



Alice Ruby, Mayor  
*City Council Members*

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

**DILLINGHAM CITY COUNCIL  
MEETING AGENDA**

David B. Carlson Council Chambers

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

**REGULAR MEETING**

**7:00 P.M.**

**MAY 17, 2012**

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. APPROVAL OF MINUTES**

A. Special Joint Meeting, May 2, 2012

B. Board of Equalization, May 3, 2012

C. Regular Meeting, May 3, 2012

**IV. APPROVAL OF CONSENT AGENDA**

**APPROVAL OF AGENDA**

**V. STAFF REPORTS**

A. Mayoral Special Presentation

B. City Manager Report

C. Standing Committee Reports

**VI. PUBLIC HEARINGS**

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

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

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

**VIII. ORDINANCES AND RESOLUTIONS**

- A. Adopt Ordinance No. 2012-09 (Substitute), An Ordinance of the Dillingham City Council Levying a 2.5% Tax on Seafood Products Severed from the Commercial Fishing Waters
- B. Adopt Ordinance No. 2012-10, An Ordinance of the Dillingham City Council Repealing and Reenacting Section 1.18.010 of the Dillingham Municipal Code to Include Property Annexed to the City in the Description of the City Boundaries
- C. Introduce Ordinance No. 2012-11, An Ordinance of the Dillingham City Council Amending Section 4.21.135, Tax Refunds
- D. Introduce Ordinance No. 2012-12, An Ordinance of the Dillingham City Council Amending Section 2.80.040 Library Board to Change the Terms from Two Years to Three Years Consistent With Other Boards and Commissions
- E. Resolution No. 2012-26, A Resolution of the Dillingham City Council Authorizing the City Manager to Award a Contract with \_\_\_\_\_ for a Water and Sewer Rate Study
- F. Resolution No. 2012-27, A Resolution of the Dillingham City Council Authorizing a Mayor's Garage Sale for Surplus City Equipment

**IX. UNFINISHED BUSINESS**

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

**X. NEW BUSINESS**

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

**XIV. EXECUTIVE SESSION**

- A. Legal Matter
  - 1. Annexation
  - 2. Gladden vs. City of Dillingham

**XV. ADJOURNMENT**

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**I. CALL TO ORDER**

The Special Joint Meeting of the Dillingham City Council and Planning Commission was held on Wednesday, May 2, 2012, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 5:32 p.m. for the purpose of discussing the Solid Waste Management Plan.

**II. ROLL CALL**

Mayor Alice Ruby was present.

Council Members present and establishing a quorum were:

Doug Holt, Seat A  
Paul Liedberg, Seat B  
Bob Himschoot, Seat C  
Keggie Tubbs, Seat D  
Tracy Hightower, Seat E  
Tim Sands, Seat F (*left at 6:24 p.m.*)

Commissioners present and establishing a quorum were:

Terry Hoefflerle, Seat A  
Paul Liedberg, Chair, Seat B  
Rachel Muir, Seat D (*arrived around 5:40 p.m.*)  
Andy Anderson, Seat E  
Izetta Chambers, Seat G (*arrived around 5:40 p.m.*)

Bill Rodawalt, Seat C, absent  
Petla Noden, Seat F, absent

Staff in attendance:

Dan Forster, City Manager  
Carter Cole, Public Works Director  
Jody Seitz, Planning Director  
Janice Williams, City Clerk

Guests: Brenda Akelkok, BBAHC  
Anthony Jett, BBAHC, project Engineer  
John Muir  
Todd Radenbaugh, Bristol Bay Campus  
Tom Whinahan, Peter Pan Seafoods  
Bill Wilcox, BBAHC, Chief Information Officer

**III. APPROVAL OF AGENDA**

**MOTION:** Tim Sands moved and Paul Liedberg seconded the motion to approve the agenda.

**GENERAL CONSENT:** The motion passed without objection.

#### IV. NEW BUSINESS

##### A. Committee of the Whole

##### 1. Discuss Draft Comprehensive Plan

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to enter into the Committee of the Whole to discuss the Solid Waste Management Plan.

GENERAL CONSENT: There was no objection noted and the Council and Commission entered into the Committee of the Whole at 5:35 p.m.

Public Works Director Carter Cole and Planning Director Jody Seitz presented a power point presentation, Dillingham Municipal Landfill, Options for Consideration followed by a discussion contributed from those in attendance.

MOTION: Terry Hoefflerle moved and Keggie Tubbs seconded the motion to exit the Committee of the Whole around 8:05 p.m.

GENERAL CONSENT: There was no objection noted and the Council and Commission exited the Committee of the Whole.

*(Clerk Note: Attached to these minutes are notes taken by Mayor Ruby on some of issues/questions that were raised during the discussion.)*

#### V. CITIZEN'S DISCUSSION (Open to the Public)

There was no citizen's discussion.

#### VI. MAYOR, COUNCIL, AND COMMISSION COMMENTS

MOTION: Terry Hoefflerle moved and Tracy Hightower seconded the motion to explore the feasibility of all options available to the City including case studies and other examples, including option 4.

A recommendation was made to research what other communities were doing, including Nome and Kotzebue.

GENERAL CONSENT: The motion passed without objection.

Bob Himschoot:

- commented the City move forward to have the firm of Smart Tower Energy onsite to field their questions.

Izetta Chambers:

- reported she had applied for a grant for a small composting project, with hopes to start moving on it in the fall.

Terry Hoefflerle:

- concurred with Rachel's earlier comment to try and lure the State into sitting in on this process and work with the Staff.

Mayor Ruby:

- remarked that a study from Smart Tower Energy would provide information they wouldn't otherwise have.

Doug Holt:

- agreed with having an onsite presentation from Smart Tower Energy.

## VII. ADJOURNMENT

Mayor Ruby thanked everyone for attending the meeting, noting she would like to see more joint meetings with the Planning Commission.

With no further business at hand, Mayor Ruby adjourned the meeting at 8:08 p.m.

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Alice Ruby, Mayor

ATTEST:

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Janice Williams, City Clerk

Approved: \_\_\_\_\_

**SPECIAL JOINT MEETING OF CITY COUNCIL AND PLANNING COMMISSION  
SOLID WASTE MANAGEMENT PLAN – MAY 2, 2012**

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**Issues/questions that were raised – recorded by Mayor Alice Ruby**

- Confirm incentive for utility company involvement
- Refuse must be blended to meet specifications so on-site storage is needed?
- What are hidden costs?
- Value of LOI is research?
- Is there impact from the removal of fish waste from the Bay? EPA regulations may impact?
- CH2M Hill study provides useful information?
- Evaluate incineration without generating energy
- Efficient disposal process becomes a disincentive to reduce waste?
- “pay as you throw” - are we charging enough at the landfill?
- Not a current assessment of our waste stream?
- What is the city's ultimate liability for the waste to energy operation?
- Saltenstal-Kennedy grant source (NOAA) might provide a source of funding for studying the impact of decrease or removal of fish waste from the Bay
- Current situation with medical waste? Currently shipping hazardous items out of the region. Current quantity is probably pounds and not tons per year.
- Should question why Dillingham is a suitable site for the company?
- Are there case studies that can be shared?
- Are there communities comparable to Dillingham in the state? What are they doing? What options did they evaluate?
- Will NEPA requirements have to be met?
- Urge that we approach this with baby steps
- If incineration is evaluated as an option, what about a biomass boiler?
- Recommend including other agencies in evaluating and monitoring the option and the final decision. Could provide a critical eye for things that we do not have the resources to monitor or enforce.
- Look carefully at the feasibility
- In reality, we have 37 years on the current landfill operations if the simple revisions in operation are implemented. The evaluation for the waste to energy option may not give you all the info you need but should go forward so we have the information.
- Have we evaluated MARPOL requirements for the City in relation to the newly annexed area? We may have some requirements that we didn't before. Would there be new sources of income based on the new area or requirements?
- Recommend that you lure the state into sitting in on this process

**I. CALL TO ORDER**

The Board of Equalization Meeting was held on Thursday, May 3, 2012 at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Ruby called the meeting to order at 5:31p.m.

**II. ROLL CALL**

Mayor and Council Members present and establishing a quorum:

Mayor Alice Ruby  
Tracy Hightower  
Bob Himschoot  
Tim Sands

Staff in attendance:

Janice Williams, City Clerk

Guest(s):

Adam Verrier, Appraisal Co. of Alaska

**III. APPROVAL OF AGENDA**

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to approve the agenda.

GENERAL CONSENT: The motion passed without objection.

**IV. ASSESSOR'S COMMENTS**

Adam Verrier introduced himself as a residential appraiser, working for Appraisal Co. of Alaska, the contract assessor for the City of Dillingham. He commented as a general trend the market in COD was stable, 5-7 sales in the last twelve months, and sales prices were consistent with the last few years, increasing by only less than a couple of percentage points. He noted the slight increase was probably tied somewhat to increased construction and building material costs.

He commented the City's assessed values, compared to the actual sales prices of properties sold, was at about 100%. State law required the full and true value be at 100%, and assessors in the State had taken this to mean around 100%. The reported sales ratio for 2011 was 1.0 based upon 9 known sales, where the City needed to be.

The last field trip to assess all properties was performed in the fall of 2007, bringing assessed values from 69% to close to 90+%. A field trip was scheduled for every three years unless the sales ratio was close to 100%. Since then the sales ratios for 2010 and 2011 have been close to 100%, 96% in 2010 and 100% in 2011. It was recommended that there be some way to keep the Council apprised of the sales ratio percentage, by referencing it through the budget presented by the Finance and Budget Committee, or adding it to the regular Council agenda under New

Business, Full and True Value, and provide a report. This would prevent experiencing the situation in 2008, when assessed values were increased substantially to meet the State's requirement of being at 100%.

He was not aware of any changes to boat values over the prior year.

## V. APPEALS FOR CONSIDERATION

### A. Real Property

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

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to approve the settled adjustments.

#### Discussion:

- commented homes built thirty years ago in Dillingham were built with lower construction standards advancing the age of the structure.

Adam Verrier commented that the Courthouse had added a windmill that accounted for the increase in value, and the appellant agreed it was worth at least the amount of the difference.

VOTE: The motion passed unanimously.

#### 2. Case No. R-12-03, Braswell Subdivision, Tract J

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to concur with the assessor's recommendation.

Adam Verrier reported that when the appellant bought the property he was told by a City rep that he could argue that the assessed value would be what the property was sold for, or \$375,000. The City's assessor did not agree, felt the land value was consistent with surrounding properties and recommended no change, but recommended a decrease in the improvement value to recognize the condition of the structure. They did not come to an agreement on the proposed change. He had also contacted the City's rep, who related he had told the appellant he had bought the property at a certain price, and he could argue to the Board that it was not worth more than what he paid for it. The City rep noted he did not represent himself as the assessor, or say the assessed value would be \$375,000, but could make that argument. Adam noted septic and well are not included in the land values, but in the improvement value.

#### Discussion:

- noted if the owner had a formal appraisal done, he could bring it back to the City.

VOTE: The motion passed unanimously.

#### 3. Case No. R-12-10, Pearson Subdivision, Lot 4

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to concur with the assessor's recommendation.

Adam Verrier read from the appellant's report where she noted she had paid \$148,000 in 2010, had added some new paint and cleaned up the yard, and felt it was worth \$160,000. The City's assessor recommended denial of the appeal. When he approached the property to do a physical inspection, he was asked by someone other than the owner to leave the property, unless he was a licensed appraiser. The City's assessor was not a licensed appraiser, which was not required by the State. Since he was not able to do a physical inspection, he was not able to determine if the value should change, and recommended keeping the value as stated.

Discussion:

- asked why it had leaped by \$100K, answered he was not certain, but it had been valued the same in the prior year and was not appealed then; and
- noted the appellant could get an appraisal done to prove the value, if they felt the City had overvalued it.

VOTE: The motion passed unanimously.

B. Personal Property

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

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to concur with the settled adjustments.

Adam Verrier reported in one of the cases the boat had been removed from the taxing jurisdiction, and in another case the boat was overvalued.

VOTE: The motion passed unanimously.

**VI. CITIZEN DISCUSSION (Prior Notice or Agenda Items)**

There was no citizen discussion.

**VII. MAYOR/COUNCIL COMMENTS**

Mayor Ruby noted that Peter Pan was scheduling an auction of boats, would be making room for other boats, and could ask for the list to help with ownership and valuation of the boats.

Discussion:

- suggested contracting with a surveyor to supplement the assessor's duties and make an onsite visit of each boat.

Adam Verrier commented when he valued boats several years ago, he would contact brokers each year and make adjustments to different models of boats. He noted his familiarity was that the assessments were based on make, model and year. The more detailed the assessment the more costly, and would be the same as on the real property side which was done from the driveway, and instead have a full inspection, inside and out, that could take weeks and be very costly.

**VIII. ADJOURNMENT**

Mayor Ruby adjourned the meeting at 6:28 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, May 3, 2012, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:02 p.m. This meeting was preceded by a Board of Equalization Meeting at 5:30 p.m.

City Clerk Williams swore in Doug Holt, Council Member, appointed by the Council at their March 1, Regular Council meeting to complete an unexpired term until the October 2012 Municipal election.

**II. ROLL CALL**

Mayor Alice Ruby was present.

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

- Doug Holt, Seat A
- Paul Liedberg, Seat B
- Bob Himschoot, Seat C
- Keggie Tubbs, Seat D
- Tracy Hightower, Seat E
- Tim Sands, Seat F

Staff in attendance:

- Dan Forster, City Manager
- Carter Cole, Public Works Director
- Doug Dombroski, Chief of Police
- Dan Boyd, Animal Control Officer
- Jody Seitz, Planning Director
- Carol Shade, Finance Director
- Janice Williams, City Clerk

Guests: Tim Pearson, Pearson Consulting

**III. APPROVAL OF MINUTES**

A. Regular Meeting, April 19, 2012

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to approve the minutes of April 19, 2012.

VOTE: The motion passed unanimously.

**IV. APPROVAL OF CONSENT AGENDA**

- A. Proclamation: National Bike/Walk to Work and School Day, May 18, 2012
- B. Proclamation: Public Service Recognition Week, May 6-12, 2012

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

VOTE: The motion passed unanimously.

#### APPROVAL OF AGENDA

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to approve the agenda that was revised to include Ordinance No. 2012-10.

VOTE: The motion passed unanimously.

#### V. STAFF REPORTS

##### A. City Manager Report

City Manager Forster:

- Harbor Lease Lot Proposals – City received two proposals, and both applicants were looking to use the entire lot; and
- Harbor Lots 1 and 4 - Lot 1 would be squared off, and didn't think there would be a significant impact on parking. Lot 4 contained a settling pool making that part of the lot unusable, but possibly the renter of Lot 3 would lease Lot 4 as well.

It was recommended that harbor lease lots be maintained in the City Manager's report as a standing item.

Paul Liedberg commented on snow mobile trails being taken up in Planning Commission meetings, and as part of the Comprehensive Plan, that virtually all the existing named trails had been plotted on a GPS. They were looking to bring it to a wider audience, and would be working toward securing safe permanent, and legal access.

Carter Cole reported the RFP for the directional drilling project would bid no later than May 21, and confirmed completion of construction this summer. Staff was working to locate funds in the FY 2012 budget for a fish waste container estimated at \$20K, including shipping.

Manager Forster reported there were monies remaining in an existing landfill grant which the City could use, but would need to match with \$54K of its own funds. The remaining grant and the match could be used to purchase the fish waste container and other items needed at the landfill.

Discussion:

- recommended adding the fish waste container to the Finance and Budget Committee's agenda, for Council approval on May 17, in order to expedite the purchase in time to arrive for the fishing season; and
- suggested contacting Curyung's environmental program for possible funding.

##### B. Standing Committee Reports

Bob Himschoot, Chair, Finance and Budget Committee, reported that the Committee was pursuing a review of the FY 2013 budget, had established a committee to review the RFPs for a water and wastewater rate study, and a presentation on the school budget was being scheduled for May 14 or 21.

Mayor Ruby, Chair, School Facility Committee, reported the committee was looking to fund an assessment of the red territorial school building to evaluate future use. The school's capital projects list, a/k/a major maintenance list, as recommended by the committee, would be brought to the F&B Committee to see if funds could be allocated to accomplish the projects, and would make its way to Council as a budget proposal. The list was being brought to both the School Board and Council for adoption.

Tim Sands, Parks and Recreation Committee member, noted the committee was looking to raise money, noting the minutes were in the packet.

Mayor Ruby, BOE had met, and the minutes would be in the next packet.

Mayor Ruby introduced Tim Pearson, Pearson Consulting, who would be helping the City with its manager search.

## VI. PUBLIC HEARINGS

There was no public hearing.

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

Dennis Olson spoke of his concern for the Kanakanak cemetery. Choggiung had deeded the property to the City, and since 2005, he had been asking the City if they would agree to co-manage the property, or deed the property to the people of Olsonville and Kanakanak. He commented their reasoning was based on most of the people buried there were their ancestors, and noted the City's heavy equipment had made damages to the grounds and graves in the process of digging graves in the past, and wanted to avoid that. He commented he would send another letter to the City to make another appeal. He also voiced his concern for the continuing erosion of the bank into the bay which he had brought up earlier, commenting on the necessity to get the funding in place.

## VIII. ORDINANCES AND RESOLUTIONS

- A. Introduce Ordinance No. 2012-09, An Ordinance of the Dillingham City Council Levying a 2.5% Tax on Raw Fish Severed from the Commercial Fishing Waters

MOTION: Tim Sands moved and Tracy Hightower seconded the motion to introduce Ordinance No. 2012-09 and schedule a public hearing for May 17.

Mayor Ruby noted the ordinance was still being vetted through the Code Review Committee, and could be brought back as a substitute ordinance if there were any recommended changes.

VOTE: The motion to introduce Ordinance No. 2012-09 passed unanimously.

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

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to introduce Ordinance No. 2012-10 and schedule a public hearing for May 17.

Mayor Ruby noted this was a housekeeping item to amend the City's code to include the newly annexed area.

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

- C. Resolution No. 2012-23, A Resolution of the Dillingham City Council Accepting the Certification of the Canvass Committee Results and Certifying the April 10, 2012 Special Election and Repealing Resolution No. 2012-20

MOTION: Tim Sands moved and Paul Liedberg seconded the motion to approve Resolution No. 2012-23.

Mayor Ruby noted this resolution would repeal Resolution No. 2012-20, and would correct the numbers that were recommended be changed in error when it was introduced originally.

VOTE: The motion to approve Resolution No. 2012-23 passed unanimously.

- D. Resolution No. 2012-24, A Resolution of the Dillingham City Council Supporting the Nutrition, Transportation, and Support Services Grant for the Continuation of the Dillingham Senior Center

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to approve Resolution No. 2012-24.

Manager Forster reported the City did not meet the annual filing deadline for the NS grant for the Senior Center which funded fund meals and rides. He noted if the grant request was denied, the City would be actively working to get it back.

Planner Seitz noted the City's grant requirement was a 10% match, or around \$14,065, on allowable costs, but the City provided closer to 65% of its own funds to cover other costs such as lighting, heating, etc to support the program. This was noted in the 5<sup>th</sup> Whereas, the COD agrees to the terms and conditions set forth in the grant application including the 65% match requirement.

Discussion:

- understood the City was providing more than 10% to support the Center, but the resolution was for the NTS grant match requirement, and to avoid confusion it would be best to continue with the same format used in the past; and
- recommended leaving in the 65% to make the point that the City was making a significant contribution.

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to amend the resolution to remove 65% to read "including the match requirement".

VOTE: The motion to amend Resolution No. 2012-24 passed with Tim Sands, Keggie Tubbs, Paul Liedberg, and Mayor Ruby voting in favor, and Bob Himschoot, Doug Holt, and Tracy Hightower opposed.

*(Clerk Note: Four affirmative votes are required for the passage of an ordinance, resolution or motion.)*

VOTE: The motion to approve Resolution No. 2012-24 as amended passed unanimously.

E. Resolution No. 2012-25, A Resolution of the Dillingham City Council Approving the Write-Off of Bad Debts Payable to the City for Personal Property Tax, Sales Tax, Harbor and Dock Invoices Dated 2010 and Prior

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to approve Resolution No. 2012-25.

Finance Director Shade reported approval of the resolution would remove aged receivables as far back as 1999 that the City was unlikely to receive, some too old to collect, due to lack of a good address, lacking the source document to support the debt, or had already gone to a collections agency. She noted the accounts would be written off the books, but if the debtor requested a future City service, the City was not prohibited from collecting on their past debt. In 2008 a half position was funded for collections, but since then that position had absorbed a lot of other responsibilities.

Discussion ensued:

- hoped the City was making every effort to collect on bad debt, including using a collections agency; and
- commented this could be a lengthy discussion and suggested bringing it up in the Finance and Budget Committee.

VOTE: The motion to approve Resolution No. 2012-25 passed unanimously.

## IX. UNFINISHED BUSINESS

### A. Animal Shelter Facility

Manager Forster reported the City had entered into an extended lease for a year, at \$2,300/month, with a 30-day notice of cancellation. The City would continue to work on a plan toward a permanent solution. He confirmed the neighborhood had been part of the discussion.

### B. Letter of Intent Between City of DLG and Smart Tower Energy

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to approve the City Manager to enter into a Letter of Intent and to direct staff to explore all four options for solid waste management.

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Mayor Ruby noted this was one element of direction to look into all four options of solid waste management.

VOTE: The motion passed unanimously.

**X. NEW BUSINESS**

**A. Committee Appointments**

**1. Senior Advisory Commission – 3 Seats**

Mayor Ruby recommended appointing Spruce Lynch, Johanna Bouker, and Maryanne Dickey to the Senior Advisory Commission.

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to concur with the Mayor's recommendation for the Senior Advisory Commission appointments.

VOTE: The motion passed unanimously.

**2. Library Board – 2 Seats**

There were no recommendations to be made at this time.

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

There was no citizen's discussion.

**XII. COUNCIL COMMENTS**

Bob Himschoot:

- welcomed Doug Holt.

Tim Sands:

- thanked staff for keeping the City running;
- suggested a report on the status of a pending sales tax audit at their next meeting; and
- spoke in favor of continuing the next step in the assessment of the Public Safety Building.

Keggie Tubbs:

- welcomed Doug Holt.

Tracy Hightower:

- welcomed Doug Holt.

Paul Liedberg:

- welcomed Doug;
- thanked staff in advance for upcoming efforts with the community clean up weekend; and

- commented on a rumor that the City may soon have a veterinarian service in town, and thanked the staff for helping make that possible.

Doug Holt:

- thanked the Council for entrusting him with his Council seat.

### XIII. MAYOR'S COMMENTS

Mayor Ruby:

- would recommend creating a committee at some point to discuss the Kanakanak cemetery;
- noted Pebble Partnership had received an invitation to attend a meeting along with Bristol Bay communities, related to power cost and utilization, although City was opposed to Pebble felt it was in the City's best interest to stay apprised, and Bob Himschoot had consented to attend;
- noted she had received an invitation to do a welcome at the Rural Providers' Conference;
- commented naming the harbor had been taken up several years ago with no consensus, and could take it up at a later date, unless Council had other ideas (suggestion was to direct to Port of Dillingham Advisory Committee); and
- asked for a moment of silence to recognize those lost since the last meeting.

### XIV. EXECUTIVE SESSION

#### A. Legal Matter

1. Annexation
2. Gladden vs. City of Dillingham

#### B. Personnel Matter

1. City Manager Hire

MOTION: Tim Sands moved and Paul Liedberg seconded the motion to go into executive session under DMC, 2.09.050, regarding legal and personnel matters [8:12 p.m.].

GENERAL CONSENT: The motion passed without objection.

MOTION: Tim Sands moved and Doug Holt seconded the motion to come out of executive session [8:27 p.m.].

GENERAL CONSENT: The motion passed with no objection.

### XV. ADJOURNMENT

Mayor Ruby adjourned the meeting at 8:27 p.m.

\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST:

\_\_\_\_\_  
Janice Williams, City Clerk

Approved: \_\_\_\_\_



March 16, 2012

To Whom It May Concern:

We are excited to share that student(s) from your community/district have been **nominated** for a Spirit of Youth Award! Unlike commonly recognized events and efforts such as academics or athletics, Spirit of Youth recognition certificates show appreciation for acts that typically are *not* formally recognized; acts such as community service, media, science and environmental efforts, cultural activities, and overcoming challenges.

Enclosed, you will find Spirit of Youth (SOY) Award recognition certificates, for a youth or a group of youths in your community/district that have been **nominated** to receive Spirit of Youth awards. Also enclosed is the actual nomination form for each student. The nomination form will give you more information about the nominee.

Spirit of Youth recognition has two processes – the first is the **nomination** process, the second the **award** process. The annual award winners are chosen from the nominations received throughout the year. Two winners in each award category are chosen, notified in January, and honored at a special SOY banquet held in March in Anchorage. We want to make sure you understand the difference as you may get some questions from students and community members. These nominated students are not receiving the SOY award itself (at least not yet!).

We believe it is important for **nominated** students to receive public recognition in their community for this honor. The award recognition certificate(s) you have received have a blank space labeled "Community Member" where an adult needs to sign. This person can be anyone, a school board member, elected official; even the mayor. In keeping with the purpose of this recognition, it is suggested that the certificates be presented in a public setting- a major event- such as a school board meeting, a special ceremony or incorporating their presentation into an already existing community event. The idea is to create a sense of purpose and pride in every youth that receives a Spirit of Youth Award recognition certificate. Just being nominated is a great accomplishment and worthy of recognition and praise.

We hope this is as exciting for you to receive, as it is for us to be able to deliver! May you have a great time presenting the nominations and sharing this joy with those who have been nominated. We would love to receive any photos taken of the nominees receiving their recognition certificates. You can send the photos to Spirit of Youth, PO Box 243721, Anchorage, AK 99524-3721 or to [raguilar@aaasb.org](mailto:raguilar@aaasb.org) / AASB, 1111 W. 9<sup>th</sup> St., Juneau, AK 99801.

If you have any questions, or need further information, please contact Karen Zeman, Spirit of Youth Executive Director at (907) 272-2875. Thank you for your time and cooperation!

Sincerely,

Association of Alaska School Boards  
and Alaska Initiative for Community Engagement (Alaska ICE)

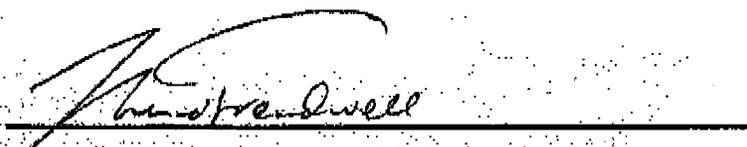
1111 West 9<sup>th</sup> Street, Juneau, AK 99801



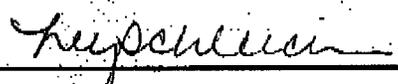
# SPIRIT OF YOUTH RECOGNIZES

## Christopher T. Marx

**Chris has volunteered numerous hours to help the Dillingham library modernize their equipment and allow community members access to better resources.**



**Lieutenant Governor, State of Alaska**



**Community Member**

**Board President, Spirit of Youth**



**a campaign to recognize Alaska's teens**



THE WHITE HOUSE  
WASHINGTON

Congratulations on receiving the President's Volunteer Service Award, and thank you for helping to address the most pressing needs in your community and our country.

In my Inaugural Address, I stated that we need a new era of responsibility—a recognition on the part of every American that we have duties to ourselves, our Nation, and the world. These are duties that we do not grudgingly accept, but rather seize gladly, firm in the knowledge that there is nothing so satisfying to the spirit than giving our all to a difficult task. Your volunteer service demonstrates the kind of commitment to your community that moves America a step closer to its great promise.

Our Nation faces the most challenging economic crisis in a lifetime. We will only renew America if we all work together. Individuals, the private sector, and government must combine efforts to make real and lasting change so that each person has the opportunity to fulfill his or her potential.

While government can open more opportunities for us to serve our communities, it is up to each of us to seize those opportunities. Thank you for your devotion to service and for doing all you can to shape a better tomorrow for our great Nation.

A handwritten signature in black ink, appearing to be "Barack Obama", written in a cursive style.



*Presented by the President's Council on Service and Civic Participation to*

# Christopher Marx

*In recognition and appreciation of your commitment to strengthening our*

*Nation and for making a difference through volunteer service.*



Cooperating for  
**NATIONAL &  
 COMMUNITY  
 SERVICE**

**I. CALL TO ORDER**

The Finance and Budget Committee met on Monday, April 23, 2012 at the City Council Chambers, Dillingham, AK. Bob Himschoot, Chair, called the meeting to order at 5:30 p.m.

**II. ROLL CALL**

Committee Members present:

Bob Himschoot, Council Member, Chair  
Alice Ruby, Mayor  
Tracy Hightower, Council Member  
Keggie Tubbs, Council Member (arrived at 5:35 p.m.)  
Dan Forster, City Manager  
Carol Shade, Finance Director

Staff present:

Carter Cole, Public Works Director  
Jody Seitz, Planning Director

**III. APPROVAL OF MINUTES**

A. Minutes of April 9, 2012

MOTION: Alice Ruby moved and Carol Shade seconded the motion to approve the minutes of April 9, 2012.

GENERAL CONSENT: The motion passed with no objection.

**IV. APPROVAL OF AGENDA**

MOTION: Alice Ruby moved and Tracy Hightower seconded the motion to approve the agenda.

GENERAL CONSENT: The motion passed with no objection.

**V. STAFF REPORTS**

PW Director Carter Cole presented a spreadsheet with three technological options to potentially replace the burn box at the landfill. A more thorough presentation will be made at the Special Joint Meeting scheduled for May 2 for the Planning Commission and City Council on the Solid Waste Management Plan. He reported AkDEC was instrumental in steering him to the pilot program, Waste to Energy, outlined in Option #1. The firm proposing the program would privately fund it, and operate the plant.

**VI. UNFINISHED BUSINESS**

A. FY 2013 Budget

---

Carol Shade, Finance Director, led the Council through the FY 2013 projected general fund revenues.

An extended discussion ensued over accounting for the 2.5% raw fish tax revenues, including:

- suggested setting up a separate fund for the purpose of tracking use of the revenues;
- noted the fish tax revenues were intended for sustaining City services, and help fund repairs and replacement of the City's aging infrastructure, as was shared with the public during the annexation meetings; and
- contact Lake and Penn Borough for how they established their budgeted revenue projections and bring results of research to the next session.

B. Discuss Raw Fish and Severance Tax Exemption (Refunds)

Committee members agreed to bring up the exemptions outside of the budget process at the April 30 meeting.

**VII. NEW BUSINESS**

There was no new business.

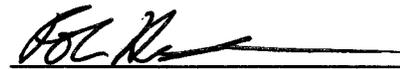
**VIII. PUBLIC/COMMITTEE COMMENT(S)**

Carol Shade:

- thanked the members for working through the budget.

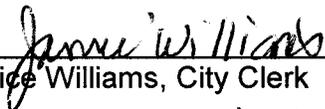
**IX. ADJOURNMENT**

The meeting adjourned at 7:58 p.m.



Bob Himschoot, Chair

ATTEST:

  
Janice Williams, City Clerk

Approved: 5/7/2012

**I. CALL TO ORDER**

The Finance and Budget Committee met on Monday, April 30, 2012 at the City Council Chambers, Dillingham, AK. Bob Himschoot, Chair, called the meeting to order at 5:30 p.m.

**II. ROLL CALL**

Committee Members present:

Bob Himschoot, Council Member, Chair  
Tracy Hightower, Council Member  
Keggie Tubbs, Council Member  
Dan Forster, City Manager  
Carol Shade, Finance Director

Members Absent:

Alice Ruby, Mayor

Guests: Bill McLeod, School Superintendent

**III. APPROVAL OF MINUTES**

There were no minutes to approve in the packet.

**IV. APPROVAL OF AGENDA**

MOTION: Keggie Tubbs moved and Dan Forster seconded the motion to approve the agenda.

GENERAL CONSENT: The motion passed with no objection.

**V. STAFF REPORTS**

City Manager Forster reported on the following:

- committee to review RFPs for Water and Wastewater Rate Study – was looking for two Council members to serve on the committee along with Carol Shade, Carter Cole, and himself; and
- suggestion to reapply for a Pull Tab License for Potato House to generate revenues to offset cost of Senior Center.

Discussion:

- added Bob Himschoot and Keggie Tubbs to the committee reviewing the RFPs;
- commented it would be appropriate to bring up looking at selling pull tabs again when the Mayor was also available to provide input; and
- suggested at the very least applying for a gaming permit to make it available to sell raffle tickets.

The Committee moved to Public Comments to discuss a date with Supt. McLeod for a review of the FY 2013 school budget, and selected either May 14 or May 21.

Bill McLeod reported on the major items that contributed to an overall increase of around \$1M between the FY 2012 and FY 2013 budget, of which the first three items were offset as a pass-through:

- requirement by the State to show the Teacher Retirement System (TRS) increase from 30.5% to 40.11% for all certificated employees, resulting in a \$396K increase;
- requirement by State to show the PERS increase from 8.76% to 13.84% for all eligible classified employees, impacting the budget by an increase of \$78K;
- E-Rate expense increased by \$100K resulting from the new fiber cable; and
- Health coverage expenses increased by \$325K, for which they would be researching future options to lower the cost.

He asked the Committee to fully consider the school's request for \$50K in additional revenues, same as last year. The additional amount was included in their current budget. This was for a new program that had successfully increased proficiencies in the targeted subjects, since its implementation last year. The program had showed very successful results. He also appreciated the City's participation in reviewing the CIP list, noting the top two projects were: 1) to replace the bleachers in the high school gym, and, 2) a major replacement of some mechanical equipment in the rooms located over the middle and high school gyms. The CIP list would be brought to the School Board on May 21 for adoption.

## VI. UNFINISHED BUSINESS

### A. FY 2013 Budget

Finance Director Shade continued with a review of the FY 2013 draft budget, special revenue projections, with a follow up, including:

- Are E-911 amounts being properly billed at increased rate, collected, and submitted to City;
- Can K-9 unit be subsidized from forfeiture revenues;
- Amount being assessed at the boat harbor bathrooms for showers;
- Senior Center grant possibly not getting funded; and
- Potato House rental.

### B. Discuss Raw Fish and Severance Tax Exemption (Refunds)

City Manager Forster commented the City can impose a severance tax by ordinance, and did not need to go to a public vote. The Committee asked if there was a need for a severance tax, in addition to a raw fish sales tax, and asked that staff bring back the research prior to the upcoming Council meeting.

The Committee deferred further discussion, and making any recommendations to the Council on the tax exemptions, acknowledging they would appreciate Mayor Ruby's background knowledge on the issue beforehand.

Finance Director Shade was interested in knowing if the City was restrained by State statute on the interest rate amount to add to refunds. The ordinances before them recommended the prime interest rate set by the Federal Reserve at the time of payment.

Chair Himschoot proposed the following:

- May 7 agenda, review section 4.21.135, refund percentage on low income; and
- severance tax ordinance would await further review until the Committee had ascertained it was a necessary tax.

**VII. NEW BUSINESS**

There was no new business.

**VIII. PUBLIC/COMMITTEE COMMENT(S)**

Carol Shade:

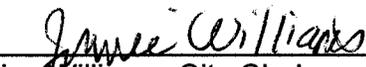
- thanked staff for providing sandwiches for the meeting.

**IX. ADJOURNMENT**

The meeting adjourned at 8:27 p.m.

  
\_\_\_\_\_  
Bob Himschoot, Chair

ATTEST:

  
\_\_\_\_\_  
Janice Williams, City Clerk

Approved: 5/7/2012

**I. CALL TO ORDER**

The Finance and Budget Committee met on Monday, May 7, 2012 at the City Council Chambers, Dillingham, AK. Bob Himschoot, Chair, called the meeting to order at 5:30 p.m.

**II. ROLL CALL**

Committee Members present:

Bob Himschoot, Council Member, Chair  
Tracy Hightower, Council Member  
Alice Ruby, Mayor  
Keggie Tubbs, Council Member  
Carol Shade, Finance Director

Members Absent:

Dan Forster, City Manager

**III. APPROVAL OF MINUTES**

A. Meeting of April 23, 2012

B. Meeting of April 30, 2012

MOTION: Keggie Tubbs moved and Carol Shade seconded the motion to approve the minutes of April 23 and April 30.

VOTE: The motion passed unanimously.

**IV. APPROVAL OF AGENDA**

MOTION: Alice Ruby moved and Carol Shade seconded the motion to approve the agenda.

VOTE: The motion passed unanimously.

**V. STAFF REPORTS**

Finance Director Shade:

- NTS (Nutrition and Transportation Services) Grant – City was required to match 10%, but the more it contributed to the program (65%), increased the number of possible points that determined the amount the City would receive.
- E-911 Revenues – four service providers bill, collect, and remit the E-911 surcharge fees to the City:
  - Nushagak Telephone (about 1,991 lines), GCI (1,894 lines, fluctuates), Bristol Bay Cellular (160-165 lines), bill \$1.46/per line, minus \$150 administrative fee per month, billing is based on addresses in the service area, submitted monthly, except BB Cellular, periodically.
  - ATT info was being researched, but the last submittal was around \$62.

**VI. UNFINISHED BUSINESS**

A. FY 2013 Budget

There was no FY 2013 budget review planned for this meeting. School budget presentation was being scheduled for May 14 along with a review of the CIP list.

B. Discuss Raw Fish and Severance Tax Exemption (Refunds)

Discussion ensued over the low income refund:

- favored maintaining the proposed refund percentage, and after a cycle reevaluate it based on having some experience;
- concerned about the impact of the tax, and more in favor of a 100% rebate instead of 50%, or have the refund be based on poundage instead of income;
- asked to place the low income and real property tax refund item on the agenda for next January, after applications had been filed by December 31;
- questioned the November 1 application filing date for a severance tax refund; and
- questioned the financial impact of the post season, post year bonuses on filing for a refund.

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to put on the January F&B agenda a review of the affects of the refunds on the raw fish and severance tax and consider any needed revisions at that time.

VOTE: The motion passed unanimously.

C. Appropriate Funds for Fish Waste Container at Landfill

Finance Director Shade reported the City had an unused landfill grant in the amount of \$120K that could be reappropriated, but would require a \$50K match. Lacking money available in the budget, a recommendation was to contact Curyung Tribe's Environmental Program and possibly partner on the purchase of one or two containers and/or help with the grant match. Staff was directed to look into the reason for the unused landfill grant.

D. Nushagak Raw Fish Tax Implementation Task List

Finance Director Shade reported the City had mailed out informational packets to the processors.

The task list will include new items: 1) a review in January of the impact of the refunds, 2) create an informational brochure on how the raw fish tax funds were spent, and 3) meet with Lake and Penn and Bristol Bay Borough, and include in the discussion the process for budgeting revenue forecasts.

Staff was directed to include the list of processors and the task list in the information section of the next Council packet.

**VII. NEW BUSINESS**

There was no new business.

**VIII. PUBLIC/COMMITTEE COMMENT(S)**

Keggie Tubbs:

- commented the road in front of the post office and L&M are in dire need of repair, and City should really take advantage of an opportunity while there were paving projects in town.

Alice Ruby:

- commented she would not encourage the City get back into pull tabs without a thorough business plan.

Bob Himschoot:

- thanked staff for the refreshments.

**IX. ADJOURNMENT**

The meeting adjourned at 7:56 p.m.

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Bob Himschoot, Chair

ATTEST:

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Janice Williams, City Clerk

Approved: \_\_\_\_\_

**I. CALL TO ORDER**

The regular meeting of the Port of Dillingham Advisory Committee was held on Thursday, April 26, 2012 at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 5:34 p.m.

**II. ROLL CALL**

Members present:

Mayor Alice Ruby  
Jim Baumgartner (*arrived at 5:43*)  
Dan Dunaway  
Robert Heyano  
Russ Rolf  
Robin Samuelsen  
Robert Himschoot

Staff in attendance:

Jean Barrett, Port Director  
Dan Forster, City Manager  
Jody Seitz, Planning Director

**III. APPROVAL OF MINUTES**

A. Minutes of January 27, 2012

MOTION: Robin Samuelsen moved and Robert Heyano seconded the motion to approve the minutes of January 27, 2012.

GENERAL CONSENT: The motion passed with no objection.

**IV. APPROVAL OF AGENDA**

MOTION: Robin Samuelsen moved and Bob Himschoot seconded the motion to approve the agenda.

GENERAL CONSENT: The motion passed with no objection.

**V. UNFINISHED BUSINESS**

A. RFP and Lease Agreement

City Manager Forster reported the lease rate advertised incorrectly in the RFP as \$.21/per sq foot/per month was corrected to per year, as had been earlier adopted by the City Council. He noted RFPs weren't limited to a specific lot size, but would attempt to tailor them to the applicant's needs, and subdivide as

needed. A site plan was required from each applicant. The City's assessor aided with the lease price, which was compared, in part, with lot values at the airport. Staff was directed to keep the Committee members aware of new leases.

**B. NAPA Proposal**

He noted NAPA's preference was for a longer lease term than three years, considering the improvements they would be making on the property, but the City wanted to be able to reevaluate after three years, especially this being their first experience with leasing lots at the harbor. Staff was directed to circulate a copy of the lease so the members could be aware of the requirements.

**VI. NEW BUSINESS**

**A. Tariff Comparables**

Jean Barrett, Port Director, reviewed rates from like-sized community tariffs for Naknek, Bethel, and Nome, noting they were also seasonal operations.

**Discussion:**

- concerned if Dillingham's rates, put in place in 2006, were keeping pace with increases in fuel costs, and other expenses;
- recommended staff create a spreadsheet comparing the rates and bring back the information to the fall meeting to work on over the winter;
- recommended making the evaluation on key items such as tonnage brought across the dock; and
- recommended also reviewing categories of users at the harbor and possibly adjusting the rates accordingly.

**Discussion ensued over the City's boat launching areas:**

- traffic and pedestrian congestion at the harbor created safety issues, while accommodating both commercial and residential users;
- having designated paths along the lots, for example, might help control some of the pedestrian traffic;
- interested in seeing if an access road along the fence line would provide relief;
- could designate boat launches to Kanakanak beach for smaller craft;
- evaluate other options for the park at the end of the harbor, noting the grassy slope next to the retaining wall not only served as a deterrent to erosion, but was ideal for recreational activities;
- road to Kanakanak beach was in much need of repair to fill holes, and place it on a regular maintenance plan; and
- mud would be removed from the Wood River launch, an annual undertaking in the spring.

**VII. STAFF REPORTS**

**A. Port Director**

Jean Barrett reviewed his written report and other items:

- purchased 1050 Hyster Forklift - reported the City received a trade-in for a forklift it purchased 14 years ago, toward a bigger forklift, which would accommodate fuller container vans, mainly frozen fish, and would be on the first barge arriving in Dillingham;
- in the process of requesting quotes from local vendors to add ladders to the new bulkhead;
- crane was being fixed to correct a bouncing problem when running at a higher RPM;
- organizing the warehouse to accommodate freight;
- working at getting the ice machine running, and possibly adding another section to double the holding capacity; and
- super sack – barge would be in town at the end of May, later then first indicated, to locate and remove the super sack accidentally dumped in the bay last fall.

Discussion:

- asked if an area was designated for skiffs, answered west end of the south ramp, but sufficient space was still an issue, and they discouraged parking on the east end; and
- voiced concern about abusive alcohol consumption in the harbor, answered a sign was being designed to post at each ramp that designated the rules, and was pretty sure alcohol abuse was addressed in the City code, would review and report back to the Committee.

#### VIII. COMMITTEE COMMENTS

Mayor Ruby reported Manager Forster would be leaving at the end of June due to health reasons.

Jean Barrett commented he would poll the Committee in September for their next meeting.

#### IX. ADJOURNMENT

Mayor Alice Ruby adjourned the meeting at 7:02 p.m.

\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST:

\_\_\_\_\_  
Janice Williams, City Clerk

Approval Date: \_\_\_\_\_

CITY OF DILLINGHAM, ALASKA

**ORDINANCE NO. 2012-09 (Substitute)**

**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL LEVYING A 2.5% TAX ON SEAFOOD PRODUCTS SEVERED FROM COMMERCIAL FISHING WATERS**

---

WHEREAS, the City of Dillingham has historically devoted substantial public resources for construction, operation and maintenance of public infrastructure intended to support commercial fisheries catching and processing salmon landed in waters of Bristol Bay adjacent to Dillingham; and

WHEREAS, much of the infrastructure supporting Bristol Bay commercial fishing was constructed with federal and state grants which do not provide for ongoing maintenance or replacement funds; and

WHEREAS, it is anticipated that there will be a need to improve infrastructure related to commercial fishing and that state and federal grant funds will not be as available as they were in the past; and

WHEREAS, all other municipalities of similar size and with similar fishing related infrastructure needs in the general Bristol Bay area levy a tax on raw fish including, the Bristol Bay Borough, the Lake and Peninsula Borough and the cities of Togiak, Egegik and Pilot Point; and

WHEREAS, the estimated taxable value of commercial salmon harvested in or adjacent to Dillingham ranges between \$20,000,000 and \$30,000,000 annually;

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

Section 1. Amendment of Title 4. Title 4 of the Dillingham Municipal Code is hereby amended by adoption of a new Chapter 4.22, Severance Tax, to read as follows:

**Chapter 4.22**

**SEVERANCE TAX**

**Sections:**

- 4.22.010**      **Definitions**
- 4.22.020**      **[RESOURCES SUBJECT TO TAX] Levy of Tax**
- 4.22.025**      **Tax Rates for Resources Subject to Tax**
- 4.22.030**      **Exemptions**
- 4.22.040**      **Collection and Administration**

(New language **bold and underlined** and deleted language in [CAPS AND BRACKETS].)

- 4.22.045 [SPECIAL PROVISIONS FOR PRE-EXISTING CONTRACTS ]Tax Refunds
- 4.22.047 Appeal of Denial of Tax Refund
- 4.22.050 Enforcement and Penalties
- 4.22.060 Severance Tax Return Verification
- 4.22.070 Confidentiality
- 4.22.080 Liability for and Collection of Severance Tax
- 4.22.090 Penalties and Interest

**4.22.010 Definitions.**

When not clearly otherwise indicated by the context, the following words and phrases, as used in this chapter, have the following meanings:

"Calendar Quarter" means any one (1) of the following three (3) month periods beginning on January 1: January 1-March 30, April 1-June 30, July 1- September 30, October 1-December 30.

"City" means City of Dillingham.

"Market value" means the prevailing value paid for seafood products of like kind and quality by seafood or fisheries businesses in the same market area to fishermen who own their vessels.

"Point of Severance" means the point at which seafood products were harvested (removed from the water) within the City.

"Recovered Units" means all units extracted, or removed whether produced directly or contractually during the period of extraction or removal production.

"Seafood Products" means any raw finfish, shellfish, mollusks and other commercial products of the sea.

"Severer or Harvester" means a person, company, corporation, or other entity engaged in the business of severing or harvesting natural resources within the City. This includes offshore processors of seafood products who process, deliver, catch, or receive seafood products within the boundaries of the City of Dillingham if those activities are not already subject to the City's Raw Fish Tax. It also includes persons who harvest seafood products within the boundaries of the City and transport the seafood products themselves to locations outside the City for sale and/or processing provided that the sales made by such harvesters are not already subject to the City Raw Fish Tax. It does not include persons who sever or harvest seafood products for subsistence or sport uses.

**4.22.020. Levy of tax.**

There is levied in the City, on any severer or harvester harvesting or processing Seafood Products for sale, profit, or commercial use provided that these Seafood Products are not already subject to the City Raw Fish Tax, an excise tax, denominated as a severance tax. The tax rate shall be the applicable rate as set forth in subsection 4.22.025.

(New language **bold and underlined** and deleted language in [CAPS AND BRACKETS].)

**4.22.025 Tax rates for resources subject to tax.**

The tax levied by this section shall be at the following rates:

- A. For Seafood Products, 2.5 % of the market value;
- B. For resources not included herein; as may be considered and approved by the City Council.

**4.22.030 Exemptions.**

- A. If the annual market value of a natural resource severed within the City by a severer or harvester does not equal or exceed the amount of \$10,000, the severer or harvester shall be exempt from taxation under this chapter.
- B. The harvesters and processors of raw seafood products are exempt from taxation under this chapter if the seafood products harvested or processed are already subject to the City Raw Fish Sales and Use Tax.
- C. The harvesters and processors of raw seafood products are exempt from taxation under this chapter if the seafood products harvested or processed are, for the sole purpose and use as bait.

**4.22.040 Collection and Administration.**

- A. A purchaser of seafood products from a severer or harvester subject to tax under this Chapter shall register with the City and, collect, and transmit the tax on the severer's behalf.
- B. A purchaser who timely and correctly files a properly completed tax return along with full payment of all taxes due under this chapter shall be entitled to retain five percent of the total tax collected during the calendar quarter to defray administrative costs up to, but not to exceed \$300.00.
- C. The purchaser shall hold the tax collected in trust for the city until paid. The purchaser shall be entitled to keep any interest accruing to the tax account if the payment is timely.
- D. The market value for the calendar quarter shall include the amount paid to any severer or harvester for taxable resources purchased but not paid for by the purchaser during any prior calendar quarter.
- E. Every purchaser who makes payments for a seafood product subject to severance tax in a calendar quarter shall submit to the City a City of Dillingham severance tax return, under oath, containing the following information:
  - 1. A description of the waters from which the resource was severed or harvested by commercial fishing district or such other description of location as may be approved by the City;
  - 2. The gross amount of recovered units purchased from each severer or harvester during the calendar quarter; and

3. The market value of all recovered units severed or harvested during the calendar quarter as of the date of the return.
- F. The return along with all taxes due the City for the calendar quarter must be received by the City on or before the last business day of the month following the end of the calendar quarter for which the return or statement is required. If no payments for seafood products were made in the previous calendar quarter no return is required to be filed.
  - G. This tax constitutes a lien chargeable against all property whether tangible or intangible owned by the severer. The lien may be foreclosed by the City in the same manner as any other lien against real or personal property.

#### 4.22.045 Tax Refunds.

- A. A taxpayer from whom severance tax is collected and timely remitted to the City by a tax collector is eligible for a partial refund of severance tax, if they fall into one of two categories:
  1. low income
    - a. household income, assets, and financial resources fall within the eligibility standards for the food stamp program under 7 U.S.C. 2011-2025, as amended; or
    - b. who has paid a reduced price annual fee for the taxpayer's fishing permit under AS 16.43.160(d) for the calendar year during which severance tax was collected from the taxpayer; or
  2. real property owner and has timely remitted real property tax.
- B. A taxpayer who qualifies as low income is eligible for a partial refund of fifty per cent of the tax paid under this Chapter.
- C. A taxpayer owning real property tax in Dillingham is eligible for a partial refund equal to fifty percent of the severance tax collected from the taxpayer up to a maximum refund equal to fifty per cent of the property tax paid by the taxpayer to the City.
- D. The taxpayer can apply for the low income or real property tax refund, but not both. .
- E. Any person entitled to a partial refund may obtain a partial refund from the City upon completion and submission of a refund application form to be provided by the City together with such supporting documentation as required by the City to establish eligibility for and the amount of the refund.
- F. An application for a severance tax refund shall be filed during the period that begins November 1 and ends December 31 of each year. Failure to submit a refund application by December 31 means that no refund is due to the taxpayer for that year. .
- G. Applications for a refund under Section 4.22.045(B) above shall be treated by the city as confidential documents not subject to disclosure under Section 2.01.040 of this Code.
- H. All refund amounts due to a taxpayer shall be paid by the City on or before March 15 each year. Should the City fail to pay any portion of a refund due interest shall accrue from the due date until the date paid at an annual rate of [FIVE PER CENT (5%)] **eight percent (8%)**.

(New language **bold and underlined** and deleted language in [CAPS AND BRACKETS].)

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

#### **4.22.047 Appeal of Denial of Tax Refund**

- A. Any person whose application for a tax refund is denied may appeal to the city manager.
- B. No appeal may be taken unless the applicant files with the city clerk written notice of appeal specifying grounds for such appeal within thirty days from the date the notice of denial of refund was mailed.
- C. The city clerk shall acknowledge the written appeal by sending the appellant a notice, and notify the appellant by mail of the time and place for the hearing before the city manager.
- D. The procedure for the appeal hearing before the city manager will be informal. The appellant, and the person who made the decision on the refund application may themselves appear and present witnesses. The burden of proof in all cases shall be upon the party appealing.
- E. The city manager shall make a written decision within five (5) working days of the conclusion of the appeal hearing.
- F. Any taxpayer aggrieved by the city manager's final decision, may appeal that decision to the superior court by filing with the city clerk written notice within thirty days of the date of mailing of the city manager's decision. An appeal to the superior court under this section is an administrative appeal heard solely on the administrative record. The notice shall specify grounds for appeal.

#### **4.22.050 Enforcement and Penalties.**

- A. The superior court, upon request of the City, shall issue an injunction requiring compliance with the provisions of this chapter.
- B. the City may determine the severance tax on parties who have not filed a return in an amount based on historical data or the best information reasonably available to the City.
- C. A person who fails, refuses, or neglects to file a severance tax return in compliance with this chapter shall, in addition to any other penalties provided by law, be liable for a penalty of ten (10) percent of the tax.

#### **4.22.060 Severance Tax Return Verification.**

The City Manager or his/her designee may:

- A. Require a severer or harvester, any agent or employee of this person, or the purchaser of natural resources taxed under this chapter to furnish any additional information reasonably necessary to compute the amount of the tax or to determine if a tax is due;
- B. Examine the books, records, and files of any such person;

- C. Conduct hearings and compel the attendance of witnesses and the production of books, records, and papers of any person; and
- D. Make an investigation or hold any inquiry reasonably necessary to a disclosure of facts as to:
  - 1. The amount of extraction or production of a natural resource of a severer or harvester;
  - 2. The purchaser of the natural resource; and
  - 3. Transportation of the resource.

**4.22.070 Confidentiality.**

Information and materials in the possession of the City which disclose the particulars of the business or affairs of then payer of taxes under this chapter will be kept confidential by the City except in connection with an official investigation by the City or other agency enforcing the laws of the City or the State. The City may publish statistics in a manner which prevents identification of particular returns and may publish tax lists showing the names, taxes, penalties, and interest with respect to taxpayers who are delinquent to assist in the collection of taxes.

**4.22.080 Liability for and Collection of Severance tax.**

The severer or harvester, or the purchaser or processor of the resources taxed under this chapter is liable for the amount of taxes, interest, and penalties due. The tax, together with penalties and interest, may be collected in a personal action brought in the name of the City.

**4.22.090 Penalties and Interest.**

All taxes due under this chapter but not timely paid as required are subject to a penalty of 5% of the tax due. Interest shall accrue on the tax due including penalties and interest at the rate of 12% per year from the date such taxes are due. Partial payments shall be applied first to accrued penalties, then to interest, and then to principal. A payment is timely paid when mailed to the City postage prepaid bearing a postmark date no later than the due date.

Section 2. Effective Date. This ordinance shall be effective as of June 1, 2012.

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

\_\_\_\_\_

\_\_\_\_\_  
Alice Ruby, Mayor  
City of Dillingham

ATTEST:

\_\_\_\_\_  
Janice Williams, City Clerk

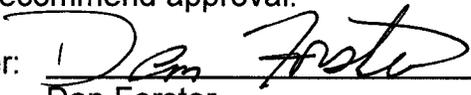
City of Dillingham Information Memorandum No. O2012-09 (Substitute)

**Subject:** Adopt Ordinance No. 2012-09 (Substitute), an Ordinance of the Dillingham City Council levying a 2.5% tax on seafood products severed from the commercial fishing waters

Agenda of: May 17, 2012

Council Action: This ordinance was introduced at the May 3, 2012 Regular Council Meeting.

Manager: Recommend approval.

City Manager:   
Dan Forster

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 \_\_\_\_\_ No \_\_\_\_\_

Other Attachment(s): None

**Summary Statement.**

Ordinance No. 2012-09 was prepared by the City's Attorney, and vetted through the Code Review Committee. The Council moved to introduce this ordinance at their May 3 Regular Council meeting.

Council will be asked to adopt a substitute version of Ordinance No. 2012-09 to make several minor changes. These changes were vetted through the Code Review Committee, May 10, and deemed nonsubstantive:

- Page 1. Table of Contents, 4.22.020, changed the section title to match the corresponding section header
- Page 2. Table of Contents, 4.22.045, changed the section title to match the corresponding section header
- Page 4. 4.22.045, H. changed five per cent to eight per cent, to be in line with state statute.

Severance Tax. This tax is a companion ordinance to the raw fish sales tax. The ordinance provides a backup or alternative basis for tax based on where fish caught within the newly expanded boundaries of the City are sold. It is not a duplicate tax, one or the other. The raw fish tax was based on where the sale of fish occurred at point of transfer usually to a tender or processing plant. If the raw fish was severed from the annexed waters, but sold outside the annexed area it is subject to a severance tax. Most processors will treat the transaction as a raw fish sales tax.

Lake and Pen, Aleutian East, and others have both taxes on the books.

CITY OF DILLINGHAM, ALASKA

**ORDINANCE NO. 2012-10**

**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL REPEALING AND REENACTING SECTION 1.18.010 OF THE DILLINGHAM MUNICIPAL CODE TO INCLUDE PROPERTY ANNEXED TO THE CITY IN THE DESCRIPTION OF CITY BOUNDARIES**

---

WHEREAS, the City of Dillingham petitioned the Local Boundary Commission to approve the expansion of municipal boundaries subject to voter approval; and

WHEREAS, the Local Boundary Commission approved the annexation petition on or about December 14, 2011; and

WHEREAS, the voters of the City of Dillingham approved annexation of additional territory to the City of Dillingham in a special election held April 10, 2012; and

WHEREAS, the result of the Local Boundary Commission and voter approval has changed city boundaries from those currently described in Section 1.18.010 of the Dillingham Municipal Code;

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

Section 1. Repeal and Reenactment of Section 1.18.010. Section 1.18.010 of the Dillingham Municipal Code is hereby repealed and reenacted to read as follows:

**1.08.010 City limits.**

The boundaries of the city are as follows:

1. Beginning at the northwest corner of protracted Section 31, T12S, R55W, Seward Meridian (S.M.);
2. Thence, east to the mean high tide line on the west bank of the Wood River;
3. Thence, meandering north and northwesterly along a line paralleling the mean high tide line of the west bank of the Wood River to the intersection with 59 degrees 12.11 minutes North Latitude and 158 degrees 33.38 minutes West Longitude;
4. Thence, east across the Wood River to mean high tide line on the east bank of the Wood River at 59 degrees 12.11 minutes North Latitude and 158 degrees 33.11 minutes West Longitude;
5. Thence, meandering south and southeasterly along a line paralleling the mean high tide line of the east shore of the Wood River and the northeastern shore of the Nushagak River to the intersection with R55W, S.M.;

6. Thence, south along the eastern boundary of protracted Sections 12, 13, and 24, T13N, R55W, S.M. to the intersection with mean high tide line on the southern shore of Nushagak River;

7. Thence, meandering southerly along a line paralleling the mean high tide line of the southeastern shore of Nushagak River and Nushagak Bay, including Grass Island, and excluding the corporate boundaries of the 2nd class city of Clark's Point (as shown on certificate recorded May 11, 1971, in Book XVII, Page 299, Records of the Bristol Bay Recording District, Third Judicial District), to a point at 58 degrees 39.37 minutes North Latitude and 158 degrees 19.31 minutes West Longitude;

8. Thence, southwesterly to 58 degrees 33.92 minutes North Latitude and 158 degrees 24.94 minutes West Longitude;

9. Thence, southwesterly to 58 degrees 29.27 minutes North Latitude and 158 degrees 41.78 minutes West Longitude at mean high tide line along the east shore of Nushagak Bay;

10. Thence, meandering northerly along a line paralleling the mean high tide line to a point at the intersection of mean high tide line and the Igushik River at 58 degrees 43.841 minutes North Latitude and 158 degrees 53.926 minutes West Longitude;

11. Thence, easterly across the Igushik River to a point at the intersection of the Igushik River's mean high tide line on its eastern shore at 58 degrees 43.904 minutes North Latitude and 158 degrees 52.818 minutes West Longitude;

12. Thence, meandering northerly along a line paralleling the mean high tide line of Nushagak Bay to a point at the intersection of mean high tide line and the western shore of the Snake River at 58 degrees 52.879 minutes North Latitude and 158 degrees 46.710 minutes West Longitude;

13. Thence, easterly across the Snake River to a point at the intersection of the Snake River's mean high tide line on its eastern shore at 58 degrees 52.988 minutes North Latitude and 158 degrees 46.030 minutes West Longitude;

14. Thence, meandering north easterly along a line paralleling the mean high tide line of Nushagak Bay to the intersection with the line common to the northeast corner of protracted T14S, R56W, S.M.;

15. Thence, west along the northern boundary of protracted Sections 1, 2, and 3, T14N, R56W, S.M. to the northwest corner of Section 3;

16. Thence, north to the northwest corner of protracted Section 3, T13S, R56W, S.M.;

17. Thence, west to the protracted southwest corner of Section 31, T12S, R56W, S.M.;

18. Thence, north to the northwest corner of protracted Section 31, T12S, R56W, S.M., the point of beginning, containing approximately 33.6 square miles of land and 390 square miles of water, more or less, all within in the Third Judicial District, Alaska.

Section 2. Effective Date. This ordinance shall be effective as of June 1, 2012.

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

\_\_\_\_\_  
Alice Ruby, Mayor  
City of Dillingham

ATTEST:

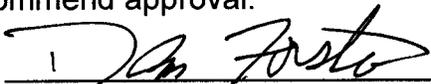
\_\_\_\_\_  
Janice Williams, City Clerk

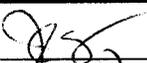
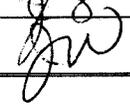
**Subject:** Introduce Ordinance No. 2012-10, An ordinance of the Dillingham City Council repealing and reenacting section 1.18.010 of the Dillingham Municipal Code to include property annexed to the city in the description of city boundaries

Agenda of: May 17, 2012

Council Action: This ordinance was introduced at the May 3, 2012 regular council meeting.

Manager: Recommend approval.

City Manager: 1   
Dan Forster

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

Fiscal Note: Yes \_\_\_\_\_ No X Funds Available: Yes \_\_\_\_\_ No \_\_\_\_\_

**Other Attachment(s):**

- Copy of the existing Section 1.08.010 City Limits

**Summary Statement.**

The description of the City's Post-Annexation boundaries was included in the City of Dillingham's March 1, 2010 Petition for Annexation filed with the Local Boundary Commission (LBC). After the ordinance is adopted, a copy will be forwarded to the LBC, where a copy of the municipal boundary certificate will be posted online.

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2012-11

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

---

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

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

**4.21.135 Tax Refunds**

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

[B. ANY TAXPAYER:

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

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

1. **low income**
  - a. **household income, assets, and financial resources fall within the eligibility standards for the food stamp program under 7 U.S.C. 2011-2025, as amended; or**
  - b. **who has paid a reduced price annual fee for the taxpayer's fishing permit under AS 16.43.160(d) for the calendar year during which raw fish tax was collected from the taxpayer.**
2. **real property owner and has timely remitted real property tax**

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

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

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

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

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

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

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

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

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

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

\_\_\_\_\_

SEAL:

\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST:

\_\_\_\_\_  
Janice Williams, City Clerk

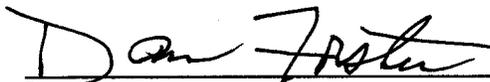
**Subject:** An ordinance of the Dillingham City Council amending section 4.21.135 tax refunds

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Agenda of: May 17, 2012

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

Manager: Recommend approval.

City Manager:   
Dan Forster

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

**Fiscal Note:** Yes \_\_\_\_\_ No X Funds Available: Yes \_\_\_\_\_ No \_\_\_\_\_

**Other Attachment(s):**

- Page 1, Ordinance No. 2012-01 (Substitute), An Ordinance of the Dillingham City Council Levying a 2.5% Tax on Raw Fish Subject to Voter Ratification

**Summary Statement.**

This ordinance was vetted through the Code Review Committee at their May 10, 2012 meeting and is being recommended for adoption. The recommended changes to section 4.21.135, tax refunds, will bring this section of code in line with newly introduced Ordinance No. 2012-09, Adopting a Severance Tax. The changes were made to clarify that a commercial fisher can qualify for a refund under one of two categories, low income or real property owner, but not both.

CITY OF DILLINGHAM, ALASKA

**ORDINANCE NO. 2012-01 (Substitute)**

**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL LEVYING A 2.5% TAX ON SALES OF RAW FISH SUBJECT TO VOTER RATIFICATION**

WHEREAS, the City of Dillingham has historically devoted substantial public resources for construction, operation and maintenance of public infrastructure intended to support commercial fisheries catching and processing salmon landed in waters of Bristol Bay adjacent to Dillingham; and; and

WHEREAS, much of the infrastructure supporting Bristol Bay commercial fishing was constructed with federal and state grants which do not provide for ongoing maintenance or replacement funds; and

WHEREAS, it is anticipated that there will be a need to improve infrastructure related to commercial fishing and that state and federal grant funds will not be as available as they were in the past; and

WHEREAS, all other municipalities of similar size and with similar fishing related infrastructure needs in the general Bristol Bay area levy a tax on sales of raw fish including, the Bristol Bay Borough, the Lake and Peninsula Borough and the cities of Togiak, Egegik and Pilot Point; and

WHEREAS, the estimated taxable value of commercial salmon harvested in or adjacent to Dillingham ranges between \$20,000,000 and \$30,000,000 annually; and

WHEREAS, a 2.5% tax on sales of raw fish is estimated to generate approximately \$710,000 annually;

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

Section 1. Amendment of Title 4. Title 4 of the Dillingham Municipal Code is hereby amended by adoption of a new Chapter 4.21 to read as follows:

**4.21.010 Definitions.**

When not clearly otherwise indicated by the context, the following words and phrases, as used in this chapter, have the following meanings:

"Buyer" means any person, whether acting as principal, agent or broker, making purchases of raw seafood product from a seller and who is also an individual or entity, according to this Chapter, required and responsible to collect and remit raw seafood sales tax levied by the City of Dillingham, Alaska.

"City" means City of Dillingham.

"Collector" in the case of the sale of raw fish is the buyer.

**(Additions are underlined; Deletions are in [brackets])**

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2012-12

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

---

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

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

**2.80.040 Library Board**

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

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

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

SEAL:

\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST:

\_\_\_\_\_  
Janice Williams, City Clerk

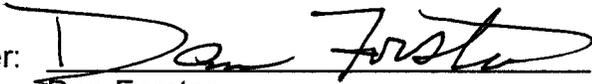
**Subject:** An ordinance of the Dillingham City Council amending section 2.80.040 Library Board

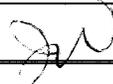
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Agenda of: May 17, 2012

Council Action:
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Manager: Recommend approval.

City Manager:   
Dan Forster

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

**Fiscal Note:** Yes \_\_\_\_\_ No  X  Funds Available: Yes \_\_\_\_\_ No \_\_\_\_\_

**Other Attachment(s):**

- Copy of existing code Section 2.80.040 Library Board

**Summary Statement.**

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

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**Chapter 2.80****PUBLIC LIBRARY****Sections:**

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

**2.80.010**     **Established.**

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

**2.80.020**     **Purpose.**

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

**2.80.030**     **Management.**

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

**2.80.040**     **Library board.**

A. There is established the Dillingham public library board, consisting of five members who are appointed by the city council. The members shall be adult residents of Dillingham.

B. Members of the board shall serve for terms of two years, or until their successors are appointed and qualified; provided, that the terms of no more than three members shall expire in any one calendar year.

C. Members shall serve without pay, except that they may be compensated for expenses in accordance with the budget appropriations. (Ord. 95-04 § 1 (part), 1995.)

**2.80.050**     **Library board duties.**

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

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2012-26

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT WITH \_\_\_\_\_ FOR A WATER AND SEWER RATE STUDY**

---

WHEREAS, the City of Dillingham solicited proposals to select a qualified firm or individual to conduct a comprehensive water and sewer rate study; and

WHEREAS, the current water and sewer utility service is provided to approximately 200 residential and 30 commercial customer connections within the Dillingham City limits; and

WHEREAS, the intent of the study is to independently assess and evaluate the City of Dillingham's existing water and sewer rates and provide recommendations; and

WHEREAS, the broad objective of the study is to adequately fund water and sewer utility operations, and capital costs, at a reasonable rate; and

WHEREAS, the study will be based on a comprehensive review of the City of Dillingham's water and sewer funds and budgets, customer classes, current usage data, future planned growth, including a water and sewer extension especially to the harbor and airport areas;

WHEREAS, the City received four (4) proposals from professional consulting firms which were reviewed by a Committee consisting of the City Manager, Public Works Director, Finance Director, and two Council Members and the Committee recommends the hiring of \_\_\_\_\_ for the water and sewer rate study for a not to exceed amount of \$ \_\_\_\_\_.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Dillingham City Council approves the contract for consulting services with \_\_\_\_\_.
2. The Dillingham City Council authorizes the City Manager to execute said contract.

PASSED and ADOPTED by the Dillingham City Council on May 10, 2012.

SEAL:

\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST:

\_\_\_\_\_  
Janice Williams, City Clerk

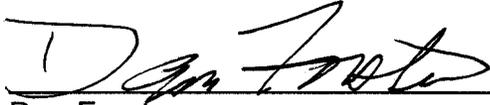
City of Dillingham Information Memorandum No. R2012-26

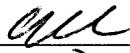
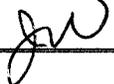
**Subject:** A resolution of the Dillingham City Council authorizing the City Manager to award a contract with \_\_\_\_\_ for a water and sewer study

Agenda of: May 17, 2012

Council Action:

Manager: Recommend approval.

City Manager:   
Dan Forster

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

Fiscal Note: Yes \_\_\_\_\_ No X Funds Available: Yes X No \_\_\_\_\_

**Attachment(s):**

- Contract for Professional Services

**Summary Statement.**

The City budgeted \$20,000 in its FY 2012 budget for a water and sewer rate study. A request for proposals was advertised on the City website under Projects for Bidding and posted in three public places. An ad was placed in the Anchorage Daily News running from March 21 through March 25. A review committee was created consisting City Manager, Finance Director, Public Works Director, and two Council members. The City received and reviewed four (4) proposals. The Committee will convene Friday, May 10, for the purpose of selecting a firm for a recommendation to the Council at their May 17 Regular Council Meeting.

The FY2012 budget included \$20,000 in contract labor to be split equally between the Water and the Sewer departments. This was an estimate of what the cost might be at the time the FY2012 budget was prepared. In the interim, the City has been advised that we can charge the costs of the Water and Sewer Rate Study to the AKDEC loan for the repair of the Force Main or the \$1.8m Legislative Appropriation that we were awarded in July.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2012-27

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY  
MANAGER TO HOLD A MAYOR'S GARAGE SALE TO DISPOSE OF SURPLUS  
CITY EQUIPMENT**

---

WHEREAS, the City has identified a number of surplus equipment items for disposal;  
and

WHEREAS, the DMC 4.36.010 B. requires that surplus property valued at more than  
\$500 shall be disposed of by sealed bid; and

WHEREAS, some of the items on the disposal list are valued at more than \$500;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council authorizes the  
City Manager to hold a Mayor's Garage Sale to be held June 1, 2012, with a bidding  
period of May 28, 2012 through June 1, 2012.

BE IT FURTHER RESOLVED that the City Manager is authorized to negotiate the sale  
of items on the surplus list should no bids be received that are below the minimum bid  
for certain items.

SEAL:

\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST:

\_\_\_\_\_  
Janice Williams, City Clerk

## **2012 Dillingham Mayor's Sale**

### **Property over five hundred dollars- Sealed Bid**

1994 UMC Aeromate- Coffee Van (runs) 123,200 miles  
1995 Ford Explorer (runs ok) ~86,383 miles  
1991 Jeep Cherokee (front end damage) ~134,465  
1996 Jeep Cherokee (runs ok) ~141,091  
1995 Sweepster sweeper-loader attachment  
1983 Hyster 620B Forklift ~5,227 hours  
1983 Cat 12G Grader with snow wing and ripper ~13,325 hours  
1995 Ford F350 Flatbed- (Brake problems) ~ 76,084  
Forced air furnace  
Sliding door refrigerator

### **Property under five hundred dollars- Garage Sale**

Stapler  
Tape dispenser holder  
Vacuum cleaner  
Emerson 23" TV  
Microwave  
4 Drawer dresser  
Certainteed Insulation R25 8" 16x96-45 Sheets  
1 case 8.5 x 14 copy paper  
2- Flag Pole Stands  
2- Boxes of assorted Bizphone parts  
2- HP Laser print cartridges  
3- HP computer keyboards (brand new)  
Box of 6 IBM correctable ribbons for typewriter  
2- Logitech keyboards (brand new)  
2- 3M antiglare computer screen filters (used)  
Box of Journal entry adjusting pages  
10- Accounting analysis pads  
2- Boxes of data binders  
2- Cases of 14x11 green bar paper  
Power strip  
Torchdown roofing

City of Dillingham Information Memorandum No. R2012-27

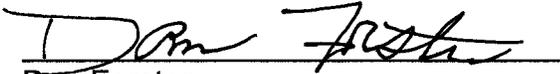
**Subject:** A Resolution of the Dillingham City Council Authorizing the City Manager to Hold a Mayor's Garage Sale to Dispose of Surplus City Equipment

0

Agenda of: May 17, 2012

Council Action:
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Manager: Recommend approval.

City Manager:   
Dan Forster

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade	CS	
X	Public Works Director / Carter Cole	CC	
X	Administrative / Jayne Bennett	JB	
X	City Clerk / Janice Williams	JW	

**Fiscal Note:** Yes \_\_\_\_\_ No \_\_\_\_\_ Funds Available: Yes \_\_\_\_\_ No \_\_\_\_\_

**Attachment(s):**

- List of surplus, garage sales items

**Summary Statement.**

Ad will be placed in the May 24 edition of the Bristol Bay Times, at least three public places, distributed to public notice distribution email list, Facebook, KDLG, and City's website.



## **Bristol Bay Processing Companies**

Alaska General Seafoods

Cape Grieg

Coastal Villages

Coffee Point Seafoods

Copper River/Togiak Seafoods

Ekuk Fisheries L.L.C.

Icicle Seafoods

Leader Creek Fisheries, L.L.C.

Northland Fisheries

Ocean Beauty Seafoods, L.L.C.

Pederson Point

Peter Pan Seafoods

Snopac Products, Inc.

Togiak Fisheries

Trident Seafoods

Yardarm Knot Fisheries, L.L.C.

Alice Ruby, Mayor

City of Dillingham

P.O. Box 889

Dillingham, AK 99576

April 26, 2012

Re: Vote on annexation and the approval of a 2 ½ % raw fish tax.

Dear Mayor Ruby

On April 10, 2012, the voters approved the annexation of the Nushagak Commercial Fishing Districts and approved the imposition of a two and one half percent (2 ½ %) raw fish tax. This is what the voters approved and nothing more. The city did not receive the authority from the voters to grant to resident fishermen of the City of Dillingham a credit for one half (1/2) of real property taxes paid to the city nor the authority to exempt commercial fishermen who are on food stamps or those fishermen who qualify for a reduced fee for a limited entry permit.

Prior to the vote, the city held a number of meetings in the community and discussed all of the above possible exemptions to curry favor for the approval of the annexation and raw fish tax.

Since the City of Dillingham did not seek the approval of the voters to grant certain waivers or credits for real property taxes paid to the city, I hereby accuse the city of committing fraud to gain passage of the annexation and approval of the raw fish tax.

Because of these discrepancies, perpetrated by the City of Dillingham, I ask the City Council to declare the vote on the annexation and raw fish tax null and void.

Sincerely



William P. Johnson

Cc: KDLG

**Bristol Bay Times**

***City of Dillingham***  
***P.O. Box 189***  
***Dillingham, Alaska 99576***  
***(907) 842-5211***  
[www.dillinghamak.us](http://www.dillinghamak.us)

May 7, 2012

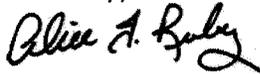
Ms. Patty Heyano  
Bristol Bay Native Association  
P.O. Box 310  
Dillingham, Alaska 99576

We thank the Bristol Bay Native Association (BBNA) for coordinating the efforts on the EDA/USDA Rural Job Innovation Accelerator Challenge grant.

I am writing as the Mayor of the City of Dillingham to offer support for the grant application and to acknowledge that it represents a cooperative desire to develop the fishing industry in our community and our region. The goal of the Bristol Bay Jobs Accelerator Project is to accelerate jobs and strengthen the regional economy through a Bristol Bay fisheries industry cluster. This grant application reflects our shared priority to enhance our fishing industry as a critical economic engine in our community and our region.

Thank you again.

Sincerely,



Alice Ruby  
Mayor