



CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS
330 Harbor Drive
Sitka, AK
(907)747-1811

Meeting Agenda

City and Borough Assembly

Mayor Matthew Hunter
Deputy Mayor Bob Potrzuski
Vice-Deputy Mayor Steven Eisenbeisz
Tristan Guevin, Kevin Knox
Aaron Bean, and Aaron Swanson

Interim Municipal Administrator: Phillip Messina
Municipal Attorney: Brian Hanson
Municipal Clerk: Sara Peterson

Tuesday, July 25, 2017

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

IV. CORRESPONDENCE/AGENDA CHANGES

[17-133](#) Reminders, Calendars and General Correspondence

Attachments: [Reminders and Calendars.pdf](#)

[Public Works Update.pdf](#)

V. CEREMONIAL MATTERS

[17-131](#) Citation - U.S. Coast Guard Day

Attachments: [Citation.pdf](#)

VI. SPECIAL REPORTS: Government to Government, Municipal Boards/Commissions/Committees, Sitka Community Hospital, Municipal Departments, School District, Students and Guests (five minute time limit)

VII. PERSONS TO BE HEARD

Public participation on any item off the agenda. All public testimony is not to exceed 3 minutes for any individual, unless the mayor imposes other time constraints at the beginning of the agenda item.

VIII. REPORTS**a. Mayor, b. Administrator, c. Attorney, d. Liaison Representatives, e. Clerk, f. Other****IX. CONSENT AGENDA**

All matters under Item IX Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A** [17-130](#) Approve the minutes of the July 11 Assembly meeting

Attachments: [Consent and Minutes.pdf](#)

- B** [RES 17-17](#) Supporting the Municipality's application to host the Alaska Municipal League Summer Meeting in 2018

Attachments: [Res 2017-17.pdf](#)

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

- C** [17-132](#) Reappoint Darrell Windsor to a three-year term on the Planning Commission

Attachments: [Windsor.pdf](#)

XI. UNFINISHED BUSINESS:

- D** [ORD 17-23](#) Adjusting the FY17/FY18 budgets (reappropriations)

Attachments: [Memo and Ord 2017-23.pdf](#)

[SCH memo.pdf](#)

- E** [ORD 17-24](#) Adjusting the FY18 budget (downtown shuttle pilot project)

Attachments: [Memo and Ord 2017-24.pdf](#)

- F** [ORD 17-25](#) Amending Sitka General Code Title 2 "Administration" by adding a new Chapter 2.10 entitled "Defense and Indemnification of Officers and Employees"

Attachments: [Ord 2017-25.pdf](#)

XII. NEW BUSINESS:**New Business First Reading**

- G** [ORD 17-26](#) Amending Sitka General Code Chapter 4.28 "Investment Policy" by adding a new Section 4.28.045 entitled "External Investment Management"
Attachments: [Memo and Ord 2017-26.pdf](#)
- H** [TMP 05](#) Consideration of the following two ordinances, with the same subject, on first reading (one may move forward):
Attachments: [Possible motions.pdf](#)
- [ORD 17-27](#) Amending Sitka General Code Chapter 10.24 entitled "Fireworks" by adding exceptions to Section 10.24.040 "Exceptions for Authorized Displays", additional definitions to Section 10.24.060 "Fireworks Defined", and a new Section 10.24.070 "Penalties"
Attachments: [Ord 2017-27.pdf](#)
- [ORD 17-28](#) Amending Sitka General Code Chapter 10.24 entitled "Fireworks" by adding a new Section 10.24.070 "Penalties"
Attachments: [Ord 2017-28.pdf](#)
[Police and Fire Commission Minutes.pdf](#)

XIII. PERSONS TO BE HEARD:

Public participation on any item on or off the agenda. Not to exceed 3 minutes for any individual.

XIV. EXECUTIVE SESSION

None anticipated.

XV. ADJOURNMENT

Note: Detailed information on these agenda items can be found on the City website at <https://sitka.legistar.com/Calendar.aspx> or by contacting the Municipal Clerk's Office at City Hall, 100 Lincoln Street or 747-1811. A hard copy of the Assembly packet is available at the Sitka Public Library. Assembly meetings are aired live on KCAW FM 104.7 and via video streaming from the City's website. To receive Assembly agenda notifications, sign up with GovDelivery on the City website.

*Sara Peterson, CMC, Municipal Clerk
Publish: July 21*



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 17-133 **Version:** 1 **Name:**
Type: Item **Status:** AGENDA READY
File created: 7/20/2017 **In control:** City and Borough Assembly
On agenda: 7/25/2017 **Final action:**
Title: Reminders, Calendars and General Correspondence
Sponsors:
Indexes:
Code sections:
Attachments: [Reminders and Calendars.pdf](#)
[Public Works Update.pdf](#)

Date	Ver.	Action By	Action	Result
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REMINDERS

<u>DATE</u>	<u>EVENT</u>	<u>TIME</u>
Tuesday, July 25	Regular Meeting	6:00 PM
Tuesday, August 8	Regular Meeting	6:00 PM



2017 Municipal Election Reminders

Monday, July 17	First day to file candidate positions
Tuesday, July 25	Last regular meeting to <u>introduce</u> ordinance charter changes and ballot measures
Friday, August 4	5pm deadline for filing candidate petitions
Tuesday, August 8	Last regular meeting to <u>adopt</u> ordinances for charter changes and ballot measures
Tuesday, October 3	Municipal Election

Expiring Terms:

Assembly
Steven Eisenbeisz
Tristan Guevin
Aaron Swanson

School Board
Dionne Brady-Howard
Tom Conley

Assembly Calendar

2016 Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec 2018

July 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
25 Jun	26	27	28	29	30	1 Jul
Hunter	Hunter	Hunter 6:00pm <u>Regular Assembly Mtg</u>	Hunter 6:00pm Police and Fire Commission	Hunter	Hunter	Hunter
2	3	4	5	6	7	8
Hunter	Hunter	HOLIDAY 7:00pm Planning	6:30pm Library Board	12:00pm SEDA Board Meeting		
9	10	11	12	13	14	15
		6:00pm <u>Regular Assembly Mtg</u>	12:00pm Health Needs & Human Services Commission 6:00pm Historic Preservation	12:00pm LEPC 6:00pm <u>Worksession: SCH management proposal</u>		
16	17	18	19	20	21	22
		12:00pm <u>Tree/Landscape</u> 6:00pm <u>Special Meeting: Disc/Dir/Dec on Hospital process</u> 7:00pm <u>Planning</u>	Potrzuski	Potrzuski	Potrzuski	Potrzuski
23	24	25	26	27	28	29
Potrzuski Eisenbeisz	Potrzuski Eisenbeisz	Potrzuski Eisenbeisz 12:00pm Parks & Rec 6:00pm <u>Regular Assembly Mtg</u>	Potrzuski Eisenbeisz Knox 6:00pm Police and Fire Commission	Potrzuski Eisenbeisz Knox 6:00pm Hospital Board Meeting	Potrzuski Eisenbeisz Knox	Potrzuski Eisenbeisz Knox
30	31	1 Aug	2	3	4	5
Potrzuski Eisenbeisz Knox	Potrzuski Knox	Potrzuski Knox 7:00pm Planning	Potrzuski Knox 6:30pm Library Board	Potrzuski 12:00pm SEDA Board Meeting	Potrzuski	Potrzuski

Assembly Calendar

2016 Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec 2018

August 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
30 Jul	31	1 Aug	2	3	4	5
Potrzuski Eisenbeisz Knox	Potrzuski Knox	Potrzuski Knox 7:00pm Planning	Potrzuski Knox 6:30pm Library Board	Potrzuski 12:00pm SEDA Board Meeting	Potrzuski	Potrzuski
6	7	8	9	10	11	12
Potrzuski	Potrzuski	Potrzuski 12:00pm Parks & Rec 5:15pm <u>Worksession: Airport Terminal improvements</u> 6:00pm <u>Regular Assembly Mtg</u>	Potrzuski 12:00pm Health Needs & Human Services Commission 6:00pm Historic Preservation 6:00pm <u>Special Meeting: recruiter - Administrator candidate selection</u>	Potrzuski 12:00pm LEPC	Potrzuski	
13	14	15	16	17	18	19
	6:00pm Govt to Govt Dinner	Potrzuski 12:00pm <u>Tree/Landscape</u> 7:00pm <u>Planning</u>	Potrzuski	Potrzuski	4:30pm - 6:30pm Community reception: meet Administrator candidates (Harrigan Centennial Hall)	Final interviews: Administrator candidates (Harrigan Centennial Hall) times to be determined
20	21	22	23	24	25	26
Hunter	Hunter	Hunter 6:00pm <u>Regular Assembly Mtg</u>	Hunter 6:00pm Police and Fire Commission	6:00pm Hospital Board Meeting		Eisenbeisz
27	28	29	30	31	1 Sep	2
Eisenbeisz	Eisenbeisz	Eisenbeisz	Eisenbeisz	Eisenbeisz	Eisenbeisz	

PUBLIC WORKS ASSEMBLY UPDATE

WORK COMPLETED THROUGH JUNE 2017

Landslide Disaster Repair:

Milestones This Period

- Insurance settlement payment and document execution for GPIIP Admin Building is still in progress.

Future Milestones

- Complete GPIIP Administration Building insurance settlement and documents.
- Substantial Completion of Blue Lake, Green Lake and Water Treatment Plant Access road is anticipated in July 2017.
- Final Completion and walk through with DHS&EM, August 2017.

Background

On August 18, 2015 a strong storm system brought heavy rains and winds to Sitka. This event caused multiple landslides on Baranof Island damaging City infrastructure. The City declared a local disaster emergency and requested State assistance. On August 27, 2015 Governor Bill Walker declared the event a disaster and authorized up to \$1,000,000 of expenditures funded from the Disaster Relief Fund (DRF) in the form of a grant from the Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management (DHS&EM). A request has been made to increase to \$1.6 million.

DHS&EM divides disaster related work into the following categories:

- Category A – Debris Removal
- Category B - Emergency Protective Measures
- Category C – Roads and Bridges
- Category D - Water Control Facilities (not included in our disaster)
- Category E – Buildings and Equipment
- Category F – Utilities (Water, Wastewater & Electric)
- Category G – Parks, Recreational Areas and Other Facilities

The City had damages relating to six out of the seven categories listed above. Nine project worksheets were created itemizing out the damaged areas and repairs to bring the infrastructure back to pre-disaster condition. The City estimates the repairs to be \$1.6 million and was granted authorization to spend \$1,500,000 by the Assembly.

Current Contracts: CBC Construction \$529,697.90 (Blue Lake, Green Lake & WTPAR)

Harrigan Centennial Hall (HCH) Renewal:

Milestones This Period

- Additional CBS Staff and consultant work on project record documents (as-built) and close-out schedules for staff future operations.
- Production in progress for meeting room name signage, yellow cedar canoe cradle, and original totemic door pull art display.
- Furniture, Fixtures, and Equipment (FF&E) procurement of kitchen equipment and maintenance equipment is in progress.

Future Milestones

- Support operations during the warranty period.

Background

The project funding includes four State grants totaling \$11,500,000; a \$1,991,271 FY10 Legislative Grant designated for a lightering facility visitor's center (previously planned for under the O'Connell Bridge), \$1,180,000 FY11 CPET Head Tax grant, \$1,400,000 Marine Passenger Funds, \$232,620 heat pump grant, and \$66,000 from the Sitka Historical Society for a total project budget/funds of \$16.4 million.

Current Contracts: MCG Architects – \$1,553,024.00
McG Constructors/DCI Inc. – Joint Venture \$13,625,793.64

Airport Terminal Improvements:

Milestones This Period

- Terminal Improvement Concept Design - Visitor Industry Stakeholder meeting was held to present concept plan and preliminary finance plan to get input for further plan development, July 2017.
- Work on the draft preliminary finance plan for input from CBS and Stakeholders.

Future Milestones

- Schedule a Public Meeting to present concept plan and preliminary finance plan and get input for its development.
- Preliminary financial plan, concept diagrams, and preliminary project milestone schedule targeted for Assembly work session and approval August 2017.

Background

The Airport Terminal Improvement Project is intended to remedy some of the existing critical problems identified in the Airport Terminal Master Plan 2008-2011, including working conditions in the baggage make-up area and in the TSA baggage screening area, as well as problems with congested passenger queuing, screening, baggage, fish boxes, and waiting areas, or passenger flow. The Airport Terminal Improvements Project is funded through a \$275,000 budget appropriation, FY14 from prior Passenger Facility Charges (PFC) collected for terminal improvements. There is a remaining balance of \$232,000 of PFC funds that have not been appropriated. Currently PFCs are not being collected to fund design and construction of terminal improvements.

CBS accepted a TSA design grant in the amount of \$158,569.25 to design specific improvements to the TSA Baggage Screening Area. Other areas impacted by these design changes are ineligible for the TSA design funding and need to be funded by other sources, like funds collected through Passenger Facility Charges.

The preliminary TSA baggage screening layouts impact other adjacent terminal areas/spaces. These limited conceptual design schemes do not address the many problems that exist with passenger flow, queuing and through-put, waiting areas, or the handling of fish boxes (which impact all aspects of the terminal, especially during the visitor season). Staff are working on a plan with the airport consultants and stakeholders to improve the airport terminal problems along with the baggage screening and will be presented to the Assembly for approval.

Current contracts: MCG Architects \$317,413.13
TSA \$158,570.01

Sitka Wayfinding Signage

Milestones This Period

- Discussion regarding modifying the design using the project artwork, but reducing the sign scale, adding signage and reducing signage unit costs by simplifying the product and its construction/installation.

Future Milestones

- Work with Chamber to refine design details, July 2017.
- Substantial Completion anticipated in late 2017.

Background

Wayfinding signage was identified as one of the key projects in the 2010 Sitka Passenger Fee Fund Implementation Plan. On June 25, 2013 the Assembly approved a request from the Tourism Commission and Destination Sitka Working Group to move the Wayfinding Signage Project forward by funding the project utilizing Commercial Passenger Excise Tax proceeds. The Sitka Convention & Visitors Bureau (SCVB) was tasked to manage the project at that time. Later The Sitka Chamber of Commerce managed the project while the Consultant, Great Destinations Strategies (GDS), completed the design intent drawings and general specifications. With these complete, the project management has shifted to Public Works to oversee the fabrication and installation of the signage. The project is anticipated to be completed in 2017. The Assembly approved a budget appropriation of \$282,300 from CPET Funds, General capital projects Fund, for the purpose of designing and constructing Wayfaring signs.

Current Contracts: Axia Creative \$3,500.00

Gary Paxton Industrial Park Dock:

Milestones this Period

- Barge demolition and retrofit complete.
- Concrete wear deck completed in two pours. Control joints cut and concrete sealer applied.
- Fabrication complete for transfer-bridge and dolphins.
- Fabrication complete for small vessel float.
- Project is ~59% complete with construction contract expenditures at approximately \$3.8 million.

Future Milestones

- All fabricated items completed and loaded onto barge to sail for Ketchikan dry-dock July 2017.
- Dry-dock barge for coating application late July/early August 2017.
- Receipt of USACE permit anticipated September/October 2017.
- On site construction anticipated late September/October 2017.

Background

The project is funded by a designated Legislative Grant, administered by the State of Alaska, Dept. of Commerce, Community & Economic Development, and Division of Community & Regional Affairs. The project is administered by Public Works and the GPIIP Director, Garry White. The total amount of the grant is \$7.5 million. The Assembly approved establishing a project contingency of \$250,000 utilizing \$125,000 from the Bulk Water Fund and \$125,000 from the GPIIP Enterprise Fund on December 13, 2016. A design/build contract was awarded to Turnagain Marine Construction on November 22, 2016. Substantial completion is anticipated in October 2017.

Current Contracts: Turnagain Marine Construction \$6,918,500.00

Jeff Davis Street Reconstruction Project:

Milestones This Period

- Project achieved substantial completion on June 13, 2017.

Future Milestones

- Contractor to complete construction punch list, which consists primarily of landscaping, by July 13, 2017.

Background

The project includes replacement of approximately 50-year old undersized water main with new, large diameter pipe within Jeff Davis Street and replacing the existing storm drainage infrastructure, pavement, curb, gutter and sidewalks. The project will also improve the sewer service to four homes on Jeff Davis Street currently served by a collection main crossing private property. A change order was executed to replace ~220 LF of critical sewer main which had not been anticipated, however had a significant belly (greater than 1 foot) and may have been a future issue that could undermine the new asphalt if not addressed. Funding for the project is provided by the following sources; \$644,000 FY2015 ADEC Grant, \$812,000 FY2014 ADEC Water Loan, \$225,000 from 2016 General Fund and \$110,000 from 2017 General Fund.

Current Contracts: PND Engineers \$174,303.00
Coastal Excavation \$1,168,043.80

Landfill and Crescent Lift Station Replacement:

Milestones This Period

- Landfill Lift Station: Contractor patched pavement cuts on Tilson Street and addressed most punch-list items. Lift station is fully operational.
- Crescent Lift Station: Contractor completed all "in-road" work, including installation of new manhole, sewer gravity main, sewer force main and water service line.

Future Milestones

- Landfill Lift Station: Public Works evaluating the necessity of better securing the site with fence improvements.
- Crescent Lift Station: Contractor will return to complete the Crescent project in mid-July ahead of August 18, 2017, substantial completion date.

Background

The project includes replacement of the Landfill Lift Station and force main pipe at the end of Tilson Street and the Crescent Lift Station adjacent to the Sitka Sound Science Center. The pumps and components of both lift stations are inefficient, obsolete and, in the case of the Landfill Lift Station, corroded due to the landfill leachate it is pumping to the wastewater treatment plant. There have also been four force main break within the past two years. Funding for the project is provided by the following sources: Two separate ADEC loans (the Lake, Monastery, Channel and Landfill lift station loan; and a separate Crescent lift station loan) and the Wastewater Enterprise Fund.

Current Contracts: PND Engineers \$190,972.00
CBC Construction \$339,401.00 – Crescent LS
Coastal Excavation \$573,125.79 – Landfill LS

Federal Land Access Program (FLAP) Grant: Phase 6:

Milestones This Period

- U.S. Forest Service conducting field work for NEPA reports.

Future Milestones

- NEPA environmental permitting to be completed in partnership with the Forest Service by this winter.
- Sitka Trail Works will apply for Corps permit on behalf of the City after US FS wetlands delineation. The Corps permit will be in place by 2018.
- The completion date is estimated spring 2020 for all permitting. The project will be construction ready at that time.

Background

The City and Borough of Sitka has been awarded a \$250,000 MAP-21 Federal Lands Access Program (FLAP) Grant for planning, design and permitting of Phase 6 Cross Trail multimodal pathway (Cross TMP), connector from Kramer Drive to Alaska Marine Ferry Terminal, by Western Federal Lands (WFL). The Assembly approved submission of the grant in Resolution 2014-06 in April 2014. The Western Federal Lands Access Program application was submitted in April 2014, and then awarded on July 26, 2014. This is listed as a FY16 budgeted project with Western Federal Lands Access Program. Sitka Trail works is overseeing the work on behalf of CBS via a Memorandum of Agreement.

South Lake – West DeGroff Water, Sewer and Street repairs:

Milestones This Period

- Issued Notice to Proceed to Coastal Excavation on June 16, 2017.
- Reviewed and responded to contractor construction material submittals.
- Hosted a public meeting on June 14, 2017, to provide a construction schedule and solicit questions about the project.

Future Milestones

- Construction to begin on July 5, 2017.
- Substantial completion required by September 8, 2017.

Background

The project includes replacement of aging, failing water, sewer and storm drainage infrastructure in Lake Street from the roundabout to DeGroff Street, and DeGroff Street from Lake Street to Hollywood Way. The project will also replace pavement, curb, gutter and sidewalk, which will be demolished during the utility replacement. Funding for the project is provided by the following sources; \$1,000,000 FY2017 ADEC Grant, \$715,800 FY2015 ADEC Water and Sewer Loans, \$200,000 from FY2017 General Fund, \$50,000 from the 2017 Water Enterprise Fund and \$50,000 from the 2017 Wastewater Enterprise Fund.

Current Contracts: PND Engineers \$377,273.00
Coastal Excavation \$1,315,356.00

East DeGroff Water, Sewer and Street repairs:

Milestones This Period

- Hosted a public meeting on June 14, 2017, to describe upcoming 2018 construction project and to solicit questions ahead of the design.
- Reviewed design consultant's Basis of Design report and provided comments.

Future Milestones

- Design scheduled for completion in November 2017. Project will be bid over the winter, and a construction contract will be awarded in early 2018. Construction to be completed in Spring and Summer 2018.

Background

The project includes replacement of aging, failing water, sewer and storm drainage infrastructure in DeGross Street from Hollywood Way to Sawmill Creek Road. The project will replace pavement, curb, gutter and sidewalk that will be demolished during the utility replacement. Scope will also include utility trenching work in Sawmill Creek Road, ahead of Alaska Department of Transportation project to re-pave SMC in 2019. Funding for the project is provided by the following sources: \$2.1 million from FY2015 ADEC Water and Sewer Loans, \$175,000 from the FY17 Water Enterprise Fund and \$45,000 from the FY17 Wastewater Enterprise Fund and \$300,000 from the FY18 General Fund.

Eagle Way (EW) and Old Harbor Mountain Road (OHMR) Utility and Road Upgrades:

Milestones This Period

- Contractor completed paving of roadway (OHMR).
- Utility installation complete (OHMR)
- Paving sidewalk, driveway aprons and lift station parking area (EW)

Future Milestones

- Substantial Completion required by July 5, 2017.

Background

The project includes new pavement, storm drainage, water main and services, and a pedestrian pathway within Eagle Way. The project will also include new pavement and storm drain improvements within Old Harbor Mountain Road. Funding for the project consists of a \$1,500,000 State of Alaska Department of Commerce Community and Economic Development Grant.

Current Contracts: DOWL \$160,888.00
 Coastal Excavation \$939,291.35

GPIP Shoreline Stabilization 2017:

Milestones This Period

- US Army Corps of Engineers (COE) permit received.
- As built survey of shoreline received.
- Quotes received for riprap selection, sorting and stockpiling in advance of construction contract.
- Developing draft specifications for construction of stabilization

Future Milestones.

- Complete Bid package, July 2017
- Advertise construction contract July 2017

Background

The project includes stabilizing eroding shoreline at the Gary Paxton Industrial Park (GPIP). The project is funded by the Environmental Fund with an authorized budget of \$250,000.

Current Contracts: Tisher Construction \$23,800.00

Sitka 2016-17 Paving Project:

Milestones This Period

- Issued Notice to Proceed to SECON on June 26, 2017.

Future Milestones

- Preconstruction Meeting July 2017
- Construction in summer 2017 with Substantial Completion by September 15, 2017.

Background

The project includes new pavement and ADA curb ramps with curb and gutter, sidewalk and storm drain improvements as necessary. Funding for the project is provided by the following sources:

\$ 2,770,000	General Fund – Sitka Paving 2017
\$ 35,000	Water Fund – Sitka Paving 2017
<u>\$ 85,000</u>	Wastewater Fund – Sitka Paving 2017
\$ 2,890,000	Total Project Funding

Current Contracts:	PND Engineers	\$339,044.00
	SECON	\$1,058,960.00

Nelson Logging Road Upgrades:

Milestones This Period

- Review of Cultural Resources Report at State Historic Preservation Office.
- Corp of Engineers permit waiting for the State Historic Preservation Office approval
- Alaska Department of Natural Resources began processing Right Of Way application.

Future Milestones.

- Final design July/August 2017.
- Project permits received July/August 2017.
- Construction is anticipated to begin as early as Fall 2017.

Background

The project includes replacing both inadequate bridges, realignment at HPR intersection, upgrading Nelson Logging Road and pedestrian amenities as funding allows. The scope may also include road realignment(s) and widening to accommodate two-way traffic. Funding for the project is provided by a \$2,343,000 State of Alaska Department of Commerce Community and Economic Development Grant.

Current Contracts: LEI Engineers & Surveying \$415,390.00

Water

- Water operators assisted the contractor on Old Harbor Mountain Road after the water line was broke during excavation. The water line was shallow and not always in the location identified on the drawings. The line was repaired, flushed, and a boil water notice was put in place until samples came back clean. This happened a few different times during the project.

- Water operators worked with the public works streets crew to repair a 6 inch water main on the top of Wolff Drive. This repair was able to be made with the water line under pressure so no boil water order was necessary.
- Water operators worked with the Mt. Edgecumbe staff to repair a damaged fire hydrant.
- Water operators in conjunction with the PW Streets division removed an abandoned 8" x 4" Tee at the HPR and Crabapple intersection near the location of a prior water main break.
- Water operators replaced a broken water service on Monastery St.
- Water and wastewater operators performed several locates for contractors around town.
- The water and wastewater crews weed whacked, pressure washed, and painted a number of fire hydrants and lift stations around town.
- Water operators tested the valves and fire hydrants installed on the Jeff Davis road and utility project to ensure everything is functioning as intended.

Wastewater

- The wastewater crew attended a hands-on manhole grout training put on by Avanti. The trainer provided tips and tricks for stopping groundwater/tidewater infiltration from entering manholes by using an epoxy grout which reduces unnecessary flows into the wastewater treatment plant and ultimately saves on treatment costs.
- Staff from the water, wastewater, PW streets & Engineering divisions attended an Excavation Safety training provided by AK OSHA Compliance.
- Water and wastewater crews worked with the design engineer on the East Degroff Street and utility project. During the design of these projects, water and wastewater crews identify service locations, pipe and valve size, condition, etc.
- The water quality report was prepared and mailed to all residents. This is an annual report that is required by EPA drinking water regulations.



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 17-131 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 7/18/2017 In control: City and Borough Assembly
On agenda: 7/25/2017 Final action:
Title: Citation - U.S. Coast Guard Day
Sponsors:
Indexes:
Code sections:
Attachments: [Citation.pdf](#)

Date	Ver.	Action By	Action	Result
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CITATION

HONORING U.S. COAST GUARD DAY

The City and Borough of Sitka recognizes August 4th as U.S. Coast Guard Day nationwide and especially wishes to honor all Sitka-based personnel of the U.S. Coast Guard.

WHEREAS, Sitka is a Coast Guard City, one of twenty one communities in the nation to be so designated, and the City and Borough of Sitka and citizens take this responsibility seriously by making special efforts to acknowledge the professional work of the Sitka Coast Guard men and women and reaching out to these personnel and their families and “making them feel at home at their home away from home”; and

WHEREAS, August 4th is national U.S. Coast Guard Day, marking the birthday of the United States Coast Guard, which began in 1790 and received its present name in 1915 when Congress supported providing the nation with a single maritime service dedicated to saving life at sea and enforcing the nation’s maritime laws and later added maintaining the country’s aids to maritime navigation and other missions; and

WHEREAS, the City and Borough of Sitka and the community of Sitka continue to support and honor the five Sitka Coast Guard units: Air Station Sitka, Cutter Maple, Aids to Navigation Team Sitka, Marine Safety Detachment Sitka, and Electronic Support Detachment Detail Sitka as America’s guardians of the seas.

NOW, THEREFORE, the Assembly of the City and Borough of Sitka, in recognition of the 227th birthday of the U.S. Coast Guard and Sitka’s status as a Coast Guard City, does hereby recognize the professionalism, skill, and unwavering devotion to duty of all Sitka Coast Guard personnel to provide Sitka with the safety, security, and stewardship of our oceans in an often dangerous world. We thank you and your families for your service.

Signed and sealed this 25th day of July, 2017.



Matthew Hunter, Mayor

ATTEST:

Sara Peterson, CMC
Municipal Clerk



CITY AND BOROUGH OF SITKA

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CONSENT AGENDA

POSSIBLE MOTION

I MOVE TO APPROVE THE CONSENT AGENDA
CONSISTING OF ITEMS A & B

I wish to remove Item(s) _____

**REMINDER – Read aloud a portion of each item being
voted on that is included in the consent vote.**

Should this item be pulled from the Consent Agenda the following motion is suggested:

POSSIBLE MOTION

I MOVE TO approve the minutes of the
June 11 Assembly meeting.



CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS
330 Harbor Drive
Sitka, AK
(907)747-1811

Minutes - Draft

City and Borough Assembly

Mayor Matthew Hunter
Deputy Mayor Bob Potrzuski
Vice-Deputy Mayor Steven Eisenbeisz
Tristan Guevin, Kevin Knox
Aaron Bean, and Aaron Swanson

Interim Municipal Administrator: Phillip Messina
Municipal Attorney: Brian Hanson
Municipal Clerk: Sara Peterson

Tuesday, July 11, 2017

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Present: 7 - Swanson, Eisenbeisz, Guevin, Potrzuski, Hunter, Knox, and Bean

IV. CORRESPONDENCE/AGENDA CHANGES

Assembly Member Bean requested budget items in Ordinance 17-23 be addressed individually.

17-127 Reminders, Calendars and General Correspondence

V. CEREMONIAL MATTERS

17-124 Service Award - Dorik Mechau (Library Commission)

Mayor Hunter read a service award acknowledging Dorik Mechau for his years of service on the Library Commission.

VI. SPECIAL REPORTS: **Government to Government, Municipal Boards/Commissions/Committees, Sitka Community Hospital, Municipal Departments, School District, Students and Guests (five minute time limit)**

17-123 Bags for Change - Michelle Putz

Members of the volunteer group, Bags for Change, spoke to the need for reducing the amount of plastic bags used in the community. Group members wished to see local legislation developed implementing a fee on each plastic bag with 50% of the

fees generated being used to fund the Sitka School District and 50% used to stabilize residential electric rates.

VII. PERSONS TO BE HEARD

Iris Nash stated she was leaving Sitka to deliver her baby. She expressed frustration in the lack of continuity regarding providers while in Sitka.

VIII. REPORTS

a. Mayor, b. Administrator, c. Attorney, d. Liaison Representatives, e. Clerk, f. Other

Mayor - Hunter stated the Town Hall meeting scheduled for July 17th had been postponed. He relayed a local business owner had approached the City about buying Sitka Community Hospital. Hunter felt it was best to postpone the Town Hall meeting to allow the Assembly time to revisit the process and gather more information. Hunter clarified the Sitka Community Hospital worksession scheduled for July 13th and special Assembly meeting set for July 18th would still be held.

Attorney - Hanson noted he would be conducting Legal Assistant interviews at the end of July.

Clerk - Peterson reviewed vacancies on City Boards and stated the candidate filing dates for the Municipal Election.

Liaisons - Potrzuski noted the Local Emergency Planning Commission had recessed for the summer.

IX. CONSENT AGENDA

A motion was made by Guevin that the Consent Agenda consisting of items A, B & E be APPROVED. The motion PASSED by the following vote.

Yes: 7 - Swanson, Eisenbeisz, Guevin, Potrzuski, Hunter, Knox, and Bean

A 17-121 Approve the minutes of the June 27 Assembly meeting

This item was APPROVED ON THE CONSENT AGENDA.

B 17-125 Approve a liquor license ownership transfer and restaurant designation permit for Beak LLC dba Beak Restaurant at 2 Lincoln Street Suite 1A

This item was APPROVED ON THE CONSENT AGENDA.

C RES 17-14 Approving submittal and execution of a Municipal Harbor Facility Grant application to the State of Alaska Department of Transportation and Public Facilities (DOT&PF) in the amount of \$5,000,000 for the project entitled Crescent Harbor Float Replacement - Phase I

Eisenbeisz felt that even with a grant, the City could not afford the project and wished to wait until the money had been saved before moving forward. Other Assembly

members voiced support for the project, stating the floats were in need of repair and reminded delaying the repair would only lead to further infrastructure and financial problems. Jay Sweeney, Chief Finance and Administrative Officer, confirmed the 6% recommended rate increases (recommended through 2035) included funding for the debt service for bonding for Crescent Harbor. Bean suggested the Assembly consider a landing tax for commercial harbor users to help with funding.

A motion was made by Potrzuski that this Resolution be APPROVED on FIRST AND FINAL READING. The motion PASSED by the following vote.

Yes: 4 - Guevin, Potrzuski, Hunter, and Knox

No: 3 - Swanson, Eisenbeisz, and Bean

D RES 17-15

Approving submittal and execution of a Municipal Harbor Facility Grant application to the State of Alaska Department of Transportation and Public Facilities (DOT&PF) in the amount of \$1,500,000 for the project entitled Eliason Harbor Electrical Replacement

Eisenbeisz spoke in opposition to the project, stating it was unaffordable for the City to proceed, and reminded that by submitting this application and receiving the grant, the City was committing. Potrzuski reminded Sitka was a fishing community and a funding source was needed for this project. He added that receiving a large portion from the state, through this grant, would be helpful.

Michael Harmon, Public Works Director, offered the cost of construction inflation was 3 to 4% each year. Looking at the prior project cost of 13 million, a 3 to 4% inflation increase would be roughly \$400,000. Harbor rate increases of 6% were projected to bring in approximately \$60-\$70,000; not enough to keep up with construction inflation. Harmon stated it would be impossible to save the required amount of cash for project replacement.

A motion was made by Guevin that this Resolution be APPROVED on FIRST AND FINAL READING. The motion PASSED by the following vote.

Yes: 4 - Guevin, Potrzuski, Hunter, and Knox

No: 3 - Swanson, Eisenbeisz, and Bean

E RES 17-16

Supporting Sea Level Consulting's application under the FY17 Historic Preservation Fund Grant program for Certified Local Governments

This item was APPROVED ON THE CONSENT AGENDA.

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

F 17-122

Appoint Taylor Colvin to an unexpired term on the Planning Commission

Mayor Hunter thanked the applicant for his willingness to serve.

A motion was made by Knox that this Item be APPROVED. The motion PASSED by the following vote.

Yes: 7 - Swanson, Eisenbeisz, Guevin, Potrzuski, Hunter, Knox, and Bean

XI. UNFINISHED BUSINESS:

- G ORD 17-21** Amending Sitka General Code Title 15 to increase rates at Chapter 15.04 "Sewer System" Sections 15.04.100 entitled "Service Connection Charge", 15.04.320 entitled "Rates and Fees"; and Chapter 15.05 "Water System" Sections 15.05.240A entitled "Service Connection Charge", 15.05.620 entitled "Rates and Fees"; and Chapter 15.06 "Solid Waste System and Refuse Collection" Sections 15.06.020 entitled "Solid Waste Disposal Policy and Rates", 15.06.030 entitled "Receptacles Available", 15.06.035 entitled "Rates for Treatment and Collection", 15.06.045 entitled "Special Refuse and Treatment Charges"

Hugh Bevan wondered what portion of the rate increases would be reserved for future infrastructure replacement.

Jay Sweeney, Chief Finance and Administrative Officer, explained every dollar of the increases was earmarked for future infrastructure and set forth in fiscal plans. Public Works Director, Michael Harmon, clarified there were some operational adjustments in the Solidwaste Fund. Sweeney stated the City was currently covering operating costs with the current rate increases; any extra revenue generated would flow to working capital and increase working capital to help pay for future infrastructure.

Helen Craig spoke in opposition to the Ordinance.

A motion was made by Potrzuski that this Ordinance be APPROVED on SECOND AND FINAL READING. The motion PASSED by the following vote.

Yes: 4 - Guevin, Potrzuski, Hunter, and Knox

No: 3 - Swanson, Eisenbeisz, and Bean

- H ORD 17-22** Adjusting the FY17 Budget (PERS)

A motion was made by Swanson that this Ordinance be APPROVED on SECOND AND FINAL READING. The motion PASSED by the following vote.

Yes: 7 - Swanson, Eisenbeisz, Guevin, Potrzuski, Hunter, Knox, and Bean

XII. NEW BUSINESS:

- I ORD 17-24** Adjusting the FY18 budget (*downtown shuttle pilot project*) first reading

Elizabeth Faulker spoke in support of the downtown shuttle pilot project. Helen Craig suggested the route include stops outside of the downtown area.

Interim Administrator, Phil Messina, stated he had met with Sitka Tribe of Alaska (STA) General Manager, Lisa Gassman, and the two were working on a Memorandum of Understanding between the City and STA. Messina noted there would be three stops on the route. STA was willing to pilot the project for a month, beginning as soon as July 16. Messina stated business owners would need to collaborate if they wished to have the project extend past the 30 days.

A motion was made by Knox that this Ordinance be APPROVED on FIRST READING. The motion PASSED by the following vote.

Yes: 7 - Swanson, Eisenbeisz, Guevin, Potrzuski, Hunter, Knox, and Bean

J 17-126

Approve 1) a lease agreement, with amended terms, between Northline Seafoods, LLC and the City and Borough of Sitka for Block 4, Lot 4 of the Gary Paxton Industrial Park, and, 2) a lease agreement between Northline Seafoods, LLC and the City and Borough of Sitka for a portion of Block 4, Lot 9A of the Gary Paxton Industrial Park

Helen Craig urged the Assembly to be responsible in voting.

Garry White, Director of the Gary Paxton Industrial Park, explained there were two leases before the Assembly for consideration. He explained the amended lease for Lot 4 allowed Northline to purchase the property after 5 years if the terms of the lease had been met.

A motion was made by Guevin to DIVIDE THE QUESTION. The motion PASSED by the following vote.

Yes: 7 - Swanson, Eisenbeisz, Guevin, Potrzuski, Hunter, Knox, and Bean

Block 4 Lot 4 Discussion

Eisenbeisz was uncomfortable approving the lease. He noted it would lock the City into a sale, the property would be sold in 2022 for 2014 values, was fiscally irresponsible, and was opposed to the employee lease credits.

White explained the lease rates being charged were based off of current market rate values. He noted in the past, the Industrial Park had tried to get a 9% return on the value of the property, in this case based on \$554,000 per year. With regards to employee lease credits, White explained the Board had offered these credits in the past, and in this particular case, the Board considered it to be offered as part of a lease start up. In addition, he stated, with the lease terms, the Board wanted to see job creation for 5 years prior to selling. After 5 years, Northline could purchase the property at today's value of \$554,000 contingent on: 1) Northline having 4 full time equivalent employees making over \$36,000 annually, and, 2) the City retained the first right of refusal to purchase the property in the event Northline wished to sell the property.

Hunter spoke in support of the lease and spoke to the need for new business and industry in Sitka. Guevin also spoke in support of the lease and cited the benefit to the community and economic development opportunities.

A motion was made by Swanson to APPROVE, as recommended by the Gary Paxton Industrial Park Board, a lease agreement, with amended terms, between Northline Seafoods, LLC and the City and Borough of Sitka for Block 4, Lot 4 of the Gary Paxton Industrial Park. The motion PASSED by the following vote.

Yes: 7 - Swanson, Eisenbeisz, Guevin, Potrzuski, Hunter, Knox, and Bean

Block 4 Lot 9A Discussion

Eisenbeisz spoke in support of the lease. Knox agreed and stated the project built a future for the entire Industrial Park.

A motion was made by Swanson to APPROVE, as recommended by the Gary Paxton Industrial Park Board, a lease agreement between Northline Seafoods, LLC and the City and Borough of Sitka for a portion of Block 4, Lot 9A of the Gary Paxton Industrial Park and authorize the Interim Municipal Administrator to execute these documents. The motion PASSED by the following vote.

Yes: 7 - Swanson, Eisenbeisz, Guevin, Potrzuski, Hunter, Knox, and Bean

K ORD 17-23 Adjusting the FY17/FY18 budgets (*reappropriations*) *first reading*

Assembly member Bean wished to discuss the Ordinance by line item.

Police Chief, Jeff Ankerfelt, spoke to the Police Department reappropriation request of \$74,417 for the Justice Center Design Project. Ankerfelt stated the City was providing the necessary leadership to move the project forward. He noted a community group had been formed, architectural firms were being interviewed, and Sitka Tribe of Alaska was involved in the process. Ankerfelt stated the current facility was substandard, and while fiscally a terrible time to move this forward, it would be negligent not to.

Jay Sweeney, Chief Finance and Administrative Officer, spoke to the reappropriation request from Sitka Community Hospital for \$156,192 and noted additional details would be included in the July 25 packet.

Michael Harmon, Public Works Director, spoke to the reappropriation request of \$70,000 from the Engineering Department to revise and update the 2002 City and Borough of Sitka Specification Standards for Construction. While the 2002 revision was done in-house, Harmon stated it was an issue of allocation resource and believed it was not the best use of staff time to be done in-house.

A motion was made by Guevin that this Ordinance be APPROVED on FIRST READING. The motion PASSED by the following vote.

Yes: 7 - Swanson, Eisenbeisz, Guevin, Potrzuski, Hunter, Knox, and Bean

L ORD 17-25 Amending Sitka General Code Title 2 "Administration" by adding a new Chapter 2.10 entitled "Defense and Indemnification of Officers and Employees" *first reading*

Municipal Attorney, Brian Hanson, stated the need for preparation of this Ordinance came to his attention after the recent litigation brought forward by Marko Dapcevich. Hanson stated there were no code provisions that provided defense and indemnification for City employees and officials. Upon further investigation, Hanson learned that this type of provision was common throughout the state and jurisdictions outside of Alaska.

Knox spoke in support of the Ordinance and noted in his research he found multiple municipalities across the Nation that had adopted such an ordinance to provide protection to those serving their communities.

Bean, while in support of the Ordinance, wished to see further definition of sections - for example, scope of service and grievance procedures. Bean also questioned whether the Municipal Attorney should be tasked with determining whether an official or employee was performing official duties in good faith as outlined in 2.10.030(B). Hanson explained scope of service was a phrase of art used in the legal community and interpreted uniformly and regularly by the courts. Hanson clarified that grievance procedures would take precedence as stated in Section 2.10.080. With regards to the Municipal Attorney determining whether an official or employee was performing official duties in good faith, Hanson explained this was a common delegation in statute.

A motion was made by Guevin that this Ordinance be APPROVED on FIRST READING. The motion PASSED by the following vote.

Yes: 7 - Swanson, Eisenbeisz, Guevin, Potrzuski, Hunter, Knox, and Bean

XIII. PERSONS TO BE HEARD:

Dr. Richard Wein thanked Dorik Mechau and Carolyn Servid for their many years of service and contributions to the community. With regards to agenda items C and D, he suggested that the Assembly continue to inform the public of moorage rates and the real costs associated with these projects.

XIV. EXECUTIVE SESSION

None.

XV. ADJOURNMENT

A motion was made by Swanson to ADJOURN. Hearing no objections, the meeting ADJOURNED at 8:42pm.

ATTEST:

Sara Peterson, CMC
Municipal Clerk



CITY AND BOROUGH OF SITKA

Legislation Details

File #: RES 17-17 Version: 1 Name:

Type: Resolution Status: AGENDA READY

File created: 7/18/2017 In control: City and Borough Assembly

On agenda: 7/25/2017 Final action:

Title: Supporting the Municipality's application to host the Alaska Municipal League Summer Meeting in 2018

Sponsors:

Indexes:

Code sections:

Attachments: [Res 2017-17.pdf](#)

Date	Ver.	Action By	Action	Result
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Should this item be pulled from the consent agenda the following motion is suggested:

POSSIBLE MOTION

I MOVE TO approve Resolution 2017-17 on first and final reading.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

MEMORANDUM

To: Phillip Messina, Interim Municipal Administrator
Mayor Hunter and Members of the Assembly

From: Maegan Bosak, Community Affairs Director

Subject: Resolution 2017-17 Alaska Municipal League Summer Legislative Conference
Host Application

Date: July 19, 2017

The City and Borough of Sitka (CBS) recently received an invitation to apply to host the 2018 Alaska Municipal League Summer Legislative Conference.

The Alaska Municipal League (AML) Summer Legislative Conference is held every year in August. The AML Board of Directors, the Alaska Conference of Mayors, the Alaska Municipal Management Association and the AML Position Committee also meet during this time. Depending on location, 70-100 people usually attend. The host municipality must be a member in good standing (CBS is in good standing) and pass a resolution of support to host the conference.

The purpose of the Summer Legislative Conference is to provide time and space to begin work on the AML Legislative Priorities and Position Statements, which is finalized and voted on at the Annual Meeting in November. The AML Board, Alaska Conference of Mayors, and the Alaska Municipal Management Association use the opportunity to meet and conduct their business in person.

With the recent remodel of Harrigan Centennial Hall, CBS has a beautiful, state of the art facility to offer as host accommodations. I have verified catering and accommodation availability for the conference, and will be available to assist with logistics as requested by AML.

This small conference opportunity is another way to bring more people to Sitka, resulting in bed tax, sales tax and other moneys spent locally on food and recreation. In addition, multiple Assembly members and staff have attended and remain actively involved in Alaska Municipal League.

Visit Sitka and the Greater Sitka Area Chamber of Commerce are in support of hosting the Alaska Municipal League Summer Legislative Conference.

Recommendation: Approve the resolution.

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 2017-17

A RESOLUTION BY THE CITY AND BOROUGH OF SITKA SUPPORTING THE MUNICIPALITY'S APPLICATION TO HOST THE ALASKA MUNICIPAL LEAGUE SUMMER MEETING IN 2018

WHEREAS, the Alaska Municipal League (AML) Summer Meeting is held in August, and this meeting includes the Alaska Municipal League Board of Directors, the Alaska Conference of Mayors and the Alaska Municipal Management Association; and

WHEREAS, AML has invited communities to apply to host the 2018 Summer Meeting; and

WHEREAS, the City and Borough of Sitka is an AML member in good standing and, along with the Chamber of Commerce and Visit Sitka, desires to host the conference; and

WHEREAS, the recently-renovated Harrigan Centennial Hall is an outstanding facility in which to hold the conference, and Sitka has additional facilities for breakout sessions and other conference events, and offers accommodation, restaurant, and activity options for the 90-100 people who may attend; and

WHEREAS, the application process requires the local governing body demonstrate support for the application by adopting a resolution.

NOW, THEREFORE, BE IT RESOLVED that the Assembly of the City and Borough of Sitka, Alaska, would be honored to host the 2018 Alaska Municipal League Summer Meeting in Sitka and that a letter of invitation and application for the hosting the event in the City and Borough of Sitka, as prepared by Administration, be submitted to the Alaska Municipal League by August 1, 2017.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 11th day of July, 2017.

Matthew Hunter, Mayor

ATTEST:

Sara Peterson, CMC Municipal Clerk

1st and final reading 7/25/17



Summer Legislative Conference Host Application

The Alaska Municipal League (AML) Summer Legislative Conference is held every year in August. The Alaska Municipal League Board of Directors, the Alaska Conference of Mayors, the Alaska Municipal Management Association and the AML Position Committee also meet during this time. Depending on the location, 70-100 people usually attend. The host municipality must be a member in good standing and pass a resolution of support to host this conference.

The purpose of the Summer Legislative Conference is to provide time and space to begin work on the AML Legislative Priorities and Position Statements, which is finalized and voted on at the Annual Meeting in November. The AML Board, Alaska Conference of Mayors, and the Alaska Municipal Management Association use the opportunity to meet and conduct their business in person.

Meeting Space:

Host municipalities must be able to arrange and provide for the following:

- Staff person to assist AML with logistics
- Meeting space for 2-3 days (if not within walking distance of hotel, host must provide transportation)
- Meeting room/space for up to 100 people
- Breakout space for two groups (25-30 each)
- A/V equipment (Microphone & Screen)

Accommodations:

Understanding that Alaska's unique summer tourism season provides challenges in securing space for up to 100 people, AML will work to secure space at the **first of the calendar year**, to insure competitive pricing and adequate space.

Catering:

Access to catering services:

- 2-3 breakfast/coffee service
- 2-3 lunches

The municipality is invited, although not required, to host an evening reception for conference delegates.

Please send a one-page letter of invitation to AML if you are interested in hosting the AML Summer Legislative Conference. Letters of invitation must include a description of community resources to address the requirements listed above and must be submitted to the Alaska Municipal League Office by August 1, 2017 to be considered during the Summer Board meeting.



Alaska Municipal League Summer Legislative Conference

APPLICATION

The municipality of the City and Borough of Sitka invites the Alaska Municipal League to hold their Summer Legislative Conference in our community.

MEMBERSHIP: We are an AML member in good standing (dues paid).

FACILITIES: We have the facilities and equipment necessary.

Name and location of the facility(s).

Harrigan Centennial Hall 330 Harbor Drive Sitka, AK 99835

HOTEL ROOMS: We have a minimum of 100 hotel and/or B & B rooms available for room blocking with the specified conference dates within walking distance to the meeting site or we will provide transportation for the delegates at no charge to the League. Hotel and/or B&Bs are willing to provide a room block.

Name of hotels/motels and number of rooms:

Aspen Hotel - 71 guestrooms, Westmark Sitka Hotel - 106 guestrooms, Sitka Hotel - 16
guestrooms, Super 8 Sitka - 35 guestrooms, Totem Square Hotel - 75 guestrooms

Our transportation plan for getting delegates to and from the meeting site from hotels is as follows: _____

Brief walk through beautiful downtown Sitka. All hotels are within an approximately 5
minute walk.

CATERING: Names of local caterers capable of servicing up to 100 people.

Our Town Catering- Edith Johnson, Westmark Sitka, Channel Club, Nugget Saloon,

Bayview Pub, Nana Management Service- SEARHC.

AML ADMINISTRATIVE ASSISTANCE: We are able to provide the necessary staff to assist with logistics. yes no

Any additional or special services or events your community would like to provide to enhance the Conference.

Downtown Sitka offers a range of accomodations, restaurants, shopping and historical sites,

all with views of Mt. Edgecumbe, Sitka Sound and our local fishing fleet. With many options

of tours, excursions, and local events, Sitka is an ideal place for the AML 2018 Summer Meeting.

Do you plan to host a reception for meeting delegates? yes no

Application approved by municipal governing body on _____ and certified by:

Name

Title

Date

Mail, fax or email application to:
Alaska Municipal League
One Sealaska Plaza, Suite 200
Juneau, AK 99801
betty@akml.org
Fax: 907-463-5480



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 17-132 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 7/19/2017 In control: City and Borough Assembly
On agenda: 7/25/2017 Final action:
Title: Reappoint Darrell Windsor to a three-year term on the Planning Commission
Sponsors:
Indexes:
Code sections:
Attachments: [Windsor.pdf](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE TO reappoint Darrell Windsor to a three-year term on the Planning Commission.



Application for Appointment to Boards, Committees, and Commissions City and Borough of Sitka

Board/Commission/Committee: Planning
Name: Darrell E Windsor Daytime Phone: 738-4046
Address: Po Box 1973 Evening Phone: Same
Email Address: dwindor@GCI-NET Fax Number: _____
Length of Residence in Sitka: 23 years Registered to vote in Sitka? Yes No
Employer: Self

Organizations you belong to or participate in:

Masons
Elks
Shriners

Explain your main reason for applying:

To re-need

What background, experience or credentials will you bring to the board, commission, or committee membership?

6 years experience

Please disclose any potential conflicts of interest that may arise from your appointment. These may include but are not limited to:

- A substantial financial interest of \$1000 annually that could be influenced by your appointment.
- An immediate family member employed within the scope of this appointment.

Please attach a letter of interest, outline, or resume which includes your education, work, and volunteer experience that will enhance your membership.

→ (To be considered, your application must be complete AND be accompanied by one of the above supporting documents.)

Date: 7-17-17 Signature: Darrell Windsor

Your complete application and resume should be returned to the Municipal Clerk's Office by noon on the Wednesday prior to an advertised Assembly meeting.

Please note: all information submitted will be made public and published online. Appointments are normally made during open session of an Assembly meeting, however, Assembly members may vote to discuss applicant(s) in closed executive session. In this case, do you wish to be present when your application is discussed? Yes No

Return to:

Melissa Henshaw, Deputy Clerk/Records Specialist, 100 Lincoln Street
Fax: 907-747-7403 Email: melissa.henshaw@cityofsitka.org



PLANNING COMMISSION

NAME	CONTACT NUMBERS	TERM STARTS	EXPIRES	CATEGORY
CHRIS SPIVEY 109 Lillian Drive	747-6636 w 738-2524 c spi3050@yahoo.com	12/11/12	2/8/14 1/28/17 1/24/20	CHAIR
DARRELL WINDSOR PO Box 1973	738-4046 c dwindsor@gci.net	6/28/11 6/24/14	6/28/14 6/24/17	VICE CHAIR
RANDY HUGHEY 220 Lakeview Drive	738-2999 c randywhughey@gmail.com	2/24/15 10/13/15	10/23/15 10/13/18	
RICHARD PARMELEE 405 Hemlock Street	738-0606 c rjparmelee@hotmail.com	9/27/16	4/26/19	<i>Parker Song's term</i>
TAYLOR COLVIN 1308 Sawmill Creek Rd	970-485-4891 taycolvin@gmail.com	7/11/17	6/14/19	<i>Pohlman's term</i>
Michael Scarcelli Planning Director	747-1815 michael.scarcelli@cityofsitka.org			Staff Liaison
Samantha Pierson Planner I	747-1814 samantha.pierson@cityofsitka.org			Secretary
Kevin Knox PO Box 6415	738-4664 assemblyknox@cityofsitka.org			Assembly Liaison

5 members from public, 3-year terms
 Established by Ordinance 74-118/SGC2.18 & Charter Article VIII
 Must be registered to vote
 First and Third Tuesdays 7:00 p.m. – Harrigan Centennial Hall, 330 Harbor Drive

**CONFLICT OF INTEREST FORMS
 OATHS OF OFFICE**

Revised: July 12, 2017



CITY AND BOROUGH OF SITKA

Legislation Details

File #: ORD 17-23 Version: 1 Name:
Type: Ordinance Status: AGENDA READY
File created: 7/5/2017 In control: City and Borough Assembly
On agenda: 7/25/2017 Final action:
Title: Adjusting the FY17/FY18 budgets (reappropriations)
Sponsors:
Indexes:
Code sections:
Attachments: [Memo and Ord 2017-23.pdf](#)
[SCH memo.pdf](#)

Date	Ver.	Action By	Action	Result
7/11/2017	1	City and Borough Assembly		

POSSIBLE MOTION

I MOVE TO approve Ordinance 2017-23 on
second and final reading.

City and Borough of Sitka Finance Department

Memo

Thru: Phil Messina, Interim Municipal Administrator
To: Mayor Hunter and Assembly Members
From: Jay Sweeney, Chief Finance and Administrative Officer
Date: July 3, 2017
Re: FY2018 Supplemental Budget Ordinance 2017-23

Mayor Hunter and Assembly Members,

The purpose of FY2017/18 Supplemental Budget Ordinance 2017-23 is to adjust the FY2018 operating budget by re-appropriating unspent funds in the FY2017 operating budget.

Per Section 11.2 of the Home Rule Charter of the City and Borough of Sitka (the Charter), Lapse of Appropriations and Surpluses, every unencumbered surplus or appropriation lapses at the end of the fiscal year. No provision is made within the Charter for “roll-overs” of funds, with the exception of encumbrances.

Financial accounting rules generally require that expenditures be recorded in the period in which made and in which the related service was provided to the public. Thus, even if funds are encumbered in one year and that appropriation does not lapse, per the Charter, expenditures are recorded in subsequent years when the purchase is completed. This, in turn, causes an expenditure to be recorded against the subsequent year’s budget. For this reason, Sitka has always adjusted its newly-passed operating budget at the start of the new fiscal year by passing an ordinance to increase appropriations for unspent encumbrances. This has the practical effect of “rolling over” encumbrances. The ordinance for re-appropriating encumbered funds is usually introduced at the second or third Assembly meeting of the new fiscal year, in order for the Administrative staff to determine the final amount of unexpended encumbrances at fiscal year-end.

Unencumbered operating appropriations, on the other hand, can’t be “rolled over”. If a Department Head wishes to retain the ability to spend unencumbered operating appropriations on into a new fiscal year, a new supplemental appropriation must be made (a re-appropriation). The administrative procedure that Sitka employs in regards to re-appropriation requests is twofold: (1) all such requests must be first approved by the Administrator, then (2) a supplemental budget ordinance must be passed, with the requisite two readings, to re-appropriate the funds. The accompanying ordinance accomplishes the second part of the process.

As an important note, when considering the annual operating budget within the context of just one fiscal year, re-appropriations of encumbered funds and re-appropriations of unencumbered, unspent funds have the effect of causing an otherwise balanced operating budget to become unbalanced with a projected deficit, unless new revenues are identified. The practical effect, however, is that unencumbered, unspent appropriations constitute a surplus generated in the previous year and re-appropriation is a mechanism which provides for an ability to spend part of that surplus in the new fiscal year.

In regards to the specific rationale for each re-appropriation request, individual Department Heads will be prepared to speak to and justify their individual requests.

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CITY AND BOROUGH OF SITKA
ORDINANCE NO. 2017-23
AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA
ADJUSTING THE FY17/FY18 BUDGETS

BE IT ENACTED by the Assembly of the City and Borough of Sitka, Alaska as follows:

- 1. **CLASSIFICATION.** This ordinance is not of a permanent nature and is not intended to be a part of the Sitka General Code of the City and Borough of Sitka, Alaska.
- 2. **SEVERABILITY.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person and circumstances shall not be affected thereby.
- 3. **PURPOSE.** The purpose of this ordinance is to adjust the FY17/FY18 budgets for known changes.
- 4. **ENACTMENT.** The Assembly of the City and Borough of Sitka hereby adjusts the FY17/FY18 budget for known changes. In accordance with Section 11.10(a) of the Charter of the City and Borough of Sitka, Alaska, the budget for the fiscal period beginning July 1, 2016 and ending June 30, 2017 is hereby adjusted as follows:

<u>FISCAL YEAR 2017 EXPENDITURE BUDGETS</u>
GENERAL FUND
Assessing Department – Operations: The Assessing Director has requested to re-appropriate \$5,147 of their surplus funds from FY17 to FY18 to allow the completion of island inspections which was something that was not accounted for in the approved FY18 Budget.
Police Department – Operations: The Police Chief has requested to rollover from FY17 to FY18 in the amount of \$74,417 for the Justice Center Design Project.
Search and Rescue – Operations: The SAR Captain has requested to rollover from FY17 to FY18 the amount of \$2,000 from the Search and Rescue department and \$5,000 from the Fire Department and re-appropriate those funds in the Search and Rescue department for the purpose of funding the Mountain Rescue Association (MRA) accreditation re-test.
Support Payments – Hospital: The Sitka Community Hospital has requested to rollover from FY17 to FY18 the remaining funds in the amount of \$156,192 for capital support.
Engineering Department – Operations: The Public Works Director has requested a rollover the amount of \$70,000 from FY17 to FY18 to revise and update the 2002 CBSSS (City and Borough of Sitka Specification Standards for Construction) and the development of standards.
Streets Department – Operations: The Public Works Director has requested to rollover the amount of \$16,500 from FY17to FY18 to purchase sand utilized for snow removal.
Planning Department – Operations: The Community Affairs Director has requested to rollover from FY17 to FY18 the amount of \$15,994 for the completion of the Comprehensive Plan 2030.

ENTERPRISE AND INTERNAL SERVICES FUNDS
Wastewater Fund – Fixed Assets: The Public Works Director has requested to rollover the following fixed assets from FY17 to FY18: CCTV Lateral Equipment -\$70,000; Dimminutor Spare Parts - \$25,000;and Replacement of Lift Station Pumps -\$12,900.
Building Maintenance Fund – Operations: The following are projects that were budgeted, but were not completed and are requested to be rolled over from FY17 to FY18: Airport Exterior Painting - \$72,000; City Hall Exterior Paint -\$65,000; City Hall Dryvit Repair -\$25,000; Fire Hall Pressure Wash & Seal Building Exterior -\$8,000; WWTP Paint Exterior Generator Buildings -\$24,000; MSC Pressure Wash & Seal Building Exterior -\$12,000; MSC Replace Compressor -\$4,200; Senior Center Exterior Paint -\$16,000 and WWTP Repainting Thickener Room Ceiling & Girders -\$50,000.

In accordance with Section 11.10 (a) of the Charter of the City and Borough of Sitka, Alaska, the budget for the fiscal period July 1, 2017 and ending June 30, 2018 is hereby adjusted as follows:

FISCAL YEAR 2018 EXPENDITURE BUDGETS
GENERAL FUND
<p>Personnel: At the June 28th, 2016 meeting, the Assembly approved the ASEA Union Contract. There will be an appropriation in the FY18 Budget for each union employee for the \$500 lump sums as follows: General Fund will be \$15,000; Water Fund will be \$1,500; Wastewater Fund will be \$3,500; Harbor Fund will be \$3,000; Management Information Systems Fund will be \$500; Central Garage Fund will be \$1,000 and the Building Maintenance Fund will be \$1,000.</p>
<p>Personnel: In the FY18 Budget, 15 percent was budgeted for Health Insurance and the actual percent came back at 12 percent. The following are adjustments to each Fund: General Fund – (\$65,859); Electric Fund – (\$18,460); Water Fund – (\$3,494); Wastewater Fund – (\$3,604); Harbor Fund – (\$6,229); Management Information Systems – \$5,743; Central Garage Fund – (\$1,065); and Building Maintenance Fund – (\$2,736).</p>
<p>Assessing Department – Operations: The Assessing Director has requested to re-appropriate \$5,147 of their surplus funds to FY18 from FY17 to allow the completion of island inspections which was something that was not accounted for in the approved FY18 Budget.</p>
<p>Support Payments – Hospital: The Sitka Community Hospital has requested to rollover to FY18 from FY17 the remaining funds in the amount of \$156,192 for capital support.</p>
<p>Engineering Department – Operations: The Public Works Director has requested a rollover the amount of \$70,000 to FY18 from FY17 to revise and update the 2002 CBSSS and the development of standards.</p>
<p>Streets Department – Operations: The Public Works Director has requested to rollover the amount of \$16,500 to FY18 from FY17 to purchase sand utilized for snow removal.</p>
<p>Search and Rescue – Operations: The SAR Captain has requested to rollover to FY18 from FY17 the amount of \$2,000 from the Search and Rescue department and \$5,000 from the Fire Department and re-appropriate those funds in the Search and Rescue department for the purpose of funding the Mountain Rescue Association (MRA) accreditation re-test.</p>
<p>Planning Department – Operations: The Community Affairs Director has requested to rollover to FY18 from FY17 the amount of \$15,994 for the completion of the Comprehensive Plan 2030.</p>
ENTERPRISE AND INTERNAL SERVICES FUNDS
<p>Wastewater Fund – Fixed Assets: The Public Works Director has requested to rollover the following fixed assets to FY18 from FY17: CCTV Lateral Equipment -\$70,000; Dimminutor Spare Parts -\$25,000; and Replacement of Lift Station Pumps -\$12,900.</p>

ENTERPRISE AND INTERNAL SERVICES FUNDS (cont.)
Building Maintenance Fund – Operations: The following are projects that were budgeted, but were not completed and are requested to be rolled over to FY18 from FY17: Airport Exterior Painting - \$72,000; City Hall Exterior Paint -\$65,000; City Hall Dryvit Repair -\$25,000; Fire Hall Pressure Wash & Seal Building Exterior -\$8,000; WWTP Paint Exterior Generator Buildings -\$24,000; MSC Pressure Wash & Seal Building Exterior -\$12,000; MSC Replace Compressor -\$4,200; Senior Center Exterior Paint -\$16,000 and WWTP Repainting Thickener Room Ceiling & Girders -\$50,000.
CAPITAL FUNDS
Police Department – Operations: The Police Chief has requested to rollover to FY18 from FY17 the amount of \$74,417 for the Justice Center Design Project. These funds will be re-appropriated as a capital project.

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EXPLANATION

Necessary revisions in the FY 2017/ FY 2018 budgets were identified. These changes involve the increase of expenditure accounts and causes decreased cash flows to the fund balance of various funds. A short explanation of each budget revision is included.

5. EFFECTIVE DATE. This ordinance shall become effective on the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 25th Day of July, 2017.

ATTEST:

Matthew Hunter, Mayor

Sara Peterson, CMC
Municipal Clerk

1st reading 7/11/17
2nd reading 7/25/17



July 10, 2017

John P. "Jay" Sweeney III
Chief Finance and Administrative Officer
100 Lincoln Street
Sitka, Alaska 99835

Re: FY17 Request for Capital Reimbursement

Dear Mr. Sweeney:

Please consider this letter from Sitka Community Hospital as a formal request for reimbursement of capital projects for fiscal year 2017, as outlined below. We have attached backup to support the costs of each project.

• Mountainside Family Healthcare Paint/Flooring	\$ 20,500.00
• Patient Financial Services Remodel	124,521.72
• Nurse's Conference Room Remodel	<u>50,014.71</u>
Total	195,036.43
Funded by Sitka Community Hospital	<u>(38,844.43)</u>
Reimbursement Request	<u>\$156,192.00</u>

Please let me know if you have any questions. Sitka Community Hospital is appreciative of the City's support!

Sincerely,

Cynthia Brandt, CFO
Sitka Community Hospital



CITY AND BOROUGH OF SITKA

Legislation Details

File #: ORD 17-24 Version: 1 Name:
Type: Ordinance Status: AGENDA READY
File created: 7/5/2017 In control: City and Borough Assembly
On agenda: 7/25/2017 Final action:
Title: Adjusting the FY18 budget (downtown shuttle pilot project)
Sponsors:
Indexes:
Code sections:
Attachments: [Memo and Ord 2017-24.pdf](#)

Date	Ver.	Action By	Action	Result
7/11/2017	1	City and Borough Assembly		

POSSIBLE MOTION

I MOVE TO approve Ordinance 2017-24 on
second and final reading.

Memo

Thru: Phil Messina, Interim Municipal Administrator

To: Mayor Hunter and Assembly Members

From: Jay Sweeney, Chief Finance and Administrative Officer

Date: July 3, 2017

Re: Funding Source For The Proposed Downtown Visitor Shuttle – Ordinance 2017-24

Mayor Hunter and Assembly Members,

Several possible funding sources exist in order to finance the cost of the downtown visitor shuttle pilot project, which was approved in concept by the Assembly at its June 27th meeting. Of the possible sources, staff recommends the Visitor Enhancement Fund as the most appropriate, and, accordingly has prepared the accompanying budget adjustment ordinance to appropriate funding.

Other possible funding sources include the General Fund, the Commercial Passenger Excise Tax (CPET) Fund, and the Southeast Alaska Economic Development Fund. Each of these three additional funding sources has complicating factors, however, that make its use less than ideal. Use of the General fund would divert resources away from potentially being transferred to the Public Infrastructure Sinking Fund. Use of the CPET Fund would either require restricting operation of the shuttle to hours when cruise ship visitors are in town, or, pro rata partial funding by an additional funding source for the portion of time the shuttle operates when cruise ship passengers are not visiting. Furthermore, every dollar in the CPET fund has already been formally or informally earmarked for another use. Finally, the Southeast Alaska Economic Development Fund could be used, but its primary purpose is to serve as a revolving loan fund and use of the corpus would diminish the amount available for loaning.

The Visitor Enhancement Fund was created as a dedicated funding source for visitor-related expenditures for all visitors, not just cruise ship passengers. Its revenue streams are bed taxes. All bed taxes collected are deposited into the Fund, and, 92% of collected bed taxes are earmarked to pay for the contractual costs of the Convention and Visitors Bureau (retroactively trueed up on an annual basis). The remaining 8% is available for appropriation for any visitor-related purpose. As the shuttle will serve all visitors, not just cruise ship passengers, and be available to residents as well, staff feels that use of the Visitor Enhancement Fund is most appropriate.

As of June 30, 2017, the balance in the Visitor Enhancement Fund was \$83,656.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2017-24
AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA
ADJUSTING THE FY18 BUDGET

BE IT ENACTED by the Assembly of the City and Borough of Sitka, Alaska as follows:

1. CLASSIFICATION. This ordinance is not of a permanent nature and is not intended to be a part of the Sitka General Code of the City and Borough of Sitka, Alaska.

2. SEVERABILITY. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person and circumstances shall not be affected thereby.

3. PURPOSE. The purpose of this ordinance is to adjust the FY18 budgets for known changes.

4. ENACTMENT. The Assembly of the City and Borough of Sitka hereby adjusts the FY18 budget for known changes. In accordance with Section 11.10(a) of the Charter of the City and Borough of Sitka, Alaska, the budget for the fiscal period beginning July 1, 2017 and ending June 30, 2018 is hereby adjusted as follows:

Table with 2 main sections: FISCAL YEAR 2018 EXPENDITURE BUDGETS and SPECIAL REVENUE FUNDS. The second section contains a specific entry for Fund 195 - Visitor Enhancement Fund - Operations.

EXPLANATION

Necessary revisions in the FY 2018 budget were identified. These changes involve the increase of expenditure accounts and causes decreased cash flows to the fund balance of various funds. A short explanation of each budget revision is included.

5. EFFECTIVE DATE. This ordinance shall become effective on the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 25th Day of July, 2017.

ATTEST:

Matthew Hunter, Mayor

Sara Peterson, CMC
Municipal Clerk

1st reading 7/11/17
2nd reading 7/25/17

MEMORANDUM OF UNDERSTANDING
between the
SITKA TRIBE OF ALASKA
and the
CITY AND BOROUGH OF SITKA

ARTICLE I. PURPOSE

The Memorandum of Understanding is made and entered into by and between the Sitka Tribe of Alaska (Tribe) and the City and Borough of Sitka (City) to provide shuttle services to the downtown area on cruise ship days as a limited pilot project.

ARTICLE II. STATEMENT OF WORK

In consideration of the above declaration of purpose, the parties agree to the following:

A. THE TRIBE SHALL:

1. Establish a cruise ship passenger shuttle service starting at Harrigan Centennial Hall and following an established route through downtown Sitka. Shuttle will stop at up to three locations on Lincoln Street to let passengers on and off, then return to Harrigan Centennial Hall. Drivers may point out areas of interest and give general directions to various businesses and sites in and around the downtown area.
2. Shuttle will operate on approximately fifteen minute intervals. On days when cruise ships are scheduled to arrive, the shuttle will begin at 8:30 a.m. The last shuttle of the day will return to Harrigan Centennial Hall approximately ninety minutes before the last cruise ship sails.
3. Tribe will collect information on passenger counts.
4. The shuttle service will start July 16, 2017 and will terminate on August 12, 2017.
5. Tribe estimates the project will require approximately 168 hours of service at \$60/Hour, however the project is not to exceed \$10,000.

B. THE CITY SHALL:

1. City will pay the Tribe the sum of \$10,000 for the downtown shuttle pilot project. One-half of the amount will be paid before August 1, 2017 and the balance paid at the end of the project.

2. The City will designate at least four shuttle stops including the first at Harrigan Centennial Hall and up to three in the downtown area. City will supply one sidewalk sign at Harrigan Centennial Hall to indicate "Free Downtown Shuttle".
3. At the end of the project, the City, Tribe and the downtown merchants will evaluate the project and will prepare a final report to the Assembly.

ARTICLE III. TERMS OF AGREEMENT

A. DURATION OF AGREEMENT

The duration of this agreement is from July 16, 2017 to August 12, 2017.

B. REVISION OF AGREEMENT

This agreement may be revised as necessary, by mutual consent of both parties, by issuance of a written amendment, signed and dated by the proper representatives of each government.

C. TERMINATION OF AGREEMENT

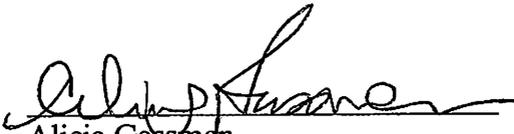
This agreement may be terminated by either government by providing 5 days written notice. In the event of termination prior to the full agreement, City will be responsible to pay for any service hours up to the final day the Tribe provided shuttle service.

ARTICLE IV. EFFECTIVE DATE

In witness of whereof, the Tribe and City have executed this agreement as of the last written date below.

FOR THE SITKA TRIBE OF ALASKA

FOR THE CITY AND BOROUGH OF SITKA



Alicia Gassman
General Manager
Sitka Tribe of Alaska



Phillip M. Messina
Interim Municipal Administrator
City and Borough of Sitka

7/12/17

Date

7-12-17

Date

MEMORANDUM OF UNDERSTANDING
PILOT SHUTTLE SERVICE PROJECT

Page 2 of 2



CITY AND BOROUGH OF SITKA

Legislation Details

File #: ORD 17-25 Version: 1 Name:

Type: Ordinance Status: AGENDA READY

File created: 7/5/2017 In control: City and Borough Assembly

On agenda: 7/25/2017 Final action:

Title: Amending Sitka General Code Title 2 "Administration" by adding a new Chapter 2.10 entitled "Defense and Indemnification of Officers and Employees"

Sponsors:

Indexes:

Code sections:

Attachments: [Ord 2017-25.pdf](#)

Date	Ver.	Action By	Action	Result
7/11/2017	1	City and Borough Assembly		

POSSIBLE MOTION

I MOVE TO approve Ordinance 2017-25 on
second and final reading.

Note: The purpose of this ordinance is to create within the Sitka General Code a specific section to provide defense and indemnification for officers and employees of the City and Borough of Sitka against claims and lawsuits resulting from good faith efforts to perform their official duties and responsibilities.

CITY AND BOROUGH OF SITKA
ORDINANCE NO. 2017-25

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING SITKA GENERAL CODE
TITLE 2 "ADMINISTRATION" BY ADDING A NEW CHAPTER 2.10 ENTITLED "DEFENSE AND
INDEMNIFICATION OF OFFICERS AND EMPLOYEES"

- 1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to be a part of the Sitka General Code of the City and Borough of Sitka, Alaska.
- 2. **SEVERABILITY.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person and circumstances shall not be affected thereby.
- 3. **PURPOSE.** The purpose of this ordinance is to create within the Sitka General Code a specific section to provide defense and indemnification for officers and employees of the city and borough against claims and lawsuits resulting from good faith efforts to perform their official duties and responsibilities.
- 4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 2 is amended by adding new chapter 2.10 "Defense and Indemnification of Officers and Employees" (new language underlined; deleted language stricken):

Title 2
ADMINISTRATION

Chapters:

- 2.04 City and Borough Assembly
- 2.08 City and Borough Departments
- 2.10 Defense and Indemnification of Officers and Employees

* * *

Chapter 2.10
DEFENSE AND INDEMNIFICATION OF OFFICERS AND EMPLOYEES

Sections:

- 2.10.010 Definitions.
- 2.10.020 Defense and indemnification.
- 2.10.030 Exclusions – Determination to defend and indemnify.
- 2.10.040 Conditions of defense and indemnification.
- 2.10.050 Disqualification.
- 2.10.060 Conflict with provisions of insurance policies.
- 2.10.070 Pending claims.
- 2.10.080 Union contracts.
- 2.10.090 Volunteer workers.

52 **2.10.010 Definitions.**

53 For the purpose of this chapter, the following words shall have the following meanings unless
54 the context indicates otherwise:

55
56 A. “Claim” means a claim or lawsuit.

57
58 B. “Employee” means any person who is or has been employed in the service of the city
59 and borough.

60
61 C. “Official” means any person who is serving or has served as an elected official of the
62 the city and borough and any person who is serving or has served as an appointed
63 member of any board, commission, agency, or committee of the city and borough.

64
65 D. “Official duties” includes conduct, acts, and omissions done by an official or employee
66 in the course and scope of their service to the city and borough.

67
68 **2.10.020 Defense and indemnification.**

69 Subject to the conditions and requirements of this chapter, the city and borough shall provide to
70 an official or employee legal defense and indemnification, including protection from any
71 expenses connected with the defense, settlement, or payment of monetary damages, related to
72 any claim filed against the official or employee, arising out of the good faith performance,
73 purported performance, or failure of performance of official duties. This defense and
74 indemnification shall be a condition of employment with the city and borough and shall be
75 provided by the municipal attorney or the municipal attorney’s designee or through such
76 insurance policy or self-insurance or similar program as the city and borough may establish.

77
78 **2.10.030 Exclusions – Determination to defend and indemnify.**

79
80 A. The obligation of the city and borough to provide defense and indemnification shall
81 not apply to any act taken in bad faith or any act outside the scope of service or
82 employment, or to any claim brought by or on behalf of the city and borough. The
83 following are examples of acts which will normally be deemed to have been taken in
84 bad faith:

- 85
86 1. An act committed with the willful intention of causing injury or harm, or which
87 was reckless or malicious in nature.
88 2. An act committed in willful violation of law.
89 3. An act committed while under the influence of alcohol or a controlled
90 substance.

91
92 B. The municipal attorney shall determine whether an official or employee was
93 performing official duties in good faith, and whether an official or employee committed
94 any act in bad faith. The municipal administrator shall make this determination
95 regarding a claim against the municipal attorney.

96
97 C. If, at the time the claim is initiated, the known facts are insufficient to allow for the
98 determination under subsection B, the city and borough may elect initially to provide

99 defense only, reserving any final determination until such time as sufficient facts are
100 available.

- 101
102 D. The official or employee may appeal to the assembly an adverse determination under
103 subsection B.

104
105 **2.10.040 Conditions of defense and indemnification.**

106 The continued obligation of the city and borough to provided defense and indemnification shall
107 be subject to the following conditions:

- 108
109 A. The official or employee shall cooperate fully with the city and borough and its counsel
110 in handling or resisting the claim, including:

- 111 1. Providing the municipal attorney, as soon as practicable after receiving notice
112 of a claim: written notice of the claim, specifying the names of the officials or
113 employees involved, the date, time, place and circumstances surrounding the
114 incident or conduct giving rise to the claim, the names and addresses of all
115 persons allegedly injured, the names and addresses of owners of allegedly
116 damaged property, and the names and addresses of all witnesses;
117 2. Cooperating with the city and borough and its counsel in making settlements of
118 any lawsuits, and in enforcing any claim for subrogation against any persons or
119 organizations that may be liable to the city and borough because of any
120 damages or losses arising from the incident or conduct; and
121 3. Attending interviews, depositions, hearings, and trials as requested, and
122 assisting in securing and giving evidence and obtaining the attendance of
123 witnesses.

- 124
125 B. The city and borough reserves the sole right to control the defense of the claim and to
126 compromise, settle, or defend the matter.

127
128 **2.10.050 Disqualification.**

129 If any official or employee fails or refuses to meet the requirements of this chapter or elects to
130 provide his or her own representation on any claim, this chapter shall be inapplicable and of no
131 force and effect with respect to that claim.

132
133 **2.10.060 Conflict with provisions of insurance policies.**

134 Nothing contained in this chapter shall be construed to modify or amend any provision of an
135 insurance policy or any coverage through a self-insurance or joint insurance program. If there is
136 a conflict between this chapter and the provisions of any such policies or coverage, the
137 provisions of any such policies or coverage shall control.

138
139 **2.10.070 Pending claims.**

140 This chapter shall apply to any pending claim against an official or employee and to any claim
141 hereafter filed irrespective of the date of the events or circumstances giving rise to the claim.

142
143 **2.10.080 Union contracts.**

144 If a collective bargaining unit contract covers any of the terms and conditions of this chapter, all
145 employees under the contract shall be governed by the provisions of the contract. If there is a

146 conflict between the provisions of such contract and this chapter, the provisions of the contract
147 shall control.

148
149 **2.10.090 Volunteer workers.**

150 The city and borough shall provide defense and indemnification to volunteer workers performing
151 services on its behalf, *provided* that such defense and indemnification:

- 152
- 153 A. Shall be provided only to volunteer workers authorized in writing by the head of a
154 municipal department to perform a particular scope of services to the city and
155 borough;
 - 156
 - 157 B. Shall cover only conduct, acts, and omissions undertaken in the course and scope of
158 such authorized services; and
 - 159
 - 160 C. Shall be subject to all other conditions and requirements of this chapter in the same
161 manner as they apply to officials and employees.
 - 162

163 * * *

164 5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of its
165 passage.

166
167 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska this
168 25th day of July, 2017.

171
172 _____
173 Matthew Hunter, Mayor

174 ATTEST:

175 _____
176 Sara Peterson, CMC
177 Municipal Clerk

178
179 1st reading 7/11/17

180 2nd reading 7/25/17



CITY AND BOROUGH OF SITKA

Legislation Details

File #: ORD 17-26 Version: 1 Name:

Type: Ordinance Status: AGENDA READY

File created: 7/19/2017 In control: City and Borough Assembly

On agenda: 7/25/2017 Final action:

Title: Amending Sitka General Code Chapter 4.28 "Investment Policy" by adding a new Section 4.28.045 entitled "External Investment Management"

Sponsors:

Indexes:

Code sections:

Attachments: [Memo and Ord 2017-26.pdf](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE TO approve Ordinance 2017-26 on
first reading.

Memo

Through: Phil Messina, Interim Administrator
To: Mayor Hunter and Assembly Members
From: Jay Sweeney, Chief Finance and Administrative Officer
Date: July 18, 2017
Re: Revision of Municipal Investment Policy To Establish Guidelines For External Investment Management

During the last two years, the Assembly has approved the external management of investment of Municipal funds (initially the Sitka Permanent Fund, followed by operating funds) by Alaska Permanent Capital Management.

The current Municipal Investment Policy, as set forth in Chapter 4.28 of the Sitka General Code, does not address external investment of funds. As external investment is not specifically prohibited (it is simply not addressed), the previous approvals by the Assembly do not violate the Sitka General Code.

Going forward, however, Staff believes that explicit authorization of external management of investments in the investment policy would be prudent, establishing that internal investment management is henceforth authorized. The Investment Advisory Committee has recommended this action and change in its meetings as well.

Paragraph C of the proposed code section contains important safeguards that should be set forth in code if external management is to continue. These safeguards help to ensure that checks and balances are put in place to help protect Sitka's investments, and, that a third party is engaged to make sure that Sitka's investments are both safe, and, that Sitka receives the exact securities it has purchased. Such safeguards have been in place already for decades (we are not proposing anything new that we are already not doing). Placing the safeguards in the SGC, however, will ensure that the safeguards remain into the future to guide future staff members and Assemblies.

CITY AND BOROUGH OF SITKA
ORDINANCE NO. 2017-26

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING SITKA GENERAL
CODE CHAPTER 4.28 "INVESTMENT POLICY" BY ADDING A NEW SECTION 4.28.045
ENTITLED "EXTERNAL INVESTMENT MANAGEMENT"

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.

2. **SEVERABILITY.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person or circumstances shall not be affected thereby.

3. **PURPOSE.** The purpose of this ordinance is to add a new Section 4.28.045, entitled "External Investment Management", to Chapter 4.28 of the Sitka General Code in order to provide for the external management of investments by professional investment managers.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Chapter 4.28 "Investment Policy" is amended by adding a new Section 4.28.045 "External Investment Management" (new language underlined; deleted language stricken):

Chapter 4.28

INVESTMENT POLICY

Sections:

- 4.28.010 Scope.**
- 4.28.020 Standards of care.**
- 4.28.030 Safekeeping and custody.**
- 4.28.040 Reporting.**
- 4.28.045 External Investment Management.**

* * *

4.28.045 EXTERNAL INVESTMENT MANAGEMENT.

A. The City and Borough of Sitka may, upon approval of the Assembly, contract with external entities for professional investment management services.

B. All contracts entered into pursuant to this section shall comply with the Sitka General Code, Title 3, Procurement, and Chapter 4.28, Investment Policy, as applicable.

43 C. All contracts entered into pursuant to this section shall provide that (1) all trades of securities
44 will be conducted through third-party brokerage entities unaffiliated with and independent of the
45 investment management service provider; (2) all trades of securities will be settled by third-party
46 financial institutions entities unaffiliated with and independent of the investment management
47 service provider; and (3) all securities will be held under a separate custody agreement by a
48 third-party custodian unaffiliated with and independent of the investment management service
49 provider.

50

* * *

51 **EFFECTIVE DATE.** This ordinance shall become effective the day after the date of its passage.

52

53 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka,
54 Alaska this 8th day of August, 2017.

55

56

57

58

Matthew Hunter, Mayor

59 ATTEST:

60

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63 _____
Sara Peterson, CMC

64 Municipal Clerk

65

66 1st reading 7/25/17

67 2nd reading 8/8/17

Investment Committee Minutes

Monday, February 27, 2017 3:00 p.m.
3rd Floor Conference Room of City Hall

Goal: To make recommendations for and oversee the Investment Policy of the City and Borough of Sitka enacted as Chapter 4.28.

Investment Committee Members: Michael Reif, Bert Stedman, Jere Christner
Tristan Guevin (Assembly Liaison)

Meeting began at approximately 3:00 p.m.

I. Roll Call

Present: Michael Reif, Jere Christner

Absent: Bert Stedman (excused)

Staff: Municipal Administrator Mark Gorman, Chief Finance and Administrative Officer (CFAO) Jay Sweeney; Deputy Clerk Melissa Henshaw

II. Approval of the minutes

A. February 14, 2017

M - Christner/S - Reif moved to approve the minutes from February 14, 2017. Motion carried unanimously of the two members present.

III. Persons to be Heard

None.

IV. Reports

None.

V. Unfinished Business

B. Investment Policy

Sweeney asked for a review by members for any changes that need to be made. Discussion took place of Alaska Permanent Capital Management (APCM) recommendations to 4.28.120. Discussion occurred to amend this section of the Code when or if the external management of the Operating Funds would come to fruition, or to do it in two phases.

M - Christner/ S - Reif moved to recommend a revision to Chapter 4.28 Investment Policy to add a section 4.28.025 that would add language to allow professional management for the City and Borough of Sitka finances. Motion carried unanimously of the two members present.

C. Master Working Capital and Debt Service Plan

Sweeney could not find other communities in Alaska that had such a policy with the exception of the City of Homer which was broad. He included five other examples in the packet. He asked the question if Sitka should be the first in the state to write such a policy or wait until another municipality goes forward with one. He told of internal and external challenges, thought to take this in stages and have the commission review the examples first.

Discussion occurred on the State's guidelines that were in the packet material given to the CBS for loaning on water/wastewater, how much debt was too much, putting a structure in

place on how to evaluate debt and how to educate new Assembly members. CBS has developed a comprehensive fiscal management plan for the water, wastewater, electric and harbor funds that include measurements of financial safety and liquidity. It was agreed that a framework was needed.

M – Reif/ S – Christner moved to postpone the Master Working Capital and Debt Service Plan until such time as the Finance Department, as determined by the Administrator, has the time and resources capable to pursue this detailed and complex subject and that it is the desire of the Investment Advisory Committee to pursue this with high priority. Motion carried unanimously of the two members present.

D. Discussion of professional management of operating funds

It was determined that there were three options 1) expand the scope of the current contract with APCM which the Municipal Attorney needed to make a determination, 2) send out a new contract without competitive bid as sole source from SGC Title 3 which the Municipal Attorney needed to make a determination or 3) Send out an RFP.

Gorman reminded that the Assembly didn't necessarily need to approve one of the options, but told that they should be aware of the route that the Committee would proceed with.

M – Christner/ S – Reif moved to ask the Municipal Attorney to explore expanding the scope of services under the existing contract to include the Operating Funds or to look at the option of going to an uncompetitive sole source contract to allow Alaska Permanent Capital Management to manage the Operating Funds. Motion carried unanimously of the two members present.

Sweeney told that the existing contract has no limitation however the title of the contract was specifically for the Permanent Fund.

VI. New Business

Discussion occurred on the alternate voting membership and how to obtain a member for this seat.

VII. Adjourn

The next was tentatively scheduled for Monday, April 24, 2017.

M –Christner moved to adjourn, seeing no objection, the meeting adjourned at 4:19 p.m.

Attest:
Melissa Henshaw, Deputy Clerk



CITY AND BOROUGH OF SITKA

Legislation Details

File #: TMP 05 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 7/19/2017 In control: City and Borough Assembly

On agenda: 7/25/2017 Final action:

Title: Consideration of the following two ordinances, with the same subject, on first reading (one may move forward):

Sponsors:

Indexes:

Code sections:

Attachments: [Possible motions.pdf](#)

Date	Ver.	Action By	Action	Result
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Consideration of the following two ordinances, with the same subject, on first reading.

Note: the intent of the sponsors is to move one forward.

After discussion...

Possible Motions

Option 1

I MOVE to approve Ordinance 2017-27 on first reading.

Option 2

I MOVE to approve Ordinance 2017-28 on first reading.



CITY AND BOROUGH OF SITKA

Legislation Details

File #: ORD 17-27 Version: 1 Name:
Type: Ordinance Status: AGENDA READY
File created: 7/19/2017 In control: City and Borough Assembly
On agenda: 7/25/2017 Final action:
Title: Amending Sitka General Code Chapter 10.24 entitled "Fireworks" by adding exceptions to Section 10.24.040 "Exceptions for Authorized Displays", additional definitions to Section 10.24.060 "Fireworks Defined", and a new Section 10.24.070 "Penalties"

Sponsors:

Indexes:

Code sections:

Attachments: [Ord 2017-27.pdf](#)

Date	Ver.	Action By	Action	Result
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CITY AND BOROUGH OF SITKA
ORDINANCE NO. 2017-27

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING SITKA GENERAL
CODE CHAPTER 10.24 ENTITLED "FIREWORKS" BY ADDING EXCEPTIONS TO SECTION
10.24.040 "EXCEPTIONS FOR AUTHORIZED DISPLAYS", ADDITIONAL DEFINITIONS TO
SECTION 10.24.060 "FIREWORKS DEFINED", AND A NEW SECTION 10.24.070
"PENALTIES"

- 1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to be a part of the Sitka General Code of the City and Borough of Sitka, Alaska.
- 2. **SEVERABILITY.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person and circumstances shall not be affected thereby.
- 3. **PURPOSE.** The purpose of this ordinance is to add to the existing fireworks control ordinance exceptions for limited private use of fireworks, add additional definitions, and create penalties for violation.
- 4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Chapter 10.24 "Fireworks" is amended by adding exceptions for limited private use of fireworks to Section 10.24.040 "Exceptions for private use and authorized public displays", adding definitions to Section 10.24.060 "Fireworks Defined", and adding a new section for penalties for violations, Section 10.24.070 "Penalties" (new language underlined; deleted language stricken):

**Chapter 10.24
FIREWORKS**

Sections:

- 10.24.010 Title.
- 10.24.020 Prohibition on sale.
- 10.24.030 Prohibition on use.
- 10.24.040 Exceptions for private use and authorized public displays.
- 10.24.050 Permissible sales and uses.
- 10.24.060 Fireworks defined.
- 10.24.070 Penalties

* * *

10.24.010 Title.

This chapter shall be known and cited as the "fireworks control ordinance of the city and borough."

45 **10.24.020 Prohibition on sale.**

46 It is unlawful for any person, business, corporation, association, club or organization to
47 sell, expose for sale, or offer for sale any fireworks within the corporate limits of the city
48 and borough.

49 **10.24.030 Prohibition on use.**

50 It is unlawful for any person, business, corporation, association, club or organization to
51 use or explode any fireworks, except as otherwise provided by this chapter within the
52 municipal limits of the city and borough.

53 **10.24.040 Exceptions for private use and authorized public displays.**

54 A. It is lawful to use and explode 1.4G Explosives (Consumer Fireworks) within the
55 following dates and times each year:

56 December 31 at 4PM to January 1 at 1AM

57 July 3 from 4PM to July 4 at 1AM

58 July 4 at 4PM to July 5 at 1AM

59
60 It is lawful to use and explode 1.3 G Explosives (Display Fireworks), including mortars,
61 within the above stated dates and times each year if a permit is obtained from the
62 appropriate city and state official pursuant to subsection B.

63
64 No fireworks of any classification may be used and exploded within 200 feet of any tank
65 farm which contains any petroleum product.

66
67 The Chief of the Municipal Fire Department may issue a ban on all fireworks at any time
68 due to heightened risk of fire.

69
70 AB. Fireworks may be used for public displays by municipalities, fair associations,
71 amusement parks and other organizations or groups of individuals, provided that:

72 1. A permit is obtained from the administrator or any employee designated by
73 him; and

74 2. A permit is obtained from the appropriate state official, if required by state
75 law; and,

76 23. A bond is filed with the city and borough in the amount of at least five
77 hundred dollars to ensure payment of all damages to persons or property caused
78 by the display. The bond requirement will not be operative if the holder of the
79 permit has in effect an insurance policy which accomplishes the same purpose
80 as the bond.

81 BC. No permit is transferable.

82 **10.24.050 Permissible sales and uses.**

83 Nothing in this chapter shall be construed to prohibit:

- 84 A. Any resident wholesaler, dealer, or jobber from selling at wholesale those
85 fireworks which are not prohibited in this chapter;
- 86 B. The sale of any kind of fireworks if the fireworks are to be shipped directly from
87 the state in accordance with regulations 27 CFR Part 555 of the Bureau of
88 Alcohol, Tobacco, Firearms and Explosives (ATF);
- 89
- 90 C. The use of fireworks by vessels or other transportation agencies for signal
91 purposes or illumination;
- 92
- 93 D. The use of flashlight composition in normal amounts by photographers or dealers
94 in photographic supplies;
- 95
- 96 E. The sale or use of blank cartridges for a show or a theater;
- 97
- 98 F. Use of fireworks for signal or ceremonial purposes in athletic events or parades;
99 and
- 100
- 101 G. Use by military organizations.

102 **10.24.060 Fireworks defined.**

103 A. "Fireworks" includes any combustible or explosive composition or any substance
104 or combination of substances or article prepared for the purpose of producing a visible
105 or an audible effect by combustion, explosion, deflagration or detonation, and includes
106 blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are
107 used, balloons which require explosive propellant, firecrackers, torpedoes, skyrockets,
108 Roman candles, Daygo bombs, or other fireworks of like construction, which contain
109 any explosives or flammable compound, or any tablets or other device containing any
110 explosive substance, except that the term "fireworks" does not include sparklers, auto
111 flares, paper caps containing not in excess an average of twenty-five hundredths of a
112 grain of explosive content per cap manufactured in accordance with the Interstate
113 Commerce Commission regulations for packing and shipping, as provided therein, and
114 toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use
115 of which shall be permitted at all times (AS 18.72.100).

116

117 B. "1.3G Explosives", formerly known as Class B special fireworks and also known
118 as display fireworks, are large fireworks articles designed to produce visible or audible
119 effects for entertainment purposes by combustion, deflagration or detonation. The
120 source of this definition is the American Pyrotechnics Association.

121

122 C. "1.4G Explosives", formerly known as Class C common fireworks and also known
123 as consumer fireworks, are fireworks that are intended for use by the consumer.

124 Examples are fountains, cones, and firecrackers. The source of this definition is the
125 American Pyrotechnics Association.

126
127 D. "Mortar" means a tube from which certain aerial fireworks devices are fired into
128 the air. The source of this definition is the American Pyrotechnics Association.

129
130 **10.24.070 Penalties.**
131 In accordance with AS 29.25.070(a), citations for offenses in this chapter may be
132 disposed of as provided in AS 12.25.175-.230, without a court appearance, upon
133 payment of the fine amounts stated herein plus the state surcharge required by AS
134 12.55.039 and AS 29.25.074. Fines must be paid to the City and Borough of Sitka. The
135 Alaska Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all
136 offenses referenced herein. Citations charging these offenses must meet the
137 requirements of Rule 3 of the Alaska Rules of Minor Offense Procedure. For the first
138 offense, the fine shall be fifty dollars. For the second offense, the fine shall be one
139 hundred dollars. For the third offense, the fine shall be two hundred dollars. For any
140 subsequent offense after three, the defendant must appear in court to answer for the
141 charges. For any offense after three, the fine shall exceed two hundred dollars and not
142 exceed five hundred dollars. If a person charged with one of these offenses appears in
143 court and is found guilty, the penalty imposed for the offense may not exceed the fine
144 amount for that offense stated herein. These fines may not be judicially reduced. For
145 purposes of this section, prior offenses must be within the previous five years.

146
147 * * *

148 5. **EFFECTIVE DATE.** This Ordinance shall become effective the day after the date of its
149 passage.

150
151 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka,
152 Alaska this 8th day of August, 2017.

153
154
155
156 _____
Matthew Hunter, Mayor

157 ATTEST:
158

159 _____
160 Sara Peterson, CMC
161 Municipal Clerk

162
163 1st reading 7/25/17
164 2nd reading 8/8/17



CITY AND BOROUGH OF SITKA

Legislation Details

File #: ORD 17-28 Version: 1 Name:

Type: Ordinance Status: AGENDA READY

File created: 7/19/2017 In control: City and Borough Assembly

On agenda: 7/25/2017 Final action:

Title: Amending Sitka General Code Chapter 10.24 entitled "Fireworks" by adding a new Section 10.24.070 "Penalties"

Sponsors:

Indexes:

Code sections:

Attachments: [Ord 2017-28.pdf](#)
[Police and Fire Commission Minutes.pdf](#)

Date	Ver.	Action By	Action	Result
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CITY AND BOROUGH OF SITKA
ORDINANCE NO. 2017-28

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING SITKA GENERAL
CODE CHAPTER 10.24 ENTITLED "FIREWORKS" BY ADDING A NEW SECTION 10.24.070
"PENALTIES"

- 1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to be a part of the Sitka General Code of the City and Borough of Sitka, Alaska.
- 2. **SEVERABILITY.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person and circumstances shall not be affected thereby.
- 3. **PURPOSE.** The purpose of this ordinance is to create penalties for violation.
- 4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Chapter 10.24 "Fireworks" is amended to add a new section for penalties for violations, Section 10.24.070 "Penalties" (new language underlined; deleted language stricken):

**Chapter 10.24
FIREWORKS**

Sections:

- 10.24.010 Title.
- 10.24.020 Prohibition on sale.
- 10.24.030 Prohibition on use.
- 10.24.040 Exceptions for authorized displays.
- 10.24.050 Permissible sales and uses.
- 10.24.060 Fireworks defined.
- 10.24.070 Penalties

* * *

10.24.010 Title.

This chapter shall be known and cited as the "fireworks control ordinance of the city and borough."

10.24.020 Prohibition on sale.

It is unlawful for any person, business, corporation, association, club or organization to sell, expose for sale, or offer for sale any fireworks within the corporate limits of the city and borough.

10.24.030 Prohibition on use.

It is unlawful for any person, business, corporation, association, club or organization to use or explode any fireworks, except as otherwise provided by this chapter within the municipal limits of the city and borough.

47 **10.24.040 Exceptions for authorized displays.**

48 A. Fireworks may be used for public displays by municipalities, fair associations,
49 amusement parks and other organizations or groups of individuals, provided that:

50 1. A permit is obtained from the administrator or any employee designated by him;
51 and

52 2. A bond is filed with the city and borough in the amount of at least five hundred
53 dollars to ensure payment of all damages to persons or property caused by the
54 display. The bond requirement will not be operative if the holder of the permit has in
55 effect an insurance policy which accomplishes the same purpose as the bond.

56 B. No permit is transferable.

57 **10.24.050 Permissible sales and uses.**

58 Nothing in this chapter shall be construed to prohibit:

59 A. Any resident wholesaler, dealer, or jobber from selling at wholesale those fireworks
60 which are not prohibited in this chapter;

61
62 B. The sale of any kind of fireworks if the fireworks are to be shipped directly from the
63 state in accordance with regulations 27 CFR Part 555 of the Bureau of Alcohol,
64 Tobacco, Firearms and Explosives (ATF);

65
66 C. The use of fireworks by vessels or other transportation agencies for signal purposes
67 or illumination;

68
69 D. The use of flashlight composition in normal amounts by photographers or dealers in
70 photographic supplies;

71
72 E. The sale or use of blank cartridges for a show or a theater;

73
74 F. Use of fireworks for signal or ceremonial purposes in athletic events or parades;
75 and

76
77 G. Use by military organizations.

78 **10.24.060 Fireworks defined.**

79 "Fireworks" includes any combustible or explosive composition or any substance or
80 combination of substances or article prepared for the purpose of producing a visible or an
81 audible effect by combustion, explosion, deflagration or detonation, and includes blank
82 cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used,
83 balloons which require explosive propellant, firecrackers, torpedoes, skyrockets, Roman
84 candles, Daygo bombs, or other fireworks of like construction, which contain any
85 explosives or flammable compound, or any tablets or other device containing any
86 explosive substance, except that the term "fireworks" does not include sparklers, auto

87 flares, paper caps containing not in excess an average of twenty-five hundredths of a grain
88 of explosive content per cap manufactured in accordance with the Interstate Commerce
89 Commission regulations for packing and shipping, as provided therein, and toy pistols, toy
90 canes, toy guns or other devices for use of such caps, the sale and use of which shall be
91 permitted at all times (AS 18.72.100).

92

93 **10.24.070 Penalties.**

94 In accordance with AS 29.25.070(a), citations for offenses in this chapter may be disposed
95 of as provided in AS 12.25.175-.230, without a court appearance, upon payment of the fine
96 amounts stated herein plus the state surcharge required by AS 12.55.039 and AS
97 29.25.074. Fines must be paid to the City and Borough of Sitka. The Alaska Rules of
98 Minor Offense Procedure in the Alaska Rules of Court apply to all offenses referenced
99 herein. Citations charging these offenses must meet the requirements of Rule 3 of the
100 Alaska Rules of Minor Offense Procedure. For the first offense, the fine shall be fifty
101 dollars. For the second offense, the fine shall be one hundred dollars. For the third
102 offense, the fine shall be two hundred dollars. For any subsequent offense after three, the
103 defendant must appear in court to answer for the charges. For any offense after three, the
104 fine shall exceed two hundred dollars and not exceed five hundred dollars. If a person
105 charged with one of these offenses appears in court and is found guilty, the penalty
106 imposed for the offense may not exceed the fine amount for that offense stated herein.
107 These fines may not be judicially reduced. For purposes of this section, prior offenses
108 must be within the previous five years.

109

110

* * *

111

5. **EFFECTIVE DATE.** This Ordinance shall become effective the day after the date of its
112 passage.

113

114

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska
115 this 8th day of August, 2017.

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Matthew Hunter, Mayor

120

ATTEST:

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123

Sara Peterson, CMC

124

Municipal Clerk

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126

1st reading 7/25/17

127

2nd reading 8/8/17

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129

SITKA POLICE AND FIRE COMMISSION

Wednesday, June 28, 2017
Harrigan Centennial Hall

Regular Meeting Minutes

A. CALL TO ORDER

Chair Platson called the meeting to order at 6:00 PM.

Present: Loyd Platson, Aubrey Vaughan, Lorraine Lil, James Mellema
City Staff: Chief Miller, Chief Ankerfelt, SPD Executive Assistant Serena Wild

B. AGENDA CHANGES/CORRESPONDENCE

Added under New Business – New Police Building Discussion

C. APPROVAL OF MINUTES – May 24, 2017

Motion: M-Vaughan/S-Platson approve the May 24, 2017 minutes.

Action: Motion passed by unanimous consent.

D. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA

E. PARKING CITATION HEARING BOARD

1. David Brown – appeal was reheard and granted

F. REPORTS

1. Chief Ankerfelt – reported that they are close to filling another officer position. A sworn officer position was cut from the FY18 budget, bringing the authorized strength down to 16, which is below average for communities of comparable size. Dispatch still has two open positions and the jail will have one open position with the retirement of one officer.
2. Chief Miller – FD is still low on staff as 2 engineers are still in training. EMS numbers are still up for the year, in level with last year's numbers.

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. Proposed revision of Sitka General Code 10.24 - Fireworks
Connie Laperriere - came forward and spoke against the changes to the ordinance. She shared that she would only like to see fireworks on the day the Municipal display takes place. And if the City allowed fireworks other days would they be liable for any accidents. She also questioned how the enforcement of the new changes would happen.
Gerald Gangle - came forward and spoke against the changes to the ordinance. He has 20 years' experience with SAR and they investigate all flare sightings and it can be difficult to tell the difference between flares and fireworks at times. If fireworks were allowed more often, that could put more stress on SAR to investigate sightings. Furthermore, with the house density in Sitka, the chances of

a firework landing on a roof is very high. As of now, only an elite group of people bring fireworks into town but with them being legalized it would create a greater demand.

Kathleen McCrossin - came forward and spoke against the changes to the ordinance. She shared her concerns about enforcement of the new changes as it is already hard to enforce the current ordinance. She questioned if there would be a way for a neighborhood to prevent someone who habitually sets off fireworks to stop or be held accountable for it.

The Commission expressed concerns about enforcement of the new ordinance and believes that the ordinance is going in the wrong direction. The Commission would like to see fireworks banned with the exception of licensed pyrotechnics. Fireworks, if not used properly, can cause major injuries and safety is a big concern. Safety of usage and safety of proper storage of the fireworks. It is illegal to discharge a firearm within city limits and fireworks can be just as dangerous as a firearm.

Motion: Police and Fire Commission recommend to the Assembly to not adopt the proposed changes of SGC 10.24 titled Fireworks.

Action: Motion passed by unanimous consent.

But if the proposed changes are being carried forward they did have some recommended changes to the ordinance. They are as follows:

Increase the fine schedule to a minimum of \$200 for first offense,

Banning all possession and use of fireworks,

Allowing neighbors to identify someone who habitually sets off fireworks and execute something such as a citizen's arrest.

2. **New Police Building Discussion**

Chief Ankerfelt is very heartened by the support being shown for a new facility. Hoping to get create a strong grassroots support in the community and wants the Police & Fire Commission to take on the drumming up of support as a project. Working with other department heads within the City to select an architect and site location. Will be setting up a work session for the Assembly at the PD so they can see the state that their community asset is in.

I. COMMISSIONER COMMENTS

J. NEXT MEETING DATE AND AGENDA ITEMS

Next meeting: **Wednesday, July 26, 2017 @ Harrigan Centennial Hall**

Agenda items:

K. ADJOURNMENT

Platson adjourned the meeting at 7: 34 pm.