



Alice Ruby, Mayor
City Council Members

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

**DILLINGHAM CITY COUNCIL
MEETING AGENDA**

David B. Carlson Council Chambers

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

REGULAR MEETING

7:00 P.M.

APRIL 5, 2012

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. Regular Meeting, March 1, 2012

IV. APPROVAL OF CONSENT AGENDA

APPROVAL OF AGENDA

V. STAFF REPORTS

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

VI. PUBLIC HEARINGS

- C. Adopt Ordinance No. 2012-05 (SUB), An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property at the Small Boat Harbor by Lease
- D. Adopt Ordinance No. 2012-06, An Ordinance of the Dillingham City Council Amending Title 4 of the Dillingham Municipal Code by Adoption of a New Chapter 4.07 Establishing a Regional Fisheries Improvement Fund
- E. Adopt Ordinance No. 2012-07, An ordinance of the Dillingham City Council Amending the Budget by Adopting Budget Amendment No. 2 and Appropriating Funds for the HVAC System for the FY 2012 City of Dillingham Buildings and Grounds Budget

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

VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2012-05 (SUB), An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property at the Small Boat Harbor by Lease
- B. Adopt Ordinance No. 2012-06, An Ordinance of the Dillingham City Council Amending Title 4 of the Dillingham Municipal Code by Adoption of a New Chapter 4.07 Establishing a Regional Fisheries Improvement Fund
- C. Adopt Ordinance No. 2012-07, An Ordinance of the Dillingham City Council Amending the Budget by Adopting Budget Amendment No. 2 and Appropriating Funds for the HVAC System for the FY 2012 City of Dillingham Buildings and Grounds Budget
- D. Introduce Ordinance No. 2012-08, An Ordinance of the Dillingham City Council Amending Section 17.11.050 of the Dillingham Municipal Code to Eliminate the Requirement for an Engineer Review of a Proposed Subdivision
- E. Resolution No. 2012-18, A Resolution of the Dillingham City Council Establishing a Policy to Waive Ambulance Charges/Fees for Active Members and Dependents and Former Members with Documented Active Service of 10 Years or More with the Dillingham Volunteer Fire Department and Rescue Squad
- F. Resolution No. 2012-19, A Resolution of the Dillingham City Council Requesting FY 13 Payment in Lieu of Taxes Funding from the Department of Commerce, Community, and Economic Development

IX. UNFINISHED BUSINESS

- A. Animal Shelter Facility
- B. Committee Appointments
 - 1. Planning Commission (Seat E)

X. NEW BUSINESS

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. Manager Contract Terms

XV. ADJOURNMENT

I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, March 1, 2012, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:01 p.m. The meeting was preceded by a Public Outreach Workshop at 5:30 p.m.

II. ROLL CALL

Mayor Alice Ruby was present.

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

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

Council Members absent:

Seat A - Vacant

Staff in attendance:

Dan Forster, City Manager
Jean Barrett, Port Director
Bill Bauer, Corrections Sergeant (Sergeant-at-Arms)
Travis Schiaffo, Patrol Sergeant (Sergeant-at-Arms)
Dan Boyd, Animal Control Officer
Carter Cole, Public Works Director
Norman Heyano, Fire Chief
Carol Shade, Finance Director
Janice Williams, City Clerk

Guests: Attorney Brooks Chandler (*via teleconference*)

III. APPROVAL OF MINUTES

- A. Regular Meeting, February 2, 2012
- B. Special Meeting of the Board of Equalization, February 2, 2012

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

VOTE: The motion to approve the minutes passed unanimously.

IV. APPROVAL OF CONSENT AGENDA

There was nothing on the consent agenda.

APPROVAL OF AGENDA

Mayor Ruby informed the Council would be asked to suspend the rules and go into executive session with the City's Attorney at 7:30 PM.

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

VOTE: The motion passed unanimously.

V. STAFF REPORTS**A. City Manager Report**

Manager Forster reported on the following:

- Lobbyist Proposals – corrected his manager's report to read COD had received six applications, not ten as indicated in his written report; and
- Public Service Training – training was provided by AML at no charge to the City, and was attended by over 40 staff members.

Manager Forster verified that the loan questionnaire required by the State of AK was only for the purpose of ensuring the City was eligible, and would come to the Council prior to applying for the loan.

B. Standing Committee Reports

Tim Sands, Chair, Code Review Committee:

- reviewed several ordinances and a resolution to amend the personnel regs that were included in the packet, and a severance tax ordinance that would be presented later if annexation was approved.

Bob Himschoot, Chair, Finance and Budget Committee:

- noted COD was looking at other health plans;
- noted another option for an animal shelter facility had surfaced that would be discussed later on in the agenda;
- recommending a resolution to waive ambulance fees for volunteer fire and EMT personnel;
- recommending additional funds be allocated to replace the E911 system and to fund a costly repair to the air handler at the public safety building; and
- recommending a contribution to BBEDC to send fishermen to two board of fish meetings.

Manager Forster noted he had talked to the School Supt. to research if it was possible to pool staff and get a better health insurance rate with more people in the pool.

Mayor Ruby, Port of Dillingham Advisory Committee:

- talked about harbor lease lots, plans between now and spring, and review the fee structure to possibly provide more options for users; and

- committee will meet again before summer.

Mayor Ruby, School Facility Committee Meeting:

- noted an annual facility assessment of the schools had been completed;
- will be following through identifying priorities and major maintenance needs; and
- noted school and city capital list would be blended legislating for funding needs.

Tim Sands, Parks and Recreation Committee:

- noted they were working on a grant application and prioritizing events.

VI. PUBLIC HEARINGS

- A. Ordinance No. 2012-03, An Ordinance of the Dillingham City Council Amending Section 4.20.050 of the Dillingham Municipal Code to Provide an Exemption for Sales Made within that Portion of the City Annexed to Existing City Boundaries after January 1, 2012 and to Provide an Exemption for Sales of Fish Subject to Raw Fish Tax
- B. Ordinance No. 2012-04, An Ordinance of the Dillingham City Council Amending Chapter 1.12 of the Dillingham Municipal Code By Adoption of A New Section 1.12.030 Limiting the Applicability of Certain Portions of the Dillingham Municipal Code in Areas Annexed To Existing City Boundaries

Mayor Ruby opened the public hearing on Ordinance Nos. 2012-03 and 2012-04. There being no comments the public hearing closed.

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

- A. Spruce Lynch, SAFE Representative

Spruce Lynch, Systems Advocacy Liaison with SAFE, provided the Council with an outline of the many services, including safety, health, youth, and counseling services provided by Safe and Fearfree Environment, partnering with other agencies. This included immediate safety services from domestic violence for woman and male children 18 and under. SAFE also provides and arranges shelter for adult men.

VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2012-03, An Ordinance of the Dillingham City Council Amending Section 4.20.050 of the Dillingham Municipal Code to Provide an Exemption for Sales Made within that Portion of the City Annexed to Existing City Boundaries after January 1, 2012 and to Provide an Exemption for Sales of Fish Subject to Raw Fish Tax

MOTION: Tim Sands moved and Paul Liedberg seconded the motion to adopt Ordinance No. 2012-03.

This ordinance would exempt sales in the newly annexed area from the existing 6% sales tax.

VOTE: The motion to adopt Ordinance No. 2012-03 passed unanimously.

- B. Adopt Ordinance No. 2012-04, An Ordinance of the Dillingham City Council Amending Chapter 1.12 of the Dillingham Municipal Code By Adoption of A New Section 1.12.030 Limiting the Applicability of Certain Portions of the Dillingham Municipal Code in Areas Annexed To Existing City Boundaries

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to adopt Ordinance No. 2012-04.

Tim Sands reported the ordinance, if annexation passed, would exempt certain sections of the code, such as fireworks, prohibition of smoking in public places, and firearms, from applying to the newly annexed area.

VOTE: The motion to adopt Ordinance No. 2012-04 passed unanimously.

- C. Introduce Ordinance No. 2012-05, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property at the Small Boat Harbor by Lease

MOTION: Tim Sands moved and Tracy Hightower seconded the motion to introduce Ordinance No. 2012-05.

Manager Forster noted the ordinance was a procedural requirement to dispose of property, in this case, leasing lots at the harbor, and would authorize negotiations to commence leasing the property. Mayor Ruby noted the concept of leasing the harbor lots had been discussed earlier, that the lots had yet to be developed. It was not intended that the leases would have to come back to the Council.

VOTE: The motion to introduce Ordinance No. 2012-05 passed unanimously

- D. Introduce Ordinance No. 2012-06, An Ordinance of the Dillingham City Council Amending Title 4 of the Dillingham Municipal Code by Adoption of a New Chapter 4.07 Establishing a Regional Fisheries Improvement Fund

MOTION: Tim Sands moved and Tracy Hightower seconded the motion to introduce Ordinance No. 2012-06.

Bob Himschoot noted the ordinance defined the purpose of the fund which was to return a portion of the revenue from the annexed area to improve the fisheries, and formally created the fund.

VOTE: The motion to introduce Ordinance No. 2012-06 passed unanimously

- E. Introduce Ordinance No. 2012-07, An ordinance of the Dillingham City Council Amending the Budget by Adopting Budget Amendment No. 2 and Appropriating

Funds for the HVAC System for the FY 2012 City of Dillingham Buildings and Grounds Budget

MOTION: Tim Sands moved and Paul Liedberg seconded the motion to introduce Ordinance No. 2012-07.

City Manager Forster noted the ordinance would allow the City to move forward to take care of a much-needed repair on the air handling system at the public safety building.

Discussion:

- understood the need to fund the costly repair, but hoped the City would be moving forward with its next phase to replace the fire hall and public safety building.

VOTE: The motion to introduce Ordinance No. 2012-07 passed unanimously

- F. Resolution No. 2012-08, A Resolution of the Dillingham City Council Approving the Ballot Language for the April 10, 2012 Special Election for the Purpose of Approval of Annexation and Ratification of Ordinance No. 2012-01 Establishing a Tax on Sales of Raw Fish

MOTION: Tim Sands moved and Tracy Hightower seconded the motion to approve Resolution No. 2012-08.

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

- G. Resolution No. 2012-09, A Resolution of the Dillingham City Council Authorizing the City Manager to Waive the Advertising Requirements to Accept Competitive Quotes to Provide a Hyster 1050 Forklift to Replace the Hyster 700 for Use at the City Dock

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

Staff reported the investment in a larger forklift would allow it to handle the next generation of containers and more efficiently accommodate the fishing industry. The forklifts have a maxed lift weight and to better accommodate the loads for both processors for their freezer container vans would require the larger forklift. They had been put on weight limits.

Discussion:

- asked for the rationale for waiving the advertising and obtaining price quotes instead, answered vendors that supplied this particular type and make of equipment were few, and also had considered the cost to ship the equipment.

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

- H. Resolution No. 2012-10, A Resolution of the Dillingham, City Council Authorizing the City Manager to Award the Purchase of a Hyster 1050 Forklift to Papé Material Handling

MOTION: Tim Sands moved and Tracy Hightower seconded the motion to approve Resolution No. 2012-10.

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

MOTION: Tim Sands moved and Tracy Hightower seconded the motion to suspend the rules in order to go into executive session.

GENERAL CONSENT: The motion passed without objection.

MOTION: Tim Sands moved and Tracy Hightower seconded the motion to go into executive session under DMC, 2.09.050, regarding legal matters [7:30 p.m.].

GENERAL CONSENT: The motion passed without objection.

Finance Director Carol Shade was invited into the executive session.

MOTION: Tim Sands moved and Paul Liedberg seconded the motion to come out of executive session [8:05 p.m.].

GENERAL CONSENT: The motion passed with no objection.

- I. Resolution No. 2012-11, A Resolution of the Dillingham City Council Amending the Personnel Rules Section 5.30 Personal Leave, Section 5.35 Personal Leave Requirements, and Section 5.20 Holidays to Remove the 90-Day Restriction from the Policy

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to approve Resolution No. 2012-11.

Tim Sands noted this had been vetted through the Code Committee, and had recommended Council approval.

VOTE: The motion to approve Resolution No. 2012-11 passed unanimously.

- J. Resolution No. 2012-12, A Resolution of the Dillingham City Council Authorizing the City Manager to Waive the Advertising Requirements for the Major Purchase of a Transmission for the Tractor

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to approve Resolution No. 2012-12.

Staff noted the budget included \$50K in the Equipment Replacement Fund for engine and transmission repair for this loader. NC Machinery was the only vendor in Alaska that could warranty the transmission work, the reason for the request to waive the advertising.

VOTE: The motion to approve Resolution No. 2012-12 passed unanimously.

K. Resolution No. 2012-13, A Resolution of the Dillingham City Council Authorizing the City Manager to Purchase a Transmission for the Tractor

MOTION: Tim Sands moved and Paul Liedberg seconded the motion to approve Resolution No. 2012-13.

VOTE: The motion to approve Resolution No. 2012-13 passed unanimously.

L. Resolution No. 2012-14, A Resolution of the Dillingham City Council Approving the Establishment of a Borough Fund

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to adopt Resolution No. 2012-14.

Bob Himschoot reported it was the city's intent to help fund a borough feasibility study with part of the proceeds from fish tax. This came from a commitment from the Council that annexation and borough could exist together and complement each other.

VOTE: The motion to approve Resolution No. 2012-14 passed unanimously.

M. Resolution No. 2012-15, A Resolution of the Dillingham City Council Authorizing the City Manager to Waive the Advertising Requirements to Contract with Articom for the Purchase of an E911 and Radio Console System

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to approve Resolution No. 2012-15.

Bob Himschoot noted the E911 and radio system had been limping along for quite some time with patching repairs and work arounds. Due to recent failures it was becoming no longer serviceable. Staff had worked with the vendor and could have one installed soon, but replacement cost was about \$60 short of the monies being set aside for a replacement. The money could be generated over the next fourteen months with the E911 surcharge.

Keggie Tubbs called for a point of order to call the Council's attention to the resolution to waive the advertising.

VOTE: The motion to approve Resolution No. 2012-15 passed unanimously.

N. Resolution No. 2012-16, A Resolution of the Dillingham City Council Authorizing the City Manager to Execute a Purchase Order to Articom for the Purchase of an E911 and Radio Console System

MOTION: Tim Sands moved and Tracy Hightower seconded the motion to approve Resolution No. 2012-16.

Discussion:

- applauded the replacement of the E911 system that had been on their agenda for several years.

VOTE: The motion to approve Resolution No. 2012-16 passed unanimously.

- O. Resolution No. 2012-17, A Resolution of the Dillingham City Council Approving the Contribution of \$10,000 to a Fund to be Administered by BBEDC for the Purpose of Facilitating Resident Participation in Alaska Board of Fisheries Meeting in 2012 and 2013

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to adopt Resolution No. 2012-17.

Mayor Ruby noted the City had received a letter from BBEDC asking for financial support to send residents to two fisheries meetings scheduled in the FY2013 budget cycle. The Finance Committee agreed the city had a vested interest in the commercial fisheries and recommended Council approve allocating \$10,000 to the FY2013 budget.

Discussion:

- noted this action confirmed that the City was definitely a supporter of the fisheries.

Keggie Tubbs and Mayor Ruby disclosed they worked for BBEDC, but would not benefit from the resolution.

VOTE: The motion to approve Resolution No. 2012-17 passed unanimously.

IX. UNFINISHED BUSINESS

- A. Change to Personnel Regulations Section 5.30 Personal Leave – *Reference Resolution No. 2012-011*

There was nothing else to report.

- B. Lease Lots at Boat Harbor – *Reference Ordinance No. 2012-05*

City Manager Forster informed he would be drafting a request for proposal for the harbor lots. It was noted Council would be holding a workshop to include a discussion on how the fee structure would be designed and use requirements.

- C. Animal Shelter Facility

City Manager Forster reported the owner of the existing shelter wanted to sell the building to the City. He had not submitted a RFP earlier, although this had been an option when the RFP went out to establish a long term animal shelter. The responses were all to build a new facility at the landfill. He noted the concerns voiced with the existing site not being acceptable, because of the dogs barking during the evening hours, had been taken care of by bringing the dogs in at night. He further noted staff was recommending staying at the existing location because the capital cost was lower as well as the operational costs. The analysis he presented included the loss of property tax if the City owned the existing shelter.

Discussion:

- noted was not in favor of the present site in deference to those who didn't want it in their neighborhood, and felt the landfill was a more appropriate location;
- noted if there was new construction the City would need to find a temporary shelter when the present lease expired in June unless a new lease could be negotiated;
- suggested if the City could find a way to finance a new building, there would be more potential for designing a building to meet the City's needs, rather than taking a building and trying to modify it;
- understood the City had other needs, but it was forced to be in the animal shelter business;
- concerned that the cost of the original plans had increased and what could the City commit to;
- suggested may have to take option 1 off the table at some point with construction season closing in;
- noted another member of the community had since come forward with a building for lease.

Paul Liedberg asked that he go on record for not being ready to take a position until he could get more information.

Dan Boyd, Animal Control Officer, noted the current facility was working well. He liked it because it was visible making it more likely to adopt out the animals, and appreciated the apartment upstairs to have someone watch the animals off hours. He also appreciated the City being able to design its own facility that would meet its needs.

It was recommended that the issue of the animal shelter go to finance, get recommendations from staff, both long and short term, and bring back it back to the Council in April.

D. Committee Appointments**1. Planning Commission (Seat E)**

Mayor Ruby noted she was not prepared to make a recommendation.

E. Appoint Council Member to Seat A – Interim Appointment

Mayor Ruby informed she had received two letters of interest. She noted both applicants had their strengths, that she did not know either of them, but was basing her recommendation on the community member that had resided in Dillingham the longest and recommended Ralph Doug Holt.

MOTION: Bob Himschoot moved and Keggie Tubbs seconded the motion to concur with the Mayor's recommendation to appoint Ralph Doug Holt to the Council.

VOTE: The motion passed unanimously.

X. NEW BUSINESS

- A. Schedule a Regular Meeting of the Board of Equalization for May 3, 5:30 P.M.

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to schedule the regular Board of Equalization meeting for May 3 at 5:30 p.m.

VOTE: The motion passed unanimously.

- B. Lobbyist Selection Committee

Mayor Ruby asked for volunteers to serve on a committee to review the lobbyist proposals and would look to bring back a recommendation to the April meeting. Bob Himschoot and Paul Liedberg volunteered, and Tracy Hightower volunteered to fill in if needed.

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

There was no citizen's discussion.

XII. COUNCIL COMMENTS

Bob Himschoot:

- noted he was not discounting all of the work done by the Animal Control Committee by the further work being done by the Council; and
- welcomed Doug Holt and thanked Lilly Capell for showing her interest.

Tim Sands:

- reported the Planning Dept. was looking to amend the subdivision code to remove the requirement to have an engineering certification and assign this task to Code Committee.

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to assign amending the Subdivision Code to the Planning Commission and Code Committee for a presentation in April.

Staff noted this was a housekeeping item, that the requirement to have an engineering certification was no longer in the state regulations. There were several plats coming forward and would like to expedite the request.

VOTE: The motion passed unanimously.

Tim Sands:

- thanked all the City staff for keeping the City running especially the police for several major arrests in the last couple of month, drug and burglary related; and
- noted last spring the library was looking for seasonal summer staff and suggested working with BBEDC now for an intern.

Keggie Tubbs:

- welcomed Doug Holt and thanked Lilly for applying;
- spoke in favor of following the development of the *amicus brief* with the Save the Salmon Initiative, noted in Attorney memo, but was not interested in joining at this time; and

- congratulated the boys' and girls' basketball teams for going to Regions.

Tracy Hightower:

- expressed concern that he had received several complaints from employees about Chief of Police being out of town a lot.

City Manager was asked to follow up on his concern.

Paul Liedberg:

- thanked the City staff for their good work in the past month; and
- thanked the two applicants for filing for the Council seat, and reminded Lilly there was a seat open on the Planning Commission.

XIII. MAYOR'S COMMENTS

Mayor Ruby:

- informed she would be providing a written report on the SWAMC conference and appreciated the representation from Dillingham;
- wished everyone a Happy Beaver Round-Up; and
- asked to join in a moment of silence to recognize those lost since the last meeting.

XIV. EXECUTIVE SESSION

This was taken up earlier in the meeting.

XV. ADJOURNMENT

Mayor Ruby adjourned the meeting at 8:55 p.m.

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Approved: _____



MEMORANDUM

Date: March 27, 2012
To: Dan Forster, City Manager
From: Janice Williams, City Clerk
Subj: Staff Report

Dept. of Justice precleared the City of Dillingham to hold a special election April 10. This refers to the procedures for conducting the election pursuant to Section 5 of the Voting Rights Act of 1965. The Voting Rights Act, adopted initially in 1965 and extended in 1970, 1975, 1982, and 2006 codifies and effectuates the 15th Amendment's permanent guarantee that, throughout the nation, no person shall be denied the right to vote on account of race or color. Section 5 review is required for any changes affecting voting (e.g. annexation) which are adopted as a result of the special election.

Election Judges. Pearl Strub has graciously agreed to be the Precinct Chair for the Special Election a position she has held in the past. Election judges are Dana Clark, Steve Foy, Curt Armstrong and Eunice Wahl. Polls open at 8 am and close at 8 pm. The City has done the required advertising in the Bristol Bay Times and posted notices in three public places.

Recommendation to change Library Board seats terms from two years to three years. It is being recommended that we change the Code with respect to the term of seats for Library Board members from two years to three years, consistent with other boards and commissions. The Library Board meets quarterly. Historically, the members have been interested in keeping their seats on the board.

Planning Commission Seat. The City advertised for a Planning Commissioner in the Delta Discovery November 30, December 7 and 14, 2011 editions, and posted notices in three public places and on its website. The filing deadline was December 22. There were no letters of interest. The City reposted the public notice and extended the deadline to January 26. There was one letter of interest. The City reposted the notice in the Bay Times, March 8, 15, 22 editions, and posted notices in three public places and on its website. The deadline for filing was extended to March 29. So far, the City has received one letter of interest, on January 20th.

Audio Live Streaming. I had an opportunity to view a demo on streaming our council meetings live over the internet. Sire Technologies has serviced Municipality of Anchorage for a number of years, recently contracted with Valdez, and has been contacted by Wasilla and Kenai Borough most recently. Sire Technologies had a presence at the November AAMC

Conference inspiring interest from other communities. We would continue to use a laptop and our audio mixer and microphones, but we would have to purchase their software and hardware. Cost is forthcoming. We would also be using their network bandwidth so it wouldn't tax our resources.

April, May and June, Two Council Meetings Scheduled. Unlike the rest of the year, except July when no regular meetings are scheduled, the City will hold two regular Council meetings in April, May and June, scheduled for the first and third Thursday of each of those three months.

MEMORANDUM

TO: Dan Forster, City Manager
FROM: Carol Shade, Finance Director
DATE: March 28, 2012
SUBJECT: Monthly Report

The Finance Department continues to operate and function in the most efficient way we can given the workload we are currently carrying. I am still busy working with the software consultants on the new accounting software. In addition I have been accumulating budget requests from the Department heads and scheduling meetings with them and the City Manager.

During late February and early March, Holly was busy processing two payrolls and four accounts payable check runs totally 167 checks for a grand total of \$1,241,251.02. This total included our annual principal and interest payment on the school bond. She was also out during a week in February due to a family situation.

Stephanie has successfully sent out all the business licenses that were up for renewal, with the exception of any businesses that still owe us documentation to complete their files. She accomplished her first utility billing in February and it went very smoothly.

Shari continues to assist customers and visitors to City Hall, routes calls and assist the other staff in some of their clerical needs. She makes sure that visitors and customers are treated courteously and with respect and directs them to the appropriate person for assistance.

Ted was busy in February and March sending out all property tax assessments, which are required by code to be mailed out by March 15. He has been working with the property owners who have questions and handles them all very well and usually to the owner's satisfaction. In addition he has worked with the Clerk to get the foreclosure list updated.

Anita continues to oversee the day to day operations of the Finance Department in an efficient and organized manner. Anita is able to bring out the best in our staff, and does an amazing job of helping them to do the best job that they can for the City. I am so happy to have her, as I seem to be constantly working on other projects that keep me buried in my office under reams of paper with endless numbers on them.

With that being said, attached are the Summary Statements of the Revenues, Expenditures and Fund Balances as of March 27, 2012.

City of Dillingham
Revenues and Expenditures As of March 27, 2012
Preliminary Figures

REVENUES:	Budget - FY12	Mar-12	Year to Date Actual - 3/27/12	Percent	Previous Year	
					3/27/2011 Actual	INC/(DEC) Last Year
<u>General Fund Revenues</u>						
General Sales Tax	2,550,000	85,339	2,023,043	79.3%	1,671,494	351,549
Alcohol Sales Tax	250,000	13,890	223,943	89.6%	162,827	61,117
Transient Lodging Sales Tax	95,000	1,667	57,251	60.3%	72,949	(15,699)
Gaming Sales Tax	65,000	-	22,766	35.0%	37,021	(14,255)
Total Sales Tax	2,960,000	100,896	2,327,003	78.6%	1,944,291	382,712
Real Property Tax	1,455,000	-	1,464,379	100.6%	1,447,088	17,291
Personal Property Tax	476,715	(1,400)	504,364	105.8%	419,937	84,426
Total Property Taxes	1,931,715	(1,400)	1,968,742	101.9%	1,867,025	101,717
Electric & Telephone	80,000	-	-	0.0%	-	-
Raw Fish Tax	446,588	-	446,588	100.0%	238,589	207,998
Shared Fisheries	40,000	-	48,256	120.6%	40,358	7,898
Revenue Sharing (Municipal Energy Assist in '08)	282,614	-	282,614	100.0%	209,543	73,071
Payment in Lieu of Taxes (PILT)	421,879	-	421,879	100.0%	407,511	14,368
Foreclosures	338,000	-	335,909	99.4%	-	335,909
State Jail Contract	460,725	-	345,544	75.0%	321,722	23,822
Other Revenues	881,813	9,070	215,280	24.4%	472,089	(256,808)
Total	2,951,619	9,070	2,096,069	71.0%	1,689,812	406,257
Total General Fund Revenues	7,843,334	108,566	6,391,814	81.5%	5,501,129	890,686
<u>Special Revenue Funds Revenues</u>						
Water	203,262	11,431	136,569	67.2%	124,726	11,843
Sewer	254,371	17,249	185,308	72.8%	165,653	19,655
Landfill	344,493	4,134	96,413	28.0%	96,514	(101)
Dock	680,966	3,240	310,028	45.5%	420,687	(110,659)
Boat Harbor	211,544	(15)	9,450	4.5%	48,657	(39,207)
E-911 Service	65,650	-	36,154	55.1%	33,859	2,295
Senior Center	839,389	34,704	349,281	41.6%	100,167	249,115
Total Special Revenue Funds Revenues	2,599,675	70,743	1,123,204	43.2%	990,263	132,941
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	-	623,133	628,346	-	1,198,141	(569,795)
Road and Streets Capital Project Fund Revenue	1,000,000	-	385,602	38.6%	805,228	(419,626)
Water and Sewer Capital Project Fund Revenue	-	57,874	511,827	-	3,368,590	(2,856,763)
School Bond Project	953,384	-	18	-	-	18
School Fire Alarm	-	-	-	-	58,377	(58,377)
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	-	-	-	-	-	-
Mary Carlson Estate Permanent Fund Revenue	7,420	-	979	13.2%	-	979
Public Safety Building Planning	20,000	-	-	-	-	-
Total	3,318,644	681,007	1,753,893	-	5,704,316	(3,950,423)
Total Revenues	13,761,653	860,316	9,268,911	-	12,195,708	(2,926,797)

City of Dillingham
Revenues and Expenditures As of March 27, 2012
Preliminary Figures

EXPENDITURES:	Budget - FY12	Mar-12	Year to Date Actual - 3/27/12	Percent	Previous Year		
					3/27/2011 Actual	INC/(DEC) Last Year	
General Fund Expenditures							
City Council	109,100	9,182	36,939	33.9%	72,584	(35,645)	
Administration	305,901	33,155	268,927	87.9%	188,198	80,729	
City Clerk	113,139	7,308	76,940	68.0%	73,659	3,281	
Finance	572,124	34,999	392,712	68.6%	341,790	50,921	
Legal	200,000	24,996	148,482	74.2%	35,413	113,069	
Insurance	86,899	-	86,141	99.1%	107,078	(20,937)	
City School	1,350,000	-	975,000	72.2%	650,000	325,000	
Non-Departmental	220,125	24,526	200,356	91.0%	145,099	55,257	
Contributions	4,000	-	-	0.0%	25,500	(25,500)	
Planning	144,287	7,312	76,135	52.8%	81,206	(5,070)	
Dispatch	451,554	35,280	348,042	77.1%	271,262	76,780	
Patrol	986,290	82,661	806,016	81.7%	542,177	263,839	
Corrections	542,107	45,637	418,749	77.2%	348,912	69,837	
DMV	90,590	6,342	61,794	68.2%	52,222	9,572	
Fire	290,146	20,502	195,947	67.5%	121,785	74,162	
Animal Control Officer	116,306	6,783	91,193	78.4%	106,029	(14,836)	
Building and Grounds	298,358	65,094	235,456	78.9%	153,572	81,884	
Shop	301,689	30,402	139,830	46.3%	123,372	16,457	
Street	513,425	48,896	470,806	91.7%	362,060	108,747	
Public Works Administration	133,943	11,313	95,954	71.6%	89,651	6,303	
City Apartment Building	150,000	40	121,078	80.7%	3,854	117,225	
Library	156,852	11,644	103,211	65.8%	101,501	1,709	
Bingo Hall/Potato House	9,905	293	7,513	75.9%	-	7,513	
Transfers to Other Funds	964,045	-	-	0.0%	-	-	
Total General Fund Expenditures	8,110,785	506,366	5,357,221	66.1%	3,996,925	1,360,296	
Special Revenue Funds Expenditures							
Water	200,328	9,293	97,069	48.5%	134,029	(36,960)	
Sewer	257,305	10,235	155,042	60.3%	180,067	(25,026)	
Landfill	344,493	20,006	234,047	67.9%	225,365	8,682	
Dock	369,429	5,014	218,833	59.2%	291,689	(72,857)	
Boat Harbor	211,544	7,700	114,008	53.9%	130,096	(16,087)	
E-911 Service	-	-	-	-	7,469	(7,469)	
Senior Center	855,189	30,196	645,331	75.5%	299,681	345,650	
Total Special Revenue Fund Expenditures	2,238,288	82,444	1,464,330	65.4%	1,268,398	195,932	
Debt Service Fund Expenditures							
Debt Service Fund Expenditures	1,177,840	860,920	1,176,840	99.9%	1,177,840	(1,000)	
Asset Forfeitures Fund	-	1,096	15,015	-	5,152	9,862	
Library Technology	-	-	3,021	-	-	3,021	
Dock and Harbor Capital Project Fund Expenditures	-	2,350	642,347	-	1,256,761	(614,414)	
Road and Streets Capital Project Fund Expenditures	1,000,000	-	1,146,640	-	805,228	-	
Water and Sewer Capital Project Fund Expenditures	-	10,605	147,509	-	2,690,964	(2,543,456)	
School Bond Project Fund Expenditures	953,384	-	17,607	-	3,268,620	(3,251,014)	
School Fire Alarm	-	-	-	-	44,336	(44,336)	
Homeland Security	-	1,023	34,025	-	-	-	
Equipment Replacement Capital Proj Fund Expen	100,000	-	93,665	93.7%	126,052	(32,387)	
Ambulance Reserve Capital Project Fund Expen	45,000	-	-	-	-	-	
Mary Carlson Estate Permanent Fund Expenditures	7,420	613	7,394	99.7%	3,857	3,537	
Landfill Capital Project Fund Expenditures	-	-	5,118	-	18,543	(13,424)	
Total	3,283,644	876,607	3,289,181	100.2%	9,397,353	(6,483,611)	
Total Expenditures	13,632,717	1,465,418	10,110,732	74.2%	14,662,676	(4,927,383)	
Revenues Over (Under) Expenditures	128,936	(605,101)	(841,821)		(2,466,969)	2,000,586	

City of Dillingham
Revenues and Expenditures As of March 27, 2012
Preliminary Figures

	Fund Bal.	FY'12	FY'12	Add or (-)	Fund Bal.
	6/30/2011	Revenues	Expenditures	Fund Bal	3/27/2012
01 General Fund	3,893,876	6,391,814	5,357,221	1,034,594	4,928,470
06 Water and Sewer	70,644	321,877	252,111	69,766	140,410
07 Landfill	-	96,413	234,047	(137,634)	(137,634)
08 Dock	1,580,187	310,028	218,833	91,196	1,671,383
09 Boat Harbor	-	9,450	114,008	(104,558)	(104,558)
10 E-911 Service	130,632	36,154	-	36,154	166,786
11 Asset Forfeitures Fund	37,220	-	15,015	(15,015)	22,205
12 Senior Center	-	349,281	645,331	(296,050)	(296,050)
15 Debt Service	-	227,121	1,176,840	(949,719)	(949,719)
21 Dock and Harbor Capital Project Fund	(18,386)	628,346	642,347	(14,000)	(32,386)
22 Road and Streets Capital Project Fund	-	385,602	1,146,640	(761,039)	(761,039)
23 Water and Sewer Capital Project Fund	(58,393)	511,827	147,509	364,318	305,925
24 School Bond Project Capital Project Fund	956,055	10	17,607	(17,596)	938,459
27 Homeland Security	-	-	34,025	(34,025)	(34,025)
30 Equipment Replacement Capital Project Fund	76,704	-	93,665	(93,665)	(16,961)
32 Ambulance Reserve Capital Project Fund	452,955	-	-	-	452,955
34 Mary Carlson Estate Permanent Fund	407,132	979	7,394	(6,416)	400,716
50 Landfill Capital Project Fund	172,044	-	5,118	(5,118)	166,926
Total	7,700,670	9,268,903	10,107,711	(838,808)	6,861,862



To: Mr. Dan Forster, City Manager
From: Ethan Richards, Fire Coordinator
Subject: Department Head Report
Date: March 27, 2012

The Dillingham Volunteer Fire Department and Rescue Squad held a combination meeting on 3/14/2012.

Fire Training was held on 3/21/2012, which consisted of ladder selection, carrying, positioning, climbing and storage. Demonstrations and exercises were conducted with and without tools while climbing. Also, this included assistance from the ground with a focus on safety.

Rescue Training will be held on 3/28/2012 at the Lake Road Station. The instruction will cover additional skill check off and run reviews with Dr. Stout.

The Rescue Squad responded to 15 ambulance calls during the month of January 2012. They consisted of 3 trauma calls, 2 respiratory, 2 cardiac, 2 alcohol, 2 drug overdose and 4 other medical.

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

There was one new membership application presented to the Executive Committee and approved by the membership.

During the month of April routine inspection of apparatus and equipment will take place including daily checks. The Fire Coordinator will be attending the DHS & EM Spring conference in Anchorage and continue minor equipment repair and medical supply restocking.

Respectfully,

Ethan Richards,
Fire Department Coordinator

Date: March 28, 2012
To: Dan Forster / City Manager
From: Jean Barrett, Port Director
Subject: March Monthly report

By looking out your window you wouldn't believe that March is almost over and summer is around the corner. Before you know it the seagulls and fishermen will be showing up! I am sure they will wonder in amazement at all of the winter we have left !

DOCK

March has been a very busy month, The biggest news is the purchase of a new Hyster 1050 for the dock, the planning for this purchase started a year ago when we realized that there would be more frozen fish this coming year with the additional freezer space at both of the shore based processors, Peter Pan Seafoods and Snopac Seafoods. The purchase of the new forklift will allow us to move the 40' container vans that the deliver to us in a more safe and efficient manor. This was a long process with all kinds of new to me processes as I have never spent the kind of money on anything like that in my life , I had to get quotes from different vendors and meet with and sell the idea to the Finance and Budget Committee then after that it was writing resolutions for the City council meeting and finally onot the meeting where the go ahead to purchase the forklift was given.

Of course it is budget time and I am trying to make the most of the money we have, trying to get as much done with what is left of this FY12 money and also look to see what we really need for next FY, at the dock we are purchasing a new computer, we have decided thru help from our computer tech service, tekmate to purchase a laptop that can handle a little rain and dust for use in and out of the office.

HARBOR

At the harbor we are looking at a busy summer, with the forecast for the Nushagak being what it is I expect that there will be a substantial amount of fishing done in the wood river and with that we will have boats in and out of the harbor on every tide, we are facing a change in the intern program that BBEDC offers that supplies us with summer interns to work in the harbor. It seems that we will be losing the returning seasonal help from year to year, I knew as time went by this was going to happen, BBEDC has been very good to the City of Dillingham and I personally have used their intern program since 2006this makes things tougher on myself and Todd as we will have to train new workers every year This is going to mean that we will have to stay closer to the office and not work the harbor as much as we did in the past. I added to my budget another position for the harbor, this is something that was talked about when I was took over the job in 2008. Hopefully we can find the money for this position to be funded or it will be along summer of 18 hour days between Todd and myself.

Other happenings

- Took an 8 hour refresher to renew my Hazwopper certification
- Had an informational booth at the "business of Fish" that was sponsored by BBEDC
- BBEDC internship paper work filled out for 3 positions this summer
- Filled out budgets for the Dock, Harbor, Ice machine and Bathhouse
- Met with City manager and Finance Director about budget requests
- Researched and ordered new cable for Manitowoc crane at Dock
- Sat in on teleconference with ADEC concerning potential place of refuge for ships traveling into and past the Nushagak and Bristol Bay area
- Met with SnoPac owners and plant managers concerning the sale of their company to Icicle seafoods
- Made changes to dock and Harbor invoices and ordered harbor invoice, we are going to print our own copies of dock invoices as this will cut down on all extra copies and allow us to have everything on file at the time of invoicing.
- Redesigned and purchased new harbor stickers

That is it from the Port Department
Happy Spring!

Jean Barrett
Port Director

PLANNING DEPARTMENT

To: Dan Forster, City Manager

re: Monthly Report

From: Jody Seitz, Director of Planning and Grant Programs

Date: March 27, 2012

There is not much to report in this monthly report. I have been away since March 4 and returned Sunday, March 25.

The Planning Commission approved the final plat for the Harbor Lease Lots as well as the preliminary plat for Bear View Subdivision at its March 28th meeting. The commission also concurred with the Council Code Committee's proposed ordinance to remove an obsolete section of Title 17 regarding engineer approval of subdivision plats.

The Planning commission members commented that they are able to help the annexation cause by meeting with people, putting out signs, and engaging community members in various ways. I have provided information and my files to our Annexation Coordinator and am willing to assist where I can and help find information for anyone seeking to educate themselves on the issue.

The Planning Department is looking forward to more work on our GIS utilities database this month.

As far as water and wastewater projects, the public works director and myself completed 4 ADEC loan questionnaires at the end of February.

I was also notified by EDA that there may be some disaster relief dollars available for Dillingham projects, depending on the amount of match the City is able to provide and the type of project we have in mind. I'm working with our PWD and our CM to develop our options on that.

The Western Alaska Interdisciplinary Science Conference is meeting this Wednesday through Saturday at the University BBC. There will be presentations ranging from natural resources to recycling. It should be a great conference.

Thank-you to all who take the time to serve their community.

Dillingham Public Library

To: Dan Forster, City Manager
From: Sonja Marx, Librarian
Date: 3/27/2012
Re: March Monthly Report

The AkLA conference in Fairbanks was great! Abigail and I have already implemented many of the ideas and suggestions we learned while there. She set up a Graphic Novel section for our kids. The Friday school students have been enjoying the resources made available through the Alaska OWL project. I've been able to teach them about on-line applications for reading, live homework help, how to download materials from Listen Alaska, and much more!

Since Feb. 21st, 59 Listen Alaska titles have been checked out. Six new patrons have been added to the download group which now numbers 47 users who actually use the service. That brings us to 213 check outs since we went live with Listen Alaska in November of last year.

The week of March 5th was Spring Break for the DCSD so we were without our school librarian. She is such a valuable asset to our library as she helps students find materials to read and orders new books for our collection. When our story time volunteer is not able to make it on Wednesday mornings, our faithful school librarian fills in. We will miss her this summer.

Babies on Track premiere March 4th was a great success (Dillingham Imagination Library).

Friends of the Library members worked hard during the month of March. These faithful volunteers hauled books from storage and the library; then set them up for a great sale at the Potato House during Beaver Roundup. This was a great location for the community to come and browse and buy. The sale will continue on Saturdays as the opportunity provides. FOL board members met on Saturday, March 17th. Thanks to a few faithful FOL members, the closet at the library has been cleaned out and other parts of the library organized. Thanks!

Speaking of volunteers, my family and I had the privilege to travel to Anchorage March 24th to attend an award's banquet and ceremony honoring a faithful volunteer to our library. Christopher Marx was honored with a Spirit of the Youth award in Media and Technology. "Christopher has volunteered numerous hours to help the Dillingham library modernize their equipment and allow community members access to better resources". He also received the President's Volunteer Service Award. We are very proud of him and his service to the library!

The library was closed March 9th for Beaver Round up and March 26th for Seward's Day.

Library Stat report for February 21st – March 24th, 2012:

Patron Visits: 2,056 Computer Use: 511 Story Hour: 90 Other: 69

Approximately 65 volunteer hours logged

Monthly Report

Dillingham Dept. of Public Safety

For the month of March 2012

Patrol

- ❖ 460 Calls for service
- ❖ 50 Incident reports generated
- ❖ 07 Assaults
- ❖ 04 Theft offenses
- ❖ 03 Violation of release conditions/probation
- ❖ 02 Criminal mischief offenses
- ❖ 02 Driving under the influence
- ❖ 16 Persons arrested
- ❖ 16 Title 47/Protective custody
- ❖ 17 Citations issued

Corrections

- ❖ 41 Inmates for 02/21/2012-03/21/2012
- ❖ 16 Title 47/Protective custody
- ❖ 34 Male inmates
- ❖ 07 Female inmates
- ❖ 12 Male Protective custody
- ❖ 04 Female Protective custody
- ❖ 02 Inmates from Adult Probation
- ❖ 09 Inmates from Courthouse
- ❖ 17 Inmates from A.S.T.
- ❖ 25 Inmates from Dillingham Police

WAANT/Investigations Unit

- ❖ 01 Alcohol interdictions
- ❖ 05 Drug investigations
- ❖ 01 Postal Seizure
- ❖ 10 Investigative assistance to Dillingham Police

Communications

- ❖ 602 Calls for service 02/21/2012-03/21/2012
- ❖ 79% Dispatched to Dillingham Police
- ❖ 1% Dispatched to Communication Dept.
- ❖ 10% Dispatched to Alaska State Troopers
- ❖ 6% Dispatched to EMS/Dillingham Fire
- ❖ 4% Dispatched to Dillingham Animal Control
- ❖ 09 Record requests complete
- ❖ 104 E-911 calls received

Animal Control

- ❖ 26 Calls handled for 02/21/2012-03/21/2012
- ❖ 03 Dog impound
- ❖ 01 Compassionate euthanasia
- ❖ 14 Shelter dogs euthanized
- ❖ 13 Dogs surrendered by owners to the shelter
- ❖ 03 Dogs found and returned to owners
- ❖ 01 Other animal call/Cat
- ❖ 01 Citation issued
- ❖ 02 Rabies/Parvo shots given

DMV

- ❖ 57 Registrations/Titles
- ❖ 71 Driver's license/ID's
- ❖ 06 Commercial driver's licenses
- ❖ 01 Road tests

Monthly Department Updates

Patrol:

We still have an open position in the patrol division that we are actively attempting to fill.

Ofc. Casselman has successfully completed canine training and returned to active patrol with K9 Ofc. Lutri (pronounced Lou Tree). K9 Ofc. Lutri will work in drug detection primarily. Ofc. Casselman is grateful for the opportunity and is looking forward to applying the valuable training.

Sgt. Schiaffo has successfully completed the Reid Interview and Interrogation Basic and Advanced courses. Sgt. Schiaffo has returned to active patrol. Sgt. Schiaffo is grateful for the opportunity and is looking forward to applying the valuable training.

The patrol division is looking into other areas of training for the entire department, and obtaining necessary equipment for daily operations.

Corrections:

During this monthly report time frame, the corrections department is in need of a new restraint chair our current model is in need of replacement.

The corrections department now has a separate fax line, which will increase department flexibility and production.

WAANT/Investigations:

The Investigations/WAANT division arrested a man for possessing over an ounce of black tar heroin, as well as several grams of crystal meth. The man admitted he had been selling drugs here in Dillingham.

The WAANT unit continues to focus on investigating the hard drug trade in Dillingham.

Communications:

Dispatch is currently seeking applications for the available Dispatch I position and the Admin. Assist/Dispatch I position.

Dispatch is patiently waiting for the installation of the new E-911 system.

Chrissie Messer attended the State of Alaska APSIN training in Anchorage, Alaska.

Animal Control:

March 1, 2012 marked the one year anniversary of the Animal Shelters operation in its present location.

Animal Control Ofc. Boyd attended and successfully completed the National Animal Control Level II training in Portland, Oregon, March 18-23, 2012.

DMV:

DMV is still working out of boxes, waiting on DMV counter construction.

Administration:

Chief Dombroski attended the CDL Examiner training in Anchorage, Alaska.



Thursday, February 21, 2012
City of Dillingham
City Manager
Dan Forest

RE: Department of Public Works Monthly Report

Two of the department's operators put snow back on the street in support of the dog sled race event at Beaver Roundup. It seemed to be the right amount snow this year from what people have told me.

The one hundred year snowfall record is being broken around the state; it has been a challenge for the road crews keeping the city roads clear. The excessive snow accumulation is being removed one load at a time in the downtown area. We are looking at better ways to handle this in the future, which includes some changes in the fleet.

The inventory of roads is being complied and communicated with ADOT for accuracy. The department is looking at road improvement as a way of reducing equipment repair costs. Some of the roads conditions are adding additional cost to equipment maintenance. We are working on implementing a system that will better track this.

Department of Public Works has begun the process of liquidating older cars, trucks and equipment that have been sitting at Department of Public Works. We hope to have most of it ready for the mayor's sale later in the year. We will continue to clean up some of the department areas while addressing other city needs.

Budget time is upon us again and it's always a busy time of the year. The department will continue to look at ways to provide the level of service we currently have for lower costs in the coming fiscal year.

ADEC is preparing a COBC for the wastewater treatment plant. This will take a few months to complete. The new federal Public Works legislation is making its way through congress which may provide some needed funding and opportunities to fix lingering problems in the city infrastructure.

The RFP for the water and sewer rate study has been released. The proposals are due April 20, 2012.

As part of the School Facility Committee, progress was made on prioritizing major maintenance items this month at the school facilities.

Discussion with Fred Hodge is continuing on for the landfill to remove scrap metals. I hope to have a fixed schedule for this by next month. The fish processors are also

interested in this service and have made the venture more feasible to everyone. I would anticipate this to be a successful solution to all parties when completed.

We recently sent a solution to the City Manager on the City Council's request for dealing with the subsistence fish waste. The initial estimate was done to meet the City Council's criteria that included the following.

1. Location for the residents to deposit fish waste not too far out of town and not out at the landfill as in the past.
2. Provide a way to keep the bears out.
3. Keep the smell down.
4. Something that is visible and not in a dark wooded area where bears could surprise the user.

Option #1 estimated 70-80K which would include two new larger liquid tight food dumpsters, approximately \$15,200 (each) deliver to Dillingham, biodegradable bags 1k, additional gravel to make a pull off near town 40K, and wood chips and other items for composting of waste at the landfill. Nushagak Electric will let us use their wood chipper to make wood chips from downed trees at the landfill and trees from their clearing right of ways for the electrical lines in the summer.

Option #2 is to reduce the City Council criteria to locate a new larger dumpster at landfill for one year. Estimated less than 20k which would consist of one new liquid tight food dumpsters, approximately \$15,200 deliver to Dillingham, and create a new cleared pad at landfill. Nushagak Electric will let us use their wood chipper to make wood chips from downed trees at the landfill.

I have recommended option #2 to the City Manager to try for one year. If this works then the additional dumpster can be purchased and a new drop off site can be created closer to town next year. The new designed dumpster is supposed to be bear resilient and water tight to control odors and waste.

Thank you!

Carter R. Cole
Director
Department of Public Works

Dillingham Senior Center

To: Dan Forster, City Manager

From: Ida Noonkesser

Date: March 21, 2012

In the month of February I helped two people to fill out public assistance and senior benefits paperwork. This month's paperwork for the state included recording monthly meals, home delivered meals, assisted rides, and unassisted rides.

There were no renters during the month of February at the Senior Center. The Dillingham Quilters' Guild will be using the Center on the third weekend of each month and the pinochle players' group rents the dining room every Friday.

We cancelled our monthly Senior Center Advisory Board meeting in February due to a lack of quorum. We are planning to hold our March meeting as scheduled.

This month, we have been working finance personnel on reauthorization of our Senior Center Home and Community Based Waiver Services Certification. Finance staff, in particular Anita Fuller, has been very helpful getting this project put together.

For the month of February, the Senior Center served 564 congregate meals to 102 individuals, 118 home delivered meals to 8 individuals, gave 301 assisted rides to 23 individuals, and 205 unassisted rides to 26 individuals.

I. CALL TO ORDER

The Finance and Budget Committee met on Monday, February 27, 2012 at the City Council Chambers, Dillingham, AK. Bob Himschoot, Chair, called the meeting to order at 5:00 p.m.

II. ROLL CALL

Committee Members present:

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

Guests:

Doug Dombroski, Chief of Police
Carter Cole, Public Works Director
Richard Thompson

III. APPROVAL OF MINUTES

A. Minutes of February 27, 2012

MOTION: Alice Ruby moved and Tracy Hightower seconded the motion to approve the minutes of February 27, 2012.

GENERAL CONSENT: The motion passed with no objection.

IV. APPROVAL OF AGENDA

Staff recommended adding under New Business, item D. BBEDC Request for Donation, and Item E. Public Safety Building Issue to the agenda.

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

GENERAL CONSENT: The motion passed with no objection.

V. STAFF REPORTS

There were no staff reports.

VI. UNFINISHED BUSINESS

A. Business Tax Incentives (*postponed to August*)

B. Health Insurance Coverage

Finance Director Shade reported that prior to obtaining other quotes, employees would be asked to complete a new health questionnaire. Staff was asked to pursue new quotes in time for the budget process.

C. Fiscal Policy Development

a. Overall Rate Review

1. Water and Wastewater
2. Landfill

Finance Director Shade reported that Carter Cole was working on the RFP for a water and wastewater study.

Discussion:

- recommended a fiscal policy format similar to Mesa, Arizona's policy;
- questioned if a minimum charge at the landfill was in order; and
- suggested a fish waste disposal solution for the forthcoming summer.

D. Annexation – Establishing Borough Study Fund and Fish Fund

The committee recommended a resolution to establish a Borough Study Fund for the March 1 Council Meeting.

VII. NEW BUSINESS

A. Animal Shelter Facility

Chief Dombroski reported on the following:

- additional operating costs for the new construction option;
- cost difference to buy existing site if purchased outright or financed; and
- lease options during the period of proposed construction July-September.

Discussion:

- voiced concern that the Animal Shelter Committee had met multiple times and it appeared there was a new direction being taken.

Manager Forster noted the current facility owner had been contacted and would be willing to sell his building to the City for \$290,000.

The committee recommended staff bring a recommendation to the Council.

B. Ambulance Fees

It was reported that there had been an attempt in the past to waive ambulance fees for volunteer fire department members and long standing ex volunteers if they used the service.

MOTION: Carol Shade moved and Tracy Hightower seconded the motion to recommend to the Council a resolution to approve the waiving of ambulance fees for the fire department volunteers.

GENERAL CONSENT: The motion passed with no objection.

C. E-911/Radio Equipment Replacement

Chief Dombroski and former Chief Thompson reported on the failure of the current E911 system, which had occurred faster than expected. They attributed the failure to possibly the recent flooding of the building which had caused electrical damages. They had received a quote from Arcticom for \$284,145. Finance Director Shade noted there was around \$220,000 in fund sources available for the replacement equipment between the E911 funds and a JAG grant, leaving around \$64,000 needing to be funded. She noted there was the possibility of an interest-free loan from the vendor.

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to recommend to the Council the purchase of the system and leave it to staff to work on the financing.

GENERAL CONSENT: The motion passed with no objection.

D. Public Safety Building Issues

Chief Dombroski reported the HVAC (heat ventilation and air conditioning system) had failed. He noted that a year or so ago, technicians had come out and done a lot of maintenance to revamp the ducts and other parts of the system. The current problem was with the control box that regulated the air to blow hot or cold for a reported repair cost of around \$60,000. The airflow problem was a huge problem especially for the corrections facility.

MOTION: Alice Ruby moved and Keggie Tubbs seconded the motion to recommend the Council fund the repairs to the HVAC system.

GENERAL CONSENT: The motion passed with no objection.

E. BBEDC Request for Donation

This was a request from BBEDC for a donation to be able to help pay for travel and housing to send representatives to two upcoming fisheries meetings, one in December 2012, and one the following year.

MOTION: Keggie Tubbs moved and Alice Ruby seconded the motion to recommend to the Council a resolution to support BBEDC's effort and commit \$10,000 from next year's FY 2013 Budget.

GENERAL CONSENT: The motion passed with no objection.

VIII. PUBLIC/COMMITTEE COMMENT(S)

IX. ADJOURNMENT

The meeting adjourned around 9:00 p.m.

Bob Himschoot, Chair

ATTEST:

Janice Williams, City Clerk

Approved: _____

I. CALL TO ORDER

The Code Review Committee met on Thursday, March 8, 2012, in the Council Chambers, Dillingham, AK. Tim Sands, Chair, called the meeting to order at 5:39 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

Guests:

Doug Holt, Council Member
Attorney Brooks Chandler

III. APPROVAL OF AGENDA

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

GENERAL CONSENT: The motion passed without objection.

IV. APPROVAL OF MINUTES

A. Minutes of February 23, 2012

MOTION: Alice Ruby moved and Paul Liedberg seconded the motion to approve the minutes of February 23, 2012.

GENERAL CONSENT: The motion passed without objection.

V. UNFINISHED BUSINESS

A. Title IV. Revenue and Finance

There was nothing to report for items V. A., B., and C.

1. Manager Authority to Settle Unpaid Accounts
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

- B. Title VII. Animal Control
 - 1. *Refer 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
 - 1. Proposed Ordinance No. 2012-XXX, Levying a 2.5% Tax on Raw Fish Severed from the Commercial Fishing Waters Subject to Voter Ratification

Attorney Brooks Chandler reviewed the revised ordinance with the committee. Several changes were recommended and will be brought back to the Code Committee after the election and before presenting to the City Council.

He noted the severance tax was a companion ordinance to the raw fish tax. The raw fish tax was based on where the sale of fish occurred at point of transfer usually to a tender or processing plant. If the raw fish was severed from the annexed waters, but sold outside the annexed area it is subject to a severance tax.

Discussion:

- should annexation be approved and raw fish sales tax not approved, the severance tax could still be acted upon by Council;
- Lake and Penn will want to discuss the severance tax issue with Dillingham to avoid duplicate taxing; and
- recommend a cap on the tax refund and adding language that would avoid getting more than a 50% refund between the two taxes, raw fish and severance;

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

- F. Personnel Regulations

Manager Forster noted most likely this would not be ready for the committee at least for the next couple of months pending union negotiations. He noted Attorney Chandler would also be kept in the loop.

- G. Write-in Ballots, Legislative Changes

There was nothing to report.

VI. NEW BUSINESS

A. Amend Code to Remove Obsolete Section in Subdivision Regulations

Attorney Chandler noted the requirement for an engineering review, which was a significant expense in the platting process, and some had questioned the value, was tied to a state regulation that no longer existed. Staff was recommending that the ordinance be repealed since the engineering review was not considered beneficial in the planning process.

MOTION: Alice Ruby moved and Janice Williams seconded the motion to recommend Council approve the ordinance based on Planning Commission concurrence.

GENERAL CONSENT: The motion passed without objection.

Attorney Chandler reviewed a situation regarding the Special Election in which the Dept. of Justice questioned the interpretation of the timing of the election. DMC Section 3.10.040 reads 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. It was suggested, for clarification, in the future making two sentences, so it is not mistaken that the ninth Tuesday only refers to certification of a valid initiative, referendum or recall petition.

VII. PUBLIC COMMENT/COMMITTEE COMMENTS

There were no comments.

VIII. ADJOURNMENT

The meeting adjourned around 6:47 p.m.

Tim Sands, Chair

ATTEST:

Janice Williams, City Clerk

Approved: _____

I. CALL TO ORDER

The School Facility Committee met on March 21, 2012 at the Dillingham Council Chambers, Dillingham, AK. Mayor Ruby called the meeting to order around 12:28 p.m.

II. ROLL CALL

Committee Members present:

Mayor Alice Ruby
William McLeod, School Superintendent
Dan Forster, City Manager
Carter Cole, Public Works Director
Russell Nelson, Director of Facilities (School)
Tim Sands, School Board Member

Committee Members absent:

Kim Williams, School Board President (arrived at 1:16 p.m.)
Bob Himschoot, Council Member
Robin Samuelsen, Citizen Member

III. APPROVAL OF AGENDA

MOTION: Tim Sands moved and Bill McLeod seconded the motion to approve the agenda.

GENERAL CONSENT: The motion passed without objection.

IV. APPROVAL OF MINUTES

A. February 23, 2012

MOTION: Tim Sands moved and Russell Nelson seconded the motion to approve the minutes of February 23, 2012.

GENERAL CONSENT: The motion passed without objection.

V. UNFINISHED BUSINESS

A. Affordable Teacher Housing

David Byrne with the Chamber of Commerce was approached and was interested in talking with the Chamber board about creating a focus group to gauge and identify the need for affordable housing.

B. Schedule Open House of HS/MS with Elementary School Upgrades

The committee recommended holding an open house the first week of school in the fall when the facilities would be in prime shape, and no sports activities scheduled. Supt. McLeod stated they would commit to the first week of school in the fall 2012, and would ensure it was scheduled.

C. Status of Assessment on Red Territorial School

Carter Cole reported he had yet to assess the building, but depending on the type of use, and maintaining a historical aspect, this would have a great impact on the cost per square foot.

Discussion:

- suggested costing it out at three different uses, school classrooms, commercial rental space (apartments), and office space;
- spoke in favor, in the meantime, of a written MOU between city and school for the present use of the building, identifying responsibility for heat, water, electricity, ongoing maintenance, etc.; and
- noted other criteria would be parking needs, and a site plan.

Carter Cole offered to contact at least three firms familiar with historical buildings and get a cost estimate to do a RFP or three different uses of the building. Both City and School noted they would review their budgets to see if there were monies that could be allocated to the study.

VI. NEW BUSINESS

A. Prioritize School Capital Projects

Supt. McLeod noted the initial meeting with City Manager Forster. Russell Nelson, and Carter Cole was to ensure they had captured all the projects between the City's and School's assessment.

Discussion:

- suggested for criteria, such as life and safety, the scoring be given a heavier weighting;
- noted if there were unexpended revenues when the FY2013 School Budget was finalized would recommend the priority projects to the School Board, and when monies became available would already have the authorization;
- agreed to meet again to review the modified major maintenance list before the April School Board meeting; and
- noted the School would be asking if the \$100K for the school bond could be released and reassigned toward the prioritized major maintenance needs.

VII. PUBLIC COMMENT/COMMITTEE COMMENTS

There were no public/committee comments.

VIII. ADJOURNMENT

Mayor Ruby adjourned the meeting at 1:26 p.m.

ATTEST:

Alice Ruby, Chair

Janice Williams, City Clerk

Approved: _____

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2012-05 (SUB)

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

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

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

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

Section 3. Authorization of Lease. The City Council hereby authorizes the disposal of an interest by lease substantially upon the terms and conditions contained in the lease agreement for a period of up to five years with periodic renewal provisions up to 30 years.

Section 4. Legal Description. [Lots 1 through 4 Harbor Lease Lots Subdivision, within U.S. Survey 2874, Township 13 South, Range 55 West, Seward Meridian. Actual leases may be a subdivided lease lot.]

A. Lots 1, 3, and 4, Harbor Lease Lots Subdivision, within U.S. Survey 2874, Township 13 South, Range 55 West, Seward Meridian will be leased by solicitation of sealed bids. Actual leases may be a subdivided lease lot.

B. Lot 2, Harbor Lease Lots Subdivision, within U.S. Survey 2874, Township 13 south, Range 55 West, Seward Meridian will be leased by negotiated lease with DLG LLC who has been selected without unfair discrimination amongst similarly situated potential tenants.

Section 5. Findings. The City Council hereby [finds that the disposal is for a public purpose, in that the leasing of this land will promote greater economic development of the community and a more viable harbor.] finds: a) that the lots to be leased are no longer needed for public use; b) that the disposal is for a public purpose, in that the leasing of this land will promote greater economic development of the community and a more viable harbor; and c) that the disposal of Lot 2 by negotiated disposal is needed to protect the public interest in that knowing that one tenant has already committed to lease property in the area will promote interest in submitting bids for Lots 1, 3, and 4.

Section 6. Type and Purpose of Disposal. [A non-exclusive right to use the property by a lease agreement solely for the purpose of allowing citizens to use property within the Harbor for a term to be identified in the lease agreement.] The properties will be disposed of by lease for the purpose of economic development of the Dillingham harbor area.

(Substitute Ordinance – Underlined indicates added language. [Brackets] indicates deleted language.)

Section 7. Value of City's Interest. Based on the current assessment of the Property, the City estimates the fair market value of the right to use the Property upon the terms and conditions set forth in the lease agreements at about \$1.75 a square foot. Applying a 12% cap rate equates to \$.21 per ft² per month. The property will be appraised again and the lease agreement reviewed for revision in 3 years.

Section 8. Time, Place and Manner in Which Disposal Shall Occur. [Offers shall have been previously solicited using a sealed bid auction method. Those uses that are harbor-dependent or related will be given priority. All other proposed uses will be considered as space allows on a year to year or shorter term. The actual disposal shall occur following approval of this ordinance at the regularly scheduled City Council meeting of April 5, 2012. At this time, the thirty (30) day provision of DMC 5.30.030 will have been met. At least thirty days is required between the time the disposal ordinance is introduced and the time that it is finally adopted by the City Council.] Notice of Ordinance No. 2012-05 was posted more than thirty days in advance of approval of this ordinance. The City Council finds that the changes between Ordinance No. 2012-05 and Ordinance No. 2012-05 (SUB) are not so substantial that a new thirty (30) day notice is required.

A. Offers for Lots 1, 3, and 4 will be solicited using a sealed bid auction method. Those uses that are harbor-dependent or related will be given priority. All other proposed uses will be considered as space allows on a year to year or shorter term. The actual disposal shall occur following approval of this ordinance.

B. Lot 2 will be disposed of upon the terms and conditions contained in the attached lease agreement immediately following City Council approval of this ordinance.

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

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

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

(Substitute Ordinance – Underlined indicates added language. [Brackets] indicates deleted language.)

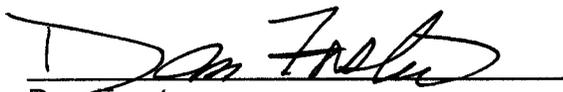
City of Dillingham Information Memorandum No. O2012-05 (SUB)

Subject: An ordinance of the Dillingham City Council authorizing the disposal of municipal land by lease

Agenda of: April 5, 2012

Council Action: The Council moved to introduce Ordinance No. 2012-05 at their March 1 Council Meeting.

Manager: Recommend approval.

City Manager: 
Dan Forster

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

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

Other Attachment(s):

- Letter from City Assessor, Michael Renfro on the estimated value of the properties being considered for lease
- Public Hearing advertisement placed in the Bristol Bay Times (March 29 Edition)

Summary Statement.

The Council will be asked to adopt a substitute ordinance at the April 5 meeting. Additional language is underlined, deleted language is in [brackets]. This ordinance was introduced at the March 1 City Council meeting to authorize the creation of 5 lease lots within the Dillingham Harbor. One lot is already leased to the Alaska Army National Guard. Four lots remain which could be leased or subdivided and leased. Each lot is roughly 1/2 acre.

The substitute ordinance has separated out Lot 2 which will be leased by negotiated lease with DLG LLC (Gary Korthius).

The appraisal came in at \$1.75 to \$2.50 ft². The City is proposing a maximum rate of 12% of the appraised value, which could be adjusted in the future.

Priority uses of the lots will be those which are harbor-dependent or related. Other proposed uses will be considered as space allows on a year to year or shorter term.

These leases will promote greater economic development of the community and create a more viable harbor.



NOTICE OF PUBLIC HEARING

Ordinance No. 2012-05, 06, and 07

The City Of Dillingham will hold a Public Hearing on Thursday, April 5, 2012, at 7:00 P.M. in the City Council Chambers for the purpose of taking comment from the public on the following three ordinances introduced at the March 1, 2012 City Council Meeting:

- Ordinance No. 2012-05, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property by Lease
This ordinance would authorize the City to enter into agreements to lease lots at the boat harbor.
- Ordinance No. 2012-06, An Ordinance of the Dillingham City Council Amending Title 4 of the Dillingham Municipal Code by Adoption of a New Chapter 4.07 Establishing a Regional Fisheries Improvement Fund
This ordinance would be effective as of June 1, 2012, but only if annexation and a 2 1/2% raw fish tax are approved by the voters of Dillingham in a Special Election to be held on April 10, 2012.
- Ordinance no. 2012-07, An Ordinance of the Dillingham City Council Amending the Budget by Adopting Budget Amendment No. 2 and Appropriating Funds for the HVAC System for the FY 2012 City of Dillingham Buildings and Grounds Budget. This ordinance would appropriate an additional \$60,000 to the FY 2012 budget to make necessary repairs to the heating and ventilation system in the Public Safety Building.

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

Appraisal Company of Alaska

3940 ARCTIC BOULEVARD, SUITE 103
ANCHORAGE, ALASKA 99503
office@appral-alaska.com

October 20, 2011

Dan Forster
City Manager
P.O. Box 990
Dillingham, Alaska 99576

Re: 26,250 sq.ft. Unsurveyed Vacant Site South of PAF and East of the Boat Harbor.

Dear Mr. Forster:

I have conducted a preliminary investigation as to the fair market value of the above described site. This included an analysis of existing land sales and assessed values of similar sites.

It is my opinion if an appraisal were completed the value would be in the \$1.75 to \$2.50 per square foot range, say between \$46,000 and \$65,000.

All of my supporting documentation is retained in my work file. If you have any additional questions, please call.

Sincerely,

APPRAISAL COMPANY OF ALASKA



Michael C. Renfro
Assessor
City of Dillingham

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2012-06

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING TITLE 4 OF THE DILLINGHAM MUNICIPAL CODE BY ADOPTION OF A NEW CHAPTER 4.07 ESTABLISHING A REGIONAL FISHERIES IMPROVEMENT FUND

WHEREAS, the City of Dillingham filed a petition to annex territory adjacent to existing city boundaries ("the Annexed Area") with the State of Alaska Local Boundary Commission ("LBC"); and

WHEREAS, the LBC approved the City's annexation petition on December 14, 2011; and

WHEREAS, the annexation will not become effective unless it is approved by a majority of City voters; and

WHEREAS, the City Council by Resolution 2010-85 has established a Regional Fisheries Improvement Fund ("the Fund"); and

WHEREAS, the City Council wishes to further set forth the purposes and mechanisms of the Fund;

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

Section 1. Amendment of Title 4. Title 4 of the Dillingham Municipal Code is hereby amended by adoption of a new Chapter 4.07 to read as follows:

Chapter 4.07

REGIONAL FISHERIES IMPROVEMENT FUND

Sections:

- 4.07.010** **Definitions.**
- 4.07.020** **Establishment of fund.**
- 4.07.030** **Annual transfer.**
- 4.07.040** **Adoption of regional priorities, capital improvements program.**
- 4.07.050** **Use of funds.**

4.07.010 **Definitions.**

As used in this chapter:

"Regional Fisheries Improvement fund" means a fund to be used only for capital projects, including planning, designing, engineering and associated costs that are anticipated to improve the commercial and subsistence fisheries within the City.

“Regional priorities” means an annual compilation of the fisheries improvement capital projects formulated after public hearings in Dillingham and outreach with communities within the Bristol Bay region including Aleknagik, Clark’s Point, Ekuk, Ekwok, Koliganek, Manokotak, New Stuyahok and Portage Creek for presentation to the State Legislators and Governor.

4.07.020 Establishment of fund.

There shall be established a regional fisheries improvement fund beginning July 1, 2012. Monies to be deposited into this fund will be from revenues to be collected as raw fish tax and held as an unappropriated reserve in an amount not less than five (5) per cent of total fish tax revenue collected in the previous fiscal year or any other amount the Council deems appropriate.

4.07.030 Annual transfer.

Annually at the adoption of the fiscal budget a portion of the anticipated unappropriated reserve derived from funds collected as raw fish tax may be transferred to this fund.

4.07.040 Adoption of regional priorities, capital improvements program.

The council shall seek input on regional priorities with communities within the Bristol Bay region including Aleknagik, Clark’s Point, Ekuk, Ekwok, Koliganek, Manokotak, New Stuyahok and Portage Creek in conjunction with the adoption of that portion of the city’s fiscal budget to be transferred to this fund.

4.07.050 Use of funds.

The Council may authorize expenditures from the regional fisheries improvement fund for planning, design and engineering for capital projects that are anticipated to improve the commercial and subsistence fisheries within the City. A commitment of funds may be made by the council to be used for the entire share or the local share requirement.

Section 2. Effective Date. This ordinance shall be effective June 1, 2012 but only if a ballot proposition approving adding the Annexed Area to the City of Dillingham is approved by the voters of Dillingham in a special election to be held on or about April 10, 2012.

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

SEAL:

Alice Ruby, Mayor

ATTEST:

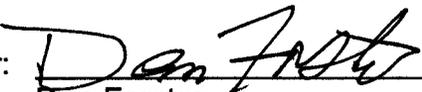
Janice Williams, City Clerk

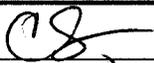
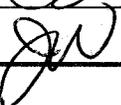
Subject: An ordinance amending Title 4 of the Dillingham Municipal Code by adoption of a new chapter 4.07 establishing a Regional Fisheries Improvement Fund

Agenda of: April 5, 2012

Council Action: This ordinance was introduced at the March 1 Regular Council Meeting.

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):

- Copy of Resolution No. 2010-85 approving Regional Fisheries Improvement Fund effective with implementation of a local raw fish sales/severance tax
- Public Hearing advertisement placed in the Bristol Bay Times (March 29 Edition)

Summary Statement.

DMC Chapter 4.04.030 establishes other funds designated for the City may be created as needed by resolution. Resolution No. 2010-85, adopted by the City Council on October 7, 2010 approved the establishment of a Regional Fisheries Improvement Fund.

Ordinance No. 2010-06 sets out the purpose and procedures of the fund.



NOTICE OF PUBLIC HEARING

Ordinance No. 2012-05, 06, and 07

The City Of Dillingham will hold a **Public Hearing** on Thursday, April 5, 2012, at 7:00 P.M. in the City Council Chambers for the purpose of taking comment from the public on the following three ordinances introduced at the March 1, 2012 City Council Meeting:

- Ordinance No. 2012-05, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property by Lease
This ordinance would authorize the City to enter into agreements to lease lots at the boat harbor.
- Ordinance No. 2012-06, An Ordinance of the Dillingham City Council Amending Title 4 of the Dillingham Municipal Code by Adoption of a New Chapter 4.07 Establishing a Regional Fisheries Improvement Fund
This ordinance would be effective as of June 1, 2012, but only if annexation and a 2 1/2% raw fish tax are approved by the voters of Dillingham in a Special Election to be held on April 10, 2012.
- Ordinance no. 2012-07, An Ordinance of the Dillingham City Council Amending the Budget by Adopting Budget Amendment No. 2 and Appropriating Funds for the HVAC System for the FY 2012 City of Dillingham Buildings and Grounds Budget. This ordinance would appropriate an additional \$60,000 to the FY 2012 budget to make necessary repairs to the heating and ventilation system in the Public Safety Building.

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

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2010-85

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING THE ESTABLISHMENT OF A REGIONAL FISHERIES IMPROVEMENT FUND EFFECTIVE WITH THE IMPLEMENTATION OF A LOCAL RAW FISH SALES/SEVERANCE TAX.

WHEREAS, Resolution No. 2010-10, adopted February 11, 2010, authorized the City Mayor to submit a petition to the Alaska Local Boundary Commission (LBC) for annexation of commercial fishing waters to the City of Dillingham using the local voter approval process; and,

WHEREAS, the petition was accepted for review by the Local Boundary Commission on July 1, 2010; and,

WHEREAS, the territory contemplated for annexation is generally described as the Nushagak Commercial Salmon District, and the Wood River Sockeye Salmon Special Harvest Area; and,

WHEREAS, if the LBC approves the petition, Dillingham will hold a local election to ask Dillingham voters if they agree to annex in commercial waters and levy a 2.5% local raw fish sales/severance tax; and,

WHEREAS, this annexation and its accompanying local raw fish sales/severance tax will provide 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, the City of Dillingham recognizes the need for, and benefit of, improved fisheries infrastructure, for both the increased value to the harvester and for decreasing forgone harvest; and,

WHEREAS, the City recognizes that although the City of Dillingham bears a majority of the costs incurred by the fishery, it is a regional resource, and that it would be both right and beneficial to dedicate a percentage of the revenues to improving fishery infrastructure in the Municipal boundaries; and,

WHEREAS, the City recognizes the specific contribution of regional fishers and that fisher's success is now directly tied to the success of the City of Dillingham; and,

WHEREAS, DMC Chapter 4.04, Fiscal Policies, Section 4.04.030, Funds Designated, allows that additional funds may be created as needed by resolution; and,

WHEREAS, Dillingham City Council has determined that there is a need to establish the Regional Fisheries Improvement Fund to provide funds for small capital projects and leverage large capital projects that improve the fisheries in the annexed area by

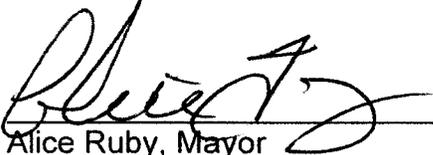
increasing the value of the fisheries through higher quality or increased marketing, or the reduction of foregone harvest;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council approves the establishment of the Regional Fisheries Improvement Fund effective with the implementation of a local raw fish and severance tax.

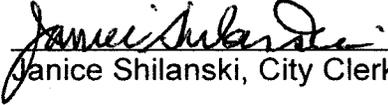
BE IT FURTHER RESOLVED that the City Council will establish a process for seeking advice and including the neighboring communities of Aleknagik, Clarks Point, Ekuk, Ekwok, Koliganek, Manokotak, New Stuyahok, and Portage Creek in the decisions for implementation of the Regional Fisheries Improvement Fund.

PASSED and ADOPTED by the Dillingham City Council on October 7, 2010.

SEAL:


Alice Ruby, Mayor

ATTEST:


Janice Shilanski, City Clerk

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2012-07

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING THE BUDGET BY ADOPTING BUDGET AMENDMENT NO. 2 AND APPROPRIATING FUNDS FOR THE HVAC SYSTEM FOR THE FY 2012 CITY OF DILLINGHAM BUILDINGS AND GROUNDS BUDGET

WHEREAS, the City Council has approved the Operating Budget and Capital Improvement Budget for FY 2012 in accordance with Title 4 of the Dillingham Municipal Code pursuant to AS 20.20.500(3); and

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

WHEREAS, the City Council has set the rate of levy of property tax for the City of Dillingham for FY 2012 budget at 13 mills; and

WHEREAS, the budget presented, reviewed and changed is in accordance with sound and efficient municipal management principles; and

WHEREAS, the City Council should have the power to transfer appropriated monies from one General Government Fund or Special Revenue Fund to another and from one Capital Project to another by resolution and the City Manager should have the power to transfer funds from one line item object to another object code within a fund and within a Capital Improvement Project; and

WHEREAS, the FY 2012 funds are ready for appropriation by ordinance;

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

1. The FY 2012 Operating Budget and Capital Improvement Budget Amendment No. 1 as recommended by the City Manager is hereby adopted for the City of Dillingham.
2. The amounts set forth in the budget as reviewed by the City Council for the respective departments and/or funds shall be, and hereby are, appropriated for the fiscal year ending June 30, 2012.
3. The City Council shall have the power to transfer approved and appropriated General Fund or Special Revenue Fund monies from one to another and from one Capital Project to another by resolution.

4. The City Manager shall have the power to transfer funds from one line item object code to another within a fund and within a Capital Improvement Project.

BE IT ENACTED by the Dillingham City Council that:

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

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

Section 3. Appropriation Summary. The additional appropriation from the Treasury in Section 4 is a total of \$60,000.00.

Section 4. Additional Appropriations.

A. General Fund Government Operations	
42 Buildings and Grounds (Addition)	<u>60,000</u>
TOTAL GENERAL FUND ADD. APPROPRIATIONS	<u>\$60,000</u>
TOTAL ADDITIONAL APPROPRIATIONS	<u><u>\$60,000</u></u>

Section 5. Summary.

Total Additional Appropriation	<u>\$60,000</u>
Net (Decrease) to Fund Balances	<u>\$68,937</u>

Section 5. Effective Date. This ordinance is effective upon passage.

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

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: An ordinance of the Dillingham City Council amending chapter 1.12 of the Dillingham Municipal Code by adoption of a new section 1.12.030 limiting the applicability of certain portions of the Dillingham Municipal Code in areas annexed to existing city boundaries

Agenda of: April 5, 2012

Council Action: This ordinance was introduced at the March 1, 2012 Regular Council meeting.

Manager: Recommend approval.

City Manager: 
Dan Forster

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

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

Other Attachment(s):

- Public Hearing advertisement placed in the Bristol Bay Times (March 29 Edition)

Summary Statement.

The HVAC (Heat Ventilation Air Conditioning) DDC control panel at the Public Safety building is over 15 years old and is malfunctioning. The HVAC system cannot operate without a functioning DDC. The cost of a new DDC is estimated to be \$60,000. The replacement of this DDC falls under DMC 4.30.030 C. Public Necessity. An urgent public need that could not have been anticipated or foreseen; the term also includes emergency situations when work is necessary to protect life or property.

The ordinance was vetted through the Finance and Budget Committee at their February 27 meeting and recommended to the Council for approval. Staff is looking to put out a RFP, and look for other funding sources, including the Department of Corrections to help with the cost of replacement.



NOTICE OF PUBLIC HEARING

Ordinance No. 2012-05, 06, and 07

The City Of Dillingham will hold a **Public Hearing** on Thursday, April 5, 2012, at 7:00 P.M. in the City Council Chambers for the purpose of taking comment from the public on the following three ordinances introduced at the March 1, 2012 City Council Meeting:

- Ordinance No. 2012-05, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property by Lease
This ordinance would authorize the City to enter into agreements to lease lots at the boat harbor.
- Ordinance No. 2012-06, An Ordinance of the Dillingham City Council Amending Title 4 of the Dillingham Municipal Code by Adoption of a New Chapter 4.07 Establishing a Regional Fisheries Improvement Fund
This ordinance would be effective as of June 1, 2012, but only if annexation and a 2 ½% raw fish tax are approved by the voters of Dillingham in a Special Election to be held on April 10, 2012.
- Ordinance no. 2012-07, An Ordinance of the Dillingham City Council Amending the Budget by Adopting Budget Amendment No. 2 and Appropriating Funds for the HVAC System for the FY 2012 City of Dillingham Buildings and Grounds Budget. This ordinance would appropriate an additional \$60,000 to the FY 2012 budget to make necessary repairs to the heating and ventilation system in the Public Safety Building.

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. 2012-08

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING SECTION 17.11.050 OF THE DILLINGHAM MUNICIPAL CODE TO ELIMINATE THE REQUIREMENT FOR AN ENGINEER REVIEW OF A PROPOSED SUBDIVISION

WHEREAS, Section 17.11.050(C) of the Dillingham Municipal Code requires that an engineer report certifying compliance with State of Alaska Department of Environmental Conservation requirements for domestic water supply and sewage disposal; and

WHEREAS, the Department of Environmental Conservation repealed its regulations related to review of subdivision plats for domestic water supply and sewage disposal in 1998;

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

Section 1. Repeal of Subsection 17.11.050(C). Section 17.11.050 of the Dillingham Municipal Code is hereby amended by repealing subsection C and relettering the remaining subsections D-E as C-D.

Section 2. Effective Date. This ordinance shall be effective upon adoption.

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

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

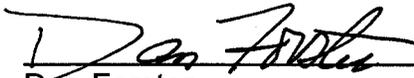
City of Dillingham Information Memorandum No. O2012-08

Subject: An ordinance of the Dillingham City Council amending Section 17.11.050 of the Dillingham Municipal Code to eliminate the requirement for an engineer review of a proposed subdivision

Agenda of: April 5, 2012

Council Action:

Manager: Recommend approval.

City Manager: 
Dan Forster

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

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

Other Attachment(s):

Summary Statement.

At their March 27 meeting, the Planning Commission concurred with Ordinance No. 2012-08, and moved to support it. Discussion by Commissioners reflected concern for protection of water resources and public health.

Based on that concern, commissioners decided to revisit the question of a minimum acreage for subdivision lots at their next meeting.

The proposed ordinance was also recommended by the Code Review Committee at their March 8 meeting based on concurrence by the Planning Commission.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2012-18

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL ESTABLISHING A POLICY TO WAIVE AMBULANCE CHARGES/FEEES FOR ACTIVE MEMBERS AND DEPENDENTS AND FORMER MEMBERS WITH DOCUMENTED ACTIVE SERVICE OF 10 YEARS OR MORE WITH THE DILLINGHAM VOLUNTEER FIRE DEPARTMENT AND RESCUE SQUAD

WHEREAS, the fee structure for ambulance services was originally established at the urging of the volunteers; and

WHEREAS, the volunteers recognized the need to establish a way to fund future periodic purchases of new/replacement ambulances; and

WHEREAS, a report dated June 6, 1990 recommended to the City that a fee structure be established; and

WHEREAS, the recommendation also included a provision that fees for ambulance services be waived for current active members and selective former members; and

WHEREAS, the waiver was implemented initially, but eventually lost in subsequent transitions of staff and leadership; and

WHEREAS, the City Council recognizes that emergency services are provided almost exclusively by volunteers; and

WHEREAS, the City Council recognizes that waiver of ambulance fees for volunteers is a significant way of demonstrating the gratitude of the community for the services they provide;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council establishes a waiver of ambulance fees for active members and their dependents as well as former members with documented active service of 10 years of more;

BE IT FURTHER RESOLVED that the waiver is meant to take effect immediately.

PASSED and ADOPTED by the Dillingham City Council on April 5, 2012.

SEAL:

Alice Ruby, Mayor

ATTEST:

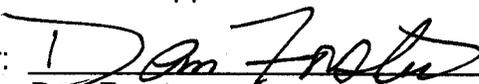
Janice Williams, City Clerk

Subject: A Resolution of the Dillingham City Council establishing a policy to waive ambulance charges/fees for active members and dependents and former members with documented active service of 10 years or more with the Dillingham Volunteer Fire Department and Rescue Squad

Agenda of: April 5, 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):

- Report to Members June 6, 1990

Summary Statement.

This resolution was presented to the City's Finance and Budget Committee on February 27, 2012. It was the Finance and Budget Committee's recommendation that the City Council approve the waiver.

DILLINGHAM VOLUNTEER FIRE DEPARTMENT AND RESCUE SQUAD
AMBULANCE CHARGE IMPLEMENTATION COMMITTEE
REPORT TO MEMBERS
JUNE 6, 1990

SUMMARY

The Ambulance Charge Implementation Committee recommends that the Dillingham Volunteer Fire Department and Rescue Squad start charging for its ambulance service at a rate of \$150 per patient beginning with the new fiscal year, July 1, 1990. The committee also recommends that the Rescue Squad enter into an agreement with the Bristol Bay Area Health Corporation for billing for services and all receipts be deposited in an interest bearing account managed by the City of Dillingham. Funds would be used only for the periodic replacement of the ambulance. An appropriate policy for the waiving of charges should be established and the Department should commit itself to the long term monitoring and re-evaluation of this fee structure.

BACKGROUND

The Ambulance Charge Implementation Committee was organized to follow up on the recommendations of the Green Ribbon Task Force. That Task Force last year recommended that the Squad start charging for its services and place the funds in an account for continuing capital needs, specifically - periodic replacement of the ambulance.

The Ambulance Charge Implementation Committee was asked to recommend specific steps to put these recommendations into action.

To do this, the Committee held several meetings over the past month in which it collected information and opinions on the subject. The following report summarizes the Committee's findings and recommendations.

REAL COSTS OF SERVICE

The real costs of the Dillingham Volunteer Rescue Squad are difficult to estimate since funds are combined with those of the Fire Department. A good estimate, however, is about \$33,000 per year.

This figure was calculated as a third of the Department's personnel costs, one quarter of the contractual and commodity expenses plus any capital outlay designated for EMS.

For FY 1988, the year for which the best information is available, the cost was calculated at \$32,931.26.

The figures for FY 89 and 90 are somewhat less reliable since capital outlay was not specified, but assuming a level of capital spending similar to 1988, the estimated actual costs were \$31,670.15 and \$32,523.12, respectively.

Additionally, if we are to amortize a \$100,000 ambulance over five years this would require an additional \$20,000 per year, for an average annual expense of about \$53,000 per year.

The Dillingham Rescue Squad responds at approximately 250 calls per year (225 in 1988 and 289 in 1989) which would put the actual costs per call at about \$200.

The actual costs per patient would be somewhat higher since the total number of calls includes a number of non-patient responses such as false alarms, fire stand-bys and the like.

A breakdown of the types of calls for a recent year is included as an appendix to this report.

PROPOSED CHARGES

The Ambulance Charge Implementation Committee recommends a charge of \$150 per patient.

The Committee recommends that a flat charge be charged to all calls, regardless of whether ALS or BLS service was provided, or regardless of such incidental costs as bandages, etc.

It is noted that only a few calls per year can be classified as ALS service. Charging for materials would not only complicate accounting, but the BBAHC, which already provides many of these supplies to us, currently bills the patient for them.

A \$150 charge would be somewhat less than the actual estimated cost per call but the fee at this time is intended to pay to continuing long term capital needs, not the entire service.

Such a fee would be in line with fees charged by other ambulance services in the State. Bethel and Petersburg also charge \$150 per ambulance call. Charges of other ambulance services varied greatly, from \$50 in the Bristol Bay Borough to \$200 in Anchorage. As the Green Ribbon Committee noted in its report, private ambulance services often charge considerably more.

This fee should periodically be re-evaluated by the Rescue Squad and adjusted if necessary.

BILLING AND COLLECTION

There are two basic options for billing for Rescue Squad services. We could either do it ourselves or contract the work out.

There seemed little interest within the department or on the Ambulance Charge Implementation Committee for having our volunteers handle the billing.

Outside the department, there are several options for billing. We could contract the work to a private individual, outside ambulance service, the City or local health corporation.

Of these options, the Ambulance Charge Implementation Committee recommends that contracting with the Bristol Bay Area Health Corporation (BBAHC) would be the best alternative.

The BBAHC offers an established billing system, low overhead cost (\$10-15 per call), and is experienced in dealing with the various insurance agencies and the Indian Health Service.

The BBAHC has agreed to set up a billing system which would be essentially separate but parallel to their own. The BBAHC would prepare a separate bill for the Rescue Squad service which would be included in the same envelope as the BBAHC bill. The BBAHC would absorb any set-up costs for implementing such a billing system.

The proposed BBAHC billing system would allow the Squad flexibility in such things as a waiver policy and would not conflict with any pre-existing agreements regarding miscellaneous supplies.

The proposed billing system should not impose any additional paperwork requirements on ambulance crews in most cases. Squad run sheets would be adequate for billing purposes for the time being. It may, however, be necessary in the future for ambulance crews to provide additional information, such as a patient registration form, in certain cases such as when a patient is immediately med-evaced to Anchorage. There should be few of these cases overall, however.

The BBAHC will later reimburse funds that have been collected from patients, less their administrative fee, to the Squad on a regular (monthly or quarterly) basis.

IHS BENEFICIARIES

Approximately 75 percent of the patients served by the Dillingham Rescue Squad are IHS beneficiaries. Locally, health care is provided them by the BBAHC, which receives funding from IHS.

The BBAHC, however, has not received funds for ambulance service from the IHS and does not have other funds available to pay for this service at this time. Any bills for ambulance service sent directly to IHS are likely to be passed back to the BBAHC.

The BBAHC will request additional funding for this service in their future funding requests, but given budgetary constraints, it may be some time before this service provided IHS beneficiaries is fully funded.

The Squad should be prepared to support the BBAHC in its funding requests with letters to the IHS and Alaska's Congressional delegation.

In the meantime, the Rescue Squad could still collect from non-beneficiaries and insured beneficiaries, which would be approximately 40 to 50 percent of our patients. Approximately 25 percent of IHS beneficiaries have other insurance (Medicare, Medicaid, group plans, etc.)

WAIVER POLICY

The waiving of charges for certain persons is a common practice in many ambulance services. The Ambulance Charge Implementation Committee recommends that the Dillingham Rescue Squad waive any non-insured costs for the following groups:

- 1) Seniors who are medicare or medicaid eligible
- 2) Fatality - instances in which death results from the reason (heart attack, shooting, accident, etc.) for which the ambulance was summoned.
- 3) Active members and their immediate families - defined as the member's spouse and children (up to age 18) or up to two individuals designated in advance.
- 4) Former members with ten or more years active service in DVFD/DRS.

5) economic hardship cases as determined on an individual basis.

FUNDS RECEIVED

The Ambulance Charge Implementation Committee recommends that all funds received for ambulance service be placed in an interest bearing account managed by the City of Dillingham specified as the RESCUE SQUAD AMBULANCE ACCOUNT. Funds in this account would be specifically designated for the periodic funding of a new ambulance. Expenditure of these funds would only be allowed through resolution of the DVFD/RS.

The Ambulance account should be audited by the City of Dillingham as other similar accounts are managed. Additionally, the DVFD/RS treasurer should assume the responsibility of regularly monitoring the billing and collection of these funds by the BBAHC. The treasurer should also monitor the City ambulance account and report at regular (quarterly) intervals to a joint meeting of the DVFD/RS.

The Committee discussed at length whether the Rescue Squad should be allowed to spend any funds in excess of the ambulance repurchasing needs for such things and other EMS capital or training needs or even fire department capital needs.

Committee members, however, had a sharply mixed reaction to the suggestion. All were able to agree that given the uncertainty of the amount of funds that will be received, there should be no provision for spending any surplus money at this time. This recommendation, too, could be re-evaluated at a later date.

IMPLEMENTATION

The Ambulance Charge Implementation Committee requests that DVFD/RS adopt these recommendations by resolution and notify officials of the BBAHC and City of Dillingham. After their consideration and possible modification, the fee system should be put into effect beginning with the new fiscal year.

Prior to that time, a press conference should be held with the local newspapers to discuss the proposed fee structure and our reasons for implementing it.

RESPONSIBILITIES

During the meetings of the Ambulance Charge Implementation Committee, the discussion often centered on certain matters that were not limited to the mechanics of implementing a billing system. Several of these points, such as the need for accurate and complete run sheets, are not meant to imply that there are problems within the existing service. Rather, this step is taken as a sign of our service "growing up," and the Squad's need for even stricter quality control.

If you get what you pay for, it is easy to be tolerant of the shortcomings of a free service. As a paid service, the Rescue Squad assumes new responsibilities to make sure that our patients are getting their money's worth.

1) Patient Care - Nothing in this proposed fee structure is meant to imply that service should be provided on the basis of ability to pay. Receiving funds for our service should improve the quality of our care by providing us with equipment but that care should be provided, as it has in the past, to all those in need, regardless of their ability to pay.

2) Consumer care - As a paid service, the patient is also a consumer and has a right to demand the best service for his or her money. The Squad should be prepared to redouble its efforts to keep the ambulance clean, re-stocked and ready for all emergencies. Likewise, the ambulance should be fully staffed for all calls. Volunteers should take their responsibilities when "on call" seriously and, without exception, be ready to drop whatever they're doing when paged.

3) All Run sheets must be accurate and complete.

4) Non-emergency calls - Based on the experiences of other departments that have implemented a charge system, a fee structure is not likely to reduce the number of nuisance or false alarm calls. It may, however, create a demand for certain non-emergency services (i.e. patient transfers) which people may expect if they are willing to pay for it.

5) Auditing and Control - when dealing with large enough sums to eventually purchase an ambulance, the Squad will have to maintain strict accounting and control over the money to prevent any misappropriation.

6) Monitoring - it should be the responsibility of the Fire Department and Rescue Squad Executive Committee to periodically monitor this fee structure and its many components and implement changes and adjustments when necessary. Close attention should be given to fine tuning the billing system as it is implemented.

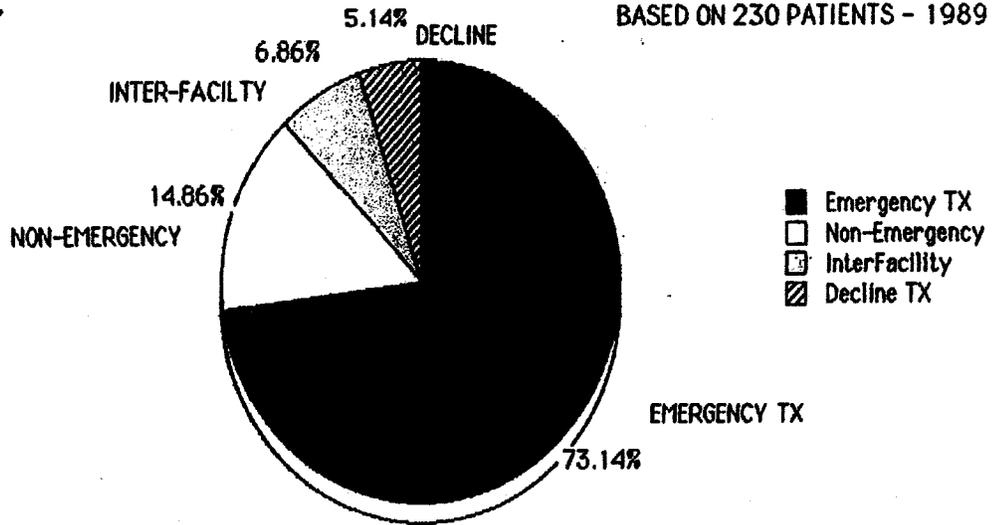
CHAIRMAN'S NOTE

As Chairman of the Ambulance Charge Implementation Committee, I would like to personally thank the hard work of all the other members - Susan Terry, Alice Ruby, Jeanette McArthur and Jann Widmayer. Despite the time constraints for completion of our work, the committee members kept their focus and was able to get quite a bit accomplished in a short time. There was a good, open discussion throughout our weekly meetings. It was a pleasure working with the other committee members.

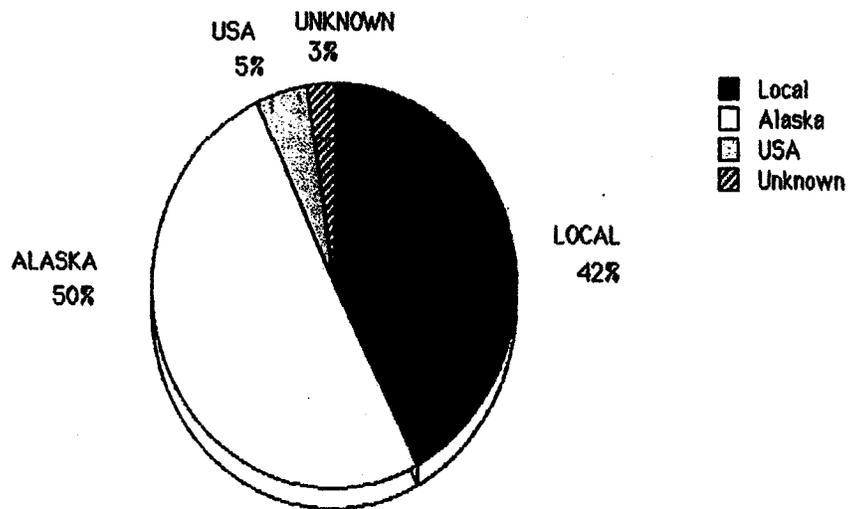
Bob King
Dillingham, Alaska
June 6, 1990

AMBULANCE RUNS - TYPE OF TRANSPORT

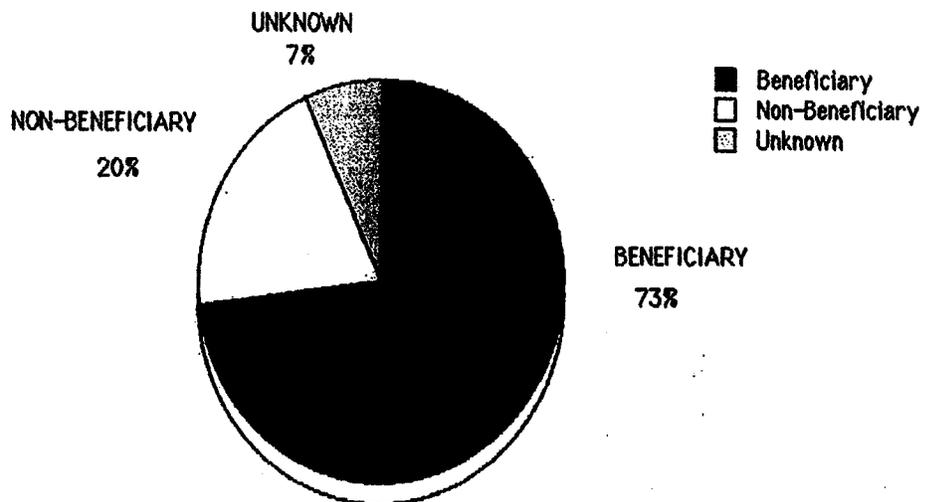
BASED ON 230 PATIENTS - 1989



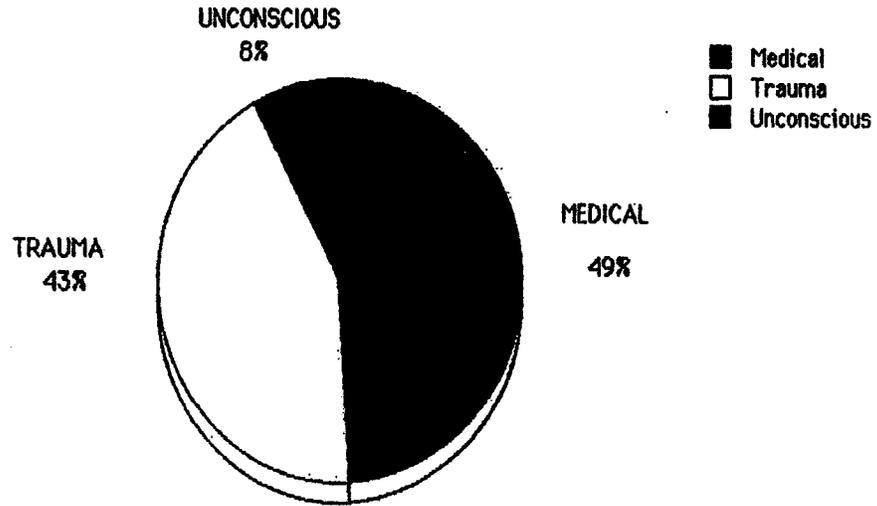
AMBULANCE PATIENT'S RESIDENCE



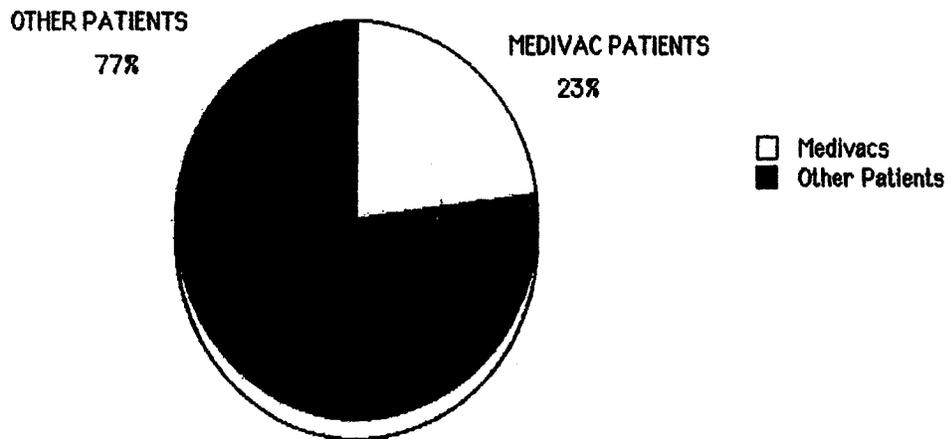
AMBULANCE PATIENT'S ETHNIC BACKGROUND



AMBULANCE TRANSPORTS - TYPES OF INJURY



% OF MEDIVAC PATIENTS TO OTHER PATIENTS



CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2012-19

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL REQUESTING FY 13
PAYMENT IN LIEU OF TAXES FUNDING FROM THE DEPARTMENT OF
COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT**

WHEREAS, 3 ACC 152.100 requires the governing body of a city to adopt a resolution requesting funding from the Payment in Lieu of Taxes Program for cities in the unorganized borough and to submit the resolution to the Department of Commerce, Community, and Economic Development; and

WHEREAS, the City has conducted a regular election during the preceding state fiscal year and has reported the results of the election to the commissioner; and

WHEREAS, regular meetings of the governing body are held in the City and a record of the proceedings is maintained; and

WHEREAS, ordinances adopted by the City have been codified in accordance with AS 29.25.050;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council by this resolution hereby requests distribution from the FY 13 Payment in Lieu of Taxes Program by the Department of Commerce, Community, and Economic Development on the date required by law.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on April 5, 2012.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

City of Dillingham Information Memorandum No. R2012-19

Subject: A resolution of the Dillingham City Council requesting FY 13 payment in lieu of taxes funding from the Department of Commerce, Community, and Economic Development

Agenda of: April 5, 2012

Council Action:

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):

- Letter dated March 5, 2012 from State of Alaska, Dept. of Commerce, Community and Economic Development

Summary Statement.

Excerpt from the attached letter: *“Under the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), Congress authorized full funding of the PILT Program through FY 13. However, the level of funding beyond that date is uncertain and may decline substantially, so please plan accordingly.”*

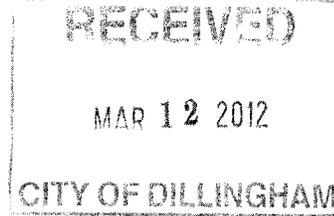
Payment for FY 12 - \$421,879
Payment for FY 11 - \$407,510
Payment for FY 10 - \$417,035



STATE OF ALASKA
DEPARTMENT OF
COMMERCE
COMMUNITY AND
ECONOMIC DEVELOPMENT

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

Division of Community and Regional Affairs



March 5, 2012

Dear Municipal Official:

RE: FY 13 PAYMENT IN LIEU OF TAXES PROGRAM
FOR CITIES IN THE UNORGANIZED BOROUGH

Enclosed is a sample resolution for the FY 13 Payment in Lieu of Taxes (PILT) Program for Cities in the Unorganized Borough. FY 13 PILT payments will be available for distribution in July, 2012. Funding for this program originates from the U.S. Department of the Interior and the CFDA number is 15.226.

Program regulations require that to receive a FY 13 PILT payment, a city must submit to the Department a resolution which requests payment and certifies that certain minimum standards have been met. Program regulations also require that a city submit to the Department a copy of its FY 13 approved budget (2012 budget for cities operating on a calendar fiscal year) and a copy of its FY 11 audit or certified financial statement. **However, if you have already submitted these documents to the Department, you do not have to submit them again.**

The adopted resolution, FY 13 budget, and FY 11 audit or certified financial statement should be submitted to:

Department of Commerce, Community, and Economic Development
Division of Community & Regional Affairs
Payment in Lieu of Taxes Program
P.O. Box 110809
Juneau, AK 99811

Under the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), Congress authorized full funding of the PILT Program through FY 13. However, the level of funding beyond that date is uncertain and may decline substantially, so please plan accordingly.

Should you have any questions regarding the FY 13 PILT program, please feel free to call me in Juneau at 907-465-4751.

Sincerely,

Lawrence Blood
Local Government Specialist IV

Enclosure: Sample FY 13 PILT Resolution

February 21, 2012

Chief, Voting Section
Civil Rights Division
United States Department of Justice
Room 7254-NWB
950 Pennsylvania Avenue
Washington, D.C. 20006

Re: Dillingham, Alaska's request to preclear special
election ratifying annexation of territory to city.
DOJ File No. 2012-0339

COMMENTS ON DILLINGHAM'S PRECLEARANCE SUBMISSION

Dear Sir or Madam:

The Native Village of Ekuk offers comments on the City of Dillingham's request to preclear under Section 5 of the Voting Rights Act a special election it intends to call to ratify an annexation of territory within the Dillingham Census Area. The Native Village of Ekuk is a federally recognized tribe with the following address and telephone number:

Robert Heyano, Preident
Native Village of Ekuk
PO Box 530
Dillingham, Alaska 99576
Telephone: 907-842-3842

INTRODUCTION

At a special election, the City of Dillingham will place two propositions on its special election ballot. The first will ask the electorate if the city shall annex approximately 400 square miles of unpopulated territory consisting almost exclusively of water. The second question asks the electorate if the city may enact a 2.5% tax on the sale or use of raw fish within the territory to be annexed. Only voters residing in the City of Dillingham will be qualified to vote in this election.

The City of Dillingham filed its submission January 20, 2012, and supplemented the submission on January 25, 2012. Ekuk wishes to bring to the attention of the Voting Section the opposition to the annexation that exists in the region. That opposition is primarily by Alaska Natives who rely heavily on the Nushagak Bay resources, who will be required to pay the fish tax that Dillingham intends to levy, but who will be prohibited from voting on whether the annexation should be approved and whether the tax should be imposed.

The annexation was approved by the State of Alaska, Local Boundary Commission on December 14, 2011.¹ The LBC is an agency within the Alaska Department of Commerce, Community, and Economic Development. Ekuk was a party respondent in proceedings of the Local Boundary Commission and opposed annexation for three reasons:

1. city annexation of an unpopulated area consisting of 396 square miles of water and 3 square miles of land is not consistent with LBC policy as set out in regulation. The city should have petitioned to form a regional borough to include the many communities that surround the area to be annexed;
2. the raw fish tax is not in the best interest of the state because its effects fall disproportionately on predominantly Alaska Native residents of the region whose primary source of income is derived from the territory to be annexed; and
3. the local option method of annexation is inappropriate for the territory covered by the petition because only the voters of Dillingham may vote. Many other predominantly Native communities in the Nushagak Bay region are impacted by the annexation but are unable to participate in the election because they do not reside in Dillingham.

PURPOSE AND FOCUS OF THE NATIVE VILLAGE OF EKUK'S COMMENTS

The purpose of these comments is to provide additional information to the DOJ that was not provided by Dillingham in its preclearance request. Ekuk asks the DOJ to object to the preclearance of the city's elections for the following reasons:

1. the election is directly related to a change affecting voting in the form of a recurrent practice of the LBC which has not been precleared and must be precleared before the city may obtain preclearance of its election; and
2. the method of approving the annexation, a local election at which only residents of the City of Dillingham are qualified to vote, involves a practice or procedure that has the purpose or effect of denying or abridging the right to vote of Alaska Native voters who reside within the Dillingham Census Area but outside the boundaries of the City of Dillingham.

More detailed bases for Ekuk's opposition to preclearance are set forth below.

1. MANY COMMUNITIES AND ORGANIZATIONS OBJECT TO ANNEXATION.

The following communities and organizations objected to the annexation before the LBC, either through written or oral comments:

¹ Hereinafter "LBC".

City of Aleknagik
Kay Andrews
City Administrator
P.O. Box 33 Main Street
Aleknagik, Alaska 99555-0033
Phone 907-842-5953

Aleknagik Natives Limited
Bobby Andrew, President
P.O. Box 1630
Dillingham, Alaska 99576
Phone 907-842-2385

City of Clark's Point
Harry T. Egbert, Acting Mayor
P.O. Box 110
Clark's Point, Alaska 99569

Clark's Point Village Council
Harry W. Wassily Sr., President
P.O. Box 90
Clark's Point, Alaska 99569

Saguyak, Inc.
Sharon Clark, Acting President
P.O. Box 4
Clark's Point, Alaska 99569

Ekwok Village Council
P.O. Box 70
Ekwok, Alaska 99580
Phone 907-464-3336

Portage Creek Village Council
Charlie Johnson, President
1327 E. 72nd Unit #8
Anchorage, Alaska 99518
Phone 907-277-1105

Bristol Bay Native Association
Ralph Andersen, Chief Executive Officer
P.O. Box 310
Dillingham, Alaska 99576
Phone 907-842-5267

Manokotak Village Council
Moses Toyukak Sr. President
P.O. Box 169
Manokotak, Alaska 99628
Phone 907-289-1235

Southwest Region School District
Jack Foster, Superintendent
P.O. Box 90
Dillingham, AK 99576
Phone 907-842-5287

New Koliganek Village Council
Herman Nelson, President
P.O. Box 5057
Koliganek, Alaska 99576
Phone 907-596-3462

Bristol Bay Area Health Corporation
Robert Clark Chief Executive Officer
6000 Kanakanak Road
P. O. Box 130
Dillingham, Alaska 99576
Phone 907-842-5201

Bristol Bay Economic Development Corporation
H. Robin Samuelsen Jr., Director
P. O. Box 1464
Dillingham, AK 99576
Phone 907-842-4370

These communities, tribal entities, and organizations are opposed to annexation primarily because it is believed that the tax on sales of raw fish would be particularly burdensome on local, predominantly Alaska Native fishers and crew.² The DOJ may wish to contact some of these entities to gather a fuller picture than that presented in Dillingham's request.

2. LBC'S APPROVAL OF THE ANNEXATION IS INCONSISTENT WITH THEIR FRAMEWORK AND POLICIES THAT ARE ESTABLISHED THROUGH THE REGULATORY PROCESS.

The annexation process is set out in statutes that are implemented by regulations of the LBC appearing in 3 AAC 110.

² The comment letters can be found at:
http://www.commerce.state.ak.us/dca/lbc/2010_City_of_Dillingham_Annexation/Public%20Comment/#FolderHead

The regulations of the commission relating to annexation by cities were initially adopted by the LBC in 1992 and placed in 19 AAC, the title reserved for regulations of the Department of Community and Regional Affairs. They were subsequently repealed and readopted in 2002 and placed in 3 AAC 110 when the Department of Community and Regional Affairs merged into the Department of Commerce, Community, and Economic Development. The regulations were recodified in substantially the same form and amended in minor ways again in 2008. The State of Alaska initially failed to preclear certain regulations contained within 3 AAC 110. The state rectified this failure by means of a late preclearance request to DOJ. Among the regulations precleared at that time was 3 AAC 110.150, a regulation that clarified the voting rights of persons residing in the territory to be annexed by a city when the local option method of annexation is used. The regulation was subsequently precleared on August 2, 2010.³

The regulations embody a policy developed by the LBC to maintain a distinction between city and borough government in the state. A city is a municipal corporation which is limited to serving the local area to which its “community” extends. A borough is similar to a county in the Lower 48 states. It is a municipal corporation that is regional in scope created to serve interrelated and integrated populations.

To annex territory to a city, the annexation proceeds either under the legislative approval method or the local option method. Under either method the annexation petition must first be approved by the LBC after notice and a hearing. Under the local option method, the annexation must be ratified at an election by the residents of the city and the annexed territory.⁴ According to a publication of the LBC, annexations by the local option method are “seldom used”.⁵ Under the legislative review method, the annexation must be submitted to the legislature where it is considered by both houses of the legislature which includes the elected representatives of all residents of the Dillingham Census Area where, unless it is disapproved by a majority of each house within 45 days, it is considered approved.

The regulations at issue were adopted under procedures set out in the state Administrative Procedure Act (AS 44.62). These procedures require public notice and review before they are adopted by the adopting agency. The notice announcing the proposed changes in the regulations when originally adopted in 1992, which was published as required by law, contained an informative summary. The summary expressly mentioned that the regulations would add a provision that “discourages the inclusion of large unpopulated areas within the boundaries of a proposed city” and that

³ DOJ Civil Rights Division letter to Assistant Attorney General Erling Johansen DOJ file Nos. 2008-4194; 2008-5259; 209-2976.

⁴ 3 AAC 110.150.

⁵ *Background on Annexation of Territories to Cities* at 6. (Local Boundary Commission revised September 21, 2000.) This publication may be found at: http://www.commerce.state.ak.us/dca/lbc/pubs/LBC_annex_bg.pdf

these regulations would add definitions of the terms “community” and “permanent resident”.⁶

The regulations provide that the “proposed expanded boundaries of the city must include all land and water necessary to provide the development of essential municipal services on an efficient, cost-effective level.”⁷ The regulations impose the limitation of “community” as a means of retaining the local nature of city government. The regulations provide:

To promote the limitation of community, the proposed expanded boundaries of the city

(1) must be on a scale suitable for city government and may include only that territory comprising an existing local community, plus reasonably predictable growth, development, and public safety needs during the 10 years following the effective date of annexation; and

(2) may not include entire geographical regions or large unpopulated areas, except if those boundaries are justified by the application of the standards in 3 AAC 110.090 - 3 AAC 110.135 and are otherwise suitable for city government.⁸

The regulations provide standards that the LBC follows in determining if a city would comprise a community after the territory is annexed. These regulations provide:

In determining whether a settlement comprises a community, the commission may consider relevant factors, including whether the

(1) settlement is inhabited by at least 25 permanent residents;

(2) the permanent residents live in a geographical proximity that allows frequent personal contacts and interaction; and

(3) the permanent residents at a location are a discrete and identifiable social unit, as indicated by such factors as resident public school enrollment, number of sources of employment, voter registration, precinct

⁶ Exhibit A - Summary of Proposed Changes in the Regulations of the Local Boundary Commission dated May 10, 1991, State of Alaska Archives and Record Management Record Group 35, Record Series 1605, Box AS 17868, C&RA register 123 7/31/92, Title 19.

⁷ 3 AAC 110.130(a).

⁸ 3 AAC 110.130 (c).

boundaries, permanency of dwelling units, and the number of commercial or industrial establishments, community services, and service centers.⁹

As announced in the informative summary of regulations provided to the public at the time of adoption, the regulations contain the following definitions of "community" and "permanent resident":

a "community" means a social unit comprised of 25 or more permanent residents as determined under 3 AAC 110.920;

"permanent resident" means a person who has maintained a principal domicile within the boundaries proposed for change under this chapter for at least 30 days immediately preceding the date of acceptance of a petition by the department and who shows no intent to remove that principal domicile at any time during the pendency of a petition before the commission;¹⁰

Contrary to the foregoing regulations, the LBC approved the petition of the City of Dillingham which would add approximately 400 square miles of territory to the city. Of that, 396 square miles are waters that comprise two fishing districts. This territory is not occupied by a single permanent resident and when added to the existing territory of Dillingham makes it the largest city by area in the state. The new boundaries were drawn to include all the waters upon which many communities rely, but to exclude the lands around the water such that the surrounding communities and residents remain outside the City boundaries and will not be permitted to vote on the annexation. In making its decision to approve Dillingham's petition, the LBC changed its practices and procedures regarding changes in the boundaries of a voting unit by means of annexation. It made these changes without following the notice, public comment and other procedures of the Alaska Administrative Procedure Act (AS 44.62).

This change in a recurrent practice or procedure materially adversely affects the voting rights of Alaska Native voters residing the Dillingham Census Area. The waters of the territory to be annexed are the primary fishing grounds for residents of the City of Dillingham and the residents of other communities in the Dillingham Census Area. The community of Clark's Point, predominantly Alaska Native, borders on the territory as does the Native Village of Ekuk. The predominantly Alaska Native community of Aleknagik is located at the head of the Wood River and within a few miles of Wood River Salmon Special Harvest Area, one of the water areas sought to be annexed by Dillingham. Aleknagik is connected to Dillingham by a sixteen mile road. The predominantly Alaska Native community of Manokotak is approximately three miles from the territory to be annexed and maintains a summer village site bordering on the territory at Igushik Beach and is connected to the territory by the Snake River. Other

⁹ 3 AAC 110.920(a).

¹⁰ 3 AAC 110.990(5).

predominantly Alaska Native communities in the region making up the Dillingham Census Area also have residents who fish in these waters and have strong socio-economic connections to the territory to be annexed. None of these predominantly Alaska Native populations located outside of the existing city limits will be qualified to vote at the ratification election for which the city requests preclearance.

At the hearing conducted by the LBC, Ekuk argued that the commission should use consistent practices and procedures in line with an earlier decision rendered in 1986 on a petition submitted by the City to annex the same territory.¹¹ At that time, the LBC rejected the attempt by Dillingham to annex the waters of the Nushagak fishing district because receipt of tax revenue derived from sales of raw fish sold in the district would remove any encouragement for Dillingham to pursue borough formation. The LBC also found that annexation would constrain the area in terms of a potential revenue base. It determined that the ultimate result would be a disincentive for borough formation. In this proceeding, Ekuk argued to the LBC that the city should be seeking to form a borough covering the Dillingham Census Area rather than merely annexing an unpopulated part of it. The process of borough formation requires a vote of all persons residing in the area to be included in the new borough.¹²

The LBC rejected arguments made by Ekuk and applied the regulations cited above by informally changing them to use new practices and procedures that resulted in the city's petition being granted. These changes include the following:

1. The commission accepted that the addition of 400 square miles of unpopulated territory was "on a scale suitable for city government" even though this was a substantial change in substance and would make Dillingham the largest city by area in the state.
2. The commission declined to enforce the limitation of community which is a prominent feature of its policy regarding city boundary changes by allowing an annexation of territory that contained no permanent residents or other indicia of community with the existing city.¹³

¹¹ See Exhibit B.

¹² AS 29.05.110.

¹³ Counsel for Dillingham testified before the LBC that the common interests of the fishermen who use the territory operate to create a community in the territory. He stated that fishermen residing inside Dillingham as well as those residing outside Dillingham "share a common interest. Many common interests in fact that derives from their common pursuit of catching salmon. . . . All of these things combine to create within the territory proposed for annexation a community. A community that's composed partly of people from Dillingham, partly of people from out of Dillingham." Exhibit C - Transcript of LBC hearing, pp. 274-275. The petition itself makes clear that there are no residents in the area to be annexed, and thus it is not a "community" as that term is defined in 3 AAC 110.130(c). This testimony accurately identifies the interests of the surrounding communities and the regional nature of the resource that is the Nushagak Bay, thus underscoring the unfairness of denying these predominantly Alaska Native residents of the opportunity to vote on the annexation.

3. The commission applied a new interpretation of the prohibition against annexations of large unpopulated areas by finding that the prohibition applied only to annexations by cities that are located within an organized borough, thus excluding annexations of cities located outside of organized boroughs.¹⁴ Dillingham is such a city.
4. The commission exempted the city's petition from the requirement that an annexation not include entire geographical regions or large unpopulated areas by determining that other standards for annexation were met, and failed to give any effect to the wording of the regulation that the new boundaries must be "justified" by the application of the other annexation standards.
5. The commission declined Ekuk's request to disapprove the petition as a local option petition. Ekuk made the request because of the petition's discriminatory effect on voters of the region, and because the legislative review method would involve review by representatives elected from the entire region. Notwithstanding 3 AAC 110.150, the LBC allowed Dillingham's designation of the petition as one for local option method to stand, and in so doing it applied a new policy that the selection of the type of petition is entirely within the discretion of the petitioner, rather than the commission.¹⁵ This new policy appears to have been set as a result of the LBC misunderstanding its own statutory authority.¹⁶

All of the foregoing changes in practices and procedures of the LBC relate to determinations of the population of a voting unit. As such, these practices and procedure must be precleared before the City of Dillingham can preclear its special election to ratify the annexation.

3. THE LBC RECOGNIZED THAT ANNEXATION HAD TRIBAL, CULTURAL AND FINANCIAL IMPACTS TO THE REGION, BUT FAILED TO ADEQUATELY ADDRESS THOSE NEEDS IN ITS DECISION.

The LBC was aware of the opposition to annexation by the Alaska Native tribes and communities of the Nushagak Bay region, and expressed concern about cultural

¹⁴ This occurred when the LBC misinterpreted the term "unpopulated area" to mean only territory within a borough. The misinterpretation occurred because the definition of "area" was applied out of context to a city annexation when it was intended to apply only to a boundary change affecting a borough.

¹⁵ 3 AAC 110.150 provides in pertinent part:

Territory contiguous to the annexing city, that meets the annexation standards specified in 3 AAC 110.090 - 3 AAC 110.135 and has been approved for local action annexation by the commission, may be annexed to a city. . . . (emphasis added).

¹⁶ In response to LBC Chairman Chrystal's question "who determines whether it's local option or legislative review," staff responded that the "petitioner chooses the method[.]" Exhibit D - Transcript of LBC hearing, p. 302. As noted in the preceding footnote, however, the LBC's regulations require commission approval for local annexation, in addition to other requirements. The language would be superfluous if a petitioner could unilaterally pick the method.

relationships in the region, underscoring Ekuk's point that the Nushagak Bay is a region, and the waters used by the entire region should not be annexed to one city – at least without those in the region being allowed to vote on the annexation. The following is included in the LBC's decision:

The commission believes that the uniqueness of the territory proposed for annexation coupled with the longstanding tribal, cultural, and economic relationships that persist in this region demanded that additional conversation among the villages, tribal entities, municipalities, and the City of Dillingham be held. These conversations were for the long term benefit of the existing cultural relationships between the City of Dillingham and the communities around Nushagak Bay.¹⁷

As a result of this finding, the LBC imposed the following condition on the petition:

Petitioner shall attempt to meet with the cities of Aleknagik, Clark's Point, New Stuyahok, Ekwook, and Manokotak, and New Koliganek village Council (dba Native Village of Koliganek) and the respondent Native Village of Ekuk 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 11/15/20.

The rationale for the condition and the condition itself point to the known impacts of the annexation and the raw fish tax on Alaska Native residents of the region. The condition did not address the fact that these individuals are being denied any vote on these important issues, either by direct vote or by a vote of their representatives in the legislature.

The discussions between Dillingham and the affected communities that occurred as a result of the condition primarily focused on the formation of a borough that would include the entire region, would allow residents of the entire region to vote and to be represented on a council that determined whether to levy taxes and what to do with revenues from the taxes. The discussions had not been completed when Dillingham submitted its report to the LBC. Ekuk submitted comments to supplement and correct aspects of the report, but the LBC approved the petition without further action.

4. THE CIRCUMSTANCES OF THIS ANNEXATION IMPLICATE A NUMBER OF THE FACTORS TO BE CONSIDERED BY THE ATTORNEY GENERAL AS SET OUT IN THE DOJ'S REGULATIONS.

Under 28 CFR 51.57(b), the Attorney General considers "the extent to which the jurisdiction followed objective guidelines and fair and conventional procedures in adopting the change. As described above, the LBC's decision was inconsistent with several of its own policies and regulations.

¹⁷ LBC Decision, page 9. A copy of the decision is attached to Dillingham's submission dated January 20, 2012.

Under 28 CFR 51.57(c), the Attorney General considers the “extent to which the jurisdiction afforded members of racial and language minority groups an opportunity to participate in the decision to make the change.” The words “the decision to make the change” can be read to refer to the decision to seek annexation rather than borough formation; the decision to proceed by local option rather than legislative review; and the decision to forego any provision for sharing of tax revenues with affected communities outside of Dillingham. The Native tribes, organizations, communities and residents of the region who reside outside of Dillingham were effectively prevented from participating in each of these decisions. The following testimony by Dillingham constitutes evidence of the lack of participation:

The chair of the Dillingham Planning Commission testified before the LBC and emphasized partnering with regional groups including the Bristol Bay Economic Development Corporation, the Southwest School District, Bristol Bay Native Association, and other groups. He testified that Dillingham’s comprehensive plan “identifies the need to support, strengthen and investigate actions that contribute to the region as a whole . . . [and] calls for exploring the costs and benefits of regional approaches to governance issues with surrounding communities, tribes and corporations.”¹⁸ In response to his testimony, Commissioner Harcharek asked whether they partnered with these groups in making the petition for annexation.¹⁹ The question was referred to Mayor Alice Ruby and restated in this way:

Commissioner Harcharek: “Did you consult with them during this planning process?”

Mayor Ruby: “No. I would say not. No, we didn’t.”²⁰

As described above, Ekuk explained how the local option disenfranchised many of the affected entities and individuals, but neither Dillingham nor the LBC made adjustments based on this concern. The changed policy that allowed local option without the participation of affected residents of the region moved forward in spite of the stated concerns.

Testimony in support of annexation made reference to the “the promise of a fair sharing and revenues.”²¹ When asked about “the potential for an inner governmental revenue sharing agreement,” Mayor Ruby stated that they discussed that when drafting the petition. She stated that they didn’t have “the capacity to figure out a formula that works” but went on to say that they believed there was a “way of responding to the revenue sharing issue. Just figuring out who gets what share. I mean even the state

¹⁸ Exhibit E - Transcript of LBC hearing, pp. 51-52.

¹⁹ Exhibit F - Transcript of LBC hearing, p. 54.

²⁰ Exhibit G - Transcript of LBC hearing, p. 55.

²¹ Exhibit H - Transcript of LBC hearing, p. 80.

system, it does work well”²² Thus, revenue sharing with the groups outside of Dillingham was raised as a possibility, but the groups have no power of their own to participate in a decision to bring about such a result, or even to make such a conversation occur.

Under 28 CFR 51.57(e), the Attorney General considers the impacts of the change on racial groups, the historical background, whether there are departures from normal procedures, and “administrative history, including contemporaneous statements made by the decision makers.” The LBC itself recognized the impact of the change on racial groups, identifying as significant the tribal and cultural issues associated with the annexation. It is clear that the Commission knew of the impacts to Native tribes, Native organizations, and predominantly Native communities that are outside the area to be annexed and thus excluded from voting. The condition the LBC imposed was an ineffective attempt to ameliorate those impacts by encouraging conversations between Dillingham and the groups. It did nothing, however, to change the impacts, to allow the excluded Native voters to participate in the votes, or to treat the excluded voters as full participants of the region. These predominantly Native groups “have been effectively denied an equal opportunity to participate meaningfully in the political process in the jurisdiction[,]” a factor to be considered by the Attorney General under 28 CFR 51.58.

Finally, under 28 CFR 51.61, the Attorney General considers the effects of annexations, even when the territory to be annexed is uninhabited, as in this instance. The Attorney general considers the effects of annexations “as they pertain to voting.” In this case, as described more fully above, the boundaries of the territory to be annexed were drawn so as to include 400 square miles of water and land, 396 square miles of which are fishing grounds upon which an entire region is dependent both culturally and economically, but also drawn carefully so as to exclude the land adjacent to and surrounding those fishing grounds so that *the annexation did not capture a single voter*. The individuals affected by the annexation but excluded from voting are predominantly Alaska Natives.

SUMMARY

The City of Dillingham should be denied the preclearance for its special election because it has selected territory for annexation in a manner that excludes predominantly Alaska Native populations of the Dillingham Census Area.²³ If these excluded populations had been included in the population of the voting unit, the percentage of Alaska Native voters of the unit would be substantially increased to become an effective voting unit for Native voters.²⁴ The ballot proposition appearing on the special election

²² Exhibit I - Transcript of LBC hearing, p. 86.

²³ City of Aleknagek - 75.7% Alaska Native; Clark's Point - 88.7% Alaska Native; Manokotak - 95.7% Alaska Native; Ekwok - 90.4% Alaska Native; Koliganek - 95.6% Alaska Native; New Stuyahok - 93.5% Alaska Native. The foregoing were taken from PL 94-171 Redistricting Data.

²⁴ The City of Dillingham has a 55.8 % Alaska Native population. The Dillingham Census Area has a 71.5% Alaska Native population. The foregoing data was taken from the PL 94-171 Redistricting Data.

ballot is an issue of great interest to these voters. A significant additional factor for DOJ to consider is that the City of Dillingham is within an election district of the state (former House District 37) in which racial block voting has been documented for certain elections held during the preceding decade.²⁵ For the foregoing reasons, Ekuk asks DOJ to decline consideration of the merits of the city's preclearance request as provided in 28 CFR 51.22(a)(2) because preclearance is directly related to changes in recurrent practices and procedures of the Local Boundary Commission that have not received section 5 preclearance. Alternatively, Ekuk asks DOJ to deny preclearance to the City of Dillingham's submission because the election would have the purpose or effect of denying or abridging the right to vote on account of race - that being the systematic exclusion of predominately Alaska Native voters from being able to participate in the election.

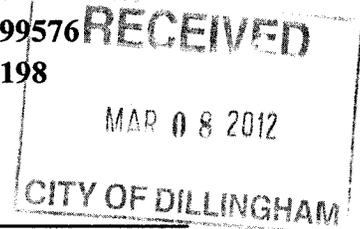
Respectfully submitted,

Robert Heyano, President
Native Village of Ekuk

²⁵ Lisa Handley, *A Voting Rights Analysis of the Proposed Alaska State Legislative Plans: Measuring the Degree of Racial Bloc Voting and Determining the Effectiveness of Proposed Minority District*. The report was a part of the Alaska Redistricting Board's Preclearance submission for the 2010 redistricting plan and can be found at: <http://www.akredistricting.org/dojsubmission/Volume%2001/Folder%2006%20-%20Report%20of%20Dr.%20Lisa%20Handley/Dr.%20Handley%27s%20Report.pdf> .



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safe@besafeandfree.org



March 2, 2012

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

Dear Ms. Alice Ruby,

I am writing to invite The City of Dillingham to become a sponsor of SAFE's 4th Annual Spring Auction scheduled for April 21, 2012. This year's Auction will include a formal dinner, guest speakers, raffles and a plethora of auction items to bid on. We will have a delicious dessert auction, which will again feature some of the best sweets in town. We anticipate approximately 125 people to attend and would appreciate your support to help raise funds for SAFE.

The following are the sponsorships available and the incentives for each level:

Platinum Sponsor (\$1,000)

- Sponsor Table at the event
- Eight tickets to the event
- Eight raffle tickets and
- Premiere signage in the event invitation and at the event.

Gold Sponsor (\$500)

- Four tickets to the event and
- Advertising in the event invitations and at the event.

Silver Sponsor (\$350)

- Two tickets to the event and
- Advertising in the event invitations and at the event.

In an effort to eradicate violence in Bristol Bay, SAFE offers a wide range of services including village-based advocacy services, support groups, emergency transportation, shelter, crisis intervention, youth programs and a 24-hour crisis line. The Auction is a unique opportunity for the greater Dillingham community to come together and raise money for SAFE's critical services.

Last year's Auction was a tremendous success and I hope that this year you will join us by becoming an event sponsor. Please let me know soon if you will sponsor the event so we can include your organization on our event invitations. Thank you for your continued support!

Sincerely yours,

James R. Jones
SAFE Board President



March 5, 2012

Ms. Brittany Nelson
P.O. Box 1485
Dillingham, Alaska 99576

Dear Ms. Nelson:

I received your letter dated December 14 wherein you describe your concern about substance abuse in our community and suggest that reviving the DARE Program might help to address that problem. Thank you so much for the letter. I apologize for the delay in responding.

You may not know that the City was able to establish the DARE as a program of the Dillingham Department of Public Safety through grant funding. I agree that it was a great program that allowed us to pay the salary for a police officer position. A portion of that position's responsibilities were to have a presence in the school and to work with youth.

Grant funding to operate the DARE Program and that position is no longer available. When those funds initially went away, the City absorbed the cut and continued to fund the position for a while. Eventually we were not able to fund the program as we had to reallocate our resources back to day-to-day public safety.

As you know, it's been a tough few years here in our region. The City is no different than any other organization and suffered a decline in many of our funding sources. We continue to try to allocate our precious resources to work with the school and other organizations in our community. Most recently we've been very pleased to be able to work with SAFE and the School District on some new programs that we hope will have an impact similar to and even greater than the previous DARE program. I'm sure that our Chief of Police, Doug Drumboski, or the contacts at SAFE and the Dillingham School District would love to share our progress with you and, even more, would welcome your involvement. Please take time to stop in and visit with any one of them.

On behalf of the City Council of Dillingham, I thank you for your interest in identifying solutions. I encourage you to be actively involved with the many citizens and organizations in Dillingham that are trying to have a positive impact here at home.

Sincerely,

A handwritten signature in black ink that reads "Alice A. Ruby". The signature is written in a cursive style with a large, sweeping "R" at the end.

Mayor Alice Ruby

141 Main Street • P.O. Box 889 • Dillingham, Alaska 99576
City Hall & Finance Dept. (907) 842-5211 • Fire Dept. 842-2288 • Library/Museum 842-5610
Police Dept. 842-5354 • Harbor Office 842-1069 • Public Works 842-4598 • Senior Center 842-1231
www.ci.dillingham.ak.us



March 5, 2012

Mr. Kittipath Prasartkaew
P.O. Box 883
Dillingham, Alaska 99576

Dear Mr. Prasartkaew:

I received your letter dated December 14 wherein you describe your concern about alcohol abuse in our community and suggest that adoption of a higher sales tax might help to address that problem. Thank you so much for the letter. I apologize for the delay in responding.

You may not know so I'd like to offer that the community of Dillingham was one of the very first communities in the state of Alaska to adopt a higher tax on alcohol products. Our current bed/alcohol tax is 10% while our regular sales tax is 6%. Ours is among the highest municipal sales taxes in the state with regard to a tax levied specifically on alcohol. Establishing that tax may have discouraged some local sales but it does not affect the alcohol purchased and shipped to Dillingham from communities that don't have a tax (such as Anchorage).

Changing the level of sales tax on alcohol is not something that the City Council can do on its own by adopting legislation. Changes in the sales tax rate are, by Alaska Statute, done only by a vote of the resident voters in our community. You can find reference in Alaska Statutes, Section 29 and I have included the specific section below.

Sec. 29.45.670. Referendum, adoption, and modification.

A new sales and use tax or an increase in the rate of levy of a sales tax approved by ordinance does not take effect until ratified by a majority of the voters at an election

Raising the level of taxation has not been a popular idea in the community. I don't believe it is because it is related to alcohol but because our area is still recovering from some serious economic problems and the idea of raising any tax is just not attractive to residents. If you are interested, a grassroots initiative is always an avenue open to interested citizens.

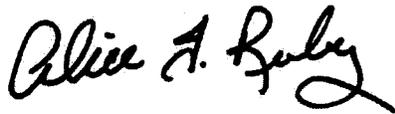
During the time that I've been involved in city government, the Council has explored a variety of ways to address the issues of substance abuse and domestic violence that seem to be prevalent in our community and region. I think the Council and most citizens agree that these are huge social problems with many causes that require solutions on many levels. Dillingham is a small population of less than 2,500 people so our financial resources are not great. We try to use our limited resources wisely by putting money where we hope it

will do the most good including \$1.35 million allocated to the local city school, almost \$1 million in public safety (police, jail, fire/EMS), almost \$1million in public works (roads, streets, water/sewer, etc.) and then we also fund the library, museum, dock, boat harbor and more.

On behalf of the City Council of Dillingham, I thank you for your interest in identifying solutions. I encourage you to be actively involved with the many citizens and organizations in Dillingham that are trying to have a positive impact here at home.

Thank you again for the letter. We'll look forward to your return to Dillingham.

Sincerely,

A handwritten signature in black ink that reads "Alice A. Ruby". The signature is written in a cursive style with a large, looping "R" at the end.

Alice Ruby
Mayor

Planning Commissioners

Paul Liedberg, Chair
Terry Hoeffler, Deputy Chair
Bill Rodawalt

Rachel Muir
Izetta Chambers
Petla Noden



**DILLINGHAM PLANNING COMMISSION
REGULAR MEETING**

5:30 p.m. February 21, 2012
City Hall Council Chambers

MINUTES

- I. CALL TO ORDER 5:35 p.m.
- II. Roll Call
 - Present: Paul Liedberg, Bill Rodawalt, Petla Noden, Terry Hoeffler, Rachel Muir
 - Excused: Izetta Chambers
 - Guests: City Manager Dan Forster, Mayor Alice Ruby, Ben McDowell, Harbormaster Jean Barrett, Public Works Director Carter Cole, Parks and Recreation Committee Chair Patrick Solano-Walkinshaw, Jim Bingman,
- III. APPROVAL OF MINUTES January 17, 2012, moved Th mv. 2nd by PN. TH question. Unan approval.
- IV. APPROVAL OF AGENDA TH mv. PN second. Planner Seitz adds "Set new meeting date for March meeting." Under New Business, item B. Unan approval.
- V. COMMUNICATIONS
 - A. Public Comment
 - Seitz relays comments to her office. Fritz Johnson called to say he thought the process for lease lots was long in developing and we should expedite the process.
 - Alaska Army National Guard commented on the plat that the drawing was not adequate for use of the lease lot. They thought the lease lot should be extended up to the red line in the drawing (passed around the commission and into the audience.). Background: the metes and bounds description of the old lease was used, but it was inaccurate. So the surveyor used available monuments and material to recreate a more accurate version of the lease lot.
 - That this was the first depiction of the lease lot for the AK ANG. This plat creates a lease lot for that use.
 - Seitz recommends that this is an appropriate time to adjust the lease lot.
 - Ben McDowell – It's an economic development project. Don't be swayed by others who might otherwise lease their land. If they are going to require a fair market value for the land they could have some time to adjust. He shares Fritz's sentiment of expediting. Wants to be a partner in this.

B. Planner's Report –

Planner Seitz reviewed her report. Question re: how much land potentially taxable. about 13% taxable property at the moment. About 2 K acres is undetermined. Will provide the analysis if the commission would like

- Question about the 13 % - is it already developed and on the tax roles? It is taxable right now.
- Question on how much land might ultimately be taxable? The largest landowners would be Choggiung Ltd. Will share table with the commission.
- Question on land owned by governmental organizations. Yes...he broke out the ownership by governmental organizations.
- The 13% pertains to land, nothing else on the property.
- That this observation makes it more compelling that the PC try to sit down with BBNA and representatives from the community that have Native Allotments to try to address some to the needs the city has with regard to Native Allotments and ways to work with the BIA in accomplishing those things as they reflect city.
- Seitz introduces new Public Works Director Carter Cole, and the rest of the audience, the Mayor, the Manager, the Port Director, the Parks and Rec Director and Ben McDowell.
- Asks for list of projects submitted to the legislature. 10 submitted, 87 million in capital needs this year.
- (NOTE The Chair tries again to reach Izetta Chambers, unsuccessfully, on the phone).
- Chair asked about drilling test wells before bringing the big rig to drill.

C. PUBLIC HEARING 5:58 p.m.

Chair asked Planner to give overview of the plat. Seitz gives background of the surveys in the plat and the harbor.

- Clarifies location of USS 3643
- Jim Bingman - questions line through Lot 2 USS 3643. Seitz - will look into it. It is not part of the area being platted now.
- Question about other requirements, permits, certificates, wetlands
- Floodplain management – the lease lots are above the 32 foot 100 year flood plain and won't have floodproofing requirements.
- Probably should know the state and federal regulations required for development on the lease lots.
- The 2009 harbor plan aerial with overlay of lots and the handout are a starting place for discussing uses, not the actual plan.
- The new lots are placeholders and can still be subdivided.
- Easement on the plat – Nushagak says 20 feet is good. That's minimum of the code.
- That Peter Pan was not interested in partnering with the City over the easement for the electrical line.
- Parking - there is a large berm separating the lease lots from the parking space.
- Discussion about 50 ft. versus 60 ft. road.

- Access easements are for accessing the lease lots.
- Question about sidewalks and providing access for snowmachines and pedestrians.
- Question about enough parking.
- A 20 ft. easement is large enough for the utilities, including future water and sewer.
- Harbormaster – snow removal not an issue
- Comments from Harbormaster and Public works director prefer 60 ft.
- Concern about trailer parking - Harbormaster describes how the harbor staff organize parking of trailers and trucks.
- Lease Lots elevated compare to the parking west of them. Narrowing the lots will not increase the parking.
- Planner Seitz reviews her plat report as requested by a commissioner.
- Public Works Director- ability to control access is biggest issue. Gives a chance to develop into the future and with a bigger right of way, ability to improve the road and culverts and storm drains.
- 6:46 p.m. public hearing closed.

VI. OLD BUSINESS

- i. LUHT –PL nothing to report
- ii. Economic Development – Terry Hoeffler will meet with business owners in the community during the next month and review the comprehensive plan with them. Requests list from staff of those who attended the economic development meetings.
- iii. Wellness – RM just got back. There's lots happening with Wellness in the community.
- iv. Waterfront – Izetta is absent.
- v. Land Use Permits – Set up public workshop on the current land use permit process and code for March 20th at 5:30 p.m.
- vi. Plastic Bags – RM and PN. RM says keep it one more month on agenda.

VII. NEW BUSINESS

- A. Resolutions 2012-04 Approve Harbor Lease Lots preliminary plat. TH mv to approve. Second BR.. Discussion: Concern about access by pedestrians and snowmachines. Planner Seitz recommends that the resolution be amended to include the lines requested by the Army National Guard for their lease lot. Seitz suggests taking road easement to the lease lot line.

Resolution 2012-04 amended with 60 ft road easement, a 20 ft. utility easement; and amend the Army National Guard Lease lot as requested by ANG. Suggests bulkhead there to keep lease lots from sloughing off. Request for more information about cost for providing bulkhead on the lease lots. Unanimous approval.

- B. Next PC meeting set for March 27, Tuesday. Unan vote.

VIII. COMMISSIONER COMMENTS

RM – glad to be back.

BR – concern about the Territorial school roof and foundation on the north end of the building. New foundation cracks and snowmelt coming through to his bed. Love the building. Wants to make sure it's maintained. He renovated the bathroom.

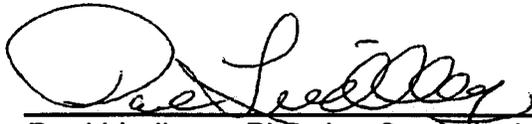
PN – updates the commission on the plans for a new wind farm south of the VORTAK. Load is 2.1 MW. Plans for building a wind farm to supply the grid with 4 MW of power. 9.4 million for 20 turbines, Vestas. Explained how the plans for a road to Manokotak could dovetail with the wind farm. 6 miles of road, 6 mi of 3 phase power, road would have to be geofoam. Could supply Dillingham, Manokotak and Aleknagik with energy, jobs, and save Nushagak 2 million dollars annually.

TH – curious about a business plan for the wind farm.

TH – vacation in Baja, was really good.

PL – Health Fair tomorrow. Recognizes the Mayor and thanks her for coming to the whole meeting.

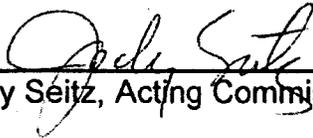
IX. ADJOURNMENT moves to adjourn. 6:42 p.m.



Paul Liedberg, Planning Commission Chair

3/28/12

Date



Jody Seitz, Acting Commission Clerk

3/28/12

Date

RESOLUTION 2012-05

A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Approving the Final Plat for Harbor Lease Lots

WHEREAS, the Dillingham Planning Commission did hold a public hearing on the preliminary plat of Harbor Lease Lots, March 27, 2012; and

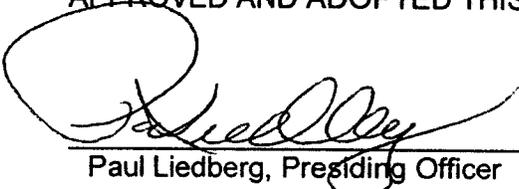
WHEREAS, the Dillingham Planning Commission reviewed the final plat for compliance with the requirements for Titles 15 and 17 of the Dillingham Municipal Code; and

WHEREAS, the final plat for Harbor Lease Lots meets the requirements of the Dillingham Municipal Code; and

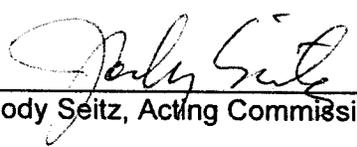
WHEREAS, the final plat for Harbor Lease Lots incorporates the recommendations of the Dillingham Planning Commission in Resolution 2012-04;

THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Dillingham, Alaska, approves the final plat.

APPROVED AND ADOPTED THIS 27th DAY OF March, 2012.



Paul Liedberg, Presiding Officer



Jody Seitz, Acting Commission Clerk

RESOLUTION 2012-06

A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Approval of Variance 2012-02

D.M.C. 17.07.090 Exceptions to road standards

WHEREAS, The Dillingham Planning Commission did hold a public hearing on March 27, 2012, regarding the request for a variance from 17.07.090, exceptions to road standards, which requires that "all lots shall be gift deeded;" and, 17.07.090 E, "that lots cannot be sold until the road is improved to the standards required by this title"

WHEREAS, the Dillingham Planning Commission reviewed the request for compliance with the requirements of 17.27 Variances; and,

WHEREAS, the Dillingham Planning Commission found that the request met the required Findings of Fact of D.M.C. 17.27.020;

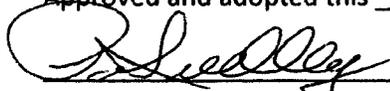
THEREFORE BE IT RESOLVED by the Planning Commission of the City of Dillingham, Alaska, that:

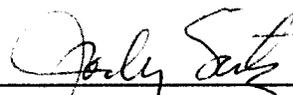
SECTION 1. The request for variances from 17.07.090 requiring all lots to be gift deeded, and that the lots cannot be sold until the road is improved; is approved.

SECTION 2. The following findings of fact are adopted:

1. The variance request is the minimum necessary to afford relief. The fact that the lots are not gift deeds is irrelevant to the purpose of the subdivision. Lot 2 will be deeded to the owner of the improvements and remain in restricted status.
2. The granting of the variance will not be detrimental to the public safety or welfare or injurious to adjacent property. The lots will create no new uses nor are expected to result in an increase in population down the public access easement.
3. The tract to be subdivided is of such unusual size and shape or topographical conditions are such that the strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property. The subdivision is taking place over wet tundra and is to accommodate existing uses. The road is currently adequate for those uses.
4. Special conditions that require the variance are not caused by the person seeking the variance. The property owners did not cause the trespass situation with Lot 2, nor the surveyor error with Lot 4.
5. The variance will not permit a land use in a district in which that use is prohibited. It will not. The area is considered General Use.
6. The variance is not sought only to relieve financial hardship or inconvenience. The variance is sought to allow legal problems to be resolved.

Approved and adopted this 27th DAY OF March, 2012.


Paul Liedberg, Presiding Officer


Jody Seitz, Acting Commission Clerk

RESOLUTION 2012-07

A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Approving the Preliminary Plat for Bear View Subdivision

WHEREAS, the City of Dillingham Planning Department received all the documents required for the preliminary plat of Bear View Subdivision as of March 8, 2012; and

WHEREAS, the Dillingham Planning Commission did hold a public hearing on the preliminary plat of Bear View Subdivision, March 27, 2012; and

WHEREAS, the Dillingham Planning Commission reviewed the preliminary plat for compliance with the requirements for Titles 15 and 17 of the Dillingham Municipal Code; and

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

WHEREAS, the Dillingham Planning Commission has approved Variance 2012-02 allowing variance to DMC 17.07.090 Exceptions to road standards; and

WHEREAS, the preliminary plat for Bear View Subdivision conditionally meets the requirements of the Dillingham Municipal Code with the above variances;

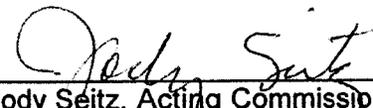
THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Dillingham, Alaska, approves the preliminary plat for Bear View Subdivision with the following conditions:

1. Remove the GPS coordinates from westernmost North/south lot line.
2. Update the Notes section to reflect current needs.....i.e. remove Notes 4 and 6 and correct Note 3 to reflect the public access easement.
3. Spell out the Note for (DOT) Rec. Dim. Per Alaska Department of Transportation and Public Facilities.
4. Per DMC 17.07.090 D and E, the following must be written on the plat and attached to the deed for subdivided lots:
 - a. The road granted the exception does not conform to the road standards of Title 17.
 - b. The city, while accepting the dedication of the right-of-way, does not accept responsibility for road improvement or maintenance.
 - c. The lots cannot be sold until the road is improved to the standards required by Title 17.
5. Request the name of the road, Ridgeway Drive, be placed on the road which accesses Blackie's Nob and Blueberry Hill Subdivision.
6. Request that the road be named which leads to Lots 3 and 2 and designated as unimproved.

APPROVED AND ADOPTED THIS 27th DAY OF March, 2012.



Paul Liedberg, Presiding Officer



Jody Seitz, Acting Commission Clerk