



## **CITY COUNCIL REGULAR MEETING**

Thursday, September 08, 2022 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.*

#### AMENDED AGENDA

#### **MEETING INFORMATION**

***Council Workshop / Committee Evaluation / 6:00 p.m.***

**CITY COUNCIL REGULAR MEETING  
CITY HALL COUNCIL CHAMBERS / 7:00 p.m.**

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

This meeting will also be available at the following online location:

<https://us02web.zoom.us/j/85654172970?pwd=RHQ3TVZDN1RsR0lvcVN5aGIwT0MvUT09>

Meeting ID: 859 0954 1520; participant #, passcode: 268061

Or dial (346) 248-7799, or (669) 900-6833

#### **CALL TO ORDER**

#### **ROLL CALL**

#### **APPROVAL OF MINUTES**

- [1.](#) Minutes of August 11, 2022, Regular Council Meeting

#### **APPROVAL OF CONSENT AGENDA**

#### **APPROVAL OF AGENDA**

#### **REPORTS**

- [2.](#) City Manager and Staff Reports
- [3.](#) Standing Committee Reports

#### **PUBLIC HEARINGS**

4. Ordinance 2022-06; An Ordinance of the Dillingham City Council Adopting a False Claims Act

#### **CITIZEN'S COMMENTS (Prior Notice or Agenda Items)**

#### **ORDINANCES AND RESOLUTIONS**

- 5. Adopt Ordinance 2022-06; An Ordinance of the Dillingham City Council Adopting a False Claims Act
- 6. Adopt Resolution 2022-24; A Resolution of the Dillingham City Council Approving a Public Utilities Easement for Nushagak Cooperative at Kenny Wren Road for Supplemental Heat, Power, and Communication Work
- 7. Adopt Resolution 2022-26; A Resolution of the Dillingham City Council Authorizing the City Manager to Hold a Mayor's Sale to Dispose of Surplus City Equipment

**UNFINISHED BUSINESS**

Citizen Committee Appointments

- Port Advisory Committee - 3 seats*
- Senior Advisory Commission - 5 seats*
- Planning Commission - 1 seat*

No letters of interest received.

**NEW BUSINESS**

- 8. Action Memorandum 2022-08; Authorize the City Manager's purchase of a generator for the waste water treatment plant
- 9. Action Memorandum 2022-09, Authorize City Manager to Extend a Contract with Appraisal Company of Alaska

**CITIZEN'S DISCUSSION** (Open to the Public)

**COUNCIL COMMENTS**

**MAYOR'S COMMENTS**

**ADJOURNMENT**

# Minutes



## CITY COUNCIL REGULAR MEETING

Thursday, August 11, 2022 at 7:00 PM

### MINUTES

#### CALL TO ORDER

A regular meeting of the Dillingham City Council was held on Thursday, August 11, 2022, at the Dillingham City Council Chambers and via video conferencing, in Dillingham, Alaska. Mayor Ruby called the meeting to order at 7:00 p.m. A workshop to update city operations preceded the meeting.

#### ROLL CALL

Mayor Ruby was present.

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

Aksel Buholm	Curt Armstrong	Chris Napoli
Perry Abrams	Kaleb Westfall	Michael Bennett

#### APPROVAL OF MINUTES

- Minutes of June 16, 2022, Regular City Council Meeting

MOTION: Aksel Buholm moved and Kaleb Westfall seconded the motion to approve the June 16, 2022 council meeting minutes.

VOTING Yea: Council Member Napoli, Council Member Armstrong, Council Member Abrams, Council Member Westfall, Council Member Bennett, Council Member Buholm

#### APPROVAL OF CONSENT AGENDA

There was no consent agenda.

#### APPROVAL OF AGENDA

MOTION to approve the agenda made by Aksel Buholm, seconded by Kaleb Westfall.

VOTING Yea: Council Member Napoli, Council Member Armstrong, Council Member Abrams, Council Member Westfall, Council Member Bennett, Council Member Buholm

#### STAFF REPORTS

- City Manager & Staff Reports

- A study to establish a growth plan is being created. Plan will consider partnership and grant opportunities.
- Rotational Officer promoted to Police Sergeant will be transitioning to local residence.
- City Clerk noted for continuing education.
- Planner report mentioned for level of detail and appreciation of community outreach.

- Committee Reports

MEAL – received a positive commercial assessment report. The facility sits on land the city donated. City input will be needed as MEAL is looking to sell.

## PUBLIC HEARINGS

There was no public hearing.

## CITIZEN'S COMMENTS (Prior Notice or Agenda Items)

### 4. Friends of the Landfill; Sue Flensburg and Debi Nelson:

- Acknowledged the city youth group supervised by Eli for work done cleaning up and crushing cans. Stated enough cans are crushed, wrapped, and palletized to fill a container.
- Mentioned AARP grant award, 300 buckets for elders to use for fish waste were received.
- E-waste sorting to be done at the landfill, Saturday, August 13, 10:00 a.m.
- Partners noted; Curyung Tribal Council, BBAHC, and BBNA

## ORDINANCES AND RESOLUTIONS

5. Introduce **Ordinance 2022-06**; An Ordinance of the Dillingham City Council Adopting a False Claims Act

MOTION: to introduce Ordinance 2022-06 made by Chris Napoli, seconded by Kaleb Westfall.

VOTING Yea: Council Member Napoli, Council Member Armstrong, Council Member Abrams, Council Member Buholm, Council Member Westfall, Council Member Bennett

6. Adopt **Resolution 2022-23**; A Resolution of the Dillingham City Council Supporting Curyung Tribal Council's BBEDC Arctic Tern Grant Application for Participation at the 2022 AFN Elders and Youth Conference

MOTION: to adopt Resolution 2022-23 made by Kaleb Westfall, seconded by Perry Abrams.

- Mayor Ruby disclosed she administers the Arctic Tern program but has no financial investment in the grant.
- Council Member Napoli disclosed he works for BBEDC, but his employment is not impacted by the grant.

VOTING Yea: Council Member Napoli, Council Member Armstrong, Council Member Abrams, Council Member Buholm, Council Member Westfall, Council Member Bennett

## UNFINISHED BUSINESS

7. Landfill Report

- Fire at the metal pile is out. Work ongoing to reopen the site. Metal and debris are being received at a temporary site. DEC guidance being adhered to.

### Committee Appointments

*Port Advisory Committee - 3 seats*

*Senior Advisory Commission - 3 seats*

*Planning Commission - 1 seat*

No letters of interest received.

## NEW BUSINESS

8. Wood Tikchik State Park Management Council

Dillingham has a designated seat on the Management Council, the Governor requests Dillingham City Council recommend three names, the Governor makes the appointment. Public Notice was made for submittal of letters of interest. Mayor Ruby reported two letters of interest were received.

MOTION: to submit the two individual letters of interest for Wood Tikchik State Park Management Council made by Chris Napoli, seconded by Aksel Buholm.

VOTING Yea: Council Member Napoli, Council Member Armstrong, Council Member Abrams, Council Member Buholm, Council Member Westfall, Council Member Bennett

9. Park Project Update

- New playground opened Sunday August 7, during BRU Summerfest Celebration.
- BBNA, City of Dillingham, and local citizens mentioned as partnering for project.
- Recreational plan for parks being developed for direction of future projects.
- Noted 500 entries counted for the BRU Summerfest Celebration event.

10. Committee Review

Recommended annual review of committee structure.

- Define type and purpose of committee.
- Assess if current committees are filling needs or have needs changed.
- Provide direction, expectations and meeting timetable.
- Determine if Council can fulfil role of some of current committees on the list.
- Workshop prior to September meeting to brainstorm how council wishes to proceed.

11. Adopt **Action Memorandum 2022-07**; Authorize Purchase of Sander, Plow Assembly, and Flatbed Truck for Public Works

MOTION: to adopt Action Memorandum 2022-07 made by Aksel Buholm, seconded by Kaleb Westfall.

VOTING Yea: Council Member Napoli, Council Member Armstrong, Council Member Abrams, Council Member Buholm, Council Member Westfall, Council Member Bennett

**CITIZEN'S DISCUSSION** (Open to the Public)

Gordon Issacs: Spoke in favor of Council revisiting a fish tax, noting the revenue is needed.

**COUNCIL COMMENTS**

Chris Napoli:

- Commended staff for moving forward, commenting receiving positive comments.
- Acknowledged good work done by the youth group.

Aksel Buholm:

- Noted the fish tax is still on the council radar.
- Commented on positive activity, thanking city staff.
- Thanked Public Safety and the Fire Department for keep everyone safe.
- Requested update on status of city property list.

Curt Armstrong:

- Noted shock the meeting season is upon us.

Kaleb Westfall:

- Expressed he is glad things are moving forward, noting the new playground.
- Stated we need to keep going and do better.

Perry Abrams:

- Noted the fish tax has not been dropped; stating we can do better.

**MAYOR'S COMMENTS**

- Commented it has been a busy year noting the landfill and harbor. Thanked staff for their hard work.
- Stated the Friends of the Landfill will be doing e-waste this Saturday.
- Commented on timing for the regular city council September meeting, noting holding the meeting on the 8<sup>th</sup> of September. Consensus from all Council Member for holding the September meeting on 9.8.2022.
- A moment of silence was observed for lost since the last meeting with a special observance for Gusty Bartman who was the oldest Alaska Guardsman.

**ADJOURNMENT**

Mayor Ruby adjourned the meeting at 8:09 p.m.

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

[SEAL]

ATTEST:

\_\_\_\_\_  
Lori Goodell, City Clerk

Approval Date: \_\_\_\_\_

# City Manager and Staff Reports





## MEMORANDUM

**DATE:** 07/27/2022  
**TO:** Robert Mawson, City Manager  
**FROM:** Kelsa Brandenburg, Executive Assistant/HR  
**SUBJECT:** August Department Staff Report

### STAFF REPORT

**New Employees:**

Alysa Olson – Accounting Technician I  
Kelli Wallona – Harbor Assistant  
Timothy Allison – Rotational Police Officer  
Rodger Goddard – Rotational Police Officer  
James Elmore – Fire Department Laborer (Temporary)  
Kyrie Singson, Jade Nguyen, Elizabeth Palmer, Brandie Olson, Nathaniel O’Lena – Seasonal EMTs (Temporary)  
Eli Livermont, Bradley Wilson, Cara Tilden, Zoe Tilden, Hugh Reynolds, Raelin Roque, Ashlyn Lopez – Community Clean Up Crew (Temporary)  
Megan Green – Records Management, Planning Department (Temporary)  
Jamal Romie – BBEDC Summer Intern, Library Aide  
Cheyenne Roehl – BBEDC Summer Intern, Senior Center Assistant  
Kaylee Lopez – BBEDC Summer Intern, Ambulance Driver

**Resignations / Terminations / Layoffs:**

Kaylee Brockman – Harbor Assistant  
Alysa Olson – Accounting Technician I  
Katie Lutz – Rotational Police Officer  
Daniel Gonzalez-Fawcett – Rotational Police Officer  
Paul Schneringer – Corrections Officer  
Kathy Yukluk-Solis – Dispatcher II  
Bradley Wilson, Cara Tilden, and Hugh Reynolds – Community Clean Up Crew  
Elizabeth Palmer – Seasonal EMT

**Transfers:**

CJ Roque – Acting Harbor Master/Heavy Equipment Operator  
Aquila Kapotak – Police Officer/Corrections Sergeant  
Rodger Goddard – Rotational Police Officer to Police Sergeant

**Positions being advertised for:**

Corrections Officer  
Police Officer  
Heavy Equipment Operator  
Fleet Mechanic  
Buildings & Grounds Foreman  
Buildings & Grounds Assistant  
Dock Yard Assistant/Heavy Equipment Operator  
Water/Wastewater Operator I  
Accounting Tech I – Cashier  
Executive Assistant/HR  
Fire Department Office Assistant



## MEMORANDUM

**DATE:** September 5, 2022  
**TO:** Robert Mawson, City Manager  
**FROM:** Lori Goodell, City Clerk  
**SUBJECT:** Department Report

### STAFF REPORT

#### **2022 Elections:**

The 2022 Municipal Election will be held October 4, 2022. Preparation for the election is underway. Incumbents whose seat is expiring have been notified. Public notice for open seats, candidate qualifications, and deadlines have been posted.

Open seats are:

Council Seat A, and Council Seat B

School Board Seat A

Candidate Filing period:

Candidate: Declaration of candidacy period August 9 – September 6, 2022.

Write-in Candidate must file a letter of intent. Forms can be filled out in the Clerk's Office from 8 a.m., Sept. 6 through 1 p.m., October 3, 2022. *Write-ins will **not** be listed on the ballot.*

The 2022 General Election will be held November 8, 2022. Information regarding this election can be found on the state website <https://www.elections.alaska.gov/Core/generalelectioninformation.php>

#### **CITY CLERK STRATEGIC PLAN PROJECTS:**

**Update election equipment.** The new optical scanner has been received and tested. I continue to evaluate election items for effectiveness during the election cycle.

**Records Management:** I have contacted the State of Alaska Archivist regarding the status of the report from their onsite visit. No report has been received to date. I am currently scheduling meetings with each department to review the retention schedule specific to their department.

#### **STANDING ITEM(S):**

**Liquor & Marijuana License Renewals/Transfers/New Licenses.** There are currently no licenses for review.

#### **Commission/Board Seats Vacant.**

- Senior Advisory Commission, five seats.
- Port Advisory Committee, three seats.
- Planning Commission, one seat.



## MEMORANDUM

**DATE:** September 2, 2022  
**TO:** City Manager  
**FROM:** Anita Fuller, Finance Director  
**SUBJECT:** Finance Department Staff Report

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### STAFF REPORT

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Statistics: August 31, 2022

Payroll run: 2

Cash Receipts: \$2,822,300.58

(\$285,609.08 LFRF 2<sup>nd</sup> ARPA received & \$742,901 FY21 bond reimbursement received)

All Payments: \$1,350,140.06 (includes \$215,324.38 for payroll)

Important deadlines:

15<sup>th</sup> of each month utility payments due; last day of month utility bills created and sent

11/1/22 First half of property taxes due

12/1/22 Second half of property taxes due

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#### Audit

- FY21 Audit final response turned in and pending review.
- FY21 Audit target completion for council review by 09/22/2022
- FY22 Audit scheduled week of October 24, 22 and December 5, 2022
- Audit preparations started

#### Staffing changes

- All Staffing positions are filled
- Call In Support – Cameron Malstrom was in Dillingham until 08/28/2022.

#### Grant Reporting

- IMLS final report.
- Asset Forfeiture Annual report completed
- ANTHC final report completed

#### Collections

- Signed 1 promissory notes for real property.
  - Three promissory note holders at risk of default
-

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- Foreclosure listing for 2018 Action have passed the period of redemption (4 properties at \$21,710). Litigation report requested in March.
  - Foreclosure listing for 2019 Action have passed the period of redemption (5 properties at \$8,295). Litigation report requested in March.
  - Foreclosure list for potential 2022 Action 31 properties at \$81,952.

#### **Budget**

- FY23 Budget revision to be scheduled

#### **Revenue and Expense review Aug 2022 –**

Subject to Finance and Budget Committee approval

#### **Other Departmental Concerns**

- Assisted with hardware changes to server room.
- Merchant services contract with PACE renewed

#### **Safety Committee**

- Conducted 2<sup>nd</sup> meeting of the fiscal year
  - Fire Extinguisher review scheduled for October
  - Review of first aid kits on hand
  - Review of cleats needed for staff for the winter
-



## MEMORANDUM

**DATE:** 08/30/2022  
**TO:** Robert J Mawson  
**FROM:** Scott Runzo FDC  
**SUBJECT:** July/August Monthly Report

### STAFF REPORT

#### Rescue and fire calls

- 36 EMS calls
- 3 Fire calls

#### Fire/EMS activity:

- The new 911 system will begin the process of installation on September 6th
- The new Scott refill system is scheduled for the middle of September now
- Summer seasonal EMTs and Driver positions will end mid-September
- We had two fully involved house fires this month and E19 blew a head gasket and is out to bid to be fixed, we are now down one tanker and one pumper
- We are scheduled to have an EMT-1 class starting September 19th
- Four individuals from the department completed Rural Firefighting Training in Palmer at the beginning of August. It was amazing training put on by the State and those who attended are better equipped to serve. I would like all volunteers to attend this training.
- The Fire Department in conjunction with AC grocery stores will be hosting a “new battery” replacement event September 3 from 11-to 2pm. All the proceeds from this event will be given to the Fire Department.
- The week of October 17<sup>th</sup> Taylor Fire and Safety will be here to evaluate and test all extinguishers and fire systems
- One volunteer will be attending Airport Fire Training in Kenai in September, and Scott will be attending the State Fire Conference at the end of September
- September prevention topic will be “Road safety” and we will be handing out reflectors for kids to wear. This will be done with sponsorship from Tide Table Coffee.



**MEMORANDUM**

**DATE:** August 30, 2022  
**TO:** Robert Mawson, City Manager  
**FROM:** Sonja Marx, Librarian  
**SUBJECT:** Department Report

**STAFF REPORT**

Our 8-week Summer Reading Program ended August 12, 2022. A total of 142 attended this summer. Sarah Bailey helped teach and also provided two story times Monday – Thursday (2 pm and 3 pm). Our \*\*\*grant-funded hydroponics STEM project will continue even after the Summer Reading Program ends to further educate students on the science and fun of growing and harvesting produce. Currently, we are growing basil and various varieties of lettuce. It’s amazing how quickly the plants are growing. August 12<sup>th</sup> was also our BBEDC youth intern’s last day of work; Jamal Romie headed back to school.

Currently the library is advertising for a 14-hour a week Librarian Assistant position offered through the LINKED grant with the Dillingham City School District. Bookcases for the library and museum area were also purchased to shelve the books coming in through the grant and to store our current Alaska collection in the museum area. Buford Woodworking made the beautifully designed, high quality bookcases and shelves. Come see this addition to our library and check out the growing produce!

I will be on vacation in Oregon from September 1<sup>st</sup> through 18<sup>th</sup> visiting family.

**Library Stats report July 25<sup>th</sup> - August 28<sup>th</sup>, 2022:**

**Patron Visits: 702 Computer Use: 69 \*Wireless Use: 241 Story Hour: 29  
Other Visits (including SRP): 44 Museum Use: 113 Movies Shown: 0  
AWE Station Use: 11 Volunteer Hours Logged: 9**

**Next Library Advisory Board meeting to be scheduled; two open seats need to be filled.**

**The Library will be closed Monday, October 10<sup>th</sup>, 2022 for Indigenous People’s Day.**

**\*The WiFi usage report continued to be offline for August; thus not accurate usage shown.**











## MEMORANDUM

**DATE:** August 31, 2022  
**TO:** Robert Mawson, City Manager  
**FROM:** Patty Buholm, Planning Director  
**SUBJECT:** August 2022 Monthly Report

### STAFF REPORT

#### **Planning Commission**

The last Planning Commission meeting was held on August 24, 2022 with a Planning Commission Workshop on August 25, 2022. The Planning Commission has 1 vacant seat, Seat F (term ends December 2022). Active recruitment has been occurring by posting flyers has been posted in public places, City social media account, and the City Website. The next scheduled Planning Commission meeting is scheduled for Wednesday September 14, 2022.

#### **Permitting**

##### **Land Use Permits:**

I have 5 pending.

##### **Harbor Lot Leases:**

Alaska Appraisal and Consulting Group that this is still working to complete the Harbor land appraisal report. This is a requirement per resolution of the Council to be completed every 3 years for Lease Lots.

##### **Encroachment Permits:**

None

##### **Burial Registry/Burial Permits:**

3 forms have been issued in July and August.

The burial permits form and burial registry forms have been created and are posted on the City Website and available to the public. An entire new tab has been created on the Planning page that provides burial information and is available to the public.

##### **Cemeteries:**

Kelsa has created a list of local churches and cemeteries and uploaded it the Community Interest tab on the City website. This section is hyperlinked to the Burial Information tab for ease of accessing multiple department information within our website.

##### **Preliminary Plat Applications:**

None received

#### **Requests for Proposal (RFP/ITB)**

Currently working with the Public Works Foreman to ready the Aggregate RFP.

### Meetings/Trainings

Attended weekly Department Head Meetings. Several meetings were conducted with the Mapping Company and the MARS program developers for address correction. I continue to communicate with Alaska Native Tribal Health Consortium (ANTHC) for future funding that surrounds the infrastructure. I have not received the findings report that was conducted by ANTHC in July but have requested an update on the report. I will forward the report upon receiving it.

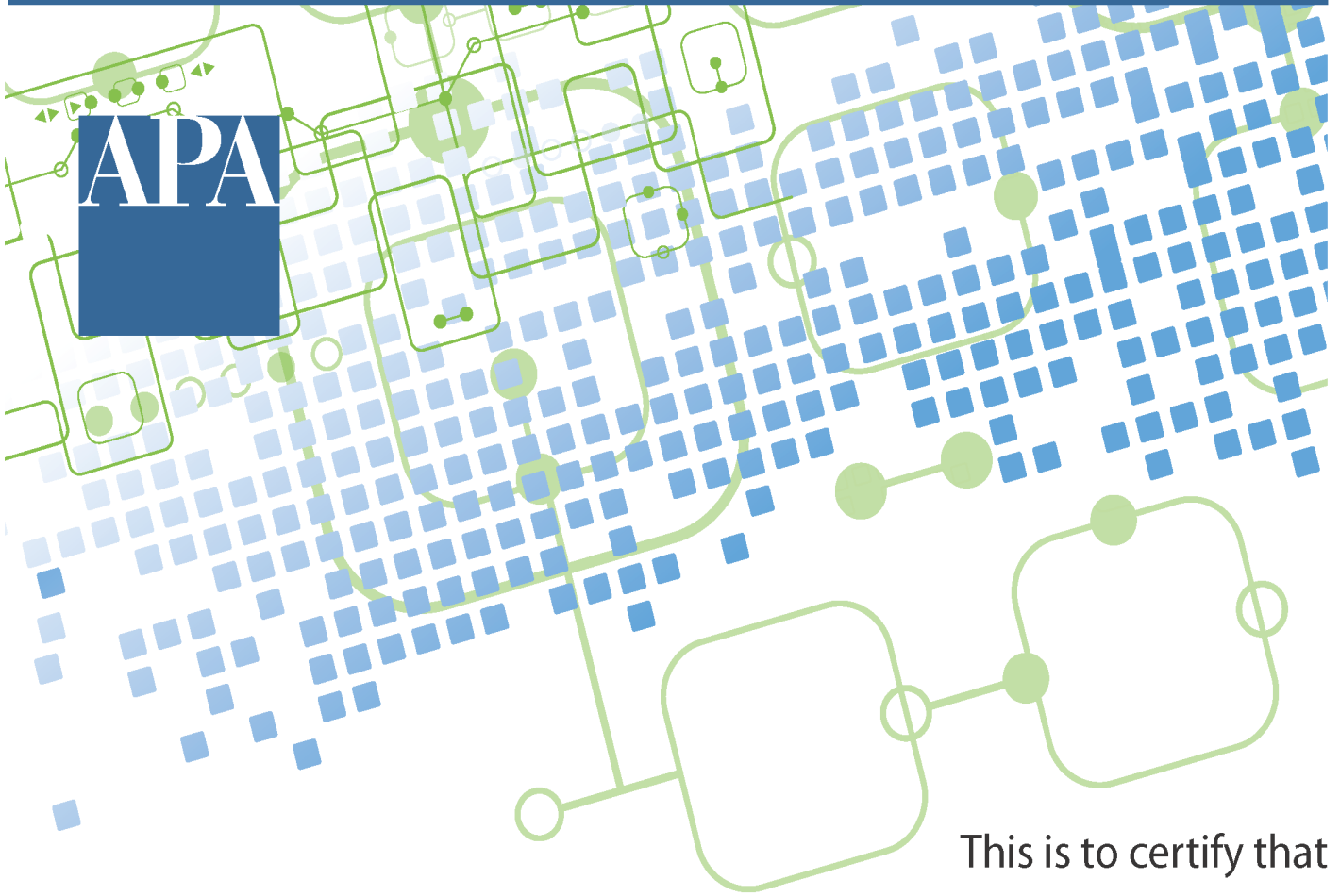
### Projects:

- The Downtown Streets project has closed on July 15, 2022, I have requested the as-builts for this project as we are over a month post completion. A request for the as-builts from Nushagak Cooperatives on the Waste Heat Project has been sent and am waiting for a reply. A request for the certificate of completion has been requested along with all the Owner's Manual. The Planning Department has been working closely with the City Manager to complete a Resource Library/War Room in the 3<sup>rd</sup> floor conference room to consolidate information from multiple areas of the City into once location. This project is complete and as resources are located will be added

### General Communications:

- The Hazard Mitigation Plan is still be complied by AECOM Technical Services and Curyung Tribal Council. AECOM reports that a final draft is very close to being completed. This will be the first Multi-Jurisdictional Plan for Dillingham.
- R&M Consultants will be holding the second open house for the Dillingham Airport Master Plan, currently set for September 29 from 6-8pm via zoom platform, which I will be attending.
- I continue to update addresses throughout Dillingham. Some streets and access points have been identified as having same names, or no names which is being actively worked on to correct.
- I have been working with Kelsa and Clara with the Mayors Sale items. This includes work with CJ and Keli at the Harbor in finding the titles for the vessels located on the Bingman Property.
- The Resource Library/War Room located in the 3<sup>rd</sup> floor conference room is completed and has already proven to be extremely beneficial during meetings.
- The MOA between the City, BBNA, and the SeaShare program has been completed for the refrigerated shipping container to be located in the boat harbor, however there is no electrician in town to finish the final connection for the temporary power box, so it has not been moved or plugged in at this time. Several attempts to speak to Al Knittle, however he has not returned calls as his busiest time is the summer with village travel.
- I plan to attend the Safety Committee meeting on 8/31/22 and the August all staff training/meeting on September 2, 2022.
- I continue to assist with identifying City of Dillingham properties and easements while working in house on process and with other agencies/individuals.
- I'm taking online courses to build my knowledge of different Planners responsibilities as well as strengthen my construction knowledge.
- I have been working to update the Planning Department section of the website and updating the forms related to my department. Any suggestions are welcome as I'd hope for this page to be easy to navigate and full of useful information/forms.

# APA Learn Certificate of Completion



This is to certify that

**Patty Buholm**

has completed a 60-minute course

**This is Your Code Update**

on August 27, 2022.

KIMBERLEY JACQUES, APA EDUCATION DIRECTOR

# Standing Committee Reports



## CODE REVIEW COMMITTEE MEETING

Thursday, May 19, 2022 at 5:30 PM

### MINUTES

#### CALL TO ORDER

The Code Review Committee met on Thursday, May 19, 2022, in the Dillingham City Council Chambers, and via video conferencing, in Dillingham, AK. Council Member Chris Napoli chaired the meeting and called the meeting to order at 5:30 p.m.

#### ROLL CALL

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

Mayor Alice Ruby	Chris Napoli	Kaleb Westfall
Lori Goodell	Michael Bennett	Robert Mawson

#### APPROVAL OF MINUTES

- Minutes of February 10, 2022; Code Review Committee Meeting

MOTION: Alice Ruby moved and Robert Mawson seconded the motion to approve the February 10, 2022 minutes.

VOTE: There were no objections.

#### APPROVAL OF AGENDA

MOTION: Alice Ruby moved and Robert Mawson seconded the motion to approve agenda.

VOTE: There were no objections.

#### UNFINISHED BUSINESS

- Review Dillingham Municipal Code 4.20.050; Exemptions

Material for reference DMC 4.20.050, Sales Tax Exemption Log, and Sales Tax Reporting Form.

- DMC 4.20.050:
  - (A) Air travel. No reports submitted so no tracking of impact. Does this exemption apply to passengers and freight? Legal interpretation requested.
  - (B) Banking. No tracking. This exemption is standard.
  - (C) Casual and Isolated Sales. Better definitions needed. Goal is to allow exempt infrequent craft type sales, and not create loophole for hiding under this category. Legal evaluation requested.
  - (D) Child Care Services. Item is not reportable.
  - (E) City Sales. Generally fees include taxes.
  - (F) Dues and Fees. Generally not a taxable item.
  - (G) Electricity, Internet & Telephone. Service not located in Dillingham, not subject to Dillingham tax.
  - (H) Federal & State Prohibitions. Required by law. Tracked on sales tax reporting form.

- (I) Fish. As listed in DMC 4.21, not reported on forms.
- (J) Funeral. Not reported on forms.
- (K) Government and Tribal Entities. Item is tracked on forms. Exemption cards are provided and used at point of sale.
- (L) Health and Medical. List is very specific and not tracked on form.
- (M) Insurance. Nontaxable item.
- (N) Newspapers. Nontaxable item.
- (O) Nonlicensed Business. Defined in DMC 4.16. Determine how Wayfair, remote sales tax correlates. Consider using physical presence instead of store front. Legal interpretation requested.
- (P) Nonprofit Organizations. Applies to items used to conduct non-profit business only. This is tracked on the city form.
- (Q) Professional Services. Does this item need further clarification? Do auditors pay sales tax when they do audit for other entities? Legal interpretation requested.
- (R) Public Food. Not recorded.
- (S) Resale. A resale card is issued and required a point of sale. Item is tracked on the city form.
- (T) Tax Cap. Was established to help local businesses remain competitive with Anchorage / Seattle pricing on one time, large purchases i.e., snow machines, ATV, etc. Item is tracked on city form. Legal assessment requested.
- Need to consider how the Wayfair decision interacts with sales tax exemptions.
- Determine if original intent of exemption is still relevant, realistic and working. Who truly benefits from exemption?
- Consider how technologies, and additional purchasing methods impact exemptions.
- Review economic impact on local economy. Update reporting form to include all exemptions.
- Not all exemptions listed in code are tracked on reporting forms. Loss of data creates no way to verify impact of revenue losses.
- Audit records for businesses operating on native land. Are we capturing all, and applying taxation correctly?
- Research what other communities are doing.

### 3. To-Do List

Item 1. Casual and Isolated Sales. Taken care of with review of 4.20.050. REMOVE.

Item 2. Potential partners. On council strategic plan. REMOVE.

Item 3. DMC 3.70, ongoing discussion with city attorney. Will come to committee when more information is received.

Item 4. DMC 4.20.050, in progress.

### PUBLIC COMMENT/COMMITTEE COMMENTS

- Accepting donations is an administrative process. Not necessary to have in code. State laws and regulations to be adhered to. The playground equipment donation involved land use issue.
- Kaleb noted it was good to be back and see everyone.
- Michael stated work has been busy, but he will do his best to attend all meetings.
- June 9, 2022 is the next regularly scheduled Code Review Committee meeting.

**ADJOURNMENT**

The meeting adjourned at 7:12 p.m.



Chris Napoli, Chair

ATTEST:



Lori Goodell, City Clerk

Approval Date: Aug. 18, 2022



# Ordinances and Resolutions



Council Meeting – Regular  
Meeting Date: September 8, 2022  
Introduced, August 11, 2022  
Public Hearing Scheduled, September 8, 2022  
Submitted By: City Attorney

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## Information

### **TITLE**

Ordinance 2022-06; An Ordinance of the Dillingham City Council Adopting a False Claims Act

### **RECOMMENDED ACTION**

I move to adopt Ordinance 2022-06.

### **SUMMARY OF ISSUE**

The ordinance authorizes certain investigative tools and lawsuits by the city to recover double or trebled damages and fines from persons and business who knowingly make or maintain false claims for payment from the city. Most such claims would be the basis for a lawsuit without the ordinance, but the investigative tools, additional damages and fines, and specific definitions make such suits much more viable. More important, and the true goal, is to *deter* false claims before they're made. Having a false claims ordinance provides stronger deterrence than the possibility of a lawsuit based on (somewhat nebulous) common law.

CODE ORDINANCE

Requested by: City Attorney  
Introduced: August 11, 2022  
Public Hearing: September 8, 2022  
Adopted: September 8, 2022

CITY OF DILLINGHAM, ALASKA

**ORDINANCE NO. 2022-06**

**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL ADOPTING A FALSE CLAIMS ACT**

WHEREAS, the Dillingham Municipal Code contains no general prohibition on defrauding or submitting false claims to the City of Dillingham;

WHEREAS, the City of Dillingham should have a system to more effectively combat and prevent fraud and false claims against it;

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

Section 1. Code Ordinance. This is a code ordinance.

Section 2. Amendment of Title 1 Title 1 of the Dillingham Municipal Code is hereby amended by adoption of a new Chapter 1.24, False Claims, to read as follows:

- 1.24.010 Definitions.
- 1.24.020 Liability for false claims and knowing failure to make required payments.
- 1.24.030 Civil actions.
- 1.24.040 Civil investigative tools.
- 1.24.050 Whistleblower protection.

**1.24.010 Definitions.**

A. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Claim"

- a. Means any request or demand, whether under a contract or otherwise, for money or property that:
  - i. Is presented to an officer, employee or agent of the city; or
  - ii. Is made to a contractor, grantee, or other recipient, if the money or property is to be spent or used on the city's behalf or to advance a city program or interest, and if the city;
    - (A) Provides or has provided any portion of the money or property requested or demanded; or

- (B) Will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded;
- b. Does not include requests or demands for money or property that the city has already paid to an individual as compensation for government employment or as an income subsidy with no restrictions on that individual's use of the money or property.
2. "*False claim*" means any claim which is, either in whole or part, false or fraudulent.
3. "*Knowing and knowingly*" has the meaning in AS 11.81.900(a) with respect to conduct or to a circumstance, and
- a. Means that a person, with respect to information:
- i. Has actual knowledge of the information;
- ii. Acts in deliberate ignorance of the truth or falsity of the information; or
- iii. Acts in reckless disregard of the truth or falsity of the information; and
- b. Requires no proof of specific intent to defraud; provided, however that acts occurring by mistake or as a result of mere negligence are not covered by this chapter.
4. "*Obligation*" means an established duty, whether or not fixed, arising from an express or implied contractual, grantor-grantee, or licensor-licensee relationship, from a fee-based or similar relationship, from statute or regulation, or from the retention of any overpayment.
5. "*Material*" means having a natural tendency to influence, or be capable of influencing the payment or receipt of money or property.

#### **1.24.020 Liability for false claims and knowing failure to make required payments.**

- A. *False claims and failure to make required payments penalized.* Subject to the provisions of subsection B. of this section, a person shall be liable to the city for a civil penalty of not less than \$2,000.00 and not more than \$10,000.00, plus three times the amount of all damages, including consequential damages, which the city sustains because of the act(s) of that person who:
1. Knowingly presents, causes to be presented, maintains, or causes to maintain, a false or fraudulent claim for payment or approval;
  2. Knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim;
  3. Has possession, custody, or control of property or money used, or to be used, by the city and knowingly delivers, or causes to be delivered, less than all of that money or property;
  4. Is authorized to make or deliver a document certifying receipt of property used, or to be used, by the city and, intending to defraud the city, makes or delivers the receipt without completely knowing that the information on the receipt is true;

5. Knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer or employee of the city knowing that the officer or employee violates a provision of law when selling or pledging such property; for purposes of this subsection A.5., an "obligation" can be an obligation of any person and does not have to be an obligation of the person who knowingly makes, uses, or causes to be made or used, a false record or statement material to such obligation to pay or transmit money or property to the city;
  6. Knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the city; or
  7. Knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the city, or conspires to do the same; for purposes of this subsection A.7., an "obligation" can be an obligation of any person and does not have to be an obligation of the person who knowingly conceals or who knowingly and improperly avoids or decreases such obligation to pay or transmit money or property to the city; or
  8. Conspires to commit a violation of this subsection A.;
- B. *Reduction in damages for cooperation.* A court may assess not more than two times the amount of damages sustained because of the act of the person described in subsection A., if the court finds that:
1. The person committing the violation of this section had furnished all information known to such person about the violation, to those officials responsible for investigating false claims violations on behalf of the city, within 30 days after the date on which such person first obtained the information;
  2. Such person fully cooperated with any government investigation of such violation; and
  3. At the time such person furnished information about the violation, no criminal prosecution, civil action, or administrative action had commenced with respect to such violation, or the person did not have actual knowledge of the existence of an investigation into such violation.
- C. *Application of the damage multiplier.* The city's damages shall be trebled or doubled pursuant to this section before any subtractions are made for compensatory payments received by the city from any source, including but not limited to the defendant, or before any subtractions are otherwise made because of any offset or credit received by the city from any source, including but not limited to the defendant.
- D. *Exclusion of tax claims under \$10,000.00 and property tax claims.*
1. This section shall apply to claims, records, or statements made under Title 4 of this code or failure to remit taxes, only if the damages pleaded in such action exceed \$10,000.00.
  2. This section shall not apply to the failure to remit property taxes.

### 1.24.030 Civil actions.

The city attorney shall have the authority to investigate violations of section 1.24.020. If the city attorney believes that a person has violated or is violating such section, then the city attorney may bring a civil action against such person and may join such action or claims with other civil actions or claims. No action or claim may be filed pursuant to this section against the federal government, the state, or any officer or employee thereof acting in official capacity.

### 1.24.040 Civil investigative tools.

A. Whenever the city attorney has reason to believe that any person may be in possession, custody, or control of any documentary material or information relevant to a possible violation of section 1.24.020, the city attorney is authorized to investigate such violations by taking proof, making a determination of the relevant facts, and issuing civil investigative demands requiring such person:

1. To produce such documentary material for inspection and copying,
2. To answer in writing written interrogatories with respect to such documentary material or information,
3. To give oral testimony concerning such documentary material or information, or
4. To furnish any combination of such material, answers, or testimony.

Such authorization shall not abate or terminate by reason of any action or proceeding brought under this chapter by the city attorney.

B. *Protected material or information.* A civil investigative demand issued under subsection A. may not require the production of any documentary material, the submission of any answers to written interrogatories, or the giving of any oral testimony if such material, answers, or testimony would be protected from disclosure under:

1. The standards applicable to subpoenas or subpoenas duces tecum issued by a court of the State of Alaska to aid in a grand jury investigation; or
2. The standards applicable to discovery requests under the Alaska Rules of Civil Procedure, to the extent that the application of such standards to any such demand is appropriate and consistent with the provisions and purposes of this section.

C. *Failure to comply.* If a person directed to respond to a civil investigative demand under this section as part of an inquiry related to a violation of this chapter fails to obey the command of the civil investigative demand without reasonable cause, or if a person in attendance upon such inquiry shall without reasonable cause refuse to be sworn or to be examined or to answer a question or to produce a book or paper or data when ordered so to do by the officer conducting such inquiry, or if a person fails to perform any act required to be performed, the city attorney may institute civil contempt proceedings, move a court to compel compliance, or take any other action authorized by law.

**1.24.050 Whistleblower protection.**

- A. Any current or former employee, contractor, or agent of any private or public employer who is discharged, demoted, suspended, threatened, harassed or in any other manner discriminated against in the terms and conditions of employment, or otherwise harmed or penalized by an employer, or a prospective employer, because of lawful acts done by the employee, contractor, agent, or associated others in furtherance of an action brought under this chapter or other efforts to stop one or more violations of this chapter, shall be entitled to all relief necessary to make the employee, contractor or agent whole. Such relief shall include but not be limited to:
  - 1. An injunction to restrain continued discrimination;
  - 2. Hiring, contracting or reinstatement to the position such person would have had but for the discrimination or to an equivalent position;
  - 3. Reinstatement of full fringe benefits and seniority rights;
  - 4. Payment of two times back pay, plus interest; and
  - 5. Compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney fees.
  
- B. For purposes of this section, a "lawful act" shall include, but not be limited to, obtaining or transmitting to the city or a government agency documents, data, correspondence, electronic mail, or any other information, even though such act may violate a contract, employment term, or duty owed to the employer or contractor, so long as the possession and transmission of such documents are for the sole purpose of furthering efforts to stop one or more violations of this chapter. Nothing in this title shall be interpreted to prevent any law enforcement authority from bringing a civil or criminal action against any person for violating any provision of law.
  
- C. An employee, contractor or agent described in subsection A. may bring an action in the appropriate court for the relief provided in this section.

Section 3. Effective Date. This ordinance shall be effective upon adoption.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on September 8, 2022.

\_\_\_\_\_  
Alice Ruby, Mayor  
City of Dillingham

ATTEST:

\_\_\_\_\_  
Lori Goodell, City Clerk



Council Meeting – Regular  
Meeting Date: September 8, 2022  
Submitted By: Planning Commission

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## Legislation Overview

### **TITLE**

Resolution 2022-24; A Resolution of the Dillingham City Council Approving a Public Utilities Easement for Nushagak Cooperative at Kenny Wren Road for Supplemental Heat, Power, and Communication Work

### **RECOMMENDED ACTION**

I move to adopt Resolution 2022-24.

### **SUMMARY OF ISSUE**

Easement is for Nushagak Cooperative Job No. 19-0384 which installs pipe and vents for supplemental heating and data/communication at the elementary and middle/high school.



CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2022-24

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING A PUBLIC UTILITES EASEMENT FOR NUSHAGAK COOPERATIVE AT KENNY WREN ROAD FOR SUPPLEMENTAL HEAT, POWER, AND COMMUNICATION WORK**

WHEREAS, Nushagak Cooperative has installed pipe/vents for supplemental heat and install data communications at Kenny Wren Road to benefit the Elementary and High/Middle School facilities; and

WHEREAS, the Dillingham Planning Commission is required to make a recommendation to the City Council for long term encroachments and for excavation and construction in city rights-of-way and city property per DMC 12.08.020 (C) and DMC 12.08.070; and

WHEREAS, Short Term Encroachment 2022-05 authorized temporary access to begin the project; and

WHEREAS, Dillingham Planning Commission Resolution 2022-04 recommends approval of the public utility easement; and

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

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council approves the public utility easment authorizing conduit installation for installation of pipe/vents, data communication purposes, and future expansion purposes with the following conditions:

- That Nushagak Cooperative notify the City of Dillingham Administration, Public Works Department, Public Safety Department, and the Dillingham City School District 48 hours in advance of any work on public lands or in the public right-of-way.
- Nushagak Cooperative is required to restore all public land or public right of way to its former condition or better after completing the utility installation.
- Nushagak Cooperative will provide as-builts documenting the actual location of the installation within one month of job completion.

PASSED and ADOPTED by the Dillingham City Council September 8, 2022.

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

[SEAL]

ATTEST:

\_\_\_\_\_  
Lori Goodell, City Clerk

**Resolution 2022-04**

**A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION**

**A Resolution of the Dillingham Planning Commission Accepting an Easement for  
Public Utilities**

WHEREAS, Nushagak Cooperative contracted JJC Enterprises to install ducts and data lines to benefit both the Elementary and High/Middle School through Job# 19-0384, and

WHEREAS, the Education Waste Heat job will decrease heating cost to both facilities by venting waste heat created by Nushagak Cooperative, and

WHEREAS, the Dillingham City School District Maintenance Department recognized the need to relocate the utilities and approved the easement, and

WHEREAS, Short Term Encroachment 2022-01 was approved by the City Manager to keep the project moving forward, and

WHEREAS, the existing easement is no longer viable as it has become unsafe to add too due to the easement is at full capacity,

NOW, THEREFORE, BE IT RESOLVED that the Dillingham Planning Commission accepts this Resolution creating a public easement for future utilities and recommends Resolution 2022-04 to the Dillingham City Council for approval.

APPROVED AND ADOPTED THIS 24nd DAY OF August 2022.

  
\_\_\_\_\_  
Kaleb Westfall, Commissioner

  
\_\_\_\_\_  
Patty Buholm, Planning Director



## SHORT TERM ENCROACHMENT PERMIT 2022-05

### Issued to:

Name: Nushagak Cooperative

Project Address(s): Kenny Wren Road (Nushagak/SWRSD/DCSD/SOA Shop)

Telephone: (907) 842-5257

Dates of STE: 6/10/22 – 7/31/22

Purpose: Install pipe/vents for supplemental heat, install data/communications, Job No. 19-0384 – See permit 2022-01 for original encroachment

### Other Special Conditions:

- Will restore all public land or public right of way to its former condition or better after completing the utility installations; and
- Provide the City of Dillingham: Administration, Public Works, and Public Safety Departments, DCSD, SWRSD, State of Alaska Fish and Game Office, the Alaska State Troopers Office, and any others located behind the encroachment that may negatively impact or diminish access or egress a 48-hour advance notice of work to be done in the public right of way; and
- This Short Term Permit is valid for City of Dillingham land and right-of-ways only, and recommends Nushagak Cooperative to contact the State of Alaska to ensure that additional Right of Way or Encroachment Permits are not necessary on State Land/Property (See attached Warranty Deed Bristol Bay Recording District: Book 20, Page 114, 75-310), Southwest Regional School District, and any other affected property owners during this Encroachment; and
- Will provide As-Builts documenting the actual location of the installation within one month after construction completed; and
- Contractors will use caution during the removal and installment of same fencing, playground equipment, and surface material as to not cause damage or excessive loss.

ISSUED BY:

  
Robert Mawson, City Manager

6/22/22  
Date



Council Meeting – Regular  
Meeting Date: September 8, 2022  
Submitted By: Administration Department

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Information

**TITLE**

Resolution 2022-26; A Resolution Of The Dillingham City Council Authorizing The City Manager To Hold A Mayor's Garage Sale To Dispose Of Surplus City Equipment

**RECOMMENDED ACTION**

I move to adopt Resolution 2022-26.

**SUMMARY OF ISSUE**

The City has numerous items that are surplus. Dillingham Municipal Code allows for surplus sales:

The manager may sell, trade or exchange surplus or obsolete supplies, materials and equipment following adoption of a council resolution declaring the supplies, materials and equipment obsolete and/or surplus. Sales exceeding one thousand dollars in any one transaction shall be made pursuant to Section 4.36.010B

**CITY OF DILLINGHAM, ALASKA**

**RESOLUTION NO. 2022-26**

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY MANAGER TO HOLD A MAYOR’S GARAGE SALE TO DISPOSE OF SURPLUS CITY EQUIPMENT**

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WHEREAS, the City has identified a number of surplus equipment items for disposal; and

WHEREAS, DMC 4.36.010 B. requires surplus property valued at more than \$500 be disposed of by bid; and

WHEREAS, some of the items on the disposal list may be valued at more than \$500.

NOW, THEREFORE, BE IT RESOLVED the Dillingham City Council authorizes the City Manager to hold a Mayor’s Garage Sale to be in the fall of 2022.

BE IT FURTHER RESOLVED the City Manager is authorized to negotiate the sale of items on the surplus list.

PASSED and ADOPTED by the Dillingham City Council on September 8, 2022.

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

ATTEST:

[SEAL]

\_\_\_\_\_  
Lori Goodell, City Clerk

## 2022 Mayor Sale Surplus City Equipment/Vehicles

### Items valued over \$500

1990 Ford F350 VIN 2FDKF38M5LCB33068  
1984 GMC Sierra 350 VIN 1GDGC34MXEV506297  
1995 Ford Bronco VIN 1FMEU15N65LB56528  
1959 Volvo WG 64T VIN 4V1JDBJF2SN842093  
1986 Hobart 300 G welding trailer VIN 83WS13203  
1983 White International Dump truck  
1994 White Chevrolet K-3500 Ambulance  
1990 White Ford F-350 Super Duty Truck  
1984 White GMC Sierra 350 Flatbed  
1995 White Ford Bronco SUV  
1991 White F-350 Ambulance  
2017 White Ford E450 Bus  
2005 White Ford Explorer  
2004 White Chevrolet Silverado 2500 Pick-up Truck  
2005 White Ford F-450 Super Duty Pick-up Truck  
Coats Rim Clamp X-Series 70X-AH-1  
Tire Machine  
Large steel Pipes  
Commercial Sealer  
Walk-in freezer  
Empty Freon Tank (3)  
Yamaha Vmax 115 motor

## 2022 Mayor Sale Surplus City Equipment/Vehicles

### Items valued under \$500

Metal bin with corks  
 Two bags with braille web  
 Herring net in bag (2)  
 Aluminum 12" x 12" x 20" tank  
 Pressure washer gun with hose  
 4-fuel nozzles with hose  
 Brass sturn bearing leg screws asst  
 5/8 x 5" galvanized leg bolts  
 3/4 x 4" galvanized leg bolts  
 5/8 x 5" galvanized leg bolts  
 3/4 x 6" galvanized leg bolts  
 1/2" x 3" galvanized leg bolts  
 Bucket of 3/4" x 20" galvanized carriage bolts  
 15 ton steel pulley with steel cable attached  
 16" x 16" x 16" sink in aluminum stand  
 2- grease guns with hose attached  
 Assortment of concave expansion plugs  
 Pole climbing belt  
 Assortment of bolts (5)  
 20 gram Hokuto scale (2)  
 29" x 29" x 20" h end table with glass insert  
 1/2" by 7" carriage bolts galvanized  
 Large black washers  
 Large galvanized flat washers  
 Assortment of concrete anchors  
 1 1/4" street 90's galvanized  
 Dayton metal shutter 24" x 30"  
 Bundle of humpy web  
 1/2" by 6" carriage bolt galvanized  
 Partial roll of coax cable 50 Ohm type RG8  
 Partial roll of coax cable unknown type  
 Aircraft passenger door (2)  
 White knotless fish braille (10)  
 Black knotless fish braille (11)  
 Old Playground set  
 Large aluminum holding tank (2)  
 Assorted wood pile (2)  
 Twin size bed frame (3)  
 Workbench  
 All thread assorted sizes  
 Fish cooker bin (11)  
 Seine net  
 Hoop net for trawler  
 Water container with spigot knobs  
 Vent ducting  
 F/V New Venture (SCRAP)

F/V Thor (SCRAP)  
 Boat trailer (homemade)  
 F/V Ernerst B (SCRAP)  
 File Cabinet (4 drawers) no keys (4)  
 Large Wood Cabinet (4 doors)  
 Small Wood Cabinet (2 doors)  
 Panasonic 42" monitor/tv  
 Stand-up whiteboard  
 Canon image formula DR-3010C  
 HP Office jet pro-8600  
 Impulse sealer (type mms-500)  
 Metal Table  
 Typewriter  
 Desk (metal & wood)  
 NIB- Samsung express SF760p 1  
 Samsung express SF760p (no cords)  
 Microwave (2)  
 Turbo Convection Oven  
 King size bed  
 Popcorn maker  
 Vacuum  
 Iron board- (5)  
 Kitchen shelf on wheels  
 Cash register  
 Micro shop-vac  
 Shelving unit with doors  
 Blanket hanger  
 Fax machine/copier- (2)  
 Tables (4)  
 Office Filer Organizer (2)  
 Microphone on tall stand  
 Microphone (3)  
 Directional speaker  
 Amplifier and cords  
 Wall organizer bin  
 Answering machine  
 Desk organizer  
 Label maker tape  
 Black case  
 Assorted office supplies  
 Keyboard and speakers  
 Shelves  
 Small metal table (2)  
 Fabric peg board (3)  
 Metal bookshelf

# New Business



City of Dillingham Action Memorandum      Agenda of: September 8, 2022

Action Memorandum No. 2022-08

**Subject:**

Authorize the City Manager's purchase of a generator for the waste water treatment plant

City Manager: Recommend Approval

Signature: 

Fiscal Note:  Yes  No

Funds Available:  Yes  No

**Other Attachments:**

**Summary Statement:**

Due to DEC notice of violations the sewer lagoon needs upgrades. ANTHC grant award AN 15-N3E had funds available with a close date of August 23, 2022. Competitive quotes were requested and received from four independent equipment suppliers across the country including an Alaska vendor.

DMC 4.30.100 Competitive sealed bid or proposal procedure waived:  
4.30.130 Exemptions.

B. Restrictions and provision of this chapter may be waived where the city council determines that the public interest would best be served by waiving the procedures herein established.

1. An emergency exists where the delays required for compliance with this section would jeopardize the public health, safety or welfare;

Action Memorandum No. 2022-08

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
	Finance Director	
	Public Works Director	
X	City Clerk	

City of Dillingham  
Fiscal Note

Agenda Date: September 8, 2022

NC Power System - Caterpillar Generator for Wastewater Treatment Plant

ORIGINATOR: Finance Director

FISCAL ACTION (TO BE COMPLETED BY FINANCE)		FISCAL IMPACT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
AMOUNT REQUESTED: \$192,021		FUNDING SOURCE <b>City of Dillingham</b>	
FROM ACCOUNT 3009 7620 30 62 4511 0 ANTHC -Major Equipment 2100 7620 30 62 4511 0 Water -Major Equipment		Project Development of Wastewater Treatment plant	
TO ACCOUNT:	VERIFIED BY: Anita Fuller	Date:	9/2/2022

EXPENDITURES

OPERATING	FY23	FY24	FY25	FY26
2100 7620 30 62 4511 0	\$ 45,483.10			
3009 7620 30 62 4511 0	146,537.90			
<b>TOTAL OPERATING</b>	<b>\$ 192,021.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

CAPITAL	\$ -			
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REVENUE	146,537.90			
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FUNDING

General Fund	\$ 45,483.10			
<b>TOTAL FUNDING</b>	<b>\$ 45,483.10</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

POSITIONS

Full-Time				
Part-Time				

Analysis: (Attach a separate page if necessary)

AM 2022-08

Final expenditure to the ANTHC Grant started in FY2016 for Wastewater Treatment plant improvement

PREPARED BY: Anita Fuller

September 2, 2022

DEPARTMENT: Finance

APPROVED BY: \_\_\_\_\_


City of Dillingham Action Memorandum      Agenda of: September 8, 2022

Action Memorandum No. 2022-09

**Subject:**

Authorizing a contract to Appraisal Company of Alaska to provide city assessment services

City Manager: Recommend Approval

Signature: 

Fiscal Note:  Yes  No

Funds Available:  Yes  No

**Other Attachments:**

**Summary Statement:**

Authorize the City Manager to enter into a renewal contract with with Appraisal Company of Alaska through tax year 2023. With an option to renew yearly for four, one-year extensions.

The payment of services shall not exceed \$26,000 for the tax year. The assessor's fee for representation at the Board of Equalization is included in the price above, along with travel and lodging fees.

DMC 4.30.100 Competitive sealed bid or proposal procedure waived:

4.30.130 Exemptions.

A. Restrictions and provisions of this chapter shall not apply:

6. To professional services retained on a continuing as opposed to a project basis, i.e., accounting, appraisal, legal and civil engineering services.

Action Memorandum No. 2022-09

Summary Statement continued:

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PASSED and APPROVED by a duly constituted quorum of the Dillingham City Council  
on September 8, 2022.

\_\_\_\_\_  
Mayor

ATTEST:

[SEAL]

\_\_\_\_\_  
City Clerk

Route to	Department Head	Date
X	Finance Director	
X	City Clerk	

City of Dillingham  
Fiscal Note

Agenda Date: September 8, 2022

Appraisal Company of Alaska - Municipal Assessment Services 2023 tax year

ORIGINATOR: Finance Director

FISCAL ACTION (TO BE COMPLETED BY FINANCE)		FISCAL IMPACT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
AMOUNT REQUESTED: \$62,000		FUNDING SOURCE <b>City of Dillingham</b>	
FROM ACCOUNT 1000 7030 10 14 0000 0	GF Finance -Appraisal	Project Development of Wastwater Treatment plant	
TO ACCOUNT:	VERIFIED BY: Anita Fuller	Date: 9/2/2022	

EXPENDITURES

OPERATING	FY23	FY24	FY25	FY26
1000 7030 10 14 0000 0	\$ 26,000.00			
<b>TOTAL OPERATING</b>	<b>\$ 26,000.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

CAPITAL	\$ -			
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REVENUE	-			
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FUNDING

General Fund - Budgeted	\$ 20,000.00			
General Fund - Not Budgeted	6,000.00			
<b>TOTAL FUNDING</b>	<b>\$ 26,000.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

POSITIONS

Full-Time				
Part-Time				

Analysis: (Attach a separate page if necessary)

AM 2022-09

FY23 Budget is for \$20,000, Will require an increase to the budget by \$6,000

PREPARED BY: Anita Fuller

September 2, 2022

DEPARTMENT: Finance

APPROVED BY: \_\_\_\_\_