

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2017-04

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING THE BUDGET BY ADOPTING BUDGET AMENDMENT NO. 1 AND APPROPRIATING FUNDS FOR THE FY 2017 CITY OF DILLINGHAM BUDGET

WHEREAS, the City Council has approved the Operating Budget and Capital Improvement Budget for FY 17 to the City Council in accordance with Title 4 of the Dillingham Municipal Code pursuant to A.S. 20.20.500(3); and

WHEREAS, duly advertised public workshops were held and the City Council reviewed the budget amendment recommendations presented; and

WHEREAS, the City Council has set the rate of levy of property tax for the City of Dillingham for FY 2017 budget at 13 mills; and

WHEREAS, the budget presented, reviewed and changed is in accordance with sound and efficient municipal management principles. The City Council should have the power to transfer appropriated monies from one General Government Fund or Special Revenue Fund to another and from one Capital Project to another by resolution and the City Manager should have the power to transfer funds from one line item object to another object code within a fund and within a Capital Improvement Project; and

WHEREAS, additional FY 2017 funds are available for appropriation by ordinance;

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

1. The FY 2017 Operating Budget and Capital Improvement Budget amendment as recommended by the City Manager is hereby adopted for the City of Dillingham.
2. The amounts set forth in the budget as amended by the City Council for the respective departments and/or funds shall be, and hereby are, appropriated for the fiscal year ending June 30, 2017.
3. The City Council shall have the power to transfer approved and appropriated General Fund or Special Revenue Fund monies from one to another and from one Capital Project to another by resolution.
4. The City Manager shall have the power to transfer funds from one line item object code to another within a fund and within a Capital Improvement Project.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF DILLINGHAM that:

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Severability. If any portion of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Appropriation summary. The total appropriation from the Treasury in Section 4 was a total of \$12,100,882 and the amended appropriation is \$12,110,641.

Section 4. Appropriations.

A. General Fund Government Operations

City Council	\$ 65,050
City Clerk	129,571
Administration	342,893
Finance	590,640
Legal	82,000
Insurance	166,000
Non-Departmental	226,744
Planning	131,170
PS Administration	163,637
PS Dispatch	467,966
PS Patrol	811,416
PS Corrections	608,847
PS DMV	42,025
PS Animal Control Officer	91,292
PS Fire Department	226,318
PS IT Support	0
PW Administration	160,823
PW Buildings & Grounds	311,950
PW Shop	307,932
PW Streets	456,743
Library	108,194
Meeting Hall	3,000
Foreclosures	5,000
City School District	1,300,000
Transfer Subsidy for Operations	1,320,459
Transfer to Equipment/Capital	
Reserves Fund	0
Total General Fund Appropriations:	\$ 8,119,670

Special Revenue & Other Funds Appropriations

Nushagak Fish Tax	\$ -0-
Water	212,851
Waste Water	310,790
Landfill	737,529

Port-Dock	737,709
Port-Harbor	193,467
E-911	49,026
Senior Center	289,681
Debt Service	1,190,646
Library Grants	102,543
Equipment Replacement/Reserve	70,100
Ambulance Replacement Fund	75,629
Mary Carlson Estate	21,000
Capital Project (Planning) Fund	-0-
Total Special Revenue & Other Funds Appropriations	<u>\$ 3,990,971</u>

Total Appropriations **\$ 12,110,641**

Section 5. Revenues

General Fund

Taxes

Sales Taxes	\$ 2,700,000
Alcohol Sales Taxes	300,000
Transient Lodging Sales Taxes	85,000
Real Property Taxes	1,600,000
Personal Property Taxes	550,000
Penalty and Interest on Property Taxes	60,000
Penalty and Interest on Sales Taxes	16,000
Gaming Sales Tax	70,000
Payment in Lieu Taxes (PILT)	446,018

Other Revenues

Jail Contract Revenue	527,000
Revenue Sharing	132,764
Shared Fisheries	32,325
Raw Fish Tax	167,849
Revenues from State of Alaska	269,213
Administrative Overhead	383,145
Charges for Current Services	55,000
Lease and Rental Income	40,000

Investment Income	30,000
Other Revenues	80,350
Transfer from E-911	49,026
Transfer from Nushagak Fish Tax	-0-

Total General Fund Revenues **\$ 7,593,690**

Special Revenue & Other Funds Revenues

Nushagak Fish Tax	\$ -0-
Water	182,951
Waste Water	329,146
Landfill	148,707
Port – Dock	688,900

Port – Harbor	138,336
E-911	86,760
Senior Center	184,100
Library Grants	102,543
Debt Service	610,784
Mary Carlson Estate Permanent Fund	<u>3,000</u>
Total Special Revenue Funds & Other Funds Revenues	<u>\$ 2,475,227</u>

TOTAL REVENUES **\$ 10,068,917**

Section 6. Transfers

Transfers from General Fund to Other Funds

Water	\$ -0-
Waste Water	-0-
Landfill	588,822
Senior Center	105,581
Ambulance Reserve	60,500
Equipment Replacement	0
Capital Project (Planning)	0
Debt Service	<u>579,862</u>
Total General Fund Transfers	\$ 1,334,765

Transfer from Dock Fund to Harbor Fund 59,131

Transfer from Dock Fund to Equipment Replacement -0-

Total Revenues & Fund Transfers **\$ 11,462,813**

Total Appropriations **\$ 12,110,641**

Net Increase (Decrease) to Fund Balances **\$ (647,828)**

Section 7. 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

ATTEST:

[SEAL]

Janice Williams, City Clerk

City of Dillingham Information Memorandum

Agenda of: March 2, 2017

Attachment to:

Ordinance No. 2017-04 / Resolution No. _____

Subject:

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING THE BUDGET BY ADOPTING BUDGET AMENDMENT NO. 1 AND APPROPRIATING FUNDS FOR THE FY 2017 CITY OF DILLINGHAM BUDGET

City Manager: Recommend Approval

Signature: Rose Doera

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

-An advertisement for a Public Hearing on Ordinance No. 2017-04 will be scheduled to appear in the March 30 edition of the Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing.

Summary Statement:

This ordinance was vetted through the Finance and Budget Committee at their February 27 regular meeting, was introduced at the March 2, 2017 Council meeting and is up for a public hearing and adoption at the April 6, 2017 Council meeting.

Attachment to: 2017-04 / Resolution No. _____
Ordinance No. _____

Summary Statement continued:

Route to	Department Head	Date
X	Finance Director	
X	City Clerk	

GENERAL FUND REVENUE/APPROPRIATION CHANGES

REVENUES

Raw Fish Tax (State)

<i>Original Budget</i>	350,000	<i>Revised Budget</i>	167,849	<i>Change</i>	(182,151)
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Raw Fish Tax	<u>(182,151)</u>	Updated to reflect actual amount received from SOA.
	<u>(182,151)</u>	

PILT

<i>Original Budget</i>	430,000	<i>Revised Budget</i>	446,018	<i>Change</i>	16,018
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PILT	<u>16,018</u>	Updated to reflect actual amount received from U.S. Dept of Interior.
	<u>16,018</u>	

Shared Fish Business Tax

<i>Original Budget</i>	20,000	<i>Revised Budget</i>	32,325	<i>Change</i>	12,325
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Shared Fish Business Tax	<u>12,325</u>	Updated to reflect actual amount received from SOA.
	<u>12,325</u>	

APPROPRIATIONS

Council

<i>Original Budget</i>	52,750	<i>Revised Budget</i>	65,050	<i>Change</i>	12,300
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Consulting	500	Updated cost estimate through FYE.
Annexation Project	12,000	Updated cost estimate through FYE.
Contributions	<u>(200)</u>	Updated cost estimate through FYE.
	<u>12,300</u>	

Clerk

<i>Original Budget</i>	130,571	<i>Revised Budget</i>	129,571	<i>Change</i>	(1,000)
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Codification	<u>(1,000)</u>	Updated cost estimate through FYE.
	<u>(1,000)</u>	

Administration

<i>Original Budget</i>	312,893	<i>Revised Budget</i>	342,893	<i>Change</i>	30,000
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Contractual	<u>30,000</u>	Consultant fee for City Manager search.
	<u>30,000</u>	

Finance

<i>Original Budget</i>	604,540	<i>Revised Budget</i>	590,640	<i>Change</i>	(13,900)
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Salaries/Wages	(9,000)	Updated cost estimate through FYE (turnover within dept).
Overtime	1,000	Updated cost estimate through FYE.
Payroll Taxes	(700)	Updated cost estimate through FYE (turnover within dept).
Health Insurance	(2,000)	Updated cost estimate through FYE (turnover within dept).
PERS Employer	(2,200)	Updated cost estimate through FYE (turnover within dept).
Appraisal	<u>(1,000)</u>	Updated cost estimate through FYE.
	<u>(13,900)</u>	

Legal

<i>Original Budget</i>	62,000	<i>Revised Budget</i>	82,000	<i>Change</i>	20,000
	Legal - Annexation	<u>20,000</u>	Updated cost estimate through FYE.		
		<u>20,000</u>			

Non-Departmental

<i>Original Budget</i>	174,644	<i>Revised Budget</i>	226,744	<i>Change</i>	52,100
	Audit	6,300	Additional charges due to some audit workpapers not prepared on time.		
	Contractual	800	Updated cost estimate through FYE.		
	Credit Card Processing Fee	<u>45,000</u>	Unable to change CC processing companies during FY.		
		<u>52,100</u>			

Planning

<i>Original Budget</i>	142,870	<i>Revised Budget</i>	131,170	<i>Change</i>	(11,700)
	Contractual/Professional	(9,800)	Updated cost estimate through FYE (consultant not needed).		
	Travel	(600)	Updated cost estimate through FYE.		
	Training	(400)	Updated cost estimate through FYE.		
	Office Supplies	(500)	Updated cost estimate through FYE.		
	Minor Tools & Equipment	<u>(400)</u>	Updated cost estimate through FYE.		
		<u>(11,700)</u>			

PS - Administration

<i>Original Budget</i>	166,237	<i>Revised Budget</i>	163,637	<i>Change</i>	(2,600)
	Travel	(1,500)	Updated cost estimate through FYE.		
	Training	(350)	Updated cost estimate through FYE.		
	Court Processing	(500)	Updated cost estimate through FYE.		
	Uniforms	<u>(250)</u>	Updated cost estimate through FYE.		
		<u>(2,600)</u>			

PS - Animal Control

<i>Original Budget</i>	93,207	<i>Revised Budget</i>	91,292	<i>Change</i>	(1,915)
	Food Items	(500)	Updated cost estimate through FYE.		
	Uniforms	(200)	Updated cost estimate through FYE.		
	Minor Tools & Equipment	(500)	Updated cost estimate through FYE.		
	Internet	<u>(715)</u>	Updated cost estimate through FYE.		
		<u>(1,915)</u>			

PS - Corrections

<i>Original Budget</i>	616,647	<i>Revised Budget</i>	608,847	<i>Change</i>	(7,800)
	Employee Screening	(800)	Updated cost estimate through FYE.		
	Supplies	(500)	Updated cost estimate through FYE.		
	Food Items	(5,000)	Updated cost estimate through FYE.		
	Uniforms	(500)	Updated cost estimate through FYE.		
	Minor Tools & Equipment	1,000	Updated cost estimate through FYE.		
	Telephone	(1,000)	Updated cost estimate through FYE.		
	Heating Fuel	<u>(1,000)</u>	Updated cost estimate through FYE.		
		<u>(7,800)</u>			

PS - Dispatch

<i>Original Budget</i>	469,091	<i>Revised Budget</i>	467,966	<i>Change</i>	(1,125)
	Training	(300)	Updated cost estimate through FYE.		
	Uniforms	(325)	Updated cost estimate through FYE.		
	Minor Tools & Equipment	<u>(500)</u>	Updated cost estimate through FYE.		
		<u>(1,125)</u>			

PS - DMV

<i>Original Budget</i>	42,525	<i>Revised Budget</i>	42,025	<i>Change</i>	(500)
	Overtime	(500)	Updated cost estimate through FYE.		
		<u>(500)</u>			

PS - Patrol

<i>Original Budget</i>	815,416	<i>Revised Budget</i>	811,416	<i>Change</i>	(4,000)
	Salaries	(2,300)	Updated cost estimate through FYE.		
	Recruiting - Moving	(2,000)	Updated cost estimate through FYE.		
	Uniforms	(1,000)	Updated cost estimate through FYE.		
	Minor Tools & Equipment	(1,000)	Updated cost estimate through FYE.		
	Vehicle Lease	2,300	Updated cost estimate through FYE.		
		<u>(4,000)</u>			

PW - Administration

<i>Original Budget</i>	162,023	<i>Revised Budget</i>	160,823	<i>Change</i>	(1,200)
	Advertising	(200)	Updated cost estimate through FYE.		
	Supplies	(500)	Updated cost estimate through FYE.		
	Minor Tools & Equipment	(500)	Updated cost estimate through FYE.		
		<u>(1,200)</u>			

PW - Building & Ground Maintenance

<i>Original Budget</i>	325,450	<i>Revised Budget</i>	311,950	<i>Change</i>	(13,500)
	Overtime	(2,000)	Updated cost estimate through FYE.		
	Contractual	(3,000)	Updated cost estimate through FYE.		
	Travel	(500)	Updated cost estimate through FYE.		
	Supplies	(500)	Updated cost estimate through FYE.		
	Minor Tools & Equipment	(1,000)	Updated cost estimate through FYE.		
	Heating Fuel	(1,500)	Updated cost estimate through FYE.		
	Janitorial	(5,000)	Updated cost estimate through FYE.		
		<u>(13,500)</u>			

PW - Shop

<i>Original Budget</i>	383,932	<i>Revised Budget</i>	307,932	<i>Change</i>	(76,000)
	Overtime	5,000	Updated cost estimate through FYE.		
	Contra Wages	(10,000)	Updated cost estimate through FYE.		
	Travel	(1,000)	Updated cost estimate through FYE.		
	Supplies	(3,000)	Updated cost estimate through FYE.		
	Gas, Oil, Grease	(20,000)	Updated cost estimate through FYE.		
	Minor Tools & Equipment	(2,000)	Updated cost estimate through FYE.		
	Heating Fuel	(5,000)	Updated cost estimate through FYE.		
	Equipment Maintenance	(40,000)	Updated cost estimate through FYE.		
		<u>(76,000)</u>			

PW - Streets

<i>Original Budget</i>	461,243	<i>Revised Budget</i>	456,743	<i>Change</i>	(4,500)
	Travel	(500)	Updated cost estimate through FYE.		
	Supplies	(500)	Updated cost estimate through FYE.		
	Street Signs	(1,000)	Updated cost estimate through FYE.		
	Sand	(11,000)	Updated cost estimate through FYE.		
	Minor Tools & Equipment	(500)	Updated cost estimate through FYE.		
	Leased Equipment	9,000	Updated cost estimate through FYE.		
		<u>(4,500)</u>			

Fire

<i>Original Budget</i>		<i>Revised Budget</i>		<i>Change</i>	
232,018		226,318		(5,700)	
	Workers Comp.	3,000	Updated cost estimate through FYE.		
	Advertising	700	Updated cost estimate through FYE.		
	Memberships	(400)	Updated cost estimate through FYE.		
	Travel	(3,000)	Updated cost estimate through FYE.		
	Training	(2,500)	Updated cost estimate through FYE.		
	Minor Tools & Equipment	(1,000)	Updated cost estimate through FYE.		
	Fire Equipment Replacement	(1,500)	Updated cost estimate through FYE.		
	Member Recognition	(1,000)	Updated cost estimate through FYE.		
		<u>(5,700)</u>			

Transfer Subsidy for Operations

<i>Original Budget</i>		<i>Revised Budget</i>		<i>Change</i>	
1,134,305		1,320,459		186,154	
	Bond Debt Service	212,654	Additional transfer amount due to decrease in state funding from 70% to 52.5%.		
	Landfill	<u>(26,500)</u>	Reduced transfer due to decrease in fund expenses.		
		<u>186,154</u>			

SPECIAL REVENUE & OTHER FUND REVENUE/APPROPRIATION CHANGES

REVENUES

Dock

<i>Original Budget</i>		<i>Revised Budget</i>		<i>Change</i>	
653,900		688,900		35,000	
	Equipment Rental	5,000	Updated revenue estimate through FYE.		
	Miscellaneous	<u>30,000</u>	Updated revenue estimate through FYE.		
		<u>35,000</u>			

Bond Service

<i>Original Budget</i>		<i>Revised Budget</i>		<i>Change</i>	
823,438		610,784		(212,654)	
	SOA	<u>(212,654)</u>	Decrease in state reimbursement from 70% to 52.5%.		
		<u>(212,654)</u>			

TRANSFERS

Transfers from General Fund to Other Funds

<i>Original Budget</i>		<i>Revised Budget</i>		<i>Change</i>	
1,134,305		1,320,459		186,154	
	Transfer to Bond Debt Service	212,654	Additional transfer amount to combat increase in fund expenses.		
	Transfer to Landfill	<u>(26,500)</u>	Reduced transfer amount to combat decrease in fund expenses.		
		<u>186,154</u>			

Transfers from Dock Fund to Other Funds

<i>Original Budget</i>		<i>Revised Budget</i>		<i>Change</i>	
64,981		59,131		(5,850)	
	Transfer to Harbor	<u>(5,850)</u>	Reduced transfer amount to combat decrease in fund expenses.		
		<u>(5,850)</u>			

APPROPRIATIONS

Water

<i>Original Budget</i>	241,991	<i>Revised Budget</i>	212,851	<i>Change</i>	(29,140)
	Salaries/Wages	(5,000)	Updated cost estimate through FYE.		
	Overtime	(10,000)	Updated cost estimate through FYE.		
	Payroll Taxes	(1,200)	Updated cost estimate through FYE.		
	Contractual	(10,000)	Updated cost estimate through FYE.		
	Travel	(500)	Updated cost estimate through FYE.		
	Gas, Oil & Grease	(500)	Updated cost estimate through FYE.		
	Chemicals	(3,000)	Updated cost estimate through FYE.		
	Internet	(1,440)	Updated cost estimate through FYE.		
	Heating Fuel	(3,000)	Updated cost estimate through FYE.		
	Building Maintenance	(500)	Updated cost estimate through FYE.		
	Equipment Maintenance	1,000	Updated cost estimate through FYE.		
	Engineering design	5,000	Updated cost estimate through FYE.		
		<u>(29,140)</u>			

Sewer

<i>Original Budget</i>	266,290	<i>Revised Budget</i>	310,790	<i>Change</i>	44,500
	Travel	(500)	Updated cost estimate through FYE.		
	Building Maintenance	(3,000)	Updated cost estimate through FYE.		
	Engineering Sewer	9,000	Updated cost estimate through FYE.		
	Construction Sewer	39,000	Updated cost estimate through FYE.		
		<u>44,500</u>			

Landfill

<i>Original Budget</i>	764,029	<i>Revised Budget</i>	737,529	<i>Change</i>	(26,500)
	Contractual	(20,000)	Updated cost estimate through FYE.		
	Travel	(500)	Updated cost estimate through FYE.		
	Permitting Fees	8,000	Updated cost estimate through FYE.		
	Gas, Oil & Grease	(20,000)	Updated cost estimate through FYE.		
	Heating Fuel	(3,000)	Updated cost estimate through FYE.		
	Building Maintenance	(500)	Updated cost estimate through FYE.		
	Maintenance	(500)	Updated cost estimate through FYE.		
	Equipment Maintenance	10,000	Updated cost estimate through FYE.		
		<u>(26,500)</u>			

Dock

<i>Original Budget</i>	691,009	<i>Revised Budget</i>	737,709	<i>Change</i>	46,700
	Overtime	15,000	Updated cost estimate through FYE.		
	Payroll Taxes	1,200	Updated cost estimate through FYE.		
	Health Insurance	7,500	Updated cost estimate through FYE.		
	Dental Insurance	500	Updated cost estimate through FYE.		
	Travel	(1,000)	Updated cost estimate through FYE.		
	Minor Tools & Equipment	(4,000)	Updated cost estimate through FYE.		
	Leased Equipment	(6,500)	Updated cost estimate through FYE.		
	Equipment Maintenance	34,000	Floating fenders for All-Tide Dock.		
		<u>46,700</u>			

Harbor

<i>Original Budget</i>	182,867	<i>Revised Budget</i>	177,017	<i>Change</i>	(5,850)
	Advertising	(850)	Updated cost estimate through FYE.		
	Building Maintenance	(2,000)	Updated cost estimate through FYE.		
	Bulkhead/Ramp Materials	(3,000)	Updated cost estimate through FYE.		
		<u>(5,850)</u>			

Ambulance Replacement Fund

<i>Original Budget</i>	279,000		<i>Revised Budget</i>	75,629	<i>Change</i>	(203,371)
	Major Equipment	(259,000)		Ambulance purchase delayed until FY18		
	Major Equipment	<u>55,629</u>		Design Lake Road Fire House Extension		
		<u>(203,371)</u>				

Carlson House

<i>Original Budget</i>	7,000		<i>Revised Budget</i>	21,000	<i>Change</i>	14,000
	Building Maintenance	<u>14,000</u>		Updated actual cost based upon revised payment schedule.		
		<u>14,000</u>				

Bond Debt Service

<i>Original Budget</i>	1,176,340		<i>Revised Budget</i>	1,190,646	<i>Change</i>	14,306
	Bond Interest	<u>14,306</u>		Updated actual cost based upon revised payment schedule.		
		<u>14,306</u>				

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2017-05

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE DISPOSAL OF MUNICIPAL PROPERTY TO THE STATE OF ALASKA FOR THE DILLINGHAM DOWNTOWN STREETS REHABILITATION PROJECT

WHEREAS, the City is the Owner of various parcels of real property within USS No. 155, USS No. 2262, USS No. 2732, USS No. 2732A, USS No. 2732B, and Cemetery Exchange Subdivision (Plat No. 82-15), adjacent to portions of Main Street, 2nd Avenue and D Street, totaling 8,470 sq. ft. (collectively "the Property"); and

WHEREAS, City of Dillingham Resolution No. 2014-67 approved a Memorandum of Agreement between the City of Dillingham and the State of Alaska Department of Transportation and Public Facilities ("the MOA") for Project #57180 the Dillingham Downtown Streets Rehabilitation Project ("the Project"); and

WHEREAS, paragraph 1(d) of the MOA authorizes the City to provide rights of way to DOTPF in connection with construction of the Project; and

WHEREAS, paragraphs 4(a) and 5 of the MOA authorizes DOTPF to convey all rights of way provided by the City to DOTPF for the Project to the City upon completion of the Project; and

WHEREAS, the rights of way to be conveyed by City and DOTPF to each other have been identified on a preliminary plat approved by PC Resolution 2014-03 (corrected);

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a non-Code ordinance.

Section 2. Authority. This ordinance is adopted pursuant to authority granted by DMC 5.30.010(A), DMC 5.30.080(A) – Disposal for Public Purposes and DMC 5.30.100- Leases, easements and rights-of-way.

Section 3. Method of Disposal. The conveyance of the Property is made as a grant or donation that is beneficial to the public and for a public purpose.

Section 4. Findings. The City Council hereby finds that 1) Construction of the Project by DOTPF will serve the public interest of Dillingham residents because it will result in improved public streets in Dillingham and will improve public safety for those walking, riding and driving on public streets and sidewalks; and 2) DOTPF will hold title to the Property only until the Project is substantially completed making the inclusion of a reverter clause in the conveyance documents or a finding that the property is no longer needed for a municipal purpose unnecessary; and 3) based on the current assessment of Lot 18, Block 19, the City finds that the fair market value for temporary use or ownership of the Property, upon the terms and conditions set forth in the MOA, is \$.72 a square foot per year, or .72 X 8,470 sq. ft. = \$6,121 per year, or \$510.13 per month for each month that DOTPF holds title to the Property.

Section 5. Legal Description. The legal description of the Property is as follows:

Lot 18, Block 19 DILLINGHAM TOWNSITE, USS No. 2732, Plat No. 2014-5; and

Those portions of:

Lot 3, Block 17 DILLINGHAM TOWNSITE, USS No. 2732A and USS No. 2732B; and
Lot 2, CEMETARY EXCHANGE SUBDIVISION, Plat No. 82-15; and
Lot 1, Block 21 DILLINGHAM TOWNSITE, USS No. 2732A and USS No. 2732B; and
Lot 16, Block 19 DILLINGHAM TOWNSITE, USS No. 2732; and
USS No. 155 as described in Homestead Certificate #42 as:

Starting at a point 1050 feet NNW from Corner No. 4 of U.S. Survey No. 155 to Corner 1 of U.S. Survey No. 2262, thence approximately WSW 250 feet to a point on the Dillingham Kakanak Road, thence 390 feet SSE to a point on Survey No. 2262, thence approximately 262 feet to the point of beginning at Corner No. 11 of U.S. Survey No. 2732 also shown as Corner 1 of Survey No. 2262.

EXCEPTING THEREFROM that portion conveyed to the State of Alaska, Department of Highways by deed dated August 8, 1975 and recorded September 24, 1975 in Book 20 at Page 114.

Which lie adjacent to the right-of-way lines for the Project delineated on Plat No. 2014-05 as further depicted in the drawings attached to this ordinance labeled Parcel Nos. E-30, 2, 24, 27, 29 and 30.

All of which is located in the Bristol Bay Recording District, Third Judicial District, State of Alaska totaling 8,470 sq. ft. more or less (collectively "the Property").

Section 6. Authorization of Disposal. The City Council hereby authorizes disposal of the Property to DOTPF by warranty deed and/or easement as determined most efficacious for completion of the Project.

Section 7. Effective Date. This ordinance is effective *nunc pro tunc* (latin for applies retroactively) as of January 26, 2017.

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

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

City of Dillingham Information Memorandum

Agenda of: April 6, 2017

Attachment to:

Ordinance No. 2017-05 / Resolution No. _____

Subject:

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE DISPOSAL OF MUNICIPAL PROPERTY TO THE STATE OF ALASKA FOR THE DILLINGHAM DOWNTOWN STREETS REHABILITATION PROJECT

City Manager: Recommend Approval

Signature: Rose Doera

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

- PC Resolution No. 2014-05 (corrected)
- Right of way and utility easement documents for parcels associated in Ord. No. 2017-05
- Dillingham Downtown Streets Rehabilitation Project MOU dated October 31, 2014

Summary Statement:

In accordance with the Dillingham Downtown Streets Rehabilitation Project MOU signed by the COD and AKDOT, the City is transferring title of the parcels identified in Ordinance No. 2017-05 for the purposes of the Downtown Streets Rehabilitation Project. Upon completion of the project, the parcels will be transferred back to the City.

Attachment to: 2017-05 / Resolution No. _____
Ordinance No. _____

Summary Statement continued:

Route to	Department Head	Date
X	Finance Director	
X	Public Works Director	
X	Planning Director	
X	City Clerk	

RESOLUTION 2014-03 (Corrected)
A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Approving the Right of Way Preliminary Plat for the Downtown Streets Project
(Alaska Department of Transportation and Public Facilities Project # 57180)

WHEREAS, in order for rights of way to be acquired for roads projects, a right of way plat must be prepared that shows in general terms, the real estate needed for the road project; and

WHEREAS, the Alaska Department of Transportation and Public Facilities has prepared a Right of Way preliminary plat in accordance with Title 17, Chapter 17.33, and

WHEREAS, the Right of Way plat meets the standard of reasonable compliance with the submission requirements under Chapter 17.33, and

WHEREAS, there was a Public Hearing on this preliminary plat; and

WHEREAS, no parcel may be acquired for right of way until a preliminary plat has been prepared and received final approval, and

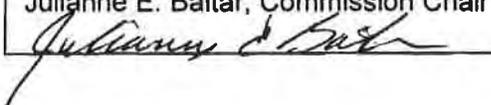
WHEREAS, the preliminary approval of a right of way acquisition is effective for 24 months, provided the planning director may grant an extension for filing the final plat upon finding that it is in the public interest to do so.

WHEREAS, the Right of Way plat will include changes reflected in the City's Port Land Trade; and

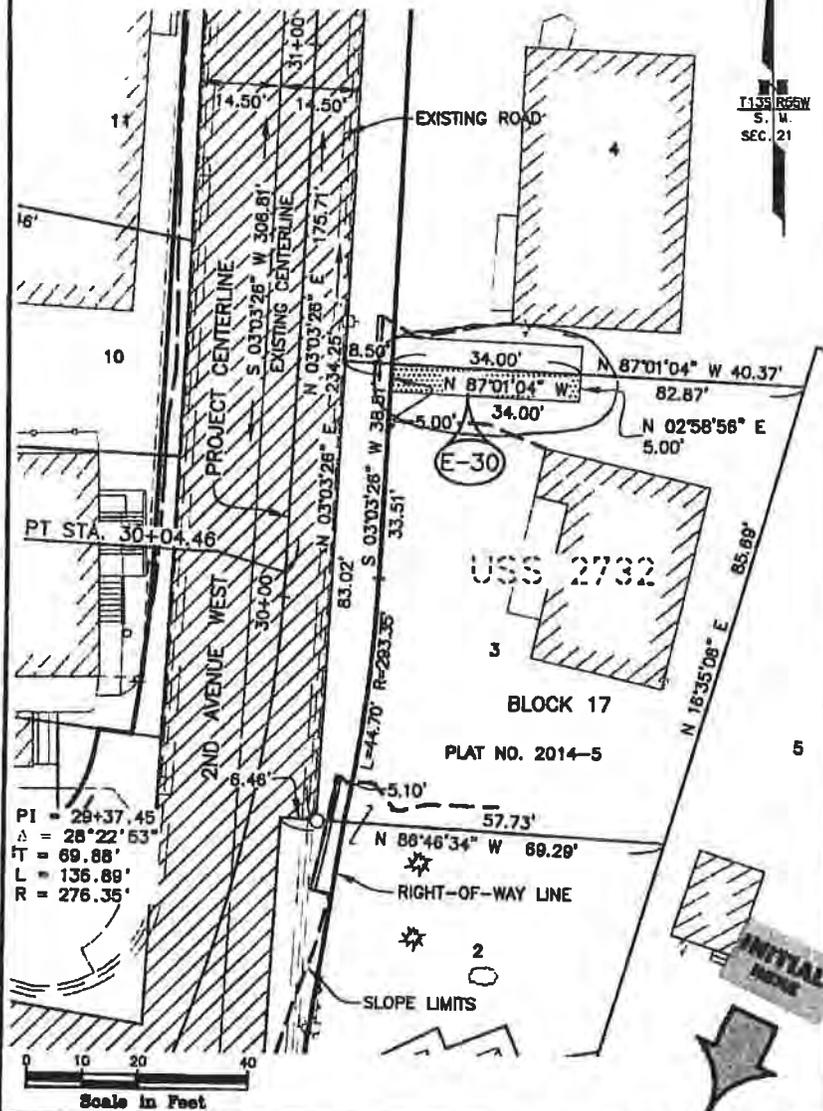
WHEREAS, all existing structures which are made nonconforming due to right of way acquisition and design reducing the setback of the buildings from their property lines will hereby be considered permitted nonconforming buildings, including: the ~~AG company store~~ the building owned by William and Helen Smith on parcel 3; the N&N Market buildings on parcels 19,20,21,22 and 23; the Dillingham Liquor Store on parcel 9, the Dillingham Hotel on parcel 34 and the L&M Hardware store on parcel 35.

THEREFORE, the City of Dillingham Planning Commission approves the Downtown Streets Project (#57180) Right of Way Preliminary Plat.

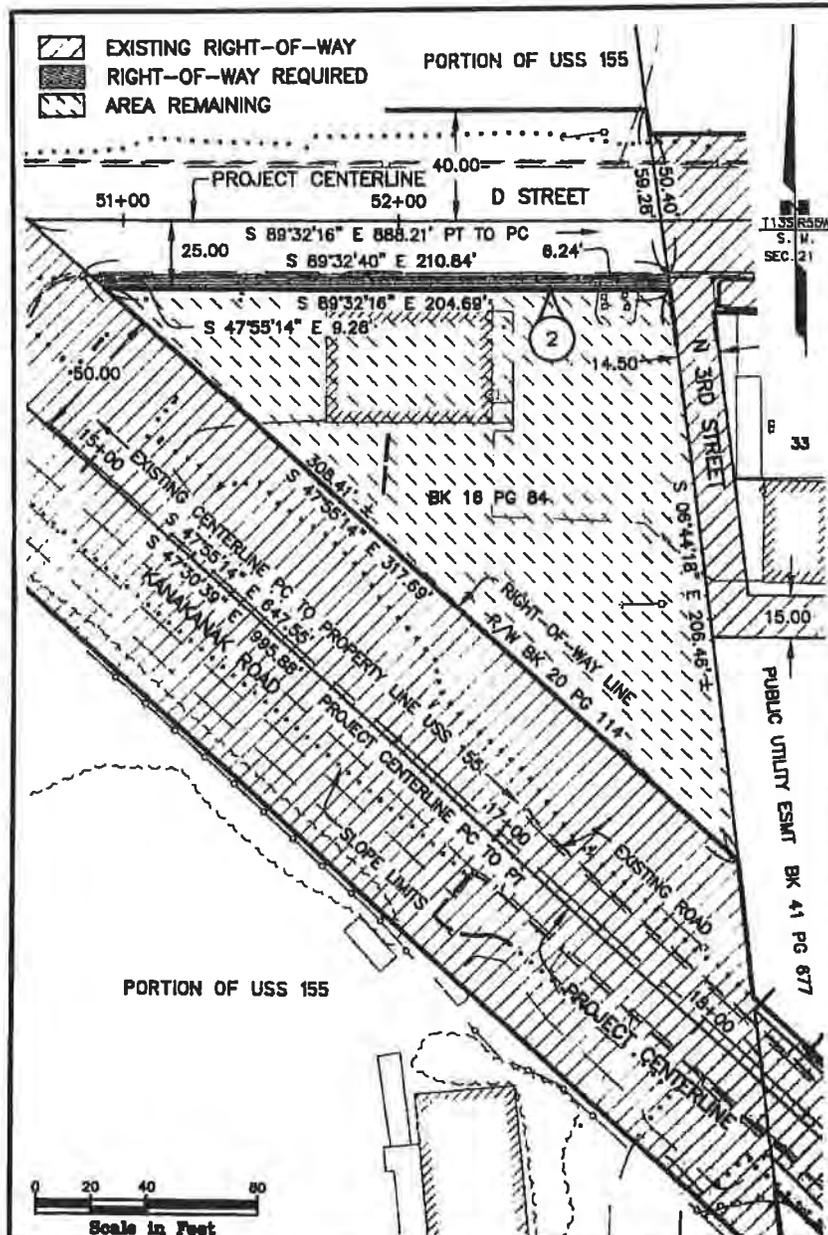
ADOPTED by the Dillingham Planning Commission February 19, 2014.

Julianne E. Baltar, Commission Chair 	Jody Seitz, Recorder 
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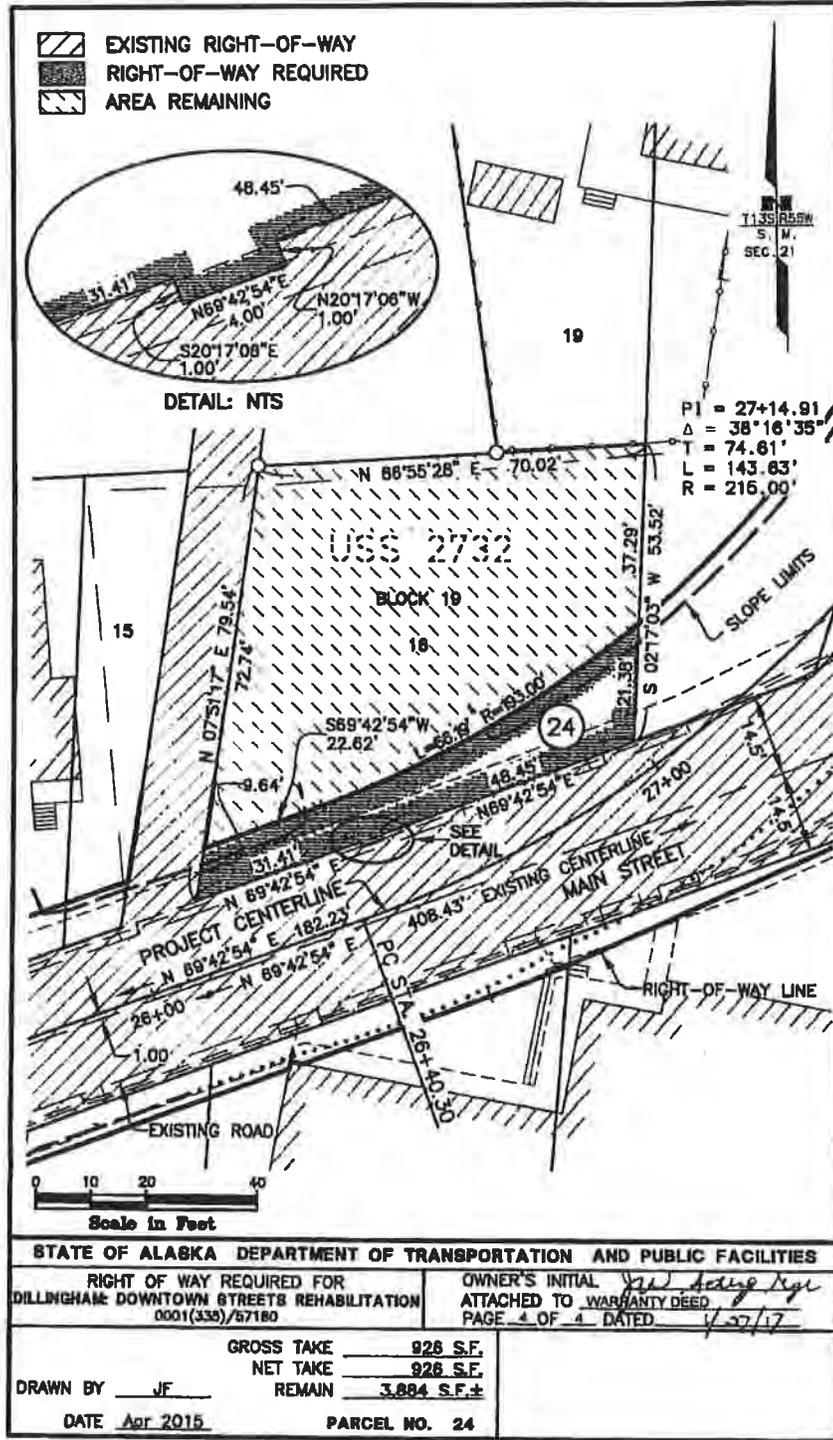
 EXISTING RIGHT-OF-WAY
 UTILITY EASEMENT REQUIRED

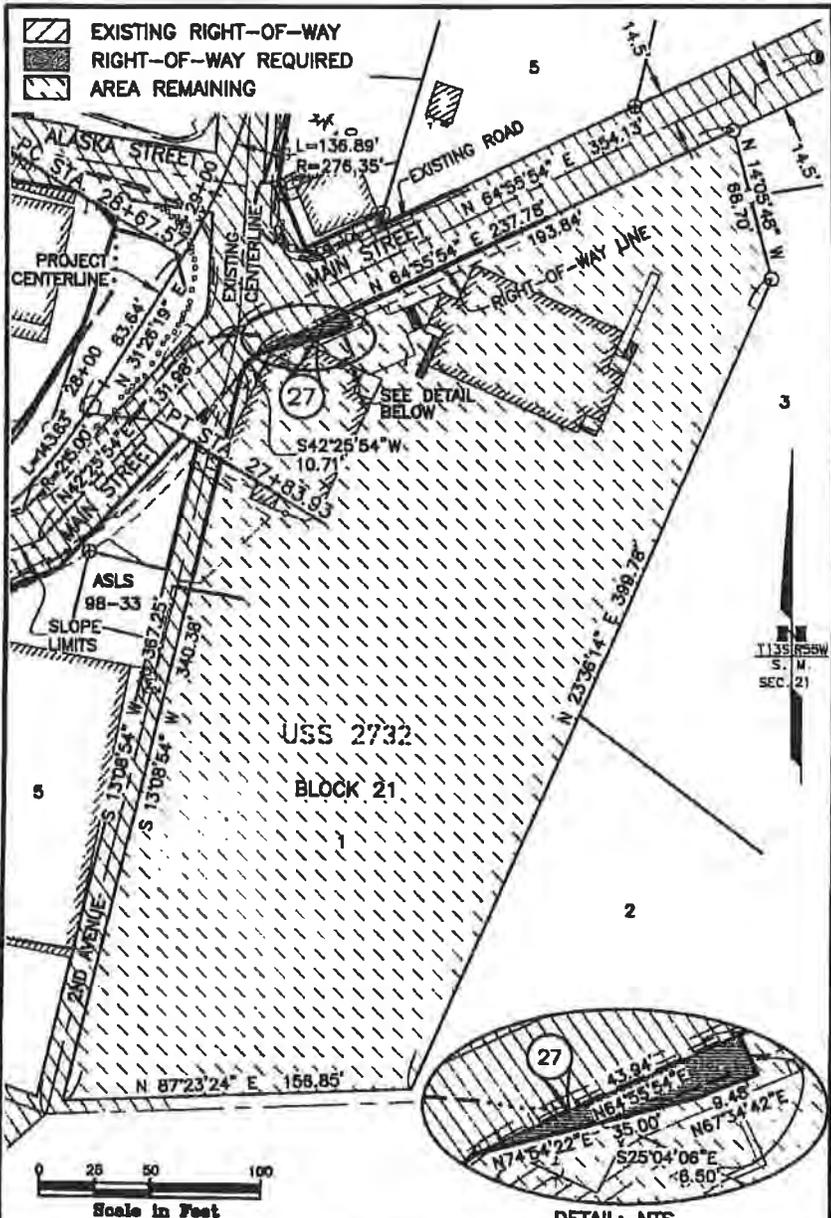


STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES	
UTILITY EASEMENT REQUIRED FOR DILLINGHAM: DOWNTOWN STREETS REHABILITATION 0001(335)/57180	OWNER'S INITIAL <i>Will Steingberg</i> ATTACHED TO <i>Easement</i> PAGE # OF 4 DATED <i>1/2/17</i>
EASEMENT AREA <u>170 S.F.</u>	
DRAWN BY <u>RNS</u>	
DATE <u>May 2016</u>	PARCEL NO. <u>E-30</u>

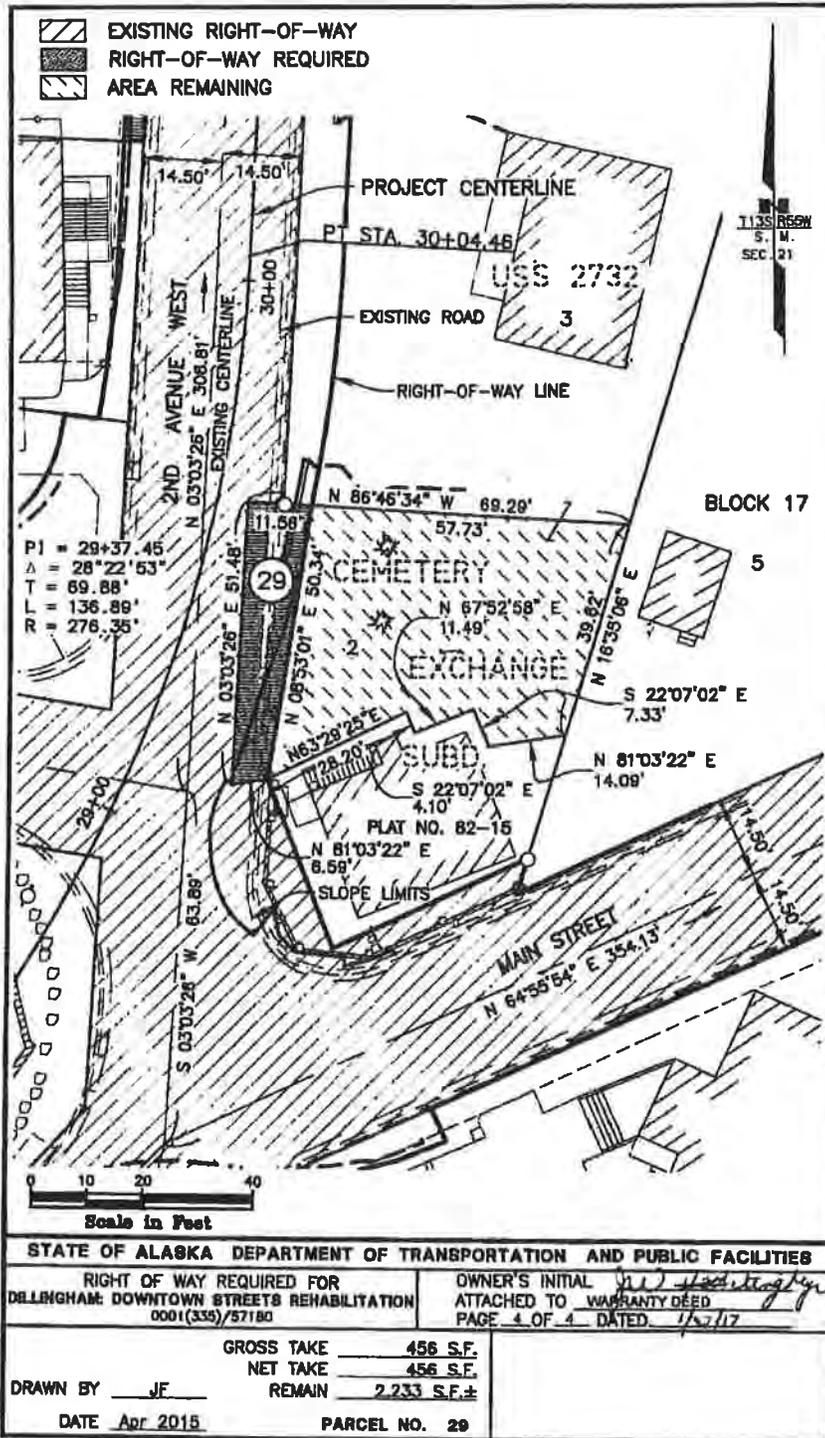


STATE OF ALABKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES	
RIGHT OF WAY REQUIRED FOR DILLINGHAM: DOWNTOWN STREETS REHABILITATION 0001(335)/57180	OWNER'S INITIAL <u>AVD</u> ATTACHED TO WARRANTY DEED PAGE 4 OF 4 DATED <u>1/27/17</u>
GROSS TAKE <u>1,284 S.F.</u> NET TAKE <u>1,284 S.F.</u> DRAWN BY <u>DHF</u> REMAIN <u>20,883 S.F.±</u>	
DATE <u>Apr 2015</u>	PARCEL NO. <u>2</u>

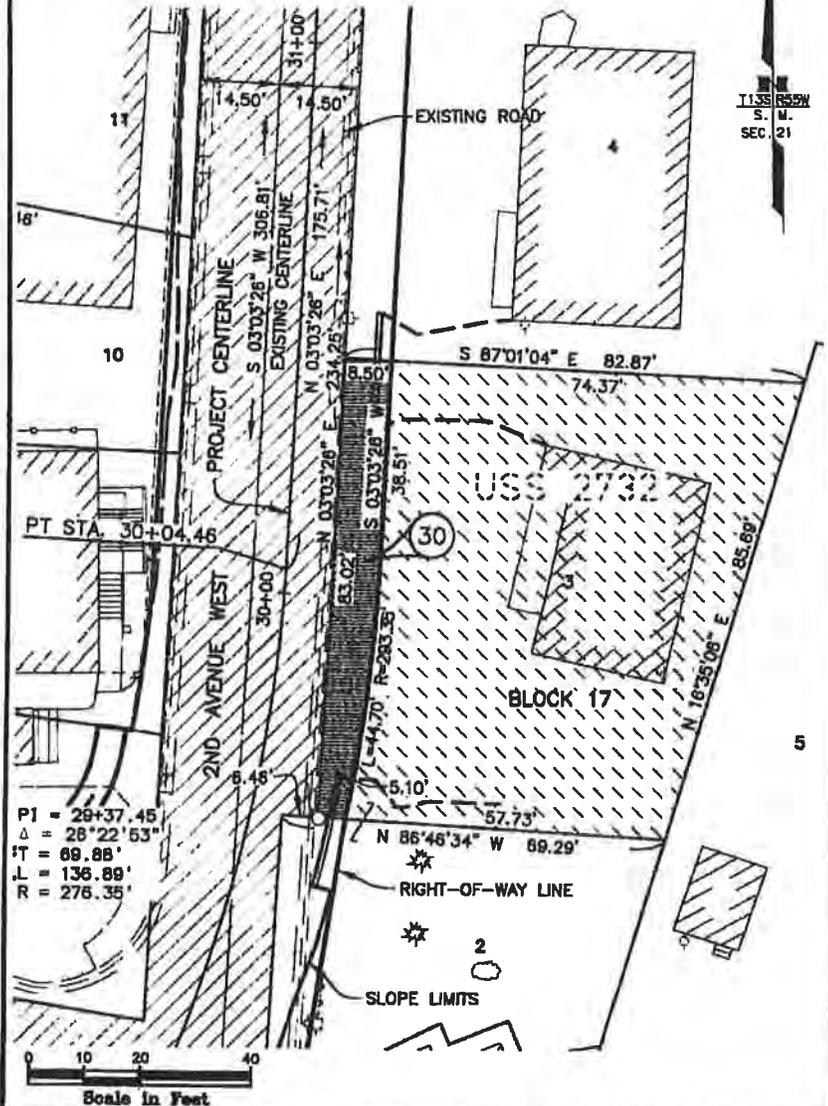




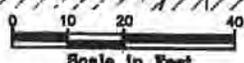
STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES	
RIGHT OF WAY REQUIRED FOR DILLINGHAM DOWNTOWN STREETS REHABILITATION 0001(338)/57180	OWNER'S INITIAL <i>JF</i> ATTACHED TO WARRANTY DEED PAGE 4 OF 4 DATED 1/27/17
GROSS TAKE <u>184 S.F.</u> NET TAKE <u>184 S.F.</u> DRAWN BY <u>JF</u> DATE <u>Apr 2015</u>	REMAIN <u>74.813 S.F.±</u> PARCEL NO. <u>27</u>



-  EXISTING RIGHT-OF-WAY
-  RIGHT-OF-WAY REQUIRED
-  AREA REMAINING



P1 = 29+37.45'
 $\Delta = 28^\circ 22' 53''$
 T = 69.88'
 L = 136.89'
 R = 276.35'



STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES	
RIGHT OF WAY REQUIRED FOR DILLINGHAM: DOWNTOWN STREETS REHABILITATION 0001(335)/57180	OWNER'S INITIAL <i>WJ Acting</i> ATTACHED TO WARRANTY DEED PAGE 4 OF 4 DATED 4/3/17
GROSS TAKE _____ 655 S.F. NET TAKE _____ 655 S.F. DRAWN BY <u>JF</u> REMAIN _____ 5,403 S.F.±	
DATE <u>Apr 2015</u>	PARCEL NO. <u>30</u>

MEMORANDUM OF AGREEMENT

Between the State of Alaska
Department of Transportation and Public Facilities
and the City of Dillingham
Regarding the Improvement and Transfer of
Main Street, 2nd Avenue, and D Street as part of the
Dillingham Downtown Streets Rehabilitation
Project No. 57180

The Parties to this Memorandum of Agreement (hereinafter Agreement) are the State of Alaska acting through its Department of Transportation and Public Facilities (hereinafter DOT&PF) and the City of Dillingham, a City established under the laws of Alaska (hereinafter CITY).

WHEREAS, Alaska Statute 19.20.060 authorizes DOT&PF and the CITY to enter into agreements for establishing, maintaining, and regulating use of public right of way within their respective jurisdictions; and

WHEREAS, the CITY requests DOT&PF to plan, design, and construct the Dillingham Downtown Streets Rehabilitation Project, identified as Project No. 57180 (hereinafter Project), located within the boundaries of the City of Dillingham; and

WHEREAS, DOT&PF agrees to fund and construct the Project and will provide all labor, materials, and equipment necessary to construct the Project in accordance with the provisions contained within the Project documents; and

WHEREAS, the CITY owns portions of Main Street, 2nd Avenue, and D Street that are covered by the Project; and

WHEREAS, DOT&PF desires to transfer the additional right of way to be acquired for Main Street, 2nd Avenue, and D Street as part of the Project and future maintenance of the improvements associated with those facilities to the CITY; and

WHEREAS, the CITY agrees to accept, by Commissioner's Quitclaim Deed, all of the additional right of way associated with and acquired for Main Street, 2nd Avenue, and D Street as part of the Project; and

WHEREAS, it has been determined that this work will serve the public interest and enhance the quality of life for the residents of, and visitors to, the City of Dillingham; and

WHEREAS, the Parties hereto wish to memorialize within this Agreement, their specific agreements related to the additional right of way acquired for Main Street, 2nd Avenue, D Street, and the improvements associated with those facilities as part of the Project.

IT IS THEREFORE AGREED by the Parties, in consideration of the mutual promises contained in this Agreement, as set forth below, regarding the planning, design, construction, maintenance, transfer of right of way, and operation of the Project.

1. PLANNING, DESIGN, AND CONSTRUCTION

- a. DOT&PF shall plan, design, and construct the Project as provided in this Agreement.
- b. DOT&PF's obligations pursuant to this Agreement are subject to the availability of adequate funding to complete the Project. If at any time DOT&PF determines, in its sole discretion, that adequate funding is not available, DOT&PF may terminate the Project and this Agreement, without liability to the CITY.
- c. DOT&PF shall be responsible for permitting all utility relocations necessary for the Project.
- d. The CITY will provide a local match in the form of right of way (CITY Resolution No. 01-47), which includes Lot 16 and 18 of Block 19.

2. SCOPE OF WORK

The scope of the improvements to Main Street, 2nd Avenue, and D Street being implemented under this Agreement shall be depicted within the drawings for the Project. Generically, the improvements include, but are not limited to asphalt pavement, pathways, sidewalks, crosswalks, signs, roadway striping, and storm drain.

3. ADDITIONAL WORK

Costs associated with additional work shall be the responsibility of the CITY. The project does not include pedestrian amenities beyond basic sidewalks, pathways, and a maximum of two raised crosswalks. A new storm drain system and utilities relocated due to the realignment and/or reconstruction of the roadways are the responsibility of DOT&PF. Additional work requests from the CITY shall be funded by the CITY.

4. MAINTENANCE AND OPERATIONS

- a. DOT&PF will acquire right of way as necessary for execution of the Project, which is designated for transfer to the CITY upon Project Completion. The anticipated limits of the right of way designated for transfer is indicated on the Preliminary Plat, attached hereto, approved by the CITY (Resolution No. 2014-03 Corrected). A Final Plat will be recorded after all right of way acquisition is complete. The CITY agrees to maintain and operate the Project area, as described herein, and consistent with 23 CFR § 1.27 and DOT&PF's Alaska Highway Maintenance and Operations Manual, commencing upon final inspection and final acceptance by the CITY; and
- b. The CITY agrees to assume maintenance responsibilities for Main Street, 2nd Avenue, and D Street and other local roadways affected by the Project, including storm drain, roadway striping, signs, and winter maintenance; and
- c. The CITY agrees to assume maintenance responsibilities for the asphalt pavement, pathways, sidewalks, crosswalks, signs, roadway striping, and storm drain, associated with the Main Street, 2nd Avenue, and D Street right of way. The CITY may enter into contracts with third parties to accomplish these responsibilities, including temporary, seasonal, or permanent alterations or improvements, at the discretion of the CITY.

- d. The CITY shall perform its activities under this Agreement at its sole cost and expense and without reimbursement from DOT&PF. The CITY's maintenance activities include, but are not limited to:
- 1) Planning, scheduling, administration, and logistics of maintenance activities;
 - 2) Traffic control and safety;
 - 3) Preservation of drainage in an as-built condition, including maintenance of all culverts, ditches, storm drains, gutters, dry wells, retention basins and under-drains;
 - 4) Embankment protection, including erosion control, to as-built conditions;
 - 5) Roadside management;
 - 6) Snow and ice removal;
 - 7) Snow and ice control, including all plowing, sanding, culvert and storm drain thawing, snow hauling, winging, opening of shoulders, ice scraping, drift control, snow slide removal, and associated tasks as may be required for the safe and timely passage of the public;
 - 8) Maintaining signs and delineators in an as-built condition and their replacement, including posts and foundations, when damaged, unreadable, or worn out;
 - 9) Highway marking and repainting, as required, maintaining performance of their intended function;
 - 10) Removal of debris, rubbish, and dead animals;
 - 11) Signing of seasonal weight restrictions as may be required by local conditions;
 - 12) Pothole repair using asphalt products on an as-needed basis;
 - 13) Annual crack sealing;
 - 14) Repairs of minor rutting, waves, sags, humps, corrugations, raveling, alligator cracks, pitting, and bleeding on an as-needed basis.

5. TITLE TRANSFER

Upon Project Completion, DOT&PF shall execute and the CITY shall accept the Commissioner's Quitclaim Deed that conveys all of DOT&PF's right, title, and interest in the properties designated for ownership by the CITY.

6. DISPUTE RESOLUTION

- a. If a dispute arises under this Agreement between the CITY and DOT&PF, and the Parties cannot resolve the matter between them within 45 days after the aggrieved Party gives notice to the other Party, the aggrieved Party may request that the matter be resolved by arbitration.
- b. The party requesting arbitration shall ask for a list of arbitrators from the American Arbitration Association ("AAA") but shall not ask AAA to administer the arbitration. Upon receipt of the list the parties shall proceed to select an arbitrator using the alternate strike method with the party making the first strike determined by a coin toss. The party that wins the coin toss has the option of making the first strike. The arbitrator shall hear the matter under such rules and procedures as the arbitrator deems necessary to conduct the proceedings.
- c. Each Party shall pay one-half of the expenses of the arbitrator. The party against whom a decision is rendered shall pay all expenses incurred in the conduct of any hearing on the dispute.
- d. This agreement to arbitrate and any other agreement or consent to arbitrate entered into in accordance with this paragraph will be specifically enforceable under prevailing law of any court having jurisdiction.

- e. The award rendered by the arbitrator shall be in writing, and shall include: (a) a precise breakdown of the award; and (b) a written explanation of the award specifically citing the Agreement provisions deemed applicable and relied on in making the award.
- f. The award rendered by the arbitrator will be consistent with the Agreement of the parties and final, and judgment may be entered upon it in any court having jurisdiction thereof, and will not be subject to appeal or modification.
- g. Except when the provisions of this Paragraph (6) provide otherwise, any arbitration under this Paragraph is subject to Alaska Statute 09.43.010-09.43.180, the Uniform Arbitration Act.

7. INDEMNIFICATION

To the maximum extent allowed by law, the CITY shall indemnify, defend, and hold the DOT&PF, its officers, employees, and agents (collectively the "Indemnified Parties") harmless from all liability, claims, causes of action, and costs (including attorney's fees) arising out of this Agreement or relating to the obligations assigned or work performed under this Agreement, including, but not limited to, liability, claims, and causes of action alleging or arising out of a negligent act or omission by one of the Indemnified Parties.

Notwithstanding the forgoing, the CITY shall have no obligation to indemnify, defend, or hold the Indemnified Parties harmless from:

- (a) claims for personal injury, death, or property damage arising from incidents occurring prior to Substantial Completion;
- (b) claims for personal injury, death, or property damage alleging a negligent act or omission by one of the Indemnified Parties and arising from incidents occurring within three years from the date of Substantial Completion; or
- (c) claims arising from or asserted under Alaska Statute 46.03.822.

As used in this Section, "Substantial Completion" means the time at which the Project (1) can be safely and effectively used by the public without further delays, disruption, or other impediments, and (2) pavement structure, shoulder, drainage, sidewalk, permanent signing and marking, guardrail and other traffic barrier, safety appurtenances, utilities, lighting and all bridge deck and parapet work is complete.

8. AMENDMENT OF AGREEMENT

This Agreement may only be modified or amended by written agreement with both Parties signing through their authorized representatives.

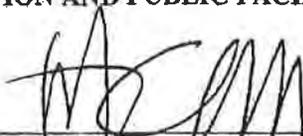
9. THE WHOLE AGREEMENT

This Agreement constitutes the entire agreement between the parties. It supersedes previous agreements; there are no other understandings or agreements between the Parties, either oral or memorialized in writing regarding the matters addressed in this Agreement.

10. OBLIGATIONS

All of the CITY's obligations, as specified in Sections 4 and 7; are subject to lawful appropriations for the specific purpose of carrying out the CITY's obligations.

STATE OF ALASKA, DEPARTMENT OF
TRANSPORTATION AND PUBLIC FACILITIES

By: 
Robert A. Campbell, P.E., Central Region Director

10-31-14
Date

ACKNOWLEDGEMENT

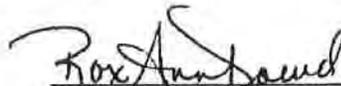
STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

On this 31st day of October, 2014, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared Robert Campbell, Central Region Director of the Alaska Department of Transportation and Public Facilities, known to me to be the identical persons who executed the foregoing instrument and who acknowledged to me that they signed the same freely and voluntarily, with full knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

[NOTARY SEAL]




Notary Public in and for the State of Alaska
My Commission Expires: End of Office

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2017-09

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING A LONG TERM ENCROACHMENT PERMIT FOR NUSHAGAK COOPERATIVE TO CONVERT THE POWER SOURCE AT THE HUD LIFT STATION FROM OVERHEAD TO UNDERGROUND

WHEREAS, according to Dillingham Municipal Code 12.08.010 an encroachment is considered as any object above ground or below belonging to a private owner other than the municipality which has been or caused to be constructed or located within streets, public rights of way or other property dedicated to a public use; and

WHEREAS, Nushagak Cooperative applied for a Long-Term Encroachment permit to convert the power service at the HUD Lift Station from overhead lines to underground; and

WHEREAS, there are no objections to the installation as proposed; and

WHEREAS, it is in the public interest to allow this installation; and

WHEREAS, DMC 12.08 requires City Council and Planning Commission approval for any object belonging to a private owner other than the municipality that is placed in streets, public rights-of-way or other property dedicated to a public use, for longer than one year; and

WHEREAS, per Resolution 2017-01 the Dillingham Planning Commission recommends approval of this long term encroachment;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council approves the long term encroachment at the HUD Lift Station with the following conditions:

- That Nushagak Cooperative notify the City of Dillingham Administration, Public Works Department, and the Public Safety Department 48 hours in advance of any work on public lands or in the public rights of way;
- That Nushagak Cooperative restore the public land or public right of way to this former condition or better after completing the utility installations; and
- That Nushagak Cooperative provide documentation in the form of as-builts or GPS coordinates, or other reliable information, of the actual location of the installation within one month.

PASSED AND ADOPTED by the Dillingham City Council April 6, 2017.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

City of Dillingham Information Memorandum Agenda of: April 6, 2017
Attachment to:
Ordinance No. _____ / **Resolution No.** 2017-09

Subject:
A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING A LONG TERM ENCROACHMENT PERMIT FOR NUSHAGAK COOPERATIVE TO CONVERT THE POWER SOURCE AT THE HUD LIFT STATION FROM OVERHEAD TO UNDERGROUND

City Manager: Recommend Approval

Signature: Rose Deera

Fiscal Note: Yes No **Funds Available:** Yes No

Other Attachments:
Long Term Encroachment Application from Nushagak Cooperative
Planning Commission Resolution 2017-01

Summary Statement:

Nushagak Cooperative submitted an application for a Long Term Encroachment to convert the power at the HUD Lift Station from an overhead power line to an underground line.

The Dillingham Planning Commission met on March 8, 2017 and approved Resolution 2017-01 which recommends the Dillingham City Council authorize this long term encroachment.

The encroachment permit is necessary to comply with Dillingham Municipal Code:

*12.08.010 Definitions. "Encroachments" shall be considered as any object above ground or below belonging to a private owner other than the municipality which has been or caused to be constructed or located within the streets, public rights-of-way or other property dedicated to a public use.

12.08.020 (C) Approval of Long Term Permit. The city manager shall refer any encroachment permit application for a period exceeding one year to the city planning commission. The manager shall submit his recommendations regarding the application to the planning commission. The planning commission shall review the application, and forward a recommendation to the city council. The city council shall act upon the encroachment permit application only upon receipt and consideration of the recommendation of the planning commission.

Attachment to:
Ordinance No. _____ / Resolution No. 2017-09

Summary Statement continued:

Route to	Department Head	Date
	Finance Director	
	Public Works Director	
	Planning Director	
X	City Clerk	



Encroachment Permit Application
City of Dillingham
 PO Box 889, Dillingham, Alaska 99576

Application received: ___/___/___

Fee Paid \$: _____

Applicant Name: Nushagak Cooperative

Phone Number: 907-842-5251

Owner's Name: Nushagak Cooperatie

Mailing Address: box 350

City, State, Zip Code: Dillingham, Alaska 99576

Phone Number: 907-842-5251 Fax: 907-842-2790

Email: wchaney@nushagak.coop

Property Location/Description: Hud Loop Sewer Lift Station

Basis for encroachment permit request: To Convert the present overhead service to an Underground service,

Other special conditions: _____

Short Term Permit Long Term Permit Period requested: from 1 / 11 / 17 to - / - / -

Provide all requested information above and attach appropriate as-built survey. You must include the \$75.00 non-refundable encroachment permit fee with your application to be processed.
Information included in this permit application is, to the best of my knowledge, true and complete. I acknowledge and will comply with the requirements set forth by this encroachment permit. I acknowledge that this permit does not grant approval to any other federal, state, or city permits that may be required.

Applicant's signature: *William Chaney* Date: 1-11-17

Landowner's signature: _____ Date: _____

To Be Completed By City:

City Manager	Date
Planning Director	Date
Public Works Director	Date
Action Taken by City: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Incomplete, return to applicant	