



Alice Ruby, **Mayor**

Council Members

- Holly Johnson (Seat A) • Chris Maines (Seat B) • Misty Savo (Seat C)
- Curt Armstrong (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.	MARCH 19, 2015
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I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. Regular Council Meeting, February 5, 2015page 5

IV. APPROVAL OF CONSENT AGENDA

- A. Adopt Resolution No. 2015-15, A Resolution of the Dillingham City Council Expressing Thanks and a Commendation to Charlene Lopez and the Beaver Round-Up Volunteerspage 13

APPROVAL OF AGENDA

V. STAFF REPORTSpage 15

VI. PUBLIC HEARINGS

- A. Adopt Ordinance No. 2015-01, An Ordinance of the Dillingham City Council Amending the Budget by Adopting Budget Amendment No. 1 and Appropriating Funds for the FY 2015 City of Dillingham Budgetpage 53
- B. Adopt Ordinance No. 2015-02, An Ordinance of the Dillingham City Council Amending Chapter 4.20 of the Dillingham Municipal Code to Clarify Application of City Sales Tax Laws to Sales of Fuel by Sellers Located in Dillingham to Buyers Outside Dillingham and Requiring Sellers to Report Such Sales in a Uniform Manner and to Remit Appropriate Sales Taxes to the City.....page 69

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

VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2015-01, An Ordinance of the Dillingham City Council Amending the Budget by Adopting Budget Amendment No. 1 and Appropriating Funds for the FY 2015 City of Dillingham Budgetpage 53

- B. Adopt Ordinance No. 2015-02, An Ordinance of the Dillingham City Council Amending Chapter 4.20 of the Dillingham Municipal Code to Clarify Application of City Sales Tax Laws to Sales of Fuel by Sellers Located in Dillingham to Buyers Outside Dillingham and Requiring Sellers to Report Such Sales in a Uniform Manner and to Remit Appropriate Sales Taxes to the City.....page 69
- C. Introduce Ordinance No. 2015-03, An Ordinance of the Dillingham City Council Amending Title 7, Animals, to Add a Definition for Adoption Eligible to Chapter 7.02, to Amend Chapter 7.09, Impoundment, to Remove Redundant Language, to Add a Reference for Adoption Eligible, and to Cross Reference Chapter 7.11, *Euthanasia* (Clerk Note: *This item will be recommended for postponement to the April 2, 2015 Council Meeting.*).....page 75
- D. Introduce Ordinance No. 2015-04, An Ordinance of the Dillingham City Council Amending Dillingham Municipal Code Title 8 – Health and Welfare by the Addition of a New Chapter Providing Regulation of Marijuana in the City of Dillingham, Alaskapage 81
- E. Introduce Ordinance No. 2015-05, An Ordinance of the Dillingham City Council Amending Dillingham Municipal Code Chapter 8.10, Prohibition of Smoking in Public Places, Section 8.10.010 Definitionspage 87
- F. Introduce Ordinance No. 2015-06, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property by Leasepage 93
- G. Adopt Resolution No. 2015-06, A Resolution of the Dillingham City Council Appointing an Alternate Community Representative to the BBEDC Board of Directors page 99
- H. Adopt Resolution No. 2015-16, A Resolution of the Dillingham City Council Authorizing the City Manager to Waive the Competitive Bid Process and Purchase Blower Motors for the Lagoon from Beckwith & Kuffel page 105
- I. Adopt Resolution No. 2015-17, A Resolution of the Dillingham City Council Accepting Municipal Matching Grant 28307 for Wastewater System Improvements and Upgrades page 111
- J. Adopt Resolution No. 2015-18, A Resolution of the Dillingham City Council Authorizing the City Manager to Waive the Competitive Bid Process and Purchase A Backhoe from Yukon Equipment Inc. for the Public Works Department page 115

IX. UNFINISHED BUSINESS

- A. Citizen Committee Appointments
 - 1. Planning Commission, 2 Seats Open
- B. Cemetery Committee – Status Report
- C. Parks and Recreation Committee – Status Report
- D. Council Committee Appointments

- E. Annexation Updatepage 121
- F. Interim Task Force Borough Feasibility Studypage 135

X. NEW BUSINESS

- A. Workshop Scheduled for Strategic Planning Session for May 9, 2015
- B. Schedule a Board of Equalization Organizational Meeting for April 23, 2015
- C. Schedule a Regular Meeting of the BOE for May 21, 2015

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, February 5, 2015, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Pro Tempore Tracy Hightower called the meeting to order at 7:02 p.m. The meeting was preceded by a workshop to review the FY14 Audit and the Mid-Year FY2015 Budget Amendment No. 1.

II. ROLL CALL

Mayor Alice Ruby was absent and excused.

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

Holly Johnson	Misty Savo	Paul Liedberg
Curt Armstrong	Tracy Hightower	

Council members absent: Chris Maines (excused)

Staff in attendance:

Rose Loera	Janice Williams	Dan Pasquariello
Carol Shade		

Guests: Attorney Brooks Chandler

III. APPROVAL OF MINUTES

- A. Minutes of December 4, 2014, Regular Council Meeting
- B. Minutes of January 15, 2015, Regular Council Meeting

MOTION: Holly Johnson moved and Paul Liedberg seconded the motion to approve the minutes of December 4, 2014 and the minutes of January 15, 2015 as amended.

VOTE: The motion passed unanimously by voice vote.

(Clerk Note: Edited the minutes of December 4, to change special meeting in the first paragraph on page 1 to regular meeting, and reviewed the comments made by J.R. Dull in the January 15 meeting.)

IV. APPROVAL OF CONSENT AGENDA

- A. Adopt Resolution No. 2015-09, A Resolution of the Dillingham City Council to Offer Thanks and Commendation to William "Bill" McLeod for His Service as Superintendent of Dillingham City Schools

MOTION: Holly Johnson moved and Curt Armstrong seconded the motion to adopt Resolution No. 2015-09.

VOTE: The motion passed unanimously by voice vote.

APPROVAL OF AGENDA

MOTION: Paul Liedberg moved to approve the agenda as amended to postpone committee appointments.

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):

- Army National Guard reported they could no longer justify maintaining a facility in Dillingham and would be vacating the building within the next couple of weeks;
- Received two grants for library staff to attend a Library Association conference;
- Work on the incinerator building had started the day before;
- Lawsuit filed against the City and the State Troopers involving a drug altercation was being taken over by the State.

MOTION: Paul Liedberg moved and Holly Johnson seconded the motion to send a request to add an addition to the Lake Road fire station to the Finance and Budget Committee for review.

VOTE: The motion passed unanimously by voice vote.

The City's Attorney, Brooks Chandler, presented comments on his report included in the packet on how the City's annual legal budget was spent during the 2014 fiscal year.

VI. PUBLIC HEARINGS

There were no public hearings.

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

There was no citizen's discussion.

VIII. ORDINANCES AND RESOLUTIONS

- A. Introduce Ordinance No. 2015-01, An Ordinance of the Dillingham City Council Amending the Budget by Adopting Budget Amendment No. 1 and Appropriating Funds for the FY 2015 City of Dillingham Budget

MOTION: Holly Johnson moved and Paul Liedberg seconded the motion to introduce Ordinance No. 2015-01.

VOTE: The motion passed unanimously by voice vote.

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- B. Introduce Ordinance No. 2015-02, An Ordinance of the Dillingham City Council Amending Chapter 4.20 of the Dillingham Municipal Code to Clarify Application of City Sales Tax Laws to Sales of Fuel by Sellers Located in Dillingham to Buyers Outside Dillingham and Requiring Sellers to Report Such Sales in a Uniform Manner and to Remit Appropriate Sales Taxes to the City

MOTION: Holly Johnson moved and Misty Savo seconded the motion to introduce Ordinance No. 2015-02.

Manager Loera reported in the process of reviewing whether or not sales tax applied to fuel deliveries made outside of Dillingham, it was found that fuel companies were collecting a five percent sales tax on behalf of the City of Aleknagik for fuel deliveries made in Aleknagik. This had been in effect sometime after Dillingham amended its sales tax code in early 2000 and efforts to negotiate with Aleknagik had not followed through. The Code Committee recommended, after discussion with the City's Attorney on its options, to add one percent for a total of six percent sales tax. Fuel vendors were instructed in early December 2014 to collect an additional one percent for Dillingham to be sure and collect Dillingham's six percent sales tax on fuel deliveries made between the City of Dillingham and the City of Aleknagik, if they weren't already doing so. The City's Attorney advised that an ordinance was in order to additional one percent sales tax.

VOTE: The motion passed unanimously by voice vote.

- C. Introduce Ordinance No. 2015-03, An Ordinance of the Dillingham City Council Amending Title 7, Animals, to Add a Definition for Adoption Eligible to Chapter 7.02, to Amend Chapter 7.09, Impoundment, to Remove Redundant Language, to Add a Reference for Adoption Eligible, and to Cross Reference Chapter 7.11, Euthanasia

MOTION: Holly Johnson moved and Paul Liedberg seconded the motion to introduce Ordinance No. 2015-03.

Discussion ensued over the new language that included the exceptions to retaining an animal for at least ten days.

MOTION: Holly Johnson moved and Paul Liedberg seconded the motion to move the ordinance back to the Code Committee for further review.

VOTE: The motion passed unanimously by voice vote.

- D. Adopt Resolution No. 2015-06, A Resolution of the Dillingham City Council Appointing an Alternate Community Representative to the BBEDC Board of Directors

MOTION: Holly Johnson moved and Paul Liedberg seconded the motion to postpone action on Resolution No. 2015-06 to the next regularly scheduled meeting.

VOTE: The motion passed unanimously by voice vote.

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- E. Adopt Resolution No. 2015-10, A Resolution of the Dillingham City Council Changing the Division of Motor Vehicle (DMV) Hours to Four Hours a Day, Monday through Friday

MOTION: Paul Liedberg moved and Holly Johnson seconded the motion to approve Resolution No. 2015-10.

Manager Loera reported the full-time DMV employee would be working ½ time at DMV and reassigned ½ time to dispatch, but would receive the same pay.

Manager was asked to research if students looking to take their driver's test after school would be compromised by the reduced hours. It was recommended to remove the days and times stated in the resolution to allow the Manager to make changes without having to come back to the Council.

MOTION: Holly Johnson moved and Paul Liedberg seconded the motion to amend the resolution to strike 11:30 AM to 3:30 PM, and Monday through Friday.

VOTE: The motion to amend the resolution passed unanimously by voice vote.

VOTE: The motion to adopt the resolution as amended passed unanimously by voice vote.

- F. Adopt Resolution No. 2015-11, A Resolution of the Dillingham City Council Accepting the Year End Audit for the Fiscal Year Ending June 30, 2014

MOTION: Holly Johnson moved and Misty Savo seconded the motion to approve Resolution No. 2015-11.

Paul Liedberg commented for the record that it was a good audit with no findings reported and that it spoke well of the administration and the City.

VOTE: The motion passed unanimously by voice vote.

- G. Adopt Resolution No. 2015-12, A Resolution of the Dillingham City Council Amending the Process for Approving the Operational Procedures and Rules Recommended by the Library Advisory Board and Repealing Resolution No. 2013-71

MOTION: Holly Johnson moved and Paul Liedberg seconded the motion to approve Resolution No. 2015-12.

VOTE: The motion passed unanimously by voice vote.

- H. Adopt Resolution No. 2015-13, A Resolution of the Dillingham City Council Opposing the Nomination of the Aleutian Islands National Marine Sanctuary

MOTION: Holly Johnson moved and Curt Armstrong seconded the motion to approve Resolution No. 2015-13.

Discussion ensued on whether or not the sanctuary would be a public benefit.

MOTION: Holly Johnson moved and Curt Armstrong seconded the motion to postpone action to the next regularly scheduled meeting.

VOTE: The motion to postpone action on Resolution No. 2015-13 failed with Tracy Hightower, Holly Johnson, and Curt Armstrong voting in favor of postponing and Misty Savo and Paul Liedberg voting to oppose postponing the resolution.

(Clerk Note: Four affirmative votes are required for the passage of an ordinance, resolution, or motion.)

VOTE: The motion to adopt Resolution No. 2015-13 failed, with Curt Armstrong, Paul Liedberg, Misty Savo, Holly Johnson, and Tracy Hightower voting against the Resolution.

- I. Adopt Resolution No. 2015-14, A Resolution of the Dillingham City Council Supporting the Reinstatement of a Full \$60 Million into the Revenue Sharing Fund on a Yearly Basis with a One-Year Appropriation of \$8 Million to the Fund with an Effective Date of Prior to June 30, 2015

MOTION: Paul Liedberg moved and Holly Johnson seconded the motion to approve Resolution No. 2015-14.

VOTE: The motion passed unanimously by voice vote.

IX. UNFINISHED BUSINESS

Mayor Pro Tempore Hightower commented citizen committee and council committee appointments would be postponed.

- A. Citizen Committee Appointments
 - 1. Cemetery Committee, 4 Seats Open
 - 2. Planning Commission, 1 Seat Open
 - 3. Parks and Recreation Committee, 2 Seats Open
- B. Council Committee Appointments
- C. Annexation Update

Attorney Brooks reported the city had submitted its annexation study. It was very similar to the first petition to annex. The Local Boundary Commission would have 45 days for a technical

review. The city should receive notice by March 10, whether or not it had been approved. He was not 100% confident the petition would get to the legislature in time for the 2016 legislative review. He was hoping a hearing would be scheduled for some time in the fall. The legislature could veto it, but didn't need to approve it. If vetoed the city could not appeal.

X. NEW BUSINESS

A. Municipal Regulation of Marijuana

Attorney Chandler reported from his January 12 letter that was enclosed in the council packet. On February 24, 2015 recreational use of marijuana would be legal in the State of Alaska under certain regulations. Cities had an opportunity to take steps to regulate legal marijuana before the state process unfolded over the next nine months. He noted he had prepared several ordinances for the city council to look at regulating against public use with fines attached, designating the City Council as the local regulatory authority to implement legislation or rule-making, and to amend the smoking policy to add prohibiting marijuana use.

The State was working on regulations regarding the production and sale of marijuana, which would be done by November 24. In the meantime, it would still be illegal to buy or sell marijuana. The City had the option of not allowing marijuana to be sold, or having commercial businesses selling marijuana-related products, but could not opt out of allowing one ounce as personal use or possessing up to six plants growing, of which three or fewer being mature, flowering plants, on the private premises where the plants were grown.

MOTION: Paul Liedberg moved and Holly Johnson seconded the motion to send the draft ordinances to the Code Review Committee for review and a recommendation.

VOTE: The motion passed with Holly Johnson, Curt Armstrong, Misty Savo, Tracy Hightower, and Paul Liedberg voting in favor of the motion.

B. Action Memorandum No. 2015-02, Award Contract to Coastal Surveyors to Render Professional Surveying Services to Complete an Exchange of Land Between Choggiung Limited and the City for the City Landfill

MOTION: Holly Johnson moved and Paul Liedberg seconded the motion to approve Action Memorandum No. 2015-02.

Manager Loera reported the award had gone to a contractor who also had the most experience in 14C3 land exchanges.

VOTE: The motion passed unanimously by voice vote.

C. Love Your Library Month – Fine Amnesty

Manager Loera commented by passing Resolution No. 2015-12 she had authority to approve procedures at the library, and was approving a fine amnesty for returned items, noting at the most, possibly around \$1,500 in fines would be forgiven.

- D. Reschedule a Workshop for Strategic Planning Session

Manager Loera reported the mayor would be polling the council members for a date.

- E. Action Memorandum No. 2015-03, Award Contract to Pearson Consulting to Assist with the Finance Director Search

MOTION: Holly Johnson moved and Misty Savo seconded the motion to approve Action Memorandum No. 2015-03.

VOTE: The motion passed unanimously by voice vote.

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

Wanda Fulton, representing the Dillingham Legislative office, reported the passage of Proposition 2, legalizing personal possession and commercial sales of marijuana in Alaska, was making its way through the legislature, and invited the Council to come to the local office and provide testimony.

There being no other citizen's discussion, the session closed.

XII. COUNCIL COMMENTS

Curt Armstrong: no comment

Paul Liedberg:

- Thanked city staff for all their good work, especially the finance staff for all their good work on the audit.

Holy Johnson:

- Praised Tracy for doing a good job.

Misty Savo:

- Praised Tracy and praised staff for a good job on the audit.

XIII. MAYOR'S COMMENTS

Mayor Pro Tempore Hightower:

- Asked for a moment of silence to recognize all those lost since the last meeting.

XIV. EXECUTIVE SESSION

- A. Legal Matter

1. Knutsen vs. City of Dillingham

MOTION: Paul Liedberg moved and Holly Johnson seconded the motion to enter into executive session to discuss Legal Matter, Knutsen vs. City of Dillingham [8:40 p.m.).

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

Mayor Pro Tempore invited Manager Loera, Atty. Brooks Chandler, Janice Williams, and Dan Pasquarillo into the executive session.

MOTION: Holly Johnson moved and Misty Savo seconded the motion to come out of executive session [9:03 p.m.].

VOTE: The motion to come out of executive session passed unanimously by voice vote.

XV. ADJOURNMENT

Mayor Ruby adjourned the meeting at 9:03 p.m.

Mayor Alice Ruby

ATTEST: [SEAL]

Janice Williams, City Clerk
Approval Date: _____

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2015-15

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL EXPRESSING THANKS AND A COMMENDATION TO MS. CHARLENE LOPEZ AND THE VOLUNTEERS THAT MAKE BEAVER ROUND UP A GREAT COMMUNITY EVENT

WHEREAS, Beaver Round Up has been an annual community event in Dillingham for 50+ years; and

WHEREAS, several years ago our community was at risk of not having a celebration because of the lack of a coordinating agency and a coordinator; and

WHEREAS, the Nushagak Classic/Western Alaska Dog Sled Racing Association (NUSH/WAC) with Ms. Charlene Lopez as coordinator voluntarily assumed the responsibility for hosting the celebration; and

WHEREAS, Ms. Lopez and volunteers from Dillingham, Aleknagik, and the surrounding area contribute countless hours of their personal time and resources; and

WHEREAS, the commitment of Ms. Lopez and the many volunteers demonstrates the pride and commitment to our community and region; and

WHEREAS, their efforts are critical for the continued sharing of the traditions that are a part of the history of Beaver Round Up; and

WHEREAS, the coordinators and volunteers are truly an asset to the community of Dillingham; and

WHEREAS, the Council wishes to recognize the contributions of Ms. Lopez, NUSH/WAC and all of the volunteers;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council offers this commendation to Ms. Charlene Lopez, NUSH/WAC and all of the volunteers with sincere thanks for sharing their time to make Beaver Round Up an event that all residents are proud to claim.

PASSED and ADOPTED by the Dillingham City Council on March 19, 2015.

ATTEST:

Alice Ruby, Mayor
[SEAL]

Janice Williams, City Clerk

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Holly Johnson
Chris Maines
Misty Savo
Curt Armstrong
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: February 25, 2015
To: Mayor and City Council
From: Rose Loera, City Manager
Subject: February Report

Vacancies – Library Aide/Clerk, Senior Police Officer, Sr. Center Cook and Finance Director.

Contracts/Agreements Signed – Contract with Pearson Consulting for assisting us with finding a Finance Director.

Grants – none

Landfill – the Incinerator building is now under construction. I gave a presentation on incinerators with four other presenters on February 12 to the Alaska Forum on the Environment. My presentation mainly focused on the process we used to select the incinerator we purchased.

Annexation Petition – nothing new to report here.

Strategic Planning – planned for May 9. This will be our third attempt to schedule this session.

Lake Road Fire Station – we did not discuss the addition to the Lake Road Fire Station at the last Finance & Budget meeting and will need to schedule that for the March meeting.

National Guard building – the Army National Guard came out and removed all of their stuff from the building this past month. We are advertising an RFP for leasing it out.

Juneau Visit – Paul and I were in Juneau February 9-11. We met with many legislators and Commissioners of various departments. Topics of discussion included:

- We realized very quickly while in Juneau that if your capital project didn't make the Governor's budget it was not going to be funded. We did encourage legislators to not cut the Capital budget because if they did our projects would not advance closer to the top.
- We attended a luncheon where Pat Pitney the new OMB Director gave a presentation on the financial situation for the State of Alaska. There is a \$3.5 B deficit and cuts estimated to be about \$150 M this year isn't even coming close to closing the gap. They could eliminate the entire work force in the State and that wouldn't make much of an impact on the deficit.

*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.*

- We brought to the legislator's attention our Annexation Petition and that we hoped it would be presented during the 2016 legislative session.
- We thanked legislators for the past funding we got and at what stage our projects were for the landfill and lagoon. We told them that we were very close to being in compliance with both areas.
- We had a brief meeting with Jim Whitaker the Chief of Staff to Governor Walker and gave him a print from Apayo Moore for the Governor.
- We had a brief meeting with Lt. Governor Mallet's staffer Barbara Blake and also presented a print for Mallet from Apayo Moore.
- We spoke with the Commissioner and Deputy Commissioner of Public Safety about the WAANT position here in Dillingham and was told they would keep the position here. They went so far to say they would like more effort in our area than less. Commissioner Folger remembered our discussion from the previous year about the Troopers not wanting to be the first responders in the area and he said he agreed that they should be.
- We spoke with Commissioner Taylor and a couple of his staff about the Jail Contract. We made it clear to them that we cannot operate the jail in a deficit as we had in the past. We clarified some questions they had and gave them some talking points as to what could happen if they were to shut the regional jails down. Our jail has about a 56% occupancy rate which is higher than other jails around the State.

Committees – we have been advertising for the past few years to fill the Cemetery and Park and Recreation Committee vacancies. We don't have enough people interested in serving on these committees and would recommend that both committees be dissolved.

Out of the Office – I will be out of out on personal leave from 2/27 – 3/13.

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

City of Dillingham
House District 36 / Senate District R

~ 2/26/15 ~

29th Alaska State Legislature ~ 1st Session

FEBRUARY 2015 – LEGISLATIVE REPORT

Cliff Stone and Ian Fisk / City Lobbyist's

- ~ *The Honorable Dan Sullivan will give his first address on March 23rd ~*
- ~ *The Honorable Lisa Murkowski gave her annual address on February 18th ~*
- ~ *Chief Justice Dana Fabe gave the State of the Judiciary on February 11th ~*



JUNEAU VISIT

We wanted to just briefly touch on the highlights of your recent trip to Juneau. Flying in to meet with legislators, staff, and agencies was City Manager Rose Loera and Council member Paul Liedberg.

Despite the assurances of the Public Safety (DPS) Commissioner Gary Folger, he is proposing to eliminate the Dillingham WAANT position. This acronym is for the Western Alaska Alcohol and Narcotics Team. The position is held by an Alaska State Trooper (AST) and is vital to a hub community like Dillingham. The recent comments by the Penn Air Chairman and CEO Danny Seybert that their airlines is the biggest drug runner in the area really strikes a chord when it comes to the elimination of this AST position. The argument could be made to increase this unit in Dillingham instead of targeting it for elimination. On a positive note, Rep. Bryce Edgmon who chairs the finance subcommittee for DPS has indicated that he is fully funding this position as it leaves the House.

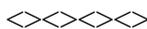
We had a great meeting with Commissioner Ron Taylor of the Dept. of Corrections. He as his staff were very receptive to your arguments against the elimination of funding for community jails around the state, particularly in Dillingham. By providing them first hand information and the back up documentation of spreadsheets and other factual narratives, the commissioner was convinced that the reality of not funding community jails was not in the best interest of the state. This was on the coat tails of a meeting we all had with the governor's chief of staff – Jim Whitaker. He too was very sympathetic and told us point blank that the governor would be putting money back into the community jails line item, he just didn't know how much. As it turns out, he did restore \$7 million to this line item. We will be working with Rep. Edgmon and Senator Hoffman's respective offices and Corrections to ensure that Dillingham receives fair funding for their jails. I think it can be strongly argued that you deserve that same level of funding as last year since your utilization rate was 100% and then some.

We also met with Lynn Kent who is the Deputy Commissioner of the Dept. of Environmental Conservation and related staff connected with the Division of Water. The emphasis here was to brief them on what you have accomplished in regards to your Water Treatment System and the great strides you've made to come into compliance with your Landfill. The tone of the meeting was very positive and they promised to look favorably upon further requests for funding, knowing that this year was going to be extremely tight considering the huge budget deficit facing the state.

Besides meeting with Rep. Edgmon to give him a briefing, you were also able to voice your concerns about the closing of the National Guard facility to Rep. Bob Herron who is chair of the House DMVA Committee (Dept. of Military & Vets' Affairs). We were invited to a noon luncheon at the downtown Rotary Club, where we had the opportunity to listen to Ms. Pat Pitney, the new OMB director who gave her perspective and outline of the budget scenario playing out because of the dramatic drop in oil prices in the last few months. Although new to the position with the Office of Management & Budget, she is well versed in finances, as she was with the University System in a similar role.

Although we didn't get to meet with Senator Hoffman because of a last minute schedule change, we nonetheless gave his office a quick update on events in Dillingham and whom you were meeting with while in Juneau. The House Finance Co-chair's chief of staff – Brodie Anderson was very gracious with his time while you gave him a synopsis of improvements in Dillingham and conveyed your thanks to the chair and the legislature in general for their continuous support of infrastructure projects in your area. We also had the pleasure to meet with Ms. Barbara Blake who is a special aide for fisheries in Lt. Governor Mallott's office.

Overall, we believe the trip was worthwhile and conveyed to folks that Dillingham is not only appreciative of the funding they've received over the years, but stands ready to pull up their bootstraps and help as the state deals with this budget crises.



BUDGET BREAKDOWN*

* We just learned of the House Finance Committee public testimony schedule. Dillingham is currently on the docket for March 4th to provide testimony on the House version of the FY16 operating budget. The time frame designated is 1:00 to 4:00 pm if you are calling from the LIO. If not, then the call in times for those that can't get to the LIO, but still want to testify can call from 4:00 to 5:30 pm. You can do this from your home or business if necessary. I realize this may be stale news by the time Council members read this, but we provided notice to Carol Shade and others on Feb. 27th that this public testimony was going to be taken on the date and time given.

Governor Walker released his amended budget by Feb. 18th. He did restore \$7 million for the community jails line item, although it is still short by just over \$3 million. The House Finance subcommittees have been closing out their business this past week and will finish up the first week in March. The language in this amendment also allows municipalities that are still subsidizing the jails; even with their current funding, the opportunity to possibly capture more money for their operations. This action came on the heels of the Dept. of Public Safety testifying that it would probably double their transportation budget and quite possibly impact the delivery of services since there would be manning issues.

The proposed fiscal year 2016 operating budget is \$5.2 billion in general fund spending. The governor's budget plan released Feb. 5 also eliminates 300 state positions next fiscal year that begins July 1.

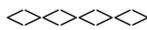
Gov. Walker said state employee layoffs would be minimized to the extent possible through eliminating vacant positions and not filling others as they open up. He said the state is drawing about \$10 million every day from our savings accounts just to keep up.

Senate Finance Co-chair Anna MacKinnon asserted that the Legislature had already received more than \$1 billion in capital requests from communities and organization. Of those, only health and public safety projects will get priority considerations, as discretionary spending will be kept to a minimum. The capital budget submitted to the Legislature appropriates \$150 million from the state's unrestricted general fund.

There were no changes to the K-12 education funding with the governor's FY16 amendments, however the Education Finance subcommittee has recommended even deeper cuts to this budget. Broadband services to rural Alaska will be severely hampered if not devastated by the subcommittee action.

In addition, there were no changes to revenue sharing. FY16 funding is still at \$57.6 million and a drop to \$38 million in FY17. Some House members are willing to consider an extra deposit of new money, but the Senate and Governor are showing little interest.

It has also come to our attention that some Legislative Information Offices (LIO) may be closed in rural Alaska. One scenario to achieve the desired cuts is to close the LIO's in Cordova, Wrangell, Petersburg, Unalaska, Glennallen, and Tok. I think one could argue that extra personnel in the LIO's for the urban areas could be cut first with less of an impact. The final budget decisions have a ways to go.



PUBLIC SAFETY EDUCATION

Erin's Law is back before the Legislature in the form of HB23 sponsored by Rep. Geran Tarr. If passed, the bill would require school districts statewide to provide age-appropriate K-12 sexual abuse education.



KETCHIKAN EDUCATION FUNDING LAWSUIT

In the January Lobby Report, we left you with the late breaking news that the state was going to seek a stay of Superior Court Judge Carey's decision on Ketchikan's education funding lawsuit while the appeal moves through the judicial process. This is the litigation challenging the required local contribution for public education. Oral arguments were scheduled for Feb. 23rd, but so far, we have not seen nor heard of any decisions. If the stay is denied, the Legislature will have to figure out how to respond to an approximately \$300 million budget gap for education funding.



RETIREMENT ISSUE

The state of Alaska overhauled its retirement system to save costs in the mid-2000s and forced state employees out of a defined-benefit pension plan into a new 401(k)-style defined contribution plan.

Legal questions surrounding the change have now reached the Alaska Supreme Court. Due to the law change, an individual is prevented from receiving the same level of retirement benefits as before if he or she returned to state employment.



GOVERNOR'S CORNER

<http://gov.alaska.gov>

Governor Walker released his endorsed budget for fiscal year 2016 on Feb. 5th.
<https://www.omb.alaska.gov/html/budget-report/fy-2016-budget/amended.html>

Governor's final amendments to the budget was released on Feb. 17th, the spreadsheet on the operating budget can be viewed at:

https://www.omb.alaska.gov//ombfiles/16_budget/PDFs/Operating_Budget_Amendments_Spreadsheet_2-17-15.pdf

Governor Walker's appointments to Alaska state boards and commissions. See two links below.

http://gov.alaska.gov/Walker_media/documents/20150203_president-meyer_BC-appointment-letter.pdf

http://gov.alaska.gov/Walker_media/documents/20150120_president-meyer_leg-confirmation-appointments.pdf

Governor Bill Walker has appointed Gerad Godfrey as Senior Advisor on Rural Business and Intergovernmental Affairs. For the past 13 years, Mr. Godfrey has chaired Alaska's Violent Crimes Compensation Board. Mr. Godfrey is of Alutiiq descent and is enrolled as a member of the Native Village of Port Lions Tribe.

The governor has submitted Craig Fleener for legislative confirmation as the Lt. Governor Successor in accordance with Alaska's Constitution and statutes. Mr. Fleener is currently in a cabinet-level position for Arctic issues. He is a past permanent member of the Arctic Council.

Governor Bill Walker named retired U.S. Army Colonel Laurel Hummel as The Adjutant General of the Alaska National Guard and Commissioner of the Department of Military and Veterans Affairs (DMVA). He also named retired U.S. Air Force Colonel Robert Doehl as Deputy Commissioner of DMVA.

Governor Walker has introduced legislation to create a Marijuana Control Board in Alaska. If passed, the bill would implement voters' intent to regulate marijuana similar to alcohol, while protecting the health and safety of all Alaskans. It is the intent of the governor to have the current Alcohol Board to share administrative staff and resources with a new Marijuana Board to help save money. He also released a public service announcement (PSA) regarding the legalization of marijuana that took effect Feb. 24th.
<http://gov.alaska.gov/Walker/press-room/full-press-release.html?pr=7084>



BILLS OF INTEREST

(Introduced since the January Report)

What follows are bills that we've identified as having a potential or definite impact on your municipality or targeted bills that affect education and/or school funding in your community. We would encourage you to look through the bills and resolutions that have been introduced to alert us to any other pieces of legislation we should be tracking for you. In addition, please be aware that the title given below may not convey the full impact to you. If there is an interest, we would encourage you to read that bill and then if you have additional questions, we'll be happy to get the answers for you. We will advise you as to when it might be beneficial to listen in or even testify on a particular bill. Rest assured we'll continue to monitor all bills as sometimes during the legislative process, amendments come forward that then affect your interests in a bill that wasn't even on anybody's radar!

Municipal Measures

HB 47 / Provides relief for local PERS contribution by muni’s in which the population decreased by 25%

HB 64 / Eliminates daylight saving time

HB 68 / Requires state agencies to post reports online

HB 79 / Marijuana regulations

HB 84 / Requires agencies, REAA’s and municipalities to report on federal receipts

HB 95 / Establishes rules for collecting biometric info – applies to municipalities

HB 101 / Authorizes the Municipal Bond Bank to issue bonds or notes for a regional health organization

HB 104 / Provides immunity for a fire department or employee that is operated by a municipality

SJR 1 / Proposal to manage Permanent Fund with Percent of Market Value (POMV) method

SB 6 and **SB 11** / Eliminates daylight saving time

SB 30 / Marijuana regulations – Includes authority for certain unincorporated communities to opt out

SB 36 / Authorizes electronic publication certain municipal notices

SB 43 / Provides immunity for a fire department or employee that is operated by a municipality

SB 46 / Authorizes the Municipal Bond Bank to issue bonds or notes for a regional health organization

~ ~ ~

Education Measures

HB 90 / Allows firefighters and support staff to participate in hybrid defined benefit/defined retirement

SJR 1 / Permits employees using the religious exemption to direct the required charitable contribution

~ ~ ~

FY 16 Budget Bills

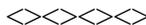
HB 71 / **SB 26** – Capital Budgets

HB 72 / **SB 27** – Operating Budgets

HB 73 / **SB 28** – Mental Health Budgets

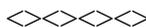
HB 94 / **SB 40** – Supplemental Budgets for FY15

These Supplemental bills would also repeal the one-time education funding for FY16 (\$32.2 million) and FY17 (\$19.9 million).



BILLS ON THE MOVE

Not much to report here other than the marijuana bills are moving forward. They have both grown since they were introduced by ten-fold. SB 30 - the current version includes authority for “established villages” to access the local opt out option. “Established villages” are defined as unincorporated communities within the unorganized borough with a population of 25 or more. As the language becomes clearer, we will send Rose and update as to how the verbiage might affect Dillingham specifically. We’re keeping track of other related marijuana bills as well.



COMMITTEE HEARINGS

If you are planning to testify on any particular bill or subject matter, it is a good idea to check the committee calendar the day of or the day before the scheduled hearing as sometimes a bill is rescheduled at the last minute. http://www.akleg.gov/basis/hearing_form.asp?session=29

Go to: <http://www.akleg.gov/basis/start.asp> for a complete description of a bill that is up in committee, any fiscal notes, and also additional backup material that the legislative office has posted in regards to that particular bill. Just type in the appropriate bill/resolution number. Remember – Bills that have already been heard or previous scheduled in committee can come back before that body without prior notification.

Live on the Web

Most committee hearings can be seen and heard on Gavel Alaska. It is broadcast on both local access TV and on the Internet. You can also access online archives from the following website: www.360north.org

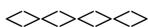
Streaming Video

Meetings streamed outside of Juneau are archived to the Legislature’s Vimeo site: <https://vimeo.com/akltv> or <http://alaskalegislature.tv>

Testifying

If you can’t attend a hearing in person or at your local LIO you can participate by using the following numbers. It is always a good idea to check the committee schedule however to ascertain if they are accepting public testimony. In addition, please be advised that the Legislature wants you to participate in the process, but the toll-free number can only be used if you have had prior approval to call in from the appropriate committee chair.

The toll free number in Alaska: 1-855-463-5009. In Juneau: (907) 463-5009.



IMPORTANT DATES and DEADLINES

Deadline for the **First Lady’s Volunteer of the Year Awards** nominations is March 2nd. Application forms are available on the governor’s website. Awards Webpage: www.volunteerawards.alaska.gov

Energy Council Meeting – The Energy Council meetings in Washington, DC are scheduled from March 5th through March 8, 2015.

Note: It’s been reported that this years’ legislative participation in the energy meetings will be limited and business will continue as usual in the Capitol.

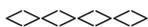
Deadline for the **Alaska Permanent Fund Dividend (PFD)** is March 31, 2015.

Apply: <http://pfd.alaska.gov>

Go to: PickClickGive.org to learn more about how you can share a little of your PFD to make a difference in our communities. There are over 400 non-profits to choose from.

Deadline for the **2016 Teacher of the Year** award nominations is being accepted by the state and are due by May 1, 2015. More information can be found at:

www.eed.state.ak.us/RecognitionPrograms/TOY/



WEBSITES OF INTEREST

2015 List of legislators and quick contact information <http://akleg.gov/docs/pdf/whoswho2015.pdf>

2015 **1st Session** Legislator/Staff Contact List http://akleg.gov/docs/pdf/session_phone_list.pdf

2015 House & Senate Standing and Special Committees <http://akleg.gov/docs/pdf/commlist.pdf>

2015 House / Senate Finance Sub-committee Members

<http://akleg.gov/docs/pdf/HFINSubcmte.pdf>

<http://akleg.gov/docs/pdf/SFINSubcmte.pdf>

The full Legislative Publications List is at: <http://akleg.gov/publications.php>

Legislative Finance Website: <http://www.legfin.akleg.gov>

This link provides options to view specifics for the Capital and Operating Budgets.

Legislative Finance Division's Overview FY 2016 Governor's budget request

<http://www.legfin.state.ak.us/Overview/Overview2016.pdf>

To learn more about the anticipated Medicaid expansion, check out the *Healthy Alaska Plan* at

<http://1.usa.gov/1Lwythi>



COMING NEXT MONTH

- Capital budget update and prognosis for the end of session.



We'll send you addendums as warranted as you know how quickly the landscape can change here in Juneau.

~ Cliff and Ian

~ End Report ~

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Holly Johnson
Chris Maines
Misty Savo
Curt Armstrong
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: February 23, 2015
To: Rose Loera, City Manager
From: Janice Williams, City Clerk
Subject: Monthly Report

Two ordinances up for a public hearing and adoption March 19.

The following two ordinances are up for a public hearing and adoption on March 19, 2015.

- Approve FY 2015 Budget Amendment No. 1
- Review sales tax on sales of fuel delivered outside of Dillingham

City Facebook and Website.

On February 21, I posted a notice of "Know the Facts about Marijuana Legalization" to the City's website and Facebook page. It was also posted in three public places along with additional copies, and distributed to the Public Distribution List, which is made up of a majority of the businesses in town.

Two ordinances regarding marijuana and public use were reviewed by the Code Review Committee and are being recommended to the City Council. The two ordinances will be up for a public hearing at the April 2, 2015 Council meeting and for a vote for adoption.

- An Ordinance amending the City's code of ordinances to add a new section to prohibit consuming marijuana in a public place and amending its Minor Offense Fine Schedule. This would make it unlawful to consume marijuana in public within the City of Dillingham, a violation punishable by a fine and a must appear in court for the third offense. The ordinance would also assess fines for the possession and consumption of marijuana by persons less than 21 years of age, as well as prohibit use in or on motor vehicles, on the deck or in the wheelhouse of a watercraft, or in an aircraft.

- An Ordinance amending the definition of smoking in the Section 8.10 Prohibition of Smoking in Public Places, to read "Smoking" means inhaling, exhaling, burning or carrying any lighted tobacco, nicotine, marijuana, or herbal product as well as the use of any vaporizer, electronic cigarette, or other device used to produce inhalable fumes or

vapors from tobacco, nicotine, marijuana, or herbal product, or oils produced from these products.

STANDING ITEMS:

Liquor License Renewals/Transfers/New Licenses.

Indicate any licenses due to expire.

- No licenses pending.

Records Retention.

Status Report. All City Council resolutions, ordinances, minutes and action memorandums dating from 1963 to current been saved to the laserfiche server, which is backed up weekly and stored offsite. The original documents of each are kept in a fireproof cabinet, except for the last four years which are stored in binders to make for easier access.

Commission/Board Seats Vacant.

Cemetery Committee

The Council in December 2012 approved appointing the seats when there was a full board, and unless extended by the Council, the committee would expire October 31, 2014. There have been only two letters of interest filed since the City began advertising to fill 6 vacant seats in October 2012. This item will appear on the agenda under Unfinished Business, Cemetery Committee – Status Report, and be recommended that it be expired.

Parks and Recreation Committee –

The Parks and Recreation Committee was created to provide a vehicle for coordinating and supporting recreational activities within the community. This committee was extended for another two years, which is until December 31, 2015.

Committee Chair Jennifer Gardner submitted her resignation in January citing personal conflicts. This leaves two seats open, plus the seat for a representative from the school and the seat for an ex-officio non-member. There are no letters of interest on file.

This item will appear on the agenda under Unfinished Business, Parks and Recreation Committee – Status Report.

Senior Advisory Commission

There is one seat open. There are no letters of interest on file.

TIPSTER(S).

- Four affirmative votes are required for the passage of an ordinance, resolution, or motion.
- The mayor is not a council member and may vote only in the case of a tie.
- The president (Mayor) pro tempore shall exercise all the powers of the chair during temporary absences or disabilities of the mayor and may also vote.

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Holly Johnson
Chris Maines
Misty Savo
Tracy Hightower
Paul Liedberg
Neil C. Armstrong

MEMORANDUM

Date: February 24, 2015
To: Rose Loera
City Manager
From: Carol Shade
Finance Director
Subject: January 31, 2015 Financial Report

As of the end of January 2015, we should have received 58% of the FY15 budgeted revenues and not have spent more than 58% of the FY15 budgeted expenditures. As you can see by the chart below at January 31, 2015:

- General Fund Revenues were 77% and Expenditures were 56%
- Special Revenue Fund Revenues were 60% and Expenditures were 59%

In comparison as of January 31, 2014:

- General Fund Revenues were 74% and expenditures were 58%
- Special Revenue Fund Revenues were 70% and Expenditures were 58%

Following is a schedule showing the comparison of revenues and expenditures by category:

Category	FY15 Budget	FY15 Actual	FY1 5 %	FY14 Budget	FY14 Actual	FY14 %
Revenues						
General Fund	\$8,027,441	\$6,168,182	77%	\$8,247,416	\$6,109,649	74%
Special Revenues	2,251,058	1,350,014	60%	2,146,127	1,502,393	70%
GF & SRF Revenues	\$10,278,499	\$7,518,195	73%	\$10,393,543	\$7,612,042	73 %
Expenditures						
General Fund	\$8,228,250	\$4,631,129	56%	\$8,044,870	\$4,627,978	58%
Special Revenues	2,353,444	1,385,746	59%	2,525,045	1,535,209	58%
GF & SRF Expenses	\$10,581,694	\$6,016,875	57%	\$10,569,915	\$6,163,187	58%

*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.*

Capital Projects Revenues	6,209,283	1,768,813	28%	3,301,124	2,057,440	62%
Capital Projects Expenses	6,215,262	2,279,062	37%	3,714,083	2,413,568	65%

Below shows what remains of the \$738,419.70 of property tax receivables for taxes that were assessed for the 2012 and prior tax years as of January 31, 2015.

<u>Real</u>	<u>Personal</u>	<u>Combined</u>	<u>Total Decrease</u>	<u>% Collected</u>
\$ 129,737.30	\$72,404.15	\$202,201.45	\$536,218.25	72.62%

2013 & 2014 property taxes received through January 31, 2015:

<u>Year</u>	<u>Invoiced to include Personal & Real Property</u>	<u>Real Property Balance to be Collected</u>	<u>Personal Property Balance to be Collected</u>	<u>Total Collected</u>	<u>% Collected</u>
2013	\$2,181,347.60	\$64,161.11	\$10,904.52	\$2,106,281.97	97%
2014	\$2,217,301.56	\$122,781.84	\$34,620.59	\$2,031,846.46	91%

As you can see by these charts there is a total of \$202,201.45 remaining receivables from the 2012 and prior year Real and Personal Property accounts. In comparison, there is only \$75,065.63 for 2013 and \$157,402.43.10 for 2014 remaining in receivables from Real and Personal property taxes. Combining all the years together results in a total of \$434,669.51 in Real and Personal property tax receivables remaining to be collected.

The Collections specialist sent out four letters to delinquent sales tax filers and completed three additional promissory notes and mailed 31 promissory note reminders during the month of January. There are 72 people on the denied service list.

The Receivables technician sent out about 230 utility bills for the January billing and about 100 miscellaneous Accounts Receivable bills.

The Payables/Payroll Technician about processed 203 payables vouchers, 94 checks were produced for an amount of \$234,685 and 25 purchase orders and two payrolls.

The Accounting Tech IV technician assisted with 22 computer issues, spent about 47 hours on grants, and spent about 21 hours preparing deposits and 17 hours reviewing data entry from cashiers. She reviewed timesheet auditing, and daily cash counts and deposits.

The Finance Director prepared worksheets and reports in preparation for the FY16 budget process. In addition to the regular monthly reconciliations she assisted staff with the finalization of implementing the recommendations made by the consultant during the Finance Department Staffing Study.

With that being said attached statements reflect the City's financial status as of January 31, 2015.

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City of Dillingham
Revenues and Expenditures As of January 31, 2015
Unaudited Figures

	<u>January 31, 2015</u>			<u>January 31, 2014</u>		
REVENUES:	Budget - FY15	MTD	YTD	Percent	YTD	INC/(DEC)
<u>General Fund Revenues</u>						
General Sales Tax	\$ 2,700,000	153,206	1,403,584	52%	\$ 1,379,267	\$ 24,318
Alcohol Sales Tax	300,000	17,117	144,492	48%	153,856	(9,364)
Transient Lodging Sales Tax	85,000	3,206	49,596	58%	51,467	(1,871)
Gaming Sales Tax	78,000	36,292	58,717	75%	35,324	23,393
Total Sales Tax	<u>3,163,000</u>	<u>209,822</u>	<u>1,656,390</u>	<u>52%</u>	<u>1,619,914</u>	<u>36,476</u>
Real Property Tax	1,500,000	-	1,659,498	111%	1,578,248	81,250
Personal Property Tax	500,000	-	562,742	113%	524,540	38,202
Total Property Taxes	<u>2,000,000</u>	<u>-</u>	<u>2,222,240</u>	<u>111%</u>	<u>2,102,788</u>	<u>119,453</u>
Telephone Gross Receipts State Tax	75,000	-	-	0%	-	-
Raw Fish Tax	350,000	-	407,654	116%	276,513	131,141
Nushagak Fish Tax (Proportion transfer in)	-	-	-		310,000	(310,000)
Shared Fisheries	30,000	-	-	0%	-	-
Revenue Sharing	208,636	-	210,165	101%	210,704	(539)
Payment in Lieu of Taxes (PILT)	420,000	-	446,844	106%	422,987	23,857
State Jail Contract	641,300	164,641	493,923	77%	480,975	12,948
Admin Overhead	375,029	-	204,397	55%	215,432	(11,035)
PERS on Behalf	294,526	48,549	291,907	99%	218,940	72,967
Other Revenues	469,950	29,607	234,662	50%	251,397	(16,735)
Total	<u>2,864,441</u>	<u>242,797</u>	<u>2,289,552</u>	<u>80%</u>	<u>2,386,947</u>	<u>(97,395)</u>
Total General Fund Revenues	\$ 8,027,441	\$ 452,619	\$ 6,168,182	77%	\$ 6,109,649	\$ 58,533
<u>Special Revenue Funds Revenues</u>						
Nushagak Fish Tax	-	-	13,727		386,942	(373,215)
Water	215,412	12,888	126,524	59%	127,608	(1,084)
Sewer	284,242	24,210	189,647	67%	145,047	44,600
Landfill	512,783	6,353	183,054	36%	219,567	(36,513)
Dock	490,327	-	470,132	96%	273,178	196,954
Dock Insurance Payment	-	-	-		-	-
Boat Harbor	244,979	1,490	99,155	40%	103,329	(4,173)
E-911 Service	76,000	6,186	46,243	61%	44,970	1,273
Senior Center (Grant)	138,100	284	73,524	53%	134,971	(61,447)
Senior Center (Non-Grant)	289,215	5,011	148,007	51%	66,782	81,225
Total Special Revenue Funds Revenues	\$ 2,251,058	\$ 56,422	\$ 1,350,014	60%	\$ 1,502,393	\$ (152,379)
Fisheries Infrastructure	-	-	-		17,739	(17,739)
Borough Study Fund	-	-	-		10,644	(10,644)
Asset Forfeiture Fund	-	-	-		-	-
City Shoreline Erosion Control	-	-	5,479		34,750	(29,271)
WasteWater Treatment Plant	2,000,000	-	16,840	1%	1,349,309	(1,332,469)
Library Grants	60,773	-	41,274	68%	13,880	27,394
Library Building Upgrades	-	-	-		138,284	(138,284)
E911 Critical System Upgrades	133,787	-	133,787	100%	133,787	-
EMPG	10,000	-	614	6%	-	614
FEMA Fire Truck	405,000	359,068	359,068	89%	662	358,406
Jail Corrections Grant (Equipment)	-	-	-		20,000	(20,000)
SHSP Camera Upgrades	114,791	-	3,687	3%	-	3,687
SHSP Public Safety Equipment	74,800	-	-		-	-
JAG Grant (WAANT Officer)	-	5,652	5,652		-	5,652
Pollock Grant	-	-	-		-	-
BBEDC Interns	19,152	-	26,451	138%	-	26,451
BBEDC (Various Projects)	250,000	-	3,232	1%	52,111	(48,878)
Rasmuson Grant (Senior Center)	25,000	-	25,000		-	25,000
Ambulance Reserve Capital Project Fund Revenue	67,294	-	-		-	-
Equipment Replacement Capital Project Fund	115,000	-	115,000	100%	100,000	15,000
School Bond Project	-	16	194		673	(479)
Public Safety Planning	20,000	-	20,000	100%	20,000	-
Mary Carlson Estate Permanent Fund Revenue	4,596	1,350	(310)	-7%	2,279	(2,589)
Debt Service Fund Revenue	1,176,090	-	273,045	23%	296,265	(23,220)
Landfill Oxidation	1,300,000	-	609,592	47%	-	609,592
BBEDC (Landfill)	250,000	-	35,208	14%	-	35,208
Landfill Reappropriation	183,000	-	95,000	52%	-	95,000
Landfill Phase 3	-	-	-		845	(845)
Total Capital Project Revenues	\$ 6,209,283	\$ 366,086	\$ 1,768,813	28%	\$ 2,057,440	\$ (288,627)
Total Revenues	\$ 16,487,782	\$ 875,127	\$ 9,287,008	56%	\$ 9,669,482	\$ (382,474)

City of Dillingham
Revenues and Expenditures As of January 31, 2015
Unaudited Figures

EXPENDITURES:	January 31, 2015				January 31, 2014	
	Budget - FY15	MTD	YTD	Percent	Actual	INC/(DEC)
General Fund Expenditures						
City Council	\$ 86,864	\$ 9,145	\$ 46,491	54%	\$ 29,643	\$ 16,848
City Clerk	130,310	10,250	76,025	58%	73,306	2,719
Administration	309,809	26,248	176,286	57%	160,468	15,818
Finance	619,503	61,006	356,684	58%	338,651	18,033
Legal	77,000	667	34,879	45%	38,395	(3,516)
Insurance	110,618	-	112,615	102%	100,773	11,842
Non-Departmental	185,400	6,835	128,966	70%	144,546	(15,580)
Planning	142,563	9,256	73,931	52%	82,810	(8,879)
Foreclosures	10,000	516	14,197	142%	11,564	2,633
Meeting Hall above Fire Station	3,575	208	1,578	44%	2,132	(554)
Public Safety Administration	178,356	10,891	110,011	62%	107,124	2,887
Dispatch	468,894	37,965	264,890	56%	235,766	29,124
Patrol	831,789	62,705	465,019	56%	432,895	32,124
Corrections	692,590	52,285	396,635	57%	363,398	33,237
DMV	134,171	11,275	83,074	62%	56,084	26,989
Animal Control Officer	113,326	6,682	57,249	51%	62,779	(5,530)
PS IT	21,700	38	7,829	36%	13,861	(6,032)
Fire	294,448	19,147	144,474	49%	113,732	30,742
Public Works Administration	201,794	17,527	112,678	56%	82,555	30,123
Building and Grounds	286,991	22,340	161,802	56%	170,851	(9,049)
Shop	162,018	14,744	83,014	51%	105,677	(22,663)
Street	659,803	32,282	288,800	44%	368,391	(79,591)
Library	138,797	10,658	70,348	51%	65,586	4,762
City School	1,300,000	-	975,000	75%	975,000	-
Transfers to Other Funds	1,067,931	-	388,655	36%	491,994	(103,339)
Total General Fund Expenditures	\$ 8,228,250	\$ 422,671	\$ 4,631,129	56%	\$ 4,627,978	\$ 3,150
Special Revenue Funds Expenditures						
Nushagak Fish Tax	-	-	-		353,625	(353,625)
Water	215,412	14,059	129,900	60%	127,057	2,843
Sewer	284,242	19,375	165,022	58%	134,838	30,184
Landfill	512,783	69,364	250,716	49%	248,250	2,466
Dock	622,513	12,063	486,344	78%	409,147	77,197
Dock (ATD Damages)	-	-	-		271,339	(271,339)
Boat Harbor	244,979	7,068	104,179	43%	105,612	(1,433)
E-911 Service	42,200	-	7,130	17%	-	7,130
Senior Center (Grant)	138,100	9,357	84,831	61%	87,563	(2,732)
Senior Center (Non-Grant)	293,215	13,544	157,625	54%	151,403	6,222
Total Special Revenue Fund Expenditures	\$ 2,353,444	\$ 144,830	\$ 1,385,746	59%	\$ 1,535,209	\$ (149,463)
Asset Forfeiture Fund	-	-	-		515	(515)
Fisheries Infrastructure Fund	-	-	-		-	-
Borough Study	-	-	-		-	-
City Shoreline Erosion Control	-	-	6,914		123,391	(116,477)
WasteWater Treatment Plant	2,000,000	15,599	22,041	1%	1,388,779	(1,366,738)
WasteWater Upgrade	-	23,657	38,631		8,063	30,568
Library Grants	60,773	9,779	42,831	70%	15,565	27,266
Library Building Upgrades	85,000	4,936	25,765	30%	141,277	(115,512)
EMPG	10,000	-	2,501	25%	-	2,501
FEMA Fire Truck	405,000	-	369,641	91%	697	368,945
SHSP Camera Upgrades	114,791	-	3,687	3%	407	3,280
SHSP Public Safety Equipment	74,800	34,243	44,286	59%	-	44,286
JAG Grant (WAANT Officer)	-	-	5,652		-	5,652
E911 Critical System Upgrades	133,787	-	133,787	100%	407	133,380
Pollock Grant	-	-	21		-	21
BBEDC Interns	-	-	26,111		-	26,111
BBEDC (Various Projects)	-	-	14,203		145,782	(131,579)
Rasmuson Grant (Senior Center)	25,000	11,780	26,807		-	26,807
Ambulance Reserve Capital Project Fund	269,000	5,730	5,730	2%	360	5,370
Equipment Replacement Capital Project Fund	103,425	-	-		155,757	(155,757)
School Bond Project	-	-	12,182		36,117	(23,935)
Public Safety Planning	20,000	-	11,918	60%	2,558	9,361
Mary Carlson Estate Permanent Fund	4,596	579	4,461	97%	2,973	1,488
Debt Service Fund	1,176,090	-	273,045	23%	288,045	(15,000)
Landfill Oxidation	1,300,000	-	994,727	77%	19,770	974,957
BBEDC Landfill	250,000	-	119,121	48%	-	119,121
Landfill Reappropriation (Equipment Purchase)	183,000	-	95,000	52%	-	95,000
Landfill Capital Project Fund	-	-	-		83,621	(83,621)
Total Capital Project Funds Expenditures	\$ 6,215,262	\$ 106,302	\$ 2,279,062	37%	\$ 2,413,568	\$ (134,505)
Total All Expenditures	\$ 16,796,956	\$ 673,803	\$ 8,295,937	49%	\$ 8,576,755	\$ (280,818)
Revenues Over (Under) Expenditures	\$ (309,174)	\$ 201,324	\$ 991,071		\$ 1,092,727	\$ (101,656)

City of Dillingham
Revenues and Expenditures As of January 31, 2015
Preliminary Figures

	<u>Fund Bal.</u> <u>6/30/2014</u>	<u>FY'15</u> <u>Revenues</u>	<u>FY'15</u> <u>Expenditures</u>	<u>Add or (-)</u> <u>Fund Bal</u>	<u>Fund Bal.</u> <u>1/31/2015</u> <u>Unaudited</u>
General Fund	\$ 4,039,477	\$ 6,168,182	\$ 4,631,129	\$ 1,537,053	\$ 5,576,530
Nushagak Fish Tax	362,468	13,727	0	13,727	376,195
Fisheries Infrastructure Fund	66,451	-	-	0	66,451
Borough Study	36,871	-	-	0	36,871
Water	-	126,524	129,900	(3,375)	(3,375)
Sewer	14,917	189,647	165,022	24,625	39,542
Landfill	2,450	183,054	250,716	(67,662)	(65,212)
Dock	667,391	470,132	486,344	(16,212)	651,180
Boat Harbor	-	99,155	104,179	(5,023)	(5,023)
E-911 Service	79,606	46,243	7,130	39,113	118,719
Senior Center	-	221,531	242,456	(20,925)	(20,925)
Asset Forfeitures Fund	6,072	-	-	-	6,072
City Shoreline Erosion Control	(155,469)	5,479	6,914	(1,435)	(156,904)
WasteWater Treatment Grants	-	39,256	60,673	(21,417)	(21,417)
Library Grants (Books, Erate, etc.)	-	41,274	42,831	(1,557)	(1,557)
Library Roof	-	-	25,765	(25,765)	(25,765)
JAG Grant (WAANT Officer)	-	-	5,652	(5,652)	(5,652)
E911 Critical System Upgrade	-	133,787	133,787	-	-
Pollock Land Grant	14,732	5,652	21	5,631	20,362
EMPG	-	614	2,501	(1,888)	(1,888)
FEMA Fire Truck	-	359,068	369,641	(10,573)	(10,573)
SHSP Camera Upgrades	-	3,687	3,687	-	-
SHSP Public Safety	-	-	44,286	(44,286)	(44,286)
BBEDC Interns	-	26,451	26,111	340	340
BBEDC (Various Projects)	-	3,232	14,203	(10,970)	(10,970)
Rasmuson Grant (Senior Center)	-	25,000	26,807	(1,807)	(1,807)
Ambulance Reserve Capital Project Fund	641,945	-	5,730	(5,730)	636,215
Equipment Replacement Capital Project Fund	121,175	115,000	-	115,000	236,175
School Bond Project Capital Project Fund	76,764	194	12,182	(11,988)	64,775
Public Safety Planning	23,744	20,000	11,918	8,082	31,826
Mary Carlson Estate Permanent Fund	388,161	(310)	4,461	(4,771)	383,390
Debt Service	-	273,045	273,045	-	-
Landfill Oxidation	-	609,592	994,727	(385,135)	(385,135)
BBEDC (Landfill)	-	35,208	119,121	(83,913)	(83,913)
Landfill Reappropriation (Equipment Purchase)	-	95,000	95,000	-	-
Landfill Capital Project Fund	172,044	-	-	-	172,044
Total	\$ 6,558,798	\$ 9,309,424	\$ 8,295,937	\$ 1,013,487	\$ 7,572,285

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Holly Johnson
Chris Maines
Misty Savo
Curt Armstrong
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: February 23, 2015
To: Rose Loera, City Manager
From: Sonja Marx, Librarian
Subject: February Monthly Report

During Beaver Round Up Week, the Dillingham Public Library, the Friends of the Library, and the Imagination Library will again be hosting the Dr. Seuss Birthday Party on Saturday, February 28th at 11am. The Cat in the Hat will be here to read a book. There will be door prizes, cupcakes, crafts, and a special digital e-book reading app on the video conference equipment. This is the third year for this popular event.

Abigail and Sonja will be attending the 2015 AkLA conference in Juneau from February 26th through March 1st while Nicole and Flora “hold down the fort” here.

This is the time of year that we begin applying for the grants that help provide the funds for books, audio visuals, continuing education training, and materials & staffing for the summer reading program as we formulate the budget for FY16. Our e-rate for phones and internet has been certified. We have signed a contract with GCI to provide 3 upload/3 download Mbps of internet connection from July 1, 2015 to June 30, 2016. The total charges for the year will be \$92,700. Here is the breakdown for this expense:

E-rate Funding Request	\$ 6,180.00 / month
Dillingham Public Library Pays	\$ 34.60 / month
OWL Pays	\$ 1,510.40 / month

Total Cost	\$7,725.00 / month

Library Stat report for January 26th - February 21st, 2015:

**Patron Visits: 2,657 Computer Use: 486 Wireless Use: 176
Story Hour: 48 Other Visits (including students): 384 Museum Use: 35
Videoconferencing: 0 AWE Station Use: 8 Volunteer hours logged: 35.75**

**Library will be closed Monday, March 30th for Seward’s Day,
Library Advisory Board meeting, Tuesday, April 7th at 5:30 pm in the Library**

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MEMORANDUM

Date: February 24, 2015
To: Rose Loera, City Manager
From: Jody Seitz, Planning Director
Subject: February Report

Returned to work from extended leave February 17. Since then I have been getting things moving again in the Planning Department.

- met with a citizen concerned about septics in their neighborhood who is seeking to have the City sewer extended down Bayside Drive;
- met with an architect affiliated with Foraker Group who is helping SAFE with their septic and proposed new force main;
- searched the archives for Nushagak utility permits from the 1980s for the ADOT Downtown Streets project;
- met with the Finance Director about the Planning Department Budget;
- attended Laserfiche training and then archived Planning Commission resolutions and minutes in Laserfiche;
- reviewed Landfill survey contract;
- met with Tax Assessor and confirmed that he will prepare land valuations for the Port Land Exchange;
- contacted ADNR regarding two pending plats and the surveyor regarding two other plats;
- produced new address maps as requested for Nushagak, the elementary school, and Vitus Marine Services;
- met with a high school student interested in building 3 benches for city roads
- began work with Coastal Surveyors to complete the Landfill Exchange with Choggiung Ltd.

Thank-you to the City for the extended leave. It is very much appreciated.

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MEMORANDUM

Date: February 24, 2015
To: Rose Loera / City Manager
From: Jean Barrett / Port Director
Subject: February Monthly Report

February was a short month for me at the Port. I took a week off and was able to get away from the daily grind for a while. I appreciate have the benefit of paid vacation. Thanks to the City of Dillingham for that benefit.

Dock

All the hard work that was put into working on getting quotes for a new small forklift for the dock paid off with the approval given to get one ordered to be delivered this spring. This addition to the fleet at the dock will be very nice.

We are a little over a month from re-opening the dock for the 2015 season. I am looking forward to getting the crew back and working with them on getting up to speed on the implementation of the new tariff. I think we will have a busy summer, maybe a record breaking one!

Harbor

Not much happening at the harbor this time of year as you can well expect. We have been dealing with some small maintenance issues in the harbor office and also the bathhouse. The boiler in the bathhouse had a control go out causing the boiler to shut down. Thankfully this winter has been mild and nothing froze or was damaged. We replaced the controller and all is back up and running. The Harbor office is due to get a new boiler. We are awaiting pricing and hope to replace the old one this summer. We have been having a bad sooting problem and were unable to control the heat so it was all or nothing and made working in the office unbearable at times. We have addressed both of these issues but are still planning on a replacement of the original boiler. We hope to get this done in early summer when we can be without heat for however it takes to replace the boiler.

I have been working with RPC energy on coordinating the replacement of the Ice house refrigeration system. We should have the parts on hand and the replacement done early this spring.

Tariff

I have spent since August working on the revisions to the Port of Dillingham tariff. After running it past the Finance and Budget committee twice and also to the Port Advisory committee, we took the final version to the City Council meeting on the 5th of February. After some discussion and a few revisions, we were able to pass the revisions to the tariff and have implemented them for the upcoming season.

Budget

I turned in my budget for FY16 and met with Finance director Carol Shade to go over the items I want to put into it for the upcoming year. I don't feel there was anything frivolous included. I asked for a new outboard for the harbor skiff since we had a lot of problems with it last year and I am guessing it is over 10 years old.

I also have been working to get everything in line to change over the City's keying system to a new updated system. The current locks and keys are as far as I can tell more than 20 years old and we have no recording system for keys to the city. There is a real possibility that employees still have keys to city buildings.

Helping out

I have helped out the Public Works department as acting director while Pancho Garcia and Herman "Nup" Shade are both out of town. Nothing big to report here. I had to call out the water and sewer department one night to the high school to address a sewer line issue and worked with them to address a water issue in the area of AC Co in downtown.

That is all from the best view in town.

JEAN

Mayor
Alice Ruby

Manager
Rose Loera



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MEMORANDUM

Date: February 24, 2015
To: City Manager Rose Loera
From: Chief Dan Pasquariello
Subject: **March 2015 Council Report** (*reporting period 1-27-15 to 2-24-15*)

POLICE:

- ❖ 276 Calls for service
- ❖ 46 Incident reports
- ❖ 23 Persons arrested
- ❖ 8 Title 47/Protective custody
- ❖ 7 Citations issued

One of our police officers has resigned and taken a job at Kakanak Hospital, creating a vacant officer position.

We are currently investigating a homicide case.

CORRECTIONS:

- ❖ 34 Total Inmates
- ❖ 8 Title 47/Protective custody

The corrections sergeant and a corrections officer graduated from the Municipal Corrections Academy in Palmer. They are now eligible to attain APSC certification.

DISPATCH:

- ❖ 368 Calls for service
- ❖ 75% Dispatched to Dillingham Police
- ❖ 19% Dispatched to Alaska State Troopers
- ❖ 4% Dispatched to EMS/Fire
- ❖ 3% Dispatched to Animal Control
- ❖ 49 911 calls received

One of our Dispatchers is resigning at the end of the month, creating a vacant dispatcher position.

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ANIMAL CONTROL:

- ❖ 8 Dogs impounded
- ❖ 5 Dogs returned to owners
- ❖ 1 Euthanasia
- ❖ 7 Parvo shots
- ❖ 5 Citation issued

We will once again be hosting a Rabies Clinic during the annual Beaver Round-up Festival.

DMV:

- ❖ 27 Registrations/Titles
- ❖ 48 Driver's License/IDs
- ❖ 3 CDLs
- ❖ 3 Road tests

DMV hours will be shortened to Monday-Friday 11:30 am to 3:30 pm beginning on March 16th.

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MEMORANDUM

Date: February 23, 2015
To: Rose Loera, City Manager
From: Stephanie McCumber, Fire Coordinator
Subject: February 2015 Department Head Report

Summarization of EMS Responses – 14 Calls; 58.5 Total Man Hours

- Total of Ambulance Transports
 - 2 Breathing Problems
 - 1 Diabetic Emergency
 - 3 Cardiac Arrests/Courtesy Transports
 - 1 Seizure/Convulsion
 - 1 Fall Victim
 - 1 Sick Person
 - 2 Unconscious/Fainting
 - 1 Hypothermia
 - 2 Fire Standbys

Summarization of Fire Responses – 2 Calls; 27 Total Man Hours

- 2 Steam bath fires

PROJECTS COMPLETED

- Combo Meeting was held for the annual Blood Borne Pathogens class.
- For Fire training, we had training with ropes and knots.
- Rescue Squad Training was for precarious extrications and EMT- II review.
- The application for registering our Fire Department with the State of Alaska was sent in and accepted.
- Vital equipment (IV catheters, intubation tubes) on the ambulance was replaced and brought up to date.
- The Fire Coordinator proctored a Hazmat Awareness test for two VPSO's.
- All fire apparatus has been outfitted with tire chains.
- The Fire Coordination and Fire Office Assistant aided BBNA with an unannounced fire drill by being a presence as people exited the building.
- We have organized and inventoried all turnout gear that is not in service.
- Ambulance and Fire reporting is up to date.

ON-GOING PROJECTS

- We've been receiving 2015 Tier-II reports from companies that store large amounts of hazmat and have been replacing the 2014 reports as they come in.
- Buildings and Grounds sweated copper piping at Lake Road Station so that we may add onto our cascade system for our breathing apparatus. This will double our air capacity on hand to fill air pack bottles when needed. We are currently working on getting the necessary equipment to complete this project.
- We are sending out our final yellow cascade tank that needs to be hydro tested.

Mayor
Alice Ruby

Manager
Rose Loera



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MEMORANDUM

Date: February 25, 2015
To: Rose Loera, City Manager
From: Francisco Garcia, Public Works Director
Cc: Dillingham City Council
Subject: February monthly report 2015 – Public Works Department

Street Dept.

- Plow snow and sand roads;
- Plowed bike path and sanded;
- Graded in front of post office and library; and
- Helping in the shop to keep equipment and vehicles in working order.

Water/Sewer Dept. conducted monthly water and sewer sampling;

- Keeping lift stations, sewer treatment and water treatment plant cleaned;
- Completing monthly DMR reports and turning them in to D.E.C.;
- Pulled pumps at Tubbs and Small's lift station's , pumps plugged with mop heads;
- Working all floats at the lift station's for operation and checking alarms.

Shop Dept.

- Keeping up with equipment and vehicle maintenance;
- Keeping the shop cleaned and organized;
- Putting ram back on the 345 excavator and H beam for thumb;
- Helped B&G with range stove at the senior center.

B&G Dept.

- Completed work at the bingo hall, Stairs, smoke and carbon monoxide detectors and lights;
- Replacing the range stove at the senior center;
- Getting prices to replace backup generator at DPD;
- Working on boiler at the water treatment plant.

Landfill Dept.

- Keeping the landfill clean;
- Keeping customers away from the incinerator work site;
- Making sure all paper work is in order;
- Will be repairing the fence around the burn bin since weather is good.

Mayor
Alice Ruby



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Manager
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MEMORANDUM

Date: February 11, 2015
To: Rose Loera
From: Ida Noonkesser
Subject: Staff Report

During the month of January, the Senior Center served 588 congregate meals to 68 individuals, 142 home delivered meals to 8 individuals, gave 246 assisted rides to 23 individuals and 330 unassisted rides to 32 individuals.

We had one new renter in the month of January. Also, the Pinochle player's group continues to rent the dining room every Friday and every third Saturday the Quilters rent the Senior Center.

Tish Olson has been having her Craft Days every Tuesday and Storytelling every Wednesday. Kids from the MAP school come to the storytelling afternoons.

We still have serious internet problems at the Senior Center. It is off for part of the day almost every day. We have contacted TEKIMATE in Anchorage and they are working with us to try to solve the problems we are having. TEKIMATE will be working with Nushagak to solve the issue.

We finished and submitted out biannual NTSS grant progress report and logic model for the State.

Our next Advisory Board meeting is on March 11.

I. CALL TO ORDER

The Code Review Committee met on Tuesday, January 27, 2015, in the Council Chambers, Dillingham, AK. Chair Chris Maines called the meeting to order at 5:30 p.m.

II. ROLL CALL

Committee Members present:

Chris Maines	Alice Ruby	Rose Loera
Holly Johnson	Misty Savo	Janice Williams

III. APPROVAL OF MINUTES

A. Minutes of November 13, 2014

MOTION: Holly Johnson moved and Alice Ruby seconded the motion to approve the minutes of November 13, 2014.

VOTE: The motion passed without objection.

IV. APPROVAL OF AGENDA

MOTION: Holly Johnson moved and Rose Loera seconded the motion to approve the agenda.

VOTE: The motion passed without objection.

V. UNFINISHED BUSINESS

A. Code Committee's To Do List

A copy of the status of the committee's To Do List was included in the packet.

B. C2/09 Minimum Acreage

This item was postponed.

C. C5/14 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

This item was postponed.

D. C6/14 Correct Conflicting Language Between Chapter 11 Business District and Chapter 18 Central Business District

This item was postponed.

E. C7/14 Create a SOP for Liquor Licenses

Follow-up:

- Include in the city clerk's report the reason the city council can object to a liquor license to help educate the council and make it clear the applicant is in compliance.
- Bring liquor license renewals, transfers, new licenses to the code review committee prior to presenting to the Council.
- Present to the Council as a lay down the review made on the liquor license application.

F. C8/14 Review Animal Control for Clarification on Unwanted, Abandoned Animals

Discussion ensued regarding the pros and cons of retaining an animal for at least ten days, such as holding on to the animal to check for parvo virus, or the cost to the city for holding an animal for at least ten days with some exceptions. The committee did not recommend changing the time period.

MOTION: Rose Loera moved and Holly Johnson seconded the motion to recommend the draft ordinance to the Council for approval.

VOTE: The motion passed unanimously by voice vote.

G. C9/14 Add Records Management Program to Section Records and Documents and Review Records Management Policy (*Postponed*)

H. C10/14 Clarification on Application of Sales Tax on Fuel Deliveries Made Outside Dillingham Limits

According to the COD's code, the City of Dillingham could levy the 6% sales tax on sales of fuel delivered to Aleknagik. The COD was not interested in levying the full 6% sales tax, felt it would be penalizing those residents and Aleknagik depends on their 5% sales tax, and had recommended COD collect the additional 1%. If anything should change, COD could go back and revisit that compromise. The City's Attorney had advised codifying the action the City had taken to put the 1% tax in place.

MOTION: Alice Ruby moved and Rose Loera seconded the motion to recommend the ordinance with some revisions to clarify paragraph C.

VOTE: The motion passed unanimously by voice vote.

I. C11/14 Provide a Process for Exceptions to DMC 11.08.010 Speed Limit

Follow-up:

- Recommendation was made to contact the City's Attorney for standards set in other municipalities from a safety standpoint; Did the City have a say in State road speed limits.

J. C12/14 Review Personal Property Tax Assessed on Airplanes

Community member opined that the personal property tax kept owners from keeping their planes in Dillingham resulting in less year-round work for airplane mechanics.

Discussion ensued could the city generate the same revenue with a flat tax.

Follow-up:

- Will bring the amount collected from property tax to the next meeting, an inventory of airplanes provided by the state, examples of taxing planes from other communities, and the personal property tax list.

VI. NEW BUSINESS

A. C13/14 Review Responsibilities and Duties of Library Board

When Res. No. 2013-71 was adopted to change the Library Board to a Library Advisory Board, the Council was required to basically approve everything the library recommended, change hours, fines. Since it had been tested, management felt this could be more manageable if management approved those recommendations and reported to the Council.

MOTION: Holly Johnson moved and Misty Savo seconded the motion to create a new resolution and repeal Res. 2013-71, and change the language to read rules will be approved by the City Manager and reported to the City Council.

VOTE: The motion passed unanimously by voice vote.

VII. PUBLIC COMMENT/COMMITTEE COMMENTS

Mayor Ruby:

- Recommended holding a workshop, less formal than a council meeting, with Danny Seybert from Penair to present on transportation costs.

Chris Maines

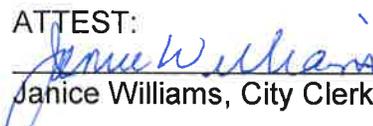
- Noted he appreciated the committee's patience in his new role as chair.

VIII. ADJOURNMENT

The meeting adjourned at 6:47 p.m.


Chris Maines, Chair

ATTEST:


Janice Williams, City Clerk

Approval Date: 2/19/15

I. CALL TO ORDER

The Code Review Committee met on Thursday, February 19, 2015, in the Council Chambers, Dillingham, AK. Chair Chris Maines called the meeting to order at 5:30 p.m.

II. ROLL CALL

Committee Members present:

Chris Maines	Alice Ruby	Holly Johnson
Misty Savo	Janice Williams	

Committee Members absent: Rose Loera

Staff present: Carol Shade

III. APPROVAL OF MINUTES

A. Minutes of January 27, 2015

MOTION: Holly Johnson moved and Alice Ruby seconded the motion to approve the minutes of January 27, 2015.

VOTE: The motion passed unanimously by voice vote.

IV. APPROVAL OF AGENDA

MOTION: Holly Johnson 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

The To Do list is for information only.

B. C5/14 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

MOTION: Alice Ruby moved and Holly Johnson seconded the motion to postpone to the next meeting.

VOTE: The motion passed unanimously by voice vote.

C. C7/14 Create a SOP for Liquor Licenses

Follow-up:

- Staff to bring back an internal procedure to the next meeting.

D. C8/14 Review Animal Control for Clarification on Unwanted, Abandoned Animals

1. Introduced Ordinance No. 2015-03 Feb. 5, Postponed to March 5

Discussion ensued over:

- whether it was necessary to include several of the exceptions to an animal held for no less than ten days, specifically those under quarantine for ten days and those under protective custody; and
- could an animal be euthanized that was under protective custody?

Follow-up:

- Add a definition for protective custody;
- Find out if the ACO requires the Chief's approval before an animal is euthanized.
- In new section E, 7.09.010, insert additional language (underlined) after "all impounded animals not claimed by their owner or the owner's representative";
- Break out section E, Exceptions, under 7.09.010 Terms;
- Asked if the animal shelter issues a waiver form when an animal is adopted.

E. C9/14 Add Records Management Program to Section Records and Documents and Review Records Management Policy (*Postponed*)

This item has been postponed.

F. C10/14 Clarification on Application of Sales Tax on Fuel Deliveries Made Outside Dillingham Limits

1. Introduced Ord. No. 2015-02 Feb, 5, Public Hearing Set for March 5

This ordinance is up for adoption March 5, 2015. It remains on the agenda until it is finalized.

G. C11/14 Provide a Process for Exceptions to DMC 11.08.010 Speed Limit

MOTION: Alice Ruby moved and Holly Johnson seconded the motion to draft two resolutions that will be brought back to the Code Review Committee for review:

- 1) A resolution to petition DOT to change the speed limits on Windmill Hill area; and
- 2) A resolution to assign designating speed limits to the Planning Commission.

VOTE: The motion passed unanimously by voice vote.

H. C12/14 Review Personal Property Tax Assessed on Airplanes

Discussion ensued over:

- looking into how many seasonal airplanes use the airport facilities;
- whether or not to require seasonal airplanes to register their aircraft;
- making the tax equitable.

The committee asked to leave this item on the agenda for further discussion. The documents in the packet will be presented in the next packet.

VI. NEW BUSINESS

A. C14/15 Regulation of Marijuana

1. Review Ord. Amending Title 8, Health and Welfare, by the Addition of New Chapter Providing Regulation of Marijuana in the City of Dillingham
2. Review Ord. Amending Chapter 8.10, Prohibition of Smoking in Public Places, Section 8.10.010

Discussion ensued over:

- the definition for vaporizer and herbal products (mind-altering?, not incense used in churches);
- Change the penalties to be consistent with the City's existing fine schedule of \$75, approve \$300 for the second offense, and must appear in court for the 3rd offense.

MOTION: Alice Ruby moved and Holly Johnson seconded the motion to recommend sending both ordinances to the Council with the suggested changes with a strong recommendation to hold additional public hearings.

VOTE: The motion passed unanimously by voice vote.

Follow-up:

- Recommend holding neighborhood meetings to share information on the upcoming ordinances and other pending regulations.

VII. PUBLIC COMMENT/COMMITTEE COMMENTS

Wished each other a good and safe Beaver Round-up holiday.

VIII. ADJOURNMENT

The meeting adjourned at 7:03 p.m.

Chris Maines, Chair

ATTEST:

Janice Williams, City Clerk

Approval Date: _____

DRAFT

I. CALL TO ORDER

The Finance and Budget Committee met on Tuesday, February 17, 2015, in the City Council Chambers, Dillingham, AK. Paul Liedberg, Chair, called the meeting to order at 5:30 p.m.

II. ROLL CALL

Committee Members present:

Paul Liedberg	Alice Ruby	Tracy Hightower
Curt Armstrong	Carol Shade	

Committee Members absent: Rose Loera

III. APPROVAL OF MINUTES

A. Minutes of January 19, 2015

MOTION: Mayor Ruby moved and Tracy Hightower seconded the motion to approve the minutes of January 19, 2015.

VOTE: The motion passed unanimously by general consent.

IV. APPROVAL OF AGENDA

MOTION: Alice Ruby moved and Tracy Hightower seconded the motion to approve the agenda.

VOTE: The motion passed unanimously by general consent.

V. STAFF REPORTS

A. FY 2016 Budget Schedule of Meetings

Committee members were asked to review the proposed dates, and bring back their availability to the March 16 meeting. Historically, the school submits their budget by April 1, and the Council has 30 days to act on the school allocation from the date the budget is presented.

B. City Assessor's Report

The property assessments are due to go out in the mail by March 15. The City's assessor was asking for feedback from the Council based on his findings that commercial properties had been undervalued for some time, and he was proposing some sizeable increases in property values.

Discussion ensued including how was the value set for commercial properties? Structure only, replacement value, usage, etc.

The committee recommended polling for a special meeting of the Finance and Budget Committee for a presentation from the City's assessor.

VI. UNFINISHED BUSINESS

A. Fiscal Policy Development

1. Review Internal Controls

Carol Shade clarified that the work she was doing to update internal controls in the finance department would be brought back when all of the sections were completed.

B. Review Public Safety Building and Fire Hall Feasibility Plan

Committee discussed leaving this item on the agenda for now and wait to see the State's position on renewing contracts for correctional facilities in the next budget cycle. It was noted the plans for the Harvey Samuelsen facility assumed the public safety building would remain in place, and suggested reviewing both site plans at the same time.

VII. NEW BUSINESS

A. Rate Review

1. Create a Schedule (*postponed*)
2. Create Incremental Rates for Harbor and Port Container Vans

Follow-up:

The committee recommended the Manager notify the barge companies in writing of the city's intent to increase rates at least over the next two years. Based on their prior testimony, this notification would give them sufficient notice in advance for planning purposes, and allow sufficient opportunity to submit comments on the proposed rates before they were presented to the Council for approval. The comments would be brought to the Finance and Budget Committee for review.

B. Facility and Equipment Maintenance Budget Recommendation

This item was tabled.

C. FY 2016 Budget Discussions

Beginning with the FY 2016 budget cycle, staff was recommending changing the way they share costs for maintaining buildings and grounds and vehicles with other departments in the general fund. Staff working for buildings and grounds and vehicle maintenance would continue to record

their time to the facility or vehicle they were working on. This would not affect the special revenue accounts.

Follow-up:

Requested staff check with its auditing firm to make sure what they were recommending would be an acceptable accounting practice.

VIII. PUBLIC/COMMITTEE COMMENT(S)

Alice Ruby:

- Noted she had informed the radio station that the expectation for the meeting with Penair reps in Dillingham was going to be a report on transportation costs, but it was mainly on drugs being transported by airlines.

Paul Liedberg:

- Commented on his visit to Juneau with the various agencies and legislators; felt confident funding would stay intact for water and sewer projects; and
- Felt the City's lobbyists were doing a good job for the City.

IX. ADJOURNMENT

The meeting adjourned at 6:32 p.m.

Paul Liedberg, Chair

ATTEST:

Janice Williams, City Clerk

Approval Date: _____

I. CALL TO ORDER

The Finance and Budget Committee met on Monday, February 23, 2015, in the City Council Chambers, Dillingham, AK. Paul Liedberg, Chair, called the meeting to order at 5:32 p.m.

II. ROLL CALL

Committee Members present:

Paul Liedberg	Alice Ruby	Tracy Hightower
Curt Armstrong	Rose Loera	Carol Shade

Other: Holly Johnson

Presenter: Marty McGee, City Assessor - attended via teleconference

III. APPROVAL OF AGENDA

MOTION: Holly Johnson moved and Tracy Hightower seconded the motion to approve the agenda.

VOTE: The motion passed unanimously by general consent.

IV. NEW BUSINESS

A. City Assessor's Report

Marty McGee, Alaska Assessment Assistance reported:

- Concerned that the 2015 data indicated a significant increase in the assessed value of commercial properties;
- Number of indicators show the replacement cost of building had at least doubled in the last 10-15 years;
- Few if any adjustments had been made to the replacement cost new or the depreciated replacement cost between 1980-1990s. In 2008 a general indexing of depreciated replacement cost up 10% was done for all records;
- Noted the same tax rate must be applied to all property in the same tax district.

Discussion Ensued:

- Expressed that people were concerned about the general level of tax or ability to pay, but not a general sense that one sector was overvalued and another undervalued;
- Expressed support for assessed values that are accurate.

In conclusion, Mr. McGee suggested:

- 2015 assessed values will be adjusted to limit the increase in value on any individual commercial building to 25%, unless the building is new, renovated or significantly modified prior to January 1, 2015;

- Would help draft a letter to all commercial building owners to inform of a potential for a significant value increase in 2016 and request relevant market information which might change this increase before December 2016.

In general the comments were positive regarding this idea, but no resolution was made or passed by the committee on this course of action.

V. PUBLIC/COMMITTEE COMMENT(S)

VI. ADJOURNMENT

The meeting adjourned around 6:40 PM.

Paul Liedberg, Chair

ATTEST:

Janice Williams, City Clerk

Approval Date: _____

(Clerk Note: No recording for this meeting. The recording software had been updated prior to the meeting, and unfortunately, was not in service.)

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2015-01

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING THE BUDGET BY ADOPTING BUDGET AMENDMENT NO. 1 AND APPROPRIATING FUNDS FOR THE FY 2015 CITY OF DILLINGHAM BUDGET

WHEREAS, the City Council has approved the Operating Budget and Capital Improvement Budget for FY 15 to the City Council in accordance with Title 4 of the Dillingham Municipal Code pursuant to A.S. 20.20.500(3); and

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

WHEREAS, the City Council has set the rate of levy of property tax for the City of Dillingham for FY 2015 budget at 13 mills; and

WHEREAS, the budget presented, reviewed and changed is in accordance with sound and efficient municipal management principles. The City Council should have the power to transfer appropriated monies from one General Government Fund or Special Revenue Fund to another and from one Capital Project to another by resolution and the City Manager should have the power to transfer funds from one line item object to another object code within a fund and within a Capital Improvement Project; and

WHEREAS, additional FY 2015 funds are available for appropriation by ordinance;

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

1. The FY 2015 Operating Budget and Capital Improvement Budget amendment as recommended by the City Manager is hereby adopted for the City of Dillingham.
2. The amounts set forth in the budget as amended by the City Council for the respective departments and/or funds shall be, and hereby are, appropriated for the fiscal year ending June 30, 2015.
3. The City Council shall have the power to transfer approved and appropriated General Fund or Special Revenue Fund monies from one to another and from one Capital Project to another by resolution.
4. The City Manager shall have the power to transfer funds from one line item object code to another within a fund and within a Capital Improvement Project.

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

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

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

Section 3. Appropriation summary. The total appropriation from the Treasury in Section 4 was a total of \$12,224,497 and the amended appropriation is \$12,372,625.

Section 4. Appropriations.

A. General Fund Government Operations

City Council	\$ 86,864
City Clerk	130,310
Administration	309,809
Finance	644,503
Legal	77,000
Insurance	110,618
Non-Departmental	213,400
Planning	152,563
PS Administration	178,356
PS Dispatch	468,894
PS Patrol	846,289
PS Corrections	692,590
PS DMV	134,171
PS Animal Control Officer	113,326
PS Fire Department	294,448
PS IT Support	21,700
PW Administration	209,401
PW Buildings & Grounds	300,046
PW Shop	162,018
PW Streets	659,803
Library	138,797
Meeting Hall	3,575
Foreclosures	10,000
City School District	1,300,000
Transfer Subsidy for Operations	1,000,914
Transfer to Equipment/Capital Reserves Fund	70,000
Total General Fund Appropriations:	\$ 8,349,395
Special Revenue & Other Funds Appropriations	
Nushagak Fish Tax	\$ -0-
Water	215,412
Waste Water	284,242
Landfill	515,766

Port-Dock	640,513
Port-Harbor	250,979
E-911	42,200
Senior Center	427,315
Debt Service	1,176,090
Library Grants	73,692
Equipment Replacement/Reserve	103,425
Ambulance Replacement Fund	269,000
Mary Carlson Estate	4,596
Capital Project (Planning) Fund	20,000
Total Special Revenue & Other Funds Appropriations	<u>\$ 4,023,230</u>
Total Appropriations	<u>\$ 12,372,625</u>

Section 5. Revenues

General Fund

Taxes

Sales Taxes	\$ 2,700,000
Alcohol Sales Taxes	300,000
Transient Lodging Sales Taxes	85,000
Real Property Taxes	1,500,000
Personal Property Taxes	500,000
Penalty and Interest on Property Taxes	57,000
Penalty and Interest on Sales Taxes	16,000
Gaming Sales Tax	78,000
Payment in Lieu Taxes (PILT)	446,844

Other Revenues

Jail Contract Revenue	641,300
Revenue Sharing	210,165
Shared Fisheries	30,000
Raw Fish Tax	407,654
Revenues from State of Alaska	466,526
Revenues from Federal Government	10,000
Administrative Overhead	375,029
Charges for Current Services	55,000
Licenses Fees Fines and Permits	27,400
Lease and Rental Income	29,000

Investment Income	30,000
Other Revenues	106,350
Transfer from E-911	42,200
Transfer from Nushagak Fish Tax	-0-
Total General Fund Revenues	<u>\$ 8,113,468</u>

Special Revenue & Other Funds Revenues	
Nushagak Fish Tax	\$ -0-
Water	193,484
Waste Water	266,345
Landfill	179,106
Port – Dock	490,327
Port – Harbor	137,363
E-911	76,760
Senior Center	204,488
Library Grants	73,692
Debt Service	824,488
Mary Carlson Estate Permanent Fund	<u>4,596</u>
Total Special Revenue Funds	
& Other Funds Revenues	\$ <u>2,450,649</u>

TOTAL REVENUES **\$ 10,564,117**

Section 6. Transfers

Transfers from General Fund to Other Funds	
Water	\$ 21,928
Waste Water	17,897
Landfill	336,660
Senior Center	222,827
Ambulance Reserve	50,000
Equipment Replacement	50,000
Capital Project (Planning)	20,000
Debt Service	<u>351,602</u>
Total General Fund Transfers	\$ 1,070,914

Transfer from Dock Fund to Harbor Fund	113,616
Transfer from Dock Fund to Equipment Replacement	65,000

Total Revenues & Fund Transfers **\$ 11,813,647**
Total Appropriations **\$ 12,372,625**
Net Increase (Decrease) to Fund Balances **\$ (558,978)**

Section 7. 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
City of Dillingham
Page 4 of 4

Ordinance No. 2015-01

City of Dillingham Information Memorandum

Agenda of: March ¹⁹~~8~~, 2015

Attachment to: 2015-01 / Resolution No. _____
Ordinance No. _____

Subject:

An ordinance of the Dillingham City Council amending the budget by adopting budget amendment No. 1 and appropriating funds for the FY 2015 City of Dillingham budget

City Manager: Recommend Approval

Signature: Rose Doera

Route to	Department Head	Signature	Date
X	Finance Director	Carol Shrade	3/9/15
X	City Clerk	J. Williams	3/20/15

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

- Public Hearing is scheduled to be advertised in the February 26, 2015 edition of Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing
- FY 2015 Mid-Year Budget Amendment No. 1 Summary of Revenues and Expenses

Summary Statement:

This ordinance was vetted through the Finance and Budget Committee, reviewed at a Council workshop held February 5, 2015, and introduced by the Council at their February 5, 2015 Council meeting. It is up for a public hearing and adoption March 5, 2015.



Ordinance No. 2015-01 / Resolution No. _____

Summary Statement continued:





NOTICE OF A PUBLIC HEARING

Public Hearing on Ordinance Nos. 2015-01, 2015-02

The City Of Dillingham will hold a **Public Hearing** on Thursday, March 19, 2015, at 7:00 P.M. in the City Council Chambers for the purpose of taking comment from the public on the following ordinances:

- Ordinance No. 2015-01, An Ordinance of the Dillingham City Council Amending the Budget by Adopting Budget Amendment No. 1 and Appropriating Funds for the FY 2015 City of Dillingham Budget
- Ordinance No. 2015-02, An Ordinance of the Dillingham City Council Amending Chapter 4.20 of the Dillingham Municipal Code to Clarify Application of City Sales Tax Laws to Sales of Fuel by Sellers Located in Dillingham to Buyers Outside Dillingham and Requiring Sellers to Report Such Sales in a Uniform Manner and to Remit Appropriate Sales Taxes to the City

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

General Fund Expenses Increases/(Decreases)

Revenues

<u>Revenue Sharing</u>	\$	1,529
To reflect actual revenues received from the State of Alaska		
Original Budget	\$208,636	Revised Budget \$210,165
<u>Raw Fish Tax (State)</u>	\$	57,654
To reflect actual revenues received from the State of Alaska		
Original Budget	\$350,000	Revised Budget \$407,654
<u>PILT</u>	\$	26,844
To reflect actual revenues received from the Department of Interior		
Original Budget	\$420,000	Revised Budget \$446,844

Expenses

<u>Finance</u>	\$	25,000
To increase wages to allow for estimated cost of annual leave cash out for retiring staff. To increase Contractual line to estimate cost of possible contractual position for Finance Director assistance during transition.		
Original Budget	\$619,503	Revised Budget \$644,503
<u>Non-Departmental</u>	\$	28,000
To increase Credit Card processing fees and postage and freight line items to more accurately estimate the costs for the remainder of the year. Add \$10,000 to contractual professional to cover cost of engineering fee for master facility plan.		
Original Budget	\$185,400	Revised Budget \$213,400
<u>Planning</u>	\$	10,000
To increase Contractual line item for the survey of the landfill.		
Original Budget	\$142,563	Revised Budget \$152,563
<u>PS Patrol</u>	\$	14,500
To add the additional vehicle lease costs that were not included in original budget due to data entry error.		

General Fund Expenses Increases/(Decreases)

Revenues

<u>Revenue Sharing</u>	\$	1,529
To reflect actual revenues received from the State of Alaska		
Original Budget	\$208,636	Revised Budget \$210,165
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**City of Dillingham
FY15 Mid-Year Budget Review Summary**

A	B	C	D	E	F	G
	Final FY14 Budget	Original FY15 Budget	Amended FY15 Budget	Difference D-C Change	FY15 Actuals at 12/31/14	%Exp Revised
General Fund Appropriations						
Department						
City Council	\$ 72,576	\$ 86,864	\$ 86,864	\$ -	\$ 37,334	43%
City Clerk	144,760	130,310	130,310	-	65,775	50%
Administration	300,646	309,809	309,809	-	150,038	48%
Finance	621,998	619,503	644,503	25,000	295,825	46%
Legal	90,000	77,000	77,000	-	34,212	44%
Insurance	106,016	110,618	110,618	-	112,615	102%
Non-Departmental	200,901	185,400	213,400	28,000	115,693	54%
Planning	180,696	142,563	152,563	10,000	64,663	42%
PS Administration	180,993	178,356	178,356	-	99,050	56%
PS Dispatch	459,683	488,894	488,894	-	226,925	46%
PS Patrol	848,754	831,789	846,289	14,500	402,599	48%
PS Investigations/WAANT	0	0	0	-	0	
PS Corrections	675,535	692,590	692,590	-	344,039	50%
PS DMV	107,523	134,171	134,171	-	71,799	54%
PS Animal Control Officer	132,416	113,326	113,326	-	50,567	45%
PS Fire Department	267,701	294,448	294,448	-	126,584	43%
PS K-9	0	0	0	-	0	
PS IT Support	32,000	21,700	21,700	-	7,791	36%
PW Administration	178,909	201,794	209,401	7,607	94,726	45%
PW Buildings & Grounds	322,415	286,991	300,046	13,055	140,510	47%
PW Shop	171,990	162,018	162,018	-	68,265	42%
PW Streets	669,517	659,803	659,803	-	255,577	39%
Library	133,242	138,797	138,797	-	59,690	43%
Meeting Hall	3,680	3,575	3,575	-	1,370	38%
Contributions	-	-	-	-	-	
Foreclosures	20,226	10,000	10,000	-	13,681	137%
City School District	1,300,000	1,300,000	1,300,000	-	975,000	75%
Transfer Subsidy for Operations	848,827	997,931	1,000,914	2,983	318,655	32%
Transfer to Equipment/Capital Reserves	120,000	70,000	70,000	-	70,000	100%
Total General Fund Appropriations:	\$ 8,191,004	\$ 8,248,250	\$ 8,349,395	\$ 101,145	\$ 4,202,983	50%
Total General Fund Revenue:	\$ 8,247,416	\$ 8,027,441	\$ 8,113,468	\$ 86,027	\$ 5,793,794	71%
Net General Fund:	\$ 56,412	\$ (220,809)	\$ (235,927)	\$ (15,118)	\$ 1,590,811	

City of Dillingham
FY15 Mid-Year Budget Review Summary

A	B	C	D	E	F	G
	Final FY14 Budget	Original FY15 Budget	Amended FY15 Budget	Difference D-C Change	FY15 Actuals at 12/31/14	%Exp Revised
<u>Nushagak Fish Tax Funds</u>						
	22,408	-	-	-	-	
	13,804	-	-	-	-	
	23,007	-	-	-	-	
	31,000	-	-	-	-	
	400,920	-	-	-	-	
	491,139	-	-	-	-	
	460,139	-	-	-	-	
	(31,000)	-	-	-	-	
<u>Special Revenue Funds dependent on General Fund</u>						
2100	219,642	215,412	215,412	-	113,636	53%
	186,450	193,484	193,484	-	106,672	55%
	(33,192)	(21,928)	(21,928)	-	(6,964)	32%
2100	262,976	284,242	284,242	-	147,281	52%
	265,381	266,345	266,345	-	157,078	59%
	2,405	(17,897)	(17,897)	-	9,797	-55%
2200	364,042	512,783	515,766	2,983	176,701	34%
	177,861	179,106	179,106	-	164,033	92%
	(186,181)	(333,677)	(336,660)	(2,983)	(12,667)	4%
2600	399,202	427,315	427,315	-	213,834	50%
	200,588	204,488	204,488	-	97,581	48%
	(198,614)	(222,827)	(222,827)	-	(116,254)	52%
	1,176,090	1,176,090	1,176,090	-	273,045	23%
	824,488	824,488	824,488	-	189,173	23%
	(351,602)	(351,602)	(351,602)	-	(83,872)	
	586,757	103,425	103,425	-	-	0%
	-	-	-	-	-	
	(100,000)	(50,000)	(50,000)	-	(50,000)	
	(400,000)	-	-	-	(65,000)	
	(31,000)	-	-	-	-	

**City of Dillingham
FY15 Mid-Year Budget Review Summary**

A	Difference					
	B Final FY14 Budget	C Original FY15 Budget	D Amended FY15 Budget	E D-C Change	F FY15 Actuals at 12/31/14	G %Exp Revised
Public Safety Building Planning Expenses	20,000	20,000	20,000	-	11,918	60%
Public Safety Building Planning Revenues	-	-	-	-	-	
Due to/(from) General Fund	<u>(20,000)</u>	<u>(20,000)</u>	<u>(20,000)</u>	-	<u>(20,000)</u>	
Ambulance Reserve Fund Expenses	242,000	269,000	269,000	-	-	0%
Ambulance Reserve Fund Revenues	3,794	-	-	-	-	
Due to/(from) General Fund	<u>(63,500)</u>	<u>(50,000)</u>	<u>(50,000)</u>	-	<u>(50,000)</u>	100%
<u>Total Transfers from General Fund</u>	<u>(953,089)</u>	<u>(1,067,931)</u>	<u>(1,070,914)</u>	<u>(2,983)</u>	<u>(339,757)</u>	
<u>Special Revenue Funds not dependent on General Fund</u>						
2300 Dock Expenses	640,105	622,513	640,513	18,000	474,152	74%
Dock Revenues	645,594	490,327	490,327	-	448,044	91%
Net Increase/Decrease to Fund Balance	<u>5,489</u>	<u>(132,186)</u>	<u>(150,186)</u>	<u>(18,000)</u>	<u>(26,108)</u>	
2400 Boat Harbor Expenses	250,552	244,979	250,979	6,000	103,104	41%
Boat Harbor Revenues	140,114	137,363	137,363	-	31,698	23%
Due to/(from) Dock Fund	<u>(110,438)</u>	<u>(107,616)</u>	<u>(113,616)</u>	<u>(6,000)</u>	<u>(60,169)</u>	53%
2550 E-911 Expenses	-	42,200	42,200	-	7,130	
E-911 Revenues	70,000	76,760	76,760	-	40,057	52%
Net Increase/Decrease to Fund Balance	<u>70,000</u>	<u>34,560</u>	<u>34,560</u>	-	<u>32,927</u>	95%
Asset Forfeitures Expenses	7,700	-	-	-	7,185	
Asset Forfeitures Revenues	0	-	-	-	-	
Net Increase/Decrease to Fund Balance	<u>(7,700)</u>	-	-	-	<u>(7,185)</u>	
Overall Budget Surplus/(Deficit):	<u>13,763</u>	<u>(426,051)</u>	<u>(465,169)</u>	<u>(39,118)</u>	<u>1,530,276</u>	
<u>Restricted & Capital Project Funds</u>						
Carlson House Expenses	6,996	4,596	4,596	-	3,882	84%
Carlson House Revenues	1,500	4,596	4,596	-	54	1%
Net Increase/Decrease to Fund Balance	<u>(5,496)</u>	-	-	-	<u>(3,827)</u>	
Snag Point Sewer Relocation Expenses	-	-	-	-	-	
Snag Point Sewer Relocation Revenues	-	-	-	-	-	
Net Increase/Decrease to Fund Balance	-	-	-	-	-	

**City of Dillingham
FY15 Mid-Year Budget Review Summary**

A	B Final FY14 Budget	C Original FY15 Budget	D Amended FY15 Budget	Difference E D-C Change	F FY15 Actuals at 12/31/14	G %Exp Revised
Waste Water Treatment Plant Expenses	2,000,000	-	-	-	-	
Waste Water Treatment Plant Revenues	2,000,000	-	-	-	-	
Net Increase/Decrease to Fund Balance	-	-	-	-	-	
Library Grants (Books/Videos) Expense	52,492	73,692	73,692	-	-	0%
Library Grants (Books/Videos) Revenues	52,492	73,692	73,692	-	-	0%
Net Increase/Decrease to Fund Balance	-	-	-	-	-	
Library Roof Expenses	243,000	-	-	-	-	
Library Roof Revenues	243,000	-	-	-	-	
Net Increase/Decrease to Fund Balance	-	-	-	-	-	
<u>Appropriations by Category</u>						
General Fund Appropriations	\$ 8,191,004	\$ 8,248,250	\$ 8,349,395	\$ 101,145	\$ 4,202,983	50%
Special Revenue Fund Appropriations	4,228,554	3,996,247	4,023,230	26,983	1,531,868	38%
Nushagak Fish Tax Appropriations	491,139	-	-	-	-	
Total Special Rev & NFT Appropriations	4,719,693	3,996,247	4,023,230	128,128	1,531,868	38%
Restricted & Capital Project Funds	2,243,000	-	-	-	-	
Total All Appropriations	\$ 15,153,697	\$ 12,244,497	\$ 12,372,625	\$ 128,128	\$ 5,734,851	46%
<u>Revenues by Category</u>						
General Fund Revenues	\$ 8,247,416	\$ 8,027,441	\$ 8,113,468	\$ 86,027	\$ 5,793,794	71%
Special Revenue Fund Revenues	2,568,262	2,450,649	2,450,649	-	1,234,390	50%
Nushagak Fish Tax	460,139	-	-	-	-	
Total Special Rev & NFT Revenues	3,028,401	2,450,649	2,450,649	-	1,234,390	50%
Restricted & Capital Project Funds	2,243,000	-	-	-	-	
Total All Revenues	\$ 13,518,817	\$ 10,478,090	\$ 10,564,117	\$ 86,027	\$ 7,028,184	67%
Total General Fund Transfers	\$ 953,089	\$ 1,067,931	\$ 1,070,914	\$ (2,983)	\$ 329,960	
Total NFT Transfer	31,000	-	-	-	-	
Total Dock to Equipment Replacement Transfer	400,000	65,000	65,000	-	65,000	
Total Dock to Harbor Transfer	110,438	107,616	113,616	(6,000)	60,169	
Total Inter Fund Transfers	\$ 1,494,527	\$ 1,240,547	\$ 1,249,530	\$ (8,983)	\$ 455,129	
Total Revenues & Fund Transfers	\$ 15,013,344	\$ 11,718,637	\$ 11,813,647	\$ 95,010	\$ 7,483,313	
Net Increase(Decrease) to Fund Balances	\$ (140,353)	\$ (525,860)	\$ (558,978)	\$ (33,118)	\$ 1,748,463	

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2015-02

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 4.20 OF THE DILLINGHAM MUNICIPAL CODE TO CLARIFY APPLICATION OF CITY SALES TAX LAWS TO SALES OF FUEL BY SELLERS LOCATED IN DILLINGHAM TO BUYERS OUTSIDE DILLINGHAM AND REQUIRING SELLERS TO REPORT SUCH SALES IN A UNIFORM MANNER AND TO REMIT APPROPRIATE SALES TAXES TO THE CITY

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Amendment of Chapter 4.20. Chapter 4.20 of the Dillingham Municipal Code is hereby amended by the addition of a new Section 4.20.085 to read as follows:

4.20.085 Sales of fuel delivered outside city limits

A. Notwithstanding any other provision of this chapter, City of Dillingham sales tax applies to fuel sales in which fuel is sold by a seller located in Dillingham and delivered to a buyer located outside of Dillingham. Sales tax does not apply to the delivery charge for such sales.

B. If the buyer is not located within any other municipality that collects a sales tax on the transaction, the seller shall collect from the buyer the full amount of Dillingham sales tax, which shall be remitted to Dillingham.

C. If the buyer is located outside Dillingham and within a municipality that collects sales tax on the transaction, the seller shall collect from the buyer the full amount of Dillingham sales tax if the Dillingham rate exceeds that of the other municipality. The seller shall report and remit to the other municipality the full amount of sales tax owed under that municipality’s laws. The seller shall report all such sales to Dillingham along with documentation showing that a portion of the collected sales tax was remitted to the other municipality. The portion of monies collected or which should have been collected that is not remitted to the other municipality shall be remitted to Dillingham.

If the other municipality’s applicable sales tax rate exceeds that of Dillingham, the seller is not required to remit sales tax to Dillingham for the transaction, but shall report such sales to Dillingham and include documentation that the tax was paid to the other municipality.

Section 2. Effective Date. This ordinance was made effective December 2014.

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

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

City of Dillingham Information Memorandum

Agenda of:

March 5¹⁹, 2015

Attachment to: 2015-02

Ordinance No. / Resolution No.

Subject:

An Ordinance of the Dillingham City Council Amending Chapter 4.20 of the Dillingham Municipal Code to Clarify the Application of City Sales Tax Laws to Sales of Fuel by Sellers Located in Dillingham to Buyers Outside Dillingham and Requiring Sellers to Report Such Sales in a Uniform Manner and to Remit Appropriate Sales Taxes to the City

City Manager: Recommend Approval

Signature: Rose Doera

Route to	Department Head	Signature	Date
X	Finance Director	Carol Shade	3/9/15
X	City Clerk	J. Williams	2/20/15

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

- Public Hearing is scheduled to be advertised in the February 27, 2015 edition of Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing.

Summary Statement:

This ordinance came about as the result of a request from a fuel vendor for clarification on whether or not sales tax applied to fuel deliveries made outside of Dillingham City limits. It was found that fuel companies were collecting and remitting a five percent sales tax on behalf of the City of Aleknagik for fuel deliveries made in Aleknagik. This had been in effect sometime after Dillingham amended its sales tax code in early 2000 and efforts to negotiate with Aleknagik had not followed through. The Code Committee recommended, after discussion with the City's attorney on its options, to add one percent for a total of six percent sales tax. Fuel vendors were instructed in early December 2014, to begin collecting an additional one percent for Dillingham. Fuel vendors were further instructed to be sure and collect Dillingham's six percent sales tax on fuel deliveries made between the City of Dillingham and the City of Aleknagik, if they weren't already doing so.



Ordinance No. 2015-02 / Resolution No. _____

Summary Statement continued:

The City's Attorney recommended that this exception to the City's sales tax law should be codified. Ordinance No. 2015-02 was vetted through the Code Review Committee and was recommended for adoption.

The example below should help to further clarify the first paragraph in Ordinance No. 2013-02, item C.

Example: In a sale to a buyer in a municipality charging a five percent (5%) sales tax, the seller shall collect Dillingham's six percent (6%) sales tax and remit five percent (5%) of the sale price to the other municipality and remit one percent (1%) to Dillingham.





NOTICE OF A PUBLIC HEARING

Public Hearing on Ordinance Nos. 2015-01, 2015-02

The City Of Dillingham will hold a **Public Hearing** on Thursday, March 19, 2015, at 7:00 P.M. in the City Council Chambers for the purpose of taking comment from the public on the following ordinances:

- Ordinance No. 2015-01, An Ordinance of the Dillingham City Council Amending the Budget by Adopting Budget Amendment No. 1 and Appropriating Funds for the FY 2015 City of Dillingham Budget
- Ordinance No. 2015-02, An Ordinance of the Dillingham City Council Amending Chapter 4.20 of the Dillingham Municipal Code to Clarify Application of City Sales Tax Laws to Sales of Fuel by Sellers Located in Dillingham to Buyers Outside Dillingham and Requiring Sellers to Report Such Sales in a Uniform Manner and to Remit Appropriate Sales Taxes to the City

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

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2015-03

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING TITLE 7, ANIMALS, TO CLARIFY THE TERMS FOR AN IMPOUNDED ANIMAL

WHEREAS, the City of Dillingham established the Animal Shelter Operating Procedures, approved by the Dillingham City Council October 4, 2012, 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 Municipal Code (Code) Chapter 7.09, Impoundment, is being recommended for additional language to reference exceptions to the time period an animal can be held at the animal shelter and remove redundant language; and

WHEREAS, it is being recommended that the City’s Code include a definition for adoption eligible for the purpose of evaluating an animal as eligible for adoption;

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

Section 1. Classification. This is a code ordinance.

Section 2. Amendment of Section 7.02.010. Section 7.02.010 of the Dillingham Municipal Code is hereby amended as follows with new language underlined and **emboldened** and deleted language displayed as ~~strikethrough~~.

7.02.010 Definitions.

Abandoned” or “unwanted” means to leave an animal for a period in excess of twenty-four continuous hours without adequate provision for its physical needs.

“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.

“Animal” means all members of the Phylum Chordata or Subphylum Vertebrata.

“Animal control agent” is the person acting on or in behalf of the animal control officer enforcing the provisions of this title.

“Animal control center” is any area, temporary or permanent, designated by the animal control officer for the holding of animals. A center can be publicly or privately owned and operated.

“Animal control officer” is the person designated by the city manager as having the responsibility of enforcing the provisions of this title.

“At large” means not under restraint or not controlled.

“Cat” means *Felis catus*.

“Chronic animal noise” means repeated vocalization by an animal or animals for more than thirty consecutive minutes. Daytime noise generated by a licensed kennel in its reasonable and customary manner of operation only during feeding and loading/unloading times is excused to a maximum of thirty consecutive minutes.

“Control” in relation to an animal, means to simultaneously monitor, direct, and restrict an animal’s movements and activities so as to prevent violations of this title. Specific types of control are defined as follows:

1. “Control by leash” means to control an animal by a securely attached leash, chain, or an item which is physically capable of restraining the animal. The item must be in the secure possession of a person physically and mentally capable of monitoring, directing, and restricting the animal’s movements and activities.
2. “Control by harness” means to control an animal by a harness or other similar device attached directly or indirectly to a person or object during a training, demonstration, competition, or show event.
3. “Control by command” means to control an animal by visual and/or audible commands to which the animal responds promptly and accurately. A person must be present, monitor the animal, and be physically and mentally capable of directing animal movements and activities by visual and/or audible commands.
4. “Control by collar” means to control an animal by electronic collar with or without handheld remote and having all parts of the device working and visible at time of training or activation.

“Diseased animal” means all members of the Phylum Chordata, Subphylum Vertebrata that is infected with an infectious or contagious disease.

“Dog” means *Canis familiaris*.

“Domestic animal” means dogs and wolf hybrids.

“Humane care” or “treatment” or “humane manner” means the handling of an animal in accordance with the stipulations listed in Section [7.08.010](#).

“Keeper” includes any person, group of persons, partnership, firm, trust or corporation owning, having an interest in, or having control, custody or possession of any animal. This includes any adult member of a family or group or persons sharing a residential unit where another member of the family or group has an interest in, has control, custody or possession of an animal which is kept in or on the premises of the shared residential unit.

“Known rabid animal” means an animal with a positive laboratory test for rabies virus.

“Nuisance animal” means any animal which molests passersby or passing vehicles, attacks other animals, trespasses on school grounds or other public or private property, is repeatedly at large, damages public and/or private property, or that makes chronic animal noise.

“Open space” is three hundred feet from any residence, business, or roadway.

“Owner” means any person or keeper, who harbors, keeps, causes or permits an animal to be harbored or kept, or who has an animal in possession or custody, or who permits an animal to remain on or about premises, or who has legal title to an animal.

“Owner release” is when the person or keeper, who harbors, keeps, causes or permits an animal to be harbored or kept, or who has an animal in possession or custody, or who permits an animal to remain on or about premises, or who has legal title to an animal and is willing to relinquish all rights and legal responsibility to animal.

“Protective custody” means an animal is seized in the best interest of the animal during the course of an animal cruelty investigation.

“Quarantine” is strict confinement upon the private premises of the owners, in a veterinarian’s office or hospital, in the animal control center, or at other locations approved by the city manager or city manager designee, and under restraint described in Section [7.04.020\(B\)](#).

“Restraint” or “restrain” means to confine or control an animal.

“Sterilized” or “sterile” means neutered, spayed, or rendered incapable of reproduction.

“Unweaned animal” means an animal younger than six weeks old, separated from the care of its mother, and/or an animal still dependent on its mother’s milk.

“Wolf” means *Canis lupis*.

“Wolf dog” means the offspring of a wolf or wolf hybrid. For the purposes of this title, wolf dogs and wolf hybrids shall be synonymous.

“Wolf hybrid” means a member of the genus and species *Canis lupis* x *Canis familiaris*. (Ord. 03-06 § 1 (part), 2003; Ord. 12-16 § 2, 2012.)

Section 3. Amendment of Chapter 7.09, Impoundment, Section 7.09.010, Terms.

Section 7.09.010 of the Dillingham Municipal Code is hereby amended as follows with new language underlined and **emboldened** and deleted language displayed as ~~strikethrough~~.

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 and may be destroyed at the discretion of the animal control officer or agent.~~

~~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 and may be disposed of at the discretion of the animal control officer or agent.~~

~~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 may be disposed of at the discretion of the animal control officer.~~

A. All animals under impound are the property of the City of Dillingham until their release.

B. If the owner of an impounded animal is known, a reasonable attempt will be made to notify the owner or keeper by phone or in person of their animal's whereabouts as soon as possible.

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.

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 **euthanized** in accordance with Section [7.13.020](#). (Ord. 03-06 § 1 (part), 2003; Ord. 12-16 § 8, 2012.)

E. All impounded animals not claimed by their owner or the owner's representative will be held for no less than ten days after which they can be put up for adoption, if adoption eligible, or after ten days euthanized at the discretion of the animal control officer or agent (reference Section 7.11.010). The exceptions to that rule would be:

- 1. an animal due to its temperament presents a safety issue;**
- 2. a diseased or injured animal that poses a health and safety risk to the public or other animals;**
- 3. an animal that is quarantined for ten days;**
- 4. an animal under protective custody.**

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

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

ATTEST:

Alice Ruby, Mayor
[SEAL]

Janice Williams, City Clerk

City of Dillingham Information Memorandum

Agenda of: March 19, 2015

Attachment to: 2015-03
Ordinance No. _____ / Resolution No. _____

Subject:

An Ordinance of the Dillingham City Council Amending Title 7, Animals, to Clarify the Terms for an Impounded Animal

City Manager: Recommend Approval

Signature: Carol A Shade, Acting

Route to	Department Head	Signature	Date
	Finance Director		
X	Dan Pasquariello		3-18-15
X	City Clerk		

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

- None

Summary Statement:

This ordinance addresses a concern that was brought before the Council regarding the interpretation of Chapter 7.09, Impoundment, which states an animal will be held for ten days after which they can be put up for adoption or euthanized if considered unadoptable. In the case that came before the Council, a cat was abandoned, taken to the animal shelter, evaluated as unadoptable, and put down before the ten days. The public member disagreed, felt the city's code was confusing because the exceptions to the ten day rule were not in the chapter on impoundment, but located elsewhere in the code, and they disagreed the cat was unadoptable, and felt it had a good temperament.

A review of the code was vetted through the Code Review Committee. It was recommended that additional language needed to be added to Chapter 7.09 to



Ordinance No. 2015-03 / Resolution No. _____

Summary Statement continued:

reference the exceptions to the rule for retaining an animal less than then days which are addressed in Section 7.11.010, Euthanasia.

One of the exceptions took into consideration the animal's temperament. The ACO evaluated the cat to be unadoptable because of its temperament. The committee recommended adding a definition to Chapter 7.02 to define adoption eligible and adding the wording adoption eligible to Chapter 7.09, and recommended both the animal control officer and possibly the police chief evaluate whether or not an animal was adoption eligible.

During this process it was clear that Chapter 7.09 was in need of some cleanup to remove redundant language that appeared in all three sections A, B, and C, and make it a more simple read, more in line with the City's Animal Shelter Operating Procedures.

Since the ordinance was introduced February 5, the Code Committee asked for several more amendments: 1) add a definition for protective custody; 2) break out the exceptions to the ten day rule in new section 7.09.010E and list each one for an easier read.



CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2015-04

AN ORDINANCE AMENDING DILLINGHAM MUNICIPAL CODE TITLE 8 – HEALTH AND WELFARE BY THE ADDITION OF A NEW CHAPTER PROVIDING REGULATION OF MARIJUANA IN THE CITY OF DILLINGHAM, ALASKA

WHEREAS, use and possession of less than an ounce of marijuana by persons over the age of 21 is permitted by state law;

WHEREAS, use of marijuana in public places threatens the health, welfare, and peace of the City of Dillingham and its residents;

WHEREAS, marijuana possession and use by persons under the age of 21 remains a crime; and

WHEREAS, the City has a compelling interest in regulating intoxicating substances and their use;

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Amendment to Title 8. That Dillingham Municipal Code Title 8 – Health and Safety is hereby amended by the addition of a new Chapter 8.30 – Marijuana Regulation to read as follows:

Chapter 8.30.

MARIJUANA REGULATION

Sections:

- 8.30.010** **Definitions.**
- 8.30.020** **Local regulatory authority.**
- 8.30.030** **Violations and remedies.**
- 8.30.040** **Marijuana use in public prohibited.**
- 8.30.050** **Marijuana use in vehicles prohibited.**
- 8.30.060** **Marijuana possession and use under the age of 21 prohibited.**

8.30.010. Definitions.

“Marijuana” means all parts of the plant of the genus cannabis whether grown or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds, or its resin, including marijuana concentrate.

“Public place” means in or upon any city-owned property, as well as any area to which the public is invited or in which the public is permitted, including, but not limited to, banks, educational facilities, health care facilities, laundromats, public transportation facilities, reception areas, restaurants, bars, clubs, retail food production and marketing establishments, retail service establishments, theaters, waiting rooms, hallways, lobbies and common areas of hotels and multi-unit buildings, shorelines, waterways, and tidelands.

8.30.020. Local Regulatory Authority.

The city council is designated as the “local regulatory authority” as that term is used in Alaska Statutes Chapter 17.38 and any implementing legislation or rule-making.

8.30.030 Violations and remedies.

A. It is unlawful for any person who operates any restaurant, eatery, bar, hotel or other lodging, or retail establishment to permit marijuana use in violation of this chapter.

B. It is unlawful for any person to consume or use marijuana in violation of this chapter.

C. Any person aggrieved by a violation of this chapter or the city may bring a civil action against a person who violates this chapter and may recover a civil penalty not to exceed three hundred dollars per violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy.

8.30.040. Marijuana use in public places prohibited.

Use or consumption of marijuana in a public place is prohibited. This section is not intended to restrict a property owner from further restricting use of marijuana.

8.30.050. Marijuana use in or on motor vehicles prohibited.

Marijuana use in or on motor vehicles, on the deck or in the wheelhouse of a watercraft, or in an aircraft is prohibited.

8.30.060. Marijuana possession and use under the age of 21 prohibited.

Possession and consumption of marijuana by persons less than 21 years of age are prohibited.

Section 3. Amendment to Title 1, Chapter 1.20, Section 1.20.040. That Dillingham Municipal Code 1.20.040 – Minor Offense Fine Schedule is hereby amended by the addition of new language to read as follows:

Code Section	Offense	Penalty/Fine
8.30.030(A)	Permitting unlawful marijuana use	75 first offense 300 second offense Must appear – 3 rd offense
8.30.030(B)	Unlawful marijuana use	75 first offense 75 second offense Must appear – 3 rd offense
8.30.060	Under-age Marijuana use or possession	75 first offense 300 second offense Must appear – 3 rd offense

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

City of Dillingham Information Memorandum

Agenda of: March 5¹⁹, 2015

Attachment to: 2015-04
Ordinance No. _____ / Resolution No. _____

Subject:

An Ordinance amending Dillingham Municipal Code Title 8 - Health and Welfare by the addition of a new chapter providing regulation of marijuana in the City of Dillingham, Alaska

City Manager: Recommend Approval

Signature: Rose Doera

Route to	Department Head	Signature	Date
	Finance Director		
X	City Clerk	<u>Jamie Williams</u>	<u>2/20/15</u>

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

- None

Summary Statement:

On February 24, 2015 recreational use of marijuana will be legal in the State of Alaska under certain regulations. It is still illegal to buy or sell marijuana in the City of Dillingham. The State of Alaska and the City of Dillingham will continue to develop laws and regulations on the production, sale, and use of marijuana.

State law provides a penalty of \$100 for public use and that is the maximum that the city can fine for the same offense, regardless of the number of previous offenses. Dillingham standardized its fines several years ago and set a fine of \$75 for alcohol/drunkenness offenses. A first time offense fine of \$75 is being recommended for consuming marijuana. The city can't fine more than \$100 for a third, fourth, or fifth, public use violation and can't fine anyone more than \$500 for any minor offense violation, but it can require that the offender appear in court.



Ordinance No. 2015-04 / Resolution No. _____

Summary Statement continued:

This ordinance was vetted through the Code Review Committee and is being recommended to the Council. It is up for a public hearing at the April 2, 2015 Council meeting and adoption.



CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2015-05

AN ORDINANCE AMENDING DILLINGHAM MUNICIPAL CODE SECTION 8.10.010 DEFINITIONS

WHEREAS, use and possession of less than an ounce of marijuana by persons over the age of 21 is permitted under state law;

WHEREAS, use of electronic smoking devices for the consumption of tobacco and marijuana is increasing;

WHEREAS, these devices give off fumes and vapors containing chemicals omitted when tobacco and marijuana are smoked; and

WHEREAS, the public health risk posed by second-hand inhalation of these fumes and vapors is unknown;

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Amendment to Section 8.10.010. That Dillingham Municipal Code Section 8.10.010 – Definitions is hereby amended to read as follows: (Additions are underlined and emboldened and deletions are shown as strikethrough.)

8.10.010 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

“Bar” means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges and cabarets.

“Business” means a person (as defined in Sections 4.20.020 and 1.16.010) providing goods or services within the city for profit.

“Electronic smoking device” means any electronic device that simulates smoking for the purpose of delivering nicotine, marijuana, or other smokable product to the person inhaling from the device, including but not limited to an electronic cigarette, electronic cigar, and electronic pipe.

“Employee” means any person who is employed by any employer in the consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services for a non-profit entity.

“Employer” means any person, partnership, corporation, including a municipal corporation, non-profit entity, business, association and trust, which employs the services of one or more individual persons.

“Enclosed area” means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of doors or passage ways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, office landscaping or similar structures.

“Health care facility” means an office or institution providing care or treatment of diseases whether physical, mental, or emotional, or other medical physiological, or psychological conditions, including but not limited to hospitals, or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

“Places of employment” means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including but not limited to work areas, employee lounges and restrooms, conference and class rooms, employee cafeterias, hallways and vehicles. A private residence is not a place of employment unless it is used as a childcare, adult day care or health care facility.

“Public place” means any enclosed area to which the public is invited or in which the public is permitted, including but not limited to banks, educational facilities, health care facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, theaters and waiting rooms. A private residence is not a public place unless it is used as a childcare, adult day care or health care facility.

“Restaurant” means any coffee shop, cafeteria, sandwich stand, private and public school cafeteria, and any other eating establishment which gives or offers for sale food to the public, guests, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities. The term restaurant shall include a bar area within a restaurant. Smoking would still be permissible in stand-alone bars.

“Retail tobacco store” means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

“Service line” means any indoor line at which one or more persons are waiting for or receiving service of any kind, whether or not service involves the exchange of money.

“Smokable product” means material or preparation that is intended to be smoked in any of the methods that tobacco is smoked, including, but not limited to as a cigarette, cigar, pipe filler, or electronic smoking device filler.

“Smoking” means inhaling, exhaling, burning or carrying any lighted tobacco, ~~product and lighted cigar, cigarette, or pipe~~ **nicotine, marijuana, or smokable product as well as the use of an electronic smoking device.**

“Sports arena” means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

Section 3. 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

City of Dillingham Information Memorandum

Agenda of: March 5¹⁹, 2015

Attachment to: 2015-05 / Resolution No. _____

Subject:

An Ordinance amending Dillingham Municipal Code Chapter 8.10, Prohibition of Smoking in Public Places, Section 8.10.010 Definitions

City Manager: Recommend Approval

Signature: Carola Shade, Acting

Route to	Department Head	Signature	Date
	Finance Director	<u>Carola Shade</u>	<u>3/9/15</u>
X	City Clerk	<u>Janice Williams</u>	<u>3/9/15</u>

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

- None

Summary Statement:

On February 24, 2015 recreational use of marijuana was legalized in the State of Alaska under certain regulations. It is still illegal to buy or sell marijuana in the City of Dillingham. The State of Alaska and the City of Dillingham will continue to develop laws and regulations on the production, sale, and use of marijuana.

The definition for smoking in public places has been amended to include electronic smoking devices that give off fumes and vapors containing chemicals omitted when tobacco and marijuana are smoked, and of which the risk to public health posed by second-hand inhalation of these fumes and vapors is unknown.

This ordinance was vetted through the Code Review Committee and is being recommended to the Council.



Ordinance No. 2015-05 / Resolution No.

Summary Statement continued:

It is up for a public hearing at the April 2, 2015 Council meeting and adoption.



CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2015-06

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

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

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

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

Section 3. Authorization of Lease. The City Council hereby authorizes the disposal of an interest by lease substantially upon the terms and conditions contained in the lease agreement.

Section 4. Legal Description. Lessee shall vacate and make available to the Lessor an area of approximately 1,980 square feet within the building on the premises for Lessor's own use.

Section 5. Findings. The City Council hereby finds that the disposal is for a public purpose; the revenue from leasing the building on the property described above will go to help offset the cost of providing essential services to the Small Boat Harbor.

Section 6. Type of Disposal. A non-exclusive right to use the property by a lease agreement solely for the purpose of renting a City building, identified as the Small Boat Harbor building, for a term to be identified in the lease agreement.

Section 7. Value of City's Interest. Based on the current assessment of the Property, the City estimates the fair market value of the right to use the Property upon the terms and conditions set forth in the lease agreement is about \$_____.

Section 8. Time, Place and Manner in Which Disposal Shall Occur. Offers shall have been previously solicited using a sealed bid auction method. The actual disposal shall occur following approval of this ordinance at the regularly scheduled City Council meeting o May 7, 2015. At this time, the thirty (30) day provision of DMC 5.30.030 will have been met. At least thirty days is required between the time the disposal ordinance is introduced and the time that it is finally adopted by the City Council.

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

BE IT ENACTED by the Dillingham City Council on May 7, 2015.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

City of Dillingham Information Memorandum

Agenda of: March 19, 2015

Attachment to: 2015-06
Ordinance No. / Resolution No.

Subject:

An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property by Lease

City Manager: Recommend Approval

Signature: Carol A. Shade, Acting

Route to	Department Head	Signature	Date
	Finance Director	<i>Carol A. Shade</i>	<i>3/13/15</i>
X	City Clerk	<i>Jamie Williams</i>	<i>3/13/15</i>

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

- None

Summary Statement:

The City is looking to lease the property that was vacated by the Army National Guard in early March.

This ordinance will be amended at the Council meeting to include a more defined legal description and include the value of the property. A disposal of property requires a 30-day notice. The RPF will be introduced March 19 at the City Council meeting, and will be up for a public hearing and adoption on May 7, to allow for the 30-day advertising period.



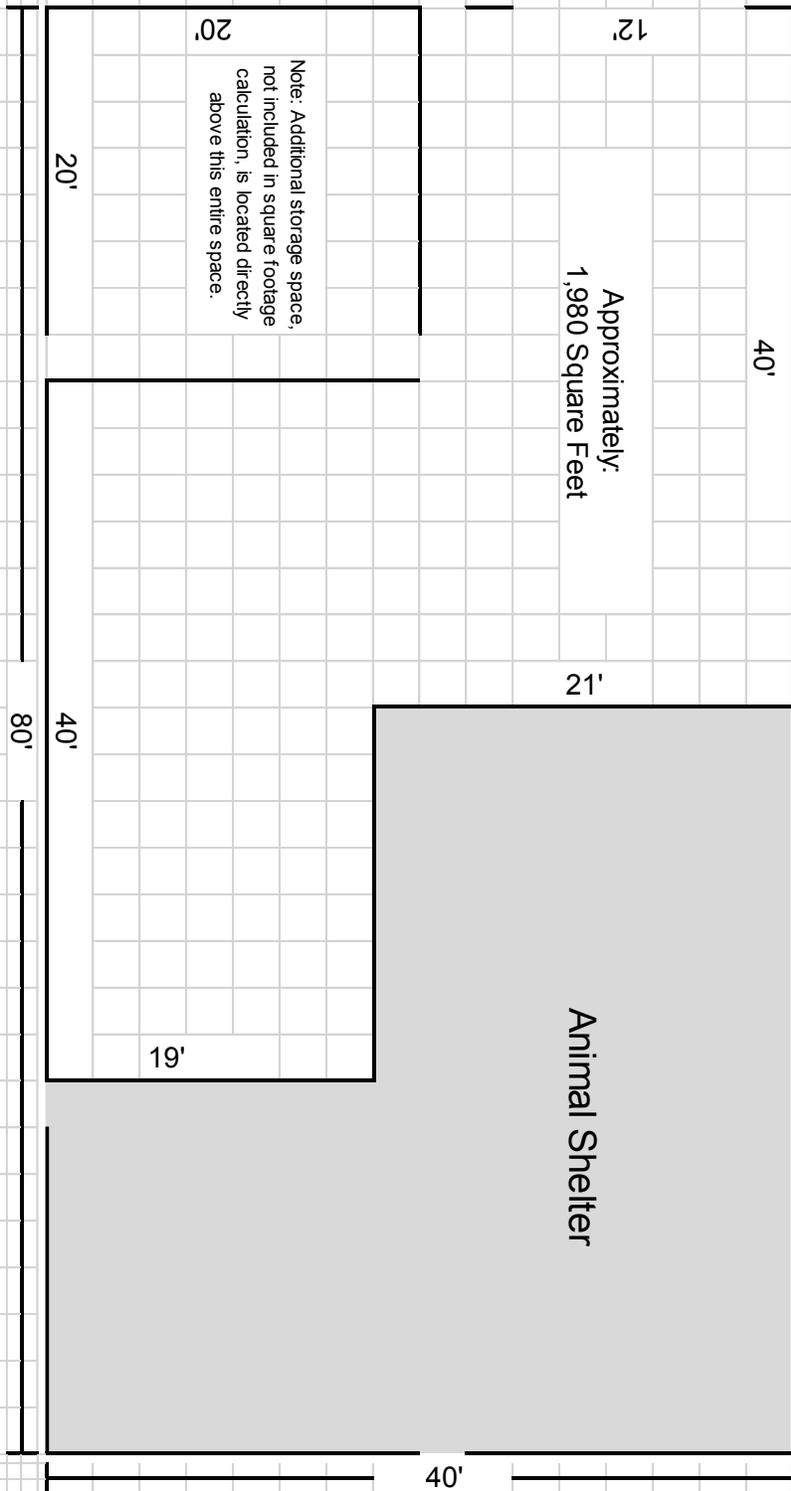
Ordinance No. 2015-06 / Resolution No. _____

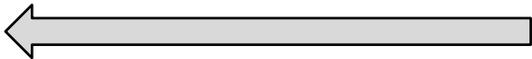
Summary Statement continued:

It is up for a public hearing at the April 2, 2015 Council meeting and adoption.



Exhibit A : Floor Plan and Pictures





Arrows indicate section of building available for lease.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2015-06

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the City of Dillingham, Alaska has appointed Curt Armstrong as the alternate community representative to the BBEDC Board of Directors for the term of the Council Seat which expires October 2015.

PASSED and ADOPTED by the Dillingham City Council on _____.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

City of Dillingham Information Memorandum

Agenda of: March 5¹⁹, 2015

Attachment to:

Ordinance No. _____ / Resolution No. 2015-06

Subject:

A resolution appointing an alternate community representative to the BBEDC Board of Directors

City Manager: Recommend Approval

Signature: Rose Loren

Route to	Department Head	Signature	Date
	Finance Director		
X	City Clerk	<u>J. Williams</u>	<u>2/20/15</u>

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

- Letter from BBEDC dated November 24, 2014

Summary Statement:

This resolution is being requested by BBEDC. In communities that have a tribal entity as well as a city council, the village tribal council may appoint the primary board member and the city council appoints the alternate. Robin Samuelsen sits as the primary board member. The council will be asked to concur with the Mayor's recommendation to sit Curt Armstrong as the alternate member, because of his fishing background.



Ordinance No. _____ / Resolution No. 2015-06

Summary Statement continued:



Bristol Bay Economic Development Corporation

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



November 24, 2014

City of Dillingham
PO Box 889
Dillingham, Alaska 99576



Dear City of Dillingham,

BBEDC is updating all resolutions on file regarding primary board members and alternate board members appointed from each of our CDQ communities. The current alternate BBEDC board member on file is Bob Himschoot and his one year term expired on 10/1/2014.

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

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

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

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

Sincerely,

A handwritten signature in blue ink that reads 'Helen Smeaton'. The signature is fluid and cursive, written over a white background.

Helen Smeaton
Chief Operating Officer
BBEDC

(Name of Organization)

(Address)

(City, State, Zip)

RESOLUTION # _____

WHEREAS, the _____ is the duly authorized city government for the
(Name of Organization)
Community of _____, and
(City, State)

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

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

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

NOW THEREFORE BE IT RESOLVED that the City of _____ has appointed
(Name of City, State)
_____ as the alternate community representative to the BBEDC Board
(Name of Representative)

of Directors for a term of _____ years (terms may be from 1-3 years).

CERTIFICATION:

I the undersigned Secretary of the _____, do hereby certify that the foregoing resolution
(Name of City Government)
was duly passed by the City Council of the _____ on this ____ day of
(Name of City Government)
_____, 20_____ and that a quorum was present.

(Authorized Council Representative) _____

(Secretary) _____

AYES:

NAYS:

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2015-16

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY MANAGER TO WAIVE THE COMPETITIVE BID PROCESS AND PURCHASE BLOWER MOTORS FOR THE LAGOON FROM BECKWITH & KUFFEL

WHEREAS, the lagoon requires four blower motors operating in order to properly aerate the lagoon; and

WHEREAS, for a number of years only a few of the blower motors have been in operation; and

WHEREAS, in February of 2013 the City received a Notice of Violation from the Department of Environmental Conservation which identified a number of non-compliant issues for the lagoon of which the replacement of the non-operative blower motors was identified; and

WHEREAS, it was determined that the type of blower motors at the lagoon are now obsolete and cannot be replaced with the same model; and

WHEREAS, the City has worked with Bristol Environmental Services and Michael Foster & Associates to determine the proper type and size of blower motors needed for the lagoon; and

WHEREAS, the type and size of blower motors needed were not easily found; and

WHEREAS, it is recommended by Michael Foster & Associates that all four blower motors be replaced and purchase an additional one for back-up from the vendor Beckwith & Kuffel for approximately \$38,000 landed in Dillingham; and

WHEREAS, Dillingham Municipal Code (DMC) 4.30.130, allows waiving of purchase restrictions if the City Council finds that it is not in the public interest to follow the procurement procedures, as established for the contracting of professional services, the City Council may, following approval of a resolution stating such, proceed to negotiate with a selected supplier or suppliers for subject services; and

WHEREAS, the waiver is based on the criteria outlined in DMC 4.30.130, Exemptions, A. 3, to supplies, materials, equipment or contractual services which can only be furnished by a single dealer, or which has a uniform published price; and

WHEREAS, it will take up to ten weeks to get the blower motors and parts delivered to Seattle and then on the barge to Dillingham; and

WHEREAS, the City is looking to get them installed in the spring before the heavier loads impacts its sewage lagoon;

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the City Manager to waive the competitive bid process and purchase blower motors and parts from Beckwith & Kuffel as recommended by Michael Foster & Associates.

PASSED and ADOPTED by the Dillingham City Council on March 19, 2015.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

City of Dillingham Information Memorandum

Agenda of: March 19, 2015

Attachment to:

Ordinance No. _____ / Resolution No. 2015-16

Subject:

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY MANAGER TO WAIVE THE COMPETITIVE BID PROCESS AND PURCHASE BLOWER MOTORS FOR THE LAGOON FROM BECKWITH & KUFFEL

City Manager: Recommend Approval

Signature: _____

Route to	Department Head	Signature	Date
X	Finance Director	<i>Carol Shade</i>	3/9/15
X	Public Works Director	<i>[Signature]</i>	3/9/15
X	City Clerk	<i>Jamie Williams</i>	3/5/15

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

Summary Statement:

In February of 2013 the City received a Notice of Violation for non-compliant issues from AkDEC. One of the issues was to fix the out-of-service blower motors at the Waste Water Treatment facility. Since that time the City has been working with Bristol Environmental and most recently Michael Foster & Associates (MFA) to identify the proper size and type of blower motors and find a vendor. The City informed AkDEC that it would be replacing those motors in 2014, but unfortunately could not get the right size and type that was needed.

MFA has identified, and staff agrees, that the type of blower motor needed are the Sutorbilt Legend 5MVRs, 25 HP motors with all required hardware. The company that produces this type of motor is Beckwith & Kuffel in Seattle Washington.



Ordinance No. _____ / Resolution No. 2015-16 _____

Summary Statement continued:

MFA is recommending that the City purchase five of the motors with one of them to be used for a replacement in the event one fails. The lag time to get them to Seattle is ten weeks and then barge to Dillingham. The City is looking to get the motors installed early in the spring so that they are in use during the heaviest load time at the lagoon.

The City will purchase the blowers from grants for the Wastewater Treatment system.



**City of Dillingham
Fiscal Note**

Agenda Date: March 19, 2015

Request:

ORIGINATOR: Carol Shade

FISCAL ACTION (TO BE COMPLETED BY FINANCE)		FISCAL IMPACT	
AMOUNT REQUESTED:		FUNDING SOURCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
\$ 38,000.00		WasteWater Treatment Plant	
FROM ACCOUNT		Project	
3213 8710 30 62 4410 0	\$ 38,000	Blower Motors	
TO ACCOUNT:	VERIFIED BY: Carol Shade	Date: 3/19/2015	

EXPENDITURES

OPERATING	FY15	FY16	FY17	FY18
Personnel				
Fringe Benefits				
Contract				
Major Equipment				
Land/Buildings				
Miscellaneous				
TOTAL OPERATING	\$ -	\$ -	\$ -	\$ -

Major Equipment	\$ 38,000.00			
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REVENUE				
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FUNDING

General Fund				
State/Federal Funds	38,000.00			
Equipment Replacement				
TOTAL FUNDING	\$ 38,000.00	\$ -	\$ -	\$ -

POSITIONS

Full-Time				
Part-Time				
Temporary				

ANALYSIS: (Attach a separate page if necessary)

See R 2015-16

PREPARED BY: Carol Shade

March 19, 2015

DEPARTMENT: Finance Department

March 19, 2015

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2015-17

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL ACCEPTING ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION GRANT #28307 IN THE AMOUNT OF \$3.0 MILLION DOLLARS FOR WASTEWATER SYSTEM IMPROVEMENTS AND UPGRADES

WHEREAS, wastewater system improvements were identified as a health and safety priority in the Dillingham Water and Sewer Master Plan (“Master Plan”), dated June 2003, prepared by Bristol Environmental & Engineering Services Corporation (“BEESC”); and

WHEREAS, the City must upgrade its wastewater system to come into compliance with Alaska Department of Environmental Conservation regulations and other health and safety codes; and

WHEREAS, the State Legislature has reappropriated Municipal Matching grant 28306 in the amount of \$3.0 million to the City of Dillingham to be applied towards Wastewater System Improvements and Upgrades; and

WHEREAS, the City of Dillingham must formally apply for the new grant (MMG 28307) and thereby agrees to the terms and conditions of the grant, and to adhere to any governing state regulations; and

WHEREAS, the City of Dillingham agrees to operate and maintain the constructed wastewater utility improvements; and

WHEREAS, State Fiscal Year 2014 funds must be spent by April 20, 2016, and the final pay request is due to the Department no later than June 1, 2016;

NOW, THEREFORE, BE IT RESOLVED by the Dillingham City Council that the grantee formally accepts the State of Alaska Department of Environmental Conservation’s Municipal Matching Grant No. 28307 in the amount of \$3.0 million and accepts the conditions of the grant agreement.

PASSED and ADOPTED by the Dillingham City Council March 19, 2015.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

City of Dillingham Information Memorandum

Agenda of: March 19, 2015

Attachment to:

Ordinance No. _____ / Resolution No. 2015-17

Subject:

Accepting a Municipal Matching Grant for \$3.0 million from the State Department of Environmental Conservation for Wastewater System Improvements and Upgrades

City Manager: Recommend Approval

Signature: *Carol A Shade, Acting*

Route to	Department Head	Signature	Date
X	Finance Director	<i>Carol A Shade</i>	<i>3/12/15</i>
X	Planning Director	<i>Jody Sutz</i>	<i>3/12/15</i>
	Public Works Director		
X	City Clerk	<i>J Williams</i>	<i>3/12/15</i>

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

Summary Statement:

This grant is a reappropriation of a previous ADEC Municipal Matching Grant (28306) for \$3.0 million which is being directed from the Water System Improvements to the Wastewater System Improvements and Upgrades. The new grant number is 28307.



Ordinance No. _____ / Resolution No. 2015-17 _____

Summary Statement continued:



CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2015-18

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY MANAGER TO WAIVE THE COMPETITIVE BID PROCESS AND PURCHASE A BACKHOE FOR THE PUBLIC WORKS DEPARTMENT FROM YUKON EQUIPMENT

WHEREAS, the City Council at their January 15, 2015 Council meeting approved Resolution No. 2015-07 to pursue the purchase of a backhoe for public works;

WHEREAS, the new backhoe would replace a 1987 Case 580 Super E Backhoe that was evaluated to be in poor condition and was prioritized for replacement; and

WHEREAS, the purchase will be made from a State Legislative grant that has \$88,000 remaining in the grant; and

WHEREAS, the new backhoe would be able to use the attachments from the existing backhoe that will be put up for sale; and

WHEREAS, the backhoe is an essential piece of equipment and Public Works wants to purchase this equipment to arrive on the first barges of the 2015 season; and

WHEREAS, the Public Works Department solicited written competitive quotes and three bids were received and evaluated; and

WHEREAS, Yukon Equipment Inc., Anchorage, submitted the lowest responsive proposal; and

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

WHEREAS, the time and expense for the preparation and advertising of formal competitive bids is not expected to yield a lower procurement cost; and

WHEREAS, Resolution No. 2015-18 would authorize waiving the advertising requirements; and

NOW, THEREFORE, BE IT RESOLVED that the City Council approve the issuance of a Purchase Order to Yukon Equipment Inc. in the amount of \$94,240, plus freight to Dillingham in the amount of \$6,700, for a total of \$100,940;

BE IT FURTHER RESOLVED that the excess over \$88,000 or \$12,940 will be funded through the Equipment Replacement Capital Project Fund.

PASSED and ADOPTED by the Dillingham City Council on March 19, 2015.

ATTEST:

Alice Ruby, Mayor
[SEAL]

Janice Williams, City Clerk

City of Dillingham Information Memorandum

Agenda of: March 19, 2015

Attachment to:

Ordinance No. _____ / Resolution No. 2015-18

Subject:

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY MANAGER TO WAIVE THE COMPETITIVE BID PROCESS AND PURCHASE A BACKHOE FOR THE PUBLIC WORKS DEPARTMENT FROM YUKON EQUIPMENT

City Manager: Recommend Approval

Signature: _____

Carol A. Shade, Acting

Route to	Department Head	Signature	Date
X	Finance Director	<i>Carol A. Shade</i>	<i>3/12/15</i>
	Planning Director		
X	Public Works Director		
X	City Clerk	<i>J. Williams</i>	<i>3/12/15</i>

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

None

Summary Statement:

The City solicited three competitive written quotes for the purchase of a backhoe. Resolution 2015-18 recommends acceptance of the lowest quote and award of the purchase contract to Yukon Equipment Inc. in the amount of \$94,240 plus freight of \$6,700 to Dillingham.

A State Legislative Grant appropriated \$88,000 for this purchase. The balance of \$12,940, to include the freight, will be made through a transfer from the Equipment Replacement Capital Projects Fund.

This backhoe is for the Public Works Department.



Ordinance No. _____ / Resolution No. 2015-18

Summary Statement continued:



**City of Dillingham
Fiscal Note**

Agenda Date: March 19, 2015

Request:

ORIGINATOR: Carol Shade

FISCAL ACTION (TO BE COMPLETED BY FINANCE)		FISCAL IMPACT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
AMOUNT REQUESTED: <p align="right">\$ 100,940.00</p>		FUNDING SOURCE Legislative Grant Appropriation & Equipment Replacement Fund	
FROM ACCOUNT 3450 7620 30 33 0000 0 \$ 88,000 7120 7620 30 33 0000 0 \$ 12,940		Project Equipment Purchase for Public Works	
TO ACCOUNT:	VERIFIED BY: <u>Carol Shade</u>	Date:	<u>3/19/2015</u>

EXPENDITURES

OPERATING	FY15	FY16	FY17	FY18
Personnel				
Fringe Benefits				
Contract				
Major Equipment				
Land/Buildings				
Miscellaneous				
TOTAL OPERATING	\$ -	\$ -	\$ -	\$ -

Major Equipment	\$ 100,940.00			
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REVENUE				
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FUNDING

General Fund				
State/Federal Funds	88,000.00			
Equipment Replacement	12,940.00			
TOTAL FUNDING	\$ 100,940.00	\$ -	\$ -	\$ -

POSITIONS

Full-Time				
Part-Time				
Temporary				

ANALYSIS: (Attach a separate page if necessary)

See IM 2015-18

PREPARED BY: Carol Shade

March 19, 2015

DEPARTMENT: Finance Department

March 19, 2015

Janice Williams

Subject: FW: Dillingham Technical Review

From: Williams, Brent R (CED) [mailto:brent.williams@alaska.gov] **On Behalf Of** Commission, Boundary (CED sponsored)
Sent: Monday, March 09, 2015 10:41 AM
To: Rose Loera
Cc: cityclerk@dillinghamak.us; mayor@dillinghamak.us; BChandler@bcfaklaw.com; evc@ekukvc.net; redalderlaw@ak.net; levyjan@gmail.com; Collins, Eileen M (CED); Commission, Boundary (CED sponsored)
Subject: Dillingham Technical Review

Good Morning,

The technical review for the Dillingham petition is due today, Monday, March 9. I just wanted to let you know, however, per the LBC staff's request, LBC Chair Lynn Chrystal has extended the time for the staff to perform the technical review until Monday, April 6. Under 3 AAC 110.440(a) the chair may grant more time for good cause. We asked for more time for good cause due to having been short staffed until recently. We are making the technical review our top priority, and will complete it as soon as we can. We apologize for any inconvenience and thank you for your patience. Please let us know if you have any questions.

Thank you,

Brent

Brent Williams

Local Boundary Commission
Alaska Department of Commerce, Community, and Economic Development
550 W. 7th Avenue, Suite 1640
Anchorage, AK 99501
(907) 269-4559

Please be sure to send all email correspondence regarding Local Boundary Commission matters through the following email address: lbc@alaska.gov. This ensures that all LBC staff receive your correspondence in a timely manner. Thank you.

Janice Williams

From: Collins, Eileen M (CED) on behalf of Commission, Boundary (CED sponsored)
Sent: Tuesday, March 03, 2015 3:39 PM
To: kmo_city@hotmail.com
Cc: evc@ekukvc.net; Collins, Eileen M (CED); Williams, Brent R (CED); mayor@dillinghamak.us; manager@dillinghamak.us; BChandler@bcfaklaw.com; levyjan@gmail.com; redalderlaw@ak.net; cityclerk@dillinghamak.us
Subject: Receipt of Letter from the City of Manokotak
Attachments: 3_2_15 City of Manokotak Letter.pdf

Mayor Melvin Andrew,

This letter is to confirm our receipt of your letter on March 2, 2015 regarding the Technical Review of the Annexation Petition of City of Dillingham for Annexation of Nushagak Commercial Salmon District and Wood River Sockeye Salmon Special Harvest area waters. Staff is currently working on the technical review of the City of Dillingham petition and plans to have it completed by March 9, 2015.

Because your letter comes to Local Boundary Commission staff outside a regular comment acceptance period we cannot directly forward it on to the commissioners. You did not indicate in your letter whether you sent other interested parties notice of your comments. As it pertains to the City of Dillingham, we have copied them in this response and attached your letter. As a courtesy we will also copy the Ekuk Village Council as an interested party.

We appreciate you sharing with staff your thoughts regarding this issue.

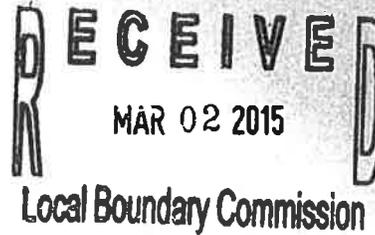
Sincerely,

Eileen Collins

Eileen M. Collins
Local Government Specialist

Local Boundary Commission
Alaska Department of Commerce, Community, and Economic Development
550 W. 7th Avenue, Suite 1640
Anchorage, AK 99501
(907) 269-4587

Please be sure to send all email correspondence regarding Local Boundary Commission matters through the following email address: lbc@alaska.gov. This ensures that all LBC staff receive your correspondence in a timely manner. Thank you.



2/23/2015

Mayor Melvin P. Andrew
City of Manokotak
PO Box 170
Manokotak, AK 99628

Mr. Brent Williams
Local Boundary Commission
550 W. 7th Ave, Suite 1640
Anchorage, AK 99501-3510

Dear Mr. Williams:

The Manokotak City Council has directed me to express its concern about the City of Dillingham's recently filed annexation petition. Your office is now performing the technical review of the petition.

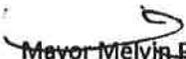
LBC regulations require Dillingham to prepare a summary of its prospective petition and to hold a pre-filing hearing on the petition. Manokotak's concern arises from statements in the petition summary and the petition itself that we believe are false. The summary says the petition explains how "the Local Boundary Commission has already decided that making the city bigger is in the best interest of the State of Alaska and meets all the rules for adding area to an existing city." The petition says the LBC "has already determined that proposed annexation of this territory to the City of Dillingham meets each and every applicable regulatory standard" and that "[t]he Commission is bound by its earlier decision and cannot reverse those findings in this proceeding."

We understood that Judge Douglass vacated the LBC's decision to approve Dillingham's last annexation petition because Dillingham and the LBC denied our due process rights by not following the legislative review process. Dillingham did not give us a fair chance to offer our views on the proposed annexation as the legislative review process requires. Now, Dillingham is telling us and everyone else that the legal requirements for this new petition have already been decided by the Local Boundary Commission.

Dillingham's first petition tried to side-step the requirement for a local pre-filing hearing. This time, Dillingham is using the petition summary and the petition to conduct a public disinformation campaign, misinforming people that the LBC has already decided the matter and cannot alter its earlier decision. Such misinformation serves to persuade people that participation in the pre-filing hearing and subsequent proceedings is pointless. This seems like just another attempt to devalue people's due process rights.

We request that the commission direct the City of Dillingham to take back its petition and correctly tell everyone what it must do to meet the rules for making the city larger, including convincing the Local Boundary Commission that the new petition satisfies the legal rules. Dillingham should renounce the corrected petition and hold another hearing. This is the fair and reasonable thing to do so that we and everyone else understand the correct rules and to avoid any improper influence in their decision whether or not to comment or participate in any hearings on the annexation petition.

Sincerely,


Mayor Melvin P. Andrew
City of Manokotak

Janice Williams

From: Collins, Eileen M (CED) on behalf of Commission, Boundary (CED sponsored)
Sent: Thursday, February 26, 2015 1:46 PM
To: Commission, Boundary (CED sponsored); Williams, Brent R (CED); cityclerk@dillinghamak.us; mayor@dillinghamak.us; manager@dillinghamak.us; evc@ekukvc.net; BChandler@bcfaklaw.com; levyjan@gmail.com; redalderlaw@ak.net
Cc: Collins, Eileen M (CED)
Subject: February 24, 2015 EVC Letter to LBC Staff
Attachments: 2_25_15 Ekuk Village Council Letter.pdf

Mr. Heyano,

This letter is to confirm our receipt of your letter on February 25, 2015 regarding the Technical Review of the Annexation Petition of City of Dillingham for Annexation of Nushagak Commercial Salmon District and Wood River Sockeye Salmon Special Harvest area waters (August 14, 2014). The staff is performing the technical review of the petition now, and plan to finish it by Monday March 9, 2015.

Because your letter comes to Local Boundary Commission staff outside a regular comment acceptance period, we cannot directly forward it on to the commissioners. But as we could not discern whether the fax you sent us also went to the City of Dillingham, we have copied interested parties in this response and attached your letter. We respectfully suggest that both the City of Dillingham and the Native Village of Ekuk cc each other when they communicate with us regarding the petition, so that everyone is fully informed.

We appreciate you sharing with staff your thoughts regarding this issue.

Sincerely,
Eileen Collins

Eileen M. Collins
Local Government Specialist

Local Boundary Commission
Alaska Department of Commerce, Community, and Economic Development
550 W. 7th Avenue, Suite 1640
Anchorage, AK 99501
(907) 269-4587

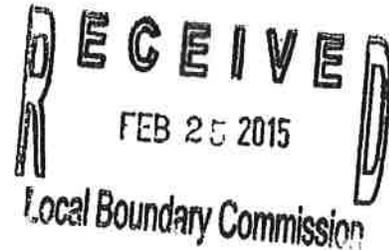
Please be sure to send all email correspondence regarding Local Boundary Commission matters through the following email address: lbc@alaska.gov. This ensures that all LBC staff receive your correspondence in a timely manner. Thank you.

EKUK VILLAGE COUNCIL

PO Box 530 / 300 Main St.
Dillingham, AK 99576
Ph: (907) 842-3842 Fax: (907) 842-3843
In state 1-866-842-3842
EVC@ekukVC.net

February 24, 2015

Brent Williams
Staff
Local Boundary Commission
550 W. 7th Ave, Suite 1640
Anchorage, AK 99501-3510



Re: Technical Review of Annexation Petition of City of
Dillingham for Annexation of Nushagak Commercial Salmon
District and Wood River Sockeye Salmon Special Harvest area
waters (August 7, 2014).

Dear Mr. Williams:

On behalf of the Native Village of Ekuk I am writing this letter to express concern regarding the form and content of the annexation petition of the City of Dillingham pending review by your office. Ekuk's concern is caused by statements in the petition and the summary which we believe are not true. The summary of the annexation petition provided by the city for the pre-filing hearing explained how its petition meets the standards for annexing new territory to the city. The city said their petition satisfies legal standards because "the Local Boundary Commission has already decided that making the city bigger is in the best interest of the State of Alaska and meets all the rules for adding area to an existing city." In Exhibit E of the petition (the brief) filed with the commission, the city stated at least 23 times in boldface font that prior determinations by the commission are determinative in meeting its burden for approval of an annexation petition by legislative review. The brief also states "the Commission is bound by its earlier decision and cannot reverse those findings in this proceeding."¹

Superior Court Judge Douglass ruled that the original annexation petition submitted by Dillingham was invalid in part because it violated due process rights of residents of the Bristol Bay region. In support of this ruling the court cited *Lake and Peninsula Borough v. LBC*, a case in which the Alaska Supreme Court ordered a complete reconsideration of the boundary change at issue over due

¹ Annexation Petition Exhibit E, note 10 at p.48. This statement is made again with the remarkable additional enhancement that the Order on Appeal compels the commission to approve the proposed annexation. Exhibit E at P. 85. No citation is added to support this argument.

process claims after complying with the statutory notice requirements.² Now, Dillingham claims that the legal standards for this new petition have already been decided by the Local Boundary Commission and do not need a thorough reconsideration. This is an aggressive legal stance particularly since the court found violation of due process rights and the standards set out in 3 AAC 110.140 now apply to this petition, when they did not apply to Dillingham's earlier petition.

Several other factors should be considered by the commission which tend to nullify the alleged precedential import of findings the commission made regarding Dillingham's earlier petition:

(1) Ekuk has been repeatedly reminded that prior decisions of the commission are not *stare decisis* in a subsequent boundary change proceeding; Dillingham's petition misrepresents the commission's decision-making latitude going forward on the petition;

(2) the Superior Court reserved several appeal points relating to the commission's annexation regulations for a possible later decision; this should cause the commission to carefully reconsider any finding based on those regulations;

(3) over four years will have passed since the commission last considered an annexation petition filed by Dillingham for the territory; significant facts may have changed; and

(4) the membership of the commission has changed since the commission last considered a petition filed by Dillingham.

Ekuk believes that the unfortunate aggressive legal position expressed by Dillingham in the petition and the petition summary may well have caused some parties to think that it was futile to participate in the notice and pre-filing hearing process required for this new annexation petition by regulation and court decision. Why should they after being "informed" that "the Commission has already determined that the proposed annexation of this territory to the City of Dillingham meets each and every applicable regulatory standard" (Exhibit E) and that "[t]he Commission is bound by its earlier decision and cannot reverse those findings in this proceeding" (Exhibit E)? Ekuk urges the commission to act to dispel this cloud of misinformation so that the proceedings on the petition will comply with the due process requirements set out in AS 29.05 and 3 AAC 110.

Ekuk requests that the commission find the petition deficient in form and content and return the petition to the City of Dillingham. Further, Ekuk requests the commission to direct the City of Dillingham to rectify the unfortunate misimpression it has fostered about the commission's authority and duties by stating in its petition and petition summary that the commission has unfettered discretion to decide whether the petition satisfies legal standards for annexation. Dillingham must clear the air by renouncing a corrected petition and petition summary, and holding a new pre-filing hearing. This is the fair and reasonable thing to do. As the Superior Court observed "[f]ailure to adequately inform and include the public in decision-making is a matter of public importance."³ Residents of the region have the due process right to understand the correct annexation standards and procedures and to be free

² *Native Village of Ekuk v. LBC*, Superior Court Case No. 3 DI-12-22CI Order on Appeal at 17 (March 27, 2014).

³ Order on Appeal at 15, citing *Mullins v. LBC*, 226 P.3d 1012, 1018-1019 (Alaska 2010).

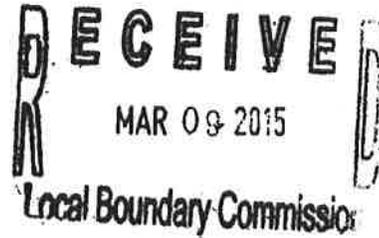
from improper influence involving their decision whether or not to comment or participate in hearings on the annexation petition.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert Nguyen".

Village Council President

March 2, 2015



Mr. Brent Williams
Local Boundary Commission
550 W. 7th Ave, Suite 1640
Anchorage, AK 99501-3510

Dear Mr. Williams:

The Clark's Point City Council and the Clark's Point Village Council have directed us to jointly express their concern about the City of Dillingham's recently filed annexation petition. Your office is now performing the technical review of the petition.

LBC regulations require Dillingham to prepare a summary of its prospective petition and to hold a pre-filing hearing on the petition. Clark's Point's concern arises from statements in the petition summary and the petition itself that we believe are false. The summary says the petition explains how "the Local Boundary Commission has already decided that making the city bigger is in the best interest of the State of Alaska and meets all the rules for adding area to an existing city." The petition says the LBC "has already determined that proposed annexation of this territory to the City of Dillingham meets each and every applicable regulatory standard" and that "[t]he Commission is bound by its earlier decision and cannot reverse those findings in this proceeding."

We understood that Judge Douglass vacated the LBC's decision to approve Dillingham's last annexation petition because Dillingham and the LBC denied our due process rights by not following the legislative review process. Dillingham did not give us a fair chance to offer our views on the proposed annexation, as the legislative review process requires. As a result, Judge Douglass invalidated the LBC's previous decision. Now, Dillingham is telling us and everyone else that the Local Boundary Commission has already decided that this new petition meets the legal requirements for approval.

Dillingham's first petition tried to side step the requirement for a local pre-filing hearing. This time, Dillingham is using the petition summary and the petition to conduct a public disinformation campaign, misinforming people that the LBC has already decided the matter and cannot alter its earlier decision. Such misinformation serves to persuade people that participation in the pre-filing hearing and subsequent proceedings is pointless. This seems like just another attempt to devalue people's due process rights.

We request that the commission direct the City of Dillingham to take back its petition and correctly tell everyone what it must do to meet the rules for making the city larger, including demonstrating to the Local Boundary Commission that the new petition satisfies the legal rules. Dillingham should renounce

the corrected petition and hold another hearing. This is the fair and reasonable thing to do so that we and everyone else understand the correct rules and to avoid any improper influence in their decision whether or not to comment or participate in any hearings on the annexation petition.

Sincerely,

Joseph Wassily, Mayor

City of Clark's Point

Joseph Wassily

Betty Gardiner, President

Clark's Point Village Council

Betty Gardiner

To: Council
From: Alice
Re: Borough Feasibility Interim Task Force meeting
Date: March 9, 2015

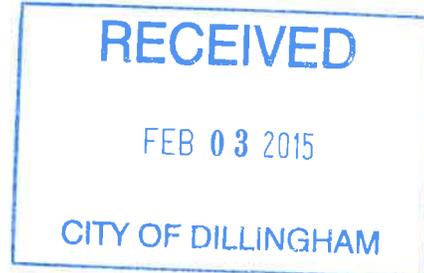
The Dillingham City Council needs to respond to the letter about our interest in pursuing borough feasibility. In anticipation, I thought that I would give you a little more information on the meeting that Rose and I attended on behalf of the City of Dillingham.

- Organizational group met and included Robert Heyano (Ekuk), Ralph Anderson (BBNA), Kim Williams(DCSD), Dave Piazza (SWRS), Rose Loera(City of Dlg), Carolyn Smith(City of Alek), Alice Ruby (City of Dlg), Bryce Edgmon (Legislator)
- Agreed that we are interested in looking at borough feasibility
- Agreed that communities in the Dillingham Census Area should be consulted about their interest.
- Agreed on a moderate size group – 1 person from each community plus 1 from each school district (Dillingham and SWRS)
- Agreed that this was not a quick project but moderate/long term
- The budget that Ralph developed appears to be a reasonable representation of the cost
- Agreed that all participants should invest time and financial support so that they have a vested interest. Note: Rose and I advised that the City of Dlg put all fish tax revenues on hold until we know if a group of fishes plans to sue to recover. Therefore I could not commit financial support in advance but, when the time comes, the Council would be asked if they want to allocate funds. Estimate about \$10K each if all of the communities & school districts participate AND if each is able to contribute equally. We anticipated that not all would be able to contribute so the contribution might be more for some participants.
- Agreed that first step was to gauge interest by other communities. Ralph will draft a letter for Robert H's signature to go out probably late January.
- Agreed that the person appointed should not represent a specific organization, i.e. the City or the Tribe or other organization, but should represent the community as a whole. It was suggested that each community solicit interest in the community before making an appointment.
- Ralph Anderson volunteered to draft a letter for Robert Heyano's signature that will be directed to all of the communities/school districts. We will follow up once we hear whether there is interest.
- Rep. Edgmon advised that he would look into whether there is any funding at the state level for a borough feasibility study but cautioned that the budget forecast is grim.

Please be aware that while the City of Dillingham has been encouraged to defer action on our petition, the City of Manokotak and the City of Clarks Point have not been encouraged to defer action or preparation of their individual annexation petitions.

**Interim Task Force
Borough Feasibility Study
c/o Bristol Bay Native Association
P.O. Box 310
Dillingham, AK 99576**

January 29, 2015



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

Re: Invitation to Join Task Force

Dear Alice:

I am writing this letter of invitation as the designated Chairman of the Interim Task Force for a study to determine whether or not it is feasible to form a borough in the Nushagak River and Togiak River drainages. I would like to first provide you with some brief background on this to help you understand how we got to this point.

More than 2-years ago, the City of Dillingham submitted a proposal to the Alaska Local Boundary Commission (LBC) to annex the waters of the Nushagak River commercial fishing district for tax purposes. The LBC recommended the City conduct consultations with the affected communities before the LBC took any action. In October 2014, the Dillingham City Council decided to defer action on the petition to allow another party to initiate a borough feasibility study.

BBNA's Executive Committee met on October 22, 2014 and weighed the potential benefits of a borough to our region and the harm a divisive annexation of the Nushagak River fishing district might have on relations between the affected communities. After deliberation, the Executive Committee agreed that BBNA should submit a proposal to the City of Dillingham to host a borough feasibility study. This would be the first step in a process to look at whether or not a borough is feasible. BBNA will not conduct the study but facilitate it.

BBNA developed a proposal and an estimated budget of about \$117,000 in December 2014 which was approved by the Dillingham City Council. The purposes of the study would be:

1. To create a region-wide network of local leaders who are well-informed about the borough form of government and the borough incorporation process;
2. To evaluate the key options for borough formation, such as borough type and structure, geographic configuration, powers to be exercised, assembly composition, etc.; and
3. To assess the fiscal feasibility of the most practical options.

January 29, 2015

Page 2

To begin the process, in December 2014 an Interim Task Force was formed with representatives from the Dillingham City Council (Mayor Alice Ruby), the City of Aleknagik (Carolyn Smith), the Dillingham City School District (Kim Williams), the Southwest Region School District (Kay Andrews), Representative Bryce Edgmon, and BBNA (Robert Heyano). The Interim Task Force agreed with the estimated budget of about \$117,000 and to forming the final Task Force.

I am extending this invitation for your community to select one (1) representative and one (1) alternate to be a member of the final Task Force to guide and oversee this study. The final Task Force will consist of those communities who pay a membership fee to cover the costs of the study. The specific dollar amount of the fee will be determined by the final Task Force based on the number of participants and the amount of other funding secured. We are now attempting to identify other funding sources. If other funds are received, some reimbursements may be made.

The Interim Task Force recommends the following:

1. That the school districts and each affected community in the Nushagak River and Togiak River drainages will be allowed one (1) representative and one (1) alternate on the final Task Force for a total of 13 members. The City Councils and Tribal Councils will need to reach agreement on their community representative and alternate.
2. That the selection of the representative and alternate should follow a Public Notice process by posting notices in prominent places soliciting candidates for at least a 30-day period. The selections can occur sooner.
3. That the designated community representative and alternate have broad regional and unbiased views of the study, as opposed to advocating personal, organizational, or community interests or positions either for or against the study or forming a borough.

We want to make it clear that the activity is to conduct a study and is not to justify a predetermined decision. The study will determine whether or not a borough is feasible. An organization's or community's involvement is not interpreted as supporting forming a borough, but reflects their interest in helping to guide the study. Task Force members will be expected to help provide information to and from their respective communities.

Please submit the names of your representative and alternate. As a reminder, there will be a membership fee if your community would like to participate in this important undertaking. Thank you for your attention to our invitation.

Sincerely,



Robert Heyano

Interim Chairman