



Alice Ruby, **Mayor**

Council Members

- Brenda Akelkok (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 – JUNE 27, 2013
David B. Carlson Council Chambers**

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

REGULAR MEETING	6:00 P.M.	JUNE 27, 2013
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I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. Board of Equalization Meeting - June 6, 2013
- B. Council Meeting - June 13, 2013

IV. APPROVAL OF CONSENT AGENDA

- A. Resolution No. 2013-34, A Resolution of the Dillingham City Council Amending the Bank Signature Cards for the City's Two Safety Deposit Boxes Due to a Change in Personnel

APPROVAL OF AGENDA

V. STAFF REPORTS

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

VI. PUBLIC HEARINGS

- A. Adopt Ordinance No. 2013-09 (SUB-1), An Ordinance of the Dillingham City Council Authorizing Disposal of Municipal Property to Delta Western by Lease
- B. Adopt Ordinance No. 2013-12, An Ordinance of the Dillingham City Council Adopting the Budget and Appropriating Funds for the FY 2014 City of Dillingham Budget
- C. Adopt Ordinance No. 2013-13, An Ordinance of the Dillingham City Council Amending Section DMC 4.15.030, Exemptions, to Provide a Cap on Personal Property Tax for Boats and Vessels if the Assessed Valuation is More Than \$300,000

- D. Adopt Ordinance No. 2013-14 (SUB-1), An Ordinance of the Dillingham City Council Repealing and Reenacting Chapter 11.20 of the Dillingham Municipal Code Pertaining to the Use of Off-Road Vehicles Within the Boundaries of the City of Dillingham

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

VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2013-09 (SUB-1), An Ordinance of the Dillingham City Council Authorizing Disposal of Municipal Property to Delta Western by Lease
- B. Adopt Ordinance No. 2013-12, An Ordinance of the Dillingham City Council Adopting the Budget and Appropriating Funds for the FY 2014 City of Dillingham Budget
- C. Adopt Ordinance No. 2013-13, An Ordinance of the Dillingham City Council Amending Section DMC 4.15.030, Exemptions, to Provide a Cap on Personal Property Tax for Boats and Vessels if the Assessed Valuation is More Than \$300,000
- D. Adopt Ordinance No. 2013-14 (SUB-1), An Ordinance of the Dillingham City Council Repealing and Reenacting Chapter 11.20 of the Dillingham Municipal Code Pertaining to the Use of Off-Road Vehicles Within the Boundaries of the City of Dillingham
- E. Introduce Ordinance No. 2013-15, An Ordinance of the Dillingham Municipal Code to Amend DMC Section 8.10.060 Where Smoking Not Regulated, to Remove Section 8.10.060 A.6 Bars
- F. Introduce Ordinance No. 2013-16, An Ordinance of the Dillingham City Council Authorizing the Disposition and Sale of Unredeemed Foreclosed Property
- G. Resolution No. 2013-28, A Resolution of the Dillingham City Council Adopting the Waste Water Treatment Plant Facility Plan
- H. Resolution No. 2013-35, A Resolution of the Dillingham City Council Accepting a Grant Under the Terms of the BBEDC Community Block Grant Program
- I. Resolution No. 2013-36, A Resolution of the Dillingham City Council Accepting a Long Term Encroachment of Three Phase Power to Harbor Lease Lot 3
- J. Resolution No. 2013-37, A Resolution of the Dillingham City Council Approving Planning Commission Resolution No. 2013-12 Vacating Easements
- K. Resolution No. 2013-38, A Resolution of the Dillingham City Council Approving the Planning Commission Resolution No. 2013-14 Downtown Streets Walking Plan *(Clerk Note: The resolution will be made available early in the week.)*
- L. Resolution No. 2013-39, A Resolution of the Dillingham City Council Waiving Section 3.95 of the City's Personnel Regulations in Order to Allow Chelsea Wassily (Maines) to Continue her Employment as a Dispatcher with the City of Dillingham Department of Public Safety While Her Husband, Christopher Maines, Serves on the Council

IX. UNFINISHED BUSINESS

- A. Citizen Committee Appointments
 - 1. Cemetery Committee, 4 Seats
 - 2. Carlson House Committee, 3 Seats

X. NEW BUSINESS

- A. Action Memorandum No. 2013-15, Authorize City Manager to Contract with the Alaska Department of Public Safety for Special Services
- B. Action Memorandum No. 2013-16, Authorize the City Manager to Extend the Managed Services Agreement with Tekmate on a Month-by-Month Basis
- C. Action Memorandum No. 2013-17, Authorize the City Manager to Extend the Information Technology Contract with Nushagak Technical Services (NTS) on a Month-by-Month Basis
- D. Action Memorandum No. 2013-18, Authorize the City Manager to Enter into an Agreement with the Alaska Court System (ACS) to Execute Electronically on Defendants' Permanent Fund Dividend to Satisfy Unpaid Municipal Minor Offenses and Criminal Judgments Issued by the Dillingham Public Safety
- E. Action Memorandum No. 2013-19, Authorize the City Manager to Contract with the Alaska Department of Corrections, Division of Probation and Parole
- F. Action Memorandum No. 2013-20, Authorize the City Manager to Execute a Memorandum of Understanding Between the City of Dillingham and Curyung Tribal Council for the Bristol Bay Economic Development Corporation's (BBEDC) Community Block Grant Funds
- G. Action Memorandum No. 2013-21, Authorize the City Manager to Execute Task Order No. 1 with TekMate LLC to Assist the City in Implementation of Gmail to Replace Existing Email Solution
- H. Action Memorandum No. 2013-22, Authorize the City Manager to Enter into a Lease Agreement for the Rental of the Potato House
- I. Action Memorandum No. 2013-23, Adopt Electronic Communications System Policy

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

XII. COUNCIL COMMENTS

XIII. MAYOR'S COMMENTS

XIV. EXECUTIVE SESSION

- A. Personnel Matter
 - 1. City Manager's Contract

XV. ADJOURNMENT

I. CALL TO ORDER

The Board of Equalization Meeting was held on Thursday, June 6, 2013 at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Ruby called the meeting to order at 5:33 p.m.

II. ROLL CALL

Mayor and Council Members present and establishing a quorum:

Mayor Alice Ruby
Tracy Hightower
Bob Himschoot
Paul Liedberg

Staff in attendance:

Janice Williams, City Clerk
Rose Loera, City Manager
Carol Shade, Finance Director

Guest(s):

Arne Erickson, Appraisal Co. of Alaska
Kevin and Sirena Tennyson

III. APPROVAL OF AGENDA

Mayor Ruby asked to amend the agenda to move Real Property items C and D before Personal Property items A and B.

MOTION: Bob Himschoot moved and Tracy Hightower seconded the motion to approve the agenda as amended.

GENERAL CONSENT: The motion passed without objection.

IV. ASSESSOR'S COMMENTS

Arne Erickson reported that:

- based on the sales ratio, as part of the report the firm is required to file with the state assessor, improvement values were raised 10%, sales ratio was at 77.7%;
- homes were selling roughly 22% higher than their assessed value;
- there were 17 personal property appeals, (2% of fleet), had raised vessels by 25% based on his research in the past year; 2 were late filed;
- higher end homes above \$300K, were not moving, ceiling people seem to be willing to spend; lower quality homes were selling much higher than expected; and
- all of the 31 real property appeals were resolved, 2-3 were late, and BOE would have to consider them, but he had dealt with all the appeals whether they were timely or late.

Discussion:

- noted the Council thought the City was closer to its full and true value determination, but appeared to have really dropped in the last couple of years which raised the City's obligation to the school appropriation, answered he had tried to elevate it this year to bring it closer to 100%, but would contact the state assessor in the morning;

V. APPEALS FOR CONSIDERATION

(Clerk Note: The agenda was amended to take up real property before personal property.)

C. Real Property

1. Approval of Settled Adjustments (Refer to Attached List)

MOTION: Bob Himschoot moved and Tracy Hightower seconded the motion to accept the settled adjustments.

GENERAL CONSENT: The motion passed with no objection.

Arne Erickson explained that he had met with the property owners, reviewed the property card with them, whether or not the construction was at 100% completion, and any additional structures he wasn't aware of.

2. Case No. R 13-06, Tim McCambly, Neqleq Subd. B1 L12

He had met with property owner Tim McCambly. It was unresolved because he had met him the day before, recalculated the value, but was not able to make contact since then to review the adjusted value. The addition was 70% completed, and original structure had many physical problems. He had also calculated the normal life depreciation, which was not done on every property every year.

Arne Erickson felt the house was worth more than the appellant's suggested value. If the appellant did not accept the new value calculated by the appraiser, the appellant's next step would be to appeal to Superior Court.

MOTION: Bob Himschoot moved and Paul Liedberg seconded the motion to concur with the assessor's recommendation of \$148,300 for land and improvements.

GENERAL CONSENT: The motion passed with no objection.

D. Real Property – Late Filed Appeals

1. Case No. R 13-22, Joan Junge, Neqleq B3 L8

Arne Erickson reported that he had advised the appellant that the appeal was late, and if the BOE chose to accept the late filed appeal, he would have a recommendation.

City Clerk Williams instructed the BOE that the normal process would be for the Council to schedule a special meeting of the BOE to consider a late filed appeal. Since the BOE was already scheduled to meet, the three late filed appeals were added to the June 6 agenda. The BOE would first need to accept the late filed appeal and could then move to review the appeal. The acceptance of the late filed appeal would be based on the property owner being unable to

comply within the time limits set for filing an appeal as meaning that a taxpayer would have to demonstrate a compelling reason or circumstance which would prevent a reasonable person under the circumstances from filing an appeal.

MOTION: Paul Liedberg moved and Bob Himschoot seconded the motion to accept the late filed appeal.

Discussion:

- spoke in support of considering her late filed appeal because the circumstances were not of her making.

VOTE: The motion passed unanimously.

MOTION: Bob Himschoot moved and Tracy Hightower seconded the motion to accept the assessor's recommendation [decreasing improvements from \$324,500 to \$304,400].

VOTE: The motion passed unanimously.

A. Personal Property

1. Approval of Settled Adjustments (Refer to Attached List)

MOTION: Bob Himschoot moved and Paul Liedberg seconded the motion to accept the assessor's recommendations.

Arne Erickson confirmed the value of the vessels had been increased by 25%, and the vessels on the adjusted list did not fit the evaluation schedule that he had developed over the years.

VOTE: The motion passed unanimously.

B. Personal Property – Late Filed Appeals

1. Case No. P-13-14, Eddie Haugen, F/V Janice M

City Clerk Williams provided a summary statement noting Mr. Haugen had not filed a letter stating why his appeal received at City Hall May 8, 2013 was late. A letter was sent to him instructing him on the process. She had also discussed it on the phone when all the appellants were given a phone call to notify them of the change in the BOE hearing date. She also explained that even though he had filed late, the city recognized there was an internal accounting error and his valuation should have been \$77,542 and not \$115,669 as recorded. The accounting error would be corrected as according to code. However, he was looking for an adjusted value of \$70,000.

MOTION: Bob Himschoot moved and Paul Liedberg seconded the motion to accept the late filed appeal.

Discussion:

- spoke against accepting the late filed appeal since there was no documentation supporting why it was filed late, but understood the accounting error needed to be fixed.

VOTE: The motion failed with Paul Liedberg, Bob Himschoot, and Tracy Hightower voting to oppose.

2. Case No. P 13-17, Carl Johnson, F/V Helen Marie II

MOTION: Bob Himschoot moved and Tracy Hightower seconded the motion to accept the late filed appeal.

City Clerk Williams provided a summary statement that noted Mr. Johnson had filed a letter with her office notifying the City his appeal received in City Hall April 23, 2013 was late, because he was not aware of the filing deadline.

Arne Erickson reported the engine on the vessel was blown, the vessel did not have any contributory value, did not think it would ever go in the water again, the reason for adjusting it to \$0, but the appeal would have to be accepted before the value was changed.

Discussion:

- spoke against taxing an item that had no value; and
- spoke from a personal perspective that the appellant's age and ability to do paperwork contributed to not filing in a timely manner.

VOTE: The motion passed with Tracy Hightower, Bob Himschoot and Paul Liedberg voting in favor of the motion.

MOTION: Bob Himschoot moved and Tracy Hightower accepted the assessor's recommendation [adjust the value of the vessel to \$0].

VOTE: The motion passed unanimously.

VI. CITIZEN DISCUSSION (Prior Notice or Agenda Items)

There was no citizen's discussion.

VII. MAYOR/COUNCIL COMMENTS

Arne Erickson reported he would be out in the fall to do a complete inventory of all properties. He was hoping to get a new photo log of all properties and was looking to see if BBEDC might have an internship.

Arne Erickson reported vessels valued over \$300,000 were on the eastside, there were none in Dillingham.

He noted Bristol Bay Borough had gone to a flat tax on private aircraft, but when the value was around \$17K to \$18K started to lose money on it [calculated \$17K times the mil rate of 13 = \$227; flat tax was \$100/\$125]. It did make it simple because didn't have to look up all the aircraft and get a value. They still did the landing fee calculation for the airlines that landed in the BB airport but housed elsewhere.

VIII. ADJOURNMENT

Mayor Ruby adjourned the meeting at 6:39 p.m.

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Date Approved: _____

I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, June 13, 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):

- Brenda Akelkok, Seat A
- Chris Maines, Seat B
- Bob Himschoot, Seat C
- Keggie Tubbs, Seat D
- Tracy Hightower, Seat E
- Paul Liedberg, Seat F

Staff in attendance:

- Rose Loera, City Manager
- Dan Pasquariello, Chief of Police/Sergeant-at-Arms
- Janice Williams, City Clerk

III. APPROVAL OF MINUTES

A. Meeting of June 6, 2013

MOTION: Paul Liedberg moved and Christopher Maines seconded the motion to approve the minutes of the June 6 meeting.

VOTE: The motion to approve the minutes passed unanimously.

IV. APPROVAL OF CONSENT AGENDA

There was no consent agenda.

APPROVAL OF AGENDA

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve the agenda.

VOTE: The motion to approve the agenda passed unanimously.

V. STAFF REPORTS

A. City Manager Report

Manager Loera reported on the following:

- Four BBEDC Seasonal Workers Employed – 2 at the landfill, 2 at boat harbor;
- Jail Contract -State provided \$641K;
- Chief Pasquariello had met with Curyung Tribal Council;
- City and Curyung signed Memorandum of Agreement to receive 50% of BBEDC Community Block Grant Funds, can use it as a match on projects;
- BBNA Elderly Services looking to house several employees to the Senior Center;
- RFPs to go out – IT services, looking to lump into one contract, Batch Oxidation System, engineer to do a review on oxidation system to determine the regulatory requirements for AkDEC and start air quality permitting process;
- Project Manager Cropsey will be staying on for the next several months; and
- Lease will expire June 30 at Potato House – will be advertising to lease.

Discussion:

- asked to clarify City Planner's report on Subdivision Access Committee regarding concerns about inheriting small roads, thought it was clear this was just private access, and if a subdivider wanted to move on to city maintenance and make this a city street would have to be dealt with in the City's code for handling street standards; and
- thanked the City Manager for the MOU between Curyung and City to share the BBEDC block grant for the next five years.

B. Standing Committee Reports

Paul Liedberg, Chair of the Code Review Committee, reported items taken up in Code were in the packet or would be coming to the Council soon with a recommendation.

VI. PUBLIC HEARINGS

Mayor Ruby opened the public hearing on Ordinance No. 2013-07 (SUB-1), 2013-08, and 2013-11.

- A. Adopt Ordinance No. 2013-07 (SUB-1), An Ordinance of the Dillingham City Council Amending Section 4.20.050 of the Dillingham Municipal Code, Sales Tax Exemption
- B. Adopt Ordinance No. 2013-08, An Ordinance of the Dillingham City Council Amending Chapter 4.16 of the Dillingham Municipal Code to Require a City Business License Only if Sales Exceed Ten Thousand Dollars in a Calendar Year
- C. Adopt Ordinance No. 2013-11, An Ordinance of the Dillingham City Council Amending Chapter 4.15, Real and Personal Property, Section 4.15.185 to Amend the Interest Rate Applicable to Delinquent Property Taxpayers in an Economic Disaster Year, Adding Section 4.15.365 Repayment Plan, and Amending Chapter 4.20, Sales Tax, Section 4.20.0265 Permitting the City to Enter Into Repayment Plans With Delinquent Taxpayers

Adam Kane addressed Ordinance No. 2013-07 and 2013-08.

Adam reported he had served on the Code Committee during their review of proposed Ord. 2013-07 that would amend the current code to change the exemption of sales tax on native arts and crafts to "all" arts and crafts designed or produced in Bristol Bay area and amend it to include those in a fixed location. He noted the artists and the community would benefit from this change and contribute to the cultural assets of the community, noting arts were beneficial to a community. The limit for exempting the assessment of sales tax would be set at \$20K in gross sales. The ordinance would also help gardeners, locally grown and harvested fruits and vegetables, and livestock and products from livestock. There would be no limit on the exemption for gardeners. He noted the term Bristol Bay area was already included in the tax code.

He commented on Ordinance No. 2013-08, if a small business owner made less than \$10K a year, they would be exempt from getting a license and assessing sales tax if the ordinance passed. He commented the present practice caused an administrative and costly burden for small business owners, it also required a state license of \$100. The estimated loss was analyzed to be around \$14K a year to the City.

There being no other discussion the public hearing closed.

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

Apayo Moore addressed DMC Section 8.10.060 asking to remove bars from places where smoking was not regulated. She urged the Council to take swift action to stop bar owners from allowing smoking in their establishment, stressing that second hand smoke was a very serious health issue, and the statistics were out there, noting the research had been done. She commented from a social standpoint need to show our kids that second hand smoking was wrong.

Bill Rodawalt, community member and also a teacher at the Alternative School, spoke in support of banning smoking in bars, noting the community was sending mixed messages to its kids. He cited some research in Europe where after a smoking ban was imposed in public places, people voluntarily banned smoking in their homes by 25%. He cited other research linking smoking to other health concerns. He encouraged the Council not only to support the ban on smoking in bars, and felt the community wasn't doing enough to address underage kids that were smoking.

Susan Jenkins-Brito commented the bar was a place to meet and visit with friends, but hesitated to go out very often because of the unhealthy stench it left on her person and clothes. She noted Anchorage had gone smoke-free, and provide to be good for business. She appreciated the events the Willow Tree was sponsoring that were smoke free.

Alex Hahn noted she was attending on behalf of BBAHC where she was the health educator. She welcomed the Council to visit the State of Alaska's Tobacco Control and Prevention website. She noted there were lots of supporters for the ban, the bar owners wanted it, but didn't want to be seen as the bad guy, and overall it would be better for the health of the community.

Carrie Pleier spoke in support of a ban on smoking in the bars. She noted it was not very often an individual had the potential to save a life, and the Council had the power to do that, and encouraged them to support the ban and stand behind the youth and better the community.

Marilyn Rosene admired that the mostly under 50 audience was taking this on as a community issue, and enthralled to see citizens coming together to work on the issue, and supported it.

Megan McCambly spoke in favor of the ban, noting she had made a decision to quit smoking six years ago, and didn't feel like smoking other people's decision to keep smoking when she had quit.

Wanda Wilson, newcomer to Dillingham, commented the bars seemed to be the place to go for dancing, but the smell of smoke in the bars was outrageously intensified as the night went on, and the experience had left her violently ill. She supported the ban on smoking in bars, noting she was used to going places where smoking was not allowed.

Mari Carpeneti thanked the Council for being so receptive to everyone that got up and spoke at the meeting, noting she favored the ban on smoking in bars.

VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2013-07 (SUB-1), An Ordinance of the Dillingham City Council Amending section 4.20.050 of the Dillingham Municipal Code, Sales Tax Exemption

MOTION: Brenda Akelkok moved and Tracy Hightower seconded the motion to adopt Ordinance No. 2013-07 (SUB-1).

Paul Liedberg explained this ordinance had been taken up in a recent meeting and a substitute ordinance was being brought back to clarify that the \$20K applied to everything a business sold in their establishment not just arts and crafts. The Code Committee was recommending the ordinance be adopted.

VOTE: The motion to adopt Ordinance No. 2013-07 (SUB-1) passed unanimously.

- B. Adopt Ordinance No. 2013-08, An Ordinance of the Dillingham City Council Amending Chapter 4.16 of the Dillingham Municipal Code to Require a City Business License Only if Sales Exceed Ten Thousand Dollars in a Calendar Year

MOTION: Brenda Akelkok moved and Tracy Hightower seconded the motion to adopt Ordinance No. 2013-08.

Mayor Ruby noted this ordinance had been postponed since it was related to Ordinance 2013-07, felt they should be taken up at the same time.

Discussion:

- voiced concern about how the city would regulate a business under \$10,000, how would it be monitored other than good faith of the owner;
- shared the same concern, wished the City had the staff and manpower to track every business in town, but didn't feel there was much added benefit to monitor or track businesses on such a small scale, and this was a reasonable place to draw a line; and

- felt the city had a due diligence system in place, including random audits, and suggested city still require a business license for all businesses and waive the licensing fee.

Mayor Ruby reported she had contacted a tax consultant, and found any time someone earned income outside of a wage stock income, rental income, it was a business, so this would include raking leaves, babysitting, selling wood, which was interpreted by the IRS as a business. She felt getting a business license based on the IRS interpretation was unreasonable for the City to enforce and felt by setting a limit to \$10K made it more reasonable for the city to track or monitor businesses.

VOTE: The motion to adopt Ordinance No. 2013-08 passed unanimously.

- C. Adopt Ordinance No. 2013-11, An Ordinance of the Dillingham City Council Amending Chapter 4.15, Real and Personal Property, Section 4.15.185 to Amend the Interest Rate Applicable to Delinquent Property Taxpayers in an Economic Disaster Year, Adding Section 4.15.365 Repayment Plan, and Amending Chapter 4.20, Sales Tax, Section 4.20.0265 Permitting the City to Enter Into Repayment Plans With Delinquent Taxpayers

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to adopt Ordinance No. 2013-11.

Manager Loera commented this change would bring in line the interest rate on delinquent taxpayers due to an economic disaster and also brought repayment plans in line with other sections of code.

VOTE: The motion to adopt Ordinance No. 2013-11 passed unanimously.

- D. Introduce Ordinance No. 2013-12, An Ordinance of the Dillingham City Council Adopting the Budget and Appropriating Funds for the FY 2014 City of Dillingham Budget

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to introduce Ordinance No. 2013-12.

Manager Loera explained the budget process that had been reviewed with staff and Finance Committee, and reported the FY 2014 Budget was a balanced budget with an overall gain of \$94,000.

Discussion:

- thanked staff and Mgr. Loera for tightening their belts, scrutinizing the budget, and going into FY 2014 with a balanced budget, and thanked Bob for chairing the committee; and
- thanked Mgr. Loera, staff, and Bob for their work on the budget, noting there was some good discussion during the process and it was a good process.

VOTE: The motion to introduce Ordinance No. 2013-12 passed unanimously.

- E. Introduce Ordinance No. 2013-13, An Ordinance of the Dillingham City Council Amending Section DMC 4.15.030, Exemptions, to Provide a Cap on Personal Property Tax for Boats and Vessels if the Assessed Valuation is More Than \$300,000

MOTION: Chris Maines moved and Keggie Tubbs seconded the motion to introduce Ordinance No. 2013-13.

Manager Loera reported this ordinance had been brought before the Council by Bristol Alliance wanting to cap property tax on the amount of the vessel valuation over \$300,000, hoping to encourage hauling larger vessels out of the water and staging them in Dillingham. Finance Director Shade had analyzed property tax on commercial vessels for the past five years and the highest value was \$268K. There would be no net loss to the City. The ordinance recommended a sunset to review in five years.

Discussion:

- asked if this proposed change would set a precedent for putting a cap on other personal property items, answered the Council could set a cap on other properties as well.

VOTE: The motion to adopt Ordinance No. 2013-13 passed unanimously.

- F. Introduce Ordinance No. 2013-14, An Ordinance of the Dillingham City Council Repealing Chapter 11.20 of the Dillingham Municipal Code and Reenacting Chapter 11.20 Pertaining to the Use of Off-Road Vehicles Within the Boundaries of the City of Dillingham

MOTION: Paul Liedberg moved and Chris Maines seconded the motion to introduce Ordinance No. 2013-14 (SUB-1).

Paul Liedberg reported the City's ATV ordinance was inadequate and didn't address the needs in the community, there was no authority at this time in the city code to allow driving on city roads. The existing code was very minimal, covering operating off-road vehicles in the business district being prohibited, hours of operation, mufflers and public nuisance, and impoundment, so the whole section was repealed and reworked.

Staff would provide a copy of the original code and the chronology of events leading up to this recommended ordinance when it was brought back for a public hearing at the next meeting. There were major revisions that were prepared over five years ago, that were not incorporated in the code. Chief Pasquariello would be asked to be available to address any questions.

VOTE: The motion to adopt Ordinance No. 2013-14 (SUB-1) passed unanimously.

- G. Adopt Resolution No. 2013-23, A Resolution of the Dillingham City Council Approving the Collective Bargaining Agreement Between the City of Dillingham and the Public Safety Employee Association

Mayor Ruby reported the Council could enter into executive session if they felt it was necessary to discuss the resolution.

(The meeting recessed at 8:06 p.m. for a short break and was called back to order at 8:11 p.m.)

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to adopt Resolution No. 2013-23 and Resolution No. 2013-32.

Manager Loera reported the City had started negotiations with PSEA several years ago and the last year was all about wages. The union voted to ratify the City's offer of a 2% increase effective July 1, 2013, and a 1% increase July 1, 2014, and had added a letter of agreement for a 1% increase for July 1, 2015, a three year contract. Local 71 had voted for the same proposal on wages.

Discussion:

- asked if the city would apply the same standard to its non union workers, answered yes.

VOTE: The motion to adopt Resolution No. 2013-23 passed unanimously.

- H. Adopt Resolution No. 2013-32, A Resolution of the Dillingham City Council Approving the Collective Bargaining Agreement Between the City of Dillingham and Local 71
- I. Adopt Resolution No. 2013-33, A Resolution of the Dillingham City Council Establishing the Rate of Levy of Tax, the Date Taxes are Due, and the Delinquent Date for 2013, and Accepting the Certification of the Tax Roll

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to adopt Resolution No. 2013-33 filling in the blank with \$154,725,911.

Mayor Ruby noted this resolution was a routine action to certify the tax roll and approve the levy of tax for FY 2014.

VOTE: The motion to adopt Resolution No. 2013-33 passed unanimously.

IX. UNFINISHED BUSINESS

- A. Citizen Committee Appointments
 - 1. Cemetery Committee, 4 Seats

Mayor Ruby reported she had no additional names.

- B. Petition to Remove Bars from Section of Code Where Businesses Are Not Regulated

MOTION: Brenda Akelkok moved and Chris Maines seconded the motion to have staff provide an edited copy of the ordinance so that bars are removed from Section 8.10.060 where businesses are not regulated and introduce at the next meeting.

Discussion:

- supported vetting the proposed ordinance through the committee process, that it should be reviewed beforehand, but not rush through an ordinance change, especially one that affects the businesses, allow them to have a voice in the process;
- asked if it could be introduced without an ordinance, answered it would require an introduction and a public hearing;
- felt it was important to preserve the public's ability to participate and not rush the process;
- noted based on the schedule the public hearing date would be set for August 1;
- noted had yet to hear from the businesses that would be affected, and the code was currently written to allow the bars to be smoke free if they wanted to be, supported the process taking it through introduction and a public hearing; and
- thanked the citizens for coming to the Council and working with them and staying involved.

MOTION: Bob Himschoot moved and Paul Liedberg seconded the motion to amend the motion to send the proposed ordinance through the Code Committee for review.

Discussion:

- noted the Code Committee would not meet again until August 8, but did agree with the committee process.

MOTION TO WITHDRAWN: Bob Himschoot moved and Paul Liedberg seconded the motion to withdraw the motion to amend.

VOTE: The motion to send the proposed ordinance to staff to provide an edited copy at the next Council meeting passed unanimously.

X. NEW BUSINESS

There was no new business.

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

Alex Hahn asked for a clarification on the bar owners not coming forward that the Council would like to hear from them, Mayor Ruby noted she wanted to hear from the businesses. Alex noted the State had some language to offer if the Council needed some sample language. Mayor Ruby noted the direction from the council was to draft an ordinance to exempt that section from code, and the State might not be aware the City already had a smoking ordinance.

Apayo Moore reported she was pretty sure a majority of the bar goers knew it already, but the Willow Tree was planning to go smoke free. She saw this as a competitive advantage and would make for an unlevel playing field for the other bar.

Adam Kane thanked the Council for the discussion, and noted he had sent an email with a draft ordinance included, and was asking if someone would make a motion to have it introduced at the meeting and it could be brought up for a vote at the next council meeting. He commented leaving it up to the businesses left it where they could change their mind anytime.

XII. COUNCIL COMMENTS

Chris Maines: no comment

Bob Himschoot:

- noted his appreciation for the participation, jokingly stated had always been a lifetime goal to be picketed;
- noted his appreciation for the news on the community block grant;
- thanked the staff for all their time and effort on the budget; and
- welcomed back Steve Cropsey.

Tracy Hightower: no comment

Keggie Tubbs:

- congratulated Chris Maines on his new life venture;
- commented that the public comment on banning smoking in bars and the message it was sending, he wished the same message would sink in about alcohol abuse in the town; and
- wished everyone a prosperous summer.

Brenda Akelkok:

- commented she would need to resign from the Code Committee because she couldn't make the time commitment.

Mayor Ruby commented she would visit an appointment in August when the Council resumed its meetings.

Paul Liedberg:

- noted his appreciation for the participation and commitment from the public.

XIII. MAYOR'S COMMENTS

Mayor Ruby:

- noted her appreciation for public's participation, that the citizens and Council were courteous and respectful making for a quality meeting;
- thanked Adam for his participation on the Code Committee, appreciated the issue was off of their task list; and
- asked the Council if there was some interest in holding a workshop to review business licenses and give staff notice to figure out a forum.

Discussion:

- commented would be interested in how other communities deal with it; and
- noted it would be helpful to identify some of the issues beforehand.

Mayor Ruby:

- congratulated Chris on his upcoming marriage; and

- asked the Council for a moment of silence to recognize all those residents lost since the last meeting.

XIV. EXECUTIVE SESSION

- A. Legal Matter
 - 1. Union Discussions
- B. Personnel Matter
 - 1. City Manager’s Contract

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to go into executive session to discuss Personnel Matter, City Manager’s Contract [8:47 p.m.].

GENERAL CONSENT: The motion passed without objection.

MOTION: Paul Liedberg moved and Chris Maines seconded the motion to come out of executive session [9:00 p.m.].

GENERAL CONSENT: The motion passed with no objection.

XV. ADJOURNMENT

Mayor Ruby adjourned the meeting at 9:00 p.m.

Mayor Alice Ruby

ATTEST:

Janice Williams, City Clerk

Approval Date:_____

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-34

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AMENDING THE BANK SIGNATURE CARDS FOR THE CITY'S TWO SAFETY DEPOSIT BOXES DUE TO A CHANGE IN PERSONNEL

WHEREAS, changes in personnel have occurred; and

WHEREAS, the signature cards for the City's two safety deposit boxes with Wells Fargo Bank needs to be revised;

NOW, THEREFORE, BE IT RESOLVED by the Dillingham City Council that the following persons are authorized to have access on behalf of the City of Dillingham to the City's two safety deposit boxes with Wells Fargo Bank.

Rose Loera	City Manager
Carol Shade	Finance Director
Janice Williams	City Clerk
Anita Fuller	Accounting Tech IV

PASSED and ADOPTED by the Dillingham City Council on June 27, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Brenda Akelkok
Chris Maines
Bob Himschoot
Keggie Tubbs
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: June 20, 2013

To: Rose Loera
City Manager

From: Carol Shade
Finance Director

Subject: May 31, 2013 Financial Report

As of the end of May 2013 we should have received almost 92% of the budgeted revenues and not have spent more than 92% of the budgeted expenditures. The total revenues at May 31, 2013 were 73% and total expenditures were 70%. In comparison total revenues for FY12 at May 31, 2012 were 87% and expenditures were 100%. Following is a schedule showing the comparison of revenues and expenditures by category:

<u>Category</u>	<u>FY13 Budget</u>	<u>FY13 Actual</u>	<u>FY13 %</u>	<u>FY12 Budget</u>	<u>FY12 Actual</u>	<u>FY12 %</u>
Revenues						
General Fund	\$8,255,183	\$7,544,868	91%	\$7,843,334	\$7,135,086	91%
Special Revenues	2,725,332	2,045,839	75%	2,273,693	1,273,503	56%
Capital Projects	5,556,640	2,563,792	46%	3,318,644	3,261,834	98%
Total Revenues	\$16,537,155	\$12,154,499	73%	\$13,435,671	\$11,670,423	87%
Expenditures						
General Fund	\$8,099,772	\$6,779,842	84%	\$8,110,785	\$6,547,316	81%
Special Revenues	2,721,876	1,799,594	71%	2,238,288	2,207,992	99%
Capital Projects	5,555,840	2,757,695	50%	2,383,644	3,984,288	167%
Total Expenses	\$16,177,488	\$11,337,131	70%	\$12,732,717	\$12,739,596	100%

The Collections Committee with a lot of help from the Collections Specialist did an amazing job putting together the Denied Services List. We sent out 266 certified letters to everyone on the list. As of May 31, there were only 122 delinquencies remaining on the list. This collections effort helped to increase our collections percentage. From March 31 to April 30 we increased by 8.5% and then from April 30 to May 31 collections increased an addition 7.7% bringing the total from 27% as of March 31 to 43% as of May 31.

Following are the Financials for the period ending May 31, 2013.

*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.*

City of Dillingham
Revenues and Expenditures As of May 31, 2013
Preliminary Figures

REVENUES:	<u>Budget - FY13</u>	<u>May-13</u>	<u>Year to Date</u>		<u>Previous Year</u>	
			<u>Actual - 5/31/13</u>	<u>Percent</u>	<u>5/31/2012</u>	<u>INC/(DEC)</u>
<u>General Fund Revenues</u>					<u>Actual</u>	<u>Last Year</u>
General Sales Tax	\$ 2,720,000	\$ 194,520	\$ 2,511,897	92%	\$ 2,505,980	\$ 5,917
Alcohol Sales Tax	285,000	37,551	290,592	102%	247,219	43,373
Transient Lodging Sales Tax	105,000	3,103	68,124	65%	91,972	(23,849)
Gaming Sales Tax	65,000	2,757	69,947	108%	30,415	39,532
Total Sales Taxes	3,175,000	237,931	2,940,559	93%	2,875,586	64,973
Real Property Tax	1,466,000	-	1,534,557	105%	1,463,631	70,926
Personal Property Tax	500,000	-	521,464	104%	485,952	35,512
Total Property Taxes	1,966,000	-	2,056,021	105%	1,949,582	106,439
Telephone Gross Receipts State Tax	75,000	-	-	0%	-	-
Raw Fish Tax	339,410	-	358,072	105%	446,588	(88,515)
Shared Fisheries	32,206	-	32,207	100%	48,256	(16,050)
Revenue Sharing	298,970	-	300,237	100%	282,614	17,623
Payment in Lieu of Taxes (PILT)	429,392	-	429,642	100%	421,879	7,763
Foreclosures	-	-	-	-	335,909	(335,909)
State Jail Contract	480,417	-	480,417	100%	480,417	-
Admin OH	364,723.00	-	264,476.49	73%	-	264,476
PERS on Behalf	165,302.00	40,197	147,155	89%	-	147,155
Penalty & Interest on Property Tax	55,000	1,774	78,685	143%	41,851	36,835
Nushagak Fish Tax (Proportion transfer in)	400,920	-	163,768	41%	-	163,768
Other General Fund Revenues	472,843	20,782	293,629	62%	252,405	41,224
Total	3,114,183	62,753	2,548,288	82%	2,309,918	238,370
Total General Fund Revenues	8,255,183	300,684	7,544,868	91%	7,135,086	409,782
<u>Special Revenue Funds Revenues</u>						
Nushagak Fish Tax	459,500	5,397	386,346	84%	-	386,346
Fisheries Infrastructure Fund	-	-	26,004	-	-	26,004
Borough Formation Study Fund	-	-	15,603	-	-	15,603
Water	210,148	12,879	182,270	87%	163,120	19,151
Sewer	263,138	18,668	244,032	93%	228,102	15,930
Landfill	362,898	14,856	238,977	66%	117,121	121,856
Dock	709,603	-	393,547	55%	301,411	92,136
Boat Harbor	175,426	6,400	77,579	44%	19,759	57,820
E-911 Service	74,650	6,646	64,359	86%	54,500	9,859
Senior Center	469,969	31,094	417,121	89%	389,490	27,632
Total Special Revenue Funds Revenues	2,725,332	95,940	2,045,839	75%	1,273,503	772,336
<u>Capital Projects & Other Funds</u>						
Debt Service Fund Revenue	1,177,840	-	822,025	70%	823,591	(1,566)
Asset Forfeiture Fund	800	-	-	-	-	-
Dock and Harbor Capital Project Fund Revenue	-	-	202,312	-	650,322	(448,010)
Road and Streets Capital Project Fund Revenue	-	-	-	-	1,143,932	(1,143,932)
WasteWater Treatment Plant	2,280,000	-	119,657	5%	453,953	(334,296)
Force Main	1,800,000	-	1,419,828	79%	134,826	1,285,002
School Bond Project	-	-	(1,738)	-	21	(1,759)
Library Roof	250,000	-	2,022	1%	-	2,022
JAG Grant	-	-	-	-	10,852	(10,852)
Equipment Replacement Capital Project Fund	-	-	-	-	-	-
Ambulance Reserve Capital Project Fund Revenue	38,000	-	-	-	-	-
Mary Carlson Estate Permanent Fund Revenue	10,000	-	(312)	-	1,336	(1,648)
Landfill Capital Project Fund	-	-	-	-	43,002	(43,002)
Total Capital Projects & Other Funds	5,556,640	-	2,563,792	46%	3,261,834	(698,042)
Total All Revenues	\$ 16,537,155	\$ 396,624	\$ 12,154,499	73%	\$ 11,670,424	\$ 484,075

City of Dillingham
Revenues and Expenditures As of May 31, 2013
Preliminary Figures

EXPENDITURES:	Budget - FY13	May-13	Year to Date		Previous Year	
			Actual - 5/31/13	Percent	5/31/2012 Actual	INC/(DEC) Last Year
General Fund Expenditures						
City Council	\$ 108,800	\$ 3,595	\$ 58,838	54%	\$ 45,658	\$ 13,179
City Clerk	127,769	9,793	116,734	91%	97,656	19,078
Administration	308,990	12,084	258,777	84%	328,607	(69,831)
Finance	580,666	37,262	542,392	93%	470,058	72,334
Legal	135,000	(5,914)	133,288	99%	196,709	(63,421)
Insurance	97,501	-	92,501	95%	91,627	874
Non-Departmental	260,100	9,079	243,634	94%	238,515	5,118
Planning	142,096	14,665	115,579	81%	96,322	19,257
Foreclosed Properties	-	(438)	10,850	0%	114,871	(104,021)
Meeting/Bingo Hall	3,680	307	3,172	86%	10,529	(7,357)
Public Safety Administration	197,625	6,794	130,364	66%		
Dispatch	415,229	26,182	412,470	99%	430,761	(18,291)
Patrol	543,529	41,192	467,581	86%	960,119	(492,538)
Investigations/WAANT	135,864	-	59,284	44%		
Corrections	551,864	37,863	499,279	90%	512,360	(13,082)
DMV	85,699	5,814	75,420	88%	76,375	(955)
Animal Control Officer	130,070	6,939	117,122	90%	110,562	6,560
K-9	93,719	382	83,164	89%		
PS IT	26,500	-	13,892	52%		
Fire	294,536	7,189	187,349	64%	238,051	(50,702)
Public Works Administration	217,096	5,628	170,736	79%	122,857	47,879
Building and Grounds	376,606	14,449	316,079	84%	288,782	27,297
Shop	247,151	17,263	178,961	72%	197,667	(18,707)
Street	581,271	29,956	539,605	93%	543,662	(4,057)
Library	201,510	1,795	180,793	90%	125,566	55,227
Museum	4,000	-	-	0%	-	-
City School	1,300,000	-	1,300,000	100%	1,250,000	50,000
Transfers to Other Funds	932,902	157,327	471,980	51%	-	471,980
Total General Fund Expenditures	8,099,772	439,206	6,779,842	84%	6,547,316	(54,177)
Special Revenue Funds Expenditures						
Nushagak Fish Tax						
Fish Tax Refunds	12,631	-	12,631	100%		
Transfer to General Fund	400,920	-	163,768	41%		
Transfer to Fisheries & Borough Funds	45,949	-	41,607			
Water	210,148	10,898	161,503	77%	121,777	39,726
WasteWater	263,138	19,656	258,133	98%	180,651	77,482
Landfill	362,898	14,198	315,909	87%	277,438	38,471
Dock	479,327	36,472	411,014	86%	788,147	(377,133)
Boat Harbor	211,544	11,227	153,993	73%	139,794	14,198
E-911 Service	65,352	10,964	76,765	117%	-	76,765
Senior Center	469,969	17,755	422,277	90%	700,184	(277,907)
Total Special Revenue Fund Expenditures	2,521,876	121,171	1,799,594	71%	2,207,992	(408,397)
Capital Projects & Other Fund Expenditures						
Debt Service Fund Expenditures	1,177,840	-	1,174,590	100%	1,176,840	(2,250)
Asset Forfeitures Fund					27,342	(27,342)
Library Roof	250,000	1,585	6,392	3%	-	6,392
Dock and Harbor Capital Project Fund Expenditures		2,373	9,484		651,935	(642,452)
Road and Streets Capital Project Fund Expenditure	-				1,143,982	(1,143,982)
WasteWater Treatment Plant	2,280,000	28,224	141,219	6.19%	8,655	132,564
Force Main	1,800,000	5,572	1,418,538	79%	231,264	1,187,273
School Bond Project Fund Expenditures	-	265	790		561,686	(560,895)
Homeland Security					51,223	(51,223)
JAG Grant					-	-
Equipment Replacement Capital Proj Fund Expen					120,179	(120,179)
Ambulance Reserve Capital Project Fund Expen	38,000					
Mary Carlson Estate Permanent Fund Expenditures	10,000	128	6,683	67%	8,487	(1,804)
Landfill Capital Project Fund Expenditures					2,695	(2,695)
Total Capital Projects & Other Fund Exp.	5,555,840	38,148	2,757,695	50%	3,984,288	(1,226,593)
Total Expenditures	16,177,488	598,525	11,337,131	70%	12,739,596	(1,689,168)
Revenues Over (Under) Expenditures	\$ 359,667	\$ (201,902)	\$ 817,368		\$ (1,069,172)	\$ 2,173,243

City of Dillingham
Revenues and Expenditures As of May 31, 2013
Preliminary Figures

	<u>Fund Bal.</u> <u>6/30/2012</u>	<u>FY'13</u> <u>Revenues</u>	<u>FY'13</u> <u>Expenditures</u>	<u>Add or (-)</u> <u>Fund Bal</u>	<u>Fund Bal.</u> <u>5/31/2013</u>
General Fund	\$ 3,372,485	\$ 7,544,868	\$ 6,779,842	\$ 765,026	\$ 4,137,511
Water and Sewer	20,044	426,302	419,636	6,666	26,710
Landfill	-	238,977	315,909	(76,932)	(76,932)
Dock	1,179,047	393,547	411,014	(17,467)	1,161,580
Boat Harbor	-	77,579	153,993	(76,414)	(76,414)
E-911 Service	25,145	64,359	76,765	(12,406)	12,739
Asset Forfeitures Fund	9,035	-	-	-	9,035
Senior Center	-	417,121	422,277	(5,156)	(5,156)
Debt Service	-	822,025	1,174,590	(352,565)	(352,565)
Dock and Harbor Capital Project Fund	(18,386)	202,312	9,484	192,828	174,442
Road and Streets Capital Project Fund	-	-	-	-	-
WasteWater Treatment Plant	-	119,657	141,219	(21,562)	(21,562)
Water and Sewer Capital Project Fund	(218,388)	1,419,828	1,418,538	1,290	(217,098)
School Bond Project Capital Project Fund	393,520	-	790	(790)	392,730
JAG Grant	-	-	-	-	-
Library Roof	-	2,022	6,392	(4,370)	(4,370)
Equipment Replacement Capital Project Fund	57,036	-	-	-	57,036
Ambulance Reserve Capital Project Fund	498,858	-	-	-	498,858
Mary Carlson Estate Permanent Fund	397,385	(312)	6,683	(6,994)	390,391
Landfill Capital Project Fund	172,044	-	-	-	172,044
Net Increase(Decrease) to Fund Balance	\$ 5,887,825	\$ 11,728,284	\$ 11,337,131	\$ 391,153	\$ 6,278,978

I. CALL TO ORDER

The Code Review Committee met on Thursday, May 30, 2013, in the Council Chambers, Dillingham, AK. Chair Paul Liedberg called the meeting to order at 5:39 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

Committee Members absent:

Brenda Akelkok, Council Member

Guest(s):

Carol Shade, Finance Director

III. APPROVAL OF MINUTES

A. Meeting of April 25, 2013

B. Meeting of May 9, 2013

MOTION: Mayor Ruby moved and Manager Loera seconded the motion to approve the minutes of April 25, and May 9, 2013.

GENERAL CONSENT: The motion passed without objection.

(Clerk Note: The minutes of May 9 were corrected to change the 3rd bullet on page 3.)

IV. APPROVAL OF AGENDA

Chair Liedberg asked to remove item Library Code and postpone to the June 13 meeting, and add a new item under Unfinished Business to schedule the time for the June 13 meeting.

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

GENERAL CONSENT: The motion passed without objection.

V. UNFINISHED BUSINESS

A. ~~Review Library Code Suggested Changes—Ord. No. 2013-XX~~

B. Review Cap on Personal Property Tax Rates for Commercial Vessels

City Clerk Williams provided an amendment to add to two sections of code: Chapter 4.15, Real and Personal Property, Section 4.15.030 Exemptions, and Section 4.15.040, Boats and Vessels. The suggested language was revised based on Bristol Bay Borough's code, and two versions of the added text were being provided.

The committee agreed on the following:

- to break out the last sentence in the definition of "Commercial purposes" and put a letter D. in front of it, as in "D. The following boats are not exempt from personal property taxation under this section:";
- to include an expiration date for revisiting the ordinance similar as Bristol Bay Borough's code; and
- to add a phrase to item D.1. Boats used for commercial purposes; **the amount of the assessed valuation over \$300,000 is not taxable. Unless renewed by the Dillingham City Council, the exemptions granted under this subsection shall expire on December 31, 2018, after which the full and assessed value of such vehicles shall be taxable.**

Discussion:

- asked to provide a report when the ordinance was introduced to analyze the financial impact for capping the tax on vessels that are assessed over \$300,000;
- commented the proposed ordinance would be brought back to the Code meeting on June 13 for a final review and on the agenda for the June 13 Council meeting to introduce; and
- commented had been asked to consider airplanes, noted this had been discussed in the past, and could consider for a future meeting.

C. Review Ordinance No. 2013-07 and 2013-08

City Clerk Williams reported the attached information memorandums for both ordinances were based off of the presentation made at two separate Council meetings by Mayor Ruby.

Mayor Ruby reported that the question that came up from Council regarding Ordinance No. 2013-07 concerned the application of the \$20K exemption, did it apply to all businesses or just arts and crafts businesses. City Clerk Williams reported she had amended the existing ordinance to separate out the \$20K exemption, to clarify that all businesses that sell arts and crafts designed in the Bristol Bay area as part of their business or it is entirely their business of selling arts and crafts will be exempt from assessing sales tax if their total yearly sales of all goods is less than \$20K. The substitute language would be presented at the June 6 meeting.

Discussion:

- commented didn't believe the newly proposed language could be any clearer, but could come back and visit in another year if it caused a problem.

City Manager Williams noted she had wanted to research other communities to find out how they kept track of businesses, and to evaluate the financial loss if there was no business license fee. She would have the information available for the June 13 Code meeting.

Discussion:

- commented the reason for the ordinance was to address even though the City might exempt arts and crafts, by code the owner was required to come in and get a sales tax exemption certification stating they were exempt;
- commented was not convinced the city would gain a lot of knowledge about the business activity in town if there was a requirement for a business license; and
- commented there was no sales tax in Anchorage so what was the incentive to get a business license;
- commented would research being in business and being a casual laborer, that the City was requiring people to get a license when they didn't think it was required as a casual laborer, and IRS didn't require it;
- asked if the basis for a license was related to collecting sales tax, answered when it was first adopted that was the reason, so the city would know who should be collecting sales tax, but home-based businesses were exempt from collecting sales tax; and
- noted there have been recent events where someone placed an order with an outside business and the company assessed a 6% sales tax based on COD's sales tax, and asked if the tax collected was coming back to Dillingham, staff to research.

D. Scheduling Time for the June 13 Meeting

Committee discussed changing the time of meetings from 5:30 p.m. to 6:00 p.m. to allow for some to go home and come back to the meeting, especially when there was a Council meeting following a Code meeting. Chair Liedberg suggested making no change at this time, but bring it up when member Brenda Akelkok could also provide input.

VI. NEW BUSINESS

- A. Review Inconsistencies Between Dillingham Municipal Code and the Port of Dillingham Terminal Tariff No. 400 (*postpone to August*)
- B. Review Threshold for Filing Monthly Sales Tax Reports Monthly or Quarterly (*postpone to August*)
- C. Review Public Safety Fines
- D. Review Bed Tax (*postpone to September*)
- E. Review Title 6, Business Licensing, Chapter 6.04, Transient Vendors (*postpone to September*)

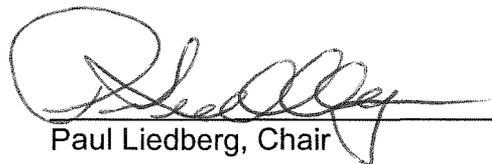
VII. PUBLIC COMMENT/COMMITTEE COMMENTS

Comments on the heat wave:

- a member of the community had mentioned (jokingly?) that the code specified if the temperature hit 80, City staff/council could go home, would research.
- had no problem purchasing fans for staff at her company when it got this hot.
- had shut off the office lights, because it kept the office cooler, although some had commented the lights didn't throw off heat.

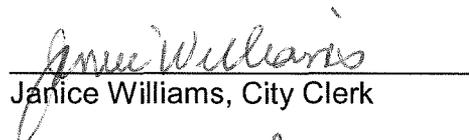
VIII. ADJOURNMENT

The meeting adjourned at 6:42 p.m.



Paul Liedberg, Chair

ATTEST:



Janice Williams, City Clerk

Approval Date: June 13, 2013

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-09 (SUB-1)

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

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

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

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

Section 3. Authorization of Lease. The City Council hereby authorizes the disposal of an interest by lease substantially upon the terms and conditions contained in the lease agreement for a period of up to ten years with periodic renewal provisions up to 100 years.

Section 4. Legal Description. Lot 1 USS 2541, Section 21, Township 13 South, Range 55 West, Seward Meridian, consisting of ~~3,706.46 acres~~ **3,706.46 ft²**.

Section 5. Findings. The City Council hereby finds that the disposal is for a public purpose, in that the leasing of this land will provide protection from oil spills for the Nushagak River and shoreline.

Section 6. Type of Disposal. A non-exclusive right to use the property by a lease agreement solely for the purpose of allowing citizens to use property within the Harbor for a term to be identified in the lease agreement.

Section 7. Value of City's Interest. Based on the current assessment of the Property, the City estimates the fair market value of the right to use the Property upon the terms and conditions set forth in the lease agreements at **\$1.50** a square foot **per year**. Applying a cap rate equates to per ft² per month a \$1.50 per square ft. per year is **\$5,559.69 a year for the parcel**. The property will be appraised again and the lease agreement reviewed for revision in **3** years.

Section 8. Time, Place and Manner in Which Disposal Shall Occur. The actual disposal shall occur following approval of this ordinance at the regularly scheduled City Council meeting of ~~June 6, 2013~~, **June 27, 2013**. At this time, the thirty (30) day provision of DMC 5.30.030 will have been met. At least thirty days is required between the time the disposal ordinance is introduced and the time that it is finally adopted by the City Council.

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

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

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: An ordinance of the Dillingham City Council Authorizing Disposal of Municipal Property to Delta Western by Lease

Agenda of: June 27, 2013

Council Action: This ordinance was introduced at the May 23, 2013 Regular Council Meeting and a substitute version was presented at the June 6 meeting. It requires a 30 day noticing period and will be up for adoption June 27.

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

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

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

Other Attachment(s):

- Public Hearing was advertised in the May 30, 2013 and June 20, 2013 editions of Bristol Bay Times.
- Copy of Resolution No. 2013-08 (Planning Commission) Approving Delta Western Lease Lot and Map

Summary Statement.

Section 7. Value of City's Interest, has been amended to include the cost per square foot (\$1.50 square foot), to remove the reference to cap, and to insert 3 years for the lease agreement to be reviewed.

The Council will be asked to adopt Ordinance No. 2013-09 (SUB-1) at the June 27, 2013 Council meeting.



NOTICE OF A PUBLIC HEARING

Public Hearing on Ordinance Nos. 2013-09 (SUB-1), 2013-12, 2013-13, and 2013-14 (SUB-1)

The City Of Dillingham will hold a Public Hearing on Thursday, June 27, 2013, at 6:00 P.M. in the City Council Chambers for the purpose of taking comment from the public on the following ordinances:

Ordinance No. 2013-09 (SUB-1), An Ordinance of the Dillingham City Council Authorizing Disposal of Municipal Property to Delta Western by Lease

Ordinance No. 2013-12, An Ordinance of the Dillingham City Council Adopting the Budget and Appropriating Funds for the FY 2014 City of Dillingham Budget

Ordinance No. 2013-13, An Ordinance of the Dillingham City Council Amending Section DMC 4.15.030, Exemptions, to Provide a Cap on Personal Property Tax for Boats and Vessels if the Assessed Valuation is More Than \$300,000

Ordinance No. 2013-14 (SUB-1), An Ordinance of the Dillingham City Council Repealing and Reenacting Chapter 11.20 of the Dillingham Municipal Code Pertaining to the Use of Off-Road Vehicles Within the Boundaries of the City of Dillingham

If you have any questions, please forward them to the City Clerk's office at 842-5212 or email cityclerk@dillinghamak.us

RESOLUTION 2013-08
A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Approving Delta Western Lease Lot

WHEREAS, in order to complete a land subdivision pursuant to AS 40.15.070, a land survey must be performed, monuments set, and a plat created for recording which will facilitate the exchange of property ownership; and

WHEREAS, the Dillingham Planning Commission did hold a public hearing on the preliminary plat of the Delta Western Lease Lot Subdivision, May 21, 2013, and reviewed the preliminary plat for compliance with the requirements for Titles 15 and 17 of the Dillingham Municipal Code; and

THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Dillingham, Alaska, approves the preliminary plat of Delta Western Lease Lot subdivision with the conditions:

1. Rename this plat to Delta Western Lease Lot, Resubdivision of U.S. Survey 2541, Located within Section 21, T13 S, R55 W, SM, AK.
2. Establish a standard scale of 1 inch to 50".
3. Include the total number of acres within the Title Block.
4. Correct the distance on the northeast section of the north lot line of U.S. S. 2541.
5. Please make the contour lines lighter to be less confusing.
6. Please put a note on the plat that Lot 1 is a lease lot for the exclusive purpose of oil spill containment.
7. Correct the name of the Planning Commission chair to Bill Rodawalt.
8. Typos are circled on the plat.
9. Clearly define the beginning and ending points of measurements.
10. Change the symbology of easements and property lines to be more distinctive from each other.

APPROVED AND ADOPTED THIS 21st DAY OF May, 2013.


Terry Hoeffler, Presiding Officer

Jody Seitz, Recorder

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-12

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL ADOPTING THE BUDGET AND APPROPRIATING FUNDS FOR THE FY 2014 CITY OF DILLINGHAM BUDGET

WHEREAS, the City Council has approved the Operating Budget and Capital Improvement Budget for FY 14 to the City Council in accordance with Title 4 of the Dillingham Municipal Code pursuant to A.S. 20.20.500(3); and

WHEREAS, duly advertised public workshops were held and the City Council reviewed the budget amendment recommendations presented; and

WHEREAS, the City Council has set the rate of levy of property tax for the City of Dillingham for FY 2014 budget at 13 mills; and

WHEREAS, the budget presented, reviewed and changed is in accordance with sound and efficient municipal management principles. The City Council should have the power to transfer appropriated monies from one General Government Fund or Special Revenue Fund to another and from one Capital Project to another by resolution and the City Manager should have the power to transfer funds from one line item object to another object code within a fund and within a Capital Improvement Project; and

WHEREAS, additional FY 2014 funds are available for appropriation by ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Dillingham City Council that:

1. The FY 2014 Operating Budget and Capital Improvement Budget amendment as recommended by the City Manager is hereby adopted for the City of Dillingham.
2. The amounts set forth in the budget as amended by the City Council for the respective departments and/or funds shall be, and hereby are, appropriated for the fiscal year ending June 30, 2014.
3. The City Council shall have the power to transfer approved and appropriated General Fund or Special Revenue Fund monies from one to another and from one Capital Project to another by resolution.
4. The City Manager shall have the power to transfer funds from one line item object code to another within a fund and within a Capital Improvement Project.

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

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Severability. If any portion of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Appropriation summary. The original appropriation from the Treasury in Section 4 was a total of \$12,293,204 and the amended appropriation is \$16,177,488.

Section 4. Appropriations.

A. General Fund Government Operations

City Council	\$	72,576
City Clerk		135,549
Administration		303,750
Finance		588,161
Legal		90,000
Insurance		106,016
Non-Departmental		197,950
Planning		149,566
PS Administration		179,141
PS Dispatch		452,639
PS Patrol		848,754
PS Corrections		613,386
PS DMV		87,938
PS Animal Control Officer		131,116
PS IT Support		32,000
Fire Department		272,879
PW Administration		223,562
PW Buildings & Grounds		314,813
PW Shop		211,918
PW Streets		617,911
Library		132,478
Meeting Hall		3,680
City School District		1,300,000
Transfer Subsidy for Operations		859,087
Transfer to Equipment Fund/Capital Reserves		120,000
Total General Fund Appropriations:	\$	8,044,870

Special Revenue & Other Funds Appropriations	
Nushagak Fish Tax	\$ 460,139
Water	217,781
Waste Water	250,598
Landfill	354,228
Port-Dock	593,419
Port-Harbor	242,414
Asset Forfeitures	7,700
Senior Center	406,466
Library Grants	52,892
Debt Service	1,176,090
Ambulance Replacement Fund	242,000
Mary Carlson Estate	6,996
Total Special Revenue & Other Funds Appropriations	<u>\$ 4,010,723</u>
Capital Improvement Projects	
Water Treatment Plant	\$ 2,000,000
Library Roof	243,000
Total Capital Improvement	<u>\$ 2,243,000</u>
Total Appropriations	<u>\$ 14,298,593</u>

Section 5. Revenues

General Fund

Taxes

Sales Taxes	\$ 2,700,000
Alcohol Sales Taxes	265,000
Transient Lodging Sales Taxes	80,000
Real Property Taxes	1,500,000
Personal Property Taxes	500,000
Penalty and Interest on Property Taxes	43,000
Penalty and Interest on Sales Taxes	13,000
Gaming Sales Tax	65,000
Payment in Lieu Taxes (PILT)	419,516

Other Revenues

Jail Contract Revenue	613,386
Revenue Sharing	209,869
Shared Fisheries	33,000
Raw Fish Tax	263,000
Revenues from State of Alaska	395,178
Administrative Overhead	348,137
Charges for Current Services	98,000
Licenses Fees Fines and Permits	22,000
Lease and Rental Income	36,071

Investment Income	35,000
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Other Revenues	64,500
Transfer from Nushagak Fish Tax	400,920
Total General Fund Revenues	\$ <u>8,104,577</u>

Special Revenue & Other Funds Revenues	
Nushagak Fish Tax	\$ 460,139
Water	178,723
Waste Water	242,881
Landfill	179,106
Port – Dock	626,910
Port – Harbor	136,014
E-911	70,000
Senior Center (Ops)	66,088
Senior Center (Grant)	118,290
Library Grants	52,892
Debt Service	824,488
Ambulance Reserve Fund	3,794
Mary Carlson Estate Permanent Fund	<u>1,500</u>
Total Special Revenue Funds & Other Funds Revenues	\$ <u>2,960,825</u>

<u>Capital Improvement Projects</u>	
Water Treatment Plant	\$ 2,000,000
Library Roof	<u>243,000</u>
	\$ 2,243,000

Total Revenues **\$ 14,287,489**

Section 6. Transfers

Transfers from General Fund to Other Funds	
Water	\$ 39,058
Waste Water	7,717
Landfill	175,122
Senior Center	222,088
Ambulance Reserve	63,500
Equipment Replacement/Capital Reserve	120,000
Debt Service	<u>351,602</u>
Total General Fund Transfers	\$ <u>979,087</u>

Transfer from Dock Fund to Harbor Fund 106,400

Total Revenues	\$ 14,393,889
Total Appropriations	\$ <u>14,298,593</u>
Net Increase (Decrease) to Fund Balances	\$ 94,796

Section 7. 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 City Council adopting the budget and appropriating funds for the FY 2014 City Budget

Agenda of: June 27, 2013

Council Action: This ordinance was introduced at the June 13, 2013 Special Council Meeting and a Workshop to present the budget was held June 6, 2013.

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

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

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

Other Attachment(s):

- FY 2014 budget worksheets
- Public Hearing was advertised in the June 20, 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.

The FY 2014 Budget was presented during a workshop held on June 6, 2013.



NOTICE OF A PUBLIC HEARING

Public Hearing on Ordinance Nos. 2013-09 (SUB-1), 2013-12, 2013-13, and 2013-14 (SUB-1)

The City Of Dillingham will hold a Public Hearing on Thursday, June 27, 2013, at 6:00 P.M. in the City Council Chambers for the purpose of taking comment from the public on the following ordinances:

Ordinance No. 2013-09 (SUB-1), An Ordinance of the Dillingham City Council Authorizing Disposal of Municipal Property to Delta Western by Lease

Ordinance No. 2013-12, An Ordinance of the Dillingham City Council Adopting the Budget and Appropriating Funds for the FY 2014 City of Dillingham Budget

Ordinance No. 2013-13, An Ordinance of the Dillingham City Council Amending Section DMC 4.15.030, Exemptions, to Provide a Cap on Personal Property Tax for Boats and Vessels if the Assessed Valuation is More Than \$300,000

Ordinance No. 2013-14 (SUB-1), An Ordinance of the Dillingham City Council Repealing and Reenacting Chapter 11.20 of the Dillingham Municipal Code Pertaining to the Use of Off-Road Vehicles Within the Boundaries of the City of Dillingham

If you have any questions, please forward them to the City Clerk's office at 842-5212 or email cityclerk@dillinghamak.us

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-13

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING SECTION DMC 4.15.030, EXEMPTIONS, TO PROVIDE A CAP ON PERSONAL PROPERTY TAX FOR BOATS AND VESSELS IF THE ASSESSED VALUATION IS MORE THAN \$300,000

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Amend Section 4.15.030, Exemptions. Section 4.15.040 of the Dillingham Municipal Code is hereby amended as follows with new text displayed in **bold** and underlined font and deleted text displayed in strike out font.

4.15.030 Exemptions.

A. Property exempted from taxation shall be those items cited at AS 29.45.030, including rental household and office furniture.

B. Snowmobiles and three, four, or six wheel all terrain vehicles (not to exceed manufactured dry weight of one thousand pounds) shall be exempted from personal property taxation.

C. Recreational boats and all outboard motors shall be exempted from personal property taxation. For purposes of this exemption "recreational boats" means watercraft used or capable of being used as a means of transportation on water and used exclusively for purposes other than commercial purposes and which are otherwise exempt from taxation under this section.

"Commercial purposes" means activities for which a person receives direct monetary compensation or activities for which a person receives no direct monetary compensation, but that are incidental to and done in furtherance of the person's business.

D. The following boats are not exempt from personal property taxation under this section:

1. Boats used for commercial purposes; **the amount of the assessed valuation over \$300,000 is not taxable. Unless renewed by the Dillingham City Council, the exemptions granted under this subsection shall expire on December 31, 2018, after which the full and assessed value of such vehicles shall be taxable;**
2. Boats required to display a commercial operator permit under state law or regulation;
3. Fishing vessels required to display a number plate by AS 16.05.520(A) or any successor state law or regulation;
4. Boats for which a commercial vessel license is required under state law;
5. Boats owned or operated by any time during the preceding calendar year for the purpose of the taking, fishing for, or possession of fish, shellfish, or other fishery resources with the intent of disposing of them for profit, or by sale, barter, trade, or in commercial channels regardless of whether the boat was actually used for this purpose;
6. Boats for which a vessel entry permit is required; and

7. Boats operated at any time during the preceding calendar year for hire. (Ord. 01-12 § 1 (part), 2001; Ord. 08-02 § 3, 2008.)

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:

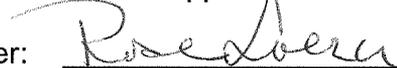
Janice Williams, City Clerk

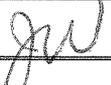
Subject: Introduce Ordinance No. 2013-13, An Ordinance of the Dillingham City Council Amending Section DMC 4.15.030, Exemptions, to Provide a Cap on Personal Property Tax for Boats and Vessels if the Assessed Valuation is More Than \$300,000

Agenda of: June 27 , 2013

Council Action: This ordinance was introduced at the June 13 Council Meeting.

Manager: Recommend approval.

City Manager: 
Rose Loera

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

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

Other Attachment(s):

- Notice of a Public Hearing was advertised in the June 20, 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 ordinance was vetted through the Code Review Committee and is being recommended for adoption. It was also reviewed by the City's Attorney.

At the May 9 Regular Council Meeting, Yeganeh Ataian from Bristol Alliance Fuels spoke on behalf of Bristol Alliance Fuels. Her proposal involved establishing and developing a marine industrial center, where they would provide services hauling barges and vessels, and storing them on their property. Dillingham is the gate to the western Alaska marine industry with large predictable tides and the first location that is ice free, and in the fall last area to be covered by ice, making it very attractive to those involved in vessel storage. Most large vessels are stored in water, but storing them on dry land would keep them from having to go back and forth to other ports, providing opportunities for repair work and upgrades.

She was asking for a consideration to cap the personal property tax for the large vessels, similar to other ports, and align with BB Borough which capped at \$300,000, in order to entice the vessels to dock in Dillingham. It would be a good opportunity for the community to develop itself, and place Dillingham on the map when it came to storage of large vessels. With each vessel, this would gain \$4,000 for each vessel stored, where currently there is no storage. She was asking the Council to expedite their request, because they were looking to store the boats starting this fall, the haul out equipment was stage ready to be ordered if their request for a cap on tax is resolved. Noted there are some large vessels in Naknek that need to move due to lack of storage area, and were planning to move to Homer, where the tax cap was \$1,200, even though the travel time to Homer would be lengthy. Concerned the vessel owners would enter into a term contract, five years, and wanted to move quickly.

The Finance Director reviewed the Personal and Business Tax records for Fiscal Years 2010, 2011, 2012, and 2013. In those four years the highest value on a fishing vessel was \$268,840.



NOTICE OF A PUBLIC HEARING

Public Hearing on Ordinance Nos. 2013-09 (SUB-1), 2013-12, 2013-13, and 2013-14 (SUB-1)

The City Of Dillingham will hold a Public Hearing on Thursday, June 27, 2013, at 6:00 P.M. in the City Council Chambers for the purpose of taking comment from the public on the following ordinances:

Ordinance No. 2013-09 (SUB-1), An Ordinance of the Dillingham City Council Authorizing Disposal of Municipal Property to Delta Western by Lease

Ordinance No. 2013-12, An Ordinance of the Dillingham City Council Adopting the Budget and Appropriating Funds for the FY 2014 City of Dillingham Budget

Ordinance No. 2013-13, An Ordinance of the Dillingham City Council Amending Section DMC 4.15.030, Exemptions, to Provide a Cap on Personal Property Tax for Boats and Vessels if the Assessed Valuation is More Than \$300,000

Ordinance No. 2013-14 (SUB-1), An Ordinance of the Dillingham City Council Repealing and Reenacting Chapter 11.20 of the Dillingham Municipal Code Pertaining to the Use of Off-Road Vehicles Within the Boundaries of the City of Dillingham

If you have any questions, please forward them to the City Clerk's office at 842-5212 or email cityclerk@dillinghamak.us

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-14 (SUB-1)

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL REPEALING AND REENACTING CHAPTER 11.20 OF THE DILLINGHAM MUNICIPAL CODE PERTAINING TO THE USE OF OFF-ROAD VEHICLES WITHIN THE BOUNDARIES OF THE CITY OF DILLINGHAM

WHEREAS, the City Council has determined that regulating the use of off-road vehicles within the City's boundaries is beneficial to the health, safety, and welfare of City residents; and

WHEREAS, the City is aware that some residents of the community wish to use off-road vehicles as their method of vehicular transportation within the City instead of using automobiles; and

WHEREAS, the price of gasoline has increased substantially in western Alaska making it more costly to operate an automobile; and

WHEREAS, the residents of the community benefit by using off-road vehicles for transportation because these vehicles can travel more miles per gallon than most automobiles; and

WHEREAS, certain rules and regulations are required in order to provide for the safety and general welfare of the community and to meet the needs of those who desire or depend upon ATVs as their primary or sole means of transportation; and

WHEREAS, the City Council has previously enacted Chapter 11.20 of the Dillingham Municipal Code, but was not intended to repeal sections 11.20 that were not specifically laid out in Ordinance No. 2005-05; and

WHEREAS, Ordinance No. 2005-05 has caused some confusion about the contents of Chapter 11.20 of the Dillingham Municipal Code; and

WHEREAS, the City Council has determined a map that clearly identifies the boundaries of the "business district" should be added to Chapter 11.20 of the Dillingham Municipal Code;

NOW BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Repeal and Reenactment of Chapter 11.20 of the Dillingham Municipal Code. Chapter 11.20 of the DMC as amended by Ordinance No. 2005-05 is hereby repealed and reenacted as follows:

Chapter 11.20 Off-Road Vehicles

Sections:

- 11.20.010** **Definitions**
- 11.20.020** **Operation of off-road vehicles within business district prohibited**
- 11.20.030** **Operation of off-road vehicles on state roadways outside business district**
- 11.20.040** **Prohibitions on the off-road vehicles on state roadways within the city's boundaries**
- 11.20.050** **Operation of off-road vehicles on city roadways outside business district**

- 11.20.060 Prohibitions on the off-road vehicles on city roadways within the city's boundaries
- 11.20.070 Age
- 11.20.075 Helmets required
- 11.20.080 Headlights
- 11.20.090 Parental responsibilities
- 11.20.100 Lawful operation
- 11.20.110 Operation on private property
- 11.20.120 Penalty
- 11.20.130 Public nuisance and impoundment

11.20.010 Definitions

“Business District” means the area south of the area just north of the Elementary School toward E Street, west of Denny Way to Main Street to Kenny Wren Road, north of A Street and east of First Avenue to Central Avenue to E Street.

“Off-road vehicle” means a motorized wheeled vehicle that is primarily designed for off-road use and that is not equipped, registered, or licensed for use on the street under current Alaska Statute.

“Operate” means to control the operation of an off-road vehicle.

“Posted Property” means property on which the owner gives notice that trespass is forbidden by posting in a reasonably conspicuous manner under the circumstances so as to allow a person approaching the property to recognize that trespassing is prohibited.

“Roadway” means the entire width between the boundary lines of every way that is publicly maintained when a part of it is open to the public for vehicular travel, including, but not limited to, all City streets and alleys and any shoulder immediately adjacent to the area where automobiles and trucks travel.

- “State roadway” includes roads within city limits maintained by the State of Alaska Dept. of Transportation (DOT) which are Lake Aleknagik Road, Wood River Road, Squaw Creek Road, and Kakanak Road.
- “City roadway” includes all other roads within city limits maintained by the City of Dillingham.

11.20.020 Operation of off-road vehicles within business district prohibited.

No person shall operate an off-road vehicle within the business district of the City of Dillingham.

11.20.030 Operation of off-road vehicles on state roadways outside Business District.

Off-road vehicles are allowed on state roadways outside the Business District with the following provisions:

1. Operators must yield the right-of-way to all vehicles and pedestrians.
2. Off-road vehicles within the right-of-way of a state roadway shall travel no faster than 20 miles per hour.
3. Off-road vehicles shall be maintained to insure the proper operation of all safety equipment, including brakes, tires, headlights, and other such equipment as originally installed by the manufacturer and such equipment will be utilized when operating under this ordinance.
4. Off-road vehicles may be operated within the right-of-way of a roadway as long as the operation is not on the roadway or shoulder, and no closer than three feet from the nearest edge of the roadway.
5. Night driving may be only on the right-hand side of the roadway and in the same direction as the roadway motor vehicle traffic in the nearest lane of the roadway.

11.20.040 Prohibitions on the operation of off-road vehicles on state roadways within the City's boundaries.

A. No person shall operate an off-road vehicle on state roadways in the City's boundaries except as allowed by DMC 11.20.030 and as follows: under the following circumstances:

~~1. Within the Business District;~~

~~1.2. On any state roadway or roadway shoulder except:~~

~~a. When crossing a roadway if:~~

~~a. (1) The crossing is made approximately at a right angle to the roadway and at a location where visibility along the roadway in both directions is clear for a sufficient distance to assure safety, and the crossing can be completed safety and without interfering with other traffic on the roadway; and~~

~~b. The vehicle is brought to a complete stop before crossing the shoulder or roadway, and the driver yields the right-of-way to all traffic on the roadway.~~

~~c. When traversing a bridge or culvert on a highway, but then only by driving at the extreme right-hand edge of the bridge or culvert and only when the traverse can be completed with safety and without interfering with other traffic on the highway.~~

~~3. On any public park, pathway, or pedestrian walkway, sidewalk, public school ground or playground, including but not limited to, baseball fields, or other recreational areas maintained for public use, without the express permission to do so by the proper authority;~~

~~4. On Posted Property without the permission of consent of the owner, leaseholder, or person lawfully in charge of the property. Permission of consent to operate an off-road vehicle on Posted Property shall be in writing and carried by the operator of the off-road vehicle;~~

B. No person shall operate an off-road vehicle on state roadways in the City boundaries:

~~1.5. When the off-road vehicle emits more noise than emitted by the off-road vehicle as originally manufactured; or~~

~~2.6. In a manner as to create a loud, unnecessary or unusual noise as to disturb or interfere with the peace and quiet of other persons; or~~

~~3.7. In a careless or negligent manner that debris is scattered or thrown by its tracks or wheels.~~

11.20.050 Operation of off-road vehicles on city roadways outside Business District.

Off-road vehicles are allowed on city roadways outside the Business District with the following provisions:

1. Operators must yield the right-of-way to all vehicles and pedestrians.

2. Off-road vehicles within the right-of-way of a city state roadway shall travel no faster than 20 miles per hour.

3. Off-road vehicles shall be maintained to insure the proper operation of all safety equipment, including brakes, tires, headlights, and other such equipment as originally installed by the manufacturer and such equipment will be utilized when operating under this ordinance.

4. Off-road vehicles may be operated on the extreme right-shoulder right-hand side of the roadway, as long as the operation is not on the roadway.

5. Night driving may be only on the extreme right-hand side of the roadway and in the same direction as the roadway motor vehicle traffic in the nearest lane of the roadway.

6. The use of off-road vehicle within the right-of-way of a roadway shall be for travel from one place to another place in the most reasonable direct route, and not for recreational purposes.

7. Off-road vehicles are not permitted to operate between the hours of 12:00 am and 5:00 am from September 1 until June 1.

11.20.060 Prohibitions on the operation of off-road vehicles on city roadways within the City's boundaries.

No person shall operate an off-road vehicle in the City's boundaries under the following circumstances:

~~1. Within the Business District;~~

~~1.2.~~ On any public park, pathway, or pedestrian walkway, sidewalk, public school ground or playground, including but not limited to, baseball fields, or other recreational areas maintained for public use, without the express permission to do so by the proper authority;

~~2.3.~~ On Posted Property without the permission of consent of the owner, leaseholder, or person lawfully in charge of the property. Permission of consent to operate an off-road vehicle on Posted Property shall be in writing and carried by the operator of the off-road vehicle;

~~3.4.~~ When the off-road vehicle emits more noise than emitted by the off-road vehicle as originally manufactured.

~~4.5.~~ In a manner as to create a loud, unnecessary or unusual noise as to disturb or interfere with the peace and quiet of other persons.

~~5.6.~~ In a careless or negligent manner that debris is scattered or thrown by its tracks or wheels.

11.20.070 Age.

No person under the age of fourteen (14) and in possession of a valid Alaska instructional permit shall be permitted to operate an off-road vehicle unless they are under the direct supervision of a parent or guardian.

11.20.075 Helmets required.

No person under the age of eighteen years shall be allowed to ride, and/or operate, an ATV within city limits unless wearing a helmet meeting safety standards set forth by the State.

11.20.080 Headlights.

No person shall operate an off-road vehicle without use of headlights consistent with the headlight requirements for motor vehicles required by ~~promoted under~~ the Alaska Statutes.

11.20.090 Parental responsibilities.

No parent or guardian of a person under eighteen shall knowingly allow a violation of this chapter to occur or fail to take reasonable precautions to prevent any violation of this chapter.

11.20.100 Lawful operation.

Provisions of this chapter do not apply to police or public safety officers or their agents while in the lawful performance of their duties.

11.20.110 Operation on private property.

Provisions of this section do not apply to operation of off-road vehicles when operated on the private property of the operator.

11.20.120 Penalty.

Any person who violates any provision of this chapter shall, upon conviction of a first offense, pay a fine in the amount of fifty (\$50) dollars and shall also pay any surcharge required by state law. Said fine shall be subject to the bail procedures set forth in Section 1.20.010. Any person who violates any provision of this chapter shall, upon conviction of a second offense, pay a fine in the amount of fifty dollars plus any surcharge required by state law. Said fine shall be subject to the bail procedures set forth in Section 1.20.010 except that the amount that must be mailed to the city's finance dept. shall be seventy-five (\$75) dollars plus any surcharge required by law. Any person who violates any provision of this chapter shall, upon conviction of a third offense, pay a fine of one hundred dollars and shall also pay any surcharge required by state law. Said fine shall be subject to the bail procedure set forth in Section 1.20.010 except that the amount that must be mailed to the city's finance department shall be one hundred dollars (\$100) plus any surcharge required by law. Each subsequent violation shall subject the violator to a fine of two hundred dollars plus any surcharge required by state law for each such violation. Said fine shall

be subject to the bail procedure set forth in Section 1.20.010 except that the amount that must be mailed to the city's finance department shall be two hundred dollars plus any surcharge required by state law.

11.20.130 Public nuisance and impoundment.

A. The purposes of this section include protecting the public, removing public nuisances, and deterring violation of Chapter 11.20 but, do not include the generation of revenue for the city.

B. Any off-road vehicle operated or modified in a manner that violates this Chapter is hereby declared a public nuisance.

C. Any off-road vehicle that is a public nuisance under this chapter may be impounded immediately by any police officer if the off-road vehicle or the operator of the off-road vehicle has been cited for a violation of this Chapter one or more times within the preceding 12 months. Impoundment may last for up to thirty (30) days and is in addition to any other penalty imposed by this code. Impoundment may be accomplished through a seizure of the off-road vehicle at the time the citation is issued, or pursuant to a court order entered in the course of civil or criminal enforcement proceedings. Impoundment under this section at the time of issuance of a citation is at the discretion of the citing officer. This section does not limit a citing officer's authority to impound an off-road vehicle for any other legal reason.

D. A police officer shall release an impounded off-road vehicle to the owner upon receipt of proof of ownership, and payment of all storage fees and civil fines owed to the City or upon a finding by the magistrate that of the off-road vehicle was impounded without probable cause.

E. It shall be presumed that an off-road vehicle operated by, or driven by, or in the actual physical control of, an individual cited for violation of any section of Chapter 11.20 has been so operated by owners thereof, or has been operated is declared to be a public nuisance for which the owners hold legal responsibility subject only to the defenses as set forth by law.

F. A case seeking civil impoundment may be heard and decided either by the District Court or the City Manager. Hearings before the City Manager shall take place no less than seven (7) days, and no more than thirty (30) days, after the owner of the off-road vehicle requests a hearing, however, in cases in which impoundment occurs at the time the citation is issued, hearings before the City Manager shall take place no less than twenty-four hours (24) hours and no more than forty-eight (48) hours after issuance of the citation. Notice of any hearing shall be provided by certified mail or through service of process on:

1. The owner of the off-road vehicle;
2. Lien holders of record; and
3. The operator of the off-road vehicle at the time of the alleged violation.

G. At the hearing, a person who claims an ownership interest in an off-road vehicle may avoid impoundment if the claimant can establish by a preponderance of the evidence that:

1. The claimant had an interest in the off-road vehicle at the time of the alleged violation;
2. A person other than the claimant was in possession of the off-road vehicle and was responsible for or caused the act which resulted in impounds;
3. Before permitting the alleged operator to gain custody or control of the off-road vehicle, the claimant did not know or have reasonable cause to believe, that if the off-road vehicle were operated by the alleged operator it would be operated in violation of Chapter 11.20.

H. At any impoundment hearing, the City must establish by a preponderance of the evidence the off-road vehicle was operated or driven or in the actual physical control of any individual whose actions violated Chapter 11.20.0

I. The owner of any off-road vehicle impounded by the City may obtain the release of the off-road vehicle upon providing proof of ownership and payment of, a towing fee of seventy-five dollars (\$75) and a twenty-five (\$25) storage fee.

J. An off-road vehicle seized for impoundment shall be held in the custody of the public safety department.

K. For the purposes of this section:

1. "Owner" means that person in possession of a bill of sale for the machine which contains specific identification information, such as a vehicle identification number, serial number or engine serial number, or who presents a notarized affidavit of ownership attested to by at least one (1) witness expressly stating that the purported owner understands that falsification of ownership claims is punishable under Alaska Statute.

2. "Lien holders of record" means any person identified in a Uniform Commercial Code filing in the records of the State of Alaska as holding a security interest in the off-road vehicle.

Section 2. Effective Date. This ordinance shall be made effective immediately 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: Introduce Ordinance No. 2013-13, An Ordinance of the Dillingham City Council Amending Repealing and Reenacting Chapter 11.20 of the Dillingham Municipal Code Pertaining to the Use of Off-Road Vehicles Within the Boundaries of the City of Dillingham

Agenda of: June 27 , 2013

Council Action: This ordinance was introduced at the June 13 Council Meeting.

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Chief of Police / Dan Pasquariello	DP	
X	City Clerk / Janice Williams	JW	

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

Other Attachment(s):

- Notice of a Public Hearing was advertised in the June 20, 2013 edition of Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing.
- Copy of existing ordinance Chapter 11.20
- Memorandum from City's Attorney Dated March 11, 2013, Authority of City to Regulate ATVs

Summary Statement.

This ordinance was vetted through the Code Review Committee and is being recommended for adoption. The original draft was provided by the City's Attorney.

Background and Chronology of Events.

At the October 3, 2005 meeting the Code Committee reviewed the draft code that was adopted that was introduced October 6, 2005 and adopted December 1, 2005. The committee noted that several items were deleted from this version that were in the previous code and it was presumed that this was because they were state law and therefore did not have to be restated in code. At the April 15, 2007 Council meeting, Ordinance No. 2007-03, Amend Title 11.20 Off-Road Vehicles was introduced to repeal the 2005 code and replace it with a more comprehensive code. The Council voted to postpone introduction and refer it to the Code Committee where it has been on the Code's To Do List, waiting in part for the outcome of the Comprehensive Plan.

(Ordinance No. 2007-03 replaces a draft Ordinance No. 2006-03 that was not introduced in Council. They are the same ordinance.)

At the June 13, 2013 Council Meeting when Ordinance 2013.14 (SUB-1) was introduced, Paul Liedberg for the Code Committee reported the City's ATV ordinance was found to be inadequate and didn't address the needs in the community. There was no authority in the city code to allow driving on city roads. He noted the existing code was very minimal,

covering operating off-road vehicles in the business district being prohibited, hours of operation, mufflers and public nuisance, and impoundment, so the whole section was repealed and reworked.

Staff noted they would provide a copy of the original code and a chronology of events leading up to the recommended ordinance when it was brought back for a public hearing at the next meeting. Chief Pasquariello would be asked to be available to address any questions.

Chapter 11.20

OFF-ROAD VEHICLES*

Sections:

- 11.20.020** **Operation within business district prohibited.**
- 11.20.030** **Hours of operation.**
- 11.20.040** **Mufflers.**
- 11.20.050** **Public nuisance and impoundment.**

11.20.020 Operation within business district prohibited.

- A. No person shall operate an off-road vehicle within the business district of the city of Dillingham.
- B. For purposes of this section:

“Business district” means that area south of the area just north of the elementary school toward E Street, west of Denny Way to Main Street to Kenny Wren Road, north of A Street and east of First Avenue to Central Avenue to E Street.

“Off-road vehicle” means a wheeled vehicle that is not equipped, registered or licensed for use on the street under current Alaska Statute.

- C. No person shall operate an off-road vehicle within the city on another’s real property without the express written permission of the owner of the property. This permission shall be carried by the operator of the off-road vehicle. (Ord. 05-05 § 1 (part), 2005.)

11.20.030 Hours of operation.

No person except an employee or an authorized officer of a municipal or state law enforcement agency while in the performance of official duties shall operate an off-road vehicle outside of the business district between the hours of twelve a.m. and five a.m. from September 1st until June 1st. (Ord. 05-05 § 1 (part), 2005.)

11.20.040 Mufflers.

No person may make any modification of an off-road vehicle that increases the noise emitted by the off-road vehicle above that emitted by the off-road vehicle as originally manufactured. No person may operate an off-road vehicle that emits more noise than emitted by the off-road vehicle as originally manufactured. (Ord. 05-05 § 1 (part), 2005.)

11.20.050 Public nuisance and impoundment.

- A. Any off-road vehicle operated or modified in a manner that violates this title is hereby declared a public nuisance.
- B. Any off-road vehicle that is a public nuisance may be impounded immediately by any police officer.
- C. A police officer shall release an impounded off-road vehicle to the owner upon receipt of proof of ownership, proof of payment of all personal property tax for the off-road vehicle, storage fees and civil fines owed to the city or upon a finding by the magistrate that the off-road vehicle was impounded without probable cause.
- D. The towing and impound fees for off-road vehicle is seventy-five dollars and storage is twenty-five dollars per day after the first twenty-four hours. (Ord. 05-05 § 1 (part), 2005.)

* Prior legislation: Ord. 00-02.



NOTICE OF A PUBLIC HEARING

Public Hearing on Ordinance Nos. 2013-09 (SUB-1), 2013-12, 2013-13, and 2013-14 (SUB-1)

The City Of Dillingham will hold a Public Hearing on Thursday, June 27, 2013, at 6:00 P.M. in the City Council Chambers for the purpose of taking comment from the public on the following ordinances:

Ordinance No. 2013-09 (SUB-1), An Ordinance of the Dillingham City Council Authorizing Disposal of Municipal Property to Delta Western by Lease

Ordinance No. 2013-12, An Ordinance of the Dillingham City Council Adopting the Budget and Appropriating Funds for the FY 2014 City of Dillingham Budget

Ordinance No. 2013-13, An Ordinance of the Dillingham City Council Amending Section DMC 4.15.030, Exemptions, to Provide a Cap on Personal Property Tax for Boats and Vessels if the Assessed Valuation is More Than \$300,000

Ordinance No. 2013-14 (SUB-1), An Ordinance of the Dillingham City Council Repealing and Reenacting Chapter 11.20 of the Dillingham Municipal Code Pertaining to the Use of Off-Road Vehicles Within the Boundaries of the City of Dillingham

If you have any questions, please forward them to the City Clerk's office at 842-5212 or email cityclerk@dillinghamak.us

BOYD, CHANDLER & FALCONER, LLP
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911 West Eighth Avenue
Anchorage, Alaska 99501
Telephone: (907) 272-8401
Facsimile: (907) 274-3698
bcf@bcf.us.com

MEMORANDUM

CONFIDENTIAL ATTORNEY/CLIENT COMMUNICATION

TO: JANICE SHILANSKI,
CITY CLERK



FROM: BROOKS CHANDLER
CITY ATTORNEY

DATE: MARCH 11, 2013

RE: AUTHORITY OF CITY TO REGULATE ATV'S

You have inquired regarding the legal authority of the City of Dillingham to allow more permissive use of all terrain vehicles than permitted under state law. Based on our review of state statutes, regulations and applicable court cases we believe the City does have authority to explicitly permit ATV's to operate on the shoulder of all streets within city boundaries. The reasons for this conclusion are set forth in greater detail below.

State statute generally requires consistency between local traffic ordinances and the State of Alaska's traffic laws and regulations. AS 28.01.010.¹ Consistency with State law requires

¹ According to the State Constitution a "home rule . . . city may exercise all legislative powers

March 11, 2013

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uniformity in overall purpose. Cremer v. Anchorage, 575 P.2d 306 (Alaska 1978). But, local traffic ordinances may be inconsistent with the State's laws if the ordinance is needed to "meet specific local requirements." AS 28.01.010(b).

With respect to the operation of ATVs, State regulation allows these vehicles to operate on streets only when crossing the street, when circumventing a drainage, or when the street is impassible to other vehicles. 13 AAC 2.455. Alaska statute specifically provides that driver's licenses are not required for ATV operators. AS 28.15.021(5).

The purpose of the State's traffic laws appears to be keeping ATVs off streets except in limited situations. Therefore, a local ordinance expanding the scope of the situations when ATVs may travel on streets is inconsistent with the current state laws.

Because allowing ATVs to operate on City streets is inconsistent with the State's traffic laws, enacting an ordinance permitting such use needs to be "necessary to meet specific local requirements." AS 21.01.010(b). We believe such specific local requirements could include the desire of local residents to use their ATVs for transportation, the high cost of fuel, and the relative fuel efficiency of ATVs.

A strong and thorough set of whereas clauses geared toward establishing the "specific local requirements" that make allowing ATVs on City streets necessary will help support any proposed ordinance if it is challenged by the State.² There is no case law discussing a situation where the State has challenged a similar ordinance. Nor are we aware of instances where the State challenged the necessity of a local traffic ordinance that was inconsistent with State traffic laws. Therefore, it is impossible to predict whether the reasons the City can proffer for allowing ATVs to operate on City streets will be adequate to survive a challenge.

It is also impossible to predict whether the State will challenge the an ordinance allowing ATVs to operate on City streets. Bethel passed an ordinance allowing ATVs and snowmachines on Bethel's streets near the end of September, 2006. We do not believe Bethel's ordinance has been challenged. There are similar laws in effect in Nome and Sand Point which we helped prepare. Neither has been challenged by the State. Of course, the State can challenge a local

not prohibited by law or by charter." Alaska Const. Art. X, Sec. 11. AS 28.01.010 is recognized by the Alaska Appellate Court as a law that limits a local government's legislative powers. Simpson v. Municipality of Anchorage, 635 P.2d 1197, 1200 (Alaska App. 1981.)

² AS 28.01.010(c) requires the City to provide the commissioner of public safety with a copy of all traffic ordinances enacted by the City. When the traffic ordinances are provided to the commissioner of public safety the City is required to give specific notice of any inconsistency between State law and the local ordinance.

March 11, 2013

Page 2

ordinance at any time.

Additionally, in communities off the road system it is already common for ATVs to operate on streets. Thus, an ordinance allowing the operation of ATVs on City streets adds safety benefits that are not presently available under the State law. A successful challenge to this type of ordinance would do the State little good because ATVs would operate on streets with or without an ordinance.

If you have any additional questions regarding this, please let me know.

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-15

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING DMC SECTION 8.10.060 WHERE SMOKING NOT REGULATED, TO REMOVE SECTION 8.10.060 A.6 BARS

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Amend Section 8.10.060 Section 8.10.060, Where Smoking Not Regulated, is amended to remove A.6 Bars, and renumber old section A.7 to be A.6 as follows with new text displayed in underlined font and deleted text displayed in strike out font.

8.10.060 Where smoking not regulated.

A. Notwithstanding any other provision of this chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter.

1. Private residences including residences used as places of employment, except during hours used as a childcare, adult day care, or health care facility;
2. Places of employment with two or less employees. For the purpose of this exception, the two or less employee limit includes on-site business owner(s), with the exception that in all uses cited in Section 8.10.030 smoking shall not be permitted;
3. Seventy-five percent of hotel, motel, and B&B guest rooms;
4. Retail tobacco stores;
5. Restaurants, hotel and motel conference or meeting rooms and public and private assembly rooms while these places are being used for private functions;
- ~~6. Bars;~~
- 6.7. Bingo halls and pull tab establishments.

B. Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment described in this section may declare that entire establishment as a nonsmoking establishment. (Ord. 03-04 § 1 (part), 2003.)

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 to Amend DMC Section 8.10.060 Where Smoking Not Regulated, to Remove Section 8.10.060 A.6 Bars

Agenda of: **June 27, 2013**

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	City Clerk / Janice Williams	<i>JW</i>	

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

Other Attachment(s): None

Summary Statement.

At the June 13 council meeting, the council revisited a previous action on June 6 that failed to garner enough votes to send a proposed petition to code committee for review. The council questioned if they could reconsider their previous action. The answer was they could renew the motion. A motion was made and passed to have staff provide an edited copy of the ordinance so that bars are removed from Section 8.10.060 where businesses are not regulated and introduce at the next meeting.

Attorney advisement:

Eliminating .060(A)(6) from the list of places that are not regulated still technically fulfills the petitioner's goal because then "bars" would be another "public place" in which smoking is prohibited pursuant to the blanket prohibition in .030(A). If the petitioner wants it more clear than that, she would need to start over with a petition that specifically adds "bars" to the .030(A) list.

The standards for determining what changes are allowed are different because they are two different processes for enacting an ordinance. Under the petition process, the City can never change the language of the initiative that is to be submitted to voters because during each phase the petitioner is responsible for drafting their own language. As 29.26.120 is pretty clear on this point, requiring the Clerk to prepare the petition by including "the complete ordinance or resolution sought to be initiated or referred as submitted by the sponsors". This precludes the City from making any changes to the language of the ordinance as submitted on the application, which is actually helpful to you because you do not want to be responsible for correcting or re-drafting petitions during the process.

But if the Council chooses to take it up, its constraint is different because it is not required to pass the ordinance “as submitted by the sponsors” but rather a “substantially similar” one. So it can make changes to the language, create definitions, things like that that will improve the ordinance but not change it substantively.

The Code Committee could make that change as part of its parallel review (while the petitioner is or should be collecting signatures to keep the ballot prop process moving forward), because that would not constitute a substantive change to the ordinance proposed by the petitioner, and in fact would be a better written ordinance if it was included as (A)(16). So the Code Committee can do it, but the petitioner cannot.

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-16

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE DISPOSITION AND SALE OF UNREDEEMED FORECLOSED PROPERTY

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Authority. This ordinance is adopted pursuant to authority granted by DMC 4.15.330 and Alaska Statute 29.45.460.

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

Section 3. Description of Foreclosed Properties and Name of Last Record Owner.

NINA NICHOLSON BLOCK @ LOT 4, located in the City of Dillingham, Bristol Bay recording District, State of Alaska, whose last record owner is named as David Bill.

Section 4. Disposition of the Foreclosed Properties. The above-described property was the subject of an *in rem* foreclosure action brought in the Superior Court of the State of Alaska by the City of Dillingham for the repayment of delinquent real property taxes, case number 3DI-08-00053 CI. The City of Dillingham followed the procedures set forth in DMC 4.15 and AS 29.45 for the collection of real property taxes owed. The property owner(s) of record or other interested party(s) did not redeem the above-described property. On August 18, 2010, the Clerk of Court deeded the property to the City of Dillingham. This conveyance gives the City clear title, except for prior recorded tax liens of the United States and the State, under AS 29.45.450. On May 14, 2013 David Bill executed a Quit Claim Deed relinquishing all rights, title and interest in the property to the City of Dillingham. The City Council hereby finds that the above-described property is not required for any public purpose.

Section 5. Sale of the Foreclosed Properties. Having found that no public need for holding the above-described property exists, the City Council hereby finds that they may be sold.

Section 6. 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 City Council authorizing the disposition and sale of unredeemed foreclosed property

Agenda of: June 27, 2013

Council Action: This ordinance will be introduced at the June 27 Council Meeting and will be scheduled for a public hearing on August 1.

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Project Manager / Steve Cropsey	SC	
X	Planner / Jody Seitz	JS	
X	Finance / Carol Shade	CS	
X	City Clerk / Janice Williams	JW	

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

Other Attachment(s):

- Quitclaim Deed

Summary Statement.

5.30.030 Public notice. At least thirty days is required between the time a disposal ordinance is introduced and the time that it is finally adopted by the city council. Once an ordinance is introduced, it will be posted at those places outlined in municipal code for thirty days and may serve as the only public notice of disposal. (Ord. 94-16 (part), 1995.)

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-28

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL ADOPTING THE WASTEWATER TREATMENT PLANT FACILITY PLAN

WHEREAS, the City of Dillingham's Wastewater Treatment Plant (WWTP), which is a 2-cell aerated treatment lagoon, is non-compliant by Alaska Department of Environmental Conservation (ADEC) standards; and

WHEREAS, the ADEC has drafted, but not issued, a compliance order by consent (COBC) that sets a schedule under which the City must bring the WWTP into regulatory compliance; and

WHEREAS, the WWTP is currently operating under an administratively extended permit with ADEC; and

WHEREAS, the City of Dillingham has contracted with CH2M Hill to develop a WWTP Facility Plan that would address the non-compliant issues; and

WHEREAS, funding for the first phase of upgrading the WWTP is a legislative appropriation from the State of Alaska for \$2.8 million; and

WHEREAS, a draft WWTP Facility Plan was presented at a workshop on May 23, 2013 by CH2M Hill; and

WHEREAS, the facility plan identifies alternatives for improving the WWTP treatment processes, upgrading the overall facility, making recommendations for the most appropriate options and provides order-of-magnitude cost estimates for the recommended improvements; and

WHEREAS, the facility plan also identifies other operation and maintenance procedures that will enhance plant performance, permit compliance and safety; and

WHEREAS, the WWTP Facility Plan is the first step to bring the lagoon into full permit compliance;

NOW, THEREFORE, BE IT RESOLVED that the City of Dillingham adopts the draft WWTP Facility Plan as presented by CH2M Hill.

PASSED and ADOPTED by the Dillingham City Council on June 27, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

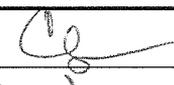
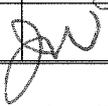
Subject: A resolution of the Dillingham City Council adopting the Wastewater Treatment Plant (WWTP) Facility Plan

Agenda of: June 27, 2013

Council Action: A Powerpoint presentation conducted by CH2M Hill was made prior to the May 23 Council Meeting. Resolution 2013-28 adopting the WWTP Facility Plan was postponed until June 27 with a formal copy of the Facility Plan available for viewing.

Manager: Recommend approval

City Manager: Rose Loera
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):

Summary Statement. The WWTP is currently non-compliant per State regulations. The City received a \$2.8 million appropriation in 2012 to start phase one to bring the WWTP into compliance. The City has contracted with CH2M Hill to develop a facility plan that would address all the deficiencies and bring the plant into compliance. The City and contractor has been in discussion with the State and once the plan is adopted by the State the City will be obligated to follow the plan completely.

The facility plan identifies alternatives for improving the WWTP treatment process, upgrading the overall facility, making recommendations for the most appropriate options and provides order-of-magnitude cost estimates for the recommended improvements. It also identifies other operation and maintenance procedures that will enhance plant performance, permit compliance and safety.

The first phase of the WWTP projects starts this summer with the following activities:

1. Installation of 20 hp pumps at the dock lift station;
2. Removal of the sludge in Lagoon 1 & 2
3. Installation of baffles into the lagoons.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-35

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL ACCEPTING A GRANT UNDER THE TERMS OF THE BBEDC COMMUNITY BLOCK GRANT PROGRAM

WHEREAS, the Bristol Bay Economic Development Corporation (BBEDC) will provide Community Block Grant (CBG) funding in order to provide BBEDC communities with the opportunity to fund projects that promote sustainable community and regional economic development; and

WHEREAS, the City of Dillingham is a duly organized governing entity, eligible to participate in the Bristol Bay Economic Development Corporation (BBEDC) Community Block Grant (CBG) Program; and

WHEREAS, the City of Dillingham has elected to receive \$250,000, from the FY 2013 CBG fund, for the purpose of improving the Storm Drain Utility system, Wastewater Treatment Plant improvement, Carpenter services for library repairs, Animal Shelter renovation and City Hall front entrance, Landfill Batch Oxidation System and identifying another water source for the City; and

WHEREAS, the City of Dillingham affirms that the projects will provide economic and social benefits for residents, which is one of the criteria for a CBG; and

WHEREAS, the description of and budget for the projects to be accomplished will be provided to BBEDC as they are developed for each of the projects; and

WHEREAS, the City of Dillingham acknowledges receipt of and agreement to conform to the BBEDC policies for the CBG program;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council approves and authorizes the submittal of the attached grant packet for participation in the BBEDC CBG program.

PASSED and ADOPTED by the Dillingham City Council on June 27, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: A resolution of the Dillingham City Council authorizing the City Manager to accept a grant under the terms of the BBEDC Community Development Block Grant Program

Agenda of: **June 27, 2013**

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

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

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

Other Attachment(s): CDBG grant application

Summary Statement.

The Curyung Tribal Council has entered into a Memorandum of Understanding with the City of Dillingham that provides their support for the City to apply for the BBEDC Community Development Block grants for calendar years 2013, 2014, and 2015.

The City of Dillingham will be applying for the FY 13 grant for a number of projects to include:

- Storm Drain Utility system assessment;
- Wastewater Treatment Plant improvements;
- Carpenter for Library repairs, Animal Shelter renovation and City Hall front entrance;
- Landfill Batch Oxidation System; and
- Identifying another water source for the City.

All these projects are part of our Capital Improvement Projects and need funding for either a match for existing grants or direct funding to complete the project. Staff prioritized the projects that they would like accomplished soon.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on June 27, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

**BBEDC CBG
Project(s) Information**

Submit a separate sheet for each project to be undertaken in a fiscal year. Use as many pages as necessary to provide complete information.

Applicant Name & Address:

City of Dillingham
PO Box 889
Dillingham, Ak. 99576

Project Title: Downtown Storm Drain Assessment

*** Attach Resolution or letter of support from other government unit.**

Description of the project: In 2015 the State will be upgrading the Downtown Streets and the City of Dillingham may be responsible for improvements of our Storm Drains. We do not know what improvements we will need to do and need to get this assessment done before the project starts.
The assessment will determine what improvements are required to get the water draining and whether the City or the State is responsible.

Please check all the following listed criteria that apply to your project(s).

- | | |
|--|---|
| <input type="checkbox"/> The project is fishery related | <input type="checkbox"/> The project will contribute to employment and/or long term income generating opportunities for residents |
| <input checked="" type="checkbox"/> The project will benefit all community residents | <input type="checkbox"/> The project will provide economic and social benefits for residents. |
| <input type="checkbox"/> The project will lead to sustainable economic growth | |
| <input type="checkbox"/> The project will contribute to the reduction of poverty | |

Explain how the project meets the criteria that you checked above: _____

By way of the following questions, please explain the outcomes that are expected to occur as a result of these projects. The questions are written to help you to describe the results so that quantitative results can be determined.

_____ Number of jobs that will be created _____ Temporary _____ Permanent

Buildings, equipment or other new community infrastructure resulting from the grant: Improved Downtown Streets

Cost of living savings for residents as a result of the grant (i.e. explain any reduced cost or expense experienced by residents as a result of the project): Once the project is complete the downtown streets would reduce the cost to the City for gravel, labor etc.
The City Public Works staff will not have to spend the time in the spring of each year to fill pot holes and grading the streets.

New businesses or improved businesses that will result from the grant: _____

Feasibility studies, business plans, construction drawings or completed phases of larger projects that will result from the grant project: _____

Describe the start and completion date for the project: We will advertise an RFP July 2013, awarded mid July, August. 2014 Identify projects

Identify the Project manager, including name, title and contact information:

Stove Cropsey or Rose Loara
842-4228

Project budget

You may use this form or produce your own form provided you use the following format

Budget Line Item	Block Grant Budgeted Amount	Other Funds Budgeted Amount	Total Project Budget
Consultant/Contractual (Itemize by task)	\$50,000		
Estimate project to be \$35,000 - \$50,000			
Construction			
Major purchase (other than equipment)			
Equipment			
Freight			
Personnel/Labor			
Supplies			
Travel			
Insurance			
Other (Itemize)			
Sub Total			
20% Indirect or Administrative or Overhead or Project Management (Total shall not exceed 20% of total grant)	\$10,000		
Total	\$60,000		

Use additional sheets for additional projects

City of Dillingham
Project title - Storm Drain Assessment
Project Manager - Steve Cropsey or Rose Loera

The project will be an assessment of our existing Storm Drain system that lies underneath the City Downtown streets. We need to know where the problems are in the pipes, culverts and street level drains that are buried under the streets. Currently water ponds at the Post Office and 2nd Avenue West intersection as well as the intersection of Kanakanak and Main Street. WE suspect that underground pipes may be compromised and the street level drains may be plugged. In 2015 the State of Alaska will be starting construction on the downtown streets and we need to know what the problems are with the storm drains and also if it's our responsibility for fixing or the States. DOT will pay for the ground level improvements but may not pay for anything under the ground. They will not pay for replacement of anything under the ground.

Timeline - Summer of 2013 - 2014.

The project would provide the City with information they need to pursue additional funding if needed to be ready for the 2015 downtown project.

**Memorandum of Understanding
Between
City of Dillingham
And
Curyung Tribal Council**

WHEREAS: City of Dillingham is an Alaska municipal corporation incorporated as a first class city with a mayor/council form of government that has assumed powers of taxation, planning, public safety and education.

WHEREAS: Curyung Tribal Council is a federally recognized tribe for Dillingham providing services to its tribal members.

WHEREAS: City of Dillingham and Curyung Tribal Council wish to enhance the quality of life in the Dillingham area for the tribal members and residents of Dillingham.

WHEREAS: Bristol Bay Economic Development Corporation (BBEDC) annually provides Block Grant funds that are available to Curyung Tribal Council and the City of Dillingham for projects within the City limits that would improve services and infrastructure.

WHEREAS: the City of Dillingham needs Curyung Tribal Council's approval by resolution in order for them to apply for the BBEDC Block grants.

THEREFORE: The parties hereto agree as follows:

- 1. Curyung Tribal Council agrees to allow the City of Dillingham to apply for 50% of the annual Block Grant funding from BBEDC for 2013, 2014, 2015, 2016 & 2017. Projects that the City could apply these funds toward are (not in any particular order):**
 - **Wastewater Treatment Plant Upgrades**
 - **Landfill Regulatory Compliance Improvements**
 - **Utilities and Storm Sewer Upgrades for Downtown Streets**
 - **Library rail, door and window repairs**
 - **Landfill Gasifier**
 - **Public Safety and Fire Department Building**
 - **Harbor Float Replacement**
 - **Harbor revetments and Breakwater/Emergency Bank Stabilization**
 - **Dock and Harbor Piling Replacement**
 - **Heavy Equipment and Vehicle Replace Schedule e.g. 950 H Cat Loader**
 - **Seward and D Street Rehabilitation**
- 2. Curyung Tribal Council agrees to apply for 50% of the annual Block Grant funding from BBEDC for 2013, 2014, 2015, 2016 & 2017 for tribal priority projects.**
- 3. The City of Dillingham will apply for these funds annually to be used for improvements needs within the City.**

4. Both parties will continue to work collaboratively through the MOU Committee for improved services and infrastructure for tribal and community members.
5. The City of Dillingham will keep the Curyung Tribal Council updated, through the MOU Committee, about the projects within the City.

DATED: 6-13-13
CITY OF DILLINGHAM
By: Rosadoera
City Manager

DATED: 13 June 13
CURYUNG TRIBAL COUNCIL
By: CEGOMEA
Tribal Chief

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-36

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING A LONG TERM ENCROACHMENT OF THREE PHASE POWER TO HARBOR LEASE LOT 3

WHEREAS, a citizen would like to establish a business in the harbor on lease lot three; and

WHEREAS, the City of Dillingham has entered into a long term lease for lease lot three in the harbor to Mr. Ben McDowell; and

WHEREAS, there is no cost to the City for this encroachment permit; and

WHEREAS, in order to develop his business he requires three phase power; and

WHEREAS, the proposed encroachment has been reviewed by the City Public Works Department, Public Safety Department and Fire Departments; as well as Nushagak Cooperatives, with no opposition or further requirements; and

WHEREAS, DMC 12.08 requires City Council and Planning Commission approval for any object belonging to a private owner other than the municipality that is placed in streets, public rights-of-way or other property dedicated to a public use for longer than one year;

WHEREAS, the Dillingham Planning Commission recommends approval of this long term encroachment;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council approves the long term encroachment of utilities to Lease Lot Three with the following conditions:

- That Nushagak Cooperatives notify the City of Dillingham Administration, Public Works Department, and the Public Safety Department 48 hours in advance of any work on public lands or in the public rights of way;
- That a new encroachment permit be obtained before the utilities are moved from this location;
- That Nushagak Cooperatives restore the public land or public right of way to this former condition or better after completing the utility installations; and
- That Nushagak Cooperatives provide documentation in the form of as-builts or GPS coordinates, or other reliable information, of the actual location of the installation within one month.

PASSED and ADOPTED by the Dillingham City Council June 27, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-37

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING PLANNING COMMISSION RESOLUTION NO. 2013-12 VACATING EASEMENTS

WHEREAS, the Dillingham Municipal Code 17.15.010 (B) requires that a platted street, easement, alley or other public way may not be vacated except on petition of the state, the city, a public utility, or the owners of a majority of the land fronting the part of the area sought to be vacated; and

WHEREAS, the University of Alaska Fairbanks requests the termination of two easements on Lot 1 Block 18 Dillingham Townsite, USS 2732A&B; and

WHEREAS, the easements were created in 1979 to provide access to Lot 3 Block 18; and

WHEREAS, the University acquired this property recently and plans to use the building as the UAF Bristol Bay Campus Applied Science Center; and

WHEREAS, the termination of the easements is warranted because they are not practical for use as access and are not needed to access Lot 3; and

WHEREAS, a notice was provided to 18 different entities, agencies and all adjacent and surrounding landowners, and public notice provided on the radio and by posters posted in five public places on June 11, 2013; and

WHEREAS, no comments were received from the City Public Works, Fire or Public Safety departments, or Nushagak Cooperatives; and

WHEREAS, the Planning Commission of the City of Dillingham, Alaska, recommends in PCR 2013-12 the Dillingham City Council approve the vacation of the easements; and

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

WHEREAS, the Council has forty-five days from the date of the decision of the Planning Commission in which to approve a recommended vacation;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves Planning Commission recommendation vacating easements as described:

Right of Entry and Easement," recorded on January 23, 1979 in Book 21 at Page 903 and in Book 21 at Page 907. The easements encumber the same land, "an eight foot strip along the easterly side of Lot 1, Block 18, USS 2732A&B Dillingham Townsite and extending from Alaska Street 75.96 feet to provide access to Lot 3 Block 18 of USS 2732 A&B."

PASSED and ADOPTED by the Dillingham City Council on June 27, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

RESOLUTION 2013-12
A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Recommending Vacation of Easements on Lot 1 Block 18 USS 2732AB

WHEREAS, the Dillingham Municipal Code 17.15.010 (B) requires that a platted street, easement, alley or other public way may not be vacated except on petition of the state, the city, a public utility, or the owners of a majority of the land fronting the part of the area sought to be vacated; and

WHEREAS, the University of Alaska Fairbanks requests the termination of two easements on Lot 1 Block 18 Dillingham Townsite, USS 2732A&B; and

WHEREAS, the University acquired this property recently and plans to use the building as the UAF Bristol Bay Campus Applied Science Center; and

WHEREAS, the easements were created in 1979 to provide access to Lot 3 Block 18; and

WHEREAS, the easements are not being used for access, and the encumbered land is much needed for upgrades to the building; and

WHEREAS, the termination of the easements is warranted because they are not practical for use as access and are not needed to access Lot 3; and,

WHEREAS, the portion of Lot 1 encumbered by the easements is not practical for access to Lot 3 because of its proximity to the building and the topography;

WHEREAS, the northern half of the alley extending northeast from Alaska Street was vacated by the City of Dillingham in 1985, which reduced the length of the boundary common to the alley and Lot 3 to only 8.2 feet; and,

WHEREAS, the Planning Commission approved a petition to vacate the southern half of the alley with Resolution 2013-01.

WHEREAS, the net effect of the two actions is that the 8 foot-wide strip will not be contiguous to Lot 3 or any right-of-way leading to Lot 3.

THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Dillingham, Alaska, recommends the Dillingham City Council Approve this Vacation of Easements.

APPROVED AND ADOPTED THIS 18th DAY OF June 2013.



Bill Rodawalt, Presiding Officer



Jody Seitz, Recorder

CITY OF DILLINGHAM, ALASKA

RESOLUTION 2013-39

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL WAIVING SECTION 3.95 OF THE CITY'S PERSONNEL REGULATIONS IN ORDER TO ALLOW CHELSEA WASSILY (MAINES) TO CONTINUE HER EMPLOYMENT AS A DISPATCHER WITH THE CITY OF DILLINGHAM DEPARTMENT OF PUBLIC SAFETY WHILE HER HUSBAND, CHRISTOPHER MAINES, SERVES ON THE CITY COUNCIL

WHEREAS, Section 3.95 of the City's Personnel Regulations prohibits some family members from working for the City government simultaneously when one family member would exercise direct supervisory control over another; and

WHEREAS, Section 3.95 also allows the City Manager to recommend a waiver of the nepotism restriction when a City Council member is elected while a family member is a current City employee, as long as the employee is not directly supervised by the Council or Mayor; and

WHEREAS, Christopher Maines's wife, Chelsea Wassily (Maines), works as a Dispatcher for the City of Dillingham; and

WHEREAS, City Manager Rose Loera recommends the Council approve a waiver of the nepotism restriction since Chelsea Wassily (Maines) will not be directly supervised by the Council or Mayor;

NOW THEREFORE BE IT RESOLVED BY THE DILLINGHAM CITY COUNCIL:

1. The City Council finds that it is in the best interest of the City for Chelsea Wassily (Maines) to remain employed as a Dispatcher for the City of Dillingham.
2. Section 3.95, Nepotism, of the Personnel Regulations, is waived in this instance to allow Chelsea Wassily (Maines) to remain employed while Christopher Maines serves on the City Council.

PASSED AND ADOPTED by a duly constituted quorum of the Dillingham City Council on June 27, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

City of Dillingham Information Memorandum R2013-39

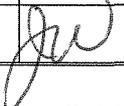
Subject: A Resolution of the Dillingham City Council waiving Section 3.95 of the City's Personnel Regulations in order to allow Chelsea Wassily (Maines) to continue her employment as a Dispatcher with the City of Dillingham Dept. of Public Safety while her husband, Christopher Maines, serves on the City Council

Agenda of: June 27, 2013

City Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

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

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

Other Attachment(s): None

Summary Statement.

Christopher Maines was elected to Council Seat B at the October 2012 election. His wife, Chelsea Wassily, as of Saturday, June 15, 2013, is employed by the City of Dillingham as a Dispatcher. According to the City's Personnel Regulations Section 3.95 the City Manager may recommend a waiver to the Council as long as the employee is not directly supervised by the Council or Mayor. In this case, Chelsea would not be directly supervised by the Council or Mayor.