

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2015-06

**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE DISPOSAL OF MUNICIPAL PROPERTY BY LEASE**

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BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Authority. This ordinance is adopted pursuant to authority granted by DMC 5.30.100, Leases, easements and right-of-ways.

Section 2. Classification. This is a non-Code ordinance.

Section 3. Authorization of Lease. The City Council hereby authorizes the disposal of an interest by lease substantially upon the terms and conditions contained in the lease agreement.

Section 4. Legal Description. Lessee shall vacate and make available to the Lessor an area of approximately 1,000 square feet within the building on the premises for Lessor's own use located at 235 Harbor Road.

Section 5. Findings. The City Council hereby finds that the disposal is for a public purpose; the revenue from leasing the building on the property described above will go to help offset the cost of providing essential services to the Small Boat Harbor.

Section 6. Type of Disposal. A non-exclusive right to use the property by a lease agreement solely for the purpose of renting a City building, identified as the Small Boat Harbor Office building, for a term to be identified in the lease agreement.

Section 7. Value of City's Interest. Based on the current assessment of the Property, the City estimates the fair market value of the right to use the Property upon the terms and conditions set forth in the lease agreement is about \$191,094.

Section 8. Time, Place and Manner in Which Disposal Shall Occur. Offers shall have been previously solicited using a sealed bid auction method. The actual disposal shall occur following approval of this ordinance at the regularly scheduled City Council meeting on May 14, 2015. At this time, the thirty (30) day provision of DMC 5.30.030 will have been met. At least thirty days is required between the time the disposal ordinance is introduced and the time that it is finally adopted by the City Council.

Section 9. Effective Date. This ordinance is effective upon passage.

BE IT ENACTED by the Dillingham City Council on \_\_\_\_\_.

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Alice Ruby, Mayor

ATTEST:

[SEAL]

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Janice Williams, City Clerk

**City of Dillingham Information Memorandum**

Agenda of: May 14, 2015

Attachment to: 2015-06  
Ordinance No. \_\_\_\_\_ / Resolution No. \_\_\_\_\_

**Subject:**

An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property by Lease

City Manager: Recommend Approval

Signature: Rose Doera

Route to	Department Head	Signature	Date
	Finance Director		
X	City Clerk	<i>William</i>	5/5/15

Fiscal Note:  Yes  No

Funds Available:  Yes  No

**Other Attachments:**

- An advertisement for a Public Hearing on Ordinance No. 2015-06 was placed in the April 30 edition of the Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing. It was readvertised in the May 7 edition due to the Council meeting being rescheduled to May 14.

**Summary Statement:**

The City is looking to lease the property that was vacated by the Army National Guard in early March.

A disposal of property requires a 30-day notice. The RPF will be introduced March 19 at the City Council meeting, and will be up for a public hearing and adoption on May 7, to all for the 30-day advertising period.



**Ordinance No.** 2015-06 / **Resolution No.** \_\_\_\_\_

**Summary Statement continued:**

It is up for a public hearing at the April 2, 2015 Council meeting and adoption.



**HELP WANTED**

**Marrulut Enit ("Gramma's House") Administrator**  
Objective: Provide full management, operation and supervision of the Marrulut Enit assisted living center. Responsible for the day-to-day administration of the program and financial operations: planning, development, implementation, evaluation and improvement of program services; management of staff and delivery of high quality services as determined by the residents and their families. The manager is responsible for ensuring operation of a program that is consistent with the philosophy of assisted living.  
or an application, full job description and a list of qualifications, please contact Eileen Savo at the Bristol Bay Housing Authority at (907)842-5956. You may also call Betty Lee at the Marrulut Enit Assisted Living Center in Dillingham at (907)842-4600.  
Salary is D.O.E. and position is open until filled.

**BOAT SALE**

006 - 21' Bouillon Jet Boat. 350 engine Hamilton Jet. See [www.alaskaboatbrokers.com](http://www.alaskaboatbrokers.com) for details. 37,000.00 delivered to Bristol Bay. 907-518-0101

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**PUBLIC NOTICE**

Igiugig Village Council (IVC) hereby gives notice of its submission of a draft license application to the Federal Energy Regulatory Commission (FERC) on April 1, 2015 for a 10-year pilot project license for IVC's Igiugig Hydrokinetic Project (Docket P-13511-001). The purpose of the Project is to demonstrate the potential for a new source of clean, locally produced, renewable electricity generated from water currents in the Kvichak River in Igiugig, Alaska, to displace high cost diesel generated power. IVC will use the Ocean Renewable Power Company RivGen® Power System. Issuance of the pilot project license will allow IVC to demonstrate that electricity can be generated from river currents and power can be transmitted directly to a remote community isolated power grid without adverse environmental effects. The project will be located in the Kvichak River at Igiugig.

The application may be accessed online at [www.ferc.gov/docs-filing/elibrary.asp](http://www.ferc.gov/docs-filing/elibrary.asp) (Docket No. P-13511-001)

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**Job Opening at BBNC:  
Director of Land and Resources**

BBNC is seeking applications for a Director of Land and Resources who will be responsible for implementing BBNC's land and resource policy and managing BBNC activities in compliance with those guidelines. Duties include serving as the liaison with land-owners and federal, state, regional and tribal organizations, and negotiating contracts with regional organizations.

**Minimum Qualifications:** Bachelor's degree and five years of relevant experience; a strong background in natural resources, Alaska Native law and BLM processes; and strong computer and public speaking skills.

The full job description and application can be found at [www.bbnc.net](http://www.bbnc.net). All qualified applicants should apply by **May 22, 2015**.

BBNC gives employment preference to shareholders, their spouses and descendants.



**PUBLIC NOTICE  
Public Hearing on Ordinance  
Nos. 2015-04, 05, 06, 07**

The City of Dillingham will hold a **Public Hearing on Thursday, May 7, 2015, at 7:00 P.M. in the City Council Chambers** for the purpose of taking comment from the public on the following ordinances:

- Ordinance No. 2015-04, An Ordinance of the Dillingham City Council Amending Dillingham Municipal Code Title 8 - Health and Welfare by the Addition of a New Chapter Providing Regulation of Marijuana in the City of Dillingham, Alaska
- Ordinance No. 2015-05, An Ordinance of the Dillingham City Council Amending Dillingham Municipal Code Chapter 8.10, Prohibition of Smoking in Public Places, Section 8.10.010 Definitions
- Ordinance No. 2015-06, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property by Lease
- Ordinance No. 2015-07, An Ordinance of the Dillingham City Council Amending Title 8, Health and Safety, of the Dillingham Municipal Code to Prohibit Improper Deposit of Fish Waste

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

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CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2015-07 (SUB-1)

**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING TITLE 8, HEALTH AND SAFETY, OF THE DILLINGHAM MUNICIPAL CODE TO PROHIBIT IMPROPER DEPOSIT OF FISH WASTE**

WHEREAS, the City has experienced problems with people dumping fish waste on public beaches that was harvested from a sport or subsistence fishery;

WHEREAS, this practice could result in encounters or confrontations with an animal, sufficient to constitute a danger to the public;

WHEREAS, the Alaska Administrative Code 5AAC 92.230, Feeding of Game, considers it an offense to negligently leave waste in a manner that attracts animals, and carries a fine of \$300, but it does not address where the waste should be deposited;

WHEREAS, the City wishes to adopt an ordinance which would require that fish waste harvested from a sport or subsistence fishery must be discarded back in the current of the Nushagak or Wood River waters or deposited in a bear-proof receptacle;

WHEREAS, failure to comply to the proposed regulation would be considered an offense subject to a fine of ~~\$75~~ **\$300** for each offense;

BE IN ENACTED BY THE DILLINGHAM CITY COUNCIL:

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

**Section 2.** Amendment of Section 8.04.020. Section 8.04.020 of the Dillingham Municipal Code is hereby amended as follows with new language underlined and **emboldened** and deleted language displayed as ~~strikethrough~~.

**REFUSE COLLECTION AND DISPOSAL**

Sections:

- 8.04.010 Authority and applicability.
- 8.04.020 Definitions.
- 8.04.030 Containers—Requirements.
- 8.04.040 Containers—Location.
- 8.04.050 Disposal requirements.
- 8.04.055** **Deposit of Fish Waste.**

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

- 8.04.060 Collection and transportation requirements.
- 8.04.070 Collection intervals.
- 8.04.080 Specification—Collection vehicle bodies.
- 8.04.090 Provision of other services—Denied services list.
- 8.04.095 Violations—Penalties.
- 8.04.096 *Repealed.*
- 8.04.100 Fees.
- 8.04.110 Regulations.

**8.04.020 Definitions.**

The following definitions apply throughout this chapter:

**“Fish waste” means the leftover parts of dead fish, including carcasses, heads, tails, and internal organs.**

“Garbage” means all putrescible solid wastes, including vegetable matter, animal feces, and carcasses of small animals.

“Person” means any individual, firm, governmental unit, organization, partnership, corporation, company or other entity.

“Putrescible waste” means material that can decompose and cause obnoxious odors.

“Refuse” means any putrescible or nonputrescible solid waste, except human excreta.

“Rubbish” means nonputrescible solid wastes.

“Secured load” means a load of refuse which has been secured and covered in the vehicle in a manner that will prevent any part of the refuse from leaving the vehicle while the vehicle is moving. (Ord. 98-10 § 1 (part), 1998.)

**Section 3. Amendment of Chapter 8.04.** Chapter 8.04 of the Dillingham Municipal Code is hereby amended by the addition of a new section 8.04.055 to read as follows with new language underlined and **emboldened**.

**8.04.055 Deposit of Fish Waste.**

**A. Fish waste may not be deposited in dumpsters or receptacles except in a manufactured certified bear-proof receptacle. Unless otherwise provided by law, a person who violates a provision of this section is strictly liable for the offense, regardless of that person’s intent.**

**B. Fish waste may be deposited into the current of the Nushagak or Wood River waters. This code provision specifically does not permit commercial fish processing operations to deposit fish waste into waters within the City of Dillingham without an applicable State or Federal permit.**

**C. Depositing fish waste harvested from a sport or subsistence fishery on public beaches is subject to a fine for each offense.**

**Section 4. Amendment to Title 1, Chapter 1.20, Section 1.20.040.** That Dillingham Municipal Code 1.20.040 – Minor Offense Fine Schedule is hereby amended by the addition of new language to read as follows:

<b>Code Section</b>	<b>Offense</b>	<b>Penalty/Fine</b>
8.04.055	Improper Deposit of Fish Waste	300

**Section 5. Effective Date.** This ordinance is effective upon passage.

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

\_\_\_\_\_.

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

ATTEST:

[SEAL]

\_\_\_\_\_  
Janice Williams, City Clerk



**City of Dillingham Information Memorandum**

Agenda of: May 14, 2015

Attachment to: 2015-07(SUB-1)

Ordinance No. \_\_\_\_\_ / Resolution No. \_\_\_\_\_

**Subject:**

An Ordinance of the Dillingham City Council Amending Title 8, Health and Safety, of the Dillingham Municipal Code to Prohibit Improper Deposit of Fish Waste

City Manager: Recommend Approval

Signature: Rose Lora

Route to	Department Head	Signature	Date
	Finance Director		
X	Dan Pasquariello	<i>[Signature]</i>	5-06-15
X	City Clerk	<i>[Signature]</i>	5/5/15

Fiscal Note:  Yes  No

Funds Available:  Yes  No

**Other Attachments:**

- An advertisement for a Public Hearing on Ordinance No. 2015-07 was placed in the April 30 edition of the Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing. It was readvertised in the May 7 edition due to the Council meeting being rescheduled to May 14.

**Summary Statement:**

As noted in the preamble of Ordinance No. 2015-07, the City has experienced problems in the past with people disposing of their fish waste on the beaches. The State of Alaska considers it an offense to negligently leave waste in a manner that attracts animals, and carries a fine of \$300, but it does not address where the waste should be deposited. The City's proposed regulation would carry a fine of \$300 for not disposing the fish waste in the rivers nearby or a bear-proof receptacle. A City of Dillingham police officer would either write the state or the city's violation, but not both.

A review of the code was vetted through the Code Review Committee.



Ordinance No. 2015-07(SUB-1) / Resolution No. \_\_\_\_\_

**Summary Statement continued:**

April 30, 2015

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Page 13

**HELP WANTED**

**Marrulut Enit ("Grandma's House") Administrator**  
Objective: Provide full management, operation and supervision of the Marrulut Enit assisted living center. Responsible for the day-to-day administration of the program and financial operations: planning, development, implementation, evaluation and improvement of program services; management of staff and delivery of high quality services as determined by the residents and their families. The manager is responsible for ensuring operation of a program that is consistent with the philosophy of assisted living.  
or an application, full job description and a list of qualifications, please contact Eileen Savo at the Bristol Bay Housing Authority at (907)842-5956. You may also call Betty Lee at the Marrulut Enit Assisted Living Center in Dillingham at (907)842-4600.  
Salary is D.O.E. and position is open until filled.

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006 - 21' Bouillon Jet Boat. 350 engine Hamilton Jet. See [www.alaskaboatbrokers.com](http://www.alaskaboatbrokers.com) for details. \$37,000.00 delivered to Bristol Bay. 907-518-0101

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**PUBLIC NOTICE**

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The application may be accessed online at [www.ferc.gov/docs-filing/telemetry.asp](http://www.ferc.gov/docs-filing/telemetry.asp) (Docket No. P-13511-001).



**Job Opening at BBNC:  
Director of Land and Resources**

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Minimum Qualifications: Bachelor's degree and five years of relevant experience; a strong background in natural resources, Alaska Native law and BLM processes; and strong computer and public speaking skills.

The full job description and application can be found at [www.bbnc.net](http://www.bbnc.net). All qualified applicants should apply by **May 22, 2015**.

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**PUBLIC NOTICE  
Public Hearing on Ordinance  
Nos. 2015-04, 05, 06, 07**

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- Ordinance No. 2015-04, An Ordinance of the Dillingham City Council Amending Dillingham Municipal Code Title 8 - Health and Welfare by the Addition of a New Chapter Providing Regulation of Marijuana in the City of Dillingham, Alaska
- Ordinance No. 2015-05, An Ordinance of the Dillingham City Council Amending Dillingham Municipal Code Chapter 8.10, Prohibition of Smoking in Public Places, Section 8.10.010 Definitions
- Ordinance No. 2015-06, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property by Lease
- Ordinance No. 2015-07, An Ordinance of the Dillingham City Council Amending Title 8, Health and Safety, of the Dillingham Municipal Code to Prohibit Improper Deposit of Fish Waste

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

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CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2015-08

**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING TITLE 8 OF THE DILLINGHAM MUNICIPAL CODE TO PROHIBIT DISPOSAL OF HAZARDOUS MATERIALS IN THE CITY OWNED SOLID WASTE DISPOSAL FACILITY AND ESTABLISHING A PENALTY FOR ANY VIOLATION**

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WHEREAS, the State of Alaska Department of Environmental Conservation prohibits the city from accepting hazardous materials at its solid waste disposal facility; and

WHEREAS, the city cannot properly dispose of such materials and risks violating its own permits if it does so; and

WHEREAS, the city is therefore required to expressly prohibit any and all persons from disposing of hazardous waste at the city’s solid waste disposal facility;

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

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

**Section 2. Amendment of Section 8.04.020.** Section 8.04.020 of the Dillingham Municipal Code is hereby amended as follows with new language underlined and **emboldened**.

**REFUSE COLLECTION AND DISPOSAL**

Sections:

- 8.04.010 Authority and applicability.
- 8.04.020 Definitions.
- 8.04.030 Containers—Requirements.
- 8.04.040 Containers—Location.
- 8.04.050 Disposal requirements.
- 8.04.052** **Prohibited Waste**
- 8.04.060 Collection and transportation requirements.
- 8.04.070 Collection intervals.
- 8.04.080 Specification—Collection vehicle bodies.
- 8.04.090 Provision of other services—Denied services list.
- 8.04.095 Violations—Penalties.
- 8.04.096 *Repealed.*
- 8.04.100 Fees.
- 8.04.110 Regulations.

**8.04.020 Definitions.**

The following definitions apply throughout this chapter:

“Garbage” means all putrescible solid wastes, including vegetable matter, animal feces, and carcasses of small animals.

**“Hazardous waste” means any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such substances or materials. This includes those materials or substances which have been so designated by the State Department of Environmental Conservation and/or the Environmental Protection Agency.**

“Person” means any individual, firm, governmental unit, organization, partnership, corporation, company or other entity.

“Putrescible waste” means material that can decompose and cause obnoxious odors.

“Refuse” means any putrescible or nonputrescible solid waste, except human excreta.

“Rubbish” means nonputrescible solid wastes.

“Secured load” means a load of refuse which has been secured and covered in the vehicle in a manner that will prevent any part of the refuse from leaving the vehicle while the vehicle is moving.

**Section 3. Amendment of Chapter 8.04.** Chapter 8.04 of the Dillingham Municipal Code is hereby amended by the addition of a new section 8.04.052 to read as follows :

#### **8.04.052 Hazardous Wastes Prohibited**

A. No person shall dispose of hazardous wastes at the city-owned solid waste disposal facility or mix hazardous and non-hazardous materials together for disposal. It is a violation of this section for any person to place or leave hazardous waste in any refuse that the person knows or reasonably should know or expect will be collected, transported to, or ultimately disposed of in the solid waste disposal facility.

B. In addition to all hazardous waste as that term is defined herein, and notwithstanding any limitation or law to the contrary, the following materials are included within the term “hazardous waste” for the purpose of this section and are expressly prohibited from being disposed of at the city-owned solid waste disposal facility.

1. Gasoline, diesel fuel, anti-freeze, benzene, naphtha, fuel oil;
2. Any automotive fluid which remains inside a vehicle that is taken to the solid waste facility for disposal; and
3. Mineral spirits, commercial solvents, or any flammable or explosive liquid;
4. Acids, corrosives, solvents, liquid wastes, oily wastes, grease paint;
5. Sewage, explosives, drilling mud, radioactive wastes; and
6. Unsterilized (infectious) medical wastes.

C. Any person who violates this section commits a minor offense. In addition to any penalty imposed for the violation, the person may be required to fully remove any hazardous waste the person caused to be deposited in the solid waste disposal facility, and to fully remediate any damage caused thereby regardless of whether the person intended to dispose of the hazardous waste in the facility.

**Section 4. Amendment of Section 1.20.040.** Section 1.20.040 of the Dillingham Municipal Code is hereby amended to include the following provision in the fine schedule. New language is underlined and **emboldened**.

<b>Code Section</b>	<b>Offense</b>	<b>Penalty/Fine</b>
<b><u>8.04.055.A</u></b>	<b><u>Disposal of hazardous material in city landfill</u></b>	<b><u>300.00</u></b>

**Section 5. Copies to the Alaska Court System.** The City Clerk is responsible for submitting the ordinance to the Alaska Court System for inclusion in the Uniform Minor Offense Table.

**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

[SEAL]

ATTEST:

\_\_\_\_\_  
Janice Williams, City Clerk



**City of Dillingham Information Memorandum**

Agenda of: May 14, 2015

Attachment to: 2015-08  
Ordinance No. \_\_\_\_\_ / Resolution No. \_\_\_\_\_

**Subject:**

An Ordinance of the Dillingham City Council Amending Title 8, Health and Safety, of the Dillingham Municipal Code to Prohibit Disposal of Hazardous Materials in the City-Owned Solid Waste Disposal Facility and Establishing a Penalty for any Violation

City Manager: Recommend Approval

Signature: Rose Norea

Route to	Department Head	Signature	Date
	Finance Director		
X	Public Works		
X	City Clerk	<i>Williams</i>	<i>5/6/15</i>

Fiscal Note:  Yes  No

Funds Available:  Yes  No

**Other Attachments:**

**Summary Statement:**

As noted in the preamble of Ordinance No. 2015-08, the State of Alaska Department of Environmental Conservation prohibits the City from accepting hazardous materials at the landfill, since it cannot properly dispose of such materials.

A review of this ordinance was vetted through the Code Review Committee.

The City is in the process of establishing a medical waste standard operating procedure before any medical waste can be disposed of at the Dillingham Landfill as requested in the City's Landfill Inspection checklist from the State DEC's office, dated September 9, 2012, page 12.



Ordinance No. 2015-08 / Resolution No. \_\_\_\_\_

Summary Statement continued: