



Alice Ruby, **Mayor**

**Council Members**

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

**DILLINGHAM CITY COUNCIL  
MEETING AGENDA – JUNE 13, 2013  
David B. Carlson Council Chambers**

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

**SPECIAL MEETING**

**7:00 P.M.**

**JUNE 13, 2013**

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. APPROVAL OF MINUTES**

A. Meeting of June 6, 2013

**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. 2013-07 (SUB-1), An Ordinance of the Dillingham City Council Amending Section 4.20.050 of the Dillingham Municipal Code, Sales Tax Exemption

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

C. Adopt Ordinance No. 2013-11, An Ordinance of the Dillingham City Council Amending Chapter 4.15, Real and Personal Property, Section 4.15.185 to Amend the Interest Rate Applicable to Delinquent Property Taxpayers in an Economic Disaster Year, Adding Section 4.15.365 Repayment Plan, and Amending Chapter 4.20, Sales Tax, Section 4.20.0265 Permitting the City to Enter Into Repayment Plans With Delinquent Taxpayers

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

A. Adam Kane – Sales Tax Exemption

## **VIII. ORDINANCES AND RESOLUTIONS**

- A. Adopt Ordinance No. 2013-07 (SUB-1), An Ordinance of the Dillingham City Council Amending section 4.20.050 of the Dillingham Municipal Code, Sales Tax Exemption
- B. Adopt Ordinance No. 2013-08, An Ordinance of the Dillingham City Council Amending Chapter 4.16 of the Dillingham Municipal Code to Require a City Business License Only if Sales Exceed Ten Thousand Dollars in a Calendar Year
- C. Adopt Ordinance No. 2013-11, An Ordinance of the Dillingham City Council Amending Chapter 4.15, Real and Personal Property, Section 4.15.185 to Amend the Interest Rate Applicable to Delinquent Property Taxpayers in an Economic Disaster Year, Adding Section 4.15.365 Repayment Plan, and Amending Chapter 4.20, Sales Tax, Section 4.20.0265 Permitting the City to Enter Into Repayment Plans With Delinquent Taxpayers
- D. Introduce Ordinance No. 2013-12, An Ordinance of the Dillingham City Council Adopting the Budget and Appropriating Funds for the FY 2014 City of Dillingham Budget
- E. Introduce Ordinance No. 2013-13, An Ordinance of the Dillingham City Council Amending Section DMC 4.15.030, Exemptions, to Provide a Cap on Personal Property Tax for Boats and Vessels if the Assessed Valuation is More Than \$300,000
- F. Adopt Resolution No. 2013-23, A Resolution of the Dillingham City Council Approving the Collective Bargaining Agreement Between the City of Dillingham and the Public Safety Employee Association
- G. Adopt Resolution No. 2013-32, A Resolution of the Dillingham City Council Approving the Collective Bargaining Agreement Between the City of Dillingham and Local 71
- H. Adopt Resolution No. 2013-33, A Resolution of the Dillingham City Council Establishing the Rate of Levy of Tax, the Date Taxes are Due, and the Delinquent Date for 2013, and Accepting the Certification of the Tax Roll

## **IX. UNFINISHED BUSINESS**

- A. Citizen Committee Appointments
  - 1. Cemetery Committee, 4 Seats
- B. Petition to Remove Bars from Section of Code Where Businesses Are Not Regulated

## **X. NEW BUSINESS**

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

## **XII. COUNCIL COMMENTS**

**XIII. MAYOR'S COMMENTS**

**XIV. EXECUTIVE SESSION**

A. Legal Matter

1. Union Negotiations

B. Personnel Matter

1. City Manager's Contract

**XV. ADJOURNMENT**

**I. CALL TO ORDER**

The Regular Meeting of the Dillingham City Council was held on Thursday, June 6, 2013, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 8:09 p.m. The meeting was preceded with a workshop at 7:00 p.m. on the FY 2014 Budget.

**II. ROLL CALL**

Mayor Alice Ruby was present.

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

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

Brenda Akelkok, Seat A – absent and excused  
Keggie Tubbs, Seat D – absent and excused

Staff in attendance:

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

**III. APPROVAL OF MINUTES**

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

**MOTION:** Bob Himschoot moved and Paul Liedberg seconded the motion to approve the minutes of the April 25, May 9, and May 23.

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

**IV. APPROVAL OF CONSENT AGENDA**

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

**MOTION:** Bob Himschoot moved and Chris Maines seconded the motion to approve Resolution No. 2013-30.

VOTE: The motion passed unanimously.

#### APPROVAL OF AGENDA

Mayor Ruby asked to amend the agenda to move Adam Kane from the first Citizen's Discussion to the second Citizen's Discussion to speak on Apayo Moore's petition and to remove his earlier request to speak on Ordinance No. 2013-07.

MOTION: Bob Himschoot moved and Paul Liedberg seconded the motion to approve the agenda as amended.

VOTE: The motion passed unanimously.

#### V. STAFF REPORTS

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

Mayor Ruby commented the staff and committee reports would be postponed to the June 13 Special Meeting.

#### VI. PUBLIC HEARINGS

Mayor Ruby advised the public that copies of the ordinances were on the table and there would be a substitute ordinance for 2013-07 (SUB-1), as recommended by the Code Review Committee. She noted both 2013-07 and 2013-08 would be postponed to the June 13 meeting, but comments were welcomed on all of the ordinances up for a public hearing.

- A. Adopt Ordinance No. 2013-07, An Ordinance of the Dillingham City Council Amending Section 4.20.050 of the Dillingham Municipal Code, Sales Tax Exemption (*postpone to June 13 Special Meeting*)
- B. Adopt Ordinance No. 2013-08, An Ordinance of the Dillingham City Council Amending Chapter 4.16 of the Dillingham Municipal Code to Require a City Business License Only if Sales Exceed Ten Thousand Dollars in a Calendar Year (*postpone to June 13 Special Meeting*)
- C. Adopt Ordinance No. 2013-09, An Ordinance of the Dillingham City Council Authorizing Disposal of Municipal Property to Delta Western by Lease
- D. Adopt Ordinance No. 2013-10, An Ordinance of the Dillingham City Council Amending Chapter 4.40 to Create a Denied Services List that will Terminate Eligibility for Municipal Services for Certain Individuals Whose Accounts are Past Due and to Create Procedures for Adding Such Persons to the List and to Amend Numerous References to the List in the Code for Clarity and Uniformity

There being no comments the public hearing closed.

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

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

Adam Kane requested that he was in favor of removing bars from the City's code, where businesses are not regulated from smoking, noting there was overwhelming evidence that second hand smoke was not good for you and research had shown that bars would not lose any money by prohibiting smoking. He noted a Facebook account had received about 330 hits in favor of removing it. He asked if the Council could take direct action at their next meeting instead of going through the committee process to make a recommendation which he thought would take too long.

Bill McLeod, Supt. of Dillingham City Schools thanked the Council for honoring the school's request for \$1.3M in funding. He noted in order to balance their budget they had to reduce some costs, including administrative services, and added some duties to others. He noted he would probably come back in the fall with a full report on the new criteria the State was using to review annual progress. He noted this year's drop-out rate for grades 7-12 was zero, which did not include the Alternative School.

**VIII. ORDINANCES AND RESOLUTIONS**

- A. Adopt Ordinance No. 2013-07, An Ordinance of the Dillingham City Council Amending section 4.20.050 of the Dillingham Municipal Code, Sales Tax Exemption (*postpone to June 13 Special Meeting*)

Mayor Ruby noted the Code Review Committee was looking to do more work on Ordinance No. 2013-07 and 2013-08, the reason for asking to postpone these two ordinances.

**MOTION:** Paul Liedberg moved and Bob Himschoot seconded the motion to postpone Ordinance No. 2013-07 to the June 13, 2013 Council Meeting.

**VOTE:** The motion to postpone Ordinance No. 2013-07 passed unanimously.

- B. Adopt Ordinance No. 2013-08, An Ordinance of the Dillingham City Council Amending Chapter 4.16 of the Dillingham Municipal Code to Require a City Business License Only if Sales Exceed Ten Thousand Dollars in a Calendar Year (*postpone to June 13 Special Meeting*)

**MOTION:** Chris Maines moved and Tracy Hightower seconded the motion to postpone Ordinance No. 2013-08 to the June 13, 2013 Council Meeting.

**VOTE:** The motion to postpone Ordinance No. 2013-08 passed unanimously.

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

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MOTION: Paul Liedberg moved and Bob Himschoot seconded the motion to amend Ordinance No. 2013-09 by substituting Ordinance No. 2013-09 (SUB-1) and schedule for a public hearing June 27.

City Clerk Williams noted the lay down corrected Section 7 of the ordinance to read 3 years instead of 5 years.

VOTE: The motion passed unanimously.

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

MOTION: Paul Liedberg moved and Bob Himschoot seconded the motion to adopt Ordinance No. 2013-10.

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

- E. Introduce Ordinance No. 2013-11, An Ordinance of the Dillingham City Council Amending Chapter 4.15, Real and Personal Property, Section 4.15.185 to Amend the Interest Rate Applicable to Delinquent Property Taxpayers in an Economic Disaster Year, Adding Section 4.15.365 Repayment Plan, and Amending Section 4.20.0265 to Permit the City to Enter Into Repayment Plans With Delinquent Taxpayers

MOTION: Chris Maines moved and Bob Himschoot seconded the motion to introduce Ordinance No. 2013-11.

Comment was made this ordinance would clean up the City's collection process that allowed citizens to come in and set up repayment plans.

VOTE: The motion to introduce Ordinance No. 2013-11 passed unanimously.

- F. Adopt Resolution No. 2013-23, A Resolution of the Dillingham City Council Approving the Collective Bargaining Agreement (*postpone to June 13 Regular Meeting*)

MOTION: Bob Himschoot moved and Paul Liedberg seconded the motion to postpone Resolution No. 2013-23 to the June 13, 2013 Council Meeting.

VOTE: The motion to postpone Resolution No. 2013-23 to the June 13 meeting passed unanimously.

- G. Adopt Resolution No. 2013-31, A Resolution of the Dillingham City Council Amending the Allocation of Funding for the Dillingham City School District for the Fiscal Year Ending June 30, 2014 and Repealing Resolution No. 2013-19 (AM)

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MOTION: Paul Liedberg and Bob Himschoot seconded the motion to adopt Resolution No. 2013-31.

Mayor Ruby commented the Council had adopted a resolution earlier as a placeholder, and this resolution would reflect the Council's intent for the \$100K, \$50K for a reading intervention specialist and \$50K for major maintenance.

VOTE: The motion to adopt Resolution No. 2013-31 passed unanimously.

**IX. UNFINISHED BUSINESS**

A. Citizen Committee Appointments

1. Cemetery Committee, 4 Seats

There were no appointments.

2. Senior Advisory Commission – 1 Seat

Mayor Ruby reported she had received one letter of interest and was recommending the Council appoint Frank Nicholson to the Senior Advisory Commission.

MOTION: Bob Himschoot moved and Tracy Hightower seconded the motion to concur with the Mayor's recommendation to appoint Frank Nicholson to the Senior Advisory Commission.

VOTE: The motion passed unanimously.

**X. NEW BUSINESS**

A. Action Memorandum No. 2013-14, Award a Contract to Concor Construction Inc. to Furnish/Install Floating Sewage Lagoon Baffles

MOTION: Bob Himschoot moved and Chris Maines seconded the motion to adopt Action Memorandum No. 2013-14.

Manager Loera noted this project would follow the project that was awarded earlier to remove the sludge.

VOTE: The motion to adopt Action Memorandum No. 2013-14 passed unanimously.

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

There was no citizen's discussion.

**II. COUNCIL COMMENTS**

Chris Maines: no comment

Bob Himschoot:

- thanked Steve Cropsey and wished him well.

MOTION: Bob Himschoot moved and Chris Maines seconded the motion to bring the voter initiative presented by Apayo Moore back on the next agenda for discussion.

Discussion:

- noted would like to see the various options that were available.

Mayor Ruby clarified under agenda item Unfinished Business the topic would read as smoking prohibition in bars. She noted a council member had approached her asking what was involved in reconsidering a vote. She read from the Attorney's advisement: the proper procedure for bringing back a previously failed motion for a second look by the Council was to "renew" the motion that previously failed. that "If a motion is made and disposed of without being adopted, and is later allowed to come before the assembly after being made again by any member in essentially the same connection, the motion is said to be renewed."

Mayor Ruby agreed a Council member could make a motion at the meeting to move it to a committee, take direct action, or other action.

VOTE: The motion passed unanimously.

Tracy Hightower: no comment

Paul Liedberg: no comment

**XIII. MAYOR'S COMMENTS**

Mayor Ruby: no comment

**XIV. EXECUTIVE SESSION**

There was no executive session.

**XV. ADJOURNMENT**

Mayor Ruby adjourned the meeting at 8:45 p.m.

\_\_\_\_\_  
Mayor Alice Ruby

ATTEST:

\_\_\_\_\_  
Janice Williams, City Clerk

Approval Date: \_\_\_\_\_

**Mayor**  
Alice Ruby

**Manager**  
Rose Loera



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

## MEMORANDUM

**Date:** May 30, 2013  
**To:** Mayor and City Council  
**From:** Rose Loera, City Manager  
**Subject:** May Monthly Report

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**Annexation** - Ekuk has asked the judge to send the annexation matter back to the Local Boundary Commission (LBC) for the Commission to consider whether the annexation should have been allowed to be submitted to the voters of Dillingham for approval. Ekuk argues the LBC's approval of annexation should have been submitted to the Legislature rather than the people of Dillingham. They made a similar request to the LBC but the Commission ruled the choice of requiring voter approval was a choice only for the City of Dillingham. Ekuk has also asked the judge to make the Commission adopt general regulations relating to annexation of bodies of water adjacent to existing cities before approving Dillingham's annexation petition. Ekuk claims the Commission's approval of Dillingham's annexation petition was improper agency rulemaking not allowed to be accomplished in a specific annexation proceeding.

**Denied Services List** – We started enforcing the Denied Services list on May 24<sup>th</sup>. We have collected approximately \$16,884 in less than one week. We collected over \$100,000 since we sent out letters in April giving people 30 days to come in and pay what they owe or sign promissory notes before the denied services list was finalized. We will continue to track our collection efforts.

**Vacancies** – Police Officer, Fire Department Coordinator, Library Aide and Summer Laborer

**Animal Shelter** – the material for the animal shelter renovation is on its way and work on it should be starting shortly.

**Flex Work Schedule** – I have decided to allow staff to utilize a flex-time work arrangement for the months of June, July and August. Staff will be allowed to work 4-10 hour days if they choose. Our Personnel Regulation 2.30 allows this upon approval of the City Manager. The requirement is that each department is covered every day.

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Paul Liedberg

## MEMORANDUM

**Date:** May 30, 2013  
**To:** Rose Loera, City Manager  
**From:** Janice Williams, City Clerk  
**Subject:** Monthly Report

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The June calendar was sent out noting the following for the June 13 and June 27 meetings:

June 13: 5:30 p.m. Regular Code Review Committee Meeting  
7:00 p.m. Special Council Meeting  
June 27: 6:00 p.m. Regular Council Meeting

### **Public Hearings on Adopted Ordinances**

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

Please note Atty. Patrick Munson's advisement:

The practice you describe appears correct to me. If the item never received its "public hearing" due to its being postponed, then it must be re-noticed because the required hearing never occurred (i.e., no one was ever given an opportunity to speak on it). It is a closer call in a case where a "hearing" is opened, comments heard for a while, then the item is postponed. Arguably the "hearing" already occurred, meaning there may be no further requirement that another hearing be held. In practice, however, I believe almost all communities provide another public hearing when the item is taken up for a second time, and as a matter of governance that seems appropriate.

### **Advertising a Public Hearing**

Use of the newspaper is mandatory when advertising a public hearing with an exception. I am required by statute to advertise the public hearing in a local newspaper five days prior to the public hearing, however if testimony was opened and heard at a previous meeting, but action postponed until a date certain, then it is possible that hearing qualifies as the one

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required by statute. I still advertise in the newspaper as well as our City website and in 3 public places to err on the side of caution.

### **Public Hearing on Four Ordinances Scheduled**

The following four ordinances are scheduled for a public hearing at the June 13 Regular Council Meeting. An advertisement was placed in the May 30 edition of the Bristol Bay Times.

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

At the May 23, 2013 Regular Council Meeting, the Council voted to postpone adoption to June 6 and send the ordinance back to the Committee for further evaluation. Comment was made if the intent of the exemption on arts and crafts for all businesses making less than \$20,000 might be misunderstood to exempt businesses like N&N from sales tax on native arts and crafts, answered the new exemption was for arts and crafts only for all businesses with total yearly sales of less than \$20K; but would bring back additional wording to make it clear.

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

At the May 23, 2013 Regular Council Meeting, the Council voted to postpone adoption to June 6 and send the ordinance back to the Committee for further evaluation. Comment was made it would be helpful to know the financial impact if there was no licensing fee for a business owner generating gross sales of less than \$10K. It was discussed if the Code Review Committee was not able to meet on these two ordinances and bring forward a recommendation to the June 6 Council meeting, the Council could postpone it until the next regular meeting.

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

This ordinance was vetted through the Code Review Committee and is being recommended for adoption June 6.

### **Records Management Software**

On June 3 and 4 a representative from eDocsAlaska, Inc. will be in town to train staff members, including Carol Shade, Jody Seitz, and myself, on the new records management software. Thank you for your support to allow us to purchase this product to help manage the City's records.

### **Request from Apayo Moore to Change Code to Remove "Bars" from Section of Code Where Smoking is Not Regulated**

A request for a ballot initiative was filed at City Hall May 10 signed by ten voters who will sponsor the petition. I have concluded that the petition is in a proper format, that it is a

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proper subject for a voter initiative, and that it is a legally valid proposal to put before the public.

Within two weeks from May 22, a petition will be prepared by the city clerk and submitted to the applicant (due date to Apayo June 6).

The sponsors will need to acquire signatures equal to 25% of the votes cast at the last regular city election held October 4, 2012. This amounts to 25% of 447 total votes cast or 112. Signatures must be secured within 90 days after the date the petition is issued (September 5).

In the meantime, Mayor Ruby was approached by a Council Member questioning if the vote at the May 23 Council meeting to send the petition to the Code Review Committee could be reconsidered. She asked if I could follow up.

The City's Attorney, Patrick Munson, has advised the following:

The proper procedure for bringing back a previously failed motion for a second look by the Council is to "renew" the motion that previously failed. Robert's Rules No. 38 states that "If a motion is made and disposed of without being adopted, and is later allowed to come before the assembly after being made again by any member in essentially the same connection, the motion is said to be renewed." In short, this allows any member of the Council to make a motion to "renew" the earlier motion that did not pass. The renewed motion should be made in essentially the same form and manner as the previous motion (i.e., the same "connection" in Parliamentary-speak). Any Council member may make the motion. Since you have been made aware that the item is of interest, you may list the motion to renew on the agenda under old business or allow a Council member to bring it up at an appropriate time.

"Renewing" the motion is appropriate here rather than "reconsidering" it because a motion may only be "reconsidered" during the same meeting ("session") that it was previously acted upon.

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## MEMORANDUM

**Date:** June 5, 2013  
**To:** Rose Loera  
City Manager  
**From:** Carol Shade  
Finance Director  
**Subject:** May 31, 2013 Financial Report

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April and May have just screamed by with barely time in the day for a break. We have been fully staffed since March, and that has really made a big difference in the amount of work getting done effectively and efficiently.

During April we sent out the personal and real property tax assessments for all taxable properties. Due to a few glitches in our new accounting system we had to resend some of the real property tax assessments for those taxpayers that have senior exemptions. This was also a month when all the quarterly grant reports were filed by staff. In addition the quarterly payroll tax reports were filed.

The Alaska Government Finance Officers held their annual spring conference in Talkeetna this year from May 15 through May 17. This was a very informative meeting as usual. It is always good to get together with other Finance Directors and exchange information and ideas. In addition Kristi Thiel, one of the Managers at Mikunda Cottrell gave a very interesting update on GASB pronouncements. As usual there are changes afoot on how governments have to prepare their financial statements and we will be changing the titles of a few items.

During May we got the denied service list together and sent out letters to those individuals per the code. This has made a significant dent in our receivables. We are really getting a lot of taxpayers to come in and pay on their accounts or set up promissory notes. We have 43 people on promissory notes. We will be keeping track of these notes to make sure the people stay in compliance. Between March, 2013 and April 30, 2013 we collected an additional 8.5% of the balance due, then between April 30, 2013 and May 31, 2013 another 8% was collected bringing the cumulative to 43% since January.

With all the work on the budgets in the last two months I was not able to complete a thorough analysis of the financial reports; therefore they will not be ready until the June 27<sup>th</sup> meeting. At that time I will update you on the revenues and expenditures through May 31, 2013 with comparisons to May 31, 2012.

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## MEMORANDUM

**Date:** May 28, 2013  
**To:** Rose Loera, City Manager  
**From:** Sonja Marx, Librarian  
**Subject:** May Monthly Report

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It feels like summer has begun as our numbers have nearly doubled at the Library for this reporting month in patron visits and computer use. Our Wednesday story time has also increased as we welcome back many friends who visit during the summer.

Our two new AWE stations have been utilized by the children, especially since school has been out. We had to say goodbye to our school librarian for this fiscal year, and are hoping to fill the Temporary Librarian Assistant position for the summer soon. We did have to give a final farewell to our Library Aide/Clerk who has been with us his entire high school career. David Nukwak faithfully worked here for four years. It is going to be hard to replace him. With two positions vacant, we have been short staffed this month.

The Friends of the Library met May 25<sup>th</sup> after having to cancel their scheduled May 4<sup>th</sup> meeting. The Library Board had a successful and well attended meeting this month. The Library was closed for Memorial Day, Monday, May 27<sup>th</sup>.

Two outstanding educators, Kate Berkoski and Dianna Swaim, will be team teaching our Summer Reading Program this year for the 3-11 year olds. Both come with years of experience, and we are so thankful to have them run the program this summer. The Summer Reading Program goes for 8 weeks (each Tuesday starting June 4<sup>th</sup> and ending July 23<sup>rd</sup>). The schedule is as follows: 3-6 year olds from 10 – 11 am and 7-11 year old from 11 am – 12 noon. We are still looking for a leader for the Teen group.

### **Library Stat report for April 22<sup>nd</sup> – May 25<sup>th</sup>, 2013:**

**Patron Visits: 4,193 Computer Use: 1,465 Story Hour: 110**

**Other Visits: 73 Museum Use: 6 Videoconferencing: 6**

**Approximately 6 volunteer hours logged**

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## MEMORANDUM

**Date:** May 24, 2013  
**To:** Rose Loera, City Manager  
**From:** Jody Seitz, Director of Planning and Grants  
**Subject:** May Monthly Report

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CDBG: Received a letter from Division Director Scott Ruby confirming that he supports the scoring committee's process and decision. He encouraged the city to refine and resubmit its application this fall.

CIP: The Proposed 6 year update will come to the Planning Commission at either a special meeting or the June 18<sup>th</sup> meeting.

Composting: the grant for the composting project can be extended another two years. The Marine Advisory program is going to regroup and come up with a plan for next summer.

Encroachment Permit: Geotechnical drilling for the Downtown Streets and for the delta Western oil containment structure will take June 5 through 7<sup>th</sup>.

Knik Construction Gravel Pit: The Company has the required water quality permit and storm water pollution prevention plan as well as an air quality permit for their rock crusher, which they are relocating. Approval of the local municipality is required by ADEC for their fugitive dust control plan. The company adjusted its plan to conform to the City's concerns and was approved June 4, 2013.

The ADEC has a publication called best Management Practices for Gravel/Rock Aggregate extraction Projects.

[http://www.dec.state.ak.us/water/wnp spc/protection\\_restoration/BestMgmtPractices/Documents/GravelRockExtractionBMPManual](http://www.dec.state.ak.us/water/wnp spc/protection_restoration/BestMgmtPractices/Documents/GravelRockExtractionBMPManual).

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City of Dillingham

The Kenai Peninsula borough Code for gravel extraction is recommended by a hydrogeologist at ADNR as the best code to look at for regulations governing material sites...see .Chapter 21.29

A hydrogeologist at ADNR, reviewed well logs in the area of concern around the Knik Pit and did not feel there was much risk to local wells at present.

Landfill Batch Oxidation System: A 2004 publication entitled "Burning Garbage and Land Disposal in Rural Alaska," was provided by an Icicle Seafood's Engineer who secures permits for the company's plants. It reviews everything from the use of opening burning to oxygen deprived systems in Alaska. Several other communities have similar systems, it turns out. It is a very handy reference for our pro<http://www.akenergyauthority.org/AEAdocuments/BurningGarbage.pdf>

N&N market: Met with contractor and landscape architect regarding the N&N remodel, currently scheduled for 2014. The company is interested in building an addition and wants to know that it will be able to have the required parking for City permitting. My suggestion is to allow the company some shared overflow parking in the area across from the Sea Inn bar and the Omni warehouse after correcting the area of the utility easement and realigning the road that enters the port.

Neighborhood Initiative: Is not approved for next year.

Plats: there are 2 for this May 21 meeting: UAF Applied Science Center Subdivision; and Crystal Subdivision.

Public Communications:

1. Cemeteries: I received a couple of comments from citizens about a new grave dug at the Kanakanak cemetery. Those who object are those who have during the last several years taken an interest in cleaning up, brushing out, building crosses, and helping the City maintain the cemetery. They have also tried to help people locate good grave sites. The city needs a cemetery plan and layout with good internal roads so that the graves may be dug without the danger of disturbing existing graves to give citizens a clear, fair, organized process.
2. Attractive nuisances: People are not removing burned out houses from their property. I received a call from a landowner concerned about a neighbor's burned down house. She feels it will affect her house sale and calls it blight on the neighborhood which gives Dillingham a bad image. Requests the City require them to be removed.

Road Projects: Downtown Streets internal review at 35% design. April 25, 2013, met with Norman Heyano, ADOT Chief, Fire Chief and Airport Manager, as well as Dan Pasquariello, Public Safety Chief, Mike Megli, Nushagak CEO; Will Chaney, Nushagak lineman, to review the 35% design road plans. I submitted our comments to ADOT&PF.

The ADOT held an open house at City Hall April 30 to review all the projects they are going to do in Dillingham and Aleknagik during the next several years. The Downtown Streets project is slated for construction in 2015. The D Street to Squaw Creek Road should happen the same year. One problem area is right at the Post Office entrance. It appears from the drawings that the Downtown Streets project will end just before the driveway into the Post Office parking lot. The City will need to come up with its own funding to fix this area in conjunction with the ADOT project.

Have received draft designs for raised crosswalks and separated multi use path and sidewalks on D Street. The draft City recommendation is for those two in the D Street right of way rather than a bike lane or wider lanes. The public works foreman has concurred with this recommendation, adding that he wants people to be able to get onto the multi use paths whether they are walking, riding a bicycle or in a wheelchair. A Planning commissioner raised the concern of making sure raised crosswalks weren't slippery or difficult to navigate in winter when everything gets icy.

Subdivision Access Committee: The committee held its final meeting May 1. It recommended that the Planning Commission approve private access easements with several conditions: 1) requiring a 50 foot easement; and 2) requiring an improved surface of 8 feet for subdivisions with one to 6 homes; 3) requiring an improved surface of 14 feet for subdivisions with 7 to 10 homes. The Committee further recommended removing the qualification that all parcels be gift deeded from DMC 17.09.....Exception to Road Standards; and that Title 17 be amended to only require access to adjacent parcels when it was in the community interest.

The Public Works Department Foreman called me expressing concern about inheriting small roads because of the wear and tear on equipment, as well as the public irritation raised during maintenance of those roads. He says he will participate in the Planning Commission meetings on this.

Planning Commission Training: Planning Commission training May 8, 4:30 to 7:30. The training was attended by Andy Anderson, Bill Rodawalt, Julie Baltar, Paul Liedberg, Bob Madeson, local government specialist here in Dillingham, and me. Ruth St. Amour from ADCCED came out to give the training. The evening focused on Planning Commission duties and roles of the commission and city Council; how to implement the

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comprehensive plan through land use codes and zoning; how to begin zoning; how to conduct fair and open meetings;

Port Land Exchange: Received 6 proposals from the May 8, 2013, request for quotes. Steve Cropsey and I reviewed the bids and selected Southwest Alaska Surveying as the most responsive and lowest bidder, for the lump sum of \$8,100. John O'Connor is back in Dillingham for the summer and will begin working on this plat as soon as the contract is signed.

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**Mayor**  
Alice Ruby

**Manager**  
Rose Loera



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

## MEMORANDUM

**Date:** May 28, 2013  
**To:** Rose Loera / City Manager  
**From:** Jean Barrett / Port Director  
**Subject:** May Monthly Report

The Month of May went by in a blink. Seems like just the other day there was 10 foot tall snow piles on the dock and the harbor was frozen solid! All of a sudden the dock was cleared and the barges were showing up. The harbor cleared enough for the herring fleet to head to Togiak and have a successful harvest and now they are back. It is 65 degrees and the harbor is half dredged! Where does the time go!

### Dock

Everything is status quo at the dock. Eric, Dean and LaPreal keep plugging along. We have had several freight barges in along with a fuel barge. Work on the warehouse continues with a new door ordered along with flooring. We decided a way of ridding ourselves from the old dog pound shelter was to put it on the Mayor's sale. We hope to see it gone to use the land for more freight storage. The Icicle plant has added to the list of ship out freight as they were able to generate over 20 full 40' containers of herring to date.

### Bath House

The bathhouse is up and running since the 15<sup>th</sup> of May. We are still awaiting contracts for the janitorial. Mike and Janice Larsen have agreed to clean until new contracts are drawn up. We are well stocked on replacement parts at this time and all showers are in good working order. The outside of the bathhouse got a bit of a facelift this spring as we had time and good weather to paint the outside and inside of the doors for all of the showers and bathrooms.

### Harbor

Things are starting to hop at the harbor. Most of the herring fleet has returned and are taking up residence at the bulkhead while they offload all of their herring gear and wash down their boats.

With the help of Peter Pan Seafood and Ron Dodd, we took advantage of the high tides on Tuesday the 28th and placed the float arms and also the South ramp and walkways. We will work on the East side this week.

I have ordered a spray on rubber coating to be used on the harbor float system to help lengthen the useful life of our floats. The system is in very tough shape and some of the floats have patches upon patches, I feel that at some point in the next year or two we are going to need to at long last replace the old floats.

### **Clean Up Day**

Todd Ginny and I did our part during the annual clean up day and worked both sides of the main road from the harbor to Scandinavian creek, we felt very good about our efforts when we were done.

We, unfortunately, did not find any world changing treasures!

### **Ice Machine**

The ice machine is going to be a bit late in getting on line this season as the waterlines unfortunately were frozen. At the time of this report, we had water running at the bulkhead but still not to the Ice machine. We had Ray Scandura come and start the machine up from its long winter's nap and will have ice by the 5<sup>th</sup> of June by running a waterline above ground in time for the first boat's headed out to the halibut ground. Hopefully, we will have water to the ice machine soon as the weather continues to warm up.

### **Denied Services List**

With the City implementing a Denied Service List in order to gain control of back taxes and fees owed to the City, we have been doing our part to get the word out to our customers who might be affected by being on the list. We have urged people to go to the city hall and make right with the City before we allow them access to the City dock or Harbor. I have also talked with the local boat haulers and asked them to help us in reminding the vessels they haul to be current before they are hauled to the harbor and have to be turned back in order to get their accounts straight .

That's all from the Port Department this 28<sup>th</sup> day of May 2013.

**Mayor**  
Alice Ruby

**Manager**  
Rose Loera



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

## MEMORANDUM

**Date:** May 22, 2013  
**To:** Rose Loera, City Manager  
**From:** Stephanie McCumber, Fire Office Assistant  
**Subject:** May 2013 Department Head Report

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### Summarization of EMS Responses

- Total of 10 Ambulance Transports
  - 1 Fall Victim
  - 1 Seizure/Convulsion
  - 2 Medical Transports
  - 2 Chest Pain
  - 1 Assault
  - 2 Heart Problems
  - 1 Altered Mental Status

### Summarization of Fire Responses

- Total of 3 Fire Responses
  - 1 House Fire
  - 1 Business Fire
  - 1 Electrical Fire

### PROJECTS COMPLETED

- Combination meeting was held for training on wild land fires. There were 15 members that trained.
- The Firefighters trained on engineering, and entry procedures. There were 7 members present
- The Rescue Squad trained on extrication. There were 13 members who practiced pulling patients out of a truck and a fire apparatus.
- All ambulance billing is up to date.

### ON-GOING PROJECTS

- There was a recall on the AED's that the City owns. The recall involves a new software update as well as a new battery. The Fire Office Assistant is working on locating and updating all of the City's AED's.
- Added 2 new ETT's to the volunteer squad.

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# Dillingham Dept. of Public Safety

## Dispatch

**To:** Sergeant Ramon Golden, Patrol Sergeant  
**From:** Alicia Warch, Dispatch Supervisor  
**Date:** 05/24/2013  
**Re:** Dispatch, May Monthly Report (04/23/2013-05/23/2013)

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### Communications

- ❖ 538 Calls for service 04/23/2013-05/23/2013
- ❖ 80% Dispatched to Dillingham Police
- ❖ 12% Dispatched to Alaska State Troopers
- ❖ 4% Dispatched to EMS/Dillingham Fire
- ❖ 4% Dispatched to Dillingham Animal Control
- ❖ 99 E-911 calls received
- ❖ 2 Record requests complete

### Notes

Dispatch has nothing new to report.

# Monthly Report

## Dillingham Dept. of Public Safety

*For the period of April 23 2013 to May 23 2013*

### Corrections

- ❖ 39 - Total Inmates for 04/23/2013-05/23/2013
- ❖ 30 - Male inmates
- ❖ 08 - Female inmates
- ❖ 20 - Inmates from Dillingham Police
- ❖ 07 - Inmates from A.S.T.
- ❖ 02 - Inmates from V.P.S.O.
- ❖ 03 - Inmates from Adult Probation
- ❖ 07 - Inmates from Court/Serving Time
  
- ❖ 21 - Total Title 47/Protective custody
- ❖ 17 - Male Protective custody
- ❖ 04 - Female Protective custody
- ❖ 00 - Use of force reports

-One (1) Corrections Officer finished his training on May 16<sup>th</sup> and is now working solo.

-The corrections division has also hired a new corrections officer and he will be starting on May 28<sup>th</sup>.

DILLINGHAM POLICE DEPARTMENT  
PATROL DIVISION STATISTICS

**TO: CM Rose Loera**  
**FROM: Officer Ramon L. Golden**  
**DATE: Friday, May 24, 2013**  
**REF: Patrol Division Monthly Report (04/23/13 to 05/23/13)**

During the reporting period, the DDPS had a total of **447** calls for service. The patrol division handled **402** of the total calls for service. A total of **46** incident reports were generated. A partial breakdown of the incidents is as follows:

9	Assaults
4	Theft offenses
5	Violation of Conditions of Release/Probation
2	Criminal Mischief
6	DWIs
3	Minor Consuming
2	Disorderly Conduct
1	Fire/ Criminally Negligent Burning
0	Motor Vehicle Collisions
0	Sexual Assault
1	Suicide Threats
2	Violate Protective Order
0	Sexual Abuse of Minor
1	Trespass
0	Furnish Alcohol To A Minor
0	Fraud
2	Property Damage
1	Harassment
1	Driving While License Revoked
1	Weapons Offense
1	Burglary

Enforcement stats: 18 persons arrested  
20 Title 47  
20 citations issued

**NOTE:**

Our new K9 Handler signed on this month and has taken to Lutri very well. He was responsible for making arrangements to get Lutri to the Vet for his updated shots and to clear up an ear and lip infection that Lutri had gotten since his last handler left the agency approximately 8 weeks ago. It turns out that Lutri has some type of food allergy that was making his ear infection so pronounced. Lutri was placed on a very restrictive diet for a period of eight weeks. Once this time has expired, if there is a marked improvement, we will check his health and re-evaluate his diet.

The new handler was instrumental in setting up no cost transportation for himself and Lutri to all training and certification events as well as any agency assist missions that might come along.

DILLINGHAM POLICE DEPARTMENT  
PATROL DIVISION STATISTICS

One Officer had to be medevaced off to Anchorage on Wednesday 05/22/13 due to a ruptured appendix. He had emergency surgery and is expected to make a full recovery. He will likely be on a light duty status for some time. We are just awaiting a doctors evaluation to assist us in determining when the officer can return to full duty.

Due to his FTO being out with a ruptured appendix, our new K9 handler will likely be released a little early from his training. The officer is extremely competent with over five years of experience in Law Enforcement. He has adjusted well to the new community and is very well liked by the residents that have met him. We are confident that he will do very well for this agency.

Motor vehicle collisions were down significantly this month, in large part to the increased patrol presence and issuance of both warning tickets and citations. As we gain personnel in the patrol division and officers spend more time working the streets to apprehend traffic violators, I suspect that there will be a dramatic drop in collisions.

**Sgt. Ramon L. Golden**

# Dillingham Dept. of Public Safety

## Memorandum

**To:** Police Chief Dan Pasquariello

**From:** Animal Control Officer Dan Boyd

**Date:** 6/4/2013

**Re:** May 2013, Monthly Report

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From April 23, 2013 to May 23, 2013 Animal Control Officer Boyd had a total of 04 Dog Complaints, 04 Other Animal calls and 21 Animal Control Miscellaneous calls. A breakdown of these calls is as follows:

07 Animals Impounded, 03 Dogs, 04 Cats  
05 Dogs returned to Owners  
02 Shelter Animals Adopted out, both Dogs  
03 Owner Surrendered Animals, 01 Dog, 02 Cats  
01 Animal Shelter Dog Euthanized  
03 Compassionate Euthanasia's 01 Dog, 02 Cats  
05 Rabies shots given  
03 Dillingham Dog Tags sold

### **Supplemental:**

The City of Dillingham picked the L shaped separation wall option for new Animal Shelter in the Armory located in the Harbor. Fence was ordered from Anchorage to divide the area behind the Armory for outside Dog Kennels. If everything goes as planned we should be in the new facility by the end of June.

**Mayor**  
Alice Ruby

**Manager**  
Rose Loera



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

## MEMORANDUM

**Date:** May 28, 2013  
**To:** Rose Loera, City Manager  
**From:** Bob Bocatch, PW Assistant  
**Subject:** Public Works May Report

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**Streets** - Grader Operators are keeping up with Road issues. Being spring, we receive complaints daily on the road condition. Most road issues appear to be ongoing annual complaints for this time of year. Gravel is being placed on more severe problem areas. Operator position is now filled.

**Water-Waste Water** - Dock lift station has been in continual operation with no reported issues with the new pumps. We were told each pump is only running 1.5 hours in a 24 hour period when in the past we had 2 pumps running 24 hours. HUD lift station has had one pump sent out for repairs and is operating without the back-up at this time. A few complaints of smells from water have been dealt with and appear to be stable.

**Bldg & Grnds** – Buildings & Grounds appear to have no new complaints to report other than a couple boilers with on-going issues that are being looked at. Annual boiler inspections should be complete. As summer settles in the summer tasks for buildings and grounds - painting, maintenance and up keep tasks will be starting. Additionally Bldg/Grnds Assistant position is now filled

**Shop** – Annual preventive maintenance complete. Equipment is prepped for the summer tasks.

**Landfill** – Landfill ground water sampling will be taking place by the beginning of this coming month with our intent to train our staff so we can complete the task ourselves. With gas testing and water sampling completed by Landfill tech and operator our cost would be for the lab testing and report services similar to what we are doing in the Water & Wastewater areas.

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Date: May 30, 2013

To: Rose Loera, City Manager

Fm: David Ewald, Landfill

**RE: May Monthly Report**

- Kit arrived to calibrate methane gas monitor
- Finish class on Freon removal; successful completion
- Emptied container(s) frozen from last winter
- Had community service workers pick trash.
- Worked on burying ash pile
- Rural Alaska Landfill Operations course (May 14-16)
- Calibrated methane gas tester 5/10/13 & took (1) sample: 0 reading @ transfer office.
- Back burned around burner for fire safety
- Methane gas samples - taken and recorded

**Mayor**  
Alice Ruby

**Manager**  
Rose Loera



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

## MEMORANDUM

**Date:** May 28, 2013  
**To:** Rose Loera  
**From:** Ida Noonkesser  
**Subject:** Staff Report

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During the month of April, the Senior Center served 619 congregate meals to 66 individuals, 209 to home delivered meals to 11 individuals, gave 393 assisted rides to 32 individuals, and 186 to unassisted rides to 28 individuals. For Aleknagik, transportation services included 823 rides for the month of April. I also helped 1 elder with paperwork that needed to be done.

We had four renters at the Senior Center this past month. The Pinochle players' group continues to rent the dining room every Friday and the Quilters' rent the building every third Saturday of the month.

The Senior Center along with BBNA Staff Thomas Gardiner, and Anna Mae Bartholomew, with BBNA the Elder Advocacy Team (EAT) met and held an activity for elders. On April 23<sup>rd</sup> we had an EAT meeting from 1pm to 2pm. At 2pm a prize bingo was held. Bingo prizes were with left over prizes from other activity. A lot of elders came for this event. Now the Elders are looking forward to the event next month. The next EAT meeting won't be until September 26<sup>th</sup>. I have attached the EAT minutes.

On April 19<sup>th</sup> the Senior Center had a garage sale. Icicle Sea foods donated brooms, computer screens, and rubber boot. Barb and Bob Himschoot donated \$200.00. We made \$1838.00. The items that weren't sold went to SAFE. SAFE gave us a \$500.00 donation slip.

Curying tribal council had a potluck on April 17<sup>th</sup>. All the elders and teens came together and the elders told stories there was a potluck with a lot of good native food. And there was also Yupik dancing. Sophie Woods led a group of school students who performed.

Our next Advisory Board meeting isn't until September 11, since the summers are busy putting up fish.

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**I. CALL TO ORDER**

The Code Review Committee met on Thursday, May 9, 2013, in the Council Chambers, Dillingham, AK. Chair Paul Liedberg called the meeting to order at 5:30 p.m.

**II. ROLL CALL**

Committee Members present:

Paul Liedberg, Council Member, Chair  
Mayor Alice Ruby  
Rose Loera, City Manager

Committee Members absent:

Brenda Akelkok, Council Member  
Chris Maines, Council Member  
Janice Williams, City Clerk

Guest(s):

Carol Shade, Finance Director  
Dan Pasquariello, Chief of Police  
Brian Laurent, UAF Rep and Chair on Library Board  
Sonja Marx, Librarian

**III. APPROVAL OF MINUTES**

**A. Code Sub-Committee Minutes of April 17, 2013**

Chair Liedberg commented the minutes to approve should have read as April 25, but these minutes were not ready for the packet. The committee moved to approve the minutes of March 18, Code Sub-Committee Meeting.

**MOTION:** Manager Loera moved and Mayor Ruby seconded the motion to approve the minutes of March 18, 2013.

**GENERAL CONSENT:** The motion passed without objection.

*(Clerk Note: The minutes of March 18, 2013 were previously approved on April 17, 2013.)*

**IV. APPROVAL OF AGENDA**

Chair Liedberg asked to move item Review Library Code to the top of Unfinished Business.

**MOTION:** Manager Loera moved and Mayor Ruby seconded the motion to approve the agenda as amended.

**GENERAL CONSENT:** The motion passed without objection.

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

Mayor Ruby reported she had volunteered to contact past members of the Library Board to get their feedback, but had yet to make contact. She noted some members had wanted to see the Board more actively involved in the Library, but felt they were more involved in policy.

**Discussion:**

- noted the intent of the ordinance was to bring the board more in line with the committee process, by making it an advisory board.

Chair Laurent noted that recently the board had accepted the changes that were recommended by the board members existing in 2004, but the changes had never gone anywhere. The present board was not aware of the recommended ordinance and resolution enclosed in the packet. He noted the board was had been very active since October and were meeting quarterly, were close to creating a Five-Year plan, had been drafting policies and procedures for the new E-readers, and were collaborating with the Friends of the Library who had great input into the Five-Year Plan which was mainly looking into grants.

**Discussion:**

- spoke in favor of the current board reviewing the recommended ordinance and resolution in the packet and bringing their comments to the committee; and
- noted before the Five-Year Plan could be considered official action would have to come before the Council.

Manager Loera to provide Brian and Sonja with the recommended ordinance and resolution.

**V. UNFINISHED BUSINESS**

**A. Title IV. Revenue and Finance**

1. Review Penalty and Interest Rates for the following:
  - Repayment Plan Real and Personal Property Tax – *Propose Ord. No. 2013-XX*
  - Disaster Declaration – *Propose Ord. No. 2013-XX*

Manager Loera reported this ordinance brought the interest rate in line with other interest rates recently adopted, and would interject a repayment plan reversing an earlier position to clarify an individual wouldn't go on the foreclosure list if they had a repayment plan in place.

**MOTION:** Manager Loera moved and Mayor Ruby seconded the motion to recommend this ordinance to the Council to be introduced at the June 6 Council meeting.

**GENERAL CONSENT:** The motion passed without objection.

B. Review Denied Services

Manager Loera reported that there had been a question of whether putting someone on the denied services list and foreclosure list was a double whammy. Attorney Munson had stated that it was not prohibited by law, that the City could do both. He felt it would show how serious the City was about collecting on the bad debt, and putting someone on the denied services list would most likely bring a swifter resolution and bring people to the table to work on a payment plan.

Discussion:

- concern had been made about putting someone on both lists could create a huge hardship, but they did have the option of entering into a payment plan;
- noted the denied services list allowed someone 90 days to make payment arrangements and the amount was for debt owed over \$100; and
- noted the City's Attorney had claimed there was no legal basis for not cutting off someone's water service during the winter, that it was an urban legend.

MOTION: Mayor Ruby moved and Manager Loera seconded the motion to recommend the denied services ordinance to the Council to be introduced May 23 and scheduled for a public hearing June 6.

GENERAL CONSENT: The motion passed without objection.

C. Title XI. Vehicles & Traffic and Snowmobiles – *(This will be a lay down.)*

Manager Loera reported a redraft had not been prepared in time for the meeting, and would be tabled to the next meeting.

E. Point of Sale for Assessing City Sales Tax

There was nothing to report.

VI. NEW BUSINESS

A. Review Inconsistencies Between Dillingham Municipal Code and the Port of Dillingham Terminal Tariff No. 400 *(postpone to August)*

*Postponed to the August agenda.*

B. Review Threshold for Filing Monthly Sales Tax Reports Monthly or Quarterly *(postpone to August)*

*Postponed to the August agenda.*

C. Review Public Safety Fines

There was nothing to report.

- D. Review Placing a Cap of \$300K on Personal Property Tax for Commercial Watercraft

Manager Loera reported Bristol Alliance Fuels was recommending the City cap personal property tax for commercial watercraft at \$300K. Currently there were no vessels with that high of a value stored in the City limits. This would allow them to further develop their economic plan to lure larger vessels to the area. A representative from the firm would be making a presentation at the Council meeting.

Discussion:

- suggested staff could produce a report that would reflect current vessel values.

- E. Review Bed Tax (*postpone to September*)

*Postponed to the September agenda.*

- F. Review Title 6, Business Licensing, Chapter 6.04, Transient Vendors (*postpone to September*)

*Postponed to the September agenda.*

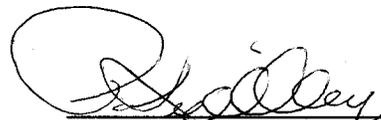
**VII. PUBLIC COMMENT/COMMITTEE COMMENTS**

Mayor Ruby:

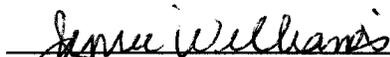
- reported she was intending to put together a graphic to support Ordinances 2013-07 and 2013-08, because of her concern there needed to be more information disseminated in order to make a more informed decision, and was suggesting postponing introduction at tonight's Council meeting.

**VIII. ADJOURNMENT**

The meeting adjourned at 6:09 p.m.

  
Paul Liedberg, Chair

ATTEST:

  
Janice Williams, City Clerk

Approval Date: May 20, 2013

**I. CALL TO ORDER**

The Code Review Committee met on Thursday, April 25, 2013, in the Council Chambers, Dillingham, AK. Chair Paul Liedberg called the meeting to order at 5:33 p.m.

**II. ROLL CALL**

Committee Members present:

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

Janice Williams, City Clerk – absent and excused

Guest(s):

Carol Shade, Finance Director

**III. APPROVAL OF MINUTES**

A. Minutes of April 17, 2013 Code Review Meeting

B. Minutes of April 17, 2013 Code Sub-Committee Meeting

**MOTION:** Brenda Akelkok moved and Manager Loera seconded the motion to approve both sets of minutes.

**GENERAL CONSENT:** The motion passed without objection.

**IV. APPROVAL OF AGENDA**

**MOTION:** Brenda Akelkok moved and Chris Maines seconded the motion to approve the agenda.

**GENERAL CONSENT:** The motion passed without objection.

**V. UNFINISHED BUSINESS**

A. Point of Sale for Assessing City Sales Tax

Manager Loera reported the subject had surfaced as a result of recent the sales tax audit, where a local business person preparing tax services had a primary office in Dillingham, traveled to the villages to conduct business outside Dillingham, and was not taxing those services.

Discussion:

- confirmed local businesses do charge sales tax to villagers purchasing goods by credit card that are shipped to their village;
- noted the code was amended around 2000 to tap into providers such as Span-Alaska who used to send a representative to sort and deliver the product, City felt since they had a presence in town they were required to assess sales tax; they no longer send a rep;
- recommended establishing a clear definition of point of sale that any business owner can interpret, whether the service or headquarters are based in Dillingham;
  - example. Nushagak Cooperative is providing electric service outside of Dillingham, would have had to assess sales tax on that service based on current code and Attorney Munson's recent memo (may not have relayed).

Chair Liedberg reported he had researched the definition of point of sale in several other communities including Bethel, Kotzebue, Wrangell, Ketchikan, and Unalaska for their definition of point of sale. Some examples:

Unalaska - sale resulting from an offer being communicated from a seller to a consumer within the city and accepted by the consumer within the city.

Wrangell – a delivery of property in the borough is considered subject to sales tax if the retailer maintains any office, distribution, or sales house in the borough, or solicits business, or accepts any order from any agent in the borough.

Ketchikan – sale of property in the city is considered subject to city sales tax if the seller maintains an office, distribution, or sales within the city.

**Discussion items:**

- if communities such as Aleknagik, Clarks Point, and Manokotak have a sales tax in place, not in favor of another sales tax;
- noted there are business owners with a main office in Dillingham, but carry out business in outlying communities, code requires that the contractor (welders, contractors, plumbers, electricians) tax the service on the other end, probably not happening;
- if there is to be an exemption clarify it by writing the exemption as “electricity generated in Dillingham and delivered outside the city limits will not be subject to sales tax”;
- recommended a workshop with Council since there are varied opinions, suggested June 20, and could ask attorney to compare the current code with what it used to say, and include definitions of point of sale; and
- opined would not ask Nushagak Cooperative to back bill if code not changed.

**VI. NEW BUSINESS**

There was no new business.

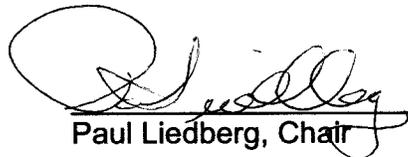
**VII. PUBLIC COMMENT/COMMITTEE COMMENTS**

Brenda Akelkok:

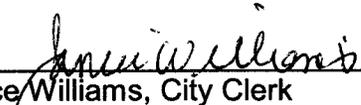
- preferred a 6:00 p.m. meeting instead of 5:30 p.m. when a Council meeting was scheduled for 7:00 p.m.

VIII. ADJOURNMENT

The meeting adjourned at 6:30 p.m.

  
Paul Liedberg, Chair

ATTEST:

  
Janice Williams, City Clerk

Approval Date: May 30, 2013

**I. CALL TO ORDER**

The Code Review Committee met on Thursday, April 17, 2013, in the Council Chambers, Dillingham, AK. Chair Paul Liedberg called the meeting to order at 5:33 p.m.

**II. ROLL CALL**

Committee Members present:

Paul Liedberg, Council Member, Chair  
Mayor Alice Ruby  
Brenda Akelkok, Council Member (*arrived at 5:35 p.m.*)  
Chris Maines, Council Member  
Rose Loera, City Manager  
Janice Williams, City Clerk

Guest(s):

Carol Shade, Finance Director  
Dan Pasquariello, Chief of Police

**III. APPROVAL OF MINUTES**

A. Minutes of March 20, 2013

MOTION: Chris Maines moved and Mayor Ruby seconded the motion to approve the minutes of March 20, 2013.

GENERAL CONSENT: The motion passed without objection.

**IV. APPROVAL OF AGENDA**

Staff asked to move item B first on the agenda, noted two ordinances were being brought back for further review: item E. Ordinance No. 2013-04, and to add item H. under Unfinished Business, Ordinance No. 2013-05 (SUB-1).

MOTION: Janice Williams moved and Mayor Ruby seconded the motion to approve the agenda as amended.

GENERAL CONSENT: The motion passed without objection.

**V. UNFINISHED BUSINESS**

A. Title IV. Revenue and Finance – *deferred to the May 9, 2013 Meeting*

1. Review Penalty and Interest Rates for the following:
  - Repayment Plan Real and Personal Property Tax – *Propose Ord. No. 2013-XX*
  - Disaster Declaration – *Propose Ord. No. 2013-XX*

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City Clerk Williams reported the City's attorney had been asked to make some changes to the proposed ordinance, which were not available for the meeting.

**B. Title XI. Vehicles & Traffic and Snowmobiles**

Chief Pasquariello reported in the past the ordinance concerning ATVs (prior to creation of Ordinance No. 2005-05) was very similar to the current snowmobile ordinance. Patrol officers had been enforcing the old ATV ordinance that remained intact in their code books when the new ordinance was adopted. The main points between the old ATV ordinance and the snowmobile ordinance were:

- no operation on bike paths;
- no operation on state maintained roads;
- driving on City maintained roads (gravel) on the extreme right edge of the road;
- no one under 14 years of age to drive without adult supervision;
- persons under 18 years of age to wear helmets;
- no exhibition (nuisance) driving;
- no operation in business district (came from Ordinance No. 2005-05).

Ord. No. 2007-03 was created, in part, to reinstall some of the language that was omitted from Ord. No. 2005-05. Ord. 2007-03 was introduced, and Council sent it to Code Review, where it has since been on their agenda.

Chief Pasquariello reported on the changes in Ord. No. 2007-03, which he thought was a good ordinance:

- in the Whereas section, essentially the city wanted to help people save gas, money, make it less expensive to get around;
- definition section there is no definition for right-of-way which is mentioned throughout the ordinance, but in different context, citing:
  - Section 11.20.030 off road vehicles may be operated within the right-of-way of a roadway (assumes this means drive on the right side of the road), which is not a controlled access highway (city doesn't have any controlled access highways, appears language was taken directly out of state law), as long as the operation is not on the roadway or shoulder and no closer than 3' from nearest edge of the roadway (essentially the state law for Kananak Road, Lake Road, and Wood River Road; could drive, not on the pavement, off the shoulder). No city street has a shoulder, couldn't fit this definition if they were driving on city streets.
  - favored the language in the snowmobile ordinance 11.21.020, A. all operation must be on the extreme right-hand edge of the traveled way (proposes adding "on city owned streets").
- need to differentiate between state maintained roads and city maintained roads.

**Discussion:**

- questioned if the older version of city rights-of-way (means any and all public roads, easements, green spaces, and rights-of-way that are reserved for public uses within the city limits) wasn't more in line with DOT's definition;

- noted the old definition of city rights-of-way was probably intended for COD r-o-w's, because there were some roads within City limits that weren't the City's roads.

Chief Pasquariello recommended the following:

- no operation on bike paths (state law and safety concerns);
- no operation on paved state roads. This would be a safety issue since that is where most of the vehicle high speed, high volume traffic existed;
- permit driving on city roads, on the extreme right edge, with 20 mph speed limit;
- section 11.20.050, no person under 14 years of age can drive without adult supervision unless they have an instructional permit;
- persons under 18 to wear *crash* helmets (state law and safety);
- no exhibition driving, and no use of streets for recreation;
- no operation in the business district (which is already included).

Discussion:

- commented the code have consistent terminology for right of ways and travel ways in both the snowmobile and ATV ordinance.

Chief Pasquariello handed out a list of COD offenses currently listed in the Court's minor offense table. Animal ordinance fines for each offense ranked from \$50, \$75 to \$100, and favored making the snowmobile fines uniform, which was currently \$25, \$50, and \$100. Some items when they were modified, like curfew violation, don't have a fine amount, used to be \$50. Some of the items without an amount, used to be \$25, when they were modified it was changed to \$300. At some point when a new ordinance was proposed, a fine schedule was set. For these items with set amounts, a ticket is issued by a patrol officer; the person would pay it and didn't have to appear in court. For the no fine amount items, when a person goes to court, since there is no specified amount on the court's minor offense table, the person cited has to physically go to court, and the judge decides the fine. He recommended adding a fine amount where there was none, and that it be consistent with existing fines and make them uniform.

Discussion:

- suggested analyzing the revenue from collecting fines to see if it might be more cost beneficial for the City to hire a collection agency; and
- noted the Council would be asked to add setting the fines to the Code's to do list.

**MOTION:** Rose Loera moved and Chris Maines seconded the motion to recommend the changes to Title XI, Vehicles and Traffic and Snowmobiles to the Council.

Discussion:

- recommend the redrafted ordinance be brought back to the Code Review Committee May 9 for a final review and prepare to recommend to the Council.

**MOTION WITHDRAWN:** Rose Loera and Chris Maines withdrew their motion.

C. Review Library Code Suggested Changes – *deferred to May 9, 2013 meeting*  
City Clerk Williams reported the library board had suggested some changes to the library board ordinance to remove sections dealing with violations. The librarian would present the suggested changes at the May 9 meeting.

D. Review Denied Services

Manager Loera presented the proposed language that would be entered into a newly created ordinance defining denied services. Staff would be adding language to services would be denied if the person was in arrears over \$100 and over 90 days for any of the following items unless they were currently on a repayment plan:

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

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

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

Discussion:

- questioned whether being behind on real property tax should be included, since someone could already be going through the foreclosure process;
- commented was not in favor of denying someone water and waste water service for another outstanding debt;
- noted mainly water could be disconnected, waste water was difficult to physically disconnect;
- suggested reviewing other services to be denied access after the ordinance had been in place for a year; and
- commented the person would receive a letter 30 days in advance, notifying them that they could lose access to a service for nonpayment of a debt.

E. Review Ordinance No. 2013-04, introduced at April 11, 2013 Council Meeting, to Recommend Vacation of an Alley from "30 Days to Veto" to "45 days to Approve" a Recommended Vacation

Discussion:

- noted the Council was asking the Planning Commission for their opinion (recommendation), the reason for changing the code to approve not veto;
- suggested it might be clearer to reword the code once the vacation had been recommended by the planning commission, "if the Council didn't take action, it was considered to be approved", and had seen this language in a legislative action;
- commented wanted to ensure the discussion took into consideration that the Council had 30 days from the decision of the Planning Commission in which to veto the recommended vacation, that it was the Council's obligation to veto or not veto but not to approve, and the recommended change would change more than just the process, would take away what had been delegated to the PC;
- noted it was unclear whether there had been authority granted to the PC; and
- noted the veto language was confusing asking the Council to take negative action.

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The committee concluded it would send the ordinance as is back to Council.

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

Mayor Ruby reported that Adam Kane had generated a petition to change city code, Council sent it to Code to see if they would prefer to adopt instead of going to an election. A Code sub-committee was appointed. After some discussion, the committee felt Adam had identified some holes in the code:

- current code exempted native arts and crafts, but not all arts and crafts; and
- there were lots of businesses that probably didn't need a business license because of the costs involved (city and state licensing fees), and many probably didn't have one anyway, so the cost of enforcement was a major issue.

The *first ordinance* would amend section 4.20.050 to exempt all arts and crafts, and this exemption would apply to all businesses with total yearly sales of less than \$20K, exempt sales of fruits or vegetables grown or harvested in BB region, and locally raised livestock and products derived from those livestock.

The *second ordinance* would amend the business license to exempt businesses from applying for a business license if gross sales exceeded \$10K, like firewood cutting, and sales of goods and services made by persons not required to obtain a business license would be exempt from sales tax. Taxi cab services would not be exempt from this proposed ordinance if they were operating vehicles for hire.

Code Sub-committee was recommending that the two ordinances be brought to the Council.

Discussion:

- commented if the first ordinance was changed from \$20K to \$10K, which Adam had no problem with, this would have been a substantial change requiring an election; and
- noted was not in favor of going to an election, because of the work involved in educating the public over the intent of the exemption.

MOTION: Chris Maines moved and Mayor Ruby seconded the motion to send the two proposed ordinances to the City Council.

GENERAL CONSENT: The motion passed without objection.

Mayor Ruby reported on the transient vendor code that was included in a separate title of the code entitled business licenses. It was recommended that a review of the chapter be added to the Code Committee's To Do List for the June agenda.

- G. Regulate Commercial Licenses – Cab Services, Require Business License and Proof of Insurance

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Cab Services would be required to purchase a business license. It was opined that this would deal with regulating commercial licenses for the most part.

- H. Review Ordinance No. 2013-05 (SUB-1), Amend Section 4.16.060 of the Dillingham Municipal Code to Revise the Penalties Assessed for Failing to Apply for a City Business License

City Clerk Williams reported the ordinance had been revised at the Council meeting when it was introduced. Since then, at a meeting of the Finance Collections Committee, staff had brought up new businesses were given 45 days to get the business license. A recommendation was being made to reinsert the 45 days subject to a civil penalty of one hundred dollars "after the forty-fifth day" in the ordinance, and to remove the language regarding "any person who has effective control of a business required by this chapter to have a business license and each business required by this chapter to have a Dillingham business license" and change it to "any person or business".

**MOTION:** Manager Loera moved and Chris Maines seconded the motion to recommend the amended ordinance to the Council.

**GENERAL CONSENT:** The motion passed without objection.

## **VI. NEW BUSINESS**

### **A. Point of Sale for Assessing City Sales Tax**

This item will be taken up at a special meeting of the Code Review Committee, scheduled for Thursday, April 25, at 5:30 p.m. It was suggested that the Code Committee could narrow down the discussion, frame the issues, and then bring it back to a Council workshop. The Strategic Planning workshop scheduled for April 25 would be rescheduled for May.

### **B. Foreclosure Process – *lay down at the meeting***

Due to a concern about filing the foreclosures as a group with the court, instead of filing each one individually, the Council ruled at their April 11 Regular Council meeting to postpone and bring back the step-by-step foreclosure process to the April 25 Council meeting.

**Discussion:**

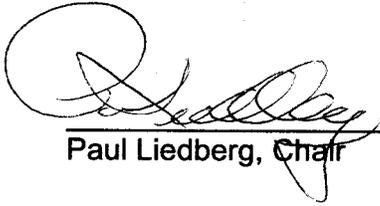
- noted if someone was making a repayment plan they would not be added to the foreclosure list; and
- noted from the time the resolution was filed with the court and the list was advertised for four consecutive weeks, 30 days after the last publication was made, the list would be updated (about a 60 day period) so those that had paid or entered into a repayment plan could drop off the list.

## **VII. PUBLIC COMMENT/COMMITTEE COMMENTS**

There were no public or committee comments.

VIII. ADJOURNMENT

The meeting adjourned at 8:03 p.m.

  
\_\_\_\_\_  
Paul Liedberg, Chair

ATTEST:

  
\_\_\_\_\_  
Janice Williams, City Clerk  
Lillian Capell Recorder

Approval Date: 4/25/13

**I. CALL TO ORDER**

The Code Sub-Committee met on Wednesday, April 17, 2013, in the Council Chambers, Dillingham, AK. Chair Alice Ruby called the meeting to order at 12:07 p.m.

**II. ROLL CALL**

Mayor Alice Ruby, Chair  
Carol Shade

Manager Rose Loera  
Adam Kane (absent)

Janice Williams

Guest: Susan Isaacs

**III. APPROVAL OF MINUTES**

A. March 18, 2013

MOTION: Rose Loera moved and Janice Williams seconded the motion to approve the minutes of March 18, 2013.

GENERAL CONSENT: The motion passed without objection.

**IV. APPROVAL OF AGENDA**

MOTION: Carol Shade moved and Janice Williams seconded the motion to approve the agenda.

GENERAL CONSENT: The motion passed without objection.

**V. UNFINISHED BUSINESS**

A. Attorney Advisement Regarding Amending Business License Code

Mayor Ruby reported that Adam Kane's proposal for the ballot didn't address business licenses. Even though this proposal would exempt all arts and craft businesses from levying sales tax, the code required applying for a business license. The exception was (DMC 4.16.040, C), all participants in nonprofit sponsored events where home crafts items were sold, no license will be required. Regularly scheduled nonprofit events will be required to file an application to be exempted from paying a license fee (DMC 4.16.040, D).

Mayor Ruby read through the newly proposed ordinance amending Section 4.16 of the DMC to require a business license only if sales exceed ten thousand dollars in a calendar year.

- definition of business, removed "for a profit";
- removed the definition for home business;
- added annually to regularly scheduled nonprofit events, means an event scheduled daily, weekly, monthly or annually;
- replaced city clerk in the hearing process with finance director;

- added nor sales tax collected to all participants in nonprofit events where home craft items were sold, no license will be required, nor sales tax collected;
- added taxicab services would be required to have a business license no matter the amount of sales.

Discussion:

- noted unless the event was a non-profit, levying sales tax would be required, if the business was making more than \$10K in a year;
- recommend that Adam Kane's petition go to the Council for adoption;
- recommend that no business license be required if gross sales exceed \$10K nor sales tax levied;
- recommend that taxi-cabs are required to have a business license, and are exempt from the newly proposed ordinance to not require a business license if gross sales exceed \$10K;
- understood that at regularly scheduled nonprofit events, all participants were not required to collect sales tax, provided the organization that was sponsoring the event was a nonprofit.

Susan Isaacs voiced her concern about applying more exemptions, should be trying to collect more revenues, noting the bed tax was a good example, bed tax exempts all the government agencies; should be auditing businesses regularly; would like to see the City take quicker action. She noted some of the tax reporting was not clear and staff provided different interpretations at times. She felt the bed tax was an area the City could look to increase.

Discussion:

- commented some of her concerns were brought up at the sub-committee, but to chase a little crafter (small business) would take away from the time that should be devoted to the large abusers, didn't seem effective to enforce someone who owed \$20 in sales tax;
- noted the city would be enforcing the denied services list as an avenue to those that don't pay;
- favored a partner project between the chamber, campus, and the city to educate the public on business requirements and produce a brochure;
  - 1% of the 6% sales tax was committed to the school's contribution
- noted the City had created an analysis of the loss in revenues if the proposed ordinances were put in place, forecasted loss to be around \$15K;
- noted the city had an example where it needed a service, but the owner was not willing to get a business license because for what little he made during the year, it would not be profitable to purchase the license.

Mayor Ruby reviewed the newly proposed ordinance exempting sales tax for sales of goods and services made by persons not required to obtain a business license. There was some confusion with the placement of the ordinance in section 4.20.050. (Attorney Chandler added another Whereas to read: sales tax is a tax on the buyer so relieving small businesses from having to collect sales tax means that we are adding an additional exemption to the sales tax code.)

City Clerk Williams directed the committee to Attorney's Chandler memo on transient vendors. The committee recommended asking Council to add it to the Code's To Do List and could be taken up next fall.

Some discussion ensued over the treatment of bed tax for employees employed by government (nonprofit) entities. Susan Isaacs noted a majority of her winter business was government affiliated. It was recommended that this be a future code "to do" item.

**VI. NEW BUSINESS**

- A. Set Next Meeting Date (if needed)

The committee was prepared to make their recommendation and felt it was no longer necessary to meet.

**VII. PUBLIC COMMENT/COMMITTEE COMMENTS**

There were no public or committee comments.

**VIII. ADJOURNMENT**

The meeting adjourned at 1:20 p.m.



Alice Ruby, Chair

ATTEST:



Janice Williams, City Clerk  
Lillian Capert, Recorder

Approval Date: 4/25/13

**I. CALL TO ORDER**

The School Facility Committee met on March 20, 2013, at the Dillingham Council Chambers, Dillingham, AK. Mayor Ruby called the meeting to order at 12:26 p.m.

**II. ROLL CALL**

Committee Members present:

Mayor Alice Ruby  
Danny Frazier, Assistant School Supt. standing in for Supt. William McLeod  
Rose Loera, City Manager  
Bernina Venua, School Board President  
Bob Himschoot, Council Member  
Russell Nelson, Director of Facilities (School)

Committee Members absent and excused:

Kim Williams, School Board Member  
Robin Samuelsen, Citizen Member  
Malcolm Brown, Public Works Director

Guests:

Steve Cropsey, Project Manager

**III. APPROVAL OF AGENDA**

**MOTION:** Russell Nelson moved and Bob Himschoot seconded the motion to approve the agenda.

**GENERAL CONSENT:** The motion passed without objection.

**IV. APPROVAL OF MINUTES**

**A. Minutes of February 15, 2013**

Mayor Ruby noted several corrections: page 1, change May Ruby to Mayor Ruby and add after contacted Dave McClure of BBHA "regarding building costs in general in the region"; page 2, change City could apply for a grant with BBEDC to City could apply for grant writing assistance with BBEDC.

**MOTION:** Russell Nelson moved and Rose Loera seconded the motion to approve the minutes of February 15, 2013 as corrected.

**GENERAL CONSENT:** The motion passed without objection.

**V. UNFINISHED BUSINESS****A. Annual Inspection**

Steve Cropsey reported on the annual building inspection, presented as the facility assessment, which was conducted the previous week with Russell Nelson. He noted the assessment pointed out the problems, explained the issues, and was not a wish list.

**High School:**

- looking to relocate and replace some pumps to a more accessible area and install a manifold system for delivering heat to the building; waiting for Cool Air Mechanical to update the cost;
- noted the priority list was intended to help decide which projects could be accomplished from the City's contribution of \$100,000 for major maintenance;
- commented there was an asbestos issue at both schools, but as long as it was properly managed in place, contractors informed, there was no mandate that needed to be dealt with immediately;
- arctic hallway, quite a bit of movement during freeze up/break up, but it had settled now that there was heat in the area, and doors were operating properly;
- middle school gymnasium, snow was blowing into the ceiling vents, causing leakage on the rubberized floor, quick mop up helps, place a cone in the area;
- special education area one room needed a heat loop, but doesn't seem to be immediately needed, magnitude of cost could drop it from capital list;
- replace 27,000 sq ft of leaking science wing metal roof, installed in 1985, advertising a RFP using remaining funds from school bond, and recognize another 35,000 sq ft of metal roofing on that building, not a priority, it isn't leaking, will need to be done at some point;
- lighting upgrade, new fixtures needed;
- two hand washing sinks need to be replaced, old, can no longer buy parts.

Several projects that would have been considered, but concerned about spending more than was allocated for the high school with elementary school still needing to be done:

- high school gymnasium area weight room, tough shape compared to rest of the building, insulation problems, new paint didn't help; *wish list item - wrestling program and maintenance crew would like to have hoisted wrestling mats, mats are heavy to move around;*
- home economic room – cabinets in bad condition;
- sound system in place for twenty years – half of the speakers and equipment were not in working order;
- replaced some lighting and switches, still needed to replace some;
- mechanical system – made some upgrades over Christmas break, piping needed to be insulated, cost about \$4,500; if staff had right insulation in stock would insulate this summer.

**Elementary School:**

- lift at the stage installed with the bond project was not working, and no longer under warranty, required to be operational for children with physical challenges;
- drainage at entrance to elementary school, water traveled down the bank to the inside of the building, had installed a catch basin, which partially helped, but really required a civil engineer to evaluate and come up with a design, \$10K-\$15K, and \$50K to fix; and
- playground required a 12" cushion surface – pea gravel was not available at the time project was being done; rubber had an inherent problem because it was easily ignitable; cedar wood chips were used, they were fire treated, no bug infestations, no mold, when fresh worked well, but walk away, break down.

**Discussion:**

- suggested using same process used in the past, staff would rank the assessment list based on a set of criteria; the list would be passed by the School Board and then Council; and
- commented will set a date for mid April for staff and management to meet and rate the list;
- commented would schedule another meeting of the School Facility Committee, possibly April, to continue with the agenda items.

**B. Review Options for Territorial School**

1. Funding Sources Available for Building Restoration
2. Review Site for Parking Needs
3. Consult with Engineer Regarding Suggested Re-Roofing and HRV System
4. Create Business Plan to Demonstrate How Housing Rental Units Could be Operated

Danny Frazier and Steve Cropsey: School had asked the architect what was the minimum amount of improvements so the building was safe for entry to store items, and for apartment dwellers. They were waiting for the cost to bid out the work, which they were expecting to receive in about 30 days.

**Follow-Up:**

- BBEDC had grant writing assistance to help locate funding sources;
- Need to decide how the building would be used and then work to develop a business plan for how the building would be operated.

**C. Update Affordable Teacher Housing (review with Chamber of Commerce)**

Mayor Ruby reported she was awaiting a commitment from the Chamber.

**D. CIP Priority List**

Mayor Ruby commented the School was still working on their CIP Six-Year Plan which would be presented to the School Board and City. She favored coordinating the School's Priority list with the City's at some point.

**VI. NEW BUSINESS**

There was no new business.

**VII. PUBLIC COMMENT/COMMITTEE COMMENTS**

Bob Himschoot:

- suggested insulating the newly installed copper piping sooner than later in order to see a quicker return on their investment.

Russell Nelson:

- affirmed staff intended to check their stock of insulation, and/or look to find the money to insulate the piping this coming summer.

Danny Frazier:

- noted he would be going to Juneau and would be willing to share the City's Priority List.

Mayor Ruby:

- commented would look to have legislators next time they were in town visit the school to see the improvements made and funded, in part, by the community.

Steve Cropsey:

- noted he appreciated the opportunity once again to work on the facility assessment.

**VIII. ADJOURNMENT**

Mayor Ruby adjourned the meeting at 1:55 p.m.

\_\_\_\_\_  
Alice Ruby, Chair

ATTEST:

\_\_\_\_\_  
Janice Williams, City Clerk

Approval Date: \_\_\_\_\_

CODE ORDINANCE

Requested by: City Council  
Introduced Ord. No. 2013-07: April 25, 2013  
Public Hearing Ord. No. 2013-07 Scheduled for: May 9, 2013  
Postponed to: May 23, 2013  
Public Hearing Ord. No. 2013-07 Scheduled for: May 23, 2013  
Postponed to: June 6, 2013  
Public Hearing Ord. No. 2013-07 Scheduled for: June 6, 2013  
Substituted Ord. No. 2013-07 (SUB-1): June 6, 2013  
Postponed to: June 13, 2013  
Public Hearing on Ord. No. 2013-07 (SUB-1) Scheduled for: June 13, 2013  
Enacted:

CITY OF DILLINGHAM, ALASKA

**ORDINANCE NO. 2013-07 (SUB-1)**

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

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

**Section 1. Classification.** This is a code ordinance.

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

**4.20.050 Exemptions**

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

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

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

**4.20.050 Exemptions**

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

**Section 4. Effective Date.** This ordinance is effective upon passage.

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

SEAL:

\_\_\_\_\_  
Alice Ruby, Mayor

(Substitute language is indicated in gray-coloring.)

ATTEST:

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Janice Williams, City Clerk

City of Dillingham Information Memorandum No. O2013-07 (SUB-1)

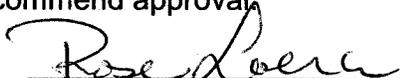
**Subject:** An Ordinance of the Dillingham City Council Amending Section 4.20.050 of the Dillingham Municipal Code, Sales Tax Exemption

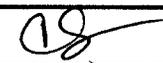
Agenda of: June 13, 2013

Council Action: At the June 6, 2013 Council meeting, City Manager Loera asked the Council to postpone adoption to the June 13, 2013 meeting.

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):**

- Analysis – Information for Council Consideration
- Public Hearing was advertised in the June 6, 2013 edition of Bristol Bay Times.

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

**Summary Statement.**

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

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

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

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

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

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

Staff suggested the following at the Council meeting to single out the last sentence, provide it with a subsection number (number 1) and add "of all goods". The attorney was contacted to ensure this was not a substantial change.

#### **4.20.050 Exemptions**

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

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

INFORMATION FOR COUNCIL CONSIDERATION  
PRESENTED MAY 23, 2013

page 1 of 4

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

**Sub-Committee assessment:**

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

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

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

# Information for Council Consideration

## Current vs Proposed Sales Tax

### Comparison

### Current Code

#### 4.20.030 Imposition of tax.

A. There shall be levied and collected within the city a tax on all sales at retail made within the city, all professional or occupational services, all materials furnished and services rendered in connection with the accomplishment of a specific project or end product, all rental of property, facilities and accommodations. The applicable tax rate (see Section 4.20.080A) shall be added to the sales price

### Proposed Revision

#### 4.20.050 Exemptions.

The tax levied shall not apply to the following:

- K. An isolated sale not made in the regular course of business of the seller;
- M. Sales of property at temporary venues for annual civic events which serve to promote Dillingham to residents of Bristol Bay villages or to tourists
- N. Sale of Native arts and crafts by the artist; except that this exemption shall not apply to businesses with a fixed location which sell Native arts and crafts as dealer, broker or agent;
- V. Fees earned for child care services;

#### 4.20.050 Exemptions.

The tax levied shall not apply to the following:

- N. Sale of all arts and crafts designed or produced in the Bristol Bay Region; this exemption shall apply to all businesses including those with a fixed location which sell Bristol Bay arts and crafts as dealer, broker, or agent. This exemption shall apply to all businesses with total yearly sales of less than \$20,000.
  - Z. The sale of fruits or vegetables grown or harvested in the Bristol Bay region as well as locally raised livestock and products derived from those livestock.
- decrease of \$2,000 in sales tax revenue based on currently filed sales tax reports

### Projected Fiscal Impact

# Information for Council Consideration

## Current vs Proposed Business License

### Comparison

#### Current Code

##### 4.16.010 General.

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

#### Proposed Revision

##### 4.16.010 General.

##### 4.16.020 Definitions.

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

"Business" means a person (as defined in Section 4.20.020), partnership, corporation or company of any sort providing goods or services within the city for a profit.

##### 4.16.020 Definitions.

Business means:

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

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

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

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

"Regularly scheduled nonprofit event" means an event scheduled daily, weekly or monthly and permanently staffed by paid or volunteer but keeping scheduled hours. Example: thrift store, gift shop owned by nonprofit businesses, bingo or other games of skill and chance. (Ord. 92-13 § 1 (part), 1992.)

## Information for Council Consideration

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

### 4.16.030 Application for license.

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

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

### 4.16.040 Fee.

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

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

### 4.20.050 Exemptions

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

Projected Fiscal Impact

# Pastor keeps youth active through hockey

*Youth teams end season by hosting Tok team in Barrow*

BY HANNAH HEIMBUCH  
Arctic Sounder

Barrow's Darryl Serino has three kids of his own, but as coach for Barrow's busy youth hockey program he mentors a number closer to 50.

"Being able to minister to kids through the sport of hockey has just been a huge blessing for me," Serino said.

It keeps him busy and active, Serino said, and connected to the community's youth in a positive and inspiring way.

The youth hockey team, called the Barrow Blizzard, includes youth ages 5 to 18. They make up approximately three teams of varying levels and ages. Being a plane ride and quite a distance from other hockey teams in the state, it's difficult to find opportunities to play other teams, Serino said.

"They don't get to play teams regularly like in other parts of Alaska or the country," Serino said. "We can't drive to the next town. The closest hockey program from us is either in Fairbanks or in Anchorage. So it's really difficult to get teams to play us."

They solve that problem by fundraising to travel out of Barrow to play, and to bring teams in.

Most recently they hosted an aged 10 and under youth team from Tok, bringing the kids in for a weekend tournament. The team raised \$5,000 in order to bring in their fellow Alaskan youth, and it was a first trip to Barrow for all of the visiting kids.

It was a great way to wrap up the season, Serino said, giving their team a chance to show other kids around Barrow, and getting in some valuable ice time. They were able to get in seven games.

"That went really good that was a lot of fun for all the kids involved," Serino said. "Our kids and the kids from Tok. We all had a good time."

While traveling outside is an excellent experience, Serino said, bringing teams in gives all of the Barrow hockey players a chance to play another team.

"Not every kid that plays hockey from Barrow can go on a trip out," Serino said. "When teams come up here they all get playing time. That's why I like bringing teams up more than anything else."

While the hockey season recently came to a close as summer sun made quick work of the ice, Serino is already planning more host opportunities. A youth team from

Homer flew up to Barrow last year, a trip he hopes to organize again in the near future.

The 14 and under team made a big trip this spring, traveling all the way to Chicago to participate in a February President's Day Tournament.

"(They) played hard in Chicago," said City of Barrow Recreation Director Mike Mason, "but were unable to come up with a win against formidable competition with more experience and skill. The trip was a success based on the exposure and experience to be in a true hockey town such as Chicago."

Older youth players get a chance to compete on several levels, Mason said.

"The Blizzard also consists of seven players whose ages range from 15 to 18," he said. "They compete in the local adult league at the City of Barrow, Tupikpaq, which is Inupiat for ice rink."

Serino has been coaching hockey in Barrow for five years, and is currently the President of the Barrow Hockey and Curling Association. He's a vital part of the rink activities in Barrow, Mason said.

"He not only coaches but provides much needed upkeep on the rink and all equipment related to the hockey teams," he said.

"He is also the primary Zamboni driver for the rink."

These kids are definitely crazy about hockey, Serino said, otherwise they wouldn't be suiting up for practice and games in minus 20 weather.

It's also important to stay active in the of season, Serino said, and he encourages all of his players to keep moving after the ice melts. Many take part in structured summer athletics, he said.

"A lot of them go out of town," Serino said. "And they go to sports camps Basketball camps, soccer, baseball. A lot of them stay here even and there's basketball gym."

Serino and his kids stay busy playing soccer, softball and baseball, he said, trying to maintain an active routine.

"They stay pretty active," he said "There's a lot of stuff for them to do. Getting out and staying active is a really important part of developing athletes."

He encourages all Barrow youth to consider hoping on a bike or tossing a ball out side whenever they can, rather than staying inside with TVs and computers.

Hannah Heimbuch can be reached at hheimbuch@reportalaska.com.

## BLOTTER

From Page 14

it was stopped to let students off the bus.

**MVA Damage** - Officer investigated a minor accident that occurred when a gust of wind blew one driver's door hard enough that it struck the vehicle parked nearby.

**Domestic Disturbance** - Officers investigated a report that a couple might be engaged in a domestic dispute near their automobile. After talking with both parties officers determined that no violence had occurred.

**Drug Law Violation** - Officers investigating a domestic disturbance discovered that there was marijuana in the couple's vehicle. Rodney R. Webb, 24 yoa, of Unalaska, turned the marijuana over to police. He was cited for one count of Misdemeanor Involving a Controlled Substance VI.

**Unsecured Premise** - A school outbuild-

ing was left unlocked. After contacting a responsible party, officers checked the building for intruders and finding none, allowed the responsible party to secure the door.

May 25

**MVA Damage** - Officer investigated a minor parking lot collision. One driver was cited for Failure to Exercise Due Care and another for Insurance to be Exhibited on Demand.

**Theft** - A woman reported several items of used women's clothing, an X-box and some heating fuel might have been stolen from her residence. The woman provided the names of two men as possible suspects. Under investigation.

**Drug Law Violation** - Security officers turned over handwarmers which they believed might contain methamphetamine, as the person on whom they had been found had UA-tested positive for some. No illegal substances were found.



### NOTICE OF A PUBLIC HEARING Public Hearing on Ordinance Nos. 2013-07 (SUB-1), 2013-08, 2013-10, 2013-11

The City of Dillingham will hold a Public Hearing on Thursday, June 13, 2013, at 7:00 P.M. in the City Council Chambers for the purpose of taking comment from the public on the following ordinances:

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

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

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

Adopt Ordinance No. 2013-11, An Introduce Ordinance No. 2013-11, An Ordinance of the Dillingham City Council Amending Chapter 4.15, Real and Personal Property, Section 4.15.185 to Amend the Interest Rate Applicable to Delinquent Property Taxpayers in an Economic Disaster Year, Adding Section 4.15.365 Repayment Plan, and Amending Section 4.20.0265 to Permit the City to Enter Into Repayment Plans With Delinquent Taxpayers

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

## Bristol Bay Area Health Corporation - Job Listing

For more information on any of these positions please contact the Human Resources office at:  
PO Box 130, Dillingham, AK 99576  
907-842-5201 ext. 6324 or toll-free 1-800-478-5201 ext. 6325  
www.bbahc.org

### Administrative

- Audiologist  
1 full-time
- Behavioral Health Counselor  
1 full-time
- Family Practice Physician  
3 full-time
- ILP Early Intervention Therapist/  
Teacher  
1 full-time
- Infection Control Coordinator  
1 full-time
- Medical Technologist  
1 full-time
- Pediatrician  
1 full-time
- Pharmacy Manager  
1 full-time
- Radiographer III  
1 full-time
- Registered Dietitian & Physical  
Health Instructor  
1 full-time

### Registered Nurse

- 1 full-time
- RN Case Manager  
1 full-time
- WIC Director  
1 full-time

### Community Health

- Community Health Aide/  
Practitioner  
6-hour position(s)
- 1- Aleknagik
- 1 - Clarks Point
- 1 - Levelock
- 1 - Pedro Bay
- 1- Iliamna
- 1 - Kokhanok
- 1- Togiak
- 2- South Naknek  
or  
Medical Receptionist  
6 month temporary  
Training Supervisor  
1 full-time

### Support Services

- Biller/Collector II  
2 full-time
- Central Supply Clerk  
1 full-time
- Central Registrar  
1 full-time
- Clinical Assistant  
1 full-time
- Coding Technician  
2 full-time
- Cook  
1 call-in
- Custodian  
1 call-in
- Community Health Services  
Scheduler  
1 full-time
- Dental Assistant I  
1 full-time
- Financial Counselor  
1 full-time
- General Engineer  
1 full-time

- 1 full-time
- Health Educator I  
1 part-time-30 hrs  
minimum
- Health Unit Coordinator  
1 call-in
- Lead Cook  
1 full-time
- Payroll Technician  
1 full-time
- Purchasing Agent  
1 full-time
- Maintenance Manager  
1 full-time
- Resident Attendant  
1 call-in
- Security Manager  
1 full-time
- Stock Utilities Worker  
1 full-time

Excellent benefit package available to regular full/part-time employees. BBAHC is an Equal Opportunity Employer operating under the Alaska Native and American Indian Preference in Hiring provisions of PL93-638. Pre-employment drug screening and a completed background investigation and determination that the applicant meets the eligibility criteria of the Alaska Barrier Crimes Act and, where applicable, the Indian Child Protection Act, are prerequisites to hiring. **LIST SUBJECT TO CHANGE • LAST UPDATE 4/4/13**

Requested by: City Council  
Introduced Ord. No. 2013-08: April 25, 2013  
Public Hearing Ord. No. 2013-08 Scheduled for: May 9, 2013  
Postponed to: May 23, 2013  
Public Hearing Ord. No. 2013-08 Scheduled for: May 23, 2013  
Postponed to: June 6, 2013  
Public Hearing Ord. No. 2013-08 Scheduled for: June 6, 2013  
Postponed to: June 13, 2013  
Public Hearing on Ord. No. 2013-08 Scheduled for: June 13, 2013  
Enacted:

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-08

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

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

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

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

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

**Section 1. Classification.** This is a code ordinance.

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

**4.16.020 Definitions.**

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

“Business” means:

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

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

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

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

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

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

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

**4.16.030 Application for license.**

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

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

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

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

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

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

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

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

**4.16.040 Fee.**

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

A. Regular licensing fee of fifty dollars per year.

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

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

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

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

**4.20.050 Exemptions.**

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

**Section 6. Effective Date.** This ordinance is effective upon passage.

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

SEAL:

\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST:

\_\_\_\_\_  
Janice Williams, City Clerk

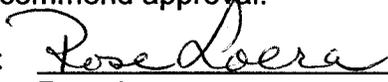
**Subject:** An Ordinance of the Dillingham City Council Amending Chapter 4.16 and 4.20 of the Dillingham Municipal Code to Require a City Business License Only if the Sales of Certain Businesses Exceed Ten Thousand Dollars in a Calendar Year and to Exempt Sales of Goods and Services Made by Persons Not Required to Obtain a Business License

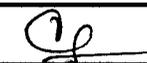
Agenda of: June 13, 2013

Council Action: At the June 6, 2013 Council Meeting, City Manager Loera asked to have this ordinance postponed to the June 13 Regular Council Meeting.

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 was advertised in the June 6, 2013 edition of Bristol Bay Times.

**Summary Statement.**

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

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

**Discussion:**

- asked if the ordinance was only for arts and crafts why were taxis and vehicles for hire referenced, explained the \$20K was only for arts and crafts, and clarified this ordinance applied to businesses with gross sales of less than \$10K would be exempt from applying for a license, however, all taxi owners would be required to apply for a license no matter the amount of sales;
- commented it would be helpful to know the financial impact if there was no licensing fee for a business owner generating gross sales of less than \$10K.

## CITY OF DILLINGHAM, ALASKA

## ORDINANCE NO. 2013-11

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

---

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

**Section 1. Classification.** This is a code ordinance.

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

**4.15.185 Disaster declaration**

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

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

C. Collection by Distrain and Sale.

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

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

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

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

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

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

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

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

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

(A) If redemption is made prior to sale:

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

(2) Actual costs of publication and giving notice;

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

- (B) If no redemption is made before the property is sold:
- (1) All costs stated above plus any actual accruing costs;
  - (2) Attorney's fees in addition to those stated of fifteen percent of the first one hundred dollars but with a minimum of ten dollars, five percent of the balance.

v. Any remaining sums shall be returned to the person assessed, or if not claimed within six months shall become the property of the city, and sale is forever barred.

vi. The city clerk shall apply the proceeds of the sale in the manner set forth, and shall keep a record of all such sales and all such proceedings, and shall keep on file the returns of the city clerk relating thereto, and in all cases of sale of personal property, the city clerk shall, if requested, give the purchaser a bill of sale on behalf of the city under his/her hand.

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

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

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

The repayment plan contract will meet the following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

**4.15.365 Repayment Plan**

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

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

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

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

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

**Section 6. Effective Date.** This ordinance is effective as of the date of passage.

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

SEAL:

\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST:

\_\_\_\_\_  
Janice Williams, City Clerk

**Subject:** An Ordinance of the Dillingham City Council Amending Chapter 4.15, Real And Personal Property, Section 4.15.185 to Reduce the Interest Rate Applicable to Delinquent Property Taxpayers In An Economic Disaster Year Adding Section 4.15.365 Repayment Plan and Amending Section 4.20.265 to Permit the City to Enter Into Repayment Plans With Delinquent Taxpayers

Agenda of: June 13 , 2013

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

Manager: Recommend approval.

City Manager: Rose Loera  
Rose Loera

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

Fiscal Note: Yes \_\_\_\_\_ No X Funds Available: Yes \_\_\_\_\_ No \_\_\_\_\_

**Other Attachment(s):**

**Summary Statement.**

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

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

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

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

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-12

**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL ADOPTING THE BUDGET AND APPROPRIATING FUNDS FOR THE FY 2014 CITY OF DILLINGHAM BUDGET**

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WHEREAS, the City Council has approved the Operating Budget and Capital Improvement Budget for FY 14 to the City Council in accordance with Title 4 of the Dillingham Municipal Code pursuant to A.S. 20.20.500(3); and

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

WHEREAS, the City Council has set the rate of levy of property tax for the City of Dillingham for FY 2014 budget at 13 mills; and

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

WHEREAS, additional FY 2014 funds are available for appropriation by ordinance;

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

1. The FY 2014 Operating Budget and Capital Improvement Budget amendment as recommended by the City Manager is hereby adopted for the City of Dillingham.
2. The amounts set forth in the budget as amended by the City Council for the respective departments and/or funds shall be, and hereby are, appropriated for the fiscal year ending June 30, 2014.
3. The City Council shall have the power to transfer approved and appropriated General Fund or Special Revenue Fund monies from one to another and from one Capital Project to another by resolution.
4. The City Manager shall have the power to transfer funds from one line item object code to another within a fund and within a Capital Improvement Project.

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

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

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

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

**Section 4. Appropriations.**

A. General Fund Government Operations

City Council	\$	72,576
City Clerk		135,549
Administration		303,750
Finance		588,161
Legal		90,000
Insurance		106,016
Non-Departmental		197,950
Planning		149,566
PS Administration		179,141
PS Dispatch		452,639
PS Patrol		848,754
PS Corrections		613,386
PS DMV		87,938
PS Animal Control Officer		131,116
PS IT Support		32,000
Fire Department		272,879
PW Administration		223,562
PW Buildings & Grounds		314,813
PW Shop		211,918
PW Streets		617,911
Library		132,478
Meeting Hall		3,680
City School District		1,300,000
Transfer Subsidy for Operations		859,087
Transfer to Equipment Fund/Capital Reserves		120,000
<b>Total General Fund Appropriations:</b>	<b>\$</b>	<b>8,044,870</b>

Special Revenue & Other Funds Appropriations	
Nushagak Fish Tax	\$ 460,139
Water	217,781
Waste Water	250,598
Landfill	354,228
Port-Dock	593,419
Port-Harbor	242,414
Asset Forfeitures	7,700
Senior Center	406,466
Library Grants	52,892
Debt Service	1,176,090
Ambulance Replacement Fund	242,000
Mary Carlson Estate	6,996
<b>Total Special Revenue &amp; Other Funds Appropriations</b>	<b><u>\$ 4,010,723</u></b>
Capital Improvement Projects	
Water Treatment Plant	\$ 2,000,000
Library Roof	<u>243,000</u>
<b>Total Capital Improvement</b>	<b><u>\$ 2,243,000</u></b>
<b>Total Appropriations</b>	<b><u>\$ 14,298,593</u></b>

## Section 5. Revenues

### General Fund

#### Taxes

Sales Taxes	\$ 2,700,000
Alcohol Sales Taxes	265,000
Transient Lodging Sales Taxes	80,000
Real Property Taxes	1,500,000
Personal Property Taxes	500,000
Penalty and Interest on Property Taxes	43,000
Penalty and Interest on Sales Taxes	13,000
Gaming Sales Tax	65,000
Payment in Lieu Taxes (PILT)	419,516

#### Other Revenues

Jail Contract Revenue	613,386
Revenue Sharing	209,869
Shared Fisheries	33,000
Raw Fish Tax	263,000
Revenues from State of Alaska	395,178
Administrative Overhead	348,137
Charges for Current Services	98,000
Licenses Fees Fines and Permits	22,000
Lease and Rental Income	36,071

Investment Income	35,000
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Other Revenues	64,500
Transfer from Nushagak Fish Tax	<u>400,920</u>
<b>Total General Fund Revenues</b>	<b>\$ <u>8,104,577</u></b>

<b>Special Revenue &amp; Other Funds Revenues</b>	
Nushagak Fish Tax	\$ 460,139
Water	178,723
Waste Water	242,881
Landfill	179,106
Port – Dock	626,910
Port – Harbor	136,014
E-911	70,000
Senior Center (Ops)	66,088
Senior Center (Grant)	118,290
Library Grants	52,892
Debt Service	824,488
Ambulance Reserve Fund	3,794
Mary Carlson Estate Permanent Fund	<u>1,500</u>
<b>Total Special Revenue Funds &amp; Other Funds Revenues</b>	<b>\$ <u>2,960,825</u></b>

<u>Capital Improvement Projects</u>	
Water Treatment Plant	\$ 2,000,000
Library Roof	<u>243,000</u>
	\$ 2,243,000

**Total Revenues** **\$ 14,287,489**

**Section 6. Transfers**

<b>Transfers from General Fund to Other Funds</b>	
Water	\$ 39,058
Waste Water	7,717
Landfill	175,122
Senior Center	222,088
Ambulance Reserve	63,500
Equipment Replacement/Capital Reserve	120,000
Debt Service	<u>351,602</u>
<b>Total General Fund Transfers</b>	<b>\$ 979,087</b>

Transfer from Dock Fund to Harbor Fund 106,400

Total Revenues	\$ 14,393,889
Total Appropriations	<u>\$ 14,298,593</u>
Net Increase (Decrease) to Fund Balances	\$ 94,796

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

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

SEAL

\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST:

\_\_\_\_\_  
Janice Williams, City Clerk

## CITY OF DILLINGHAM, ALASKA

## ORDINANCE NO. 2013-13

**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING SECTIONS DMC 4.15.030, EXEMPTIONS, TO PROVIDE A CAP ON PERSONAL PROPERTY TAX FOR BOATS AND VESSELS IF THE ASSESSED VALUATION IS MORE THAN \$300,000**

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

**Section 1.** Classification. This is a code ordinance.

**Section 2. Amend Section 4.15.030, Exemptions.** Section 4.15.040 of the Dillingham Municipal Code is hereby amended as follows with new text displayed in underlined font and deleted text displayed in strike out font.

**4.15.030 Exemptions.**

A. Property exempted from taxation shall be those items cited at AS 29.45.030, including rental household and office furniture.

B. Snowmobiles and three, four, or six wheel all terrain vehicles (not to exceed manufactured dry weight of one thousand pounds) shall be exempted from personal property taxation.

C. Recreational boats and all outboard motors shall be exempted from personal property taxation. For purposes of this exemption "recreational boats" means watercraft used or capable of being used as a means of transportation on water and used exclusively for purposes other than commercial purposes and which are otherwise exempt from taxation under this section.

For purposes of this section, "Commercial purposes" means activities for which a person receives direct monetary compensation or activities for which a person receives no direct monetary compensation, but that are incidental to and done in furtherance of the person's business.

D. The following boats are not exempt from personal property taxation under this section:

1. Boats used for commercial purposes; except that any amount of the assessed valuation over \$300,000 is exempt from personal property taxation. Unless renewed by the Dillingham City Council, this exemption shall expire on December 31, 2018, after which the full and assessed value of such vessels shall be taxable;
2. Boats required to display a commercial operator permit under state law or regulation;
3. Fishing vessels required to display a number plate by AS 16.05.520(A) or any successor state law or regulation;
4. Boats for which a commercial vessel license is required under state law;
5. Boats owned or operated by at any time during the preceding calendar year for the purpose of the taking, fishing for, or possession of fish, shellfish, or other fishery resources with the intent of disposing of them for profit, or by sale, barter, trade, or in commercial channels regardless of whether the boat was actually used for this purpose;

6. Boats for which a vessel entry permit is required; and
7. Boats operated at any time during the preceding calendar year for hire.

**Section 3. Effective Date.** This ordinance is effective upon passage.

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

\_\_\_\_\_.

SEAL:

\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST:

\_\_\_\_\_  
Janice Williams, City Clerk

**Subject:** Introduce Ordinance No. 2013-13, An Ordinance of the Dillingham City Council Amending Section DMC 4.15.030, Exemptions, to Provide a Cap on Personal Property Tax for Boats and Vessels if the Assessed Valuation is More Than \$300,000

Agenda of: June 13 , 2013

Council Action: This ordinance is being recommended for introduction June 13, 2013 and to schedule for a public hearing June 27, 2013.

Manager: Recommend approval.

City Manager:

  
Rose Loera

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

Fiscal Note: Yes \_\_\_\_\_ No X Funds Available: Yes \_\_\_\_\_ No \_\_\_\_\_

Other Attachment(s): None

**Summary Statement.**

This ordinance was vetted through the Code Review Committee and is being recommended for adoption. It was also reviewed by the City's Attorney.

At the May 9 Regular Council Meeting, Yeganeh Ataian from Bristol Alliance Fuels spoke on behalf of Bristol Alliance Fuels. Her proposal involved establishing and developing a marine industrial center, where they would provide services hauling barges and vessels, and storing them on their property. Dillingham is the gate to the western Alaska marine industry with large predictable tides and the first location that is ice free, and in the fall last area to be covered by ice, making it very attractive to those involved in vessel storage. Most large vessels are stored in water, but storing them on dry land would keep them from having to go back and forth to other ports, providing opportunities for repair work and upgrades.

She was asking for a consideration to cap the personal property tax for the large vessels, similar to other ports, and align with BB Borough which capped at \$300,000, in order to entice the vessels to dock in Dillingham. It would be a good opportunity for the community to develop itself, and place Dillingham on the map when it came to storage of large vessels. With each vessel, this would gain \$4,000 for each vessel stored, where currently there is no storage. She was asking the Council to expedite their request, because they were looking to store the boats starting this fall, the haul out equipment was stage ready to be ordered if their request for a cap on tax is resolved. Noted there are some large vessels in Naknek that need to move due to lack of storage area, and were planning to move to Homer, where the tax cap was \$1,200, even though the travel time to Homer would be lengthy. Concerned the vessel owners would enter into a term contract, five years, and wanted to move quickly.

The Finance Director reviewed the Personal and Business Tax records for Fiscal Years 2010, 2011, 2012, and 2013. In those four years the highest value on a fishing vessel was \$268,840.

**CITY OF DILLINGHAM, ALASKA**

**RESOLUTION NO. 2013-23**

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

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

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

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

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

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

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

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

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

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

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

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on June 13, 2013.

SEAL:

\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST:

\_\_\_\_\_  
Janice Williams, City Clerk

**LETTER OF AGREEMENT**

City of Dillingham ("City") and Public Safety Employees Association ("PSEA")

hereby enter into this Letter of Agreement ("LOA") (collectively, "Parties") and agree as follows:

---

WHEREAS, PSEA is the exclusive bargaining representative for certain City Public Safety Department employees ("Members") with respect to salaries, wages, hours and other terms and conditions of employment; and

WHEREAS, the City and PSEA successfully negotiated a collective bargaining agreement ("CBA") that shall take effect July 1, 2013, and will remain in full force and effect through June 30, 2016; and

WHEREAS, the CBA has been ratified by the Members and shall be approved by the Dillingham City Council subject to execution of this LOA; and

WHEREAS, the City wishes to authorize a 1% wage increase to the Members in the third year of the contract (July 1, 2015 through June 30, 2016):

NOW, THEREFORE, the Parties have agreed and hereby agree as follows:

1. The base wage schedule in effect on June 30, 2015 will be increased by 1% on July 1, 2015.

CITY OF DILLINGHAM

PUBLIC SAFETY EMPLOYEES  
ASSOCIATION

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

For the Employer

For the Union

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-32

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY MANAGER TO AWARD A COLLECTIVE BARGAINING AGREEMENT (CBA) BETWEEN THE CITY OF DILLINGHAM AND LOCAL 71**

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WHEREAS, the City has been in negotiation with is LOCAL 71 since 2010; and

WHEREAS, William Mede of Turner & Mede, P.C. is the attorney firm that has been the City's professional representation and legal services with regard to the petition filed by the LOCAL 71 with the State Labor Relations Agency; and

WHEREAS, William Mede of Turner & Mede, P.C. has been involved and making recommendation to the City since the petition was filed, and

WHEREAS, the LOCAL 71 and City of Dillingham had been working on one last item on the CBA to agree upon which the wages; and

WHEREAS, the membership ratified a proposed contract on May 31, 2013 which provided a 2% wage increase on July 1, 2013 – June 30, 2014, 1% on July 1, 2014 – June 30, 2015 and 1% on July 1, 2015 – June 30, 2016;

WHEREAS, the scope of services will include providing legal services to the City regarding the petition dated September 21, 2010 filed with the State Labor Relations Agency to Organize the Dillingham Public Works and Port Department Employees into a separate bargaining unit; and

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council approved a three year contract with the LOCAL 71 starting on July 1, 2013 and ending on June 30, 2016 and authorizes the City Manager to execute the contract.

PASSED and ADOPTED by the Dillingham City Council on \_\_\_\_\_, 2013.

SEAL:

\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST:

\_\_\_\_\_  
Janice Williams, City Clerk

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-33

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL ESTABLISHING THE RATE OF LEVY OF TAX, THE DATE TAXES ARE DUE, AND THE DELINQUENT DATE FOR 2013, AND ACCEPTING THE CERTIFICATION OF THE TAX ROLL**

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WHEREAS, AS 29.45.240 provides for the rate of levy of tax, the date of equalization of the tax, and the date when taxes shall become delinquent, to be fixed by resolution; and

WHEREAS, the rate of levy of tax, the date of equalization of the tax, and the date when the taxes shall become delinquent shall be fixed before June 15 of each year per DMC 4.15.020, Property Subject to Taxation, Rate, Council Resolution; and

WHEREAS, the assessed valuation of real and personal property in the City of Dillingham is \$\_\_\_\_\_ for calendar year 2013, according to the certified tax assessment roll (copy attached); and

WHEREAS, the City Council will appropriate the funds required for the City of Dillingham to provide services and perform the business necessary to municipal government;

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

1. Rate of Levy. The rate of levy on each dollar of taxable property as of January 1, 2013 in the City of Dillingham is hereby fixed at 13 mills.
2. Date Taxes Due and Delinquent. The first payment of property taxes is due to be paid in person or postmarked on or before the first business day in November. Should the first one-half of the total amount due not be paid on or before the payment due date, the entire amount of taxes owed shall immediately become due and payable. The second payment and final payment of property taxes is due to be paid in person or postmarked on or before the first business day in December. A penalty of ten percent (10%) of the total taxes due shall be assessed if the second installment is not paid on time and a penalty has not been previously added. Interest of six percent (6%) per annum shall accrue on all delinquent property taxes beginning the first business day in December 2013 and continue until paid in full.
3. Certification of the Tax Roll. The tax roll for 2013 has been signed and certified by the City Manager that it is complete and reflects the changes approved by the Board of Equalization at their June 6, 2013 meeting.

PASSED and ADOPTED by the Dillingham City Council on June 13, 2013.

SEAL:

\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST:

\_\_\_\_\_  
Janice Williams, City Clerk

**Subject:** Subject: A resolution of the Dillingham City Council establishing the rate of levy of tax, the date taxes are due and the delinquent date for 2013, and accepting the certification of the tax roll

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Agenda of: June 13, 2013

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera  
Rose Loera

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

**Fiscal Note:** Yes \_\_\_\_\_ No X Funds Available: Yes \_\_\_\_\_ No \_\_\_\_\_

**Attachment(s):**

- Certification of 2013 Tax Roll
- Supporting Spreadsheet – 2013 Assessed Values

**Summary Statement.**

The rate of levy of tax, the date of equalization of the tax, and the date when the taxes shall become delinquent shall be fixed before June 15 of each year per DMC 4.15.020, Property Subject to Taxation, Rate, Council Resolution. The Board of Equalization met on June 6, 2013. Any adjustments approved at that meeting have been included in the figures on the Certification of the Tax Roll.



June 4, 2013

Knik Construction  
Lynda Sheehan  
Assistant Construction Contract Administrator  
6500 South Airpark Place, Suite #1,  
Anchorage, Alaska 99502

Subject: Fugitive Dust Control Plan

Dear Ms. Sheehan:

The City of Dillingham conditionally approves Knik Construction's Fugitive Dust Control plan understanding that the company is in the process of obtaining a temporary water use permit and choosing between area sources such as Buchholz' pit, a stream on Kanakanak Road, and Squaw Creek at the Airport Wye.

If the company chooses to use groundwater or a source close to area wells, the condition would be that the City reserves the right to withdraw its approval and ask the company to secure another source of water should it appear that area wells are being negatively impacted by the dust control or gravel making activities.

The City appreciates the company's responsiveness to its requests and concerns for the health and safety of our residents.

Sincerely,

A handwritten signature in cursive script that reads "Jody Seitz".

Jody Seitz  
Director of Planning and Grants

cc: Dillingham City Council, City Manager Rose Loera

Transported materials will be washed or screened to remove fines (PM-10 or smaller)

*Comments – Control of Fugitive Dust Sources:*

*Materials for transport will be wetted as needed during dry conditions*

#### Section 4 - Dust Control Methods

##### *Water Application:*

Complete this section if water application will be used as a control method for limiting visible dust emissions and stabilizing surface areas. Check and answer everything that applies. Checked boxes represent methods that will be used *as needed*.

##### *Water Application Equipment:*

Sprinklers:

Describe the activities that will utilize sprinklers:

Water Truck,  Water Trailer,  Water Wagon, Other: *Storage Tanks on site at crusher for water*

Describe the activities that will utilize this equipment: *Water or foam will be used at crushers and any other potential emissions point*

Water application equipment is available to operate after normal working hours, on weekends, and holidays. *Knik will monitor and water as conditions arise.*

After hours contact: *Paul Kirsch*

Phone Number: *907 545-5022*

##### *Water Supply (as needed):*

Fire Hydrants. Obtain necessary approval to use specific hydrants.

Storage Tanks Number and capacity: *1 – 5000 gallon tank filled from water truck as needed*

Wells Number and flow rate:

Canal, River, Pond, Lake, etc. Describe: *To be determined*

Approval granted by the owner or public agency to use their water source for this project.

Owner or agency: *To be determined*

Other: *Knik will continually monitor and moisten gravel piles and the crusher operation to keep from generating fugitive dust.*

#### Section 5 – Carryout and Trackout

##### *Treatment for preventing Trackout*

Trackout is any material that adheres to vehicle tires and is deposited onto a paved public road or the paved shoulder of a paved public road. Check on or a combination that will apply.

*Grizzly:* Rails, pipes, or gates used to dislodge debris off of vehicles before exiting the site. Extends from the intersection with the paved public road surface for the full width of the unpaved exit surface for the distance of at least 25 feet.

Describe:

*Gravel Pad:* A layer of washed gravel at least one inch or larger in diameter, three inches deep, and extends from the intersection with the public paved road surface for the full width of the unpaved exit surface for a distance of at least 50 feet.

Describe: *Rock will be placed and compacted at all exit points from pit. This rock will be placed as soon as available.*

*Paved Surface:* Extends from the intersection with the paved public road surface for the full width of the unpaved access road for at least 100 feet to allow mud and dirt to drop off of vehicles before exiting the site.

Mud and direct deposits accumulating on paved interior roads will be removed with sufficient frequency, but not less frequently than once per workday.

Clean up frequency: *As Needed*

*Wheel Washer*: Uses water to dislodge debris from tires and vehicle undercarriage.

Describe:

*Other*:

***Treatment for Preventing Carryout***

Carryout occurs when materials from emptied or loaded haul trucks, vehicles or trailers falls onto a paved public road or paved shoulder of a paved public road. Check all methods that apply.

No haul truck will be routinely entering or leaving the project site.

***Emptied Haul Trucks:***

Interior cargo compartments will be cleaned before leaving the project site.

***Emptied Haul Trucks***

Interior cargo compartments will be cleaned before leaving the project site

Cargo compartment will be covered with a tarp or suitable cover before leaving the project site.

*Loaded Haul Trucks*: Spillage or loss of materials from holes or other opening in the cargo compartment will be prevented when material is transported onto any paved public access road.

Haul trucks will be loaded such that the freeboard is not less than six inches with water applied to the top of the load before leaving the project site.

Cargo compartment and load will be covered with a tarp or suitable cover before leaving the project site.

*Other*:

***Cleaning up Carryout and Trackout***

Clean up Method: Check the method(s) below that will be used for cleaning carryout and trackout.

Manually sweeping and picking up.

Mechanical sweeping with a rotary brush or broom accompanied or preceded by water.

Describe the types of equipment that will be used: *Sweeper Truck with water and boom available.*

Operating a PM10-efficient street sweeper.

Make and Model: \_\_\_\_\_

Flushing with water – allowed if:

- No curbs or gutters are present
- Using water will not result as a source of trackout and carryout.
- Using water will not result in adverse impacts on storm water drainage systems.
- Using water will not violate any National Pollutant Discharge Eliminations System permit program or Alaska Department of Environmental Conservation, Division of Water Permit.

***Comments – Carryout and Trackout***