

City Manager
And
Staff Reports

Mayor
Alice Ruby

City Manager
Robert Mawson



Dillingham City Council
Kim Johnson
Michael Bennett
Aksel Buholm
Curt Armstrong
Kaleb Westfall
Perry Abrams

MEMORANDUM

Date: March 28, 2023
To: Honorable Mayor and City Council
From: Lori Goodell, Acting City Manager
Subject: Council Report

Funding:

Dillingham Port Improvements: The debrief meeting held March 7th with PIDP, the MARAD Gateway Director, and PND Engineers, Inc. to review the FY22 MARAD application was very productive. The review covered how the application can be improved for the FY23 MARAD application. PND Engineers, Inc. have been retained for that purpose. *DMC 4.30.080(D) The city manager shall review all quotations and award the contract or purchase in writing. The city manager shall notify the city council of the award of such contract or purchase at the next regular city council meeting. DMC 4.30.130(B)(4) The services are of a professional nature requiring specialized knowledge and judgment*

Snag Point Erosion Mitigation Project: The City of Dillingham received an earmark \$5 million FY23 Congressional Delegation Spending allocation. This appropriation requires an application submittal prior to the receiving funds. The appropriation requires a 10% match, equating to approximately \$55,000. The City will look to acquire matching funds, if a match cannot be found the City can use in-kind to satisfy this match. This award will be for planning purposes, engineering, permitting, and surveying etc. Funding opportunities for construction are being pursued.

Funding for other capital projects being explored:

CDS request for Landfill improvements.

DNR for fire break at the Landfill.

Researching 100% reimbursable State Revolving Fund to address clean water/drinking water concerns.

The requirements have been met for the jail contract. The signed contract was sent to the State of Alaska Department of Corrections on March 29, we are waiting to get the fully executed document back.

Grant Writer:

Council has expressed a need for a dedicated grant writer. As previously reported the attempt to retain a grant writer through the RFP process was unsuccessful. Research

into developing a Grant Writer job description has begun. This will be included in the Admin budget and submitted to the Finance & Budget Committee for consideration during the upcoming budget cycle as new positions are subject to budgetary appropriations by the City Council.

Council Vacancy

At the March Finance & Budget Committee meeting Council Member Perry Abrams announced he will be leaving Dillingham and has submitted his resignation from the City Council with an effective date of June 1, 2023. Dillingham Municipal Code outlines steps needed to fill a vacancy. I have outlined that process in an attached memo.

Budget:

FY23 budget review is ongoing with Department Directors. This needs to be concluded prior to the FY23 budget revision ordinance.

FY24 budget sessions will begin with Finance & Budget Committee workshops scheduled in April and May. The FY24 budget ordinance will be introduced at the June 1, 2023, Council meeting.

Bond Dept Schedule and payout:

School Bond – FY28 remaining average annual payout of \$1.065 M per year. A total of \$5,316,625.

Streets Bond – FY39 remaining payout of \$4,451,750

City Property:

The list of properties continues to be an ongoing process. It has involved the Planner, Assessors, Finance, GIS Mapping Service, and many other entities. Attached is the working map showing city property in yellow highlights. The status of land owned by the city is unique to each parcel. Some parcels have a very complex history. Any city land would need to be assessed prior to any consideration of disposal. With the BBEDC grant writing assistance award the City is working with Agnew Beck on assessing the housing needs in Dillingham. I suggest the Council actively engage in the housing strategy development to better understand what the complete needs of the community are, what the city's role will be, and identify all the stakeholders. Further a plan is prudent so it is clear how disposal of land correlates with the City's comprehensive plan, long term goals of the Council, and how that will best assist the housing needs for the community.

Departments:

- Recruitment for Harbormaster and Public Works Director was posted mid-March.
- Seasonal dock employees have notified the City they will return for work this season.
- Senior Center van repairs are slated for completion this week.
- Training with the Acting City Clerk is ongoing. Greta is a fast study, learns software quickly, understands technology, and is willing to get the job done.
- Reviewed landfill requirements with Public Works Foreman and Landfill Supervisor to develop a plan for reporting and improvements needs. Looking into a Starlink system so the landfill would have internet access.

Other local, regional, and state happenings:

- PSEA collective bargaining agreement in progress.

- I was able to attend a few planning sessions at the Sustainability Summit.
- Sent the Memorandum of Understanding to BBHA and MEAL on March 10. Waiting for response.
- Met with Agnew Beck to discuss possibility of a housing needs assessment (BBEDC grant writing assistance award.) This project is slated to begin in late April / early May.
- Met with Bristol Bay Borough Manager James Wilson. We discussed capital projects, and harbor needs. This opportunity to network resulted in an offer to assist with the harbor this season. I will explore this further after we get a Harbormaster in place.



March 17, 2023

Dempsey S. Thieman, PE, SE
PND Engineers, Inc.
1506 West 36th Avenue
Anchorage, AK 99503

Subject: Contract for Professional Services – 2023 PIDP Grant Application

Dear Dempsey:

The City of Dillingham received PND Engineers, Inc. March 15, 2023, proposal for the 2023 PIDP grant application for the Dillingham Harbor Improvements. This letter serves as notification of the City's intent to retain your firm for this grant application as outlined in your proposal with a fixed fee of \$14,500. The services provided are of a professional nature requiring specialized knowledge which PND Engineers, Inc. has demonstrated. The 2023 grant application will be realized more efficiently with that acquired knowledge.

We look forward to working with you on the MARAD PIPD 2023 grant application for the Port of Dillingham Improvements Project.

Sincerely,

A handwritten signature in black ink that reads "Lori Goodell". The signature is written in a cursive, flowing style.

Lori Goodell
Acting City Manager

cc: Anita Fuller, Finance Director for the City of Dillingham

Mayor
Alice Ruby

Manager
Robert Mawson



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MEMORANDUM

Date: March 31, 2023
To: Alice Ruby, Mayor
From: Lori Goodell, Acting City Manager
Subject: Resignation of Council Member

At the March Finance & Budget Committee meeting Council Member Perry Abrams informed the committee he is leaving Dillingham and will resign from Council effective June 1, 2023. Dillingham Municipal Code has guidelines for filling vacancies and are outlined below. A resolution to accept the resignation and declare an open seat will be in the May 4, 2023, council packet.

DMC, Section 2.03.070, Vacancies, the code reads that an elected municipal office, except for that of mayor or school board member, is vacated under specific conditions, and upon declaration of vacancy by the Council. The council shall within forty-five days appoint a qualified person. The council shall declare an elective office vacant when the person elected:

- Resigns and the resignation is accepted. (one of seven options listed in code)

Timing

If City Council accepts a resignation for Seat F and declares the seat vacant at their regular council meeting on May 4, 2023, they would need to fill the seat within 45 days, or by June 18. There are two regular meetings during that period: June 1 and June 15. An appointment would need to be designated at one of those meetings unless a special meeting is held.

City Attorney's advice regarding qualifications and appointment.

Qualifications

There are two qualifications listed in DMC 2.06.020.

- Registered Voter in Dillingham
- Have lived in Dillingham for one year

In my opinion, the person appointed to fill a vacancy must be qualified as of the date the vacancy is filled. Therefore, any person registered to vote AND who has lived in Dillingham for a year by June 18 (or any earlier date of appointment) may be appointed.

Filling the vacancy

Filling the vacancy is mandatory. The council MUST appoint someone. That is why the word "shall" is used in DMC 2.06.060. There is no procedure to fill a vacancy by special election.

DMC 2.03.070 Vacancies.

An elected municipal office, except for that of mayor or school board member, is vacated under the following conditions and upon the declaration of vacancy by the council. The council shall within forty-five days appoint a qualified person. If less than thirty days remain in a term, a vacancy may not be filled unless the vacancy reduces the body to less than a quorum, in which case the remaining member shall appoint a number of qualified persons to constitute a quorum within seven days. The council shall declare an elective office vacant when the person elected:

- A. Fails to qualify or take office within thirty days after his or her election or appointment;
- B. Is physically absent from the municipality for a consecutive ninety-day period, unless excused by the council;
- C. Resigns and the resignation is accepted;
- D. Is physically or mentally unable to perform the duties of his or her office as determined by two-thirds vote of the council;
- E. Is removed from office in accordance with Section [2.06.030](#) herein;
- F. Misses three consecutive regular meetings unless excused; or
- G. No longer physically resides in the municipality and two-thirds of the council members vote the seat vacant.

DMC 2.06.060 Vacancies

If a vacancy occurs in the council, the council, **by vote of a majority of its remaining members**, shall within forty-five days designate a person to fill the vacancy until the next regular election and until a successor is elected and has qualified. The term of office at the next regular election shall be for the unexpired term only.

Working Map of City Properties



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MEMORANDUM

Date: March 29, 2023
To: Honorable Mayor and City Council
From: Lori Goodell, Acting City Manager
Subject: Public Safety; Animal Control

City Council was addressed by Mr. Johnson, who lives on Squaw Creek Road, on December 16, 2021. He spoke regarding the neighbors loose dogs, and issues he was having with non-response from the Animal Control Officer (ACO) Boyd. A report on the matter was requested by Council, Chief Dan Pasquariello investigated the situation and reported there were 8 animals living in the vicinity. The neighbor has 3 dogs. It was also noted the ACO rents a home from the neighbor. This creates a challenging situation for the ACO and a possible conflict of interest in responding to animal call involving the neighbor. A system was put in place where an officer would respond to calls from the Johnsons, a citation could be issued and co-signed by the Johnsons. On January 12, 2023, the Johnson's again spoke to council stating loose dogs have been an ongoing problem for over four years and requested a plan of action to address the issue.

In response to the concern about loose dogs and code enforcement in Dillingham I researched the issue cooperatively with the current Acting Chief of Police and did multiple interviews with the ACO regarding loose dogs, the code, and how animal control is handled in the city. A few specific questions / answers:

1. Is there a loose dog problem? While this question appears to elicit a simple answer, I have found that is not the case. According to DMC it is unlawful for a keeper to allow *any* uncontrolled animals on city property and requires animals outside the confines on the keeper's property to be controlled or restrained. Feral animals and animals coming in from neighboring communities must also be considered in this equation. What threshold then constitutes a problem? That threshold would be smaller for some than others, and circumstances would play a factor. The direct answer to the question is yes. There are loose dogs in Dillingham and according to code it is an issue.
2. Has the problem increased over the past couple of years? ACO Boyd's 12+ years of experience shows the problem ebbs and flows over the years. Currently the interruption of the ACO's duties and spay/neuter clinics during the pandemic have had an impact on the number of dogs in the city.
3. Are we addressing the loose dog problem? The ACO focuses on the loose dog situation every shift he works. Regular patrols are done during his shift with an emphasis on areas with known large dog populations. Additionally, all calls concerning animals are responded to. Abandoned animals are most often relocated and spay / neuter clinics have resumed. All these solutions address the dog problem in Dillingham.
4. Is there a need to make any revisions to our Code? DMC's regulations regarding restraint of animals offers several remedies; education, warnings, citations, impound, and non-

release to a keeper if multiple impounds occur within a specified time frame. These regulations are common to most communities. ACO Boyd is going to the Alaska Animal Control Association 2023 Training Conference this month. He will be conferring with other communities around the state to see if there are any other solutions the city could consider.

5. What action has been taken to assure that we are enforcing DMC? ACO Boyd's initial effort when catching loose dogs is to return to them to known keepers with a focus on education and adherence to code requirements regarding restraint. Animals are impounded when the situation indicates that need. It has been emphasized to Animal Control that citations will be issued when appropriate. The ACO is submitting regular reports to the Acting Chief of Police and the Acting City Manager.

Dillingham Municipal Code (DMC) Title 7 is the current regulation regarding animals. The purpose for this title as stated in DMC 7.10.010:

The purpose of this title is to promote public health and safety and to encourage responsible pet ownership and the humane care of animals.

Pursuant to the purpose of Title 7 there have been numerous improvements to animal control since 2010 when ACO Boyd took the position:

- Community Service Officer position transitions to Animal Control Officer. This allows the position to focus on Title 7 Animals.
- Impound of animals went from an expensive contract service to in house, offering more control, regulation, and management of sheltering animals.
- Method used to euthanize animals went from dispatching with a firearm to the ACO acquiring the DEA license to euthanize with controlled drugs.
- Spay and Neuter clinics routinely scheduled, and rabies and vaccination clinics available. Increasing availability for residents to receive care for their pets.
- Start a relocation program for unadopted animals.
- Additional certifications received including; Sheltering Operations, Investigations, Animal Behavior, Euthanasia, Chemical Immobilization, Bite Stick, and use of Pepper Spray.
- Outside pens improved with roofs, and concrete pads. Upgraded pen conditions allow for disinfecting and sanitation of outside pens and eliminates the spread of disease.
- Rehabilitation program discovered for relocation of dogs with behavior issues.
- Title 7 updated to improve aggressive animal determinations, with confinement and control considerations.
- ACO receives Immune Globulin shots to be protected from rabies.
- Focus on rabies shots including a PSA campaign when foxes test positive for rabies.

The 2020 COVID pandemic essentially shut down animal control efforts. Spay and neuter clinics were suspended. The animal shelter was utilized as a COVID testing facility, and the ACO began to work with the Emergency Management Coordinator. ACO position utilized for logistics and delivery of supplies, as well as assisting with the travel permit process put in place by the City Council.

The Department of Public Safety statistics relating to animal control calls:

Time span	Number of calls	Calls from Squaw Creek area	Calls associated with Johnson residence
1/2019 – 1/2023	728	35 (5%)	15 (2%)
3/2021 – 1/2023	325	20 (6%)	9 (3%)

The number of citations issued from animal calls February 2022 – February 2023 is 18, and two warning citations issued. The distribution of citation locations for the last year of animal calls shows numerous locations, with a third of the citations being in the HUD housing area. These

numbers only represent the calls recorded. The ACO spends time patrolling the city, picking up animals, and often returning them to their owners with a request to adhere to code and keep their animals restrained.

Breakdown of the 15 calls associated with the Johnson residence:

- 1 request for protection order against residence dog.
- 1 request to euthanize aged dog at the residence.
- 2 complaints against neighbor dog defecating on residence property.
- 7 complaints regarding loose dogs in residence yard.
- 1 report of loose dogs fighting with resident dogs.
- 1 report of resident confronting ACO regarding neighbor's dog defecating in residence yard.
- 1 report resident blocked shared driveway in protest of neighbor's loose dogs.
- 1 report of dog tracks through residence yard.

Other allegations / consideration from calls:

- Asserted neighbor threatened to shoot dogs.
- Stated nothing is done about dogs running loose.
- Claimed ACO protecting neighbor's dog due to possible conflict of interest with ACO renting a unit from neighbor.
- Officer reported patrolling Squaw Creek Road several times, unable to locate dog.
- Live trap recommended to residence.

As noted earlier, an unexpected impact to Animal Control resulting from the COVID pandemic has been an increase of dogs in the city. The reduction of spay/neuter clinics, repurpose of the Animal Shelter to a vaccination clinic, and refocus of the ACO duties during the pandemic all contributed to an escalation of animals in Dillingham. This surge in animals will take time to address. The Animal Control department employs one person to cover an area of 33.6 square miles, respond to all incoming animal calls, as well as patrolling, educating, and holding spay/neuter and vaccination clinics.

The minor offense fine schedule in DMC provides the Department of Public Safety the authority to write citations in response to the types of calls reported. However, there is some difficulty in the time lapse between the incoming call and the responding officer's arrival. Most often the animal in question has left the premises. The ACO will acquire a description and look for the alleged dog. If the ACO can verify the identity of the dog, such as the caller getting a photo of the animal, a citation can be written.

In consideration of the purpose of Title 7 Animals, the ACO's first emphasis is education to stress health and safety of pets in Dillingham. Citations are written for repeat offenders, and where else it is warranted and allowed by DMC. I have confirmed with the ACO this is the methodology we are adhering to.

A proposal for an independent assessment of the Department of Public Safety including Animal Control has been obtained and is waiting for Council approval of funding. This review will be a comprehensive look at Public Safety, staffing needs, regulations, and help determine how the Department can better serve the community.