



Alice Ruby, **Mayor**

**Council Members**

- Tracy Hightower (Seat A) • Chris Maines (Seat B) • Misty Savo (Seat C)
- Curt Armstrong (Seat D) • Andy Anderson (Seat E) • Paul Liedberg (Seat F)

**DILLINGHAM CITY COUNCIL**

**David B. Carlson Council Chambers**

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

<b>WORKSHOP–REVIEW FY2017 FINANCIAL STATEMENTS</b>	<b>6:00 P.M.</b>	<b>OCTOBER 5, 2017</b>
<b>WORKSHOP-REVIEW SALES TAX EXEMPTION ORDINANCE</b>	<b>6:30 P.M.</b>	<b>OCTOBER 5, 2017</b>
<b>REGULAR MEETING</b>	<b>7:30 P.M.</b>	<b>OCTOBER 5, 2017</b>

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
  - a. Regular Council Meeting, September 7, 2017 .....page 4
  - b. Special Council Meeting, September 20, 2017 .....page 12
- 4. APPROVAL OF CONSENT AGENDA**
- APPROVAL OF AGENDA**
- 5. STAFF REPORTS**
  - a. City Manager and Staff Reports.....page 14
  - b. Standing Committee Reports .....page
- 6. PUBLIC HEARINGS**
  - a. Adopt Ordinance No. 2017-07, An Ordinance of the Dillingham City Council Amending Chapter 4.20 to Add an Exemption from Taxation on Real Property .....page 54
  - b. Adopt Ordinance No. 2017-08, An Ordinance of the Dillingham City Council Amending Chapters 4.20.050 Exemptions, and Chapter 4.16 Business License to Remove Exemption for Not Requiring a Business License if Sales are Less than Ten Thousand Dollars in a Calendar Year and Provide a Definition for Home Business .....page 57
- 7. CITIZEN’S DISCUSSION (Prior Notice or Agenda Items)**

**8. ORDINANCES AND RESOLUTIONS**

- a. Adopt Ordinance No. 2017-07, An Ordinance of the Dillingham City Council Amending Chapter 4.20 to Add an Exemption from Taxation on Real Property .....page 54
- b. Adopt Ordinance No. 2017-08, An Ordinance of the Dillingham City Council Amending Chapters 4.20.050 Exemptions, and Chapter 4.16 Business License to Remove Exemption for Not Requiring a Business License if Sales are Less than Ten Thousand Dollars in a Calendar Year and Provide a Definition for Home Business .....page 57
- c. Adopt Resolution No 2017-39, A Resolution of the Dillingham City Council Opposing the US EPA's Withdrawal of the Clean Water Act Section 404c Proposed Determination to Protect Bristol Bay ..... page 68
- d. Resolution No. 2017-40, A Resolution of the Dillingham Council Authorizing the City Manager to Use General Funds to Match a Municipal Matching Grant for Improvements to the City Water System..... page 69

**9. UNFINISHED BUSINESS**

- a. Citizen Committee Appointments
  - 1) Planning Commission, 2 Seats Open .....page
- b. Progress Report
  - 1) Dave Carlson House Property
  - 2) Territorial School

**10. NEW BUSINESS**

- a. Action Memorandum No. 2017-16, Authorize the City Manager to Enter Into a Contract with Premier Electric to construct the 2017-12 Water Systems Improvement Project and Execute Task Order #1 to CRW for Construction Management Services for continued project engineering..... page 71
- b. Special Meeting Scheduled for October 12, 2017 (DMC 3.70.040) (*Clerk Note: DMC 2.09.020 Special Meetings. No business shall be transacted at the meeting that is not mentioned in the notice.*)
  - 1) Certify the October 3, 2017 Election
  - 2) Award Task Order #2 to CRW Engineering Group for Design Services for Water System Improvements Project: Connecting Loops and System Infrastructure Replacement

**11. CITIZEN'S DISCUSSION (Open to the Public)**

**12. COUNCIL COMMENTS**

**13. MAYOR'S COMMENTS**

**14. EXECUTIVE SESSION**

a. Personnel Matter

1) City Clerk

**15. ADJOURNMENT**

**1. CALL TO ORDER**

A regular meeting of the Dillingham City Council was held on 07, September, 2017 at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Ruby called the meeting to order at 7:00 p.m. The workshop to review the FY17 financial statements was canceled. The meeting was preceded by a tour of the new ambulance at 6:45 p.m.

**2. ROLL CALL**

Mayor Ruby was present.

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

Curt Armstrong                      Misty Savo                      Andy Anderson                      Paul Liedberg  
Tracy Hightower

Chris Maines, absent and excused

Staff in attendance:

Don Moore                      Courtenay Carty                      Rodney Etheridge                      Janice Williams

Guest:                      Attorney Charles Cacciola – attended via teleconference

**3. APPROVAL OF MINUTES**

- a. Regular Council Meeting, August 3, 2017
- b. Special Council Meeting, August 25, 2017
- c. Special Council Meeting, August 26, 2017

MOTION: Curt Armstrong moved and Paul Liedberg seconded the motion to approve the minutes of August. 3, August 25, and August 26.

VOTE:                      The motion passed unanimously by voice vote.

**4. APPROVAL OF CONSENT AGENDA**

There was no consent agenda

## APPROVAL OF AGENDA

The agenda was amended by adding Resolution No. 2017-38; A Resolution of the Dillingham City Council Expressing Thanks and Commendation to Ms. Janice Williams.

**MOTION:** Misty Savo moved and Tracy Hightower seconded the motion to adopt Resolution No. 2017-38; A Resolution of the Dillingham City Council Expressing Thanks and Commendation to Ms. Janice Williams.

**VOTE:** The motion to adopt Resolution 2017-38 passed unanimously by voice vote.

**MOTION:** Misty Savo moved and Paul Liedberg seconded the motion to approve the agenda as amended.

**VOTE:** The motion passed unanimously by voice vote.

Ms. Williams was presented a copy of Resolution 2017-38 and a key to the City. A 10 minute break was called at 7:05 p.m.

### 5. STAFF REPORTS

#### a. City Manager and Staff Reports

City Manager reported on the following:

- City personnel changes; Lori Goodell has accepted the Executive Assistant position and will start on September 13, and Ms. Williams is leaving as City Clerk. Also the Fire Department Office Assistant has resigned.
- Sewage lagoon; work continues to correct the issues and be in compliance with the October 1 deadline with DEC. An extension will be applied for the construction the is necessary for a proper repair
- City Clerk position is appointed by City Council as outlined in City Code and serves as primary benefit to the council.
- Employee health insurance will have a new rate schedule in October.
- A letter was received on the City Jail contract, no offer yet, but the city will be paying close attention the issue.
- Inquiry from citizens regarding latest bid award not going to the lowest bidder; paper work shows that there were four bids received on four classes of material. It has been verified that lowest bidder was awarded on all.
- Animal control ordinance does apply to cats.
- Bears have been sighted inside city limits in populated areas. This brings up public safety concerns. No serious human interaction has taken place but there has been some property damage noted. Recommendation to assess fish disposal at the landfill.
- Peter Pan and Icicle Seafoods made donations to the Library and Senior Center.
- Proposed Council review Assistant City Manager position. Creating this position would reflect the work currently being done and assist during times of administration transition.

Discussion:

- Jail contract included other communities as well as Dillingham. There are significant changes. Feedback from the Chief will be important.
- Sewage lagoon areas of concern include physical facilities and the readings. Expectation is that the new aeration installation will show compliance. City records show timely filing.

- A selection committee for City Clerk will be addressed under Council Comments.
  - Staffing recommendation will be addressed in Finance Committee or a Special Meeting.
  - Code Committee proposed change in wording regarding notice postings from three days to three working days
- b. Standing Committee Reports
- Code Committee – Ordinance is in packet regarding changes to business license and sales tax license. Recommend two public hearings to reach maximum community involvement.
  - Finance Committee – meeting set for September 18 to review financial statement and discuss tobacco tax.

## 6. PUBLIC HEARINGS

There were no public hearings.

## 7. CITIZENS DISCUSSION (Prior Notice or Agenda Items)

Gina Carpenter reported on the planned disaster preparedness event scheduled for November 30<sup>th</sup>. The focus will be dispensing flu shots and stated there will be enough for anyone who is interested in receiving a shot. This event will involve schools, the hospital as well as city employees. Public Health has gotten approval to a graduated public health nurse position.

Neil Barton, Fish and Game Wildlife Management Biologist, reported that the fish tank is a draw for bears from as far away as forty miles. He is willing to work with the city towards a solution to the fish waste issue.

## 8. ORDINANCES AND RESOLUTIONS

- a. Introduce Ordinance No 2017-07, An Ordinance of the Dillingham City Council Amending Chapter 4.20 to Add an Exemption from Taxation on Real Property

MOTION: Tracy Hightower moved and Andy Anderson seconded the motion to introduce Ordinance 2017-07

VOTE: The motion to introduce Ordinance No. 2017-07 passed unanimously by voice vote.

- b. Introduce Ordinance No 2017-08, An Ordinance of the Dillingham City Council Amending Chapters 4.20.050 Exemptions, and Chapter 4.16 Business License to Remove Exemption for Not Requiring a Business License if Sales are Less than Ten Thousand Dollars in a Calendar Year and Provide a Definition for Home Business

MOTION: Misty Savo moved and Paul Liedberg seconded the motion to introduce Ordinance 2017-08, and to hold a public hearing on Oct. 5 and Nov 2, and a workshop on Oct. 5, 2017.

- Edit 4.16.040 Fee to read each applicant shall be, accompanied by.
- Council advocates to holding several public meetings given the extent of proposed changes.
- Discussed the suggestion change from \$2,000 to \$5,000; noted it was about midpoint comparing with other communities.

- Organizations would have to demonstrate they were a 501(c)3 or 4, which was a change.
- Suggested a workshop before council meeting given the magnitude of the changes
- Consider the title and if it properly reflects the ordinance.

VOTE: The motion to introduce Ordinance No. 2017-08 passed unanimously by voice vote.

- c. Resolution No. 2017-35, A Resolution of the Dillingham City Council Supporting a Long Term Encroachment Permit for the Properties Being Developed by the Bristol Bay Housing Authority at both Dave McClure and Cedar Subdivisions

MOTION: Tracy Hightower moved and Misty Savo seconded the motion to adopt Resolution No. 2017-35.

VOTE: The motion to adopt Resolution No. 2017-35 passed unanimously by voice vote.

- d. Resolution No. 2017-36, A Resolution of the Dillingham City Council Authorizing the City Manager to Advertise a Request for Proposals for Design of the Dillingham Sewer Lagoon Aeration System

MOTION: Misty Savo moved and Andy Anderson seconded the motion to adopt Resolution No. 2017-36.

VOTE: The motion to adopt Resolution No. 2017-36 passed unanimously by voice vote.

- e. Resolution No. 2017-37, A Resolution of the Dillingham City Council Authorizing and Instructing the City Manager and City Clerk to Take All Necessary Actions to Collect Delinquent Personal Property for Tax Years Owed by Certain Individuals for Tax Years 2016 and Earlier by Distrain and Sale of Personal Property

MOTION: Paul Liedberg moved and Misty Savo seconded the motion to adopt Resolution No. 2017-37.

VOTE: The motion to adopt Resolution No. 2017-37 passed unanimously by voice vote.

**9. UNFINISHED BUSINESS**

- a. Citizens Committee Appointments
  - 1) Planning Commission, 2 Seats Open  
There were no letters of interest
  - 2). Senior Advisory Commission, 2 Seats Open

MOTION: Misty Savo moved and Paul Liedberg seconded the motion to concur with the Mayors recommendation to appoint Billy Backford and June Ingram to the Senior Advisory Commission

VOTE: The motion passed unanimously by voice vote.

3). Library Advisory Board, 4 Seats Open

MOTION: Tracy Hightower moved and Andy Anderson seconded the motion to concur with the Mayors recommendation to appoint Erica Tweet, Conor Downey, Lacey Calvert, and Megan Gunderson to the Library Advisory Board

VOTE: The motion passed unanimously by voice vote.

b. Progress Report – Territorial School

City Manager has reached out to Chugging but nothing to report at this time

c. Progress Report – Carlson House Property

The City Manager has heard from US Fish and Wildlife, but nothing new to report

d. Progress Report – City Manager Hire

Mayor noted this item will be addressed in Executive Session

#### 10. UNFINISHED BUSINESS

a. Action Memorandum No. 2017-15, Award a Contract to Bristol Alliance Fuels for FY18 Fuel Purchases

MOTION: Paul Liedberg moved and Tracy Hightower seconded the motion to approve Action Memorandum No. 2017-15.

VOTE: The motion to approve Action Memorandum No. 2017-15 passed unanimously by voice vote.

#### 11. CITIZENS DISCUSSION (Open to the Public)

Bob Himshoot congratulated the City Clerk noting some tough situations handled while he served on City Council. He also voiced concern raising the sales tax cap stating this could be a tipping point for local business owners selling big items such as outboards and snowmobiles.

#### 12. COUNCIL COMMENTS

Curt Armstrong:

- Thanked Janice Williams for her time and effort given in the last ten years

Misty Savo:

- Stated she is grateful Janice is leaving the City as she will be working at the same place of employment.

Paul Liedberg:

- Noted he will miss Janice's work, and her presence in many way and stated she will be tremendously missed

Andy Anderson:

- Thanked Janice, and expressed things should improve at Nushagak, and;
- Thanked Don Moore, noting he has only one more meeting to attend

Tracy Hightower

- Echoed everyone's comments, noting Nushagak's gain is our loss

### 13. MAYOR'S COMMENTS

Mayor Ruby:

- Thanked the City Clerk, stating she will really miss her;
- Several Council members will be contacted to serve on a small committee to interview City Clerk applicants;
- City Manager staffing recommendation will be reviewed more in depth; as well as the whole management staff. A date will be set to schedule a workshop to look at staffing and the fiscal impact;
- A meeting on Manokotak road may be possible in November, a poll of council will be taken to determine their choice of options;
- Sited complaints about the ice machine being down most of the summer. Ice needs to be made or the City should get out of the business to deliver; and
- A moment of silence was asked for to recognize all those lost since the last meeting.

### 14. EXECUTIVE SESSION

- a. Legal Matter – Knik Construction Co. vs. Board of Equalization, City of Dillingham
- b. Personnel Matter – Manager Contract Negotiations

MOTION: Misty Savo moved and Andy Anderson seconded the motion to enter into executive session to discuss Legal Matter, Knik Construction Co. vs. Board of Equalization, City of Dillingham, and Personnel Matter, Manager Contract Negotiations. [8:36 p.m.]

VOTE: The motion passed unanimously by voice vote.

Mayor Ruby invited Don Moore to the executive session, and Janice Williams to attend executive session regarding item a.

MOTION: Misty Savo moved and Tracy Hightower seconded the motion to exit executive session. [9:22 p.m.]

VOTE: The motion passed unanimously by voice vote.

MOTION: Paul Liedberg moved and Misty Savo seconded the motion to appeal the Knik Decision

VOTE: The motion failed unanimously by voice vote.

**15. ADJOURNMENT**

Mayor Ruby adjourned the meeting at 9:29 p.m.

\_\_\_\_\_  
Mayor Alice Ruby  
[SEAL]

ATTEST:

\_\_\_\_\_  
Lori Goodell, Acting City Clerk

Approval Date: \_\_\_\_\_

DRAFT



**1. CALL TO ORDER**

A special meeting of the Dillingham City Council was held on Wednesday, September 20, 2017, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Ruby called the meeting to order at 5:20 p.m.

**2. ROLL CALL**

Mayor Alice Ruby was present.

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

Tracy Hightower	Curt Armstrong	Chris Maines
Andy Anderson		

Council members absent: Paul Liedberg Misty Savo

Staff in attendance:

Don Moore	Lori Goodell
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**3. APPROVAL OF AGENDA**

MOTION: Chris Maines moved and Tracy Hightower seconded the motion to approve the agenda.

VOTE: The motion passed unanimously by voice vote.

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

There was no citizen's discussion.

**5. COUNCIL COMMENTS**

There were no Council comments.

**6. MAYOR'S COMMENTS**

There were no Mayor's comments.

**7. EXECUTIVE SESSION**

- a. Personnel Matter
  - 1) Manager Contract
  - 2) Appointment of Acting City Manager

MOTION: Chris Maines moved and Tracy Hightower seconded the motion to enter into Executive Session to discuss Personnel Matter, Manager Contract and Acting City Manager [5:22 p.m.].

VOTE: The motion passed unanimously by voice vote.

Mayor Ruby invited Manager Moore into the executive session.

MOTION: Chris Maines moved and Tracy Hightower seconded the motion to exit the executive session [5:46 p.m.].

VOTE: The motion passed unanimously.

MOTION: Andy Anderson moved and Chris Maines seconded the motion to approve the City Manager contract with Tod Larson.

VOTE: The motion passed unanimously by voice vote.

MOTION: Andy Anderson moved and Chris Maines seconded the motion to appoint Rose Loera as Acting City Manager.

VOTE: The motion passed unanimously by voice vote.

Council thanked Don Moore for his time as City Manager.

**8. ADJOURNMENT**

Mayor Ruby adjourned the meeting at 5:47 p.m.

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

ATTEST: [SEAL]

\_\_\_\_\_  
Lori Goodell, Acting City Clerk

Approval Date: \_\_\_\_\_

**Mayor**  
Alice Ruby

**Manager**  
Donald L. Moore



**Dillingham City Council**  
Tracy Hightower  
Chris Maines  
Misty Savo  
Curt Armstrong  
Andy Anderson  
Paul Liedberg

## MEMORANDUM

**Date:** September 29, 2017  
**To:** Mayor and City Council  
**From:** Donald L. Moore, Interim City Manager  
**Subject:** Exit report-September 29, 2017

A handwritten signature in black ink, appearing to read "Donald L. Moore", is written over the "From:" line of the memorandum.

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Personnel & Vacancies: Currently advertising for; Police Officer, City Clerk, Accounting Technician II and Fire Department Office Assistant.

Recently Hired: Cade Woods, Mechanic-Lori Goodell, Exec. Assistant.

Recently left: Ben Dunaway, Mechanic-Kyle Gregory, Buildings & Grounds-Rebecca Kayoukluk, Payroll Accountant-Bill Rector, Equipment Operator

Organization structure: With one major exception, the City workforce is still organized as it was at the beginning of my assignment as the Interim City Manager.

The exception is the Public Works Department. The Public Works Director left that position in July which was in the midst of the construction season and the summer work plan for the Public Works crew.

The recruitment for a replacement Director did not produce a qualified applicant and we decided to split the Director's tasks between two remaining Department Heads, the Port/Harbor Director and the Planning Director. The intention was that the Port Director would provide the daily management and supervision of the work crew and contractors. The Planning Director would handle the Public Works administration paperwork associated with the construction, State Agency contacts and personnel.

This arrangement has been working very well for the past two months. Whether this organization structure should be continued is a question that needs to be addressed by the new City Manager and Council once they are seated.

As of now, the Port Director and the Planning Director are NOT working within their existing Job Description because they have assumed these

additional responsibilities on a temporary basis. This will have to be addressed by the Manager and Council in one of three ways that I can suggest:

- 1.) Leave the current arrangement as it is now. In order to do this the Manager would need to revise the current job descriptions to present to the Council for consideration to be codified.

Financial expense:

	Previous	Current
Port Director:	\$35.15	\$39.80
Planning Director:	\$31.83	\$36.57
Public Works Dir.:	\$39.02	-0-
Total:	<u>\$105.00</u>	<u>\$76.37</u>

This is a cost reduction of \$28.63/hour or \$59,550.40/year if the management of the Public Works Department remains in the current, temporary configuration using job sharing with the Port Director and Planning Director.

The disadvantage revolves around the question of whether this temporary arrangement is sustainable during the busier season of the year when the Port is active and the Planning Department is busiest.

- 2.) Consider the concept of an Assistant City Manager position to handle the administration of Public Works related issues such as advertising and evaluating bids, contract administration, State/Federal agency contacts and

Regulatory compliance.

An Assistant Manager would also be responsible for other city-wide administrative duties in areas such as personnel, insurance, delinquent collections and similar non-department specific responsibilities.

Financial implications:

	Existing	Change to:
Port/Public Works Director:	\$39.80	\$39.80
Planning Director	\$36.57	\$33.12
Assistant Manager	<u>\$-0-</u>	<u>\$37.50</u>
	<u>\$76.37</u>	<u>\$110.42</u>

An Assistant City Manager would net increase salary burden \$34.05/hr. or \$70,824/ year.

If the new City Manager and City Council wish to consider the concept of an Assistant City Manager the development of the position should occur as follows:

1. Prepare a Job Description. The Manager should work collectively with the Department Heads to draft the Job Description for an Assistant City Manager.
2. Present the proposed Job Description and Organization Chart to the City Council for consideration.
3. If approved, the position should be open to public, competitive solicitation.

3.) Recruit and hire another qualified Public Works Director. This is easier said than done.

In a 2017 salary survey of 10 Alaskan municipal Public Works Directors with an Engineering/Capital Projects background the average annual salary is \$106,163/year. The previous Dillingham Public Works Director was paid an annual salary of \$81,161 when he left the City.

The existing salary scale for Public Works Director is \$73,502 to \$91,395.

Even at the maximum end of the salary scale Dillingham would be very fortunate to attract a Public Works Director with an engineering/capital construction background to an off-road community.

- **However the Manager and Council choose to address the matter, it needs to be noted that the present organization has two employees, Port Director and Planning Director working outside of their current Job Descriptions. (And doing a very good job, by the way).**

Sewage Treatment Plant Notice of Violation (N.O.V.). The deadline for the City to respond to the Alaska Depart N.O.V. is October 1, 2017

The City submitted the requested response on September 27, 2017.

I have attached a copy of the cover letter that summarizes the City's response and a copy of the Bristol Engineering (BESC) report that provides more detail on the specific issues.

The rest of the report submitted includes references and prior correspondence with DEC that extends to about 53 pages and is available in the Administration office.

Annual Inspection Report-Erosion Control Bulkhead: The US Army Corps of Engineers has provided the report on the Erosion control Bulkhead inspection done on May 24, 2017. The cover letter of the report is attached. The full report with drawings and photographs is 31 pages and available in the Planning Director's office.

The primary takeaway from the Corps of Engineer's report is that there is not a requirement for emergency rip-rap placement at this time but scour is still occurring at the toe of the bulkhead. The City is encouraged to "continue your efforts in placing scour protection rock along the toe of the bulkhead."

Annexation: The City Attorney has filed four briefs concerning the annexation. A Confidential letter reporting status is provided to the Council under separate cover. The entire four briefs (about 200 pages) is available to Mayor and Council and the general public in the Administration office.

Jail Contract changes: I provided the Council a letter concerning possible bilateral changes in the State jail contract in a prior meeting. Chief Pasquariello and I have discussed these potential changes and whether they would be of benefit to the City of Dillingham. We have agreed to accept two of these additional duties and declined two others.

The letter of interest and background correspondence on this decision is attached. The result will be an additional \$18,926 paid to Dillingham for these services.

Participation in the program is optional and the City can back out if we decide it is not in the City's interest to continue.

City Payroll Liabilities review (IRS): The State Department of Community and Regional Affairs-Local Government Office-periodically reviews with the IRS as to whether the City is in compliance with federal laws concerning payroll, employment taxes, excise taxes, liens and so forth.

According to the Local government office of DCRA, the City is in good shape.

Thanks Navin and the Finance Department!

State DEC compliance inspection of the City Landfill: City facilities are increasingly scrutinized by State inspectors. The Council should be aware that the Landfill was recently inspected by an Engineer, Steve Price, from the State Department of Environmental Conservation.

I have attached a letter I recently sent to the City Landfill crew concerning the results of this that inspection.

I would encourage the Mayor and Council to read this letter.

City Manager Transition: As the Council has directed, Rose Loera has been hired to be the Interim City Manager until the arrival of Mr. Larson on November 8, 2017. Rose has been working with me to assist this transition beginning the week of September 25<sup>th</sup>. I will depart Dillingham on September 30<sup>th</sup>.

I have enjoyed the opportunity to, once again, live and work in service to the people of Dillingham. Yours is an authentic, working Alaskan City that should be commended for the way you have met the challenges of sustaining your cultural and environmental lifestyles of living in rural Alaska.

My special appreciation to the Mayor, City Council, Commission members, volunteers of all disciplines and of course the very competent, hardworking employees of the City workforce.



Willow Weimer, Enforcement Officer  
Alaska Department of Environmental Conservation  
Division of Water Compliance Program  
555 Cordova Street  
Anchorage, AK 99501

September 26, 2017

RE: Dillingham-Notice of Violation  
Enforcement Tracking No. 2017-R0703  
Letter-Willow Weimer to Don Moore, dated June 26, 2017

Dear Ms. Weimer,

This is the final response of the City of Dillingham to the above-referenced Notice of Violation (NOV). It should be considered in conjunction with the City's earlier communications.

The Referenced Notice of Violation (NOV) letter dated June 26, 2017 lists seven (7) tasks that; "To address the violation(s) described above, the Department requires that you do the following:"

1. Develop and implement a Lagoon Maintenance Program Plan.  
The Quality Assurance Plan dated May 22, 2014 met permit requirements as discussed in the attached BESC letter. The City updated this Plan as reflected in the May 22, 2017 QAPP which was effective before the NOV was issued on June 26, 2017. The updated QAPP also met permit requirements for a lagoon maintenance program plan.
2. Perform and Maintain a Leaking Lagoon Evaluation/Lagoon Inspection.  
The City denies in part these allegations of a permit violation. The permit indicates this obligation is triggered within 180 days after receiving notification from ADEC. Without waiving any rights to contest the NOV based on this permit language, as indicated in the BESC letter and attachment the City completed a leaking lagoon evaluation within 180 days after issuance of the NOV. The City agrees the bound notebook was not maintained as required, but is now maintained as required.
3. Begin Maintaining Operation and Maintenance Records.  
The City denies this allegation of a permit violation. As indicated in the attached BESC letter, the City has maintained operation and maintenance records. The inspector

actually reviewed records but may not have been aware of or actually reviewed archived records.

4. Obtain the Required Operator Certification.

The City admits it has not been able to retain certified operators. The City requests the NOV be revised to provide additional time for operator certification as set forth in greater detail in the attached BESC letter.

5. Install Flow Meter, submit photos of installation.

The City admits it has not installed a flow meter but requests additional time consistent with existing construction contract deadlines as described in greater detail in the BESC letter and previous communications. A flow meter is installed at the lift station immediately upstream of the lagoon. This lift station receives all wastewater flows going to the lagoon. Flow measurements from this lift station are included in monthly monitoring reports.

6. Submit an explanation of why the Effluent Limitations are being exceeded and what corrective actions have been taken to correct this violation.

The City admits some effluent limitations have been exceeded. The attached BESC letter provides a current explanation as requested.

7. Submit an explanation for why Discharge Monitoring Reports were not submitted and what corrective actions have been taken to correct this violation.

The City denies DMR reports were not submitted as explained in the BESC letter and previous correspondence.

The letter also directs the Dillingham City Manager to:

*"Please respond to this request by no later than 10/1/2017."*

This response is herewith delivered in the enclosed documents;

1. Letter from the City Consulting Engineers, Bristol Engineering Services Corporation (BESC) to Willow Weimer dated September 29, 2017.

**"Dillingham Lagoon, Response to Notice of Violation (NOV) 2017-R0703"**

2. Quality Assurance Program Plan-Dated May 22, 2017.

3. City of Dillingham Wastewater Lagoon

Alaska General Permit AKG 573000, Authorization AKG 573004

Maintenance Procedures

4. "Leaking Lagoon Evaluation"

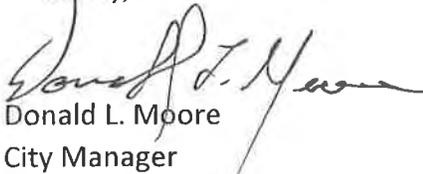
The above documents are submitted as the City of Dillingham's response to those seven actions that you requested in your letter dated June 26, 2017.

I have also appended three prior letters and associated documents from the City to ADEC dated July 25, 2017, August 28, 2017 and September 8, 2017 wherein the City asked DEC for comments, suggestions or questions concerning the City's compliance program.

There has been no response from ADEC to either of these attempts at discussion so the City has proceeded using methods as described in those documents.

The City would still like a response though, to the City's request for an extension of the deadline for flow meter installation. This project is part of an active construction contract that is scheduled for completion on December 15, 2017. We cannot "*submit photos of installation*" of an installation that doesn't exist. The City also requests an extension of the deadline for certification of operators as outlined in the BESC correspondence.

Sincerely,



Donald L. Moore  
City Manager

cc: Larry Hartig, Commissioner ADEC  
Andrew Sayers-Fay, Compliance Program Manager, ADEC

Date: September 29, 2017

To: Willow Weimer  
Enforcement Officer  
Department of Environmental Conservation  
Division of Water, Compliance Program  
555 Cordova Street  
Anchorage, AK 99501

**Subject: Dillingham Lagoon, Response to Notice of Violation (NOV) 2017-R0703**

Dear Ms. Weimer,

Dillingham recognizes that the wastewater lagoon system is old, in need of repair, and struggles to meet permit requirements during extreme conditions. Dillingham has actively addressed this problem by performing needed maintenance, planning for long-term solutions, and contracting with Bristol Engineering services to provide compliance assistance and technical support. This letter is in response to the Notice of Violation (NOV) issued by the Department of Environmental Conservation (DEC) June 26, 2017, regarding permit compliance, based on an inspection completed on May 25, 2017. This inspection included an evaluation of lagoon operations for the time period of April 2, 2015-May 8, 2017. The NOV states "*Please respond to this request by no later than 10/1/2017. Deliverables can be submitted via mail, email, or fax:*" Don Moore, City Manager of Dillingham, Alaska, provided a response to the NOV on July 25, 2017. An update, which reported on the progress made to resolve the items noted in the NOV was provided September 8, 2017. This letter provides additional information on the lagoon system, including findings from the site visit conducted by Bristol on September 20-21, 2017.

Many of the items noted in the enforcement action are associated with documentation and paperwork requirements. These items are directly related to staffing issues. The City of Dillingham has undergone many staffing changes within the past 2 years. At the time of your site visit in June, Dillingham had lost their City Manager, Public Works Director, City Planner, and Wastewater Treatment Plant Operators. Some positions have been filled. Some are being filled on a temporary basis, while hiring is being conducted. The new operators that accompanied DEC on the site visit had only been on the job for a few days and had little time to familiarize themselves with the system and system operations.

The City of Dillingham is committed to protecting the health and safety of the community, and surrounding environment. Several wastewater system maintenance projects were already underway during the May inspection, including the repairs of seven lift stations throughout the community (construction was recently completed and project closeout activities are underway), and the addition of a new flow meter system for the lagoon effluent (the contract was awarded,

and construction will begin the last week of September). As reported by Mr. Moore, the City Council immediately began the process of planning and funding additional wastewater system maintenance, to address the items noted in the inspection and the associated NOV.

The following provides information on the seven items specifically required in the NOV (beginning at the bottom of page 2 of the NOV).

1. Development and Implement a Lagoon Maintenance Plan.

Lagoon maintenance operations and standard procedures are included in a Dillingham Quality Assurance Project Plan (QAPP) dated May 22, 2014. The standard procedures covered in this plan include the maintenance activities required in the permit. According to the May 25, 2017 inspection, the QAPP was reviewed and considered complete as part of the inspection. This QAPP is being updated to reflect new staffing, and provide additional information, such as checklists, to assist in proper reporting. Further updates will be needed upon completion of current maintenance projects. A copy of the updated QAPP is attached.

2. Perform and Maintain a Leaking Lagoon Evaluation.

The current lagoon was designed, approved by DEC, and constructed as an unlined lagoon. A Leaking Lagoon Evaluation, focusing on the lagoon conditions as outlined in the permit, is attached. The lagoon system shows no signs of leakage, erosion, short-circuiting, or any discharges that were not included in the engineering plans or the discharge permit.

3. Begin Maintaining Operation and Maintenance Records.

Operation and maintenance records are kept and maintained at the site. The blowers are the only mechanical part in operation at the lagoon. Maintenance and Operation logs are kept onsite at the wastewater treatment plant that for the blowers. Original copies are kept at the Public Works Office. Archive copies (electronic) are also maintained at City Hall. Spare parts, including new blowers, are available onsite. The refurbished lift stations will include additional maintenance items, which will be included in operator logs upon project completion.

Although there is no required remedial action, the DEC inspection and subsequent NOV includes a violation regarding weekly inspections. However the DEC inspection report noted that "Weekly Lagoon Inspection" records were reviewed as part of the inspection and considered complete. During the recent site visit by Bristol, weekly lagoon inspections were documented. Field copies are kept at the wastewater treatment building (at the lagoon) until the end of the month. At the end of each month original weekly inspection reports are filed in the Public Works Office, and electronic copies are maintained at City Hall.

The NOV provided no details on which maintenance records were missing. If additional records are required, please provide clarification.

4. Obtain the required Operator Certification.

As indicated earlier, the wastewater treatment plant operators began at the end of May. The City registered one operator for the next available wastewater course (Introduction to Small Wastewater Systems, NTL, Mike Pollen, October 2017), which will include a certification exam at the end of the course. Training and eventual certification of both operators is planned. Obtaining DEC certification as an operator includes minimum experience requirements and ongoing training. There is a shortage of certified operators in Alaska. Hiring a Certified Operator is challenging. Obtaining certification for an uncertified operator is not realistic within the 96 days provided in the NOV. Dillingham will continue to make all possible efforts to hire and maintain certified operators for their system.

5. Install Flow Meter, submit photos of installation.

As indicated earlier, a maintenance project has been funded and awarded, which includes the installation of a flow meter on the effluent line. Construction of the flow meter is scheduled to begin the last week of September, with final construction scheduled for the December 15, 2017. Mr. Moore, on behalf of the City of Dillingham, has requested an extension of this NOV requirement to match the project contract (December 15, 2017). It should be noted that the City has been maintaining flow records from the lift station immediately upstream of the lagoon. This practice captures all wastewater flows into the lagoon. These flow measurements have been included on the monthly Discharge Monitoring Reports (DMRs). We do not anticipate an appreciable difference from the influent to the effluent measurements.

6. Submit an explanation for why the Effluent Limitations are being exceeded and what corrective actions have been taken to correct this violation.

The effluent violations noted in the DEC inspection date back over two years prior to the inspection, during which time the lagoon operations were overseen by different staff. It is difficult to provide exact details regarding occurrences from that time. However, the following are some issues likely contributed to the problems. Approximately 3 years ago, the lagoon was dredged to remove solids that had accumulated over 20 years. This maintenance activity occurred with the lagoon in full operation (with 15 feet of wastewater in the lagoon). This would have prevented the contractors from being able to see the aeration system installed on the bottom of the lagoon. The current aeration system is badly damaged. It seems likely that this occurred during the dredging. Piping damage has resulted in poor aeration distribution throughout the lagoon, which would further contribute to poor treatment. As noted in the earlier correspondence from Mr. Moore, the City has acquired funding for needed lagoon upgrades, and will be issuing a Request for Proposal for the design of a new system. The City is also considering what temporary steps can be taken until the upgrade can be completed.

It should also be noted that since the current operators were hired, the system has had no permit exceedances. This time period includes the summer months, and the highest organic loadings of the year.

7. Submit an explanation for why Discharge Monitoring Reports were not submitted and what corrective actions have been taken to correct this violation.

In the May 25, 2017 inspection report it was noted that Non-Receipt Violations have been recorded in the Integrated Compliance Information System for the required Discharge Monitoring Reports (DMRs). This seems to contradict the Records Review section, which indicated that the DMR's were reviewed and considered complete. The City of Dillingham has electronic copies of the DMRs for the time period in question. The attached print out from the DEC database indicates that there is no record that these were entered in the DEC system. However, it does not confirm that these were never submitted. There is no feedback from DEC that would have identified this issue (no confirmation of receipt, or notice that a DMR had not been received). Dillingham has enrolled for the new electronic submittal process (Water Online Application System). Hopefully this will clarify and simplify the submittal processes.

The lagoon serving the City of Dillingham has been in operation for almost 30 years, has been damaged, and is in need of repairs. Times of high loadings, harsh environmental conditions, or staffing turnovers, are unfortunately enough to affect the lagoons ability to perform to permitted limits. The City is aware of the wastewater issues and has takes these issues seriously. The City has made good faith efforts to maintain the wastewater system, to hire and maintain critical staffing, and to protect the health and safety of the community. The City has prioritized and funded needed wastewater expenditures, in times of tight budgets. The City has actively sought funding, and released proposals to address many of the items highlighted in the DEC inspection and NOV. In addition to requiring funding, identifying and implementing sustainable solutions takes time.

If you need any additional information, please let me know. Thank you for your time and consideration.

Sincerely,  
**BRISTOL ENGINEERING SERVICES CORPORATION**

Isaac Pearson, PE

Cc: Dillingham City Manager, Dillingham Public Works Director, Dillingham City Planner





**DEPARTMENT OF THE ARMY**  
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
P.O. BOX 6898  
JBER, AK 99506-089

September 18, 2017

The Honorable Alice Ruby  
Mayor, City of Dillingham  
PO Box 889  
Dillingham, Alaska 99576

Dear Mayor Ruby:

Mr. Robert Tedrick and Mr. Nathan Epps of our Hydraulics and Hydrology Section performed our annual inspection of the Erosion Control Bulkhead project on May 24, 2017.

The recommendations resulting from our inspection are provided to you as a service to ensure that the effectiveness of the project is not compromised by ongoing scour of the river bank. The authority that allowed and funded construction of the bulkheads does not provide any authority for maintenance of the bulkheads, but reserves that completely to the local sponsor, the City of Dillingham. The purpose of our visit was to verify current project conditions and offer recommendations for maintenance. While no emergency riprap placement is required, I strongly encourage you to continue your efforts in placing scour protection rock along the toe of the bulkhead. As scour progresses, the loads imposed on the wall will increase and failure will be inevitable without intervention. Please see the attached trip report for a summary of the project's condition and recommendations for maintenance.

The Erosion Control Bulkhead was originally constructed under the authority of Section 116 of Public Law (PL) 99-190 which allows the Corps to construct bank stabilization projects at full Federal expense. Whereas this authority has potential to affect the necessary repairs, this authority has only been funded through congressional adds thus making future funding questionable.

We request that you consider the recommendations and furnish the Alaska District with a schedule of any work you may be planning to help control further erosion.

A copy of this letter, with enclosures, has also been sent to Interim City Manager Mr. Don Moore, and Planning Director Ms. Courtenay Carty. Please contact me directly at (907) 753-2662 if you have any further questions, or write to me at the address in the header. For details on the inspection, please contact Mr. Robert Tedrick (phone 907-753-5745, email Robert.C.Tedrick@usace.army.mil) or Mr. Nathan Epps (phone 907-753-5760, email Lewis.N.Epps@usace.army.mil) of our Hydraulics and Hydrology Section.

Sincerely,



JIM W. JEFFORDS, JR. P.E.  
Chief, Engineering, Construction and  
Operations Division

Enclosure



John Schauwecker, CPPB  
Department of Corrections  
Division of Administrative Services  
Juneau Procurement Section  
P.O. Box 112000  
Juneau, AK 99811-2000

September 19, 2017

RE: FY2018 Contract

Dear Mr. Schauwecker,

Attached is a signed Letter of Interest concerning the FY 2018 Contract of the Regional & Community Jails Program.

The City of Dillingham will agree to assume the Assessments & Database Collection task (\$5,678.00) and the Community Pretrial Electronic Monitoring task (\$13,248.00) which we calculate to provide an additional \$18,926 to the Dillingham Jail program.

Therefore the FY2018 annual program amount will be  $(\$526,851 + \$18,926) = \$545,777$ .

Thank you,

A handwritten signature in black ink, appearing to read "Donald L. Moore", is written over a light blue horizontal line.

Donald L. Moore  
City Manager

Cc: Chief Pasquariello, DPS  
Anita Fuller, Asst Finance Director



**LETTER OF INTEREST  
REGIONAL & COMMUNITY JAILS PROGRAM  
FY2018 Contracts**

**REGIONAL & COMMUNITY JAIL NAME:** Dillingham

**FY2018 ANNUAL BASE AMOUNT:** \$526,851.00

**FY2018 ALL ADDITIONAL PROGRAM SERVICES 8 MONTHS AMOUNT:** \$36,273.00

The Alaska Department of Corrections (DOC) is looking to add additional program services through a bilateral amendment beginning November 1, 2017. The description of the additional program services and amount of money the DOC will pay for these services is provided below.

The State will provide additional funds beyond your FY18 Annual Base Amount for each of the four program service areas that you can provide Pretrial Services. Documentation of all contacts and pretrial actions with defendants must be entered in the ACOMS software application to ensure proper and complete records are maintained if technologically feasible. The State will determine your total allocation based on a percentage of the current jail contract allocation. Please see the specific program service areas and the amount identified in each description below.

Upon the delivery of program services, we may utilize available data and performance outcomes from each of the program areas to determine future funding.

Please choose all of the programs you are willing to provide below. The Dillingham Probation Office has probation staff that may be available for supervision of Pretrial defendants. This contract provides a slightly reduced allocation amount for supervision services due to the presence of probation/pretrial staff that is available for supervision services.

**1. Assessments & Database Collection:**

Complete training and comply with DOC policies for the following program services:

Complete inmate bookings by utilizing the ACOMS software system. Complete and submit the Alaska pretrial risk assessment tool (AK-2S), located in the ACOMS software application and submit release recommendations for the courts. Meet all risk assessment and recommendation timeline requirements by scheduled initial appearances. Participate in remedial training and quality evaluation as needed.

Document all contacts and pretrial actions with defendants in the ACOMS software application to ensure proper and complete records are maintained. Notify and file pretrial status and/or violation reports and paperwork through the court as needed.

Total Additional Amount for 8 Months, November 1, 2017 through June 30, 2018: **\$5,678.00**

**2. Community Pretrial Electronic Monitoring:**

Complete training and comply with DOC policies for the following program services:

Defendants may be required to have electronic monitoring (EM). Electronic monitoring requires that defendants are fitted with the proper device at the time of release. Related data with regard to the defendant and the EM restrictions should be loaded into the web based database utilized for EM and also noted in the ACOMS software application. Most defendants on EM will be moderate or high risk defendants, but low risk defendants may also be placed on EM with court orders. EM also requires monitoring of the system and response to EM alarms and alerts. This can be accomplished in a variety of ways, such as EM monitoring by DOC staff, monitoring by community jail staff, or monitoring by local dispatchers, who will then contact local providers, Police Departments (PDs), for response to alerts and alarms. Defendants placed on EM may require occasional action such as notification to the court for those in violation of release conditions. Coordination for arrests may also be required for defendants who are in violation. Community and Regional Jails will not charge pretrial defendants a fee for EM services.

Documentation of all contacts and pretrial actions with defendants must be entered in the ACOMS software application to ensure proper and complete records are maintained. It may be necessary to file reports and paperwork through the court in the event of violations.

Total Additional Amount for 8 Months, November 1, 2017 through June 30, 2018: \$13,248.00

**3. Community Pretrial Monitoring and Pretrial Supervision:**

Complete training and comply with DOC policies for the following program services:

Defendants placed on Pretrial monitoring may require occasional action such as phone contact for reminders about upcoming court appearances, or home visits for defendants to ensure compliance with release conditions. Notification to the court or potential coordination for arrests may also be required for defendants who are in violation.

Provide Pretrial supervision for low, moderate and high risk pretrial defendants who are released from jail. Pretrial supervision involves occasional office visits (when necessary), random home visits, and phone contact with defendants as well as reminders about upcoming court appearances. Defendants placed on Pretrial supervision may require occasional action such as drug and alcohol testing as well as notification to the court for those in violation of release conditions. Coordination with Pretrial for arrests may also be required for defendants who are in violation.

Documentation of all contacts and pretrial actions with defendants must be entered in the ACOMS software application to ensure proper and complete records are maintained. It may be necessary to file reports and paperwork through the court in the event of violations.

Total Additional Amount for 8 Months, November 1, 2017 through June 30, 2018: \$4,731.00

**4. Diversion Programs:**

Complete training and comply with DOC policies for the following program services:

Coordinate diversion programs with prosecutors, treatment providers, law enforcement, and other interested parties. Diversion programs will be tailored to each community and what can be offered and supported. Programs will be clearly defined with related performance measurements. Develop and implement programs to divert appropriate defendants to services while still achieving public safety outcomes. Funding allocation for diversion programs will be distributed upon program authorization by the Pretrial Services Director.

Documentation of all contacts and pretrial actions with defendants must be entered in the ACOMS software application to ensure proper and complete records are maintained. It may be necessary to file reports and paperwork through the court in the event of violations.

Total Additional Amount for 8 Months, November 1, 2017 through June 30, 2018: **\$12,617.00**

DOC will provide all necessary access to software applications, training, drug and alcohol kits, and electronic monitoring equipment.

Indicate the programs you are willing to perform by answering yes or no in the space provided below. Please also have an authorized representative sign and date this letter in the space provided at the bottom of this letter.

Table A – Annualized for 12 full months

Program Name	Yes/No	Amount of Additional Funds for 12 months
Assessments & Database Collection		\$8,516.00
Community Pretrial Electronic Monitoring		\$19,871.00
Community Pretrial Monitoring & Pretrial Supervision		\$7,097.00
Diversion Programs		\$18,925.00
Total Additional Funds 12 Months		\$54,409.00
Annual Base Amount FY18		\$526,851.00
<b>Grand Total Annual Base + Additional Program Funds 12 Months</b>		<b>\$581,260.00</b>

The Annual Base Amount for FY18 will be provided for the full 12 months of FY18 for the Dillingham Regional and Community Jail, regardless of which additional program services are selected.

The amount of additional funds for the program services in Table A, is for the entire FY18 (July 1, 2017 through June 30, 2018). It is anticipated that the program services in Table A will not start until November 1, 2017. The amount for each of the program services in Table A will be prorated monthly by taking the total annual amount, by program service/s provided, and dividing by 12 months to reach a “per/month” rate.

Example: Assumes all four program service areas are performed by Dillingham.  $\$54,409.00/12$  months = \$4,534.00 “per/month” rate.

Partial months will be prorated by taking the “per month” rate divided by the total number of days in the month to create a “daily rate”. The “daily rate” will then be multiplied by the total number of days the program service/s was performed.

Example used “per/month” rate above for all four program services.  $\$4,534.00$  “per/month” rate/30 days in November = \$151.00 “daily rate”.

Table B below represents the amount of money for the program services from November 1, 2017 through June 30, 2018.

Table B – 8 months from 11/1/17 through 6/30/18

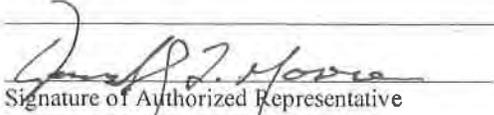
Program Name	Yes/No	Amount of Additional Funds November 1, 2017 through June 30, 2018
Assessments & Database Collection		\$5,678.00
Community Pretrial Electronic Monitoring		\$13,248.00
Community Pretrial Monitoring & Pretrial Supervision		\$4,731.00
Diversion Programs		\$12,617.00
Total Additional Program Funds 8 Months		\$36,274.00

Annual Base Amount FY18		\$526,851.00
Grand Total Annual Base + Additional Program Funds 8 Months		\$563,125.00

Contact information for questions with program services for Pretrial Services:

Geri Miller-Fox  
 Division of Pretrial Director  
 550 W 7th Ave, Ste 1800  
 Anchorage, AK 99501  
 Office Phone: (907) 269-7405  
 Mobile Phone: (907) 891-2211  
 Email: [geri.fox@alaska.gov](mailto:geri.fox@alaska.gov)

Total FY2018 contract amount for Dillingham Regional and Community Jail. Enter Annual Base Amount FY18 plus selected program services in Table B here: **\$ 545,777.00**

  
 \_\_\_\_\_  
 Signature of Authorized Representative

**19 Sept. 17**  
 \_\_\_\_\_  
 Date

**Donald L. Moore**  
 \_\_\_\_\_  
 Typed or Printed Name of Authorized Representative

\_\_\_\_\_  
 Date

Thank you,

John Schauwecker CPPB, C.P.M.

**Mayor**  
Alice Ruby

**Manager**  
Don Moore



**Dillingham City Council**  
Andy Anderson  
Curt Armstrong  
Tracy Hightower  
Paul Liedberg  
Chris Maines  
Misty Savo

## MEMORANDUM

**Date:** 9-12-17  
**To:** City Manager Don Moore  
**From:** Chief Dan Pasquariello  
**Subject:** **Additional Programs – Community Jail Contract**

For FY 2018 The Alaska Department of Corrections has given us \$526,851. They are requesting that DDPS take on additional pre-trial responsibilities, which are now required of the State of Alaska per SB91. In urban areas of the State, DOC is hiring personnel to perform these State functions. DOC is offering the City of Dillingham the opportunity to perform these State functions, and are willing to additionally compensate the City up to \$36,273, depending on which of the four requested State functions we agree to perform.

I have spoken with the Director of the newly created Pre-Trial Services and was briefed on the requested functions. We are not required to perform any of these additional functions. If we decline they will be handled by the State, out of Anchorage.

Below is an explanation of each function, and my recommendation to agree or decline

(1) Assessments and Data Base Collection - \$5,678

This task would involve DDPS filling out a Pre-Trial Risk Assessment Tool in the ACOMS (*Alaska Corrections Offender Management System*) database, so that it can be reviewed by the magistrate prior to arraignment. This tool is a dozen objective questions based upon the offender's criminal history. Our police officers currently fill out our own arraignment recommendation form, utilizing similar guidelines.

Our Corrections Officers currently enter bookings into this State ACOMS database. It would not be difficult, nor require much staff time, for our COs to fill out the risk assessment tool at the time of booking.

I recommend that we accept this task.

(2) Community Pre-trial Electronic Monitoring - \$13,248

This task would involve DDPS placing electronic ankle monitors on offenders being released, monitoring the computer system, and responding to alerts. State DOC would provide the equipment and training. Currently the option of electronic monitoring, and house arrest sentences, are not available to offenders in the Dillingham area.

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

City of Dillingham

Page 1 of 2

Potential problems would be the same as any computer technology we have here at DDPS. System problems would be frustrating to correct, as State IT personnel would have to coordinate with the City's Tekmate IT personnel, a time consuming process.

We do not anticipate many persons being released or sentenced on electronic monitoring so the money the State is offering would cover the cost of our staff time.

I recommend that we accept with task.

(3) Community Pretrial Monitoring and Pretrial Supervision - \$4,731

This task would involve monitoring offenders on release, telephoning them about upcoming court appearances, performing home visits, and performing drug and alcohol testing.

Court calendars are held every two months. An average of 60 offenders (on release) are scheduled for each court calendar, roughly 360 a year. We would expend several time over the reimbursement the State is offering us, in staff time a year. As a community jail it is not our responsibility to monitor persons not in our custody.

I recommend that we decline this task.

(4) Diversion Programs - \$12,617

This task would involve DDPS to organize and coordinate with prosecutors, treatment facilities, tribal organizations, behavioral health, and other interested parties, to create alternative sentences for offenders in-lieu of jail time

As a community jail, and a police department, it is not our responsibility to develop alternative sentences for State offenders.

I recommend that we decline this task.

**Conclusion:**

The City of Dillingham does not have to assume any of these State responsibilities, and it would not affect the amount of our jail contract.

We could assume the Risk Assessment task, and the electronic monitoring task. This would provide an additional \$18,926 to our contract. The amount of additional staff time to perform these new tasks would be covered by the State reimbursement.

## Donald Moore

---

**From:** Nibeck, Melody A (CED)  
**Sent:** Tuesday, September 26, 2017 9:35 AM  
**To:** Rose Loera  
**Subject:** Payroll Liabilities Feedback  
**Attachments:** Dillingham.pdf; Dillingham, IRS.pdf

Hi Don,

Please find attached the feedback from the state and taxpayer advocate's office regarding the city's payroll liabilities for your review and records. As usual, everything looks very good.

Thanks!

P.S. Also, thank-you for serving as the interim city manager, and a big thanks to your family as well.

### **Melody Nibeck, Dillingham Office**

Local Government Specialist III

DCRA & RUBA Program

P.O. Box 790

Dillingham, AK 99576

(907) 842-5135 Ext. 2

 **Facebook: DCRA - Local Government Assistance**

### Authorization to Request Federal Tax Information

#### All Applicants Must Complete This Form

We hereby authorize Melody Nibeck, Local Government Specialist with the State of Alaska to obtain information from the Internal Revenue Service (IRS) concerning our federal tax returns for the tax Form(s) 940, 941, 945, 720 and information return Forms W-2, W-3, 1096, and 1099 for all tax periods from April 1, 2017 to June 30, 2017.

The following information may be released by the IRS to this requestor provided the request is made to the IRS within 120 days of our signature and date of this authorization. If the taxpayer is not in compliance or owes the IRS we are required to contact them.

Check all relevant boxes below.

- Whether we are currently in compliance with federal employment and excise tax filing requirements.
- Whether we have failed to file employment/excise tax returns for which returns are currently due.
- Whether we have failed to file Information returns (Forms W-2, W-3, 1096, 1099) and civil penalties are due.
- Whether notices of federal tax liens have been filed against us in any recording district.
- Whether we currently have a formal payment arrangement for any amounts owed to the IRS.
- The amounts of any currently outstanding balance due whether or not secured by any recorded Notice of Federal Tax Lien.

Specific use not recorded on Centralized Authorization File (CAF).

I certify I have the authority (Mayor, Chief, President, CEO) to execute this form with respect to the tax matters/periods covered.

X Form 8821

Melody Nibeck, CAF# 0311-91413R

Authorizer's Signature & Title

Authorizer's Name & Phone No. (Please Print)

City of Dillingham, (907) 842-5212

92-0030674

Taxpayer's Name & Phone No. (Please Print)

EIN Number

P.O. Box 889, Dillingham, AK 99576

Taxpayer's Address

X September 19, 2017

Date

#### IRS REPLY

##### Deemed Compliant by IRS

- Taxpayer is in compliance with federal employment and/or excise tax filing requirements.
- Taxpayer is in compliance with Federal Tax Deposit requirements.
- No recorded Notice of Federal Tax Lien against the above taxpayer(s) has been located.
- Taxpayer owes federal taxes but has a payment agreement and is current with the schedule of payments due  
Years/Periods: \_\_\_\_\_ Amount: \_\_\_\_\_

##### Deemed Non-compliant by IRS

- Taxpayer owes federal taxes Years/Periods: \_\_\_\_\_ Amount: \_\_\_\_\_ and has no payment agreement.
- Notice(s) of Federal Tax Lien Recorded: District \_\_\_\_\_ State \_\_\_\_\_  
Lien Tax Years/Periods: \_\_\_\_\_ Balance Due: \_\_\_\_\_  
Federal Tax Lien(s) may be released for payment of \$ \_\_\_\_\_ by \_\_\_\_\_
- Taxpayer has not filed for the following information returns for the following tax periods: \_\_\_\_\_

FOR INTERNAL REVENUE SERVICE:

Doris Marshall  
 Title: Case Advocate  
 Date: 9/29/2017



Michael Carty, Landfill Supervisor  
Harion Chapman, Landfill Operator  
Tyler Cochran, Landfill Operator  
Hope Jackson, Public Works Office Asst/Landfill Attendant

Through: Jean Barrett, Port/Harbor and Public Works Director

A handwritten signature in black ink, appearing to be "J. Barrett", written over the name "Jean Barrett" in the "Through:" line.

Landfill Crew,

Steve Price from the Alaska Department of Environmental Conservation (ADEC) recently came to my office to review the State's latest Landfill/Incinerator inspection report with me.

In this discussion Mr. Price acknowledged that the Dillingham Landfill/Incinerator facility is in excellent condition and very competently operated. His assessment was the best condition he had ever seen for this facility and rural landfills in general.

This evaluation is the result of the constant hard work from all of you that leads to this kind of success.

I want to thank you on behalf of the City of Dillingham and the general public for your effort and attention to this very important public service.

A copy of this letter will be placed in your personnel file.

Thank you,

A handwritten signature in black ink, appearing to be "Donald L. Moore", written over the name "Donald L. Moore" in the signature block.

Donald L. Moore  
City Manager

cc: Mayor & City Council

***City of Dillingham***  
**House District 37 / Senate District S**

~ 9/21/17 ~

***30<sup>th</sup> Alaska State Legislature ~ 1<sup>st</sup> Interim***

**SEPTEMBER 2017 – LEGISLATIVE REPORT**

*Cliff Stone / City Lobbyist*

~ 4<sup>th</sup> Special Session anticipated for October 23<sup>rd</sup> ~



The special session will be focused on a not yet disclosed revenue measure, or measures, to fill the projected \$2.7 billion budget gap brought on by the continued low price of oil in the market place.

The “call” for this special session will include **Senate Bill 54** as announced by the governor. In part, the bill proposes fixes to Senate Bill 91 passed by the previous Legislature that addressed criminal justice reform. The Legislature and the governor’s office will be reaching out to federal, local, and tribal law enforcement to get input for an integrated plan of action.

Details on both of these items will be set in the official proclamation from the governor that is forthcoming.



**GOVERNOR'S CORNER**

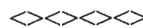
<http://gov.alaska.gov>

Press releases and other items of interest are at the website above. Details of stories below are provided.

Former Alaska First Lady Ermalee Hickel passed away on September 14<sup>th</sup> at the age of 92. She was married to the former Governor Wally Hickel for 65 years until he passed in 2010. State flags were flown at half-staff in her honor.

Insurance provider Premera Blue Cross Blue Shield of Alaska announced that it expects to see a 26.5 percent rate decrease in the 2018 individual market rates. This in large part is due to the creation of Alaska’s Reinsurance Program. As reported in the Alaska Journal of Commerce earlier in July, over 23,000 Alaskans in the individual insurance market will be affected. The state had previously received a Section 1332 – innovation waiver under the current Affordable Care Act (ACA). While the U.S. Senate again debates changes to the ACA, the current waiver will allow the state to continue the reinsurance program passed in 2016 using \$55 million in premium fees to help the lone individual insurance company left in Alaska to hold rates down. It is unknown what will happen if the ACA is eliminated or restructured.

The governor also announced that Sheldon Fisher will be the new commissioner for the Dept. of Revenue replacing Randy Hoffbeck who retired. Mr. Fisher is currently the commissioner of the Dept. of Administration. Serving in that role until a replacement can be named is Dep. Commissioner Leslie Ridle.

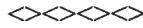


## PEBBLE MINE

Alaskans only have a few weeks left to comment on the Trump Administration's plan to withdraw Clean Water Act protections for the Pebble Mine. The Environmental Protection Agency wants to nullify a 2014 determination that would restrict the discharge of dredged or fill material while building the mine.

The deadline to comment to the EPA is October 17th. Pebble Mine Comments can be made online at: <https://www.regulations.gov/document?D=EPA-R10-OW-2017-0369-0001>

The Docket Number is EPA-R10-OW-2017-0369.



## COMMUNITY JAIL CONTRACTS

I'm aware of the August 24, 2017 correspondence to the City from the Dept. of Corrections regarding the "Future of Community Jail Contracts." As Commissioner Dean Williams stated, draft addendums to your existing contracts will be forthcoming in the weeks ahead. Please keep me in the loop on any further correspondence that you receive from the department including any proposed addendums.



## WEBSITES OF INTEREST

2017 Legislators contact information <http://akleg.gov/docs/pdf/whoswho.pdf>  
<http://akleg.gov/docs/pdf/800numbers.pdf>

2017 1<sup>st</sup> Session Staff contact list [http://akleg.gov/docs/pdf/session\\_phone\\_list.pdf](http://akleg.gov/docs/pdf/session_phone_list.pdf)  
2017 1<sup>st</sup> Interim Staff contact list – None published.

2017 House & Senate Committees <http://akleg.gov/docs/pdf/commlist.pdf>

**Congressional Delegation websites –**

<http://murkowski.senate.gov/public>   [www.sullivan.senate.gov](http://www.sullivan.senate.gov)   <http://donyoung.house.gov>



~ End Report ~

*I was sad to hear of the resignation of Janice Williams. I will miss her as she was always caring and provided me any requested information in a diligent manner. My very best to her and wish her nothing but success in all endeavors.*

~ Cliff

**Mayor**  
Alice Ruby

**Manager**  
Don Moore



**Dillingham City Council**  
Tracy Hightower  
Chris Maines  
Misty Savo  
Curt Armstrong  
Andy Anderson  
Paul Liedberg

**MEMORANDUM**

**Date:** September 25, 2017  
**To:** Don Moore, City Manager  
**From:** Lori Goodell, Acting City Clerk  
**Subject:** Monthly Staff Report

Acting City Clerk I came on board with the City on September 13<sup>th</sup>, 2017 as the Executive Assistant and have been filling in for the City Clerk duties. This is a busy time of year with the upcoming election, and the process of hiring a City Manager. I endeavor to complete the tasks at hand timely and accurately.

Regular City Election is scheduled for Tuesday, October 3, 2017. Ballots have been received and the election judges are in place.

The following seats are up for election:

<u>Seat</u>	<u>Term</u>	<u>Candidate(s) On Ballot</u>
<b>Council</b>		
Seat C	three year term that will expire October 2020	Aksel Buholm
Seat D	three year term that will expire October 2020	Curt Armstrong
<b>School Board</b>		
Seat A	two year term that will expire October 2019	Emily Hulett, & Kim Williams
Seat B	three year term that will expire October 2020	No Candidate Filed
Seat C	three year term that will expire October 2020	Patty Buholm

As always there is a place to write in a candidate for each open seat.

Absentee voting has been ongoing as of September 18, 2017. No one to date has voted by absentee ballot.

*New Business*

**Add to the Code Committee's Task List.** It has been proposed that the foreclosure process be reviewed. The process would be refined to reflect what is currently happening, complete with giving adequate notice to all property owners on the list, and then getting the list to Council in December after the due date for the 2<sup>nd</sup> half of payments become delinquent.

*Unfinished Business*

**Records Retention Schedule**

This area will have to remain to be on the back burner as the City Clerk's office continues to go through some transition. A records management process is in place and easy to follow. Records will continue to be inventoried, stored, purged and destroyed according to the existing policy as time allows.

**Commission/Board Seats Vacant.**

- Planning Commission has two seats open. There are no letters of interest on file.

**Mayor**  
Alice Ruby

**Manager**  
Don Moore



**Dillingham City Council**  
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Andy Anderson  
Paul Liedberg

**MEMORANDUM**

**Date:** September 26, 2017  
**To:** Don Moore, Interim City Manager  
**From:** Sonja Marx, Librarian  
**Subject:** September Monthly Report

A handwritten signature in black ink, appearing to read "Sonja Marx", is written over the "To:" and "From:" lines of the memorandum.

What a wonderful feeling it is to be fully staffed again for this fall as we continue to meet the daily needs of the patrons. The Middle School classes have resumed their bimonthly trips to the library to check out materials during their literacy time.

We continue to purchase new materials and prepare them for check out. Each month new books and audio visual materials for all ages are displayed and available for use. This year the final report for the PLA grant was submitted electronically on September 15<sup>th</sup>. This grant of nearly \$7,000 provided books and audio visuals for our library and also supplemented the internet expenses.

The end of the year report for the IMLS grant is also due during the end of October. We are so appreciative for this \$7,000 grant that provides our library books, audio visuals, summer reading program materials, and continuing education opportunities.

There are letters in the Council Packet from two current Library Advisory Board members who would like to continue serving. The seats for Conor Downey and Lacey Calvert expired in September. We also received a letter from the School District appointing Megan Gunderson to represent the school on the Library Advisory Board. With so many seat changes happening, we did not meet in September. The next LAB meeting is scheduled for Tuesday, October 24<sup>th</sup> at 5:30 pm here at the Library.

The Librarian will be out of state October 3<sup>rd</sup> – 20<sup>th</sup> taking her family vacation. The Assistant Librarian, Tona Hanson, will be acting Librarian in her absence.

**Library Stat report for August 28<sup>th</sup> – September 23<sup>rd</sup>, 2017:**

**Patron Visits: 2,226    Computer Use: 674    Wireless Use: 303**  
**Story Hour: 26    Other Visits (including Students): 163    Museum Use: 7**  
**Movies Shown: 4    AWE Station Use: 30    Volunteer hours logged: 2.5**

**The Library will be closed Monday, October 9<sup>th</sup> for Indigenous People Day**

*Our Vision. To have an infrastructure and city workforce that supports a sustainable, diversified and growing economy. We will partner with others to achieve economic development and other common goals that assure a high quality of living, and excellence in education.*

**Mayor**  
Alice Ruby

**Manager**  
Don Moore



**Dillingham City Council**  
Andy Anderson  
Curt Armstrong  
Tracy Hightower  
Paul Liedberg  
Chris Maines  
Misty Savo

## MEMORANDUM

**Date:** September 26, 2017  
**To:** City Manager Don Moore  
**From:** Chief Dan Pasquariello  
**Subject:** Public Safety October 2017 report

*Reporting period 8-27-17 to 9-26-17*

### Police:

❖ 351	Calls for service
❖ 18	Persons arrested
❖ 18	Title 47/Protective custody
❖ 27	Citations issued
❖ 37	Incident reports

*Approximately 1 out of 10 calls for police service require an incident report to be completed by officers. A partial breakdown of our incident reports is as follows:*

Assault/Disorderly Conduct	7
Traffic offenses	4
MCA	4
Suicide attempts	3
Violation release/probation conditions	3
Criminal Mischief	3
Drug offense	2
Thefts	2
Trespass	2
Sex offenses	2
Vehicle accidents	2
DUIs	2
Death investigation	1

We were expecting a new officer to fill one of our vacancies but he emailed us the day before his arrival backing out of the position. We are still advertising to try and fill our two vacant positions.

### Corrections:

❖ 34	Total Inmates
❖ 18	Title 47/Protective custody

One of our corrections officers is currently on FMLA leave until November.

Under SB91 the Alaska Department of Corrections was mandated a myriad of new functions relating to pre-trial and release of inmates. The DOC is creating a new division and will hire 60 employees to perform these functions. None of these employees will be based in Dillingham. DOC requested that the City of Dillingham perform these State functions and was offering an additional \$36,273 in compensation to our jail contract. The City was not required to perform any of these functions and it would not alter the base amount of our jail contract. The requested functions were:

- (1) Assessment and Database collection - \$5,678
- (2) Pre-trial electronic monitoring - \$13,248
- (3) Pre-trial supervision and monitoring - \$4,731
- (4) Diversion programs (alternative sentencing) - \$12,671

After contacting DOC regarding these functions The Chief and City Manager made a decision based upon the City's costs versus State compensation, as we did not want to subsidize a State function with City money. We also reviewed whether the task was a local jail function or more appropriately handled by the State. We decided we would agree to items (1) and (2) above. The State will increase our jail contract by \$18,926.

#### Dispatch:

- ❖ 439 Calls for service
- ❖ 80% Dispatched to Dillingham Police
- ❖ 4% Dispatched to Alaska State Troopers
- ❖ 8% Dispatched to EMS/Fire
- ❖ 8% Dispatched to Animal Control
- ❖ 126 911 calls received

#### Animal Control:

- ❖ 8 Animals impounded (*dogs*)
- ❖ 1 Dog bite case
- ❖ 3 compassionate euthanasia
- ❖ 7 dogs sent to ASPCA in Anchorage
- ❖ 3 dogs returned to owner
- ❖ 7 puppies sent to Anchorage
- ❖ 3 dogs sent to Wildwood Corrections center
- ❖ 1 dog adopted out of shelter
- ❖ 3 citations issued
- ❖ 12 Rabies/parvo shots given

Animals are rarely euthanized anymore at the shelter, except for old, suffering animals put down at their owner's request. The reason for this is because the ACO has developed contacts with other organizations (*and airlines*) that accept animals from our shelter without cost to the City. Litters of puppies are routinely sent to the ASPCA in Anchorage. The latest organization that accepts our animals is the Wildwood Correctional Center in Kenai. So far 6 dogs have been shipped to Wildwood where inmates feed, socialize, and train the animals for new homes, or for use as comfort dogs.

Eight large dog kennels were donated to the shelter by residents Max Martin and Suzanne Eberling.

**DMV:**

- ❖ 52 Registrations/Titles
- ❖ 4 Boat registrations
- ❖ 82 Driver's License/IDs
- ❖ 4 CDLs
- ❖ 6 Road tests
- ❖ 15 Written tests

The DMV was closed for two weeks out of the reporting period for moose hunting.

**Mayor**  
Alice Ruby

**Manager**  
Don Moore



**Dillingham City Council**

Chris Maines  
Misty Savo  
Curt Armstrong  
Tracy Hightower  
Paul Liedberg

**MEMORANDUM**

**Date:** September 26, 2017  
**To:** Don Moore, City Manager  
**From:** Braden Tinker, Fire Coordinator  
**Subject:** Department Head Report

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**Summarization of EMS Responses – 25 Calls; 36.4 Total Man Hours**

- 1 Abdominal
- 1 Back Pain
- 5 Breathing Problem
- 2 Chest Pain
- 1 Diabetic
- 1 Poisoning / Ingestion
- 1 Medical Transport
- 1 Other
- 2 Pain
- 1 Psychiatric
- 1 Seizure
- 1 Sick Person
- 2 Unconscious
- 1 Code Call

**Summarization of Fire Responses – 0 Call; 0 Total Man Hour**

**PROJECTS COMPLETED**

- Ambulance Grant

**ON-GOING PROJECTS:**

**Hose Testing**  
**Pump Testing**  
**Hydrant Testing**

**Mayor**  
Alice Ruby

**Manager**  
Rose Loera



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

## MEMORANDUM

**Date:** September 28, 2017  
**To:** City Manager  
**From:** Ida Noonkesser  
**Subject:** Staff Report

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During the month of August, the Senior Center served 504 congregate meals to 58 individuals, 358 home delivered meals to 30 individuals, gave 163 assisted rides to 21 individuals and 134 unassisted rides to 23 individuals.

We had two new renters in the months of August.

Billy Backford wrote a letter of interest and was appointed by the council to fill one of our open seats, but our Advisory Board Seats E remains open. If anyone knows a person who might be interested, ask them to please submit a letter to Mayor, Alice Ruby.

Harold Andrew donated a wooden boat that he made to the Senior Center. He provided a plaque for it that says "To the Dillingham Senior Center, from Harold Andrew In memory of subsistence hunter, fisherman and boat builder, Blunka Andrew." It will make a nice display.

Our next Advisory Board meeting will be this fall October 10<sup>th</sup>, 2017.

**Mayor**  
Alice Ruby

**Manager**  
Rose Loera



**Dillingham City Council**  
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Andy Anderson  
Paul Liedberg  
Tracy Hightower

## MEMORANDUM

**Date:** 9-26-17  
**To:** Don Moore / City manager  
**From:** Jean Barrett / Port Director  
**Subject:** September Monthly report

The Port report is always pretty short this time of year, for obvious reasons. Things at the Harbor are all getting put to bed for the winter. The Dock is still rolling a few things around and are still expecting two more barges before we close the doors for the winter.

### Dock

- We have had a great year moving fish, even with the fact we didn't move any canned fish, we moved 19,708,688 pounds of fish out of Dillingham this year with a revenue to the City of \$156,021.00, one of the best years we have had in my tenure.
- The work on the dock was completed by Cruz Construction before schedule and they did an outstanding job.
- The Hyster 800 Forklift that was unfortunately damaged in July has been inspected and a plan of repair has been sent to me. I spoke with our new Insurance company APEI and have the go ahead to have the work done this fall
- Pape' machinery will be sending two mechanics to Dillingham on the 15<sup>th</sup> of October to repair the Hyster 800, it will be good to have before we close down to run it prior to next year.
-

## Harbor

- Almost all of the floats are out of the water and stored for the winter, we are waiting for larger tides early next month to get to the pieces left behind.
- I am excited to talk to PN&D at the upcoming harbor meeting in Petersburg to talk about the design on the future harbor floats, hopefully some government money will flow our way for this project.
- Now I will talk about the big blue elephant in the room (or harbor) the ice machine! We have struggled with this machine for most of the summer, we have a part that we hope makes all of our troubles go away! I hope to test run it before snow flies.
- We have impounded a vessel for some very serious event that happened in the harbor area, I don't want to own this vessel but after several attempts to contact the owner I have had no response.... With all of the taxes, harbor fee's and haul out fees that have accrued we will probably be owners of the vessel before the end of the winter, I will continue to try to make contact with the owner on a monthly basis as the winter goes on.

That is all I can report from the Port department this month as most of my time has been spent at the Public works department this month.

Jean

No Port committee meeting scheduled for



**Mayor**  
Alice Ruby

**Manager**  
Rose Loera



**Dillingham City Council**  
Chris Maines  
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Curt Armstrong  
Andy Anderson  
Paul Liedberg  
Tracy Hightower

## MEMORANDUM

**Date:** September 28, 2017  
**To:** Don Moore / City manager  
**From:** Jean Barrett / Port Director  
**Subject:** September Monthly report

It has been a busy month at the Public works department, many changes, deletions and additions. Projects finished, projects started and projects delayed.

### Streets

- For the most part things here are status quo, we have been able to maintain the roads once in a while after the rain
- We just finished up hauling the 750 tons of rip wrap for outflow at snag point, the rock was from the Bristol/ Chog pit on Snake lake road and it is excellent rock!
- We received our DR Mower and did some brush clearing on the walkway on Little Larry road and along the bike path on the lake road
- We are gearing up to start clearing hanging branches on the roads we maintain during the winter months so we don't damage our graders, a purchase of a 12' pole pruner will assist in this.
- The Streets and Water and Wastewater crew teamed up and cleaned up the Quonset hut at the shop, there was an amazing amount of junk and trash that was hauled away, anything worth keeping was put where it belonged.

### Buildings and Grounds

- Our B&G foreman resigned two weeks ago and we have made Robert Nielsen the Forman, he has been with the City for a year now and I think he has a grasp

on the job and will work into making it his very quickly, he will be on a 90 probationary period and during this time we will fill the B&G assistant position with a temporary replacement

- First aid kits were purchased with a coupon from APEI worth \$2000, we got large boxes for the buildings and small ones for each vehicle, they have all been installed.
- We are close to finished on the new B&G office in the Shop, this will be a good change and will keep the department closer to the rest of the PW department
- Boiler are being readied for the winter months with new parts as needed and new oil filters
- Emergency lights are being tested and either fixed or replaced in each building

#### Mechanics Shop

- Darrin Woods is our longest standing mechanic, he has been out with a bad back that somehow happened at work, he has had two separate stints on sick leave and is scheduled to be back on October 5<sup>th</sup> with clearance from his Dr. of course
- We have hired another mechanic, Cade Woods, he is an energetic young man and I feel will be with the city for many years.
- We have had several long term projects in the shop this month
  - ❖ One is one of the Cities ambulances which is getting a new long block engine, the engine is in DLG at the time of this report and is scheduled to be installed as soon as possible.
  - ❖ The other one is the Bobcat from the land fill which need to be in the shop for a new starter and ring gear, it is back at the landfill now for the upcoming week.
  - ❖ We have had a few other semi minor issues, mostly with some antiquated equipment, the City will need to continue replacing equipment each year to keep up with the aging.

## Water / Waste water

- The manhole project is off to a slow start, not because of any fault of the city but with the contractor, there has been a few things forgotten on their part. I hope things get to rolling this coming week.
- The Sr center project is ahead of schedule but on a bit of a break. The drain tile has been installed along with a little extra water proofing that the City had on hand, the roof and walls have been rebuilt and are awaiting the windows, siding and doors.
- The whole crew has been working on fixing the Notice of Violation we received a few months back, we had Bristol environmental come in and go thru the Notice and clean the processes up we were failing on, I received the rebuttal from Manager Moore today but didn't have the time to go over it.... Fingers crossed. We have put measures in place to keep from getting another NOV in the future

## Land fill

- As mentioned above the Bobcat is repaired and back in service
- The Landfill had an inspection in early September and passed with flying colors, the DEC inspector was very impressed with the organization of the whole place
- The landfill crew replace an 80 section of fence that had been knocked over for several years, we had all the material on hand so this did not cost the city any money.

CITY OF DILLINGHAM, ALASKA

**ORDINANCE NO. 2017-07**

**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 4.20 TO ADD AN EXEMPTION FROM TAXATION ON REAL PROPERTY**

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WHEREAS, per AS 29.45.050(I) a municipality may by ordinance exempt from taxation an interest, other than record ownership, of an individual residing in the property if the property has been developed, improved or acquired with federal funds for low income housing and is owned or managed as low-income housing by the Alaska Housing Finance Corporation or by a regional housing authority;

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

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

**Section 2. Amendment of Section 4.15.030.** Items D-H are relabeled as E-I, and a new subsection 4.15.030(D) is inserted to read as follows:

D. Real property interests, other than fee simple record ownership, of an individual residing on the property, if the property has been developed, improved, or acquired with federal funds for the provision of low-income housing on or before September 1, 2017, and is owned or managed as low-income housing by either the Alaska Housing Finance Corporation under AS 18.55.100 through 18.55.960 or a regional housing authority formed under AS 18.55.996. This section does not prohibit the city from continuing to receive payments in lieu of taxes authorized under federal law.

~~D-E.~~ Snowmobiles and three-, four-, or six wheel all terrain vehicles (not to exceed manufactured dry weight of one thousand pounds) shall be exempted from personal property taxation.

... (subsections F-I omitted)

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

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

\_\_\_\_\_  
Alice Ruby, Mayor  
[SEAL]

ATTEST:

\_\_\_\_\_  
Lori Goodell, Acting City Clerk

**City of Dillingham Information Memorandum**

Agenda of: October 5, 2017

Attachment to:

Ordinance No. 2017-07 / Resolution No. \_\_\_\_\_

**Subject:**

An ordinance of the Dillingham City Council amending Chapter 4.20 to add an exemption from taxation on real property

City Manager: Recommend Approval

Signature: 

Fiscal Note:  Yes  No

Funds Available:  Yes  No

**Other Attachments:**

- none

**Summary Statement:**

During a review of the City's annual property tax filing with the state, State Assessor Ron Brown informed the City it was not in compliance with state law, because it provides a low income housing exemption, HUD 85% exemption, but the exemption is not listed in the city's code. In the past, the HUD exemption was approved through a Memorandum of Understanding between the City of Dillingham and the Bristol Bay Housing Authority.

This exemption applies to real property of an individual residing in the property that has been developed, improved, or acquired with federal funds for the providing of low-income housing, and is owned or managed as low-income housing by either the Alaska Housing Finance Corporation or a regional housing authority.

The ordinance was reviewed with the city's legal counsel. The Code Review Committee is recommending the Council introduce this ordinance. Any new development seeking the exemption can be approved through a non-code ordinance or a resolution.



Attachment to: 2017-07 / Resolution No. \_\_\_\_\_  
Ordinance No. \_\_\_\_\_

**Summary Statement continued:**

Route to	Department Head	Date
X	Finance Director	
X	City Clerk	

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2017-08

**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTERS 4.20 SALES TAX, SECTION 4.20.050 EXEMPTIONS, AND CHAPTER 4.16 BUSINESS LICENSE TO REMOVE EXEMPTION FOR NOT REQUIRING A BUSINESS LICENSE IF SALES ARE LESS THAN TEN THOUSAND DOLLARS IN A CALENDAR YEAR AND PROVIDE A DEFINITION FOR A HOME BUSINESS**

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

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

**Section 2. Amendment to Chapter 4.20 Sales Tax.** Dillingham Municipal Code Section 4.20.050 Exemptions is hereby repealed and replaced with a new Section 4.20.050 to read as follows:

**4.20.050 Exemptions.**

The tax levied by this chapter shall not apply to the following:

- A. Air Travel. Sale of air transportation services;
- B. Banking. Fees for banking services charged by banks and credit unions;
- C. Casual and Isolated Sales. Casual and isolated sales not made in the regular course of business of the seller;
- D. Child Care Services. Child care, pre-elementary, and baby-sitting services;
- E. City Sales. Landfill and boat harbor fees, and wharfage and handling services when sold by the city;
- F. Dues and Fees. Dues, fees, or tuition paid to clubs, labor unions and fraternal or religious organizations;
- G. Electricity, Internet and Telephone. Sales of electricity, internet, and telephone if the customer's physical location of service is not within the city; Charges for long distance telephone conversations;
- H. Federal and State Prohibitions. (1) Sales the city is prohibited from taxing under the Constitution and laws of the United States or the Constitution and the laws of the state of Alaska are exempt; (2) Sales to an employee of the state, its political subdivisions, or the federal government are only exempt when the governmental employee provides proof that the sale is for government business by paying for the sale with a government voucher, purchase order, check or warrant, or providing verifiable documentation to the seller to allow the seller to readily determine that the sale is for government business; (3) Sales to the

extent paid for with food coupons, food stamps or other types of certificates issued under the Food Stamp Act;

I. Fish. Sales of fish subject to tax under Chapter 4.21;

J. Funeral. Sales of cemetery plots, caskets, burial items, and funeral services sold by a funeral home;

K. Government and Tribal Entities. Sales to the United States government, the state and its political subdivisions, a federally recognized Indian tribe, the city or any department thereof; provided however, that the exemption shall not be applicable to the sales of materials and supplies to contractors for the construction or manufacture of property for government agencies or tribal entities on a contract bid award, in which the contractor shall be deemed the buyer or consumer or user subject to payment of the tax;

L. Health and Medical. (1) Professional services provided a person licensed or certified by the State of Alaska as a doctor of medicine, surgery, osteopathy, or veterinary medicine, a chiropractor, a dentist, a naturopath, an optometrist, an audiologist, a hospital, an occupational therapist, a physical therapist, a massage therapist or nurse, psychologist or psychological associate, a clinical social worker, an alcohol and drug counselor, or a marital and family therapist when the services provided require such license or certificate; (2) assisted living services provided in accordance with an assisted living plan and in an assisted living home licensed as such by the state; (3) fees for supplies, equipment and services provided by a hospital, medical, or dental clinic for patient treatment including laboratory and x-ray services; sales of prescription drugs;

M. Insurance. Sales of insurance policies, guaranty and fidelity bonds;

N. Newspapers. Carrier sales made directly to consumers or users of newspapers;

O. Non-Licensed Business. Sales of goods and services made by persons not required to obtain a business license under Chapter 4.16;

P. Nonprofit Organizations. Sales, services, and rentals to organizations that have obtained a 501(c)(3) or 501(c)(4) exemption certificate from the Internal Revenue Service, and which are made in the normal conduct of activity, but not to individual members or employees thereof for their own personal consumption, use or accommodation; the exemption does not apply where such organizations are engaged in business for profit or savings, or competing with other persons engaged in similar business;

Q. Professional Services. Professional services provided to a customer or client whose principal residence or place of business is not within the city of Dillingham if the services are provided or performed primarily or entirely outside the city;

R. Public Food. (1) Sales of food in school and college cafeterias and lunchrooms that are operated primarily for teachers or students and are not operated for profit; (2) sales in dining rooms or cafeterias of food furnished by nonprofit organizations under programs wholly or partially supported by government funds;

S. Religious. Sales, services and rentals by or to religious organizations which have a 501(c)(3) or 501(c)(4) exemption certificate from the Internal Revenue Service, and which are

made in the normal conduct of religious activity, provided the income from the exempt transaction is also exempt from federal income taxation; the exemption does not apply where such organizations are engaged in business for profit or savings, or competing with other persons engaged in similar business;

T. Resale. Sales of goods to a wholesaler, retailer, or other purchaser if such purchaser resells the same goods, in the same or altered form, and the resold goods will not be exempt from the tax levied under this chapter. To obtain the exemption provided for in this subsection, the purchaser shall display or provide to the seller at the time of the sale a copy of the purchaser's resale certificate. If the purchaser buys goods for resale and for personal or other use at the same time, only the goods that are sold for resale are exempt. Supplies, services, tools, repair services, equipment or other goods or services purchased to support a business but not for resale are not exempt;

U. Tax Cap. The selling price amount of any sale (other than the rental or lease of real or personal property or any provision of services) in excess of five thousand dollars. For purposes of this exemption the following rules apply:

1. For purposes of computing the sales price of multiple items purchased at the same time, which are delivered to the consumer on one date, shall be combined. If the consumer is purchasing a number of items for a construction, improvement, or renovation package the sales price of the multiple items purchased at the same time as a package shall be combined even though delivery or payment for some of the items may be made at different times. A "package" is defined as an arrangement where the buyer or seller have obtained all required permits (i.e., city land use permit or other building permit), and there is a written agreement with seller identifying the total price being paid.

2. Each payment for a single item paid for on an installment basis shall be considered a separate sale with the exception that installment payments for snow machines, ATVs, boats, boat motors, and vehicles that are seller-financed by a business operating within the city or by a financial institution are subject to the sales tax cap on the total amount of the sale.

3. For purposes of computing the amount of any sale or transaction, items purchased on account or on credit on different days shall not be combined and treated as a single sale or transaction.

**Section 3. Amendment to Section 4.16.020.** Section 4.16.020 of the Dillingham Municipal Code is hereby amended as follows with new text displayed in **bold** and underlined font and deleted text displayed in strike out font.

#### **4.16.020 Definitions.**

"Business" means:

A. A person (as defined in Section 4.20.020, partnership, corporation or company of any sort providing goods or services within the city **for a profit** ~~which received gross revenues in excess of ten thousand dollars the preceding calendar year or is expected to receive gross revenues in excess of ten thousand dollars in the current calendar year.~~

“Home business” means the sale of goods or services produced from one's home and which have not produced gross revenues in excess of ten thousand dollars in any of the preceding calendar years.

**Section 4. Amendment to Section 4.16.030.** Section 4.16.030 of the Dillingham Municipal Code is hereby amended as follows with new text displayed in **bold** and underlined font and deleted text displayed in strike out font. Items C-E are relabeled as D-F, and a new subsection 4.16.030(C) is inserted to read as follows:

**4.16.030 Application for license.**

**C. An applicant seeking a license for a home business shall also certify that the business satisfies the definition set forth in Section 4.16.020 in all respects.**

**C.D.** The city may cause such investigation to be made as it deems necessary.

...(subsections E-F omitted)

**Section 5. Amendment to Section 4.16.040.** Section 4.16.040 of the Dillingham Municipal Code is hereby amended as follows with new text displayed in **bold** and underlined font and deleted text displayed in strike out font. Item B is relabeled as C, and new subsections 4.16.040(B) and 4.16.040(D) are inserted to read as follows:

**4.16.040 Fee.**

Each applicant shall be accompanied by the fee or a request for a waiver.

**B. Home business (fee waived upon request) and signing of certification by applicant.**

**B.C.** All participants in regularly scheduled nonprofit events or nonprofit sponsored events where home craft items are sold, no license shall be required nor sales tax levied.

**D. Regularly operated nonprofit events will be required to file an application to be exempted from paying a license fee.**

**Section 6. Effective Date.** This ordinance is effective upon January 1, 2018.

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

\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Alice Ruby, Mayor  
[SEAL]

\_\_\_\_\_  
City Clerk

**City of Dillingham Information Memorandum**

Agenda of: October 5, 2017

Attachment to:

Ordinance No. 2017-08 / Resolution No. \_\_\_\_\_

**Subject:**

An ordinance of the Dillingham City Council amending Chapters 4.20 Sales Tax, Section 4.20.050 Exemptions, and Chapter 4.16 Business License to remove exemption for not requiring a business license if sales are less than ten thousand dollars in a calendar year and provide a definition for a home business

City Manager: Recommend Approval

Signature: *Joseph R. Moore*

Fiscal Note:  Yes  No

Funds Available:  Yes  No

**Other Attachments:**

- Copy of the current code sections affected by the proposed changes

**Summary Statement:**

The Code Review Committee was tasked with reviewing all sales tax exemptions. The review consumed all meetings held in 2017. Committee members were provided with spreadsheets that compared the City of Dillingham's sales tax exemptions with other like communities: cities of Unalaska, Bethel, Cordova, Ketchikan, Nome, and Kenai Peninsula Borough.

The proposed changes made to Chapter 4.16 Business License will reverse an ordinance that was adopted in 2013, which exempted businesses from applying for a license if their sales were less than ten thousand dollars in a calendar year. At the time the city was looking to promote smaller businesses operating within the City by reducing the administrative burden associated with collecting and remitting city tax. It was suggested it be reviewed in a year or so.

This ordinance was reviewed with the city's legal counsel. The Code Review Committee is recommending the Council introduce this ordinance, and suggest several public hearings before it is adopted. The first public hearing would be scheduled for October 5, the second public hearing November 2, and up for adoption November 2. The suggested inception date is January 1, 2018, to allow staff sufficient time to advertise to the public and revise any forms that will be impacted by these changes.



Attachment to: 2017-08 / Resolution No. \_\_\_\_\_  
Ordinance No. \_\_\_\_\_

**Summary Statement continued:**

Route to	Department Head	Date
X	Finance Director	
X	City Clerk	

**Chapter 4.16  
BUSINESS LICENSE**

**4.16.020 Definitions.**

When not otherwise indicated by context, the following words and phrases have the following meanings:

"Business" means:

A. A person (as defined in Section 4.20.020), partnership, corporation or company of any sort providing goods or services within the city which received gross revenues in excess of ten thousand dollars the preceding calendar year or is expected to receive gross revenues in excess of ten thousand dollars in the current calendar year.

B. A person (as defined in Section 4.20.020), partnership, corporation or company of any sort providing the service of operating a taxicab or vehicle-for-hire and required to have a business license and remit sales tax regardless of amount of sales.

"Nonprofit sponsored event" means an event by a nonprofit organization meeting all requirements of state and federal law.

"Regularly scheduled nonprofit event" means an event scheduled daily, weekly or monthly and permanently staffed by paid or volunteer but keeping scheduled hours. Example: thrift store, gift shop owned by nonprofit businesses, bingo or other games of skill and chance.

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

**4.16.030 Application for license.**

A. All applicants for a Dillingham business license shall supply the following facts on a form provided by the finance department:

1. Name under which the business is to be conducted;

2. Name of applicant, including the president and chief executive officer of corporations, or partners and owners when applicable;
3. Mailing and street address;
4. Nature of business (short description, and attach a copy of state license or the number and type of business license issued by the state).

B. The applicant shall also certify that the business has or has applied for an Alaska business license if required by state law, has all necessary permits and licenses required by state and federal law, that all of the statements made in the application are true and made as an inducement for the issuance of the license, and that the business agrees to comply with all applicable city ordinances.

C. The city may cause such investigation to be made as it deems necessary.

D. The license shall be issued or denied within thirty days after the application has been made and the fee paid or waived. If the license is refused, the reasons for the refusal will be stated in writing to the applicant.

E. A business refused a license may request a hearing before the finance director up until twenty days after service of the notice and, if hearing is timely requested, one shall be held after notice to the business. If still aggrieved, the business shall have ten additional days in which to appeal to the city council.

**4.16.040 Fee.**

Each application shall be accompanied by the fee.

- A. Regular licensing fee of fifty dollars per year.
- B. All participants in regularly scheduled nonprofit events or nonprofit sponsored events where home craft items are sold, no license will be required nor sales tax levied.

**Chapter 4.20**  
**SALES TAX**

**4.20.050 Exemptions.**

The tax levied shall not apply to the following:

- A. The sale of insurance policies, bonds of guaranty and fidelity, and banking services rendered;
- B. Funeral charges and services, the sale of medical, dental, optometric or other practices of the healing arts as defined by law, the sale of hospital or assisted living services, the sale of hearing aids, and the sale of prescriptions. This exemption shall not apply to services rendered by veterinarians, barbers, cosmeticians, or masseurs;
- C. Except as provided in Section 4.20.020 under "Sale," subsection (3)(n), the sale of property, goods, or services by churches, except where such religious organizations are engaged in business for profit or savings, or competing with other persons engaged in the same or similar business; provided, however, that the tax shall not apply to the sale of religious publications, Bibles, hymn books, prayer books, vestments and ceremonial raiments, altar and other religious paraphernalia, sacramental chalices, icons and similar church service equipment;
- D. Except as provided in Section 4.20.020 under "Sale," subsection (3)(n), sales to churches and bona fide religious and charitable organizations, but not to the individual members or employees thereof for their own personal consumption, use or accommodation;
- E. The transportation of students to and from elementary, junior high and high schools in motor or other vehicles;
- F. The sale of food and beverages in public, high school or college cafeterias and lunchrooms operated primarily for teachers and students, and not operated primarily for the public or for profit;
- G. Carrier sales made directly to consumers or users of newspapers and periodicals;
- H. Sales, which the municipality is prohibited from taxing under the respective constitutions and laws of the United States and of the state;
- I. Sales to the United States government, the state and its political subdivisions, the city or any department thereof; provided, however, that the exemption shall not be applicable to the sale of materials and supplies to contractors for the construction or manufacture of property for government agencies on a contract bid award, in which the contractor shall be deemed the buyer or consumer or user subject to payment of the tax;
- J. Dues, fees, or tuition paid to clubs, labor unions and fraternal or religious organizations;
- K. An isolated sale not made in the regular course of business of the seller;

L. Commissions or fees charged by brokers or agents in the sales of real and personal property which exceed two thousand dollars per transaction;

M. Sales of property at temporary venues for annual civic events which serve to promote Dillingham to residents of Bristol Bay villages or to tourists;

N. Sale of all arts and crafts designed or produced in the Bristol Bay region; this exemption shall apply to all businesses including those with a fixed location which sell Bristol Bay arts and crafts as dealer, broker, or agent;

1. This exemption for all arts and crafts designed and produced in the Bristol Bay region shall apply to all businesses with total yearly sales of less than twenty thousand dollars for all goods sold;

O. Sales of fish subject to tax under Chapter 4.21;

P. Steamship and air transportation services;

Q. Charges for long distance telephone conversations; provided, however, that the furnishing of telephone service to subscribers within the city is taxable. Telephone service furnished to subscribers whose primary residence or business is located outside the city is not taxable;

R. Sales to public or private charitable institutions operating primarily as bona fide homes for homeless, delinquent, or dependent children of others;

S. The selling price amount of any sale (other than the rental or lease of real or personal property or any provision of services) in excess of two thousand dollars. For purposes of this exemption the following rules apply:

1. For purposes of computing the sales price of multiple items purchased at the same time, which are delivered to the consumer on one date, shall be combined. If the consumer is purchasing a number of items for a construction, improvement, or renovation package the sales price of the multiple items purchased at the same time as a package shall be combined even though delivery or payment for some of the items may be made at different times. A "package" is defined as an arrangement where the buyer or seller have obtained all required permits (i.e., city land use permit or other building permit), and there is a written agreement with seller identifying the total price being paid.

2. Each payment for a single item paid for on an installment basis shall be considered a separate sale with the exception that installment payments for snow machines, ATVs, boats, boat motors, and vehicles that are seller financed by a business operating within the city or by a financial institution are subject to the sales tax cap on the total amount of the sale.

3. For purposes of computing the amount of any sale or transaction, items purchased on account or on credit on different days shall not be combined and treated as a single sale or transaction;
- T. Dump fees;
- U. Wharfage and handling at the city dock;
- V. Fees earned for child care services;
- W. The sale from a business recognized by the city, to another recognized business within the city, of an item to be used as an ingredient or component part of an end product may be tax exempt provided the buyer has a valid certificate of exemption;
- X. The sale of boat harbor fees;
- Y. Sales of goods and services made within that portion of the city annexed to the city after January 1, 2012;
- Z. The sale of fruits, vegetables, flowers, and herbs or their plant starts grown or harvested in the Bristol Bay region as well as locally raised livestock and products derived from those livestock;
- AA. Sales of goods and services made by persons not required to obtain a business license under Chapter 4.16;
- BB. Sales of electricity if the customer's physical location of service is not within the city;
- CC. Professional services provided to a customer or client whose principal residence or place of business is not within the city of Dillingham if the services are provided or performed primarily or entirely outside the city;
- DD. Personal property, food products, and other household goods not intended for resale or commercial use that are shipped by a seller located outside the city of Dillingham for delivery within the city.

CITY OF DILLINGHAM, ALASKA

**RESOLUTION 2017-39**

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL OPPOSING THE US EPA'S  
WITHDRAWAL OF THE CLEAN WATER ACT SECTION 404c PROPOSED  
DETERMINATION TO PROTECT BRISTOL BAY.**

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WHEREAS, the City of Dillingham has been following exploration and development activities at the Pebble Deposit for over 12 years; and

WHEREAS, the City of Dillingham adopted Resolution 2006-21 to oppose large scale mining and the proposed Pebble copper/gold mine in the Bristol Bay Region; and

WHEREAS, over time as the project's scope, potential impact, and associated activities have changed, the City's position remains steadfast in the face of changing developmental and political climates; and

WHEREAS, the City of Dillingham adopted Resolution 2014-51 supporting the EPA's use of authority under section 404(c) of the Clean Water Act to protect Bristol Bay; and

WHEREAS, the EPA has announced its intent withdraw the Clean Water Act 404(c) protection of Bristol Bay, as described in Docket EPA-R10-OW-2017-0369:

NOW, THEREFORE, BE IT RESOLVED that Dillingham City Council, on behalf of the community of Dillingham, supports continued protection of the Bristol Bay region from the threats associated with large-scale metallic sulfide mining.

NOW, THEREFORE, BE IT FURTHER RESOLVED that as such, the Dillingham City Council opposes any withdrawal or rescindment of the EPA's Proposed Determination under the 404(c) Clean Water Act.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on October 5, 2017.

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

ATTEST:

[SEAL]

\_\_\_\_\_  
Lori Goodell, Acting City Clerk

CITY OF DILLINGHAM, ALASKA

**RESOLUTION NO. 2017-40**

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY MANAGER TO USE GENERAL FUNDS TO MATCH A MUNICIPAL MATCHING GRANT FOR IMPROVEMENTS TO THE CITY WATER SYSTEM**

WHEREAS, the City of Dillingham has a Municipal Matching Grant from the State of Alaska, for necessary repairs and improvements to the City's water system; and

WHEREAS, the MMG grant has a 30% matching requirement; and

WHEREAS, the cost of the current water systems improvement project is \$761,990 for project construction (\$700,000) and engineering (\$61,990); and

WHEREAS, the City has \$42,162 available for match which comes from the FY18 Public Works Water Budget as well as a BBEDC grant for a new water source; and

WHEREAS, the City is in need of approximately \$186,000 additional funds to be used as match for the current water system improvements project.

WHEREAS, these water system improvements are necessary for public drinking water sustainability and public safety;

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the City Manager to transfer \$186,000 from the General Fund to the Water account to be used as the remaining balance of the 30% match required for the current water systems improvements project.

PASSED and ADOPTED by the Dillingham City Council on October 5, 2017.

SEAL:

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

ATTEST:

\_\_\_\_\_  
Lori Goodell, Acting City Clerk

City of Dillingham  
Fiscal Note

Agenda Date: October 5, 2017

Water System Improvements.

ORIGINATOR: Rose Loera

FISCAL ACTION (TO BE COMPLETED BY FINANCE)		FISCAL IMPACT <input type="checkbox"/> YES <input type="checkbox"/> NO	
AMOUNT REQUESTED: <span style="float: right;">\$186,000</span>		FUNDING SOURCE <b>General Fund</b>	
FROM ACCOUNT  2100 7060 30 61 <span style="float: right;">\$186,000</span>		Project  <b>Water System Improvements</b>	
TO ACCOUNT:	VERIFIED BY: <u>Navin Bissram</u>	Date:	<u>10/5/2017</u>

EXPENDITURES

OPERATING	FY18			
	\$ -			
<b>TOTAL OPERATING</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

CAPITAL	\$ 186,000			
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REVENUE				
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FUNDING

General & Special Rev. Funds	\$186,000			
State/Federal Funds				
Other				
<b>TOTAL FUNDING</b>	<b>\$ 186,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

POSITIONS

Full-Time				
Part-Time				
Temporary				

ANALYSIS: (Attach a separate page if necessary)

See Action Memorandum 2017-16

PREPARED BY: Navin Bissram  
 DEPARTMENT: Finance  
 APPROVED BY: Rose Loera

September 29, 2017  
  
9-29-17

Action Memorandum No. 2017-16

**Subject:**

Authorize the City Manager to enter into a contract with Premier Electric to construct the 2017-12 Water Systems Improvement Project and execute Task Order #1 to CRW for Construction Management Services for continued project engineering.

City Manager: Recommend Approval

Signature: 

Fiscal Note:  Yes  No

Funds Available:  Yes  No

**Other Attachments:**

- ITB 2017-12 Cover Sheet
- ITB 2017-12 Bid Summary
- ITB 2017-12 Notice of Intent to Award
- CRW Construction Management Proposal

**Summary Statement:**

In response to the City's needs to secure a more sustainable drinking water source, the City contracted with CRW Engineering Group to design a necessary improvements to the water system (Resolution 2016-19 to solicit design proposals and Action Memorandum 2016-08 to award a design contract to CRW). Following the design, a new well was drilled a in Spring 2017. In order to bring the new well online, as well as update the current wells to interface with our new control system at the Water Treatment Plant, the City of Dillingham solicited sealed bids for a firm possessing the skills and ability required to construct the 2017 Water System Improvements Project. This includes the following scope of work:

Furnishing and installing new well pumps (three each), discharge piping, and appurtenances at existing wells; new piping to connect one well to manifold piping; new electrical service to one well; new controls and power distribution at the wells; well controls and miscellaneous improvements at the Water Treatment Plant; and new water sampling stations (three each). In addition, the work includes abandoning one well and pump house.

The project went out to bid on August 28, 2017; a pre-bid conference was held on September 12th and two addenda were later issued to clarify questions from prospective bidders. Bids closed on September 27, 2017 at 2:00 PM as scheduled.

Action Memorandum No. \_\_\_\_\_

**Summary Statement continued:**

There were two bids submitted:  
-Premier Electric \$700,000  
-Far West Ventures \$1,294,500

CRW's original contract to design the water system improvements (AM 2016-08) , included construction support services of \$18, 700. In addition to Premier Electric's construction costs, the City is in need of continued construction management services to ensure that the project is engineered according to plan. Therefore we are requesting authorization to issue Task Order #1 to CRW for \$61,990 to provide construction management through the project's completion.

This brings the project total to \$761,990 which includes construction and engineering. 70% of that total, is \$533,396.50 and is eligible to be paid out of the City's MMG Water Grant 28308. The City is responsible for a 30% match requirement, totaled at \$228,593.50

The FY18 Public Works Water budget appropriated \$20,000 for water system improvements, of which there is \$19,973 remaining. BBEDC funds originally allocated for the design of a fish grinder were reallocated to develop the new water source. There is a balance of \$23,189.08 in this account. Therefore the City currently has \$43,162.08 available as match. The remaining match requirement of \$185,431.42 remains unappropriated. Through Resolution 2017-40, staff is requesting a budget modification to increase the Public Works Water budget by \$186,000 to complete these necessary repairs to the City's water system.

PASSED and APPROVED by a duly constituted quorum of the Dillingham City Council on \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

[SEAL]

\_\_\_\_\_  
City Clerk

Route to	Department Head	Date
	Finance Director	
X	City Clerk	



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City of Dillingham  
Box 889  
Dillingham, Alaska 99576

## **REQUEST FOR BIDS ITB 2017-12 2017 WATER SYSTEM IMPROVEMENTS**

The City of Dillingham is soliciting sealed bids for a firm possessing the skills and ability required to construct the 2017 Water System Improvements to include the following scope of work:

Furnishing and installing new well pumps (three each), discharge piping, and appurtenances at existing wells; new piping to connect one well to manifold piping; new electrical service to one well; new controls and power distribution at the wells; well controls and miscellaneous improvements at the Water Treatment Plant; and new water sampling stations (three each). In addition, the work includes abandoning one well and pump house.

The contract will be for 180 days.

Inquiries should be directed to Public Works Director at [publicworks@dillinghamak.us](mailto:publicworks@dillinghamak.us).

A contract to award will be confirmed at the October 5, 2017 Regular Council Meeting.

### **SPECIFICATIONS**

#### **Submittal Requirements and Information**

To be considered, one original and four copies of the bid must be delivered to the address below, on or before the deadline of no later than 2:00 p.m. on September 27, 2017. Bids must include original signatures by an individual able to legally represent the firm. Late bids will not be opened or evaluated.

Please mark the envelope to identify the project: **2017 WATER SYSTEM IMPROVEMENTS**

Delivery instructions – mail or hand deliver in a sealed envelope to:

City Planner's Office  
City of Dillingham  
PO Box 889  
Dillingham, AK 99576

**Electronic and faxed bids will not be accepted.**

**A pre-bid meeting will be held on Tuesday, September 12, 2017 at 10:00 a.m. in the upstairs of City Hall.**

**ITB 2017-12 WATER SYSTEM IMPROVEMENTS  
BID SCORING SHEET**

Deadline for proposals is: 09/27/17 2:00 PM

Date & Time Proposal Received		09/25/2017 at 10:30 AM	09/27/17 at 11:35 AM			
<b>VENDOR NAME</b>						
		Premier Electric LLC	Far West Ventures			
<b>Utility &amp; Miscellaneous Work Allowance</b>	Pay Item 1	\$30,000.00	\$30,000.00			
<b>Park Well Improvements</b>	Pay Item 2	\$100,000.00	\$281,979.00			
<b>Well CD #2 (Courthouse) Improvements</b>	Pay Item 3	\$100,000.00	\$196,103.00			
<b>Well CD #3 (High School) Improvements</b>	Pay Item 4	\$100,000.00	\$278,134.00			
<b>Well Controls at Water Treatment Plan</b>	Pay Item 5	\$170,000.00	\$283,260.00			
<b>Water Sampling Station</b>	Pay Item 6	\$150,000.00	\$181,063.00			
<b>Abandon Well CD#4 (Hockey Rink)</b>	Pay Item 7	\$50,000.00	\$43,961.00			
	<b>Total Award</b>	<b>\$700,000.00</b>	<b>\$1,294,500.00</b>			

\*\*\*PRIOR TO AWARD, VENDORS MUST PROVIDE PROOF OF LICENSING AND INSURANCE, AS OUTLINED IN ITB 2017-12

**APPARENT LOW BIDDERS ARE HIGHLIGHTED IN ORANGE**



## NOTICE OF INTENT TO AWARD

**ISSUE DATE:** September 28, 2017

**RFP NUMBER AND TITLE:** ITB 2017-12 Dillingham Water System Improvements

**RFP DEADLINE:** September 27, 2017 at 2:00 PM

**BIDDERS OF RECORD INCLUDE:**

-Premier Electric, LLC      -Far West Ventures

Based on the criteria established in the Invitation to Bid (ITB 2017-10), the City of Dillingham hereby provides notice of its intent to award the contract to:

**Premier Electric, LLC  
PO Box 874362  
Wasilla, Alaska 99687**

Any bidder who believes the contract has been improperly awarded may file a protest with the Acting City Clerk, Lori Goodell, within five (5) days from the date of this notice and appear in person before the City Council according to the provision of the Dillingham Municipal Code Section 4.30.100 E.

The entire Dillingham Municipal Code can be found on the City's website.

Prior to issuance of a Notice to Proceed, the successful bidder must provide the licensing and insurance documents as outlined in ITB 2017-12, to the City of Dillingham prior to C.O.B on October 5, 2017.

The successful vendor is instructed not to begin work, purchase materials, or enter into subcontracts relating to the project until both the recipient and the City have signed the contract and a Notice to Proceed has been issued. AS 36.30.365.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald L. Moore", is written over a white background.

Donald L. Moore  
City Manager  
(907) 842-5148  
[manager@dillinghamak.us](mailto:manager@dillinghamak.us)



June 15, 2017

City of Dillingham  
P.O. Box 889  
Dillingham, Alaska 99576

Attn: Don Moore, City Manager

Re: Dillingham Water System Improvements  
Contract Amendment: Construction Management Services

Dear Mr. Moore:

CRW Engineering Group, LLC (CRW) is pleased to provide this proposal for a contract amendment to provide Construction Management Services and to serve as the Engineer of Record for the above referenced project. The project generally involves: installing two new well pumps, discharge piping, and appurtenances in existing wells; new piping to connect the Park Well to the well manifold piping; new electrical service to one well; and new well and water system controls. These improvements are needed to provide additional sources of water for the community.

CRW's original contract was dated May 20, 2016 and included Construction Support Services for a total of \$18,670. These services generally included submittal reviews, responding to Design Clarification/Verification Requests, reviewing change orders, observing panel bench testing, and startup and testing. This new proposal is in addition to these services.

We anticipate these new services will be provided under CRW's existing contract for Engineering Services for this project.

### **SCOPE OF SERVICES**

In addition to the services included in the original contract, CRW proposes to provide the following construction management services under this scope of work:

- 1) Construction Site Visits:
  - a) Organize, attend and lead the pre-construction conference in Dillingham.
  - b) Attend weekly construction progress meetings/site inspections in Dillingham (assume 12 each). Site inspections shall be conducted by a Staff Engineer and each inspection shall be documented with a written report.
  - c) Attend construction meetings via teleconference.
  - d) Attend Substantial Completion inspection and Final Completion inspection.
- 2) Office Support:
  - a) Address Contractor's construction questions and issues.
  - b) Approve Contractor's payment requests.
  - c) Resolve Contractor's claims.
  - d) Review and track daily inspection.

## **ASSUMPTIONS**

Assumptions made in preparing this proposal are as follows:

- 1) City of Dillingham personnel will provide the day-to-day on-site construction inspections, documentation, and photographs.
- 2) CRW will perform weekly progress meetings/site inspections of the work as construction progresses. It is assumed that 12 total site visits will be made during construction of the work.
- 3) The duration of each trip will be 1 day including travel to/from Dillingham.
- 4) Trip reports will be prepared and submitted to the City within 1 week of each visit.
- 5) It is assumed that construction will be completed within 12 weeks.

## **FEE**

CRW proposes to complete the additional work on a time and expenses basis in accordance with the attached Fee Proposal. The estimated cost for construction management services for the Water System Improvements is \$61,900. If feasible, construction management efforts for the Water System Improvements will be combined with the Lagoon and Dock Lift Station Improvements construction management efforts reducing the overall fee.

We appreciate the opportunity to submit this proposal and look forward to continuing to assist you with this project. Please let me know if you have any questions.

Sincerely,

CRW ENGINEERING GROUP, LLC



Michael Leguineche, PE  
Principal, Senior Engineer  
Phone: (907) 646-5615 / email: mleguineche@crweng.com

Attachments: CRW Fee Proposal

CITY OF DILLINGHAM, ALASKA

Dillingham Water System Improvements  
Construction Management Services  
Fee Proposal (Rev. 6/15/2017)

	Name, Rate & Projected Hours					Cost \$			
	CRW Engineering Group, LLC					Total Labor	Expenses	Total Subtask	Total Task
Task & Subtask Description	Michael Leguineche, PE Senior Engineer	Andy Horazdovsky, PE Project Engineer	Bill McDonald, PE Senior Electrical Engineer	Christi Meyn, EIT Staff Engineer	Admin Support				
	\$175	\$155	\$175	\$105	\$75				
<b>Task 1 - Construction Management</b>									
Preconstruction Conference	2	12	2	14		\$4,030	\$1,430	\$5,460	
Weekly Construction Progress Meetings/Site Inspection (18 total)	4	48	60	168	4	\$36,580	\$8,580	\$45,160	
Teleconferences	2	6	4	6		\$2,610		\$2,610	
Substantial and Final Inspection (2 total)	2	4	14	30	2	\$6,720	\$1,950	\$8,670	
<b>Total Task 1:</b>	10	70	80	218	6	\$49,940	\$11,960	\$61,900	<b>\$61,900</b>
<b>TOTAL BASIC SERVICES:</b>	<b>10</b>	<b>70</b>	<b>80</b>	<b>218</b>	<b>6</b>	<b>\$49,940</b>	<b>\$11,960</b>	<b>\$61,900</b>	<b>\$61,900</b>

Notes and Assumptions:

- 1) All work will be completed on a Time and Materials basis.
- 2) City of Dillingham personnel will provide the day-to-day on-site construction inspections, documentation, and photos.
- 3) Site inspections will be 12 hours per day including travel to/from Dillingham.
- 4) Construction will be completed within 12 weeks.