loera reported this project was made possible with the remaining funding from the school bond. No protests had been received for awarding the contract. She confirmed that the construction companies, both located outside Dillingham, would be required to purchase a Dillingham business license as part of the contract.

VOTE: The motion to approve Action Memorandum No. 2013-03 passed unanimously.

- C. Action Memorandum No. 2013-04, 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

MOTION: Paul Liedberg moved and Bob Himschoot seconded the motion to approve Action Memorandum No. 2013-04.

Manager Loera reported the Bristol Bay Campus had received a grant from the Marine Advisory Program to conduct a pilot project to compost. The project would involve about 10 local families. The City would receive a piece of equipment of which the City's contribution was 35% paid from monies existing in a current landfill grant. The City would provide a site, some staffing time, and some heavy equipment needs through the existing budget. The campus would monitor the project. The landfill employees had been involved in the meeting with the campus and were in agreement with the scope of the project.

VOTE: The motion to approve Action Memorandum No. 2013-04 passed unanimously.

- D. Action Memorandum No. 2013-05, Approval 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

MOTION: Chris Maines moved and Tracy Hightower seconded the motion to approve Action Memorandum No. 2013-05.

Manager Loera reported the Finance and Budget had reviewed her recommendation to house the animal shelter in a section of the existing National Guard Armory building. During their visit, the National Guard reps had offered to have their staff help with the renovation. Any renovation would not take away from the building, and was being considered until a permanent location could be found. In the future, if it became vacant it would be used for the harbor or a fishing facility. The renovations would come from the general funds, and would be brought back to the Council when it went out to bid. The utilities would be shared based on square footage.

VOTE: The motion to approve Action Memorandum No. 2013-05 passed unanimously.

- E. Action Memorandum No. 2013-06, 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

MOTION: Bob Himschoot moved and Paul Liedberg seconded the motion to approve Action Memorandum No. 2013-06.

Manager Loera noted this item had been budgeted and it was time to move on it, noting there had been discussion how other departments would be able to use it.

VOTE: The motion to approve Action Memorandum No. 2013-06 passed unanimously.

- F. Action Memorandum No. 2013-07, Adopt Dillingham Public Safety Operations Manual – Snow Machine Operating Procedures

MOTION: Chris Maines moved and Tracy Hightower seconded the motion to approve Action Memorandum No. 2013-07.

Manager Loera reported that a revised policy was in front of the Council for their approval to include the changes recommended at the last meeting.

VOTE: The motion to approve Action Memorandum No. 2013-07 passed unanimously.

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

There was no citizen's discussion.

XII. COUNCIL COMMENTS

Paul Liedberg:

- noted he had heard some very positive comments on the CIP list that had been perfected over the last couple of years; and
- commented on last year's joint Planning Commission/Council Meeting and looked for an opportunity when it was appropriate to meet again, possibly on the landfill changes, strategic planning.

Bob Himschoot:

- spoke in support of revisiting having electronic readers to replace the Council packet, using their existing large packet as an example.

Chris Maines:

- gave kudos to Keggie for handling the meeting in the Mayor's absence.

Tracy Hightower:

- spoke in favor of a legislative bill regarding handling of hand guns; and
- noted as the Council went into the budget, needed to really look at a livable and affordable budget, and maybe combining Port and Public Works to save money.

Brenda Akelkok: no comment

Keggie Tubbs:

- thanked the Council for being patient with him as he lead the meeting;
- noted he wasn't sure if he was ready to go the electronic route, preferred the paper copy;
- noted he appreciated the comments made at the meeting, and staff's hard work; and

- asked for a moment of silence to remember those who had passed away since the last meeting.

XIII. MAYOR’S COMMENTS

XIV. EXECUTIVE SESSION

- A. Union Negotiations
- B. Gladden vs. City of Dillingham
- C. Point of Sale

MOTION: Bob Himschoot moved and Tracy Hightower seconded the motion to move into executive session for the purpose of discussing union negotiations, Gladden vs. City of Dillingham, and Point of Sale [8:37 p.m.].

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

Manager Loera was invited into the executive session along with City Clerk Williams, and Finance Director Carol Shade.

(The meeting recessed at 8:37 p.m. for a five minute break before going into executive session.)

MOTION: Chris Maines moved and Bob Himschoot seconded the motion to come out of executive session [9:27 p.m.].

GENERAL CONSENT: The motion passed with no objection.

XV. ADJOURNMENT

Mayor Pro Tempore Tubbs adjourned the meeting at 9:27 p.m.

Mayor Alice Ruby

ATTEST:

Janice Williams, City Clerk

Approval Date: _____

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-18

**RESOLUTION OF THE DILLINGHAM CITY COUNCIL EXPRESSING THANKS AND
A COMMENDATION TO MR. JAMES "JIM" WOOLINGTON**

WHEREAS, Mr. James "Jim" Woolington will retire as an Alaska Department of Fish and Game Area Biologist stationed in the Nushagak/Togiak area; and

WHEREAS, Mr. Woolington contributed many hours of both his professional and personal time to the citizens of Dillingham; and

WHEREAS, Mr. Woolington's has been active in efforts to educate our citizens, our community and our region about ways to prevent unwanted encounters with wildlife, especially bears; and

WHEREAS, Mr. Woolington's efforts have included providing assistance and consultation with officers of the Department of Public Safety, to City staff and to elected officials; and

WHEREAS, during his tenure, Mr. Woolington has assisted to resolve several unfortunate situations with bears, the results of which prevented any injury to or loss of a citizen life in our community; and

WHEREAS, Mr. Woolington is an active and engaged resident that commits many hours of his personal time to volunteer efforts, including his participation with the Dillingham Volunteer Fire Department and Rescue Squad; and

WHEREAS, Mr. Woolington is truly an asset to the community of Dillingham and its residents; and

WHEREAS, the Council wishes to recognize Mr. Woolington's contribution to the community and citizens of the City of Dillingham;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council offers this commendation to Mr. James Woolington with sincere thanks for sharing his time and talent with the citizens of Dillingham and making it a better place to live.

PASSED and ADOPTED by the Dillingham City Council on April 25, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

I. CALL TO ORDER

The Code Review Committee met on Wednesday, March 20, 2013, in the Council Chambers, Dillingham, AK. Chair Paul Liedberg called the meeting to order at 5:33 p.m.

II. ROLL CALL

Committee Members present:

- Paul Liedberg, Council Member, Chair
- Mayor Alice Ruby
- Brenda Akelkok, Council Member
- Chris Maines, Council Member
- Rose Loera, City Manager
- Janice Williams, City Clerk

Guest(s):

- Carol Shade, Finance Director

III. APPROVAL OF MINUTES

- A. Minutes of March 14, 2013

MOTION: Mayor Ruby moved and Brenda Akelkok seconded the motion to approve the minutes of March 14, 2013.

GENERAL CONSENT: The motion passed without objection.

IV. APPROVAL OF AGENDA

MOTION: Chris Maines moved and Mayor Ruby seconded the motion to approve the agenda.

GENERAL CONSENT: The motion passed without objection.

V. UNFINISHED BUSINESS

- A. Title IV. Revenue and Finance

- 1. Review Penalty and Interest Rates for the following:
 - ~~Sales Tax~~ - *Done*
 - Raw Fish Sales Tax – *Propose Substitute Ord. No. 2013-01 (SUB-1)*
 - Severance Tax – *Propose Substitute Ord. No. 2013-01 (SUB-1)*
 - Real and Personal Property Tax – *Propose Ord. No. 2013-05*
 - Disaster Declaration – *Propose Ord. No. 2013-05*

City Clerk Williams reported on the changes that were made at the March 14 meeting:

- Ordinance No. 2013-01(SUB-1), Raw Fish/Severance Tax, corrected page 3 of 4 to add 4.21.060, as in "except sections 4.21.240 and 4.21.260".

MOTION: Mayor Ruby moved and Manager Loera seconded the motion to recommend Ordinance No. 2013-01 (SUB-1) be adopted by the City Council.

GENERAL CONSENT: The motion passed without objection.

City Clerk Williams reported on the changes that were made at the March 14 meeting:

- Ordinance No. 2013-05, Disaster Declaration, repayment plans:
 - struck item B. 1, ~~the seller has not been placed on the delinquent list in the previous three calendar years;~~
 - changed the seller has not defaulted on a repayment plan from "in the previous ~~three~~ years", to "in the previous two years";
 - item C. 1, changed the seller "agrees to pay ~~twenty~~ per cent" to "agrees to pay a minimum of ten per cent"; and
 - item C. 2, struck the word equal, as in interest owed in ~~equal~~ monthly installments over "a period not to exceed ~~two~~ years" to "a period not to exceed three years".

City Clerk Williams walked the committee through a draft of the proposed SOP (Standard Operating Procedure) created by the Collections Committee, specifically the period from when invoices are mailed out for real property taxes July 1, followed by reminder when payments are due over the next several months, to the start and finish of the foreclosure process (start and finish is about a two year period). She was advising tying the promissory note period to the foreclosure process period.

The current proposed ordinance would place a late taxpayer on the foreclosure list even if they entered into a repayment plan. The reasoning was if a taxpayer entered into a promissory note, and then defaulted on their promissory note after the foreclosure process started, it would be another year before they would be placed on the next foreclosure list, assuming the foreclosure process was scheduled annually.

Discussion items to forward to legal counsel:

- not in favor of putting someone on the foreclosure list when they have in good faith entered into a repayment plan with the City;
- if the property owner defaulted on their repayment plan, could the City add the name to an existing foreclosure list that was already going through the court process?
- once the City added someone's name to the foreclosure list and it made its way through the two year foreclosure process, could the City ask the court to eliminate the name if the owner paid the balance in full or entered into a repayment plan? (This assumed they had not been in default on a repayment plan within the last two years.) The concern was the court case would show up on their credit record or some financial record if they were applying for a bank loan, for example.
- Would the court process be less challenging if the City filed each case separately instead of in a group?
- What other option was available to the City besides foreclosing on a property? If someone had a \$100 debt on their real property account and it is comprised of penalty and interest only, can the City use small claims court instead?

Discussion:

- suggest editing proposed section 4.15.365.C. Repayment Plan, A delinquent property remains subject to foreclosure in the same manner as set forth in this chapter notwithstanding the existence or execution of a repayment plan. The City shall not ~~place~~ remove a property ~~on~~ from the foreclosure list unless the terms set forth in the repayment plan agreement are fully and completely satisfied, including full payment of the amount owed to the city.

2. Review Board of Equalization Procedures, Conduct of Hearings, and Late Filed Appeals – *Propose Ord. No. 2013-02 (SUB-1)*

City Clerk Williams informed the committee of the proposed changes made at their last meeting:

- the committee further amended Section 4.15.125.E. to strike some language and make it explicit no more appeals shall be accepted. “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 ~~determine whether to extend the time for filing an appeal. If the board does not extend the time for filing an appeal.~~ **and schedule hearings. No more appeals shall be accepted;**”
- even with this ordinance, a taxpayer would still have the option of going before the city council and requesting a late filed appeal; and
- the substitute ordinance would be brought back to the April 11 meeting, and to allow for sufficient time to review the ordinance, it would not be recommended for adoption until the April 25 meeting.

MOTION: Mayor Ruby moved and Brenda Akelkok seconded the motion to recommend adoption of ordinance No. 2013-02 (SUB-1) to the City Council.

GENERAL CONSENT: The motion passed without objection.

B. Title XI. Vehicles & Traffic and Snowmobiles

City Clerk Williams reported this item had been sitting on the Code agenda for at least five years. Back in 2005 the code was amended, but it appeared through older minutes that some sections were removed inadvertently. Chief Pasquariello had informed the committee that the patrol officers were enforcing the old code previously in place to the amendments made in 2005. Chair Liedberg reviewed the memorandum dated March 11, 2013, provided by legal counsel.

Discussion:

- noted the City had amended its code to prevent driving in the business area, which cut down on the ATV traffic driving into town, which was responsible for eroding the road under the pavement alongside the highway, risking safety to pedestrians, the rider, and passing cars;
- noted recreational use of ATVs in subdivisions was a safety problem from time-to-time, with multiple riders on each ATV, no helmets, driving too fast, and driving down the middle of the road instead of alongside the road.

Follow-Up:

- Will ask Chief Pasquariello to comment on Attorney Chandler's memorandum of March 11, 2013 at the next Code meeting; and
- Come to a final decision and make a recommendation to the Council.

C. Regulate Commercial Licenses (Ex. Taxi Cabs)

Manager Loera reported a patrol officer can't stop a cab and tell them they can't operate the cab, because they're not breaking the law, it's a civil issue, the City could serve the cab service with papers for not having a business license.

Discussion:

- noted if the City enforced its present code for requiring a business license and filing sales tax, the illegal cab company would be gone; and
- suggested with the waiver of having to file for a business license if gross sales were under \$10K being proposed by the Sub-Committee, would not exempt the cab companies, and would require that they provide proof of commercial insurance.

Follow-Up:

- suggested when the subcommittee brought forward their recommendation for waiving business license if gross sales were less than \$10K, will add language there was no exemption for cab companies, and would require proof of commercial insurance.

D. Review Library Code Suggested Changes – *Ord. No. 2013-XX*

City Clerk Williams reported the Library Board had recommended some changes to the Library ordinance, which were brought to the Code Committee. The committee discussed the differences between the Library Board and the Friends of the Library, and advised recreating the Library Board as an advisory board, following the parameters adopted in June 2010 establishing future advisory boards and commissions.

The committee reviewed the proposed ordinance which eliminated references to the Library Board, and reviewed the resolution establishing a Library Advisory Board. City Clerk Williams noted she had included a statement taken from the advisory board ordinance: the presiding officer would be nominated by the Mayor and confirmed by the City Council. She noted this subject had come up earlier in the Parks and Recreation Committee.

Discussion:

- will add language in the ordinance "there shall be a Library Advisory Board created by a resolution";
- noted the existing members of the Library Board would be seated on the newly formed Library Advisory Board through the remainder of their terms;
- noted the board was advisory to the manager and library;
- noted the hours of the library determined the City's eligibility for grants and e-rate subsidy for internet connectivity;
- suggested on item 6, broadening the duties of the committee to include general promotion, and community library outreach.

Follow-Up:

- Mayor Ruby to provide a language change to item 6; and
- Mayor Ruby to bring the proposed changes to the Library Board prior to introducing them to the Council.

MOTION: Manager Loera moved and Mayor Ruby seconded the motion to recommend the proposed ordinance and resolution to the City Council.

GENERAL CONSENT: The motion passed without objection.

- E. Revise the Penalty for Failure to File for a Business License – *Propose Ord. 2013-*

City Clerk Williams informed the committee of the proposed changes made at their last meeting:

- removed the reference to the 45th day, the penalty of \$100 for late filing would apply from day one; and
- added language to the last paragraph to be same as the first paragraph, “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.**”

MOTION: Janice Williams moved and Chris Maines seconded the motion to recommend adoption of the ordinance and resolution to the City Council.

GENERAL CONSENT: The motion passed without objection.

- F. Review Denied Services

Attorney Munson would have a draft ordinance by the April meeting.

- G. Review Qualifications for Raw Fish Tax Refunds – Real Property

Manager Loera noted for the raw fish tax refund, the Attorney advised the City could not discriminate between residential and commercial property owners, and for multiple permit holders that were also owners of a commercial business, the refund would be calculated amongst the number of applications for the specific property, and this would also apply to residential property.

The application would be changed to ask: “Will there be more than one permit holder applying for a refund on the property listed?”

- H. Review Proposed Ordinance to Amend Exemptions to Sales Tax – *Ord. 2013-XX*
 1. Sub-Committee Report – Recommendations for Sales Tax and Business License Code

City Clerk Williams reported on the minutes of the last Code Sub-Committee meeting, and the ordinance that Attorney Chandler had created to exempt business licenses if gross sales were less than \$10K. Mayor Ruby explained this had evolved following a review of

Adam Kane's proposed ordinance to exempt all arts and crafts created in Bristol Bay from filing for a business license if gross sales were less than \$20,000, not just native arts and crafts, with no monetary cap, which was already an exemption.

Follow-Up:

- City Clerk asked the Sub-Committee members to review the questions that had been posed on the ordinance provided by the Attorney, and let her know by the following day, if these were the questions they wanted asked.

VI. NEW BUSINESS

VII. PUBLIC COMMENT/COMMITTEE COMMENTS

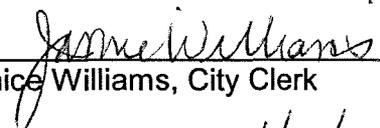
There were no public or committee comments.

VIII. ADJOURNMENT

The meeting adjourned at 7:40 p.m.


Paul Liedberg, Chair

ATTEST:


Janice Williams, City Clerk

Approval Date: 4/17/2013

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

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

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-05 (SUB-1)

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 ~~up to and including the forth fifth day of unlicensed operation.~~ For each day of operation without a valid Dillingham business license ~~beyond the forty fifth day,~~ the amount of the penalty shall be one hundred dollars per day, with each day of unlicensed operation constituting a separation offense. **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

Yeganeh Ataian
Bristol Alliance Fuels
P.O. Box 1529
Dillingham, AK 99576

April 16, 2013

City of Dillingham
Mayor and City Council Members
P.O. Box 889
Dillingham, AK 99576

Dear City of Dillingham:

As a long standing commercial operator in Dillingham we at BAF are constantly on the lookout for ways to better our community as we conduct our operations and look to development. We have undertaken plans to establish a Marine Industrial Center providing large vessel marine haul out and storage operation at our facility. Dillingham is situated in a strategically beneficial location for storing larger marine vessels such as tugs & barges, landing craft, tenders, ice barges and the like. The large regular tides along our beaches and proximity to primary shipping channels help to create ease of access and clear the ice from our beaches. The Bristol Bay region is effectively the 'starting point' for the Western Alaska marine transportation industry. It is the first to be ice free in the spring and last to freeze in the fall. These aspects all serve to make Dillingham an attractive vessel haul out & storage location.

If our target market were able to take advantage of storing their vessels in the region after seasonal operations cease, they would likely save time and resources transiting to and from other storage options in regions much further south. Offering a dry storage for the same or less monetary value than they are expending for on-water storage in other ports offers a number of benefits to marine operators. This allows them to extend the life of their vessels, more effective access for maintenance, and reduce the risk of damage to both the environment and vessels.

One area of concern is the current property tax structure on vessels and the potential to be a disincentive for the development of this new industry. Our target market has significant assets which we would look to store at our facility. Unfortunately the current tax code appears to be structured in such a way that property taxes would be levied against our customers and thereby potentially keep them from utilizing this new service.

PROPOSAL

We ask the Council to consider placing a cap on the property tax which may be assessed on a commercial watercraft; to include those involved in fishing operations, by exempting assessed value in excess of three hundred thousand dollars¹. This would produce levied property tax on commercial watercraft of not more than \$3,900 per annum.

¹ See Addendum (A) for sample language of ports open to the target market

BENEFITS

1. New Industry developed within Dillingham
2. Increased infrastructure – Marine Industrial Center
3. Increased jobs
 - a. Direct operations
 - b. Support Services
 - i. Welding
 - ii. Engines
 - iii. Hydraulics
 - iv. Freight – inter modal – Air, Marine, Land (trucking equipment to site).
4. Additional commerce and revenue to Dillingham
 - a. Housing/hotel
 - b. Rental vehicle
 - c. Equipment purchasing
 - d. Food and groceries
 - e. Taxes
 - i. Sales
 - ii. Property
5. Potential reduction in cost of services
 - a. Reduced transit costs to & from operating region
 - b. Better efficiency in storing
 - c. Access to support services

CLOSING

We appreciate the opportunity to submit this request for consideration by the City Council on a property tax cap on large commercial vessels and look forward to responding to any inquiries there may be.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a final vertical stroke, positioned above the printed name.

Yeganeh Ataian
President & CEO

Addendum (A)

Property Tax Language – relating to commercial vessels:

Theoretical Vessel to be stored – 4 yr old, 200' fuel barge w/ Value of \$10,000,000

City of Dillingham: Vessel taxed - **\$130,000** {10,000,000 * .013}

Mill Rate 13 – Tax Type – FV^2 – Full & True Value - Commercial: Full Value/Private exempt

(Confirmed via telephone w/ L. Mayer on 03/19/13)

<http://www.codepublishing.com/AK/Dillingham/html/Dillingham04/Dillingham0415.html#4.15.040>

“4.15.030 Exemptions. “Commercial purposes” means activities for which a person receives direct monetary compensation or activities for which a person receives no direct monetary compensation, but that are incidental to and done in furtherance of the person’s business. The following boats are not exempt from personal property taxation under this section:

1. Boats used for commercial purposes;

...

4.15.040 Boats and vessels.

For the purposes of assessing, levying, and collecting taxes, boats and vessels used for commercial purposes shall be considered personal property and valuation shall be determined on an assessed valuation prepared by the city assessor. (Ord. 01-12 § 1 (part), 2001; Ord. 08-02 § 4, 2008.)”

Bristol Bay Borough: Vessel Taxed - **\$3,900** {300,000 * .013}

Mill Rate 13 - Tax type – OP EX – Optional Exemption – (partial exemption)

<http://www.codepublishing.com/ak/bristolbayborough/>

“3.08.030 Exemptions designated.

The following are exempt or partially exempt from taxation:

F. The assessed valuation of watercraft, used for business or commercial purposes, in excess of three hundred thousand dollars shall be exempt from taxation. Unless renewed by the Bristol Bay Borough assembly, the exemptions granted under this subsection shall expire on December 31, 2016, after which the full assessed value of such vessels shall be taxable;”

Unalaska (Dutch Harbor): Vessel Taxed - **\$0.00**

[http://www.amlegal.com/nxt/gateway.dll/Alaska/unalaska/cityofunalaskaalaskacodeofordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:unalaska_ak](http://www.amlegal.com/nxt/gateway.dll/Alaska/unalaska/cityofunalaskaalaskacodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:unalaska_ak)

“ CHAPTER 6.32: ASSESSMENT OF PROPERTY TAXES:  § 6.32.010 FULL AND TRUE VALUE.

(A) The assessor shall assess property at its full and true value as of January 1 of the assessment year, except as provided in this section. The full and true value is the estimated price that the property would bring in an open market and under the then prevailing market conditions in a sale between a willing seller and a willing buyer both conversant with the property and with prevailing general price levels.

§ 6.28.030 REQUIRED EXEMPTIONS. - (L) Commercial and non-commercial vessels.”

Telephoned Unalaska – Clerk’s Office – Catherine Hazen – 3/14/13 – confirmed all vessels (including commercial – fuel/freight vessels are exempt from local property tax. Note – inventory would still be subject to tax. - PJB)

Kenai-Peninsula Borough:

<http://www.borough.kenai.ak.us/images/KPB/ASG/Documents/2012millrates.pdf> - Mill Rates

<http://www.borough.kenai.ak.us/assessing-dept/hot-topics/business-property-and-personal-property> -

“Personal and Business Property Assessments:

PERSONAL PROPERTY

Personal property includes commercial and personal use watercraft and aircraft, and...

WHAT SHOULD BE REPORTED - Business Personal Property: Commercial use watercraft and aircraft, items used to operate a business...

Business Property: Business Personal Property, other than watercraft and aircraft, are assessed using a depreciated cost method. Contact the Assessing Department for a copy of the current depreciation schedule.

Watercraft: Watercraft for which any of the following have been issued are subject to a borough flat tax based on overall length, regardless of value/condition.

- • USCG certificate of number (CDOC#)
- • Alaska DMV boat registration (AK#)
- • ADF&G number
- • U.S. or foreign documentation or registration

*Watercraft that is located inside a city limits (Homer, Kenai, Seldovia, Seward, or Soldotna) will also be assessed on value or taxed on a flat fee schedule, depending on the City code.”

Homer: Vessel Taxed - **\$1,200** {\$1,000(KBP) + \$200 (Muni.)}

<http://www.cityofhomer-ak.gov/finance/property-taxes-1> - Directs to KPБ prop. tax dept.

Seward: Vessel Taxed - **\$24,400** {\$1,000 (KBP) + [10,000,000 * .75 / 1000 * 3.12]} (is 1/4 depreciated)

<http://www.cityofseward.us/index.aspx?NID=865>

“**Taxation:** The city, along with the state of Alaska has no personal income tax. Real/personal property tax within the city is at a low 3.12 mils.”

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 25, 2013

Council Action: This ordinance was introduced at the February 7, 2013 Council meeting. It was scheduled for a public hearing on March 7, but we asked Council to postpone adoption until April 11 pending further review by the committee. At the April 11 meeting, Council was asked to postpone adoption until April 25, to allow for ample time to review the entire ordinance.

Manager: Recommend approval.

City Manager: Rose Loera
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 April 18, 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.

PERMIT

From Page 1

ment. The park is used for subsistence and sport fishing activities by local residents. It is the home of numerous luxury resort fishing lodges, whose guests fly into the Dillingham airport.

Dillingham resident Paul Liedberg described the park as a "tremendous resource" in its natural state, and doubts economic benefits justify the environmental cost.

"We'll be dealing with this in the next legislature, I'm sure, so it will be interesting," said Liedberg, saying figures provided by supporters don't "pencil out economically." Dillingham, as the park's access point, gives the town an "ownership" interest, he said.

"There needs to be a much larger discussion," said Liedberg, adding that lowering rural energy costs is extremely important, under the right circumstances.

Supporters say the 100-foot-tall, 1,000-foot-wide dam could provide hydroelectricity for Dillingham and Bethel and surrounding villages, from the remote lake midway between the two communities. As originally proposed, the dam would only have transmitted power to the Bethel area, Liedberg said.

Because it's in the state park, the Legislature needed to change the park's management plan to allow a special use permit for the geotechnical survey. Senate Bill 32 was sponsored by Sen. Lesli McGuire, R-Anchorage. Companion legislation, House Bill 132, was sponsored by State Rep. Charisse Millett, Anchorage.

The proposal "stalled in the legislature," but will return next year, Casper said.

While Chikuminuk Lake is in a wilderness area, so are two others where the park management plan already allows future hydroelectric development, according to Jesse Logan, an aide to Sen. McGuire. Those two are Elva Lake, which flows via Elva Creek into Lake Nerka, and Grant Lake, which drains through the Grant River into Kulik Lake.

The failed legislative proposal added Chikuminuk Lake as a potential hydro site, and authorized a special use permit for a feasibility study from the state DNR, including a geotechnical study, Logan said.

Logan said salmon do not swim up the steep waters of the Allen River for spawning in Chikuminuk, which he said is a seldom-visited lake, with no cabins, and only 16 visitors reported in park records in 2011.

Opponents, however, fear downstream impacts from a changed waterflow could

endanger the subsistence and multi-million dollar commercial salmon fishery in Bristol Bay. This summer's fish research includes a spawning survey to learn how far up the Allen River salmon swim, said Casper, estimating the distance at a half-mile to one mile from where it empties into Chaulektukuli Lake.

Casper said the dam would be located where the lake enters the 11-mile-long Allen River, and drops some 600 feet into Chaulektukuli Lake. Established in 1995, Nuvista is only a potential power wholesaler, as it presently doesn't own any generating or transmission facilities, he said. Nuvista's board of directors is composed of Bethel-area groups, including Calista, the regional Native corporation.

The total budget is projected at between \$400 and \$500 million, with \$300 million for building the dam, and up to \$200 million for transmission lines. If the transmission lines

only go 110 miles to Bethel, that's a \$100 million bill, which doubles if they also head south about 120 miles to Dillingham, Casper said.

The Legislature in 2011 approved \$10 million for the feasibility study. The proposed geotechnical survey involves drilling three-inch-wide holes 100 to 150 feet deep, chipping off rock samples, and digging small holes with hand tools. An ongoing raptor survey of eagles and hawks resumes this year, he said.

Actual hydro power is at least 10 years away, Casper said, with studies continuing for three years, followed by a two-year review of a license application by the Federal Energy Regulatory Committee. If a license is granted, that's another five years, with two years for design and three years of

■ See Page 16, HYDRO



Notice of A Public Hearing
Public Hearing on Ordinance Nos. 2013-02 (SUB-1), 2013-04, 2013-05 (SUB-1)

The City Of Dillingham will hold a **Public Hearing on Thursday, April 25, 2013, at 7:00 P.M. in the City Council Chambers** for the purpose of taking comment from the public on the following ordinances:

Ordinance no. 2013-02 (SUB-1), 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. 2013-04, 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

Ordinance No. 2013-05 (SUB-1), 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

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

4/18



PUBLIC NOTICE
Request Bids for Furnishing Petroleum Fuels

The City of Dillingham is soliciting sealed bids for furnishing and delivery of petroleum fuels to various City facilities for the period July 1, 2013 through June 30, 2014.

Bid documents and forms may be picked up at the City Manager's Office, City Hall.

Each bid must be submitted on the bid form provided and mailed or delivered to the City of Dillingham, in a sealed envelope and addressed to:

City Clerk's Office
City of Dillingham
141 Main Street, P.O. Box 889
Dillingham, AK 99576

Sealed bids must be marked plainly on the outside as follows:
Furnish Petroleum Fuels FY14, and must bear the name and address of bidder.
 Faxed bids will NOT be accepted.

Bids will be accepted at the City Clerk's office until 10:00 a.m., April 26, 2013. A contract to award will be authorized at the May 8, 2013 Regular Council meeting.

If you have any questions, please contact the City Manager's office at 842-5148

4/18

PUBLIC NOTICE
STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CITY OF UNALASKA
SOLID WASTE DISPOSAL PERMIT

The Alaska Department of Environmental Conservation (ADEC) proposes to issue Solid Waste Permit SW1A009-18 for the City of Unalaska to operate the existing City of Unalaska Sanitary Landfill, which is a Class I Municipal Solid Waste Landfill in Unalaska, Alaska, and to expand to include two additional operational cells.

APPLICANT INFORMATION:
Location: One mile northeast of Unalaska on Summer Bay Road on BLM tracts 37 and 43, Township 73 South, Range 118 West, Seward Meridian.

Owner/Operator: City of Unalaska, P.O. Box 610, Unalaska, Alaska 99685

PROJECT DESCRIPTION:
 The applicant proposes to operate new landfill cells that are a lateral expansion to the current operations at the City of Unalaska Sanitary Landfill. The Phase II expansion requested by the landfill would open new cells II-1 and II-2, adjacent to the existing landfill. Based on review of the design ADEC proposes to issue Solid Waste Disposal Permit SW1A009-18 to include operation of the Class I Municipal Solid Waste Landfill, including the new cells.

ADDITIONAL INFORMATION:
 For information regarding the permit, please contact Kym Bronson at (907) 269-7626 or by email at kym.bronson@alaska.gov.

OPPORTUNITY FOR PUBLIC PARTICIPATION:
 ADEC is seeking comment regarding the proposed expansion only. Notice is given that any person interested may present written comments relevant to the proposed permit to ADEC. Written comments will be included in the record if received before 5:00 p.m. on May 28, 2013. Submit written comments regarding the project to Kym Bronson, ADEC Division of Environmental Health, Solid Waste Program, 555 Cordova Street, Anchorage, Alaska, 99501; by fax at (907) 269-7600; or by email at kym.bronson@alaska.gov.

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need a special accommodation in order to participate in this public process, please contact Deborah Pock at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 30 days of publication of this notice to ensure that any necessary accommodations can be provided.

s/b
 Lori Aldrich
 Solid Waste Program Coordinator
 4/12/13




PUBLIC NOTICE
U.S. AIR FORCE ANNOUNCES
PROPOSED PLAN PRESNETATION AND
30-DAY PUBLIC COMMENT PERIOD

KING SALMON AIR STATION (DA031, DA034, & SA043)

The 611th Civil Engineer Squadron (611 CES) at Joint Base Elmendorf-Richardson announces the Proposed Plan and 30-day public comment period regarding proposed environmental cleanup alternatives for three sites at the King Salmon Air Station. The installation is located adjacent to the community of King Salmon, Alaska.

The following actions are being recommended by the Air Force:

1. Barrel dump on Lake Camp Road (DA031) – Remove drums and associated impacted soils. Soils will be excavated to approximately 18 to 22 inches below ground surface, and confirmation samples will be collected to be sure all results are below the ADEC cleanup levels.
2. Gravel fill pad and debris disposal area (DA034) – Remove impacted soil to an approximate depth of 5 feet. Confirmation samples will be collected to be sure all results are below the ADEC cleanup levels.
3. Drum storage area 4 and trench (SA043) – Remove drums found in the stand of alder trees at the western edge of the site.

The public is encouraged to review and comment on the Proposed Plan. Written public comments will be accepted, as will comments made at the public meeting to be held at the King Salmon Air Station, Building 603 on April 16, 2013 at 7:30 p.m. The public comment period runs from March 25 through April 19, 2013.

For a copy of the Proposed Plan or additional information, or to send comments, please contact:

Mr. Charley Peyton
 Remedial Project Manager
 611 CES/CEAR
 10471 20th Street, Suite 348
 JBER, AK 99506-2201
 1-907-552-9765
charley.peyton@us.af.mil

Supporting documents for King Salmon Air Station environmental investigations are available at <http://www.adminrec.com>. Select "DOD," then "PACAF," then "Alaska," and then "King Salmon."

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

Agenda of: April 25, 2013

Council Action:

Manager: Recommend approval

City Manager: Rose Loera
Rose Loera

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

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

Other Attachment(s):

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 increased from 30 to 45 days.

At the April 11, 2013 Regular Council Meeting, during the discussion period, a member spoke against the proposed changes commenting it would change where the approval took place, noting the code gave the Planning Commission authority to approve vacations of a street or public area, and the only action it gave the Council was to veto it, and felt it was appropriate to give the PC the authority to approve them, since they studied and discussed the issue, held the public hearings.

The Council voted to postpone adoption and send the ordinance back to the Committee for further evaluation. The Committee resolved that the language in the code stipulated that the PC was "recommending" the ordinance, and the Council should have authority to approve or veto. They agreed the ordinance should be presented as is.

We will be recommending Council adopt Ordinance No. 2013-04 as is at their April 25, 2013 meeting.

PERMIT

From Page 1

ment. The park is used for subsistence and sport fishing activities by local residents. It is the home of numerous luxury sport fishing lodges, whose guests fly into the Dillingham airport.

Dillingham resident Paul Liedberg described the park as a "tremendous resource" in its natural state, and doubts economic benefits justify the environmental cost.

"We'll be dealing with this in the next legislature, I'm sure, so it will be interesting," said Liedberg, saying figures provided by supporters don't "pencil out economically," Dillingham, as the park's access point, gives the town an "ownership" interest, he said.

"There needs to be a much larger discussion," said Liedberg, adding that lowering rural energy costs is extremely important, under the right circumstances.

Supporters say the 100-foot-tall, 1,000-foot-wide dam could provide hydroelectricity for Dillingham and Bethel and surrounding villages, from the remote lake midway between the two communities. As originally proposed, the dam would only have transmitted power to the Bethel area, Liedberg said.

Because it's in the state park, the Legislature needed to change the park's management plan to allow a special use permit for the geotechnical survey. Senate Bill 32 was sponsored by Sen. Lesil McGuire, R-Anchorage. Companion legislation, House Bill 132, was sponsored by State Rep. Charisse Millett, Anchorage.

The proposal "stalled in the legislature," but will return next year, Casper said.

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endanger the subsistence and multi-million dollar commercial salmon fishery in Bristol Bay. This summer's fish research includes a spawning survey to learn how far up the Allen River salmon swim, said Casper, estimating the distance at a half-mile to one mile from where it empties into Chaulektukuli Lake.

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The total budget is projected at between \$400 and \$500 million, with \$300 million for building the dam, and up to \$200 million for transmission lines. If the transmission lines

only go 110 miles to Bethel, that's a \$100-million bill, which doubles if they also head south about 120 miles to Dillingham, Casper said.

The Legislature in 2011 approved \$10 million for the feasibility study. The proposed geotechnical survey involves drilling three-inch-wide holes 100 to 150 feet deep, chipping off rock samples, and digging small holes with hand tools. An ongoing raptor survey of eagles and hawks resumes this year, he said.

Actual hydro power is at least 10 years away, Casper said, with studies continuing for three years, followed by a two-year review of a license application by the Federal Energy Regulatory Committee. If a license is granted, that's another five years, with two years for design and three years of

■ See Page 16, HYDRO



Notice of A Public Hearing
Public Hearing on Ordinance Nos. 2013-02 (SUB-1), 2013-04, 2013-05 (SUB-1)

The City Of Dillingham will hold a **Public Hearing on Thursday, April 25, 2013, at 7:00 P.M. in the City Council Chambers** for the purpose of taking comment from the public on the following ordinances:

Ordinance no. 2013-02 (SUB-1), 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. 2013-04, 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

Ordinance No. 2013-05 (SUB-1), 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

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

4/18

PUBLIC NOTICE
STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CITY OF UNALASKA
SOLID WASTE DISPOSAL PERMIT

The Alaska Department of Environmental Conservation (ADEC) proposes to issue Solid Waste Permit SW1A009-18 for the City of Unalaska to operate the existing City of Unalaska Sanitary Landfill, which is a Class I Municipal Solid Waste Landfill in Unalaska, Alaska, and to expand to include two additional operational cells.

APPLICANT INFORMATION:
Location: One mile northeast of Unalaska on Summer Bay Road on BLM tracts 37 and 43, Township 73 South, Range 118 West, Seward Meridian.

Owner/Operator: City of Unalaska, P.O. Box 610, Unalaska, Alaska 99685

PROJECT DESCRIPTION:
 The applicant proposes to operate new landfill cells that are a lateral expansion to the current operations at the City of Unalaska Sanitary Landfill. The Phase II expansion requested by the landfill would open new cells II-1 and II-2, adjacent to the existing landfill. Based on review of the design ADEC proposes to issue Solid Waste Disposal Permit SW1A009-18 to include operation of the Class I Municipal Solid Waste Landfill, including the new cells.

ADDITIONAL INFORMATION:
 For information regarding the permit, please contact Kym Bronson at (907) 269-7626 or by email at kym.bronson@alaska.gov.

OPPORTUNITY FOR PUBLIC PARTICIPATION:
 ADEC is seeking comment regarding the proposed expansion only. Notice is given that any person interested may present written comments relevant to the proposed permit to ADEC. Written comments will be included in the record if received before 5:00 p.m. on May 28, 2013. Submit written comments regarding the project to Kym Bronson, ADEC Division of Environmental Health, Solid Waste Program, 555 Cordova Street, Anchorage, Alaska, 99501; by fax at (907) 269-7600; or by email at kym.bronson@alaska.gov.

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need a special accommodation in order to participate in this public process, please contact Deborah Pock at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 30 days of publication of this notice to ensure that any necessary accommodations can be provided.

s/b
 Lori Aldrich
 Solid Waste Program Coordinator
 4/12/13



PUBLIC NOTICE
Request Bids for Furnishing Petroleum Fuels

The City of Dillingham is soliciting sealed bids for furnishing and delivery of petroleum fuels to various City facilities for the period July 1, 2013 through June 30, 2014.

Bid documents and forms may be picked up at the City Manager's Office, City Hall.

Each bid must be submitted on the bid form provided and mailed or delivered to the City of Dillingham, in a sealed envelope and addressed to:

City Clerk's Office
City of Dillingham
141 Main Street, P.O. Box 889
Dillingham, AK 99576

Sealed bids must be marked plainly on the outside as follows:
Furnish Petroleum Fuels FY14, and must bear the name and address of bidder.
 Faxed bids will NOT be accepted.

Bids will be accepted at the City Clerk's office until 10:00 a.m., April 26, 2013. A contract to award will be authorized at the May 8, 2013 Regular Council meeting.

If you have any questions, please contact the City Manager's office at 842-5148

4/18




PUBLIC NOTICE
U.S. AIR FORCE ANNOUNCES
PROPOSED PLAN PRESNETATION AND
30-DAY PUBLIC COMMENT PERIOD

KING SALMON AIR STATION (DA031, DA034, & SA043)

The 611th Civil Engineer Squadron (611 CES) at Joint Base Elmendorf-Richardson announces the Proposed Plan and 30-day public comment period regarding proposed environmental cleanup alternatives for three sites at the King Salmon Air Station. The installation is located adjacent to the community of King Salmon, Alaska.

The following actions are being recommended by the Air Force:

1. Barrel dump on Lake Camp Road (DA031) – Remove drums and associated impacted soils. Soils will be excavated to approximately 18 to 22 inches below ground surface, and confirmation samples will be collected to be sure all results are below the ADEC cleanup levels.
2. Gravel fill pad and debris disposal area (DA034) – Remove impacted soil to an approximate depth of 5 feet. Confirmation samples will be collected to be sure all results are below the ADEC cleanup levels.
3. Drum storage area 4 and trench (SA043) – Remove drums found in the stand of alder trees at the western edge of the site.

The public is encouraged to review and comment on the Proposed Plan. Written public comments will be accepted, as will comments made at the public meeting to be held at the King Salmon Air Station, Building 603 on April 16, 2013 at 7:30 p.m. The public comment period runs from March 25 through April 19, 2013.

For a copy of the Proposed Plan or additional information, or to send comments, please contact:

Mr. Charley Peyton
 Remedial Project Manager
 611 CES/CEAR
 10471 20th Street, Suite 348
 JBER, AK 99506-2201
 1-907-552-9765
charley.peyton@us.af.mil

Supporting documents for King Salmon Air Station environmental investigations are available at <http://www.adminrec.com>. Select "DOD," then "PACAF," then "Alaska," and then "King Salmon."

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-05 (SUB-2)

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 after the forty-fifth day of unlicensed operation. ~~up to and including the forty-fifth day of unlicensed operation.~~ For each day of operation without a valid Dillingham business license beyond the forty-fifth day, the amount of the penalty shall be one hundred dollars per day, with each day of unlicensed operation constituting a separation offense. **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 or business~~ who **that** 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.

(Items in gray-coloring represent Ordinance No. 2013-05 (SUB-2))

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

City of Dillingham Information Memorandum No. O2013-05 (SUB-1)

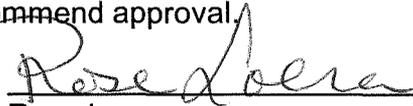
Subject: Adopt Ordinance No. 2013-05 (SUB-1), An Ordinance of the Dillingham City Council Amending Section 4.16.060 of the Dillingham Municipal Code to revise the penalties assessed for failing to apply for a City business license

Agenda of: April 25, 2013

Council Action: This ordinance was introduced April 11, and amended as Ordinance No. 2013-05 (SUB-1). Several changes were since recommended and an amended ordinance is being brought back as Ordinance No. 2013-05 (SUB-2).

Manager: Recommend approval.

City Manager:


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): None

- Public Hearing was advertised in the April 18, 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 is being recommended by the Code Review Committee, was introduced April 11, with a request for an amendment. At the April 17 Code meeting, the committee recommended several changes to be brought back as Ordinance No. 2013-05 (SUB-2) at the April 25.

The substantial change is bring back the wording the penalty will start after 45 days, since practice has been that new businesses are given a grace period of 45 days to have a business license in place. For all businesses, a penalty would not be imposed until after the 45th day.

We will be recommending Council move to amend Ordinance No. 2013-05 (SUB-1) by substituting Ordinance No. 2013-05 (SUB-2) at their April 25 meeting. If the amendment is approved, the Council then votes on whether to adopt Ordinance No. 2013-05 (SUB-2).

PERMIT

From Page 1

ment. The park is used for subsistence and sport fishing activities by local residents. It is the home of numerous luxury sport fishing lodges, whose guests fly into the Dillingham airport.

Dillingham resident Paul Liedberg described the park as a "tremendous resource" in its natural state, and doubts economic benefits justify the environmental cost.

"We'll be dealing with this in the next legislature, I'm sure, so it will be interesting," said Liedberg, saying figures provided by supporters don't "pencil out economically." Dillingham, as the park's access point, gives the town an "ownership" interest, he said.

"There needs to be a much larger discussion," said Liedberg, adding that lowering rural energy costs is extremely important, under the right circumstances.

Supporters say the 100-foot-tall, 1,000-foot-wide dam could provide hydroelectricity for Dillingham and Bethel and surrounding villages, from the remote lake midway between the two communities. As originally proposed, the dam would only have transmitted power to the Bethel area, Liedberg said.

Because it's in the state park, the Legislature needs to change the park's management plan to allow a special use permit for the geotechnical survey. Senate Bill 32 was sponsored by Sen. Lesil McGuire, R-Anchorage. Companion legislation, House Bill 132, was sponsored by State Rep. Charisse Millett, Anchorage.

The proposal "stalled in the legislature," but will return next year, Casper said.

While Chikuminuk Lake is in a wilderness area, so are two others where the park management plan already allows future hydroelectric development, according to Jesse Logan, an aide to Sen. McGuire. Those two are Elva Lake, which flows via Elva Creek into Lake Nerka, and Grant Lake, which drains through the Grant River into Kulik Lake.

The failed legislative proposal added Chikuminuk Lake as a potential hydro site, and authorized a special use permit for a feasibility study from the state DNR, including a geotechnical study, Logan said.

Logan said salmon do not swim up the steep waters of the Allen River for spawning in Chikuminuk, which he said is a seldom-visited lake, with no cabins, and only 16 visitors reported in park records in 2011.

Opponents, however, fear downstream impacts from a changed waterflow could

endanger the subsistence and multi-million dollar commercial salmon fishery in Bristol Bay. This summer's fish research includes a spawning survey to learn how far up the Allen River salmon swim, said Casper, estimating the distance at a half-mile to one mile from where it empties into Chaulektukuli Lake.

Casper said the dam would be located where the lake enters the 11-mile-long Allen River, and drops some 600 feet into Chaulektukuli Lake. Established in 1995, Nuvista is only a potential power wholesaler, as it presently doesn't own any generating or transmission facilities, he said. Nuvista's board of directors is composed of Bethel-area groups, including Calista, the regional Native corporation.

The total budget is projected at between \$400 and \$500 million, with \$300 million for building the dam, and up to \$200 million for transmission lines. If the transmission lines

only go 110 miles to Bethel, that's a \$100 million bill, which doubles if they also head south about 120 miles to Dillingham, Casper said.

The Legislature in 2011 approved \$10 million for the feasibility study. The proposed geotechnical survey involves drilling three-inch-wide holes 100 to 150 feet deep, chipping off rock samples, and digging small holes with hand tools. An ongoing raptor survey of eagles and hawks resumes this year, he said.

Actual hydro power is at least 10 years away, Casper said, with studies continuing for three years, followed by a two-year review of a license application by the Federal Energy Regulatory Committee. If a license is granted, that's another five years, with two years for design and three years of

■ See Page 16, HYDRO



Notice of a Public Hearing
Public Hearing on Ordinance Nos. 2013-02 (SUB-1), 2013-04, 2013-05 (SUB-1)

The City Of Dillingham will hold a **Public Hearing on Thursday, April 25, 2013, at 7:00 P.M. in the City Council Chambers** for the purpose of taking comment from the public on the following ordinances:

Ordinance no. 2013-02 (SUB-1), 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. 2013-04, 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

Ordinance No. 2013-05 (SUB-1), 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

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



PUBLIC NOTICE
Request Bids for Furnishing Petroleum Fuels

The City of Dillingham is soliciting sealed bids for furnishing and delivery of petroleum fuels to various City facilities for the period July 1, 2013 through June 30, 2014.

Bid documents and forms may be picked up at the City Manager's Office, City Hall.

Each bid must be submitted on the bid form provided and mailed or delivered to the City of Dillingham, in a sealed envelope and addressed to:

City Clerk's Office
City of Dillingham
141 Main Street, P.O. Box 889
Dillingham, AK 99576

Sealed bids must be marked plainly on the outside as follows:
Furnish Petroleum Fuels FY14, and must bear the name and address of bidder.
Faxed bids will NOT be accepted.

Bids will be accepted at the City Clerk's office until 10:00 a.m., April 26, 2013. A contract to award will be authorized at the May 8, 2013 Regular Council meeting.

If you have any questions, please contact the City Manager's office at 842-5148

PUBLIC NOTICE
STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CITY OF UNALASKA
SOLID WASTE DISPOSAL PERMIT

The Alaska Department of Environmental Conservation (ADEC) proposes to issue Solid Waste Permit SW1A009-18 for the City of Unalaska to operate the existing City of Unalaska Sanitary Landfill, which is a Class I Municipal Solid Waste Landfill in Unalaska, Alaska, and to expand to include two additional operational cells.

APPLICANT INFORMATION:
Location: One mile northeast of Unalaska on Summer Bay Road on BLM tracts 37 and 43, Township 73 South, Range 118 West, Seward Meridian.

Owner/Operator: City of Unalaska, P.O. Box 610, Unalaska, Alaska 99685

PROJECT DESCRIPTION:
The applicant proposes to operate new landfill cells that are a lateral expansion to the current operations at the City of Unalaska Sanitary Landfill. The Phase II expansion requested by the landfill would open new cells II-1 and II-2, adjacent to the existing landfill. Based on review of the design ADEC proposes to issue Solid Waste Disposal Permit SW1A009-18 to include operation of the Class I Municipal Solid Waste Landfill, including the new cells.

ADDITIONAL INFORMATION:
For information regarding the permit, please contact Kym Bronson at (907) 269-7626 or by email at kym.bronson@alaska.gov.

OPPORTUNITY FOR PUBLIC PARTICIPATION:
ADEC is seeking comment regarding the proposed expansion only. Notice is given that any person interested may present written comments relevant to the proposed permit to ADEC. Written comments will be included in the record if received before 5:00 p.m. on May 28, 2013. Submit written comments regarding the project to Kym Bronson, ADEC Division of Environmental Health, Solid Waste Program, 555 Cordova Street, Anchorage, Alaska, 99501; by fax at (907) 269-7600; or by email at kym.bronson@alaska.gov.

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need a special accommodation in order to participate in this public process, please contact Deborah Pock at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 30 days of publication of this notice to ensure that any necessary accommodations can be provided.

s/b
Lori Aldrich
Solid Waste Program Coordinator
4/12/13

PUBLIC NOTICE
U.S. AIR FORCE ANNOUNCES
PROPOSED PLAN PRESENTATION AND
30-DAY PUBLIC COMMENT PERIOD

KING SALMON AIR STATION (DA031, DA034, & SA043)

The 611th Civil Engineer Squadron (611 CES) at Joint Base Elmendorf-Richardson announces the Proposed Plan and 30-day public comment period regarding proposed environmental cleanup alternatives for three sites at the King Salmon Air Station. The installation is located adjacent to the community of King Salmon, Alaska.

The following actions are being recommended by the Air Force:

1. Barrel dump on Lake Camp Road (DA031) - Remove drums and associated impacted soils. Soils will be excavated to approximately 18 to 22 inches below ground surface, and confirmation samples will be collected to be sure all results are below the ADEC cleanup levels.
2. Gravel fill pad and debris disposal area (DA034) - Remove impacted soil to an approximate depth of 5 feet. Confirmation samples will be collected to be sure all results are below the ADEC cleanup levels.
3. Drum storage area 4 and trench (SA043) - Remove drums found in the stand of alder trees at the western edge of the site.

The public is encouraged to review and comment on the Proposed Plan. Written public comments will be accepted, as will comments made at the public meeting to be held at the King Salmon Air Station, Building 603 on April 16, 2013 at 7:30 p.m. The public comment period runs from March 25 through April 19, 2013.

For a copy of the Proposed Plan or additional information, or to send comments, please contact:

Mr. Charley Peyton
Remedial Project Manager
611 CES/CEAR
10471 20th Street, Suite 348
JBER, AK 99506-2201
1-907-552-9765
charley.peyton@us.af.mil

Supporting documents for King Salmon Air Station environmental investigations are available at <http://www.adminrec.com>. Select "DOD," then "PACAF," then "Alaska," and then "King Salmon."

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-07

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING SECTION 4.20.050 OF THE DILLINGHAM MUNICIPAL CODE, SALES TAX EXEMPTIONS

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

Section 1. Classification. This is a code ordinance.

Section 2. Amend Section 4.20.050 N. Section 4.20.050 N. of the Dillingham Municipal Code is hereby amended as follows with new text displayed in underlined font and deleted text displayed in strike out font.

4.20.050 Exemptions

N. ~~Sale of Native~~ all arts and crafts designed or produced in the Bristol Bay region ~~by the artist; except that this exemption shall not apply to all businesses including those~~ with a fixed location which sell Native Bristol Bay arts and crafts as dealer, broker, or agent. This exemption shall apply to all businesses with total yearly sales of less than \$20,000.

Section 3. Add a new exemption to Section 4.20.050. Section 4.20.050 of the Dillingham Municipal Code is hereby amended as follows with new text displayed in underlined font.

4.20.050 Exemptions

Z. The sale of fruits or vegetables grown or harvested in the Bristol Bay region as well as locally raised livestock and products derived from those livestock.

Section 4. 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

Subject: Adopt Ordinance No. 2013-07, An Ordinance of the Dillingham City Council Amending Section 4.20.050 of the Dillingham Municipal Code, Sales Tax Exemption

Agenda of: April 25, 2013

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
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 April 18, 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.

An application for a ballot initiative was initiated in the month of November 2012. The petition was certified January 29, 2013 having met the requirements to get the petition on the ballot. The petition proposed exempting all arts and crafts designed or produced in the Bristol Bay region from sales tax, that it apply to all businesses including those with a fixed location, and it would apply to all businesses with total yearly sales of less than \$20,000. The present exemption was for native arts and crafts. The sale of fruit or vegetables grown or harvested in the BB region as well as locally raised livestock and produced from those livestock would be exempt as well.

At their February 7, 2013 Council Meeting, the Council voted to assign the ordinance to the Code Review Committee to see if there was something the Council could do to satisfy the request from the petitioner without it having to go to an election, regular or special. The City's Attorney had advised that the Council would have to adopt the existing ordinance in substantially the same form, and if the Council adopted it, there would be no need to go to an election.

In support of his petition, Adam Kane noted he had derived that more cultural activities helped to promote health, and improve the well-being of the community as a whole. He felt the City could easily support the arts and cultural assets through a sales tax exemption on all arts, and it would lessen the burden of collecting the sales tax for small vendors. He commented of the little opposition he received, it was mainly from people who commented the City needed every dollar it could get.

After some discussion, it was resolved that a subcommittee would be formed, which included Mayor Ruby, City Clerk Williams, Manager Loera, Adam Kane, and Finance Director Carol Shade. The purpose of the Sub-Committee was to recommend whether or not the City take action to amend the code based on Adam Kane's proposal.

From the discussion, the major issues were:

- exempting all arts and crafts and homegrown fruits and vegetables and livestock, would result in a loss to the City of about \$2,000 annually in sales tax;
- business license fee was \$50, but the seller was also required to provide proof of purchase of a State business license which was \$100; a request could be made to waive the \$50 fee if gross sales were projected to be less than \$10,000, but still required a business license application and the collection and remittance of sales tax and regular reporting (this did not apply to regularly scheduled nonprofit events);
- provided an analysis of the loss in sales tax if the City were to exempt businesses with less than \$10K in gross sales from filing for a business license and assessing sale tax.
 - Using 2012 sales tax data for ½ of the list of businesses at the \$10K gross sales level - estimated annual loss was \$15,000.
 - Using the same database but based on \$20K gross sales level – estimated annual loss was \$36,000. The analysis was not broken down by type of business.
- although the City might lose revenue from setting a limit of \$10,000, weigh the cost benefit of the time spent enforcing the code on those sellers not filing for a business license and/or reporting sales tax collected;
- burden of collecting and remitting the sales tax and having to file for a small business with large penalties for late filing;
- asked Adam if he would be amenable to changing the exemption from \$20K to \$10K for arts and crafts, consistent with the recommendation to exempt home business owners from filing a license if sales were less than \$10K, he felt a suitable middle ground would be to eliminate everything under \$10K, no license and no sales tax;
- felt it was important to leave a cap in the proposed amendment for arts and crafts, because if a business was very successful, without the cap, the owner wouldn't have to pay any tax.

The City's Attorney advised it would be a substantial change if the committee proposed changing the petition sponsored by Adam Kane to exempt all arts and crafts from sales tax if the seller was making less than \$20,000, to less than \$10,000. If the Council proposed changing the limit to \$10,000, the petition would have to go to a vote of the public.

The Sub-Committee held three meetings. Their recommendation is being presented in two separate ordinances. The changes were accepted by the Code Review Committee as follows:

- adopt Adam Kane's ordinance "as is" to the Council (Ordinance No. 2013-07);
- amend the business license to read a seller making gross sales that exceeded \$10,000 did not have to apply for a business license (Ordinance No. 2013-08);
- amend the sales tax code to exempt sales of goods and services made by persons not required to obtain a business license (Ordinance No. 2013-08).

We will be recommending Council move to introduce Ordinance No. 2013-07 and Ordinance No. 2013-08 at their April 25 meeting, and schedule for a public hearing at the May 9 Regular Council meeting, for adoption.

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-08

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 4.16 AND 4.20 OF THE DILLINGHAM MUNICIPAL CODE TO REQUIRE A CITY BUSINESS LICENSE ONLY IF SALES OF CERTAIN BUSINESSES EXCEED TEN THOUSAND DOLLARS IN A CALENDER YEAR AND EXEMPT SALES OF GOODS AND SERVICES MADE BY PERSONS NOT REQUIRED TO OBTAIN A BUSINESS LICENSE

WHEREAS, the city council wishes to promote smaller businesses operating within the City by reducing the administrative burden associated with collection and remittance of sales tax; and

WHEREAS, exempting purchases made from business with gross annual sales in excess of ten thousand dollars will both reduce the overall tax burden of city sales tax and reduce the administrative burden of owning and operating a small business within the City; and

WHEREAS, sales tax is a tax on the buyer so relieving small businesses from having to collect sales tax means that we are adding an additional exemption to the sales tax code;

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

Section 1. Classification. This is a code ordinance.

Section 2. Amend Section 4.16.020 Section 4.16.020 of the Dillingham Municipal Code is hereby amended as follows with new text displayed in underlined font and deleted text displayed in strike out font.

4.16.020 Definitions.

When not otherwise indicated by context, the following words and phrases have the following meanings:

“Business” means:

A. A a person (as defined in Section 4.20.020), partnership, corporation or company of any sort providing goods or services within the city for a profit which received gross revenues in excess of ten thousand dollars the preceding calendar year or is expected to receive gross revenues in excess of ten thousand dollars in the current calendar year.

B. A person (as defined in Section 4.20.020), partnership, corporation or company of any sort providing the service of operating a taxicab or vehicle for hire and required to have a business license and remit sales tax regardless of amount of sales.

~~“Home business” means the sale of goods or services produced from one’s home and which have not produced gross revenues in excess of ten thousand dollars in any of the preceding calendar years.~~

“Nonprofit sponsored event” means an event by a nonprofit organization meeting all requirements of state and federal law.

“Regularly scheduled nonprofit event” means an event scheduled daily, weekly, monthly, or annually, and permanently staffed by paid or volunteer but keeping scheduled hours. Example: thrift store, gift shop owned by nonprofit businesses, bingo or other games of skill and chance.

“Taxicab” or “Vehicle-for-Hire” means a motor vehicle regularly employing a seating capacity of fifteen (15) persons or less, including the driver, used to transport passengers for a fee whether furnished pursuant to a lease agreement, rental agreement or any other kind of agreement, however communicated. The seating capacity of a taxicab or vehicle-for-hire is limited to the number of manufacturer’s installed seat belts. Notwithstanding the foregoing, the term “taxicab” or “vehicle for hire” shall not include motor vehicles used to provide passengers a sightseeing experience or used incident to an organized tourist excursion.

Section 3. Amend Section 4.16.030 Section 4.16.030 of the Dillingham Municipal Code is hereby amended by deleting subsection C (and relettering the remaining subsections) to read as follows with new text displayed in underlined font and deleted text displayed in strike out font.

4.16.030 Application for license.

A. All applicants for a Dillingham business license shall supply the following facts on a form provided by the finance department:

1. Name under which the business is to be conducted;
2. Name of applicant, including the president and chief executive officer of corporations, or partners and owners when applicable;
3. Mailing and street address;
4. Nature of business (short description, and attach a copy of state license or the number and type of business license issued by the state).

B. The applicant shall also certify that the business has or has applied for an Alaska Business License if required by state law, has all necessary permits and licenses required by state and federal law, that all of the statements made in the application are true and made as an inducement for the issuance of the license, and that the business agrees to comply with all applicable city ordinances.

~~C. An applicant seeking a license for a home business shall also certify that the business satisfies the definition set forth in Section 4.16.020 in all respects. An applicant that is a transient vendor as defined in Section 6.04.020(D) shall also satisfy the requirements of Chapter 6.04.~~

~~D~~ C. The city clerk may cause such investigation to be made as he or she it deems necessary.

~~E~~ D. The license shall be issued or denied within thirty days after the application has been made and the fee paid or waived. If the license is refused, the reasons for the refusal will be stated in writing to the applicant.

F ~~E~~. A business refused a license may request a hearing before the ~~clerk~~ finance director up until twenty days after service of the notice and, if hearing is timely requested, one shall be held after notice to the business. If still aggrieved, the business shall have ten additional days in which to appeal to the city council.

Section 4. Amend Section 4.16.040 Section 4.16.040 of the Dillingham Municipal Code is hereby amended by deleting subsection B (and relettering the remaining subsections) to read as follows with new text displayed in underlined font and deleted text displayed in strike out font.

4.16.040 Fee.

Each application shall be accompanied by the fee ~~or a request for a waiver.~~

A. Regular licensing fee of fifty dollars per year.

~~B. Home business (fee waived upon request) and signing of certification by applicant.~~

~~C. B.~~ All participants in regularly scheduled nonprofit events and nonprofit sponsored events where home craft items are sold, no license will be required nor sales tax levied.

~~D Regularly operated nonprofit events will be required to file an application to be exempted from paying a license fee.~~

Section 5. Amend Section 4.20.050 Exemptions. Section 4.20.050 of the Dillingham Municipal Code is hereby amended by adding a new subsection Z to read as follows (new text is underlined):

4.20.050 Exemptions.

Z. Sales of goods and services made by persons not required to obtain a business license under Chapter 4.16.

Section 6. 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

Subject: Adopt Ordinance No. 2013-08, An Ordinance of the Dillingham City Council Amending Chapter 4.16 and 4.20 of the Dillingham Municipal Code to Require a City Business License Only if the Sales of Certain Businesses Exceed Ten Thousand Dollars in a Calendar Year and to Exempt Sales of Goods and Services Made by Persons Not Required to Obtain a Business License

Agenda of: April 25, 2013

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
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 April 18, 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.

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commented of the little opposition he received, it was mainly from people who commented the City needed every dollar it could get.

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We will be recommending Council move to introduce Ordinance No. 2013-07 and Ordinance No. 2013-08 at their April 25 meeting, and schedule for a public hearing at the May 9 Regular Council meeting, for adoption.

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

City of Dillingham Information Memorandum No. R2013-17

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

Agenda of: April 25, 2013

Council Action: This resolution was introduced at the April 11, 2013, but postponed for additional information regarding the foreclosure process.

Manager: Recommend approval.

City Manager: Rose Loera
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 (Revised 4.19.2013)
- SOP# 14-001 – Bill Rendering and Collection – Real Property Tax

Summary Statement.

At the April 11, 2013, concern was voiced regarding filing the properties as a block in lieu of filing individually with the court, because of the concern if they paid early they would still be anchored to the same body of paperwork as it made its way through the court process. Staff had confirmed that once the list was sent to the court there was a period when the list was advertised for four weeks in a row, and then an adjusted list would go back to the court, but would bring back the process of foreclosing to the next Council meeting, and to postpone adoption of the resolution.

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 through a repayment plan if they are financially unable to pay off the debt in a lump sum. The repayment plan allows the owner to pay off their account over a reasonable period of time.

Step 15 – Staff prepares a resolution for Council to adopt the foreclosure list.

Step 16 – Attorney files a lawsuit.

Step 17 – Within 10 days of filing the lawsuit, list is publicized for 4 weeks in a row.

Step 18 – Within 10 days after the first publication, notice to each property owner.

Step 19 – 30 days after the last date of publication, Attorney will forward an updated list.

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.

From Attorney Patrick Munson:

- If the property owner defaults on their repayment plan, can we add the name to an existing foreclosure list that is already going through the court process?

No.

- Once we add someone's name to the foreclosure list and it makes its way through the two year foreclosure process, can we ask the court to eliminate the name if the owner pays the balance in full or enters into a repayment plan? (This assumes they have not been in default on a repayment plan within the last years.) The concern is this will show up on their credit record or some financial record if they are applying for a bank loan, for example.

You cannot eliminate the name entirely – i.e., there will be a record that the foreclosure process occurred—but every property that is paid off gets issued a certificate of redemption which is filed in the same place as the foreclosure action, so there is always a record indicating that the person paid off their taxes. This is standard and happens in every instance regardless of whether the debt is paid off through a payment plan or lump sum at any time during the foreclosure process or even after the process is complete in those cases where the former owner retains the right to pay off the old debt and does so. I do not know the exact credit implications, but a person's name doesn't appear on the foreclosure list unless they did not pay their taxes on time, so it is not inappropriate for their credit history to reflect that. The foreclosure list says they fell behind, and the certificate of redemption says they paid it off, so the record is pretty clear as to what happened in these cases.

- Would the court process be less challenging if we filed each case separately instead of in a group?

No, it would be vastly more complicated and expensive. This entire process is basically mandated by AS 29.45.320 --.480. There simply is not a lot of flexibility in this area. Just the filing fee for individual lawsuits would be \$150 per lawsuit in superior court, and the attorney's fees would be much higher than they are to bring one action against all the properties. All of the suits would be appealable as a matter of right to the Supreme Court so you would potentially be waiting up to three years for a judgment against the person. Even then you would have only a judgment that the person can choose to pay or not, and if they don't pay it then you have to levy on the PFD or seize assets. In other words, you spend two to three years and thousands of dollars getting to the same place you would have been under the foreclosure process. That is really the whole point of the foreclosure process established under state law -- to make it easy and cheap for cities to enforce the property tax laws.

- What other option is available to us besides foreclosing on a property? If someone has a \$100 debt on their real property account and it is comprised of penalty and interest only, can the City use small claims court instead?

That is allowed under AS 29.45.300 and DMC 4.20.200. You can always sue a person to collect the debt owed for their real property taxes, in any amount. In all but small claims cases it would cost the City far more to do so than it does to foreclose, as described in the previous answer. If the matter could be handled through small claims then the City could do it relatively cheaply. That would be the only time it makes sense to pursue the matter outside of the foreclosure list process.

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
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
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
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	Rolf, 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
Grand Total		-	67.48	1,982.44	1,930.63	10,481.72	65,282.75	7,476.84	6,972.03	94,228.12
										94,193.89

City of Dillingham

SOP#: 14-001

Approved By: *Rose Loera*

Title: **BILL RENDERING AND COLLECTION - REAL PROPERTY TAX**

Adopted: 1.31.2013

Policy: The Finance Department is responsible for the timely preparation of invoices to optimize cash flow and payment promptness by customers. The Finance Department will also maintain accurate records over accounts receivable and abide by proper internal controls.

Procedures: Reference DMC 4.15 Real and Personal Property

	Assignment of Duty	Duty and Explanation	Due Date	Completed
1	Finance/Collections	Update real property values following City Assessor's visit in the fall to review properties newly constructed and/or renovated since the beginning of the year or as the result of a city-wide review of all properties.	By March 1	
2	City Clerk	Contact City Assessor and schedule a meeting of the Board of Equalization for the first week in May. Calendar the BOE meeting date.	By March 1	
3	Finance/Collections	Real Property Assessment statement is mailed to property owners. This is not a bill. Property values are those in place as of January 1.	By March 15	
4	City Clerk	Accept written appeals from property owners within 30 days requesting that the Board of Equalization provide relief from an alleged error in valuation.	April 15	
5	Finance/Collections	Review and amend records to include BOE approved adjustments to valuations.	June 1	
6	Finance/Collections	Bills cannot be finalized until the Council sets the mill rate and certifies the tax rolls usually in mid June.	June 15	
7	Finance/Collections	Mail bills to property owners.	By July 1	
8	Finance/Collections	Mail out reminder of tax due dates and advertise locally, including a PSA with KDLG.	By Sept. 5	
9	Finance/Collections	Mail out reminder of tax due dates and advertise locally, including a PSA with KDLG.	By Oct. 5	
10	Finance/Collections	Mail out reminder of tax due dates and advertise locally, including a PSA with KDLG.	By Nov. 5	
11	Finance/Collections	Inform Mgr., City Clerk, Finance Director and Asst. Finance Director that a statement will be mailed out to all delinquent property owners prior to December 31. Formally meet.	Dec. 1	
12	Finance/Collections	Mail notice to each delinquent property owner notifying taxes are delinquent and subject to the foreclosure process. Suggest printing on pink paper.	Prior to Dec. 31	

City of Dillingham

	Assignment of Duty	Duty and Explanation	Due Date	Completed
13	Finance/Collections	Distribute the Denied Services List to each department head to post and monitor.	By 1st working day each month	
14	Finance/Collections	Prepare foreclosure list for March Council meeting and forward to City Clerk.	By Feb. 20	
15	City Clerk	Prepare resolution for Council approval to adopt foreclosure list.	By last Wed. in February	
16	City Clerk/Attorney	File Lawsuit: This is also known as the Petition for Judgment and Decree with court, and attorney accomplishes with information provided by City Clerk including affidavit and foreclosure list.		
17	City Clerk	Within 10 days after filing lawsuit: City Clerk has newspaper begin publication for 4 consecutive weeks the notice of foreclosure and list (this is usually timed and communicated between City Clerk and newspaper and Clerk and attorney before filing suit due to strict time lines).		
18	City Clerk	Within 10 days after the first publication: City Clerk sends notice of the foreclosure proceeding and list to record owners.		
19	Attorney	30 days after last date of publication: Attorney requests Court to issue Judgment of Foreclosure (requires affidavit and updated foreclosure list from City Clerk and original affidavit of publication of notice of foreclosures).		
20	Judge	Record Judgment with District Recorder: Attorney usually does this. Period begins on the date the court issues.		
21	Attorney	Judge signs Judgment and Decree of Foreclosure: One-year redemption		
22	Clerk/Collections	Monthly communications on payments to delinquent accounts.		
23	City Clerk	Issue Certificates of Redemption: City Clerk issues at any time after owners pay off taxes and costs entirely within redemption period.		
24	City Clerk/Attorney	Obtain Title reports: Clerk should do this 11 months after the issuance of the judgment in conjunction with attorney to assure adequate timing.		
25	City Clerk	Publish Notice of Expiration of End of Redemption Period and updated List.		
26	City Clerk	Within 5 days of first publication of End of Redemption Period: City Clerk send notice of end of redemption period and updated list to former record owners.		

City of Dillingham

	Assignment of Duty	Duty and Explanation	Due Date	Completed
27	City Clerk	Within 5 days of first publication of End of Redemption Period: City Clerk send notice of end of redemption period and updated list to lienholders of record (identified from title reports).		
28	City Clerk/Attorney	File for Tax Deed with Court: Attorney accomplishes (requires affidavit & updated list from City Clerk).		
29	Judge	Court issues Tax Deeds.		
30	City Clerk	Record Tax Deeds with District Recorder.		
31	City Clerk	Send copy of list to City Planner and Finance. Finance to contact AML.		

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-19

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL ESTABLISHING THE LEVEL OF FUNDING FOR THE DILLINGHAM CITY SCHOOL DISTRICT FOR THE FISCAL YEAR ENDING JUNE 30, 2014

WHEREAS, Alaska Statute 14.14.060(c) provides that the Dillingham School Board ("School Board") shall submit the school budget for the following year by May 1 for approval of the total amount; and

WHEREAS, the Dillingham City Council ("City Council") shall determine the total amount of money to be made available from local sources for school purposes within 30 days after the School District presents the budget request to the City; and

WHEREAS, the School Board submitted a proposed FY 2014 Budget of \$10,545,772 which includes a request of \$1,300,000, filed at City Hall on March 28, 2013; and

WHEREAS, the City Council shall determine the total amount of money to be made available from local sources for School purposes and shall furnish the School Board with a statement of this sum on or before May 31, 2013; and

WHEREAS, AS 14.17.410(2) requires a contribution from the City in the amount of the equivalent of a 4 mill tax levy on the full and true value of the taxable real and personal property as of January 1, 2012, (property values as of January 1 of the previous year from Alaska Taxable Report) which is calculated to be a local contribution in the amount of \$795,275; and

WHEREAS, the City Council wishes to allocate the minimum required amount to meet the City's legal obligation which is 4 mill equivalent to property tax or \$795,275, and 1% of sales tax equivalent, estimated at \$453,333, a total of \$1,248,608 for the education operating budget for the Fiscal Year ending June 30, 2014; and

WHEREAS, the actual amount to be appropriated for School District purposes will be made a part of the City's FY 2014 Budget;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council has determined regarding additional funds which may be available to the School District based upon State funding of local governments and other information made available by this date, that the school appropriation be set at \$1.30 Million with \$1.20 Million for operating costs and \$100,000 for major maintenance which for FY 2013 will cover the school bond payment.

PASSED AND ADOPTED by a duly constituted quorum of the Dillingham City Council on April 25, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

City of Dillingham Information Memorandum No. R2013-19

Subject: A resolution of the Dillingham City Council establishing the level of funding for the Dillingham City School District for the fiscal year ending June 30, 2014

Agenda of: April 25, 2013

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
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 _____

Attachment(s):

- FY 2014 Dillingham City School District Budget

Summary Statement.

The DCSD budgeted revenues from the City are \$1.3M less \$100,000 toward the school bond payment same as the prior year.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-20

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING TO SUPPORT THE
CITIZEN'S ALTERNATIVE BRISTOL BAY AREA PLAN**

WHEREAS, City of Dillingham (COD) is a 1st class City serving its residents of the community of Dillingham; and

WHEREAS, COD has the authority to establish relationships and enter into contracts; and

WHEREAS, COD, tribes, sportsmen, and commercial fishermen have made every attempt to work with the State regarding our concerns. DNR did no consultation with Bristol Bay residents, tribes, local governments, commercial fishing groups, or others before drafting the proposed changes to the plan; and

WHEREAS, Plaintiffs, Nondalton Tribal Council, Koliganek Tribal Council, New Stuyahok Traditional Council, Ekwok Village Council, Levelock Village Council, Curyung Tribal Council, the Alaska Independent Fishermen's Marketing Association, and Trout Unlimited brought suit against the State of Alaska, Department of Natural Resources based on Nine Causes of Action, in order to restore land use classifications that protect fish and game habitat and public uses of fish and game in the Nushagak/Kvichak Drainages; and

WHEREAS, after settling the lawsuit, the Department of Natural Resources is proposing to classify as habitat—

- (1) 64 Streams closed to new mining claims in 1984 by Mineral Closing Order 393 to protect salmon habitat, including the North and South Fork of the Kaktuli River, the Upper Talarik River, and eight streams to south of Pebble block;
- (2) Navigable anadromous waters in their entirety, including the South Fork of the Kaktuli River to Frying Pan Lake;
- (3) Moose calving and some wintering areas to include the North and South Forks of the Kaktuli west of Pebble block;
- (4) Western Iliamna Lake which is downstream from the Pebble deposit; and
- (5) The Lower Talarik Creek Special Use Area which is south of the Pebble deposit; and

WHEREAS, the Department of Natural Resources has-

- (1) Declined to establish a Subsistence land classification category comparable to the recreation category;
- (2) Declined to classify non-navigable anadromous waters as habitat;
- (3) Declined to classify much of the moose wintering areas as habitat;
- (4) Declined to classify caribou calving and wintering areas as habitat; and

WHEREAS, the COD expects that the Department of Natural Resources will incorporate the other considerations of the COD in their 2013 Revised Bristol Bay Area Plan to include:

- (1) Establishing a Subsistence land classification category;
- (2) Classify as habitat those anadromous waters designated as important in the Anadromous Waters Catalog regardless of whether they are navigable or not;
- (3) Classifying as habitat the moose wintering and caribou wintering areas in the Nushagak and Kvijack drainages;
- (4) Increasing Habitat Classifications for wildlife and fish;
- (5) Prohibiting metallic sulfide mines in the Nushagak and Kvichak drainages;
- (6) Approving a new mineral closing order that would ban new mining claims on or along salmon spawning streams threatened by mining;
- (7) Encouraging Voluntary Cooperative Planning;
- (8) Providing for water level protections for fish as they were in the 1984 plan such that in Bristol Bay we automatically reserve water for fish. If you want to take water out, you have to prove no harm to fish;
- (9) Creating a Bristol Bay Advisory Board for the Nushagak/Kvichak Drainages;
- (10) Operating under a "Precautionary Principle" as it was adopted by the Alaska Board of Fisheries, i.e. "If you don't know, err on the side of caution";
- (11) Operating under the presumption that all waters in Bristol Bay are needed for salmon unless proven otherwise by those who wish to use it.

NOW, THEREFORE, BE IT RESOLVED that the COD requests that the Department of Natural Resources incorporate all matters specified above in their 2013 Revised Bristol Bay Area Plan; and

BE IT FURTHER RESOLVED that the COD supports the Citizen's Alternative Draft Bristol Bay Area Plan.

Passed and adopted by a duly instituted quorum of the Dillingham City Council this _____ day of _____, 2013

Alice Ruby, Mayor

Attest:

Janice Williams, City Clerk

April 17, 2013

Alice Ruby.

I Frank Nicholson am interested in running for the Senior Center Advisory Board Seat. I am a senior, and I would be a good candidate to run for the seat.

Sincerely,

A handwritten signature in cursive script that reads "Frank Nicholson Sr." with a small flourish at the end.

Frank Nicholson Sr.

City of Dillingham Action Memorandum No. 2013-08

Subject: Authorize the City Manager to extend the Lease Agreement with the Construction & Facilities Management Office, Alaska Army National Guard for the property at the Boat Harbor for one year and include two (2) additional one year clauses

Agenda of: April 25, 2013

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
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): None

Summary Statement.

The purpose of this Action Memorandum is to authorize the City Manager to extend the lease agreement with the Construction & Facilities Management Office, Alaska Army National Guard for one year and include two (2) additional one year clauses. The current lease expires on April 30, 2012 for the 3,200 sqf building. The extended lease will reflect the use of 2,400 sqf of the building with the remaining 1,200 to be used for the Animal Shelter. The lease amount will be a prorated reduction of the rent for the space used by the Alaska Army National Guard with the Animal Shelter taking up the remaining.

The Division of Military and Veterans Affairs has received \$500,000 in the capital budget for a new facility in Dillingham. The extension of the current lease will allow us to further collaborate with them and plan for changes in the future.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on April 25, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

City of Dillingham Action Memorandum No. 2013-09

Subject: Award a contract with a licensed professional land surveyor for the purpose of completing a land exchange at the Dillingham Port

Agenda of: April 25, 2013

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

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

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

Other Attachment(s): None

Summary Statement.

The purpose of the action memorandum is to award a contract to survey the Port of Dillingham to finalize a three-way land exchange to provide a dedicated right of way into the Port for heavy traffic. The bids are due by April 24 at 5 p.m. The name of the firm will be announced at the April 25, 2013 Regular City Council meeting.

Funding for this project was budgeted in the Planning Department budget.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on April 25, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

City of Dillingham
Fiscal Note

Agenda Date: April 25, 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;">\$ 15,000.00</p>		FUNDING SOURCE <p style="text-align: center;">General Fund</p>	
FROM ACCOUNT 1000 7060 10 18 0000 0		Project <p style="text-align: center;">Port Land Swap Exchange Survey</p>	
		\$ 15,000.00	
TO ACCOUNT:	VERIFIED BY: Carol Shade	Date:	4/25/2013

EXPENDITURES

OPERATING	FY13	FY14	FY15	FY16
Personnel				
Fringe Benefits				
Contractual/Professional	\$15,000.00			
Equipment				
Land/Buildings				
Miscellaneous				
TOTAL OPERATING	\$ 15,000.00	\$ -	\$ -	\$ -

CAPITAL				
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REVENUE				
---------	--	--	--	--

FUNDING

General Fund	\$ 15,000.00			
State/Federal Funds				
Other				
TOTAL FUNDING	\$ 15,000.00			\$ -

POSITIONS

Full-Time				
Part-Time				
Temporary				

ANALYSIS: (Attach a separate page if necessary)

See Attached Action Memorandum 2013-09

PREPARED BY: Carol Shade

April 25, 2013

DEPARTMENT: Finance Department

April 25, 2013

APPROVED BY: _____
