



Alice Ruby, Mayor

City Council Members

(Clerk Note: The list of Council Members will be updated pending the results of the Certification of the Election.)

**DILLINGHAM CITY COUNCIL
MEETING AGENDA – Revised October 11, 2011**

David B. Carlson Council Chambers

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

SPECIAL MEETING TO CERTIFY ELECTION	7:00 P.M.	OCTOBER 13, 2011
RESCHEDULED REGULAR MEETING	7:15 P.M.	OCTOBER 13, 2011

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

A. Regular Meeting, September 8, 2011

IV. APPROVAL OF CONSENT AGENDA

APPROVAL OF AGENDA

V. STAFF REPORTS

A. City Manager Report

B. Standing Committee Reports

VI. PUBLIC HEARINGS

A. Adopt Ordinance No. 2011-08, An Ordinance of the Dillingham City Council Amending DMC Section 4.15.080, Personal Property Returns (Clerk Note: This item was originally scheduled for a public hearing on October 6; meeting was rescheduled to October 13.)

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

VIII. ORDINANCES AND RESOLUTIONS

A. Adopt Ordinance No. 2011-08, An Ordinance of the Dillingham City Council Amending DMC Section 4.15.080, Personal Property Returns (Clerk Note: This item was originally scheduled for a public hearing on October 6; meeting was rescheduled to October 13.)

- B. Resolution No. 2011-80, A Resolution of the Dillingham City Council Awarding a Contract for Construction of the Dillingham Picnic Park Interim Erosion Protection Project
- C. Resolution No. 2011-81, A Resolution of the Dillingham City Council Awarding a Contract for the Delivery of Fuel for the Period October 1, 2011 through September 30, 2012

IX. UNFINISHED BUSINESS

- A. Annexation

X. NEW BUSINESS

- A. Action Memorandum No. 2011-15, Approve RFP for Animal Control Shelter
- B. Action Memorandum No. 2011-16, Authorize City Manager to Work on a Proposal to Lease a Lot at the Boat Harbor for Council Approval (*Clerk Note: This item will be available at the meeting.*)
- C. Select Several Possible Dates for School Open House after 3rd Week in October
- D. Set a Date for an Open House at the Senior Center after October 24

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

XII. COUNCIL COMMENTS

XIII. MAYOR'S COMMENTS

XIV. EXECUTIVE SESSION

- A. Legal Matter
 - 1. Annexation
 - 2. Local 71 Petition to Organize

XV. ADJOURNMENT

I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, September 8, 2011, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Pro Tempore Keggie Tubbs called the meeting to order at 7:01 p.m.

II. ROLL CALL

Mayor Alice Ruby absent.

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

Scott King, Seat B
Keggie Tubbs, Seat D
Chris Napoli, Seat E
Tim Sands, Seat F

Council Members absent:

Elizabeth Pearch, Seat A - excused
Bob Himschoot, Seat C - excused

Staff in attendance:

Dan Forster, City Manager
Doug Dombroski, Chief of Police
Jody Seitz, Planning Director
Carol Shade, Finance Director
Janice Williams, City Clerk

III. APPROVAL OF MINUTES

- A. Regular Meeting, August 4, 2011
- B. Special Meeting, August 29, 2011

MOTION: Tim Sands moved and Chris Napoli seconded the motion to approve the minutes of August 4, 2011 and August 29, 2011.

VOTE: The motion to approve both sets of minutes passed unanimously.

IV. APPROVAL OF CONSENT AGENDA

- A. Resolution No. 2011-75, A Resolution of the Dillingham City Council Amending the Bank Signature Cards for City Bank Accounts Due to a Change in Personnel
- B. Resolution No. 2011-76, A Resolution of the Dillingham City Council Amending the Bank Signature Card for the City Safety Deposit Box due to a Change in Personnel
- C. Proclamation to Join the National Moment of Remembrance of the 10th Anniversary of September 11th

MOTION: Chris Napoli moved and Tim Sands seconded the motion to approve the consent agenda as presented.

VOTE: The motion to approve the consent agenda as presented passed unanimously.

APPROVAL OF AGENDA

MOTION: Tim Sands moved and Chris Napoli seconded the motion to approve the agenda.

Mayor Pro Tempore Tubbs noted the agenda was the amended version handed out earlier in the day to add item D. Approve Application for Firefighter's Grant under Ordinances and Resolutions, and to add Planning Commission under Committee Appointments.

VOTE: The motion to approve the agenda passed unanimously.

V. STAFF REPORTS

A. City Manager Report

City Manager Dan Forster reviewed his staff report:

- appointed as City Manager the previous week;
- annexation – instituted an outreach effort and attempts were being made to contact each of the seven communities, had a good exchange with 2 of the communities so far;
- LBC will be making their final decision on October 4, and on October 13 will issue a formal written notice;
- auctioning off of the City Apartment building will take place September 17;
- union negotiations with PSEA bargaining unit were progressing along; and
- future schedule: will be out of town September 12 and 13, appointing Carol Shade as Acting City Manager; first week in October will attend biannual Preparedness Conference in Anchorage along with several key staff; AML conference will attend November 6-11; and first week in November will be taking personal leave.

B. Standing Committee Reports

Tim Sands, Chair, Code Review Committee:

- committee met August 11 and had canceled the September 8 meeting due to shortage of members;
- asking for Council consideration to add several items to the Committee's To Do List as listed on the agenda under Code Review Committee Assignments; and
- recommending Council adopt Ordinance No. 2011-07 up for adoption.

Tim Sands, Chair, Finance and Budget Committee:

- committee met on August 29 and reviewed and recommended the resolutions regarding equipment purchases passed at the August 29 special meeting; and
- had reviewed a memorandum for a forklift purchase for the Port Department, were looking to receive more information at the Sept. 26 F & B meeting for a presentation at the October Council meeting.

Carol Shade, Finance Director, noted there was funding available in the Dock Fund.

VI. PUBLIC HEARINGS

- A. Adopt Ordinance No. 2011-07, An Ordinance of the Dillingham City Council Amending Section 3.10.075 of the Dillingham Municipal Code Related to the Election of Candidates to Fill a Vacancy on the City Council (*Clerk Note: this item was originally scheduled for a public hearing on Sept. 1, which was rescheduled to Sept. 8*)

Mayor Pro Tempore Keggie Tubbs opened the public hearing on Ordinance No. 2011-07. There being no comments the public hearing closed.

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

- A. Diane Folsom – Animal Shelter Facility

Diane Folsom was asking the Council to not purchase the current property being leased by the City for an animal shelter facility. She was basing it on several incidents, including the loud barking, that she had outlined in a letter to the Council and was included in the packet. She had originally been told the situation would only be a temporary one, and felt the current location was not appropriate for a residential area.

Discussion:

- noted the Project Manager had recently provided some options for a shelter that the Council would be reviewing possibly in October.

VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2011-07, An Ordinance of the Dillingham City Council Amending Section 3.10.075 of the Dillingham Municipal Code Related to the Election of Candidates to Fill a Vacancy on the City Council (*Clerk Note: this item was originally scheduled for a public hearing on Sept. 1, which was rescheduled to Sept. 8*)

MOTION: Tim Sands moved and Chris Napoli seconded the motion to adopt Ordinance No. 2011-07.

City Clerk Williams reported that the ordinance was to bring in line two sections of code that referred to filling a vacant seat on City Council.

Tim Sands noted the ordinance had been vetted through the Code Review Committee and was recommended for adoption.

VOTE: The motion to adopt Ordinance No. 2011-07 passed unanimously.

- B. Introduce Ordinance No. 2011-08, An Ordinance of the Dillingham City Council Amending DMC Section 4.15.080, Personal Property Returns

City Clerk Williams reported the amended ordinance was to bring in line a section of code that referred to two items 1) when personal property returns were due, and 2) to change business inventory from average monthly to year end, that had been amended the prior year in two other sections of code.

MOTION: Tim Sands moved and seconded the motion to introduce Ordinance No. 2011-08.

Discussion:

- noted the window of opportunity to count inventory at year end and meet the filing deadline of Feb. 1, was very narrow, especially for a small business with limited staff, holidays, and asked if staff would prepare a schedule that outlined the events to see if it was time sensitive and might allow for a wider window of opportunity.

VOTE: The motion to introduce Ordinance No. 2011-08 passed unanimously.

- C. Resolution No. 2011-77, A Resolution of the Dillingham City Council Supporting the Nutrition, Transportation, and Support Services Grant for the Continuation of the Dillingham Senior Center Services

MOTION: Tim Sands moved and Chris Napoli seconded the motion to adopt Resolution No. 2011-07.

VOTE: The motion to adopt Resolution No. 2011-77 passed unanimously.

- D. Resolution No. 2011-78, A Resolution of the Dillingham City Council Authorizing the City Manager to Apply for an Assistance to Firefighters Grant in the Amount of \$400,000

MOTION: Tim Sands moved and Chris Napoli seconded the motion to adopt Resolution No. 2011-78.

Malcolm Wright reported the Fire Dept. had used the Assistance to Firefighters Grant a/k/a FEMA grant several years ago for a new fire engine and were looking to apply for another new engine to replace an older model. It would also include a request for money for a driver training program that would be useful for the department. They had recently noted the grant also included dispatch center equipment and were looking to include that as well.

VOTE: The motion to adopt Resolution No. 2011-78 passed unanimously.

IX. UNFINISHED BUSINESS

- A. Annexation

Mayor Pro Tempore Tubbs noted it had been reported on under the City Manager's report and would also be discussed in more detail in Executive Session.

X. NEW BUSINESS

- 1. Committee Appointments
 - a. Senior Advisory Commission

Mayor Pro Tempore Tubbs reported there had been one letter of interest, from Basil Backford, and he had been recommended by the Mayor.

MOTION: Tim Sands moved and Chris Napoli seconded the motion to concur with Mayor Ruby's recommendation to appoint Basil Backford to the Senior Advisory Commission.

VOTE: The motion passed unanimously.

b. Planning Commission

Mayor Pro Tempore Tubbs reported there had been an extensive recruiting period resulting in one letter of interest, from Petla Noden, and he was being recommended by the Department Head [Jody Seitz] and Mayor Ruby.

MOTION: Tim Sands moved and Chris Napoli seconded the motion to concur with the recommendation to appoint Petla Noden to the Planning Commission.

VOTE: The motion passed unanimously.

2. Code Review Committee Assignments

- a. Liquor Sales - Super Bowl Sunday
- b. Liquor Sales - New Year's Eve Falls on a Saturday or Sunday
- c. Write-in Ballots, Legislative Changes

Mayor Pro Tempore Tubbs reported that the three items had been reported on by the Code Committee Chair, Tim Sands, at the last Council meeting for consideration by the Council.

MOTION: Tim Sands moved and Chris Napoli seconded the motion to concur with the Code Review Committee's recommendation to add the three additional assignments.

Discussion:

- clarified the committee would bring back any recommended changes to the Council.

VOTE: The motion passed unanimously.

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

Jim Carty reported when he worked for the City the dog pound was located behind the City Hall building. Included in the facility was a concrete pad that drained into the sewer. The pad still existed, but could be expanded, and a building put over it. He noted it had worked fine in the past.

XII. COUNCIL COMMENTS

Chris: no comment

Scott King: no comment

Tim Sands:

- welcomed City Manager Forster, and offered his help if he needed it; and

- thanked staff for keeping the City running.

XIII. MAYOR'S COMMENTS

Mayor Pro Tempore Keggie Tubbs:

- welcomed City Manager Forster, noting it was good to have him on board; and
- asked for a moment of silence to recommend those that had been lost since the last meeting.

XIV. EXECUTIVE SESSION

A. Legal Matter

1. Annexation

MOTION: Tim Sands moved and Chris Napoli seconded the motion to go into executive session under DMC, 2.09.050, regarding legal matters [7:33 p.m.].

VOTE: The motion passed unanimously.

(The meeting recessed at 7:34 p.m. for a two minute break before going into executive session.)

MOTION: Chris Napoli moved and Tim Sands seconded the motion to come out of executive session [8:36 p.m.].

GENERAL CONSENT: The motion passed with no objection.

XV. ADJOURNMENT

Mayor Pro Tempore Tubbs adjourned the meeting at 8:36 p.m.

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk



Human Resources

Date: September 27, 2011
To: Dan Forster, City Manager
From: Jayne Bennett, EA/ HR
Subject: Employee Update

Department

New Hires:

Library	Abigail Flynn, Librarian
Public Safety	Stephanie Koutchak, Dispatcher I Stephanie Miller, Admin Assistant/Dispatcher 1 Mike Myers, Corrections Officer
Public Works	Ben McDowell, Heavy Equipment Mechanic Brian McCumber, Mechanic I

Resignations:

Fire Dept	Hope Jackson, Fire Dept Office Assistant
Public Safety	Cheryl Bird, Patrol Officer



MEMORANDUM

Date: September 27, 2011
To: Dan Forster, City Manager
From: Janice Williams, City Clerk
Subj: Staff Report

The following report highlights some main events in September and forthcoming in October.

Public Notice of City Election October 4

Lacking the Bristol Bay Times, we have gone over and above the code requirements for advertising a regular City election. City code requires that we *"shall give at least twenty days notice of an election by posting notice in at least three public places in the City, and by publishing the notice at least twice in a newspaper of general circulation within the City, providing there is such a newspaper, with one publication to be within seven days preceding the election"*.

Please note an advertisement announcing the candidate filing period (Aug. 9 – Sept. 6) for council and school board seats, and highlighting in order to vote must be registered 30 days prior to the election at a residence address within the municipality, was placed in the August 8 edition of the Bristol Bay Times. A full Election Notice, advertising date, time, purpose of the election, absentee voting and voter and candidate qualifications was published in the August 15 edition of the Bristol Bay Times. Two more full Election Notices advertising date, time, place, purpose of the election, and absentee voting, appeared in the September 21 and September 28 editions of The Delta Discovery. Postcards were mailed to all PO Box holders on August 12 announcing the election date and time, candidate filing period, purpose of the election, and highlighted in order to vote must be registered 30 days prior to the election at a residence address within the municipality. Public Notices with abbreviated messages and full notices of the election were distributed throughout August and September via the City Clerk's Public Notice distribution email list and via the City's website and posted in three public places.

October 4 Election, doors are open 8:00 am to 8:00 pm.

Election Board Judges - Pearl Strub has graciously agreed to be the Election Chairperson, a position she has held in the past. Election judges are Dana Clark, Steve Foy, Sherry Christensen and Curt Armstrong. This is a very experienced group and the City is pretty fortunate to have them.

Canvassing Committee Meeting meets October 6 – the Election Board also serves as the Canvassing Committee. They will meet October 6, first Thursday following the election, and canvass all absentee and questioned ballots executed in the election. A report of the results of the election will be made available for the Council.

Special Meeting to Certify the Election October 13 - The Council will meet at 7:00 pm to certify the results of the election.

Dual Office Holding - I was asked to research whether a City Council member could serve on the School Board simultaneously. Attached is a copy of the advisement from Attorney Brooks Chandler in which he opined dual office holding was permissible.

Ordinance No. 2011-08, amend code for Personal Property Returns

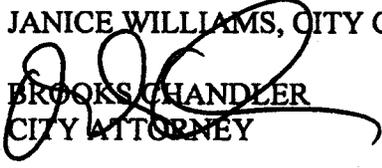
This ordinance is being recommended by the Code Review Committee for Council approval. Last year an ordinance was adopted changing the due date when personal property forms were due and in a separate ordinance the Council changed the manner in which inventory was reported on the forms from average monthly inventory to yearend inventory. Unfortunately, these same two items appeared together in a separate section of code but were inadvertently overlooked when the code was amended. This ordinance would bring the overlooked section in line with the changes made last year.

Time Line for Sending out Personal Property Assessments by March 15. At the last meeting, a request was made for an outline of the events leading up to sending out the personal property assessments by March 15. The assessments are based off of the personal property returns required to be submitted by the first working day in February. The concern was the window of time between closing out the year, counting inventory, and reporting it by February 1, was pretty hard to meet especially for a small business with limited resources and might it be possible to reevaluate the steps and allow more time to file. I am not certain if the information will be available for this packet, but we will work to have it in the next council packet.

Attachment: Memorandum Re: Dual Office Holding

BOYD, CHANDLER & FALCONER, LLP
ATTORNEYS AT LAW
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MEMORANDUM

TO: JANICE WILLIAMS, CITY CLERK
FROM:  BROOKS CHANDLER
CITY ATTORNEY
DATE: SEPTEMBER 13, 2011
RE: DUAL OFFICE HOLDING

You have asked whether a city council member may simultaneously serve as an elected member of the city school board. In our opinion, such dual office holding is permissible. The reasons for this conclusion are expressed in greater detail below.

FACTS

The City of Dillingham is a first class municipal corporation located outside the boundaries of any organized borough. The city also operates a local public school system commonly known as a "single site school district". One member of the Dillingham City Council, who has a year remaining on his term of office, has filed for election to the City School Board. The School Board seat for which the council member is running has a three year term.

LAW

Dillingham Municipal Code

Section 2.06.010 of the Dillingham Municipal Code establishes a six member city council. Council members serve without compensation. DMC 2.06.050. DMC 2.72.020 establishes a school board for the city's school district to be elected and to serve terms as provided by specified provisions of state law. School board members also do not receive compensation for service on the board. Neither of these chapters of the city code address whether the same persons may serve simultaneously on both the city council and the school board. Both school board members and city council members are elected at large.

DMC 2.72.030 requires the city school district to be operated "under the management and control of the school board" as provided by state law. The school district has its own treasury and the school board has custody of the funds and manages the money. DMC

2.72.040. DMC 2.72.060 incorporates state law budget procedures for school districts into the city code.

DMC 2.72.070 provides that risk management, maintenance and janitorial services for school district facilities must be provided by the school district unless the city and district jointly agree otherwise, and also establishes a school facility committee composed of equal numbers of city and school district representatives plus a citizen member. The committee is required to make recommendations to the city council for annual appropriations for facility maintenance and repairs. DMC 2.72.070(D)(8).

State Law

AS 29.20.130 requires a first-class city to have a six (6) member city council. AS 29.20.300 requires that each municipal school district have a school board. Under AS 29.20.630, a city school district employee "may not be denied the right to serve as an elected municipal official because of employment by the state or school district". This means a school district employee may serve on the city council.

Under the provisions of Title 14 of the Alaska statutes referenced in DMC 2.72, "except as otherwise provided by municipal ordinance", the school board submits a school budget to the city council for approval or disapproval only of "the total amount of money to be made available from local sources for school purposes". AS 14.14.060, 14.14.065. The city council does not have the discretion to reallocate budget amounts approved by the school board between line items within the school budget. DMC 2.72.060. Additional relevant state law provisions are discussed in the analysis section of this memorandum.

Court Cases

In *Acevedo v. City of North Pole*, the Alaska Supreme Court upheld a prohibition on a municipal employee being a member of a city council. Part of the court's reasoning was based on a concern regarding, "[t]he simultaneous holding of more than one public office". *Acevedo*, 672 P.2d 130, 134 citing *Cummings v. Goding*, 377 A.2d 1071, 1074 (R.I.1977) (citing *Osetek v. City of Chicopee*, 370 Mass. 110, 345 N.E.2d 897 (1976)). This concern was reflected in the common law rule against the holding of incompatible offices. The reasoning behind this rule includes: (1) preventing multiple position-holding, so that offices and positions of public trust would not accumulate in a single person; (2) preventing individuals from deriving, directly or indirectly, any pecuniary benefit by virtue of their dual position-holding; (3) avoiding the inherent conflict which occurs when an employee's elected position has revisory power over the employee's superior in another position; and (4) generally, to insure that public officeholders and public employees discharge their duties with undivided loyalty. 3 E. McQuillan, Municipal

Corporations § 12.67 (3d rev. ed. 1982); *Cummings v. Godin*, 377 A.2d at 1075; see also *Warwick v. State ex rel. Chance*, 548 P.2d 384 (Alaska 1976). *Begich v. Jefferson*, 441 P.2d 27 (Alaska 1968). (School teacher employed at state operated on base school at Ft. Richardson may not simultaneously serve as member of Alaska Legislature).

The Supreme Court has also recognized that laws dealing with the right of voters to choose public officials, and the right of citizens to aspire to and hold public office, should receive a liberal construction in favor of assuring the right to exercise freedom of choice in selecting public officials and also the right to aspire to and hold public office. e.g., 63C Am. Jur.2d *Public Officials and Employees* cited with approval in, *Anchorage v. Mjos*, 179 P.3d 941, 943 n.1 (Alaska 2008). See also, *O'Callaghan v. State*, 826 P.2d 1132, 1137 (Alaska 1992)(admittedly ambiguous statute interpreted in favor of finding candidate eligible). *Mjos* is the most recent Alaska Supreme Court candidate eligibility decision. The court held “[i]n cases where there is a statutory ambiguity as to whether or not a candidate is eligible to run for office, the statute should be construed in favor of eligibility, so long as it may be reasonably so read”. *Mjos*, supra, 179 P.3d at 943.

ANALYSIS

Whether one elected office is “incompatible” with another elective office depends on whether one is “subordinate” to the other. *McCabe v. Kane*, 221 A.2d 123 (R.I. 1966) and “subject in some degree to its revisory power”. *State ex rel. Metcalfe v. Goff*, 9 A 296 (R.I. 1887). Another commonly applied test is whether the offices are “repugnant” to each other or “inherently inconsistent”. This concept of inherent incompatibility is different than conflict of interest principles. Incompatibility involves a “clash of duties” of the two offices. It exists either theoretically or actually on a virtually perpetual basis. Conflict of interest is something that arises on a case by case basis depending precisely on what issue is before which elective body. *Reilly v. Ozard*, 166 A.2d 360, 370 (N.J. 1960).

Under this analysis the question becomes whether the duties owed to the public by a member of the school board are under the “power and control” of the city council such that one holding office as a member of the Dillingham city school board is subordinate to the Dillingham city council. In our opinion, the answer is no.

The duties of school board members are not established by the Dillingham municipal code which would make those duties subordinate to decisions of the city council. Rather, those duties are established by state law specifically AS 14.14.090 which identifies 10 distinct legal duties “in addition to other duties”. Those specified duties can only be changed by the Alaska legislature and are not subject to the “control” of the Dillingham City Council.

The size of the Dillingham city school board is set by state law. AS 14.12.030(a). The term of members of city school boards is established by state law. AS 14.12.050. The filling of vacancies on the Dillingham School Board is set by state law. AS 14.12.070. Even the wording of the oath of office of school board members is set by state law. AS 14.12.090. The extensive mandatory requirements applicable to the Dillingham city school board set forth in state law are contrary to the notion that the Dillingham city school board is inherently subordinate to or under the control of the Dillingham City Council, such that serving as a member of the school board is "inherently incompatible" with simultaneously serving as a member of the Dillingham School Board.

The "relationship" between a city council and a city school board is also not established by the city council or by the school board, but by the Alaska legislature. This relationship is spelled out in AS 14.14.060. Under this state law there is some discretionary authority over the Dillingham school district provided to the city council. For example, the city council "may by ordinance" require that school district funds be deposited in a central treasury and give the city manager the authority to invest and manage district funds. AS 14.14.060(a). Dillingham has chosen not to do this, but theoretically could change this decision in the future. The city council also has the authority to adopt ordinances regarding the time by which the District's annual budget must be submitted to the Assembly for approval. AS 14.14.060(c). The Dillingham City Council has chosen not to establish time lines different than those set by state law.

There is some intersection between city council functions and duties and school board functions and duties. The city council has final say over the location of schools, but not final say over the design of school buildings. AS 14.14.060(d), (e). The school board must provide routine maintenance and the city council must provide for major maintenance of school facilities unless the city council and school board jointly agree to another system. AS 14.14.060(f). School boards can set their own procurement policies independent of the procurement provisions of the Dillingham city code. AS 14.14.060(h).

The minimum "local contribution" to the Dillingham school district that must be approved by the city council is set by state law. AS 14.17.410(b)(2). The city council does have the discretion to make contributions above the minimum local contribution subject to a "cap" imposed by state law. AS 14.17.410(c).

Most significantly for this analysis, state law specifies that elected assemblies may also choose by ordinance to serve as the local school board in districts with 500 pupils or less. AS 14.12.110(2). While Dillingham does not qualify for this "single body" approach, the fact that state law allows a single body to function in both capacities is strong evidence that the Alaska legislature does not view the function of a member of a local school board as "inherently

incompatible” with simultaneously functioning as a member of a city council. Rather, state law draws the line at serving on a school board and being employed by the school district. AS 14.14.140.

This is not a situation for concern about a single person gathering a significant amount of “pecuniary benefit” from public service in two offices. Neither position is paid anything.

There well may be situations where the impartiality or objectiveness of a person serving on the city council in voting on a budget presented by the school district after being approved by the school board could be questioned. This creates the issue of “undivided loyalty” that is one factor that weighs against serving on both bodies at the same time. We regard these as political issues or issues that arise regularly as a result of service on the city council. We assume this concern will be factored into the democratic process when Dillingham residents select their city council and school board representatives. In our opinion, if Dillingham voters wish to have the same person fill two roles that wish should be respected. In addition, since both positions are elected at large, the “constituency” for a school board member is identical to the constituency for a city council member.

CONCLUSION

For all of the reasons set forth above, we believe a single person may serve simultaneously on both the Dillingham school board and the Dillingham city council. If you have any additional questions regarding this matter, please let me know.

BWC/lhf
dill.memos.dual office memo.20110913

MEMORANDUM

TO: Dan Forster, City Manager

FROM: Carol Shade, Finance Director

DATE: October 1, 2011

SUBJECT: Monthly Report

The Finance Department continues to be extremely busy. We are still reviewing general ledger accounts and balancing accounts to finalize the preparation for the audit. Our goal was to have all journal entries to general ledger accounts done by the time I left for Anchorage.

I will be attending the Fall 2011 Preparedness Conference from October 3, 2011 through October 6, 2011. I am taking an additional day after the conference and will return to work on Monday, October 10, 2011.

Looking ahead to the remainder of October, the second week of October will be taken up by the audit. I am hoping to spend the majority of the third week, getting the FY 2012 budgets reviewed and the budget books for the Council Members updated and back to them. It will also be time to start working on the first budget amendment for FY 2012. Well, that takes care of October.

Now, on to November. I will be out the first week of November for the annual AML/AGFOA conference in Fairbanks. The Finance Department will also be putting together the documents and data needed for moving into the new software. After conversations with the consultants we have had to move the implementation date out to December 1. This is all right with us, as we have a lot to do to prepare for that. Unfortunately, our current software will not have an easy "crosswalk" to the new software. However, after talking with the current software technical staff it appears there is an upgrade we have that was not installed which will help us in that endeavor. We will be looking at installing that upgrade in mid-October or early November.

November is also the month, when the Accounts Receivable staff will send out the Business License Renewal notices. Ted will be working on getting the tax assessments ready to send out for the 1st of the year. Holly will start preparing preliminary reconciliations so that any adjustments to payroll can be made prior to the end of the calendar year.

With that being said, attached are the Summary Statements of Revenues, Expenditures and Fund Balances as of September, 2011. As always, just a reminder that our reports to you are unaudited at this time.

City of Dillingham
Revenues and Expenditures As of September 30, 2011
Preliminary Figures

REVENUES:	Budget - FY12	Sep-11	Year to Date Actual - 9/30/11	Percent	Previous Year	
					9/30/2010	INC/(DEC)
					Actual	Last Year
<u>General Fund Revenues</u>						
General Sales Tax	2,525,000	236,702	813,424	32.2%	423,011	390,414
Alcohol Sales Tax	250,000	40,788	79,479	31.8%	47,595	31,883
Transient Lodging Sales Tax	80,000	9,688	25,060	31.3%	16,041	9,019
Gaming Sales Tax	80,000	-	3,198	4.0%	8,415	(5,217)
Total Sales Tax	2,935,000	287,178	921,161	31.4%	495,063	426,098
Real Property Tax	1,455,000	(2,326)	1,475,045	101.4%	1,459,068	15,977
Personal Property Tax	476,715	(416)	506,663	106.3%	428,816	77,847
Total Property Taxes	1,931,715	(2,742)	1,981,709	102.6%	1,887,884	93,824
Electric & Telephone	80,000	-	76,127	95.2%	-	76,127
Raw Fish Tax	290,000	-	-	0.0%	-	-
Shared Fisheries	40,000	-	-	0.0%	-	-
Revenue Sharing (Municipal Energy Assist in '08)	280,288	-	233	0.1%	209,543	(209,310)
Payment in Lieu of Taxes (PILT)	407,000	-	-	0.0%	407,511	(407,511)
ARRA Bulk Fuel Grant	-	-	-	-	-	-
Foreclosures	338,000	-	70	-	-	-
State Jail Contract	460,725	-	-	0.0%	107,241	(107,241)
Other Revenues	888,443	34,020	110,384	12.4%	128,459	(18,076)
Total	2,784,456	34,020	186,814	6.7%	852,754	(666,010)
Total General Fund Revenues	7,651,171	318,456	3,089,684	40.4%	3,235,701	(146,087)
<u>Special Revenue Funds Revenues</u>						
Water	203,412	(373,497)	39,901	19.6%	41,806	(1,905)
Sewer	254,221	22,097	59,577	23.4%	57,557	2,020
Landfill	344,493	20,025	52,757	15.3%	45,859	6,897
Dock	639,466	157,213	292,561	45.8%	982	291,578
Boat Harbor	211,544	1,121	24,585	11.6%	42,786	(18,201)
E-911 Service	20,650	5,406	12,780	61.9%	6,089	6,691
Senior Center	461,420	8,274	43,755	9.5%	47,257	(3,502)
Total Special Revenue Funds Revenues	2,135,206	(159,362)	525,915	24.6%	242,337	283,578
Debt Service Fund Revenue	1,177,840	-	8,243	0.7%	8,241	2
Asset Forfeiture Fund	10,000	-	-	-	-	-
Dock and Harbor Capital Project Fund Revenue	-	-	2,783	-	71,077	(68,295)
Road and Streets Capital Project Fund Revenue	1,000,000	-	147,400	14.7%	82,546	64,854
Water and Sewer Capital Project Fund Revenue	-	24,050	62,358	-	808,383	(746,025)
School Bond Project	953,384	-	-	-	-	-
Dillingham School District Additional Request	50,000	-	-	-	-	-
Homeland Security Misc Grant Revenue	-	-	-	-	-	-
Sr Center - CDBG Grant Capital Project Fund	-	-	-	-	-	-
Equipment Replacement Capital Project Fund	100,000	-	-	0.0%	-	-
Ambulance Reserve Capital Project Fund Revenue	45,000	-	-	-	-	-
Mary Carlson Estate Permanent Fund Revenue	7,420	-	-	0.0%	-	-
Landfill Capital Improvement Fund	-	-	-	-	-	-
Total	3,343,644	24,050	220,783	-	970,247	(749,464)
Total Revenues	13,130,021	183,144	3,836,381	-	4,448,285	(611,973)

City of Dillingham
Revenues and Expenditures As of September 30, 2011
Preliminary Figures

EXPENDITURES:	Budget - FY12	Sep-11	Year to Date Actual - 9/30/11	Percent	Previous Year	
					9/30/2010 Actual	INC/(DEC) Last Year
General Fund Expenditures						
City Council	96,600	5,928	27,627	28.6%	16,909	10,718
Administration	305,901	38,299	85,083	27.8%	62,996	22,087
City Clerk	113,139	9,137	23,566	20.8%	6,230	17,336
Finance	572,124	39,503	127,217	22.2%	118,289	8,928
Legal	40,000	-	5,817	14.5%	2,810	3,007
Insurance	86,899	-	92,890	106.9%	100,996	(8,106)
City School	1,350,000	-	325,000	24.1%	-	325,000
Non-Departmental	207,625	9,861	44,402	21.4%	46,780	(2,378)
Contributions	4,000	-	-	0.0%	25,500	(25,500)
Planning	129,287	8,910	22,492	17.4%	25,639	(3,147)
Dispatch	451,553	40,179	103,980	23.0%	78,457	25,523
Patrol	986,290	86,477	268,031	27.2%	152,627	115,404
Corrections	542,107	39,732	126,357	23.3%	93,932	32,425
DMV	90,590	6,637	18,324	20.2%	15,117	3,207
Fire	290,146	19,369	52,964	18.3%	22,994	29,970
Animal Control Officer	116,306	7,765	26,670	22.9%	22,278	4,392
Building and Grounds	298,358	21,380	61,359	20.6%	39,009	22,350
Shop	301,689	20,947	25,583	8.5%	48,081	(22,498)
Street	513,425	83,548	136,058	26.5%	119,780	16,278
Public Works Administration	133,943	8,500	28,686	21.4%	23,296	5,390
City Apartment Building	19,850	10,207	24,392	122.9%	-	24,392
Library	150,852	5,034	29,402	19.5%	28,590	812
Bingo Hall/Potato House	9,905	642	1,077	10.9%	-	1,077
Transfers to Other Funds	978,075	-	-	0.0%	-	-
Total General Fund Expenditures	7,788,664	462,054	1,656,977	21.3%	1,050,308	606,669
Special Revenue Funds Expenditures						
Water	200,328	8,451	28,464	14.2%	34,153	(5,690)
Sewer	257,305	20,071	52,511	20.4%	46,049	6,462
Landfill	344,493	17,417	71,554	20.8%	61,876	9,678
Dock	369,429	26,033	128,704	34.8%	133,576	(4,872)
Boat Harbor	211,544	12,239	58,451	27.6%	57,373	1,078
E-911 Service	45,000	-	-	-	-	-
Senior Center	461,420	111,153	237,165	51.4%	76,102	161,063
Homeland Security	-	-	-	-	-	-
Total Special Revenue Fund Expenditures	1,889,519	195,363	576,849	30.5%	409,129	167,719
Debt Service Fund Expenditures	1,177,840	-	315,920	26.8%	-	315,920
Asset Forfeitures Fund	-	10,405	11,627	-	-	11,627
Dock and Harbor Capital Project Fund Expenditures	-	608	3,629	-	554,620	(550,991)
Road and Streets Capital Project Fund Expenditures	1,000,000	1,040,703	1,067,446	-	165,092	-
Water and Sewer Capital Project Fund Expenditures	-	(252,950)	30,536	-	1,428,580	(1,398,045)
School Bond Project Fund Expenditures	953,384	9,537	15,710	-	1,140,973	(1,125,263)
Homeland Security	-	4,262	4,262	-	-	-
Equipment Replacement Capital Proj Fund Expen	100,000	44,176	52,363	52.4%	69,000	(16,637)
Ambulance Reserve Capital Project Fund Expen	45,000	-	-	-	-	-
Mary Carlson Estate Permanent Fund Expenditures	7,420	299	1,865	25.1%	1,245	620
Landfill Capital Project Fund Expenditures	-	-	2,695	-	473	2,223
Total	3,283,644	857,040	1,506,051	45.9%	3,359,983	(2,760,548)
Total Expenditures	12,961,827	1,514,456	3,739,877	28.9%	4,819,420	(1,986,159)
Revenues Over (Under) Expenditures	168,194	(1,331,312)	96,504		(371,135)	1,374,186

City of Dillingham
Revenues and Expenditures As of September 30, 2011
Preliminary Figures

	Fund Bal.	FY'12	FY'12	Add or (-)	Fund Bal.
	6/30/2010	Revenues	Expenditures	Fund Bal	9/30/2011
01 General Fund	3,810,977	3,089,684	1,656,977	1,432,706	5,243,683
06 Water and Sewer	158,712	99,478	80,975	18,503	177,215
07 Landfill		52,757	71,554	(18,797)	(18,797)
08 Dock	1,297,379	292,561	128,704	163,857	1,461,236
09 Boat Harbor	-	24,585	58,451	(33,866)	(33,866)
10 E-911 Service	92,155	12,780	-	12,780	104,935
11 Asset Forfeitures Fund	56,680	-	11,627	(11,627)	45,053
12 Senior Center	(329)	43,755	237,165	(193,411)	(193,740)
15 Debt Service	-	8,243	315,920	(307,677)	(307,677)
21 Dock and Harbor Capital Project Fund	(23,305)	2,783	3,629	(846)	(24,151)
22 Road and Streets Capital Project Fund	-	147,400	1,067,446	(920,046)	(920,046)
23 Water and Sewer Capital Project Fund	91,742	62,358	30,536	31,822	123,564
24 School Bond Project Capital Project Fund	4,310,212	-	15,710	(15,710)	4,294,502
27 Homeland Security	(8,573)	-	-	-	(8,573)
30 Equipment Replacement Capital Project Fund	219,414	-	52,363	(52,363)	167,051
32 Ambulance Reserve Capital Project Fund	399,487	-	-	-	399,487
34 Mary Carlson Estate Permanent Fund	408,690	-	1,865	(1,865)	406,825
50 Landfill Capital Project Fund	165,944	-	2,695	(2,695)	163,249
Total	10,979,185	3,836,381	3,735,615	100,766	11,079,951



To: Mr. Dan Forster, City Manager
From: Ethan Richards, Fire Coordinator
Subject: Department Head Report
Date: September 27, 2011

The Dillingham Volunteer Fire Department and Rescue Squad held an Executive Committee Meeting on 9/7/2011. We held a combination meeting on 9/7/2011 and a combined Fire Training was held on 9/14/2011. The Volunteers inspected, pressure tested and inventoried rack-stored hose at the Dillingham Airport. Engines 1, 3, & 4 provided water pressure. Pumps were evaluated. Engine 2 was present as a back up. Volunteers met again on 9/17/2011 for additional hose testing and implement inventory. Testing and inspections are for up coming ISO.

Rescue Training was held on 9/21/2011 at the Lake Road Station. Training consisted of ICS review, MOI and Triage instruction.

The Rescue Squad responded to 22 ambulance calls during the month of August 2011. They consisted of 3 trauma calls, 3 alcohol, 3 respiratory, 1 cardiac, 1 drug overdose, 1 seizure, 2 medevac, 2 DOA, 4 other medical and 2 Fire Responses.

Ambulance 3 has been repaired and returned service. There were no other major equipment issues and all apparatus are in service and ready to respond.

There were three new membership applications presented to the Executive Committee for consideration.

During the Month of October routine inspection of apparatus and equipment will take place. The Fire Coordinator will attend the DHS&EM, 10/2-10/7.

Respectfully,

Ethan Richards,
Fire Department Coordinator

Dillingham Public Library

To: Dan Forster, City Manager
From: Sonja Marx, Librarian
Date: 9/27/2011
Re: September Monthly Report

Four extensive pieces of paperwork were submitted this month thanks to all the staff here at the Library and the grants personnel in the Finance department. These included: the ALASKA PUBLIC LIBRARY Annual Report for the fiscal year ending June 30, 2011; the ALASKA PUBLIC LIBRARY ASSISTANCE GRANT Final Report FY2011; the ALASKA PUBLIC LIBRARY TECHNOLOGY Report FY2011, and the INTERLIBRARY COOPERATION GRANT Final Report FY2011. We are very thankful for these grants (totaling \$9,300 last year) that helped provide the funds necessary to purchase materials and equipment for the Dillingham Public Library. It takes time every day to record the statistics and keep track of the data required each year to ensure that we qualify for these grants.

Our next "grant paperwork" to finalize for the last fiscal year will be for the IMLS grant (Native American Basic Grant with Continuing Education option) offered through the Institute of Museum and Library Services. Those funds have to be encumbered by September 30th.

A technician, contracted with GCI from Anchorage for our Alaska OWL project, was here Monday through Thursday (September 19th – 22nd) to install some equipment to increase the broadband speed in our library. He was not successful, however, in switching us over to GCI from Nushagak. We are "patiently waiting" this opportunity to have faster internet for the patrons of our community here at the Library. It's exciting!

We are still in need of a 14-hour a week Library Aide to complete our staff here at the Library.

The Friends of the Library did not meet this month; nor did the Advisory Board. Times and dates have not yet been finalized for the next meetings.

Many students from the 7th & 8th Grade classes with their teacher visited this month from the Dillingham Middle school. Nicole was invited to share about the Library at a staff meeting for teachers. We also had Library information displayed on a table during the DCSD open house.

The library was closed for Labor Day, Monday, September 5th. Coming up in October, the Library will be closed for Columbus Day on Monday, October 10th. I will be traveling October 21st – 30th. The Librarian Assistant and the School Librarian will be covering the Library while I am gone.

Library Stat report for September 4-24, 2011:

Patron Visits: 1,565 Computer Use: 257 Story Hours: 74 Other: 66
Approximately 28.5 volunteer hours logged

Date: October 6, 2011
To: Dan Forster / City Manager
From: Jean Barrett, Port Director
Subject: September Staff Report

HARBOR

Although we are mostly clear of boats when September rolls around, there are those die hard's that leave their boats in the harbor for one reason or another, Whether it be the have taken them up the river moose hunting or they are contemplating going on a walrus hunt. Thus we have to go through the daily routine of checking them, making sure they are securely tied, that there has not been anyone aboard them that should not have been and in the case of the several skiffs, making sure they are not taking on water to the point of swamping.

Early on in September Todd and I worked on several projects around the harbor.

- We, with the help of the public works department started removing the boat ramps from the harbor for the winter. We have the East side pulled with the exception of the float arm which will have to wait until the tide is high enough to pull them up onto the shore for the winter. The South Ramps are scheduled for removal late this week.
- Brush removal- we made several trips to the landfill with brush that had been cut down in our ongoing attempt to clear the Harbor area of some of the over growth that has taken over areas that were once usable.
- The Summer equipment has been serviced and either shut down or winterized , such as the Ice machine, which I have serviced and shut down by a local refrigeration technician. I find this is best for the longevity of the machine, that way if there are any problems we have them there to take care of it, I also have them do the initial start up of the spring also for the same reasons. The Tote dumper has been greased and the power shut off, this piece of equipment has yet to be tested to see how well it works, the ice sales this year were very minimal or were not of the type that needed the dumper, we will hope next year is better.

DOCK- As the summer winds down the dock slows from the hornets nest that it is during the summer months to a nice steady pace, trucks still come and go all day long but it is not backed up, take a number and wait your turn.

- Over the last month or so there has been a facelift of sorts going on at the dock, we have finally found someone who wants all the left over sheet piling pieces and old metal piling left over from the demolition of the old cold storage dock and the construction of the all tide dock. This area of the beach between the dock and the dock warehouse is a good usable piece of ground but due to the fact the job was not finished the last time , don't get me wrong there is a lot more to clean up at this site but it is a good start.
- We have had Knik Construction stockpiling all their construction equipment at the dock awaiting their barges to arrive to load and move out of Dillingham after the summer construction season.
- I have been working on gathering information towards the purchase of a new forklift for the dock. I have submitted it as a CIP and also wrote a letter to be presented to the Budget and Finance committee in order to sway them to allow this purchase.
- We have started to re-organize the Warehouse at the dock, we have several sections of Shelving to go up and if we like the use of them we have the option to purchase more. This is in hopes of getting and keeping this very usable area just that a very usable area instead of a catchall.

OCTOBER

- In October I am leaving to Homer for a week for the Annual Harbormaster / Port Director's conference, I will update you on the going ons in next month's report.
- The Dock will be shutting down for the winter on the 31st of October, before that happens we have another barge or two scheduled to arrive in Dillingham. I will have year ending freight in and out numbers for the October report , if not I will have them in Novembers.
- I am working on some suggested revisions of the port Rules and fee schedule, it has not been updated for some time now. I will be scheduling a meeting of the Port committee in November so as to get their input on my suggested changes. I will have for them, some numbers from comparable harbors to show where we are in relation to them.

That's all from the Port this month.

JEAN

Monthly Report

Dillingham Dept. of Public Safety

For the month of September 2011

Patrol

- ❖ 543 calls for service
- ❖ 44 Incident reports generated
- ❖ 13 Assaults
- ❖ 01 Burglaries
- ❖ 06 Theft offenses
- ❖ 02 Violation of release conditions/probation
- ❖ 00 Criminal mischief offenses
- ❖ 01 Driving under the influence
- ❖ 01 Minor consuming
- ❖ 01 Disorderly conduct
- ❖ 14 persons arrested
- ❖ 20 Title 47/Protective custody
- ❖ 02 Citations issued

Corrections

- ❖ 50 Total Inmates for 08/28/2011-09/25/2011
- ❖ 20 Total Title 47/Protective custody
- ❖ 41 Male inmates
- ❖ 09 Female inmates
- ❖ 15 Male Protective custody
- ❖ 05 Female Protective custody
- ❖ 01 Inmates from Adult Probation
- ❖ 14 Inmates from Courthouse
- ❖ 16 Inmates from A.S.T.
- ❖ 19 Inmates from Dillingham Police
- ❖ 00 Use of force reports

WAANT/Investigations Unit

- ❖ 05 Alcohol interdictions
- ❖ 04 Drug investigations
- ❖ 12 Investigative assistance to Dillingham Police
- ❖ 02 Administrative investigations
- ❖ 04 Postal seizures

Communications

- ❖ 669 Total calls for service 08/28/11-09/25/11
- ❖ 83% dispatched to Dillingham Police
- ❖ 5% dispatched to Communication Dept.
- ❖ 8% dispatched to Alaska State Troopers
- ❖ 3% dispatched to EMS/Dillingham Fire
- ❖ 1% dispatched to Dillingham Animal Control
- ❖ 09 Record requests complete

Animal Control

- ❖ 29 Total calls handled for 08/28/11-09/25/11
- ❖ 08 Dog impound
- ❖ 00 Cat impound
- ❖ 01 Warning citation issued
- ❖ 11 Citations Issued
- ❖ 00 Dogs adopted from Animal Shelter
- ❖ 02 Owner released dogs (given for adoption)
- ❖ 02 Compassionate euthanasia
- ❖ 02 Dead dog removed from roadways
- ❖ 06 Dogs found and returned to owners
- ❖ 00 Dog bite case
- ❖ 00 Rabies shots given
- ❖ 00 Parvo/Distemper shots given
- ❖ 06 Bear calls

DMV

- ❖ 109 Registrations/Titles
- ❖ 84 Driver's license/ID's
- ❖ 04 Commercial driver's licenses
- ❖ 05 Road tests

Monthly Department Updates

Patrol:

The patrol division has one officer away at the academy for basic certification. The officer is due to return to full duty in November at which time he will be placed on FTO. The patrol division has lost a second officer due to resignation/furthering education. Due to low staffing levels, no training will be available at this time or within the month of September or October.

Corrections:

During this monthly report time frame, the Corrections Department has hired one Corrections Officer, Michael Meyers. The department has also had some internal repairs done. The Corrections Department is currently working on getting separate phone and fax lines, which will increase department flexibility and production. The 2013 budget is also being worked on.

Communications:

The department has welcomed Stephanie Miller as our administrative assistant this last month. We will be losing a dispatcher as of October 16 this will make the communication department short one employee. The dispatch department is sending two employees to CPR/First Aide training September 27, as well as the supervisor will be going to APSIN training October 10-15 in Anchorage, AK.

Animal Control:

The last part of August, first part of September the Animal Control Department's Office was moved from the Police Station to the Animal Shelter. The new Animal Control truck arrived on the September 8, 2011 barge and is at the City Maintenance Shop being prepped for use.

DMV:

Training for Commercial Drivers Road Testers was given September 19-22. Joann Olson from Fairbanks DMV traveled to Dillingham to instruct Jean Barrett and Norman Heyano in CDL road testing. She also gave Travis Schiaffo and Jean Barrett instruction on motorcycle road testing. State of Alaska has directed DMV to take necessary steps to remove the Off Road restriction on Dillingham CDL's, as Dillingham has been found to have more traffic than the minimum regulations for the Off Road restrictions.

CDL Holders with a Haz-Mat endorsement that had as Off Road restricted license must pass a Threat Assessment Background Check. Fingerprinting is part of the requirement and Anchorage DOT will conduct the fingerprinting November 8-10, 0800-1600 at the Public Safety Building.

Administration:

Chief Dombroski will be attending Emergency Management Training in Anchorage from 10/03/2011-10/07/2011. Chief Dombroski will be attending the IACP Conference in Chicago from 10/21/11-10/26/11.



Memorandum

Date: September 26, 2011
To: Dan Forster City Manager
From: Hank Boggs, Public Works Director
Subject: September Staff Report

Water Wastewater Department: Our crew does their daily rounds to the lift stations, wastewater treatment plant and water treatment plant. With the help of the streets crew they have pumped out and cleaned all of the lift stations and storm sewers. They have flushed and tested all of the fire hydrants and winterized them with glycol.

They have been working with H&S Environmental on the issues concerning our wastewater lagoon and we have received a proposal from H&S to study and come up with a master plan for our lagoon.

Solid Waste landfill department: Our landfill crew is getting ready for an upcoming DEC inspection. The DEC inspector will be visiting the landfill on October 5th and at that time we will be doing our semiannual ground water monitoring.

Our mechanics are working on the burn box and trying to keep it safe to use until we can come up with a plan to incinerate or bail our solid waste. I have been talking to two sources to recycle our metal. I hope to have a plan in place by this spring to get the metal pile removed and recycled.

Building and Grounds Department: Our crew has tuned up all of our boilers in preparation for winter. They have been keeping up on the ongoing maintenance on our buildings.

Streets Department: The streets crew is mixing salt and sand in preparation for winter. They have helped our water-wastewater crew clean the lift stations and

storm drains. They are keeping up on road grading, cleaning the multi use paths, replacing and unplugging culverts and patching our streets. We will be switching over to snow plowing.

Shop and Fleet Department: After a long wait we now have a full crew of mechanics. At this time they are fabricating and fixing our burn box at the landfill. It was becoming unsafe and demanded immediate attention. Hopefully by next week they will all be back in the shop working of vehicles and equipment.

We now have a software program in place to track maintenance of our equipment and produce work orders. This will make our vehicle replacement policy easier to manage and justify.

I. CALL TO ORDER

A meeting of the Public Outreach Committee was held on Tuesday, September 13 , 2011, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby, Chair, called the meeting to order at 5:30 p.m.

II. ROLL CALL

Members present:

Mayor Alice Ruby, Chair
Bob Himschoot, Council Member
Carol Shade, Acting City Manager

Members absent:

Elizabeth Pearch, Council Member

Staff present:

Janice Williams, City Clerk

III. APPROVAL OF AGENDA

There were no changes. The agenda was approved with no objection.

IV. APPROVAL OF MINUTES

A. Regular Meeting of March 30, 2011

MOTION: Carol Shade moved and Bob Himschoot seconded the motion to approve the minutes of March 30, 2011.

GENERAL CONSENT: The motion passed without objection.

V. UNFINISHED BUSINESS

A. Annexation

Mayor Ruby reported that the City administration had been attempting to make contact with the seven communities designated by the Local Boundary Commission. It was her perception that the group (6 cities and 1 tribe) appeared to be dormant in some cases, and functioning through their tribes. It was suggested this may need to be discussed further at the Council level.

Discussion ensued:

- clarified that administration was doing as it had been asked, and Harry Wassily Sr. was the Mayor of City of Clarks Point, and also the president of the Clarks Point

Village Council, and Moses Toyukuk had been interviewed recently for the City of Manokotak, but staff learned later that he had been the Mayor up until a few months ago, and was President of the Manokotak Village Council.

Mayor Ruby reported that she had been contacted by Mike Mason from KDLG. He voiced his surprise at hearing at the last council meeting that the election for annexation would not be held in October, and felt he'd been misled. She noted he normally attended most meetings, and targeting this date for the annexation referendum had never been an agenda item, but felt it might be necessary to do some outreach to inform the public that the City was accomplishing the LBC's assignment and let the public know what was on the ballot.

Discussion:

- commented a sample ballot would be distributed around town as normally happened;
- asked if there was any way to schedule the election, answered a press release might be in order and set a tentative date, anticipating February 2012; and
- suggested wait to hear the LBC decision on October 4.

Mayor Ruby reported at the LBC's last meeting they agreed to uphold the Ekuk appeal that had been filed, but only on two points, that didn't appear to be major. The LBC would be reconsidering the two points at an October 4 meeting.

Mayor Ruby commented the committee at their next meeting could confirm the Council's strategies and talk about outreach to update the public, maybe hold neighborhood meetings again, and introduce the new manager.

B. Bear Resistant Trash Containers (*postponed to a later date*)

The committee appreciated the information in the packet and agreed to postpone for now.

VI. NEW BUSINESS

There was no new business.

VII. PUBLIC COMMENT/COMMITTEE COMMENTS

Bob Himschoot: no comment

Janice Williams: no comment

Carol Shade:

- appreciated attending the meeting in the manager's absence.

Alice Ruby:

- suggested sponsoring an election debate or election forum, as had been done by the high school government class in the past.

Discussion:

- recommended incorporating a debate with the next round of annexation public outreach.

VIII. ADJOURNMENT

The meeting adjourned at 6:15 p.m.

Alice Ruby, Chair

Janice Williams, City Clerk

I. CALL TO ORDER

The School Facility Committee met on September 27, 2011 at the Dillingham City School Board Chambers, Dillingham, AK. Kim Williams called the meeting to order at 12:26 p.m.

II. ROLL CALL

Committee Members present:

Kim Williams, School Board President
William McLeod, School Superintendent
Dan Forster, City Manager
Hank Boggs, Public Works Director
Russell Nelson, Director of Facilities (School)
Bob Himschoot, City Council Member

Committee Members absent:

Mayor Alice Ruby
Deon Lopez, School Board Member
Robin Samuelson, Citizen Member
Elizabeth Pearch, City Council Member /Committee Alternate

Guest(s) present:

Steve Cropsey, Aurora SMC Inc. (*attended via teleconference*)

III. APPROVAL OF AGENDA

MOTION: Bill McLeod moved and Bob Himschoot seconded the motion to approve the agenda as presented.

GENERAL CONSENT: The motion passed without objection.

IV. APPROVAL OF MINUTES

A. June 15, 2011

MOTION: Bob Himschoot moved and Russell Nelson seconded the motion to approve the minutes of June 15, 2011.

GENERAL CONSENT: The motion passed without objection.

V. UNFINISHED BUSINESS

A. Update on School Renovation Project

Project Manager Steve Cropsey presented the following:

High School:

- construction was complete with the exception of the roof over the band room that was 90% done; and
- he was looking to get the roof over the heat exchanger area replaced while the contractor was on site, and pay for it with school district funds.

Elementary School:

- contractor notified him final inspection was being scheduled sometime between Oct. 10-17;
- some of the tables needed to be replaced, and the manufacturer was sending someone out to replace some of the table tops; and
- he expected completion in October.

Supt. McLeod reported a glycol leak was causing some issues and wanted to make it a priority. Project Mgr. Cropsey noted it was also a priority to him. He stated that the final inspection would not be signed off until the pumps were fixed and working as designed. He asked that the school staff keep records on all school labor and material costs associated with responding to pump failures and clean up of glycol leaks. He noted the costs would be back charged to the contractor.

B. Review 6-Year Capital Improvement Plan

1. Roof Renovation for DMS/DHS

Supt. McLeod discussed several additional roofing areas on the high school that were exceeding their 15 - 20 year life that he wanted to see added to the 6-Year Capital Plan. Project Manager Cropsey reported he could come up with a budgetary estimate for the items.

School staff suggested the following items be added to the 6-Year CIP list:

- replace the fencing around the upper playground and rebuild the fence line that went down by the container vans by BB Campus;
- assess the 50-year old chimney at the High School;
- replace the phone system at the High School; and
- have an assessment done on the territorial school building to bring it up to code.

Discussion:

- suggested having two lists, one for high school and one for elementary school to keep track of the projects.

Project Mgr. Cropsey reported the City's code required a Six Year CIP list as well as any applications to the Dept. of Education for grant funding. The DOE would require that the project be at the top of the list. He noted the State would most likely not fund a

renovation of the Territorial School using their funding criteria, since the School District had more square footage than the State allowed per student, basically enough space to run its program. The project could still go on the School's CIP list, and other funding pursued.

Discussion:

- commented the building would require a sprinkler system if it was to be used for students, but it could be used for offices in the meantime; this directive had come from the fire marshal's office; and
- voiced concern that the mold issue be addressed.

Supt. McLeod reported the school had hired workers in the summer using district money to make repairs on the roof and work on the mold situation. He felt finding money to do an assessment on the building was a priority.

2. Amend Plan to include PA and Phone System

Supt. McLeod reported the PA system at the high school went out to bid and would be worked on within the next 30 days. He was looking to add the phone system to the capital needs list, lacking funding.

C. Research Grant Funds for Teacher Housing

Supt. McLeod reported there was discussion of converting the main floor of the territorial building into housing. Kim Williams reported AHFC provided funding for teacher housing if qualified.

D. Schedule Open House of HS/MS with Elementary School Upgrades

Project Mgr. Cropsey commented the open house could be scheduled anytime from the third week of October. A recommendation was to have the City Clerk send out an email suggesting possible dates for an open house in October.

E. Renovation/Repair of the Red Territorial School - Assessment

Russell Nelson reported on developments on the building:

- the roof had been mostly sealed, but one vent still leaked;
- additional insulation had been placed in a dormer with seven dormers to go;
- two feet of insulation was added to the building;
- one apartment was renovated with new carpeting, new paint, and trim; and
- one of the apartment bathrooms had been fully renovated.

He felt the most urgent matter was the north wall, a bearing wall that was continuing to buckle in. Direction was given for Russell Nelson and Hank Boggs to review the building together, especially the foundation. Staff recommended sloping the grounds away from the building to keep the water from collecting and freezing at the base, and if needed

changing out the gravel to non-frost susceptible gravel so the water could pass through and not collect and freeze.

VI. NEW BUSINESS

A. Schedule Annual Inspection

Steve Cropsey to look into this when he returns to Dillingham.

VII. PUBLIC COMMENT/COMMITTEE COMMENTS

Supt. McLeod:

- thanked the City for their cooperation on the school projects, and especially Steve Cropsey for working out problems and not allowing them to linger.

Russell Nelson:

- agreed with Supt. McLeod's comments, noting the schools are far more functional and efficient than they've been in a long time.

There were no other comments.

VIII. ADJOURNMENT

Kim Williams adjourned the meeting at 12:59 p.m.

ATTEST:

Alice Ruby, Chair

Office of City Clerk

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2011-08

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING DMC SECTION 4.15.080, PERSONAL PROPERTY RETURNS

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

WHEREAS, the Dillingham City Council on February 11, 2010 adopted changes to DMC Section 4.15.180, Penalties and Interest, changing the due date personal property returns are required to be filed to the first business day in February; and

WHEREAS, the Dillingham City Council on April 15, 2010 adopted changes to Section 4.15.060, Business Inventories, changing the assessment from average monthly value to year end method;

WHEREAS, Section 4.15.080 should have been changed to reflect the change in the due date for filing personal property returns and change the basis for assessing business inventory, in order to be consistent with Sections 4.15.180 and 4.15.060;

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. Amendment of Section 4.15.080 Personal Property Returns. (deleted language in [brackets], new language is underlined)

4.15.080 Personal Property Returns

A. [By January 31st of each year] Every person with personal property whose total combined value is greater than ten thousand dollars shall submit [to the assessor] to the City a personal property return postmarked on or before the first business day in February, of any property owned by him/her or in which he/she has an interest, and of the property held or controlled by him/her in a representative capacity, in the manner prescribed in the chapter, which return shall be based on property values existing as of January 1st of the year in which the return is made, or, in the case of business inventories, values shall be computed on the [average monthly value] year end method.

Section 2. Classification. This is a code ordinance.

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

ENACTED by the Dillingham City Council on _____.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: An ordinance of the Dillingham City Council amending DMC Section 4.15.080 Personal Property Returns

Agenda of: October 13, 2011

Council Action: The Council moved to introduce Ordinance No. 2011-08 at their September 8, 2011 Regular Council Meeting.

Manager: Recommend approval.

City Manager: *Janice Williams Acting*
Dan Forster

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

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

Other Attachment(s):

- Public Hearing was advertised in the October 5, 2011 edition of The Delta Discovery (required to be advertised in a local newspaper five days in advance of the public hearing), advertised on the City's website, and posted in three public places.

Summary Statement.

This ordinance is being recommended by the Code Review Committee for Council approval. In February 2010 the Council adopted an ordinance changing the due date when personal property forms were due, and, in a separate ordinance adopted April 2010, the Council adopted language changing the manner in which inventory was reported on the personal property return forms from average monthly inventory to yearend inventory. Unfortunately, these same two items appeared together in a separate section of code, but were inadvertently overlooked when the code was amended. This ordinance would bring the proposed Section 4.15.080 in line with the changes made last year.

Wednesday, October 5, 2011
Street. Call Ed 543-4445. (19)(6/25-cnx)
(ch)

Laser 73 Toyostove, sold and serviced
by Tom Hawkins, excellent condition.
Complete, ready to hook up. \$1100. 543-
2632 (18)(10/5-12)

Wanted

Wanted: Used desktops and laptops
working or not. Some repairs done. 545-
0929 evenings. (13)(11/10-cnx)

For Rent

OUTSIDE STORAGE SPACE FOR RENT.
EQUIPMENT, BOATS OR VEHICLES.

SSV-16 & 40ELPT, \$12,974.90
SSV-18 & 40ML, \$11,639.90
SSV-18 & 40ELPT, \$14,562.90
SSV-18 & 50ELHPT \$13,509.90
SSV-18 & 50ELPT, \$15,187.90
SSV-18 & 60ELPT, \$15,482.90
1650 Renegade & 60ELPT, \$19,995.00
CALL 543-2635 FOR MORE INFO!
(80)(5/25-cnx)

For Sale: 3 ea. 10 by 45 Atco vans for
storage \$2000.00 each or OBO. 543-2750.
(16)(7/6-9/21; cnx)

For Sale: 19 foot Raider, solid and well-
built, with 140 Suzuki PT&T also CMC lift,
jet foot with SS impeller, has SS prop gas

NOTICE OF PUBLIC HEARING



The City of Dillingham will hold a public hearing on Thursday,
October 13, 2011, at 7:15 p.m. in the City Council Chambers for the
purpose of taking comment from the public on Ordinance No. 2011-
08, An Ordinance of the Dillingham City Council Amending Section
4.15.080, Personal Property Returns.

This proposed change will amend Section 4.15.080, to be consistent
with Sections 4.15.180, which provides the due date property returns
are required to be filed and 4.15.060, which provides the method for
recording inventory.

deck. \$205,000. 543-5308 (19)(7/13-8/10;
9/7-cnx)

Employment

JOB DESCRIPTION
TRIBAL IRR TRANSPORTATION
DIRECTOR
SALARY: DOE
SUMMARY:

The Tribal Transportation Director will
oversee the ONC's Transportation
Department. This position is classified
as an exempt position and may include
management responsibilities for additional
staff members. The Tribal Transportation
Director will report directly to the Executive
Director.

DUTIES AND RESPONSIBILITIES:

-Objectives: Periodic collection and
update of transportation data based on
program requirements. Documentation and
submission of transportation data such as
mapping to applicable program agencies.

-Maintain adequate contract records and
files on all road and transit projects and
related material for Tribal archives.

-Develop and maintain a working
relationship with the appropriate federal,
State and local governmental agencies,
entities such Bureau of Indian Affairs,
Federal Highway Administration, State,
and other Tribal entities.

-Attend appropriate trainings, workshops,
and meetings to represent the Tribe and
functions related to the IRR program,

continued on page 22

House for Sale: Beautiful river views
without river front price. 2 beds/1 bath.
Open concept kitchen, living, dining room
w/ vaulted ceilings. 1164sq ft. \$230K.
All appliances incl. Detached shed and
greenhouse. For info 217-722-2660. (35)
(5/26-cnx)

For Sale 23,500 square foot lot/
downtown location on Chief Eddie
Hoffman Highway (or State Highway)
across from Fire Station. Serious offers
only. 907-543-3552. (23)(7/28-cnx)

For sale. Manufactured Home \$85,000.
6 bedrooms/3 bathrooms/fully furnished.
Potential gross income \$4,800 per month.
Turnkey. Recover your investment in 3
years. 543-3552. (24)(7/28-cnx)

BRAND NEW HOUSE FOR SALE

3 BED, 1 BATH AT 120 CRANBERRY
ROAD. 12,000 SQ. FT. LOT. 1 STORY,
1400 SQ. FT. NICE ARCTIC ENTRY
AND DECK. BOILER HEAT, ENERGY
EFFICIENT. ALL MAJOR APPLIANCES
INCLUDED. SEE BY APPT. ONLY. CALL
543-4483. \$270K. (42)(2/9-cnx)

For Sale: 28 by 36 Duplex. Needs work,
must be moved \$30,000.00 OBO 543-
2750. (14)(7/6-9/21; 9/28-10/28)

For Sale: 24 by 56 bunk house 4 plex.
\$35,000.00 OBO. 543-2750. (12)(7/6-9/21;

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Free Listing Online with each printed classified ad!

25 cents a word · Deadline: Friday, 5 p.m.
Office: In the Subway Building - 401 Ridgcrest Drive
P. O. Box 1028, Bethel, AK 99559
Phone: (907) 543-4113 · Fax: (907) 543-4116

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2011-80

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AWARDING A CONTRACT FOR CONSTRUCTION OF THE DILLINGHAM PICNIC PARK INTERIM EROSION PROTECTION PROJECT

WHEREAS, the City of Dillingham (City) and US Army Corps of Engineers (USACE) identified an immediate need to protect the shoreline in the area of the boat harbor known as Picnic Park; and

WHEREAS, the City of Dillingham received a grant from the State of Alaska in 2009 to fund shoreline and bank stabilization on the East side of the City boat harbor; and

WHEREAS, the unexpended fund balance of these grant funds exceed nine hundred thousand dollars; and

WHEREAS, the City solicited competitive bids for Dillingham Picnic Park Interim Erosion Protection Project by public posting and in the Anchorage Daily News pursuant to Alaska Statute; and

WHEREAS, # bids were received October 12, 2011 at 3:00 PM in the City Manager's office in the Dillingham City Hall from responsible qualified bidders; and

WHEREAS, the firm of _____ presented the lowest bid from a responsible qualified bidder in the amount of _____ which is within the amount available for project funding; and

WHEREAS, after reviewing all bids the Project Engineer, PND Engineers Inc. recommends award of the construction contract to the firm of _____ in the amount of _____;

NOW, THEREFORE, BE IT RESOLVED that:

1. The Dillingham City Council awards the contract for the construction of Dillingham Picnic Park Interim Erosion Protection Project to _____ of _____, Alaska, for the base bid of \$ _____ plus the ___ additive alternates totaling \$ _____ for a total of \$ _____.
2. Alaska State Statutes require that after the Notice of Intent To Award has been sent to all bidders a five day appeal period must be established for any bidder to appeal the award of the Contract.
3. That if after the required five days no bidder appeals the intention to award, then the Dillingham City Council authorizes the City Manager to execute the agreement with _____ and to issue appropriate notices associated with the contract.

PASSED and ADOPTED by the Dillingham City Council on October 13, 2011.

SEAL:

Alice Ruby, Mayor

ATTEST:

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2011-81

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AWARDING A CONTRACT FOR THE DELIVERY OF FUEL FOR THE PERIOD OCTOBER 1, 2011-SEPTEMBER 30, 2012.

WHEREAS, fuel is needed for various City facilities; and

WHEREAS, the City advertised for the delivery of fuel for the period covering October 1, 2011 through September 30, 2012; and

WHEREAS, quotations for bids were received;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council award a contract to Delta Western who will deliver fuel at the quoted fixed price per gallon to the City's facilities based on the lowest bid provided.

PASSED and ADOPTED by the Dillingham City Council on October 13, 2011.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

City of Dillingham Information Memorandum No. R 2011-81

Subject: Resolution No. 2011-81, A Resolution of the Dillingham City Council Awarding a Contract for the Delivery of Fuel for the Period October 1, 2011 through September 30, 2011

Agenda of: October 13, 2011

City Council Action:

Manager: Recommend approval.

City Manager: *Janice Williams, Acting Mgr*
Dan Forster

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

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

Budgeted for in the City of Dillingham FY 2012 Operating Budget

Other Attachment(s):

Summary Statement.

The City advertised for a fuel bid for period covering October 1- 2010-September 30, 2011. Two options were available, fixed priced and OPIS Anacortes index.

Two bids were provided:

Delta Western	\$327,570	low bid
Bristol Alliance Fuels	\$346,340	

Prior year comparison; bids awarded:

<u>Description</u>	<u>Estimated Quantity</u>	<u>2012 Price Per/Gal</u>	<u>2011 Price Per/Gal</u>	<u>2010 Price Per/Gal</u>
No. 1 Diesel/Heating Fuel	50,000/gal	\$3.99/gal	\$3.14/gal	\$3.34/gal
No. 2 Diesel/Heating Fuel	15,000/gal	\$3.43/gal	\$3.18/gal	\$3.66/gal
Unleaded Gasoline	15,000/gal	\$4.10/gal	\$3.20/gal	\$3.74/gal
Total Bid		\$327,570	\$252,570	\$278,350

Subject: Approve RFP for Animal Control Shelter

Agenda of: October 13, 2011

Council Action:

Manager: Recommend approval.

City Manager: *Janice Williams Acting Mgr*
Dan Forster

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade		
X	Project Mgr / Steve Cropsey		
X	Public Safety / Doug Dombroski		
X	City Clerk / Janice Williams	<i>JW</i>	

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

Other Attachment(s):

- Copy of RFP

Summary Statement.

The purpose of the action memorandum is to approve the Draft, Request For Proposal To Provide An Animal Shelter Facility. The RFP is drafted according to our understanding of the guidance provided by the City Council at the August Council Meeting. The RFP has all possible alternatives inviting firms or individuals to provide a facility based on a "design and build" format. The City Council would need to appoint an ad hoc committee to consider the proposals and recommend the most desirable and cost effective proposal to the City Council for consideration.



REQUEST FOR PROPOSAL TO PROVIDE AN ANIMAL SHELTER FACILITY

October 6, 2011

Introduction

The City of Dillingham is seeking to acquire a structure that would be appropriate for use as an Animal Shelter. Firms and individuals are asked to submit a proposal to provide a shelter structure using one of the three options described below. Firms and individuals may submit more than one proposal.

This Request for Proposals (RFP) is intended to establish the methodology, terms and conditions governing the selection of a firm or individual to provide an animal shelter to the City for the benefit of the City's Animal Control / Community Services Program. All proposals shall be in the form and format provided herein.

The City of Dillingham is a First Class City charged by Ordinance with animal regulation and control responsibilities. The City's primary goal is to protect the public health and safety of its citizens and visitors. Regarding animal control the secondary goal is to place un-housed animals in loving environments and while awaiting adoption, to care for them in clean decent facilities.

The structure requirement is for a building of approximately two thousand square feet located in an area which will not interfere with neighboring property owners' use of their property. The building needs to have space for a small office, a handicapped accessible bathroom and another room, which could be used to house caged cats plus an adequate outside area for animal exercise.

The City has three options for achieving the goal of developing a permanent dedicated animal shelter:

1. Have a qualified firm or individual propose to design and build a 2000 sq. ft. building on a City designated site at the City owned Land Fill near the existing landfill shop building for a guaranteed maximum price. This proposal would include construction of a pre-engineered metal building meeting and/or containing the following amenities:
 - a. A concrete slab built on engineered fill of Non-Frost-Susceptible (NFS) material. The slab would be constructed to provide drainage to a floor trench drain plumbed to a septic system that is dedicated to this building.
 - b. An in-floor radiant heat system.
 - c. A minimum ceiling height of 12-feet, a 10 ft x 10 ft overhead door and two 36"x 84" commercial type exterior insulated doors.
 - d. Be completely insulated and include electrical lighting, outlets and mechanical systems as required by code. The interior of perimeter walls, excepting those in dedicated spaces i.e. office, restroom and cat enclosed room would not have to be finished.

- e. Must meet Alaska State Fire Marshall Code requirements for a building with this intended use.
 - f. Must be designed with a minimum 2:12 pitch gable style roof designed to appropriate snow loading standards.
 - g. This option will include the cost of utilities extended to the outside of the building perimeter wall and an approved septic system located within 15 feet of the building.
2. Have a qualified firm or individual propose to design and build a 2000 sq. ft. Building on a site proposed by the proposer; the site could be already owned or controlled by the proposer.
 - a. The building performance requirements would be essentially the same as those specified in Option 1 and described above in items "a through f" plus an additional requirement for twenty-four hour access by City staff or City designees.
 - b. This option could be offered by sale for a lump sum purchase price or offered on an annual lease rate for a period of up to twenty years. (Based on an initial lease period of five years followed by three five-year options exercisable at the City's option).
 3. Have a qualified firm or individual propose to provide an existing building that could be remodeled or renovated to meet the criteria as closely as possible in items "a through f" as listed in Option 1 above. It is understood that the design criteria requested above could not, in all probability, be met exactly as described. Individuals or firms proposing an existing building will be required to address each criteria item explaining how required program goals and design criteria would still be achieved and/or explain away the need to meet the criteria. For example, if the building has been in place for ten years and there have been no foundation failure issues then there is no need for NFS engineered fill material and etc.
 - a. This option could be offered by sale for a lump sum purchase price or offered on an annual lease rate for a period of up to twenty years. (Based on an initial lease period of five years followed by three five-year options exercisable at the City's option).

Qualified firms or individuals are defined to include individuals and firms that have or can obtain all required Alaska Contractor Licenses if required by State Law and City of Dillingham Business Licenses to build or remodel the building envisioned herein. The proposer will process the plans, secure approvals, and pay all permit fees as required to secure an Alaska State Fire Marshall Permit to construct, or in the case of Option 3, to remodel the building in question for use as a public facility.

The City Council will appoint a committee of five to review all proposals and determine by a majority vote which design solution, based on the committee's collective opinion, is the best and most cost effective proposal in serving the City's interest. The Committee's recommendation will be taken under advisement by the City Council which has the right to accept, change or provide additional direction to staff with regards to any and all proposals submitted pursuant to this RFP.

The City is not responsible for any costs and does not have responsibility to any proposers for costs in preparing a Proposal in response to this RFP. The City is not obligated to accept any proposal as a result of this RFP and may reject all proposals without liability of any kind for any reason.

Each proposal must be presented with a Cover Sheet. Each of the three options has a corresponding Cover Sheet required depending on the Option being proposed.

**PROPOSAL TO PROVIDE AN ANIMAL SHELTER
FOR THE CITY OF DILLINGHAM
COVER SHEET for OPTION #1**

OPTION #1: Design and construct on City Provided Land Fill Site

Describe site. (Include a map with address and City Zoning Designation)

Initial to Indicate Agreement

- a. _____ A concrete slab built on engineered fill of Non-Frost-Susceptible (NFS) material. The slab would be constructed to provide drainage to a floor trench drain.
- b. _____ An in-floor radiant heat system would be included in this design.
- c. _____ The building would have a minimum 12 foot ceiling height, an overhead door (10'x10') and two 36" x 84" commercial type exterior insulated doors.
- d. _____ The building must be appropriately insulated and include electrical lighting, outlets and mechanical systems as required by code. The interior of perimeter walls, excepting those in dedicated spaces i.e. office, restroom and cat enclosed room would not have to be finished.
- e. _____ The building must meet Alaska State Fire Marshall Code requirements for a building of this intended use.
- f. _____ The building must be designed with a minimum 2:12 pitch gable style roof designed to appropriate snow loading standards. Snow shedding must not interfere with building access.
- g. _____ This includes the cost of utilities extended to the outside of the building perimeter wall and an approved septic system located within 15 feet of the building.
- h. _____ A sketch of the building plan is included in this proposal.

COST PROPOSAL FOR OPTION #1

Lump Sum Not to Exceed Price \$ _____

Price amount written out in words _____

PROPOSER: Name _____

Address _____

Contact Phone _____ Fax _____

Email _____

Signature _____ Date _____

**PROPOSAL TO PROVIDE AN ANIMAL SHELTER FOR THE CITY OF DILLINGHAM
COVER SHEET for OPTION #2**

OPTION #2: Design and construct on Owner / Proposer Site

Describe site. (Include a map with address and City Zoning Designation)

Initial to Indicate Agreement

- a. _____ A concrete slab built on engineered fill of Non-Frost-Susceptible (NFS) material. The slab would be constructed to provide drainage to a floor trench drain.
- b. _____ An in-floor radiant heat system would be included in this design.
- c. _____ The building would have a minimum 12 foot ceiling height, an overhead door (10'x10') and two 36" x 84" commercial type exterior insulated doors.
- d. _____ The building must be appropriately insulated and include electrical lighting, outlets and mechanical systems as required by code. The interior of perimeter walls, excepting those in dedicated spaces i.e. office, restroom and cat enclosed room would not have to be finished.
- e. _____ The building must meet Alaska State Fire Marshall Code requirements for a building of this intended use.
- f. _____ The building must be designed with a minimum 2:12 pitch gable style roof designed to appropriate snow loading standards. Snow shedding must not interfere with building access.
- g. _____ The building must be "turn key" to include septic or domestic waste disposal, electric, water, and phone service line extension cost, if any.
- h. _____ The building and site must include twenty-four hour access to any City Staff or the City's designee.
- i. _____ A site plan sketch and a building plan are included in this proposal as attachments.

COST PROPOSAL FOR OPTION #2 (May propose both lump sum price and annual lease price or may propose only lump sum sale or only lease.)

Sale at Lump Sum Price (including land) Not to Exceed \$ _____

Price amount written out in words _____

Annual Lease Price including land (Based on initial lease period of five years followed by three five-year options exercisable at the City's option) \$ _____

Price amount written out in words _____

PROPOSER: Name _____

Address _____

Contact Phone _____ **Fax** _____

Email _____

Signature _____ **Date** _____

**PROPOSAL TO PROVIDE AN ANIMAL SHELTER
FOR THE CITY OF DILLINGHAM
COVER SHEET for OPTION #3**

OPTION #3: Provide an Existing Building and Site

SITE: Describe site. (Include a map with address and City Zoning Designation)

BUILDING: Describe building. (Provide sketch of floor plan including dimensions of the existing building.)

- a. _____ A concrete slab built on engineered fill of Non-Frost-Susceptible (NFS) material. The slab would be constructed to provide drainage to a floor trench drain. The purpose of this is ease of cleaning and building stability. Describe how these goals would be achieved with the proposed existing structure. Attach a separate Sheet and label the description "In Response to Item a"
- b. _____ An in-floor radiant heat system would be included in this design. This is for ease in cleaning the floor and to achieve energy savings by heating the floor surface for the animals. Attach a separate Sheet or continue on the same sheet as requested above and label "In Response to Item b"
- c. _____ The building would have a minimum of a 12 foot ceiling height, an overhead door and two 36"x 84" commercial type exterior insulated doors. The purpose of this is ease of access. Attach a separate Sheet or continue on the same sheet as requested above and label "In Response to Item c"
- d. _____ The building must be appropriately insulated and include electrical lighting, outlets and mechanical systems as required by code. The interior of perimeter walls, excepting those in dedicated spaces i.e. office, restroom and cat enclosed room are not required to be finished. This will allow for the building to be code compliant while realizing a cost savings by not finishing the walls in the bay area. Attach a separate Sheet or continue on the same sheet as requested above and label "In Response to Item d"
- e. _____ The building must meet Alaska State Fire Marshall Code requirements for a building of this intended use. A public building must meet the Fire Marshall's approval when the use is changed to a public use including ADA restroom design requirements. Attach a separate Sheet or continue on the same sheet as requested above and label "In Response to Item e"
- f. _____ The building must be designed with a minimum 2:12 pitch gable style roof designed to appropriate snow loading standards. This criteria is to ensure snow shedding will be accommodated. Note: snow shedding must not interfere with access to the building. Attach a separate Sheet or continue on the same sheet as requested above and label "In Response to Item f"
- g. _____ Twenty-four hour accesses must be provided to any City Staff or any City designee. Indicate approval and compliance with this requirement by circling YES or NO.

Costs for any owner provided renovations to meet the City's requirements must be included in the prices offered below.

COST PROPOSAL FOR OPTION #3 (May propose both lump sum price and annual lease price or may propose only lump sum sale or only lease.)

Sale at Lump Sum Price Not to Exceed \$ _____

Price amount written out in words _____

Annual Lease Price including land and any owner provided renovations \$ _____
(Based on initial lease period of five years followed by three five-year options exercisable at the City's option)

Price amount written out in words _____

PROPOSER: Name _____

Address _____

Contact Phone _____ Fax _____

Email _____

Signature _____ Date _____

Back up Documentation

As backup to the Cover Sheet provide any additional information that would be helpful in demonstrating the advantages of your Proposal. Provide a brief narrative demonstrating an understanding of the project including a project description and a construction / renovation schedule that supports completion by August 1, 2012.

Evaluation and Selection

Proposals will be screened and ranked for merit by a committee of five individuals selected by the City Council. The Committee will provide to the City Council, based on a majority opinion of the committee, the ranking of the Proposals received. The ranking will be based on a qualitative analysis and the most cost effective result for the City.

The Committee's recommendation will be taken under advisement by the City Council and the City Council may conduct interviews with any proposer.

If an award is made the City shall award a contract to the individual or firm presenting the proposal that, in the judgment of the City, is the most cost effective proposal and achieves the greatest overall desired result. The City is not obligated to accept any of the proposals submitted and is not obligated to enter into an agreement with any of the proposers.

Proposers may submit proposals on more than one of the options described herein.

Proposal Submittals

Pages in the proposal shall be typed on single sided paper with the maximum number of pages of proposal information, excepting the cover sheet, to be limited to 12 pages. The Proposer shall submit an original signed copy plus 6 copies of the proposal in a sealed envelope or box clearly marked with the Proposer's name and labeled "Proposal To Provide Animal Shelter".

**The proposals shall be delivered to the office of the
CITY MANAGER of CITY OF DILLINGHAM
at the following address
not later than 4:00 pm on November ??, 2012.**

**Dan Forster, Project Manager
CITY OF DILLINGHAM
P.O. Box 889 (141 Main Street)
Dillingham, AK 99576**

Late proposals will not be accepted.