



Alice Ruby, Mayor
City Council Members

- Doug Holt • Paul Liedberg • Bob Himschoot
- Keggie Tubbs • Tracy G. Hightower • Tim Sands

**DILLINGHAM CITY COUNCIL
MEETING AGENDA**

David B. Carlson Council Chambers

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

REGULAR MEETING	7:00 P.M.	JUNE 7, 2012
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I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. Regular Meeting, May 17, 2012

IV. APPROVAL OF CONSENT AGENDA

APPROVAL OF AGENDA

V. STAFF REPORTS

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

VI. PUBLIC HEARINGS

- A. Adopt Ordinance No. 2012-11, An Ordinance of the Dillingham City Council Amending Section 4.21.135, Tax Refunds
- B. Adopt Ordinance No. 2012-12, An Ordinance of the Dillingham City Council Amending Section 2.80.040 Library Board to Change the Terms from Two Years to Three Years Consistent With Other Boards and Commissions

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

- A. Michael Filipek - Invoiced City for Trapping Foxes

VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2012-11, An Ordinance of the Dillingham City Council Amending Section 4.21.135, Tax Refunds
- B. Adopt Ordinance No. 2012-12, An Ordinance of the Dillingham City Council Amending Section 2.80.040 Library Board to Change the Terms from Two Years to Three Years Consistent With Other Boards and Commissions

- C. Resolution No. 2012-29, A Resolution of the Dillingham City Council Authorizing the City Manager to Negotiate an Annual Lease for Use of the City Property Known as the Potato House
- D. Resolution No. 2012-30, A Resolution of the Dillingham City Council Authorizing the City Manager to Enter into a Purchase Order Agreement of Armor Rock and Expenses for Related Support Activities for Erosion Control and Repealing Resolution No. 2012-28
- E. Action Memorandum No. 2012-01, Accept DCSD FY 13 CIP List

IX. UNFINISHED BUSINESS

- A. Animal Shelter Facility
- B. Committee Appointments
 - 1. Library Board – 2 Seats
- C. City Manager Hire

X. NEW BUSINESS

- A. Schedule Special Meeting for June 14, 2012
 - 1. Budget Workshop
 - 2. Introduce FY 2013 Budget Ordinance
 - 3. Adopt Resolution to Establish the Rate of Levy of Tax, the Date Taxes are Due and the Delinquent Date for 2012, and Accept the Certification of the Tax Roll

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

XII. COUNCIL COMMENTS

XIII. MAYOR'S COMMENTS

XIV. EXECUTIVE SESSION

- A. Legal Matter
 - 1. Annexation
 - 2. Gladden vs. City of Dillingham
 - 3. Union Negotiations Update
 - 4. Complaint Investigation
- B. Personnel Matter
 - 1. Finance Director Status

XV. ADJOURNMENT

I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, May 17, 2012, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:00 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
- Paul Liedberg, Seat B
- Bob Himschoot, Seat C
- Keggie Tubbs, Seat D
- Tracy Hightower, Seat E
- Tim Sands, Seat F

Staff in attendance:

- Dan Forster, City Manager
- Lilly Capell, Recorder
- Carter Cole, Public Works Director
- Doug Dombroski, Chief of Police
- Sonja Marx, Librarian
- Carol Shade, Finance Director

III. APPROVAL OF MINUTES

- A. Special Joint Meeting, May 2, 2012
- B. Board of Equalization Meeting, May 3, 2012
- C. Regular Meeting, May 3, 2012

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to approve the three sets of minutes.

VOTE: The motion passed unanimously.

IV. APPROVAL OF CONSENT AGENDA

There was no consent agenda.

APPROVAL OF AGENDA

City Manager Forster asked to include Personnel Matter – Finance Department under Executive Session.

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to approve the agenda as amended.

VOTE: The motion passed unanimously.

V. STAFF REPORTS

A. Mayoral Special Presentation

The Association of Alaska School Boards awarded a Spirit of Youth Award to Christopher Marx for the numerous hours invested volunteering at the library and helping to modernize their computer equipment. Christopher thanked the City for allowing him to volunteer to work on the library's computer system.

B. City Manager Report

City Manager reported:

- lobbyist contract has been executed; and
- NTS grant for the Senior Center – awaiting grantor's determination. City will have a fifteen day window to appeal.

C. Standing Committee Reports

Bob Himschoot, Chair, Finance and Budget:

- E-911 service revenues – staff prepared an analysis of the sources that bill, collect and remit the surcharge to the City;
- Purchase fish waste container – recommended the purchase that would possibly come from a closed landfill grant of which there were available monies that will require a match;
- School budget presentation – discussed the contributions from City, State and Federal, and possible implications of earmarking monies; and
- Sewer outfall – presentation from staff that will support resolution in the packet to award a bid for armor rock.

Tim Sands, Chair, Code and Review Committee:

- animal ordinance - working on some changes to bring the ordinance in line with state law; and
- Ordinance No. 2010-09 was being brought back as a substitute ordinance and one of the changes would amend the city's interest rate on refunds to match with state law.

VI. PUBLIC HEARINGS

Mayor Ruby opened the public hearing on Ordinance No. 2012-09 and 2012-10.

- ### A. Adopt Ordinance No. 2012-09 (Substitute), An Ordinance of the Dillingham City Council Levying a 2.5% Tax on Seafood Products Severed from Commercial Fishing Waters

- B. Adopt Ordinance No. 2012-10, An Ordinance of the Dillingham City Council Repealing and Reenacting Section 1.18.010 of the Dillingham Municipal Code to Include Property Annexed to the City in the Description of the City Boundaries

There being no 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. 2012-09 (Substitute), An Ordinance of the Dillingham City Council Levying a 2.5% Tax on Seafood Products Severed from the Commercial Fishing Waters

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to amend Ordinance No. 2012-09 by substituting Ordinance No. 2012-09 (Substitute) for Ordinance No. 2012-09.

Tim Sands noted there were several changes, none of them substantive, including amending the interest rate on refunds from 5% as originally adopted to 8% to coincide with state law.

VOTE: The motion to adopt Ordinance No. 2012-09 (Substitute) passed unanimously.

- B. Adopt Ordinance No. 2012-10, An Ordinance of the Dillingham City Council Repealing and Reenacting Section 1.18.010 of the Dillingham Municipal Code to Include Property Annexed to the City in the Description of the City Boundaries

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to adopt Ordinance No. 2012-10.

VOTE: The motion to adopt Ordinance No. 2012-10 passed unanimously.

- C. Introduce Ordinance No. 2012-11, An Ordinance of the Dillingham City Council Amending Section 4.21.135, Tax Refunds

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to introduce Ordinance No. 2012-11.

Tim Sands noted the proposed changes would bring the code section on raw fish tax, adopted earlier, in line with the proposed severance tax.

VOTE: The motion to introduce Ordinance No. 2012-11 passed unanimously.

- D. Introduce Ordinance No. 2012-12, An Ordinance of the Dillingham City Council Amending Section 2.80.040 Library Board to Change the Terms from Two Years to Three Years Consistent With Other Boards and Commissions

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to introduce Ordinance No. 2012-12.

VOTE: The motion to introduce Ordinance No. 2012-12 passed unanimously.

- E. Resolution No. 2012-26, A Resolution of the Dillingham City Council Authorizing the City Manager to Award a Contract with FCS Group for a Water and Sewer Rate Study

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to approve Resolution No. 2012-26.

City Manager noted the City was required to conduct a water and sewer rate study as part of accepting the state's loan, and noted this should be done periodically anyway. The City issued a RFP and received four proposals reviewed by a committee made up of staff and council members. The list was short listed to two, and references were checked. The committee was recommending awarding a contract to FCS Group.

VOTE: The motion to approve Resolution No. 2012-26 passed unanimously.

- F. Resolution No. 2012-27, A Resolution of the Dillingham City Council Authorizing a Mayor's Garage Sale for Surplus City Equipment

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to approve Resolution No. 2012-27.

Discussion:

- concerned that it didn't look good to have the employee making the decision to surplus a piece of equipment to also purchase it, but understood there was no City policy that disallowed it.

VOTE: The motion to approve Resolution No. 2012-27 passed unanimously.

- G. Resolution No. 2012-28, A Resolution of the Dillingham City Council Authorizing the City Manager to Enter into a Purchase Order Agreement of Armor Rock for Erosion Control

MOTION: Tim Sands moved and Paul Liedberg seconded the motion to approve Resolution No. 2012-28.

City Manager Forster noted the sewer outfall experienced additional exposure and erosion from the winter icing. It was decided the most expedient and cost effective solution was to bury the additional pipe under armor rock, using existing funds for erosion control. He noted the City's Attorney had been contacted, and opined that it was not necessary to precede the resolution with a resolution to waive the advertising requirements based on the circumstances for an emergency fix.

VOTE: The motion to approve Resolution No. 2012-28 passed unanimously.

IX. UNFINISHED BUSINESS

A. Animal Shelter Facility

City Manager Forster noted this item would remain on the agenda and management would continue to plan and assess needs and options.

Discussion:

- requested that the community members be kept apprised.

B. Committee Appointments

1. Library Board – 2 Seats

There was no recommendation at this time.

C. City Manager Hire

Mayor Ruby reported Tim Pearson, hiring consultant, was optimistic that a candidate could be selected within 2-3 months. The first round of applications would be reviewed on June 9. Steve Cropsey had accepted the transitional City Manager position, and was willing to extend his term if necessary.

X. NEW BUSINESS

There was no new business.

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

Dennis Olson referred to the letter provided to the Council same day, and apologized for the late submittal. He reiterated his earlier presentation in which he had asked the City to consider co-managing the Kananak cemetery or deeding the Kananak cemetery to the Knugank Tribe or ANCSA Corp., Olsonville, Inc. He noted the co-management would provide for better communication to work together regarding requests from the community to bury someone outside the village.

Mayor Ruby noted he would hear from the City.

XIV. EXECUTIVE SESSION

A. Legal Matter

1. Annexation
2. Gladden vs. City of Dillingham

B. Personnel Matter

1. Finance Department

MOTION: Tim Sands moved and Paul Liedberg seconded the motion to go into executive session under DMC, 2.09.050 [7:53 p.m.].

GENERAL CONSENT: The motion passed without objection.

MOTION: Doug Holt moved and Keggie Tubbs seconded the motion to come out of executive session [9:09 p.m.].

GENERAL CONSENT: The motion passed with no objection.

XV. ADJOURNMENT

Mayor Ruby adjourned the meeting at 9:11 p.m.

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Approved: _____

I. CALL TO ORDER

The Code Review Committee met on Thursday, May 10, 2012, in the Council Chambers, Dillingham, AK. Tim Sands, Chair, called the meeting to order at 5:30 p.m.

II. ROLL CALL

Committee Members present:

Tim Sands, Chair/Council Member
Alice Ruby, Mayor
Paul Liedberg, Council Member
Dan Forster, City Manager
Janice Williams, City Clerk

Guest(s):

Doug Holt, Council Member
Doug Dombroski, Chief of Police
Dan Boyd, Animal Control Officer

III. APPROVAL OF AGENDA

Mayor Ruby noted Doug Holt would be officially appointed to the Code Review Committee at the next Council meeting.

MOTION: Paul Liedberg moved and Alice Ruby seconded the motion to approve the agenda as presented.

GENERAL CONSENT: The motion passed without objection.

IV. APPROVAL OF MINUTES

A. Minutes of April 19, 2012

MOTION: Paul Liedberg moved and Janice Williams seconded the motion to approve the minutes of April 19, 2012.

GENERAL CONSENT: The motion passed without objection.

V. UNFINISHED BUSINESS

MOTION: Janice Williams moved and Alice Ruby seconded the motion to suspend the rules to take up item B first.

GENERAL CONSENT: The motion passed without objection.

B. Title VII. Animal Control

1. Compare Code with State Statutes

Chief Dombroski agreed the City's code should reflect holding an animal for ten (10) business days, not five (5) days as currently written, before adopting out. His staff had done an additional evaluation on the animal code section and recommended several other code changes, some clean up items. Discussion ensued over licensing, and record keeping of rabies vaccinations. The committee agreed to have these other suggested changes for their next meeting, along with an ordinance that would incorporate the statute as it refers to ten (10) business days and investigation of cruelty to animal complaints, and a revision to the draft animal shelter policy with the change to ten (10) business days. Chief Dombroski noted the Council could give the Animal Control Officer certain regulatory investigative powers as a peace officer, but by statute he was not a peace officer.

Chair Sands asked the committee to read the documents on animal bites for their next meeting, and would decide at that meeting whether or not to direct the issue of animal bites to a citizens' group.

A. Title IV. Revenue and Finance

1. Manager Authority to Settle Unpaid Accounts

City Clerk Williams explained the process involved in the foreclosure process, focusing on interest that had accumulated over time, and was asking if this was something that should be brought to finance, but at the very least review the ordinance for assessing interest on late accounts.

Chair Tim Sands reviewed Atty. Chandler's memorandum of January 14, 2010 regarding forgiveness of interest and penalty. It was suggested that Attorney Chandler be asked to attend the next meeting via teleconference and update the Committee on the most current practices.

Discussion:

- questioned if delinquent property taxes had been included in the recent write off list.

2. Chapter 4.15 Real and Personal Property Tax

- a. 4.15.120 C.2 and F, Membership and procedures of BOE
- b. 4.15.120 D.1-10 – Conduct of Hearings

City Clerk Williams noted she would have to rework the session and have it for the August meeting.

C. Title XI. Vehicles & Traffic and Snowmobiles

City Clerk Williams noted there were parts of the code that referred to a state statute that were no longer a state statute. The committee agreed to work on it in August.

D. Annexation – Prepare Ordinances

1. Severance Tax

City Clerk Williams reported that Ordinance No. 2012-09 that was introduced at the May 3 Council meeting would be brought back as a substitute version for adoption at the May 17 Council meeting. She noted the changes were not substantive, including changing several of the section titles in the table of contents to match the respective section, and changing the interest rate on refunds to 8% from 5% to coincide with state law.

She noted Ordinance No. 2012-11 would amend several sections of the raw fish tax, section 4.21, to make it uniform with the severance tax, including clarifying a tax refund can be claimed on low income or real property, but not both, and changing the interest rate on refunds to 8%.

E. Tax Incentives

Mayor Ruby referenced the Alaska Source Link article included in the packet that included a section on how government can help support business. She noted she had received a call from a local business owner asking if the city might address a step system, and possibly eliminate some businesses from having to pay the inventory tax.

Chair Sands reported that he had originally suggested the incentive to recognize residential/commercial owners adding improvements to their real property would be allowed to phase in the taxes on the improvements over a 3 - 5 year period. This could possibly provide an enticement to improve their infrastructure. The committee suggested asking the Council to remove from their code list for the time being.

F. Personnel Regulations

City Manager Forster reported there would be some personnel policy changes as they worked through the labor negotiations that would need to be brought back to the Council for approval beforehand.

G. Write-in Ballots, Legislative Changes

City Clerk Williams noted at the last election there were about 70 single write-in votes, and the person appointed had about four votes. She still needed to do more work in this area.

VI. NEW BUSINESS

A. Regulate Commercial Licenses

The Committee felt they needed community input, input from public safety, and would ask Council to add exploring whether the City needed regulations of commercial licenses to their task list.

VII. PUBLIC COMMENT/COMMITTEE COMMENTS

There were no public or committee comments.

VIII. ADJOURNMENT

The meeting adjourned around 7:32 p.m.

Tim Sands, Chair

ATTEST:

Janice Williams, City Clerk

Approved: _____



MEMO

Date: June 1, 2012
To: Mayor and City Council
From: Dan Forster, City Manager
Subject: Monthly Report for May 2012

Update on Leasing of City Property

A lease for Harbor Lot No. 3 combined with a portion of Lot 4, was signed on May 29, 2012. The lot will be developed as a boat repair facility.

A lease with Phinncraft is being negotiated for the Potato House. A heating parts and accessories retail outlet will be developed. The lease is expected to begin on July 1, 2012.

Lobbyist Services

The Lobbying firms of Fisk, Fisk and Stone have been selected as the city's lobbyist. A contract has been signed.

Fire Department ISO Report

An improvement report and plan was prepared by Fire Chief Heyano and submitted to the ISO. The report was accepted. City staff and Fire volunteers will be meeting to address an implementation plan.

Super-Sack Retrieval

Efforts to retrieve the sack of contaminated soil accidentally dropped into the bay about 60' off our dock, is reported to begin on June 4, 2012.

Manager Schedule

I will be present through Friday June 22, 2012 which marks my last day with the City. While I previously indicated my intention to resign to the City Council, my written notice of resignation is attached.



MEMO

Date: June 1, 2012
To: Mayor and City Council
From: Dan Forster, City Manager
Subject: Resignation

As I informed the Mayor and Council on April 19, 2012, I have decided to resign my position as City Manager. I indicated that I would stay on through the budget process. As the budget should be approved on Thursday June 21, my last day will be Friday June 22, 2012. This memo serves to formally put this in a written form.

This has been a difficult decision. The Mayor/Council has been supportive, City staff is dedicated and hardworking, the community has been welcoming, and the job rewarding.

My reason for leaving is due to a health condition that was not known to me prior to accepting the position. Over the months prior to the decision to resign I came to the conclusion that both my need for health monitoring and desire to reduce stress compel me to take this action.

I remain open to assist the City in whatever way I can. I will be available to consult with and advise the next City Manager should I be contacted. I am also available for technical assignments.

My best wishes to all.

Janice Williams

Subject:

From: Steve Cropsey [mailto:steve_cropsey@me.com]

Sent: Friday, June 01, 2012 9:44 AM

To: Dan Forster

Subject: Re: report

SNAG POINT / PICNIC PARK EROSION CONTROL:

The project is complete through final grade. Specifications allows the contractor to prepare the soil and seed for a ground cover (grass) after June 1st. The soil prep and seeding will be completed by July 1, 2012 which will render the project complete.

THE SNAG POINT FORCE MAIN PROJECT:

Is out for bid. All property owners have been contacted in order to secure easements for the needed right of way. All owners have expressed their willingness to provide the easement needed. This issue really has no material affect on the property in question. The required easement crosses each parcel from twenty-five to forty feet below the surface. The dimension of the easement is box shaped, only two feet wide and one foot in deep. (Again 25 to 40 feet below the surface.) The length of the easement is the length needed to cross the parcel in question.

AEPlans.com is hosting the bid documents. To date the project has had over thirty "Hits" bid opening is late June. Anyone can look at the plans and specs by securing a password which is provided at no cost to any interested observer



MEMORANDUM

Date: May 30, 2012
To: City Manager
From: Janice Williams, City Clerk *JW*
Subj: Staff Report

RFP for Appraisal Services. The City's contract with Appraisal Co. of Alaska will expire this year. The current contract covered the years 2010, 2011, and 2012. A RFP will need to be advertised, and we will plan to present a resolution in the August packet to award a contract.

E-Mails as Public Records. In the past several months, I have been asked by several Council members to route e-mails to their city-assigned address, and not their work address. This actually has helped set the stage for the inevitable. I contacted Attorney Chandler and asked if he could address this for us.

Please note, from the start, we have asked Council if they preferred e-mail going to their work e-mail address or the city-assigned email address. Most selected their work address, because of its accessibility. I think we would do well to have the attached memorandum from Atty. Chandler serve as notice that going forward we will adjust past practices, and use only City e-mail addresses for City business. We could initiate this process after the June 7 Council meeting, unless I hear different.

Checking on City E-mail. I am not an expert on this and checked with Anita as well, but we are not aware of any other way to check City e-mail, except to go to the Nushtel website, or www.nushtel.net. Scan down to .net Web mail.

The website provides an option to forward incoming mail to another address (work address), but any response will come from the forwarded address, and not the city-assigned e-mail.

All accounts and passwords are assigned from the Finance Dept., namely Anita Fuller, Asst. Finance Dept., at 842-5270.

Vacation. I have been approved for vacation from June 25 through July 6, but will be around if needed.

Attachment: Memorandum from Atty. Chandler, dated May 21, 2012
Subject: E-Mails as Public Records

BOYD, CHANDLER & FALCONER, LLP

Attorneys At Law

Suite 302

911 West Eighth Avenue

Anchorage, Alaska 99501

Telephone: (907) 272-8401

Facsimile: (907) 274-3698

bcf@bcf.us.com

MEMORANDUM

TO: Janice Williams
City Clerk
City of Dillingham



FROM: Brooks W. Chandler
City Attorney

DATE: May 21, 2012

SUBJECT: E-Mails as Public Records

This responds to your electronic mail inquiry. You asked us for our thoughts regarding whether city council members should use "city" e-mail addresses or personal e-mail addresses when communicating on matters pertaining to city business. We strongly recommend that only city e-mail addresses be used for such communications. The reasons for this recommendation are set forth below.

AS 40.25.120 gives every person the "right to inspect a public record in the state," subject to certain exceptions. AS 40.25.120(a); Capital Info. Group v. Office of the Governor, 923 P.2d 29

(Alaska 1996) (executive or deliberative process exception). Unlawfully deleting electronic messages that should be kept as “public records” violates AS 40.25.125.

Under Alaska law, the type of record is largely irrelevant to the question of whether it needs to be preserved and is subject to disclosure. Emails, text messages, pictures, and movies are all potential “records.” AS 40.21.150(6). Furthermore, whether the council member owns or pays for the e-mail account is likewise not determinative because a “record” is defined by its content, not the owner of the device or network upon which the communication originated or was transmitted.

The critical question for record keeping purposes is whether the message or file, regardless of format, involves municipal business. The State Attorney General’s office concluded several years ago that “state business records generated on a personal cell phone or PDA are public records subject to review and disclosure, unless the Public Records Act permits them to be withheld.” AGO File No. 661-08-0388, August 21, 2008, 2008 Alas. AG LEXIS 3, 27. The court in the case involving former-Governor Palin’s “private” email accounts explained the distinction between electronic messages that need to be preserved (“record”) and those that do not (“non-record”). Record communications are “developed or received under law or in connection with the transaction of official business and preserved or appropriate for preservation.” AS 40.21.150(6). On the other hand, a “non-record” communication is “primarily generated for informal communication of information that does not perpetuate or formalize knowledge.” McLeod v. Palin 3AN-08-10869 CI p. 11. In other words, informal communications that do not contain substantive city business do not need to be retained.

Any e-mail discussing city business will be assumed to be a public record. Naturally some records will not need to be disclosed (attorney-client communications for example) but any elected official should assume that any e-mail they send to another elected official is potentially a public record.

For this reason we frequently suggest that elected officials be provided laptop computers that remain city property to use for purposes of sending and receiving electronic mail related to city business. Otherwise there is a chance their personal computers would need to be “searched” to retrieve e-mails related to public business. This can be quite inconvenient for council members. We are aware of Alaska examples of this happening. For example, the Sarah Palin “personal e-mail address” case involved just this issue. McLeod v. Palin 3AN-08-10869 CI.

In addition, or as an alternative, we recommend that each council member be provided a city e-mail address and city e-mail “box” that resides on the city’s e-mail server rather than the council member’s personal computer. I believe it is possible to arrange for this to be reachable via the internet from the council member’s home computer, however, all e-mails sent and received from the e-mail box will be available to review in response to public records requests without having to search the personal computers of council members.

City employees should not send or forward e-mails sent to council members "city address" to their personal e-mail address. In my opinion, this results in the possibility that council members will have to have their personal computers searched should the City receive a public records request for electronic mail sent by council members.

If you have any other questions on this topic please let me know.

Janice Williams

From: Brooks Chandler [BChandler@bcf.us.com]
Sent: Monday, May 21, 2012 9:09 AM
To: Janice Williams
Subject: E-Mail

Here is some commentary from a "common sense" angle on use of private e-mail addresses for public business.

Brooks Chandler
Boyd, Chandler & Falconer LLP

Palin's Gross Error in E-judgment

Even If Done for Legitimate Reasons, Private Email was Poor Judgment



Mo Morrissey, [Yahoo! Contributor Network](#)

Jun 10, 2011 "Share your voice on Yahoo! websites. [Start Here.](#)"

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Consider the following question: what would be more embarrassing, a generally narrow public records release of official correspondence that may look bad, or a 1000 day quest to get access to a personal email account with a blend of the official and personal correspondence some of which might look bad but would bring others needlessly into the conversation: silly pictures and all?

The State of Alaska will today release some 24,199 pages of email correspondence between former Alaska Governor [Sarah Palin](#) and others that were written from a private [Yahoo](#) email account. When email is received by or sent from a government domain, it becomes subject to public records laws, which vary from state to state, because that file interacts with a government computer. Alaska's public records law is [AS 40.25.110](#).

There could be legitimate reasons for conducting business via a private account in lieu of the official state account: convenience and storage capacity are the first that come to mind.

Vast swaths of Alaska are remote places without easily accessible internet access and perhaps the Governor felt the best way to remain accessible was to maintain a private account she could access email on the fly, perhaps from her BlackBerry or public computer. It is possible that her state email account was not available remotely through a web

browser, although unlikely. However, if it was available through web access, the possibility of leaving it connected compromises the account. One can easily imagine a harried governor using a public computer, forgetting to logout, and some subsequent user of that terminal gaining access to that account. For a conscientious professional not wanting work or decisions to pile up, it may make intuitive sense. Also, when coordinating a family, it may make sense to remain accessible when possible, so it could be a wise use of time to just have everything in one place.

It's also possible that even the governor had restrictions on storage space in her email account. Even as storage becomes less expensive, some IT departments restrict the amount of email available in each account. Most public records laws will prohibit the out and out destruction of public records for a significant period of time, requiring archiving. Perhaps finding her desire to have her email available to her for reference beyond the period of time or beyond the size restrictions placed on her account lead Governor Palin to seek an alternative means by which to keep her records accessible for searching and reference.

While those can be legitimate reasons for maintaining a private account, they are fundamentally bad reasons for doing so. The questions raised by the existence of conducting state business via a private account are more legitimate than the reasons for having conducted that business. "Sunshine Laws," as public records laws are commonly known, exist to allow the citizenry to know what business is being conducted by the state unless there are compelling reasons for withholding that information, "compelling" typically defined as the state providing a reason challengeable through litigation.

By maintaining a private account, and therefore removing the correspondence from the scope of the sunshine law, she replaces state policy regarding what may be compelling reasons for withholding the information with her own judgment and thwarts the intention of the law, transparent government. She has brought public suspicion on herself by allowing the questions about her integrity, reasons for maintaining a separate account, and what might be in those accounts in the first place. Once those questions are asked, she immediately suffers a loss.

More troubling, is that since that email exists on Yahoo! Servers, the email correspondence is owned and accessible by a private, corporate entity and is subject to that company's "TOS," terms of service, which can be changed without notice and, more importantly in this case, without any government process. All of the government business conducted via a Yahoo! Email account, is now accessible, stored, and owned by a private company without the state of Alaska having any public record of that business having been conducted. This is not to say Yahoo! *would* access the information contained in those messages, but it would certainly be stored on their servers and accessed, if in no other way, to provide advertising content delivered through computer algorithms which do access content.

If this was an attempt to thwart public records "sunshine" laws, it was misguided. Email through a private system, particularly a web-based systems such as Yahoo! or Gmail, is far more susceptible to hacking than a government account. While not technically more susceptible "" in fact, corporate branded accounts such as Yahoo! are probably

more difficult to access " hacking into government computers carry prosecution as a deterrent. In combining her personal and government business on a Yahoo! account, rather than gaining protection from the sunshine law, she has exposed her family and other personal contacts to scrutiny. Even the choice of user names " gov.sarah and gov.palin " invoke her official title, almost as bait to the wannabe hacker and definitely announcing business was being conducted.

Regardless of what information is or is not released in the 24,199 pages, the fact business was co-mingled with the personal, was conducted off-line of official Alaska servers and outside of the scope of the public records law will raise questions. The first question that should be raised is less about what was said and what business was conducted, those questions will be answered with the release and subsequent analysis of the content, and more about her judgment and decision making processes. Those are the initial attributes in question and so far the answer is unimpressive. Now that her account is being released, all of that personal information - albeit scrubbed information - will be available on the internet in perpetuity. So much for maintaining privacy.

REFERENCE MATERIAL:



To: Chief Doug Dombroski
From: Ethan Richards, Fire Coordinator
Subject: Department Head Report
Date: May 30, 2012

The Dillingham Volunteer Fire Department and Rescue Squad held a combination meeting on 5/2/2012.

Fire Training was held on 5/9/2012, which consisted of a tour of the new Peter Pan facility for familiarization and access in the event of a fire/rescue incident.

Rescue Training was held on 5/16/2012 at the Downtown Station. The instruction covered a demonstration and exercise-involving rescue from watercraft and water.

The Rescue Squad responded to 13 ambulance calls during the month of April 2012. They consisted of 4 trauma calls, 1 cardiac, 1 alcohol, 1 hypothermia, 1 seizure 2 respiratory and 3 other medical. Additionally, the Department responded to 1 fire and 1 airport incident.

Issues with Engine 3 are being corrected. There were no other major equipment issues and all apparatus are in service and ready to respond.

There was no new membership applications presented to the Executive Committee.

During the month of June, routine inspection of apparatus, equipment and replacement of expired medical supplies will be completed.

Respectfully,

Ethan Richards,
Fire Department Coordinator

PLANNING DEPARTMENT

To: Dan Forster

re: Monthly Report

From: Jody Seitz, Director of Planning and Grant Programs

Date: May 23, 2012

Airport Runway Security Area Project – Worked with PWD Cole to secure gravel for our roads as compensation for wetlands impacts of the project. Mr. Cole was successful in securing the gravel for the city despite some resistance from ADOT. It's important to note that by the time we were notified about this wetlands mitigation there was precious little time to identify a project that did not require design. Kudos to Carter!

Six Year Capital Improvements Plan – working on this with Public Works, Harbormaster, DPS, Finance, and Manager to develop a Capital Improvement Budget for the plan.

GIS – Gary Greenberg is assisting the Planning Department secure new satellite imagery for our GIS. The resolution is quite good for satellite and avoids the huge expense of an aerial survey. We have a couple of interested partners – BBNA and ADOT, which should reduce the cost down to less than \$2000 for the city's part.

Kanakanak Road Resurfacing from Squaw Creek to Kanakanak hospital – the comment deadline is May 23 for pre project scope and engineering. It is my understanding the project is going to bid this fall. The plans do not currently include any new pedestrian amenities. PWD and myself have been discussing this with ADOT in hopes of improving the pedestrian facilities.

Citizen requests: Several requests for information from students at the campus. Having numerous requests for the new address maps..... Maps should go for \$25-\$30 a piece because of the staff time required to make them as well as all the expensive ink they take. First though – providing them to the various departments like Police, Fire, the Library and Public Works. I'm still getting final touches completed, but once we do, which should be early June, I will have a bunch professionally printed for sale.

Dog poop: People are not cleaning up after their dogs when they let them roam or take them for walks. The poop is turning into a problem for Public Works on the downtown airstrip park and in the ball field below the elementary school. This was discussed at staff meeting re: whether an ordinance was required and/or more education about the issue.

Encroachment Permit Application: provided temporary encroachment permit for Terra Sond to study the area's tides off of Snag Point. Another permanent encroachment comes to the Council June 7 for a resident to bury power lines that already serve their home, in the road.

Floodplain permitting: will bring floodplain permits to the commission next month for the harbor lease lot permittees.

Land Use Permits: The Seventh Day Adventist Church is going to reconstruct their gym and school building. NAPA LUP for their building in the harbor. Two more local businessmen are interested in developing the lots at the harbor. One is an aluminum craftsman, the other is all-round boat repair.

Neighborhood Initiative: there were 3 applicants for this grant. The projects are to 1) paint murals at the forest View Apartments; 2) put up a seasonal bench and platform with planters of flowers and veggies across from the Sifsof building on the N&N parking lot; 3) make a 5 km Nordic track ski trail. All projects are fundable this year. I am encouraged by the level of participation this year. Would like the Planning commission to think about adopting a theme for the grants or encouraging particular ideas from year to year. Also suggest we issue the grant RFP again this summer in time for project planners to still order something on either the fall or spring barges, to give them more time for planning and organizing.

Platting: The mylar for Harbor Lease Lots Final Plat has arrived! Will get signatures and send off to Recorder's Office. Requests/Inquiries: Fortune Subdivision request for information; Bear View Subdivision finishing up final plat.

Research on D Street Vacation. Have been looking this up (as Planner Fulton had to do) once again due to the lack of evidence reflected in plats that were done after the fact, or evidence in the files that the City actually did transfer ownership of the old D Street in a 3 way exchange that resulted in the Moran estate owning the old D Street. It is still not completely solved.

Research on Tower Road right of way – the road was not platted through the Dillingham Planning Commission during the construction process. Not sure it's a problem, but.....this is one of my ongoing investigations.

2012 Dillingham Walk and Roll (Bike to Work Day): it was drizzling and one degree above freezing and yet we counted 91 participants – a few of whom were added to the station total of 83 because they missed the stations on their way to work.

Bristol Express – two \$25.00 gift certificates: Ralph Andrew, Kristine Tinker
Bigfoot - \$50.00 gift certificate - Paul Liedberg
Cup O' Joe - \$5.00 gift certificate – Ramiro Espinoza

Fishing Pole – Les Parks
Two Bicycle Pumps – Paul Eirich, Dimitri Hoseth

Two certificates for 10,000 Alaska Airlines Miles - Tony Alexie Johnson, Lisa Ilutsik

And this year SPROCKET! Goes to the Southwest Region Schools!

We calculated the winners by dividing the #participants by the square root of the number of employees. That seemed to level the playing field between big and small entities the best. We got then an “index” of participation.

1. Southwest Region Schools	10 participants, 29 employees*	Index of 1.85
2. BBAHC Environmental Health	3 participants, 8 employees	Index of 1.06
3. SAFE	4 participants, 16 employees	Index of 1.0
4. UAF	3 participants, 11 employees	index of .9
5. BBNA	9 participants, 257 employees	index of .56
6. City	4 participants, 50 employees	index of .56

SWRS had 3 people participate who came from school sites outside Dillingham. We included them in the overall staff total for the SWRS Dillingham office.

We also reviewed the agency participation sign up and sign in sheets and included in the drawing anyone who participated who had not signed up at a watering station.

Many thanks to our sponsors AC, N&N, Bigfoot, Cuppa Joe, Bristol Express, and GCI for donating Alaska Airlines miles. The prizes really add a nice touch to the day.

Water and Sewer projects – working with PWD, CM, etc.....to pull together our projects and funding for the summer’s projects.

Wood Tikchik State Park Management Council – as an informational item, the Council at its last meeting voted to recommend extension of the comment period on the proposed Chikuminuk Lake Hydro Project until September 30. The ADNR Director of State Parks, Bill Ellis, decided to extend the comment period until May 28.

The WTSPMC also recommended denial of Nuvista Corporation’s application to conduct feasibility studies in the park this summer, recommending that the permit be denied until the park plan is amended by the state legislature to allow such activities at Chikuminuk Lake, currently designated a wilderness area by the WTSPMC.

Dillingham Public Library

To: Dan Forster, City Manager
From: Sonja Marx, Librarian
Date: 5/29/2012
Re: May Monthly Report

Where did May go? With school ending May 25, we are without our school librarian until the end of August. We so much appreciate Nicole Ito as she has such a heart of connecting with the students and getting them involved with reading and selecting resources from our collection.

We are in the process of advertising and hiring for a temporary, Library Aide/Clerk II position for 20 hours a week and a regular, part-time Library Aide/Clerk I for 14 hours a week to meet our needs at the library during the busy summer months. Thankfully, we were awarded a BBEDC internship for this summer. August Shade was hired as our Library Aide under this program.

Our Summer Reading Program will begin June 5th and continue for 8 weeks. We have scheduled the main two age groups back to back to meet the needs of families with children in each age group. Every Tuesday morning from 10 to 11 am, ages 3-6 will meet. Then ages 7-11 will enjoy their program from 11am to noon. We are thankful to those who have agreed to help us with this essential program for the children during the summer. The theme this year is "Dream Big READ".

The video web-conferencing provided two wonderful events for us in May. We were able to "visit" the area where the book "Three Cups of Tea" originated and took a "trip" to the planet Mars. Homeschoolers, students from the 7th Day Adventist School, and the public enjoyed this.

The FOL met May 19th for their monthly meeting. A big June book sale is set for June 2nd & 3rd. A Kindle Fire is also being raffled off at that time. I will be on vacation from May 29th - June 17th. The library was closed Monday, May 28th for Memorial Day.

Library Stat report for April 23rd - May 26th, 2012:

Patron Visits: 3,146 Computer Use: 1,140 Story Hour: 115 Other: 162

Approximately 53.5 volunteer hours logged

Date: May 29, 2012
To: Dan Forster / City Manager
From: Jean Barrett, Port Director
Subject: May Monthly report

It seems like I start all of my May Monthly reports out the same way... commenting on how quickly the month has gone by! So I will not mention that the month has gone by very quickly.

Dock –

Things are in full blown summer mode at the dock, we have had several barges in, after they made it through the thick ice pack that had formed they were only a week late! Many new vehicles came off as they do every year the big difference is that the City had one real big vehicle come in this year, in the form of our new Hyster 1050 forklift. It is a beaut of a machine and handles like a sports car, the guys that moved it on and off of the barge were very envious of us! The forklift ran good on the barge and then when we worked it on shore for a day it shut down on us... alarms went off and lights flashed and we were not able to make anything work! The 1050 sat until Monday morning when I went and took a look at it, low and behold it worked as it should, I drove it down to flatter ground and looked it over and found that the hydraulic fluid was not showing in the site glass, we added 10 gallons of fluid after getting the go ahead from Papé and the fluid level came up in the site glass and it has worked as it should since then. Either I have the Midas touch or am just lucky! Either way life is good in the 1050 now!

Lights at the dock are showing some signs of some much needed TLC, we had to replace one of the red marker lights this spring , at some point last winter it broke its threads and then as it hung free in the wind it broke its wiring and fell to the ground below. The building and grounds crew got that replaced and rewired only to find out a transformer had shorted and fried inside the electrical box, we hired Tamerak Electric to replace that and thought that we were good to go when we realized that the west light was operating on one cable pulley instead of the two that it is supposed to have, we are working to fix this problem as quickly as possible.

Super Sack –

This is a bit of a sore subject with me as I feel we have not been given truthful information on the retrieval of the super sack of contaminated soil that was lost over the side of a Alaska Logistics barge last fall as it sat alongside the City Dock. I have had several e-mail conversations with Alaska Logistics with very little satisfaction; as a matter of fact I sent them another e-mail as I started this portion of my report just to see if I would hear more or updated information. The timeline for all of this started in November of last fall, after the dock had closed for the season. Alaska Logistics asked if they could tie to the dock with one of their barges while they went south to Port Heiden to get another one. The other barge arrived and as AK Logistics transferred the freight from the Port Heiden barge onto the barge that was at the Dlg dock one of the flats that held the super sack (a large double mesh, double zippered bag) that held contaminated soil from a cleanup site failed and one of the bags dropped into the water just off of

the city dock. As I mentioned previously it was November and the cold weather had started to form some ice, the decision was made between Alaska Logistics, the Coast Guard, AkDEC the EPA and myself that it was going to be too late in the season to be able to make an effort to retrieve the bag and every effort would be made to be ready to make this happen “as early in the **SPRING** as possible” Now I know it hasn’t been hot and sunny but spring has almost turned into summer, so here is the latest I have heard on the retrieval effort and the time line as of the date of this report. The last I heard from Alaska Logistics is that they were supposed to be here somewhere around the 24th of May. That has come and gone and not even a phone call or an e-mail... I have written to all the parties that were involved in the decision making in November and finding out why this has been allowed to be swept under the rug and why Alaska Logistics is not being held accountable for keeping us updated as to when they are going to be here. What usually happens when things come to this point is that Alaska Logistics barge will show up tomorrow and start the retrieval, this would be a good thing, other than we have another barge line due in tomorrow! I will keep my eye on the horizon.

Harbor - Things are getting busy in the harbor,

The herring boats are back from the fishing grounds and it sounds as if they ran into a good number of herring! There is talk of several boats perhaps going halibut fishing. Time will tell how many.

The Dredge crew showed up on the 8th of May and took care of some last minute maintenance on the dredge and were splashed into the water off of the dock on the 12th and started pumping mud out of the harbor on the 14th, it seemed that there was more silt in the harbor this year than in years past but the crew from Portable Hydraulic Dredging are making good time and from where I sit they are more than half done and should be done somewhere around the 8th or 9th of June. They figure they will have moved close to 90 thousand cubic yards of material by that time.

The new ladders are in on the new portion of the bulkhead and they look great, just like a new bulkhead should... with ladders and everything, how was this overlooked in the original design?

Floats and docks are soon to be in the water for the summer, we are having some issues with leaks this year, several of the float arm floats have some serious rust and have some sizable holes in them, about the size of a pen cap which when below the waterline takes on a large amount of water in a short time, I am trying to get them patched so it does not have to be done during the busy fishing season.

The Ice Machine is not yet up and running as the waterlines froze over the winter and have not yet thawed, the lines are plastic so we cannot heat them to thaw them, we just have to be patient and let mother nature do her work.

The Bath house and rest rooms are up and running, some minor repairs are ongoing and will be done before the busy fishing season.

That is about it from the best view in town, the Harbor / Port office!

Jean Barrett
Port Director

Monthly Report

Dillingham Dept. of Public Safety

For the month of May 2012

Patrol

- ❖ 529 Calls for service
- ❖ 41 Incident reports
- ❖ 05 Assaults
- ❖ 06 Theft offenses
- ❖ 02 Burglaries
- ❖ 03 Violation of release conditions/probation
- ❖ 07 Criminal mischief offenses
- ❖ 01 Driving under the influence
- ❖ 03 Disorderly conduct
- ❖ 14 Persons arrested
- ❖ 08 Title 47/Protective custody
- ❖ 25 Citations issued

Corrections

- ❖ 44 Inmates for 04/23/2012-05/23/2012
- ❖ 12 Title 47/Protective custody
- ❖ 35 Male inmates
- ❖ 09 Female inmates
- ❖ 10 Male Protective custody
- ❖ 01 Female Protective custody
- ❖ 03 Inmates from Adult Probation
- ❖ 14 Inmates from Courthouse
- ❖ 12 Inmates from A.S.T.
- ❖ 15 Inmates from Dillingham Police
- ❖ 02 Use of force report

WAANT/Investigations Unit

- ❖ 03 Alcohol interdictions
- ❖ 08 Drug investigations
- ❖ 02 Postal Seizure
- ❖ 07 Investigative assistance to Dillingham Police

Communications

- ❖ 529 Calls for service 04/23/2012-05/23/2012
- ❖ 77% Dispatched to Dillingham Police
- ❖ 12% Dispatched to Alaska State Troopers
- ❖ 05% Dispatched to EMS/Dillingham Fire
- ❖ 06% Dispatched to Dillingham Animal Control
- ❖ 10 Record requests complete
- ❖ 79 E-911 calls received

Animal Control

- ❖ 15 Calls handled for 04/23/2012-05/23/2012
- ❖ 02 Dog impound
- ❖ 02 Cat impound
- ❖ 01 Dead dog removal
- ❖ 02 Compassionate euthanasia
- ❖ 03 Dogs found and returned to owners
- ❖ 01 Rabies shot given

DMV

- ❖ 127 Registrations/Titles
- ❖ 94 Driver's license/ID's
- ❖ 10 Commercial driver's licenses
- ❖ 06 Road tests

Monthly Department Updates

Patrol:

Our new patrol officer, Christina Harris has started the Field Training process.

Ofc. Etheridge is currently attending an Alaska Police Standards Council sanctioned firearms instructor course for patrol handgun, shotgun, and tactical rifle.

Ofc. Casselman/K9 Lutri are enrolled in the Alaska State Trooper Drug Detection certification course in Fairbanks, Alaska on June 25-29, 2012.

Corrections:

The Corrections department ordered a new restraint chair to replace the chair which was damaged by a violent prisoner.

WAANT/Investigations:

The WAANT unit continues to investigate drug and alcohol related crimes in the Dillingham area.

Communications:

The new E911 dispatch system is currently being installed. Also we have welcomed another team member Roianne Johnson to the dispatch department.

Animal Control:

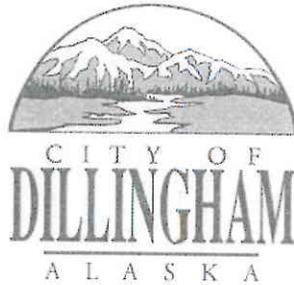
ACO Boyd sent 7 puppies to Alaska Dog and Puppy Rescue in Anchorage, Alaska.

DMV:

DMV is conducting road testing to restricted CDL's. Fingerprinting for Haz-Mat endorsements on a CDL is being conducted.

Administration:

Chief Dombroski attended the APOA/AMJLIA conference in Juneau, Alaska.



Date: May 21, 2012
To: City Manager Dan Forster
From: Carter R. Cole, Public Works Director
RE: Department of Public Works Monthly Report

PW initiated a free service for posting Bids and RFPs to a nation wide web site to help gain exposure for better prices to our projects. The service is quick and easy to use. The first project that will be post to this site will be the Snag Point Direction Drilling Project.

The engineers have requested Department of Public Works to install the service road and lay down pad. Work will begin in June once we have the plan. This will help reduce the costs of the contractors work. The work that is done by the City crews will be reimbursed to the city from the grant.

Additional discussion with Fred Hodge has continued and the current plan will have them into Dillingham in late July to pick up the scrap metals. We are making arrangement to bring some of the material to the dock and in container already located there.

The surplus items for the Mayor's Sale are ready to be reviewed by the public at the PW Shop. We are hoping for a successful sale of all the items.

The water and sewer rate study is underway. The first meeting is being scheduled to present a draft report with the objective of addressing the City Council concerns in the final report.

The annual water report is being completed in the month of June which will be posted to the City web site before July 1, 2012.

The water level is very low in our two remaining wells, the pump at the high school may need replacement, and there will be more information available on this at the council meeting.

We have started a road evaluation and priority process which should be completed in June. I spent a day with Herman Shade reviewing many issues that the department has encountered. We will be sending some information to Planning so they can begin to see the priority list from the department and provide comments.

The condition of some of the roads is the root of some of the equipment failures we have experienced at the Department of Public Works since I have been here. We will be attempting to address this in a report and long term road development program. We are currently working with ADOT to explore how to do this better.

The fish processors are providing information to Smart Energy on the fish waste volumes. It is anticipated that will be completed by the time this report reaches you.

Sometime in July, a Smart Tower representative will be in Dillingham. As soon as some tentative dates can be set, we will be scheduling meetings.

I am also visiting the Matsu Borough Recycle facility May 29th to gain additional information and pictures of the current operation. This will help develop the different options for the Council in September.

We have ordered the fish waste dumpster, and are expecting those to ship and arrive this summer. I did not have the exact dates at the time of this writing.

Department of Public Works has completed the water sampling of the surface wells at the landfill. A report will be generated based upon the samples taken and tested by Analytical Testing. I have not received the results yet, but I will be able to provide information at the City Council meeting if requested.

Rock from 19 mile quarry will begin being moved to the erosion repair site in June and the repair will be completed by July 3rd.

Thank you,

Carter R. Cole
Director
Department of Public Works

Dillingham Senior Center

To: Dan Forster, City Manager

From: Ida Noonkesser

Date: May 22, 2012

In the month of April, I helped two people with public assistance paperwork. This month's paperwork for the state included recording monthly meals, home delivered meals, assisted rides, and unassisted rides.

There were five renters during the month of May at the Senior Center. The Dillingham Quilters' did their last rental until this fall, but the pinochle players group will continue to rent the dining room every Friday.

We had our monthly Senior Center Advisory Board meeting April 11, 2012. Then we had a special meeting on April 30th for grant proposal approval.

I have been busy with the grant writing with Jody Seitz and with assistance from Steve Noonkesser in late April. Due to a family emergence for a key staff member in the business department, we were unable to get the grant filed on time, but we did get it in to the department in Juneau close to the deadline. We worked long hours to get the NTS grant done and are waiting to hear if we qualify for partial funding.

We have had more people coming in for lunches these past few months and we have been busier than usual which is encouraging. I have been entering more welcome packets for into the SAMS program than usual as well for the new clients we are getting.

For the month of April, the Senior Center served 580 congregate meals to 59 individuals, 136 homed delivered meals to 7 individuals, gave 286 assisted rides to 32 individuals, and 237 to unassisted rides to 19 individuals.

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2012-11

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING SECTION 4.21.135, TAX REFUNDS

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

Section 1. Amendment of Section 4.21.135, Tax Refunds is hereby amended as follows with new language **bold and underlined** and deleted language in [CAPS AND BRACKETS].

4.21.135 Tax Refunds

[A. ANY TAXPAYER FROM WHOM RAW FISH TAX IS COLLECTED AND TIMELY REMITTED TO THE CITY BY A TAX COLLECTOR AND WHO ALSO HAS TIMELY REMITTED PROPERTY TAX IS ELIGIBLE FOR A PARTIAL REFUND OF RAW FISH TAX. THE AMOUNT OF THE REFUND IS EQUAL TO FIFTY PERCENT OF THE RAW FISH TAX COLLECTED FROM THE TAXPAYER UP TO A MAXIMUM REFUND OF FIFTY PER CENT OF THE PROPERTY TAX PAID BY THE TAXPAYER TO THE CITY.]

[B. ANY TAXPAYER:

1. FROM WHOM RAW FISH TAX IS COLLECTED AND TIMELY REMITTED TO THE CITY BY A TAX COLLECTOR DURING THE YEAR FOR WHICH A REFUND IS REQUESTED; AND
2. WHO IS NOT ELIGIBLE FOR A REFUND UNDER SECTION 4.21.135(A) ABOVE; AND
3. WHOSE HOUSEHOLD INCOME, ASSETS, AND FINANCIAL RESOURCES FALL WITHIN THE ELIGIBILITY STANDARDS FOR THE FOOD STAMP PROGRAM UNDER 7 U.S.C. 2011 - 2025, AS AMENDED; AND/OR
4. WHO HAS PAID A REDUCED PRICE ANNUAL FEE FOR THE TAXPAYER'S FISHING PERMIT UNDER AS 16.43.160(D) FOR THE CALENDAR YEAR DURING WHICH RAW FISH TAX WAS COLLECTED FROM THE TAXPAYER IS ELIGIBLE FOR A PARTIAL REFUND OF FIFTY PER CENT OF THE TAX PAID UNDER THIS CHAPTER.]

A. A taxpayer from whom raw fish tax is collected and timely remitted to the City by a tax collector is eligible for a partial refund of raw fish tax, if they fall into one of two categories:

1. low income

a. household income, assets, and financial resources fall within the eligibility standards for the food stamp program under 7 U.S.C. 2011-2025, as amended; or

b. who has paid a reduced price annual fee for the taxpayer's fishing permit under AS 16.43.160(d) for the calendar year during which raw fish tax was collected from the taxpayer.

2. real property owner and has timely remitted real property tax

B. A taxpayer who qualifies as low income is eligible for a partial refund of fifty per cent of the tax paid under this Chapter.

C. A taxpayer owning real property tax in Dillingham is eligible for a partial refund equal to fifty percent of the severance tax collected from the taxpayer up to a maximum refund equal to fifty per cent of the property tax paid by the taxpayer to the City.

D. The taxpayer can apply for the low income or real property tax refund, but not both.

[C.]E. Any person entitled to a partial refund may obtain a partial refund from the City upon completion and submission of a refund application form to be provided by the City together with such supporting documentation as required by the City to establish eligibility for and the amount of the refund.

[D.]F. An application for a fish tax refund shall be filed during the period that begins November 1 and ends December 31 of each year. Failure to submit a refund application by December 31 means that no refund is due to the taxpayer for that year.

[E.]G. Applications for a refund under Section 4.21.135(B) above shall be treated by the city as confidential documents not subject to disclosure under Section 2.01.040 of this Code.

[F.]H. All refund amounts due to a taxpayer shall be paid by the City on or before March 15 each year. Should the City fail to pay any portion of a refund due interest shall accrue from the due date until the date paid at an annual rate of [FIVE PERCENT (5%)] **eight percent (8%).**

[G.]I. The City may offset against any refund due to a taxpayer amounts owed to the City by the taxpayer for sales tax, port and harbor fees, personal property tax, utility charges or any other fines or fees. The amount so withheld shall be identified to the taxpayer in writing on or before February 15 of each year. If the taxpayer believes the offset amount is in error the taxpayer is entitled to an informal hearing before the city manager on or before March 14.

Section 2. Effective Date. This ordinance shall be made effective upon passage.

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

SEAL:

Alice Ruby, Mayor

ATTEST:

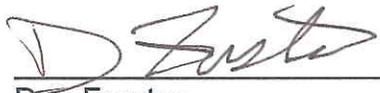
Janice Williams, City Clerk

Subject: An ordinance of the Dillingham City Council amending section 4.21.135 tax refunds

Agenda of: June 7, 2012

Council Action: Council adopted Ordinance 2012-01 (Substitute), adopting a new Chapter 4.21, Raw Fish Tax. This ordinance amends section 4.21.135, Tax Refunds.

Manager: Recommend approval.

City Manager: 
Dan Forster

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

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

Other Attachment(s):

Summary Statement.

This ordinance was vetted through the Code Review Committee at their May 10, 2012 meeting and is being recommended for adoption. The recommended changes to section 4.21.135, tax refunds, will bring this section of code in line with Ordinance No. 2012-09 (Substitute), levying a 2.5% tax on seafood products severed from the commercial fishing waters. The severance tax is a companion ordinance to the raw fish tax.

The changes being made will clarify that a commercial fisher can qualify for a refund under one of two categories, low income or real property owner, but not both, and revises the interest rate from 5% to 8% on refunds to coincide with state law.

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2012-12

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING SECTION 2.80.040 LIBRARY BOARD TO CHANGE THE TERMS FROM TWO YEARS TO THREE YEARS CONSISTENT WITH OTHER BOARDS AND COMMISSIONS

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

Section 1. Amendment of Section 2.80.040, Library Board is hereby amended as follows with new language **bold and underlined** and deleted language in [CAPS AND BRACKETS].

2.80.040 Library Board

- A. There is established the Dillingham public library board, consisting of five members who are appointed by the City Council. The members shall be adult residents of Dillingham.
- B. Members of the board shall serve for terms of [TWO] **three** years, or until their successors are appointed and qualified; provided, that the terms of no more than three members shall expire in any one calendar year.
- C. Members shall serve without pay, except that they may be compensated for expenses in accordance with the budget appropriations.

Section 2. Effective Date. This ordinance shall be made effective upon passage.

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

SEAL:

Alice Ruby, Mayor

ATTEST:

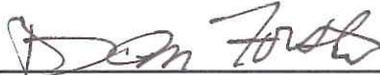
Janice Williams, City Clerk

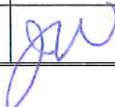
Subject: An ordinance of the Dillingham City Council amending section 2.80.040 Library Board

Agenda of: June 7, 2012

Council Action: This ordinance was introduced at the May 17, 2012 Regular Council Meeting.

Manager: Recommend approval.

City Manager: 
Dan Forster

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

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

Other Attachment(s):

- Copy of existing code Section 2.80.040 Library Board

Summary Statement.

This ordinance was vetted through the Code Review Committee at their May 10, 2012 meeting and is being recommended for adoption. The proposed change from two year to three years terms, would bring the terms served in line with all other City boards and commissions, and is mainly a housekeeping item.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2012-29

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN ANNUAL LEASE FOR USE OF THE CITY PROPERTY KNOWN AS THE "POTATO HOUSE"

WHEREAS, the City Council has approved Ordinance 2010-09 (substitute); and

WHEREAS, Ordinance 2010-09 (substitute) authorized the disposal by lease of the City property known as the "Potato House";

WHEREAS, the City has re-solicited Requests for Proposal (RFP) from the public for use of the facility; and

WHEREAS, one letter of interest was submitted on May 18, 2012 to use the facility as a retail outlet for heating hardware and accessories; and

WHEREAS, the City publically advertized and solicited Request for Proposals (RFP) from anyone wishing to propose a use for the facility for several months; and

WHEREAS, in response to the RFP Phinncraft submitted a letter of interest to negotiate a lease with the City; and

WHEREAS, the interest from Phinncraft represents a reasonable and cost effective use of the facility in the best interest of the City;

NOW, THEREFORE, BE IT RESOLVED by the Dillingham City Council that the City Manager is authorized to negotiate a lease of the "Potato House" with Phinncraft.

PASSED and ADOPTED by the Dillingham City Council on.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

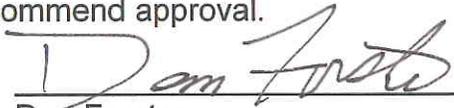
City of Dillingham Information Memorandum No. R2012-29

Subject: A resolution of the Dillingham City Council authorizing the City Manager to negotiate an annual lease for use of the City property known as the "Potato House"

Agenda of: June 7, 2012

Council Action:

Manager: Recommend approval.

City Manager: 
Dan Forster

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

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

Attachment(s): Draft Lease Agreement
Copy of Ordinance No. 2010-09 (Substitute)

Summary Statement.

The City Council authorized the disposal of the "Potato House" building by lease by adopting Ordinance No. 2010-09 (Substitute), of which a copy is attached. The building was occupied by the Senior Center staff a majority of 2011 while they awaited the completion of renovations on the Senior Center, the result of flooding caused by icing conditions.

The rental agreement is for \$500 a month, and is expected to begin July 1, 2012. The renter will pay for heat and cooling, electricity, water, trash removal, and sewage disposal.

Draft LEASE AGREEMENT

THIS LEASE, entered into this _____ day of _____ 2012, by and between the **City of Dillingham**, whose address is PO Box 889, Dillingham, Alaska, 99576, and whose interest in the property hereinafter described is that of Owner, hereinafter called the **Lessor or City**, and _____, whose address is _____ hereinafter called the **Lessee**.

The Lessor hereby leases to _____ the following described premises:

The building and land locally known as the "Potato House" located at 414 Second Ave. West, legal description as Lot No. 2, Cemetery Exchange Subdivision, Township 13S, Range 554W, Seward Meridian, Plat No. 82-15, consisting of 2,690 square feet.

to have and to hold the same, with all appurtenances unto the Lessee for the term of one (1) year beginning on _____, 2012 and ending on the ___st day of _____, 2013 at and for the rental of \$500 per month. **Rent is due in full by _____ 2012.** Lessor shall give the Lessee written notice of the rent due for any extended term at least thirty (30) days in advance of commencement of the extended term.

COVENANTS OF THE LESSEE

1. The Lessee does hereby covenant and agree with the Lessor that it will:
 - a) pay said rent at the times and place and in the manner aforesaid;
 - b) use and occupy said premises in compliance with all applicable laws, ordinances and regulations of duly constituted public authorities now or hereafter enacted in any manner affecting the Leased Premises, or the sidewalks, streets, and ways adjacent thereto or any buildings, structures, fixtures and improvements or the use thereof, whether or not any such laws, ordinances or regulations which may be hereafter enacted involve a change of policy on the part of the governmental body enacting the same in a careful and proper manner;
 - c) not use or occupy said premises for any unlawful purpose;
 - d) not assign this lease, not underlet said premises, nor any part thereof, without the written consent of the Lessor, provided, however, such consent shall not be unreasonably withheld;
 - e) not use or occupy said premises or permit the same to be used or occupied, for any purpose or business deemed extra-hazardous on account of fire or otherwise;
 - f) make no alterations or improvements to said premises without the written consent of the Lessor, such consent shall not unreasonably be withheld;
 - g) leave the premises at the expiration or prior termination of this lease or any renewal or extension thereof, in as good condition as received or in which they might be put by the Lessor, excepting reasonable wear and tear and/or, loss or damage caused by fire, explosions, earthquakes, acts of God, or other casualty;

- h) permit the Lessor to enter upon said premises at all reasonable times to examine the conditions of the same;
- i) pay for heat and cooling, electricity, water, trash removal, and sewage disposal;
- j) maintain the demised premises in good repair and tenantable condition during the continuance of this lease or any renewal or extension thereof;
- k) maintain the premises in keeping with good fire prevention practices.

COVENANTS OF THE LESSOR

2. And the Lessor on its part covenants and agrees with the Lessee that it will:
- a) Except as provided in this Lease, and provided Lessee is not in default hereunder, provide Lessee peaceful and quiet enjoyment of the Leased Premises
 - b) warrant and defend Lessee in the peaceful and quiet enjoyment of the Leased Premises.
 - c) If the leased property is sold during the term of the lease, or an extension thereof, the sale will be made subject to the lease. This also applies to any sale as a result of an encumbrance on the property that existed prior to the execution of this lease.

MUTUAL COVENANTS

3. It is mutually agreed by and between the Lessor and Lessee that:
- a) all terms and conditions of the preceding covenants of both Lessee and Lessor are agreeable and accepted in their entirety, except as herein noted;
 - b) all fixtures and/or equipment of whatsoever nature as shall have been installed in the demised premises by the Lessee, whether permanently affixed thereto or otherwise, shall continue to be the property of the Lessee, and may be removed by it at the expiration or termination of this lease or renewal and at its own expense repair any injury to the premises resulting from such removal; All structures, fixtures and improvements, placed or attached on or about the Leased Premises by Lessee, shall at the City's option become the property of the City at the expiration of the Lease or any extended term, unless removed by Lessee within three-hundred (300) days after the expiration or termination of the Lease. Lessee shall be responsible for paying rent and all other sums payable by it under this Lease while removing structures, fixtures or improvements.
 - c) Not later than the expiration or termination date of this Lease, or of any extended term thereof, Lessee shall remove all readily movable items of personalty, provided that any damage caused to the Leased Premises by reason of such removal shall be immediately paid by Lessee. Any movable items of personalty not so removed by Lessee shall become the property of the City at the City's option.
 - d) The City may, in its sole discretion, remove and store any or all property not timely removed from the Leased Premises. Storage shall be for the account and at the expense

of Lessee, and without liability for loss thereof, or damage thereto, on the part of the City. If after a period of thirty (30) days or more, Lessee has not paid all sums due and owing to the City under this Lease or any Addendum hereto, including the reasonable cost of storage, the City may sell any or all of such property at a public or private sale. The City shall mail written notice of such sale to Lessee at least ten (10) days prior to sale. The notice shall state the date, time and place of the sale. The City may set the time, place and manner of the sale in its sole discretion. The proceeds of any such sale shall be applied first to the costs of sale (including reasonable attorney's fees), then to storage charges and then to delinquent sums due, or to become due the City, under this Lease or any Addendum hereto. Any remaining balance shall be mailed to Lessee.

- e) If all or part of the Leased Premises or 50% or more of the Building (regardless of whether the Leased Premises are affected) are destroyed or rendered untenable by fire, earthquake or other similar cause, Lessee shall remove the debris from the Leased Premises and clean up the Leased Premises within 300 days of the occurrence of such destruction. The City may in such event and at its sole discretion terminate the Lease on thirty (30) days written notice to Lessee.
- f) if the Lessee shall at any time be default in the payment of rent herein reserved, or in the performance of any of the covenants, terms and conditions, or provision of this lease, and the Lessee shall fail to remedy such default within ten (10) days after written notice thereof from the Lessor, it shall be lawful for the Lessor to enter upon said premises and again have, repossess, and enjoy the same as if the lease had not been made, and thereupon this lease and everything herein contained on the part of the Lessor to be done and performed shall cease and determine without prejudice however, it shall be the right of the Lessor to recover from the Lessee all rent due up to the time of such entry. In case of any such default and entry by the Lessor, said Lessor may relet said premises for the remainder of said term for the highest rent obtainable, and may recover from the Lessee any deficiency between the amount so obtained and the rent herein reserved;
- g) if the Lessee shall pay the rent as herein provided, and shall keep, observe, and perform all of the covenants of this lease by it to be kept, performed, and observed, the Lessee shall and may, peaceably and quietly, have, hold, and enjoy the said premises for the term aforesaid;
- h) this lease and all the covenants, provisions and conditions herein contained shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto;
- i) the _____ shall have the option to renew this lease for one (1) additional year period to be exercised by giving the Lessor written notice prior to the expiration of each term.
- j) this lease is subject to all applicable laws of the State of Alaska or local government;
- l) all conditions and covenants of the lease shall remain in full force and effect during any extension hereof. Any holding over after the expiration date of this lease or any extension or renewal thereof, shall be construed to be a tenancy from month to month, at the same monthly rental and on the terms and conditions herein specified so far as applicable;
- m) time is of the essence of this lease.
- n) Lessee Leases the property "as is" and "where is" and assumes the responsibility and risks of all defects and conditions, including but not limited to environmental hazards. The

intent of the parties is that tenant has had already and shall continue to have a thorough opportunity to inspect and study the property before signing this lease, but that once the lease is signed, City walks away from the property and shall have no further responsibility or liability to buyer or any third party for any claims of any kind that may arise as to the property.

- o) Except to the extent that such party may otherwise agree in writing, no waiver by such party of any breach by the other party of any of its obligations, agreements or covenants hereunder shall be deemed to be a waiver of any subsequent breach of the same or any other covenant, agreement or obligation. Nor shall any forbearance by such party to seek a remedy for any breach of the other party be deemed a waiver by such party of its rights or remedies with respect to such breach.
- p) In the event either party shall be in default in the performance of any of its obligations under this Lease, and an action is brought for the enforcement thereof, the defaulting party shall pay to the other all the expenses incurred therefore, including full, actual, reasonable attorney's fees. Any sums due from the Lessee under this Lease shall accrue interest at 10.5% per annum from the date they are due until paid in full.
- q) Neither City, nor any of its officers, employees, agents, attorneys, or representatives have previously nor does under this agreement make any representations or warranties, and none of the persons or entities described above shall in any way be liable for or with respect to:
 - (1) the condition of the real property or the suitability of the real property for Lessee's intended use, or for any use whatsoever;
 - (2) the presence or existence of any hazardous substances, asbestos, oil or other petroleum product contamination or any other substance as to which the discharge, leakage, spillage or presence, on the property would be regulated by applicable state or federal law.

Other Provisions

4. The following additional provisions, modifications, exceptions, riders, layouts and or forms were, are, agreed upon prior to execution and made a part hereof:

None

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year written below.

Lessor: CITY OF DILLINGHAM : _____

By: _____ **By:** _____

Title: _____ **Title:** _____

Date: _____ **Date:** _____

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2010-09 (Substitute)

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

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

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

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

Section 3. Authorization of Lease. The City Council hereby authorizes the disposal of an interest by lease substantially upon the terms and conditions contained in the lease agreement.

Section 4. Legal Description. Lot 2, Cemetery Exchange Subdivision, Township 13S, Range 55W, Seward Meridian, Plat No. 82-15.

Section 5. Findings. The City Council hereby finds that the disposal is for a public purpose; the revenue from leasing the building on the property described above will go to help offset the cost of providing essential services at the Dillingham Senior Center.

Section 6. Type of Disposal. A non-exclusive right to use the property by a lease agreement solely for the purpose of renting a City building, identified as the Potato House, for a term to be identified in the lease agreement.

Section 7. Value of City's Interest. Based on the current assessment of the Property, the City estimates the fair market value of the right to use the Property upon the terms and conditions set forth in the lease agreement is about \$230,000.

Section 8. Time, Place and Manner in Which Disposal Shall Occur. Offers shall have been previously solicited using a sealed bid auction method. The actual disposal shall occur following approval of this ordinance at the regularly scheduled City Council meeting of [~~December 2, 2010~~] November 18, 2010. At this time, the thirty (30) day provision of DMC 5.30.030 will have been met. At least thirty days is required between the time the disposal ordinance is introduced and the time that it is finally adopted by the City Council.

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

ENACTED by the Dillingham City Council on November 18, 2010.

Deletions are in [brackets]; Additions are underlined.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2012-30

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASE ORDER AGREEMENT OF ARMOR ROCK FOR EROSION CONTROL AND EXPENSES FOR RELATED SUPPORT ACTIVITIES AND REPEALING RESOLUTION NO. 2012-28

WHEREAS, the City of Dillingham is in need of emergency repair from erosion on the wastewater effluent piping from the shore to the mixing zone; and

WHEREAS, the City of Dillingham's Department of Public Works requests the purchase of rock materials to perform the emergency repair to meet the available minus July 2, 2012 tides; and

WHEREAS, the proposal from Horizon Contractors for \$175.00 per yard based upon 750 yards of purchase is the same or less than last year's cost of rock under a bid contract; and

WHEREAS, DMC 4/30.130 Exemptions, B.1, allows for purchase of the rock for emergency repair; and

WHEREAS, DMC 4.30.130, Exemptions B.2, services or articles can be procured at a lower cost without competitive bidding as established in the Horizon Contractor's quote;

NOW, THEREFORE, BE IT RESOLVED by the Dillingham City Council that Resolution No. 2012-28 is hereby repealed.

BE IT FURTHER RESOLVED that the Dillingham City Council hereby authorizes the City Manager to execute a purchase order with Horizon Contractors in the amount of \$131,250.00, and to expend an additional \$35,110 for related support activities.

PASSED AND ADOPTED by the Dillingham City Council on June 7, 2012.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

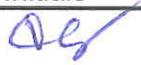
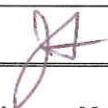
Subject: A Resolution of the Dillingham City Council Authorizing the City Manager to Enter into a Purchase Order Agreement of Armor Rock and Expenses for Related Support Activities for Erosion Control and Repealing Resolution No. 2012-28

Agenda of: June 7, 2012

Council Action: Adopted Resolution No. 2012-28 May 17, 2012

Manager: Recommend approval.

City Manager: 
Dan Forster

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade		
X	Public Works Director / Carter Cole		
X	City Clerk / Janice Williams		

Fiscal Note: Yes No Funds Available: Yes No

Attachment(s): IM 2012-28

Summary Statement.

This resolution will repeal Resolution No. 2012-28, adopted May 17, 2012, "A resolution of the Dillingham City Council authorizing the City Manager to enter into a purchase order agreement of armor rock for erosion control." It has been revised to extend the title by adding the phrase "and expenses for related support activities", and to add in the Now, Therefore, Be it Resolved, that the Dillingham City Council hereby authorizes the City Manager to execute a purchase order with Horizon Contractors in the amount of \$131,250 **and to expend an additional \$35,110 for related support activities.** (New language is underlined and emboldened.)

The extended language was included in the Information Memorandum 2012-28 that accompanied Resolution No. 2012-28, but was not carried over in the body of the resolution. Below is an excerpt from IM 2012-28. Funding is provided by State Legislature Grant 09-DC449 for erosion control.

ESTIMATED COSTS

The estimated budget is based on the Department of Public Works crews and equipment being used to complete the project. The rental of an excavator may be needed to accomplish the work.

Item Description	Quantity	Amount	Total
Rock Rip Rap (HC)	750	\$175	\$131,250
Other Expenses:			
Rental of Excavator	20	\$240	\$4,800
Delivery of Excavator	1	\$600	\$600
Loader Rental	20	\$150	\$3,000
Fabric	1	\$550	\$550
Labor	240	\$109	\$26,160
SUBTOTAL Other Expenses			\$35,110
TOTAL ALL			\$166,360

City of Dillingham Information Memorandum No. R2012-28

Subject: Resolution 2012-28 of the Dillingham City Council Supporting Resolution Of The Dillingham City Council Authorizing The City Manager To Enter Into A Purchase Order Agreement Of Armor Rock For Erosion Control.

Agenda of: May 17, 2012

City Council Action:

Manager: Recommend Approval.

City Manager: 
Dan Forster, City Manager

Route To:	Department / Individual	Initials	Remarks
X	Finance	CS	
X	Public Works	CR	
X	City Clerk		

Attachment (s). Fiscal Note: Yes ___ No ___ Funds Available: Yes ___ No ___

Horizon Contractors Quote

SUMMARY STATEMENT

During review of the effluent piping this spring, after the ice left the bay, it was observed that the effluent piping from the beach to the mixing zone showed signs of exposure and additional erosion. Some erosion was observed the previous year.

The exposed pipe is subject to damage by floating ice and debris. Providing a long term fix would include gravel cushion over the piping, geo-tech fabric over the gravel cover, and erosion control rock, to stabilize and prevent further erosion along the piping.

The construction area would be approximately three hundred feet long by sixteen feet wide. The estimated rock needed for this is seven hundred and fifty cubic yards. An excavator maybe leased to perform the placement of rock if the city's excavator is not repaired in time. The extent of work on the city excavator is being reviewed now to determine if it will be available for the project.

The Public Works crews will pick up the rock at 19 Mile Rock Quarry and delivered to a drop site near the project location. A city loader and crew will carry the rock down to the beach and stock pile it until the rock can be placed on low tides by an excavator.

On July 2nd and 3rd 2012, there are -3.75 tides that will allow the crews to reach the end of the pipe. No other tides during the summer months will provide the low minus tides to perform the work. Later in the year the similar minus tides will have cold weather conditions and excessive darkness that will slow or prevent the work from being completed. No additional lighting would be required during the month of July.

ESTIMATED COSTS

The estimated budget is based on the Department of Public Works crews and equipment being used to complete the project. The rental of an excavator maybe needed to accomplish the work.

Item	Quantity	Amount	Total
Rock Rip Rap (Horizon Contractors)	750	\$ 175.00	\$ 131,250.00
Rental Of Excavator	20	\$ 240.00	\$ 4,800.00
Delivery of Excavator	1	\$ 600.00	\$ 600.00
Loader Rental	20	\$ 150.00	\$ 3,000.00
Fabric	1	\$ 550.00	\$ 550.00
Labor	240	\$ 109.00	\$ 26,160.00
Estimated TOTAL			\$ 166,360.00

The Direct State Legislative Grant 09-DC449 is available to fund this erosion control protective measure. The purchase of the rock has been approved by the grant agency.

CODE REFERENCE

The purchase of the rock is being requested under DMC 4.30.130 with City Council approval in the form of a resolution 2012-28 as allowed under the DMC. Applicable code sections are listed for reference.

DMC 4.30.090 Contracts/purchases of \$20,000 or more.

A. Unless exempt under the provisions of Section 4.30.130, contracts for and purchases of supplies estimated by the city manager in writing to exceed twenty thousand dollars shall be made by competitive sealed bid.

B. Unless exempt under the provisions of Section 4.30.130, contracts for professional services estimated by the city manager in writing to exceed twenty thousand dollars shall be made by competitive sealed proposal.

DMC 4.30.130 Exemptions.

B. Restrictions and provision of this chapter may be waived where the city council determines that the public interest would best be served by waiving the procedures herein established. Such determination must be made in the form of a resolution

adopted prior to the proposed action. The waiver may be based upon, but is not limited to, the following findings of public interest:

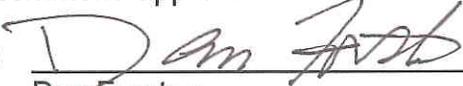
1. An emergency exists where the delays required for compliance with this section would jeopardize the public health, safety or welfare;
2. The services or articles can be procured at a lower cost without competitive bidding;

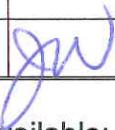
Subject: Accept Dillingham City School District's FY 13 CIP Projects List

Agenda of: June 7, 2012

Council Action:

Manager: Recommend approval.

City Manager: 
Dan Forster

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade		
X	Public Works Director / Carter Cole		
X	City Clerk / Janice Williams		

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

Other Attachment(s):

- FY 13 CIP Projects List
- School 2012 Annual Inspection Report

Summary Statement.

At the April 19 meeting of the School Facility Committee, it was noted that the prioritized list, a joint effort between City and School, was a good working document, was complete, and the work would be to fund the projects. Supt. McLeod noted they might be able to go after some State monies for energy projects.

Supt. McLeod asked if the City could reassign the \$100K bond payment to major maintenance and include the additional \$50K as appropriated in an addendum to the budget last year.

Mayor Ruby commented the resolution being presented to the Council was a place holder, and Council would probably come back in late June or July with a revised school appropriation.

A motion was made and passed to recommend to the Council and School Board that the capital projects list be adopted as the School's Capital Projects list.

The School Board adopted the list at their May 21, 2012 School Board Meeting.

FY13 CIP PROJECT EVALUATION SHEET

Project	ESTIMATED COST	DESCRIPTION	Project is clearly a responsibility of the city	Existing Threat to Health and Safety	Notice of violation	Formal Warning	Imminent Mechanical System or Structural Failure	Necessary to maintain essential services	Proposed on existing CIP	a phase of an ongoing CIP project	preliminary investment but not yet a phase	Partial funding secure	Project will result in substantial operational savings for the DCSD	Project will generate substantial revenue for the DCSD	Project Needed within next 2 years - 2 pts	needed in 3-5 years	TOTAL POINTS	Inventory	strategic planning	maintenance
				Y																
				Y		Y	Y	Y	10	9	5				10		34			
				Y		Y	Y	Y	8	5	5				8		21			
				Y		Y	Y	Y	5	5	5				10		20			
				Y		Y	Y	Y	9	7	5		8		9		38			
				Y		Y	Y	Y		5	5				10		15			
				Y		Y	Y	Y		10	5		10		9		34			
				Y		Y	Y	Y		8	5		10		10		33			
				Y		Y	Y	Y		8	5		10		8		31			
				Y		Y	Y	Y		6	5		8		10		29			
				Y		Y	Y	Y		5	5		8		9		22			
				Y		Y	Y	Y		4	5				9		18			
				Y		Y	Y	Y			5				10		15			
				Y		Y	Y	Y		2	5				8		15			
				Y		Y	Y	Y			5				8		13			
				Y		Y	Y	Y		4	5				4		13			
				Y		Y	Y	Y			5				7		12			
				Y		Y	Y	Y			5				7		12			
				Y		Y	Y	Y		3	5				4		12			
				Y		Y	Y	Y			5				6		11			
High School Gymnasium	140,000	New Bleachers	Y	Y					10	9	5				10		34			
Middle School Gymnasium	4,750	Upgrade ceiling vents	Y	Y					8	5	5				8		21			
Fuel Tank	20,000	Replace misc damaged concrete flat work, install Bollard. Re-work exterior walls 133, 134, 135 Replace Pumps and valves 2 each 2 HP base pumps with controls and piping in 143A and 160	Y	Y		Y			5	5	5				10		20			
Replace Pumps and Valves/rework exterior walls	82,000	Install foam insulation to depth of four ft below grade and covered by a protective metal shield and backfilled	Y	Y		Y			9	7	5		8		9		38			
Arctic Hallway	100,000	Insulate I Beams in Science Wing and upgrade insulation through DMHS including rm C207 & C208	Y	Y						5	5				10		15			
School wide Insulation	56,500	Replace ACM Sheetrock & insulate ext walls.	Y	Y						10	5		10		9		34			
Shop Area	50,000	Mechanical Upgrades both Schools	Y	Y					8	5	5		10		10		33			
Mechanical Energy Efficiency Upgrades	111,000	Shop, Exterior Bldg, art room, map area and all not previously replaced classroom wall wash lighting. Install motion detectors in all classrooms, closet and storage areas	Y	Y						6	5		8		10		29			
Electrical and Lighting Upgrades	210,000	All lighting Upgraded not completed in the renovation project	Y	Y						5	5		8		9		22			
Relighting Project	70,000	Add baseboard heat loop	Y	Y					4	5	5				9		18			
Special Ed Functional Living Room	1,500.00	Lighting, electrical upgrade and asbestos abatement	Y	Y						5	5				10		15			
Auto, Metal Wood Shop Classrooms	250,000	New cabinet doors, drawer fronts & refinishing, new dishwasher, microwave oven	Y	Y						5	5				8		15			
Home Economics Room Upgrade	30,000	Replace hand washing sinks 2 ea in shop areas. Law requires removal.	Y	Y						4	5				4		13			
Auto, Metal, Wood Shop Classrooms	5,000	Replace remaining metal room- approx. 62,000 square feet	Y	Y						5	5				7		12			
Underground Storage Tank	100,000	Upgrade to include new wall surfacing material and lighting	Y	Y						5	5				7		12			
Middle/High School Metal Roof	1,100,000	Pave entire parking lot	Y	Y						3	5				4		12			
Weight Room	25,000	two hoist hun wrestling mats and mechanical operators	Y	Y						5	5				6		11			
Parking Lot	750,000																			
HS Wrestling Program	85,000																			

not a DCSD responsibility

2012 Annual Inspection Report
Dillingham High / Middle School
&
Dillingham Elementary School

On February 15, 2012 a team consisting of Assistant Superintendent; Danny Frazier, Facilities Director; Russell Nelson, and City Representative; Steve Cropsey, conducted an inspection tour of Dillingham High/Middle School.

Dillingham Elementary School had no architectural or electrical deficiencies. Therefore all elementary school deficiencies are a part of the Cool Air Mechanical, Misc. Mechanical Repairs, assessment that is presented as a separate document prepared by Greg Torgeson.

Mr. Torgeson prepared the report as a result of an inspection tour he conducted on Feb 1st and 2nd on site. The report was commissioned and paid for by the Dillingham City School District. Mr. Nelson requested the report and Superintendent Mcleod approved the expenditure of \$1,500 to have the inspection conducted. Russell Nelson and Steve Cropsey accompanied Mr. Torgeson while he gathered information for the assessment.

Mr. Torgeson has an extensive history with the mechanical systems at both school sites. His assessment and the wise decision on the part of the District's Administration to retain Cool Air to perform the assessment save the District and the City a considerable amount of money. It is estimated that an engineer's evaluation would have cost between \$5,000 and \$9,000 and the results would have been no more valuable than tapping into Mr. Torgeson's considerable working knowledge of that portion of the system that had not been upgraded in the major renovation project.

Respectfully

Steve Cropsey
Project Manager

2012 Dillingham City School District Facilities Annual Inspection Report

Dillingham Middle / High School and Elementary School

As directed by voter approval, the City of Dillingham sold municipal bonds in 2007. Proceeds from the bond sale were used to fund major renovations to both the middle / high school and the elementary school buildings. The total amount of the bond issue was \$15,100,000. This amount represented approximately 58% of the total cost of all needed renovations as identified in a Condition Survey Report authored by USKH and issued in August 2004.

GDM Architects prepared an additional Condition Survey, published in December of 2006, which identified the most urgent needs, and was intended to redefine the scope of work thereby lowering the immediate project costs. This document focused on the most critical needs in order to develop a total project cost, which would be considered reasonable and affordable by the voters of Dillingham. As a consequence not all of the USKH identified upgrade work was completed. Only the most important components and those building areas, which were furthest beyond their serviceable life, were addressed. In other words, the most critical areas of the most important components were addressed. The most important consequence of these efforts was a dramatic upgrade to the envelope systems for school buildings. Included were new doors, windows, elementary school siding, insulation and considerable roofing replacement in both schools.

The District's operational budget has been impacted in a positive way, because the energy cost savings realized by the District has been substantial and significant according to District sources.

Even after the monumental effort to correct major deficiencies in building some component systems needs must still be addressed.

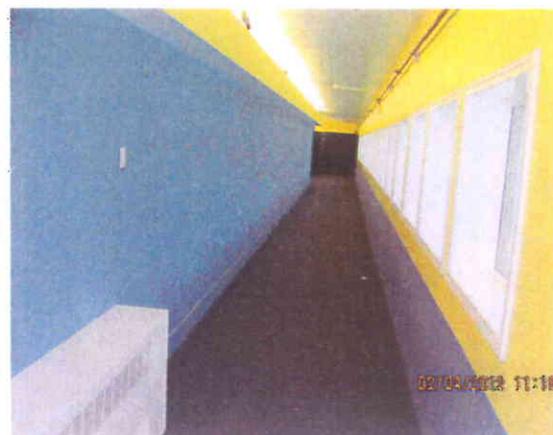
BOTH SCHOOLS

Asbestos Abatement: There was a considerable amount of asbestos removed during the renovation of both schools. However only asbestos, which was disturbed by the actual work was removed. EHS Alaska Inc. was the engineering firm that served to establish location, abatement criteria, and extent of asbestos that needed to be removed in conjunction with the bond-funded projects. The remaining asbestos is being managed in place according to applicable laws and regulations established in AHERA the Federal Law regulating asbestos in schools.

EHS Alaska Inc cost estimate for complete asbestos remediation is \$1,000,000.

DILLINGHAM HIGH / MIDDLE SCHOOL (HMS)

Arctic Hallway: Originally the arctic hallway was an unheated space that allowed passage into both areas of the HMS. Students and staff could get to the high school area or the middle school area without needing to travel through the middle school gymnasium. This space was inadequately lit and served as an attraction for vandalism and mischief. The HMS project installed new windows surfaces and introduced heat into the space. The affect of heating the space was to create a condition for frost heave of the structure, which did not happen before. Photographs show the incidence of cracked drywall, which is due to building movement, not poor or inadequate workmanship when the walls were remodeled to receive the new windows and surfaces. Building movement has also resulted in the outside entry doors on the south end to become racked in the jambs and not easily operated and sometimes will not close at all. The frames are metal as are the doors. The doors from the unheated vestibule to the newly heated space also tend to become "racked" and difficult to operate again due to building movement.



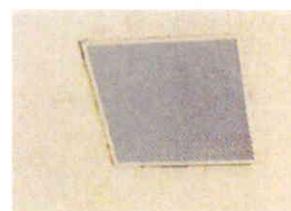
Cracks Barely Visible in the Photograph

A relatively inexpensive solution to the building movement due to frost heave due to thawing would be to dig down on the outside of the building slab and install foam insulation to depth of four feet below grade and covered by a protective metal shield and backfilled. This would protect the surrounding frozen ground from heat generated by the building systems.

- **Estimated Order of Magnitude Cost is \$100,000.**



Middle School Gymnasium: There are two 36"X36" ceiling vents that are impacted by blowing snow. The roof vents are flat cap type vents about 48 inches in diameter. Snow blows into the vents and is thawed from warm air rising from the gym and causes water to drip down and puddle on the floor. Fortunately with the new rubber floor no damage has been done to the floor but the water is a nuisance and inhibits proper use of the gym facility



- **Estimated Order of Magnitude Cost is \$ 4,750.**

Special Education Functional Living Room: Does not have a baseboard heat loop in the room consequently the room is cold when the door is closed. Kids from time to time use the room for naps. There is a large observation window but the room cannot be used as needed when the door is closed.



- **Estimated Order Of Magnitude Cost is \$1,500.**

Replace Remaining Metal

Roof: The remaining metal roof which covers various areas of the HMS school building is problematic. In all cases of the existing metal roof, it was installed with previous renovations and is now at least



20 years old. The EPDM ("Rubber") roofing that has been installed in the last two renovations has performed very well. Leaks have been eliminated and snow shedding has been reduced making management much easier for the school maintenance personnel. One additional single re-roof project which would replace all of the remaining metal roofing and provide a new EPDM roof with a manufacturers warranty of 25 years is expected to eliminate all roofing issues for at least another 25 years for the City and School District. The total area is approximately 62,000 square feet.

- **Estimated Order Of Magnitude Cost including demolition of the existing roofing material and contingency of 20% is \$1,100,000.**

Auto, Metal, Wood Shop Classrooms:

1. Replace hands washing sinks 2 each in shop areas.



- **Estimated Order of Magnitude Cost is \$5,000.**

1. New lighting, electrical upgrade, and general face lift for all classroom and shop areas to include abatement of asbestos containing cement board installed on most walls. *NOTE: This cost estimate includes asbestos abatement of the cement board if an asbestos abatement program is not previously completed on the entire school building. Costs for the mechanical portion of this upgrade are contained in the mechanical upgrade section later in the report.*



Existing Lighting

2. Yellow wall color indicates asbestos containing, (ACM) cement wallboard. In all likelihood, it was originally installed as a fire protection system.



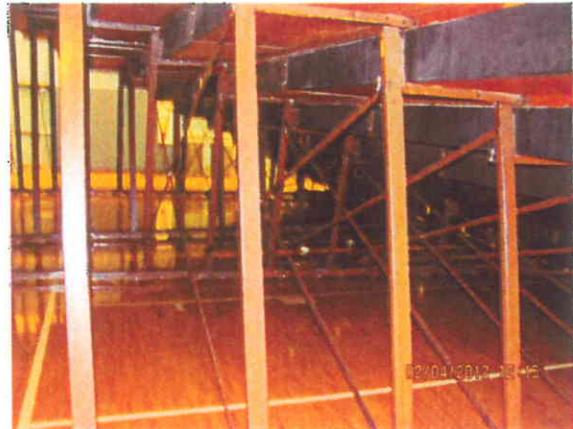
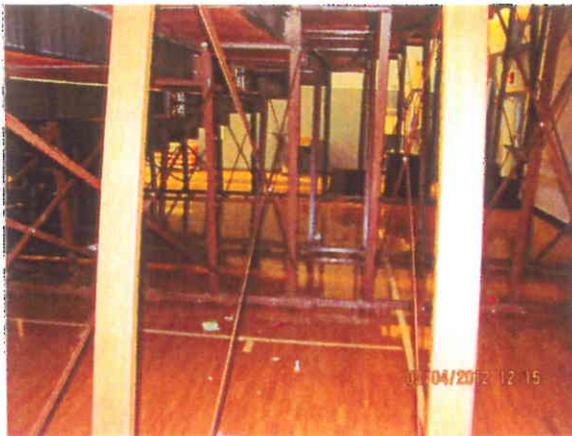
Yellow is Typical ACM

- **Estimated Order of Magnitude Cost for Items 1 and 2 is \$250,000.**

High School Gymnasium:

1. The high school gymnasium bleachers have not been replaced since they were originally installed. Over time moveable parts of the bleachers have been replaced. The bleachers being made of hickory wood are now obsolete. Retractable bleachers are now made of composite plastic products and are mechanically operated. Worn parts to repair the bleachers are very hard to locate and the wood surfaces are in need of re-finishing. Re-finishing and rebuilding the existing bleacher system would be more expensive than replacing the existing bleachers with new.





- **Estimated Order of Magnitude Cost for new bleachers is \$135,000.**
2. The High School Wrestling Program would benefit from two hoist hung wrestling mats and mechanical operators.

- **Estimated Order of Magnitude Cost is \$85,000.**

3. Weight room upgrade to include new wall surfacing material and lighting. Rubber floor covering material is in acceptable condition and does not need replacing.



- **Estimated Order of Magnitude Cost is \$25,000.**

4. Gymnasium Sound System to replace the existing system, which is nearly twenty years old.

- **Estimated Order of Magnitude Cost is \$17,500.**

Home Economics Room Upgrade: The Home Economics room received only floor covering, new paint and doors in the recent renovation project. Needed now are new cabinet doors, drawer fronts and refinishing. Also needed are new dishwashers and microwave ovens.



- **Estimated Order of Magnitude Cost is \$30,000.**

Relighting Project For All Lighting Upgraded Not Completed in the Renovation Project: This project would include upgrading all classroom and common space lighting, which was not included in the renovation project. Only the most critical lighting was addressed in the recent project. Some of this project overlaps other projects listed earlier in this report. The estimated cost represents a cost if the entire lighting upgrades were a separate project.



- **Estimated Order of Magnitude Cost is \$70,000.**

DILLINGHAM ELEMENTARY SCHOOL

The elementary school issues were mainly mechanical issues.

Mechanical Systems Evaluation for Both Schools by Cool Air Mechanical: Cool Air Mechanical has provided both emergency response and system upgrade support to the School District for several years. Under contract to the School District Cool Air Mechanical was on site two days and inspected not only the actual components of the mechanical systems at both schools but also the control systems. Attached is a comprehensive write up of the findings of that inspection effort along with budgetary estimates for the various tasks. **The total budgetary estimate, which does not include transportation and any required design, cost total is \$111,000.**



SEE COOL AIR MECHANICAL MISC. REPAIR REPORT WHICH FOLLOWS.

Cool Air Mechanical, Inc.
PO Box 3411
Anchorage, AK 99524
(907) 868-2889

February 6, 2012

Dillingham City School District
Dillingham, Alaska

Attn: Russell Nelson

Re: Misc Mechanical Repairs

Dear Mr. Nelson,

Cool Air Mechanical, Inc. recently performed an inspection of the mechanical systems at the Dillingham City School. The following is a report on the findings.

1. High School Gym Penthouse - There are a number of leaks and non-functional valves in the penthouse mechanical room. Given the condition and age of the existing piping we are recommending replacing the piping in the mechanical room with new piping. We would highly recommend mechanical engineering be incorporated into the boiler water side of this project. This engineering should encompass all the equipment served by the circulating pumps in the old boiler room and serving this end of the building. **Estimated cost: \$32,000.00**
2. High School Gym Entry Heaters – There are 3 entry-way heaters in the High School Gym. These heaters are located above the exit doors leading to the outdoors. The units lack the proper water flow to heat properly. We are recommending performing a re-commissioning of these 3 units to bring these units back to original form. This work would include coil cleaning, mechanical inspection of fan system and flushing of the heating coils. As boiler water is pumped through these units from the old boiler room pumps water balancing would be included as part of Item 1. **Estimated Cost: \$4,000.00**
3. High School Gym Arctic Entry – The arctic entry (near the office entry and KDLG) does not seem to be able to keep up with its load. This unit was recently replaced but while performing our inspection it was noted that there was literally snow and ice on the floor, doors and walls (even with the doors shut overnight) The unit was operating with a 20+ degree temperature differential on the heating coil while supplying roughly 50 degree air. The balancing valve on the heating coil is at 45%. This area needs to be addressed both on the heating side as well as on the insulation side. The doors, door seals and insulation on the walls needs to be looked into to determine the cause of the heat loss. We can probably get more heat out of the unit by opening up the balance valve and speeding up the fan but doing so now (increasing the water flow) may cause another area to lose heat which is why this should be addressed with the engineering in Item 1. **Estimated**

Cost: \$2,000.00 (Dependent on engineering)

4. High School Gym Hallway – There is about 15 feet of baseboard radiation along the windows in the hallway near the old concessions area. This radiation is having a tough time keeping up with the load requirements during the colder months. Given we are seeing less than 10 degree temperature drop on the coil we believe the water flow is adequate. We recommend replacing the existing finned tube element with new element designed for a higher BTU/ft rating along with stacking 1 element on top of another to get the most heat possible out of the baseboard. **Estimated Cost: \$3,000.00**
5. High School Gym Old Concessions and Storage Areas – There are fan powered heaters in the walls/ceilings for the old concession area, 2 storage rooms and the restrooms. None of these units are functional and as such need to be replaced. **Estimated Cost: \$18,000.00**
6. Middle School Gym Penthouse – Similar to the High School Gym Penthouse. Recommend re-piping and engineering as needed. **Estimated Cost: \$25,000.00**
7. Middle School Gym Penthouse – Circulating Pump CP-1 needs to be replaced. **Estimated Cost: \$3,000.00**
8. New Boiler Room – The circulating pumps on both boilers need to be rotated so as to have the terminal box on the top of the pump as per manufacturer's requirements. **Estimated Cost: \$1,000.00**
9. New Boiler Room – Glycol feed tank needs to be repaired. The unit is leaking glycol between the pump and the PRV. **Estimated Cost: \$1,000.00**
10. Middle School Gym AHU Room (Rm 114) – The circulating pump for the Air Handling Unit has already failed and runs extremely hot. The piping lacks an air vent to eliminate air above the pump on the main. We recommend installing air vents on the main piping on both the supply and return mains. **Estimated Cost: \$3,000.00**
11. Cabinet Unit Heater (CUH-1) – CUH-1 is located next to the vending machine near the Middle School Gym. The unit has a bad actuator on the heating control valve and needs to be replaced. **Estimated Cost: \$1,000.00**
12. Old Boiler Room – The hot water storage tank should be drained, flushed and inspected. This is obviously work best suited to be done in the spring. **Estimated Cost: \$3,000.00**
13. Elementary School HV-1 – The piping on HV-1 is leaking from numerous joints. Recommend re-piping to eliminate leaks and clean up layout. This unit should also have its freeze-stat replaced with a manual reset probe thermostat. **Estimated Cost: \$3,000.00**
14. Elementary School Bathroom Exhaust – The exhaust fan is tripping the starter. This unit needs to be pulled and inspected. **Estimated Cost: \$1,000.00**
15. Elementary School Domestic Hot Water Storage Tank – The hot water storage tank should be drained, flushed and inspected. This is obviously work best suited to be done in the spring. **Estimated Cost: \$3,000.00**
16. Elementary School Domestic Heat Exchanger Pump – The stand-by pump needs to be replaced with a new pump. This replacement will need to include new valves etc. **Estimated Cost: \$3,000.00**
17. Elementary School Main Heating Pumps – The left hand pump is leaking at a

gasket where the pump head attaches to the volute. This gasket needs to be replaced. **Estimated Cost: \$2,000.00**

18. Elementary School Boiler Room – The glycol feed tank is not working correctly causing the pump to run continuously. The piping on the suction side of the pump is leaking and this leak needs to be replaced. **Estimated Cost: \$1,000.00**
19. Elementary School Boiler Room – The piping from the relief valves on the boilers is leaking. These leaks should be addressed. Also the relief valve for the boiler nearest the door has a slow leak and will need to be repaired. **Estimated Cost: \$2,000.00**

Travel costs including airfare, per diem and associated labor are not included with the above estimated budgetary costs. Engineering is not included in the above estimated budgetary costs.

Let me know if you have any questions regarding the issues above.

Thanks,

Greg Torgeson
Cool Air Mechanical, Inc.
Office (907) 868-2889
Cell (907) 229-9753

Janice Williams

Subject: FW: AEA and Regional Energy Planning

From: Andy Varner [<mailto:avarner@swamc.org>]
Sent: Thursday, May 31, 2012 11:24 AM
To: SWAMC Board
Cc: Erik O'Brien
Subject: AEA and Regional Energy Planning

Hello Board members,

We have recently been in contact with the Alaska Energy Authority about conducting regional energy planning in SW. The agency has money and a directive to reach out to all regions to work with them in data collection, resource inventory, stakeholder feedback, and project priority selections for the State and Legislators to work with. AEA recently hired a new Regional/Rural Energy Manager to be the contact person for this.

Basically, they started to reach out to each Native Corporation, Tribal Non-Profit, or other regional group working on energy to accomplish this. In Bristol Bay it was BBNA, for the Aleutians it was the "A Team" (AEB, TAC, APICDA, APIA, etc). However, AEA and those groups immediately ran into roadblocks with procurement and contracting, so they eventually called on the ARDORs to step into the planning process. As direct grantees with the State Dept of Commerce (of which AEA is a part), we have a more direct path to procurement and the contracting/granting processes move quite swiftly.

I have already been in discussions with BBNA and the A Team about all of this. So, the long and short of it is that SWAMC *could* contract with AEA to do a regional energy plan in Bristol Bay; in the Aleutians; and even Kodiak down the road (AEA has no contact there, so we could be the one). We would essentially just subcontract out work to these entities and others to perform the tasks of the contracts; I think they'll take about 6-9 months to accomplish Phase I of these agreements. The contracts will need Board approval, so I will share them with you when the time is right. **The regions will initially get approximately \$100,000 to accomplish the first of these tasks.** SWAMC would get a percentage of that for administration and other tasks.

AEA and all of the planners are getting together for a meeting June 11-12 to find out much more. I want to take the slow and smart approach with this to find out exactly what we're in for, but I should know much more later this month. We're pretty far ahead with the Bristol Bay group so I think that one would get solidified first.

I just wanted to give the Board a heads up on this because it seems to be something we'll be quite involved in over the summer. Speaking of which, I hope it's started off great for you all so far.

If you have any questions let me know.

Andy Varner
Southwest Alaska Municipal Conference
3300 Arctic Blvd, Suite 203
Anchorage, AK 99503
p: 907.562.7380
f: 888.356.1206
www.swamc.org

TO: CITY CLERK OF DILLINGHAM
FROM: ROLLAND THOMAS
SUBJECT: TRANSFER OF REAL PROPERTY TO CITY
DATE: MAY 1, 2012



To whom it may concern:

This letter serves as notification that I would like to deed the two lots that I have within the City of Dillingham in lieu of the current back taxes on those properties. The properties in question are:

SUBDIVISION USS 2732 BLOCK 6 LOT 8
SUBDIVISION USS 2732 BLOCK 6 LOT 11

Please contact me at the following address and/or phone number for further discussion of this matter.

829 W 1500 N
Pleasant Grove, UT 84062
801-796-6451

I look forward to working with you. Thank you for your time and patience.

Sincerely,

Rolland Thomas

Janice Williams

From: Rolland Thomas [rolland.r.thomas@gmail.com]
Sent: Thursday, May 31, 2012 6:56 PM
To: Janice Williams
Subject: Properties to transfer to the City of Dillingham

Janice

You had requested the title to the two properties I want to deed to the city but I have never seen a title (Subdivision 2732 Block 6 Lots 8 & 11). My father bought these two lots along with a third one back around 1959 at auction. He sold back the third lot to the city and I believe that is where the water tower is now. I don't know if that sale was ever recorded. The property was put into my name in the early 90's (I think it was 1992 - but you should have record of that change). The city has been billing me for the taxes ever since.

Hopefully this is enough information to show that I have the right to deed this property to the City of Dillingham. I would like to get this process completed as soon as possible.

I you have any other questions, please let me know.

Thank you for your time and efforts

Rolland Thomas
801-796-6451

Janice Williams

From: Tedie Angasan III [collection@dillinghamak.us]
Sent: Wednesday, May 09, 2012 12:05 PM
To: 'Janice Williams'
Cc: 'Carol Shade'; 'Anita Fuller'
Subject: Rolland Thomas properties

Hey Janice,

Here's a breakdown of Mr. Thomas' properties.

USS 2732 Block 6 Lot 8

Land – 3,300

Improve – 0

USS 2732 Block 6 Lot 11

Land – 7,300

Improve – 0

- Ted

F Theodore Angasan III
Accounting Tech III

City Of Dillingham | PO Box 889 | 141 Main St | Dillingham, AK 99576
(907) 842-3291 | Fax (907) 842-5691
collection@dillinghamak.us

6/01/2012

INQUIRE INTO CUSTOMER ACCOUNTS

AR9011F2

12:41:37

DETAIL INFORMATION

CUSTOMER NUMBER: THOMASR01 THOMAS, ROLLAND

829 W 1500 N

PLEASANT GROVE UT 84062

PHONE #:

CONTACT: ROLLAND THOMAS

CURRENT MO CHARGE: .00

CURRENT YR CHARGE: .00

LAST CHARGE DATE: 12/07/2011

LAST PAYMENT DATE: 12/27/2007

A G I N G

CURRENT	31 - 60 DAYS	61 - 90 DAYS	OVER 90 DAYS	TOTAL DUE
.00	.00	.00	747.74	747.74

UNAPPLIED CASH:

T R A N S A C T I O N S

INVOICE	DATE	TYPE	DESCRIPTION	IN-PROCESS	AMOUNT
RT2622	12/07/2011	INVOICE	11 RP PENALTY	.00	9.49

TOTAL DUE ON INVOICE >-----> 9.49

HELP F3=Exit F5=Options ROLL