



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 – JUNE 6, 2013
David B. Carlson Council Chambers**

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

BOARD OF EQUALIZATION MEETING	5:30 P.M.	JUNE 6, 2013
WORKSHOP TO REVIEW PROPOSED FY 2014 BUDGET	7:00 P.M.	JUNE 6, 2013
REGULAR MEETING	8:00 P.M.	JUNE 6, 2013

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. Meeting of April 25, 2013
- B. Meeting of May 9, 2013
- C. Meeting of May 23, 2013

IV. APPROVAL OF CONSENT AGENDA

- A. Resolution No. 2013-30, A Resolution of the Dillingham City Council Declaring the City of Dillingham is Officially a Purple Heart City

APPROVAL OF AGENDA

V. STAFF REPORTS

- A. City Manager Report (*postpone to June 13 Special Meeting*)
- B. Standing Committee Reports (*postpone to June 13 Special Meeting*)

VI. PUBLIC HEARINGS

- A. 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 (*postpone to June 13 Special Meeting*)
- B. Adopt Ordinance No. 2013-08, An Ordinance of the Dillingham City Council Amending Chapter 4.16 of the Dillingham Municipal Code to Require a City

Business License Only if Sales Exceed Ten Thousand Dollars in a Calendar Year
(postpone to June 13 Special Meeting)

- C. Adopt Ordinance No. 2013-09, An Ordinance of the Dillingham City Council Authorizing Disposal of Municipal Property to Delta Western by Lease
- D. Adopt Ordinance No. 2013-10, An Ordinance of the Dillingham City Council Amending Chapter 4.40 to Create a Denied Services List that will Terminate Eligibility for Municipal Services for Certain Individuals Whose Accounts are Past Due and to Create Procedures for Adding Such Persons to the List and to Amend Numerous References to the List in the Code for Clarity and Uniformity

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

- A. Adam Kane – Ordinance No. 2013-07

VIII. ORDINANCES AND RESOLUTIONS

- A. 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 *(postpone to June 13 Special Meeting)*
- B. Adopt Ordinance No. 2013-08, An Ordinance of the Dillingham City Council Amending Chapter 4.16 of the Dillingham Municipal Code to Require a City Business License Only if Sales Exceed Ten Thousand Dollars in a Calendar Year *(postpone to June 13 Special Meeting)*
- C. Adopt Ordinance No. 2013-09, An Ordinance of the Dillingham City Council Authorizing Disposal of Municipal Property to Delta Western by Lease
- D. Adopt Ordinance No. 2013-10, An Ordinance of the Dillingham City Council Amending Chapter 4.40 to Create a Denied Services List that will Terminate Eligibility for Municipal Services for Certain Individuals Whose Accounts are Past Due and to Create Procedures for Adding Such Persons to the List and to Amend Numerous References to the List in the Code for Clarity and Uniformity
- E. Introduce Ordinance No. 2013-11, An Ordinance of the Dillingham City Council Amending Chapter 4.15, Real and Personal Property, Section 4.15.185 to Amend the Interest Rate Applicable to Delinquent Property Taxpayers in an Economic Disaster Year, Adding Section 4.15.365 Repayment Plan, and Amending Section 4.20.0265 to Permit the City to Enter Into Repayment Plans With Delinquent Taxpayers
- F. Adopt Resolution No. 2013-23, A Resolution of the Dillingham City Council Approving the Collective Bargaining Agreement *(postpone to June 13 Regular Meeting)*
- G. Adopt Resolution No. 2013-31, A Resolution of the Dillingham City Council Amending the Allocation of Funding for the Dillingham City School District for the Fiscal Year Ending June 30, 2014 and Repealing Resolution No. 2013-19 (AM)

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. 2013-14, Award a Contract to Concor Construction Inc. to Furnish/Install Floating Sewage Lagoon Baffles

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

- A. Adam Kane – Petition to Remove Bars from Section of Code Where Businesses Are Not Regulated

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 25, 2013, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Ruby called the meeting to order at 7:01 p.m.

II. ROLL CALL

Mayor Alice Ruby was present.

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
Lilly Capell, Recorder
Dan Boyd, Animal Control Officer

III. APPROVAL OF MINUTES

A. Regular Council Meeting, April 11, 2013

MOTION: Paul Liedberg moved and Chris Maines seconded the motion to approve the minutes of April 11, 2013.

Corrections to be made to page 3:

- require mitigation measures like ~~planning~~ planting willows and such
- ask to refer the issue to the Planning Commission

VOTE: The motion to approve the minutes of April 11, 2013 as amended passed unanimously.

IV. APPROVAL OF CONSENT AGENDA

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

MOTION: Keggie Tubbs and Bob Himschoot seconded the motion to approve the consent agenda.

VOTE: The motion passed unanimously.

APPROVAL OF AGENDA

Mayor Ruby asked to amend the agenda: 1. under Citizen's Discussion delete Bristol Alliance Fuel and add Ken Reiswig; 2. under Ordinances and Resolutions add Resolution 2013-21, under New Business; and 3. under New Business item C. add 5. Review Application of Bed Tax, and item 6. Business License Transient Vendors.

MOTION: Keggie Tubbs and Tracy Hightower seconded the motion to approve the agenda as amended.

VOTE: The motion passed unanimously.

V. STAFF REPORTS

A. City Manager Report

City Manager Loera reported on the following:

- Resolution to purchase ambulance – reason for the lay down was to get the resolution approved in order to start the bid process to get ambulance on the fall barge;
- National Guard and State in town – will be sending cost to renovate; would send out workers to do the remodel; City to pay their salary and materials; interested in working on planning process for new public safety building, and if they are a partner, could pay for the site costs;
- FEMA grant received for new Fire Truck – fire dept. received a grant for \$384K, of which \$320K is for acquisition of the fire truck and \$64K for equipment;
- CIP Projects – Hockey Association approached City during public process, wish to give City \$20K to put in a special fund for the roof, and \$8K to Parks and Recreation for maintenance of the rink; to be vetted through the Finance Committee; and
- 10 Ton Gasification System – working out the details, firm can get it on the last barge by September 9, but need a decision by May 14; a resolution will be on the May 9 agenda. City will have to go through air quality permitting, which she is currently working with ADEC.

B. Standing Committee Reports

Bob Himschoot, Chair of Finance and Budget Committee, reported the two main issues worked on were discussions on the gasifier and review of the proposed FY 2014 budget.

Paul Liedberg, Chair of Code Review Committee, reported the members had met earlier, and one of the discussion items point of sale was being recommended for a one-hour workshop June 20 with the Council. The sales tax code was amended in 2000, but it had not been implemented.

VI. PUBLIC HEARINGS

Mayor Ruby opened the public hearing on the ordinances 2013-02, 2013-04, and 2013-05, noting 2013-02 and 2013-05 were a substitute version.

- 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

There being no comments the public hearing closed.

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

- A. Ken Reiswig

Ken Reiswig, Delta Western, reported he was working with the City Planner to get a plat in place to expand their tank farm. Last fall a survey done of their tank farm found they did not have enough secondary containment volume to meet the regulations. He noted a preliminary plat had been done, and would like to purchase a small piece of property by the tank farm to gain the needed volume. DEC was pushing them to get it done this year.

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

MOTION: Paul Liedberg moved and Chris Maines seconded the motion to adopt Ordinance 2013-02 (SUB-1).

VOTE: The motion to adopt Ordinance No. 2013-02 (SUB-1) passed unanimously.

- 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

MOTION: Bob Himschoot moved and Chris Maines seconded the motion to adopt Ordinance 2013-04.

Paul Liedberg reported the Code Review Committee had discussed the ordinance further and he was fine with it. His interest was making everyone aware of the change in language. He felt those decisions and responsibilities that can be farmed out to the commission made it more attractive to be on the commission.

VOTE: The motion to adopt Ordinance No. 2013-04 passed unanimously.

- 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

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to amend Ordinance 2013-05 (SUB-1) by substituting Ordinance No. 2013-05 (SUB-2).

VOTE: The motion to amend Ordinance No. 2013-05 (SUB-1) by substituting Ordinance No. 2013-05 (SUB-02) passed unanimously.

Manager Loera commented the amended ordinance would bring back the wording previously deleted to allow that a business license would be subject to a civil penalty of one hundred dollars after the forty-fifth day of unlicensed operation, to recognize new businesses might not be aware they were required to have a license. The change was not considered substantive.

VOTE: The motion to adopt Ordinance No. 2013-05 (SUB-2) passed unanimously.

- 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

MOTION: Tracy Hightower moved and Bob Himschoot seconded the motion to introduce Ordinance 2013-07.

Mayor Ruby explained the city had received a petition that if it had moved forward would have resulted in a ballot measure in October. The Council decided to send it to the Code Review Committee to see if it would be interested in making those changes. Code created a Sub-Committee that met over three meetings. The Sub-Committee recommended the Council adopt the Ordinance, which would expand the exemption for collecting sales tax to all arts and crafts, not just Native arts and crafts, as the code currently existed, and to add an exemption for homegrown fruits and vegetables and products from livestock. Committee discussed for the City to try to enforce the code with as many small businesses as there were was unmanageable. The committee had to research the \$20K cap that was recommended, the committee considered \$10K. Changing it to \$10,000 would have been considered substantive, and the petition would have had to go to the voters.

Mayor Ruby commented Adam Kane had presented his 20-page report, his peers were involved in arts and crafts sales and felt the burden of collecting sales tax was a disincentive for being a

small business. She noted an exemption already existed for Native arts and crafts, it was hard to define native arts and crafts, and his petition broadened it to all arts and crafts.

Discussion:

- concerned with an exemption on arts and crafts when other types of businesses were not exempted.

VOTE: The motion to introduce Ordinance No. 2013-07 passed with Tracy Hightower, Bob Himschoot, Keggie Tubbs, Paul Liedberg, and Chris Maines in favor, and Brenda Akelkok opposed.

- 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

MOTION: Paul Liedberg moved and Tracy Hightower seconded the motion to introduce Ordinance 2013-08.

Mayor Ruby reported that the code required all businesses to get a business license. The committee felt there were many people doing business in the community on a small scale, or were prevented from doing business because of the requirement for a business license. The committee recommended an ordinance that would require getting a business license and collecting sales tax if gross sales exceeded \$10K, providing examples of those selling wood, fixing furnaces, etc. that were not obtaining business licenses.

Discussion:

- asked how someone would know if they would exceed \$10K, answered without a business plan it would be hard to anticipate but most probably try it out ahead of time to see if they can make any money at it;
- spoke against voting for an exemption when the City had to vote to foreclose on people's homes, answered it would probably cost more to enforce the code than what the City could obtain in sales tax; and
- spoke against segregating the small business owners from the large business owners, need to better educate the public, and enforce the code.

VOTE: The motion to introduce Ordinance No. 2013-08 passed with Tracy Hightower, Bob Himschoot, Paul Liedberg, and Chris Maines in favor of the motion, and Brenda Akelkok and Keggie Tubbs opposed.

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

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to adopt Resolution No. 2013-17.

Discussion:

- appreciated the explanation of the foreclosure process in the packet.

- 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

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to adopt Resolution No. 2013-19.

Mayor Ruby reported the resolution was usually adopted as a placeholder, because the school's budget had to be adopted by May 1, and revised it, if necessary, after the City's budget was concluded.

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to amend the resolution to have the appropriation set as \$1.3M with \$1.2M for operating costs and \$100,000 for major maintenance for FY 2014 and strike ~~which will cover the school bond payment.~~

Discussion:

- commented last year came back and amended the appropriation to \$50,000 for a reading specialist position and \$50,000 for major maintenance.

VOTE: The motion to adopt the amended Resolution No. 2013-19 passed unanimously.

- H. Resolution No. 2013-20, A Resolution of the Dillingham City Council Approving to Support the Citizen's Alternative Bristol Bay Area Plan

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to adopt Resolution No. 2013-20.

VOTE: The motion to adopt Resolution No. 2013-20 passed unanimously.

- I. Resolution No. 2013-21, A Resolution of the Dillingham City Council Authorizing the Purchase of an Ambulance in the Amount of the Base Price Plus the Necessary Equipment to Fully Fit the Ambulance for Service and Freight

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to adopt Resolution No. 2013-21.

Manager Loera confirmed this resolution would authorize the City to go out for a bid (not purchase at this time) to get it on the barge, there were funds available in the ambulance fund, the executive committee was recommending the purchase in 2014, and would come back with a resolution to award a contract.

The resolution was amended to remove item 3. Purchase a new ambulance using the Special Ambulance Fund, in the Now, Therefore, Be it Resolved, and correct the header to read Authorizing the Bid for an Ambulance.

VOTE: The motion to adopt Resolution No. 2013-21 passed unanimously.

IX. UNFINISHED BUSINESS

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

Mayor Ruby reported there was one letter of interest in the packet, but she had yet to discuss a recommendation with staff.

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

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Action Memorandum No. 2013-08.

VOTE: The motion to approve Action Memorandum No. 2013-08 passed unanimously.

- 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

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Action Memorandum No. 2013-09.

Manager Loera clarified this request was to complete the Port land swap, between the City, N&N, and the Sea Inn, a process that started in years past. The contract was being awarded to Southwest Alaska Surveying.

VOTE: The motion to approve Action Memorandum No. 2013-09 passed unanimously.

- 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

5. Review Application of the Bed Tax
6. Business License Transient Vendors.

Mayor Ruby reported the reason for adding items 5 and 6 was because transient vendors was located in a different section of code than business licenses, and was recommending move it to the same section, and Susan Isaacs had attended a Sub-Committee meeting, participated in discussion, and recommended reviewing how the tax was applied, and also looking at increasing the tax. These items would be addressed in the fall.

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to assign items 1-6 to the Code Committee's To Do List.

VOTE: The motion to assign the items passed unanimously.

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

There was no citizen's discussion.

XII. COUNCIL COMMENTS

Bob Himschoot: no comment

Chris Maines: thank everyone for approving Resolution No. 2013-20.

Keggie Tubbs: no comment

Tracy Hightower: no comment

Paul Liedberg:

- commented "hats off" to the fire department for getting a fire truck grant.

Brenda Akelkok:

- noted she would be out of town, and had emailed the dates earlier.

XIII. MAYOR'S COMMENTS

Mayor Alice Ruby: no comment

XIV. EXECUTIVE SESSION

There was no executive session.

XV. ADJOURNMENT

Mayor Ruby adjourned the meeting at 8:30 p.m.

Mayor Alice Ruby

ATTEST:

Janice Williams, City Clerk

Approval Date: _____

I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, May 9, 2013, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:04 p.m.

II. ROLL CALL

Mayor Alice Ruby was present.

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

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

Brenda Akelkok, Seat A – absent and excused

Staff in attendance:

Rose Loera, City Manager
Dan Pasquariello, Chief of Police/Sergeant-at-Arms
Carol Shade, Finance Director
Jody Seitz, Planning Director
Lilly Capell, Recorder

III. APPROVAL OF MINUTES

There were no minutes to approve.

IV. APPROVAL OF CONSENT AGENDA

There was no consent agenda.

APPROVAL OF AGENDA

Mayor Ruby asked the Council to remove items A and B under VIII. Ordinances and Resolutions and item 10 B and to delay these items to the next meeting.

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to approve the agenda as amended.

VOTE: The motion to approve the agenda as amended passed unanimously.

V. STAFF REPORTS

A. City Manager Report

City Manager Rose Loera reported on the following:

- Animal Shelter – had received a bid from the National Guard to renovate the armory, and the State would remodel the building to install a wall, water, and heating, of which the cost of \$20K would cover salaries, material, and per diem. City would pay for a fence to separate the animals from the rest of the fence. She was anticipating the remodel would be done by the end of June when lease expired, and the owner had been notified;
- Pumps Installed at Dock Lift Station – new 25 hp pumps were operating to replace two 15 hp that had been running continuously;
- Public Safety – hired an experienced officer with K-9 training and would be sent to get his State certification, had developed the K-9 program in Sand Point, had moved out of state for a while and had returned.

B. Standing Committee Reports

Bob Himschoot, Chair of Finance and Budget Committee reported the committee had been working entirely on the budget which would be presented June 6. Several other meetings were being scheduled and invited the other Council members to attend.

Paul Liedberg, Chair of Code Review Committee reported the members had met prior to the Council meeting to review library code, denied services list would be forwarded to the Council with a recommendation to introduce, point of sale was being recommended for a workshop June 6, and has worked on ATV and snowmobile ordinance which had been postponed for a redraft.

Mayor Ruby reported the MOU Committee was scheduled to meet May 23.

VI. PUBLIC HEARINGS

Mayor Ruby opened the public hearing on the two ordinances, Ordinance 2013-07 and 2013-08 that had been removed from the agenda from taking action .

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

There being no public comments, the public hearing closed.

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

Patricia Carscallen (Treydyte) spoke on the Ordinance exempting sales tax on goods harvested in the Bristol Bay area. After the first year of experience with the Farmer's Market, she found it was less chaotic and easier to round up everything to a dollar and then back out sales tax. She and found this method to be the most functional, but felt silly at times because being a seasonal

business some tax quarters she filed amounts as small as \$.75. It would make life easier, and felt it would less the administrative burden for the City by passing this ordinance.

A. Yeganeh Ataian from Bristol Alliance Fuels

Yeganeh spoke on behalf of Bristol Alliance Fuels, which she identified as a long standing commercial operator in Dillingham. Her proposal involved establishing and developing a marine industrial center, where they would provide services hauling barges and vessels, and storing them on their property. Dillingham is the gate to the western Alaska marine industry with large predictable tides and the first location that is ice free, and in the fall last area to be covered by ice, making it very attractive to those involved in vessel storage. Most large vessels are stored in water, but storing them on dry land would keep them from having to go back and forth to other ports, providing opportunities for repair work and upgrades. They would be using the local people to help with the work, recognizing specialists that would have to be flown in could be housed in Dillingham.

She was asking for a consideration to cap the personal property tax for the large vessels, similar to other ports, and align with BB Borough, to entice the vessels to dock in Dillingham. It would be a good opportunity for the community to develop itself, and place Dillingham on the map when it came to storage of large vessels. With each vessel, this would gain \$4,000 for each vessel stored, where currently there is no storage.

Yeganeh asked to include Jim Baumgartner, local plant manager, and Philip Baumgartner, product manager for a Q and A session. Mayor Ruby noted it was unusual to ask questions, but since the speakers did not live in Dillingham, would open it to questions from the Council.

Q and A:

Q. How quickly could they be ready to store the vessels?

A. They want to move as quickly as possible to store the boats starting this fall, the haul out equipment is stage ready to be ordered if their request for a cap on tax is resolved. Noted there are some large vessels in Naknek that need to move due to lack of storage area, and were planning to move to Homer, where the tax cap was \$1,200, even though the travel time to Homer would be lengthy. Concerned the vessel owners will enter into a term contract, five years, and wants to move quickly.

Q. Are they looking at a similar arrangement like Leader Creek in Naknek?

A. Not the launch ramp with the dolly system and concrete ramps, but a smaller environmental footprint, which would use inflatable logs.

Q. Would the vessels be stored sitting on land?

A. On the uplands 3-4 feet off the ground.

Q. Concerned would like to see business stimulation in Dillingham, but the use of the beach would impact subsistence users?

A. Only time it would affect that beach would be when the vessels were coming and going, maybe would take 45 minutes to a couple of hours to pull out. The footprint wouldn't change where they now take barges in and out.

Discussion:

- commented their request could be taken up at the June 13 Code Review Committee Meeting, with a minimum of two meetings to adopt and change the code. At the most it would be late June, early July, when the Council could bring it up for adoption.

VIII. ORDINANCES AND RESOLUTIONS

- A. 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
- B. Adopt Ordinance No. 2013-08, An Ordinance of the Dillingham City Council Amending Chapter 4.16 of the Dillingham Municipal Code to Require a City Business License Only if Sales 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

IX. UNFINISHED BUSINESS

- A. Citizen Committee Appointments
 - 1. Cemetery Committee – 4 Seats Open

Mayor Ruby reported she did not have any recommendations at this time.

X. NEW BUSINESS

- A. Action Memorandum No. 2012-08, Authorizing the City Manager to Award a Contract to _____ for Sludge Removal

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve the Action Memorandum No. 2013-08.

City Manager Loera reported on the bid process, noting there were four bidders of which five evaluators for the City chose Merrell Brothers for the contract. She was recommending approving Merrell Brothers.

Discussion:

- asked why it was being presented as an action memorandum in lieu of a resolution basically because of the large amount of \$1.3M, answered felt they both served the same purpose, but would clarify for the next meeting.

VOTE: The motion to approve Action Memorandum 2013-08 passed unanimously.

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

There was no citizen's discussion.

XII. COUNCIL COMMENTS

Chris Maines: no comment

Tracy Hightower: no comment

Paul Liedberg: no comment

Bob Himschoot: no comment

Keggie Tubbs: no comment

XIII. MAYOR'S COMMENTS

Mayor Alice Ruby: no comment

XIV. EXECUTIVE SESSION

A. Legal Matter

1. Annexation

MOTION: Bob Himschoot moved and Keggie Tubbs seconded the motion to move into executive session for the purpose of discussing Legal Matter, Annexation [7:42 p.m.].

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

Manager Loera was invited into the executive session.

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to come out of executive session [7:55 p.m.].

GENERAL CONSENT: The motion passed with no objection.

XV. ADJOURNMENT

Mayor Ruby adjourned the meeting at 7:55 p.m.

Mayor Alice Ruby

ATTEST:

Janice Williams, City Clerk

Approval Date: _____

I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, May 23, 2013, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:28 p.m. The meeting was preceded with a presentation from the firm of CH2M Hill on the Wastewater Treatment Plant Facility Plan.

II. ROLL CALL

Mayor Alice Ruby was present.

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

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

Chris Maines, Seat B, absent and excused

Staff in attendance:

Rose Loera, City Manager
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

There were no minutes to approve.

IV. APPROVAL OF CONSENT AGENDA

There was no consent agenda.

APPROVAL OF AGENDA

Mayor Ruby reported on the following additions to the agenda:

- VII. Citizen's Discussion, add item A. Apayo Moore, requested ahead of the meeting;
- VIII. Ordinances and Resolutions, add item M. Adopt Resolution No. 2013-29, a lay down;
- X. New Business, add item D. Schedule Workshop and Special Meeting for June 13; and
- X. New Business, add item E. Reschedule June 20 meeting to June 27

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to approve the amended agenda.

GENERAL CONSENT: The motion passed with no objection.

V. STAFF REPORTS

A. City Manager Report

City Manager Rose Loera reported on the following:

- State Capital and Operating Budget - passed which included \$1.9M for landfill, \$200K for E 911 system at the Lake Road Fire Station;
- Thank you note to Penair for shipping the handler and the K-9 dog that had an air infection; would continue to do so if needed in the future;
- Unsigned Information and Action Memorandums – due to short staffing were left unsigned, but had been vetted through the proper people;
- Summer Landfill Hours Resumed – closed on Wednesdays and Thursdays;
- Acting Chief of Police - Sergeant Golden serving in Dan Pasquariello's absence on leave;
- City's FY 2014 Budget Near Completion – looking at a June 6 workshop to present the budget;
- Denied Services List – would be asking the Council whether or not to proceed with action or wait until ordinance in packet was adopted; always had the ability to deny services the ordinance was just a clean-up;
- Scrap Metal at Landfill – working with BBEDC, as part of the project a bailer would be brought in, several seasonal employees would be hired, scrap metal placed in connex containers and stored until the fall when it would be moved out of Dillingham; and
- Apply for Liquor License – Paul Kropoff would be applying for a beer and wine license for his restaurant; two licenses (Muddy Rudder, and Fisherman's) currently not being used.

Discussion:

- asked if it was possible to black out social security no. and birth date prior to releasing a police report to the public, answered would follow up with staff; and
- asked if there was a cost for the scrap metal disposal, answered yet to have an agreement, but possibly the protective material such as gloves and hard hats, a minimal cost, and using the City's equipment to haul the connexes to the staging area next to Bristol Alliance.

B. Standing Committee Reports

Bob Himschoot, Chair of the Finance and Budget Committee, reported the committee was continuing to review the budget.

Paul Liedberg, Chair of the Code Review Committee, reported the committee had scheduled a special meeting for May 30. Brenda Akelkok noted she would arrive around 6 p.m.

Mayor Ruby, MOU Committee (Curyung Tribe and City of Dillingham), reported:

- working on a letter of understanding, looking to leverage some of the Tribe's IGAP monies with the City's landfill and improve the recycling program;
- working with BBEDC on future block grants, would bring back more info later;

- working on updating mutual roads list, currently BIA monies were targeted for Nerka roads, and would look to have similar arrangement as Tower Road project, combining resources, and City Manager managing the project; and
- would bring back a report on the future of the Tribe's proposed cannery project.

VI. PUBLIC HEARINGS

Mayor Ruby opened the public hearing on Ordinances 2013-06, 2013-07, 2013-08.

- A. Adopt 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
- B. 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
- C. Adopt Ordinance No. 2013-08, An Ordinance of the Dillingham City Council Amending Chapter 4.16 of the Dillingham Municipal Code to Require a City Business License Only if Sales Exceed Ten Thousand Dollars in a Calendar Year

There being no comments the public hearing closed.

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

- A. Apayo Moore – Petition to remove “Bars” from Section of code where Smoking is Not Regulated

Apayo's commented her initiative was to remove bars from where smoking is not regulated in the City ordinance. She reported 14 communities in Alaska have implemented smoke free laws, of which 9 are 100% smoke free in bars. U.S. Surgeon General in 2010 warned there was no risk free level from exposure to second hand smoke, and the immediate and serious health effects from tobacco smoke inhalation in enclosed areas could be eliminated from eliminating smoking in public work areas. Studies had shown eliminating smoking in bars would have a negative impact on bar revenues. She was in support of looking to set better examples for the State and make the community cleaner and healthier for local citizens and visitors who would visit the bars more if smoking was eliminated. The Willow Tree Inn was in support of going smoke free and had increased their smoke-free events, and the Sea Inn was neither for nor against going smoke free. Her proposed ordinance change had received 186 likes on her Facebook page when it was posted earlier in the day.

Apayo was also in favor of proposed Ordinance No. 2013-07, noting she had signed the petition.

VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt 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

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to adopt Ordinance No. 2013-06.

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

- B. 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

MOTION: Paul Liedberg moved and Bob Himschoot seconded the motion to adopt Ordinance No. 2013-07.

Mayor Ruby referred the Council to the lay down entitled Information for Council Consideration to explain what was being proposed. She noted in reviewing the exemption proposed by Adam Kane, the Sub-Committee found some inconsistencies in the code:

- the current code exempted Native crafts, but didn't define if it was native artists or crafts.
- requirements for business licenses and collection of sales tax was a disincentive for small business owners, because of the cost of state and local business license;
- enforcing the code generated less revenue than the cost of enforcement to the City;
- City's effort to enforce sales tax requirements for small businesses reduced the time could be spent on the larger business owners not complying with code;
- current code allowed participants not to collect sales tax at regularly sponsored nonprofit events, thought it probably included Farmer's Market in summer, but not really sponsored by anyone;
- general lack of knowledge what it means to be a business, could partner with others to create a brochure; and
- business license code wasn't consistent with sales tax code, required to get a business license even though not required to collect sales tax, not sure if this was an error, reason for Ordinance No. 2013-08.

Discussion:

- commented that sales tax and business license fees might be exempted, but should require a license in order to know who was doing business in the community;
- noted the City couldn't enforce the requirement to have a state license;
- asked if the intent of the exemption on arts and crafts for all businesses making less than \$20,000 might be misunderstood to exempt businesses like N&N from sales tax on native arts and crafts, answered it was for arts and crafts only for all businesses with total yearly sales of less than \$20K; but could bring back additional wording to make it clear.

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to postpone adoption of Ordinance No. 2013-07 to the June 6 meeting.

VOTE: The motion to postpone adoption of Ordinance No. 2013-07 to the June 6 meeting passed unanimously.

- C. Adopt Ordinance No. 2013-08, An Ordinance of the Dillingham City Council Amending Chapter 4.16 of the Dillingham Municipal Code to Require a City Business License Only if Sales Exceed Ten Thousand Dollars in a Calendar Year

MOTION: Tracy Hightower moved and Paul Liedberg seconded the motion to adopt Ordinance No. 2013-08.

Mayor Ruby reported during the review of the sales tax, the members felt that the sales tax should complement the business license requirement. If a business owner grossed more than \$10,000 would need to apply for a business license, but would not have an obligation to collect sales tax unless sales were more than \$20K for arts and crafts.

Discussion:

- asked if the ordinance was only for arts and crafts why were taxis and vehicles for hire referenced, explained the \$20K was only for arts and crafts, and clarified this ordinance applied to businesses with gross sales of less than \$10K would be exempt from applying for a license, however, all taxi owners would be required to apply for a license no matter the amount of sales;
- concerned with using the honor system to decide if a business owner needed to apply for a license, if the city was going to apply a sales tax, needed to know who was doing business, would approve of waiving the fee if sales were less than \$10K, but needed a license;
- commented the committee settled on \$10K based on a large part of the population in Dillingham being in business, but for many it was not enough income to support cumbersome accounting, so chose a number that generated the most revenue for the City and require them to get a state and city license;
- noted the penalty for not applying kicked the City into the role of enforcement, and the return was so small, noting some people didn't consider what they were doing was conducting business;
- commented unless someone was doing their books on their business how would they know if they were generating more than \$10K; and
- commented would be helpful to know the financial impact if there was no licensing fee for a business owner generating gross sales of less than \$10K.

MOTION: Bob Himschoot moved and Keggie Tubbs seconded the motion to postpone adoption of Ordinance No. 2013-08 until the June 6 meeting.

VOTE: The motion to postpone adoption of Ordinance No. 2013-08 until the June 6 meeting passed unanimously.

It was discussed if the Code Review Committee was not able to meet and bring forward a recommendation to the June 6 Council meeting, would postpone again until the next regular meeting.

- D. Introduce Ordinance No. 2013-09, An Ordinance of the Dillingham City Council Authorizing Disposal of Municipal Property to Delta Western by Lease

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to introduce Ordinance No. 2013-09.

Manager Loera reported that the City's assessor had provided some of the numbers, but did not have a chance to evaluate a cap. She recommended postponing to the next meeting.

Discussion:

- asked if the lease was consistent with the harbor lease lot rates, answered the lease for the National Guard Armory was around \$2.00 a square foot, and the lots were around \$.21 per sq ft for unimproved property at the harbor;
- concerned with providing a cap on expenses for multi-dollar corporations when there were local business owners that weren't given a benefit;
- commented this wasn't Delta Western's only alternative, other options were more expensive, but was not in favor of a cap;
- commented Planning Commission had approved the plat segregating that parcel, discussed the sight did not appear to conflict with any other suggested uses after referencing the Comprehensive Plan, noting the parcel was tucked behind their tanks; and
- commented the Council could adopt a substitute version at the next meeting if need be.

VOTE: The motion to introduce Ordinance No. 2013-09 passed unanimously.

(The meeting recessed at 8:44 p.m. for a short break and was called back to order at 8:54 p.m..)

- E. Introduce Ordinance No. 2013-10, An Ordinance of the Dillingham City Council Amending Chapter 4.40 to Create a Denied Services List that will Terminate Eligibility for Municipal Services for Certain Individuals Whose Accounts are Past Due and to Create Procedures for Adding Such Persons to the List and to Amend Numerous References to the List in the Code for Clarity and Uniformity

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to introduce Ordinance No. 2013-10.

Manager Loera reported that the City had sent out notices of bad debt in mid-April with a 30 day period to contact the City to enter into a payment plan or make payment. She was asking the Council if the City should proceed with enforcement, or wait until June 6 meeting when the ordinance would be adopted. The ordinance was a cleanup of the old code, and would make it clear which services would be affected by the denied services list.

Discussion:

- commented the City should move forward with its enforcement proceedings as per existing code, citing the City used to advertise the denied services list.

VOTE: The motion to introduce Ordinance No. 2013-10 passed unanimously.

- F. Adopt Resolution No. 2013-22, A Resolution of the Dillingham City Council Authorizing the City Manager to Pursue Funding to Purchase a 10-Ton Waste Processing Equipment from Waste to Energy Canada for the Landfill

MOTION: Paul Liedberg moved and Bob Himschoot seconded the motion to adopt Resolution No. 2013-22.

Manager Loera commented the resolution had been vetted through the Attorney, who had cautioned the City against agreeing to purchase something when the City didn't have all the funding.

She asked the Council to amend the resolution as follows (new text underlined):

BE IT FURTHER RESOLVED that the Dillingham City Council authorizes the City Manager to continue to work with WTEC to negotiate an equipment supply contract following the procurement process for the Project for delivery to Dillingham in the spring of 2014 contingent on Project financing and City Council approval of the equipment supply contract.

She asked to add following the City's procurement process.

She was fairly certain that the system was unique and not available anywhere else at this scale. The equipment would go out to bid. The resolution authorized continuing to search for additional funding; currently had \$1.9M of \$3.2M to \$3.5M total. City had obtained the questionnaire to begin the process of applying for a Municipal Matching Loan at 1.5% interest, and had been contacted by EDA for an opportunity to apply for a grant for \$1M that could be awarded by June 27. She suggested making another charter to Egegik for those that would like to see the equipment.

Discussion:

- suggested removing "as well as contingencies in the event that the funding in the capital budget is cut" in the 8th Whereas;
- asked if the City could apply for a grant with AEA, noted it was possible and reps from AEA would be in town the following week;
- asked if EDA would provide funding for Waste-to-Energy Canada for a product that wasn't tied to Buy American Act; and
- suggested removing "but it is not yet known if this appropriation will be finally approved in the 7th Whereas".

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to amend Resolution No. 2013-22 with the noted changes.

VOTE: The motion to amend Resolution No. 2013-22 passed unanimously.

VOTE: The motion to adopt the amended Resolution No. 2013-22 passed unanimously.

G. Adopt Resolution No. 2013-23, A Resolution of the Dillingham City Council Approving the Collective Bargaining Agreement

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to table action on Resolution No. 2013-23 until after the executive session.

VOTE: The motion to table action on Resolution No. 2013-23 until after the executive session passed unanimously.

H. Adopt Resolution No. 2013-24, A Resolution of the Dillingham City Council Authorizing the City Manager to Award a Contract with Merrell Brothers, Inc. to Remove Sludge from Lagoons 1 and 2 of the Dillingham Waste Water Treatment Plant

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to adopt Resolution No. 2013-24.

Manager Loera commented the resolution would replace the action memorandum that was adopted at the previous Council meeting.

VOTE: The motion to adopt Resolution No. 2013-24 passed unanimously.

- I. Adopt Resolution No. 2013-25, A Resolution of the Dillingham City Council Authorizing the Mayor's Garage Sale to dispose of surplus equipment

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to adopt Resolution No. 2013-25.

Discussion:

- suggested removing the 4th Whereas, "the CBA shall take effect July 1, 2013, and will remain in full force and effect through June 30, 2016", that is was a obviously a clerical error.

VOTE: The motion to adopt Resolution No. 2013-25 with the removal of the 4th Whereas passed unanimously.

- J. Adopt Resolution No. 2013-26, A Resolution of the Dillingham City Council Authorizing the Extension of the Contract for Lobbying Services

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to adopt Resolution No. 2013-26.

Manager Loera noted the contract with Consulting Alaska and Fiskar North allowed the City to extend the contract if it was favorable with the Mayor, Council, and staff. The contract would increase from \$2,000 to \$3,000 a month.

Discussion:

- opined the lobbyists had done an excellent job, had given very good suggestions, and kept the Council and staff well informed; and
- commented when compared with other communities in Alaska, felt the rate was very reasonable.

VOTE: The motion to adopt Resolution No. 2013-26 passed unanimously.

- K. Adopt Resolution No. 2013-27, A Resolution of the Dillingham City Council Authorizing the Acceptance of the Federal Emergency Management Grant for the purchase of a new Fire Truck Tanker

MOTION: Paul Liedberg moved and Tracy Hightower seconded the motion to adopt Resolution No. 2013-27.

Manager Loera reported the City had applied for a FEMA grant in 2011 that was denied, had resubmitted it in 2012 using BBEDC funding, and awarded the grant in April 2013 for \$405,000 for a new pumper truck. A 5% match of \$20,250 would come from the ambulance fund, as agreed upon with the fire chief.

VOTE: The motion to adopt Resolution No. 2013-27 passed unanimously.

- L. Adopt Resolution No. 2013-28, A Resolution of the Dillingham City Council Adopting the Waste Water Treatment Plant Facility Plan

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to adopt Resolution No. 2013-28.

Manager Loera reported that she did not anticipate anything else would be needed to get the City in compliance. The City would adopt the resolution and a copy of the plan with a detail of the projects would be in the June 27 packet.

Discussion:

- commented was concerned with the process of adopting a resolution without seeing the formal plan; and
- asked to have a copy of the draft plan available at the June 6 meeting, either electronically or written.

She noted the reason for adopting it now was so it would be available when the City applied for DEC funding that opened in June, would provide additional points.

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to postpone adoption of Resolution No. 2013-28 to the June 27 meeting.

VOTE: The motion to postpone adoption of Resolution No. 2013-28 to the June 27 meeting passed unanimously.

- M. Adopt Resolution No. 2013-29, A Resolution of the Dillingham City Council Supporting the Revised Environmental Protection Agency Bristol Bay Watershed Assessment, and Supporting the EPA to Immediately Take Further Actions to Protect Bristol Bay

Keggie Tubbs reported the resolution originated out of a Tribal Council meeting earlier in the week supporting EPA's efforts to protect the Bristol Bay Watershed. The Tribe was looking for City support as well, and that it was consistent with action taken in the past to oppose Pebble Mine and support efforts along those lines.

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to adopt Resolution No. 2013-29 with the noted changes.

VOTE: The motion to adopt Resolution No. 2013-29 passed unanimously.

IX. UNFINISHED BUSINESS

- A. Citizen Committee Appointments – Cemetery Committee, 4 Seats

Mayor Ruby noted she did not have any additional names to present.

X. NEW BUSINESS

- A. Action Memorandum No. 2013-11, Rent out Senior Center Apartment

MOTION: Tracy Hightower moved and Bob Himschoot seconded the motion to adopt Action Memorandum No. 2013-11.

Manager Loera reported the Senior Center apartment had been reserved for new employees coming in, but was now recommending it could be rented out. The renter would help secure the building after events. The Senior Advisory Board was aware it would be rented out.

Discussion:

- commented to make sure the contract included smoking was not allowed, recognizing it was a smoke-free facility.

VOTE: The motion to adopt Action Memorandum No. 2013-11 passed unanimously.

- B. Action Memorandum No. 2013-12, Authorizing the City to Collaborate with Nushagak Electric for a Community Clean-Up, May 24 – 26, 2013

MOTION: Bob Himschoot moved and Paul Liedberg seconded the motion to adopt Action Memorandum No. 2013-12.

Manager Loera apologized for advertising prior to approval, but was given late notice of the event. Mayor Ruby noted the clean-up days were costly for the City, but was looked at as an investment in the community, and the three clean-up days were for bagged garbage only, but other items would need to be paid for.

Discussion:

- asked to be sure to calendar the event earlier in the year, that providing a late approval had happened before.

VOTE: The motion to adopt Action Memorandum No. 2013-12 passed unanimously.

- C. Action Memorandum No. 2013-13, Authorize the City Manager to Execute a Contract with Delta Western Inc. for the Purchase of Fuel and Gasoline at a Fixed Price Per Gallon for FY2014

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to adopt Action Memorandum No. 2013-13.

Manager Loera reported two bids had been submitted, Delta Western and Bristol Alliance.

VOTE: The motion to adopt Action Memorandum No. 2013-13 passed unanimously.

- D. Schedule Workshop and Special Meeting for June 13, 2013

1. Introduce FY 2014 Budget Ordinance

- 2. Adopt Resolution to Establish Mill Rate, Dates Taxes are Due and Delinquent, and Certify the Tax Roll

MOTION: Keggie Tubbs moved Paul Liedberg seconded the motion to schedule a workshop and a special meeting for June 13 beginning at 6:00 p.m. to discuss the budget and have a meeting with the items noted in the lay down.

VOTE: The motion passed unanimously.

- E. Reschedule June 20 Meeting to June 27

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to reschedule the June 20 meeting to June 27.

Mayor Ruby reported this meeting would be to adopt the ordinance approving the FY 2014 Budget.

Mayor Ruby reported the workshop for item point of sale previously scheduled for June 27 would be further reviewed with the Code Committee to recommend a meeting date and would bring the item back to the Council.

VOTE: The motion passed unanimously.

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

There was no citizen's discussion.

XII. COUNCIL COMMENTS

Tracy Hightower: no comment

Brenda Akelkok:

- commented several council packets had not been delivered when she was out of town, and wanted to be sure she received future packets when she was not in town.

Bob Himschoot:

- noted AEA would be in town the following week and wasn't sure if their rep had made contact with the City; and
- noted his work might take him out of town next week so wouldn't be available for the Finance and Budget Meeting Tuesday night.

Keggie Tubbs:

- noted he would be out of town for a few weeks, but could be available by phone for the Finance and Budget meeting and the June 6 Council meeting; and
- voiced concern with initiatives coming before the Council, felt they should be fielded through the committee process first and use the ballot initiative as a last resort.

City Clerk Williams commented Apayo had started the initiative process last year, and had dropped it off while she was on vacation. She informed Apayo that she could also make a presentation to the Council.

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to refer the issue that Apayo brought up to the Code Committee for a recommendation to the Council.

Discussion:

- agreed the citizen initiative should be at the end of the process, and suggested would have approached the bars first to see if they would do it voluntarily, and then if a change in the code was needed approach the City;
- recommended amending the motion to refer it to staff that had the time to work with the attorney, instead of always referring to Code Committee that was spending a lot of hours meeting to review code items;
- commented Council was the only group that had the authority to change code, staff could do the research, but it was the Council's job to address code;
- felt the committee process worked well, was more informal, and citizens could participate in the discussion; and
- commented when it involved personal choice felt it needed to go to the voters to decide.

VOTE: The motion failed with Bob Himschoot, Keggie Tubbs, and Paul Liedberg in favor of the motion, and Tracy Hightower and Brenda Akelkok opposed.

Keggie Tubbs:

- voiced his disappointment when issues would go directly to the voter without Council working through the process, felt they didn't have faith the Council could take care of it.

Paul Liedberg:

- commented the Planning Commission was researching into permitting issues related to the Knik gravel pit and would look to have some information for the next meeting;
- informed the Council of the vintage airplanes that would be on display on the airport on Sunday for a community event; and
- noted with all the tremendous amount of work going on it wouldn't happen without good staff, and gave staff a pat on the back.

XIII. MAYOR'S COMMENTS

Mayor Ruby:

- appreciated being reminded to say thanks to staff;
- noted she was hoping the Council would send Apayo's request to committee to see what the public impression was without having to go to an election;
- appreciated the Manager sending a thank you to PenAir for providing free transport for the K-9 dog and his handler, commenting Penair was always supportive, took a lot of heat, and donated a lot to the community including tickets for EMTs and firefighters that went in for training;
- noted she would bring some appointments to the Carlson Committee at the next meeting, commenting the veterans wanted to move on with a memorial;
- commented for the BOE meeting set for June 6, had assigned Paul, Tracy, and Bob, with Brenda as an alternative;
- asked everyone to recognize a moment of silence for all those lost since the last meeting;
- wished everyone a happy Memorial Day and to recognize a veteran.

IV. EXECUTIVE SESSION

- A. Legal Matter
 - 1. Union Discussions
 - 2. Gladden vs. City of Dillingham

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to go into executive session to discuss legal matters, Union Discussions and Gladden vs. City of Dillingham (10:02 p.m.).

GENERAL CONSENT: The motion passed without objection.

Finance Director Carol Shade was invited into the executive session.

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to come out of executive session [10:14 p.m.].

GENERAL CONSENT: The motion passed with no objection.

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to postpone Resolution No. 2013-23 to the June 6 meeting so the council could fully consider both union contracts at the same time.

XV. ADJOURNMENT

Mayor Ruby adjourned the meeting at 10:15 p.m.

Mayor Alice Ruby

ATTEST:

Janice Williams, City Clerk

Approval Date: _____

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-30

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL DECLARING THAT THE CITY OF DILLINGHAM IS OFFICIALLY A PURPLE HEART CITY

WHEREAS, the people of Dillingham, Alaska have a great admiration and the utmost gratitude for all men and women who have selflessly served their country, state, and the City of Dillingham in the armed forces;

WHEREAS, Veterans have paid the high price of freedom by leaving their families and communities and placing themselves in harm's way for the good of all;

WHEREAS, many men and women in uniform have given their lives, have been physically wounded, or mentally changed while serving in the armed forces;

WHEREAS, the contributions and sacrifices of the men and women of the City of Dillingham who have served in the armed forces have been vital in maintaining the freedoms and way of life enjoyed by the citizens of this country;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council declares that the City of Dillingham is officially a Purple Heart City to honor the service and sacrifice of our City's men and women in uniform changed, wounded, or killed by the enemy while serving to protect the freedom enjoyed by all Americans.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on June 6, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

**STATE OF ALASKA
THE LEGISLATURE**

2013

Source
HCR 2

**Legislative
Resolve No.**
4



Proclaiming the state as a Purple Heart State to honor the service and sacrifice of our nation's men and women in uniform wounded or killed by the enemy while serving to protect the freedom enjoyed by all Americans.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the people of the state have great admiration for and the utmost gratitude toward the men and women who have selflessly served their country and this state in the armed forces; and

WHEREAS veterans have paid the high price of freedom by leaving their families and communities and placing themselves in harm's way for the good of all; and

WHEREAS the contributions and sacrifices of the men and women of the state who have served in the armed forces have been vital in maintaining the freedoms and way of life enjoyed by the citizens of the state; and

WHEREAS many men and women have given their lives while serving in the armed forces; and

WHEREAS many citizens of our state have earned the Purple Heart Medal as a result

of having been wounded while engaged in combat with an enemy force, which is recognized as a singularly meritorious act of essential service;

BE IT RESOLVED that the Alaska State Legislature proclaims the state as a Purple Heart State to honor the service and sacrifice of our nation's men and women in uniform wounded or killed by the enemy while serving to protect the freedom enjoyed by all Americans.



Military Order of the Purple Heart

Matanuska-Susitna Chapter 663
PO Box 877844
Wasilla, AK 99687

MAY 08 2013

CITY OF DILLINGHAM

April 29, 2013

Dear Mayor Ruby,

The journey continues. Chapter 663 is actively working toward passage of our Purple Heart Resolution in Alaska's cities, boroughs, outlying communities and Tribal Councils.

Chartered by Congress in 1958, The Military Order of the Purple Heart is composed of military men and women who received the Purple Heart Medal for wounds suffered in combat. Although our membership is restricted to the combat wounded, we support all veterans and their families with a myriad of nation-wide programs by Chapters and National Service Officers.

Chapter 663's focus is to honor those men and women who have lived, or continue to live in the Alaska Greatland.

Passage of this resolution has been completed so far in the following Alaska communities:

- City of Wasilla, AK
- City of Palmer, AK
- City of Houston, AK
- City of Soldotna, AK
- City of Kenai, AK
- Matanuska-Susitna Borough

The State of Alaska is now recognized as the 5th 'Purple Heart State' behind:

- California
- Ohio
- Kentucky
- South Carolina
- (Alabama - pending)

Enclosed are copies of the city resolutions, including the one for Wasilla, the first Alaskan city to be recognized in Alaska. Wasilla's Honorable Mayor Verne Rupright, in concert with the Wasilla City Council unanimously approved this distinction while the Viet Nam Memorial Traveling Wall was on display in Wasilla.

If your community approves this resolution, we would greatly appreciate copy of the signed resolution for Chapter 663 records.

Warmest regards to you and our fellow Alaskans in Dillingham,

Ken Ross
Chapter Commander
MOPH Mat-Su Chapter 663

CODE ORDINANCE

Requested by: City Council
Introduced Ord. No. 2013-07: April 25, 2013
Public Hearing Ord. No. 2013-07 Scheduled for: May 9, 2013
Postponed to: May 23, 2013
Public Hearing Ord. No. 2013-07 Scheduled for: May 23, 2013
Postponed to June 6, 2013
Public Hearing Ord. No. 2013-07 Scheduled for June 6, 2013
Enacted:

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

CODE ORDINANCE

Requested by: City Council
Introduced Ord. No. 2013-07: April 25, 2013
Public Hearing Ord. No. 2013-07 Scheduled for: May 9, 2013
Postponed to: May 23, 2013
Public Hearing Ord. No. 2013-07 Scheduled for: May 23, 2013
Postponed to: June 6, 2013
Public Hearing Ord. No. 2013-07 Scheduled for: June 6, 2013
Substituted Ordinance No. 2013-07 (SUB-1): June 6, 2013
Enacted:

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-07 (SUB-1)

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.

1. This exemption for all arts and crafts designed and produced in the Bristol Bay Region shall apply to all businesses with total yearly sales of less than \$20,000 for all goods sold.

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

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

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: June 6, 2013

Council Action: At the May 23, 2013 Council meeting, the ordinance was postponed to June 6, 2013.

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

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

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

Other Attachment(s):

- Analysis – Information for Council Consideration
- Public Hearing was advertised in the May 30, 2013 edition of Bristol Bay Times.

A public hearing is always added to the agenda whenever an ordinance is up for adoption, even if it was already scheduled for a public hearing on a previous agenda and then postponed to a date certain, and always if it is coming back as a substitute ordinance. The reason I bring this up is because during the May 23 Council meeting, I was asked if it was necessary to hold another public hearing, and I answered not if the hearing had already opened for testimony. My answer was intended for the advertising part of the public hearing. I didn't intend to confuse the situation. Yes, another public hearing is appropriate.

Summary Statement.

At the April 25 meeting when the ordinance was introduced, Mayor Ruby explained the city had received a petition that if it had moved forward would have resulted in a ballot measure in October. The Council decided to send it to the Code Review Committee to see if it would be interested in making those changes. Code created a Sub-Committee that met over three meetings. The Sub-Committee recommended the Council adopt the Ordinance, which would expand the exemption for collecting sales tax to all arts and crafts, not just Native arts and crafts, as the code currently existed, and to add an exemption for homegrown fruits and vegetables and products from livestock. Committee discussed for the City to try to enforce the code with as many small businesses as there were was unmanageable. The committee had to research the \$20K cap that was recommended, the committee considered \$10K. Changing it to \$10,000 would have been considered substantive, and the petition would have had to go to the voters.

Mayor Ruby commented Adam Kane had presented his 20-page report, his peers were involved in arts and crafts sales and felt the burden of collecting sales tax was a disincentive

for being a small business. She noted an exemption already existed for Native arts and crafts, it was hard to define native arts and crafts, and his petition broadened it to all arts and crafts.

At the May 23 meeting, Mayor Ruby referred the Council to the lay down entitled Information for Council Consideration to explain what was being proposed. She noted in reviewing the exemption proposed by Adam Kane, the Sub-Committee found some inconsistencies in the code:

- the current code exempted Native crafts, but didn't define if it was native artists or crafts.
- requirements for business licenses and collection of sales tax was a disincentive for small business owners, because of the cost of state and local business license;
- enforcing the code generated less revenue than the cost of enforcement to the City;
- City's effort to enforce sales tax requirements for small businesses reduced the time could be spent on the larger business owners not complying with code;
- current code allowed participants not to collect sales tax at regularly sponsored nonprofit events, thought it probably included Farmer's Market in summer, but not really sponsored by anyone;
- general lack of knowledge what it means to be a business, could partner with others to create a brochure; and
- business license code wasn't consistent with sales tax code, required to get a business license even though not required to collect sales tax, not sure if this was an error, reason for Ordinance No. 2013-08.

During the discussion, a comment was made if the intent of the exemption on arts and crafts for all businesses making less than \$20,000 might be misunderstood to exempt businesses like N&N from sales tax on native arts and crafts, answered it was for arts and crafts only for all businesses with total yearly sales of less than \$20K; but could bring back additional wording to make it clear.

We suggested the following at the Council meeting to single out the last sentence, provide it with a subsection number (number 1) and add "of all goods". We are awaiting attorney advisement.

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.

1. This exemption for arts and crafts shall apply to all businesses with total yearly sales of all goods of less than \$20,000.

It was discussed if the Code Review Committee was not able to meet and bring forward a recommendation to the June 6 Council meeting, would postpone again until the next regular meeting.

INFORMATION FOR COUNCIL CONSIDERATION
PRESENTED MAY 23, 2013

page 1 of 4

Sub Committee directive: to review proposal and recommend whether Council should adopt revision or allow petition to go to election.

Sub-Committee assessment:

1. Petition identifies some inconsistencies in current city code.
2. The results of the petition proposal would **NOT** create a new exemption, rather it extends a current exemption that is already included in City Code.
3. The inconsistencies are not well understood and may generate unnecessary tension during the election.
4. Current Code exempts "Native" crafts (Note that code uses capital N). Not defined whether it means Native artist or Native
5. Current Code can be interpreted to encourage some small businesses while discouraging/discriminating against others, especially arts and crafts.
6. Requirement for business license and collection of sales tax is a disincentive for very small businesses.
7. Enforcing the code for every resident involved in small business would generate much less than the cost of the City.
8. Entrepreneurial activities are critical for assuring income to many. The benefits to the City in terms of money circulating within the community far outweigh income that might be derived from business license and sales tax collected directly from the entrepreneur.
9. City effort to enforce sales tax requirement on small businesses will reduce time that should be devoted to the large abusers.
10. Current code allows participants to not collect sales tax at regularly scheduled nonprofit events. Presumed to include Arts Council Bazaar, Beaver Round Up Craft Fair because they are sponsored by non-profit organizations. Probably includes the Farmer's Market though it is less clear. Probably does not include the "Vendor Blender". Some further clarity would be added by revision in code because businesses that meet requirements would not need business license or to collect sales tax.
11. There is a general lack of knowledge and a need for a partner project between chamber, campus and the City to educate the public on business requirements. Maybe a brochure to enlighten.

Amendment of the business license code is not a part of the petition, but is recommended by Sub-Committee:

1. Sub Committee identified some inconsistencies in the current code for business licenses while assessing the petition impacts.
2. Business licenses required by businesses that are not required to collect or remit sales tax which appeared to be an unnecessary burden.
3. Business licenses requirements in general are covered in DMC Title 4 (Revenue and Finance) while DMC Title 6, which is titled Business Licenses and Regulations contains language only about Transient Vendors.

Information for Council Consideration

Current vs Proposed Sales Tax

Comparison	Current Code	Proposed Revision
	4.20.030 Imposition of tax.	
	A. There shall be levied and collected within the city a tax on all sales at retail made within the city, all professional or occupational services, all materials furnished and services rendered in connection with the accomplishment of a specific project or end product, all rental of property, facilities and accommodations. The applicable tax rate (see Section 4.20.080A) shall be added to the sales price	
	4.20.050 Exemptions.	4.20.050 Exemptions.
	The tax levied shall not apply to the following:	The tax levied shall not apply to the following:
	K. An isolated sale not made in the regular course of business of the seller;	
	M. Sales of property at temporary venues for annual civic events which serve to promote Dillingham to residents of Bristol Bay villages or to tourists	
	N. Sale of Native arts and crafts by the artist; except that this exemption shall not apply to businesses with a fixed location which sell Native arts and crafts as dealer, broker or agent;	N. Sale of all arts and crafts designed or produced in the Bristol Bay Region; this exemption shall apply to all businesses including those with a fixed location which sell 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.
	V. Fees earned for child care services;	
		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.
Projected Fiscal Impact		decrease of \$2,000 in sales tax revenue based on currently filed sales tax reports

Information for Council Consideration

Current vs Proposed Business License

Comparison

Current Code

4.16.010 General.

In order to operate a business within the city, it is necessary to obtain a Dillingham business license. This chapter shall be known as the Dillingham Business License Ordinance. (Ord. 92-13 § 1 (part), 1992.)

Proposed Revision

4.16.010 General.

4.16.020 Definitions.

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

“Business” means 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.

Business means:

A. A person (as defined in Section 4.20.020), partnership, corporation or company of any sort providing goods or services within the city 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 or monthly 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. (Ord. 92-13 § 1 (part), 1992.)

Information for Council Consideration

"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.

4.16.030 Application for license.

B. The applicant shall also certify that the business has or has applied for an Alaska Business License if required by state law,

AR note: Alaska Business License \$50 for new/renewal

4.16.040 Fee.

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

- A. Regular license fee, fifty dollars per year.
- B. Home business (fee waived upon request) and signing of certification by applicant. deleted
- C. All participants in nonprofit sponsored events where home craft items are sold, no license will be required.
- D. Regularly operated nonprofit events will be required to file an application to be exempted from paying a license fee. (Ord. 92-13 § 1 (part), 1992; Ord. 98-3 § 1 (part), 1998.)

4.20.050 Exemptions

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

Projected Fiscal Impact



NOTICE OF A PUBLIC HEARING Public Hearing on Ordinance Nos. 2013-07, 2013-08, 2013-09, and 2013-10

City Of Dillingham will hold a Public Hearing on Thursday, June 6, 2013, at 7:00 P.M. in the City Council Chambers for the purpose of taking comment from the public on the following ordinances:

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

Adopt Ordinance No. 2013-08, An Ordinance of the Dillingham City Council Amending Chapter 4.16 of the Dillingham Municipal Code to Require a City Business License Only if Sales Exceed Ten

Thousand Dollars in a Calendar Year and Exempt Sales of Goods and Services Made by Persons Not Required to Obtain a Business License

Adopt Ordinance No. 2013-09, An Ordinance of the Dillingham City Council Authorizing Disposal of Municipal Property to Delta Western by Lease

Adopt Ordinance No. 2013-10, An Ordinance of the Dillingham City Council Amending Chapter 4.40 to Create a Denied Services List that will Terminate Eligibility for Municipal Services for Certain Individuals Whose Accounts are Past Due and to Create Procedures for Adding Such Persons to the List and to Amend Numerous References to the List in the Code for Clarity and Uniformity

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

Requested by: City Council
Introduced Ord. No. 2013-08: April 25, 2013
Public Hearing Ord. No. 2013-08 Scheduled for: May 9, 2013
Postponed to: May 23, 2013
Public Hearing Ord. No. 2013-08 Scheduled for: May 23, 2013
Postponed to: June 6, 2013
Public Hearing Ord. No. 2013-08 Scheduled for: June 6, 2013
Enacted:

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 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 or 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: June 6, 2013

Council Action: At the May 23, 2013 Council Meeting, this ordinance was postponed to June 6 Regular Council Meeting.

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 May 30, 2013 edition of Bristol Bay Times.

A public hearing is always added to the agenda whenever an ordinance is up for adoption, even if it was already scheduled for a public hearing on a previous agenda and then postponed to a date certain, and always if it is coming back as a substitute ordinance. The reason I bring this up is because during the May 23 Council meeting, I was asked if it was necessary to hold another public hearing, and I answered not if the hearing had already opened for testimony. My answer was intended for the advertising part of the public hearing. I didn't intend to confuse the situation. Yes, another public hearing is appropriate.

Summary Statement.

Mayor Ruby reported that the code required all businesses to get a business license. The committee felt there were many people doing business in the community on a small scale, or were prevented from doing business because of the requirement for a business license. The committee recommended an ordinance that would require getting a business license and collecting sales tax if gross sales exceeded \$10K, providing examples of those selling wood, fixing furnaces, etc. that were not obtaining business licenses.

Mayor Ruby reported during the review of the sales tax, the members felt that the sales tax should complement the business license requirement. If a business owner grossed more than \$10,000 would need to apply for a business license, but would not have an obligation to collect sales tax unless sales were more than \$20K for arts and crafts.

Discussion:

- asked if the ordinance was only for arts and crafts why were taxis and vehicles for hire referenced, explained the \$20K was only for arts and crafts, and clarified this

ordinance applied to businesses with gross sales of less than \$10K would be exempt from applying for a license, however, all taxi owners would be required to apply for a license no matter the amount of sales;

- commented it would be helpful to know the financial impact if there was no licensing fee for a business owner generating gross sales of less than \$10K.

It was discussed if the Code Review Committee was not able to meet and bring forward a recommendation to the June 6 Council meeting, would postpone again until the next regular meeting.



NOTICE OF A PUBLIC HEARING
Public Hearing on Ordinance Nos. 2013-07,
2013-08, 2013-09, and 2013-10

City Of Dillingham will hold a Public Hearing on Thursday, June 6, 2013, at 7:00 P.M. in the City Council Chambers for the purpose of taking comment from the public on the following ordinances:

- 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
- Adopt Ordinance No. 2013-08, An Ordinance of the Dillingham City Council Amending Chapter 4.16 of the Dillingham Municipal Code to Require a City Business License Only if Sales Exceed Ten Thousand Dollars in a Calendar Year and Exempt Sales of Goods and Services Made by Persons Not Required to Obtain a Business License
- Adopt Ordinance No. 2013-09, An Ordinance of the Dillingham City Council Authorizing Disposal of Municipal Property to Delta Western by Lease
- Adopt Ordinance No. 2013-10, An Ordinance of the Dillingham City Council Amending Chapter 4.40 to Create a Denied Services List that will Terminate Eligibility for Municipal Services for Certain Individuals Whose Accounts are Past Due and to Create Procedures for Adding Such Persons to the List and to Amend Numerous References to the List in the Code for Clarity and Uniformity

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

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-09 (SUB-1)

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE DISPOSAL OF MUNICIPAL PROPERTY TO DELTA WESTERN BY LEASE

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Authority. This ordinance is adopted pursuant to authority granted by DMC 5.30.100, Leases, easements and rights-of-way.

Section 2. Classification. This is a non-Code ordinance.

Section 3. Authorization of Lease. The City Council hereby authorizes the disposal of an interest by lease substantially upon the terms and conditions contained in the lease agreement for a period of up to ten years with periodic renewal provisions up to 100 years.

Section 4. Legal Description. Lot 1 USS 2541, Section 21, Township 13 South, Range 55 West, Seward Meridian, consisting of 3,706.46 ft².

Section 5. Findings. The City Council hereby finds that the disposal is for a public purpose, in that the leasing of this land will provide protection from oil spills for the Nushagak River and shoreline.

Section 6. Type of Disposal. A non-exclusive right to use the property by a lease agreement solely for the purpose of allowing citizens to use property within the Harbor for a term to be identified in the lease agreement.

Section 7. Value of City's Interest. Based on the current assessment of the Property, the City estimates the fair market value of the right to use the Property upon the terms and conditions set forth in the lease agreements at \$1.50 a square foot per year. Applying \$1.50 per square ft. per year is \$5,559.69 a year for the parcel. The property will be appraised again and the lease agreement reviewed for revision in 5 years.

Section 8. Time, Place and Manner in Which Disposal Shall Occur. The actual disposal shall occur following approval of this ordinance at the regularly scheduled City Council meeting of June 27, 2013. At this time, the thirty (30) day provision of DMC 5.30.030 will have been met. At least thirty days is required between the time the disposal ordinance is introduced and the time that it is finally adopted by the City Council.

Section 9. 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: An ordinance of the Dillingham City Council Authorizing Disposal of Municipal Property to Delta Western by Lease

Agenda of: June 6, 2013

Council Action: This ordinance was introduced at the May 23, 2013 Regular Council Meeting. It requires a 30 day noticing period and will be up for adoption June 27. Comment was made the Council could adopt a substitute version at the next meeting (June 6) if need be.

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

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

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

Other Attachment(s):

- Public Hearing was advertised in the May 30, 2013 edition of Bristol Bay Times.

A public hearing is always added to the agenda whenever an ordinance is up for adoption, even if it was already scheduled for a public hearing on a previous agenda and then postponed to a date certain, and always if it is coming back as a substitute ordinance. The reason I bring this up is because during the May 23 Council meeting, I was asked if it was necessary to hold another public hearing, and I answered not if the hearing had already opened for testimony. My answer was intended for the advertising part of the public hearing. I didn't intend to confuse the situation. Yes, another public hearing is appropriate.

Summary Statement.

Section 7. Value of City's Interest, has been amended to include the cost per square foot (\$1.50 square foot), to remove the reference to cap, and to insert 3 years for the lease agreement to be reviewed.

The Council will be asked to amend Ordinance No. 2013-09 by substituting Ordinance No. 2013-09 (SUB-1) and scheduling it for a public hearing June 27, 2013.



**NOTICE OF A PUBLIC HEARING
Public Hearing on Ordinance Nos. 2013-07,
2013-08, 2013-09, and 2013-10**

City Of Dillingham will hold a Public Hearing on Thursday, June 6, 2013, at 7:00 P.M. in the City Council Chambers for the purpose of taking comment from the public on the following ordinances:

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

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

Adopt Ordinance No. 2013-09, An Ordinance of the Dillingham City Council Authorizing Disposal of Municipal Property to Delta Western by Lease

Adopt Ordinance No. 2013-10, An Ordinance of the Dillingham City Council Amending Chapter 4.40 to Create a Denied Services List that will Terminate Eligibility for Municipal Services for Certain Individuals Whose Accounts are Past Due and to Create Procedures for Adding Such Persons to the List and to Amend Numerous References to the List in the Code for Clarity and Uniformity

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

ORDINANCE NO. 2013-10

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 4.40 TO CREATE A DENIED SERVICES LIST THAT WILL TERMINATE ELIGIBILITY FOR MUNICIPAL SERVICES FOR CERTAIN INDIVIDUALS WHOSE ACCOUNTS ARE PAST DUE AND TO CREATE PROCEDURES FOR ADDING SUCH PERSONS TO THE LIST AND TO AMEND NUMEROUS REFERENCES TO THE LIST IN THE CODE FOR CLARITY AND UNIFORMITY

WHEREAS, the City desires to establish a Denied Services List that will better allow it to limit access to city services for people and business that are delinquent or have past due accounts with the City; and

WHEREAS, the City desires to implement uniform procedures for adding delinquent persons and citizens to the Denied Services List; and

WHEREAS, the current Code contains many references to a similar list but is unclear, repetitive, and needs clarification in order to allow fair and impartial enforcement while also protecting the rights of all persons and business potentially subject to service termination;

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

Section 1. Classification. This is a code ordinance.

Section 2. Amendment of Section 2.42.100. Section 2.42.100 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are **underlined and emboldened** and deletions are shown as ~~strikethrough~~.)

2.42.100 Denial of facilities, equipment or services.

- A. When moorage facilities are crowded, the port director may refuse mooring facilities.
- B. The port director may refuse moorage to any vessel that is or may become a fire hazard or otherwise become a menace to the safety or welfare of other boats or their occupants.
- C. As a condition to permitting a vessel access to mooring facilities, the port director may require satisfactory evidence of seaworthiness of the vessel or evidence of adequate insurance coverage.
- D. The port director may refuse moorage facilities or other services or equipment to any person or vessel in violation of the provisions of this chapter or delinquent in the payment of any authorized fee or charge. **Any person, business, or vessel that is delinquent in the payment of any authorized fee or charge may be added to the Port's delinquent list pursuant to Rule 34.1 of the Port of Dillingham Terminal Tariff No. 400 and/or to the City's Denied Services List using the procedures set forth in Chapter 4.40 of this Code.**

E. An owner or operator of a vessel may not fail or refuse to remove the vessel from the small boat harbor and any facilities in the Port of Dillingham, after the port director has notified the owner or operator of the vessel that moorage or mooring facilities are refused, terminated or withdrawn.

1. Notice of refusal, withdrawal, or termination of facilities or other services or equipment to a vessel that is not registered may be given verbally by the port director and shall be effective immediately.
2. Notice of refusal, withdrawal, or termination of moorage facilities to a registered vessel may be given by the port director verbally or in writing. Verbal notice relating to services and equipment shall be effective immediately. Verbal or written notice personally delivered to the owner or operator relating to the refusal, withdrawal, or termination of mooring facilities shall be effective twenty-four hours after the time of delivery unless a later effective date is specified in writing.
3. Written notice of refusal, withdrawal, or termination of mooring for a registered vessel may be mailed to the address designated on the registration information or may be posted in a conspicuous place on the vessel. A written notice that is posted or mailed shall be effective at four-thirty p.m. on the fifth day following posting or mailing of such notice. (Ord. 08-05 § 2 (part), 2008.)

Section 3. Amendment of Section 4.16.060. Section 4.16.060 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are **underlined and emboldened** and 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 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 separate offense. 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 may also have any person 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 of the port of Dillingham **and/or to the City's Denied Services List using the procedures set forth in Chapter 4.40 of this Code.**

Section 4. Amendment of Chapter 4.20. Chapter 4.20 of the Dillingham Municipal Code is hereby amended by repealing Sections 4.20.240, 4.20.250, and 4.20.260.

~~4.20.240 Delinquent list.~~

~~The city shall maintain an accurate list of each seller who is in violation of this chapter by reason of their failure to file a return or failure to remit or collect taxes which should have been collected or remitted. The city shall provide written notice to each person on the delinquent list of the city's intent to terminate their eligibility for municipal utility and port and harbor services if the delinquency is not cured within thirty days of the mailing of the notice. Said notice shall also include the name and telephone number of the municipal employee to contact if the delinquency is contested, and notice of the availability of an informal hearing to resolve contested matters prior to the proposed date for termination of services. (Ord. 00-03 § 1 (part), 2000.)~~

~~4.20.250 Failure to cure delinquency.~~

~~A. If a seller fails to either cure their delinquency, or request an informal hearing in order to contest placement on the delinquent list, within the time specified in the notice required by Section 4.20.240, the city may proceed to terminate the seller's municipal utility and port and harbor services in accordance with the provisions for termination of those services contained in this code or any applicable tariff.~~

~~B. If the seller fails to either cure their delinquency or request an informal hearing in order to contest placement on the delinquent list within the time allowed, the city may publish the names of delinquent taxpayers in a newspaper of general circulation within the city. (Ord. 00-03 § 1 (part), 2000.)~~

~~4.20.260 Effect of contest of delinquency.~~

~~If a seller requests an informal hearing in order to contest placement on the delinquent list, municipal services shall not be terminated until after the informal hearing has been held, and then only in the event the delinquency remains uncured following the conclusion of the informal hearing.~~

Section 5. Amendment of Section 4.30.020. Chapter 4.30.020 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are **underlined and emboldened** and deletions are shown as strikethrough.)

4.30.020 Procedures, generally.

A. Every undertaking of the city involving the expenditure of city money shall be in writing in the form of a purchase order, credit card, travel voucher or of a contract, as may be appropriate, and no officer or employee of the city shall have authority to enter into any oral agreement involving the expenditure of money. The city manager and city clerk shall sign all contracts on behalf of the city, and the city manager and the treasurer shall sign all purchase orders.

B. The city manager shall establish procedures for emergency purchases and may provide for a petty cash fund and purchases.

C. The treasurer shall examine all payrolls, bills, claims and other demands of the city, and shall issue no warrant for payment unless the claim is in proper form, correctly computed and approved, and is legally due and payable and appropriation has been made thereof which has not been exhausted and unless there is sufficient money in the city treasury to make payment.

D. The city shall not contract for purchase, or issue purchase authorization for any supplies, materials, equipment or services for the city, or contract for the construction, repair or improvement of city facilities with any person and/or business on the delinquent list maintained by the Port of Dillingham pursuant to Rule 34.1 of the Port of Dillingham Terminal Tariff No. 400 or on the **Denied Services List** delinquent list maintained by the city pursuant to Section **4.40.010** 4.20.240 of this code.

E. The city shall not sell surplus, obsolete or unusable personal property of the city or personal property seized by the city for payment of debts owed to the city to any person and/or business on the delinquent list maintained by the Port of Dillingham pursuant to Rule 34.1 of the Port of Dillingham Terminal Tariff No. 400, or on the **Denied Services List** delinquent list maintained by the city pursuant to Section **4.40.010** 4.20.240 of this code.

Section 6. Amendment of Section 4.36.050. Chapter 4.36.050 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are **underlined and emboldened** and deletions are shown as ~~strikethrough~~.)

4.36.050 Persons and/or businesses ineligible to purchase personal property.

The city shall not sell surplus, obsolete or unusable personal property of the city or property seized by the city for payment of debts owed to the city to any person and/or business on the delinquent list maintained by the Port of Dillingham pursuant to Rule 34.1 of the Port of Dillingham Terminal Tariff No. 400 or on the **Denied Services List** delinquent list maintained by the city pursuant to Section **4.40.010** 4.20.240 of this code.

Section 7. Amendment of Chapter 4.40. Chapter 4.40 of the Dillingham Municipal Code is hereby amended by adding the following sections:

4.40.010 Denied Services List.

A. The City shall maintain an accurate list of all persons, businesses, and vessels which, for reasons specified in this Code or the Tariff of the Port of Dillingham, have been designated for inclusion on the Denied Services List. The Denied Services List includes, but is not limited to, those persons, businesses, and vessels included on the "Delinquent List" established by Rule 34.1 of the Port of Dillingham Terminal Tariff.

B. A person, business, or vessel may be included on the Denied Services List for any reason specified in this Code or in the Port of Dillingham Terminal Tariff. In addition to the reasons identified elsewhere, a person, business, or vessel may be designated for inclusion on the Denied Services List if the person, business, or vessel has a past due account with the City in excess of \$100 for more than thirty days as a result of any of the following:

1. Real or personal property taxes
2. Dock and harbor fees
3. Public Safety Enforcement Fees
4. Failure to obtain or submit fees for a city business license
5. Failure to obtain a certificate of authority to collect sales taxes or to properly file sales tax returns
6. Failure to timely remit amounts due for municipal water and waste water

4.40.020 City services not to be provided.

- A. No person, vessel, or employee or agent of a business that is included on the Denied Services List shall be permitted to use City services, including the following:
1. Dock and harbor access
 2. Water and waste water
- B. No person or business that is included on the Denied Services List may be awarded a City contract, purchase property from the City, or be hired as a city employee.
- C. The City Manager may waive the restrictions in this section if the listed person, business, or vessel owner enters a repayment plan with the City and is not delinquent on the repayment plan at the time the contract, purchase, or employment is executed.

4.40.030 Notice and opportunity to cure required. Before listing any person, business, or vessel on the Denied Services List, the city shall provide written notice to the person, business, or owner of the vessel of the city's intent to terminate eligibility for City services if the reason for inclusion on the List is not cured within thirty days of the date the notice is mailed. The notice shall also include the name and telephone number of the municipal employee to contact if the delinquency is contested, and notice of the availability of an informal hearing before the Finance Director to resolve contested matters prior to the proposed date for termination of services.

4.40.040 Failure to cure.

- A. If the person or business fails to either cure the delinquency or request an informal hearing to contest placement on the Denied Services List within the time specified in the notice required by DMC 4.40.030, the city may terminate the municipal services.
- B. If the person or business fails to either cure the delinquency or request an informal hearing in order to contest placement on the delinquent list within the time allowed, the city may publish the names of delinquent persons and entities in a newspaper of general circulation within the city.

4.40.050 Effect of contest of delinquency. If a person or business requests an informal hearing in order to contest placement on the Denied Services List, the person or business shall not be placed on the List until the hearing has been held and a determination made that the reason for inclusion on the List is valid under this Code, the Port of Dillingham Tariff, or the laws of the State of Alaska. If such a determination is reached, the person or business shall be placed on the Denied Services List unless the delinquency is cured within ten days of the informal hearing.

4.40.060 Removal from List. Any entity or person which is included on the Denied Services List shall not be removed until the City Manager, after consulting with the Finance Director, declares in writing that the person or business has cured the delinquency that required the person to be included on the List.

Section 8. Amendment of Section 8.04.090. Chapter 8.04.090 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are **underlined and emboldened** and deletions are shown as ~~strikethrough~~.)

8.04.090 Provision of other services—Denied Services List Delinquent list.

- A. No person shall be permitted to obtain municipal utility or port and harbor services from the city unless they demonstrate to the satisfaction of the city that they:

1. Have entered into a contract with a refuse collection service for the collection of refuse from all real property or improvements thereto of which they are the owner or occupant, and that the refuse collection is capable of disposing of refuse in strict accordance with the provisions of this chapter; or
2. Have in place adequate facilities to collect, store and transport refuse themselves from all real property or improvements of which they are the owner or occupant, in strict accordance with the provisions of this chapter; or
3. Have complied with Section 8.04.050(C).

~~B. Any person who has not demonstrated compliance with the provisions of this section by August 1, 1998, or who subsequently violates any provision of this chapter may be placed **on the City's Denied Services List using the procedures set forth in Chapter 4.40 of this Code**, on the delinquent list. The city shall provide written notice to each person on the delinquent list of the city's intent to terminate their eligibility for municipal utility and port and harbor services if the delinquency is not cured within thirty days of the date of the notice. Said notice shall also include the name and telephone number of the municipal employee to contact if the delinquency is contested, and notice of the availability of an informal hearing to resolve contested matters prior to the proposed date for termination of services.~~

~~C. If a person fails to either cure their violation or request an informal hearing in order to contest placement on the delinquent list within the time specified in the notice required by subsection B of this section, the city may proceed to terminate that person's municipal utility and port and harbor services in accordance with the provision for termination of those services contained in this code or any applicable tariff.~~

~~D. If a person requests an informal hearing in order to contest placement on the delinquent list, municipal services shall not be terminated until after the informal hearing has been held, and then only in the event the violation remains uncured following the conclusion of the informal hearing.~~

Section 9. Amendment of Section 13.20.016. Section 13.20.016 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are **underlined and emboldened** and deletions are shown as strikethrough.)

13.20.016 Shutoff of persons on the Denied Services List delinquent list.

The sewer may be disconnected to any premises owned or occupied by a person or business who has been placed on **the delinquent list maintained by the Port of Dillingham pursuant to Rule 34.1 of the Port of Dillingham Terminal Tariff, or on the Denied Services List maintained by the City using the procedures set forth in Chapter 4.40 of this Code**, any delinquent list maintained by the city, and who has been provided notice and an opportunity for an informal hearing in accordance with the provisions of this code, and who has failed to cure the delinquency within a period of sixty days after notice of their placement on any delinquent list was mailed.

Section 10. Amendment of Section 14.20.021. Section 14.20.021 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are **underlined and emboldened** and deletions are shown as strikethrough.)

14.20.021 Shutoff of persons on delinquent list.

The water supply may be shut off to any premises owned or occupied by a person or business who has been placed on **the delinquent list maintained by the Port of Dillingham pursuant to**

Rule 34.1 of the Port of Dillingham Terminal Tariff, or on the Denied Services List maintained by the City using the procedures set forth in Chapter 4.40 of this Code. any delinquent list maintained by the city, and who has been provided notice and an opportunity for an informal hearing in accordance with the provisions of this code, and who has failed to cure the delinquency within a period of sixty days after notice of their placement on any delinquent list was mailed.

Section 11. 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: An Ordinance of the Dillingham City Council Amending Chapter 4.40 to Create a Denied Services List that will Terminate Eligibility for Municipal Services for Certain Individuals Whose Accounts are Past Due and to Create Procedures for Adding Such Persons to the List and to Amend Numerous References to the List in the Code for Clarity and Uniformity

Agenda of: June 6 , 2013

Council Action: This ordinance was introduced May 23, 2013 and is scheduled for adoption June 6, 2013.

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 May 30, 2013 edition of Bristol Bay Times.

Summary Statement.

This ordinance was vetted through the Code Review Committee and is being recommended for adoption. Staff added language to services would be denied if the person was in arrears over \$100 and over 90 days for any of the following items unless they were currently on a repayment plan:

1. Real property taxes
2. Personal property taxes
3. Dock and harbor fees
4. Public safety enforcement fees
5. Business license/sales tax
6. Water and wastewater

The services denied for nonpayment of the items listed above would be:

1. Dock and harbor fees
2. Water and waste water

References in the code to a delinquent list have been replaced with denied services list for consistency. A person would receive a letter 30 days in advance, notifying them that they could lose access to a service for nonpayment of a debt. The committee suggested reviewing other services to be denied access after the ordinance had been in place for a year.



**NOTICE OF A PUBLIC HEARING
Public Hearing on Ordinance Nos. 2013-07,
2013-08, 2013-09, and 2013-10**

City Of Dillingham will hold a Public Hearing on Thursday, June 6, 2013, at 7:00 P.M. in the City Council Chambers for the purpose of taking comment from the public on the following ordinances:

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

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

Adopt Ordinance No. 2013-09, An Ordinance of the Dillingham City Council Authorizing Disposal of Municipal Property to Delta Western by Lease

Adopt Ordinance No. 2013-10, An Ordinance of the Dillingham City Council Amending Chapter 4.40 to Create a Denied Services List that will Terminate Eligibility for Municipal Services for Certain Individuals Whose Accounts are Past Due and to Create Procedures for Adding Such Persons to the List and to Amend Numerous References to the List in the Code for Clarity and Uniformity

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

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-11

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 4.15, REAL AND PERSONAL PROPERTY, SECTION 4.15.185 TO AMEND THE INTEREST RATE APPLICABLE TO DELINQUENT PROPERTY TAXPAYERS IN AN ECONOMIC DISASTER YEAR, ADDING SECTION 4.15.365 REPAYMENT PLAN, AND AMENDING CHAPTER 4.20M REAL AND PERSONAL PROPERTY, SECTION 4.20.265 PERMITTING THE CITY TO ENTER INTO REPAYMENT PLANS WITH DELINQUENT TAXPAYERS

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Amendment of Section 4.15.185. Section 4.15.185 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and **emboldened** and deletions are shown as strikethrough.)

4.15.185 Disaster declaration

Upon declaration of the city council of an economic disaster in any year, a taxpayer shall not be required to pay the penalty for late payment of real or personal property taxes, shall not be subject to force filing fees for personal property taxes under Section 4.15.100, and ~~shall be afforded a one-half reduction in interest owed~~ **shall be assessed a reduced interest rate of three percent interest** under Section 4.15.180 for taxes due for real or personal property during the calendar year that the economic disaster declaration is made; provided that, prior to October 30th of that year, or one month after the economic disaster declaration is made, whichever is later, the **taxpayer enters into a repayment plan agreement as set forth in DMC 4.15.365 and does not default on the repayment plan.** ~~taxpayer enters into an agreement with the city on forms provided by the city to pay the tax and interest due to the city in quarterly or more frequent installments. If a taxpayer fails to pay two or more payments as agreed under any such agreement, the full penalty, force filing fees and interest which would have accrued under Section 4.15.180 shall be due and owing to the city immediately after the second missed payment as if no payment had been made. For the year 2001, taxpayers may apply for the waiver of penalty, force filing fees and for a reduction in interest for payment of real and personal property taxes due for 2001 under this section on or before December 31, 2001.~~

Section 3. Amendment of Section 4.15.230(C)(2)(b). Section 4.15.230(C)(2)(b) of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and **emboldened** and deletions are shown as strikethrough.)

- C. Collection by Distraint and Sale.
 - 1. Persons Subject to Enforcement. If, at any time a taxpayer is more than six months delinquent in any of the sales or personal property taxes levied by the city due the city,

he/she shall be subject to the enforcement procedures provided in this chapter, which are in addition to any other enforcement procedures already provided for and is not exclusive.

2. Dstraint. The lien of personal property taxes and other nonreal taxes may be enforced by dstraint and sale of the personal property of the person assessed. The procedure shall be as follows:

a. Demand shall be made of the person assessed by sending him/her a notice of the amount of tax due, the penalty and interest and the total and notice to the effect that if the taxes and all penalty and interest are not paid by a date certain which date shall not be less than thirty days from the date of mailing, that his/her personal property shall be subject to dstraint and sale. The notice shall be sent by certified mail, return receipt requested or may be served in person with return of the person making service. The notice shall be signed by the city clerk.

b. If no payment is made within the time specified or in accordance with any repayment plan authorized by this chapter ~~extension agreed to in writing between the parties~~, the city clerk shall issue a warrant directed to an enforcement officer of the city to be designated by the city manager, direct him to seize, levy upon, dstraint, and sell by public auction such personal property of the person assessed as the tax may have been levied upon, and that if the same is not sufficient to satisfy the tax, penalty, interest, costs, and expenses of sale, such warrant may authorize seizure, levy, dstraint and sale of such other personal property of the person against whom the tax was assessed as may be sufficient to satisfy such tax, penalty, interest, costs and expenses of sale.

i. No sale of any property may be made without at least fifteen days' notice being given by publishing a notice of the sale at least two times in a newspaper of general circulation within the city, or if there is no such newspaper, by posting within the times stated a notice in seven public places within the city, and by mailing by certified first class prepaid mail a copy of the notice to the person assessed.

ii. Sale. The sale of such property shall be made at public auction and such personal property shall be sold to the highest bidder for cash. All sales of personal property shall be made at a time of day to be fixed by the city clerk in such notice, and the same shall be fixed between the hours of ten a.m. and five p.m. of the day of the sale, and the sale may be adjourned by the city clerk from day to day for want of purchasers of sufficient bids, or if for any valid reason the city clerk is prevented from attending at the time and place set for the sale, the sale may be adjourned and continued from day to day if necessary until all of such personal property has been sold to pay the costs and expenses provided in this chapter, and the tax, penalty and interest in full.

iii. From the proceeds of the sale which shall convey all the right title and interest of the person assessed, shall be paid, in the following order: the actual expenses of sale, tax, penalty, interest, and other costs including attorney's fees.

iv. Schedule of Costs. The following shall be the schedule of costs and attorney's fees:

(A) If redemption is made prior to sale:

(1) Actual costs of seizing and preserving the property;

(2) Actual costs of publication and giving notice;

(3) Attorney's fees in the amount of twenty percent of the first one hundred dollars, but with a minimum of ten dollars, fifteen percent of the next five hundred dollars and ten percent thereafter.

- (B) If no redemption is made before the property is sold:
 - (1) All costs stated above plus any actual accruing costs;
 - (2) Attorney's fees in addition to those stated of fifteen percent of the first one hundred dollars but with a minimum of ten dollars, five percent of the balance.
- v. Any remaining sums shall be returned to the person assessed, or if not claimed within six months shall become the property of the city, and sale is forever barred.
- vi. The city clerk shall apply the proceeds of the sale in the manner set forth, and shall keep a record of all such sales and all such proceedings, and shall keep on file the returns of the city clerk relating thereto, and in all cases of sale of personal property, the city clerk shall, if requested, give the purchaser a bill of sale on behalf of the city under his/her hand.

D. General Foreclosure. The city shall bring one general foreclosure proceeding in rem against the property included in the foreclosure list. If the owner is unknown, the property is proceeded against as belonging to "unknown owner." (Ord. 01-12 § 1 (part), 2001.)

Section 4. Amendment of Section 4.20.265. Section 4.20.265 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and **emboldened** and deletions are shown as strikethrough.)

A. A seller **and the City may agree to enter into a repayment plan. No repayment plan shall be valid unless agreed to by the parties in writing.** ~~who is delinquent may cure their delinquency by agreeing to a repayment plan signed by both the City of Dillingham and the seller. Extended payment arrangements in the form of the repayment plan may be granted to a seller for a period not to exceed two years.~~

The repayment plan contract will meet the following requirements:

- ~~1. The seller has not been placed on the delinquent list in the previous three calendar years.~~
- ~~2. The seller has not been in default on a repayment plan in the previous three calendar years.~~
- ~~3. The seller agrees to pay twenty percent down payment of the tax, interest, and penalty amount due. The down payment shall be applied first to penalty, then to accumulated interest, and then to the tax owed.~~
- ~~4. The seller agrees to pay the balance of the tax and interest owed in equal monthly installments over a period not to exceed two years.~~
- ~~5. The seller will provide a personal guarantee of the obligations under the repayment plan if the seller is a corporation or limited liability entity.~~
- ~~6. The seller agrees to pay all future tax bills in accordance with the provisions of this section.~~
- ~~7. The seller provides a security interest in the form of a sales tax lien to be recorded at the time the repayment plan is signed for the full amount of the delinquency including accrued interest and penalty.~~

~~B. Interest on repayment plans shall be at the rate of six per cent (6%) per annum on the amount of tax due provided that if the seller fails to make one or more payments at the time agreed under the repayment plan the full amount of interest owed under Section 4.20.220 shall be due and owing on the entire remaining balance.~~

B. **A seller shall not be eligible to enter a repayment plan if:**

1. **The seller has not been in defaulted on a repayment plan in the previous two calendar years.**

C. **The repayment plan shall include a secured promissory note that substantially complies with the following terms:**

1. **The seller agrees to pay a minimum of ten per cent down payment of the tax, interest, and penalty amount due. The down payment shall be applied first to penalty, then to accumulated interest, and then to the tax owed.**

2. **The seller agrees to pay the balance of the tax and interest owed in monthly installments over a period not to exceed two years.**

3. **Interest at a rate of 6% shall accrue on the principal sum due. Interest shall not apply to penalties owed or to interest accrued at the time the repayment plan is executed or accruing during the term of the repayment plan.**

4. **The seller agrees to provide a personal guarantee of the obligations under the repayment plan if the seller is a corporation or limited liability entity.**

5. **The seller agrees to pay all future tax bills in accordance with the provisions of this section.**

6. **The seller agrees to provides a security interest in the form of a sales tax lien for the entire unpaid balance of the promissory note to be recorded by the city at the time the repayment plan is signed. The seller shall be responsible for the cost of recording the tax lien.**

GD. If a seller fails to pay one or more payments as **required by the repayment plan agreement,** ~~agreed,~~ the **seller shall be in default and the entire amount owed at the time of default shall become immediately due.** ~~City will consider the repayment plan to be no longer valid. The City will send the seller a notice of default, that their repayment plan is no longer in force. The City may immediately proceed to foreclose on the sales tax lien or to take any other remedy available under the law including placing the seller on the delinquent list~~ **denied services list.**

Section 5. Amendment of Chapter 4.15. Chapter 4.15 of the Dillingham Municipal Code is hereby amended by adding a new section 4.15.365 to read as follows:

4.15.365 Repayment Plan

A. A delinquent taxpayer and the city may agree to enter a repayment plan. No repayment plan agreement shall be valid unless agreed to by the parties in writing.

B. Only persons who would be eligible to enter a repayment plan under DMC 4.20.265(B) shall be eligible for a repayment plan under this section. A repayment plan agreement executed under the authority of this chapter must include substantially the same terms as sales tax repayment plans as required by DMC 4.20.265(C), except the delinquent taxpayer shall not be required to agree to provide a security interest in the form of a lien as required by DMC 4.20.265(C)(6).

C. If a property owner and the City execute a valid repayment plan and the property owner does not default prior to the time the annual foreclosure roll is prepared, the property shall not be placed on the foreclosure roll for that year. In the event a property is excluded from the annual foreclosure roll as provided in this subsection, the City retains every right provided by law to foreclose on the property in the event of a default on the repayment plan.

D. If a taxpayer fails to pay one or more payments as agreed, the taxpayer and subject property shall be in default and the entire amount owed at the time of default shall become

immediately due. The resulting delinquency shall be considered to have occurred in the year of the default on the payment plan, regardless of the year or years in which the tax accrued. The City will send the taxpayer a notice of default. The City may then foreclose on the property or take any other remedy available under the law including placing the seller on the delinquent list.

Section 6. Effective Date. This ordinance is effective as of the date of 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: An Ordinance of the Dillingham City Council Amending Chapter 4.15, Real And Personal Property, Section 4.15.185 to Reduce the Interest Rate Applicable to Delinquent Property Taxpayers In An Economic Disaster Year Adding Section 4.15.365 Repayment Plan and Amending Section 4.20.265 to Permit the City to Enter Into Repayment Plans With Delinquent Taxpayers

Agenda of: June 6 , 2013

Council Action: This ordinance will be introduced June 6, 2013 and scheduled for a public hearing June 13, 2013.

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

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

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

Other Attachment(s):

Summary Statement.

This ordinance was vetted through the Code Review Committee and is being recommended for adoption.

The Code Review Committee evaluated standardizing penalties and interest fees when legally possible to make it more consistent throughout the code. The committee recommended a penalty of 10%, and interest levied at 6%, same as the penalty and interest imposed for late payment on real and personal property taxes, and most recently, raw fish sales tax. The interest rate levied during an economic disaster year written as one half reduction was clarified as 3%.

This ordinance also provides a new section 4.15.365, in Chapter 4.15, Real and Personal Property, for a repayment plan for delinquent taxpayers owing real and personal property tax. It refers to the repayment plan structure in Section 4.20.265 that was adopted earlier in the year. During the process of reviewing the repayment plan structure, the committee recommended several changes to make it more workable:

1. amending the eligibility period for a seller that has been in a a repayment plan if the seller has defaulted in an earlier payment plan from three years to two years;
2. seller agrees to pay a minimum of ten percent down payment and deleted twenty per cent down; and
3. seller agrees to pay the balance owed in monthly installments and deleted in equal monthly installments.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-23

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY
MANAGER TO APPROVE A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE
CITY OF DILLINGHAM AND THE PUBLIC SAFETY EMPLOYEE ASSOCIATION**

WHEREAS, the Public Safety Employee Association ("PSEA") seeks to represent the City of Dillingham's ("City") Public Safety Department employees ("Members"); and

WHEREAS, the City has been in negotiations with PSEA since 2010; and

WHEREAS, the City and PSEA have reached a tentative three (3) year collective bargaining agreement ("CBA"); and

WHEREAS, the CBA shall take effect July 1, 2013, and will remain in full force and effect through June 30, 2016; and

WHEREAS, the CBA is subject to ratification by the Members and approval by the Dillingham City Council; and

WHEREAS, the Members ratified the tentative CBA on April 11, 2013; and

WHEREAS, the ratified CBA authorizes a 2% wage increase on July 1, 2013 and a 1% wage increase on July 1, 2014; and

WHEREAS, the City thereafter proposed to authorize an additional increase of 1% on July 1, 2015; and

WHEREAS, PSEA agreed to the additional 1% increase for fiscal year 2016 (July 1, 2015 to June 30, 2016) pursuant to a Letter of Agreement ("LOA");

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council has authorized the City Manager to approve the CBA between the City and PSEA commencing on July 1, 2013 and ending on June 30, 2016, subject to PSEA's execution of the LOA.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on June 27, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-31

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AMENDING THE ALLOCATION OF FUNDING FOR THE DILLINGHAM CITY SCHOOL DISTRICT FOR THE FISCAL YEAR ENDING JUNE 30, 2014 AND REPEALING RESOLUTION NO. 2013-19 (AM)

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 March 28, 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, (2nd preceding year), 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;

WHEREAS, the Dillingham City Council adopted Resolution No. 2013-19, April 25, 2013, establishing the level of funding for the Dillingham City School District for FY 2014, with the school appropriation be set at \$1.3 million with \$1.2 Million for operating costs and \$100,000 for major maintenance for FY 2014;

WHEREAS, it was later determined during the City's FY 2014 budget process that the school appropriation be amended to allocate the \$1.3 Million level of funding as follows:

1. \$1.2 Million for operating costs,
2. \$50,000 for major maintenance, and
3. \$50,000 to go toward a reading interventionist specialist.

NOW, THEREFORE, BE IT RESOLVED that Resolution No. 2013-19 (AM) is hereby repealed;

BE IT FURTHER RESOLVED that the school appropriation for FY 2013 be set at \$1.3 Million with \$1.2 Million for operating costs, \$50,000 for major maintenance, and \$50,000 to go toward a reading interventionist specialist.

PASSED AND ADOPTED by the Dillingham City Council on June 6, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: A Resolution of the Dillingham City Council amending the allocation of funding for the Dillingham City School District for the Fiscal Year ending June 30, 2014 and repealing Resolution No. 2013-19 (AM)

Agenda of: June 6 , 2013

Council Action:

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 X No _____

Other Attachment(s): None

Summary Statement.

Resolution 2013-19 (AM) was passed April 25, 2013, to establish the level of funding for the Dillingham City School District. The resolution was written based on Dillingham City Council had 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 \$1.3 Million with \$1.2 Million for operating costs and \$100,000 for major maintenance for FY 2014.

This resolution will repeal Resolution No. 2013-19 (AM) and amend the school appropriation to be the same as last year which was:

- 1. \$1.2 Million for operating costs,
- 2. \$50,000 for major maintenance, and
- 3. \$50,000 to go toward a reading interventionist specialist.

Subject: Authorize the City Manager to Execute a Construction Agreement to Install a Baffle System at the WWTP with Concor Construction

Agenda of: June 6, 2013

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
 Rose Loera

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

Fiscal Note: Yes No Funds Available: Yes No

Other Attachment(s):

- Analysis of Bid Proposals

Summary Statement.

Baffles are essentially a floating “rubber” curtain system that causes the wastewater to circulate more and be retained longer in the lagoons. The baffle installation will cause wastewater entering the lagoons to travel further before being discharged therefore, allowing greater enzyme activity, which will increase the quality of the effluent discharged into the bay.

The purpose of this Action Memorandum is to authorize the City Manager or Mayor to execute an Agreement between the City and Concor Construction, to install a baffle system, in the amount of one hundred seventy-seven thousand (\$177,000) dollars. There were four qualified bidders with the lowest bid offered by Concor Const. AK Contractor’s Lic # 22306.

All Bid Bond and qualifying bidder’s statements are in order and the bid is substantially less than the Engineer’s Estimate and will be paid by a State of AK Legislative Grant made in FY 2012-2013.

All City Ordinance and State of Alaska requirements for procurement have been met to award this contract to Concor Construction for this project.

Therefore, this request is to allow the City Manager or the Mayor to execute an agreement for construction and installation of a baffle system pursuant to plans and specifications prepared by CH2 M Hill, Engineers.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on June 6, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

City of Dillingham
Fiscal Note

Agenda Date: June 6, 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;">\$ 177,000.00</p>		FUNDING SOURCE <p style="text-align: center;">WasteWater Treatment Plant</p>	
FROM ACCOUNT <p style="text-align: center;">3213 8710 30 62 4413 0 \$ 177,000.00 \$ -</p>		Project <p style="text-align: center;">Baffle Installation</p>	
TO ACCOUNT:	VERIFIED BY: Carol Shade	Date:	5/31/2013

EXPENDITURES

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

CAPITAL		177,000.00		
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REVENUE				
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FUNDING

General Fund				
State/Federal Funds		177,000.00		
Other				
TOTAL FUNDING	\$ -	\$ 177,000.00	\$ -	\$ -

POSITIONS

Full-Time				
Part-Time				
Temporary				

ANALYSIS: (Attach a separate page if necessary)

See Attached Action Memorandum 2013-14

PREPARED BY: Carol Shade

June 6, 2013

DEPARTMENT: Finance Department

June 6, 2013

APPROVED BY: _____
