



**City of Dillingham
Comments on Staff Preliminary Report
On
Petition to Annex Commercial Fishing Waters
Using Local Option Method**

February 24, 2011

BOYD, CHANDLER & FALCONER, LLP

BY:

A handwritten signature in blue ink, appearing to read "Brooks W. Chandler", is written over the "BY:" label.

Brooks W. Chandler
Attorney for City of Dillingham

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Local Boundary Commission

Introduction

The City of Dillingham believes the Alaska Department of Commerce, Community and Economic Development (DCCED) staff to the Local Boundary Commission (LBC) has done an excellent job in analyzing Dillingham's petition. They have followed a reasonable basis standard, properly interpreted all legal standards, and conducted a thorough, credible and objective analysis.

Staff has appropriately considered the best interests of the State of Alaska in analyzing Dillingham's petition. Staff's analysis is based on today's realities and with the perspective gained from actual events in the region over the past thirty years rather than simplistically embracing old thoughts on annexation and borough formation which have not been validated by actual events.

The City of Dillingham endorses the findings of the LBC staff concerning the vital role played by Dillingham as the regional economic hub for Nushagak Bay and this portion of Southwest Alaska. Staff recognizes the fragility and uncertainty of the rural Alaskan economy in general, and that strengthening hub communities is a key public policy strategy to prepare for the future. Annexation is truly in the best interests of the State over the long run in Nushagak Bay. Strengthening Dillingham as a regional hub helps the surrounding villages and creates more economic opportunity for all.

Minor Corrections

These are listed in the attachment to these comments.

Comments on Specific Topics

Similarity in Character of Territory to be Annexed [p.23]

The City appreciates that LBC staff examined the totality of factors when determining that the territory to be annexed is similar in character with Dillingham. No other community or municipality provides the level of services that the city does, both to the fleet and also to all regional residents for which Dillingham serves as this area's hub community.

Provision of Essential Services to the Territory to be Annexed [p.30]

The City agrees with staff's findings that as the regional hub, Dillingham provides essential services to a seasonal population largely composed of non-residents. The City agrees with staff

that these commercial users have a significant impact on the city's ability to provide essential services. Staff mentions the materials submitted to date focus on the harbor and dock infrastructure, (Report p.30) but also references Dillingham's discussion of other services. (Report p.34, para. 5, 6). Dillingham did comment on other services provided including, schools, landfill, roads, and police protection. (Petition pp.7-8) (Public Safety, Landfill) Reply pp. 10-11 (education, landfill, medical services). An excerpt from the City's proposed updated Comprehensive Plan (Oct. 10, 2010 Council review draft) describing Dillingham-based services is included with these comments. The City reminds staff that even services provided by others (such as the Post Office or Nushagak Electric) depend on city-supplied basic infrastructure (roads, sewer, water, landfill).

Population- [p.23, 47, 48]

Dillingham agrees that the City's population has decreased in the last decade like many places in rural Alaska; the petition misstated this (p. 58 of petition). In 2000 the Dillingham population was 2,466 (US census); the most recent available data is the 2009 AKDOL estimate for Dillingham of 2,264.

The City believes this is a significant population loss but does not render the City unable to provide services to the area proposed for annexation should annexation be approved. It does point to the concern that is one of the motivating factors for annexation— the ability of Dillingham to continue to provide the infrastructure and services to the commercial fishing fleet into the indefinite future without an expansion of the local tax base. The City believes staff's attempt to draw conclusions as to the reasons for the population change based on a conversation with a DCRA employee [p.23, n.2] is not relevant to the petition and is a simplistic approach not reflective of the quality of analysis accomplished by staff elsewhere in the preliminary report.

The City agrees crew numbers are important in any assessment of population levels. Estimates of the numbers of crew participating in the fishery appear at: <http://www.cfec.state.ak.us/cpbycen/2009/070DILLI.htm>. It would be necessary to ask CFEC to do a separate analysis to extract the data for Nushagak Bay.

Past Support for Borough Formation [p.62]

Dillingham has long supported formation of a borough. That support will not end with annexation.

The Importance of Regional Hub Communities When Determining Best Interests of the State [pp.36, 66, 82-83].

Dillingham agrees with staff's perspective as described on page 66 of the Report, "The city is the appropriate government for the territory because the rest of the region's communities need a stronger regional hub for their sustainability." An improved economy, in turn, can keep and attract families, which can lead to improved student numbers and a more viable school system.

Conversely, staff recognizes the dangers ahead for rural sustainability if the hub communities falter and services decline. Dillingham agrees with staff's observation described on page 36 of the Report; 'If Dillingham cannot financially sustain itself, these other communities will suffer if these services are no longer available, or are of diminished quality.' We appreciate and agree with the ominous warning by staff on page 66: 'Should annexation not be approved, we do not see a bright or sustainable future for Dillingham.' Dillingham also agrees with LBC staff's conclusion set forth at page 82; "The sustainability of this regional hub is the sustainability of this region."

Conclusion

Dillingham strongly endorses the findings and conclusions of the staff report, and respectfully ask the LBC Commissioners to concur. We believe the annexation, if approved by the Commission and later the voters, will be a positive addition to the growth and maturity of local government in our state as envisioned in the Alaska Constitution.

ATTACHMENT 1

p 13 – Nushagak Cooperative is listed as a “radio station”. Nushagak Cooperative is the local utility that offers cable TV. The radio station is KDLG.

P14 – The table at the bottom is referenced to indicate locations of posting of notices “within the existing boundaries of the City”. The table includes the following locations which are not within the boundaries of the City of Dillingham and more properly belong in the previous table:

City of Aleknagik offices
City of Clarks Point
City of Manokotak
Manokotak Village
Native Village of Aleknagik
Village of Clarks Point

p. 20 [emphasis added] [plug in appendix number] should be deleted

pp. 29-30 “Respondent” should be “Borough”

p. 35 Ralph should be Robin

p. 44 eliminate duplicate references to gaming sales tax, delete “suffices”

Table 10.2 Dillingham Public Services & Facilities Matrix

| Basic Infrastructure | | |
|---------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Airports | | |
| 6400 ft. Paved Runway | State of Alaska DOT / PF | <ul style="list-style-type: none"> • Agree to a land trade to move DOT/PF maintenance vehicles and other storage away from downtown • Resolve land use conflicts in area surrounding airport in order to ratify Airport Master Plan and designate expansion area |
| Gravel Strip | Shannon's Pond (private) | <ul style="list-style-type: none"> • Private strip located on the Lake Road |
| Water Landing | Shannon's Pond (private) | <ul style="list-style-type: none"> • Private pond located on the Lake Road; interest in developing a float plane base close to downtown to create better access to local shops and services (see Waterfront chapter) |
| Port | | |
| All-Tide Dock | City of Dillingham | <ul style="list-style-type: none"> • Conflict between gravel operations, cargo operations and Main Street functions in Downtown; possible location for new fish processing plant (see Waterfront & Transportation chapters) |
| Port of Dillingham Office | City of Dillingham | <ul style="list-style-type: none"> • Building could be more useful for storing large equipment. |
| Harbor | | |

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| Harbor Master's House restrooms & showers | City of Dillingham | <ul style="list-style-type: none"> • Only public restrooms and showers are located at the Harbor, additional services are needed in the center of downtown and at the south end of the harbor. • Survey summer visitors, fishermen to identify additional amenities needed. |
| Marine Services | City of Dillingham | <ul style="list-style-type: none"> • Commercial lots needed to provide additional services at harbor; major upgrades also needed to better support fishers (see Waterfront chapter) • continue to assess ice machine usefulness in harbor; keep improving the delivery system.) |
| Small Boat Harbor Ramps | City of Dillingham | Monitor use of north and south ramps to see where improvements can be made in use of space in harbor |
| Dock Office, Harbor Master's Office | City of Dillingham | |
| National Guard Armory | Alaska National Guard, leased land from City of Dillingham | <ul style="list-style-type: none"> • Large facility that could potentially be used by the community • Maintain lease with national guard • Assist with effort to locate new facility by airport |
| Utilities | | |
| Power | Nushagak Electric | <ul style="list-style-type: none"> • Issue of how to serve subdivisions located far from existing service, where lots are single-loaded and easements not platted (see Land Use chapter) • Developing alternate energy sources, |

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| <p>Water Plant & Well Houses</p> | <p>City of Dillingham</p> | <p>Smart Grid and district systems (see Energy chapter)</p> <ul style="list-style-type: none"> • Implement the 2003 Water and Sewer Master Plan • Complete dense neighborhood water & sewer upgrade • Residences on northern edge of downtown need city sewer see Land Use chapter) • Concerns about water quality in some areas (see Land Use chapter) • Watering point needed in central place |
| <p>Sewer system & lift stations</p> | <p>City of Dillingham</p> | <ul style="list-style-type: none"> • Remove sludge from sewage lagoon • Build a sludge disposal pad and install geotubes • Develop a system for proper sludge disposal by private operators • Develop a maintenance schedule for the sewage treatment lagoon • Revise 2003 Water and Sewer Master Plan Identify needed maintenance equipment and develop a plan for equipment replacement • Identify and describe areas with failing septic • Develop a plan for extending city sewer to those areas • Develop prioritized list • Kodiak is composting sewer sludge – Homer also tried it and ran into issues |

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| | (see Energy chapter) | | |
| Bulk Fuel Storage & Distribution | Bristol Alliance Fuels, Delta Western (private) | <ul style="list-style-type: none"> • Threatened by erosion of west side of harbor mouth | |
| Solid Waste | | | |

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| <p>Class 2 Landfill (State certified)</p> | <p>City of Dillingham</p> | <ul style="list-style-type: none"> • Consider all possibilities for making it more efficient, using waste as biomass (see Energy chapter) and reducing air quality issues • Research incinerators. Burn box may no longer be used. • Research alternatives to burning • Study potential for regional landfill and recycling |
| <p>Recycling</p> | <p>Senior Center & NAPA Auto (batteries)</p> | <ul style="list-style-type: none"> • Encourage and mandate recycling and waste reduction at City-sponsored events; work with Bristol Bay Campus to host 'green events' • Senior Center currently collects and recycles aluminum cans (\$2451 in 2009, >\$2000 in 2010), • City collects electronics to ship out via Total Reclaim. Curyung Tribe holds annual recycling day. • Determine thresholds to make shipping out plastics, cardboard, and other recyclables cost effective • Investigate fee structure for "pay as you throw" policy to create an incentive to separate and recycle materials |
| <p>Reclamation & Reuse</p> | <p>Landfill workers</p> | <p>(see Energy chapter) continue to have Landfill workers pull out items and put them aside for reuse</p> |
| <p>Refuse Collection</p> | <p>Dillingham Refuse, Inc. (private)</p> | <p>Explore possibility of having city-wide</p> |

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| Composting of fish waste, other biomass | None | pickup of refuse <ul style="list-style-type: none"> Concern about smell and attraction of bears UA and City working together to research possibilities compost fish waste needs a lot of paper or other carbon like paper or cardboard |
| Communications | | |
| Telephone / Cellular | Nushagak Co-operative, potentially new providers | <ul style="list-style-type: none"> Assist companies with permitting and locating facilities for high speed internet. |
| Broadband | GCI, Nushagak Co-operative | <ul style="list-style-type: none"> Improve and expand access to Internet for all private and commercial users Use the Internet as an economic development tool |
| Other Basic Infrastructure | | |
| Public restrooms & showers | City of Dillingham | <ul style="list-style-type: none"> Summer use only at harbor Needed in downtown area; currently the Sifsof Building (private) and local stores are pressured to provide this, which results in conflicts Explore ways to do oversight and maintenance, to prevent vandalism and maintain safe and hygienic condition |

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| <p>Post Office</p> | <p>United States Postal Service</p> | <ul style="list-style-type: none"> • Located in center of downtown; large parking area with poor pedestrian linkages to nearby facilities • Poor parking flow, no safe inlet and outlet for vehicle traffic • Explore options for improving the parking here. • Coordinate with D street improvements and paths |
| <p>Road & Maintenance Equipment</p> | <p>City of Dillingham, State of Alaska DOT/PF; Curyung Tribe IRR program</p> | <ul style="list-style-type: none"> • City of Dillingham and ADOT/PF maintain shops for road and maintenance equipment and share responsibility for road maintenance (see Transportation chapter) • Establish an inventory and assessment process to adequately budget for equipment maintenance and replacement (see Transportation chapter) |
| <p>Cemeteries</p> | <p>Wood River Cemetery; Second Avenue West Cemetery; Evergreen Memorial; Russian Orthodox; Olsonville.</p> | <ul style="list-style-type: none"> • Need additional sites • Survey and design new cemetery off of Lake Road • Need to identify and build access road to new cemetery off of Lake Road • Work with FAA and ADOT to identify options for Evergreen Cemetery • Survey and map Kananak cemetery |

| Services & Facilities | |
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| Public Safety | |
| Fire EMS / Search & Rescue | Dillingham Volunteer Fire Department & Rescue Squad |
| Downtown Fire Station | City of Dillingham |
| Lake Road Fire Substation | City of Dillingham |
| Airport Fire Substation | City of Dillingham |
| Dry hydrant system for outlying areas | City of Dillingham |
| Public Safety Facility | City of Dillingham |

- Develop a Youth Rangers program to engage youth in emergency response and provide training to youth in SAR, emergency medicine and other skills (see Community Wellness chapter)
- Needs to be replaced;
- Determine location and facility design
- If Fire Station moves, current site could be used for city park or snowmachine parking
- Maintain and provide upgrades to accommodate new equipment
- Plan dry hydrant system
- Develop cost estimate for dry hydrant system
- Get landowner permission
- Seek funding for dry hydrant system
- Construct system, in phases if necessary
- Needs to be replaced; Determine location and facility design
- Determine if any part of DPS services can be provided in same building as Fire department.
- Determine new location for DPS

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| | | | <p>services</p> <ul style="list-style-type: none"> • Explore options for a new jail facility • Consider replacing existing facility with a regional correctional facility with larger capacity (see Economic Development & Community Wellness chapters) • Explore potential of locating with Fire Department • Retain police officers by increasing wages and other compensation such as housing, to competitive levels • Current facilities in good condition; SAFE offers services and shelter to male and female victims of domestic violence and female perpetrators; • Bring Sewer line to within reach of SAFE • Improve legal access for SAFE |
| Jail (8-bed) | | City of Dillingham | |
| 24-hour emergency dispatch | | City of Dillingham | |
| Police | | City of Dillingham State Troopers | |
| Domestic Violence Shelter | | Safe and Fear-Free Environment (SAFE) | |
| Health & Human Services | | | |
| Hospital & Primary care clinic | | Bristol Bay Area Health Corporation | <ul style="list-style-type: none"> • Identify a site for eventual replacement of hospital facility located closer to downtown (see Land Use chapter) • Outpatient clinic is over capacity and needs to be expanded • Private physician's practice operating from office on Lake Road • Facility in downtown next to City Hall that offers preventive health services; |
| Nitaput Child Advocacy Center | | Bristol Bay Area Health Corporation | |
| Public Health Center | | State of Alaska | |

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| Dental clinic | Bristol Bay Area Health Corporation | confidential family planning services |
| Marrulut Eniit Assisted Living Facility | BBHA | <ul style="list-style-type: none"> • Out of compliance with current code; needs to be replaced • Concern about available workforce and ability to house Elders with higher needs (see Economic Development chapter) • Research methods of raising revenue for it |
| Animal Care/Control | City | <ul style="list-style-type: none"> • Research and investigate how to provide a facility and fund it |
| Jakes Place | BBAHC | |
| Mental Health Facility | BBAHC | <ul style="list-style-type: none"> • |
| Community Health Center | BBAHC | <ul style="list-style-type: none"> • Sliding fee scale primary care • Work with BBAHC to site a new clinic downtown |
| Therapeutic Group Home | Alaska Family Services | <ul style="list-style-type: none"> • Operated by Fairbanks-based organization |
| Family Services, Elder Services, Disability Services, Land Management | BBNA | |
| Foster homes | Multiple | <ul style="list-style-type: none"> • Great need for more foster homes, particularly with Alaska Native families |
| Homeless Shelter | None | <ul style="list-style-type: none"> • Currently, no place to house homeless men; public inebriates currently go to jail or hospital • This should be part of a longer term strategy to combat binge drinking and reduce the presence of public inebriates in downtown area and other |

| | | public places |
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| Hospice and Home Health Care | None | <ul style="list-style-type: none"> • Need |
| Independent Living Services (for people with disabilities) | BBNA | <ul style="list-style-type: none"> • Personal care attendants |
| Senior Center | City of Dillingham | <ul style="list-style-type: none"> • Facility needs renovation |
| Potato House | City of Dillingham | <ul style="list-style-type: none"> • Currently vacant; lease will provide additional revenue for Senior Center |
| Affordable Housing | Bristol Bay Housing Authority, City, Tribe, BBAHC | <ul style="list-style-type: none"> • Increase number of units and improve quality of housing for teachers, health professionals, young adults, Elders; locate close to downtown, jobs, shops (see Land Use, Housing chapter) |
| Supportive Housing | None | <ul style="list-style-type: none"> • Attract a provider for respite care |
| Workforce Development | Bristol Bay Native Association, BB Campus | <ul style="list-style-type: none"> • Consult with workforce development and UAF BB Campus prior to projects to make sure that workforce is alerted and able to respond to projects by getting advance training if necessary |
| Community Services | | |
| Greenhouse & Community Garden | None in operation | <ul style="list-style-type: none"> • Farmer's Market is small but very popular; interest in locally grown food as part of increasing sustainability; possible use for waste heat resources: commercial growing operation (see Energy chapter) • Community gardens in one site or scattered sites to encourage growing; |

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| | | <ul style="list-style-type: none"> • UAF starting a horticulture program • Senior Center very interested in expanding its community garden • School and City involvement in greenhouse • City Landscaping in conjunction with greenhouse • Use as a business incubator, fisheries-related • Include as part of another facility • Explore a collaboration for this • Includes studio, radio tower and transmitter • Involve youth in more production for air • Explore avenues for having live volunteer programs • Explore potential for volunteer coordinator |
| Commercial kitchen | None | |
| KDLG Radio | | |
| Community Churches | Russian Orthodox; Catholic; Seventh Day Adventist; Moravian; Assembly of God; Baptist; Trinity Lutheran; Dillingham Bible; Latter Day Saints | |
| Parks & Recreation | | |
| Wood River Boat Launch | City of Dillingham | <ul style="list-style-type: none"> • Concerns about safety and siting in this area (see Waterfront chapter) • Plan renovation of the boat launch • Develop cost estimate and design • Carry out user survey to support funding applications |

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| | | <ul style="list-style-type: none"> Identify several types of funding Improve the boat launch with amenities for visitors and fishers |
| Hockey Rink | City of Dillingham | <ul style="list-style-type: none"> Located in downtown; maintenance all volunteer; needs upgrade and more consistent upkeep; great resource Convert this to a year-round facility by adding a roof |
| Historic Carlson House | City of Dillingham | <ul style="list-style-type: none"> Possible site for a downtown park (see Land Use chapter) |
| Library & Museum | City of Dillingham | <ul style="list-style-type: none"> Library getting a lot of use from school-age children afterschool |
| Community Center | | <ul style="list-style-type: none"> No central gathering place currently exists; Harvey Samuelsen Center is proposed for downtown – needs owner & operator Develop a community school and make school available after hours – secure Community Schools funding |
| Youth Center | Dillingham Christian Youth Center; Boys & Girls Club | <ul style="list-style-type: none"> Current facility well-used by youth, needs to be expanded |
| Bike Trail, Waterfront Trail & downtown parks | City of Dillingham | <ul style="list-style-type: none"> Improve linkages between trails and green spaces, signage, more parks downtown (see Transportation chapter) |
| Swimming Pool | | <ul style="list-style-type: none"> Much needed for physical recreation and water safety training |
| Indoor fitness center | | <ul style="list-style-type: none"> Much needed for physical recreation Could be a private business or a partnership with private operator |

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| Skate Park, BMX park & Motorcross area | | <ul style="list-style-type: none"> Youth priorities |
| Playing fields | City of Dillingham | <ul style="list-style-type: none"> Area where old airstrip is located in downtown, possible site for improved playing fields for school and public use Landscape and improve ball fields |
| Shotgun & rifle shooting ranges | City of Dillingham | <ul style="list-style-type: none"> State Troopers, local police officers, and local fish and wildlife/game personnel use range for qualifying shooting and training The Gun Club hosts events (both recreational and instructional) at both ranges, and stores equipment there |
| Education | | |
| Valerie Larson Family Resource Center (childcare & Head Start) | Bristol Bay Native Association | <ul style="list-style-type: none"> Toddler Center is run by Dillingham City Schools but in need of additional funding to continue Head Start at capacity with waiting list for program Also houses BBNA's Social Services programs |
| Elementary School | Dillingham City Schools | |
| Middle / High School | Dillingham City Schools | <ul style="list-style-type: none"> Might be good site for boarding students from around the region (see Community Wellness chapter) Dillingham Hotel potential site for boarding home for students |
| Vocational Training | BBNA, UAF / BB Campus | |
| College | UAF / BB Campus | |

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| Southwest Region School District HQ | Southwest Region School District | |
| Dillingham Alternative School | City of Dillingham | <ul style="list-style-type: none"> Needs facility |
| Territorial School Building | City of Dillingham | <ul style="list-style-type: none"> Currently used for rental housing Needs sprinkler system and other improvements |
| Governance | | |
| City Hall | City of Dillingham | <ul style="list-style-type: none"> Needs weatherization, maintenance, siding and new boiler |
| Curyung Tribal Council Building | Curyung Tribal Council | |
| Ekuk Tribal Council | | |
| State Legislative Information Office | Kongigatuk Bldg | |
| Federal Offices: USFWS, USDA | Kongigatuk Bldg | |