



Alice Ruby, **Mayor**

Council Members

- Holly Johnson (Seat A) • Chris Maines (Seat B) • Misty Savo (Seat C)
- Vacant (Seat D) • Tracy Hightower (Seat E) • Paul Liedberg (Seat F)

DILLINGHAM CITY COUNCIL
David B. Carlson Council Chambers

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

REGULAR MEETING	7:00 P.M.	DECEMBER 4, 2014
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I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. Regular Council Meeting, November 6, 2014 page 3

IV. APPROVAL OF CONSENT AGENDA

- A. Resolution No. 2014-64, A Resolution of the Dillingham City Council Expressing Thanks and a Commendation to Keggie Tubbs for Serving on the City Council page 9

APPROVAL OF AGENDA

V. STAFF REPORTSpage 11

VI. PUBLIC HEARINGS

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

VIII. ORDINANCES AND RESOLUTIONS

- A. Introduce Ordinance No. 2014-17, An Ordinance of the Dillingham City Council Amending Title 7, Animals, to Add a Definition for Adoption Eligible to Chapter 7.02, and to Cross Reference Chapter 7.09, Impoundment, with Chapter 7.11, Euthanasia.....page 67
- B. Adopt Resolution No. 2014-57, A Resolution of the Dillingham City Council Authorizing the Mayor to Submit a Petition to the Alaska Local Boundary Commission for Annexation of the Nushagak Commercial Salmon District and the Wood River Sockeye Salmon Special Harvest Area by the Legislative Review Method (*Postponed to January 15, 2015*).....page 73
- C. Adopt Resolution No. 2014-65, A Resolution of the Dillingham City Council Urging Swift Congressional Action to Exempt Vessels Less Than 79 Feet and All Fishing Vessels from EPA Permits for Discharges Incidental to the Normal Operation of the Vessel.....page 77

- D. Adopt Resolution No. 2014-66, A Resolution of the Dillingham City Council to Accept a Rasmuson Grant for the Senior Center in the Amount of \$25,000 .page 81
- E. Adopt Resolution No. 2014-67, A Resolution of the Dillingham City Council Approving the Downtown Streets Agreementpage 83
- F. Adopt Resolution No. 2014-68, A Resolution of the Dillingham City Council Approving a Long Term Encroachment Permit for Utilities to Serve the Landfill Incinerator Buildingpage 97

IX. UNFINISHED BUSINESS

- A. Citizen Committee Appointments
 - 1. Cemetery Committee, 4 Seats Open
 - 2. Planning Commission, 1 Seat Open
 - 3. Parks and Recreation Committee, 1 Seat Open + School Rep Seat Open
- B. Borough Formation Update page 101

X. NEW BUSINESS

- A. Action Memorandum No. 2014-18, Approve Administrative Leave for Christmas and New Year Holidaypage 103
- B. Action Memorandum No. 2014-19, Award Contract to _____for Oil Spill Container and Equipment (*To be distributed under separate cover*)
- C. Reschedule the January 1, 2015 Council Meeting to January 15, 2015
- D. Appoint Council Member to Seat D – Interim Appointment page 105
- E. Council Member Committee Appointments

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

XII. COUNCIL COMMENTS

XIII. MAYOR’S COMMENTS

XIV. EXECUTIVE SESSION

XV. ADJOURNMENT

I. CALL TO ORDER

A regular meeting of the Dillingham City Council was held on Thursday, November 6, 2014, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:03 p.m. The meeting was preceded by a workshop to review the quarterly financial statements.

II. ROLL CALL

Mayor Alice Ruby was present.

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

Holly Johnson (Seat A) Chris Maines (Seat B) Misty Savo (Seat C)
Tracy Hightower (Seat E) Paul Liedberg (Seat F)

Mayor Ruby reported Keggie Tubbs, Seat D, had resigned from the Council. His seat would be discussed under Mayor’s comments.

Staff in attendance:

Rose Loera Janice Williams Jody Seitz
Carol Shade Dan Pasquariello

City Attorney Brooks Chandler attended via teleconference.

III. APPROVAL OF MINUTES

- A. Regular Council Meeting, October 2, 2014
- B. Special Council Meeting, October 16, 2014

MOTION: Holly Johnson moved and Chris Maines seconded the motion to adopt the minutes of October 2, 2014 and October 16, 2014.

VOTE: The motion passed unanimously by voice vote.

IV. APPROVAL OF CONSENT AGENDA

There was no consent agenda.

APPROVAL OF AGENDA

The agenda was revised to add under Executive Session, Legal Matter, item 2. Foreclosure Consultation.

MOTION: Chris Maines moved and Holly Johnson seconded the motion to adopt the amended agenda.

VOTE: The motion passed unanimously by voice vote.

V. STAFF REPORTS

City Manager Loera reported on the following (these items were in addition to the Manager's report in the packet):

- Advertising for the position of finance director, who is planning to retire;
- Due to time restraints acceptance of a grant to replace the dish washer at the Senior Center would have to be signed off by month end, but would have it on the next council agenda;
- Recommended the Council look at the new map of the City that had been added to the city's homepage; and
- Noted the reference in the Project Manager's report to upgrading the aeration system was for replacing some valves and pumps, but if it was otherwise would bring the information to the next meeting.

There was no objection to tasking the Code Review Committee with the following two items for a possible recommendation to change: 1.) a request to review lowering the personal property tax on airplanes and 2.) to review a procedure for waiving speed limits within City limits.

Mayor Ruby, Finance and Budget Committee, regarding water and sewer rates, reported there were some anomalies in the system to cause some rates to be higher than they should be, but would be bringing together a report for the next meeting.

VI. PUBLIC HEARINGS

Mayor Ruby opened the public hearing, noting Ordinance Nos. 2014-15, and 2014-16 were up for adoption.

- A. Adopt Ordinance No. 2014-15, An Ordinance of the Dillingham City Council Amending Section 4.20.050 of the Dillingham Municipal Code, Sales Tax Exemption
- B. Adopt Ordinance No. 2014-16, An Ordinance of the Dillingham City Council Amending Title 6 to Remove Business Licenses and Regulations, to Transfer Chapter 6.08 Alcoholic Beverages to Title 8, Health and Safety, Rename it as New Chapter 8.20 Alcoholic Beverages, and Rename Title 6 to be Title 6 (Reserved)

There being no public comments, the public hearing closed.

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

Ralph Andersen reported on BBNA's proposal to host a borough feasibility study, generally providing staff to help handle travel arrangements, provide a meeting place, everything short of doing the study itself. The goal of the BBNA Board was to work toward a more unified region.

Dan Dunaway commented that he still supported annexation, that a borough concept was intriguing but could be a lengthy process, had been studied several times in the past, and would hate to see the City lose out on collecting the raw fish tax in the meantime. He noted with oil

prices going down, support from the State could be severely limited, and some state offices were already feeling the impact.

VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2014-15, An Ordinance of the Dillingham City Council Amending Section 4.20.050 of the Dillingham Municipal Code, Sales Tax Exemption

MOTION: Chris Maines moved and Holly Johnson seconded the motion to adopt Ordinance No. 2014-15.

This ordinance would add flowers, herbs and plant starts to the existing code that was changed recently to exempt homegrown fruits and vegetables from sales tax.

Mayor Ruby asked to have the city clerk maintain a placeholder on the Code's task list to discuss marijuana legalization in the next six months or so.

VOTE: The motion passed unanimously by voice vote.

- B. Adopt Ordinance No. 2014-16, An Ordinance of the Dillingham City Council Amending Title 6 to Remove Business Licenses and Regulations, to Transfer Chapter 6.08 Alcoholic Beverages to Title 8, Health and Safety, Rename it as New Chapter 8.20 Alcoholic Beverages, and Rename Title 6 to be Title 6 (Reserved)

MOTION: Holly Johnson moved and Chris Maines seconded the motion to adopt Ordinance No. 2014-16.

VOTE: The motion passed unanimously by voice vote.

IX. EXECUTIVE SESSION

- A. Legal Matter
 - 1. Ekuk vs. Local Boundary Commission

MOTION: Holly Johnson moved and Tracy Hightower seconded the motion to move into executive session to discuss legal matter, Ekuk vs. Local Boundary Commission [7:25 p.m.].

VOTE: The motion passed unanimously by voice vote.

MOTION: Holly Johnson moved and Paul Liedberg seconded the motion to come out of executive session [8:23 p.m.].

VOTE: The motion passed unanimously by voice vote.

The Council recessed at 7:25 p.m. and reconvened at 8:32 p.m.

X. RESOLUTIONS

- A. Adopt Resolution No. 2014-57, A Resolution of the Dillingham City Council Authorizing the Mayor to Submit a Petition to the Alaska Local Boundary Commission for Annexation of the Nushagak Commercial Salmon District and the Wood River Sockeye Salmon Special Harvest Area by the Legislative Review Method

MOTION: Holly Johnson moved and Tracy Hightower seconded the motion to postpone Resolution No. 2014-57 until the regular January council meeting.

VOTE: The motion passed unanimously by roll call vote.

MOTION: Paul Liedberg moved to direct the manager to work with BBNA to advance the proposal addressed in BBNA's letter.

Discussin:

- Need to have benchmarks identified in the collaboration between BBNA and the City.

VOTE: The motion passed by roll call vote.

- B. Adopt Resolution No. 2014-63, A Resolution of the Dillingham City Council Authorizing a Long Term Encroachment into Seward Avenue for a Water Line Connection

MOTION: Holly Johnson moved and Chris Maines seconded the motion to adopt Resolution No. 2014-63.

VOTE: The motion passed unanimously by voice vote.

XI. UNFINISHED BUSINESS

- A. Citizen Committee Appointments
1. Cemetery Committee, 4 Seats Open
 2. Planning Commission, 2 Seats Open
 3. Parks and Recreation Committee, 2 Seats Open
 4. Senior Advisory Board, 1 Seat Open

Mayor Ruby recommended appointing Sabrina Savo to the Planning Commission and Flossie Andersen to the Senior Advisory Commission.

MOTION: Chris Maines moved and Holly Johnson seconded the motion to concur with the Mayor's recommendation for appointments.

VOTE: The motion passed unanimously by voice vote.

B. Strategic Planning Session November 8, 9 AM to 3 PM

MOTION: Chris Maines moved and Holly Johnson seconded the motion to move the Strategic Planning Session from November 8, 2014, to January 17, 2015,

VOTE: The motion passed unanimously by voice vote.

XII. NEW BUSINESS

A. Action Memorandum No. 2014-17, Authorize the City Manager to Execute a Contract to Provide Secure Radio Encryption Equipment

MOTION: Chris Maines moved and Tracy Hightower seconded the motion to approve Action Memorandum No. 2014-17.

VOTE: The motion passed unanimously by voice vote.

B. Reschedule December 4 Regular Council Meeting to December 11

The December 4 meeting date was not changed.

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

There was no citizen's discussion.

XIV. COUNCIL COMMENTS

Chris Maines: no comment

Paul Liedberg:

- Thanked the city employees for keeping the city running; and
- Looked forward to the incinerator working and encouraged everyone to separate out their glass to help with operation of the incinerator.

Tracy Hightower:

- Spoke in favor of the City taxing marijuana same as alcohol.

Holly Johnson:

- Noted she and a group of volunteers would be cleaning up the Veterans Memorial in preparation for Veterans Day and would announce looking for volunteers.

Misty Savo:

- Noted she would like to see borough formation be a success;

- Supported safe walking trails through town and from the furthest reaches of town to the center of town; and
- Shared some citizen concerns: 1.) access to town for four wheelers, and 2.) sewage treatment be on the top of the City's priority list.

XV. MAYOR'S COMMENTS

Mayor Ruby:

- Noted the practice in the past when there was a vacant seat was to advertise for letters of interest.

MOTION: Chris Maines moved and Paul Liedberg seconded the motion to declare a vacancy on Seat D.

VOTE: The motion passed unanimously by voice vote.

- Reported she would bring forward a list of committee appointments to the next meeting;
- Noted she had attended a community anti-drug meeting and would look to keep the council informed; and
- Asked for a moment of silence to recognize those lost since the last meeting.

XVI. EXECUTIVE SESSION

A. Legal Matter

1. Bingman Foreclosure

MOTION: Holly Johnson moved and Tracy Hightower seconded the motion to move into executive session to discuss Legal Matters, Bingman Foreclosure, and Foreclosure Consultation [8:49 p.m.].

VOTE: The motion passed unanimously by voice vote.

MOTION: Holly Johnson moved and Tracy Hightower seconded the motion to come out of executive session [9:23 p.m.].

VOTE: The motion passed unanimously by voice vote.

XVII. ADJOURNMENT

Mayor Ruby adjourned the meeting at 9:24 p.m.

ATTEST:

Mayor Alice Ruby
[SEAL]

Janice Williams, City Clerk
Approval Date: _____

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2014-64

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL TO OFFER THANKS AND COMMENDATION TO KEGGIE TUBBS FOR HIS SERVICE ON THE DILLINGHAM CITY COUNCIL

WHEREAS, Keggie Tubbs was appointed to fill a vacated seat on the Dillingham City Council in March of 2000, and then was elected to consecutive three-year terms thereafter through October 2014; and

WHEREAS, the responsibilities of a Dillingham City Council member involves difficult legislative decisions and the commitment of a very significant amount of personal time and effort; and

WHEREAS, Keggie Tubbs demonstrated great personal commitment to his responsibilities as a Dillingham City Council member; and

WHEREAS, Keggie Tubbs commitment extended to leadership positions on Council committees, community committees representing the City and/or Council and occasions where he served as a spokesperson for the City of Dillingham; and

WHEREAS, the residents of the community of Dillingham greatly benefited from Keggie Tubbs's commitment and leadership on the City Council; and

WHEREAS, Keggie Tubbs's participation and involvement will be greatly missed by the City Council and by the residents of the City of Dillingham.

NOW, THEREFORE, BE IT RESOLVED that the City Council adopts this commendation for Keggie Tubbs in recognition of his selfless commitment of personal time and his demonstration of leadership on behalf of the City of Dillingham, City staff and the citizens of the City of Dillingham.

PASSED and ADOPTED by the Dillingham City Council on December 4, 2014.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Holly Johnson
Chris Maines
Misty Savo
Vacant, Seat D
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: November 26, 2014
To: Mayor and City Council
From: Rose Loera, City Manager
Subject: November Report

Vacancies – Buildings & Grounds Assistant, Library Aide, Senior Center Cook and advertising for the Finance Director.

Contracts/Agreements Signed –

- REVL Communications Systems for the Radio Encryption equipment – totally funded by Homeland Security Grant

Grants – none

Borough Formation Update – I met with Ralph Andersen from BBNA and they are starting to identify a Task Force to look at borough formation. He stated that BBNA's involvement will only be to provide support services to the Task Force. The Task Force will be tasked with hiring the consultant to lead this effort and they will be required to identify funding to support it. Attached are copies of the correspondence that we've received from him.

Landfill – along with our Engineer and Project Manager, staff and I are in discussion with the contractor for the incinerator building. They have not submitted us the required design documents. We have stopped work on the building until we have approved the design of the building. They have until March 1, 2015 to complete the building. This will delay our testing of the equipment and training of staff.

Juneau Visit – our lobbyist is recommending that we visit Juneau in early February rather than later this year. We should decide who will accompany the City Manager early.

Division of Motor Vehicles (DMV) – behind this report is a response from DMV to my September 16, 2014 letter addressed to them. I won't be recommending a visit from them until after the New Year since the Chief of Police will be out for a few weeks in December and I for a week. Coupled with the holidays there is not enough time. They extended our contract to the end of December.

Alaska Municipal League (AML) Conference – attended the AML conference as well as the Alaska Municipal Managers Association meetings the week of November 17th. Behind my report

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

are the resolutions that were passed by AML as well as their State and Federal priorities. Not much different than last year.

The word from AML staff and lobbyist is that the State budget issues this year are very grim. They will probably be looking at reducing State Revenue Sharing by another \$8 million and increasing municipalities PERs/TERs contribution from 22% to 24%. The State had forecasted a \$3 Billion dollar deficit next year based on \$100 a barrel for oil. It is now at \$75 a barrel so deficit will be even more. State has approximately \$15 B in reserves and with the current deficit forecast could be depleted within 3 years.

Our *State Revenue sharing in 2013 was \$298,970. In 2014 we received \$210,165.* This funding is critical to the City's operations. Coupled with an increase in our PERs contribution will have a huge impact to our budget for 2016.

The workshops that were the most interesting were:

- Does Marijuana Legalization Create Liability for your Municipality?
 - Creates a new industry in Alaska – similar to alcohol;
 - \$50 per ounce excise tax imposed on sale or cultivation to retail stores;
 - Personal use will be 90 days after election is certified – end of February 2015;
 - Cannot sell or cultivate until 9 months after regulations are developed by a board – probably by 3/2016;
 - Communities cannot have an absolute prohibition like alcohol. Legal to use in private;
 - Incorporated municipalities or boroughs can adopt local control methods;
 - Cannot be used by anyone under 21, cannot drive under the influence or use or possess on property where the owner prohibits marijuana;
 - Remains illegal under the Federal Controlled Substance Act but Department of Justice has decided not to challenge State law. Federal agencies such as Coast Guard can though;
 - Ballot Measure 2 does not change your obligations under the federal Drug Free Workplace Act especially for grant funds;
 - Employers can still keep their prohibition of use by employees. Recommends that drug policies specifically speak to marijuana.
- Systematic Development of Informed Consent
 - Training on getting “informed consent” from the opposition on a project or problem you are proposing;
 - Normally a 3 day course addressing 4 points:
 1. There is a serious Problem or Opportunity – one that just has to be addressed.
 2. You are the right entity to be addressing the problem.
 3. The way or approach you are using is reasonable, sensible and responsible.
 4. You are listening and you do care and if what you are proposing is going to hurt it's not because you don't care or are not listening.
- Best Practices for Small Jails
 - Once someone is under our custody they are to be treated with dignity and our responsibility to keep them safe.
 - Title 47 should be evaluated by a clinic before they are jailed.
 - Prisoner orientation and charged with criminal mischief if damage the jail cell.
 - Designate an administrator – Chief of Police.
 - Inspect the jail at least yearly to identify problem areas where someone could hurt themselves or others.

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

Library – Resolution 2013-71 - Creating a Library Advisory Board indicates that the council will confirm the presiding officer, approve operational policies, operation rules, hours, length of time books or other items may be borrowed and fines. At their last meeting they are recommending that Erika Schneider be the Presiding Officer and that the hours of operation change on Fridays to 11:30 am to 6:30 pm. I did report this in my October report but there was no formal action. In lieu of Resolution 2013-17 I would recommend a motion to confirm Erika Schneider and changing of the hours on Friday. I would further recommend that we send this resolution to Code Committee to determine which items could be delegated to the City Manager.

Senior Center – Will not be serving lunches from 12/22 – January 2. Staff will be taking leave at this time. BBNA staff will be working at the Center during this time.

Out of the Office – 12/4 & 5 – BBNC Leadership Forum
12/8 – 12 – Personal Leave

Attachment: DMV Agreement
AML Resolutions

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



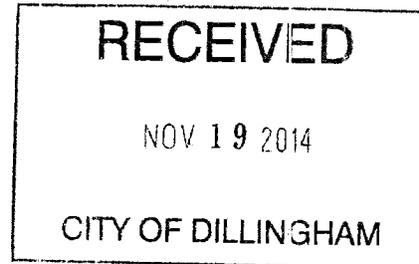
THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Administration

DIVISION OF MOTOR VEHICLES
Director's Office

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Anchorage, Alaska 99503-3692
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amy.erickson@alaska.gov

November 17, 2014



Ms. Rose Loera
City Manager
City of Dillingham
Post Office Box 889
Dillingham, AK 99576

Dear Ms. Loera:

Thank you for your letter of September 16, 2014, reiterating your interest in renegotiating Dillingham's commission agent participation agreement. Based on the information you provided, I believe it is in the best interest of all parties that DMV staff visit Dillingham to evaluate its business practices and provide additional training where needed before contemplating a change in the commission structure.

You reported that during a typical day in Dillingham the commission agents processed 11 transactions in eight hours. Explaining how to fill out forms, obtain a state ID, or register a vehicle is rudimentary. All DMV offices field questions from the public, and answering process questions is a basic job function. The lack of basic knowledge evidenced, coupled with received complaints about the Dillingham office merits a visit from DMV to audit the work and provide training and education where needed.

In the short term, I have put DMV's main switchboard phone number on Dillingham's webpage to provide information to residents, and perhaps eliminate the need to visit the local office. I recommend this same switchboard number be posted locally as an alternative method to obtain information. Since many transactions can now be conducted online, I encourage you to direct customers to the website whenever possible.

Please let me know if there is an ideal time to visit the Dillingham contract office. I will ensure travel funding is available to provide this much-needed training assistance in Dillingham.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Erickson".

Amy Erickson
Director

cc: Commissioner Curtis W. Thayer
Senator Gary Stevens
Senator Lyman Hoffman
Representative Bryce Edgmon



**ALASKA MUNICIPAL LEAGUE
RESOLUTION #2015-01**

**A RESOLUTION SUPPORTING THE REINSTATEMENT OF A FULL \$60 MILLION
INTO THE REVENUE SHARING FUND ON A YEARLY BASIS**

WHEREAS, all of Alaska's boroughs and cities are appreciative to the Governor and the Legislature for the continuation of the Revenue Sharing Program; and

WHEREAS, since 2008, municipalities have received a total of \$60 million per year to be divided among all boroughs, cities and unorganized communities in the State; and

WHEREAS, this money is a small share of the resource funding that is provided to the State; and

WHEREAS, \$60 million is a very small part of the total State budget for the year; and

WHEREAS, municipalities are political subdivisions of the State of Alaska; and

WHEREAS, boroughs and cities can only raise their own money through increased taxes and/or fees; and

WHEREAS, in the past 2014 Legislative Session, the amount deposited into the Revenue Sharing fund dropped to \$52 million; and

WHEREAS, the larger municipalities use these fund to keep taxes as low as possible; and

WHEREAS, the smaller municipalities use these funds to provide basic services, such as snow removal, public buildings, harbor improvements, fuel, and insurance.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League requests the Alaska State Legislature to reinstate the amount of \$60 million on an annual basis into the Revenue Sharing fund and by appropriating an additional \$8 million to the fund with an effective date prior to June 30, 2015.

PASSED AND APPROVED by the Alaska Municipal League on this 21st day of November, 2014.

Signed: _____
Linda Murphy, President, Alaska Municipal League

Attest: _____
Kathie Wasserman, Executive Director, Alaska Municipal League



**ALASKA MUNICIPAL LEAGUE
RESOLUTION #2015-02**

**A RESOLUTION THAT THE STATE OF ALASKA CONTINUE TO HONOR THEIR
COMMITMENT WITH NON-STATE EMPLOYERS WHICH CAPS THEIR PAST AND
PRESENT SERVICE COSTS AT 22% OF SALARY; AND THAT THE STATE
CONTINUE TO WORK WITH AML TO FIND A SOLUTION TO THE ONEROUS
TERMINATION STUDY AND BELOW THE FLOOR COSTS**

WHEREAS, through 2008 legislation, SB 125, municipalities were committed to paying a salary rate cap of 22% of salary, to include current service cost and a portion of the unfunded PERS liability; and

WHEREAS, the Alaska Municipal League was a major player in the passage of HB 385, which was the Governor's proposal to deposit \$3 billion into the PERS/TRS fund; and

WHEREAS, municipalities knew full well that acceptance of HB 385 would mean municipalities would pay an additional \$2.5 billion due to the change of the amortization change and extension of nine years; and

WHEREAS, the ARM Board, as of September 2014, voted to approve 2016 contribution rates of 27.19% for PERS, down from 31.90% for 2015; and

WHEREAS, municipalities will be realizing an 86% total cost increase while the state is saving \$1.4 billion in "on-behalf" PERS contributions; and

WHEREAS, municipalities additionally must pay termination costs of a department, group or other classification of employees that terminates participation under AS 39.35.625 to include the cost of a study and the payment of the past service cost, into the plan each payroll period until the past service liability of the plan is extinguished (approximately 25 years); and

WHEREAS, municipalities are also obligated to pay if their salary floor drops below the 2008 floor (the amount of their salary base when SB 141 was passed); and

WHEREAS, with increasing costs to municipalities, reduced funding from the State and the Federal government, municipalities find themselves in a difficult position of not being able to reduce their workforce as it will trigger a termination study and/or drop the municipality below the 2008 floor; and

WHEREAS, this hampers small municipalities the most, as they may have only one person that belongs to a "department, group or classification;" and

44 **WHEREAS**, the State charges 12% interest on unpaid termination costs or below the
45 floor costs, leaving many small communities facing bills that they will never be able to
46 pay.

47
48 **NOW, THEREFORE BE IT RESOLVED** that the Alaska Municipal League requests that
49 the State honor their commitment to non-state employers which caps their past and
50 present service costs at 22% of salary; and that the State continue to work with AML to
51 find a solution to the onerous termination study and below the floor costs.

52
53 **PASSED AND APPROVED** by the Alaska Municipal League on this 21st day of
54 November, 2014.

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58 Signed: _____
59 Linda Murphy, President, Alaska Municipal League

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63 Attest: _____
64 Kathie Wasserman, Executive Director, Alaska Municipal League
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**ALASKA MUNICIPAL LEAGUE
RESOLUTION #2015-03**

**A RESOLUTION REQUESTING THAT THE LEGISLATURE EITHER FUND THE
SENIOR CITIZENS/DISABLED VETERANS PROPERTY TAX EXEMPTION AS
REQUIRED IN AS 29.45.030(g) OR REPEAL AS 29.45.030(g) AND GIVE CONTROL
TO LOCAL GOVERNMENTS**

WHEREAS, in the 1980s, the State of Alaska imposed a mandate that required all municipalities that levy a property tax to exempt the first \$150,000 value of primary homes belonging to seniors and disabled vets from that property tax; and

WHEREAS, property tax exemptions raise the property tax liability to those individuals who do not receive the benefit of those exemptions; and

WHEREAS, the State of Alaska also passed a law in statute that requires them to reimburse municipalities for those exemptions; and

WHEREAS, not long after passage, the State of Alaska felt they could no longer reimburse municipalities; and

WHEREAS, the State of Alaska did not relax the mandate requiring municipalities to continue to exempt; and

WHEREAS, we feel that municipalities know best what their financial situation is; and

WHEREAS, municipalities are better equipped to dictate exemptions that fall under their purview; and

WHEREAS, municipalities can write their own ordinances about whom they exempt and how much; and

WHEREAS, while the decrease in Revenue Sharing provided to 163 municipalities decreased to \$52 million per year, the Senior Citizens/Disabled Veterans Property Tax Exemption is now costing the 18 municipalities that levy a property tax, a total of over \$59 million;

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League requests that the Alaska State Legislature amend AS 29.45.030 (g) to either fund the exemption as stated in the law or repeal the mandate, excluding the value from the determination under AS 14.17.510, and give control to local governments for those decisions.

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PASSED AND APPROVED by the Alaska Municipal League on this 21st day of November.

Signed: _____
Linda Murphy, President, Alaska Municipal League

Attest: _____
Kathie Wasserman, Executive Director, Alaska Municipal League



**ALASKA MUNICIPAL LEAGUE
RESOLUTION #2015-04**

**A RESOLUTION SUPPORTING THE STATE’S EFFORT TO BUILD A LARGE
DIAMETER GAS PIPELINE TO TIDEWATER FOR THE PURPOSE OF LARGE
SCALE GAS EXPORTS AND THE DISPERSION OF LOW COST ENERGY
THROUGHOUT THE STATE**

WHEREAS, the Alaska Municipal League is grateful for the long hours Legislators have put into planning a gas pipeline; and

WHEREAS, the Alaska Municipal League would like to encourage the Legislature to proactively determine how to best distribute energy outside the pipeline corridor to as many Alaskans, as possible; and

WHEREAS, SB 138 requires the Alaska Energy Authority to consult with the Alaska Gasline Development Corporation, the Alaska Industrial Development and Export Authority, and the Department of Revenue to develop a plan for developing infrastructure to deliver more affordable energy to areas of the state that are not expected to have direct access to a North Slope natural gas pipeline; and

WHEREAS, we request that the Alaska State Legislature be prepared to make necessary infrastructure investments early in the project to ensure appropriate ports, networks, transportation hubs, and/or distribution systems are in place; and

WHEREAS, an Alaska Natural Gas Pipeline must be designed and constructed in a way to ensure maximum distribution of energy resources and benefits to all Alaskan communities.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League supports the State’s effort to build a large diameter gas pipeline to tidewater for the purpose of large scale gas exports and the dispersion of low cost energy throughout the state.

PASSED AND APPROVED by the Alaska Municipal League on this 21st day of November, 2014.

Signed: _____
Linda Murphy, President, Alaska Municipal League

Attest: _____
Kathie Wasserman, Executive Director, Alaska Municipal League



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**ALASKA MUNICIPAL LEAGUE
RESOLUTION #2015-05**

**A RESOLUTION RECOMMENDING AN AMENDMENT TO ALASKA STATUTE
35.30.010 PROVIDING FOR STRONGER AUTHORITY BY LOCAL PLANNING
AUTHORITIES FOR PUBLIC PROJECTS**

WHEREAS, Alaska Statute 35.30.010 – Review and Approval by Local Planning Authorities, requires the Alaska Department of Transportation and Public Facilities to obtain approval from local planning authorities before commencing construction of a public project, such as a highway improvement; and

WHEREAS, “before commencing construction” of a public project, allows the Department of Transportation and Public Facilities to advance a public project without local planning authority until the project plan is final and ready for construction, which is at a point of no return for the department and gives little meaning to the statute; and

WHEREAS, the Department of Transportation and Public Facilities needs to obtain local planning review and approval for public projects before the final design or alternative is approved and accepted by the department, to meet the intent of the state; and

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League recommends an amendment to Alaska Statute 35.30.010 providing for stronger authority by local planning authorities, by deleting “before commencing construction” and by inserting “before plans are approved by the department and an approved alternative is accepted by the department.”

PASSED AND APPROVED by the Alaska Municipal League on this 21st day of November, 2014.

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Signed: _____
Linda Murphy, President, Alaska Municipal League

Attest: _____
Kathie Wasserman, Executive Director, Alaska Municipal League



**ALASKA MUNICIPAL LEAGUE
RESOLUTION #2015-06**

**A RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE SUPPORTING
INTERNATIONAL JOINT COMMISSION (IJC) INVOLVEMENT IN THE
ALASKA AND BRITISH COLUMBIA TRANSBOUNDARY REGION**

WHEREAS, the transboundary rivers of Northwest British Columbia and Southeast Alaska have tremendous unique economic, ecological, cultural and recreational value; and

WHEREAS, pristine waters and intact habitats make protecting productive and healthy wild salmon populations throughout these transboundary river systems a priority; and

WHEREAS, commercial mining in British Columbia (BC) is experiencing unprecedented expansion within the head waters of the Taku, Stikine and Unuk rivers; and

WHEREAS, proposed mines include Tulsequah Chief in the Taku watershed; Galore Creek, Red Chris and Schaft Creek in the Stikine watershed; and the Kerr-Sulphurets-Mitchell (KSM) project in the headwaters of the Unuk River; and

WHEREAS, largescale mining and energy development could have significant adverse effects on the environment and fisheries within the transboundary region; and

WHEREAS, an unprecedented level of water treatment and inadequate tailings containments could pose the threat of acid mine drainage for centuries, if not in perpetuity; and

WHEREAS, ongoing acid mine drainage at the Tulsequah Chief mine and the Mount Polley tailings dam failure demonstrate weaknesses in monitoring and enforcement; and

WHEREAS, federal provincial environmental assessment processes should address the cumulative impacts of industrial development; and

WHEREAS, commercial fishermen, subsistence and recreational users, elected leaders, local communities and Native tribes on both sides of the Alaska/Canadian border have raised concerns about the pace and scope of the proposed industrial development in the headwaters of transboundary river systems and the potential for harm to water quality, fish and wildlife, and the socioeconomic sustainability of local communities within the region; and

WHEREAS, the Boundary Waters Treaty states "waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other" and provides a mechanism to address transboundary river concerns known as the International Joint Commission.

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NOW THEREFORE BE IT RESOLVED, the Alaska Municipal League strongly urges the United States government to work with the government of Canada to refer the issue of transboundary development in the Alaska and British Columbia region to the International Joint Commission and to utilize any and all powers under the Boundary Waters Treaty to ensure that Alaska resources are not harmed by upstream development in BC; and

BE IT FURTHER RESOLVED, the concerns of affected local communities, individuals and user groups downstream from these projects must be integral to transboundary watershed development decisions making and further urge greater opportunity for these voices to be heard; and

BE IT FURTHER RESOLVED, that affected communities and governments be consulted with and represented in policy discussions related to impacts to these watersheds.

PASSED AND APPROVED by the Alaska Municipal League on this 21st day of November, 2014.

Signed: _____
Linda Murphy, President, Alaska Municipal League

Attest: _____
Kathie Wasserman, Executive Director, Alaska Municipal League

**FINAL
ALASKA MUNICIPAL LEAGUE
2015 FEDERAL PRIORITIES**

- **PILT** – (Payment In Lieu of Taxes) – The Alaska Municipal League urges members of Congress to support continued mandatory full funding for the PILT program. These funds are to offset costs incurred by Alaska’s cities and boroughs for services provided to federal employees and families, the public and to the users of public lands. These include education, solid waste disposal, law enforcement, search and rescue, health care, environmental compliance, firefighting, parks and recreation, and other important community services.

- **SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT** – Timber Receipts) – The Alaska Municipal League urges the members of Congress to pursue a long-term congressional solution for continued SRS payments to forest cities and boroughs in Alaska. This act expired in 2012 and was extended for one year in October 2013. Congress should establish a new revenue sharing program to allocate revenues generated from the management of designated federal lands to all forest cities and boroughs. If Congress fails to renew its long-standing federal obligation by not providing a long-term solution, eligible cities and boroughs face dramatic budgetary shortfalls.

- **FEDERAL REVENUE SHARING FROM ALASKA OFFSHORE OIL AND GAS DEVELOPMENT** – The Alaska Municipal League urges the United States Congress to adopt legislation that would enable the State of Alaska to receive 37.5% of the money collected on leases on offshore oil and gas development in the Chukchi and Beaufort Seas. Further, the Alaska Municipal League would urge the Alaska Legislature to pass legislation to share a portion of these revenues with Alaskan municipalities.

FINAL
Alaska Municipal League
2015 Statewide Priorities

- **Revenue Sharing:** The Alaska Municipal League supports reinstating the deposit amount of \$60 million into the Revenue Sharing fund on a yearly basis. This amount is a small amount of the yearly state budget, yet helps to fund basic government services for 163 municipalities and approximately 50 unincorporated communities.

- **PERS/TRS:** The Alaska Municipal League remains committed to the promise by municipalities to partner with the State to pay the past service cost for the PERS/TRS liability, while agreeing through HB 385 to pick up a number of years' worth of extra payments, the Alaska Municipal League supports keeping PERS past service costs at 22% of salary and repeal of termination studies.

- **Senior Citizens/Disabled Veterans property Tax Exemption:** The Alaska Municipal League requests that the Legislature address the Senior Citizens/Disabled Veterans Property Tax Exemption by either:
 1. Funding the exemption, as required in AS 29.45.030(g), or
 2. Repealing AS 29.45.030(g) legislatively giving control to local governments for those decisions, provided that the assessed value of the Senior Citizens/Disabled Veterans real property is excluded from the value determination under AS 14.17.510.

- **Energy** -The Alaska Municipal League supports efforts to build a large diameter natural gas pipeline to tidewater for the purpose of large scale gas exports and the dispersion of low cost energy throughout the state. The Legislature should proactively determine how to best distribute energy outside the pipeline corridor to as many Alaskans as possible; and be prepared to make necessary infrastructure investments early in the project to ensure appropriate ports, networks, transportation hubs, and/or distribution systems are in place when the line becomes active. An Alaska Natural Gas Pipeline must be designed and constructed in a way to ensure maximum distribution of energy resources and benefits to all Alaskan communities. AML recognizes the State's role in developing public infrastructure to support this goal.

City of Dillingham
House District 36 / Senate District R

~ 11/25/14 ~

28th Alaska State Legislature ~ 2nd Interim
NOVEMBER 2014 – LEGISLATIVE REPORT

Cliff Stone and Ian Fisk / City Lobbyist's



With a sigh of relief, the elections are finally over! As reported in the press, about \$60 million was spent on the U.S. Senate race to determine Alaska's junior senator. Candidate Dan Sullivan was ahead on election night and maintained that lead as absentee and question ballots were counted. Current U.S. Senator Mark Begich finally conceded as it became obvious that there were not enough ballots still outstanding to make up the difference. Senator-elect Sullivan will be sworn in on January 3, 2015.

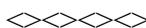
As you know, we have a new governor! The so-called Unity Ticket of Bill Walker/Governor and Byron Mallott/Lt. Governor also sustained a lead from election night through several official counts of absentee and question ballots. Governor Sean Parnell conceded, as it too was apparent that the voters had spoken.

What comes next? Governor-elect Walker and Lt. Governor-elect Mallott will take the oath of office on December 1st. Shortly thereafter you can expect numerous announcements over the ensuing days, weeks and months regarding his cabinet choices and other political appointments. I'm sure you've read where a transition team is forming to make policy recommendations. This team will be headed up by Ana Hoffman of the Bethel Native Corporation and former Senator Rick Halford.

The Governor's Fiscal Year 2016 budget is still mandated by law to be released on December 15th. What's happened in the past as a new governor took office is to release a budget that is primarily crafted by the previous administration. Through the amendment process, changes will be offered that may come from the new administration as they've had more time to digest everything that is within the new budget.

Dillingham will now become part of House District 37 and Senate District 'S' as a result of the final approved redistricting plan. Rep. Bryce Edgmon will continue as your representative in the House. Senator Lyman Hoffman will once again be your senator replacing Senator Gary Stevens (who is now representing Senate District 'P'). The first session of the 29th Alaska State Legislature convenes on January 20, 2015. All newly elected legislators will be sworn in on that day.

All three ballot initiatives have also been approved by voters. The targeted election certification date is November 28, 2014. Once that is done, the clock starts ticking on all of the initiatives and the prescribed time components built into each one. The certification process also makes the legislative races official.



BALLOT MEASURE #4 / MARIJUANA INITIATIVE

<http://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=173992>

The above website site is not only a compilation of all of the hearings that were conducted on the three ballot initiatives, but a compendium of resource material for all three measures. The first one listed at this link is the Marijuana Initiative.

Rose Loera contacted us after your last Council meeting with several questions/concerns by Council members regarding the passage of the Marijuana Initiative and the implications thereof. We directed her to the Alcoholic Beverage Control Board (ABC Board) website dealing with this question.

<http://www.commerce.state.ak.us/dnn/abc/resources/MarijuanaInitiativeFAQs.aspx>

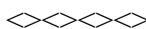
One of the questions answered at this link involves the opt-out provision for communities that do not want the manufacturing or sales of marijuana in their towns. It reads as follow: “The act provides for local option elections that permit a community in Alaska to opt out of manufacture and sales of marijuana. Communities will continue to be bound by authority regarding individual constitutional privacy rights as set forth by the Supreme Court in *Ravin v. Alaska*.”

Cynthia Franklin is the executive director of the ABC Board. She will begin the process of drafting regulations governing marijuana-related entities once the effective date has been reached. Currently the Division of Elections hopes to certify the elections and ballot initiatives on November 28th. Hence starts the clock of 90 days to reach the effective date that will occur sometime in late February 2015 or early March. Unless the Legislature creates a separate Marijuana Control Board, Ms. Franklin will continue to develop regulations governing the marijuana industry. The ABC Board (or Marijuana Board) has nine months from the effective date to develop those regulations. Thus, the effects of this measure will come into focus around November/December of 2015. From that point there will be a public process to comment on the proposed regulations. The next bump on the timeline will be the application process for licenses, which will be roughly February of 2016. The first licenses then should be issued sometime before May of 2016.

We also interacted with the Alaska Dept. of Public Safety (DPS). Until all of the regulations (new legislation to clarify issues can still be drafted and passed this next session as well) have been drafted and promulgated, they will enforce the law as it now stands. Undoubtedly there will be an internal review by the Dept. of Law, DPS and all law enforcement agencies round the state as to how they are going to handle the ramifications of this new marijuana regime.

The Alaska Municipal League (AML) has fielded some questions already concerning this issue. They too are waiting to see how this all shakes out. We will continue to monitor this issue and bring any new developments to your attention. That will include any legislation that is introduced this next session.

Our narrative above is only a quick synopsis of the process, as we understand it. A thorough examination of documents related to this subject will provide you with a more definitive and hopefully a better comprehension of the facts. Should you still have any questions after reviewing the above websites, Ms. Franklin invites you to call her at (907) 269-0350 or by email at cynthia.franklin@alaska.gov.



ALASKA HEALTH CARE COMMISSION

The agenda for the next meeting of the Alaska Health Care Commission is scheduled for Tuesday, December 9th in Anchorage. The agenda is posted at:
<http://dhss.alaska.gov/ahcc/Pages/meetings/201412/default.aspx>

A reminder that the written comment period on the Commission's 2014 draft opened at the beginning of this month and ends on the 28th. The draft can be seen at:
<http://dhss.alaska.gov/ahcc/Pages/Reports/2014commissionreport-DRAFT.aspx>

The Commission's final meeting of the year on December 9 will be devoted to reviewing written public comments received, and editing and approving the 2014 findings and recommendations and plans for 2015.

The Governor's Office formally announced two new Commission member appointments and one member reappointment. Lincoln Bean, Chairman of the Alaska Native Health Board, was appointed to the seat representing the tribal health system; Greg Loudon, a Principal and Employee Benefits practice leader with the commercial insurance firm Parker, Smith and Feek was appointed to the seat representing the health insurance industry; and Allen Hippler, a Vice President with Northrim Bank, was reappointed to the seat representing the Chamber of Commerce.



TRANSPORTATION ADVISORY BOARD APPOINTMENT

October 30, 2014 – Governor Parnell appointed Dillingham's own Julianne Baltar to the *Alaska Community Transportation Advisory Board*. Ms. Baltar is the director for Bristol Bay Native Association's Department of Transportation and Infrastructure Development. She was previously the chief executive officer for All Nations Tribal Transportation Consortium. She is also president of the Alaska Tribal Transportation Workgroup, and member of the Transportation Research Board, Alaska Tribal State Federal Transportation Task Force, and National Congress of American Indians Transportation Task Force. She received a bachelor's degree in engineering physics from Bemidji State University. Ms. Baltar is appointed to a tribal seat.



FISH COMMISSION APPOINTMENTS

November 6, 2014 – Six Alaskans nominated by Governor Parnell were appointed by the U.S. Secretary of State to serve on a panel for the *North Pacific Anadromous Fish Commission*. The panel serves as a forum for promoting the conservation of anadromous stocks and ecologically related species in the North Pacific Ocean; and advises the U.S. Section of the North Pacific Anadromous Fish Commission on living marine resource conservation and high seas fishery enforcement issues. These appointments are as follows: Mr. Art Nelson of Anchorage, Ms. Dale Kelley of Juneau, Mr. Andrew Bassich of Eagle, Mr. Steve Reifentstahl of Sitka, Mr. Robert Ruffner of Soldotna, and Mr. John Jensen of Petersburg.



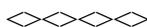
GOVERNOR'S CORNER <http://gov.alaska.gov>

The governor's office announces press releases and other items of interest at the website above. Of note, he made the following board appointments on **November 14th**. Council of Domestic Violence and Sexual Assault, Advisory Board on Alcoholism and Drug Abuse, Alaska Humanities Forum Board of Directors, Alaska Mental Health Board, Alaska Health Care Commission, Alaska State Emergency Response Commission, and the Alaska Tourism marketing Board. Although none of the appointees were from Dillingham, some if not all of these boards or commissions develop and recommend statewide plans that affect the lives of people and communities all over Alaska.

Another press release of concern is dated **November 15, 2014**. The State of Alaska submitted comments opposing a draft Environmental Protection Agency (EPA) rule that would unlawfully place most of Alaska's waters and lands under the control of the EPA and the Army Corps of Engineers. The State's comments ask the EPA and the Corps to withdraw the proposed rule.

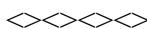
The following remarks in quotations are taken from the press release. "The proposed rule would significantly expand EPA's reach onto state, local, and private lands under Clean Water Act (CWA) regulation," said Governor Parnell. "This proposed rule not only federalizes land use decisions for state, local, and private landowners, it places them under threat of fines and penalties up to \$72,500 a day and jail time. Property owners would have to pay the federal government a permit fee, wait for the permit to be issued, and then pay the federal government for the privilege of using their own property through costly "mitigation" fees. Alaskans would have little choice but to comply with EPA and Army Corps' demands, since the fees must be paid or the property owner will be fined and possibly jailed."

Apparently the EPA is poised to enact this rule by next summer. The U.S. House of Representatives passed a resolution, H.R. 5078, the Waters of the United States Regulatory Overreach Protection Act of 2014, which would stop the EPA. It has been sitting in the Senate with no action scheduled for more than two months.



TRANSITION NOTES

As we await the inauguration of Governor-elect Walker and Lt. Governor-elect Mallott on December 1st, a few more announcements have been trickling in. Former state House member and Fairbanks North Star Borough Mayor Jim Whitaker has been named chief of staff to Walker. My impression of Jim Whitaker as a legislator was someone who was well prepared and intent on getting the job done. He was one of those people you liked almost immediately because of his demeanor. As I recall, he was more than fair, thoughtful, and listened well. Gov-elect Walker has also named Grace Jang, formerly an investigative reporter for Anchorage TV station KTUU as his spokesperson. He also announced the leaders of his transition team. Of significance is Norm Van Vactor the president of the Bristol Bay Economic Development Corp. and April Ferguson the VP of the Bristol Bay Native Corp. They will head up Fisheries and Rural Guard committees respectively. In other news, Karen Rehfeld, the current Office of Management and Budget (OMB) director has announced her retirement, which was effective November 21st. OMB Senior Economist John Boucher will fill in as acting director. I know Mr. Boucher and will contact him to ensure he is aware of the importance of your CIP priorities. My best and warmest wishes go out to Ms. Rehfeld. She has been around state government a long time. Karen served for Governor Jay Hammond as a special assistant.



“RISE AS ONE”

“Rise as One” was the theme of this year’s Alaska Federation of Natives annual convention. Governor-elect Bill Walker and Lt. Governor-elect Byron Mallott wrote an op-ed for the Fairbanks Daily Miner that was posted on Nov. 19th. Their comments built on this theme and used it to encourage all of Alaska to rise as one. In case you haven’t seen the article, I’d like to highlight a few portions of the letter they drafted. I’m certainly encouraged by the tone they’ve taken and will certainly work with this administration to advance “...the notions of hard work, collaboration and a shared vision.”

“This transition of state government is particularly critical as – for the first time in state history – Alaska will have a nonpartisan, independent administration.” “This transition is the first step in following through with our campaign pledge to reach out and listen to Alaskans. It is the first step in prioritizing our campaign promises to accept Medicaid expansion, address the high cost of energy, immediately begin to responsibly reduce state spending and continue to sustain Constitutional obligations for education, public safety, health and justice.” “We firmly believe more voices leads to more ideas and ultimately better solutions for the state. We will strive to seek common ground on historically divisive issues that have divided Alaskans. We will look for ways to strengthen the presence of your state government across Alaska and the delivery of state services and management of programs.” “We hope to find common ground as we explore new challenges in Arctic policy and revitalization of the Army National Guard in rural Alaska.”



HB 19 / VEHICLE REGISTRATION

A new law affecting Alaska communities will become effective on January 1, 2015. HB 19, passed during the last session of the Legislature allows for the permanent motor vehicle registration of vehicles and some trailers that are at least 8 years old. By ordinance, communities will have the choice to opt IN or OUT of this new program. We can probably answer most questions on this bill.

To review the new law and associated documents, go to:

http://www.legis.state.ak.us/basis/get_bill.asp?bill=HB%20%2019&session=28



IMPORTANT NOTES

1. November 14, 2014 – Teleconference

Participants: City Manager Rose Loera, City Planner Jody Seitz, Cliff Stone, and Ian Fisk

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The central theme of our conversation was concentrated on your FY16 CIP List. We ensured that the Office of Management and Budget (OMB) within the governor’s office not only had all of your pertinent resolutions in this regard, but Rose and Jody sent along a two-page summary highlighting what has been accomplished with previous funding the governor and legislature authorized. This synopsis focused on your Wastewater System Upgrades and the Landfill/Incinerator. We have since followed up with both Karen Rehfeld, OMB Director (now retired) and her replacement – Acting Director John Boucher. John is fair and listens well. Since your top two CIP requests will complete or nearly finish these projects, I stressed this point to guarantee the message was heard in that context. The timing is critical as this governor’s budget will be more or less be finalized and given to Governor-elect Walker on December 1st.

We also discussed the outcomes of the US Senate race, Governor’s race, and various statewide legislative results and what it all might mean for Dillingham. The fiscal picture in the state certainly does look bleak considering the dramatic fall in oil prices these last few months.

We touched on the design money needed for Dillingham’s proposed public safety building and other municipal issues including revenue sharing and interest rates. Rose also brought forward the problem of how the City has been subsidizing the Alaska Dept. of Motor Vehicles (DMV) office for years. Since then we have been in contact with DMV’s director – Amy Erickson. The dialogue is still ongoing, but suffice to say that we will be actively involved in offering our advice as how to resolve this long-standing dispute.

2. November 25, 2014 – Teleconference

Participants: City Manager Rose Loera, City Planner Jody Seitz, Cliff Stone, and Ian Fisk

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Since our last teleconference, there has been an ongoing line of communications with Amy Erickson. She currently serves as the Director for DMV. Specific action is still in limbo waiting on DMV’s response to a series of questions that have been drafted. Those will be sent to Ms. Erickson in the next few days. Most of these questions focus on private enterprise running DMV offices vs. Commission Agent Participation agreements, as is the case with Dillingham and quite a few other municipalities. Information about some of these other “agreements” will be forthcoming from other communities. Meanwhile, Rose will also ask to review a typical Invitation to Bid to see how it stacks up against the Agreements. Since the current deadline extension runs out December 31st, a further extension might be needed.

Rose gave us a brief report on action taken at the recent Alaska Municipal League (AML) meetings in Anchorage. Revenue sharing, PERS/TRS, PILT funding, and the marijuana initiative were just a few of the topics discussed and resolutions passed at AML.

Rose requested that we delve into the Denali Commission and the lack of transparency. Although they don’t have the funding base they once had, it appears on the surface that a bulk of the funding it does have is going to pet projects. We will also look at their administration costs and the amount of money that is allocated for overhead. The subject of rural sanitation was also brought to our attention. It appears that Alaska DEC wants communities to take on more and more of the responsibilities that will require engineering expertise that cities may or may not have in-house.

Rose emphasized that the next big push for funding has to be the design money for a new public safety building in Dillingham that will not only serve the community, but the region as a whole. We will continue these discussions and begin to frame a strategy to obtain the necessary funds for this phase of the project.



COMING NEXT MONTH

- Updated spreadsheet of the members of the 29th Alaska State Legislature, their party affiliation, and who is part of the majority of both houses and a number count.
- Governor’s FY16 Budget breakdown for Dillingham as released on December 15th.



LATE BREAKING NEWS! LATE BREAKING NEWS!

It appears from a late breaking story that Public Safety Commissioner Gary Folger is going to be retained in this position for the new administration. The new OMB director is going to be Ms. Pat Pitney who is currently with the University of Alaska system. Governor-elect Walker is also retaining Guy Bell who is the director of administration services in the governor's office. I only mention this because Mr. Bell has vast experience in state government and a deep understanding of the overall fiscal picture. I've known him for many years and he will prove to be a valuable resource as we face an uncertain budget path.



COMMITTEE HEARINGS

During the interim, some legislative work may continue in the form of any task force that was formed or other informational type meetings. Go to the Legislature's homepage – <http://www.legis.state.ak.us>



WEBSITES OF INTEREST

2014 2nd **Interim** Legislator & Staff Contact List
<http://akleg.gov/docs/pdf/InterimPhoneList.pdf>

House & Senate Committees: <http://w3.legis.state.ak.us/docs/pdf/commlist.pdf>

The full Legislative Publications List is at: <http://w3.legis.state.ak.us/pubs/pubs.php>

Congressional Delegation websites –
<http://murkowski.senate.gov/public> <http://www.begich.senate.gov/public> <http://donyoung.house.gov>



Thank you for the trust you have placed in us. May you and yours have a bountiful and loving Thanksgiving.
~ Cliff and Ian

~ End Report ~

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Holly Johnson
Chris Maines
Misty Savo
Vacant, Seat D
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: November 26, 2014
To: Rose Loera, City Manager
From: Janice Williams, City Clerk
Subject: Monthly Report

ENTRYWAY ACCOMMODATIONS AT CITY HALL

We had almost 150 people take advantage of early/absentee voting during the November general election this year. For all three elections this year, voters could opt to vote in the polling booth installed in the entryway to city hall, or climb to the 3rd floor and vote. The election really highlighted the challenge for some to enter the front door and then mount the stairs to reach any city staff. This concern is not new, but it takes an event (X3) to bring it to the forefront. Discussions in the past have included installing a phone in the entryway. As I noted earlier, I will plan to do some research and bring forward some ideas.

ORDINANCES UPLOADED TO ONLINE CODE

The two ordinances that were adopted November 6, 2014 have been uploaded to the online code. Code Publishing Co. provides the written versions bi-annually, unless we ask to have it received earlier. The paper copy will be forwarded early next year and an email sent out to ask everyone to drop off their code books.

CITY COUNCIL GUIDELINES FROM A-Z (located at the back of the Council Notebook

I have updated the Council A-Z handbook. A new section has been added, **APOC (ALASKA PUBLIC OFFICERS COMMISSION) – Exempt from filing a financial disclosure statement.**

The Dillingham voters in 1978 opted in favor of exempting its municipal officials from Alaska Statute 39.50.020 that would have required filing a financial disclosure statement with APOC giving income sources and business interests. The City of Dillingham does not require a local disclosure form either. (Municipal officers are city manager, mayor, council members, and members of the planning commission.)

STANDING ITEMS:

Liquor License Renewals/Transfers/New Licenses.

Indicate any licenses due to expire within 60 days. Under agenda item New Business, include a form for all renewal notices, requests for transfers, and requests for new licenses.

The following licenses are up for renewal this year:

- Sea Inn Bar (beverage dispensary)
- Windmill Grille (restaurant / eating place)
- Olsen's Liquor Store (package store)
- The Rack (restaurant / eating place)

Sea Inn Bar submitted its renewal application to the State's Alcoholic Beverage Control Board in October. I sent a reminder today to obtain a copy and get an update on any other renewal applications that may have been filed.

Licenses for a beverage dispensary license for the Willow Tree Inn and package store license for Dillingham Liquor Store were both renewed last year. Their licenses will not expire until December 31, 2015.

All liquor license renewal applications are due by December 31 of their expiration year. However, late applications may be received and/or postmarked (with a \$500 late fee) by close of business February 28th of the following year. After February 28th, if a renewal application has not been received, the license will be administratively expired by the State office.

Records Retention.

Amending our code to add a records management program to our code has been added to the Code Review Committee's To Do list.

Commission/Board Seats Vacant. The City is advertising to fill vacant seats.

- Cemetery Committee – 4 seats vacant.

Unless extended by the Council, the committee will expire October 31, 2014.

The City began advertising in October 2012 to fill 6 vacant seats. The seats will be appointed when there is a full board (minutes of December 6, 2012.)

- Parks and Recreation Committee – 1 seat open, plus the school rep seat is vacant, and the ex-officio non-voting member seat is vacant. No letter of interest in the packet.
- Planning Commission - 2 seats open. No letter of interest in the packet.

TIPSTERS.

Voting. Four affirmative votes are required for the passage of an ordinance, resolution, or a motion.

Entering into Executive Session. Council member making the motion to go into executive reason should state in the motion the reason for going into executive session.

Example:

- A. Legal Matter
 - 1. Ekuk vs. Local Boundary Commission

MOTION: _____ moved and _____ seconded the motion to move into executive session to discuss Legal Matter, Ekuk vs. Local Boundary Commission.

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Holly Johnson
Chris Maines
Misty Savo
Vacant, Seat D
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: November 24, 2014
To: Rose Loera, City Manager
From: Sonja Marx, Librarian
Subject: November Monthly Report

As the Alaska OWL Project came to an end in September, we received 4 more DELL computers with monitors, 12 battery backups, 12 headphones, an Ethernet cable, and children's early literacy AWE stations (one desktop and 3 tablets) with headphones. With this new equipment, along with the continuing high speed internet provided by the OWL Program, our technology needs are met here at the library for the community.

New software was also purchased with a SWAMC grant. No longer do patrons sign in on a log sheet to use our patron computers. They request a "Computer Time Reservation Ticket" at the front desk from the librarian. The patron enters this PIN number on the computer; they are logged on for 30 minutes or more (depending on how busy we are). This has streamlined our computer use for recording stats, etc.

Our wireless use has also been upgraded with a Handlink WiFi Managed Public Access point with Printer. If patrons wish to have access to the free WiFi, they have to come in to the library and print a wireless access ticket which gives them a username and password for 30 minutes of internet use.

This month, a MAP student, Angela Aiken, has been volunteering her time working at the library Monday through Friday from 12:30 pm to 3 pm as noted in the stat report. The Library Aide/Clerk I position is being advertised again, as Thea is leaving town.

The Library Advisory Board met Nov. 18th with the following recommendations. As per Resolution No. 2013-71, Council approval is needed for:

- Erika Schneider as the Presiding Officer
- Change the library hours to be open on Friday from 11:30 am to 6:30 pm

Future items to come before the Council will include:

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- Library survey distributed to the community via paper and/or online; will be provided to the Council when completed
- Revision of Youth Check Out Policy
- Revision of Internet Computer Use Policy

Library Stat report for October 27th – November 22nd, 2014:

**Patron Visits: 2,899 Computer Use: 425 Wireless Use: 331
Story Hour: 46 Other Visits (including students): 467 Museum Use: 29
Videoconferencing: 0 AWE Station Use: 4
Approximately 40.25 volunteer hours logged**

**Library will be closed Thursday, December 25th for Christmas
Library Advisory Board – Meeting Thursday, December 4th, 5:30-6pm in Library**

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MEMORANDUM

Date: November 24, 2014
To: Rose Loera, City Manager
From: Jody Seitz, Planning Director
Subject: November Report

Downtown Streets: MOA is in the Council packet for approval for City Manager to sign.

Evergreen Cemetery: Still waiting for a quit claim deed from Choggiung for ADOT&PF.

Kanakanak Road Project. There is going to be a light at the intersection of Kanakanak and the Airport Wye: The question is when that light will be installed.

GIS: The new interactive map on the City's homepage is well-received. I still have to update the pdfs for the other maps that are linked to the website via the Planning Department link

Ordinances: Title 17 minimum lot size revisions. I met with an engineer from the Alaska Native Tribal Health Consortium which has a program called "scattered sites" that provides new or replacement wells and septics on Native-owned property. The engineer, Kurt Sauers, reports that about 10 septics fail every year in Dillingham due to poor soils. Even where trees exist, the soil may not support a septic system for long. Also, the septic leach fields are sized according to how well the ground percolates. Mr. Sauers is willing to attend a Planning Commission Workshop to help further identify the issues with wells and septics and how best to approach this problem of subdivision lot size. The ADEC, meanwhile, suggests the City retain the services of an engineer as needed to review subdivision plats to better identify what would be suitable lot sizes in terrain where the soils are likely to not percolate well.

Title 15, Floodplain regulations: the Planning Commission has referred the proposed ordinance changes to FEMA for review prior to sending them to the City Council for approval.

Title 18. Attorney Patrick Munson found much more that needed correcting following last spring's revision of this ordinance. I haven't had time to review this.

Pending plats:

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City of Dillingham

ASLS 2005-51: have the final plat. Need to do the review and bring to the Planning Commission.

Crystal Subdivision: Waiting on improvements for final plat.

Edra Garage: Administrative approval following Planning Commission approval November 12. Requires opportunity for public comment.

L&M Subdivision: Awaiting formal refusal of half the alley by ADNR to complete the final plat.

Pacer Subdivision: Administrative review to complete.

Port Land Exchange: Have moved the property descriptions to the Assessor to prepare values.

Permitting:

Encroachment Permits: One pending for the City Council to review for the new incinerator.

Floodplain Management: Ordinance, once Brooks corrects minor changes, is going to FEMA for review. I have one outstanding floodplain compliance letter that was not responded to. The individual returned the receipt for the letter. There is another outstanding floodplain issue. A city lease lot needs to have a letter of map amendment to remove it from the floodplain.

Land Use Permits: Two driveway permits outstanding. Lack of driveway standards in Title 18 complicates requests for compliance. Several permits are outstanding for septic and wells. Kurt Sauers of ANTHC is going to provide those permits and as-builts on behalf of the clients. One permit is for a building repurpose. The individual hasn't turned it in, but is aware he needs to.

Planning Commission: Gregg Marxmiller completed Planning Commission training November 16 as part of the AK Chapter of the American Planning Association annual conference.

Squaw Creek Suggestion from a Citizen: That we provide the landowners with information about Homeowners' Associations for them to look into. This might be a way forward.

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Paul Liedberg

MEMORANDUM

Date: November 21, 2014
To: Rose Loera / City manager
From: Jean Barrett / Port Director
Subject: November monthly report

November is quickly coming to a close and looking out the window it could be August or September, except for the fact there are no boats or docks in the water. The only activity there has been are the smelt fishermen and belugas who are in competition with them.

Dock

There has been no activity at the dock since the end of October.

- I have finalized the tariff for the dock. It will be going to the Finance and Budget committee on the 24th for their final approval and then onto the City Council to hopefully be passed on the December 4th meeting. This would allow us to put these changes into effect starting in January 2015.

Harbor

As I mentioned before the harbor has seen very little traffic other than the occasional smelter, the belugas and once in a while a skiff will come in from a surrounding village.

- The first step in the lighting project I have been working on is complete. All of the lights are on switches which allows us to turn them off while keeping the power on to the security cameras. This will keep the cameras warm and not allow the weather to affect their operation and cut down on maintenance issues.
- The second step of the lighting project is to find new L.E.D. light fixtures to replace the old worn out 1000 watt ones that we currently have. Only 3 of 7 of are in working order. I have contacted Grainger and also Tamerak Electric for suggestions and price quotes.
- I have finalized the tariff for the harbor. It will be going to the Finance and Budget Committee on the 24th for their approval and then onto the City council to hopefully be passed during the meeting on the 4th of December. This would allow us to put these changes into effect for the 2015 season.

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Other

- I attended a workshop that was put together by Security Solutions on the 29th of October. This workshop focused on all of the Best Access Systems which we use for all of our door knobs and locks throughout the city. I met with their representatives and came up with a plan to start a restructuring of all of our locks and keys. I have been working on the key pyramid to stream line the key structure so our people who need access to a lot of the city buildings will not have to carry a number of keys with them in order to do their job. I hope to have this done this winter.
- Evaluations have been done for all Port personnel. This keeps everyone on a scheduled time for their yearly evaluation.
- I assisted the W & S department in collection of water samples at the outflow from the Treatment plant on the 19th of November. This was by far the latest I have ever been on the waters of the Nushagak River. I hope I don't break my record anytime soon.
- I have contacted the University of Alaska Southeast for available classes and fee schedule for their online courses focused on Ports and Harbors. I hope to take a couple of these courses this winter. I have also inquired at BBEDC for funding for these classes.
- I have been working this fall with a representative from Northland services to get the damage repaired that was done this summer when one of their barges rammed the dock. I was unsure of their proposed, fix so I consulted with our project manager Gary Gordon. Gary and I took a look at the damage and decided we would get the opinion of the City engineer when he came to town. Long story short we have decided to have the repairs lined out by our people and present them to Northland instead of the other way around.

That is all from the best view in town.

Jean

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Mayor
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Manager
Rose Loera



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Paul Liedberg

MEMORANDUM

Date: November 25, 2014
To: City Manager Rose Loera
From: Chief Dan Pasquariello
Subject: **December 2014 Council Report** (*reporting period 10/27/14 to 11/25/14*)

POLICE:

- ❖ 340 Calls for service
- ❖ 48 Incident reports
- ❖ 24 Persons arrested
- ❖ 17 Title 47/Protective custody
- ❖ 47 Citations issued

Our two newest officers have completed the FTO process and are working independently.

One of our officers attended a Sexual Assault Response Team (SART) training in Anchorage. This training teaches a multi-disciplinary response to sexual assaults. Other persons from the various Dillingham disciplines (*nurses, advocates*) also attended this training.

The DHS grant funded police/fire radio encryption project is beginning. The vendor anticipates completing the project in January.

CORRECTIONS:

- ❖ 24 Total Inmates
- ❖ 17 Title 47/Protective custody

The corrections division is now fully-staffed. Our newest correction officer has completed the FTO process and is working independently.

DISPATCH:

- ❖ 447 Calls for service
- ❖ 83% Dispatched to Dillingham Police
- ❖ 12% Dispatched to Alaska State Troopers
- ❖ 4% Dispatched to EMS/Fire

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- ❖ 1% Dispatched to Animal Control
- ❖ 62 911 calls received

One of our dispatchers is on FMLA leave. The Administrative Assistant will be filling in as dispatcher while she is gone.

ANIMAL CONTROL:

- ❖ 4 Dogs/cats impounded
- ❖ 2 Dogs/cats returned to owners
- ❖ 1 Dog adopted
- ❖ 2 Parvo shots
- ❖ 1 Citation issued

The ACO is back from vacation. He thanks the police officers and volunteers for taking care of the shelter in his absence.

DMV:

- ❖ 45 Registrations/Titles
- ❖ 50 Driver's License/IDs
- ❖ 3 CDLs
- ❖ 1 Road tests

Running smoothly.

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MEMORANDUM

Date: November 25, 2014
To: Rose Loera, City Manager
From: Francisco Garcia, Public Works Director
Cc: Dillingham City Council
Subject: November monthly report 2014 – Public Works Department

Street Dept.

- Grading roads in and out of town;
- Helping out with lift stations Small's and Dock;
- Assisted with mixing zone samples.

Water/Sewer Dept.

- Doing monthly water and sewer sampling;
- Washed down lift stations;
- Completed mixing zone samples;
- Working on Small's, Dock and Tubb's lift stations(possible check valves plugged);
- Flushed fire hydrants.

Shop Dept.

- Keeping up with equipment and vehicle maintenance;
- Got both sanders up and running;
- Working on excavator thumb;
- Completed a recall on the trackless (pinion shaft)

B&G Dept.

- Steadily working on police and fire department boilers;
- Completed work on DPD fuel tank and it's up and running;
- Hired a new assistant.

Landfill Dept.

- Keeping landfill clean as possible;
- Keeping monthly visual inspection list; and
- Received training alongside staff to properly pull water sample samples from the monitoring wells.

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
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Vacant, Seat D
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: November 24, 2014
To: Rose Loera
From: Ida Noonkesser
Subject: Staff Report

During the month of October, the Senior Center served 719 congregate meals to 72 individuals, 117 home delivered meals to 10 individuals, gave 320 assisted rides to 25 individuals and 220 unassisted rides to 31 individuals.

We had three renters in the month of October. The Pinochle player's group continues to rent the dining room every Friday and every third Saturday, the Quilters rent the Senior Center.

Bryce Edmond and Dave Pasley came to the Senior Center and played their guitars, sang for the elders. The elders seem to enjoyed them playing guitar and the old songs.

Mary Alice from BBAHC came October 20th to put reflector tape on the elders' coats. We had at least 10 people who put reflector tape on their coats. This is a good safety activity for our elders, making them easier to see when they are out walking in the dark.

The Senior Center has been approved for the Rasmuson Grant for \$25,000. Once the grant is approved by the City Council we can order the new commercial dishwasher and range for the kitchen. We are excited to be able to upgrade our kitchen.

Jeff & Alex Hahn from BBAHC coalition for tobacco prevention came and met with the elders to discuss the effects of tobacco use and what they can do stop the tobacco use. We had 8 people participate in the discussion.

Our next Advisory Board is December 9, 2014 at 1PM at Senior Center.

I. CALL TO ORDER

The Code Review Committee met on Thursday, November 13, 2014, in the Council Chambers, Dillingham, AK. Chair Paul Liedberg called the meeting to order at 5:34 p.m.

II. ROLL CALL

Committee Members present:

Paul Liedberg	Alice Ruby	Rose Loera
Chris Maines, arrived at 5:37	Janice Williams	

Committee Members absent:

Holly Johnson, excused

Other Staff: Dan Pasquariello

III. APPROVAL OF MINUTES

A. Minutes of September 11, 2014

MOTION: Alice Ruby moved and Rose Loera seconded the motion to approve the minutes of September 11, 2014.

GENERAL CONSENT: The motion passed without objection.

IV. APPROVAL OF AGENDA

MOTION: Rose Loera moved and Alice Ruby seconded the motion to approve the agenda.

VOTE: The motion passed unanimously by voice vote.

V. UNFINISHED BUSINESS

A. Code Committee's To Do List

Two items were added to the task list for a possible recommendation to the Council: 1) to create a process to waive speed limits within City limits, and 2) decrease the personal property tax on airplanes.

B. Minimum Acreage (*Postponed*)

C. Propose Amendment to DMC Section 1.20.040, Minor Offense Fine Schedule, to Add a Fine for Improper Dumping of Waste and Amend DMC Chapter 8.04, Refuse Collection, to Add Wording Regarding Improper Dumping of Waste

Discussion:

- If the city adopts its own code, it would take precedence over the state's code which addresses illegally feeding animals, a violation of \$300 collected by the state.
- The proposed list of items under prohibited waste are those items that were included in the City's landfill permit application.
- Landfill staff select every fifth vehicle to check their trash for prohibited waste items as permitted by DEC.

Follow-up:

- Prepare one ordinance for further review to include language similar to City of Kenai's code on dumping of fish waste and include a fine of \$75 for each violation; to add a definition for prohibited wastes that do not belong in the landfill; to add language random inspection of trash bags, and to add a fine of \$300 for dumping illegal wastes.
- D. Correct Conflicting Language Between Chapter 11 Business District and Chapter 18 Central Business District (*Postponed*)
- E. Create a SOP for Liquor License Renewals

Follow-up:

- Continue to work on the draft ordinance and include suggestions made at the meeting to add a new section to code on Liquor Licenses, continue work on the policies and procedures for liquor licenses, and continue work on the check list for liquor license renewals, transfers and new licenses.
- F. Review Animal Control for Clarification on Unwanted, Abandoned Animals

Staff presented language to cross reference chapters 7.09, Impoundment, and 7.11, Euthanasia, add language to outline the events that are in place before a decision is made to put an animal down. A definition was added for adoption eligible animals, and language added that both the ACO and the Chief could evaluate an animal as adoption eligible.

MOTION: Chris Maines moved and Rose Loera seconded the motion to recommend the changes to the Animal Control ordinance.

VOTE: The motion passed unanimously by voice vote.

Follow-up:

- Prepare an ordinance to be introduced at the December Council meeting.
- G. Add Records Management Program to Section Records and Documents and Review Records Management Policy (*Postponed*)
- H. Clarification on Application of Sales Tax on Fuel Deliveries Made Outside Dillingham Limits

The City of Dillingham's code allowed to collect a 6% sales tax on fuel deliveries outside of city limits, but hadn't been. Aleknagik started collecting a 5% sales tax on fuel deliveries to Aleknagik some time back. There was no agreement between COA and COD on this arrangement, although it had been brought up.

Discussion:

- Not in favor of collecting Dillingham's 6% sales tax on top of Aleknagik's 5% sales tax;
- COD could negotiate with COA to split the 6% or make another arrangement;
- Aleknagik is not in favor of lowering their tax on fuel deliveries, which makes up a big portion of their income;
- COD could enter into a compact with COA, the fuel companies would file their sales tax report with COD, distinguish the COA sales from COD sales, and submit COA's amount to them; and
- The compact would include a provision that any future anticipated sales tax increases be renegotiated.

Follow-up:

- Ask the City's Attorney to draft a compact with COA based on COD collecting 1% on those fuel deliveries to Aleknagik.
- Contact the fuel companies in writing to begin assessing a 6% sales tax on fuel deliveries between city limits of Dillingham and city limits of Aleknagik.
- Remove this item from the Code's task list.

I. Provide a Process for Exceptions to DMC 11.08.010 Speed Limit

Follow-up:

- Would not need an ordinance change, but will work with staff to set up some written procedures to review future requests for stop signs and changes in speed limits.

J. Review Personal Property Tax Assessed on Airplanes

There was a request to lower the personal property tax on planes, because of the perception that owners were removing their airplanes from Dillingham on January 1 to avoid the tax, and the City was losing mechanics to other areas.

Bristol Bay Borough and Municipality of Anchorage exempt airplanes from personal property tax, but do require all owners register their aircraft and pay a registration fee.

Follow-up:

- Contact BBB how cumbersome was it to get seasonal planes to register.
- Find out from the airport director how many airplanes are housed in Dillingham.
- Provide a breakdown of accounts assessed on aircraft landings.

VI. NEW BUSINESS

There was no business.

VII. PUBLIC COMMENT/COMMITTEE COMMENTS

There were no public/committee comments.

VIII. ADJOURNMENT

The meeting adjourned at 7:27 p.m.

Paul Liedberg, Chair

ATTEST:

Janice Williams, City Clerk

Approval Date: _____

DRAFT

I. CALL TO ORDER

The Finance and Budget Committee met on Monday, October 20, at the City Council Chambers, Dillingham, AK. Mayor Ruby called the meeting to order at 5:30 p.m.

II. ROLL CALL

Committee Members present:

Alice Ruby	Vacant Seat
Tracy Hightower	Carol Shade
Rose Loera	Keggie Tubbs

Staff present: Pancho Garcia

Guests: Attorney Patrick Munson – attended via teleconference

III. APPROVAL OF MINUTES

A. Minutes of September 15, 2014

MOTION: Carol Shade moved and Tracy Hightower seconded the motion to approve the minutes of September 15, 2014.

GENERAL CONSENT: The motion passed without objection.

IV. APPROVAL OF AGENDA

The agenda was adjusted to move item Fluoride in Water before Staff Reports.

MOTION: Rose Loera moved and Carol Shade seconded the motion to approve the revised agenda.

GENERAL CONSENT: The motion passed without objection.

VII. NEW BUSINESS

A. Fluoride in the Water

AkDEC is requiring the City to install a flow meter that would stop the flow of fluoride in case there was a problem. During the meter equipment install, the system would be compromised, and to remove any possibility of contamination, the system would need to be chlorinated and taken off line for 24 hours. If there was a fire during the down-time, the system would have to be brought back on line and would cause further complications, because the whole system would have to be taken down. AkDEC does not require fluoridation, but does require that a Class I certified operator be on board if fluoride is being used, which can be an issue.

There is a \$2,000 cost for supplies and an additional cost for staff time every two weeks to put the fluoride in the system.

Adele Megli, concerned community member, asked that the City take into consideration that as a dentist practicing for 21 years she was distressed that fluoride could be discontinued. She noted water fluoridation was the number one effective way to fight dental decay. Water fluoridation was considered safe, received in small doses with great frequency, and it was inexpensive to provide fluoride to a large number of people. There was a significantly higher rate of decay in the BB area compared with the rest of the nation, and was aware that most communities in Bristol Bay did not have natural fluoride in their water (was not sure about Dillingham). Bethel, Nome, other regional hubs do use fluoride.

Follow-up:

- Estimate the cost to install the flow meter, does it require contract services to install, have other communities complied with this DEC requirement and what was their experience.
- This item would remain on the agenda as a placeholder and a recommendation made to the Council.

V. STAFF REPORTS

A. Equipment Replacement Capital Projects Fund

1. Recommend Replacing Backhoe, Fork Truck, and Black Tanker, Sr. Center Van and 1990 F-350 Mechanic's Truck

Staff was recommending the replacement of several vehicles/equipment within the current and next budget cycle, all of which were evaluated to be in poor condition. They could be funded from existing legislative funds and from the equipment replacement fund.

B. Quarterly Review of the Financial Statements

Staff presented a comparison of real and personal property taxes invoiced as of July 1, 2014, compared with the amount received as of September 30, 2014, and an analysis of property taxes owed for 2013 and prior years. It was noted one staff member was committed to working on collections of overdue property taxes and sales tax. The new accounting software allowed for better tracking of accounts and an easier method to send out monthly reminders.

Staff provided a review of the quarterly financial statement covering the period July 1 through September 30, 2014. Overall most of the budget items were within the 25% range for budget spent.

VI. UNFINISHED BUSINESS

A. Fiscal Policy Development

1. Review Internal Controls (*postponed to December*)

B. Rate Review

1. Equipment Rental Procedures & Rates

Staff presented a draft resolution that would recommend lease rates for use of the city equipment for rent, insurance work, or on grant funded capital improvement projects.

Q. Wouldn't the policy prevent an individual from renting, because they would not have the commercial insurances required to rent. Concern was for those that might want to rent the lowboy (trailer) to haul their container van from the dock, for example.

A. An individual could hire someone with their own truck and rent the city's lowboy.

Follow-up:

- Bring back the draft resolution and the new policy on equipment rentals to the next F&B meeting and a recommendation would be made to the Council at their December meeting.

2. Port Tariff (*postponed*)

C. Annexation Appeal – Update

Staff noted without the fish tax or another revenue source, the City may be looking at cutting some services, noting the 2015 budget was very tight, the budget was presented with a \$228,000 deficit, and the City couldn't continue to run a deficit budget without eventually depleting its general funds. The City could look at other options than the low income refund and real property tax refund incentives that had been put in place.

D. Division of Motor Vehicles Options (*Place Holder*)

E. Water and Sewer Rate Analysis

Staff presented an evaluation of several customers, past and present rates. The cost of a meter ranged from \$400 to \$600 each. The City was looking to approach Curyung to see if they were interested in having their water usage metered, and would check to see if the building could accommodate a meter. The only two places where the system appeared to be overbuilt for the current business activity were Curyung Tribe (previously the building was used for child care services), and Northwest Auto (previously an auto shop and now only served as an office to rent out cars).

There may be some anomalies due to the structure of the line that are skewing the study, and unless they are dug up it may not be known what was in place. Can address the anomalies as they come up.

Follow-up:

- For a building that changed its activity for which the service was built to accommodate the type of activity, first option would be to have the building metered, but if not possible to meter, could look at adjusting the component of the calculation that uses the size of the service to the building based on the type of business activity.
- This item will remain on the agenda.

F. Fuel Sales Outside City Limits

The City of Aleknagik charges 5% for fuel deliveries made from Dillingham. The Dillingham code allows the City of Dillingham to charge a 6% sales tax on fuel deliveries to Aleknagik, but hasn't and the reason was not clear. The City could charge 6% on top of Aleknagik's 5% tax, but doesn't favor this option. Aleknagik has asked that the City not take away this revenue source which amounts to around \$50,000 a year. The City could look at other alternatives, such as sharing the 6%.

Follow-up:

- Continue conversations with Aleknagik and keep this item on the agenda for now.

VII. NEW BUSINESS

- A. Fluoride in the Water
- B. Reschedule November F& B Meeting

The meeting was rescheduled to Monday, November 24.

VIII. PUBLIC/COMMITTEE COMMENT(S)

There were no public/committee comments.

IX. EXECUTIVE SESSION

- A. Bingman Foreclosure

MOTION: Carol Shade moved and Rose Loera seconded the motion to go into executive session [7:42 PM].

GENERAL CONSENT: The motion passed without objection.

The committee came out of executive session at 8:42 p.m.

X. ADJOURNMENT

The meeting adjourned at 8:43 p.m.

Alice Ruby, Chair

ATTEST:

Janice Williams, City Clerk

Approval Date: _____

I. CALL TO ORDER

The regular meeting of the Port of Dillingham Advisory Committee was held on Friday, October 10, 2014, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 5:37 p.m.

II. ROLL CALL

Members present:

Mayor Alice Ruby
Robert Heyano

Dan Dunaway
Bob Himschoot – attended via teleconference

Russell Rolf

Members absent:

Robin Samuelsen

Jim Baumgartner

Staff in attendance:

Jean Barrett

Carol Shade

IV. APPROVAL OF AGENDA

MOTION: Robert Heyano moved and Dan Dunaway seconded the motion to approve the agenda.

GENERAL CONSENT: The motion passed without objection.

III. APPROVAL OF MINUTES

A. Minutes of December 21, 2012

MOTION: Dan Dunaway moved and Robert Heyano seconded the motion to approve the minutes of December 21, 2012.

GENERAL CONSENT: The motion passed without objection.

The committee ruled since there was no quorum for the March 28, 2013 meeting, the meeting was an informational meeting.

V. STAFF REPORTS

Port Director Barrett reported on the following (these items were in addition to his written report in the packet):

- In comparing other communities, Bristol Bay's tariff was more in line with the City of Dillingham's, but Dillingham's rates are much less;
- Container vans are getting wider from 8' to 9' to accommodate wider vehicles and different lengths 24'; but still legal width for highways;

- Earlier this season a Northland barge rammed a piling, but they are fixing it and paying for the damage. Jean will be getting Gary Gordon's advisement on the repairs;
- There is no set capacity for the number of boats that can anchor in the harbor; first come first served;
- Army Corp dredges deep enough so all boats stay floating in the case of a fire or other emergency.

Discussion:

- Q. Was there any other design that might work better than the present one in order to make more room for more boats in the harbor?
A. Using the harbor the best way for now, but have thought about buying property on the west side of the harbor (which is eroding) and making outer floating docks.
- Move the access to the east floats to the north end of the floats in order to ease some of the bottle necking.
- Q. Could the tote dumper be attached to the ice machine to avoid crew from having to shovel out the ice?
A. Would have to be engineered and funds found.

Follow-up:

- Consult with other ports for regulations on setting the number of boats in their harbors, based on safety issues.
- See if the City has funds to put out a RFP to install piping around the top of the pilings along the new bulkhead to replace the busted straps.
- Install lighting near the ice machine at north ramp; already looking into LED lighting for other areas in the harbor.

VI. UNFINISHED BUSINESS

A. Alcohol at Harbor

Port Director discussed the following:

- Did not find the ban of alcohol in other port tariffs; treated as disturbing the peace, and the police are involved;
- If called to a boat where there is a disturbance or noticed a boat where there is disorderly drunken conduct, the party is dispersed and he takes the alcohol and pours it into the harbor;
- Has authority to use his judgment when there is a drunk and disorderly disturbance to confiscate a boat, put on dry dock, take keys away;
- Education - provide a list of do's and don'ts when someone applies for a harbor sticker, drink responsibly or risk consequences, etc.;

Discussion:

- Don't feel the boat harbor is a place for drinking;
- Suggest a zero tolerance on any vessel that causes a disturbance with alcohol;

Follow-up:

- Research the City's legal authority to search a boat or prevent someone from bringing alcohol on their boat.
- Research Bristol Bay for their process for dealing with alcohol use.
- This item will remain on the agenda for further discussion.

VII. NEW BUSINESS

A. Suggested Tariff Revisions

Harbor Rates:

- All skiffs are required to have a harbor sticker even if launch/haul out is a one-time thing. The fee was put in place to help keep track of the number of commercial skiffs for one owner. Did away with the in/out fee of \$25 per trip;
- Q. Commercial skiffs are being increased from \$70 to \$100 per season?
A. Proposed differentiating between recreational and commercial skiffs. The measurement of up to 25' would be removed, set net skiffs are getting longer, take up more room in the harbor, are more labor intensive.
- Confirmed all recreational skiffs were exempt from sales tax; and
- Current definition for a skiff was a vessel 25' or less.

Resolved:

- Work on a price structure based on footage, a flat fee for 20', anything over 20' would be a per foot rate up to 32', and a fee for over 32', and remove references to recreational, commercial, skiff, and fishing.

Container Vans (Wharfage and Handling):

- Retain existing flat rate price structure, but increase it to be competitive with Bristol Bay; provided an evaluation of a container based on poundage which supports the proposed rate increase;
- Propose an additional handling charge to provide electricity for a freezer van same as Bristol Bay;
- City can justify the competitive increases as long as the same service is being provided.

Resolved:

- Recommend rates should be competitive with other ports, retain the flat rate pricing which is what staff prefers, add a handling charge/freezer charge component, and make changes in stages instead of all at one time.
- Propose an increase in the flat rate for a 40' container to \$315, plus a \$100 freezer charge.
- Propose an increase in the flat rate for a 20' container to \$180.

Follow-up:

- Jean Barrett will present the recommendations made to the Finance and Budget Committee at their October 20 meeting.

- Jean Barrett will distribute the results to the Port committee and will gauge from the comments if another meeting is needed.

VIII. PUBLIC COMMENT/COMMITTEE COMMENTS

There were no public/committee comments.

IX. ADJOURNMENT

Mayor Alice Ruby adjourned the meeting at 8:57 p.m.

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Approved: _____

DRAFT

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2014-17

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING TITLE 7, ANIMALS, TO ADD A DEFINITION FOR ADOPTION ELIGIBLE TO CHAPTER 7.02, AND TO CROSS REFERENCE CHAPTER 7.09, IMPOUNDMENT, WITH CHAPTER 7.11, EUTHANASIA

WHEREAS, the City of Dillingham established procedures to ensure that animals impounded or taken into custody by the City of Dillingham are provided with a place of temporary care and safe shelter where they are treated with dignity and compassion until they can be reclaimed, adopted, or euthanized if considered unadoptable; and

WHEREAS, the Dillingham City Council on October 4, 2012, adopted the Animal Shelter Operating Procedures, and amendments to Title 7, Animals, to be in line with the Animal Shelter Operation Procedures; and

WHEREAS, it is being recommended that the City's code on impounded animals, Chapter 7.09, Impoundment, cross reference Chapter 7.11, Euthanasia, to add language an animal is evaluated as adoption eligible;

WHEREAS, this ordinance will provide a definition in code for an adoption eligible animal as defined in the Animal Shelter Operating Procedures; and

WHEREAS, the Animal Shelter Operating Procedures provides a broader explanation regarding impoundment of an animal as follows:

E. Animal Impounds.

All stray dogs and cats that are impounded will be held no less than five (5) days before their adoptability will be determined with possible euthanasia after ten (10) days. If the owner is known, they must be notified as soon as possible. The exceptions to this policy are animals that are a danger to the staff making their care impossible.

The factors that determine whether or not an animal will be euthanized are as follows:

- a. How the animal adjusts to the shelter environment, extremely depressed or highly stressed animals must be reevaluated;
- b. Animals determined to be aggressive are never released back into the community;
- c. How crowded the animal shelter is; there must be room and staff enough to provide quality care for all animals, high-maintenance animals may need to be euthanized in order to allow good care for others;
- d. Very ill or badly injured animals may be euthanized upon direction of the ACO without a wait period.

Once they have been turned over to the shelter, owner surrendered animals immediately become the property of the City of Dillingham. Their adoptability is then determined on the above factors.

The goal of the Animal Shelter and staff is to provide the best possible outcome for each of the animals in the shelter. The ACO develops, implements, and administers an animal adoption program. At times, there will not be enough homes available in Dillingham for all adoptable shelter animals. Every effort will be made to send animals to other available shelters with euthanasia as a "last resort" policy. In some cases, there may be no other choice than to perform humane euthanasia.

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

Section 1. Classification. This is a code ordinance.

Section 2. Add a definition for Adoption Eligible to Chapter 7.02. New text is displayed in underlined font and deleted language is displayed as strikethrough.

Chapter 7.02 DEFINITIONS

Sections:

7.20.010 Definitions.

"Adoption eligible" means the animal available for adoption must have been evaluated for health and temperament by the animal control officer or the police chief.

Section 3. Amend Chapter 7.09, Impoundment, to add language an animal is evaluated as adoption eligible which is clearly defined in Chapter 7.11, Euthanasia. New text is displayed in underlined font and deleted language is displayed as strikethrough.

Chapter 7.09 Impoundment.

7.09.010 Terms.

A. Unidentified animals found to be in violation of this title may be impounded and held at the animal control center for a ten-day period. If not claimed by the owner or keeper by the expiration of the ten-day period, the animal shall become the property of the city after which they can be put up for adoption if adoption eligible, or ~~and may be destroyed~~ disposed of at the discretion of the animal control officer or agent as specified in Section 7.11.010.

B. Identified animals found to be in violation of this title and found not restrained may be taken to the owner or keeper or impounded at the animal control center. A reasonable attempt will be made to notify the owner or keeper by phone, in person, or by letter that their animal is being held at the animal control center. Identified animals not claimed by the owner or keeper by the expiration of the ten-day period shall become the property of the city after which they can be put up for adoption if adoption eligible, or ~~and~~ may be disposed of at the discretion of the animal control officer or agent as specified in Section 7.11.010.

C. Abandoned or unwanted animals brought to the animal control center by citizens for impoundment may or may not be accepted for impoundment by the city. Upon acceptance, such

animals shall become the property of the city and The animal will be held at the control center for a ten-day period. At the expiration of the ten-day period, the animal can be put up for adoption if adoption eligible, or may be disposed of at the discretion of the animal control officer or agent as specified in Section 7.11.010.

D. Any animal suspected of having rabies and/or that has bitten a human must be impounded in the animal control center and/or quarantined and disposed of in accordance with Section 7.13.020. (Ord. 03-06 § 1 (part), 2003; Ord. 12-16 § 8, 2012.)

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

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

_____.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

Attachment to: 2014-17
Ordinance No. _____ / Resolution No. _____

Subject:

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING TITLE 7, ANIMALS, TO ADD A DEFINITION FOR ADOPTION ELIGIBLE TO CHAPTER 7.02, AND TO CROSS REFERENCE CHAPTER 7.09, IMPOUNDMENT, WITH CHAPTER 7.11, EUTHANASIA

City Manager: Recommend Approval

Signature: Rose Rera

Route to	Department Head	Signature	Date
	Finance Director		
X	Chief of Police	<i>[Signature]</i>	11-26-14
X	City Clerk	<i>[Signature]</i>	11/21/14

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

Summary Statement:

At the June 5, 2014 Council meeting, several citizens voiced their concern over a cat that had been abandoned, impounded at the animal control shelter, and euthanized within 5-6 hours. The citizens were concerned the code was not clear regarding abandoned, unwanted animals, were looking for clarification in the code for the time period before an animal was put down, and an interpretation for what was considered feral.

The Code Review Committee was tasked with reviewing the City's current ordinance and is recommending the proposed changes to the Council.



Ordinance No. 2014-17 / Resolution No. _____

Summary Statement continued:



CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2014-57

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE MAYOR TO SUBMIT A PETITION TO THE ALASKA LOCAL BOUNDARY COMMISSION FOR ANNEXATION OF COMMERCIAL FISHING WATERS TO THE CITY OF DILLINGHAM BY THE LEGISLATIVE REVIEW METHOD

WHEREAS, on June 14, 2010, the City of Dillingham filed a petition with the State of Alaska Local Boundary Commission to annex, via the Local Option (voter approval method), the Nushagak Commercial Salmon District waters and Wood River Sockeye Salmon Special Harvest area waters, together consisting of approximately 396 square miles of water and 3 square miles of land (small islands); and

WHEREAS, on April 10, 2012, a Special Election resulted in the passage of two propositions: Proposition 1 approved the annexation of commercial fishing waters to the Dillingham area, and Proposition 2 approved a 2.5% tax on sales of raw fish made within the City boundaries; and

WHEREAS, passage of Proposition 1 and 2 would provide critical funding to support the fishing industry, fire and public safety, water and sewer, landfill, harbor and dock, streets, and library and schools; and

WHEREAS, the on March 27, 2014 a Court Judge ruling in Native Village of Ekuk vs. Local Boundary Commission and City of Dillingham Case No. 3DI-12-0022 CI ordered the Local Boundary Commission to process the annexation through the legislative review method; and

WHEREAS, on August 7, 2014 the Dillingham City Council adopted Resolution No. 2014-42, approving a draft petition to Annex the Nushagak Commercial Salmon District and the Wood River Salmon Special Harvest Area by the Legislative Review Method; and

WHEREAS, the City of Dillingham held a properly noticed and advertised Special Meeting, Wednesday, September 24, at 6:00 PM, for a public hearing on the draft petition, before deciding whether to make any changes to the draft and submitting the petition to the Commission for approval; and

WHEREAS, representatives of the City of Dillingham held a public informational session in Manakotak on September 25 at the Manakotak city hall on the draft petition, before deciding whether to make any changes to the draft and submitting the petition to the Commission for approval; and

WHEREAS, the City of Dillingham held a workshop at Dillingham City Hall October 2, 2014 regarding the draft petition, before deciding whether to make any changes to the draft and submitting the petition to the Commission for approval; and

WHEREAS, copies of the petition summary, the prospective petition and related documents, including a map, were made available for public review at the following locations, days, and times open to the public beginning on or about August 12, 2014:

1. Dillingham City Hall, 141 Main Street, Dillingham, Monday to Friday, 8 am to 5 pm.
2. Dillingham Library, 306 D Street West, Dillingham, Monday, Tuesday & Thursday, 10 am – 5 pm, Wednesday, 10 am – 6 pm, Friday, 12 pm – 7 pm, and Saturday, 10 am – 2 pm.
3. Dillingham Small Boat Harbor office, 235 Harbor Road, Dillingham, June 1 through August 15, Monday through Sunday, 7 am – 10 pm, and August 16 through May 31, Monday through Friday, 7 am – 5 pm.
4. Dillingham Senior Center, 515 1st Avenue East, Dillingham, Monday through Friday, 8 am – 4 pm.
5. City of Dillingham website, <http://www.dillinghamak.us>, available anytime.
6. Curyung Tribal Council, 390 D Street, Dillingham, Monday through Friday, 8 am – 4:30 pm.
7. Ekuk Village Council, 100 Aleknagik Lake Road, Dillingham, Monday through Friday, 8am - 4:30pm.
8. City of Aleknagik, City office, Aleknagik, Monday through Friday, 9 am – 4 pm.
9. Village of Aleknagik, Village office, Aleknagik, Monday to Friday, 9 am – 5 pm.
10. Village of Clark's Point, Village office, Clark's Point, Monday through Friday, 9 am 4:30 pm.
11. City of Manokotak, City office, Manokotak, Monday through Friday, 9 am – 5 pm.
12. Village of Manokotak, Village office, Manokotak, Monday to Friday, 9 am – 5 pm.
13. Bristol Bay Borough, Borough office, Naknek, Monday through Friday, 8 am – 4:30 pm.
14. Lake and Peninsula Borough, Borough Clerk's office, Monday through Friday, King Salmon, 8am – 5pm.
15. City of Ekwok, City office, Ekwok, Monday through Friday, 10 am – 5 pm.
16. City of New Stuyahok, City office, New Stuyahok, Monday through Friday, 8 am – 3 pm.
17. New Koliganek Village Council, Village office, Koliganek, Monday through Friday, 8 am – 4:30 pm.

WHEREAS, the scope of the public hearing held September 24, 2014, included addressing the appropriate annexation standards and their application to the annexation proposal, legislative review annexation procedures, the reasonably anticipated effects of the proposed annexation, and the proposed transition plan required under 3 AAC 110.090 – 3 AAC 110.150, 3 AAC 110.400 – 3 AAC 110.700, and 3 AAC 110.900 – 3 AAC 110.990; and

WHEREAS, the City of Dillingham provided an opportunity for any person to submit written comments on the draft annexation petition until the close of business September 30, 2014, before deciding whether to make any changes to the draft and submitting the petition to the Commission for approval; and

Meeting Date: October 2, 2014
Postponed to: October 16, 2014
Postponed to: November 6, 2014
Postponed to: January 15, 2015

WHEREAS, the city council of the City of Dillingham has considered public comments (both written and spoken) about the 2010 petition, the additional public comments made at the 2014 public hearing, and informational sessions, suggested petition changes to the draft petition developed by staff and consultants, and written comments regarding the draft petition submitted by the deadline for written comments before deciding whether to approve changes to the draft and submit the petition to the Commission for approval and has determined that it is in the public interest of the citizens of Dillingham that the revised petition attached to this resolution be submitted to the local Boundary Commission;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Dillingham City Council hereby approves the revised draft petition attached to this Resolution; and
2. That the Mayor and City Manager are hereby authorized to sign and submit an amended annexation petition substantially in the form attached to this Resolution with additional exhibits as required.

PASSED and ADOPTED by the Dillingham City Council on _____.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2014-65

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL URGING SWIFT CONGRESSIONAL ACTION TO EXEMPT VESSELS LESS THAN 79 FEET AND ALL FISHING VESSELS FROM EPA PERMITS FOR DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF THE VESSEL

WHEREAS, the U.S. Environmental Protection Agency (EPA) plans to require a National Pollutant Discharge Elimination System (NPDES) Small Vessel General Permit (sVGP) for owners and operators of non-military, non-recreational, commercial vessels less than 79 feet in length on December 19, 2014 when the current legislative moratorium is set to expire; and

WHEREAS, implementation of this permit requirement is unnecessary; privately owned pleasure boats are already permanently exempted from this onerous permitting requirement with Congress only thus far granting a temporary exemption for commercial vessels; and

WHEREAS, permanently extending the moratorium on discharge permits for fishing, fish processing, and fish tender vessels regardless of size, and commercial vessels less than 79 feet in length will not significantly contribute to pollution of our inshore or coastal waters, nor contribute to decline of fish stocks; and

WHEREAS, there is bi-partisan support for an extension of the current moratorium on NPDES permits for fishing boats and smaller commercial vessel discharges, during normal operations such as deck washing; and

WHEREAS, S. 2094, the "Vessel Incidental Discharge Act" which contains a permanent exemption from NPDES discharge permits for all commercial fishing vessels regardless of size, and for commercial vessels less than 79 feet, was recently approved by the U. S. Senate Commerce Committee; and

WHEREAS, H.R.4005, the Coast Guard and Maritime Transportation Act of 2014, which permanently exempts vessels less than 79 feet in length or fishing vessels from EPA NPDES permits for any discharge incidental to the normal operation of the vessel , was passed by the U.S. House on April 1, 2014; and

WHEREAS, time is growing short until the moratorium expires on December 19, 2014 and the threat of fines associated with the permit, up to \$25,000 per day, could devastate many of our small family-owned businesses;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council urges Congress to act swiftly to permanently exempt vessels less than 79 feet and all fishing vessels from NPDES permits for discharges incidental to the normal operation of the vessel.

PASSED and ADOPTED by the Dillingham City Council on December 4, 2014.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

City of Dillingham Information Memorandum Agenda of: December 6, 2014
 Attachment to:
 Ordinance No. _____ / Resolution No. 2014-65

Subject:

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL URGING SWIFT CONGRESSIONAL ACTION TO EXEMPT VESSELS LESS THAN 79 FEET AND ALL FISHING VESSELS FROM EPA PERMITS FOR DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF THE VESSEL

City Manager: Recommend Approval

Signature: Rose Aerc

Route to	Department Head	Signature	Date
	Finance Director		
X	City Clerk	<u>Janet Williams</u>	<u>11/20/14</u>

Fiscal Note: Yes No Funds Available: Yes No

Other Attachments:

None

Summary Statement:

This resolution supports the action taken by the SouthWest Alaska Municipal Conference Board of Directors at their November 17, 2014 meeting.



Ordinance No. _____ / Resolution No. 2014-65

Summary Statement continued:



CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2014-66

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL ACCEPTING RASMUSON GRANT NUMBER 8632 FOR THE SENIOR CENTER

WHEREAS, the Senior Center applied for and received funds that would enable the Senior Center to purchase a kitchen range, dishwasher, and other small appliances and equipment to replace their aged equipment;

WHEREAS, the city agrees to the terms and conditions of the grant award;

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

1. The City accepts the Rasmuson Grant funds in the amount of \$25,000.
2. The Senior Center will use some of their fund raising activities and/or donations toward the contribution requirement of the grant.
3. The City Manager or alternatively the Mayor is authorized to sign all documents on behalf of the City.

PASSED and ADOPTED by the Dillingham City Council on December 4, 2014.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2014-67

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING A MEMORANDUM OF AGREEMENT WITH THE ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES FOR ADOT PROJECT #57180, "THE DOWNTOWN STREETS REHABILITATION PROJECT"

WHEREAS, the Alaska Department of Transportation and Public Facilities (ADOT & PF) (Project #57180) is working on a project to rehabilitate certain downtown streets in Dillingham; and

WHEREAS, the last agreement between the City of Dillingham and the ADOT&PF was November 22, 2006, and the ADOT&PF wishes to renew its agreement with the City of Dillingham; and

WHEREAS, this renewed Agreement clarifies the responsibilities of each party with regard to: planning, design, and construction; the scope of work; maintenance and operations; costs associated with additional work; Title transfer, dispute resolution, indemnification, and amendments to the agreement; and the whole agreement; and

WHEREAS, the new agreement recognizes the City's entire local match has been satisfied by providing right of way (City Resolution No. 01-47, copy attached) which includes USS 2732 Block 18 lots 16 and 18;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council approves the Memorandum of Agreement with the Alaska Department of Transportation and Public Facilities for Project #57180, "The Dillingham Downtown Streets Rehabilitation Project."

PASSED and ADOPTED by the Dillingham City Council December 4, 2014.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

Subject:

Approval of Memorandum of Agreement with the Alaska Department of Transportation and Public Facilities

City Manager: Recommend Approval

Signature: *Rae Doera*

Route to	Department Head	Signature	Date
	Finance Director		
X	Planning Director	<i>Jody Sady</i>	<i>11/24/14</i>
X	City Clerk	<i>Janice M... ..</i>	<i>11/24/14</i>

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

Memorandum of Agreement signed by ADOT&PF Central Region Director, Robert A. Campbell

Summary Statement:

The attached MOA provides for responsibilities of the City and the State regarding the planning, design, construction, right of way acquisition, scope of work, dispute resolution, indemnification, maintenance and operations, title transfer, amendments to the agreement, and the whole agreement, for the project (#57180) called "Dillingham Downtown Streets Rehabilitation Project."



Ordinance No. _____ / Resolution No. 2014-67

Summary Statement continued:



CITY OF DILLINGHAM
Dillingham, Alaska

RESOLUTION NO. 01-47
STIP Plan FY02

A RESOLUTION OF THE COUNCIL OF THE CITY OF DILLINGHAM, ALASKA, APPROVING ACQUISITION OF SIDEWALK RIGHT-OF-WAY'S, PROPORTIONAL FUNDING, AND ACCEPTANCE OF OWNERSHIP FOR THE DILLINGHAM DOWNTOWN STREETS RECONSTRUCTION AND REHABILITATION PROJECT

WHEREAS, Main Street, D-Street, and 2nd Avenue West form an inclusive route in the commercial district of the City,

WHEREAS, the 3,215 feet of existing surfaces are failing and lack adequate sidewalks, and

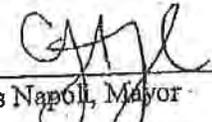
WHEREAS, safe streets and pedestrian walkways within the business district are essential to the economic well being of the community, and

WHEREAS, the State of Alaska Department of Transportation desires a contribution from the City of Dillingham in the form of sidewalk right-of-way's, proportional funding of total project costs, and acceptance of ownership and maintenance by the City upon completion, now

THEREFORE, BE IT RESOLVED by the Dillingham City Council that they approve the purchase of sidewalk right-of-ways; proportional funding in an amount not to exceed 10% of the total project costs; and ownership and maintenance upon completion of project.

APPROVED AND ADOPTED this 1 day of November, 2001.

SEAL:


Chris Napol, Mayor

ATTEST:


Vivian M. Braswell, City Clerk

MEMORANDUM OF AGREEMENT

Between the State of Alaska
Department of Transportation and Public Facilities
and the City of Dillingham
Regarding the Improvement and Transfer of
Main Street, 2nd Avenue, and D Street as part of the
Dillingham Downtown Streets Rehabilitation
Project No. 57180

The Parties to this Memorandum of Agreement (hereinafter Agreement) are the State of Alaska acting through its Department of Transportation and Public Facilities (hereinafter DOT&PF) and the City of Dillingham, a City established under the laws of Alaska (hereinafter CITY).

WHEREAS, Alaska Statute 19.20.060 authorizes DOT&PF and the CITY to enter into agreements for establishing, maintaining, and regulating use of public right of way within their respective jurisdictions; and

WHEREAS, the CITY requests DOT&PF to plan, design, and construct the Dillingham Downtown Streets Rehabilitation Project, identified as Project No. 57180 (hereinafter Project), located within the boundaries of the City of Dillingham; and

WHEREAS, DOT&PF agrees to fund and construct the Project and will provide all labor, materials, and equipment necessary to construct the Project in accordance with the provisions contained within the Project documents; and

WHEREAS, the CITY owns portions of Main Street, 2nd Avenue, and D Street that are covered by the Project; and

WHEREAS, DOT&PF desires to transfer the additional right of way to be acquired for Main Street, 2nd Avenue, and D Street as part of the Project and future maintenance of the improvements associated with those facilities to the CITY; and

WHEREAS, the CITY agrees to accept, by Commissioner's Quitclaim Deed, all of the additional right of way associated with and acquired for Main Street, 2nd Avenue, and D Street as part of the Project; and

WHEREAS, it has been determined that this work will serve the public interest and enhance the quality of life for the residents of, and visitors to, the City of Dillingham; and

WHEREAS, the Parties hereto wish to memorialize within this Agreement, their specific agreements related to the additional right of way acquired for Main Street, 2nd Avenue, D Street, and the improvements associated with those facilities as part of the Project.

IT IS THEREFORE AGREED by the Parties, in consideration of the mutual promises contained in this Agreement, as set forth below, regarding the planning, design, construction, maintenance, transfer of right of way, and operation of the Project.

1. PLANNING, DESIGN, AND CONSTRUCTION

- a. DOT&PF shall plan, design, and construct the Project as provided in this Agreement.
- b. DOT&PF's obligations pursuant to this Agreement are subject to the availability of adequate funding to complete the Project. If at any time DOT&PF determines, in its sole discretion, that adequate funding is not available, DOT&PF may terminate the Project and this Agreement, without liability to the CITY.
- c. DOT&PF shall be responsible for permitting all utility relocations necessary for the Project.
- d. The CITY will provide a local match in the form of right of way (CITY Resolution No. 01-47), which includes Lot 16 and 18 of Block 19.

2. SCOPE OF WORK

The scope of the improvements to Main Street, 2nd Avenue, and D Street being implemented under this Agreement shall be depicted within the drawings for the Project. Generically, the improvements include, but are not limited to asphalt pavement, pathways, sidewalks, crosswalks, signs, roadway striping, and storm drain.

3. ADDITIONAL WORK

Costs associated with additional work shall be the responsibility of the CITY. The project does not include pedestrian amenities beyond basic sidewalks, pathways, and a maximum of two raised crosswalks. A new storm drain system and utilities relocated due to the realignment and/or reconstruction of the roadways are the responsibility of DOT&PF. Additional work requests from the CITY shall be funded by the CITY.

4. MAINTENANCE AND OPERATIONS

- a. DOT&PF will acquire right of way as necessary for execution of the Project, which is designated for transfer to the CITY upon Project Completion. The anticipated limits of the right of way designated for transfer is indicated on the Preliminary Plat, attached hereto, approved by the CITY (Resolution No. 2014-03 Corrected). A Final Plat will be recorded after all right of way acquisition is complete. The CITY agrees to maintain and operate the Project area, as described herein, and consistent with 23 CFR § 1.27 and DOT&PF's Alaska Highway Maintenance and Operations Manual, commencing upon final inspection and final acceptance by the CITY; and
- b. The CITY agrees to assume maintenance responsibilities for Main Street, 2nd Avenue, and D Street and other local roadways affected by the Project, including storm drain, roadway striping, signs, and winter maintenance; and
- c. The CITY agrees to assume maintenance responsibilities for the asphalt pavement, pathways, sidewalks, crosswalks, signs, roadway striping, and storm drain, associated with the Main Street, 2nd Avenue, and D Street right of way. The CITY may enter into contracts with third parties to accomplish these responsibilities, including temporary, seasonal, or permanent alterations or improvements, at the discretion of the CITY.

- d. The CITY shall perform its activities under this Agreement at its sole cost and expense and without reimbursement from DOT&PF. The CITY's maintenance activities include, but are not limited to:
- 1) Planning, scheduling, administration, and logistics of maintenance activities;
 - 2) Traffic control and safety;
 - 3) Preservation of drainage in an as-built condition, including maintenance of all culverts, ditches, storm drains, gutters, dry wells, retention basins and under-drains;
 - 4) Embankment protection, including erosion control, to as-built conditions;
 - 5) Roadside management;
 - 6) Snow and ice removal;
 - 7) Snow and ice control, including all plowing, sanding, culvert and storm drain thawing, snow hauling, winging, opening of shoulders, ice scraping, drift control, snow slide removal, and associated tasks as may be required for the safe and timely passage of the public;
 - 8) Maintaining signs and delineators in an as-built condition and their replacement, including posts and foundations, when damaged, unreadable, or worn out;
 - 9) Highway marking and repainting, as required, maintaining performance of their intended function;
 - 10) Removal of debris, rubbish, and dead animals;
 - 11) Signing of seasonal weight restrictions as may be required by local conditions;
 - 12) Pothole repair using asphalt products on an as-needed basis;
 - 13) Annual crack sealing;
 - 14) Repairs of minor rutting, waves, sags, humps, corrugations, raveling, alligator cracks, pitting, and bleeding on an as-needed basis.

5. TITLE TRANSFER

Upon Project Completion, DOT&PF shall execute and the CITY shall accept the Commissioner's Quitclaim Deed that conveys all of DOT&PF's right, title, and interest in the properties designated for ownership by the CITY.

6. DISPUTE RESOLUTION

- a. If a dispute arises under this Agreement between the CITY and DOT&PF, and the Parties cannot resolve the matter between them within 45 days after the aggrieved Party gives notice to the other Party, the aggrieved Party may request that the matter be resolved by arbitration.
- b. The party requesting arbitration shall ask for a list of arbitrators from the American Arbitration Association ("AAA") but shall not ask AAA to administer the arbitration. Upon receipt of the list the parties shall proceed to select an arbitrator using the alternate strike method with the party making the first strike determined by a coin toss. The party that wins the coin toss has the option of making the first strike. The arbitrator shall hear the matter under such rules and procedures as the arbitrator deems necessary to conduct the proceedings.
- c. Each Party shall pay one-half of the expenses of the arbitrator. The party against whom a decision is rendered shall pay all expenses incurred in the conduct of any hearing on the dispute.
- d. This agreement to arbitrate and any other agreement or consent to arbitrate entered into in accordance with this paragraph will be specifically enforceable under prevailing law of any court having jurisdiction.

- e. The award rendered by the arbitrator shall be in writing, and shall include: (a) a precise breakdown of the award; and (b) a written explanation of the award specifically citing the Agreement provisions deemed applicable and relied on in making the award.
- f. The award rendered by the arbitrator will be consistent with the Agreement of the parties and final, and judgment may be entered upon it in any court having jurisdiction thereof, and will not be subject to appeal or modification.
- g. Except when the provisions of this Paragraph (6) provide otherwise, any arbitration under this Paragraph is subject to Alaska Statute 09.43.010-09.43.180, the Uniform Arbitration Act.

7. INDEMNIFICATION

To the maximum extent allowed by law, the CITY shall indemnify, defend, and hold the DOT&PF, its officers, employees, and agents (collectively the "Indemnified Parties") harmless from all liability, claims, causes of action, and costs (including attorney's fees) arising out of this Agreement or relating to the obligations assigned or work performed under this Agreement, including, but not limited to, liability, claims, and causes of action alleging or arising out of a negligent act or omission by one of the Indemnified Parties.

Notwithstanding the forgoing, the CITY shall have no obligation to indemnify, defend, or hold the Indemnified Parties harmless from:

- (a) claims for personal injury, death, or property damage arising from incidents occurring prior to Substantial Completion;
- (b) claims for personal injury, death, or property damage alleging a negligent act or omission by one of the Indemnified Parties and arising from incidents occurring within three years from the date of Substantial Completion; or
- (c) claims arising from or asserted under Alaska Statute 46.03.822.

As used in this Section, "Substantial Completion" means the time at which the Project (1) can be safely and effectively used by the public without further delays, disruption, or other impediments, and (2) pavement structure, shoulder, drainage, sidewalk, permanent signing and marking, guardrail and other traffic barrier, safety appurtenances, utilities, lighting and all bridge deck and parapet work is complete.

8. AMENDMENT OF AGREEMENT

This Agreement may only be modified or amended by written agreement with both Parties signing through their authorized representatives.

9. THE WHOLE AGREEMENT

This Agreement constitutes the entire agreement between the parties. It supersedes previous agreements; there are no other understandings or agreements between the Parties, either oral or memorialized in writing regarding the matters addressed in this Agreement.

10. OBLIGATIONS

All of the CITY's obligations, as specified in Sections 4 and 7; are subject to lawful appropriations for the specific purpose of carrying out the CITY's obligations.

ACCEPTANCE BY PARTIES

CITY OF DILLINGHAM

By: _____
Rose Loera, City Manager

Date

ACKNOWLEDGEMENT

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

On this ____ day of _____, 2014, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared Rose Loera, City Manager of the City of Dillingham, known to me to be the identical persons who executed the foregoing instrument and who acknowledged to me that they signed the same freely and voluntarily, with full knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

[NOTARY SEAL]

Notary Public in and for the State of Alaska
My Commission Expires: _____

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2014-68

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING A LONG TERM ENCROACHMENT PERMIT FOR UTILITY INSTALLATION AT THE CITY LANDFILL

WHEREAS, according to Dillingham Municipal Code 12.08.010 an encroachment is considered as any object above ground or below belonging to a private owner other than the municipality which has been or caused to be constructed or located within streets, public rights of way or other property dedicated to a public use; and

WHEREAS, the City wishes Nushagak Cooperative to provide utility services to the City's new incinerator building at the landfill transfer station; and

WHEREAS, the provision of utilities to the lot is considered a long term encroachment on public property; and

WHEREAS, it is in the public interest to allow this installation; and

WHEREAS, the proposed encroachment has been reviewed by the City Public Works Department; and

WHEREAS, DMC 12.08 requires City Council and Planning Commission approval for any object belonging to a private owner other than the municipality that is placed in streets, public rights-of-way or other property dedicated to a public use, for longer than one year; and

WHEREAS, per Resolution 2014-20 the Dillingham Planning Commission recommends approval of this long term encroachment;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council approves the long term encroachment of utilities at the City landfill transfer facility with the following conditions:

1. That prior to any work on public lands or in the public right of way, at least 48 hours' notice be given to the City of Dillingham Administration, Public Safety, and Public Works Department;
2. That the public right of way be restored to not less than its original condition and compaction after completing the installation; and
3. That one form of location information be provided after the installation, whether an as-built or GPS coordinates.

PASSED and ADOPTED by the Dillingham City Council December 4, 2014.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

Subject:

Long Term Encroachment permit on City Property at the City Landfill Transfer Station

City Manager: Recommend Approval

Signature: Rose Loeu

Route to	Department Head	Signature	Date
	Finance Director		
X	Planning Director	<i>Judy Gault</i>	11/24/14
X	Public Works	<i>[Signature]</i>	11/25/14
X	City Clerk	<i>Jennifer Williams</i>	11/25/14

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

- Copy of PC Resolution No. 2014-20 Supporting a LTE for utilities to serve the landfill incinerator building

Summary Statement:

This Long Term Encroachment permit is recommended by the City of Dillingham Planning Commission (PCR 2014-20) to install utilities, at the city's request, to the new incinerator building at the City Landfill Transfer station.



Ordinance No. _____ / Resolution No. 2014-68

Summary Statement continued:



BRISTOL BAY NATIVE ASSOCIATION

P.O. BOX 310
DILLINGHAM, ALASKA 99576
PHONE (907) 842-5257

November 18, 2014

Tribal Councils
Served by BBNA:

Aleknagik
Chignik Bay
Chignik Lagoon
Chignik Lake
Clarks Point
Curyung
Egegik
Ekuk
Ekwok
Igiugig
Iliamna
Ivanof Bay
Kanatak
King Salmon
Kokhanok
Koliganek
Levelock
Manokotak
Naknek
New Stuyahok
Newhalen
Nondalton
Pedro Bay
Perryville
Pilot Point
Port Heiden
Portage Creek
South Naknek
Togiak
Twin Hills
Ugashik

Robert Heyano, BBNA Board
P.O. Box 1409
Dillingham, AK 99576

Dear Robert:

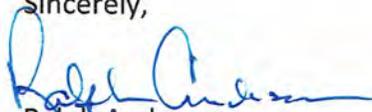
I recently met with Rose Loera, Dillingham City Manager, and we mutually agreed to several items to advance conducting a Borough Feasibility Study. The items we agreed to are as follows:

1. BBNA will chair an Interim Task Force with 1 representative each from BBNA, SWRSD, City Council, City School District, Aleknagik City Council, and Bryce Edgmon. By copy of this letter, I am extending an invitation to them to join.
2. The Interim Task Force will be charged with identifying a "permanent" Task Force composed of designated representatives of the communities in the Nushagak and Togiak river drainages, and to undertake other work necessary to move the process forward.
3. The Task Force will oversee all aspects of the Borough Feasibility Study.
4. BBNA will provide staffing and other administrative services to help complete the study.

Per Item #1 above, I am designating you as BBNA's representative and Chair of the Interim Task Force. I interpret the directive given to me by the Executive Committee at its October meeting authorizes me to do so. I am asking those listed in Item #1 to please contact me with a name to confirm their participation on the Interim Task Force so we can get the process started.

I look forward to working with you and the others to help get the process started and completing the Feasibility Study.

Sincerely,


Ralph Andersen
President & CEO

Cc: Alice Ruby, City Mayor
Rose Loera, City Manager
Invited Interim Committee Members

Janice Williams

Subject: FW: Letter to BBNA on Borough Feasibility Study

From: Ralph Andersen [mailto:randersen@bbna.com]

Sent: Wednesday, November 12, 2014 10:37 AM

To: Rose Loera

Cc: Alice Ruby; Paul Liedberg; Tracy Hightower; HollyNoel Johnson; chrism@curyungtribe.com; Misty Savo; Ted Angasan; Robert Heyano

Subject: RE: Letter to BBNA on Borough Feasibility Study

Good morning Rose. Thank you for your letter to advance the concept of BBNA hosting a Borough Study, per my letter of October 28. I completely agree that the 4 preliminary tasks listed in your letter need to be completed. BBNA agrees to coordinate the "Identifying Task Force" item modified as follows:

That BBNA will coordinate establishing an **Interim Task Force** with 1 representative each from BBNA, SWRSD, City Council, City School District, and Bryce Edgmon. BBNA's representative will be the Interim Chair as we are coordinating the effort. The Interim Task Force will be charged with developing strategies or plans to accomplish the 4 Tasks listed in your letter; Identifying Task Force, Identify Coordinator, Benchmark Schedule, and Funding. BBNA will also provide initial basic staffing to the group.

I believe starting with an inclusive approach, rather than just BBNA and the City taking on all the items, will be more beneficial to move the study ahead. I am available to meet with you any time on Friday, November 14.

Thank you.

Ralph Andersen
President & CEO
Bristol Bay Native Association
907.842.5257

City of Dillingham Action Memorandum

Agenda of: December 4, 2014

Action Memorandum No. 2014-18

Subject:

Approve administrative leave for Christmas and New Year Holiday

City Manager: Recommend Approval

Signature: Rose Doera

Route to	Department Head	Signature	Date
	Finance Director		
X	City Clerk	<i>James Williams</i>	<i>12/4/14</i>

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

- None

Summary Statement:

In prior years, the City Council has approved administrative leave over the Christmas and New Year's Holiday in lieu of a Christmas gift or bonus, and as a way of expressing their appreciation to the City's staff. Administrative leave is for straight time only. Those positions that are essential have the opportunity to utilize this day at another time. For 2014, City Administration has proposed administrative leave for Friday, December 26, and for Friday, January 2. We appreciate the Council's consideration.

Action Memorandum No. 2014-18

Summary Statement continued:

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

Mayor

ATTEST:

[SEAL]

City Clerk

Subject: To Fill a Vacant Council Seat

DMC, Section 2.03.070, Vacancies. An elected municipal office, except for that of mayor or school board member, is vacated under the following conditions and upon the declaration of vacancy by the council. The council shall within forty-five days appoint a qualified person. If less than thirty days remain in a term, a vacancy may not be filled unless the vacancy reduces the body to less than a quorum, in which case the remaining member shall appoint a number of qualified persons to constitute a quorum within seven days. The council shall declare an elective office vacant when the person elected:

- A. Fails to qualify or take office within thirty days after his or her election or appointment;
- B. Is physically absent from the municipality for a consecutive ninety-day period, unless excused by the council;
- C. Resigns and the resignation is accepted;
- D. Is physically or mentally unable to perform the duties of his or her office as determined by two-thirds vote of the council;
- E. Is removed from office in accordance with Section 2.06.030 herein;
- F. Misses three consecutive regular meetings unless excused; or
- G. No longer physically resides in the municipality and two-thirds of the council members vote the seat vacant.

45 days from November 6 is December 21. We will have one regular meeting between that period which is December 4. This would be our target date, unless a special meeting was held.

An advertisement was placed in the Bristol Bay Times editions November 13, 20, and 27 to advertise for interest in filling the vacancy. It was also posted on the City's website, and at the Post Office, AC, and City Hall.

Qualifications

There are two qualifications listed in DMC 2.06.020.

Registered Voter in Dillingham

Have lived in Dillingham for one year

The person appointed to fill a vacancy must be qualified as of the date the vacancy is filled. Therefore, any person registered to vote AND who has lived in Dillingham for a year by December 21 (or any earlier date of appointment) may be appointed.

Filling the vacancy.

Filling the vacancy is mandatory. The council MUST appoint someone. That is why the word "shall" is used in DMC 2.06.060. There is no procedure to fill a vacancy by special election.

The due date for letters of interest is December 1, at 5 PM. Letters of interest will be distributed to the Council Tuesday, December 2.