

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-04

**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING SECTION 17.15.030 OF THE DILLINGHAM MUNICIPAL CODE TO CHANGE THE LANGUAGE REQUESTING COUNCIL TAKE ACTION ON PLANNING COMMISSION RESOLUTION TO RECOMMEND VACATION OF AN ALLEY FROM "30 DAYS TO VETO" TO "45 DAYS TO APPROVE" A RECOMMENDED VACATION OF AN ALLEY**

---

WHEREAS, the DMC Section 17.15.030 requires that a Planning Commission recommendation for a vacation of any alley be referred to the Council; and

WHEREAS, the Council has 30 days to veto the recommendation; and

WHEREAS, the wording "30 days to veto" has caused some confusion since the normal course of action is to present the resolution asking for approval, not for a veto; and

WHEREAS, it has been determined that there is no legal reason to prevent the City from changing the wording;

NOW, THEREFORE, BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

**Section 1. Classification.** This is a code ordinance.

**Section 2. Amend Section 17.15.030 Determination and recording.** Section 17.15.030 of the Dillingham Municipal Code is hereby amended to read as follows (Text displayed in underlined font and deleted text displayed in strike out font.):

**17.15.030 Determination and recording.**

A. Following the public hearing, the planning commission shall make its decision on the merits of the proposal.

B. If vacation of a city street or other public area is involved, the petition shall be forwarded to the city council with a copy of the planning commission recommendation.

C. The council has ~~thirty~~ forty-five days from the date of the decision of the planning commission in which to ~~veto~~ approve a recommended vacation. If no ~~veto is received~~ action is taken, consent is considered to have been given and the planning director shall notify the planning commission and the applicant.

D. If the vacation, alteration, or replat is approved, the revised plat shall be acknowledged and filed in accordance with AS 40.15, as amended from time to time. (Ord. 90-03 § 1 (part), 1990.)

**Section 3. Effective Date.** This ordinance is effective upon adoption.

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

April 25, 2013.

SEAL:



  
\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST:

  
\_\_\_\_\_  
Janice Williams, City Clerk  
Lillian Capell, Recorder

**Subject:** Introduce Ordinance No. 2013-04, An Ordinance of the Dillingham City Council Amending Section 17.15.030 of the Dillingham Municipal Code to Change the Language Requesting Council Take Action on Planning Commission Resolution to Recommend Vacation of an Alley from "30 Days to Veto" to "45 days to Approve" a Recommended Vacation

Agenda of: April 25, 2013

Council Action:

Manager: Recommend approval

City Manager: Rose Loera  
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Planning Director / Jody Seitz	<i>JS</i>	
X	City Clerk / Janice Williams	<i>JW</i>	

Fiscal Note: Yes \_\_\_\_\_ No X Funds Available: Yes \_\_\_\_\_ No \_\_\_\_\_

**Other Attachment(s):**

**Summary Statement.**

This ordinance was vetted through the Code Review Committee and is being recommended for adoption. It came about as the result of two resolutions from the Planning Commission to the Council in which the Council had thirty days from the date of the decision of the Planning Commission in which to veto a recommended vacation. The standard practice is to present a resolution asking for approval, not veto. It was recommended that the language be changed to conform to standard practice and avoid unnecessary confusion. This was legally advisable. To ensure the Council would have ample time to act on a resolution requesting the vacation of an alley, the number of days was increased from 30 to 45 days.

At the April 11, 2013 Regular Council Meeting, during the discussion period, a member spoke against the proposed changes commenting it would change where the approval took place, noting the code gave the Planning Commission authority to approve vacations of a street or public area, and the only action it gave the Council was to veto it, and felt it was appropriate to give the PC the authority to approve them, since they studied and discussed the issue, held the public hearings.

The Council voted to postpone adoption and send the ordinance back to the Committee for further evaluation. The Committee resolved that the language in the code stipulated that the PC was "recommending" the ordinance, and the Council should have authority to approve or veto. They agreed the ordinance should be presented as is.

**We will be recommending Council adopt Ordinance No. 2013-04 as is at their April 25, 2013 meeting.**

**PERMIT**

From Page 1

ment. The park is used for subsistence and sport fishing activities by local residents. It is the home of numerous luxury sport fishing lodges, whose guests fly into the Dillingham airport.

Dillingham resident Paul Liedberg described the park as a "treemendous resource" in its natural state, and doubts economic benefits justify the environmental cost.

"We'll be dealing with this in the next legislature, I'm sure, so it will be interesting," said Liedberg, saying figures provided by supporters don't "pencil out economically." Dillingham, as the park's access point, gives the town an "ownership" interest, he said.

"There needs to be a much larger discussion," said Liedberg, adding that lowering rural energy costs is extremely important, under the right circumstances.

Supporters say the 100-foot-tall, 1,000-foot-wide dam could provide hydroelectricity for Dillingham and Bethel and surrounding villages, from the remote lake midway between the two communities. As originally proposed, the dam would only have transmitted power to the Bethel area, Liedberg said.

Because it's in the state park, the Legislature needed to change the park's management plan to allow a special use permit for the geotechnical survey. Senate Bill 32 was sponsored by Sen. Lesli McGuire, R-Anchorage. Companion legislation, House Bill 132, was sponsored by State Rep. Charisse Millett, Anchorage.

The proposal "stalled in the legislature," but will return next year, Casper said.

While Chikuminuk Lake is in a wilderness area, so are two others where the park management plan already allows future hydroelectric development, according to Jesse Logan, an aide to Sen. McGuire. Those two are Elva Lake, which flows via Elva Creek into Lake Nerka, and Grant Lake, which drains through the Grant River into Kulik Lake.

The failed legislative proposal added Chikuminuk Lake as a potential hydro site, and authorized a special use permit for a feasibility study from the state DNR, including a geotechnical study, Logan said.

Logan said salmon do not swim up the steep waters of the Allen River for spawning in Chikuminuk, which he said is a seldom-visited lake, with no cabins, and only 16 visitors reported in park records in 2011.

Opponents, however, fear downstream impacts from a changed waterflow could

endanger the subsistence and multi-million dollar commercial salmon fishery in Bristol Bay. This summer's fish research includes a spawning survey to learn how far up the Allen River salmon swim, said Casper, estimating the distance at a half-mile to one mile from where it empties into Chaulektukuli Lake.

Casper said the dam would be located where the lake enters the 11-mile-long Allen River, and drops some 600 feet into Chaulektukuli Lake. Established in 1995, Nuvista is only a potential power wholesaler, as it presently doesn't own any generating or transmission facilities, he said. Nuvista's board of directors is composed of Bethel-area groups, including Calista, the regional Native corporation.

The total budget is projected at between \$400 and \$500 million, with \$300 million for building the dam, and up to \$200 million for transmission lines. If the transmission lines

only go 110 miles to Bethel, that's a \$100-million bill, which doubles if they also head south about 120 miles to Dillingham, Casper said.

The Legislature in 2011 approved \$10 million for the feasibility study. The proposed geotechnical survey involves drilling three-inch-wide holes 100 to 150 feet deep, chipping off rock samples, and digging small holes with hand tools. An ongoing raptor survey of eagles and hawks resumes this year, he said.

Actual hydro power is at least 10 years away, Casper said, with studies continuing for three years, followed by a two-year review of a license application by the Federal Energy Regulatory Committee. If a license is granted, that's another five years, with two years for design and three years of

■ See Page 16, HYDRO



**Notice of a Public Hearing**  
**Public Hearing on Ordinance Nos. 2013-02 (SUB-1), 2013-04, 2013-05 (SUB-1)**

The City Of Dillingham will hold a **Public Hearing** on **Thursday, April 25, 2013, 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. 2013-02 (SUB-1).** An Ordinance of the Dillingham City Council Amending Sections 4.15.110 Through 4.15.170 of the Dillingham Municipal Code to Amend the Procedures for Appeal Hearings Before the Board of Equalization and to Delete Repetitive Language in these Sections

**Ordinance No. 2013-04.** An Ordinance of the Dillingham City Council Amending Section 17.15.030 of the Dillingham Municipal Code to Change the Language Requesting Council Take Action on Planning Commission Resolution to Recommend Vacation of an Alley from "30 Days to Veto" to "45 days to Approve" a Recommended Vacation

**Ordinance No. 2013-05 (SUB-1).** An Ordinance of the Dillingham City Council Amending Section 4.16.060 of the Dillingham Municipal Code to Revise the Penalties Assessed for Failing to Apply for a City Business License

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



**PUBLIC NOTICE**  
**Request Bids for Furnishing Petroleum Fuels**

The City of Dillingham is soliciting sealed bids for furnishing and delivery of petroleum fuels to various City facilities for the period July 1, 2013 through June 30, 2014.

Bid documents and forms may be picked up at the City Manager's Office, City Hall.

Each bid must be submitted on the bid form provided and mailed or delivered to the City of Dillingham, in a sealed envelope and addressed to:

**City Clerk's Office**  
**City of Dillingham**  
**141 Main Street, P.O. Box 889**  
**Dillingham, AK 99576**

Sealed bids must be marked plainly on the outside as follows:  
**Furnish Petroleum Fuels FY14**, and must bear the name and address of bidder.  
Faxed bids will NOT be accepted.

Bids will be accepted at the City Clerk's office until 10:00 a.m., April 26, 2013. A contract to award will be authorized at the May 8, 2013 Regular Council meeting.

If you have any questions, please contact the City Manager's office at 842-5148.



**PUBLIC NOTICE**  
**U.S. AIR FORCE ANNOUNCES**  
**PROPOSED PLAN PRESNETATION AND**  
**30-DAY PUBLIC COMMENT PERIOD**

**KING SALMON AIR STATION (DA031, DA034, & SA043)**

The 611th Civil Engineer Squadron (611 CES) at Joint Base Elmendorf-Richardson announces the Proposed Plan and 30-day public comment period regarding proposed environmental cleanup alternatives for three sites at the King Salmon Air Station. The installation is located adjacent to the community of King Salmon, Alaska.

The following actions are being recommended by the Air Force:

1. Barrel dump on Lake Camp Road (DA031) - Remove drums and associated impacted soils. Soils will be excavated to approximately 18 to 22 inches below ground surface, and confirmation samples will be collected to be sure all results are below the ADEC cleanup levels.
2. Gravel fill pad and debris disposal area (DA034) - Remove impacted soil to an approximate depth of 5 feet. Confirmation samples will be collected to be sure all results are below the ADEC cleanup levels.
3. Drum storage area 4 and trench (SA043) - Remove drums found in the stand of alder trees at the western edge of the site.

The public is encouraged to review and comment on the Proposed Plan. Written public comments will be accepted, as will comments made at the public meeting to be held at the King Salmon Air Station, Building 603 on April 16, 2013 at 7:30 p.m. The public comment period runs from March 25 through April 19, 2013.

For a copy of the Proposed Plan or additional information, or to send comments, please contact:

Mr. Charley Peyton  
Remedial Project Manager  
611 CES/CEAR  
10471 20th Street, Suite 348  
JBER, AK 99506-2201  
1-907-552-9765  
[charleypeyton@us.af.mil](mailto:charleypeyton@us.af.mil)

Supporting documents for King Salmon Air Station environmental investigations are available at <http://www.adminrec.com>. Select "DOD," then "PACAF," then "Alaska," and then "King Salmon."

**PUBLIC NOTICE**  
**STATE OF ALASKA**  
**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**CITY OF UNALASKA**  
**SOLID WASTE DISPOSAL PERMIT**

The Alaska Department of Environmental Conservation (ADEC) proposes to Issue Solid Waste Permit SW1A009-18 for the City of Unalaska to operate the existing City of Unalaska Sanitary Landfill, which is a Class I Municipal Solid Waste Landfill in Unalaska, Alaska, and to expand to include two additional operational cells.

**APPLICANT INFORMATION:**  
**Location:** One mile northeast of Unalaska on Summer Bay Road on BLM tracts 37 and 43, Township 73 South, Range 118 West, Seward Meridian.

**Owner/Operator:** City of Unalaska, P.O. Box 610, Unalaska, Alaska 99685

**PROJECT DESCRIPTION:**  
The applicant proposes to operate new landfill cells that are a lateral expansion to the current operations at the City of Unalaska Sanitary Landfill. The Phase II expansion requested by the landfill would open new cells II-1 and II-2, adjacent to the existing landfill. Based on review of the design ADEC proposes to issue Solid Waste Disposal Permit SW1A009-18 to include operation of the Class I Municipal Solid Waste Landfill, including the new cells.

**ADDITIONAL INFORMATION:**  
For information regarding the permit, please contact Kym Bronson at (907) 269-7626 or by email at [kym.bronson@alaska.gov](mailto:kym.bronson@alaska.gov).

**OPPORTUNITY FOR PUBLIC PARTICIPATION:**  
ADEC is seeking comment regarding the proposed expansion only. Notice is given that any person interested may present written comments relevant to the proposed permit to ADEC. Written comments will be included in the record if received before 5:00 p.m. on May 28, 2013. Submit written comments regarding the project to Kym Bronson, ADEC Division of Environmental Health, Solid Waste Program, 555 Cordova Street, Anchorage, Alaska, 99501; by fax at (907) 269-7600; or by email at [kym.bronson@alaska.gov](mailto:kym.bronson@alaska.gov).

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need a special accommodation in order to participate in this public process, please contact Deborah Pock at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 30 days of publication of this notice to ensure that any necessary accommodations can be provided.

s/b  
Lori Aldrich  
Solid Waste Program Coordinator  
4/12/13