



Alice Ruby, **Mayor**

Council Members

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

**DILLINGHAM CITY COUNCIL
MEETING AGENDA**

David B. Carlson Council Chambers

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

WORKSHOP – FINANCE & BUDGET REVIEW	6:30 P.M.	JANUARY 10, 2013
REGULAR MEETING	7:30 P.M.	JANUARY 10, 2013

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. Regular Council Meeting, December 6, 2012
- B. Special Council Meeting, December 14, 2012

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. 2013-01, A Resolution of the Dillingham City Council Waiving the Advertising Requirements and Approve Task Order No. 1 with Bristol Environmental and Engineering Services to Update the 2006 Solid Waste Management Plan
- B. Resolution No. 2013-02, A Resolution of the Dillingham City Council Extending a Contract with Nushagak Technical Services to Provide the City of Dillingham Department of Public Safety with Technical Support

- C. Resolution No. 2013-03, A Resolution of the Dillingham City Council Ordering that PC Resolution No. 2012-01 be Vetoed
- D. Resolution No. 2013-04, A Resolution of the Dillingham City Council Ordering that PC Resolution No. 2012-02 be Vetoed

IX. UNFINISHED BUSINESS

- A. Animal Shelter Facility
- B. Citizen Committee Appointments
 - 1. Planning Commission – 1 seat
 - 2. Cemetery Committee – 4 seats
 - 3. Senior Advisory Commission – 1 seat
 - 4. Parks and Recreation Committee – 1 seat
- C. Schedule Council Training and Workshop – January 18 & 19, 2013

X. NEW BUSINESS

- A. Juneau Hill Visit

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

XII. COUNCIL COMMENTS

XIII. MAYOR'S COMMENTS

XIV. EXECUTIVE SESSION

- A. Legal Matter
 - 1. Ekuk
 - 2. City of Dillingham vs. Dave Gladden
- B. Personnel Matter
 - 1. Manager's Evaluation

XV. ADJOURNMENT

I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, December 6, 2012, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:01 p.m.

II. ROLL CALL

Mayor Alice Ruby was present.

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

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

Staff in attendance:

Rose Loera, City Manager
Carol Shade, Finance Director
Janice Williams, City Clerk
Dan Pasquariello, Interim Chief of Police
Jody Seitz, Planning Director
David Bivens, Fire Dept. Coordinator

III. APPROVAL OF MINUTES

A. Regular Council Meeting, November 1, 2012

MOTION: Paul Liedberg moved and Keggie Tubbs seconded the motion to approve the minutes of November 1, 2012.

VOTE: The motion to approve the minutes of November 1, 2012 passed unanimously.

IV. APPROVAL OF CONSENT AGENDA

A. Resolution No. 2012-68, A Resolution of the Dillingham City Council Expressing Thanks and a Commendation to Ms. Judith "Judi" Nelson

MOTION: Keggie Tubbs moved and Dough Holt seconded the motion to approve the consent agenda.

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

APPROVAL OF AGENDA

Mayor Ruby asked to add item C. Special Meeting in December under New Business.

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve the agenda with the addition of item C.

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

V. STAFF REPORTS

A. City Manager Report

City Manager Rose Loera:

- Introduced David Bivens, newly appointed Fire Dept. Coordinator, noting one of his priorities would be working on the emergency response plans;
- Council training – Attorney Chandler cannot attend but he recommended Attorney Munson in his place;
- New Sewer Line – dock lift station needed a total upgrade that could be paid from the municipal grant to upgrade the wastewater treatment. A change order was processed for CH2M Hill to do the work to include new pumps, electrical work, and new building;
- Evaluate Shortening the Hours at the Landfill – would be conducting a survey to evaluate the peak times and possibly shorten the hours open to the public, which would allow staff more time to work the landfill and to close down at the end of the day;
- Library Code Changes – recommendation from the Library Board to revise several sections of code relating to the Library;
- Appoint Police Chief – was hoping to bring forward a recommendation, but will be asking for a special meeting next week;
- Visit Juneau to Lobby – City's lobbyists recommended an early visit to the legislative session, possibly last week in January, or first week in February. In the meantime, Could should start thinking about who will be going and finalize at the January meeting;
- CDBG Grant for Planning for Public Safety Building – City Planner with help of the firm of Agnew Beck have applied for a grant for planning in the amount of \$83K. The match was made in part with in kind services from the assessment prepared by Bettisworth North. Hoping to have the planning process done by summer/early fall, and then apply for the design component;
- Emergency Response – at the AML conference discussion evolved around communicating an emergency response via Facebook, one-way communication, where the City can post information and have better control over it;
- Gift from Inspector General's Office in Kabul - Dennis O'Malley, one of the police chief applicants, and a staff member at the Inspector General's Office, presented the flag that flew over Kabul on Veteran's Day. A similar donation was made in every place the staff visited; and
- FY 2013 Budget – bound copies were laid down before the meeting.

Mayor Ruby suggested Council members interested in receiving their packets via digital format to display on their personal laptops or iPads should get with the City Clerk, and may look at possibly budgeting for electronic devices in the future.

B. Standing Committee Reports

Bob Himschoot, Chair, Finance and Budget Committee reported the committee had reviewed the current financials, and other items including the situation with Trenchless Construction.

Paul Liedberg, Chair, Code Review Committee reported the major items, two ordinances, were on the agenda for approval. He noted the committee was continuing to inform itself on ATVs and snowmobile traffic, and regulations for taxi cabs.

Mayor Ruby asked the Council if there was any objection to assigning the Code Committee the proposed changes to the code relating to the Library Board. There were no objections.

VI. PUBLIC HEARINGS

Mayor Ruby opened the public hearing for comments.

Mayor Ruby noted the Code Review Committee had some additional changes and the council would be asked to adopt Ordinance No. 2012-17 (SUB 2) and Ordinance No. 2012-18 (SUB 1), of which copies were available for the public on the table.

- A. Adopt Ordinance No. 2012-17 (SUB 1), An Ordinance of the Dillingham City Council Amending Chapter 3.60.050, Ballots- Marking, Validity – Removal Prohibited, and Adding Chapter 3.60.055, Write-In Candidates

- B. Adopt Ordinance No. 2012-18, An Ordinance of the Dillingham City Council Amending Chapter 4.20 of the Dillingham Municipal Code to Limit the Penalty Assessed for Failure to File Sales Tax Returns or Remit Sales Tax to Fifteen Percent, Eliminate Interest Accrual on Penalty Amounts and Provide Authority for Repayment Plans for Unpaid Tax

There being no public comments the public hearing closed.

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

There was no citizen's discussion.

VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2012-17 (SUB 1), An Ordinance of the Dillingham City Council Amending Chapter 3.60.050, Ballots- Marking, Validity – Removal Prohibited, and Adding Chapter 3.60.055, Write-In Candidates

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to adopt Ordinance No. 2012-17 (SUB 1).

MOTION: Keggie Tubbs moved and Doug Holt seconded the motion to amend Ordinance No. 2012-17 (SUB 1) by substituting Ordinance No. 2012-17 (SUB 2).

Paul Liedberg provided the history of the ordinance that went through several edits, was introduced in September, and deferred to a public hearing for November so as not to confuse the election process in October.

He noted the Code Review Committee was recommending:

- disallow stickers on the ballot bearing the write-in's name;
- adopt language write-in votes and tabulated only if the total number of write-in votes exceeded the smallest number of votes cast for a candidate for that office whose name was printed on the ballot;
- require a letter of intent be on file for all write-ins;
- adopt language for the type of marks that would be allowed in filling in the oval on the ballot including X's, check marks, etc.; and
- added language a candidate could file for both a city council and a school board seat, and several other minor changes.

VOTE: The motion to amend Ordinance No. 2012-17 (SUB 1) by substituting Ordinance No. 2012-17 (SUB 2) passed unanimously.

VOTE: The motion to adopt amended ordinance, Ordinance No. 2012-17 (SUB 2), passed unanimously.

- B. Adopt Ordinance No. 2012-18, An Ordinance of the Dillingham City Council Amending Chapter 4.20 of the Dillingham Municipal Code to Limit the Penalty Assessed for Failure to File Sales Tax Returns or Remit Sales Tax to Fifteen Percent, Eliminate Interest Accrual on Penalty Amounts and Provide Authority for Repayment Plans for Unpaid Tax

MOTION: Keggie Tubbs moved and Doug Holt seconded the motion to adopt Ordinance No. 2012-18.

MOTION: Keggie Tubbs moved and Doug Holt seconded the motion to amend Ordinance No. 2012-18 by substituting Ordinance No. 2012-18 (SUB 1).

Paul Liedberg noted the committee's recommendations included standardizing the interest and penalty for sales tax and add language for a repayment plan and foreclosing on a sales tax lien if a repayment plan was not carried through.

VOTE: The motion to amend Ordinance No. 2012-18 by substituting Ordinance No. 2012-18 (SUB 1) passed unanimously.

VOTE: The motion to adopt the amended ordinance, Ordinance No. 2012-18 (SUB 1), passed unanimously.

IX. UNFINISHED BUSINESS

- A. Animal Shelter Facility

There was nothing to report.

B. Citizen Committee Appointments

1. Library Board – 1 seat

Mayor Ruby asked for the Council's approval to concur with her recommendation to appoint Annette Stelling to the Library Board.

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

VOTE: The motion to appoint Annette Stelling to the Library Board passed unanimously.

2. Planning Commission – 1 seat

There were no letters of interest.

3. Cemetery Committee – 6 seats

Mayor Ruby reported she had received letters of interest from Rae Belle Whitcomb and Imogene Gardiner. She noted it would be best to appoint all the seats at one time when there would be a full board.

4. Senior Advisory Commission – 1 seat

There were no letters of interest.

C. Findings on Waste Water Treatment Project RFP Award

MOTION: Keggie Tubbs moved and Chris Maines to approve the findings on the waste water treatment RFP award.

VOTE: The motion to approve the findings passed unanimously.

X. NEW BUSINESS

A. Action Memorandum No. 2012-13, Approve Administrative Leave for Christmas and New Year Holiday

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to adopt Action Memorandum No. 2012-13.

Manager Loera commented she would have Christmas cards for the Mayor's signature that would accompany the holiday message announcing the administrative leave.

VOTE: The motion to adopt Action Memorandum No. 2012-13 passed unanimously.

B. Reschedule January 3, 2013, Council Meeting to January 10, 2013, at 7:00 PM, with a Workshop at 6:30 PM

Mayor Ruby asked for Council approval to reschedule the January 3 meeting due to the busy holiday schedule with a workshop to review the budget report.

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to reschedule the January 3, 2012 Council Meeting to January 10, 2013 with a workshop to review the financial statements at 6:30 PM.

VOTE: The motion to reschedule the January 3 meeting to January 10 with a workshop beforehand passed unanimously.

Mayor Ruby and City Manager Loera reported that a Council training session was being set up in January, possibly extending to a day and a half. Plans were also to meet with Representative Edgmon sometime in January.

C. Schedule a Special Meeting to Appoint Police Chief

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to set a Special Meeting for December 12, 2012 at 12:00 noon, to appoint the Police Chief.

VOTE: The motion to set a Special Meeting for December 12 at noon passed unanimously.

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

There was no citizen's discussion.

XII. COUNCIL COMMENTS

Chris Maines: no comment

Bob Himschoot:

- welcomed David Bivens; and
- asked if the Code Committee could update on the state statute that allowed for local option for slow moving vehicles; and
- noted his appreciation for the work that was done on the two ordinances brought forward.

Tracy Hightower:

- wished everyone Happy Holidays and to be safe.

Keggie Tubbs:

- wish everyone a Happy Holiday; and
- appreciated all the staff's hard work and the thorough reports; and
- appreciated the calendar provided by City Clerk.

Doug Holt:

- wished everyone Happy Holidays and to be safe.

Paul Liedberg:

- stated he echoed those comments; and
- noted he recognized how much work City does now that he was more involved, and thanked all the city employees.

XIII. MAYOR'S COMMENTS

Mayor Ruby:

- noted her appreciation for the officers who had to work in the icy cold to direct traffic around the bus broken down on the highway, and offered that they needed to remember to wear their orange vests so they can be seen;
- wished everyone a Happy Holiday, the community, staff, and council; and
- asked for a moment of silence to remember those lost in the Dillingham community and other communities since the last meeting.

XIV. EXECUTIVE SESSION

A. Legal Matter

1. Union Negotiations

MOTION: Bob Himschoot moved and Keggie Tubbs seconded the motion to enter into executive session under DMC, 2.09.050, regarding legal matters, union negotiations. [7:48 PM].

GENERAL CONSENT: The motion passed with no objection.

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

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to come out of executive session [8:09 p.m.].

GENERAL CONSENT: The motion passed with no objection.

VIII. ADJOURNMENT

Mayor Ruby adjourned the meeting at 8:09 p.m.

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Approved: _____

I. CALL TO ORDER

The Special Meeting of the Dillingham City Council was held on Thursday, December 14, 2012, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 12:04 p.m.

II. ROLL CALL

Mayor Alice Ruby was present.

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

Doug Holt, Seat A
Chris Maines, Seat B
Keggie Tubbs, Seat D
Tracy Hightower, Seat E
Paul Liedberg, Seat F

Council Member absent and excused:

Bob Himschoot, Seat C

Staff in attendance:

Rose Loera, City Manager
Carol Shade, Finance Director
Janice Williams, City Clerk
Dan Pasquariello, Acting Police Chief

III. APPROVAL OF AGENDA

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

MOTION: Keggie Tubbs moved and Doug Holt seconded the motion to amend the agenda to include an executive session before special business to discuss the proposed personnel action.

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

VOTE: The motion to approve the agenda with the addition of the executive session passed unanimously.

IV. EXECUTIVE SESSION

A. Personnel Action – Police Chief Appointment

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to enter into executive session under Dillingham Municipal Code, Section 2.09.050, specific to personnel [12:07 p.m.].

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

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

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to come out of executive session [12:25 p.m.].

GENERAL CONSENT: The motion passed with no objection.

IV. SPECIAL BUSINESS

- A. Action Memorandum No. 2012-14, Appointment of Dan Pasquariello as Police Chief

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to adopt Action Memorandum No. 2012-14.

VOTE: The motion to adopt Action Memorandum No. 2012-14 passed unanimously.

- B. Action Memorandum No. 2012-15, Waive Nepotism Provisions to Allow Stephanie McCumber to Accept a Position as the Fire Dept. Office Assistant

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to adopt Action Memorandum No. 2012-15.

VOTE: The motion to adopt Action Memorandum No. 2012-15 passed unanimously.

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

There was no citizen's discussion.

VI. COUNCIL COMMENTS

Keggie Tubbs:

- wished everyone Happy Holidays and congratulated Dan Pasquariello.

Paul Liedberg: [ditto]

Doug Holt:

- welcomed Dan Pasquariello.

Tracy Hightower:

- thanked Dan Pasquariello.

Chris Maines:

- congratulated Dan Pasquariello.

VII. MAYOR'S COMMENTS

Mayor Ruby:

- welcomed Dan Pasquariello onboard, and noted she was glad he had applied for the position.

Mayor Ruby invited everyone to stay and make a toast Dan Pasquariello for his appointment as Police Chief and Paul Liedberg for his retirement.

VIII. ADJOURNMENT

Mayor Ruby adjourned the meeting at 12:28 p.m.

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Approved: _____

Mayor
Alice Ruby

Manager
Rose Loera



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

MEMORANDUM

Date: January 3, 2013
To: Mayor and City Council
From: Rose Loera, City Manager
Subject: December Monthly Report

Denied Services – through our process of developing procedures for all of our collections we have noticed that our Denied Services Code is not all inclusive for the services that we provide. We would like to recommend to the Council for the Code Committee to review all the areas in our codes that pertain to denied services and recommend changes to the Council. In addition to the DMC the Port of Dillingham Tariff Delinquent List is referenced in the DMC so this also needs to be referred to the Code Committee.

Planning Commission activities – We have a couple of requests from subdivision owners for private access to easements vs. public access to easement per code. A sub-committee of the planning commission is being recommended to work out the issue. A council member should sit on this sub-committee.

Projects – \$3,090,000 in Governor's Budget for Wastewater Treatment project! We now need to work with our legislators to keep it in the budget.

CH2M Hill contract has been amended to help us upgrade the Dock Lift station. They are now recommending that we replace the 25 hp pumps with 34 hp pumps which have now been ordered. Once they arrive CH2M Hill will install them and in the spring we will undertake a total upgrade to the lift station to include a new building. Funding for this work will come out of our WWTP legislative grant.

Waste Water Treatment Project - We have had one meeting with the State regarding the Compliance Order By Consent (COBC). In attendance at the meeting was Malcolm, myself, Steve Cropsey and a couple of CH2M Hill engineers. At the meeting we provided a general outline of what we anticipate will need to be done with the facility plan at the top of the list. The state indicated for us to take our time to complete the Facility Plan and make sure that the timelines in it are realistic. They stated once the Facility Plan is approved by the State they will hold us to the timelines and if we are not

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able to complete them they will issue penalties. The timelines also needs to include funding streams needed to complete the project.

Vacancies –We now have 3 vacancies in the Police Department. Dan was promoted to Chief, one of the officers is filling the Landfill Technician position and an officer resigned in October. We anticipate one other officer to be moving which will leave us with 4 out of 8 positions. We continue to work with BBEDC on getting someone locally into the State Academy in February.

Senior Center – one of the cooks quit. We are choosing not to fill the position at this time to see if we are able to operate with one cook.

Landfill – Our Landfill Operator resigned the end of December. We have hired a new Landfill Technician and Landfill Operator. Both individuals will be starting in early January. We have had to use Buildings and Grounds crew to work at the landfill until the new employees start. We continue to focus on the Landfill to address the deficiencies noted in the audit. One requirement that we have incorporated is for them to call FAA on a daily basis before they start burning so that they will know what the winds are. After three fires in 2012 we need to be assured that staff is making sure that it is safe to burn. Attached is a log that they are required to fill out and present to the department.

Emergency Response Plan - Staff will be attending the National Incident Management Systems 300 course at the Bristol Bay Campus on January 15 & 16. It will be mandatory for Public Works Director, City Manager, Chief of Police, and Fire Department Coordinator to attend. This course can only be taken face to face so it's important for us to get the certification while it is free to us.

Safety Committee – We have formed a safety committee within the City with representatives from Public Works, Finance, Public Safety and Harbor. The goal of the committee will be to make our work places safer for our employees and will be starting by addressing some of the hazards identified by the State when they came out and conducted an investigation.

Facebook – We now have a Facebook link on the City's website. We will use this site as another avenue to communicate with the public.

Animal Shelter – I have begun to look at various sites that belong to the City for a possible Animal Shelter. Unfortunately no one wants it in their backyard.

Overflow next on Lyle Smith property – There continues to be considerable overflow that is happening around Lyle Smith's house. It is spring water that we believe was diverted when we did the horizontal drilling. We are assisting the landowner by digging ditches to try and get the water from flowing around his property. It will need to be a spring project to try and divert the water away from his house.

Happy New Year to all and I wish you a prosperous and safe 2013!!

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**CITY OF DILLINGHAM WEEKLY LOG – LANDFILL BURN
RECORD CALLS TO FAA AND DISPATCH**

CALENDAR MONTH _____

WEEK DAY	DAY	Intend to Burn? If yes, contact FAA at 842-5275, and record time called. If no, record No.	FAA 24-HR REPORT Highest Expected Wind Speed Cannot Burn if Wind Speed Exceeds 15 MPH.	BURN TODAY? Yes / No	If yes, contact City Dispatch at 842-5354 prior to burning. TIME CALLED	EMPLOYEE SIGNATURE
Examples: Monday	2	9:30 AM	Until 3 PM, 10-18 MPH gusting up to 22 MPH	Yes	10:00 AM	John Smith
Tuesday	3	No		No		John Smith
Monday						
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						

Submittal Date: Submit this sheet to the Public Works Director on Monday morning of each week.

Mayor
Alice Ruby

Manager
Rose Loera



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

MEMORANDUM

Date: December 28, 2012
To: Rose Loera, City Manager
From: Janice Williams, City Clerk
Subject: Monthly Report

There were several committee meetings held during the month of December, including Finance and Budget, Code Review, and Port of Dillingham Advisory Committee. The minutes, yet to be approved, are included in the Council packet. The School Facility Committee is scheduled to meet the third Wednesday in January. This committee meets quarterly. On the agenda is a reminder to schedule an annual school inspection.

Pending Ordinances

There are no ordinances for this agenda, but the Code Review Committee has been reviewing an ordinance for recommendation to the Council that would remove duplicate and unnecessary language from the section on the Board of Equalization, and add language that would effectively provide a process for requests to hear a late filed appeal. Attorney Chandler has reviewed and approved the ordinance to remove duplicate and unnecessary language. Earlier we discussed a practice used by the Ketchikan Borough as it relates to requests for late filed appeals, and he agreed it was doable. We do not have that language from him as of yet.

Essentially, the Borough holds an organizational meeting about a month after the 30-day closing date for filing property appeals. At that meeting their agenda is limited to selecting a chair (we wouldn't have to since our code stipulates the Mayor chairs the meeting) and voting on each late filed appeal, whether or not to accept a request to hear a late filed appeal. The BOE's assessment is based on criteria set by State law. Following that review and vote, a motion is made to not accept any more requests for a late filed appeal.

Adopting a similar process would be beneficial, because based on this year alone, the BOE was reviewing requests in January to hear a late filed appeal on 2011 property assessments. The due date was April 15, 2011.

Update on the Application for a Ballot Initiative to amend DMC Section 4.20.050, Exemptions, to change the sales tax exemption for arts and crafts and to add a new sales tax exemption for fruits and vegetables grown and harvested in Bristol Bay.

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City of Dillingham

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On November 28, I issued an initiative petition to the sponsor on which sufficient signatures must be obtained before it can be placed on the ballot. Recently the sponsor of this ballot initiative remarked that he had received almost all of the signatures he needed. The sponsors have 90 days to secure the required amount of signatures. Once the petition is filed with the City Clerk's office, I will have 10 days to certify whether the petition is sufficient. If it is not sufficient, additional time is allowed to secure additional signatures.

In preparation for the next step, I plan to contact the City's Attorney to get a good read on the Alaska Statute Section 29.26.170, Initiative Election. It appears the matter would be submitted to the voters at the next regular election, however, I will wait for advisement from the Attorney.

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Manager
Rose Loera



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Doug Holt
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Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: January 2, 2013

To: Rose Loera
City Manager

From: Carol Shade
Finance Director

Subject: Financial Report Period Ending November 30, 2012

During the month of November, the Finance Department mailed out the Business License Renewal forms. These forms were mailed out using the new Accounting Software and the fees, licenses and taxes module was brought online. All businesses have been entered into the system and we are able to receive the Business License, Sales Tax payments, and other miscellaneous fees such as animal licenses, room rentals, and landfill fees into the system.

We are still working on the data entry of the other revenues that we receive on a daily basis. We are getting the information into the system as fast as we can given our limited resources. With some creative scheduling, we have been able to work holidays and weekends and allow some staff flexibility in taking their holidays off.

The property tax module was pulled into the system in mid-December and staff worked additional hours to get all the payments into the system. We are still in the process of bringing in the delinquent taxpayer accounts, but this should be complete in the next week or so.

The Assistant Finance Director is still working very hard and closely with the software consultants on the payroll module implementation. Because the payroll module had not been implemented into the new software by December, partly due to staff on leave and the holidays, I decided that we would start using the new system with the beginning of the calendar year. This will be easier for the payroll implementation. We will be pulling historical information in for the purpose of processing W-2s, and the expenses will be entered in to the general ledger with a journal entry.

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City of Dillingham

Mikunda, Cottrell submitted a preliminary draft of the FY2012 audit to the City for review in mid-November. This first draft was a very rough draft and was reviewed for discrepancies and typographical errors. The auditors submitted the second draft for review in late December. After further review and reconciliations, the final draft should be back to the City by Friday, January 4.

As of the end of November we should have received approximately 42% of revenues and not have spent more than 42%. The report is showing General Fund Revenues at 53% received and General Fund Expenditures at 37% spent. The 53% is due to the fact that a lot of our revenues come in the first half of the fiscal year. Following are the financials for the period ending November 30, 2012.

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City of Dillingham
Revenues and Expenditures As of November 30, 2012
Preliminary Figures

REVENUES:	Budget - FY13	Nov-12	Year to Date		Previous Year	
			Actual - 11/30/12	Percent	11/30/2011 Actual	INC/(DEC) Last Year
General Fund Revenues						
General Sales Tax	\$ 2,700,000	\$ 244,566	\$ 1,301,696	48%	\$1,237,576	\$ 64,119
Alcohol Sales Tax	265,000	26,202	151,465	57%	137,782	13,683
Transient Lodging Sales Tax	95,000	6,042	50,027	53%	44,905	5,122
Gaming Sales Tax	65,000	-	25,833	40%	9,594	16,239
Total Sales Tax	3,125,000	276,809	1,529,020	49%	1,429,858	99,163
Real Property Tax	1,460,000	-	1,532,755	105%	1,471,730	61,025
Personal Property Tax	500,000	-	529,420	106%	506,442	22,978
Total Property Taxes	1,960,000	-	2,062,175	105%	1,978,172	84,003
Telephone Gross Receipts State Tax	80,000	-	-	0%	-	-
Raw Fish Tax	205,000	-	-	0%	446,588	(446,588)
Nushagak Fish Tax (Proportion transfer in)	579,513	-	-	-	-	-
Shared Fisheries	40,000	-	-	0%	-	-
Revenue Sharing	298,970	-	-	0%	233	(233)
Payment in Lieu of Taxes (PILT)	423,142	429,392	429,392	101%	-	429,392
Foreclosures	-	-	-	-	335,909	(335,909)
State Jail Contract	480,417	-	240,209	50%	230,363	9,846
Other Revenues	1,012,272	28,164	79,522	8%	121,145	(41,623)
Total	3,119,314	457,556	749,122	24%	1,134,237	(385,115)
Total General Fund Revenues	8,204,314	734,365	4,340,318	53%	4,542,266	(201,948)
Special Revenue Funds Revenues						
Nushagak Fish Tax	710,883	175,875	360,447	51%	-	-
Water	224,479	12,246	72,938	32%	54,844	18,094
Sewer	263,138	21,396	108,986	41%	82,060	26,925
Landfill	339,298	5,136	51,274	15%	73,418	(22,145)
Dock	709,603	202,763	390,618	55%	500,774	(110,156)
Boat Harbor	175,426	519	32,271	18%	24,807	7,464
E-911 Service	74,650	4,515	24,370	33%	23,511	859
Senior Center	469,969	32,252	141,062	30%	46,553	94,509
Total Special Revenue Funds Revenues	2,967,446	454,703	1,181,965	40%	805,967	15,552
Debt Service Fund Revenue	1,177,840	-	217,674	18%	227,121	(9,447)
Asset Forfeiture Fund	800	-	-	-	-	-
Dock and Harbor Capital Project Fund Revenue	-	202,312	274,237	-	5,213	269,024
Road and Streets Capital Project Fund Revenue	-	-	-	-	105,847	(105,847)
WasteWater Treatment Plant	2,280,000	-	-	-	-	-
Force Main	1,800,000	-	117,999	7%	24,050	93,949
School Bond Project	-	-	-	-	18	(18)
Library Grants	61,700	7,000	15,154	25%	14,500	654
Library Roof	250,000	-	-	-	-	-
JAG Grant	59,719	-	59,719	100%	-	59,719
Equipment Replacement Capital Project Fund	100,000	-	-	-	-	-
Ambulance Reserve Capital Proj. Fund Revenue	38,000	-	-	-	-	-
M. Carlson Estate Permanent Fund Revenue	10,000	-	-	-	382	(382)
Public Safety Building Planning	20,000	-	-	-	-	-
Total	5,798,059	209,312	684,782	12%	377,132	307,650
Total Revenues	\$ 16,969,819	\$1,398,380	\$ 6,207,065	37%	\$5,725,365	\$ 121,253

City of Dillingham
Revenues and Expenditures As of November 30, 2012
Preliminary Figures

EXPENDITURES:	Budget - FY13	Nov-12	Year to Date		Previous Year		
			Actual - 11/30/12	Percent	11/30/2011 Actual	INC/(DEC) Last Year	
General Fund Expenditures							
City Council	\$ 88,800	\$ 2,000	\$ 19,814	22%	\$ 30,399	\$ (10,585)	
City Clerk	132,282	12,131	52,907	40%	33,440	19,467	
Administration	319,445	30,905	130,709	41%	113,307	17,402	
Finance	581,108	56,835	232,572	40%	176,918	55,654	
Legal	135,000	9,022	85,473	63%	14,041	71,432	
Insurance	88,642	7,837	41,758	47%	85,691	(43,933)	
Non-Departmental	204,975	12,709	117,337	57%	96,420	20,918	
Planning	153,591	16,210	46,803	30%	30,772	16,031	
Meeting/Bingo Hall	3,680	277	1,241	34%	3,100	(1,859)	
Public Safety Administration	273,506	4,053	65,643	24%			
Dispatch	428,354	51,848	186,125	43%	148,681	37,444	
Patrol	577,921	61,996	223,181	39%	359,669	(136,488)	
Investigations/WAANT	126,659	16,556	58,534	46%			
Corrections	571,597	56,013	208,953	37%	165,097	43,856	
DMV	103,356	8,769	32,169	31%	24,722	7,447	
Animal Control Officer	131,564	11,561	51,374	39%	37,951	13,423	
K-9	83,719	12,223	42,020	50%			
PS IT	21,500	-	8,824	41%			
Fire	299,447	6,080	46,579	16%	76,140	(29,562)	
Public Works Administration	237,954	21,397	88,171	37%	38,230	49,941	
Building and Grounds	326,357	28,523	166,613	51%	78,736	87,877	
Shop	267,525	23,593	86,253	32%	58,384	27,869	
Street	605,656	26,601	229,481	38%	159,502	69,979	
Foreclosed Properties	-	3,812	4,062	0%	51,133	(47,070)	
Library	203,996	13,882	62,649	31%	39,326	23,324	
Museum	4,000	-	-	0%	-	-	
City School	1,300,000	-	650,000	50%	325,000	325,000	
Transfers to Other Funds	1,033,383	-	-	0%	-	-	
Total General Fund Expenditures	8,304,017	494,833	2,939,246	35%	2,146,658	617,566	
Special Revenue Funds Expenditures							
Nushagak Fish Tax							
Fish Tax Refunds	74,500	2,041	2,041	3%			
5% Fisheries Fund	35,544	-	-	0%			
3% Borough Study	21,326	-	-	0%			
Transfer to General Fund	579,513	-	-	0%			
Water	224,479	14,015	61,471	27%	38,419	23,053	
WasteWater	263,138	23,434	108,906	41%	67,215	41,691	
Landfill	339,298	20,697	117,018	34%	94,023	22,995	
Dock	426,996	36,259	220,161	52%	160,393	59,769	
Boat Harbor	214,524	9,304	87,099	41%	72,413	14,686	
E-911 Service	14,060	-	38,570	274%	-	38,570	
Senior Center	469,969	44,298	169,493	36%	346,179	(176,686)	
Total Special Revenue Fund Expenditure:	2,663,347	148,008	802,718	30%	778,641	24,077	
Debt Service Fund Expenditures	1,177,840	-	1,174,590	100%	315,920	858,670	
Asset Forfeitures Fund					10,948	(10,948)	
Library Technology (OWL & Tech Aid)	68,980				3,000	(3,000)	
Library Roof	250,000		70		-	70	
Dock and Harbor Capital Project Fund Expenditures			48,287		15,972	32,315	
Road and Streets Capital Project Fund Exp					1,096,591	(1,096,591)	
WasteWater Treatment Plant	2,280,000	1,260	3,659	0.16%	-	3,659	
Force Main	1,800,000	17,396	1,227,965	68%	34,320	1,193,644	
School Bond Project Fund Expenditures					16,463	(16,463)	
Homeland Security					20,278	(20,278)	
JAG Grant					-	-	
Equipment Replacement Capital Proj Fund Exp	100,000			0%	86,844	(86,844)	
Ambulance Reserve Capital Project Fund Exp	38,000						
M. Carlson Estate Permanent Fund Expenditures	10,000	524	1,582	16%	3,132	(1,551)	
Landfill Capital Project Fund Expenditures					2,695	(2,695)	
Total	5,724,820	19,180	2,456,152	43%	1,606,164	849,988	
Total Expenditures	16,692,184	662,020	6,198,117	37%	4,531,463	1,491,632	
Revenues Over (Under) Expenditures	\$ 277,635	\$ 736,359	\$ 8,948	3%	\$1,193,902	\$ (1,370,378)	

City of Dillingham
Revenues and Expenditures As of November 30, 2012
Preliminary Figures

	<u>Fund Bal.</u> <u>6/30/2011</u>	<u>FY'13</u> <u>Revenues</u>	<u>FY'13</u> <u>Expenditures</u>	<u>Add or (-)</u> <u>Fund Bal</u>	<u>Fund Bal.</u> <u>11/30/2012</u>
General Fund	\$ 3,893,876	\$ 4,340,318	\$ 2,939,246	\$ 1,401,072	\$ 5,294,948
Water and Sewer	70,644	181,924	170,377	11,547	82,191
Landfill	-	51,274	117,018	(65,745)	(65,745)
Dock	1,580,187	390,618	220,161	170,456	1,750,643
Boat Harbor	-	32,271	87,099	(54,827)	(54,827)
E-911 Service	130,632	24,370	38,570	(14,200)	116,432
Asset Forfeitures Fund	37,220	-	-	-	37,220
Senior Center	-	141,062	169,493	(28,431)	(28,431)
Debt Service	-	217,674	1,174,590	(956,916)	(956,916)
Dock and Harbor Capital Project Fund	(18,386)	274,237	48,287	225,950	207,564
Road and Streets Capital Project Fund	-	-	-	-	-
WasteWater Treatment Plant	-	-	3,659	(3,659)	(3,659)
Water and Sewer Capital Project Fund	(58,393)	117,999	1,227,965	(1,109,966)	(1,168,359)
School Bond Project Capital Project Fund	956,055	-	-	-	956,055
JAG Grant	-	59,719	-	59,719	59,719
Library Technology	-	15,154	-	15,154	15,154
Library Roof	-	-	70	(70)	(70)
Equipmt Replacement Capital Project Fund	76,704	-	-	-	76,704
Ambulance Reserve Capital Project Fund	452,955	-	-	-	452,955
Mary Carlson Estate Permanent Fund	407,132	-	1,582	(1,582)	405,550
Landfill Capital Project Fund	172,044	-	-	-	172,044
Total	\$ 7,700,670	\$ 5,846,618	\$ 6,198,117	\$ (351,499)	\$ 7,349,171

Mayor
Alice Ruby

Manager
Rose Loera



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MEMORANDUM

Date: December 31, 2012
To: Chief Dan Pasquariello
From: David B. Bivens, Fire Coordinator
Subject: December 2012 Department Head Report

SUMMERIZATION OF EMS RESPONSES

- Total of 19 Ambulance Transports
 - 2 Chest Pain
 - 4 Seizures
 - 4 MVA (Multi Vehicle Accident)
 - 1 Sick
 - 1 Medevac
 - 1 Transport to Residence
 - 3 Medical Calls
 - 1 Stroke
 - 2 No Transport

PROJECTS COMPLETED

- Combination meeting held for training on Blood Bourne Pathogens. There were 18 members that trained. Meet and greet for new City Fire Coordinator.
- The Executive committee presented three new volunteer applications to the Department members. They were accepted with a probationary period.
- Meet with Dr. Stout and had him sign the Narcotic Drug Enforcement Renewal papers, which were due to expire December 31, 2012.
- The Fire Department members at Lake Road Station that consisted of fire attack set up orientation, introduction to hose streams, fire debriefing and pumper training. We had 7 members for this training.
- Sharkey Quinn RN, BSPH - EMS Data Manager for the State of Alaska Department of Health and Social Services Division of Public Health Section reviewed the uploading of information on the Alaska Uniform Response Online Reporting Access system (AURORA).
 - 3 IPADS were updated, serial numbered and were inventoried in the departmental software and AURORA program.
 - The IPADS was bought around July 2012 and had been sitting around to be implemented for the Department's electronic reporting.

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- Training and personnel records (active and inactive) were reviewed and filed in a manner that information could be obtained by all staff.
- Ground Ambulance Recertification (due December 31, 2012) was to be completed by one of the volunteers but he was unable to complete it before the deadline. When I returned from the holidays I was able to complete the forms and faxed them in before the deadline and received confirmation that we are current.
- The NIMS training requirements were updated for the department. Identified individuals were notified to update their training on IS-100, IS-200, and IS-700
- The EMS roster and certifications lists were updated with current expiration dates. The Excel program has been adjusted to "alert" me two months in advance when certification renewals and CME's are due for individuals.
- Departmental members, hospital, and Aleknagik Fire Department were notified of NIMS IS-300 training will be available January 15 and 16. If they wish to attend they will need to have completed IS-100, IS-200, and IS-700.
- Routine inspections of apparatus, equipment, and replacement of medical supplies were completed.
- Ambulance billing since August thru November 2012 was completed and submitted for billing. December billing information will be submitted no later than the 10th of January 2013. All future monthly billing information will be submitted no later than the 10th of the following month.
 - A total of \$15,619.00 billable charges sent to Systems Design.

ON-GOING PROJECTS

- AURORA based digitalized training for pre-hospital reporting and run reviews were planned for late December and January. Due to internet/computer issues they will be broken up into multiple sessions. New computer and internet access has been requested.
- The Small Community Emergency Response Plan template has been downloaded and a meeting with City Head Departments will be scheduled to see how they want to pursue selecting people needed in the chain of command.
- Working on an emergency driving training program (CEVO III Ambulance & CEVO III Apparatus) to be implemented to all fire, EMS and police departmental personnel. Discussions are continuing with Executive Committee regarding purchase and developing Standard Operating Procedures.
- Working with Mary Collins, (State Fire Marshall's office), on the fire department's renewal registration application. We are considered out of compliance because no records were submitted for the year of 2012. Must be completed by January 15, 2013.
- I am currently working on a proposal for increasing ambulance charges to align them more closely to other departments within the state by January 28, 2013.

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MEMORANDUM

Date: December 31, 2012
To: Rose Loera, City Manager
From: Sonja Marx, Librarian
Subject: December Monthly Report

The final reporting for the 2011 IMLS grant (Institute of Museum and Library Services) was completed in December. We had received \$6,000 for the basic grant last year. The money was used to purchase books, audio/visual materials, fund the 2012 Summer Reading Program, and help with internet service provider fees. An additional \$1,000 for an Education/Assessment Option was used for training and travel expenses for the Librarian and the Librarian Assistant to attend the 2012 Alaska Library Association Conference in Fairbanks for continuing education. We are very grateful to the Curyung Tribal Council and its Tribal Financial Manager for assisting us with this grant.

The video conference equipment was used for several trainings and workshops for our staff this month: the E-Reader Bundle Training & an OWL workshop on Grant Writing.

School was out starting December 21st for the holidays, so our school librarian is not here until January 7th. Our staff has covered in her absence.

The ceiling continues to leak. We are catching the drips in buckets. The Buildings & Grounds staff is working on the problem. The library may need to be closed a few days to the public in order to do the needed repairs before school starts.

The Library Board and FOL have scheduled a workshop together in January, 2013.

Library Stat report for November 26 – December 29, 2012:

Patron Visits: 2,134 Computer Use: 534 Story Hour: 52

Class Visits: 30 Museum Use: 8 Videoconferencing: 8

Approximately 20.5 volunteer hours logged

The Library was closed Dec. 24th, 25th, and 31st, 2012 for Christmas & New Year's Eve.

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MEMORANDUM

Date: January 2, 2013
To: Rose Loera, City Manager
From: Jody Seitz, City Planner
Subject: January Report

CIP: met again with Lobbyist regarding the list of projects. Still hoping to complete the CIP book by mid-January.

Comprehensive Plan: Corrections finalized and the books are ready. Books = \$30 for anyone who is not a council or commission member. CDs are also available for \$5.00.

Floodplain Management: Call for assistance with floodplain issues from a local business owner. He is refinancing his property. In order to complete the deal, he is being required to pay floodplain insurance. It has risen from \$4,000 to \$24,000 for a small office building. It is located in the "velocity zone" of the 1982 FEMA floodplain risk map. He wants to do several large development projects on his land on the shoreline, but is facing prohibitive flood insurance charges.

GIS imagery: BBNA has paid their part of this purchase (\$1503.65).

Grants: investigating potential for ANTHC or USDA funding for lift stations and landfill projects. ANTHC says their projects are ranked based on how urgently the project is needed. Discussion was that the north side of the airport sewer line could potentially qualify. Did not get much encouragement about use of ANTHC for storm sewer upgrades for the Downtown Streets project.

Neighborhood Initiative: the treadmill for the Senior Center has arrived, thanks to the efforts of Lacy Petersen and a Neighborhood Initiative grant.

Platting: Planning Commission, with permission of the landowner, tabled the Tuntuvak subdivision until the March meeting. The Commission wishes to establish a committee

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to investigate allowing private easements as access for parcels in subdivisions, or at least dealing with the issues presented by providing public access as required by code for subdivisions.

Two alley vacations are on this Planning Commission special meeting agenda: behind the old NAPA store; and between Lots 6 and 7 of the same block (block 18) USS 2732AB. If the Planning Commission recommends and the City Council does not veto these recommendations within 30 days, the vacated alleys will be reflected on the L&M subdivision plat. The L&M subdivision combines 2 lots so that both have access to D street in the event those alleys are vacated.

Have received both Cedar Subdivision Addition 1 and Harbor Lease Lots recorded mylars.

Respectfully submitted,

Jody Seitz
Director of Planning and Grants

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MEMORANDUM

Date: January 2, 2013
To: Rose Loera / City Manager
From: Jean Barrett / Port Director
Subject: December Monthly report

December was a short month for me. After a busy summer I was able to take some time off from work, but the ten days I was at work were productive. I was able to finalize the agenda for the Port Committee meeting that took place on the 21st of the month. I also took my suggested revisions to the Finance and Budget committee meeting on the 17th for them to review and comment on. Both meetings were very good and a lot of good discussion came out of both of them.

The following is what was brought before these two committees, my suggested changes and the proposed changes to the tariff that I will be bringing to the council later this winter.

<u>Fee description</u>	<u>Current rate</u>	<u>Suggested change</u>
Moorage	\$260.00/season for Vessels over 25' and Under 32'	Stay the same
	\$70.00/ season for all Skiffs under 25' in Length	Price stay the same, only change would be that ALL skiffs would be required to be stickered. In/out rate would be removed from Harbor tariff

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Bulkhead rates	\$7.50 per lineal foot for Vessels larger than 32' In length	Fee would change to the adopted Dillingham Tariff and would be charged by the gross tonnage of the Vessel
	\$25.00 day docking fee	Change rate to reflect new daily rate only used for vessels on a daily rate Same fee for docking on ramps
	\$50.00 for skiffs under 25'	Remove from tariff, not used
	\$40.00/ton self serve ice	Change price to reflect current ice pricing of \$45 per large BBEDC tote Or approximately \$135.00 a ton
Launch / haul out	\$70/ L/HO vessels over 25' length	Stay the same (without sticker)
	\$100 in / out fee for Vessels over 25' in Length.	Stay the same (without sticker)
	\$25.00 per L/HO	Remove from tariff. Require all skiffs to be stickered
Transient Moorage	\$25.00 a day vessels over 25' in length, Regardless of times used Currently a sticker was Issued when amount reached sticker price.	Increase amount to make it worth it for the boat owner to purchase a seasonal sticker. I will suggest at the minimum a \$50.00 / day charge regardless of times used.
	\$25.00 a day skiffs Under 25'	Remove from Tariff ALL skiffs should be stickered
Wharfage Charges	Per adopted DLG tariff	Change to N.O.S. Fee in Tariff (Not Otherwise Specified) \$.35 per 100 pounds
Harbor services	\$50.00 per man hour Of services	Stay the same

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Some of the other things I hope to do in the coming months are.

- Review and revise the Dock tariff
- Make some much needed renovations on the float arms at the Harbor
- Repair float arm floats for upcoming summer
- Rebuild the floor at the Dock warehouse office
- Order and install a new “man” door on the Dock warehouse
- Order and replace windows for Dock warehouse office

That is about it from the Port Department. I would like to wish you all a Happy New Year

Jean

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MEMORANDUM

Date: 12-31-12
To: City Manager Rose Loera
From: Chief Dan Pasquariello
Subject: December 2012 Monthly Report (*reporting period 11-24-12 to 12-30-12*)

Patrol:

- ❖ 491 Calls for service
- ❖ 53 Incident reports
- ❖ 15 Persons arrested
- ❖ 5 Title 47/Protective custody
- ❖ 58 Citations issued

The department has 8 sworn officer positions but there are currently only 5 sworn officers, with the anticipated loss of another in the near future. This will put the patrol division at half-strength. We are currently advertising for police officers. We hope to fill one or more of the vacant positions with the transfer of personnel from other DDPS divisions.

A seatbelt presentation was done at the high school in partnership with BBAHC. The presentation was successful and resulted in a positive radio story on KDLG. Officers are observing a decrease in seatbelt violations as the motoring public complies with the law.

All officers attended training in the use of the new State Motor Vehicle Accident forms reporting requirements.

We are preparing to review the patrol division procedure manual and update it as needed.

Corrections:

- ❖ 37 Total Inmates
- ❖ 5 Title 47/Protective custody

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A new computer was installed in the jail control center allowing for better surveillance and recording of the facility.

A new bail control procedure was implemented to provide better accountability and tracking of bail money from the jail to the court.

We are preparing to review the corrections division procedure manual and update it as needed.

Dispatch:

- ❖ 614 Calls for service
- ❖ 80% Dispatched to Dillingham Police
- ❖ 12% Dispatched to Alaska State Troopers
- ❖ 4% Dispatched to EMS/Dillingham Fire
- ❖ 4% Dispatched to Dillingham Animal Control
- ❖ 108 E-911 calls received
- ❖ 9 records requests completed

The Dispatchers are working on finishing required NIMS courses. The Dispatch Supervisor will be attending the ICS 300 level course offered at the UAF Bristol Bay Campus, since the Dispatch Center will be a major component of any major disaster response. Also attending this course will be personnel from the Police Department, Dillingham Fire Department, Bristol Bay Area Health Corporation, Alaska State Troopers, and City of Dillingham Public Works and Administration.

We are preparing to review the communications division procedure manual and update it as needed.

WAANT:

- ❖ 3 drug investigations
- ❖ 3 alcohol interdictions

The WAANT unit continues to focus on narcotics enforcement in Dillingham. The productivity of the unit hampered due to the Dillingham PD investigator (*Chief*) being able to assist on only a sporadic basis.

Animal Control:

- ❖ 33 Calls handled
- ❖ 5 Dogs/cats impounded
- ❖ 2 Shelter dogs/cats adopted out
- ❖ 4 Rabies/Parvo shot given
- ❖ 3 dogs/cats euthanized
- ❖ 6 citations issued

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The 2013 dog tags will go on sale beginning in January. The licenses will expire at the same time as the animal's rabies vaccination, per the revised DMC Title 7 ordinance.

A 3 year-old dog was sent to Friends of pets in Anchorage for adoption.

We are looking into developing a volunteer program to assist the ACO with animal shelter duties.

DMV:

- ❖ 45 Registrations/Titles
- ❖ 60 Driver's license/ID's
- ❖ 5 Commercial driver's licenses
- ❖ 5 Road tests

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City of Dillingham

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Mayor
Alice Ruby

Manager
Rose Loera



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

MEMORANDUM

Date: January 3, 2012
To: Rose Loera, City Manager
From: Malcolm Brown, Public Works Director
Subject: Monthly Report

Public Works Divisions:

Buildings & Grounds – Worked on walkway protection and emergency lighting to abate safety violations at the Shop and Quonset Hut. Correcting ceiling problem caused by condensation at the Library. B&G staff did extensive backfilling at the Landfill this month due to their staffing shortages and will train the new hires in equipment usage and burn procedures..

Landfill – New staff will be hired for the Landfill Technician and Landfill Operator vacancies and a temporary Landfill Attendant will also be hired to run the office while the new hires get trained with the equipment. The Caterpillar D5 dozer is being serviced. Staff is now calling FAA to get wind speed and will not burn if wind will exceed 15 MPH. The burn events are called into Dispatch. The scope of work for the Landfill Phase III (MMG 328303) grant amendment is being developed thanks to input from the Landfill Action Committee, which met on December 21.

Another Waste-to-Energy company, Shearwater LLC., is still interested in holding a workshop to discuss their gasification units and funding options versus just doing an online presentation. Their Project Representative would like to bring an Electrical Engineer and a Civil Engineer to Dillingham for the workshop and to meet with Nushagak Cooperative. Shearwater's gasification units operate with as little as 1.5 tons per day. They have an operational gasification unit at the village of Old Crow in Yukon Territory.

Shop – The Landfill's D5 is being serviced. The mechanics have been very responsive to making "on the fly" repairs for the snow removal equipment to keep them operational when they are grading, sanding and pushing snow. A Caterpillar technician had to fly here to make adjustments to the operating software for the new grader as there was an emissions sensor that was causing shutdowns. The access codes to the software are proprietary and are not provided to our mechanics.

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Streets – The Heavy Equipment Operator temporary position has been filled. The graders and sanders have been operational with the exception of the grader that the vendor had to service.

Water/Wastewater - CH2MHill is providing purchasing requirements for upgrades to the Dock Lift Station. Two new 34 HP pumps are on order; they have an ETA of early March. These pumps will replace the two 15 HP pumps that are old and have required rebuilds. Additional components will also be ordered as the specifications are determined by CH2MHill, such as the starters and the electrical controls.

Meetings have been held with CH2MHill and DEC to scope the requirements for compliance with the DEC Compliance by Order Consent (COBC). Scoping this activity to develop a plan for approval is a critical task at this phase of the Wastewater Treatment Plant design and engineering process.

The groundwater seeping onto 1st Avenue from the property uphill of the Icicle Seafoods office is putting the road and the dock parking area at risk. Staff is researching options to divert the water.

Grants – Worked with Izetta Chambers of UAF and the City Planner on the UAF Composting grant. This grant can be used as a match for MMG 28303 for the Landfill and worked on the CDBG grant for the Public Safety Facility.

Safety – Some corrective actions from the Department and Labor Safety/Health consultation were completed, a request for an extension was submitted for the outstanding items. Weekly Safety training meetings are ongoing, the classes were: Working as a Team, OSHA's Top Ten Most Frequently Cited Violations, and Electrical Cords.

Training – A Water/Wastewater operator and the Public Works Director attended "Introduction to Small Water Systems" to get certificates for Water Treatment and for Water Distribution. These certificates are required per their job descriptions and the certifications provide more points on DEC grant and loan applications. The training expenses are reimbursable.

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MEMORANDUM

Date: December , 2012
To: Rose Loera, City Manager
From: Ida Noonkesser, Director
Subject: Senior Center Monthly Report

For the month of November, the Senior Center served 593 congregate meals to 66 individuals, 154 home delivered meals to 9 individuals, gave 486 assisted rides to 35 individuals, and 256 to unassisted rides to 35 individuals.

This month's paperwork for the state included the usual recording of monthly meals, home delivered meals, assisted rides, and unassisted rides. This month, I also helped one elder with SSI paper work, and questionnaires.

We had five renters at the Senior Center this past month. The pinochle players' group continues to rent the dining room every Friday and the quilters have rented the building every third week of the month on Saturdays.

The Advisory Board meeting this month was cancelled because not enough board members were available.

Robyn Chythlook from Map School came in to volunteer for about two weeks. Moses Bavilla, and Max Bennett also came in to volunteer. They cleaned and helped set the tables for the next day. They all have been great helping here at the senior center.

The BBAHC Diabetes program donated a case of apples to the seniors this month. The fresh fruit is always appreciated.

Rhonda Griffin came to the Senior Center to help the elders make homemade Christmas and Get Well cards. It was a popular activity and about ten people attended.

On November 16th we held our Annual Thanksgiving Dinner Fundraiser. We made \$160.50 to help with activities at the center.

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I. CALL TO ORDER

The Code Review Committee met on Thursday, December 13, 2012, in the Council Chambers, Dillingham, AK. Chair Paul Liedberg called the meeting to order at 5:32 p.m.

II. ROLL CALL

Committee Members present:

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

Guest(s):

Dan Pasquariello, Interim Chief of Police

III. APPROVAL OF MINUTES

A. Minutes of November 19, 2012

MOTION: Chris Maines moved and Doug Holt seconded the motion to approve the minutes of November 19, 2012.

GENERAL CONSENT: The motion passed without objection.

IV. APPROVAL OF AGENDA

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

GENERAL CONSENT: The motion passed without objection.

V. UNFINISHED BUSINESS

A. Title IV. Revenue and Finance

1. Manager Authority to Settle Unpaid Accounts

a. Review Penalty and Interest on Personal Property Tax

City Clerk Williams noted the sales tax penalty and interest was recently brought in line with personal and real property tax penalty and interest. She noted for the next agenda there would be a list of all the tax penalties and interest and the Committee could check them off as they are completed.

2. Review Board of Equalization Procedures and Conduct of Hearings
(Proposed Ordinance No. 2012-19 is not included pending Attorney's opinion on item 2. a)
 - a. Late Filed Appeals – Establish a Deadline/Fee *(Clerk Note: Information not yet available.)*

City Clerk Williams noted she had yet to receive language on a process for dealing with late filed appeals from the City's Attorney to add to the ordinance that was already covered with the committee.

B. Title XI. Vehicles & Traffic and Snowmobiles

City Clerk Williams noted the committee had previously there was nothing in code regarding children under the age of 18 driving ATVs without a helmet, and had discussed if the City was in violation of state law for allowing ATVs and snowmobiles to drive along the extreme right hand side of City roads. She noted when Ordinance No. 2005-05 was adopted amending the ATV title, sections of the previous code had been omitted, because it was presumed it was state law and did not have to be restated in City code.

Police Chief Pasquariello:

- noted the police dept. was regulating the code as if the old section was still under existence, which included allowing driving along the extreme right hand side of City roads;
- noted underage children could drive without helmets as long as they were not on the roadway; and
- noted helmets required was listed in the snowmobile code.

Discussion:

- questioned if the City could be more lenient than State law;
- asked if the practice of no helmets on underage children was abused and could it be enforced, and was it more of a safety problem or a nuisance;
- asked if the state law also pertained to city roads, staff to clarify if the city could be more lenient than the state, and the cost to enforce if the city decided to have different regulations; and
- asked for the history of this code, and for committee members to review Ordinance No. 2005-05 and proposed Ordinance No. 2007-03, and be prepared to discuss at the next meeting.

C. Regulate Commercial Licenses

Staff to contact cab companies for a meeting date to get their feedback, (looking at February), to contact insurance companies for the cost to have cab insurance, and to contact Bristol Bay Borough for the cost of a license. Committee to review Bristol Bay Borough ordinance in preparation for the next code meeting

VI. NEW BUSINESS

A. Review Library Code Suggested Changes

Staff to review the library code and compare with the new committee appointment code.

B. Operation of Low-Speed Vehicles

This topic had been approved earlier for the committee's to do list.

Police Chief Pasquariello:

- Low Speed Vehicles - motor vehicles that have four wheels, manufactured as capable of propelling itself, capable of achieving a minimum speed of 20 miles an hour and a maximum of 25 miles per hour, not been modified, and meets safety requirements of DMV); and
- noted the legislation that was adopted by the State allowed for operation of low speed vehicles, however, State of Alaska DMV would not register them, license them, (manufactured vehicle less than 3,000 pounds, usually electronic) unless the manufacturer certificate of origin stated it was a street legal vehicle. You could buy kits (lights and seat belts) to make it street legal, but the state of Alaska would not register it regardless, because it was manufactured as an off road vehicle.

Police Chief Pasquariello to provide a write up and present at the next committee meeting.

VII. PUBLIC COMMENT/COMMITTEE COMMENTS

The next meeting was scheduled for January 17 at 5:30 p.m.

Mayor Ruby and City Manager Loera wished Merry Christmas to all.

Paul Liedberg:

- reported he had received complaints about the area that had recently been cleared of trees off the Lake Road, that it was unsightly.

Mayor Ruby suggested referring people to BBNA's Natural Resources Dept, that the area was a native allotment.

VIII. ADJOURNMENT

The meeting adjourned at 6:42 p.m.

Paul Liedberg, Chair

ATTEST:

Janice Williams, City Clerk

Approved: _____

I. CALL TO ORDER

The Finance and Budget Committee met on Monday, December 17, 2012 at the City Council Chambers, Dillingham, AK. Bob Himschoot, Chair, called the meeting to order at 5:31 p.m.

II. ROLL CALL

Committee Members present:

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

Tracy Hightower, absent and excused

Guests:

Jean Barrett, Port Director

III. APPROVAL OF MINUTES

A. Minutes of November 29, 2012

MOTION: Keggie Tubbs moved and Rose Loera seconded the motion to accept the minutes of November 29, 2012.

GENERAL CONSENT: The motion passed without objection.

IV. APPROVAL OF AGENDA

MOTION: Keggie Tubbs moved and Rose Loera seconded the motion to approve the agenda as amended to move item, New Business, A. Harbor Fees, ahead of staff reports.

GENERAL CONSENT: The motion passed without objection.

VII. NEW BUSINESS

A. Harbor Fees

Port Director Jean Barrett reported he was preparing for an upcoming meeting with the Port of Dillingham Advisory Board and would be suggesting some changes in the harbor rate structure:

- Guide skiffs – to facilitate keeping track of skiffs launched, remove the in and out fee, and require a sticker for all guide skiffs; noted there had been no changes since 2004;
- Bulkhead – last year started charging the dock rate which was based on gross tonnage per 24 hour period, which eliminated the problem of lengthy stays at the working bulkhead and made the area more available to others; suggested an off season rate;

-
- Other suggested changes: 1) delete \$25 docking fee that was only used when a boat fishing the district didn't have a sticker and needed to do some repairs; 2) delete \$50 for skiffs under 25', never used; 3) ice machine – change weight measure from "tote", which is subject to change in size, to poundage;
 - Noted the code prohibited boat haulers from launching a boat that hasn't paid for a sticker, but it was not enforced, because it was more efficient to warn the boat captain, allow them to launch, and start the paperwork;
 - Transient moorage – \$25 a day regardless of number of times used; sells a sticker if they go over \$260; it is more work for staff tracking down boats that pay a daily rate and suggests every fishing vessel should have a sticker or go back to \$37.50 a day adopted in 2001; and
 - Wharfage – used NOS (not otherwise specified) for everything that was transported over the bulkhead and charged \$.35 per 100 pounds same as dock fees; didn't include using the City's boom used mainly by the fishermen themselves.

Discussion:

- commented there would always be transient boats;
- commented when the boom was installed the intent was to come up with a fee schedule for the use of the boom; and
- noted some city harbors are using a card swiping system to bill for services.

Jean Barrett:

- Harbor services – "other services" at \$50/man hour; had never used it, but could for times a skiff swamped and needed help, and could charge for equipment to help submerge the skiff.

Mayor Ruby reported on some additional fee structure suggestions:

- On shore parking fee – when a vessel was parked in the harbor for maintenance;
- Parking for retail sales – doing business in the harbor, not always harbor related; and
- Parking for vehicles – looking at resolving congestion in the harbor, possibly look at long and short term parking.

Discussion:

- noted parking congestion was a problem at Kananak Beach also.

V. STAFF REPORTS

A. Review of Financial Statements

City Manager Loera reported on the following:

- November Financials - would be available for the January Council packet;
- Senior Center budget – food budget line item was at 68% in October, should be around 33%; was working with staff on their inventory so as not to go over for the year.

Discussion:

- suggested looking for local resources to train on menu and nutritional planning and converting to shopping list; and

-
- asked staff to prepare information on use of the Senior Center during working hours, such as lunch preparation, computer access, other services provided.

City Manager Loera:

- Landfill rates – would be conducting a study to gauge the most frequent use of the landfill, with the idea of narrowing the hours for public access, and was working on controls for depositing cash and reconciling to receipts.

VI. UNFINISHED BUSINESS

A. Fiscal Policy Development

1. Overall Rate Review

a. Water and Wastewater

Staff noted they were waiting for the final audit results to proceed with the study.

b. Landfill

This was discussed previously.

C. Animal Shelter Facility

There was nothing to report.

D. Ambulance Fees

City Manager Loera reported the Fire Dept. Executive Committee was recommending several fee structures including exempting volunteers and family, and no charge to family that lost someone. She noted Fire Dept. staff was put in charge of coming up with recommendations for a fee structure to be presented at the January Finance meeting.

Mayor Ruby commented a resolution had been adopted last year that exempted volunteers and their immediate family from ambulance fees. She also noted the past practice was to not charge an ambulance fee if the patient passed away en route in the ambulance.

Discussion:

- asked if the additional revenues earned for the proposed higher ambulance fees, (the City had the lowest in the State) could be used for other than EMT-related equipment, staff supported using the excess for operating fees also.

E. Review Draft Analysis of Nushagak Raw Fish Sales Tax

Staff reported there were 17 applications filed for a refund on raw fish tax assessed, of which 15 were from real property owners, and 2 were for low income.

(Raw Fish Sales Tax Refund for Real Property Owner - A taxpayer owning real property in Dillingham is eligible for a partial refund equal to fifty percent of the tax collected from the taxpayer up to a maximum refund equal to fifty percent of the property tax timely remitted to the City.)

Staff commented they would bring back an updated analysis to the January Finance meeting along with the amount to be allocated to the Borough Fund and Regional Fisheries Improvement Fund.

F. Review FY 2012 Audit Over Expenditures

Finance Director Carol Shade:

- Administration Dept. – over budget by \$85,000 attributed to: 1) seven months of the Finance Director's wages and benefits continued to be assigned to Administration in FY 2012 after serving as Interim City Manager; and 2) wages and fringe benefits were higher than budgeted for the City Manager hired.
- City Clerk Dept. – over budget attributed to: 1) advertising budget for special election went over by \$3,000; and 2) codification – City adopted several major ordinances.
- Legal Fees – overage attributed to union legal fees.
- Insurance – over by \$10,000 attributed to unforeseen incidents at the Public Safety Building, involving flood damages in the amount of \$53,000, of which the City had a \$5,000 deductible, and electrical damages in the amount of \$34,000, which staff was following up on.
- Non-Departmental - \$47,000 overage attributed to: 1) prepaid annual computer support services paid in 2012, of which 8 months, \$15,000, should have been allocated to FY 2013 budget; 2) printer hardware support in the amount of \$3,000, of which a portion should have been allocated to FY 2013; 3) unforeseen expense to replace a backup server no longer working in the amount of \$9,700; 4) TekMate services – did not adequately budget; 5) contracted with Nushagak for better quality internet service in the amount of \$14,000 that was not budgeted and fully allocated to non-dept.; in the future, will apportion the cost with departments using the service.
- Public Safety Dept. major overages attributed to overtime and vehicle repairs. Staff to prepare an analysis.
- Streets – overage attributed in part to: 1) emergency hire of temporary worker in the amount of \$15,000 to help with snow removal; 2) grader loan was under budgeted; 3) gas, oil and grease. Staff to analyze gas, oil and grease expenditures and bring back a report to the committee.

Mayor Ruby noted the Council had budgeted a half hour workshop to review the 2012 Budget, and the present review was in preparation for that presentation. Staff was asked to provide a recap sheet that highlighted the major areas overspent in the general and special funds and to include the backup sheets.

Discussion:

- suggested for FY 2013 budget, management begin meeting with Dept. Heads on any overages and provide management with explanation for overage; and
- commented the Council had agreed to meet quarterly to review financials: 1st quarter would be to review the 2012 budget, and every quarter, thereafter, a 30 minute financial workshop would be held before the council meeting to discuss budget preparation and/or where the City was financially.

VII. NEW BUSINESS

A. Harbor Fees

This item was moved before Staff Reports.

B. Wage Scale

City Manager Loera reported the union was questioning the purpose of the wage scale after Step 12. It was their and her interpretation that "every two years after" meant the wages would increase by 2 percent every two years after Step 10. The committee agreed with the interpretation. Manager Loera agreed to research the wage study also.

VIII. PUBLIC/COMMITTEE COMMENT(S)

Keggie Tubbs:

- reported on a survey conducted by the Bering Straits evaluating heating fuel and gas prices, and gave examples of some towns within 150 miles of Nome, all with much smaller populations than Dillingham, having lower heating fuel and gas prices.

Discussion:

- noted BBNA was in the process of doing some energy reduction research.

Mayor Ruby:

- reminded all of the reception that was being held for Judy Nelson; and
- thanked staff for all their hard work.

Rose Heyano:

- wished everyone Happy Holidays.

Bob Himschoot:

- thanked staff for all their hard work; and
- suggested Dept. Heads be tasked with writing up explanations for overages in their budgets.

IX. ADJOURNMENT

The meeting adjourned at 9:30 p.m.

Bob Himschoot, Chair

ATTEST:

Janice Williams, City Clerk

Approved: _____

I. CALL TO ORDER

The regular meeting of the Port of Dillingham Advisory Committee was held on Friday, December 21, 2012 at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 12:04 p.m.

II. ROLL CALL

Members present:

Mayor Alice Ruby
Jim Baumgartner
Dan Dunaway
Robert Heyano
Bob Himschoot
Robin Samuelsen

Members absent:

Russ Rolf

Staff in attendance:

Rose Loera, City Manager
Jean Barrett, Port Director

III. APPROVAL OF MINUTES

A. Minutes of April 26, 2012

MOTION: Robin Samuelsen moved and Bob Himschoot seconded the motion to approve the minutes.

GENERAL CONSENT: The motion passed without objection.

IV. APPROVAL OF AGENDA

Mayor Ruby asked to add under agenda item Staff Reports, Financial Report.

MOTION: Robert Heyano moved and Robin Samuelsen seconded the motion to approve the agenda as amended.

GENERAL CONSENT: The motion passed without objection.

V. UNFINISHED BUSINESS

A. Harbor Rates

Jean Barrett reported that the harbor fees adopted in Resolution No. 2004-12, and inadvertently omitted when the Port Tariff was revised and adopted in 2007, would be added to the tariff.

He reviewed the following harbor fees:

Moorage fees – suggested no change;

Skiff fees – suggested removing the in and out fees for skiffs applied mostly to guiding outfits, and charge a sticker fee for all skiffs.

Discussion:

- supported lowering the rate for in and out fees to something more affordable that might encourage compliance; and
- spoke in favor of encouraging people to buy a seasonal ticket so staff was not having to track down skiffs and boats that would otherwise pay a daily fee.

Bulkhead fees – noted this year he had started charging the larger boats, scows and tenders, gross tonnage per 24 hour period same as the dock; this effectively eliminated vessels from camping out at the bulkhead;

Docking fee of \$25/day and \$50/day for Skiffs under 25' – noted he had never applied the \$50/day fee, but \$25/ a day had been applied for transient moorage. Commented if the crew of a 32 footer with a sticker needed work done at the bulkhead, they were not charged the \$25/day docking fee as long as they did their business and moved on.

Ice Machine – suggested changing the measurement from per tote to per pound, since tote sizes were subject to change.

Launch/Haul Out fee

- \$70 per launch and \$70 per haul out for vessels 25' and over, applied the rate to those that wintered in Dillingham, then launched in the season and went to other rivers to fish, returned, and for time spent in the harbor pay a \$25 daily rate.
- \$100 In/Out fee – for vessels that didn't have a sticker, and launch and haul same tide. If boat had a sticker, there was no charge.

Vessels under 25' \$25 Launch and Haul Out fee – suggest deleting it and require a sticker for all skiffs; and

Transient Moorage – in 2001 rate was \$37.50/day, in 2004 it dropped to \$25/day for vessels over 25' regardless of number of times used. Suggested it be a requirement that all boats have a harbor sticker to eliminate staff time keeping track of these boats. Past year staff kept track of over 120 boats on the daily rate. Staff had provided a sticker after \$260 reached "regardless of the number of times used". Suggested going back to the \$37.50/day to encourage purchasing a sticker.

Discussion:

- suggested increasing the daily rate to make it worth it to purchase a sticker; and
- commented when the harbor was filled with boats, staff was being pulled away from more important services in order to track boats on a daily rate.

Vessels under 25' \$12.50/day regardless of times used – had been administering this at \$25 a day. Suggested all skiffs and boats be required to purchase a sticker (\$70 for the season) and do away with the in and out rate. Noted for a skiff that entered the harbor to do some quick grocery shopping on the same tide, there have been no charges.

Wharfage (freight) fees – administered NOS (Not Otherwise Specified) charges at \$.35/per 100 pounds that covered all goods coming over the bulkhead. Individuals with a harbor sticker are

free to use the bulkhead to change nets, remove rollers, with help of staff if available, considered a service for purchasing a sticker. Those paying the daily rate were charged per pound.

Harbor services – “other services” \$50/per man hour plus equipment use, suggested retaining the language, but eliminate the list of individual goods at different rates. Hadn’t been charging for helping to submerge skiffs swamped due to negligence, but will going forward. Didn’t feel they should add to someone’s misery by issuing a bill when they’ve helped submerge a skiff due to a storm.

Discussion:

- asked if the City could be held liable when they come to someone’s aid and possibly damage their vessel, suggested adding a hold harmless clause to the language on the seasonal permit.

Other possible suggestions/fees:

- consider limiting the number of vehicles per harbor sticker;
- possible daily charges for long term storage for trucks and trailers;
- congested parking lot – resolve how to cut down on the number of personal vehicles parked in the harbor. Encourage PAF “residents” to park their vehicles in the PAF yard;
- only room for storage was lease Lot 1; used for boats that need maintenance, and was charging \$50/day; and
- charge people that set up commerce, possibly consolidate these activities to a section of the harbor, require upland use sticker.

Discussion:

- discourage parking on the hill on the south end (parallel parking only) to provide ample room for boat haulers;
- suggest not charging for vehicle parking until there was orderly parking;
- suggested PSA discouraging more than several personal vehicles per boat stored at the harbor at one time; and
- questioned if the City should charge a daily harbor fee for transient businesses such as trucks set up to provide welding services.

(Robin Samuelsen departed at 1:33 p.m.)

Mayor Ruby commented the City was working off of its Harbor Plan created about five years ago. The plan included implementing harbor lease lots, expanding the bulkhead, adding and renovating ramps, adding a crane, all of which had been done. She noted the City had spent several years developing a design for a breakwater at the harbor entrance, but the U.S. Army Corp had since reinterpreted its statute, and instead of a match of 5%, the City would have to provide a 30% match, around \$3 Million. The City had lobbied heavily to change the new interpretation.

B. Alcohol Consumption / Open Container Law / Noise Ordinance

Jean Barrett reported that the City’s Code did not allow drinking alcohol from open containers in the Port area. This did not include consumption on personal boats. He noted it was unlawful to

make or continue to make any excessively loud noise which would disturb others, and at times had called the Police Dept. to remove someone from the premises.

Discussion:

- interpreted the tariff to read anyone under the influence of alcohol would not be permitted on any portion of the Port premises;
- asked staff to find a definition for "under the influence";
- suggested inviting the Police Chief to their next meeting to answer questions regarding alcohol consumption; and
- noted Tariff Section 1.85 and Code Section 9.38 conflicted each other and should be referred to the Code Committee to make them consistent along with the section on denied services.

Jean Barrett reported there were several fire extinguishers mounted in several areas of the harbor.

Discussion:

- understood that BBNA had a roving VPSO stationed in Dillingham and might be available to Dillingham during the fishing season;
- noted there was an emergency response plan for the harbor;
- commented the City might look into a containerized firefighting apparatus that could be rolled down the ramps and be available as the first responder;
- confirmed safety was important, but concerned about adding equipment that might require high maintenance costs; and
- encouraged information regarding fire prevention and alcohol consumption be included with all stickers.

VI. NEW BUSINESS

A. Erosion Control on East Side of Harbor

Jean Barrett reported that the City had experienced serious erosion on the east side of the harbor. City crew had laid down some rock that was available, and would be able to use an existing grant to purchase some additional rock, which would be initiated over the winter.

B. Research and Compare Dock Tariff

Jean Barrett noted he would be researching other dock tariffs and the Committee's comments would be shared with the Finance Committee.

VII. STAFF REPORTS

A. Port Director

There were no questions on the Port Director's November staff report that was included in the packet.

1. Financial Reports

Jean Barrett highlighted some items from the unaudited FY 2012 financials:

- major equipment purchase in the amount of \$529,000 was for a forklift for the dock;
- leasing harbor lots was a new revenue source; and
- vehicle maintenance was way over budget, and had yet to analyze the overage.

Discussion:

- noted the Council established the revenue sources for the Port facility;
- noted the harbor and dock were separate special revenue (enterprise) funds, and under the umbrella of the Port Dept.;
- noted a budget line item to transfer funds from the general funds to the harbor special funds was necessary to help subsidize harbor operations; and
- asked about the BBEDC ice grant for 2012, noted the Curyung Tribe chose to apply for the 2012 BBEDC Community Block Grant, but the City was getting up to speed on the 2013 BBEDC Community Block Grant.

Jean Barrett highlighted some items on the FY 2013 financials as of November 30, 2012:

Dock:

- noted the category gas/oil/grease was over budget and was being analyzed;
- noted was unable to analyze liability insurance in time for the meeting.

Discussion:

- noted the Council had purposefully chosen over the years not to merge the harbor and dock funds in order to track the finances separately;
- noted the revenue projected for the raw fish sales tax was based on an average that was proposed in the annexation petition;
- noted for the FY 2014 budget, staff would contact Ak Dept. of Fish & Game for predictions on harvest and average size of fish same as they had for FY 2013; and
- noted ideally would like to foreward fund the raw fish sales tax projected revenues.

VIII. PUBLIC COMMENTS/COMMITTEE COMMENTS

Robin Samuelsen (prior to leaving the meeting suggested the following):

- *encouraged long term planning and entering into discussions with surrounding land owners for the purpose of expanding the harbor.*

Robert Heyano:

- noted it would be nice to pump the fill from the harbor to land, and it would be great to expand the harbor, but who would pay for the dredging; and
- commented there might be an opportunity for the City to haul large scows and tenders onto solid ground, using a new technology that was being used in Naknek.

Jim Baumgartner: no comment

Jean Barrett:

- thanked everyone for their input; and

- suggested having a third meeting in the year to help cut down on the amount of information covered, and help shorten the meetings.

Mayor Ruby recommended holding a meeting in February to review the revised harbor use fees that would be presented in a resolution to the Council. She noted the Council would need to add updating the Harbor Plan to its priority list.

Bob Himschoot:

- thanked staff for the luncheon and noted he appreciated all the staff's work; and
- commented he noticed the changes at the harbor (Harbor Plan).

Dan Dunaway:

- commented he sympathized with Robin's idea of not putting the spoils back in the bay, and using uplands if there was a way to make a pad, but remembered there were some issues;
- approved of a certain barge this past year being moored in a safer way in the harbor; and
- thanked the members for taking their time to provide further explanations, because some subjects warranted it.

Mayor Ruby commented that the Corp, per federal guidelines, could only dredge their footprint, the reason for the hole in the harbor. They could dredge it on the uplands, but the City would have to pay for it.

Rose Heyano: no comment

IX. ADJOURNMENT

Mayor Alice Ruby adjourned the meeting at 2:54 p.m.

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Approved: _____

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-01

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL WAIVING THE ADVERTISING REQUIREMENTS AND APPROVING TASK ORDER NO. 14 WITH BRISTOL ENVIRONMENTAL AND ENGINEERING SERVICES CORPORATION TO UPDATE THE 2006 SOLID WASTE MANAGEMENT PLAN

WHEREAS, the City of Dillingham wishes to contract with an outside source to update the 2006 Solid Waste Management Plan; and

WHEREAS, Dillingham Municipal Code (DMC) 4.30.130 allows waiving of purchase restrictions if the City Council finds that it is not in the public interest to follow the procurement procedures for the contracting of professional services, following approval of a resolution stating such; and

WHEREAS, the waiver is based on the criteria outlined in DMC 4.30.130, Exemptions. A. 6, "Restrictions and provisions of this chapter shall not apply"... "To professional services retained on a continuing as opposed to a project basis, i.e. accounting, appraisal, legal, and civil engineering services;" and

WHEREAS, the City of Dillingham contracted with Bristol Environmental and Engineering Services (BEESC) to provide the 2006 Solid Waste Management Study;

WHEREAS, the City wishes to retain the firm of BEESC to assist with updating the Study and provide costs to any changes to operations, since they have the experience, resources, and familiarity with the City's Solid Waste Facility;

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the City Manager to task BEESC with the following:

Task Order No. 14 - Develop an amendment to the 2006 Dillingham Solid Waste Management Plan for approval by the Alaska Department of Conservation (DEC) by assisting the City:

1. in evaluating the options for solid waste management to include:
 - a. direct burial
 - b. compacting
 - c. incinerating
 - d. waste-to-energy
 - e. recycling
 - f. backhauling
 - g. rate setting by weighing
 - h. scrap metal removal
 - i. mandatory refuse collection by the private sector; and

2. to provide cost estimates including time, materials, equipment and services for the solid waste management options.

BE IT FURTHER RESOLVED that the fee estimate for this work is not to exceed \$124,280 including professional services and reimbursable costs.

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

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

City of Dillingham Information Memorandum No. 2013-01

Subject: A Resolution of the Dillingham City Council waiving the advertising requirements and approving Task Order No. 14 with Bristol Environmental and Engineering Services Corporation to update the 2006 Solid Waste Management Plan

Agenda of: January 10, 2013

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Planning / Jody Seitz	JSS	
X	Public Works / Malcolm Brown		
X	Finance / Carol Shade	CS	
X	City Clerk / Janice Williams	JW	

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

Other Attachment(s):

- E-mail from Beth Verrelli of AkDEC
- BEESC Task Order No. 14

Summary Statement. This resolution would authorize waiving the City procurement procedures to by-pass the requirement for advertising for contract services to update the 2006 Solid Waste Management Plan. The 2006 plan needs to be updated and utilizing Bristol Environmental & Engineering Services, who developed the original plan would be less expensive, for the City with our limited funds. We have approximately \$124,000 remaining in a State landfill grant that will be matched with a compost grant from the Bristol Bay Campus. The compost grant purchases equipment that will be owned by the City.

The State of Alaska has given us approval to by-pass the procurement process with a valid scope of work, fee proposal and contract sent to the State prior to starting. See attached e-mail from Beth Verrelli of AkDEC.

The scope of work will be to develop an amendment to the 2006 Dillingham Solid Waste Management Plan for approval by the Alaska Department of Conservation (DEC) by assisting the City in evaluating the options for solid waste management to include: direct burial, compacting, incinerating, waste-to-energy, recycling, backhauling, rate setting by weighing, scrap metal removal and mandatory refuse collection by the private sector and provide cost estimates including time, materials, equipment and services for the solid waste management options.

City of Dillingham
Fiscal Note

Agenda Date: January 10, 2013

Request: _____

ORIGINATOR: Carol Shade

FISCAL ACTION (TO BE COMPLETED BY FINANCE)		FISCAL IMPACT	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
AMOUNT REQUESTED:		FUNDING SOURCE		
\$ 124,000.00		AKDEC 28303		
FROM ACCOUNT		Project		
4410 8510 30 81 3810 0		Solid Waste Management Plan Update		
\$ 124,280.00				
TO ACCOUNT:	VERIFIED BY:	Carol Shade	Date:	1/10/2013

EXPENDITURES

OPERATING	FY13	FY14	FY15	FY16
Personnel				
Fringe Benefits				
Computer Support	\$124,280.00			
Equipment				
Land/Buildings				
Miscellaneous				
TOTAL OPERATING	\$ 124,280.00	\$ -	\$ -	\$ -

CAPITAL				
---------	--	--	--	--

REVENUE				
---------	--	--	--	--

FUNDING

General Fund				
State/Federal Funds	124,280.00			
Other				
TOTAL FUNDING	\$ 124,280.00			\$ -

POSITIONS

Full-Time				
Part-Time				
Temporary				

ANALYSIS: (Attach a separate page if necessary)

See Attached Action Memorandum IM 2013-01

PREPARED BY: Carol Shade

January 10, 2013

DEPARTMENT: Finance Department

January 10, 2013

APPROVED BY: _____

Bristol Environmental and Engineering Services Corporation

TASK ORDER NUMBER: 14

PROJECT NAME: Update Solid Waste Management Plan

This Task Order pertains to an Agreement by and between the City of Dillingham ("OWNER") and Bristol Environmental and Engineering Services ("CONSULTANT") dated _____, 2013 ("the AGREEMENT"). Consultant shall perform services on the project described below as provided herein and in the Agreement. This Task Order shall not be binding until it has been properly signed by both parties. Upon execution, this Task Order shall supplement the Agreement as it pertains to the project described below.

PART 1.0 PROJECT DESCRIPTION

Develop an amendment for the 2006 Dillingham Solid Waste Management Plan for approval by the Alaska Department of Conservation (DEC) by assisting the City in evaluating the options for solid waste management to include: direct burial, compacting, incinerating, waste-to-energy, recycling, backhauling, rate setting by weighing, scrap metal removal and mandatory refuse collection by the private sector.

PART 2.0 SCOPE OF SERVICES TO BE PERFORMED BY CONSULTANT

Provide cost estimates including time, materials, equipment and services for the solid waste management options.

PART 3.0 OWNER'S RESPONSIBILITIES

The City shall provide office space when the consultant is in town working on City project, unless otherwise agreed by both parties.

PART 4.0 DELIVERABLES AND TIME PERIOD

Draft evaluation based on scope of services identified in Part 2.0 presented to the Council May 9, 2013.

PART 5.0 PAYMENT TO CONSULTANT

The fee proposal is a time & materials basis with a not-to-exceed amount of \$124,800.

PART 6.0 OTHER

N/A

This Task Order is executed this _____ day of _____, 2013.

City of Dillingham

Bristol Environmental and Engineering
Services

“OWNER”

“CONSULTANT”

By: Rose Loera

By:

Signature: _____

Signature: _____

Title: City Manager

Project Manager

BEESC Task Order No. 13 Provide Engineering Design Services to Relocate Sewer Force Main (12.16.2010)

Janice Williams

Subject: FW: grant extension for landfill Phase 2 Project # 28303

From: Verrelli, Beth A (DEC) [<mailto:beth.verrelli@alaska.gov>]
Sent: Thursday, December 27, 2012 12:13 PM
To: 'Jody Seitz'
Subject: RE: grant extension for landfill Phase 2 Project # 28303

Hi Jody,

No, you do not need to competitively bid the engineering work. However, for the engineering work related to the landfill to be eligible, I will need to have a valid scope of work, fee proposal and executed contract submitted to me so the work is properly documented and approvable. It is helpful to have the work they intend to do on the landfill estimated separately from any other work they may be doing for Dillingham. Please let me know if you have any questions.

Sincerely,

Beth Verrelli
Project Engineer
Municipal Grants & Loans/Anchorage
(907)269-7603

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-02

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL EXTENDING THE CONTRACT WITH NUSHAGAK TECHNICAL SERVICES (NTS) TO PROVIDE THE CITY OF DILLINGHAM DEPARTMENT OF PUBLIC SAFETY (DPS) WITH TECHNICAL SUPPORT

WHEREAS, the City of Dillingham's authorized a contract with Nushagak Technical Services (NTS) for the period covering August 5, 2011 – June 30, 2012, to provide IT support for the Dillingham Department of Public Safety (DPS); and

WHEREAS, a contract for such services was not provided to NTS for the contract period; and

WHEREAS, the City of Dillingham budgeted IT support in 2013 for the DPS and the City is now 6 months into FY 2013; and

WHEREAS, the City of Dillingham Department of Public Service advertised for RFP submittals for outsourced IT support services per DMC 4.30.090 in 2011; and

WHEREAS, Nushagak Technical Services proposal provided the City with the scope and sequence of support services needed by the City and provided such services during the time frame without a contract; and

WHEREAS, the City feels it is in the best interest of the DPS to extend the authorization to contract with NTS until the end of the fiscal year on 6/30/13 as authorized in 2011; and

WHEREAS, the City will extend a new RFP for a three year period to start on 7/1/2013 and end on 6/30/2016;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council hereby authorizes the City Manager to extend the contract with Nushagak Technical Services to provide technology support services for the DPS for the time period from July 1, 2012 – June 30, 2013 and to prepare a new RFP for FY 2014.

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

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

City of Dillingham Information Memorandum No. 2013-02

Subject: A Resolution of the Dillingham City Council extending a contract with Nushagak Technical Services (NTS) to provide the City of Dillingham Department of Public Safety (DPS) With Technical Support

Agenda of: January 10, 2013

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

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

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

Other Attachment(s): Resolution No. 2011-69

Summary Statement. The need for IT Support services continues with the Department of Public Safety. NTS has been providing such support without a contract and has always responded promptly. Resolution 2011-69 authorized the City Manager to execute a contract with NTS from 8/5/11 – 6/30/12 which was not executed. The City is 6 months into FY 2013 and Administration is recommending extending the authorization given in 2011 through 6/30/13. Staff will issue an RFP for FY 14 for a three year period to be effective 7/1/13 – 6/30/2016 prior to the end of FY 13.

If approved a contract will be executed based on the 2011 response to the RFP.

City of Dillingham
Fiscal Note

Agenda Date: January 10, 2013

Request:

ORIGINATOR: Carol Shade

FISCAL ACTION (TO BE COMPLETED BY FINANCE)		FISCAL IMPACT	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
AMOUNT REQUESTED:		FUNDING SOURCE		
\$	14,930.00	General Fund: Public Safety - IT		
FROM ACCOUNT		Project		
1000 7940 20 29 0000 00 Computer Support	\$ 14,930.00	IT Support Contract for Public Safety		
TO ACCOUNT:	VERIFIED BY: Carol Shade	Date:	1/10/2013	

EXPENDITURES

OPERATING	FY13	FY14	FY15	FY16
Personnel				
Fringe Benefits				
Computer Support	\$14,930.00			
Equipment				
Land/Buildings				
Miscellaneous				
TOTAL OPERATING	\$ 14,930.00	\$ -	\$ -	\$ -

CAPITAL				
---------	--	--	--	--

REVENUE				
---------	--	--	--	--

FUNDING

General Fund	\$ 14,930.00			
State/Federal Funds				
Other				
TOTAL FUNDING	\$ 14,930.00			\$ -

POSITIONS

Full-Time	1	1	1	
Part-Time				
Temporary				

ANALYSIS: (Attach a separate page if necessary) See Attached Information Memorandum IM 2013-02

PREPARED BY: Carol Shade

January 10, 2013

DEPARTMENT: Finance Department

January 10, 2013

APPROVED BY: _____

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2011-69

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH NUSHAGAK TECHNICAL SERVICES TO PROVIDE THE CITY OF DILLINGHAM DEPARTMENT OF PUBLIC SAFETY WITH TECHNICAL SUPPORT

WHEREAS, the City of Dillingham's IT support contract ended on June 30, 2011; and

WHEREAS, the City of Dillingham Department of Public Service advertised for RFP submittals for outsourced IT support services per DMC 4.30.090; and

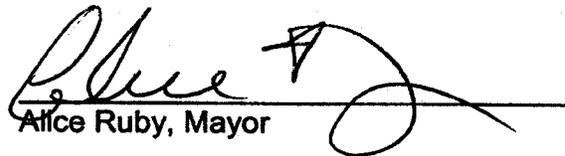
WHEREAS, Nushagak Technical Services proposal provides the City with the scope and sequence of support services needed by the City; and

WHEREAS, the City received two proposals of which Nushagak Technical Services is the lowest and responsive bidder at \$25.00 per hour Monday through Friday 8:00 am to 6:00 p.m. and \$37.50 per hour from 6:00 p.m. to 8:00 a.m. Monday through Friday, and all day Saturday and Sunday;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council hereby authorizes the City Manager to contract with Nushagak Technical Services to provide technology support services for the time period from August 5, 2011 through June 30, 2012.

PASSED and ADOPTED by the Dillingham City Council on Aug 4, 2011, 2011.

SEAL:


Alice Ruby, Mayor

ATTEST:


Janice Williams, City Clerk



CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-03

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL ORDERING THAT PLANNING COMMISSION RESOLUTION NO. 2013-01 BE VETOED

WHEREAS, the owner of Lot 1 Block 18 USS 2732 A&B requests that the alley between his property and Lot 2A White Subdivision be vacated; and

WHEREAS, the alley is less than half the minimum size required for street access by current code (DMC 17.19.050), 50 feet; and

WHEREAS, the alley dead ends at Lot 4 Block 18 USS 2732 A&B; and

WHEREAS, this alley does not meet the code requirements for alleys (DMC 17.19.110, 20 feet wide, no dead ends) or the minimum 20 feet wide easement for minor utilities required by code (DMC 17.19.120); and

WHEREAS, the City has already vacated the upper end of the alley between Lots 1 and 3 Block 18 USS 2732 A&B; and

WHEREAS, January 4, 2013, the Dillingham Planning Commission held a public hearing on the vacation of this alley; and

WHEREAS the Planning Commission of the City of Dillingham, Alaska, recommends to the Dillingham City Council that it approve the vacation of the alley, contingent on securing a plan for loading and service access from the owners of Lot 1 Block 18, USS 2732AB; and

WHEREAS, the Dillingham Municipal Code, Section 17.15, allows if a vacation of a city street or other public area is involved, the petition shall be forwarded to the City Council with a copy of the Planning Commission recommendation; and

WHEREAS, the Council has thirty days from the date of the decision of the Planning Commission in which to veto a recommended vacation; and if no veto is received, consent is considered to have been given and the Planning Director shall notify the Planning Commission and the applicant;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby orders that the Planning Commission recommendation for Planning Commission Resolution No. 2013-01 is VETOED.

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

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

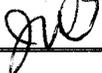
Subject: A Resolution of the Dillingham City Council ordering that Planning Commission Resolution No. 2013-01 be vetoed

Agenda of: January 10, 2013

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

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

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

Other Attachment(s):

- PC Resolution No. 2013-01
- Petition for Right-of-Way Vacation for Lot 1 Block 18 USS 2732 A&B, and Lot 2A White Subdivision

Summary Statement.

Planning Commission Resolution No. 2013-01 was adopted at the public hearing held on January 4, 2013. The process followed the Dillingham Municipal Code. The City Council has thirty days from the date of the decision of the planning commission in which to veto a recommended vacation. If no veto is received, consent is considered to have been given and the planning director shall notify the planning commission and the applicant.

DMC 17.15.030 Determination and recording.

A. Following the public hearing, the planning commission shall make its decision on the merits of the proposal.

B. If vacation of a city street or other public area is involved, the petition shall be forwarded to the city council with a copy of the planning commission recommendation.

C. The council has thirty days from the date of the decision of the planning commission in which to veto a recommended vacation. If no veto is received, consent is considered to have been given and the planning director shall notify the planning commission and the applicant.

D. If the vacation, alteration, or replat is approved, the revised plat shall be acknowledged and filed in accordance with AS 40.15, as amended from time to time. (Ord. 90-03 § 1 (part), 1990.)

Staff contacted Attorney Chandler for the proper presentation to the Council. It was his recommendation that the resolution be presented in this fashion. Please note the following email excerpt.

Attorney Brooks Chandler:

The January 10 meeting may be the only regular meeting at which a veto could be exercised within the 30 day time limit. Therefore I recommend that a resolution be prepared using the phrase: "It is hereby ORDERED that the Planning Commission recommendation [reference property or PC Resolution NO.] is VETOED.

This resolution would be placed on the agenda. It is NOT required that the Council actually vote on the Resolution. Theoretically there will be another 3 weeks available to act should Council desire more information or just not wish to act on Jan. 10. So we could have a motion to table, a motion to postpone consideration to some specified future date, a motion to adopt that dies for lack of a second or an actual vote on the Resolution.

If the Council does actually vote and the 24 hour period for reconsideration passes then the platting process would proceed. Otherwise, that process will await the expiration of the 30 day veto period.

RESOLUTION 2013-01

A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Recommending the vacation of the alleyway between Lot 1 Block 18 of USS 2732AB and Lot 2A White Subdivision

WHEREAS, the owner of Lot 1 Block 18 USS 2732AB requests that the alley between his property and Lot 2A White Subdivision be vacated; and

WHEREAS, the alley is less than half the minimum size required for street access by current code (DMC 17.19.050), 50 feet, and

WHEREAS, the alley dead ends at Lot 4 Block 18 USS 2732AB; and

WHEREAS, this alley does not meet the code requirements for alleys (DMC 17.19.110, 20 ft wide, no dead ends) or the minimum 20 feet wide easement for minor utilities required by code (DMC 17.19.120) and

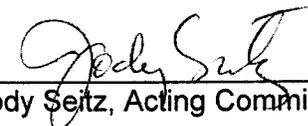
WHEREAS, the City has already vacated the upper end of the alley between Lots 1 and 3 Block 18 USS 2732AB; and

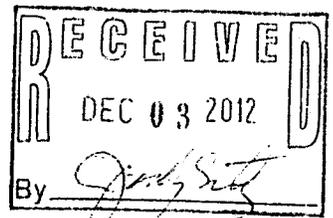
WHEREAS, January 4, 2013, the Dillingham Planning Commission did hold a public hearing on the vacation of this alley,

THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Dillingham, Alaska, recommends to the Dillingham City Council that it approve the vacation of the alley, contingent on securing a plan for loading and service access from the owners of Lot 1 Block 18, USS 2732AB.

APPROVED AND ADOPTED THIS 4th DAY OF January, 2013.


Terry Hoefferle, Presiding Officer


Jody Seitz, Acting Commission Clerk



Mammoth Consulting, L.L.C.
Land Research • Surveying • Mapping • Development Consulting
11001 Ridgecrest Drive Anchorage, Alaska 99516
Tele. (907) 346-3767

November 26, 2012

Dillingham Planning Commission
P.O. Box 889
Dillingham AK 99576

Re: Petition for Right-of-Way Vacation

Dear Members of the Dillingham Planning Commission:

Please consider this petition for the vacation of that portion of the 16-foot-wide alley bounded by Lot 1 Block 18 Dillingham Townsite, U.S. Survey 2732A&B and Lot 2A Block 18 White Subdivision. The area is depicted by red hatching on the attached maps. Also shown on the maps by red shading is that portion of the same alley that was vacated in 1985.

The area proposed for vacation is not practical for the uses or purposes authorized by a public right-of-way. Block 18 of the Dillingham Townsite is bounded by "D" Street, Alaska Street, and Main Street West. With the exception of Lot 3, all lots in Block 18 have frontage on one or more of those streets. Lot 3, in the middle of Block 3, was provided access to Alaska Street via two 16-foot-wide alleys. Because both alleys terminated at Lot 3, they were never intended as a public thoroughfare linking Alaska Street and "D" Street.

In 1985, Lyman Smith, the owner of Lots 1 and 3, successfully petitioned the City of Dillingham to vacate that portion of the alley bounded by those two lots. In accordance with Section 17.15.040 (A) of the City of Dillingham's municipal code, title to the vacated area attached to the bordering lands in equal proportion. The vacation action thus created two parcels of equal width, which are designated as Parcels A and B on the attached sketch. Parcel A belongs to the owner of Lot 1, and Parcel B belongs to the owner of Lot 3. The alley now terminates at the southerly boundaries of Parcels A and B. It is no longer practical for vehicular ingress and egress between Alaska Street and Lot 3, as it is only 8.2 feet wide at the southerly boundary of Parcel B.

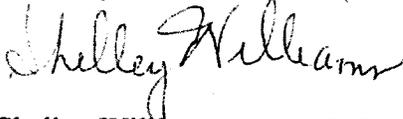
Attached to this letter are:

- Ownership form signed by the owners of a majority of the land adjoining the proposed vacation (University of Alaska – Lot 1, Block 18 Dillingham Townsite, U.S. Survey 2732A&B, and Brian and Stephanie McCumber – Lot 2A, Block 18, White Subdivision)
- Detailed Sketch of the affected area, including buildings and their distances from lot lines
- Overlay of Vacation Areas on Plat of Dillingham Townsite, U.S. Survey 2732A&B
- Overlay of Vacation Areas on Plat of White Subdivision, Plat No. 89-8
- Overlay of Vacation Areas on 2006 Aerial Photo
- Copy of "Vacation of Easement and Right-of-Way," recorded August 21, 1985, Book 30, Page 100
- Application fee (check for \$75)

Please call me if you have any questions or need additional information.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Shelley Williams".

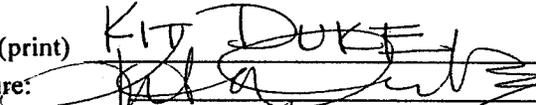
Shelley Williams, P.E., P.L.S.

Ownership

Signatures of all legal owners are required on this application. If signing for a corporation or partnership, provide proof of authority to sign.

For vacations, signatures of owners of a majority of the land adjoining the proposed vacation must be submitted. This does not apply to public utility easement vacations.

By this signature, owners authorize processing of this application and site inspection of land involved.

Name: (print) KIT DUKF Phone: 907.786.7791
Signature: 
Mailing Address: 1815 Blagov Street, Suite 101, Anchorage, AK 99508-3438
Property Owned: Lot 1, ~~lot 2A~~, Block 17, Dillingham, AK per attached surveys

Name: (print) BRIAN C McCUMBER Phone: 907 843 2514
Signature: Brian C McCumber
Mailing Address: PO BOX 945, 318 ALASKA STREET, DILLINGHAM, AK 99576
Property Owned: _____

Name: (print) Stephanie McCumber Phone: 843-2558
Signature: Stephanie McCumber
Mailing Address: PO. 945 Dillingham, AK 99576
Property Owned: 318 Alaska St.

Name: (print) _____ Phone: _____
Signature: _____
Mailing Address: _____
Property Owned: _____

Name: (print) _____ Phone: _____
Signature: _____
Mailing Address: _____
Property Owned: _____

Name: (print) _____ Phone: _____
Signature: _____
Mailing Address: _____
Property Owned: _____

Name: (print) _____ Phone: _____
Signature: _____
Mailing Address: _____
Property Owned: _____

"D" STREET

Lot 29A

(P 8 4 - 1)

Lot 28A

Lot 1

BLOCK 18

Lot 4

2' Right of Entry and Easement
Bk 21 Pg 904
Bk 21 Pg 905

8' Right of Entry and Easement
Bk 21 Pg 903
Bk 21 Pg 907

Right-of-Way Vacated in 1985

See "Vacation of Easement and RW"
Bk 30 Pg 100

16.5'

9.8'

Lot 2A

Lot 3

Area of 2012 Right-of-Way Vacation Request

10' Utility Esmt
per P89-8

SUBD.

Lot 26

ALASKA WHITE

(P 8 9 - 8)

10' x 25' Sewer Esmt
per P89-8

Lot 2B

Alley

STREET

Lot 6

Lot 25

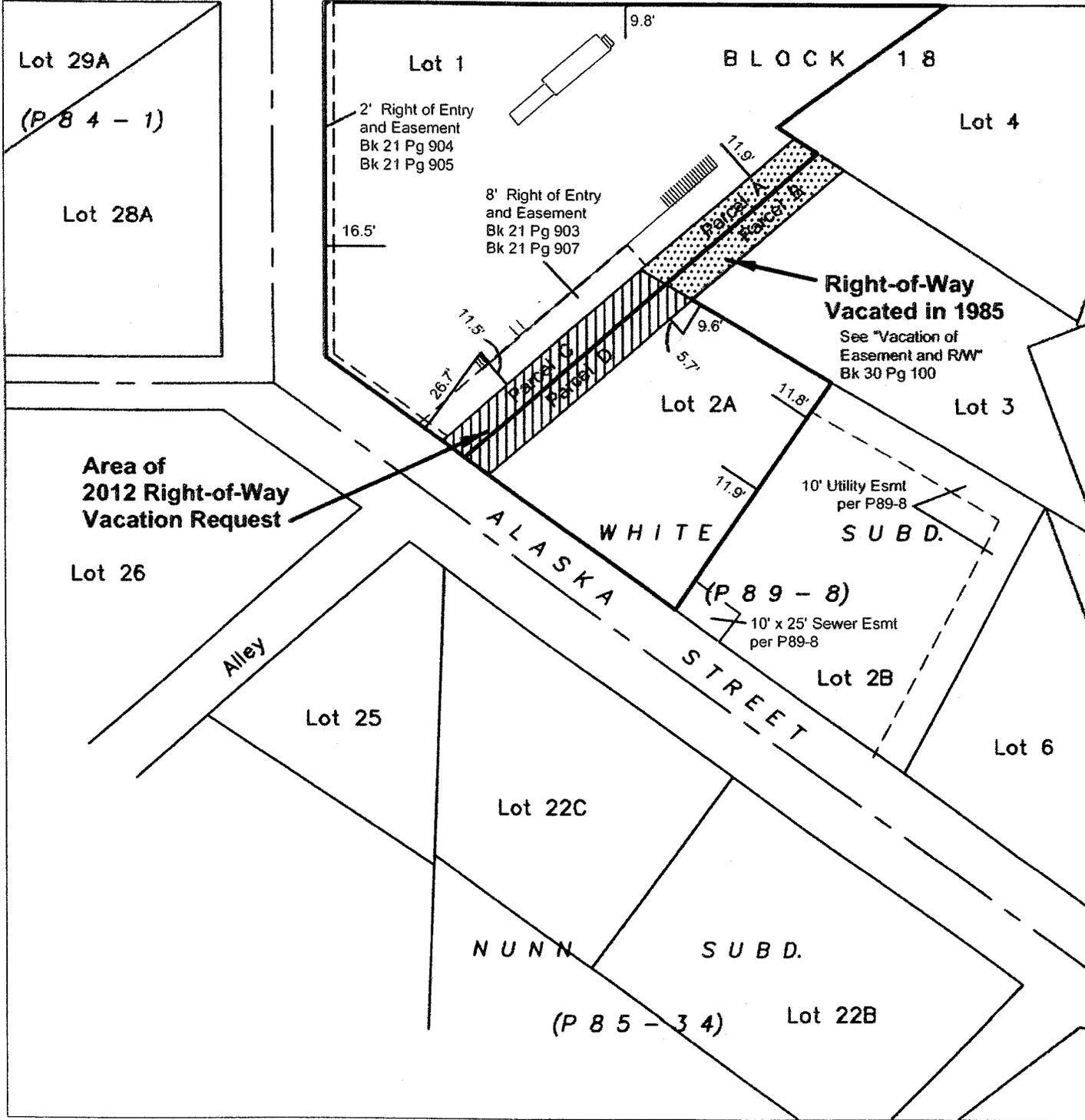
Lot 22C

NUNN

SUBD.

(P 8 5 - 3 4)

Lot 22B



CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-04

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL ORDERING THAT PLANNING COMMISSION RESOLUTION NO. 2013-02 BE VETOED

WHEREAS, the owner of Lot 6 Block 18 USS 2732 requested to the Planning Commission that the alley between his property and Lot 7 USS 2732 A&B be vacated; and

WHEREAS, the alley is less than half the minimum size required for street access by current code (DMC 17.19.050) which is 50 feet; and

WHEREAS, a city sewer line is buried in the alley between lots 6 and 7, and there is a manhole beyond the north end of the alley close to the lot line between lots 7 and 3; and

WHEREAS, this alley does not meet the code requirements for alleys (DMC 17.19.110, 20 feet wide, no dead ends) or the minimum 20 feet wide easement for minor utilities required by code (DMC 17.19.120); and

WHEREAS, the City Public Works Department feels the City would have adequate means of servicing the sewer line and manhole by retaining an easement where the right of way is now; and

WHEREAS, on January 4, 2013, the Dillingham Planning Commission held a public hearing on the vacation of this alley; and

WHEREAS, Planning Commission is now recommending to the Council the vacation of the alleyway between Lots 6 and 7 Block 18 of USS 2732A&B and approving the replat contingent on the following:

1. Retain 14 feet of easement for public utilities where the alley is; and
2. Install a gate on the south end of the alley (the Alaska Street end).

WHEREAS, the Dillingham Municipal Code, Section 17.15, allows if a vacation of a city street or other public area is involved, the petition shall be forwarded to the City Council with a copy of the Planning Commission recommendation; and

WHEREAS, the Council has thirty days from the date of the decision of the Planning Commission in which to veto a recommended vacation; and if no veto is received, consent is considered to have been given and the Planning Director shall notify the Planning Commission and the applicant;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby orders that the Planning Commission recommendation for Planning Commission Resolution No. 2013-02 is VETOED.

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

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: A Resolution of the Dillingham City Council ordering that Planning Commission Resolution No. 2013-02 be vetoed

Agenda of: January 10, 2013

Council Action:

Manager: Recommend approval

City Manager: Rose Loera
Rose Loera

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

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

Other Attachment(s):

- PC Resolution No. 2013-02
- Petition for Right-of-Way Vacation for Lot 6, Block 18 USS 2732, and Lot 7, USS 2732 A&B

Summary Statement.

Planning Commission Resolution No. 2013-02 was adopted at the public hearing held on January 4, 2013. The process followed the Dillingham Municipal Code. The City Council has thirty days from the date of the decision of the planning commission in which to veto a recommended vacation. If no veto is received, consent is considered to have been given and the planning director shall notify the planning commission and the applicant.

DMC 17.15.030 Determination and recording.

A. Following the public hearing, the planning commission shall make its decision on the merits of the proposal.

B. If vacation of a city street or other public area is involved, the petition shall be forwarded to the city council with a copy of the planning commission recommendation.

C. The council has thirty days from the date of the decision of the planning commission in which to veto a recommended vacation. If no veto is received, consent is considered to have been given and the planning director shall notify the planning commission and the applicant.

D. If the vacation, alteration, or replat is approved, the revised plat shall be acknowledged and filed in accordance with AS 40.15, as amended from time to time. (Ord. 90-03 § 1 (part), 1990.)

Staff contacted Attorney Chandler for the proper presentation to the Council. It was his recommendation that the resolution be presented in this fashion. Please note the following email excerpt.

Attorney Brooks Chandler:

The January 10 meeting may be the only regular meeting at which a veto could be exercised within the 30 day time limit. Therefore I recommend that a resolution be prepared using the phrase: "It is hereby ORDERED that the Planning Commission recommendation [reference property or PC Resolution NO.] is VETOED.

This resolution would be placed on the agenda. It is NOT required that the Council actually vote on the Resolution. Theoretically there will be another 3 weeks available to act should Council desire more information or just not wish to act on Jan. 10. So we could have a motion to table, a motion to postpone consideration to some specified future date, a motion to adopt that dies for lack of a second or an actual vote on the Resolution.

If the Council does actually vote and the 24 hour period for reconsideration passes then the platting process would proceed. Otherwise, that process will await the expiration of the 30 day veto period.

RESOLUTION 2013-02

A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Recommending the vacation of the alleyway between Lots 6 and 7 Block 18 of USS 2732AB and approving the replat

WHEREAS, the owner of Lot 6 Block 18 USS 2732 requests that the alley between his property and Lot 7 USS 2732AB be vacated, and

WHEREAS, the alley is less than half the minimum size required for street access by current code (DMC 17.19.050) which is 50 feet, and

WHEREAS, a city sewer line is buried in the alley between lots 6 and 7, there is a manhole beyond the north end of the alley close to the lot line between lots 7 and 3, and

WHEREAS, this alley does not meet the code requirements for alleys (DMC 17.19.110, 20 ft wide, no dead ends) or the minimum 20 feet wide easement for minor utilities required by code (DMC 17.19.120) and

WHEREAS, the City Public Works Department feels the City would have adequate means of servicing the sewer line and manhole by retaining an easement where the right of way is now; and

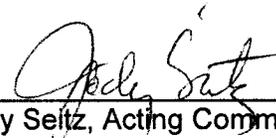
WHEREAS, January 4, 2013, the Dillingham Planning Commission did hold a public hearing on the vacation of this alley,

THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Dillingham, Alaska, recommends to the Dillingham City Council that it approve the vacation of the alley, contingent on the following:

- a. Retain 14 ft of easement for public utilities where the alley is.
- b. Install a gate on the south end of the alley (the Alaska Street end).

APPROVED AND ADOPTED THIS 4th DAY OF January, 2013.

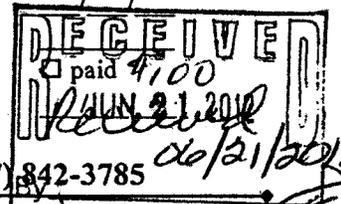

Terry Hoeffler, Presiding Officer


Jody Seitz, Acting Commission Clerk



Preliminary Platting Application

Date: _____
Received By: _____
Application Fee \$50
Date Completed: _____



City of Dillingham Planning • PO Box 889, Dillingham, AK 99576 • (907) 842-3785

Note: An informal pre-application conference by appointment with Planning Department staff prior to the submission of this application is encouraged.

Applicant: Scott King No plat needed
Mailing Address: P.O. Box 1255 Dillingham AK 99576
Telephone: (Home) 907 842-5173 (Work) 907 842-5173
Email: _____
Surveyor: South West Alaska Surveying John O'Connor

Property Information

Legal description of property involved in this request (as shown on attached title report):

US 2732 Lot 18 BLK 18

Please include Section: _____ T _____ R _____

Total Acreage: _____ No. of Lots Resulting: _____ Size each lot: _____

Describe the proposed change: _____

Proposed name (non-duplicate/unique) for new subdivision: _____

For VACATION, Complete This Section

Legal description of area to be vacated: Alley between lot 18 and lot 7

- Dedicated public right-of-way—street name _____
- Section line easement—width of easement _____
- Type of easement (Federal) _____ (State) _____ (Other) _____
- Park or public area _____
- Trail easement—width of easement _____

The Planning Commission deems the area for which vacation is requested to be of value to the public. The applicant must show that the area proposed for vacation is no longer practical for the uses or purposes authorized or that other provisions have been made which are more beneficial to the public.

Justification for requested vacation (attach separate page if necessary): Alley as currently or formerly configured was unuseable as access to lot due to terrain/disrepair. Alley was considered an eyesore and vacation of said alley improves neighborhood.



Preliminary Platting Application

Date received

1/1

Received By

Application Fee

Date Completed

RECEIVED
JUN 21 2012
By _____

(p. 2) lots

City of Dillingham Planning • PO Box 889, Dillingham, AK 99576 • (907) 842-3785

Note: An informal pre-application conference by appointment with Planning Department staff prior to the submission of this application is encouraged.

Applicant: Robert Karlstrom
 Mailing Address: Box 550 Dillingham, AK 99576
 Telephone: (Home) 842-2460 (Work) 842-5244
 Email: _____
 Surveyor: South West Alaska Surveying John O'Connor

Property Information

Legal description of property involved in this request (as shown on attached title report):

US 2732 Lot 4+3

Please include Section: _____ T _____ R _____

Total Acreage: _____ No. of Lots Resulting: 1 Size each lot: _____

Describe the proposed change: Redivide property to combine lots.

Proposed name (non-duplicate/unique) for new subdivision: _____

For VACATION, Complete This Section

Legal description of area to be vacated: _____

____ Dedicated public right-of-way—street name _____

____ Section line easement—width of easement _____

____ Type of easement (Federal) _____ (State) _____ (Other) _____

____ Park or public area _____

____ Trail easement—width of easement _____

The Planning Commission deems the area for which vacation is requested to be of value to the public. The applicant must show that the area proposed for vacation is no longer practical for the uses or purposes authorized or that other provisions have been made which are more beneficial to the public.

Justification for requested vacation (attach separate page if necessary): _____

Ownership

Signatures of all legal owners are required on this application. If signing for a corporation or partnership, provide proof of authority to sign.

For vacations, signatures of owners of a majority of the land adjoining the proposed vacation must be submitted. This does not apply to public utility easement vacations.

By this signature, owners authorize processing of this application and site inspection of land involved.

Name: (print) Robert Kallstrom Phone: 842-5241
Signature: Robert Kallstrom
Mailing Address: Box 540 - Dillingham, AK - 99576
Property Owned: _____

Name: (print) Scott King Phone: 907 842-5173
Signature: Scott King
Mailing Address: P.O. Box 1255 Pillingham AK 99576
Property Owned: L6 B18 Uss 2732

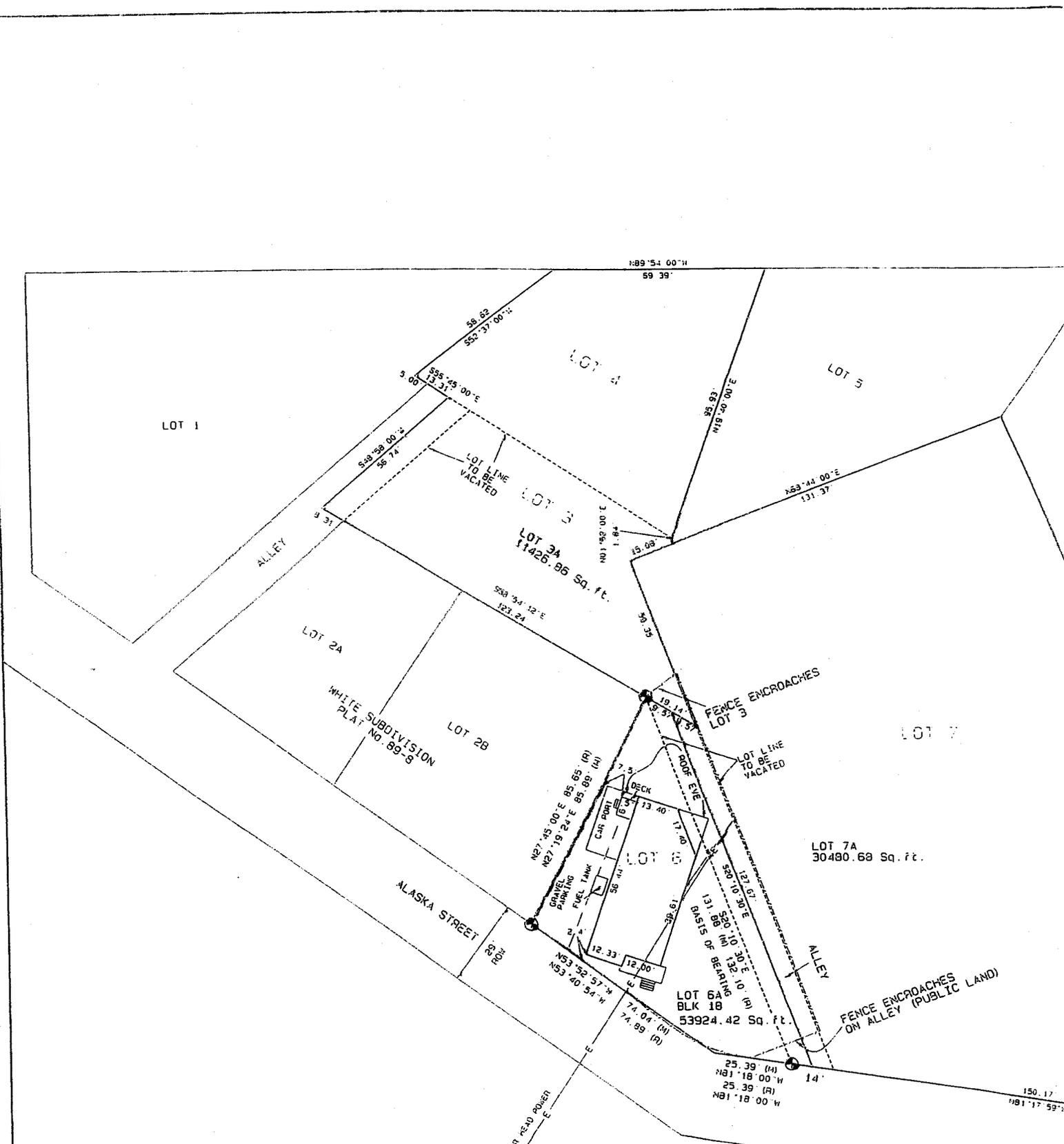
Name: (print) _____ Phone: _____
Signature: _____
Mailing Address: _____
Property Owned: _____

Name: (print) _____ Phone: _____
Signature: _____
Mailing Address: _____
Property Owned: _____

Name: (print) _____ Phone: _____
Signature: _____
Mailing Address: _____
Property Owned: _____

Name: (print) _____ Phone: _____
Signature: _____
Mailing Address: _____
Property Owned: _____

Name: (print) _____ Phone: _____
Signature: _____
Mailing Address: _____
Property Owned: _____



PLAT APPROVAL:

THIS PLAT, HAVING BEEN APPROVED BY THE CITY OF DILLINGHAM PLANNING COMMISSION, AS RECORDED IN THE OFFICIAL MINUTES OF THE MEETING OF

201 _____ IS HEREBY ACKNOWLEDGED AND ACCEPTED AS THE OFFICIAL PLAT SUBJECT TO ANY AND ALL CONDITIONS AND REQUIREMENTS OF ORDINANCES AND LAW APPERTAINING THERETO.

BY: PAUL LIEBERG
CHAIRPERSON, PLANNING COMMISSION

DATE _____

LEGEND:

- ⊙ 1" ALUMINUM CAP FOUND
- (M) MEASURED THIS SURVEY
- (R) RECORD DATA

Bethel City Council Raises Tobacco Tax

Q. Mayor Ruby and City Manager Loera

A. Atty. Brooks Chandler
Boyd, Chandler & Falconer LLP

Q. My question is how Bethel was able to raise the tobacco tax without raising any other sales tax. We were told that Alaska Statute prohibits raising the sales tax on any one item. There has been interest here in the community to raise the sales tax on alcohol. We were warned years ago that if we raise the tax to a amount that would significantly impact the overall price, then the alcohol industry would file a legal challenge and could possibly win.

A. The prohibition on raising sales tax on a single commodity is limited to alcohol per Title 4 of the Alaska statutes. Alcohol is the only item that has this type of legal protection (due to the strength of the alcohol lobby in Juneau). That is what Mayor Ruby is recalling. DLG already taxes alcohol at a higher rate AND has a bed tax (which is a form of sales tax specific to short term rentals of hotel rooms), which is also at a higher rate than our general sales tax rate. The bed tax is what makes the higher rate on alcohol legal.

So, even if tobacco was entitled to the same sort of protection as alcohol that would not prevent the City from raising sales tax on sales of tobacco.

BUT please recall that any increase in sales tax rate must be approved by the voters even if it only applies to a single product.

Q. So did Bethel bring this to the voters and then the council acted on it?

A. No they set it up as an excise tax not a sales tax. An excise tax is a "flat" tax (like the highway gas tax which is so much per gallon regardless of what a gallon of gas costs). Voter approval is not required for an excise tax.

Ordinance attached. The system they are using is not good in my opinion because the phrase "100 mills" is more like a property tax which puts the city in the business of trying to value tobacco - way too complicated to accomplish the two goals: 1. Raising money, and 2. Discouraging tobacco use. In addition even though they call this an "excise" tax, they are basing it on a percentage of the wholesale price which makes it more like a sales tax.

I would not be surprised if this ordinance is challenged. Most towns that set up a tobacco excise tax make it a flat rate per cigarette or per pack, can of snuff etc.

Introduced by: Council Member Eric Whitney
Introduction Date: November 27, 2012
Public Hearing: December 11, 2012
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #12-09

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING THE BETHEL MUNICIPAL CODE TO ENACT SECTION 4.17 EXCISE TAX ON CIGARETTES AND TOBACCO PRODUCTS

BE IT ORDAINED by the City Council of Bethel, Alaska, that:

SECTION 1. Classification. This ordinance is of permanent nature and shall be codified within the Bethel Municipal Code.

SECTION 2. Enactment. Sections 4.17 of the Bethel Municipal Code Excise Tax on Cigarettes and Tobacco Products, is enacted as follows.

Chapter 4.17 Excise Tax on Cigarettes and Tobacco Products

- 4.17.010 Definitions
- 4.17.020 Tax on Cigarettes
- 4.17.030 Tax on Other Tobacco Products
- 4.17.040 Intent and Purpose of Chapter
- 4.17.050 Exemptions
- 4.17.060 Exemption Cards
- 4.17.070 License required for Dealers in Cigarette or Tobacco Products - Issuance
- 4.17.080 License Fee
- 4.17.090 Expiration and Renewal of Licenses
- 4.17.100 Transfer of License
- 4.17.110 Refund of Tax or License Fee
- 4.17.120 Display of License; Surrender of License; Suspension or Revocation of License
- 4.17.130 Tax Returns
- 4.17.140 Involuntary Returns
- 4.17.150 Amended Tax Returns
- 4.17.160 Application of Payments
- 4.17.170 Prohibited Acts and Penalties
- 4.17.180 Civil Fraud
- 4.17.190 Tax Lien

Introduced by: Council Member Eric Whitney
Introduction Date: November 27, 2012
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- 4.17.200 Interest on Unpaid Tax
- 4.17.210 Taxpayer, licensee, cardholder, or other person remedies
- 4.17.220 Reports by Manufacturers
- 4.17.230 Inspection and Maintenance of Documents and Records
- 4.17.240 Administrative Regulations
- 4.17.250 Confidential and Non-Confidential Tax Information

4.17.010 – Definitions

The following words, terms, and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. "Cardholder or Exemption Cardholder" means a person in whose name a valid and current exemption card has been issued by the Finance Director.
- B. "Cigarette" means a roll for smoking of any size or shape, made wholly or partly of tobacco, whether the tobacco is flavored, adulterated, or mixed with another ingredient, if the wrapper or cover of the roll is made of paper or a material other than tobacco.
- C. "Department" means the finance department of the City.
- D. "Distributor" means a person who brings cigarettes or other tobacco products or causes them to be brought into the city, and who sells or distributes them to others for resale in the city.
- E. "Exemption Card" means a city cigarette and tobacco products card issued under this chapter.
- F. "Finance Director" means the finance director of the City of Bethel or their designee.
- G. "Other tobacco products" means:
 - o A cigar;
 - o A cheroot;
 - o A stogie;
 - o A perique;
 - o Snuff and snuff flour
 - o Smoking tobacco, including granulated, plug cut, crimp-cut, and ready-rubbed tobacco, and any form of tobacco suitable for smoking in a pipe or cigarette;
 - o Chewing tobacco, including Cavendish, twist, plug, or scrap tobacco, and tobacco suitable for chewing; or
 - o An article or product made of tobacco or a tobacco substitute, but not including a cigarette as defined in this section or a tobacco substitute prescribed by a licensed physician.

Introduced by: Council Member Eric Whitney
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- H. "Sale" includes a sale, barter, exchange, and every other manner of transferring the ownership of personal property.
- I. "Tax" means the cigarette and other tobacco products excise tax assessed pursuant to this chapter.
- J. "Wholesale price" means the established price for which a manufacturer sells a tobacco product to a distributor or other person, after deduction of a discount or other reduction received by the distributor for quantity or cash.

4.17.020 – Tax on Cigarettes

- A. The City hereby levies an excise tax of 100 mills, adjusted annually as provided in subsection B of this section, on each cigarette brought into the City. Cigarettes upon which the tax is imposed are not again subject to the tax when acquired by another person.
- B. The annual Consumer Price Index adjustment shall be based on the August release date of the semiannual report for the Municipality of Anchorage from the United States Department of Labor statistics and determined to be the percent change to the current year from the average of the first and second half of the prior year, and will be effective January 1 of each year following the August release date. The first such adjustment date shall be January 1, 2014.

4.17.030 – Tax on Other Tobacco Products

An excise tax of forty-five (45%) percent of the wholesale price is levied on tobacco products, other than cigarettes, brought into the City. Tobacco products upon which this tax is imposed are not again subject to this tax when acquired by another person.

4.17.040 – Intent and Purpose of this Chapter

- A. It is the intent and purpose of this chapter to provide for the collection of the excise tax from the distributor who brings cigarettes or other tobacco products into the City. The excise tax is levied when a distributor:
 - 1. First acquires the cigarettes or other tobacco products within the city;
 - 2. Brings or causes cigarettes or other tobacco products to be brought into the city;
 - 3. Makes, manufactures, or fabricates cigarettes or other tobacco products in the city; or
 - 4. Ships or transports cigarettes or tobacco products into the city.

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B. Notwithstanding anything to the contrary contained in this chapter, the taxpayer shall be those persons described in this section and no others.

4.17.050 – Exemptions

- A. Military. Cigarettes and other tobacco products brought into or acquired in the City by a military exchange, commissary, or ship's store operated by one of the uniformed services of the United States as defined in 5 USC section 2101 are exempt from tax under this chapter if the cigarettes and other tobacco products are sold to and for the sole use of authorized personnel according to current military regulations.
- B. The tax imposed under this chapter does not apply to cigarettes and other tobacco products if the United States Constitution or other federal laws prohibit the levying of this tax on such products by the city.

4.17.60 – Exemption Cards

- A. Except as otherwise provided herein, no person may acquire cigarettes or other tobacco products in the City exempt of the tax unless that person has been issued an exemption card in accordance with this chapter. No licensee shall claim any exemption under this chapter unless cigarettes or other tobacco products for which exemption is claimed have been sold or transferred to a person presenting a valid and current exemption card issued by the department in accordance with this chapter prior to such sale or transfer.
1. Any person with a current City of Bethel business license may apply for an exemption card under this section as an agent for merchants whose principal places of business are located outside of the City and who acquire from an agent cigarettes or other tobacco products exempt from the tax imposed under this chapter, provided each merchant has a valid State of Alaska business license with a tobacco endorsement and the line of business (LOB) code or equivalent thereon.
 2. A merchant acquiring cigarettes and other tobacco products through an agent under this section shall be considered an exemption cardholder for all purposes under this chapter.
 3. A person or licensee issued an exemption card as an agent under this section shall comply with all provisions of this chapter except the agent shall not be required to maintain records to prove that cigarettes and other tobacco products for which an exemption is claimed under the agent's exemption card have been resold outside of the City by the merchant. Violation of any provision of this chapter relating to exemption cardholders by a licensee as agent for a merchant shall be grounds for revocation of the licensee's license issued under this chapter.

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4. Notwithstanding anything to the contrary contained in or implied by other provisions of this chapter, the licensee shall be and remain the taxpayer liable for the payment of taxes due under this chapter.
- B. Application for an exemption card is restricted to person with an active physical business presence in the City of Bethel acting as an agent for merchants whose principal places of business are located outside of the City, shall be on a form provided by the department, and shall include the following information and such other information as the department may require:
 1. The applicant's name and address;
 2. A copy of the applicant's current State of Alaska business license, including a tobacco endorsement and the line of business (LOB) code or equivalent;
 3. The merchant names and locations where cigarettes and tobacco products will be sold;
 4. Each application for an exemption card shall be accompanied by a fee of \$50.
- C. All exemption cardholders must maintain a valid, current business license, with a tobacco endorsement and line of business (LOB) code or equivalent, issued by the State of Alaska.
- D. Each exemption card, unless suspended or revoked by the Finance Director, is valid from its date of issue until the end of that calendar year and may be renewed each year upon application and payment of the fee to the department.
- E. The Finance Director may suspend, revoke or refuse to issue an exemption card under this section for any violation of or failure to comply with the requirements of this chapter by agent or cardholder, including any act or omission by such person which withholds, misstates or provides false or misleading information required by the department.

4.17.70 – License Required for Dealers in Cigarettes or Tobacco Products

- A. No person may sell, purchase, possess or acquire cigarettes or tobacco products in the City as a manufacturer, distributor, direct-buying retailer, vending machine operator or buyer without a license issued under this chapter.
- B. The department, upon application and payment of the fee, shall issue a license to each manufacturer, distributor, direct-buying retailer, vending machine operator or buyer. A copy of the applicant's license required under AS 43.50.010 – AS 43.50.390 must accompany the application. The application must include the following information:
 1. The applicant's name and address;
 2. The name under which the cigarette or tobacco products business will be conducted;

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3. The applicant's cigarette or tobacco products business categories as a manufacturer, distributor, direct-buying retailer, vending machine operator or buyer;
 4. In the case of vending machine operator, the number of vending machines which will be operated;
 5. Proof of a valid State of Alaska Business license with a tobacco endorsement ; and
 6. Other information required on the department's application form.
- C. The department may refuse to issue a license if there is reasonable cause to believe that the applicant has willfully withheld information requested to determine the applicant's eligibility to receive a license, or if there is reasonable cause to believe that information submitted in the application is false or misleading and is not made in good faith.
- D. The department shall refuse to issue a license if the applicant is delinquent on their city sale's tax at the time of their application. If the applicant has been delinquent for more than thirty (30) days in the twelve (12) months preceding the license application, the City shall have the discretion to issue a provisional license subject to monthly review and subject to on-time remittance of City sales taxes.
- E. A license required by this chapter is in addition to any other license required by law or City code.
- F. A license issued under this chapter shall include:
1. The name and address of the licensee;
 2. The type of business to be conducted;
 3. The address at which the business is conducted; and
 4. The years for which the license is issued.

4.17.080 – License Fee

For each license issued under this chapter, and for each renewal, the fee is One Hundred (\$100) per calendar year. This license shall be in addition to the business license required by Bethel Municipal Code (BMC).

4.17.090 – Expiration and Renewal of Licenses.

A license issued under section 4.21.070 expires on December 31. A licensee, on application to the department accompanied by the renewal fee, may, before the expiration of the license, renew the license for two years from the expiration date of the license. If the licensee moves the business to another location within the City, the license shall, upon application to the department, be reissued a license for the new location for the balance of the unexpired term. A person whose license is lost, stolen or defaced shall immediately file an application with the department for reissuance of the license for the balance of the unexpired term.

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4.17.100 – Transfer of License

A license issued under this chapter is not assignable or transferable. However, in the case of death, bankruptcy, receivership or incompetency of the licensee, or if the business of the licensee is transferred to another person by operation of law, the department may in its discretion extend the license for a limited time to the executor, administrator, trustee or receiver, or the transferee of the licensee.

4.17.110 – Refund of Tax or License Fee

- A. The department shall not refund the license fee paid pursuant to this chapter upon the surrender or revocation of a license after the beginning of the license year. Upon application, the department may refund a license fee that is paid or collected in error.
- B. If a remittance by a licensee exceeds the amount due, and the department, on audit of the account in question, is satisfied that this is the case, the department shall, upon written request of the licensee, refund the excess to the licensee without interest.
- C. Any claim for refund filed more than one year after the due date of the tax is forever barred.

4.17.120 – Display of License; Surrender of License; Suspension or Revocation of License.

- A. A license issued under this chapter must be prominently displayed at the licensee's place of business.
- B. A licensee shall surrender a license within ten (10) days after:
 1. A revocation of a license;
 2. A cessation of business;
 3. A change of ownership of; or
 4. A change of a place of business.
- C. The Finance Director may suspend or revoke a license issued under this chapter:
 1. For violation of this chapter or a regulation of the City adopted pursuant to this chapter; or
 2. If a licensee ceases to act in the capacity for which the license was issued; or
 3. If the licensee fails to submit their taxes due in a timely manner as required by City Code.

No person whose license is suspended or revoked shall sell cigarettes or tobacco products or permit cigarettes or tobacco products to be sold during the period of the suspension or revocation on the premises occupied or controlled by that person. No disciplinary proceedings or action is barred or abated by the expiration, transfer or surrender, renewal or extension of a license issued under section 4.21.060.

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4.17.130 – Tax Returns

On or before the last day of the month following the period for which the return is required to be submitted a licensee shall submit to the office of the finance director all taxes required to be collected, as well as any interest, penalty, costs and charges due. In addition, licensees shall submit a tax return, upon forms provided by the department, for each license.

- A. The return shall be signed under penalty of perjury by the licensee or his agent and must include:
1. The name and address of the licensee.
 2. The name and address of the person filing the return, if different from the licensee.
 3. The number of licenses issued under section 4.17.070
 4. The name under which the cigarette or tobacco business is being conducted.
 5. The number of cigarettes manufactured, brought into or acquired in the City during the preceding month from any source whatsoever.
 6. The wholesale price of all tobacco products brought into or acquired in the City during the preceding month from any source whatsoever
 7. The names of persons from whom cigarettes or other tobacco products were brought into or acquired in the City during the preceding month from any source whatsoever.
 8. The number of cigarettes brought into or acquired in the City from each person named in subsection A.7. of this section.
 9. Deductions claimed for the number of cigarettes and the wholesale price of other tobacco products for which exemptions are claimed under this chapter.
 10. Deductions claimed for the number of cigarettes and the wholesale price of other tobacco products, specified in the return in response to subsections A.5. and A.6. of this section, for which the tax has been paid previously by another person.
 11. The amount of tax due on the nonexempt cigarettes manufactured, brought into or acquired in the City during the preceding month; and the amount of tax due based on the wholesale price of nonexempt other tobacco products manufactured, brought into or acquired in the City during the preceding month.
 12. Other information and supporting documentation which may be required by the department with the return.
- B. Each licensee shall report the cigarette and other tobacco product sales for which an exemption is claimed under 4.17.050C as deduction on its monthly tax return

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to the department and shall provide a copy of an invoice or other document satisfactory to the department supporting each sale to a cardholder.

- C. A tax return must be filed even if there were no cigarettes or tobacco products manufactured, brought into or acquired in the City during the preceding month.
- D. The taxes imposed under this chapter and the return required by this section must be received by the department or postmarked on or before the last day of each calendar month following the month covered by the return.

4.17.140 – Estimated Tax

- A. On or after the fifth (5th) day of delinquency in the filing of the required tobacco tax return or the failure to remit all taxes, interest and penalty due, or upon a determination of a delinquency based upon an audit, the Finance Director shall assess against the delinquent seller a tobacco tax for the delinquent periods based on a reasonable estimate of the gross taxable tobacco sales computed from an audit or the tax returns submitted by the delinquent seller. If the finance director determines that information from prior tax returns is not adequate for computing a reasonable estimate of the gross taxable tobacco sales, other sources of information, including but not limited to information derived from similar businesses, may be used. Notice of the estimated assessment shall be provided to the seller by certified mail. Such assessment shall be due and owing retroactively from the first (1st) day of delinquency and shall be subject to the interest, penalty and other costs and charges as provided in this chapter.
- B. The estimated assessment of tobacco sales tax and other amounts due and owing, as provided in subsection A of this section, shall be deemed to be admitted to be the amount due and owing to the city unless the Finance Director receives, within twenty (20) days of the date of the certified mailing of notice of the estimated assessment, an accurate and complete tobacco tax return for the delinquent periods together with full remittance of all taxes, interest, penalty, costs and other charges due, or the seller remits the amount due under protest under the provisions of BMC 4.17.210.

4.17.150 – Amended Tax Returns

- A. Any tax return filed under 4.17.130 may be amended by the licensee.
- B. Any tax return prepared and filed by the department on behalf of the licensee under section 4.17.140 may be amended by the licensee within one year of the date filed by the department.
- C. No amendment by the licensee shall be allowed after this one year period.

4.17.160 – Application of Payments

Introduced by: Council Member Eric Whitney
Introduction Date: November 27, 2012
Public Hearing: December 11, 2012
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Any payment submitted to the department for any taxes, penalties, interest or costs due under any provision of this chapter or any return or any finding or determination by the department under this chapter shall be credited to the monthly tax period for which remitted first to the payment of costs and then to penalties, interest and taxes in that order.

4.17.170 – Prohibited Acts and Penalties

A. No distributor may:

1. Import cigarettes or other tobacco products into the City;
2. Sell, transfer or acquire cigarettes or other tobacco products in the City; or
3. Participate in the importation into the City or in the sale, transfer or acquisition within the City of cigarettes or other tobacco products in violation of or without complying with the provisions of this chapter.

B. A penalty of six (6%) percent of the taxes due shall be incurred automatically when a person fails to pay the full amount of the tax due under this chapter within seven (7) calendar days following its due date. An additional penalty of six (6%) percent of the taxes due shall be incurred automatically when a person fails to file a tax return or report within seven (7) calendar days following its due date under this chapter. If a person fails to pay the full amount of the tax due and/or file a tax return or report required under this chapter with sixteen (16) calendar days after its due date, the six (6%) penalties incurred above shall be increased automatically to fifteen (15%) percent.

1. The penalty shall be computed on the unpaid balance of the tax liability as determined by the department.
2. Notice of the penalties incurred and to be incurred shall be given to the person responsible for payment of the taxes or filing the return or report when such tax payment or return or report is delinquent for seven (7) calendar days after its due date.
3. The penalties provided for in this section shall be in addition to all other penalties and interest provided for under this chapter.

C. If a properly filed, amended return reduces the total tax liability or the tax required to be paid, or the department reduces the tax liability, the related penalty will be reduced accordingly.

D. All penalties and remedies enumerated in this chapter are cumulative.

E. Unless otherwise provided in this section, any person who violates or fails to comply with the provisions of this chapter shall be personally liable for all costs, interest, penalties and taxes due under this chapter plus a penalty equal to thirty (30%) of the tax due. For good cause shown, Finance Director may waive or reduce all or part of any penalty imposed under this subsection.

4.17.180 – Civil Fraud

Introduced by: Council Member Eric Whitney
Introduction Date: November 27, 2012
Public Hearing: December 11, 2012
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- A. A civil fraud penalty may be assessed against a person in addition to a penalty for failure to file or failure to pay.
- B. If it determined by the Finance Director that a tax deficiency or part of a tax deficiency is due to fraud, then a penalty will be added to the tax. The penalty is fifty (50%) percent of the deficiency due or One Thousand (\$1,000) Dollars, whichever is greater. The penalty is computed on the total amount of the deficiency due.
- C. Fraud is the intentional misrepresentation of a material fact with the intent to evade payment of tax which the person believed to be owing. The person must have had knowledge of its falsity and intended that it be acted upon or accepted as the truth.
- D. To establish civil fraud, the Finance Director must prove by clear and convincing evidence that:
 - 1. The tax liability reported was understated; and
 - 2. The understatement was the result of an intent to evade tax.
- E. An intent to evade tax may be demonstrated by any relevant evidence, including but not limited to the following:
 - 1. The person has provided false explanations regarding understated or omitted acquisitions of cigarettes or tobacco products;
 - 2. The person has provided falsified or incomplete source documents;
 - 3. The person has not justified an omission or understatement of a significant amount of acquisitions of cigarettes or tobacco products; or
 - 4. The person has substantially overstated a deduction and has failed to justify the overstatement.

4.17.190 – Tax Lien

- A. If any person who is liable to pay a tax or license fee under this chapter neglects or refuses to pay the tax or licensee fee after demand, the amount, including interest, additional amounts, or assessable penalty together with costs, is a lien in favor of the City upon all property and right to property, real or personal, belonging to that person.
- B. The lien imposed by this section arises upon delinquency and continues until the amount is paid or a judgment against the person arising out of the liability is satisfied.
- C. A lien arising out of a tax due under this chapter, including the penalties and interest on the tax, is, subject to AS 29.45.300, a lien prior, paramount and superior to all other liens, mortgages, hypothecation, conveyances and assignments, upon all real and personal property of the person liable for the tax and upon all the real and personal property used with the permission of the owner to carry on the business which is subject to the tax.
- D. The lien and real property may be enforced as provided in AS 29.45.300 – 29.45.480 for enforcement of real and personal property tax liens.

Introduced by: Council Member Eric Whitney
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4.17.200 – Interest on Unpaid Tax

In addition to any penalties imposed by this chapter, interest at the rate of fifteen (15%) percent annum shall be charged on the unpaid balance of delinquent taxes.

4.17.210 – Administrative Hearings - Taxpayer, Licensee, Cardholder or other Person Remedies

- A. Any person aggrieved by any action of the department in issuing, suspending, revoking or refusing to issue any license or exemption card under this chapter or in fixing the amount of taxes, penalties, interest or costs under this chapter may file a written protest to the Finance Director within twenty (20) days from the date the department mails or takes action. Upon timely protest, the Finance Director (the hearing officer) shall review the protest and issue written findings no more than thirty (30) days after receipt of the protest.
- B. Any person who disagrees with the decision of the Finance Director may file a written request for an appeal within fifteen (15) days of the Finance Director's written decision by filing a written request for appeal and paying the appropriate appeal fee. An application for a hearing (appeal) must notify the City of the specific action complained of and the amount of tax, interest, cost or penalty contested or action contested and the reason it is contested.
- C. Upon timely receipt of a request for appeal, the City Manager shall hold a hearing on the matter to determine whether a correction is warranted. Hearings before the City Manager under this subsection may, at the option of the City Manager, be conducted by an administrative hearing officer designated by the City Manager.
- D. The Hearing Officer shall conduct the hearing and prepare written findings and conclusions.
- E. Within thirty (30) days after receipt of a written decision by the hearing officer, a person may appeal to the Superior Court of the Fourth Judicial District at Bethel. The person shall be given access to the department's file in the matter for preparation of the appeal.
- F. A request for appeal is filed on the date it is personally delivered, or, if delivered to the department by United States mail, the date of the postmark stamped on the properly addressed cover in which the request is mailed. If the due date falls on a Saturday, Sunday or holiday, the due date is the next working day. A current mailing address must be provided to the department with the request for appeal, and any change in mailing address after the request for appeal is filed must be reported to the department.
- G. If the notice to the person pursuant to subsection A of this section shows an amount due the department, the uncontested portion of the amount due must be paid within thirty (30) days after the date of the notice. If the uncontested amount is not

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paid within thirty (30) days, collection action will be taken on that amount even if the person has filed a request for appeal. Payment of the total amount due may be made at any time before the hearing. If the department has reason to believe that collection of the total amount due might be jeopardized by delay, immediate payment of the total amount will be demanded and the department may pursue any collection remedies provided by law. Payment in full does not affect the person's right to a hearing.

- H. If a person requests a hearing and fails to appear at the hearing, the hearing officer may issue a decision without taking additional evidence from that person, unless that person shows good cause for failure to appear within seven (7) days after the date scheduled for the hearing.
- I. Taxes, license fees, penalties and interest declared to be due in the final administrative decision must be paid within thirty (30) days after the date of the decision, or a bond must be filed with the court in accordance with Alaska Court Rules of Appellate Procedures.

4.17.220 – Reports by Manufacturers

No later than the end of each calendar month, a manufacturer shall submit a report to the department stating:

1. A list of the tobacco products, the quantity and their wholesale price and the number of cigarettes which were brought into the city from the manufacturer during the preceding month;
2. The names and address of those persons bringing cigarettes and tobacco products into the city from the manufacturer during the preceding month; and
3. A list of the quantity of tobacco products, the wholesale price, and the number of cigarettes brought from the manufacturer into the city by each person named in subsection 2 of this section.

4.17.230 – Inspection and Maintenance of Documents

- A. Every person subject to this chapter shall keep a complete and accurate record of all cigarettes and other tobacco products manufactured, purchased, sold, brought into, transported outside of or acquired in the city by such person.
 1. Except in the case of a manufacturer, the records shall include a statement containing the name and address of the person from whom cigarettes or other tobacco products were purchased or acquired, the date of delivery, the quantity of cigarettes and other tobacco products, the trade name and brand, and the price paid for other tobacco products purchased.
 2. Each invoice or other documentation of the sale of cigarettes or other tobacco products within the City shall state whether the tax imposed under this chapter has been paid.

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3. Persons subject to this chapter shall keep such other documents and records as the department prescribes.
 4. All documents and records required by this section shall be preserved by person subject to this chapter for three years. All records and documents required by this chapter to be kept or retained are subject to inspection within the city upon demand by the department.
- B. A licensee transferring or selling cigarettes or other tobacco products to a cardholder must keep a record of cigarettes and other tobacco products transferred or sold to such person, including the serial number of the exemption card.
- C. The Finance Director may, during business hours, enter the business premises of a licensee or cardholder where cigarette or other tobacco products are kept or stored, so far as it may be necessary for the purpose of examining such products and the related business records.

4.17.240 – Administrative Regulations

The Finance Director, or his designee, may adopt regulations providing for the application and interpretation of this chapter and providing methods and forms and collecting the tax imposed in this chapter.

4.17.250 – Confidential and Non-Confidential Tax Information

- A. The following information is publicly available information:
1. Names and addresses of business owners who filed tax returns under this chapter;
 2. Whether a business is registered to collect taxes under this chapter in the City of Bethel;
 3. Whether a business is current in filing tax returns and in remitting tax due under this chapter, and the number of returns not filed; and
 4. Names and exemption numbers of those entities which have received a tax-exempt number from the City of Bethel relating to taxes due under this chapter.
- B. The City of Bethel may permit any authorized representative of any federal, state or other local government agency to inspect and copy any tax returns filed and reports prepared under this chapter, if the other governmental agency provides substantially similar access to the City of Bethel, files a timely request in accordance with the City's public request for information procedures, and if the City of Bethel determines that the other governmental agency provides adequate safeguards to the confidentiality of the tax returns and reports.
- C. Except as otherwise provided in this section, tax forms and their contents are confidential and shall not be disclosed by the finance department except:
1. In connection with efforts by the City of Bethel to collect the tax;

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2. In response to a subpoena issued by a court, state agency or governmental board or commission;
3. In connection with legislative inquiry specifically authorized by the assembly;
4. In connection with the City of Bethel audits for purposes of verifying City of Bethel accounting practices;
5. In compilation of statistics and studies by the finance department for public distribution, so long as information from individual businesses is not identifiable as to source.

SECTION 3. Effective Date. This ordinance shall become effective immediately, upon passage by the City Council.

ENACTED THIS ___ DAY OF ___ 2012, BY A VOTE OF _ IN FAVOR AND _ OPPOSED.

ATTEST:

Joseph A. Klejka, Mayor

Lori Strickler, City Clerk