



Alice Ruby, **Mayor**

**Council Members**

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

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**DILLINGHAM CITY COUNCIL**  
**MEETING AGENDA – DECEMBER 5, 2013 (REVISED December 4, 2013)**  
**David B. Carlson Council Chambers**  
Dillingham City Hall, 141 Main Street, Dillingham, AK 99576 (907) 842-5212

<b>WORKSHOP – WATER AND SEWER RATE INCREASE</b>	<b>6:00 P.M.</b>	<b>DECEMBER 5, 2013</b>
<b>REGULAR MEETING</b>	<b>7:00 P.M.</b>	<b>DECEMBER 5, 2013</b>

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. APPROVAL OF MINUTES**

- A. Regular Council Meeting – November 7, 2013
- B. Regular Council Meeting – November 27, 2013

**IV. APPROVAL OF CONSENT AGENDA**

**APPROVAL OF AGENDA**

**V. STAFF REPORTS**

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

**VI. PUBLIC HEARINGS**

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

**VIII. ORDINANCES AND RESOLUTIONS**

- A. Resolution No. 2013-69, A Resolution of the Dillingham City Council Increasing the Water and Sewer System Rates
- B. Resolution No. 2013-74, A Resolution of the Dillingham City Council Approving Amending the BBEDC CBG Grants by Increasing the Funding for the Projects to Upgrade and Increase Technology and Repair and Improve Facilities
- C. Resolution No. 2013-75, A Resolution of the Dillingham City Council Approving the Application for Southeast Region Emergency Medical Services (SREMS) Mini-grant for Pediatric Sized Equipment for Use by the Dillingham Volunteer Fire Department and Rescue Squad (DVFD/RS)

- D. Resolution No. 2013-76, A Resolution of Dillingham City Council Approving the Application for an Assistance to Firefighter's Grant (AFG) for Personal Protective Equipment (PPE), Turnout Gear, for all Members of Dillingham Volunteer Fire Department and Rescue Squad (DVFD/RS)

**IX. UNFINISHED BUSINESS**

- A. Citizen Committee Appointments
  - 1. Cemetery Committee, 4 Seats Open
  - 2. Planning Commission, 1 Seat Open
- B. Council Committee Appointments
- C. Strategic Planning – Foraker Group
- D. Schedule a Joint Workshop of the School Board and Council for a Presentation from the School Facility Committee on the Territorial School
- E. Request for a Late Filed Appeal – Earlene George

**X. NEW BUSINESS**

- A. Action Memorandum No. 2013-34, Authorize the City Manager to Execute a Contract for the City-Wide Camera Upgrade to TecPro Ltd.
- B. Action Memorandum No. 2013-35, Authorize the City Manager to Execute a Contract for the Alternate Emergency Operations Center to Arcticom
- C. Action Memorandum No. 2013-36, Approve Administrative Leave for Christmas and New Year Holiday
- D. Action Memorandum No. 2013-37, Approve Library's Five-Year Plan
- E. Reschedule January 2, 2013, Council Meeting to January 9, 2014, at 7:00 PM
- F. Consider Regulating Material Sites

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

**XII. COUNCIL COMMENTS**

**XIII. MAYOR'S COMMENTS**

**XIV. EXECUTIVE SESSION**

**XV. ADJOURNMENT**

**I. CALL TO ORDER**

The Regular Meeting of the Dillingham City Council was held on Thursday, November 7, 2013, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:05 p.m. The meeting was preceded by a Council workshop at 6:30 p.m. to review the quarterly financial statements.

**II. ROLL CALL**

Mayor Alice Ruby was present.

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

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

Seat A is vacant

Staff in attendance:

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

**III. APPROVAL OF MINUTES**

A. Regular Council Meeting – October 10, 2013

MOTION: Paul Liedberg moved and Chris Maines seconded the motion to approve the minutes of October 10, 2013.

VOTE: The motion to approve the minutes of October 10, 2013 passed unanimously.

**IV. APPROVAL OF CONSENT AGENDA**

A. Resolution No. 2013-65, A Resolution of the Dillingham City Council to Offer Thanks and Commendation to Brenda Akelkok for Her Service on the Dillingham City Council

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

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

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**APPROVAL OF AGENDA**

Manager Loera asked to amend the agenda to add item E. under New Business, schedule a special meeting for the purpose of approving a bid for a new fire tender.

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve amending the agenda to add item E. Special Meeting under New Business.

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

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

City Manager Loera reported on the following:

- Fire Dept. Coordinator Megan Brown hit the ground running, completed the hose testing, and was busy inventorying supplies;
- Dock Repairs - total cost would be about \$340K;
- Several RFPs out for Bid – Project Manager, upgrade surveillance cameras, a backup E 911 system; staff had created a more organized bid process;
- SCERP- City was working on its Small Community Emergency Response Plan and preparing for its first city-wide exercise on emergency preparedness working with Public Health Services on a mass dispensing of flu shots; also working on testing sirens monthly;
- DOT visit regarding Dillingham area projects – about \$100M in projects including Aleknagik bridge; their goal was better communication, looking at a Transportation Fair in March to bring in State personnel and invite in the public; they noted activity on the roads would be worse next year due to multiple road projects planned and the continuing airport project;
- Gravel donation – as a requirement for restoration of wetlands, State was required to develop a mitigation plan in which they identified three roads in Lupine and Emperor Way that were sinking below the tundra; State will deliver gravel and fill and City will need to have it in place by October of next year when airport project will be finalized;
- GCI moving into the Potato House by December 1; planning to have 2 people manage the office;
- Library adopted a Five-Year Plan at their last meeting, which was reviewed beforehand with the library president and librarian;
- Scrap Metal – baler was in place at the landfill;
- Landfill shop was renovated in order to store the swap loader that transfers the bins; this was vital for the operation of the hydraulics when temperatures drop below 10 degrees;
- Out of the office the week of November 17, but available by phone and email; Chief of Police Dan Pasquariello will be in charge;
- Alaska Municipal League Conference – looking to inquire into staggering each group's participation, because a lot of the key positions are scheduled for the same week;
- Finance Director Shade will be out of the office attending AML/JIA and taking annual leave;

- New Library Ramp - encouraged Council to check out the new ramp constructed by Dagen Nelson, noting his thoroughness and the City was fortunate to have him; and
- ADEC Alaska Clean Water Loan (Planning Director's Monthly Report) – had reviewed with staff the Voltaic Solutions Financial Capacity Report that was done on the landfill, and had resubmitted it with some corrections to the data.

**Discussion:**

- asked to have the Library's Five-Year Plan on the next agenda for public information and Council endorsement;
- pleased to hear the City was working to fix all the compliant issues at the landfill;
- commented was pleased to hear Jean Barrett had been appointed to the Harbormaster Board; and
- asked to keep the Council apprised on the police department losing its K-9 officer.

Planning Director Seitz commented the City had received several complaints that the City wasn't maintaining Birch Lane and Sunny Lane. Birch Lane had never been built to City standards, was choked with lots of discarded materials alongside the roadway and there had been a lot of open burning, most recently cardboard. The owner's rep opined the road wasn't in the correct place on the plat, that it constituted a driveway instead of a road, and, therefore, the City had no jurisdiction. The City's Attorney advised the City did have the responsibility and the authority to ask the owner to move the encroachments alongside the road for emergency and fire truck access.

**B. Standing Committee Reports**

Paul Liedberg, Chair of the Code Review Committee, urged the Council to review the minutes of the Special Meeting on material sites. The meeting was set up to identify the issues, and recommend whether the City should be involved in regulating material sites, basically gravel pits, within the City's limits. He noted the City had contracted with Agnew::Beck to outline some options, and would meet Nov. 21 to review the report with a goal of presenting to the Council in December.

Bob Himschoot, Chair of the Finance and Budget Committee, reported the Committee had met and discussed proposed water and sewer rate increases with a presentation from FCS Group, and discussed setting up a Nushagak Fish Tax Fund for managing fish tax revenues.

Mayor Alice Ruby, School Facility Committee. The committee discussed scheduling a joint workshop with the School Board and the City Council to present a report on the Territorial School, and she recommended postponing the meeting to December when the Superintendent could be available. The committee had also discussed having a procedure in place so they could track funding to the school that was allocated from the city for major projects.

**VI. PUBLIC HEARINGS**

Mayor Ruby reported the City was presenting Resolution No. 2013-66 to apply for a grant through the Community Development Block Grant, and one of the requirements was to hold a public hearing. After a presentation from staff, the public could then speak on any of the other Ordinances, Ordinance No. 2013-18, 2013-19, and 2013-20.

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*(The teleconference line was opened at 7:00 p.m. for those wishing to comment on Resolution No. 2013-66.)*

Planning Director Seitz read from a prepared script at the start of the public hearing for the Community Development Block Grant.

"The Community Development Block Grant is a federal grant administered by the State of Alaska.

The purpose of the CDBG is to provide projects that benefit low to moderate income people and provide financial resources to communities for public facilities, planning, and special economic development activities which encourage community self sufficiency, reduce or eliminate conditions which are detrimental to the health and safety of local residents, and reduce the costs of essential community services.

The CDBG can be used for the acquisition, construction, reconstruction of public facilities and improvements like health clinics, daycare centers, shelters for homeless, water and sewer systems, solid waste disposal facilities, community center, dock and harbors, electrical distribution lines, fuel and gas distribution systems, transportation improvements, removal of architectural barriers, which bar elderly and handicapped persons from accessing public facilities, acquisition and disposition of real property, design and engineering plans, fire protection facilities and equipment.

The CDBG can be used to conduct studies, collect data, do marketing, feasibility studies, comprehensive land use plans, erosion control plans, community economic development plans, to prepare capital improvement plans, update any of the above, all as planning projects. Can also do special economic development projects.

Projects that are not eligible include equipment, courthouses, buildings for regular government operations, maintenance and operations expenses, and political activities.

Are there any questions about the types of projects that CDBG funds can be used for?

An example of a proposed project that is needed in the census area. Dillingham is the hub of a census area of about 11 different communities. The current project would be the Fire and Public Safety Facilities. That would be to replace public safety building, jail facility, E911 dispatch, also, the area housing the Division of Motor Vehicles, the police department, as well as the current fire hall downtown. This project was number five on the Capital Improvement Projects Plan that Dillingham worked on last year, it was identified as the top priority in the Six Year Capital Improvement plan. When we updated that plan this year on the Legislative Priorities List it was number four on our list. It is the top project that we have on the list that would serve a regional interest, and would serve our surrounding communities as well.

The City is beginning to hold meetings to plan for Fire and Public Safety Facilities. This grant would be to ask for funding for design.

Tonight we'd like to know if there are comments on the proposed project and if there are other projects which people would like to have the City apply to fund through the Community Development Block Grant.

Thank you.

There are no alternatives, we have the teleconference on, and we don't have anyone calling in from the surrounding communities."

Mayor Ruby closed the public hearing on the CDBG grant.

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Mayor Ruby resumed the public hearing to take testimony from the public on Ordinance Nos. 2013-18, 2013-19, 2013-20 and Resolution No. 2013-66. She noted that the public hearing on Ordinance No. 2013-19 would be for the substitute ordinance.

- A. Adopt Ordinance No. 2013-18, An Ordinance of the Dillingham City Council Amending Chapter 2.80 Public Library to Remove Library Board and Create a Library Advisory Board by Resolution and to Amend Sections Librarian and Violation of Library Property
- B. Adopt Ordinance No. 2013-19, An Ordinance of the Dillingham City Council Amending Title 1 of the Dillingham Municipal Code to Create a Fine Schedule for Minor Offenses and Amending Other Titles of the DMC to Make Violations and Penalties Consistent with New Title 1
- C. Adopt Ordinance No. 2013-20, An Ordinance of the Dillingham City Council Repealing Chapter 6.04, Transient Vendor
- D. Resolution No. 2013-66, A Resolution of the Dillingham City Council Authorizing the City of Dillingham to Apply for a Community Block Grant for the Design of the Public Safety Building(s)

Mark Gleason speaking on Ordinance No. 2013-19, Fine Schedule, presented comments on behalf of local business owner, Bob Kallstrom. Mr. Kallstrom was concerned about fine offenses that could take business away from Dillingham, referring to an offense for operating a snowmobile after dark, noting snowmobiles had headlights, and this could deter villagers from traveling to the City to conduct business.

Greg Marxmiller, speaking on the grant for a public safety building, encouraged the City to preserve the mural on the front of the fire hall that identified Dillingham. He asked if the City would be considering accessibility to the building, noting the staircase to the top floor of the fire hall was narrow and long and not accessible for some, and to include in the design access to a kitchen facility to have another venue other than the schools.

There being no further comments, Mayor Ruby closed the public hearing.

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

- A. Kyle Belleque - 4-H Club

Kyle Belleque, as a Cooperative Extension Service employee (arm of the UAF), was starting a 4-H program that would eventually reach out to surrounding villages. The program's success depended on volunteers and a required adult to children ratio. A trapping group and mushing group were already in progress. All the kids from ages 5 on up would meet once a month, run their own meetings, help make decisions, and learn how to take a leadership role. The group was looking to hold meetings in different business locations around town, and suggested the City Council Chambers.

- B. Earlene George – Request for a Late Filed Appeal

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Earlene George, real property owner, was asking to submit a late filed appeal due to extenuating circumstances. She commented after the house was conveyed to her in 2012, she had contacted City Hall to put the property in her name. She noted she had not received a copy of the property assessment that went out in March. Instead it had gone to the Bristol Bay Housing Authority, which she attributed her request for a late filed appeal was the City's fault because she was not properly noticed.

**VIII. ORDINANCES AND RESOLUTIONS**

- A. Adopt Ordinance No. 2013-18, An Ordinance of the Dillingham City Council Amending Chapter 2.80 Public Library to Remove Library Board and Create a Library Advisory Board by Resolution and to Amend Sections Librarian and Violation of Library Property

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to adopt Ordinance No. 2013-18.

VOTE: The motion to adopt Ordinance No. 2013-18 passed unanimously.

- B. Adopt Ordinance No. 2013-19, An Ordinance of the Dillingham City Council Amending Title 1 of the Dillingham Municipal Code to Create a Fine Schedule for Minor Offenses and Amending Other Titles of the DMC to Make Violations and Penalties Consistent with New Title 1

MOTION: Paul Liedberg moved and Bob Himschoot seconded the motion to adopt Ordinance No. 2013-19 (SUB-1).

Mayor Ruby reported there was some concern that the City was adopting a whole new slate of fines, when in fact the City was attempting to standardize its fines. She asked staff to work on public outreach to clear up any confusion.

Manager Loera commented that previously if someone was fined they would have to go to court to determine the fine that was defined as being up to \$300. State of Alaska did not recognize the way the City's ordinance was written, so the State was collecting the revenue instead of submitting it to the City. She noted the fine amounts were now listed in one table in Chapter 1.20, but still left intact in their existing section of the code. She noted other than public safety that already had procedures in place, each department would be adopting its own standard operating procedure for issuing fines.

Discussion:

- commented had received comments from the public regarding one of the fines titled snow machine operation after dark, which in the City's code identified operation after dark as may only be on the right side of a designated snowmobile route and in the same direction as the roadway motor vehicle traffic; and
- noted the fines listed in the table were abbreviated and should refer to the code for further explanation.

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VOTE: The motion to adopt the amended Ordinance No. 2013-19 (SUB-1) passed unanimously.

C. Adopt Ordinance No. 2013-20, An Ordinance of the Dillingham City Council Repealing Chapter 6.04, Transient Vendors

MOTION: Chris Maines moved and Paul Liedberg seconded the motion to adopt Ordinance No. 2013-20.

Manager Loera reported this chapter was no longer necessary since licensing for transient vendors was covered in Title IV.

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

D. Resolution No. 2013-66, A Resolution of the Dillingham City Council Authorizing the City of Dillingham to Apply for a Community Block Grant for the Design of the Public Safety Building(s)

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Resolution No. 2013-66.

Manager Loera reported the grant assistance program at BBEDC was helping to write the grant, and the grant did require a match.

VOTE: The motion to adopt Resolution No. 2013-66 passed unanimously.

E. Resolution No. 2013-67, A Resolution of the Dillingham City Council Approving the Establishment of a Nushagak Fish Tax Fund

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve Resolution No. 2013-67.

Bob Himschoot reported setting up this fund would help separate the revenues collected from the fish tax from the refunds, and provide a mechanism instead of budgeting based on forecasting the City could forward fund the next year once the City knew the amount.

VOTE: The motion to approve Resolution No. 2013-67 passed unanimously.

F. Resolution No. 2013-68, A Resolution of the Dillingham City Council Approving a Contract Extension with Alaska Map Company for GIS Services

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Resolution No. 2013-68.

Manager Loera reported Alaska Map Company had been working on the City's addressing and mapping system and the City was looking to extend their contract to include tying in the City's accounting system with the addressing system and work on several more tasks.

VOTE: The motion to approve Resolution No. 2013-68 passed unanimously.

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- G. Resolution No. 2013-69, A Resolution of the Dillingham City Council Increasing the Water and Sewer System Rates

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Resolution No. 2013-69.

Mayor Ruby reported the resolution was only being introduced at this time, that a workshop would be scheduled before the next meeting for a presentation on the newly proposed rates, and then recommended for adoption at the Council meeting following the workshop.

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to postpone adoption to the December 5 Council meeting.

VOTE: The motion to approve Resolution No. 2013-69 passed unanimously.

- H. Resolution No. 2013-70, A Resolution of the Dillingham City Council Approving a Long Term Encroachment at 312 Main Street for the Dillingham Liquor Store to Connect to the City's Water Main

MOTION: Paul Liedberg moved and Keggie Tubbs seconded the motion to approve Resolution No. 2013-70.

VOTE: The motion to approve Resolution No. 2013-70 passed unanimously.

- I. Resolution No. 2013-71, A Resolution of the Dillingham City Council Creating a City of Dillingham Library Advisory Board

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to approve Resolution No. 2013-71.

VOTE: The motion to approve Resolution No. 2013-71 passed unanimously.

- J. Resolution No. 2013-72, A Resolution of the Dillingham City Council Approving Task Order No. 15 with Bristol Engineering Services Corp. to Design Improvements to Lift Station #6 (City Dock)

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Resolution No. 2013-72.

Manager Loera reported the City had contracted with CH2M Hill for a water treatment facility plan to phase in getting the lagoon into compliance. The City was looking to start phase 2, an upgrade to the lift station at the dock, which they estimated to be \$1.7M; this was not for design services. Bristol Engineering Services had provided an estimate at one time that was considerably less, and the City was looking to receive a second opinion from them for the cost to design.

It was discussed that the sewer main from the BBHA had not been cleared because the logistics involved would have made it an extensive project. Instead the sewer flow from that area was

routed to the dock lift station and up to the lagoon. The new pumps were efficiently handling the extra sewage. She noted she would ask BESC if the upgrade to the dock lift station would be able to accommodate possible future processing development.

Discussion:

- asked if the plugged main would ever get cleared, answered if capacity became a problem would look to put it in another phase and attempt to clear it, noting different sizes of line were improperly installed, and it lacked a screening mechanism.

VOTE: The motion to approve Resolution No. 2013-72 passed unanimously.

**IX. UNFINISHED BUSINESS**

A. Citizen Committee Appointments

1. Cemetery Committee, 4 Seats Open

Mayor Ruby reported she had no new appointments.

2. Planning Commission, 2 Seats Open

Mayor Ruby recommended appointing William Corbett to the Planning Commission.

MOTION: Bob Himschoot moved and Keggie Tubbs seconded the motion to concur with the Mayor's recommendation and appoint William Corbett to the Planning Commission.

VOTE: The motion to appoint William Corbett passed unanimously.

B. Appoint Council Member to Seat A – Interim Appointment

Mayor Ruby reported the one letter of interest she had received was from Holly Johnson, who met the residency requirements, and recommended appointing Holly to Council Seat A.

MOTION: Tracy Hightower moved and Keggie Tubbs seconded the motion to concur with the Mayor's recommendation and appoint Holly Johnson to an interim appointment on City Council Seat A.

VOTE: The motion to appoint Holly Johnson passed unanimously.

C. Strategic Planning (Foraker Group)

Mayor Ruby reported there was nothing to present at this time, but would be making some plans.

**X. NEW BUSINESS**

- A. Action Memorandum No. 2013-31, Approving Entering into a Contract with South West Alaska Equipment for Scrap Metal Removal

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to approve Action Memorandum No. 2013-31.

Manager Loera noted there was no time frame for this project that the baler would remain at the landfill, and could be used as long as the cold temperatures allowed it to due to the adverse affect on the hydraulic rams. The firm noted that the Dillingham site was a pilot project, and planned to carry it out in other communities.

VOTE: The motion passed unanimously.

- B. Action Memorandum No. 2013-32, Awarding a Contract to \_\_\_\_\_ for the Purchase of a 2,800-3,000 US Gallon Tender for the Volunteer Fire Department *(An amended version of AM 2013-32 will be distributed at the Council Meeting.)*

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve Action Memorandum No. 2013-32.

Manager Loera reported the City had gone out to bid for 30 days for a new fire pumper truck, and was looking to award at the October meeting. The two bids received were rejected because they did not include 4-wheel drive. The City went out to bid again a for a period of two more weeks for a new fire tender, but the specifications may not have been clear enough, because the three bids did not include 4-wheel drive. The City's Attorney had advised the City to reject the three bids, to contact the three bidders and provide explicit directions for a bid with 4-wheel drive, provide a week to submit, and the City would retain their current bid package.

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to postpone to a special meeting.

VOTE: The motion to postpone to a special meeting passed unanimously.

- C. Application for a New Liquor License - The Rack

Mayor Ruby reported in the past the City would contact the ABC Board if the Council objected to the issuance of a liquor license, and if they didn't object the Council didn't take any action. She noted the Attorney had advised that this Council Meeting was the public's opportunity to express to the City if they thought the City should object. She further noted the Council was sensitive to the issues of alcoholic and substance abuse problems, but was also sensitive to small business progress and having restaurants and establishments that were well run, and hoped they didn't contribute to the problem.

- D. Schedule a Joint Workshop of the School Board and Council for a Presentation from the School Facility Committee on the Territorial School

Mayor Ruby noted this item would be on the December agenda.

E. Schedule a Special Meeting to Award a Contract for a New Fire Tender

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to leave scheduling a special meeting at the call of the Mayor at a time that was convenient for a majority of the Council.

Mayor Ruby noted the purpose of the special meeting was primarily to award a contract for a new fire tender and any other issues that might come up.

VOTE: The motion passed unanimously.

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

There was no citizen's discussion.

**XII. COUNCIL COMMENTS**

Tracy Hightower: no comment

Bob Himschoot:

- thanked the guests for bringing forward their comments; and
- asked if the Council could rule on a late filed appeal.

Mayor Ruby reported the Council adopted a new ordinance setting a hard deadline for filing appeals. She noted the Board of Equalization no longer had a role. Staff was directed to create a chronology of events for Earlene George's request, and to bring back the information to the Council for review at the special meeting if it could be made available by then. Manager Loera disclosed Earlene was her niece and would recommend having someone in Finance put it together.

Chris Maines: no comment

Paul Liedberg:

- congratulated Jean Barrett on his election to the harbor board, noting the benefits of investing in the City's employees; and
- noted his appreciation for getting the packets as early as possible, and thanked staff for all their work.

Keggie Tubbs:

- commented he was disappointed the City had lost its dog companion, and hoped the City would find a good home for him; wanted to see the K-9 program succeed; and
- noted there were some disgruntled gun range users not having access to the gun range especially on Sundays, and were encouraged to contact the City Manager.

**XIII. MAYOR'S COMMENTS**

Mayor Alice Ruby:

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- noted SWAMC had been working with BBNA on a regional energy plan and the first presentation would be made at the BBNC Officers and Directors Meeting, for which the City was invited; noted Bob Himschoot might be in Anchorage at that time, and to let her know if anyone else might be interested in attending;
  - noted the Manager Loera would be attending BBNC's presentation on Sand, Gravel and Rock contracts which would be held at the same time;
  - noted another presentation by PacWest, an energy group, and would like to invite them out to Dillingham; thought it might be late November;
  - SWAMC was planning their conference in Anchorage March 6&7;
  - encouraged everyone to thank a veteran with Veteran's Day observed November 11;
  - noted she had joined in a conference call with Senator Begich's staff and City Manager Loera; the City was looking for sources of funding for the dock and erosion projects; and
  - asked for a moment of silence to recognize all those lost since the last meeting.

**XIV. EXECUTIVE SESSION**

There was no executive session.

**XV. ADJOURNMENT**

Mayor Ruby adjourned the meeting at 9:00 p.m.

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Mayor Alice Ruby

ATTEST:

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Janice Williams, City Clerk

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

**I. CALL TO ORDER**

The Special Meeting of the Dillingham City Council was held on Wednesday, November 27, 2013, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 12:18 p.m.

**II. ROLL CALL**

Mayor Alice Ruby was present.

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

Holly Johnson, Seat A  
Chris Maines, Seat B  
Bob Himschoot, Seat C  
Keggie Tubbs, Seat D  
Paul Liedberg, Seat F

Tracy Hightower, Seat E – absent and excused

Staff in attendance:

Rose Loera, City Manager  
Janice Williams, City Clerk

**III. APPROVAL OF AGENDA**

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

VOTE: The motion to approve the agenda passed without objection.

**IV. SPECIAL BUSINESS**

A. Administer Oath of Office – Holly Johnson, Seat A

City Clerk Janice Williams administered the oath of office to new Council member Holly Johnson, Seat A.

B. Action Memorandum No. 2013-33, Awarding a Contract to KME Kovatch for the Purchase of a 2,800-3,000 US Gallon Tender for the Volunteer Fire Department

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to approve Action Memorandum No. 2013-33.

Manager Loera noted after the bids came in, an addendum had been distributed to the three responsive bidders for a 6 X 6 truck, with a request for a cost and delivery of no more than 240 days. The low responsive bidder was KME Kovatch, but the bid was \$200 less than the original bid.

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Fire Chief Heyano contacted a reputable trucking company for advisement on the cost to add 4 X 6 or 6 X 6, which was around \$30K. He also did a reference check. Manager Loera was recommending awarding the contract to KME, and if a contract could not be negotiated would work with the next responsive bidder. One of the bidders, General Fire was disqualified because the firm could not meet the timeline for delivery, and the next responsive bidder Fort Garry, their bid was \$389,998.

MOTION: Bob Himschoot moved and Chris Maines seconded the motion to amend the action memorandum to add to the subject title "or to the next responsive bidder".

GENERAL CONSENT: There was no objection to the motion.

MOTION: The motion to approve the amended Action Memorandum No. 2013-33 passed unanimously.

*(Clerk Note: The match amount noted in the AM was corrected from 10% to 5%.)*

- C. Resolution No. 2013-73, A Resolution of the Dillingham City Council Amending the Community Block Grant Amount Requested from \$850,000 to \$795,000 for the Design of the Public Safety Building(s) and Repealing Resolution No. 2013-66

MOTION: Paul Liedberg moved and Bob Himschoot seconded the motion to approve Resolution No. 2013-73.

Manager Loera reported the Council had recently approved a resolution to apply for a CDBG grant, but at the time it was based on an estimated amount. Resolution 2013-73 would correct that amount to be \$795,000, a lower rate that would match the grant request that would be mailed out by the end of the week in order to meet the deadline of December 6.

VOTE: The motion to approve Resolution No. 2013-73 passed unanimously.

- D. Request for a Late Filed Appeal – Follow Up

Mayor Ruby reported on the evaluation prepared in Finance for a late filed appeal presented by Earlene George. She noted the process for filing for a late filed appeal had been changed in code earlier in the year, but if the Council felt the City should waive their code and consider the request for a late filed appeal they could.

City Clerk Williams reported on the new process noting the appeals were mailed out March 17 with a 30-day period to file an appeal. The Board of Equalization ruled on the late filed appeals and at that point the appeal period closed. No more late filed appeals would be accepted. However, she noted a member of the public always had an opportunity to come before the City Council to hear their case.

Discussion:

- understood the City had changed its code because of the City's history of receiving multiple requests to hear a late filed appeal, but felt she wasn't notified of the opportunity to appeal until after the fact;

- noted it was unfortunate BBHA had not updated their records and presented them to the City in a timely manner, but did not feel it was the City's error; and
- asked if she was appealing the \$65 change in the property taxes or because she was seeking an assessment increase from no longer qualifying for the 85% reduction from HUD, which should be taken up with them, and felt an informal contact might be in order.

Manager Loera noted she would follow up with staff to be sure Earlene George was contacted by phone to understand the issues and receive a copy of the evaluation.

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to provide her an opportunity to have a hearing.

City Clerk noted that in the past the City would schedule a meeting of the BOE to rule on whether or not to hear the late filed appeal. The BOE would then meet, and if they ruled in favor of hearing the late filed appeal it would then go to the City's appraiser, and the BOE would come together to rule on the new appraised value. The request was now before the Council. If accepted the appeal would go to the appraiser to value the property and then convene a meeting of the BOE to rule on the new appraised value.

MOTION WITHDRAWN: Keggie Tubbs asked to withdraw his motion, seconded by Bob Himschoot.

Mayor Ruby confirmed that at the December 5 Council meeting the Council would either get a report on how the issue was resolved, or it would be back on the agenda for a vote on whether or not to allow for the late filed appeal.

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

There was no citizen's discussion.

#### VI. COUNCIL COMMENTS

Holly Johnson:

- commented she was looking forward to being on the Council.

Bob Himschoot:

- welcomed Holly Johnson.

Paul Liedberg:

- welcomed Holly Johnson and wished everyone a Happy Thanksgiving.

Chris Maines:

- wished everyone a Happy Thanksgiving.

Keggie Tubbs:

- noted he echoed Paul's comments.

**VII. MAYOR'S COMMENTS**

- reported the City was hosting an event on where woodcutting was allowed, Tuesday, December 11, with a presence from DNR, Togiak Refuge, BBNA, and Choggiung;
- noted there was a Christmas tree lighting ceremony hosted by the Chamber of Commerce on Sunday at 5:00 p.m.;
- noted the Council packets for the December 5 meeting would be distributed on Monday, December 2 due to the short week; and
- wished everyone a Happy Thanksgiving.

**VIII. ADJOURNMENT**

Mayor Ruby adjourned the meeting at 12:59 p.m.

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Mayor Alice Ruby

ATTEST:

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Janice Williams, City Clerk

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

**Mayor**  
Alice Ruby

**Manager**  
Rose Loera



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

## MEMORANDUM

**Date:** November 27, 2013  
**To:** Mayor and City Council  
**From:** Rose Loera, City Manager  
**Subject:** November Monthly Report

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**Vacancies** – we have a Dispatcher, Corrections Officer and Patrol Officer positions open at Public Safety. The State is considering taking the drug dog Lutri into their program but nothing official.

**Landfill** – Landfill staff has been trained on the baler and have started baling the scrap metal. Fred Hodge from Southwest Alaska Equipment was in Dillingham for about a week training the staff. We continue to research funding possibilities for the Thermal Conversion System that we currently are advertising for an RFP. One area is a low income loan with USDA. This may be our only possibility if we do not find a grant or get another legislative appropriation. Public Works staff and CH2M Hill will be traveling to Egegik to look at their system.

**Training** – we are working with BBEDC to get a number of our Public Works staff the certifications that are needed to operate the Water, Wastewater and Landfill areas. We would like to have some depth in the Public Works department so that if we have turnover there are others that can step in and do the job. We now have two people certified at the landfill and two additional people certified for Water Treatment facility. We will continue to work on our training needs.

**AMLJIA Conference** – I attended the AMLJIA conference on November 18 – 22. It was a great time to network with other municipalities. There were a number of resolutions that were passed at the business meeting on the 23<sup>rd</sup>. The resolutions included: requesting significant fund increases for all transportation needs in the State; three resolutions regarding the PERs Retirement system; continuation of the Current Revenue Sharing program with another request to increase by \$25 million; address the Long-Term Energy needs of all Alaskans; and support efforts to secure federal revenue sharing from Alaska Offshore Oil and Gas Development and to share these revenues with Alaskan communities. A booklet with all the resolutions can be made available on request.

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

The most informative workshops that I attended were on energy – State Domestic Energy Policy Update and Energy Use in Alaska's Public Facility and what can be done. I brought back some very good suggestions as to how the City can address our electric and heating bills by tracking our energy use and cost. A recommendation was to appoint someone as an Energy Conservation Manager who monitors and tracks our energy uses. Electricity and heating fuel accounts for \$326,805 of our annual budget so needs to be an area that we give more attention. Interestingly enough AHFC has about \$250 million in low interest loans for reducing energy usage and no one has applied for these loans. They indicate that the loan payoff would come from what you get in savings.

**CDBG Grant** – The CDBG grant will be submitted by Nov. 29 in order to meet the Dec. 6 deadline. The amount we are requesting is \$795,000 which if funded will get us to 65% design of the public safety facilities.

**Territorial School** – The Territorial School had frozen lines this past week. The building had not been inspected as required. The repairs were able to be done by the Buildings and Grounds staff. We have submitted the claim to the insurance company but will probably not submit for reimbursement since the building needs major repair to be inhabitable.

I hope everyone had a very Happy Thanksgiving!!

**Out of the Office – December 4 – 6 – BBNC Leadership Workshop  
December 16 – 20 - personal**

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

# City of Dillingham

Alaska House District 36

~ 11/25/13 ~

## NOVEMBER 2013 – LEGISLATIVE REPORT

*28<sup>th</sup> Alaska State Legislature ~ 1<sup>st</sup> Interim*

*Cliff Stone and Ian Fisk / City Lobbyist's*



I started the first draft on November 11<sup>th</sup>. This particular day never goes by without reflection and a sense of duty to honor all those who have served and our men and women still in uniform. Please pass along my personal thank you to any Council member or City employee who has defended our country.

November 22, 1963 – This date never passes without thinking about where I was at the moment in time when President John F. Kennedy was assassinated. I can't believe it's been 50 years since that indelible frame was frozen in time. It's much like the events of 9/11. In both of these tragic moments, people tossed politics aside, huddled together with their families and prayed for our nation... prayed that all people of any religion, race or creed could just get along.

### GOVERNOR'S CORNER <http://gov.alaska.gov>

**November 20, 2013** – Governor Parnell appointed Larry Bredeman of Manley, Sharon Scott of Sutton, James Starzec of Anchorage, and reappointed Jennifer Beckmann of Kenai to the Alaska Community and Public Transportation Advisory Board. He also appointed Richard Knapp of Juneau and Patricia Branson of Kodiak to the Marine Transportation Advisory Board. The governor reappointed Robert Venables of Haines and Shirley Marquardt of Unalaska to the same board.

**November 15, 2013** – Governor Parnell announced he will not seek Medicare expansion.

**November 13, 2013** – Governor Parnell appointed Joe Balash as the commissioner of the Alaska Department of Natural Resources (DNR). Balash has served as acting commissioner since September 24<sup>th</sup>.

**November 12, 2013** – Governor Parnell accepted the resignation of Department of Administration Commissioner Becky Hultberg. She has served as commissioner since November 2010. Hultberg's resignation is effective December 11<sup>th</sup>. (*It is not unusual for there to be a turnover of commissioner's, particularly after serving three to four years with any one administration.*)

**November 8, 2013** – Governor Parnell ordered state flags to be lowered to half-staff in honor and memory of former state legislator Elton Engstrom, Jr. He died at the age of 78. Engstrom served in the Alaska House of Representatives from 1965 - 1967 and the Alaska Senate from 1967 - 1971. In addition to his public service, Engstrom was a lawyer, fish-buyer, property manager and author.

He is survived by his wife, Sally; brother, Allan; sons, Elton and Allan; daughter, Cathy Engstrom Munoz; son-in-law, Juan Munoz; and four grandchildren. *(I've highlighted this particular story since his daughter Rep. Cathy Munoz is the House member from District 31. She was first elected in 2008.)*

**November 8, 2013** – Governor Parnell reappointed Quinlan Steiner as the director of the state Public Defender Agency. As director, Steiner oversees the Public Defender Agency, which includes approximately 170 attorneys, investigators, paralegals, and other support staff. The agency maintains 13 offices statewide, and provides constitutionally mandated legal representation to indigent clients in criminal, juvenile delinquency, child in need of aid, and involuntary commitment matters. *(According to the Public Defender Agency website, Dillingham's assistant public defender is Christopher Lesch.)*

**November 7, 2013** – Governor Parnell appointed Angela Rodell as the commissioner of the Alaska Department of Revenue. Rodell has served as acting commissioner since August 7<sup>th</sup>.

**November 4, 2013** – Governor Parnell announced the following appointments to various state boards and committees. See the governor's website for more details.

- Appointed Charlene Tautfest of Soldotna to the Alaska Mental Health Board.
- Appointed Rachel Greenberg of Palmer and Rolf W. Numme of Wasilla to the Alaska Commission on Aging.
- Reappointed Bernadette Alvanna-Stimpfle of Nome and Annette Evans-Smith of Anchorage to the Alaska Native Language Preservation Advisory Council.
- Appointed Deena Paramo of Wasilla to the Education Commission of the States.
- Several appointments were made to the Alaska Juvenile Justice Advisory Committee. For a complete listing of those appointments, go to:

<http://gov.state.ak.us/parnell/press-room/full-press-release.html?pr=6651>

**October 30, 2013** – Governor Parnell announced the following nominations to the Pacific Salmon Commission. These are subject to final approval and appointment by the U.S. Secretary of Commerce.

For the Commission's Northern Panel –

Clay Bezenek of Ketchikan, Brennon Eagle of Wrangell, Mitchell Eide of Petersburg, Dennis Longstreth of Sitka, Howard Pendell of Sitka, and Robert Thorstenson, Jr. of Juneau.

For the Commission's Transboundary Panel –

John H. Clark, Ph.D. He will continue as a member with salmon fishery management responsibility and expertise.



## **REDISTRICTING**

Superior Court Judge Michael McConahy has granted the Alaska Redistricting Board's request for summary judgment. He ruled that the most recent election boundary map is constitutional. Without any further appeals, this means the new map will be used when voters go to the polls in 2014. Plaintiffs had taken the Board to court in July 2011 arguing it violated the constitution, thus the Board had put together an interim plan for the 2012 elections. In the meantime, the U.S. Supreme Court threw out elements of the federal Voting Rights Act that the Board had used for justifications with its original choices. This is a very simplistic overview; suffice to say that the redrawn map should be in place for the next election cycle and for those that follow until the next mandated redistricting in 2020.



## **BRISTOL BAY INITIATIVE**

The Division of Elections expects a proposal to require legislative approval of large scale mining activity in the Bristol Bay region to be officially certified next month. Division Director Gail Fenumiai indicated that the proposed “Bristol Bay Forever” initiative has gotten more qualified signatures than required for consideration. This means voters across the state will have an opportunity to vote on this ballot initiative in 2014.



## **SECOND SESSION – POLITICAL LANDSCAPE**

All legislation not passing the Legislature and signed into law during the first session, is still in play for this coming session. New legislation can still come forward during the second session, but there are deadlines for introduction. There will be a sense of urgency as all current and proposed legislation “dies” when the gavel falls in April.

### **Oil & Gas**

Governor Parnell signed (Senate Bill 21) the More Alaska Production Act into law on May 21, 2013. Commonly referred to as the MAP Act, this is the oil tax reform legislation that acted like a vacuum of time and resources this past session. Also signed into law was HB 4 establishing the Alaska Gasline Development Corporation as an independent public corporation of the state. If built, the gasline is now pegged at \$8 billion. We also saw SB 23 pass and become law. This is the Interior Gas Trucking Plan allowing for natural gas to be trucked from the North Slope down to Fairbanks. This bill creates a \$355 million financing package made up of low interest loans, bonds, credits, and grants to set up a system where private industry would supply natural gas to the region at half the price of heating oil.

Before the ink was dry on SB 21, an application was filed for a referendum petition challenging the controversial rewrite of the oil tax. This group is referred to as “*Vote Yes – Repeal the Giveaway.*” The petition application was certified by Lt. Governor Treadwell. Since then, organizers have collected well more than the signatures needed. It appears as if the referendum will appear on the primary election ballot in August 2014 as ballot measure 1. As of this month, a new group has emerged that will fight the repeal of oil tax cuts. The new organization calls itself “*Vote No on 1.*”

News also broke in October that the Alaska Pipeline Project had selected a route for a North Slope gas pipeline. They selected Nikiski on the Kenai Peninsula as the terminus of the pipeline and for the natural gas liquefaction plant. Reports have also been circulating about “equity ownership” in a natural gas pipeline project. The Dept. of Natural Resources (DNR) authorized an independent study on pipeline financial issues to identify fiscal options available to the state. The findings and recommendations of this study will certainly be scrutinized this session as it advocates for Alaska to be an equity partner in a gasline project.

What does this all mean for the new session? It means that Oil and Gas issues will still be on the mind of legislator’s, but they should have considerable more time on their hands for other topics as highlighted below. We will provide updates on all of these topics as warranted.

## **Medicaid Expansion**

On November 15<sup>th</sup> Governor Parnell announced that he is rejecting Medicaid expansion at this time. This is the expansion as provided for in the federal Affordable Care Act (also known as Obamacare). There had been support by some in the legislature, several leading business organization, and others to expand Medicaid. Apparently the Medicaid expansion study was also finally released at the same press conference. This was the same report delivered to the Department of Health and Social Services quite a bit earlier this year. The state had hired The Lewin Group, a Virginia-based contractor to look into the potential effects of expanding Medicaid. Reportedly this study showed that expansion would provide substantial economic benefits to the state while granting Medicaid to many, many more poor and uninsured Alaskans. Other studies conducted have all reached the same conclusion. One such study said that expansion would cost the state \$90.7 million up front over the next seven years, but the plan would result in \$2.5 billion in additional economic activity over the same period. Stay tuned – we haven't heard the last of this topic! A copy of the Lewin Report is available at:

[http://gov.alaska.gov/parnell\\_media/resources\\_files/lewin.pdf](http://gov.alaska.gov/parnell_media/resources_files/lewin.pdf)

Governor Parnell's full remarks from the press conference are available at:

<http://gov.alaska.gov/parnell/press-room/full-press-release.html?pr=6669>

## **Budgets and Revenue**

There will be continuing efforts to reign in government spending while trying to balance the critical infrastructure needs of our state. Deficit spending is with us for some time to come as oil production and revenues continuing to fall. Federal funds are also expected to continue to decline for the foreseeable future. Government as a whole will continue to look at operating costs and how those expenses can be reduced without undue hardships to Alaskans. This means less money being proposed in the operating and capital budgets of the governor and subsequently the Legislature taking a whack at the proverbial money ball as well during this next session.

## **PERS/TRS Shortfall**

Alaska's public retirement system is struggling with an enormous unfunded liability due to saving less money in trust funds that will be needed to pay pensions and health care for current and former public employees. The unfunded liability is now estimated at nearly \$12 billion. It will almost certainly impact future state budgets if left unchecked. Several scenarios could play out this next year, including a cash infusion of some substantial amount from one of our savings accounts. Meanwhile local governments, schools, and the state will continue to contribute extra cash to the funds. These amounts will continue to be a strain on those local budgets.

## **Arming VPSO's / HB 199**

This bill was introduced late in the session by Rep. Bryce Edgmon. In part, it was brought forward as a result of Village Public Safety Officer (VPSO) Thomas Madole of Manokotak being killed in the line of duty in March of this year. Current law forbids VPSO's to carry a firearm. VPSO's are paid for through state grants to nonprofit regional corporations or municipalities. They are trained and given the authority of a police officer, but lethal force was not included when the program began. Public testimony has documented the fact that the responsibility of officers have expanded significantly since the program started in the late 1970's.

## Land & Water Permitting / HB 77

This bill proposes to make changes to statutes that are intended to continue progress made to the State of Alaska's permitting processes to ensure projects are permitted in a more timely, predictable and efficient manner while safeguarding the environment. Arguments against this proposal say it restricts Alaskans' right to object to and challenge development permit decisions. It also prohibits Alaskans from petitioning to reserve water rights unless the petition is made through a state, local, or federal agency. This particularly affects Native and tribal groups trying to reserve water for subsistence and other traditional uses. This is the same bill that added the following provision late in the committee process. In part it states: *Adds AS 41.21.167(e) stating that performance of a feasibility study for the development and operation of a hydroelectric site at Chikuminuk Lake is not considered an incompatible use in Wood-Tikchik State Park. The transition language states that DNR may not enforce or implement those provisions in the Wood-Tikchik State Park Management Plan, dated October 2002, and regulations applicable that are inconsistent with AS 41.21.167(e) as enacted by this bill.* This bill is currently sitting in the Senate Rules Committee, thus it could come back to the Senate Floor at any time. Were this bill to pass out of the Senate, it would have to then go back to the House for concurrence with any Senate changes made.

## ARDOR Program

The Alaska Regional Development Organizations (ARDOR) Program was not reauthorized during the 1<sup>st</sup> session of the 28th Alaska State Legislature. However, Governor Parnell elected to leave program funding in the fiscal year 2014 budget pending legislative action to reestablish a regional economic development program. During this time of transition, the ARDOR's continue their respective work on regional and local economic development.

## Katie John Case

Earlier this month, the State of Alaska decided to appeal a recent court decision that gives the federal government control over hunting and fishing on navigable waters on state owned land that is adjacent to federal lands. Subsequently, the Alaska Federation of Natives (AFN) issued a strong objection to this state action. Although this will work its way through the courts, the legislature will undoubtedly weigh in at some point.

Other important topics during this next session will include: **Energy, Fisheries, Education Funding, Coastal Management, ANWR, Mining, Transportation, Revenue Sharing, and Federal Overreach.**



## NOTES

1. November 1<sup>st</sup> – Received Email from Rose alerting us to issues regarding the Alaska Public Safety Information Network (APSIN)

The Dept. of Public Safety (DPS) and other state agencies use this system. It is often very slow and hard to get on at times. Apparently the underlying problem has to do with the lack of proper bandwidth.

2. November 4<sup>th</sup> – Email to Rose to consider a resolution be presented to the Alaska Municipal League (AML) regarding the APSIN bandwidth issue.

3. November 6<sup>th</sup> – Email to Rose with attached draft of letter to the Governor regarding APSIN

While drafting this letter, I conferred with DPS to ensure I had all of the items of a technical nature in the correct context. As of Nov. 14<sup>th</sup>, we were waiting on feedback from Chief Pasquariello before deciding what to do next with the draft letter. Conferred with Rose on Nov. 20<sup>th</sup> and decided to place this item on the back burner for now. Other communities have had issues with the lack of proper bandwidth, but not to Dillingham's extent. We will speak up on this issue as necessary, but for now will bide our time and see how this bandwidth issue plays out. It's been reported that some school districts need increased bandwidth to fully utilize technology that is available to students. Increased bandwidth is also necessary to meet the state's new requirements for online testing.

4. November 7<sup>th</sup> – Teleconference with Senator Begich's office regarding the erosion problems in Dillingham and the All Tide Dock.

This meeting came about as a result of contacts I made with Senator Begich's office beginning on October 25<sup>th</sup>. This teleconference had the following individuals online.

- Schawna Thoma, State Director for Senator Begich's office
- Clare Boersma, State Scheduler and Grants Coordinator for Senator Begich's office
- Robert Henson(sp) of Senator Begich's DC office
- Alice Ruby, City Mayor
- Rose Loera, City Manager
- Cliff Stone, City Lobbyist

Senator Begich's office was briefed on the All Tide Dock and the recent erosion that had occurred. They know emergency repairs have been made, but that a long term funding solution is needed. To prevent this kind of event from happening again, the City had gotten a recommendation that "dolphins" be placed in front of the dock. The cost as cited to Senator Begich's office is \$1.3 million.

They had been reminded earlier in communications that Dillingham is a major point of entry for goods and services into the western part of Bristol Bay. Rose went on to give them a little history about the dock as well as the numerous erosion control measures that had been undertaken in the past 20 years or so. The folks in Senator Begich's office commented with several different ideas about possible funding, but with the caveat that all federal programs are fairly tight and underfunded.

It was suggested that the City could get letters of support from surrounding communities as to the importance of this dock. This could certainly include commercial users of this dock. Meanwhile, Senator Begich's office indicated they would expand their search for possible funding. In turn, Dillingham promised to keep his office abreast of any developments concerning the Dock and erosion in general. Rep. Edgmon and Senator Stevens will also be brought up to speed. Cliff will pursue any state DOT programs that might apply.

This is a very short synopsis of a meeting that lasted a good half hour. I'm sure Rose and Alice can fill in the blanks.

5. November 11<sup>th</sup> – Email to Rose with attached draft letter to the Governor regarding the Landfill. Also emailed Rose regarding the reappropriation of an old drinking water grant.

Letter detailed the reasons why the governor should consider funding the Landfill in his FY15 budget.

6. November 12<sup>th</sup> – Rose emailed me the final copy of the Landfill letter as sent to the Governor
7. November 13<sup>th</sup> – Email to Rose citing an online public notice regarding the Coastal Impact Assistance Program and revisions to the approved project. Just an information item.
8. November 20<sup>th</sup> – Conferred with both Rose and Jody concerning the Fiscal Year 2015 CIP booklet and the timing of such for distribution. It was agreed that the final copy should be available by the second week in December. We also discussed the distribution list for this booklet. Meanwhile, they will send us extracts of updated sectionals on the Waste Water Treatment Plant, the Landfill, the All Tide Dock, and the Public Safety Bldg.

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### **WHAT TO LOOK FOR NEXT MONTH**

- Governor's Fiscal Year 2015 budget
- Breakdown of new House and Senate districts for the 2014 election cycle

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### **WEBSITES OF INTEREST**

2013 **Interim** Legislator & Staff Contact List:

<http://w3.legis.state.ak.us/docs/pdf/InterimPhoneList.pdf>

2013 1<sup>st</sup> Session Legislator & Staff Contact List:

[http://w3.legis.state.ak.us/docs/pdf/session\\_phone\\_list.pdf](http://w3.legis.state.ak.us/docs/pdf/session_phone_list.pdf)

The full Legislative Publications List is at: <http://w3.legis.state.ak.us/pubs/pubs.php>

Legislative Finance Website: <http://www.legfin.state.ak.us>

This link provides you with several options to view specifics for the Capital and Operating Budgets. If you click on Capital reports, you can then pull up projects by house district. Dillingham is under H. District 36.

Governor's OMB FY14 Budget Website:

<https://omb.alaska.gov/html/budget-report/fy-2014-budget/enacted.html>

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*We welcome input anytime as to what you would like to see in these reports, particularly during this time when the Legislature is not in session. Thank you for the trust you have placed in us.*

*Have a happy and blessed Thanksgiving. Enjoy your families and friends.*

~ End Report ~

**Mayor**  
Alice Ruby

**Manager**  
Rose Loera



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

## MEMORANDUM

**Date:** November 26, 2013  
**To:** Rose Loera, City Manager  
**From:** Janice Williams, City Clerk  
**Subject:** Monthly Report

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### Foreclosures

The 2005-2010 foreclosures that were initiated in 2011 are coming to the end of the foreclosure process. All but two properties have been redeemed or the owners entered into repayment plans. The three properties were scheduled to be advertised for four consecutive weeks in accordance with Dillingham Municipal Code beginning with the November 7 edition. The Notice of the Expiration of the Redemption Period was sent to any lien holders of record and the owners. The City will then move for a Clerk's Deed. Once this happens the City will own the property.

As the new owner, the City will have three basic options as to what it can do with each property. It can 1) do nothing, (2) dedicate a property for a public purpose, or (3) sell the property at public auction.

### Mock Flu Pandemic Disaster Drill

The City of Dillingham participated in a Mock Flu Pandemic Disaster Drill on November 21. This was a joint effort between the City of Dillingham and the State of Alaska Public Health Center. About 150 community members received the flu vaccine, including many of the 45+ volunteers I am sure. Serving in the role as the Public Information Officer, I posted the event on the Dillingham Trading Post's Facebook site, the City's Facebook site, the City's website, and flyers were distributed via the City's email distribution list, and posted around town. Following the event, a member of the Anchorage Public Health Center staff provided an evaluation. Thank you cards were sent out to all those who participated. City employees involved in the event and Gina Carpenter, Dillingham Public Health Center, will meet next week for a debriefing session. Kudos to Gina for orchestrating this successful event.

### Standing Item(s)

#### **Commission/Board Seats Vacant**

- Planning Commission – 1 seat vacant. No letters of interest on file.

The City began advertising in July 2013 to fill two open seats on the Planning Commission and a third seat was added several months later. Since then two seats have been filled.

- Cemetery Committee – 4 seats vacant. No letters of interest on file.

The City began advertising in October 2012 to fill 6 vacant seats. Two seats have been appointed.

**Attended Alaska Association of Municipal Clerks (AAMC) Conference in Anchorage, November 17-19**

I think I've attended all but one meeting of the AAMC/Alaska Municipal League conferences in the past seven years. It's always a great opportunity to mix with colleagues, and attend conferences designed to keep us informed on our various job duties. This year I was on the Education Committee and offered up Attorney Patrick Munson's name for a session on Local Governance, similar to the presentation he made to the Council back in early winter of this year. He did a marvelous job and kept us all alert for a 3:15 PM session!

**Mayor**  
Alice Ruby

**Manager**  
Rose Loera



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

**MEMORANDUM**

**Date:** November 27, 2013  
**To:** Rose Loera  
City Manager  
**From:** Anita Fuller  
Acting Finance Director  
**Subject:** November 2013 Financial Report

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Collection staff has logged 112 incoming and 25 outgoing phone calls to customers in November. The Denied City Services list has been updated on 11/18/2013. Of the 56 promissory notes one is new, 15 have been paid in full and three are in default. Reminders have been sent out for promissory note payments and utility payments.

From November 1, 2013 through November 30, 2013 the Payables/Purchasing Technician processed 40 purchase orders entered and generated \$658,527.75 in payments for normal operating costs and grant payments. This includes the 2<sup>nd</sup> quarterly payment to DCSD. 394 invoices were received for payment and 152 checks produced.

The Payroll/IT Staff completed three regular payrolls and two supplemental payrolls, continued to work on finalizing audit questions, sat in as the Finance/Administration Chief for the Mock Pandemic Flu Dispensing POD and planning meetings.

The Grants/Receivables technician worked with Accufund consultant to produce a list of property tax holders. She created the new business license renewal form and mailed them by the deadline of the 15<sup>th</sup>. Completed the BBEDC grants and submitted an interim IMLS report. In addition she processed the normal monthly utility billing statements for the monthly A/R statement, and provided information to FCS for the rate change presentation.

Financial details will be provided by the Finance Director upon her return from vacation.

**Mayor**  
Alice Ruby

**Manager**  
Rose Loera



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

## MEMORANDUM

**Date:** November 26, 2013  
**To:** Rose Loera, City Manager  
**From:** Sonja Marx, Librarian  
**Subject:** November Monthly Report

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We have much to be thankful for this holiday season. In addition to our new roof, we now have a beautiful new porch/ramp for the building, thanks to the labor of Dagen Nelson & the Public Works crew. It has really enhanced the look and feel of the library as it meets our needs for handicap accessibility. They worked in some bad weather!

I am thankful that all Board Members were present for our last Library Board meeting on Monday, November 4<sup>th</sup>. Amongst their unfinished business was voting on the amended five-year plan. They were also informed of Ordinance No. 2013-18 amending Chapter 2.80 of the Dillingham Municipal Code to create a Library Advisory Board by Resolution No. 2013-71. So for the next meeting scheduled on Monday, January 13<sup>th</sup>, 2014 at 5:30pm, they will officially meet as the **Library Advisory Board**. Thanks to the Code Review Committee for their work in examining the recommendations from the Board and thanks to the Council for adopting this ordinance.

We are also thankful to be fully staffed, healthy, and back to work. Veronica Villalpando was hired as our new Library Aide/Clerk and trained before Abigail left for Anchorage.

Thanks to the Friends of the Library as they continue to support us with their fundraising efforts. They are raffling off an IPAD Air 16GB Wi-Fi; drawing at the Christmas Bazaar.

### **Library Stat report for October 28<sup>th</sup> - November 23<sup>rd</sup>, 2013:**

**Patron Visits: 2,843 Computer Use: 720 Story Hour: 111**  
**Other Visits: 462 Museum Use: 18 Videoconferencing: 1**  
**Approximately 19 volunteer hours logged**

**Library was closed Monday, November 11<sup>th</sup> for Veteran's Day**  
**Closed Thursday & Friday, November 28<sup>th</sup> & 29<sup>th</sup> for Thanksgiving**  
**Closed Saturday, November 30<sup>th</sup> for carpet cleaning**

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**Mayor**  
Alice Ruby

**Manager**  
Rose Loera



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

## MEMORANDUM

**Date:** November 27, 2013  
**To:** Rose Loera / City Manager  
**From:** Jean Barrett / Port Dept  
**Subject:** November monthly report

---

November came and almost went without winter showing its face. We are finally iced up and it looks like there are no more boats on the horizon. Once again we see the tide come and go until next spring when it goes away and we do this craziness we call summer all over again.

### Dock

The last barge of the season finally left Dillingham on Wednesday November 6<sup>th</sup> when Nushagak Cooperative got their final delivery of fuel for the winter.

Dean Heyano stayed on a few extra days to assure that there were no problems with the Nushagak fuel barge and their delivery, we had planned Dean's last day as the 1<sup>st</sup> of November, but due to the timing of the barge and the unusually warm fall we kept him on.

Unfortunately we did not get some of the projects done that we had planned to do, such as the resurfacing of the all tide dock and the cleaning of the beach area, since everything has been frozen and snow covered we will be forced to try to get these done in early spring.

I will be getting the flooring installed in the Dock warehouse office next month and also going to work on the door and siding in the warehouse.

### Harbor

Everything at the harbor is buttoned up and put away for the winter. Ladders were the last thing done and I am working on prepping for projects next spring. We have one float coated with rubber and hope to get the rest done before they go into the water next spring. I am working with public works on designing and modifying the hook ups for the floats to the arms. I hope to be able to put the float in the water and swing the arm over it and set it into place, this will eliminate the need to drag them in and out of the water which has caused a lot of unnecessary wear and tear.

My winter projects are to get signage for the harbor, for the top of each ramp and also for each float. These signs will be informational, giving directions and also warning of hazards and also "dock courtesy".

I have been talking with Manager Loera about the possibility of working some with the planning department on some of Jody's projects.

I am also going to try my hand at writing a grant for a fire response cart for the floats so if there is a fire on a boat we could respond quickly. The cart I am looking at also has a foam capability.

I hope to work on a master plan for re-keying the City. I think this is long overdue. After organizing the keys and cores we have been using, I find there are many old and unused keys and no cores to go with them, not to mention the amount of keys that people such as buildings and grounds have to carry in order to access all of the city buildings is ridiculous. We should be able to cut the number of keys needed down to just a small handful not the 25+ needed now.

Since my summer months are so busy and I usually don't get to take much time off. I hope to take advantage the slower winter months to get away from the office as much as possible.

### **Mock Disaster drill**

I was involved with the planning and organization of the Mock Disaster drill that was held by the City of Dillingham and the Public Health Center. I was the Logistics coordinator for the drill. I was in charge of coordinating the use of the high school gym. I helped get cones, tables and chairs, snacks and volunteers, and helped to assign people to jobs and coordinate the set up and tear down of the area used for the distribution of flu shots.

I think that the drill was a great learning experience and we did some things well and some things we needed to work on, but that is why it was called a drill!

### **Commercial Drivers Licenses**

I was busy administering the last of this year's CDL road tests this month. The test area has been taken down and everything has been put away for the winter. There were a few other people who wanted to test, but were unable to find a truck to test in as all of the companies that rent or loan their trucks for the road test had taken their insurance off and put them away for the winter. We will set the course back up in May and see if we can get a few more in before the busy summer season. I hope to also set up a test area for testing people who want to get their motorcycle license.

That's the way I see it from the Port office on the shores of the mighty Nushagak.

**Jean**

**Mayor**  
Alice Ruby

**Manager**  
Rose Loera



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

## MEMORANDUM

**Date:** November 26, 2013  
**To:** City Manager Rose Loera  
**From:** Chief Dan Pasquariello  
**Subject:** **December 2013 Council Report** *(reporting period 10/29/13 to 11/26/13)*

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### Police:

- ❖ 324 Calls for service
- ❖ 38 Incident reports
- ❖ 17 Persons arrested
- ❖ 11 Title 47/Protective custody
- ❖ 10 Citations issued

The winning bid for the Homeland Security Grant camera system upgrade RFP is being submitted to the council for approval.

The winning bid for the Lake Rd Firehall alternative Emergency Operation Center RFP is being submitted to the council for approval.

The police, as well as all departments in the City, took part in a Mock Flu Pandemic disaster drill at the High School. The exercise went well. It allowed the City to utilize its incident command system training to prepare for an actual emergency.

The Chief attended the ICS-400 course put on by BBAHC and the Alaska Division of Military and Veterans' Affairs. All of our officers are current on mandatory FEMA courses, ICS-100, ICS-200, and ICS 700.

One of our patrol officers has resigned to take a job in a slower-paced southeast Alaska community. We are currently advertising for the open police officer positions.

### Corrections:

- ❖ 33 Total Inmates
- ❖ 13 Title 47/Protective custody

The automated fingerprint machine for the jail has been ordered.

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A long time CO has resigned to take a job with the courthouse. We are currently advertising the open position.

All of our corrections officers are current on mandatory FEMA courses, ICS-100, ICS-200, and ICS 700.

**Dispatch:**

- ❖ 482 Calls for service
- ❖ 77% Dispatched to Dillingham Police
- ❖ 14% Dispatched to Alaska State Troopers
- ❖ 4% Dispatched to EMS/Dillingham Fire
- ❖ 5% Dispatched to Dillingham Animal Control

The dispatch supervisor attended the ICS-400 course put on by BBAHC and the Alaska Division of Military and Veterans' Affairs. All of our dispatchers are current on mandatory FEMA courses, ICS-100, ICS-200, and ICS 700.

We are still advertising for the vacant dispatcher position and hope to have it filled soon.

**Animal Control:**

- ❖ 2 Dogs/cats impounded
- ❖ 4 dogs/cats returned to owners
- ❖ 4 surrendered animals
- ❖ 3 animal adoptions
- ❖ 34 Rabies/Parvo shot given
- ❖ 3 dogs/cats euthanized
- ❖ 4 citations issued
- ❖ 2 dog bites
- ❖ 10 dog licenses sold

The animal shelter held an open house on November 16<sup>th</sup> for the public to come by and see the new animal shelter. We had close to 60 people with their animals attend the open house. With the help of two shelter volunteers the ACO gave out 33 rabies shots and sold 10 dog licenses.

This month we sent three puppies to Alaska Dog and Puppy Rescue in Anchorage.

The ACO participated in the Mock Flue Disaster Drill put on by the City of Dillingham and the Alaska Public Health Service.

**DMV:**

The DMV will be closed due to FMLA issues. We are working on solutions and will hopefully have one by this council meeting.

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**Mayor**  
Alice Ruby

**Manager**  
Rose Loera



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

## MEMORANDUM

**Date:** November 19, 2013

**To:** Rose Loera

**From:** Megan E. Brown, Fire Department Coordinator

**Subject:** November 2013 Department Head Report

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### Summarization of EMS Responses

- Total of Ambulance Transports
  - 1 Chest Pain
  - 2 Traumatic Injuries
  - 1 Psychiatric Emergency
  - 2 Motor Vehicle Collisions
  - 1 Diabetic Problem
  - 2 Other Medical

### Summarization of Fire Responses

- 2 Motor Vehicle Collisions

### PROJECTS COMPLETED

- The November Combination Meeting was held and discussion over combination training to be held the following week on Extrication, update on SREMS Symposium.
- Combined Fire/EMS training held at the Landfill, on extrication. Use of hydraulic tools and the safe practice of removing patients from vehicles involved in collisions.
- Training cancelled the final week of November due to Thanksgiving holiday.

### ON-GOING PROJECTS

- Hose Testing Complete, 13,500 feet passed, 1,600 feet of hose failed and was donated to the water department. Currently in the process of entering all hose testing results into Aurora (Computer tracking system)
- Department members have been asked to inventory turnout gear, bunker boots, helmets and gloves and provide completed forms to staff to be entered into Aurora and determine needs.
- First set of SCBA bottles returned from being serviced in Anchorage. Additional bottles sent out. Part of state Grant
- Personnel and training records being entered into Aurora for better tracking of renewal dates and need for classes.
- Development of a Hep B Vaccination/PPD testing Program
- Staff participated in free Incident Command NIMS 300 and 400 training

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**Mayor**  
Alice Ruby



**Manager**  
Rose Loera

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

## MEMORANDUM

**Date:** November 26, 2013  
**To:** Rose Loera  
**From:** Pancho Garcia  
**Subject:** Staff report

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### **Streets Dept.**

- busy plowing the streets from snow and sanding the roads and bike path;
- Richard Kimball from Yukon equipment showed the guys how to operate the trackless snow blower and brought some additional flyers for other implements that can be attached to the trackless.

### **Shop Dept.**

- keeping up on maintenance on all city vehicles and equipment;
- replaced the cable wire on the over head crane in the shop since that was one of failures after the crane inspector looked at it. The crane inspector also inspected the mobile crane at the dock and found no failures as well as the stellar crane at the harbor.

### **Water/Wastewater Dept.**

- monthly samples are being taken at the sewer lagoon and for the water system;
- working on a plugged check valve at lift station located at top of Windmill Hill, and waiting for parts to finish the repair.

### **Buildings & Grounds**

- finished up with a paint job at the senior center and have been working at the cops shop dealing heating issues;
- coming in early to shovel the snow from in front of city buildings;
- worked on the flooded city hall boiler room and territorial school building due to frozen water lines at the territorial school building. All but one boiler are up and running and are now waiting for the control unit to get the last boiler up and running.

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## Landfill

- started to compact metal and making bales with the help of Fred Hodges. Have compacted about 22 bales and the bales are holding up just fine. Stopped compacting for the winter. It is too cold to operate the equipment and we don't want any unnecessary damage to occur. Money is being taken in and trash is being burned.

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**Mayor**  
Alice Ruby

**Manager**  
Rose Loera



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

## MEMORANDUM

**Date:** November 25, 2013  
**To:** Rose Loera  
**From:** Ida Noonkesser  
**Subject:** Staff Report

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During the month of October the Senior Center served 548 congregate meals to 65 individuals, 201 home delivered meals to 10 individuals, gave 490 assisted rides to 35 individuals and 238 unassisted rides to 51 individuals. Aleknagik transportation services included 758 rides for the month of October.

We had one renter in the month of October. The Pinochle player's group continues to rent the dining room every Friday, and every third Saturday Quilters rent the Senior Center. I also helped three elders with personal paper work.

Tish Luckhurst held a "first hunt" potluck for the young men on October 1<sup>st</sup> and she and Susan Lambert have been holding beading time every Thursday from 2:00pm to 3:30pm.

Anna Mae Bartholomew (BBNA) who now works out of the Senior Center held a "prize bingo" on October 18<sup>th</sup>. This activity is popular with our elders.

Mary Alice Clark, who works for BBAHC, came to the Center on October 21<sup>st</sup> to pass out reflectors for coats and ice grippers for shoes to our elders. She also helped elders iron the reflective tape onto coats.

Our next Advisory Board meeting is December 11th at 1pm in the dining room at the Senior Center.

**I. CALL TO ORDER**

The Code Review Committee met on Thursday, November 14, 2013, in the Council Chambers, Dillingham, AK. Chair Paul Liedberg called the meeting to order at 5:31 p.m.

**II. ROLL CALL**

Committee Members present:

Paul Liedberg, Council Member, Chair  
Rose Loera, City Manager  
Chris Maines, Council Member  
Janice Williams, City Clerk

Mayor Ruby – absent and excused

Guest(s):

Jody Seitz, Planning Director

**III. APPROVAL OF MINUTES**

A. Meeting of October 22, 2013

MOTION: Chris Maines moved and Manager Loera seconded the motion to approve the minutes of October 22, 2013

GENERAL CONSENT: The motion passed without objection.

**IV. APPROVAL OF AGENDA**

Chair Liedberg asked for a motion to take up the items under New Business first and add Land Swap at N&N under New Business.

MOTION: Janice Williams moved and Chris Maines seconded the motion to approve the agenda as amended.

GENERAL CONSENT: The motion passed without objection.

Proceeded to New Business.

**V. UNFINISHED BUSINESS**

A. Point of Sale for Assessing City Sales Tax

Discussion:

- referred to the analysis prepared by Nushagak Cooperative showing sales of electricity for October in Aleknagik that would produce \$1,800 a month in sales taxes (est. \$21,600/yr), and a separate issue of \$60,000 in revenue (\$3,600 in taxes) that

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a local tax preparer didn't report because the business was conducted outside of city limits, and asked if \$25,000 would be a real loss to the City if it changed its code, which was currently not enforced.

*(Chris Maines departed at 6:49 p.m.)*

The committee recommended drafting an ordinance for review by the Code Review Committee at their next regular meeting that would remove the language principal place of business and stipulate if the point of sale was made in Dillingham it was taxable. This would be similar verbiage to an older version of the application of sales tax.

- B. Review Inconsistencies Between DMC and the Port of Dillingham Terminal Tariff No. 1 (This item has been turned over to the City's Attorney.)

City Clerk Williams reported the code and the tariff did not match up at all and was being reviewed by the City's Attorney. It was recommended that this item be targeted for spring that it would need to be introduced to the Port of Dillingham Advisory Committee.

- C. Consider Regulating Material Sites (*Special Meeting scheduled for November 21, 5:30 p.m.*)

Manager Loera commented that a report had been drafted by Agnew::Beck that would be distributed before the Code Review Committee on November 21.

## VI. NEW BUSINESS

- A. Purchasing Policies and Procedures (*Postpone to December 12 Meeting*)

Chair Liedberg reported this item would be postponed to the December 12 meeting.

- B. Subdivision Access

Planning Director Seitz presented a PowerPoint that provided the background for a review of the subdivision access code initiated in December of 2012 when the Planning Commission was presented with a preliminary plat that did not conform to the Dillingham Municipal Code. She noted the main point was the City's code required that all lots have access from a public road. Amongst the items covered in the PowerPoint were the pros and cons for private access easements, and the City's role in maintaining private roads.

Discussion ensued:

- BIA's involvement with an allotment was mainly when the owner was selling the allotment to make sure they got a fair market price or applying for a loan against the property;
- private rights were a major issue across country;
- add a bullet to the recommendations that anything above seven lots would become a public access road built to City standards;
- limit the ordinance to the bullets contained in the recommendation and stay focused on these recommendations, that other issues that surfaced could be brought up in another discussion.

Director Seitz presented the recommendations offered by the Subdivision Access Committee and the Planning Commission that culminated in Resolution No. 2013-20 recommending revision of Title 17, Subdivisions. The resolution asked for the City Council's concurrence to work with the City's counsel to draft an ordinance to revise its code.

MOTION: Janice Williams moved and Manager Loera seconded the motion to agree with the Planning Commission's recommendation to move forward to getting an ordinance drafted by the City's Attorney.

GENERAL CONSENT: The motion passed without objection.

Chair Liedberg will speak on the resolution and recommendations at the December 5 Regular Council Meeting during the Standing Reports noting Attorney Chandler could have an ordinance drafted by February. Suggestion was made that a presentation on the Subdivision Access be presented at a workshop of the full Council in February.

Chris Maines to follow up with a copy of Curyung Tribe's inventory of roads and trails.

*Attached to these minutes are: 1) a spreadsheet comparing the recommendations from the Subdivision Access Committee and the Planning Commission (Recommendations Development), and 2) Resolution No. 2013-20 passed by the Planning Commission.*

C. Land Swap at N&N Market

Manager Loera reported that a recommendation would be brought forward to swap land with N&N, a small piece of land currently being used for parking. A resolution would be brought forward in January.

**VII. PUBLIC COMMENT/COMMITTEE COMMENTS**

There were no public or committee comments.

**VIII. ADJOURNMENT**

The meeting adjourned at 7:17 p.m.

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

ATTEST:

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

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

# Recommendations Development

## Subdivision Access Committee

- Private Access Easements
- New road standards by # of houses
- 50 foot easement
- 8 foot improved surface up to 6 homes;
- 7-10 homes or more, 14 foot improved surface.
- >10 homes, City Standards.
- Finished surface should be adequate for the terrain
- Remove gift deed requirement from 17.07.090
- Remove requirement for access to adjacent parcels

## Planning Commission Final

- Private Access Easements
- Road standards by # lots in a subdivision
  - Modified by EMS needs
    - Wide enough to fit EMS vehicles passing on the road
    - All have 50 foot easement
    - Up to 7 lots, 50' easement or right of way, 16' improved travelway,
    - anything above 7 lots becomes a public access road and built to city standards
- keep gift deed requirement – essential to that code
- Keep access to adjacent parcels as is

**RESOLUTION 2013-20**  
**A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION**

Recommending revision of Title 17 Subdivisions to reflect the following:

WHEREAS, several landowners approached the City of Dillingham Planning Commission in January of 2013, about changing the subdivision regulations to allow private access and modify the road standards for smaller subdivisions; and

WHEREAS, the Subdivision Access Committee held more than 5 meetings between March and May 1, 2013, and developed recommendations for changes to the code regarding private access, road standards and access to adjacent parcels; and

WHEREAS, at five meetings between August 3, 2013, and November 12<sup>th</sup> the Planning Commission reviewed the recommendations, studied the city's code, researched other Municipal ordinances regarding these provisions and interviewed experienced professional Emergency Services personnel, City Planners, the City Attorney, and BIA Realty professionals; and

WHEREAS, based on these efforts, the Planning Commission finds that it is possible to have a reasonable and responsible code for allowing private access roads; and

WHEREAS, these changes in the Dillingham Municipal Code are a significant departure from previous regulations requiring dedication of public roads for access to subdivision and would make private access a matter of policy rather than an exception to the rule; and

THEREFORE, the City of Dillingham Planning Commission recommends development of an ordinance to allow these revisions, and requests concurrence of the Dillingham City Council to proceed with assistance from the City Attorney, to revise Title 17 accordingly, while protecting the public interest in having good roads and subdivisions:

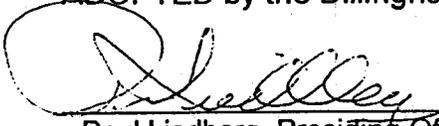
Goal: 1. To modify 17.19.030 Access to allow private access easements as a legal form of access to subdivisions and lots within subdivisions.

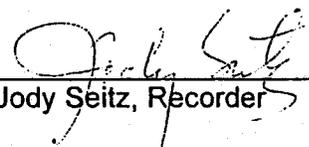
Goal 2. To adjust subdivision road standards for smaller subdivisions.

Recommend modifying 17.19.050 Streets—Right-of-way width and improved width to have an additional category called Private Roads which would have the following requirements:

- all subdivision roads be designated with a 50 foot road easement which could be built as follows:
- 16 foot improved surface to serve up to 7 lots
- For 8 or more lots, the road must be a dedicated public right of way or easement.

ADOPTED by the Dillingham Planning Commission November 12, 2013.

  
Paul Liedberg, Presiding Officer

  
Jody Seitz, Recorder

**I. CALL TO ORDER**

The Code Review Committee met for a Special Meeting to consider regulating material sites on Tuesday, November 26, 2013, in the Council Chambers, Dillingham, AK. Chair Paul Liedberg called the meeting to order at 5:35 p.m.

**II. ROLL CALL**

Committee Members present:

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

Chris Maines, Council Member – absent and excused

Guest(s):

Chris Beck, Agnew::Beck Consulting (*via teleconference*)  
Neal Bennett, Bennett Enterprises  
Michael Bennett, Bennett Enterprises

**III. APPROVAL OF MINUTES**

There were no minutes available to approve.

**IV. APPROVAL OF AGENDA**

MOTION: Alice Ruby moved and Manager Loera seconded the motion to approve the agenda.

GENERAL CONSENT: The motion to approve the agenda passed without objection.

**V. UNFINISHED BUSINESS**

**A. Consider Regulating Material Sites**

Chris Beck commented on what he hoped would be accomplished: highlight the findings in the report and give the group a chance to absorb the information and ask questions, and see if the group was beginning to reach a conclusion about recommended direction. He noted the report itself provided a menu of options, but did not take a position, and the Comprehensive Plan was a good starting reference point.

Discussion:

- noted the key findings referenced all the issues the Council had attempted to address the comments from citizens, and asked about security (flagging, fenced in areas) and liability; consultant to include in a rewrite of the draft; and
- noted getting water rights was difficult to do.

Chris Beck commented that it was his understanding the City was trying to better manage its material sites balanced against not seeing this become a huge burden, and include a role for the public process.

Discussion:

- suggested providing a timeline, if a project was going to sit idle for a period of time it needed to be reclaimed to a certain level.

Chris Beck provided an overview of approaches to managing material sites, from Hands Off, no local regulation (no change to the City's current code), to creating advisory guidelines in existing land use permit, to adding a new process, new standards, applicant asks for a permit reviewed by the City (Administrative Permit), to requiring a conditional use permit with a hearing in front of the Planning Commission. He noted he had yet to talk to both BIA and BBNA to get a better understanding for how they enforce their requirements.

Chris Beck asked the group if the City should establish a new permit process that would require submittal of materials in advance of an operation, a set of standards for the operator, and a compliance process, and the City would establish the standards, and possibly establish different levels of permit review depending on the scale of the project without setting up zoning districts.

Discussion:

- agreed with a tiered (size and intensity of the operation) approach, and having clear standards;
- stated would not be in favor of advisory guidelines, if there was no enforcement, but would favor an administrative permit; and
- concerned about excavation in close proximity to subdivisions affecting private wells.

Chris Beck suggested the City could in the permitting process have a standard in the administrative policy, if the contractor was not going to go below the water table and would be more than x feet from existing residential users the process would be less restrictive.

Discussion:

- suggested identifying the safety and protecting the environment and health issues as the priority items that would be covered in the permit, and more light-handed on the issues that were more disruptive (noise) and use the existing code where applicable to enforce.

Chris Beck summarized that it appeared the group was looking for a permit process that had some teeth that reflected the fact there may be some different standards in different locations reflective of the different concepts where the mining might take place, and reflect different scales of operation (size - hours of operation, or intensity - breaking through the water table).

Chris Beck noted he would have to get some clear rules on grandfathering rights for existing operations that were being expanded or interruption in ownership.

Chris Beck to capture the conclusions identified in the meeting, submit by early next week, and the Committee could refer to it at the City Council December 5 meeting.

**VI. NEW BUSINESS**

There was no new business.

**VII. PUBLIC COMMENT/COMMITTEE COMMENTS**

Neal Bennett:

- noted material sites weren't an issue until this summer, didn't want to see regulations that would tighten their operation so much, already have a set of rules, and the local contractors have been following them.

Paul Liedberg:

- noted Knik was going to start further excavation in February, and questioned grandfathering rights.

Mayor Ruby noted she had contacted Knik earlier to inform them the City was taking up consideration of regulating material sites, and they had been invited to attend the meetings.

Mayor Ruby:

- reported the City was hosting a public meeting next Tuesday, in the Council Chambers, on woodcutting for which DNR, Togiak Refuge, Choggiung, and BBNA were expected to have a presence.

**VIII. ADJOURNMENT**

The meeting adjourned at 7:16 p.m.

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

ATTEST:

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

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

**I. CALL TO ORDER**

The Finance and Budget Committee met on Monday, October 28, 2013, at the City Council Chambers, Dillingham, AK. Bob Himschoot, Chair, called the meeting to order at 5:37 p.m.

**II. ROLL CALL**

Committee Members present:

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

Guests:

Paul Liedberg  
Krista Shirley and Karyn Johnson, FCS Group (*attended by teleconference*)

**III. APPROVAL OF MINUTES**

A. Minutes of September 23, 2013

MOTION: Mayor Ruby moved and Manager Loera seconded the motion to approve the minutes of September 23, 2013.

GENERAL CONSENT: The motion passed without objection.

**IV. APPROVAL OF AGENDA**

There were no objections to the agenda.

**V. STAFF REPORTS**

A. Review of Financial Statements

Finance Director Shade reported with the audit in progress, quarterly financial statements were not available for the meeting.

**VI. UNFINISHED BUSINESS**

A. Fiscal Policy Development

1. Overall Rate Review

a. Water and Wastewater – Presentation by FCS Group

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Krista Shirley and Karyn Johnson, FCS Group, attended via teleconference and presented several revenue requirement and cost of service scenarios, class of service results, and rate design options. FCS to provide additional information as follows:

- will confirm and provide a list of those customers that may be unusually impacted by the new proposed rates, because they've been over or underpaying the current rates;
- will provide a comparison billing for commercial customers and fish processors, current bill vs. proposed bill.

*(FCS Group signed off at 6:25 p.m., but were asked to stand by for an additional half hour in case the committee had additional questions.)*

Discussion:

- noted did not expect the new proposed rates to cover 100% O&M and capital reinvestment, and the City would have to pursue grants for capital projects.

*(FCS Group rejoined the meeting at 6:36 p.m.)*

Committee members were interested in the difference between option #2 and #3.

Option #2 – revised (simplified) the rate structure and 12.5% across the board increase for each class of service, but individual customers could vary based on what they were being charged with the current rates.

Option #3 – analysis was based on revising (simplifying) the rate structure and phasing in the increases based on the cost of services; increases would reach 100% after 5 years, and each class of service was increased based on their actual costs of providing services.

Discussion:

- asked if there was an option for O&M and zero system investment, noted the last direction was to provide scenarios for 12.5% increases, increases to 100%, and analyze how much money would that provide for infrastructure.

*(FCS Group signed off at 6:45 p.m.)*

**MOTION:** Keggie Tubbs moved and Tracy Hightower seconded the motion to recommend to the Council rate Option #2, Scenario A, revise rate structure across-the-board for both water and sewer.

**GENERAL CONSENT:** The motion to recommend Option #2, Scenario A, passed without objection.

Manager Loera noted staff would follow up with FCS on the additional information that was requested, and would recommend scheduling a workshop for December when the FCS Group could be available by teleconference. Staff commented the new rates would be introduced in November and up for adoption in December.

#### B. Dock Insurance Claim

Manager Loera reported the City's insurance claim would be about \$350K by the time all the invoices were submitted, which was under the estimated cost of \$400K. She commented that another insurance claim was being submitted for damages to a piling in the harbor by a tug boat. The barge company would be expected to cover the cost of damages.

C. Options for Excess Raw Fish Revenues

Staff noted for FY 2013, of the \$832K collected, about \$448K was from the past season.

**VII. NEW BUSINESS**

A. Resolution No. 2013-XX – Creating a Nushagak Fish Tax Fund

MOTION: Keggie Tubbs moved and Mayor Ruby seconded the motion to recommend Resolution No. 2013-67, Creating a Nushagak Fish Tax Fund.

MOTION TO AMEND: Keggie Tubbs moved and Mayor Ruby seconded the motion to remove the first three Whereases, and in its place add "Whereas the City generates revenue from the Nushagak Fish Tax" followed by Whereas the City's auditors recommended establishing a separate fund...".

Discussion:

- commented the recommendation was to first create the fund with the intent the City could forward fund in the future, and work out the details after the fund was established; and
- suggested contacting Lake and Pen to obtain a copy of their fund guidelines.

Manager Loera noted she had not had an opportunity to review the draft resolution and would work with staff on any additional wording.

MOTION TO WITHDRAW: Keggie Tubbs moved to withdraw his motion.

MOTION: Keggie Tubbs moved and Manager Loera recommended supporting a resolution to establish a Nushagak Fish Tax and staff to come up with the proper wording for the packet.

GENERAL CONSENT: The motion passed without objection.

**VIII. PUBLIC/COMMITTEE COMMENT(S)**

Bob Himschoot:

- commented that he appreciated everyone's patience through the process.

There were no other comments.

**IX. ADJOURNMENT**

The meeting adjourned at 7:45 p.m.

\_\_\_\_\_  
Bob Himschoot, Chair

ATTEST:

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

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

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-69

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL INCREASING THE WATER AND SEWER RATES**

---

WHEREAS, the current cost schedule established in June 2006, for Title 14, establishes various rates and charges for water and sewer services; and

WHEREAS, the City Council may review these fees and rates as necessary to increase revenues to cover costs of operation, maintenance, and replacement of, to insure health, safety and welfare of the public, and

WHEREAS, in order for the City to apply for grant funding from the State Department of Environmental Conservation a water and sewer rate study was required; and

WHEREAS, the City contracted with FCS Group with the objectives of a complete analysis of our water and sewer rates, customer base and what it would take to cover costs, maintenance and replacement; and

WHEREAS, the FCS Group recommended a revised rate structure that would make our rates easier to manage; and

WHEREAS, the FCS Group provided numerous scenarios that addressed our objective using our existing rates and the recommended new rate structure; and

WHEREAS, the City will need to provide our customer base at least 30 days' notice of the increase which we will start doing in December.

NOW, THEREFORE, BE IT RESOLVED by the Dillingham City Council that increased charges, appended hereto, are established for water and sewer system users for the next five year effective by February 1, 2014.

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

SEAL:

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

ATTEST:

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

**Subject:** A resolution of the Dillingham City Council increasing the water and sewer rates

Agenda of: December 5, 2013

Council Action: Introduced November 7, 2013 and postponed to December 5, 2013. This item will be taken up at workshop scheduled prior to the December 5 Council meeting.

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 \_\_\_\_\_ Funds Available: Yes \_\_\_\_\_ No \_\_\_\_\_

**Other Attachment(s):** None

**Summary Statement.** The City has been involved in a total review of its water and sewer rates for the past year with the assistance of the firm FCS Group. FCS has provided the City with a number of scenarios for consideration which includes a revised rate structure and various percentage of increases for residential and commercial utility users.

After careful consideration the Code Committee has recommended to the Council to accept the revised rate structure which will make managing the rates easier and a 12.5% across-the-board increase for the next 5 years. The existing rate structure is attached along with the new rate structure and what the increases would be until 2015.

Resolution 2013-69 was introduced at the November 7 meeting, postponed to the December 5 Council Meeting, and a workshop to be held prior to the December 5 Council Meeting to explain the recommendation.

City staff will add a notice in the utility billing envelopes mailed to the users starting in December to alert them of the increase effective February 1, 2014.

# Rate Schedules: Water

Revise rate structure, across-the-board increases

Customer Class	2014: 12.50%		2015: 12.50%		2016: 12.50%		2017: 12.50%		2018: 12.50%	
	Fixed Charge	Volume-Based								
Single Family	\$ 36.08		\$ 40.59		\$ 45.66		\$ 51.37		\$ 57.79	
Low Income	\$ 27.06		\$ 30.44		\$ 34.25		\$ 38.53		\$ 43.34	
Multifamily	\$ 29.93		\$ 33.67		\$ 37.87		\$ 42.61		\$ 47.93	
<b>Commercial Flat</b>										
3/4 inch	\$ 12.38	\$ 26.70	\$ 13.92	\$ 30.04	\$ 15.66	\$ 33.79	\$ 17.62	\$ 38.01	\$ 19.82	\$ 42.77
1 inch	\$ 16.49	\$ 44.50	\$ 18.55	\$ 50.06	\$ 20.87	\$ 56.32	\$ 23.48	\$ 63.36	\$ 26.42	\$ 71.28
1 1/4 inch	\$ 22.66	\$ 71.20	\$ 25.50	\$ 80.10	\$ 28.68	\$ 90.11	\$ 32.27	\$ 101.37	\$ 36.30	\$ 114.04
1 1/2 inch	\$ 26.78	\$ 89.00	\$ 30.12	\$ 100.12	\$ 33.89	\$ 112.64	\$ 38.13	\$ 126.72	\$ 42.89	\$ 142.56
2 inch	\$ 39.12	\$ 142.40	\$ 44.01	\$ 160.19	\$ 49.51	\$ 180.22	\$ 55.70	\$ 202.75	\$ 62.67	\$ 228.09
<b>Commercial Metered (per 100 gal)</b>	as above	\$ 0.72	as above	\$ 0.80	as above	\$ 0.91	as above	\$ 1.02	as above	\$ 1.15
<b>Fish Processor Flat</b>										
3/4 inch	\$ 20.01	\$ 385.74	\$ 22.51	\$ 433.96	\$ 25.32	\$ 488.21	\$ 28.49	\$ 549.23	\$ 32.05	\$ 617.89
1 inch	\$ 27.17	\$ 642.90	\$ 30.57	\$ 723.27	\$ 34.39	\$ 813.68	\$ 38.69	\$ 915.39	\$ 43.53	\$ 1,029.81
1 1/4 inch	\$ 37.92	\$ 1,028.65	\$ 42.66	\$ 1,157.23	\$ 47.99	\$ 1,301.88	\$ 53.99	\$ 1,464.62	\$ 60.74	\$ 1,647.69
1 1/2 inch	\$ 45.09	\$ 1,285.81	\$ 50.72	\$ 1,446.54	\$ 57.06	\$ 1,627.35	\$ 64.19	\$ 1,830.77	\$ 72.22	\$ 2,059.62
2 inch	\$ 66.58	\$ 2,057.29	\$ 74.90	\$ 2,314.46	\$ 84.27	\$ 2,603.76	\$ 94.80	\$ 2,929.23	\$ 106.65	\$ 3,295.39
<b>Fish Processor Metered (per 100 gal)</b>	as above	\$ 1.59	as above	\$ 1.79	as above	\$ 2.01	as above	\$ 2.27	as above	\$ 2.55

Effective = 2-1-2014

# Rate Schedules: Sewer

Revise rate structure, across-the-board increases

Customer Class	2014: 12.50%		2015: 12.50%		2016: 12.50%		2017: 12.50%		2018: 12.50%	
	Fixed Charge	Volume-Based								
Single Family	\$ 48.83		\$ 54.93		\$ 61.79		\$ 69.52		\$ 78.21	
Low Income	\$ 36.62		\$ 41.20		\$ 46.35		\$ 52.14		\$ 58.66	
Multifamily	\$ 38.93		\$ 43.79		\$ 49.26		\$ 55.42		\$ 62.35	
Commercial Flat										
3/4 inch	\$ 5.94	\$ 52.07	\$ 6.68	\$ 58.57	\$ 7.52	\$ 65.90	\$ 8.46	\$ 74.13	\$ 9.52	\$ 83.40
1 inch	\$ 5.94	\$ 86.78	\$ 6.68	\$ 97.62	\$ 7.52	\$ 109.83	\$ 8.46	\$ 123.55	\$ 9.52	\$ 139.00
1 1/4 inch	\$ 5.94	\$ 138.84	\$ 6.68	\$ 156.20	\$ 7.52	\$ 175.72	\$ 8.46	\$ 197.69	\$ 9.52	\$ 222.40
1 1/2 inch	\$ 5.94	\$ 173.55	\$ 6.68	\$ 195.25	\$ 7.52	\$ 219.65	\$ 8.46	\$ 247.11	\$ 9.52	\$ 278.00
2 inch	\$ 5.94	\$ 277.68	\$ 6.68	\$ 312.39	\$ 7.52	\$ 351.44	\$ 8.46	\$ 395.37	\$ 9.52	\$ 444.80
Commercial Metered (per 100 gal metered water)	as above	\$ 1.29	as above	\$ 1.45	as above	\$ 1.63	as above	\$ 1.84	as above	\$ 2.07
<i>Minimum charge</i>	\$ 48.83		\$ 54.93		\$ 61.79		\$ 69.52		\$ 78.21	

Effective = 2-1-2014

Water

Customer Class	Existing Rates
<b>Residential</b>	
1 or 2 Family residence	\$ 32.07
Single family low income discount	
Single or double unit apt	\$ 32.07
Apts, 3 or more, single bill	\$ 26.60
<b>Commercial</b>	
Bakery	\$ 99.90
Bev. dispensary, ea. seat <30	\$ 2.78
Bev. dispensary, ea. seat >30	\$ 0.43
Boarding houses, per room	\$ 5.84
Church	\$ 19.33
Medical Clinic w/o lab	\$ 34.75
Club, lodge w/o bar	\$ 20.85
Dentist office per chair	\$ 20.85
Garage without wash rack	\$ 48.00
Hotel base	\$ 59.90
Hotel per room	\$ 5.84
Laundry, per machine < 30 lbs	\$ 159.80
Laundry, per machine > 30 lbs	\$ 239.72
Meat market	\$ 34.75
Office building, single office	\$ 11.12
Restaurant, café	\$ 62.62
Schools, per classroom	\$ 6.96
Hair salon	\$ 23.90
Store (misc.)	\$ 10.00
Store (dry goods, gifts, variety)	\$ 13.90
Store, grocery	\$ 34.20
<b>Demand Charges</b>	
3/4" demand	\$ 25.00
1" demand	\$ 33.34
1 1/4" demand	\$ 40.30
1 1/2" demand	\$ 44.46
2" demand	\$ 97.28
<b>Metered Customers</b>	
Volume Charge (per 100 gal)	\$ 0.39

Sewer

Existing Rates

Customer Class	Existing Rates
<b>Residential</b>	
Single family or duplex	\$ 43.40
Low Income	
Multifamily, 3 or more dwellings	\$ 34.60
<b>Commercial</b>	
Churches, meeting halls	\$ 72.36
Warehouse, powerhouse	\$ 108.54
Restaurants, grocery stores, bars	\$ 307.50
Offices, retail, day care, City Hall, laundromats	\$ 75.60
Dillingham Public Schools	\$ 226.12
University of Alaska	\$ 148.34
Gas stations, garages, shop facilities	\$ 63.32
Boarding house, bunk house	\$ 45.22
<b>Residential/Commercial</b>	
Delta Western Offices	\$ 99.50
Dillingham City School District	\$ 115.80
Combines Residential/Commercial	\$ 151.95
The Washing Machine	\$ 151.95
<b>Commercial with Metered Water</b>	
Bristol Inn	\$ 633.15
Dillingham Hotel	\$ 542.70
Sifsof Building	\$ 316.60
Sea Inn	\$ 307.50
Bristol Bay Housing Auth. (Sr. Apt)	\$ 407.00
Bath House	\$ 452.25

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-74

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING AMENDING THE BBEDC CBG GRANTS BY INCREASING THE FUNDING FOR THE PROJECTS TO UPGRADE AND INCREASE TECHNOLOGY AND REPAIR AND IMPROVE FACILITIES**

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WHEREAS, the Bristol Bay Economic Development Corporation (BBEDC) will provide Community Block Grant (CBG) funding in order to provide BBEDC communities with the opportunity to fund projects that promote sustainable community and regional economic development; and

WHEREAS, the City of Dillingham is a duly organized governing entity, eligible to participate in the Bristol Bay Economic Development Corporation (BBEDC) Community Block Grant (CBG) Program; and

WHEREAS, the City of Dillingham had approved Resolution 2013-35 and 2013-52 which provided the authorization to apply for the BBEDC grants for repair and improving facilities and upgrading and increasing technology; and

WHEREAS, the current grants with BBEDC for upgrading and improving facilities and upgrading and increasing technology could use additional funds; and

WHEREAS, staff was notified by BBEDC on December 3, 2013 that the City had until December 31, 2013 to authorize the expenditures of \$25,600 which is what is remaining at BBEDC for the 2013 Community Development Block grant funds allotted to the City; and

WHEREAS, the City of Dillingham affirms that the projects will provide economic and social benefits for residents, which is one of the criteria for a CBG; and

WHEREAS, a letter with a new budget for the projects will be provided to BBEDC as an amendment versus a full application; and

WHEREAS, the City of Dillingham acknowledges receipt of and agreement to conform to the BBEDC policies for the CBG program.

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council authorizes the submittal of an amendment to BBEDC grant numbers 1010.2013.03 and 1020.2013.03 by increasing the request for these projects by \$25,600 to be split between the projects.

PASSED and ADOPTED by the Dillingham City Council on December 5, 2013.

SEAL:

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Alice Ruby, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Subject: A Resolution of the Dillingham City Council Approving Amending the BBEDC CBG Grants by Increasing the Funding for the Projects to Upgrade and Increase Technology and Repair and Improve

Agenda of: December 5, 2013

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera  
Rose Loera

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

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

**Other Attachment(s):**

**Summary Statement.**

The Curyung Tribal Council has entered into a Memorandum of Understanding with the City of Dillingham that provides their support of the City to apply for the BBEDC Community Development Block grants (CDB) from 2013 – 2017.

The City was notified this week that it needed to authorize the remaining 2013 funds by the end of December which amounted to \$25,600. The City was unaware that these funds needed to be obligated by the end of the year.

The City of Dillingham has three projects that were approved by BBEDC from their 2013 CDB grant as follows:

- 1. Upgrade and Increase Technology
- 2. Repair and Improve Facilities
- 3. Freight/Public Safety

The City would like to allocate \$10,000 to project # 1 and \$15,600 to project # 2. Both projects could use additional funds for improvements throughout the City.

The City has had its IT contractor do a complete assessment of its IT needs. They have identified approximately 28 computers in the City that needs to be replaced because they are becoming a liability to the City because of their age. The City also needs to purchase a terminal server that will allow staff to store information off site versus on their hard drives.

Our staff member hired to work on construction and maintenance projects identified additional areas that need attention. For instance the library foundation has some rotting that is happening from water damage and the ceiling needs to be sealed. The City Hall server room needs an air conditioner installed to keep it cool.

The City will submit a letter and budget amendments to BBEDC to obligate the funds to these projects once the funds are approved.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-75

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING THE APPLICATION FOR SOUTHEAST REGION EMERGENCY MEDICAL SERVICES (SREMS) MINI-GRANT FOR PEDIATRIC SIZED EQUIPMENT FOR USE BY THE DILLINGHAM VOLUNTEER FIRE DEPARTMENT AND RESCUE SQUAD (DVFD/RS)**

WHEREAS, the Dillingham City Council wishes to provide adequate medical equipment; and

WHEREAS, Southeast Region Emergency Medical Services (SREMS) mini-grant is available; and

WHEREAS, the City of Dillingham is applying for a grant in the amount of \$2,500 from SREMS for the purchase of pediatric sized equipment; and

WHEREAS, the City of Dillingham wishes to provide the best medical care to its citizens and visitors;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council approves the application for the Southeast Region Emergency Medical Services mini-grant and authorizes the City Manager to negotiate and execute any and all documents for the submission of the grant.

PASSED and ADOPTED by the Dillingham City Council on December 5, 2013.

SEAL:

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

ATTEST:

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

City of Dillingham Information Memorandum No. 2013-75

**Subject:** A Resolution of the Dillingham City Council approving the application for Southeast Region Emergency Medical Services (SREMS) Minigrant application for Pediatric Sized Equipment for use by the Dillingham Volunteer Fire Department and Rescue Squad (DVFD/RS)

Agenda of: December 5, 2013

Council Action:

Manager: Recommend approval

City Manager: Rose Loera  
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade		
X	City Clerk / Janice Williams	JW	
X	Fire / Norman Heyano	NH	
X	Fire / Megan Brown	MB	

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

**Other Attachment(s):**

**Summary Statement.**

The City of Dillingham Volunteer Fire Department and Rescue Squad will be applying for the Southeast Region Emergency Medical Services Minigrant to purchase 2 Pediatric Broselow bag/kits (one for each ambulance) that will include:

- Seven pouches that contain size specific procedural equipment/supplies for children 3-36 kilograms
- One pediatric broselow tape
- One complete set of pediatric blood pressure cuffs
- One pediatric stethoscope

These projects are essential for the following reasons:

- The current pediatric bags are outdated with many supplies being expired.
- Current pediatric kits are not user friendly and are therefore not readily used.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-76

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING THE APPLICATION FOR AN ASSISTANCE TO FIREFIGHTER'S GRANT (AFG) FOR PERSONAL PROTECTIVE EQUIPMENT (PPE), TURNOUT GEAR, FOR ALL MEMBERS OF DILLINGHAM VOLUNTEER FIRE DEPARTMENT AND RESCUE SQUAD (DVFD/RS)**

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WHEREAS, the Dillingham City Council wishes to provide adequate personal protective equipment (PPE), turnout gear; and

WHEREAS, Federal Emergency Management Agency's (FEMA) Assistance to Firefighter Grant application was available for 2013; and

WHEREAS, the City of Dillingham is applying for a grant in the amount of \$122,850 from the Assistance to Firefighter's Grant (AFG) program, for the purchase of this equipment; and

WHEREAS, the Dillingham Fire Department Executive Committee is in support of this grant; and

WHEREAS, the City of Dillingham will be responsible for a 5% match or \$6,142 which will come from the Ambulance Replacement Fund; and

WHEREAS, the City of Dillingham wishes to provide safe, effective, and healthy equipment for all the volunteers;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council approves the application for the Assistance to Firefighter's Grant and authorizes the City Manager to negotiate and execute any and all documents for the submission of the grant.

PASSED and ADOPTED by the Dillingham City Council on December 5, 2013.

SEAL:

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Alice Ruby, Mayor

ATTEST:

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Janice Williams, City Clerk

City of Dillingham Information Memorandum No. 2013-76

**Subject:** A Resolution of the Dillingham City Council approving the application for an Assistance to the Firefighter's Grant (AFG) for Personal Protective Equipment (PPE), Turnout Gear for all members of the Dillingham Volunteer Fire Department and Rescue Squad (DVFD/RS)

Agenda of: December 5, 2013

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera  
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade		
X	City Clerk / Janice Williams	JW	
X	Fire / Norman Heyano	NH	
X	Fire / Megan Brown	MB	

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

**Other Attachment(s):**

**Summary Statement.**

The City of Dillingham Volunteer Fire Department and Rescue Squad will be applying for the Federal Emergency Management Agency (FEMA) Assistance to Firefighter's Grant (AFG) for a full sets of turnout gear to include:

- Turnout pants with suspenders
- Turnout coat
- Structural Firefighting helmet
- Structural Firefighting boots
- Structural Firefighting gloves
- NFPA approved Nomex Hood

These projects are essential for the following reasons:

- Our current turnout gear is well below the minimum standards set by the National Fire Protection Agency (NFPA) and in poor condition.

**Mayor**  
Alice Ruby

**Manager**  
Rose Loera



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

**MEMORANDUM**

**Date:** November 14, 2013

**To:** City Council/Mayor

**Cc:** Earlene George

**From:** Carol Shade  
Finance Director

**Subject:** Earlene George Property Assessment Request for Appeal (Amended)

At the November 7, 2013 Council meeting Ms. George brought a copy of a letter that was written to her by our Collections Technician, Linda Myers. Ms. George feels that she should be allowed a variance from the Dillingham Municipal Code appeal process due to an error on the part of the City. Unfortunately, the City staff stated that the staff had made an error in sending out the assessments and tax invoices. Below is a chronological chain of events on Ms. George's property:

<u>Item #</u>	<u>Date</u>	<u>Document</u>	<u>Staff Responsible</u>
1	March 14, 2013	BBHA tax Exempt List	Dave McClure (BBHA)
2	May 3, 2013	Email Re: Recently Conveyed Units	Dave McClure (BBHA) & Carol Shade (COD)
3	July 1, 2013	Real Property Tax Invoice	Receivables Staff (COD)
4	July 8, 2013	Email: BBHA Tax Corrections	Dave McClure (BBHA) & Carol Shade (COD)
5	July 11, 2013	Fwd Email: BBHA Tax Corrections	Carol Shade (COD) Receivables Staff (COD)
6	July 25, 2013	Changes to Accounts Memo	Receivables & Collections Staff (COD)

Here is an explanation of the chain of events as itemized above:

1. March 14, 2013: Dave McClure sent me, the Finance Director for the City of Dillingham, an email with the BBHA Tax Exempt List. He does this every year. On that list Lot 11 Block 2, Snagpoint Subdivision, Plat 83-3, Bristol Bay Recording District, was listed as "Doreen Farler (now Connie Timmerman)" with a conveyed taxable date of 2/4/2009 target taxable date of 12/4/15.
2. May 3, 2013: Dave McClure sent me an email discussing some recently conveyed units; none of those units in that email discussed the Doreen Farler house.
3. July 1, 2013: The City of Dillingham's receivables staff mailed out the property tax invoices. The invoice was addressed BBHA-Earlene George and went to BBHA.
4. July 8, 2013: Dave McClure emailed us a list with various BBHA unit changes. One of them was that Earlene George was to be billed directly from the City and was no longer eligible for the 85% HUD exemption.

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

5. July 11, 2013: I forwarded the July 8, 2013 email to the receivables staff for the purpose of updating the property tax system.
6. July 25, 2013: The collections staff also emailed a copy of the tax changes to the receivables staff. Due to the business and grant reporting that had to be done before the end of July the change to the account did not get done until August 9, 2013.

One of the issues Ms. George also brought up is the increased value assessed. In 2012 the home was assessed at \$71,000. In 2013 the home was assessed at \$76,400. This \$5,400 difference resulted in an increased tax amount of \$65.00. However, 2013 was the first year the home was not eligible for the 85% HUD tax exemption, so what Ms. George might be seeing is that the property taxes to be paid went from \$138.64 in 2012, which was paid by BBHA Check 53671, to \$993.20, which is entirely due and payable from Ms. George.

Some further explanations about one of the documents Ms. George included in her appeal to the Council. When the 2013 Property Tax Assessments were generated by the Accufund Accounting System, any tax payers who also had utility accounts had no address in the 2013 Real Property Assessment Notice. This original assessment notice was generated and saved as a pdf. Once the Notices were printed for mailing, the staff noticed that the utility customers' assessments did not have names and addresses on them. She went into the system and corrected this situation and reprinted each of those forms for mailing. She did not at that time print them to pdf or scan them in as a pdf document.

The document that Ms. George showed at the Council Meeting on November 7<sup>th</sup>, with no name or address was printed from the original pdf file by the Collections staff and not out of the Accufund Accounting system that had been corrected.

Finally, the letter that our collections staff wrote to Ms. George should not have referenced an error. The correct terminology should have been, "the assessments were sent out to the tax payers with the information we had available supplied by BBHA at the time." There was no error on the City's part at the time of the assessments.

#### **December 2, 2013 Subsequent verbal discussion with Ms. George**

On December 2, 2013, I contacted Ms. George to explain that the increased assessed value of her home resulted in an actual increase to the taxes of \$65 and that the home was no longer eligible for the HUD tax exemption program. Ms. George told me she knew that it was no longer eligible for the exemption, but she still wants to appeal the assessment.

She feels the house has actually decreased in value, due to work that was performed on the house during weatherization by a local organization. In addition there is a broken window and some other miscellaneous problems with the house.

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

**Subject:** Authorize the City Manager to Execute a Contract for the City-wide Camera Upgrade to TecPro Ltd.

Agenda of: **December 5, 2013**

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera  
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade		
X	Police Chief/Dan Pasquariello	<i>DP</i>	
X	City Clerk / Janice Williams	<i>JW</i>	

**Fiscal Note:** Yes X No \_\_\_\_\_ Funds Available: Yes X No \_\_\_\_\_  
(The fiscal note will be made available at the December 5 Council meeting.)

**Other Attachment(s):** None

**Summary Statement.**

The purpose of this Action Memorandum is to authorize the Mayor or City Manager to execute a contract with TecPro Ltd for the City-Wide Camera Upgrade after the 10 day Notice to Award time frame has expired and if no appeals were received.

The request for proposal was advertised for 30 days and four individuals reviewed the proposals. The City received three proposals. One was deemed non-responsive because it provided no equipment price. TecPro Ltd. was the low-bidder at \$117,790.75.

The grant for this is \$98,000. We will work closely with the contractor to try and get the project in at \$98,000 by only replacing and fixing what is deemed necessary. The contract that is written with them on the project will address this issue. The funds are from the Homeland Security grant that was awarded in October. The project will involve:

- replacing the radios from a 2.4 GHz to a 4.9 GHz which tie into the cameras
- test and replace batteries; and
- computer and software upgrades.

The current radios are operating on the 2.4 GHz frequency which experience pollution interference with other radio/camera systems. The new radios will be operating on the Public Safety 4.9 GHz frequency. There are approximately 70 cameras located in clusters throughout the City. Some of the cameras within a cluster may not be operational and will not be replaced. The clusters viewing angle will be evaluated and reconfigured.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on December 5, 2013.

SEAL:

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

ATTEST:

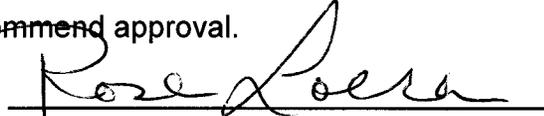
\_\_\_\_\_  
Janice Williams, City Clerk

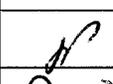
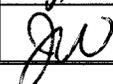
**Subject:** Authorize the City Manager to Execute a Contract for the Alternate Emergency Operations Center to Arcticom

Agenda of: **December 5, 2013**

Council Action:

Manager: Recommend approval.

City Manager:   
Rose Loera

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

**Fiscal Note:** Yes  X  No   Funds Available: Yes  X  No    
(The fiscal note will be available at the December 5 Council Meeting.)

**Other Attachment(s):** None

**Summary Statement.**

The purpose of this Action Memorandum is to authorize the Mayor or City Manager to execute a contract with Arcticom for the development of the alternate emergency operations center at the Lake Road Fire Station.

The City of Dillingham received a \$200,000 legislative appropriation in 2013 for the development of an alternate emergency operations system at the Lake Road Fire Station. This alternate system will be compatible with equipment currently housed at the Dillingham Police Station (DPS). The project will be phased in over a couple of years when funding for the project is fully acquired.

Phase 1 will include setting up a remote station at the Lake Road Fire Station, installation of a UPS (Power Protection) for the Dlg. Police E911 equipment, and work with the local utility company to install the required phone lines into the fire station.

The project was advertised for 30 days and four (4) City of Dillingham employees reviewed the proposal. Arcticom was the only company that submitted a bid; the amount was for \$133,786 for Phase 1. The phone line installations will cost approximately \$15,000.

The City will need to seek funds for Phase II of the project which will involve purchasing the radio and telephone equipment which will mirror what we have in place at DPS and installation of 2 additional repeaters to provide a longer range for the police and fire radios.

It is the intent that the City uses the same contractor until the project is complete. Arcticom was the company that installed our existing equipment at DPS.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on December 5, 2013.

SEAL:

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

ATTEST:

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

**Subject:** Approve administration leave for Christmas and New Year Holiday

Agenda of: December 5, 2013

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera  
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	City Clerk / Janice Williams	JW	

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

Other Attachment(s): None

**Summary Statement.**

In prior years, the City Council has approved administrative leave over the Christmas and New Year's Holiday in lieu of a Christmas gift or bonus, and as a way of expressing their appreciation to the City's staff. Administrative leave is for straight time only. Those positions that are essential have the opportunity to utilize this day at another time. For 2013, City Administration has proposed administrative leave for Tuesday, December 24, and 1/2 day (afternoon) for Tuesday, December 31. We appreciate the Council's consideration.

PASSED and ADOPTED by the Dillingham City Council on December 5, 2013.

SEAL:

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

ATTEST:

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

**Subject:** Approve Library's Five Year Plan

Agenda of: **December 5, 2013**

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera  
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Library / Sonja Marx	SM	
X	City Clerk / Janice Williams	JW	

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

**Other Attachment(s):**

- Five Year Plan

**Summary Statement.**

The purpose of this Action Memorandum is for the City Council to approve the City of Dillingham Library's Five Year Plan. The Library board has approved a draft of a Five-Year Plan at their last meeting. The plan was reviewed by the Library board chair, Librarian and City Manager. The Library has had a five year plan in the past but it was never approved by the City Council. This action would assure documentation of the plan for the future.

The City Manager wanted to make sure that the library board and staff understood that any additional funds needed for this plan will have to be approved during the budgeting process by the council.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on December 5, 2013.

SEAL:

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

ATTEST:

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

**CITY OF DILLINGHAM LIBRARY FIVE-YEAR PLAN<sup>1</sup>**  
**As Recommended by the Dillingham Library Board**

Task	FY14	FY15	FY16	FY17	FY18
Technology	The six computers that stopped working in 2013 need to be replaced		Reevaluate technology needs	Upgrade operating system; upgrade software (e.g. Microsoft Office)	Reevaluate technology needs
Children's programs	Support story hour; recruit volunteers (including middle school, high school, and MAP students); support the summer reading program; plan and execute special events (e.g. holidays, weekends, Beaver Round-Up); make children's section more accessible (e.g. child-sized shelving)				
Bylaws, policies, procedures	Post policies and Library Board meeting minutes online				
	Maintain master binder of policies, agendas, and minutes at library for public viewing; review bylaws, policies, and procedures regularly; create orientation materials for Library Board members (maintain the binder Sonja created in 2012)				
Staffing	Maintain Internet technology aide (funding runs out June 30, 2014)	Expand/shift operating hours; develop a volunteer training program			
	Maintain current staffing level (1 part-time librarian, 1 part-time Librarian Assistant; 2 Library Aides at 14/hours/week; 1 part-time school librarian; 1 temporary summer librarian; Internet technology aide; BBEDC student summer intern/scholarship); request funding for a full-time grant writer/coordinator				
Building	Alarms on the side doors; new boiler (left over from last five-year plan); diaper-changing station; install energy-efficient lighting	UV film on the windows to protect collections; replace outside steps and ramp	New window blinds	New flooring	Loss-prevention system
Equipment needs	Blu-ray cleaner	New washable chairs	Circulation desk	Self-checkout DVD machine (like Redbox)	

**CITY OF DILLINGHAM LIBRARY FIVE-YEAR PLAN<sup>1</sup>**  
**As Recommended by the Dillingham Library Board**

Task	FY14	FY15	FY16	FY17	FY18
Community outreach	Work with the City Clerk to keep the website current; collaborate with Friends of the Library; distribute monthly reports to the Library Board; KDLG radio public service announcements; coordinate with Dillingham City School District to teach library skills and etiquette; post library activities on the City of Dillingham's Facebook page <sup>2</sup>				
Library Board	Meet quarterly; hold special workshops between quarterly meetings to address specific topics (e.g. revisions to the five-year plan); budget planning and review; review and revise the five-year plan, bylaws, policies, and procedures				
Internet	Talk to GCI about limited/prohibiting certain types of downloads (e.g. movies); institute a password to access the wireless Internet	Develop a way to allocate bandwidth so librarians have appropriate access	Purchase Internet-tracking software		
Grants	Maintain and update a calendar of regular grants to apply for, including PLA, IMLS, BBEDC student summer intern program, ILC, Rasmuson, e-Rate; request funding for a grant writer/coordinator				
Circulation	Maintain current weeding <sup>3</sup> policy; collaborate with Friends of the Library on weeding policy and implementation; purchase the latest volumes in book series				

**Notes:**

<sup>1</sup>The funding source for all items recommended in this five-year plan requiring an outlay of funds will be grants. City of Dillingham general funds will be expended only when available.

<sup>2</sup>Library activities may be posted on the Dillingham Trading Post and other community Facebook pages only under certain circumstances with prior permission from the City Manager.

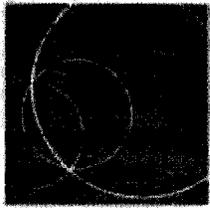
<sup>3</sup>Weeding is the physical removal of items from the library shelves. It is undertaken for a number of reasons, including to create more shelf space and to remove/replace outdated materials.

**Required signatures:**

Library Board: \_\_\_\_\_, approved on \_\_\_\_\_

City Manager: \_\_\_\_\_, approved on \_\_\_\_\_

Dillingham City Council: \_\_\_\_\_, approved on \_\_\_\_\_



AGNEW  
::BECK

# CITY OF DILLINGHAM BACKGROUND AND GUIDANCE FOR MATERIAL SITE REGULATIONS

## RESEARCH FINDINGS REVISED DRAFT - 12.2.13



*Photo: Jody Seitz, City of Dillingham*

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31	SECTION 5: POLICIES AND PROCEDURES

## APPENDICES

I.	List of Sources
II.	List of Interviews
III.	DEC Dewatering Permit
IV.	DNR Temporary Use of Water Permit
V.	DNR Material Sales Permit

# INTRODUCTION

## BACKGROUND AND PURPOSE OF THE REPORT

Access to sand, gravel and rock is critical to community infrastructure, from roads, to airports, dock facilities, and construction sites. Sites where these materials are mined (called “material sites” in this report) range in size and intensity, from large scale operations that run for decades, to smaller and/or short term “mom and pop” operations.

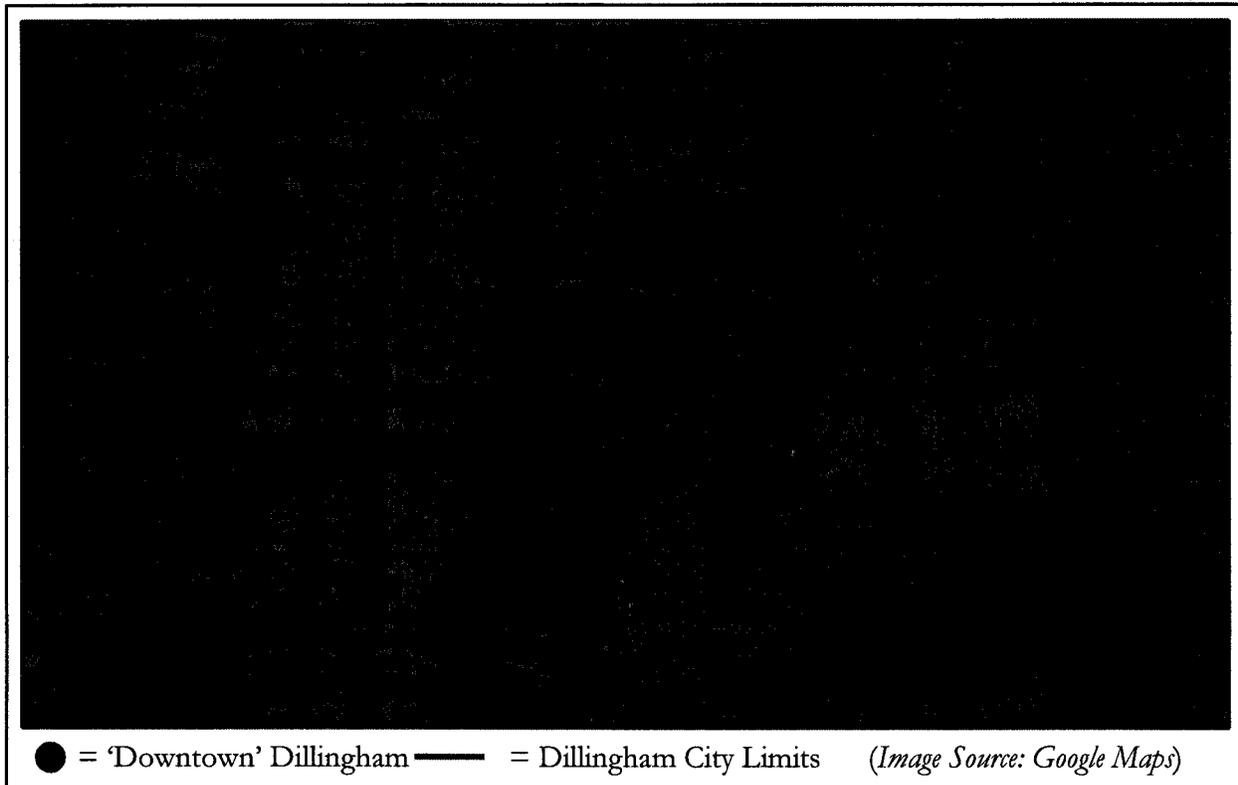


Figure 1: Map of the Dillingham Area

The City of Dillingham has a number of material sites operating within the city limits. As it stands, the municipal code grants the city very limited control over land uses in the area, and has no specific provisions for material sites. Material sites are allowed as “by right” uses in the two zones in the City’s zoning code: the Central Business District (CB) and the General Use District (GU). New construction or development in either zone is required to complete a simple Land Use Permit, but the process does not require public review, or a submittal of plans or a request for approvals, or compliance with specific development standards.

Some standards and permits for material site operation are required by the state and federal governments, addressing specific topics including surface water protection and reclamation. These standards provide basic provisions for environmental protection, but the standards are quite general, and enforcement is limited. General standards have also been established by Bristol Bay Native Corporation for operations taking place on land owned by the Corporation. The Bureau of Indian Affairs also sets out basic standards for material extraction on Native allotments.

The City of Dillingham has funded this report to explore options for improved local management of material sites. The City and most residents recognize the critical importance of access to affordable sand and gravel in the community. In addition to providing material for needed infrastructure, the availability of local construction materials directly supports local construction and mining jobs, and the overall health of the local economy. At the same time, the community wants to ensure that material sites are managed in a way that protects the environment and avoids excessive impacts on community quality of life. With that goal in mind, this report provides a range of options for better local management of material sites.

The intent of this project is to consider current and possible future material sites. While the ongoing Knik gravel operation is referenced in this report, there is no intent to single out this operation for attention or regulation. References to this project merely reflect the reality that this is a highly visible current example in the community, and one that illustrates issues that may arise with any large scale material operation.

## PROCESS

To generate the report, the city hired Agnew::Beck Consulting (A::B) to conduct a review of material site rules in other Alaska communities. A::B has also reviewed and compiled relevant state and federal policies that impact these operations. This research was largely completed through a series of interviews with private and public sector stakeholders and an analysis of a number of state and municipal codes.

## SECTION 1 : : REGULATORY CONTEXT: STATE & FEDERAL

This section provides an overview of the regulatory context for material sites. Relevant policies from the Alaska Department of Environment Conservation (DEC) and the Department of Natural Resources (DNR) are outlined and their implications for local regulation are explained.

## SECTION 2 : : GOALS FOR DILLINGHAM

In Section 2, Dillingham's goals for material site regulations are outlined. This provides context for what the City would like to achieve and delineates Dillingham's regulatory needs from other communities in Alaska.

## SECTION 3 : : APPROACHES TO MANAGE MATERIAL EXTRACTION

Section 3 summarizes the various methods other cities and boroughs are using to regulate material sites in their area. The list of approaches covers the range of strategies, going from a hands-off model to a formal set of zoning guidelines.

## SECTION 4 : : CRITICAL ISSUES, SOLUTIONS IN OTHER LOCATIONS AND OPTIONS FOR DILLINGHAM

There are many critical issues with material site operations. Water table protection, buffers, drainage, site reclamation, and noise are but a few. This section lists major categories of issues, and for each reviews how other places are managing these issues, and then outlines options that may be applicable for Dillingham.

## SECTION 5 : : POLICIES AND PROCEDURES

This brief section lists topics related to policies and procedural issues. The objective is to increase the fit between whatever new approaches are recommended and the City of Dillingham's finite capacity to implement new management practices.

# SECTION 1 :: REGULATORY CONTEXT: STATE & FEDERAL

## STATE AND FEDERAL PERMITS ASSOCIATED WITH MATERIAL EXTRACTION - OVERVIEW OF FINDINGS

This section provides an overview of state and federal permits related to material sites. This section aims to help the City understand what state protections currently exist, where there are gaps on topics that may be of importance, and to set the stage for possible collaboration with these other partners.

The two key agencies involved with material site permits are the Alaska Department of Environmental Conservation (DEC) and the Alaska Department of Natural Resources (DNR). The former deals mostly with water discharge and dewatering<sup>1</sup>, the latter focuses on water use and reclamation.

Key findings include:

- **Not Simple.** Federal and state environmental quality statutes, regulations and practices are frustratingly complex. State responsibilities to material extraction are split between multiple departments and divisions in ways that are not immediately easy to follow, and on some subjects regulatory authority is divided and/or ambiguous. The remainder of this section provides a reconnaissance overview of the regulatory environment, but does not capture all the details.
- **Limits on State Authority.** Overall, State regulations provide a base level of regulation, but less local control than is sought by most Alaska communities, and likely less than what is needed in Dillingham. Topics not well addressed by state and local authorities include:
  - Impacts on groundwater quality affecting private wells
  - Buffers and setbacks for protection of water and visual quality
  - Quality of life impacts: noise, hours of operation, traffic safety & congestion, lighting
  - Impacts on local roads
  - Reclamation plan details
  - Public notice/public involvement
  - Safety & security, liability

### USEFUL FACTS

- A full size pickup bed can hold approximately one cubic yard of sand or gravel.
- A standard dump truck has a capacity of 10-12 cubic yards.
- The standard capacity of a belly dump truck is approximately 18-20 cubic yards.
- One cubic yard = approximately 1.5 tons

*Source: DNR material sale application info sheet*

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<sup>1</sup> Dewatering involves the use of surface pumps to remove water from the ground so that extraction at a material site can occur in a dry state.

- **Compliance? “Diplomatic Encouragement”** When administering permits and addressing violations, State agencies generally aim to encourage vs. aggressively mandating immediate compliance.
- **Little Help for Private Wells.** The State has quite clear authority to manage surface water quality discharge. Likewise the state has clear authority to protect groundwater quality for public water systems serving more than 25 users. The state’s ability to protect individual private wells – in terms of both legal authority and staff resources – is quite limited. DEC and DNR do have some capacity to address drinking water/groundwater quality through the Best Management Practices attached to permits where the State role is clear, such as an APDES or TWUP permit.
- **Water Rights** To be “in the game” when it comes to protecting access to water quantity individual well users should file for individual water rights from DNR. Note: securing water rights for individual well users is not simple – requiring submittal and approval of water rights paperwork and initial (and annual?) fees.
- **Coordination between Local and State Regulations.** Dillingham needs to be proactive in efforts to better coordinate with the State on material site issues, for example, to be notified when material site activity has warranted State intervention in the Dillingham area. A specific need is to be placed on the “agency notice list”. Dillingham could also establish a memorandum of understanding (MOU) with the State that identifies activities to remain under State purview, and those that the local planning office has opted to review. Coordination with the State requires overcoming the challenges of the frequent lack of coordination between State Departments, and between Divisions within Departments.

#### ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM (APDES) MULTI-SECTOR GENERAL PERMIT - DEC

The Federal EPA’s National Pollutant Discharge Elimination System (NPDES) regulates discharge of water that might impact surface water, including the ocean, lakes, wetlands, rivers, and streams. States may take over this permit responsibility from the EPA. After a lengthy process, Alaska DEC assumed state primacy of this program in October 2012, and DEC now issues an APDES (*Alaska Pollutant Discharge Elimination System*) permit. Key elements of the APDES program:

- **Structure:** Under the authority of the APDES program, DEC issues a Multi-Sector General Permit (MSGP) to industrial projects including material sites that have stormwater discharges. Other APDES permits regulate domestic and agricultural discharges; for example, the City of Dillingham’s wastewater treatment facility is also regulated under an APDES permit. To comply with the permit, applicants are required to prepare a SWPPP – a Stormwater Pollution Prevention Plan. (Yes, that’s a lot of acronyms.) Construction projects that affect soils in an area larger than one acre (e.g., Dillingham Airport) are required to get a similar permit.
- **Standards:** Permit compliance is tied to an extensive set of quantified water quality standards, which DEC actively enforces. The permit process for gravel pits focuses on three potential factors: pH, turbidity and sediment.
- **Application of Standards to Specific Projects:** Details of permit requirements are set as a function of the specific business category – “Sector J” in the federal NAICS business

classification system – which reflects the type of gravel being mined. In the case of Knik, this precludes the need to consider Ph, so DEC focuses on turbidity and sediment.

- **Field Inspections:** DEC staff conducts field inspections to assess permit compliance, including a summer 2013 evaluation of Knik operation. This inspection identified possible issues including possible use of aggregate at the project entrance and a sweeper truck over affected roads. A copy of the field inspection report is available from the City.

*Resources:*

- APDES/MSGP permits issued by DEC Division of Water
- Individual contacts include: Wade Strickland, 269-7580, Wastewater Program Manager, Brent Andrews, 269-7560. Brent.Andrews@alaska.gov, Environmental Program Specialist III. Jim Rypkema 334-2288
- <http://dec.alaska.gov/water/wwdp/> DEC’s helpful website, including option to search for listing of current permits issued

## EXCAVATION DEWATERING GENERAL PERMIT - DEC

This DEC permit (Permit No. 2009DB0003) provides a layer of oversight for large scale water discharge potentially associated with excavation-related dewatering. Specifically, this permit is required if the material site will discharge, to “waters of the state”, 250,000 gallons of wastewater or more per day. Discharges below this large threshold are commonly picked up and regulated through the APDES or construction permits described above. Elements of this dewatering permit include:

- **Application Process:** If a permit is required, the process begins with the operator submitting a Notice of Intent to DEC. If approved, DEC sets specific site access, pollution prevention, notification requirements the operator must follow during operation.
- **Best Management Practices:** Management practices must ensure that the dewatering operation is conducted so that the terms of the general permit are met. Some BMPs are outlined in the permit. For example, fuel handling and storage facilities shall be managed to ensure petroleum products are not discharged into receiving waters.
- **Bottom Line:** This permit is something of a leftover from the time prior to DEC taking primacy for the APDES program, and is less important element of the regulatory landscape.

*Resources:*

- A DEC dewatering permit application is included in the Appendix.

## ALASKA WATER QUALITY STANDARDS – DEC AND DNR

Water quality criteria adopted by the State of Alaska are found in the Water Quality Standards in Alaska regulations 18 AAC 70.020(b) and DEC’s Alaska Water Quality Criteria Manual (May 26, 2011). Key points on this topic:

- **Topics:** DEC water quality standards set out specific standards as applied to off-site wastewater discharge. Pollutants that might be expected in the discharge from gravel pits are sediment, turbidity, total metals, and petroleum hydrocarbons. DEC sets numeric

surface water quality standards for sediment, turbidity, and petroleum products in freshwater and marine waters.

- **Limits on Authority:** DEC has authority to managing drinking water quality for community systems serving more than 25 households.
- **Indirect Controls:** Both DNR and DEC are able to indirectly address water quality issues through the BMP's (best management practices) associated with permits where the agencies do have clear authority. For example, DNR can add such standards to a TWUP; DEC can do the same with an APDES permit.
- **Bottom line:** DEC and DNR authorities are very limited when it comes to individual private wells. This lack of control is a function of limitations in legal authority, the reality of finite budget resources, and the high cost and complexity of monitoring ground water conditions and related pollution issues. As a result of these limitations Dillingham should explore options for local policies to protect well water similar to those employed by other Alaskan local governments.

*Resources:*

- Division of Environmental Health manages drinking water quality
- Individual DNR contacts include: Drew Von Lindern 269 7653; Charlie Palmer, hydrologist 269 0292 (Charlie has talked with Jody, was interviewed on Dillingham radio); Mike Walton, DNR Adjudicator

## ALASKA AIR QUALITY - DEC

Like the protection of water quality described above, Alaska manages air quality based on the authority of federal law, in this case the federal Clean Air Act. Alaska has general air quality standards that set the framework for managing air quality issues in the state. Standards relevant to material sites fall into these main categories:

- **Rock Crushers:** DEC has specific permits for specific industrial activities. For material extraction, the applicable permit addresses use of a rock crusher plant. Alaska law requires an owner or operator obtain a minor permit under 18 AAC 50.502(b)(3) before construction, operation, or relocation of a rock crusher with a capacity of more than five tons per hour. Typically, permits run with individual plants which can move around the state; complying with the permit boils down to spraying the bars of the crusher with water to keep down the dust.
- **“Fugitive dust”:** DEC does not require permits for incidental dust associated with ongoing material site operations and the coming and going of gravel trucks. The state does, however, have a broad “fugitive dust” requirement – under Alaska regulations (18 AAC 50.045), “a person who causes or permits bulk material to be handled, transported, or stored, or who engages in an industrial activity or construction project shall take reasonable precautions to prevent particulate matter from being permitted into the ambient air.”
- **“Reasonable precautions”** are measures to prevent particulate matter from being emitted into the air, for example, spraying down material with liquid, installing enclosures around

areas from which emissions come, and discontinuing operation under unfavorable weather events such as high winds. When required, DEC works with operators to determine what reasonable precautions are needed to maintain air quality standards.

*Resources:*

- Division of Air Quality – Andrew Mohrmann- 269 7562

## WATER RIGHT AND/OR TEMPORARY USE OF WATER PERMIT - DNR

A water right is a legal right to use surface or groundwater, as specified under the Alaska Water Use Act (AS 46.15). A water right allows a specific amount of water from a specific water source to be diverted, impounded, or withdrawn for a specific use. When a water right is granted, it becomes appurtenant to the land where the water is being used for as long as the water is used.

- **Indefinite vs. Temporary Use:** If a materials operation is diverting or using water, then it must have a water right from DNR, either a full water right or a temporary water use authorization (TWUP). Both provide authorization to use water, the water right establishes this right into the indefinite future.
- **Permit Thresholds:** The requirement to apply for a water right is presented in 11 AAC 90.035. An application is required if you use or divert >5,000 gallons in one day, or >500 gallons/day for 10 days or more (that's not much water).
- **Permit Triggers:** Material sites may or may not use or divert water and consequently may or may not need a water right. Examples of activities that typically trigger the need for a water right include using water for dust control, dewatering prior to mining, or perhaps most significantly, excavation below the water table and a subsequent need to lower the water table to operate. Regarding this last activity, a water right is needed even if the water is shifted between locations within material operations site (e.g., moved from cell to cell.)
- **TUWP:** DNR's Temporary Use of Water Permit (TUWP) grants a material site the authority to divert, impound, or withdraw water from a specific source on the material site. TWUP's may be issued for up to 5 years, and can be renewed after the first one expires. Requesting a TUWP involves a fee and an explanation of the operation, method of taking water, and water source.

*Resources*

- Water rights/TWUPs are issued by the Water Section at DNR (Division of Mining, Land and Water). Water Section Chief is Dave Shade. He's in Anchorage at: (907) 269-8645; ldavid.w.schade@alaska.gov.
- Interview with Melissa Hill, Hydrologist III, DNR
- Interview with Mike Walton, Water Management Adjudicator
- A copy of the TUWP permit has been included in the Appendix.

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- A copy of the TUWP permit has been included in the Appendix.

## RECLAMATION - DNR

Reclamation is required of all mining operations greater than five acres, including sand and gravel extraction on public and private lands. Reclamation policy is outlined in AS 29.19.020 and 11 AAC 97.250. The law requires submittal of a reclamation plan at least 45 days before mining is proposed to begin; the plan must be approved by the Division of Mining, Land and Water. DNR's reclamation permit (see copy in Appendix) outlines reclamation plan requirements. Examples are below

- **Topsoil:** Topsoil that is not promptly redistributed to an area being reclaimed will be separated and stockpiled for future use. This material will be protected from erosion and contamination by acidic or toxic materials and preserved in a condition suitable for later use.

Stockpiled topsoil will be spread over the reclaimed area to promote natural plant growth that can reasonably be expected to revegetate the area within five years.

- **Regrading and Recontouring:** The area will be backfilled, graded and recontoured using strippings, overburden, and topsoil to a condition that allows for the reestablishment of renewable resources on the site within a reasonable period of time. It will be stabilized to a condition that will allow sufficient moisture to be retained for natural revegetation.
- **Submittal Requirements** DNR's reclamation permit sets out submittal requirements used to issue a reclamation plan. These include:
  - A diagram of the mined area, including the extraction site, stockpile sites, overburden disposal sites, stream diversions, settling ponds, etc., and the mining operation as a whole, including roads to be built, power lines, support facilities, etc.
  - A list of the equipment (type and quantity) to be used during the reclamation activity.
  - A time schedule of events that includes dates and activities related to this reclamation plan.
  - Requires a reclamation bond.

While at first glance the state reclamation process would appear fairly rigorous, in practice the requirements leave a great deal of latitude to the operator. Local governments in Alaska, such as the Kenai and Mat Su Boroughs, have added additional requirements to respond to local interests.

### *Resources*

- The reclamation plan requirements for the Bristol Bay Region are done by the DNR, Southcentral Region. The regional Manager is Rick Thompson, (907)269-8559; richard.thompson@alaska.gov

## DNR MATERIAL SALES ON STATE LANDS

Material sales applications are required for extracting material from state-owned land. DNR lists three types of material sales types in Alaska:

- **Limited Sale:** Less than 200 cubic yards per 12 month period per person. A revocable and nonexclusive contract for personal or commercial use.

- **Negotiated Sale:** Generally cannot exceed 25,000 cubic yards per year per person or company. Material purchased through a Negotiated Sale can be used for commercial purposes. The term of the sale is typically one year, but can be extended depending on circumstances.
- **Competitive Sale:** Includes an unlimited amount of material to be taken over many years. These sales are awarded through auction if there are multiple bidders for one location. Material purchased through a Competitive Sale can be sold or used for commercial purposes. This type of sale is most commonly associated with commercial material site operations.

The application for material sales asks for information on elements such as proposed amounts of cubic yard extraction, type of material to be removed, length of time, and purpose. If a negotiated material or competitive contract is requested from a “new undeveloped site”, a more involved public interest process must be followed. A copy of the Material Sale Permit is included in the Appendix.

## OTHER PERMITS

**Fish Habitat** - If a materials operation directly affects a stream that has either anadromous or resident fish, the operator will need a Title 16 permit from the Alaska Department of Fish & Game (ADF&G), Habitat Division. Any activity or project that is conducted below the ordinary high water mark of an anadromous stream requires a Fish Habitat Permit. This could be the result of direct impact on a stream, or potentially if the operation extracts enough groundwater to impact nearby waterbodies. Contacts for more information:

- The regional biologist in Anchorage is Mike Daigneault, (907) 267-2172; michael.daigneault@alaska.gov
- DF&G – Office of Habitat Management <http://www.habitat.adfg.alaska.gov> Anchorage - 907-267-2342
- Contacts: Jacob Cunha 907-267-2143 Megan Marie 907-267-2446 <http://www.adfg.alaska.gov/index.cfm?adfg=uslicense.main>

**Corps of Engineers Wetland Permit.** If material operations involves wetlands, the operator will need a wetland permit from the Corps of Engineers.

- USACE Anchorage office – Contacts: Mary Romero: 907-753-2773 Mike Holley: 907-753-2777 907-753-2712  
<http://www.poa.usace.army.mil/Portals/34/docs/regulatory/NavWat.pdf>  
<http://www.poa.usace.army.mil/Missions/Regulatory.aspx>  
<http://www.poa.usace.army.mil/Portals/34/docs/regulatory/engform43452012oct.pdf>

## Control of Petroleum Products - fuels

- DEC addresses storage of up to 1300 gallons of fuel above ground as part of the APDES permit mentioned above. Beyond this size job is responsibility of State fire marshal.

## SECTION 2 : : GOALS AND MANAGEMENT OBJECTIVES

Dillingham's recent comprehensive plan provides a number of goals related to land management, environmental integrity, and future growth. The section below presents excerpts from the plan, showcasing goals relevant to material sites in the City. This section also includes an overview of the important objectives for new material site management strategies.

### COMPREHENSIVE PLAN GOALS

The goals below have been gathered from the 2011 City of Dillingham Comprehensive Plan Update & Waterfront Plan. Specifically, they are from the *Summary of Goals: Land Use and Housing* section of the Plan. These goals are all relevant to the material site discussion, and could help guide a policy drafting process.

**OVERARCHING GOAL:** Guide the physical development of Dillingham, to respond to the elements outlined in the community vision, including strengthening the economy, protecting the natural environment, and enhancing the quality of daily life.

**GOAL 2:** Establish a generalized plan for future land use in Dillingham identifying, in broad terms, areas intended for various groups of uses.

**GOAL 4:** Encourage quality subdivision planning and development to improve access and utility provision to lots and to protect the environment.

**GOAL 6:** Allocate land for industrial, institutional and commercial development to support economic and community development and minimize conflicts with other uses.

**GOAL 7:** Ensure that existing and future land uses protect the natural environment to maintain:

- Clean surface water: keep water bodies free from septic pollution, hydrocarbons, and non-point source pollution such as fertilizers;
- Clean well water;
- Healthy subsistence areas;
- Clean air: discourage air polluting industries and monitor pollution from wood burning heat sources;
- Natural beauty: landscape features and access to views that accentuate the beauty of the land and water;
- Dark night skies: minimize light pollution;
- Quiet: minimize noise pollution.

**GOAL 8:** Prepare development guidelines and regulations to protect property values and neighboring land values. Enforce regulations fairly and uniformly.

## OBJECTIVES FOR IMPROVED MATERIAL SITE MANAGEMENT

### NEED A BETTER PROCESS THAN TODAY

Today the City of Dillingham has very limited standards for regulating material site operations within its boundaries. While the City's Municipal Code provides a basic form of zoning with its two districts and a land use permit that's required for new construction or development, neither of these mechanisms specifically address the unique issues associated with material sites, including mining operations, potential-off site impacts and reclamation. Consequently, what authority does existing to manage material sites rests with the DEC and DNR through the permits described in Section 1 of this report. As public attention has recently shifted to material site issues, the City acknowledges the need to be more involved with this important, intensive land use.

### KEEP THE REGULATORY PROCESS SIMPLE YET EFFECTIVE

Material sites in Dillingham are significant economic drivers. They provide material needed for important construction projects and generate jobs that support economic growth. If an expanded regulatory process is implemented, Dillingham does not want the process to unnecessarily discourage or divert material site operators.

### REQUIRE PERMITS PRIOR TO MINING

Dillingham could adopt one of several approaches to managing materials sites. One key feature of whatever system is selected is ensuring review and approvals occur *prior* to mining.

### REQUIRE THE SUBMITTAL OF MATERIALS INCLUDING A MINING PLAN

As shown through practices in other communities, a material site permitting process typically requires advance submittal of plans, including a mining and reclamation plan. This document can help clarify an operator's strategy to satisfy performance standards set forth by the City. A mining plan normally includes items such as setbacks and buffers, site ingress/egress, reclamation plan, fuel storage, and stormwater management.

### SYSTEM FOR COORDINATION/COMMUNICATION BETWEEN CITY AND STATE & FEDERAL AGENCIES

Another management goal for Dillingham is to create a program that coordinates well with any material site programs that already exist. This is intended to take advantage of State and Federal permit requirements and avoid unnecessary redundancy. State and Federal permits are outlined in Section 1 of this report, and as noted, only apply to certain types of material site operations. Dillingham could establish a memorandum of understanding with the State that clarifies responsibilities, and synchronizes applications and, if/where needed, monitoring and compliance. Dillingham could also coordinate with the State to be notified when material site activity has warranted State intervention in the Dillingham area.

## PUBLIC INVOLVEMENT IN THE PROCESS

Involving the public with land use decisions is a characteristic of good governance, especially when land uses are intensive and might impact the environment or neighboring property. A management goal for Dillingham is to clarify the line between minor vs. larger operations that warrant public review. This will likely occur during a review by the Planning and Zoning Commission or City Council.

## CLEAR, PREDICTABLE, TIMELINES

Clarity and sufficient detail in City standards and procedures is needed to ensure the process is fair, predictable, and efficient. Standards and requirements should be clear and complete, and responsibility should be placed on the applicant to provide the specific materials required for efficient review and approval. By placing the onus on applicants, the limited capacity of the planning office is acknowledged and permit review times are expedited. (Note: state law sets time limits on permit reviews, with a policy that permits not acted upon are automatically approved after a certain time period.)

## A TIERED PROCESS THAT REFLECTS DIFFERENT SIZES OF OPERATIONS AND PHASING OF PROJECTS

An approval process should acknowledge the diverse range of material site sizes. Dillingham's process could establish clear thresholds, based on operation size and intensity, which require varying degrees of review and approval processes, and appropriate levels of performance standards. For example, a short term or small site (e.g. a site smaller than five acres) may require significantly less permit review than a 20 acre site. The phasing of material sites (i.e. expansion or creation of secondary pits) should also be addressed. If a material site completes work in one area of the site, reclamation requirements should be implemented prior to expansion or the beginning of an additional phase.

## REFERENCE ESTABLISHED STANDARDS (E.G., BBNC; BIA)

Throughout the drafting process of material site policies, Dillingham will reference and take advantage of the best practices of other regional land owners and land managers, as well as lessons from other communities. **Appendix I** of this report provides an initial list of these valuable resources.

# SECTION 3 : : SPECTRUM OF APPROACHES TO MANAGE MATERIAL EXTRACTION

Different municipalities use a variety of approaches to regulate material extraction (or other activities) within their boundaries. This section provides an overview of those options, focusing on the topics shown in Table 3.1 below.

TABLE 3.1: OVERVIEW OF APPROACHES TO MANAGING MATERIAL EXTRACTION

	1. "Hands Off." Rely on State Permits*	2. City Wide Advisory Guidelines	3. City Wide Administrative Permit	4. City Wide Conditional Use Permit	5. Different Policies in Different Zones
<b>Changes to City code structure</b>	No change	Create advisory guidelines and reference in existing land use permit	Amend code to add new process, new standards – applicant asks for a permit; City reviews, approves	Amend code to add new process, new Conditional Use Permit (CUP) standards	Revise code to add new zoning districts that specify use is: allowed by right, or requires admin or CUP process
<b>Topics Addressed</b>	Limited – water <u>quantity</u> , air, wetlands, reclamation; minimal role on private land. Water <u>quality</u> addressed through APDES and conditions on DNR water use permit	Any topic the City chooses: air and water, setbacks, quality, hours of operation, noise, etc.	Any topic the City chooses	Any topic the City chooses	Any topic the City chooses
<b>Strength of Standards</b>	Mandatory, but in practice State aims to work with operator rather than forcing compliance	Advisory**	Mandatory	Mandatory	Mandatory
<b>Submittal requirements</b>	Development and reclamation plans, modest level of specificity	As set by City – e.g., mining plan, reclamation, access plan	As set by City	As set by City	As set by City, can vary by zone
<b>Required Public Notice &amp; Public Hearing</b>	Material sales from a state-owned, "new undeveloped site" require public notice; DNR releases associated findings	Optional public meeting	Optional public meeting	Required Planning & Zoning Commission Hearing	Varies by zone
<b>Local resources required to administer</b>	Minimal	Minimal	One time process to amend code; individual project review/approval; ongoing compliance	Similar to Admin, but extra increment of work to create and apply	Similar to CUP, but extra increment of work to create and apply; level of review depends on location of permit.

\*Only relevant federal permit is wetlands 404.

\*\*City advisory standards could become required if adopted by ordinance. With this approach no review or permit would be required.

As Table 3.1 shows, these options fall along a spectrum ranging from a hands-off approach, to more active local regulatory methods. Probably the most common approach in the United States is to set up a system that allows different policies in different locations (the column on the far right). Under this approach, extraction in some zones is a “by-right” use, in other locations a conditional use, while in other zones the use is prohibited. These geographic differences allow staff to increase or decrease performance standards based on location. Overall, this approach allows for a high-level of control about “*WHERE*” and “*HOW*” material extraction can occur.

Material extraction can also be regulated without addressing the “where” question – that is, by establishing permitting systems that focus only on the “how”. This section looks at both of these approaches, as well as the option to use advisory (vs. mandatory) policies or to rely only on policies from higher levels of government (i.e. federal or state).

## 1. HANDS OFF, NO LOCAL REGULATION

The least intrusive way of managing material extraction is to have minimal local regulations that apply specifically to this activity. This has been a common approach in many Alaska communities and regions, although in recent years most of the more developed areas in Alaska have adopted more active local regulations.

### *Advantages:*

- Takes advantage of state and federal regulatory controls.
- Supports commercial activity by minimizing regulatory requirements, which reduces project start-up and operational costs.
- Minimizes demands on local staff and community leadership in locations with minimal capacity to develop or implement more active regulatory approaches

### *Disadvantages*

- State and federal controls may not address range of local concerns.
- Provides limited or no opportunity for involving community.

As shown earlier in this report, DEC and DNR regulatory standards only apply to limited facets of material extraction. Their focus is primarily on water quantity and surface water quality issues (with a focus on larger public water systems). These agencies do not address topics of potential concern such as noise, traffic, buffering and potential impacts on private wells.

**Where this approach is used:** Dillingham, unincorporated areas of Alaska – Glenallen and Tok for example. Locations with minimal sand and gravel resources such as Kodiak and Cordova have zoning controls specifying which uses are allowed where, including prohibitions of material extraction in some districts, but do not have specific standards for sand and gravel operations.

## 2. ADVISORY DEVELOPMENT GUIDELINES

Another option for managing material sites is to establish local advisory standards that encourage self-imposed regulation from material site operators/managers. These advisory standards could expand or supplement state and federal policies.

### *Advantages:*

- Takes advantage of state and federal regulatory controls; adds information on local expectations.
- Supports commercial activity by minimizing regulatory requirements, which reduces project start-up and operational costs
- Minimizes demands on local staff and community leadership in locations with minimal capacity to develop or implement more active regulatory approaches

### *Disadvantages*

- Leaves management of material sites to the discretion of the operator – some may be responsible, some may be less so.
- Provides limited or no opportunity for involving community and staff in specifics of material site extraction activities.

**Where this approach is used:** Advisory land use standards are common around Alaska, however, we did not find any such standards specifically focused on sand and gravel operations.

In Bristol Bay, Bristol Bay Native Corporation owns rights to gravel on village corporation land. BBNC has established a set of standards and stipulations for material extraction in these areas. These policies guide extraction of materials with the goal of protecting natural resources and the wellbeing of the community. A similar set of material extraction guidelines has been established by BIA, and is applied in partnership with BBNA on native allotments.

These BBNC and BIA standards are not enforced by the City and do not give the public or the City a voice in the process, but do provide a level of guidance where gravel extraction occurs on native corporation land or native allotments.

## 3 & 4. MATERIAL SITE PERMITTING PROCESS – ADMINISTRATIVE OR CONDITIONAL USE PERMIT

Cities and Boroughs that desire greater control over material sites may opt for a permitting process. Requiring permits grants the ability to enforce specific regulations (or performance standards) and penalize operators who commit violations. This is the first mechanism in this section that directly inserts the local governing body into the material site process.

A permitting system is typically tiered. That is, there are a series of permits that address different intensities of land use. For example, a small (perhaps less than one acre) material site may be exempt from obtaining a permit, while a site larger than one acre may require administrative approval from the planning office. These performance standards and thresholds are explicitly stated in the permitting system, or municipal code.

Highly-intensive may require a permit that involves a review from appointed boards and/or elected officials. This review normally follows an application for a conditional use permit (CUP). In most communities, CUPs align closely with the local zoning ordinance and its prescribed uses. However, conditional use permitting can easily exist in the absence of comprehensive zoning regulations. The defining feature of a conditional use permit is that it requires the planning commission conduct a public hearing on the project prior to approval, and provides the commission the authority to approve the project subject to specific conditions.

***Advantages:***

- Applicants have clear expectations and understand the thresholds for different permit levels.
- High level of flexibility for regulatory scope and limitations. Some permit systems are robust and comprehensive, while others are limited in nature and focus purely on what are judged to be a few, most critical issues.
- Conditional use permits enables a public review process where concerns may be vetted.
- Allows City to specify what information must be submitted as basis for issuance of a permit, for example, a reclamation plan, access plan, and a mining plan.
- Gives the City and community capacity to understand and guide material site activities – at whatever level is deemed appropriate – *before* the operation begins.

***Disadvantages:***

- Permitting and enforcement takes more staff resources. The amount of time required will vary depending on the level of complexity of required standards.
- Conditional use processes take more staff time, and require a longer period from application to approval than an administrative permit.
- Depending on the specifics of the permit requirements, this approach may discourage material site operations.

**Where this approach is used:** Mat-Su Borough, Kenai Peninsula Borough, Valdez, Fairbanks North Star Borough, and Nome (Note: in all these communities, permits are coupled with a zoning system that specifies where material extraction is allowed and prohibited, but as noted above, the permit systems can be used city-wide, without creation of the different zoning districts.)

## 5. DIFFERENT POLICIES IN DIFFERENT ZONES

The previous approaches listed in this section all are based on local zoning powers, but they do little to address the “*WHERE*” aspect of material sites. Perhaps the most intensive mechanism for regulating land uses is a set of zoning standards that apply differently in different geographical areas. Dillingham has this to a limited degree with its Central Business and General Use Districts, and even though they are limited in scope, these districts create a simple zone-based system. With just two zones, however, Dillingham has only limited ability to differentiate between uses allowed or not allowed in different parts of the community.

As stated, zoning’s primary strength is its ability to go beyond the “*how*” question of material site regulation and also define “*where*.” For example, certain areas can be zoned as “Industrial”, and in these areas industrial uses can operate with fewer constraints than would be required in other locations. For example, in industrial areas, the City could rely on an administrative permit process, where in other locations a more intensive conditional use process would be required. Likewise with this approach, the City could identify areas where material extraction would not be permitted.

With material sites in rural Alaska communities, quite simple zoning districts may be adequate to accomplish community goals. With a basic model already in place, the primary task in Dillingham would involve determining if there would be benefits of creating additional zones, and within existing and possible new zones, defining uses that would be allowed, conditionally allowed or prohibited. This system can be as simple or as complex as the City chooses. During this process, the City could create a defined “Material Site Use” that is permitted in some areas, but conditional or prohibited in others.

### *Advantages:*

- *Same advantages as outlined under permitting section above, plus*
- Ability to identify specific areas suitable and not suitable for material site use. This in turn provides the community greater ability to protect specific areas, such as residential areas.
- Flexibility to require different permit processes – from more to less complex – in different locations, for example, allowing material site permit process to be expedited in areas identified as industrial.

### *Disadvantages:*

- *Same as outlined under permitting section above, plus*
- Upfront expenditure (time, money) to draft and adopt zoning regulations in different districts.
- Increased ongoing administration requirements.

### Zoning Terminology:

- “By right” Use – refers to uses that are allowed, as long as they comply with standards, without any special review/approval process
- Conditional Use – refers to uses identified allowed conditionally, that is uses that may be permitted after review, and typically after a set of project-specific conditions are applied to ensure the use is a compatible fit in its location.

- Community concerns that “zoning” is excessive and unnecessary in Dillingham; the related “slippery slope” concern that starting down this path could lead to excessive constraints on needed development
- May limit potential material site locations and economic development.

**Where this approach is used:** Kodiak Island Borough & Mat-Su Borough, Municipality of Anchorage; vast majority of communities around the US

## SECTION 4 : : CRITICAL ISSUES, SOLUTIONS IN OTHER LOCATIONS AND OPTIONS FOR DILLINGHAM

This section provides an overview of important issues related to material site operations. Each topic includes a brief introduction, followed by standards or strategies in other communities, and a short overview of options for Dillingham.

The table below summarizes this information. As outlined in the previous section (Section 3) the City has a great deal of flexibility in the way to address these issues, ranging from relying on the state, to advisory standards, elements of city-wide permits, or associated with uses allowed or not allowed in different land use zones.

TABLE 4.1: SUMMARY OF MATERIAL SITE STANDARDS, ISSUES AND COMMON SOLUTIONS

<b>STANDARD</b>	<b>COMMUNITY ISSUE(S)</b>	<b>COMMON SOLUTION</b>
<i>1. Site Boundary Buffers</i>	Run-off; noise, visual impacts, dust; safety	Standards in permit process or outlined in zoning ordinance.
<i>2. Setbacks</i>	Integrity of adjacent properties and natural features.	Standards in permit process or outlined in zoning ordinance.
<i>3. Ingress/Egress</i>	Truck traffic, noise, road impacts	Advisory recommendations or standards in permit process
<i>4. Existing Uses (grandfathering)</i>	Compliance with new/revised regulations; avoiding onerous requirements on existing operations	A policy that defines a nonconforming material site use; ordinance that defines those standards that require immediate compliance via ordinance.
<i>5. Excavation Below the Water Table</i>	Integrity of water source (quality and quantity) and impacts on adjacent wells	Reliance on state permit requirements; standards in local permit process for monitoring and measurement.
<i>6. Drainage/Stormwater</i>	Impact of stormwater to adjacent water bodies and soils.	Reliance on state permits for certain stormwater strategies; requirement in local permit process for drainage plan.
<i>7. Dust and Air Quality</i>	Air quality and visibility impacts.	Standards in permit process including water or chemical treatment of haul roads.
<i>8. Reclamation</i>	Integrity of site after operation concludes.	Reliance on DNR reclamation permit requirements; local permit standards (especially for erosion and revegetation)

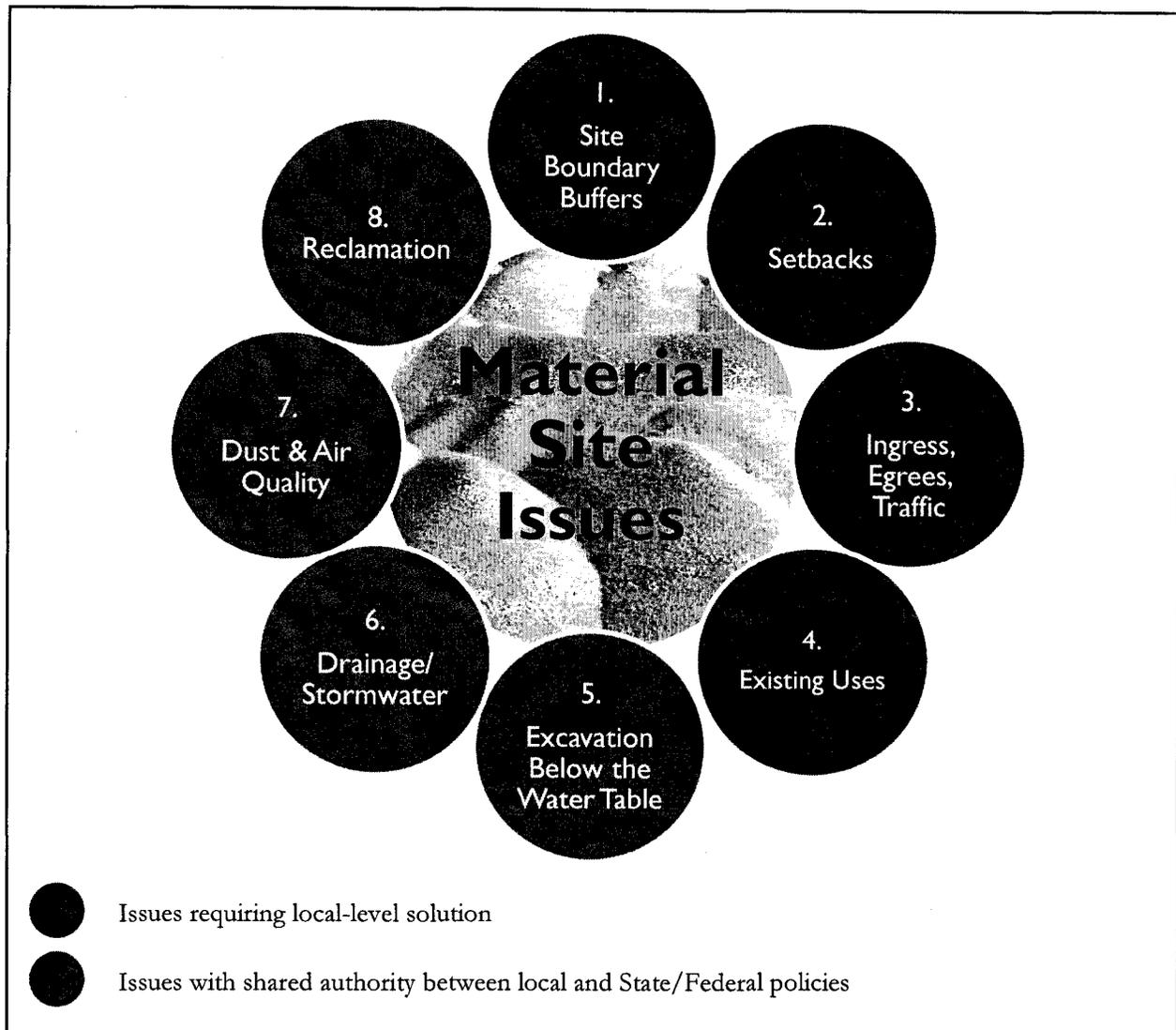


Figure 4.1: Material site issues and place of authority

## 1. SITE BOUNDARY BUFFERS

Buffers are often required around the boundaries of land uses that can adversely impact adjoining areas. Buffers serve several functions: limiting nuisance issues such as noise, dust and visibility of operations; reducing potential impacts to natural features such as water bodies; and reducing potential safety issues, by separating adjoining properties or uses from excavation areas.

### STANDARDS USED IN OTHER COMMUNITIES:

- Kenai Peninsula Borough: The Borough provides three buffer options for material sites requiring a permit:
  - 50 feet of undisturbed natural vegetation;
  - A minimum six foot earthen berm with 2:1 slopes; or

- A minimum six foot fence.
- Mat-Su Borough: During the permit process, visual screening may be required. If so, the MSB allows the following options as acceptable screening measures: berms; natural vegetation; solid fences; walls; and evergreen hedges.

## BUFFERS: OPTIONS FOR DILLINGHAM

Local vs. State: Existing State regulations provide little direction for site buffering. DEC has the option to request buffers for protection of surface water quality as part of the APDES permit. If a buffer is desired for material sites for other reasons, the City will have to provide such policy.

Policy Options: Local policies on buffers need to balance operator's desires to maximize access to resources, with community desires to address specific concerns. Issues to consider include:

- Protection of surface water – stipulations requiring retention of natural vegetation, or encouraging use of flow barriers or sediment traps
- Visual quality – variations in the type and width of the buffer may vary depending on natural vegetation.
- Noise, dust – variation in standards as a function of the nature of adjoining uses.

## 2. BUILDING & DEVELOPMENT SETBACKS

Setbacks, like buffers, are designed to provide appropriate spacing between uses or structures. Although most commonly used for building setbacks from property lot lines, setbacks can also separate development from natural features, such as lakes, streams or wetlands. The City of Dillingham has building setback requirements for both of its districts. In the General Use District (GU), front setbacks are to not be less than 15 feet, and side and rear setbacks should be 5 feet or more.

### STANDARDS USED IN OTHER COMMUNITIES:

- Kenai Peninsula Borough: In addition to site buffer requirements, material sites in the KPB must provide a 100 foot linear separation from any lake, river, stream or other water body, including riparian wetlands and mapped floodplains. This does not include man-made water bodies.
- Mat-Su Borough: Setbacks for material sites vary depending on the degree of permit required. For administrative permits, the minimum zoning requirements of the underlying zone are required. For conditional use or Interim Materials District permits, 25 feet must be provided from all lot lines and rights-of-way. If no development exists on adjacent property, conditional use permits must only provide the setback requirements in the underlying zone. The MSB, like the KPB, also requires a minimum 100 foot setback from lakes and streams.
- Lake and Peninsula Borough: requires a setback from water bodies of 100 feet, primarily for protection of fish resources.

## SETBACKS: OPTIONS FOR DILLINGHAM

Local vs. State: *see discussion under buffering*

Policy Options: Generally similar to buffering; issues to consider include:

- Features meriting setbacks – Features that warrant separation/preparation should be identified and evaluated. For example, the City may wish to establish a setback from waterbodies, for all development or specifically for material sites
- Standards – The DEC recommends that communities should, at a minimum, provide horizontal setbacks from water bodies, and possibly vertical setbacks from the groundwater table.

## 3. INGRESS/EGRESS, IMPACT ON EXISTING ROADS & TRUCK MANAGEMENT

The transport of materials to and from sites often leads to issues/concerns. Access is sometimes provided through residential areas, haul trucks are large and potentially harmful to the road system, and dust/debris is created in the process.

### STANDARDS USED IN OTHER COMMUNITIES:

- Mat-Su Borough: The site plan for a material site must indicate the number and location of vehicular access points, and ensure that anticipated route will not pose safety hazards in residential areas. In the Core Area, a traffic analysis may be required.

## ROADS & TRUCKS: OPTIONS FOR DILLINGHAM

Local vs. State: No direct state regulations, however DEC has broad air quality standards, and can address truck related “trackout” issues under its APDES permit.

Policy Options: The City’s options on this topic range from relying on DEC for limited dust and water related issues, to more active management. Specific possible topics:

- Access Plan – Approval of access routes, hours of operation
- Road wear – Sharing responsibilities for accelerated road maintenance
- BMP’s – DEC’s recently published material site handbook suggests a number of solutions for managing haul-related impacts. These include: designated haul roads within the material site, regular maintenance on haul roads, installation of wheel washers near site exits, stabilized construction exits where dirt meets pavement.

## 4. PRE-EXISTING USES (“GRANDFATHERING”)

When land use policies are amended or adopted, the governing body must determine the applicability to pre-existing uses and structures. For example, if the maximum building height in a community is lowered from 30 feet to 25 feet, it would be unreasonable to require all buildings taller than 25 feet to comply with the new standard. Because of this, there are structures and uses in most communities that are formally identified as legal nonconforming uses; such uses are commonly referred to as being “grandfathered.”

If new material site regulations are created, there will be limits on the degree to which existing operations can be required to comply. While creating new policies, the City should consider how any new policies will apply to current operations. Immediate compliance is usually not possible if it is onerous to the property owner; except where the standard is closely linked with public safety and health. A key part of the maintenance of grandfathered operations is the continuity of the use. A break in operations and/or a change in ownership will often end legal non-conforming status.

#### STANDARDS USED IN OTHER COMMUNITIES:

- Mat-Su Borough: According to the Borough Code, material sites that were in existence prior to the adoption of the ordinance are permitted to continue operations without compliance to more recently adopted policies. Pre-existing uses must comply, however with reclamation requirements and most of the more recently established policies for extraction within four feet or below the water table. On this latter issue, the Borough’s planning office said this decision was reached because water table integrity is directly tied with public health and safety. The nonconforming status for a pre-existing use expires if materials extraction or earth material processing activity ceases for longer than five years.

Like in the Kenai Peninsula Borough, the MSB has faced challenges enforcing its nonconforming use sunset clause. Defining “no activity” and then proving it are difficult tasks. The Borough planning office has been lenient in most cases, and has not reversed grandfathering on a material site.

While pre-existing sand and gravel pits are not required to comply with all the standards of recently adopted policy, the newer policies do function as a clear, albeit advisory set of standards. Operators are aware of these standards and understand the benefits of meeting community expectations on these subjects.

- Kenai Peninsula Borough: When the borough enacted its material site regulations in 1996, it had to decide how existing operations would be held accountable. After extensive negotiation with local stakeholders, the borough decided to grandfather all material sites that had operated between 1986 and 2000. As a result, these existing sites were exempted from all borough regulations regarding material site use.

However, the Borough Assembly found it important to place a limit on grandfathered uses if they were no longer (or had not been) in operation. In 2000, the decided to follow-up with all grandfathered sites in ten years, and if there hadn’t been activity in that timeframe, those sites would no longer be exempt from regulations.

The KPB Planning Director was responsible for this evaluation and began outreach to the grandfathered sites in 2009. The determination was made to maintain the grandfathered

status if material extraction had occurred between 2000 and 2010, or if the *intent* still existed for extraction at a later date. This approach is very lenient towards material sites, and according to KPBB, it maintained healthy relationships between the borough and operators.

## OPTIONS FOR DILLINGHAM

Local vs. State: Existing operations are required to follow established state standards; the City has leverage to work with existing operators through the state to ensure compliance

Policy Options: Considerations affecting local grandfathering policies include:

- Fairness to current operators – realism about the ability of City to control established operations.
- Threshold of regulation – other Alaskan municipalities have passed regulations that allow certain aspects of existing operations to be regulated, e.g., actions that most directly involve public health, such as impacts on wells. If new material site standards are approved, stakeholders should be involved in the process to determine regulatory thresholds and the ability to adapt to proposed policy.
- Exemptions – A possible option for Dillingham is to exempt current material sites from standards unrelated to public safety and health.
- Break in Operations – A time limit for grandfathering could be placed on material sites that are inactive. For examples, if a grandfathered material site has no activity for five years, it must become compliant with all current standards when activated again.

## 5. EXCAVATION BELOW WATER TABLE

One important threshold affecting the potential impacts of a material site is its intersection with the water table. In some locations, extraction can stop above the water table; in many instances, however, there are strong economic reasons to excavate below this line. Crossing into the water table creates concern about impacts on water quantity and quality, both for local wells and potentially for surface water bodies.

### STANDARDS USED IN OTHER COMMUNITIES:

- Kenai Peninsula Borough: If a material site intends to excavate more than 300 horizontal feet in the water table, a conditional land use permit (CLUP) process is triggered. During the review, the applicant's conditional approval is based on the following:
  - A certification from a qualified civil engineer or professional hydrologist that the excavation will not negatively impact the *quantity* of the aquifer serving existing water sources;
  - Installation of a minimum of three water monitoring tubes or well casings by a qualified civil engineer or professional hydrologist that are adequate to determine flow direction, flow rate, and water elevation;
  - Groundwater elevation, flow direction, and flow rate for the subject parcel, measured in three-month intervals by a qualified civil engineer or professional hydrologist at for at least one year prior to application;
  - Operations shall not breach an aquifer-confining layer.

- Mat-Su Borough: Protecting the integrity of the water table is a priority in the MSB. The large majority of MSB residents get their water from wells, and the potential consequences of water table degradation could be severe and widespread.
  - In section **17.30.037** of the MSB Code outlines specific requirements for extraction of resources below or within four feet of the water table. These standards are substantially more specific than those in the Kenai Peninsula Borough and warrant a close review. Extensive pre- and post-monitoring of the water table must be completed, in addition to an array of other intensive performance standards.
  - After the current water table regulations were added to the MSB code, no operators have proposed extraction that would trigger the requirements. According to the Borough's planning office, this is likely because of how stringent the regulations are and the fact that harm to the water table can be incredibly costly.
  - The planning office did express some caution with the four foot rule; specifically that four feet is hardly enough to provide adequate filtration, and it doesn't provide enough soil for future construction on that area of the site.

## OPTIONS FOR DILLINGHAM

Local vs. State: As explained in Section 1, excavation below the water table typically requires moving water within the project site, which triggers a need for a temporary or longer term water right from the state. State controls on drinking water quality do not extend to potential impacts on individual private wells.

Policy Options: If the City of Dillingham desires a greater level of control than that provided by the State, it could potentially adopt standards like those found in the Kenai Peninsula or Mat Su Boroughs. Elements of such a policy likely include:

- Permit System – Overall permit system including detailed water quality and quantity regulations
- Monitoring procedures – System of rules and procedures related to monitoring; typically this includes pre-mining monitoring to assess “base case” conditions, ongoing monitoring as mining moves ahead, and water standards (local or tied to state/federal standards)
- Management capacity – Internal capacity to supervise monitoring and other standards

## 6. DRAINAGE/STORMWATER/SURFACE WATER QUALITY

Stormwater management practices aim to control water quality and prevent excessive erosion. Methods for managing surface runoff include retention of natural vegetation and natural drainage ways, control of pervious surfaces, and construction of features like diversion ditches, trench drains, and culverts. Methods for treatment include settling ponds, retention basins, and constructed wetlands.

## STANDARDS USED IN OTHER COMMUNITIES:

- Valdez: All material sites must provide a drainage plan during permit review.
- Nome: The material site development shall provide a drainage system that is designed to deposit all runoff into either an engineered drainage system or into a natural drainage in conformance with the city's drainage management plan.

## OPTIONS FOR DILLINGHAM

Local vs. State: State DEC regulates surface runoff under its APDES program, which requires a SWPPP – a stormwater pollution prevention plan – for many different types of development, including material sites. Relative to other material site issues, DEC has reasonably clear authority and capacity to address this issue, although many local governments add additional specific standards. Certain stormwater methods require permits (e.g. diversion into surface water bodies).

Policy Options: If the City of Dillingham desires a greater level of control than that provided by the State, it could add additional local regulations on this subject. Issues to consider include:

- Permit System – Overall permit system, and overall drainage standard, e.g., policy stating no offsite impacts or changes in runoff as a result of operations
- Drainage Plan – Requirement to submit drainage information as part of a mining plan or as stand-alone document.
- BMP's – Requirement/recommendation that drainage plans adhere to the DEC's Best Management Practices.

## 7. DUST AND AIR QUALITY

Material sites activities - the excavating, processing, loading, and hauling a materials – can often generate signification amounts of dust. There are simple abatement practices that many material sites use to lessen the impact of dust.

## STANDARDS USED IN OTHER COMMUNITIES:

- Kenai Peninsula Borough: Dust suppression is required on haul roads within the boundaries of a material site. Operators can satisfy this requirement by applying water or calcium chloride to the haul road surface.

## OPTIONS FOR DILLINGHAM

Local vs. State: The state of Alaska has a general policy that encourages reduction of dust, and specific air quality rules for rock crushers. Recent gravel operations in Dillingham suggest the State is not necessarily going to be active in monitoring and enforcing the State's broad standards.

Policy Options: If the City of Dillingham adds dust regulation to a material site policy, it's possible for strategies to be simple and of little impact to material site operators. Specific policies might include:

- Dust Control – Irrigation or treatment of haul roads with water, magnesium chloride, or calcium chloride
- Drop Heights – Limiting the drop height distance from loaders, conveyors, or excavators
- Equipment Guidelines – Requirements for dust skirts on excavation equipment.

## 8. RECLAMATION

Site reclamation is one of the most common performance standards associated with material sites in Alaska. Alaska Statute 27.19 requires a state-approved reclamation plan for all mining operations on public or private lands. If approved, the DNR will issue a reclamation permit for the project. Like with the other issue in this section, cities or boroughs may enact additional measures for material site reclamation.

### Reclamation Typically Involves:

- Removal of all mine facilities
- A grading plan to establish stable slopes and adequate drainage
- Self-sustaining vegetative cover
- Performance monitoring during and after reclamation.

*Source: Alaska DEC User's Manual: Best Management Practices for Gravel/Rock Aggregate Extraction Projects*

### STANDARDS USED IN OTHER COMMUNITIES:

- Mat Su Borough: All permit types (administrative, conditional, and Interim Materials District) must submit a Reclamation Plan during the permitting process. Items covered in Plan must be accomplished within four growing seasons of an operation phase being completed. The reclamation plan covers issues such as top soil remediation, slope conditions, and revegetation. The revegetation standard requires live plants be placed on 60 percent of the restored area by the end of the fourth growing season following phase completion. MSB's reclamation standards are found in section **17.28.067** of the MSB Code.
- Bristol Bay Borough: A plan must be submitted during permitting that covers: revegetation; restoration of cleared lands; preventative measures for erosion, siltation, sedimentation to natural water bodies; and protection of adjacent property.
- Nome: After completion of excavation, material site operators to protect all exposed slopes, cleared, filled and disturbed soils to prevent further erosion.
- Kenai Peninsula Borough: All material sites require a reclamation plan to cover various measures such as revegetation with non-invasive species, soils treatment, and trench remediation. Permits for material sites are for 5-year periods and a renewal will not be issued until all exhausted areas are reclaimed.

### OPTIONS FOR DILLINGHAM

Local vs. State: While the State has general reclamation requirements and standards, most of Alaska's more developed boroughs have concluded that local policies are needed to add detail and local enforceability to these broad rules. .

Policy Options: Reclamation standards the City of Dillingham might establish include:

- State reclamation values within local advisory standards. This will convey importance of reclamation principles to material site operators, but because they are advisory, action will not be guaranteed.
- Establish reclamation standards with a "Material Site Use" in the municipal code. This option avoids the requirement of a physical reclamation plan, and places the focus on the City of Dillingham Municipal Code. It would involve the adoption of an ordinance that defines a Material Site Use, and related standards. Any reclamation goals or policies could be folded into these performance standards, thus giving Dillingham the legal authority to enforce regulations.
- Submission of a reclamation plan during a permitting process. Requesting a reclamation plan prior to issuance of a permit grants Dillingham the ability ensure reclamation priorities will be satisfied during and after site excavation. Again, resources should be used on identifying critical issues for Dillingham, and focusing on objectives the city has the capacity to enforce.

## OTHER ISSUES

### ON-SITE FUEL STORAGE

The primary goal of on-site fuel storage standards is to maintain the integrity of nearby water sources and various measures may be implemented to do so. Some communities establish requirements thresholds for storage measures, such as the size of fuel tank(s). The DEC recommends fuels to be stored in a line containment areas that are at least 200 feet from any surface water body. The Kenai Peninsula Borough requires that containers larger than 50 gallons be contained in impermeable berms and basins capable of retaining 110% of the fuel storage capacity (anything smaller than 50 gallons should not to be stored directly on the ground). A possible advisory measure is the monitoring of fuel storage areas to look for signs of contamination such as rainbow sheens on surface water. The Government of Alberta, Canada, recommends that all fuels and other hazardous materials be stored off-site when possible.

### SECURITY

Security at material sites prevents two major events: theft or vandalism of operator equipment, and injury of persons or wildlife that wander into the site. Through basic fencing measures (chain link or barbed wire), or berms, sites can easily be secured. The British Columbia Ministry of Energy & Mines also recommends that "no trespassing" signage be placed on the fence every 100 to 150 feet. These type of security requirements can be folded into general site buffering standards, or be more

specific and address areas immediately surrounding the pit itself. To implement, security standards could exist either in advisory recommendations or through codified regulations in permits or zoning.

## OTHER ON-SITE STRUCTURES – RESIDENTIAL AND COMMERCIAL

The more specific land use codes address accessory structures on material sites. This level of regulation ensures that all on-site development complies with permit standards or zoning guidelines. For example, in the Mat-Su Borough Code, a number of accessory uses are permitted in their Interim Materials District (IMD). These uses include employee housing, maintenance shops, storage buildings, etc. Possibly the most important policy element with accessory buildings is that they also adhere to the established setbacks/buffers deemed appropriate for a material site operation, which can be shown in the mining (or site) plan.

# SECTION 5 : : POLICIES AND PROCEDURES

If the City of Dillingham elects to implement any material site approach, other than maintaining the “hands off” model, new policies and procedures will be needed. The purpose of this section is to provide a preliminary list of procedural/policy issues to consider prior to a final decision on policy direction. Creating and implementing land management policies can be time-consuming, impacting staff, the Planning Commission and City Council, operators and the community at large. The goal is to find the balance point between the benefits of improved land use management policies, realistic estimates about the time and costs required to comply with administer such policies, and realistic judgments about the availability of City staff resources.

## POLICY DRAFTING AND ADOPTION

Creating advisory standards, permitting system(s), or zoning changes would all require some form of new policy. The table below provides a brief synopsis of the policy drafting and adoption work involved with each material site management method.

TABLE 5.1 PROCESS AND RESOURCE NEEDS FOR MATERIAL SITE MANAGEMENT MEASURES

METHOD	ADOPTION PROCESS	RESOURCE NEEDS
<b>Advisory standards</b>	<b>Resolution.</b> Because advisory standards are not obligatory or enforceable through law, only a resolution is required. This could be handled by the P&Z (likely including a recommendation from the Code Committee).	<b>Minimal.</b> The advisory standards could be created by staff, perhaps with assistance of a consultant, and review by operators, land owners and the public.
<b>Creating material site permit system</b>	<b>Ordinance.</b> Because permits are enforceable by law, an ordinance must be passed. This process requires review and recommendation by P&Z, followed by final review at City Council. for final determination	<b>Moderate to extensive, depending on scope of changes.</b> Staff must define “material sites” in the code, and then establish associated permit standards and procedures. Public hearings are required.
<b>Zoning district changes</b>	<b>Ordinance.</b> The process would need to be initiated by council or by petition. Existing and new maps and zoning categories must be defined; standards for specific uses (material sites, for example) have to be refined. Products would be reviewed first by P&Z with public hearing, and then submitted to City Council for final determination.	<b>Moderate to extensive, depending on scope of changes.</b> If new zones are created, mapping must be done. If current districts are maintained, staff must prepare land use definitions and standards to be reviewed by public, P&Z, and Council.

## STANDARIZING SUBMITTALS; SETTING PERMIT FEES

Regardless of the method used, one of Dillingham’s critical goals is to have consistent and high-quality material site applications. The Dillingham Planning Office doesn’t have the capacity to carefully guide each operator through the process. Standardizing submittals can be done through advisory standards, but the City may find more leverage through a formalized permit process. This latter approach amends the provisions of the municipal code and grants planning staff the authority to reject permit applications until they meet established submittal criteria.

One option for the City is to create a “Material Site Submittal Guide” that would include an example of an ideal submittal. This guide would provide clear evidence for material site operators as to *how* and *what type* of documents must be submitted. If the submittal shows up in an inconsistent format, the planning office simply doesn’t accept it and the operator returns with a compliant product.

The City will have to bear the cost of creating any new management standards. Once the system is in place, however, most state and local governments now set permit fees that cover most or all staff costs to process development applications.

The planning office could implement a simple incentive mechanism, such as a 10% reduction in permit cost, if initial submittals comply with identified standards.

## REVIEW AND APPROVAL TIMES

The review and approval times associated with any given land management strategy is worth careful consideration. Intensive zoning regulations may take more time to manage than a standard permitting process. Table 5.2 below anticipates the review and approval times for the three main material site policy options.

TABLE 5.2 REVIEW & APPROVAL FOR MATERIAL SITE MANAGEMENT OPTIONS

METHOD	REVIEW TIME	REASONING
<b>Advisory standards</b>	Status quo	Planning staff would simply review the existing Land Use Permit without any additional review authority or performance standards.
<b>Material site permit system</b>	Relatively quick for administrative permits; slower for conditional use permits.	Administrative permits would be reviewed and approved by planning staff. Time would mostly involve checking permit for compliance with standards. Conditional use permits require a public hearing and review by the P&Z and/or Council.
<b>Zoning district regulations</b>	Relatively quick in “by-right” districts, more time in conditional use districts.	A “by-right” use in any district can be reviewed/approved administratively. If the use is defined as conditional, a public hearing and review by the P&Z and/or Council must be conducted.

## MONITORING, ENFORCEMENT & FINES

When formulating new land management practices, City staff should take into account the work needed to monitor and enforce compliance. In larger cities, it is common for a planning office to employ a code enforcement officer. This person is responsible for responding to citizen complaints, and providing consistent oversight of land use activities. However, in smaller communities like Dillingham this role can be hard to support. Consequently, the responsibilities of a code enforcement office likely will need to be carried out by existing staff.

Adopting clear standards and focusing on the issues of greatest potential impact is a good general approach to minimizing the burdens of compliance, on both operators and the City. Likewise the City should not adopt standards unless it is fully willing to enforce these rules, (even when operators, some of whom may be local residents, ask for exceptions). If the City lacks the capacity and will to monitor and enforce policies, operators will notice a lack of oversight and ignore material site policies. In the Kenai Borough, the planning office conducts yearly inspections of all material sites and is able to respond to citizen complaints.

If the City adopts material standards a system of fines should be established. Most operators will aim to comply with standards, but there must be consequences if all operators are to abide by the rules. Frequently, warnings are the first step in land use enforcement, followed by actual fines. Fine structures can be set up as civil or criminal violations. Civil violations – similar to parking tickets – can be simpler to implement. If the fines are assessed every day the operation is in violation, the amounts build up quickly, and provide an incentive for compliance. Planning offices try to engender healthy relationships with businesses in the community and practicing sound enforcement is one way of achieving this.

Some specific monitoring issues may include:

- Reclamation requirements: As stated above, the Mat-Su Borough requires any completed phase of a material site to be satisfactorily reclaimed within four growing seasons. The Borough's planning office was candid about the difficulty in accurately enforcing this. When was the phase technically completed, and which growing phase will be the fourth? This is the primary question that the Borough struggles to answer and experiences enforcement difficulties as a result.
- Grandfathering: In the Kenai Peninsula and Mat-Su boroughs, the issue of pre-existing, or grandfathered, uses have been addressed. However, both agencies have expressed difficulties in enforcing the language in their codes. If material site inactivity is the trigger for revoking a grandfathered status, planning staff have a very difficult onus for proving such inactivity. Does one shovel of extraction during five year period qualify as reasonable activity? Does the intent to mine satisfy a pre-existing use? These are the type of questions that both boroughs have dealt with.

# APPENDIX I: LIST OF SOURCES

DOCUMENT	AUTHOR
Best Management Practices for Gravel/Rock Aggregate Extraction Projects: Protecting Surface Water and Groundwater Quality in Alaska (September 2012)	Alaska Department of Environmental Conservation.
Borough Code: Matanuska-Susitna Borough	Matanuska-Susitna Borough
Code of Ordinances: Kenai Peninsula Borough	Kenai Peninsula Borough
Code of Ordinances of Nome	Nome, AK
Fairbanks North Star Borough Code	Fairbanks North Star Borough
Ketchikan Gateway Borough Code	Ketchikan Gateway Borough Code
Lake and Peninsula Borough Code	Lake and Peninsula Borough
Material Site Regulations	Jody Seitz, City of Dillingham
Exhibit C – Mining Stipulations: General Stipulations	Bristol Bay Native Corporation
Best Management Practices User Manual for Aggregate Operators on Public Land	Government of Alberta, Sustainable Resource Development
Aggregate Operators Best Management Practices for British Columbia	British Columbia Ministry of Energy & Mines
City of Dillingham Comprehensive Plan Update & Waterfront Plan	City of Dillingham, 2011

# APPENDIX II: LIST OF INTERVIEWS – *IN PROGRESS*

INTERVIEWEE	ROLE	DATE
Max Best	Planning Director, Kenai Peninsula Borough	October 31, 2013
Alex Strawn	Development Services Manager, Matanuska-Susitna Borough	November 18, 2013



November 13, 2013

Denise Lisac  
c/o Dillingham School District  
PO Box 170  
Dillingham, AK 99576

Dear Denise:

Congratulations! The City of Dillingham is so proud to have you selected as Alaska Teacher of the Year for 2014. Our community is very fortunate to have had you as a teacher for the last 30 years. You are a wonderful example, not only because of your dedication to the teaching field and our students, but to the community as well.

We hope you don't see retirement on your horizon anytime soon.

Again, congratulations Denise.

Sincerely,

A handwritten signature in cursive script that reads "Alice A. Ruby".

Alice Ruby  
Mayor

cc: December City Council Packet

# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET

SEAN PARNELL, GOVERNOR

P.O. BOX 110020  
JUNEAU, ALASKA 99811-0020  
TELEPHONE: (907) 465-4660  
FAX: (907) 465-3640



November 20, 2013

Ms. Rose Loera  
City Manager  
City of Dillingham  
P.O. Box 889  
Dillingham, AK 99576

Re: Dillingham Landfill Regulatory Compliance Improvements

Dear Ms. Loera,

Thank you for writing to Governor Parnell in support for the City of Dillingham's landfill regulatory compliance improvement project and your request that funding be included in the FY2015 budget proposal. We appreciate hearing from you and will take your request into consideration.

The Parnell Administration remains focused on fostering a climate for Alaskan economic opportunity. The administration's economic package includes disciplined use of the people's checkbook and resource development. We are currently working with State agencies on the budget that will be released to the public and the Legislature by December 15, 2013.

With budget discipline and careful management of budget reserve funds, Alaska will continue to provide essential public services and be a place of opportunity. The December budget proposal is the starting point for working with the Legislature on the operating and capital spending plan for the next fiscal year.

We appreciate hearing from you.

Sincerely,

Karen J. Rehfeld  
Director

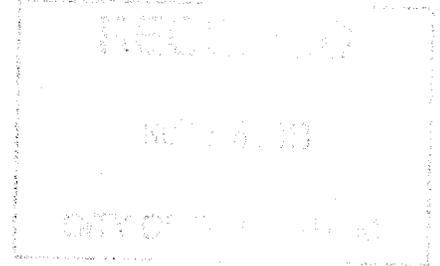
# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET

SEAN PARNELL, GOVERNOR

P.O. BOX 110020  
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We appreciate hearing from you.

Sincerely,

Karen J. Rehfeld  
Director

December 2, 2013



Honorable Senator Mark Begich  
111 Russell Senate Building  
Washington DC 20510

Dear Senator Begich,

The City of Dillingham is aware that the potential for continued PILT funding is in jeopardy. At a time in our state where municipalities will most likely see decreases in state funding due to the ramifications of SB 21, the members are very concerned. We also are facing the fact that we don't have many options if funding is decreased through both federal and state programs, as municipalities are fined by the state if we lay-off employees that remove an entire group or classification from our payroll, thus removing those people from the PERS system. In other words, we have lost much of the ability to manage our personnel.

We know that Harry Reid holds many of the cards in this decision to fund PILT. We here in Alaska, believe that if our residents must pay property taxes for services, the federal government should, as well. PILT is not a subsidy.

We encourage you to make your thoughts and your own personal experience as a Mayor known to Sen. Reid on the importance of PILT. I have included the amounts and the municipalities affected by this important program:

Aleutians East Borough	\$512,818
Bristol Bay Borough	\$152,159
Denali Borough	\$304,186
Fairbanks North Star Borough	\$409,639
Haines Borough	\$366,573
City & Borough of Juneau	\$1,797,920
Kenai Peninsula Borough	\$2,662,396
Ketchikan Gateway Borough	\$1,017,546
Kodiak Island Borough	\$1,400,381
Lake & Peninsula Borough	\$268,333
Mat-Su Borough	\$3,216,649
Municipality of Anchorage	\$670,290
Municipality of Skagway	\$123,698
North Slope Borough	\$1,135,374
Northwest Arctic Borough	\$1,062,047
Petersburg Borough	\$623,623
City & Borough of Sitka	\$596,029
City & Borough of Wrangell	\$389,845

City & Borough of Yakutat                      \$108,371

The remainder is provided to the State for disbursement to those cities (dependent on federal property in their boundaries) in the unorganized borough to the tune of

          \$8,140,626          

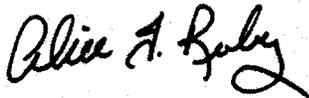
for a total of    \$26,458,503

The City of Dillingham's share of this is \$419,516. Loosing this would have a significant impact on our operations.

As you well know through your hard work with small communities during your tenure as Mayor, while the total, nation-wide PILT funds of \$400 million may not be a large ticket item in the federal government budget, it is a large percentage of the budgets of, especially, the small rural municipalities.

We appreciate your help in this manner, as we also appreciate your concern for Alaska's municipalities.

Sincerely,



Alice Ruby  
Mayor



217 Second Street, Suite 200 ♦ Juneau, Alaska 99801

Tel (907) 586-1325 ♦ Fax (907) 463-5480 ♦ [www.akml.org](http://www.akml.org)

## ALASKA MUNICIPAL LEAGUE

### FEDERAL PRIORITIES

2014

- **PAYMENT IN LIEU OF TAXES (PILT)**

The League supports full funding of the PILT program, to the authorized levels of P.L. 103-379 (over \$300 million, nationwide).

- **SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT (SRS/TIMBER RECEIPTS)**

The League supports the reauthorization and enhancement of the Secure Rural Schools Program (P.L. 112-141). Reauthorization should maintain coupling between payments to boroughs and active natural resource management; and the connection between sustainable natural resource management and the stability and well-being of forest municipalities.

- **CLEAN WATER ACT**

While supporting clean water act provisions that protect wetland habitats and rivers and streams of Alaska, the League opposes federal efforts to change the definition of the Clean Water Act from "navigable" waters to "waters of the United States," and also opposes federal efforts to further expand the authority and responsibilities of the federal agencies in regard to these waters.

- **ARCTIC ISSUES**

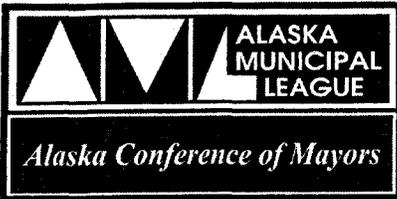
The League asks Congress to be aware of the importance of the arctic region as it relates to national security, environmental concerns relating to the use of the seas, and to economic development for Alaska's coastal communities.

- **LAND USE DESIGNATIONS**

The League opposes decisions on land use designations that are not completely reviewed through the proper Congressional system, with appropriate state and local input. The League urges Congress to immediately convey all remaining state and Native selected land.

- **ENERGY EFFICIENCY GRANTS**

The League supports full funding of the Energy Efficiency and Conservation Block Grant (EECBG) Program to state and local governments.



**ALASKA MUNICIPAL LEAGUE  
STATEWIDE PRIORITIES  
2014**

• **ENERGY**

We believe the Legislature must aggressively facilitate energy efficiency and affordable energy for all Alaskans through:

1. The support of oil and gas, as it remains the primary source of energy for most of Alaska;
2. Support for research on and development of alternative and renewable energy sources, including, but not limited to, wind and hydro;
3. The encouragement of connectivity between communities, as well as incentives for energy project funding and energy efficiency for all consumers;
4. An actual time certain process that selects and prioritizes projects;
5. Full funding of the PCE (Power Cost Equalization) Endowment fund through joint congressional and state appropriations.

• **PERS**

The League supports a sustainable salary base to pay off the PERS unfunded obligations. AS 39.35.625, and any other similar statutes or regulations that require termination studies should be repealed. Simply following AS 39.35.255(a)(2) will provide a more efficient, cost effective and equitable method of ensuring that the required PERS salary base is maintained.

• **REVENUE SHARING**

The League supports a continuation of the current Revenue Sharing Program currently in place (AS 29.60.850-879).

• **UNFUNDED MANDATES**

The League opposes state unfunded mandates in any form. This includes "optional" exemptions handed down to local governments that will diminish the local tax base.

• **TRANSPORTATION**

The League supports:

1. The dedication of funds for the Alaska Transportation Infrastructure Fund, along with a local government seat at the table during allocation considerations of that fund.
2. A matching grant component for acquiring federal funds and to help local governments to develop otherwise financially difficult projects;
3. The completion of the Alaska State Rail Plan.

# The Alaska Municipal League

## Mission

The Alaska Municipal League's mission is to:

- Represent the unified voice of Alaska's local governments to successfully influence state and federal decision making.
- Build consensus and partnerships to address Alaska's Challenges
- Provide training and joint services to strengthen Alaska's local governments

## Core Principles

The Alaska Municipal League believes local government is best positioned to be responsive to unique local circumstances and supports municipal self-determination and autonomy. The Alaska Municipal League will:

- Support the Alaska Constitution's mandate "to provide for maximum local self-government."
- Support policies that reduce the tax burdens on local government.
- Support the sharing of wealth from oil taxes and royalties with municipalities in the form of a Municipal Revenue Sharing Program.
- Support adequate funding for basic public services and infrastructure, such as: education, public safety, health, emergency services, and transportation that is necessary for strong and vibrant municipalities.
- Oppose unfunded and underfunded legislative and administrative mandates.
- Oppose any efforts to reduce local revenues and local revenue authorities.
- Oppose policies that shift State or Federal responsibilities to local governments without a negotiated agreement.

## About

The Alaska Municipal League is a voluntary, nonprofit, nonpartisan, statewide organization of 140 cities, boroughs and unified municipalities, representing over 98 percent of Alaska's municipalities. Originally organized in 1950, the League of Alaska Cities became the Alaska Municipal League in 1962 when boroughs joined the League. AML provides numerous services to member municipalities, affiliate and associate groups including training and education for new municipal officials, investment and insurance pools, government purchasing alliance, and legislative advocacy.