



Alice Ruby, Mayor

City Council Members

- Elizabeth Pearch • Paul Liedberg • Bob Himschoot
- Keggie Tubbs • Tracy G. Hightower • Tim Sands

**DILLINGHAM CITY COUNCIL
MEETING AGENDA**

David B. Carlson Council Chambers

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

WORKSHOP – REVIEW FY 2011 AUDIT	6:00 P.M.	JANUARY 19, 2012
REGULAR MEETING	7:00 P.M.	JANUARY 19, 2012

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. Regular Meeting, December 1, 2011
- B. Special Meeting, December 14, 2011
- C. Board of Equalization, January 5, 2012

IV. APPROVAL OF CONSENT AGENDA

- A. Resolution No. 2012-01, A Resolution of the Dillingham City Council Expressing Thanks and a Commendation to Deb Burton
- B. Resolution No. 2012-02, A Resolution of the Dillingham City Council Expressing Thanks and a Commendation to Norman J. Heyano
- C. Resolution No. 2012-03, A Resolution of the Dillingham City Council Expressing Thanks and a Commendation to Fred Torrisi
- D. Resolution No. 2012-04, A Resolution of the Dillingham City Council Amending the Bank Signature Cards for City Bank Accounts Due to a Change in Personnel
- E. Resolution No. 2012-05, A Resolution of the Dillingham City Council Accepting the FY 2011 Year End Audit for the Fiscal Year Ending June 30, 2011
- F. Resolution No. 2012-06, A Resolution of the Dillingham City Council Appointing an Alternate Community Representative to the BBEDC Board of Directors

APPROVAL OF AGENDA

(Clerk Note: Move to suspend the rules to immediately take up the item XIV. Executive Session, items A. Annexation and B. Gladden vs. City of Dillingham. Following the session the Council will resume the normal order of business.)

V. STAFF REPORTS

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

VI. PUBLIC HEARINGS

- A. Adopt Ordinance No. 2011-09, An Ordinance of the Dillingham City Council Amending DMC Section 6.08.020.A and DMC Section 6.08.020.B to Allow Licensed Bars and Eating Establishments to Serve Alcohol on Super Bowl Sunday and When New Year's Eve Falls on a Sunday

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

- A. Tommie Baker, USAF – Supersack Overboard

VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2011-09, An Ordinance of the Dillingham City Council Amending DMC Section 6.08.020.A and DMC Section 6.08.020.B to Allow Licensed Bars and Eating Establishments to Serve Alcohol on Super Bowl Sunday and When New Year's Eve Falls on a Sunday
- B. Introduce Ordinance No. 2012-01, An Ordinance of the Dillingham City Council Levying a 2.5% Tax on Sales of Raw Fish Subject to Voter Ratification
- C. Resolution No. 2012-07, A Resolution of the Dillingham City Council Scheduling a Special Election for Approval of Annexation and Ratification of an Ordinance Establishing a Tax on Sales of Raw Fish
- D. Introduce Ordinance No. 2012-02, An Ordinance of the Dillingham City Council Amending the Budget by Adopting Budget Amendment No. 1, and Appropriating Funds for the FY 2012 City of Dillingham Budget *(Clerk Note: A copy of the ordinance will be distributed under separate cover)*

IX. UNFINISHED BUSINESS

- A. Annexation
 - 1. Schedule a Workshop for February 2, 2012, at 6:00 p.m.
- B. Change to Personnel Regulations Section 5.30 Personal Leave
- C. Action Memorandum 2011-17, Approve Lease Agreement with State of Alaska Employment Center for the Potato House – *(Clerk Note: Motion to postpone indefinitely)*

D. Lease Lots at Boat Harbor

X. NEW BUSINESS

A. Committee Appointments

1. Library Board (Seats A, C, and E)
2. Planning Commission (Seats B and E)
3. Parks and Recreation Committee
4. Schedule a Meeting of the BOE for February 2, 5:30 p.m.

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. Delta Western Contract
4. Public Works Director Hire

XV. ADJOURNMENT

The Regular Council meeting was preceded by a workshop at 6:00 p.m. to review the FY 2013 Capital Improvement Program. The workshop concluded around 7:15 p.m.

I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, December 1, 2011, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:21 p.m.

II. ROLL CALL

Mayor Alice Ruby present.

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

Bob Himschoot, Seat C
Keggie Tubbs, Seat D
Tracy G. Hightower, Seat E
Tim Sands, Seat F

Council Members absent:

Elizabeth Pearch, Seat A - excused
Seat B, Vacant

Staff in attendance:

Dan Forster, City Manager
Steve Cropsey, Project Manager
Doug Dombroski, Chief of Police
Jody Seitz, Planning Director
Carol Shade, Finance Director
Janice Williams, City Clerk

III. APPROVAL OF MINUTES

- A. Special Meeting, October 13, 2011
- B. Regular Meeting, October 13, 2011
- C. Special Meeting, October 14, 2011
- D. Special Meeting, November 3, 2011

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to approve the minutes of October 13, both special and regular, October 14 and November 3, 2011.

(Clerk Note: Correct the minutes of October 14, 2011 to add excused after Elizabeth Pearch absent.)

VOTE: The motion to approve the four sets of minutes passed unanimously.

IV. APPROVAL OF CONSENT AGENDA

APPROVAL OF AGENDA

Mayor Ruby asked to move New Business item X. A. Appoint Council Member to Seat B before item V. Staff Reports.

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

VOTE: The motion passed unanimously.

X. New Business, item A. Appoint Council Member to Seat B

Mayor Ruby recommended that Paul Liedberg be appointed to vacant Seat B based on his years of service to the City serving on the Planning Commission and participation on numerous city committees, and thanked all three who had submitted their letter of interest.

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to concur with the Mayor's recommendation.

VOTE: The motion passed unanimously.

The Council recessed in order for the City Clerk to administer the Oath of Office to newly appointed Council Member Paul Liedberg. The new Council Member took a seat at the Council table.

V. STAFF REPORTS

A. City Manager Report

City Manager Forster reported on the following:

- FY 2011 Audit - recommended setting the annual audit workshop for January 19, 2012;
- LBC approved the City's annexation petition at their meeting on November 30, that the City's outreach effort had met the spirit and intent of their requirement;
- A barge transporting low levels of PCBS had dropped an 11,000 pound bag of the contaminated soil in the bay, and recovery efforts would resume in the spring;
- Public Works Director Hank Boggs had submitted his resignation and the City had begun the process of recruiting;
- Council was invited to the Employee Christmas party, December 16, at the Senior Center; and
- Gave special recognition to Jean Barrett for checking out a set of footprints that led from the harbor to the creek, and with the help of three public safety officers found and saved the life of a young man who was close to death.

Discussion:

- appreciated the expansion of the City's Public Notice email list as a great way to get the news out to the public.

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to set the regular January Council meeting to January 19.

VOTE: The motion passed unanimously.

B. Standing Committee Reports

Mayor Ruby reported that the City had met with the Bristol Bay Housing Authority for the purpose of enhancing communication on housing issues.

Council Member Himschoot reported he had attended a meeting of the Senior Advisory Commission. A discussion had ensued on the apartment. Manager Forster was asked to report on the City's plan for the rental apartment at their next meeting.

VI. PUBLIC HEARINGS

There was no public hearing.

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

Gorden Isaacs asked if he could address his request for a late filed appeal on one of his properties, because he was concerned that he was being denied that opportunity. He was instructed that the Council would be setting a future meeting of the Board of Equalization to hear his late appeal as required by code.

VIII. ORDINANCES AND RESOLUTIONS

- A. Introduce Ordinance No. 2011-09, An Ordinance of the Dillingham City Council Amending DMC Section 6.08.020.A and DMC Section 6.08.020.B to Allow Licensed Bars and Eating Establishments to Serve Alcohol on Super Bowl Sunday and When New Year's Eve Falls on a Sunday

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to introduce Ordinance No. 2011-09 and set the date for a public hearing on January 19, 2012.

Tim Chair, Chair of the Code Review Committee, reported the committee had been tasked with bringing forward a permanent change based on regular and recurring requests made to the Council in the past.

Discussion:

- staff to research whether or not the exclusion of alcohol sales on Sunday had been made by referendum of the voter; and
- asked if staff could provide a report at the next meeting on the additional expense that would be put on the DPS staff.

MOTION: Keggie Tubbs moved the previous question and Tim Sands seconded the motion.
(Clerk Note: The effect of this motion is to immediately stop debate.)

MOTION TO WITHDRAW: Keggie Tubbs withdrew his motion. There was no objection.

VOTE: The motion to introduce Ordinance No. 2011-09 passed unanimously.

- B. Resolution No. 2011-83, A Resolution of the Dillingham City Council Accepting ADEC Municipal Matching Grant #28306 in the Amount of \$3 Million for Water System Improvement Projects Included in Phases 1.3 and 1.4 in the City's 2003 Water and Sewer Master Plan

MOTION: Bob Himschoot moved and Tim Sands seconded the motion to approve Resolution No. 2011-83.

City Manager Forster reported the \$3M grant would require a 30% match, and the projects were included in the FY 2013 CIP list. The grant was a continuation of efforts to locate funding to cover a new water source in Neqleq, including a well, a water treatment plant, a storage tank and new transmission lines. The matching funds could come from sources such as USDA and ANTHC. The project costs were based on a 2009 update from Bristol Environmental and Engineering Services. The City was studying other real estate prospects in Neqleq for a new well.

VOTE: The motion to adopt Resolution No. 2011-83 passed unanimously.

- C. Resolution No. 2011-84, A Resolution of the Dillingham City Council in Support of an Application to Seek Funding from the Bristol Bay Regional Seafood Development Association for Harbor Improvements

MOTION: Tim Sands moved and Paul Liedberg seconded the motion to adopt Resolution No. 2011-84.

City Manager Forster reported the request for the \$150K grant was for ladders and harbor improvements including extending utilities to lease lots to enhance the economic potential in the area.

VOTE: The motion to adopt Resolution No. 2011-84 passed unanimously.

- D. Resolution No. 2011-85, A Resolution of the Dillingham City Council Accepting the FY 2013 Capital Improvements Program

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to adopt Resolution No. 2011-85.

Manager Forster reported the Council was being asked to accept the CIP list as presented by the Planning Commission. This was a combined effort by staff and the commission.

VOTE: The motion to adopt Resolution No. 2011-85 passed unanimously.

IX. UNFINISHED BUSINESS

A. Annexation

City Manager Forster complimented all those who had been involved in the process.

B. Action Memorandum 2011-17, Approve Lease Agreement with State of Alaska Employment Center for the Potato House

City Manager Forster reported the lease was forwarded to the City's Attorney, and, in turn, submitted to the State. Their intent was to move into the building sometime in January. The lease agreement would be placed on the January agenda.

X. NEW BUSINESS

A. Legislative Capital Projects List

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to approve the legislative capital projects list.

The legislative list taken from the capital projects list would be sent to Juneau and Washington D.C.

Discussion:

- spoke in favor of legislating the harbor emergency bank stabilization project as both a political and capital project to get legislators involved in refuting the U.S. Army Corp's reinterpretation of their own regulations that would require the City to provide a 30% match; and
- asked for a more thorough analysis on the E911 system before requesting funding from the State for a new system, the concern being the E911 surcharge was intended to cover replacements; and
- spoke in favor of going to Juneau to legislate.

Manager Forster noted there was money budgeted to hire a lobbyist. A recommendation was made to take this issue up in the New Year.

VOTE: The motion to approve the legislative capital projects list passed unanimously.

B. Committee Appointments

Mayor Ruby presented the following committee appointments:

Public Outreach - no appointments for this year, instead the Council would act as a whole to do public outreach.

Code Review Committee – Tim Sands as Chair, Mayor Ruby, Paul Liedberg, and Elizabeth Pearch

Finance and Budget Committee– Bob Himschoot as Chair, Keggie Tubbs, Mayor Ruby, and Tracy Hightower

Port of Dillingham Advisory Committee – Mayor Ruby as Chair, and Bob Himschoot as representative

Senior Advisory Committee – Tracy Hightower is the liaison

Delta Project and CANDU – Dan Forster and Jody Seitz

Nushagak Watershed Council – Bob Himschoot

Carlson House Committee – Keggie Tubbs

No other committee changes

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

VOTE: The motion passed unanimously.

C. Change to Personnel Regulations Section 5.30 Personal Leave

City Manager Forster reported there had been discussion to remove the requirement for a new employee to wait 90 days before using their accrued annual leave, in lieu of providing an exemption in the case of a catastrophic event. He noted the written policy would be brought before the Council at their next meeting.

E. Approve Administrative Leave Day for December 23, 2011

MOTION: Tim Sands moved and Paul Liedberg seconded the motion to approve an administrative leave day for December 23, 2011.

Mayor Ruby reported that the Council had been approving an administrative leave day at Christmas for the last couple of years instead of a Christmas gift or bonus.

VOTE: The motion passed unanimously.

F. Schedule a Special Meeting of the Board of Equalization (Hearing)

1. Request for a Late Filed Appeal - Susan and Gordon Isaacs

2. Request for a Late Filed Appeal – Tim Ludlow

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to schedule a meeting of the Board of Equalization for January 5, at 6:00 PM.

Mayor Ruby reported the Mayor and three Council members would serve on the BOE, Keggie Tubbs, Elizabeth Pearch, and Tracy Hightower with Bob Himschoot as an alternate.

VOTE: The motion to schedule January 5, 2012 for a special meeting of the Board of Equalization passed unanimously.

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

Ben McDowell was interested in leasing a lot at the harbor and was curious to its status, and would like to see a copy of the Harbor Master Plan.

Manager Forster noted he had been planning to hold a meeting of a harbor subcommittee in January, and would be putting out an RFP to see how much interest there was in leasing harbor lots.

XII. COUNCIL COMMENTS

Bob Himschoot:

- praised Jean Barrett and the police department for rescuing the young man found close to death at the harbor; and
- welcomed Paul Liedberg to the Council.

Tim Sands:

- reminded Code Review Committee they would be meeting December 8;
- welcomed Paul Liedberg to the Council;
- asked if an action memorandum would be needed to appoint an acting city manager in the manager's upcoming leave, the *Manager answered* he would appoint someone and inform the Council;
- asked if there was going to be a rate study for water and sewer, *Manager answered* it was a condition of accepting the state grant, wasn't sure the City would need to use the grant, but the study probably should be undertaken; and
- wished everyone a happy holiday and safe traveling and thanked staff for keeping the City running.

Keggie Tubbs:

- spoke in favor of a workshop on leasing lots at the harbor, especially with all of the recent interest;
- supported having a rate study done on water and sewer rates; and
- wished everyone Merry Christmas and Happy Holidays and welcomed Paul to the Council.

Tracy Hightower:

- welcomed Paul to the Council and wished everyone a safe and happy holiday.

Paul Liedberg:

- thanked everyone for welcoming him to the Council, noting he was looking forward to the opportunity to serve; and
- wished everyone a happy holiday.

XIII. MAYOR'S COMMENTS

Mayor Ruby:

- thanked Hank Boggs for serving as Public Works Director;

- asked for support for a commendation for several citizens who had contributed so much to the community naming Deb Burton for her work at the museum, Norman Heyano, and Fred Torrisi.

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to direct the Mayor or designee to put together a commendation for Deb Burton, Norman Heyano, and Fred Torrisi.

VOTE: The motion passed unanimously.

Mayor Ruby:

- asked to join in a moment of silence to recognize those that had been lost.

XIV. EXECUTIVE SESSION

A. Legal Matter

1. Annexation
2. Gladden vs. Dillingham

MOTION: Tim Sands moved and Paul Liedberg seconded the motion to go into executive session under DMC, 2.09.050, regarding legal matters [8:37 p.m.].

VOTE: The motion passed unanimously.

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to come out of executive session [9:29 p.m.].

GENERAL CONSENT: The motion passed with no objection.

XV. ADJOURNMENT

Mayor Ruby adjourned the meeting at 9:30 p.m.

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Approved: _____

I. CALL TO ORDER

The Special Meeting of the Dillingham City Council was held on Wednesday, December 14, 2011, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 12:17 p.m.

II. ROLL CALL

Mayor Alice Ruby present.

Council Members present and establishing a quorum:

Paul Liedberg, Seat B
Bob Himschoot, Seat C
Keggie Tubbs, Seat D (*via teleconference*)
Tracy Hightower, Seat E
Tim Sands, Seat F

Council Members absent:

Elizabeth Pearch, Seat A (excused)

Staff in attendance:

Dan Forster, City Manager
Carol Shade, Finance Director
Steve Cropsey, Special Project Manager
Janice Williams, City Clerk

III. APPROVAL OF AGENDA

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

VOTE: The motion passed unanimously.

IV. SPECIAL BUSINESS

A. Resolution No. 2011-86, A Resolution of the Dillingham City Council to Waive the Advertising Requirements to Provide Engineering Design Services to Relocate an Endangered Portion of the Snag Point Force Main

MOTION: Tim Sands moved and Tracy Hightower seconded the motion to adopt Resolution No. 011-86.

Project Manager Steve Cropsey was asking the Council to waive the advertising requirements, which he reported was legal under the City's code, and agreed upon by the State since the funding for the project would come from a legislative grant. PND Engineering Services had been providing services to the City in front of the bulkhead on several different projects. He was

hoping to award a contract by May 1, and estimated the contract work would take 3-4 weeks to complete.

MOTION: The motion to approve Resolution No. 2011-86 passed unanimously.

- B. Resolution No. 2011-87, A Resolution of the Dillingham City Council Awarding a Contract to PND Engineers Inc. to Provide Engineering Design Services to Relocate an Endangered Portion of the Snag Point Force Main

MOTION: Bob Himschoot moved and Paul Liedberg seconded the motion to adopt Resolution No. 2011-87.

Project Manager Cropsey reported the contract was for a not-to-exceed amount of \$166,095. The firm would be responsible to secure, by January 9, a determination on the easements that would be needed under private properties, the construction would be around 40' underground. He noted horizontal directional drilling with pipe laid in the drilling was current technology, and the only connections would be at both ends, and no joints below grade.

VOTE: The motion to adopt Resolution No. 2011-87 passed unanimously.

- C. Resolution No. 2011-88, A Resolution of the Dillingham City Council Adopting an Alternative Allocation Method for the FY12 Shared Fisheries Business Tax Program and Certifying that this Allocation Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Bristol Bay Fisheries Management Area (FMA 5)

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to adopt Resolution No. 2011-88.

City Manager Forster reported that this was a routine annual resolution required by the State in order to accept the money from the State's fish tax program. Finance Director Shade noted the allocation method used by the State had been decided many years ago.

VOTE: The motion to adopt Resolution No. 2011-88 passed unanimously.

- D. Resolution No. 2011-89, A Resolution of the Dillingham City Council Creating a City of Dillingham Parks and Recreation Committee

MOTION: Tim Sands moved and Tracy Hightower seconded the motion to adopt Resolution No. 2011-89.

Mayor Ruby reported the resolution was the result of a working group of community members, noting the committee would sunset December 31, 2013. They had agreed to start small and give the committee an opportunity to see if it met the needs of the community.

VOTE: The motion to adopt Resolution NO. 2011-89 passed unanimously.

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

There was no citizen's discussion.

VI. COUNCIL COMMENTS

Keggie Tubbs:

- appreciated being able to attend via teleconference;
- praised Mayor Ruby for her leadership that culminated in the formation of the Parks and Recreation Committee; and
- wished everyone Happy Holidays.

Bob Himschoot:

- thanked those who contributed to the luncheon.

Tim Sands:

- hoped Council Members Tubbs and Pearch would feel better for the holidays; and
- wished everyone Happy Holidays and safe travel.

Paul Liedberg:

- wished everyone the best for the holidays.

Tracy Hightower: no comment

VII. MAYOR COMMENTS

Mayor Ruby:

- asked Council to let either herself or City Clerk know soon, if they were interested in attending two upcoming events, SWAMC and AML's Juneau Legislative conference, since there were some registration deadlines and to allow for adhering to the travel budget;
- wished everyone a Happy Holiday and thanked staff for all their hard work; and
- noted they'd been invited to the Employee Christmas Party on Friday.

VIII. EXECUTIVE SESSION

A. Legal Matter

1. Gladden vs. Dillingham

MOTION: Tim Sands moved and Paul Liedberg seconded the motion to enter into executive session under DMC, 2.09.050, regarding legal matters [at 12:37 p.m.].

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

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to come out of executive session [at 12:51 p.m.]

GENERAL CONSENT: The motion passed without objection.

IX. ADJOURNMENT

The meeting adjourned at 12:51 p.m.

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Approved: _____

I. CALL TO ORDER

The Board of Equalization Meeting was held on Thursday, January 5, 2012, at the Dillingham City Council Chambers, Dillingham, AK. Mayor Ruby, Chair, called the meeting to order at 5:33 p.m.

II. ROLL CALL

Mayor Alice Ruby present.

Council Members present and establishing a quorum:

Tracy Hightower
Bob Himschoot
Keggie Tubbs

Staff in attendance:

Janice Williams, City Clerk

Guest(s):

Gorden Isaacs

III. NEW BUSINESS

Mayor Ruby reported that the purpose of the meeting was to decide whether to consider each of the late filed appeals. The approved appeals would then be scheduled for a separate meeting of the Board of Equalization.

A. Late Filed Appeals for Consideration

1. Real Property

a. Verna M. Nelson – Block 4, Nerka IV Subdivision

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion for discussion purposes to consider the late filed appeal for Verna Nelson.

City Clerk Janice Williams offered a copy of the deed to the property provided by the appellant in which the land was transferred in Verna Nelson's name in September of 2007, noting as the property owner, the appellant would have received a property assessment notice stating the due date to appeal was April 15.

Discussion:

- noted the letter filed by the appellant did not describe any extenuating circumstances why she would have missed the appealed deadline, other than she didn't know she had missed the deadline.

VOTE: The motion to consider Verna Nelson's late filed appeal failed with Keggie Tubbs, Bob Himschoot, and Tracy Hightower voting against the motion.

b. Timothy Ludlow – Lot 6 Wood River Subdivision

MOTION: Bob Himschoot moved and Tracy Hightower seconded the motion to consider the request for a late filed appeal for Timothy Ludlow.

City Clerk Williams reported all three appellants were sent a letter notifying them of the January 5, 2012 BOE meeting, but Timothy's had been returned for lack of a good address. The address used was the one he noted in his filed letter of September 2, 2011 requesting consideration for his late filed appeal. The city initially addressed the cases of vandalism of his property as cited in his letter, which he felt warranted a lower value for his property. A search of the records from the public safety dept. noted attempts to contact Timothy at his last known address were not successful.

Discussion:

- questioned homeowner responsibility and making it the responsibility of the police force to monitor his property in his absence; and
- noted did not find a deficiency in the city's process or an overriding reason why the appellant couldn't comply.

VOTE: The motion to consider Timothy Ludlow's late filed appeal failed with Keggie Tubbs and Tracy Hightower voting against the motion, and Bob Himschoot voting in favor.

c. Susan and Gorden Isaacs – Lot 15, Creekside Subdivision #2

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to consider the Isaac's late filed appeal.

Discussion:

- supported moving it forward to gather more information due to the challenges working with the BIA, that these were extenuating enough circumstances to warrant further explanation.

VOTE: The motion to consider Gorden and Susan Isaac's late filed appeal passed unanimously.

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

Gorden Isaacs asked if he would need to provide more information, noting dealing with the BIA was a huge challenge.

City Clerk Williams noted she would follow up with a letter outlining the next step and a hearing date would be set.

V. UNFINISHED BUSINESS

There was no unfinished business.

VI. ADJOURNMENT

Mayor Ruby adjourned the meeting at 5:50 p.m.

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Approved:

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2012-01

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL EXPRESSING THANKS
AND A COMMENDATION TO MS. DEB BURTON**

WHEREAS, Ms. Deb Burton contributed countless hours as the volunteer curator of the Samuel K. Fox Museum; and

WHEREAS, Ms. Burton's efforts included a major upgrade to the organization, cataloging and tracking of the collection; and

WHEREAS, Ms. Burton's efforts resulted in success in gaining over \$80,000 in funds to obtain and install climate-controlled glass cases; and

WHEREAS, Ms. Burton commitment demonstrated the communities desire to preserve and share the history of the region, the community, and the people; and

WHEREAS, Ms. Burton's efforts aided in assuring that the museum and the collection will be enjoyed for many years into the future; and

WHEREAS, Ms. Burton is truly an asset to the community of Dillingham and its residents; and

WHEREAS, the Council wishes to recognize Ms. Burton's contribution to the community and citizens of the City of Dillingham;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council offers this commendation to Ms. Deb Burton with sincere thanks for sharing her time and talent with the citizens of Dillingham and making it a better place to live.

PASSED and ADOPTED by the Dillingham City Council on January 19, 2012.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

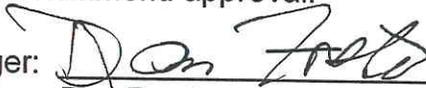
Subject: A resolution of the Dillingham City Council expressing thanks and a commendation to Ms. Deb Burton

Agenda of: January 19, 2012

City Council Action:

Manager: Recommend approval.

City Manager:


Dan Forster

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

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

Other Attachment(s):

Summary Statement.

At their December 1, 2011 Regular City Council Meeting, Mayor Ruby asked the Council to support a commendation for several citizens who had contributed so much to the community, naming Deb Burton for her work at the museum, Norman Heyano, and Fred Torrisi.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2012-02

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL EXPRESSING THANKS
AND A COMMENDATION TO MR. NORMAN HEYANO**

WHEREAS, Mr. Norman Heyano recently retired from his position as Rural Airport Foreman for the Alaska Department of Transportation and Public Facilities (DOT/PF), Dillingham Station; and

WHEREAS, Mr. Heyano has done an outstanding job with respect to DOT/PF road and airport maintenance and operations during his tenure; and

WHEREAS, Mr. Heyano demonstrated his commitment to the community, the region, and its citizens; and

WHEREAS, Mr. Heyano is truly an asset to the community of Dillingham, the Bristol Bay Region, and all residents; and

WHEREAS, the Council wishes to recognize Mr. Heyano's contribution and dedication;

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

PASSED and ADOPTED by the Dillingham City Council on January 19, 2012.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

City of Dillingham Information Memorandum No. R2012-02

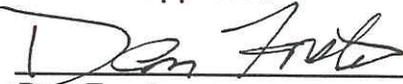
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Agenda of: January 19, 2012

City Council Action:

Manager: Recommend approval.

City Manager:


Dan Forster

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

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

Other Attachment(s):

Summary Statement.

At their December 1, 2011 Regular City Council Meeting, Mayor Ruby asked the Council to support a commendation for several citizens who had contributed so much to the community, naming Deb Burton for her work at the museum, Norman Heyano, and Fred Torrisi.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2012-03

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL EXPRESSING THANKS
AND A COMMENDATION TO MR. FRED TORRISI**

WHEREAS, Mr. Fred Torrasi recently retired from his position as a Superior Court Judge for the Third Judicial District; and

WHEREAS, Mr. Torrasi has done an outstanding job serving the residents of the community of Dillingham, the region, and the state; and

WHEREAS, Mr. Torrasi demonstrated his commitment to the community, the region and its citizens; and

WHEREAS, Mr. Torrasi is truly an asset to the community of Dillingham and its residents; and

WHEREAS, the Council wishes to recognize Mr. Torrasi's contribution to the community and citizens of the City of Dillingham.

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

PASSED and ADOPTED by the Dillingham City Council on January 19, 2012.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: A resolution of the Dillingham City Council expressing thanks and a commendation to Mr. Fred Torrisi

Agenda of: January 19, 2012

City Council Action:

Manager: Recommend approval.

City Manager:


Dan Forster

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

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

Other Attachment(s):

Summary Statement.

At their December 1, 2011 Regular City Council Meeting, Mayor Ruby asked the Council to support a commendation for several citizens who had contributed so much to the community, naming Deb Burton for her work at the museum, Norman Heyano, and Fred Torrisi.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2012-04

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AMENDING THE BANK SIGNATURE CARDS FOR CITY BANK ACCOUNTS DUE TO A CHANGE IN PERSONNEL

WHEREAS, changes in personnel have occurred; and

WHEREAS, the signature cards for the City's checking accounts at Wells Fargo Bank do not reflect the current Mayor, City Council and City Manager;

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.

Dan Forster	City Manager
Alice Ruby	Mayor
Elizabeth Pearch	Council Member
Paul Liedberg	Council Member
Robert Himschoot	Council Member
Keggie Tubbs	Council Member
Tracy G. Hightower	Council Member
Tim Sands	Council Member

PASSED and ADOPTED by the Dillingham City Council on January 19, 2012.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: A resolution of the Dillingham City Council amending the bank signature cards for city bank accounts due to a change in personnel

Agenda of: January 19, 2012

City Council Action:

Manager: Recommend approval.

City Manager:


Dan Forster

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.

Housekeeping item.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2012-05

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL ACCEPTING THE YEAR
END AUDIT FOR THE FISCAL YEAR ENDING JUNE 30, 2011**

WHEREAS, the Dillingham Municipal Code Section 4.04.050 calls for an "Independent Annual Audit"; and

WHEREAS, the City Council appointed Mikunda, Cottrell & Co., Inc. to audit the 2011 financial statements; and

WHEREAS, Mikunda, Cottrell & Co., Inc. audited the financial statements for the fiscal year ending June 30, 2011 and rendered the opinion that the financial statements present fairly, in all material respects, the respective financial position, changes in financial position, and respective budgetary comparison of the City of Dillingham; and

WHEREAS, John Bond, CPA, of Mikunda, Cottrell & Co., Inc. reviewed the Basic Financial Statements, Supplementary Information and Single Audit Reports at a workshop of the City Council on January 19, 2012, attending by way of teleconference; and

WHEREAS, the City Council intends to formally accept the FY11 audited financial statements by this action;

NOW, THEREFORE, BE IT RESOLVED by the Dillingham City Council that the work of Mikunda, Cottrell & Co., Inc. and the audited financial statements for the fiscal year ending June 30, 2011 be accepted.

PASSED and ADOPTED by the Dillingham City Council on January 19, 2012.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

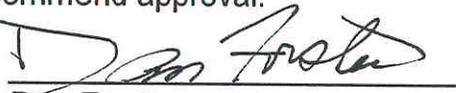
Subject: A resolution of the Dillingham City Council accepting the yearend audit for the fiscal year ending June 30, 2011

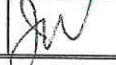
Agenda of: January 19, 2012

City Council Action:

Manager: Recommend approval.

City Manager:


Dan Forster

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

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

Other Attachment(s): Distributed at the workshop held before the council meeting

From Mikunda, Cottrell & Co., Inc.:

- Report to the City Council dated November 23, 2011
- Basic Financial Statements, Supplementary information, and Single Audit Reports year ended June 30, 2011

Summary Statement.

This resolution accepts the yearend audit prepared by Mikunda, Cottrell, Co., Inc. for the fiscal year ending June 30, 2011.

Resolution No. 2011-30, adopted April 13, 2011, authorized the City to execute a contract with Mikunda, Cottrell, & Co. to provide audit services for FY11, FY12 and FY13 audits with a possible extension of two years.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2012-06

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPOINTING AN
ALTERNATE COMMUNITY REPRESENTATIVE TO THE BBEDC BOARD OF
DIRECTORS**

WHEREAS, the City of Dillingham is the duly authorized city government for the community of Dillingham, Alaska; and

WHEREAS, the U.S. Secretary of Commerce has established the Community Development Quota (CDQ) program for eligible Western Alaska communities, including seventeen (17) Bristol Bay communities; and

WHEREAS, the seventeen (17) eligible communities from the Bristol Bay area have organized Bristol Bay Economic Development Corporation (BBEDC) to participate in the CDQ Program; and

WHEREAS, the community of Dillingham, Alaska is one of the seventeen (17) communities in Bristol Bay eligible to participate in the CDQ program. Under BBEDC bylaws the village tribal council shall appoint the primary community representative and the city government shall appoint the designated alternate to the BBEDC Board of Directors;

NOW, THEREFORE, BE IT RESOLVED that the City of Dillingham, Alaska has appointed Bob Himschoot as the alternate community representative to the BBEDC Board of Directors for the term of his Council Seat which expires October 2014.

PASSED and ADOPTED by the Dillingham City Council on January 19, 2012.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

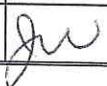
Subject: A resolution of the Dillingham City Council appointing an alternate community representative to the BBEDC board of directors

Agenda of: January 19, 2012

City Council Action:

Manager: Recommend approval.

City Manager: 
Dan Forster

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): Letter of April 1, 2011 from BBEDC

Summary Statement.

This resolution is required by BBEDC for each community that participates in the CDQ program. In communities that have a tribal entity as well as a city council, the village tribal council may appoint the primary board member and the city council appoints the alternate. The format of the resolution is provided by BBEDC.

Bristol Bay Economic Development Corporation

P.O. Box 1464 • Dillingham, Alaska 99576 • (907) 842-4370 • Fax (907) 842-4336 • 1-800-478-4370

RECEIVED

APR 04 2011

BBEDC

April 1, 2011

City of Dillingham
PO Box 889
Dillingham, Alaska 99576

CITY OF DILLINGHAM

Dear City of Dillingham,

BBEDC is updating all resolutions on file regarding primary board members and alternate board members appointed from each of our CDQ communities. The current alternate BBEDC board member on file is Bob Himschoot.

According to BBEDC By-laws, in communities that have a tribal entity as well as a city council, the village tribal council may appoint the primary board member and the city council appoints the alternate. If no city council exists then the village tribal council appoints both members:

Section II. Community Representation. The governing body of each member community set out in Section I of this Article shall be responsible for the appointment of its representative and alternate representative to the Board of Directors, as evidenced by a duly-approved resolution. The village tribal council shall select the representative and the city council, if one exists in the community, shall select the alternate. If no city council exists in any member community, the village tribal council shall select the representative and alternate. The representative and alternate shall be a subsistence or commercial fisherman.

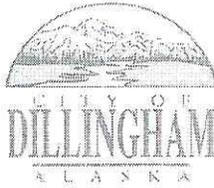
Enclosed please find the resolution format that should be used to create and approve a current resolution to be placed on file with BBEDC. **Note that our resolutions are now asking you to define the length of appointment between 1-3 years.** You will continue to be able to replace your appointee at anytime by notifying BBEDC in writing and sending a new resolution per BBEDC By-laws. Please put this on your next meeting agenda and send the approved resolution as soon as possible. The Curyung Tribal Council has been notified of the need to update the resolution for the primary BBEDC board member.

Please feel free to call if you have any questions. Thank you.

Sincerely,



Helen Smeaton
Chief Operating Officer
BBEDC



MEMO

Date: January 12, 2012
To: Mayor and City Council
From: Dan Forster, City Manager *DF*
Subject: Monthly Report for December 2011 through January 12, 2012

Included in the Council meeting packet are monthly reports from each City Department. This report may highlight those items or bring additional information to the attention of the Mayor and Council. More current information may be brought forward at the Council meeting.

Legislative Requests

The Council approved the proposed CIP list on December 1, 2011. From that list we have distilled two areas of strategic importance. Water and Sewer upgrades for our current system for state funding and erosion control and harbor upgrades for federal funding with state match. A draft letter to state and federal entities will be prepared for Council comment and for transmittal by those attending the SWAMC conference.

Update on Leasing of City Property

After a review of the offer from the State of Alaska for the "Potato House" it was determined that the net monthly rental would amount to only a few hundred dollars a month. The State insisted that the City pay for all utilities, provide janitorial service and snow removal, and be responsible for all upgrades even those not code related. A city counter offer was rejected. As a result we will be issuing a new RFP.

The City has contracted to survey the harbor lease lots. We anticipate issuing an RFP within the next month. Negotiations with NAPA are continuing but the results are uncertain. There are several other interested parties.

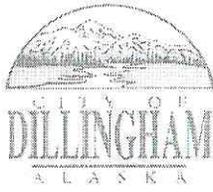
RFP for Lobbyist Services

The city is preparing to issue an RFP for lobbyist services. The draft RFP should be available at the council meeting for your information.

Union Activities

This month, employees in our Public Works and Harbor/Port departments will be voting on whether they wish to be represented by Public Employees Local 71. I have sent memos to staff regarding this matter (attached).

In addition, it should be noted that on December 16, 2011 the city participated in a teleconference with the Alaska Labor Relations Agency regarding the election. The City brought up the fact that since our Harbor/Port employees are seasonal and not currently on the city payroll, they are not eligible to vote given the current definition of eligibility. The City



MEMO

objected to this definition and advocated that these employees should be allowed to vote as the outcome will directly affect them. Public Employees Local 71 strenuously objected and the Alaska Labor Relations Agency concurred. However, the City, through our attorney, then filed a formal written objection (attached) on December 20, 2011 indicating that the Port/Harbor employees should be allowed to vote. I am pleased to report that that objection was sustained, and those employees will be allowed to vote.

Customer Service Training

The Alaska Municipal League has agreed to provide Dillingham City staff with training on "Customer Relations" tentatively scheduled for February 29. The training will be open to all employees but particularly those who work directly with the public such as public safety, counter personnel, and those who respond to phone enquiries.

Public Works Director

Our recruitment effort to identify a new director closed on December 9. Interviews were held for three short listed candidates. Two candidates were invited to come to Dillingham. Initially both accepted but later one declined. That on-site interview occurred January 12.

Special Recognition

The Police Department suffered a major water leak in their fire suppression system. Flooding ensued. This combined with low temperatures created a difficult situation. But with the assistance of Public Works and Police staff the situation was dealt with. Repairs are being conducted and are covered by insurance.

Carol Shade provided double duty as both Finance Director and as acting city Manager for 3 weeks. My thanks to Carol.

The staff Christmas party at the Senior Center on December 16 was a success. This was in large measure due to the extra effort by Senior Center Staff, Janice Williams, Jayne Bennett, and Sonja Marx.

Manager Schedule

I have no travel plans through the rest of January. I am making plans to attend the AML Legislative Conference on February 8 and 9, and SWAMC on February 16 and 17. The AML Legislative Conference will provide access for promoting our legislative funding requests. At the SWAMC meetings I anticipate there will be opportunity to interact with Lake and Pen Borough staff regarding the structure and implementation of their fish tax. I have asked our Finance Director, Carol Shade to also attend.



AURORA SMC, Inc.

35555 Kenai Spur Hwy #132
Soldotna, AK 99669
Cell (760) 567-6868
Fax (907) 375-2906
smcropsey@netzero.net
steve_cropsey@me.com

TO: Dan Forster, City Manager
FR: Steve Cropsey, PM/OCR
RE: Monthly Report
DT: January 16, 2012

- The Tower Road Project has been completed including the installation of LED Street Lights, which were provided by MEC at no extra cost to the City.
 - We are working on the final closeout documents for the Dillingham Elementary School Renovation Project.
 - A fire suppression, service line, froze and broke causing the first floor of the PD to flood to a depth of about 4 inches as reported by Chief Dombroski. AMLJIA the City's insurance carrier was notified by the project Manager on January 5th. Chief Dombroski secured the services of Mr. and Mrs. Larson to immediately evacuate water from the building. Due to the quick, energetic and immediate response by the Larsons and the Police Department Staff damage was kept to a relative minimum. AMLJIA authorized the City to retain Dowland Construction Inc. (The Sr. Ctr. Renovation Project Contractor) to make the required repairs on a time and material basis. The time between January 5 and January 16 was taken up by negotiating with Dowland to effect the repairs, getting an insurance adjuster on site to prepare a scope of work and delays resulting from weather and airline flight issues. But as of Monday, January 16 actual work to repair the damage has begun. Everyone is on board to accomplish the repairs as quick as is humanly possible and as allowed for full coverage by AMLJIA.
 - The Animal Shelter Facility Advisory Committee requested additional pricing information from Scott King on December 18, 2011. The requested information has not yet been provided. Once it is, the Committee intends to meet and formalize a recommendation to the Council through the City Manager.
- 



MEMORANDUM

Date: January 12, 2012
To: Dan Forster, City Manager
From: Janice Williams, City Clerk *JW*
Subj: Staff Report

Public Hearing on Ordinance No. 2011-09 - Adopt Ordinance No. 2011-09, An Ordinance of the Dillingham City Council Amending DMC Section 6.08.020.A and DMC Section 6.08.020.B to Allow Licensed Bars and Eating Establishments to Serve Alcohol on Super Bowl Sunday and When New Year's Eve Falls on a Sunday

At their December 1, 2011 Council meeting, staff was asked to research whether the hours set in code had been done by a ballot referendum or by an ordinance. The hours were set by Ordinance 97-05, amending Title 6, Chapter 6.08.020, Hours of Sale of Intoxicating Liquor.

Ordinance No. 97-05 was introduced March 6, 1997, public hearing dates were set for April 3, April 17, and May 1, and the ordinance was adopted May 1, 1997.

Archiving Historical Documents

It would be ideal if we could use the scanner and store the documents on our server for our archiving system, as it is inexpensive and easy, but the State says we are welcome to do that with anything that can be disposed of within ten years. However, if we are to retain a document for ten years or more, we cannot use PDF. Good old microfilm lasts 100 years in its original form, but microfilm doesn't lend itself to searches without sitting down for hours and cranking through film. While in Fairbanks attending the AML conference, I had the opportunity to visit with several vendors marketing their laserfiche product, which is an acceptable archival source. Many municipalities have already moved in this direction. My goal is to have a proposal for a system that would meet our needs and include it in the 2013 budget.

Council Travel to Juneau, February 8 & 9

Council Members Tracy Hightower and Tim Sands will be traveling to the AML Legislative Conference, February 8 & 9. AML members will discuss legislative priorities, hear from the Administration and key legislators about the 2012 Legislative Session, and learn about legislation that may affect Alaska's cities and borough. They can also use this opportunity to visit with our legislators and staff while in Juneau, and share our legislative priorities. I will be working on making appointments for them.

HELPFUL TIP. Motion to Withdraw. After the Chair states the motion and the second, the motion is now "council property" and it can't be changed without consent of the members. To withdraw the motion would require approval of the Council.

MEMORANDUM

TO: Dan Forster, City Manager

FROM: Carol Shade, Finance Director

DATE: January 11, 2012

SUBJECT: Monthly Report

The Finance Department has been very busy the last two months. I attended the Fall 2011 Alaska Government Finance Officers Association (AGFOA) conference November 7th, 8th, and 9th, and then AML the 9th, 10th, and 11th. These were very informative and it always good to meet with Finance Directors from other municipalities.

In addition there were many good sessions held during the conference. Interestingly enough, there was even a session on Social Media that discussed whether a municipality should be blogging, tweeting, or on Facebook. And if so, how to avoid some pitfalls. It was pretty interesting.

Other interesting sessions were on GASB updates, OSHA inspections and compliance. There was a very interesting session on health insurance coverage. A Kenai borough employee discussed their self-insurance program and some of the options that they had to decide on when their insurance premiums sky rocketed.

Another topic in the fore front of Finance Directors and CFOs, for PERS employers, has been the Termination Studies required by the State of Alaska. Termination Studies were an add on to Senate Bill 125, which was trying to address the unfunded liability of the PERS system. The Termination Studies add on requires employers who terminate a department, group or other classification of employees to pay the cost of having a termination study done. At the conclusion of that study, it is entirely possible that the PERS employer would be required to pay the actuarial cost for future benefits on terminated employees. These costs can be extremely high, so it is a concern. There has been a push to try and get Senate Bill 100 passed that would repeal the termination study requirement of SB125. I believe SB 125 passed the Senate and still has to pass the House. So, I hope this clarifies any questions you may have on what SB 100 is. If you want more information, I have a copy of the sponsor statement for Senate Bill 100 that would help. I would imagine that SB100 will come up again in the next legislative session.

I have been trying to finalize the development of the chart of accounts for the new accounting software so that we can move ahead on that. This is the most difficult part of the implementation, and I should have it finalized by the time of this meeting; or be very close.

With that being said, attached are the Assistant Finance Director's report and the Summary Statements of the Revenues, Expenditures and Fund Balances as of December, 2011.

MEMORANDUM

TO: Carol Shade, Finance Director
FROM: Anita Fuller, Assistant Finance Director
DATE: January 11, 2012
SUBJECT: December Monthly Report – January Upcoming

December has been a full month. Due to the final payment of property tax at the beginning of the month the front desk spent the first week collecting payments and our staff was busy answering any outstanding questions. During the month penalties were assessed, assessments were sent out and the senior exemption forms for 2012 were delivered. A public service announcement was setup for the radio to inform seniors that the forms have been sent out.

Table showing property tax statistics:

	<u>Billed</u>	<u>Collected</u>	<u>Owed</u>	<u>% Collected</u>
Real Property	1,489,800.01	1,309,070.30	151,458.00	87.86%
Business Property	307,813.00	294,623.00	13,190.00	95.71%
Personal Property	211,012.70	159,085.82	51,926.88	75.39%
Totals	2,008,625.71	1,762,779.12	245,846.59	87.76%

Accounts receivable has received the majority of business license payments and business licenses have been prepared. Our office has also been reviewing the practice of applying penalties to late sales tax payments in conjunction when the sales tax forms have been submitted. A large amount of time was spent cleaning up some corrupt data within the utilities module of our accounting software. This problem as of today has been corrected. We have also had the opportunity to clean up some AR accounts and rectify some errors made prior to 2011 that have created some confusion and frustration on the part of some of our customers.

Payroll has completed the final pay period for the 2011 calendar year.

For the month of December our department was short staffed for 2 weeks, everyone helped fill in the gaps as much as possible.

For the upcoming month of January, payroll will be processing W-2's, Payables will be processing 1099's, AR will be sending out the 2012 business licenses. Our staff is also working on cleaning up more AR accounts that have some lingering errors.

City of Dillingham
Revenues and Expenditures As of December 31, 2011
Preliminary Figures

REVENUES:	Budget - FY12	Dec-11	Year to Date Actual - 12/31/11	Percent	Previous Year	
					12/31/2010	INC/(DEC)
					Actual	Last Year
<u>General Fund Revenues</u>						
General Sales Tax	2,525,000	257,873	1,503,312	59.5%	1,080,807	422,505
Alcohol Sales Tax	250,000	23,141	160,923	64.4%	116,849	44,074
Transient Lodging Sales Tax	80,000	6,250	51,155	63.9%	41,766	9,389
Gaming Sales Tax	80,000	-	9,594	12.0%	26,635	(17,041)
Total Sales Tax	2,935,000	287,264	1,724,984	58.8%	1,266,057	458,927
Real Property Tax	1,455,000	2,236	1,473,667	101.3%	1,458,244	15,423
Personal Property Tax	476,715	(21)	506,473	106.2%	427,398	79,075
Total Property Taxes	1,931,715	2,215	1,980,140	102.5%	1,885,642	94,498
Electric & Telephone	80,000	-	-	0.0%	-	-
Raw Fish Tax	290,000	-	446,588	154.0%	238,589	207,998
Shared Fisheries	40,000	-	-	0.0%	-	-
Revenue Sharing (Municipal Energy Assist in '08)	280,288	282,381	282,614	100.8%	209,543	73,071
Payment in Lieu of Taxes (PILT)	407,000	421,879	421,879	103.7%	407,511	14,368
Foreclosures	338,000	-	335,909	99.4%	-	335,909
State Jail Contract	460,725	-	230,363	50.0%	214,482	15,881
Other Revenues	878,443	49,335	203,496	23.2%	388,084	(184,587)
Total	2,774,456	753,594	1,920,848	69.2%	1,458,208	462,640
Total General Fund Revenues	7,641,171	1,043,073	5,625,972	73.6%	4,609,907	1,016,065
<u>Special Revenue Funds Revenues</u>						
Water	203,412	29,451	84,295	41.4%	85,170	(875)
Sewer	254,221	37,780	115,735	45.5%	112,188	3,547
Landfill	344,493	6,161	79,559	23.1%	76,819	2,740
Dock	639,466	8,655	509,449	79.7%	420,236	89,213
Boat Harbor	211,544	234	25,041	11.8%	48,176	(23,135)
E-911 Service	20,650	5,272	25,653	124.2%	19,869	5,785
Senior Center	461,420	263,625	262,991	57.0%	94,786	168,206
Total Special Revenue Funds Revenues	2,135,206	351,177	1,102,723	51.6%	857,243	245,480
Debt Service Fund Revenue	1,177,840	-	227,121	19.3%	236,126	(9,005)
Asset Forfeiture Fund	10,000	-	-	-	-	-
Dock and Harbor Capital Project Fund Revenue	-	-	2,783	-	907,867	(905,085)
Road and Streets Capital Project Fund Revenue	1,000,000	-	105,847	10.6%	531,158	(425,310)
Water and Sewer Capital Project Fund Revenue	-	-	24,050	-	3,104,569	(3,080,519)
School Bond Project	953,384	-	10	-	-	10
School Fire Alarm	-	-	-	-	14,041	(14,041)
Homeland Security	-	-	-	-	10,304	(10,304)
Dillingham School District Additional Request	50,000	-	-	-	-	-
Equipment Replacement Capital Project Fund	100,000	-	-	0.0%	27,551	(27,551)
Ambulance Reserve Capital Project Fund Revenue	45,000	-	-	-	-	-
Mary Carlson Estate Permanent Fund Revenue	7,420	-	-	0.0%	-	-
Landfill Capital Improvement Fund	-	-	-	-	-	-
Total	3,343,644	-	359,811	-	4,831,616	(4,471,805)
Total Revenues	13,120,021	1,394,251	7,088,507	-	10,298,766	(3,210,260)

City of Dillingham
Revenues and Expenditures As of December 31, 2011
Preliminary Figures

EXPENDITURES:	Budget - FY12	Dec-11	Year to Date Actual - 12/31/11	Percent	Previous Year	
					12/31/2010 Actual	INC/(DEC) Last Year
General Fund Expenditures						
City Council	96,600	(11,335)	20,425	21.1%	39,882	(19,456)
Administration	305,901	18,868	174,311	57.0%	132,953	41,358
City Clerk	113,139	11,293	54,081	47.8%	42,330	11,751
Finance	572,124	78,376	290,053	50.7%	231,338	58,715
Legal	40,000	97,598	108,654	271.6%	28,580	80,074
Insurance	86,899	-	87,488	100.7%	102,442	(14,954)
City School	1,350,000	325,000	650,000	48.1%	325,000	325,000
Non-Departmental	207,625	38,313	150,425	72.5%	133,702	16,723
Contributions	4,000	-	-	0.0%	25,500	(25,500)
Planning	129,287	10,716	53,631	41.5%	55,018	(1,387)
Dispatch	451,553	54,627	232,050	51.4%	180,834	51,216
Patrol	986,290	66,482	492,637	49.9%	341,421	151,216
Corrections	542,107	69,463	279,872	51.6%	226,131	53,741
DMV	90,590	10,691	41,957	46.3%	36,027	5,929
Fire	290,146	32,492	128,899	44.4%	73,788	55,110
Animal Control Officer	116,306	14,576	62,681	53.9%	57,246	5,435
Building and Grounds	298,358	29,023	127,852	42.9%	101,378	26,474
Shop	301,689	(13,929)	77,921	25.8%	85,678	(7,757)
Street	513,425	94,571	300,161	58.5%	226,042	74,120
Public Works Administration	133,943	6,661	54,716	40.8%	59,767	(5,051)
City Apartment Building	19,850	1,929	119,447	601.7%	-	119,447
Library	150,852	16,772	64,587	42.8%	66,744	(2,157)
Bingo Hall/Potato House	9,905	1,183	4,953	50.0%	-	4,953
Transfers to Other Funds	978,075	-	-	0.0%	-	-
Total General Fund Expenditures	7,788,664	953,373	3,576,802	45.9%	2,571,802	1,005,000
	(978,074)					
Special Revenue Funds Expenditures						
Water	200,328	11,698	58,954	29.4%	100,920	(41,966)
Sewer	257,305	30,631	114,520	44.5%	116,670	(2,150)
Landfill	344,493	52,082	169,248	49.1%	154,423	14,826
Dock	369,429	11,794	200,257	54.2%	274,703	(74,446)
Boat Harbor	211,544	10,129	90,205	42.6%	111,184	(20,979)
E-911 Service	45,000	-	-	-	-	-
Senior Center	461,420	165,743	537,313	116.4%	219,459	317,853
Total Special Revenue Fund Expenditures	1,889,519	282,076	1,170,496	61.9%	977,360	193,137
Debt Service Fund Expenditures						
Debt Service Fund Expenditures	1,177,840	-	315,920	26.8%	328,920	(13,000)
Asset Forfeitures Fund		196	12,015		2,377	9,638
Library Technology		-	3,021		-	3,021
Dock and Harbor Capital Project Fund Expenditures		582,590	623,021		1,199,398	(576,376)
Road and Streets Capital Project Fund Expenditures	1,000,000	50,000	1,146,640		805,228	
Water and Sewer Capital Project Fund Expenditures		5,443	81,384		2,541,313	(2,459,929)
School Bond Project Fund Expenditures	953,384	-	16,901		2,878,724	(2,861,823)
School Fire Alarm					44,336	(44,336)
Homeland Security		10,249	31,247		-	-
Equipment Replacement Capital Proj Fund Expen	100,000	-	93,059	93.1%	126,052	(32,993)
Ambulance Reserve Capital Project Fund Expen	45,000					
Mary Carlson Estate Permanent Fund Expenditures	7,420	680	4,384	59.1%	2,553	1,831
Landfill Capital Project Fund Expenditures		-	2,695		4,043	(1,348)
Total	3,283,644	649,158	2,330,289	71.0%	7,932,944	(5,975,315)
Total Expenditures	12,961,827	1,884,608	7,077,587	54.6%	11,482,105	(4,777,178)
Revenues Over (Under) Expenditures	158,194	(490,357)	10,920		(1,183,339)	1,566,919

City of Dillingham
Revenues and Expenditures As of December 31, 2011
Preliminary Figures

	Fund Bal. 6/30/2011	FY'12 Revenues	FY'12 Expenditures	Add or (-) Fund Bal	Fund Bal. 12/31/2011
General Fund	3,893,876	5,625,972	3,576,802	2,049,170	5,943,046
Water and Sewer	70,644	200,030	173,474	26,556	97,200
Landfill		79,559	169,248	(89,689)	(89,689)
Dock	1,580,187	509,449	200,257	309,192	1,889,379
Boat Harbor	-	25,041	90,205	(65,164)	(65,164)
E-911 Service	130,632	25,653	-	25,653	156,285
Asset Forfeitures Fund	37,220	-	12,015	(12,015)	25,205
Senior Center	-	262,991	537,313	(274,321)	(274,321)
Debt Service	-	227,121	315,920	(88,799)	(88,799)
Dock and Harbor Capital Project Fund	(18,386)	2,783	623,021	(620,239)	(638,625)
Road and Streets Capital Project Fund	-	105,847	1,146,640	(1,040,793)	(1,040,793)
Water and Sewer Capital Project Fund	(58,393)	24,050	81,384	(57,334)	(115,727)
School Bond Project Capital Project Fund	956,055	-	16,901	(16,901)	939,154
Equipment Replacement Capital Project Fund	76,704	-	93,059	(93,059)	(16,355)
Ambulance Reserve Capital Project Fund	452,955	-	-	-	452,955
Mary Carlson Estate Permanent Fund	407,132	-	4,384	(4,384)	402,748
Landfill Capital Project Fund	172,044	-	2,695	(2,695)	169,349
Total	7,700,670	7,088,496	7,043,319	45,177	7,745,847



To: Mr. Dan Forster, City Manager
From: Ethan Richards, Fire Coordinator
Subject: Department Head Report
Date: January 10, 2012

The Dillingham Volunteer Fire Department and Rescue Squad held an Executive Committee Meeting on 12/7/2011. We held a combination meeting on 12/7/2011 and a Fire Training was held on 12/14/2011 which consisted of entry scenarios and water streams. Rescue Training was held on 12/21/2011 at the Lake Road Station. The instruction covered "extremely difficult response scenarios" include debriefings.

The Rescue Squad responded to 17 ambulance calls during the month of December 2011. They consisted of 3 trauma calls, 4 alcohol, 1 respiratory, 1 medevac, 1 seizures, 1 OB, 6 other medical and 1 Fire Response.

There were no other major equipment issues and all apparatus are in service and ready to respond.

There were two new membership applications presented to the Executive Committee for consideration.

During the Month of January routine inspection of apparatus and equipment will take place. The Fire Coordinator will finalize and submit Logistic Capability Assessments to DHS/FEMA in addition to the EMPG progress reports.

Respectfully,

Ethan Richards,
Fire Department Coordinator

PLANNING DEPARTMENT

To: Dan Forster, City Manager

re: Monthly Report

From: Jody Seitz, Director of Planning and Grant Programs

Date: January 10, 2012

I was interviewed by Irene Gallion of DOWLHKM yesterday regarding the Statewide Transportation Program. The purpose of the interview was to provide input into the next update of the Statewide transportation program. Some of the points mentioned:

- Water and sewer projects are our number one priority for state funding.
- Emergency Bank Stabilization project at the harbor is number one for federal funding;
- Economic development potential of the U.S. ACOE project to protect the harbor with rock revetments and a breakwater;
- Reviewed the USACOE request for a new agreement and the difficulty of competing with more compelling erosion projects without earmarks.
- Limits of the City's tax revenue stream and the City's efforts to annex the Nushagak Commercial District.
- Challenges with the current unreliable air service and potential loss of the bypass mail program. She mentioned that those concerns were common to all of southwest Alaska.
- Top 3 potential economic development areas for Dillingham mentioned: 1) salmon processing, 2) tourism (including sportfishing) and 3) science, baseline research and sustainable energy projects.
- Additional concerns: Applying state road rules to Dillingham without providing state staff support and training for enforcement
- Lack of enforcement of transport rules for cargo in Dillingham causes losses due to inappropriate transport (no refrigerator trucks) which doesn't protect groceries at very cold temperatures.

GIS: Progress continues on our GIS utility database. Gary Greenberg, dba Alaska Map Company, will return to Dillingham to do more work on the water/sewer system GIS database between 1/23/12 and 1/26/12. We will also work on finishing the address map while he is here.

PD has a new draft of the City's land ownership map. Michael Knapp and myself are fine tuning that.

Requests for information: I have been providing information for the Snag Point Force Main Relocation Project and answering other requests for information and maps as well.

Land Use Permits: The Planning Department issued its second stop work order of the last four years. This one was to resolve the trespass issue created by the UAF BBC construction project. The project was begun without first securing a land use permit from the city. The City attorney advised that the trespass was in violation of a portion of the code: DMC 9.050.010 which forbids trespass, and that the Planning Director may not issue a land use permit for a project which violates any part of the City ordinances. Hence the SWO. Per the City Attorney's advice, I contacted Nushagak about allowing the UAF BBC an encroachment into the easement and then moving the easement to the west, clear of the building, and making it large enough (20 ft) to comply with City code. Nushagak and the University are in the process of developing an agreement and I expect the SWO to be lifted soon.

Harbor Leases: The preliminary plat for establishing harbor leases is still in progress. The U.S. Army National Guard lease area had been a metes and bounds description and when platted by the surveyor turned out to be completely in error, and resulted in a triangle encompassing the bathhouse and parts of the road. The surveyor has been asked to produce a correct representation of the actual area being leased as part of the overall harbor lease lot preliminary plat. I expect to see a revision shortly.

Water System Improvements: Received notice of award of ADEC grant 28306 for 3.0 million. Have also received notice that the PD application for the ADWF loan for water system improvements has been accepted.

Lil' Larry Road: Street light poles have been installed for the new lights on Lil Larry Road. Nushagak Cooperatives expects to have the lights installed soon. Public Works is having trouble plowing the path because it is so narrow.

Date: January 11, 2012
To: Dan Forster / City Manager
From: Jean Barrett, Port Director
Subject: December Staff Report

December went by fast and I felt as if I was hardly at the office! Maybe because that is the way it unfolded.... I was selected to serve on not one but two Jury's and up until now I had never been selected! That was two and a half weeks of December spent in the courthouse. As the end of the month approached I took some personal days and that combined with the weekends and holidays the rest of the Month and into the New Year were gone!

I did however manage to get some things done.

I have been working on revising the invoices for the dock, adding a couple of line items and deleting a couple of others. It has been many years since this was done and the new format will help make the billing and information input easier and more efficient

I have also been completely revising the invoices at the harbor, the old ones were repetitive, not user friendly and the information collected did not sufficiently cover what was needed for harbor operations, I have spent some time researching other ports and harbors trying to get ideas to help us come up with something that would work better for us.

In case you need to know what the tide is doing, even during the winter months I now have tide books compliments of the City of Dillingham Port department, stop by and get yours before supplies run out. This is the first year I have ordered my own, in the past I would scrounge books from other businesses to have books for fishermen, We will see how this goes and decide whether it is a service we want to continue in the future.

Two years ago I budgeted for new ropes for the East ramps, this year I budgeted for new ropes for the Southside, they are on order and will be here in time to launch the floats this spring.

Things I hope to accomplish in the following month are

--I hope to get quotes to re-skin two float arm floats for the upcoming summer, I figure that if we are able to do this every year we will be able to get by until we are able to design and build new ones.

--I hope to get quotes for access ladders for the harbor bulkhead, the new portion of the bulkhead did not have ladders in the design and the ones on the old portion are bent, twisted and do not attach like they had originally due to this.

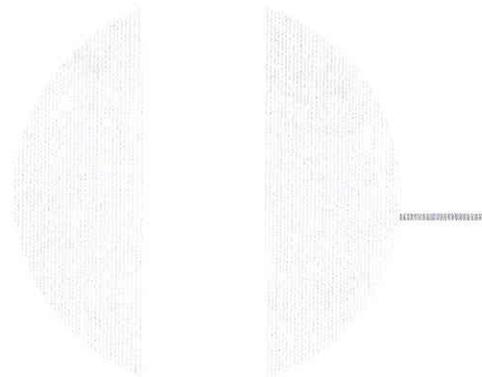
--I hope to convince the budget and Finance committee to allow us to go ahead with the purchase of a new forklift for the dock operations. they have a meeting on the 16th of this month.

--I hope to be able to coordinate a time to gather all of the Port Committee members so as to have a meeting to let them know what we have been up to and what we have in store for this summer, I would like to get this done before next week.

Jean Barrett

Port Director

Dillingham Public Library



To: Dan Forster, City Manager
From: Sonja Marx, Librarian
Date: 1/10/2012
Re: December Monthly Report

It really felt like Christmas at the library in December, literally. We must have been good little girls and boys in Dillingham this year! Many of the computers, equipment and components for the Alaska OWL grant project have arrived and are being put in place. So far, we have received two DELL desktop computers, two DELL laptops, two 23" & one 21" flat screen monitors, a switch box for the internet, stereo speakers and headphones. The video conferencing equipment should be arriving sometime in January.

We also received our new Canon color printer and copier with faxing capabilities. Staff and patron computers are connected to it. We are charging patrons \$.25 for black/white copies and \$1 for color. There is also a \$1 a page for faxing long distance.

Listen Alaska was launched on November 30th, 2011. There are 63 registered users benefiting from this service we provide. Within ten days, 36 titles were checked out and 12 others were on hold. This has been a big hit for our library – many have enjoyed this new technology (e-books, audio books, and music) patrons can download then read or listen to on their personal devices.

The Friends of the Library met Saturday, December 10th and will be meeting Tuesday, January 10th. A Kindle Fire was raffled off raising money for the FOL in December. The FOL will host the Children's Arts & Crafts Workshop Saturday, January 14th, 2012 for the Alaska Ocean Film Festival at the UAF Bristol Bay Campus.

Many classes from the schools have made scheduled trips to the library to work with the school librarian. She is also coaching the students at the library after school on Mondays for Battle of the Books for both district and state competitions.

The third graders from the Dillingham elementary school brought their gingerbread houses for display in the museum to participate in the Annual Gingerbread House contest.

The library was closed November 24th & 25th for Thanksgiving, December 23rd -26th for Christmas, and January 2nd for New Year's.

Library Stat report for November 22, 2011 – January 7, 2012:

Patron Visits: 2,378 Computer Use: 530 Story Hours: 104 Other: 110
Approximately 61.75 volunteer hours logged

Monthly Report

Dillingham Dept. of Public Safety

For the month of December 2011

Patrol

- ❖ 665 calls for service
- ❖ 58 Incident reports generated
- ❖ 12 Assaults
- ❖ 12 Theft offenses
- ❖ 07 Burglaries
- ❖ 02 Violation of release conditions/probation
- ❖ 00 Criminal mischief offenses
- ❖ 02 Driving under the influence
- ❖ 03 Minor consuming
- ❖ 00 Disorderly conduct
- ❖ 09 persons arrested
- ❖ 13 Title 47/Protective custody
- ❖ 05 Citations issued

Corrections

- ❖ 56 Total Inmates for 11/21/2011-12/26/2011
- ❖ 12 Total Title 47/Protective custody
- ❖ 48 Male inmates
- ❖ 08 Female inmates
- ❖ 09 Male Protective custody
- ❖ 03 Female Protective custody
- ❖ 01 Inmates from Adult Probation
- ❖ 18 Inmates from Courthouse
- ❖ 14 Inmates from A.S.T.
- ❖ 02 Inmates from Dillingham Police
- ❖ 02 Use of force reports
- ❖ 07 PBT Refusal

WAANT/Investigations Unit

- ❖ 03 Alcohol interdictions
- ❖ 02 Drug investigations
- ❖ 01 Postal Seizure
- ❖ 09 Investigative assistance to Dillingham Police
- ❖ 01 Administrative investigations

Communications

- ❖ 838 Total calls for service 11/21/11-12/26/11
- ❖ 80% dispatched to Dillingham Police
- ❖ 1% dispatched to Communication Dept.
- ❖ 11% dispatched to Alaska State Troopers
- ❖ 4% dispatched to EMS/Dillingham Fire
- ❖ 4% dispatched to Dillingham Animal Control
- ❖ 06 Record requests complete
- ❖ 151 E-911 calls received

Animal Control

- ❖ 19 Total calls handled for 11/21/11-12/26/11,
- ❖ 18 Dog impound
- ❖ 00 Cat impound
- ❖ 01 Warning citation issued
- ❖ 02 Citations Issued
- ❖ 00 Dogs adopted from Animal Shelter
- ❖ 01 Owner released dogs (given for adoption)
- ❖ 02 Owner released cats
- ❖ 02 Compassionate euthanasia
- ❖ 00 Dead dog removed from roadways
- ❖ 08 Unclaimed/Non-adoptable dogs/cats euthanized
- ❖ 00 Dogs found and returned to owners
- ❖ 00 Dog bite case
- ❖ 05 Rabies shots given
- ❖ 00 Parvo/Distemper shots given
- ❖ 00 Bear calls

DMV

- ❖ 37 Registrations/Titles
- ❖ 55 Driver's license/ID's
- ❖ 05 Commercial driver's licenses
- ❖ 03 Road tests

Monthly Department Updates

Patrol:

Officer Etheridge has completed the academy and is currently going through the FTO process. We still have an open position in the patrol division that we are actively attempting to fill.

Corrections:

During this monthly report time frame, the Corrections Department had work done on the lights in the jail, as well as a cell door replaced. The Corrections Department is also still working on getting separate phone and fax lines, which will increase department flexibility and production.

Communications:

Dispatch welcomes Chrissie Messer, who was hired to fill the available Dispatch I position. Dispatch is seeking quotes for a new 911 system, due to the inability to repair the hardware and software of the current system. Dispatch is undergoing an update of the Sleuth Software program, which will minimize reporting issues.

Animal Control:

As of December 26, 2011, the person trapping foxes from the Boat Harbor to Snag Point has trapped 06 foxes.

WAANT/Investigations:

No new information at this time.

DMV:

The DMV will be closed from Friday, December 23, 2011 until Tuesday, January 03, 2012.

Administration:

Stephanie Miller will be attending an Administrative Assistant conference in Anchorage on January 26, 2012. A current outline of the FY 2013 Budget is in the works for the Department of Public Safety.

Supplemental: 01/12/2012

On Thursday, January 05, 2012 at 1300 hours, a pipe burst in the wall of the DMV office. This caused flooding of the entire lower floor of the Public Safety building. The fire suppression system was inactivated after the water was shut off, and an expert had to be flown in from Anchorage to evaluate and repair the damaged pipe. The damage to the building is still being evaluated and repairs have slowly begun.



PUBLIC WORKS DEPARTMENT

Date: Jan. 5, 2012

To: Dan Forster, City Manager

From: Ronald Roy, Lead Mechanic (Acting Public Works Director)

Subject: December Staff Report

Streets Department: Routine winter time road maintenance has kept the roads crew busy- plowing snow from roadways and bike paths, removing snow from downtown areas, scraping ice when needed, and sanding roads- ensuring roads are kept as safe as possible during winter driving conditions. The crew has done an excellent job of keeping the bus routes open and every city road is cleared daily when new snows occur.

Landfill Solid Waste Department: The landfill continues to operate with only the use of the smaller burner, and burning operations are currently going smoothly as collection of refuse during the winter is at a lower volume than other seasons. The larger burner was removed from service due to structural and safety concerns, and repairs are currently on hold due to mechanics having to focus on priority repairs of snow removal, sanding equipment, and emergency vehicles. Repairs will resume soon, weather permitting, and are expected to be completed before refuse collection increases in the spring.

Water & Wastewater Departments: Our operators are keeping up with routine maintenance and typical repairs of our sewer lift stations, water treatment plant and wastewater lagoon, as well as thawing frozen pipes when needed.

The sewer forced main located on the beach in the snag point area is closely monitored for any sign of leakage or problems and remains a serious concern as severe temperatures and ice in the bay increase the risk of damage to the sewer main which was exposed by erosion earlier this year, and is now shallowly buried. The sewer vac truck purchased last winter is ready and operational if a problem should occur.

The fire hydrant located at the HUD housing apartments was leaking and had to be shut off. Repairs will not be possible until the ground thaws this summer. The Fire Department is aware of this issue and it is possible to turn the hydrant back on if needed.

Building and Grounds Department: Our crew's first priority has been keeping up with boiler maintenance and repairs during the very cold weather we have been experiencing.

The city has a "keep full" contract with our fuel supplier, however city buildings have repeatedly run out of fuel this winter, causing department personnel to be called out on emergencies when buildings lose heat, also risking frozen pipes when this occurs. Our crew is now monitoring fuel tank levels, however a satisfactory solution with our fuel supplier has not been reached at this time.

The City Shop facility has been primarily heated with waste oil for many years, but we have recently run out of available waste oil, and have had to switch to using heating fuel. Due to more businesses in town utilizing waste oil burners, less waste oil has become available to the city.

The grant funded boiler replacements are under way at the public safety building, city hall, and the senior center. This work is expected to continue through January, and will be a nice improvement to our city facilities as well as a cost saving measure when completed.

The position of Buildings & Grounds Assistant is currently vacant.

Shop Maintenance Department: Mechanics have been busy with repairs of snow removal and sanding equipment, as well as giving priority to any emergency response vehicle or equipment in need of work.

The department has been fully staffed for several months now, and gains are being made against the large amount of work that was backed up. We have an excellent mechanic staff, who efficiently and skillfully keep our fleet operational.

A new computer based maintenance records program has been implemented, which will significantly enhance the maintenance shops ability to ensure proper scheduling of preventative maintenance, monitor equipment and vehicle costs, maintenance trends, and usable life of equipment. Additionally the ability to generate reports giving thorough cost analysis and assessment of our fleet will be available with the use of this program. In January the Shop Department will provide a report with recommendations for the "Five Year Capitol Equipment Replacement Schedule".

Public Works Administration: I have been filling in and helping out where possible with public works administration duties, as well as Herman Shade Jr., Public Works Foreman.

The selection process for a new Director is underway, initial interviews have taken place, and 2 candidates are expected to be in Dillingham the week of January 9th 2012.

Thank you to all the Public Works staff for your devoted efforts and service to our community.

Ronald Roy, (Acting) Public Works Director

Dillingham Senior Center

To: Dan Forster, City Manager

From: Ida Noonkesser

Date: January 10, 2012

In December, there was only one elder who needed help with paperwork, but it was still a busy month. This month's paperwork for the state included recording monthly meals, home delivered meals, and assisted and unassisted rides.

I submitted my NSIP report to the State.

There were four renters during the month of December for the Senior Center.

Our Advisory board was cancelled due to no quorum in December, the next meeting is scheduled for January 11, 2012.

We decorated the Senior Center for Christmas season. It was nice to have volunteers come in and help out with decorating. I had at least two or three volunteers on most days that we decorated.

On December 19th or 20th, our sewer pipe cracked in the crawl space under the building. The crew from Public Works came and worked on it over the weekend, but it isn't still done yet. They are still working on it and I have talked with C.J. about it. He will be working on it as soon as he can. The people from the hospital came and looked at it and assured us that it was safe to keep the facility open.

In the month of December, the Senior Center served 470 congregate meals to 52 individuals, 137 home delivered meals to 8 individuals, 334 assisted rides to 27 individuals, and 262 to unassisted rides to 34 individuals.

I. CALL TO ORDER

The Code Review Committee met on Thursday, December 8, 2011, in the City of Dillingham Council Chambers, Dillingham, AK. Tim Sands, Chair, called the meeting to order at 5:30 p.m.

II. ROLL CALL

Committee Members present:

- Tim Sands, Chair/Council Member
- Alice Ruby, Mayor
- Paul Liedberg, Council Member
- Dan Forster, City Manager
- Janice Williams, City Clerk

Committee Members absent:

- Elizabeth Pearch

III. APPROVAL OF AGENDA

MOTION: Paul Liedberg moved and Alice Ruby seconded the motion to approve the agenda as presented.

GENERAL CONSENT: The motion passed without objection.

IV. APPROVAL OF MINUTES

A. Minutes of October 13, 2011

MOTION: Alice Ruby moved and Paul Liedberg seconded the motion to approve the minutes of October 13, 2011.

GENERAL CONSENT: The motion passed without objection.

V. UNFINISHED BUSINESS

A. Title IV. Revenue and Finance

1. Manager Authority to Settle Unpaid Accounts

City Clerk Williams reported this item has languished for reasons noted in the summary report, and suggested reviewing the Attorney's memorandum of January 14, 2010 and the attached draft ordinance.

Discussion:

- noted there was no authority in code to give Manager the authority to adjust an account to correct an error or omission, but felt it was appropriate as long as the evidence was clear; and
- noted the ability to pay and to waive penalty and interest be consistent across the board, and, if otherwise, should be decided by a committee of the Council; and
- recommended a review of the current penalty and interest charges.

City Clerk Williams suggested contacting the Attorney to advise on the most current practices in other cities and look at the City's current penalty and interest policy.

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

City Clerk Williams reported the Attorney has had the information in hand for some time, and will ask for a status report.

- c. 4.15.360 B. Refund of Taxes

City Clerk Williams reported the item had been sent to Kathie Wasserman, at AML, and she had responded she would follow up with the State's Assessor.

- B. Title VII. Animal Control
 1. *Referred to Animal Control Focus Group – assignment is to compare DMC with State Statutes and bring back recommendations to the Code Review Committee*
- C. Title XI. Vehicles & Traffic and Snowmobiles (*Note: to be reviewed after vote on annexation*)
- D. Annexation – Prepare Ordinances

Discussion:

- recommend adding a clause to the existing sales tax ordinance, Chapter 4.20, sales of groceries, fuel, and such that occur in the annexed waters are exempt from the general sales tax;
- recommend crediting 50% of the real property taxes for commercial fishermen with real property in Dillingham based on settlement statements;

- recommended adding a definition for “point of sale”, once the fish is on the tender it is sold, not in favor of another tax to process the fish if taken to another fishing district;
- need to review when taxes are required to be collected, doesn’t think processors have settled by July 31 as recommended; and then bring Section 4.21.130 A in line with D, more practical is October/November;
- proposed bringing staff onboard to start the process of connecting with Lake and Peninsula Borough, Aleutians East Borough, and Bristol Bay Borough to sort out fish harvest, tender, transfer and processing reporting and tax issues;
- proposed severance tax ordinance define personal (subsistence) and commercial use;
- recommended removing all resources other than fish from Sections 4.22.020 and 4.22.025 resources subject to tax and tax rates; and
- proposed changing the exemption from severance tax on raw fish [resource] severed within the waters in Section [6.91.030] 4.22.030 if annual gross production is more than \$10,000 instead of \$5,000;
- recommend setting a specified time when the processor needs to settle up, and suggested an initial payment by September/October, 95% by December 1;
- reported the Regional Fisheries Improvement Fund had been adopted to designate a percentage of the revenue for fisheries infrastructure in Dillingham;
- reported there was a proposal to give commercial fishers owning real property in Dillingham a credit of ½ of their fish tax to be applied against their real property tax;
- reported there was a proposal to rebate the fish tax to fishers who fell below the poverty level;
- reported revenue sharing with the neighboring villages had been discussed, but had since been discounted in favor of supporting the exemptions suggested;
- reported there had been a discussion of a borough fund to set aside ½ of a percentage of the fish tax for each of the next five years, and contact Attorney should this be a resolution or ordinance; and
- asked the Attorney to review the application of firearms and fireworks in the proposed annexed waters.

E. Tax Incentives (*Note: to be reviewed after vote on annexation*)

This item, Tax Incentives, is postponed until after annexation.

F. Personnel Regulations

City Manager Forster reported the Personnel Regulations were being reviewed with the City’s labor attorney.

G. Liquor Sales Allowed

1. Super Bowl Sunday – Ordinance No. 2011-09 introduced 12/1/2011
2. New Year's Eve Falls on Saturday and Sunday – Ordinance. No. 2011-09 introduced 12/1/2011

Ordinance No. 2011-09 is up for a public hearing and adoption January 19, 2012. The Council had asked for a report on the fiscal impact and the additional burden on the public safety officers for the January 19, 2011 Council meeting.

H. Write-in Ballots, Legislative Changes

City Clerk Williams reported that her research did not produce any City ordinances that required a minimum number of votes for a write-in vote, but did locate a requirement for a letter of intent and another code required petition by nomination. Also, no City had adopted the new state law provisions for counting write-in votes which disregarded abbreviations, misspellings, if the intent could be ascertained. More work was needed and would be brought back to the next meeting.

VI. NEW BUSINESS

There was no new business.

VII. PUBLIC COMMENT/COMMITTEE COMMENTS

Tim Sands:

- will plan to meet January 12 to review the changes recommended for the tax ordinances; and
- requested that the ballot language for the annexation propositions be prepared for the January 12 meeting.

VIII. ADJOURNMENT

The meeting adjourned at 7:30 p.m.



Tim Sands, Chair

ATTEST:



Janice Williams, City Clerk

Approved: 1/12/2012

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2011-09

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING DMC SECTION 6.08.020.A AND DMC SECTION 6.08.020.B TO ALLOW LICENSED BARS AND EATING ESTABLISHMENTS TO SERVE ALCOHOL ON SUPER BOWL SUNDAY AND WHEN NEW YEAR’S EVE FALLS ON A SUNDAY

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

WHEREAS, the Dillingham Municipal Code (DMC) prohibits the sale of alcohol in bars or eating establishments between the hours of 2 a.m. Sunday morning until 10 a.m. Monday morning and prohibits packaged liquor stores from being open on Sunday; and

WHEREAS, the City Council has historically been approached to make an exception and allow a temporary waiver of the rules for Super Bowl Sunday and when New Year’s Eve falls on a Sunday;

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. Amendment of section. DMC 6.08.020.A is amended by adding the following words (additions are noted in underline, and deletions are noted in [brackets]):

6.08.020 Hours of sale of intoxicating liquor.

A. For bar or eating establishments, alcohol sales will be prohibited between the hours of [two] 2 a.m. Sunday morning until [ten] 10 a.m. Monday morning. Alcohol sales will be prohibited between the hours of [one] 1 a.m. to [ten] 10 a.m. Tuesday through Friday. Alcohol sales will be prohibited between [two] 2 a.m. Saturday morning and [ten] 10 a.m. Saturday morning.

However, licensed bars and eating establishments may provide for alcohol sales on Super Bowl Sunday from 12:00 p.m. until 9:00 p.m., and on New Year’s Eve when the holiday falls on a Sunday from 6:00 p.m. until 2:00 a.m. the following Monday.

Section 2. Amendment of section. DMC 6.08.020.B is amended by changing the text as follows: (additions are noted in underline, and deletions are noted in [brackets]):

6.08.020 Hours of sales of intoxicating liquor.

B. Packaged liquor stores shall be closed between the hours of [nine] 9 p.m. and [ten] 10 a.m., and on Sunday.

Section 3. Classification. This is a code ordinance.

Section 4. Effective Date. This ordinance shall be made effective upon passage.

ENACTED by the Dillingham City Council on _____.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

City of Dillingham Information Memorandum No. O2011-09

Subject: An ordinance of the Dillingham City Council amending DMC Sections 6.08.020.A and B to allow licensed bars and eating establishments to serve alcohol on Super Bowl Sunday and when New Year's Eve Falls on a Sunday

Agenda of: January 19, 2012

Council Action: Ordinance No. 2011-09 was approved for introduction by the City Council on December 1, 2011 and scheduled for a public hearing on January 19, 2012.

Manager: Recommend approval.

City Manager: 
Dan Forster

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

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

Other Attachment(s):

- Schedule of liquor sales hours, current and proposed
- Memo from Chief Dombroski regarding impact of the proposed change on the DDPS

Summary Statement.

Ordinance No. 2011-09 amends Dillingham Municipal Code 6.08.020.A and 6.08.020.B to allow for bars and licensed restaurants to sell alcohol from 12:00 PM to 9:00 PM on Super Bowl Sunday, and on New Year's Eve when it falls on a Sunday, from 6:00 PM to 12:00 midnight.

The ordinance is amended specific to the Super Bowl Sunday and when New Year's Eve falls on a Sunday. The Council considered whether to approve a permanent change this year based on recurring requests in the past for a temporary waiver.

The amended ordinance applies only to alcohol by the drink in licensed bars and restaurants and does NOT allow "package sales".

This ordinance is being presented by the Code Review Committee.

**Propose Ordinance No. 2011-09,
to allow liquor sales on Super Bowl Sunday and when New Year's Eve falls on a Sunday**

Changes are in bold print.

CURRENT ALCOHOL SALE HOURS

	<u>Sales Allowed</u>	<u># Hrs</u>	<u>Sales Prohibited</u>	<u># Hrs</u>
Monday	10:00 am Monday to 12:00 midnight Monday	14 hrs	12:00 am Monday to 10:00 am Monday	10 hrs
Tuesday	12:00 am Tuesday to 1:00 am Tuesday 10:00 am Tuesday to 12:00 midnight Tuesday	1 hr 14 hrs	1:00 am Tuesday to 10:00 am Tuesday	9 hrs
Wednesday	12:00 am Wednesday to 1:00 am Wednesday 10:00 am Wednesday to 12:00 midnight Wednesday	1 hr 14 hrs	1:00 am Wednesday to 10:00 am Wednesday	9 hrs
Thursday	12:00 am Thursday to 1:00 am Thursday 10:00 am Thursday to 12:00 midnight Thursday	1 hr 14 hrs	1:00 am Thursday to 10:00 am Thursday	9 hrs
Friday	12:00 am Friday to 1:00 am Friday 10:00 am Friday to 12:00 midnight Friday	1 hr 14 hrs	1:00 am Friday to 10:00 am Friday	9 hrs
Saturday	12:00 am Saturday to 2:00 am Saturday 10:00 am Saturday to 12:00 midnight Saturday	2 hrs 14 hrs	2:00 am Saturday to 10:00 am Saturday	8 hrs
Sunday	12:00 am Sunday to 2:00 am Sunday	2 hrs	2:00 am Sunday to 12:00 am Sunday	22 hrs

PROPOSED ALCOHOL SALE HOURS

	<u>Sales Allowed</u>	<u># Hrs</u>	<u>Sales Prohibited</u>	<u># Hrs</u>
Monday	10:00 am Monday to 12:00 midnight Monday	14 hrs	12:00 am Monday to 10:00 am Monday	10 hrs
* New Year's Eve Sun.	12:00 am Monday to 2:00 am Monday	2 hrs	2:00 am Monday to 10:00 am Monday	8 hrs
Tuesday	12:00 am Tuesday to 1:00 am Tuesday 10:00 am Tuesday to 12:00 midnight Tuesday	1 hr 14 hrs	1:00 am Tuesday to 10:00 am Tuesday	9 hrs
Wednesday	12:00 am Wednesday to 1:00 am Wednesday 10:00 am Wednesday to 12:00 midnight Wednesday	1 hr 14 hrs	1:00 am Wednesday to 10:00 am Wednesday	9 hrs
Thursday	12:00 am Thursday to 1:00 am Thursday 10:00 am Thursday to 12:00 midnight Thursday	1 hr 14 hrs	1:00 am Thursday to 10:00 am Thursday	9 hrs
Friday	12:00 am Friday to 1:00 am Friday 10:00 am Friday to 12:00 midnight Friday	1 hr 14 hrs	1:00 am Friday to 10:00 am Friday	9 hrs
Saturday	12:00 am Saturday to 2:00 am Saturday 10:00 am Saturday to 12:00 midnight Saturday	2 hrs 14 hrs	2:00 am Saturday to 10:00 am Saturday	8 hrs
Sunday	12:00 am Sunday to 2:00 am Sunday	2 hrs		
* New Year's Eve	6:00 pm Sunday to 12:00 midnight Sunday	6 hrs	2:00 am Sunday to 6:00 pm Sunday	16 hrs
* Super Bowl	12:00 pm Sunday to 9:00 pm Sunday	9 hrs	2:00 am Sunday to 12:00 pm Sunday and 9:00 pm 13 hrs to 12:00 am	24

Chapter 6.08**ALCOHOLIC BEVERAGES****Sections:**

- 6.08.010** **Sale on election day.**
- 6.08.020** **Hours of sale of intoxicating liquor.**
- 6.08.030** **Protest of liquor licenses of establishments that sell beverages containing more than ninety percent alcohol.**

6.08.010 **Sale on election day.**

The sale of intoxicating liquor is permitted within the city during election day for any federal, state or local election. (Ord. 74-3, 1974.)

6.08.020 **Hours of sale of intoxicating liquor.**

A. For bar or eating establishments, alcohol sales will be prohibited between the hours of two a.m. Sunday morning until ten a.m. Monday morning. Alcohol sales will be prohibited between the hours of one a.m. to ten a.m. Tuesday through Friday. Alcohol sales will be prohibited between two a.m. Saturday morning and ten a.m. Saturday morning.

B. Packaged liquor stores shall be closed between the hours of nine p.m. and ten a.m., and on Sunday. (Ord. 97-5 § 1, 1997.)

6.08.030 **Protest of liquor licenses of establishments that sell beverages containing more than ninety percent alcohol.**

A. The council finds that the sale of beverages containing more than ninety percent alcohol is a serious threat to public health and welfare.

B. The city shall protest the issuance, renewal or transfer of any liquor license for an establishment within the city unless the applicant notifies the city that it has not within the past thirty days, and will not in the future, sell beverages containing more than ninety percent, or one hundred eighty proof, alcohol.

C. The application for a liquor license for any establishment within the city that in fact sells beverages containing more than ninety percent, or one hundred eighty proof, alcohol after notifying the city that it would not do so shall also be protested.

D. The city manager is directed to take reasonable steps to ensure that this section is being enforced. Any establishment affected by this provision shall have the right to appear before the council at the public hearing and present evidence or arguments in its behalf.

E. Nothing in this chapter operates to prevent the city from protesting applications for liquor licenses on other reasonable grounds, as permitted by state law. (Ord. 90-04 § 1, 1990.)



CITY OF DILLINGHAM

Department of Public Safety

404 "D" Street
P.O. Box 869
Dillingham, Alaska 99576

24 hrs (907) 842-5354
(907) 842-5172
Fax (907) 842-5785

12/20/11

To: Dan Forster, City Manager

From: Doug Dombroski, Chief of Police

RE: "Special Event" Liquor Sales and Their Impact on the Dillingham Department of Public Safety

The Dispatch Department has reviewed records and call logs spanning a three-year period, focusing on New Year's Eve and Super Bowl Sunday, resulting in the following:

- New Year's Eve, 2008, had 5 out of 24 calls involving alcohol (20.8%)
- New Year's Eve, 2009, had 8 out of 22 calls involving alcohol (36%)
- New Year's Eve, 2010 had 3 out of 20 calls involving alcohol (15%)
- Super Bowl Sunday, 2011, had 2 out of 9 calls involving alcohol (22%)

The Dillingham Police Department intends to schedule additional officers on New Year's Eve, 2011, and February 05, 2012 (Super Bowl Sunday).

- New Year's Eve, 2011, will have one additional officer scheduled from 10 pm to 3 am, while a second additional officer will be scheduled from 8 pm to 4 am
- Super Bowl Sunday, February 05, 2012, will have one additional officer scheduled from 2 pm to 10 pm
- All of these additional officers will be scheduled on overtime, at the cost of \$53.295 per hour
- There will be no staffing changes for Corrections or Dispatch, unless otherwise directed

The Department of Public Safety will support the community in their decision regarding the ordinance to allow sales of alcohol on the special event dates falling on Sundays.

SM



NOTICE OF PUBLIC HEARING

The City of Dillingham will hold a **Public Hearing** on Thursday, January 19, 2012, at 7:00 p.m. in the City Council Chambers for the purpose of taking comment from the public on Ordinance No. 2011-09, An Ordinance of the Dillingham City Council Amending DMC Section 6.08.020.A and 6.08.020.B to Allow Licensed Bars and Eating Establishments to Serve Alcohol on Super Bowl Sunday and when New Year's Eve falls on a Sunday.

This proposed change would amend the Dillingham Municipal Code to allow liquor sales on Super Bowl Sunday from 12:00 p.m. to 9:00 p.m. and on New Year's Eve when it falls on a Sunday from 6:00 p.m. Sunday, to 2:00 a.m. the following Monday. The amended ordinance applies only to alcohol by the drink in licensed bars and restaurants and does NOT allow "package sales".

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

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2012-01

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

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

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

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

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

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

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

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

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

4.21.010 Definitions.

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

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

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

"Processed" or "processing" means cooking, canning, smoking, butchering, freezing, salting, dehydrating and other activities that modify the condition of the fish in preparation of the fish for sale, but does not include decapitating, gutting, gilling, sliming, or icing by the person harvesting the fish if done for the purpose of maintaining the quality of the fish until it can be sold.

"Property tax" means the tax levied under Chapter 4.15 of this Code upon real property owned by the Taxpayer.

"Raw fish" means fin fish and shellfish and includes, but is not limited to: crabs, shrimp, scallops, clams, oysters, sea cucumbers, salmon, herring, halibut, cod, flounder and pollock that have not been processed.

"Raw fish tax" means the tax levied on the sale or use of raw fish under this Chapter.

"Sale of raw fish" occurs without regard to whether delivery by the seller occurred directly or indirectly nor whether delivery of the fish occurred inside or outside the City if the fish are purchased for delivery, or are delivered, to a location inside the City at the time of sale. A sale of raw fish occurs within the City if the fish ticket issued by the buyer to the seller for the sale of raw fish is issued within the City. A sale also includes the performance of services within the City without regard to the place of sale of such services, and includes an event that occurs when a person within the City becomes directly or indirectly obligated to sell or convey property within the City, or to perform services within the City or to lease or rent to or permit the use of property within the City by another, including admissions to a place or event.

"Sale price" in the case of raw fish, includes any indirect consideration such as fuel or supplies furnished directly or indirectly by the buyer or offsets to the cash value for gear furnished, and includes post purchase or post season adjustments or bonuses.

"Sales Tax Administrator" or "Administrator" means the manager or the person designated by the manager as the sales tax administrator or the agent of the administrator.

"Seller" means a person or entity that has caught raw seafood product and sells it to a buyer.

"Taxpayer" is the seller of raw fish.

4.21.020 Imposition; rate.

There is levied and shall be collected a tax of two and a half percent (2.5%) on all sales of raw fish within the City of Dillingham. The tax levied under this Chapter is an obligation of the seller and collected by the buyer.

4.21.030 Exemptions - enumerated.

The following sales are exempt from the tax levied under this chapter:

- A. Sales of goods and services except raw fish.
- B. The sale of raw fish, for the sole purpose and use as bait, from one boat to another. This exemption does not apply to sales or purchases of raw fish by seafood processors.

C. The resale of raw fish in essentially the same form as when purchased if the tax under this chapter paid on the prior purchase was at fair market value for the fish under the circumstances of the prior purchase.

D. The sale of raw fish caught by the permit holder to the same permit holder for purposes of resale if:

1. the permit holder is licensed as a catcher-processor by the State; and
2. the permit holder purchases less than ten thousand (\$10,000) dollars annually of raw fish.

4.21.040 Exemption procedures.

A. No exemption certificate may be granted except under written application for the exemption on a form established by the City.

B. The burden of establishing any tax exemption is on the buyer.

4.21.050 Tax – computation.

The tax due under this chapter shall be computed by multiplying the primary gross sales value by two and a half percent (2.5%). The tax due on a sale shall be rounded to the nearest whole cent with fractions of one half cent and more rounded upward.

4.21.055 Tax- credits.

The amount of tax due as computed in accordance with section 4.21.050 shall be reduced by the amount of severance tax levied upon fish caught within the boundaries of another municipal corporation the sale of which is subject to tax under this Chapter.

4.21.060 Statement of tax.

A person required to collect a tax under this chapter shall provide the taxpayer with a statement of the amount of tax owing on any taxable transaction and shall retain a copy of such statement for a period of not less than five years following the due date of the payment to the City.

4.21.070 Obligation to pay tax.

A. The obligation of the tax is upon the seller. The buyer shall segregate from funds of the buyer an amount equal to the tax due on the sale. Funds required to be segregated under this section are taxes collected or required to be collected under this chapter.

B. Collection is enforceable, by the buyer, as a certified tax collector of the City, provided, however, that this shall not limit the liability of the person liable for the tax.

4.21.080 Determination of taxability - Liability for errors.

The collector shall determine initially whether a sale is taxable under this chapter. If the collector fails to collect the tax due on a sale because of an incorrect determination of taxability by the collector or for any other reason, the collector becomes liable to the City for the tax in the same manner as if the tax had been collected.

4.21.090 Tax funds held in trust.

All tax monies collected or segregated or required to be collected or segregated by the collector are funds of the City and shall be held in trust by the collector in a fund or account separate from all other funds and accounts of the collector until paid over to the City. Interest earned on such funds while held by the collector may be retained by the collector as compensation for segregating and protecting the funds of the City.

4.21.100 Location of sales made and services provided.

When the use tax arises on raw fish under Section 4.21.260 (C) because the raw fish caught or harvested within the City is transported by a person who intends to sell the fish to a buyer outside of the City, the buyer is deemed to be located within the City for purposes of the sale, and is required to collect the tax in the same manner as a buyer under Section 4.21.070. Such buyers are required to register with the City under Section 4.21.110 and are subject to the filing procedures and requirements set forth in this chapter.

4.21.110 Registration of sellers and buyers as tax collectors - Certification of registration.

A. All buyers of raw fish shall file an application for a certificate of registration on a form prescribed by the City not more than ten days after the date of commencing business within the City, or the opening of an additional place of business, provided no registration is required if the business conducted does not require the person to collect a tax under this chapter. The application must contain or be accompanied by:

1. The name and mailing address of the applicant;
2. The location at which the applicant will conduct its business and where transactions subject to the tax under this chapter will occur; if the applicant's business is to be conducted from one or more vessels, the name of the vessels and the general location or areas in which each vessel will operate;
3. If the applicant is a buyer of raw fish,
 - a. The applicant's Alaska Fisheries Business License number;
 - b. A copy of the applicant's most recent Alaska Fisheries Business License Tax filing;
 - c. A copy of the most recent statement provided the state of the amount of fisheries products the person expects to produce during the applicant's license year;
4. The applicant's Alaska Business License number;
5. A statement of the extent of property owned by the applicant in the City against which the tax liability of the applicant may be collected and other information with respect to description, location and value of the property which the City prescribes.

B. Upon receipt of a properly executed application, the sales tax administrator will issue a certificate of registration setting out the name of the registrant, its physical and its mailing addresses, and the place the registrant will be operating from a vessel. The certificate shall authorize the registrant to collect and enforce the collection of the tax required to be collected under this chapter. The certificate must be prominently displayed at the location set out in the certificate or upon the vessel named in the certificate. A separate certificate shall be issued for each vessel or location of an applicant.

C. A certificate of registration is non-assignable and non-transferable and must be surrendered to the sales tax administrator by the registrant to whom it is issued upon the registrant's ceasing to do business at the location or on the vessel named therein. If the business is continued at the same location, but there is a change in its form or organization such as a change of a single proprietorship to a partnership or corporation, or the admission or withdrawal of a partner, or other change, the registrant shall surrender the old certificate to the sales tax administrator with an application for a new certificate. If the business of a registrant is sold, leased or in any other manner transferred to another person, the registrant shall surrender the certificate to the sales tax administrator and the new owner, lessee or other successor to the business shall immediately apply for a new certificate.

D. If there is a change in location of a registrant's place of business, the registrant shall surrender the certificate for the old location to the sales tax administrator along with a statement of the new address. Upon receipt of the old certificate and the new address, the sales tax administrator shall issue a new certificate of registration showing the new location.

E. Before issuing a certificate of registration, the applicant may be required to post a bond, furnish a statement of net worth, or furnish such additional security as may be required by the sales tax administrator to insure full and prompt payment of taxes required to be collected under this chapter.

F. A person applying for a certificate of registration under this section thereby gives consent to an inspection by the City of the applicant's Alaska Fisheries Business Tax returns and other information or records filed by the registrant with the State of Alaska for the purpose of enforcement and administration of the provisions of this chapter.

4.21.120 Rulings and regulations.

A. The manager may promulgate and amend regulations and may prescribe the use of forms appropriate to the implementation of this chapter. Regulations promulgated by the manager are effective on the date they are promulgated unless a different date is indicated in the regulations; provided, all regulations are subject to repeal or revision by the Council at any time. Prior to promulgation, proposed regulations shall be submitted to the City attorney for review and comment. Upon promulgating a regulation or any amendment to an existing regulation, the manager shall submit the regulation or amendment to the Council at its next regular meeting.

B. If any person who is or may be required to pay or collect a tax under this chapter questions the application of this chapter to a transaction or other situation in which that person is involved or may become involved, the person may apply to the sales tax administrator for a ruling on the question. The sales tax administrator may rule on the question and may seek the advice of the city attorney on the question. Before a ruling of the sales tax administrator is effective or binding on the City, it must be signed by the manager.

C. Rulings having general applicability shall be considered by the manager for promulgation as a regulation.

4.21.130 Payment and remittance - Application of payments - Deduction.

A. Taxes required to be collected under this chapter during a calendar year are due and payable to the City within 30 days of the last day of the calendar quarter in which any transaction subject to tax under this Chapter has been made. For every calendar quarter in which a transaction subject to tax under this Chapter has been made, every collector shall file with the City on forms furnished by the City a return containing the following information:

1. Name and address of taxpayer;
2. Primary gross sales value (sometimes referred as a primary gross purchase value) of raw seafood product purchased or delivered within the City during the calendar quarter by pounds, average price per pound, and by species;
3. Nontaxable sales during the calendar quarter;
4. Taxes due during the calendar quarter;
5. Interest, penalties, deductions
6. Such other information as may be required on the form.

- B. The return shall be signed and its completeness and accuracy sworn to by the collector under penalty of perjury.
- C. All sales are presumed to be taxable. An exemption claimed for any sale must be proved or adequately explained by the collector with the submission of the return.
- D. The completed return, together with the remittance of the tax required to be collected during the calendar quarter, must be received by the City at the address designated on the return form within 30 days of the last day of every calendar quarter in which a transaction subject to tax under this Chapter has occurred.
- E. If the business is sold or transferred to another, whether voluntarily or involuntarily, the person filing the return shall provide on the form the name of the person to whom the business was sold or transferred.
- F. Any collector of raw fish sales tax shall be paid an amount equal to two percent (2%) of the gross raw seafood sales tax collected, provided that the tax return is filed and the tax is paid to the City on or before the fifteenth (15th) of each month immediately following the month in which the collection is made; provided, the amount deducted and retained may not exceed \$200.
- G. Amounts received with the return shall be applied in the following order:
1. Penalties due, beginning with the oldest penalty;
 2. Interest due, beginning with the interest due on the oldest quarter; and
 3. Taxes due, beginning with the taxes due from the oldest quarter.

4.21.135 Tax Refunds

- A. Any taxpayer from whom raw fish tax is collected and timely remitted to the city by a tax collector and who also has timely remitted property tax is eligible for a partial refund of raw fish tax. The amount of the refund is equal to fifty percent of the raw fish tax collected from the taxpayer up to a maximum refund of fifty per cent of the property tax paid by the taxpayer.
- B. Any taxpayer:
1. from whom raw fish tax is collected and timely remitted to the city by a tax collector during the year for which a refund is requested; and
 2. who is not eligible for a refund under Section 4.21.135(A) above; and
 3. whose household income, assets, and financial resources fall within the eligibility standards for the food stamp program under 7 U.S.C. 2011 - 2025, as amended; and
 4. who has paid a reduced price annual fee for the taxpayer's fishing permit under AS 16.43.160(d) for the calendar year during which raw fish tax was collected from the taxpayer is eligible for a partial refund of fifty per cent of the tax paid under this Chapter.
- C. Any person entitled to a partial refund may obtain a partial refund from the City upon completion and submission of a refund application form to be provided by the City together with such supporting documentation as required by the City to establish eligibility for and the amount of the refund.
- D. An application for a fish tax refund shall be filed during the period that begins November 1 and ends December 31 of each year. Failure to submit a refund application by December 31 means that no refund is due to the taxpayer for that year.
- E. Applications for a refund under Section 4.21.135(B) above shall be treated by the city as confidential documents not subject to disclosure under Section 2.01.040 of this Code.

F. All refund amounts due to a taxpayer shall be paid by the City on or before March 15 each year. Should the City fail to pay any portion of a refund due interest shall accrue from the due date until the date paid at an annual rate of five per cent (5%).

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

4.21.140 Penalties and interest.

A. A person who fails to file a return as required under this chapter or who fails to remit all the taxes due the City shall pay a penalty of five percent (5%) of the taxes due with a minimum penalty of \$100 if no return is filed. The penalty is imposed for each month or part of a month during which the delinquency of failure to file exists up to a maximum of fifteen percent (15%); provided, the total penalty for a single calendar quarter shall not exceed three thousand dollars (\$3,000). The filing of an incomplete return shall be treated as the filing of no return.

B. Interest at the rate of ten and one-half percent (10.5%) per annum shall be paid on all amounts due the City that are not received by the City as required under this chapter except interest does not accrue on penalties.

C. A person who fails to apply for a certificate of registration as required by this chapter shall pay a penalty of three hundred dollars (\$300) for the first offense. A buyer, who, after notice, continues to conduct business without obtaining a certificate of authority to collect sales tax, is subject to a penalty of five hundred dollars for each subsequent offense. Such penalty must be paid before the license is issued if the original license was issued before the determination that a penalty was due. A person who fails to apply for a certificate of registration, who engages in taxable transactions after being informed in writing that a certificate of registration is required, shall pay a penalty of four hundred dollars (\$400) before the license is issued or before a renewal or amended license is issued if the original license was issued before the determination that a penalty was due.

D. A person required to collect a tax under this chapter who fails to provide a written statement setting out the amount of the tax due on the transaction shall pay a penalty to the City equal to the amount of the tax due on the sale.

E. A failure of or refusal of a person required to collect a tax under this chapter to produce records or allow inspection at such reasonable times as requested or demanded by the sales tax administrator shall pay to the City a penalty equal to three times any deficiency found or estimated to have occurred by the sales tax administrator; provided, the minimum penalty payment is one thousand dollars (\$1,000).

F. A person required to maintain records under the provisions of this chapter shall immediately notify the City of any fire, theft or other casualty that would prevent the person from complying with the provisions of this chapter. Such casualty is a defense to a civil penalty levied under subsection E. of this section, but does not excuse the person from the liability for payment to the City of taxes required to be collected. Accidental or unexplained loss of funds or records does not excuse a person from the performance of any of the requirements under this chapter.

4.21.150 Forced filing.

A. If a collector under this chapter fails to file a complete and accurate return or to pay over all the taxes due as required by this chapter, the sales tax administrator may make an estimate of the taxes due based upon any information available. The administrator shall file a return for such collector and shall provide a copy of the return to the collector with a request that the collector file a correct return along with payment of the taxes due. The administrator may require the collector filing the return to provide sufficient information to support the corrected return. If the collector has not filed a correct return satisfactory to the administrator, along with the taxes due, within thirty (30) days of the date of mailing of the forced filing, the amount of any deficiency remaining unpaid on the forced filing is presumed correct and is delinquent from the date originally due; provided, if upon a subsequent audit or inspection of the records of the collector, it is determined that a greater amount was due, the collector shall be liable for payment of such additional amount. A forced filing may be made if the City is unable to ascertain the tax due to be remitted by a collector by reason of the failure of the collector to keep accurate records or to allow inspections of the collector's records, or of the collector's falsification of records.

B. A collector who disagrees with the determination of the administrator shown on the force filed return and refuses to file a corrected return may, within thirty (30) days of the date of mailing of the forced filing, appeal the ruling of the administrator as set out in DMC 4.21.210. A collector who files a corrected return under this section, but who is notified in writing by the administrator that taxes are due in excess of those admitted by the collector may appeal the ruling of the administrator as set out in DMC 4.21.210 but only if appealed within ten (10) days of the date of mailing of the notice from the administrator. Notice of the appeal must be received by the administrator within the time provided herein and be accompanied by payment under protest of the taxes, interest and penalty claimed by the administrator to be due.

4.21.160 Records - Investigation and audits.

A. Every person required to collect the tax imposed under this chapter shall maintain, keep and preserve such records, books and accounts of all sales made by the person as may be necessary to determine the amount of tax the person is obligated to collect and pay over to the City. Such records, books and accounts shall be preserved for a period of five (5) years following the date all taxes involved in the accounting period were required to be paid to the City.

B. For the purpose of ascertaining the correctness of a return or the amount of taxes owed when a return has not been filed, the sales tax administrator may conduct investigations, hearings and audits and to that end may examine any relevant books, papers, memoranda, records or other writings of any seller or buyer and may require the attendance and sworn testimony of any seller or buyer or any officer or employee of the seller or buyer at a hearing. Upon written demand by the sales tax administrator, a buyer or seller shall make available to the sales tax administrator in the office of the sales tax administrator such books, papers, memoranda, records and other written material as may be set out in the demand unless the sales tax administrator and the person upon whom the demand is made agree to presentation of such materials at a different place.

4.21.170 Liens.

A. The tax, interest, penalties and other costs due and owing under this chapter shall constitute a lien in favor of the City upon the property and other assets of the collectors and taxpayers liable for the payment of the tax, interest, penalties and other costs.

B. The lien imposed by this section arises and attaches at the time the collector purchases fish from the selling fishermen and continues until the entire amount due has been paid.

C. If delinquent sales taxes, including interest and penalties, are not paid within ten (10) days from the mailing of notice and demand for payment thereof, a notice of lien may be recorded in the appropriate district recorder's office. Once recorded, a lien arising under this section has priority over any other liens except those for special assessments or those granted priority by state or federal law.

D. An action to foreclose the lien created by this section shall be commenced and pursued in the manner provided for the foreclosure of liens in AS 09.45.170 - 09.45.220.

E. The remedy provided in this section is not exclusive and shall be in addition to all other remedies available to collect the taxes, penalties, interests and costs due under this chapter.

F. The failure to record a lien does not constitute a waiver or abrogation of any priorities, rights or interests of the City at law and in equity.

G. Fees for the administrative costs of filing notices of liens and releasing of liens shall be:

1. Filing of notices of lien: twenty-five dollars (\$25), plus recorder's office filing fee.
2. Release of liens: twenty-five dollars (\$25), plus recorder's office filing fee.

H. Upon full satisfaction of payment of all taxes, interest, penalties and costs due and owing to the City, the administrator shall file a certificate discharging the lien.

4.21.180 Accelerated returns.

A person who is required to file a return and pay taxes to the City who fails for more than thirty (30) days to file a return or pay the taxes due or who has, within a twelve (12) month period, filed or paid taxes late on two or more occasions may be required by the sales tax administrator to file and pay on a monthly basis; provided, the sales tax administrator shall provide to the person a hearing after reasonable notice of the sales tax administrator's intention to require more frequent filing and payment. The person required to file and pay on a monthly basis who fails to file and pay the full amount due within ten (10) days of the date required to such filing and payment or such a person who files late two or more times during a four month period may be required by the sales tax administrator to file on a weekly or more frequent basis after written notice of intent and a hearing as provided in this section.

4.21.190 Termination, sale or transfer of retail business.

A. A collector whose interest or substantial part thereof in a business registered or required to be registered under this chapter is sold, leased, assigned, or otherwise transferred either voluntarily or involuntarily to another person shall make a final tax return within twenty (20) days after the date of such transfer. The purchaser or other person acquiring the business shall withhold a portion of the purchase or lease money sufficient to pay any tax, interest and penalties which may be due, unless the seller displays a receipt from the sales tax administrator showing that all tax obligations imposed by this chapter, to the date or the sale, transfer or assignment have been paid in full.

B. A person who terminates his business without the benefit of a purchaser, lessee, successor or assign, shall make a final tax return and settlement of tax obligations within fifteen (15) days after such termination.

C. Any person who has filed a sales tax return shall be presumed to be making sales in succeeding quarters unless he or she files a subsequent return declaring the termination or transfer of the business.

4.21.200 Personal liability of corporate officers.

A. At the time that a corporate business becomes delinquent in paying the collected taxes, or fails to collect taxes and remit them to the City as required by this Chapter, any officer or other person having control or supervision of sales tax funds collected and held in trust or who is charged with the responsibility for the filing of returns or the payment of sales tax funds collected, segregated and held in trust, shall be personally liable for any unpaid taxes and interest and penalties due from the corporation. For the purposes of this section, any sales taxes that have been paid to the City but not collected shall be deductible from the sales taxes collected or required to be collected but not paid.

B. The officer or other person shall be liable only for taxes collected or required to be collected or which became due and payable to the City during the period he or she had the control, supervision, responsibility, or duty to act for the corporation described in subsection A. of this section, plus interest and penalties on those taxes.

C. This section does not relieve the corporation of its liability for payment of the tax due under this chapter or otherwise impair other tax collection remedies afforded by law.

D. Collection authority and procedures prescribed in this chapter apply to collections under this section.

4.21.210 Protest of tax by taxpayer.

A. If a taxpayer believes that a transaction is exempt or otherwise not subject to the tax imposed under this chapter, but the collector has determined the transaction to be subject to the tax, the taxpayer shall pay the tax to the collector under protest. A tax is paid under protest by stating to the collector that the tax is paid under protest and requesting the collector mark any sales slips, receipts, vouchers and other evidence of the sale to indicate that the tax is paid under protest. The taxpayer shall file with the collector and with the sales tax administrator a statement of protest on a form provided to the collector by the City. Failure to file a complete statement of protest with both the collector and the sales tax administrator within thirty (30) days of the date of the sale or to pay the tax constitutes a waiver of the protest and of any other right of the taxpayer to challenge the tax in any other forum. The taxpayer shall clearly set out on the form the terms and conditions of the sale, the amount of the sale, the quantity of fish, other property, or services involved, the location of the sale or other transaction or the place of the performance of the rental or services, and all other information necessary to determine whether the tax does or does not apply. The form shall include the names and mailing addresses of both the taxpayer and the collector and any other party involved in the transaction and must be signed by the taxpayer.

B. Upon receipt of a written protest, the collector shall forward the protest to the sales tax administrator along with any additional statements the collector believes may assist the sales tax administrator in determining the protest. Unless the collector records on the taxpayer's statement of protest facts different from those recorded by the taxpayer on the statement, forwarding the statement to the City by the collector constitutes a confirmation by the collector of the facts set out on the statement to the extent the collector has knowledge of such facts. The written protest must be forwarded to the sales tax administrator as promptly as possible, and in any case not later than thirty (30) days after delivery of the protest to the collector.

C. The sales tax administrator shall issue a written ruling on each protest within thirty (30) days of receipt of the protest from the collector or on such later date as may be required to insure full consideration of the issues raised in the protest. The burden of proof is on the taxpayer. The sales tax administrator may seek the advice of the City attorney on any protest. The ruling will be in writing and must set forth the reason for the grant or denial of the protest. The ruling will be sent to the collector and the taxpayer at the addresses given on the protest.

D. If a protest is granted, the sales tax administrator shall determine whether the tax protested has been received by the City from the collector. If the tax has been received, the sales tax administrator shall refund directly to the taxpayer the amount of the tax to be refunded. If the tax has not been received by the City, the collector shall be instructed to refund to the taxpayer the appropriate amount if the collector has actually collected the tax from the taxpayer. If the challenged tax was upon the sale of raw fish, and the collector has not yet paid for the fish, the collector shall make such adjustment as necessary to the accounts of the taxpayer to reflect the correct amount of the tax due. The collector and the taxpayer may make other arrangements for crediting to the taxpayer the amount of the refund if the collector and the taxpayer reach a mutual agreement as to such alternate procedure.

E. In the event a protest is denied, the taxpayer may, within thirty (30) days of the date of mailing of the notice of denial, appeal the denial to the manager if the manager is not acting as the sales tax administrator. The manager shall receive such additional information, whether written or oral, as the protesting taxpayer may desire to present. The manager may also receive such additional testimony as the sales tax administrator may present. The manager shall render a decision in writing and give notice of the decision to both the taxpayer and the collector. The decision of the manager, whether acting as the manager or as the sales tax administrator, is final and is subject to judicial review on appeal of the superior court under the applicable appellate court rules.

F. Failure to file an appeal or protest as authorized under this section within the time permitted constitutes a waiver of the appeal or protest and of any other right of the taxpayer to challenge the tax, interest, penalty or other charge directly or collaterally in any other forum.

4.21.220 Protest of tax by collector.

A. If a collector believes that a transaction is exempt or otherwise not subject to the tax imposed under this chapter or believes that a penalty, interest or other charge is not owing but has been informed by the City that such transaction is subject to the tax imposed under this chapter or such penalty, interest or charge is owing, the collector may protest the tax by paying the tax owed to the City on or before the date due and filing with the City at the time of payment a statement of protest setting out all relevant facts and clearly explaining why the transaction taxed or the penalty, interest or charge made is exempt, not otherwise subject to the tax levied under this chapter or not owing. The payment and statement of protest must be received by the City not later than the thirtieth (30)th day following the date the tax was required to be collected from the taxpayer; or, if no tax was collected, the later of the occurrence of the challenged transaction or the date of the notice from the City that the transaction is taxable; or, if the protest is of a disallowance, charge levied, or similar action by the City, the date of the notice to the collector of the City determination. Failure to file a statement of protest and to pay the amount claimed by the City as owing within the time permitted under this subsection or other section of this chapter constitutes a waiver of the right to protest to the Manager or to appeal or otherwise challenge the tax, charge or determination in any judicial or other proceeding.

B. The sales tax administrator shall issue a written ruling on each collector protest within thirty (30) days of receipt of the protest or on such later date as may be required to insure full consideration of the issues raised in the protest. The collector has the burden of proof. The sales tax administrator may permit or require the collector to provide additional information relevant to the protest. The sales tax administrator may seek the advice of the City attorney on any protest. The ruling on the protest must set forth the reason for the grant or denial of the protest. The ruling will be sent to the collector at the address given on the protest.

C. If a protest is granted, the sales tax administrator shall refund to the collector the penalty, interest or charge levied or the tax collected and paid over to the City that was on an exempt transaction or otherwise not subject to the tax levied or the interest, penalty or charge under this chapter. The collector shall immediately refund to each taxpayer from whom the tax was collected the amount of the tax improperly collected; provided, if the collector has failed to directly or indirectly collect the tax but has paid the tax to the City from its own account, the collector may retain the tax refund.

D. In the event a protest is denied, the collector may, within thirty (30) days of the date of the notice of denial, appeal the denial to the manager if the manager was not acting as the sales tax administrator on the protest. The manager shall receive such additional information whether written or oral, as the collector may desire to present. The manager may also receive such additional testimony and material as the sales tax administrator may present. The manager shall render a decision in writing and give notice of the decision of the collector. The decision of the manager, whether acting as the manager or as the sales tax administrator, is final and is subject to judicial review by an appeal to the superior court under applicable appellate court rules.

E. Failure to file an appeal or protest as authorized under this section within the time permitted constitutes a waiver of the appeal or protest and any other rights of the collector to challenge the tax, interest, penalty, or other charge directly or collaterally.

4.21.230 Refund of excess payment.

A. A taxpayer or collector who, through a clerical or similar error, pays a tax under this chapter that exceeds the amount actually due may receive a refund of the excess payment upon meeting the conditions set out in this section.

B. A taxpayer who has made an excess sales tax payment as set out in subsection shall be given a refund of the excess by the collector if the taxpayer

1. Notifies the collector of the excess payment;
2. Proves to the collector that an excess payment was made; and
3. Provides such notification and proof to the collector prior to the date the collector pays over to the City the taxes collected during the reporting period in which the claimed excess payment was made.

C. A taxpayer who has made an excess sales tax payment as set out in subsection who has been denied a refund by the collector, or who did not meet the requirements of DMC 4.21.230(B)(3) or who has made an excess use tax payment may file with the sales tax administrator for a refund of the excess payment. The taxpayer must file the request for the refund and satisfactory proof of entitlement with the administrator not later than the last business day of the calendar quarter following the quarter during which the claimed excess payment was made. The manager may establish a reasonable fee for processing refund requests under this subsection.

D. A collector who has made an excess tax payment as set out in DMC 4.21.230(A) shall be given a refund of the excess if the administrator receives written notices from the collector of the amount claimed as an excess payment. The administrator must receive the notice and satisfactory proof of the excess payment, in the form required by the administrator, not later than the last day upon which the collector may file a tax return under this chapter for the quarter following the quarter for which the claimed excess payment was made.

E. Upon approval of a refund to a collector, the City may pay the refund to the collector or authorize the collector to take the refund as a credit against future quarterly tax payments; provided, the amount taken as a credit in any one quarter may not exceed thirty percent (30%) of the taxes otherwise due from the collector for the quarter. No interest may be paid on the excess payment.

F. A claim for a refund of an excess payment to which this section applies is forever barred if notice and proof of the excess payment are not given within the time required.

4.21.240 Returns and Information Declared Confidential; exemptions.

Returns filed with the City for the purpose of complying with the terms of this Chapter and all data obtained from such returns are confidential, and such returns, and data obtained shall be kept from inspection by all private persons, except as necessary to investigate and prosecute violations of this Chapter. Nothing contained in this Section shall be construed to prohibit the delivery to a person or entity, or to their duly authorized representative, of a copy of any return or report filed by them, nor to prohibit the publication of statistics so classified as to prevent the identification of particular buyers or sellers, nor to prohibit the furnishing of information on the reciprocal basis to other agencies of the State of Alaska or of the United States concerned with the enforcement of tax laws.

4.21.250 Time extensions.

For good cause shown, the sales tax administrator may grant an extension of the time required for the performance of any act under this chapter. The extension shall be subject to such terms and conditions as the administrator finds appropriate. An application for an extension must be filed in writing before the date required for performance.

4.21.260 Use tax levied.

A. There is levied and shall be collected a use tax equal to the sales tax set out in Section 4.21.020 on the processing, storage, consumption, transportation, or other use of raw fish within the City if such fish has not been the subject of a transaction otherwise taxable under this chapter had the acquisition by the user been a purchase within the City. The tax shall be levied and collected in an amount equal to the rate of levy times the value of the property used.

B. A credit shall be allowed against the tax imposed by this section in an amount that the present user, the user's agent, bailer or donor has paid a sales or use tax or a severance tax with respect to such fish in any other state or political subdivision prior to the use of the fish in the City. The person who processes, stores, consumes, transports, or otherwise uses raw fish subject to taxation under this section is liable for the payment of the tax to the City and shall file a return, obtain a certificate of registration, and remit the taxes due in the same manner and subject to the same requirements for reporting, payment, interest, penalties, inspection of records, enforcement, administration and other applicable provisions of this chapter as are set out for the taxation of sales of raw fish.

C. Under this section, the act of transporting property within the City shall only be considered a taxable use when the property being transported is raw fish caught or harvested within the City

by a person who intends to sell the fish to a buyer, irrespective of whether the buyer is located within the City, and irrespective of whether the person transporting such raw fish has an agreement or obligation to sell the raw fish to any particular buyer at the time the transporting of the fish within the City occurs.

4.21.270 Authority to contract collection.

The manager may, with the consent of the city council, contract with a city or a private person to collect the taxes imposed by this chapter.

4.21.280 Enforcement.

A. If tax is not paid when due, the City may enforce the payment of the tax, interest and any penalties by any method available in law, including but not limited to the lien and sale of property of the collector or taxpayer and a personal action against the delinquent collector or taxpayer.

B. For the violation of any provision of this chapter the City may bring an action for civil penalties and for any violation or threatened violation an action for injunctive relief. An action for injunctive relief may be brought notwithstanding the availability of any other remedy. Upon an application for injunctive relief and a finding of violation or threatened violation of a provision of this chapter, the superior court shall grant the injunction. Each day that a violation continues is a separate violation.

C. For the violation of any provision of this chapter the City may bring a criminal action without regard to whether any civil remedy is available or has been sought or obtained.

4.21.290 Violation - Criminal enforcement.

A. Violation of any of the requirements of this chapter is a misdemeanor. For convictions of a violation of a provision of this chapter, a fine of not to exceed five hundred dollars (\$500) may be imposed; except, for a subsequent violation of any provisions of this chapter, whether similar to or different from the prior conviction, the maximum penalty that may be imposed is a fine of one thousand dollars (\$1,000) or imprisonment for not to exceed thirty (30) days, or both, if the subsequent conviction is for a violation that occurred after, but within three years of the conviction for the prior violation.

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

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

Section 2. Effective Date. This ordinance shall be effective as of June 1, 2012 but only if approved by the voters of Dillingham in a special election to be held on or about April 10, 2012.

ENACTED by the Dillingham City Council on _____.

Alice Ruby, Mayor
City of Dillingham

ATTEST:

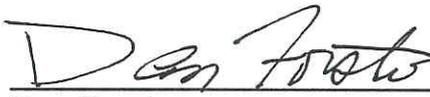
Janice Williams, City Clerk

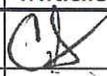
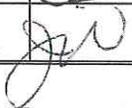
Subject: An ordinance of the Dillingham City Council levying a 2.5% tax on sales of raw fish subject to voter ratification

Agenda of: January 19, 2012

Council Action:

Manager: Recommend approval.

City Manager: 
Dan Forster

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

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

Other Attachment(s):

- Resolution No. 2010-10, adopted February 11, 2010, authorized the Mayor to submit a petition to the State of Alaska Local Boundary Commission (LBC)

Summary Statement.

This ordinance is being introduced at the January 19, 2012 Regular City Council meeting.

The City Council filed its petition with the Local Boundary Commission June 14, 2010, proposing a 2.5% raw fish tax in conjunction with annexation, rather than relying upon increased State revenue, to enhance its financial sustainability.

Resolution No. 2010-10 authorized the Mayor to submit a petition to the LBC for annexation of commercial fishing waters, using the local voter approval process, and proposed a local severance and sales tax on raw fish to provide more revenue to the COD to help pay for services and infrastructure that the region's commercial fishermen and fleet use while in town and help make the community more financial sustainable.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2010-10

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE MAYOR TO SUBMIT A PETITION TO THE ALASKA LOCAL BOUNDARY COMMISSION FOR ANNEXATION OF COMMERCIAL FISHING WATERS TO THE CITY OF DILLINGHAM – USING THE LOCAL VOTER APPROVAL PROCESS

WHEREAS, fishery resources and the commercial fishing and seafood processing industries are the backbone of Dillingham's economy and integral to many residents' livelihoods and way of life;

WHEREAS, the Dillingham population more than doubles during the peak fisheries months of May through August as summer visitors come to town to commercial fish in Nushagak Bay and other places in Bristol Bay or work in Dillingham-based seafood processing plants; and

WHEREAS, these many people beyond Dillingham residents and fishermen use the City-maintained harbor, docks, boat ramps, restrooms, bath house, and benefit from trash-hauling, street and grounds maintenance needs, etc. harbor, docks, and boat launches; and

WHEREAS, this annexation and its accompanying local severance and sales tax on raw fish will provide more revenue to the City of Dillingham to help pay for services and infrastructure that the region's commercial fishermen and fleet use while in town and will help make the community more financially sustainable; and

WHEREAS, services determined to be essential city services under 3 AAC 110.970 can be provided more efficiently and more effectively by the City of Dillingham than by another existing city or by an organized borough on an area wide basis or non-area wide basis; and

WHEREAS, the territory proposed for annexation is compatible in character with Dillingham; and

WHEREAS, the territory proposed for annexation is contiguous to the existing boundaries of Dillingham and would not create enclaves in the expanded Dillingham boundary; and

WHEREAS, the proposed expanded boundaries of the City includes the Nushagak Commercial Salmon District and Wood River Sockeye Salmon Special Harvest area as justified by the application of the standards in 3 AAC 110.090 – 3 AAC 110.135; and

WHEREAS, annexation to the City is in the best interests of the State under AS 29.06.040(a) and 3 AAC 110.135;

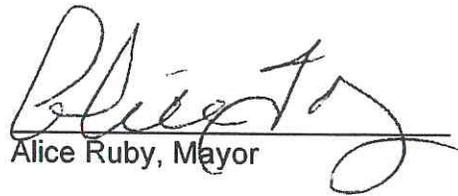
NOW, THEREFORE, BE IT RESOLVED that The Petitioner, the Dillingham City Council, is authorized to file a petition for annexation by local voter approval to the Alaska Local Boundary Commission, of the Nushagak Commercial Salmon District, and, the Wood River Sockeye Salmon Special Harvest area.

The Mayor or City Manager is designated as the representative of the City for all matters relating to the annexation proceeding.

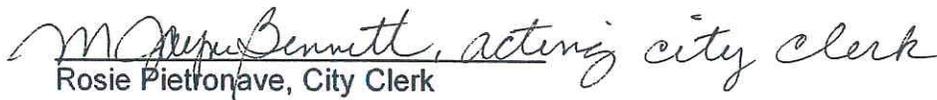
The annexation will be on the terms and conditions in the Petition, as modified during the Local Boundary Commission review and approval process, and then approved by the voters of Dillingham.

ADOPTED by the City of Dillingham City Council on February 11, 2010.

SEAL:


Alice Ruby, Mayor

ATTEST:


Rosie Pietronave, City Clerk

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2012-07

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL SCHEDULING A SPECIAL ELECTION FOR APPROVAL OF ANNEXATION AND RATIFICATION OF AN ORDINANCE ESTABLISHING A TAX ON SALES OF RAW FISH

WHEREAS, the City of Dillingham filed a petition with the State of Alaska Local Boundary Commission ("LBC") requesting annexation of approximately 396 square miles of submerged land and 3 square miles of land on June 14, 2010 ("the Annexation Petition"); and

WHEREAS, the Annexation Petition was filed pursuant to LBC regulations and state statute which provide for annexation to be subject to approval of the voters of Dillingham; and

WHEREAS, the LBC approved the Annexation Petition on December 14, 2011; and

WHEREAS, in order for the annexation to become legally effective it is necessary that the annexation be approved by the voters of the City of Dillingham; and

WHEREAS, the City of Dillingham intends to adopt an ordinance levying a tax on sales of raw fish made in Dillingham; and

WHEREAS, state law requires that an ordinance establishing a tax on sales of raw fish be approved by the voters of Dillingham;

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

1. The City Council schedules a special election to be held on April 10, 2012.
2. The City Clerk is directed to prepare a ballot for use in the special election substantially in the following form:

Shall the City of Dillingham annex the approximately 396 miles of submerged land and 3 square miles of land described in a June 14, 2010 Annexation Petition filed with the Local Boundary Commission and approved by the Local Boundary Commission on December 14, 2011?

YES

NO

Shall the City of Dillingham levy a 2.5% tax on sales of raw fish made within city boundaries?

YES

NO

PASSED and ADOPTED by the Dillingham City Council on _____.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: A resolution of the Dillingham City Council scheduling a special election for approval of annexation and ratification of an ordinance establishing a tax on sales of raw fish

Agenda of: January 19, 2012

City Council Action:

Manager: Recommend approval.

City Manager:


Dan Forster

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):

- Local Boundary Commission Decision, City of Dillingham, December 14, 2011, approving the petition, page 13, Section IV, Order of the Commission, and page 14, City of Dillingham Corporate Boundaries
- Dillingham Municipal Code Section 3.10.040

Summary Statement.

City of Dillingham petitioned the LBC to annex the Nushagak Commercial Salmon District waters and Wood River Sockeye Salmon Harvest area waters using the local option (voter approval) method. The LBC approved the petition on December 14, 2011. City Code Section 3.10.040 states that "the City Council, by resolution, may order that a special election be held. Special elections shall not be called within forty-five days preceding a regular election. The election shall be conducted on the ninth Tuesday following certification of a valid initiative, referendum, or recall petition, or, in the other cases, following adoption of a resolution by the City Council."

1. Resolution Calling Special Election. The council may call a special election by resolution. No particular interval is required between adoption of the resolution and the date of the special election. However, the interval must allow for the U.S. Department of Justice preclearance of the special election date, as described in the next paragraph.

2. Department of Justice Preclearance. A change in a procedure related to voting is subject to preclearance of the U.S. Department of Justice under the Voting Rights Act of 1965. The scheduling of a special election is subject to the preclearance requirement. The Department of Justice is allowed 60 days to object to a change in voting procedure. The submission to the Department of Justice may not be made until the resolution calling the special election has been enacted.

J. 3 AAC 110.981. Determination of Maximum Local Self-Government.

The approval of this petition extends city government to the territory proposed for annexation where no government currently exists. The commission finds that fishers already benefit from the municipal services the city currently provides. Further, the annexation will extend local government to the territory and seasonal population. The commission finds that the proposed boundary change promotes maximum local self government under art. X, sec. 1, Constitution of the State of Alaska.

K. 3 AAC 110.982. Minimum Number of Local Government Units.

The commission finds that Alaska's constitution promotes minimizing the number of local government units unless creating additional units are found to serve the best interests of the state. Annexing the territory would not increase the number of local government units. Annexation would just change the size of the city. The commission finds that if no new local government units are created by an approved proposal, then the annexation would promote the principal of a minimum number of local government units. The commission finds that this annexation proposal will not create new local government units and therefore has met the requirements of 3 AAC 110.982.

**SECTION IV
ORDER OF THE COMMISSION**

The commission concludes that all of the relevant standards and requirements for annexation of the territory (the Nushagak Bay Commercial Fishing Districts) are satisfied by the City of Dillingham's petition. At its decisional meeting, the Local Boundary Commission moved to alter the petition as follows: Petitioner shall attempt to meet with [the] cities of Aleknagik, Clark's Point, New Stuyahok, Ekwok, and Manokotak, and the entities of New Koliganek Village Council (dba Native Village of Koliganek) and respondent Native Village of Ekuik regarding post-annexation financial matters affecting such parties due to the annexation[;] and file a report of the meeting attempts, whether or not held, and meetings held, if any, with the LBC by [no later than] 11/30/2011.

This petition process has been lengthened in order to increase discussion between the Petitioner, and the named communities and entities. Many LBC meetings have been held concerning the petition since the decisional meeting occurred. Further, we granted reconsideration to the Respondent on two points. Every effort was made in this process to ensure fairness and deliberation. In the end, we found that the condition was met.

In our November 30, 2011 meeting, we found that the condition imposed on the petitioner by the LBC has been met, and we granted final approval of the Dillingham annexation petition. The commission approves the June 14, 2010, petition of the City of Dillingham for the annexation of approximately 396 square miles of water and 3 square miles of land.

CITY OF DILLINGHAM CORPORATE BOUNDARIES

Beginning at the northwest corner of protracted Section 31, T12S, R55W, Seward Meridian (S.M.) (Map of USGS Quad Dillingham A-7, 1952); Thence, east to the mean high tide line on the west bank of the Wood River; Thence, meandering north and northwesterly along a line paralleling the mean high tide line of the west bank of the Wood River to the intersection with 59 degrees 12.11 minutes North Latitude and 158 degrees 33.38 minutes West Longitude; Thence, east across the Wood River to mean high tide line on the east bank of the Wood

River at 59 degrees 12.11 minutes North Latitude and 158 degrees 33.11 minutes West Longitude; Thence, meandering south and southeasterly along a line paralleling the mean high tide line of the east shore of the Wood River and the northeastern shore of the Nushagak River to the intersection with R55W, S.M.; Thence, south along the eastern boundary of protracted Sections 12, 13, and 24, T13N, R55W, S.M. to the intersection with mean high tide line on the southern shore of Nushagak River; Thence, meandering southerly along a line paralleling the mean high tide line of the southeastern shore of Nushagak River and Nushagak Bay, including Grass Island, and excluding the corporate boundaries of the 2nd class city of Clark's Point (as shown on certificate recorded May 11, 1971, in Book XVII, Page 299, Records of the Bristol Bay Recording District, Third Judicial District), to a point at 58 degrees 39.37 minutes North Latitude and 158 degrees 19.31 minutes West Longitude; Thence, southwesterly to 58 degrees 33.92 minutes North Latitude and 158 degrees 24.94 minutes West Longitude; Thence, southwesterly to 58 degrees 29.27 minutes North Latitude and 158 degrees 41.78 minutes West Longitude at mean high tide line along the east shore of Nushagak Bay; Thence, meandering northerly along a line paralleling the mean high tide line to a point at the intersection of mean high tide line and the Igushik River at 58 degrees 43.841 minutes North Latitude and 158 degrees 53.926 minutes West Longitude; Thence, easterly across the Igushik River to a point at the intersection of the Igushik River's mean high tide line on its eastern shore at 58 degrees 43.904 minutes North Latitude and 158 degrees 52.818 minutes West Longitude; Thence, meandering northerly along a line paralleling the mean high tide line of Nushagak Bay to a point at the intersection of mean high tide line and the western shore of the Snake River at 58 degrees 52.879 minutes North Latitude and 158 degrees 46.710 minutes West Longitude; Thence, easterly across the Snake River to a point at the intersection of the Snake River's mean high tide line on its eastern shore at 58 degrees 52.988 minutes North Latitude and 158 degrees 46.030 minutes West Longitude; Thence, meandering north easterly along a line paralleling the mean high tide line of Nushagak Bay to the intersection with the line common to the northwest corner of protracted T14S, R56W, S.M. (USGS map of Quad Nushagak Bay D-2, 1952, minor revision 1985); Thence, west along the northern boundary of protracted Sections 1, 2, and 3, T14N, R56W, S.M. (USGS map of Quad Nushagak Bay D-2, 1952, minor revision 1985) to the northwest corner of Section 3; Thence, north to the northwest corner of protracted Section 3, T13S, R56W, S.M. (USGS map of Quad Nushagak Bay D-2, 1952, minor revision 1985); Thence, west to the protracted southwest corner of Section 31, T12S, RSSW, S.M. (USGS map of Quad Dillingham A-7, 1952); Thence, north to the northwest corner of protracted Section 31, T12S, RSSW, S.M., the point of beginning, containing approximately 36.84 square miles of land and 397.94 square miles of water, more or less, all within in the Third Judicial District, Alaska (USGS map of Quad Dillingham A-7, 1952).

Approved in writing this 14th day of December, 2011.

LOCAL BOUNDARY COMMISSION

By: *Lynn Chrystal* x
Lynn Chrystal, Chair

Attest:
By: *R. Brent Williams* x
Brent Williams, Staff

3. A person may not be considered to have gained a residence solely by reason of presence nor may a person lose it solely by reason of absence while in the civil or military service of the United States or of this state, or because of marriage to a person in the civil or military service of the United States or of this state, or while a student of an institution of learning, or while kept in an institution or asylum at public expense, or while confined in a public prison, or while engaged in the navigation of waters of this state, or the United States, or of the high seas.

4. A person does not lose residence if the person leaves home and goes to another country, state or place in this state for temporary purposes only and with the intention of returning.

5. A person does not gain a residence in any place to which the person comes without a present intent to establish a permanent dwelling at that place.

6. A person loses residence in this state if the person votes in another state's election, either in person or by mail, and will not be eligible to vote in this state until again qualifying under AS 15.05.010.

7. The term of residence is computed by including the day on which the person's residence begins and excluding the day of election. (Ord. 11-06 § 2, 2011).

3.10.022 Registration.

The election officials at any election shall allow a person to vote whose name is on the official registration list and who is qualified under this chapter and AS 15.05. A person whose name is not on the official registration list shall be allowed to vote a questioned ballot. (Ord. 11-06 § 3, 2011).

3.10.030 Regular elections.

A regular election shall be held annually on the first Tuesday in October for the election of vacant municipal offices and the determination of such other matters as may be placed on the ballot. (Ord. 86-9 § 1, 1986.)

3.10.040 Special elections.

The city council, by resolution, may order that a special election be held. Special elections shall not be called within forty-five days preceding a regular election. The election shall be conducted on the ninth Tuesday following certification of a valid initiative, referendum or recall petition, or, in the other cases, following adoption of a resolution by the city council. (Ord. 86-9, § 1, 1986; Ord. 91-02 § 1, 1991).

3.10.050 Expenses.

A. The city shall pay all necessary election expenses, including those of securing places for polls and providing ballot boxes, ballots, voting booths, screens, supplies necessary for providing absentee voting and other supplies, and any wages due judges and clerks.

B. Salaries for the election judges and clerks shall be set by the council.

C. No official in this city may make any charge for services rendered to any voter under the provisions of this chapter.

D. All expenses incurred in an election recount shall be paid by the candidate or voters contesting the election, unless the results of the election are changed by the recount, or the difference between the winning and a losing vote on the result contested is less than two percent. (Ord. 86-9, § 1, 1986.)

3.10.060 Time off for voting.

Any qualified voter who does not have sufficient time outside his/her working hours within which to vote at any city election may, without loss of pay, take off as much working time as will enable him/her to vote. If any employee has two consecutive hours in which to vote, either between the opening of the polls and the beginning

Introduced:
Public Hearing:
Enacted:

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2012-02

**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING THE BUDGET
BY ADOPTING BUDGET AMENDMENT NO. 1, AND APPROPRIATING FUNDS FOR
THE FY 2012 CITY OF DILLINGHAM BUDGET**

Ordinance No. 2012-02 will be distributed under separate cover.

November 30th, 2011

Alice Ruby
City Hall
Dillingham, AK

Mayor Ruby,

I would like to request appointment to the local library board. I have lived in Dillingham for six years, and my family has used the library extensively. I appreciate what the library does and would like to have a part in developing a vision for the future of this important component of our community.

Thank you for your consideration of this matter.

Sincerely,

Erica Tweet
PO Box 1104
Dillingham, AK 99576
Ph: 907-842-1374

RECEIVED

NOV 30 2011

CITY OF DILLINGHAM
CITY CLERK

To: Mayor Alice Ruby
From: Dianna Swaim
Re: Library Advisory Board

December 5, 2011

I am interested renewing my seat on the Library Advisory Board. I have been patronizing the Dillingham Public Library on a regular basis, since I moved here over four years ago. It has been nice to have my elementary school age daughter participate in the special library programs over the years. I am excited about many of the new things happening at the library and like being a part of it. I would like serve once again as a member of the Library Advisory Board.

Sincerely,



Dianna Swaim
P.O. Box 604
Dillingham, AK 99576
(907)842-3436

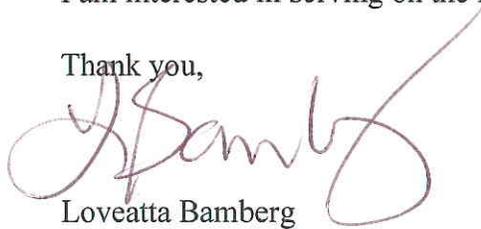
November 21, 2011

Mayor Alice Ruby
C/O City Clerk
City of Dillingham AK 99576

Mayor Alice Ruby c/o City Clerk:

I am interested in serving on the Library Board

Thank you,

A handwritten signature in dark ink, appearing to read "Loveatta Bamberg", is written over the typed name below.

Loveatta Bamberg

RECEIVED

NOV 21 2011

CITY OF DILLINGHAM
CITY CLERK

September 15, 2011

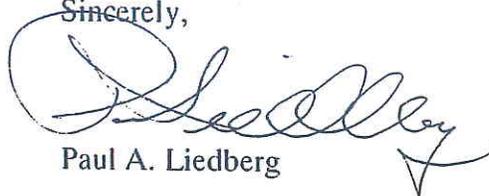
P.O. Box 478
Dillingham, AK 99576

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

Dear Mayor:

My current term as a Planning Commission member expires in December, 2011. By way of this letter I am expressing my interest in continuing to serve on the Planning Commission for another term. If there are questions related to this, or if you would like to visit with me further on this request, please feel free to contact me.

Sincerely,



Paul A. Liedberg

RECEIVED

SEP 15 2011

CITY OF DILLINGHAM
CITY CLERK

Resolution No. 2010-89, A Resolution of the Dillingham City Council Creating a City of Dillingham Parks and Recreation Committee

The committee shall be made up of seven (7) members appointed according to the DMC 2.90 Advisory Boards and Committees. At least one of the members will be a current City Council member and at least one member shall be a representative of the Dillingham School District. In addition to the seven (7) voting members, a non-voting ex-officio member shall be appointed that is a Dillingham resident youth of primary or secondary school age.

DMC 2.90 Advisory Boards and Committees.

2.90.020 Appointments.

A. A member of an advisory board or committee created under this chapter or a member of any appointed commission or committee established by other ordinance shall be nominated by the mayor and confirmed by the council. A member shall be a resident of the greater Dillingham area and be a registered voter with the state of Alaska. Members shall serve without compensation.

B. Unless provided elsewhere in the code, the presiding officer shall be nominated by the Mayor and confirmed by the City Council.

Total of seven (7) voting members:

One (1) Council member _____

One (1) 1 Representative from the Dillingham School District: Andrew Berkoski

Five (5) members of the public (attached are six letters of interest). All are registered voters.

1. Patrick Solana-Walkinshaw
2. Shannon Eddy
3. Bernina Venua
4. Amy Whisler
5. Kathleen McLinn
6. Stephanie McCumber

January 10, 2012

City Clerk's Office
City of Dillingham
PO Box 889
Dillingham, AK 99576

Mayor Alice Ruby,

I would like to serve on the City of Dillingham's Park and Recreation Committee. As an active adult and parent of two active children I realize the importance of having recreation opportunities to sustain well-being. We also enjoy meeting other people who share our joy of playing and having fun. The city has many park resources at its disposal and I look forward to determining how to best use those resources.

I have worked as a youth worker in upstate New York in an after-school program and helped create a Teen Center. I play and coach soccer and enjoy most sports and outdoor activities. I believe my leadership and group process skills will be an asset to the committee. I hope you will consider me for a place on this important committee.

Sincerely,

Patrick Solana-Walkinshaw

RECEIVED

JAN 13 2012

CITY OF DILLINGHAM
CITY CLERK

January 12, 2012

Mayor Alice Ruby
City Clerk's Office
City of Dillingham
PO Box 889
Dillingham, AK 99576

Re: Parks and Recreation Committee

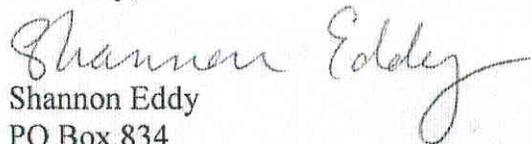
Dear Mayor Ruby:

My name is Shannon Eddy and I am interested in filling one of the seats on the Parks and Recreation Committee. Let me begin by introducing myself. I am relatively new to Dillingham, I moved here last March from Kodiak to start a new job with Alaska Legal Services Corporation. One of the things that I first noticed about Dillingham was that physical fitness did not seem to be as valued here as it was in the other parts of the state where I have lived and worked. I hear stories on KDLG about suicide and high diabetes rates and I hope that by creating the Parks and Recreation Committee the city can provide opportunities for people to become more active and connect with each other in a healthy way.

I love the outdoors and that's why I live in Alaska. In the summer I like to run, hike, camp and pick berries. When things get colder I take my dog out cross-country skiing and we play in the snow. I've worked with troubled teens during outdoor adventures and coached ultimate Frisbee teams. My motto is that sports should be about having fun, and not so much winning. I played on the SAFE softball team last summer and I'm playing indoor soccer this winter.

I am excited the City Council has created the Parks and Recreation Committee and I would love to be involved in creating more recreational activities for the people of Dillingham.

Sincerely,



Shannon Eddy
PO Box 834
Dillingham, AK 99576
907-842-1896

RECEIVED

JAN 13 2012

CITY OF DILLINGHAM
CITY CLERK

PO Box 37
Dillingham, AK 99576

01/11/12

Mayor Alice Ruby
c/o City Clerk's Office
City of Dillingham
PO Box 889
Dillingham, AK 99576

Dear Mayor Alice Ruby:

I am writing to express my interest in becoming a member of the Dillingham Parks and Recreation Committee. I have lived and worked in Dillingham since February 2010 and am excited to have an opportunity to be a part of increasing the awareness of our communities' existing and future recreation needs. Helping support, coordinate, and inform the community of various recreational and wellness activities is something I would enjoy being a part of and am excited about helping make a difference for our residents.

If you have any questions, please contact me at 907-842-9235 during business hours or by email at awhisler@bbahc.org.

Thank you for considering me for this important and influential role.

Sincerely,



Amy Whisler

RECEIVED

JAN 11 2012

CITY OF DILLINGHAM
CITY CLERK

January 11, 2012

Mayor Alice Ruby
c/o City Clerk's Office City of Dillingham
PO Box 889
Dillingham, AK 99576

Dear Madam Mayor,

I would like to express my interest in becoming a member of the Parks and Recreation Committee. A group affiliated with the city being in charge of coordination and information is important and I have put forth the effort in establish the committee and would like to continue to be part of the process that makes it a reality.

I have experience in organization: As an intern in DC, I was in charge of coordinating trainings and workshops. Currently, I am the Prevention Coordinator at SAFE, in charge of all youth programming, which includes a lot of bringing together a range of organizations in Dillingham. As a member of various inter-agency groups in the community, my involvement with the Parks and Reaction would be a natural fit.

I would appreciate being considered for the Parks and Recreation Committee. I can be reached via my cell phone, 907-843-1275 or by email at bernina.venua@gmail.com.

Thank you for your time and consideration. I look forward to speaking with you about this exciting opportunity.

Sincerely,
Bernina Venua

RECEIVED

JAN 11 2012

CITY OF DILLINGHAM
CITY CLERK

Kathy McLinn
P.O. Box 485
Dillingham, AK 99576

January 6, 2012

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

RECEIVED

JAN 07 2012

CITY OF DILLINGHAM
CITY CLERK

Dear Mayor Ruby:

Subject: Letter of Interest to serve on Parks and Recreation Committee

It would be a privilege to serve on the Parks and Recreation Committee if chosen to do so. I have been working toward building community engagement and wellness in Dillingham for many years in a variety of ways. Serving on the committee would be a great opportunity to continue a passion of mine to empower Dillingham citizens to build community engagement and wellness as a community, as families, and as individuals.

Building partnerships toward shared goals is something that I have learned a lot about in recent years through education, trainings, and experience through my work as community engagement advocate at the school district and as a co-chair of the RAFT interagency coalition. The success of this committee, to a large degree, depends on how diverse groups and individuals feel represented and empowered in this endeavor. A large part of the rationale for the existence of a Parks and Recreation Committee is to bring together all the different existing activities in a coalition that strengthen and support them. My goal would be to outreach to groups and individuals to assist them in promoting and strengthening their programs through all the ways the city has allowed the committee to do so.

I have experience in most of the areas that the committee could potentially be doing, over time. In addition to building partnerships and interagency collaboration, I have also done a lot of planning and implementing of programs, events, and activities. I have also successfully received funding from many different grants and other funding sources. I have been responsible for implementing the grants, from beginning to end. I have also some experience in building websites and promoting events.

I bring no personal agenda to promote any particular sport or activity. My desire to serve on this committee stems solely from my passion to do my part to help better our community in the area of wellness and community engagement. I would be diligent in making sure all interests are represented and approached with fairness and equity.

I am deeply appreciative that the city has gone to such efforts to honor the desire from the community to create such a committee. If selected, I will work hard and devote the time, care and energy necessary to stay true to the purpose of the Parks and Recreation Committee as set forth by the City of Dillingham and the citizens of Dillingham.

Sincerely,

Kathleen M. McLinn

Stephanie McCumber
P.O. Box 945
Dillingham, AK 99576

January 3rd, 2012

Mayor Alice Ruby

Re: Parks and Recreation Committee Seat

Dear Ms. Ruby,

I would like to apply for a seat on the Parks and Recreation Committee.

I am new to Dillingham and would like to be more involved in the community. I plan to make Dillingham my home, and have a lot to offer. I have a great work ethic, a lot of motivation and believe my love of outdoor activities can help.

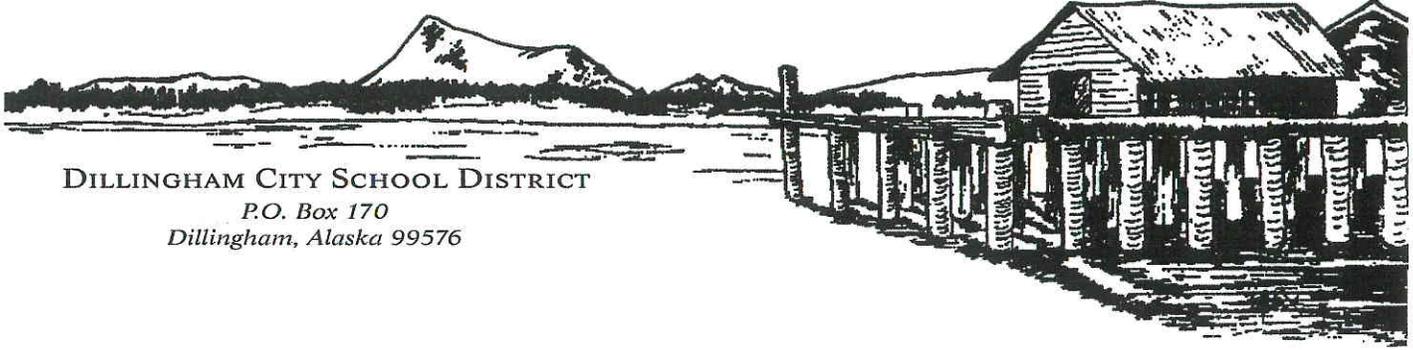
Sincerely,

Stephanie McCumber

RECEIVED

JAN 03 2012

CITY OF DILLINGHAM
CITY CLERK



DILLINGHAM CITY SCHOOL DISTRICT

P.O. Box 170

Dillingham, Alaska 99576

Date: December 20, 2011

To: Alice Ruby, Mayor
City of Dillingham

From: William McLeod, Superintendent DCSD

Subj: Park and Recreation Committee Nominee

I am submitting Andrew Berkoski to serve as the official representative of DCSD for the newly formed P&R Committee. The administrative leadership team has reviewed staff that expressed interest to serve on the committee and we felt Andrew would be the best person to fulfill this role. Andrew has a broad range of interests and talents that should provide excellent input to the committee both as our representative and as an interested citizen. Andrew serves as a member of our district leadership team and is in a good position to keep the administration abreast of P&R committee work. Please feel free to contact me should you need any other information pertaining to our nominee.

Cc: Andrew Berkoski