



Alice Ruby, **Mayor**

Council Members

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

**DILLINGHAM CITY COUNCIL
MEETING AGENDA – NOVEMBER 7, 2013
David B. Carlson Council Chambers**

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

WORKSHOP-QUARTERLY REVIEW OF THE FINANCIAL STATEMENTS	6:30 P.M.	NOVEMBER 7, 2013
REGULAR MEETING	7:00 P.M.	NOVEMBER 7, 2013

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. Regular Council Meeting – October 10, 2013

IV. APPROVAL OF CONSENT AGENDA

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

APPROVAL OF AGENDA

V. STAFF REPORTS

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

VI. PUBLIC HEARINGS

- A. Adopt Ordinance No. 2013-18, An Ordinance of the Dillingham City Council Amending Chapter 2.80 Public Library to Remove Library Board and Create a Library Advisory Board by Resolution and to Amend Sections Librarian and Violation of Library Property
- B. Adopt Ordinance No. 2013-19, An Ordinance of the Dillingham City Council Amending Title 1 of the Dillingham Municipal Code to Create a Fine Schedule for Minor Offenses and Amending Other Titles of the DMC to Make Violations and Penalties Consistent with New Title 1

- C. Adopt Ordinance No. 2013-20, An Ordinance of the Dillingham City Council Repealing Chapter 6.04, Transient Vendor
- D. Resolution No. 2013-66, A Resolution of the Dillingham City Council Authorizing the City of Dillingham to Apply for a Community Block Grant for the Design of the Public Safety Business

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

- A. Kyle Belleque - 4-H Club
- B. Earlene George – Request for a Late Filed Appeal

VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2013-18, An Ordinance of the Dillingham City Council Amending Chapter 2.80 Public Library to Remove Library Board and Create a Library Advisory Board by Resolution and to Amend Sections Librarian and Violation of Library Property
- B. Adopt Ordinance No. 2013-19, An Ordinance of the Dillingham City Council Amending Title 1 of the Dillingham Municipal Code to Create a Fine Schedule for Minor Offenses and Amending Other Titles of the DMC to Make Violations and Penalties Consistent with New Title 1
- C. Adopt Ordinance No. 2013-20, An Ordinance of the Dillingham City Council Repealing Chapter 6.04, Transient Vendors
- D. Resolution No. 2013-67, A Resolution of the Dillingham City Council Approving the Establishment of a Nushagak Fish Tax Fund
- E. Resolution No. 2013-68, A Resolution of the Dillingham City Council Approving a Contract Extension with Alaska Map Company for GIS Services
- F. Resolution No. 2013-69, A Resolution of the Dillingham City Council Increasing the Water and Sewer System Rates
- G. Resolution No. 2013-70, A Resolution of the Dillingham City Council Approving a Long Term Encroachment at 312 Main Street for the Dillingham Liquor Store to Connect to the City's Water Main
- H. Resolution No. 2013-71, A Resolution of the Dillingham City Council Creating a City of Dillingham Library Advisory Board
- I. Resolution No. 2013-72, A Resolution of the Dillingham City Council Approving Task Order No. 15 with Bristol Engineering Services Corp. to Design Improvements to Lift Station #6 (City Dock)

IX. UNFINISHED BUSINESS

- A. Citizen Committee Appointments

1. Cemetery Committee, 4 Seats Open
 2. Planning Commission, 2 Seats Open
- B. Appoint Council Member to Seat A – Interim Appointment
- C. Strategic Planning – Foraker Group

X. NEW BUSINESS

- A. Action Memorandum No. 2013-31, Approving Entering into a Contract with South West Alaska Equipment for Scrap Metal Removal
- B. Action Memorandum No. 2013-32, Awarding a Contract to _____ for the Purchase of a 2,800-3,000 US Gallon Tender for the Volunteer Fire Department
- C. Application for a New Liquor License - The Rack

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

XII. COUNCIL COMMENTS

XIII. MAYOR'S COMMENTS

XIV. EXECUTIVE SESSION

XV. ADJOURNMENT

I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, October 10, 2013, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:01 p.m.

II. ROLL CALL

Mayor Alice Ruby was present.

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

Chris Maines, Seat B
Bob Himschoot, Seat C (attended via teleconference)
Keggie Tubbs, Seat D
Tracy Hightower, Seat E
Paul Liedberg, Seat F

Brenda Akelkok, Seat A – absent and excused

Staff in attendance:

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

Guest:

Attorney Brooks Chandler, City's Counsel
Bernita Venua, Parks and Recreation Member

III. APPROVAL OF MINUTES

A. Regular Council Meeting – September 5, 2013

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to approve the minutes of September 5, 2013.

VOTE: The motion passed unanimously.

IV. APPROVAL OF CONSENT AGENDA

A. Proclamation – Declaring National Friends of Library Week, October 20 - 26, 2013

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve the consent agenda.

VOTE: The motion passed unanimously.

APPROVAL OF AGENDA

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve the agenda.

VOTE: The motion passed unanimously.

V. SPECIAL BUSINESS

A. Resolution No. 2013-57, A Resolution of the Dillingham City Council Accepting the Certification of the Canvassing Committee Results and Certifying the October 1, 2013 Regular City Election

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to approve Resolution No. 2013-57 AM.

VOTE: The motion to approve Resolution No. 2013-57 (AM) passed with Bob Himschoot, Paul Liedberg, Keggie Tubbs, and Chris Maines in favor, and Tracy Hightower opposed.

B. Swearing in Ceremony of Newly Elected Council Members (New Council Members Take Their Seat)

Mayor Ruby asked Acting City Clerk McDowell to swear in Chris Maines to Council Seat B.

The newly elected Council member will receive a copy of the Certificate of Election as required by Code.

VI. STAFF REPORTS

A. City Manager Report

City Manager Loera reported on the following:

- Welcomed Brooks Chandler, general counsel for the City of Dillingham;
- Animal Shelter – shelter was being used; there were some small items left to do;
- Vacancies – hired Megan Brown as Fire Dept. Coordinator; had prior Alaska experience;
- Dock damage – City’s insurance company will be covering all expenses; engineer on the case reported damage was caused by the docking of the barges; barge company have been notified not to pivot on the dock;
- Public Safety – Corrections Dept. had received a grant for electronic fingering equipment;
- Procurement Policy – request to bring the City’s code in line with the City’s Procurement Policy and established practice; wording states every purchase required a purchase order which would be cumbersome when making small local purchases;
- RFP for Thermal Conversion System and Building and Slab – expect to advertise within the next several weeks for a period of thirty days; and
- Planning for Public Safety Building – scheduled to begin discussions the week of Oct. 21.

Discussion:

- asked if the tentative schedule for subdivision access was being followed, answered it was a far-reaching goal, but so far the Commission had completed reviewing the information gathered in the Subdivision Access Committee meetings, had reviewed the legal information, Fire Chief attended a meeting, Planning Commission had asked for some guests to talk to them about different codes where private access exists and how they handle road standards, they would like to hear from BLM-BIA regarding platting; still working toward November to turn it over to the Code Committee;
- asked whether a present subdivision issue wasn't similar to the Randy Triplett Subdivision and why it couldn't be resolved, answered when Randy wanted to subdivide his subdivision into 3 lots there was a platting error in his original subdivision (2 lots) that allowed for a flag lot which was not allowed in code; the surveyor resolved an exception was in order based on the fact the property was right next to a creek, that the platting error was not of the owner's doing, and that the owner be allowed a private access easement;
- complimented the City Manager for resolving the U Pop EM fireworks issue; and
- noted the Planning Commissioners were deciding whether to handle private access easements through code rather as variances or exceptions to code or the road standards;

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to assign the procurement policy/procurement code alignment to the Code Committee.

GENERAL CONSENT: The motion passed without objection.

B. Standing Committee Reports

Bob Himschoot, Chair of Finance and Budget Committee:

- invited Council members to presentation on water and wastewater rates October 28.

Paul Liedberg, Chair of Code Review Committee referred the members to the committee minutes.

City Manager Loera clarified the Collection Committee was creating standard operating procedures, not policies as referenced in the minutes of the Code Review Committee meeting.

Mayor Alice Ruby, reporting on the School Facility Committee meeting, noted they would be asking the Council to set aside some time possibly in November for a joint meeting of the school board and council in order to present a recommendation for the territorial school.

VII. PUBLIC HEARINGS

- A. Adopt Ordinance No. 2013-17, An Ordinance of the Dillingham City Council Amending Title 17 of the Dillingham Municipal Code to Add Section 17.33 Establishing a Simple Procedure for Dedicating Rights-of-Way Dedicated for a Public Purpose

Mayor Ruby opened the public hearing on Ordinance No. 2013-17.

There being no comments the public hearing closed.

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

- A. Kyle Belleque – 4-H Club

Kyle Belleque was not in the audience.

There being no comments the citizen's discussion closed.

IX. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2013-17, An Ordinance of the Dillingham City Council Amending Title 17 of the Dillingham Municipal Code to Add Section 17.33 Establishing a Simple Procedure for Dedicating Rights-of-Way Dedicated for a Public Purpose

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to adopt Ordinance No. 2013-17.

VOTE: The motion to adopt Ordinance No. 2013-17 passed unanimously.

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

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to introduce Ordinance No. 2013-18.

City Manager Loera reported this ordinance would make the Library Advisory Board consistent with other advisory boards.

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

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

MOTION: Paul Liedberg moved and Chris Maines seconded the motion to introduce Ordinance No. 2013-19.

City Manager Loera reported the fines the city was issuing for minor offenses were being forwarded to the Court, rejected, and the State capturing the revenues, because the State was not recognizing the City's code as it was written. The State's interpretation was affecting a

number of municipalities in Alaska. The fines for all departments affected had been reviewed with the City's Attorney. She noted the fines would be posted on the City's website.

VOTE: The motion to introduce Ordinance No. 2013-19 passed unanimously.

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

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

City Manager Loera noted this ordinance was adopted when door-to-door salesmen was more prevalent and was a duplicate of business licenses in Title IV.

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

- E. Resolution No. 2013-58, A Resolution of the Dillingham City Council Approving Extending the Parks and Recreation Committee Until December 31, 2015

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve Resolution No. 2013-58.

VOTE: The motion to approve Resolution No. 2013-58 passed unanimously.

- F. Resolution No. 2013-59, A Resolution of the Dillingham City Council Authorizing the City Manager to Waive the Purchasing Requirements and Issue Task Order No. 1 with Agnew::Beck to Assist the City with Identifying Options for Managing Material Sites within City Limits

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to approve Resolution No. 2013-59.

City Manager Loera was asking to amend Chris Beck's contract of Agnew::Beck to add another task, consulting on regulating material sites, who had been working with various municipalities on this issue.

Discussion:

- spoke in favor of the City following its purchasing requirements whenever possible, recognizing the Code did allow for waivers of purchasing requirements based on certain criteria.

VOTE: The motion to approve Resolution No. 2013-59 passed unanimously.

- G. Resolution No. 2013-60, A Resolution of the Dillingham City Council Authorizing the City Manager or Mayor to Sign on Behalf of the City for the Sale of Property Identified as Nina Nicholson Block 2, Lot 4

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to approve Resolution No. 2013-60.

City Manager Loera noted the title company wouldn't accept her signature as authority without a resolution, and would be remedied in future ordinances approving a sale of property.

VOTE: The motion to approve Resolution No. 2013-60 passed unanimously.

- H. Resolution No. 2013-61, A Resolution of the Dillingham City Council Authorizing the City Manager to Contract with Unum Life Insurance to Increase Life Insurance Coverage for City of Dillingham Employees

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve Resolution No. 2013-61.

City Manager Loera reported to meet the city manager's contract obligations, the City had been self-insuring, but it is harder to get insurance for one individual than for a group. She noted both unions had been contacted and informed the impact on taxes would be minimal.

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to remove the fourth Whereas, "the trend in employees benefits is to have a more generous life insurance policy offering".

VOTE: The motion to amend Resolution No. 2013-61 passed unanimously.

VOTE: The motion to approve the amended Resolution No. 2013-61 passed unanimously.

- I. Resolution No. 2013-62, A Resolution of the Dillingham City Council Authorizing Boyd, Chandler & Falconer, LLP, the City Attorney, to Sue for Dishonored Checks

MOTION: Paul Liedberg moved and Chris Maines seconded the motion to approve Resolution No. 2013-62.

VOTE: The motion to approve Resolution No. 2013-62 passed unanimously.

- J. Resolution No. 2013-63, A Resolution of the Dillingham City Council Authorizing the City Manager to Negotiate An Annual Lease for Office Space at the Senior Center with the Bristol Bay Native Association (BBNA)

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to adopt Resolution No. 2013-63.

City Manager Loera reported this had been brought up previously to work closer with BBNA, and make elderly services more available at the Senior Center.

VOTE: The motion to adopt Resolution No. 2013-63 passed unanimously.

- K. Resolution No. 2013-64, A Resolution of the Dillingham City Council Authorizing the City Manager to Advertise a RFP for Project Management Services

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to approve Resolution No. 2013-64.

City Manager Loera reported there was a need to have some oversight over the City's bigger projects, and would be looking to fill that position. She noted upcoming projects for FY14 included Phase II of the wastewater treatment plant at the lagoon: dock lift station, chlorination system at the lagoon, permanent septic receiving station; dolphins at the dock; and landfill project.

VOTE: The motion to adopt Resolution No. 2013-64 passed unanimously.

X. UNFINISHED BUSINESS

- A. Citizen Committee Appointments

- 1. Cemetery Committee, 4 Seats Open

Mayor Ruby reported she had no additional names to offer.

- 2. Planning Commission, 3 Seats Open

Mayor Ruby recommended appointing Ben McDowell to the Planning Commission.

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to concur with the Mayor's recommendation to appoint Ben McDowell to the Planning Commission.

VOTE: The motion to appoint Ben McDowell to the Planning Commission passed unanimously.

- 3. Library Board, 2 Seats Expire September 30

Mayor Ruby recommended reappointing Amy Ruby and Annette Stelling to the Library Board, and sending Amy Eisenberg a letter thanking her for her interest, and hopefully will stay interested.

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to concur with the Mayor's recommendation to reappoint Amy Ruby and Annette Stelling to the Library Board.

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

XI. NEW BUSINESS

- A. Declare a Vacancy on Council Seat A

Mayor Ruby noted Seat A was vacant following the certification of the October 1 municipal election. Staff would begin the advertising process to fill the seat.

MOTION: Keggie Tubbs moved Chris Maines and seconded the motion to declare a vacancy on Council Seat.

VOTE: The motion passed unanimously.

- B. Action Memorandum No. 2013-28, Authorizing the City Manager to Accept the Homeland Security Grant for the Upgrade of the Security Camera Radios at the Dock and Harbor

MOTION: Chris Maines moved and Paul Liedberg seconded the motion to approve Action Memorandum No. 2013-28.

City Manager Loera noted she had an amended copy for the Council, noting this action memorandum would accept a grant to upgrade the cameras and waive the purchasing requirements in order to allow TecPro who had done the original install.

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to amend Action Memorandum to allow for a waiver of the purchasing requirements and contract with TecPro.

Manager Loera noted this upgrade would change the frequency that the cameras operated on, which has been a problem.

Discussion:

- felt the issue was not time critical, and the City go out for bid.

VOTE: The motion to amend Action Memorandum No. 2013-28 failed with Paul Liedberg, Bob Himschoot, Paul Liedberg, Chris Maines, and Keggie Tubbs voting against the amendment and Tracy Hightower in favor.

Discussion:

- concerned had not seen a copy of the grant the Council was being asked to accept; and
- spoke in favor that there be a plan to maintain the cameras, agreed it was the City's responsibility to keep them maintained.

VOTE: The motion to approve (the original) Action Memorandum No. 2013-28 passed unanimously.

- C. Action Memorandum No. 2013-29, Authorizing the City Manager to Execute a Contract with _____ for Appraisal Services for the Tax Years 2014, 2015, 2016

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve Action Memorandum No. 2013-29.

Manager Loera reported the City had gone out for bid and only one firm had submitted a bid, the present appraisal company had not submitted a bid, but had mentioned they would after the fact if the City was still interested. Finance Director Shade noted the company, Alaska Assessment Assistance, had included site visits in the bid amount, and had received glowing references.

VOTE: The motion to adopt Action Memorandum No. 2013-29 passed with Keggie Tubbs, Tracy Hightower, Paul Liedberg, and Chris Maines voting in favor. (Bob Himschoot was not available on the teleconference (8:20 p.m.)

- D. Action Memorandum No. 2013-30, Authorizing the City Manager to Execute a Contract with _____ for One Mobile Water Supply Fire Apparatus

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to approve Action Memorandum No. 2013-30.

Manager Loera reported four people had reviewed the two bids, was hoping to award a contract, but neither bid met the specifications for the pumper truck, and was asking to rebid the project for two more weeks. This would reject the current bid and rebid the project.

VOTE: The motion to adopt Action Memorandum No. 2013-30 passed unanimously.

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

There was no citizen's discussion.

XIII. COUNCIL COMMENTS

Keggie Tubbs:

- spoke in favor of resolving the subdivision access issue soon, it appeared the Planning Commission seemed to be reviewing the same information previously covered by the Subdivision Committee;
- asked if any complaints had been filed regarding a sulphur smell in their water, being experienced at the BBEDC building; and
- congratulated Chris Maines, Chris Napoli, and Tonya O'Connor.

Mayor Ruby noted when they had contacted Public Works they were told staff was trying to adjust the chlorine which sometimes caused the scaling in the pipes to release that smell. They were told to run the water, but the smell has remained. Manager Loera noted she would follow up with staff.

Chris Maines:

- thanked everyone for voting for him, looking forward to another three years.

Paul Liedberg:

- congratulated Chris;
- commented he had visited the animal shelter and it looked great.

Tracy Hightower:

- stated that he had been contacted from someone who wanted to run as a write-in, but was unable to since she was not registered to vote although she claimed she had filed multiple times but never received a voting card; didn't seem fair that someone who wanted to vote, to sit on a Council seat, wasn't allowed to, according to DMC 3.60.55.

Bob Himschoot: (came back on line at 8:23 p.m.; cell phone battery had gone low)

- congratulated Chris, commenting he looked forward to continue working with him.

XIV. MAYOR'S COMMENTS

Mayor Ruby:

- thanked the candidates who had run for office;
- noted the person Tracy was mentioning would be able to file for the vacant Council seat;
- thanked all those who had participated in the clean-up day recently;
- reminded the Council members there were two upcoming events: hopefully the last presentation by the consultants on the rate study, October 28 Finance Meeting, and a workshop on the Territorial School would be scheduled;
- would be contacting Council members about committee appointments probably in December after Council seat was appointed;
- would be participating in strategic planning as part of the SWAMC board;
- noted she had seen a presentation by West Pack Energy, private company that developed energy infrastructure (use L&G to displace diesel), and would invite them if an opportunity presented itself; and
- asked for a moment of silence to recognize all those that the City had lost since the last meeting.

XV. EXECUTIVE SESSION

A. Legal Matter

1. Meet with Attorney Brooks Chandler to Discuss Pending Law Suits

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to enter into executive session to meet with Attorney Brooks Chandler to Discuss Pending Law Suits [8:32 p.m.].

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

The Mayor and Council moved into executive session. Manager Loera and Attorney Brooks Chandler were included in the executive session.

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to come out of executive session [9:38 p.m.].

GENERAL CONSENT: The motion to come out of executive session passed without objection.

XVI. ADJOURNMENT

Mayor Ruby adjourned the meeting at 9:38 p.m.

Mayor Alice Ruby

ATTEST:

Janice Williams, City Clerk

Approval Date: _____

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-65

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL TO OFFER THANKS AND
COMMENDATION TO BRENDA AKELKOK FOR HER SERVICE ON THE
DILLINGHAM CITY COUNCIL**

WHEREAS, Brenda Akelkok was appointed to the Dillingham City Council on February 7, 2013, to complete the term of a Council member who had moved away from Dillingham; and

WHEREAS, the responsibilities of a Council member can often take them away from other priorities and places a great demand on their time; and

WHEREAS, Brenda Akelkok brought with her years of prior experience on the Dillingham City Council having served two terms between October 1997 and October 2003, was then appointed to fill a vacant seat in August 2006 until the next municipal election in October 2006, was again elected to the Council in October 2006 and served out several months in that seat; and

WHEREAS, Brenda Akelkok has been a very valuable, knowledgeable, committed, and active member of the Dillingham City Council;

NOW, THEREFORE, BE IT RESOLVED that it is with sincere thanks that the City and staff offers their gratitude and a commendation for Brenda Akelkok's time, effort and leadership while serving on the Dillingham City Council.

PASSED and ADOPTED by the Dillingham City Council on November 7, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Seat A, Vacant
Chris Maines
Bob Himschoot
Keggie Tubbs
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: October 28, 2013
To: Mayor and City Council
From: Rose Loera, City Manager
Subject: October Monthly Report

Vacancies – the police officer hired to handle the drug dog has resigned effective the end of the month. We have asked the State Troopers if they would be interested in Lutri. We also have one vacancy in dispatch at this time.

Fire Department – we would like to welcome Megan Brown as the Fire Department Coordinator. She has hit the ground running by assisting with the hose testing at the Lake Road. She is also recommending Fire Department software that will assist us in tracking equipment, supplies and training which is now being handled manually.

Dock – we are expecting one more invoice from Orion Contracting for the repair of the dock. The cost up to this point is approximately \$322,000 which includes City staff and equipment time.

Public Works – Public works staff have been busy getting ready for the winter. Projects included flushing the fire hydrants and diverting the water drainage around Lyle Smith's property to the outfall next to the road. Last winter, nearly daily, Public Works had to ditch the area to drain away from his building.

Planning Commission – Jody to send me items to bring to code in January

Equipment – The snow-blower and F350 truck that was approved in the FY 2014 budget arrived in town this month. Both pieces of equipment will make the snow removal and sanding of our streets and bike paths easier for the Public Works staff this winter. The two (2) Patrol vehicles are slated to arrive in Anchorage in mid-November and will take another couple of weeks to equip before shipping. We anticipate getting them here in mid-December.

Request for Proposals (RFP) – we are now advertising for the Upgrade of the Surveillance cameras and for the Back-up 911 system on our website. We are working

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

with CH2M Hill and our attorney on the RFP for the Thermal Conversion System for the landfill (gasifier). We hope to have that advertised by the end of October with a recommendation to the Council in January.

Landfill – Southwest Alaska Equipment has shipped a baler to Dillingham for baling the scrap metal at the Landfill. The contract is before the council for approval. The project will include training of staff to operate the baler, maintenance of the baler and transportation of the baler, connexs and baled metal to the Bristol Alliance yard. The baled metal will then be transported to Seattle by Southwest Alaska Equipment. We are anxious to start on this project to free up some room at the back of the landfill.

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

Out of the Office – November 18 – 22 – attending AMLJIA Conference

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

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Seat A, Vacant
Chris Maines
Bob Himschoot
Keggie Tubbs
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: October 29, 2013
To: Rose Loera, City Manager
From: Janice Williams, City Clerk
Subject: Monthly Report

Public Hearing on Ordinance Nos. 2013-18, 19, 20

The following three ordinances were introduced at the October 10, 2013 Regular Council Meeting and are scheduled for a public hearing November 7. The City has placed a notice of a public hearing in the October 31 edition of the Bristol Bay Times to meet the mandatory requirement that a public hearing of a proposed ordinance will follow publication by at least five days. All three ordinances were vetted through the Code Review Committee and are being recommended to the Council for adoption.

- Adopt Ordinance No. 2013-18, An Ordinance of the Dillingham City Council Amending Chapter 2.80 Public Library to Remove Library Board and Create a Library Advisory Board by Resolution and to Amend Sections Librarian and Violation of Library Property
- Adopt Ordinance No. 2013-19, An Ordinance of the Dillingham City Council Amending Title 1 of the Dillingham Municipal Code to Create a Fine Schedule for Minor Offenses and Amending Other Titles of the DMC to Make Violations and Penalties Consistent with New Title 1
- Adopt Ordinance No. 2013-20, An Ordinance of the Dillingham City Council Repealing Chapter 6.04, Transient Vendor

Foreclosures

The 2005-2010 foreclosures that were initiated in 2011 are coming to the end of the foreclosure process. All but three (3) properties have been redeemed or the owners entered into repayment plans. The three properties are scheduled to be advertised in the November 7, 14, 21, and 28 editions of the Bristol Bay Times. During this period the owner can still redeem their property. The Notice of the Expiration of the Redemption Period will be sent to any lien holders of record and the owners. The City will then move for a Clerk's Deed. Once this happens the City will own the property.

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

If the City does nothing, the former owner has a right to repurchase the property. Within ten (10) years of the date of the tax deed, and before the sale or the contract by the City to sell the tax-foreclosed property, the former owner may repurchase their property. This right of repurchase also belongs to any assignees of the former owner. The repurchase price must equal the full amount applicable to the property under the Judgment and Decree of Foreclosure, plus the date of repurchase, and taxes assessed and levied on the property as though it had continued in private ownership after the court issued the tax deed, and any additional costs of foreclosure of the property not included in the judgment of foreclosure. The City may also charge to the repurchase price any costs the City has incurred in maintaining the property during its holding period.

The second option of the City is to elect to dedicate the property for a public purpose. If the City wants to put the property to use for a public purpose, the City must make this determination by a non-code ordinance. The ordinance must contain the legal description of the property, the address or a general description of the property sufficient to provide the public with notice of its location, and the name of the last record owner of the property as it appeared on the assessment roll. AS 29.45.460(a). The City is required to send, via certified mail, a notice of the hearing on the ordinance to the former record owner of the property. The notice must be mailed within (5) days of its first publication.

The third option of the City is to determine that the property is not needed for a public purpose and to sell it. One main advantage of this process is that by doing so, the City puts the property back on the tax rolls. The City would need to pass an ordinance determining that a public need does not exist for use of the property. The ordinance must contain the same information as that sent via certified mail to the former record owner at least five (5) days after its first publication. AS 29.45.460(b). The notice requirement for either ordinance which the City needs to pass for either selling or dedicating the property does not apply once the City has held the property for more than ten (10) years. This makes sense as the right of repurchase of the former record owner expires after ten (10) years from the date of judgment.

Because repurchase by the record owner allows the City to obtain the tax that would have accrued on the property had it remained in private hands, the City should keep the properties on its assessment roll and assess and levy the tax each year for the next ten (10) years as if it remained in private hands unless it sells the property or dedicates the property for a public purpose. In that way, there is a clear record of what taxes would have accrued on the property during the redemption period so that the City can collect these funds if the former record owners elect to repurchase the property.

The City may not be in a position to determine exactly what it wants to do with the property immediately. At the very least, however, the City should consider taking action to reduce any potential liability it may have while it is holding the property. This would include obtaining insurance on the property, considering evicting the current users of the property, and/or entering into lease agreements so that the City can be paid for the use of the property and better monitor the uses of the former owner. (This step also has the advantage of not luring the former owners into a mistaken belief that they are still entitled to the property).

The City should also evaluate the properties to see if there are any obvious safety issues to the public which need to be remedied and the City should consider whether the City should obtain a

baseline environmental report on either property. The City is protected by State statute from clean-up responsibilities of existing contamination where it takes title to property by foreclosure. However, without a baseline environmental report, it can be difficult for the City to show that it did not cause the contamination or allow the contamination to grow worse on the City's watch. Also, if there is environmental contamination, the City does need to make sure it does not grow worse or spread to other properties. A baseline report puts the City in as good of a position as possible to avoid any cleanup liability. Whether to obtain such an evaluation depends upon known past uses of the properties, the likelihood possible contamination exists, the cost of obtaining a report, and the City's own sense of risk. Being tagged with cleanup costs of any environmental contamination can be an economic nightmare; but, if finding contamination is felt unlikely, obtaining a report may not be worth the expense to the City.

(Information provided by Hicks, Boyd, Chandler & Falconer April 2004)

Standing Item(s)

Commission/Board Seats Vacant

- Planning Commission – 2 seats vacant. No letters of interest on file.

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

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

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

Out of the Office

I will be out of the office from November 16-20, attending Alaska Association of Municipal Clerks conference in Anchorage. The sessions start on Sunday, November 17.

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Seat A, Vacant
Chris Maines
Bob Himschoot
Keggie Tubbs
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: October 31, 2013

To: Rose Loera
City Manager

From: Carol Shade
Finance Director

Subject: Finance Department Report

Following are the Finance Department activities for September and October.

As of September 30th we have decreased our real and personal property receivables by \$392,964.93. This represents a 53.2% decrease since we started our increased collections efforts. The decreases have slowed down a bit. The increase in the percent collected from August to September was 2.79%. However, the Collections Technician continues to contact people, and we have implemented 54 promissory notes since we started allocating one Finance Department Staff employee to work only on collections. Thirteen of those 54 have paid in full. Three of them were new notes in September and October. We have only had one note go into default.

From September 1 through October 31, 2013 the Payables/Purchasing Technician processed 65 purchase orders and generated \$4,283,601.55 in payments for normal operating costs and grant payments. 1,006 invoices were received for payment and 240 checks produced.

The Payroll/IT Staff completed four payrolls, finalized audit preparation on the majority of the payroll documents requested for testing by the auditors. In addition she is on quite a few committees that benefit the City. She attended a Small Community Emergency Response Preparedness (SCERP) training that was held for the VPSOs, but that the City was invited to sit in on, one Collection Committee meetings, a Local Emergency Planning Committee (LEPC) meeting, an Obama care informational session, and two IT Committee meetings.

The Grants/Receivables technician processed the normal monthly billing statements for the utility customers that went out in September and October. In addition she compiled all the test work documentation for grants and receivables required by the Auditors on their Prepared by Client list. She also spent quite a bit of time training staff in cashiering duties. We had temporary help at the front desk while it was vacant and staff was on vacation.

The Receptionist position was filled in October; however, we knew when we hired her that she had a vacation already planned. With that being said the staff covering receipting in payments for that position have been extremely busy, as the first half of the property tax payments are due by November 1, 2013.

As of the end of September 2013, we should have received 25% of the budgeted revenues and not have spent more than 25% of the budgeted expenditures. The monthly analysis of the revenues and expenditures will be with the financial reports at the workshop prior to the Council Meeting on November 7, 2013.

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MEMORANDUM

Date: October 29, 2013
To: Rose Loera, City Manager
From: Sonja Marx, Librarian
Subject: October Monthly Report

Thanks to our creative staff, the library had wonderful displays each week this month and last. We ended Sept. with Banned Books Week (Sep. 22-28) with a public reading of a banned children's book at 11am on Saturday. All week, banned books were in cages that could be "set free" with a donation to the Dillingham Friends of the Library to promote literacy in our community. We celebrated the freedom of reading.

October was Library Month. Libraries across the country held events to highlight the impact of libraries on their communities. Oct. 5-12 was Alaska Book Week. We had local authors come and share with us Friday night (Oct. 11th) at the library. Then Oct. 13-19 was Teen Read Week. Our school librarian asked the students that came in to vote for their favorite books in 2013. Many participated in this event.

The highlight for our library this month was Oct. 20 -26 for National Friends of the Library Week. We displayed the official Executive Proclamation from the City of Dillingham to publicly thank the Dillingham FOL for their contributions to our library which are made possible through various fund raising events, book sales, and memberships to purchases materials for the library and hold community events.

And on the last week of October we displayed our Halloween items including new books and movies for patrons to check out. On Wednesday at 10:30 am there was a special Halloween Story Hour for the children to attend dressed up in their costumes.

Library Stat report for September 23rd – October 26th, 2013:

Patron Visits: 3,463 Computer Use: 1,028 Story Hour: 135
Other Visits: 577 Museum Use: 62 Videoconferencing: 0
Approximately 18 volunteer hours logged

Library was closed Monday, October 14th for Columbus Day

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MEMORANDUM

Date: October 29, 2013
To: Rose Loera, City Manager
From: Jody Seitz, Director of Planning and Grants
Subject: October Report

Emergency Preparedness: Gina Carpenter dropped in to introduce us to her new boss. Gina mentioned that she would like to hold a mass dispensing community wide exercise this fall as discussed in previous emergency management meetings.

Birch Lane rubbish and encroachments: Visited Birch lane with City Attorney Brooks Chandler when he was in town. Chandler's opinion was that the City's roads were being encroached upon and the city has the right to request that they be cleared.

GIS: Developed Task Order 3 to extend contract with Alaska Map Company to continue with GIS projects, in particular completing the database connection to the City's Accufund tax rolls. See Resolution 2013-xx in this packet.

Grants and Projects:

Toured landfill with City Manager, CH2MHill and Landfill Coordinator to identify potential sites for the gasifier building. This project is billed to Alaska Department of Environmental Conservation (ADEC) grant 28303.

- United States Department of Agriculture grants and loan program for Landfill– I sent in the Financial Capacity information for the USDA to review to see if the City can qualify for one of its loans
- ADEC Alaska Clean Water Loan Program – reviewed the Voltaic Solutions LLC Financial Capacity Report and sent it to ADEC.

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- Community Development Block Grant Program (CDBG)– I'm working with Karen Benning of Agnew::Beck to submit a revised request to the CDBG program for design of the Public Safety Facilities. The deadline is December 6.

Land Use Permits: Compliance seems to be improving. In the last month I have approved six permits, making 15 for the year so far. The Main Street landowner has had his corners located and verbally indicated he is planning to move his red building to comply with the City's Central Business District setbacks. Others have been brought in after the fact.

Long Term Encroachment Permits: The Dillingham Liquor Store is submitting an application for an encroachment permit for a water line tie in to the water main on Main Street. Resolution 2013-

Ordinances under revision:

Title 12 Encroachments: I discussed with Brooks the difficulty of using the encroachments permits chapter to permit utilities and work in the streets. He suggested that the City should have a simple permit to allow work in the streets. He said he would work on a template for that. While this will help, I have run into difficulty administering this code because it does not spell out where the City does not have jurisdiction. It also does not clarify if the City is to require utility permits for installations in the utility easements which are along public roads. I believe that the City would be better served to have a code that clearly says what is to be done in permitting long term utility installations, instead of having everything lumped under encroachment permits. It would also be helpful to have a code that allows one permit for a whole road project....as with the Wood River road, or the Kananak Road projects, because there is usually a lot of utility work which is currently not well addressed by our encroachment permit requirement.

Title 15 Floodplain Management: discussed with Attorney Brooks Chandler the State Floodplain Coordinator's request that the City remove the requirement in Title 15 to apply for a Variance if a person wishes to build anything in the Velocity zone (V-zone) of the floodplain. That zone includes the harbor. She says Variances should not be required to be given, but should be an exception to rules. If someone wants to build something in the floodplain they should simply be able to find out under what conditions they can do so. Brooks will provide a draft revision of the Title 15 for the Planning Commission to review and recommend to the City Council Code Committee..

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Title 17 Subdivisions: Access: Planning Commission will hold its final workshop on the access sections of Title 17 on Saturday November 2 and will hear from guest Paul Roehl of BIA Realty. The code should also include a revision to require a minimum acreage.

Title 18 Land Use Permits: working on revisions per Planning Commission recommendation to require only larger permanent structures to get permits.

Material Sites: Presented a powerpoint review of Material Sites background and brief overview of some basic provisions in municipal codes to the City Council Code committee. Provided Agnew Beck with topographic, soils, and water reports and information for Dillingham.

N&N Market and AC renovations: both stores are planning to do mainly interior remodeling of their properties. Have been in contact with both of them. We are requesting AC move its handicapped access to the side of the building and that N&N move its people loading area off of Main Street.

Port Land Exchange: At its next meeting the Planning Commission will recommend vacation of Second Avenue West between City Hall and the south corner of the N&N market as well as a resolution to suggest City Council trade the old Job Service site (plat 98-33) to N&N. These two pieces of real estate would be included in the Port Land Exchange.

Road Projects. Downtown Streets Still trying to get an estimate for the area in front of the Post Office to be renovated. Kananak ADOT 52799 Floodplain application. Recommend additional attention to some areas along the boat harbor which do not drain well as well as the bridge crossing Scandinavian Creek.

Subdivisions: Crystal Subdivision - Charlee Road, which is to be a City road. Still need to review with Public Safety, Fire Department and Public Works, ADOT, and Nushagak. Also requires an Approach Road Review by the State of Alaska The approach road review is required whenever a local road is created that will intersect with a state road. Met today with Tucker Hurn of ADOT to see how to help the landowner get through this process smoothly.

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MEMORANDUM

Date: October 30, 2013
To: Rose Loera / City Manager
From: Jean Barrett / Port Dept
Subject: October monthly report

October has been a month typical of most Octobers, rain and wind! I have stayed busy closing things up for the winter. Fortunately we have not had freezing temperatures yet and the outside work can still be done. I attended the AAHPA convention in Valdez the week of October 20th thru the 25th. I feel that the chance to visit other harbors and ports is a valuable experience and look forward to the 2014 conference in Ketchikan.

DOCK

The Dock has been the only busy area of the Port this month with the arrival of the last barges of the year. Both Northland Services and Alaska Logistics have made their last trips of the 2013 season into Dillingham. All we are waiting on is a fuel barge for Nushagak Cooperative which should be here this weekend. As usual Eric, Dean and LaPreal all have done a great job taking care of business at the dock this summer, and continue to make my life easier by doing so.

HARBOR

I was finally boat-free on the 7th of October and was able to remove the floats and ramps from the South end of the harbor. One of the floats was refloated and made its way back into the harbor during the last storm. We will be able to place the float back on dry land later on this week.

During this storm there was a large flat barge tied to the bulkhead and it caused a bit of damage as it was bounced around in the wind and wave action. The barge owned by Alaska Logistics broke the tieback to one of our bumper pilings, which caused the block that held the piling away from the bulkhead to break loose and float away. The barge that did this was able to climb up on the bumper piling and in doing this it acted as a

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hammer and drove the piling down into the harbor mud an estimated 5-6 feet. We have made a claim with AMLJIA and are in contact with Alaska Logistics about the damage.

Alaska Association of Harbormasters and Port Administrators

As I mentioned above I attended the Annual Conference of the AAHPA that was held in Valdez this year from October 20th thru the 25th. I feel that these conferences are a great place to pick the ideas of the other harbors and ports and find out what worked and what didn't for them. Some of the highlights of the conference for me included the supervisor training. This training was put on by Fred Pryor Seminars and presented by a gentleman named David Pollard. David was electric, one of those speakers that keep your attention from his first words.

I was also very interested in talking with the vendors that are also invited to the conference. There were your usual contractors and such, but I found a few that were interesting. One was a company called **Spill Shield**. This is a company that markets environmental cleanup materials, something Manager Loera has tasked me with working on as it is something that was brought up in the annexation talks. I think I may have found our answer to the needs we have for a container that would be at our fingertips for any and all potential hazards. I have a zip file with their information and have already heard back from them via e-mail. I will be following up with them in the coming months.

Another interesting company was called Transpac,Marinas Inc., a design / build company, that specializes in marine equipment such as custom floating docks. This is something that I am very interested in acquiring for the harbor before I retire. I have had several conversations with them and expressed what I would like to see in a new float system for the small boat harbor and am looking forward to finding a way to make this dream of mine a reality.

The last vendor I found interesting was Rachel Lord from Cook Inlet Keeper. She is the outreach and monitoring coordinator for them and she is the point of contact for harbors wanting to become certified as a "clean Harbor". I am looking into this and would like to see what it would take to get certified as a "Clean Harbor".

Something that I would like to touch on is in the area of career training. The University of Alaska South East offers an online course for ports and marinas. This is a partnership between UAS, Pacific Coast Congress of Harbormasters and Port Managers, AAHPA, harbor Authority of British Columbia, Washington Sea Grant and the California Association of Harbormasters and Port Captains. The course touches on many things on the mind of most ports and harbors. There are three levels of certification all depending on the number of courses you take. UAS offers 10 courses.

The final thing I would like to touch on from the conference is that I was elected to the board of directors for the AAHPA. There were two seats open after the harbormaster from Nome and the current President stepped down from their positions. Both of them and several of the other board members urged me to throw my name into the hat as they felt that since Dillingham is a cargo port and a boat harbor and from a smaller and

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west coast harbor I would be a valuable addition to the board. I look forward to a couple of teleconferences and e-mails this winter and then the annual board meeting next fall in Ketchikan

That's all from the Port Department.

Jean

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MEMORANDUM

Date: October 28, 2013
To: City Manager Rose Loera
From: Chief Dan Pasquariello
Subject: **November 2013 Council Report** *(reporting period 9/25/13 to 10/28/13)*

Police:

- ❖ 419 Calls for service
- ❖ 45 Incident reports
- ❖ 21 Persons arrested
- ❖ 16 Title 47/Protective custody
- ❖ 23 Citations issued

A Request for Proposal (RFP) is currently being advertised for the Homeland Security Grant camera system upgrade. The Chief and a member of the Finance Department will be attending a grant kick-off meeting in Anchorage at the end of October.

An RFP is currently being advertised for the Lake Rd Firehall alternative Emergency Operation Center. The alternative EOC will be funded by the \$200,000 legislative subsidy obtained by the Planning department.

We have begun issuing press releases for all of our calls that involve an incident report. We send the releases to KDLG, KRUP, and the Bristol Bay Times. We have received positive feedback from the community for this program.

The Public Health Center will be mass-dispensing flu shots on November 21. This event is an emergency preparedness exercise. The police, as well as all departments in the City will be taking part in this exercise as well.

The Chief has been meeting with other department heads in to develop a Small Community Emergency Response Plan (SCERP). This developing plan will be used in assisting with the mass-dispensing exercise.

The Chief and Dispatch Supervisor will be attending an ICS-400 course put on by BBAHC and the Alaska Division of Military and Veterans' Affairs.

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This month the patrol division solved several major felony crimes. These crimes ranged from a burglary spree to high profile sexual offenses.

Our K-9 officer has resigned to move to Anchorage where his new bride resides. We are communicating with the Alaska State Troopers to ascertain if they would be willing to take over the K-9 program here in Dillingham.

Corrections:

- ❖ 56 Total Inmates
- ❖ 14 Title 47/Protective custody

This month we obtained a \$20,000 check for Capital Improvements request from State DOC. This request was submitted this spring for an automated fingerprint machine. Money was budgeted in the City's budget this year for the machine, but now we can purchase the machine with State money. These requests are supplemental funding that we ask DOC for every year. We just submitted our capital request for next year. We are asking for funding to purchase unbreakable polycarbonate windows for the jail.

With the above monetary savings we are looking into converting the large walk-in cooler we currently have into a freezer as was intended.

We are implementing more stringent intake procedures in the jail. These procedures have already resulted in seizures of oxycodone pills, and marijuana..

Dispatch:

- ❖ 551 Calls for service
- ❖ 76% Dispatched to Dillingham Police
- ❖ 14% Dispatched to Alaska State Troopers
- ❖ 5% Dispatched to EMS/Dillingham Fire
- ❖ 5% Dispatched to Dillingham Animal Control

One of our dispatchers is resigning in order to care for her parents in the lower 48. We have begun advertising for the vacant position.

In mid-November the dispatch supervisor will be attending an ICS-400 course put on by BBAHC and the Alaska Division of Military and Veterans' Affairs.

Animal Control:

- ❖ 2 Dogs/cats impounded
- ❖ 4 dogs/cats returned to owners
- ❖ 11 Rabies/Parvo shot given
- ❖ 4 dogs/cats euthanized
- ❖ 2 citations issued

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The Paws for Peace Walk, sponsored by SAFE, was held earlier in the month. The walk started at the new animal shelter. Approximately 20 people showed up to tour the new shelter and receive rabies shots for their animals. Everyone was impressed with the new shelter and its location.

Last month was National Adpot-a shelter dog month. Copper River Seafoods was giving away Wild Alaska Salmon treats to Animal Shelters in Alaska. Mayor Ruby obtained of 40 pound box of these treats, which are being given to our shelter animals.

DMV:

- ❖ 81 registration/titles
- ❖ 75 drivers licenses
- ❖ 8 commercial driver's licenses
- ❖ 8 road tests

Nothing reported.

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MEMORANDUM

Date: October 29, 2013
To: Rose Loera
From: Megan E. Brown, Fire Department Coordinator
Subject: October 2013 Department Head Report

Summarization of EMS Responses in September

- Total of 12 Ambulance Transports
 - 1 Chest Pains
 - 1 Traumatic Injuries
 - 2 Unresponsive
 - 1 Heat/Cold Emergencies
 - 1 Fall
 - 2 Diabetic Problem
 - 2 Respiratory
 - 2 Other Medical

Summarization of Fire Responses in October

- 1 False Alarm
- 1 Chimney Fire

PROJECTS COMPLETED

- The October Combination Meeting was for annual elections. Elections were held for Rescue Squad Director, Assistant Rescue Squad Director, and Fire Member at large.
- No Fire Meeting was held in the month of October due to lack of attendance, only one member having showed up.
- The Rescue Meeting was held by the new Rescue Squad Director and ideas for upcoming trainings were discussed.

ON-GOING PROJECTS

- Currently in the process of testing all diameters of hose.
- New Gear washer has been installed and is operational. Working on washing, cataloging and insuring all members have appropriate turnout gear, bunker boots, helmets and gloves.
- SCBA bottles are being sent in groups of four to ANC for hydro-testing.
- The Lake Road Station downstairs office is being cleared out to make room for the Enhanced 911 equipment.

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MEMORANDUM

Date: October 29, 2013
To: Rose Loera
From: Pancho Garcia
Subject: Staff report

Streets Dept. -

- finished mixing the sand with salt for the winter and piled it up;
- grading the roads in town and out of town;
- fixed the water issue with Lyle Smith's house by installing an 18" culvert from the house out to the road and hooked it up to the existing culvert that empties out to the bay. This should solve the problem with water flooding Lyle Smith's basement;
- marked culverts around the city with delineators to help find the culverts in the spring to thaw out the culverts to keep the water flowing and not flooding the roads;
- one of the operators took a class to get certified for water treatment/water distribution on October 21-25, 2013;
- red lines for water and sewer were completed and sent out to David Freeze from DOT for the downtown street project in 2015.

Shop-

- welding on the snow wings for both graders and on the snow gates to have them ready before snow starts to come down;
- swapping out tires on all department vehicles and servicing them too if needed;
- received the new Ford F-350 and the trackless snow blower and are prepping them for immediate service.

We all thank you for these new pieces of equipment.

- The bed has been taken off of the F-450 since it has major corrosion and the cross braces are all broken. It will be rebuilt if possible. Both the F-450 and the F-350 frames have been cleaned and spayed with undercoating to protect the integrity of the frames from corrosion due to the salt in the sand that is spread during the winter.

Water/Wastewater dept. -

- hooked up water service to Dean Clark's resident and also helped out to get the culvert in place at Lyle Smith's house;
- replaced a curb stop stem at a HUD house, because the curb stem had been removed and they could not shut the water off;

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- All of the sewer manholes were jetted out as well as all of the lift stations;
- The second pump was reprogrammed at the HUD lift station and it is working great. This has stopped the lift station from backing up and we have not received any more complaints from HUD residents. All sampling and testing have been done;
- will be overseeing the water tap to the old Napa building as well as getting ready to hook up water to the Dillingham Liquor Store;
- operator went to Anchorage for training October 21-25, 2013 for introduction to small waste water system;
- flushing hydrants around the BBEDC building due to complaints of smell in the water. This might be a local problem in the building since no other complaints from the surrounding neighbors and business have been reported. The crew says the smell comes from the hot water and not the cold water side. Staff let the water run in the building for several hours to help move water around the building to see if that will help with the smell. Staff took water samples from the building and it has good chlorine residual.

Buildings & Grounds-

- installed auto dialers in the boiler rooms throughout the city buildings so they will not have to put in overtime just to do boiler room checks on the weekends. If the temperature drops below 45 degrees they will automatically start to call B&G dept.;
- pickled the bath house with antifreeze at the boat harbor and also help the port director remove the remaining floats in the harbor;
- helped out with the landfill while two employees were in training and also helped the water/wastewater department out while an operator was in training;
- work on the boilers has begun in order to make sure they are ready for the winter;
- responded to a call out on October 8, 2013 around 1:30 am for a fire alarm due to power outage that happened that night. All was good just had to reset system;
- worked on potato house furnace fuel pump and one way check valve which were not working. Got those replaced and are now back on line.

Landfill-

- BESC came in to show how to do groundwater monitoring for the landfill;
- took Bud and Cory from CH2M hill out to landfill to survey the area where the new building will be put. Also they took measurements of the bins sitting on the swap loader, from the highest point of the bin when the swap loader is fully extended and also measured the width of the loader bucket. This was done for the measurement of the doors that will be on the new building;
- picked up the trash bins from Knick Construction that were leased for the summer;
- two employees went to Anchorage, October 15-17, 2013, to attend the RALO training to get certified and also to comply with landfill regulations;
- keeping up with daily duties and collecting landfill fees;
- prepping a staging area for the compactor that will be used to compact all the metal and to store the compacted metal. Gravel has been purchased to make a good foundation for the compactor;
- as of now the landfill has completed all of the compliance issues that needed to be done. We are in the process of selecting and purchasing signs for the landfill indicating where burnable and non-burnable materials and electronics will be placed at the landfill.

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

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Seat A, Vacant
Chris Maines
Bob Himschoot
Keggie Tubbs
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: October 28, 2013
To: Rose Loera
From: Ida Noonkesser
Subject: Staff Report

During the month of September, the Senior Center served 412 congregate meals to 53 individuals, 135 home delivered meals to 9 individuals, gave 342 assisted rides to 30 individuals, and 138 unassisted rides to 28 individuals. Aleknagik transportation services included 251 rides for the month of August. I also helped five elder with personal paperwork.

We had four renters in the month on September. The Pinochle player's group continues to rent the dining room every Friday, and every third Saturday Quilters rent the Senior Center for three days.

Anna Mae Bartholomew who works for (BBNA) Aging & Disability Resource Specialty had an EAT meeting September 26th, at the same time there was a flu shot clinic from 1pm to 4pm. It was for the elders who were 65 and up. She now has an office at the Senior Center and we work well together. She helps out with elderly paper work and she is right there to answer any question that the elders have.

We had planned another fund-raising garage sale in October, but it was postponed due to Advisory Board travel.

Calendar Item(s)

Our next Advisory Board meeting is November 13 at 1pm in the dining room at the Senior Center.

I. CALL TO ORDER

The Code Review Committee met for a Special Meeting to consider regulating material sites on Tuesday, October 22, 2013, in the Council Chambers, Dillingham, AK. Chair Paul Liedberg called the meeting to order at 5:32 p.m.

II. ROLL CALL

Committee Members present:

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

Guest(s):

Jody Seitz, Planning Director
Francisco Garcia, Public Works Director
Chris Beck, Agnew::Beck
Drew Alexander, Agnew::Beck
Rick Tennyson, Choggiung Ltd.
Francisca DeMark, Bristol Bay Native Corporation
Neal Bennett, Bennett Enterprises

III. APPROVAL OF MINUTES

A. Meeting of September 19, 2013

MOTION: Chris Maines moved and Mayor Ruby seconded the motion to approve the minutes of August 8, 2013.

(City Clerk Note: On page 5, third sentence, change solid waste sites to material sites.)

GENERAL CONSENT: The motion to approve the minutes of September 19 passed without objection.

IV. APPROVAL OF AGENDA

MOTION: Chris Maines moved and Manager Loera seconded the motion to approve the agenda.

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

V. SPECIAL BUSINESS

A. Consider Regulating Material Sites

Chair Liedberg asked the committee members to identify what they saw were the issues.

Discussion:

- stated was interested in setting a goal and a timeline for the committee; and
- stated was interested in understanding the issues that had been identified and going forward identifying what companies saw as issues dealing with material sites.

City Planner Seitz presented a powerpoint she had put together to address the issues that arose from several major projects this year on Kananak Road and at the airport. She noted the projects resulted in about 1M tons of gravel being carried over local state roads with more gravel extraction needed for major road projects in 2014 and 2015.

During Jody's presentation Chair Liedberg noted the issues identified could apply to anybody:

1. noticed that the buffer along the pit had really thinned out;
2. residents were calling the City with concerns about digging in the water table; some noted their water was cloudy;
3. complaints about the dust in the air; dust itself can carry pollutants; can cause poor visibility;
4. noise from activities at the work site 24/7 was an issue with the area residents;
5. company applied for the usual permits including a dust control plan which the City signed off, storm water pollution permission plan to keep water from their activities from running off into the local watershed, construction general permit, DNR permits;
6. firm's dust control permit required watering all the areas when necessary, but a sweeper was not available until late summer;
7. DNR has no authority over non-state plans;
8. DEC was onsite, but primarily was looking to assist the company come into compliance;
9. private wells are not regulated by the State, they will take an interest and start monitoring ground water if it causes a discharge to surface water or if the activity might pose harm to commercial or public wells;
10. neither agency dealt with the most common municipal concerns, buffer zones, baling, noise, hours of operation, dust, and enforcing best practices;
11. City's Comprehensive Plan Chapter 4, Land Use and Housing, didn't deal with gravel or material sites, but the overarching goal was to guide the physical development in Dillingham, responding to elements outlined in the community vision, including strengthening the economy, protecting the natural environment; and enhancing the quality of daily life, in part by:
 - Establishing a generalized land use designation map in Dillingham identifying in broad terms, areas intended for various groups of uses.
 - Designating land for industrial institutional and commercial development to support economic and community development and minimize conflicts with other uses.
 - Ensuring that existing and future land uses protect the natural environment to maintain clean surface water, clean well water, streams and wetlands protected from pollution (channel storm water), healthy subsistence areas, clean air, natural beauty, minimize light and noise pollution.

- Convening a [stakeholder] group to review and improve the existing land use permit process and develop two new categories of land use policy: a) a conditional use process for specific types of uses and /or scales of uses that have significant off-site impacts, and b) a set of advisory development use guidelines.
- 12. Does the City of Dillingham wish to have more control over material extraction?
- 13. What is the best set of tools for doing that?

Discussion:

1. noted an area most misunderstood was the permitting for water, that the State required a permit to withdraw or divert water, but not to be in the water;
2. commented didn't think there was a Corp permit required unless in the wetlands;
3. noted the State had convened a group of stakeholders to address how to protect private wells, referencing the "ten State standard";
4. asked if there was a complaint before this summer about gravel pits, answered just heard remarks about the 20-mile gravel pit outside Dillingham, how there was a lack of reclamation;
5. commented already followed a set of standards when excavating on BIA/BLM lands, including obtaining a reclamation bond before a pit was open, salvaging trees, creating a buffer zone, 4 feet above the water table, City could get a copy from BBNA;
6. stated that permits needed to be applied for prior to construction, not during construction;
7. asked if there was a map of Dillingham that showed where other resources could be potentially extracted and gravel developable land;
8. commented whether the City had the authority to say no to development, that it would be a good question for the attorney;
9. noted other issues that could be addressed included trucks speeding, impact on the existing road, overloading the trucks and dropping sediment on the road, having a mining plan, onsite development (fuel storage, was it safe), ensuring there was a public process so the public was aware of a major project;
10. spoke in favor of at a minimum having a checklist and referred to the City of Kenai's code that required an application for a conditional use permit for surface extraction of natural resources;
11. noted most communities had gone through a similar exercise, that no one wanted more regulations, but at the same time want to at least have some knowledge of what was going on and manage some of the impacts that most affect people;
12. noted would be interested in differentiating between small and large projects, not interested in getting so detailed in our ordinance, referring to City of Kenai Borough's differentiation between counter permit and conditional land use permit;
13. noted a majority of the large Alaskan cities have a zoning code that lays out areas where gravel/material extraction was conditionally permitted;
14. asked how to address a project that started small and then grew in size, answered one option was to require having a mining (operation) plan in place and the permit would be issued with that plan in mind, and there was some expectation of incremental reclamation along the way;

15. commented was not interested in tackling zoning at this time, felt it was a huge public issue, but favored establishing something that was not too cumbersome for contractors, but gave the City a way to guide the development;
16. opined clearly there were some areas that were not compatible to large scale extraction;
17. spoke in favor of Chris Beck bringing forward a full range of options so the committee could make a more informed decision;
18. noted zoning was incredibly flexible and the permitting process was probably a zoning permit process;
19. suggested in addition to contacting BBNA to also contact BBNC and Chogging for their gravel management information;
20. commented property values were not bouncing up and down according to gravel or anything else, but assessments were based on materials used, etc;
21. noted BBNC was planning to hold a session on Understanding Gravel at their leadership conference in December, and to email Francisca if interested in attending.

Chris Beck commented he would organize the research, work with a small group, Manager Loera and Jody Seitz, and be prepared to present the material at a special meeting November 21. If another meeting was necessary the week of December 2 was doable; week of November 25 was not doable.

22. favored having something in place before spring when construction would ramp up;
23. noted a tentative guideline would be to report to the Council at the December meeting to get their concurrence, prepare a document to introduce to the Council in January, and adopt in February.

Mayor Ruby acknowledged she would contact the individuals who had brought forward concerns to let them know of the special meeting and would also contact Knik Construction.

VII. PUBLIC COMMENT/COMMITTEE COMMENTS

Paul Liedberg:

- thanked all for the work done, and the brainstorming.

Neal Bennett:

- recommended the next time DOT advertised an upcoming big project, that it require in the bid packet to have a tire wash system to help keep the dust down; and
- noted the local gravel operators already deal with the State with permitting requirements, have enough paper work to do already, and not in favor of another layer of paper work.

Rick Tennyson:

- thanked Mayor Ruby for informing them of the meeting; and
- noted Choggiung policed itself so they could live with themselves in the community, was here for the long haul, asked not to penalize for the good work done in the past,

appreciated being part of the process going forward, and was against regulations that could drastically increase their costs.

There were no other public or committee comments.

VIII. ADJOURNMENT

The meeting adjourned at 7:15 p.m.

Paul Liedberg, Chair

ATTEST:

Janice Williams, City Clerk

Approval Date: _____

I. CALL TO ORDER

The School Facility Committee met on October 10, 2013, at the Dillingham Council Chambers, Dillingham, AK. Mayor Ruby called the meeting to order at 12:54 p.m.

II. ROLL CALL

Committee Members present:

Mayor Alice Ruby
Supt. William McLeod
Rose Loera, City Manager
Bob Himschoot, Council Member
Francisco (Pancho) Garcia, Public Works Director (City)
Russell Nelson, Director of Facilities (School)

Committee Members absent and excused:

Bernina Venua, School Board President
Kim Williams, School Board Member
Robin Samuelsen, Citizen Member

III. APPROVAL OF AGENDA

MOTION: Bob Himschoot moved and Mgr. Loera seconded the motion to approve the minutes of March 20, 2013.

GENERAL CONSENT: The motion passed without objection.

IV. APPROVAL OF MINUTES

A. Minutes of March 20, 2013

MOTION: Rose Loera moved and Bill McLeod seconded the motion to approve the minutes of March 20, 2013.

GENERAL CONSENT: The motion passed without objection.

V. UNFINISHED BUSINESS

A. Annual Inspection

Supt. McLeod reported the annual inspection had taken place with Russell Nelson and Steve Cropsey.

1. Rank the Assessment List

Bill McLeod asked if the City might have an original file of the assessment list in order to reconstruct it.

Projects completed since last time met:

- high school gymnasium bleachers were done last year
- multiple roof projects are completed
- resolved the band roof leaking
- HVAC pumps are completed with minor follow up work
- mechanical room looks great, improved the efficiency of the HVAC
- fence behind the school was up (historical documentation showed the school was required to maintain it)

Mayor Ruby commented that the major maintenance money appropriated to the School was being made in quarterly payments, but the intent was to have the school produce a list showing the projects accomplished from the preapproved list, and then ask for reimbursement, and was asking to return to that practice.

Discussion:

- commented would have City and School finance staff research if this proposal might adversely affect the money provided by the State;
- commented submitting a list of projects would help mitigate against appropriating the funds for other than the approved priority list, and if a new priority surfaced could jointly approve the change; and
- noted a lot of the projects were seasonal, but could provide a quarterly report; agreed this would work.

B. Review Options for Territorial School

1. Latest Renovation Evaluation Report (Architect Jeff Wilson)
2. Funding Sources Available for Building Restoration
3. Review Site for Parking Needs
4. Consult with Engineer Regarding Suggested Re-Roofing and HRV System
5. Create Business Plan to Demonstrate How Housing Rental Units Could be Operated

Supt. McCleod reminded the committee that the architect had previously provided various scenarios each with a dollar figure. (The several scenarios provided included keeping apartments upstairs and using the middle floor for one of three options: office space, an alternative map school, or additional living quarters. The architect had advised the basement could only be used for storage.) The committee had then asked for a report for a minimally upgraded building to get it back in service. Supt. McCleod felt with this most recent report they were back to square one, bringing everything up to code. It appeared the baseline was \$1M+.

Discussion:

- stated that the Alaska Housing Authority had a loan program to cover teacher housing, could renovate it and pay for the associated loan with the rental income;
- noted was not in favor of a advocating to the legislators for an appropriation, since both School and Council already had established their priorities;
- noted BBEDC had a grant for planning;
- suggested hire someone to analyze the different scenarios and likelihood of funding, and assisting with a business plan; and
- suggested a joint workshop before the November 7 Council meeting with the report coming from the School Facility Committee.

C. Update Affordable Teacher Housing (review with Chamber of Commerce)

Alaska Housing Authority was suggested.

D. CIP Priority List (Coordinate with City's List)

VI. NEW BUSINESS

There was no new business.

VII. PUBLIC COMMENT/COMMITTEE COMMENTS

Mayor Ruby:

- commented the Ketchikan Gateway Borough was suing the State for inequality in school funding, because the State required boroughs and first class cities to contribute to education and didn't require REAAs to contribute.

Bill McCleod:

- commented he would put together an executive summary for a workshop presentation on the Territorial Building and pass it by Mgr. Loera for review; and
- noted he would notify City staff if November 7 would work for the School Board for a joint workshop.

VIII. ADJOURNMENT

Mayor Ruby adjourned the meeting at 1:50 p.m.

Alice Ruby, Chair

ATTEST:

Janice Williams, City Clerk

Approval Date: _____

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-18

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 2.80 PUBLIC LIBRARY TO REMOVE LIBRARY BOARD AND CREATE A LIBRARY ADVISORY BOARD BY RESOLUTION AND TO AMEND SECTIONS LIBRARIAN AND VIOLATION OF LIBRARY PROPERTY

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

Section 1. Classification. This is a code ordinance.

Section 2. Amend Chapter 2.80, Public Library, to delete references to Library Board. Chapter 2.80 of the DMC is hereby amended to repeal sections 2.80.040 through 2.80.140 and reenact as follows:

Sections:

- 2.80.010 Established.
- 2.80.020 Purpose.
- 2.80.030 Management.
- 2.80.040 Library board. **Library Advisory Board.**
- 2.80.050 Library board duties. **Librarian.**
- 2.80.060 Vacancy. **Inventory of books and other property.**
- 2.80.070 City council may remove any member(s) for just cause. **Violation of Library property.**
- 2.80.080 Organization and procedures. *Repealed*
- 2.80.090 City manager and librarian to act as ex officio members. *Repealed*
- 2.80.100 Policies and procedures. *Repealed*
- 2.80.110 Librarian *Repealed*
- 2.80.120 Inventory of books and other property. *Repealed*
- 2.80.130 Violation of Library property. *Repealed*
- 2.80.140 Violation prohibited. *Repealed*

2.80.010 Established.

There shall be a library in and for the city of Dillingham to be known as the Dillingham public library. (Ord. 95-04 § 1 (part), 1995.)

2.80.020 Purpose.

The Dillingham public library shall provide community library services to the residents of Dillingham and may apply for and receive grants and donations for such purpose. (Ord. 95-04 § 1 (part), 1995.)

2.80.030 Management.

The city council shall have the overall authority and responsibility for the city library. (Ord. 95-04 § 1 (part), 1995.)

2.80.040 Library board. Library Advisory Board.

There shall be a Library Advisory Board created by a resolution.

~~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 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. (Ord. 95-04 § 1 (part), 1995; Ord. 12-12 § 1, 2012.)~~

~~2.80.050 Library board duties.~~

~~A.— Establish operational policies for the library program, and submit same to the city council for approval. All policies of the program established by the library board are effective until review by the council and remain effective unless specifically disapproved by the council. (Ord. 95-04 § 1 (part), 1995.)~~

~~2.80.060 Vacancy.~~

~~In the event of a vacancy for any reason, the city council shall appoint a person having the qualifications as provided in Section 2.80.040 to fill such vacancy for the unexpired term. If a member has three consecutive absences from regular meetings, without excuse, such seat shall immediately be declared vacant. (Ord. 95-04 § 1 (part), 1995.)~~

~~2.80.070 City council may remove any member(s) for just cause.~~

~~The city council may remove a member for cause by majority vote at a public meeting. (Ord. 95-04 § 1 (part), 1995.)~~

~~2.80.080 Organization and procedures.~~

~~A.— Each October at a regular meeting the members of the board shall elect a chairman, vice chairman and secretary to conduct business for the following year. In the event of vacancy in these offices, the members shall promptly elect interim officers to serve until the regular election of officers the following October.~~

~~B.— The board may adopt laws for the orderly conduct of its business. In the absence of bylaws, meetings shall be conducted in accordance with Robert's Rules of Order.~~

~~C.— The board shall establish a time and place for regular meetings and make such information available to the residents of Dillingham.~~

~~D.— Special meetings of the board may be called by the chairman, or in the chairman's absence, the vice chairman, or by any two members of the board, on any question, upon two days' prior notice.~~

~~E.— The board shall keep records or minutes of its meetings as permanent records of the city. (Ord. 95-04 § 1 (part), 1995.)~~

~~2.80.090 City manager and librarian to act as ex officio members.~~

~~The city manager and the librarian shall serve as ex officio members of the board, but shall have no vote or office. (Ord. 95-04 § 1 (part), 1995.)~~

~~2.80.100 Policies and procedures.~~

~~A. The board shall advise the city council on policies and procedures desirable for library operation, shall provide for the acceptance of gifts, endowments and other like donations; may advise the librarian on preservation and protection of historical donations and acquisitions.~~

~~B. On or before September 15th of each year the board shall submit to the city council a written report concerning the proceedings of the board with reference to the library and a statement of all receipts and expenditures, donations, gifts and acquisitions and their value and the value of any lost or destroyed property during the preceding fiscal year.~~

~~C. The board shall prepare rules for the operation of the library including, but not limited to, the hours of operation, length of time books or other items may be borrowed and fines. All rules must be approved by the city council.~~

~~D. The board shall perform all necessary and proper acts permitted by this chapter, or as assigned by the city council, for the development and maintenance of the library and its programs. (Ord. 95-04 § 1 (part), 1995.)~~

2.80.110 2.08.050 Librarian.

There is established the position of librarian for the Dillingham public library, who shall be appointed by and serve under the supervision of the city manager. **The librarian attends the meetings of the Library Advisory Board and serves as a liaison between the board and the city manager.** The librarian shall be responsible for the efficient and economical conduct of the library. (Ord. 95-04 § 1 (part), 1995.)

2.80.120 2.80.060 Inventory of books and other property.

All books and other property owned by the library shall be cataloged and inventoried and clearly marked as property of the Dillingham public library. (Ord. 95-04 § 1 (part), 1995.)

2.80.130 2.80.070 Violation of library property.

A. No person shall willfully detain any library property for more than thirty days after the date upon which it was to be returned. Notification that library property is overdue may be made by mail: **email when available and by mail if possible.** A person who fails or refuses to return overdue property shall be liable for the full replacement value of the overdue property.

B. The librarian shall revoke borrowing privileges for any person who accrues more than **three** ten dollars in fines for overdue property or who, upon notice, has failed or refused to return borrowed property thirty days thereafter, or who has failed or refused to pay the full replacement cost of borrowed property. (Ord. 95-04 § 1 (part), 1995.)

2.80.140 Violation prohibited.

~~Violation of this chapter constitutes a misdemeanor and is punishable by a fine of not more than three thousand dollars. (Ord. 95-04 § 1 (part), 1995.)~~

Section 3. 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 Municipal Code amending Chapter 2.80 to create a Library Advisory Board by resolution and remove reference to Library Board in the Dillingham Municipal Code

Agenda of: **November 7, 2013**

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

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

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

Other Attachment(s):

- Resolution No. 2013-71 - Adopting a Library Advisory Board
- Notice of a Public Hearing was advertised in the October 31, 2013 edition of Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing.

Summary Statement.

This item was added to the Code Review Committee's task list resulting from a recommendation from the Library Board to make some changes in the Library ordinance. As a result of examining the recommendations, the Code Review Committee discussed the differences between the Library Board and the Friends of the Library, and advised recreating the Library Board as an advisory board to bring it more in line with the committee process.

The Library Advisory Board will be adopted by proposed Resolution No. 2013-71 in the packet and will follow the parameters adopted in Ordinance No. 2010-08, June 2010, establishing future advisory boards and commissions.

The Code Review Committee is recommending to the Council that this ordinance be adopted.

This ordinance was advertised in the October 31 edition of the Bristol Bay Times to meet the mandatory requirement that a public hearing of a proposed ordinance will follow publication by at least five days.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-XX

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL CREATING A CITY OF DILLINGHAM LIBRARY ADVISORY BOARD

WHEREAS, the Library Board had offered some changes to Dillingham Municipal Code Chapter 2.080, Public Library; and

WHEREAS, the City Council recommended vetting those suggested changes through the Code Review Committee; and

WHEREAS, the City has been working to standardize the format of the various boards and committees, following the adoption of DMC Chapter 2.90, Advisory Boards and Commissions, enacted June 24, 2010, that established future advisory boards and committees of the council would be authorized by resolution; and

WHEREAS, at the October 10, 2013, Regular Council Meeting, Ordinance No. 2013-18 was introduced as approved by the City Council, and scheduled for a public hearing and adoption at the November 7, 2013 Council meeting;

WHEREAS, Ordinance No. 2013-18 would replace the Library Board with a Library Advisory Board structured after Chapter 2.90;

WHEREAS, the existing members of the Library Board would be seated on the newly formed Library Advisory Board through the remainder of their terms;

NOW, THEREFORE, BE IT RESOLVED, that the Dillingham City Council establishes a Library Advisory Board with the following structure and responsibilities:

1. The Board shall be made up of seven members nominated by the Mayor and confirmed by the Council. At least two of the members will represent the University of Alaska Fairbanks Bristol Bay Campus and Dillingham Middle/High School.
2. A member shall be a resident of the greater Dillingham area and be a registered voter with the State of Alaska.
3. The presiding officer shall be recommended by the Library Advisory Board, nominated by the Mayor and confirmed by the City Council.
4. Members of the Board, with the exception of the two representatives, shall serve for three years with seats staggered that expire in September 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. The University of Alaska Fairbanks Bristol Bay Campus and Dillingham Middle/High School representatives will be appointed annually in September.
5. The Board shall be advisory to the City Manager and Librarian recommending operational policies for the library program, and submitting same to the City Council for approval.

- 6. The Board shall prepare rules for the operation of the library, including, but not limited to, general promotion and community outreach, the hours of operation, length of time books or other items may be borrowed and fines. All rules must be approved by the City Council.
- 7. The Board may not obligate the City of Dillingham, but may serve as advisory to the City Manager on application for, receipt of and/or management of any funds for or by the City of Dillingham for the Public Library.
- 8. The Presiding Officer shall ensure that written minutes of every meeting are kept and provide copies of the minutes to the City Clerk. All meetings shall be conducted in accordance with Robert's Rules of Order and DMC Chapter 2.90.050, Procedures.
- 9. The Library Advisory Board shall remain in existence unless otherwise notified by the City Council.

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

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

CITY OF DILLINGHAM, ALASKA
ORDINANCE NO. 2013-19 (SUB 1)

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING TITLE 1 OF THE DILLINGHAM MUNICIPAL CODE TO CREATE A FINE SCHEDULE FOR MINOR OFFENSES AND AMENDING OTHER TITLES TO MAKE VIOLATIONS AND PENALTIES CONSISTENT WITH NEW TITLE 1

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Repeal and re-enactment of Chapter 1.20. Chapter 1.20 of the Dillingham Municipal Code is hereby repealed and re-enacted to read as follows:

1.20.010 General penalty.

A. Every act prohibited by city ordinance is unlawful. Unless another penalty is expressly provided by this code for a particular act or offense, every person convicted of a violation of any provision of this code, or any rule or regulation adopted or issued pursuant to this code shall be punished by a fine of not more than three hundred dollars.

B. In addition to any other remedies or penalties which may be provided in this code, or may otherwise be available, the city or any aggrieved person may institute a civil action to obtain injunctive or compensatory relief against a person who violates any provision of the code. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of violation or threatened violation, the superior court shall grant the injunction.

C. Each act of violation and every day upon which the violation shall occur will constitute a separate offense.

D. Any surcharge required to be imposed under AS 12.55.039 shall be added to any penalty imposed or levied pursuant to this section, and all such collected surcharges shall be remitted to the State of Alaska, Department of Administration as required by AS 29.25.074.

1.20.020 Procedure.

A. The charge for the violation of a code provision may be brought by a city police officer, the city manager, or that city official responsible for the administration and enforcement of the code provision which has been violated.

B. The City shall use the Alaska Uniform Citation form to provide notice of an infraction to anyone accused of violating any provision of this Code.

1.20.030 Disposition of infraction offenses.

A person charged with an infraction offense may appear in court to contest the charge, and must appear if the citation indicates that a court appearance is mandatory. As an infraction, trial is by the court without a jury, and there is no right to court-appointed defense counsel.

1.20.040 Minor Offense Fine Schedule.

In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below, plus the state surcharge required by AS 12.55.039 and AS 29.25.074. The Alaska Court System's Rule of Minor Offense Procedures applies to all offenses listed below. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine schedule amount listed below for that offense. Citations charging these offenses must meet the requirements of the Minor Offense Rules. The fines set forth below may not be judicially reduced.

Code Section	Offense	Penalty/Fine
2.42.050.A	Failure to register/pay for mooring of vessel	75
.B	Failure to display registration or obtain new mooring agreement	75
.C	Mooring in prohibited area	75
.F	Providing false information on mooring agreement or application	75
.G	Failure to attend to vessel	75
.I	Failure to display harbor decal	75
2.42.090.E	Providing false information on mooring agreement or application	75
.F	Failure to respond	75

.H	Failure to display harbor decal	75
2.42.100.E	Failure to remove vessel	75
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18.36.030	Off-street loading facilities	75 residential 300 commercial
18.36.040	Location of parking spaces	75 residential 300 commercial

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18.36.070	Minimum standards for off-street parking spaces	75 residential 300 commercial
18.40.020	View obstruction	75 residential 300 commercial
18.44.030	Altering non-conforming building	75 residential 300 commercial

1.20.050 Attempted infraction.

Every person who attempts to commit an infraction but fails or is prevented or is intercepted in its perpetration is guilty of an infraction and shall be punished in the manner prescribed for the infraction itself.

1.20.060 Abetting in infraction.

When no punishment for counseling, abetting or aiding in the commission of a particular infraction is expressly described by ordinance, every person who counsels, abets or aids another in committing an infraction is equally guilty of the infraction and punishable in the same way.

Section 3. Repeal of Sections 2.42.340, 2.42.350, and 2.42.360. Sections 2.42.340, 2.42.350, and 2.42.360 of the Dillingham Municipal Code are hereby repealed.

Section 4. Repeal of Section 2.80.140. Section 2.80.140 of the Dillingham Municipal Code is hereby repealed.

Section 5. Amendment of Section 4.15.100. Section 4.15.100 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

4.15.100 Violations.

For failing to file a tax statement or filing a false statement in an attempt to evade taxation, the city may impose upon the property owner a filing fee of one hundred dollars. When filing late, a fee of fifty dollars will be added. ~~Any person subject to this penalty shall also pay a surcharge required to be imposed under AS 12.55.039.~~

Section 6. Repeal and re-enactment of Section 4.16.060. Section 4.16.060 of the Dillingham Municipal Code is hereby repealed and re-enacted to read as follows:

4.16.060 Prohibited acts.

A. It is unlawful:

1. For any person to operate a business within the City of Dillingham without obtaining a City business license within 45 days of commencing business within the City.
2. For any person to fail to renew a business license on or before January 1st of any year in which the business continues to operate in Dillingham.
3. For any person to engage in a business or activity regulated by this Code contrary to any provision of this title or contrary to any provision, term or condition of a license or regulation issued under this title.
4. For any person to obtain or attempt to obtain a license by making a false statement in the application, or by other fraudulent or deceptive means.
5. For any person to forge, counterfeit or fraudulently alter a license issued under this title.
6. For any person licensed or regulated under this title to knowingly or willfully authorize, order, instruct or permit an employee, agent or person under his supervision or control to do an act in connection with the licensed activity which violates any provision of this Code, a municipal regulation, or a license issued under this title.

B. For the purposes of this section:

1. "person" includes any person who has effective control of a business.
2. A person has effective control of a business if the person supervises the day to day affairs or holds any of the following positions in the business, or the equivalent thereof: the proprietor or proprietors, general partner in case of a partnership, the president, and each person or entity owning more than thirty percent of the voting stock in case of a corporation; and in case of a limited liability company the manager of the company, or if there is no manager, all members of the company.

C. In addition to any monetary penalty, the city may seek an injunction in the superior court requiring the business, or each person with effective control of the business, to obtain the required business license and also recover compensatory damages, including full, actual, reasonable attorneys' fees, from each such person. Upon application for an injunction under this section, the superior court shall issue the injunction.

D. The city may also have any person or business that violates section, or any vessel owned by any such person or business, placed on the city's denied services list using the procedures set forth in Chapter 4.40.

Section 7. Repeal and re-enactment of Section 4.20.210. Section 4.20.210 of the Dillingham Municipal Code is hereby repealed and re-enacted to read as follows:

4.20.210 Violations -- Penalties

A. It is unlawful for any seller who is required to obtain a certificate of authority to collect city sales tax:

1. To fail to obtain a certificate of authority within the time prescribed by this chapter.

2. To fail to file a return as required by this chapter, or fail to remit taxes collected or which should have been collected. The filing of an incomplete return is the equivalent of filing no return.
3. To falsify or knowingly misrepresent any record required by this chapter.
4. To deny the City permission to inspect records required to be kept by this chapter.

B. In addition to penalties for violations of this section set forth in 1.20.040, the City may recover by civil action the amount which the seller should have remitted to the city as sales tax, plus a penalty of ten percent of the taxes collected but not remitted, or which should have been collected. The city may also recover full actual reasonable attorney's fees in any action against a delinquent seller.

C. The city may also have any person or business that violates section, or any vessel owned by any such person or business, placed on the city's denied services list using the procedures set forth in Chapter 4.40.

Section 8. Repeal of Section 4.20.230. Section 4.20.230 of the Dillingham Municipal Code is hereby repealed.

Section 9. Amendment of Section 4.21.290. Section 4.21.290 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

4.21.290 Violation—Criminal enforcement.

A. **Failure to obey** ~~Violation~~ of any of the requirements of this chapter is a **violation**, ~~misdemeanor~~. For convictions of a violation of a provision of this chapter, a fine of ~~not to exceed~~ five hundred dollars **shall** ~~may be~~ imposed; except, for a subsequent violation of any provisions of this chapter, whether similar to or different from the prior conviction, ~~a~~ **the maximum penalty that may be imposed is a fine of one thousand dollars shall be imposed** ~~or imprisonment for not to exceed thirty days, or both,~~ if the subsequent conviction is for a violation that occurred after, but within three years of, the conviction for the prior violation.

B. Each day upon which a violation of this chapter continues is a separate offense.

C. The city may recover taxes, interest, ~~civil~~ penalties and other amounts due in a civil action independent of or in addition to any criminal action filed.

Section 10. Repeal and re-enactment of Section 7.16.020. Section 7.16.020 of the Dillingham Municipal Code is hereby repealed and re-enacted to read as follows:

7.16.020 Violations – Penalties.

A person who violates any provision of this title is guilty of an infraction and subject to a fine as set forth in DMC § 1.20.040, in addition to any surcharge required by AS 12.55.039(a)(4).

Section 11. Amendment of Section 8.04.095. Section 8.04.095 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

8.04.095 Violations – Penalties. ~~Civil penalties.~~

In addition to the provisions of Section 8.04.090, a person who violates this chapter is guilty of an infraction and subject to a fine as set forth in DMC § 1.20.040, ~~civil penalty of one hundred dollars for the first offense and two hundred dollars for each additional offense within twelve months from the date of the first offense,~~ plus any surcharge required to be imposed under AS 23.55.039, ~~may be imposed upon a person violating this chapter.~~ Each day that a violation persists shall constitute a separate offense. In addition to law enforcement officers, the City animal control officer is authorized to issue citations for any violation of this title.

Section 12. Repeal of Section 8.04.096. Section 8.04.096 of the Dillingham Municipal Code is hereby repealed.

Section 13. Amendment of Section 9.74.050. Section 9.74.050 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

9.74.050 Violations -- Penalties.

Any violation of this chapter by a person under the age of eighteen years or by his or her parent, guardian, or other adult person having the care and custody of the minor child under eighteen years of age, or both, is punishable by a fine of seventy-five ~~not more than fifty~~ dollars and such person shall also pay any surcharge required to be imposed under AS 12.55.039.

Section 14. Repeal and Re-enactment of Chapter 11.04. Chapter 11.04 of the Dillingham Municipal Code is hereby repealed and re-enacted to read as follows:

11.04.010 State traffic laws, and regulations adopted by reference.

A. The city adopts all vehicle and traffic statutes and regulations of the state of Alaska, as they presently exist and as they may be revised in the future, as the traffic code for the city.

B. Notwithstanding subsection A of this section, the City does not adopt those state traffic laws that establish misdemeanor and felony offenses, including AS 28.35.030.

C. All citations issued under this ordinance shall use the appropriate “AS” or “AAC” or CFR statute or regulation-numbers, include a description of the offense, and indicate that the offense was adopted by reference as a city ordinance.

11.04.020 Fine schedule.

A. The city adopts as its traffic fine schedule the “Traffic Bail Forfeiture Schedule” and the “Oversize Vehicle Bail Forfeiture Schedule” in Administrative Rules 43.1 and 43.6 of the Alaska Rules of Court and any other bail forfeiture schedules relating to vehicles adopted by the Alaska Supreme Court. In addition, the city adopts all amendments of those schedules that become effective after the effective date of this ordinance. Citations for offenses listed on these schedules may be disposed of as

provided in AS 12.25.195 - .230, without a court appearance, upon payment of the amounts listed plus the state surcharge required by AS 12.55.039 and AS 29.25.074. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the amount listed for that offense on the schedule. Citations charging these offenses must meet the requirements of Minor Offense Rule 3 of the Alaska Rules of Court. If an offense is not listed on the fine schedule, the defendant must appear in court to answer to the charges.

B. Pursuant to AS 28.90.030, whenever a person violates a provision or regulation adopted under the authority of this title within a highway work zone or traffic safety corridor, notwithstanding the amount of the fine or the maximum fine set under this title, the fine, or maximum fine, is double the amount provided in this title.

C. Pursuant to AS 28.05.151(e), an offense adopted by this section may not be disposed of without court appearance if the offense is in connection with a motor vehicle accident that results in the death of a person.

11.04.030 Incorporation of additional traffic regulations in code.

Additional traffic ordinances of the city that are necessary to meet specific local requirements shall be incorporated in other chapters of this title.

11.04.040 Copies to Alaska Court System.

A copy of all ordinances enacted by the city that create or affect any minor offense designated by this Code shall be forwarded to the City Attorney, who shall submit the ordinance to the Alaska Court System for inclusion in the Uniform Minor Offense Table.

Section 15. Repeal and Re-enactment of Section 11.20.120. Section 11.20.120 of the Dillingham Municipal Code is hereby repealed and re-enacted to read as follows:

11.20.120 Violation -- Penalties

A person who violates this chapter is guilty of an infraction and subject to a fine as set forth in DMC § 1.20.040.

Section 16. Repeal and Re-enactment of Section 11.21.050. Section 11.21.050 of the Dillingham Municipal Code is hereby repealed and re-enacted to read as follows:

11.21.050 Violation -- Penalties

A person who violates this chapter is guilty of an infraction and subject to a fine as set forth in DMC § 1.20.040.

Section 17. Amendment of Section 12.05.010. Section 12.05.010 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

12.05.010 Private use of public lands prohibited.

A. The private use by individuals of public lands belonging to the city for the storage, seasonal or otherwise, of boats, boat apparatus or fishing gear, is prohibited unless otherwise expressly authorized by this chapter.

B. Any boat, boat apparatus or fishing gear placed on city property in violation of this section may be impounded by the city and sold pursuant to the provisions of Sections 2.42.320 and 2.42.330 of this code.

C. Any person who violates this section is guilty of an infraction ~~misdemeanor~~ and ~~any person convicted of violating the provisions of this chapter shall be subject to a~~ penalty as set forth in DMC § 1.20.040, plus any surcharge required to be imposed under AS 12.55.039. ~~the general penalty set forth in Chapter 1.20.~~

Section 18. Repeal and Re-enactment of Section 12.06.110. Section 12.06.110 of the Dillingham Municipal Code is hereby repealed and re-enacted to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

12.06.110 Violation – Penalties.

Any person who violates this section is guilty of an infraction and shall be subject to a penalty as set forth in DMC § 1.20.040.

Section 19. Amendment of Section 13.16.020. Section 13.16.020 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

13.16.020 Penalties.

A. Any person violating any of the provisions of this title ~~chapter~~ shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

B. Any person found to be violating any provision of this title ~~chapter~~ shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

C. Any person who willfully ~~wilfully~~ continues any violation beyond the time limit provided for in the written notice ~~this section~~ is guilty of an infraction ~~misdemeanor~~ and, upon conviction thereof, shall be fined in an amount not exceeding three hundred ~~one thousand~~ dollars for each violation and must also pay any surcharge required to be imposed under AS 12.55.039. Each day in which any such violation continues shall be deemed a separate offense. In addition to law enforcement officers, the City Public Works Department is authorized to issue citations for any violation of this title.

D. The city attorney may obtain a civil injunction or temporary restraining order to obtain immediate compliance with any provision of this chapter. In addition to any penalties assessed, the city may petition the court for award of reasonable attorneys' fees and costs of prosecuting such an action.

Section 20. Amendment of Section 15.04.120. Section 15.04.120 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

15.04.120 Violation—Enforcement.

The planning director will administer and enforce this chapter, unless otherwise designated under Section 15.04.041(B). The planning director or designee may order the discontinuance of unlawful uses of land, buildings or structures; the removal or abatement of unlawful buildings or structures or any unlawful additions or alterations thereto; the discontinuation of construction or preparatory activity leading to an unlawful structure or use of land; or any other action necessary to ensure compliance with this chapter. City police officers are also authorized to issue citations to any person who violates any provision of this chapter.

Section 21. Amendment of Section 15.04.125. Section 15.04.125 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

15.04.125 Violation—Penalties and remedies.

A. Violation. A violation of provisions of this chapter shall be an infraction, ~~a civil offense~~. Upon conviction, the court shall levy ~~the appropriate~~ a fine of three hundred dollars for each day the violation exists up to a maximum fine of one thousand dollars ~~not to exceed one thousand dollars~~ and assess any surcharge required to be imposed under AS 12.55.039. Each day that an unlawful act or condition continues constitutes a separate violation.

B. Remedies.

1. In case any structure is constructed or substantially improved in violation of this chapter, the city, in addition to other remedies, shall institute any proper actions or proceedings necessary, including enjoining of connections to public utilities, to restrain, correct or abate such violations.
2. Pursuant to AS 29.40.190, the city or an aggrieved person may institute a civil action against a person who violates a provision of this chapter, or a term, condition or limitation imposed by the planning commission.

Section 22. Amendment of Section 15.08.020. Section 15.08.020 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

15.08.020 Application of codes.

The provisions of this chapter apply to both public and private property. It applies to all commercial and residential structures and their occupancies.

Section 23. Amendment of Chapter 15.08. Chapter 15.08 of the Dillingham Municipal Code is hereby amended by the addition of a new section 15.08.060 to read as follows:

15.08.060 Violation—Penalties.

A. Violation. A violation of any provision of this chapter shall be an infraction. Each day that an unlawful act or condition continues constitutes a separate violation. Upon conviction, the court shall levy a fine as follows and assess any surcharge required to be imposed under AS 12.55.039:

1. Construction of residential structure – Seventy-five dollars for each day the violation exists up to a maximum fine of three hundred dollars.
2. Construction of commercial structure – Three hundred dollars for each day the violation exists up to a maximum fine of one thousand dollars

B. Definitions. For the purposes of this Title, the following definitions shall apply:

1. “residential structure” means any structure that is primarily intended for use as a single family dwelling house or duplex, or a structure that is appurtenant to such a structure.

2. “commercial structure” means any structure that is not residential or which is primarily intended for commercial purposes, including the renting of dwelling space to occupants if the structure is comprised of more than two discrete dwelling units or apartments, or a structure that is appurtenant to such a structure.

Section 24. Amendment of Chapter 17.30. Chapter 17.30 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

17.30.080 Violation and penalties.

Failure or refusal by a property owner to display an address as required in Section 17.30.050 shall be an infraction. Upon conviction, the court shall levy a fine as set forth in DMC § 1.20.040 and assess any surcharge required to be imposed under AS 12.55.039. Each day that an unlawful act or condition continues constitutes a separate violation. ~~will subject property owner to penalties described in Section 17.31.020.~~

Section 25. Amendment of Chapter 18.60. Chapter 18.60 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

18.60.010 Violation—Enforcement.

The planning director or designee may order the discontinuance of unlawful uses of land, buildings or structures; the removal or abatement of unlawful buildings or structures or any unlawful additions or alterations thereto; the discontinuation of construction or preparatory activity leading to an unlawful structure or use of land; or any other action necessary to ensure compliance with this title. City police officers are also authorized to issue citations to any person who violates any provision of this chapter based on information supplied by the Planning Director or Department of Public Works.

18.60.020 Violation—Penalties and remedies.

A. Violation. A violation of provisions of this title shall be an infraction, a civil offense. ~~Upon conviction, the court shall levy the appropriate fine of three hundred dollars for each day the violation exists not to exceed one thousand dollars and assess any surcharge required to be imposed under AS 12.55.039. Each day that an unlawful act or condition continues constitutes a separate violation.~~ Upon conviction, the court shall levy a fine as follows and assess any surcharge required to be imposed under AS 12.55.039:

1. residential property – Seventy-five dollars for each day the violation exists up to a maximum fine of three hundred dollars.

2. commercial property – Three hundred dollars for each day the violation exists up to a maximum fine of one thousand dollars

B. Remedies.

1. In case any structure is constructed or substantially improved in violation of this chapter, the city, in addition to other remedies, shall institute any proper actions or proceedings necessary, including enjoining of connections to public utilities, to restrain, correct or abate such violations.

2. Pursuant to AS 29.40.190, the city or an aggrieved person may institute a civil action against a person who violates a provision of this chapter, or a term, condition or limitation imposed by the planning commission.

~~**Section 26. Amendment of Section 18.60.020.** Section 18.60.020 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)~~

~~**18.60.020 Violation—Penalties and remedies.**~~

~~A. Violation. A violation of provisions of this chapter shall be an infraction, a civil offense. Upon conviction, the court shall levy the appropriate a fine of three hundred dollars for each day the violation exists up to a maximum fine of one thousand dollars not to exceed one thousand dollars and assess any surcharge required to be imposed under AS 12.55.039. Each day that an unlawful act or condition continues constitutes a separate violation.~~

~~B. Remedies.~~

~~1. In case any structure is constructed or substantially improved in violation of this chapter, the city, in addition to other remedies, shall institute any proper actions or proceedings necessary, including enjoining of connections to public utilities, to restrain, correct or abate such violations.~~

~~2. Pursuant to AS 29.40.190, the city or an aggrieved person may institute a civil action against a person who violates a provision of this chapter, or a term, condition or limitation imposed by the planning commission.~~

~~**Section 286. Effective Date.** This ordinance is effective upon adoption.~~

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

_____.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Note: Ordinance 2013-19 (SUB 1) is a substitute ordinance. Section 26 will be deleted in its entirety, since it was replaced by Section 25 and left in place in error. Section 28 was renumbered Section 26.

Subject: An Ordinance of the Dillingham Municipal Code amending title 1 of the Dillingham Municipal Code to create a fine schedule for minor offenses and amending other titles to make violations and penalties consistent with new Title 1

Agenda of: **November 7, 2013**

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade	CS	
X	Chief of Police / Dan Pasquariello	DP	
X	Planning / Jody Seitz	JS	
X	Port / Jean Barrett	JB	
X	City Clerk / Janice Williams	JW	

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

Other Attachment(s):

- Draft Standard Operating Procedure for Finance Department

Summary Statement.

Ordinance No. 2013-19 was vetted through the Code Review Committee and is being recommended to the Council for adoption.

The State of Alaska adopted new minor offense rules that went into effect April 15, 2013. At the August 8, Code Review Committee meeting Chief Dan Pasquariello explained there were problems with the City's current code, and staff was working with Attorney Munson who was assisting other municipalities with the same issues; clarifying the requirements for the new uniform Minor Offense Table that would establish which ordinances were enforced as minor offenses from the State's perspective, and determining what amendments the State needed to see in the City's code in order to process and collect tickets on the City's behalf. Chief Pasquariello noted the State was only forwarding the fees established in the City ordinance. The other fees were going to the State. The State discussed the urgency of getting this matter cleared up, because the City was losing its share of revenues.

Citations will be issued through the Finance, Planning, Port, and Public Safety Department, which includes Animal Control. Attached is a sample SOP that was created for the Finance Dept. The public safety department has its own standard operating procedures. The citation procedure would be covered in the Port Tariff. A SOP will also be created for the Planning Department.

At the November 7 Council Meeting the Council will be asked to substitute Ordinance No. 2013-19 with Ordinance No. 2013-19 (SUB-1). The changes are to delete Section 26 in its entirety, since it was replaced by Section 25 and left in place in error. Section 28 was renumbered Section 26.

This ordinance was advertised in the October 31 edition of the Bristol Bay Times to meet the mandatory requirement that a public hearing of a proposed ordinance will follow publication by at least five days.

City of Dillingham

Approved By: Rose Loera

SOP#: FIN 13-004

Adopted: 11.7.2013

Effective: 11.7.2013

DMC Reference: Chapt. 1.20, Violations & Penalties

Title: ISSUING CITATIONS FOR CODE VIOLATIONS

Scope: This procedure applies to the Finance Department.

Purpose:

The State of Alaska adopted new minor offense rules that went into effect April 15, 2013. The City of Dillingham will use a citation that is in compliance with the new minor offense rules.

Procedures:

- A. Firsthand, a letter from an official in the Finance Department responsible for the administration and enforcement of the Finance Dept. code provisions will be mailed to an individual warning of a code violation. The letter will be sent by USPS regular mail and by certified mailing. The letter will indicate if the individual is not in compliance, within 30 days a citation will be issued.
- B. If the issue is not rectified, the Dillingham Municipal Code allows that a charge for the violation of a code provision may be brought by a city police officer, the city manager, or that city official responsible for the administration and enforcement of the code provision which has been violated.
- C. The Finance official shall use the Alaska Uniform Citation form (12-213 AUC) to provide notice of an infraction to anyone accused of violating any provision of the City's Municipal Code.
- D. A \$10 surcharge will be added on all City of Dillingham ordinance violations.
- E. A police officer must sign all citations. The Finance official involved can then testify about the violation if there is a court hearing. The Finance Department will then mail out the citation.
- F. Revenue from citations will be issued by the Court to the City of Dillingham.
- G. Unpaid citations will be collected through the Court.

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-20

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL REPEALING CHAPTER 6.04 TRANSIENT VENDORS

WHEREAS, under Title 6, Business Licenses and Regulations, Chapter 6.04 Transient Vendors was adopted in 1977 at a time when it was determined there was a need to address transient or itinerant vendors, because the frequent practice was being practiced in such a manner as to cause annoyance and harm to the public, the individual citizen, and a property in the city;

WHEREAS, the requirement for applying for a City business license and for collecting and remitting sales tax is regulated under DMC Title 4, Revenue and Finance, Chapters 4.16 and 4.20 and deals with transients under the regular business licensing and it is not necessary to have a separate Chapter 6.04;

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

Section 1. Classification. This is a code ordinance.

Section 2. Repeal of Chapter 6.04. Chapter 6.04, Transient Vendors, of the Dillingham Municipal Code is hereby repealed in its entirety as follows:

Sections:

- ~~6.04.010 Purpose.~~
- ~~6.04.020 Definitions.~~
- ~~6.04.030 Solicitation of sales without invitation prohibited.~~
- ~~6.04.040 Charitable solicitations—Permits required.~~
- ~~6.04.050 License—Application fee.~~
- ~~6.04.060 License—Approval or disapproval.~~
- ~~6.04.070 Penalties.~~

~~6.04.010 Purpose.~~

~~The city council finds that the peddling and hawking of magazine subscriptions, goods, wares and merchandise; the sale of the same by transient or itinerant vendors; and the solicitation of funds or subscriptions for religious, charitable, fraternal, eleemosynary and other organizations or purposes; are businesses effected with a public interest requiring regulation and surveillance by the city. Such occupations are frequently practiced in such a manner as to cause annoyance and harm to the public, the individual citizen, and property in the city. It is the purpose of the city council to protect and preserve the lives, the health, the safety and the well being of the people of the city against these and other harms and wrongs by providing for the registration, licensing and surveillance of these businesses and the practitioners of these businesses within the city. (Ord. 77-11 § 2 (part), 1977.)~~

~~6.04.020 Definitions.~~

~~For the purpose of this chapter, the following terms shall be given the following meanings:
A. "Activity" means a business, trade, occupation or avocation.~~

~~B. "License" means a temporary nonassignable personal privilege granted by the city in the exercise of its power to protect and preserve the lives, the health, the safety and the well-being of the people of the city as conferred by AS 29.15.190.~~

~~C. "License fee" means a fee, the amount of which has been computed to satisfy the costs of issuing the license and investigations, inspections, policing and enforcement of the regulations pertaining to a particular activity required to be licensed, which the applicant for a license shall pay as a condition precedent to obtaining the same.~~

~~D. "Transient vendor" means any person, firm or corporation, their principals and agents, engaged in a temporary or transient business of vending or selling magazine subscriptions, goods, wares, merchandise or other articles of commerce in the city, and who, in furtherance of such activity, hires, leases, uses or occupies any building, structure, motor vehicle, tent, hotel room, lodginghouse, apartment, shop, street, alley, or other place within the city, for the sale of such magazine subscriptions, goods, wares, or merchandise, either privately or at public auction. A person who peddles or hawks such subscriptions, goods, wares or merchandise within the city is a transient vendor under this chapter. This definition shall not be construed to include any commercial traveler who, while occupying a temporary location, takes orders in the usual course of business for bona fide sales of goods by sample for future delivery. Temporary associations with any local dealer, trader, merchant, or auctioneer, or the conduct of a transient business in connection with, as part of, or in the name of any local dealer, trader, merchant, or auctioneer, shall be included within the meaning of this definition. (Ord. 77-11 § 2 (part), 1977.)~~

~~6.04.030 Solicitation of sales without invitation prohibited.~~

~~No transient vendor of magazine subscriptions, goods, wares, or merchandise shall go in or upon private residences in the city for the purpose of soliciting orders for the sale of magazines, goods, wares, or merchandise, or for the purpose of disposing of or peddling or hawking the same, not having been requested or invited to do so by the owner or owners, occupant or occupants, of said private residences. (Ord. 77-11 § 2 (part), 1977.)~~

~~6.04.040 Charitable solicitations—Permits required.~~

~~No person, religious, charitable, fraternal, or eleemosynary corporation or organization of any kind, their agents, representatives, or employees, shall solicit funds or secure subscriptions for the payment thereof within the city without first securing a permit to do so from the city manager. The applicant for a permit may be required to answer such questions as may be put to him by the manager, and if the manager determines that the organization is bona fide and that the proposed solicitation will not constitute a public nuisance, a permit shall be granted. The permit shall be issued by the manager, informing the law enforcement officers in the city that the proposed solicitation has been authorized. In the event that any person or organization deem themselves aggrieved by the determination of the manager, they may appeal the decision of the manager to the council. No fees shall be charged for any permit issued under the authority provided in this section. (Ord. 77-11 § 2 (part), 1977.)~~

~~6.04.050 License—Application fee.~~

~~In order to operate as a transient vendor within the city, it is necessary to obtain a Dillingham business license, to pay the appropriate fee and otherwise comply with Ch. 4.16 of this code in addition to the requirements imposed by this chapter. (Ord. 77-11 § 2 (part), 1977; Ord. 92-13 § 2 (part), 1992.)~~

~~6.04.060 License Approval or disapproval.~~

~~Upon receipt of the application and the application fee, the city manager shall conduct such investigation and inquiry as shall enable him to determine the character and the financial and business responsibility of the applicant. The manager shall disapprove the application if he finds that the applicant has not demonstrated himself to be responsible or of good character, or that there is a good cause to believe that approval of the application would be detrimental to the public interest as herein expressed; otherwise the application shall be approved. In disapproving any application the manager shall specify his reasons therefor, in writing, upon the application. Any person deeming himself aggrieved by the decision of the manager may appeal from that decision to the council. (Ord. 77-11 § 2 (part), 1977.)~~

~~6.04.070 Penalties.~~

~~Violators of this chapter are subject to the penalties set forth in Section ~~4.16.060~~ plus any surcharge required to be imposed under AS 12.55.039. Each act of violation and every day upon which the violation shall occur constitutes a separate offense. (Ord. 77-11 § 2 (part); Ord. 92-13 § 2 (part), 1992; Ord. 99-04 § 10, 1999.)~~

Section 3. Effective Date. This ordinance is 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 Municipal Code repealing Chapter 6.04, Transient Vendors

Agenda of: **November 7, 2013**

Council Action:

Manager: Recommend approval.

City Manager: 
Rose Loera

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): None

Summary Statement.

This item was added to the Code Review Committee's task list following a recommendation from the Committee during their review of Title 4, business licensing regulations and sales tax, which resulted in several ordinances being adopted by the Council in June of 2013.

The Code Review Committee felt this chapter, located behind Title 6, Business Licensing and Regulations, was no longer necessary because licensing for transient vendors was covered in Title 4.

The Code Review Committee is recommending to the Council that this ordinance be adopted which would repeal Chapter 6.04, Transient Vendors.

This ordinance was advertised in the October 31 edition of the Bristol Bay Times to meet the mandatory requirement that a public hearing of a proposed ordinance will follow publication by at least five days.