



Alice Ruby, **Mayor**

Council Members

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

**DILLINGHAM CITY COUNCIL
MEETING AGENDA**

David B. Carlson Council Chambers

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

WORKSHOP – REVIEW MARCH 2014 FINANCIAL STATEMENTS	6:30 P.M.	MAY 1, 2014
REGULAR MEETING	7:00 P.M.	MAY 1, 2014

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. Regular Council Meeting – April 3, 2014

IV. APPROVAL OF CONSENT AGENDA

APPROVAL OF AGENDA

V. STAFF REPORTS

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

VI. PUBLIC HEARINGS

- A. Adopt Ordinance No. 2014-06, An Ordinance of the Dillingham City Council Amending Chapter 18.16 of the Dillingham Municipal Code to Provide a System of Permits and Reviews to Respond to a Variety of Land Use Activities and Creating New Title 19, Material Site Regulation
- B. Adopt Ordinance No. 2014-07, An Ordinance of the Dillingham City Council Authorizing the Sale of Tax Foreclosed Property to the Former Record
- C. Adopt Ordinance No. 2014-08, An Ordinance of the Dillingham City Council Amending Title 17 of the Dillingham Municipal Code to Allow for Private Access to Certain Subdivisions and Establish Minimum Standards for Private Access to Subdivisions and to Amend Definitions and Make Other Amendments to Platting Requirements

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

VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2014-06, An Ordinance of the Dillingham City Council Amending Chapter 18.16 of the Dillingham Municipal Code to Provide a System of Permits and Reviews to Respond to a Variety of Land Use Activities and Creating New Title 19, Material Site Regulation
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- D. *[PLACEHOLDER]* Ordinance No. 2014-09, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property *(Clerk Note: This ordinance was introduced April 3, 2014, and is up for a public hearing and adoption June 5, 2014, to allow for a 30-day posting period.)*
- E. Introduce Ordinance No. 2014-10, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property by Lease
- F. Adopt Resolution No. 2014-23, 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, 2015
- G. Adopt Resolution No. 2014-24, A Resolution of the Dillingham City Council Authorizing the City Manager to Execute a Contract with Altman, Rogers & Co. to Provide Audit Services for FY2014, FY2015, and FY2016

IX. UNFINISHED BUSINESS

- A. Citizen Committee Appointments – No Letters of Interest on File
 - 1. Cemetery Committee, 4 Seats Open
 - 2. Planning Commission, 2 Seats Open
 - 3. Parks and Recreation Committee, 3 Seats Open
 - 4. Library Advisory Board, 1 Seat Open
- B. Landfill Update
- C. Order on Appeal – Annexation
- D. Reschedule Strategic Planning Session to October or November

X. NEW BUSINESS

- A. Liquor License Renewal – Willow Tree Inn
- B. Squaw Creek Road Update
- C. Action Memorandum No. 2014-05, Authorize the City Manager to Award the Purchase of a Compactor – 1996 Caterpillar Model 816F

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

XII. COUNCIL COMMENTS

XIII. MAYOR'S COMMENTS

XIV. EXECUTIVE SESSION

- A. Legal Matter
 - 1. Update from the Public Safety Department
 - 2. Squaw Creek Road – Review Legal Opinion

XV. ADJOURNMENT

I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, April 3, 2014, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:10 p.m. A workshop preceded the meeting at 5:30 p.m. for presentations from the Alaska Municipal League on the City's insurance coverage and from the auditing firm of BDO USA LLC on the FY13 Audit.

II. ROLL CALL

Mayor Alice Ruby was present.

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

- Holly Johnson, Seat A
- Chris Maines, Seat B
- Bob Himschoot, Seat C – attended via teleconference
- Keggie Tubbs, Seat D
- Tracy Hightower, Seat E
- Paul Liedberg, Seat F

Staff in attendance:

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

The City's Attorney, Brooks Chandler, attended via teleconference.

III. APPROVAL OF MINUTES

- A. Regular Council Meeting – March 13, 2014
- B. Special Joint Meeting of Planning Commission and City Council – March 19, 2014

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve the minutes of March 13, 2014.

VOTE: The motion to approve the minutes passed unanimously.

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to approve the minutes of March 19, 2014.

MOTION TO AMMEND: Holly Johnson moved and Paul Liedberg seconded the motion to amend the minutes to change the regular meeting to special joint meeting in the first sentence and add Robert Heyano under the guest list.

VOTE: The motion to approve the amendments to the minutes passed unanimously.

VOTE: The motion to approve the amended minutes passed unanimously.

IV. APPROVAL OF CONSENT AGENDA

There was no consent agenda.

APPROVAL OF AGENDA

MOTION: Keggie Tubbs moved and Holly Johnsons seconded the motion to approve the agenda revised April 1.

VOTE: The motion to approve the agenda as revised April 1 passed unanimously.

V. STAFF REPORTS

A. City Manager Report

City Manager Loera reported on the following:

- Vacancies - senior patrol officer, corrections supervisor dispatcher, harbor and dock; applied for a number of BBEDC seasonal positions for library, harbor, buildings and grounds, and finance;
- Landfill – City will need a larger incinerator than originally approved for purchase; operation will require continuous feed during the summer peak season; looking at scheduling shifts; will need to erect a building around the incinerator due to its size; time frame to be in operation around February 2015; starting June 1, 2014, landfill permit will only allow for open burning of paper and non-treated wood;
- Squaw Creek Road – looking to get with stakeholders; there are issues with easements and it's a narrow road;
- Notice of Violation at Lagoon and Landfill – work proposed for the summer will address a number of violations especially at the lagoon;
- AM 2014-03 – follow up from last meeting; Council approved a budget amendment in the FY2014 mid-year budget to add the purchase a loader, but the actual purchase had not been formalized;
- Project Manager – worked with staff to plan for this year's projects including work at the landfill, outfall erosion at Snag Point, waste water treatment plant aeration, septic receiving station, and flow meters;
- DMV closed until April 20 – staff member out for training;
- Public Safety Building – will be discussing site location at next week's meeting;
- Water, Sewer, Road requests – in addition to Squaw Creek Road, several community members have asked City to assume the responsibility for the centralized sewer system behind Windmill Hill Grill.

B. Standing Committee Reports

Paul Liedberg, Chair of Code Review Committee, noted the committee had been mainly occupied with the material sites ordinance that was up for introduction.

Alice Ruby, for Finance and Budget Committee:

- noted the Supt. had delivered the school budget, and the school was asking for the same amount as last year;
- would schedule a review of the school budget April 28 at F&B meeting, and explain the complicated funding formula;
- would be reviewing landfill rates with the new changes due to go into effect; and
- noted finance to move fire donations to the ambulance fund.

VI. PUBLIC HEARINGS

Mayor Ruby opened the public hearing on Ordinances 2014-04 and 2014-05 (SUB-1).

- A. Adopt Ordinance No. 2014-04, An Ordinance of the Dillingham City Council Amending the Dillingham Municipal Code to Consistently Apply the Title of Six Year Capital Improvement Plan
- B. Adopt Ordinance No. 2014-05 (SUB-1), An Ordinance of the Dillingham City Council Amending Chapter 4.15 of the Dillingham Municipal Code to Allow Limited Exceptions to the Deadline for Filing an Assessment Valuation Appeal and Defining the Circumstances in Which a Request for Such an Exception Will be Considered and Granted

There being no comments the public hearing closed.

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

Russell Nelson [speaking on proposed Ordinance No. 2014-08] reported his daughter's plat submitted Nov. 2012 had been denied due to the lack of a public access easement in City code. He noted the City had formed a Subdivision Access Committee in Feb. 2013 and after much discussion, and comprises came up with a list of recommendations. The Planning Commission in their review allowed for private access, but in their recommendations they were making it too expensive for subdividers and allottees to provide access. He was also concerned with the proposed change on cul-de-sacs.

Deb Nelson [speaking on proposed Ordinance No. 2014-08] brought forward that the proposed cul-de-sac amendment from "a diameter of 60 feet" to "a radius of 60 feet" would drastically increase the cost for a builder from \$5,000 to \$21,000.

Dagen Nelson, speaking on the ordinance on driveways, noted there was no one size fits all, never knew the City could make exceptions to a rule to build up to the proposed [road] standards. He voiced his concern that no one had included the monetary costs associated with the proposed standards as backup information. If the ordinance wasn't approved, questioned what would happen to access now that was already listed down, used by the City, will the City bring those roads up to standard at the City's expense.

Robert Heyano [speaking on Ordinance No. 2014-08] urged the Council not to adopt the ordinance in its present form. Commented it had been about four years since his daughter first approached the City to help with some issues with her property in an existing subdivision.

Tommy Tilden, speaking on Ordinance No. 2014-08, when land became available after ANCSA the City saw a shot in the growth of developing land due to private land becoming available to the public. He cautioned to keep in mind that safety be a consideration for road standards to get ambulances and fire trucks down those lanes. He recommended using other regional offices, like BBNA, to help solve some of these issues.

The citizen's discussion closed at 7:42 p.m.

III. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2014-04, An Ordinance of the Dillingham City Council Amending the Dillingham Municipal Code to Consistently Apply the Title of Six Year Capital Improvement Plan

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to adopt Ordinance No. 2014-04.

VOTE: The motion to adopt Ordinance No. 2014-04 passed unanimously.

- B. Adopt Ordinance No. 2014-05 (SUB-1), An Ordinance of the Dillingham City Council Amending Chapter 4.15 of the Dillingham Municipal Code to Allow Limited Exceptions to the Deadline for Filing an Assessment Valuation Appeal and Defining the Circumstances in Which a Request for Such an Exception Will be Considered and Granted

MOTION: Keggie Tubbs moved and Holly Johnson seconded the motion to adopt Ordinance No. 2014-05 (SUB-1).

VOTE: The motion to adopt Ordinance No. 2014-05 (SUB-1) passed unanimously.

- C. *PLACEHOLDER.* Ordinance No. 2014-07, An Ordinance of the Dillingham City Council Authorizing the Sale of Tax Foreclosed Property to the Former Record (*Clerk Note: This ordinance was introduced March 13, and is up for a public hearing and adoption May 1, 2014, to allow for a 30-day posting period.*)

- D. Introduce Ordinance No. 2014-06, An Ordinance of the Dillingham City Council Amending Chapter 18.16 of the Dillingham Municipal Code to Provide a System of Permits and Reviews to Respond to a Variety of Land Use Activities and Creating New Title 19, Material Site Regulation

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to introduce Ordinance No. 2014-06.

Paul Liedberg reported on the proposed ordinance that established a tiered level of permitting for a material site that was based on size and level of activity. The ordinance included regulations dealing with issues such as excavating below the ground water table, visual screening of the excavation from the road, dust control, and a reclamation plan.

Comment was made with small operators already burdened with meeting federal and state laws, this ordinance would mainly respond to the public demand for larger operations to have some development guidelines. The committee had invited regional organizations and developers to the meetings.

VOTE: The motion to introduce Ordinance No. 2014-06 passed unanimously.

- E. Introduce Ordinance No. 2014-08, An Ordinance of the Dillingham City Council Amending Title 17 of the Dillingham Municipal Code to Allow for Private Access to Certain Subdivisions and Establish Minimum Standards for Private Access to Subdivisions and to Amend Definitions and Make Other Amendments to Platting Requirements

MOTION: Tracy Hightower moved and Bob Himschoot seconded the motion to introduce Ordinance No. 2014-08.

Bob Himschoot commented he had a list of amendments to introduce.

Mayor Ruby recommended without the amendments in front of the full Council, to introduce the ordinance and bring back the amendments to the next Council meeting as a substitute ordinance, and pass it by the Code Review Committee before the next meeting.

Discussion:

- requested clarification on the number of times an ordinance could be amended before it was adopted, understood it to be two only, staff to follow up.

A copy of the proposed changes were given to the City Clerk to incorporate into the current ordinance.

VOTE: The motion to introduce Ordinance No. 2014-08 passed unanimously.

- F. Introduce Ordinance No. 2014-09, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to introduce Ordinance No. 2014-09.

City Manager Loera reported this ordinance would authorize the City to dispose of a small piece of City-owned property, 670 square feet, to Lyle and Silke Smith that butted their property.

VOTE: The motion to introduce Ordinance No. 2014-09 passed unanimously.

- G. Adopt Resolution No. 2014-18, A Resolution of the Dillingham City Council Approving Task Order No. 1 with CH2M Hill to Inspect Pennram Model PHCA-1700 Incinerator and to Continue Work on Assurances that this System Will Bring the Dillingham Landfill into Compliance with State of Alaska Department of Environmental Conservation (AkDEC)

MOTION: Keggie Tubbs moved and Holly Johnson seconded the motion to approve Resolution No. 2014-18.

City Manager Loera noted this resolution was intended for the prior Council meeting agenda, and was a cleanup item.

VOTE: The motion to approve Resolution No. 2014-18 passed unanimously.

- H. Adopt Resolution No. 2014-19, A Resolution of the Dillingham City Council Approving the 2014 BBEDC Community Block Grant (CBG) for Matching State and Federal Grant Funds

MOTION: Chris Maines moved and Tracy Hightower seconded the motion to approve Resolution No. 2014-19.

City Manager Loera reported this resolution was a cleanup item, and would authorize the City to use the BBEDC CBG grant of \$250,000 to match the State's matching grant to continue the work needed at the sewage lagoon or landfill.

Keggie Tubbs and Mayor Ruby disclosed that they worked for BBEDC, but would not gain financially from adoption of the resolution.

VOTE: The motion to approve Resolution No. 2014-19 passed unanimously.

- I. Adopt Resolution No. 2014-20, A Resolution of the Dillingham City Council Approving the Transition of the Dillingham Municipal Landfill from Open Burning Municipal Waste to Compacting and Incineration

MOTION: Chris Maines moved and Holly Johnson seconded the motion to approve Resolution No. 2014-20.

City Manager Loera reported she was asking approval for a new budget to cover the cost of a different model than the one originally approved by the Council, to purchase some gravel for an existing and additional cell, and to purchase a piece of equipment to compact the waste.

Paul Liedberg reported the new incinerator would have to be well managed to ensure only the items that could be burned were burned in order to meet the emission standards.

VOTE: The motion to approve Resolution No. 2014-20 passed unanimously.

- J. Adopt Resolution No. 2014-21, A Resolution of the Dillingham City Council Requesting FY15 Payment in Lieu Taxes Funding from the Department of Commerce, Community and Economic Development

MOTION: Keggie Tubbs moved and Holly Johnson seconded the motion to approve Resolution No. 2014-21.

VOTE: The motion to approve Resolution No. 2014-21 passed unanimously.

- K. Adopt Resolution No. 2014-22, A Resolution of the Dillingham City Council Accepting the Year End Audit for the Fiscal Year Ending June 30, 2013

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to approve Resolution No. 2014-22.

VOTE: The motion to approve Resolution No. 2014-22 passed unanimously.

IX. UNFINISHED BUSINESS

A. Citizen Committee Appointments

1. Cemetery Committee, 4 Seats Open
2. Planning Commission, 2 Seats Open
3. Parks and Recreation Committee, 3 Seats Open
4. Library Advisory Board, 1 Seat Open

Mayor Ruby noted she had received a letter of interest from Gregg Marxmiller interested in serving on the Planning Commission and was recommending his appointment.

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to concur with the Mayor's recommendation.

VOTE: The motion to concur passed unanimously.

X. NEW BUSINESS

- A. Adopt Action Memorandum No. 2014-03, Authorizing the Purchase of a New Loader

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve Action Memorandum No. 2014-03.

City Manager Loera reported the Council had approved a budget amendment to the FY 2014 mid-year budget to add the purchase of a new loader, and the action memorandum would approve the actual purchase.

VOTE: The motion to approve Action Memorandum No. 2014-03 passed unanimously.

- B. Adopt Action Memorandum No. 2014-04, Authorizing the City to Collaborate with Nushagak Electric for a Community Clean-Up May 9, 10, and 11

MOTION: Tracy Hightower moved and Holly Johnson seconded the motion to approve Action Memorandum No. 2014-04.

VOTE: The motion to approve Action Memorandum No. 2014-04 passed unanimously.

(The meeting recessed from 8:30 - 8:33 p.m. for a short break.)

C. Order on Appeal – Annexation

Attorney Brooks Chandler reported on the court case filed by the Village of Ekuk in which Judge Douglas had issued a recent decision that the annexation should have been processed by the Local Boundary Commission (LBC), the legislative review method, instead of submitting the question to the voters in Dillingham. They would have had 45 days to veto the decision of the LBC. She stated the territory the City had attempted to annex had no voters living there, therefore, it should have gone to a decision of the legislators. He noted advice given by LBC staff to the LBC that they could not order this petition to the legislators, was an incorrect reading in state statute. The court has ordered the LBC to process the annexation petition by legislative review. However, they have also indicated the LBC was supposed to order the City of Dillingham to refile the annexation petition. This would substantially from scratch redo the entire process up to another hearing before LBC. The decision was not final. The LBC had ten days to ask Judge Douglas to change her mind, and it would be in the best interest of the City to do so also. The Judge would then have 30 days to decide if she should change anything that had been written.

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

Gregg Marxmiller:

- thanked the Council for his appointment to the Planning Commission, and commented he would work hard to the best of his ability.

Julie Baltar:

- commented she had served on the Subdivision Access Committee, noting the BIA Division of Transportation would have been a good resource, noting they focused on safety;
- commented transportation safety on Windmill Hill needed to be made a priority; and
- commented the school buses were not using the Squaws Creek Road and was concerned about the safety of the children walking the road.

Mike Davis:

- reported his classes were following SB21, an upcoming ballot issue, and would brief the Council if they were interested at a future time.

Tommy Tilden:

- commented he had voted for the fish tax, and thought the process the City followed was clear, open and honest, and lots of attempts made to involve everyone;
- commented he was disappointed with the Judge's decision, and was in favor of appealing the decision, noting he was appreciative of the services provided to him as a fisherman.

XII. COUNCIL COMMENTS

Chris Maines: no comment

Keggie Tubbs: no comment

Tracy Hightower:

- thanked everyone that attended the meeting and provided their input.

Paul Liedberg:

- thanked City staff for all their hard work, doing a great job; and
- referred to the Library report and thanked the volunteers and staff for all the activities they do for the community, noting they don't get enough thanks.

Bob Himschoot: no comment

Holly Johnson: no comment

II. MAYOR'S COMMENTS

Mayor Alice Ruby:

- recommended appointing Chris Maines, Holly Johnson, and Keggie Tubbs to the Board of Equalization.

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to concur with the Mayor's recommendation to appoint Chris Maines, Holly Johnson, and Keggie Tubbs to the Board of Equalization.

VOTE: The motion passed unanimously.

- thanked staff, especially public works for keeping up with roads and other issues; and
- asked for a moment of silence to recognize all those lost since the last meeting.

XIV. EXECUTIVE SESSION

A. Legal Matter

1. Order on Appeal – Annexation

MOTION: Keggie Tubbs moved and Holly Johnson seconded the motion to move into executive session for the purpose of discussing an order on appeal on annexation [8:53 p.m.].

GENERAL CONSENT: The motion to move into executive session passed without objection.

(The meeting recessed for five minutes for a break.)

Mayor Ruby invited City Manager Loera and City Clerk Williams into the executive session.

MOTION: Keggie Tubbs moved and Holly Johnson seconded the motion to come out of executive session [9:24 p.m.].

GENERAL CONSENT: The motion to come out of executive session passed without objection.

Mayor Ruby noted Chris Maines had left during the executive session to attend to a family emergency.

XV. ADJOURNMENT

Mayor Ruby adjourned the meeting at 9:24 p.m.

Mayor Alice Ruby

ATTEST:

[SEAL]

Janice Williams, City Clerk

Approval Date: _____

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Holly Johnson
Chris Maines
Bob Himschoot
Keggie Tubbs
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: April 25, 2014
To: Mayor and City Council
From: Rose Loera, City Manager
Subject: April Monthly Report

Vacancies – we are currently advertising for a Sr. Patrol Officer, Summer Library Aide, Dispatcher, Dock Assistants and Buildings & Ground Supervisor. The B & G supervisor has accepted a position as Landfill Operator.

Landfill – the contract with Penram has been signed and first payment to them for the incinerator will be sent by next week. They are anticipating being done constructing the incinerator in August. We will be putting out for bid the building and cement pad within the next few weeks.

At the last council meeting you approved Resolution 2014-20 which included the purchase of a compactor for the landfill at \$120,000. The least expensive one was \$138,000, plus \$18,000 for freight. It should be on the barge that sails from Seattle on May 5th and should be here the end of May. The funds for this purchase will come out of the Legislative grant.

Dept. of Environmental Conservation Notice of Violations (NOV) – we have submitted the Quality Assurance Project Plan (QAPP) to DEC. This addresses one of the violations we received for the lagoon. We continue to work on the others.

Bingman Trial – Patrick Munson was here the week of the April 14th as our attorney in lawsuit against James Bingman, Sr. The three issues placed in front of the judge were: amount of past due sales taxes plus penalty and interest from 8/12 to present; amount of the unpaid utilities plus penalties and interest from 2011 to present; and the amount of the business licenses plus penalties and interest from 2008 – 2013. Additional liability issues were settled through July 2012 and agreed upon by Bingman. The judge stated she would have a ruling within 30 days. Our attorney did a good job and was well prepared.

Annexation – behind tab IX. Unfinished Business, are the reconsideration documents that were sent by the Local Boundary Commission and by our attorney.

Dock – We have had about 3 barges come in already this season. The Northland Barge arrived on 4/22 and staff was able to accommodate the unloading in a timely fashion. The loader that was purchased for use at the dock and with Public Works was on it and staff are all anxious to drive it as it has some new features.

Kanakanak Cemetery – There is some serious erosion happening by the Kanakanak cemetery. The bank has eroded to about 6 feet from the road in one area. There are two areas that are eroding toward the cemetery and it could cut into the road soon. The erosion looks like “gullies” that you see along our banks.

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Holly Johnson
Chris Maines
Bob Himschoot
Keggie Tubbs
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: May 2014
To: Rose Loera, City Manager
From: Janice Williams, City Clerk
Subject: Monthly Report

Public Hearing on Ordinance No. 2014-06, -07, -08

The following ordinances are scheduled for a public hearing at the May 1, 2014 Regular Council Meeting. An advertisement was placed in the April 24 edition of the Bristol Bay Times as required by law, five days in advance of the meeting.

- Adopt Ordinance No. 2014-06, An Ordinance of the Dillingham City Council Amending Chapter 18.16 of the Dillingham Municipal Code to Provide a System of Permits and Reviews to Respond to a Variety of Land Use Activities and Creating New Title 19, Material Site Regulation
- Adopt Ordinance No. 2014-07, An Ordinance of the Dillingham City Council Authorizing the Sale of Tax Foreclosed Property to the Former Record
- Adopt Ordinance No. 2014-08, An Ordinance of the Dillingham City Council Amending Title 17 of the Dillingham Municipal Code to Allow for Private Access to Certain Subdivisions and Establish Minimum Standards for Private Access to Subdivisions and to Amend Definitions and Make Other Amendments to Platting Requirements

Note: The Council packet will also include a substitute ordinance, Ord. No. 2014-08 (SUB-1).

How many times can you amend an ordinance?

The City's Attorney advises that there is no limit to the number of amendments that can be made to an ordinance. The problem is to avoid straying from the intent of the original ordinance. At some point, it might be necessary to start all over.

Liquor License Renewal- Willow Tree Inn

The State of Alaska Alcoholic Beverage Control Board forwarded a renewal application notice for the Willow Tree Inn to the City dated March 10, 2014. The City has 60 days to protest the application in writing. Their taxes are paid in full and there is no adverse reporting from the

Police Dept. A copy of the application is included under New Business, Liquor License Renewal – Willow Tree Inn.

Software for Emergency and Local Communications - Blackboard Connect. The SCERP planning team saw an online demonstration for the software Blackboard Connect. It would be useful not only to send out an emergency message, but it could be just as useful to get messages out about other things, like important messages from public works.

The system would allow for up to 10 administrators to put out a message. This would be more valuable than the City's website or Facebook, since there is limited administrative access, with responsibility for 24/7 coverage. In the event of a major disaster, a text to a cellphone, voice (robo-calls), and email message would go out to all users on the system. The firm and others like it came into existence after 9-1-1, when it was realized that a reliable, speedy service was needed to communicate a disaster.

Standing Item(s):

Records Retention - Work in progress. No new updates.

Commission/Board Seats Vacant

The City is advertising on the City's website, and has posted an ad in three local places. Previous to this month, the City has been placing advertisements in the newspaper as well. The new filing date for submitting letters of interest was extended to April 25.

- Cemetery Committee – 4 seats vacant. No letters of interest on file. The City began advertising in October 2012 to fill 6 vacant seats and continues to advertise in the Bay Times, City's website, and local postings. Two letters of interest are on file, but the seats will be appointed when there is a full board according to the minutes of December 6, 2012.
- Library Advisory Board – 1 seat open, (plus the seat for a U of A, Bristol Bay Campus representative). No letters of interest on file.
- Parks and Recreation Committee – 3 seats open. No letters of interest on file. The three seats expired in January.
- Planning Commission – 2 seats open (Seat A and Seat C). No letters of interest on file.

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
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MEMORANDUM

Date: April 24, 2014
To: Rose Loera
City Manager
From: Carol Shade
Finance Director
Subject: March 31, 2014 Financial Report

As of the end of March 2014, we should have received 75% of the budgeted revenues and not have spent more than 75% of the budgeted expenditures. The total revenues at March 31, 2014 were 74.5% and total expenditures were 75.2%. In comparison, total revenues for FY13 at March 31, 2013 were 88% and expenditures were 81%. Following is a schedule showing the comparison of revenues and expenditures by category:

<u>Category</u>	<u>FY14 Budget</u>	<u>FY14 Actual</u>	<u>FY14 %</u>	<u>FY13 Budget</u>	<u>FY13 Actual</u>	<u>FY13 %</u>
Revenues						
General Fund	\$8,247,416	\$6,762,403	82%	\$8,204,314	\$6,325,449	77%
Special Revenues	2,674,552	2,106,496	79%	2,967,446	1,866,242	63%
Capital Projects	4,135,414	2,318,004	91%	1,326,640	2,831,836	213%
Total Revenues	\$15,057,382	\$11,186,903	74%	\$12,498,400	\$11,023,527	88%
Expenditures						
General Fund	\$8,191,004	\$5,787,368	71%	\$8,304,017	\$5,715,706	69%
Special Revenues	2,666,658	1,848,948	69%	2,663,347	1,533,432	58%
Capital Projects	4,184,616	3,681,383	88%	1,325,840	2,766,056	209%
Total Expenses	\$15,042,278	\$11,317,700	75%	\$12,293,198	\$10,015,195	81%

Below shows what remains of the \$738,419.70 of property tax receivables for taxes that were assessed for the 2012 and prior tax years as of March 31, 2014.

<u>Real</u>	<u>Personal</u>	<u>Combined</u>	<u>Total Decrease</u>	<u>% Collected</u>
\$ 166,880.25	\$101,096.93	\$267,977.18	\$470,442.52	63.71%

2013 property taxes received through March 31, 2014:

<u>Invoiced to include Personal & Real Property</u>	<u>Real Property Balance to be Collected</u>	<u>Personal Property Balance to be Collected</u>	<u>Total Collected</u>	<u>% Collected</u>
\$2,181,347.60	\$101,131.39	\$28,404.47	\$2,051,811.74	94%

The Collections specialist has sent out 27 letters to delinquent sales tax filers and 36 promissory note reminders during the last month. To date we have engaged in 61 promissory notes, of which 16 have paid in full, and 12 have defaulted. There 106 people on the Denied Service List..

The Receivables technician sent out 237 utility bills for the March billing and 40 miscellaneous Accounts Receivable bills. Currently this person is cross training into payroll to allow the payroll staff to take some time off in late June and early July.

Our new Payables technician has hit the ground running and is already processing payables on her own. In addition she is assisting with some of the grant reporting and reconciliation spreadsheets.

The Payroll/IT technician processed two payrolls helped the Tekmate with the set up and installation of 28 new computers and facilitated the removal and storage of the old computers.

With that being said attached statements reflect the City's financial status as of March 31, 2014.

City of Dillingham
Revenues and Expenditures as of March 31, 2014
Preliminary Figures

REVENUES:	March 31, 2014				March 31, 2013	
	Budget - FY13	MTD	YTD	Percent	YTD	INC/(DEC)
General Fund Revenues						
General Sales Tax	\$ 2,700,000	156,757	1,667,061	61.7%	\$ 1,701,456	\$ (34,394)
Alcohol Sales Tax	265,000	23,116	191,274	72.2%	237,653	(46,380)
Transient Lodging Sales Tax	80,000	2,746	55,257	69.1%	62,049	(6,792)
Gaming Sales Tax	65,000	3,215	40,944	63.0%	48,753	(7,809)
Total Sales Tax	3,110,000	185,834	1,954,536	62.8%	2,049,911	(95,375)
Real Property Tax	1,500,000	-	1,578,248	105.2%	1,534,556	43,691
Personal Property Tax	500,000	-	524,511	104.9%	521,464	3,048
Total Property Taxes	2,000,000	-	2,102,759	105.1%	2,056,020	46,739
Telephone Gross Receipts State Tax	75,000	-	-	0.0%	-	-
Raw Fish Tax	276,513	-	276,513	100.0%	339,410	(62,897)
Nushagak Fish Tax (Proportion transfer in)	400,920	-	310,000	77.3%	163,768	146,232
Shared Fisheries	33,000	-	-	0.0%	-	-
Revenue Sharing	210,704	-	210,963	100.1%	300,237	(89,274)
Payment in Lieu of Taxes (PILT)	422,987	-	422,987	100.0%	429,642	(6,655)
State Jail Contract	641,300	160,325	641,300	100.0%	360,313	280,987
Admin Overhead	348,137	71,259	285,120	81.9%	264,476	20,643
PERS on Behalf	232,178	28,047	273,975	118.0%	80,395	193,580
Other Revenues	496,677	16,687	284,251	57.2%	281,278	2,973
Total	3,137,416	276,318	2,705,108	86.2%	2,219,518	485,591
Total General Fund Revenues	8,247,416	462,152	6,762,403	82.0%	6,325,449	436,955
Special Revenue Funds Revenues						
Nushagak Fish Tax	460,139	-	386,964	84.1%	386,346	618
Water	219,642	17,204	157,747	71.8%	157,316	430
Sewer	265,381	22,652	190,528	71.8%	206,276	(15,748)
Landfill	364,042	83,692	304,085	83.5%	217,187	86,898
Dock	645,594	-	273,178	42.3%	393,072	(119,894)
Dock Insurance Payment	-	-	293,423	-	-	293,423
Boat Harbor	250,552	19,575	122,903	49.1%	65,490	57,413
E-911 Service	70,000	5,934	57,169	81.7%	51,964	5,205
Senior Center (Grant)	138,100	451	103,361	74.8%	90,746	12,615
Senior Center (Non-Grant)	261,102	105,139	217,137	83.2%	297,844	(80,707)
Total Special Revenue Funds Revenues	2,674,552	254,647	2,106,496	78.8%	1,866,242	240,253
Fisheries Infrastructure	-	-	17,739	-	26,004	(8,265)
Borough Study Fund	-	-	10,644	-	15,603	(4,959)
Asset Forfeiture Fund	-	-	-	-	-	-
City Shoreline Erosion Control	-	65,624	100,374	-	280,435	(180,061)
Water System Improvement	-	-	-	-	-	-
WasteWater Treatment Plant	2,000,000	145	1,355,844	67.8%	2,864	1,352,980
Force Main	-	-	93,692	-	1,228,805	(1,135,113)
Library Grants	60,773	-	13,880	22.8%	46,344	(32,464)
Library Roof	243,000	-	141,069	-	70	140,999
E911 Critical System Upgrades	-	407	407	-	-	-
FEMA Fire Truck	-	-	697	-	-	-
Jail Corrections Grant (Equipment)	-	-	20,000	-	-	-
SHSP Camera Upgrades	-	-	407	-	-	-
Public Safety Planning	-	-	20,000	-	-	-
BVP Grant	-	-	755	-	-	755
BBEDC (Various Projects)	-	-	86,938	-	-	-
Ambulance Reserve Capital Project Fund Revenue	67,294	-	-	-	-	-
Equipment Replacement Capital Project Fund	586,757	-	100,000	-	-	100,000
School Bond Project	-	-	650	-	(1,738)	2,388
Mary Carlson Estate Permanent Fund Revenue	1,500	-	3,037	-	(312)	3,349
Debt Service Fund Revenue	1,176,090	-	296,265	-	1,174,590	(878,325)
Landfill Oxidation	-	-	-	-	-	-
Landfill Phase 3	-	-	55,607	-	-	55,607
JAG Grant (Old Grant)	-	-	-	-	59,171	(59,171)
Total	4,135,414	66,176	2,318,004	91%	2,831,836	(642,281)
Total Revenues	\$ 15,057,382	\$ 782,975	\$ 11,186,903	74.3%	\$ 11,023,527	\$ 34,927

City of Dillingham
Revenues and Expenditures As of March 31, 2014
Preliminary Figures

	March 31, 2014			March 31, 2013		
EXPENDITURES:	Budget - FY13	MTD	YTD	Percent	Actual	INC/(DEC)
General Fund Expenditures						
City Council	\$ 72,576	\$ 3,825	\$ 44,286	61.0%	\$ 46,259	\$ (1,974)
City Clerk	144,760	14,895	97,437	67.3%	96,812	624
Administration	300,646	34,353	221,277	73.6%	227,958	(6,681)
Finance	621,998	79,462	468,125	75.3%	461,545	6,580
Legal	90,000	-	45,066	50.1%	118,497	(73,432)
Insurance	106,016	-	100,837	95.1%	92,501	8,336
Non-Departmental	200,901	15,780	162,983	81.1%	224,064	(61,081)
Planning	180,696	22,764	121,831	67.4%	91,417	30,414
Public Safety Administration	180,993	16,347	135,561	74.9%	104,762	30,798
Dispatch	459,683	54,064	324,675	70.6%	349,997	(25,321)
Patrol	848,754	82,817	559,307	65.9%	379,372	179,935
Investigations/WAANT	-	-	-	-	59,198	(59,198)
Corrections	675,535	67,230	487,987	72.2%	415,378	72,609
DMV	107,523	22,479	89,279	83.0%	62,053	27,227
Animal Control Officer	132,416	10,955	80,073	60.5%	102,617	(22,543)
K-9	-	-	-	-	82,299	(82,299)
PS IT	32,000	996	17,208	53.8%	13,892	3,316
Fire	267,701	25,996	152,949	57.1%	168,823	(15,874)
Public Works Administration	178,909	19,599	112,448	62.9%	154,910	(42,462)
Building and Grounds	322,415	49,529	248,699	77.1%	279,330	(30,631)
Shop	171,990	7,615	131,170	76.3%	148,469	(17,299)
Street	669,517	53,823	445,132	66.5%	462,925	(17,793)
Foreclosures	20,226	737	17,959	88.8%	10,412	7,547
Library	133,242	15,993	93,670	70.3%	112,811	(19,141)
Meeting Hall above Fire Station	3,680	313	2,759	75.0%	2,549	210
City School	1,300,000	-	975,000	75.0%	975,000	-
Transfers to Other Funds	968,827	159,657	651,651	67.3%	471,858	179,793
Total General Fund Expenditures	8,191,004	759,230	5,787,368	70.7%	5,715,706	71,662
Special Revenue Funds Expenditures						
Nushagak Fish Tax	460,139	-	356,140	77.4%	218,006	138,135
Water	219,642	18,262	157,747	71.8%	139,223	18,524
Sewer	262,976	32,715	186,865	71.1%	217,940	(31,075)
Landfill	364,042	39,160	304,085	83.5%	279,457	24,628
Dock	640,105	54,615	468,026	73.1%	337,624	130,402
Dock (ATD Damages)	-	-	271,339	-	-	271,339
Boat Harbor	250,552	11,122	122,903	49.1%	136,202	(13,299)
E-911 Service	70,000	5,934	57,169	81.7%	54,909	2,261
Senior Center (Grant)	138,100	13,723	111,443	80.7%	171,463	(60,020)
Senior Center (Non-Grant)	261,102	26,783	169,371	64.9%	196,615	(27,244)
Total Special Revenue Fund Expenditures	2,666,658	202,314	1,848,948	69.3%	1,533,432	315,516
Asset Forfeiture Fund	7,700	-	515	-	-	515
Fisheries Infrastructure Fund	-	-	-	-	-	-
Borough Study	-	-	-	-	-	-
City Shoreline Erosion Control	-	2,980	126,596	-	53,917	72,679
Water System Improvement	-	7,700	18,426	-	4,613	13,812
WasteWater Treatment Plant	2,000,000	35,426	1,628,068	81.4%	65,725	1,562,343
Force Main	-	-	17,714	-	1,412,587	(1,394,872)
Library Grants	59,773	3,685	20,194	33.8%	42,523	(22,329)
Library Roof	243,000	4,700	154,251	63.5%	4,807	149,445
E911 Critical System Upgrades	-	-	407	-	-	-
FEMA Fire Truck	-	-	697	-	-	-
Jail Corrections Grant (Equipment)	-	2,666	2,666	-	-	-
SHSP Camera Upgrades	-	-	407	-	-	-
Public Safety Planning	20,000	-	2,558	12.8%	-	-
BVP Grant	-	-	755	-	-	755
Pollock Grant	-	645	645	-	1,323	-
BBEDC (Various Projects)	250,000	-	185,464	74.2%	-	-
Ambulance Reserve Capital Project Fund	242,000	-	360	0.1%	-	360
Equipment Replacement Capital Project Fund	186,757	-	155,757	83.4%	-	155,757
School Bond Project	-	-	36,117	-	525	35,592
Mary Carlson Estate Permanent Fund	6,996	196	3,302	47.2%	5,447	(2,145)
Debt Service Fund	1,176,090	-	1,176,090	100.0%	1,174,590	1,500
Landfill Oxidation	-	28,394	67,290	-	-	-
Landfill Phase 3	-	-	83,621	-	-	-
Total Capital Project Funds Expenditures	4,184,616	86,392	3,681,383	88.0%	2,766,056	572,896
Total All Expenditures	\$ 15,042,278	\$ 1,047,936	\$ 11,317,700	75.2%	\$ 10,015,195	\$ 960,074
Revenues Over (Under) Expenditures	\$ 15,104	\$ (264,960)	\$ (130,797)		\$ 1,008,332	\$ (925,148)

City of Dillingham
Revenues and Expenditures As of March 31, 2014
Preliminary Figures

	<u>Fund Bal.</u> <u>6/30/2013</u>	<u>FY'14</u> <u>Revenues</u>	<u>FY'14</u> <u>Expenditures</u>	<u>Add or (-)</u> <u>Fund Bal</u>	<u>Fund Bal.</u> <u>3/31/2013</u> <u>Unaudited</u>
General Fund	\$ 4,080,936	\$ 6,762,403	\$ 5,787,368	\$ 975,035	\$ 5,055,971
Nushagak Fish Tax	364,084	386,964	356,140	30,823	394,907
Fisheries Infrastructure Fund	46,422	17,739	-	17,739	64,161
Borough Study	24,853	10,644	-	10,644	35,497
Water	20,150	157,747	157,747	-	20,150
Waste/Water	-	190,528	186,865	3,663	3,663
Landfill	2,450	304,085	304,085	-	2,450
Dock	1,104,941	273,178	468,026	(194,849)	910,092
Boat Harbor	-	122,903	271,339	(148,436)	(148,436)
E-911 Service	7,751	57,169	122,903	(65,734)	(57,983)
Senior Center	-	320,498	57,169	263,329	263,329
Asset Forfeitures Fund	9,035	-	515	(515)	8,520
City Shoreline Erosion Control	(155,469)	100,374	126,596	(26,222)	(181,691)
Water System Improvement	(66,166)	-	18,426	(18,426)	(84,592)
WasteWater Treatment Plant	-	1,355,844	1,628,068	(272,224)	(272,224)
Force Main	-	93,692	17,714	75,977	75,977
Library Grants (Books, Erate, etc.)	-	13,880	20,194	(6,314)	(6,314)
Library Roof	-	141,069	154,251	(13,182)	(13,182)
E911 Critical System Upgrade	-	407	407	-	-
FEMA Fire Truck	-	697	697	-	-
Jail Corrections Grant (Equipment)	-	20,000	2,666	17,334	17,334
SHSP Camera Upgrades	-	407	407	-	-
Public Safety Planning	20,000	20,000	2,558	17,443	37,443
BVP Grant	-	755	755	-	-
BBEDC (Various Projects)	-	86,938	185,464	(98,525)	(98,525)
Ambulance Reserve Capital Project Fund	564,593	-	360	(360)	564,233
Equipment Replacement Capital Project Fund	57,036	100,000	155,757	(55,757)	1,279
School Bond Project Capital Project Fund	112,096	650	36,117	(35,468)	76,628
Mary Carlson Estate Permanent Fund	397,385	3,037	3,302	(265)	397,120
Debt Service	-	296,265	1,176,090	(879,825)	(879,825)
Landfill Oxidation	-	-	67,290	(67,290)	(67,290)
Landfill Capital Project Fund	172,044	-	83,621	(83,621)	88,423
Total	\$ 6,762,141	\$ 10,837,872	\$ 11,392,897	\$ (555,024)	\$ 6,207,116

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Holly Johnson
Chris Maines
Bob Himschoot
Keggie Tubbs
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: April 22, 2014
To: Rose Loera, City Manager
From: Sonja Marx, Librarian
Subject: April Monthly Report

The Dillingham Friends of the Library had a special Easter Storytime and Egg Hunt Saturday, April 19th at 10:30 am. Over two hundred plastic eggs were donated and filled with prizes for the children ages 6 and under. During the four hours the library was open that Saturday, over 129 people enjoyed the resources of our library with 53 of those attending the Easter Event for the children.

The Library Advisory Board meeting that was scheduled for Wednesday, April 9th at 5:30 pm had to be postponed. It is being rescheduled for some time in May or June. Only one board seat needs to be filled; appointed by the University of Alaska Fairbanks Bristol Bay Campus. I would like to acknowledge our present Advisory Board members:

Seat A	Conor Downey
Seat B	Amy Ruby
Seat C	Dianna Swaim
Seat D	Annette Stelling
Seat E	Erica Tweet
Seat F	Laurel Sands
Seat G	Vacant

We have hired Josephine Decker as our Library Aide/Clerk. She is off to a great start, doing a wonderful job. We are so grateful to BBEDC for the opportunity to apply for their 2014 Summer Youth Internship and Seasonal Employment Program. BBEDC will be advertising and accepting applications for two twelve-week positions: the Library Aide Youth Internship and the Seasonal Librarian Assistant.

Library Stat report for March 24th – April 19th, 2014:

Patron Visits: 3,078 Computer Use: 965 Story Hour: 106
Other Visits: 355 Museum Use: 38 Videoconferencing: 0
Approximately 20 volunteer hours logged

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
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MEMORANDUM

Date: April 23, 2014
To: Rose Loera, City Manager
From: Jody Seitz, Director of Planning and Grants
Subject: April Report

Emergency Preparedness: I am participating in the development of the Small Community Emergency Response Plan. We are holding weekly NIMS classes for department heads to develop a shared understanding of the roles which would be used during emergencies.

CIP book: Still waiting on submittals from Public Works and the Port Department. I have to update the landfill, wastewater treatment plant and water system improvements project.

Evergreen Cemetery: As part of the Runway Safety Area project, the state is removing trees in the Evergreen Cemetery and invites anyone to select a tree for their own use. The tree will be flagged and given to the individual once the tree is cut. The City website has more information.

Floodplain Management: Will issue Floodplain Permit for Delta Western fuel spill containment facility. Will attend a weeklong workshop in Seattle in June on Floodplain Management through a scholarship from the state.

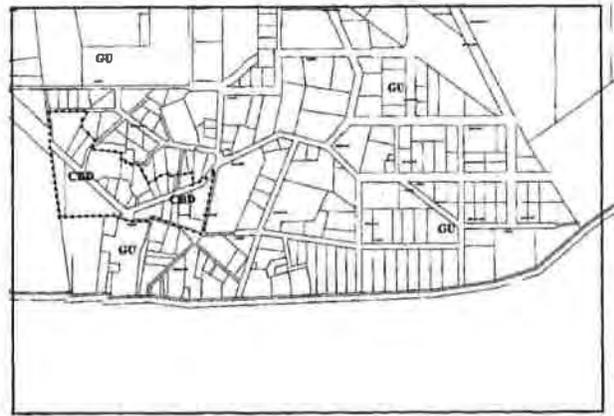
Grants and Projects: ADEC MMG 28306 (\$3.0 million) and ADEC 28305 (\$2.0 million) were both reappropriated, allowing the City to continue with its wastewater treatment plant project; repair utility pipes and drainage downtown; update the water and sewer master plan; and search for a new water source.

Land Use Permits: 3 permits issued: one for a driveway, one for the Delta Western fuel spill containment facility; and the Choggiung courthouse on Mission Subdivision. Emperor Way South was never platted, so the Mission Subdivision still shows rights-of-way which were never constructed but still exist. Now Emperor Way easement lies over some of the platted right-of-way and over Choggiung and City land in other places. The surveyor who conducted the record of survey for the land use permit and project design recommends Mission subdivision be replatted. City Attorney Patrick Munson agreed that the City can issue the land use permit but

not give any assurance about the landownership status of the property, which could be pertinent to utility installations.

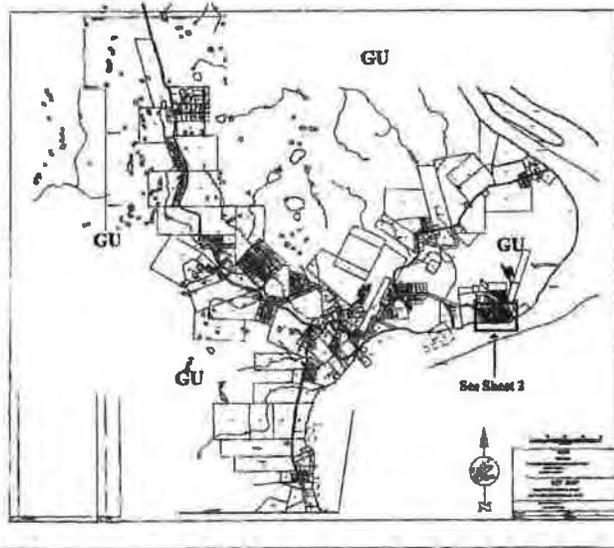
Ordinances needing revision:

- The Planning commission is still working on improving Title 17 and is hoping to bring a list of suggested amendments to the Council as one package within six months to a year.
- Potentially confusing: The Chapter 18 “Central Business District” is not the same as the “Business District” in Chapter 11.21.010. The Central Business District and General District in Title 18 are zones that have setbacks whereas the “Business District” was identified to restrict snowmachine and ATV use in the downtown area.



GU: General Use district
 CBD: Central Business District
 Land Use district boundary

Addendum to Chapters 11.20 and 11.21



GU: General Use district

Subdivisions: April 16, 2014, the Planning Commission approved the preliminary plats for Pacer Subdivision, creating 2 lots; and the Alaska State Land Survey 2005-51, a land grant for a community cultural center.

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Holly Johnson
Chris Maines
Bob Himschoot
Keggie Tubbs
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: April 22, 2014
To: Rose Loera
From: Jean Barrett
Subject: April Monthly Report

The ice is all but gone, just a sliver still adorns the Mighty Nushagak and if the weather holds out that too will be history. Seagulls and migratory birds have shown up and I am sure I heard a robin singing the other day. Summer 2014 is just around the corner and if it keeps up like it has started it is going to be a wild ride, if you're tall enough, climb on, buckle up and enjoy.

City Dock

My memory is not what it used to be, but in the 7 years that I have been the Port Director we are usually still clearing snow from the dock at the time of the first barge. This Thursday April 17 a small Northland barge tied up for a few hours to offload 10 containers of frozen food for Peter Pan Seafood and Icicle Seafood for the upcoming season and more specifically the upcoming herring season. This was followed by an Alaska Logistics barge on Saturday the 19th and a Northland barge on the 22nd. Needless to say Eric and Dean are back and in the swing of things

Some happenings at the dock

- We still have an open position to fill in the office. We will be trying to fit some interviews in this week. We have a couple of qualified candidates waiting in the wings.
- We are going to implement a practice of following all vessels that come and go from the dock, including their freight on and off, billing invoice number and accounting information so we can better track the numbers that we are generating.
- The Floor in the office is down and trimmed out and we have had many compliments how it brightens up the office.
- We added some crushed rock to the gravel in the warehouse and we hope that it helps bind the ground and not let it break up so bad during the spring thaw.

Harbor

We are ice free in the harbor. This is the earliest I have ever seen it go out during my tenure as Port Director. I have already had fishermen ask when the floats are going into the water. I had to remind them that we are a good two and a half weeks ahead of the norm this year. I hope to have them in place by the middle of May.

Some happenings at the harbor

- I am waiting on a bid from a local welder in order to get some work done on the float connections before we can put them in the water for the summer. I should have that finalized by Friday.
- The dredging crew passed thru Dillingham last week to do some work on their dredge and will be back on May 12 to start the annual pumping of the mud.
- Manager Loera, Public Works Director Pancho Garcia and myself have been working with Ben McDowell, owner of Motive Marine who has, per an RFP issued by the City, requested to add to the size of his lease lot at the harbor. Ben has asked to add another 180 feet to the size of his lot for staging of vessels and possibly offer year round maintenance for boat owners. Ben's request is to excavate a portion of the spoils pond that was created many years ago with pumpings from the harbor.
- As I had mentioned in a previous report Todd Fritze resigned his position as Assistant Harbor Master earlier this year so I am going to have to rehire for this position very soon. I have only one applicant for the job. Virginia Bobbitt has applied for this position and I anticipate offering her the job within the next week.
- The bath house and ice machine are the next on my radar at the harbor. I anticipate opening the restrooms and showers up by the second week in May and if needed the ice machine will be up and running by the end of May or sooner. It depends on if there is a need for ice for any halibut fishermen that may go out.
- The new loader that was purchased for use at the harbor showed up on the April 22nd barge. I am pleased with the purchase and hope that it fulfills all of the needs of the City for many years to come

That's the view from where I work

Jean

Mayor
Alice Ruby

Manager
Rose Loera



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

MEMORANDUM

Date: April 21, 2014
To: City Manager Rose Loera
From: Chief Dan Pasquariello
Subject: **May 2014 Council Report** *(reporting period 3/22/14 to 4/20/2014)*

Police:

- ❖ 517 Calls for service
- ❖ 42 Incident reports
- ❖ 30 Persons arrested
- ❖ 15 Title 47/Protective custody
- ❖ 35 Citations issued

DPD patrol has one opening for a Senior Patrol Officer.

Corrections:

- ❖ 61 Total Inmates
- ❖ 17 Title 47/Protective custody

Corrections has hired a new officer and is in phase part of training. The division has received all of the equipment for the Live Scan fingerprint machine. The City is still coordinating the installation of the system.

Dispatch:

- ❖ 495 Calls for service
- ❖ 79% Dispatched to Dillingham Police
- ❖ 15% Dispatched to Alaska State Troopers
- ❖ 5% Dispatched to EMS/Dillingham Fire
- ❖ 1% Dispatched to Dillingham Animal Control

94 E-911 emergency calls

Dispatch is currently seeking applications for a Dispatch I position.

Animal Control:

From March 25 to April 18, received a total of 4 dog complaints, no other animal calls, and 4 animal control miscellaneous calls.

- ❖ 4 Dogs/cats impounded
- ❖ 3 Dogs/cats returned to owners
- ❖ 3 Surrendered Animals
- ❖ 1 Animal/Adoption
- ❖ 15 Rabies/Parvo shot given
- ❖ 2 Dogs/cats euthanized
- ❖ 1 Citation issued
- ❖ 2 Dog tags sold

From April 11 to 13, the Alaska Rural Veterinary Outreach Organization held a low cost Spay and Neuter Clinic at the Dillingham Animal Shelter. The clinic was a great success, with a combined total of 86 spay and neuters being done in three days. ARVO also did wellness checks on a combined total of 36 dogs and cats.

The Clinic was coordinated with a local group called Love Our Pets. The City of Dillingham donated the use of the animal shelter and the National Guard donated their space. Also donating services and materials were the University of Alaska, US Fish and Wildlife, Kanakanak Hospital, Everts Air Cargo, AC Store and N&N Market. There were over twenty volunteers to help throughout the three day clinic. It was a great community effort.

DMV: Closed from March 31 to April 21.

- ❖ Registrations/Titles
- ❖ Driver's License/IDs
- ❖ Commercial Driver's License
- ❖ Road tests

WAANT:

The Alaska State Troopers have filled the vacant WAANT position and the new investigator will start in June.

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Holly Johnson
Chris Maines
Bob Himschoot
Keggie Tubbs
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: April 22, 2014
To: Rose Loera, City Manager
From: Stephanie McCumber, Fire Coordinator
Subject: April 2014 Department Head Report

Summarization of EMS Responses in April – 16 Runs; 71.5 Total Man Hours

- Total of Ambulance Transports
 - 1 Abdominal Pain
 - 1 Seizure/Convulsions
 - 2 Medical Transports
 - 4 Chest Pain
 - 1 Anaphylactic Reaction
 - 2 Traumatic Injury
 - 1 Overdose
 - 1 Breathing Problem
 - 3 Other

Summarization of Fire Responses in April – 1 Call; 16.5 Total Man Hours

- 1 House Fire

PROJECTS COMPLETED

- Combo Meeting was held for Immediately Dangerous to Life or Health (IDLH) situations.
- The Department reviewed Engineering procedures at the Fire Meeting.
- At the Rescue Squad Meeting, the Department trained on burns, Intubation, and starting IVs.
- The Fire Coordinator was able to go to Beacon training facility in Kenai for Aircraft Rescue and Fire Fighting training.
- Ambulance billing is up to date.

ON-GOING PROJECTS

- We are working on reorganizing Lake Road and Downtown Station to better suit the needs of the Fire Department.
- We are continuing to gather information to improve our community's emergency responses through SCERP planning and siren testing.
- We are beginning prepare the new enclosed trailer for possible storage of our wildland firefighting equipment.

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Holly Johnson
Chris Maines
Bob Himschoot
Keggie Tubbs
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: April 14, 2014
To: Rose Loera
From: Ida Noonkesser
Subject: Staff Report

During the month of March, the Senior Center served 515 congregate meals to 65 individuals, 144 home delivered meals to 8 individuals, gave 380 assisted rides to 28 individuals and 174 unassisted rides to 25 individuals. Aleknagik transportation services provided 476 rides during the month of March.

We had two renters for the month of March, and the Pinochle player's group continues to rent the dining room every Friday. Every third Saturday, the Quilters rents the Senior Center.

Anna Mae Bartholomew (Aging and Disabilities Resource Center) was busy this past month. She created an Activity Calendar and posted it to help let elders know what is going on at the Center in the next month. Events included an Elder personal services day, Bingo. Anna Mae also had men's day making dippers for the maqivik.

Mary Alice also came twice in March and did reflector tape for the Elders' coats.

We are also hosting a beading group, and making grass baskets every Thursday for anyone who would like to learn how to bead or make baskets. Tish Luckhurst hosts the group.

Sam Eveslage started Yoga classes for the Elders. We have seven or more Elders that participate in the class. It is held Tuesday, Wednesday and Friday each week. The class is free for the Elders and they have been enjoying it.

Harold Andrew continues kayak building in the shop. He comes to the Senior Center shop on Monday, Wednesday and Friday. He has invited elders and anyone who is interested to attend and participate. This will be a great opportunity to learn from our elders and a trained boat builder.

The Senior Advisory Board last met April 9. The next meeting is scheduled for May 15 in the dining room at the Senior Center.

I. CALL TO ORDER

The Code Review Committee met on Thursday, April 10, 2014, in the Council Chambers, Dillingham, AK. Chair Paul Liedberg called the meeting to order at 5:32 p.m.

II. ROLL CALL

Committee Members present:

Paul Liedberg, Council Member, Chair
Chris Maines, Council Member
Holly Johnson, Council Member
Alice Ruby, Mayor
Janice Williams, City Clerk

City Manager Rose Loera - *absent and excused*

Staff: Jody Seitz, Planning Director

Chair Liedberg recognized there were a number of people in the audience and asked them to sign in.

III. APPROVAL OF MINUTES

A. Minutes of March 13, 2014

MOTION: Chris Maines moved and Holly Johnson seconded the motion to approve the minute of March 13, 2014.

GENERAL CONSENT: The motion passed without objection.

IV. APPROVAL OF AGENDA

MOTION: Holly Johnson moved and Chris Maines seconded the motion to approve the agenda.

GENERAL CONSENT: The motion passed without objection.

V. UNFINISHED BUSINESS

A. Consider Regulating Material Sites (*Clerk Note: Introduced Ordinance No. 2014-06, March 13, postponed introduction to April 3, and up for a public hearing and adoption May 1.*)

City Clerk Williams noted there was no action to take that this was just a placeholder until the Ordinance was adopted by the Council.

- B. Subdivision Access (*Clerk Note: Introduced Ordinance No. 2014-08, April 3, moved to bring forward amendments to the Code Review Committee, and bring back substitute ordinance for a public hearing on May 1.*)

Chair Liedberg reported the amendments that were brought up when Ordinance No. 14-08 was introduced were incorporated into a substitute ordinance and highlighted in gray-coloring.

Discussion ensued over how the meeting would be structured. It was noted there was no set procedure, it was an informal meeting that allowed for public input during the discussion, but the purpose of the meeting was to discuss the amendments that had been brought forward, and if different language was preferred or comprises suggested they would be brought back to the Council.

Amendment No. 1. Section 17.07.090, Exceptions to Road Standards. Amend A.1 to strike "all lots gift deeded".

Section 17.07.090.A. The planning commission may authorize exceptions to the road standards of this title in a subdivision:

1. In which ~~all lots will be gift deeded~~; and
2. Which consists of four lots or less;

Staff Comments:

If the gift deed requirement for exception of road standards was removed, also needed to take away the requirement that the road be built if any lots are sold. Confirmed if the gift deed wording was left intact, there was no need to remove E.3, and the Planning Commission could grant an exception to road standards.

Existing Section 17.07.090 E. Attachment of Conditions to Subdivision Approval Required. No subdivision granted an exception to road standards shall be given final approval until a note is written on the face of the plat and deed restrictions are attached to the deed for subdivided lots indicating:

1. That the road granted the exception does not conform to the road standards of this title;
2. That the city, while accepting the dedication of the right-of-way, does not accept responsibility for road improvement or maintenance; and
3. **That the lots cannot be sold until the road is improved to the standards required by this title.** (Ord. 90-03 § 1 (part), 1990.)

Code Committee Recommendations:

- Commented there was nothing to prevent the Council from looking at another code provision if E.3 was deleted.

Public Recommendations:

- Flag E.3 and bring to the Council's attention.

Followup:

- Research whether or not the Council can amend an ordinance more than two times.

Amendment No. 2. Section 17.07.100, Preliminary Plat Standards. Strike existing B.20 and replace with new language, indicated as underlined.

Existing Section 17.07.100 B. The preliminary plat shall include:

20. “Adjacent parcel access Right of Way (public or private) deemed necessary to the Public Interest defined as pre-planned access roads, docks, airports, or any necessary public infrastructure approved by the City of Dillingham. Any Right of Way so deemed shall necessitate compensation in trust by the City of Dillingham at the current market value to be determined by appraisal. Trust will be reimbursed by trust beneficiary upon easement development. Necessary public rights-of-way or public easements which ensure reasonable and practicable access to property adjacent to the proposed subdivisions.” (Ord. 09-07 § 2, 2009).

Code Committee Recommendations:

- A comprise was to consider removing the existing code language, remove the last sentence in the proposed amendment, new language was workable until the City could come up with a better plan [road plan]. Didn't want the city in the position of purchasing easements.
- Not in favor of the new amendment. It would eliminate the opportunity to provide an easement to those land-locked parcels or adjacent parcels. Looking out for the person that was landlocked. If you own a snowmachine, you can't get in or out of the town legally.

Public Recommendations:

- Strike the last sentence in the proposed amendment beginning with Any Right of Way... This would address the concern putting the City in the position of purchasing easements.
- Drop the code for now and fix it while going through the transportation planning process. Private and public easements would be identified in a transportation plan being proposed by the Planning Commission.
- The proposed language was the result of looking for other language to satisfy the City's needs.

Amendment No. 3. Section 17.19.030, Access. Amend A to delete language public and add language easement.

Section 17.19.030 A. Every lot shall have access directly from a dedicated ~~public~~ right-of-way or easement.

Code Committee Recommendations:

- Fine with it.

Public Recommendations:

- Fine with it.

Amendment No. 4. Section 17.19.050, Streets - Right-of-Way width and improved width. Amend new section F to read "Private access streets will have a 50' easement with a 10' finished surface accessing up to 6 lots and a 14' finished surface accessing up to 10 lots. Access to more than 10 lots requires a 20' finished surface. Use of private access standards implies maintenance of the Right of Way 10' from finished surfaces".

Section 17.19.050

F. ~~Private access streets shall have at least a fifty foot dedicated right of way or easement and a 16 foot improved surface.~~ Private access streets shall have at least a fifty-foot easement with a 10 foot improved driving surface accessing up to six lots; a 14 foot improved driving surface accessing up to 10 lots; and a 20 foot finished surface accessing more than 10 lots. Use of private access standards requires maintenance of the right of way 10 feet on either side of the finished surface.

Code Committee Recommendations:

- Not in favor of supporting anything less than 16 feet for a six lot subdivision from a safety aspect to allow for all types of traffic - kids, vehicles, utility trucks.
- Spoke in favor of a minimum width of 14 feet, similar to other average-sized existing subdivision roadways as reported on earlier.
- Having driven a fire truck felt a 10 foot minimum width was sufficient.
- Could work with the proposed amended language, would like 12', 14', 20', better, major concern would be accommodating emergency vehicles, but a long term transportation plan would address standards for roads in the future.

Public Recommendations:

- Agreed to a 50 foot right-of-way, 10 foot minimum was sufficient, and it would be affordable to build.
- Had given much thought if safety was being comprised by approving a 10 foot minimum foot, but was okay with a 10 foot minimum.
- Might have a recommendation for a width for a road, but what about driveway accommodating a fire truck, ten feet would be sufficient.
- Could establish a wider width on a turn, where it was a sharp turn, when considering ample width for ambulances and fire trucks.

Follow-Up:

- Clarify if it is the understanding the Fire Chief had suggested twelve feet as the narrowest allowable width for fire trucks and ambulances.

Amendment No. 5. Section 17.19.060, Streets – General Standards. Section F to remain at 60' diameter.

Section 17.19.060 Streets—General standards.

F. Cul-de-Sacs. Cul-de-sacs in areas served by community or city sewer and water systems shall have a maximum length of six hundred feet with a minimum turn-around diameter radius of sixty feet. Cul-de-sacs in areas served by on-site sewer and water systems or only by city or community sewer systems shall have a maximum length of one thousand three hundred feet.

Code Committee Recommendations:

- Code Committee had advised taking up only the items that were on the original list comparing the Subdivision Access Committee and the Planning Commission's recommendations, and to send this issue to the Planning Commission to work on.

Public Recommendations:

- For City to revisit this item and clarify any misunderstandings.

Amendment No. 6. Section 17.19.080. Section D.1. add the word private indicate in underline.

Section 17.19.080 Streets—Safety Standards.

D. Sight Distances. A minimum sight distance, with visibility measured along the centerline of the street, shall be provided for both horizontal and vertical curves as follows:

1. Minor and major local streets or private access streets, one hundred twenty-five feet;

Code Committee Recommendations:

- Fine with it. Clean up item.

Amendment No. 7. Section 17.19.120. Section E add language "Where utilities deemed necessary".

Section 17.19.120 Easements.

E. Where utilities deemed necessary, easements shall be reserved to provide for the extension of utilities to surrounding areas. The subdivider will be required to dedicate necessary easements but will not be required to build utilities to serve surrounding areas.

Code Committee Recommendations:

- Fine with it. No issue recommending to the Council.

NEW Amendment No. 8. Section 17.03.030. New section Z delete language of not more than seven lots by use of a dedicated private easement.

Section 17.03.030

Z. "Private Access Streets". In this title "private access street" means roads which provide legal access to a residential subdivision of not more than seven lots by use of a dedicated private easement.

Code Committee Recommendations:

- Needs to be fixed as well conflicts with Section 17.19.050.

Public Recommendations:

- Conflicts with Section 17.19.050. Suggest strike language that follows residential subdivision of ~~not more than seven lots by use of a dedicated private easement.~~

Mayor Ruby summarized the major items that would require an explanation to the Council:

1. 17.07.090, delete Section E. 3
2. 17.07.100, delete all but the first sentence and commit to a future transportation plan;
3. 17.19.050, compromise of the 10, 14 and 20 was discussed;
4. 17.03.030, Section Z. conflicted with 17.19.050.

Discussion:

- clarified the Council could consider these amendments to be substantive and recommend another public hearing, as advised by the City's attorney; and
- confirmed Ordinance No. 2014-08 (Substitute 1) would be in the next Council packet.

C. Minimum Acreage (*Place Holder*)

VI. NEW BUSINESS

A. Sales Tax – Fuel Deliveries Outside Dillingham Limits

This item to be taken up at the next meeting.

VII. PUBLIC COMMENT/COMMITTEE COMMENTS

There were no public or committee comments.

VIII. ADJOURNMENT

The meeting adjourned at 7:40 p.m.

Paul Liedberg, Chair

ATTEST:

Janice Williams, City Clerk

Approval Date: _____

I. CALL TO ORDER

The Finance and Budget Committee met on Wednesday, April 2, 2014, at the City Council Chambers, Dillingham, AK. Mayor Ruby called the meeting to order at 5:34 p.m.

II. ROLL CALL

Committee Members present:

Alice Ruby, Mayor, Chair
Bob Himschoot, Council Member - *attended by teleconference*
Keggie Tubbs, Council Member
Tracy Hightower, Council Member
Rose Loera, City Manager
Carol Shade, Finance Director

Guest(s): Bill McLeod, School Supt.

III. APPROVAL OF MINUTES

A. Minutes of February 24, 2014

MOTION: Tracy Hightower moved and Carol Shade seconded the motion to approve the minutes of February 24, 2014.

GENERAL CONSENT: The motion passed without objection.

IV. APPROVAL OF AGENDA

Manager Loera asked to add School Budget Discussion after item Approval of Agenda followed by Annexation Appeal that would be taken up in executive session.

MOTION: Manager Loera moved and Tracy Hightower seconded the motion to approve the agenda as amended.

GENERAL CONSENT: The motion passed without objection.

V. STAFF REPORTS

A. School Budget FY2015

Supt. McLeod reported:

- school had balanced its budget, was asking for the same level of funding as the last few years, and sustain existing programs, recognizing inflation was affecting wages and benefits, and other expense;
- 3rd grade proficiencies continually increased since 2005, from 55% to 86% in 2012 in reading, from 54% to 77% in writing; from 59% to 82% in math;

- from 59% to 70% improvement at all grade levels in fourth year of five year initiative at elementary school;
- increased 5 year graduation rate from 59% to 68%, calculated on pupils who enter school at grade levels 9-12th including MAP school; goal is 70% for five year initiative;
- modest growth in enrollment, 10-12 pupils, additional \$5,680 per pupil;
- increase in intensive needs population, funded at \$73,000 per pupil, but have to hire additional staff member when you increase by one;
- City and CANDU had each contributed \$50K for an additional position several years ago, so he could move both of the MAP instructors back full-time to the MAP program;
- budget recognizes \$1.25M from City for instruction and \$50K for major maintenance and operations;
- \$50K allocation for FY 2014 spent on continued work on the HVAC system and motors; new stage; wrestling hoists;
- contracted work based on type of services; accounting services, payroll, some instructional technology;
- commented the school was losing a \$187,000 grant for a pre-K program with Headstart, and had moved two teachers to elementary school to fill two vacancies; not sure how he was going to sustain the program; and
- commented could have a presentation on the school formula if needed, and give at least a week's notice.

Mayor Ruby commented she seen a presentation on CES (Cooperative Extension Services) online courses that could supplement the school's programs, and had planned to distribute a copy of her write-up.

B. Annexation Appeal

MOTION: Manager Loera moved and Tracy Hightower seconded the motion to move into executive session for a legal matter to discuss the status of the annexation appeal [6:25 p.m.].

GENERAL CONSENT: The motion passed without objection.

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to come out of executive session [6:59 p.m.].

GENERAL CONSENT: The motion passed without objection.

C. Review FY 2013 Audit

Finance Director Carol Shade commented although the hours worked by the auditors were more than what had been anticipated, the auditors had absorbed about ½ of the cost. A major part of the additional work was attributed to auditing the grants, some for previous years, for which the auditing cost could be recovered through the grant. One of the findings involved rate structure used by the City for leasing equipment with or without operator, for overtime cost that was allocated and charged to the grant.

Discussion:

- asked what it would take to reorganize the Finance Department to cover the bases, and to come up with a plan and bring it forward in the budget process;
- noted findings are not unusual in an audit, but have an action plan to address them.

VI. UNFINISHED BUSINESS

A. Fiscal Policy Development

1. Review Internal Controls – Update

Finance Director Shade reported they had worked on another section, and that this was a work in progress.

B. Options for Excess Raw Fish Revenues (*Place Holder to Begin Developing a Fiscal Policy*)

Follow-Up: This item to be removed from future agendas until the annexation decision was done.

C. Rate Review

1. Equipment Rates (*Place Holder*)

Manager Loera reported staff would research equipment rates and asked to include a review of the landfill rates, because of the major changes coming up at the landfill.

Follow-Up: Add review of landfill rates to the regular month-end agenda.

D. Nushagak Fish Tax Refund Time Frame

Follow-Up: This item to be removed from future agendas until the annexation decision was done.

VII. NEW BUSINESS

A. Dillingham Volunteer Fire & Rescue Squad Donations

Finance Director Shade reported that it was brought up in the audit that there was \$33,000 in donations to the volunteer and fire rescue squad sitting on the balance sheet for some time, and was recommending it be transferred to the Ambulance Replacement Fund.

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to concur with the recommendation and bring it to the Council, and for future donations for staff to come back with a recommendation.

GENERAL CONSENT: The motion passed without objection.

B. Landfill Update

Manager Loera reported the amount of municipal waste stream originally estimated did not include Dillingham Refuse. This increased the tonnage to 20 tons from 11 tons. Pennram had a system that would cost more, would involve shift work in the summer to maximize the burn potential. The City's project manager had put together a new budget that was about \$300,000 over budget.

C. Annexation Appeal

This item was taken up under executive session.

VIII. PUBLIC/COMMITTEE COMMENT(S)

Tracy Hightower:

- commented the ballot this year would include an initiative to regulate marijuana, and that it was becoming a new source of taxable revenue for some states.

Manager Loera:

- commented a potential revenue source for the dock could be hauling items that come across the dock; and
- commented City had proposed purchasing oil spill equipment, both Nushagak and Delta Western have oil spill material, but due to budget constraints would put it on hold pending the outcome of annexation.

Carol Shade:

- commented was retracting her notice of retirement after further consideration.

Bob Himschoot:

- commented welcome back Carol.

IX. ADJOURNMENT

The meeting adjourned at 8:08 p.m.

Mayor Ruby, Chair

ATTEST:

Janice Williams, City Clerk

Approval Date: _____

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2014-06

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING TITLE 18 OF THE DILLINGHAM MUNICIPAL CODE TO REPEAL AND REENACT CHAPTER 18.16 LAND USE PERMITS TO PROVIDE A SYSTEM OF PERMITS AND REVIEWS TO RESPOND TO A VARIETY OF LAND USE ACTIVITIES; TO PROVIDE ADDITIONAL DEFINITIONS RELATED TO LAND USES IN SECTION 18.12.020; TO PROVIDE ADDITIONAL GUIDANCE FOR NONCONFORMING USES IN CHAPTER 18.44; TO PROVIDE ADDITIONAL GROUNDS FOR THE CITY TO ENFORCE ITS REGULATIONS IN CHAPTER 18.60; AND TO CREATE CHAPTER 18.42, MATERIAL SITES AND REGULATION

WHEREAS, the community of Dillingham supports development; and

WHEREAS, construction of a development project may require the extraction of gravel and aggregate; and

WHEREAS, the City of Dillingham also wishes to protect its environment and citizens from unnecessary negative impacts of such projects; and

WHEREAS, the development of material sites can impact viewsheds and raise issues of noise, dust, potential harm to local wells and anadromous streams; and

WHEREAS, state and federal regulations require certain permits in connection with development and operation of material sites, but these permits do not cover all the issues that the community may wish to see addressed; and

WHEREAS, the City is considered the entity responsible for addressing issues that are not currently covered by existing regulations; and

WHEREAS, the City wishes to provide responsible oversight of its natural and built environments, by creating a system of permits and reviews to respond to the scope and variety of land use activities; and

WHEREAS, the City recommends adoption of necessary changes to the Dillingham Municipal Code to address the development of material sites in Dillingham;

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

Section 1. Amendment of Title 18. Title 18 of the Dillingham Municipal Code is hereby amended by repealing (repealed language shown as ~~strike through~~) and reenacting Chapter 18.16 to read as follows:

Chapter 18.16
LAND USE PERMITS

Sections:

- ~~18.16.010 Land use permit required.~~
- ~~18.16.020 Land use permit application.~~
- ~~18.16.030 Land use permit administration.~~

~~18.16.010 Land use permit required.~~

~~No party shall construct, construct an addition to, substantially improve, change the principal use of, or relocate a structure, or construct a driveway or fence within the city without first securing from the city planning department a land use permit for each parcel. (Ord. 92-21 § 4 (part), 1992.)~~

~~18.16.020 Land use permit application.~~

~~Application for a land use permit shall be filed with the planning department on forms supplied by the department. Each application shall be accompanied by the required fee. (Ord. 92-21 § 4 (part), 1992.)~~

~~18.16.030 Land use permit administration.~~

~~A. Administrator. The planning director is appointed to administer and implement this title by granting or denying land use permit applications in accordance with its provisions.~~

~~B. Alternate to Director. In the event that the planning director is out of town, the position is vacant, or the director is otherwise unavailable for more than one week, the city manager has the option of designating an interim administrator of this title. The interim administrator may include the city manager, another city employee or the planning commission.~~

~~C. Review. Following filing of the application, the planning director shall review the submittal, request any additional information deemed necessary, and determine whether the application complies with the requirements of this code.~~

~~D. Approval. If it is determined that the application complies with the requirements of this code, the planning director shall issue a permit granting administrative approval to proceed, subject to provisions of this code.~~

~~E. Revision of Permit. An applicant may seek approval from the planning director to revise an approved permit, without having to submit a new application, if:~~

- ~~1. The revision meets the definition of "minor amendment" in this title; or~~
- ~~2. The revision is for the purpose of mitigating impact to historic resources according to Chapter 18.32 of this title.~~

~~F. Expiration of Approval. An applicant has two years from the approval date to make substantial progress on the structures and uses that have been approved. If substantial progress has not been made within two years, the approval expires. If the applicant desires the structures and uses to be reapproved, a new permit application must be submitted. (Ord. 92-21 § 4 (part), 1992.)~~

Sections:

- 18.16.010 General Provisions**
- 18.16.020 By-Right Land Use Activity.**
- 18.16.030 General Land Use Permit.**
- 18.16.040 Administrative Review.**
- 18.16.050 Conditional Use Permit.**

18.16.010 General Provisions

A. Purpose. Unless a land use activity is a by-right land use activity, as described in Chapter 18.16.020, no party shall construct, construct an addition to, substantially improve, change the principal use of, or relocate a structure, or construct a driveway or fence within the city without first securing from the city planning department a land use permit for each parcel on which the structure, driveway or fence is or will be located.

B. Administrator. The Planning Director shall administer and implement this title.

C. Alternate to Director. In the event that the Planning Director is out of town, the position is vacant, or the Director is otherwise unavailable for more than one week, the City Manager has the option of designating an interim administrator of this title. The interim administrator may include the City Manager, another city employee or the Planning Commission.

D. Expiration of Approval. An applicant has two years from the approval date to make substantial progress on the structures and uses that have been approved. If substantial progress has not been made within two years, the approval expires. If the applicant desires the structures and uses to be reapproved, a new permit application must be submitted.

18.16.020 By-Right Land Use Activity.

A. Purpose. Those land uses with the least significant impact on the natural or built environments shall be considered by-right activities. By-right land uses are deemed appropriate due to their minimal size and low impact on surrounding neighborhoods and/or properties. Acknowledging certain uses as by-right serves to expedite the process of constructing or establishing such use.

B. Authority. By-right land uses require no application or formal review from City of Dillingham staff, or by an elected or appointed body. It is the responsibility of the property owner to ensure compliance with the requirements of the underlying land use district.

C. Authorized By-Right Land Uses. By-right uses are those structures or uses that are non-habitable and clearly ancillary or secondary to the parcel's principal use, such as a small smoke house or "steam". A by-right building shall not exceed one hundred and fifty (150) square feet in size.

D. Process. If a person wishes to construct or establish a by-right land use, they may do so without supplying any material to the City of Dillingham. No formal review procedure is necessary.

18.16.030 General Land Use Permit.

A. Purpose. General Land Use Permits are required for all land uses not considered by-right land uses. The purpose of the permit is to ensure that the standards of the underlying land use district are satisfied. These standards may include, but are not limited to: setbacks, maximum building height, building size, density, open space, on-site and septic well systems and the intended use.

B. Authority. The Planning Director shall review all General Land Use Permits.

C. Authorized Uses for General Land Use Permit. All land uses, other than those allowed as by-right land uses, or those required to follow the Administrative Review or Conditional Use process, shall require a General Land Use Permit.

D. Standards Applicable to General Land Use Permits. Only those standards stated in Chapter 18.20, Land Use Districts, shall be applicable to a General Land Use Permit; however, the Planning Director may impose conditions to a General Land Use Permit if regulations pertaining to the specific use, building or structure in this Code grant such authority.

E. Process. A General Land Use Permit shall be processed as follows:

1. A voluntary pre-application conference may be held with the Planning Director;
2. The Planning Department shall make available the General Land Use Permit form that outlines the necessary material and specific format for the permit application;
3. Upon receiving a complete General Land Use Permit form, the Planning Director shall conduct a review to determine whether the proposed land use complies with the applicable land use district standards; and
4. The Planning Director shall approve or deny the application no more than thirty (30) days after it has been submitted.

F. Revision of Permit. An applicant may seek approval from the Planning Director to revise an approved permit without having to submit a new application if:

1. The revision does not change the use, add an additional use or expand the combined area of the approved buildings or uses by more than twenty-five (25) percent; or
2. The revision is for the purpose of mitigating impact to historic resources according to Chapter 18.32 of this title.

18.16.040 Administrative Review.

A. Purpose. An Administrative Review is for those land uses which are generally compatible with the other permitted uses in a land use district, but which require individual review of their location, design, operation characteristics, intensity and density to ensure the appropriateness of the land use in the land use district.

B. Authority. The Planning Director, in accordance with the procedures, standards and limitations of this Title, shall approve, approve with conditions or deny a land use application requiring an Administrative Review.

C. Uses Requiring Administrative Review. Chapter 18.20, Land Use Districts, shall define those uses which require an Administrative Review. A land use subject to an Administrative Review shall be evaluated by the Planning Director for compliance with the standards and conditions set forth in this Chapter.

D. Standards Applicable to Administrative Review. When considering a development application for Administrative Review, the Planning Director shall consider whether all of the following standards are met, as applicable:

1. The use is consistent with the intent of the land use district in which it is proposed to be located and complies with all other applicable requirements of this Title;

2. The use is compatible with the mix of development in the immediate vicinity of the parcel in terms of scale of development, safety, and type of use, as well as with any applicable comprehensive, neighborhood, or master plan;
3. The location, size, design and operating characteristics of the proposed use minimizes adverse off-site effect by meeting the standards specified in this Code, including drainage or other water quality impacts, visual impacts, impacts on pedestrian and vehicular circulation, parking, trash, service delivery, noise, vibrations and odor on surrounding properties;
4. There are adequate public facilities and services to serve the use including but not limited to roads, water, sewage, solid waste, parks, police, fire protection, emergency medical services, hospital and medical services, drainage systems and schools; and
5. The Planning Director may impose such conditions on an administratively-reviewed use that are necessary to maintain the integrity of the City's land use districts and to ensure the use complies with this Chapter and this Title; is compatible with surrounding land uses; and is served by adequate public facilities. This includes, but is not limited to, imposing conditions on size, bulk, location, open space, landscaping, buffering, lighting, stormwater management, signage, off-street parking and other similar features, the construction of public facilities to serve the use and limitations on the operating characteristics, hours of operation and duration of the use.

E. Process. An application for Administrative Review shall be processed in accordance with the following:

1. A voluntary pre-application conference may be held with the Planning Director;
2. Upon receiving a complete Administrative Review application, the Planning Director shall conduct a review and prepare a determination; and
3. The Planning Director shall approve, approve with conditions, or deny the application no more than forty-five (45) days after receiving a complete application.

F. Application. At a minimum, all Administrative Review applications shall include the following information and materials:

1. A completed City of Dillingham General Land Use Permit form;
2. A disclosure of ownership of the parcel proposed for development, listing the names of all owners of the property and all mortgages, judgments, liens, easements, contracts and agreements affecting the parcel and demonstrating the owner's right to apply for the development application. If there is a question determined by the City regarding ownership of the property, which could be resolved by a title insurance company, the City may request the applicant provide a certificate of plat or current title insurance policy indicating the legal and equitable owners. The certificate shall be current within thirty days of the application. Also;
3. An 8½" x 11" vicinity map locating the subject parcel within the City of Dillingham;
4. A site plan depicting the proposed layout and the project's physical relationship to the land and its surroundings;

5. A site improvement survey certified by a registered land surveyor, licensed in the state, showing the current status of the parcel including any easements or rights-of-way. This requirement or any part thereof may be waived by the Planning Director if the project is determined not to warrant a survey document;
6. A written description of the proposal and a written explanation of how the proposed development complies with the review standards relevant to the development application;
7. A sketch plan of the site showing existing and proposed features relevant to the review of the application, including:
 - a. Location, dimension, and use of all structures;
 - b. Location and dimensions of all existing and proposed roads, driveways, parking areas, patios, decks, walkways, and other impervious area(s); and
 - c. Distances of existing and proposed structures from all property lines, rights-of-way, and easements;
8. A written description of the operational characteristics of the proposed use;
9. Any additional materials required for the specified land use type.

G. Amendment to Approved Administrative Review.

1. Minor amendment. A minor amendment to an approved administratively-reviewed use may be authorized by the Planning Director. Revisions for the purpose of mitigating impact to historic resources according to Chapter 18.32 of this title may be reviewed as a minor amendment. Other minor amendments shall be limited to changes which meet all of the following standards:

- a. The change will not cause negative impacts on pedestrian and vehicular traffic circulation, parking or noise;
- b. The change will not affect the character of the neighborhood in which the use is located;
- c. The change will not substantially alter the external visual appearance of the building or its site.

2. Major amendments. Any amendment that changes an approved use to the extent that it no longer meets the criteria for Administrative Review shall be reviewed by the Planning Commission as a proposed Conditional Use.

18.16.050 Conditional Use.

A. Purpose. Conditional uses are those land uses whose impact to the general community requires careful review. These impacts may include location, design, operation characteristics, intensity and density that potentially exceeds the normal expectations of the underlying land use district. As such, conditional uses warrant a review before a public forum.

B. Authority. Conditional use applications are reviewed by the Planning Commission during a public hearing. The Planning Commission, in accordance with the procedures, standards and limitations of this Chapter, shall by resolution approve, approve with conditions, or deny a land use application for a conditional use, after receiving recommendation from the Planning Director.

C. Authorized Conditional Uses. Only those uses which are authorized as a conditional use for each land use district in Chapter 18.20, Land Use Districts, may be considered for conditional use review. The designation of a land use as a conditional use in a land use district does not constitute an authorization of such land use or act as an assurance that such land use will be approved as a conditional use; rather, each proposed conditional use shall be evaluated by the Planning Commission for compliance with the standards and conditions set forth in this Chapter.

D. Standards Applicable to Conditional Uses. When considering a development application for a conditional use, the Planning Commission shall consider standards (1) through (5) found in Section 18.16.040.D., Standards Applicable to Administrative Review, as applicable.

E. Process. An application for review of a conditional use shall be processed in the following manner:

1. A voluntary pre-application conference may be held with the Planning Director;
2. Upon receiving a complete conditional use application, the Planning Director shall conduct a review and prepare a recommendation for the Planning Commission;
3. A public hearing before the Planning Commission shall be conducted no later than sixty (60) days after receiving a complete application;
4. Following the public hearing, the Planning Commission shall by resolution (with appropriate findings of fact) approve, approve with conditions, or deny the application.
5. Notice requirements for conditional use applications shall include the following:
 - a. The applicant shall post a public notice sign on the subject property describing the owner, applicant, request, and date of the public hearing. The sign shall be at least twenty-four (24) inches in width by thirty-six (36) inches in height, with lettering at least one (1) inch in height. The sign shall be visible from the highest traveled public right-of-way adjacent to the property. Notice signs can be obtained from the City
 - b. At least thirty (30) days prior to the date of the scheduled public hearing, the City shall mail a public notice announcing the owner, applicant, request, location of the proposed use and date of the public hearing to all property owners within five hundred (500) feet of the subject property boundary; and
 - c. At least thirty (30) days prior to the date of the scheduled public hearing. The City shall publish notice of the time and place of the hearing in the manner required by DMC 2.08.020;

F. Application. An application for conditional use shall include the same material required for Administrative Review, found in Section 18.16.040.

G. Amendment to Approved Conditional Use. This process is the same as specified under the Administrative Review process, found in Section 18.16.040.G.

18.16.060 Example and Summary of Administrative Requirements

The following table summarizes and provides examples of the requirements of this Chapter. In case of any conflict between the table and requirements set forth in Sections 18.16.010-050, Sections 18.16.10-18.16.050 shall control.:

	BY-RIGHT LAND USE	GENERAL LAND USE PERMIT	ADMINISTRATIVE REVIEW	CONDITIONAL USE
Permit Required	No	Yes	Yes	Yes
Review Timeframe	Immediate	Up to 30 days	Up to 45 days	Up to 45 days
Review Authority	None required	Planning Director	Planning Director	Planning Commission
Appeal Authority	Not applicable	Board of Adjustment	Board of Adjustment	Board of Adjustment
Review Authority May Apply Conditions?	No	No	Yes	Yes
Examples of uses	<ul style="list-style-type: none"> • Smoke houses • Satellite dish • Steam • Deck • Minor home remodel 	<ul style="list-style-type: none"> • Single-family home • Add-on • Garage • Office building • Driveway • On-site well or septic 	<ul style="list-style-type: none"> • Material sites • Option for other uses in the future 	<ul style="list-style-type: none"> • Larger scale material sites • Option for other uses in the future

Section 2. Addition to 18.12.020 The Dillingham Municipal Code is hereby amended by the addition of the following definitions to Section 18.12.020, Definitions:

“Accessory structure” means a detached structure or building which is subordinate and incidental to that of the main building, structure, or use on the same lot.

“Berm” means a small hill or raised section of earth, at least six (6) feet in height, with the purpose of providing visual or noise screening and/or protection to adjacent property. rights-of-way or access easements.

“Buffer zone” means a variably-sized area maintained around the perimeter of an excavation site or property boundary. A buffer zone provides a neutral area that lessens the impacts of potential mining impacts including noise, water runoff and dust.

“Dewatering” means the process of removing or draining groundwater or surface water from a riverbed, water body or extraction site by pumping or evaporation.

“Exploration” means any excavation to determine the location of below ground natural resources, subsurface or slope integrity, and/or the depth of the water table.

“Extraction site” means those areas on a material site where resources are being extracted, or have been extracted, from subterranean soils.

“High water table” means the surface level of the water-saturated part of the ground, and frequently the uppermost portion of an aquifer at a given vertical reference, during the seasonal high water period.

“Material site” means the area, delineated by a parcel boundary, where a material extraction operation is occurring involving the extraction of the following materials: sand, gravel, rock, peat moss, clay, soil, sphagnum, pumice, cinders, clay or other minerals which are extracted by screening, washing, crushing, grinding, milling or other similar processes. Material sites also include those areas where material extraction has stopped or completed but remains in an un-reclaimed state.

“Operator” means the individual or company responsible for extraction operations on a material site.

“Revegetation” means the reseeding of soils to encourage plant growth and soil integrity that is equivalent to levels prior to site disturbance and/or vegetation removal.

“Water body” means any significant accumulation of water, including lakes, ponds, wetlands, creeks, rivers, streams, and canals.

Section 3. Addition of Section 18.44.025 The Dillingham Municipal Code is hereby amended by adoption of Section 18.44.025, Nonconforming Uses – Material Sites, to read as follows:

18.44.025 Nonconforming Uses - Material Sites.

A. All operating material sites with operation and reclamation permits approved by the State of Alaska and with approved General Land Use Permits issued by the City of Dillingham at the time of adoption of Ordinance No. 2014-06 on May 1, 2014 shall be deemed legal nonconforming uses. This nonconforming status enables operators to continue the extraction of material without the requirement of acquiring a material site permit as specified in this section. Compliance with provisions found in Sections 18.44.020 and 14.44.030, and the following standards are required:

1. All active material sites, or those that have filed for a state permit by the date of adoption of Ordinance No. 2014-06, shall register their operation with the City of Dillingham. This registration shall provide a record for the operation’s scope, including the type of mining operation to occur, and a copy of any approved State permits;
2. All operations must comply with Section 18.42.080, Reclamation Plan;
3. Operations that expand the magnitude and/or the potential impacts of the operation, as specified below, are required to submit and receive approval for continued operation under the administrative or conditional use permit specified in this section. The permit process shall occur and conclude prior to the operation completing the expansion:
 - a. Any nonconforming material site whose growth or expansion causes the operation to cross one permit level to another, as defined in Section 18.42.030, Types of Material Site Permits and Review Authority;

b. All operations extracting material within the high water table, shall comply with Section 18.42.090, Water Table Monitoring Plan;

c. Expansion by more than five (5) acres of the cumulative area affected by the operation, or expansion by more than ten (10) percent in the annual volume of material extracted, as compared to the area of operation and volume of material extracted during the summer season in the year prior to the adoption of this code.

4. After ten (10) years of operation from the date of approval of this ordinance, the operation shall be required to conform to all requirements of this code.

B. It is the operator's responsibility to report any changes at a material site that would require compliance with the standards in Section 18.44.025.A. Failure to report such changes may result in fines and/or the revocation of the nonconforming status.

Section 4. Addition to Section 18.60.010 The Dillingham Municipal Code is hereby amended by additional language to Section of Chapter 18.60.010, Violations-Enforcement. The amended section shall read as follows:

A. The planning director or designee may order the discontinuance of unlawful uses of land, buildings or structures; the removal or abatement of unlawful buildings or structures or any unlawful additions or alterations thereto; the discontinuation of construction or preparatory activity leading to an unlawful structure or use of land; or any other action necessary to ensure compliance with this title;

B. The planning director or designee may order the discontinuance of uses of land, buildings or structures that create a significant risk to sensitive environmental qualities of the site, including slopes, water bodies, and other identified important environmental areas;

C. The planning director or designee may order the discontinuance of uses of land, buildings or structures that create a significant risk to the general public's safety, health, and welfare; and

D. City police officers are also authorized to issue citations to any person who violates any provision of this title based on information supplied by the planning director or department of public works

Section 5. Addition of Chapter 18.42 The Dillingham Municipal Code is hereby amended by adoption of Chapter 18.42, Material Sites and Regulations, to read as follows:

CHAPTER 18.42 MATERIAL SITES AND REGULATIONS

Sections:

18.42.010	Purpose and Intent
18.42.020	Applicability – Scope
18.42.030	Types of Material Site Permits and Review Authority
18.42.040	Appeals
18.42.050	Application Review Fees
18.42.060	Submittal Process
18.42.070	Mining Plan
18.42.080	Reclamation Plan

18.42.090	Water Table Monitoring Plan
18.42.100	Performance Standards
18.42.110	Compliance with Federal & State Policies
18.42.120	Inspections
18.42.130	Penalties and Fines
18.42.140	Renewals

18.42.010 Purpose and Intent.

. This Title provides material site land use regulations to allow extraction of material resources in a manner that is compatible with the maintenance of community health, safety and welfare and natural resource integrity. These purposes are accomplished by:

1. Promoting the goals and objectives of the City of Dillingham Comprehensive Plan;
2. Promoting the orderly and beneficial development of such areas by the owner/permittee in a manner that will not devalue the extraction site or neighboring properties for future beneficial uses upon completion of resource extraction;
3. Promoting diversified land use and economic opportunity;
4. Encouraging the most appropriate uses of land; and
5. Protecting and enhancing quality of life, health, and safety within the City of Dillingham.

18.42.020 Applicability – Scope.

A. This Chapter applies to all private and public lands in the City of Dillingham.

B. This Chapter shall not apply when material extraction is not intended for sale or barter, or where the area where gravel is to be extracted is less than one acre, or where the annual extraction of materials is five hundred (500) cubic yards or less.

C. Extraction that exceeds the standards stated in Section 18.42.030.B requires an Administrative Review Permit or Conditional Use Permit. See Section 18.42.030, Types of Material Site Permits and Review Authority, for requirements determining which permit is required.

D. Material extraction falling below the thresholds in Section 18.42.030.B shall comply with requirements found in Section 18.16.030, General Land Use Permit, and the additional standards below:

1. Hours of operation – operation is not permitted between the hours of 11 p.m. to 7 a.m.
2. Buffers required – policies established in Section 18.42.100.B.2, Buffers, shall apply to all material sites regardless of their location and volumetric extraction amount, with the exception that on parcels of three acres or less, the acceptable buffer width may be reduced to twenty-five (25) feet.

E. Exploration work conducted prior to material extraction must comply with setbacks and other dimensional standards of the underlying land use district, and shall result in minimal disturbances to vegetation, water ways and neighboring uses.

18.42.030 Types of Material Site Permits and Review Authority.

A. The types of permits available for material sites are:

1. Administrative Review Permit (ARP) – a permit approved, approved with conditions, or denied by the Planning Director in accordance with procedures outlined in Section 18.16.040, Administrative Review.

a. To qualify for an ARP, the following criteria must be met:

- i. The cumulative continuous area of activity is less than five (5) acres in size;
- ii. Extraction activities allowed by this permit shall not exceed five (5) years. A one-time extension may be granted, for a period no longer than twelve (12) months, after which a renewal permit must be obtained;
- iii. The material site property lines are within five hundred (500) feet of parcel boundaries of four (4) or fewer residential parcels,

2. Conditional Use Permit (CUP) – a permit approved, approved with conditions, or denied by the Planning Commission. The CUP process shall proceed in accordance with procedures outlined in Section 18.16.050, Conditional Use Permit.

a. The following criteria qualify an application for a material site CUP:

- i. A cumulative continuous area of activity is equal to or greater than five (5) acres in size;
- ii. Any material site operation with extraction occurring below the average annual high water table;
- iii. Extraction activities allowed by this permit shall not exceed five (5) years. A one-time extension may be granted, , for a period no longer than twelve (12) months, after which a renewal permit must be obtained;
- iv. A material site with five (5) or more residential parcels located within five hundred (500) feet of its parcel boundaries; or
- v. A material site that includes or immediately adjoins anadromous streams.

B. Conditions. During an ARP or CUP process, the review authority may set conditions of approval, upon the area in which the material site is located, including, but not limited to the following:

1. Setbacks may be increased as appropriate for increased compatibility with surrounding property;
2. Visual screening, buffering, noise mitigation, lighting restriction and ingress/egress restrictions as appropriate for increased compatibility with surrounding property, and in accordance with the goals in Section 18.42.100, Performance Standards;
3. Road maintenance, including dust mitigation, may be required of the material site operator; and
4. The location of batch plants.

18.42.040 Appeals.

Any appeal of a material site permit determination shall be subject to the policies and procedures outlined in Chapter 18.52, Appeals, of this Code.

18.42.050 Application Review Fees.

The applicant of a material site permit shall be responsible for all associated review fees, based upon the following schedule:

- A. Administrative Permit: \$100
- B. Conditional Use Permit: \$200

18.42.060 Submittal Process.

A. Prior to submitting an application for a material site permit, applicants may request a pre-application conference with the Dillingham Planning Department. For both the ARP and CUP required under this Chapter, the following shall be submitted to the department:

- 1. A completed General Land Use Permit application form provided by the department;
- 2. A mining plan in accordance with Section 18.42.070;
- 3. A reclamation plan acknowledging future compliance with standards as outlined in Section 18.42.080, Reclamation Plan; and
- 4. A fee in the amount designated in Section 18.42.050.

B. The Planning Director may reject any application which is incomplete or fails to meet the requirements of this Chapter. The rejection shall be in writing and shall state the deficient items. Once the deficiencies have been corrected, the complete application will be processed within the times specified below.

C. If the minimum criteria for an ARP can be met, the Planning Director shall render a decision within sixty (60) days of acceptance of the application.

D. If the proposed development exceeds the minimum criteria for an ARP, surrounding property owners will be notified and a public hearing before the Planning Commission for a CUP shall be conducted within sixty (60) calendar days of the acceptance of a complete application. The applicant may waive the sixty (60) day limit.

E. The Planning Commission shall hear any interested parties and shall render a decision on the application for a CUP within sixty (60) calendar days from the date of public hearing, unless the applicant agrees to a time extension. In the granting of a CUP, the Planning Commission shall state in writing the conditions any approval of the permit.

18.42.070 Mining Plan.

A. All applicants seeking a material site permit must submit a mining plan. The mining plan shall describe the existing conditions of the site, and the operator's plan for material extraction and site management. At a minimum, the mining plan shall include the following:

- 1. The information required as part of a General Land Use Permit;
- 2. Photos of the existing property displaying existing vegetation;
- 3. An Existing Conditions Map showing:

- a. Parcel boundaries with dimensions;
 - b. Location, dimensions, and purpose of rights-of-way and easements within the property;
 - c. General location and dimensions, and use of all existing structures;
 - d. Location and dimensions of all existing roads, driveways, parking areas, patios, decks, walkways, and other impervious area(s);
 - e. Location of all utilities, including but not limited to septic tanks and drainfields, water, power, and telecommunications;
 - f. Location of any streams, lakes or other surface water bodies, as defined; identify which, if any, of the streams are anadromous water bodies;
 - g. Other significant distinguishing land features such as slopes greater than twenty (20) percent within or adjacent to the parcel;
 - h. Vicinity map showing the land uses on adjacent parcels.
4. An Operations and Extraction Plan showing:
- a. Location and boundaries of extraction site(s);
 - b. Location of proposed utilities;
 - c. Location, dimension, and use of all proposed structures;
 - d. Storm water management;
 - e. Distance of proposed structures from all property lines, from rights-of-way, easements, and other structures;
 - f. Mining activity phasing plan, showing the sequence of extraction and the relationship to required reclamation; and
 - g. Site ingress/egress, including haul roads within the site, and planned path of trucks delivering materials to off site locations.
5. A Performance Standards Compliance Map depicting compliance with those standards in Section 18.42.100, Performance Standards;
6. A Reclamation Plan addressing issues outlined in section 18.42.080;
7. All maps required above shall be submitted with a north arrow, maintain a consistent orientation, and use a similar scale with one (1) inch equaling an even number of feet not more than two hundred (200) feet. If a one (1) inch = two hundred (200) feet scale cannot represent the entire property, multiple maps must be provided;

8. When practical and beneficial to the simplicity and efficiency of the application, the requirements outlined in Section 18.42.070.A above may be combined onto a single plan and/or map.

18.42.080 Reclamation Plan.

A. For all extraction operations permitted under this Title, or for those material sites with a legal nonconforming status, reclamation of each phase of operation shall start as soon as that phase of extraction is over. The reclamation process will be completed in accordance with this section within four (4) years of an extraction phase becoming complete.

B. Reclamation is not required for those portions of mining phases that overlie subsequent phases.

C. The following actions must be conducted to satisfy the requirements of the reclamation plan:

1. Junk vehicles, junk vehicle parts, and trash shall be removed;
2. Slopes shall be graded to attain a maximum fifty (50) percent slope or the natural stabilized angle of repose of the existing earth material:
 - a. Site soils more susceptible to erosion or liquefaction require a slope adequate to ensure stabilization;
 - b. Slopes shall be graded to blend with the surrounding undisturbed topography.

D. Surface water quality shall be protected by implementing applicable best management practices described in the current publication of the State of Alaska Department of Environment Conservation's User Manual Best Management Practices for Gravel Pits.

E. All disturbed areas shall be covered with a minimum compaction depth of four (4) inches of organic material or soil stripped and stockpiled during initial development activities.

F. Surface areas shall be revegetated to protect against erosion.

1. A vegetative cover shall be established and maintained over all disturbed areas on the material extraction site in conformance with the current Alaska State Department of Natural Resources, Division of Agriculture, Revegetation Manual for Alaska. A copy of this manual may be reviewed at the Planning Department;
2. Reseeding of reclaimed areas shall utilize certified seed suitable for Alaska conditions that is free of noxious weeds or undesirable plant species identified in 11 AAC.34.020, Prohibited and Restricted Noxious Weeds.
3. Seventy-five (75) percent live plant cover of the entire restored area shall be achieved within four (4) years of the phase being completed.

G. Areas covered by buildings, paved driveways, paved roads, and paved parking lots and areas where future utility easements and septic systems will exist are exempt from the reclamation standards outlined in subsections (E) through (F) of this section.

H. Standards for reclamation below the high water table upon completion of materials extraction are as follows:

1. The first twenty (20) feet of slope below the water table shall not exceed ten (10) percent to create a benthic zone; and
2. The remaining slope within the water table shall not exceed the stabilized angle of repose.

I. The owner/operator of the material extraction site shall record a restoration agreement with the State Recorder that runs with the land, to assure the City that the sale of the property to any other owner/operator for any reason will cause the new owner/operator to comply with the terms of the restoration agreement within the time constraints on the agreement.

18.42.090 Water Table Monitoring Plan.

A. Extraction of material below the high water table requires a permit under this Title except:

1. Material extraction in navigable water performed under the authority of the state or federal governments.

B. Compliance with these standards shall be paid for by the applicant, and required monitoring and testing procedures shall be coordinated with the City of Dillingham staff, to ensure these actions comply with required standards.

C. Prior to application for a material site permit with extraction occurring in the high water table, the following requirements shall be met:

1. Installation of a minimum of three water monitoring tubes or well casing as recommended by a qualified professional to adequately determine groundwater flow direction, hydraulic gradient, water table and seasonal high water table elevation, and monitor groundwater quality upgradient and downgradient of the proposed activity on the property;
2. Collection of a sufficient number of representative groundwater samples, as recommended by a qualified professional, to determine baseline water quality;
 - a. Baseline representative groundwater samples, shall be collected biannually (either mid-summer and fall or fall and late winter) from monitoring wells, and be analyzed for any chemicals that present a risk to groundwater quality by appropriate methods approved by the state;
 - b. Representative groundwater samples shall be collected under supervision of a qualified professional using sampling methods and analytical methods as defined by a state-certified laboratory. Sampling methods shall include documentation to assure acquisition of representative samples.
3. Determination of seasonal high water table elevation, groundwater flow direction, hydraulic gradient, and water table elevation for the site shall be measured under supervision of a qualified professional.

4. A written report shall be completed by a qualified professional that makes a determination about the potential adverse effects to groundwater and surface water quality

for surrounding water users and adjacent properties. The report shall be submitted with the CUP application and shall:

- a. Identify existing public water system sources (i.e., wells, springs, surface water intakes), as identified by the city or state, that are located within one thousand (1,000) feet of the boundary of the property on which the activity will take place;
- b. Identify actual or presumed private drinking water wells located within one thousand (1,000) feet of the boundary of the property on which the activity will take place and include a copy of the available well logs. The qualified professional shall inspect ADNR well log records if available for wells;
- c. Contain maps at appropriate scales presenting the results of the well search, and setbacks and/or buffers required by Section 18.42.090.E.7 of this section;
- d. Include the water table elevation monitoring data, groundwater sampling analytical results, monitoring well logs and records of any test pits, and a discussion of the high water table determination;
- e. Evaluate subsurface hydrologic conditions and identify potential adverse effects that may occur as a result of material extraction. The evaluation of the hydrologic conditions shall include identifying confining layers; and
- f. The report and all data relied upon in creation of the report shall be provided to the city and shall be available to the public for inspection and review by members of the public.

D. In addition to the application requirements for a material site CUP, the requirements for water table extraction shall include:

1. A description of the proposed extent and depth of material extraction beneath the high water table;
2. A monitoring plan, and a spill prevention, control, and countermeasures plan;
3. A certificate of general liability insurance with limits not less than \$1,000,000 per occurrence/\$1,000,000 aggregate for operations involving less than forty (40) acres and \$2,000,000 per occurrence/\$2,000,000 aggregate for operations involving forty (40) acres or larger. Insurance shall insure liability for bodily injury and property damage and be written on the Insurance Services Office form number CG0001 12 07 or a form as broad as CG0001 12 07. The certificate of insurance shall include thirty (30) days' notice of cancellation to the City. The City shall be named on the applicant's general liability policy as an additional insured and the applicant shall waive their rights of subrogation against the City. Such insurance shall remain in full force and effect in the specified amounts for the duration of the permit period. Insurance coverage must include liability for providing comparable alternate sources of drinking water to all impacted parties served by any private or public water system adversely affected as a result of the activity;
4. A certificate of pollution liability insurance with limits of \$1,000,000 per occurrence/\$1,000,000 aggregate including third party bodily injury and property damage and cleanup costs. If the responsible party's pollution liability (environmental) insurance is written on a claims-made form, the responsible party shall provide insurance for a period

of three years after expiration or termination of the permit. The policy(ies) shall evidence a retroactive date, no later than the effective date of the CUP.

E. If approved, the operating standards for extraction within the high water table are as follows:

1. Groundwater flow direction, hydraulic gradient, and groundwater table elevation for the subject parcel shall be measured at least monthly during extraction. Monitoring wells must be maintained or replaced as needed with equivalent monitoring wells;

2. Implement the spill prevention, control and countermeasures plan in accordance with the United States of America Environmental Protection Agency's requirements and those provided by the State of Alaska Department of Environmental Conservation for above ground storage tank operations regardless of the quantity of petroleum products on site;

a. In the event of a reportable release of regulated contaminants, notification shall include the Planning Director and shall occur concurrently with notice to state and federal agencies, if applicable.

3. Collect groundwater samples semiannually prior to seasonal excavation startup and within two weeks of seasonal shutdown from the down-gradient and cross-gradient monitoring wells. Sample collection shall be conducted in accordance with sampling methods defined by a state certified laboratory;

a. Representative groundwater samples shall be analyzed, at a minimum, for benzene, toluene, ethylbenzene, xylenes, and total dissolved solids, by methods approved by a certified laboratory as well as any analyte identified in the water quality monitoring data with a concentration within fifteen (15) percent of the applicable water quality standards established by state regulation. Groundwater sample analysis shall include testing for analytes that may indicate water quality changes including, but not limited to, pH, conductivity, nitrates, sulfates, sodium, calcium, magnesium, bicarbonate, and potassium;

b. Analytical sampling results and water elevation monitoring data shall be retained for two (2) years following completion of reclamation activities and shall be provided to the Planning Director upon request;

i. If the monitoring data indicates that a maximum contaminant level set under 18 AAC 80 has been exceeded, or if the water level measurements indicate a shift, beyond natural variability, in the elevation of the water table, the owner or responsible party shall report that result to the Planning Department within 48 hours of notification.

4. A qualified professional shall annually submit a report to the department that includes a table of monitoring results:

a. Water quality sample analytical results in a table that includes the appropriate maximum contaminant levels established under 18 AAC 80; and

b. Water table elevation monitoring data.

5. Operations shall not breach or extract material from a confined aquifer or a confining layer beneath a perched aquifer currently used as a drinking water source;
 - a. If evidence suggests a confined aquifer or confining layer has been breached, or if groundwater or surface water elevation changes rapidly or beyond natural variation, the Planning Director shall be notified within twenty-four (24) hours.
6. Proof of insurance as required by subsection (C)(4) of this section to mitigate impacts arising from the extraction activity shall be maintained until completion and acceptance of reclamation activities;
7. Operations shall maintain the permitted buffers and setbacks except where operations encompass contiguous parcels and extraction within the high water table is proposed across adjoining lot lines.

18.42.100 Performance Standards.

A. Applicants for material site permits must include a plan for compliance with performance standards. The purpose of these standards is to:

1. Minimize the impacts of off-site dust movement;
2. Minimize disturbances to other properties created by noise;
3. Minimize the visual impact;
4. Protect the integrity of water bodies and drainage ways; and
5. Ensure that post-material extraction land uses are able to utilize the property.

B. Compliance with the following performance standards shall be described within the material site mining plan:

1. Setbacks.

a. At a minimum, setbacks for a material site shall comply with the standards in the applicable land use district as outlined in Chapter 18.20, Land Use Districts; and. :

b. Any area within one hundred (100) horizontal feet of a water body, in existence prior to permit issuance, shall remain undisturbed by material site activities.

2. Buffers.

a. Where a material site parcel boundary abuts a neighboring property or public right-of-way, a buffer shall be provided to minimize the visibility of the operation from public view, and to do so in a manner which is consistent with the pre-existing visual character of the landscape. The review authority shall determine which of the following form(s) of buffer is acceptable:

i. A minimum of fifty (50) feet of undisturbed natural vegetation, measured perpendicularly from the parcel boundary;

ii. A planted, earthen berm at least six (6) feet high with a slope of 2:1 or greater;

iii. An opaque fence at least six (6) feet high.

b. For sites in largely undeveloped areas, and where natural vegetation meets the standard specified above, retention and/or recreation of natural vegetation is the preferred approach to meeting the above standard;

c. At its discretion, the review authority may waive buffer requirements where the topography of the property or the placement of natural barriers makes screening not feasible or unnecessary. Buffer requirements shall be made in consideration of and in accordance with existing uses of adjacent property at the time of approval of the permit. There is no requirement to buffer the material site from uses which commence after the approval of the permit.

3. Site boundaries. All property boundaries must be identified in the field by markings such as metal posts, stakes, flagging, or blazed trees;

4. Hours of Operation. Extraction operations shall not be permitted between the hours of 11:00 p.m. and 7:00 a.m., however, the review authority may place alternative operational hours if appropriate for the operation's context.

5. Dust Mitigation. Water or magnesium chloride shall be applied to haul roads within the material site. The review authority may also require additional dust mitigation measures including, but not limited to wheel washers and/or track outs at site entrance points, or active revegetation programs. Vehicles transporting sand and gravel will be maintained and operated to not spill gravel, sand or dust onto public roads.

Dust mitigation shall be designed to be effective year round, including periods when the operation is not active;

6. Lighting Standards. Exterior light sources shall be shielded and directed towards the ground so as to not create glare on adjoining properties and to help maintain dark nighttime skies;

7. Surface Water Quality and Drainage – Storm water or pit dewatering shall be managed to avoid accelerated erosion or runoff burden on neighboring properties and/or water bodies. Options for water diversion include but are not limited to diversion ditches, trench drains, and culverts. Treatment options for water include but are not limited to settling ponds, retention basins, and constructed wetlands.

8. Hazardous fuels

a. No petroleum products or other waste shall be dumped on the site, access roads, or elsewhere;

b. Fuel storage containers larger than fifty (50) gallons shall be contained in impermeable berms and basins capable of retaining one hundred and ten (110) percent of the storage capacity;

c. Fuel storage containers fifty (50) gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface;

- d. Locate above ground storage tanks farthest from the path of groundwater flow to private and public water systems and farthest from state-approved drinking water source capture areas, and outside the setbacks for all drinking water sources.
9. Site ingress and egress. Internal haul roads and access points to the exterior roadway system shall be the minimum necessary for material site operations. The operator shall locate access points and haul roads away from adjacent residential property to the greatest extent possible;
10. Pit Floor. Pit floor is to remain clean of all non-gravel products;
11. Rock crushing equipment. Rock crushing equipment shall be located, to the greatest extent possible, away from property boundaries;
12. Garbage Disposal. All garbage is to be disposed of at a city-approved location. No garbage is to be buried;
13. Cuts and Fills. All mined slopes are to maintain 2:1 back slope and be benched at overburden/gravel joint area;
14. Site security and safety. Any areas of a material site that pose a hazard to the general public shall be enclosed by perimeter fencing at least six (6) feet in height. Access to the material extraction area shall be strictly controlled by the owner with locking gates or cables at the entrance of access roads.

The project manager shall make reasonable efforts to prevent trespass, nuisance, or unauthorized use such as public dumping, target practice, or unauthorized use of gravel by individuals;

15. Cultural Archeological Resources. In the event that historically or culturally significant artifacts are unearthed during material extraction, all extraction must stop until an analysis of findings can be conducted by a qualified professional.

18.42.110 Compliance with Federal & State Policies.

It is the operator's responsibility to have all necessary permits for conducting material site activities. Applicants may apply for a City of Dillingham Material Site Permit prior to receiving all necessary state and/or federal permits, but the City will only issue a permit once an applicant can provide proof that all other permits have been obtained.

18.42.120 Inspections.

The City may inspect permitted material sites no less than once per calendar year. No advance notice of an inspection is required. Allowing such inspection shall be included as a permit condition of all material extraction site permits. An operator shall allow the City to access the site in an unrestricted manner.

18.42.130 Penalties and Fines.

Any activity on an approved material site that is not compliant with the standards of this Title shall be subject to the fines and procedures outlined in Section 18.60.020, Violations and Penalties.

18.42.140 Renewals.

After the period of approval has lapsed, including any granted extensions, the owner or operator of a material extraction site must reapply for a material site permit renewal. The process for this renewal shall be subject to all applicable sections of this Title.

Section 6. Classification. This is a code ordinance.

Section 7. Effective Date. This ordinance shall be made effective upon passage.

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

_____.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

Subject: An ordinance of the Dillingham City Council amending Title 18 of the DMC to amend Chapter 18.16 Land Use Permits to provide a system of permits and reviews to respond to a variety of land use activities and creating new Title 19, Material Site Regulation

Agenda of: May 1, 2014

Council Action: This ordinance was introduced April 3, 2014 and is up for a public hearing and adoption.

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

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

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

Other Attachment(s):

- Public Hearing is scheduled to be advertised in the April 25, 2014 edition of Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing

Summary Statement.

This ordinance has been vetted through the Code Review Committee and the Planning Commission with final review by the City's Attorney.

At a special meeting of the Code Review Committee in October 22, 2013, the committee addressed issues that arose from several major projects in 2013 on Kakanak Road and at the airport. The projects resulted in about 1M tons of gravel being carried over local state roads with more gravel extraction needed for major road projects in 2014 and 2015.

The issues identified included:

1. noticed that the buffer along the pit had really thinned out;
2. residents were calling the City with concerns about digging in the water table; some noted their water was cloudy;
3. complaints about the dust in the air; dust itself can carry pollutants; can cause poor visibility;
4. noise from activities at the work site 24/7 was an issue with the area residents;
5. company applied for the usual permits including a dust control plan which the City signed off, storm water pollution permission plan to keep water from their activities from running off into the local watershed, construction general permit, DNR permits;
6. firm's dust control permit required watering all the areas when necessary, but a sweeper was not available until late summer;

7. DNR has no authority over non-state plans;
8. DEC was onsite, but primarily was looking to assist the company come into compliance;
9. private wells are not regulated by the State, they will take an interest and start monitoring ground water if it causes a discharge to surface water or if the activity might pose harm to commercial or public wells;
10. neither agency dealt with the most common municipal concerns, buffer zones, baling, noise, hours of operation, dust, and enforcing best practices;
11. City's Comprehensive Plan Chapter 4, Land Use and Housing, didn't deal with gravel or material sites, but the overarching goal was to guide the physical development in Dillingham, responding to elements outlined in the community vision, including strengthening the economy, protecting the natural environment; and enhancing the quality of daily life, in part by:
 - Establishing a generalized land use designation map in Dillingham identifying in broad terms, areas intended for various groups of uses.
 - Designating land for industrial institutional and commercial development to support economic and community development and minimize conflicts with other uses.
 - Ensuring that existing and future land uses protect the natural environment to maintain clean surface water, clean well water, streams and wetlands protected from pollution (channel storm water), healthy subsistence areas, clean air, natural beauty, minimize light and noise pollution.
 - Convening a [stakeholder] group to review and improve the existing land use permit process and develop two new categories of land use policy: a) a conditional use process for specific types of uses and /or scales of uses that have significant off-site impacts, and b) a set of advisory development use guidelines.
12. Does the City of Dillingham wish to have more control over material extraction?
13. What is the best set of tools for doing that?

Discussion:

1. noted an area most misunderstood was the permitting for water, that the State required a permit to withdraw or divert water, but not to be in the water;
2. commented didn't think there was a Corp permit required unless in the wetlands;
3. noted the State had convened a group of stakeholders to address how to protect private wells, referencing the "ten State standard";
4. asked if there was a complaint before this summer about gravel pits, answered just heard remarks about the 20-mile gravel pit outside Dillingham, how there was a lack of reclamation;
5. commented already followed a set of standards when excavating on BIA/BLM lands, including obtaining a reclamation bond before a pit was open, salvaging trees, creating a buffer zone, 4 feet above the water table, City could get a copy from BBNA;
6. stated that permits needed to be applied for prior to construction, not during construction;
7. asked if there was a map of Dillingham that showed where other resources could be potentially extracted and gravel developable land;
8. commented whether the City had the authority to say no to development, that it would be a good question for the attorney;
9. noted other issues that could be addressed included trucks speeding, impact on the existing road, overloading the trucks and dropping sediment on the road, having a mining plan, onsite development (fuel storage, was it safe), ensuring there was a public process so the public was aware of a major project;

10. spoke in favor of at a minimum having a checklist and referred to the City of Kenai's code that required an application for a conditional use permit for surface extraction of natural resources;
11. noted most communities had gone through a similar exercise, that no one wanted more regulations, but at the same time want to at least have some knowledge of what was going on and manage some of the impacts that most affect people;
12. noted would be interested in differentiating between small and large projects, not interested in getting so detailed in our ordinance, referring to City of Kenai Borough's differentiation between counter permit and conditional land use permit;
13. noted a majority of the large Alaskan cities have a zoning code that lays out areas where gravel/material extraction was conditionally permitted;
14. asked how to address a project that started small and then grew in size, answered one option was to require having a mining (operation) plan in place and the permit would be issued with that plan in mind, and there was some expectation of incremental reclamation along the way;
15. commented was not interested in tackling zoning at this time, felt it was a huge public issue, but favored establishing something that was not too cumbersome for contractors, but gave the City a way to guide the development;
16. opined clearly there were some areas that were not compatible to large scale extraction;
17. spoke in favor of Chris Beck bringing forward a full range of options so the committee could make a more informed decision;
18. noted zoning was incredibly flexible and the permitting process was probably a zoning permit process;
19. suggested in addition to contacting BBNA to also contact BBNC and Chogging for their gravel management information;
20. commented property values were not bouncing up and down according to gravel or anything else, but assessments were based on materials used, etc;
21. noted BBNC was planning to hold a session on Understanding Gravel at their leadership conference in December, and to email them if interested in attending.
22. favored having something in place before spring when construction would ramp up;
23. noted a tentative guideline would be to report to the Council at the December meeting to get their concurrence, prepare a document to introduce to the Council in January, and adopt in February.

Over a period of six months (October 2013 through March 2014), the committee worked with the consulting firm of Agnew::Beck to review the issues and held several workshops inviting contractors to attend and provide their input. This proposed ordinance is a collaborative effort with input from the Code Review Committee, the Planning Commission, and interested stakeholders.



NOTICE OF A PUBLIC HEARING

Public Hearing on Ordinance Nos. 2014-06, -07, and -08

The City Of Dillingham will hold a **Public Hearing** on Thursday, May 1, 2014, at 7:00 P.M. in the City Council Chambers for the purpose of taking comment from the public on the following ordinances:

Ordinance No. 2014-06, An Ordinance of the Dillingham City Council Amending Chapter 18.16 of the Dillingham Municipal Code to Provide a System of Permits and Reviews to Respond to a Variety of Land Use Activities and Creating New Title 19, Material Site Regulation

Ordinance No. 2014-07, An Ordinance of the Dillingham City Council Authorizing the Sale of Tax Foreclosed Property to the Former Record

Ordinance No. 2014-08, An Ordinance of the Dillingham City Council Amending Title 17 of the Dillingham Municipal Code to Allow for Private Access to Certain Subdivisions and Establish Minimum Standards for Private Access to Subdivisions and to Amend Definitions and Make Other Amendments to Platting Requirements

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

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2014-07

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE SALE OF TAX FORECLOSED PROPERTY TO THE FORMER RECORD OWNER

WHEREAS, a former record holder of tax-foreclosed property has a legal right to repurchase the property for a period of ten years so long as that property has not otherwise been sold or dedicated for a public purpose;

NOW, THEREFORE, BE IT ENACTED by the Dillingham City Council:

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

Section 2. Authorization. The City Manager is hereby authorized to sell to Cecelia Angasan and Val Angasan, jointly or individually, the property legally described as USS 4972 L8, located in the City of Dillingham, Bristol Bay Recording District, State of Alaska. The property shall be sold for the full amounts allowable under DMC 4.15.340 and AS 29.45.470(a) and on other terms the City Manager deems reasonable.

Section 3. 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

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

Subject: Introduce Ordinance No. 2014-07, An Ordinance of the Dillingham City Council authorizing the sale of tax foreclosed property to the former owner

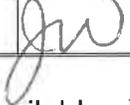
Agenda of: May 1, 2014

Council Action: The Council introduced Ordinance 2014-07 at the March 13, regular Council meeting and was up for a public hearing on May 1 to allow for a 30-day posting period.

Manager: Recommend approval.

City Manager:


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):

- Public Hearing is scheduled to be advertised in the April 25, 2014 edition of Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing

Summary Statement.

The property identified in the Ordinance was included on the 2005 - 2010 foreclosure suit authorized by Resolution No. 2011-49 adopted June 2, 2011. The City acquired the deed to the property January 21, 2014. Tax-foreclosed property owners have a legal right to repurchase the property. The City's Attorney has been working with the former property owners on a contract to sell the property back to them. This Ordinance authorizes disposal of the property to those former owners, but actual disposal will not occur until the City conveys title to the property after the buyers have paid the entire amount due under the contract.

The ordinance was introduced March 13, 2014. According to DMC 5.30.030 Public notice, at least thirty days is required between the time a disposal ordinance is introduced and the time that it is finally adopted by the city council. Once an ordinance is introduced, it will be posted at those places outlined in municipal code for thirty days and may serve as the only public notice of disposal.



NOTICE OF A PUBLIC HEARING

Public Hearing on Ordinance Nos. 2014-06, -07, and -08

The City Of Dillingham will hold a **Public Hearing** on Thursday, May 1, 2014, at 7:00 P.M. in the City Council Chambers for the purpose of taking comment from the public on the following ordinances:

Ordinance No. 2014-06, An Ordinance of the Dillingham City Council Amending Chapter 18.16 of the Dillingham Municipal Code to Provide a System of Permits and Reviews to Respond to a Variety of Land Use Activities and Creating New Title 19, Material Site Regulation

Ordinance No. 2014-07, An Ordinance of the Dillingham City Council Authorizing the Sale of Tax Foreclosed Property to the Former Record

Ordinance No. 2014-08, An Ordinance of the Dillingham City Council Amending Title 17 of the Dillingham Municipal Code to Allow for Private Access to Certain Subdivisions and Establish Minimum Standards for Private Access to Subdivisions and to Amend Definitions and Make Other Amendments to Platting Requirements

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

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2014-08

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING TITLE 17 OF THE DILLINGHAM MUNICIPAL CODE TO ALLOW FOR PRIVATE ACCESS TO CERTAIN SUBDIVISIONS AND ESTABLISH MINIMUM STANDARDS FOR PRIVATE ACCESS TO SUBDIVISIONS AND TO AMEND DEFINITIONS AND MAKE OTHER AMENDMENTS TO PLATTING REQUIREMENTS

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Amendment of Section 17.03.030(G). Section 17.03.030(G) of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is shown as strikethrough, and new language is underlined]:

- G. "Easement" means a grant by the property owner to another person or to the public ~~of~~ for the use of any designated part of the property for specific purposes and is considered an interest in land.

Section 2. Amendment of Section 17.03.030(Q). Section 17.03.030(Q) of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is shown as strikethrough, and new language is underlined]:

- Q. "Redivision" ~~or "replat"~~ means ~~a replat of that lot lines are moved within a subdivision but no additional lots, parcels, or tracts are created which moves lot lines but does not create additional lots, parcels, or tracts.~~ that lot lines are moved within a subdivision but no additional lots, parcels, or tracts are created

Section 3. Amendment of Section 17.03.030. Section 17.03.030 of the Dillingham Municipal Code is hereby amended by adding definitions of legal and physical access to read as follows [and ordering them alphabetically with existing definitions and relettering accordingly]:

- X. "Legal Access". In this title legal access means one of the following:
 - 1. A dedicated public right of way or easement exists that meets the width standards of this title;
 - 2. A State of Alaska maintained road available for public use is adjacent to the parcel;
 - 3. A judicial order establishes access;
 - 4. A dedicated private easement exists which
 - a. does not result in a landlocked unsubdivided remainder parcel;
 - b. is perpetual and irrevocable;
 - c. is recorded;
 - d. has been approved by all federal, state and city authorities whose approval is required;

- e. allows for construction and maintenance of a road of the standards required by this title.
- Y. "Physical Access". In this title physical access means either that an easement identified on a plat is already in use or is practical to construct or expand to allow access by automobile considering the physical characteristics of the property on which the easement is located.
- Z. "Private Access Street". In this title "private access street" means roads which provide legal access to a residential subdivision of not more than seven lots by use of a dedicated private easement.

Section 4. Amendment of Section 17.07.100(A). Section 17.07.100(A) of the Dillingham Municipal Code is hereby amended to read as follows: [new language is underlined]:

- A. The preliminary plat shall be drawn with waterproof nonfading black ink or legibly drawn with pencil on a good quality reproducible medium at a scale of one inch equals one hundred feet or at a scale of one inch equals fifty feet if the lots are ten thousand square feet or less in size, unless a request for the use of another scale is approved by the director.

Section 5. Amendment of Section 17.07.100(B)(17). Section 17.07.100(B)(17) of the Dillingham Municipal Code is hereby amended to read as follows [new language is underlined]:

- B.
 - 17. Contours at two-foot vertical intervals or at more frequent intervals if required by the planning commission for land of unusual terrain characteristics. Contours at 5' interval shall be permitted on undisturbed ground for created lots over 5 acres. All pertinent elevations shall be shown;

Section 6. Amendment of Section 17.19.030. Section 17.19.030 of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is shown as ~~strikethrough~~, and new language is **emboldened** and underlined]:

- A. Every lot shall have access directly from a dedicated **public** right-of-way or easement.

Section 7. Amendment of Section 17.19.050. Section 17.19.050 of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is shown as ~~strikethrough~~, and new language is underlined]:

Section 17.19.050 Streets — Dedicated Right-of-way or easement width and improved width.

- A. Arterials Road. One-hundred-foot public dedicated right-of-way and twenty-six-foot improved width;
- B. Collectors Street. Sixty-foot public dedicated right-of-way or easement and twenty-six-foot improved width;

- C. Major Local Streets. Sixty-foot public dedicated right-of-way or easement and twenty-four-foot improved width;
- D. Minor Local Streets. Fifty-foot public dedicated right-of-way or easement a and twenty-foot improved width;
- E. State highways shall be subject to appropriate state standards;
- F. Private Access Streets shall have at least a fifty-foot dedicated right-of-way or easement and a 16 foot improved driving surface.

Section 8. Amendment of Section 17.19.060(F). Section 17.19.060(F) of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is shown as strikethrough, and new language is underlined]:

- F. Cul-de-Sacs. Cul-de-sacs in areas served by community or city sewer and water systems shall have a maximum length of six hundred feet with a minimum turn-around ~~diameter~~ radius of sixty feet. Cul-de-sacs in areas served by on-site sewer and water systems or only by city or community sewer systems shall have a maximum length of one thousand three hundred feet.

Measurement of cul-de-sacs shall be along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

Section 9. Amendment of Section 17.19.120. The Title of Section 17.19.120 of the Dillingham Municipal Code is hereby amended to read as follows [new language is **emboldened** and underlined]:

17.19.120 Utility Easements.

Section 10. Effective Date. This ordinance is effective upon adoption.

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

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

Subject: A resolution of the Dillingham City Council amending Title 17 to allow for private access to subdivisions and making other amendments to Title 17

Agenda of: May 1, 2014

Council Action: Ordinance No. 2014-08 was introduced at the April 3 Council Meeting. Several amendments were presented. Mayor Ruby recommended without the amendments in front of the full Council to introduce the ordinance and bring back the amendments to the next Council meeting as a substitute ordinance (SUB-1), and pass it by the Code Review Committee before the next Council meeting, May 1. The Council moved to concur.

Manager: Recommend approval.

City Manager: 
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Public Works / Francisco "Pancho" Garcia		
X	Planning / Jody Seitz	JS	
X	City Clerk / Janice Williams	JW	

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

Other Attachment(s):

- Amendments presented at the April 3 Council meeting

Summary Statement.

The ordinance proposed to make private access easements legal access under the Dillingham Municipal Code. This would address some subdividers who would prefer to not have the roads into their subdivisions be public roads. Making private access easements legal access by code would allow citizens to choose that as a form of subdivision access rather than having the Variance requirements.

This code also spells out road standards to be met by those proposing new subdivisions where the access into those subdivision lots would be private access. In the ordinance that was introduced April 3, all new private subdivisions would have to provide a minimum 50 foot easement and a 16 foot improved surface for the road to serve no more than 7 lots. Any further subdivision would require that the road be constructed to 20' and be dedicated to the City.

At the April 10 Code Review Committee meeting, the committee and audience members discussed the amendments brought forward to the April 3 Council meeting when the

ordinance was introduced. Mayor Ruby summarized the major discussion items that would require an explanation to the Council:

1. 17.07.090, delete Section E. 3
2. 17.07.100, delete all but the first sentence and commit to a future transportation plan;
3. 17.19.050, compromise of the 10, 14 and 20 was discussed;
4. 17.03.030, Section Z. conflicted with 17.19.050, delete of not more than seven lots by use of a dedicated private easement.

Discussion:

- clarified the Council could consider these amendments to be substantive and recommend another public hearing, as advised by the City's attorney; and
- confirmed Ordinance No. 2014-08 (Substitute 1) would be in the next Council packet.

The major discussion items from the April 10 Code Committee have been incorporated as substitute ordinance 2014-08 (SUB-2) and will be presented to the Council May 1.

PRIVATE ACCESS EASEMENT

Title

17.07.090: 1 A1--Strike: "All lots gift deeded."

17.07.100: 2 B20--Replace with: "Adjacent parcel access Right of Way (public or private) deemed necessary to the Public Interest defined as pre-planned access roads, docks, airports, or any necessary public infrastructure approved by the City of Dillingham. Any Right of Way so deemed shall necessitate compensation in trust by the City of Dillingham at the current market value to be determined by appraisal. Trust will be reimbursed by trust beneficiary upon easement development.

17.19.030: 3 A--Every lot shall have access directly from a dedicated Right of Way or easement.

17.19.050: 4 F--Private access streets will have a 50' easement with a 10' finished surface accessing up to 6 lots and a 14' finished surface accessing up to 10 lots. Access to more than 10 lots requires a 20' finished surface. Use of private access standards implies maintenance of the Right of Way 10' from finished surfaces.

17.19.060: 5 F--Remains at 60' diameter.

17.19.080: 6 D1--Add "Private"

19.19.120: 7 E--Add "Where Utilities deemed necessary"



NOTICE OF A PUBLIC HEARING

Public Hearing on Ordinance Nos. 2014-06, -07, and -08

The City Of Dillingham will hold a **Public Hearing** on Thursday, May 1, 2014, at 7:00 P.M. in the City Council Chambers for the purpose of taking comment from the public on the following ordinances:

Ordinance No. 2014-06, An Ordinance of the Dillingham City Council Amending Chapter 18.16 of the Dillingham Municipal Code to Provide a System of Permits and Reviews to Respond to a Variety of Land Use Activities and Creating New Title 19, Material Site Regulation

Ordinance No. 2014-07, An Ordinance of the Dillingham City Council Authorizing the Sale of Tax Foreclosed Property to the Former Record

Ordinance No. 2014-08, An Ordinance of the Dillingham City Council Amending Title 17 of the Dillingham Municipal Code to Allow for Private Access to Certain Subdivisions and Establish Minimum Standards for Private Access to Subdivisions and to Amend Definitions and Make Other Amendments to Platting Requirements

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

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2014-08 (SUB-1)

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING TITLE 17 OF THE DILLINGHAM MUNICIPAL CODE TO ALLOW FOR PRIVATE ACCESS TO CERTAIN SUBDIVISIONS AND ESTABLISH MINIMUM STANDARDS FOR PRIVATE ACCESS TO SUBDIVISIONS AND TO AMEND DEFINITIONS AND MAKE OTHER AMENDMENTS TO PLATTING REQUIREMENTS

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Amendment of Section 17.03.030(G). Section 17.03.030(G) of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is overstruck, new language is underlined]:

- G. "Easement" means a grant by the property owner to another person or to the public ~~of~~ for the use of any designated part of the property for specific purposes and is considered an interest in land.

Section 2. Amendment of Section 17.03.030(Q). Section 17.03.030(Q) of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is overstruck, new language is underlined]:

- Q. "Redivision" ~~or "replat"~~ means ~~a replat of that lot lines are moved within a subdivision but no additional lots, parcels, or tracts are created which moves lot lines but does not create additional lots, parcels, or tracts.~~ that lot lines are moved within a subdivision

Section 3. Amendment of Section 17.03.030. Section 17.03.030 of the Dillingham Municipal Code is hereby amended by adding definitions of legal and physical access to read as follows [and ordering them alphabetically with existing definitions and relettering accordingly]:

- X. "Legal Access". In this title legal access means one of the following:
 - 1. A dedicated public right of way or easement exists that meets the width standards of this title;
 - 2. A State of Alaska maintained road available for public use is adjacent to the parcel;
 - 3. A judicial order establishes access;
 - 4. A dedicated private easement exists which
 - a. does not result in a landlocked unsubdivided remainder parcel;
 - b. is perpetual and irrevocable;
 - c. is recorded;
 - d. has been approved by all federal, state and city authorities whose approval is required;

- e. allows for construction and maintenance of a road of the standards required by this title.
- Y. "Physical Access". In this title physical access means either that an easement identified on a plat is already in use or is practical to construct or expand to allow access by automobile considering the physical characteristics of the property on which the easement is located.
- Z. "Private Access Street". In this title "private access street" means roads which provide legal access to a residential subdivision of not more than seven lots by use of a dedicated private easement.

Section 4. Amendment of Section 17.07.090(A). Section 17.07.090(A) of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is overstruck]:

- A. Authority and Limitations. The planning commission may authorize exceptions to the road standards of this title in a subdivision:
 - ~~1. In which all lots will be gift deeded; and~~
 - ~~2. 1. Which consists of four lots or less; and~~
 - ~~3. 2. Which has never before been granted and exception to the road standards of this title; and~~
 - ~~4. 3. If the findings of fact required in subsection C of this section can be made.~~

Section 4.5 Amendment of Section 17.07.100(A). Section 17.07.100(A) of the Dillingham Municipal Code is hereby amended to read as follows: [new language is underlined]:

- A. The preliminary plat shall be drawn with waterproof nonfading black ink or legibly drawn with pencil on a good quality reproducible medium at a scale of one inch equals one hundred feet or at a scale of one inch equals fifty feet if the lots are ten thousand square feet or less in size, unless a request for the use of another scale is approved by the director.

Section 5.6 Amendment of Section 17.07.100(B)(17). Section 17.07.100(B)(17) of the Dillingham Municipal Code is hereby amended to read as follows [new language is underlined]:

- B.
 - 17. Contours at two-foot vertical intervals or at more frequent intervals if required by the planning commission for land of unusual terrain characteristics. Contours at 5' interval shall be permitted on undisturbed ground for created lots over 5 acres. All pertinent elevations shall be shown;

Section 7. Amendment of Section 17.07.100(B)(20). Section 17.07.100(B)(20) of the Dillingham Municipal Code is hereby amended to read as follows: [deleted language is overstruck, new language is underlined]:

- 20. Adjacent parcel right of way (public or private) deemed necessary to the public interest defined as pre-planned access roads, docks, airports, or any necessary public infrastructure approved by the City of Dillingham. Any right of way deemed

necessary to the public interest shall necessitate compensation from the City of Dillingham at current fair market value of the right of way as determined by an appraisal. Said compensation shall be placed in trust for the benefit of the property owner. Upon development of the easement by the City the funds placed in trust will be disbursed to the beneficiary of the trust. Necessary public rights-of-way or public easements which ensure reasonable and practicable access to property adjacent to the proposed subdivisions.

Section 6.8. Amendment of Section 17.19.030. Section 17.19.030 of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is shown as ~~overstruck~~, and new language is underlined]:

- A. Every lot shall have access directly from a dedicated ~~public~~ right-of-way or easement.

Section 7.9. Amendment of Section 17.19.050. Section 17.19.050 of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is ~~overstruck~~, new language is underlined]:

17.19.050 Streets — Dedicated Right-of-way or easement width and improved width.

- A. Arterials ~~Road~~. One-hundred-foot public dedicated right-of-way and twenty-six foot improved width;
- B. Collectors ~~Street~~. Sixty foot public dedicated right-of-way or easement and twenty-six-foot improved width;
- C. Major Local Streets. Sixty foot public dedicated right-of-way or easement and twenty-four-foot improved width;
- D. Minor Local Streets. Fifty foot public dedicated right-of-way or easement and twenty-foot improved width;
- E. State highways shall be subject to appropriate state standards;
- F. Private Access Streets shall have at least a fifty-foot dedicated right-of-way or easement and a 16 foot improved driving surface. Private Access Streets shall have at least a fifty-foot easement with a 10 foot improved driving surface accessing up to six lots; a 14 foot improved driving surface accessing up to 10lots; and a 20 foot finished surface accessing more than 10 lots. Use of private access standards requires maintenance of the right of way 10 feet on either side of the finished surface.

REMOVE PROPOSED Section 8. Amendment of Section 17.19.060(F). Section 17.19.060(F) of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is shown as ~~strikethrough~~, and new language is underlined]:

- F. Cul-de-Sacs. Cul-de-sacs in areas served by community or city sewer and water systems shall have a maximum length of six hundred feet with a minimum turn-around diameter radius of sixty feet. Cul-de-sacs in areas served by on-site

sewer-and water systems or only by city or community sewer systems shall have a maximum length of one thousand three hundred feet.

Measurement of cul-de-sacs shall be along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

Section 10. Amendment of Section 17.19.080(D). Section 17.19.080(D) of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is overstruck, new language is underlined]:

- D. Sight Distances. A minimum sight distance, with visibility measured along the centerline of the street, shall be provided for both horizontal and vertical curves as follows:
1. Minor and major local streets or private access streets, one hundred twenty-five feet;
 2. Arterials and collectors, two hundred twenty-five feet.

Section 9. 11. Amendment of Section 17.19.120. The Title of Section 17.19.120 of the Dillingham Municipal Code is hereby amended to read as follows [new language is underlined]:

17.19.120 Utility Easements.

- A. The planning commission shall require the reservation of utility easements along street rights-of-way and along lot lines in subdivisions when utility providers demonstrate a need for them. The subdivider and utility provider shall work together to agree on the location and width of easements prior to the planning commission hearing.
- B. Easements for single phase utility service and for minor utility distribution within the subdivision shall be centered on rear and/or side lot lines and shall be a minimum of twenty feet wide (ten feet on each side) with a forty-foot guying easement when necessary.
- C. Easements necessary for major utility distribution within the subdivision or for extending utilities to surrounding areas shall be a minimum of thirty feet in width and shall be provided within the street right-of-way whenever feasible.
- D. All easements shall be sufficient to meet applicable city, state, and federal requirements.
- E. Where utilities are deemed necessary. E easements shall be reserved to provide for the extension of utilities to surrounding areas . The subdivider will be required to dedicate necessary easements but will not be required to build utilities to serve surrounding areas.

- F. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose.

Section 10.12 Effective Date. This ordinance is effective upon adoption.

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

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

Proposed SUB-2 as a result of discussion in Code Committee-Mayor Ruby

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2014-08 (SUB-2)

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING TITLE 17 OF THE DILLINGHAM MUNICIPAL CODE TO ALLOW FOR PRIVATE ACCESS TO CERTAIN SUBDIVISIONS AND ESTABLISH MINIMUM STANDARDS FOR PRIVATE ACCESS TO SUBDIVISIONS AND TO AMEND DEFINITIONS AND MAKE OTHER AMENDMENTS TO PLATTING REQUIREMENTS

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Amendment of Section 17.03.030(G). Section 17.03.030(G) of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is overstruck, new language is underlined]:

- G. "Easement" means a grant by the property owner to another person or to the public of for the use of any designated part of the property for specific purposes and is considered an interest in land.

Section 2. Amendment of Section 17.03.030(Q). Section 17.03.030(Q) of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is overstruck, new language is underlined]:

- Q. "Redivision" or "replat" means a replat of that lot lines are moved within a subdivision but no additional lots, parcels, or tracts are created which moves lot lines but does not create additional lots, parcels, or tracts.

Section 3. Amendment of Section 17.03.030. Section 17.03.030 of the Dillingham Municipal Code is hereby amended by adding definitions of legal and physical access to read as follows [and ordering them alphabetically with existing definitions and relettering accordingly]:

- X. "Legal Access". In this title legal access means one of the following:
 - 1. A dedicated public right of way or easement exists that meets the width standards of this title;
 - 2. A State of Alaska maintained road available for public use is adjacent to the parcel;
 - 3. A judicial order establishes access;
 - 4. A dedicated private easement exists which
 - a. does not result in a landlocked unsubdivided remainder parcel;
 - b. is perpetual and irrevocable;
 - c. is recorded;

- d. has been approved by all federal, state and city authorities whose approval is required;
 - e. allows for construction and maintenance of a road of the standards required by this title.
- Y. "Physical Access". In this title physical access means either that an easement identified on a plat is already in use or is practical to construct or expand to allow access by automobile considering the physical characteristics of the property on which the easement is located.
- Z. "Private Access Street". In this title "private access street" means roads which provide legal access to a residential subdivision **of not more than seven lots by use of a dedicated private easement.**

Section 4. Amendment of Section 17.07.090(A). Section 17.07.090(A) of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is overstruck]:

- A. Authority and Limitations. The planning commission may authorize exceptions to the road standards of this title in a subdivision:
- ~~1. In which all lots will be gift deeded; and~~
 - ~~2. 1. Which consists of four lots or less; and~~
 - ~~3. 2. Which has never before been granted and exception to the road standards of this title; and~~
 - 4. 3. If the findings of fact required in subsection C of this section can be made.

Section 5. Amendment of Section 17.07.090 (E). Section 17.07.090(E) of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is overstruck]:

- E. Attachment of Conditions to Subdivision Approval Required. No subdivision granted an exception to road standards shall be given final approval until a note is written on the face of the plat and deed restrictions are attached to the deed for subdivided lots indicating:

- 1. That the road granted the exception does not conform to the road standards of this title; and
- 2. That the city, while accepting the dedication of the right-of-way, does not accept responsibility for road improvement or maintenance; and
- ~~3. That the lots cannot be sold until the road is improved to the standards required by this title~~

Section 4.6 Amendment of Section 17.07.100(A). Section 17.07.100(A) of the Dillingham Municipal Code is hereby amended to read as follows: [new language is underlined]:

- A. The preliminary plat shall be drawn with waterproof nonfading black ink or legibly drawn with pencil on a good quality reproducible medium at a scale of one inch equals one hundred feet or at a scale of one inch equals fifty feet if the lots are

ten thousand square feet or less in size, unless a request for the use of another scale is approved by the director.

Section 5.7 Amendment of Section 17.07.100(B)(17). Section 17.07.100(B)(17) of the Dillingham Municipal Code is hereby amended to read as follows [new language is underlined]:

B.

17. Contours at two-foot vertical intervals or at more frequent intervals if required by the planning commission for land of unusual terrain characteristics. Contours at 5' interval shall be permitted on undisturbed ground for created lots over 5 acres. All pertinent elevations shall be shown;

Section 7.8. Amendment of Section 17.07.100(B)(20). Section 17.07.100(B)(20) of the Dillingham Municipal Code is hereby amended to read as follows: [deleted language is overstruck, new language is underlined]:

20. Adjacent parcel right of way (public or private) deemed necessary to the public interest defined as pre-planned access roads, docks, airports, or any necessary public infrastructure approved by the City of Dillingham. Any right of way deemed necessary to the public interest shall necessitate compensation from the City of Dillingham at current fair market value of the right of way as determined by an appraisal. Said compensation shall be placed in trust for the benefit of the property owner. Upon development of the easement by the City the funds placed in trust will be disbursed to the beneficiary of the trust. ~~Necessary public rights of way or public easements which ensure reasonable and practicable access to property adjacent to the proposed subdivisions.~~

Section 6.9. Amendment of Section 17.19.030. Section 17.19.030 of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is shown as overstruck, and new language is underlined]:

- A. Every lot shall have access directly from a dedicated ~~public~~ right-of-way or easement.

Section 7.10. Amendment of Section 17.19.050. Section 17.19.050 of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is overstruck, new language is underlined]:

17.19.050 Streets — Dedicated Right-of-way or easement width and improved width.

- A. Arterials Road. One-hundred-foot public dedicated right-of-way and twenty-six foot improved width;
- B. Collectors Street. Sixty foot public dedicated right-of-way or easement and twenty-six-foot improved width;
- C. Major Local Streets. Sixty foot public dedicated right-of-way or easement and twenty-four-foot improved width;

- D. Minor Local Streets. Fifty foot public dedicated right-of-way or easement and twenty-foot improved width;
- E. State highways shall be subject to appropriate state standards;
- F. ~~Private Access Streets shall have at least a fifty-foot dedicated right-of-way or easement and a 16-foot improved driving surface.~~ Private Access Streets shall have at least a fifty-foot easement with a **40 12** foot improved driving surface accessing up to six lots; a 14 foot improved driving surface accessing up to 10lots; and a 20 foot finished surface accessing more than 10 lots. Use of private access standards requires maintenance of the right of way 10 feet on either side of the finished surface.

REMOVE THIS SECTION. Section 7. Amendment of Section 17.19.060(F). Section 17.19.060(F) of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is shown as strikethrough, and new language is underlined]:

~~F. Cul-de-Sacs. Cul-de-sacs in areas served by community or city sewer and water systems shall have a maximum length of six hundred feet with a minimum turn-around diameter radius of sixty feet. Cul-de-sacs in areas served by on-site sewer and water systems or only by city or community sewer systems shall have a maximum length of one thousand three hundred feet.~~

~~Measurement of cul-de-sacs shall be along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.~~

Section 40. 11. Amendment of Section 17.19.080(D). Section 17.19.080(D) of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is overstruck, new language is underlined]:

- D. Sight Distances. A minimum sight distance, with visibility measured along the centerline of the street, shall be provided for both horizontal and vertical curves as follows:
 1. Minor and major local streets or private access streets, one hundred twenty-five feet;
 2. Arterials and collectors, two hundred twenty-five feet.

Section 9. 12. Amendment of Section 17.19.120. The Title of Section 17.19.120 of the Dillingham Municipal Code is hereby amended to read as follows [new language is underlined]:

17.19.120 Utility Easements.

- A. The planning commission shall require the reservation of utility easements along street rights-of-way and along lot lines in subdivisions when utility providers demonstrate a need for them. The subdivider and utility provider shall work

together to agree on the location and width of easements prior to the planning commission hearing.

- B. Easements for single phase utility service and for minor utility distribution within the subdivision shall be centered on rear and/or side lot lines and shall be a minimum of twenty feet wide (ten feet on each side) with a forty-foot guying easement when necessary.
- C. Easements necessary for major utility distribution within the subdivision or for extending utilities to surrounding areas shall be a minimum of thirty feet in width and shall be provided within the street right-of-way whenever feasible.
- D. All easements shall be sufficient to meet applicable city, state, and federal requirements.
- E. Where utilities are deemed necessary, E easements shall be reserved to provide for the extension of utilities to surrounding areas . The subdivider will be required to dedicate necessary easements but will not be required to build utilities to serve surrounding areas.
- F. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose.

Section 40.13 Effective Date. This ordinance is effective upon adoption.

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

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2014-10

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE DISPOSAL OF MUNICIPAL PROPERTY 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 five years with periodic renewal provisions up to 30 years.

Section 4. Legal Description. East side of the Dillingham Small Boat Harbor adjacent to Lot 3 Harbor Lease Lots Subdivision, within U.S. Survey 2874, Township 13 South, Range 55 West, Seward Meridian.

A. Lot 3 Harbor Lease Lot Subdivision, within U.S. Survey 2874, Township 13 South, Range 55 West, Seward Meridian will be leased by solicitation of sealed bids.

B. East side of the Dillingham Small Boat Harbor, approximately 30,605 square feet, adjacent to Lot 3, Harbor Lease Lots Subdivision, within U.S. Survey 2874, Township 13 south, Range 55 West, Seward Meridian will be leased by negotiated lease with Ben McDowell dba Motive Power Marine who has been selected without unfair discrimination amongst similarly situated potential tenants.

Section 5. Findings. The City Council hereby [finds that the disposal is for a public purpose, in that the leasing of this land will promote greater economic development of the community and a more viable harbor.] finds: a) that the lot to be leased is no longer needed for public use; b) that the disposal is for a public purpose, in that the leasing of this land will promote greater economic development of the community and a more viable harbor; and c) that the expansion and disposal of Lot 3 by negotiated disposal is needed to protect the public interest in that knowing that one tenant has already committed to lease property in the area.

Section 6. Type and Purpose 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.] The property will be disposed of by lease for the purpose of economic development of the Dillingham harbor area.

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 about \$1.75 a square foot. Applying a 12% cap rate equates to \$.21 per ft² per month. The property will be appraised and the lease agreement reviewed for revision.

Section 8. Time, Place and Manner in Which Disposal Shall Occur. [Offers shall have been previously solicited using a sealed bid auction method. Those uses that are harbor-dependent or related will be given priority. All other proposed uses will be considered as space allows on a year to year or shorter term. The actual disposal shall occur following approval of this ordinance at the regularly scheduled City Council meeting of June 5, 2014. 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.] Notice of Ordinance No. 2014-10 will be posted for more than thirty days in advance of approval of this ordinance.

A. Lot 3 to be expanded and will be disposed of upon the terms and conditions contained in the lease agreement immediately following City Council approval of this ordinance.

Section 9. Effective Date. This ordinance is effective upon passage.

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

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

Subject: An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property by Lease

Agenda of: May 1, 2014

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

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

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

Other Attachment(s): None

Summary Statement.

Ben McDowell dba as Motor Power Marine had expressed an interest in expanding his leased lot at the Boat Harbor. The expansion he is requesting would take in what was Lot 4 in the original Harbor Lease Lot plat, when the City first advertised for leasing property at the harbor. This is approximately 30,605 square feet of additional land.

The City advertised this lot through an RFP for 30 days and Ben was the only one that submitted his interest. His plans are to remove overburden to allow the site to be level with his current lot and use the area for boat storage. He is planning on building a 60' X 100' shop on his existing lot. With this building he indicates he would be able to maintain vessels year round and would be the only year round vessel maintenance facility in the area. The added space will allow him the room to maneuver boats and equipment within his yard without constraint due to lack of space. His proposal states that he will gain access to the lot through his existing lot and will not displace any of the parking near the road.

He has agreed to pay for the re-platting of for this additional lot. The City will draw up another lease with him once it finds out the exact dimensions of the lots combined and the legal description. The City has asked him what he plans to do with the overburden that he will be removing and stated that Peter Pan had expressed an interest in it. There is a lot of overburden that he will have to move in order to get the lot level with his existing lot.

