



Alice Ruby, **Mayor**

Council Members

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

DILLINGHAM CITY COUNCIL

David B. Carlson Council Chambers

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

WORKSHOP FOR QUARTERLY REVIEW OF THE FINANCIAL STATEMENTS	6:30 P.M.	SEPTEMBER 10, 2015
REGULAR MEETING	7:00 P.M.	SEPTEMBER 10, 2015

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
 - a. Regular Council Meeting of August 6, 2015page 3
 - b. Special Council Meeting of August 17, 2015.....page 11
- 4. APPROVAL OF CONSENT AGENDA**
- APPROVAL OF AGENDA**
- 5. STAFF REPORTS**
 - a. City Manager and Staff Reports..... page 13
 - b. Standing Committee Reports.....page 33
- 6. PUBLIC HEARINGS**
 - a. Adopt Ordinance No. 2015-13 (SUB-1), An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property to Ben McDowell DBA Motive Power Marine and EPC LLC by Lease page 37
- 7. CITIZEN’S DISCUSSION (Prior Notice or Agenda Items)**
- 8. ORDINANCES AND RESOLUTIONS**
 - a. Adopt Ordinance No. 2015-13 (SUB-1), An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property to Ben McDowell DBA Motive Power Marine and EPC LLC by Lease page 37
 - b. Introduce Ordinance No. 2015-14, An Ordinance of the Dillingham City Council Authorizing City Owned Property be Authorized for Sale page 43

- c. Adopt Resolution No. 2015-51, A Resolution of the Dillingham City Council Creating a Marijuana Advisory Committee (*Clerk Note: This item will be a handout at the Council meeting.*)
- d. Adopt Resolution No. 2015-52, A Resolution of the Dillingham City Council Rescinding Resolution No. 2015-48, Which Authorized Foreclosure Proceedings on Delinquent Property Taxes for the Years 2009-2014 page 49
- e. Adopt Resolution No. 2015-53, A Resolution of the Dillingham City Council Authorizing the City Manager to Advertise a Request for Proposal for Engineering Services for Lift Station Equipment page 55
- f. Adopt Resolution No. 2015-54, A Resolution of the Dillingham City Council Authorizing the City Manager to Continue to Contract with Alaska Assessment Assistance as a New Owner page 59

9. UNFINISHED BUSINESS

- a. Citizen Committee Appointments
 - 1) Planning Commission, 1 Seat Open
 - 2) Library Advisory Board, 2 Seats Open
- b. DLG Petition to Annex Nushagak Commercial Fishing Waters Update
- c. Interim Task Force Borough Feasibility Study Update

10. NEW BUSINESS

- a. Action Memorandum No. 2015-17, Authorize the City Manager to Contract with Elite Mechanical to Replace the Dock Lift Stationpage 67
- b. Action Memorandum No. 2015-18, Authorizing the City Manager to Contract with Bristol Alliance Fuels for Purchase of Fuel and Gasoline at a Fixed Price Per Gallon for the Period Covering Oct. 2, 2015 through Oct. 1, 2016page 71
- c. Action Memorandum No. 2015-19, Authorization to Apply a Credit Adjustment on Personal Property Taxes Assessed to Bristol Bay Cellularpage 75
- d. Schedule a Workshop on the Foreclosure Process

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

12. COUNCIL COMMENTS

13. MAYOR’S COMMENTS

14. EXECUTIVE SESSION

- a. Legal Matter
 - 1) Public Safety – Investigations Report Update .

15. ADJOURNMENT

1. CALL TO ORDER

A regular meeting of the Dillingham City Council was held on Thursday, August 6, 2015, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:01 p.m.

2. ROLL CALL

Mayor Alice Ruby was present.

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

Holly Johnson	Paul Liedberg	Chris Maines
Tracy Hightower	Misty Savo	Curt Armstrong

Staff in attendance:

Rose Loera	Janice Williams	Dan Pasquariello
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Guest: Attorney Brooks Chandler – attended via teleconference

3. APPROVAL OF MINUTES

- a. Special Council Meeting, July 13, 2015

MOTION: Holly Johnson moved and Chris Maines seconded the motion to approve the minutes of July 13, 2015.

VOTE: The motion passed unanimously by voice vote.

4. APPROVAL OF CONSENT AGENDA

- a. Resolution No. 2015-44, A Resolution of the Dillingham City Council Expressing Thanks and a Commendation to Rob Carpenter Upon His Retirement from KDLG Public Radio Station

MOTION: Tracy Hightower moved and Holly Johnson seconded the motion to approve the consent agenda.

VOTE: The motion to adopt Resolution No. 2015-44 passed unanimously by voice vote.

APPROVAL OF AGENDA

MOTION: Holly Johnson moved and Paul Liedberg seconded the motion to approve the agenda.

VOTE: The motion passed unanimously by voice vote.

5. STAFF REPORTS

a. City Manager and Staff Reports

City Manager Loera reported on the following (in addition to her staff report):

- Contract to provide services to the State Troopers was renewed for \$20,000;
- RFP for fuel bid has been advertised;
- U of A composting project: approved by AkDEC has been initiated at the landfill;
- Carlson property toolshed: removed all items;
- Carlson house: lacking anyone available for hire, existing staff is inventorying the massive amount of items and removing the books and book shelves initially;
- Audit: payable practices could be improved;
- June 30 preliminary financial statements will be available in the September packet;
- DOT rep in Dillingham in Aug. to hear concerns on long term goals for surface roads and transportation issues;
- Squawk Creek Road: BBNA staff member working with the owners on property issues such as titles; and
- Several public works staff are trained to regulate the temperature adjustments on the landfill incinerator.

MOTION: Chris Maines moved and Paul Liedberg seconded the motion to assign a consideration to look at adding a higher tax on cigarettes to the Finance and Budget Committee and come back with a recommendation.

Discussion:

- Concerned those who smoke will be under represented in a public forum, and those that can ill afford the additional tax may give up basic necessities; and
- Noted citizens had filed a petition in the past on a separate issue, and the Council had introduced an ordinance.

VOTE: The vote passed with Paul Liedberg, Chris Maines, Curt Armstrong, and Mayor Ruby in favor, and Holly Johnson, Misty Savo, and Tracy Hightower opposed. Mayor Ruby as presiding officer chose to vote to break the tie.

Discussion:

- Report on the rule for breaking a tie vote in the next city clerk's report.

b. Standing Committee Reports

There were no standing committee reports.

6. PUBLIC HEARINGS

There were no public hearings.

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

There was no citizen's discussion.

8. ORDINANCES AND RESOLUTIONS

- a. Introduce Ordinance No. 2015-13, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property to Ben McDowell DBA Motive Power Marine and EPC LLC (*Clerk Note: This will be a laydown at the meeting.*)

MOTION: Tracy Hightower moved and Paul Liedberg seconded the motion to introduce Ordinance No. 2015-13 and schedule for a public hearing September 10, 2015.

VOTE: The motion to introduce Ordinance No. 2015-13 passed unanimously by voice vote.

Manager Loera reported the lot had been expanded last year, and there is an interest to bring on a partner and change the lease terms from 25 years to 50 years, because of the capital improvements that would be made. This requires a new ordinance and a 30-day advertising period.

- b. Adopt Resolution No. 2015-45, A Resolution of the Dillingham City Council Approving the 2016-2021 Capital Improvement Plan and Adopting the FY 2017 Legislative Priorities List

MOTION: Holly Johnson moved and Chris Maines seconded the motion to adopt Resolution No. 2015-45.

Manager Loera noted funding for the Territorial School would most likely be hard to obtain, and a more lengthy discussion on the building was in order.

VOTE: The motion to adopt Resolution No. 2015-45 passed unanimously by voice vote.

- c. Adopt Resolution No. 2015-46, A Resolution of the Dillingham City Council Designating Wastewater System Upgrades as the Number One Local State Funding Priority for Fiscal Year 2017

MOTION: Chris Maines moved and Tracy Hightower seconded the motion to adopt Resolution No. 2015-46.

VOTE: The motion to adopt Resolution No. 2015-46 passed unanimously by voice vote.

- d. Adopt Resolution No. 2015-47, A Resolution of the Dillingham City Council Authorizing the City Manager to Advertise for the Dock Lift Station Replacement

MOTION: Chris Maines moved and Holly Johnson seconded the motion to adopt Resolution No. 2015-47.

VOTE: The motion to adopt Resolution No. 2015-47 passed unanimously by voice vote.

- e. Adopt Resolution No. 2015-48, A Resolution of the Dillingham City Council Authorizing Foreclosure Proceedings on Delinquent Properties for the Years 2009-2014, and Repealing Resolution No. 2015-35.

MOTION: Holly Johnson moved and Chris Maines seconded the motion to adopt Resolution No. 2015-48.

Discussion ensued over several properties on the list, which were clarified by Manager Loera. City Clerk will clarify in her next monthly report whether or not one of the properties, owner has a liquor license, was delinquent several years ago.

VOTE: The motion to adopt Resolution No. 2015-48 passed unanimously by voice vote.

- f. Adopt Resolution No. 2015-49, A Resolution of the Dillingham City Council Authorizing the City Manager to Waive the Competitive Bid Process and Purchase Sand for City Streets for FY 2016 from Bennett Enterprises

MOTION: Holly Johnson moved and Tracy Hightower seconded the motion to adopt Resolution No. 2015-49.

VOTE: The motion to adopt Resolution No. 2015-49 passed unanimously by voice vote.

- g. Adopt Resolution No. 2015-50, A Resolution of the Dillingham City Council to Issue General Obligation Refunding Bonds in the Principal Amount of Not to Exceed \$14,000,000 to Refund Certain Outstanding General Obligation Bonds of the City, Fixing Certain Details of Such Bonds and Authorizing Their Sale

MOTION: Holly Johnson moved and Paul Liedberg seconded the motion to adopt Resolution No. 2015-50.

Discussion:

- Recommended a workshop prior to executing the bond to learn more about the process.

VOTE: The motion passed unanimously by voice vote.

9. UNFINISHED BUSINESS

- a. Citizen Committee Appointments
 - 1) Planning Commission, 1 Seat Open
 - 2) Library Advisory Board, 2 Seats Open

There were no appointments to make.

- b. DLG Petition to Annex Nushagak Commercial Fishing Waters Update

Mayor Ruby noted she appreciated the timeline that was included in the packet.

- c. Interim Task Force Borough Feasibility Study Update

Mayor Ruby noted there had been no other activity. The results of the AMA grant should be available between late August and October.

10. NEW BUSINESS

- a. Action Memorandum No. 2015-15, Authorize the City Manager to Execute an Engagement Letter with the Firm of Birch Horton Bittner & Cherot on the Proposed Issuance of \$14,000,000 City of Dillingham Obligation Refunding Bonds

MOTION: Chris Maines moved and Holly Johnson seconded the motion to approve Action Memorandum No. 2015-15.

Manager Loera reported the firm had processed the 2008 school bond.

VOTE: The motion to approve Action Memorandum No. 2015-15 passed unanimously by voice vote.

- b. Action Memorandum No. 2015-16, Authorize the City Manager to Sign an Acknowledgment Letter with RBC Capital Markets Acknowledging Their Role as Underwriter

MOTION: Holly Johnson moved and Tracy Hightower seconded the motion to approve Action Memorandum No. 2015-16.

VOTE: The motion to approve Action Memorandum No. 2015-16 passed unanimously by voice vote.

- c. Establish an Advisory Committee on Marijuana Regulation

Mayor Ruby reported a resolution defining the structure of the committee will be brought back to the next Council meeting. The next step would be to solicit for committee members.

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

There was no citizen's discussion.

12. COUNCIL COMMENTS

Chris Maines:

- Noted his employer had yet to receive the annual water quality report.

Staff reported a copy had been posted to the City Hall bulletin board and on the City's website.

Paul Liedberg:

- Commented he was passing on a citizen comment that there are not enough receptacles for glass recycling; and

- Thanked staff for all they do.

Tracy Hightower: no comment

Holly Johnson:

- Recommended educating the public on the siren test that is conducted monthly;
- Noted she had received a lot of concerns about Squaw Creek Road and hoped it wouldn't be forgotten;
- Asked for an update on installing water meters; and
- Asked for an update on the complaints filed regarding sewer rates.

Manager Loera reported the two complaints filed when the new sewer rates were put in place had been reconciled with the customer. A report made to the Council will be brought back to the next Council meeting. She noted installing water meters could entail some construction on the part of the business, but could strongly encourage businesses to get a meter.

Misty Savo:

- Reported she was hoping the Nerka Roads project included water and sewer, which she felt was much needed for other populated subdivisions as well.

Manager Loera reported the Nerka Roads project was for roads only, and was initiated by Curyung Tribe and City would have to put in a match.

13. MAYOR'S COMMENTS

Mayor Ruby:

- Reported the AkDOT Director of Aviation was hoping to meet with her and Manager Loera while he was in town; and
- Reported BBNA was seeking monetary contributions to send reps to the Board of Fish meetings to be held in Anchorage in December.

Discussion ensued including the event was not budgeted, and it was an investment in the community. Mayor Ruby will inform BBNA the City will provide some financial support, but would decide on an amount at the September Council meeting.

- Noted a Presidential visit had not been confirmed, but will keep the Council posted; and
- Asked for a moment of silence for all those lost, especially Ofi Olson.

14. EXECUTIVE SESSION

- a. Legal Matter – City of Dillingham vs. Jim Bingman

MOTION: Holly Johnson moved and Tracy Hightower seconded the motion to enter into executive session to discuss Legal Matter – City of Dillingham vs. Jim Bingman and Manokotak Petition to Annex Territory [8:32 p.m.].

VOTE: The motion to enter into executive session passed unanimously by voice vote.

Mayor Ruby invited Rose Loera and Janice Williams into the executive session which was attended by Attorney Brooks Chandler.

MOTION: Holly Johnson moved and Misty Savo seconded the motion to come out of executive session [10:05 p.m.].

VOTE: The motion to come out of executive session passed unanimously by voice vote.

15. ADJOURNMENT

Mayor Ruby adjourned the meeting at 10:06 p.m.

Mayor Alice Ruby

ATTEST:

[SEAL]

Janice Williams, City Clerk
Approval Date: _____

1. CALL TO ORDER

A Special Meeting of the Dillingham City Council was held on Monday, August 17, 2015, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:03 p.m.

2. ROLL CALL

Mayor Alice Ruby was present.

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

Holly Johnson	Chris Maines	Misty Savo
Curt Armstrong	Tracy Hightower	Paul Liedberg

Staff in attendance:

Rose Loera	Janice Williams	Dan Pasquariello
Navin Bissram	Anita Fuller	

Guests: City Attorney Charles Cacciola – attended via teleconference
Steve Cropsey of Aurora SMC, Inc. – attended via teleconference

3. APPROVAL OF AGENDA

MOTION: Chris Maines moved and Holly Johnson seconded the motion to approve the agenda.

VOTE: The motion passed unanimously by voice vote.

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

Manager Loera introduced Navin Bissram and recognized this was his first day on the job as Finance Director.

5. SPECIAL BUSINESS

a. Executive Session

1) Legal Matter – City of Dillingham vs. Jim Bingman Sr.

MOTION: Chris Maines moved and Holly Johnson seconded the motion to enter into executive session to discuss Legal Matter – City of Dillingham vs. Jim Bingman [7:04 p.m.].

VOTE: The motion to enter into executive session passed unanimously by voice vote.

Mayor Ruby invited Rose Loera, Navin Bissram, and Janice Williams into the executive session along with City Attorney Charles Cacciola, and consultant Steve Cropsey.

MOTION: Holly Johnson moved and Tracy Hightower seconded the motion to come out of executive session [8:06 p.m.].

VOTE: The motion to come out of executive session passed unanimously by voice vote.

9. ADJOURNMENT

Mayor Ruby adjourned the meeting at 8:07 p.m.

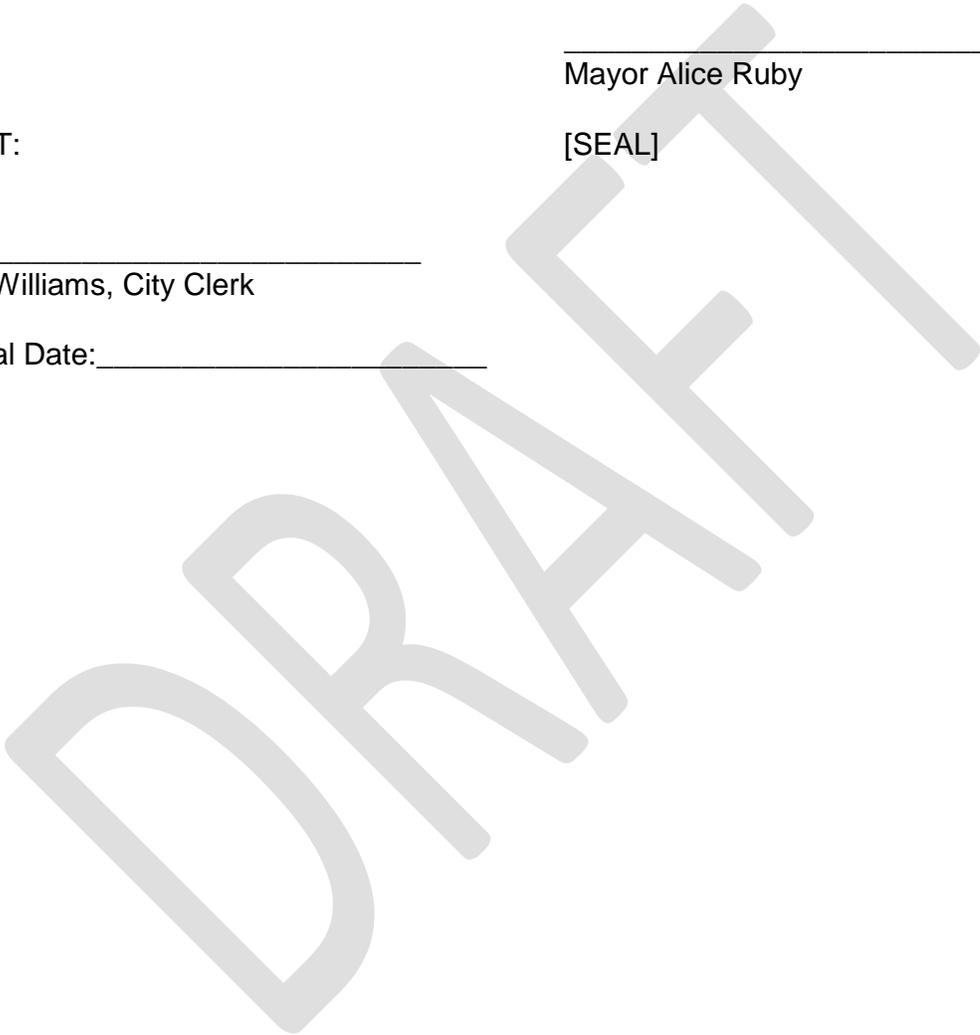
Mayor Alice Ruby

ATTEST:

[SEAL]

Janice Williams, City Clerk

Approval Date: _____



Mayor
Alice Ruby

Manager
Rose Loera



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

MEMORANDUM

Date: September 4, 2015
To: Mayor and City Council
From: Rose Loera, City Manager
Subject: August Report

Vacancies – Director of Planning & Police Officer.

Contracts/Agreements Signed – Working on the contract with Steve Cropsey dba Aurora SMC for the Real Estate Tax Sale.

Grants – working with DEC on the Municipal Matching Grant for the WWTP. This grant requires us to provide a lot more information for each project before we can get reimbursed for expenditures.

Landfill – we are now down to 3 staff at the landfill and are finding that we cannot incinerate all the garbage that we accumulate in 5 days of operation within 8 hours. Only for a couple of weeks this summer were we able to burn everything burnable that we accumulated. This happened when we were operating the incinerator 24 hrs. a day 5 days a week. This involved a total of 6 employees, 3 from BBEDC. The staffing for the landfill in the winter is currently two employees and operating the incinerator requires two people. We think that in order to burn all our garbage we will need to burn a minimum of 16 hours a day 5 days a week.

We had a meeting in Anchorage this past month which included our engineers Michael Foster & Associates, Gary Gordon and myself with the G & S Management team regarding the Landfill Building. We were able to go through every item still remaining on the punch list and have come to an agreement to fix the areas of concern by October 1. We have agreed on a payment for the work they have done to date and also agreed on the change orders. We are withholding about 10% of the contract funds for the final payment.

Request for Proposals (RFPs) – We have an RFP being advertised for an engineering firm to size the pumps at all of our lift stations, determine the right electrical paneling and railing to mount the pumps. We are asking that what they recommend be interchangeable. In the packet is a resolution approving the RFP. The firm that we contract with will also be presented to the council.

Carlson Property – We have inventoried and moved a bunch of stuff from the Carlson House and to the Territorial School. The Carlson Committee will be meeting on 9/9.

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

There was a request for a light to be put up at the Memorial Park across the road from the Carlson Property. In order to put up a light in the Memorial Park we will need to get power to the property. This comes at a cost which is not budgeted.

Bingman Properties – in the packet is an ordinance to sell the Bingman Property. Our attorney's will be notifying Bingman of the sale. Steve Cropsey is working on brochure and such for a sale in mid-October after the ordinance has passed. As suggested by the council it will be a silent auction where people can provide their bids to the City.

We have started a bit of cleaning on the harbor property. The next steps will be to decide if we are going to have a community sale and then go out with an RFP for someone to move the metal out.

Alaska Map Company – we continue work with Alaska Map Company to keep the information on our interactive map up to date. We have funds budgeted in the Planning to keep these services in place.

Projects – Gary's project report is attached.

Attachment: Gordon & Associates August report

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

GORDON & ASSOCIATES, Inc

P.O. Box 708

Dillingham, Alaska 99576

Box 876130 Wasilla, AK 99687

phone 907-842-3485 fax 907-842-3482

907-373-6654 fax 907-373-6679

August 29, 2015

To: City Council Members Dillingham, AK

August update of this season's construction activities.

The municipal grant we are working with for our waste water projects has very particular and different regulations than previous grants. Rose and I met with Beth Verrelli on the 24th. We have a better understanding of what she is going to require of us. We have provided her with all the information we have, and are waiting for approval to proceed with purchase of the air pumps for the lagoon.

We plan to lower the level of the lagoons this Fall and investigate the buried valves that have been rusted in place for years. Our intent is to replace all the buried valves with HDPE valves. The first step is to locate and find out what we have buried and figure out the required parts we need to replace.

Public Works continues to reinforce the seawall at Snag Point, and will proceed with protection of the lagoon outfall line, which is now exposed upriver from Snag Point.

The septage system work will continue, but there is no plan to operate this season. The concrete and fence work will be advertised for construction and hopefully completed this season. The plan is to start off next year using the system, for sewage can't be left in the tanks over the winter

Landfill, MLFA, Rose and I were able to successfully negotiate a settlement with G&S and Byler Construction on the 25th of August. Byler will complete the project by the 1st of October.

Knik Construction, closed our previous compacting cell and the work has been accepted. A new cell was made, extending the existing ash cell. These cells are being used as compacting and ash cells.

Isaac Pearson with Bristol, has been assisting the City with permits for the new cell and closure of the old cell. He is also the designer for the future landfill expansion, the hydrology study, and the landfill operational plan update for ADEC. Isaac and I dug new test holes for the future expansion, and he is working on the design and subsequent approval to construct. He has already provided us with a draft technical letter regarding the hydrology study requested by ADEC. Isaac and his design team, have requested the

hydrology study be deleted, providing all technical data to back up the request. This will save about fifty thousand, if accepted by ADEC.

Dagen Nelson is proceeding with the door replacement on City Hall. I provided a cost estimate for the work on the senior center. Rose is going to try and get a hundred thousand dollar grant for the required work.

No work is currently planned for separating City Hall, Old School and Clinic water lines; nor, is there a plan to remove the buried fuel tank for City Hall.

Respectfully,

Gary L. Gordon
City Project Manager

Mayor
Alice Ruby

Manager
Rose Loera



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

MEMORANDUM

Date: August 31, 2015
To: Rose Loera, City Manager
From: Janice Williams, City Clerk
Subject: Monthly Staff Report

One ordinance is up for a public hearing and adoption September 10.

- Adopt Ordinance No. 2015-13, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property to Ben McDowell dba Motive Power Marine

One ordinance is being introduced and set for a public hearing October 1.

- Introduce Ordinance No. 2015-14, Authorizing the Disposal of Municipal Property, Bingman Properties.

Regular City Election is Tuesday, October 6, 2015. Candidate filing ends September 1. Write-in candidate period starts Sept. 2 and ends Oct. 5. Write-ins will not go on the ballot, nor can the election judges provide the names on election day. Absentee voting starts September 21.

The following filed for candidacy and their names will go on the ballot:

Council/Mayor Seats

Mayor	Dave Gladden, Tracy Hightower, Holly Johnson, Alice Ruby	3-year term
Seat D	Curt Armstrong	2-year term
Seat E	Andy Anderson	3-year term
Seat F	Paul Liedberg	3-year term

School Board Seats

Seat D	No candidate filed	3-year term
Seat E	Patty Luckhurst	3-year term

Q. Can a City Employee run for School Board?

Employee Personnel Regulations 10.50 Political Activity: An employee has the right to be a candidate for elective municipal office; however, if the candidacy is successful, he/she must resign the position held with the City prior to taking oath of office. Employment with the City may not be offered as a reward for the support or defeat of any political party or candidate

for public office. No employee shall engage in political activity on behalf of any candidate for City office, during regular work hours or while on call.

In addition, per our City attorney:

Per AS 29.20.300 the school board is a municipal office. School board members are considered elected officials. DMC 3.40.015 combines school board and city council seats and the provisions of DMC 3.40 apply to school board candidates and city council candidates. Chapter 2.03 also speaks to board members and city council members.

Our personnel rule flows from AS 29.20.620 which states: "An elected official may not receive compensation for service to the municipality in addition to the salary received as an elected official, unless otherwise provided by ordinance." DMC 2.03.040 contains an identical limitation.

AS 29.20.630(b) specifically allows school district employees to serve as elected officials by deeming them "not a municipal employee". So there would be some precedent for an ordinance authorizing a city employee to serve on the school board. That would be too late for this year but it might be something the city council would want to consider.

Received Supplement No. 13 to Update Dillingham Municipal Code (July 2015).

The online version of the Dillingham Municipal Code is usually updated within three business days from the date an ordinance is adopted.

Council members are encouraged to drop off their paper copy of the code anytime if they want their copy to be up-to-date!

Supplement 13 covers ordinances adopted between January and June 2015. The changes to the code include:

- Clarifying the sales tax law for fuel sold by sellers located in Dillingham to buyers outside of Dillingham and requiring sellers to report sales in a uniform manner;
- Clarifying the terms for an impounded animal and add a definition for adoption eligible;
- Providing for regulation of marijuana use in public;
- Providing a definition for electronic smoking devices and redefining smoking and smoking products;
- Prohibiting improper disposal of fish waste;
- Prohibiting disposal of hazardous waste in a solid waste facility;
- Allowing for a review of permit applications by a registered professional engineer at the cost of the applicant, and establishing criteria for issuing floodplain development permits for functionally dependent uses; and
- Accommodating sale of tax foreclosed and similar property.

STANDING ITEM(S):

Liquor License Renewals/Transfers/New Licenses.

Indicate any licenses due to expire. No activity pending at this time.

During the two year period that the license is in effect, the state law allows the local governing body to protest the continued operation of a license. This may be done by sending both the Alcohol Beverage and Control Board and the licensee a protest and the reasons for the protest by January 31 of the second year of the license. The procedures for action on a protest

of continued operation of a license are the same as the procedures for action on a protest of a renewal application.

Commission/Board Seats Vacant.

Planning Commission

There is one seat open. There are no letters of interest on file.

Library Advisory Board

There are two seats open. There are no letters of interest on file.

TIPSTER(S).

Motion to Introduce an Ordinance

The motion to introduce an ordinance should state a date specific for a public hearing as well. The date of the public hearing is usually included in the “history” of the ordinance located on the first page in the upper right hand corner.

Example: I move to introduce Ordinance No. XXX and schedule for a public hearing on _____.

Voting

- Four affirmative votes are required for the passage of an ordinance, resolution, or motion.
- The mayor is not a council member and may vote only in the case of a tie.
- The president (Mayor) pro tempore shall exercise all the powers of the chair during temporary absences or disabilities of the mayor may also vote.

Mayor
Alice Ruby

Manager
Rose Loera



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

MEMORANDUM

Date: September 1, 2015
To: Rose Loera, City Manager
From: Stephanie McCumber, Fire Coordinator
Subject: August 2015 Department Head Report

Summarization of EMS Responses – 13 Calls; 47 Total Man Hours

- 1 Poisoning
- 1 Cardiac Arrest
- 1 Chest Pain
- 3 Seizure/Convulsions
- 2 Sick Persons
- 2 Fall Victims
- 3 Medevac Transports

Summarization of Fire Responses – 1 Call; 1 Total Man Hour

- 1 False Alarm

PROJECTS COMPLETED

- Combo training was held for regular business and accurate reporting as well as going over the new requirements of reporting for Medicaid and Medicare.
- Fire training was held at the high school parking lot. We reviewed hydrant operations, engineering, supplying other apparatus with water, and attacking a fire.
- Rescue Squad training was held over Expanded Scope and EZ-IO procedures and equipment.
- Braden Tinker was hired for the Fire Office Assistant position. He has a lot of knowledge and experience and we look forward to him working here.
- We have completed many inventories of equipment for both volunteers and apparatus.
- All apparatus check-offs are complete.
- All Ambulance reports are up to date.

ON-GOING PROJECTS

- We have all been diligently working and preparing for the visit from The President by holding a few meetings, cleaning apparatus and helping out in any way we can. While he is here we will have Ambulance 3 in the motorcade solely dedicated to The President, Engine 1 on stand-by at the Hospital and School, and Ambulance 1 at the School on stand-by for civilian emergencies.
- The Fire Coordinator has been researching and gathering equipment for Pump testing the apparatus, hydrant testing, and hose testing. We hope to have those completed soon.

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Holly Johnson
Chris Maines
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Curt Armstrong
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: September 1, 2015
To: Rose Loera, City Manager
From: Sonja Marx, Librarian
Subject: August Monthly Report

As school started Monday, August 31st, we saw summer draw to a close. Students are coming in with their classes now to use the library during their literacy block time. As stated in our Consortium Library Agreement, the Dillingham City School District will provide a part time School Librarian for 20 hours a week during the school year at the Dillingham Public Library. Nicole Ito has been in that position for some time now. She informed us that she has taken a full time job at the elementary school this year, so we are very sad to see her leave. Nicole has been a tremendous liaison between the city and the school. She has worked so well with the students and the community; we will all miss her tremendously. Nicole was also our Summer Librarian Assistant, provided through the BBEDC program. Her last day at the library was August 14th. Sara Downs also finished that week as our BBEDC Summer Youth Intern.

On the first day of school, Maureen Eldridge was hired as our new School Librarian. She has already been in training and is doing a great job. Maureen has been a faithful patron to the library since moving here, and we are confident she'll be a great School Librarian. We welcome her on board as we work together as a team to serve this community.

Library Stat report for July 26th – August 29th, 2015:

Patron Visits: 3,473 Computer Use: 946 Wireless Use: 823
Story Hour: 87 Other Visits (including students): 61 Museum Use: 71
Movies Shown: 2 AWE Station Use: 43 Volunteer hours logged: 15.5

Library Advisory Board will meet September 8, 5:30 PM.

Next Friends of the Library Meeting scheduled Sat. Oct. 3rd at 10am in the Library

Library will be closed Monday, October 12th for Columbus Day

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

Mayor
Alice Ruby

Manager
Rose Loera



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

MEMORANDUM

Date: August 30, 2015
To: Rose Loera / City Manager
From: Jean Barrett / Port Director
Subject: August Monthly report

City Dock

- Things are slowing down a bit at the city dock now that the fishing season is over and the canneries have shut down. The last of the 2015 salmon has shipped and it is noticeable quieter without the generators running 24 – 7.
- We received our new Clark forklift finally. It is a nice machine and will serve us well into the future. Staff is very excited about having it to use for the rest of this season.
- The demolition at the old dog pound is almost finished. There is some scrap to clean up and a water line to cap off then we can get some gravel in that area to settle for the winter.
- We have had some luck getting some of the impounded vehicles removed from the dock ware house, we can now finish adding gravel to the inside of the building to cap off some of the low areas.
- We had a concerned citizen bring attention to some rodent droppings on the “T” dock earlier in August. The information had been reported to Chief Pasquariello while Manager Loera was out of town. The person thought that the droppings were possibly rat droppings. I went to the dock and observed several piles of rodent droppings between some of the containers on the dock.

I asked the dock staff if they have seen any sign of rats in the yard or coming out of any of the containers and they mentioned they had not seen any rats, but had observed weasels in the area. I have polled other harbors to see if anything had been reported or sighed elsewhere, but have not received any responses at the time of this report.

Harbor

- Things are slowing down at the harbor other than the few boats hanging on and the local moose hunters coming and going.
- We have closed down the East ramp and will start dismantling it and hopefully pull the float arms by the end of the week when the tides are big.

- The summer in the new office has been pretty good. I think everyone now knows where we are located. We are slowly but surely getting it into shape and getting things situated where they will be most accessible.
- I would like to suggest that the code committee look into a change in our code that covers the registration and payment of fees for harbor use. The Code now states that vessels are to be registered with the harbor office and fees paid for before launching. I would like to see a change made that says something like **“Any vessel launched and / or moored in the Small Boat harbor without prior registration will be subject to charges up to a seasonal sticker price no matter the amount of time spent in the harbor”**
- The summer interns thru BBEDC have been done for a couple of weeks now. As usual I am grateful for BBEDC and their generosity helping to staff the harbor in the summer. I would also like to thank the two interns Daniel Miller and Chenita Sorenson.

That is all from the port for this month.

*No Port of Dillingham Advisory Committee meeting is scheduled at this time.

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Holly Johnson
Chris Maines
Misty Savo
Neil Armstrong
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: September 3, 2015
To: City Manager Rose Loera
From: Chief Dan Pasquariello
Subject: **August 2015 Council Report** (*reporting period 7-28-15 to 9-01-15*)

POLICE:

- ❖ 458 Calls for service
- ❖ 53 Incident reports
- ❖ 29 Persons arrested
- ❖ 26 Title 47/Protective custody
- ❖ 32 Citations issued

The patrol division has been extremely busy during this reporting period. One of our officers suffered a shoulder injury, being assaulted twice in one week.

The Chief and officer assigned to drug investigations went to DEA sponsored drug interdiction training in Anchorage. The training was paid for utilizing BBEDC funding. The training was important and needed since the Alaska State Troopers have officially closed down the Dillingham WAANT office.

The Public Safety Department was extremely busy with operational planning for the President Obama's visit to Dillingham. We worked closely with the US Secret Service planning the security for the motorcade and site visits. Everyone of our officers worked the day of the visit to help make it a smooth and safe event. Dillingham Public Works and the Alaska State Troopers were also majorly involved in motorcade operations for the Presidential visit.

CORRECTIONS:

- ❖ 60 Total Inmates
- ❖ 26 Title 47/Protective custody

We were over-capacity for about half of the reporting period. Emptying out our jail is a State function. We are closely monitoring our bed counts and working with AST to make sure that inmates are being transferred for our facility in a timely manner.

One of our holding cells was beefed up by Public Works. The wall paneling on the cell was torn and damaged from violent inmate actions. This was a continuing problem. Instead of constantly replacing damaged panels, heavy plywood was screwed to the walls and then painted over. The walls should not need to be repaired anytime soon.

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DISPATCH:

- ❖ 610 Calls for service
- ❖ 75% Dispatched to Dillingham Police
- ❖ 18% Dispatched to Alaska State Troopers
- ❖ 3% Dispatched to EMS/Fire
- ❖ 4% Dispatched to Animal Control
- ❖ 125 911 calls received

ANIMAL CONTROL:

- ❖ 5 Dogs returned to owners
- ❖ 5 dogs returned to owners given
- ❖ 2 dogs adopted out
- ❖ 6 rabies/parvo shots given
- ❖ 2 citations issued
- ❖ 14 puppies sent to Anchorage rescue

The ACO wrote:

It is with great pride that Animal Control can report that a sizable improvement has been made at the Animal Shelter with the donation of materials and help of some wonderful volunteers. The animal shelter now has four concrete pads for the outside kennels. We had gravel floors that could not be sanitized. With the concrete pads sanitizing is now possible. This improvement will make for a cleaner and healthier environment for the animals.

Chris Meng donated about \$3,500.00 in cement to the project. Paul Liedberg donated \$1,000.00 in materials and also his time and labor in making the improvement happen. Rick Dallmann used his expertise in working with concrete to make sure it was done right. Bob Henry and his daughter Tara and Jim Woolington and Mike Davis provided their labor to make the project a success. Without the volunteer labor and donated materials this project would have cost the City close to \$6,000.00 if put out to bid. Everything was donated except the ACO's time.

DMV:

- ❖ 60 Registrations/Titles
- ❖ 55 Driver's License/IDs
- ❖ 2 CDLs
- ❖ 4 Road tests

The above statistics are for ½ of the reporting period.

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Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Holly Johnson
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Curt Armstrong
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: August 31, 2015
To: Rose Loera, City Manager
From: Francisco Garcia, Public Works Director
Cc: Dillingham City Council
Subject: Staff Report

Street Dept.

- Grading roads
- Swept roads around town and Wood river bike path;
- Hauled rip rap from harbor to snag point;
- Put rip over sea wall to control erosion;
- Filling pot holes around town.

Water/Sewer Dept.

- Conducted monthly water and sewer sampling;
- Keeping lift stations, sewer treatment and water treatment plant cleaned;
- Completing monthly DMR reports and turning them in to D.E.C.;
- Did well monitoring at the landfill;
- Sent out mixing zone samples;
- Completed CCR report and our water is good. Report attached.

Shop Dept.

- Keeping up with equipment and vehicle maintenance;
- Evacuated Freon from refrigerators and freezers at the landfill;
- Working on septage holding tank at the sewer lagoon;
- Clean up shop and parts room.

B&G Dept.

- Keeping up on maintenance on city buildings;
- Emptying trash from parks around town and cutting the grass.
- Finished repairs on holding cell #5
- Keeping up with Bingman apartments.

Landfill Dept.

- Incinerating garbage with no problems;
- Collecting money and keeping up with paper work;
- Picking up trash around the cells;
- Installed new electric fence on new ash cell;
- Knik Construction closed and seeded old cell;
- With the loss of summer intern and seasonal employees we are unable to incinerate all the trash in an 8 hour day. We are going to start burning at least 10 hours a day and provide the employees overtime to see what the additional hours would accomplish. We may need to hire additional employees so we can burn longer. We will be experimenting with different scenarios until we can figure out what we need for burning in the winter. If we are not able to burn all our garbage we will have to bury our trash and purchase additional gravel to cover the daily trash.

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Holly Johnson
Chris Maines
Misty Savo
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: August 28, 2015
To: Rose Loera
From: Ida Noonkesser
Subject: Staff Report

During the month of July, the Senior Center served 541 congregate meals to 59 individuals, 253 home delivered meals to 13 individuals, gave 313 assisted rides to 22 individuals and 365 unassisted rides to 30 individuals.

We had two new renters in the month of July. The Pinochle players group also continues to rent the dining room every Friday and every third Saturday the Quilters' Guild continues to rent the Senior Center as well.

On July 16th we had a potluck for the Presidential advance team. Many local businesses donated food for the event. A few individuals put their set nets out and showed the visitors how we catch fish here in Bristol Bay. The event was positive and everyone enjoyed themselves.

I've been working on our lunch menu to make sure that it fits the new budget and still meet the nutrition guidelines for the grant. We will be a little tight, but I will make it work.

For the 2016 fiscal year the Senior Center had to cut their budget from prior years which included eliminating the part-time cook position and reduced the van driver to part-time. I am back to cooking and getting all the chores done. I am relying on volunteers to answer phone and help in the kitchen.

We will be closed at the end of every month to give me time to get my reports done. We won't serve lunches on those days, but the van will still be driving to and from the hospital and other locations for the elders.

Our next Advisory Board meeting is September 9th, 2015.

1. CALL TO ORDER

The Finance and Budget Committee met on Monday, August 17, 2015, in the City Council Chambers, Dillingham, AK. Paul Liedberg, Chair, called the meeting to order at 5:30 p.m.

2. ROLL CALL

Committee Members present:

Paul Liedberg
Tracy Hightower

Mayor Alice Ruby
Anita Fuller

Rose Loera

Other Staff present: Navin Bissram Janice Williams

3. APPROVAL OF MINUTES

- a. Minutes of May 11, 2015

MOTION: Tracy Hightower moved and Alice Ruby seconded the motion to approve the minutes of May 11, 2015.

VOTE: The motion passed unanimously by general consent.

4. APPROVAL OF AGENDA

MOTION: Alice Ruby moved and Tracy Hightower seconded the motion to approve the agenda with the addition of item Force Filing under New Business.

VOTE: The motion passed unanimously by general consent.

5. STAFF REPORTS

Manager Loera introduced Navin Bissram as the new Finance Director.

6. UNFINISHED BUSINESS

- a. Fiscal Policy Development
 - 1) Review Internal Controls (*Placeholder*)
- b. Rate Review
 - 1) Schedule When Rates will be Reviewed (*Placeholder*)

Manager Loera recommended the committee focus on business license and animal control fees, which had not been reviewed for some time.

- 2) Review Process for Filing a Resolution to Amend Motor Vehicle Registration Tax (MVRT)

Discussion ensued over a comparison of the Dillingham motor vehicle registration tax with other Alaska communities.

Follow-up:

- This item will be brought back to the next meeting along with the revenue the City is collecting from the tax and calculate a 20% increase.
 - 3) City's Portion of MVRT
 - 4) Permanent Registration

Discussion ensued over enacting a permanent registration for vehicles 8 years and older and/or non-commercial trailers, a reduction in annual revenues.

Follow-up:

- The committee recommended no action at this time and review again in one year when the City might have a better feel for its revenue sources.
 - c. Ambulance Fund – Resolution

Manager Loera reported:

- she was looking to attend a meeting of the Fire Dept. Executive Committee; and
- had earlier discussed capping the fund and using the excess for fire dept. operating expenses.

7. NEW BUSINESS

- a. Carlson House Property

Manager Loera reported all of the many books and bookshelves have been removed from the Carlson House and the tools from the toolshed. There was little space left in the school building for storage.

- b. Clarify School Contribution Allocation in the Resolution Narrative

Follow-up:

- The committee recommended leaving on the agenda and work on clarifying the section regarding 1% of the sales tax (6% sales tax) is allocated to the school contribution.
 - c. Tobacco Tax

Discussion ensued that this was more than just a finance issue but a social issue as well.

Follow-up:

- The committee recommended postponing for now recognizing the Council still had to work through marijuana issues.
 - d. Foreclosure Process page

1) Foreclosure Workshop

Items discussed:

- 1) Review the process when the foreclosure list is turned over to the attorney and the courts; customer is notified by letter that they have one year to redeem their property;
- 2) When does a person have a last chance to pay off their taxes before the property is turned over to the City;
- 3) How often are notices sent out; monthly reminders;
- 4) How is interest calculated;
- 5) When is a penalty applied;
- 6) Promissory note process;
- 7) Should the Council adopt a policy?

Follow-up:

- On the September Council meeting move for a foreclosure workshop:
 - 1) Start with the Standard Operating Procedure when the assessment statements are mailed out and go from there.

e. Manifest Clerical Error

Staff reported Bristol Bay Cellular had called July 13 to question their 2015 personal property assessed value, which they noticed was similar to 2012, but much higher than 2013 and 2014. The assessor stated this would not be considered an appeal, since it had passed the 30-day period to file an appeal, but it could be considered a manifest clerical error if it was obvious and clerical in nature. After further review it was obvious depreciation had not been calculated on more than one year. Staff noted only the Council could correct a manifest clerical error at any time, and the number of years to go back was up to the Council. There was no City policy in place for the time period to go back and make adjustments.

MOTION: Rose Loera moved and Alice Ruby seconded the motion to recommend a resolution to the Council correcting the Bristol Bay Cellular account [for the years affected].

VOTE: The motion to recommend to the Council passed unanimously by voice vote.

f. Force Filing

Manager Loera reported the city had sent invitations to file to all of the aircraft owners who had not filed on their own in 2015, but were listed on the FAA's registration list. Some had answered that they were based elsewhere, but did use city airport services. By 2016 it is recommended that the City have in place a formula to allocate the time spent in Dillingham, for tax purposes. In the meantime, the City will move forward to force file on those who did not send an appeal back, and will have a 30-day appeal process. The City will bring forward a resolution for a supplemental tax roll for the escaped properties.

Follow-up:

- Consider implementing a higher amount for each additional offense of a force filing.

8. PUBLIC/COMMITTEE COMMENT(S)

There were no public/committee comments.

9. ADJOURNMENT

The meeting adjourned at 6:51 p.m.

Paul Liedberg, Chair

ATTEST:

Janice Williams, City Clerk

DRAFT

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2015-13 (SUB 1)

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE DISPOSAL OF MUNICIPAL PROPERTY TO BEN MCDOWELL DBA MOTIVE POWER MARINE AND EPC LLC BY LEASE

WHEREAS, the City is the lessor and Motive Power Marine, LLC lessee of real property legally described as Lot 3A, Harbor Lease Lots Subdivision, a resubdivision of US Survey 2874, according to a lease agreement dated September 25, 2014 ("Motive Marine Lease"); and

WHEREAS, the Motive Marine Lease is a ground lease with an initial term of three years with the option to extend for up to twenty-five additional years; and

WHEREAS, Motive Power Marine, LLC seeks to assign its interest in the Motive Marine Lease to EPC, LLC; and

WHEREAS, EPC, LLC seeks assignment of the Motive Marine Lease for the purpose of building a marine shop with access to the harbor; and

WHEREAS, EPC, LLC desires to extend the term of the Motive Marine Lease as a condition of the assignment; and

WHEREAS, the City's interests are best served by assignment and amendment of the Motive Marine Lease;

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 5.30.100, Leases, easements and rights-of-way.

Section 3. Method of Disposal. The lease assignment and amendment is made as negotiated disposal of an interest in real property.

Section 4. Findings. The City Council hereby finds that 1) EPC, LLC is uniquely situated to receive as assignee Motive Power Marine, LLC's interest in the lease as a result of the two entities' relationship and their respective arrangements regarding the lease, and 2) the public interest will be served by the construction of a marine shop on the leased premises.

Based on the current assessment of the Property, the City finds that the fair market value of

(Items highlighted in gray shading are being introduced as SUB-1; new language is underlined and **emboldened** and deleted language displayed as ~~striketrough~~.)

the leasehold, upon the terms and conditions set forth in the lease agreement as amended, is \$.22 a square foot per year, or .22 X 56,628 (\$12,458.16) per year, or \$1,038.18 per month. This amount shall be subject to adjustment based ~~change in~~ upon an appropriate Consumer Price Index and subject to adjustment based on appraisal for any renewal term.

Section 5. Authorization of Lease Assignment and Amendment. The City Council hereby authorizes assignment of the Motive Marine Lease to EPC, LLC and amendment of the Motive Marine Lease term from the current term to a new twenty-five year term with an option to renew for one additional 25 year term, with the rent provisions to reflect the City Council's findings in Section 4 of this Ordinance. Other amendments affecting non material terms may be made at the discretion of the City Manager.

Section 6. 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

(Items highlighted in gray shading are being introduced as SUB-1; new language is underlined and **emboldened** and deleted language displayed as ~~strikethrough~~.)

City of Dillingham Information Memorandum

Agenda of: September 10, 2015

Attachment to:

Ordinance No. 2015-13 / Resolution No. _____

Subject:

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE DISPOSAL OF MUNICIPAL PROPERTY TO BEN MCDOWELL DBA MOTIVE POWER MARINE AND EPC LLC BY LEASE

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. 2015-13 is scheduled to appear in the September 3 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:

Ben McDowell dba Motive Power Marine (MPM) has been leasing Harbor lot 3 of USS 2874 from the City since 2012. In early 2014 he requested to expand his lot about 20,000 additional sf. The City put out a formal bid for disposal to the public and the only bidder was MPM.

He was required to survey the lot and remove the silty material at his own expense. He did what was required and we entered into a lease with him for the newly created Lot 3A of USS 2874.

He is now asking to amend the lease to add a partner, EPC LLC, as well as increase the term to two 25 year increments versus the 5 year increments up to 25 years. They will be building a structure on the property which is a requirement of the current lease.

The City has been working with its Attorneys on an amendment and since the City is changing some of the terms of the lease, our Attorneys advise following DMC 5.30.100 - Leases, Easement & Right-of-Way and have the Council adopt an ordinance to dispose of municipal property.

Attachment to: 2015-13 / Resolution No. _____
Ordinance No. _____

Summary Statement continued:

Route to	Department Head	Date
X	Finance Director	
X	City Clerk	



NOTICE OF A PUBLIC HEARING Public Hearing on Ordinance Nos. 2015-13

The City Of Dillingham will hold a **Public Hearing** on Thursday, September 10, 2015, at 5:30 P.M. in the City Council Chambers for the purpose of taking comment from the public on the following ordinance:

- Adopt Ordinance No. 2015-13, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property to Ben McDowell DBA Motive Power Marine and EPC LLC by Lease

If you have any questions, please contact the City Clerk's office at 842-5212 or email cityclerk@dillinghamak.us.

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2015-14

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AUTHORIZING CITY-OWNED PROPERTY BE OFFERED FOR SALE

WHEREAS, in 2006-2011 Real Property Tax Foreclosure, 3DI-13-00107 CI, the court issued its judgment of foreclosure and decree on multiple parcels of real property and those properties have not been redeemed; and

WHEREAS, the City became the owner of the properties by operation of law upon the expiration of the redemption period;

WHEREAS, the Court issued Clerk's deeds to the City on July 21, 2015, affirming that the City holds clear title to all the properties on the foreclosure list; and

WHEREAS, the City may sell properties obtained through foreclosure if the properties are not needed for a public purpose; and

WHEREAS, the City has determined that one property obtained in Case no. 3DI-13-00107 CI is needed for a public purpose, and has therefore elected to retain that property; and

WHEREAS, the City Council has determined that the properties listed below are not needed for a public purpose and should be offered for sale at this time on terms consistent with those set forth below; and

WHEREAS, Chapter 5.30 generally and Section 5.30.110 specifically of the Dillingham Municipal Code set forth the requirements and procedures by which the City may dispose of properties acquired by tax foreclosure within five years of acquiring such properties; and

WHEREAS, the City further finds that the properties are largely in a state of disrepair, which is expected to significantly impact the sale price that can be obtained; and

WHEREAS, the City further finds that it is likely the properties collectively will generate higher bid amounts if they are sold as a single unit; and

WHEREAS, selling the properties as a single unit will decrease the amount of public funds that must be expended to sell the properties; and

WHEREAS, the former owner has been informed of the potential sale and of his statutory right to apply for remittal of excess sale proceeds, if any; and

WHEREAS, any persons with a potential claim for a substantial equitable interest in the properties named below or a substantial improvement thereon must submit written notification of their claim of interest to the City Manager within five (5) days of the date this ordinance is introduced;

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

Section 1. This is a non-code ordinance.

Section 2. Property to be Sold. The City Council hereby finds that the following real property is not necessary for a public purpose and should be offered for sale:

Legal Description	Address or Common Description	Former Owner
Fairview L24E	Storage trailer and parcel near southern intersection of Sunny Dr. and Birch Ln.	James Bingman Sr.
Fairview L24C	336 Sunny Dr.	James Bingman Sr.
Fairview L24B	346/348 Sunny Lane	James Bingman Sr.
Fairview L24A	Storage building and parcel at northern intersection of Sunny Dr. and Birch Ln.	James Bingman Sr.
Fairview L23A	322, 336, 342 Fairview Rd.	James Bingman Sr.
Fairview L12D	419 Fairview Rd.	James Bingman Sr.
Fairview L2	Identified as Lot 2C on City tax rolls; the portion of Lot 2 north of 408 Fairview Rd.	James Bingman Sr.
Fairview L2B	408 Fairview Rd.	James Bingman Sr.

Section 3. Method of Sale. The properties identified above shall be offered for sale by sealed bid auction pursuant to terms and conditions required by law and approved by the City Manager. All bids submitted shall be construed as offers to purchase the properties, any or all of which may be rejected by the City. The City shall sell the properties to the bidder for the amount of the offer that represents the highest total price for the properties unless the City determines that accepting another offer or no offer at all is in the City's best interest.

Section 4. Exemptions. To the extent the terms of this ordinance and/or the disposal authorized herein are not consistent with DMC § 5.30.040, if any, the disposal is hereby declared to be exempt from that section.

Section 5. Notice of Claims. Pursuant to DMC § 5.30.110(G), any person or persons claiming a substantial equitable interest in any of the properties identified herein shall present the claim and supporting evidence thereof to the City Manager no later than 5 days after this ordinance is set for a public hearing.

Section 6. Effective Date. This ordinance shall be effective upon adoption.

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: September 10, 2015

Attachment to:

Ordinance No. 2015-14 / Resolution No. _____

Subject:

An ordinance of the Dillingham City Council authorizing city-owned property be offered for sale

City Manager: Recommend Approval

Signature: Rose Lora

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

Summary Statement:

This ordinance will be scheduled for a public hearing October 1, 2015. It is exempt from the 30-day noticing requirement because DMC 5.30.110 applies to these properties, which specifically exempts this kind of disposal ordinance from DMC 5.30.020 and .030, the latter of which is the 30-day requirement. Normal ordinance rules apply, not the 30-day rule.

Attachment to: 2015-14 / Resolution No. _____
Ordinance No. _____

Summary Statement continued:

Route to	Department Head	Date
X	Finance Director	
X	City Clerk	

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2015-52

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL RESCINDING RESOLUTION NO. 2015-48, WHICH AUTHORIZED FORECLOSURE PROCEEDINGS ON DELINQUENT PROPERTY TAXES FOR THE YEARS 2009 – 2014

WHEREAS, AS 29.45.320-330 allows the City of Dillingham to collect unpaid real property taxes through in rem foreclosure proceedings against all real property for which the property tax has not been paid in full; and

WHEREAS, at the August 6, 2015 Council meeting, the Council unanimously voted in favor of adopting Resolution No. 2015-48, Authorizing Foreclosure Proceedings on Delinquent Property Taxes for the Years 2009-2014;

WHEREAS, the following day Council Member Holly Johnson asked if there was a process so she could change her vote on Resolution No. 2015-48 from yes to no;

WHEREAS, a motion to reconsider a vote has to be done the same day or the next day, must be made by a Council Member who voted with the prevailing side, and the Council must then vote whether to reconsider;

WHEREAS, a meeting could not be called in time to accommodate Council Member Holly Johnson's request;

WHEREAS, at the September 10 Council Meeting, the Council has been asked to rescind Resolution No. 2015-48, the only other option for changing a vote;

NOW, THEREFORE, BE IT RESOLVED by the Dillingham City Council that the Council approves rescinding Resolution No. 2015-48, which authorized foreclosure proceedings on delinquent property taxes for the years 2009-2014.

PASSED and ADOPTED by the Dillingham City Council on September 10, 2015.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

City of Dillingham Information Memorandum

Agenda of: September 10, 2015

Attachment to:

Ordinance No. _____ / Resolution No. 2015-52

Subject:

Rescind Resolution No. 2015-48 which authorized foreclosure proceedings on delinquent properties for the years 2009-2014

City Manager: Recommend Approval

Signature: Rose Koera

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

- Resolution No. 2015-48

Summary Statement:

If Resolution No. 2015-52 requesting Council to rescind Resolution No. 2015-48 does not pass, then Resolution No. 2015-48 stands. If Res. No. 2015-48 is rescinded, staff is planning to bring forward a new resolution at a future Council meeting.

Attachment to:
Ordinance No. _____ / Resolution No. 2015-52 _____

Summary Statement continued:

Route to	Department Head	Date
X	Finance Director	
X	City Clerk	

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2015-48

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING FORECLOSURE PROCEEDINGS ON DELINQUENT PROPERTIES FOR THE YEARS 2009-2014, AND REPEALING RESOLUTION NO. 2015-35

WHEREAS, AS 29.45.320-330 allows the City of Dillingham to collect unpaid real property taxes through in rem foreclosure proceedings against all real property for which the property tax has not been paid in full; and

WHEREAS, the City's Finance Department prepared a foreclosure list for the years 2009-2014, adopted by Council Resolution No. 2015-35, identifying properties for which the tax had not been paid in accordance with AS 29.45.330; and

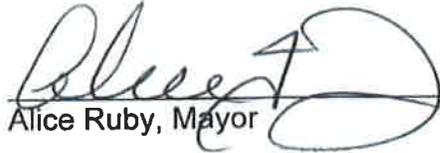
WHEREAS, the City had not started the formal foreclosure proceedings with the Court system since those resolutions had been adopted, but had been working with the City's Attorney to finalize the 2006-2011 list; and

WHEREAS, the City has prepared an updated foreclosure list for 2009-2014, which will be submitted to the City's Attorney upon approval by the Council;

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

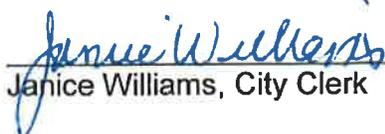
1. The City Attorney is hereby authorized to file a foreclosure action against all property identified in the updated foreclosure list (2009-2014) of which a copy is attached and dated July 30, 2015.
2. The City Clerk is hereby directed to certify and publish the foreclosure list and provide notice of the commencement of the foreclosure action in accordance with AS 29.45.330 and DMC Chapter 4.15.
3. Resolution No. 2015-35 is repealed in its entirety.

PASSED and ADOPTED by the Dillingham City Council on August 6, 2015.


Alice Ruby, Mayor

ATTEST:

[SEAL]


Janice Williams, City Clerk

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2015-53

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ADVERTISE A REQUEST FOR PROPOSAL FOR ENGINEERING SERVICES FOR LIFT STATION EQUIPMENT

WHEREAS, the City has a total of seven lift stations all of which are in poor condition; and

WHEREAS, the City has plans to replace the Dock Lift Station this upcoming year; and

WHEREAS, the equipment (lift station pumps, control panels, starters and railings) in the remaining six lift stations are different brands and all in poor condition; and

WHEREAS, it is desirable to have the same type and brand of equipment in all the City's lift stations so that the City can have extra equipment that is interchangeable; and

WHEREAS, the City will need an engineering firm that would be able to inspect the lift stations, calculate flow and size equipment that would be ordered by the City; and

WHEREAS, funding for this assessment will come from the Wastewater Municipal Matching Grant; and

WHEREAS, the RFP is being advertised with a deadline for submittal of October 2 and the contract award by the October 15 special council meeting;

NOW, THEREFORE, BE IT RESOLVED that Dillingham City Council authorizes the City Manager to continue advertising the RFP for an engineering firm to provide sizing of lift station pumps, rails, starters and control panels for six lift stations.

PASSED and ADOPTED by the Dillingham City Council on September 10, 2015.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

City of Dillingham Information Memorandum

Agenda of: September 10, 2015

Attachment to:

Ordinance No. _____ / Resolution No. 2015-53

Subject:

Authorizing the City Manager to Advertise an RFP for Engineering Services for Lift Station Equipment

City Manager: Recommend Approval

Signature: Rose Doera

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

Summary Statement:

The City has a total of seven lift stations. The Dock Lift station is slated to be replaced starting this fall. This leaves six lift stations that need attention. The equipment is having pump failures and the railings in the lift stations are unstable. The equipment in the lift stations is not of the same brand or types and it is desirable to have equipment that we can have spare parts that can be interchangeable amongst the lift stations.

The City needs the equipment to be properly sized for each of the lift stations which can only be done by an engineering firm that will need to determine the flow rate. The control panels will need to be replaced to match the pumps.

The City will use the Municipal Matching Grant for the contract as well as for the purchase of the equipment. The City staff can install the pumps and railings but will need to hire an electrician to install the control panels. We are hoping that we can get these replaced this winter.

Attachment to:
Ordinance No. _____ / Resolution No. 2015-53 _____

Summary Statement continued:

Route to	Department Head	Date
X	Finance Director	
X	City Clerk	

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2015-54

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY MANAGER TO CONTINUE TO CONTRACT WITH ALASKA ASSESSMENT ASSISTANCE AS A NEW OWNER

WHEREAS, the City has a current contract with Alaska Assessment Assistance which is a sole proprietorship with the owner being Donald "Marty" McGee; and

WHEREAS, the Mr. McGee has taken employment with the State of Alaska as a State Assessor; and

WHEREAS, his duties and responsibilities in the office of the State Assessor does not allow him to continue in a contractual relationship with the City of Dillingham; and

WHEREAS, Mr. McGee has notified us that he has transferred ownership of his business to Robert Dudley who has been working with him for the past 6 months; and

WHEREAS, the contract with Alaska Assessment Assistance was for 2014, 2015 & 2016; and

WHEREAS, our attorney is recommending that we sign a new contract with Alaska Assessment Assistance with Robert Dudley as the owner after we get all parties to sign a novation agreement approving the transfer of the ownership; and

WHEREAS, once the contract expires in 2016 the City will go out with a new RFP for assessment services;

NOW, THEREFORE, BE IT RESOLVED that Dillingham City Council authorizes the City Manager to contract with Robert Dudley as the new owner of Alaska Assessment Assistance after a novation agreement is signed by all parties.

PASSED and ADOPTED by the Dillingham City Council on September 10, 2015.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

City of Dillingham Information Memorandum

Agenda of: September 10, 2015

Attachment to:

Ordinance No. _____ / Resolution No. 2015-54

Subject:

Continue to contract with Alaska Assessment Assistance with a new Owner

City Manager: Recommend Approval

Signature: Rose Roera

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

- Novation Agreement

Summary Statement:

The City was notified the end of August that Don "Marty" McGee has accepted a position as a State Assessor. He begin his work in this capacity on August 25, 2015. His duties and responsibility in the State Assessor office will not allow him to have a contractual relationship with the City of Dillingham.

The contract that we have with him is for assessment services from 2014 - 2016. He has been working with Robert Dudley for the last six months and is now transferring ownership of his sole proprietorship business, Alaska Assessment Assistance, to Mr. Dudley.

Staff has discussed this transfer and feels it's in our best interest to work with Mr. Dudley until the end of the contract. We will have the opportunity to go out for another RFP at the end of the contract period. The last time we had an RFP for assessment services the only company that put in a bid was Alaska Assessment Assistance.

We have discussed the changing of the owners of the business with our attorneys, and they advise a new contract as well as a novation agreement signed by all parties.

Attachment to:
Ordinance No. _____ / Resolution No. 2015-54

Summary Statement continued:

Route to	Department Head	Date
X	Finance Director	
X	City Clerk	

Novation Agreement

_____ (Transferor); _____
(Transferee); and the City of Dillingham (City) enter into this Agreement as of _____
[insert the date transfer of assets became effective under applicable State law].

(a) The parties agree to the following facts:

(1) The City has entered into a contract with the Transferor, namely: Agreement for Professional Services For Tax Years 2014, 2015, 2016. The term "the contracts," as used in this Agreement, means the above contracts and purchase orders and all other contracts and purchase orders, including all modifications, made between the City and the Transferor before the effective date of this Agreement (whether or not performance and payment have been completed and releases executed if the City or the Transferor has any remaining rights, duties, or obligations under these contracts and purchase orders). Included in the term "the contracts" are also all modifications made under the terms and conditions of these contracts and purchase orders between the City and the Transferee, on or after the effective date of this Agreement.

(2) As of _____, 2015, the Transferor has transferred to the Transferee certain assets of the Transferor by virtue of a _____ [insert term descriptive of the legal transaction involved] between the Transferor and the Transferee.

(3) The Transferee has acquired certain assets of the Transferor by virtue of the above transfer.

(4) The Transferee has assumed all obligations and liabilities of the Transferor under the contracts by virtue of the above transfer.

(5) The Transferee is in a position to fully perform all obligations that may exist under the contracts.

(6) It is consistent with the City's interest to recognize the Transferee as the successor party to the contracts.

(7) Evidence of the above transfer has been filed with the City.

(b) In consideration of these facts, the parties agree that by this Agreement-

(1) The Transferor confirms the transfer to the Transferee, and waives any claims and rights against the City that it now has or may have in the future in connection with the contracts.

(2) The Transferee agrees to be bound by and to perform each contract in accordance with the conditions contained in the contracts. The Transferee also assumes all obligations and liabilities of, and all claims against, the Transferor under the contracts as if the Transferee were the original party to the contracts.

(3) The Transferee ratifies all previous actions taken by the Transferor with respect to the contracts, with the same force and effect as if the action had been taken by the Transferee.

(4) The City recognizes the Transferee as the Transferor's successor in interest in and to the contracts. The Transferee by this Agreement becomes entitled to all rights, titles, and interests of the Transferor in and to the contracts as if the Transferee were the original party to the contracts. Following the effective date of this Agreement, the term "Contractor," as used in the contracts, shall refer to the Transferee.

(5) Except as expressly provided in this Agreement, nothing in it shall be construed as a waiver of any rights of the City against the Transferor.

(6) All payments and reimbursements previously made by the City to the Transferor, and all other previous actions taken by the City under the contracts, shall be considered to have discharged those parts of the City's obligations under the contracts. All payments and reimbursements made by the City after the date of this Agreement in the name of or to the Transferor shall have the same force and effect as if made to the Transferee, and shall constitute a complete discharge of the City's obligations under the contracts, to the extent of the amounts paid or reimbursed.

(7) The Transferor and the Transferee agree that the City is not obligated to pay or reimburse either of them for, or otherwise give effect to, any costs, taxes, or other expenses, or any related increases, directly or indirectly arising out of or resulting from the transfer or this Agreement, other than those that the City in the absence of this transfer or Agreement would have been obligated to pay or reimburse under the terms of the contracts.

(8) The Transferor guarantees payment of all liabilities and the performance of all obligations that the Transferee-

- (i) Assumes under this Agreement; or
- (ii) May undertake in the future should these contracts be modified under their terms and conditions. The Transferor waives notice of, and consents to, any such future modifications.

(9) The contracts shall remain in full force and effect, except as modified by this Agreement.

Each party has executed this Agreement as of the day and year first above written.

City of Dillingham

By _____

Title _____

Don M. McGee d/b/a Alaska Assessment Assistance

Robert Dudley d/b/a _____

City of Dillingham Action Memorandum

Agenda of: September 10, 2015

Action Memorandum No. 2015-17

Subject:

Authorize the City Manager to Execute a Contract with Elite Mechanical to Replace the Dock Lift Station

City Manager: Recommend Approval

Signature: Rose Koera

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

- None

Summary Statement:

The purpose of this Action Memorandum is to authorize the City Manager to execute a Contract for the replacement of the dock lift station.

RFP 2015-17 was advertised for the required period soliciting proposals from qualified vendors to include the pumps, electrical, and building. Bids were opened August 19, at 4 PM. Elite Mechanical provided the documents required with the bid, was the only bidder and the lowest responsible bidder. The amount of the bid was \$1,140,870.

Action Memorandum No. 2015-17

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	City Clerk	

City of Dillingham
Fiscal Note

Agenda Date: September 10, 2015

Request: 2016 Contract for Petroleum Products for the City

ORIGINATOR: Rose Loera

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
AMOUNT REQUESTED: \$300,500	FUNDING SOURCE General & Special Revenue Funds
FROM ACCOUNT Various Dept. Accounts \$300,500	Project Diesel and Gas Needs throughout the City
TO ACCOUNT:	VERIFIED BY: <u>Navin Bissram</u> Date: <u>9/2/2015</u>

EXPENDITURES

OPERATING	FY16			
Personnel				
Fringe Benefits				
Gravel				
Road Maintenance Products				
Land/Buildings				
Diesel & Gas	\$300,500			
TOTAL OPERATING	\$ 300,500.00	\$ -	\$ -	\$ -

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

FUNDING

General & Special Rev. Funds	\$300,500			
State/Federal Funds				
Other				
TOTAL FUNDING	\$ 300,500.00	\$ -	\$ -	\$ -

POSITIONS

Full-Time				
Part-Time				
Temporary				

ANALYSIS: (Attach a separate page if necessary)

See Attached Action Memorandum 2015-18

PREPARED BY: Rose Loera

September 2, 2015

DEPARTMENT: Administration

APPROVED BY: Navin Bissram

2-Sep-15

City of Dillingham Action Memorandum Agenda of: September 10, 2015

Action Memorandum No. 2015-18

Subject:

Authorize the City Manager to Execute a Contract to Bristol Alliance Fuels for purchase of fuel and gasoline at a fixed price per gallon for the period Oct. 2, 2015 - Oct. 1, 2016

City Manager: Recommend Approval

Signature: *Rose Boera*

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

- Bid Tabulation

Summary Statement:

The purpose of this Action Memorandum is to authorize the City Manager to execute a Purchase Order / Contract for the purchase of petroleum fuels from Bristol Alliance Fuels for the period covering October 2, 2015, through October 1, 2016.

RFP 2015-18 was advertised for the required period soliciting proposals from qualified vendors to provide #1 diesel, #2 diesel, and unleaded gasoline at a fixed price per gallon or at the OPIS Anacortes Lift Date rate per gallon.

Bristol Alliance Fuels provided the lowest bid for No. 1 & 2 diesel and for unleaded gasoline. As noted in the RFP, bids may be provided for either No.1 & 2 Heating/Diesel and/or Unleaded Gasoline fuel types.

Action Memorandum No. 2015-18

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	City Clerk	

City of Dillingham
Fiscal Note

Agenda Date: September 10, 2015

Request: Contract to replace the Dock Lift Station

ORIGINATOR: Rose Loera

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
AMOUNT REQUESTED: \$1,140,870	FUNDING SOURCE State Municipal Matching Grant
FROM ACCOUNT 4423 7130 30.62 \$1,140,870	Project Replacement of the Dock Lift Station
TO ACCOUNT:	VERIFIED BY: <u>Navin Bissram</u> Date: <u>9/2/2015</u>

EXPENDITURES

OPERATING	FY16			
Personnel				
Fringe Benefits				
Gravel				
Road Maintenance Products				
Land/Buildings				
Miscellaneous	\$1,140,870			
TOTAL OPERATING	\$ 1,140,870.00	\$ -	\$ -	\$ -

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

FUNDING

General Fund				
State/Federal Funds	\$1,140,870			
Other				
TOTAL FUNDING	\$ 1,140,870.00	\$ -	\$ -	\$ -

POSITIONS

Full-Time				
Part-Time				
Temporary				

ANALYSIS: (Attach a separate page if necessary)

See Attached Action Memorandum 2015-17

PREPARED BY: Rose Loera

September 2, 2015

DEPARTMENT: Administration

APPROVED BY: Navin Bissram

2-Sep-15

**BID RESULTS
FURNISH PETROLEUM FUELS
FY 2016**

Deadline to receive bids: August 27, 2015 - 3 PM

Bidders responding to RFP 2015-12 in a timely manner:

1. Vitus Energy d/b/a VitusTerminals
2. Delta Western
3. Bristol Alliance Fuels

BID results:

Received 8/27 8:35 AM Received 8/27 10:50 AM Received 8/27 12:56 PM

Vitus Terminals	Delta Western	Bristol Alliance Fuels
OPTION A – Fixed Price	OPTION A – Fixed Price	OPTION A – Fixed Price
No. 1 Diesel: 75,000 Gallons Per Gallon \$3.04 Sub-total \$228,000	No. 1 Diesel: 75,000 Gallons Per Gallon \$2.606 Sub-total \$195,450	No. 1 Diesel: 75,000 Gallons Per Gallon \$2.50 Sub-total \$187,500
No. 2 Diesel: 25,000 Gallons Per Gallon \$3.04 Sub-total \$76,000	No. 2 Diesel: 25,000 Gallons Per Gallon \$2.606 Sub-total \$65,150	No. 2 Diesel: 25,000 Gallons Per Gallon \$2.75 Sub-total \$68,750
Total No. 1 & 2 \$304,000	Total No. 1 & 2 \$260,600	Total No. 1 & 2 \$256,250
Unleaded Gas: 15,000 Gal. Per Gallon \$3.21 Total \$48,150	Unleaded Gas: 15,000 Gal. Per Gallon \$3.256 Total \$48,840	Unleaded Gas: 15,000 Gal. Per Gallon \$2.95 Total \$44,250
Total \$352,150	Total \$309,440	Total \$300,500
OPTION B - OPIS Anacortes - Net for lift date No Bid	OPTION B - OPIS Anacortes - Net for lift date No Bid	OPTION B - OPIS Anacortes - Net for lift date No Bid

Bids were opened at 3:00 PM, August 27, 2015, in the Conference Room, Upstairs, City Hall, by Janice Williams.

The apparent low bidder for No. 1 & No. 2 Diesel combined and Unleaded Gas was Bristol Alliance Fuels.

Action Memorandum No. 2015-19

Subject:

Authorization to apply a credit adjustment on personal property taxes assessed to Bristol Bay Cellular

City Manager: Recommend Approval

Signature: Rose Doera

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

- Spreadsheet reflecting corrected tax amounts

Summary Statement:

The purpose of this Action Memorandum is to authorize a credit adjustment for overpayment of personal property taxes assessed to Bristol Bay Cellular due to a manifest clerical error.

Back in July 2015 Bristol Bay Cellular contacted the City to inquire about the assessed value on their 2015 personal property tax invoice which was the same amount as 2012. However 2015 was significantly higher than 2013 and 2014. Staff resolved that the property values for 2015 and 2012 did not reflect depreciation, which is calculated on electronic and data processing equipment. The customer was notified in writing that their request would have to go before the City Council who had the authority to correct a tax error.

The City's Attorney advised that section 4.15.360 (C) of the City's code stated that the Council may correct manifest clerical errors at any time. If the city considers failure to take depreciation into account a manifest clerical error, then the difference between what was paid and what should have been paid can be returned.

The Finance and Budget Committee at their August 17 meeting moved to recommend the Council approve an adjustment for the years affected.

Action Memorandum No. 2015-19

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	City Clerk	

BRISTOL BAY CELLULAR

0.013 Mill Rate

Year Acquired	Personal Property Tax Year/Depreciation													
	2009/83%	2010/63%	2011/50%	2012/33%	2013/20%	2014/20%	2015/20%	2009/63%	2010/50%	2011/33%	2012/20%	2013/20%	2014/20%	2015/20%
2008	40,000	33,200	25,200	20,000	13,200	8,000	8,000	8,000						
2007	90,000	74,700	56,700	45,000	29,700	18,000	18,000	18,000	18,000	18,000	18,000	18,000	18,000	18,000
1995	80,000	16,000	16,000	16,000	16,000	16,000	16,000	16,000	16,000	16,000	16,000	16,000	16,000	16,000
Actual	210,000	90,700	105,900	86,200	65,700	47,200	42,000	42,000	42,000	42,000	42,000	42,000	42,000	42,000
Billed		1,179.10	1,376.70	1,120.60	854.10	613.60	546.00	546.00	546.00	546.00	546.00	546.00	546.00	546.00
		1,179.10	2,730.00	2,730.00	2,730.00	2,730.00	2,730.00	2,730.00	2,730.00	2,730.00	2,730.00	2,730.00	2,730.00	2,730.00
		(1,353.30)	(1,609.40)	(1,875.90)	(2,116.40)	-	92.82	(2,184.00)	(9,046.18)					

