CITY OF
DILLINGHAM
ALASKA

Alice Ruby, Mayor
City Council Members
• Doug Holt • Paul Liedberg • Bob Himschoot
• Keggie Tubbs • Tracy G. Hightower • Tim Sands

DILLINGHAM CITY COUNCIL
MEETING AGENDA – VERSION 6.5.2012
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**

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

F. Introduce Ordinance No. 2012-13, An Ordinance of the Dillingham City Council Repealing and Reenacting Ordinance No. 2012-05 (SUB) a Non-Code Ordinance to Amend the Value of the City's Interest for Lots 1, 2, 3, and 4, Harbor Lease Lots Subdivision

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

Ord. No. 2012-13, Introduced: June 7, 2012
Public Hearing Scheduled: June 21, 2012
Adopted:

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2012-13

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL REPEALING AND REENACTING ORDINANCE NO. 2012-05 (SUB) A NON-CODE ORDINANCE TO AMEND THE VALUE OF THE CITY'S INTEREST FOR LOTS 1, 2, 3, AND 4, HARBOR LEASE LOTS SUBDIVISION

WHEREAS, the City adopted Ordinance No. 2012-05 (SUB), a non-code ordinance, at their April 5, Regular Council Meeting, authorizing the disposal of municipal property by lease at the City's boat harbor; and

WHEREAS, Ordinance No. 2012-05 (SUB), Section 7. Value of City's Interest, was presented to the Council showing the lease agreement amount to be $.21 per ft² per month, instead of $.21 per ft² per year, the correct amount, and the City's intended amount as reflected in the lease agreement;

NOW BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Ordinance No. 2012-05 (Substitute), adopted April 5, 2012, is hereby repealed and reenacted as Ordinance No. 2012-13, for the purpose of correcting the lease amount.

BE IT FURTHER ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 2. Authority. This ordinance is adopted pursuant to authority granted by DMC 5.30.100, Leases, easements and rights-of-way.

Section 3. Classification. This is a non-Code ordinance.

Section 4. Authorization of Lease. The City Council hereby authorizes the disposal of an interest by lease substantially upon the terms and conditions contained in the lease agreement for a period of up to five years with periodic renewal provisions up to 30 years.

Section 5. Legal Description. Lots 1 through 4 Harbor Lease Lots Subdivision, within U.S. Survey 2874, Township 13 South, Range 55 West, Seward Meridian. Actual leases may be a subdivided lease lot.

A. Lots 1, 3, and 4, Harbor Lease Lots Subdivision, within U.S. Survey 2874, Township 13 South, Range 55 West, Seward Meridian will be leased by solicitation of sealed bids. Actual leases may be a subdivided lease lot.

B. Lot 2, Harbor Lease Lots Subdivision, within U.S. Survey 2874, Township 13 south, Range 55 West, Seward Meridian will be leased by negotiated lease with DLG LLC who has been selected without unfair discrimination amongst similarly situated potential tenants.

Section 6. Findings. The City Council hereby finds: a) that the lots to be leased are no longer needed for public use; b) that the disposal is for a public purpose, in that the leasing of this

land will promote greater economic development of the community and a more viable harbor; and c) that the disposal of Lot 2 by negotiated disposal is needed to protect the public interest in that knowing that one tenant has already committed to lease property in the area will promote interest in submitting bids for Lots 1, 3, and 4.

Section 7. Type and Purpose of Disposal. The properties will be disposed of by lease for the purpose of economic development of the Dillingham harbor area.

Section 8. Value of City's Interest. Based on the current assessment of the Property, the City estimates the fair market value of the right to use the Property upon the terms and conditions set forth in the lease agreements at about $1.75 a square foot. Applying a 12% cap rate equates to $ .21 per ft^2 per year. The property will be appraised again and the lease agreement reviewed for revision in 3 years.

Section 8. Time, Place and Manner in Which Disposal Shall Occur. The City Council found at their April 5 Regular Council Meeting that the changes between Ordinance No. 2012 and Ordinance No. 2012-05 (SUB) were not so substantial that a new thirty (30) day notice was required.

A. Offers for Lots 1, 3, and 4 will be solicited using a sealed bid auction method. Those uses that are harbor-dependent or related will be given priority. All other proposed uses will be considered as space allows on a year to year or shorter term. The actual disposal shall occur following approval of this ordinance.

B. Lot 2 will be disposed of upon the terms and conditions contained in the attached lease agreement immediately following City Council approval of this ordinance.

Section 10. Effective Date. This ordinance is effective as of April 5, 2012.

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

SEAL:

_____
Alice Ruby, Mayor

ATTEST:

_____
Janice Williams, City Clerk