



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
MEETING AGENDA**

David B. Carlson Council Chambers

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

SPECIAL MEETING	12:15 P.M.	JULY 13, 2017
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- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
 - Regular Council Meeting, June 15, 2017 page 3
- 4. APPROVAL OF AGENDA**
- 5. STAFF REPORTS**
 - City Manager Report.....page 9
- 6. CITIZEN'S DISCUSSION (Prior Notice or Agenda Items)**
- 7. PUBLIC HEARING**
 - Adopt Ordinance No. 2017-06, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property to the State of Alaska for the Dillingham Downtown Streets Rehabilitation Projectpage 21
- 8. SPECIAL BUSINESS**
 - Adopt Ordinance No. 2017-06, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property to the State of Alaska for the Dillingham Downtown Streets Rehabilitation Projectpage 21
 - Adopt Resolution No. 2017-33, A Resolution of the Dillingham City Council Requesting FY18 Payment in Lieu of Taxes Funding from the Department of Commerce, Community, and Economic Development and Repealing Resolution No. 2017-27page 41
 - Approve Action Memorandum No. 2017-12, Authorize the City Manager to Enter into a Contract with Elite Mechanical for Improvements to the Dillingham Sewer Lagoon and Dock Lift Stationpage 47
- 9. CITIZEN'S DISCUSSION (Open to the Public)**
- 10. COUNCIL COMMENTS**

11. MAYOR'S COMMENTS

12. EXECUTIVE SESSION

a. Personnel Matter – City Manager Recruitment

13. ADJOURNMENT

1. CALL TO ORDER

A regular meeting of the Dillingham City Council was held on Thursday, June 15, 2017, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Ruby called the meeting to order at 7:01 p.m. This was preceded by a Workshop to present on the proposed FY18 City of Dillingham Budget and the March financial statements.

2. ROLL CALL

Mayor Alice Ruby was present.

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

Curt Armstrong	Misty Savo	Chris Maines	Andy Anderson
Paul Liedberg	Tracy Hightower		

Staff in attendance:

Don Moore	Janice Williams	Ken Morton	Dan Pasquariello
Navin Bissram			

Guests: Patrick Munson Tim Pearson

3. APPROVAL OF MINUTES

- a. Regular Council Meeting, June 1, 2017

MOTION: Chris Maines moved and Paul Liedberg seconded the motion to approve the minutes of June 1, 2017.

VOTE: The motion to approve the minutes passed unanimously by voice vote.

4. APPROVAL OF CONSENT AGENDA

- a. Resolution No. 2017-32, A Resolution of the Dillingham City Council Expressing Thanks and a Commendation to Superintendent Danny Frazier

MOTION: Chris Maines moved and Paul Liedberg seconded the motion to approve the consent agenda.

VOTE: The motion to approve the consent agenda passed unanimously by voice vote.

APPROVAL OF AGENDA

MOTION: Chris Maines moved and Andy Anderson seconded the motion to approve the agenda and amend Ordinance No. 2017-05 under agenda item Public Hearing and under item Ordinances and Resolutions to remove the extension (SUB-1).

VOTE: The motion to approve the amended agenda passed unanimously by voice vote.

5. STAFF REPORTS

a. City Manager and Staff Reports

Interim City Manager Moore reported on the following in addition to his staff report and supplemental report:

- Twenty or so 50 gal. drums on the harbor foreclosed property: will take some effort to remove and remediate the sight;
- Brownfields Program (cleanup and reuse of brownfields): Working with BBNA to apply for the program;
- Dog Bite from loose dog on Wood River Road multi-use path;
- Away from office June 30-June 12, will delegate management to City Clerk;
- BBEDC's Infrastructure Grant for Downtown Road Improvements; turned down but asking for reconsideration;
- Covering Public Works: working on an interim plan which includes hiring a new director.

Discussion ensued:

- Commented sorry to hear Ken Morton was leaving as Public Works Director; and
- Noted appreciated city was looking into the Brownfields Program.

b. Standing Committee Reports

Chris Maines for Code Review Committee: continuing to review all sales tax exemptions, removed some, condensed some, and, hopefully, by September will have an ordinance to present to the Council.

Paul Liedberg for Finance and Budget Committee: recommended several changes to the FY18 Budget, and continuing to review a tobacco tax.

6. PUBLIC HEARINGS

Mayor Ruby opened the public hearing on Ordinance No. 2017-05, noting amended copies of Ordinance 2017-05 SUB-1 and SUB-2 were on the side table.

- a. Adopt Ordinance No. 2017-05, An Ordinance of the Dillingham City Council Adopting the Budget and Appropriating Funds for the FY2018 City of Dillingham Budget

There being no comments the public hearing closed.

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

There was no citizen's discussion.

8. ORDINANCES AND RESOLUTIONS

- a. Adopt Ordinance No. 2017-05, An Ordinance of the Dillingham City Council Adopting the Budget and Appropriating Funds for the FY2018 City of Dillingham Budget

MOTION: Misty Savo moved and Paul Liedberg seconded the motion to adopt the substitute Ordinance No. 2017-05 (SUB-2).

VOTE: The motion to adopt Ordinance No. 2017-05 (SUB-2) passed unanimously by voice vote.

- b. Adopt Resolution No. 2017-31, A Resolution of the Dillingham City Council Authorizing the City Manager to Request Competitive Bids to Construct 2017 Water System Improvements Project

MOTION: Chris Maines moved and Misty Savo seconded the motion to adopt Resolution No. 2017-31.

VOTE: The motion to adopt Resolution No. 2017-31 passed unanimously by voice vote.

9. UNFINISHED BUSINESS

- a. Citizen Committee Appointments
 - 1) Senior Advisory Commission, 1 Seat Open
 - 2) Planning Commission, 1 Seat Open

There were no letters of interest on file.

10. NEW BUSINESS

- a. Action Memorandum No. 2017-10, Authorize the City Manager to Execute a Contract with Wolverine Supply for the Senior Center Repairs and Upgrades

MOTION: Chris Maines moved and Tracy Hightower seconded the motion to approve Action Memorandum No. 2017-10.

VOTE: The motion to approve Action Memorandum No. 2017-10 passed unanimously by voice vote.

- b. Action Memorandum No. 2017-11, Authorize the City Manager to Extend a Contract with Consulting Alaska for Lobbying Services

MOTION: Tracy Hightower moved and Misty Savo seconded the motion to approve Action Memorandum No. 2017-11.

VOTE: The motion to approve Action Memorandum No. 2017-11 passed unanimously by voice vote.

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

Michael Bennett, local contractor, asked if there were any employee repercussions when a member of the public on the denied services list was using the city facilities in sight of the employee.

Mayor Ruby responded she was aware of the denied services list and expected it would be enforced. Manager Moore reinforced that the public member should be run off the premises and if it was allowed it became a personnel issue basically violating an order.

12. COUNCIL COMMENTS

Andy Anderson:

- Questioned how the city enforced the denied services list.

Manager Moore noted the public member would receive a vocal warning first and if they tried to force the issue the employee could contact the police.

Misty Savo:

- Commented she appreciated the commendation for Supt. Frazier; and
- Noted she was sad Ken had resigned that he had made a big difference with the knowledge he had brought to the position, and thanked him for his services to Dillingham.

Paul Liedberg:

- Commented ditto on Ken.

Curt Armstrong:

- Commented he had nothing to add to what was already stated.

13. MAYOR'S COMMENTS

Mayor Ruby:

- Commented she thanked Ken also for his service;
- Noted she appreciated having a citizen share their concerns, that it was not an easy task; and
- Asked for a moment of silence to remember those lost since the last meeting especially Bobby and Marilyn McCarr's daughter, Naomi.

14. EXECUTIVE SESSION

- a. Personnel Matter – City Manager Recruitment
- b. Legal Matter – Annexation Appeal

MOTION: Chris Maines moved and Paul Liedberg seconded the motion to enter into executive session to discuss Personnel Matter, City Manager Recruitment and Legal Matter, Annexation Appeal. [7:37 p.m.].

VOTE: The motion passed unanimously by voice vote.

Mayor Ruby invited Don Moore, Janice Williams, Tim Pearson, and Patrick Munson to the executive session.

MOTION: Tracy Hightower moved and Andy Anderson seconded the motion to exit the executive session [8:52 p.m.].

VOTE: The motion passed unanimously by voice vote.

15. ADJOURNMENT

Mayor Ruby adjourned the meeting at 8:52 p.m.

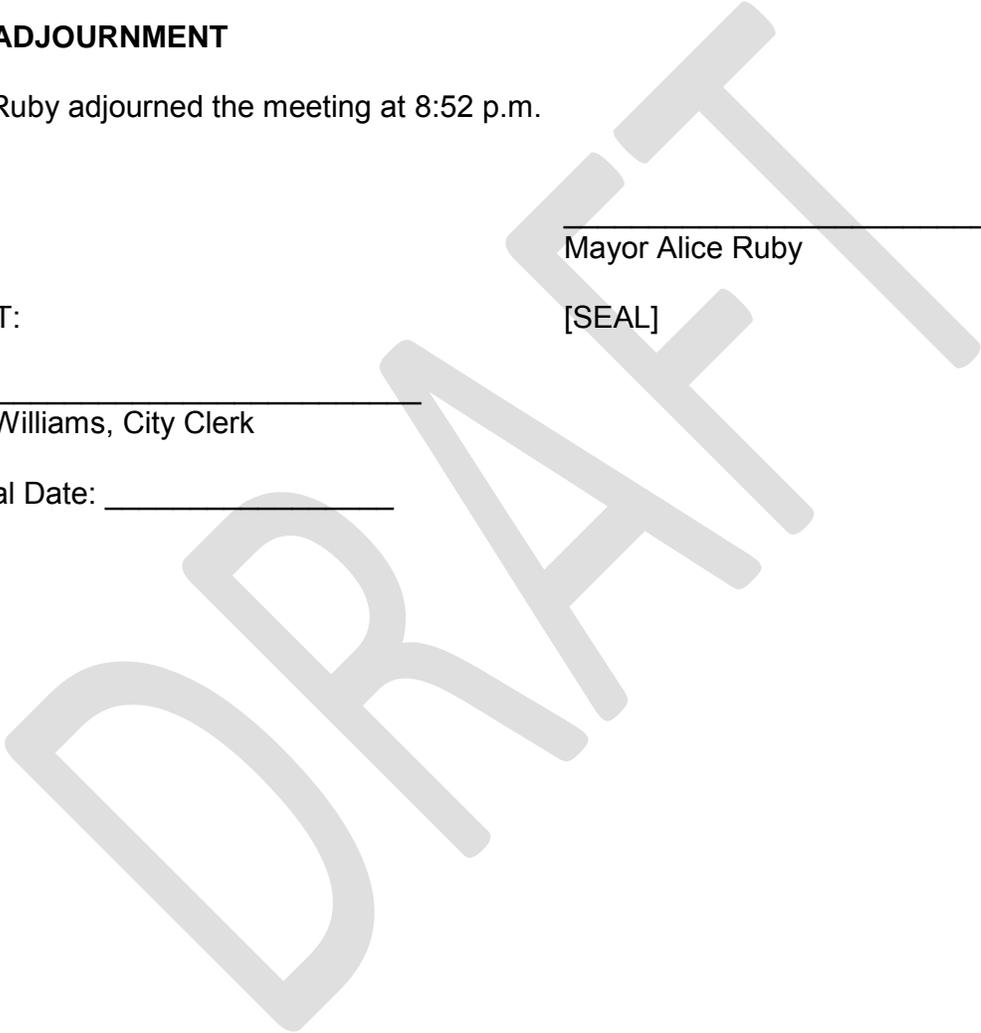
Mayor Alice Ruby

ATTEST:

[SEAL]

Janice Williams, 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: July 13, 2017

To: Mayor and City Council

From: Donald L. Moore, Interim City Manager

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

Subject: Manager's Report-July 13, 2017 (Date of Report June 29, 2017)

ADEC Inspection Report-Sewage Lagoon-The City has received the attached report from ADEC which cited violations of the City's permit for the operation and maintenance of the City Sewage Lagoon. Most of these violations were prior to 2017 and the operation procedures have been changed since Mr. Morton became the Public Works Director. We will continue to address changes to come into compliance with the permit requirements.

Public Works Department Management Plan-I have attached the Management Plan we have been working on to keep the continuity of the operations and construction management during the transition of Mr. Morton leaving the position of Public Works Director. As of this writing (June 29th), the plan is not complete because we are waiting approval from DEC for use of the grant funding and the agreement with the union and personnel rules to appoint Mr. Garcia to Director.

City/Harbor Security Cameras-The State Department of Administration has reviewed and reconsidered the City's request to allow funding from the E911 fund balance to repair and activate the inoperable camera trees. The Department had earlier (last year) not allowed use of the E911 funds for this purpose. The Department, on reconsideration, has approved this use and Chief Pasquariello has initiated getting a company to repair the camera system.



6/26/2017

NOTICE OF VIOLATION

Failure to Comply with Permit Conditions under 18AAC 83, Alaska Pollutant Discharge Elimination System (APDES) Domestic Wastewater Treatment Lagoon Discharging to Surface Waters for the Dillingham Lagoon, Authorization Number AKG573004.

Don Moore
City Of Dillingham
Po Box 889 Dillingham
Alaska 99576

Enforcement Tracking No. 2017-R0703

The Department alleges that beginning on or about April 2, 2015 and continuing up until May 8, 2017, at the Dillingham Lagoon, Alaska, the City of Dillingham did unlawfully fail to comply with the conditions of the Alaska Pollutant Discharge Elimination System (APDES) permit, 18 AAC 83.405 and AS 46.03.020.

On May 24, 2017 Alaska Department of Environmental Conservation (ADEC) conducted an inspection of the Dillingham Lagoon for compliance with their APDES Permit Authorization. Permit violations identified during the facility inspection and on-site records review included failure to: comply with effluent limitations, submit Discharge Monitoring Reports and Noncompliance Notifications, Failure to maintain multiple requirements for Operation and Maintenance Records, failure to monitor for flow and failure to obtain Operator Certification:

- 1) Failure to Maintain a Lagoon Maintenance Program Plan
 - a) Permit part 3.2.1 states, "The permittee shall development and implement a Lagoon Maintenance Program Plan within 180 days of the effective date of receiving authorization to discharge under this general permit. A copy of the Lagoon Maintenance Program Plan shall be made available to the Department upon request."
 - b) Regulatory Citation: 18 AAC 83.405 (k) Monitoring and records
- 2) Failure to Perform and Maintain a Lagoon Inspection.
 - a) Permit part 3.3.1 states, "The permittee shall inspect the lagoon on a weekly basis. A bound notebook for recording information obtained during the inspections shall be maintained by the permittee for three years and made available to the Department upon request."
 - b) Regulatory Citation: 18 AAC 83.405 (k) Monitoring and records
- 3) Failure to Maintain a Leaking Lagoon Evaluation
 - a) Permit part 4.1 states, "Unless otherwise approved, within 180 days of receiving written notification from the Department, the permittee shall submit a Leaking Lagoon Evaluation to the Department."
 - b) Regulatory Citation: 18 AAC 83.405 (k) Monitoring and records

- 4) Failure to Maintain Operation and Maintenance Records.
 - a) Permit part 1.6.2 states, "Operation and maintenance records shall be retained and made available at the site."
 - b) Regulatory Citation: 18 AAC 83.405 (k) Monitoring and records

- 5) Failure to obtain Operator Certification
 - a) Permit part 1.6.3 states, "In accordance with 18 AAC 72.065, the owner of operator of a domestic system that has 100 or more service connections or that is used, or intended for use, by 500 or more people per day shall ensure that the system is operated by a person certified under 18 AAC 74."
 - b) Regulatory Citation: 18 AAC 83.405 (b) Duty to comply

- 6) Failure to install Flow Meter.
 - a) Permit part 2.1.1 states, "During the effective period of this general permit, the permittee is authorized to discharge wastewater provided the discharge meets the limits and monitoring requirements herein." Subsequently Table 3. lists the Effluent Limits and Monitoring Requirements for Aerated and Non-Aerated Lagoons that Discharge on a Continuous Basis with a Design Flow above 250,000 -1,000,000 gallons per day (gpd)
 - b) Regulatory Citation: 18 AAC 83.405 (f) Proper operation and maintenance

- 7) Failure to report noncompliance events orally within 24 Hours or in writing within 5 days after the permittee became aware of the non-compliance circumstances
 - a) Permit Part Appendix A 3.4 states, "A permittee shall report any noncompliance event that may endanger health or the environment orally within 24 hours or in writing within five days after the permittee becomes aware of the circumstances."
 - b) Regulatory Citation: 18 AAC 83.405 (b) Duty to comply

- 8) Failure to meet Authorized Effluent Limits.
 - a) Permit part 2.1.1 states "During the effective period of this general permit, the permittee is authorized to discharge wastewater provided the discharge meets the limits and monitoring requirements herein." Subsequently Table 3. lists the Effluent Limits and Monitoring Requirements for Aerated and Non-Aerated Lagoons that Discharge on a Continuous Basis with a Design Flow above 250,000 -1,000,000 gallons per day (gpd)
73 Effluent Violations have been recorded in the Integrated Compliance Information System (ISIS).
 - b) Regulatory Citation: 18 AAC 83.405 (k) Monitoring and records

- 9) Failure to Submit DMRs.
 - a) Permit Part 2.2.4 States that the permittee must submit a DMR each month.
141 DMR Non-Receipt Violations have been recorded in the Integrated Compliance Information System (ISIS).
 - b) Regulatory Citation: 18 AAC 83.410 (d) Monitoring reports

Such inactions are in violation of your permit.

To address the violation(s) described above, the Department requires that you do the following:

1. Development and Implement a Lagoon Maintenance Program Plan.
2. Perform and Maintain a Leaking Lagoon Evaluation
3. Begin Maintaining Operation and Maintenance Records.
4. Obtain the required Operator Certification.
5. Install Flow Meter, submit photos of installation.

- 6. Submit an explanation for why the Effluent Limitations are being exceeded and what corrective actions have been taken to correct this violation.
- 7. Submit an explanation for why Discharge Monitoring Reports were not submitted and what corrective actions have been taken to correct this violation.

Please respond to this request by no later than **10/1/2017**. **Deliverables can be submitted via mail, email, or fax:**

Willow Weimer
 ADEC, Division of Water
 555 Cordova Street
 Anchorage, AK 99501
 Fax: 907.334.2415
 Email: Willow.weimer@alaska.gov

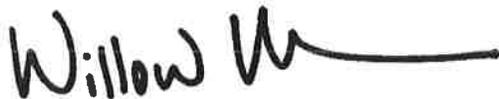
Penalties for violation of State statutes and regulations can be quite serious. In a civil action, a person who violates or causes or permits to be violated a provision of this statute/regulation/permit/approval, etc., may be liable to the State for Substantial monetary damages under AS 46.03.760. Depending on the nature of the violation, you may also be liable for the State’s response costs under AS 46.03.822, for spill penalties under AS 46.03.758-759, for administrative penalties under AS 46.03.761, or for other kinds of damages or penalties under other statutes.

In a criminal violation, a person who acts with criminal negligence may be guilty of a Class A misdemeanor. AS 46.03.790. Upon conviction, a defendant who is not an organization may be sentenced to pay a fine not exceeding \$10,000.00 and/or sentenced to a definite term of imprisonment of not more than one year. Upon conviction, a defendant that is an organization may be sentenced to pay a fine not exceeding the greater of \$500,000.00 or an amount which is three times the pecuniary damage or loss caused by the defendant to another or property of another. AS 12.55.035; each day of violation may be considered a separate violation. Alaska laws allow the State to pursue both civil and criminal actions concurrently.

Nothing in this notice shall be construed as a waiver of the State’s authority or as an agreement on the part of the State to forego judicial or administrative enforcement of the above-described violation(s) or to seek recovery of damages, cost and penalties as prescribed by law. In addition, nothing herein shall be construed as a waiver of enforcement for past, present, or future violations not specifically set forth herein.

If you have additional questions, I may be contacted at (907)269-6096, or via e-mail: Willow.Weimer@alaska.gov

Sincerely,



Willow Weimer, Enforcement Officer

Inspector – *Willow Weimer*
 Credential Number: R-0490
 Phone: (907)269-6096
 E-mail: Willow.Weimer@alaska.gov

Check One:

Personally Served

Sent by Certified Mail # 7016 1370 0000 0242 2322

on the 26 day of June, 2017

Enclosure: APDES Inspection Report

cc: Amber Bennett, Environmental Program Specialist, ADEC, w/enclosure
Will Collingwood, Acting Compliance Program Manager, ADEC, w/enclosure
Ken Morton, Public Works Director, City of Dillingham, w/enclosure
Courtenay Carty, Planning Director, City of Dillingham, w/enclosure
Rick Cool, Compliance, EPA, w/ enclosure

The Public Works programs are divided between two categories:

1. Operations and Maintenance
2. Planning, Design and Construction Management of Capital Improvements.

1. Operations and Maintenance

This is often referred to as the day to day function of the Department to include:

- Street maintenance and repair
- Building and grounds maintenance and repair
- Water treatment and distribution
- Wastewater collection, treatment and disposal.
- Sanitary Landfill to receive, process and dispose of refuse.
- Fleet maintenance and repair

These services of the Department are currently delivered by a workforce of 13 employees.

The Operations and Maintenance function of the Department will be supervised by promotion of the Public Works Foreman to the position of Acting Public Works Director.

Using the Public Works Foreman as Acting Director will mean the Department will now have to operate without the engineering resource of the current Public Works Director.

This means the design and construction management of the City Capital Improvement projects (category 2 above) must now be managed using resources other than the fully qualified and experienced City Public Works Director that has been directing these projects.

This is a return to the basic organization that was case prior to hiring a Public Works Director with engineering and construction background.

2. Management of Capital Improvements

Active Capital Improvement Projects will be managed as follows:

1. Senior Center Renovation--RFP 2017-08—Value \$150,000
Dagen Nelson, Project Inspector—Donald Moore, Project Manager.

2. Fire Hall Coiling Door—RFP 2017-06—Value \$33,000
Dagen Nelson, Project Inspector—Donald Moore, Project Manager.

3. 2017 Water Improvements—RFP 2017-11—Value \$200,000
CRW Engineers, Anchorage.
Mike Leguineche, CRW Engineers—Consultant Project Manager

4. Lagoon and Dock Lift Station Improvements—RFP-2017-10-Value
\$1,000,000—CRW Engineers, Anchorage
Mike Leguineche, CRW Engineers, Consultant Project Manager

5. Landfill Cell 3 Phase 1—RFP2017-09—Value-\$200,000.
Bristol Environmental Engineering Services, Anchorage
Isaac Pearson, Consultant Project Manager.

We have requested approval from the State to use a portion of the project grant funds to pay for the project management costs.

There are other continuing or planned projects that also will require the attention of public works expertise such as the Downtown Streets Project and planning improvements to the wastewater/water/solid waste systems.

The City of Dillingham has a critical need for a full-time, in house Public Works Director with background and ability to manage both the development and the operation of Capital Improvement Projects.

City of Dillingham

House District 37 / Senate District S

~ 6/28/17 ~

(Day 164 - Overall) (Day 13 - 2nd Special Session)

30th Alaska State Legislature ~ 1st Interim

(1st Special Session – Adjourned Sine Die on June 16th)

JUNE 2017 – LEGISLATIVE REPORT

Cliff Stone / City Lobbyist

~ 2nd Special Session began June 16th // Permanent Fund Dividend set at \$1,100 ~



With no budget in sight for Fiscal Year 2018, the governor had no choice but to call the Legislature back into a 2nd special session. They burned through the 90-day regular session on their way to 121 days with still no agreement. The governor called them into a special session on May 18th with them spending the next 30 days with little to show for their efforts. So June 16th saw them once again called in to take care of their business. With a July 1st deadline looming for a government shutdown, the Legislature finally passed out an operating budget (HB 57) on June 22nd. They had little choice, as a shutdown would have been extremely disruptive and chaotic. Politically, it would have been suicide for each one of them!

A week earlier they passed out the Mental Health budget (HB 59) for FY18. All in all without a comprehensive budget plan, they once again will dip into the states savings account to fill the deficit. That will be a draw of about \$2.4 billion out of the Constitutional Budget Reserve (CBR) account. That account will be drained next year unless the Permanent Fund is restructured. As it is, Alaska's credit rating will undoubtedly take another hit because of the inaction of the Legislature.

As soon as the budget passed out, the governor amended his proclamation to include HB 111 – restructuring the oil and gas tax credit system. Little progress has been made as the Legislature has called a couple of technical sessions only. The bill could end cash tax credits to the oil companies, though the state still owes them about \$1 billion in past due amounts.

On top of all of this, there is still no Capital budget. That budget funds a variety of projects such as deferred maintenance on facilities, community block grants, village safe water and wastewater infrastructure projects, homeland security grant programs, and of course, the funding for transportation programs that includes airports, roads, and bridges. If it isn't tackled during this special session, then a third special session is likely to be called for later in the fall.

See Speaker Edgmon's Legislative Report dated June 23rd for a brief analysis of important elements that were part of the final package of the operating budget. The House was successful in fully funding education along with student transportation. They also restored the cuts made earlier by the Senate to the Pioneer Homes. There were quite a number of new positions approved for the Office of Children's Services.



BILLS ON THE MOVE

Pertinent Legislation Passed during the Special Sessions

These bills can be found at <http://www.akleg.gov/basis/start.asp> for a more detailed explanation.

Besides an abbreviated title for the bill, I've provided a very brief synopsis of what the bill hopes to achieve. Once a law is signed, if there is an effective date clause, then the intent of the legislation is not recognized until that date is met. In addition, it also takes the affected departments time to write regulations concerning a bill to ensure the intent is carried out.

SB 100 / Municipal Liens; Tax Exemptions; Service Areas [Chapter 9 SLA 17]

An Act relating to municipal liens; relating to service areas in second class boroughs; relating to a municipal tax exemption or deferral for economic development property; relating to a municipal tax exemption for a fire protection system.

SB 55 / Omnibus Crime and Corrections [Chapter 13 SLA 17]

This bill addresses a discrepancy between federal statutes and Alaska law, bringing the state into full compliance with the Violence Against Women Act (VAWA). Alaska has been unable to enforce protective orders filed outside the state; SB 55 resolves that issue, making state and federal law consistent, and protecting vulnerable Alaskans regardless of where the protective order was filed.

The legislation also directs law enforcement agencies throughout the state to report to the Alaska Department of Public Safety (DPS) how many sexual assault evidence kits have not been tested. The deadline is September 1st. By November 1st, DPS will provide to the legislature a plan to address the backlog of untested evidence. The goal is to incentivize meaningful reforms in how sexual assault evidence kits are dealt with in the future.

SB 55 also clarifies Senate Bill 91, last year's criminal justice reform legislation, to further empower law enforcement and other officials to take necessary steps to protect Alaskans.

HB 23 / Insurance for Dependents of Deceased Fire/Police [Chapter 14 SLA 17]

An Act creating a fund in the Department of Public Safety; providing for payment of certain medical insurance premiums for surviving dependents of certain peace officers or firefighters who die in the line of duty; relating to contributions from permanent fund dividends to the peace officer and firefighter survivors' fund.

HB 78 / Indigenous Peoples Day [Chapter 15 SLA 17]

An Act establishing the second Monday of October of each year as Indigenous Peoples Day.

HB 159 / Opioids; Prescriptions; Database; Licenses (Awaiting transmittal to the Governor)

Allows patients to execute a voluntary non-opioid directive, making it clear that they do not want an opioid. The confidential information would be provided to an individual's healthcare provider or hospital, and is revocable at any time. Alaskans will also be able to request partial fills of opioid prescriptions from pharmacists, without voiding the remainder of the prescription. The legislation also limits first-time opioid prescriptions to no more than a seven-day supply with exceptions, strengthens reporting and education requirements for pharmacists and healthcare providers, and requires the controlled substance prescription database to be updated daily starting July 1, 2018, instead of weekly, to increase transparency and communication among providers.



GOVERNOR'S CORNER

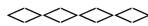
<http://gov.alaska.gov>

The governor's office will continue to post press releases and other items of interest at the website above.



IMPORTANT DATES / DEADLINES

The governor's deadline once a bill has been transmitted is 15 days, Sundays excluded, to act on a bill if the Legislature is in session. If the Legislature has adjourned, the Governor has 20 days, excluding Sundays.



COMMITTEE HEARINGS

Go to the Legislature's homepage – <http://akleg.gov/index.php> Select a tab or link that suits your needs.

Live on the Web

Most committee hearings can be seen and heard on Gavel Alaska. It is broadcast on both local access TV and on the Internet. You can also access online archives from the following website:

www.360north.org

Streaming Video

Most committee hearings are also teleconference and available for viewing on the following website:

<http://alaskalegislature.tv>



WEBSITES OF INTEREST

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

<http://akleg.gov/docs/pdf/800numbers.pdf>

2017 1st Session Staff contact list http://akleg.gov/docs/pdf/session_phone_list.pdf

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

Congressional Delegation websites –

<http://murkowski.senate.gov/public>

www.sullivan.senate.gov

<http://donyoung.house.gov>



~ End Report ~

Enjoy your family and friends as we celebrate the 4th of July!

~ Cliff

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2017-06

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 City of Dillingham 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 agreed to in the MOA as the City’s matching contribution for the Project and 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, 26, 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* as of January 26, 2017. (*Nunc pro tunc*, Latin for "now for then", refers to changing back to an earlier date of filing of a document. This is the date the City signed the parcel conveyance documents.)

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: July 13, 2017

Attachment to:

2017-06

Ordinance No. _____ / 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: *Janice Williams Acting City Mgr*

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

- PC Resolution No. 2014-03 (corrected)
- Right of way and utility easement documents for parcels associated in Ord. No. 2017-06
- 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. 2017-06 for the purposes of the Downtown Streets Rehabilitation Project. Upon completion of the project, the parcels will be transferred back to the City.

A disposal of property requires a 30-day notice. This ordinance was introduced June 1 at the City Council meeting, and will be up for a public hearing and adoption on July 13.

An advertisement for a Public Hearing on Ordinance No. 2017-06 was scheduled to be placed in the July 6, 2017, edition of the Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing, which is scheduled for July 13, 2017.

Attachment to: 2017-06 / 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

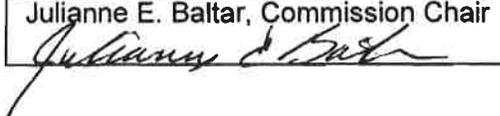
WHEREAS, the preliminary approval of a right of way acquisition is effective for 24 months, provided the planning director may grant an extension for filing the final plat upon finding that it is in the public interest to do so.

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

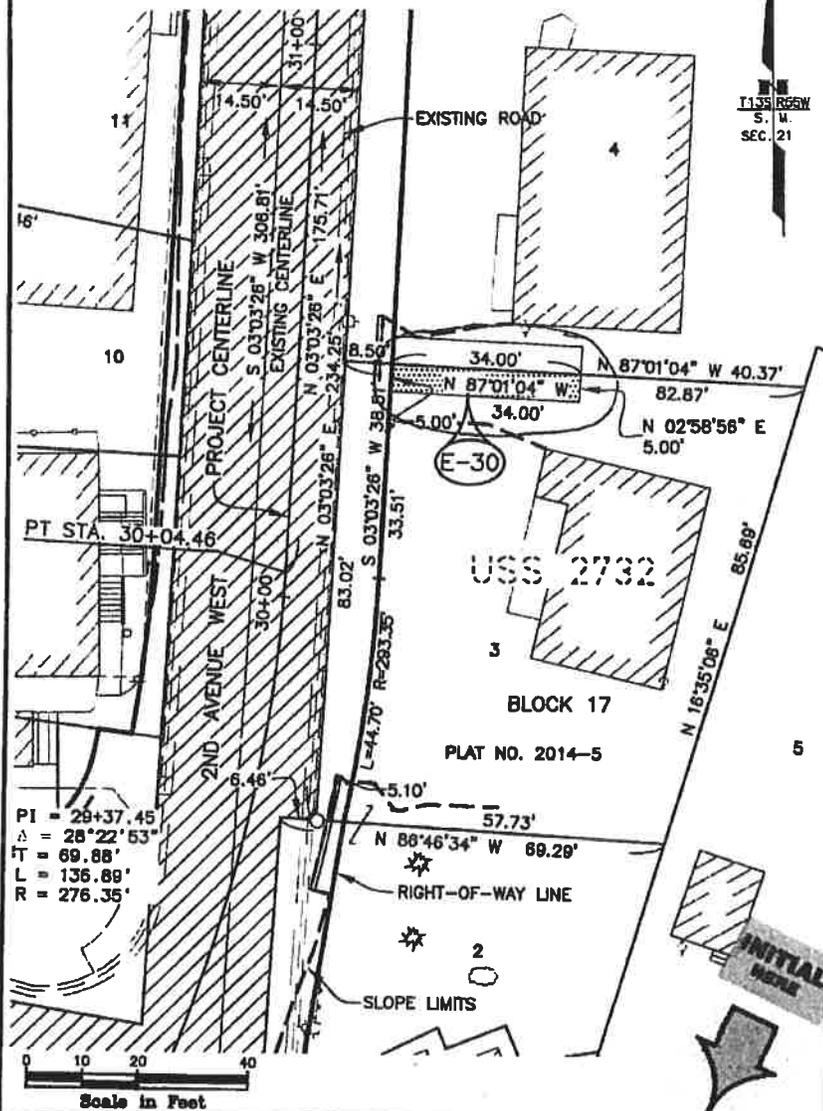
WHEREAS, all existing structures which are made nonconforming due to right of way acquisition and design reducing the setback of the buildings from their property lines will hereby be considered permitted nonconforming buildings, including: the ~~AG company store~~ *the building owned by William and 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.

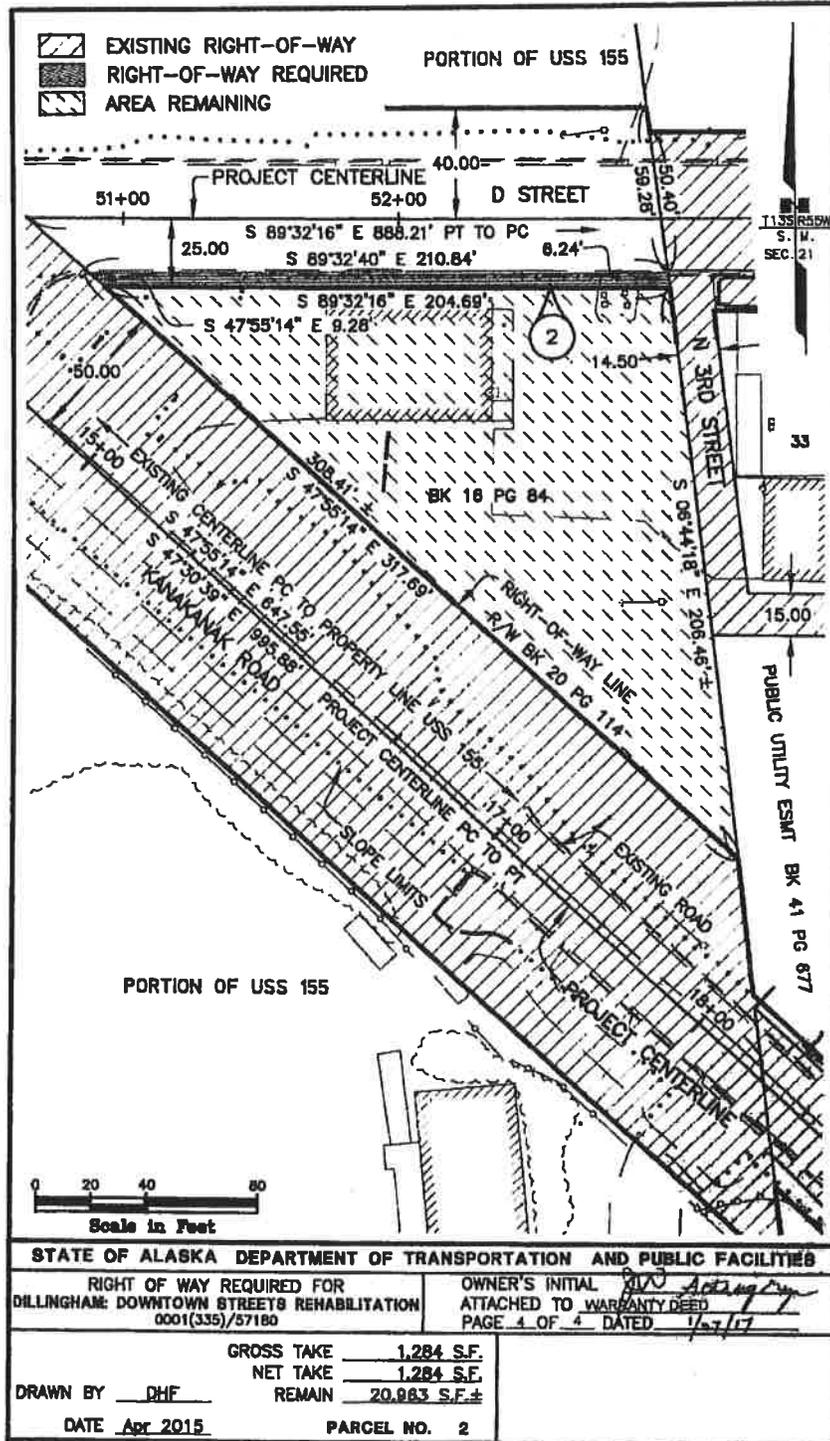
ADOPTED by the Dillingham Planning Commission February 19, 2014.

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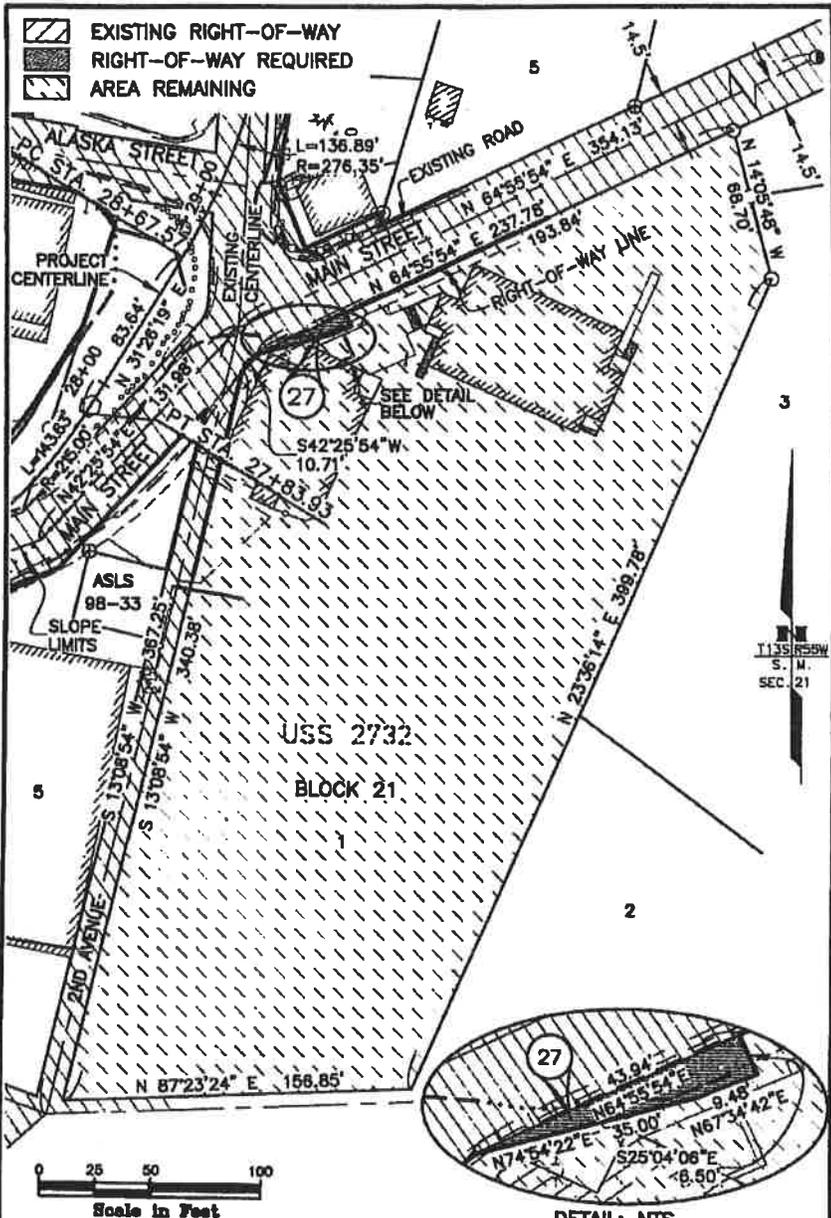
 EXISTING RIGHT-OF-WAY
 UTILITY EASEMENT REQUIRED



STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES	
UTILITY EASEMENT REQUIRED FOR DILLINGHAM: DOWNTOWN STREETS REHABILITATION 0001(335)/57180	OWNER'S INITIAL <i>Jill Hedberg RNS</i> ATTACHED TO <u>Equipment</u> PAGE 4 OF 4 DATED <u>1/21/17</u>
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 ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES	
RIGHT OF WAY REQUIRED FOR DILLINGHAM: DOWNTOWN STREETS REHABILITATION 0001(335)/57180	OWNER'S INITIAL <u>AV</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

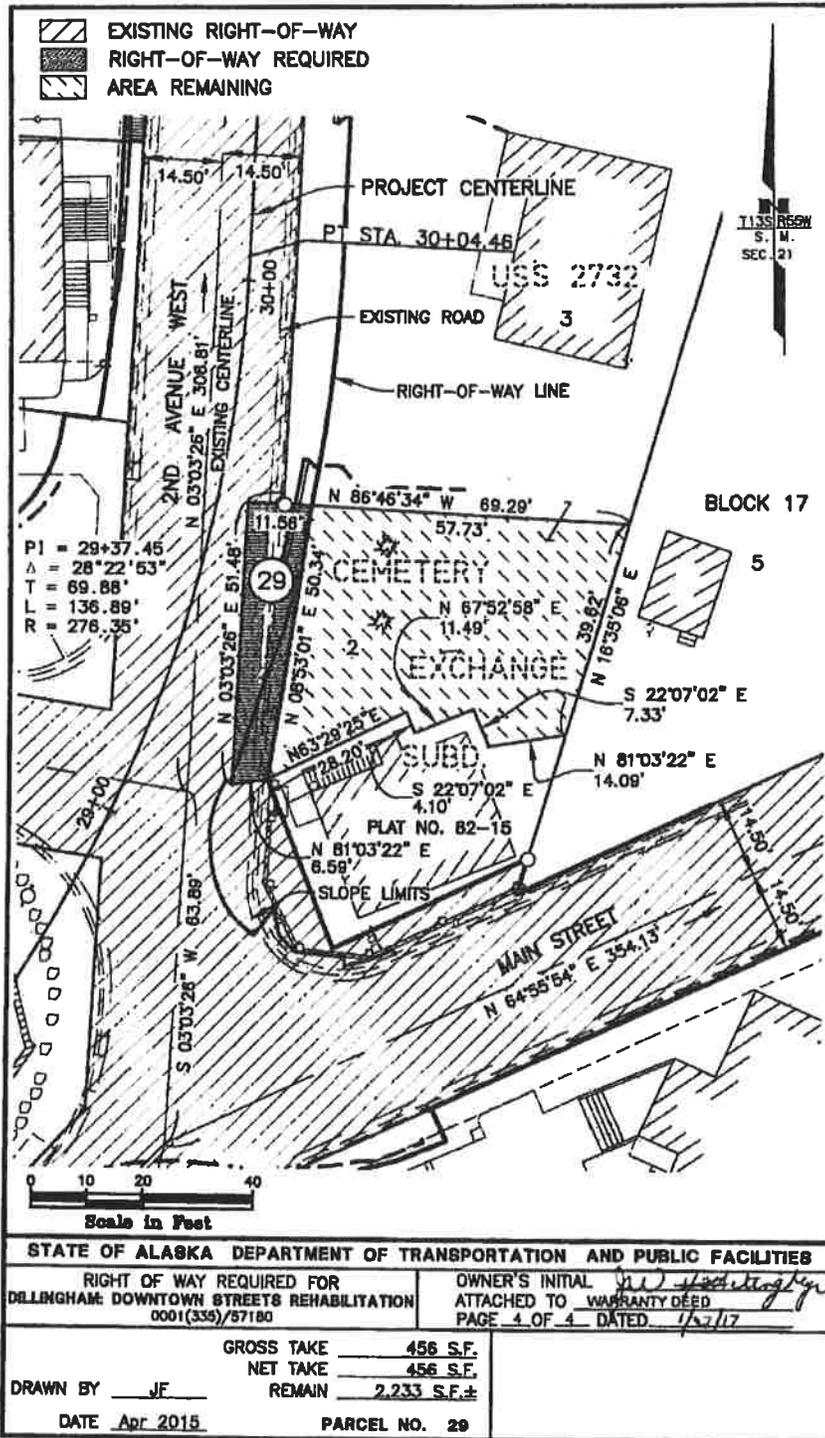
RIGHT OF WAY REQUIRED FOR
 DILLINGHAM DOWNTOWN STREETS REHABILITATION
 0001(338)/57180

OWNER'S INITIAL *JN*
 ATTACHED TO WARRANTY DEED
 PAGE 4 OF 4 DATED 1/27/17

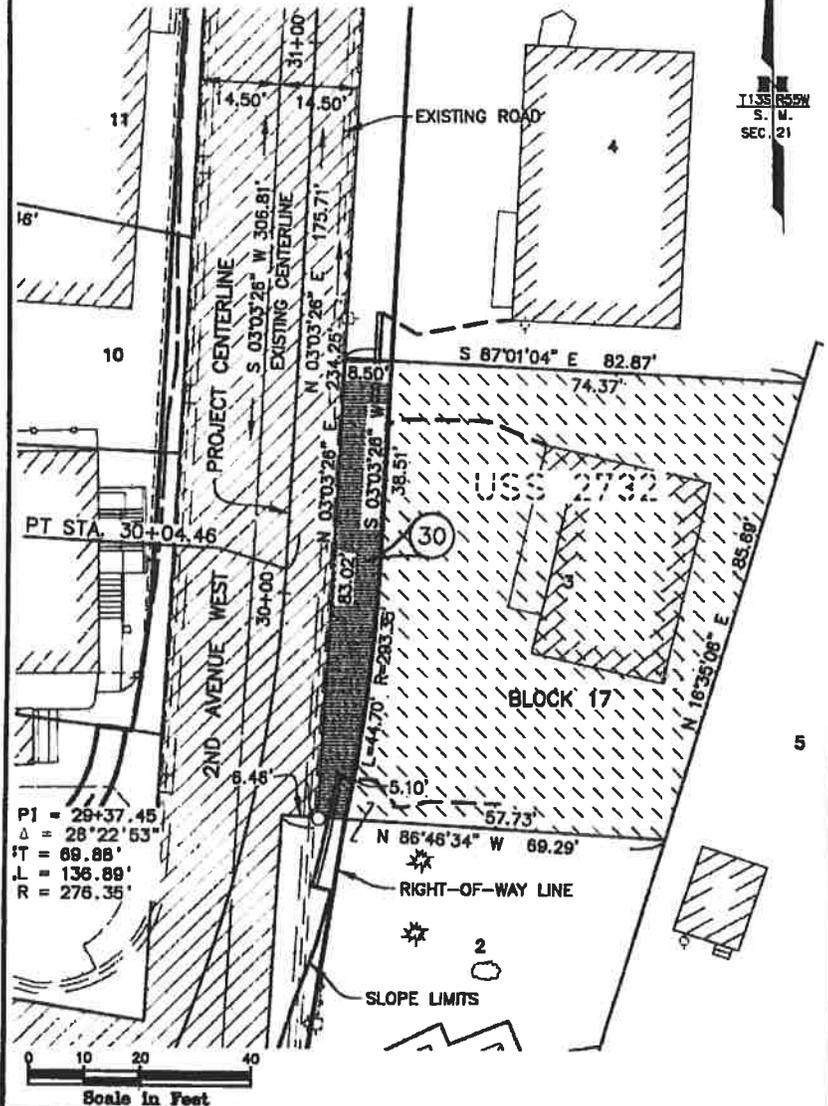
GROSS TAKE 184 S.F.
 NET TAKE 164 S.F.
 REMAIN 74,813 S.F.±

DRAWN BY JF
 DATE Apr 2015

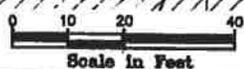
PARCEL NO. 27



-  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>ML Acting</i> ATTACHED TO WARRANTY DEED PAGE 4 OF 4 DATED 7/3/17
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.

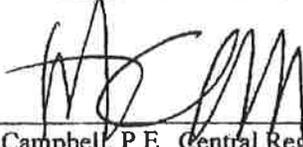
9. THE WHOLE AGREEMENT

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. 2017-33

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL REQUESTING FY18 PAYMENT IN LIEU OF TAXES FUNDING FROM THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT AND REPEALING RESOLUTION NO. 2017-27

WHEREAS, the City 3 ACC 152.100 requires the governing body of a city to adopt a resolution requesting funding from the Payment in Lieu of Taxes Program for cities in the unorganized borough and to submit the resolution to the Department of Commerce, Community, and Economic Development; and

WHEREAS, the City shall use the funds for any governmental purpose and establish and maintain a financial management and accounting system that conforms to generally accepted accounting principles; and

WHEREAS, the City recognizes the State of Alaska may at any time request a report on how the funds were expended;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council by this resolution hereby requests distribution from the FY18 Payment in Lieu of Taxes Program by the Department of Commerce, Community, and Economic Development on the date required by law;

BE IT FURTHER RESOLVED that:

- 1) Resolution No. 2017-33 replaces Resolution No. 2017-27 earlier submitted to include the new resolution language that accompanied the State of Alaska's letter of May 24, 2017, regarding the FY18 PILT payment;
- 2) This unfortunate error will result in the City of Dillingham receiving their FY18 PILT payment several weeks later than the initial distribution.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on July 13, 2017.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

City of Dillingham Information Memorandum

Agenda of: July 13, 2017

Attachment to:

Ordinance No. _____ / Resolution No. 2017-33

Subject:

A Resolution of the Dillingham City Council requesting FY18 payment in lieu of taxes funding from the Department of Commerce, Community, and Economic Development and Repealing Resolution No. 2017-27

City Manager: Recommend Approval

Signature: *Jamie Williams Acting City Mgr*

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

- Resolution No. 2017-27

Summary Statement:

At their June 1, 2017, Council meeting, the Council requested the FY18 PILT through Resolution No. 2017-27. The resolution was created using the same language as prior years since the City had yet to receive anything in the mail from the State regarding the program. The filing requirements were received May 30. In late June, staff was informed by the State that several of the Whereases in the resolution had been replaced with new language as indicated in their May 24, 2017, cover letter. The City was instructed to submit a new resolution with the correct language by June 30 in order to be on the check run for July 1.

The downside of not meeting the June 30 date is the city will receive their PILT payment several weeks later than the initial distribution.

Payment Budgeted for FY18	\$445,000
Payment Received for FY17	\$446,018
Payment Received for FY16	\$443,838
Payment Received for FY15	\$446,844
Payment Received for FY14	\$422,987
Payment Received for FY13	\$429,642
Payment Received for FY12	\$421,879
Payment Received for FY11	\$407,510

Attachment to:
Ordinance No. _____ / Resolution No. 2017-33

Summary Statement continued:

Route to	Department Head ^A	Date
X	Finance Director	
X	City Clerk	

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2017-27

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL REQUESTING FY 18
PAYMENT IN LIEU OF TAXES FUNDING FROM THE DEPARTMENT OF
COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT**

WHEREAS, 3 ACC 152.100 requires the governing body of a city to adopt a resolution requesting funding from the Payment in Lieu of Taxes Program for cities in the unorganized borough and to submit the resolution to the Department of Commerce, Community, and Economic Development; and

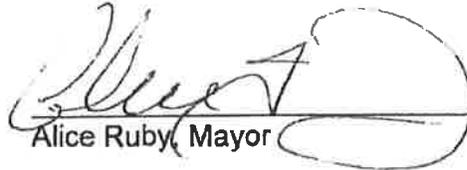
WHEREAS, the City has conducted a regular election during the preceding state fiscal year and has reported the results of the election to the commissioner; and

WHEREAS, regular meetings of the governing body are held in the City and a record of the proceedings is maintained; and

WHEREAS, ordinances adopted by the City have been codified in accordance with AS 29.25.050;

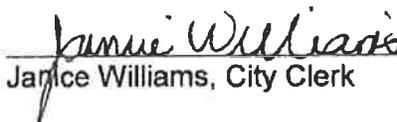
NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council by this resolution hereby requests distribution from the FY 18 Payment in Lieu of Taxes Program by the Department of Commerce, Community, and Economic Development on the date required by law.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on June 1, 2017.


Alice Ruby, Mayor

ATTEST:

[SEAL]


Janice Williams, City Clerk

Action Memorandum No. 2017-12

Subject:

Authorize the City Manager to enter into a contract with Elite Mechanical for improvements to the Dillingham Sewer Lagoon and Dock Lift Station.

City Manager: Recommend Approval

Signature: *Jane Williams Acting City Mgr*

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

- RFP/ITB 2017-10 Dillingham Sewer Lagoon & Dock Lift Station Improvements Page 1
- RFP/ITB 2017-10 Bid Sheet
- RFP/ITB 2017-10 Notice of Intent to Award
- Available Funding Documentation

Summary Statement:

The City of Dillingham solicited sealed bids, RFP 2017-10, for a firm possessing the skills and ability required to construct improvements at the City Dock Lift Station and City Sewage Lagoon to include the following scope of work:

- 1) Dock Lift Station: demolition, bypass pumping, piping, fittings, discharge elbows, debris basket, and floor repair within the wet well; and
- 2) Sewage Lagoon: force main, influent flow meter manhole, overflow control structure improvements, air diffuser header repair, and miscellaneous electrical.

The project went out to bid on June 5, 2017. Bids closed on July 5, 2017 at 4:00 PM. Only one bid was received and that was from the firm Elite Mechanical. Staff reviewed the bid to make sure all was in order and is recommending awarding a contract to Elite Mechanical. The firm is currently finishing the lift station improvements project awarded in 2016. Key staff involved in tracking the project has been satisfied with their work.

Action Memorandum No. 2017-12

Summary Statement continued:

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

Mayor

ATTEST:

[SEAL]

City Clerk

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

City of Dillingham
Fiscal Note

Agenda Date: July 13, 2017

Contract with Elite Mechanical for improvements to Sewer Lagoon and Dock Lift Station.

ORIGINATOR: Don Moore

FISCAL ACTION (TO BE COMPLETED BY FINANCE)		FISCAL IMPACT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
AMOUNT REQUESTED: <p align="center">\$1,102,250</p>		FUNDING SOURCE <p align="center">MMG & ANTHC Grants, SR Fund</p>	
FROM ACCOUNT		Project	
4423 8710 30 62	\$771,575	Sewer Lagoon Improvements Dock Lift Station Improvements	
3009 8710 30 62	\$318,956		
2100 8710 30 62	\$11,719		
TO ACCOUNT:	VERIFIED BY: <u>Navin Bissram</u>	Date: <u>7/7/2017</u>	

EXPENDITURES

OPERATING	FY18			
TOTAL OPERATING	\$ -	\$ -	\$ -	\$ -

CAPITAL	\$1,102,250			
---------	-------------	--	--	--

REVENUE				
---------	--	--	--	--

FUNDING

General & Special Rev. Funds	\$11,719			
State/Federal Funds	\$1,090,531			
Other				
TOTAL FUNDING	\$ 1,102,250	\$ -	\$ -	\$ -

POSITIONS

Full-Time				
Part-Time				
Temporary				

ANALYSIS: (Attach a separate page if necessary)

See Action Memorandum 2017-12

PREPARED BY: Navin Bissram

July 7, 2017

DEPARTMENT: Finance

APPROVED BY: _____



**INVITATION TO BID
ITB 2017-10 DILLINGHAM LAGOON AND DOCK LIFT STATION IMPROVEMENTS**

The City of Dillingham is soliciting sealed bids for a firm possessing the skills and ability required to construct improvements at the City Dock Lift Station and City Sewage Lagoon to include the following scope of work:

City Dock Lift Station: demolition, bypass pumping, piping, fittings, discharge elbows, debris basket, and floor repair within the wet well.

City Sewage Lagoon: force main, influent flow meter manhole, overflow control structure improvements, air diffuser header repair, and miscellaneous electrical.

The Contractor shall complete all Work under this Contract by December 15, 2017.

Inquiries should be directed to Ken Morton at publicworks@dillinghamak.us

A contract to award will be confirmed at the July 13, 2017 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 no later than 4:00 p.m. on July 5, 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: **DILLINGHAM LAGOON AND DOCK LIFT STATION IMPROVEMENTS**

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

Planning Director'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, June 20, 2017 at 10:00 a.m. in the upstairs of City Hall.

SECTION 00 41 13

BID FORM

City Manager
Dillingham, Alaska

The undersigned, in compliance with your invitation for bids for construction of the following Project:

Dillingham Lagoon and Dock Lift Station Improvements

(Project No. ITB 2017-10) for the City of Dillingham, Alaska, having examined the Project Manual and Addenda, the sites of the proposed Work and being familiar with all of the conditions surrounding the proposed Project, having conducted all inquiries, tests and investigations deemed necessary and proper; hereby proposes to furnish all labor, permits, material, machinery, tools, supplies and equipment, and perform all Work required for construction of the Project in accordance with the Project Manual and Addenda within the time indicated in the following Bid Schedule. The Owner reserves the right to accept any or all line items in the Bid Schedule prior to Award.

Pay Item	Pay Item Description	Unit	Quantity	Unit Bid Price	Total Bid Price
1	Utility & Miscellaneous Work Allowance	CONTINGENT SUM	1	\$30,000	\$30,000
2	Force Main	LS	1	678000	678000
3	Flow Meter Manhole	LS	1	298250	298250
4	Overflow Control Structure Improvements	LS	1	70000	70000
5	Lagoon Air Diffuser Header Repair	LS	1	18000	18000
6	Dock Lift Station Improvements	LS	1	38000	38000

BID TOTAL \$ 1,102,250

Name of Bidding Firm: ELITE MECHANICAL

The undersigned agrees that the period of time for holding bids should be at least 60 calendar days.

CONTINGENT SUM: As part of the contingent sum, the City may elect to have the Contractor perform miscellaneous Work that is not included in the Contract. This Work shall be performed on a time and expenses basis. Negotiate terms of this Work with the City, including a scope and fee and any proposed changes in Contract time. Obtain written approval by the City prior to commencing Work. Miscellaneous Work may include, but not be limited to, the following items: repair/replace chain link fencing; air flow meters; miscellaneous improvements to the blower building; and other miscellaneous improvements.

ACTIONS ON BIDS: OWNER reserves the right to reject any or all Bids and to waive any minor informality in any Bid or solicitation procedure (a minor informality is one that does not affect the competitiveness of the bidders).

The Contract, if awarded, shall be awarded to the responsible Bidder who submits the lowest responsive



NOTICE OF INTENT TO AWARD

ISSUE DATE: July 6, 2017

RFP NUMBER AND TITLE: ITB 2017-10 Dillingham Sewer Lagoon & Dock Lift Station Improvements

RFP DEADLINE: July 5, 2017 at 4:00 PM

BIDDERS OF RECORD INCLUDE:

-Elite Mechanical

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:

**Elite Mechanical
1500 Bogard Road
Wasilla, Alaska 99654**

Any bidder who believes the contract has been improperly awarded may file a protest with the City Clerk, Janice Williams, 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 2017-10, to the City of Dillingham prior to C.O.B on July 11, 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,


Janice Williams
Acting City Manager
(907) 842-5148
manager@dillinghamak.us