



CODE REVIEW COMMITTEE MEETING

Thursday, March 11, 2021 at 7:00 PM

AGENDA

In compliance with the Americans with Disabilities Act, individuals needing special accommodations / during this meeting should notify the City of Dillingham at 907-842-5212 at least three working days before the meeting.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

- [1.](#) Approve Minutes of January 28, 2021.

APPROVAL OF AGENDA

UNFINISHED BUSINESS

- [2.](#) Task List
- [3.](#) Evaluate DMC 8.18 and 8.30

NEW BUSINESS

- [4.](#) DMC 8.16, Enhanced 911 System
- [5.](#) Friends of the Landfill - Paul Liedberg presentation

PUBLIC COMMENT/COMMITTEE COMMENTS

ADJOURNMENT



CODE REVIEW COMMITTEE MEETING

Thursday, January 28, 2021 at 6:30 PM

MINUTES

CALL TO ORDER

Chairman Napoli called the meeting to order at 6:32 p.m.

ROLL CALL

PRESENT

Committee Member Aksel Buholm (Arrived at 6:40 p.m.)
Committee Member Alice Ruby
Chair Chris Napoli
Committee Member Gregg Marxmiller
Committee Member Lori Goodell
Committee Member Gregg Brelsford

APPROVAL OF MINUTES

1. Approve October 8, 2020 Code Review Committee Meeting Minutes

MOTION: Alice Ruby moved to approve the minutes of October 8, 2020.

VOTE: Approved by unanimous consent.

APPROVAL OF AGENDA

MOTION: Lori Goodell moved and Alice Ruby seconded the motion to approve the agenda.

VOTE: approved by unanimous consent.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

- The State of Alaska requirement of 240 operating hours was reviewed. This requirement has a waiver that can be applied for.
- The local sales tax reports only show if a business has had activity, it does not record operating hours.
- Noted a preference for a vendor to not 'sit' on a license and not use it.

MOTION: Gregg Marxmiller moved to recommend to City Council that we waive the right to protest both Windmill Grill, and Olsen's Liquor Store Liquor License Renewal, seconded by Alice Ruby, but acknowledge neither establishment operated in 2020.

2. Windmill Grille Liquor License Review

3. Olsen's Liquor Store License Review

VOTE: Yea: Committee Member Ruby, Chair Napoli, Committee Member Marxmiller, Committee Member Goodell

Voting Nay: Committee Member Buholm
Voting Abstaining: Committee Member Brelsford

The motion passed by majority vote.

PUBLIC COMMENT/COMMITTEE COMMENTS

Alice Ruby: Noted a need to get back to regularly scheduled meetings. Stated she appreciates the monthly calendar of all city meetings.

Chris Napoli: Commented the committee had been meeting based on the workload.

Gregg Brelsford: Stated that he and his wife will arrive in Dillingham on February 1st.

It was determined the committee will resume regular meetings on the second Thursday every month at 7:00 p.m. according to the demands of the workload.

ADJOURNMENT

The meeting was adjourned a skooch before 7:00 p.m. (6:58 p.m.)

Chris Napoli, Chair

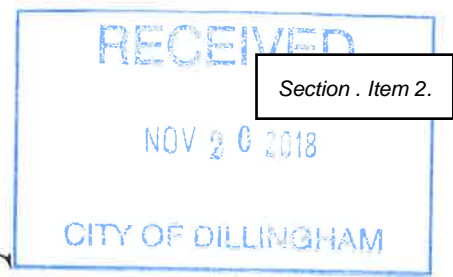
ATTEST:

Lori Goodell, City Clerk

Approval Date: _____

CODE REVIEW COMMITTEE'S TO DO LIST

C#/YR	DATE ASSIGNED	TASK	STATUS Resolved?	Finance & Code
	Dec. 6. 2018	Review Sales Tax exemption regarding lease		
	Dec. 6. 2018	Review personal use v commercial use; fishing vessels		
	April 4, 2019	Update Sales Tax Code, language for SCOTUS Wayfair decision, internet sales	Yes	
	April 11, 2019	Sales Tax Code review for casual and isolated sales (Revisit in 9/2020 to allow for more data)		
	Jan. 16, 2020	Review / update DMC 15.04 Floodplain regulation to be FEMA compliant	In Progress	
	Sept. 3, 2020	DMC 8.18 Liquor license review - update to include marijuana licensing		
	4-Mar-21	FOL Landfill fee recommendation		
	4-Mar-21	DMC 8.16 E911 update		



Alaska Pride Air, LLC

Dillingham Station: PO Box 651 Dillingham AK 99576. 907-842-5333
Business Office: PO Box 671527 Chugiak AK 99567. 907-843-1828
Fax: 1-877-649-2580
Email: alaskapride1@yahoo.com

November 15, 2018

City of Dillingham
Sales Tax Code Committee
PO Box 889
Dillingham AK 99576

RE: Leased Equipment / Sales Tax Section 4.20.050

I wanted to share our recent experience with sales tax, that I believe is an unintended consequence of the sales tax code.

We recently acquired two new forklifts. We do not own the forklifts, we are leasing them for 5 years then will purchase for a \$1 at that point.

There are two sections in the sales tax code that affect our acquisition.

#1 Leased property does qualify for sales tax. Which I understand, makes sense. Even though the actual sale will not occur for 5 years.

#2 Leased property doesn't not qualify for the \$3500 exemption to the sales tax. This I do not understand. Our sales tax would have been \$210 (3500x6%). Instead it was \$3,690.00 (61,500x6%). This is excessive.

I would request that the sales tax code be revised to include leased equipment in the cap.

Regards,

Jo Oxentenko, CFO
Alaska Pride Air LLC
907-843-1828
Alaskapride1@yahoo.com

CODE ORDINANCE

Introduced:
Public Hearing:
Adopted:

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2021-XX

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 8.18 AND REPEALING 8.30.020 TO PROVIDE A UNIFORM PROCESS FOR REVIEWING MARIJUANA LICENSE APPLICATIONS

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Amendment to Chapter 8.18 - Review of Liquor Licenses. Dillingham Municipal Code Chapter 8.18 is hereby amended to read as follows [new language **underlined and emboldened** and deleted text displayed in strike-out font]:

Chapter 8.18
REVIEW OF LIQUOR **AND MARIJUANA** LICENSES

Sections:

- 8.18.010 Definitions.
- 8.18.020 Review of liquor license **and marijuana license** applications.
- 8.18.030 Consideration by council.
- 8.18.040 Local regulatory authority.**

8.18.010 Definitions.

When used in this chapter, the following words and phrases shall have the meanings set forth in this section:

~~“Board” means the Alaska Alcoholic Beverage Control.~~

“Control office” means the State of Alaska Alcohol and Beverage Control Office.

“License” means both liquor license and marijuana license unless otherwise specified or required by context.

~~“License location” means the lot or parcel, and structure, where a licensed premises (**as defined in AS 04.21.080 and 3 AAC 306.990**) would be located pursuant to a liquor license application that is subject to review under this chapter.~~

~~“Licensed premises” is defined as provided in AS 04.21.080.~~

~~“Liquor license” means any of the licenses or permits described in AS 04.11.080.~~

“Marijuana license” means any license or permit authorized or governed by AS Chapter 17.38.

8.18.020 Review of liquor license applications.

A. Upon receiving notice from the ~~Board~~ **control office** of an application for the issuance, renewal, transfer of location or transfer to another person of a liquor license or marijuana license for a license location in the city, including without limitation an application to transfer a license to a license location in the city under AS 04.11.400(m) or 3 AAC 306.060, the city shall refer the application for review to the planning office, finance office and police department within three working days. Comments will be documented on the city's liquor license application review form.

1. Planning office ~~to assure~~ **shall determine** whether any structure, or use of land or a structure, including parking requirements, at the license location or proposed in the application conforms to Title 18;
2. Finance office ~~to~~ **shall** determine whether the business operated under the license is, or persons named on the application are, delinquent in the payment of any of the following:
 - a. Sales tax or penalty and interest on sales tax arising from the operation of the business conducted under the license;
 - b. Property taxes; penalties or interest on real or personal property applied to the business operated under the license;
 - c. Charges for a utility service provided for the benefit of the business conducted under the license;
 - d. Both state and city business license are current; and
3. Police department ~~to~~ **shall** determine whether, in the opinion of the chief of police, there has been an excessive number of convictions or arrests for unlawful activity at the license location, police reports of unlawful activity at the license location, or police dispatches to the license location.

B. New and transfer licenses will be scheduled for a public hearing before the city council. The planning office will be responsible for overseeing that the public is notified as follows:

1. The applicant shall post a public notice sign on or at the ~~subject property~~ **license location** describing the **license location** owner, applicant, request, and date of the public hearing. The sign shall be at least twenty-four inches in width by thirty-six inches in height, with lettering at least one inch in height. The sign shall be visible from the highest traveled public right-of-way adjacent to the ~~property~~ **license location**.
2. At least two weeks prior to the date of the scheduled public hearing, the city planner shall mail a public notice announcing the **license location** owner, applicant, request, location of the proposed use and date of the public hearing to all property owners within five hundred feet of the **license location** boundary; and
3. At least two weeks prior to the date of the scheduled public hearing, the city planner shall publish notice of the time and place of the hearing in the manner required by Section 2.08.020.

C. The liquor license application review form will be reviewed by the code review committee meeting for a recommendation to the city council.

8.18.030 Consideration by council.

If the council decides to protest the issuance, renewal or transfer of a license it shall state the basis of the protest and ~~must be sent~~ **shall deliver the protest** to the ~~Board~~ **control office** with a copy of the application review form. The protest must be received by the ~~Board~~ **control office** within sixty days of the city having received notice of the application.

8.18.040 Local regulatory authority.

The city council is designated as the “local regulatory authority” as that term is used in AS Chapter 17.38 and any implementing legislation or rule-making.

Section 3. Repeal of 8.30.020. Dillingham Municipal Code Section 8.30.020 is hereby repealed.

Section 4. Effective Date. This ordinance is effective upon adoption.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on _____, 2021.

Alice Ruby, Mayor

[SEAL]

ATTEST:

Lori Goodell, City Clerk

CODE ORDINANCE

Introduced:
Public Hearing:
Adopted:

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2021-XX

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING SECTION 8.16.010, AND SECTION 8.16.020 TO REFLECT E911 RESPONSIBILITES

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Amendment to Section 8.16.010 and Section 8.16.020 – Enhanced 911 System. Dillingham Municipal Code Section 8.16.010 and 8.16.020 are hereby amended to read as follows [new language **underlined and emboldened** and deleted text displayed in ~~strike-out font~~]:

Chapter 8.18
REVIEW OF LIQUOR **AND MARIJUANA** LICENSES

Chapter 8.16
ENHANCED 911 SYSTEM

Sections:

8.16.010 Enhanced 911 emergency reporting system.

8.16.020 Definitions.

8.16.010 Enhanced 911 emergency reporting system.

A. Any local exchange telephone company or wireless telephone company providing service within the city, ~~the area between Dillingham and Aleknagik, and Aleknagik~~ shall cooperate with the city of Dillingham in the establishment and operation of an enhanced 911 system to serve the entire city, ~~the area between Dillingham and Aleknagik, and Aleknagik.~~

B. The city council designates the entire city, ~~the area between Dillingham and Aleknagik, and Aleknagik~~ as the enhanced 911 service area for the city of Dillingham.

8.16.020 Definitions.

In this chapter, unless the context indicates otherwise, the pertinent terms are defined as follows:

“911 service area” or “enhanced 911 service area” means the area within the city, ~~between Dillingham and Aleknagik, and Aleknagik~~ that has been designated to receive an enhanced 911 system under Section [8.16.010](#).

“City” means the city of Dillingham, ~~which will include the area between Dillingham and Aleknagik, and Aleknagik.~~

“Enhanced 911 equipment” means any equipment dedicated to the operation of, or use in, the establishment, operation or maintenance of an enhanced 911 system, including customer premises equipment, automatic number identification or automatic location identification controllers and display units, printers, cathode ray tubes, recorders, software and other essential communication equipment.

“Enhanced 911 system” or “system” means a telephone system consisting of network, database, and enhanced 911 equipment that uses the single three-digit number, 911, for reporting a police, fire, medical, or other emergency situation, and which enables the users of a public telephone system to reach a public safety answering point to report emergencies by dialing 911. An “enhanced 911 system” includes the personnel required to acquire, install, operate and maintain the system.

“Local exchange access line” means a telephone line that connects a local exchange service customer to the local exchange telephone company switching office and has the capability of reaching local public safety agencies, but does not include a line used by a carrier to provide interexchange services.

“Local exchange service” means the transmission of two-way interactive switched voice communications furnished by a local exchange telephone company including access to enhanced 911 systems.

“Local exchange telephone company” means a telephone utility certificated under AS [42.05](#) to provide local exchange service.

“Public safety answering point” means a twenty-four-hour local communication facility that receives 911 service calls and directly dispatches emergency response services or that relays calls to the appropriate public or private safety agency.

“Wireless telephone” means a telephone that is not a wireline telephone and includes cellular and mobile telephones; each wireless telephone number is considered to be a separate wireless telephone; service for wireless telephone customers who receive monthly or periodic bills sent to an address within a designated enhanced 911 service area.

Section 3. Effective Date. This ordinance is effective upon adoption.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on _____, 2021.

Alice Ruby, Mayor

[SEAL]

ATTEST:

Lori Goodell, City Clerk

DRAFT



PUBLIC SAFETY MEMORANDUM

Date: 2-22-21
To: City Clerk Lori Goodell
From: Chief Dan Pasquariello
Subject: **Aleknagik 911 – changes to DMC 8.16**

When persons in the city of Aleknagik call 911 the telephone rings in the Dillingham Police dispatch center. Dillingham is not responsible for emergency services (police, fire, EMS) in Aleknagik.

Aleknagik is an independent municipality. Police services are provided by AST. They have their own fire/EMS services, although they frequently lapse because they expect Dillingham to handle those calls. Dillingham is dangerously short of our own fire and EMS personnel and cannot handle Aleknagik calls without endangering Dillingham citizens.

When Aleknagik persons call 911 dispatch gets in the middle of the call. We either have the person call AST themselves, or we pass second hand information to AST. We have no control over the response, yet are held accountable for any lack of response.

Changing the Aleknagik routing of 911 calls was in the works under former city manager Tod Larson at the end of his tenure, but was stalled by other COD issues.

I have spoken with interim-city manager Brelsford about this issue and we have decided to go ahead with the routing change. The following has been accomplished/verified:

- Contacted Aleknagik Mayor Kay Andrews. She was agreeable to route Aleknagik 911 calls to AST.
- Contacted AST Dillingham post and advised them of proposed change to Aleknagik 911 routing.

- Contacted NTC. They said they could change the routing. Needed a letter from COD and COA to do it.
- GCI 911 call routing can be changed with just an email.

In order to work this change we will need to have DMC 8.16 modified (via code committee/city council), with some verbiage deleted from the ordinance. The verbiage to be deleted is highlighted in **red/bold**.

**Chapter 8.16
ENHANCED 911 SYSTEM**

Sections:

8.16.010 Enhanced 911 emergency reporting system.

8.16.020 Definitions.

8.16.010 Enhanced 911 emergency reporting system.

A. Any local exchange telephone company or wireless telephone company providing service within the city, **the area between Dillingham and Aleknagik, and Aleknagik** shall cooperate with the city of Dillingham in the establishment and operation of an enhanced 911 system to serve the entire city, **the area between Dillingham and Aleknagik, and Aleknagik.**

B. The city council designates the entire city, **the area between Dillingham and Aleknagik, and Aleknagik** as the enhanced 911 service area for the city of Dillingham.

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“City” means the city of Dillingham, **which will include the area between Dillingham and Aleknagik, and Aleknagik.**

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equipment, automatic number identification or automatic location identification controllers and display units, printers, cathode ray tubes, recorders, software and other essential communication equipment.

“Enhanced 911 system” or “system” means a telephone system consisting of network, database, and enhanced 911 equipment that uses the single three-digit number, 911, for reporting a police, fire, medical, or other emergency situation, and which enables the users of a public telephone system to reach a public safety answering point to report emergencies by dialing 911. An “enhanced 911 system” includes the personnel required to acquire, install, operate and maintain the system.

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