



Alice Ruby, Mayor
City Council Members

- Seat A, Vacant • 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.

MARCH 1, 2012

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

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

IV. APPROVAL OF CONSENT AGENDA

APPROVAL OF AGENDA

V. STAFF REPORTS

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

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

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

- A. Spruce Lynch, SAFE Representative

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
- 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
- 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
- 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
- E. 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
- F. 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
- G. 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
- H. 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
- I. 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
- J. Resolution No. 2012-13, A Resolution of the Dillingham City Council Authorizing the City Manager to Purchase a Transmission for the Tractor

IX. UNFINISHED BUSINESS

- A. Change to Personnel Regulations Section 5.30 Personal Leave – *Reference Resolution No. 2012-011*
- B. Lease Lots at Boat Harbor – *Reference Ordinance No. 2012-05*
- C. Animal Shelter Facility
- D. Committee Appointments
 - 1. Planning Commission (Seat E)
- E. Appoint Council Member to Seat A – Interim Appointment

X. NEW BUSINESS

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

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

XV. ADJOURNMENT

I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, February 2, 2012, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:19 p.m. The meeting was preceded by a Special Meeting of the Board of Equalization at 5:30 p.m., followed by a workshop on annexation at 6:00 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:

- Elizabeth Pearch, Seat A - excused

Staff in attendance:

- Dan Forster, City Manager
- Bill Bauer, Corrections Sergeant (Sergeant-at-Arms)
- Steve Cropsey, Project Manager
- Carol Shade, Finance Director
- Janice Williams, City Clerk

III. APPROVAL OF MINUTES

A. Regular Meeting, January 19, 2012

MOTION: Tim Sands moved and Paul Liedberg seconded the motion to approve the minutes of January 19, 2012.

VOTE: The motion to approve the minutes passed unanimously.

IV. APPROVAL OF CONSENT AGENDA

APPROVAL OF AGENDA

Mayor Ruby asked to add item D, Council Vacancy, under New Business.

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

VOTE: The motion to approve the agenda as amended passed unanimously.

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

City Manager Dan Forster reported on the following:

- Port and Public Works Employees voted to be represented by Local 71 and negotiations would start in the next few weeks to a month;
- a leaking fire hydrant by the Senior Center would be taken care of in the spring when the ground thawed;
- many people in the community had expressed thanks to public works, public safety, and DOT for their role in the snow storm; and
- recognized public works and public safety for suffering through a second building failure at the public safety building a week ago caused by a generator spiking that blew out a lot of the electric components.

B. Standing Committee Reports

Bob Himschoot, Chair, Finance and Budget Committee, reported on meeting of January 30:

- reviewed the proposed credits and deductions to the raw fish sales tax;
- reviewed for recommendation the purchase of a forklift for the dock; and
- reviewed the revised budget for FY 2012 that was on the agenda for adoption.

Tim Sands, Chair, Code Review Committee:

- commented committee had not met since the last report and the next meeting was scheduled for Feb. 23.

Mayor Ruby, Chair, Port of Dillingham Advisory Committee, reported on the meeting of Jan. 27:

- noted the minutes were in draft form and would be included in the March Council packet;
- provided some good feedback on harbor lease lots; and
- suggested considering adding harbor water and sewer to legislative priority list, because ports appeared to be a topic in Juneau this year.

Mayor Ruby, Chair, Board of Equalization, reported on meeting of Feb. 2:

- members approved assessor's recommendation to change the property value as noted in Isaac's appeal.

VI. PUBLIC HEARINGS

- A. Adopt Ordinance No. 2012-01, An Ordinance of the Dillingham City Council Levying a 2.5% Tax on Sales of Raw Fish Subject to Voter Ratification
- B. Adopt Ordinance No. 2012-02, An Ordinance of the Dillingham City Council Amending the Budget by Adopting Budget Amendment No. 1, and Appropriating Funds for the FY 2012 City of Dillingham Budget

Mayor Ruby opened the public hearing on Ordinance Nos. 2012-01 and 2012-02. There being no comments the public hearing closed.

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

There was no citizen's discussion.

VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2012-01, An Ordinance of the Dillingham City Council Levying a 2.5% Tax on Sales of Raw Fish Subject to Voter Ratification

MOTION: Tim Sands moved and Tracy Hightower seconded the motion to adopt Ordinance No. 2012-01.

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to amend Ordinance No. 2012-01, in Definitions section 4.21.010 add "City" means City of Dillingham, in section 4.21.135. A, end the paragraph with to the City, and in section 4.21.135 B. 3, add the word or after and at the end of the paragraph, as in "and/or".

VOTE: The motion to amend Ordinance No. 2012-01 passed unanimously.

Discussion:

- reported this ordinance would allow the City to collect sales tax on raw fish if the vote for annexation was passed and the tax was approved; and
- noted the ordinance addressed some of the critical concerns brought up in neighborhood meetings, by lessening the burden for fishers who owned real property and felt they were being double taxed, and provided some relief for low income fishers.

VOTE: The motion to adopt the amended Ordinance No. 2012-01 passed unanimously.

- B. Adopt Ordinance No. 2012-02, An Ordinance of the Dillingham City Council Amending the Budget by Adopting Budget Amendment No. 1, and Appropriating Funds for the FY 2012 City of Dillingham Budget

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to adopt Ordinance No. 2012-02.

MOTION: Keggie Tubbs moved and Tim Sands seconded the motion to amend Ordinance No. 2012-02 with the revisions in Amendment A.

Finance Director Carol Shade reported on several proposed amendments reviewed and recommended by the Finance and Budget Committee:

- council contributions were over budget due to adding a contribution approved by Council last fall, and recommended increasing the line item by \$2,500 to cover a \$5,000 donation to Beaver Round-Up that had been budgeted;
- real and personal property tax revenues had been budgeted based on billed revenue and adjust it based on anticipated collections;
- adjust down the BBHA Payment in Lieu of Tax revenues from \$15K to \$5K based on a comparison of the average of last three years, and not prior year only of \$15K of which \$9,600 was incorrectly booked; and

- adjust the transfer of \$45,000 from E-911 fund to cover wages for dispatch to more accurately reflect revenues received from E-911 surcharge.

Discussion:

- questioned the negative balance for the ice machine, *answered* City had not applied for a \$20K block grant for FY 2011, but could still apply for FY 2012 grant, a coordinated effort with the Tribal Council; and
- noted the DMV revenues would be corrected in the narrative section.

VOTE: The motion to amend Ordinance No. 2012-02 (Amendment A) passed unanimously.

VOTE: The motion to adopt the amended Ordinance No. 2012-02 (Amendment A) passed unanimously.

- C. Introduce 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 Keggie Tubbs seconded the motion to introduce Ordinance No. 2012-03.

Discussion:

- noted the section number assigned to the definitions sections may be incorrect and can be amended before adoption.

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

- D. Introduce 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 Paul Liedberg seconded the motion to introduce Ordinance No. 2012-04.

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

IX. UNFINISHED BUSINESS

- A. Change to Personnel Regulations Section 5.30 Personal Leave

Mayor Ruby noted this item would be referred to the Code Review Committee to come back with a recommendation.

- B. Lease Lots at Boat Harbor

1. Schedule a Workshop for February 23, 2012 at 7:00 PM

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to schedule a workshop for February 23 to discuss lease lots at the boat harbor.

GENERAL CONSENT: The motion passed with no objection.

C. Council Comments on Legislative Requests

City Manager Forster noted the draft was revised from feedback from the new public works director. One change would add a municipal landfill recovery system to replace the burn box with something more environmentally friendly. Also a suggestion from the Port Committee was included to extend water and sewer to harbor the lease lots.

Discussion:

- questioned if the landfill alternative energy was seen in the legislature as an alternative energy function, it might compete with Cooperative's plan for legislative requests;
- recommended adding harbor water and sewer extension to harbor and landfill alternate waste disposal to the other projects list; and
- recommended contacting Rep. Edgmon's office for best way to present the City's priority list prior to going to Juneau the following week.

X. NEW BUSINESS

A. Committee Appointments

1. Planning Commission (Seat E)

Mayor Ruby noted she had not had a chance to review and asked to delay making a recommendation.

B. Animal Shelter Facility

Project Manager Steve Cropsey reported that the Council had approved advertising an RFP covering every possible combination, lease, sale, or construct new, for a private party supplying an animal shelter to the City. All six proposals were to build on a site at the landfill. An ad hoc committee determined King's Carpentry proposal was responsive and the lowest cost. The RFP was for a bare bones building and did not include site preparation, including extension of utilities. The current lease would expire June 30, 2012, and the owner was not interested in renewing the lease, at least at the current rate. The owner had not submitted a proposal.

Mr. Cropsey noted the current cost would be around \$420K, of which \$100K would be for site preparation and a contingency. The operational budget would need to contain an additional cost for a back up person, which is presently being taken care of by someone residing in the animal shelter apartment on a no fee basis. The proposal was for a bare bones building insulated and sheet-rocked, and the committee added in floor heat, chain link fencing around the site, exhaust fans, etc. There were four office spaces that could accommodate a veterinary facility in one of the spaces, and a restroom.

Discussion:

- noted the shelter was not included in the CIP list and would need some additional information to finance;
- suggested if Council could make a decision within 30 days could have a new shelter for the summer; and
- directed the animal shelter be on the March agenda.

MOTION: Tim Sands moved and Tracy Hightower seconded the motion to refer the animal shelter financing and other issues to the Finance and Budget Committee.

VOTE: The motion passed unanimously.

C. Schedule a Meeting of the Public Outreach Committee

A workshop was scheduled for the Public Outreach Committee for February 27 at 7:30 p.m.

D. Declare a Vacancy on City Council and Advertise

Mayor Ruby reported that Elizabeth Pearch had submitted her resignation from the Council.

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to accept the resignation and declare a vacancy on the City Council.

VOTE: The motion passed unanimously.

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

There was no discussion.

XII. COUNCIL COMMENTS

Paul Liedberg:

- thanked Public Safety and Public Works for their coordinated efforts during the recent snow storm; and
- reminded there was a Health Fair February 22.

Tracy Hightower: no comment

Keggie Tubbs:

- dittoed Paul's comments on community togetherness.

Tim Sands:

- echoed Paul's comments on coordinated efforts between state and city employees during the storm and keep the road open and safe;
- thanked all the employees for keeping City running;
- wished Elizabeth Pearch well and thanked her for her time on the Council;
- commented he would be going to Juneau the following week; and

- noted there was a lot of news lately on Kotzebue jail issues, appeared to be similar to the City's, and maybe the City could work together with them.

Bob Himschoot:

- commented the New Republican Jobs bill included a provision for oil and gas lease in the North Aleutian Basin, thought City had opposed it in the past, might want to submit another resolution, noting Senate was not likely to pass it.

Mayor Ruby noted she would look into it further.

XIII. MAYOR'S COMMENTS

Mayor Ruby:

- thanked State Troopers, DOT, Public Safety and Public Works, and school system for sheltering the students and to Cup of Joe for staying open and directed Manager to send a letter of thanks to show the City's appreciation; and
- asked for a moment of silence to recognize those lost since the last meeting.

XIV. EXECUTIVE SESSION

- A. Legal Matter
 - 1. Annexation
 - 2. Gladden vs. City of Dillingham
 - 3. Delta Western Contract

MOTION: Tim Sands moved and Bob Himschoot seconded the motion to go into executive session under DMC, 2.09.050, regarding legal matters [8:33 p.m.].

GENERAL CONSENT: The motion passed without objection.

Project Manager Cropsey was invited into the session.

MOTION: Tim Sands moved and Keggie Tubbs seconded the motion to come out of executive session [8:53 p.m.].

GENERAL CONSENT: The motion passed with no objection.

XV. ADJOURNMENT

Mayor Ruby adjourned the meeting at 8:53 p.m.

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Approved: _____

I. CALL TO ORDER

A Special Meeting of the Board of Equalization Meeting was held on Thursday, February 2, 2012, at the Dillingham City Council Chambers, Dillingham, AK. Mayor Ruby, Chair, called the meeting to order at 5:37 p.m.

II. ROLL CALL

Mayor Alice Ruby present.

Members present and establishing a quorum:

Tracy Hightower
Bob Himschoot
Keggie Tubbs

Staff in attendance:

Janice Williams, City Clerk

Guest(s):

Arne Erickson, Appraisal Co. of Alaska (*via teleconference*)
Gorden and Susan Isaacs

III. APPROVAL OF AGENDA

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

GENERAL CONSENT: The motion passed with no objection.

IV. SPECIAL BUSINESS

A. Real Property Appeal for Consideration

1. Approval of Settled Adjustment – Case No. 2012-01, Gorden and Susan Isaacs

Mayor Ruby reported on the process, noting the appellant would present their appeal first, followed by the assessor's comments, both appellant and BOE members could then ask questions of each other through the chair, and then BOE members would come to a decision.

Gorden Isaacs spoke that he was in agreement with the City assessor's adjusted value of \$156,900 for improvements as presented by the City's assessor, but it was for 2011, and the appeal he was requesting was for both 2010 and 2011.

Discussion:

- confirmed the appellant's request in the original appeal letter was for both 2010 and 2011.

City Assessor Arne Erickson reported the log home had a long sad history of ownership and physical abuse. He noted he had done a walk through last October and based on its physical condition that it would take an amount of work to be completed at 100%. He noted about five years ago the place had become unoccupied. During that time the water pipes had broke and done substantial damage. The present was probably the best condition it had been in for the last five years.

Gorden Isaacs clarified that 4/5ths of the property had been recorded, the other 1/5th had not been recorded but he was the owner, and intended to pay all the tax on the lot. He thought that was why they hadn't received a tax bill for both years until last summer, because it hadn't completely gone through the BIA process. He intended to complete the house and make it habitable.

MOTION: Keggie Tubbs moved to approve the assessor's recommendation for year 2011 specific to the improvement value of \$156,900 to include 2010. *(Clerk Note: There was no second made. This was mainly an oversight.)*

VOTE: The motion to approve the assessor's recommendation passed unanimously with Keggie Tubbs, Bob Himschoot, and Tracy Hightower voting in favor.

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

There were no comments.

VI. BOE COMMENTS

There were no comments.

VII. MAYOR COMMENTS

Mayor Ruby thanked everyone for attending the meeting.

VIII. ADJOURNMENT

Mayor Ruby adjourned the meeting at 5:52 p.m.

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Approved:



MEMO

Date: February 24, 2012
To: Mayor and City Council
From: Dan Forster, City Manager 
Subject: Monthly Report for February 2012

Legislative Requests

10 capital project legislative requests were entered into CAPSIS. In addition legislative requests were brought to Juneau by Council member Sands and Hightower and myself and were presented to Representative Edgmon, Senator Hoffman, and to staff of Senator Stevens.

Update on Leasing of City Property

There were no responses for the "Potato House" RFP. Efforts to lease the property will continue.

However, the Potato House has been offered to the "Friends of the Library" during Beaver Round Up so they can host a book sale for the benefit of the library.

The proposed "Harbor Lease Lots" are progressing. A preliminary subdivision plat was approved by the Planning Commission, a meeting of the Port/Harbor Committee was held, and a Council workshop on the lease lots was also held. An ordinance authorizing the disposal (leasing) of public property at the harbor will be introduced at the March 1 meeting. Negotiations with NAPA are continuing.

RFP for Lobbyist Services

The city received 10 responses on the RFP for lobbyist services.

Public Works Director

Carter Cole started as Dillingham's new director of Public Works officially on February 6, but due to Pen Air did not arrive until February 7.

Loan Questionnaires

In order for the City to be eligible to apply for loans, questionnaire responses were submitted for the projects listed below. The questionnaire responses are used to assess the City's eligibility and are a pre-application requirement.

Harbor Water Line	\$ 531,300
Wastewater Collection System Upgrades	\$ 2,000,000
Wastewater Treatment Plant Upgrades	\$ 2,000,000
Landfill	\$ 500,000



MEMO

Public Service Training

On Wednesday February 29, the Alaska Municipal League will come to Dillingham to provide training for City staff for improved public interaction as well as other topics.

Special Recognition

Over the past few months there have been a rash of burglaries in the community. Due to the diligence of our Police Department I am pleased to say that arrests have been made that account for most of the recorded burglaries.

Manager Schedule

I have no travel plans for March 2012.

Information Memorandum

To: Dan Forster, City Manager
From: Jody Seitz, Director of Planning and Grants 
cc: Carter Cole, Public Works Director
re: Recent Loan Questionnaires and Council process
Date: February 23, 2012

Public Works Director Carter Cole and I have filled out four ADEC loan questionnaires regarding the following projects and for the following amounts:

Harbor Water Line 2012ADWF0038	AMT: \$ 531,300
Wastewater Collection System Upgrades 2012ACWFPS0016	AMT: \$ 2,000,000
Wastewater Treatment Plant Upgrades 2012ACWFPS0017	AMT: \$ 2,000,000
Landfill 2012ACWFNPS0006	AMT: \$ 500,000

The loan questionnaires precede any formal application to the ADEC for a loan.

There are several reasons why we filled out these questionnaires:

- They are worth significant points on grant applications.
- They qualify as matching funds for ADEC municipal matching grants – which require a 30% match.
- They can allow the City to proceed with planning, design, and permitting, to enable it to become more eligible, rank higher, when applying for competitive grants.
- They are like a line of credit for which the City may apply but is not required to use.
- If they are used, they are very cheap money (1.5% or less) and sometimes a large amount of the loan may be forgiven.

The State ADEC uses the questionnaires to prioritize projects for funding. The City may or may not compete well for any of the above projects. At the point when the City knows whether it is qualified to apply we should request permission from the Council to do so provided the loans are still needed.



MEMORANDUM

Date: February 21, 2012
To: Dan Forster, City Manager
From: Janice Williams, City Clerk *JW*
Subj: Staff Report

City Council to Appoint Council Member

The City has advertised to fill Council Seat A, vacated by Elizabeth Pearch. The Code requires that the Council fill the seat 45 days from the day the vacancy is announced, 45 days being March 18. The City advertised in the February 9, 16, and 23rd edition of the Bay Times, posted the advertisement on the city's website, distributed the announcement Feb. 3 via a mass distribution list, and posted it in three public places. This appointment has been added to the March 1 Regular Council Meeting agenda.

The deadline for submitting a letter of interest is Thursday, February 23, by 5 PM. The designated person will serve from the date of the appointment, until a successor is seated after the October 2, 2012 Regular City Election. To be a qualified candidate, you must have been a resident of Dillingham not less than one year preceding the day appointed by the Council and meet the voter qualifications.

Special Election – April 10, 2012

The code specifies that the special election be held on the 9th Tuesday following adoption of a resolution. Attached is a spreadsheet outlining the schedule of events for the Special Election. The various agencies that work with us on an election have been contacted and given a heads up, including the Nome Elections Office, where we get the voting machine and voter registration list, as well as the firm of Dominion Voting which processes the memory card that tallies the votes, and the print company that will print our ballots. I will also be recruiting for a panel of election judges who will also serve as the canvassing committee.

Request for Preclearance with Department of Justice to Hold Special Election

The City of Dillingham submitted a request to the U.S. Attorney General's office (Dept. of Justice) on January 20, 2012 with a supplement submitted January 25. This request was for a preclearance review for a Special Election, April 10, 2012. Their website shows that our letter was received January 23, 2012.

APRIL 10, 2012 CITY SPECIAL ELECTION SCHEDULE

City Election Type	Voter Registration Deadline	Absentee/(Early) Voting in Person	Absentee/(Early) Voting by Mail	Absentee/(Early) Voting by Personal Representative
Special Election – April 10, 2012	March 11, 2012	March 26 through April 9; on or after the 15 th day before an election up to and including the day before the election	By March 31, ten days before the election	March 26 through April 10; on or after the 15 th day before an election, up to and including the day of the election

Following the Election:

April 12, 1 st Thursday following the election	Board of Election canvassing committee will meet and canvass all absentee and questioned ballots executed in the election.
April 19, 2 nd Thursday following the election	The City Council shall meet in public session to certify the election or order a recount or investigation of the election. If the election is certified, a “certificate of election” will be delivered to each person elected to office.
1 week after the contest is determined	Council shall meet in special meeting and publicly declare the election results.

MEMORANDUM

TO: Dan Forster, City Manager
FROM: Carol Shade, Finance Director
DATE: February 23, 2012
SUBJECT: Monthly Report

The Finance Department continues to be extremely busy.

During January our Payroll person, Holly Johnson was busy preparing the W-2s and making sure all the quarterly and annual reports balanced so the W-2s could be sent out. We also sent out the 1099s. All this in addition to the bi-weekly payroll and weekly accounts payable check processing.

We had a slight turnover in staff during the month of January, and we were glad to welcome Stephanie Miller to our department. I know the Department of Public Safety is feeling a little bit of a loss of such a good employee. She is working on getting the business license files and sales tax files cleaned up and up to date so that when we start the new software our information will be as accurate as we can get it.

Shari continues to make sure the customers are greeted in a friendly and respectful manner. Routing calls to the correct City department and employee can sometimes be a little difficult, but she continues to try and assist the customers in the best possible manner.

Ted was busy in January accumulating all the personal property tax forms and helping people fill theirs out if they needed to look at last years. He continually works with people on their property tax questions and seems to be good at getting to the heart of the problems and getting them solved so we can move forward. Below are the statistics from his division on 2011 Property Tax billed and collected:

	<u>Total Assessment</u>	<u>Late/Force File</u>	<u>Tax Amount</u>	<u>Amount Collected</u>	<u>Percentage</u>
Real Property	\$133,167,237		\$1,486,232.81	\$1,314,462.43	88.44%
Business Property	23,497,113	2,350	307,813.00	294,623.00	95.71%
Personal Property	15,552,017	9,550	211,012.70	161,239.91	76.41%
Totals	\$172,216,367	\$11,900	\$2,005,058.51	\$1,770,325.34	86.85%

As always, Anita, the Assistant Finance Director, makes sure the department runs like a Swiss watch. We just keep on ticking. This last year would have been a very difficult year, with the majority of us Finance employees being new, if we had not had Anita. Her knowledge of the accounting system and processes of the City that she gained over the last five years has served the entire organization well and hopefully will continue to do so.

The chart of accounts was finalized for the new Accounting system, and so we are moving ahead to the build out of the HR module and then we will be setting up payroll. The implementation should move much faster and smoother now, and we are targeting July 1 for full functionality and going online with the software.

With that being said, attached are the Summary Statements of the Revenues, Expenditures and Fund Balances as of January 31, 2012.

City of Dillingham
Revenues and Expenditures As of January 31, 2012
Preliminary Figures

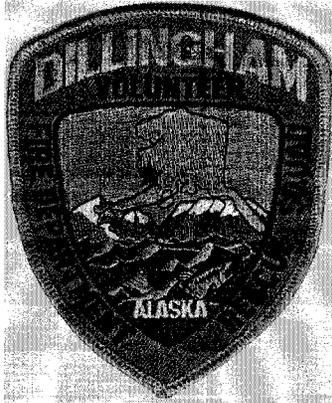
REVENUES:	Budget - FY12	Jan-12	Year to Date Actual - 1/31/12	Percent	Previous Year	
					1/31/2011 Actual	INC/(DEC) Last Year
<u>General Fund Revenues</u>						
General Sales Tax	2,550,000	228,547	1,723,204	67.6%	1,323,493	399,711
Alcohol Sales Tax	250,000	25,534	186,457	74.6%	147,163	39,294
Transient Lodging Sales Tax	95,000	3,550	54,705	57.6%	47,115	7,590
Gaming Sales Tax	65,000	1,911	20,160	31.0%	30,413	(10,253)
Total Sales Tax	2,960,000	259,542	1,984,526	67.0%	1,548,185	436,341
Real Property Tax	1,455,000	(2,621)	1,471,046	101.1%	1,448,575	22,471
Personal Property Tax	476,715	(793)	505,680	106.1%	427,398	78,282
Total Property Taxes	1,931,715	(3,414)	1,976,726	102.3%	1,875,973	100,753
Electric & Telephone	80,000	-	-	0.0%	-	-
Raw Fish Tax	446,588	-	446,588	100.0%	238,589	207,998
Shared Fisheries	40,000	-	-	0.0%	-	-
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	115,181	345,544	75.0%	321,722	23,822
Other Revenues	881,813	16,028	183,956	20.9%	419,037	(235,081)
Total	2,951,619	131,209	2,016,489	68.3%	1,596,403	420,086
Total General Fund Revenues	7,843,334	387,337	5,977,741	76.2%	5,020,560	957,181
<u>Special Revenue Funds Revenues</u>						
Water	207,412	17,143	118,958	57.4%	96,998	21,960
Sewer	250,221	17,361	151,550	60.6%	129,770	21,780
Landfill	344,493	7,494	87,053	25.3%	82,311	4,742
Dock	680,966	(204,122)	305,815	44.9%	420,656	(114,841)
Boat Harbor	211,544	(15,416)	9,660	4.6%	48,446	(38,786)
E-911 Service	65,650	5,162	30,815	46.9%	24,380	6,435
Senior Center	839,389	1,777	311,955	37.2%	95,317	216,639
Total Special Revenue Funds Revenues	2,599,675	(170,600)	1,015,808	39.1%	897,878	117,929
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	-	-	5,213	-	907,867	(902,654)
Road and Streets Capital Project Fund Revenue	1,000,000	279,754	385,602	38.6%	805,228	(419,626)
Water and Sewer Capital Project Fund Revenue	-	-	24,050	-	3,354,569	(3,330,519)
School Bond Project	953,384	-	10	-	-	10
School Fire Alarm	-	-	-	-	14,041	(14,041)
Homeland Security	-	-	-	-	10,304	(10,304)
Dillingham School District Additional Request	50,000	-	-	-	-	-
Equipment Replacement Capital Project Fund	100,000	-	-	0.0%	27,551	(27,551)
Ambulance Reserve Capital Project Fund Revenue	-	-	-	-	-	-
Mary Carlson Estate Permanent Fund Revenue	7,420	-	255	3.4%	-	255
Public Safety Building Planning	20,000	-	-	-	-	-
Total	3,318,644	279,754	642,251	-	5,355,686	(4,713,435)
Total Revenues	13,761,653	496,492	7,635,800	-	11,274,124	(3,638,325)

City of Dillingham
Revenues and Expenditures As of January 31, 2012
Preliminary Figures

EXPENDITURES:	Budget - FY12	Jan-12	Year to Date Actual - 1/31/12	Percent	Previous Year		
					1/31/2011 Actual	INC/(DEC) Last Year	
General Fund Expenditures							
City Council	109,100	3,367	19,288	17.7%	52,004	(32,715)	
Administration	305,901	33,368	198,664	64.9%	148,252	50,412	
City Clerk	113,139	7,576	61,658	54.5%	58,541	3,117	
Finance	572,124	33,891	323,944	56.6%	271,222	52,722	
Legal	200,000	(2,979)	110,179	55.1%	26,733	83,446	
Insurance	86,899	-	86,141	99.1%	102,442	(16,301)	
City School	1,350,000	325,000	975,000	72.2%	650,000	325,000	
Non-Departmental	220,125	11,959	162,384	73.8%	147,467	14,917	
Contributions	4,000	-	-	0.0%	25,500	(25,500)	
Planning	144,287	7,517	61,122	42.4%	62,593	(1,471)	
Dispatch	451,554	42,685	274,734	60.8%	207,213	67,521	
Patrol	986,290	79,038	571,557	58.0%	408,440	163,118	
Corrections	542,107	48,167	328,040	60.5%	264,917	63,123	
DMV	90,590	6,862	48,819	53.9%	41,512	7,307	
Fire	290,146	17,904	146,803	50.6%	93,575	53,228	
Animal Control Officer	116,306	8,513	71,195	61.2%	70,018	1,177	
Building and Grounds	298,358	36,524	164,326	55.1%	119,127	45,200	
Shop	301,689	34,978	112,849	37.4%	113,193	(344)	
Street	513,425	41,432	340,497	66.3%	262,886	77,611	
Public Works Administration	133,943	5,055	59,770	44.6%	69,137	(9,367)	
City Apartment Building	150,000	1,591	121,038	80.7%	-	121,038	
Library	156,852	13,916	78,463	50.0%	77,667	797	
Bingo Hall/Potato House	9,905	453	5,407	54.6%	-	5,407	
Transfers to Other Funds	964,045	-	-	0.0%	-	-	
Total General Fund Expenditures	8,110,785	756,818	4,321,880	53.3%	3,272,438	1,049,442	
Special Revenue Funds Expenditures							
Water	200,328	12,024	70,953	35.4%	114,384	(43,431)	
Sewer	257,305	14,556	129,051	50.2%	133,034	(3,983)	
Landfill	344,493	16,472	185,671	53.9%	176,423	9,247	
Dock	369,429	4,894	205,151	55.5%	280,024	(74,873)	
Boat Harbor	211,544	8,954	99,158	46.9%	117,880	(18,722)	
E-911 Service	-	-	-	-	7,469	(7,469)	
Senior Center	855,189	45,101	582,413	68.1%	248,613	333,800	
Total Special Revenue Fund Expenditures	2,238,288	102,000	1,272,397	56.8%	1,077,828	194,569	
Debt Service Fund Expenditures	1,177,840	-	315,920	26.8%	328,920	(13,000)	
Asset Forfeitures Fund	-	392	12,407	-	5,152	7,255	
Library Technology	-	-	-	-	-	-	
Dock and Harbor Capital Project Fund Expenditures	-	16,754	642,796	-	1,301,220	(658,425)	
Road and Streets Capital Project Fund Expenditures	1,000,000	-	1,146,640	-	805,228	-	
Water and Sewer Capital Project Fund Expenditures	-	54,712	136,096	-	2,637,040	(2,500,944)	
School Bond Project Fund Expenditures	953,384	706	17,607	-	3,070,831	(3,053,224)	
School Fire Alarm	-	-	-	-	44,336	(44,336)	
Homeland Security	-	533	31,780	-	-	-	
Equipment Replacement Capital Proj Fund Expen	100,000	12,429	99,274	99.3%	126,052	(26,778)	
Ambulance Reserve Capital Project Fund Expen	45,000	-	-	-	-	-	
Mary Carlson Estate Permanent Fund Expenditures	7,420	764	5,148	69.4%	2,967	2,181	
Landfill Capital Project Fund Expenditures	-	643	3,338	-	4,043	(704)	
Total	3,283,644	86,933	2,411,007	73.4%	8,325,788	(6,287,975)	
Total Expenditures	13,632,717	945,751	8,005,283	58.7%	12,676,054	(5,043,964)	
Revenues Over (Under) Expenditures	128,936	(449,259)	(369,483)		(1,401,930)	1,405,639	

City of Dillingham
Revenues and Expenditures As of January 31, 2012
Preliminary Figures

	Fund Bal.	FY'12	FY'12	Add or (-)	Fund Bal.
	6/30/2011	Revenues	Expenditures	Fund Bal	1/31/2012
01 General Fund	3,893,876	5,977,741	4,321,880	1,655,861	5,549,737
06 Water and Sewer	70,644	270,508	200,004	70,504	141,148
07 Landfill	-	87,053	185,671	(98,617)	(98,617)
08 Dock	1,580,187	305,815	205,151	100,665	1,680,852
09 Boat Harbor	-	9,660	99,158	(89,498)	(89,498)
10 E-911 Service	130,632	30,815	-	30,815	161,447
11 Asset Forfeitures Fund	37,220	-	12,407	(12,407)	24,813
12 Senior Center	-	311,955	582,413	(270,458)	(270,458)
15 Debt Service	-	227,121	315,920	(88,799)	(88,799)
21 Dock and Harbor Capital Project Fund	(18,386)	5,213	642,796	(637,583)	(655,969)
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)	24,050	136,096	(112,046)	(170,439)
24 School Bond Project Capital Project Fund	956,055	10	17,607	(17,596)	938,459
27 Homeland Security	-	-	31,780	(31,780)	(31,780)
30 Equipment Replacement Capital Project Fund	76,704	-	99,274	(99,274)	(22,570)
32 Ambulance Reserve Capital Project Fund	452,955	-	-	-	452,955
34 Mary Carlson Estate Permanent Fund	407,132	255	5,148	(4,893)	402,239
50 Landfill Capital Project Fund	172,044	-	3,338	(3,338)	168,706
Total	7,700,670	7,635,800	8,005,283	(369,483)	7,331,187



To: Mr. Dan Forster, City Manager
From: Ethan Richards, Fire Coordinator
Subject: Department Head Report
Date: February 21, 2012

The Dillingham Volunteer Fire Department and Rescue Squad held an Executive Committee Meeting on 2/1/2012. We held a combination meeting on 2/8/2012 and a Fire Training was held on 2/15/2012 which consisted of entry scenarios, water streams and engineering E-4. Cross layer hose was exchanged. Rescue Training will be held on 2/22/2012 at the Lake Road Station. The instruction will cover skills check-off and response scenarios.

The Rescue Squad responded to 17 ambulance calls during the month of January 2012. They consisted of 7 trauma calls, 1 respiratory, 3 cardiac, 1 seizure, 1 hypothermia and 4 other medical.

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

There were no new membership applications presented to the Executive Committee for consideration.

During the month of February and March routine inspection of apparatus and equipment will take place. The Fire Coordinator will focus on minor equipment repair and medical supply expiration restocking.

Respectfully,

Ethan Richards,
Fire Department Coordinator

PLANNING DEPARTMENT

To: Dan Forster, City Manager

Re: Monthly Report

From: Jody Seitz, Director of Planning and Grant Programs

Date: February 21, 2012

I attended the Juneau Leadership class taught by former Rep. Mike Davis, of the UAF Bristol Bay Campus. Very worthwhile use of time. The class introduced us to the legislative process and we had the opportunity to meet with a number of the VIPs on capitol hill – including Gov. Parnell, his Rural Liaison, John Moller; Senate President Gary Stevens, Sen. Betty Davis, Rep. Bryce Edgmon, Sen. Lyman Hoffman, and many others. There are at least a couple of attempts to reduce energy costs for Rural Alaska, including that of businesses. There is also a school funding bill to increase the base student allocation. Also there is a GO bond bill for Ports and Harbors in the Governor's budget to which Rep. Edgmon's staff suggested the City try to add its USACOE Emergency Bank Stabilization Project. Smaller communities than Dillingham have 10 million projects in that bill at the moment...the Port of Anchorage weighs in at a cool 233 million.

Possibly related to that, the FAA is in need of wetlands mitigation projects to swap its wetlands use for expanding the runway safety area. Our erosion project(s) might qualify. Could be an interesting mix of USACOE, the Indian Health Service (Kanakanak erosion) and state funding to secure the whole project be funded at one time to save mobilization costs and to allow the FAA to complete its runway project.

GIS: The new landownership map allows us to make a first cut at understanding how much of the land base in Dillingham is actually taxable.....turns out it is approximately 13% +/- . We still have a little more to do on that to have pulled everything possible together, but this number is not expected to grow much.

CIP and Legislative Requests: I have submitted a list of 10 projects to the legislature for funding totaling more than 20 million dollars. The CIP needs list holds projects totaling more than 87 million.

Fundraising: We submitted four requests for loans to ADEC for projects including; the a complete overall of the wastewater collection system, including a new sewer line in the harbor which would include many green components so that we can harness energy generated during the decomposition process and use it to run the plant and the

collection system; also money for a biomass burner at the landfill; and money for putting in a new larger water line in the harbor.

New Public Works Director: Carter Cole is our new PWD and is proving to be a great addition to the team here at the City. He is helping us reconceptualize our public works projects to use biomass and natural processes to generate energy and run off of that. I hope you will take the earliest opportunity to meet him and welcome him to Dillingham.

Harbor Lease Lots: This meeting is the public hearing on the four lots to be leased or used for short term permits or leases. This plat also formally corrects the Army National Guard lease lot, which had an inaccurate metes and bounds description in the lease.

SWAMC: Interesting meeting, especially with the presentation by those using alternative types of energy to run and heat their facilities. And there were interesting presentations about the impact of climate change on our region. Climate is driving renewed interest in and traffic across the Arctic Ocean. This may present opportunities for southwest Alaska communities to acquire new sources of fuels as traffic through the Bering Sea changes. There may be opportunities for small southwest communities to store fuels and to serve as convenient ports for vessels in transit. Presentations about Norway's use of hydropower and commercialization of its fossil fuels were fascinating, especially for considering the importance the nation places on education and health, using its fossil fuels strictly to earn money. I particularly enjoyed one panelist's focus on the values behind Norway's policies...they don't want to concentrate all their population in a few cities and so their expenditures are designed to increase their people's expertise so that people can live where they want to live, by figuring how to live there sustainably.

Water Source: I met with PWD Cole and a local family to discuss potential water sources. We are looking for a place to drill a new water source for the City that will not be affected by or affect the airport, and that will be safe from current or future pollutants such as oil or other contaminants. The new source would ideally be located near to the subdivisions along the Lake Road which are more densely populated and would be improved with City water.

Date: February 21, 2012
To: Dan Forster / City Manager
From: Jean Barrett, Port Director
Subject: February monthly report

The Month of February has flown by, next thing you know the ice will be gone , the seagulls, the white flying ones and the two legged walking ones will show up once again to let us know summer is here and it's time to switch our gears into summer mode!

Port Committee Meeting - On Jan 27th we were able to get all the members of the Port Committee into the same room for a meeting. The Main focus of the meeting was the harbor Lease lots. The consensus of the committee was positive towards the developing of the lots, there were however some question as to what we were going to do for water and sewer and electrical! All of these questions are ones that we had heard or thought of before and are working to find solid answers to.

Harbor Happenings -

Ladders- an application to the Alaskan Leader Fisheries Foundation has been filled out and presented to BBEDC for funding to have ladders built for the Bulkhead at the Harbor. When filling out the application I used quotes that I had gotten last year to have ladders built.

2012 Harbor stickers – New Stickers have been chosen and ordered, we are getting away from the fish that we have used for the past several years and went with a new decal, one that will take us back to the days of yesteryear the days of the sailboat! I hope that this change will remind us where our community came from and what fuels our existence here in the Nushagak area.

Harbor Invoice's – I have, with the help of Anita Fuller and LaPreal Bauer streamlined the old harbor invoices. The new invoices will be more user friendly and also allow us to charge for mooring and freight at our harbor bulkhead.

BBEDC Intern Requests – Last week I received from BBEDC the intern request packets for the upcoming summer, I have started filling them out and hope to have several interns working in the Harbor office this summer, I would like to thank BBEDC for their generous contributions to the City of Dillingham and also to the young people that are able to be employed throughout the region with funding from their organization.

Dock Happenings –

Hyster 1050 Forklift - I presented to the Finance and Budget Committee my proposal for the purchase of a new, larger forklift for the city dock, their recommendation was to suggest to the City council to vote on the purchase of this forklift and the selling of the older Hyster 700. I have been working on resolutions for the March 1st meeting.

Dock Invoices – I have with the help of Anita Fuller and LaPreal Bauer streamlined and made more user friendly the old dock invoices, this change will allow us to be more efficient at the dock office. The plan is to have the invoices on the computer and be able to fill in and send them electronically to the city hall, or fill in and make one copy that goes to the city hall.

Other happenings –

Budget time again - I have started working on my budget worksheets from the finance department, I think things should stay about the same, with the exception of a few line items.

CDL Roadtesting - I have been working on organizing and making a list of people in the Dillingham area that need to road test for their CDL license renewal or for them to get the “off Systems restriction off of their CDL. Along with Collie Heyano I hope to start road testing in the next week or so.

Things yet to be accomplished –

At the end of the season last fall we had two floats that had sprung leaks and were in need of resurfacing, I am going to look to get those done next month so they are ready to go into the water in May!

I have already been thinking ice... I know, you say there is more ice than you could ever want.. just look around!!! Well I am talking ice for fish made in our ice machine. I have spoken to Ray Scandura the local freezer guru, and he has a good point that we need to have on hand extra Freon in case we have a problem.. Freon does not go bad or have a shelf life so if we have it and never need it we will be ok, but if we lose freon for some reason and don't have any we are out of the ice business... it's in the budget so it is going to happen.

Hazwopper- I am scheduled to have my 8 hour Hazwopper refresher course next week, this is an important credential incase of an oil spill in the harbor or on the grounds around the harbor. This class takes place on the 1st of March.

That is all from the Port Department

Jean

Dillingham Public Library

To: Dan Forster, City Manager
From: Sonja Marx, Librarian
Date: 2/21/2012
Re: January & February Monthly Report

The video conferencing equipment has all arrived for the Alaska OWL project. A trained volunteer (Christopher Marx) spent many hours assembling the cart and rack system to hold the 46" screen and camera apparatus.

Listen Alaska (the online e-book library) has really caught on in our community. We are seeing new patrons come into the library to get a library card and sign up for this wonderful service we provide. We have entered 82 users to check out materials via the internet. Since January 8th, 31 patrons have checked out 66 materials. Had they interlibrary-loaned these materials, we would have had to process them and pay the postage for mailing them back. This online e-book capability has been a big savings for the Dillingham Public Library and the State of Alaska. It is also a way for people who cannot come to the library when the doors are open to still check out materials and receive library services.

February is "Love Your Library" month. Each week we are having a drawing for two lucky patrons who checked out materials that week from the library. They will receive some really nice prizes. Our FOL board also put together a wonderful newsletter (attached to this report). If you are not a FOL member, we encourage you to join. Another Kindle Fire was raffled off on Valentine's Day to raise money for the FOL.

Battle of the Books district competition was Feb. 7th and state held on Feb 28th. Headstart classes also visited the library in January.

The Librarian Assistant, Abigail Flynn, and I will be travelling to the 2012 AkLA conference held in Fairbanks February 22nd through 27th. We look forward to all that we will be learning while attending this training event. This will be Abigail's first library conference. We will be meeting other school and public librarians throughout the state, networking and learning all we can. We were blessed to receive two \$1,000 scholarships from the state this year for this continuing education training. Our school librarian and volunteers will be "holding down the fort" while we are gone.

The library was closed February 20th for President's Day.

Library Stat report for January 8 – February 20th, 2012:

Patron Visits: 2,735 Computer Use: 611 Story Hour: 73 Other: 71

Approximately 50 volunteer hours logged



Friends of the Library

Introducing.... the 2012 Friends of the Library Board!



President- Cindy Fyfe



Vice-President- Robyn Chaney



Treasurer- Carol Shade



Secretary- Shannon Clouse



Member at Large- Rebekah Fonkert

The board was sorry to see Melody Edmond-Nibeck and Misty Nielsen leave this year. We are very excited to bring on two new board members; Rebekah Fonkert and Robyn Chaney. We think 2012 will be a fabulous year!

How Do Your Friends of the Library Membership Dues Get Spent?

Carol Shade, FOL Treasurer

The Friends of the Library raise funds to help support the local libraries of Dillingham, as well as supporting and enhancing literacy efforts in our community.

How do we do this? In August of 2011 the FOL donated \$500 to the Dillingham Elementary School for additional books they did not have funds for in their budget. Mrs. Miller, Dillingham Elementary's school librarian, was able to update a series in her collection that is highly popular and was on the brink of falling apart. Currently the Dillingham Elementary has little to no budget to buy new books for their collection. The FOL also purchased an additional Junior Library Guild membership for the Dillingham Elementary School so that there are more copies of new books available for students to read, at two different reading levels (\$370). We also donated an additional \$100 to the Dillingham Elementary School library to support those children who do not qualify for Migrant Literacy program.

We still sponsor Books for Babies kits, so that when families leave Kanakanak Hospital with their newborns they have a kit that helps them with resources and ideas on how to start their babies' journey on the road to literacy.

This year we also sponsored ten children (ages 0-5) for the Dillingham Imagination Library by donating \$280 to this organization. This donation sponsors ten new children with a year of books that are age appropriate and go directly to their homes.

So, please think of all these things we do when you get your 2012 membership invoice and know that your membership dues go to helping increase literacy in Dillingham.

Monthly Report

Dillingham Dept. of Public Safety

For the month of February 2012

Patrol

- ❖ 647 Calls for service
- ❖ 50 Incident reports generated
- ❖ 04 Assaults
- ❖ 05 Theft offenses
- ❖ 07 Burglaries
- ❖ 02 Violation of release conditions/probation
- ❖ 03 Criminal mischief offenses
- ❖ 01 Driving under the influence
- ❖ 10 Persons arrested
- ❖ 21 Title 47/Protective custody
- ❖ 09 Citations issued

Corrections

- ❖ 41 Inmates for 01/23/2012-02/20/2012
- ❖ 16 Title 47/Protective custody
- ❖ 34 Male inmates
- ❖ 07 Female inmates
- ❖ 12 Male Protective custody
- ❖ 04 Female Protective custody
- ❖ 03 Inmates from Adult Probation
- ❖ 09 Inmates from Courthouse
- ❖ 13 Inmates from A.S.T.
- ❖ 16 Inmates from Dillingham Police
- ❖ 02 Use of force reports
- ❖ 05 PBT Refusal

WAANT/Investigations Unit

- ❖ 03 Alcohol interdictions
- ❖ 01 Drug investigations
- ❖ 01 Postal Seizure
- ❖ 18 Investigative assistance to Dillingham Police

Communications

- ❖ 760 Calls for service 01/23/2012-02/20/2012
- ❖ 86% Dispatched to Dillingham Police
- ❖ 1% Dispatched to Communication Dept.
- ❖ 8% Dispatched to Alaska State Troopers
- ❖ 3% Dispatched to EMS/Dillingham Fire
- ❖ 2% Dispatched to Dillingham Animal Control
- ❖ 13 Record requests complete
- ❖ 132 E-911 calls received

Animal Control

- ❖ 13 Calls handled for 01/23/2012-02/20/2012
- ❖ 09 Dog impound
- ❖ 04 Compassionate euthanasia
- ❖ 01 Dead dog removed from roadways
- ❖ 02 Dogs found and returned to owners
- ❖ 02 Rabies shots given

DMV

- ❖ 50 Registrations/Titles
- ❖ 41 Driver's license/ID's
- ❖ 02 Commercial driver's licenses
- ❖ 01 Road tests

Monthly Department Updates

Patrol:

Officer Etheridge has completed FTO process.

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

Ofc. Casselman is currently attending a K9 handling training in Texas.

Sgt. Schiaffo attended the Law Enforcement Management Institute February 6-10 put on by the Alaska Police Standards Council and the Alaska Municipal League.

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.

Cold weather has raised needs of the homeless.

WAANT/Investigations:

The Investigations/WAANT division spent the majority of its time assisting the patrol division with officer training, case management, and crime solving.

A spree of burglaries occurred over the past month and a half. A coordinated investigation resulted in the arrest of two males, who were charged with the majority of the crimes.

Communications:

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

Dispatch is seeking quotes for a new 911 system, due to the inability to repair the hardware and software of the current system.

Alicia Warch attended the Alaska Traffic and Criminal Software (TraCS) User Group Meeting February 8 & 9 in Anchorage.

Animal Control:

Animal Control sent 9 puppies and 1 mother dog to the Alaska Dog and Puppy Rescue in Anchorage.

DMV:

Eight days left to make a complete February report. DMV is still working out of boxes due to on-going flood repairs.

Administration:

A current outline of the FY 2013 Budget is in the works for the Department of Public Safety.

Chief Dombroski attended the Law Enforcement Management Institute February 6-10 put on by the Alaska Police Standards Council and the Alaska Municipal League.

LaPreal Bauer started February 6, 2012 as the temporary Administrative Assistant.



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

RE: Department of Public Works Monthly Report

I arrived Monday, February 6, 2012 on a multiple rescheduled flight from Penn Air which allowed me to experience this year's unusual weather first hand.

Upon arriving it has been busy. I have review policies, procedures, and budgets while meeting many people. Below is an update on what I have observed.

Department Status:

1. Inspection of the facilities of Public Works was completed; many were in poor condition. Cleaning and some of the deferred maintenance is being schedule to be completed. Once the facilities are cleaned and organized the methods will be reviewed and adjusted where needed.

The personnel seem to understand their jobs and have a desire to do a good job. Some will need additional training and certification to meet the City needs. This will be address in the near future.

2. The vehicle maintenance shop has lost a portion of the heating system. This is causing some lost productivity and difficulty work environment for the mechanics to conduct repairs in winter months. However they seem to be making the best of it.
3. The wastewater treatment and collection in the city have notable health risk to the residents and maintenance staff. The city is frequently in violation of the permit to operate both summer and winter operations. A COBC is being prepared to help provide some additional funding opportunities and potential fines for violation of the permit.

Current Projects:

1. New site location for another drinking water well is being coordinated. I am currently gathering the information from Engineers and Department of Natural Resources to help determine a better location of the new well site.
2. The new shunt trip breaker should be installed in the next week; this should prevent what occurred before with the generator at the Police Station.

3. The boiler project is being continued and would anticipate its completion in about three weeks.

I look forward to working with the staff and other departments to make Dillingham the best it can be.

Thank you!

Carter R. Cole
Director Dept. of Public Works

Dillingham Senior Center

To: Dan Forster, City Manager

From: Ida Noonkesser

Date: February 13, 2012

In the month of January, we helped over people to fill out Permanent Fund applications, public assistance, food stamp, and other paperwork. It has been a busy month. This month's paperwork for the state included recording monthly meals, home delivered meals, assisted rides, and unassisted rides

There was one renter during the month of January for the Senior Center. The Dillingham Quilters' Guild used the building. They will be using the Center on the third weekend of each month.

We held our monthly board meeting on January 11, 2012. One of our board members was excused.

For the month of September, the Senior Center served 362 congregate meals to 66 individuals, 168 home delivered meals to 8 individuals, gave 313 assisted rides to 31 individuals, and 361 to unassisted rides to 24 individuals.

I. CALL TO ORDER

The regular meeting of the Port of Dillingham Advisory Committee was held on Friday, January 27, 2012 at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 1:04 p.m.

II. ROLL CALL

Members present:

Mayor Alice Ruby
Jim Baumgartner
Dan Dunaway
Robert Heyano
Russ Rolf
Robin Samuelsen

Members absent:

Robert Himschoot - excused

Staff in attendance:

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

III. APPROVAL OF AGENDA

MOTION: Robert Heyano moved and Robin Samuelsen seconded the motion to approve the agenda.

GENERAL CONSENT: The motion passed with no objection.

IV. APPROVAL OF MINUTES

A. Minutes of June 1, 2010

MOTION: Robin Samuelsen moved and Dan Dunaway seconded the motion to approve the minutes of June 1, 2010.

GENERAL CONSENT: The motion passed with no objection.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

A. Lease Lots

1. Concept

City Planner Jody Seitz recapped the Comprehensive Plan adopted last year as it pertained to the Port projects:

- Emergency Bank Stabilization Project – put on hold due to the redirection of all U.S. Army Corps funds to outstanding projects;
- Extension of north side bulkhead – looking for design monies to put a bathtub ring around the harbor on the inside of the bulkhead;
- Lease lots – was moving forward;
- Improve float system;
- Install ladders along the existing bulkhead;
- Had made inroads with Corps to look at upland disposal of dredge spoils instead of in water disposal;
- Improve uplands surrounding the harbor for commercial development of more marine services;
- Develop dredge spoil area currently threatened by erosion on the other side of the picnic park;
- Setting up a waterfront task force separate from Port Committee; and
- Marketing Dillingham as a tourist destination and improving services at harbor.

2. NAPA Proposal

City Manager Dan Forster reported the subject of lease lots had been taken up quite some time ago. He reported he was negotiating with NAPA to locate a year-round store and parking lot to the harbor. Soil tests had been conducted that showed the area was sufficient to support a building.

The City was looking at creating a utility easement paralleling the PAF fence to run a water and sewer line. The cost to extend the utilities from the existing utilities located near the National Guard building would cost upwards of \$400K. NAPA was willing for the short term to be self-sufficient on water and sewer services using holding tanks. The City had not given them a firm date for a water and sewer line. City would be looking for grants to fund the project that could be tagged with economic development.

City Planner Seitz reported the lease lot area was above the flood zone, which was in the City's favor due to otherwise having to meet permitting requirements and construction modifications required of flood plain regulations.

Discussion:

- recommended adding the sewer and water line to the City's legislative priorities, that the City had a good case due to the need for fire protection for the boats, and economic development;
- concerned that someone could construct a permanent structure, and if they walked away from it what would happen to the building, who would be responsible for it;
- suggested there should be some building standards;

- spoke in favor of putting in the water and sewer beforehand, but NAPA is in need of a location now and willing to move in without water and sewer;
- concerned that the harbor wouldn't be able to adequately accommodate the additional activity promoted by the lease lots and would create traffic snarls with additional vehicle parking, hauling freight, construction projects on the lots, use of the recreational area at the south end, and boat launching.
- noted there was a legislative request for bulkhead planning and design on the south and east side that could add more parking space;
- noted a developer would have to adhere to the building code for parking requirements;
- noted there was a suggestion to also run an access road along the proposed utility line;
- commented the access road could also serve as a fire control access;
- noted the City's intent to advertise for a RFP to lease a lot was intended to see how much interest there was and the type of interest;
- noted NAPA had been interested in the property by National Guard building, but there was not enough room, and the elevation would require higher building costs to accommodate flood plain requirements;
- noted NAPA had initially been interested in leasing the City's building at the harbor that was leased to the National Guard, and to contact the Guard for their future plans;
- suggested with other communities vying for harbor funds, the City Manager submit a letter to Rep. Edgmon and Senator Hoffman, to see what the City's chances were for funding the harbor water and sewer line;
- noted NAPA wanted building done by September;
- noted the plan was to extend the 10" water line to serve the harbor lots year round;
- noted the existing 4" water line froze up in the winter;
- commented that the RFP to lease a lot be marine-related, that the existing RFP did not address this, answered this was an oversight and should be a requirement;
- commented if the City could research using directional drilling while the contractor was in town to see it would be cheaper to underground water and sewer lines; and
- noted overhead power lines would be installed near the fence line to avoid obstructing the moving of boats.

Chair Mayor Ruby noted she was fielding a request to add gravel at the base of the steps leading to the harbor office, because it was a high rise to the first step.

VII. STAFF REPORTS

Port Director Jean Barrett reported on the following:

- New Extended Bulkhead – it was designed without ladders, which was to be corrected. He had received lots of good feedback on the extension, because it eased a lot of the loading problems experienced in the past;
- Picnic Park Erosion Control – rock and gravel were hauled in late fall and final grading will be finished this spring and the area hydro-seeded;
- Forklift Purchase Proposed for Dock – the new forklift would be able to handle the heavier loads; the City would sell its 700 Model forklift;

- Applied for BBRSDA Grant – this grant was for harbor needs including floats for float arms that have all been patched and completely rebottomed; and
- Super Sack Contaminated Soil – in the process of moving soil from Port Heiden, a USAF project, and transferring loads from one barge to another in Dillingham, the contractor dropped an 11,000 pound sack of soil containing low level PCBs in water about 60' offshore of the City Dock.

Discussion:

- asked if the new ladders could be built by the University welding class; and
- noted reps from USAF and AkDEC were holding a public meeting on the Super Sack later in the evening in Council Chambers and to answer any questions.

Todd Radenbaugh from the University reported on the Hydro Project (generate tidal power) that the City was supporting with in-kind services at the dock and harbor to help launch equipment. He reported the University was applying for additional funding through an Emerging Technology grant that would not change the scope of the project, but they would need to come back to the City to get a letter of support for the grant. The power generated using Nushagak's power grid would still be donated to the City's ice plant.

Mayor Ruby discussed having staff bring some information on the user fee structures for the next meeting, citing an example for setting a fee for a coffee cart parked at the harbor. She asked if the committee had any other items for the spring meeting:

- noted there would be a report on the harbor lease lots; and
- asked for a discussion on parking boats in the water.

Discussion continued on the lease lots:

- promoted putting in place some standards for building structures and use of the land, noting for example, there might be a request to add gravel to the lot;
- suggesting comparing the harbor with the airport leasing lots, and see if it might be useful to get a copy of their standards; and
- noted if a non-marine business wanted to locate, it would be taken under consideration, recognizing souvenir shops, etc.

VIII. COMMITTEE COMMENTS

Jean Barrett will poll the committee for a meeting the last half of April. He noted the fee structure for tenders loading and unloading freight at the dock was employed at the harbor last summer. He was interested in seeing a different fee structure for commercial outfitters, noting there was a price for a seasonal sticker and an in-and-out sticker, a difference of \$20, which was more work administratively, and would bring his proposed change to the spring meeting. Robert Heyano noted April 16 and 27 would not work for him.

Dan Dunaway:

- asked if it would be possible to distribute agenda items beforehand to provide an opportunity for review prior to the meeting.

Mayor Ruby:

- thanked Jean for being proactive last summer, and imposing freight fees in the harbor similar to the dock fee structure, resulting in increased harbor revenues; and
- thanked Jean for a difficult job managing the harbor.

IX. ADJOURNMENT

Mayor Alice Ruby adjourned the meeting at 3:00 p.m.

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

I. CALL TO ORDER

The Finance and Budget Committee met on Monday, January 30, 2012 at the City Council Chambers, Dillingham, AK. Mayor Ruby chaired the meeting which she called to order at 5:35 p.m.

II. ROLL CALL

Committee Members present:

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

Other Staff present:

Jean Barrett, Port Director

III. APPROVAL OF MINUTES

A. Minutes of January 16, 2012

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve the minutes of January 16, 2012.

The following edits will be made to:

- correct the spelling of Tubbs [Tubs] in the motion referencing BRU \$5,000 donation; and
- correct the same motion to include the word recommend as in "motion to [donate] recommend a donation of \$5,000 to Beaver Round-Up"; and
- correct motion on page 4 to include the word recommend as in "motion to recommend introduction of [introduce] the FY 2012 Budget Amendment at the January 19, 2012 Council meeting". (Additions are underlined, deletions are in [brackets]).

GENERAL CONSENT: The motion passed with no objection.

IV. APPROVAL OF AGENDA

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

GENERAL CONSENT: The motion passed with no objection.

V. STAFF REPORTS

There were no staff reports.

VI. UNFINISHED BUSINESS

A. Review Ordinance No. 2012-02 – Amending FY 2012 Budget, Amendment No. 1

Finance Director Carol Shade reviewed several minor errors brought forward from the committee, and reviewed some of the amendments including:

- increasing legal fees by \$160K, one item labor relations was budgeted for \$12-20K for Public Safety Dept., but was under budget and not anticipated when the budget was put together;
- some of the Gladden foreclosure transactions were not included in the projected budget;
- had budgeted \$20K in grant revenue for the ice machine, but the City had not yet applied for the FY 2012 BBEDC grant, which would be a joint effort with the Tribe; and
- projected PILT revenues of \$5,000 for BBHA was based on the prior year of \$15K, but more in line with the average for the last three years of \$5K.

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to recommend the Council adopt the corrected mid-year budget revision.

Discussion:

- would come back to the Council if additional funds were needed for annexation campaign costs; and
- asked staff to clarify with the Attorney the procedure for disclosing campaign costs, and would APOC need to be notified of the City's intent to actively campaign in favor of annexation.

GENERAL CONSENT: The motion passed without objection.

VII. NEW BUSINESS

A. Annexation – Establishing Borough Study Fund and Fish Fund

Mayor Ruby had asked staff to analyze the overall net effect of the deductions and exclusions being proposed from the projected raw fish tax revenues. This included estimated fish tax credits for low income fishers and real property tax owners, and setting aside a % of the revenues for the study of a borough formation and a Regional Fisheries Improvement fund.

Discussion:

- voiced concern about a fish tax credit for real property taxpayers, because it would be refunding some of the money to some of the people, might be viewed as a tax on the non property tax payers, because they're not paying property tax;
- noted during the neighborhood meetings, one of the main concerns from Dillingham fishermen paying real property tax was they felt they would be double-taxed;
- noted the workshop on annexation scheduled for later in the week would be an opportunity to review an analysis of the net effect from the proposed deductions;
- noted a separated ordinance would exempt other income based taxes from the bay, such as sales tax, bed tax, and alcohol tax;

- noted if the credit was based on personal property tax on commercial fishing vessels, it would have less of an effect due to lower property values and would include more fishermen and some from the watershed communities who stored their boats in Dillingham, *answered* real property was a better way to identify the long term Dillingham residents and there was a larger percentage of nonresidents who own and store boats in Dillingham and would end up collecting less money from nonresidents if personal property was exempted, noting the City could not exempt residents from property tax;
- suggested tying the credit on real property tax to actual earnings instead of a certain percentage to reflect down years; and
- suggested the borough funds could be for a study and for startup of a borough, accumulate the funds for three years, see if any progress was being made, and then be reconsidered by the Council.

B. Forklift Purchase

Port Director Jean Barrett presented a request to purchase a larger forklift for the dock to handle heavier loads. Container vans holding frozen fish are put on weight limits, and, therefore, partially loaded, but could increase the loads with a larger forklift making for less container vans and safer conditions. The forklift they preferred was from a forklift dealer for the Hyster models, because the City had purchased machinery from the dealer before and had very good experience with the firm. To meet the requirement for contacting at least three vendors, he also got another quote from Washington Liftruck, based out of Seattle. The forklift was a smaller model, but more expensive by at least \$100K, without the extra modifications. Hyster dealer would also give the City \$100,000 off toward a trade-in forklift that the City purchased in 1998 brand new for \$254,000. The price would be \$582,452 less a \$100,000 trade-in, not including freight. He noted both fish processors were looking to ship more fresh frozen product next year.

Discussion:

- suggested Port Director ask Northland Services if they would be willing to provide possibly reduced freight costs in exchange for the City's major investment in a new forklift.

MOTION: Keggie Tubbs moved and Tracy Hightower seconded the motion to recommend to the Council to purchase the forklift and pay for it outright.

Discussion:

- noted the special dock revenue fund carried a balance of \$1.5M at June 30, 2011, there would be money for an outright purchase, or the City could enter into a lease for six years at 5% interest; and
- recommended staff prepare the resolutions for the Council meeting in March, to waive the advertising requirements and to award the purchase, or expedite it for the Thursday meeting if the vendor was not able to wait until the March meeting.

GENERAL CONSENT: The motion passed without objection.

VIII. PUBLIC/COMMITTEE COMMENT(S)

Keggie Tubbs:

- reported that the Animal Control Shelter Committee had concluded their meeting and Project Manager Cropsey would have a report for the Council, noting the cost for a proposed new shelter was now around \$416,000 including \$100K for site preparation.

Mayor Ruby reported she would ask Council to direct staff to analyze the committee's report and bring back a recommendation to the Council.

IX. ADJOURNMENT

The meeting adjourned at 7:58 p.m.

Bob Himschoot, Chair

ATTEST:

Janice Williams, City Clerk

Approved: _____

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2012-03 (SUBSTITUTE)

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

WHEREAS, the City of Dillingham filed a petition to annex territory adjacent to existing city boundaries 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 2012-07 has authorized a special election to be held April 10, 2012 at which both approval of annexation and approval of an ordinance levying a tax on sales of raw fish will be determined by city voters; and

WHEREAS, the proposed tax on raw fish will be levied upon sellers of raw fish thereby increasing their tax payments to the City of Dillingham; and

WHEREAS, the City Council wishes to reduce the overall City tax burden on those taxpayers subject to tax on their sales of raw fish; and

WHEREAS, exempting purchases made within that portion of the City described in the annexation petition from city tax sales levied under Chapter 4.20 will reduce the overall city tax burden on those taxpayers subject to raw fish tax;

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

Section 1. Amendment of Section 4.20.050. Section 4.20.050 of the Dillingham Municipal Code is hereby amended by amending subsection O and adding a new subsection Y to read as follows (additions are underlined and deletions are in [brackets]):

[SECTION 4.21.010] **4.20.050** Exemptions.

The tax levied shall not apply to the following:

A. The sale of insurance policies, bonds of guaranty and fidelity, and banking services rendered;

(Substitute Ordinance – **Bold** and underlined is added language.
[Brackets] and CAPS are deleted language.)

B. Funeral charges and services, the sale of medical, dental, optometric or other practices of the healing arts as defined by law, the sale of hospital or assisted living services, the sale of hearing aids, and the sale of prescriptions. This exemption shall not apply to services rendered by veterinarians, barbers, cosmeticians, or masseurs;

C. Except as provided in Section 4.20.020 under "Sale", subsection (3)(n), the sale of property, goods, or services by churches, except where such religious organizations are engaged in business for profit or savings, or competing with other persons engaged in the same or similar business; provided, however, that the tax shall not apply to the sale, of religious publications, Bibles, hymn books, prayer books, vestments and ceremonial raiments, altar and other religious paraphernalia, sacramental chalices, icons and similar church service equipment;

D. Except as provided in Section 4.20.020 under "Sale," subsection (3)(n), sales to churches and bona fide religious and charitable organizations, but not to the individual members or employees thereof for their own personal consumption, use or accommodation;

E. The transportation of students to and from elementary, junior high and high schools in motor or other vehicles;

F. The sale of food and beverages in public, high school or college cafeterias and lunchrooms operated primarily for teachers and students, and not operated primarily for the public or for profit;

G. Carrier sales made directly to consumers or users of newspapers and periodicals;

H. Sales, which the municipality is prohibited from taxing under the respective constitutions and laws of the United States and of the state;

I. Sales to the United States Government, the state and its political subdivisions, the city or any department thereof; provided, however, that the exemption shall not be applicable to the sale of materials and supplies to contractors for the construction or manufacture of property for government agencies on a contract bid award, in which the contractor shall be deemed the buyer or consumer or user subject to payment of the tax;

J. Dues, fees, or tuition paid to clubs, labor unions and fraternal or religious organizations;

K. An isolated sale not made in the regular course of business of the seller;

L. Commissions or fees charged by brokers or agents in the sales of real and personal property which exceed two thousand dollars per transaction;

M. Sales of property at temporary venues for annual civic events which serve to promote Dillingham to residents of Bristol Bay villages or to tourists;

N. Sale of Native arts and crafts by the artist; except that this exemption shall not apply to businesses with a fixed location which sell Native arts and crafts as dealer, broker or agent;

O. Sales of fish subject to tax under [CHAPTER 4.22] Chapter 4.21 of this title [and other marine products to buyers who are not consumers];

P. Steamship and air transportation services;

Q. Charges for long distance telephone conversations, provided, however, that the furnishing of telephone service to subscribers within the city is taxable, and also to subscribers outside the city who are furnished such service from within the city;

R. Sales to public or private charitable institutions operating primarily as bona fide homes for homeless, delinquent, or dependent children of others;

(Substitute Ordinance – **Bold and underlined** is added language.
[Brackets] and CAPS are deleted language.)

S. The selling price amount of any sale (other than the rental or lease of real or personal property or any provision of services) in excess of two thousand dollars. For purposes of this exemption the following rules apply:

1. For purposes of computing the sales price of multiple items purchased at the same time, which are delivered to the consumer on one date, shall be combined. If the consumer is purchasing a number of items for a construction, improvement, or renovation package the sales price of the multiple items purchased at the same time as a package shall be combined even though delivery or payment for some of the items may be made at different times. A "package" is defined as an arrangement where the buyer or seller have obtained all required permits, (i.e., city land use permit or other building permit), and there is a written agreement with seller identifying the total price being paid.

2. Each payment for a single item paid for on an installment basis shall be considered a separate sale with the exception that installment payments for snow machines, ATVs, boats, boat motors, and vehicles that are seller financed by a business operating within the city or by a financial institution are subject to the sales tax cap on the total amount of the sale.

3. For purposes of computing the amount of any sale or transaction, items purchased on account or on credit on different days shall not be combined and treated as a single sale or transaction;

T. Dump fees;

U. Wharfage and handling at the city dock;

V. Fees earned for child care services;

W. The sale from a business recognized by the city, to another recognized business within the city, of an item to be used as an ingredient or component part of an end product may be tax exempt provided the buyer has a valid certificate of exemption;

X. The sale of boat harbor fees

Y. Sales of goods and services made within that portion of the City annexed to the city after January 1, 2012.

Section 2. Effective Date. This ordinance shall be effective as of June 1, 2012, but only if a ballot proposition ratifying Ordinance No. 2012-01 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
City of Dillingham

ATTEST:

Janice Williams, City Clerk

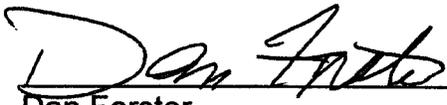
City of Dillingham Information Memorandum No. O2012-03 (Substitute)

Subject: An ordinance of the Dillingham City Council amending Section 4.20.050 of the DMC to provide an exemption for sales made within the 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

Agenda of: March 1, 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):

Summary Statement.

This ordinance was introduced at the February 2, 2012 Regular City Council meeting. It is being brought back as a substitute version with two minor changes: 1) to correct the section number on page 1 at the bottom from 4.21.010 to 4.20.050; and 2) to correct the chapter reference on page 2, item letter O. from 4.22 to 4.21. The Code Review Committee discussed the revised changes at their February 23 meeting, and is recommending the Council adopt the substitute ordinance.

The sales tax amendment ordinance would:

1. Exempts all sales made in the newly annexed territory from sales tax under Chapter 4.20; and
2. Modifies the existing "raw fish" exemption to apply only to sales subject to tax under the proposed raw fish tax.

The effective date of the ordinance depends on passage of the raw fish tax (but not annexation). This means that if annexation passes but the fish tax does not, the ordinance is NOT effective, and sales made within the annexed area will be subject to sales tax. This effective date was chosen because the underlying rationale for the new exemption is that those paying raw fish tax will have a larger tax burden. If the raw fish tax is not approved, that rationale for the sales tax exemption will not exist. The City Council could make the effective date subject to approval of annexation instead of or in addition to approval of the raw fish tax.

CITY OF DILLINGHAM, ALASKA

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

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 2012-07 has authorized a special election to be held April 10, 2012 at which both approval of annexation and approval of an ordinance levying a tax on sales of raw fish will be determined by city voters; and

WHEREAS, the Annexed Area is uninhabited and primarily consists of water; and

WHEREAS, the public policy goals of certain City of Dillingham ordinances will not apply in the Annexed Area;

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

Section 1. Amendment of Chapter 1.12. Chapter 1.12 of the Dillingham Municipal Code is hereby amended by adoption of a new Section 1.12.030 to read as follows:

1.12.030 Code Provisions not Applicable in Newly Annexed Areas

The following portions of the Dillingham Municipal Code shall not apply within that portion of the City annexed to the City after January 1, 2012:

- Chapter 8.08 Explosives
- Chapter 8.10 Prohibition of Smoking in Public Places
- Chapter 9.74 Curfew
- Chapter 9.86 Discharge of Firearms

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 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: March 1, 2012

Council Action:

Manager: Recommend approval.

City Manager: *Dan Forster*
Dan Forster

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

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

Other Attachment(s):

Summary Statement.

This ordinance was introduced at the February 2, 2012 Regular City Council meeting. The Code Review Committee directed the attorney to research the code and find those areas in the code that would be affected by annexation, such as firearms and fireworks, and prepare an ordinance for approval of the Council. The committee reviewed the ordinance at their February 23 meeting and is recommending it be adopted.

The following chapters of code would not apply to the newly annexed area: explosives (fireworks), prohibition of smoking in public places, curfew, and discharge of firearms.

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2012-05

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.

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.

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

Section 7. Value of City's Interest. Based on the current assessment of the Property, the City estimates the fair market value of the right to use the Property upon the terms and conditions set forth in the lease agreements at 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.

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

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

SEAL:

Alice Ruby, Mayor

ATTEST:

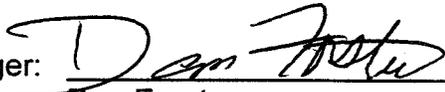
Janice Williams, City Clerk

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

Agenda of: March 1, 2012

Council Action: This ordinance was introduced at the February 2, 2012 Regular City Council Meeting.

Manager: Recommend approval.

City Manager: 
Dan Forster

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

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

Other Attachment(s): Letter from City Assessor, Michael Renfro on the estimated value of the properties being considered for lease.

Summary Statement.

This ordinance is being introduced at 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 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.

The proposed terms of the lease would be for a period of five years with periodic renewal provisions up to 30 years.

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.

Appraisal Company of Alaska

3940 ARCTIC BOULEVARD, SUITE 103
ANCHORAGE, ALASKA 99503
office@appraisalalaska.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:

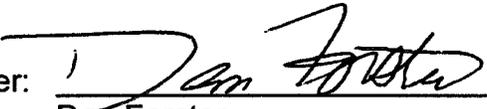
Janice Williams, City Clerk

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: March 1, 2012

Council Action:

Manager: Recommend approval.

City Manager: 
Dan Forster

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

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

Other Attachment(s):

- Copy of Resolution No. 2010-85 approving Regional Fisheries Improvement Fund effective with implementation of a local raw fish sales/severance tax

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.

CITY OF DILLINGHAM, ALASKA

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

WHEREAS, the City Council adopted Resolution No. 2012-07 to schedule a Special Election to be held on April 10, 2012, for the purpose of approval of annexation and ratification of ordinance No. 2012-01 establishing a tax on sales of raw fish; and

WHEREAS, in Resolution No. 2012-07, the City Council directed the City Clerk to prepare a ballot for use in the Special Election;

NOW, THEREFORE, BE IT RESOLVED that:

1. The City shall submit two propositions to the qualified voters of the City at the April 10, 2012 special election.
2. The two propositions must receive an affirmative vote from a majority of the qualified voters voting on the question to be approved.
3. The ballot shall read as follows:

PROPOSITION NO. 1

ANNEX COMMERCIAL FISHING WATERS

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

PROPOSITION NO. 2

LEVY A 2.5% RAW FISH TAX

Shall the City of Dillingham levy a 2.5% tax on sales of raw fish made within city boundaries effective June 1, 2012 as provided by Ordinance No. 2012-01?

4. The two propositions shall be printed on a ballot, and the following words shall be added as appropriate next to an oval provided for marking the ballot for voting by hand:

YES

NO

5. The City Clerk is authorized and directed to prepare for and conduct the special election in accordance with City Code.

PASSED and ADOPTED by the Dillingham City Council on March 1, 2012.

SEAL:

Alice Ruby, Mayor

ATTEST:

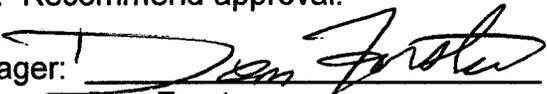
Janice Williams, City Clerk

Subject: A resolution 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

Agenda of: March 1, 2012

City Council Action:

Manager: Recommend approval.

City Manager: 
Dan Forster

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

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

Other Attachment(s):

Summary Statement.

This resolution sets the language for the ballot for the April 10, 2012 Special Election.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2010-09

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY MANAGER TO WAIVE THE ADVERTIZING REQUIREMENTS AND ACCEPT COMPETATIVE QUOTATIONS TO PROVIDE A HYSTER 1050 FORKLIFT TO REPLACE THE HYSTER 700 FOR USE AT THE DILLINGHAM CITY DOCK

WHEREAS, the Hyster 700 forklift has become too small to handle the 40' containers of fish being shipped out of Dillingham for the local fish processors, and as a result are put on weight limits; and

WHEREAS, the City is looking to purchase a larger forklift to accommodate heavier loads; and

WHEREAS, the Port Department researched forklifts and available vendors and found two qualified, responsible vendors located in the state of Washington, and solicited written competitive quotes from both;

WHEREAS, the Dillingham Municipal Code (DMC) 4.30.130 B. allows waiver of purchasing restrictions if the City Council determines that the public interest would best be served by doing so in a resolution prior to the proposed action; and

WHEREAS, Papé Material Handling was the low bidder of the two bids that were received, and has been the supplier the City has used in the past for forklift purchases, and the City has a good history working with the Hyster dealer; and

WHEREAS, Papé has offered to use the City's Hyster 700 Model as a trade in on a new forklift; and

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the City Manager to waive the advertizing requirements for the procurement of a Hyster 1050 Model forklift for use at the Dillingham City dock and trade in the Hyster 700 Model forklift.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2012-10

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY
MANAGER TO AWARD THE PURCHASE OF A HYSTER 1050 TO PAPÉ MATERIAL
HANDLING**

WHEREAS, the Hyster 700 forklift has become too small to handle the 40' containers of fish being shipped out of Dillingham for the local fish processors, and as a result are put on weight limits; and

WHEREAS, the City is looking to purchase a larger forklift to accommodate heavier loads; and

WHEREAS, the Port Department researched available vendors and located two in the Seattle, Washington area, and solicited written competitive quotations from the two qualified, responsible bidders; and

WHEREAS, Papé Material Handling was the lowest bidder at \$582,452.35; and

WHEREAS, Papé Material Handling has agreed to conditionally give the City of Dillingham \$100,000 toward a trade in for the City's Hyster 700, purchased new in 1998 for \$254,000;

NOW, THEREFORE, BE IT RESOLVED that:

1. The City Council awards the purchase of a 2012 Hyster Model 1050 Forklift for the amount of \$482,452.35, plus \$42,201.10 for freight charges, a total of \$524,653.45.
2. The funds to pay for the 2012 Hyster Model 1050 Forklift would be appropriated from the Dock Special Revenue Fund.

PASSED and ADOPTED by the Dillingham City Council on March 1, 2012.

SEAL:

Alice Ruby, Mayor

ATTEST:

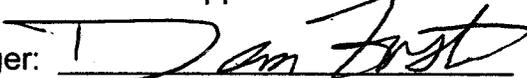
Janice Williams, City Clerk

Subject: A resolution authorizing the City Manager to award the purchase of a Hyster 1050 Forklift to Papé Material Handling

Agenda of: March 1, 2012

City Council Action:

Manager: Recommend approval.

City Manager: 
Dan Forster

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

Fiscal Note: Yes No Funds Available: Yes No

Other Attachment(s):

Summary Statement.

Port Director Jean Barrett presented a request to the Finance Department at their January 30, 2012 meeting, to purchase a larger forklift for the dock to handle heavier loads. Container vans holding frozen fish were put on weight limits, and, therefore, partially loaded, but could increase the loads with a larger forklift making for less container vans and safer conditions. The forklift they preferred was a Hyster model, because the City had purchased machinery from the dealer before and had very good experience with the firm. The Hyster dealer was Papé Machinery Handling, out of Seattle.

He received another quote from Washington Liftruck, based out of Seattle. The forklift was a smaller model, but more expensive by at least \$100K, without the extra modifications. Hyster would also give the City \$100,000 off toward a trade-in forklift that the City purchased in 1998 brand new for \$254,000. The price quote was \$582,452 less a \$100,000 trade-in, or \$482,452.35. The additional cost for freight was broken down as \$23,445.06 to ship the new forklift, and \$18,756.04 to ship out the Hyster 700, for a total freight cost of \$42,201.10. The funds would be appropriated from the Dock Special Revenue Fund in the amount of \$524,653.45.

He noted both fish processors were looking to ship more fresh frozen product next year.

The Finance Department recommended to the Council to purchase the forklift and pay for it outright.

City of Dillingham
Fiscal Note

Agenda Date: March 1, 2012

Request: Request permission to purchase a Pape 1050 Forklift

ORIGINATOR: Jean Barrett, Port Director

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
AMOUNT REQUESTED: \$ 524,653.45	FUNDING SOURCE Dock Special Revenue Fund
FROM ACCOUNT 30-14-800.810 Major Equipment \$ 524,653.45	Project Pape 1050 Forklift
TO ACCOUNT:	VERIFIED BY: Carol Shade Date: 2/24/2012

EXPENDITURES

OPERATING	FY12	FY13	FY14	FY15
Personnel				
Fringe Benefits				
Computer Support				
Major Equipment	524,653.45			
Land/Buildings				
Miscellaneous				
TOTAL OPERATING	\$ 524,653.45	\$ -	\$ -	\$ -

CAPITAL				
----------------	--	--	--	--

REVENUE				
----------------	--	--	--	--

FUNDING

General Fund				
State/Federal Funds				
Other (Dock SRF)	524,653.45			
TOTAL FUNDING	\$ 524,653.45			\$ -

POSITIONS

Full-Time				
Part-Time				
Temporary				

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: Carol Shade March 1, 2012
 DEPARTMENT: Finance Department March 1, 2012
 APPROVED BY: _____ _____

CITY OF DILLINGHAM, ALASKA

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

WHEREAS, Personnel Rules, Section 5.30, Personal Leave, and Section, 5.35 Personal Leave Requirements, provides that an employee following hire may not use accrued personal leave until completion of 90 days of the six month probation period; and

WHEREAS, the Council recently waived the 90 day restriction to allow a new hire to use their accrued leave due to an unexpected health issue requiring hospitalization, and suggested amending the Personnel Rules to add language to waive the 90 day restriction in the case of a catastrophic event; and

WHEREAS, defining a catastrophic event may be left up to interpretation and place an unnecessary burden on staff and management to administer; and

WHEREAS, management is suggesting instead to remove the restriction altogether to not allow an employee to use their accrued leave during their probationary period, since this restriction is a matter of company policy choice, and is not restricted by any state or federal regulation; and

WHEREAS, in reviewing the personnel rules accrued sick leave may be taken when on probation; and

WHEREAS, management is also suggesting at the same time it is reevaluating the 90 day restriction to also allow taking the birthday holiday during the first 90 days, which is a listed holiday; and

WHEREAS, the Dillingham Municipal Code Section 2.60.010 provides that provisions for hiring policies, conditions of city employment, travel and other pay allowances, suspension, demotion and dismissal, vacation time, sick leave, leaves of absence and grievances are adopted by the Council by resolution;

NOW BE IT RESOLVED THAT Section 5.30 Personal Leave, and 5.35 Personal Leave Requirements be amended to remove the 90 day provision as follows (additions are **emboldened** and underlined and deletions are in [CAPS and brackets]):

Section 5.30 Personal Leave

Regular full-time and regular part-time employees (excepting those employees whose salaries are funded by grants that do not allow for such leave benefits) may be entitled to Personal Leave. When accrual dates do not coincide with the commencement or end of the pay period, the accrual shall be computed on a pro rated basis. Temporary employees do not

accrue leave. Regular part-time employees accrue personal leave as a percentage of time actually worked based on a full time equivalent.

[EMPLOYEES WHO ARE IN THEIR SIX MONTH PROBATIONARY PERIOD FOLLOWING HIRE WILL ACCRUE PERSONAL LEAVE BUT MAY NOT USE PERSONAL LEAVE UNTIL AFTER THEY HAVE WORKED FOR 90 CALENDAR DAYS.] Employees on probation for disciplinary reasons may not take personal leave.

Section 5.35 Personal Leave Requirements.

At least 80 hours of leave must be taken by June 30 of each fiscal year by a full time employee and at least one half of the leave time accrued by a part-time employee, except the first year of employment. It is the responsibility of the department head to insure that work is conducted and personal leave time scheduled taking into consideration the mission of the City. Leave requests, whenever possible, shall be authorized as closely as possible to the employee's request. It is the responsibility of the employee to make such leave requests with enough advance notice so that the department head can make proper schedule arrangements. The longer the employee wishes to have off, the more advance notice must be given to the department head.

Accrued and unused personal leave may be carried forward from one year to the next for the purpose of accumulating a Personal Leave Reserve; however, on June 30 of any year an employee may not have more than 480 hours leave to his/her credit. At this time the payroll technician will delete all hours accrued over 480 hours. Hours in excess of 480 may be waived by the department head to be used the following year if it was not feasible for the City to approve a requested leave. A waiver cannot be given in consecutive years.

Each employee's personal and sick leave balances are regularly recorded on his/her paycheck stub.

Changes in accrual of leave shall take effect as of the day following the anniversary date of hire in which employee completes the prescribed period of service.

[EMPLOYEES ON PROBATION FOLLOWING HIRE MAY NOT USE LEAVE UNTIL COMPLETION OF 90 DAYS OF THE SIX MONTH PROBATION PERIOD.] If the employee terminates prior to the 90 day period, no leave will be paid.

BE IT FURTHER RESOLVED THAT Section 5.20, Holidays, be amended to remove the 90 day provision as follows (additions are **emboldened** and underlined and deletions are in CAPS and [brackets]):

Section 5.20 Holidays All employees in a regular full-time position shall be entitled to paid holidays as designated below. Holidays are paid on a prorated basis for regular part-time employees (except those whose wages are paid by grants that do not allow for such leave or benefits).

Holidays recognized by the City are:

1. **New Year's Day, January 1;**
2. **Washington's Birthday, Third Monday in February;**

3. Beaver Round-Up Day, Friday of Beaver Round-Up;
4. Seward's Day, Last Monday in March;
5. Memorial Day, Last Monday in May;
6. Independence Day, July 4th;
7. Labor Day, First Monday in September;
8. Columbus Day, Second Monday in October;
9. Veteran's Day, November 11;
10. Thanksgiving, Fourth Thursday in November;
11. Friday after Thanksgiving;
12. Christmas, December 25;
13. Birthdays [(ELIGIBLE AFTER WORKING 90 CALENDAR DAYS)]; to be taken within one week of birthday.

If a holiday falls on a Sunday, the following Monday shall be the legal holiday. If a holiday falls on a Saturday, the preceding Friday shall be a legal holiday. Employees who are on approved, paid leave shall be paid for the holidays which occur during the leave.

PASSED and ADOPTED by the Dillingham City Council on _____.

SEAL:

Alice Ruby, Mayor

ATTEST:

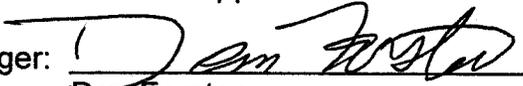
Janice Williams, City Clerk

Subject: A resolution 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

Agenda of: March 1, 2012

City Council Action:

Manager: Recommend approval.

City Manager: 
Dan Forster

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

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

Other Attachment(s):

Summary Statement.

Background. A situation occurred in which a new employee in their first 90 days was out on extended leave due to a serious health issue. The Personnel Rules restrict use of accrued annual leave during the first 90 days. The Council waived the restriction in order to allow use of the accrued annual leave based on it being a catastrophic event. Employees are allowed to use their sick leave accrual during the first 90 days of employment.

The Council asked to look at amending the personnel rules to remove the restriction when it was due to a catastrophic event and to pass it by the attorney to be sure it did not conflict with any existing laws. In the process of defining catastrophic events, staff was concerned it would be left up to interpretation and place an unnecessary burden on management to administer, and suggested removing the 90 day restriction altogether as long as it did not conflict with any existing federal or state regulations. Staff also recommended that the policy for restricting a new hire from taking their birthday (a City holiday) in the first 90 days be amended to remove the restriction.

In Section 5.35, the policy reads "if the employee terminates prior to the 90 day period, no leave will be paid". No change is being recommended. The City's Attorney noted there was a policy difference between allowing someone to use leave within the first 90 days of employment and allowing someone who terminated within the first 90 days to cash out accrued leave. The reasons for changing the rules to allow use of leave do not logically mean that an employee fired a couple of weeks into their probationary period would get to cash out accrued leave.

This resolution was reviewed by the Code Review Committee at their February 23 meeting, and is being recommended for adoption by the Council.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2012-12

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY
MANAGER TO WAIVE THE ADVERTISING REQUIREMENTS TO CONTRACT WITH
NC MACHINERY TO RECONDITION THE TRANSMISSION ON THE CATERPILLAR
960F LOADER**

WHEREAS, the City's Caterpillar 960F Loader is in need of transmission reconditioning;
and

WHEREAS, Dillingham Municipal Code (DMC) 4.30.120, allows waiving of purchase
restrictions if the City Council determines that the public interest would best be served
by waiving the procurement procedures in the form of a resolution adopted prior to the
proposed action; and

WHEREAS, the waiver is based on the criteria outlined in DMC 4.30.130, Exemptions,
B. 3, the services or articles are budget items which were approved by the city council
when the budget was adopted, and B. 4, the services are of a professional nature
requiring specialized knowledge and judgment;

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the City
Manager to waive the advertising requirements and proceed to issue a Purchase Order
to NC Machinery for \$24,002.32 for reconditioning the Caterpillar 960F Loader
transmission.

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

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2012-13

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY
MANAGER TO EXECUTE A PURCHASE ORDER TO NC MACHINERY FOR THE
RECONDITION OF THE CATERPILLAR 960F LOADER TRANSMISSION**

WHEREAS, the Caterpillar 960F Loader had need of engine and transmission repairs;
and

WHEREAS, the engine and transmission repairs were part of the FY2012 approved
budget; and

WHEREAS, the cost of shipping the transmission to the lower 48 states would be
prohibitive; and

WHEREAS, NC Machinery is the only Caterpillar dealer in the state of Alaska which can
provide the repairs with a quality warrantable final product;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council hereby
authorizes the City Manager to execute a purchase order to NC Machinery in the
amount of \$24,002.32 for the reconditioning of the Caterpillar 960F Loader.

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

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

City of Dillingham Information Memorandum No. R2012-13

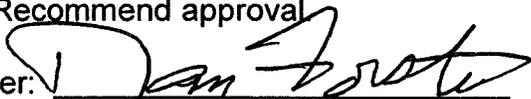
Subject: A Resolution of the Dillingham City Council authorizing the City Manager to execute a purchase order to NC Machinery for the recondition of the Caterpillar 960F Loader transmission

Agenda of: March 1, 2012

City Council Action:

Manager: Recommend approval

City Manager:


Dan Forster

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

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

Other Attachment(s):

Summary Statement.

Shop personnel are ready to complete repairs to the Landfill Department's Caterpillar 960F loader which has 18,949 hours of use, and has been in need of engine and transmission reconditioning. Repairs are expected to stay within the amount appropriated for this purpose of \$50,000. The engine has been purchased (\$22,469.10), and to complete this process the transmission is ready for removal and reconditioning. Expected repairs will cost \$21,702.32 plus \$2,300 shipping for a total of \$24,002.32.

The best option to complete required transmission repairs which will result in a quality warrantable final product is to send it to the Caterpillar dealer, which in Alaska is a single source provider: NC Machinery.

Above information was from the Lead Mechanic February 21, 2012 memorandum to the City Manager, Finance Director, and Public Works Director.

City of Dillingham
Fiscal Note

Agenda Date: March 1, 2012

Request: Recondition transmission on Caterpillar 960F Loader

ORIGINATOR: Carol Shade

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
AMOUNT REQUESTED: \$ 24,002.32	FUNDING SOURCE Equipment Replacement Fund
FROM ACCOUNT 30-14-800.810 Major Equipment \$ 24,002.32	Project Caterpillar 960F Loader Repair
TO ACCOUNT:	VERIFIED BY: Carol Shade Date: 2/24/2012

EXPENDITURES

OPERATING	FY12	FY13	FY14	FY15
Personnel				
Fringe Benefits				
Computer Support				
Major Equipment	24,002.32			
Land/Buildings				
Miscellaneous				
TOTAL OPERATING	\$ 24,002.32	\$ -	\$ -	\$ -

CAPITAL				
----------------	--	--	--	--

REVENUE				
----------------	--	--	--	--

FUNDING

General Fund	\$ 24,002.32			
State/Federal Funds				
Other				
TOTAL FUNDING	\$ 24,002.32			\$ -

POSITIONS

Full-Time				
Part-Time				
Temporary				

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: Carol Shade March 1, 2012
 DEPARTMENT: Finance Department March 1, 2012
 APPROVED BY: _____ _____

January 10, 2012

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

Mayor Alice Ruby,

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

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

Sincerely,

Patrick Solana-Walkinshaw

RECEIVED

JAN 10 2012

**CITY OF DILLINGHAM
CITY CLERK**

2/20/12

Dear Mayor Alice Ruby,

I am writing this letter of intent to be considered for Council seat A. I have been a resident of Dillingham for a year and a half and in this time, I have learned to love and care for the people and the community and feel a part of it myself. Since I have lived here, I have held internships and positions with BBNA, UAF, and am currently employed by Coastal Power Contractors and Bristol Express. My passions are solid waste management (recycling, elimination of waste), increasing recreational activities for children and adults, developing economic opportunities, supporting a healthy growing economy and gardening.

Originally born in California, I moved to UAF as a transfer student in 2002. Growing up in California, government always seemed like an abstract concept. When I moved to Fairbanks, I learned that I can make a difference and it is up to me to ensure that the community's goals are met to achieve maximum sustainable economic development. Over the past ten years, I have assisted in local and state campaigns and ballot initiatives. Since then I have lived in Fairbanks, Juneau, Denali, Anchorage, Coldfoot and now Dillingham. Dillingham is the community where I want to live, work, purchase a house, and serve on the city council.

At UAF I was elected to the student senate, and the following year I was elected as the Associated Body's Vice-President where I served over 8000 students and developed and implemented Fairbanks' first glass recycling effort. In this position, I also traveled to Juneau to lobby legislators and acted as the liaison between student government and faculty relations.

My first senior level management position was in Denali National Park as Environmental Programs Manager for Doyon/ARAMARK where I directed the implementation and maintenance of an ISO 14001 certified Environmental Management System. In 2006, my company received the Department of Interior Environmental Achievement Award for the program I implemented. In addition, I supervised the safety program for 320 employees where I enforced federal OSHA, EPA, ADEC and NFPA regulations for a bus shop, bus fleet, and retail, food and beverage operations. Other duties included assisting in the development of an emergency response plan, capital project management, hiring over 80 seasonal positions, and operating a food and beverage outlet with 15 employees. The position demanded technical writing skills for writing reports to regulatory agencies and internally. My four years of environmental and risk management experience contributed to my understanding of client and contractor relationships involving private companies, government agencies, non-profits, and union entities.

While working for Green Star, a small environmental non-profit, I managed a grant from the Municipality of Anchorage on Air Quality which included the promotion and organization of two city wide events; Bike to Work Day and Plug @20 campaign.

I am excited about the opportunity to use these skills to foster the success and economic growth of Dillingham.

The health of the environment, specifically, solid-waste management is my passion. In Denali I was able to produce a 36% solid waste diversion rate. If appointed I would like to work on a solid waste management plan that supports a sustainable, diversified and growing economy like our own.

If you would like to speak to me further about your consideration of me for this position, please let me know and I would be happy to come in and talk about my ideas and intent. Until then I am familiarizing myself with the City and its operations.

Sincerely,

Lillian Capell

PO Box 686

Dillingham, AK 99576

842-4517, 843-1407

lilly.capell@gmail.com

RECEIVED

JAN 21 2012

**CITY OF DILLINGHAM
CITY CLERK**

Janice Williams

From: Doug Holt [dholt@bbahc.org]
Sent: Friday, February 24, 2012 11:20 AM
To: 'Janice Williams'
Subject: RE: City Council

February 24, 2012

Re: Appointment to the Dillingham City Council

Mayor Alice Ruby
City of Dillingham
PO Box 889
Dillingham, Alaska 99576

Dear Mayor Ruby;

Please accept my request to be considered for appointment to the vacant Dillingham City Council seat. I am a registered voter and I have resided in Dillingham for over six years.

Please let me know if you need any other information.

Thank you,

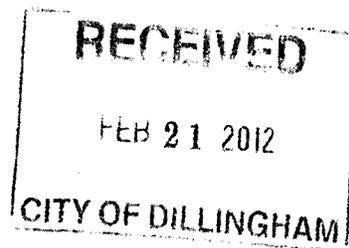
Ralph D. (Doug) Holt
PO Box 531
Dillingham, AK 99576
907-842-9229 (Work)
907-842-2396 (Home)

RECEIVED

FEB 24 2012

CITY OF DILLINGHAM
CITY CLERK

BOYD, CHANDLER & FALCONER, LLP
ATTORNEYS AT LAW
SUITE 302
911 WEST EIGHTH AVENUE
ANCHORAGE, ALASKA 99501
TELEPHONE: (907) 272-8401
FACSIMILE: (907) 274-3698
bcf@bcf.us.com



MEMORANDUM

To: Dillingham City Council
From: Patrick Munson
Brecks Chandler
Re: City of Dillingham and the SOS/Pebble ballot initiative
Date: February 14, 2012

This memo addresses the lawsuit between the State and the Pebble Limited Partnership/Mining Group ("Pebble") on one side, and the Lake and Peninsula Borough and the sponsors of the "Save Our Salmon" initiative ("SOS") on the other. The initiative adds a land-use permit requirement that among other things, prohibits issuance of permits for certain large-scale development projects, including mining that would disturb the topsoil of more than 640 acres of land and cause a significant adverse impact on existing anadromous waters, defined as any waterway or body of water that serves as habitat or spawning ground to any species of salmon.

Pebble initially sued to prevent the initiative from appearing on the ballot at all. The Alaska Supreme Court declined to review the pre-election challenge. The initiative passed, and the State filed its own suit to block enforcement. The case is scheduled for trial in February 2013.

ISSUES

There are two issues in this case relevant to the City of Dillingham; 1) whether the ordinance adopted by initiative is unenforceable as a matter of law because direct adoption by the voters bypassed the borough planning commission and; 2) whether the initiative is preempted by state law.

The State and Pebble argue that "Article VIII of the Alaska Constitution expressly mandates that the state legislature has exclusive authority over the state's natural resources [and] the initiative therefore will inevitably conflict with, and be preempted by, state law." This argument rests on two propositions: first, that cities are precluded from acting on matters subject to "pervasive" state control unless the State legislature "expressly" delegates such power. *Jefferson v. State*, 527 P.2d 37, 43-44 (1974). Second, the ordinance is implicitly prohibited (and therefore preempted) because state

law and the ordinance are so “substantially irreconcilable” that one cannot be given its substantive effect if the other is given the weight of law. *Id.*

ANALYSIS

Both constitutional arguments essentially challenge the authority of cities and boroughs to regulate mining activities. The State argues that Alaska Constitution Article VIII, 2, the Alaska Lands Act, and AS 38.05 provide the framework for mineral development in the state, and any conflicting local laws are pre-empted. Taken to the extreme, the State’s argument suggests that cities and boroughs are categorically prohibited from passing *any* laws that affect mineral development. That position might be of concern to cities that want to retain some right of control over their lands, particularly as it relates to land use planning, which is a designated municipal function.¹ Although its position is not yet clear, the State would likely frame its challenge as dealing with this initiative alone, which stands out because it purports to be able to permanently enjoin a project, not merely “affect” it.

Nevertheless, the outcome on this issue is clearly important to Dillingham. A decision upholding the right of the State to essentially veto land use planning decisions because of effects on mineral activities will threaten Dillingham’s autonomy. It also could lead the way to further erosions of land use controls in other areas where the State arguably has a pervasive interest, such as water rights, coastal activities, or other resources like animals and fish. It is hard to see where the line would be drawn if the State prevails on this claim. This problem is borne out by the State’s acknowledgement that “boroughs in Alaska have authority to enact reasonable zoning requirements that may affect mining activities, such as requirements designed to control or mitigate noise, dust, unsightly visual aspects, surface subsidence, and erosion.”

Dillingham does not seem to have any code provisions that would be directly affected if the issue was limited to mineral development preemption. Our code is fairly general with respect to land use provisions. Dillingham does not regulate these activities to the degree some other municipalities do. Juneau, Anchorage, and Fairbanks, for example, all have ordinances relating directly to mineral activities within city/borough limits. My understanding is that Fairbanks even taxes these activities. Such laws might very well be declared unlawful if the Court ultimately rules that the SOS initiative is preempted by State laws governing resource development.

AMICUS BRIEF

For just that reason, these larger cities and others are discussing the possibility of jointly submitting an *amicus curiae* brief in this case. Rather than getting involved in the litigation itself, an *amicus* appearance would allow interested cities to sign onto a brief

¹ This sets up a further interesting question regarding the apparent contradiction between delegating authority to control land use planning to the cities, but preventing them from exercising any of that authority over mining activities.

that generally supports the right of cities and boroughs to exercise control over land use decisions, including mineral development. If Dillingham shares that interest, then the City Council might want to consider joining in that brief when it is completed. The decision is a political one, and the Council may decide whether to lend Dillingham's name to the brief based on its own interests and concerns.

The attorney for the initiative's supporters indicated that Dillingham should incur no costs if it chooses to sign on to the brief. Time will tell if such a no cost or low cost option will be available. As a practical matter, the parties involved have an interest in gathering support without passing along costs to the cities that choose to lend their names to the brief.

Joining an amicus brief will be the preferred route of involvement in this case, if Dillingham wants to be involved at all. The expense of joining the lawsuit as a party/intervenor is probably not justified because the supporters of the initiative and the Lake & Penn Borough seem to be representing the interests Dillingham might have.

CONCLUSION

If Dillingham is interested in continuing to follow along with this suit, we can continue discussing the *amicus* brief with the Borough and the initiative supporters and report back to the City Council as a position or consensus develops. At this point, it appears preparation of a draft brief is several months away.

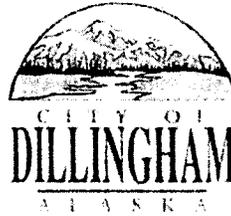
BWC/lkr

lfbc.dill.memos.pebble.mine.initiative.case.status

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. January 17, 2012
City Hall Council Chambers

MINUTES

- I. CALL TO ORDER 5:35 p.m.
- II. Roll Call
Present: Izetta Chambers, Paul Liedberg, Bill Rodawalt, Petla Noden,
Excused: Terry Hoeffler, Rachel Muir
Guests: Ralph Mancuso, Coastal Surveyors; Val Angasan from BBHA
- III. APPROVAL OF MINUTES December 20, 2012, moved IC, 2nd BR. PL found a typo under Planner's Report (landownership ship map) Question BR. Unan approval.
- IV. APPROVAL OF AGENDA BR requested update on applications for open seats – under Planner's report. IC added NIFA grant support under New Business A. BR mv to approved agenda as amended. IC 2nd. Unan approval.
- V. COMMUNICATIONS
 - A. Public Comment
 - B. Planner's Report - Planner Seitz reviewed her report as submitted. Mentioned that the stop work order on the UAF BBC addition was lifted and described the process that occurred. Gave an update on lease lots in the harbor and the rest of the report.
No interest expressed for Planning Commission vacancy.
Nerka Road update – recapped predesign meeting held with engineers and the tribe and the public meeting. Staff can take comments on this, but next public meeting will likely be the 35% design phase.
Discussion of outlets from Nerka – why Teal Lane is being proposed to be built with the Nerka Road project.
PL – when construction – next 2-3 years, when ADOT has projects here.
PL – this is a Tribal Road project? yes. Are they coordinating with City? Yes – excellent process so far.
PL – asked about the GIS utility project. Seitz gave update and explained roles of Michael Knapp and Gary Greenberg in working on the City's GIS, and that it is a public resource.
PL – asked about promotion of the Planning Commission vacancy.
IC – suggested promoting City information on facebook.

VI. PUBLIC HEARING

A. Cedar Subdivision Public Hearing – Planner Seitz reviewed the subdivision preliminary plat for the commission and guests.

- Access through cul de sac
- ADOT request to not allow access through the subdivision to Kankanak or Wood River Road.
- Pleier Road is a platted right of way. Stelling is encroaching on the ROW with his vehicles.
- old temporary turnaround will be vacated and new cul de sac is reflected here.
- utility pole and cabin will be removed as part of construction of the subdivision.

Public Comment –

- V. Angasan – the BBHA has taken the Planning Commission’s comments into consideration and everything in the subdivision complies with local, state, and federal regulations.
- IC – wants to comment off the record – but Acting Clerk (Seitz) reminds commissioner that this is a public hearing and it is not possible to go off the record at this point.
- IC requested information about a fire that is rumored to have occurred. Planner Seitz mentions that she is aware and can confirm there was a fire with fatalities on that lot, but does not have details.
- IC mentions that BBHA might inform future buyers of this since that would be important to some potential buyers.
- Seitz asks about installation of lights – R Mancuso – the BBHA will install lights as necessary. Once the subdivision is completed it will go to an engineer for further design.
- V. Angasan – BBHA will cooperate with City as much as possibly can.

B. Cedar Subdivision Public Hearing on Resolution 2012-02 Variance –

Planner Seitz recommends that the PC take up the Variance (Resolution 2012-02) to allow streets on both sides of the lots in this subdivision, which is a variance from DMC 17.19.140 Lots. The lots are on a cul de sac at the corner of two streets. There’s no technical reason for not passing this variance.

- BR question about reducing the size of the state easements – Seitz replies that the PC left this inquiry up to the BBHA at the last meeting. PC decided not to dedicate the easements to public right-of-way as ADOT requested. PL comment that PC was supportive of reducing the size of the easements. IC question if subdivision is approved historical right of way will still be there.
- Seitz - That any debate over the easement would probably delay the subdivision decision for a while, which would take time away from BBHA developing the subdivision.

VII. OLD BUSINESS

A. 2012-01 IC moves to adopt. BR second. No discussion. IC question. Unanimous approval

B. 2012-02 IC moves to adopt. BR second. No discussion. IC question. Unanimous approval. IC = will be nice to see new houses in Dillingham.

C. 2012-03 – BR move to approve. PN second. PL reviewed history of this resolution. Planner explained the revisions requested by the PC and the City Manager. Cites in the resolution the places in the comprehensive plan that pertain to street lights and

the authority of the PC to make recommendations about this. Ask COD administration also to find a way to allow public input when individuals put up street lights. PL – that's the spirit the PC was aiming for and to not try to dictate policy. Unanimous approval.

- D. Comprehensive Plan Work Plan Prioritization Reports
- i. LUHT – PL has been seeking some volunteer help GPSing the snowmachine trails. So far no one has stepped up. May have to do it himself. Have had a couple of small meetings to try to get at the heart of the issue.
 - ii. Economic Development – Terry Hoefflerle not here.
 - iii. Wellness – RM absent.
 - iv. Waterfront – IC volunteers to take on this chapter...
IC to call mini working group.
- E. Land Use Permit ordinance – nothing new to report. Some discussion about size of buildings, exemptions that might be considered. Discussion to invite participation of other land managers during the normal public process. Friday the 10th of February at noon slated for workshop on the land use permits. Feb. 21 IC will be traveling – will not make next meeting.
- F. Plastic Bags – IC to join RM and PN on this committee.
- G. Natural Step Framework – no activity. Interest in bringing someone to WAISC conference in the spring. Can take this off the agenda until something happens.

VIII. NEW BUSINESS

A. NIFA grant support – IC - Ag and food related funding. This grant is for Alaska native serving and Hawaiian serving institutions. Chance of UAF BBC getting funding fairly good. Need for an extension type agricultural person here because of interest in gardening, high cost of food, transportation, and food security – 2 days away from not having fresh produce in town. This needs a letter or resolution of support from the city. Deadline of end of March. Going for 3 years of funding...seitz volunteered to help with a resolution. Will try to tie in culture camp stuff. Food safety. Food preservation – meat, canning in general. IC's food workshops in Naknek well attended. PL – good to interface with USDA and their funding.

IX. COMMISSIONER COMMENTS

BR – none

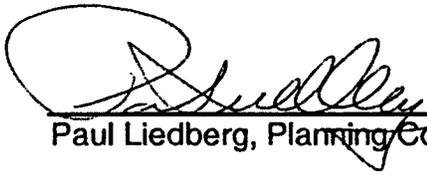
IC – hopes she didn't offend anyone with her comment about the subdivision, but knows how rumors circulate and wanted to suggest

PN – extremely excited about what we're doing. Hearing about the NIFA grant. Immediately thought about a composter....that stirs up fish waste. Great way to deal with fish waste. Currently it's all dumped in the bay wasting all that nitrogen. If we invest in this we could create some good soil and could create a recycling center, use waste paper, and mix it with peat moss and wood chips...and could take it to the grocery store where they sell a little bag for 40 bucks....could take it there and have a market right there. Excited about phasing out wasteful lights. You'd think we'd have come up with something sooner. Really excited about this and wants to thank commission for accepting him.

PL – thanks. Shares the excitement. Easy to focus on challenges but when you really look at everything that's been done, whether its road projects or harbor or whatever, even seeing a new road grader on the street, there are just a lot of positive things going on. And thanks Jody (staff) for her work. Annexation is moving forward. council is taking up more action on that at the next meeting. At this meeting the

council will look at a date for the election. Could be as early as april 10. Things are moving forward. Thanks everyone for participation and good meeting.

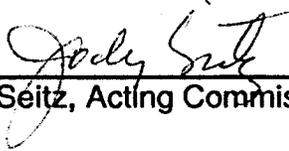
X. ADJOURNMENT ic moves to adjourn. 6:42 p.m.



Paul Liedberg, Planning Commission Chair

2/23/2012

Date



Jody Seitz, Acting Commission Clerk

2/23/2012

Date

RESOLUTION 2012-01

A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Approving the Preliminary Plat for Cedar Subdivision Addition 1

WHEREAS, the Dillingham Planning Commission did hold a public hearing on the preliminary plat of Cedar Subdivision Addition 1, December 20, 2011; 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, the Dillingham Planning Commission requested revisions to the first preliminary plat of Cedar Subdivision Addition 1, including changes to access, size, and number of lots; and

WHEREAS, Cedar Subdivision Addition 1 was revised according to the recommendations made by the Planning Commission at its December 20, 2011, meeting; and

WHEREAS, the revised preliminary plat for Cedar Subdivision Addition 1 meets the requirements of the Dillingham Municipal Code;

THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Dillingham, Alaska, approves the preliminary plat once the following changes are made:

RECOMMENDATIONS

1. Put the name of the subdivision road, Cedar Circle, on the platted road.
2. Put the name of the adjacent subdivision, Cedar Subdivision, on the plat in large light gray stippled caps.
3. Remove power pole and dilapidated cabin in the cul-de-sac and right-of-way within six months of final plat.
4. Vacate temporary turnaround with this plat.

APPROVED AND ADOPTED THIS 17th DAY OF January, 2011.



Paul Liedberg, Presiding Officer



Acting Commission Clerk

RESOLUTION 2012-02

A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Approving a Variance from DMC 17.19.140 Lots, provisions E and H for the Revised Preliminary Plat for Cedar Subdivision Addition 1

WHEREAS, the Dillingham Planning Commission did hold a public hearing on the preliminary plat of Cedar Subdivision Addition 1, December 20, 2011; and

WHEREAS, the Dillingham Planning Commission requested revisions to the first preliminary plat of Cedar Subdivision Addition 1, including changes to access, size, and number of lots; and

WHEREAS, Cedar Subdivision Addition 1 was revised according to the recommendations made by the Planning Commission at its December 20, 2011, meeting; and

WHEREAS, due to the orientation of the lot being subdivided, Tract A of Cedar Subdivision, to Wood River Road and Kanakanak Road; and

WHEREAS, the presence of large easements constricts the developable land within the proposed subdivision; and

WHEREAS, it is not possible to have lot lines at substantially right angles as required by DMC 17.19.140 (E); and

WHEREAS, the tract being subdivided is a corner lot, with all lots fronted on a cul-de-sac and with their rear lot lines on a street, giving each lot double frontage, in violation of DMC 17.19.140 (H); and

WHEREAS, even though the lots have roads on both rear and front lot lines, only the cul-de-sac is actually physically accessible from the lots; and

WHEREAS, City Fire Department personnel and Public Safety Department personnel met January 16th and examined the plat and commented that the configuration proposed in the preliminary plat of January 2012 provides good access to a public right-of-way; and

THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Dillingham, Alaska, approves the variance requested for Cedar Subdivision Addition 1.

APPROVED AND ADOPTED THIS 17th DAY OF January, 2012.


Paul Liedberg, Presiding Officer


Acting Commission Clerk

A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Requesting the City develop a street lights policy that considers light pollution as well as safety issues and strives to conserve energy

WHEREAS, the City of Dillingham Municipal Code 2.68.160 requires the Planning Commission to prepare and recommend to the city council a comprehensive plan, a subdivision ordinance, and a review of proposed community structures and facilities for consistency with the comprehensive plan and the capital improvement projects plan; and

WHEREAS, the City of Dillingham receives numerous requests annually for street lights and wishes to develop a policy regarding street light installation; and

WHEREAS, street lights are not mentioned in the City's current subdivision ordinance and guidance on installing street lights is lacking in the City's code in general, and

WHEREAS, several goals in the 2010 Update of the Dillingham Comprehensive Plan do address street lighting with regard to enhancing public safety and well-being; conserving energy and minimizing light pollution; and

WHEREAS, Goal 3G of the Community Wellness and Education chapter of the 2010 Comprehensive Plan Update, calls for improving the built environment to improve the overall health and wellbeing of residents, including connecting residential and business areas with attractive, safe, well-signed, pedestrian facilities, and [researching] approaches to integrate foot, cycle and motor traffic safely; and

WHEREAS, Goal 7 of the Land Use and Housing chapter of the 2010 Comprehensive Plan calls for "ensuring that existing and future land uses protect the natural environment to maintain," [among other resources such as clean air, clean water, streams, and wetlands] "dark night skies: minimize light pollution (for example, direct street lights downward; street lights should be energy efficient); and

WHEREAS, 2010 Comprehensive Plan Chapter 8, Energy, Objective 1B seeks to "Improve the energy efficiency of residential, commercial and public facilities;" and

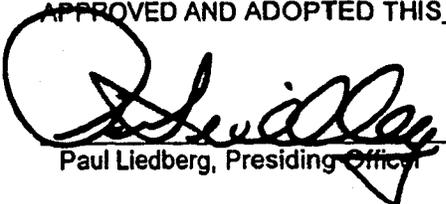
WHEREAS, regardless of the tariff that Nushagak Electric adopts for these lights, the city can still act to conserve energy and mitigate light pollution;

WHEREAS, at its regular meeting November 15, 2011, Planning Commissioners expressed the importance of adequate lighting for safety in critical places such as bus stops and intersections; and

WHEREAS, the Planning Commission also recognizes that placement of lights can be controversial and encourages the City Administration and Council to consider creating a mechanism for public comment when street lights are installed; and

THEREFORE, the Dillingham Planning Commission encourages the City of Dillingham to develop a street light policy that encourages energy conservation, enhances public safety, minimizes light pollution, and considers public input when lights are installed in city streets.

APPROVED AND ADOPTED THIS 17th DAY OF January, 2012.


Paul Liedberg, Presiding Officer


Jody Seitz, Acting Commission Clerk

RESOLUTION 2012-04

A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Approving the Preliminary Plat for Harbor Lease Lots

WHEREAS, the Dillingham Planning Commission did hold a public hearing on the preliminary plat of Harbor Lease Lots, February 21, 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, there have been several planning documents recommending the establishment of lease lots in the Dillingham Harbor; and

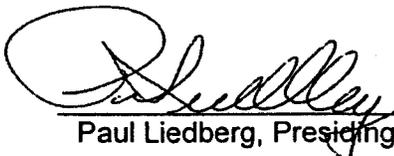
WHEREAS, the preliminary plat for Harbor Lease Lots meets the requirements of the Dillingham Municipal Code;

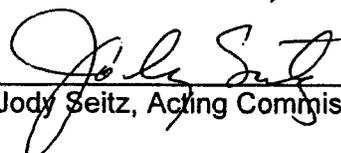
THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Dillingham, Alaska, approves the preliminary plat with the following recommendations:

RECOMMENDATIONS

1. Make Harbor Road right-of-way 60 feet wide where possible, instead of 50 feet.
2. Please put the name of the road, Harbor Road, on the platted road.
3. Put the legal description of the adjacent properties on the plat in large light gray stippled caps.
4. Symbols for power poles, monuments etc...should be the same size on the plat as in the legend.
5. Please use distinctive lettering, stipling, and/or line weights and shading to make the symbols in the plat and the topo and other features more easily distinguishable.
6. The utility easement along the fence should be 20 feet wide.
7. Please include the monuments (1277-2 and 1277-3-84, brass caps) that are located at the Dillingham picnic park on this plat.
8. Please sketch in the bulkhead extension on the north end, the bulkhead on the south end, the armor rock on both sides of the bulkhead, on the plat.
9. Please show with arrows which property is Alice Fox's and which right of way is being dedicated.
10. Show lot lines using one line type and distinguish the lot lines for this survey in heavy weight bold.
11. Revise the State of Alaska Division of Veteran's and Military Affairs lease lot for the Alaska Army National Guard as requested by the ADVMA.

APPROVED AND ADOPTED THIS 21st DAY OF February, 2012.


Paul Liedberg, Presiding Officer


Jody Seitz, Acting Commission Clerk