

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-17

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING TITLE 17 OF THE DILLINGHAM MUNICIPAL CODE TO ADD SECTION 17.33 ESTABLISHING A SIMPLE PROCEDURE FOR DEDICATING RIGHTS-OF-WAY FOR A PUBLIC PURPOSE

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Amendment of Title 17. Title 17 of the Dillingham Municipal Code is hereby amended by adoption of a new chapter 17.33 to read as follows:

**Chapter 17.33
RIGHTS-OF-WAY DEDICATED FOR A PUBLIC PURPOSE**

Sections:

- 17.33.010 Right-of-Way Acquisition Plats.**
- 17.33.020 Standards and Requirements Generally.**
- 17.33.030 Certificates and Affidavits Required.**
- 17.33.040 Recordation.**

17.33.010 Right-of-Way Acquisition Plats.

A. A plat that is not intended to create lots, but limited to the dedication of rights of way for a public purpose such as streets, highways, or airports, is subject to approval under this chapter only and is not subject to any other approval procedure for plats under this chapter, except where hereinafter stated.

B. Submission Requirements. A right-of-way acquisition plat submitted under this section must contain the following information:

1. The location, name and number of the project for which the acquisition is required;
2. The proposed timetable for acquisition and construction;
3. The dimensions and area of the parcels to be acquired and each remainder parcel;
4. The names of the property owners identified by parcel.

C. Review and Approval Procedures. The Planning Director, or his/her designee, shall review the preliminary right-of-way acquisition plat for completeness prior to consideration by the Planning Commission. If the plat does not meet the requirements of this section it shall be returned to the submitting agency with an explanation of the deficiencies.

1. The public notice and hearing requirements applicable to other plats submitted for approval by the Commission apply to right-of-way acquisition plats.

2. The preliminary approval of a right-of-way acquisition plat is effective for twenty four months, provided the Planning Director may grant an extension for filing the final plat upon finding that it is in the public interest to do so.
3. No parcel may be acquired for right-of-way purposes until a preliminary plat has received final approval.

D. Survey and Monumentation. Unless otherwise agreed to in writing by the Planning Commission, all monumentation, re-monumentation, right-of-way alignment and reconstruction and other requirements of the Planning Commission or of this title must be met before approval of the final plat unless it is clearly impractical or legally impossible to accomplish prior to final plat approval. Any action required as a condition of final plat approval but not to be accomplished prior to such approval must be completed under such terms and conditions as are set out in writing by the Planning Commission.

E. Remainder Parcels. No remainder parcel resulting from the right-of-way acquisition plat shall be allowed which does not conform to applicable City codes unless a note is placed on the plat indicating that damages have been paid to the owner of the remainder and that the nonconforming remainder cannot be developed without first being re-platted so as to conform to applicable City codes.

17.33.020 Standards and Requirements Generally.

A. Reasonable Compliance. To the extent reasonably practicable, a right-of-way acquisition plat shall comply with the provisions of this chapter setting forth the general requirements and design standards and required improvements of subdivisions.

B. Registered Survey. The survey shall be performed and the map prepared by a surveyor registered in Alaska. Such map shall describe the entire ownership involved in the process of division; provided, that where the division results in a residual parcel in excess of ten acres, not intended for immediate sale or other conveyance, the Planning Commission may waive the requirement for inclusion of the residual parcel. In this event, a supplementary map of reasonable accuracy shall be attached showing the relationship to the original ownership of the parcel being severed.

C. Monuments. All corners shall be permanently monumented.

D. Drafting Standards. The final plat shall be clearly and legibly drawn in India ink on Mylar. The size of the map shall not be less than 11" x 17". The map of a right-of-way acquisition plat shall be drawn at a scale that is appropriate for the area depicted.

17.33.030 Certificates and Affidavits Required.

A. Owners and Surveyors. The right-of-way acquisition plat shall include the certificate of ownership and the affidavit of the surveyor who surveyed and mapped the parcel, typed, lettered or reproduced legibly with non-fading black ink, giving a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the U.S. public land survey or some corner providing reference to a corner

marked and established in the U.S. public land survey. Such affidavit shall include the statement of the surveyor to the effect that he or she fully complied with the requirements of this section. Every right-of-way acquisition plat shall show the initial point of survey, the basis of bearing original or re-established corners, with description of them, referencing the recorded distance and bearings and the source of record and actual traverse showing area of closure and all measured, calculated and recorded distances required to determine initial point, corners and distances of the plat.

B. Certificate of Approval. Certificates of approval, as required, shall be typed, lettered or reproduced legibly with non-fading black ink on the face of the map.

17.33.040 Recordation.

Following approval of the final plat of the right-of-way acquisition plat the certified map shall be submitted to the Planning Director for recording.

Section 2. Effective Date. This ordinance shall be effective upon adoption.

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

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

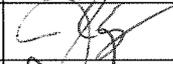
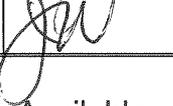
Subject: An Ordinance of the Dillingham City Council establishing a simple procedure for approving right-of way plats for roads

Agenda of: October 10, 2013

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Public Works/Francisco Garcia		
X	Planning/Jody Seitz		
X	City Clerk / Janice Williams		

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

- Other Attachment(s):**
- PCR Resolution No. 2013-16

Summary Statement.

This ordinance was requested by the Alaska Department of Transportation and Public Facilities because it is an expeditious way to establish a tentative road right-of-way preliminary plat for the purposes of acquisition of rights of way. There is no current process in code for acquiring rights-of-way for roads.

Once the right-of-way acquisition period is over and all the rights-of-way have been acquired or not, the final plat can be presented and recorded.

This process simplifies the platting needed to record a road right-of-way and avoids the prospect of doing individual small subdivisions along the road.

The process presented in draft ordinance would apply to all future road projects.

RESOLUTION 2013-16
A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Recommending adoption of an ordinance to plat rights-of way

WHEREAS, the Alaska Department of Transportation and Public Facilities will be upgrading the Downtown Streets in 2015; and

WHEREAS, the ADOT will need to acquire rights-of-way for the project; and

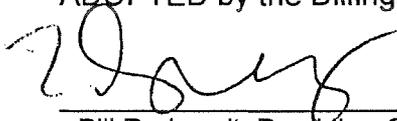
WHEREAS, ADOT has requested a different procedure than the City has for subdivisions in Title 17 in order to have the flexibility and coordination required to complete right of way acquisition in a practicable manner; and

WHEREAS, the City of Dillingham does not currently have an ordinance which is specifically for platting rights-of-way, and

WHEREAS, other municipalities have enacted such ordinances at ADOT's request;

THEREFORE, BE IT RESOLVED that the Dillingham Planning Commission recommends adoption of an ordinance for approving preliminary and final right-of-way acquisition plats.

ADOPTED by the Dillingham Planning Commission August 20, 2013.



Bill Rodawalt, Presiding Officer



Jody Seitz, Recorder

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-18

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 2.80 PUBLIC LIBRARY TO REMOVE LIBRARY BOARD AND CREATE A LIBRARY ADVISORY BOARD BY RESOLUTION AND TO AMEND SECTIONS LIBRARIAN AND VIOLATION OF LIBRARY PROPERTY

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

Section 1. Classification. This is a code ordinance.

Section 2. Amend Chapter 2.80, Public Library, to delete references to Library Board. Chapter 2.80 of the DMC is hereby amended to repeal sections 2.80.040 through 2.80.140 and reenact as follows:

Sections:

- 2.80.010 Established.
- 2.80.020 Purpose.
- 2.80.030 Management.
- 2.80.040 ~~Library board.~~ **Library Advisory Board.**
- 2.80.050 ~~Library board duties.~~ **Librarian.**
- 2.80.060 ~~Vacancy.~~ **Inventory of books and other property.**
- 2.80.070 ~~City council may remove any member(s) for just cause.~~ **Violation of Library property.**
- 2.80.080 ~~Organization and procedures.~~ *Repealed*
- 2.80.090 ~~City manager and librarian to act as ex officio members.~~ *Repealed*
- 2.80.100 ~~Policies and procedures.~~ *Repealed*
- 2.80.110 ~~Librarian~~ *Repealed*
- 2.80.120 ~~Inventory of books and other property.~~ *Repealed*
- 2.80.130 ~~Violation of Library property.~~ *Repealed*
- 2.80.140 ~~Violation prohibited.~~ *Repealed*

2.80.010 Established.

There shall be a library in and for the city of Dillingham to be known as the Dillingham public library. (Ord. 95-04 § 1 (part), 1995.)

2.80.020 Purpose.

The Dillingham public library shall provide community library services to the residents of Dillingham and may apply for and receive grants and donations for such purpose. (Ord. 95-04 § 1 (part), 1995.)

2.80.030 Management.

The city council shall have the overall authority and responsibility for the city library. (Ord. 95-04 § 1 (part), 1995.)

~~2.80.040 Library board.~~ **Library Advisory Board.**

There shall be a Library Advisory Board created by a resolution.

~~A. There is established the Dillingham public library board, consisting of five members who are appointed by the city council. The members shall be adult residents of Dillingham.~~

~~B. Members of the board shall serve for terms of three years, or until their successors are appointed and qualified; provided, that the terms of no more than three members shall expire in any one calendar year.~~

~~C. Members shall serve without pay, except that they may be compensated for expenses in accordance with the budget appropriations. (Ord. 95-04 § 1 (part), 1995; Ord. 12-12 § 1, 2012.)~~

~~2.80.050 Library board duties.~~

~~A. Establish operational policies for the library program, and submit same to the city council for approval. All policies of the program established by the library board are effective until review by the council and remain effective unless specifically disapproved by the council. (Ord. 95-04 § 1 (part), 1995.)~~

~~2.80.060 Vacancy.~~

~~In the event of a vacancy for any reason, the city council shall appoint a person having the qualifications as provided in Section 2.80.040 to fill such vacancy for the unexpired term. If a member has three consecutive absences from regular meetings, without excuse, such seat shall immediately be declared vacant. (Ord. 95-04 § 1 (part), 1995.)~~

~~2.80.070 City council may remove any member(s) for just cause.~~

~~The city council may remove a member for cause by majority vote at a public meeting. (Ord. 95-04 § 1 (part), 1995.)~~

~~2.80.080 Organization and procedures.~~

~~A. Each October at a regular meeting the members of the board shall elect a chairman, vice chairman and secretary to conduct business for the following year. In the event of vacancy in these offices, the members shall promptly elect interim officers to serve until the regular election of officers the following October.~~

~~B. The board may adopt laws for the orderly conduct of its business. In the absence of bylaws, meetings shall be conducted in accordance with Robert's Rules of Order.~~

~~C. The board shall establish a time and place for regular meetings and make such information available to the residents of Dillingham.~~

~~D. Special meetings of the board may be called by the chairman, or in the chairman's absence, the vice chairman, or by any two members of the board, on any question, upon two days' prior notice.~~

~~E. The board shall keep records or minutes of its meetings as permanent records of the city. (Ord. 95-04 § 1 (part), 1995.)~~

~~2.80.090 City manager and librarian to act as ex officio members.~~

~~The city manager and the librarian shall serve as ex officio members of the board, but shall have no vote or office. (Ord. 95-04 § 1 (part), 1995.)~~

~~2.80.100 Policies and procedures.~~

~~A. The board shall advise the city council on policies and procedures desirable for library operation, shall provide for the acceptance of gifts, endowments and other like donations; may advise the librarian on preservation and protection of historical donations and acquisitions.~~

~~B. On or before September 15th of each year the board shall submit to the city council a written report concerning the proceedings of the board with reference to the library and a statement of all receipts and expenditures, donations, gifts and acquisitions and their value and the value of any lost or destroyed property during the preceding fiscal year.~~

~~C. The board shall prepare rules for the operation of the library including, but not limited to, the hours of operation, length of time books or other items may be borrowed and fines. All rules must be approved by the city council.~~

~~D. The board shall perform all necessary and proper acts permitted by this chapter, or as assigned by the city council, for the development and maintenance of the library and its programs. (Ord. 95-04 § 1 (part), 1995.)~~

2.80.110 2.08.050 Librarian.

There is established the position of librarian for the Dillingham public library, who shall be appointed by and serve under the supervision of the city manager. **The librarian attends the meetings of the Library Advisory Board and serves as a liaison between the board and the city manager.** The librarian shall be responsible for the efficient and economical conduct of the library. (Ord. 95-04 § 1 (part), 1995.)

2.80.120 2.80.060 Inventory of books and other property.

All books and other property owned by the library shall be cataloged and inventoried and clearly marked as property of the Dillingham public library. (Ord. 95-04 § 1 (part), 1995.)

2.80.130 2.80.070 Violation of library property.

A. No person shall willfully detain any library property for more than thirty days after the date upon which it was to be returned. Notification that library property is overdue may be made by mail. **email when available and by mail if possible.** A person who fails or refuses to return overdue property shall be liable for the full replacement value of the overdue property.

B. The librarian shall revoke borrowing privileges for any person who accrues more than **three** ~~ten~~ dollars in fines for overdue property or who, upon notice, has failed or refused to return borrowed property thirty days thereafter, or who has failed or refused to pay the full replacement cost of borrowed property. (Ord. 95-04 § 1 (part), 1995.)

2.80.140 Violation prohibited.

~~Violation of this chapter constitutes a misdemeanor and is punishable by a fine of not more than three thousand dollars. (Ord. 95-04 § 1 (part), 1995.)~~

Section 3. Effective Date. This ordinance shall be made effective upon passage.

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

_____.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: An Ordinance of the Dillingham Municipal Code amending Chapter 2.80 to create a Library Advisory Board by resolution and remove reference to Library Board in the Dillingham Municipal Code

Agenda of: October 10, 2013

Council Action:

Manager: Recommend approval

City Manager: *Cara Shade Acting*
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Library / Sonja Marx	<i>SJM</i>	
X	City Clerk / Janice Williams	<i>JW</i>	

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

Other Attachment(s):

- Draft Resolution adopting a Library Advisory Board

Summary Statement.

This item was added to the Code Review Committee's task list following a recommendation from the Library Board to make some changes in the Library ordinance.

The Code Review Committee discussed the differences between the Library Board and the Friends of the Library, and advised recreating the Library Board as an advisory board to bring it more in line with the committee process.

The Library Advisory Board will be adopted by a resolution and will follow the parameters adopted in Ordinance No. 2010-08, June 2010, establishing future advisory boards and commissions. The resolution will be brought before the Council at their November 7 Council meeting, following a public hearing on Ordinance No. 2013-19 to create the Library Advisory Board by resolution.

The Code Review Committee is recommending to the Council that this ordinance be adopted.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-XX

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL CREATING A CITY OF DILLINGHAM LIBRARY ADVISORY BOARD

WHEREAS, the Library Board had offered some changes to Dillingham Municipal Code Chapter 2.080, Public Library; and

WHEREAS, the City Council recommended vetting those suggested changes through the Code Review Committee; and

WHEREAS, the City has been working to standardize the format of the various boards and committees, following the adoption of DMC Chapter 2.90, Advisory Boards and Commissions, enacted June 24, 2010, that established future advisory boards and committees of the council would be authorized by resolution; and

WHEREAS, at the October 10, 2013, Regular Council Meeting, Ordinance No. 2013-18 was introduced as approved by the City Council, and scheduled for a public hearing and adoption at the November 7, 2013 Council meeting;

WHEREAS, Ordinance No. 2013-18 would replace the Library Board with a Library Advisory Board structured after Chapter 2.90;

WHEREAS, the existing members of the Library Board would be seated on the newly formed Library Advisory Board through the remainder of their terms;

NOW, THEREFORE, BE IT RESOLVED, that the Dillingham City Council establishes a Library Advisory Board with the following structure and responsibilities:

1. The Board shall be made up of seven members nominated by the Mayor and confirmed by the Council. At least two of the members will represent the University of Alaska Fairbanks Bristol Bay Campus and Dillingham Middle/High School.
2. A member shall be a resident of the greater Dillingham area and be a registered voter with the State of Alaska.
3. The presiding officer shall be recommended by the Library Advisory Board, nominated by the Mayor and confirmed by the City Council.
4. Members of the Board, with the exception of the two representatives, shall serve for three years with seats staggered that expire in September or until their successors are appointed and qualified; provided that the terms of no more than three members shall expire in any one calendar year. The University of Alaska Fairbanks Bristol Bay Campus and Dillingham Middle/High School representatives will be appointed annually in September.
5. The Board shall be advisory to the City Manager and Librarian recommending operational policies for the library program, and submitting same to the City Council for approval.

6. The Board shall prepare rules for the operation of the library, including, but not limited to, general promotion and community outreach, the hours of operation, length of time books or other items may be borrowed and fines. All rules must be approved by the City Council.
7. The Board may not obligate the City of Dillingham, but may serve as advisory to the City Manager on application for, receipt of and/or management of any funds for or by the City of Dillingham for the Public Library.
8. The Presiding Officer shall ensure that written minutes of every meeting are kept and provide copies of the minutes to the City Clerk. All meetings shall be conducted in accordance with Robert's Rules of Order and DMC Chapter 2.90.050, Procedures.
9. The Library Advisory Board shall remain in existence unless otherwise notified by the City Council.

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

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-19

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING TITLE 1 OF THE DILLINGHAM MUNICIPAL CODE TO CREATE A FINE SCHEDULE FOR MINOR OFFENSES AND AMENDING OTHER TITLES TO MAKE VIOLATIONS AND PENALTIES CONSISTENT WITH NEW TITLE 1

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Repeal and re-enactment of Chapter 1.20. Chapter 1.20 of the Dillingham Municipal Code is hereby repealed and re-enacted to read as follows:

1.20.010 General penalty.

A. Every act prohibited by city ordinance is unlawful. Unless another penalty is expressly provided by this code for a particular act or offense, every person convicted of a violation of any provision of this code, or any rule or regulation adopted or issued pursuant to this code shall be punished by a fine of not more than three hundred dollars.

B. In addition to any other remedies or penalties which may be provided in this code, or may otherwise be available, the city or any aggrieved person may institute a civil action to obtain injunctive or compensatory relief against a person who violates any provision of the code. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of violation or threatened violation, the superior court shall grant the injunction.

C. Each act of violation and every day upon which the violation shall occur will constitute a separate offense.

D. Any surcharge required to be imposed under AS 12.55.039 shall be added to any penalty imposed or levied pursuant to this section, and all such collected surcharges shall be remitted to the State of Alaska, Department of Administration as required by AS 29.25.074.

1.20.020 Procedure.

A. The charge for the violation of a code provision may be brought by a city police officer, the city manager, or that city official responsible for the administration and enforcement of the code provision which has been violated.

B. The City shall use the Alaska Uniform Citation form to provide notice of an infraction to anyone accused of violating any provision of this Code.

1.20.030 Disposition of infraction offenses.

A person charged with an infraction offense may appear in court to contest the charge, and must appear if the citation indicates that a court appearance is mandatory. As an infraction, trial is by the court without a jury, and there is no right to court-appointed defense counsel.

1.20.040 Minor Offense Fine Schedule.

In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-230, without a court appearance, upon payment of the fine amounts listed below, plus the state surcharge required by AS 12.55.039 and AS 29.25.074. The Alaska Court System's Rule of Minor Offense Procedures applies to all offenses listed below. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine schedule amount listed below for that offense. Citations charging these offenses must meet the requirements of the Minor Offense Rules. The fines set forth below may not be judicially reduced.

Code Section	Offense	Penalty/Fine
2.42.050.A	Failure to register/pay for mooring of vessel	75
.B	Failure to display registration or obtain new mooring agreement	75
.C	Mooring in prohibited area	75
.F	Providing false information on mooring agreement or application	75
.G	Failure to attend to vessel	75
.I	Failure to display harbor decal	75
2.42.090.E	Providing false information on mooring agreement or application	75
.F	Failure to respond	75

.H	Failure to display harbor decal	75
2.42.100.E	Failure to remove vessel	75
2.42.130.A	Reckless operating – vessel	300
.B	Negligent operating – vessel	300
.D	Noise violation – vessel	75
.E	Excessive speed – vessel	75
.F	Anchoring within Port without permission	75
.G	Failure to stop for Port Director	75
2.42.140.A	Blinding light violation underway	75
.B	Light violation not underway	75
.C	Nuisance light violation	75
2.42.150.C	No exhaust muffler	75
2.42.160	Obstruction of navigation by auxiliary vessel	75
2.42.170.A	Unlawful occupancy of vessel	75
2.42.180.A	Dumping trash in port	300
.B	Failure to maintain floats and premises in an orderly condition	75
.C	Littering in port	75

.D	Improper disposal of waste oil	75
.E	Discharge oily waste	300
2.42.190.B	Unlawful storage	75
2.42.200.A	Unlawful access of port utilities	75
.B	Damaging port facilities	75
.C	unpermitted waste disposal	75
2.42.210	Float bumpers, improper material	75
2.42.220.A	Using skids for vessel removal	75
.B	Freight loading without fees, private or common carrier	75
2.42.230	Failure to report accident	300
2.42.240.A	Unattended fire or flames	300
.B	Combustible liquid on port facilities	75
.C	Lack of fire suppression	75
.D	Smoking where prohibited	75
2.42.250.A	Unrestrained animal	75
.B	Failure to clean up after dog	75
.C	Excessive noise or other disturbance by pet	75

2.42.260	Unaccompanied minor	75
2.42.270	No wheeled vehicles	75
2.42.280.A	Posting signs without permission	75
2.42.290	Fishing from dock	75
2.42.300.A	Diving, swimming within port	75
2.42.310	Vessel repairs without permission	75
.320.A.1	Nuisance within the Port	75
A.2	Sign tampering	75
A.3	Interfering with Port director	300
4.16.060	Business license violation	75
.070	Failure to post business license	75
4.20.210.A.1	Failure to obtain certificate to collect city sales tax	300 first offense 500 second offense
A.2	Failure to remit sales tax returns	75
A.3	Falsifying sales tax records	300 first offense 500 second offense
A.4	Failure to allow inspection of records	300 first offense 500 second offense
4.21.140.C	Failure to apply for certificate of	300 first offense 500 second

	registration for fish tax	offense
4.22.090.C	Failure to apply for certificate of registration, severance tax	300 first offense 500 second offense
7.03.010.A	Domestic Animal Registration Required	75
7.03.010.E	Registered Domestic Animal Shall Bear Registration Tag	75
.F	Failure to produce registration	75
.G	Failure to transfer registration	75
.H	Use of another animal's tag	75
.I	Rabies vaccination	75
7.03.020.A	Kennel permit required	75
7.04.010.A	Failure To Restrain Animal - First through Fifth Offense	75
.B	Failure to confine sick animal	75
.C	Releasing animal owned by another	75
.D	Releasing quarantined animal	300
7.06.010.A	Selling sick animals	75
.B	Buying or selling unweaned animals	75
7.06.020.A	"Free" Animals – unweaned	75

7.07.010.A	Animals Creating Disturbance or Nuisance Prohibited	75
.B	Animal disturbing public property	75
.C	Animal disturbing private property	75
.B	Animal disturbing garbage	75
7.07.020.B	Dangerous Animals Prohibited	75
7.08.010	Animal Cruelty Prohibited	300
7.09.030	Unlawful release of impounded animals	300
7.12.010	Possession of wolf hybrid	300
7.14.020	Violate quarantine	300
7.15.010	Handling rabid animals	75
7.15.020	Violate area-wide quarantine	300
8.04.030	Improper storage of refuse	75
8.04.040	Containers on right of way	75
8.04.050	Failure to dispose of refuse	75
.060	Improper transport of refuse	75
8.08.010	Fireworks prohibited	75
8.10.030	Smoking prohibited where posted	75 per day

9.38.010.C	Public drunkenness	75
9.38.020	Nuisance – excessive noise	75
9.38.035	Excessive noise projection	75
9.38.040	Excessive noise – motor vehicles	75
9.50.010	Trespass	75
9.56.010	Defacing notices	75
9.74.010	Curfew violation	75
9.74.040	Curfew – parental responsibility	75
9.86.010	Discharge firearm	75
11.12.050	Outdoor burning	75
.020	Sound control	75
11.20.020	ORV in business district	75
11.20.030	ORV operations, state roadways outside Business District	75
11.20.040	ORV operations, state roadways within City	75
11.20.050	ORV operations, city roadways outside Business District	75
11.20.060	ORV operations within City boundaries	75
11.20.070	ORV, age restriction	75
.075	Helmets required	75
.080	Headlights required	75
.090	Parental responsibility	75

11.21.020	Snowmobiles on City rights of way	75
11.21.030	Snowmobile operation, after dark	75
.040	Helmets required	75
12.05.010.B	Private use of public lands	75
12.06.030.A	Unauthorized camping	75
12.06.050	Camping fees and permits required	75
12.06.060.A	Waste disposal	75
.B	Noise violation	75
.C	Unpermitted structures	75
.E	Defacing facilities	75
.F	Animals	75
.G	Failure to clean	75
12.06.070	Waste storage	75
12.06.080	Unattended camp	75
12.06.090	Unauthorized structures	75
12.08.070	Encroachment permit required	75
13.04.010.B	Public sewer service required	75
13.04.030.A	Unlawful disposal	75
.B	Unlawful discharge	75
.C	Discharge of banned substances	75
13.12.010.A	Unpermitted connection to sewer	75

14.04.010	Water sources	75
14.04.070	Unauthorized water connection	75
14.12.030	Cold weather protection	75
15.04.030	Floodplain permit	300 per day
15.04.031.C	Non-compliant construction	300 per day
15.04.061	Residential structures	300 per day
15.04.062	Nonresidential structures	300 per day
15.04.065	Flood related erosion hazard areas	300 per day
15.08.040	Notice of construction required	75 residential 300 commercial
17.30.050	Addressing	75
18.16.010	Land use permit	75 residential 300 commercial
18.24.020.A	CBD yard violation	75 residential 300 commercial
18.28.020.A	GUD yard violation	75 residential 300 commercial
18.36.010	Parking requirements	75 residential 300 commercial
18.36.030	Off-street loading facilities	75 residential 300 commercial
18.36.040	Location of parking spaces	75 residential 300 commercial

18.36.060	Design of parking areas	75 residential 300 commercial
18.36.070	Minimum standards for off-street parking spaces	75 residential 300 commercial
18.40.020	View obstruction	75 residential 300 commercial
18.44.030	Altering non-conforming building	75 residential 300 commercial

1.20.050 Attempted infraction.

Every person who attempts to commit an infraction but fails or is prevented or is intercepted in its perpetration is guilty of an infraction and shall be punished in the manner prescribed for the infraction itself.

1.20.060 Abetting in infraction.

When no punishment for counseling, abetting or aiding in the commission of a particular infraction is expressly described by ordinance, every person who counsels, abets or aids another in committing an infraction is equally guilty of the infraction and punishable in the same way.

Section 3. Repeal of Sections 2.42.340, 2.42.350, and 2.42.360. Sections 2.42.340, 2.42.350, and 2.42.360 of the Dillingham Municipal Code are hereby repealed.

Section 4. Repeal of Section 2.80.140. Section 2.80.140 of the Dillingham Municipal Code is hereby repealed.

Section 5. Amendment of Section 4.15.100. Section 4.15.100 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

4.15.100 Violations.

For failing to file a tax statement or filing a false statement in an attempt to evade taxation, the city may impose upon the property owner a filing fee of one hundred dollars. When filing late, a fee of fifty dollars will be added. ~~Any person subject to this penalty shall also pay a surcharge required to be imposed under AS 12.55.039.~~

Section 6. Repeal and re-enactment of Section 4.16.060. Section 4.16.060 of the Dillingham Municipal Code is hereby repealed and re-enacted to read as follows:

4.16.060 Prohibited acts.

A. It is unlawful:

1. For any person to operate a business within the City of Dillingham without obtaining a City business license within 45 days of commencing business within the City.
2. For any person to fail to renew a business license on or before January 1st of any year in which the business continues to operate in Dillingham.
3. For any person to engage in a business or activity regulated by this Code contrary to any provision of this title or contrary to any provision, term or condition of a license or regulation issued under this title.
4. For any person to obtain or attempt to obtain a license by making a false statement in the application, or by other fraudulent or deceptive means.
5. For any person to forge, counterfeit or fraudulently alter a license issued under this title.
6. For any person licensed or regulated under this title to knowingly or willfully authorize, order, instruct or permit an employee, agent or person under his supervision or control to do an act in connection with the licensed activity which violates any provision of this Code, a municipal regulation, or a license issued under this title.

B. For the purposes of this section:

1. "person" includes any person who has effective control of a business.
2. A person has effective control of a business if the person supervises the day to day affairs or holds any of the following positions in the business, or the equivalent thereof: the proprietor or proprietors, general partner in case of a partnership, the president, and each person or entity owning more than thirty percent of the voting stock in case of a corporation; and in case of a limited liability company the manager of the company, or if there is no manager, all members of the company.

C. In addition to any monetary penalty, the city may seek an injunction in the superior court requiring the business, or each person with effective control of the business, to obtain the required business license and also recover compensatory damages, including full, actual, reasonable attorneys' fees, from each such person. Upon application for an injunction under this section, the superior court shall issue the injunction.

D. The city may also have any person or business that violates section, or any vessel owned by any such person or business, placed on the city's denied services list using the procedures set forth in Chapter 4.40.

Section 7. Repeal and re-enactment of Section 4.20.210. Section 4.20.210 of the Dillingham Municipal Code is hereby repealed and re-enacted to read as follows:

4.20.210 Violations -- Penalties

A. It is unlawful for any seller who is required to obtain a certificate of authority to collect city sales tax:

1. To fail to obtain a certificate of authority within the time prescribed by this chapter.

2. To fail to file a return as required by this chapter, or fail to remit taxes collected or which should have been collected. The filing of an incomplete return is the equivalent of filing no return.
3. To falsify or knowingly misrepresent any record required by this chapter.
4. To deny the City permission to inspect records required to be kept by this chapter.

B. In addition to penalties for violations of this section set forth in 1.20.040, the City may recover by civil action the amount which the seller should have remitted to the city as sales tax, plus a penalty of ten percent of the taxes collected but not remitted, or which should have been collected. The city may also recover full actual reasonable attorney's fees in any action against a delinquent seller.

C. The city may also have any person or business that violates section, or any vessel owned by any such person or business, placed on the city's denied services list using the procedures set forth in Chapter 4.40.

Section 8. Repeal of Section 4.20.230. Section 4.20.230 of the Dillingham Municipal Code is hereby repealed.

Section 9. Amendment of Section 4.21.290. Section 4.21.290 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

4.21.290 Violation—Criminal enforcement.

A. ~~Violation of any of the requirements of this chapter is a~~ **violation**, ~~misdemeanor.~~ For convictions of a violation of a provision of this chapter, a fine of ~~not to exceed~~ five hundred dollars ~~shall~~ **may** be imposed; except, for a subsequent violation of any provisions of this chapter, whether similar to or different from the prior conviction, ~~a the maximum penalty that may be imposed is a fine of one thousand dollars~~ **shall be imposed** ~~or imprisonment for not to exceed thirty days, or both,~~ if the subsequent conviction is for a violation that occurred after, but within three years of, the conviction for the prior violation.

B. Each day upon which a violation of this chapter continues is a separate offense.

C. The city may recover taxes, interest, ~~civil~~ penalties and other amounts due in a civil action independent of or in addition to any criminal action filed.

Section 10. Repeal and re-enactment of Section 7.16.020. Section 7.16.020 of the Dillingham Municipal Code is hereby repealed and re-enacted to read as follows:

7.16.020 Violations – Penalties.

A person who violates any provision of this title is guilty of an infraction and subject to a fine as set forth in DMC § 1.20.040, in addition to any surcharge required by AS 12.55.039(a)(4).

Section 11. Amendment of Section 8.04.095. Section 8.04.095 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

8.04.095 Violations – Penalties. ~~Civil penalties.~~

In addition to the provisions of Section 8.04.090, a person who violates this chapter is guilty of an infraction and subject to a fine as set forth in DMC § 1.20.040, ~~civil penalty of one hundred dollars for the first offense and two hundred dollars for each additional offense within twelve months from the date of the first offense~~, plus any surcharge required to be imposed under AS 23.55.039, ~~may be imposed upon a person violating this chapter~~. Each day that a violation persists shall constitute a separate offense. In addition to law enforcement officers, the City animal control officer is authorized to issue citations for any violation of this title.

Section 12. Repeal of Section 8.04.096. Section 8.04.096 of the Dillingham Municipal Code is hereby repealed.

Section 13. Amendment of Section 9.74.050. Section 9.74.050 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

9.74.050 Violations -- Penalties.

Any violation of this chapter by a person under the age of eighteen years or by his or her parent, guardian, or other adult person having the care and custody of the minor child under eighteen years of age, or both, is punishable by a fine of seventy-five ~~not more than fifty~~ dollars and such person shall also pay any surcharge required to be imposed under AS 12.55.039.

Section 14. Repeal and Re-enactment of Chapter 11.04. Chapter 11.04 of the Dillingham Municipal Code is hereby repealed and re-enacted to read as follows:

11.04.010 State traffic laws, and regulations adopted by reference.

A. The city adopts all vehicle and traffic statutes and regulations of the state of Alaska, as they presently exist and as they may be revised in the future, as the traffic code for the city.

B. Notwithstanding subsection A of this section, the City does not adopt those state traffic laws that establish misdemeanor and felony offenses, including AS 28.35.030.

C. All citations issued under this ordinance shall use the appropriate “AS” or “AAC” or CFR statute or regulation-numbers, include a description of the offense, and indicate that the offense was adopted by reference as a city ordinance.

11.04.020 Fine schedule.

A. The city adopts as its traffic fine schedule the “Traffic Bail Forfeiture Schedule” and the “Oversize Vehicle Bail Forfeiture Schedule” in Administrative Rules 43.1 and 43.6 of the Alaska Rules of Court and any other bail forfeiture schedules relating to vehicles adopted by the Alaska Supreme Court. In addition, the city adopts all amendments of those schedules that become effective after the effective date of this ordinance. Citations for offenses listed on these schedules may be disposed of as

provided in AS 12.25.195 - .230, without a court appearance, upon payment of the amounts listed plus the state surcharge required by AS 12.55.039 and AS 29.25.074. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the amount listed for that offense on the schedule. Citations charging these offenses must meet the requirements of Minor Offense Rule 3 of the Alaska Rules of Court. If an offense is not listed on the fine schedule, the defendant must appear in court to answer to the charges.

B. Pursuant to AS 28.90.030, whenever a person violates a provision or regulation adopted under the authority of this title within a highway work zone or traffic safety corridor, notwithstanding the amount of the fine or the maximum fine set under this title, the fine, or maximum fine, is double the amount provided in this title.

C. Pursuant to AS 28.05.151(e), an offense adopted by this section may not be disposed of without court appearance if the offense is in connection with a motor vehicle accident that results in the death of a person.

11.04.030 Incorporation of additional traffic regulations in code.

Additional traffic ordinances of the city that are necessary to meet specific local requirements shall be incorporated in other chapters of this title.

11.04.040 Copies to Alaska Court System.

A copy of all ordinances enacted by the city that create or affect any minor offense designated by this Code shall be forwarded to the City Attorney, who shall submit the ordinance to the Alaska Court System for inclusion in the Uniform Minor Offense Table.

Section 15. Repeal and Re-enactment of Section 11.20.120. Section 11.20.120 of the Dillingham Municipal Code is hereby repealed and re-enacted to read as follows:

11.20.120 Violation -- Penalties

A person who violates this chapter is guilty of an infraction and subject to a fine as set forth in DMC § 1.20.040.

Section 16. Repeal and Re-enactment of Section 11.21.050. Section 11.21.050 of the Dillingham Municipal Code is hereby repealed and re-enacted to read as follows:

11.21.050 Violation -- Penalties

A person who violates this chapter is guilty of an infraction and subject to a fine as set forth in DMC § 1.20.040.

Section 17. Amendment of Section 12.05.010. Section 12.05.010 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

12.05.010 Private use of public lands prohibited.

A. The private use by individuals of public lands belonging to the city for the storage, seasonal or otherwise, of boats, boat apparatus or fishing gear, is prohibited unless otherwise expressly authorized by this chapter.

B. Any boat, boat apparatus or fishing gear placed on city property in violation of this section may be impounded by the city and sold pursuant to the provisions of Sections 2.42.320 and 2.42.330 of this code.

C. Any person who violates this section is guilty of an infraction ~~misdemeanor~~ and ~~any person convicted of violating the provisions of this chapter shall be subject to a~~ penalty as set forth in DMC § 1.20.040, plus any surcharge required to be imposed under AS 12.55.039. ~~the general penalty set forth in Chapter 1.20.~~

Section 18. Repeal and Re-enactment of Section 12.06.110. Section 12.06.110 of the Dillingham Municipal Code is hereby repealed and re-enacted to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

12.06.110 Violation – Penalties.

Any person who violates this section is guilty of an infraction and shall be subject to a penalty as set forth in DMC § 1.20.040.

Section 19. Amendment of Section 13.16.020. Section 13.16.020 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

13.16.020 Penalties.

A. Any person violating any of the provisions of this ~~title~~ chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

B. Any person found to be violating any provision of this ~~title~~ chapter shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

C. Any person who willfully ~~willfully~~ continues any violation beyond the time limit provided for in the written notice ~~this section~~ is guilty of an infraction ~~misdemeanor~~ and, upon conviction thereof, shall be fined in an amount not exceeding three hundred ~~one thousand~~ dollars for each violation and must also pay any surcharge required to be imposed under AS 12.55.039. Each day in which any such violation continues shall be deemed a separate offense. In addition to law enforcement officers, the City Public Works Department is authorized to issue citations for any violation of this title.

D. The city attorney may obtain a civil injunction or temporary restraining order to obtain immediate compliance with any provision of this chapter. In addition to any penalties assessed, the city may petition the court for award of reasonable attorneys' fees and costs of prosecuting such an action.

Section 20. Amendment of Section 15.04.120. Section 15.04.120 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

15.04.120 Violation—Enforcement.

The planning director will administer and enforce this chapter, unless otherwise designated under Section 15.04.041(B). The planning director or designee may order the discontinuance of unlawful uses of land, buildings or structures; the removal or abatement of unlawful buildings or structures or any unlawful additions or alterations thereto; the discontinuation of construction or preparatory activity leading to an unlawful structure or use of land; or any other action necessary to ensure compliance with this chapter. City police officers are also authorized to issue citations to any person who violates any provision of this chapter.

Section 21. Amendment of Section 15.04.125. Section 15.04.125 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

15.04.125 Violation—Penalties and remedies.

A. Violation. A violation of provisions of this chapter shall be an infraction, ~~a civil offense~~. Upon conviction, the court shall levy ~~the appropriate~~ a fine of three hundred dollars for each day the violation exists up to a maximum fine of one thousand dollars ~~not to exceed one thousand dollars~~ and assess any surcharge required to be imposed under AS 12.55.039. Each day that an unlawful act or condition continues constitutes a separate violation.

B. Remedies.

1. In case any structure is constructed or substantially improved in violation of this chapter, the city, in addition to other remedies, shall institute any proper actions or proceedings necessary, including enjoining of connections to public utilities, to restrain, correct or abate such violations.
2. Pursuant to AS 29.40.190, the city or an aggrieved person may institute a civil action against a person who violates a provision of this chapter, or a term, condition or limitation imposed by the planning commission.

Section 22. Amendment of Section 15.08.020. Section 15.08.020 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

15.08.020 Application of codes.

The provisions of this chapter apply to both public and private property. It applies to all commercial and residential structures and their occupancies.

Section 23. Amendment of Chapter 15.08. Chapter 15.08 of the Dillingham Municipal Code is hereby amended by the addition of a new section 15.08.060 to read as follows:

15.08.060 Violation—Penalties.

A. Violation. A violation of any provision of this chapter shall be an infraction. Each day that an unlawful act or condition continues constitutes a separate violation. Upon conviction, the court shall levy a fine as follows and assess any surcharge required to be imposed under AS 12.55.039:

1. Construction of residential structure – Seventy-five dollars for each day the violation exists up to a maximum fine of three hundred dollars.

2. Construction of commercial structure – Three hundred dollars for each day the violation exists up to a maximum fine of one thousand dollars

B. Definitions. For the purposes of this Title, the following definitions shall apply:

1. “residential structure” means any structure that is primarily intended for use as a single family dwelling house or duplex, or a structure that is appurtenant to such a structure.

2. “commercial structure” means any structure that is not residential or which is primarily intended for commercial purposes, including the renting of dwelling space to occupants if the structure is comprised of more than two discrete dwelling units or apartments, or a structure that is appurtenant to such a structure.

Section 24. Amendment of Chapter 17.30. Chapter 17.30 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

17.30.080 Violation and penalties.

Failure or refusal by a property owner to display an address as required in Section 17.30.050 **shall be an infraction. Upon conviction, the court shall levy a fine as set forth in DMC § 1.20.040 and assess any surcharge required to be imposed under AS 12.55.039. Each day that an unlawful act or condition continues constitutes a separate violation.** ~~will subject property owner to penalties described in Section 17.31.020.~~

Section 25. Amendment of Chapter 18.60. Chapter 18.60 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

18.60.010 Violation—Enforcement.

The planning director or designee may order the discontinuance of unlawful uses of land, buildings or structures; the removal or abatement of unlawful buildings or structures or any unlawful additions or alterations thereto; the discontinuation of construction or preparatory activity leading to an unlawful structure or use of land; or any other action necessary to ensure compliance with this title. **City police officers are also authorized to issue citations to any person who violates any provision of this chapter based on information supplied by the Planning Director or Department of Public Works.**

18.60.020 Violation—Penalties and remedies.

A. Violation. A violation of provisions of this title shall be an infraction, ~~a civil offense~~. Upon conviction, the court shall levy the appropriate fine of three hundred dollars for each day the violation exists ~~not to exceed one thousand dollars and assess any surcharge required to be imposed under AS 12.55.039~~. Each day that an unlawful act or condition continues constitutes a separate violation. Upon conviction, the court shall levy a fine as follows and assess any surcharge required to be imposed under AS 12.55.039:

1. residential property – Seventy-five dollars for each day the violation exists up to a maximum fine of three hundred dollars.

2. commercial property – Three hundred dollars for each day the violation exists up to a maximum fine of one thousand dollars

B. Remedies.

1. In case any structure is constructed or substantially improved in violation of this chapter, the city, in addition to other remedies, shall institute any proper actions or proceedings necessary, including enjoining of connections to public utilities, to restrain, correct or abate such violations.

2. Pursuant to AS 29.40.190, the city or an aggrieved person may institute a civil action against a person who violates a provision of this chapter, or a term, condition or limitation imposed by the planning commission.

Section 26. Amendment of Section 18.60.020. Section 18.60.020 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

15.04.125 Violation—Penalties and remedies.

A. Violation. A violation of provisions of this chapter shall be an infraction, ~~a civil offense~~. Upon conviction, the court shall levy the appropriate a fine of three hundred dollars for each day the violation exists up to a maximum fine of one thousand dollars ~~not to exceed one thousand dollars~~ and assess any surcharge required to be imposed under AS 12.55.039. Each day that an unlawful act or condition continues constitutes a separate violation.

B. Remedies.

1. In case any structure is constructed or substantially improved in violation of this chapter, the city, in addition to other remedies, shall institute any proper actions or proceedings necessary, including enjoining of connections to public utilities, to restrain, correct or abate such violations.

2. Pursuant to AS 29.40.190, the city or an aggrieved person may institute a civil action against a person who violates a provision of this chapter, or a term, condition or limitation imposed by the planning commission.

Section 28. Effective Date. This ordinance is effective upon adoption.

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

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: An Ordinance of the Dillingham Municipal Code Amending Title 1 of the Dillingham Municipal Code to create a fine schedule for minor offenses and amending other titles to make violations and penalties consistent with new Title 1

Agenda of: **October 10, 2013**

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Public Safety / Dan Pasquariello	<i>DP</i>	
X	City Clerk / Janice Williams	<i>JW</i>	

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

Other Attachment(s):

Summary Statement.

Ordinance No. 2013-19 was vetted through the Code Review Committee and is being recommended to the Council for adoption.

At the August 8, Code Review Committee meeting Chief Dan Pasquariello explained there were problems with the City's current code, and staff was working with Attorney Munson who was assisting other municipalities with the same issues; clarifying the requirements for the new uniform Minor Offense Table that would establish which ordinances were enforced as minor offenses from the State's perspective, and determining what amendments the State needed to see in the City's code in order to process tickets on the City's behalf. Chief Pasquariello noted the State was only forwarding the fees established in the City ordinances; the other fees were going to the State. State discussed the urgency of getting this matter cleared up, because the City was losing its share of revenues.

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-20

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL REPEALING CHAPTER 6.04 TRANSIENT VENDORS

WHEREAS, under Title 6, Business Licenses and Regulations, Chapter 6.04 Transient Vendors was adopted in 1977 at a time when it was determined there was a need to address transient or itinerant vendors, because the frequent practice was being practiced in such a manner as to cause annoyance and harm to the public, the individual citizen, and a property in the city;

WHEREAS, the requirement for applying for a City business license and for collecting and remitting sales tax is regulated under DMC Title 4, Revenue and Finance, Chapters 4.16 and 4.20 and deals with transients under the regular business licensing and it is not necessary to have a separate Chapter 6.04;

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

Section 1. Classification. This is a code ordinance.

Section 2. Repeal of Chapter 6.04. Chapter 6.04, Transient Vendors, of the Dillingham Municipal Code is hereby repealed in its entirety as follows:

Sections:

- ~~6.04.010 Purpose.~~
- ~~6.04.020 Definitions.~~
- ~~6.04.030 Solicitation of sales without invitation prohibited.~~
- ~~6.04.040 Charitable solicitations—Permits required.~~
- ~~6.04.050 License—Application fee.~~
- ~~6.04.060 License—Approval or disapproval.~~
- ~~6.04.070 Penalties.~~

~~6.04.010 Purpose.~~

~~The city council finds that the peddling and hawking of magazine subscriptions, goods, wares and merchandise; the sale of the same by transient or itinerant vendors; and the solicitation of funds or subscriptions for religious, charitable, fraternal, eleemosynary and other organizations or purposes; are businesses effected with a public interest requiring regulation and surveillance by the city. Such occupations are frequently practiced in such a manner as to cause annoyance and harm to the public, the individual citizen, and property in the city. It is the purpose of the city council to protect and preserve the lives, the health, the safety and the well being of the people of the city against these and other harms and wrongs by providing for the registration, licensing and surveillance of these businesses and the practitioners of these businesses within the city. (Ord. 77-11 § 2 (part), 1977.)~~

~~6.04.020 Definitions.~~

~~For the purpose of this chapter, the following terms shall be given the following meanings:
A. "Activity" means a business, trade, occupation or avocation.~~

~~B. "License" means a temporary nonassignable personal privilege granted by the city in the exercise of its power to protect and preserve the lives, the health, the safety and the well-being of the people of the city as conferred by AS 29.15.190.~~

~~C. "License fee" means a fee, the amount of which has been computed to satisfy the costs of issuing the license and investigations, inspections, policing and enforcement of the regulations pertaining to a particular activity required to be licensed, which the applicant for a license shall pay as a condition precedent to obtaining the same.~~

~~D. "Transient vendor" means any person, firm or corporation, their principals and agents, engaged in a temporary or transient business of vending or selling magazine subscriptions, goods, wares, merchandise or other articles of commerce in the city, and who, in furtherance of such activity, hires, leases, uses or occupies any building, structure, motor vehicle, tent, hotel room, lodginghouse, apartment, shop, street, alley, or other place within the city, for the sale of such magazine subscriptions, goods, wares, or merchandise, either privately or at public auction. A person who peddles or hawks such subscriptions, goods, wares or merchandise within the city is a transient vendor under this chapter. This definition shall not be construed to include any commercial traveler who, while occupying a temporary location, takes orders in the usual course of business for bona fide sales of goods by sample for future delivery. Temporary associations with any local dealer, trader, merchant, or auctioneer, or the conduct of a transient business in connection with, as part of, or in the name of any local dealer, trader, merchant, or auctioneer, shall be included within the meaning of this definition. (Ord. 77-11 § 2 (part), 1977.)~~

~~6.04.030 Solicitation of sales without invitation prohibited.~~

~~No transient vendor of magazine subscriptions, goods, wares, or merchandise shall go in or upon private residences in the city for the purpose of soliciting orders for the sale of magazines, goods, wares, or merchandise, or for the purpose of disposing of or peddling or hawking the same, not having been requested or invited to do so by the owner or owners, occupant or occupants, of said private residences. (Ord. 77-11 § 2 (part), 1977.)~~

~~6.04.040 Charitable solicitations—Permits required.~~

~~No person, religious, charitable, fraternal, or eleemosynary corporation or organization of any kind, their agents, representatives, or employees, shall solicit funds or secure subscriptions for the payment thereof within the city without first securing a permit to do so from the city manager. The applicant for a permit may be required to answer such questions as may be put to him by the manager, and if the manager determines that the organization is bona fide and that the proposed solicitation will not constitute a public nuisance, a permit shall be granted. The permit shall be issued by the manager, informing the law enforcement officers in the city that the proposed solicitation has been authorized. In the event that any person or organization deem themselves aggrieved by the determination of the manager, they may appeal the decision of the manager to the council. No fees shall be charged for any permit issued under the authority provided in this section. (Ord. 77-11 § 2 (part), 1977.)~~

~~6.04.050 License—Application fee.~~

~~In order to operate as a transient vendor within the city, it is necessary to obtain a Dillingham business license, to pay the appropriate fee and otherwise comply with Ch. 4.16 of this code in addition to the requirements imposed by this chapter. (Ord. 77-11 § 2 (part), 1977; Ord. 92-13 § 2 (part), 1992.)~~

~~6.04.060 License Approval or disapproval.~~

~~Upon receipt of the application and the application fee, the city manager shall conduct such investigation and inquiry as shall enable him to determine the character and the financial and business responsibility of the applicant. The manager shall disapprove the application if he finds that the applicant has not demonstrated himself to be responsible or of good character, or that there is a good cause to believe that approval of the application would be detrimental to the public interest as herein expressed; otherwise the application shall be approved. In disapproving any application the manager shall specify his reasons therefor, in writing, upon the application. Any person deeming himself aggrieved by the decision of the manager may appeal from that decision to the council. (Ord. 77-11 § 2 (part), 1977.)~~

~~6.04.070 Penalties.~~

~~Violators of this chapter are subject to the penalties set forth in Section ~~4.16.060~~ plus any surcharge required to be imposed under AS 12.55.039. Each act of violation and every day upon which the violation shall occur constitutes a separate offense. (Ord. 77-11 § 2 (part); Ord. 92-13 § 2 (part), 1992; Ord. 99-04 § 10, 1999.)~~

Section 3. Effective Date. This ordinance is effective upon passage.

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

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: An Ordinance of the Dillingham Municipal Code repealing Chapter 6.04, Transient Vendors

Agenda of: **October 10, 2013**

Council Action:

Manager: Recommend approval.

City Manager: *Carol Shade, Acting*
Rose Loera

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

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

Other Attachment(s):

Summary Statement.

This item was added to the Code Review Committee's task list following a recommendation from the Committee during their review of Title 4, business licensing regulations and sales tax, which resulted in several ordinances being adopted by the Council in June of 2013.

The Code Review Committee felt this chapter, located behind Title 6, Business Licensing and Regulations, was no longer necessary because licensing for transient vendors was covered in Title 4.

The Code Review Committee is recommending to the Council that this ordinance be adopted which would repeal Chapter 6.04, Transient Vendors.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-58

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING THE
EXTENSION OF THE DILLINGHAM PARKS AND RECREATION COMMITTEE**

WHEREAS, the Dillingham City Council created the Dillingham Parks and Recreation Committee (hereinafter referred to as "Committee") with Resolution No. 2011-89 on December 14, 2011; and

WHEREAS, Resolution No. 2011-89 has a clause that the Committee shall expire on December 31, 2013 unless extended; and

WHEREAS, the previous Committee Chair provided a year-end report, as required by resolution, prior to his move from Dillingham earlier this year; and

WHEREAS, the new Chair for the Committee was provided a copy of Resolution No. 2011-89 and asked if the Committee was interested in an extension; and

WHEREAS, the City received a response that the Committee would like to be extended for two (2) years until December 31, 2015, with the opportunity to recommend a continuance; and

WHEREAS, the Committee has met most of the guidelines of Resolution No. 2011-89 to include:

1. There has been no financial or administrative burden to the City;
2. They have served as the vehicle for coordinating and supporting recreational activities in the City;
3. Meetings are conducted in accordance with DMC 2.90; and
4. They work with the City with the upkeep to the City webpage on Parks and Recreation activities.

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council approves the extension of the Dillingham Parks and Recreation Committee for an additional two years until December 31, 2013.

PASSED and ADOPTED by the Dillingham City Council on October 10, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: Dillingham City Council approving the extension of the Dillingham Parks and Recreation Committee

Agenda of: **October 10, 2013**

Council Action:

Manager: Recommend extending the Parks and Recreation Committee to Dec. 31, 2013.

City Manager: *Carol Shade, acting*
Rose Loera

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

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

Other Attachment(s):

- Report from Chair Jennifer Gardner

Summary Statement.

The Dillingham Parks and Recreation committee has met the guidelines as established in Resolution 2011-89 when it was created. The committee has a desire to continue for the next two years. The Committee is the vehicle for coordinating and supporting recreational activities in the City.

The Committee has its challenges such as meeting attendance and volunteer availability, but they are working on ways to address them.

Parks and Recreation Committee Continuance Request

10/02/2013

Request for the Parks and Recreation Committee to be extended for two (2) years, 12/31/2015.

Jennifer Gardiner
Parks and Recreation Chair
PO Box 1031
Dillingham, AK 99576

Dear City of Dillingham Council Members,

We are writing to request a time extension for the City of Dillingham Parks and Recreation Committee. The extension request is for two (2) years or 12/31/2015 with the opportunity to recommend a continuance of or changes to for the future.

The City of Dillingham Parks and Recreation Committee have met most of the guidelines in Resolution 2011-89.

These include:

1. A group of volunteer citizens that have resulted in little to no financial burden, administrative support, or staffing on the City of Dillingham.
2. A vehicle for coordinating and supporting recreational activities, which include Bike/Walk to work, Summer Fun Runs, Ski Trail design and maintenance, Soccer Activities, and a calendar for Community Recreational Activities.
3. Conducting meetings in accordance to the requirements of DMC 2.90 and the responsibility for all administrative duties.
4. Coordination with City of Dillingham Staff for the development and upkeep of the City of Dillingham Parks and Recreation webpage.

The City of Dillingham Parks and Recreation Committee have had some challenges.

These include:

1. Meeting attendance and
2. Volunteer availability.

Solutions to the City of Dillingham Parks and Recreation Committee Challenges:

We the City of Dillingham Parks and Recreation Committee requests that scheduled meetings are bi-monthly instead of monthly with special meetings as necessary.

We the City of Dillingham Parks and Recreation Committee request that the non-voting ex-officio member who is a Dillingham resident youth of primary or secondary school age be elected during the school student council elections.

Thank You



Jennifer Gardiner
City of Dillingham Parks and Recreation Chair

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-59

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY MANAGER TO WAIVE THE PURCHASING REQUIREMENTS AND ISSUE TASK ORDER #1 WITH AGNEW::BECK TO ASSIST THE CITY WITH IDENTIFYING OPTIONS FOR MANAGING MATERIAL SITES WITHIN CITY LIMITS

WHEREAS, the City of Dillingham is in need of assistance in the development of a Land Use Plan for material sites within the City of Dillingham; and

WHEREAS, the City has limited experience in the development of Land Use Plans; and

WHEREAS, Agnew::Beck has been working with various communities in Alaska on this issue; and

WHEREAS, the City wants to address this issue now so that in the future it can have some input into the development of materials sites within the city limits; and

WHEREAS, the City hired Agnew::Beck to provide consulting services on the public safety building(s) and is looking to task him with an additional consulting support; and

WHEREAS, Dillingham Municipal Code (DMC) 4.30.130, B, allows waiving of purchase restrictions where the public interest would be best served; and

WHEREAS, the waiver is based on the criteria outlined in DMC 4.30.130, B.4., the services being of a professional nature requiring specialized knowledge and judgment;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council authorizes the City Manager to issue Task Order #1 with Agnew::Beck to assist the City with identifying options for managing material sites within City limits.

BE IT FURTHER RESOLVED that the fee proposal is a time and materials basis with a not-to-exceed amount of \$20,000.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on October 10, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: A Resolution of the Dillingham City Council authorizing the City Manager to issue a task order to Agnew::Beck for consulting services to assist in identifying options for managing material sites within city limits

Agenda of: October 10, 2013

Council Action:

Manager: Recommend approval.

City Manager: Carol Shade, Acting
Rose Loera, City Manager

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

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

Other Attachment(s):

- Task Order No. 1 to Agnew::Beck

Summary Statement.

At their September 5, 2013 Council meeting, the Code Review Committee was tasked with considering regulating material sites. At the September 19, 2013 Code Review Committee, a suggestion was made to engage the services of a consultant that had a proven track record of assisting other communities in Alaska in identifying options for managing material sites. The committee agreed it would be prudent to bring someone on board that had the experience and knowledge to address this issue. The Council is being asked to waive the purchasing restrictions in the DMC and allow Chris Beck who is already contracting with the City on another project to provide the Code Review Committee with the assistance needed. The money to fund the services will come from the general fund and will be included as an adjustment to the FY 2014 budget during the mid-year budget review.

City of Dillingham
Fiscal Note

Agenda Date October 10, 2013

Request: Provide consulting services on the regulation of material sites

ORIGINATOR: Carol Shade

FISCAL ACTION (TO BE COMPLETED BY FINANCE)		FISCAL IMPACT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
AMOUNT REQUESTED: <p style="text-align: right;">\$ 20,000.00</p>		FUNDING SOURCE <p style="text-align: center;">General Fund Planning</p>	
FROM ACCOUNT General Fund Planning \$ 20,000.00		Project <p style="text-align: center;">Materials Site</p>	
TO ACCOUNT:	VERIFIED BY: Carol Shade	Date: 9/26/2013	

EXPENDITURES

OPERATING	FY14	FY15	FY16	FY17
Personnel				
Fringe Benefits				
Contract	\$20,000.00			
Computer Hardware				
Land/Buildings				
Miscellaneous				
TOTAL OPERATING	\$ 20,000.00	\$ -	\$ -	\$ -

CAPITAL				
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REVENUE				
---------	--	--	--	--

FUNDING

General Fund	\$ 20,000.00			
State/Federal Funds				
BBEDC	-			
TOTAL FUNDING	\$ 20,000.00	\$ -	\$ -	\$ -

POSITIONS

Full-Time				
Part-Time				
Temporary				

ANALYSIS: (Attach a separate page if necessary)

See Resolution 2013-59

PREPARED BY: Carol Shade

September 26, 2013

DEPARTMENT: Finance Department

September 26, 2013

TASK ORDER

TASK ORDER NUMBER: 1

PROJECT NAME: Assist the City with identifying options for managing material sites within City Limits.

This Task Order has been added to an Agreement by and between the City of Dillingham ("OWNER") and Agnew::Beck ("CONSULTANT") dated September 26, 2013, ("the AGREEMENT") to provide consulting services for a public safety building(s). Consultant shall perform services on the project described below as provided herein. This Task Order shall not be binding until it has been properly signed by both parties. Upon execution, this Task Order shall supplement the Agreement as it pertains to the project described below.

PART 1.0 PROJECT DESCRIPTION

Assist the City in evaluating the various options a municipality has in the management of material sites within city limits. Provide a range of options to include examples of very restrictive to minor.

PART 2.0 SCOPE OF SERVICES TO BE PERFORMED BY CONSULTANT

1. Provide information to the City about how other municipalities manage material site development.
2. Provide examples of ordinances that other municipalities have adopted on this issue, their enforcement processes, and administrative needs to enforce them.
3. Provide information regarding State and Federal agency regulations on material site development and which regulations require local enforcement.

PART 3.0 OWNER'S RESPONSIBILITIES

The City shall provide office space when the consultant is in town working on City project, unless otherwise agreed by both parties.

PART 4.0 DELIVERABLES AND TIME PERIOD

Draft evaluation based on scope of services identified in Part 2.0 presented to the Council before the end of calendar year 2013.

PART 5.0 PAYMENT TO CONSULTANT

The fee proposal is a time & materials basis with a not-to-exceed amount of \$20,000.

PART 6.0 OTHER
N/A

This Task Order is executed this _____ day of _____, 2013.

City of Dillingham
"OWNER"

By: Rose Loera

Agnew::Beck
"CONSULTANT"

By: Chris Beck

Signature: _____
Title: City Manager

Signature: _____
Project Manager

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-60

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY MANAGER OR MAYOR TO SIGN ON BEHALF OF THE CITY FOR THE SALE OF PROPERTY IDENTIFIED AS NINA NICHOLSON BLOCK 2 LOT 4

WHEREAS, the property described below was the subject of an in rem foreclosure action brought in the Superior Court of the State of Alaska by the City of Dillingham for the repayment of delinquent real property taxes, case number 3DI-08-00053 CI:

NINA NICHOLSON BLOCK 2 LOT 4, located in the City of Dillingham, Bristol Bay recording District, State of Alaska, whose last record owner is named as David Bill; and

WHEREAS, the City of Dillingham followed the procedures set forth in DMC 4.15 and AS 29.45 for the collection of real property taxes owed; and

WHEREAS, the property owner(s) of record or other interested party(s) did not redeem the property, and on August 18, 2010, the Clerk of Court deeded the property to the City of Dillingham. This conveyance gave the City clear title, except for prior recorded tax liens of the United States and the State, under AS 29.45.450; and

WHEREAS, on May 14, 2013 David Bill executed a Quit Claim Deed relinquishing all rights, title and interest in the property to the City of Dillingham; and

WHEREAS, the City Council on August 1, 2013, enacted Ordinance No. 2013-16, having found that no public need for holding the property existed, and declared it may be sold; and

WHEREAS, the City of Dillingham sold the property at a "Cry Out" Auction on September 7, 2013, that was properly advertised in advance of the proposed sale;

NOW, THEREFORE, BE IT RESOLVED that the City Manager or Mayor is authorized to sign on behalf of the city for the sale of the property.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on Oct. 10, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: A Resolution of the Dillingham City Council authorizing the City Manager or Mayor to Sign on Behalf of the City for the Sale of Property Identified as Nina Nicholson Block 2, Lot 4

Agenda of: October 10, 2013

Council Action:

Manager: Recommend approval.

City Manager: 
Rose Loera, City Manager

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

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

Other Attachment(s): None

Summary Statement.

The City of Dillingham was asked to provide a resolution that gave the city manager the authority to sign on behalf of the City for the sale of City property. In the future, this language will be included in the ordinance that authorizes the disposition and sale of unredeemed foreclosed property.

Example. Section #. The City Manager or Mayor is authorized to sign on behalf of the City for sale of City property.

Definition of in rem – (in the first Whereas clause) the power of the court to exercise proceedings over property.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-61

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY
MANAGER TO CONTRACT WITH UNUM LIFE INSURANCE TO INCREASE LIFE
INSURANCE COVERAGE FOR CITY OF DILLINGHAM EMPLOYEES**

WHEREAS, the City of Dillingham currently carries Life insurance coverage through Unum at 1x (times) annual salary to \$60,000; and

WHEREAS, the City Manager's contract dictates the City will provide life insurance coverage at a value of 1.5x the City Manager's wages; and

WHEREAS, the City feels this same benefit should be available to all employees; and

WHEREAS, the trend in employee benefits is to have a more generous life insurance policy offering;

NOW, THEREFORE, BE IT RESOLVED by the Dillingham City Council that the City Manager is hereby authorized to sign an Agreement with Unum Life Insurance for an increased policy raising the coverage to 1.5x annual salary to \$200,000 maximum.

PASSED and ADOPTED by the Dillingham City Council on October 10, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

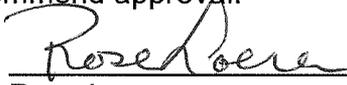
Janice Williams, City Clerk

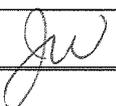
Subject: Authorize City Manager to increase the City of Dillingham Employees life insurance coverage

Agenda of: October 10 , 2013

Council Action: This resolution is being recommended for approval.

Manager: Recommend approval.

City Manager: 
Rose Loera

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

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

Other Attachment(s):

- Life and AD&D Cost Analysis

Summary Statement.

The Finance & Budget Committee reviewed the recommendation of the City Manager and the Finance Director to increase the life insurance coverage to all employees.

Currently the City Manager’s contract specifies life insurance coverage at 1.5x(times) the annual salary. Procuring life insurance for an individual is very difficult and becomes relatively expensive. In the discussions with our insurance broker who handles our current health and life insurance, the recommendation was made by him to pursue a group life policy. The original recommendation from the agent was two classes of employees at two different rates. When that recommendation came to the Finance & Budget Committee they did not want to separate the two classes of employees and asked for a cost analysis of increasing all eligible City of Dillingham employees. The information was presented to the Finance & Budget Committee at the September 23, 2013 meeting and it is their recommendation to offer this increased life insurance benefit to all the eligible City of Dillingham employees.

City of Dillingham
Fiscal Note

Agenda Date October 10, 2013

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 style="text-align: right;">\$ 4,354.24</p>		FUNDING SOURCE General Fund & Special Revenues	
FROM ACCOUNT General Fund Various Departments & Special Revenue Funds \$ 4,354.24		Project Increase Life Insurance	
TO ACCOUNT:	VERIFIED BY: Carol Shade	Date: 9/26/2013	

EXPENDITURES

OPERATING	FY14	FY15	FY16	FY17
Personnel				
Fringe Benefits	4,354.24			
Planning				
Computer Hardware				
Land/Buildings				
Miscellaneous				
TOTAL OPERATING	\$ 4,354.24	\$ -	\$ -	\$ -

CAPITAL				
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REVENUE				
---------	--	--	--	--

FUNDING

General & Special Funds	\$ 4,354.24			
State/Federal Funds				
BBEDC	-			
TOTAL FUNDING	\$ 4,354.24	\$ -	\$ -	\$ -

POSITIONS

Full-Time				
Part-Time				
Temporary				

ANALYSIS: (Attach a separate page if necessary)

See Resolution 2013-61

PREPARED BY: Carol Shade

September 26, 2013

DEPARTMENT: Finance Department

September 26, 2013

City of Dillingham
Life and AD&D Cost Analysis
 Effective October 1, 2013

AlaskaUSA
Insurance Brokers

	Current Coverage Unum Group Life, Class I Only	Proposed Coverage Unum Group Life, All Employees
Rates		
Volume (monthly)	\$2,304,000	\$3,636,600
Life Rate (per \$1,000)	\$0.195	\$0.205
AD/D Rate (per \$1,000)	\$0.050	\$0.050
Estimated Monthly Premium	\$564.48	\$927.33
Estimated Annual Premium	\$6,773.76	\$11,128.00
Percentage Change		64.3%
Annual Dollar Change		\$4,354.24
Rate Guarantee	2 years	2 years
Life Amount	1x annual salary to \$60,000	1.5x annual salary to \$200,000 max
Accidental Death & Dismemberment Amount	1x annual salary to \$60,000	1.5x annual salary to \$200,000 max
Benefit Maximum	\$60,000	\$200,000
Guarantee Issue	1x annual salary to \$60,000	\$200,000
Waiver of Premium	Included	Included
Accelerated Benefit	100%	100%
Reduction Schedule	to 65% at age 65; 50% at age 70 terminates at retirement	to 65% at age 65; 50% at age 70 terminates at retirement
Conversion	Included	Included
Portability	Included	Included

*Group Life Policy requires 100% employee participation and is paid for by the employer.

This is not a complete explanation of covered services, exclusions, limitations, reductions or the terms of these programs. This is not a contract. For complete coverage provisions, including descriptions of waiting period, limitations and exclusions please refer to the specific contract/policy.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-62

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING BOYD, CHANDLER & FALCONER, LLP, THE CITY ATTORNEY, TO SUE FOR DISHONORED CHECKS

WHEREAS, Ms. Margarita Moreno has remitted two checks totaling \$19,452.16 for payment of sales tax, business license renewal and late renewal fee to the City of Dillingham that were dishonored by the bank for insufficient funds; and

WHEREAS, AS 09.68.115 allows the City of Dillingham to recover the amount stated in the checks plus penalties and interest due to the dishonored check; and

WHEREAS, the City's Finance Department has followed the procedures outlined in the statute by making a demand letter and allowing Ms. Moreno ample time to make the check good; and

WHEREAS, the amount of the checks exceeds the amount that the City can pursue in Small Claims Court;

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

1. The City Attorney is hereby authorized to file an action against Ms. Moreno for the collection of the funds that were dishonored.

PASSED and ADOPTED by the Dillingham City Council on October 10, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: Authorize City Attorney to sue Margarita Moreno for Dishonored Checks.

Agenda of: October 10 , 2013

Council Action: This resolution is being recommended for approval.

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

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

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

Other Attachment(s):

Summary Statement.

The Collections Technician has been trying to get Ms. Moreno to get her sales tax filings and business license renewal paid off. Over many months the staff contacted Ms. Moreno to work with her to bring her sales tax account current and finally in June Ms. Moreno sent in two checks. These checks were returned by the bank as NSF. The two checks were for \$15,503.17 and \$3,948.99 totaling \$19,452.16. The collections staff continued to try and work with Ms. Moreno to make the checks good and pay the NSF fee. Finally the Collections staff wrote a letter on June 24, 2013 giving Ms. Moreno notice that the City was proceeding per our NSF policy.

As of August 28, 2013 Ms. Moreno had not responded to our numerous requests to make these checks good. At that point we turned the situation over to our attorney. He sent a demand letter per the Alaska Statute giving Ms. Moreno an additional 15 days to respond. We still have not heard from Ms. Moreno and so we need to go to the next step which is approval of this resolution so we can have the attorney file a motion in the District Court as the amount of the checks is larger than can be filed in Small Claims Court.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-63

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN ANNUAL LEASE FOR OFFICE SPACE AT THE SENIOR CENTER WITH THE BRISTOL BAY NATIVE ASSOCIATION (BBNA)

WHEREAS, the City of Dillingham has an interest in renting office space to BBNA for their elderly service staff; and

WHEREAS, the City Manager has been discussing this possibility for the past year with BBNA; and

WHEREAS, BBNA has agreed to rent 2 office spaces for a total of \$1,200 a month, with the option of extending for five years with a 5% increase each year; and

WHEREAS, BBNA has recently signed the lease agreement provided to them by the City to have their staff move into the Senior Center in October;

NOW, THEREFORE, BE IT RESOLVED by the Dillingham City Council that the City Manager is authorized to the execute a lease agreement with BBNA for office space at the Senior Center.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on October 10, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: Authorize the City Manager to rent office space at Sr. Center

Agenda of: October 10, 2013

Council Action:

Manager: Recommend approval for renting out two Senior Center offices to BBNA.

City Manager: Rose Loera
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade	CS	
X	Senior Center / Ida Noonkesser	IN	
X	City Clerk / Janice Williams	JW	

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

Other Attachment(s): None

Summary Statement.

The City Manager has been talking with BBNA for the past year to rent office space at the Senior Center for their elderly service staff. The rent has been agreed upon to be \$1,200 a month for 2 office spaces with the option of extending for 5 years with a 5% increase per year.

The City provided BBNA a lease agreement a few months ago and they have recently signed it. The lease will start in October. Initially one staff member will be moving and once a second one is hired, they will also be located there.

Having BBNA staff located in the Senior Center is a win win situation for the elders and both organizations. The elders will have program staff readily available to them and the Sr. Center staff will have assistance from BBNA in helping the elders with their paperwork and service needs.

It is therefore recommended that the City Council approves the renting of the Senior Center office spaces to BBNA.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-64

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ADVERTISE A REQUEST FOR PROPOSAL FOR PROJECT MANAGEMENT SERVICES

WHEREAS, the City of Dillingham is in need of a person possessing the skills and ability required to render services as a Project Manager; and

WHEREAS, the City is desirous of engaging the services of an independent contractor using independent professional judgment to accomplish assigned tasks; and

WHEREAS, the City will follow the Request for Proposal (RFP) process as outlined in DMC Section 4.30.090 B. Contracts for professional services;

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

1. to advertise for a RFP for project management services; and
2. to bring back a recommendation to the Council for a responsive bidder based on the criteria outlined in the Request for Proposal.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on October 10, 2013.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: Authorize the City Manager to advertise a RFP for Project Management Services

Agenda of: October 10, 2013

Council Action:

Manager: Recommend approval to advertise an RFP for Project Management Services.

City Manager: Rose Loera
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Public Works / Francisco Garcia	FG	
X	Finance / Carol Shade	CS	
X	City Clerk / Janice Williams	JW	

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

Other Attachment(s): N/A

Summary Statement.

Steve Cropsey is no longer providing project management services because he accepted a job in Barrow. Several people have contacted the City indicating their interest. It is being recommended that: 1) the City advertise for a RFP to engage the services of an independent contractor to provide the oversight of City projects; 2) engage in a year-to-year contract with the ability to extend up to 5 years. The criteria used to evaluate the responsive bidder would include:

- Degree in Engineering, Architecture or Construction Management desired;
- Education can be substituted with a minimum of 8 years of construction management;
- Prefer a minimum of 6 years professional experience in project management to include experience in cold regions such as Alaska;
- Must demonstrate experience working with municipality & construction projects;
- Must demonstrate the ability to develop planning & design documents and administers projects to completion;
- Ability to prepare conceptual estimates;
- Demonstrate the ability prepare bid documents, advertise for project and se
- Demonstrate knowledge of federal acquisition, contracting procedures and grant program management

- Demonstrate knowledge of construction and construction contracting procedures and practices applicable to Alaska;
- Demonstrate knowledge of national and state building codes;
- Demonstrate knowledge of project review and permitting processes.

Upcoming projects in 2014 for the City may include depending upon funding:

- Phase II of the WWTP to include upgrade Dock Lift Station, chlorination system at the lagoons, permanent septage receiving station;
- Dolphins for Dock
- Landfill – construction of building for gasifier, cement slab and installation of gasifier.

City of Dillingham
Fiscal Note

Agenda Date October 10, 2013

Request: Authority to Advertise a RFP for Project Management Services

ORIGINATOR: Carol Shade

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
AMOUNT REQUESTED: <p style="text-align: right;">\$ 68,000.00</p>	FUNDING SOURCE General Fund & Capital Projects
FROM ACCOUNT General Fund Admin \$ 15,000.00 Grant Funds \$ 53,000.00	Project Various Capital Projects
TO ACCOUNT:	VERIFIED BY: Carol Shade Date: 9/26/2013

EXPENDITURES

OPERATING	FY14	FY15	FY16	FY17
Personnel				
Fringe Benefits				
Contract	\$15,000.00			
Computer Hardware				
Land/Buildings				
Miscellaneous				
TOTAL OPERATING	\$ 15,000.00	\$ -	\$ -	\$ -

CAPITAL	53,000.00			
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REVENUE				
---------	--	--	--	--

FUNDING

General Fund	\$ 15,000.00			
State/Federal Funds	53,000.00			
BBEDC	-			
TOTAL FUNDING	\$ 68,000.00	\$ -	\$ -	\$ -

POSITIONS

Full-Time				
Part-Time				
Temporary				

ANALYSIS: (Attach a separate page if necessary)

See Resolution 2013-64

PREPARED BY: Carol Shade

September 26, 2013

DEPARTMENT: Finance Department

September 26, 2013

Dear Mayor Ruby

10/2/13

Waqaa! Pardon the recycled paper.

The Library staff members have asked me to serve on their board.

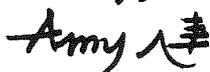
I am new to Dillingham and seeking work.

Agiatum blessagatse

Blessings,

Quyana caqneq

Sincerely,

Amy 

reside
in

6A
Hospital
housing

Amy Eisenberg, Ph.D.
PO Box 755
Dillingham, 99576
907 414 5934
dramyeis@yahoo.com

Janice Williams

From: Annette
Sent: Friday, August 02, 2013 12:45 PM
To: Janice Williams
Subject: Library Board Extension

Greetings,

My current term as a community representative of the Library Advisory Board expires in September. I would like to be considered for an extension or another term. I enjoy meeting with other like-minded individuals and feel that my contributions have merit to the rest of the board. Please contact me if you have any questions.

Thank you!
Annette Stelling
P.O. Box 1009
Dillingham
843-2168 (cell)
842-9397 (work)
pbandco@gmail.com (personal email)

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We are here to add what we can to life, not to get what we can from life.
~ William Osler ~

September 26, 2013

To: Mayor Alice Ruby , City of Dillingham
From: Amy Ruby
Re: Library Advisory Board

I have been a member of the Library Advisory Board for several years. I am excited about many of the new things happening with our public library. My term is up and I would like to renew my seat on this board. Thank you for considering my request.

Sincerely,
Amy Ruby

Janice Williams

Subject: Letter Of Intent

From: Ben Mcdowell [<mailto:motivepowermarine@yahoo.com>]

Sent: Tuesday, September 24, 2013 11:08 AM

To: cityclerk@dillinghamak.us

Subject: Letter Of Intent

Dear Madam Mayor,

I am writing this letter to express my interest in sitting on one of the vacant Planning Commission seats.

I have been a resident of Dillingham going on two years and feel it is time I became civically involved in the community. Thanks in advance for your consideration, and I look forward to serving the City Of Dillingham if so appointed.

Thank You,

Ben McDowell

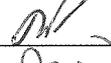
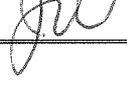
Subject: City of Dillingham Action Memorandum No. 2013-28 Authorizing the City Manager to accept the Homeland Security Grant for the upgrade of the Security Camera Radios at the Dock and Harbor.

Agenda of: **October 10, 2013**

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade		
X	Public Safety / Chief Dan Pasquariello		
X	City Clerk / Janice Williams		

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

Other Attachment(s): None

Summary Statement.

The council passed Resolution No. 2013-46 at the August 1, 2013 council meeting approving the application for a 2013 Homeland Security grant to purchase a boat and motor and to upgrade the security camera radios at the dock and harbor.

We were notified on September 25, 2013 that we were approved for the upgrade to the cameras for a grant of \$98,332.50. They did not approve the boat package.

A certified packet containing the grant award and attachments will be forwarded to the City for execution.

We are requesting Council approval for the City Manager to execute the grant award and begin the upgrade to the camera radios before winter is in full swing.

City of Dillingham
Fiscal Note

Agenda Date October 10, 2013

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 style="text-align: right;">\$ 98,332.50</p>		FUNDING SOURCE <p style="text-align: center;">Homeland Security Grant</p>	
FROM ACCOUNT Homeland Security Grant \$ 98,332.50		Project <p style="text-align: center;">Camera/Radio Upgrade</p>	
TO ACCOUNT:	VERIFIED BY: Carol Shade	Date:	9/26/2013

EXPENDITURES

OPERATING	FY14	FY15	FY16	FY17
Personnel				
Fringe Benefits				
Contract				
Computer Hardware				
Land/Buildings				
Miscellaneous				
TOTAL OPERATING	\$ -	\$ -	\$ -	\$ -

Major Equipment	98,332.50			
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REVENUE				
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FUNDING

General Fund				
State/Federal Funds				
Homeland Security Grant	98,332.50			
TOTAL FUNDING	\$ 98,332.50	\$ -	\$ -	\$ -

POSITIONS

Full-Time				
Part-Time				
Temporary				

ANALYSIS: (Attach a separate page if necessary)

See Action Memorandum 2013-28

PREPARED BY: Carol Shade

September 26, 2013

DEPARTMENT: Finance Department

September 26, 2013

2013 Homeland Security Grant Program (HSGP), State Homeland Security
Program (SHSP) Jurisdiction Total Allocations

Jurisdiction	Funding
Anchorage, Municipality of	\$314,040.50
Bethel, City of	\$50,200.00
Cordova, City of	\$97,584.46
Denali Borough	\$39,200.00
Dillingham, City of	\$98,332.50
Fairbanks, City of	\$431,749.00
Fairbanks North Star Borough	\$134,234.00
Houston, City of	\$25,000.00
Juneau, City and Borough of	\$145,549.25
Kenai Peninsula Borough	\$26,692.00
Ketchikan, City of	\$54,212.25
Ketchikan Gateway Borough	\$477,331.72
Kodiak, City of	\$47,973.40
Matanuska Susitna Borough	\$87,667.00
North Pole, City of	\$60,762.00
North Slope Borough	\$16,856.65
Sitka, City and Borough of	\$242,625.00
Unalaska, City of	\$69,650.00
Yakutat, City and Borough of	\$72,832.27
DHS&EM Statewide Activities	\$275,000.00
Total Allocations	\$2,767,492.00

as of 9/25/2013



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Environmental
Conservation

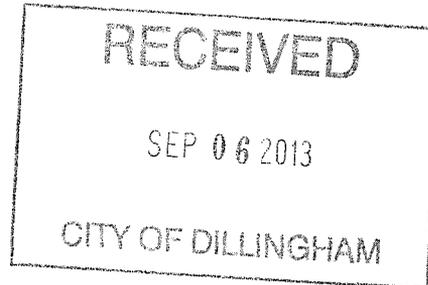
DIVISION OF ENVIRONMENTAL HEALTH
Solid Waste Program

555 Cordova Street
Anchorage, Alaska 99501
Main: 907.269.7622
Fax: 907.269.7600

Certified Mail # 7012 1010 0003 0389 6384
Return Receipt Requested

August 30, 2013

Claude Bocatch
Public Works Department
City of Dillingham
P.O. Box 889
Dillingham, Alaska 99576



Subject: City of Dillingham Landfill Inspection, June 27, 2013

Dear Mr. Bocatch:

On June 27, 2013 the Alaska Department of Environmental Conservation (ADEC) Solid Waste Program conducted an inspection of the City of Dillingham (City) Class II Municipal Solid Waste Landfill (MSWLF) (Permit No. SW2A015-14). Claude Bocatch, Public Works Administrator, facilitated the inspection along with the landfill operators on duty at the time. I would also like to thank Rose Loera, the City Manager, for meeting with us in regards to the June 1, 2014 permit and burning waiver expiration and recent Request for Proposal to seek proposals for the manufacture and installation of a thermal oxidizing gasification system.

The score for the June 2013 inspection is 203 out of 320, or 63%.

The score reflects recent efforts to improve landfill records management, more effectively covering waste with the required 6-inches of material daily and processing recyclable waste and non-burnable waste in a timely manner. Efforts to monitor waste brought to the landfill in order to control disposal of non-burnable waste and hazardous waste do not appear to have improved. Excessive smoke and burning of waste that is not recommended to be burned continues to be a problem. In June a fire was intentionally started in the metals pile, caught a pile of tires on fire, and smoldered for over a week. Burn units and the electric fence continue to be in disrepair creating public health and safety hazards due to fly ash and vector attraction to the landfill. Metals-pile slopes continue to be steep and a potential hazard to members of the public salvaging from the waste.

In June, Dillingham requested a permit modification to allow co-disposal of sewage solids at the landfill in Cell 2 with plans to accept dewatered sewage sludge from the wastewater treatment lagoon during the months of July and August. Sludge disposal had not begun at the time of the inspection.

The attached Dillingham Class II MSWLF Inspection Checklist outlines inspection findings and provides an explanation for each item where points were deducted. Please review the checklist and take note of the following action items and deadlines.

Dillingham Landfill Compliance Action Items:

1. Submit monthly visual monitoring reports to ADEC by the 15th of each month beginning **September 15, 2013.**
2. Submit sewage solids disposal volume records and photographs of sewage solids in Cell 2 by **October 1, 2013.**
3. Install signage at the waste transfer area indicating what wastes are non-burnable and designate a dumpster specifically for these items. Submit a photograph of signage and dumpster by **November 1, 2013.**
4. Submit records showing landfill operators' hazardous waste recognition training and Rural Alaska Landfill Operator or Manager of Landfill Operations training by **January 1, 2014.**
5. Repair the electric fence at waste transfer area by **April 15, 2014**

Failure to comply with the above action items may result in further enforcement action. Feel free to contact me at (907) 269-7467 or by email at kitrina.persson@alaska.gov with any questions, comments or concerns.

Sincerely,



Kitrina Persson
Rural Landfill Specialist

Enclosures:
Class II MSWLF Inspection Checklist
Inspection Photo Report

Cc:
Rose Loera, Dillingham City Manager
Jody Seitz, Dillingham City Planner

**MEETING AGENDA
5:30 P.M. / COUNCIL CHAMBERS
Information Only**

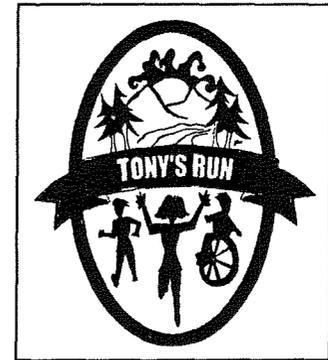
- I. **CALL TO ORDER** 5:52 PM
- II. **ROLL CALL** Paul Liedberg, Jennifer Gardiner
- III. **APPROVAL OF AGENDA**
- IV. **APPROVAL OF MINUTES**
- V. **Member Reports**
 - a. **Jennifer Gardiner** – Last meeting a grant opportunity from Wal-Mart was presented. Though the grant is a great opportunity availability of volunteers and the time limit to complete the grant is to close for the parks and rec committee to complete. Parks and Rec will be postponing the opportunity until the next time the grant becomes available. The final fun run was a bust there was 0 participants.
 - b. **Paul Liedberg** - Nothing at this time
- VI. **Funding Applications**
 - a. **Fundraising**
 - b. **Grant Opportunities** – None at this time
- VII. **UNFINISHED BUSINESS**
 - a. **None at this Time**
- VIII. **NEW BUSINESS**
 - a. **Parks and Recreation Committee Continuance** – The parks and recreation committee will be disbanded on January 1 2014. Things to think about prior to the next meeting are: How successful the parks and rec committee has been, Volunteers and meeting the requirements of the committee and whether or not we want to continue. More discussion will be at the next meeting
- IX. **PUBLIC COMMENT/COMMITTEE COMMENTS** – None at this time
- X. **ADJOURNMENT/TIME OF NEXT MEETING** Adjourned at 6:10 pm; Next meeting October 1 at 5:30 pm

CERTIFICATE OF APPRECIATION

10k Level
Sponsor

This certificate is awarded to

The City of Dillingham



In recognition of their contributions to
Safe and Fear-free Environment, Inc. (SAFE)
as a proud sponsor of the

22nd Annual Tony's Run
September 22, 2013



Safe and Fear-free Environment, Inc.
Dillingham, Alaska

James Jones
James Jones, SAFE Board President

9-19-2013

Date

Lisa Hagblom
Lisa Hagblom, Tony's Run Coordinator

Date

9/19/13