



Alice Ruby, **Mayor**

Council Members

- Holly Johnson (Seat A) • Chris Maines (Seat B) • Misty Savo (Seat C)
- Curt Armstrong (Seat D) • Andy Anderson (Seat E) • Paul Liedberg (Seat F)

DILLINGHAM CITY COUNCIL

David B. Carlson Council Chambers

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

REGULAR MEETING	7:00 P.M.	MAY 12, 2016
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1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

- a. Regular Council Meeting, April 7, 2016page 5
- b. BOE Organizational Meeting, April 27, 2016.....page 15

4. APPROVAL OF CONSENT AGENDA

- a. Adopt Resolution No. 2016-25, A Resolution of the Dillingham City Council Expressing Thanks and a Commendation to Francisco “Pancho” Garcia .. page 19
- b. Adopt Resolution No. 2016-26, A Resolution of the Dillingham City Council to Offer Thanks and Commendation to Public Safety Employee William “Bill” Bauer for His Many Years of Service as a Corrections Sergeant and Police Officer..... page 21
- c. Adopt Resolution No. 2016-27, A Resolution of the Dillingham City Council to Offer Thanks and Commendation to Public Safety Employee Gail Norden for Her Many Years of Service in Her Role as the Department of Motor Vehicles Agent . page 23

APPROVAL OF AGENDA

5. STAFF REPORTS

- a. City Manager and Staff Reportspage 25
- b. Standing Committee Reportspage 57

6. PUBLIC HEARINGS

- a. Adopt Ordinance No. 2016-06, An Ordinance of the Dillingham City Council Amending Section DMC 4.15.030, Exemptions, to Provide a Cap on Personal Property Tax for Aircraft if the Assessed Valuation is More Than \$300,000 page 75

- b. Adopt Ordinance No. 2016-07, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property by Leasepage 79

7. CITIZEN’S DISCUSSION (Prior Notice or Agenda Items)

- a. David McNease

8. ORDINANCES AND RESOLUTIONS

- a. Adopt Ordinance No. 2016-06, An Ordinance of the Dillingham City Council Amending Section DMC 4.15.030, Exemptions, to Provide a Cap on Personal Property Tax for Aircraft if the Assessed Valuation is More Than \$300,000 page 75
- b. Adopt Ordinance No. 2016-07, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property by Leasepage 79
- c. Introduce Ordinance No. 2016-08, An Ordinance of the Dillingham City Council Amending Dillingham Municipal Code Chapter 8.30 – Marijuana Regulation by the Addition of a Section Limiting Operating Hours for Retail Marijuana Establishments page 85
- d. Adopt Resolution No. 2016-28, A Resolution of the Dillingham City Council Authorizing the City Manager to Waive the Competitive Bid Process and Purchase Rip Rap from Amanka Lake Constructionpage 89
- e. Adopt Resolution No. 2016-29, A Resolution of the Dillingham City Council Authorizing the City Manager to Waive the Competitive Bid Process and Use PND Engineers to Design the Dolphins for the Dock and to Develop the RFP Documents for the Repair to the Dock and Installation of the Dolphins..... page 97
- f. Adopt Resolution No. 2016-30, A Resolution of the Dillingham City Council Establishing a Fund for Accepting Contributions for Rewarding Those Who Provided Information that Led to the Resolution of a Crimepage 103

9. UNFINISHED BUSINESS

- a. Territorial School
- b. Citizen Committee Appointments
 - 1) Planning Commission, 2 Seats Open
 - 2) Library Advisory Board, 2 Seats Open.....page 107
 - 3) Senior Advisory Commission, 2 Seats Openpage 109
- c. DLG Petition to Annex Nushagak Commercial Fishing Waters Update
- d. Interim Task Force Borough Feasibility Study Update page 111
- e. Manokotak/Dillingham Road Feasibility Study

10. NEW BUSINESS

- a. Action Memorandum No. 2016-08, Authorizing an Award of a Contract to CRW Engineering for Water System Design and Testingpage 113
- b. Action Memorandum No. 2016-09, Authorizing the Award of a Contract to Elite Mechanical for Lift Station Improvementspage 117
- c. Action Memorandum No. 2016-10, Reappointment of Chief Dan Pasquariello as Chief of Police.Page 121
- d. Action Memorandum No. 2016-11, Authorize an Award of a Contract to _____ for Engineering Services to Design a Fish Waste Grinderpage 123

11. CITIZEN’S DISCUSSION (Open to the Public)

12. COUNCIL COMMENTS

13. MAYOR’S COMMENTS

14. EXECUTIVE SESSION

- a. Legal Matter
 - 1) Dillingham & Manokotak Annexation Petitions
 - 2) Update from Public Safety Department

15. ADJOURNMENT

1. CALL TO ORDER

A regular meeting of the Dillingham City Council was held on Thursday, April 7, 2016, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:00 p.m.

2. ROLL CALL

Mayor Alice Ruby was present.

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

Holly Johnson	Misty Savo	Chris Maines
Curt Armstrong	Paul Liedberg	

Council members absent and excused:

Andy Anderson

Staff in attendance:

Rose Loera	Dan Pasquariello	Janice Williams
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Guest: City Attorney Brooks Chandler – attended via teleconference

3. APPROVAL OF MINUTES

- a. Regular Council Meeting, March 3, 2016
- b. Special Council Meeting, March 29, 2016

MOTION: Holly Johnson moved and Chris Maines seconded the motion to approve the minutes of March 3, and March 29, with a correction to the March 3 minutes, to remove Holly Johnson from approving adoption of AM 2016-03.

VOTE: The motion passed unanimously by voice vote.

4. APPROVAL OF CONSENT AGENDA

There was no consent agenda.

APPROVAL OF AGENDA

MOTION: Holly Johnson moved and Chris Maines seconded the motion to approve the agenda as amended April 5, 2016.

VOTE: The motion passed unanimously by voice vote.

5. STAFF REPORTS

- a. City Manager and Staff Reports

City Manager Loera reported on the following items in addition to her staff report:

- Job vacancies: include Public Works Director and Police Officer;
- Fish Grinder Design: to make it more likely to have it in place this year, had polled engineering firms that previously provided design bids, and suggested going with PND Engineers or follow the formal bidding process.

Discussion ensued since the odds of completing the project this year might not be doable, favored following the RFP bid process.

- State Revenue Sharing: looking to increase PERS up to 25%, but not yet finalized;
- Purchase Dolphins for the Dock: Will bring back a resolution in May and a recommendation to award in June;
- Marijuana Advisory Committee recommendations: Have assigned them to the Code Review committee;
- Rescheduling May 5 Council meeting to May 12 to allow for a 30 day noticing period for Ord. No. 2016-07, Disposal of Land, and Code Review Meeting from May 12 to May 5;
- Squaw Creek Road: Have not received any responses from recent letters sent.

b. Standing Committee Reports

Finance and Budget Committee: Paul Liedberg reported the committee had reviewed a proposal to revamp the foreclosure costs with a fixed fee schedule and were continuing to progress through the FY17 draft budget.

Carlson House Advisory Committee: Holly Johnson reported there was a resolution in the packet for Council approval.

Marijuana Advisory Committee: Misty Savo reported she was impressed with the commitment being made by the committee, that they were thoroughly vetting the marijuana issues, and appreciated the research provided by staff. The recommendations made to date were being presented in a resolution in the packet for Council approval.

6. PUBLIC HEARINGS

Mayor Ruby opened the hearing on Ordinances 2016-04 and 2016-05. There being no comments the hearing closed.

- a. Adopt Ordinance No. 2016-04, An Ordinance of the Dillingham City Council Amending the Budget by Adopting Budget Amendment No. 1 and Appropriating Funds for the FY 2016 City of Dillingham Budget
- b. Adopt Ordinance No. 2016-05, An Ordinance of the Dillingham City Council Amending Chapter 8.16 of the Dillingham Municipal Code Related to Enhanced 911 Service to Increase the Surcharge from \$1.76 per month to \$2.00 per month

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

Susanna Henry, refuge manager for Togiak National Wildlife Refuge, commented the Refuge was in favor of Resolution No. 2016-17, and was available to answer any questions.

Ray Kase Jr. informed the Council he had applied for a limited marijuana growth license with the State, and that he had visited with the local residents to get their opinion about having a business on Bea Avenue, would not be selling it, except in bulk to a retail store. He noted the State had recommended keeping the Council informed through the process.

8. ORDINANCES AND RESOLUTIONS

- a. Adopt Ordinance No. 2016-04, An Ordinance of the Dillingham City Council Amending the Budget by Adopting Budget Amendment No. 1 and Appropriating Funds for the FY 2016 City of Dillingham Budget

MOTION: Holly Johnson moved and Paul Liedberg seconded the motion to adopt Ordinance No. 2016-04.

VOTE: The motion to adopt Ordinance No. 2016-04 passed unanimously by voice vote.

- b. Adopt Ordinance No. 2016-05, An Ordinance of the Dillingham City Council Amending Chapter 8.16 of the Dillingham Municipal Code Related to Enhanced 911 Service to Increase the Surcharge from \$1.76 per month to \$2.00 per month

MOTION: Chris Maines moved and Holly Johnson seconded the motion to adopt Ordinance No. 2016-05.

VOTE: The motion to adopt Ordinance No. 2016-05 passed unanimously by voice vote.

- c. Introduce Ordinance No. 2016-06, An Ordinance of the Dillingham City Council Amending Section DMC 4.15.030, Exemptions, to Provide a Cap on Personal Property Tax for Aircraft if the Assessed Valuation is More Than \$300,000

MOTION: Chris Maines moved and Holly Johnson seconded the motion to introduce Ordinance No. 2016-06.

VOTE: The motion to introduce Ordinance No. 2016-06 passed unanimously by voice vote. *(This ordinance will be set for a public hearing May 12, 2016.)*

- d. Adopt Resolution No. 2016-08 (AM), A Resolution of the Dillingham City Council Formally Adopting the Hazard Mitigation Plan

MOTION: Holly Johnson moved and Chris Maines seconded the motion to adopt Resolution No. 2016-08 (AM).

Manager Loera reported since the resolution was introduced no meetings had been held other than discussion at a Curyung Tribal meeting to get a meeting together. The Planning Commission had also met and voted to postpone making a recommendation for sixty days to allow various groups to come together and work on updating it. In the meantime, she had

amended the resolution to identify specific areas that were experiencing significant erosion that would be added to the current plan.

Mayor Ruby commented Julie Baltar of BBNA had confirmed that her organization could help revise the plan, had since commented it might be a conflict of interest, so it might fall to the City to update it.

Discussion ensued:

- Commented influenced by the Planning Commission’s request to delay adoption and allow sixty days to update it, recognizing staff time may be limited, but it was important the Plan be updated to apply for FEMA erosion funds; and
- Spoke in favor of delaying adoption and make time to fix some of the glaring errors, included references to charts that didn’t exist.

Council members, Misty Savo, Paul Liedberg, and Holly Johnson, volunteered to help City staff revise the plan, recognizing it might be futile to try and get a wider group of other organizations involved given the timeline.

MOTION: Misty Savo moved and Holly Johnson seconded the motion to postpone Resolution No. 2016-08 (AM) for sixty days.

VOTE: The motion to postpone action on Resolution No. 2016-08 (AM) for sixty days passed unanimously by voice vote.

- e. Adopt Resolution No. 2016-17, A Resolution of the Dillingham City Council Approving U.S. Fish and Wildlife’s Proposal to Make the Carlson House Property the site of a new U.S. Fish and Wildlife Service Togiak National Wildlife Refuge Headquarters

MOTION: Holly Johnson moved and Chris Maines seconded the motion to adopt Resolution No. 2016-17.

VOTE: The motion to adopt Resolution No. 2016-17 passed unanimously by voice vote.

- f. Adopt Resolution No. 2016-18, A Resolution of the Dillingham City Council Establishing the Level of Funding for the Dillingham City School District for the Fiscal Year Ending June 30, 2017

MOTION: Holly Johnson moved and Paul Liedberg seconded the motion to adopt Resolution No. 2016-18.

Manager Loera reported the FY17 school budget was the same one presented at the workshop with the exception the cover sheet read as Final Budget.

Discussion ensued:

- Asked for clarification; was the Council also being asked to approve the total amount as stated in the first whereas, because the title only addressed establishing the level of funding [contribution].

Mayor Ruby read from DMC 2.72.060 School District - Budget, and AS 14.14.060(c), and summarized the Council was to approve the total amount of the budget and any allocation appropriated by the Council.

MOTION: Holly Johnson moved and Chris Maines seconded the motion to add “approving the total of the FY17 budget” to the title.

VOTE: The motion to amend Resolution No. 2016-018 failed with Holly Johnson, Chris Maines and Curt Armstrong in favor and Misty Savo and Paul Liedberg opposed. *(City Clerk Note: Four affirmative votes are required for passage of a resolution.)*

Discussion:

- Stated there were two actions in the resolution to consider, and the resolution was still unclear.

MOTION: Holly Johnson moved to table the motion. *(City Clerk Note: Since there was no second, no action was taken.)*

Mayor Ruby reported the Council had 30 days to approve the budget from the date the budget was received. If the budget was not approved within 30 days, it was automatically approved.

- Voiced concern teaching positions had been cut, yet the superintendent had received a wage increase, and when the budget was presented, it was not reported;
- Voiced concern the budget wasn't finished since cutting some student activities was still under review, and none of the fringe benefits that went along with the salary increase were in the budget;
- Noted the school budget was a working document, the legislature had yet to approve the school allocation, and the school was in contract negotiations, which could amend the budget later.

Mayor Ruby commented the citizens elected a school board to work on the details, some details were still up in the air, but the school presented a balanced budget and they would amend their budget same as the City.

VOTE: The motion to adopt Resolution No. 2016-18 failed with Misty Savo, Curt Armstrong, and Paul Liedberg voting in favor, and Chris Maines and Holly Johnson opposed. *(City Clerk Note: Four affirmative votes are required for passage of a resolution.)*

Mayor Ruby commented the vote failed and Resolution No. 2016-18 was not adopted.

- g. Adopt Resolution No. 2016-19, A Resolution of the Dillingham City Council Approving a Request for Proposal for Water System Design and Testing

MOTION: Holly Johnson moved and Misty Savo seconded the motion to adopt Resolution No. 2016-19.

VOTE: The motion to adopt Resolution No. 2016-19 passed unanimously by voice vote.

- h. Adopt Resolution No. 2016-20, A Resolution of the Dillingham City Council Concurring with the Marijuana Advisory Committee's Recommendation Not to Ban or Limit Marijuana Facilities in Dillingham

MOTION: Holly Johnson moved and Chris Maines seconded the motion to adopt Resolution No. 2016-20.

Misty Savo reported the resolution gave the citizens notice that the City was not looking to ban or limit marijuana businesses. She noted following adoption of this resolution, any restrictions could be vetted through the Code Review Committee. She was surprised more people weren't attending the meetings, but no one had really come out in opposition to the committee's recommendations.

VOTE: The motion to adopt Resolution No. 2016-20 passed unanimously by voice vote.

- i. Adopt Resolution No. 2016-21, A Resolution of the Dillingham City Council Authorizing a Long Term Encroachment Permit for Delta Western Inc. to Install Monitoring Wells on City Property

MOTION: Holly Johnson moved and Chris Maines seconded the motion to adopt Resolution No. 2016-21.

Manager Loera reported she would look into the possibility of the City working with Delta Western to share their resources for monitoring wells at the landfill.

VOTE: The motion to adopt Resolution No. 2016-21 passed unanimously by voice vote.

- j. Adopt Resolution No. 2016-22, A Resolution of the Dillingham City Council Authorizing the City Manager to Advertise a Request for Proposal for Replacing Equipment in Lift Stations

MOTION: Holly Johnson moved and Chris Maines seconded the motion to adopt Resolution No. 2016-22.

VOTE: The motion to adopt Resolution No. 2016-22 passed unanimously by voice vote.

- k. Adopt Resolution No. 2016-23, A Resolution of the Dillingham City Council Approving Changes to the Personnel Regulations

MOTION: Holly Johnson moved and Chris Maines seconded the motion to adopt Resolution No. 2016-23.

VOTE: The motion to adopt Resolution No. 2016-23 passed unanimously by voice vote.

- l. Adopt Resolution No. 2016-24, A Resolution of the Dillingham City Council Accepting a Grant Under the Terms of the BBEDC Community Block Grant Program

MOTION: Chris Maines moved and Holly Johnson seconded the motion to adopt Resolution No. 2016-24.

Mayor Ruby disclosed as an employee for BBEDC she oversaw the program but did not gain financially from it.

VOTE: The motion to adopt Resolution No. 2016-24 passed unanimously by voice vote.

- m. Introduce Ordinance No. 2016-07, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property by Lease

MOTION: Chris Maines moved and Holly Johnson seconded the motion to introduce Ordinance No. 2016-07 and set for a public hearing May 12, 2016.

Manger Loera noted this proposal would open up additional areas for lease at the boat harbor.

Discussion ensued:

- Recommended if not already in place that staff would have a set of criteria to evaluate how the results were decided.

VOTE: The motion to introduce Ordinance No. 2016-07 passed unanimously by voice vote.

9. UNFINISHED BUSINESS

- a. Citizen Committee Appointments
 - 1) Planning Commission, 2 Seats Open
 - 2) Library Advisory Board, 2 Seats Open

Mayor Ruby reported there were no letters of interest on file.

- b. DLG Petition to Annex Nushagak Commercial Fishing Waters Update

Mayor Ruby noted this would be taken up under the Executive Session.

- c. Interim Task Force Borough Feasibility Study Update

Mayor Ruby reported a consultant had been chosen, and each community would be contacted in May to nominate someone to represent their community.

- d. Manokotak/Dillingham Road Feasibility Study

Mayor Ruby reported Bristol Bay Environmental would be retained to conduct the feasibility study. She was expecting to sign the final version of the Memorandum of Understanding.

- e. Appoint to the Board of Equalization

Mayor Ruby appointed Chris Maines, Holly Johnson, and Andy Anderson to the BOE, and Misty Savo as the alternate.

10. NEW BUSINESS

- a. Action Memorandum No. 2016-04, Accept the 2016 City of Dillingham Strategic Plan

MOTION: Holly Johnson moved and Chris Maines seconded the motion to approve Action Memorandum No. 2016-04.

VOTE: The motion to approve Action Memorandum No. 2016-04 passed unanimously by voice vote.

- b. Action Memorandum No. 2016-05, Award a Contract for the Septic Concrete Spillway

MOTION: Holly Johnson moved and Paul Liedberg seconded the motion to approve Action Memorandum No. 2016-05.

VOTE: The motion to approve Action Memorandum No. 2016-05 passed unanimously by voice vote.

- c. Action Memorandum No. 2016-06, Authorizing the City to Collaborate with Nushagak Cooperative for a Community Clean-Up May 13, 14, and 15

MOTION: Misty Savo moved and Holly Johnson seconded the motion to approve Action Memorandum No. 2016-06.

VOTE: The motion to approve Action Memorandum No. 2016-06 passed unanimously by voice vote.

- d. Application for Marijuana Establishment License

Manager Loera reported this was for the Council's information only at this time. An applicant for a growing facility had applied to the State, but the application was still in the process of being completed. If approved by the State, the City would have 60 days to rule on it. The State would then have another 30 days to review it. If approved, the applicant would have 90 days to be up and ready to go into business.

- e. Set Up a Reward for Information Leading to DPD Shooting

Mayor Ruby noted the idea of a reward fund for information leading to a conviction had come about as the result of a shooting at an officer. It would be funded from citizen contributions. The fund would be overseen and administered by the Public Safety department, and accounted for in the City budget.

MOTION: Misty Savo moved and Chris Maines seconded the motion to establish the fund that would remain open.

VOTE: The motion passed unanimously by voice vote.

f. Action Memorandum No. 2016-07, Award a Contract for the FY17 Aggregate Bid

MOTION: Holly Johnson moved and Paul Liedberg seconded the motion to approve Action Memorandum No. 2016-07.

VOTE: The motion to approve Action Memorandum No. 2016-07 passed unanimously by voice vote.

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

There was no citizen's discussion.

12. COUNCIL COMMENTS

Chris Maines:

- Thanked Paul and the Finance and Budget Committee for reviewing the FY17 budget, recognizing that it involved a lot of meetings;
- Thanked Holly Johnson for her involvement on the Carlson House Committee and finding a solution for the property; and
- Thanked Misty Savo for her work on the Marijuana Advisory Committee.

Paul Liedberg:

- Thanked Chris, and acknowledged the Mayor and Manager for all their involvement in the meetings; and
- Thanked the employees for all their hard work.

Misty Savo:

- Thanked the Public Works Director for working for the City, that he had done a good job;
- Noted the Native Youth Olympics was happening over the weekend; and
- Noted April 27 was the next Marijuana Advisory Committee Meeting to pass the word along if they have some information they want to share.

Holly Johnson:

- Recognized the Finance Department for doing a good job, appreciated the Finance Director emailing the quarterly reports; and
- Voiced concern the January expenses were a little high especially concerned with State cuts already happening.

13. MAYOR'S COMMENTS

Mayor Ruby:

- Reported the minutes from the BBNA Economic Development conference that she had attended would be in the May packet;
- Reported she and Manager Loera met with Lieutenant Governor Mallot, and had shared their concerns for funding revenue sharing, PERS, Dist. Attorney office;
- Reported she and Manager Loera were interviewed by Rhonda McBride and shared their concerns over challenges facing Dillingham;
- Thanked Public Works Director for working for the city and wished he and his family well;
- Asked for a moment of silence to remember those lost since the last meeting.

14. EXECUTIVE SESSION

A. Legal Matter

- 1) Dillingham & Manokotak Annexation Petitions
- 2) Climate Change Litigation

MOTION: Misty Savo moved and Paul Liedberg seconded the motion to enter into executive session to discuss Legal Matters, Dillingham & Manokotak Annexation Petition and Climate Change Litigation. [9:55 p.m.]

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

Manager Loera and Janice Williams joined the session along with Attorney Brooks Chandler who attended via teleconference.

Chris Maines departed at 10:30 p.m.

MOTION: Holly Johnson moved and Curt Armstrong seconded the motion to come out of executive session [10:49 p.m.].

VOTE: The motion to come out of executive session passed unanimously by voice vote.

15. ADJOURNMENT

Mayor Ruby adjourned the meeting at 10:49 p.m.

ATTEST:

 Mayor Alice Ruby
 [SEAL]

 Janice Williams, City Clerk

Approval Date: _____

1. CALL TO ORDER

An organizational meeting of the Board of Equalization was held on Wednesday, April 27, 2016, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 5:30 p.m.

2. ROLL CALL

Mayor Alice Ruby was present.

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

Holly Johnson
Chris Maines
Andy Anderson

Staff in attendance:

Janice Williams, City Clerk

Guest:

Robert Dudley, Alaska Assessment Assistance – attended via teleconference

3. APPROVE THE AGENDA

MOTION: Chris Maines moved and Holly Johnson seconded motion to approve the agenda as presented.

VOTE: The motion passed unanimously by voice vote.

4. ASSESSOR'S COMMENTS

Mr. Dudley reported real properties were increased in 2016 by 2% over the prior year to bring the city's sales ratio within the low 90% range. He noted the economic conditions could support the increase and explained properties had gradually seen an increase over the last several years, to bring it up from the low 80 percentiles.

He explained the sales ratio. The City applies an assessed value to a property. Data is collected from sales of properties. A comparison is made to see how close the assessed values are to actual market conditions. If the assessed value is lower than the market values, it causes the sales ratio to be low. (The state requires it be closer to 100%.)

Mayor Ruby noted the State determined the City's mandatory contribution to schools based on the state's assessed value of property, and if the city's property falls low, the state still requires it be based on their assessment.

Follow-up:

Questioned how the State determines its assessed value?

5. APPEALS FOR CONSIDERATION

- a. Personal Property - Refer to Attached List
 - 1) Settled Appeals

Mr. Dudley reported he was currently working on settling the appeals with the appellants, did not have any available for this meeting, but would work to have them in time for the May 18 regular BOE meeting.

- 2) Outstanding Appeals

There was a total of fifteen outstanding appeals.

- 3) Late-Filed Appeals

There were no late filed appeals.

- b. Real Property – Refer to the Attached List
 - 1) Settled Appeals

Mr. Dudley reported he was currently working on the settling the appeals with the appellants, did not have any available for this meeting, but would work to have them in time for the May 18 regular BOE meeting.

- 2) Outstanding Appeals

There was a total of six outstanding appeals.

- 3) Late-Filed Appeals

There were no late filed appeals.

- c. Schedule Hearing for Outstanding Appeals
 - 1) Wednesday, May 18, 2016

6. CITIZEN DISCUSSION (Prior Notice or Agenda Items)

There was no citizen's discussion.

7. MAYOR/COUNCIL COMMENTS

There was no Mayor/Council comments.

8. ADJOURNMENT

Mayor Ruby adjourned the meeting at 5:40 p.m.

ATTEST:

Mayor Alice Ruby
[SEAL]

Janice Williams, City Clerk

Approval Date: _____

DRAFT

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2016-25

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL EXPRESSING THANKS AND A COMMENDATION TO FRANCISCO “PANCHO” GARCIA

WHEREAS, we say goodbye to our Public Works Director, Francisco Garcia, better known to everyone as Pancho Garcia; and

WHEREAS, Pancho’s eight years of employment history with the City started in 2002 as a temporary laborer, where he worked himself up to the Public Works Director position in 2013:

- Temporary Laborer at the Landfill in August 2002 – September 2002;
- Heavy Equipment Operator from October 2003 – September 2005;
- Heavy Equipment Operator from August 2010 – April 2013;
- Lead Mechanic from April 2013 – September 2013;
- Public Works Director from September 2013 – May 13, 2016; and

WHEREAS, while serving as Public Works Director, Pancho addressed some major deficiencies at the Landfill and the Sewage Lagoon, of which both were out of compliance with Alaska Department of Environmental Conservation (ADEC); and

WHEREAS, Pancho helped make it possible to bring the new Landfill incinerator into operation, learning the equipment while training his staff, and as a result of eliminating open burning of landfill waste he was able to increase the ADEC scoring criteria from 43% in 2012 to 90.1% in 2016; and

WHEREAS, in his capacity as Public Works Director he was also able to bring the ecoli readings at the sewage lagoon below ADEC’s required level, and brought the facility into compliance; and

WHEREAS, Pancho had no qualms working alongside his crew, helping out when there was a need for another heavy equipment operator, assisting with the mechanic duties, and was very attentive to all the needs of the City;

WHEREAS, the Council wishes to recognize Pancho’s contribution to the community and citizens of the City of Dillingham;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council offers this commendation to Francisco “Pancho” Garcia with sincere thanks for sharing his time and talent with the citizens of Dillingham and making it a better place to live.

PASSED and ADOPTED by the Dillingham City Council on May 12, 2016.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2016-26

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL TO OFFER THANKS AND COMMENDATION TO PUBLIC SAFETY EMPLOYEE WILLIAM “BILL” BAUER FOR HIS MANY YEARS OF SERVICE AS A CORRECTIONS SERGEANT AND POLICE OFFICER

WHEREAS, Bill Bauer was employed by the City of Dillingham’s Public Safety Department for almost eight years, beginning in August 2008, as a Corrections Sergeant, and ending in April 2016, as a Police Officer; and

WHEREAS, Bill Bauer held the position of Corrections Sergeant for over four years, one that carried a huge responsibility, that included supervising and training other officers and dealing with constant turnover, as well as responsible for hundreds of inmates a year; and

WHEREAS, Bill Bauer gave up his supervisory position to become a police officer, starting at the bottom of the patrol seniority list, and wanted to better serve the public safety needs of the community; and

WHEREAS, Bill Bauer was an exemplary police officer, well-liked by fellow employees and the public, and became one of the departments “go-to guys”, an officer that could be counted on to get things done; and

WHEREAS, Bill Bauer spent the last year of his career as the police department’s drug investigator, a position that required long hours, and large amounts of extra work in addition to his regular patrol duties; and

WHEREAS, Bill Bauer was extremely effective as a drug investigator and was responsible for many successful cases combating the heroin epidemic in the community;

NOW, THEREFORE, BE IT RESOLVED that it is with sincere thanks that the Dillingham City Council offer their gratitude and a commendation to Bill Bauer for his service and dedication to the community of Dillingham.

PASSED and ADOPTED by the Dillingham City Council on May 12, 2016.

ATTEST:

Alice Ruby, Mayor
[SEAL]

Janice Williams, City Clerk

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2016-27

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL TO OFFER THANKS AND COMMENDATION TO PUBLIC SAFETY EMPLOYEE GAIL NORDEN FOR HER MANY YEARS OF SERVICE IN HER ROLE AS THE DEPARTMENT OF MOTOR VEHICLES AGENT

WHEREAS, Gail Norden was employed by the City of Dillingham starting in September 1988 and ending in April 2016, with her retirement after almost 28 years of service as the State's Department of Motor Vehicles (DMV) Agent for Dillingham; and

WHEREAS, in addition to her role as DMV Agent, Gail also assisted the Dillingham Dept. of Public Safety with oversight and organization of its records management system; and

WHEREAS, Gail's better known role as DMV Agent provided a continuity of service and knowledge for the many citizens of Dillingham, for the seasonal workers who came to Dillingham for employment, and for other citizens from surrounding communities who came to Dillingham for DMV services; and

WHEREAS, Gail's work at times involved weathering through long lines of steady traffic, knowing at times she was subject to the whims of sometimes unreliable internet service, and further frustrations from State budget cuts that limited her hours open to the public; and

WHEREAS, no matter the situation, Gail admirably managed to maintain her sense of humor, and attention to her work, providing her customers with the service they required;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council offers their sincere gratitude and a commendation to Gail Norden for her many years of service, and dedication to the community of Dillingham.

PASSED and ADOPTED by the Dillingham City Council on May 12, 2016.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Holly Johnson
Chris Maines
Misty Savo
Curt Armstrong
Andy Anderson
Paul Liedberg

MEMORANDUM

Date: May 5, 2016
To: Mayor and City Council
From: Rose Loera, City Manager
Subject: April Monthly Report

Vacancies – Public Works Director, Corrections Officer

We have been advertising for a Public Works Director and have gotten a few applications and letters of interest, but none of them meet the qualifications we are seeking. Herman Shade will serve as acting director after Pancho leaves on 5/13.

Contracts/Agreements Signed – Alaska Marine Lines settled with the City for the damage they caused to the City's dock. They will be sending us a check for \$103,000, and then we will advertise an RFP to repair.

We signed agreements with JJC Enterprises and Snag Point Trucking for hauling aggregate and Heavy Equipment Rental.

Grants – A Mental Health Trust Authority (MHTA) grant was approved for \$25,000 toward repair of the Senior Center. We had a site visit with the Rasmusen Foundation on the \$150,000 grant we applied for under their Tier II program. The MHTA grant will serve as part of the match for the Rasmusen grant. The Rasmuson board meets the end of June so should hear from them early in July.

The Fire Department had applied for a Southern Region EMS grant for a new ambulance. We were awarded \$55,000 from the State, and the funding will be available in FY 19. USDA will award \$25,000. There is Unmet funding for about \$155,000 that we will be looking for additional grant funds to complete the total expense of about \$221,000. It may need to come from our Ambulance Fund in FY 19 when we actually purchase the ambulance. This will be the 2nd Ambulance replacement.

Lynn VanVactor has asked me if the City would sponsor a Tier 1 grant, \$25,000 or under, with the Rasmuson Foundation to make a metal sculpture from the junk metal on the Bingman Harbor property. She would be contracting with an artist to actually do the work. I told her to go ahead with the grant and we will present it at the June 2 Council meeting.

Our Vision. To have an infrastructure and city workforce that supports a sustainable, diversified and growing economy. We will partner with others to achieve economic development and other common goals that assure a high quality of living, and excellence in education.

Protective Order – David McNease tried to put a protective order against Dan Boyd, but the Magistrate denied it. Mayor, City Clerk, Chief of Police and City Manager were subpoenaed for the hearing by Mr. McNease. The City’s Attorney, Charles Cacciola, attended the hearing. At the end of the hearing he asked the judge for the City to be able to recoup the expense for his time which amounts to about \$900 for his travel and lodging. This will be filed with the court soon. Mr. McNease paid a \$12.50 subpoena fee per person to attend the hearing. All four checks were donated to the Animal Shelter.

Request for Proposals (RFPs) – We will be advertising for property assessment services. The current contract expires after the 2016 tax roll is certified.

Territorial School – On the agenda under Unfinished Business is the Territorial School. I would like to get some direction from the Council how we should proceed with determining what to do with the building.

2017 Budget Process – we have completed our review of all budgets and will be looking at the budgets in its entirety starting May 9th.

FY 17 School Budget – Following the April 7 Council meeting, we contacted the City’s Attorney for advisement on the motion that failed to adopt Resolution No. 2016-17 approving the total amount of the FY17 school budget and establishing the level of funding for the DCSD for FY 2017.

The City’s Attorney determined: 1) no further action was required to “set” the local contribution to the school district or to authorize the District to spend the funds in the school budget; 2) the main point of having the District weigh in on the motion that did not pass was to make sure the District did not feel they needed additional Council action in order to have legal authority to spend money next fiscal year. A copy of a letter to the City School District is attached. They did not feel more action was needed.

Out of the Office – FMLA leave end of June – mid-July

Attachment: Letter to the Dillingham City School District

500 L Street, Suite 500
Anchorage, Alaska 99501
Telephone: (907) 677-3600
Facsimile: (907) 677-3605
www.alaskalaw.pro

SEDOR WENDLANDT EVANS FILIPPI

Attorneys at Law

Allen F. Clendaniel
William J. Evans
Lea E. Filippi
Carolyn Y. Heyman-Layne
John M. Sedor
John C. Wendlandt

April 20, 2016

Dillingham City School District
Danny Frazier, Superintendent
P.O. Box 170
Dillingham, Alaska 99576

Re: AS 14.14.060, AS 14.14.065 – City Council Approval of School District Budget
Dillingham City School District; General
Our File No. 1105-0100

Dear Mr. Frazier:

This letter responds to your inquiry about the Dillingham City's role in approving the Dillingham City School District's budget under AS 14.14.060.

Our firm represents over twenty Alaskan school districts. While this is not a formal legal opinion, it does outline our interpretation of the Dillingham City Council's role in the Dillingham City School District's budget.

Alaska statutes set forth the relationship between municipalities and school districts. AS 14.14.060(c) provides:

Except as otherwise provided by municipal ordinance, the borough school board shall submit the school budget for the following school year to the borough assembly by May 1 for approval of the total amount. Within 30 days after receipt of the budget the assembly shall determine the total amount of money to be made available from local sources for school purposes and shall furnish the school board with a statement of the sum to be made available. If the assembly does not, within 30 days, furnish the school board with a statement of the sum to be made available, the amount requested in the budget is automatically approved. Except as otherwise provided by municipal ordinance, by June 30, the assembly shall appropriate the amount to be made available from local sources from money available for the purpose.

AS 14.14.065 applies AS 14.14.060(c) to city councils and city school districts. Dillingham City Code provides that "[p]rovisions of AS 14.14.060(c) shall be followed in the annual submittal of the school budget to the city council for review, approval, and appropriation of funds." Dillingham City Ordinance 2.72.060

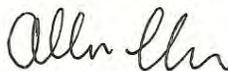
It is my understanding that the Dillingham City School District presented its budget to the Dillingham City Council on March 29, 2016 and that the City Council voted 3-2 to approve the budget. Under Dillingham City Ordinance 2.09.160, “[f]our affirmative votes are required for the passage of an ordinance, resolution or motion.” Accordingly, the School District budget was not approved. It is also my understanding, however, that the Dillingham City Council has not “determin[ed] the total amount of money to be made available from local sources for school purposes and has not “furnish[ed] the school board with a statement of the sum to be made available.” Put another way, the City Council has not approved the School District budget, but the City Council has also not determined that it will modify the budget or provide a different amount in local moneys than was requested. Of course, such a vote would require four affirmative votes of City Council members.

Under AS 14.14.060(c), the Dillingham City Council has the “power to determine and appropriate the total amount of local moneys for [the district’s] annual budget.” *Municipality of Anchorage v. Repasky*, 34 P.3d 302, 311 (Alaska 2001). It is my understanding that the Dillingham City Council has not made such a determination. If the City Council fails to approve a different budget and determine the total amount of local source money by April 28, 2016, then “the amounts the school board proposes becomes the school district’s budget and local source appropriation.” *Id.* at 307 (citing AS 14.15.060(c)).

If you have any questions, please contact me.

Sincerely,

SEDOR, WENDLANDT, EVANS, & FILIPPI LLC



Allen F. Clendaniel

City of Dillingham
House District 37 / Senate District S

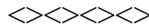
~ 5/4/16 ~

29th Alaska State Legislature ~ 2nd Session
Day 107 (17th Day of Extended Session)

APRIL 2016 – LEGISLATIVE REPORT

Cliff Stone / City Lobbyist

~ Extra Innings again – Legislature caught between 2nd and 3rd Base! ~



I grew up in the Midwest and baseball was one of my passions – still is. I couldn't help but use a baseball analogy again to describe what's going on (or not going on) in Juneau.

Most of us saw this coming six weeks ago. The Majority just wasn't moving fast enough. Now they look like they'll go all the way to the 121st Legislative day as allowed by the Alaska Constitution unless they step up to the plate. Beyond that is anybody's guess, but if they haven't taken significant steps to restructure the Permanent Fund and enhance the state's revenue picture, the governor will call them back into a special session.

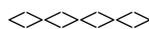
Of course they are constitutionally mandated to have the next fiscal year's budget in place by July 1, 2016. Without that, no one is leaving the park. For now they will finish out this session in Juneau. If a special session is necessary, then Anchorage will be the likely playing field.

“With no other viable solutions to our crisis having been discovered, it's obvious to me that the time has come to face reality and finally make these tough, unpopular, and unavoidable decisions. We have run out of options. The sooner we transition to more durable and diversified sources of revenue, the sooner our economies will profit from the strength that stability and sustainability bring.” – Rep. Bryce Edgmon

I think Bryce's words really sum up the thoughts and observations of people working to find a solution for Alaska's fiscal crises.

Almost all the items now under consideration revolve around money and how to pay for services as the drop in oil price has left us with a \$4.1 billion deficit for our \$5.5 billion state funded budget!

Work is continuing on a crime bill, marijuana regulations, oil tax credit reform, and a new version of a Permanent Fund restructuring bill. Senate leaders continue to say they will not pursue taxes this year. The House has set aside its tax bill, although it held several hearings on the income tax proposal.



BILLS ON THE MOVE

PASSED LEGISLATION – AWAITING TRANSMITTAL TO THE GOVERNOR

I've listed pertinent bills below that may have an impact on the City of Dillingham or the community in general. There may be others that I haven't flagged. See the entire list awaiting transmittal at: HTTP://WWW.LEGIS.STATE.AK.US/BASIS/PASSED_LEG.ASP?SESSION=29&SEL=4

Besides an abbreviated title for the bill, I've provided a very brief synopsis of what the bill hopes to achieve. Once a law is signed, if there is an effective date clause, then the intent of the legislation is not recognized until that date is met. In addition, it also takes the affected departments time to write regulations concerning a bill to ensure the intent is carried out.

The bills below can be found at <http://www.akleg.gov/basis/start.asp> for a more detailed explanation.

SB 210 / Community Revenue Sharing – Assistance

Converts the Revenue Sharing to the Community Assistance Program. Reduces program funding by 50%, with most of the impact in per capita distributions. Passed version removes change to make senior property tax exemption optional. They also added an effective date clause. Funding is proposed at \$30 million per year starting in FY18. Meanwhile, FY17 will be at \$38.2 million. AML's calculation has Dillingham's amount for FY17 at \$63, 666. Under the new formula, smaller communities around the state get a larger share of the pie vs. cities such as Anchorage, Fairbanks, Juneau, etc.

HB 375 / Electronic Tax Returns and Reports

Requires all returns or reports for a tax levied under AS 43, or any other tax administered by the Dept. of Revenue, be submitted electronically by the taxpayer.

HB 125 / Restrictions on Sale of Dextromethorphan

Restricts the sale of products containing dextromethorphan (cough suppressants) and prohibits regulation by municipalities.

HB 314 / ARDOR Programs Extension

Extends the termination date of the Alaska Regional Economic Assistance Program (ARDOR) to July 1, 2021. The program currently sunsets on July 1, 2016.

SB 74 / Medicaid Reform

Redesigns the current Alaska Medicaid program to allow for reform and cost containment. Managed care, payment redesign, telemedicine, and privatization studies will all be explored.

HB 209 / Water and Sewer Advisory Committee

Creates a task force under the auspices of the legislative branch to find out how the State can solve the rural sanitation problem faster, better and cheaper.

SB 200 / Mandatory Physical Activity in Schools

Requires school districts to provide physical activity for students in kindergarten through eighth grade. Floor amendment made this program optional.

CONFERENCE COMMITTEES

HB 256 / FY17 Operating Budget

The conference committee on the FY 2017 operating budget is nearly complete. The committee has generally taken the lower numbers or large reductions. The source for education funding has not been addressed, but both versions fully fund K-12 for FY17. Once their work is done, it will go back to both the House and Senate to approve their compromise. Then the issue becomes how you fund the new budget. Since the state's revenue can't match the expenses as proposed, they will have to take a vote to access the Constitutional Budget Reserve (CBR) to fund this budget. A three-quarter vote is necessary in both the House and Senate to legally access the CBR. The Senate Majority has 16 votes out of 20, but the House Majority only has 27 members, thus, three votes shy of a $\frac{3}{4}$ vote. This gives the House Minority quite a bit of leverage, as they will not move towards a vote until they have an agreement on some key provisions within the budget. If they cannot get the 30 votes for the CBR, the only option would be to draw \$3.9 billion out of the Permanent Fund Earnings Reserve Account (ERA), which would deplete it to \$3.8 billion for next year. I can tell you that no one wants that option.

The fate of the AG's office in Dillingham still hangs in the balance. I will send Rose an email letting you know what they decide. Rep. Edgmon and Sen. Hoffman have diligently been working on this issue.

HB 257 / FY17 Mental Health Budget

This bill is in the same conference committee as noted above.

HB 75 / Regulation of Marijuana by Municipalities

This bill is also in a conference committee to hammer out a compromise and address additional marijuana regulations, and how to handle a local option for unincorporated communities, Native villages and the unorganized borough. The last piece is the key issue as the conferees try to decide whether to exclude these areas with an "opt in" provision, or to make it a strict "opt in" procedure. This legislation was introduced on behalf of Alaska's boroughs and cities to further define and clarify provisions of the ballot measure and provide additional processes for implementing AS 17.38 at the municipal level.

HB 137 / Hunting, Fishing, Trapping License Fees Increase

The House did not concur with the changes made by the Senate. The House appointed three members to a conference committee to negotiate a compromise. The Senate has not yet stated they will enter into a conference committee and has not appointed any members. A last minute amendment was attached in the Senate after midnight of the 90th day. When the dust settled, it became apparent the ill thought out provision had unintended consequences (Happens a lot when legislators are tired and haven't had time to vet the significance of such a last minute rider). This bill is projected to raise an additional \$9 million in revenue.

HB 156 / School Accountability Measures

This bill deletes statutory language that requires the Board of education to "CONFORM TO..." or to "IMPLEMENT..." NCLB (No Child Left Behind), which is amended federal law over K-12 education (ESEA, 1965). It does not affect the current state testing infrastructure and assessment systems except that parents will have the immediate option to opt out of that testing. This ensures parental control through elected local school board members and state legislators instead of the far-off federal government. The Senate version contained certain prohibitions against sex education in the classroom. They had basically taken some language from SB 89 and SB 191 and incorporated it into this bill. As of May 3rd, the committee adopted and passed out the Senate version to be considered once again by the House. The House rejected this version primarily because of the sex education clause that was added.
