CODE ORDINANCE

Requested by: City Council
Introduced Ord. No. 2013-07: April 25, 2013
Public Hearing Ord. No. 2013-07 Scheduled for: May 9, 2013
Postponed to: May 23, 2013
Public Hearing Ord. No. 2013-07 Scheduled for: May 23, 2013
Postponed to: June 6, 2013
Public Hearing Ord. No. 2013-07 Scheduled for: June 6, 2013
Substituted Ord. No. 2013-07 (SUB-1): June 6, 2013
Postponed to: June 13, 2013
Public Hearing on Ord. No. 2013-07 (SUB-1) Scheduled for: June 13, 2013
Enacted: June 13, 2013

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-07 (SUB-1)

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING SECTION 4.20.050 OF THE DILLINGHAM MUNICIPAL CODE, SALES TAX EXEMPTIONS

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

Section 1. Classification. This is a code ordinance.

Section 2. Amend Section 4.20.050 N. Section 4.20.050 N. of the Dillingham Municipal Code is hereby amended as follows with new text displayed in underlined font and deleted text displayed in strike out font.

4.20.050 Exemptions

N. Sale of ~~Native~~ all arts and crafts designed or produced in the Bristol Bay region ~~by the artist; except that~~ this exemption shall ~~not~~ apply to all businesses including those with a fixed location which sell ~~Native~~ Bristol Bay arts and crafts as dealer, broker, or agent. ~~This exemption shall apply to all businesses with total yearly sales of less than $20,000.~~

1. This exemption for all arts and crafts designed and produced in the Bristol Bay Region shall apply to all businesses with total yearly sales of less than $20,000 for all goods sold.

Section 3. Add a new exemption to Section 4.20.050. Section 4.20.050 of the Dillingham Municipal Code is hereby amended as follows with new text displayed in underlined font.

4.20.050 Exemptions

Z. The sale of fruits or vegetables grown or harvested in the Bristol Bay region as well as locally raised livestock and products derived from those livestock.

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

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on June 13, 2013.

SEAL:

Alice Ruby, Mayor

(Substitute language is indicated in gray-coloring.)

ATTEST:

Janice Williams

Janice Williams, City Clerk

City of Dillingham Information Memorandum No. O2013-07 (SUB-1)

Subject: An Ordinance of the Dillingham City Council Amending Section 4.20.050 of the Dillingham Municipal Code, Sales Tax Exemption

Agenda of: June 13, 2013

Council Action: At the June 6, 2013 Council meeting, City Manager Loera asked the Council to postpone adoption to the June 13, 2013 meeting.

Manager: Recommend approval

City Manager: Rose Loera
Rose Loera

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

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

Other Attachment(s):

- Analysis – Information for Council Consideration
- Public Hearing was advertised in the June 6, 2013 edition of Bristol Bay Times.

A public hearing is always added to the agenda whenever an ordinance is up for adoption, even if it was already scheduled for a public hearing on a previous agenda and then postponed to a date certain, and always if it is coming back as a substitute ordinance. The reason I bring this up is because during the May 23 Council meeting, I was asked if it was necessary to hold another public hearing, and I answered not if the hearing had already opened for testimony. My answer was intended for the advertising part of the public hearing. I didn't intend to confuse the situation. Yes, another public hearing is appropriate.

Summary Statement.

At the April 25 meeting when the ordinance was introduced, Mayor Ruby explained the city had received a petition that if it had moved forward would have resulted in a ballot measure in October. The Council decided to send it to the Code Review Committee to see if it would be interested in making those changes. Code created a Sub-Committee that met over three meetings. The Sub-Committee recommended the Council adopt the Ordinance, which would expand the exemption for collecting sales tax to all arts and crafts, not just Native arts and crafts, as the code currently existed, and to add an exemption for homegrown fruits and vegetables and products from livestock. Committee discussed for the City to try to enforce the code with as many small businesses as there were was unmanageable. The committee had to research the $20K cap that was recommended, the committee considered $10K. Changing it to $10,000 would have been considered substantive, and the petition would have had to go to the voters.

Mayor Ruby commented Adam Kane had presented his 20-page report, his peers were involved in arts and crafts sales and felt the burden of collecting sales tax was a disincentive

for being a small business. She noted an exemption already existed for Native arts and crafts, it was hard to define native arts and crafts, and his petition broadened it to all arts and crafts.

At the May 23 meeting, Mayor Ruby referred the Council to the lay down entitled Information for Council Consideration to explain what was being proposed. She noted in reviewing the exemption proposed by Adam Kane, the Sub-Committee found some inconsistencies in the code:

- the current code exempted Native crafts, but didn't define if it was native artists or crafts.
- requirements for business licenses and collection of sales tax was a disincentive for small business owners, because of the cost of state and local business license;
- enforcing the code generated less revenue than the cost of enforcement to the City;
- City's effort to enforce sales tax requirements for small businesses reduced the time could be spent on the larger business owners not complying with code;
- current code allowed participants not to collect sales tax at regularly sponsored nonprofit events, thought it probably included Farmer's Market in summer, but not really sponsored by anyone;
- general lack of knowledge what it means to be a business, could partner with others to create a brochure; and
- business license code wasn't consistent with sales tax code, required to get a business license even though not required to collect sales tax, not sure if this was an error, reason for Ordinance No. 2013-08.

During the discussion, a comment was made if the intent of the exemption on arts and crafts for all businesses making less than $20,000 might be misunderstood to exempt businesses like N&N from sales tax on native arts and crafts, answered it was for arts and crafts only for all businesses with total yearly sales of less than $20K; but could bring back additional wording to make it clear.

Staff suggested the following at the Council meeting to single out the last sentence, provide it with a subsection number (number 1) and add "of all goods". The attorney was contacted to ensure this was not a substantial change.

4.20.050 Exemptions

N. Sale of ~~Native~~ all arts and crafts designed or produced in the Bristol Bay region ~~by the artist~~; ~~except that~~ this exemption shall ~~not~~ apply to all businesses including those with a fixed location which sell ~~Native~~ Bristol Bay arts and crafts as dealer, broker, or agent.

1. This exemption for arts and crafts shall apply to all businesses with total yearly sales of all goods of less than $20,000.

INFORMATION FOR COUNCIL CONSIDERATION
PRESENTED MAY 23, 2013

Sub Committee directive: to review proposal and recommend whether Council should adopt revision or allow petition to go to election.

Sub-Committee assessment:

1. Petition identifies some inconsistencies in current city code.
2. The results of the petition proposal would **NOT** create a new exemption, rather it extends a current exemption that is already included in City Code.
3. The inconsistencies are not well understood and may generate unnecessary tension during the election.
4. Current Code exempts "Native" crafts (Note that code uses capital N). Not defined whether it means Native artist or Native
5. Current Code can be interpreted to encourage some small businesses while discouraging/discriminating against others, especially arts and crafts.
6. Requirement for business license and collection of sales tax is a disincentive for very small businesses.
7. Enforcing the code for every resident involved in small business would generate much less than the cost ot the City.
8. Entrepreneurial activities are critical for assuring income to many. The benefits to the City in terms of money circulating within the community far outweigh income that might be derived from business license and sales tax collected directly from the entrepreneur.
9. City effort to enforce sales tax requirement on small businesses will reduce time that should be devoted to the large abusers.
10. Current code allows participants to not collect sales tax at regularly scheduled nonprofit events . Presumed to include Arts Council Bazaar, Beaver Round Up Craft Fair because they are sponsored by non-profit organizations. Probably includes the Farmer's Market though it is less clear. Probably does not include the "Vendor Blender". Some further clarity would be added by revision in code because businesses that meet requirements would not need business license or to collect sales tax.
11. There is a general lack of knowledge and a need for a partner project between chamber, campus and the City to educate the public on business requirements. Maybe a brochure to enlighten.

Amendment of the business license code is not a part of the petition, but is recommended by Sub-Committee:

1. Sub Committee identified some inconsistencies in the current code for business licenses while assessing the petition impacts.
2. Business licenses required by businesses that are not required to collect or remit sales tax which appeared to be an unnecessary burden.
3. Business licenses requirements in general are covered in DMC Title 4 (Revenue and Finance) while DMC Title 6, which is titled Business Licenses and Regulations contains language only about Transient Vendors.

Information for Council Consideration

Current vs Proposed
Sales Tax

Comparison	Current Code	Proposed Revision
	4.20.030 Imposition of tax. A. There shall be levied and collected within the city a tax on all sales at retail made within the city, all professional or occupational services, all materials furnished and services rendered in connection with the accomplishment of a specific project or end product, all rental of property, facilities and accommodations. The applicable tax rate (see Section 4.20.080A) shall be added to the sales price	
	4.20.050 Exemptions. The tax levied shall not apply to the following: K. An isolated sale not made in the regular course of business of the seller; M. Sales of property at temporary venues for annual civic events which serve to promote Dillingham to residents of Bristol Bay villages or to tourists	**4.20.050 Exemptions.** The tax levied shall not apply to the following:
	N. Sale of Native arts and crafts by the artist; except that this exemption shall not apply to businesses with a fixed location which sell Native arts and crafts as dealer, broker or agent;	N. Sale of all arts and crafts designed or produced in the Bristol Bay Region; this exemption shall apply to all businesses including those with a fixed locaation which sell Bristol Bay arts and crafts as dealer, broker, or agent. This exemption shall apply to all businesses with total yearly sales of less than $20,000.
	V. Fees earned for child care services;	Z. The sale of fruits or vegetables grown or harvested in the Bristol Bay region as well as locally raised livestock and products derived from those livestock.
Projected Fiscal Impact		decrease of $2,000 in sales tax revenue based on currently filed sales tax reports

Information for Council Consideration

Current vs Proposed Business License

Comparison

Current Code	Proposed Revision
4.16.010 General. In order to operate a business within the city, it is necessary to obtain a Dillingham business license. This chapter shall be known as the Dillingham Business License Ordinance. (Ord. 92-13 § 1 (part), 1992.)	**4.16.010 General.**
4.16.020 Definitions. When not otherwise indicated by context, the following words and phrases have the following meanings: "Business" means a person (as defined in Section 4.20.020), partnership, corporation or company of any sort providing goods or services within the city for a profit.	**4.16.020 Definitions.** Business means: A. A person (as defined in Section 4.20.020), partnership, corporation or company of any sort providing goods or services within the city which received gross revenues in excess of ten thousand dollars the preceding calendar year or is expected to receive gross revenues in excess of ten thousand dollars in the current calendary year. B. A person (as defined in Section 4.20.020), partnership, corporation or company of any sort providing the service of operating a taxicab or vehicle for hire and required to have a business license and remit sales tax regardless of amount of sales.
"Home business" means the sale of goods or services produced from one's home and which have not produced gross revenues in excess of ten thousand dollars in any of the preceding calendar years. "Nonprofit sponsored event" means an event by a nonprofit organization meeting all requirements of state and federal law. "Regularly scheduled nonprofit event" means an event scheduled daily, weekly or monthly and permanently staffed by paid or volunteer but keeping scheduled hours. Example: thrift store, gift shop owned by nonprofit businesses, bingo or other games of skill and chance. (Ord. 92-13 § 1 (part), 1992.)	

Information for Council Consideration

"Taxicab" or "Vehicle-for-Hire" means a motor vhicle regularly employing a seating capacity of fifteen (15) persons or less, including the driver, used to transport passengers for a fee whether furnished pursuant to a lease agreement, rental agreement or any other kind of agreement, however communicated. The seating capacity of a taxicab or vehicle-for-hire is limited to the number of manufacturer's installed seat belts. Notwithstanding the foregoing, the ter "taxicab" or "vehicle for hire" shall not include motor vehicles used to provide passengers a sightseeing experience or used incident to an organized tourist excursion.

4.16.030 Application for license.
B. The applicant shall also certify that the business has or has applied for an Alaska Business License if required by state law,
AR note: Alaska Business License $50 for new/renewal

4.16.040 Fee.
Each application shall be accompanied by the fee, or a request for a waiver.
A. Regular license fee, fifty dollars per year.
B. Home business (fee waived upon request) and signing of certification by applicant.
C. All participants in nonprofit sponsored events where home craft items are sold, no license will be required.
D. Regularly operated nonprofit events will be required to file an application to be exempted from paying a license fee.
(Ord. 92-13 § 1 (part), 1992; Ord. 98-3 § 1 (part), 1998.)

deleted

4.20.050 Exemptions
Z. Sales of goods and services made by persons not required to obtain a business license under Chapter 4.16,

Projected Fiscal Impact

Pastor keeps youth active through hockey

Youth teams end season by hosting Tok team in Barrow

BY HANNAH HEIMBUCH
Arctic Sounder

Barrow's Darryl Serino has three kids of his own, but as coach for Barrow's busy youth hockey program he mentors a number closer to 50.

"Being able to minister to kids through the sport of hockey has just been a huge blessing for me," Serino said.

It keeps him busy and active, Serino said, and connected to the community's youth in a positive and inspiring way.

The youth hockey team, called the Barrow Blizzard, includes youth ages 5 to 18. They make up approximately three teams of varying levels and ages. Being a plane ride and quite a distance from other hockey teams in the state, it's difficult to find opportunities to play other teams, Serino said.

"They don't get to play teams regularly like in other parts of Alaska or the country," Serino said. "We can't drive to the next town. The closest hockey program from us is either in Fairbanks or in Anchorage. So it's really difficult to get teams to play us."

They solve that problem by fundraising to travel out of Barrow to play, and to bring teams in.

Most recently they hosted an aged 10 and under youth team from Tok, bringing the kids in for a weekend tournament. The team raised $5,000 in order to bring in their fellow Alaskan youth, and it was a first trip to Barrow for all of the visiting kids.

It was a great way to wrap up the season, Serino said, giving their team a chance to show other kids around Barrow, and getting in some valuable ice time. They were able to get in seven games.

"That went really good that was a lot of fun for all the kids involved," Serino said. "Our kids and the kids from Tok. We all had a good time."

While traveling outside is an excellent experience, Serino said, bringing teams in gives all of the Barrow hockey players a chance to play another team.

"Not every kid that plays hockey from Barrow can go on a trip out," Serino said. "When teams come up here they all get playing time. That's why I like bringing teams up more than anything else."

While the hockey season recently came to a close as summer sun made quick work of the ice, Serino is already planning more host opportunities. A youth team from Homer flew up to Barrow last year, a trip he hopes to organize again in the near future.

The 14 and under team made a big trip this spring, traveling all the way to Chicago to participate in a February President's Day Tournament.

"(They) played hard in Chicago," said City of Barrow Recreation Director Mike Mason, "but were unable to come up with a win against formidable competition with more experience and skill. The trip was a success based on the exposure and experience to be in a true hockey town such as Chicago."

Older youth players get a chance to compete on several levels, Mason said.

"The Blizzard also consists of seven players whose ages range from 15 to 18," he said. "They compete in the local adult league at the City of Barrow, Tupikpaq, which is Inupiat for ice rink."

Serino has been coaching hockey in Barrow for five years, and is currently the President of the Barrow Hockey and Curling Association. He's a vital part of the rink activities in Barrow, Mason said.

"He not only coaches but provides much needed upkeep on the rink and all equipment related to the hockey teams," he said. "He is also the primary Zamboni driver fo the rink."

These kids are definitely crazy abou hockey, Serino said, otherwise the wouldn't be suiting up for practice an games in minus 20 weather.

It's also important to stay active in the of season, Serino said, and he encourages al of his players to keep moving after the ic melts. Many take part in structured sum mer athletics, he said.

"A lot of them go out of town," Serin said. "And they go to sports camps Basketball camps, soccer, baseball. A lot o them stay here even and there's basketbal gym."

Serino and his kids stay busy playin soccer, softball and baseball, he said, tryin to maintain an active routine.

"They stay pretty active," he said "There' a lot of stuff for them to do. Getting out an staying active is a really important part o developing athletes."

He encourages all Barrow youth to con sider hoping on a bike or tossing a ball out side whenever they can, rather than stay ing inside with TVs and computers.

Hannah Heimbuch can be reached at hheim buch@reportalaska.com.

BLOTTER

From Page 14

it was stopped to let students off the bus.

MVA Damage – Officer investigated a minor accident that occurred when a gust of wind blew one driver's door hard enough that it struck the vehicle parked nearby.

Domestic Disturbance – Officers investigated a report that a couple might be engaged in a domestic dispute near their automobile. After talking with both parties officers determined that no violence had occurred.

Drug Law Violation — Officers investigating a domestic disturbance discovered that there was marijuana in the couple's vehicle. Rodney R. Webb, 24 yoa, of Unalaska, turned the marijuana over to police. He was cited for one count of Misconduct Involving a Controlled Substance VI.

Unsecured Premise — A school outbuilding was left unlocked. After contacting a responsible party, officers checked the building for intruders and finding none, allowed the responsible party to secure the door.

May 25

MVA Damage – Officer investigated a minor parking lot collision. One driver was cited for Failure to Exercise Due Care and another for Insurance to be Exhibited on Demand.

Theft — A woman reported several items of used women's clothing, an X-box and some heating fuel might have been stolen from her residence. The woman provided the names of two men as possible suspects. Under investigation.

Drug Law Violation — Security officers turned over handwarmers which they believed might contain methamphetamine, as the person on whom they had been found had UA-tested positive for some. No illegal substances were found.

CITY OF DILLINGHAM ALASKA

NOTICE OF A PUBLIC HEARING
Public Hearing on Ordinance Nos. 2013-07 (SUB-1), 2013-08, 2013-10, 2013-11

The City Of Dillingham will hold a **Public Hearing** on Thursday, June 13, 2013, at 7:00 P.M. in the City Council Chambers for the purpose of taking comment from the public on the following ordinances:

Adopt Ordinance No. 2013-07, An Ordinance of the Dillingham City Council AmendingSection 4.20.050 of the Dillingham Municipal Code, Sales Tax Exemption

Adopt Ordinance No. 2013-08, An Ordinance of the Dillingham City Council Amending Chapter 4.16 of the Dillingham Municipal Code to Require a City Business License Only if Sales Exceed Ten Thousand Dollars in a Calendar Year and Exempt Sales of Goods and Services Made by Persons Not Required to Obtain a Business License

Adopt Ordinance No. 2013-10, An Ordinance of the Dillingham City Council Amending Chapter 4.40 to Create a Denied Services List that will Terminate Eligibility for Municipal Services for Certain Individuals Whose Accounts are Past Due and to Create Procedures for Adding Such Persons to the List and to Amend Numerous References to the List in the Code for Clarity and Uniformity

Adopt Ordinance No. 2013-11, An Introduce Ordinance No. 2013-11, An Ordinance of the Dillingham City Council Amending Chapter 4.15, Real and Personal Property, Section 4.15.185 to Amend the Interest Rate Applicable to Delinquent Property Taxpayers in an Economic Disaster Year, Adding Section 4.15.365 Repayment Plan, and Amending Section 4.20.0265 to Permit the City to Enter Into Repayment Plans With Delinquent Taxpayers

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

Bristol Bay Area Health Corporation - Job Listing
For more information on any of these positions please contact the Human Resources office at:
PO Box 130, Dillingham, AK 99576
907-842-5201 ext. 6324 or toll-free 1-800-478-5201 ext. 6325
www.bbahc.org

Administrative
Audiologist
1 full-time
Behavioral Health Counselor
1 full-time
Family Practice Physician
3 full-time
ILP Early Intervention Therapist/ Teacher
1 full-time
Infection Control Coordinator
1 full-time
Medical Technologist
1 full-time
Pediatrician
1 full-time
Pharmacy Manager
1 full-time
Radiographer III
1 full-time
Registered Dietitian & Physical Health Instructor
1 full-time
Registered Nurse
1 full-time
RN Case Manager
1 full-time
WIC Director
1 full-time

Community Health
Community Health Aide/ Practitioner
6-hour position(s)
1- Aleknagik
1 – Clarks Point
1 – Levelock
1 – Pedro Bay
1- Iliamna
1 – Kokhanok
1- Togiak
2- South Naknek
or
Medical Receptionist
6 month temporary
Training Supervisor
1 full-time

Support Services
Biller/Collector II
2 full-time
Central Supply Clerk
1 full-time
Central Registrar
1 full-time
Clinical Assistant
1 full-time
Coding Technician
2 full-time
Cook
1 call-in
Custodian
1 call-in
Community Health Services Scheduler
1 full-time
Dental Assistant I
1 full-time
Financial Counselor
1 full-time
General Engineer
1 full-time
Health Educator I
1 part-time-30 hrs minimum
Health Unit Coordinator
1 call-in
Lead Cook
1 full-time
Payroll Technician
1 full-time
Purchasing Agent
1 full-time
Maintenance Manager
1 full-time
Resident Attendant
1 call-in
Security Manager
1 full-time
Stock Utilities Worker
1 full-time

Excellent benefit package available to regular full/part-time employees. BBAHC is an Equal Opportunity Employer operating under the Alaska Native and American Indian Preference in Hiring provisions of PL93-638. Pre-employment drug screening and a completed background investigation and determination that the applicant meets the eligibility criteria of the Alaska Barrier Crimes Act and, where applicable, the Indian Child Protection Act, are prerequisites to hiring. **LIST SUBJECT TO CHANGE • LAST UPDATE 4/4/13**