



Alice Ruby, **Mayor**

Council Members

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

**DILLINGHAM CITY COUNCIL
MEETING AGENDA**

David B. Carlson Council Chambers

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

REGULAR MEETING

7:00 P.M.

NOVEMBER 1, 2012

I. CALL TO ORDER

- A. Swearing in Ceremony for Newly Elected Official

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. Regular Council Meeting, October 4, 2012
- B. Special Council Meeting, October 11, 2012

IV. APPROVAL OF CONSENT AGENDA

- A. Resolution No. 2012-60, A Resolution of the Dillingham City Council Amending the Bank Account Signature Authority Forms for the City Bank Accounts Due to a Change in Council Members
- B. Resolution No. 2012-61, A Resolution of the Dillingham City Council Amending the Bank Signature Authority Forms for the City Safety Deposit Box Due to a Change in Personnel
- C. Resolution No. 2012-62, A Resolution of the Dillingham City Council Amending the Investment Account Signature Authority Forms for City Investment Accounts

APPROVAL OF AGENDA

V. STAFF REPORTS

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

VI. PUBLIC HEARINGS

- A. Adopt Ordinance No. 2012-17, An Ordinance of the Dillingham City Council Amending Chapter 3.60.050, Ballots- Marking, Validity – Removal Prohibited, and Adding Chapter 3.60.055, Write-In Candidates

- B. Adopt Ordinance No. 2012-18, An Ordinance of the Dillingham City Council Amending Chapter 4.20 of the Dillingham Municipal Code to Limit the Penalty Assessed for Failure to File Sales Tax Returns or Remit Sales Tax to Fifteen Percent, Eliminate Interest Accrual on Penalty Amounts and Provide Authority for Repayment Plans for Unpaid Tax *(Clerk Note: A second public hearing will be recommended for December 6, 2012.)*

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

VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2012-17, An Ordinance of the Dillingham City Council Amending Chapter 3.60.050, Ballots- Marking, Validity – Removal Prohibited, and Adding Chapter 3.60.055, Write-In Candidates
- B. Adopt Ordinance No. 2012-18, An Ordinance of the Dillingham City Council Amending Chapter 4.20 of the Dillingham Municipal Code to Limit the Penalty Assessed for Failure to File Sales Tax Returns or Remit Sales Tax to Fifteen Percent, Eliminate Interest Accrual on Penalty Amounts and Provide Authority for Repayment Plans for Unpaid Tax *(Clerk Note: A second public hearing will be recommended for December 6, 2012)*
- C. Resolution No. 2012-63, A Resolution of the Dillingham City Council Waiving Section 3.95 of the City's Personnel Regulations in Order to Allow Craig Maines to Continue His Employment as a Corrections Officer with the City of Dillingham Department of Public Safety While His Brother, Christopher Maines, Serves on the City Council
- D. Resolution No. 2012-64, A Resolution of the Dillingham City Council Approving a Long Term Encroachment Permit for Nushagak Cooperative to Install an Overhead Utility Road Crossing to a New Residence Located at the Corner of Aspen and Spruce
- E. Resolution No. 2012-65, A Resolution Of The Dillingham City Council Approving A Long Term Encroachment Permit For Utility Installation Across Emperor Way North to Install Electric and Telephone Lines to Lot 8, Creekside Subdivision
- F. Resolution No. 2012-66, A Resolution of the Dillingham City Council Authorizing Participation in the Community Development Block Grant Program (CDBG), Administered by the Alaska Department of Community, Commerce, and Economic Development

IX. UNFINISHED BUSINESS

- A. Animal Shelter Facility
- B. Citizen Committee Appointments
 - 1. Library Board – 1 Seat
 - 2. Planning Commission – 1 Seat
 - 3. Cemetery Committee – 6 seats

X. NEW BUSINESS

- A. Council Committee Appointments
- B. Action Memorandum No. 2012-12, Authorize the City Manager to Execute a Professional Services Engineering and Design Contract with CH2M Hill Engineers

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

XII. COUNCIL COMMENTS

XIII. MAYOR'S COMMENTS

XIV. EXECUTIVE SESSION

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

I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, October 4, 2012, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:22 p.m. It was preceded by a workshop on the 2013-2018 Six Year Capital Improvement Program and FY 2014 Legislative Priorities.

II. ROLL CALL

Mayor Alice Ruby was present.

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

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

Council Member absent and excused:

Paul Liedberg, Seat B

Staff in attendance:

Rose Loera, City Manager
Malcolm Brown, Public Works Director
Steve Cropsey, Project Manager
Nancy Chamberlain, Interim Chief of Police
Jody Seitz, City Planner
Carol Shade, Finance Director
Janice Williams, City Clerk

Guests:

Atty. William Mede – *via teleconference*
Atty. Patricia Vecera – *via telephone*

III. APPROVAL OF MINUTES

- A. Board of Equalization Meeting, September 6, 2012
- B. Regular Council Meeting, September 6, 2012

MOTION: Tim Sands moved and Doug Holt seconded the motion to approve both sets of minutes.

VOTE: The motion passed unanimously.

IV. APPROVAL OF CONSENT AGENDA

- A. Proclamation – Extra Mile Day

- B. Resolution No. 2012-52, A Resolution of the Dillingham City Council Expressing Thanks and a Commendation to the Dillingham City School District for a Job Well Done

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 adopt the agenda.

VOTE: The motion passed unanimously.

V. STAFF REPORTS

A. City Manager Report

City Manager Rose Loera:

- Chief of Police Finalists – would be conducting telephone interviews with the three finalists and then schedule a site visit;
- Collections/Foreclosure Process – working with staff to make it a clear process;
- Landfill Committee created – currently comprised of staff members to address landfill problems, and will be bringing in community members as process continues; and
- Dept. of Labor's High Hazard rating – based on worker's compensation claims filed; DOL will go through a safety process with the City help rectify some of those safety issues.

Steve Cropsey, Project Manager:

- Horizontal Directional Drilling (HDD) – working toward completion, but experienced a mechanical problem while drilling through underground which was further exacerbated by the soil types; project was several weeks behind, but was confident with the company's skills and equipment that it would be completed before winter;
- Waste Water treatment upgrades – Ecological Environmental Group did not have a design/engineering license for Alaska, which they were putting together; and
- Rolland Thomas land lots – City would purchase property for \$1 and would encumber some additional expenses est. \$1,800 before they were put out for sale, but this was preferable over a foreclosure process, both in time and money.

Discussion:

- recommended the slow moving vehicle statute presented in the Chief of Police's report be moved through the Code Committee; and
- appreciated the public safety report format and would like to see it carried forward.

Tim Sands, Chair for the Code Review Committee, requested late filed appeals for property assessments added to their task list to research if the City could impose a deadline and/or fee.

Bob Himschoot, Chair for the Finance and Budget Committee invited Tim Sands to the next meeting to share his interest in business tax incentives. He also reported the water and wastewater study was still in progress, staff was looking at the landfill rates, had discussed the sales ratio used to determine property valuations that would be shared annually with the Council in the future, and they were looking to set up a workshop with the city's assessor.

Mayor Ruby reported on the School Facility Committee meeting, noting the meetings overall have been very productive, and reported a draft Memorandum of Agreement with the school for the red school building was on the Council agenda.

Mayor Ruby reported on a meeting with the Curyung Tribe, noting they had discussed a mutual community block grant, and had introduced Chief Nancy Chamberlain at the meeting.

Mayor Ruby reported on a meeting with the Bristol Bay Housing Authority, noting they had discussed housing to be developed in 2016, and were looking to identify what the City might be able to bring to the table.

Mayor Ruby reported she would bring an appointment list to the November meeting, and, in the meantime, for the council members to let her know their preferences.

VI. PUBLIC HEARINGS

Mayor Ruby opened the public hearing on Ordinance No. 2012-16.

- A. Adopt Ordinance No. 2012-16, An Ordinance of the Dillingham City Council Amending Title 7, Animals, and Adding Chapters 7.08.011, Investigations of Cruelty to Animal Complaints, and 7.08.015, Seizure of Animal

There being no comments the public hearing closed.

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

- A. Veterans Memorial Park – Wayne Kapotak

Wayne Kapotak, employed with the National Guard, reported a group of individuals were looking to honor veterans of Dillingham and Bristol Bay and build a memorial park on the Carlson property. They had put together a petition asking for the council's support, and would continue to work with other veterans.

Mayor Ruby noted the Carlson House Committee would be appointed in November, and one of their tasks could be to work with the veterans group. Keggie Tubbs had attended a meeting of the veterans group on her behalf.

Isaac Woods spoke in support of the project, noting he assisted veterans to apply for veteran benefits and to get cemetery markers, and had learned Mrs. Carlson wanted the lot to be a veterans' memorial, and they were also hoping to include Bristol Bay.

Malcolm Brown, National Guard member, extended an appreciation to the City for leasing the building and property at the harbor used by the National Guard. He noted there was funding available, state and federal, that could go to a veterans memorial.

VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2012-16, An Ordinance of the Dillingham City Council Amending Title 7, Animals, and Adding Chapters 7.08.011, Investigations of Cruelty to Animal Complaints, and 7.08.015, Seizure of Animals

MOTION: Tim Sands moved and Doug Holt seconded the motion to amend Ordinance No. 2012-16 by substituting Ordinance No. 2012-16 (SUB 1).

Tim Sands reported the ordinance was created to add investigations for cruelty to animal complaints, to change the number of days an animal was held before adopting out, 10 days, and in cases of protective custody, 10 business days. The substitute ordinance further clarified the section on animals taken into protective custody.

VOTE: The motion to amend Ordinance No. 2012-16 by substituting Ordinance No. 2012-16 (SUB 1) passed unanimously.

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to adopt Ordinance No. 2012-16 (SUB 1).

VOTE: The motion to adopt Ordinance No. 2012-16 (SUB 1) passed unanimously.

- B. Introduce Ordinance No. 2012-18, An Ordinance of the Dillingham City Council Amending Chapter 4.20 of the Dillingham Municipal Code to Limit the Penalty Assessed for Failure to File Sales Tax Returns or Remit Sales Tax to Fifteen Percent, Eliminate Interest Accrual on Penalty Amounts and Provide Authority for Repayment Plans for Unpaid Tax

MOTION: Tim Sands moved and Tracy Hightower seconded the motion to introduce Ordinance No. 2012-18.

Tim Sands reported this ordinance would increase the sales tax penalty from 5 to 15% but would be a one-time penalty, and not assessed each month.

VOTE: The motion to introduce Ordinance No. 2012-18 passed unanimously.

- C. Resolution No. 2012-53, A Resolution of the Dillingham City Council Creating a City of Dillingham Cemetery Committee

MOTION: Tim Sands moved and Doug Holt seconded the motion to approve Resolution No. 2012-53.

Mayor Ruby reported this committee would be created similar to the Parks and Rec Committee. The City would begin advertising, and several had already shown an interest. The committee

would be advisory to the City Manager. Staff could expand the group's tasks, including what had been suggested, to research other available cemetery sites.

VOTE: The motion to approve Resolution No. 2012-53 passed unanimously.

- D. Resolution No. 2012-54, A Resolution of the Dillingham City Council Amending the Allocation of Funding for the Dillingham City School District for the Fiscal Year Ending June 30, 2013 and Repealing Resolution No. 2012-21

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to approve Resolution No. 2012-54.

This resolution would repeal the initial resolution approving the school's allocation of funding, in part, based on the school submitting their budget prior to May 1 for approval as required in Code, and would reflect the actual allocation of school funding in the City's adopted budget.

VOTE: The motion to approve Resolution No. 2012-54 passed unanimously.

- E. Resolution No. 2012-55, A Resolution of the Dillingham City Council 2013-2018 Six Year Capital Improvement Program and FY 2014 Legislative Priorities

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to approve Resolution No. 2012-55.

Mayor Ruby noted the Council was adopting the laid down version that was presented at the workshop.

VOTE: The motion to approve Resolution No. 2012-55 passed unanimously.

- F. Resolution No. 2012-56, A Resolution of the Dillingham City Council Approving an Encroachment Permit for the Installation of a Buried Electrical Line at 4700 Cessna Drive

MOTION: Tim Sands moved and Doug Holt seconded the motion to approve Resolution No. 2012-56.

Manager Loera noted there was no cost to the City that the request was being expedited and had not been brought before the Planning Commission, because the weather was rapidly turning colder.

VOTE: The motion to approve Resolution No. 2012-56 passed unanimously.

- G. Resolution No. 2012-57, A Resolution of the Dillingham City Council Approving an Encroachment Permit for the Installation of a Buried Electrical Line at 4735 Cessna Drive

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to approve Resolution No. 2012-57.

VOTE: The motion to approve Resolution No. 2012-57 passed unanimously.

- H. Resolution No. 2012-58, A Resolution of the Dillingham City Council Authorizing the City Attorney to Investigate and File Suit against James Bingman for Unpaid Sales Tax

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to approve Resolution No. 2012-58.

Manager Loera noted by approving the resolution the City was following the same process that had been used in another substantial law suit, Dave Gladden's.

VOTE: The motion to approve Resolution No. 2012-58 passed unanimously.

IX. UNFINISHED BUSINESS

- A. Animal Shelter Facility

There was nothing to report.

- B. Committee Appointments

- 1. Library Board – 1 Seat

There was nothing to report.

- 2. Selection Committee – Police Chief Hire

Mayor Ruby reported that Bill Wiley had been appointed as the business representative, but they didn't have a state trooper appointed.

MOTION: Keggie Tubbs moved and Tim Sands moved to concur with the new appointment.

GENERAL CONSENT: The motion passed with no objection.

- 3. Planning Commission – 1 Seat

There have no letters of interest filed.

X. NEW BUSINESS

- A. Action Memorandum No. 2012-06, Authorize City Manager to Sign Contract with Delta Western for the Annual Petroleum Purchase of No. 1 Heating/Diesel, No. 2 Heating/Diesel, and Unleaded Gasoline

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to approve Action Memorandum No. 2012-06.

Manager Loera reported the new contract would cover the period October 1, 2012 through June 30, 2013. The City would be going out to bid in early spring in order to have the contract period coincide with the budget process which was based on a fiscal year.

VOTE: The motion passed unanimously.

- B. Action Memorandum No. 2012-07, Waive Nepotism Provisions to Allow Christopher Marx to Accept a Grant Funded Position as the Internet Technology Aide at the Library

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to approve Action Memorandum No. 2012-07.

Manager Loera reported she was requesting a waiver of the nepotism policy, because the one and only applicant, was the son of the librarian, Sonja Marx. He had worked at the library in the past, but he would be directly supervised by his mom. She was not involved in the hiring process.

VOTE: The motion to approve Action Memorandum No. 2012-07 passed unanimously.

- C. Action Memorandum No. 2012-08, Placement of Barbecue Grills in City Parks

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to approve Action Memorandum No. 2012-08.

VOTE: The motion to approve Action Memorandum No. 2012-08 passed unanimously.

- D. Action Memorandum No. 2012-09, Adopt Dillingham Public Safety Operations Manual - Animal Shelter Operating Procedures

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to approve Action Memorandum No. 2012-09.

Manager Loera reported the policy had been amended to bring it in line with the recently passed ordinance, and also added language to formalize in writing that the animals could be sheltered outside between the hours of 7 AM and 8 PM, weather permitting.

VOTE: The motion to approve Action Memorandum No. 2012-09 passed unanimously.

- E. Action Memorandum No. 2012-10, the City Manager to Negotiate and Execute a Professional Services Engineering and Design Contract with Ecological Engineering Inc.

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to approve the lay down version on the table in a not to exceed amount of \$214,265.

VOTE: The motion to approve Action Memorandum No. 2012-10 passed unanimously.

(Clerk Note: The lay down version reads as: AM 2012-10, Authorize the City Manager to Negotiate and Execute Professional Services Engineering and Design Contract with Ecological Engineering Inc. (The Selection Committee's first choice) or if negotiations fail, with CH2M Hill (The Committee's second choice).

- F. Action Memorandum No. 2012-11, Authorize the City Manager to Negotiate and Execute the Mutual Aide Agreements with the Alaska State Troopers (AST) and the Dillingham City School District, and a Memorandum of Understanding with Choggiung Limited

MOTION: Tim Sands moved and Doug Holt seconded the motion to approve Action Memorandum No. 2012-11.

Manager Loera reported in a meeting with public safety and the state troopers, it was acknowledged that the City's understanding with passage of annexation was that the troopers would be the first responders, and they assumed the opposite. Both agreed it would be unrealistic to respond to emergencies in outside waters, and that the Coast Guard had been a major player in the past and during fishing usually the closest boat would help with rescue. The City would work to get better equipment for its employees, recognizing it had limitations.

Manager Loera reported each of the entities had received their draft copy and would be bringing back the final agreed upon document.

- G. Special Meeting Scheduled for October 11 (DMC 3.70.040)
- a. Certify the October 2, 2012 Regular City Election
 - b. Swearing in Ceremony of Newly Elected Council Members

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to hold a special meeting, October 11, at 12:30 PM, to certify the election and swear in the newly elected Council members.

VOTE: The motion passed unanimously.

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

Greg Marxmiller, speaking for a local men's group, Dillingmen, reported they had received a grant to purchase several grills that would be installed in the spring in several parks.

XII. COUNCIL COMMENTS

Tracy Hightower:

- thanked all the voters, and he looked forward to the next three years to improve the City and its relationship with the Tribe.

Bob Himschoot:

- thanked Jody Seitz for her earlier presentation;
- congratulated the newly elected officials and thanked Tim Sands;

- thanked Chief Chamberlain, noting she would be leaving Dillingham a better place;
- thanked Dillingmen for the donation of the grills; and
- wanted to explore using IPAD devices, an electronic format in lieu of so much paper.

Doug Holt:

- thanked the voters for entrusting him with a seat on the Council; and
- thanked Dillingmen for their donation.

Keggie Tubbs:

- noted he was sad to see Chief Chamberlain leave, and that he had heard nothing but good things about her;
- thanked Tim Sands;
- congratulated everyone who ran for office including the school board;
- noted he appreciated the CIP process;
- thanked the city clerk for all her support during the election, and for cooking them a meal;
- thanked the election judges for volunteering their time; and
- noted he would continue to meet with the veterans group if that was the Council's wish.

Tim Sands:

- commented it had been very interesting, and that he had learned a lot;
- appreciated all the Council members, that it was a big commitment;
- felt affirmed with the election results, and that it was nice to see there's interest in the community;
- thanked all the staff for keeping the City running, and a special thanks to Chief Chamberlain;
- noted there are so many ways people can serve in this community, and there are so many people who volunteer behind the scenes;
- thanked the Dillingmen; and
- thanked the veterans, noting his dad was a veteran.

XIII. MAYOR'S COMMENTS

Mayor Ruby:

- reminded Council members to check their Council emails that were put in place to keep a clear separation;
- congratulated the Council members, noting they received no fees, no gas money, but they got a lot of satisfaction serving in their role;
- noted she appreciated the presentation on the veterans memorial;
- reported Council training was being planning for November or December, and the City Manager was interested in setting priorities;
- noted she was thankful Chief Chamberlain had served the last couple of months;
- thanked Tim Sands, that he had been a dedicated Council member, showed up on short notice, always attended functions, had a great head for numbers, had helped the Council through some hard times, and appreciated his honesty and integrity; and
- asked for a moment of silence to recognize all those lost since the last meeting.

IV. EXECUTIVE SESSION

A. Legal Matter

1. Annexation
2. Gladden vs. City of Dillingham
3. Union Negotiations
4. Update from the Public Safety Department

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to go into executive session under DMC, 2.09.050, regarding legal matters.

GENERAL CONSENT: The motion passed without objection.

Manager Loera was invited into the executive session along with Chief Nancy Chamberlain and City Clerk Williams. Attorneys Mede and Vecera joined by teleconference during the session on Union Negotiations.

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to come out of executive session [11:09 p.m.].

GENERAL CONSENT: The motion passed with no objection.

XV. ADJOURNMENT

Mayor Ruby adjourned the meeting at 11:09 p.m.

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Approved: _____

I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, October 11, 2012, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 12:30 p.m.

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 - *via teleconference*
Tim Sands, Seat F

Council Member absent and excused:

Keggie Tubbs, Seat D
Tracy Hightower, Seat E

Staff in attendance:

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

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. SPECIAL BUSINESS

A. Resolution No. 2012-59, A Resolution of the Dillingham City Council Accepting the Certification of the Canvassing Committee Results and Certifying the October 2, 2012 Regular City Election

MOTION: Tim Sands moved and Doug Holt seconded the motion to approve Resolution No. 2012-59.

VOTE: The motion passed unanimously.

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

There was no citizen's discussion.

VI. COUNCIL COMMENTS

Paul Liedberg: no comment

Bob Himschoot:

- bade farewell to Tim Sands and welcomed the newly elected council officials.

Doug Holt: no comment

Tim Sands:

- congratulated Chris Maines, Doug Holt, Paul Liedberg, and Tracy Hightower and wished them all good luck.

VII. MAYOR'S COMMENTS

Mayor Ruby:

- commented a training session was being planned in house for all council members; and
- noted the AML conference was Nov. 12-16, and asked for concurrence to limit attendance to a couple of Council members who hadn't attended in the past, noting the budget for travel was usually slim.

A. Swearing in Ceremony of Newly Elected Council Members

Mayor Ruby asked City Clerk Williams to swear in the newly elected council members. Tim Sands proceeded to take a seat in the audience and Chris Maines assumed his seat and took the oath of office along with Mayor Ruby, Doug Holt, and Paul Liedberg.

Each newly elected council member received a Certificate of Election for their individual seat as required by Code.

(Clerk Note: Tracy Hightower will be sworn in at the November 1 Council meeting.)

VIII. ADJOURNMENT

Mayor Ruby adjourned the meeting at 12:35 p.m.

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Approved: _____

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Doug Holt
Chris Maines
Keggie Tubbs
Bob Himschoot
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: October 26, 2012
To: Mayor and City Council
From: Rose Loera, City Manager
Subject: October Monthly Report

Erosion at the Harbor – Rock has been placed at the harbor where we had considerable erosion the past two storms. We are using the remaining funds in a State of Alaska erosion grant to cover the cost of the rock.

NAPA Building – water has been connected to the NAPA building. The facility is now open to the public.

City of Dillingham vs. Gladden – in your council packet is a letter from our attorney stating that the City has prevailed in the appeal filed by David Gladden of his 2011 conviction for willful failure to file sales tax return.

Landfill Inspection – we were donated 300 yards of fill from Quality Asphalt. This fill will be used to close off one of the cells that need to be covered. The in-house committee of staff, chaired by our Public Works Directors has met twice so far to start addressing the deficiencies with the landfill. Our last meeting included a Curyung Tribal representative. The 2012 Landfill report was received and we received a score of 43%. In 2011 the score was around 68% and in 2010 84%. We are striving for a higher score in 2013.

Projects – the horizontal drilling is complete with the sewer now running through the new line. There is a bit of work for the contractor in the spring but nothing major. We are having problems with the Dock Lift station that is taking up lots of staff time and costing us overtime for monitoring. We believe that the pumps are not big enough to push the liquid. We are researching the cost of replacing the pumps and control panel and will use grant funds to pay for the replacement.

Vacancies – 4 vacancies:

- Fire Department Coordinator (1 applicant)
- Fire Department Office Assistant (1 applicant)
- Landfill Operator
- Accounting Tech III (using 2 part-time employees until someone permanent is chosen).

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

Taxi Cab Ordinance – Janice and I talked with Chris Hladick, City Manager and Jamie Sunderland, Chief of Police from Unalaska. We talked about the pros and cons for having a taxi cab ordinance. In general they recommend having an ordinance but indicate that it is labor intensive and costly for the City to monitor but provides a safer service to the community. We will give the Code committee an update at our next meeting.

Formal Award of the Wastewater Treatment Project (WWTP) Contract – there is an information memo in the packet recommending we award the contract for the WWTP contract to CH2M Hill. The selection committee included me, two council members, Public Works Director and Randy from SWRS. The first review process had Ecological Engineering Group (EEG) as the company that could be awarded the contract but after a more thorough review and clarifications we decided to recommend awarding the contract to CH2M Hill. Behind this report is two letters that we received from EEG protesting our decision. Our legal counsel has been involved with the process from the beginning and supports the decision. EEG may choose to attend the meeting and give their side of the story during public comment.

Budget – I've started having discussion with staff regarding their budgets and to identify areas they can avoid expenditures. We have had some good ideas come forward that we will be considering. As of this report we have collected \$315,123 from the Nushagak Fish Tax revenue. This is approximately \$396,000 short of what was budgeted.

Police Chief Update – Nancy Chamberlin left on the 10/19. She is missed. Ofs. Dan Pasquariello is Interim Chief. We are scheduling for face to face interview with Dennis O'Malley and Dan Pasquariello the first week of December. We have had to schedule it in December to accommodate everyone's time frame especially the applicants.

November 12 – 16 attending the AMLJIA conference in Anchorage.
On Leave – November 19 – 27.

City of Dillingham

October 2012 Legislative Report

By Cliff Stone, Ian Fisk, Greg Fisk – City Lobbyist's

We are continuing to prepare for the 1st session of 28th Alaska State Legislature beginning on January 15, 2013. Although this particular report will be substantially shorter than what you're used to, rest assured there is quite a bit of preparatory work going on behind the scenes. Since the governor's budget is due out December 15th, we are actively engaged with Rose Loera, your city manager and other key personnel of the city's administration to ascertain what city projects may qualify and fit certain criteria for the governor's consideration. Working in conjunction with your city administration, we feel that the Wastewater Treatment Plant upgrades may be worthy of such an inclusion. Our "notes" below will track some of the progress we are making in that area.

We have also been following all federal projects for various communities as they are announced by our congressional delegation in DC. Rest assured we will bring any project to your attention immediately when we become aware of it.



NOTES

1. October 2, 2012 – email from Rose Loera

Ms. Loera requested that we submit these reports to her by the Friday before the end of the month. Since council packets are sent to the members on the Friday before the 1st Thursday of the month, the inclusion of these reports will be more timely and avoid having to give the Council additional information on the day of the council meeting or at the meeting itself.

2. October 3, 2012 – email to Rose Loera

Establish a time frame to teleconference on the City's Capital Improvement Project (CIP) list.

3. October 4, 2012 – Teleconference

Participants: Rose Loera, Jody Seitz, Cliff Stone and Greg Fisk
We conferred on several documents regarding Dillingham's CIP list for FY14 and your 6-year CIP list. These included spreadsheets and "resolutions" all pertaining to capital improvements. Several comments and suggestions were taken under advisement by all parties. These were then incorporated into existing resolutions for later consideration by the Council.

4. October 11, 2012 – email from Rose Loera

Ms. Loera requested that we look into the issue of the 8% interest rate as required by Title 29 of the Alaska State Statutes on municipalities. Specifically, this interest rate is applied when a municipality is obligated to refund a portion of property taxes upon a successful complaint regarding the imposition of said tax. Upon further review of AS 29.45.500 – the affected statute; it appears this may be one of those laws on the books that might be outdated, particularly since 8% interest rate is almost three times the amount currently paid by banks. We have conferred with Ms. Loera about this topic and assured her that we will be discussing this issue with the Alaska Municipal League.

5. October 16, 2012 – email to Rose Loera

Not only discussed the 8% interest rate issue, but also touched bases concerning the Wastewater Treatment Plant. I advised Ms. Loera that we would confer with the Alaska Dept of Environmental Conservation (DEC) on the status of this project – both from a standpoint of the “scoring” and how best to proceed with any funding request for this endeavor. In addition, I requested background information on the “harbor revetments and breakwater/emergency bank stabilization – which is forthcoming.

6. October 19, 2012 – email to Rose Loera

I advised Ms. Loera as to our conversation with DEC regarding the Wastewater Treatment Plant upgrades. This project scored fairly high with a (805). We discussed opportunities for funding. I recommended that the City draft a letter to the governor regarding this project and include a copy of resolution 2012-45... which states that the Treatment Plant is your top funding priority for fiscal year 2014.

7. October 22, 2012 – email to and from Rose Loera

I provided a draft letter regarding the Treatment Plant. I focused on the proper formatting, whereby the City will draft the body of the letter.

8. October 24, 2012 – email to and from Rose Loera

Ms. Loera and I discussed that I would be provided with a copy of this draft by Monday – Oct. 29th for review and possible revisions.

9. Energy Conference dates!

For planning purposes, the yearly DC Energy Conference has been set for the weekend of March 8 – 10th. Legislators typically start leaving town about March 4/5th and don't return until March 10th. Travel to Juneau during this timeframe should be avoided if possible as most legislators are out of town.

10. Ballot Measures appearing on the General Election ballots

Ballot Measure #1 – Shall there be a Constitutional Convention?

Bonding Proposition A – Shall the State of Alaska issue its general obligation bonds in the principal amount of not more than \$453,499,200 for the purpose of paying the cost of state transportation projects?

~ End Report ~

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Doug Holt
Chris Maines
Bob Himschoot
Keggie Tubbs
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: October 23, 2012
To: Rose Loera, City Manager
From: Janice Williams, City Clerk
Subject: Monthly Staff Report

Public Hearing on Two Ordinances Scheduled

The following two ordinances are scheduled for a public hearing at the November 1, 2012 Regular Council Meeting.

- Ordinance No. 2012-17 (SUB 1) – amends chapter on valid marks on a ballot, and adds a chapter on write-in candidates.

This ordinance was introduced September 6, 2012, and was scheduled for a public hearing after the Regular City Election held October 4, to avoid any unnecessary confusion. It was created to add the criteria for what is acceptable as a mark on a ballot, add the requirement that a write-in candidate file a letter of intent prior to the election and after the period for filing a declaration of candidacy has ended, and to add write in votes shall only be tallied if the total number of write-ins for an office exceeds the smallest number of votes cast for a candidate for that office whose name is on the ballot.

We will be recommending a substitute ordinance that was brought forward by the Code Review Committee to address an existing clause "improper marks on the ballot would be returned to the voter...". It was questioned if the ballot would be rejected, especially in light of the new change in the ordinance that allowed for other types of marks in the oval. The firm that programs our memory cards confirmed there would be no reject for ambiguous marks, noting whether a vote counted or not depended on how much of the oval had been filled in, light marks with a felt pen might count as a no vote, but would not eject the ballot. Black ink pens are placed in each booth.

- Ordinance No. 2012-18, amend penalty and interest for failure to file a timely sales return, and provide authority for entering in Repayment Plans for unpaid tax.

This ordinance was introduced October 4. We are going to inform the Council that the Code Review Committee has more work to do on the ordinance to address several items that arose after it was introduced. Further research needs to be done to evaluate the possibility of standardizing penalties and interest, and to evaluate the consequences for being in default on a repayment plan, including being placed on a delinquency list and prohibiting the individual from receiving some City services.

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As a result, when the public hearing opens, the Mayor will announce a member of the public can speak on the ordinance, but when it is brought up for adoption later on in the agenda, she will ask Council to move to reschedule another public hearing for December 6, 2012.

Commission/Board Seats Vacant

The City has been advertising to fill the following seats. There have been no letters of interest filed to date. The seats were advertised in the Bristol Bay Times, circulated via the City's Public Notice email distribution list, posted in 3 public places (N&N, Post Office, City Hall), and on the City's website homepage.

Library Board - one seat open; vacated June 28.

Planning Commission – one seat open; vacated August 2012.

Cemetery Committee – six seats open.

The following vacant seat will be advertised:

Senior Advisory Commission – one seat open; vacated September 2012.

Absentee Voting began October 22 and runs through November 5, 8AM-5PM, M-F

Two voting booths have been set up in the main lobby for absentee voting for registered voters who expect to be unavoidably absent on General Election Day, November 6.

Alaska Municipal League City Clerks Conference

I am scheduled to attend the AML City Clerks Conference, leaving Dillingham Saturday, November 10 in order to attend a workshop on Sunday, November 11, and conferences Monday and Tuesday, returning to Dillingham Tuesday night, November 13.

HELPFUL TIP.

Motion – Previous Question.

There is a procedure to ensure that questions can be handled in a democratic manner, but any member can make a motion to end debate and “call the question”. The Chairperson's job is to balance keeping things moving while allowing for full discussion. The motion to end debate moves directly to the vote. However, the maker of the motion does have to be recognized by the Chairperson to make the motion. The motion is not debatable, it does require a second, and it does take two-thirds (2/3s) vote. Vote by general consent is fine, because it is at least two-thirds of the vote.

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Manager
Rose Loera



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Paul Liedberg

MEMORANDUM

Date: October 24, 2012

To: Rose Loera
City Manager

From: Carol Shade
Finance Director

Subject: Financial Report Period Ending September 30, 2012

September in the Finance Department continued to have its challenges. Although the Utility Billing was successfully implemented in the new accounting software, it took quite a bit longer than we anticipated. Pulling in all the customers and their fiscal year to date and prior year history and balances was very challenging and took a couple weeks more than we anticipated of Anita's and Stephanie's time.

This left us with less time for audit preparation than we had planned. So, September just hammered us in Finance and the stress probably started to show. By the time the auditors left on that last Friday of the month, everyone was breathing a big sigh of relief. However, there were still some questions that auditors had that we have been working on this month.

Early in October the Property Tax/Collections Technician position became vacant so we are in the process of advertising that job. In the meantime I am trying to keep up on property tax questions, of which there are quite a few. The mortgage companies seem to send numerous requests for information on property values, mill rates, taxes owed etc.

The Assistant Finance Director and Receivables technician were both out of the office for vacation. This added to the short staffing in the department. Luckily I was able to have the Dock Assistant come up from 12 to 1 to help with the phones so the coverage during the lunch hour was not so difficult.

As mentioned the Utility Billing module is up and running in Accufund. That leaves us with the implementation of the Sales Tax, Property Tax, and Payroll modules. I do not anticipate any of those three being as difficult as the Utility module was. My optimistic view is that we will be totally up and running in Accufund by early to mid-November.

I will be out of the office for two weeks in November, from the 4th through the 16th. The Assistant Finance Director will be in charge during my absence.

With that being said, following are the financial reports for the period ending September 30, 2012.

Following are the financials for the period ending September 30, 2012.

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City of Dillingham
Revenues and Expenditures As of September 30, 2012
Unaudited Figures

REVENUES:	Budget - FY13	Sep-12	Year to Date		Previous Year		
			Actual - 9/30/12	Percent	9/30/2011	INC/(DEC)	
					Actual	Last Year	
General Fund Revenues							
General Sales Tax	\$ 2,700,000	\$ 193,820	\$ 842,621	31%	\$ 811,320	\$ 31,301	
Alcohol Sales Tax	265,000	66,974	73,097	28%	79,479	(6,382)	
Transient Lodging Sales Tax	95,000	3,688	43,490	46%	25,060	18,429	
Gaming Sales Tax	65,000	1,793	14,637	23%	3,198	11,439	
Total Sales Tax	3,125,000	266,274	973,844	31%	919,057	54,787	
Real Property Tax	1,460,000	-	1,532,755	105%	1,474,020	58,735	
Personal Property Tax	500,000	-	529,420	106%	506,596	22,824	
Total Property Taxes	1,960,000	-	2,062,175	105%	1,980,615	81,560	
Telephone Gross Receipts State Tax	80,000	-	-	0%	-	-	
Raw Fish Tax	205,000	-	-	0%	-	-	
Nushagak Fish Tax (Proportion transfer in)	579,513	-	-	-	-	-	
Shared Fisheries	40,000	-	-	0%	-	-	
Revenue Sharing	298,970	-	-	0%	233	(233)	
Payment in Lieu of Taxes (PILT)	423,142	-	-	0%	-	-	
Foreclosures	-	-	-	-	13,579	(13,579)	
State Jail Contract	480,417	-	120,104	25%	-	120,104	
Other Revenues	1,012,272	17,754	64,480	6%	88,986	(24,506)	
Total	3,119,314	17,754	184,585	6%	102,798	81,787	
Total General Fund Revenues	8,204,314	284,028	3,220,604	39%	3,002,470	218,134	
Special Revenue Funds Revenues							
Nushagak Fish Tax	710,883	-	-	-	-	-	
Water	224,479	13,665	45,723	20%	37,097	8,626	
Sewer	263,138	19,073	62,663	24%	60,961	1,702	
Landfill	339,298	8,449	37,903	11%	55,364	(17,462)	
Dock	709,603	50,869	159,112	22%	289,281	(130,169)	
Boat Harbor	175,426	480	29,149	17%	24,777	4,372	
E-911 Service	74,650	5,626	16,588	22%	12,951	3,637	
Senior Center	469,969	9,109	105,056	22%	43,455	61,602	
Total Special Revenue Funds Revenues	2,967,446	107,272	456,195	15%	523,886	(67,692)	
Debt Service Fund Revenue	1,177,840	-	-	-	8,243	(8,243)	
Asset Forfeiture Fund	800	-	-	-	-	-	
Dock and Harbor Capital Project Fund Revenue	-	71,925	71,925	-	2,783	69,143	
Road and Streets Capital Project Fund Revenue	-	-	-	-	-	-	
Force Main	1,800,000	117,999	117,999	-	24,050	93,949	
School Bond Project	-	-	-	-	18	(18)	
Library Technology	7,280	7,280	7,280	-	-	7,280	
JAG Grant	59,719	59,719	59,719	-	-	59,719	
Equipment Replacement Capital Project Fund	100,000	-	-	-	-	-	
Ambulance Reserve Capital Project Fund Revenue	38,000	-	-	-	-	-	
Mary Carlson Estate Permanent Fund Revenue	10,000	-	-	-	802	(802)	
Public Safety Building Planning	20,000	-	-	-	-	-	
Total	3,213,639	256,923	256,923	-	35,896	221,027	
Total Revenues	\$ 14,385,399	\$ 648,222	\$ 3,933,721	27%	\$ 3,562,252	\$ 371,469	

City of Dillingham
Revenues and Expenditures As of September 30, 2012
Preliminary Figures

EXPENDITURES:	Budget - FY13	Sep-12	Year to Date Actual - 9/30/12	Percent	Previous Year	
					9/30/2011 Actual	INC/(DEC) Last Year
General Fund Expenditures						
City Council	\$ 88,800	\$ 12,248	\$ 14,848	17%	\$ 27,627	\$ (12,779)
City Clerk	132,282	11,384	28,797	22%	23,566	5,231
Administration	319,445	30,934	107,827	34%	84,509	23,318
Finance	581,108	34,520	97,996	17%	125,464	(27,468)
Legal	135,000	8,949	54,451	40%	7,242	47,209
Insurance	88,642	4,374	4,374	5%	87,038	(82,664)
Non-Departmental	204,975	16,965	65,948	32%	55,981	9,967
City School	1,300,000	325,000	325,000	25%	325,000	-
Planning	153,591	9,636	30,852	20%	22,492	8,361
Public Safety Administration	273,506	2,603	16,166	6%	-	-
Dispatch	428,354	43,173	116,498	27%	103,547	12,951
Patrol	577,921	69,685	208,290	36%	267,922	(59,632)
Investigations/WAANT	126,659	-	546	0%	-	-
Corrections	571,597	36,024	112,430	20%	125,622	(13,192)
DMV	103,356	6,150	17,257	17%	18,324	(1,067)
Animal Control Officer	131,564	8,748	31,695	24%	26,827	4,868
Fire	299,447	7,055	36,981	12%	54,593	(17,612)
K-9	83,719	187	201	0%	-	-
PS IT	21,500	1,417	7,677	36%	-	-
Public Works Administration	237,954	16,008	39,444	17%	28,460	10,985
Building and Grounds	326,357	22,893	108,151	33%	62,282	45,869
Shop	267,525	11,562	46,933	18%	25,863	21,070
Street	605,656	64,537	170,053	28%	135,882	34,171
Foreclosed Properties	-	-	-	0%	23,139	(23,139)
Library	203,996	6,639	27,981	14%	29,746	(1,765)
Museum	4,000	-	-	0%	-	-
Meeting Hall above Fire Station	3,680	277	711	19%	1,777	(1,066)
Transfers to Other Funds	1,033,383	-	-	0%	-	-
Total General Fund Expenditures	8,304,017	750,966	1,671,107	20%	1,662,901	(16,385)
Special Revenue Funds Expenditures						
Nushagak Fish Tax	710,883	-	-	-	-	-
Water	224,479	7,703	31,187	14%	28,692	2,495
WasteWater	263,138	16,041	65,127	25%	53,191	11,935
Landfill	339,298	9,560	38,384	11%	71,885	(33,502)
Dock	426,996	25,739	127,446	30%	128,507	(1,061)
Boat Harbor	214,524	18,361	74,798	35%	64,576	10,222
E-911 Service	14,060	10,892	16,338	116%	-	16,338
Senior Center	469,969	24,938	104,987	22%	236,407	(131,420)
Total Special Revenue Fund Expenditures	2,663,347	113,234	458,268	17%	583,259	(124,991)
Debt Service Fund Expenditures	1,177,840	302,295	302,295	26%	315,920	(13,625)
Asset Forfeitures Fund	-	-	-	-	10,755	(10,755)
Library Technology	-	-	-	-	3,000	(3,000)
Dock and Harbor Capital Project Fund Expenditures	-	-	-	-	608	(608)
Road and Streets Capital Project Fund Expenditures	-	-	-	-	1,067,446	(1,067,446)
Force Main	1,800,000	333,857	820,069	46%	30,536	789,533
School Bond Project Fund Expenditures	-	-	-	-	13,926	(13,926)
School Fire Alarm	-	-	-	-	-	-
JAG Grant	-	-	-	-	4,262	-
Equipment Replacement Capital Proj Fund Expen	100,000	-	-	0%	52,363	(52,363)
Ambulance Reserve Capital Project Fund Expen	38,000	-	-	-	-	-
Mary Carlson Estate Permanent Fund Expenditures	10,000	126	547	5%	1,865	(1,318)
Landfill Capital Project Fund Expenditures	-	-	-	-	2,695	(2,695)
Total	3,125,840	636,279	1,122,910	36%	1,503,375	(376,202)
Total Expenditures	14,093,204	1,500,479	3,252,285	23%	3,749,535	(517,578)
Revenues Over (Under) Expenditures	\$ 292,195	\$ (852,257)	\$ 681,437		\$ (187,283)	\$ 889,047

City of Dillingham
Revenues and Expenditures As of September 30, 2012
Preliminary Figures

	<u>Fund Bal.</u> <u>6/30/2011</u>	<u>FY'13</u> <u>Revenues</u>	<u>FY'13</u> <u>Expenditures</u>	<u>Add or (-)</u> <u>Fund Bal</u>	<u>Fund Bal.</u> <u>9/30/2012</u>
01 General Fund	\$ 3,893,876	\$ 3,220,604	\$ 1,671,107	\$ 1,549,497	\$ 5,443,373
06 Water and Sewer	70,644	108,386	96,314	12,072	82,716
07 Landfill	-	37,903	38,384	(481)	(481)
08 Dock	1,580,187	159,112	127,446	31,666	1,611,853
09 Boat Harbor	-	29,149	74,798	(45,650)	(45,650)
10 E-911 Service	130,632	16,588	16,338	250	130,882
11 Asset Forfeitures Fund	37,220	-	-	-	37,220
12 Senior Center	-	105,056	104,987	69	69
15 Debt Service	-	-	302,295	(302,295)	(302,295)
21 Dock and Harbor Capital Project Fund	(18,386)	71,925	-	71,925	53,539
22 Road and Streets Capital Project Fund	-	-	-	-	-
23 Water and Sewer Capital Project Fund	(58,393)	117,999	820,069	(702,070)	(760,463)
24 School Bond Project Capital Project Fund	956,055	10	-	10	956,065
27 Homeland Security	-	-	-	-	-
30 Equipment Replacement Capital Project Fund	76,704	-	-	-	76,704
32 Ambulance Reserve Capital Project Fund	452,955	-	-	-	452,955
34 Mary Carlson Estate Permanent Fund	407,132	-	547	(547)	406,585
50 Landfill Capital Project Fund	172,044	-	-	-	172,044
Total	\$ 7,700,670	\$ 3,866,733	\$ 3,252,285	\$ 614,448	\$ 8,315,118

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Doug Holt
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Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: October 23, 2012

To: Rose Loera, City Manager

From: Sonja Marx, Librarian

Subject: October Monthly Report

The Library Board met Monday, Oct. 15th here at the Library. It was a very productive meeting. New board members were introduced as a new binder full of information was given to each member. This included the section on the Public Library in the Dillingham Municipal Code that needs updating. We also reviewed other policies in place such as the Board Operation Procedures and Board Duties & Responsibilities. It came to our attention that a new 5 year plan needs to be developed. The next meeting is set for Nov. 19th as the new board works together with these various projects.

Let me introduce you to our board members. Seat A, Conor Downey; Seat B, Amy Ruby; Seat C, Dianna Swaim; Seat D, vacant; Seat E, Erica Tweet; Seat F, Laurel Sands, DCSD Representative; and Seat G, Brian Laurent, UAF Bristol Bay Campus Representative. The following are the officers: Board Chair – Brian Laurent; Vice Chair – Conor Downey, & Board Secretary – Laurel Sands.

The Friends of the Library met Saturday, Sep. 29th and they have their next meeting scheduled for Saturday, Oct. 27th. A Fall Book Sale is being planned for Nov. 3rd.

Christopher Marx was hired as the Internet Technology Aide. He started Oct. 9th - just in time for 3 Video Conferences we had scheduled for this month with the State Library. He is also available on Saturdays from 2-4 pm for a Genealogy/Family History Interest Group that is led by Bill Feller focusing on Online Records.

Library Stat report for September 23 – October 20, 2012:

Patron Visits: 2,269 Computer Use: 726 Story Hour: 67

Class Visits: 104 Museum Use: 45 Videoconferencing: 15

Approximately 12 volunteer hours logged

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MEMORANDUM

Date: October 23, 2012

To: City Manager Rose Loera

From: Sgt Dan Pasquariello
Interim Chief of Police

Subject: OCTOBER 2012 (9-24-12 to 10-21-12) – Monthly Report

On 10-19-12 Interim Chief Nancy Chamberlin has returned home after helping steer the department back on course after the sudden departure of the last Chief. She was a good Chief, a good person, and will be missed. I have now taken over as Interim Chief until a permanent Chief can be hired.

Patrol:

- ❖ 416 Calls for service
- ❖ 65 Incident reports
- ❖ 10 Persons arrested
- ❖ 13 Title 47/Protective custody
- ❖ 06 Citations issued

The resigning patrol sergeant's last day of work will be 10-26-12. I will be assuming his patrol sergeant duties until a replacement can be found, as well as continuing with my assignment in the WAANT unit.

Our newest officer has completed her FTO training and is now on her own and will be able to fill a patrol shift.

In early November all officers will attend a 40 hour SART (*sexual assault response team*) training to be held at the UAF Bristol Bay Campus. This is an extremely relevant training as sexual assaults are our most frequent serious crime. The K-9 officer will be covering night time patrol during the training.

We have 5 radar units and 2 Lidar units which were purchased last fiscal year with AHSO (*Alaska Highway Safety Office*) grant funds. The units were located in a closet

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City of Dillingham

where they had been stored and forgotten during the recent Chief transitions. Once officers are familiarized with their operation these units will be used for speed enforcement.

Corrections:

- ❖ 35 Total Inmates for 09/24/2012-10/21/2012
- ❖ 16 Title 47/Protective custody

Dispatch:

- ❖ 415 Calls for service 09/24/2012-10/21/2012
- ❖ 70% Dispatched to Dillingham Police
- ❖ 18% Dispatched to Alaska State Troopers
- ❖ 6% Dispatched to EMS/Dillingham Fire
- ❖ 6% Dispatched to Dillingham Animal Control
- ❖ 116 E-911 calls received

Two members of the Dispatch went to training this month. The Supervisor attended APSIN (*Alaska Public Safety Information Network*) training and Skillpath supervisory training. A Dispatcher attended Emergency Fire Dispatch training.

WAANT:

- ❖ 6 drug investigations
- ❖ 4 alcohol interdictions
- ❖ 1 postal seizure
- ❖ 10 investigative assists to patrol

Animal Control:

- ❖ 26 Calls handled for 09/24/2012-10/21/2012
- ❖ 06 Dogs/cats impounded
- ❖ 07 Shelter dogs/cats adopted out
- ❖ 30 Rabies/Parvo shot given
- ❖ 04 Feral cats euthanized
- ❖ 04 Owner requested compassionate euthanasia
- ❖ 01 Injured sea gull euthanized

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A washer and dryer were obtained by bid from Grandma's House. They will be installed in the Animal Shelter. The process of placing roofs on the outside kennels is continuing.

DMV:

- ❖ 77 Registrations/Titles
- ❖ 79 Driver's license/ID's
- ❖ 05 Commercial driver's licenses
- ❖ 10 Road tests

We are in the process of installing a VPN (*virtual private network*) connection on the DMV computer to comply with State of Alaska security requirements.

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MEMORANDUM

Date: October 22, 2012
To: Rose Loera, City Manager
From: Malcolm Brown, Public Works Director
Subject: Monthly Report

Public Works Divisions:

Buildings & Grounds – Painted the Airport Lift Station with Kilzit to mitigate the black mold. Safety violations identified in Public Works buildings by the recent Department of Labor consultation are being fixed. B&G staff also backfilled at the Harbor and for the Landfill and Water/Wastewater Divisions.

Landfill – Another waste to energy company, Shearwater LLC., made a site visit. They have gasification units that can operate with as little as 1.5 tons of municipal solid waste per day. Their units are the same size as 40' connexes, which makes them easier to ship on barges. One of their small units is in operation at the village of Old Crow in Yukon Territory. The Landfill Committee met twice to improve the deficiencies identified in the DEC annual inspection checklist. Billy Maines, IGAP Coordinator attended. The committee will bring on representatives from other organizations in the community as this process matures. The methane gas monitor has been found and will be used for the quarterly testing required by DEC once it has been properly checked. The Landfill Operator vacancy has been posted.

Shop – The Mechanics continue to clean up the shop and are compiling excess parts that have been cannibalized from vehicle upgrades. Some are from vehicles and equipment that are no longer in the inventory. These excess parts will be in the next Mayor's sale. The vehicle that was sold in the Mayor's Sale in the spring has been removed; it was a snow removal obstruction. Some of the safety violations identified in the Shop by the recent Department of Labor consultation have been fixed.

Streets – The salt and sand was mixed. The winter blades and the chains for the graders and loader arrived. The plastic bed liners for the dump trucks also arrived. The liners will prevent damage to the beds from loading big rocks and will also be more efficient for dumping snow, as they will allow all of the snow to slide off.

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

Water/Wastewater - The lift stations continue to have failures due to mechanical and/or electrical problems. Staff thinks that that the pumps at the Dock Lift Station are undersized for the new force main. One of the pumps is no longer adequate to push the fluid by itself. The engineers are evaluating the issue. Another complicating factor at the Dock Lift Station could be that the volume has increased since the sewer line that went from HUD directly to the treatment lagoon had to be rerouted to the old 4" line that goes to the Dock Lift Station. Ken Rolf is the new Water/Wastewater Operator. He transferred from Buildings & Grounds. The lift stations are getting washed more frequently now that this Division has the required staffing. New water and sewer services were installed for Bristol Bay Micro, LLC, new water was installed for NAPA, and new sewer was installed for the FAA building.

Grants – Worked with the Planner on the UAF Composting grant which can be used as a match for MMG 28303 for the Landfill. The Composting grant will be used to buy the following attachments for the Landfill's skid steer: a tiller, a brush cutter and a chipper. The composting process needs carbon from wood, such as alders and willows. This can be obtained from brushing around fences and the paths. The chipper will produce a properly sized product for the composting. Chipping at the brushing sites will result in substantial savings of staff labor and vehicle usage by transporting the chips to the compost site versus making multiple trips with stacks alders and other woody vegetation. An electric fence will also be acquired for the composting area.

Safety – The Department of Labor (DOL) was onsite for the requested consultation and inspected the Shop, the Quonset hut, the connex storage building, the Landfill, the HUD Lift Station, the Dock Lift Station and the Smalls Lift Station. Some of the deficiencies that were identified were the same as the DOL consultation that was performed in 2011. A more detailed report of the consultation will be provided once the formal report from DOL is received. Weekly Safety training meetings are ongoing. The classes were: Reciprocating Saws, Securing the Jobsite and Hazard Communications (The Right to Know).

Training – Registration for HAZWOPER certification and recertification is being worked on for 8 employees, this training will be conducted by UAF. Three employees are being registered for a locally provided class in Lift Station Electrical Control Systems which will be free.

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THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Environmental
Conservation

DIVISION OF ENVIRONMENTAL HEALTH
Solid Waste Program

555 Cordova Street
Anchorage, Alaska 99501
Main: 907.269.7622
Fax: 907.269.7600

Certified Mail # 7008 1830 0002 4350 7248
Return Receipt Requested

October 15, 2012

Malcolm Brown
Public Works Director
City of Dillingham
P.O. Box 889
Dillingham, Alaska 99576

Subject: City of Dillingham Landfill Inspection, September 9, 2012

Dear Mr. Brown:

On September 9, 2012 I conducted an inspection of the City of Dillingham (City) Class II Municipal Solid Waste Landfill (MSWLF) (Permit No. SW2A015-14) for the Alaska Department of Environmental Conservation (ADEC) Solid Waste Program. I appreciate the time taken by Jesse Hobson, Landfill Operator, Malcolm Brown, Public Works Director, Jody Seitz, City Planner, and Carol Shade, Finance Director to meet during the inspection to discuss current compliance issues and the solid waste disposal permit and burning waiver expiration June 1, 2014.

The score for the September 2012 inspection is 153 out of 355, or 43%.

As discussed, several of the issues noted on the 2010 and 2011 inspection reports remain unresolved. I observed excessive smoke billowing from the burn units in July and no changes have been made to implement waste separation requirements. ADEC received a complaint in April due to excessive smoke, falling ash, and concern with air quality down-wind of the landfill burning operation. Burn units are in disrepair, with no structure in place to limit fly ash. A fire was started in May due to fly ash and fire suppression equipment was not available on-site. Burn unit screens must be repaired and installed in a way that will prevent ash from escaping from the burn units. Fire suppression equipment must be available at the burn area during summer months or when fire risk is high.

At the time of the inspection I observed four 55-gallon drums of contaminated soil left at the landfill. The Dillingham Landfill is not authorized to accept petroleum contaminated soil. Any petroleum spills should be reported to ADEC Spill Prevention and Response at (907) 269-3063 for guidance on clean-up and disposal procedures. There were also several 5-gallon buckets of used oil at the transfer site. Used oil may not be accepted at the Dillingham Landfill. Used oil must be disposed of at the City maintenance shop in accordance with the June 2006 Dillingham Solid Waste Management Plan.

In addition, landfill operating records are severely incomplete. Recent high-turnover in city staff has caused inconsistent management, and landfill records are not available to familiarize new employees to landfill operations or compliance concerns. A current management plan was on-hand; however,

staff is not familiar with the document and the operations plan is not closely followed. The landfill operating record must contain all documents listed in Section 7.9 of the October 2006 Dillingham Solid Waste Management Plan and in part three of the attached inspection checklist.

The Dillingham Class II MSWLF Inspection Checklist outlines the September 2012 inspection findings and provides an explanation for each item where points were deducted. Please review the checklist and take note of the areas the landfill does not meet regulations.

The inspection score reflects recent deterioration of landfill compliance; however, I am encouraged by the City's recent attention to landfill compliance issues. Since the September inspection and meeting, the City has been pro-active in addressing the previous years' concerns and made progress toward implementing a new method of waste treatment by the June 1, 2014 deadline.

Please contact me at (907) 269-7467 or by email at kitrina.persson@alaska.gov if you have any questions, comments, or if I can be of any assistance.

Sincerely,



Kitrina Persson
Rural Landfill Specialist

Enclosures:
Class II MSWLF Inspection Checklist
Inspection Photo Report

Ecc:
Rose Loera, Dillingham City Manager
Jody Seitz, Dillingham City Planner
Jesse Hobson, Dillingham Landfill Operator

Dillingham Class II MSWLF Inspection Checklist



Alaska Department of
Environmental Conservation
Division of Environmental Health
Solid Waste Program

Instructions to the Inspector - Not part of inspection form

- Parts **One** and **Two** of the inspection score sheet should be completed in the office electronically, prior to conducting the site visit.
- Parts **Three** through **Eleven** should be completed in the field, during the site visit.
- There is a small space for comments after each question, and additional space at the back of the inspection checklist under the Additional Comments pages. Please note under each question if additional comments are written into that section.
- Comments should be annotated during the inspection. The landfill owner/operator will receive a copy of the score sheet with the inspection report. The more detailed the comments are, the more information the landfill owner/operator will have regarding their operations.
- If a question is not applicable to the specific landfill facility, place "NA" in the scoring box. If necessary, note why the question is not applicable.
- After completing the inspection score sheet, add up the scores and place the total in the appropriate box on the cover sheet of the inspection packet.
- Add up the total possible points the landfill could have earned (this will vary, depending on how many items were not applicable). Place the total in the appropriate box on the cover sheet of the inspection checklist.
- Calculate the percentage in the appropriate box on the cover sheet of the inspection checklist.
- Sign the front page of the inspection score sheet to certify the inspection.
- The checklist can be finalized manually in the field, or notes can be retyped electronically, after the site visit. Either way, the checklist will be provided to the landfill owner/operator as part of the inspection report.
- **Notes:**
 - How to find precipitation amounts:
 - Go to www.wunderground.com
 - At the top, type in location
 - Scroll down to History & Almanac section. Select "Detailed history and climate" and enter "go"
 - Select "custom"
 - Enter dates
 - How to determine if a facility is current on invoices:
 - Open BillQuick
 - On the top toolbar, select "Reports"
 - On the pull-down menu, select "More Reports"
 - Under Report File Name, select "ADEC Account Transactions"
 - Under the Date Filters box, select "Transaction Date" and "all dates"
 - Under the Other Filters box, select "Transaction Project ID" and enter the permit number under both the from and to boxes
 - At the bottom of the page, select "preview"
 - Information about requirements of the Local Government Financial Test is located on the Anchorage network drive in G:\EH\Eh-Sw\Inspection Forms\Financial Assurance Fact Sheet – Local Government Test

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Doug Holt
Chris Maines
Bob Himschoot
Keggie Tubbs
Tracy Hightower
Paul Lieberg

MEMORANDUM

Date: October 19, 2012
To: Rose Loera, Manager
From: Ida Noonkesser, Director
Subject: Senior Center Monthly Report

This month's paperwork for the state included recording monthly meals, home delivered meals, assisted rides, and unassisted rides. This month, I also help five elders with SSI Paper work, bank statements, disability forms, and PFD paper work.

We only had one renter at the Senior Center this past month. The pinochle players' group will continue to rent the dining room every Friday and the quilters rented the building every third week of the month on Saturdays. The quilters had an all-night activity this past month.

We had our monthly Senior Center Advisory Board meeting September 12, 2012.

Larry Nunn checked the Senior Center Fire extinguishers to make sure they were up dated and ready to use.

The meeting about Parkinson's Disease that was going to be held at the Senior Center on September 26th was cancelled.

For the month of September, the Senior Center served 663 congregate meals to 77 individuals, 125 home delivered meals to 7 individuals, gave 312 assisted rides to 24 individuals, and 279 to unassisted rides to 44 individuals.

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I. CALL TO ORDER

The Code Review Committee met on Thursday, October 17, 2012, in the Council Chambers, Dillingham, AK. Mayor Ruby called the meeting to order at 5:30 p.m.

II. ROLL CALL

Committee Members present:

Mayor Ruby, Chair
Paul Liedberg, Council Member
Doug Holt, Council Member
Rose Loera, City Manager
Janice Williams, City Clerk

Guest(s):

Carol Shade, Finance Director

III. APPROVAL OF MINUTES

A. Minutes of September 12, 2012

MOTION: Paul Liedberg moved and Rose Loera seconded the motion to approve the minutes of September 12, 2012.

GENERAL CONSENT: The motion passed without objection.

IV. APPROVAL OF AGENDA

MOTION: Janice Williams moved and Paul Liedberg seconded the motion to approve the agenda.

GENERAL CONSENT: The motion passed without objection.

V. UNFINISHED BUSINESS

A. Title IV. Revenue and Finance

1. Manager Authority to Settle Unpaid Accounts

a. Review Penalty and Interest on Sales Tax and Personal Property Tax (Ordinance No. 2012-18)

Staff asked to delay adopting the ordinance in order to research the possibility of standardizing penalties and interest, and further the discussion with the Attorney on the consequences for being in default on a repayment plan, including being placed on a delinquency list and prohibiting the individual from receiving some City services.

-
2. Chapter 4.15 Real and Personal Property Tax
 - a. 4.15.120 C.2 and F, Membership and procedures of BOE
 - b. 4.15.120 D.1-10 – Conduct of Hearings
 - c. Late Filed Appeals – Establish a Deadline/Fee

City Clerk Williams resurrected a draft ordinance Atty. Chandler created back in October 2010 to remove duplicate and unnecessary language and to rearrange the sections in sequential order. The ordinance had been vetted through a previous Code Review Committee but not the Council. She noted there were a few changes that had been suggested since the ordinance was created that had been shared with the Attorney including comments from the assessor. The comments had not been returned. She recommended moving forward with the ordinance, adding the few substantive changes suggested.

Discussion:

- page 14, item 8, Decisions, strike ~~The board~~ shall issue certified findings of fact and conclusions of law, and add The City shall issue certified findings of fact...
- questioned the meaning of certified findings of fact; and
- remove references to assessor mails tax statements to City mail tax statements.

Staff had yet to review late filed appeals, possibly establishing a cutoff date and a fee that could be reimbursed if the appeal was accepted. It would be intended that the ordinance presented to the Council would include all three agenda items 2.a, 2.b, and 2.c.

B. Title VII. Animal Control

1. Compare Code with State Statutes
 - a. Adopted Ordinance No. 2012-16 (SUB 1)
 - b. Additional Tasks?

A recommendation was made to add the topic of animal bites to a priority list that would be established by staff and council. The committee agreed to remove agenda item, Animal Control, from the agenda for the time being.

C. Title XI. Vehicles & Traffic and Snowmobiles

City Clerk Williams reported this issue had been on the code's agenda for some time. She noted the Council had amended this section of code in 2005. Since then two more ordinances were drafted, one in 2006, that was not introduced, and an identical one in 2007, that was also not introduced. She produced an action memorandum (AM) from 2007 that a former city manager had created that suggested some further changes to the

ordinance, including removing language was that no longer in State law, and clarifying the map of the business district. The AM did not go to the Council.

Discussion:

- ask the Chief of Police to review the information presented as well as other issues that might need to be addressed since the document was put together for a presentation at the next meeting; and
- ask the City's Attorney for his insight as well.

D. Personnel Regulations (*Postpone Date*)

The City's Union Attorney had recommended that the staff's work to overhaul the personnel regulations be set aside pending the outcome of the negotiations, otherwise there would be a significant cost and time involved in negotiating each suggested change. He felt the wording changes he had recommended to the existing Personnel Regulations were nonsubstantive and could be considered.

The committee agreed to remove agenda item, Personnel Regulations for the time being.

E. Write-in Ballots, Legislative Changes (Ordinance No. 2012-17; Public Hearing Nov. 1)

City Clerk Williams reported the committee would be recommending a substitute ordinance in order to address their request to further look at an existing clause "improper marks on the ballot would be returned to the voter...". It was questionable if the ballot would be rejected, especially in light of the new change in the ordinance that allowed for other types of marks in the oval. The firm that programmed our memory cards confirmed no reject for ambiguous marks, noting whether a vote counted or not depended on how much of the oval had been filled in, light marks might count as a no vote, but would not eject the ballot.

Discussion:

- asked staff to follow up with the attorney what was meant in item G. write in votes are not invalidated by writing in the name of the candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence, that the ballot was so marked for the purpose of identifying the ballot;
- questioned whether the name of the candidate for a write-in was invalid if it did not match up with the letter of intent, noted it would be left up to the board to determine the intent.

F. Regulate Commercial Licenses

City Clerk Williams noted she had attempted to compare the taxi cab ordinances in the packet, and asked the Attorney for his recommendation. He suggested the City review Unalaska's ordinance, because he had done quite a bit of work on it over the years. Staff was looking for further direction from the committee.

Discussion:

- concerned the City did not have the resources to enforce an ordinance;
- suggested reviewing what are minimally the issues the City should cover;
- noted the feedback from one taxi cab company was the problem with other taxi cab companies undercutting fares;
- recommended looking at an ordinance from a safety standpoint;
- suggested contacting the City Manager in Unalaska, who had had experience in a community with and without a taxicab ordinance;
- recommended the committee identify what they were attempting to solve before they started conversations with others, and include the topics of safety, insurance, previous criminal convictions; and
- recommended involving the Public Safety Department in the discussions.

VI. NEW BUSINESS

There was no new business.

VII. PUBLIC COMMENT/COMMITTEE COMMENTS

There were no other public or committee comments.

VIII. ADJOURNMENT

The meeting adjourned at 7:01 p.m.

Mayor Alice Ruby, Chair

ATTEST:

Janice Williams, City Clerk

Approved: _____

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2012-60

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AMENDING THE BANK ACCOUNT SIGNATURE AUTHORITY FORMS FOR CITY BANK ACCOUNTS DUE TO A CHANGE IN COUNCIL MEMBERS

WHEREAS, the Regular City Election was held October 2, 2012, and Tim Sands did not run for reelection, and Chris Maines is the new Council Member; and

WHEREAS, the signature authority forms for the City's checking accounts at Wells Fargo Bank will need to be reflect the changes;

NOW, THEREFORE, BE IT RESOLVED by the Dillingham City Council that the following persons are authorized to sign checks on behalf of the City of Dillingham on the funds that are now and shall be deposited in Wells Fargo Bank.

Rose Loera	City Manager
Alice Ruby	Mayor
Doug Holt	Council Member
Chris Maines	Council Member
Robert Himschoot	Council Member
Keggie Tubbs	Council Member
Tracy G. Hightower	Council Member
Paul Liedberg	Council Member

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on _____, 2012.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

City of Dillingham Information Memorandum R2012-60

Subject: A Resolution of the Dillingham City Council amending the bank signature authority form(s) due to a change in personnel

Agenda of: November 1, 2012

City Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

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

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

Other Attachment(s):

Summary Statement.

This resolution is required as a housekeeping item to update the bank signature authority form when there is a change in personnel.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2012-61

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AMENDING THE BANK SIGNATURE AUTHORITY FORMS FOR THE CITY SAFETY DEPOSIT BOX DUE TO A CHANGE IN PERSONNEL

WHEREAS, the signature authority forms for the City's safety deposit box with Wells Fargo Bank needs to be revised to reflect recent changes in personnel;

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

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

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on _____, 2012.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

City of Dillingham Information Memorandum R2012-61

Subject: A Resolution of the Dillingham City Council amending the bank signature authority form for access to the City safety deposit box due to a change in personnel

Agenda of: November 1, 2012

City Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

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

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

Other Attachment(s): None

Summary Statement.

This resolution is required as a housekeeping item to update the bank signature authority form when there is a change in personnel.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2012-62

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AMENDING THE INVESTMENT ACCOUNT SIGNATURE AUTHORITY FORMS FOR CITY INVESTMENT ACCOUNTS

WHEREAS, the signature authority forms for the City's investment accounts are being updated in order to reflect the change in Council members as a result of the Regular City Election held October 2, 2012, and the hire of City Manager Rose Loera in July of 2012; and

WHEREAS, the signature authority forms for the City's investment accounts at Wells Fargo Investment Services, Piper Jaffray, Alaska Municipal League Investment Pool, and Time Value Investments will need to be reflect the changes in council members;

NOW, THEREFORE, BE IT RESOLVED by the Dillingham City Council that the following persons are authorized to give instructions on behalf of the City of Dillingham on the funds that are now and shall be deposited in the above mentioned investment institutions.

Rose Loera	City Manager
Alice Ruby	Mayor
Doug Holt	Council Member
Chris Maines	Council Member
Robert Himschoot	Council Member
Keggie Tubbs	Council Member
Tracy G. Hightower	Council Member
Paul Liedberg	Council Member
Carol Shade	Finance Director

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on _____, 2012.

SEAL:

Alice Ruby, Mayor

ATTEST:

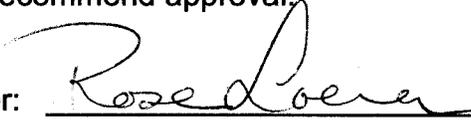
Janice Williams, City Clerk

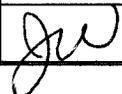
Subject: A resolution of the Dillingham City Council amending signature authority forms for the investment accounts.

Agenda of: November 1, 2012

Council Action:

Manager: Recommend approval.

City Manager: 
Rose Loera, City Manager

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

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

Attachment(s):

- Exhibit A – Signature Documents
 - Wells Fargo Bank Investment Services
 - Piper Jaffray
 - Time Value Investments
 - Alaska Municipal League Investment Pool

Summary Statement.

This is mainly a housekeeping item to reflect the change in the Council membership as a result of the October 4 Regular City Election and the City Manager hire. In addition with the signature authority forms being updated with the new signatures, we are instituting a dual authorization process for transmitting funds between accounts.

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2012-17 (SUB 1)

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 3.60.050, BALLOTS – MARKING, VALIDITY- REMOVAL PROHIBITED, AND ADDING CHAPTER 3.60.055, WRITE-IN CANDIDATES

WHEREAS, the City of Dillingham (City) is recommending changes to Chapter 3.60, Procedures for Conducting Elections to be in line with State law and to add a new section 3.60.055, Write-in Candidates, to require a letter of intent be on file in order for votes for a write-in candidate for elective office to be counted;

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Amendment of Chapter 3.60.050, Ballots--Marking, validity--Removal prohibited. Chapter 3.60.050 of the Dillingham Municipal Code is hereby amended as follows with new language underlined and deleted language displayed as ~~strikethrough~~.

3.60.050 Ballots – Marking, validity – Removal prohibited.

~~A. The ballots shall be counted by the vote tabulation system.~~

~~B. At no time during the tallying of votes may anyone but the election officials handle the ballots. The ballots shall not be marked in any way by anyone during the tallying.~~

~~C. The following rules apply to hand-counted ballots:~~

~~A.1 A voter may mark his or her ballot a ballot only by marking in the oval space the use of cross marks, "X" marks, diagonal, horizontal or vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are substantially inside the oval opposite the name of the candidate or proposition the voter desires to designate.~~

~~B.2 A failure to properly mark a ballot as to one or more candidates or propositions does not itself invalidate the entire ballot.~~

~~C.3 If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.~~

~~D.4 If a voter marks more names than there are persons to be elected to the office, the Accu-Vote system will return the ballot to the voter for the voter to determine their wish to vote correctly votes for that office will not be counted.~~

(Items highlighted in yellow are being introduced as SUB 1)

~~E. The mark specified in Subsection A of this section shall be counted only if it is written inside the oval provided, or touching the oval so as to indicate clearly that the voter intended the particular oval marked.~~

~~F. Improper marks on the ballot will be returned to the voter by the Accu-Vote system and a new ballot shall be issued.~~

~~G. An erasure or correction invalidates only that section of the ballot in which it appears on the ballot.~~

~~5. H. Write-in votes are not invalidated by writing in the name of the candidate whose name is printed on the ballot, unless the election board determines, on the basis of other evidence, that the ballot was so marked for the purpose of identifying the ballot.~~

~~6. J. In order to vote for a write-in candidate, the voter must write in the candidate's name in the space provided, or use a sticker as allowed under subsection i of this section and, in addition, fill in mark the oval opposite the candidate's name, in accordance with subsection a of this section~~

~~7. K. Affixing stickers on a ballot in an election to vote for a write-in candidate is prohibited. [Stickers bearing a candidate's name may be affixed to the ballot in lieu of writing in a candidate's name if write-in votes or ballots are otherwise permitted. Stickers shall not be issued by members off the election board while serving at the polls. Stickers shall not be offered to voters within two hundred feet of the polling place.]~~

~~8. Write-in votes shall only be tabulated by person if the total number of write-in votes for an office exceeds the smallest number of votes cast for a candidate for that office whose name is printed on the ballot. No votes for a write-in candidate may be counted unless that candidate has filed a letter of intent with the city clerk in accordance with Section 3.60.055 Write-in Candidates.~~

~~K. D. No voter may leave the polling place with the official ballot that he/she received to mark.~~

Section 3. Add a new Chapter 3.60.055, Write-in Candidates. Chapter 3.60.055 of the Dillingham Municipal Code is hereby added to read as follows:

3.60.055 Write-in Candidates.

A. Votes for a write-in candidate for elective city office will not be counted unless the candidate has filed a letter of intent. The letter of intent shall be executed under oath before and on a form provided by the city clerk. The letter of intent shall state in substance:

1. The full name of the candidate;
2. The full residence and mailing addresses of the candidate;
3. A contact phone number;
4. The office and seat to which the candidate seeks election;
5. The name of the candidate as the candidate wishes it to be written in on the ballot

by the voter;

6. The date of the election at which the candidate seeks election;
7. A certification by the candidate that the candidate:
 - a. is a qualified voter;
 - b. is a resident of the city;

- c. qualifies, or shall qualify as of the date of election, for the office to which the candidate seeks election;
- d. shall serve if elected; and
- e. is not a candidate for any other office to be voted on at the election.

8. A certification by the candidate that the information in the letter of intent is true and accurate.

9. The date and signature of the candidate seeking office.

B. A letter of intent under subsection A of this section must be filed with the city clerk not earlier than the first business day following the last day of the filing period for declarations of candidacy for the election under Section 3.40.020, and not later than one p.m. on the day before the election.

Section 4. Effective Date. This ordinance is effective upon passage.

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

SEAL:

Alice Ruby, Mayor

ATTEST:

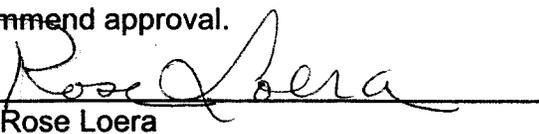
Janice Williams, City Clerk

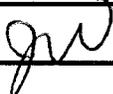
Subject: An ordinance of the Dillingham City Council amending Chapter 3.60.050, Ballots – Marking, validity – Removal prohibited, and adding Chapter 3.60.055, Write-in candidates

Agenda of: November 1, 2012

Council Action:

Manager: Recommend approval.

City Manager: 
Rose Loera

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

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

Other Attachment(s):

- None

Summary Statement.

The Code Review Committee was tasked with reviewing the code as it related to write-in candidates and to also review recent state statutes regarding voting. Through that review the committee the following changes are being recommended for adoption by the Council:

- disallow stickers on the ballot bearing the write-in's name (a survey of 7 municipalities of our size added this language to their election code quite some time ago);
- adopt language from the Wasilla and North Pole code regarding tallying votes for write-ins;
- require a letter of intent be on file for all write-ins (Wasilla code);
- adopt language for type of marks that will be allowed in filling in the oval on the ballot including X's, check marks, etc. (covered in several other municipalities our size).

The City's Attorney has reviewed the proposed ordinance and commented since it is a change in election procedures, the City will need to get a preclearance review from the Dept. of Justice [after the ordinance is adopted] prior to the October 2013 election. .

Since this ordinance was introduced further discussion at the committee level resulted in staff separating out language specific to ballots tabulated by the automated voting tabulation system that is preprogrammed and from hand counting ballots. This will provide a much clearer set of guidelines for the election judges who are responsible for the balloting process (Wasilla code).

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2012-18

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 4.20 OF THE DILLINGHAM MUNICIPAL CODE TO LIMIT THE PENALTY ASSESSED FOR FAILURE TO FILE SALES TAX RETURNS OR REMIT SALES TAX TO FIFTEEN PERCENT, ELIMINATE INTEREST ACCRUAL ON PENALTY AMOUNTS AND PROVIDE AUTHORITY FOR REPAYMENT PLANS FOR UNPAID TAX

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Amendment of Section 4.20.210(B). Section 4.20.210(B) if the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

- B. Failure to File a Return. A seller who fails to file a return as required by this chapter or who fails to remit taxes collected, or which should have been collected, is subject to a penalty. The penalty is five fifteen percent of the taxes collected, or which should have been collected, ~~per month, until paid~~. The filing of an incomplete return is the equivalent of filing no return.

Section 2. Amendment of Section 4.20.220. Section 4.20.220 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

4.20.220 Interest on late payments.

A seller who fails to remit payments in a timely manner shall be liable for interest charges of ten and one-half percent per annum on the amount of delinquent taxes accruing from the due date until paid in full. Interest shall not accrue on any penalty imposed under Section 4.20.210(B).

Section 3. Amendment of Chapter 4.20. Chapter 4.20 of the Dillingham Municipal Code is hereby amended by adding a new section 4.20.265 to read as follows:

4.20.265 Repayment Plan

A. A seller who is delinquent may cure their delinquency by agreeing to a repayment plan signed by both the City of Dillingham and the seller. Extended payment arrangements in the form of the repayment plan may be granted to a seller for a period not to exceed two years.

The repayment plan contract will meet the following requirements:

1. The seller has not been placed on the delinquent list in the previous three calendar years.
2. The seller has not been in default on a repayment plan in the previous three calendar years.

3. The seller agrees to pay twenty per cent down payment of the tax, interest, and penalty amount due. The down payment shall be applied first to penalty, then to accumulated interest, and then to the tax owed.
4. The seller agrees to pay the balance of the tax and interest owed in equally monthly installments over a period not to exceed two (2) years.
5. The seller will provide a personal guarantee of the obligations under the repayment plan if the seller is a corporation or limited liability entity.
6. The seller agrees to pay all future tax bills in accordance with the provisions of this section.

B. Interest on repayment plans shall be at the rate of six per cent (6%) per annum on the amount of tax due provided that if the seller fails to make one or more payments at the time agreed under the repayment plan the full amount of interest owed under Section 4.20.220 shall be due and owing on the entire remaining balance.

Section 4. Effective Date. This ordinance is effective upon adoption.

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

_____.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

City of Dillingham Information Memorandum No. O2012-18

Subject: An ordinance of the Dillingham City Council amending Chapter 4.20 of the Dillingham Municipal Code to limit the penalty assessed for failure to file sales tax returns or remit sales tax to fifteen percent, eliminate interest accrual on penalty amounts and provide authority for repayment plans for unpaid tax

Agenda of: November 1, 2012

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

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

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

Other Attachment(s):

- None

Summary Statement.

This ordinance was introduced October 4. When it comes up on the agenda to recommend adoption, the Council will be informed that the Code Review Committee has more work to do on the ordinance to address several items that arose after it was introduced. Further research is being made to evaluate the possibility of standardizing penalties and interest, of which the result could affect this ordinance, and to evaluate the consequences for being in default on a repayment plan, including being placed on a delinquency list and prohibiting the individual from receiving some City services.

CITY OF DILLINGHAM, ALASKA

RESOLUTION 2012-63

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL WAIVING SECTION 3.95 OF THE CITY'S PERSONNEL REGULATIONS IN ORDER TO ALLOW CRAIG MAINES TO CONTINUE HIS EMPLOYMENT AS A CORRECTIONS OFFICER WITH THE CITY OF DILLINGHAM DEPARTMENT OF PUBLIC SAFETY WHILE HIS BROTHER, CHRISTOPHER MAINES, SERVES ON THE CITY COUNCIL

WHEREAS, at the October 2, 2012 Regular City Election, Christopher Maines ran on Council Seat B, a one-year term ending October 2013, and received the greatest number of votes cast for this seat; and

WHEREAS, the Dillingham City Council certified the October 2, 2012 Regular City Election with the passage of Resolution No. 2012-59, adopted October 11, 2012; and

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

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

WHEREAS, Christopher Maines's brother, Craig Maines, works as a Corrections Officer for the City of Dillingham; and

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

NOW THEREFORE BE IT RESOLVED BY THE DILLINGHAM CITY COUNCIL:

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

PASSED AND ADOPTED by a duly constituted quorum of the Dillingham City Council on _____, 2012.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

City of Dillingham Information Memorandum R2012-63

Subject: A Resolution of the Dillingham City Council waiving Section 3.95 of the City's Personnel Regulations in order to allow Craig Maines to continue his employment as a corrections officer with the City of Dillingham Dept. of Public Safety while his brother, Christopher Maines, serves on the City Council

Agenda of: November 1, 2012

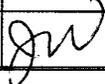
City Council Action:

Manager: Recommend approval.

City Manager:



Rose Loera

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

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

Other Attachment(s): None

Summary Statement.

Christopher Maines was elected to Council Seat B. His brother, Craig Maines, is employed by the City of Dillingham as a Corrections Officer. According to the City's Personnel Regulations Section 3.95 the City Manager may recommend a waiver to the Council as long as the employee is not directly supervised by the Council or Mayor. In this case, Craig would not be directly supervised by the Council or Mayor.

According to the City's Attorney whoever gets the most votes wins the election regardless of whether they have a relative employed by the City. They don't get to run for office and then decide later if they will take the oath depending on how the council votes on a nepotism waiver. That is why it is not necessary to decide the waiver issue in advance of administering the oath of office.

If the person that won the election refuses to take the oath the person who currently holds the council seat remains in office. (Clerk Note: Chris Maines took the oath of office on October 11, 2012 following the Certification of the Election.)

If the nepotism waiver is not granted then either the relative leaves city employment or the newly elected council member resigns. Attorney suggested this be taken care of by the November meeting. If the council member does not resign at that meeting or in advance of that meeting their relative is terminated from city employment. If the council member resigns, the seat is filled using the vacancy procedure it does not automatically go to whoever finished second in the election.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2012-64

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING A LONG TERM ENCROACHMENT PERMIT FOR NUSHAGAK COOPERATIVE TO INSTALL AN OVERHEAD UTILITY ROAD CROSSING TO A NEW RESIDENCE LOCATED AT THE CORNER OF ASPEN AND SPRUCE

WHEREAS, Nushagak Cooperative wishes to install an overhead utility line in order to provide electric service to a new residence located at the corner of Aspen and Spruce; and

WHEREAS, the electrical lines have to be installed in a public right of way; and

WHEREAS, the installation of these utilities is not anticipated to present a safety hazard now or in the future; and

WHEREAS, the application for the encroachment permit has only recently been filed with the City Planner's office and has not been brought before the Planning Commission;

WHEREAS, it Dillingham Municipal Code Chapter 12.08, Encroachment Permits, requires that the Dillingham Planning Commission review the proposed long term encroachment permit application for compliance; and

WHEREAS, time is of the essence because the weather is turning exceedingly colder and the need for electricity to heat the building and run equipment is urgent; and

WHEREAS, the encroachment permit has been reviewed by City personnel and does not pose any issue; and

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

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council approves an Encroachment Permit application for a long term permit to install an overhead utility road crossing at the corner of Aspen and Spruce with the following conditions:

- that the City of Dillingham Planner's Office, Public Works Department, and Public Safety Department be notified 48 hours prior to working in the public right of way;
- that a new encroachment permit must be obtained before the utilities are moved from this location;
- that Nushagak Cooperative restore the public land or public right-of-way to its former condition or better after completing the utility installation; and
- that Nushagak Cooperative provide GPS coordinates or an as-built of the location of the overhead electrical line to the City Planning Department within one month of installing them.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on _____, 2012.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: A resolution of the Dillingham City Council approving a long term encroachment permit for Nushagak Cooperative to install an overhead utility road crossing to a new residence located at the corner of Aspen and Spruce

Agenda of: November 1, 2012

Council Action:

Manager: Recommend approval.

City Manager: 
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Public Works / Malcolm Brown	<i>MB</i>	
X	Planning / Jody Seitz		
X	City Clerk / Janice Williams	<i>JW</i>	

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

Other Attachment(s): None

Summary Statement.

This resolution approves an encroachment permit for Nushagak Cooperative to install an overhead electrical line to a new residence located at the corner of Aspen and Spruce. The long term encroachment application was not reviewed and recommended for approval by the Planning Commission, because time is of the essence due to cold weather setting in .

The encroachment permit is necessary to comply with Dillingham Municipal Code:

12.08.010 Definitions. "Encroachments" shall be considered as any object above ground or below belonging to a private owner other than the municipality which has been or caused to be constructed or located within streets, public right-of-way or other property dedicated to a public use.

12.08.020 (C) Approval of a Long Term Permit. The city manager shall refer any encroachment permit application for a period exceeding one year to the city planning commission. The manager shall submit his recommendations regarding the application to the planning commission. The planning commission shall review the application, and forward a recommendation to the city council. The city council shall act upon the encroachment permit application only upon receipt and consideration of the recommendation of the planning commission.



CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2012-65

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING A LONG TERM ENCROACHMENT PERMIT FOR UTILITY INSTALLATION ACROSS EMPEROR WAY NORTH TO INSTALL ELECTRIC AND TELEPHONE LINES TO LOT 8, CREEKSIDE SUBDIVISION

WHEREAS, a citizen wishes to have electric and telephone lines installed to her residence located at Lot 8, Creekside Subdivision; and

WHEREAS, the utility lines have to be installed across Emperor Way North, a public right of way; and

WHEREAS, the installation of these utilities is not anticipated to present a safety hazard now or in the future; and

WHEREAS, the application for the encroachment permit has only recently been filed with the City Planner's office and has not been brought before the Planning Commission;

WHEREAS, it Dillingham Municipal Code Chapter 12.08, Encroachment Permits, requires that the Dillingham Planning Commission review the proposed long term encroachment permit application for compliance; and

WHEREAS, time is of the essence because the weather is turning exceedingly colder and the need for electricity to heat the building and run equipment is urgent; and

WHEREAS, the encroachment permit has been reviewed by City personnel and does not pose any issue; and

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

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council approves an Encroachment Permit application for a long term permit to install electric and telephone service to Lot 8, Creekside Subdivision, with the following conditions:

- that the City of Dillingham Planner's Office, Public Works Department, and Public Safety Department be notified 48 hours prior to working in the public right of way;
- that a new encroachment permit must be obtained before the utilities are moved from this location;
- that Nushagak Cooperative restore the public land or public right-of-way to its former condition or better after completing the utility installation; and

Subject: A resolution of the Dillingham City Council approving a long term encroachment permit for utility installation across Emperor Way North to install electric and telephone lines to Lot 8, Creekside Subdivision

Agenda of: November 1, 2012

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Public Works / Malcolm Brown	MB	
X	Planning / Jody Seitz		
X	City Clerk / Janice Williams	JW	

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

Other Attachment(s): None

Summary Statement.

This resolution approves an encroachment permit to install electric and telephone lines across Emperor Way North to serve Lot 8 Creekside Subdivision. The long term encroachment application was not reviewed and recommended for approval by the Planning Commission, because time is of the essence due to cold weather setting in.

The encroachment permit is necessary to comply with Dillingham Municipal Code: 12.08.010 Definitions. "Encroachments" shall be considered as any object above ground or below belonging to a private owner other than the municipality which has been or caused to be constructed or located within streets, public right-of-way or other property dedicated to a public use.

12.08.020 (C) Approval of a Long Term Permit. The city manager shall refer any encroachment permit application for a period exceeding one year to the city planning commission. The manager shall submit his recommendations regarding the application to the planning commission. The planning commission shall review the application, and forward a recommendation to the city council. The city council shall act upon the encroachment permit application only upon receipt and consideration of the recommendation of the planning commission.

CITY OF DILLINGHAM, ALASKA

RESOLUTION 2012-66

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG), ADMINISTERED BY THE ALASKA DEPARTMENT OF COMMUNITY, COMMERCE, AND ECONOMIC DEVELOPMENT

WHEREAS, in September 2009, the City of Dillingham awarded a contract with Bettisworth North Architects and Planners for an assessment of the Dillingham Public Safety Building and Downtown Fire Hall to better understand the current conditions of the buildings; and

WHEREAS, the assessment validated the City's concerns that these buildings were in dire shape and did not adequately address the space needs of both functions; and

WHEREAS, the Dillingham City Council is looking to move forward and replace the Fire Hall and Public Safety Facility buildings to better serve the community of Dillingham; and

WHEREAS, the first step for replacement of the facility is to get the facility or facilities designed; and

WHEREAS, the Dillingham City Council will undertake a planning process that will be open to the public to determine the type of facility or facilities that will be designed; and

WHEREAS, the Dillingham City Council will use the planning process as the public input process that is required for the CDBG grant; and

WHEREAS, additional requirements of the CDBG grant is a community income survey; and

WHEREAS, the Dillingham City Council realizes that matching funds will be needed with the CDBG grant and further supports staff efforts to identify additional funds in the process; and

WHEREAS, the City of Dillingham is an entity that can apply for a grant in an amount not to exceed \$850,000, from the Alaska Department of Commerce, Community, and Economic Development under the CDBG program;

NOW, THEREFORE, BE IT RESOLVED that:

1. The City Manager of the City of Dillingham is hereby authorized to apply for the CDBG grant and other grants as identified for design of a facility or facilities to house the Fire Hall and Public Safety and to negotiate and

execute any and all documents required for granting and managing funds on behalf of this organization.

2. The City Manager is also authorized to execute subsequent amendments to said grant agreement to provide for adjustments to the project within the scope of services or tasks, based upon the needs of the project.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on _____, 2012.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: Resolution 2012-6x, a resolution of the Dillingham City Council authorizing participation in the Community Development Block Grant program administered by the AK Dept. of Community, Commerce, and Economic Development

Agenda of:

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

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

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

Other Attachment(s): None

Summary Statement.

The purpose of this resolution is to get authorization from the Dillingham City Council to pursue a Community Development Block Grant (CDBG) to get the Public Safety facility/facilities at 35% designed. In order for the City to move forward with replacing these facilities we need to have a design that we could have ready if and when construction funds come available. The CDBG grant has a deadline of December 7, 2012. The CDBG grant has a ceiling of \$850,000. We will apply for the entire amount to see where that would get us in the design process. Design cost is usually estimated at 10% of the total cost of the project. There are number of requirements for us to get the maximum points for the grant including:

1. a community wide income survey conducted on a percentage of the population. This is needed because Dillingham's Low to Moderate Income (LMI) is higher than the threshold requirement in the grant;
2. We will need to show that we had a public process for the community to have input into the project. We would use our plan to include the council, staff and the volunteer fire squad to decide on whether we wanted to have one building for all of Public Safety including the Fire Department or two; and
3. The CDBG grant has a leveraging funds requirement. We would be looking at other grants to leverage or determine if the City would be able to match the grant as a last resort. Other grant possibilities would be Rasmuson or the State of Alaska Corrections Department.

We have asked BBEDC for grant writing assistance.

City of Dillingham Action Memorandum No. 2012-12

Subject: Authorize the City Manager to Execute a Professional Services Engineering and Design Contract with CH2M Hill Engineers

Agenda of: November 1, 2012

Council Action:

Manager: Recommend approval
City Manager: Rose Loera
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade		
X	Project Mgr / Steve Cropsey		
X	Public Works / Malcolm Brown		
X	City Clerk / Janice Williams	JW	

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

Other Attachment(s):

- Email Message from Project Mgr. Steve Cropsey to EEG dated October 3, 2012
- Letter of Objection from Ecological Engineering Group Inc. (EEG) dated October 19, 2012
- Approved Certification of Authorization for Corporate Practice through the AK Board of Registration for Architects, Engineers, and Land Surveyors effective October 15, 2012
- Draft Contract for Professional Services with CH2M Hill

Summary Statement.

The purpose of this Action Memorandum is to authorize the City Manager to execute a professional services contract with CH2M Hill Engineering to provide engineering and design services for the upgrade of the Waste Water Treatment Plant (WWTP). The City received a \$2.28 million Legislative Grant for the upgrade. A selection committee consisting of five knowledgeable highly respected individuals well acquainted with Dillingham has recommended the selection of CH2M Hill as the engineering firm to provide the engineering and design services for the upgrade of the WWTP. Three proposals were received as a result of a public advertising campaign. One firm, EEG, was not adequately licensed by the State of AK at the time the proposals were due. This was not realized until after the initial selection process was completed. There were two issues to address regarding EEG – licensing and references. The licensing issue was resolved. The references were contacted. Based on those contacts, as reported to me, I am not comfortable awarding the work to EEG and prefer the City hire CH2M Hill for this project.

The contract, which will be delivered to members of the City Council in draft form well ahead of the November 1st meeting, will provide for all services required including completion of construction contract documents plus negotiation services to establish a Compliance Order by Consent with ADEC and a WWTP master Plan for a not to exceed amount of \$214,265. We

hope to have CH2M Hill's agreement to the draft in advance of the November 1 meeting. It is possible they will request changes to the draft. If so, these will be reviewed and recommendations regarding any changes will be prepared for Council review at or before the meeting.

Note:

Ecological Engineering Group Inc. (EEG) (the initially preferred engineer) has questioned the process by which CH2M Hill was selected. They have the right under the City's code to appear at the Council meeting and try to talk the Council out of approving a contract with CH2M Hill. They have not officially requested to participate in the meeting. The Mayor should inquire if there is anyone from EEG that wishes to address the Council when this agenda item is reached. A copy of their objections and Project Manager Steve Cropsey's email that was sent to them is attached to this action memorandum. EEG has been provided the documents they asked for as well as copies of the other two bid proposals.

City of Dillingham
Fiscal Note

Agenda Date: November 1, 2012

Request:

ORIGINATOR: Carol Shade

FISCAL ACTION (TO BE COMPLETED BY FINANCE)		FISCAL IMPACT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
AMOUNT REQUESTED: Not to Exceed \$ 214,265.00		FUNDING SOURCE Waste Water Treatment Plant	
FROM ACCOUNT 3213 8520 30 62 4410 0 \$ 214,265.00		Projects* Waste Water Master Plan	
TO ACCOUNT:	VERIFIED BY: Carol Shade	Date: 9/5/2012	

EXPENDITURES

OPERATING	FY13	FY14	FY15	FY16
Personnel				
Fringe Benefits				
Engineering Design	\$214,265.00			
Heating Fuel	-			
Land/Buildings				
Miscellaneous				
TOTAL OPERATING	\$ 214,265.00	\$ -	\$ -	\$ -

CAPITAL	214,265.00			
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REVENUE				
----------------	--	--	--	--

FUNDING

General Fund &	\$ -			
State/Federal Funds				
Special Revenue Funds	-			
TOTAL FUNDING	\$ -			\$ -

POSITIONS

Full-Time				
Part-Time				
Temporary				

ANALYSIS: (Attach a separate page if necessary)

See Attached Action Memorandum AM # 2012-12

PREPARED BY: Carol Shade

November 1, 2012

DEPARTMENT: Finance Department

November 1, 2012

Email from Mr. Steve Cropsey to EEG, 10/3/12

From: Steve Cropsey <steve_cropsey@me.com>

Date: Wed, 03 Oct 2012 10:34:06 -0800

To: David Del Porto <delporto@ecological-engineering.com>, Alaska Projects Director
<gershoncohen@ecological-engineering.com>

Cc: Brooks Chandler <bchandler@bcf.us.com>

Subject: EEG Licensing and Other RFP/ Proposal matters.

There is an issue regarding EEG's state licensing. Under Alaska law a municipality:

may not award a contract for architectural, engineering, land surveying, or landscape architectural services to: . . . a corporation, limited liability company, or limited liability partnership that is not authorized under AS

08.48.241 to offer the architectural, engineering, land surveying, or landscape architectural services required by the contract.

AS 36.90.100.

AS 08.48.241(b) states

Upon filing with the board the application for certificate of authorization, certified copy of resolution, affidavit, and designation of persons specified in this section, the board shall, subject to (c) of this section, issue to the corporation, limited liability company, or limited liability partnership a certificate of authorization to practice architecture, engineering, land surveying, or landscape architecture in this state .

Has EEG obtained the required state authorization to practice engineering in Alaska? If so, please provide a copy of EEG's certificate of authorization. If not, EEG will not be considered further until such time as it presents state authorization. Becoming licensed according to the Dept. of Corp should take only about a week once the appropriate applications are filed.

The project EEG worked on with the City of Palmer had a significantly different approach than that desired by the City of Dillingham. In that the City of Dillingham wants a complete set of bid ready contract documents by March 15, 2013 by which General Contractors can submit competitive bids as required by State Law and City ordinance. The reference to "Procurement specs" in the EEG Proposal is confusing in that Dillingham wants a single set of contract documents again that Contractors can bid from. The Proposal confusingly indicates a fragmented approach to putting the final project in place. According to AK Law and City Ordinance proprietary products can be required by project spec. if there is a justifiable reason to require such.

The Pricing Estimate Summary appears to have a lump sum price associated with each Task (A through K). Lump sum costs for tasks are unacceptable. Tasks must be priced using the "Not to Exceed (NTE) amounts given in the Summary) but broken down by line item of the job classification used to accomplish the task such as Principal Engineer \$xxx. / hour, Clerical Support \$ xxx /hour, Cad designer \$xxx per hour and then multiplied by the # of hours estimated for the task with a NTE amount for the task. Individual classifications within the task hours might change (Which can be done without approval from the City) but the NTE amount cannot be exceeded without a Change Order approved by the Project Manager. This modified Pricing Schedule must be prepared by EEG and labeled as Exhibit A it will become an Exhibit attached to the Professional Services Contract.

In reviewing your response to the request for additional information on working with ADEC for the COBC with ADEC it appears EEG does not understand completely how the Dept. operates. EEG may reduce the cost of Task K to 10 hours as the Dept wants to work primarily with the City and its attorney and not the Design Engineer direct.

Our biggest concern is EEG's lack of Alaska experience and the moderately positive response to our request from references provided by EEG.

Please let me know at your earliest convenience if you will move to secure the required licensing and modify the format of EEG's Pricing Summary to meet the City's requested change.



Ecological Engineering Group, Inc.

Ecological Engineers and Consultants
where Life informs design®

508 Boston Post Road
P.O. Box 415
Weston, MA USA
Phone: 978.369.9440
Fax: 617 209 1200
info@ecological-engineering.com
www.ecological-engineering.com

10/19/2012

Sent by email and certified registered mail 10/19/2012

City of Dillingham
Box 889, 141 Main Street
Dillingham, Alaska 99576

Dear Mayor Ruby, City Manager Loera, Honorable Council Members, and Special Projects Manager Cropsey,

We received the letter from the City of Dillingham (City) dated October 15th stating the City is awarding the Wastewater Treatment Plant Upgrade contract to CH2MHill, despite the fact that Ecological Engineering Group (EEG) was selected as the highest ranking bidder by the evaluation committee.

We would like to know the basis for, and the process by which this decision was made. We have reviewed the amended City Council packet for the meeting of October 4th and the Action Memo for Resolution 2012-10, neither of which support this decision. The Action Memo expressly states EEG is the first choice and the Memo's recommended action is for the Council to direct the Manager to negotiate a Professional Services Agreement (PSA) with EEG. According to the Action Memo, negotiating a PSA with another bidder was to be authorized only as a "back-up plan" in the event that EEG were to fail to obtain the necessary Certificate of Authority (a requirement the Action Memo itself calls "perfunctory",) or if the qualifying responsible person's references were unsatisfactory.

EEG has received the required Certificate of Authority (COA) from the State of Alaska requested by Mr. Cropsey (see attached COA and email message.) EEG provided the Responsible Person's references to Mr. Cropsey on October 5th and was informed by Mr. Cropsey that this matter was resolved. These two items satisfy the two specified triggers for the back-up plan described in the Action Memo, thereby removing any need to pursue the back-up plan involving another bidder. EEG has been and continues to be ready and eager to negotiate a PSA. Yet, no negotiations whatsoever have taken place between the City and EEG for a PSA, as specified in the Action Memo.

We have not seen any of the other bids, as the RFP failed to provide the time and place for the public opening of the bids as required by the Dillingham Municipal Code (DMC Sections 43.100. A. and C.) In order that we may understand the City's current actions well in advance of the next Council meeting, please provide us with:

1. A copy of the meeting minutes and final decision on Resolution 2012-10 from the October 4th City Council meeting. We have a copy of the pre-meeting agenda and amended City Council packet, downloaded from the "agendas and packets" section of the City's website. However, the minutes of the meeting have not been posted. We wish to see the record of the discussion, amendments to the Resolution (if any) and final decision and Resolution passed by the Council.
2. The Manager's written evaluation of the bids, as required by DMC section 43.100.E. We did not find this in the original or amended City Council packet for this agenda item, as posted on the web site. If this evaluation is in fact posted on the web site, we would be happy to have you simply direct us to it.
3. A finding as to whether or not EEG was the low-bidder on the project.

We are certain you can appreciate that we need to see these items right away in order to fully understand the Council's mandate and the City's current direction, well in advance of the next Council meeting.

Thank you.



for David Del Porto, Principal, EEG

Gershon Cohen PhD
Alaska Projects Director
Ecological Engineering Group
gershoncohen@ecological-engineering.com
1- 907-766-3005
1- 877-688-0071



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

**Department of Commerce, Community,
and Economic Development**
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

P.O. Box 110806
Juneau, Alaska 99811-0806
Main: 907.465.2550
TDD: 907.465.5437
Fax: 907.465.2974

BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS AND LAND SURVEYORS

October 15, 2012

Donald Bassler
13100 Badger Lane
Anchorage AK 99516

Dear Mr. Bassler:

This letter acknowledges to you that Ecological Engineering Group, Inc. has named you as a person in responsible charge for the practice of Mechanical Engineering for the Corporation effective October 15, 2012.

You are designated full authority to make all final Mechanical Engineering decisions on behalf of the Corporation with respect to work performed by the Corporation in this state as granted by the board of directors in the resolution. However, the filing of this resolution does not relieve the Corporation of any responsibility or liability imposed upon it by law or by contract.

If you do not agree to this, you must notify this office in writing immediately.

Please contact me if you have any questions.

Sincerely,

Alicia Kelly

Alicia Kelly
Board of Registration for Architects,
Engineers and Land Surveyors
Phone: 907.465.2540
Email: alicia.kelly@alaska.gov

Cc: Ecological Engineering Group, Inc.



BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS AND LAND SURVEYORS

October 15, 2012

Ecological Engineering Group, Inc.

Dear Corporate Registrant:

Your application for a Certification of Authorization for Corporate Practice through the Alaska Board of Registration for Architects, Engineers and Land Surveyors has been approved, effective October 15, 2012. The registration number is **AEC C 1464** and it expires December 31, 2013. Your Corporation has authority to practice in the following areas with the specified individuals in responsible charge of each branch:

<i>Branch of Practice</i>	<i>Person Designated in Responsible Charge</i>	<i>Alaska Registration No.</i>
Mechanical Engineering	Donald Bassler	AEL ME 6051

If there is a subsequent change in the person(s) in responsible charge, the following documentation is required:

1. Completed "Application for Amendment for Certificate of Authorization for Corporate Practice" (form 08-4409) found at: <http://www.commerce.state.ak.us/occ/pael8.htm>
2. \$60 fee made payable to the State of Alaska; and
3. Certified NOTARIZED copy of the resolution of the board of directors of the corporation designating all current professionals in responsible charge of each area.

If you wish to add or remove an area of practice, the following documentation is required:

1. Completed "Application for Amendment for Certificate of Authorization for Corporate Practice" (form 08-4409);
2. \$60 fee made payable to the State of Alaska; and
3. Certified NOTARIZED copy of the amendment to corporate, LLC or LLP bylaws indicating each field in which the corporation, LLC, or LLP wishes to practice. (See sample amendment to bylaws attached.)
4. Certified NOTARIZED copy of the corporate board of directors' resolution, the managing members or manager of the LLC, or the general partners of the LLP's resolution designating the current Alaska-registered professional in charge for each branch of practice.

If you wish to change your Corporate/LLC/LLP name, the following documentation is required:

1. Completed "Application for Amendment for Certificate of Authorization for Corporate Practice" (form 08-4409);
2. \$60 fee made payable to the State of Alaska; and
3. Photocopy of certificate from Alaska Division of Banking, Securities and Corporations showing the new corporate, LLC, or LLP name.
4. Certified NOTARIZED copy of the corporate board of directors, the managing members or manager of the LLC, or the general partners of the LLP's resolution to change the corporate name.

A wall certificate is available for a fee of \$20.00 and will be ordered upon receipt of the fee and will be mailed following the next board meeting.

If you have a change of address, you must notify our office in writing so that a renewal card can be mailed to your correct address. Corporate registration renewals are issued biennially.

The current booklet of Alaska Statutes and Regulations governing architecture, engineering, land surveying, and landscape architecture can be found on our website, under 'Reference Info':

<http://www.commerce.state.ak.us/occ/pub/aelsstatutesregs.pdf>

Should you have any questions, please contact us.

Sincerely,

Alicia Kelly

Alicia Kelly
Licensing Examiner
Board of Registration for Architects,
Engineers and Land Surveyors
Email: alicia.kelly@alaska.gov

Enclosures: Corporate/LLC/LLP License

Copy of letter to Person in Responsible Charge
Corporate Amendment Application for future use if necessary

Cc: Donald Bassler, PE

AGREEMENT FOR ENGINEERING AND RELATED SERVICES

THIS AGREEMENT is entered into this ___ day of October, 2012, by and between CH2M Hill Engineers, Inc. (hereinafter called "Engineer"), and the CITY OF DILLINGHAM (hereinafter called "City").

RECITALS

A. City desires to engage Engineer to render Engineering and related consulting services for the **Waste Water Treatment Plant Project** and

B. Engineer represents that it is properly licensed and that it has the experience and ability to perform such services; and

C. The parties hereto desire to enter into a basic agreement setting forth the terms under which Engineer will, as requested, perform such work;

NOW THEREFORE the parties hereto do mutually agree as follows:

1. Employment of Engineer

Engineer agrees to provide professional services in accordance with the provisions of this Agreement. A written description of the scope of work is set out in Exhibit A, which is incorporated by reference.

2. Performance and Compensation

The amounts payable to the Engineer shall not exceed sixty-thousand dollars (\$60,000) for Task 1- Assessment and one-hundred-fifty-four-thousand-two-hundred-sixty-five dollars (\$154,265) for Tasks 2 and 3 without the prior written approval of the City.

After issuance of a Notice to Proceed, Engineer agrees to proceed immediately to perform the work described in Exhibit A. Upon receipt of periodic billing for said services, the City agrees to pay the Engineer, as compensation for the services under this Agreement, on a time and materials basis in accordance with the fee schedule specified in Exhibit B.

3. Time of Performance

All Engineer services required shall be completed no later than March 15, 2013. **Services required by this Agreement will be deemed complete upon Engineer's delivery of 100% Construction Documents, with those Construction Documents**

to be in biddable form.

4. Billing and Payments

City agrees to make monthly payments to Engineer as services are performed and costs are incurred, provided Engineer submits three (3) copies of an invoice for each payment, in such form accompanied by such evidence in support thereof as may be reasonably required by the City. All invoices are due and payable within thirty (30) days of receipt by City.

As further described in Section 2 above, City shall pay Engineer on a time and materials basis in accordance with the fee schedule attached hereto as Exhibit B a total amount not to exceed two-hundred-fourteen thousand two hundred sixty-five dollars (\$214,265).

5. Personnel

Engineer agrees to furnish all personnel necessary for expeditious and satisfactory performance of Engineer's duties under this Agreement, each to be competent, experienced and well qualified for the work assigned. No person objected to by the City in writing to the Engineer, shall be employed by Engineer for work hereunder.

6. Independent Contractor Status

In performing its duties under this Agreement, Engineer acts as an independent contractor and shall have responsibility for and control over the details and means for performing the Engineering services required hereunder.

7. Indemnification

Engineer shall defend and save harmless City or any employee, officer or elected official thereof from and against losses, damages, liabilities, expenses, claims and demands but only to the extent arising out of any negligent act or negligent omission of Engineer while performing under the terms of this contract.

8. Assignment

Engineer shall not assign this Agreement or any of the monies due or to become due hereunder, without the prior written consent of City.

9. Subcontracting

Engineer may not subcontract its performance under this Agreement without prior written consent of City. Any subcontractor must agree to be bound by terms of this Agreement.

10. Designation of Representatives

The Parties agree, for the purposes of this Agreement, the City shall be represented by and may act only through the City Manager or such other person as she may designate in writing.

Until further written notice from the City Manager to Engineer, the City Manager hereby designates Steve Cropsey as the City's representative for this Project, with full authority to act for and bind the City, for the purposes of this Agreement.

Engineer shall advise City in writing of the name of its representative in charge of the administration of this Agreement, who shall have authority to act for and bind Engineer for the purposes of this Agreement.

11. Termination

City shall have the right to terminate this Agreement in whole or in part at any time and for reasonable cause, by delivery of thirty (30) days prior written notice, specifying the extent and effective date of termination. Except as provided in this Section 11, any such termination shall not alter or affect the rights or obligations of the parties under this Agreement.

After receipt of the City's written termination notice, Engineer shall stop work hereunder to the extent and on the date specified in such notice, terminate all subcontracts and other commitments to the extent they relate to the work terminated, and deliver to City all designs, computations, drawings, specifications and other material and information prepared or developed hereunder in connection with the work terminated.

In the event of any termination pursuant to this clause, Engineer shall be entitled to be paid the following: (a) for direct labor hours expended prior to termination, pursuant to the rates set out in Exhibit B; and (b) for Engineer's reimbursable costs incurred prior to the termination. If Engineer receives the City's written approval, then Engineer shall also be entitled to be paid for direct labor hours and reimbursable costs expended or incurred after the designated termination date, in concluding the work being terminated. Engineer shall not be entitled to any anticipated profit on services not performed.

12. Ownership and Use of Documents

Engineer agrees that all original design reproducible drawings, all pertinent calculations, specifications, reports, data and other documents prepared for the City hereunder are the property of the City and the City shall have the right, without payment of additional compensation, to disclose, reproduce and use such documents for this project. If the documents are used or modified for any other use, all Engineer's seals and any references to or identification of Engineer shall be removed

by the City, prior to any such use. This clause does not confer or grant any right to City or any third party to re-use or re-sell any patented or copyrighted work or documents. The City agrees to defend, indemnify and hold Engineer harmless from any claims or lawsuits arising out of or related to any re-use of Engineer's work by the City, or by any third party to whom the City sends any copies or portions of the Engineer's work.

13. Insurance or Other Contract Security Against Liability

Engineer shall, at all times during the term of this Agreement and at Engineer's own expense, keep in force the following described insurance that covers the Engineer and the City each as insureds against any liability arising from any claims or suits for death, injury, or damages, which claims or suits are filed or brought by employees or other persons, in connection with the performance of Engineer under this Agreement:

- (a) Insurance in at least the required statutory amounts covering claims under the Alaska Workers' Compensation statutes (to include disability benefits);
- (b) Commercial general liability insurance covering bodily injury, death, and property damage with a combined single limit of not less than \$1,000,000.
- (c) Professional liability insurance in an amount of not less than \$500,000. The City will not be covered as an insured under this policy.

13.1. Insurance Certificate

All insurance under Section 13 above: (a) shall be placed with an insurance carrier or carriers reasonably satisfactory to City; (b) shall not be subject to cancellation or any material change except after thirty (30) days' written notice to City; (c) shall provide that no failure of Engineer to comply with any condition or provision of this Agreement or other conduct of Engineer (or those for whose conduct Engineer is responsible), shall void or otherwise affect the protection under the policy afforded to City. The City shall be named as an additional insured on Engineer's commercial general liability insurance policy. Engineer shall cause its commercial general liability and worker's compensation insurers to waive subrogation against the City, for any claims or payments arising from this project. A Certificate of Insurance reflecting full compliance with these requirements shall, at all times during the term of this Agreement, be kept on deposit at the general offices of City. If Engineer fails to comply with these insurance requirements, the City may terminate this Agreement on ten (10) days written notice.

13.2. Post-Completion Insurance Coverage

The Engineer covenants to maintain all insurance policies or other contract security required in this Agreement for a period of not less than six (6) years after completion

of the Engineer's work. In order to maintain the same level of professional liability coverage that will exist at the commencement of this Agreement, the Engineer may purchase a Prior Acts Policy of Errors & Omissions Insurance or a Project Specific Policy of Errors & Omissions Insurance.

All commercial general liability, property damage, and other casualty insurance policies shall be written as primary policies; they shall not be contributing with, or in excess of, any insurance coverage that the City may otherwise carry. Furthermore, should any successful claim for an amount in excess of \$100,000 be made against the security herein required, Engineer shall obtain new insurance policies or pledge additional security so that the above described available amounts of coverage shall be in effect throughout the time during which such coverage is required under this Agreement.

14. Claims Recovery

Claims by City resulting from Engineer's failure to comply with the terms of and specifications of this contract and/or default hereunder may be recovered by City by withholding the amount of such claims from compensation otherwise due Engineer for work performed or to be performed. City shall notify Engineer in writing of any such failure, default or damage therefrom as soon as practicable, and no later than 10 days after discovery of such event. Nothing provided herein shall be deemed as constituting an exclusive remedy on behalf of City or Engineer, nor a waiver of any other rights hereunder at law or in equity.

Any design changes required as a result of Engineer's failure to comply with the applicable standard of care shall be performed by the Engineer without additional compensation.

Either party under this Agreement shall have until six (6) years from the date damage to any improvement to real property constructed as part of the Project is actually discovered in which to bring any claim related to such damage against any person who may be liable to the affected party. Any shorter period in which to make such a claim imposed by AS 09.10.055 is expressly excluded from this Agreement.

15. Performance Standard

Services performed under this Agreement will be performed with reasonable care or the ordinary skill of the profession practicing in the State of Alaska and under similar circumstances and shall comply with all applicable codes and standards.

16. Compliance with Applicable Laws

Engineer shall in the performance of this Agreement comply with all applicable

federal, state and local laws, ordinances, orders, rules and regulations applicable to its performance hereunder, including without limitation, all such legal provisions pertaining to social security, income tax withholding, medical aid, industrial insurance, workers' compensation, and other employee benefit laws. Engineer also agrees to comply with all contract provisions pertaining to grant or other funding assistance which City may choose to utilize to perform work under this Agreement. The Engineer and all subcontractors must comply with state laws related to local hire and prevailing wages.

17. Records and Audit

Engineer agrees to maintain sufficient and accurate records and books of account, including detailed time records, showing all direct labor hours expended and all reimbursable costs incurred and the same shall be subject to inspection and audit by City at all reasonable times. All such records and books of account pertaining to any work performed hereunder shall be retained for a period of not less than six (6) years from the date of completion of the improvements to which the Engineering services of this Agreement relate.

18. Reporting of Progress and Inspection

Engineer agrees to keep City informed as to progress of the work under this Agreement by providing monthly written progress reports, and shall permit City to have reasonable access to the work performed or being performed, for the purpose of any inspection City may desire to undertake.

19. Form of City Approval

Except as otherwise provided in this Agreement, City's requests and approvals, and Engineer's cost estimates and descriptions of work to be performed, may be made orally where necessary, provided that the oral communication is confirmed immediately thereafter in writing.

20. Duration of Agreement

This agreement is effective until the work scope of Engineer's services have been completed or for a period of one (1) year from the date first shown above, whichever is longer. The agreement may be extended by the mutual written agreement of City and Engineer.

21. Endorsements on Documents

Endorsements and professional seals, if applicable, must be included on all final plans, specifications, estimates and reports prepared by the Engineer. Preliminary copies of such documents submitted for review must have seals affixed without endorsement (signature).

22. Notices

Any official notice that either party hereto desires to give the other shall be delivered through the United States mail by certified mail, return receipt requested, with postage thereon fully prepaid and addressed as follows:

To City:

Steve Cropsey
City of Dillingham
Box 889
Dillingham, Alaska 99576

To Engineer:

CH2M Hill Engineers, Inc.
6411 A Street
Anchorage, AK 99518

The addresses hereinabove specified may be changed by either party by giving written notice thereof to the other party pursuant to this paragraph.

23. Venue/Applicable Law

The venue of any legal action between the parties arising as a result of this Agreement shall be laid in the Third Judicial District of the Superior Court of the State of Alaska at Dillingham. This contract shall be interpreted in accordance with the laws of the State of Alaska.

24. Attorney's Fees

In the event either party institutes any suit or action to enforce its right hereunder, the prevailing party shall be entitled to recover from the other party its reasonable attorney's fees and costs in such suit or action and on any appeal therefrom.

25. Waiver

No failure on the part of either party to enforce any covenant or provisions herein contained, nor any waiver of any right hereunder by either party (unless in writing and signed by the party sought to be bound), shall discharge or invalidate such covenants or provisions, or affect the right of either party to enforce the same or any other provision in the event of any subsequent breach or default.

26. Binding Effect

The terms, conditions and covenants contained in this Agreement shall apply to, inure to the benefit of, and bind the parties and their respective successors.

27. Entire Agreement/Modification

This agreement constitutes the entire Agreement between the parties with respect to the subject matter hereof, and all prior negotiations and understandings are superseded and replaced by this Agreement and shall be of no further force and

effect. No modification of this Agreement shall be of any force or effect unless reduced to writing, signed by both parties and expressly made a part of this Agreement.

In witness whereof, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in duplicate on the respective date indicated below.

ENGINEER:

CH2M Hill Engineers, Inc.

BY: _____

CITY:

City of Dillingham, Alaska

BY: _____

Rose Loera
City Manager
City of Dillingham

Subscribed and Sworn to
Before Me, a Notary Public
in and for the State of
Alaska, this _____ day
of _____, 2012.

My Commission Expires:

Subscribed and Sworn to
Before Me, a Notary Public
in and for the State of
Alaska, this _____ day
of _____, 2012.

My Commission Expires:

SCOPE OF WORK

DILLINGHAM WASTEWATER TREATMENT PLANT DESIGN

Engineer and design a comprehensive upgrade to the existing wastewater treatment plant. Design improvements based upon the existing biological treatment currently used at the City of Dillingham's wastewater treatment plant. The improvements to the wastewater treatment plant are to be designed using advanced technology in order to provide year round wastewater treatment.

The overall design intent is for phased construction improvements over multiple years. The first phase budget is \$2.28 million. The design documents for the first phase will include a schematic design of the entire project and "For construction" documents for the first construction phase with an estimated construction cost of approximately \$1.7 million.

The schematic design for a second phase will define and ensure that construction completed in each phase will seamlessly integrate into the next. In 2012 dollars the entire upgrade project cost is estimated to approximate \$11 million. The City intends but does not guarantee that one engineering / design team will be selected to serve as the Project Engineer for the entire project.

This scope of work is broken down into three tasks as follows:

1. Assessment, based on current discharge requirements and existing plant performance.
2. Complete construction documents for phase I based on an approximate engineer's estimate of the construction costs at \$1.7 million. Bid ready construction documents to be ready not later than March 15, 2012.
3. Schematic (Or master plan for the final build out of the upgrades) to include seamless integration with Phase I using a Phase II project budget of \$3 million. Any Phases past Phase II (if necessary) will also be in increments of \$3 million until all improvements are completed.

EXHIBIT A

RECEIVED

OCT 22 2012

BOYD, CHANDLER & FALCONER, LLP

ATTORNEYS AT LAW

SUITE 302

911 WEST EIGHTH AVENUE

ANCHORAGE, ALASKA 99501

TELEPHONE: (907) 272-8401

FACSIMILE: (907) 274-3698

bcf@bcf.us.com

October 17, 2012

Rose Loera
City Manager
City of Dillingham
P.O. Box 889
Dillingham, Ak 99576

Re: *City of Dillingham v. Gladden*

Dear Rose:

I am pleased to report that the City has prevailed in the appeal filed by David Gary Gladden of his 2011 conviction for willful failure to file sales tax returns. The City brought this criminal action against Mr. Gladden last year after attempting to force Mr. Gladden to obey City sales tax laws for over ten years. Mr. Gladden ultimately pled guilty, but preserved the right to appeal the issue of the validity of the sales tax ordinance. Mr. Gladden argued that the City's sales tax law is legally invalid because part of the original ordinance has been lost and is not in the City records.

The Appeals Court for the State of Alaska disagreed. It upheld the City sales tax ordinance in its entirety, and therefore also upheld Mr. Gladden's conviction. The Court found that the ordinance was valid in part because the Supreme Court has twice so ruled. This is a clear and unequivocal victory for the City. While Mr. Gladden may attempt to appeal this matter to the Supreme Court, the Court is not obligated to accept his appeal and we believe it is unlikely to do so. We are therefore hopeful that this case is reaching its final conclusion.

I have enclosed a copy of the Appeal's Court decision for your review. Please let me know if you have any questions regarding this case.

Very truly yours,

BOYD, CHANDLER &
FALCONER, LLP

By:



Patrick W. Munson

PWM/lkr
Enclosure
cc: City Council

NOTICE

Memorandum decisions of this court do not create legal precedent. See Alaska Appellate Rule 214(d) and Paragraph 7 of the Guidelines for Publication of Court of Appeals Decisions (Court of Appeals Order No. 3). Accordingly, this memorandum decision may not be cited as binding precedent for any proposition of law.

IN THE COURT OF APPEALS OF THE STATE OF ALASKA

DAVID GARY GLADDEN,)	
)	
Appellant,)	Court of Appeals No. A-11051
)	Trial Court No. 3DI-10-535 CR
)	
v.)	
)	<u>MEMORANDUM OPINION</u>
CITY OF DILLINGHAM,)	
)	
Appellee.)	<u>AND JUDGMENT</u>
_____)	No. 5891 — October 17, 2012

Appeal from the District Court, Third Judicial District,
Dillingham, John Suddock, Judge.

Appearances: David Gary Gladden, pro se, Dillingham. Brooks
W. Chandler, Boyd, Chandler & Falconer, LLP, Anchorage, for
the Appellee.

Before: Coats, Chief Judge, and Mannheimer and Bolger,
Judges.

COATS, Chief Judge.

David Gary Gladden operated a multi-unit apartment building within the Dillingham city limits. He collected rent from individuals residing in the building. Under the Dillingham Municipal Code, a landlord must collect sales tax on rental income; Gladden was required to remit this sales tax to the City on a monthly basis.¹ Gladden had

¹ Dillingham Municipal Code (DMC) 4.20.115.

not submitted sales taxes since approximately 1999. The City of Dillingham charged him with failing to submit sales tax returns for thirty months, from May 2008 to October 2010.² Under the Dillingham Municipal Code, failing to submit sales tax returns is a misdemeanor offense.³

Gladden moved to dismiss the charges, raising a number of challenges. These challenges included a claim that Dillingham's sales tax ordinance was not valid. Gladden contended that in 1977, an ordinance was passed repealing the City's then-current sales tax and reenacting a new sales tax. But the new ordinance, 77-10, did not actually include the terms of the new sales tax; instead, the new ordinance referred to Exhibit A, in which the sales tax provisions would be "more particularly set forth." But the City records no longer have a copy of Exhibit A.

The City opposed this motion, pointing out that the 1977 ordinance and its missing exhibit were not relevant because the City had, since 1977, adopted a new sales tax ordinance. In its opposition, the City argued that in a similar case — a civil law suit — involving the identical argument raised by Gladden, the Alaska Supreme Court had ruled that the City's current sales tax ordinance was valid.⁴ Superior Court Judge John Suddock, sitting in the district court, agreed with the City and ruled that the City's sales tax ordinance was valid.

Prior to trial, the City asked the trial court to prevent Gladden from arguing to the jury his theory that the City had no valid sales tax ordinance. Judge Suddock granted the request. After Gladden expressed some concerns that this was his only defense

² DMC 4.20.230(A) & (B).

³ DMC 4.20.230(A).

⁴ *McCormick v. City of Dillingham*, 16 P.3d 735, 738-39 (Alaska 2001).

and that a jury would convict him if he could not argue that the City's sales tax ordinance was not valid, Judge Suddock suggested that the parties discuss a *Cooksey* plea⁵ to allow Gladden to preserve this issue. After some discussion, the parties entered into a plea agreement that allowed Gladden to appeal Judge Suddock's ruling that the City's sales tax ordinance was valid. Gladden then, after the court advised him of the rights he was waiving, entered guilty pleas to twenty-seven counts of intentionally failing to file monthly sales tax returns.

The Cooksey Plea

Before we address the merits of Gladden's appeal, we must address the parties' *Cooskey* plea. In *Dow v. State*,⁶ we addressed the fact that this court has repeatedly been presented with flawed *Cooksey* pleas — flawed either because the preserved issue was not dispositive, or because the parties never reached true agreement regarding the issues preserved for appeal.⁷ To rectify this problem, we imposed an additional procedural requirement: the negotiated terms of a *Cooskey* plea must be presented, in writing, to the trial court.⁸ The terms must set out precisely the issue or issues reserved for appeal.⁹

Here, the parties did not reduce the terms of the *Cooksey* plea agreement in writing. But they, and Judge Suddock, discussed the plea at some length. The transcript

⁵ See *Cooksey v. State*, 524 P.2d 1251, 1255-57 (Alaska 1974).

⁶ 155 P.3d 352 (Alaska App. 2007).

⁷ *Id.* at 355.

⁸ *Id.* at 355.

⁹ *Id.* at 355.

of the plea agreement shows that the parties agreed that the sole issue preserved for appeal was whether the City's sales tax ordinance was valid.

Dillingham asserts that any error in not putting the agreement in writing is harmless, although the City recognizes that if Gladden had a genuine misunderstanding of the agreement, then this court should remand the case to the district court for further action. Gladden, for his part, cursorily asserts that he was not "knowledgeable on all of the ramifications of a 'Cooksey plea.'" Consequently, Gladden wants this court to resolve a number of issues not preserved in the *Cooksey* plea.

We conclude that the failure to put the agreement in writing was harmless error because the *Cooksey* plea in this case otherwise followed the procedures we discussed in *Dow*. The record makes it clear that the parties negotiated an agreement that allowed Gladden to enter pleas of guilty, while preserving his claim that the City's sale tax ordinance was not valid. We also conclude, after careful examination of the record, that even though Gladden now asserts that he was not knowledgeable of all the ramifications of a *Cooksey* plea, he understood at the time he entered the plea that under the terms of the agreement, he was waiving his right to appeal Judge Suddock's rulings on Gladden's other issues.

Judge Suddock plainly warned Gladden that a *Cooksey* plea might not be right for him, because by entering the plea, he would "have to give up [other] issues that [he had] raised" and could only appeal the issue preserved — the validity of the sales tax ordinance. When Gladden asked if he would be preserving his "right of appeal to say I didn't do this on purpose," Judge Suddock explained that he would not preserve that claim, only his claim that the ordinance was invalid. Judge Suddock, perceiving that Gladden was hesitant to enter this type of conditional plea, suggested that they instead conduct the trial. But Gladden responded that in light of the ruling on the motion in limine

— i.e., the ruling that Gladden could not argue that the sales tax ordinance was not valid — Judge Suddock had “essentially shut me down; I’ve got no defense.”

Gladden decided that the “best course of action is to take the conditional plea and go ... to the Court of Appeals.” Judge Suddock again explained that Gladden would be entering a guilty plea so he could appeal whether the ordinance was valid. Judge Suddock gave the parties time to discuss the terms of the agreement. When they returned, they agreed that they would enter a *Cooksey* plea “hinging on issues of the validity of the taxing statute.”

Before accepting the plea, Judge Suddock advised Gladden that he would waive all of his normal trial rights — for example, the right to be tried by a jury, to testify, and to call and confront witnesses — by entering the plea. And the judge again advised Gladden that he would also waive his right to appeal his other issues except for the specific issue that he had preserved — the validity of the City’s sales tax ordinance. He explained that he could still challenge on appeal the legality of the sentence the judge might impose, but he would “give up any appeal from any other errors that the court may have made.” Afterwards, Judge Suddock found that Gladden was knowingly, voluntarily, and intelligently entering his pleas based on the parties’ *Cooksey* agreement.

Consequently, we conclude that the validity of Dillingham’s sales tax ordinance was the sole issue preserved for this appeal.

The City’s sales tax ordinance is valid

In the district court, Gladden contended that Dillingham had no sales tax ordinance. He based this argument on a 1977 City ordinance, Ordinance 77-10. This ordinance repealed the then-current sales tax ordinance and simultaneously adopted Title 8, which was to be titled “Taxation and Special Assessments.” But Ordinance 77-10 did

not set out the ordinances that were to be reenacted as Title 8. Instead, Ordinance 77-10 stated that these ordinances would be “more particularly set forth in Exhibit A attached hereto.” Exhibit A has not survived in Dillingham’s records. Gladden contended that because Exhibit A cannot be found, Ordinance 77-10 repealed the sales tax and did not reenact it. Dillingham argued that in light of its existing sales tax ordinance, Ordinance 77-10 was not relevant.

The Alaska Supreme Court has already twice ruled that Dillingham’s current sales tax ordinance — the ordinance at issue in the instant case — is valid. In a published decision, *McCormick v. City of Dillingham*, the supreme court found, despite an argument all but identical to Gladden’s, that the City’s sales tax ordinance was valid.¹⁰

And, more pertinently, in an unpublished case, *Gladden v. City of Dillingham*, Gladden and Dillingham litigated precisely the same claim regarding the alleged invalidity of the Dillingham tax — that is, Dillingham’s failure to preserve Exhibit A to its 1977 enactment of the tax — and the supreme court ruled in Dillingham’s favor on this claim¹¹ Accordingly, we conclude that Dillingham’s existing sales tax ordinance is valid.

Conclusion

The judgment of the district court is AFFIRMED.

¹⁰ 16 P.3d 735, 738-39 (Alaska 2001).

¹¹ 2006 WL 1668029 at *6 n.39 (Alaska June 14, 2006).



STATE OF ALASKA
DEPARTMENT OF
COMMERCE
COMMUNITY AND
ECONOMIC DEVELOPMENT

Division of Community and Regional Affairs

Sean Parnell, Governor
Susan K. Bell, Commissioner
Scott Ruby, Director



October 1, 2012

CERTIFIED/RETURN RECEIPT REQUESTED
7010-2780-0000-5223-1468

Mayor Alice Ruby
City of Dillingham
P.O. Box 889
Dillingham, AK 99576

RE: 2012 FULL VALUE DETERMINATION

Dear Mayor Ruby:

As required by AS 14.17.510 (Public Schools Foundation Program), the Department of Commerce, Community, and Economic Development has determined that, as of January 1, 2012, the full and true value of taxable real and personal property within your municipality is as follows:

Real Property:	\$ 144,685,500
Personal Property	\$ 54,133,200
State Assessed Property (AS 43.56):	\$0
TOTAL:	\$ 198,818,700

This full value determination may be appealed administratively by you within fifteen (15) days of receipt of this notice. In addition, AS 14.17.510 also allows for judicial review of the determination. If you have any questions concerning this full value determination for 2012, please contact our office at 269-4565 or 269-4605.

Sincerely,

Steve Van Sant
State Assessor

Planning Commissioners

Terry Hoefflerle, Deputy Chair, Seat A
Paul Liedberg, Chair, Seat B
Bill Rodawalt, Seat C



Rachel Muir, Seat D
Andy Anderson, Seat E
Izetta Chambers, Seat G

**REGULAR MEETING MINUTES
September 04, 2012**

I. CALL TO ORDER

The regular meeting of the Planning Commission was held on September 04, 2012, at the Dillingham City Council Chambers, Dillingham, Alaska. Paul Liedberg, Chair, called the meeting to order at 5:40 p.m.

II. ROLL CALL

Members present: (Quorum is four)

Terry Hoefflerle, Seat A
Paul Liedberg, Chair, Seat B
Izetta Chambers, Seat G
Bill Rodawalt, Seat C

Members absent:

Rachel Muir, Seat D
Andy Anderson, Seat E

Staff in Attendance: Jody Seitz, City Planner
Malcolm Brown, Public Works Director

Public in Attendance: Fannie Yukluk
Tim Sands- Alaska Department of Fish and Game

III. APPROVAL OF AGENDA

MOTION: Izetta moved and Terry Hoefflerle seconded the motion to approve the agenda.

Amended to table items A-D of Old Business

VOTE: The motion passed unanimously.

IV. APPROVAL OF MINUTES

MOTION: Bill Rodawalt moved and Izetta Chambers seconded the motion.

Bill Rodawalt was absent (excused) from July 17th, Izetta Chambers absent (excused) from July 17th and 20th 2012.

GENERAL CONSENT: The motion passed unanimously.

V. COMMUNICATIONS

A. Communications to the Planning Commission

Complaint: Tenant locked out of apartment, in violation of landlord tenant act. Tenant is pursuing legal action.

B. Planner's Report

City Planner Seitz reported on the following:

- ADOT Downtown Streets survey team finishing up today September 4, 2012. Public meeting will take place in the future. Survey and right-of-way study will take a year.
- Complaint: Tenant locked out of apartment, in violation of landlord tenant act. Tenant is pursuing legal action.
- Trying to make information available online in the form of a database.

VI. PUBLIC HEARINGS.

A. Replatting of alley between Lots 1 and 3 USS 2732AB

- 1978 city council decision to do a land exchange with Lyman Smith for a portion of the alley between lots 1 and 3 USS 2732AB Replat not done.
- 1984 City Council resolution reaffirmed that alley not serve public purpose. Replat not done. Trying to do the replat with this current platting and alley vacation request.

B. Vacation of alleyway between Lot 6 and Lot 7 Block 18 USS 2732AB

- Sewer line does not have required access. Public Works needs to access sewer lines
- ADF&G wants to grant access but not move fence

C. L&M Subdivision – combining Lots 3 and 4 Block 18 USS 2732

- If lots combined both lots will have street access from D Street.

VII. OLD BUSINESS

A. Six Year Capital Improvements Plan

- CIP will be different, more information from staff will be provided, list will be prioritized with phases mapped out
- Planning Commission work session on the CIP scheduled for September 7th at noon.

VIII. NEW BUSINESS

A. Resolution 2012-14 Approving old alley replat between Lots 1 and 3 B182732AB

MOTION: Terry Hoefflerle moved and Izetta seconded the motion to adopt the resolution

- Both lots still have street access, alley way hold no public purpose.

Question called by Izetta Chambers.

VOTE: The resolution passed unanimously

B. Resolution 2012-15 Approving alley vacation between Lots 6 and 7 Block 18 USS2732AB

MOTION: Izetta Chambers moved and Terry Hoefflerle seconded the motion to adopt the resolution.

- Exact location of sewer line unknown
- Residence location to lot line not known

MOTION: Izetta moves to table Resolution 2012-15 and Bill Rodawalt seconded the motion.

Question called by Terry Hoefflerle

Vote: The motion passed unanimously to table the resolution.

C. Resolution 2012-16 Approving L&M Subdivision

MOTION: Izetta Chambers moved and Bill Rodawalt seconded the motion to adopt the resolution.

MOTION: Terry Hoefflerle moved to table resolution until decision is made on 2012-14, seconded by Bill Rodawalt.

VOTE: The motion passed unanimously.

D. Resolution 2012-17 Encroachment Permit for burial of electrical line on Cessna Drive

MOTION: Izetta Chambers moved and Bill Rodawalt seconded the motion to adopt the resolution

- Nushagak might have other options without having to cross the road.

Question called by Izetta Chambers

VOTE: The resolution passed unanimously.

VII. COMMISSION COMMENTS

Izetta Chambers: Would like several iterations of vacation resolutions, adding sufficient access to easements, make language same throughout resolutions.

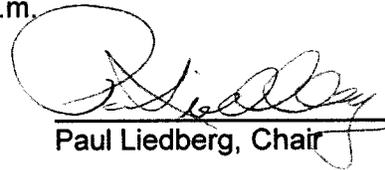
Terry Hoefflerle: No Comment

Bill Rodawalt: No Comment

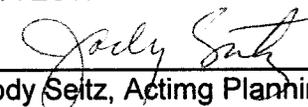
Paul Liedberg: No Comment

VIII. ADJOURNMENT

Chair Liedberg adjourned the meeting at 6:50 p.m.


Paul Liedberg, Chair 9/20/2012
Date

ATTEST:


Jody Seltz, Acting Planning Commission Clerk

Parks & Recreation Committee Meeting

September 11, 2012

Page 1 of 3

I. Call to Order

II. Roll Call

III. Approval of Agenda

a. Tim moves & Kathy seconds

IV. Unfinished Business

a. High School Gym Use: Kathy's Proposal

- i. Andrew was going to talk to Bill (McLeod) whether or not this is appropriate to talk to the School Board
- ii. Perhaps it is better to talk to the building principals first before going to the superintendent
- iii. Adult volleyball- \$500 Tim named the price
 1. It's cheaper here, but was difficult to get any sort of compensation for their efforts. Adults simply wouldn't pay
 2. It was run by the city rather than an individual
- iv. Proposal has sliding fees as well as certain groups have automatic waivers. It makes it a lot clearer and easier to understand
- v. How are we going to pay for it?
 1. Maintenance budget line item extra, but
 2. City's contribution to school \$1.3 million for the last year, once the bond passed \$100,000 went back \$50,000 for facility and \$50,000 went for an interventionist position
 3. If it's going to be open, things will get damaged and there's some sort of liability.
 - a. Having a security deposit could discourage that
 - b. Rather than each group having funds there, how about the committee has a meeting.
 4. Should community events – healthy and sober events that bring parents and students – be free?
 - a. Arts Council-pay for their coffee house?
 5. Youth events should be free | Events that involve both could be free rather than it being charged.
 6. As a city committee, we might have issues in sponsoring events.
 7. We should change it to be more specific for just Parks & Recreation topics rather than having a whole slew of things together
 8. Beaver Round-Up to be included in the proposal?
 9. Strike full fees
 10. Get the proposal approved by City Manager & Mayor first because we are working under the purview of the city.

Parks & Recreation Committee Meeting

September 11, 2012

Page 2 of 3

- a. It might even be better to have the public to propose this document rather than have it be part of the committee because it might seem inappropriate
 - i. The school gets money from the city
 - ii. Patrick will take it to a city official
 - b. Tim will ask these questions within the council
 - vi. Moved to take it to city: Tim Kathy: Second
 - b. Ski Trail
 - i. Chogguing have approved the ski trail
 - 1. City will have to approve upon the legalities and insurance
 - a. Patrick sent draft to City Manager
 - i. Have markers
 - ii. Materials
 - iii. Snow machine to borrow to do it
 - 2. Will have a walk through with Rick Tennyson to mark the trail
 - c. Park Maintenance
 - i. Dillingmen Group will put grills in the parks
 - 1. Playground (strip), the softball field, the harbor
 - ii. Softball Field may be questionable because it's full of vandalism
 - 1. Parks & Recs vandalism PSAs
 - a. It affects everyone
- V. New Business
- a. Account for fundraising
 - i. A private business/citizen would like to donate money
 - ii. Carol can create a little account, but make sure that it's okay with thing
 - iii. Propose to City Manager | Look at the procedures to see what's possible
 - b. Open Gym
 - i. Community Schools and money from CANDU being used for it
 - ii. Having a coordinator for the after school events.
 - iii. Currently, there is only Girls Volleyball on Tuesdays
 - iv. Patrick doing indoor soccer in elementary school 7 pm - 8:30 pm
 - v. Fritz - Martial Arts
 - vi. Patrick doing after school soccer for 2nd Grade: 1st quarter
 - vii. Having a 12+ model seems to be working and it makes it a little less competitive for adults
 - 1. Students are not supposed to participate in things after 7 pm
 - 2. We need to look up ASAAG Rules to see if it may affect this in regards to Volleyball and Basketball
 - viii. Have a Parks and Recs outreach

Parks & Recreation Committee Meeting

September 11, 2012

Page 3 of 3

- c. Youth Representation
 - i. Keep Danny until December
 - ii. Then we can re-visit it then
- d. Next meeting date
 - i. October 2, 2012 7 pm

VI. Public Comment/Committee Comments

- a. Patrick: Talk about having a park around the bend, to have walk to water

VII. Adjournment