



CITY AND BOROUGH OF SITKA

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

Meeting Agenda City and Borough Assembly

*Mayor Mim McConnell
Deputy Mayor Matt Hunter
Vice-Deputy Mayor Benjamin Miyasato
Aaron Swanson, Steven Eisenbeisz
Tristan Guevin, and Michelle Putz*

*Municipal Administrator: Mark Gorman
Municipal Attorney: Robin L. Koutchak
Municipal Clerk: Colleen Ingman, MMC*

Tuesday, April 14, 2015

6:00 PM

Assembly Chambers

WORK SESSION 5:00 PM

Harrigan Centennial Hall Update

[15-051](#)

Public Works offers an update

Attachments: [Harrigan Centennial Hall Update](#)

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

IV. CORRESPONDENCE/AGENDA CHANGES

A [15-047](#) Calendars and proposed and general correspondence including PW Update

Attachments: [Reminders Calendars](#)

[Parks and Rec Committee Proposed Correspondence](#)

[DOT Correspondence](#)

[Public Works update 4.1.2015](#)

V. CEREMONIAL MATTERS

Proclaiming 2015 The Year of Community Health and Wellness

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

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**

[15-050](#) e. Clerk - moving 2nd regular Assembly meeting in May

Attachments: [Reports Clerk](#)

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 [15-042](#) Approve the minutes of the March 24, 2015 Assembly meeting

Attachments: [Minutes March 28](#)

B [15-043](#) Reappoint Hans von Rekowski to a term on the Parks and Recreation Committee.

Attachments: [Appointment](#)

C [15-044](#) Approve liquor license renewal for Van Winkle and Sons

Attachments: [Liquor License Renewal](#)

D [15-041](#) Approve reappropriating all unspent harbor bond proceeds to the Sitka Transient Float Project - \$197,662.64 + accrued interest

Attachments: [Harbor Bond Proceeds](#)

E [15-039](#) Award issuing Troy's Excavation a contract/purchase order, plus contingency for Boomer Property Solid Waste Disposal - \$77,600.00

Attachments: [Troys Excavation Boomer Property](#)

F [15-038](#) Authorize the procurement to Worthington Products to supply boom for Green Lake Containment, plus shipping and contingency - \$99,665.60

Attachments: [Green Lake Containment Boom](#)

G [15-040](#) Authorize the disposal of surplus equipment and material remaining from the Blue Lake Hydroelectric Expansion Project

Attachments: [Disposal of Surplus Equipment Materials](#)

H [15-045](#) Authorize the Municipal Administrator to execute a lease agreement with Aggregate Construction, Inc. for Lease Site #7, located at Granite

Creek, encompassing 100,700 sf

Attachments: [Aggregate Lease](#)

- I [ORD 15-14](#) Proposing to clarify the SGC by Amending Title 10 Public Safety and Morals, under Chapter 10.88 Firearms at Section 10.88.020 Prohibitions, Title 13 Port and Harbors, under Chapter 13.13 at Section 13.13.025 Emission of Soot from an Oil Stove In a Vessel, Title 4 Streets and Sidewalks, under Chapter 14.04, at Section 14.04.020 Ice and Snow Removal, Title 15 Public Utilities, under Chapter 15.05 Water System at Section 15.05.400 Cross-Connections, Title 18 Property Acquisition and Disposal, under Chapter 18.08 Personal Property Acquisition and Disposal at Sections 18.04.010 (I) Personal Property Definition and Title 18 Footnote 2 to Correct Statute References, Title 19 Building and Construction, under Chapter 19.01 Building Code at Section 19.01.013 Adoption of Excavation and Grading Standards, Section 19.01.020 Building Permit Fees, Section 19.08.040 Definition of Islands, Title 22 Zoning, Chapter 22.08 Definitions at Section 22.08.585 Manufactured Home, and Section 22.08.590 Mobile Home

Attachments: [ORD 15-14 Clarifying Code](#)

Clarifying Code - 1st reading after title change

- J [ORD 15-15](#) Proposing to clarify the Sitka General Code by Amending Title 1 General Provisions, at Sections 1.01.010 Adoption, and 1.01.030 Codification Authority to update Alaska Statute References, Amending Title 2, at Sections 2.04.010 Agenda Testimony Time, 2.04.170, Assembly Meeting Time, 02.12.010 Clarifying Physician Members on Hospital Board, 2.40.100 Acceptance of Nomination, 2.40.290 Election Supplies and Equipment, 2.40.300 Instructions to Voters, 2.40.410 Preservation of Ballot After Counting, Title 3, Procurement at Sections 3.16.030 Open Market Procedures, 3.16.060 Exceptions to Competitive Bidding Requirements, 3.16.080 Procurement Monitoring, Title 4, Revenue and Finance in Sections 4.26.165 (A) and 4.26.165 (E) to clarify Alaska Appellate Court Name, in Section 4.28.040 (C) to update the best practices recommendation, in Section 4.44a.010 (B) to remove an incorrectly placed word, and Title 6, Section 6.19.030 (E) Commercial Operations Permit to clarify fee expense

Attachments: [ORD 15-15 Clarifying Code](#)

Clarifying Code - 1st Reading

X. **UNFINISHED BUSINESS:**

- K [ORD 15-16](#) Proposing to clarify the SGC by amending Sections 8.04.020 Licensing (Animals), 8.04.080 Objectionable Animals, and 10.52.010 Unlawful Acts (Dangerous Dog)

Attachments: [ORD 2015-16 Clarifying](#)

Clarifying Code

- L** [ORD 15-18](#) Proposing to clarify the SGC by amending Chapter 10.40 Gambling, Section 10.40.010 Prohibited and Loitering Sections, 10.76.020 Definition, and 10.76.030 Prohibited Operations
Attachments: [ORD 2015-18 Clarifying](#)

Clarifying Code
- M** [ORD 15-19](#) Proposing to clarify the SGC by amending Title 10 Public Peace Safety and Morals, Chapter 10.84 Liquor Regulations, at Sections 10.44.010 Liquor Regulations Definition A., 10.44.020 Scopes of Provisions, 10.44.030 License Required, 10.44.060 Persons Forbidden to Have Liquor, and 10.84.010 Definitions
Attachments: [MOTION ORD 15-19](#)
[ORD 2015-19 Clarifying](#)

Clarifying Code
- N** [ORD 15-20](#) Proposing to clarify the SGC by Amending Sections 11.17.25.010 Prohibited Vehicles and Loads, Section 11.17.25.020 Width of Vehicles, Section 11.28.010 Traffic Code-Adoption of State Traffic Laws, and Sections 15.05.590 and 15.05.600 Fire Protection Services and Systems
Attachments: [ORD 2015-20 Clarifying](#)

Clarifying Code
- O** [15-023](#) \$25,000 was authorized to be placed into the FY16 Municipal Budget for consideration. It was further requested to bring back the request for any additional funding considerations for "the RIDE" through its coordinating agency Center for Community on April 14
Attachments: [the Ride](#)

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

- P** [ORD 15-21](#) Amending SGC that Title 4 Revenue and Finance, at Chapter 4.44 Southeast Alaska Economic Development Fund, under Sections 4.44.010 Establishment and 4.44.050 Procedure for deciding upon applications for loan guarantees
Attachments: [MOTION ORD 15-21](#)
[ORD 15-21 SEEDF](#)
- Q** [ORD 15-23](#) Amending the SGC in Title 15 Public Utilities, under Chapter 15.01 Electric Utility Policies, at Section 15.01.020 Electrical Rates, by increasing Electric Rates to fund approved Electrical Utility Capital Projects including the Blue Lake Hydroelectric Expansion Project and establishing an Energy Assistance Fund and an Electric Vehicle Incentive

Attachments: [ORD 15-23 Electric Rate alternative increase](#)

Latest Electrical Rate Proposal

- R [ORD 15-17](#) RECONSIDERATION: Amending Subsection 15.01.020 of SGC Electrical Rates by increasing electric rates to fund approved Electrical Utility Capital Projects including the Blue Lake Hydroelectric Expansion Project and establishing an Energy Assistance Fund

Attachments: [ORD 15-17 Electrical Rates 1st proposal](#)

Former Electrical Rate Proposal

- S [ORD 15-22](#) Temporarily Instituting All-Mail-Ballot for Municipal Elections in 2015 and 2016 while Sitka's polling place of Harrigan Centennial Hall undergoes renovation and is inaccessible for voting

Attachments: [ORD 15-22 Temporary By Mail Elections](#)

Additional New Business Items

- T [15-037](#) Approve advertising for bids to construct the Harrigan Centennial Hall Renewal Project in accordance with the project funding outlined in the April 6, 2015 attached memorandum

Attachments: [Harrigan Centennial Hall Advertise for Bids](#)

- U [15-049](#) CONVENE as the Board of Adjustment: Approve a conditional use permit submitted by Kristopher and Erica Pearson at Lot 15, Block 1, Middle Island Subdivision year round short-term rental with conditions

Attachments: [BOA Pearson](#)

- V [15-048](#) Discussion/Direction on the methods of publishing Assembly and other municipal agendas

Attachments: [Discussion Decision Agenda Publishing](#)

[Example of publishing an agenda](#)

- W [15-046](#) Discussion/Direction on the City and Borough of Sitka Budget Balancing Options

Attachments: [CBS Budget Balancing Options](#)

XII. PERSONS TO BE HEARD:

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

XIII. EXECUTIVE SESSION

XIV. ADJOURNMENT

Colleen Ingman, MMC

Municipal Clerk

Detailed supporting documentation can be found at www.cityofsitka.com by clicking on "Assembly Agenda and Minutes" and the specific meeting date.

Publish:4-10-15



Legislation Details

File #: 15-051 **Version:** 1 **Name:**
Type: Item **Status:** AGENDA READY
File created: 4/9/2015 **In control:** City and Borough Assembly
On agenda: 4/14/2015 **Final action:**
Title: Public Works offers an update
Sponsors:
Indexes:
Code sections:
Attachments: [Harrigan Centennial Hall Update](#)

Date	Ver.	Action By	Action	Result
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WORK SESSION

5:00 – 5:50 PM

HARRIGAN CENTENNIAL HALL UPDATE



Public Works plans a PowerPoint presentation.



Legislation Details

File #: 15-047 Version: 1 Name:

Type: Correspondence Status: AGENDA READY

File created: 4/7/2015 In control: City and Borough Assembly

On agenda: 4/14/2015 Final action:

Title: Calendars and proposed and general correspondence including PW Update

Sponsors:

Indexes:

Code sections:

Attachments: [Reminders Calendars](#)
[Parks and Rec Committee Proposed Correspondence](#)
[DOT Correspondence](#)
[Public Works update 4.1.2015](#)

Date	Ver.	Action By	Action	Result
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REMINDERS

<u>DATE</u>	<u>EVENT</u>	<u>TIME</u>
Tuesday, April 14	Worksession: Harrigan Centennial Hall Project	5:00 PM
Tuesday, April 14	Regular Meeting	6:00 PM
Tuesday, April 21	Special Meeting Evaluations: Municipal Attorney and Municipal Administrator (Location – City Hall 3rd floor conference room)	5:30 PM
Thursday, April 23	Worksession: Municipal Budget – Part 1	6:00 PM
Monday, April 27	Worksession: Municipal Budget – Part 2	6:00 PM
Tuesday, April 28	Worksession: Municipal Taxation Michael Gatti	5:00 PM
Tuesday, April 28	Regular Meeting	6:00 PM



Assembly Calendar

2014 Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec 2016

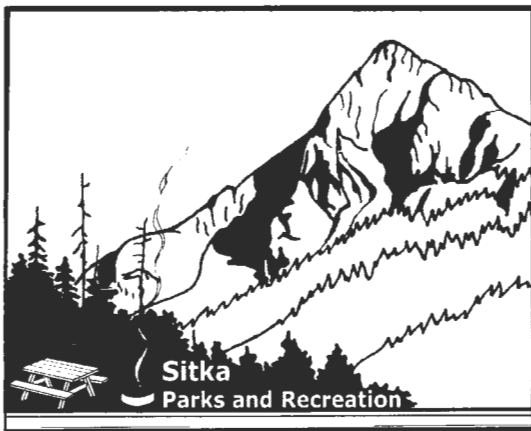
April 2015

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29 Mar	30	31	1 Apr	2	3	4
McConnell	McConnell	McConnell 1:00pm SCVB Board	McConnell 7:00pm Library Board	McConnell 12:00pm - 1:30pm SEDA Board Meeting	McConnell	McConnell
5	6	7	8	9	10	11
McConnell	McConnell	McConnell 7:00pm Planning	McConnell 6:00pm Historic Preservation	McConnell 12:00pm LEPC 12:00pm Parks & Rec 6:00pm Budget Worksession: School District/Assembly	McConnell	McConnell
12	13	14	15	16	17	18
McConnell	McConnell	McConnell 5:00pm Worksession: Harrigan Centennial Hall Project 6:00pm Reg Assembly Mtg	McConnell	McConnell	McConnell	McConnell
19	20	21	22	23	24	25
McConnell	McConnell	McConnell 5:30pm Special Meeting: Evaluations Municipal Attorney and Municipal Administrator (City Hall Conference Room)	McConnell 6:00pm Police and Fire Commission - Fire Hall	McConnell 6:00pm 1st Municipal Budget Worksession	McConnell	McConnell
26	27	28	29	30	1 May	2
McConnell	McConnell 6:00pm 2nd Municipal Budget Worksession	1:00pm SCVB Board 6:00pm Regular Assembly Mtg				

Assembly Calendar

[2014](#) [Jan](#) [Feb](#) [Mar](#) [Apr](#) [May](#) **Jun** [Jul](#) [Aug](#) [Sep](#) [Oct](#) [Nov](#) [Dec](#) [2016](#)
May 2015

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26 Apr	27 McConnell 6:00pm 2nd Municipal Budget Worksession	28 1:00pm SCVB Board 6:00pm Regular Assembly Mtg	29	30	1 May	2
3	4 6:00pm Board of Equalization	5 6:00pm 3rd Municipal Budget Worksession 7:00pm Planning	6 7:00pm Library Board	7 12:00pm - 1:30pm SEDA Board Meeting 6:00pm - 8:00pm Blue Lake Dedication Dinner	8 12:00pm - 1:00pm Blue Lake Dedication Ceremony at the Powerhouse	9
10	11	12 6:00pm Reg Assembly Mtg	13 McConnell 6:00pm Historic Preservation	14 McConnell 12:00pm LEPC 12:00pm Parks & Rec	15	16
17	18	19	20	21	22	23
24	25	26 1:00pm SCVB Board 6:00pm Regular Assembly Mtg	27 6:00pm Police and Fire Commission - Fire Hall	28	29	30
31	1 Jun	2 7:00pm Planning	3 7:00pm Library Board	4 12:00pm - 1:30pm SEDA Board Meeting	5	6



City and Borough of Sitka
Parks & Recreation Committee ▪
100 Lincoln Street ▪ Sitka, Alaska 99835

The Honorable Governor Bill Walker

By email: governor@alaska.gov

Dear Governor Walker:

The Sitka District State Park position is one of only two positions proposed to be cut in the entire State Park system. The members of the City and Borough of Sitka Parks and Recreation Committee, who represent the many citizens in Sitka regarding recreation issues, request the single Specialist position (PCN) at Sitka's State Parks be restored for the FY 2016 budget.

Sitka District has several noteworthy historic sites and major visitor destinations. Castle Hill SHS and Old Sitka SHS are National Landmarks and thus considered significant not only to Alaska as the 1867 Russian Transfer Site but to the Nation as well. Castle Hill is one of the most visited and treasured historic State Park sites in Alaska.

Sitka's eight State Parks (four on the road system) are operated with one of the smallest budgets statewide. The \$80,000 net budget after receipts is one of the most cost efficient Districts when analyzed as cost per number of visitors, number of parks and revenues generated. One Natural Resource Specialist collects fees and coordinates many volunteer hours for maintenance activities. Cutting this position will result in no park management, no event scheduling, no fee collection, no restrooms or facility maintenance, no garbage removal, and no bear or daily patrol for Sitka's eight parks.

Further, Halibut Point State Recreation Site shelter reservations and special use permits have already been issued this season for more than 5,100 users in 43 groups including schools, church groups, ANB/ANS, Rotary, Moose Lodge, Sitka Tribe of Alaska, and many others. Castle Hill State Park is the site of the Alaska Day involving more than 1,000 participants and is visited daily by hundreds of visitors from tour ships. Two Commercial Tour guides use Castle Hill for visitor tours. Eliminating Sitka State Parks funding will seriously compromise all these uses and many others on a year-round basis and eliminate fee revenues.

"Passive management" for parks and trails in an urban setting, on the road system, with active year-round use due to moderate winter temperatures is impractical and will result in heavier, more significant impacts to park infrastructure than elsewhere in the State where the season is limited by winter. Without the position and with continued heavy use, park infrastructure will rapidly fall into disrepair and develop public safety issues. The actual costs to the State will be substantial since the loss of the position also represents the abandonment and loss of millions in State capital investment in park facilities and trail infrastructure. When oil prices rise again, the State will be unable to recoup these losses or afford the deferred maintenance and repair costs.

Turning over the State Parks to the National Park Service, the City of Sitka, or the Forest Service is highly unlikely due to inconsistency with their missions and these agencies' respective budget shortfalls.

The Sitka Parks and Recreation Committee fully understands the dire financial straits that the State is in. However, this is a request that you direct the DNR Commissioner and Director Ellis to fund the only State Parks employee in Sitka and instead implement an across the board reduction to all State Park Districts and the Central Office which accomplishes the \$500,000 required cut.

Sincerely,

A handwritten signature in cursive script that reads "Ken Corson". The signature is written in dark ink and is positioned below the word "Sincerely,".

Ken Corson, Chair and Members of the Sitka Parks and Recreation Committee

Cc: Senator Bert Stedman
Representative Jonathan Kreiss-Tomkins



THE STATE
of **ALASKA**

GOVERNOR BILL WALKER

**Department of Transportation and
Public Facilities**

SOUTHCOAST REGION

6860 Glacier Highway
PO Box 112506
Juneau, Alaska 99801-2506
Main: (907) 465-1799
Toll free: (800) 575-4540
Fax: (907) 465-2030
TTY-TDD: (800) 770-8973
dot.state.ak.us

March 16, 2015

Greetings from Southcoast Region!

As you may be aware, the Department of Transportation and Public Facilities (DOT&PF) recently changed its regional boundaries. The Southeast Region was expanded and renamed the "Southcoast Region". I am the Planning Chief for this region and want to reach out to each of you to let you know how to contact us.

The expanded regional boundaries include most communities situated on the southern coast of Alaska that are not connected to the state highway system. Our region remains one comprised of coastal communities with similar climates and reliance on air carriers, barge lines, and Alaska Marine Highway service.

Furthermore, our region remains one in which we rely heavily on the phone, email, and other communication services to keep in touch. Enclosed with this letter you will find a newsletter with some important web pages to help keep you informed of our activity as well as contact information for each of our planners. We welcome your calls to discuss the regional boundary change or transportation needs in your area. We would also appreciate information for your key contacts for matters related to transportation so that we may update our records accordingly.

With regard to transportation needs, we are interested in gaining an understanding of your current needs and priorities. Please take a moment to review the enclosed needs list for your borough or city and let us know if there are needs listed that are no longer valid or need revision. Also let us know of important needs missing. While no projects will be programmed directly from this effort, knowledge of your current transportation needs will allow us to better serve you in the future.

To all of our 'new' and 'old' communities, welcome to the Southcoast Region! We look forward to working with you.

Sincerely,

A handwritten signature in black ink that reads "Andy Hughes".

Andy Hughes
Southcoast Region Planning Chief

"Keep Alaska Moving through service and infrastructure."

ADOT&PF Southcoast Region Planning Division



Here are some tips to help keep you informed of Southcoast Region activity:

Southcoast Region Website

<http://dot.alaska.gov/sereg/>

Visit the Southcoast Region website to find links for regional projects, contracts, survey plats, as-builts, maintenance and operations, traffic data, airports, and more. Note the AMHS is a separate statewide division with its own planner.

Statewide Transportation Improvement Program (STIP)

<http://www.dot.state.ak.us/stwdplng/cip/stip/index.shtml>

The STIP lists projects that are programmed in the funding plan for the next 2-4 years. The STIP includes all non-aviation projects that will receive federal funding and may include some projects that will not receive federal funding. On this web page you can find a link to a pdf of the STIP document or use a search tool to find projects by community, project name, funding source, or another identifier. Each STIP project page includes a short description, funding source(s), and a project timeline.

Active Projects

<http://dot.alaska.gov/sereg/projects/index.shtml>

An active project is one that is in design or construction. On this web page you can find regularly updated Project Status Reports for Preconstruction (design), AMHS, Construction, and Maintenance and Operations. If you need more information for a specific project contact the Project Manager listed at the top right hand corner of each project's status report page. This web page also has links to dedicated web pages for large projects and studies.

Contact Your Regional Planners

Andy Hughes
Southcoast Region Planning Chief

andy.hughes@alaska.gov

(907) 465-1776

Verne Skagerberg
Aviation Systems Planner

verne.skagerberg@alaska.gov

(907) 465-4477

Marie Heidemann
Highways Planner

marie.heidemann@alaska.gov

(907) 465-1775

Jim Potdevin
Marine Systems Planner

jim.potdevin@alaska.gov

(907) 465-8864

Christa Hagan
AMHS Statewide Planner (shoreside
and vessel projects, scheduling, etc.)

christa.hagan@alaska.gov

(907) 228-6801

Alaska Department of Transportation & Public Facilities/ Division Name]

Needs List Search

The needs list is a "wish list" of all possible transportation projects in the state. When a community nominates a project, it is required that the region adds it to the needs list. It's important to understand that a project must be on the needs list to get in the STIP, but not all projects on the needs list will be funded.

Please note that this is a "smart form." If an item does not appear in the drop-down list of options, there are no active or programmed projects for that item.

To create a needs list report, adjust one or more filters below and click the Search button. All Need ID's meeting your chosen criteria will display in a table below the Search button.

If you see need ID numbers that are hyperlinked, it means the project is in the current STIP and the link will take you to the STIP page for the project. If you notice a link under the project name that starts with "AKSAS", it means the project is active and the link will direct you to a project status report.

* Alaska House Districts were changed in 2013.

Filters

Region:	Program:	AMATS/ FMATS:
*2013 House District:	Borough:	Place Name:
Bridge Number:	Highway:	Need ID:
Show AKSAS Projects <input checked="" type="checkbox"/>		Format: HTML <input type="radio"/> Excel <input type="radio"/>

23 record(s) found.

Need ID	Name	Region	Program	2013 House District	Borough	Bridge #s	Place Name
1 28929	SIT - Halibut Point Road Sidewalk Construction	S	NHS	35	Sitka, City and Borough of		Sitka
Description: This project will construct sidewalk from end of existing sidewalk (near Sea Mart) to one or more of the following destinations: Sandy Beach, Halibut Point Recreation Area and/or Ferry Terminal. Sidewalk can be constructed in phases. Sidewalk estimate is for both sides of road, but with limited funding could be considered on one side of road only. Scope should be refined if project moves forward.							
2 28452	Cross Trail Multimodal Pathway Phase 4 and 5	S	FH	35	Sitka, City and Borough of		Sitka
Description: Design, complete environmental clearance, permit, and build the Cross Trail Multimodal Pathway Trail Connectors ; one from the Cross Trail to Baranof Street, via Pherson Street and another from the main Cross Trail to the Indian River Trailhead, via Yaw Drive.							
3 27410	Sitka - Katlian Bay Road Construction	S	CTP	35	Sitka, City and Borough of		Sitka
Description: This project will provide access to public lands at the head of Katlian Bay from the end of Halibut Point Road near Starrigavan Bay. The approximate 9 mile single lane road will provide access for recreational activities on USFS lands beyond the private lands in Katlian Bay. The road could also provide access to a material source for development purposes in Sitka.							
4 26368	SIT: WWII Causeway Trail and Multi-Use Pathway	S	CTP		Sitka, City and Borough of		Sitka
Description: Design and construct improvements to provide a multi-use pathway access to the historic Fort Rae Causeway.							
5 26111	SIT: Jeff Davis Street Reconstruction	S	CTP		Sitka, City and Borough of		Sitka

						Description: Improve safety and mobility of pedestrians and bicyclists as well as extend the life of the road surface. The proposed project is to reconstruct 24 feet wide, asphalt street which is approximately 0.22 miles in length. The project will add curb, gutter and sidewalks. The project will bring road up to AASHTO standards. If feasible, add a turn lane into Sheldon Jackson College Campus.
6	26110	Sawmill Creek Road Resurfacing & Pedestrian Improvements	S	AHS	35	Sitka, City and Borough of Sitka
						Description: Improve Sawmill Creek Road to make it more accessible to pedestrians including those with disabilities and improve mobility of bikers. This project will widen sidewalks on the north side of Sawmill Creek Road from the roundabout at HPR/LAKE/SCR to Jeff Davis. Narrow travel lanes and add 4' bike lanes. Install concrete median to better delineate SCR and DeGroff. Resurface the entire project length. Make the connection from the existing bike path to the Jarvis crosswalk ADA compliant. <u>AKSAS: 68100</u> (Status: DESIGN) SIT SAWMILL CREEK ROAD RESURFACING & PEDESTRIAN IMPROVEMENTS
7	26108	SIT: Edgumbe Drive Pavement Rehabilitation	S	CTP		Sitka, City and Borough of Sitka
						Description: The Edgumbe Drive Pavement Rehabilitation project consists of overlaying the existing 40-ft wide, severely degraded paved surface and making minor improvements to include sidewalks, drainage, and possibly traffic calming measures. Most sidewalks along Edgumbe Drive do not currently meet ADA requirements at intersections and curb cuts. Furthermore, approximately 25% of the sidewalks show damage due to either settlement or construction activities. The current project will bring the sidewalks into compliance with ADA requirements. There is also an area along Edgumbe Drive between Cascade Creek Road and Charteris Street that has settled and continues to do so. This project will look to fix this trouble spot. Isolated drainage issues will also be addressed. Traffic calming measures may also be included in school zones or areas with poor visibility. The total project length is approximately 1 mile.
8	25396	Sitka - Sawmill Cove Waterfront Development	S	CTP	35	Sitka, City and Borough of Sitka
						Description: Planning development of the Sawmill Cove Industrial Park, including a deep water dock, marine mooring, transfer systems, staging, parking areas, and related waterfront improvements. <u>AKSAS: 69600</u> (Status: PLANNING) SITKA - SAWMILL COVE WATERFRONT DEVELOPMENT
9	24408	Sitka: Kirkman Way Improvements	S	CTP		Sitka, City and Borough of Sitka
						Description: Upgrade residential/business access road to paved, with pedestrian accommodations if able. Tribe #18
10	24297	Sitka: Blue Lake Road Improvements	S	CTP		Sitka, City and Borough of
						Description: Grade and install guard rails for the existing Blue Lake Road. Repair or reroute road in areas of chronic avalanches.
11	23915	SIT - Public Transportation Bus and Maintenance Facility	S	CTP		Sitka, City and Borough of Sitka
						Description: Build a Public Transportation Bus and Maintenance Facility, which will include maintenance bays and a bus wash. Project will include any necessary studies, environmental and archeological studies, rehabilitation and construction. This will be accomplished by a transfer to FTA.
12	23518	Sitka: Halibut Point Road Multiuse Path	S	TRAAK		Sitka, City and Borough of
						Description: Improvements to Halibut Point Road from Cascade Creek to the Ferry Terminal resulting in 12' travel lanes, 5' commuter bike path lanes on both street sides and an 8' multiuse path on the waterside of the road. city #6 svb 3-27-2009
13	23517	Sitka: Baranof Street Sidewalk Improvements	S	TRAAK		Sitka, City and Borough of Sitka
						Description: Upgrades to street surface and additions to sidewalk along Baranof Street terminating at the trailhead for Cross Trail. svb 3-27-2009
14	18269	Terminal: Sitka FT Mooring Modifications	M	FERR		Sitka, City and Borough of Sitka
						Description: Replace dolphins, catwalks, and platforms to ensure safe linehandling during mooring evolutions with mainline ferries.
15	11630	Parallel Taxiway, Phase I	S	AV		Sitka, City and Borough of Sitka
						Description: Construct a partial parallel taxiway to the ultimate general aviation apron (Shee Atika property).
16	11623	General Aviation Apron, Lease Lot Development, Phase III	S	AV		Sitka, City and Borough of Sitka

						Description: Improve safety and mobility of pedestrians and bicyclists as well as extend the life of the road surface. The proposed project is to reconstruct 24 feet wide, asphalt street which is approximately 0.22 miles in length. The project will add curb, gutter and sidewalks. The project will bring road up to AASHTO standards. If feasible, add a turn lane into Sheldon Jackson College Campus.
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						Description: Improve Sawmill Creek Road to make it more accessible to pedestrians including those with disabilities and improve mobility of bikers. This project will widen sidewalks on the north side of Sawmill Creek Road from the roundabout at HPR/LAKE/SCR to Jeff Davis. Narrow travel lanes and add 4' bike lanes. Install concrete median to better delineate SCR and DeGroff. Resurface the entire project length. Make the connection from the existing bike path to the Jarvis crosswalk ADA compliant. AKSAS: 68100 (Status: DESIGN) SIT SAWMILL CREEK ROAD RESURFACING & PEDESTRIAN IMPROVEMENTS
7	26108	SIT: Edgumbe Drive Pavement Rehabilitation	S	CTP		Sitka, City and Borough of Sitka
						Description: The Edgumbe Drive Pavement Rehabilitation project consists of overlaying the existing 40-ft wide, severely degraded paved surface and making minor improvements to include sidewalks, drainage, and possibly traffic calming measures. Most sidewalks along Edgumbe Drive do not currently meet ADA requirements at intersections and curb cuts. Furthermore, approximately 25% of the sidewalks show damage due to either settlement or construction activities. The current project will bring the sidewalks into compliance with ADA requirements. There is also an area along Edgumbe Drive between Cascade Creek Road and Charteris Street that has settled and continues to do so. This project will look to fix this trouble spot. Isolated drainage issues will also be addressed. Traffic calming measures may also be included in school zones or areas with poor visibility. The total project length is approximately 1 mile.
8	25396	Sitka - Sawmill Cove Waterfront Development	S	CTP	35	Sitka, City and Borough of Sitka
						Description: Planning development of the Sawmill Cove Industrial Park, including a deep water dock, marine mooring, transfer systems, staging, parking areas, and related waterfront improvements. AKSAS: 69600 (Status: PLANNING) SITKA - SAWMILL COVE WATERFRONT DEVELOPMENT
9	24408	Sitka: Kirkman Way Improvements	S	CTP		Sitka, City and Borough of Sitka
						Description: Upgrade residential/business access road to paved, with pedestrian accommodations if able. Tribe #18
10	24297	Sitka: Blue Lake Road Improvements	S	CTP		Sitka, City and Borough of
						Description: Grade and install guard rails for the existing Blue Lake Road. Repair or reroute road in areas of chronic avalanches.
11	23915	SIT - Public Transportation Bus and Maintenance Facility	S	CTP		Sitka, City and Borough of Sitka
						Description: Build a Public Transportation Bus and Maintenance Facility, which will include maintenance bays and a bus wash. Project will include any necessary studies, environmental and archeological studies, rehabilitation and construction. This will be accomplished by a transfer to FTA.
12	23518	Sitka: Halibut Point Road Multiuse Path	S	TRAAK		Sitka, City and Borough of
						Description: Improvements to Halibut Point Road from Cascade Creek to the Ferry Terminal resulting in 12' travel lanes, 5' commuter bike path lanes on both street sides and an 8' multiuse path on the waterside of the road. city #6 svb 3-27-2009
13	23517	Sitka: Baranof Street Sidewalk Improvements	S	TRAAK		Sitka, City and Borough of Sitka
						Description: Upgrades to street surface and additions to sidewalk along Baranof Street terminating at the trailhead for Cross Trail. svb 3-27-2009
14	18269	Terminal: Sitka FT Mooring Modifications	M	FERR		Sitka, City and Borough of Sitka
						Description: Replace dolphins, catwalks, and platforms to ensure safe linehandling during mooring evolutions with mainline ferries.
15	11630	Parallel Taxiway, Phase I	S	AV		Sitka, City and Borough of Sitka
						Description: Construct a partial parallel taxiway to the ultimate general aviation apron (Shee Atika property).
16	11623	General Aviation Apron, Lease Lot Development, Phase III	S	AV		Sitka, City and Borough of Sitka

						Description: Fill Airport Lagoon and construct access road, access taxiways and apron area to accommodate both commercial and general aviation aircraft parking demand and lease lot development
17	11622	General Aviation Apron and Lease Lot Development, Phase II	S	AV		Sitka, City and Borough of Sitka
						Description: Construct access road, access taxiways and apron area to accommodate general aviation aircraft parking demand and lease lot development. A small portion of the Lagoon will be filled in.
18	11621	General Aviation Apron and Lease Lot Development, Phase I	S	AV		Sitka, City and Borough of Sitka
						Description: Construct access road, access taxiways, and apron area to accommodate general aviation aircraft parking demand and lease lot development.
19	11084	Sitka: Katlian Area Street Improvements	S	CTP		Sitka, City and Borough of Sitka
						Description: Improve and pave the unnamed street that connects the Sitka Tribal offices to Katlian Street. Tribe #17
20	9639	Sitka Mooring Improvements	M	NHS		Sitka, City and Borough of Sitka
						Description: Install new mooring dolphins to provide secure mooring of vessels during heavy winds and to allow berthing of two vessels simultaneously. Install new catwalks to improve safety for linehandlers.
21	7363	Sitka: Nelson Logging Road Rerouting	S	CTP		Sitka, City and Borough of Sitka
						Description: Construct a new connection a half mile in length between the end of the pavement and the existing road after it crosses Starrigavan Creek, plus upgrading the remainder of the road as far as the national forest boundary. Convert the first portion of the existing road to a recreational path.
22	6732	Seaplane Float Relocation/Upgrade	S	AV		Sitka, City and Borough of Sitka
						Description: Relocate and upgrade the seaplane float in Sitka Harbor in response to conflicts with expanding sea food production and inadequate capacity.
23	3053	SIT - Warm Spring Bay Road and Ferry Terminal Construction	S	NHS	35	Sitka, City and Borough of Sitka
						Description: Construction of a new highway, including a tunnel, that would connect Sitka with a ferry terminal site on Chatham Strait at Warm Spring Bay (approximately 19 miles)

Department of Transportation & Public Facilities
 PO Box 112500
 3132 Channel Drive
 Juneau, Alaska 99811-2500
 Phone: 907-465-3900 || 907-586-8365 (FAX)
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PUBLIC WORKS ASSEMBLY UPDATE - WORK COMPLETED IN MARCH, 2015

Kettleston Memorial Library Expansion:

Milestones this period

- Material submittals provided by contractor.
- Contractor has resumed work on site. All structural design issues are being resolved and the required changes are being incorporated into the work.

Future Milestones

- Framing of new structure to be complete April 2015.
- Construction is anticipated to be complete in November 2015.
- Occupancy anticipated in January 2016.

Background

The State funding of \$5.7 million awarded to CBS is a direct appropriation with no funding match requirements. A private donation of \$400,000 has also been given to the project by the John J. and Eleanor Brust Family and the City has committed \$200,000 in CPET funding and \$357,000 from the General Fund. The Friends of the Library have also raised almost \$90,000. \$350,000 of the budget was allocated to the Centennial Hall Parking Lot Project to relocate the Swan Lake storm drain, leaving a current project budget of approximately \$6.4 million for the expansion and renovation of the Library.

Harrigan Centennial Hall (HCH) Renewal:

Milestones This Period

- Completion of bid documents is underway.
- An independent structural review is complete and the structural bid set is being revised and completed as required.
- The 95% cost estimate is complete and project's estimated costs are within the budget.
- The lease has been signed for alternative venues for city/government/non-profit meetings during the period the HCH will be closed for construction.
- HCH staff is finalizing storage facility lease space to store HCH goods and furnishings during construction.

Future Milestones

- Assembly Work Session and approval of bid docs April 14, 2015.
- The target bid period is April – May, 2015.
- Assembly approval of contract award May 26, 2015.
- Close the building for construction August 1, 2015.
- Target construction substantial completion December 20, 2016.

Background

The 35% design estimated cost for this project was roughly \$16.3 million for the full scope of the remodel project. The rectified 65% design estimated cost for this project was ~ \$18.5 million for the full scope of the remodel project. Scope was reduced to bring the project within its funding of \$16.3 million. The current 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 FY 11 CPET Head Tax grant, \$1,400,000 Marine Passenger Funds, and a \$232,620 heat pump grant for a total project budget/funds of \$16.3 million.

Ultra Violet (UV) Disinfection Facility:

Milestones This Period

- Building and interior equipment at 80% complete
- Site grading and exterior equipment at 50% complete

Future Milestones

- Facility Start up testing and operation at end of April and first two weeks of May 2015
- Construction completion anticipated by fall 2015.

Background

The Blue Lake drinking water system is a surface water system, which must comply with the EPA Enhanced Surface Water Treatment Rules (ESWTRs). The UV Disinfection Facility will provide the additional microbial and disinfection controls required under the ESWTRs. The current total project cost estimate is \$8,966,000. Funding for this project is provided by State of Alaska Department of Environmental Conservation (ADEC) loans and grants:

- \$4,000,000 FY 2011 ADEC Loan (Includes \$2,500,000 financed with \$1,500,000 subsidized)
 - \$2,550,000 FY 2012 ADEC Loan
 - \$3,500,000 FY 2012 ADEC Grant (30% local match requirement).
 - \$2,061,000 FY 2013 ADEC Grant (30% local match requirement).
- \$12,111,000 Total Project Funding

Baranof Warm Springs Dock Replacement:

Milestones This Period

- Alaska Department of Transportation (ADOT) submitted a plans to CBS for review in mid-March.
- Public Works and Harbor staff as well as Baranof Warm Springs Property Owner's Association Representatives participated in a review meeting with ADOT on April 1, 2015 .

Future Milestones

- Project advertisement in May 2015.
- Contract award in July 2015.
- Construction completion December 2015.

Background

The City and Borough of Sitka (CBS) received a \$1,900,000 FY2013 Alaska Legislature Grant to reconstruct the Baranof Warm Springs Dock. The funding was provided with the understanding that CBS would assume ownership and maintenance responsibilities for the dock once it is reconstructed. The Assembly approved the Administrator to execute a Memorandum of Agreement with the Alaska Department of Transportation and Public Facilities (ADOT&PF) for completion of the Baranof Warm Springs Dock Reconstruction and Ownership Transfer. ADOT&PF will be reimbursed the cost of designing and constructing the improvements from the FY13 Legislative Grant.

Eagle Way and Old Harbor Mountain Road Utility and Road Upgrades:

Milestones This Period

- Preliminary concept designs received.

Future Milestones

- 35% plans May 2015
- Final design of the project is expected in summer/fall 2015.
- Construction is anticipated summer 2016.

Background

Funding for the project consists of a \$1,500,000 2013 Commerce Community and Economic Development Grant. The project will include a minimum of 24-foot-wide paved road with possible pedestrian amenities and storm drainage and a new water main and services within Eagle Way. The project will also include a minimum of 24-foot wide paved road and storm drain improvements within Old Harbor Mountain Road.

Nelson Logging Road Upgrades:

Milestones This Period

- Sign contract and issue notice to proceed

Future Milestones

- Project kick off meeting April 2015
- Phase One, Route Planning of the project is expected to be completed in June 2015.
- Construction is anticipated summer 2016.

Background

This project includes upgrading Nelson Logging Road to include upgrading and/or replacing both inadequate bridges and the roadway to accommodate two-way traffic. The roadway is also to be moved toward the south and/or raised above the winter and spring flooding at the Starrigavan Creek estuary and eliminate sloughing off of the roadway into Starrigavan estuary. Funding for the project is provided by \$2,343,000 2013 Commerce Community and Economic Development Grant.

Edgecumbe Drive Street Reconstruction:

Milestones This Period

- Design-builder provided 95% design drawings for Phase I of the project, stretching from Cascade Creek Road to Charteris Street.
- Design-builder secured ADEC approval for replacement of Phase I stormwater infrastructure.
- The first construction-progress monthly public meeting took place on March 12, 2015. The next one is scheduled for April 9 at 7 p.m. at Keet Gooshi Heen.
- Design-builder entered into separate contract with Electric Department to install four parallel sets of 6" conduit from Charteris to Cascade Creek. Construction is under way.

Future Milestones

- Construction on Phase I of the project – from Cascade Creek Road to Charteris Street – to begin in April 2015. Early construction will focus on replacement or repair of existing storm drainage pipes and structures, and demolition of existing curb, gutter and sidewalk.
- Construction on Phase II of the project – Charteris Street to Peterson Street – will begin in May 2015 once school is out of the summer.
- Paving of the travel lanes scheduled for August 2015.
- Substantial completion date is September 21, 2015. Final completion date is October 30, 2015.

Background

The project includes drainage, sidewalk, curb and gutter, road subgrade and pavement improvements on Edgecumbe Drive from Peterson Street to Cascade Creek Road. The total project budget is \$5.46M. The Assembly approved award of a design-build contract to S&S for \$4,636,500 on May 27, 2014.

Monastery and Baranof Water and Sewer Project:

Milestones This Period

- 65% design of the project received in March 2015.
- Design review meeting for 65% plans with water, sewer and road team held 3/31/15

Future Milestones

- 95% design of the project is expected in May 2015.
- Public meeting for project status scheduled for April 8, 2015 at Baranof School
- Construction is anticipated as early as summer 2015.

Background

The project includes replacement of the water and wastewater systems, new pavement with curb and gutter, storm drain improvements and sidewalk on one side on Baranof Street.

Funding for the project is provided by the following sources:

- \$533,000 FY 2014 ADEC Sewer Loan
 - \$497,000 FY2014 ADEC Water Loan
 - \$763,000 FY 2015 ADEC Grant (30% local match requirement)
 - \$102,000 CBS Capital Improvement Monastery Street FY15
 - \$81,000 CBS Capital Improvement Baranof Street FY15
- \$1,976,000 Total Project Funding

Federal Land Access Program (FLAP) Grant: Phases 4&5:

Milestones This Period

- The separated pathway along Yaw Drive which will end at the Indian River Trailhead parking lot is currently being installed. This will run adjacent to Kaelke Pond.
- US Geologic Survey easement agreement and permit final document is being reviewed and ready for final signatures.

Future Milestones

- Baranof Street Construction Access will be installed after the completion of the separated pathway around the first part of May.
- Quarterly Report due in April to Western Federal Land Access.
- The completion date is estimated around November 2015.

Background

The City and Borough of Sitka has been awarded a \$916,897 MAP-21 Federal Lands Access Program (FLAP) Grant for Phase 5 Cross Trail multimodal pathway (Cross TMP), Baranof Street and Yaw Drive connectors, by Western Federal Lands (WFL). The Assembly approved submission of the grant in Resolution 2013-03 in February 2013. Phase 4 of the project, a \$926,000 STIP Grant for a multimodal pathway reconstruction and re-routing from Yaw Drive to the CBS property was funded by the Department of Transportation in the 2009 STIP. DOT planners, with the concurrence of Western Federal Lands (WFL) and CBS, initiated action to combine the two projects as a single \$1.8 million grant and have the project managed by Western Federal Lands for greater efficiency and cost savings.

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

Milestones This Period

- Grant application was submitted and awarded on June 26, 2014 by Western Federal Lands.
- Match agreement signed and sent off to Western Federal Lands for their signature.

Future Milestones

- Secure a reimbursable agreement. Start working on agreement in August 2015.

- Hire a consulting company for planning, design, and complete environmental and permitting sometime in October 2015.
- The completion date is estimated around May 2016.

Background

The City and Borough of Sitka has been awarded a \$250,000 MAP-21 Federal Lands Access Program (FLAP) Grant for 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.

Solid Waste Management Plan:

Milestones This Period

- A consultant company, Bell & Associates was hired to put together an RFP for the bidding of the curbside recycling and trash pickup, and scrap yard services for CBS. Draft RFP completed January 23, 2015.
- MSW RFP was advertised out in the market place on the February 23, 2015.

Future Milestones

- Proposals due April 17, 2015.
- SWAC meeting May 2015 after all proposals have been reviewed.
- Assembly contract award June 1, 2015

Background

The City and Borough of Sitka currently does not have a Solid Waste Management Plan to address the current or future needs of the Solid Waste Fund and general operations. As we approach the end of the current collection and off-island disposal contracts in 2015, we believe it is in the best interest of the CBS to be better prepared with a plan that details the goals and direction of our solid waste management backed with data and a financial plan. At the June 6, 2013 Assembly Meeting, the Assembly approved advertising for a Request of Qualifications and select a consultant to develop a Solid Waste Management Plan. The funding for a Solid Waste Management Plan will come from the working capital of the Solid Waste Fund which is approximately \$1.3 million. The Solid Waste Management Plan is a time and materials, not to exceed \$250,000 contract. The total amount is dependent on the complexity of future goals and the amount of public process exploring options.

Sitka Transient Float Replacement:

Milestones This Period

- Design development toward 65% submittal.
- Meeting with ADNR to discuss tidelands boundary issues.
- USACE permit submitted for agency review.

Future Milestones

- PND will present the ~65% design to the P&H Commission on April 8, 2015.
- Construction is anticipated to begin in fall 2015.

Background

CBS received a FY15 State of Alaska Municipal Harbor Facility Matching Grant, for the Sitka Transient Float Replacement Project, which will cover 50% of eligible construction costs not to exceed 2,700,000 in match funding. CBS has allocated a total of \$3,450,000 from the Harbor Enterprise Fund for the project for a total budget of \$6,150,000.

Airport Terminal Upgrades:

Milestones This Period

- Assembly approved airport terminal lease to Delta Airlines, subject to Alaska Department of Transportation approval, on March 24, 2015.

Future Milestones

- Host a June 2015 workshop with the Airport Users Group (AUG) to develop passenger-flow improvements contingent upon AUG availability.
- After passenger-flow improvement concepts are fully developed, project consultant McCool Carlson Green will make a presentation to the Assembly with cost estimates and recommendations, Fall 2015.

Background

The original project included design of improvements to the baggage makeup and TSA baggage screening areas, which will primarily be covered by a TSA grant. Funding collected from a previous PFC program amounts to \$275,000 and can be used to scope passenger-flow improvement options.

Hollywood & New Archangel Water, Sewer and Road Upgrades:

Milestones This Period

- Traffic control signs posted for work on Hollywood Way.
- Contractor began procuring materials.

Future Milestones

- Project construction at Hollywood Way scheduled to last through mid-May 2015.
- Work scheduled to begin on New Archangel in May 2015.
- Paving for both roads scheduled for June 2015.
- Substantial Completion date is August 28, 2015.

Background

The project includes water, sewer, storm drain, pavement, curb and gutter and sidewalk improvements on Hollywood Way and New Archangel Street from Halibut Point Road to Marine Street. Funding is available from ADEC Loans (\$750,000), an ADEC Grant (\$552,300) and from the General Fund (\$232,000) for ADEC-ineligible expenses.

Lake Street Storm Drain Rehabilitation:

Milestones This Period

- Trenchless technology consultant provided specifications for installation of Cured-In Place Pipe (CIPP).

Future Milestones

- Select contractor to install CIPP liner, obtain Assembly approval to award contract in May 2015.
- Install CIPP liner in summer 2015.
- Depending on remaining budget, take advantage of CIPP contractor's presence in Sitka to address other failing storm water pipes.

Background

The project will repair a 42" culvert passing Arrowhead Creek under Lake Street, near 701 Lake Street. The culvert is corroding and is in danger of collapse. This project was budgeted in FY15 from the General Fund (\$299,000).

Seaplane Base:

Milestones This Period

- Working on steps necessary to prepare grant application to fund environmental process for the Seaplane Base.

Future Milestones

- A meeting with an upland property owner to discuss potential for them to provide tidelands access for new seaplane facility scheduled for April 2016.
- Request Assembly approval for application for grant funding to cover required environmental documents in summer 2016.

Background

In August 2002, the Sitka Seaplane Base Master Plan was completed and includes a Condition & Needs Assessment and Master Plan Alternatives Report. The plan considered 12 alternative sites for a new seaplane base and found the north end of Japonksi Island, between the Coast Guard Base and the cove behind the SEARHC buildings on Seward Avenue was the best alternative. In February 2009, the Assembly unanimously approved Resolution 2009-35 "Supporting the development of the Sitka Seaplane Base." This approved staff applying for and executing a Federal Aviation Administration Airport Improvement Program grant for up to \$500,000 to develop the siting plan, issues resolution, design, environmental, and permitting phases of the project. Utilizing proceeds from that grant, in June 2012, an updated Sitka Seaplane Base Siting Analysis was completed which considered a new site and redevelopment of the existing site in addition to the previously recommended Japonski site. The Japonski site was again selected as the preferred site. The findings of this study were presented to the Port and Harbors Commission on April 11, 2012 where they unanimously approved further study of the Japonski Island site. Preliminary discussions with the US Coast Guard (USCG) regarding potential Seaplane Base access from USCG property were encouraging.

Hrebar Rifle Range: (Shooting Range Improvements)

Milestones this period

- Signage was installed; "Use at Your Own Risk" safety signs installed at each shooting shelter and at the main entrance.

Future Milestones:

- The first phase of the project will be to develop scope for the project in April 2015. Once the scope for the project is developed then we will move forward to get quotes to fix the end berm height for the 100 and 200 yard ranges. The second
- The second phase of the project will be to get quotes to bring the heights of the medians up to a consistent height in between the 100 yd. and the 200 yd. ranges. This is dependent on how much funds are available at the end of phase one.

Background:

The City and Borough of Sitka was awarded a \$50,000 Legislative Grant for Tony Hrebar Range Improvements. The project consists of raising the height of berms will significantly improve range safety. Range berms have sloughed and settled and are no longer the standard height. The backstop berms are critical to prevent bullets from traveling downrange, beyond the shooter's target. The interior berms restrict bullets from traveling to adjacent ranges. Any additional funds will be spent to re-surface and improve range drainage. Inadequate drainage has caused washouts of surfacing material and rutting. The uneven surfaces are dangerous. Installing a properly sized drainage system will help preserve gravel surfacing but also keep the range surface even and hazard free thereby reducing tripping hazards.

Jeff Davis Street Water and Sewer Improvements:

Milestones This Period

- None.

Future Milestones

- Advertisement for professional design services. 2015
- Final design of the project is expected in spring 2016.
- Construction is anticipated summer 2016.

Background

The project will replace approximately ~50-year old undersized water main with new, large diameter pipe within Jeff Davis Street. The project will also remove 3 residences on Jeff Davis from a section of failing 1930's vintage wood stave sewer and connect them to the existing sewer main. Funding for the project is provided by the following sources; \$644,000 FY2015 ADEC Grant and \$812,000 FY2014 ADEC Water Loan.

Jarvis Control and Crescent Harbor Shelter Re-roofing:

Milestones This Period

- Reviewed/Approved Submittals

Future Milestones

- Complete construction before June 2015.

Background

The Crescent Harbor Shelter roof is the original from the 1985 construction of the Shelter and is failing. It will be replaced with architectural shingles and will match the roofs planned for Harrigan Centennial Hall and Kettleton Memorial Library. The Jarvis Substation Control Building currently has a flat (low slope) roof. It is leaking, under-insulated, and expensive to maintain, thus a shingled gable roof and added insulation are in this design to reduce annual operating and replacement costs. The Assembly awarded a Design-Build contract in the amount of \$185,500 to CBC Construction for completion of this project during the September 23, 2014 assembly meeting. Total project funding includes \$105,493 from the Harbor Fund and \$120,000 from the Electric Fund for a total approved budget of \$225,493.

Gary Paxton Industrial Park Dock:

Milestones this period

- None.

Future Milestones

The engineering of the project remains on hold while changes to the proposed use of the dock facility continue to be considered by the GPIIP Board of Directors and CBS staff. Possible changes to the original basis of design include (but are not limited to):

- 1) Constructing facilities that will be fully ready and able to accommodate a large (250 ton) sling-type boat haulout device;
- 2) Design/construct whatever configuration is chosen, so that the facility can be easily expanded in the future to accommodate container ships of the sort used in other major Alaskan ports; and
- 3) Relocate the facility to the shallower waters at the head of the cove. CBS staff prepared concept sketches of several possible layouts or configurations to be considered under #3. Please note that Item #3 will exclude the possibility of Item #2. Further discussion of the direction for this project will be an item on the agenda for the next meeting of the GPIIP Board of Directors.

Background

The project is funded by a designated Legislative Grant, administered by the State of Alaska, Dept. of Commerce, Community & Economic Development, Div. of Community & Regional Affairs. The total amount of the grant is \$7.5 million. On the local level, the project is administered by Public Works and the Gary Paxton Industrial Park Director, Garry White. The firm of Moffatt & Nichol (M&N) has been awarded a contract to provide the design for the GPIIP Dock Project.

Lake Street / Monastery Street Lift Station Improvements:

Milestones This Period

- Project is substantially complete.

Future Milestones

- Project closeout activities including completion of punch list, final acceptance of project and final payment to contractor.

Background

The Lake Street and Monastery Street lift stations require an inordinate amount of maintenance and repair by the wastewater staff and are in need of immediate replacement; the pumps are outdated and replacement parts are difficult to find. Access to the Lake Street lift station is dangerous due to the location of the ladder rungs. Current available funding is from the Wastewater Enterprise Fund (\$350,000 for Lake Street and \$420,000 for Monastery Street) and from an ADEC loan for \$1,379,170. The Assembly authorized award of a design-build contract to CBC Construction for \$841,000 on August 12, 2014.

Building Department – First Quarter 2015

- Construction activity has been steady in Sitka with the first quarter statistics comparable to activity a year ago.
- We continue to see demolition of outdated housing stock with new homes being built to replace them.
- 92 building permits were issued in the first quarter of 2014.
- 34 of those building permits were issued for electric heat pump installations. These appear to be taking advantage of the rebate program offered through the Electric Department. 43 heat pump installation permits have been issued since the program's inception December 26, 2014.
- The valuation of permitted construction in the first quarter is \$2,870,198.
- 5 new single family dwellings were permitted.
- 1 single family dwelling is permitted for demolition. 2 manufactured homes are permitted for demolition.
- 13 fire and life safety inspections were performed under the authority Sitka's deferral from the State Fire Marshal.
- 175 building inspections were performed.
- All the lots in the Ethel Staton Subdivision on Alice Loop are reported to be sold. Construction activity is occurring on nine lots, two of which have completed, occupied homes.



Legislation Details

File #: 15-050 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 4/9/2015 In control: City and Borough Assembly
On agenda: 4/14/2015 Final action:
Title: e. Clerk - moving 2nd regular Assembly meeting in May
Sponsors:
Indexes:
Code sections:
Attachments: [Reports Clerk](#)

Date	Ver.	Action By	Action	Result
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VIII. Reports

c. Clerk

Discuss moving the 2nd regular assembly meeting in May

May 26, 2015 regular assembly meeting conflicts with SHS Graduation.

Move the regular meeting to another day that week.
Suggest Wednesday, May 27th as the preceding Monday is a holiday.



Legislation Details

File #: 15-042 Version: 1 Name:
Type: Minutes Status: AGENDA READY
File created: 4/6/2015 In control: City and Borough Assembly
On agenda: 4/14/2015 Final action:
Title: Approve the minutes of the March 24, 2015 Assembly meeting
Sponsors:
Indexes:
Code sections:
Attachments: [Minutes March 28](#)

Date	Ver.	Action By	Action	Result
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If this is pulled from the consent agenda the following motion would be in order:

POSSIBLE MOTION

I MOVE TO approve the minutes of the
March 24, 2015 Assembly meeting.



CITY AND BOROUGH OF SITKA

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

Minutes - Draft City and Borough Assembly

Mayor Mim McConnell
Deputy Mayor Matt Hunter
Vice-Deputy Mayor Benjamin Miyasato
Aaron Swanson, Steven Eisenbeisz
Tristan Guevin, and Michelle Putz

Municipal Administrator: Mark Gorman
Municipal Attorney: Robin L. Koutchak
Municipal Clerk: Colleen Ingman, MMC

Tuesday, March 24, 2015

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Present: 6 - Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Putz

Absent: 1 - McConnell

IV. CORRESPONDENCE/AGENDA CHANGES

Item D was pulled.

A [15-034](#) Reminders - Calendar - Correspondence

V. CEREMONIAL MATTERS

Deputy Mayor Hunter read and presented a proclamation for AmeriCorps Day.

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

Sitka Community Hospital CEO Rob Allen updated the Assembly on their finances.

VII. PERSONS TO BE HEARD

Fire Chief, Dave Miller, announced that March 25 was Alaska's Preparedness Day. Miller added that the tsunami sirens would not be activated.

Nancy Yaw Davis stated her appreciation for having a hard copy of the Assembly packet at the Library. She'd like to see a few other things made available such as plans for major construction projects like the library.

Allison Bayne testified that she was appalled a road was being built to Katlian Bay. She also spoke to the need to make Sitka more affordable adding that, "Sitka has become a place for the wealthy and the rest of us struggle."

VIII. REPORTS

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

Updates were given and liaisons reported.

IX. CONSENT AGENDA

- A [15-030](#) Approve the minutes of the March 10, 2015 Assembly meeting
This Item was APPROVED on the Consent Agenda.
- B [15-031](#) Reappoint Charles Horan (temporarily) to a seat on the Gary Paxton Industrial Park Board; 2) Kevin Knox to the Port and Harbor Commission; and 3) Trish White on the Local Emergency Planning Commission
This Item was APPROVED on the Consent Agenda.
- C [ORD 15-14](#) Proposing to clarify the SGC by Amending Section 13.13.025 Emission of Soot from an Oil Stove In a Vessel, Section 14.04.020 Ice and Snow Removal, Section 15.05.400 Cross-Connections, Sections 18.04.010 (I) Personal Property Definition and Title 18 Footnote 2 to Correct Statute References, Section 19.01.013 Adoption of Excavation and Grading Standards, Section 19.01.020 Building Permits Fees, Section 19.08.040 Definition Of "Islands," Section 22.08.585 Manufactured Home, and Section 22.08.590 Mobile Home
This Item was APPROVED on the Consent Agenda.
- D [ORD 15-15](#) PULLED Proposing to clarify the Sitka General Code by Amending Sections 1.01.010 Adoption, and 1.01.030 Codification Authority to update Alaska Statute References, Sections 2.04.010 Agenda Testimony Time, 2.04.170, Assembly Meeting Time, 02.12.010 Clarifying Physician Members on Hospital Board, 2.40.100 Acceptance of Nomination, 2.40.290 Election Supplies and Equipment, 2.40.300 Instructions to Voters, 2.40.410 Preservation of Ballot After Counting, 3.16.030 Open Market Procedures, 3.16.060 Exceptions to Competitive Bidding Requirements, 3.16.080 Procurement Monitoring, Title 4, Revenue and Finance in Sections 4.26.165 (A) and 4.26.165 (E) to clarify Alaska Appellate Court Name, in Section 4.28.040 (C) to update the best practices recommendation,

in Section 4.44a.010 (B) to remove an incorrectly placed word, and Section 6.19.030 (E) Commercial Operations Permit to clarify fee expense

- E [ORD 15-16](#) Proposing to clarify the SGC by amending Sections 8.04.020 Licensing (Animals), 8.04.080 Objectionable Animals, and 10.52.010 Unlawful Acts (Dangerous Dog)

This item was APPROVED on the Consent Agenda.

- F [ORD 15-18](#) Proposing to clarify the SGC by amending Chapter 10.40 Gambling, Section 10.40.010 Prohibited and Loitering Sections, 10.76.020 Definition and 10.76.030 Prohibited Operations

This item was APPROVED on the Consent Agenda.

- G [ORD 15-19](#) Proposing to clarify the SGC by amending Title 10 Public Peace, Safety and Morals at Sections 10.44.010 Liquor Regulations Definition A, 10.44.020 Scopes of Provisions, 10.44.030 License Required, 10.44.060 Persons Forbidden to Have Liquor, and 10.84.010 Definitions

This item was APPROVED on the Consent Agenda.

- H [ORD 15-20](#) Proposing to clarify the SGC by Amending Sections 11.17.25.010 Prohibited Vehicles and Loads, Section 11.17.25.020 Width of Vehicles, Section 11.28.010 Traffic Code-Adoption of State Traffic Laws, and Sections 15.05.590 and 15.05.600 Fire Protection Services and Systems

This item was APPROVED on the Consent Agenda.

X. **UNFINISHED BUSINESS:**

- I [ORD 15-13](#) Adjusting the FY15 Budget

Deputy Mayor Hunter read the title.

A motion was made by Swanson that this Ordinance be APPROVED on second and final reading. The motion PASSED by the following vote.

Yes: 6 - Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Putz

Absent: 1 - McConnell

- J [ORD 15-11](#) Proposing to clarify the SGC by amending the footnote in Title 9 Health and Sanitation, by amending Sections 10.24.050 Fireworks Permissible Sales and Uses and 10.24 reference note, Section 10.44.070 (c) Common Carrier Definition, by repealing without replacement Section 10.48.030 Evidence, by amending Section 10.72.070 Juvenile Curfew Penalties, by repealing Section 10.84.020

Grandfather Clause for Liquor Sales Age, by amending Section 11.04.110 Public Holidays List, Section 11.40.230 Parking Reference, Section 11.56.100 for correct reference for Taxicab Medical Requirements, by repealing Section 11.64.010 Pedestrian Rules, and by amending Section 11.70.010 to remove outdated Helmet Standard Reference

Deputy Mayor Hunter read the title.

A motion was made by Miyasato that this Ordinance be APPROVED on second and final reading. The motion PASSED by the following vote.

Yes: 6 - Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Putz

Absent: 1 - McConnell

- K [ORD 15-12](#) Proposing to clarify SGC by amending Title 6 Business License and Regulations at Section 6.04.080 Bond

Deputy Mayor Hunter read the title.

A motion was made by Putz that this Ordinance be APPROVED on second and final reading. The motion PASSED by the following vote.

Yes: 6 - Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Putz

Absent: 1 - McConnell

XI. **NEW BUSINESS:**

New Business First Reading

- L [ORD 15-17](#) Utility Director/Acting Administrator to give an overview 1st

Amending Subsection 15.01.020 of SGC Electrical Rates by increasing electric rates to fund approved Electrical Utility Capital Projects including the Blue Lake Hydroelectric Expansion Project and establishing an Energy Assistance Fund

Acting Municipal Administrator, Chris Brewton, gave an overview of the need to bring forward a rate increase explaining that the city didn't raise rates last fall when it took out its fourth and final bond for the Blue Lake dam expansion project. Brewton noted there had been hopes that there would be a cold winter to defer a rate increase until July. Instead power usage dropped by 12% because of the warm winter.

Chief Finance and Administrative Officer, Jay Sweeney, explained the bond/loan requirements in detail. Sweeney explained the city's bond covenants required the city to have cash flow from operations equal to 125 percent of the annual debt service costs of the revenue bonds. Sweeney said city staff was very explicit in their discussions with the Assembly and the public that a fourth electric rate increase, in conjunction with the fourth bonding, was not foregone, simply delayed.

Sweeney read from his memorandum "Staff recommends the combination of rate increases plus transfers from the Southeast Alaska Economic Development Fund, in

order to generate increased system revenue of \$2,500,000 for FY16, be adopted as soon as possible. A rate increase, plus perhaps an additional transfer from the Economic Development Loan Fund necessary to generate required income necessary to meet the required rate covenant, must also be planned for FY17 in order to stabilize rates. An ordinance would need to be introduced promptly to change the language in Title 4 of the Sitka General Code governing the Southeast Alaska Economic Development Loan Fund to permit transfer to another fund, as opposed to loaning, as the code now reads." Sweeney said the rates needed to be increased but this proposal would help mitigate the shock of the rate increase over one to two years. Eisenbeisz expressed the need for more information on the Southeast Alaska Economic Development Fund before taking a vote to use it for a rate stabilization.

Amanda Roberts commented that people were leaving Sitka, stores were closing and contended it was getting harder and harder for young families to live in Sitka.

Sweeney added that a portion of the ordinance would create an Energy Assistance Fund managed by the Salvation Army. The Fund would provide emergency assistance to customers in need. Funds would come from voluntary contributions. Deputy Hunter noted the Assembly was trying to make the best decisions for Sitka for the next 10-50 years. Some tough decisions were coming to the forefront now because rates had not kept up with the costs. Noting the reliance on state and federal funding Hunter added, "No one has paid their own way for years in this town." He further noted that all of our rates were below sustainable levels in Sitka. Members of the Assembly said they would like to see options before them at the next meeting along with an alternative ordinance.

A motion was made by Guevin that this Ordinance be POSTPONED INDEFINITELY. The motion to postpone FAILED by the following vote.

Yes: 2 - Miyasato, and Guevin

No: 4 - Hunter, Swanson, Eisenbeisz, and Putz

Absent: 1 - McConnell

Acting Administrator, Chris Brewton, was directed to bring forward the necessary documents to move \$2.5 M out of the Southeast Alaska Development Fund and an alternate ordinance with a reduced electric rate increase if the transfer of funds was approved.

The initial vote on first reading of the ordinance FAILED 4-2 and immediately Deputy Mayor Hunter moved for RECONSIDERATION.

Additional New Business Items

M

[15-032](#)

Approve an Operating and Terminal Building Sublease Agreement between City and Borough of Sitka and Delta Airlines subject to Department of Transportation and Public Facilities approval

Putz asked if the Alaska Airlines lease rate went down. Public Works Maintenance and Operations Superintendent Gary Baugher stated that the ratio was 80% Alaska and 20% Delta.

Swanson inquired about the coffee shop. Baugher responded that Delta would be taking over that space April 1st.

A motion was made by Swanson that this Item be APPROVED. The motion

PASSED by the following vote.

Yes: 6 - Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Putz

Absent: 1 - McConnell

N [15-035](#)

Approve award Jarvis Bulk Fuel Tank API-653 Inspection Contract Award \$60,668 - Blue Lake Bonding

Swanson asked if this was for new tanks. Brewton responded it was for older tanks and that the city was required to have a safety inspection. He hoped to find little to no maintenance issues.

Eisenbeisz inquired about the existing fuel in the tank. Brewton informed that technically the city could not give anything away due to the risk of spill etc. He added that fuel companies didn't want it because it was high in sulfur and it couldn't be transferred to tanks.

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

Yes: 5 - Hunter, Swanson, Miyasato, Guevin, and Putz

No: 1 - Eisenbeisz

Absent: 1 - McConnell

O [15-036](#)

Approve a change order to McMillen for the Bulk Water Upgrade at Gary Paxton Industrial Park - not to exceed \$370,000 - Blue Lake Bonding

Eisenbeisz expressed his displeasure with getting materials late.

Brewton explained this contract resulted from decommissioning the unit that fed the turbine and the requirement to upgrade the city's line per the bulk water contract. He added the city held a deposit in the amount of \$1 M and was obligated. The original contract had a 6 inch line and there was a significant danger in blowing it out. The Electrical Department was actively engaged to get some revenue back.

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

Yes: 4 - Hunter, Miyasato, Guevin, and Putz

No: 2 - Swanson, and Eisenbeisz

Absent: 1 - McConnell

P [15-033](#)

Discussion/Direction on whether to bring forward a ballot ordinance on putting the question of "Whether Sitka should allow Commercial Sales of Marijuana?" on the October municipal election ballot

Kristy Crews objected to a community vote pointing out that this had already been voted on and a majority had spoken. She added an opportunity to gain revenue through increased electric sales and economic development would be lost.

Amanda Roberts had multiple concerns about commercial sales. She didn't want to see people profit off of other's addiction. She supported a vote of the people.

Putz brought up the fact that if the city did not legalize the production and sale black markets would be created. Guevin spoke in favor of the commercial sale and read from the ballot measure, which authorized it. Eisenbeisz spoke to the recent town hall meeting held on marijuana. When asked for a show of hands of people who supported the sale of marijuana he noted 80% of the people were in support. He added it was concerning that it would be put out for a vote again. Swanson agreed with Eisenbeisz. Deputy Hunter didn't see the need to go to a vote. Putz agreed.

XI. PERSONS TO BE HEARD:

Shirley Robards testified she would like the city to fix Lincoln Street prior to the beginning of the tourist season.

Michael Harmon expressed his support for moving forward on a plan to convert public buildings from oil to electric heat focusing on the highest users: municipal buildings, SEARHC, and Mt. Edgecumbe High School. Small users would not make an impact. Harmon added that by doing this it would reduce the city's maintenance costs.

Nancy Yaw Davis wondered why the minor subdivision wasn't an item brought up under the code review.

XII. ADJOURNMENT

Swanson moved to ADJOURN and with no further business the meeting ADJOURNED at 8:30 PM.

ATTEST: _____

**Colleen Ingman, MMC
Municipal Clerk**



Legislation Details

File #: 15-043 Version: 1 Name:

Type: Appointment Status: AGENDA READY

File created: 4/6/2015 In control: City and Borough Assembly

On agenda: 4/14/2015 Final action:

Title: Reappoint Hans von Rekowski to a term on the Parks and Recreation Committee.

Sponsors:

Indexes:

Code sections:

Attachments: [Appointment](#)

Date	Ver.	Action By	Action	Result
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Should this item be pulled from the Consent Agenda the following motions would be in order:

POSSIBLE MOTION

I MOVE to 1) Reappoint Hans von Rekowski to a term on the Parks and Recreation Committee.



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

Board/Commission/Committee: Parks and Recreation - reappointment
 Name: Hans von Rekowski Daytime Phone: 747-5419 or 738-3445
 Address: 3003 Mikele St. Evening Phone: 747-5419
 Email Address: hvonnr@acsalaska.net Fax Number: _____
 Length of Residence in Sitka: 27 years Registered to vote in Sitka? Yes No
 Employer: retired from U.S.D.A. Forest Service
 Organizations you belong to or participate in: B.P.O.E. - ELKS

Explain your main reason for applying: Sitka is such a great place to live and I enjoy working on this committee and feel we have accomplished many good projects during my tenure on this committee over the past 24 years.

What background, experience or credentials will you bring to the board, commission, or committee membership? I have been a member of this committee since 1991 and served several terms as chair. I recently retired from the Forest Service after 41 years working in recreation.

Please disclose any potential conflicts of interest that may arise from your appointment. These may include but are not limited to: None that I know of.

- 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: March 24, 2015 Signature: Hans von Rekowski

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. Applications received after the deadline will be considered but will not be included in the Assembly packets for review prior to appointment.

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:
 Sara Peterson, Deputy Clerk
 100 Lincoln Street
 Fax: 907-747-7403
 Email: sara@cityofsitka.com

3003 Mikele St.
Sitka, Alaska 99835
March 24, 2015

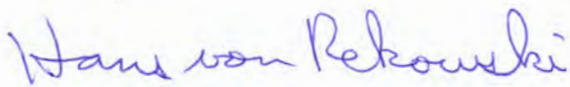
City and Borough of Sitka Assembly
100 Lincoln Street
Sitka, Alaska 99835

Dear Sitka Assembly:

Enclosed is my application for the Sitka Parks and Recreation Committee. I have been a resident of Sitka since 1988 and a member of the Parks and Recreation Committee since 1991. I sincerely desire to continue to serve on this committee.

Thank you for considering me for reappointment for this position.

Sincerely,



Hans von Rekowski



PARKS AND RECREATION COMMITTEE

NAME	CONTACT NUMBERS	TERM STARTS	EXPIRES	CATEGORY
KEN CORSON 405 Mills Street	747-5119 phone and fax maggyken@gci.net	11/28/06 5/12/09 7/10/12	4/11/09 5/12/12 7/10/15	CHAIR
CHRIS WHITEHEAD 2111 Sawmill Creek Road	747-7395 w 360-797-3152 c chris.whitehead@sitkatribes-	10/7/13	10/7/16	VICE CHAIR
JEFF FELDPAUSCH 800 Sirstad Street	752-0775 cell 747-2751 h sitkafootball08@yahoo.com	7/13/10 8/13/13	7/13/13 8/13/16	
JEFF MOSSIGE 525 Monastery St., Apt #2	970-708-3931 mossigej@gmail.com	7/30/10 1/11/11 1/28/14	1/22/11 1/11/14 1/28/17	
KAY TURNER 307 Wortman Loop	747-1771 w 747-5388 h kturner@sitkahospital.org	12/11/12	12/11/15	
CLARA WHITEHEAD 2111 Sawmill Creek Road	966-5575 w 360-265-3533 c clara.a.whitehead@uscg.mil	10/7/13	10/7/16	
HANS VON REKOWSKI 3003 Mikele	747-5419-h 738-3445 c hvonr@acsalaska.net	3/12/91 3/12/94 3/12/97 4/11/00 4/22/03 4/26/06 4/28/09 4/24/12	3/12/94 3/12/97 3/12/00 4/11/03 4/22/06 4/26/09 4/28/12 4/24/15	
NON-VOTING				
Lynne Brandon City and Borough of Sitka	747-1852 w parks@cityofsitka.com			
Mary Miller Sitka National Historical Park 106 Metlakatla Street	747-0111 w 747-5938-fax mary_miller@nps.gov			Ex Officio
Deborah Lyons Sitka Trail Works 801 HPR	747-7244-w 747-7315-fax trail@gci.net			Ex Officio
Shawn McLeod City and Borough of Sitka	747-7630 shawn@cityofsitka.com			Staff Support
Benjamin Miyasato 405 B DeGroff Street	752-0163 c assemblymiyasato@cityofsitka.com			Assembly Liaison

7 members from public - 3 year terms

Established by Ordinance 75-199 (2.56 SGC)

Second Thursday, Noon - Municipal Offices Third Floor Conference Room

Revised: January 19, 2015



Legislation Details

File #: 15-044 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 4/6/2015 In control: City and Borough Assembly
On agenda: 4/14/2015 Final action:
Title: Approve liquor license renewal for Van Winkle and Sons
Sponsors:
Indexes:
Code sections:
Attachments: [Liquor License Renewal](#)

Date	Ver.	Action By	Action	Result
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City & Borough of Sitka
Municipal Clerk's Office
100 Lincoln Street, Sitka AK 99835
Telephone: 907-747-1811 Fax: 907-747-4004



Memorandum

To: Mayor and Assembly
Cc: Mark Gorman, Municipal Administrator
From: Colleen Ingman, Municipal Clerk
Date: April 7, 2015
Subject: **Liquor License Renewal**

This office is in receipt of the following liquor license renewal application:

Lic. #	Doing Business As	License Type	Licensee	Premises Address
2786	Van Winkle and Sons	Beverage Dispensary	Kirk Van Winkle	205 Harbor Drive

A memo was circulated to the various departments and finance reported there were unpaid balances.

Background: The license owner experienced a serious illness that required multiple surgeries causing them to fall behind in their payments. The municipality and Van Winkles were able to execute a payment plan and payments have been met to date.

If this item is pulled from the Consent Agenda the following motion would be in order:

POSSIBLE MOTION

I move to forward the liquor license renewals for the Van Winkle and Sons onto the Alcoholic Beverage Control Board without objection.



Legislation Details

File #: 15-041 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 4/6/2015 In control: City and Borough Assembly

On agenda: 4/14/2015 Final action:

Title: Approve reappropriating all unspent harbor bond proceeds to the Sitka Transient Float Project - \$197,662.64 + accrued interest

Sponsors:

Indexes:

Code sections:




Attachments: [Harbor Bond Proceeds](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE TO 1) approve re-appropriating all unspent harbor bond proceeds currently totaling \$197,662.64 (plus accrued interest on investments) to Sitka Transient Float project; and 2) authorize spending of said funds.

Memo

Thru : Dan Tadic, Municipal Engineer 
Michael Harmon, Public Works Director 
Stan Eliason, Harbormaster 
Mark Gorman, Administrator

To: Assembly, City and Borough of Sitka

From: Jay Sweeney, Chief Financial and Administrative Officer 

Date: March 25, 2015

Re: Reappropriation of Unspent Harbor Revenue Bond Proceeds To Sitka Transient Float Project

Mayor McConnell and Assembly Members,

As of March 25, 2015, \$197,662.64 in unspent harbor revenue bonds remain. These proceeds were part of the original \$4,250,000 in bond proceeds obtained in the February 26, 2013 bond issuance to finance the Municipality's portion of the ANB Harbor reconstruction. The ANB Harbor project is now complete and no additional proceeds will be spent on that project.

Per the harbor bond ordinance, unspent bond proceeds can be used for either one of two purposes: (1) to pay for other additional capital expenditures within the harbor system, or (2) to pay for debt service payments on the harbor revenue bonds.

The City Engineer and Harbormaster have jointly determined that additional funding is needed to fully finance the scope of the Sitka Transient Float capital project and have recommended that unspent harbor bond proceeds be redirected to the Transient Float project.

Staff hereby requests that the Assembly reappropriate all unspent harbor bond proceeds, which currently total \$197,662.64 plus accrued interest on investments, to the Sitka Transient Float project. Reappropriation by the Assembly would give authority for both (1) transferring unspent bond proceeds to the Sitka Transient Float Project, and (2) authority to spend those funds.



Legislation Details

File #: 15-039 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 4/6/2015 In control: City and Borough Assembly

On agenda: 4/14/2015 Final action:

Title: Award issuing Troy's Excavation a contract/purchase order, plus contingency for Boomer Property
Solid Waste Disposal - \$77,600.00

Sponsors:

Indexes:

Code sections:

Attachments: [Troys Excavation Boomer Property](#)

Date	Ver.	Action By	Action	Result
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This matter is part of your consent agenda, if discussion is desired the item should be pulled and a motion made.

POSSIBLE MOTION

I MOVE TO approve the Municipal Administrator to issue a purchase order in the amount of \$72,100 to Troy's Excavation for completion of the Boomer Property Solid Waste Disposal and further authorize a contingency of \$7,500 for disposal costs of scrap materials. Using funds found in Capital Improvement Project No. 90594



Memorandum

March 31, 2015

To: Mark Gorman, Municipal Administrator
From: Christopher Brewton, Utility Director
Subject: **Award of Contract – Boomer¹ Property Solid Waste Disposal**

Request:

I request Assembly approval authorizing the Municipal Administrator to issue Troy's Excavation a Purchase Order in the amount of \$72,100 for completion of the Boomer Property Solid Waste Disposal. I further request a contingency of \$7,500 for disposal costs of the scrap materials. Total cost, including contingency, is \$77,600.00.

Background:

As noted in the Assembly meeting of May 24, 2011, the Assembly authorized the potential transfer of CBS owned property as part of the Prevention, Mitigation, and Enhancement (PM&E) measures for the Blue Lake Hydroelectric Expansion Project (Project). PM&E measures are required as the Project inundated an additional 362 acres of National Forest System (NFS) land.

Analysis:

During negotiations with the Forest Service and stakeholders, the transfer of CBS owned property in the West Chichagof area (Boomer) was identified as a preferred alternative. This is a reasonable and cost effective proposal to compensate for impacts related to Blue Lake inundation. The Boomer property is surrounded by Congressionally designated Wilderness and the inundated land at Blue Lake is within an Inventoried Roadless Area; therefore the land management is similar.

However, prior to any consideration of a property transfer the land in question must meet certain environmental conditions including the assessment and remediation of any potential environmental hazards. The Forest Service completed a Phase I Environmental Site Assessment dated September 21, 2012, with the following conclusions:

1. No recognized environmental conditions were identified in connection with the property.
2. Prior to property transfer, the solid waste on site must be removed.

The purpose of this contract is to remove the solid waste identified in the environmental assessment. Attachment (A) provides photographs of the materials in question; Attachment (B) identifies the scope of work required.

Fiscal Note:

Sufficient funds are available in the Blue Lake Hydroelectric Expansion Project, CIP No. 90594 to complete this work.

¹ U.S. Mineral Survey 1453 & 1587



United States
Department of
Agriculture

Forest
Service

July 2014

Watershed and Soils Trip Report

Boomer Mine

Tongass National Forest
Sitka Ranger District
Sitka, Alaska

/s/ Martin Becker
July 2014

Martin Becker
Watershed Program Coordinator
Sitka Ranger District
204 Signaka Way
Sitka, AK 99835

ATTACHMENT (A)

Introduction

The objectives of this trip report are to summarize the findings of the site visit of the Boomer Mine property and provide recommendations for remediation of roads within the property to restore lands to a more natural appearance and reduce resource damage prior to transfer to Federal ownership. Site visit was conducted on July 1st, 2014 and included myself and Clay Davis (Lands, Minerals and Special Uses). The Boomer Mine property is located near Maud Point in Kinshan Bay, within the West Chichagof Wilderness area of the Tongass National Forest in Southeast Alaska (Figure 1).

Figure 1. Boomer Mine Vicinity Map.



The property contains of approximately 3200 feet of primitive road which was constructed by blading off surface organics and soils until they reached bedrock (Figure 2). Overburdens were deposited in spoil areas or side cast. This type of road construction produced a road profile that is U-shaped and greatly lower than the surrounding terrain (4-6 feet). This subgrade road surface has interrupted natural surface and subsurface drainage within the roaded portions of the property. Consequently, increased and concentrated flows over the fractured bedrock and rubble roadbed surface have prevented fines and organics to accumulate and revegetation to occur over portions of the road system (See red lines on Figure 2). These created 'streams' along the road network would be classified as Class IV stream channels.

Figure 2. Boomer Mine Road Network



Red Lines = Mechanical Treatments
Brown Lines = Handwork Treatments

Watershed Design Criteria

The following design criteria are recommended to minimize or eliminate effects to resources and more quickly allow the road network to revegetate and take on a more natural appearance. Mechanical road work outside the mine camp should take about 4 hours. Hand work with a crew of four should take about two full days:

Hand Work Treatment Areas (Brown Lines)

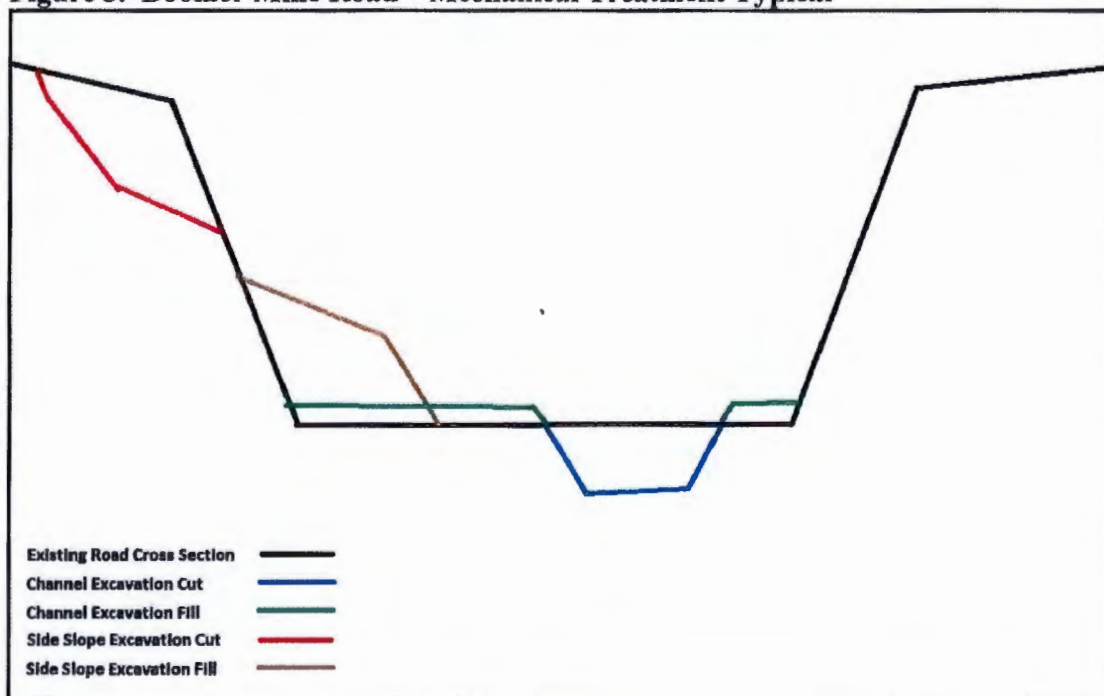
- Use hand tools (shovels, picks, Pulaski, etc.) to spot treat drainage issues, creating water bars, hummocks and out sloping to route water completely off or to one edge of the road surface.
- Use hand tools (shovels, Pulaski, etc.) to cut 'vegetation mats' from surrounding area for transplant to bare rock road surfaces to serve as a seed source or island for future vegetative regrowth.
- Seed and fertilize exposed soils (not bare rock) with an approved weed free native seed mix.

- Use hand crews to drag and throw downed wood and other organic debris onto the road surface to increase roughness, serve as nurse logs and ‘camouflage’ the road. All large wood pieces should lay as flat as possible and in direct contact with the ground to be most effective. Logs should also not completely dam the road and should leave an opening for water to drain.

Mechanical Work Treatment Areas (Red Lines)

- Use backhoe or excavator to create a 2 foot wide by 1 foot deep channel in the road bed to concentrate flows in this area and allow the other portion of the road to dry out, fines and organics to accumulate and vegetation to take hold (Figure 3). Use the existing roadbed shape as a guide, following the lowest elevation. This may switch from side to side over the length of the road.
- Use backhoe or excavator to slump road cut bank sporadically (NOT full recontouring) to further channelize flows, promote organic and fine material deposition, immediately revegetate the road bed and ‘camouflage’ the road (Figure 3). Slumping should be only be done on the forested sides of the road where revegetation of these new cuts will more readily occur. Several areas allow for a whole tree or clump of shrubs to be slumped down onto the road.
- Use backhoe or excavator to grab/drag downed or dead wood material onto the road surface to increase roughness , serve as nurse logs and ‘camouflage’ the road. All large wood pieces should lay as flat as possible and in direct contact with the ground to be most effective. Logs should also not completely dam the road and should leave an opening for water to drain.
- Use backhoe or excavator to break up compacted ground surfaces and spread cleared vegetation and/or trees over the area around the mining camp.
- Seed and fertilize exposed soils (not bare rock) with an approved weed free native seed mix.

Figure 3. Boomer Mine Road – Mechanical Treatment Typical



Appendix A: Photos of Boomer Mine Roads with Notes and Additional Specifications.

Boomer Mine Site Visit Photo Key

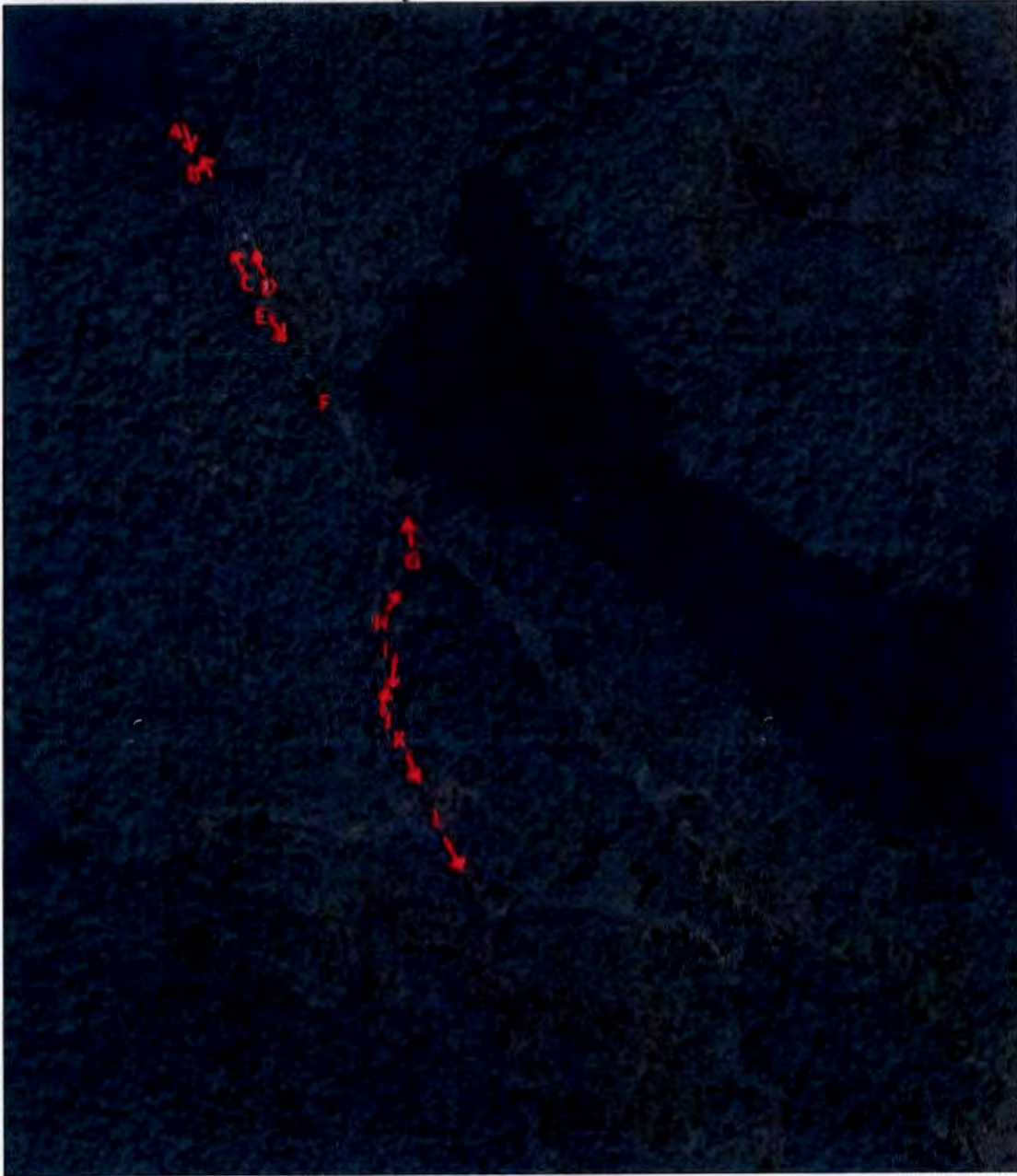


Photo A. Looking up mainline road from beach.



Treatment: Scarify, Reseed and spread woody debris.

Photo B. Looking down mainline road just below camper/shop to beach.



Treatment: scarify, install waterbar draining to left (as looking), reseed and spread woody debris.

Photo C. Looking down mainline road toward beach from bunkhouse.



Treatment: Scarify ground, reseed and spread woody material and trees/brush.

Photo D. Bunkhouse.



Treatment: Scarify ground, reseed and spread woody material and trees/brush.

Photo E. Looking up mainline road from bunkhouse.



Treatment: Scarify ground, reseed and spread woody material and trees/brush.

Photo F. Wet spot on mainline road.



Treatment: Install waterbar to drain and pass water.

Photo G. Looking down spur road #1 across mainline road toward pond.



Treatment: Construct channel as per Mechanical Work Treatments section above. This site is a great typical for creating channel in road elsewhere. Allow for drainage to enter from both directions along mainline road and continue channel across mainline road to connect with vegetation on far side.

Photo H. Looking downhill on spur road #1, 50' above Photo G.



Treatment: Construct channel as per Mechanical Work Treatments section above, diverting all water from this upper channel to the spur road itself.

Photo I. Looking up spur road #1 from same point as Photo H.



Treatment: Construct channel as per Mechanical Work Treatments section above.
Cut/slump banks sporadically on left (as looking).

Photo J. Looking down spur road #1 – Photo I point at furthest distance seen.



Treatment: Construct channel as per Mechanical Work Treatments section above.
Cut/slump banks sporadically on right (as looking).

Photo K. Looking up spur road #1 from same point as Photo J. Spur road #2 can be seen entering on right 60' above.



Treatment: Construct channel as per Mechanical Work Treatments section above. Construct small channel up spur road #2 and connect.

Photo L. Looking up spur road #1 just above junction of spur road #2



Treatment: Construct channel as per Mechanical Work Treatments section above. Cut/slump banks sporadically on left (as looking). Mechanical treatments end above extent seen in this photo.

Troy's Excavation

P.O. Box 1541

Sitka, AK 99835

Tele: 907-727-6720

Fax: 907-747-7191

troysexcavationsitka@yahoo.com

Boomer Clean-Up Cost Proposal For City of Sitka and USFS

Troy's Excavation proposes to perform the clean-up at the Boomer site as follows:

Mobilization & Demobilization	\$ 9,400-
Camp Cost	\$ 6,900-
Excavator and Equipment Cost	\$20,000-
Barge Cost	\$14,300-
Labor and Supervision	\$17,200-
Incidental Cost	\$ 4,300-
<u>Total Project Cost</u>	<u>\$72,100-</u>

****Exclusions: This proposal does not include the City's Transfer Station and Scrap yard waste fees for any refuse or scrap from the Boomer Clean-up project. The City is to absorb these fees.**

ATTACHMENT (B)

Troy's Excavation

P.O. Box 1541

Sitka, AK 99835

Tele: 907-727-6720

Fax: 907-747-7191

troysexcavationsitka@yahoo.com

Boomer Clean-Up Work Plan For City of Sitka and USFS

List of Equipment

- Kubota K-057 Mini excavator (13,000 lb.) machine.
- 10 Yard Mack Dump truck – For use in transporting scrap iron and debris from Sitka landing site to City's Scrap Yard or Transfer Station.
- 40 ft. Drop-bow boat – Transportation to haul scrap iron and debris from jobsite to town.
- Misc. tools: Cut-off saws, acetylene torch for dismantle of equipment to be removed from site.

Crew Size and Housing

Crew size: 3-4 workers.

Housing will be a temporary wall tent at site and a 22' cabin boat.

Means and Methods of Transporting materials across trespass road

- Corduroy will be used over the trespass road for erosion protection.

- Corduroy and scrap materials will be leap-frogged along the trespass road with the excavator, to minimize the number of trips made. A total of 12 trips on the trespass road, are anticipated to complete this project.
- At project completion, corduroy will be removed and organic material will be placed over the trespass road to promote re-growth of native plants and trees.

Boomer Clean-up Work Plan -

Proposed Work Schedule

- Projected time to complete project is 15 days.

- Day 1 - Mobilization of crew, housing, and tools.
- Day 2 - Set up camp at site. Begin scrap iron demo
- Day 3 - Mobilization of excavator - via drop-bow transportation.
- Day 4 - Load drop-bow with scrap iron to transport back to Sitka. The landing site in Sitka will be at Back Beach on Sawmill Creek Rd.
- Day 5 - Scrap iron demo, burn all burnable debris. Off load of scrap iron in Sitka, will be transported via Troy's Excavation dump truck to the City's scrap iron yard. Some debris materials may go to the Transfer Station.
- Day 6-7 - No work days.
- Day 8 - Load second drop-bow of scrap iron for transport back to Sitka. Address drainage on road system.
- Day 9-10 - Clean-up burn site and final clean-up of existing debris at site.
- Day 11 - Begin Demobilization of camp and equipment.

Day 13-14 - No work days.

Day 15 - Final clean-up of work site, and de-mob of work materials from the jobsite - via 23' work skiff.



Legislation Details

File #: 15-038 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 4/6/2015 In control: City and Borough Assembly

On agenda: 4/14/2015 Final action:

Title: Authorize the procurement to Worthington Products to supply boom for Green Lake Containment, plus shipping and contingency - \$99,665.60

Sponsors:

Indexes:

Code sections:

Attachments: [Green Lake Containment Boom](#)

Date	Ver.	Action By	Action	Result
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This matter is part of your consent agenda, if discussion is desired the item should be pulled and a motion made.

POSSIBLE MOTION

I MOVE TO authorize the purchase of 1,400 feet of containment boom from Worthington Products in the amount of \$90,320.00, plus shipping estimated at \$6,845.60, and further approve a \$2,500 contingency for the Green Lake Containment Boom utilizing Green Lake FERC Compliance Capital Project No. 63010 funds.



Memorandum

March 27, 2015

To: Mark Gorman, Municipal Administrator
 From: Christopher Brewton, Utility Director
 Subject: **Award of Contract – Green Lake Containment Boom Procurement**

Request:

I request Assembly approval authorizing the Municipal Administrator to issue Worthington Products a Purchase Order in the amount of \$97,165.60 for the supply of 1,400 feet of containment boom for the Green Lake Hydroelectric Project. The cost of the boom is \$90,320.00 plus the estimated cost of shipping of \$6,845.60. I further request a contingency of \$2,500 for any changes to the shipping cost. Total cost of material procurement, including contingency, is \$99,665.60. Installation of the boom will be accomplished through a Request for Proposal utilizing local contractors.

Background:

On June 12-13, 2012, representatives from the Federal Energy Regulatory Commission (FERC) conducted a Dam Safety Inspection of the Green Lake Project. On August 30, 2012, the City and Borough of Sitka (CBS) received a letter from FERC identifying the existing log boom at Green Lake as deficient and directed the CBS to replace the boom. The CBS issued a Request for Quotation on January 16, 2015 and quotes were received from the following vendors:

Vendor	Cost	Service Life	Annual Cost
Good Innovation LLC (LBS)	\$76,300.00	10 Years	\$7,630 (10 yrs)
Worthington Products	\$90,320.00	15-17 Years	\$6,021 (15 yrs)
Good Innovation LLC (WBS)	\$114,416.00	10 Years	\$11,441 (10 yrs)

Analysis:

The lowest annual cost and longest service life is the Worthington Products boom and is identical to the new boom at Blue Lake, which will standardize parts and ensure compatibility for both projects. The CBS elected not to take immediate action to replace the boom at Green Lake until the new Blue Lake boom was installed in the hope we could standardize the boom and keep costs as low as possible. Fortunately, this is the case.

Fiscal Note:

Approximately \$250,669.40 is available in the Green Lake FERC Compliance Capital Project No. 63010 and is sufficient to procure and install the boom.



Legislation Details

File #: 15-040 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 4/6/2015 In control: City and Borough Assembly

On agenda: 4/14/2015 Final action:

Title: Authorize the disposal of surplus equipment and material remaining from the Blue Lake Hydroelectric Expansion Project

Sponsors:

Indexes:

Code sections:

Attachments: [Disposal of Surplus Equipment Materials](#)

Date	Ver.	Action By	Action	Result
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This matter is part of your consent agenda, if discussion is desired the item should be pulled and a motion made.

POSSIBLE MOTION

I MOVE TO approve disposal of surplus equipment and material remaining from Blue Lake Hydroelectric Expansion Project as identified in Attachment A.

Note: All costs or revenue for disposal and/or sale will be charged or credited accordingly Capital Project No. 90594.



Memorandum

April 2, 2015

To: Mark Gorman, Municipal Administrator
From: Christopher Brewton, Utility Director
Subject: **Material Disposal – Blue Lake Hydroelectric Expansion Project**

Request:

I request Assembly approval to dispose of surplus equipment and material remaining from the Blue Lake Hydroelectric Expansion Project as identified in Attachment (A).

Background:

§18.08.020 (B) of the Sitka General Code requires prior Assembly approval for disposal of any personal property valued at more than \$25,000 and after competitive bid. The remaining material and equipment from the Blue Lake project consist of a wide variety of very specialized equipment, such as turbine generators, transformers, exciters, switchgear, and penstocks.

Because hydroelectric generation equipment is designed and built for a specific application, determining market value and finding a market or buyer for these materials will be difficult. Simple scrap value of the steel, copper, and aluminum will be a tiny fraction of the value of this equipment if it is disposed as scrap versus reutilization at another hydro site. Transportation costs alone to ship these very heavy items from Sitka would more than likely cost more than the value of the scrap itself.

Analysis:

To minimize administrative costs in bringing each item to the Assembly for approval, I request blanket approval to dispose of all surplus materials remaining from the Blue Lake Expansion project with appropriate updates to the Assembly identifying progress with material disposal.

Fiscal Note:

All costs or revenue for disposal and/or sale of Blue Lake material will be charged or credited accordingly to the Blue Lake Hydroelectric Expansion Capital Project No. 90594.

Cc: Retha Winger, Contract Coordinator
Erin Clay, Regulatory /Environmental Engineer
Joey Patel, Grant Accountant
Jay Sweeney, CFAO

BLUE LAKE PROJECT EQUIPMENT DISPOSAL LIST

4/2/2013

LOCATION	EQUIPMENT	DESCRIPTION	BRAND	MODEL	SERIAL #	PART #	INPUT	OUTPUT	PHASE	HZ	KVA	OTHER
GPIP	PENSTOCK PIPE (LEAD PAINT)	~160' STEEL PIPE (GPIP)										
BY WT BUILDING	PENSTOCK PIPE (LEAD PAINT)	~40' STEEL PIPE (BY WT BUILDING)										
GPIP	PENSTOCK VALVES	MISC. STEEL VALVES & PIPES										
OLD PH	POWER VAC CIRCUIT BREAKER	FEEDER #2 4160V	GENERAL ELECTRIC	VB1 4.16-350-2	0339A9135-002-01							
OLD PH	POWER VAC CIRCUIT BREAKER	FISH VALVE HYDRO	GENERAL ELECTRIC	VB1 4.16-350-2	0339A9135-001-01							
OLD PH	POWER VAC CIRCUIT BREAKER	FILTER PLANT HYDRO	GENERAL ELECTRIC	VB1 4.16-350-2	0339A9135-001-02							
OLD PH	POWER VAC CIRCUIT BREAKER	SMC WATER BOTTLING CO. FEEDER	GENERAL ELECTRIC	VB1 4.16-350-2	0339A9135-001-03							
OLD PH	POWER VAC CIRCUIT BREAKER	BUS TIE #2 CIRCUIT BREAKER	GENERAL ELECTRIC	VB1 4.16-350-2	0339A9135-002-02							
OLD PH	TEST FRAME		TOSHIBA			PRODUCTION NO. 168150						AUGUST 1960
OLD PH	SHUNT EXCITER REGULATOR	BL #2 EXCITER	BASLER ELECTRIC	SSE 125-50X	1989		160V, 325 AAC	125 VDC, 400 ADC				60 Hz, 3 PHASE
OLD PH	SHUNT EXCITER REGULATOR	BL #2 EXCITER	BASLER ELECTRIC	SSE 125-50X	1990		160V, 325 AAC	125 VDC, 400 ADC				60 Hz, 3 PHASE
OLD PH	SHUNT STATIC EXCITER REGULATOR	BL #1 EXCITER	BASLER ELECTRIC	12.5 AMP	125	9 2672 00 100	4160V, 50/60 HZ	125 VDC, 400 AMP, 50 KW CONT				8/21/1992
OLD PH	SHUNT STATIC EXCITER REGULATOR	BL #1 EXCITER	BASLER ELECTRIC	12.5 AMP	128	9 2672 00 100	4160V, 50/60 HZ	125 VDC, 400 AMP, 50 KW CONT				8/21/1992
OLD PH	TRANSFORMER		BASLER ELECTRIC		127	9 2672 04 100						
GPIP	TRANSFORMER	SPARE										name plates & oil removed
GPIP	TRANSFORMER	A										
GPIP	TRANSFORMER	B										
GPIP	TRANSFORMER	C										
GPIP	TRANSFORMER	NO LABEL										
GPIP	TRANSFORMER	NO LABEL										
FILTER PLANT HYDRO	BRUSHLESS AC GENERATOR		IDEAL ELECTRIC		DUTY=CONT, PH=3, FRAME=2900-20, TYPE=SAB, WIRE=6, KW=870, AMPS=134, VOLTS=4160, CLASS INS=F, TEMP RISE=80 CELCIUS=RES, AMB TEMP=40, OVERLOAD=1000 KW @105° C							
FILTER PLANT HYDRO	BRUSHLESS EXCITER		IDEAL ELECTRIC		SERIAL #921001-01, FRAME=BE113-4, TYPE=FRBA, KW OUTPUT=13, DC VOLTS=125, DC AMPS=104, CLASS INS=4, FLD VOLTS=62.5, FLD AMPS=4.2 TEMP RISE=80, RECTIFIERS: QTY. 3=852883F, QTY. 3=852883R, EXCITER SURGE PROTECTION=8 56868 GR1, 3 PHASE, 60 HZ, 967 KVA, 900 RPM							
FILTER PLANT HYDRO	BATTERY BANK		POWERSAFE		TYPE=3CC-5M, CAT. NO 602070-CW, NOM CAPACITY: 100 AMP HR, 1.205-1.220 SP.GR. AT 25° C (77°F)							
FILTER PLANT HYDRO	TURBINE	1028 KW	NEYRPC MINI HYDRO INC.		52.7 M HEAD, 2200 1/SEC FLOW, 900 RPM							
FILTER PLANT HYDRO	TURBINE	704 KW	NEYRPC MINI HYDRO INC.		58.2 M HEAD, 1400 1/SEC FLOW, 900 RPM (NO GENERATOR)							
			BASLER ELECTRIC			BE 15243-003	2400/4160 VAC	160/320 VAC, 325/162 AMPS	3	60	91.8	
OLD PH	BATTERY BANK	130 VOLT SYSTEM	EXIDE C	6.5 VOLT								
OLD PH	NEUTRAL GROUNDING REACTOR		TOSHIBA									
OLD PH	DIESEL GENERATOR		ONAN	50.0DL 62-15R/24892B	A850744112					60		
OLD PH	INSTRUMENT POTENTIAL TRANSFORMER	PT	TOSHIBA	VT-D4HP	60607177	349007-4			3			MFG. 1980
OLD PH	CUBICLE		TOSHIBA		168160777							MFG. AUG 1960
OLD PH	SOLENOID	GENERATOR #1 CIRCUIT BREAKER	TOSHIBA	EDF-13B	6051600	51026K-11						
OLD PH	CUBICLE		TOSHIBA		168150FS302							MFG, AUG 1960
OLD PH	SOLENOID	GENERATOR #2 CIRCUIT BREAKER	TOSHIBA	EDF-13B	6051598	51026K-11						
OLD PH	CUBICLE		TOSHIBA		???							
OLD PH	SOLENOID	BUS TIE #1 CIRCUIT BREAKER	TOSHIBA	EDF-13B	6051601	51026K-11						
OLD PH	METAL CLADE SWITCH GEAR		TOSHIBA		168150FS302							MFG. AUG 1960
OLD PH	SOLENOID	NO. 1 FEEDER CIRCUIT BREAKER	TOSHIBA	EDF-13B	6051599	51026K-11						

ATTACHMENT (A)



Legislation Details

File #: 15-045 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 4/6/2015 In control: City and Borough Assembly

On agenda: 4/14/2015 Final action:

Title: Authorize the Municipal Administrator to execute a lease agreement with Aggregate Construction, Inc. for Lease Site #7, located at Granite Creek, encompassing 100,700 sf

Sponsors:

Indexes:

Code sections:

Attachments: [Aggregate Lease](#)

Date	Ver.	Action By	Action	Result
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If pulled from the Consent the following motion is suggested:

POSSIBLE MOTION

I MOVE TO approve the property lease agreement with Aggregate Construction, Inc. for Lease Site #7, in the Granite Creek Industrial Area under the terms outlined in the agreement.

MEMORANDUM

To: Mark Gorman, Administrator
Mayor McConnell and Members of the Assembly

From: Michael Harmon, P.E., Director of Public Works
Dan Tadic, P.E., Municipal Engineer *DT*

cc: Jay Sweeney, Chief Finance & Administrative Officer *J*
Robin Koutchak, Municipal Attorney *RK*
Randy Hughes, Municipal Assessor *RH*

Date: March 30, 2015

Subject: Property Lease, Granite Creek Industrial Area – Aggregate Construction, Inc.

MAGGAN BOSAK MB

MICHAEL MIDDLETON MM

Background:

Aggregate Construction, Inc. (ACI) is a local paving contractor permanently based in Sitka. ACI has held a long term lease for Lease Site #7 in the Granite Creek Industrial Area since at least 1996. This parcel serves as a permanent location for their asphalt plant. The initial term of that lease was 10 years, which was later extended by 5 years in exchange for paving work in lieu of a regular monthly payment. That lease expired in 2011. City Staff and ACI have continued a dialogue since early 2014 to renew the lease agreement. Over the course of the winter, both parties have found common ground on new lease terms again structured on a work in lieu of monthly payment basis.

Analysis:

Water quality in Granite Creek has improved substantially since the road was first fully paved in 2007. Granite Creek has been removed from the impaired water body list in large part due to the paving which reduced a significant amount of sediment and turbidity entering the creek due to the heavy truck traffic. Granite Creek Road sees more heavy truck traffic than just about any road in Sitka given its location adjacent to Sitka's rock quarries. As a result, portions of the pavement are now failing. CBS desires to reconstruct 1,600 linear feet of Granite Creek Road to City standards, with an increased asphalt thickness in critical areas before the pavement fails completely and potentially adversely impacts Granite Creek. Under the proposed terms of the lease, ACI will pave 1,600 linear feet of Granite Creek Road prior to June 15, 2015 in exchange for a 10-year lease term – 3 years in arrears and 7 years moving forward. The proposed lease document is attached.

Fiscal Note:

Lease Site #7 encompasses an approximately 100,700 square foot area in the Granite Creek Industrial Area. The City Assessor established the value of a monthly lease for this parcel at \$2,265.75 or \$27,189 annually. For the proposed 10-year term of this lease, the total value of lease payments would be \$271,890.

Since ACI is currently the only local paving contractor with a plant set up in Sitka, they are uniquely positioned to offer work in lieu of payment for this specific project. Based on recent

bid tabulations on City projects, the total market value of the paving and ancillary work required under this agreement is approximately \$309,000 offering good value to the City.

Recommendation:

Authorize the Municipal Administrator to execute a lease agreement with Aggregate Construction, Inc. for Lease Site #7, under the terms outlined in the attached memo and draft lease agreement.

**AGREEMENT FOR MATERIAL LEASE and/or SALE OF
MUNICIPALLY OWNED PROPERTY
IN EXCHANGE FOR WORK**

City and Borough of Sitka (“CBS”) agrees to lease and/or sell, to Larry Shinn d/b/a/ Aggregate Construction, PO Box 32619, Juneau, Alaska 99803 (“Contractor”), the materials designated in this Agreement for Material Sale and/or Lease of Municipally Owned Property In Exchange for Work (“Agreement”), subject to the following terms and conditions:

SECTION I. DESCRIPTION

A. LEASE AREA: Granite Creek Lease Site #7, CBS Parcel 2-6004-000 and further described as a portion of Lot 1 Alaska State Land Survey 3670 encompassing 100,700 square feet.

B. TERMS:

1. A prior lease of this area with Contractor was entered into in June 1996 and was extended to June 24, 2011 when it expired.
2. This Contractor is over 3 years in arrears on lease payments in “holdover status” which was verbally agreed upon by the parties.
3. This new lease will be seven (7) years, ending June 25, 2021.
4. Incorporated into the agreement will be an arrangement for Contractor to pay back the holdover value in arrears by performing work in kind (see 5 below).
5. In exchange for the seven (7) year lease, Contractor agrees to provide the following service for the past due on the three (3) year arrearage holdover:
 - a. Contractor shall pave that portion of Granite Creek Road from the top of the hill to the quarry road access road (approximately 1,600 linear feet). Contractor shall pay for all costs required by and associated with the road paving in lieu of lease cash payment, including costs associated with any claim of liability, requirement to defend or indemnity of CBS associated with the paving;
 - b. No asphalt shall be placed on Granite Creek Road until the City Engineer or designee has inspected and approved a road bed. Contractor shall notify the City Engineer or designee at least 48 hours prior to asphalt placement to schedule inspection during placement by the City Engineer or designee;
 - c. Asphalt shall be placed a minimum 24 feet wide and 3 to 4 inches thick as indicated on the attached exhibit drawing. Asphalt must be laid in full lane widths and not less than 50 linear feet per placement. Asphalt subgrade and surfacing shall meet City and Borough of Sitka Standard Detail 20-1 unless otherwise noted or approved by the City Engineer or designee. Asphalt specifications and placement shall meet City and Borough of Sitka Standard Specifications Division 40; and

- d. Paving shall be substantially completed by June 15, 2015.
- e. In the event that the work, as described above, is not completed or is not completed to specifications, Contractor shall pay \$2,265.75 for each month of use since June 25, 2011 (expiration of past lease in arrearage) and vacate the property within 30 days.

SECTION II. PERFORMANCE BOND

Contractor shall be required to submit a yearly performance bond in the amount of \$5,000 issued by a Surety licensed to do business in Alaska. At the time each year that the pit cross sections are accomplished and Contractor is inspected for adherence to a reclamation plan, the Municipality shall release the prior year performance bond, in writing and accept a new bond for the next year of operation.

The purpose of said bond shall be to correct nonconforming conditions created by the Contractor. An example might be to do necessary reclamation work left undone or otherwise correct site problems such as drainage control. Said bond may also be used to pay for unpaid royalties or other costs fairly owed to the Municipality.

SECTION III. OPERATING REQUIREMENTS

- A. Boundary Lines and Survey Monuments – Upon execution of this lease, the Lessee shall bear the responsibility to have the lease area surveyed and control monuments placed by a registered engineer or land surveyor to fully identify the boundaries. No boundary mark of the sale area or any survey lines nor witness tree to any survey corner or monument, shall be severed or removed, nor shall any survey corner or monument be damaged or destroyed. Any violation of this clause will require the Lessee to bear the expense of re-establishing the lines, corners, or monuments by a registered land surveyor.
- B. Erosion Control and Protection of Waters – Road construction or operations in connection with this contract shall be conducted so as to avoid damage to streams, lakes or other water areas and lands adjacent thereto. Vegetation and materials shall NOT be deposited into any stream or other waste area. Locations and/or improvements such as road crossings over streams shall be approved, in advance, by the Municipality.

All roads or other areas to be abandoned or an area to cease being an active portion of the Lessee's operation shall be treated with such measures to prevent erosion and shall be reclaimed per the required reclamation plan. Any damages resulting from any failure to perform to these requirements shall be repaired by the Lessee to the satisfaction of the Municipality. This includes, but is not limited to waters defined in Title 5 – Fish and Game and Title 6 – Protection to Anadromous Fish; State of Alaska.

- C. Attached and appended to this agreement is Appendix A – Reclamation Plan – Granite Creek Material Site. All lessees shall be responsible for the adherence to said plan. The leaseholder shall demonstrate compliance to said reclamation plan on a yearly basis and substantial non-compliance shall be grounds for termination or cancellation of the affected lease.

- D. Fire Protection – Lessee shall take all necessary precautions for the prevention of wild fires and shall be responsible for the suppression and bear the suppression costs of any and all destructive or uncontrolled fires occurring within or without the contract area resulting from any and all operations involved under the provisions of this contract. The Lessee shall comply with all laws, regulations and rules promulgated by the agency responsible for fire protection in the area.
- E. Roads – Before constructing any haul road, secondary or spur roads across Municipal lands, the Lessee shall obtain written approval of the location and construction standards of such roads from the Municipality.

Access over any route not under Municipal control is the sole responsibility of the Lessee. The Lessee agrees that any permanent route, access or right of way obtained over privately owned property shall include a permanent easement to the Municipality.

- F. The Lessee shall maintain adequate supervision at all times when operations are in progress to insure that the terms and conditions of this contract and all applicable Federal, State and local laws, rules and regulations governing such operations are enforced. At all times, when operations are in progress, the Lessee or a person authorized by him to assume the responsibilities imposed by this contract, shall be present on the contract area.
- G. The terms and conditions of this contract shall apply with equal force upon any agent, employee or contractor designated by the Lessee to perform any or all of the operations of severance, extraction or removal of the materials sold under this contract, and the Lessee shall be liable for non-compliance caused by any such agent, employee or contractor.
- H. The Lessee shall be responsible for the accurate location of operations under this contract, including any survey that may be necessary for such location unless otherwise specified in this contract.
- I. Special Provisions – It is mutually agreed that:
 - a. The Lessee shall coordinate his activities insofar as possible with other Lessees who now or in the future may hold material sale agreements. Before removing material under any roadway or otherwise interrupting access to any other operations, the Lessee shall make arrangements satisfactory to the affected parties for coordinating operations. The affected parties cannot unreasonably withhold such approval if proper alternate arrangements have been made. In the case where the affected parties cannot reach agreement, the Municipality shall be the sole arbitrator to reach a satisfactory result.
 - b. Should the Municipality determine that the operations cause silting or pollution of Granite Creek to a degree unacceptable to the Department of Environmental Conservation, the U.S. Fish and Wildlife Service, after all reasonable attempts have been made to have the Lessee correct the problems, this contract shall be void upon notification to the Lessee by the Municipality. The Lessee shall hold harmless the Municipality from any litigation whatsoever which may result from this action.

- c. At the expiration of this contract, the Lessee shall notify the Director of Public Works, so that an inspection for release can be scheduled. This inspection shall include general clean-up, compliance with the reclamation plan, removal of all Lessees equipment and any other item felt a responsible element of any final inspection.
- d. All responsibilities and liabilities of the Lessee shall remain in effect until this lease contract file shall be closed. This includes cleanup of site and compliance with all contract items.
- e. The lease area may be used for the processing and storage of materials for operations and for the temporary location and operation of an asphalt batching plant, scales, crushers and other such equipment necessary to produce marketable materials products. Other material incidental to the production of asphalt or mineral products such as asphalt, fillers, or coagulants needed for the settlement ponds may be stored on the site, as needed. A temporary small one bay gravel equipment maintenance shop may also be allowed specifically for equipment used at the site.

Granite Creek is, in fact, a long term source of gravel and other mineral products. As such, it is not a contractor's storage yard area. Permanent or long term improvements such as garages and shops or other type buildings and uses shall NOT be allowed. Further, storage of materials not associated with operation/maintenance of the lease area shall NOT be allowed.

- f. Except for those portions of the operation which are associated with low noise levels such as maintenance of equipment, the Lessees operations shall be confined to the hours of 7:00 A.M. to 7:00 P.M. daily. The Municipality reserves the right to restrict operations on weekends and holidays.
 - g. If the Lessee is forced to end, restrict or curtail his operations due to State or Federal law or regulations or for any other cause over which the Municipality has no control, the Municipality shall have no liability, whatsoever.
- J. Lessee may not assign its rights under this lease or allow other parties to operate on the site without prior written approval of the Municipality.

Prior to the approval of any such sub-lease, the Municipality shall be provided with all the terms of the proposed assignment or agreement. If such terms are deemed inflationary or of such a type to be considered a total abandonment of further interest in the lease by the original party, the assignment may be denied.

- K. There is a grievance board established consisting of all material Lessees in the Granite Creek Quarry and the Municipal Director of Public Works to handle problems arising between Lessees in the area. This board shall attempt to reach agreement among all Lessees. Unsolvable disputes shall be brought before the Administrator and/or to the Assembly for final decision. (See Section IV, 9,a.)
- L. Maintenance of the main road, culverts and other such improvements providing access or available for common use by all Lessees shall be maintained by the Lessees at no expense to the Municipality.

- M. Maintenance of access roads within the lease area as well as ponding and drainage to limit leachates, sediment load and turbidity entering Granite Creek shall be maintained by the Lessee at no expense to the Municipality.
- N. Siltation of Granite Creek and associated tributaries is to be minimized. Therefore, no earthmoving will be allowed during heavy rains, and the Lessee will, at their own expense, provide all proper drainage and routine settlement ponds for permanent uses. This is covered in the Reclamation Plan, as attached.
- O. Lessee shall maintain regulatory compliance to include submit/update a Storm Water Pollution Prevention Plan (SWPPP) for all activities on site as required.
- P. The Lessee shall adhere to all State and local regulations regarding the storage and handling of explosives.

SECTION IV. LIABILITY AND INDEMNIFICATION

The Contractor shall indemnify CBS and hold it harmless from any and all claims, demands, suits, loss, liability and expense for injury to or death of persons and damage to or loss of property arising out of or connected with the exercise of privileges granted the Contractor by this Agreement, or arising out of any incident whatsoever which may occur on the lease site or commonly used facility. This includes but is not limited to damage to power lines, poles, and facilities, telephone lines and poles, survey monuments, roads, bridges and culverts, pollution and/or damage to water systems, or personal injury.

SECTION V. INSURANCE

- A. CBS shall be named as an additional insured on Contractor's Comprehensive Liability Insurance Policy.
- B. The Contractor shall carry Workers Compensation Insurance covering all employees and shall also carry \$1,000,000 general liability insurance, naming CBS as an additional insured, and take such measures as are reasonable to protect the general public from injury on the site.

SECTION VI. IMPROVEMENTS AND OCCUPANCY

- A. Any improvements or transportation facilities including crushers, mixing plants, buildings, bridges, roads or any other constructed by the Contractor in connection with this lease and within the lease area, shall be in accordance with plans approved by CBS. Improvement and facility safety (both design & operation) shall be the responsibility of the Contractor not CBS. Contractor agrees to follow all applicable safety codes and regulations.
- B. The Contractor shall, within sixty (60) days, after the expiration of termination date of this lease, remove all equipment and other personal property from the lease area.

SECTION VII. INSPECTION

- A. Authorized agents of CBS shall have access at all times to the lease area

- B. At all times, when construction or operations are in progress, the Contractor shall have a representative readily available at the site of operations who shall be authorized to receive on behalf of the Contractor, any notices and instructions given by authorized CBS personnel in regard to the performance under this contract, and to take such action thereon as is required by the terms of this contract.

SECTION VIII. TERMINATION AND SUSPENSION

- A. The lease may be terminated by CBS if the Contractor breaches the Agreement and fails to correct this breach within thirty (30) days after written notice is served upon the Contractor.
- B. Failure of the Contractor to take immediate action to correct unwarranted damage to natural resources may be corrected by CBS to prevent additional damage. Any cost incurred by CBS shall be paid by the Contractor.
- C. This lease may be terminated by mutual agreement of both parties on terms and conditions agreed upon, in writing by both parties.

SECTION IX. RESERVATIONS

- A. CBS reserves the right to utilize the site during the term of this lease.
- B. CBS reserves the right to permit other compatible uses, including the sale of materials on the lands near the lease area, provided that CBS determines that such uses will not unduly impair the Contractor's operations under this contract.

SECTION X. PERMITS

- A. Any permits necessary for operations under this Agreement shall be obtained by the Contractor prior to commencing such operations.
- B. All operations shall be in accordance with CBS Conditional Use Permit (attached to lease), as it now exists or modified in the future.

SECTION XI. PASSAGE OF TITLE

All rights, title and interest in or to any material included in this lease shall remain with CBS until it has been paid for, or removed from the site, provided however, that the right, title and interest in or to any material which has been paid for, but not removed from the sale area by the Contractor within the period of the lease or any extension thereof shall vest in CBS upon completion of the Agreement term.

SECTION XII. WARRANTIES

THIS AGREEMENT IS MADE WITHOUT ANY WARRANTIES BY CBS, EXPRESS OR IMPLIED, AS TO THE QUANTITY, QUALITY, MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR USE, CONCERNING THE MATERIAL TO BE EXTRACTED UNDER CONTRACT.

SECTION XIII. WAIVER

No agent, representative or employee of CBS has authority to waive any provision of this agreement unless expressly authorized to do so, in writing, by the Municipal Administrator.

SECTION XIII. AMENDMENT AND AUTHORITY

No amendment of this Agreement shall be effective as against CBS unless the Municipal Administrator executes a written amendment on behalf of the Assembly. Each person affixing his or her signature on this Agreement represents by such act that he or she has the legal authority to bind legally any organization or entity he or she purports to bind.

Larry Shinn d/b/a Aggregate Construction

Print Name: _____
Title: _____

STATE OF ALASKA)
) ss
FIRST JUDICIAL DISTRICT)

On this ____ day of _____, 2015, before me, a Notary Public in and for the State of Alaska, personally appeared _____, whose identity is personally known to me or proved to me on the basis of satisfactory evidence, and who states under oath by signing this document that he has the authority to sign the Purchase Agreement and does so freely and voluntarily.

Notary Public for Alaska
My Commission Expires: _____

CITY AND BOROUGH OF SITKA

Mark Gorman
Municipal Administrator

STATE OF ALASKA)
) ss
FIRST JUDICIAL DISTRICT)

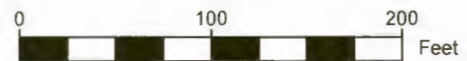
On the ____ day of _____, 2015, before me, a Notary Public in and for the State of Alaska, personally appeared Mark Gorman, Municipal Administrator of the City and Borough of Sitka, Alaska, a municipality organized under the laws of the State of Alaska, and by signing this document verifies that he has been authorized to execute this document on its behalf, and he signs freely and voluntarily.

Notary Public for Alaska
My Commission expires: _____



LEASE AREA 7

Approximately 100,700 S.F.



City and Borough of Sitka

DEPARTMENT OF PUBLIC WORKS

100 LINCOLN STREET • SITKA, ALASKA 99835

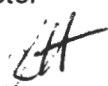
TEL (907) 747-1804 FAX (907) 747-3158

**GRANITE CREEK
LEASE AREA 7**

DRAWN: JJH	SCALE = 100'
CHECKED: D. Tadic	DATE: 12.22.2014
DRAWING NAME: LeaseArea7.dwg	
SHEET NO. 1 / 1	

Memorandum

TO: Dan Tadic, Municipal Engineer
Michael Harmon, Public Works Director

FROM: Randy Hughes, Assessing Director 

SUBJECT: Valuation of a proposed land lease identified as Granite Creek Lease Site #7, CBS Parcel 2-6004-000, and further described as a portion of Lot 1 Alaska State Land Survey 3670.

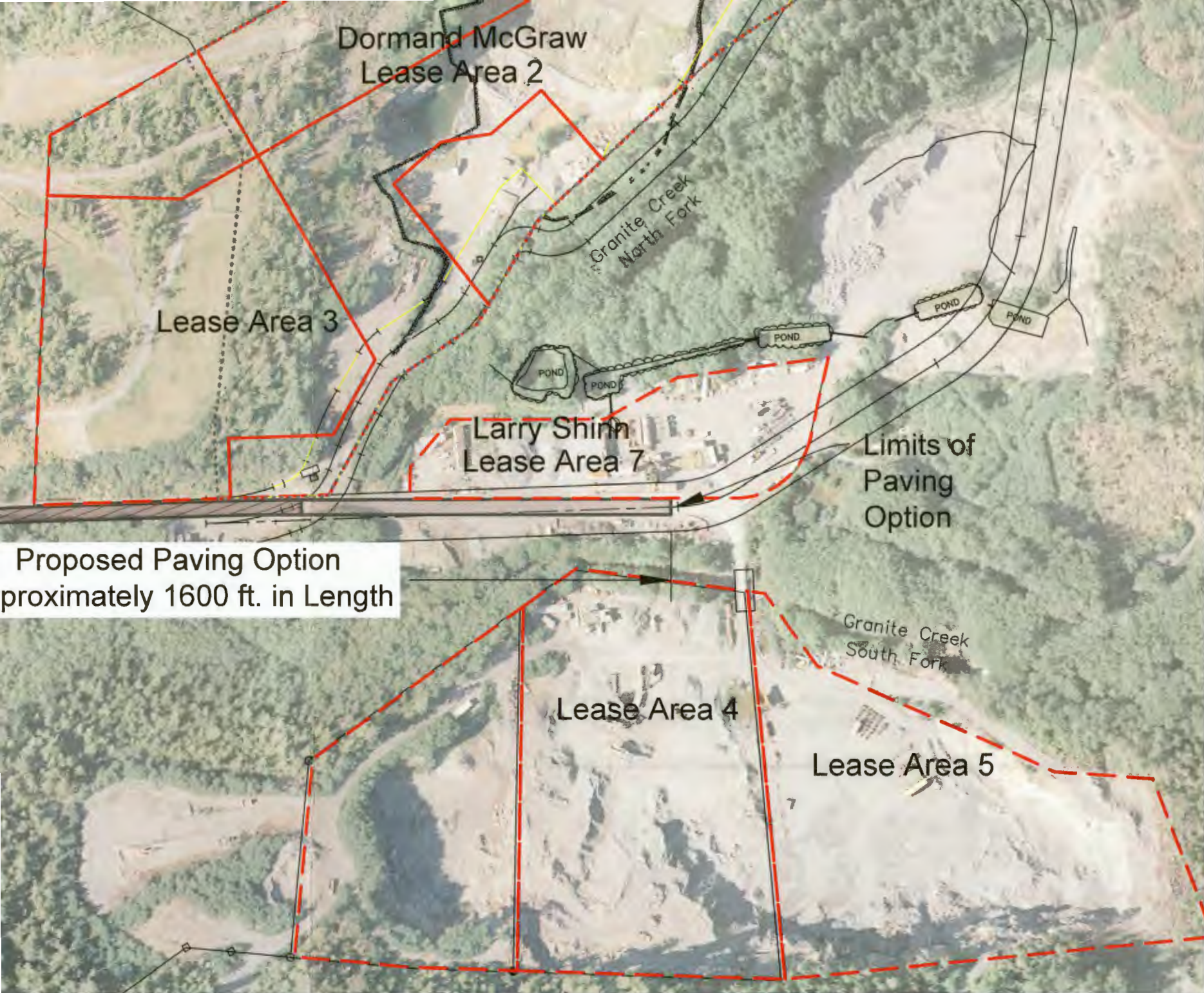
DATE: March 30, 2015

Per your request, I did review existing assessments of large parcels near the proposed lease site. These parcels are assessed at approximately \$3.00 per square foot.

The lease area proposed is 100,700 square feet, I would assess the land value to be \$302,100 (100,700 square feet X \$3.00 = \$302,100).

The annual rent would be \$27,189 (\$302,100 X .09 = \$27,189).

The monthly rent would be \$2,265.75 (\$27,189 / 12 = \$2,265.75).



1000' 4" Thick



City and Borough of Sitka

Lease Area 7

DRAWN: JJH SCALE: 1" = 200'



Legislation Details

File #: ORD 15-14 Version: 1 Name:

Type: Ordinance Status: FIRST READING

File created: 3/4/2015 In control: City and Borough Assembly

On agenda: 3/24/2015 Final action:

Title: Proposing to clarify the SGC by Amending Title 10 Public Safety and Morals, under Chapter 10.88 Firearms at Section 10.88.020 Prohibitions, Title 13 Port and Harbors, under Chapter 13.13 at Section 13.13.025 Emission of Soot from an Oil Stove In a Vessel, Title 4 Streets and Sidewalks, under Chapter 14.04, at Section 14.04.020 Ice and Snow Removal, Title 15 Public Utilities, under Chapter 15.05 Water System at Section 15.05.400 Cross-Connections, Title 18 Property Acquisition and Disposal, under Chapter 18.08 Personal Property Acquisition and Disposal at Sections 18.04.010 (I) Personal Property Definition and Title 18 Footnote 2 to Correct Statute References, Title 19 Building and Construction, under Chapter 19.01 Building Code at Section 19.01.013 Adoption of Excavation and Grading Standards, Section 19.01.020 Building Permit Fees, Section 19.08.040 Definition of Islands, Title 22 Zoning, Chapter 22.08 Definitions at Section 22.08.585 Manufactured Home, and Section 22.08.590 Mobile Home

Sponsors:

Indexes:

Code sections:

Attachments: [ORD 15-14 Clarifying Code](#)

Date	Ver.	Action By	Action	Result
3/24/2015	1	City and Borough Assembly		

This matter is part of your consent agenda, if discussion is desired the item should be pulled and a motion made.

POSSIBLE MOTION

I MOVE TO approve Ordinance 2015-14 on first reading.


Note: This ordinance title changed and was actually mis-numbered at the last meeting so it is back before you for first reading.



City & Borough of Sitka
Municipal Clerk's Office
100 Lincoln Street, Sitka AK 99835
Telephone: 907-747-1811 Fax: 907-747-4004



Memorandum

To: Mayor and Assembly
From: Municipal Clerk Colleen Ingman 
Date: March 18, 2015
Subject: **Ordinances resulting from Legal Analysis**

In September of 2014, CBS contracted with Code Publishing to complete a legal analysis of our code. Their attorney recommended items that they felt needed immediate action to bring the code into legal compliance and, where possible, has recommended amending language for this purpose.

We considered doing a single "clean-up" ordinance but quickly learned that one clean up ordinance that addressed all the recommendations would be extremely bulky and difficult to follow. It is still our intent to bring forward as few ordinances as possible, but at the same time keep the amendments concise enough that they can be easily understood. We will combine amendments whenever possible.

The attached is an ordinance that resulted from the legal analysis and has been shared with the impacted departments, which have approved that it be moved forward.

Please see the purpose section of the ordinance for clarification.

It is my intent to have all clarifying ordinances passed by the final meeting in April. I have placed them on the Consent Agenda for first reading as the majority will be fairly straight forward, plus we are not required to take public testimony until second reading.

Attachment: Ordinance: 2015-14, 15, 16, 18, 19 & 20

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-14

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA PROPOSING TO CLARIFY AND UPDATE THE SITKA GENERAL CODE BY AMENDING TITLE 10 PUBLIC PEACE SAFETY AND MORALS, UNDER CHAPTER 10.88 FIREARMS AT SECTION 10.88.020 PROHIBITIONS, TITLE 13 PORT AND HARBORS UNDER CHAPTER 13.13 AT SECTION 13.13.025 EMISSION OF SOOT FROM AN OIL STOVE IN A VESSEL, TITLE 14 STREETS AND SIDEWALKS, UNDER CHAPTER 14.04 AT SECTION 14.04.020 ICE AND SNOW REMOVAL, TITLE 15 PUBLIC UTILITIES, UNDER CHAPTER 15.05 WATER SYSTEM AT SECTION 15.05.400 CROSS-CONNECTIONS, TITLE 18 PROPERTY ACQUISITION AND DISPOSAL, UNDER CHAPTER 18.08 PERSONAL PROPERTY ACQUISITION AND DISPOSAL AT SECTIONS 18.08.020 A. PERSONAL PROPERTY DEFINITION AND FOOTNOTE 2 TO CORRECT STATUTE REFERENCES, TITLE 19 BUILDING AND CONSTRUCTION, UNDER CHAPTER 19.01 BUILDING CODE AT SECTIONS 19.01.013 ADOPTION OF EXCAVATION AND GRADING STANDARDS, SECTION 19.01.020 PERMITS FEES, SECTION 19.08.040 DEFINITION OF "ISLANDS," TITLE 21 SUBDIVISION CODE UNDER CHAPTER 21.08 DEFINITIONS AT SECTIONS 21.08.050 "E". B., TITLE 22 ZONING, UNDER CHAPTER 22.08 DEFINITIONS AT SECTION 22.08.585 MANUFACTURED HOME, AND SECTION 22.08.590 MOBILE HOME

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 to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstances shall not be affected.

3. PURPOSE. As found in Alaska Statute 29.25.050, the municipal clerk is responsible for ensuring that the municipal code is kept current. Sitka's municipal clerk sought legal analysis from Code Publishing Company for a review of the Sitka General Code for state and federal constitutional issues and apparent conflicts. These clarifying changes to these Code sections are derived from that review and further analysis.

In Title 10, Alaska Statute references are corrected to current law.

In Title 13, since the punishment for soot emission from a vessel's oil stove is a fine and not arrest, bail is not a consideration. The final sentence in Section 13.13.025 is corrected to read that the offense is a nuisance.

In Title 14, it is clarified that each property owner is responsible to clear the sidewalks adjacent to their property and not all sidewalks.

In Title 15, the correct edition on cross-connection technology is adopted as the superseded edition.

In Title 18, Alaska Statute references are corrected to current law.

In Title 19, the abbreviation "UBC" is spelled-out. The Building Permit Fee schedule shows the correctly intended beginning valuation for each increment. The spelling of Cape Burunof is corrected.

In Title 21, Alaska Statute references are corrected to current law.

In Title 22, the correct metric conversions are applied.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the following sections of the Sitka General Code are hereby amended to read as follows:

**Title 10
PUBLIC PEACE, SAFETY AND MORALS**

**Chapter
10.88 FIREARMS**

Section
10.88.020 Prohibitions.

It is unlawful for any person to:

A. **It is unlawful for any person to discharge any firearm within the boundaries of the central business district, waterfront district, hospitals, any public school premises, including adjacent parking lots, in or around a child care facility, in a courthouse, court room, or office of the court system or justice related agencies, in domestic violence or sexual assault shelters and the City Hall and Harrigan Centennial Building and their parking lots;**

B. **It is unlawful for any person to intentionally point or aim any firearm, loaded or otherwise, at any person;**

C. ~~Carry a concealed firearm on his/her person except with a permit issued under AS 18.65.700 et seq.;~~

The municipality may not restrict the carrying of a concealed handgun by permit under AS 18.65.700 – 18.65.790. There is no prohibition against carrying a concealed weapon so long as the prohibited behaviors regarding the carry are respected:

- **The person is 21 years or older.**
- **The person is eligible to own or possess a handgun under state and federal laws**
- **The firearm is legal.**

- 88 • Upon contact with a peace officer, the person immediately informs the officer
89 about the weapon, and allows the officer to secure the weapon for the
90 duration of the contact.
- 91 • The person does not carry the weapon if they are intoxicated or impaired by
92 alcohol or controlled substances
- 93 • The person does not carry the concealed weapon in certain places:
 - 94 ○ In someone else's home without their specific knowledge and
95 permission
 - 96 ○ In any place where intoxicating liquor is sold for on-site consumption,
97 except a restaurant and the person does not consume alcoholic
98 beverages
 - 99 ○ In or around any public or private K-12 school or on a school bus
100 without the knowledge and consent of the school's administrator
101 (weapons may be unloaded and locked in the trunk of a car or secured
102 in a locked container).
 - 103 ○ In or around a child care facility (weapons may be unloaded and locked
104 in the trunk of a car or secured in a locked container).
 - 105 ○ In a courthouse, court room, or office of the court system or justice
106 related agencies,
 - 107 ○ In domestic violence or sexual assault shelters.

108 Alaska's laws do not apply to federal property, offices, installations, or places under
109 federal jurisdiction. Such places can include national parks, military bases, federal
110 court buildings, space rented by federal offices, airports, or airport terminal areas.
111 Please consult with the appropriate federal agency before deciding if weapon carry
112 or concealed carry is permitted.

113 The owners or management of facilities, including such places as hospitals,
114 universities, gymnasiums, or private property, may restrict or deny concealed carry
115 on their premises. Failure to comply while on their property could violate trespass
116 statutes.

117 ~~D.— Carry a loaded firearm within the boundaries of the central business district,~~
118 ~~waterfront district, hospitals, any public school premises, including adjacent parking lots,~~
119 ~~and the City Hall and Centennial Building and their parking lots except under such permit~~
120 ~~as described in subsection C of this section.~~

121 ~~E. D. The prohibitions stated in this section shall not apply to sworn peace officers or a~~
122 ~~person in premises owned or leased by that person and applicable defenses such as self~~
123 ~~defense self-defense or defense of others should apply.~~

125 Title 13
126 PORT AND HARBORS

127 * * *

128 Chapter 13.13
129 Nuisances

130 * * *

131
132
133 Section

134 **13.13.025 Emission of soot from an oil stove in a vessel.**

135 Each owner and operator of a vessel in the harbor system shall take all
136 reasonable measures to prevent the emission of soot from oil stoves. If a
137 vessel's oil stove emits soot that settles onto or touches another vessel, the
138 owner or operator of the vessel from which the soot came shall face a
139 correctional citation, and if not corrected shall pay the fine imposed in
140 Section [13.12.050](#)(D). ~~The first and second offenses shall be bailable. A~~
141 ~~person cited for a~~ Third offense of emission of soot from an oil stove shall be
142 declared a nuisance.

143 * * *

144
145 Title 14
146 STREETS AND SIDEWALKS

147 * * *

148 Chapter 14.04
149 ICE AND SNOW REMOVAL

150 * * *

151
152 Section

153 **14.04.020 Ice and snow removal.**

154
155 **All property owners are responsible for keeping the portions of**
156 **sidewalks or public thoroughfares that are adjacent to their property**
157 **free of snow and ice and clear of all other obstructions or menaces**
158 **dangerous to life or limb.** ~~All property owners owning property abutting any~~
159 ~~sidewalk or public thoroughfare shall keep the sidewalk or thoroughfare free~~
160 ~~of snow and ice and all other obstructions or menaces dangerous to life or~~
161 ~~limb.~~ A reasonable time after snowfall shall be allowed to remove the snow.

162 * * *

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165 Title 15
166 PUBLIC UTILITIES

167 * * *

168 Chapter 15.05
169 WATER SYSTEM

170 * * *

171
172

173 Section
174 **15.05.400 Cross-connections.**
175 B. Use of Backflow Prevention Devices.
176 5. The policies, procedures, and criteria for determining appropriate
177 levels of protection shall be in accordance with the "Accepted Procedure
178 and Practice in Cross-Connection Control Manual—Pacific Northwest
179 Section—American Waterworks Association," **Seventh** ~~Third~~ Edition," or
180 any superseding edition."
181 * * *

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183
184 **Title 18**
185 **PROPERTY ACQUISITION AND DISPOSAL**

186 * * *
187
188 **Chapter 18.08**
189 **PERSONAL PROPERTY ACQUISITION AND DISPOSAL**
190 * * *

191 Section
192 **18.08.20 Disposal.**
193 A. "Personal property" means only tangible personal property and that
194 property which is not land or permanently attached to land and more
195 particularly as defined in **AS 29.71.800 (16)**. A.S. ~~29.78.010 (10)~~.
196

197 * * *
198
199 **TITLE 18 FOOTNOTES**

200 **2** For the statutory provisions regarding eminent domain powers of home
201 rule municipalities, see AS **29.35.030** ~~29.73.020~~ and **9.55.250 – 9.55.460**.
202 ~~9.55.250 § 9.55.460~~.

203 * * *
204
205 **Title 19**
206 **BUILDING AND CONSTRUCTION**
207 **Chapter 19.01**
208 **BUILDING CODE**
209 * * *

210 Section
211 **19.01.013 Adoption of excavation and grading standards.**
212 1997 **Uniform Building Code (UBC)** UBC Appendix Chapter 33, Excavation
213 and Grading, as modified by the published building department policy, is
214 adopted and included in the building code by reference.

215 Section
216 **19.01.020 Permit fees.**

BUILDING PERMIT FEE SCHEDULE FOR R-3 AND U OCCUPANCIES

TOTAL VALUATION	FEE
\$1.00 to \$2,000.00	\$46.35
\$2,000.01 \$2,001.00 to \$25,000.00	\$46.35 for the first \$2,000.00 plus \$9.27 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,000.01 \$25,001.00 to \$50,000.00	\$259.56 for the first \$25,000.00 plus \$6.70 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,000.01 \$50,001.00 to \$100,000.00	\$426.94 for the first \$50,000.00 plus \$4.64 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,000.01 \$100,001.00 to \$500,000.00	\$658.69 for the first \$100,000.00 plus \$3.61 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,000.01 \$500,001.00 to \$1,000,000.00	\$2,100.69 for the first \$500,000.00 plus \$3.10 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,000.01 \$1,000,001.00 and up	\$3,645.69 for the first \$1,000,000.00 plus \$2.10 for each additional \$1,000.00 or fraction thereof

**Chapter 19.08
CODE APPLICABILITY**

Section

19.08.040 Definition of "islands" for purposes of this title and Title 22.

For purposes of this title and Title 22, the definition of "islands" will be the islands in Sitka Sound from the Siginaka Islands to Cape Burunof ~~Buronef~~ which are not on the Sitka road system.

**Title 21
SUBDIVISION CODE**

**Chapter 21.08
DEFINITIONS**

Section

21.08.050 "E".

B. "Engineer" means a registered, professional, civil engineer authorized to practice engineering in the state of Alaska. Engineers perform the consultation, investigation, evaluation, planning, design, and inspection of private and public works, structures, or projects. Unless also qualified as a surveyor, an engineer may not engage in the preparation of subdivisions. (Cross reference: AS 08.48.291, ~~AS 08.48.291(8)~~).

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Title 22
ZONING

Chapter 22.08
DEFINITIONS

Section

22.08.585 Manufactured home.

“Manufactured home” means a structure constructed on or after June 15, 1976, according to the United States Department of Housing and Urban Development (“HUD”) standards, transportable in one or more sections which, in the traveling mode is eight feet **(two thousand, four hundred thirty-eight millimeters)** ~~(two thousand one hundred thirty-eight millimeters)~~ or more in width or

Section

22.08.590 Mobile home.

“Mobile home” means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight feet **(two thousand, four hundred thirty-eight millimeters)** ~~(two thousand one hundred thirty-eight millimeters))~~ or more in width or

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 28th day of April, 2015.

Mim McConnell, Mayor

ATTEST:

Colleen Ingman, MMC
Municipal Clerk

2015-19

48.	10.84.049 Access of persons under the age of twenty-one to licensed premises. Subsection (C)(3) refers to the Alaska Department of Labor. Its current name is the Alaska Department of Labor and Workforce Development. Recommendation: Shall we update the name?	Action ✓
49.	10.84.050 Possession or consumption by persons under the age of twenty-one. Subsection (K)(1) of this section refers to AS 28.40.100. That section has been renumbered to AS 28.90.990. Recommendation: Shall we update the reference?	✓
50.	10.88.020 Prohibitions. Subsection (C) refers to AS 1865.700. This is a typographical error for AS 18.65.700. Recommendation: Shall we correct the reference?	✓

ORD
2015-19

10-88.020 Prohibited } 2015-14
 C: person conceal
 conflict w/ state

Sitka General Code Legal Review

	Title 14, Streets and Sidewalks	Action
64.	<p>14.04.020 Ice and snow removal. This section requires “All property owners owning property abutting any sidewalk or public thoroughfare” to “keep the sidewalk or thoroughfare free of snow and ice.” As worded, this makes each property owner individually liable for the entire sidewalk/thoroughfare no matter its length or how little or much of the property abuts it.</p> <p>Recommendation: If this is unintended, the City and Borough should amend this section by ordinance to change “the sidewalk or thoroughfare” to “the section of sidewalk or thoroughfare adjacent to the property” or similar language.</p>	○
65.	<p>14.12.010 Erection of signs along municipal streets, highways, and sidewalks. Subsection (C) of this section refers to a sign that is “safety constructed.” This appears to be a typo for “safely constructed.”</p> <p>Recommendation: Shall we change “safety” to “safely”?</p>	✓
69.	<p>15.05.400 Cross-connections. Subsections (A) and (B)(5) use a standard of <i>Accepted Procedure and Practice in Cross Connection Control, Third Edition</i>, “or any superseding edition.” ((A) refers to the “latest edition.”) From a legal standpoint, there is no superseding edition until the City and Borough adopts it, so the <i>Third Edition</i> continues to control Sitka cross-connection policies. The most recent edition of the publication is the <i>Seventh Edition</i>.</p> <p>Recommendation: If the City and Borough wishes to adopt the Seventh Edition, it should adopt it specifically with an ordinance.</p>	○

Sitka General Code Legal Review

	Title 18, Property Acquisition and Disposal	Action
73.	<p>18.04.010 Definitions. Subsections (E), (G), and (H) reference specific NOAA data.</p> <p>Recommendation: If these have changed since 1983, the City and Borough should amend this section by ordinance either to update the data (with a need to update it whenever it changes) or to delete specific references to data (so that this section does not need updating).</p>	—
74.	<p>Subsection (I) refers to AS 29.78.010 (10). That section has been repealed; current State definition of “personal property” is in AS 29.71.800(16).</p> <p>Recommendation: Referring to this new law requires <u>an amending</u> ordinance.</p>	○
75.	<p>Footnote 2. This footnote refers to AS 29.73.020 regarding eminent domain. That section has been repealed; current law on the subject is at AS 29.35.030.</p> <p>Recommendation: Referencing this new law requires an amending ordinance.</p>	○

62. **13.13.025 Emission of soot from an oil stove in a vessel.** This section states that the first two offenses of soot emission are "bailable," although the only punishment listed is a fine and arrest is not contemplated. It is therefore unclear how these offenses are bailable.
Recommendation: If the City and Borough wishes to clarify, it should amend this section by ordinance.

O
P+H
D/H

... that "A person cited for a third offense of emission of

78.	<p>19.01.013 Adoption of excavation and grading standards. This section refers to the UBC. As nothing else in the chapter refers to the Uniform Building Code, a housekeeping ordinance should amend this section from “UBC” to “Uniform Building Code” for clarity.</p> <p>Recommendation: No action is required, but the City and Borough should amend for clarity at some point.</p>	○
81.	<p>19.01.020 Permit fees. This section refers to International Building Code Section 108.2, Fees. This appears to be a typographical error for Section 109.2, Schedule of Permit Fees. If the City and Borough confirms this as an error, we can correct it.</p> <p>Recommendation: Shall we correct the reference?</p>	○
89.	<p>19.08.640 Definition of “Islands” for purposes of this title and Title 22. This section refers to Cape Burunof.</p> <p>Recommendation: Shall we correct this name to Cape Burunof?</p>	○
92.	<p>21.08.050 “E.” Subsection (B) refers to AS 08.48.291(8). 08.48.291 exists, but it has no subsections; it is unclear where this citation is meant to point.</p> <p>Recommendation: If the City and Borough confirms what this was intended to say, we can correct it; otherwise, an ordinance should amend this section as necessary.</p>	○

Sitka General Code Legal Review

	Title 22, Zoning	Action
96.	<p>22.08.585 Manufactured home. This section defines manufactured home in part by its traveling width: minimum “eight feet (two thousand one hundred thirty-eight millimeters).” Eight feet is just over 2,438 millimeters; seven feet is just under 2,134 millimeters. If the City and Borough confirms the foot or the millimeter measurement as a typographical error, we can correct it.</p> <p>Recommendation: Shall we correct this section?</p>	○
97.	<p>22.08.590 Mobile home. Regarding the definition in this section, see comment for 22.08.585.</p> <p>Recommendation: Shall we correct this section?</p>	○



Legislation Details

File #: ORD 15-15 Version: 1 Name:

Type: Ordinance Status: FIRST READING

File created: 3/17/2015 In control: City and Borough Assembly

On agenda: 4/14/2015 Final action:

Title: Proposing to clarify the Sitka General Code by Amending Title 1 General Provisions, at Sections 1.01.010 Adoption, and 1.01.030 Codification Authority to update Alaska Statute References, Amending Title 2, at Sections 2.04.010 Agenda Testimony Time, 2.04.170, Assembly Meeting Time, 02.12.010 Clarifying Physician Members on Hospital Board, 2.40.100 Acceptance of Nomination, 2.40.290 Election Supplies and Equipment, 2.40.300 Instructions to Voters, 2.40.410 Preservation of Ballot After Counting, Title 3, Procurement at Sections 3.16.030 Open Market Procedures, 3.16.060 Exceptions to Competitive Bidding Requirements, 3.16.080 Procurement Monitoring, Title 4, Revenue and Finance in Sections 4.26.165 (A) and 4.26.165 (E) to clarify Alaska Appellate Court Name, in Section 4.28.040 (C) to update the best practices recommendation, in Section 4.44a.010 (B) to remove an incorrectly placed word, and Title 6, Section 6.19.030 (E) Commercial Operations Permit to clarify fee expense

Sponsors:

Indexes:

Code sections:

Attachments: [ORD 15-15 Clarifying Code](#)

Date	Ver.	Action By	Action	Result
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If this item should be pulled from the consent agenda the following motion would be in order.

POSSIBLE MOTION

I MOVE TO approve Ordinance 2015-15 on first reading.



City & Borough of Sitka
Municipal Clerk's Office
100 Lincoln Street, Sitka AK 99835
Telephone: 907-747-1811 Fax: 907-747-4004



Memorandum

To: Mayor and Assembly
From: Municipal Clerk Colleen Ingman
Date: March 18, 2015
Subject: **Ordinances resulting from Legal Analysis**

In September of 2014, CBS contracted with Code Publishing to complete a legal analysis of our code. Their attorney recommended items that they felt needed immediate action to bring the code into legal compliance and, where possible, has recommended amending language for this purpose.

We considered doing a single "clean-up" ordinance but quickly learned that one clean up ordinance that addressed all the recommendations would be extremely bulky and difficult to follow. It is still our intent to bring forward as few ordinances as possible, but at the same time keep the amendments concise enough that they can be easily understood. We will combine amendments whenever possible.

The attached is an ordinance that resulted from the legal analysis and has been shared with the impacted departments, which have approved that it be moved forward.

Please see the purpose section of the ordinance for clarification.

It is my intent to have all clarifying ordinances passed by the final meeting in April. I have placed them on the Consent Agenda for first reading as the majority will be fairly straight forward, plus we are not required to take public testimony until second reading.

Attachment: Ordinance: 2015-14, 15, 16, 18, 19 & 20

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-15

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA
PROPOSING TO CLARIFY THE SITKA GENERAL CODE BY AMENDING TITLE 1
GENERAL PROVISIONS, AT SECTIONS 1.01.010 ADOPTION AND 1.01.030 CODIFICATION
AUTHORITY TO UPDATE ALASKA STATUTE REFERENCES, AMENDING TITLE 2, AT
SECTIONS 2.04.010 AGENDA TESTIMONY TIME, 2.04.170, ASSEMBLY MEETING TIME,
02.12.010 CLARIFYING PHYSICIAN MEMBERS ON HOSPITAL BOARD, 2.40.100
ACCEPTANCE OF NOMINATION, 2.40.290 ELECTION SUPPLIES AND EQUIPMENT,
2.40.300 INSTRUCTIONS TO VOTERS, 2.40.410 PRESERVATION OF BALLOT AFTER
COUNTING, AMENDING TITLE 3 PROCUREMENT, AT SECTIONS 3.16.030 OPEN MARKET
PROCEDURES, 3.16.060 EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENTS,
3.16.080 PROCUREMENT MONITORING, AMENDING TITLE 4, REVENUE AND FINANCE
AT SECTIONS 4.26.165 (A) AND 4.26.165 (E) TO CLARIFY ALASKA APPELLATE COURT
NAME, IN SECTION 4.28.040 (C) TO UPDATE THE BEST PRACTICES
RECOMMENDATION, IN SECTION 4.44A.010 (B) TO REMOVE AN INCORRECTLY PLACED
WORD, AND AMENDING TITLE 6 BUSINESS LICENSE AND REGULATIONS AT SECTION
6.19.030 (E) COMMERCIAL OPERATIONS PERMIT TO CLARIFY FEE EXPENSE

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 to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstances shall not be affected.

3. **PURPOSE.** As found in Alaska Statute 29.25.050, the municipal clerk is responsible for ensuring that the municipal code is kept current. Sitka's municipal clerk sought legal analysis from Code Publishing Company for a review of the Sitka General Code for state and federal constitutional issues and apparent conflicts. These clarifying changes to these Code sections are derived from that review and further analysis.

In Title 1, when the City and Borough of Sitka became incorporated as a municipality, Alaska Statutes required codification of all municipal ordinances. At that time, the Alaska Statute requirement was found under AS 29.48.180. The current law on code adoption is AS 29.25.050. This change will bring current those sections of the Sitka General Code.

In Title 2, Section 2.04.010 clarifies meaning of public testimony time in an Assembly meeting. Section 2.04.170 reflects the correct start time for assembly meetings already shown in Section 2.04.020. Section 02.12.010 clarifies that the hospital board is not restricted to only one physician member. Section 2.40.100 correctly names the candidate form. Section 2.40.290 (B) reflects current practice of seals rather than lock and key. Section 2.40.300 (B)(6) clarifies correct ballot marking procedure, (B)(9) names the correct voting system, and

47 (B)(12) removed language from old-style balloting. Section 2.40.410 indicates that the container
48 may not necessarily be a box.

49 In Title 3, the abbreviation "CBS" is used departmentally to refer to "the City and
50 Borough of Sitka," however, is used nationally as acronyms for other purposes. Changing the
51 references in 3.16.030 and 3.16.080 clarifies its usage here. The parenthetical used in 3.16.060
52 (J)(3)(c) inaccurately named only one piece of software when it was intended to refer to the
53 broader systems available on the open market.

54 In Title 4, an aggrieved person may pursue remedy for their claim up through the
55 superior court; sections 4.26.165 (A) and (E) give conflicting names for that court of appeals.
56 This corrects that court name, making the process clearer to the public. Government Finance
57 Officers Association updated its best practices recommendation in February 2008; Section
58 4.28.040 reflects the name of that more current recommended practice. Section 4.44A.010 (B)
59 incorrectly inserted the word "overnight" in reference to repurchase agreements, as the defining
60 section 4.28.060 (A)(4) does not specify nor discuss an overnight stipulation.

61 In Title 6, the amendment for Section 6.19.030 clarifies that the permit required for
62 commercial operations involving organized excursions on tendering facilities or adjoining
63 parking lots owned or operated by the municipality carries a nonrefundable application fee of
64 \$400 and not two such fees, as might be construed by subsection wording in (D) and (E).

65
66 4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the
67 City and Borough of Sitka that the following sections of the Sitka General Code are hereby
68 amended to clarify: Sections 1.01.010 and 1.01.030, Sections 2.04.010 (A)(7) and (A)(12),
69 Section 2.04.170, Section 2.12.010, Section 2.40.100, Section 2.40.290 subsection (B)'s last
70 item, Section 2.40.300 subsections (B)(6), (9), and (12), Section 2.40.410, Section 3.16.030 (C),
71 Section 3.16.060 (J)(3)(c), Section 3.16.080, Section 4.26.165 subsections (A) and (E), Section
72 4.28.040 (C), Section 4.44A.010 (B), and Section 6.19.030 (E), to read as follows:

73 **Title 1**
74 **GENERAL PROVISIONS**

75 Chapter:

76 1.01 Code Adoption

77
78 **1.01.010 Adoption.**

79 As authorized by Section 29.25.050 ~~29.48.180~~ of the Alaska Statutes, there is
80 hereby adopted the "Sitka General Code."

81 * * *

82
83 **1.01.030 Codification authority.**

84 This code consists of all the regulatory and penal ordinances and certain of the
85 administrative ordinances of the City and Borough of Sitka, Alaska, codified
86 pursuant to the provisions of Section 29.25.050 ~~29.48.180~~ of the Alaska Statutes.

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**Title 2
ADMINISTRATION**

Section:
2.04 City and Borough Assembly

2.04.010 Agenda.

A. At all regular meetings, the order of business shall be:

* * *

7. Public participation on any item off the agenda. Public testimony is not to exceed three minutes per individual, unless the mayor imposes other time constraints at the beginning of the agenda item; Persons to be heard on any matter not on the agenda (not to exceed three minutes);

* * *

12. Public participation on any item on or off the agenda. Not to exceed 3 minutes per individual; Persons to be heard on any matter (not to exceed three minutes);

* * *

2.04.170 Regular meetings.

Regular meetings of the assembly shall be held at six seven p.m. in the appointed

* * *

~~* Code reviser's note: Regular meetings of the assembly are to be held at six p.m. pursuant to Ordinance 09-50's amendment of Section 2.04.020.~~

* * *

2.12 City and Borough of Sitka Hospital Board

Section 2.12.010 City and borough of Sitka hospital board.

There shall be a board ... which shall consist of nine members: seven regular members, **at least** one of whom shall be a physician

* * *

2.40 Elections

2.40.100 Acceptance of Nomination.

...unless it is accompanied by a **Public Official Financial Disclosure** ~~conflict of interest~~ statement of the candidate

* * *

2.40.290 Election supplies and equipment.

B. The municipal clerk shall prepare and furnish: ...

Suitable and sufficient numbers of ballot boxes **with seals** ~~with padlock and keys~~

* * *

2.40.300 Instructions to voters.

* * *

- B. The printed instructions to voters shall include at least the following information.
 - 6. To vote for a candidate, fill in the oval next to the right of the name on the ballot. In order to vote for a write-in candidate, write in the candidate's name in the space provided, and, in addition, mark the oval next to the written-in name.
 - 9. After leaving the booth, insert the ballot into the optical scan voting ballot scanning system.
 - 12. ~~If two or more ballots are found folded together in the ballot box, neither will be counted.~~ You will not be allowed to vote any ballot except the one

* * *

2.40.410 Preservation of ballot after counting.

- A. Hand-counted ballots. It shall be the duty Unopened questioned ballots will also be placed in the ballot container ~~box~~ to be removed.... and write thereon ... election held on __ day of _____, 20___. 19__

**Title 3
PROCUREMENT**

3.16 Procurement Policy

3.16.030 Open market procedures.

- C. All purchases less than twenty-five thousand dollars shall be made on the open market with such competition as is reasonable and practical in the circumstances as long as by doing so, does not interfere with the ability of the City and Borough of Sitka ~~GBS~~ to receive grants and other funding sources. It is the city and borough of Sitka's intent to promote local purchases whenever the availability, quality, price and delivery is:....

* * *

3.16.060 Exceptions to competitive bidding requirements:

- J. Sole-Source Procurement
 - 3. Contracts for electronic data processing ... shall be by professional services contract; provided, however:
 - c. Software and systems readily available to the open market (e.g. computer operating systems) (i.e. ~~Windows 95~~) are not subject to this exception. Competition will be sought to the maximum extent practicable.

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3.16.080 Procurement monitoring.

The City and Borough of Sitka ~~GBS~~ purchases covered under this chapter will be tracked by zip code and a local purchase report included in quarterly financial reports to the assembly.

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**Title 4
REVENUE AND FINANCE**

4.26 Excise Tax on Cigarettes and Tobacco Products

4.26.165 Taxpayer, licensee, cardholder, or other person remedies.

A. Any person aggrieved by any action of the department ...may appeal to the superior court of the first judicial district in accordance with the **Alaska Rules of Appellate Procedure** ~~Alaska Appellate Court Rules~~. The person

* * *

E. Taxes, license fees, penalties and interest declared to be due in the final administrative decision must be paid within thirty days after the date of the decision, or a bond must be filed with the court in accordance with **Alaska Rules of Appellate Procedure** ~~Alaska Court Rules of Appellate Procedure~~.

* * *

4.28 Investment Policy

4.28.040 Reporting.

* * *

C. Marking to Market. The market value of the portfolio shall be calculated at least semi-annually and a statement of the market value of the portfolio shall be issued at least semi-annually. This will ensure that review of the investment portfolio, in terms of value and price volatility, has been performed consistent with the Government Finance Officers Association (GFOA) Recommended Practice on **“Mark-to-Market Reporting for Public Investment Portfolios”** ~~“Mark to Market Practices for State and Local Government Investment Portfolios and Investment Pools.”~~ In defining market value, considerations should be given to the GASB Statement 31 or later pronouncements.

* * *

4.44A Southeast Economic Development Fund

4.44A.010 Required levels of cash on hand.

* * *

B. For purposes of this chapter, cash and cash equivalents shall be defined as cash held in demand deposits, ~~overnight~~ repurchase agreements as defined by Section 4.28.060(A)(4), money market mutual funds as defined by Section 4.28.060(A)(5), certificates of deposit as defined by Section 4.28.060(A)(2), and local government investment pools per Section 4.28.060(A)(6).

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**Title 6
BUSINESS LICENSES AND REGULATIONS**

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6.19 Regular of Commercial Operators Selling Organized Excursions or Renting Equipment for Organized Excursions

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6.19.030 Permit required for commercial operations involving organized excursions when such operations occur in certain areas.

D. Fees. Each applicant for a permit issued under this chapter shall pay a nonrefundable application fee of four hundred dollars each year....

E. Application. A person or company seeking a permit shall file a written application on a form provided by the city and borough. ~~and pay an initial application fee of four hundred dollars.~~ The application shall contain the following information: ...

* * *

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 14th day of April, 2015.

Matt Hunter, Deputy Mayor

ATTEST:

Colleen Ingman, MMC
Municipal Clerk

Sitka, Alaska

Legal Review of General Code

	Title 1, General Provisions	Action
1.	1.01.010 Adoption. This section refers to AS 29.48.180. That section no longer exists; the current law on code adoption is AS 29.25.050. Recommendation: Referring to this new law requires an ordinance.	○
2.	1.01.030 Codification authority. See comment for 1.01.010.	○

	Title 2, Administration	Action
7.	<p>2.04.010 Agenda. Subsection (A)(7) allows speaking by “Persons to be heard on any matter not on the agenda (not to exceed three minutes).” Subsection (A)(8) specifies that its items are “not to exceed three minutes per report.” The implication is that, since (A)(7) does not say “(not to exceed three minutes per person),” all persons to be heard under (A)(7) must combine to take no more than three minutes.</p> <p>Recommendation: If the intention is for each person under (A)(7) to get three minutes, an ordinance should amend this section to say so. Otherwise, no action is required.</p>	○
8.	<p>2.04.170 Regular meetings. This section includes a code reviser’s note explaining meeting time discrepancy from Section 2.04.020.</p> <p>Recommendation: This section should be amended by ordinance to permanently fix the discrepancy.</p>	○

10.	<p>2.12.010 City and borough of Sitka hospital board. This section establishes that the hospital board has “seven regular members, one of whom shall be a physician.” It appears the intent of this section is to ensure that at least one member is a physician, not that exactly one is a physician.</p> <p>Recommendation: If this is the case, this section should be amended by ordinance to say “at least one of whom” instead of “one of whom.”</p>	○
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13.	<p>2.40.410 Preservation of ballot after counting. This section requires the clerk to write a date form with a year blank formatted as 19__.</p> <p>Recommendation: This should be amended by ordinance to 20__.</p>	○
14.	<p>2.40.470 Notice of Election Contest. See comment for 2.40.410.</p>	#10

	Title 3, Procurement	Action
19.	<p>3.16.030 Open market procedures. Subsection (C) refers to CBS, which in this context appears to mean City and Borough of Sitka. Recommendation: If it does, the next housekeeping ordinance should spell this out, as CBS is not defined in the Code and is better known as an acronym for something else.</p>	0
20.	<p>3.16.060 Exceptions to competitive bidding requirements. Subsection (J)(3)(c) requires competitive purchasing for “Software and systems readily available on the open market (i.e., Windows 95).” As i.e. is used as a lead-in to an exact list (as opposed to e.g., which lists examples), the literal reading of this exception says that only Windows 95 requires competitive purchasing which, given the pace of technological advances, is probably not an operating system the City is actively interested in purchasing. Recommendation: To solve these issues, an ordinance should amend “(i.e., Windows 95)” to “(e.g., computer operating systems)” to achieve the intended effect. Until such amendment, (J)(3)(c) literally applies exclusively to Windows 95 purchases.</p>	0
21.	<p>3.16.080 Procurement monitoring. See comment for 3.16.030.</p>	28-19

	Title 6, Business Licenses and Regulations	Action
28.	<p>6.04.080 Bond. This section requires certain bond sureties to be executed by residents of the city and borough who are also “the owners of real property therein.” While it is clear why residents of the city should be asked, it is less clear (and risky from a due process standpoint) why those residents should own real property. In the abstract, it does not seem that an apartment dweller’s bond is less sure than any other bond.</p> <p>Recommendation: As such, this section should be amended by ordinance to delete “and the owners of real property therein.”</p>	Other ord
29.	<p>6.19.030 Permit required for commercial operations involving organized excursions when such operations occur in certain areas. Subsections (D) and (E) both reference a permit application fee for permits under this section. Both subsections list a fee of \$400. It appears that the subsections intend to refer to the same fee, but they are listed separately, implying that there are two application fees of \$400 rather than one.</p> <p>Recommendation: If two fees are required, no change is needed. If there is only one \$400 application fee associated with this permit, the City and Borough should amend this section by ordinance to consolidate the language in (D) and (E).</p>	0



Legislation Details

File #: ORD 15-16 Version: 1 Name:

Type: Ordinance Status: SECOND READING

File created: 3/18/2015 In control: City and Borough Assembly

On agenda: 3/24/2015 Final action:

Title: Proposing to clarify the SGC by amending Sections 8.04.020 Licensing (Animals), 8.04.080 Objectionable Animals, and 10.52.010 Unlawful Acts (Dangerous Dog)

Sponsors:

Indexes:

Code sections:

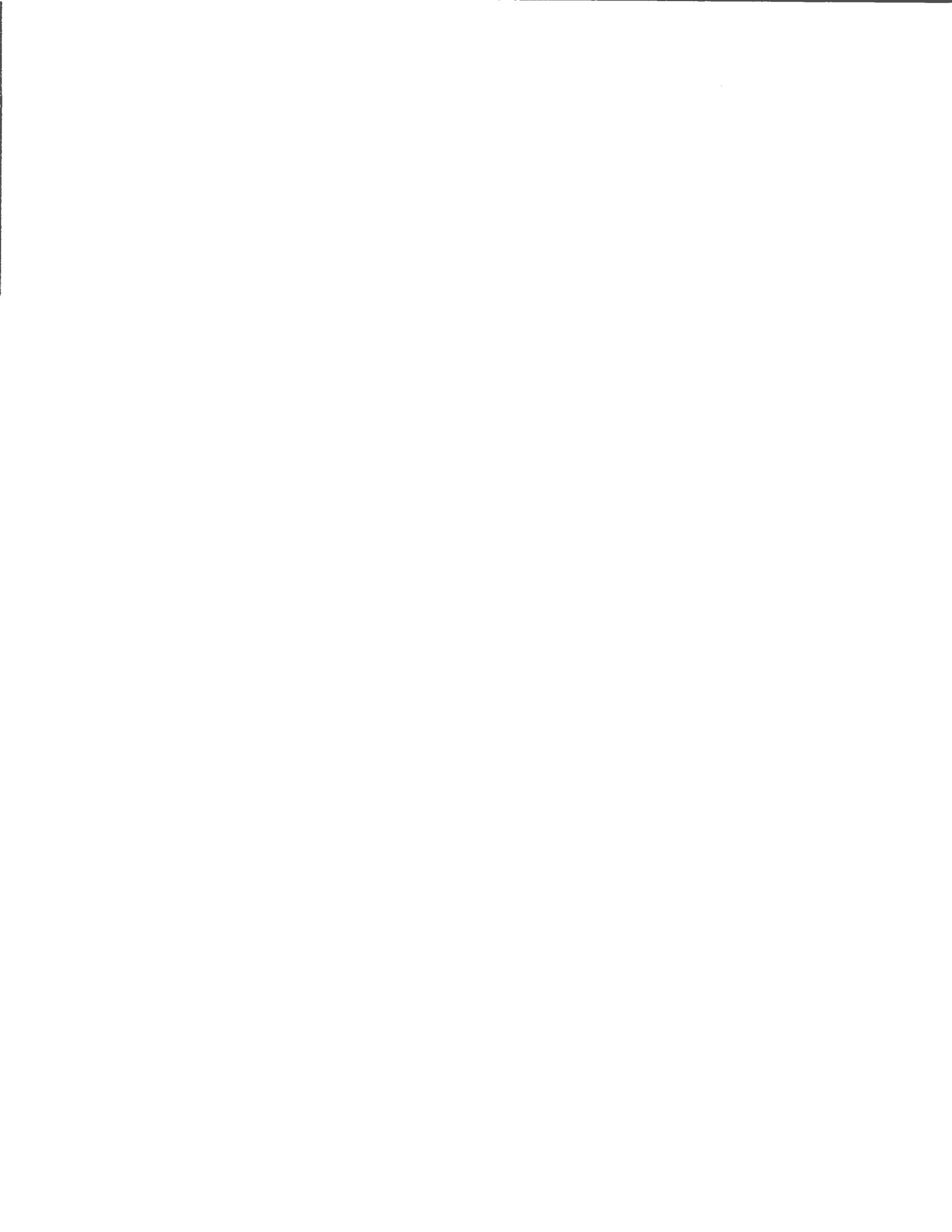
Attachments: [ORD 2015-16 Clarifying](#)

Date	Ver.	Action By	Action	Result
3/24/2015	1	City and Borough Assembly		

If this item should be pulled from the consent agenda the following motion would be in order.

POSSIBLE MOTION

I MOVE TO approve Ordinance 2015-16 on first reading.





City & Borough of Sitka
Municipal Clerk's Office
100 Lincoln Street, Sitka AK 99835
Telephone: 907-747-1811 Fax: 907-747-4004



Memorandum

To: Mayor and Assembly
From: Municipal Clerk Colleen Ingman
Date: March 18, 2015
Subject: **Ordinances resulting from Legal Analysis**

In September of 2014, CBS contracted with Code Publishing to complete a legal analysis of our code. Their attorney recommended items that they felt needed immediate action to bring the code into legal compliance and, where possible, has recommended amending language for this purpose.

We considered doing a single "clean-up" ordinance but quickly learned that one clean up ordinance that addressed all the recommendations would be extremely bulky and difficult to follow. It is still our intent to bring forward as few ordinances as possible, but at the same time keep the amendments concise enough that they can be easily understood. We will combine amendments whenever possible.

The attached is an ordinance that resulted from the legal analysis and has been shared with the impacted departments, which have approved that it be moved forward.

Please see the purpose section of the ordinance for clarification.

It is my intent to have all clarifying ordinances passed by the final meeting in April. I have placed them on the Consent Agenda for first reading as the majority will be fairly straight forward, plus we are not required to take public testimony until second reading.

Attachment: Ordinance: 2015-14, 15, 16, 18, 19 & 20



Colleen Ingman

From: sheldons@sitkapd.com
Sent: Wednesday, March 18, 2015 11:52 AM
To: Colleen Ingman
Subject: Re: FW: Clarifying Ordinances

The ordinances look fine.

Chief Sheldon Schmitt
304 Lake St, Sitka AK 99835
(907) 747-3349 or 747-3245

*Animal Control Officer
Nancy Buckmaster also reviewed
3/18/15 OKD*

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CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-16

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA
PROPOSING TO CLARIFY THE SITKA GENERAL CODE BY AMENDING
SECTIONS 8.04.020 LICENSING (ANIMALS), 8.04.080 OBJECTIONABLE ANIMALS,
AND 10.52.010 UNLAWFUL ACTS (DANGEROUS DOG)

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 to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstances shall not be affected.

3. **PURPOSE.** As found in Alaska Statute 29.25.050, the municipal clerk is responsible for ensuring that the municipal code is kept current. Sitka's municipal clerk sought legal analysis from Code Publishing Company for a review of the Sitka General Code for state and federal constitutional issues and apparent conflicts. These clarifying changes are derived from that review and further analysis.

Amending these three sections help clarify animal offenses. In Section 8.04.020, the ordinance is rewritten to clarify that the city and borough does not intend to keep people from bringing dogs in, but does stipulate that the animals must be licensed within a given time frame. Because the language in Section 8.04.080 is vague, it is a difficult ordinance to enforce. The objective guidelines help citizens identify what frequent and prolonged noises means. In Section 10.52.010, it is clarified that there are certain circumstances where a dangerous dog may be kept, as described in 8.04.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the following section of the Sitka General Code is hereby amended to read as follows:

**Title 8
ANIMALS**

8.04.020 Licensing.

A. No person shall own or keep ~~keep or bring~~ any dog over six months old within one-quarter mile of the city and borough road system unless such dog is licensed, ~~as herein provided~~. Application for such license shall be made to the animal control officer **within ninety days of getting the dog** and shall state the name and address of the owner and the name, breed, color, age and sex of the dog. The license fee shall be paid at the time of making application, a numbered receipt given to the applicant and a numbered metallic tag for the dog shall be issued to the owner. No license or tag shall be issued unless it is shown by a veterinarian's statement, in writing, that the dog for which the license is sought has received an immunization for rabies which shall remain effective for the licensing period. Such proof may consist of, but shall not be limited to, a statement or receipt from a veterinarian showing such immunization and the period of protection.



52 **8.04.080 Objectionable animals.**
53 A. The keeper of any animal shall not allow the animal to disturb a
54 neighborhood or any number of persons by frequent or prolonged barking,
55 howling or other noises on a repeated basis. **If an animal barks, whines, howls**
56 **or makes similar sounds for more than thirty minutes on at least three**
57 **different days within a ten-day period or for more than fifteen minutes**
58 **during at least three different nights between 10:00pm and 7:00am within a**
59 **ten-day period, this is a violation of this ordinance. The fine for violating**
60 **this law is \$25.**

61
62 Title 10
63 PUBLIC PEACE, SAFETY AND MORALS
64 V. Offenses Against the Public Peace
65 Chapter 10.52 Disorderly Conduct
66

67 **10.52.010 Unlawful Acts.**
68 O. Harbor, keep or maintain a vicious animal, **except as provided in various**
69 **Sections of SGC 8.04.**

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

74
75 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough
76 of Sitka, Alaska this 14th day of April 2015.
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80 _____
81 Matt Hunter, Deputy Mayor

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ATTEST:

Colleen Ingman, MMC
Municipal Clerk



DOG VIOLATIONS

FINES

<u>Offense</u>	<u>Statute/Regulation</u>	1 st	2 nd	3 rd	4 th
No Dog License	8.04.020(a)	Correctable			
Failure to Display	8.04.030(b)	\$25	\$50	\$100	\$300
RAL	8.04.031(a)	\$25	\$50	\$100	\$300
Dog in Open Truck	8.04.031(b)	\$25	\$100	\$200	\$400
Dog in Season	8.04.070	\$25	\$100	\$200	\$400
Objectionable Dog	8.04.080				
A. Barking		\$25	\$50	\$100	\$300
B. Defecate		\$25	\$100	\$200	\$400
C. Snap, Chase, Menace		\$25	\$50	\$100	\$300
D. Disturb Wildlife		\$25	\$50	\$100	\$300
E. Other Animals RAL		\$25	\$50	\$100	\$300
F. Bite-human/animal		\$50	\$100	\$200	\$400
Potentially Dangerous	8.04.081				
1. Approaches in Threatening Manner		\$50	\$100	\$200	\$400
2. Threaten the Safety of Human/Animal		\$50	\$100	\$200	\$400
Dangerous Dog	8.04.081				
1. Physical Injury		\$50	\$100	\$200	\$400
2. Killed a Domestic Animal		\$50	\$100	\$200	\$400
3. Violation of Potentially Dangerous		\$50	\$100	\$200	\$400
On-premises Confinement		\$50	MCA		
Off-premises Confinement		\$50	MCA		
Signs		\$50	MCA		
Dangerous Tag Displayed		\$50	MCA		
Sanitary Disposal-Container		\$50	\$100	\$200	\$400
Sanitary Disposal-removal		\$50	\$100	\$200	\$400
Cruelty	8.08.010				
1. Neglect	8.08.010(a)	MCA			
2. Physical Abuse	8.08.010(b)	MCA			
3. Kill or Injure	8.08.010(c)	MCA			
4. Abandon	8.08.010(d)	MCA			
5. Fighting	8.08.010(e/f)	MCA			

	Title 8, Animals	Action
30.	<p>8.04.020 Licensing. Subsection (A) states that “No person shall...bring any dog over six months old within one-quarter mile of the city and borough road system unless such dog is licensed as herein provided.” Given that the license is obtained within the city, it seems extraordinarily difficult to follow this law unless licensing is available greater than one-quarter mile outside the city and borough road system. As phrased, if someone were to stay in Sitka for one night, they would have to get a dog license, even if offices were closed for the entire stay in Sitka. Additionally, in the distance between encountering the road system and where a license may be obtained, visitors would violate this ordinance. In other words, unless animal control offices are open 24/7 and at every entry point to the road system, getting a license probably involves breaking the law.</p> <p>Recommendation: Amending (A) by ordinance to state a time frame after which someone in the City and Borough with a dog must obtain a license might be a better approach to licensing. Ultimately, anything that takes the focus off “bring[ing]” a dog and places it more on “own[ing]” or “keep[ing]” a dog will be more useful.</p>	<p>SPD O</p>
31.	<p>8.04.080 Objectionable animals. Subsection (A) is vague and therefore difficult to enforce, as it has no objective guidelines to put citizens on notice as to what “frequent” or “prolonged” barking might be. Giving an hour range, e.g., barking on average 30 minutes an hour for 3 hours or barking intermittently for 3 hours for 4 straight days, would give better guidance to dog owners so that this law’s interpretation is not up to annoyed individuals.</p> <p>Recommendation: Any change to this section requires an amending ordinance.</p>	<p>SPD O</p>



BARKING DOGS: WHAT DO YOU DO?

Why All The Racket?

Barking is one of the ways that dogs communicate. It can signify anything from playfulness to danger. Dogs also bark from situations that cause discomfort. Examples are:

- Chained to a fixed point without enough room to move
- Long periods of time alone without any attention
- Kept in a space which is too small
- Provoked (deliberately or unintentionally) by people or roaming dogs
- Lack of exercise
- Lack of socialization
- Sick or injured
- Hunger, thirst, or the wrong diet
- Stress
- Separated from their pack (you) or other family members



Barking excessively should not be part of a dog's life. **Barking** can be the signal of a distressed animal and chronic excessive barking is considered a nuisance. **Barking** continually may be interpreted as a sign of a poorly cared for and/or trained dog. **Barking** excessively may also be viewed as cruelty by some people.

Changing Barking Behaviors

Making situational changes, and investing a little time and training can eliminate most excessive barking. Examples are:

1. Provide enough space for your dog to move freely within your enclosed backyard.
2. Exercise your dog regularly and adequately for its breed and size.
3. Take your dog to a dog trainer, who specializes in barking dog problems, and/or go to obedience training and spend some time bonding.
4. Purchase a bark collar. There are different variations, so do some research and talk to the retailer who sells them.
5. Purchase a "Scarecrow Motion Activated Sprinkler". Retailers sell a few variations that work with a garden hose. When your dog gets near the "stimulation" that triggers his barking (e.g., fence line), the motion detector is activated and the dog is shot with a burst of water.
6. Hire a dog walker or take your dog to doggie daycare. This will give them regular exercise and socialization, which will help with any anxiety.
7. Make them part of the pack. Dogs are pack animals and when they are left outside all the time, they feel alienated from the pack and become vocal. They want and need your affection. Both you and your dog will benefit from time together.

Your Dog and The Law

Marion County Ordinance 1236 section 5 states the keeper of the dog commits a civil infraction if the keeper's dog(s) commits any of the following acts:

- Runs at large.
- Disturbs a person by prolonged or frequent noise.
- Scatters garbage.
- Trespasses on private property of others.
- Damages or destroys property of others.
- Chase vehicles on roadway.
- Female in heat at large.

Marion County Ordinance 1236 section 5 describes a disturbing dog noise as barking, whining, howling or similar sounds. If a dog(s) barks, whines, howls or makes similar sounds for more than fifteen minutes on at least three different days within a ten-day period or for more than five minutes during at least three different nights between 10:00pm and 7:00am within a ten-day period this is a violation of this ordinance. The fine for violating this law is \$250. There are many noise nuisance issues and dogs barking is just one kind. Marion County encourages neighbors to communicate with dog owners to resolve barking issues. Marion County offers **mediation assistance** to aid neighbors with solutions to dog barking issues, including Neighbor-2-Neighbor mediation. Their contact information is: 503-585-0651 or 503-375-6269, or via email at n2nmediation@gmail.com.



Marion County Dog Control
3550 Aumsville Hwy SE
Salem OR 97317
Phone: 503-566-6988
Website: www.mcdogs.net

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Legislation Details

File #: ORD 15-18 Version: 1 Name:

Type: Ordinance Status: SECOND READING

File created: 3/18/2015 In control: City and Borough Assembly

On agenda: 4/14/2015 Final action:

Title: Proposing to clarify the SGC by amending Chapter 10.40 Gambling, Section 10.40.010 Prohibited and Loitering Sections, 10.76.020 Definition, and 10.76.030 Prohibited Operations

Sponsors:

Indexes:

Code sections:

Attachments: [ORD 2015-18 Clarifying](#)

Date	Ver.	Action By	Action	Result
3/24/2015	1	City and Borough Assembly		

If this item should be pulled from the consent agenda the following motion would be in order.

POSSIBLE MOTION

I MOVE TO approve Ordinance 2015-18 on first reading.



City & Borough of Sitka
Municipal Clerk's Office
100 Lincoln Street, Sitka AK 99835
Telephone: 907-747-1811 Fax: 907-747-4004



Memorandum

To: Mayor and Assembly
From: Municipal Clerk Colleen Ingman
Date: March 18, 2015
Subject: **Ordinances resulting from Legal Analysis**

In September of 2014, CBS contracted with Code Publishing to complete a legal analysis of our code. Their attorney recommended items that they felt needed immediate action to bring the code into legal compliance and, where possible, has recommended amending language for this purpose.

We considered doing a single "clean-up" ordinance but quickly learned that one clean up ordinance that addressed all the recommendations would be extremely bulky and difficult to follow. It is still our intent to bring forward as few ordinances as possible, but at the same time keep the amendments concise enough that they can be easily understood. We will combine amendments whenever possible.

The attached is an ordinance that resulted from the legal analysis and has been shared with the impacted departments, which have approved that it be moved forward.

Please see the purpose section of the ordinance for clarification.

It is my intent to have all clarifying ordinances passed by the final meeting in April. I have placed them on the Consent Agenda for first reading as the majority will be fairly straight forward, plus we are not required to take public testimony until second reading.

Attachment: Ordinance: 2015-14, 15, 16, 18, 19 & 20

Colleen Ingman

From: sheldons@sitkapd.com
Sent: Wednesday, March 18, 2015 11:52 AM
To: Colleen Ingman
Subject: Re: FW: Clarifying Ordinances

The ordinances look fine.

Chief Sheldon Schmitt
304 Lake St, Sitka AK 99835
(907) 747-3349 or 747-3245

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-18

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA PROPOSING TO CLARIFY THE SITKA GENERAL CODE BY AMENDING TITLE 10 CHAPTER 10.40 GAMBLING SECTION 10.40.010 PROHIBITED AND LOITERING SECTIONS 10.76.020 DEFINITION AND 10.76.030 PROHIBITED OPERATIONS

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 to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstances shall not be affected.

3. PURPOSE. As found in Alaska Statute 29.25.050, the municipal clerk is responsible for ensuring that the municipal code is kept current. Sitka's municipal clerk sought legal analysis from Code Publishing Company for a review of the Sitka General Code for state and federal constitutional issues and apparent conflicts. These clarifying changes are derived from that review and further analysis.

Section 10.40.010 updates the 1973 gambling section into current language according to Alaska Statutes. Sections 10.76.020 and 10.76.030 on loitering are removed as the state sections referenced have been removed without replacement; thus, these sections do not appear to have foundations within current state law.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the following section of the Sitka General Code is hereby amended to read as follows:

Title 10 PUBLIC PEACE, SAFETY AND MORALS

IV. Offenses Against Public Decency 10.40 Gambling

Section

10.40.010 Prohibited.

A person who engages in gambling deals, plays, carries on, opens or causes to be open, or who conducts, either as owner, proprietor or employee, whether for hire or not, a game or faro, monte, roulette, rouge et noir, lansquenet, rondo, vingt-un, twenty one, poker, draw poker, brag, bluff, thaw, craps, or a banking or other game played with cards, dice, or other device, whether played for any prize, money, checks, chips, credit representing money, or other representative of value, is guilty of a misdemeanor. Gambling means that a person stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under the person's control or influence, upon an agreement or understanding that that person or someone else will receive something of value in the event of a certain outcome. (AS 11.66.280(2)).

* * *

VIII. Offenses By or Against Minors
Chapter 10.76 Loitering

10.76.020—Definition.

~~Class I coin-operated device is an entertainment or amusement apparatus which operates by means of insertion of a coin, token, or similar object which does not involve an element of chance (AS 43.35.090), including coin-operated electronic video games, billiard, pool, foosball, or shuffleboard tables, juke boxes, and other similar amusement and gaming devices, but does not include automatic vending machines that dispense food or sundries. (15 AAC 35.040) (Ord. 84-601 § 3(c) (part), 1984.)~~

10.76.030—Prohibited operations.

~~The following acts shall be prohibited and unlawful:~~

~~A.—The operation of any class I coin-operated device by any person under the age of thirteen years unless accompanied by a parent, step-parent, legal guardian, or grandparent. It is unlawful for any person to misrepresent his or her age or the age of any other person for the purpose of gaining access to class I machines;~~

~~B.—The permitting or allowing of any person under the age of thirteen years to operate any class I coin-operated device unless accompanied by a parent, step-parent, legal guardian, or grandparent, by any owner and other person having such device under their control. It is the duty and responsibility of every person having such gaming devices under their control to prevent the prohibited class of minors from operating such device;~~

~~C.—For any owner operator or other person who has charge of a class I coin-operated device to fail to place a conspicuous notice on each device that operation by any person under thirteen years of age is unlawful and prohibited unless accompanied by the minor's parent, step-parent, legal guardian, or grandparent.~~

~~(Ord. 84-601 § 3(c) (part), 1984.)~~

* * *

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 14th day of April, 2015.

Matthew Hunter, Deputy Mayor

100 **ATTEST:**

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Colleen Ingman, MMC

105 Municipal Clerk

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34.	<p>10.40.010 Prohibited. This section references several card and dice games. Recommendation: It might be worthwhile to update this section with an amendment to include games more commonly played that the City and Borough is concerned about.</p>	
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43.	<p>ORDINANCE TO REPEAL 10.76.020 (C) & AMEND 10.76.070 (D).</p> <p>10.76.020 Definition. This section refers to AS 43.35.090 and 15 AAC 35.040. Both sections have been repealed without replacement. 10.76.020 and 10.76.030 appear not to have foundations in current state law. Recommendation: The City and Borough should revisit this law to determine action, whether to repeal without replacement, whether to amend the text so as not to refer to state law, or something else. Any action taken in this vein requires an amending ordinance.</p>	
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Legislation Details

File #: ORD 15-19 Version: 1 Name:
Type: Ordinance Status: SECOND READING
File created: 3/18/2015 In control: City and Borough Assembly
On agenda: 4/14/2015 Final action:
Title: Proposing to clarify the SGC by amending Title 10 Public Peace Safety and Morals, Chapter 10.84 Liquor Regulations, at Sections 10.44.010 Liquor Regulations Definition A., 10.44.020 Scopes of Provisions, 10.44.030 License Required, 10.44.060 Persons Forbidden to Have Liquor, and 10.84.010 Definitions

Sponsors:

Indexes:

Code sections:

Attachments: [MOTION ORD 15-19](#)
[ORD 2015-19 Clarifying](#)

Date	Ver.	Action By	Action	Result
3/24/2015	1	City and Borough Assembly		

Suggested Motion


I MOVE TO approve Ordinance 2015-19 on second and final reading.



City & Borough of Sitka
Municipal Clerk's Office
100 Lincoln Street, Sitka AK 99835
Telephone: 907-747-1811 Fax: 907-747-4004



Memorandum

To: Mayor and Assembly
From: Municipal Clerk Colleen Ingman 
Date: March 18, 2015
Subject: **Ordinances resulting from Legal Analysis**

In September of 2014, CBS contracted with Code Publishing to complete a legal analysis of our code. Their attorney recommended items that they felt needed immediate action to bring the code into legal compliance and, where possible, has recommended amending language for this purpose.

We considered doing a single "clean-up" ordinance but quickly learned that one clean up ordinance that addressed all the recommendations would be extremely bulky and difficult to follow. It is still our intent to bring forward as few ordinances as possible, but at the same time keep the amendments concise enough that they can be easily understood. We will combine amendments whenever possible.

The attached is an ordinance that resulted from the legal analysis and has been shared with the impacted departments, which have approved that it be moved forward.

Please see the purpose section of the ordinance for clarification.

It is my intent to have all clarifying ordinances passed by the final meeting in April. I have placed them on the Consent Agenda for first reading as the majority will be fairly straight forward, plus we are not required to take public testimony until second reading.

Attachment: Ordinance: 2015-14, 15, 16, 18, 19 & 20

Colleen Ingman

From: sheldons@sitkapd.com
Sent: Wednesday, March 18, 2015 11:52 AM
To: Colleen Ingman
Subject: Re: FW: Clarifying Ordinances

The ordinances look fine.

Chief Sheldon Schmitt
304 Lake St, Sitka AK 99835
(907) 747-3349 or 747-3245

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-19

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA PROPOSING TO CLARIFY THE SITKA GENERAL CODE BY AMENDING TITLE 10 PUBLIC PEACE, SAFETY AND MORALS AT SECTIONS 10.44.010 LIQUOR REGULATIONS DEFINITION A, 10.44.020 SCOPES OF PROVISIONS, 10.44.030 LICENSE REQUIRED, 10.44.060 PERSONS FORBIDDEN TO HAVE LIQUOR, AND 10.84.010 DEFINITIONS

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 to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstances shall not be affected.

3. PURPOSE. As found in Alaska Statute 29.25.050, the municipal clerk is responsible for ensuring that the municipal code is kept current. Sitka’s municipal clerk sought legal analysis from Code Publishing Company for a review of the Sitka General Code for state and federal constitutional issues and apparent conflicts. These clarifying changes are derived from that review and further analysis.

Sections 10.44.010 and 10.84.010 are updated to a current state definition of alcoholic beverage. Section 10.44.020 updates the 1973 provisions to reflect current state wording. The state reference used in Section 10.44.030 has been repealed and replaced. The stricken phrase in Section 10.44.060 is not defined or referenced in municipal or state law.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the following section of the Sitka General Code is hereby amended to read as follows:

Title 10
PUBLIC PEACE, SAFETY AND MORALS
IV. Offenses Against Public Decency
10.44 Liquor Regulations

Section
10.44.010 Definitions.

A. Whenever the term “intoxicating liquor” is used, it means an alcoholic beverage that is a spirituous, vinous, malt, or other fermented or distilled liquid, whatever the origin, that is intended for human consumption as a beverage and that contains one-half of one percent or more of alcohol by volume, whether produced commercially or privately; (AS 4.21.080(b)(1)) shall be deemed to include whiskey, rum, gin, wine, ale, porter, beer, hoochينو, and all spirituous, vinous, malt and other fermented or distilled liquors having an alcoholic content of more than one percent of alcohol by volume; and “beer” includes ale and porter; and “hard and distilled liquor” includes all intoxicating liquors except beer and wine;

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10.44.020 Scope of provisions.

The provisions contained herein shall apply to all places where liquor of any description as herein defined is manufactured, offered for sale, sold, vended, bartered or furnished.

10.44.030 License required.

Alaska Statute Section 04.11.010 ~~04.10.020~~ designating a classification of licenses is incorporated herein and made a part hereof, and the sale of hard or distilled liquor, including wine and beer by any person, firm or corporation is prohibited anywhere except under and by virtue of a license secured from the Director of the Alcoholic Beverage Control Board, and the sale, barter or consumption of intoxicating liquor, including wine and beer, on any premises not covered by a license under the classifications in Section 10.44.010 is prohibited. (Ord. 73-59 § 3 (part), 1973.)

10.44.060 Persons forbidden to have liquor.

It is unlawful to give, barter or sell any intoxicating liquors including beer and wine to any person under the age of twenty-one years ~~or,~~ to any intoxicated person, ~~or to any habitual drunkard;~~ and it is unlawful for any licensee to permit giving, bartering, selling or drinking of any intoxicating liquor within the premises covered by any license to or by any of the forbidden classes nor shall such licensee permit the drinking of hard or distilled liquors by such person or persons upon the premises covered by his license.

* * *

**VIII. Offenses By or Against Minors
Chapter 10.84 Liquor Regulations**

10.84.010 Definitions.

The terms "intoxicating liquor" and "alcoholic beverages" as used hereafter are interchangeable and are defined as a spirituous, vinous, malt, or other fermented or distilled liquid, whatever the origin, that is intended for human consumption as a beverage and that contains one-half of one percent or more of alcohol by volume, whether produced commercially or privately. ~~any fermented or distilled liquor, wine, beer, or other beverage, containing more than one percent alcohol by volume.~~

* * *

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 14th day of April, 2015.

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ATTEST:

Colleen Ingman, MMC
Municipal Clerk

Matthew Hunter, Deputy Mayor

	<p>Recommendation: Shall we update the reference?</p>	✓
37.	<p>10.44.010 Definitions. Subsection (A) defines intoxicating liquor as beverages with “an alcoholic content of more than one percent of alcohol by volume.” Changes in state law (see AS 4.21.080(b)(1)) now use a definition of “alcoholic beverage,” which includes beverages of at least one-half of one percent alcoholic content.</p> <p>Recommendation: Given changes in state law (see comment for 10.44.030 below), it might be worthwhile to revise sections of Chapter 10.44 that predate 2000 by ordinance to align easier with state law.</p>	○
38.	<p>10.44.030 License required. This section refers to AS 4.10.020. That section has been repealed; the new law is AS 4.11.010.</p> <p>Recommendation: Adopting it requires an ordinance, although the wording of the new law might be such that adoption by reference does not make sense for the City and Borough.</p>	✓ ○
39.	<p>10.44.070 Offers of sale and presence on licensed premises (standard operating hours). Subsection (C) refers to AS 42.10.420. That section has been repealed. There is a definition of common carrier in AS 4.16.125(c)(1) that might be useful to adopt.</p> <p>Recommendation: An ordinance is necessary for any action taken regarding the definition of common carrier.</p>	○

2015-19

48.	10.84.049 Access of persons under the age of twenty-one to licensed premises. Subsection (C)(3) refers to the Alaska Department of Labor. Its current name is the Alaska Department of Labor and Workforce Development. Recommendation: Shall we update the name?	Action
49.	10.84.050 Possession or consumption by persons under the age of twenty-one. Subsection (K)(1) of this section refers to AS 28.40.100. That section has been renumbered to AS 28.90.990. Recommendation: Shall we update the reference?	✓
50.	10.88.020 Prohibitions. Subsection (C) refers to AS 1865.700. This is a typographical error for AS 18.65.700. Recommendation: Shall we correct the reference?	✓

10.88.020 Prohibited

C. person conceal
conflict of interest

2015-14



Legislation Details

File #: ORD 15-20 Version: 1 Name:
Type: Ordinance Status: SECOND READING
File created: 3/18/2015 In control: City and Borough Assembly
On agenda: 4/14/2015 Final action:
Title: Proposing to clarify the SGC by Amending Sections 11.17.25.010 Prohibited Vehicles and Loads, Section 11.17.25.020 Width of Vehicles, Section 11.28.010 Traffic Code-Adoption of State Traffic Laws, and Sections 15.05.590 and 15.05.600 Fire Protection Services and Systems

Sponsors:

Indexes:

Code sections:

Attachments: [ORD 2015-20 Clarifying](#)

Date	Ver.	Action By	Action	Result
3/24/2015	1	City and Borough Assembly		

If this item should be pulled from the consent agenda the following motion would be in order.

POSSIBLE MOTION

I MOVE TO approve Ordinance 2015-20 on first reading.



City & Borough of Sitka
Municipal Clerk's Office
100 Lincoln Street, Sitka AK 99835
Telephone: 907-747-1811 Fax: 907-747-4004



Memorandum

To: Mayor and Assembly
From: Municipal Clerk Colleen Ingman
Date: March 18, 2015
Subject: **Ordinances resulting from Legal Analysis**

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The attached is an ordinance that resulted from the legal analysis and has been shared with the impacted departments, which have approved that it be moved forward.

Please see the purpose section of the ordinance for clarification.

It is my intent to have all clarifying ordinances passed by the final meeting in April. I have placed them on the Consent Agenda for first reading as the majority will be fairly straight forward, plus we are not required to take public testimony until second reading.

Attachment: Ordinance: 2015-14, 15, 16, 18, 19 & 20

Colleen Ingman

From: sheldons@sitkapd.com
Sent: Wednesday, March 18, 2015 11:52 AM
To: Colleen Ingman
Subject: Re: FW: Clarifying Ordinances

The ordinances look fine.

Chief Sheldon Schmitt
304 Lake St, Sitka AK 99835
(907) 747-3349 or 747-3245

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-20

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA PROPOSING TO CLARIFY THE SITKA GENERAL CODE BY AMENDING SECTIONS 11.17.25.010 PROHIBITED VEHICLES AND LOADS AND 11.17.25.020 WIDTH OF VEHICLES, SECTION 11.28.010 TRAFFIC CODE—ADOPTION OF STATE TRAFFIC LAWS, AND SECTIONS 15.05.590 AND 15.05.600 FIRE PROTECTION SERVICES AND SYSTEMS

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 to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstances shall not be affected.

3. PURPOSE. As found in Alaska Statute 29.25.050, the municipal clerk is responsible for ensuring that the municipal code is kept current. Sitka’s municipal clerk sought legal analysis from Code Publishing Company for a review of the Sitka General Code for state and federal constitutional issues and apparent conflicts. These clarifying changes are derived from that review and further analysis.

Sections 11.17.25.010 and 11.17.25.020 refer to Alaska Statutes for oversize vehicle permits that are now covered under Alaska Administrative Code. Inserting the words “state traffic” in Section 11.28.010 clarifies that the city and borough did not intend to adopt all statutes and regulations of the state of Alaska. The changes to Sections 15.05.590 and 15.05.600 correct the referenced title number.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the following section of the Sitka General Code is hereby amended to read as follows:

Title 11
VEHICLES AND TRAFFIC

11.17 Vehicle Weight and Load Limitations

Section

11.17.25.010 Prohibited vehicles and loads.

B. The provisions of this chapter governing size, weight, and load do not apply to a vehicle or vehicles with a load operated under the terms of a permit issued, under

17 AAC 25.011. AS ~~44.33.020~~(25).

11.17.25.020 Width of vehicles.

A. The total outside width of any vehicle or load on a vehicle may not exceed ninety-six inches, except by permit as provided in 17 AAC 25.011 AS ~~28.05.011~~(8).

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11.28 State Traffic Laws Adopted

Section 11.28.010 Traffic Code—Adoption of state traffic laws.

City and borough of Sitka adopts all state traffic statutes and regulations of the state of Alaska, as they presently exist and as they may be revised in the future as the traffic code for the city and borough of Sitka.

* * *

**Title 15
PUBLIC UTILITIES**

* * *

**Chapter 15.05
Water System**

Section 15.05.590 Fire protection services.

D. Violations of Regulations. ... Every person convicted of a violation of this chapter shall be guilty of a misdemeanor, and penalties assessed as prescribed in Title 1 40 of the Sitka General Code.

15.05.600 Fire protection systems.

B. An unmetered fire protection service Every person convicted of a violation of this chapter shall be guilty of a misdemeanor, and penalties assessed as prescribed in Title 1 40 of the Sitka General Code.

* * *

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 14th day of April, 2015.

Matthew Hunter, Deputy Mayor

ATTEST:

Colleen Ingman, MMC
Municipal Clerk

52.	<p>11.17.25.010 Prohibited vehicles and loads. Subsection (B) refers to AS 44.33.020(25) regarding motor vehicle load permits. AS 44.33.020 no longer governs those permits. 17 AAC 25.011 appears to cover the same subject matter, but it might not be what the City and Borough wishes to adopt.</p> <p>Recommendation: Any action taken to address this section requires an ordinance.</p>	0
53.	<p>11.17.25.020 Width of vehicles. This section refers to AS 28.05.011(8). That section does not exist. It appears width of vehicles is covered primarily by 17 AAC 25.012, but it might not be what the City and Borough wishes to adopt.</p> <p>Recommendation: Any action taken to address this section requires an ordinance.</p>	0
54.	<p>11.28.010 Traffic code – Adoption of state traffic laws. This law intends to adopt various sections of Alaska law that might affect traffic laws. However, because section headings are not part of the law (SGC 1.01.060), this section adopts the entire Alaska Statutes and Administrative Code.</p> <p>Additionally, this type of adoption should not be undertaken without checking whether older laws in the SGC state different things than the AS or AAC. For example, if an SGC ordinance specifies that cars must be parked no more than 12 inches from a curb and the AAC specifies 16 inches, it is unclear whether parking 13 to 16 inches from the curb is legal.</p> <p>Recommendation: While updating this section to adopt the intended set of laws (ideally a list of AS and AAC sections), the City and Borough should look at its existing traffic laws in Title 11 to compare them to the AS and AAC and decide what to do with them.</p>	0 Legal

71.	<p>15.05.590 Fire protection services. See comment for 15.04.260. Additionally, this section refers to Title 10 when it appears to mean Title 1.</p> <p>Recommendation: We can correct this error, but the City and Borough might wish to take action on this section and 15.04.260 before such correction.</p>	0
72.	<p>15.05.600 Fire protection systems. See comment for 15.04.260. Additionally, this section refers to Title 10 when it appears to mean Title 1.</p> <p>Recommendation: We can correct this error, but the City and Borough might wish to take action on this section and 15.04.260 before such correction.</p>	0



Legislation Details

File #: 15-023 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 3/4/2015 In control: City and Borough Assembly

On agenda: 4/14/2015 Final action:

Title: \$25,000 was authorized to be placed into the FY16 Municipal Budget for consideration. It was further requested to bring back the request for any additional funding considerations for "the RIDE" through its coordinating agency Center for Community on April 14

Sponsors: Tristan Guevin, Benjamin Miyasato

Indexes:

Code sections:

Attachments: [the Ride](#)

Date	Ver.	Action By	Action	Result
3/10/2015	1	City and Borough Assembly	APPROVED	Pass



At your March 10, 2015 meeting you directed to consider placing additional funding for the Ride into FY16 Budget above the original \$25,000. See attached minutes.

The RIDE

Bus Route Services

Our partner, Sitka Tribe of Alaska, operates the “blue buses” called The RIDE. The RIDE operates 6:30am to 7:30pm, Monday through Friday.

The RIDE runs three routes: [Click Here for Schedule & Map](#)

Blue route out along Halibut Point Road – 1 hour loop

Red route out along Sawmill Creek Road – 1 hour loop

Green Route through town and over the bridge – 1/2 hour loop

\$2.00 per one way ride for adults. \$1.00 for seniors or persons with disabilities.

Jay Sweeney, added the State of Alaska sped up the timeline and agreed to manage the project so we were moving this forward to this year. If for some reason the State abandoned the project the funds would not be committed.

A motion was made by Miyasato that this Ordinance be APPROVED on first reading. The motion PASSED by the following vote.

Yes: 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Putz

Additional New Business Items



J 15-023

Discussion and/or direction to include any funding for "the Ride" through its coordinating agency Center for Community in the FY16 Municipal Budget

Swanson announced that his wife worked for Center for Community. Deputy Mayor Hunter ruled without objection that he did not have a conflict. Following some discussion and clarification on Miyasato's potential conflict it was determined that he needed to step down and wear his Sitka Tribe of Alaska (STA) Council member, treasurer and Transportation Chair hat. Guevin brought up that Miyasato didn't receive any financial benefit. Municipal Attorney Koutchak advised Miyasato had a conflict because there was a financial allocation.

Connie Sipe, Executive Director for Center for Community (CFC) was the state recognized operator of the RIDE, STA was the contractor. She explained CFC was reimbursed from the State. STA received a federal Tribal grant to expand the RIDE. Four buses belonged to CFC and two buses belonged to STA. Sipe reported they were in need of \$100,000. Considering salaries, wages, benefits and fuel Sipe reported the RIDE brings \$1 M to the community and helps Sitka be affordable.

Gerry Hope, Transportation Director, for STA spoke. He noted it was unheard of that the City didn't have an elevated role in public transit and was difficult for them to make a case when the City didn't contribute much. He requested a worksession with the Assembly.
Note: A time will be allocated during the budget worksessions.

Benjamin Miyasato speaking as STA Tribal member, treasurer, and Transportation Committee Chair recently traveled to Washington DC to discuss the issue of the next federal transportation bill. As treasurer of STA he stated there would be a shortfall and that STA did not have the funds.

STA Director, Lawrence SpottedBird, encouraged the Assembly to support the request.

Harry Green testified the RIDE was a good thing and there was a lot of people going through difficult times.

Guevin believed that it was part of the City's responsibilities. He added there were a lot of people who could not afford a vehicle, the RIDE gave them a benefit. He stated CBS needed to prioritize and equitable transportation was extremely important. Putz was very supportive to have some absolute funding on a yearly basis. At the same time, she was leery because she didn't know what shape the budget was in. McConnell said the City didn't have a social services department. She stressed the need to have non-profits in Sitka and the RIDE was important for the community. She asked staff to think about where money could possibly come from. Gorman stated it would be helpful for staff to get direction from the Assembly as to a dollar amount. Deputy Mayor Hunter recognized the value of the RIDE stating it was great for the community. He took issue with the statement that the City hadn't been supportive.

CBS has a huge deferred maintenance need, the Sitka School District deficit was over \$2 M and the municipality was still working on a \$600,000 deficit.

Miyasato said Center for Community and STA operate the RIDE.



A motion was made by Putz to place \$25,000 in the FY2016 budget and to consider additional funding at the April 14, 2015 Assembly meeting. The motion PASSED by the following vote.

Yes: 4 - McConnell, Swanson, Guevin, and Putz

No: 2 - Hunter, and Eisenbeisz

Recused: 1 - Miyasato

XII. PERSONS TO BE HEARD:

None.

XII. ADJOURNMENT

A motion was made by Swanson to ADJOURN. Without objection and no further business, the meeting ADJOURNED at 7:31 PM.

ATTEST

Colleen Ingman, MMC
Municipal Clerk



Legislation Details

File #: ORD 15-21 Version: 1 Name:
Type: Ordinance Status: FIRST READING
File created: 4/6/2015 In control: City and Borough Assembly
On agenda: 4/14/2015 Final action:
Title: Amending SGC that Title 4 Revenue and Finance, at Chapter 4.44 Southeast Alaska Economic Development Fund, under Sections 4.44.010 Establishment and 44.44.050 Procedure for deciding upon applications for loan guarantees

Sponsors:

Indexes:

Code sections:

Attachments: [MOTION ORD 15-21](#)
[ORD 15-21 SEEDF](#)


Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE TO approve Ordinance 2015-21 on first reading.

Memo

To : Assembly, City and Borough of Sitka

From: Mark Gorman, Administrator. 

Date: March 4, 2015

Re: Request for Transfer From The Southeast Alaska Economic Development Fund to Electric Fund, Contingent Upon Passage of Amending Ordinance

Mayor McConnell and Assembly Members,

At the April 14 Assembly meeting, Administration will be putting forward an ordinance to amend Section 4.44 of the Sitka General Code, the Southeast Alaska Economic Development Fund, to restrict use of the Fund for Municipal purposes and to authorize transfers from the Fund in addition to loans.

The proposed ordinance states that any transfers from the Fund will be for purposes of promoting efficiency within government operations (for example, investing in new technology) or for lessening the fee and rate burden to be borne by our citizens.

As presented in previous Assembly meetings, our Electric Fund is on a course to not meet its required Rate Covenant, as set forth in its bonding ordinance, unless either (1) rates are substantially raised, (2) some sort of temporary rate subsidization is supplied, or (3) some combination of both.

Accordingly, Administration is recommending, contingent upon passage of the proposed ordinance amending the code governing the Southeast Alaska Economic Development Fund, that an amount of \$2,500,000 be transferred from the Fund into the Electric Fund Rate Stabilization Fund, effective no later than June 30, 2015, as to be accomplished in FY2015. This detail is important in ensuring that the Rate Covenant is met in FY2016.



Memorandum

April 8, 2015

To: Mark Gorman, Municipal Administrator
From: Christopher Brewton, Utility Director
Subject: **Project Scoping – Installation of Additional Interruptible Electric Boilers in CBS Buildings**

Introduction

Installing interruptible electric boilers in CBS owned buildings currently heated by oil fired boilers is an opportunity for electric load growth. Three interruptible electric boilers have previously been installed in buildings owned by CBS. To qualify as an interruptible load, the electric boilers must have a backup system that can provide heating when the utility demand requires that the electric boiler be turned off (interrupted). At the three facilities with interruptible electric boilers already installed, the preexisting oil fired boilers have remained in place to provide redundancy.

Installing an interruptible electric boiler, as opposed to a fixed electric heating system, provides the additional benefits of:

- system redundancy,
- a lower (interruptible) electric rate for the consumer, and
- flexibility for the utility in the event of significant load growth in the future.

Due to the requirement for a redundant heating system, disadvantages to installing an interruptible electric boiler, as opposed to a fixed electric heating system include:

- additional maintenance costs and
- additional space requirements.

The objective of this memo is to summarize preliminary scoping efforts as to the suitability of CBS owned buildings for installation of interruptible electric boilers.

Methodology

All buildings owned by CBS were considered for installation of additional interruptible electric boilers. Diesel consumption estimates were obtained from the CBS Diesel Fuel contract documents. Please note that the CBS Diesel Fuel contract is based off of historic fuel consumption, which is greater than recent years due to facility upgrades and warmer weather.

Therefore the electric consumption and revenue will likely be less than described below during warmer years, such as 2014.

Estimated diesel consumption was converted to equivalent annual electric usage, assuming an oil heating efficiency of 70%. Information regarding the three existing interruptible electric boilers was used to estimate the potential boiler footprint and the scale of facility upgrades required to accommodate a new electric boiler. Electric Department staff then performed site visits and met with building maintenance staff at the five facilities with the largest heating loads that do not already have heating system conversions or upgrades planned. The largest systems were selected because the payback period on installation costs are likely to be shorter for larger systems.

Results and Discussion

Given the information obtained during the site visits, the Electric Department assigned buildings owned by CBS an ease of installation level, with "1" being the easiest locations to install an interruptible electric boiler and "3" being the locations requiring the most facility and distribution system modifications. The perceived ease of installation was based upon the space available near the existing boiler(s), the proximity to electric service and the estimated distribution system upgrades required to serve the additional load. Table 1 includes a summary of buildings owned by CBS that initial scoping indicates may be suitable for installation of interruptible electric boilers.

Table 1. City Building Heating Energy Usage and Estimated Equivalent Electric Revenue.

Priority	Building	Approximate Annual Usage (gallons)	Equivalent Annual Usage (MWh)	Equivalent Annual Electric Revenue
1	Baranof Elementary School	25,000	710	\$ 72,900
2	Keet Gooshi Heen Elementary School	30,000	852	\$ 87,500
	Airport Terminal	20,000	568	\$ 58,300
	Fire Hall	9,600	273	\$ 28,000
3	Public Services Complex: Main Building	8,500	241	\$ 24,800
Totals		93,100	2,644	\$ 271,500

Preliminary discussions with Electric Department staff indicate that all new electric boilers will require transformer upgrades. Keet Gooshi Heen Elementary School is expected to be the only location that would also require a feeder upgrade.

The three existing interruptible electric boilers are maintained by Electric Department staff. If additional electric boilers are installed, additional Electric Department staffing will likely be necessary to perform required maintenance.

Sitka Community Hospital

Sitka Community Hospital has two oil-fired boilers and two high-pressure steam boilers. The facility relies heavily on the high-pressure steam boilers, which are responsible for the majority of the facility's diesel consumption. High-pressure electric boilers are expensive to install and maintain. A high-pressure electric boiler would also require significant electric service upgrades. During preliminary scoping, conversion to an interruptible electric boiler was deemed to likely be cost prohibitive, due to the complexity of both installation and maintenance.

Harrigan Centennial Hall, Kettleton Memorial Library, Wastewater Treatment Plant

Heat pump installations are already planned for these three facilities.

Sitka Animal Shelter, Public Services Complex Garage and Lineman's Shop, Other Small City Facilities

Small facilities owned by the city are excellent candidates for electric boilers or heat pumps. The heating load of small facilities likely do not justify the cost of installing and maintaining redundant (interruptible) systems.

Historical Interruptible Sales

The following table indicates revenue produced by the three (3) existing systems presently in service from June 2012 – present, with the exception of the Sitka High School where that facility was on line from March 2014 to present. These periods include times when interruptibles were off line for maintenance or curtailment, such as preparing for and during the recent Blue Lake Generation outage.

Location	Electric Consumption (kWh)	Revenue (\$)	Displaced Fuel Oil (gal)
City/State Building	976,800	\$97,196.87	25,705
Blatchley Middle School	2,252,160	\$238,094.89	59,267
Sitka High School	1,589,400	\$157,529.22	41,826
Total	4,818,360	\$492,820.98	126,798

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-21

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING SITKA GENERAL CODE THAT TITLE 4 REVENUE AND FINANCE AT CHAPTER 4.44, "SOUTHEAST ALASKA ECONOMIC DEVELOPMENT FUND" UNDER SECTIONS 4.44.010 ESTABLISHMENT AND 44.44.050 PROCEDURE FOR DECIDING UPON APPLICATIONS FOR LOAN GUARANTEES

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 to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstances shall not be affected.

3. PURPOSE. The purpose of this ordinance is to amend the Sitka General Code pertaining to the Southeast Alaska Economic Development Fund be permitting a portion of the corpus of the Fund to be permanently transferred to another fund of the City and Borough of Sitka without requirement for repayment.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that Title 4 Revenue and Finance at Chapter 4.44 Southeast Economic Development Fund under Sections 4.44.010 and 4.44.050 of the Sitka General Code be amended to read as follows (deleted language is stricken and new language us underlined):

TITLE 4
REVENUE AND FINANCE

Chapter 4.44
SOUTHEAST ECONOMIC DEVELOPMENT FUND

Sections:

4.44.010 Establishment.

There shall be established a southeast economic development fund ("fund"), for qualifying private-sector loans and transfers to other Municipal funds. Loans or transfers to other Municipal funds shall be for purposes of promoting the efficiency and effectiveness of Municipal government, or, for improvements which shall lessen rate and fee burdens on citizens. Only the assembly can authorize any loan or transfer from this fund.

4.44.050 Procedure for deciding upon applications for loan guarantees.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-21

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING SITKA GENERAL CODE THAT TITLE 4 REVENUE AND FINANCE, AT CHAPTER 4.44, SOUTHEAST ALASKA ECONOMIC DEVELOPMENT FUND, UNDER SECTIONS 4.44.010 ESTABLISHMENT, AND 44.44.050 PROCEDURE FOR DECIDING UPON APPLICATIONS FOR LOAN GUARANTEES

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 to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstances shall not be affected.

3. PURPOSE. The purpose of this ordinance is to amend the Sitka General Code pertaining to the Southeast Alaska Economic Development Fund be permitting a portion of the corpus of the Fund to be permanently transferred to another fund of the City and Borough of Sitka without requirement for repayment.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that Title 4 Revenue and Finance at Chapter 4.44 Southeast Economic Development Fund under Sections 4.44.010 and 4.44.050 of the Sitka General Code be amended to read as follows (deleted language is stricken and new language us underlined):

TITLE 4
REVENUE AND FINANCE

Chapter 4.44
SOUTHEAST ECONOMIC DEVELOPMENT FUND

Sections:

4.44.010 Establishment.

There shall be established a southeast economic development fund ("fund"), for qualifying private-sector loans and transfers to other Municipal funds. Loans or transfers to other Municipal funds shall be for purposes of promoting the efficiency and effectiveness of Municipal government, or, for improvements which shall lessen rate and fee burdens on citizens. Only the assembly can authorize any loan or transfer from this fund.

4.44.050 Procedure for deciding upon applications for loan guarantees.

44 ~~A. Application forms can be obtained from the finance director for loans from this fund.~~
45 ~~Completed application forms will be submitted to the assembly.~~

46 ~~B. The finance director shall certify in writing the following to the municipal administrator and~~
47 ~~assembly regarding any submitted application form:~~

48 ~~1. The funds to make the loan are available and shall be accounted for in future~~
49 ~~reports to the assembly;~~

50 ~~2. The remaining fund balance if the full amount of the loan is awarded; and~~

51 ~~3. The applicant has all necessary licenses and permits to do business with the city~~
52 ~~and borough, and the applicant is not delinquent on any of their accounts with the~~
53 ~~city and borough, including sales taxes, property taxes, hotel, motel, bed and~~
54 ~~breakfast transient room rental tax, and utility payments.~~

55 GA. Any proposed loan or transfer from the fund shall be proposed to the assembly by the
56 administrator with justification as to the benefits to be derived from the loan or transfer. The
57 assembly shall decide whether to approve the loan or transfer, including whether to grant the full
58 amount requested or a lesser amount, and whether to set any conditions.

59 DB. Any loan granted under this fund requires interest to be charged at a rate to be determined
60 by the assembly.

61 ~~C. This is a revolving fund, with~~ All loan repayments and interest earned on loans deposited in
62 the fund.

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

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66 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka,
67 Alaska this 12TH day of May, 2015.

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Mim McConnell, Mayor

70 **ATTEST:**

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73 Sara Peterson, CMC
74 Municipal Clerk



Legislation Details

File #: ORD 15-23 Version: 1 Name:

Type: Ordinance Status: FIRST READING

File created: 4/6/2015 In control: City and Borough Assembly

On agenda: 4/14/2015 Final action:

Title: Amending the SGC in Title 15 Public Utilities, under Chapter 15.01 Electric Utility Policies, at Section 15.01.020 Electrical Rates, by increasing Electric Rates to fund approved Electrical Utility Capital Projects including the Blue Lake Hydroelectric Expansion Project and establishing an Energy Assistance Fund and an Electric Vehicle Incentive

Sponsors:

Indexes:

Code sections:

Attachments: [ORD 15-23 Electric Rate alternative increase](#)

Date	Ver.	Action By	Action	Result
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Possible Motion

I MOVE TO approve Ordinance 2015-23 on first reading.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-23

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING THE SITKA GENERAL CODE IN TITLE 15 PUBLIC UTILITIES, UNDER CHAPTER 15.01 ELECTRIC UTILITY POLICIES, AT SECTION 15.01.020 ELECTRICAL RATES, BY INCREASING ELECTRIC RATES TO FUND APPROVED ELECTRICAL UTILITY CAPITAL PROJECTS INCLUDING THE BLUE LAKE HYDROELECTRIC EXPANSION PROJECT AND ESTABLISHING AN ENERGY ASSISTANCE FUND AND AN ELECTRIC VEHICLE INCENTIVE

1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code ("SGC").

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

3. PURPOSE. This ordinance will increase the electrical rates for certain consumer classes at SGC 15.01.020 and provide sufficient revenues to meet all fiscal requirements to complete approved capital projects, including the Blue Lake Hydroelectric Expansion Project. The ability to meet financial margins and revenue bond covenants require electric rate increases.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that Title 15 Public Utilities, under Chapter 15.01 Electric Utility Polices, at Section 15.01.020 of SGC is amended as follows (new language underlined; deleted language stricken):

TITLE 15
PUBLIC UTILITIES

Chapter 15.01
ELECTRIC UTILITY POLICIES

Section
15.01.020 Electrical rates.

B. Residential Services.

2. Energy Charges.

First 1,000 kWh's	\$0.0935 per kWh	First 200 kWh's	\$0.0858 per kWh
Next 1,000 kWh's	\$0.1089 per kWh	Next 800 kWh's	\$0.1145 per kWh
Next 1,000 kWh's	\$0.1144 per kWh	Over 1,000 kWh's	\$0.1305 per kWh
Over 3,000 kWh's	\$0.1903 per kWh		
Customer Charge is \$19.50 per month		Customer Charge is \$19.50 per month	

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C. General Service – Small

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2. Energy Charges.

First 500 kWh	\$0.1771 per kWh
501 kWh to 10,000 kWh	\$0.1133 \$0.1246 per kWh
10,001 kWh to 100,000 kWh	\$0.1133 \$0.1218 per kWh
Over 100,001 kWh	\$0.1133 \$0.1190 per kWh
Customer charge is \$39.00 per month	

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3. Demand Charges.

First 25 kW	No Charge
Over 25 kW	\$5.60 per kW

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D. General Service – Large

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2. Energy Charges.

First 500 kWh	\$0.1771 per kWh
501 kWh to 10,000 kWh	\$0.1128 \$0.1241 per kWh
10,001 kWh to 100,000 kWh	\$0.1128 \$0.1213 per kWh
Over 100,001 kWh	\$0.1128 \$0.1184 per kWh
Customer charge is \$60.00 per month	

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3. Demand Charges.

First 25 kW	No Charge
Over 25 kW	\$5.60 per kW

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E. General Service – Public Authority

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2. Energy Charges.

First 500 kWh	\$0.1771 per kWh
501 kWh to 10,000 kWh	\$0.1133 \$0.1246 per kWh
10,001 kWh to 100,000 kWh	\$0.1133 \$0.1218 per kWh
Over 100,001 kWh	\$0.1133 \$0.1190 per kWh
Customer charge is \$45.00 per month	

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3. Demand Charges.

First 25 kW	No Charge
Over 25 kW	\$5.60 per kW

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M. Energy Assistance Fund. An energy assistance fund is hereby established to provide an opportunity for City and Borough of Sitka electric customers to make a voluntary monthly contribution to a fund that will provide limited financial assistance to customers. The intent of the program is to help provide emergency financial assistance to customers to pay electric utility bills. The program will be administered by the Salvation Army.

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N. Electric Vehicle (EV) Incentive Credit. A \$120.00 annual EV energy credit will be applied to all eligible Residential Class customers that register and operate an electric vehicle within the CBS up to a maximum of 2 EV's per household. A \$200.00 annual EV energy credit will be applied to all eligible General Service customers that register and operate an electric vehicle within the CBS up to a maximum of 5 EV's.

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

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PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 28th day of April, 2015.

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Mim McConnell, Mayor

ATTEST:

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Colleen Ingman, MMC
Municipal Clerk

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Legislation Details

File #: ORD 15-17 Version: 1 Name:

Type: Ordinance Status: FIRST READING

File created: 3/18/2015 In control: City and Borough Assembly

On agenda: 3/24/2015 Final action:

Title: RECONSIDERATION: Amending Subsection 15.01.020 of SGC Electrical Rates by increasing electric rates to fund approved Electrical Utility Capital Projects including the Blue Lake Hydroelectric Expansion Project and establishing an Energy Assistance Fund

Sponsors:

Indexes:

Code sections:

Attachments: [ORD 15-17 Electrical Rates 1st proposal](#)

Date	Ver.	Action By	Action	Result
3/24/2015	1	City and Borough Assembly		
3/24/2015	1	City and Borough Assembly		

MOTION TO RECONSIDER

I move to reconsider the motion to approve Ordinance 2015-17 on first reading.

Notes:

- If the motion to reconsider passes: The motion to reconsider is adopted and the motion is reconsidered. The motion on the floor and open for discussion would be: To approve Ordinance 2015-17 on first reading.
- Notice of reconsideration was given by deputy mayor Matthew Hunter on March 24, 2015.
- Requires a second and a majority vote

Memo

Via: Colleen Ingman, Acting Municipal Administrator
To: City and Borough of Sitka Assembly
From: Jay Sweeney, Chief Financial and Administrative Officer
Date: March 17, 2015
Re: Electricity Rate Increase and Alternative for Potential Subsidization

Mayor McConnell and Assembly Members,

Current Issue and Background

Staff is recommending an electric rate increase, effective with the commencement of the next electric billing cycle (Cycle 1).

A mild winter with warmer than normal temperatures has caused electricity consumption to be both well behind planned consumption for FY15, and, lower than FY14. As of February 28, 2015, electricity consumption has declined from FY14 by 1,185,600 kWh, a (1.62%) decrease. Electricity sales revenue has also declined from FY14 by (\$17,059). Compared to budget plan for the year, electricity consumption is (2,827,950 kWh) below plan and electricity sales revenue is (\$1,456,315) below plan.

While electricity consumption and sales have decreased, debt service related to the Blue Lake Hydroelectric Expansion project increased this year, as a result of the 4th issuance of revenue bonds last November. \$342,372 in additional debt service in FY15 is associated with this bond, which rises to \$816,250 in FY16.

Covenants agreed to by the Municipality in the bond issuance ordinance commit the Municipality to generate cash flow from operations equal to 125% of the annual debt service for revenue bonds. Thus, the additional debt service for the 4th bonding equates to a need for additional revenue of 1.25 x \$816,250, or \$1,020,312.50 in additional cash flow.

In preparing the FY15 budget, the Municipality made an assumption that electricity consumption would grow by 2.5%, from 109,133,150 kWh to 112,000,000 kWh. Electricity consumption of 112,000,000 was historically achieved in both FY12 and FY13, thus a return to historical consumption levels was viewed as a realistic assumption. If historical electricity consumption was obtained in FY15, combined with previous rate increases and a modest withdrawal from the Rate Stabilization Fund, the 125% coverage ratio was achievable.

Unfortunately, electricity consumption has not returned to normal levels and, instead, has declined from FY14, thus creating a revenue shortfall which threatens to cause the Municipality to not achieve the required coverage ratio. Current electricity consumption and revenue trends are such that, without a sizeable rate increase, the entire Rate Stabilization Fund of \$2,508,000 will need to be liquidated in order to achieve the required 125% coverage ratio in FY15.

Staff was very explicit in its discussions with the Assembly and the public that a 4th electric rate increase, in conjunction with the 4th bonding, was not foregone and was simply delayed. The desire was to have a moderate rate increase put in place for July 1, 2015; however, the decline in consumption has made an electric rate increase urgent, compelling a higher than anticipated rate increase and an earlier adoption.

For a historical perspective, electricity consumption, electricity sales, and the average rate per kWh for the last three fiscal years and projected for FY15 are as follows:

Fiscal Year	Electricity Sales Revenue	Electricity Consumption	Average Rate Per kWh
FY12	\$11,272,293	111,718,100 kWh	\$0.1009 / kWh
FY13	\$11,232,485	112,761,750 kWh	\$0.1002 / kWh
FY14	\$13,028,667	109,133,150 kWh	\$0.1194 / kWh
FY15 (Projected)	\$13,000,000	107,362,200 kWh	\$0.1211 / kWh

The companion historical perspective on bonded debt service and coverage ratios is as follows:

Fiscal Year	Bonded Debt Service	Coverage Ratio
FY12	\$3,467,567	1.43 Times
FY13	\$3,449,735	1.69 Times
FY14	\$5,045,158	1.34 Times
FY15 (Projected)*	\$7,733,628	0.90 Times*

*Note. Data with asterisks in the Table above do not include anticipated withdrawals from the Rate Stabilization Fund. The governing Bond Ordinance for Blue Lake Revenue Bonds allows the Finance Director to make deposits of revenues above those required to make the minimum 125% debt service coverage ratio into a Rate Stabilization Fund. We made deposits to the Rate Stabilization Fund in FY12 and FY13 equal to a total of \$2,508,000. Note that this correlates to the large coverage ratios in those fiscal years in the Table above. It is anticipated, as previously mentioned, that the entire Rate Stabilization Fund will be withdrawn in FY15 to meet the minimum coverage ratio.

Alternative For Potential Subsidization

Staff has identified an alternative that could help to ease the rate increases required to meet the minimum coverage ratio in FY16.

The governing bond ordinance allows for funds from an external source to be deposited into the Rate Stabilization Fund. If and when such funds are withdrawn from the Rate Stabilization Fund to help mitigate rate increases, the withdrawal has the effect of being classified as revenue for purposes of calculating the coverage ratio. To wit, the existing \$2,508,000 currently in the Rate Stabilization Fund is being planned for withdrawal this fiscal year (FY15) to help achieve the FY15 coverage ratio, which is always measured annually on June 30.

The alternative Staff has identified is the potential transfer of most, or all, of the remaining funds in the Southeast Alaska Economic Development Loan Fund into the Electric Fund Rate Stabilization Fund **THIS FISCAL YEAR**, so that it is available to be withdrawn from the Rate Stabilization Fund next fiscal year (FY16) and be counted as revenue towards achieving the minimum coverage ratio.

As a second part of this alternative, Staff would embark on a course of action to use the funds from the Economic Development Loan Fund to pay for the capital costs of converting Municipal buildings (especially schools) from oil heat to electric heat. In doing so, outlays leaving Sitka in the form of heating oil purchases would remain in the Municipality, and, overall electric consumption would be increased.

Staff estimates that every \$100,000 so transferred from the Economic Development Loan Fund would have the effect of lessening the required FY16 rate increase by \$0.0093/kwh. If, for example, \$2,500,000 was so transferred, it would have the effect of lessening the required rate increase by \$0.023 per kWh.

It is important to note that the effect of such a transfer from the Economic Development Loan Fund would be a **ONE TIME EFFECT** for FY16 only. A combination of increased electricity consumption and/or subsequent rate increases would still be required to achieve the coverage ratio in subsequent years.

One thing that favors Sitka is that annual debt service will gradually decline over time, not rise. Hence, the denominator in the debt service calculation will decline, making the coverage ratio easier to achieve each year and mitigating future rate increases.

The basic calculation for achieving the 1.25 debt service coverage ratio in subsequent years is as follows:

1. *Annual bonded debt service of \$7,730,000 times 1.25 = \$9,662,500 required cash flow*
2. *Electric Department earnings before interest and depreciation (EBID) plus interest income as a percentage of top-line revenue = 57.11%*
3. *\$9,662,500 require cash flow divided by 57.11 % EBID = sales of \$17,444,000*
4. *\$17,444,000 divided by 112,000,000 kWh = \$0.1556 per kWh*

But if consumption increases....

5. *\$17,444,000 divided by 113,120,000 kWh (1% consumption increase) = \$0.1542 per kWh*

Summary

Staff recommends the combination of rate increases plus transfers from the Southeast Alaska Economic Development Fund, in order to generate increased system revenue of \$2,500,000 for FY16, be adopted as soon as possible. A rate increase, plus perhaps an additional transfer from the Economic Development Loan Fund necessary to generate required income necessary to meet the required rate covenant, must also be planned for FY17 in order to stabilize rates.

An ordinance would need to be introduced promptly to change the language in Title 4 of the Sitka General Code governing the Southeast Alaska Economic Development Loan Fund to permit transfer to another fund, as opposed to loaning, as the code now reads.

Electric Rates – Additional Information

1 - Sitka Annual Gross Generation

2 - Residential Rate Comparison – Statewide

3 - Residential Rate Comparison – Regional

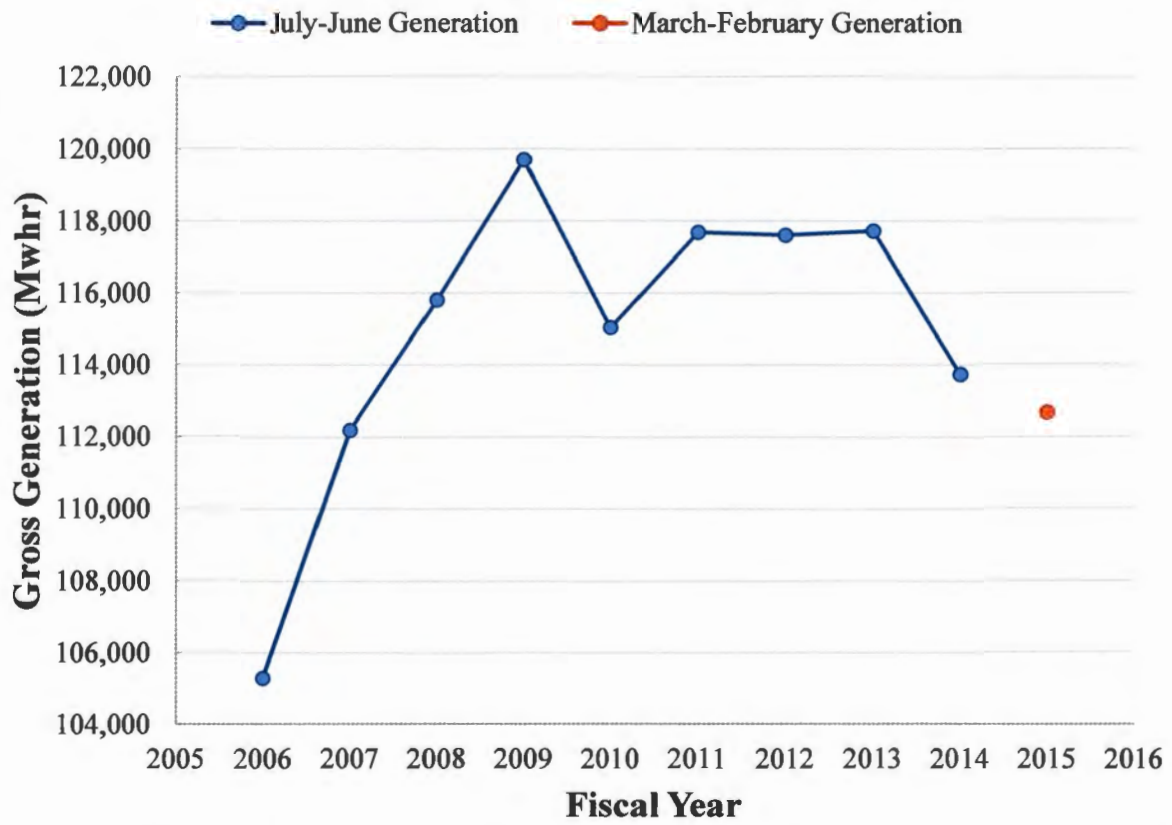
4 - Electric Rates – Alaska Statewide¹

5 - Electric Rates - Nationwide²

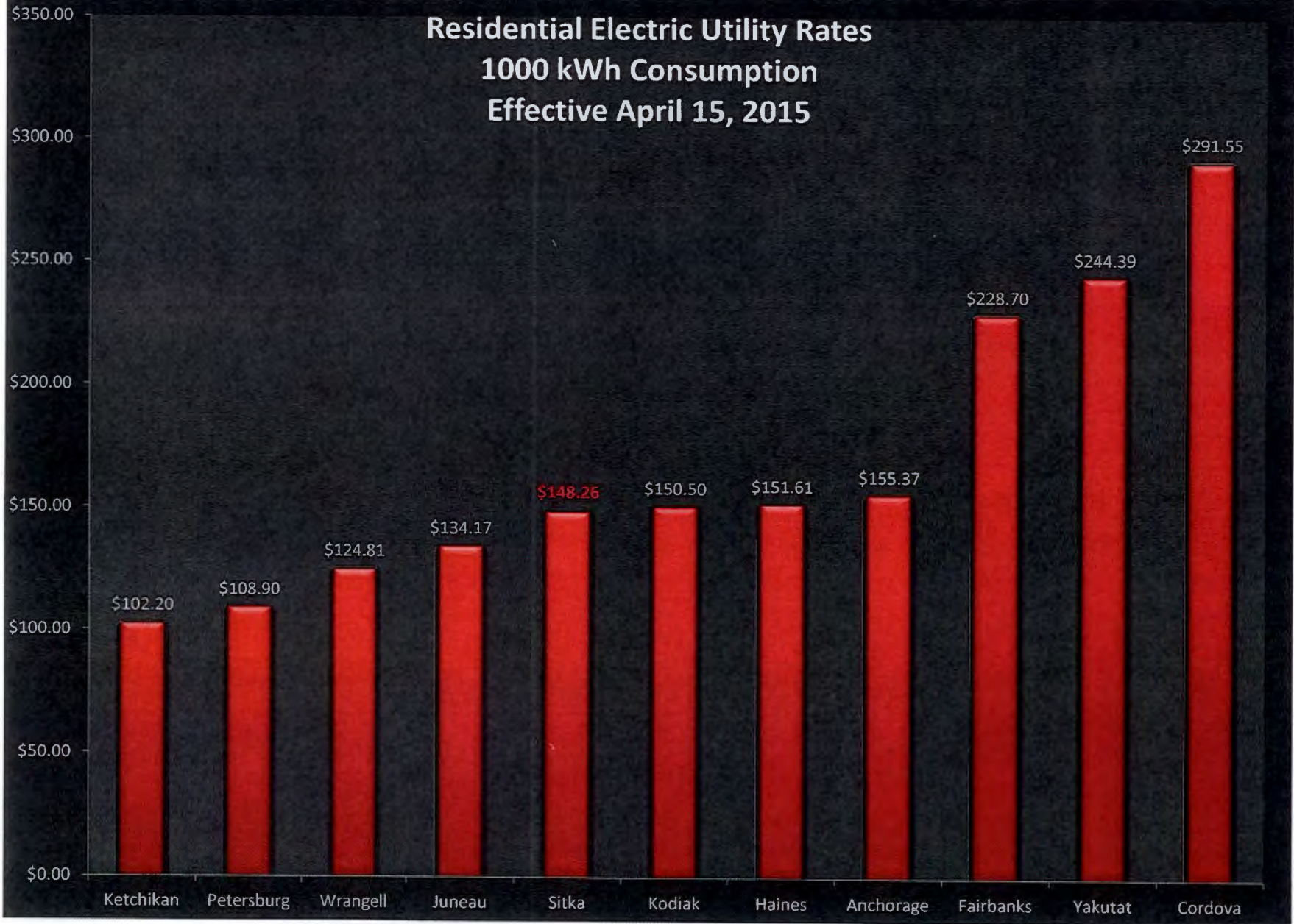
6 - Sitka Interruptible Electric Rate

^{1,2} Information is latest data compiled by the Energy Information Administration – CY2013

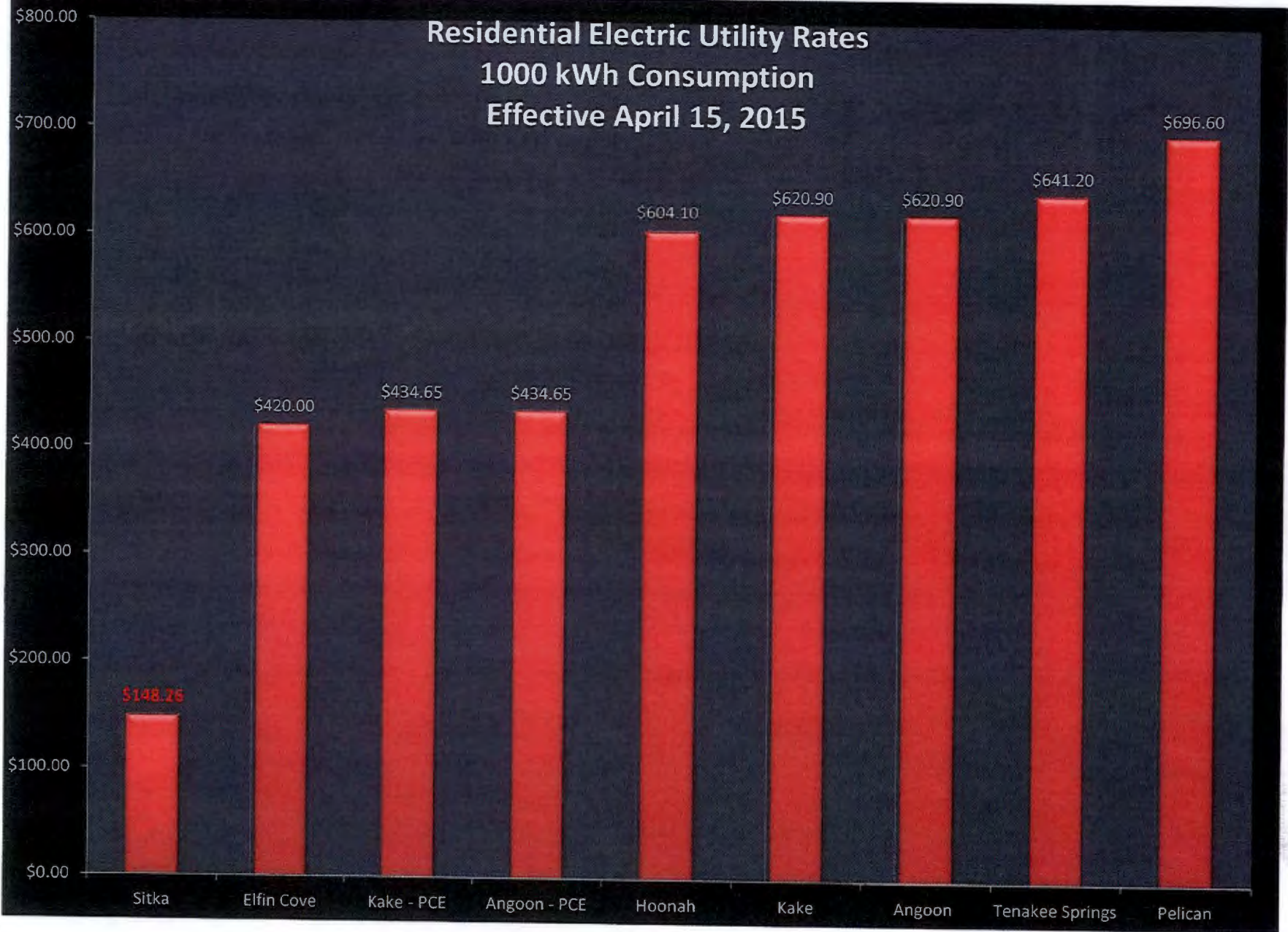
Sitka Annual Power Generation



Residential Electric Utility Rates
1000 kWh Consumption
Effective April 15, 2015



Residential Electric Utility Rates 1000 kWh Consumption Effective April 15, 2015



Average Revenue per kWh, 2013
(in cents)
United States and Alaska

	Residential <u>Rev/kWh</u>	Commercial <u>Rev/kWh</u>	Industrial <u>Rev/kWh</u>	Total* <u>Rev/kWh</u>
<u>Alaska</u>				
Publicly Owned	13.4	11.7	19.3	13.6
Investor-Owned	17.7	19.9	9.7	23.4
Cooperative	18.4	16.4	15.8	17.7
Alaska				
<u>Publicly Owned</u>				
Anchorage Municipality of	13.2	10.4	-	10.7
Ketchikan City of	10.2	9.7	8.4	9.7
Nome Joint Utility Systems	37.7	35.4	-	36.1
North Slope Borough Power & Light	17.4	31.0	-	28.4
Petersburg City of	9.7	11.4	10.8	10.5
Seward City of	20.4	21.6	17.4	18.8
Sitka City & Borough of	10.7	11.1	11.3	10.9
Unalaska City of	47.5	42.9	39.0	40.8
Wrangell City of	10.6	10.7	-	10.7
Alaska				
<u>Investor-Owned</u>				
Alaska Electric Light & Pwr Co	12.8	10.5	9.7	11.2
Alaska Power Co	30.7	27.0	-	28.4
Aniak Light & Power Co Inc	NA	NA	NA	73.9
Bethel Utilities Corp	54.9	54.6	-	54.7
Chitina Electric Inc	-	-	66.9	59.7
G & K, Inc	NA	NA	NA	71.7
Gustavus Electric Inc	NA	NA	NA	43.9
Gwitchyaa Zhee Utility Co	NA	NA	NA	62.8
Hughes Power & Light Co	NA	NA	NA	72.0
Kuiggluum Kallugvia	NA	NA	NA	50.5
McGrath Light & Power Co	NA	NA	NA	58.4
Napakiaq Ircinraq Power Co	NA	NA	NA	80.5
Pelican Utility	NA	NA	NA	32.1
Smart Prepaid Electric	NA	NA	NA	73.9
Tanana Power Co Inc	NA	NA	NA	48.9
TDX North Slope Generating Co	-	18.5	-	18.5
Alaska				
<u>Cooperative</u>				
Akiachak Native Community Electric Co.	NA	NA	NA	69.2

	Residential <u>Rev/kWh</u>	Commercial <u>Rev/kWh</u>	Industrial <u>Rev/kWh</u>	Total* <u>Rev/kWh</u>
Alaska Village Elec Coop, Inc	61.0	53.4	-	56.6
Barrow Utils & Elec Coop, Inc	12.1	10.6	-	10.9
Chugach Electric Assn Inc	14.8	12.2	10.9	13.4
Copper Valley Elec Assn, Inc	28.2	24.4	-	25.2
Cordova Electric Coop, Inc	41.2	32.6	22.9	30.7
Golden Valley Electric Assn Inc	22.9	21.1	17.2	18.9
Homer Electric Assn Inc	21.0	18.3	7.9	16.7
I-N-N Electric Coop, Inc	NA	NA	NA	36.5
Kodiak Electric Assn Inc	17.9	17.4	16.3	16.8
Kotzebue Electric Assn Inc	41.1	38.8	-	39.6
Matanuska Electric Assn Inc	15.1	12.6	-	14.2
Middle Kuskokwim Elec Coop Inc	NA	NA	NA	90.0
Naknek Electric Assn, Inc	NA	NA	NA	52.2
Nelson Lagoon Elec Coop, Inc	NA	NA	NA	73.2
Nushagak Electric Coop, Inc	NA	NA	NA	44.1
Tuntutuliak Comm Services Assn	NA	NA	NA	51.3
Unalakleet Valley Elec Coop	NA	NA	NA	40.9

Alaska	Total
<u>Publicly Owned - Small Utilities</u>	<u>Rev/kWh</u>
Akutan City of	31.7
Atka, City of	39.5
Atmautluak Tribal Utilities	62.2
Birch Creek Village Elec Util	60.0
Chefornak City of	40.0
Chignik City of	50.8
EDF Industrial Power Services (NY), LLC	86.3
Elfin Cove City of	69.2
Galena Electric Utility	50.8
Igiugig Electric Company	77.3
Inside Passage Elec Coop, Inc	59.7
Ipnatchiaq Electric Company	120.4
King Cove City of	28.1
Kokhanok Village Council	43.3
Kwig Power Company	61.0
Larsen Bay City of	38.0
Manokotak City of	41.6
Metlakatla Power & Light	10.1
Native Village of Perryville	94.8
Ouzinkie City of	37.2
Pedro Bay Village Council	75.9
Saint Paul City of	55.8
Tatitlek Electric Utility	30.5
TDX Power	85.1
Tenakee Springs City of	60.6
White Mountain City of	62.0
Yakutat Power, Inc	49.5

Source: U.S. Department of Energy, Energy Information Administration, Form EIA-861, 2013 data.

Full Service Sales vs. Unbundled (retail choice) Sales, 2013

		<u>Residential</u> <u>Rev/kWh</u>	<u>Commercial</u> <u>Rev/kWh</u>	<u>Industrial</u> <u>Rev/kWh</u>	<u>Total</u> <u>Rev/kWh</u>
All U.S. Customers					
	Full Service Sales	12.0	10.1	6.7	10.0
	Unbundled Sales	13.5	11.1	7.5	10.3
	Total: All Customers	12.1	10.3	6.9	10.1
<u>By State</u>					
California	Full Service Sales	15.3	13.6	10.7	13.8
	Unbundled Sales	20.1	11.7	9.6	11.0
	Total	15.3	13.4	10.5	13.5
Connecticut	Full Service Sales	17.1	14.5	10.1	15.8
	Unbundled Sales	17.7	14.7	13.5	15.4
	Total	17.3	14.7	12.6	15.6
Delaware	Full Service Sales	13.6	12.3	9.9	12.8
	Unbundled Sales	13.1	8.7	7.4	8.3
	Total	13.6	10.1	8.4	11.1
Illinois	Full Service Sales	11.7	9.4	5.8	10.4
	Unbundled Sales	10.0	7.2	5.8	6.8
	Total	11.4	8.0	5.8	8.4
Maine	Full Service Sales	13.8	12.4	10.9	12.8
	Unbundled Sales	14.7	11.5	7.9	11.8
	Total	14.7	11.5	8.0	11.8
Maryland	Full Service Sales	12.8	10.7	8.4	12.2
	Unbundled Sales	13.1	10.3	8.0	10.5
	Total	12.8	10.4	8.1	11.3
Massachusetts	Full Service Sales	14.8	14.1	11.1	14.0
	Unbundled Sales	15.9	13.6	13.1	13.5
	Total	14.9	13.8	12.6	13.8
Michigan	Full Service Sales	14.1	11.3	7.8	11.4
	Unbundled Sales	14.1	7.7	6.5	7.1
	Total	14.1	10.9	7.6	11.0
Montana	Full Service Sales	10.1	9.2	7.0	9.3
	Unbundled Sales	n/a	5.8	3.9	4.0
	Total	10.1	9.1	5.1	8.2
Nevada	Full Service Sales	11.8	8.9	6.7	9.1
	Unbundled Sales		6.8	4.6	5.2
	Total	11.8	8.8	6.5	8.9
New Hampshire	Full Service Sales	16.1	15.0	16.2	15.8
	Unbundled Sales	14.3	11.9	10.8	11.5
	Total	16.1	13.4	11.8	14.2

New Jersey	Full Service Sales	15.9	13.6	8.5	14.9
	Unbundled Sales	15.3	12.4	11.0	12.5
	Total	15.8	12.8	10.5	13.7
New York	Full Service Sales	17.3	16.2	7.7	16.3
	Unbundled Sales	18.8	14.5	6.3	14.0
	Total	17.6	15.1	6.7	15.1
Ohio	Full Service Sales	12.0	10.7	6.4	10.0
	Unbundled Sales	11.3	8.8	6.1	8.3
	Total	11.8	9.5	6.2	9.1
Oregon	Full Service Sales	9.8	8.3	5.6	8.3
	Unbundled Sales	n/a	7.9	5.1	6.1
	Total	9.8	8.4	5.7	8.3
Pennsylvania	Full Service Sales	12.7	11.0	7.6	12.0
	Unbundled Sales	12.8	8.9	7.2	8.8
	Total	12.7	9.4	7.2	9.9
Rhode Island	Full Service Sales	14.4	12.4	11.7	13.6
	Unbundled Sales	14.0	11.4	10.4	11.2
	Total	14.4	11.9	10.7	12.7
Texas *	(see note at bottom)				
Washington	Full Service Sales	8.5	7.7	4.1	7.0
	Unbundled Sales	n/a	4.5	4.2	4.2
	Total	8.5	7.7	4.1	6.9
Washington, DC	Full Service Sales	12.2	12.5		12.3
	Unbundled Sales	12.5	12.0	5.5	11.7
	Total	12.3	12.0	5.5	11.9

*** Note:** While Texas is a retail choice state, total sales are reported by retail electric providers, who do not differentiate between Full Service and Unbundled Sales.

**City and Borough of Sitka
Interruptible Power Rates**

Maximum charge is .11

Two month look back on cost

Billing	Cost of #2			Date Rate
Month	2 mnths prior	Multiplier	Kw rate	Changed
Jul-14	3.4618	0.0317	0.1097	
Aug-14	3.4799	0.0317	0.1103	
Sep-14	3.4466	0.0317	0.1093	
Oct-14	3.3915	0.0317	0.1075	
Nov-14	3.4328	0.0317	0.1088	
Dec-14	3.3972	0.0317	0.1077	
Jan-15	3.3352	0.0317	0.1057	1/16/2015
Feb-15	2.8709	0.0317	0.0910	
Mar-15	january	0.0317	#VALUE!	
Apr-15	february	0.0317	#VALUE!	
May-15	march	0.0317	#VALUE!	
Jun-15	april	0.0317	#VALUE!	
Jul-15	may	0.0317	#VALUE!	
Aug-15	june	0.0317	#VALUE!	
Sep-15	july	0.0317	#VALUE!	
Oct-15	august	0.0317	#VALUE!	
Nov-15	september	0.0317	#VALUE!	
Dec-15	october	0.0317	#VALUE!	
Jan-16	november	0.0317	#VALUE!	
Feb-16	december	0.0317	#VALUE!	
Mar-16	january	0.0317	#VALUE!	
Apr-16	february	0.0317	#VALUE!	
May-16	march	0.0317	#VALUE!	
Jun-16	april	0.0317	#VALUE!	
Jul-16	may	0.0317	#VALUE!	
Aug-16	june	0.0317	#VALUE!	
Sep-16	july	0.0317	#VALUE!	
Oct-16	august	0.0317	#VALUE!	
Nov-16	september	0.0317	#VALUE!	

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-17

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING SUBSECTION 15.01.020 OF THE SITKA GENERAL CODE ELECTRICAL RATES BY INCREASING ELECTRIC RATES TO FUND APPROVED ELECTRICAL UTILITY CAPITAL PROJECTS INCLUDING THE BLUE LAKE HYDROELECTRIC EXPANSION PROJECT AND ESTABLISHING AN ENERGY ASSISTANCE FUND

1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code ("SGC").

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

3. PURPOSE. This ordinance will increase the electrical rates for certain consumer classes at SGC 15.01.020 and provide sufficient revenues to meet all fiscal requirements to complete approved capital projects, including the Blue Lake Hydroelectric Expansion Project. The ability to meet financial margins and revenue bond covenants require electric rate increases.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that SGC 15.01.020 is amended as follows (new language underlined; deleted language stricken):

Chapter 15.01
ELECTRIC UTILITY POLICIES

Section
15.01.020 Electrical rates.

B. Residential Services. (v3)
2. Energy Charges.

Table with 4 columns: kWh range, rate per kWh, kWh range, rate per kWh. Includes a final row for Customer Charge is \$19.50 per month.

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C. General Service – Small (v4)

2. Energy Charges.

First 500 kWh	\$0.1771 per kWh
501 kWh to 10,000 kWh	\$0.1133 <u>\$0.1246</u> per kWh
10,001 kWh to 100,000 kWh	\$0.1133 <u>\$0.1218</u> per kWh
Over 100,001 kWh	\$0.1133 <u>\$0.1190</u> per kWh
Customer charge is \$39.00 per month	

3. Demand Charges.

First 25 kW	No Charge
Over 25 kW	\$5.60 per kW

D. General Service – Large (v4)

2. Energy Charges.

First 500 kWh	\$0.1771 per kWh
501 kWh to 10,000 kWh	\$0.1128 <u>\$0.1297</u> per kWh
10,001 kWh to 100,000 kWh	\$0.1128 <u>\$0.1263</u> per kWh
Over 100,001 kWh	\$0.1128 <u>\$0.1241</u> per kWh
Customer charge is \$60.00 per month	

3. Demand Charges.

First 25 kW	No Charge
Over 25 kW	\$5.60 per kW

E. General Service – Public Authority (v3)

2. Energy Charges.

First 500 kWh	\$0.1771 <u>\$0.2037</u> per kWh
501 kWh to 10,000 kWh	\$0.1133 <u>\$0.1303</u> per kWh
10,001 kWh to 100,000 kWh	\$0.1133 <u>\$0.1303</u> per kWh
Over 100,001 kWh	\$0.1133 <u>\$0.1303</u> per kWh
Customer charge is \$45.00 per month	

3. Demand Charges.

First 25 kW	No Charge
Over 25 kW	\$5.60 per kW

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* * *

M. Energy Assistance Fund. An energy assistance fund is hereby established to provide an opportunity for City and Borough of Sitka electric customers to make a voluntary monthly contribution to a fund that will provide limited financial assistance to customers. The intent of the program is to help provide emergency financial assistance to customers to pay electric utility bills. The program will be administered by the Salvation Army.

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

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 14th day of April, 2015.

Matthew Hunter, Deputy Mayor

ATTEST:

Colleen Ingman, MMC
Municipal Clerk

Clarification: STA Board Member Miyasato recused himself did not vote nor participate.



April 1, 2015

Mayor Mim McConnell
City & Borough of Sitka
100 Lincoln Street
Sitka, AK 99835

Dear Mayor McConnell:

Sitka Tribe of Alaska is opposed to the utility rate increases being proposed by the City & Borough of Sitka. The trend of rates and fees increases imposed this past year is just too much to bear for the citizens of this community who either live on medium or low incomes or are senior citizens who live on fixed incomes. To burden the citizens with another rate increase on top of last year's increases in the utility rates and the increase in moorage rates - for the third year in a row - and other proposed rate increases, is unreasonable.

Especially impacted with this proposed rate increase are our STA Tribal citizens who are lifelong residents of Sitka, but are at the brink of being forced to consider moving out of Sitka because they simply cannot afford to live here. We see this trend already taking place among our Tribal citizens and find ourselves striving to provide the additional support to our citizens in need. We would also go so far as to say that these repeated increases have contributed to a growing homeless population in Sitka.

It appears that with this trend to move costs out of reach of the average citizen, the City & Borough of Sitka is purposely creating a community environment where only the elite can afford to live. That is not representative of the rich history of this community. The City & Borough of Sitka Assembly has had such a focus on serving a select population and large businesses, now is the time to consider how these actions affect the common citizen.

At the regular monthly STA Tribal Council meeting held on March 18, 2015, the STA Tribal Council unanimously approved the STA Tribal Chairman signing this letter in opposition to the proposed utility rate increases. We stand as representatives of our Tribal citizens to say enough is enough.

Sincerely,

Michael Baines
Tribal Chairman

cc: STA Tribal Council
CBS Assembly

RECEIVED
APR - 6 2015

City & Borough of Sitka



Legislation Details

File #: ORD 15-22 Version: 1 Name:

Type: Ordinance Status: FIRST READING

File created: 4/6/2015 In control: City and Borough Assembly

On agenda: 4/14/2015 Final action:

Title: Temporarily Instituting All-Mail-Ballot for Municipal Elections in 2015 and 2016 while Sitka's polling place of Harrigan Centennial Hall undergoes renovation and is inaccessible for voting

Sponsors:

Indexes:

Code sections:

Attachments: [ORD 15-22 Temporary By Mail Elections](#)

Date	Ver.	Action By	Action	Result
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Possible Motion

I MOVE TO approve Temporary Ordinance 2015-22 on first reading.



City & Borough of Sitka

Municipal Clerk's Office

100 Lincoln Street, Sitka AK 99835



Memorandum

To: Mayor and Assembly
Cc: Thru Mark Gorman, Municipal Administrator
From: Colleen Ingman, Municipal Clerk
Date: April 8, 2015
Subject: Voting by Mail Temporary Ordinance 2015-22

There are several reasons that I'm bringing the idea forward now and some additional reasons can be found in the attached documentation.

- Harrigan Centennial Hall will be closed while undergoing major renovation from August 1, 2015 through December, 2016. Sitka's two voting precincts are located in that building.
- SGC 2.40.220 instructs the municipal clerk to "deliver a ballot...or by mail..." and sets forth rules for mailing ballots. SGC 2.40.230 allows early voting, "as soon as ballots are available..."
- For several years, the State of Alaska and the City and Borough of Sitka have allowed voting-by-mail without requiring voters to sign an affidavit that they will be absent on election day. This so-called "no-excuses absentee voting" has proven to be popular and effective across the United States.
- In 1998 the State of Oregon instituted all-mail-ballot elections where every voter is automatically mailed a ballot. Washington State implemented a similar method in 2011, followed by Colorado in 2013. All states increased voter participation and, in fact, outperformed the US voter turnout rate. This process also makes voting more convenient for voters and allows voters a longer opportunity to study the ballot before completing their ballots.
- Voting by mail increases voter turnout.
- I could find no conflict in local or state law that would prohibit municipal elections in 2015 and 2016 to be conducted using an all-mail-ballot system. "Special-needs (ADA)" and "absentee" voting would remain available at the municipal clerk's office for those voters.

If we were to move in this direction even temporarily, and the ordinance was passed a campaign would follow to educate the public.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-22

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA
INSTITUTING ALL-MAIL-BALLOT FOR MUNICIPAL ELECTIONS IN 2015 AND 2016
WHILE SITKA’S POLLING PLACE OF HARRIGAN CENTENNIAL HALL
UNDERGOES RENOVATION AND IS INACCESSIBLE FOR VOTING

1. **CLASSIFICATION.** This ordinance is NOT of a permanent nature and is not intended to become a part of the Sitka General Code (SGC).

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

3. **PURPOSE.** Harrigan Centennial Hall will be closed while undergoing major renovation from August 1, 2015 through December, 2016. Sitka’s two voting precincts are located in that building. SGC 2.40.220 instructs the municipal clerk to “deliver a ballot to the elector either personally, by a duly authorized representative, or by mail...” and sets forth rules for mailing ballots. SGC 2.40.230 allows early voting, “as soon as ballots are available from the election official up to and including election day, in a location and at places and times determined by the municipal clerk.” Further, SGC 2.40.240 states that the “municipal clerk is authorized to fashion rules and procedures for the conduct of the election so long as they are not in conflict with this chapter.” The municipal clerk finds no conflict exists and proposes that the elections in 2015 and 2016 be conducted using an all-mail-ballot system. Special-needs voting and machinery will be available at the municipal clerk’s office.

For several years, the State of Alaska and the City and Borough of Sitka have allowed voting-by-mail without requiring voters to sign an affidavit that they will be absent on election day. This so-called “no-excuses absentee voting” has proven to be popular and effective across the United States. In 1998, the State of Oregon instituted all-mail-ballot elections where every voter is automatically mailed a ballot. Washington State implemented a similar method in 2011, followed by Colorado in 2013. All states increased voter participation and, in fact, outperformed the US voter turnout rate. This process also makes voting more convenient for voters and allows voters a longer opportunity to study the ballot before completing their ballots.

4. **ENACTMENT. NOW, THEREFORE, BE IT ENACTED** by the Assembly of the City and Borough of Sitka that all municipal elections held in 2015 and 2016 will be conducted using all-mail balloting. The municipal clerk will fashion necessary rules and procedures for all-mail-ballot elections.

Three states -- Oregon, Washington and Colorado -- conduct all elections by mail. A ballot is automatically mailed to every registered voter in advance of Election Day, and traditional in-person voting precincts are not available.

Advocates for mail balloting argue that because of its strong democratic tradition, the United States should continue to eradicate barriers to the franchise, and make voting easier through mail-in elections.

Advantages of Voting-by-Mail

Mail balloting has several advantages over traditional polling. First, it is **cost effective**. Second, it has resulted in **increased participation among voters**. Third, it is **easier** for election officials to **conduct**. Fourth, it allows for a **more accurate picture of eligible voters**, by **keeping voting lists up-to-date**. Fifth, it gives voters a **longer opportunity to study the ballot and find answers to their questions**.

Every statistic shows that voting by mail is **more convenient** for voters and that **it increases turnout**.

Conducting elections by mail is much easier on the election administrators. Particularly in local elections, primaries, and local ballot questions, mail-in elections make sense as a place to start and to experiment. Mail balloting in such local elections has also resulted in increased turnout.

The Federal Election Commission book "Innovations in Election Administration 11: All-Mail-Ballot Elections" discusses the advantages of mail balloting for election administrators well:

No pollworkers includes: no recruitment; no notices to be sent; no classes to conduct; no distribution and retrieval of election day supplies; no last-minute cancellations from workers who had agreed to serve; no paychecks to cut and mail; no W-2's to send; no pre-dawn election-day hours to line up replacement workers. No polling places includes no polling place leases, telephones, utilities; no searching for or preparation of accessible locations; no frantic phone calls about locked doors; no preparation, set-up, tear-down, or emergency repairs of voting machines or devices; no confusion about where people must go to vote.

In addition, with more people voting absentee, using mail balloting exclusively avoids election administrators from essentially conducting two elections – an absentee election and a polling place election. There is more room for corruption when election administration officials have to basically conduct two parallel systems.

Voter lists are much easier to accurately maintain with mail balloting. This is because ballots that are returned to election officials as undeliverable highlight registrations that must be checked. This helps election officials purge their registration rolls of ineligible voters.

A more informed voting public is cited as another advantage of mail-in balloting. If an individual has two weeks between when he or she receives a ballot and when it must be returned, this

allows a better opportunity for voters to study the issues, to clarify any points of confusion, and get questions answered.

The Oregon Model: A Success in Mail Balloting



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Vote-By-Mail Made Easy

Vote by Mail

All elections in Oregon are Vote by Mail. This means that registered voters receive their ballots in the mail and can vote in the comfort of their home.

([en Español](#))

Voters' Pamphlets

A state Voters' Pamphlet is mailed to **every household** in Oregon about 3 weeks before each statewide election. It includes information about each measure and candidate in the upcoming election. If you do not receive a Voters' Pamphlet, you can order or pick one up from:

- [Any County Elections Office](#)
- [The Secretary of State's Office](#)
- [Your local Post Office](#)

Some counties may print a voters' pamphlet with local measures and candidates. These may be included with the state pamphlet or mailed separately.

For each statewide election, the Voters' Pamphlet is also available in an accessible online format at sos.oregon.gov/voting/Pages/default.aspx.



An audio Voters' Guide is also available for each statewide election. Call 1 866 ORE VOTES for more information.

Ballots

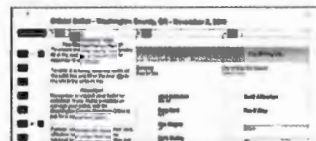
Ballots are mailed to every registered voter 18 to 20 days before the election.

If you move or change your mailing address you need to update your voter registration information to get a ballot.

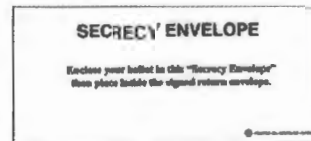
The post office will not forward your ballot!

You have until 8pm on the day of the election to make any updates. If you do not receive your ballot at least 2 weeks before the election, call the Elections Office for help.

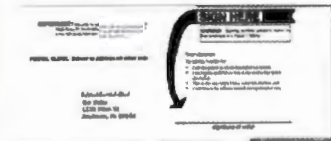
When your ballot package comes in the mail, it will include:



An official ballot



An optional secrecy envelope



A ballot return envelope

Your ballot return envelope has an area for you to sign. **You must sign it in order for your ballot to be counted.**

The secrecy envelope is optional and not required. The election Staff will ensure the secrecy of your ballot.

An Elections Official will compare the signature on your ballot return envelope to the signature on your voter registration card to verify your identity.

Signing another person's name is illegal. You must sign your own ballot return envelope.

For more information on the ballot see:

- [How to mark your Ballot](#)
- [Returning Your Ballot](#)

If you have a disability and cannot physically sign your name on the ballot return envelope, you may submit a signature stamp attestation to the County Elections Official.

Other Inserts

You may also receive voting instructions, locations of ballot dropsites, or other useful information from the Elections Office.

Call 1-866-ORE VOTES or the County Elections Office for more information.

Educational Video

To further understand how the system works, you may view this short video that demonstrates the various procedures and safe-guards that ensure the integrity of the entire vote-by-mail process. The video "unwraps" the story of the mail-in ballot and takes viewers behind the scenes, highlighting the efforts of both staff and volunteers alike, who make certain that votes are tallied accurately and that strict handling procedures are followed at all times.

Oregon is one of two states that employ a vote-by-mail only system. Voters receive an information pamphlet three weeks before the election, followed a few days later by their ballots. With an average voter turnout of 60.13 – 8.5 percentage points above the national average – the system is working for Oregonians.

“There is absolutely no doubt in my mind that we see high turnout because of vote-by-mail,” says Oregon Secretary of State Kate Brown. “It’s extremely convenient and accessible; it’s secure and cost-effective.”

Oregonians passed a referendum in 1998 to institute the vote-by-mail system – with almost 70 percent approval.

Secretary Brown rejects the criticism that mail-in ballots diminish the sense of civic engagement people may feel standing in line with their fellow citizens on Election Day. She says Oregonians have block parties and talk to their neighbors; issues are discussed in churches and synagogues.

“Civic engagement is much more meaningful and expansive when you have a ballot in hand for 2-1/2 weeks,” Brown says. “Election Day is not just one day – it’s several.”

Another criticism of mail-in ballots is that there is more opportunity for voter fraud. Since 2000, 15 million ballots have been cast by mail in Oregon, but there have been only nine convictions of voter fraud, Brown says. The state takes extensive measures to ensure that ballots are secure: each envelope has a unique barcode, election officials verify every signature, and there are cameras in every election office to monitor the counting. People can also check online to make sure their ballot was counted.

Voter outreach is another factor at play in Oregon, says Michael Slater, executive director of the nonprofit Project Vote and a [Portland](#) resident. Campaigns can check to see if people have voted, and encourage them to cast their ballot.

“People knock on my door and ask if I need my ballot delivered,” Mr. Slater says. “It’s a very helpful way to keep people engaged.”

ALASKA

Convenience is another factor at play in Alaska – as the state offers early (in-person or by mail) and absentee voting. Also, any registered voter can apply to have a ballot faxed to them. The “electronic transmission ballot” is due by 5 p.m. on [Election Day](#), according to Alaska’s Division of Elections.

Mail Voting

Convenience voting, defined as access to voting at a time and place of the voter's choosing, has grown exponentially in the United States within the last two decades. A majority of states now permit "no-fault" or "no excuse" absentee voting, early in person voting, and vote-by-mail (VBM), and it is estimated that approximately one-third of all voters in the 2008 general election took advantage of some form of early voting.

There are advantages and disadvantages of convenience voting in the form of no excuse absentee voting, permanent no excuse absentee voting, and VBM, all of which use the United States Postal Service as a central component. As inevitably occurs with any significant change in a fundamental institution, the rapid expansion of voting outside the precinct polling place has been controversial. Proponents maintain that no excuse absentee and VBM systems increase turnout and may even expand political participation in previously under-represented demographic groups. Other supporters point out that convenience voting permits voters to study the ballot and issues more closely and make more informed choices. Opponents decry the greater opportunity for election fraud that may exist in a mail ballot system, fraudulent activities such as vote buying, coercion or undue influence on voters by family or political operatives, and, not least of all, the interception of ballots. Others raise valid concerns about the reliability of mail service in large urban areas.

Many opponents complain that mail-in balloting comes at the cost of losing the communal, civic aspect of voting at a neighborhood polling place. As Norman J. Ornstein of the American Enterprise Institute framed the argument: "[Voting] should be a meaningful experience, where citizens congregate with their neighbors and affirm their joint commitment to society... Reducing the vote to the equivalent of filling out a Publisher's Clearinghouse lottery cheapens the experience." On the other hand, proponents point out that mail-in balloting can be seen "kitchen table voting" which opens opportunities for political discourse among family and friends. The argument that mail-in balloting is detrimental to civic involvement, one researcher contends, "ignores the rich 'togetherness' that can be achieved by voting at home," and fails to recognize "that there are positive benefits from the increased deliberative environment of vote by mail.

Read Project Vote's policy brief on Convenience Voting [here](#).

There are many sources of information about all-mail-ballot elections on the internet. Several sources of interest include:

<http://sos.oregon.gov/voting/Pages/voteinor.aspx>

Oregon Secretary of State, who is responsible for elections in that state

Voting in Oregon

[Register to Vote](#)

[Learn About Vote by Mail](#)

Oregon has the most convenient voting system in the country. Since adopting vote by mail, Oregon consistently ranks as one of the national leaders in voter turnout.

Registered voters receive a ballot two to three weeks before an election, giving them ample time to research issues or candidates.

Voters also receive an official ballot to complete and insert into the security envelope which is placed in the ballot return envelope and signed by the voter. The ballot return envelope can be stamped and mailed or simply dropped off at any [official drop box](#) across the state. If a voter casts his or her ballot after the Wednesday before an election, the ballot should be left at a drop box site to ensure it's counted.

Ballots must be received by 8 p.m. on Election Day.

[Update Voter Registration Information](#)

[Absentee Voting](#)

"Nobody will ever deprive the American people of the right to vote except the American people themselves and the only way they could do this is by not voting."



— Franklin D. Roosevelt, 32nd President of the United States

Protecting the Integrity of Elections

https://wei.sos.wa.gov/agency/osos/en/voters/Pages/vote_by_mail.aspx

Washington Secretary of State



Elections & Voting

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 SEARCH

- VOTERS
- CANDIDATES
- INITIATIVES & REFERENDA
- CIVICS EDUCATION
- RESEARCH & PAST RESULTS
- ADMINISTRATORS

Vote by Mail

Washington State votes by mail. Vote by mail is convenient and gives you extra time to learn about the ballot measures and candidates before casting your vote.

1. Receive your ballot

Your ballot is mailed to you at least 18 days before each election. To receive your ballot, your voter registration mailing address must be current. You can update your address online with MyVote.

If you are a registered voter and do not receive your ballot, contact your county elections department.

2. Vote your ballot

Your ballot packet will include a ballot, a secrecy envelope, and a return envelope. Follow the instructions that accompany your ballot. If you need a replacement ballot, contact your county elections department.

Be an informed voter

Washington has many ways to help voters become informed about ballot measures and candidates:

- The state General Election Voters' Pamphlet is mailed to every household in Washington. If you need the General Election Voters' Pamphlet in accessible formats or alternate languages, call (800) 448-4881 or email voterspamphlet@sos.wa.gov.
- For personalized ballot measure and candidate information online, go to MyVote.
- For all ballot measures and candidates, visit the Online Voters' Guide.
- For local races, visit the website for your county elections department.

Other sources of information about candidates and issues include local newspapers, television, libraries, political parties, and campaigns.

3. Return your ballot

Your ballot must be:

- Postmarked no later than Election Day; or
- Returned to a designated ballot drop box by 8 p.m. on Election Day; or
- Returned in person to your county elections department by 8 p.m. on Election Day.

If you fail to sign the ballot declaration, or the signature on the ballot declaration does not match the signature in your voter registration record, your county elections department will contact you. If you are unable to sign the declaration, make a mark in front of two witnesses and have them sign in the designated spaces.

Find out more about the next steps of ballot processing and secrecy.

<http://www.sos.state.co.us/pubs/elections/vote/electionFactSheet.html>

Colorado Secretary of State



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Voting by Mail

In June, 2005, Clark County became a mail ballot county. All ballots for future elections will be mailed to voters at their residential address or to any mailing address that the voter has provided the Elections Office. There will no longer be polling places where a voter can go to receive a ballot, except for the County Elections Office located at 1408 Franklin Street, Vancouver. To register and vote you need to be a resident of Clark County for at least 30 days before an election in which you wish to vote, be 18 years of age at the time you vote, be a U.S. citizen and if you have been convicted of a felony, have had your voting rights restored by the courts. All residents of Clark County who meet these requirements and submit a completed Washington State voter registration form will be mailed a ballot for each election in which they are eligible to vote.

If you are temporarily away, including serving in the military, attending college, working outside the County, traveling or for other reasons, but consider Clark County your home of permanent residence, you can be registered to vote and request that your ballot be mailed to where you currently reside and receive mail. Your ballots for all elections in which you are eligible to vote will be sent to you until such time as you change the address where you receive mail.

How to receive and vote your ballot

- Telephone our office at (360) 397-2345. We will ask for your birthdate as authentication.
- Mail a [ballot application](#) (PDF - 46 KB) form. You must provide your name, address, birth date and phone number. The form must have your signature for authentication.
- Visit the Elections Department at 1408 Franklin St. in Vancouver.

Mail ballots will be available and mailed to the voters starting 20 days prior to an election. If you are out of the area or overseas, please make your request early enough to allow the ballot to arrive at your mailing address on time. If there are any special considerations for you to receive mail in a timely manner, please be sure to let the Elections Office know what they are. First class postage is required to mail your voted ballot to our office and must be postmarked on the day of the election or earlier.

Keep your mailing address current!

The mail ballot request form asks for your residential address and the address you wish the ballot to be mailed. We will mail the ballot to any address where mail is delivered. Please report changes to your mailing address. If you do not promptly report a change of address, your ballot will not be forwarded to you by the Post Office. This will result in your ballot not receiving timely delivery and we cannot guarantee you will receive a ballot in time to vote.

[top of page](#)



Washington State's Vote-by-Mail Experience

2007





Washington State's Vote-by-Mail Experience

Voting by mail is a Northwest phenomenon. Like their Oregon neighbors, Washingtonians appreciate the convenience of voting at home, as well as the ability to study election materials and campaign literature as they fill in their ballots. As a result, the popularity of voting by mail has soared over the years. Today, nearly every Washington county conducts all-mail elections- a movement that was not led by the state or county government, but by the people at large. Why? Voting by mail works for Washington.

Voting by mail solves one common barrier to the elections process by delivering the ballots directly to voters. Many people do not vote simply because they do not know where to vote.



Beginning in 1993, Washington voters could request to vote-by-mail for all elections.

People assume that they may only vote at their assigned poll sites. If they are not familiar with the location of the poll sites, they give up.

Voting by mail is convenient. Many people do not have time to go to poll sites during the day. Poll sites are assigned based on residential addresses. But most voters are not near home during the day. Rather, they are at work, at school, or handling other responsibilities of life. While polls may be open from 7:00 am until 8:00 pm, many voters simply are not near home during that time.

“People like voting by mail- most importantly a voter spreads the ballot out across the kitchen table and really studies the issues and candidates.”

--Sam Reed, Washington Secretary of State

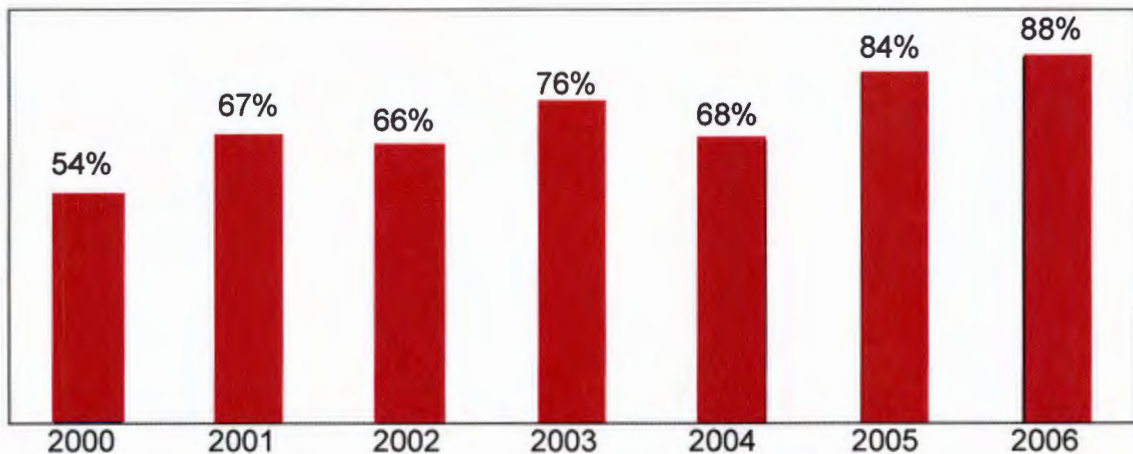


Unexpected family or work conflicts may prevent voters from getting to the polls. Voting at traditional poll sites requires many voters to rush to a poll site on the way home from work, after picking up children from daycare. Voting by mail allows people to fill out their ballots any time. Voters can find a moment that is calm and quiet which, for many people, is late at night or on the weekends. Mail ballots arrive two weeks before Election Day, providing more time to fully consider the candidates and issues than the usual ten minutes spent in poll booths.

“When I voted at the polls, I would not read up as much. Now that I have the absentee, I have the time to really read things.”

—Gayle, King County Elections Focus Group

Vote-by-Mail Ballots Cast in General Elections



The number of Washington voters who permanently cast their ballots by mail has increased dramatically.

<u>Year:</u>	<u>Ballots Cast:</u>	<u>Vote-by-Mail Ballots Cast:</u>	<u>Percent of Ballots Cast by Mail:</u>
2000	2,517,028	1,364,607	*54%
2001	1,464,891	984,950	67%
2002	1,808,720	1,188,303	66%
2003	1,300,602	984,014	76%
2004	2,884,783	1,974,606	*68%
2005	1,850,017	1,562,434	84%
2006	2,107,370	1,864,317	88%

* Vote-by-mail percentages decrease in Presidential years as overall participation climbs.



History of Voting by Mail

In Washington State, County Auditors are responsible for conducting elections, and the Secretary of State serves as the chief elections officer.

As early as 1915, Washington allowed voters to cast ballots by mail if they were unable to be present at their proper precincts on Election Day. Washington further expanded mail voting incrementally. In 1974, the Legislature authorized no-excuse mail voting. This allowed voters to request mail ballots without stating a particular need. Currently, 28 states in the nation allow for no-excuse mail voting.

Beginning in 1985, voters with disabilities and those voters over the age of 65 could request to receive ballots for all future elections by mail.

In 1993, the Legislature expanded mail voting to all citizens.

“I needed the convenience of [the absentee ballot] coming to my home. I’ve been voting absentee for ten years now.”

—Heidi, King County Elections Focus Group

Mail-In Voter Registration Form Secretary of State

Use Black Pen - Please Print Clearly NAME CHANGE ADDRESS CHANGE SIGNATURE CHANGE NEW REGISTRATION

1 NOTE: Only U.S. Citizens may complete this form		FOR OFFICE USE ONLY	
Will you be at least 18 years of age or older before Election Day? <input type="radio"/> YES <input type="radio"/> NO			
Are you a citizen of the United States? <input type="radio"/> YES <input type="radio"/> NO			
Federal and state law require you to provide your Washington Driver's License number or Washington ID Card number. If you do not have a Washington Driver's License or Washington ID Card, provide the last four digits of your Social Security Number.			
2 A. Washington Driver's License Number	B. Last four Digits/SSN	<input type="radio"/> Check here if you do not have a Washington Driver's License, ID Card, or SSN.	4 Date of Birth (MM/DD/YYYY)
3 Last Name		<input type="radio"/> Male <input type="radio"/> Female	Daytime Phone Number ()
5 First Name	Middle Name	<input type="radio"/> Jr. <input type="radio"/> II <input type="radio"/> Sr. <input type="radio"/> III	Email Address (optional)
6 Washington Resident Address (Required)		City or Town	ZIP Code
7 Mailing Address Where You Get Your Mail (if different from above)		City or Town	State ZIP Code
8 Check any that apply <input type="radio"/> Military Domestic <input type="radio"/> Military Foreign <input type="radio"/> National Guard/Reserves <input type="radio"/> U.S. Citizen Overseas		9 ONGOING ABSENTEE REQUEST I would like to receive absentee ballots for all future elections <input type="radio"/> YES <input type="radio"/> NO	

Voters may request registration forms in English, Chinese, Spanish, Cambodian, Korean, Laotian, Russian, and Vietnamese.



In 1967, elections in precincts with fewer than 100 registered voters could be conducted by mail. These became known as vote-by-mail precincts. The threshold was later increased to 200 registered voters.

By 2002, five rural counties were conducting all elections in the county by mail because all precincts were vote-by-mail precincts: Clallam, Ferry, Okanogan, Pend Oreille, and Skamania.

In 1983, a jurisdiction could request that a special election, such as a levy election, be conducted by mail. Beginning in 1993, County Auditors could conduct nonpartisan primaries by mail. These became known as vote-by-mail elections.

The close Governor's race in the 2004 General Election revealed a number of flaws in Washington's election system. Many investigations, oversight committees, and public hearings reviewed the events of the 2004 General Election, as well as Washington's election system generally.

A common finding was the inefficiency and high risk of error caused by administering two elections simultaneously.



All vote-by-mail counties provide special drop boxes that allow voters to return ballots at their convenience.



Ballots must be postmarked by Election Day.

One election is conducted by mail

The assembly of outgoing mail ballots involves matching the correct ballots for voters with two envelopes. Large counties often have thousands of ballot styles in circulation for a single election. Ballots must be available at the county elections department 20 days before the election, and mailed 18 days before the election.

Each county elections department receives and processes the voted ballots for the following four weeks. Processing includes:

- Checking the postal date stamp to make sure that envelopes were mailed no later than Election Day;
- Checking voters' signatures on the outer envelope oath to match the signatures on file;



- Contacting voters by mail or by telephone if the signatures do not match;
- Separating the identifying outer envelopes from the inner security envelopes that contain the ballots;
- Separating security envelopes from the ballots;
- Manually inspecting the ballots to make sure that the tabulation equipment will read the ballots correctly;
- Duplicating the ballots if the tabulators will not read the ballots as intended or sending ballots to the County Canvassing Boards if voters' intent is not clearly discernible;
- Placing ballots in secure storage until Election Day; and
- Removing ballots from secure storage on Election Day and processing them through high-speed tabulators.



Washington's largest counties can receive more than 100,000 mail ballots in one day.

A second election is conducted on Election Day

A poll election in King County requires election workers to:

- Confirm that 400 locations are available and have sufficient space, parking, lighting, and accessibility to be used as poll sites;
- Train more than 4,000 poll workers on how to handle ballots correctly, issue correct ballots to voters, answer voters' questions accurately, and operate both optical scan and touchscreen voting equipment;
- Program and test about 450 optical scan tabulators and about 450 accessible voting devices;
- Print sufficient numbers of ballots in each of the 4,000 ballot formats to meet the demand;
- Keep the various ballot styles distinct when one poll site may handle more than 60 different ballot styles; and
- Have sufficient permanent employees and experienced poll workers who can travel among the poll sites on Election Day to answer questions and resolve any problems.

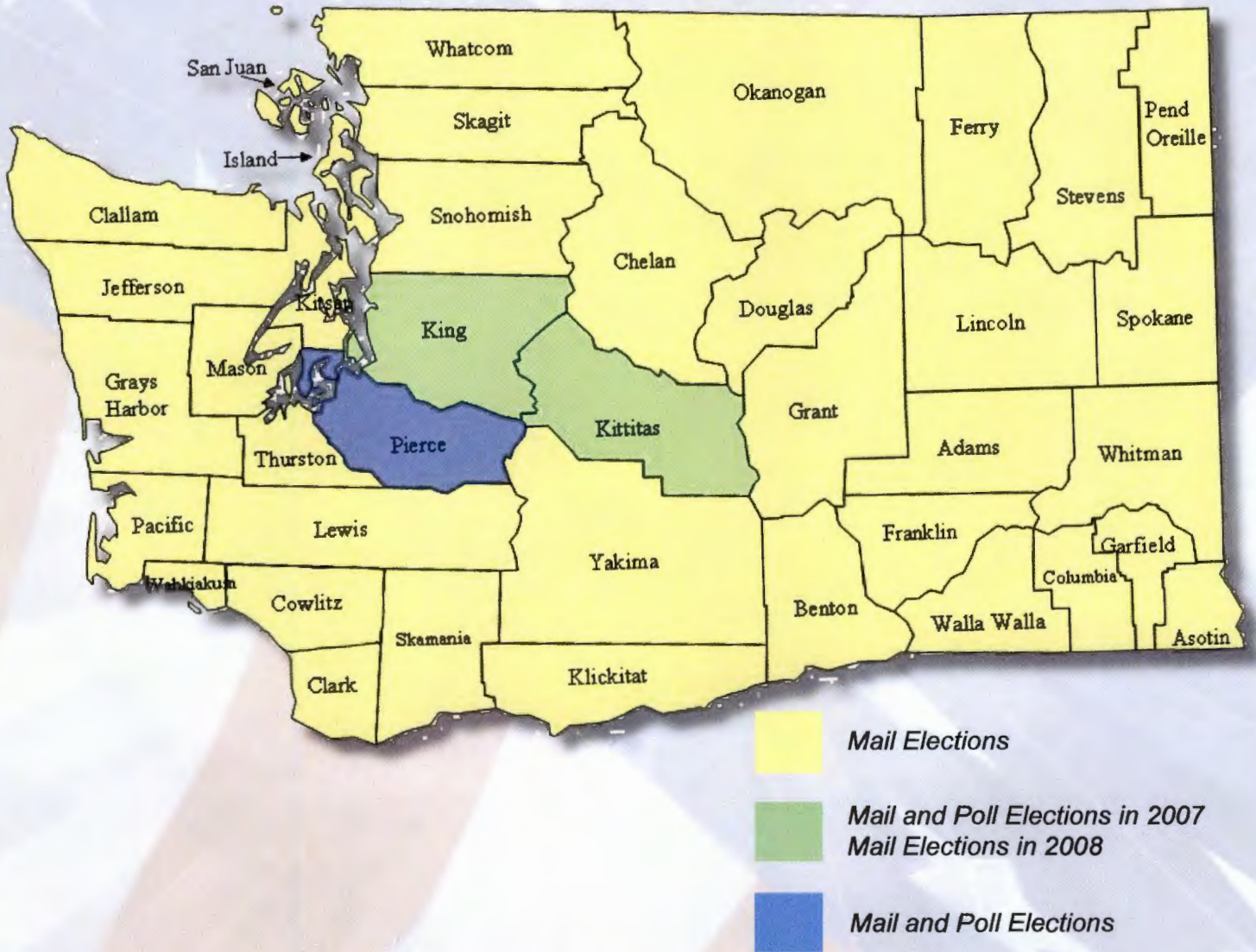
2005 Legislation

With approximately 75% of Washingtonians choosing to vote at home in 2004, the public expressed a clear preference for casting their ballots through the mail. Consequently, 2005 legislation allowed each county to decide whether to conduct all elections by mail. The legislation required the approval of both the County Auditor and the County Commission or Council. These became known as vote-by-mail counties. A timeline of Washington's progress towards voting by mail is provided in Appendix A.



Vote-by-Mail Currently

As of October 2007, 36 of 39 counties in Washington conduct elections entirely by mail, and two additional counties, King and Kittitas, have plans to switch to vote-by-mail in 2008.



Even in counties that continue to offer poll voting, the vast majority of voters choose to cast ballots by mail. For example, in Pierce County, which continues to offer poll voting, mail ballots comprised 90% of the ballots cast in the 2006 Primary and 84% of the ballots cast in the 2006 General.



Voting Centers

To accommodate the small population of voters that prefers to vote at the polls, many vote-by-mail counties have established community voting centers. At a community voting center, voters may drop off ballots, request provisional ballots, vote on special equipment to assist those with disabilities, and receive "I Voted" stickers.

While most ballots are received through the mail, each County Auditor is required to provide at least one location in addition to the County Auditor's Office for voters to drop off their ballots. The County Auditors are encouraged to provide additional drop sites for the voters' convenience.

Mail ballots are required to be available at the County Auditor's Office at least 20 days before Election Day and be in the mail at least 18 days before Election Day.

“As election administrators, we have a clear duty to make voting accessible to all citizens, including those with disabilities.”

--Sam Reed, Washington Secretary of State

Disability Access



Starting in 2006, every county began to offer accessible voting equipment. This allowed many voters to cast secret ballots for the first time in their lives.



Voting equipment that accommodates people with disabilities is available for 20 days before Election Day.

Many counties provide equipment in several locations, such as community centers or nursing homes. Counties are required to establish procedures and advisory committees to make elections more accessible to people who face barriers to voting.



Military and Overseas Voters

The Federal Voting Assistance Program within the Department of Defense estimates that approximately 52,500 members of the military, 39,400 military dependents, and 72,400 overseas citizens claim Washington as their voting residence.

Washington law is very accommodating for military and overseas citizens to exercise their right to vote. Washington State exceeds the requirements of the Federal Uniform and Overseas Citizens Absentee Voting Act. Military and overseas voters do not have to be registered to vote in order to request a ballot. These voters may request ballots by fax, phone, or email, or by the traditional method of filling out a state or federal form. County Auditors go to great lengths to get ballots to military and overseas voters quickly. In addition to sending ballots through the U.S. mail, County Auditors can forward ballots by fax or email.



Starting in 2007, the primary date was moved from September to August to ensure that military and overseas voters receive their ballots on time.

Military and overseas ballots sent through the U.S. Postal Service are mailed 30 days before an election. The time period for returning ballots extends 15 days after a special election or primary and 21 days after a general election.



The United States Postal Service is also speeding up delivery of domestic and overseas ballots by differentiating them from other political mailings.

The Secretary of State's Office offers mail-in voter registration forms on its website. Beginning in 2008, all voters who have a Washington driver's license or state ID card will be able to register online, without the trouble of printing out the form and mailing it in. This new service will be especially convenient for those voters who are out of state or out of country.

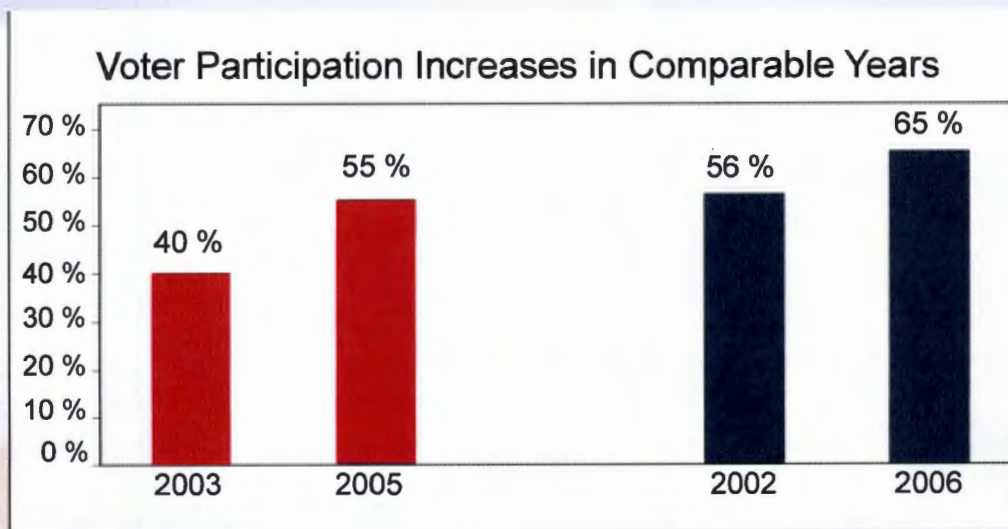


Voter Participation

Participation is higher when the ballot arrives at home.

2007 Primary		
	Participation among Vote-By-Mail Voters	Participation among Poll Voters
King County	35%	8%
Pierce County	30%	6%

In the 2007 Primary, participation among mail voters was more than quadruple the turnout at poll sites.



The preceding chart illustrates how voter turnout increased in comparable odd and even years as vote-by-mail increased in popularity.

Voter turnout in the spring special elections has also increased dramatically. For example, turnout in the 2004 and 2005 special elections in Spokane County before that county switched to vote-by-mail averaged 39%. Turnout in the 2006 and 2007 special elections after the county switched to vote-by-mail climbed to 51%.



Other States

Turnout in Washington has consistently been higher than in states where voting by mail is substantially limited. For example, turnout statistics for Washington and Oregon are consistently higher than states that require voters to give a reason to vote absentee, such as Kentucky, Minnesota, Montana, Virginia, and the District of Columbia.

Voter Turnout in Other States

	1998	2000*	2002	2004*	2006
Washington	62%	76%	56%	82%	65%
Oregon	59%	80%	69%	87%	71%
Kentucky	48%	61%	48%	65%	50%
Minnesota*	61%	70%	64%	78%	60%
Montana	53%	60%	55%	71%	63%
D.C.	40%	58%	37%	60%	31%
Virginia	33%	69%	39%	71%	53%

** Minnesota allows Election Day voter registration.*

Improved Election Administration

Elections are more accurate when they are conducted by mail. The election process is streamlined to allow election administrators to conduct one consolidated election rather than managing two elections: by mail and at the polls. This has provided election administrators with greater control and accuracy over elections.



Mail elections allow county elections departments to efficiently handle large volumes of ballots together.



While some election costs are reduced or eliminated, such as poll site rental fees, poll worker salaries and training costs, and poll site tabulators, other costs increase, such as postage and printing costs for additional ballots and envelopes.

Vote-by-mail counties have experienced significantly lower equipment costs. For example, Snohomish County currently maintains approximately 100 accessible voting devices for conducting elections by mail. If Snohomish County maintained poll sites, it would have to purchase and maintain approximately 1,000 devices.

Up-to-Date Voter Registration Data

Vote-by-mail elections improve the accuracy of voter registration. Under a traditional poll site environment, the local elections office may send out a mailer to confirm each voter's registration information only once every two years. Voter registration files become outdated under this system because approximately 15% of the population moves each year.

Under vote-by-mail, the local elections office likely sends out three or four mailings per year. If a voter has moved, the county elections department is notified by the U.S. Postal Service. This allows the county elections department to learn more quickly that a voter is no longer at the registration address and that the statutory process for removing the voter should begin.

More Informed Electorate

Voting by mail promotes an informed electorate. People appreciate the opportunity to study candidate and election materials while voting at home.



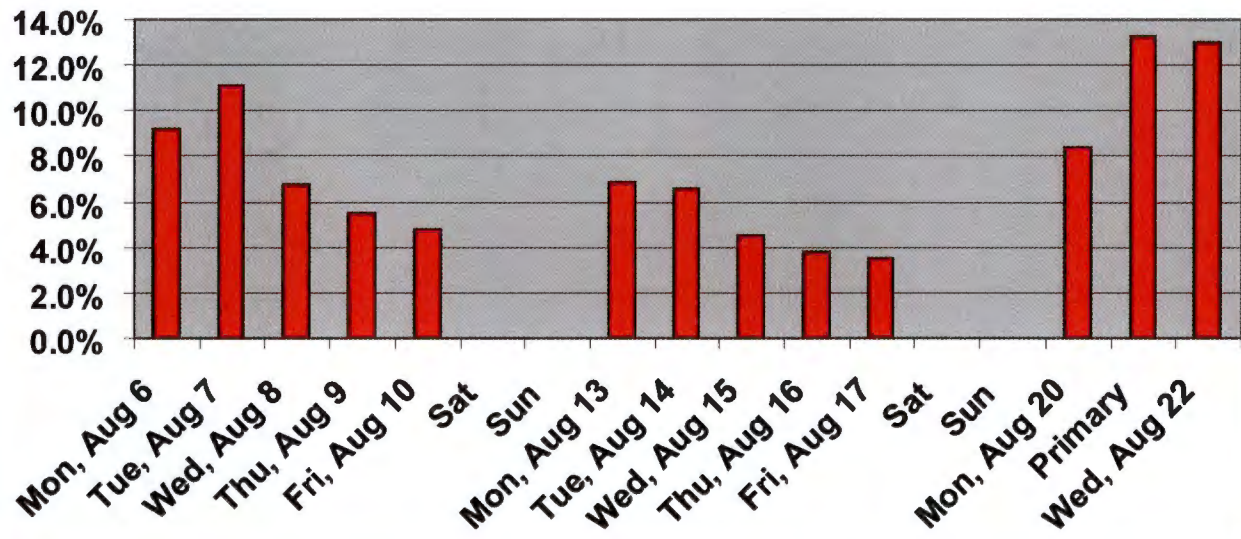
Voters' pamphlets are provided to each household for each general election and most other elections. These are comprehensive guides that provide candidate statements, objective explanations of ballot measures, and arguments for and against ballot measures.

Voting by mail provides citizens with the option of voting a few races on the ballot, putting the ballot aside, and coming back to it after gathering more information.

Family discussions about the issues and candidates inspire civic engagement. Voting at home is a perfect opportunity for parents to discuss civic responsibility with their children.



**Daily Return of Mail Ballots, as a Percentage of the Total Returned in the 2007 Primary
(Clark, Kittitas, Pierce, Spokane and Yakima Counties combined)**



The rate that ballots are returned to county elections departments demonstrates how much the public enjoys voting at home over the weekend. Ballots voted over the weekend are processed in the mail on Monday and received by the County Auditor on Tuesday.

Voting by Mail in Washington is Secure

When registering to vote, citizens must provide identification and sign an oath. Ballot materials are mailed to voters at least 18 days prior to an election. Voters are provided ballots, instructions, inner security envelopes, and outer return envelopes. Voters complete their ballots, place them in the inner security envelopes, and then place the inner envelopes in the outer return envelopes. Further, voters must sign the following on the outer return envelopes:

- I do solemnly swear or affirm under penalty of perjury that:
 - I am a legal resident of the state of Washington;

- I am entitled to vote in this election;
- I have not already voted in this election;
- It is illegal to vote if I am not a United States citizen;
- It is illegal to vote if I have been convicted of a felony and have not had my voting rights restored;
- It is illegal to cast a ballot or sign an absentee envelope on behalf of another voter; and
- Attempting to vote when not entitled, attempting to vote more than once, or falsely signing this oath is a felony punishable by a maximum imprisonment of five years, a maximum fine of \$10,000, or both.



The outer return envelope includes a secrecy flap that covers each voter's signature during transit.

Once a ballot is received in the county elections department, the voter's registration file is checked to confirm that the voter has not already returned a ballot. The voter's signature on the outer envelope is verified against the signature on file. If the signature on the envelope does not match the signature on file or if the voter failed to sign the envelope, the County Auditor must attempt to contact the voter to correct the situation.



Ballots are secured through the use of numbered seals, seal logs, and access is documented from the time of receipt through tabulation. Ballot accountability procedures are required of each county.



Envelope tracking systems improve accountability by maintaining a record of which voters have returned their ballots.

In addition to the manual methods of ballot accountability, several Washington counties have purchased automated ballot tracking systems. Depending on the particular features implemented by the county, the system can track ballots mailed to voters, ballots returned by voters, signatures on returned envelopes, when inner envelopes are removed from outer return envelopes, when ballots are removed from inner envelopes, and which ballots have been tabulated. Because the ballots are tracked in batches, the privacy of the voters' ballots is never compromised. These automated tracking systems provide a more accurate accounting of the ballots than traditional reconciliation methods implemented at polls.



Allegations of Fraud

The most common criticism of voting by mail is that it provides greater opportunity for fraud. While this makes for interesting headlines, it rarely proves to be true. Claims that elections conducted through the mail have increased risk over elections conducted at polls do not take into account the levels of security implemented in jurisdictions that vote heavily by mail.

States that have limited mail voting often lack the security measures that ensure that the person registered to vote was the person who voted the ballot. Because these states lack a structured security system to handle volumes of mail ballots, journalists are frequently unaware of the extensive security measures that are in place in states deliberately structured for mail voting. Critics often assume that absentee ballots are simply accepted and counted, and are often unaware of the crucial element that each signature is examined against the signature on file.

Following the 2004 General Election and the subsequent gubernatorial recounts, both political parties spent a combined total of \$6.5 million contesting the election and attempting to prove that fraud occurred during the course of the election. Despite the numerous problems with the election cited by the judge, none were directly linked to voting by mail.

Contrary to allegations made by opponents to vote-by-mail, there have been no substantiated reports of voter coercion, such as a domineering spouse or a corrupt nursing home employee. Voters always have the option of coming to the county elections department to cast their ballots.

Implementation of the statewide voter registration database in 2006 has helped to ensure that only those people eligible to vote receive ballots. The voter registration database is screened daily for

duplicate registrations, monthly for deceased voters, and quarterly for felons. The screenings for duplicate registrations are especially important since they contribute to the perception of voting fraud and the assumption that people are voting multiple ballots. In 2006:

- 39,814 duplicate voter registrations were identified and cancelled accordingly;
- 40,105 registrations of deceased voters were identified and cancelled accordingly;
- 4,500 registrations of convicted felons were identified and cancelled accordingly; and
- 91,954 active and inactive voter registrations were cancelled for a variety of reasons, including:
 - upon the voter's request;
 - the voter moved and failed to reregister;
 - the voter moved out of state; or
 - the voter had been on inactive status for more than two federal elections, a time period established in federal law.

Conclusion

Voting by mail increases turnout, simplifies the elections process, and promotes an informed citizenry. But above all else, the people of Washington strongly support it.





Appendix A

Washington's Progression to Voting by Mail

- 1915** A voter could request an absentee ballot if he or she expected to be at least 25 miles away from the assigned precinct on Election Day. The voter cast a ballot at a local poll site and the ballot was treated similar to a modern day provisional ballot.
- 1933** Voters with disabilities and voters over the age of 65 became authorized to vote an absentee ballot. The voter was still required to vote the ballot in the presence of an oath-subscribing officer and the ballot had to be returned or postmarked no later than the day of the election.
- 1950** Voters who did not wish to vote on Election Day due to the tenets of their religion became eligible to vote an absentee ballot.
- 1963** Voters who expected to be unavailable on Election Day due to illness became eligible to vote absentee.
- 1967** A precinct with less than 100 registered voters could be designated by the County Auditor as voting by mail, also known as a mail ballot precinct.
- 1974** All voters became eligible to request an absentee ballot.
- 1983** Special elections could be conducted by mail upon the request of the jurisdiction.
- 1985** A voter with a disability or a voter over the age of 65 could request to vote absentee on an ongoing basis.
- 1993** Nonpartisan primary elections could be conducted by mail.
- 1993** All voters could request to vote absentee on an ongoing basis.
- 2005** Counties could decide to conduct all elections by mail.
- 2007** 36 of Washington's 39 counties conduct elections entirely by mail. Two of the remaining counties have plans to switch to all mail elections in 2008.

Contact Information

Elections Division
P.O. Box 40229, Olympia WA, 98504-0229
(360) 902-4180 Main
(800) 448-4881, (800) 422-8683 TDD/TTY
elections@secstate.wa.gov



Legislation Details

File #: 15-037 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 4/6/2015 In control: City and Borough Assembly

On agenda: 4/14/2015 Final action:

Title: Approve advertising for bids to construct the Harrigan Centennial Hall Renewal Project in accordance with the project funding outlined in the April 6, 2015 attached memorandum

Sponsors:

Indexes:

Code sections:

Attachments: [Harrigan Centennial Hall Advertise for Bids](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

**I MOVE TO approve advertising for bids to construct
the Harrigan Centennial Hall Renewal Project**

MEMORANDUM

To: Mayor McConnell and Assembly Members
Mark Gorman, Municipal Administrator

From: Michael Harmon, Public Works Director *MHT*
Dan Tadic, Municipal Engineer *DT*
Kelli Cropper, Project Manager *KE*

Reviewed: Jay Sweeney, Chief Finance & Administrative Officer *J*
Tori Fleming, Contract Coordinator *A*

Date: April 6, 2015

Subject: Harrigan Centennial Hall Renewal Project approval to advertise for bids to construct

Background

On April 22, 2014 the Assembly approved the schematic design (35% design) for the full scope renovation and expansion of the 'Harrigan Centennial Hall Renewal Project' and approved the roughly \$16.3 million budget/funding plan for its construction. The full scope included expanded meeting and convention space, full size Museum addition (phase 1&2), AV and Theatrical Equipment, fully developed site with new hardscape (pavers and walkways/plaza) and landscape areas. The funding comes from State Grants and Commercial Passenger Excise Tax funds. The use of these funds is restricted for projects that improve and enhance the visitor experience.

Design of the project proceeded and at the 65% milestone, the cost estimate showed that the scope of the project was greater than the project budget. We revised the design and reduced the size of the expansion of one of the meeting rooms by 200 square feet, the storage area expansion by 100 square feet, and the museum expansion by 2,100 square feet. Also, to reduce the costs, changes were made to some items and some finishes. Although approximately 2,400 square feet has been reduced from the total scope, we maintained all major functional spaces and meeting areas.

Analysis

To support community needs and improve the potential for local economic development, while supporting and enhancing the visitor experience in Sitka, considerable time and effort has been spent working with community members and stakeholders to plan and design the largest and most fully featured facility the budget would allow. The result is a 27,704 square foot expanded facility with flexible meeting spaces that will accommodate many uses, different sized events and types of functions. The renewed facility will offer durable attractive cost effective finishes and will have modern technical attributes, like a significantly improved AV system, internet/Wi-Fi access, projector and screens or flat screens, sound capabilities in meeting rooms, the ability to interconnect screens and broadcast from a particular camera, etc.

The AV and Theater Equipment Packages have been enhanced and are included in the project budget, instead of being left for future fund-raising or grant-writing. AV/Theatre Equipment infrastructure and some equipment is included in the construction base bid package. Other specific AV equipment and the Theater Lighting Fixture package is budgeted for and will be bid separately and will be installed when the construction project nears completion.

Finally, all of the functionally obsolete systems and all of the existing building components that are not compliant with current codes are being replaced with current and functional systems and code compliant components. The new building mechanical systems and the building lighting are designed with energy efficient equipment and systems and will efficiently use City of Sitka electricity (no oil). The estimated project costs match the budget.

Fiscal Note:

The project funding is comprised of the following:

Funding		
Name	Grant #	Revised Budget Amount- Current Funding 11.13.14
Commercial Passenger Vessel Facilities & Visitor Improvements	11-DC-644	\$2,000,000
Commercial Passenger Vessel Facilities & Visitor Improvements	12-DC-616	\$2,500,000
Commercial Passenger Vessel Facilities & Visitor Improvements	13-DC-581	\$3,700,000
Commercial Passenger Vessel Facilities & Visitor Improvements	14-DC-000	\$3,300,000
O'Connell Lightering Grant	10-DC-025	\$1,991,271
AEA-Heat Pump Grant	7071011	\$232,620
O'Connell Sea walk Grant	11-DC-644 & Fund 194	\$1,180,957
Marine Passenger Funds	CPET-194	\$1,400,000
Total Budget (grant funds)		\$16,304,848

The estimated total **project cost** is \$16.3 million and includes:

- Construction cost of base bid project (amount includes an estimators contingency)
- Construction Contingency for unforeseen conditions.
- Separate AV and Theatre Light Fixture package costs with contingencies.
- Furniture, Fixtures, & Equipment (FF&E) budget
- Design, project/construction management, and administrative costs.

There are a number of Additive Alternates included within the project so that if the construction base bid price is favorable, additive alternates can be awarded with the contract. These additive alternates include a 12' expansion of the new Museum addition, an outdoor storage structure, additional site work and outdoor furnishings, and condensed storage.

Recommendation:

- Approve advertising for bids to construct the Harrigan Centennial Hall Renewal Project associated with the scope and budget defined in this item.



Legislation Details

File #: 15-049 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 4/8/2015 In control: City and Borough Assembly

On agenda: 4/14/2015 Final action:

Title: CONVENE as the Board of Adjustment: Approve a conditional use permit submitted by Kristopher and Erica Pearson at Lot 15, Block 1, Middle Island Subdivision year round short-term rental with conditions

Sponsors:

Indexes:

Code sections:

Attachments: [BOA Pearson](#)

Date	Ver.	Action By	Action	Result
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Step 1.
CONVENE

I move to convene as the Board of Adjustment

Step 2.

I MOVE TO approve a Conditional use permit filed by Kristopher and Erica Pearson for operation of a year-round, short-term rental at Lot 15, Block 1 Middle Island Subdivision, and further, adopt the conditions and findings as recommended by the Planning Commission and request that they are listed in their entirety as they appear attached hereto as part of the official record.

Go to Step 3. Next

Required Findings

A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:

- a. Be detrimental to the public health, safety, and general welfare;
- b. Adversely affect the established character of the surrounding vicinity; nor
- c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located;
 2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation, specifically 2.8 *Outlying Areas and Islands Goals and Policies* specifically 2.8.2 D. *While commercial and resort development may be appropriate in outlying areas, efforts shall be taken to ensure that they are well planned and have minimal impacts on nearby residential properties;*
 3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced;
 4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard;
 5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services;
 6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

F. Evaluation and Approval or Denial of Conditional use Applications for Island Properties. It is the intent of this code to recognize the unique qualities of islands within Sitka Sound and the substantial differences that exist between individual islands and island groups.

1. Items to be considered in evaluating island conditional use permits include, but are not limited to, the following:
 - a. Location on the lot or island.
 - b. Generation of noise.
 - c. Numbers of guests and employees.
 - d. Visibility from adjacent uses including waterborne traffic.
 - e. Use of common access easements.
 - f. Availability of necessary moorage.
 - g. Use of natural or manmade screening or buffers.
 - h. Availability of municipal power.
 - i. Distance from adjacent parcels or islands.
 - j. Removal of excessive amounts of vegetation.

CONDITIONS

1. Applicant will maintain a DEC approved wastewater system.
2. There will be a one-year review before the Planning Commission.
3. Applicant will obtain a satisfactory Fire and Life Safety inspection from the Building Department prior to use as a rental.

Step 3.

SGC: 22.30.180 Procedures for Public Hearing

- A. Staff Presentation.** *Members may ask questions of the staff.*
- B. Applicant presentation.** *Members may ask questions of the applicant.*
- C. Testimony or comments by the public.** *Need to be germane to the matter*
- D. Rebuttal, response or clarifying statement by staff and the applicant.**
- E. Deliberation by the Board.** *Also known as the evidentiary portion of the public hearing and is closed.*

Step 4.

VOTE on any amendments and/or main motion

Step 5.

RECONVENE

**I MOVE TO RECONVENE AS THE ASSEMBLY IN REGULAR
SESSION**



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

MEMORANDUM

To: Mark Gorman, Municipal Administrator
Mayor McConnell and Members of the Assembly

From: Maegan Bosak, Planning and Community Development Director ^{MB}

Subject: Pearson- Short-term rental Conditional Use Permit

Date: April 6, 2015

The Planning Commission is recommending approval of a conditional use permit request for operation of a short-term rental filed by Kristopher and Erica Pearson at Lot 15, Block 1 Middle Island Subdivision. Action on this item was taken at the March 3, 2015 Planning Commission meeting. The recommendation to approve the request with conditions, based on the following findings, passed unanimously 3-0.

The Pearsons are requesting a conditional use permit to operate a year round short term rental. Guests will provide their own transportation and meals. A dock is available for guests. The applicants have stated that the cabin will mainly be for family use but they would like the option of renting it out if needed.

One neighbor comment was received and discussed at the Planning Commission meeting regarding gun safety on the island and trespassing.

The large island district, LI, is intended to replace the open rural low density district. Its goals include protecting the residential character of the larger subdivided islands. It is intended to cover islands such as Middle Island, Long Island, and Galankin Island. Islands with seven lots or more may be included in this zone. An objective of this zone is to have developments served by access easements built to a defined standard and to have potential moorage areas identified.

The proposed activity is in conformance with Comprehensive Plan 2.8 *Outlying Areas and Islands Goals and Policies* specifically 2.8.2 D. *While commercial and resort development may be appropriate in outlying areas, efforts shall be taken to ensure that they are well planned and have minimal impacts on nearby residential properties.*

Recommendation:

Approve the recommended request with the following conditions and findings.

MOTION: M/S POHLMAN/HUGHEY moved to approve the following findings:

C. Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:

- a. Be detrimental to the public health, safety, and general welfare;
- b. Adversely affect the established character of the surrounding vicinity; nor
- c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located;

2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation, specifically 2.8 *Outlying Areas and Islands Goals and Policies* specifically 2.8.2 D. *While commercial and resort development may be appropriate in outlying areas, efforts shall be taken to ensure that they are well planned and have minimal impacts on nearby residential properties;*

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced;

4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard;

5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services;

6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;

2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may

consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;

3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

F. Evaluation and Approval or Denial of Conditional Use Applications for Island Properties. It is the intent of this code to recognize the unique qualities of islands within Sitka Sound and the substantial differences that exist between individual islands and island groups.

Specific conditional uses may be fully appropriate in certain circumstances and on specific parcels. Uses that are well designed and/or have low impact may enhance surrounding properties and may not create any impacts. Examples may include structures that are built on larger lots away from exterior property lines, uses that are placed in the middle of parcels, uses that do not materially increase activity on easements or moorage, uses where there is a significant vegetative or terrain buffer between properties, and islands that are separated by substantial distances. In these cases, conditional use requests can and should be handled expeditiously.

Conditional uses on other properties may be totally inappropriate due to the concerns such as impacts on adjacent properties, lack of vegetative or distance buffers, noise generation, unmitigated increased usage of access easements, available moorage, location on parcels, and design.

1. Items to be considered in evaluating island conditional use permits include, but are not limited to, the following:

- a. Location on the lot or island.
- b. Generation of noise.
- c. Numbers of guests and employees.
- d. Visibility from adjacent uses including waterborne traffic.
- e. Use of common access easements.
- f. Availability of necessary moorage.
- g. Use of natural or manmade screening or buffers.
- h. Availability of municipal power.
- i. Distance from adjacent parcels or islands.
- j. Removal of excessive amounts of vegetation.

ACTION: Motion **PASSED unanimously 3-0** on a voice vote.

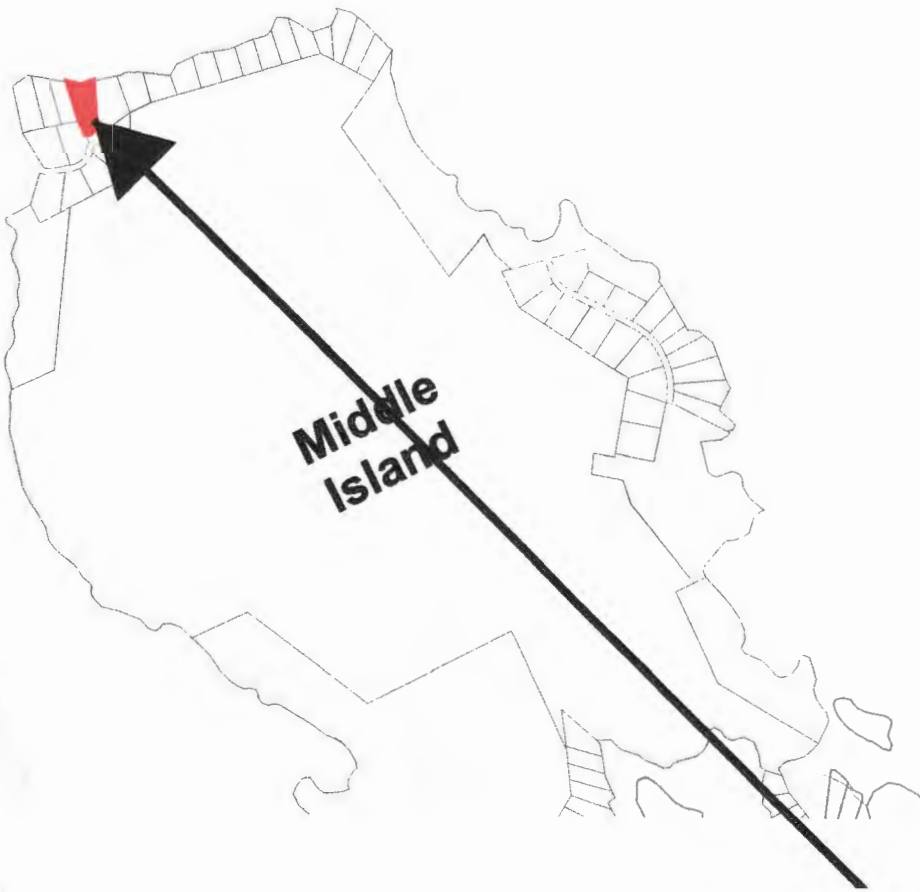
MOTION: M/S POHLMAN/HUGHEY moved to recommend approval to the Assembly of a short-term conditional use permit requested by Kris and Erica Pearson for the property: Lot 15, Block 1 Middle Island Subdivision with the following conditions:

1. Applicant will maintain a DEC approved wastewater system.

2. There will be a one-year review before the Planning Commission.
3. Applicant will obtain a satisfactory Fire and Life Safety inspection from the Building Department prior to use as a rental.

ACTION: Motion PASSED unanimously 3-0 on a voice vote.

Crow Island



**Middle
Island**



**Kasiana
Island**

A

Pearson
CUP- Island Short-term Rental
Lot 15, Block 1 Middle Island .Sub



Pearson
CUP- Island Short-term Rental
Lot 15, Block 1 Middle Island Sub

Subject Photos

Property Address	Lot 15, Block 1, Middle Island Subdivision						
City	Sitka	County	City and Borough of Sitka	State	AK	Zip Code	99835



Subject Front

Lot 15, Block 1, Middle Island St



Subject Rear

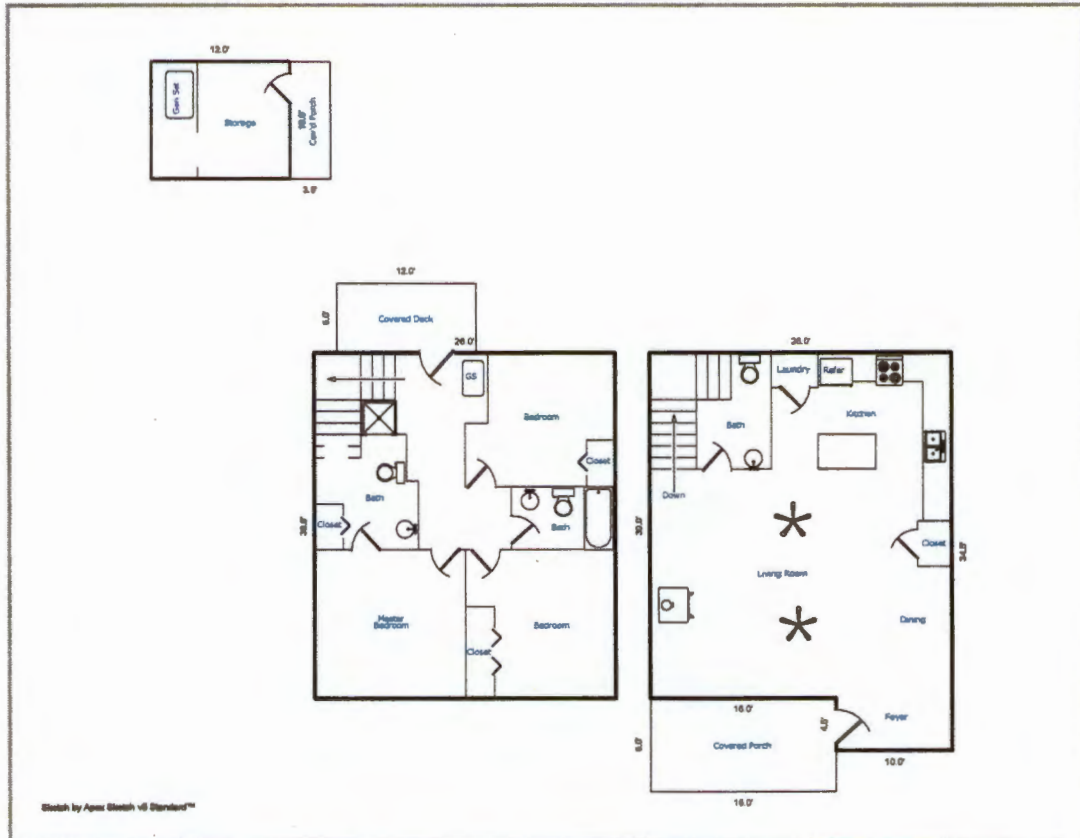


Subject Dock Area

Pearson
CUP- Island Short-term Rental
Lot 15, Block 1 Middle Island Sub

Building Sketch

Borrower	Pearson, Kriss & Erica						
Property Address	Lot 15, Block 1, Middle Island Subdivision						
City	Sitka	County	City and Borough of Sitka	State	AK	Zip Code	99835
Lender/Client	ALPS Federal Credit Union						



Comments: Note: Interior walls are not to scale. All calculations are approximate.

AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GLA1	First Floor	780.00	780.00
GLA2	Second Floor	825.00	825.00
P/P	Front Cvd Porch	128.00	
	Covered Rear Deck	72.00	
	Gen Shed Cvd Deck	35.00	235.00
OTE	Generator Shed	120.00	120.00
Net LIVABLE Area		(rounded)	1605

LIVING AREA BREAKDOWN		
	Breakdown	Subtotals
First Floor		780.00
	26.0 x 30.0	
Second Floor		780.00
	26.0 x 30.0	
	4.5 x 10.0	45.00
3 Items	(rounded)	1605

Pearson
 CUP- Island Short-term Rental
 Lot 15, Block 1 Middle Island Sub

Interior Photos

Borrower	Pearson, Kriss & Erica						
Property Address	Lot 15, Block 1, Middle Island Subdivision						
City	Sitka	County	City and Borough of Sitka	State	AK	Zip Code	99835
Lender/Client	ALPS Federal Credit Union						



Living Room



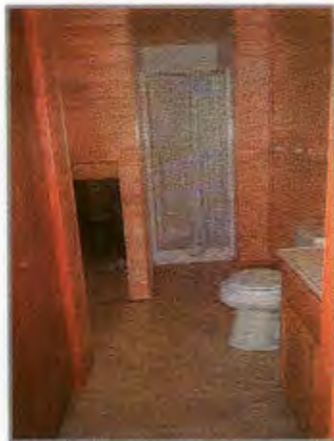
Kitchen



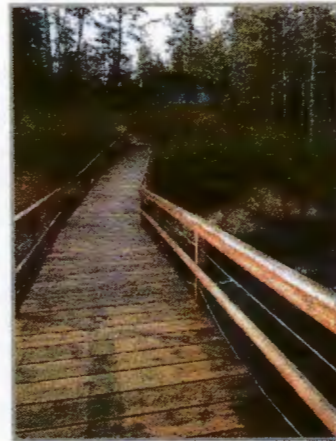
Half Bath



Main Hall Bath



Master Bath



Ramp from Dock to House

Pearson
CUP- Island Short-term Rental
Lot 15, Block 1 Middle Island Sub

Subject Photo Page

Borrower	Pearson, Kriss & Erica						
Property Address	Lot 15, Block 1, Middle Island Subdivision						
City	Sitka	County	City and Borough of Sitka	State	AK	Zip Code	99835
Lender/Client	ALPS Federal Credit Union						



Generator Shed

Lot 15, Block 1, Middle Island Subdivision
 Sales Price 182,000
 Gross Living Area 1,605
 Total Rooms 6
 Total Bedrooms 3
 Total Bathrooms 2.1
 Location N;Middle Island;
 View B;Wtr;Mtn
 Site 1.75 ac
 Quality Q2
 Age 9



Alternate Front View



Crawl Space

Pearson
 CUP- Island Short-term Rental
 Lot 15, Block 1 Middle Island Sub

Subject Photo Page

Borrower	Pearson, Kriss & Erica					
Property Address	Lot 15, Block 1, Middle Island Subdivision					
City	Sitka	County	City and Borough of Sitka	State	AK	Zip Code 99835
Lender/Client	ALPS Federal Credit Union					

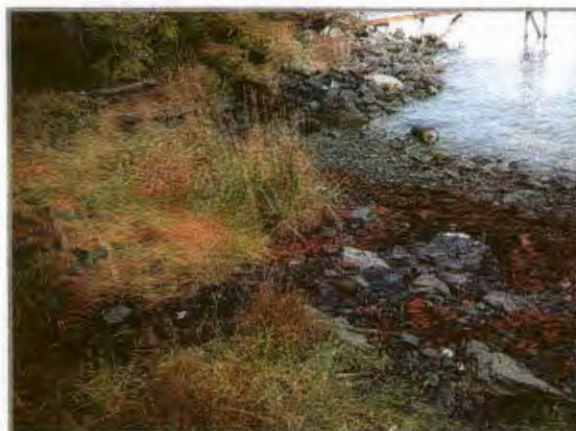


View & Ramp to Dock

Lot 15, Block 1, Middle Island Subdivision
 Sales Price 182,000
 Gross Living Area 1,805
 Total Rooms 6
 Total Bedrooms 3
 Total Bathrooms 2.1
 Location N;Middle Island;
 View B;Wtr;Mtn
 Site 1.75 ac
 Quality Q2
 Age 9



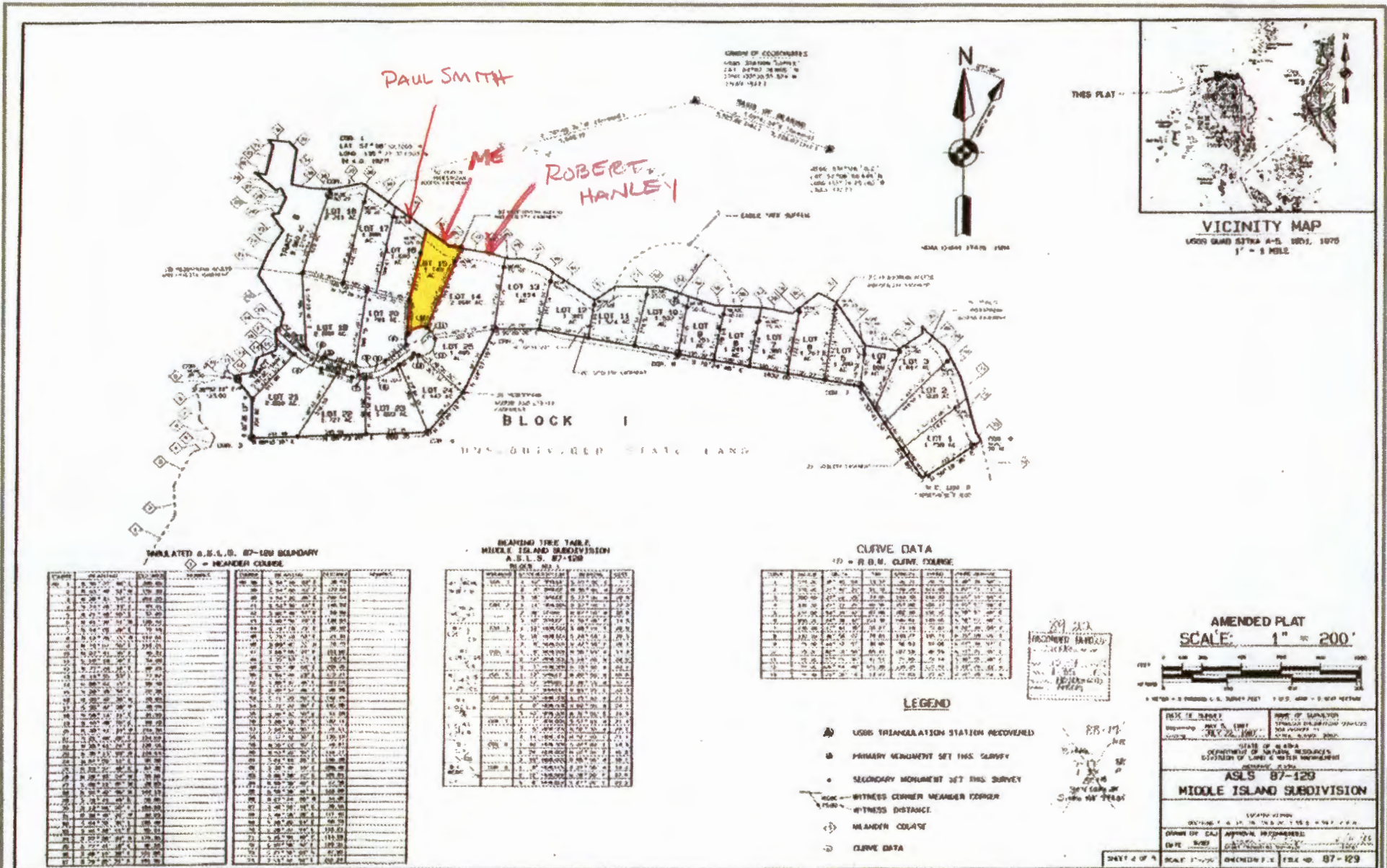
View



Beach Area

Pearson
 CUP- Island Short-term Rental
 Lot 15, Block 1 Middle Island Sub

C



Pearson
 CUP- Island Short-term Rental
 Lot 15, Block 1 Middle Island Sub

SINK PLAT 89-23. 88-17

**CITY AND BOROUGH OF SITKA
PLANNING DEPARTMENT
SHORT-TERM RENTAL &
BED & BREAKFAST APPLICATION**

Short-Term Rental Fee	\$100.00
Bed & Breakfast Fee	\$ 35.00
(per Guestroom)	
* plus current city sales tax *	

APPLICANT'S NAME: Kris & Erica Pearson
 PHONE NUMBER: 907. 747. 3837
 MAILING ADDRESS: PO BOX 2421 SITKA, AK 99835

OWNER'S NAME: Same
(If different from applicant)
 PHONE NUMBER: _____
 MAILING ADDRESS: _____

PROJECT ADDRESS: Legal Address only
 LEGAL DESCRIPTION Lot: 15 Block: 1
 Subdivision: Middle Island Subdivision
 U.S. Survey: _____ Zoning Classification: _____

State all reasons for justifying request: This will provide a unique opportunity for travelers & locals to experience Sitka while staying in our comfy "cabin" w/ great amenities. Strengthens our community by contributing to tourism & locals too!!

Describe how the facility will be operated, what meals will be served, and how guests will be transported. (This information may be provided on a separate sheet).
Short term cabin rental for independant travelers, fishing guests, & locals. Renters to provide their own meals. Renters to provide their own transportation, however, dock may be used. Cabin is furnished, basic linens/bedding provided, per night or flat rate charge depending on length of stay.

Anticipated start date: May 2015

D

Pearson
 CUP- Island Short-term Rental
 Lot 15, Block 1 Middle Island Sub

What months of the year the facility will be in operation: year round

- Drawing of the **interior** layout showing:
1. Size and location of rooms
 2. Types of facilities in the rooms
 3. Windows and exits
 4. Location of smoke alarms and fire extinguishers
 5. Guestrooms specifically delineated on the plans

See attached building sketch

- Drawing of the **exterior** site plan showing:
1. Dimensions of the home
 2. How the house sits on the lot
 3. Location of parking - *n/a*

See attached pictures

- Check if facility is not fully constructed at the time of the application
- Check if Life Safety Inspection has already been completed. If not, please contact the Building Department at 747-1832 to schedule an appointment. This Inspection is to certify that the residence complies with life and fire safety code aspects.

Bed and Breakfast applicants shall be aware that only limited cooking facilities such as small toaster ovens, microwaves, and refrigerators are allowed and those appliances must be outside of guestrooms.

In applying for and signing this application, the property owner hereby grants permission to Municipal staff to access the property before and after Planning Commission's review for the purposes of inspecting the proposed and/or approved structures.

SIGNATURE OF APPLICANT: Erica M. Pearson Date: 1/19/15

SIGNATURE OF OWNER: _____ Date: _____
(If different from the applicant)



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

Sitka Planning Commission Agenda

Tuesday, March 3, 2015

Held at Harrigan Centennial Hall

330 Harbor Drive, Sitka, Alaska

7:00pm

- I. CALL TO ORDER AND ROLL CALL
- II. CONSIDERATION OF THE AGENDA
- III. CONSIDERATION OF THE MINUTES FROM February 3, 2015
- IV. THE EVENING BUSINESS

A. Public hearing and consideration of a proposed zoning text amendment to modify SGC Ch 22.24.010 B allowing for a parcel with a principle unit and a second dwelling unit to also operate a B&B as a conditional use, currently prohibited by code. The zoning text amendment proposes to make this allowable so long as combined there are fewer than four guests/occupants. The applicant is Sheila Finkenbinder.

B. Public hearing and consideration of a variance requested by Adam and Kris Chinalski at 1318 Sawmill Creek Road. The variance requested is for a reduction in all property setbacks from 10 ft to 0 ft. The purpose of the setback reduction is to allow for demolition of the non conforming structure and construction of a new building to be used as a bakery. The property is also known as A tract of land in U.S. Survey 2355. The owner of record is Adam and Kris Chinalski.

C. Public hearing and consideration of a short term rental conditional use permit requested by Kris and Erica Pearson at Lot 15, Block 1 Middle Island Subdivision. The owner of record is Kris and Erica Pearson.

D. Public hearing and consideration of the proposed Historic Structures Survey Report and National Register of Historic Places Nomination Narrative for Lincoln Street, Sitka, Alaska by True North Sustainable Development Solutions, LLC.

E. Public hearing and consideration of a concept plat for a zero lot line subdivision at 720 Indian River Road. The request is filed by Timothy Bernard. The property is also known as Lot Eight A (8A), Indian River Land Subdivision. The owner of record is Timothy Bernard.

F. Public hearing and consideration of a Garden Stand conditional use permit requested by Tom Hart and Lisa Sadlier-Hart at 815 Charles Street. The property is also known as Lot 5, Block 2, Sirstad Addition No.4. The owner of record is Tom Hart and Lisa Sadlier-Hart.

- V. PLANNING DIRECTOR'S REPORT
- VI. PUBLIC BUSINESS FROM THE FLOOR
- VII. ADJOURNMENT

NOTE: Individuals having concerns or comments on any item are encouraged to provide written comments to the Planning Office or make comments at the Planning Commission meeting. Written comments may be dropped off at the Planning Office in City Hall, emailed to maegan@cityofsitka.com, or faxed to (907) 747-6138. Those with questions may call (907) 747-1814.

Publish: February 23 and 25

Providing for today ... preparing for tomorrow

RICHARD/MARJORI PARMELEE
HIS CABIN RETREAT, LLC
405 HEMLOCK DR
SITKA AK 99835

ROBERT/VIKKI HANLEY
HANLEY, ROBERT & VIKKI
104 HOOMES CIR
BOWLING GREEN VA 22427

KRISTOPHER/ERIC PEARSON
PEARSON, KRISTOPHER & ERICA
P.O. BOX 2421
SITKA AK 99835-2421

PAUL/LAMOYNE SMITH TRUST
SMITH TRUST, PAUL/LAMOYNE, K.
P.O. BOX 1006
SITKA AK 99835

KENNETH ELDER
ELDER, JR., KENNETH
19787 WILDWOOD DR
WEST LINN OR 97068

STEPHEN/RACHEL LEWIS/MYRON
MYRON, RACHEL/LEWIS, STEPHEN, W.
P.O. BOX 53
TENAKEE SPRINGS AK 99841

LAMAR/SUSAN JONSSON
JONSSON, LAMAR, P./SUSAN, H.
2406 EAST DELIA DR.
SALT LAKE CITY UT 84109

BOB GORMAN
GORMAN, BOB
P.O. BOX 6477
SITKA AK 99835

← mailed on 2/29/15

G

Pearson
CUP- Island Shcrt-term Rental
Lot 15, Block 1 Middle Island Sub



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: February 25, 2015

From: Scott Brylinsky, Temporary Planner

To: Planning Commission

Re: Pearson CUP 15-01 Short Term Rental Middle Island



GENERAL INFORMATION

Applicant: Kris and Erica Pearson

Property Owner: Kris and Erica Pearson

Property Address: Lot 15, Block 1 Middle Island

Legal Description: Lot 15, Block 1 Middle Island

Parcel ID Number: 49201015

Size of Existing Lot: approx 1.7 acres

Zoning: Large Island

Existing Land Use: Residential recreational cabin

Utilities: No city utilities. On-site wastewater treatment.

Access: Boat only

Surrounding Land Use: Residential

ATTACHMENTS

Attachment A: Vicinity map 1

Attachment B: Vicinity map 2

Attachment C: Vicinity map 3

Attachment D: Application

Attachment E: Site Photos

MEETING FLOW

- Report from Staff
- Applicant comes forward
- Applicant identifies him/herself – provides comments
- Commissioners ask applicant questions
- Staff asks applicant any questions
- Floor opened up for Public Comment
- Applicant has opportunity to clarify or provide additional information
- Comment period closed - brought back to the board
- Findings
- Motion of Recommendation

Attachment F: Floor plan
Attachment G: Public neighbor comment
Attachment H: Mailing list
Attachment I: Proof of ownership
Attachment J: Proof of payment
Attachment K: Neighbor comments

PROJECT DESCRIPTION

Applicant is requesting a conditional use permit to operate a year round short term rental. Target audience is out-of-towners as well as locals. Guests will provide their own transportation and meals. A dock is available for the use of guests.

BACKGROUND

At least one other property in the general vicinity operates a short term rental.

ANALYSIS

None.

Project Site: The site is suitable for the proposed activity.

Project Design: N/A

Traffic: N/A

Parking: N/A

Noise: Additional noise may be generated by guests. Persons at cabins sometimes use firearms recreationally. Firearm use and target practice makes more noise than would be generated by other recreational activities.

Public Health or Safety: Guests will put an additional load on the on-site wastewater system. Gun safety is potentially an issue.

Habitat: N/A

Property Value or Neighborhood Harmony: Effect on property values is probably neutral. Neighborhood harmony could be affected depending on number of, and behavior of, guests.

Flood zone: N/A, area not mapped.

Conformity with Comprehensive Plan: Proposed activity is in conformity with Comprehensive Plan 2.8 *Outlying Areas and Islands Goals and Policies 2.8.2 D*. While commercial and resort development may be

appropriate in outlying areas, efforts shall be taken to ensure they are well planned and have minimal impacts on nearby residential properties.

FINDINGS

Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services. Specifically, the following conditions:
 - a) *Applicant will maintain a DEC approved wastewater system.*
 - b) *There will be a one-year review before the Planning Commission.*
 - c) *Applicant will educate guests as to firearm protocol, specifically limiting recreational firearm use to the hours of 9am-5pm, and to shoot only into an earth backstop. (This is not intended to apply to legal hunting activity in any way.) Also, guests will be advised to respect nearby private properties, and to not enter other properties without invitation.*

RECOMMENDATION

Approve CUP with findings and conditions.

February 26, 2015

RE: Pearson Short-term rental CUP request

Dear Planning Commissioners,

I am offering this comment as a private citizen landowner and part-time resident of Middle Island Lot 18, Block 1. Our lot is the westernmost lot along the north shore of Middle Island, just a few lots from the property before you for consideration as a short-term rental.

In the last couple of years there have been numerous evenings when my wife and I have heard prolonged gunfire originating from the lots east of us. That direction includes Lot 15, Block 1, Mr. Pearson's property, and several other lots. We don't know which lots the shots come from.

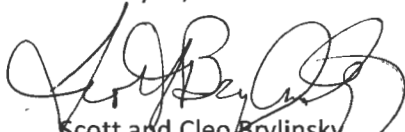
On those occasions we have shouted out to whoever was shooting to let them know people were nearby, but didn't hear a response. On at least one occasion the shots were fired when there was very little daylight left. When such shooting goes on we take refuge in the cabin.

I would request a condition of the permit be that guests be educated as to gun safety protocol and manners, and limit shooting to approximately 9am-5pm. Also that guests shoot only into an earth backstop, because there are trails in the woods behind the cabins that I and others occasionally walk. As a visitor, it would be all too easy to be unaware of those trails.

I would also ask that guests be educated that it is good "remote property manners" to not wander through neighbors' properties exploring.

In general, my wife and I support the applicant's CUP request.

Thank you,



Scott and Cleo Brylinsky
Block 1, Lot 18 Middle Island

Pearson
CUP- Island Short-term Rental
Lot 15, Block 1 Middle Island Sub

**CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
March 3, 2015**

Present: Chris Spivey (Acting Chair), Debra Pohlman (Member), Randy Hughey (Member), Carole Gibb (Planner I in Training), Scott Brylinsky (Temporary Planner), Dan Tadic (Municipal Engineer)

Absent: Richard Parmelee (Chair), Darrell Windsor, (Member)

Members of the Public: Sue Detwilz, Thad Poulson, Adam Chinalski, Kris Chinalski, Kris Pearson, Erica Pearson, Anne Pollnow, Tom Hart, Lisa Sadlier-Hart

Acting Chair Spivey called the meeting to order at 7:01 p.m.

Roll Call:

PRESENT: 3 – Spivey, Pohlman, Hughey

Consideration of the Minutes from the February 3, 2015 meeting:

MOTION: M/S POHLMAN/HUGHEY moved to approve the meeting minutes for February 3, 2015.

ACTION: Motion **PASSED unanimously 3-0** on a voice vote.

The evening business:

**ZONING TEXT AMENDMENT TO SGC CH 22.24.010 B
ALLOW A B&B AS A CONDITIONAL USE ON A PARCEL ALREADY HAVING A SECOND DWELLING UNIT
SHEILA FINKENBINDER**

The applicant was not in attendance, and staff and the commission agreed to postpone the item until the applicant is present.

**VARIANCE REQUEST
1318 SAWMILL CREEK ROAD
ADAM AND KRIS CHINALSKI**

Public hearing and consideration of a variance requested by Adam and Kris Chinalski at 1318 Sawmill Creek Road. The variance requested is for a reduction in all property setbacks from 10 ft. to 0 ft. The purpose of the setback reduction is to allow for demolition of the non-conforming structure and construction of a new building to be used as a bakery.

STAFF REPORT: Brylinsky explained that two corners of this unusually small triangular shaped lot are encroaching on public right of way. One corner is encroaching onto SMC a few inches, and on the Eagle way side the encroachment is about two feet. On the back side of property, the building is five feet off the property line on one end, and seven feet off the property line on the other end. The applicant wants to demolish the building to remove the encroachment on two corners, to do that he is making the building two feet smaller, lengthwise, and is requesting a one-foot setback on the back property line, which would actually be a two foot setback from the building wall, but one foot for the eave.

He mentioned that with a non-conforming building that encroaches on the right of way, by code, if it is demolished it cannot be reconstructed without removing the encroachments. The applicant is trying to remove the encroachments by making the building smaller, and by reducing the setback on the back wall.

Brylinsky further explained that the applicant is proposing to have an apartment on top of the building, so this expansion will result in an increase in the parking requirements. The small size of the lot means there is only space for one parking spot within the boundaries of the property, but the on-side reality is that there is space for four parking spots. The Planning Department's research shows that there is ample parking on the right of way, and any prospect of further build out (which city engineer Dan Tadic would speak to) was not expected to adversely affect available parking. Brylinsky explained that although it is an unusual situation, these factors do indicate the parking requirements can be met. Making use of the right-of-way is the norm in that neighborhood. In fact, there is a section of right of way where one neighbor, Ken Helem, has erected a fence that encroaches on the right of way by at least eight feet.

The owner of Sitka Electric, Kenneth Helem, submitted a letter expressing his objections to granting the variance, but was not present at the meeting. He wrote of concerns with additional traffic and related issues on Eagle Way, and reducing the rear set back which would affect the safety of his property in the event of the fire.

The city is planning on paving in that area on Eagle Way and has done a survey of the area, which provides more detail than normal, and Dan Tadic, Municipal Engineer, was in attendance to address questions.

APPLICANT: Kris Chinalski stated that parking wouldn't be used very much, as there will be a drive-thru, rather than a scenario with people parking and staying for an extended time.

Brylinsky clarified that the code-required parking would be available without interfering with the drive thru.

Adam Chinalski stated that the measurements on that back lot line are to the fence which may seem misleading, because the fence isn't on the property line. The building is sitting only four feet to the property line already, so reducing it to two feet isn't making as large a difference as it may seem.

Spivey said he is giving consideration to the neighbor's concerns, especially concerning the rear setback reduction to zero, but he is also in favor of cleaning up non-conformities. He asked if the Chinalski's are open to adjusting their building plan to help appease the neighbor's concerns.

Adam Chinalski responded that he has already reduced the building size to make removing the encroachment feasible, and moving as close as possible to that back line is what will allow him to remove the encroachment. He explained that he spoke with Will Stortz, (City Building Official and Fire Marshal) and understands and will comply with the extra code requirements to provide proper fire barrier.

Brylinsky clarified that when building walls are close to a property line the building code requires extra fire-resistive construction to address that issue.

In addressing the traffic congestion question, Adam Chinalski pointed out that it has been a drive thru before and he doesn't expect an increase in congestion.

Pohlman asked for clarification about the application's mention of a walk up sales window, and wondered if that would be in addition to a drive thru.

Kris Chinalski said yes. The walk up window is on the same side of the building as the drive through, (on the Sawmill Creek Road side) but accommodates those on foot, and keeps them away from the cars.

Pohlman asked about data regarding how much traffic was there when old drive through was being used, and wondered if there was an increase in recent years in people using that route to ride their bikes to work, and in pedestrian traffic as well.

Brylinsky responded that the Planning Dept. does not have traffic info.

Spivey asked Municipal Engineer Dan Tadic to address how the city's planned paving of Eagle Way would change the area and affect this request.

Tadic reported that he agreed that the applicant's parking requirements would be met by ample space on the right of way, and paving the street wouldn't change that. Regarding traffic, the Alaska Dept. of Transportation keeps traffic counts locally. Tadic doesn't know if there is any data specific to the area but can try to find out.

Commissioners Spivey and Pohlman asked about impacts to traffic to and from the boat launch, especially in the summer. Tadic responded that they are considering a cul-de-sac to help with traffic flow to and from the boat launch.

Hughey asked if a car was waiting at the window, and there was one behind it, then would a third car be a possible obstruction, out onto Sawmill Creek Road?

Tadic responded that there could probably be three vehicles in a queue, if the window is in the same location as it was before.

PUBLIC COMMENT: None

COMMISSIONER DELIBERATION: Pohlman stated she would prefer not to move forward with just three commissioners present. She would like it to come before the commission at the next meeting to allow for more discussion.

Brylinsky asked if there were points the commission wanted staff to discuss with the applicant in the meantime.

Spivey said he would like a better understanding of traffic flow. He didn't anticipate that would pose a big problem, but it would help to have more explanation on that. He also stressed that it would help if they could the applicant could find a way to adjust their request on the rear setback.

Hughey said he expected the Eagle Way traffic to be quite low, but agreed that any data on that would be useful.

Pohlman said she wanted more information pertaining to fire safety, specifically with regard to the increase in height, whether that makes it more dangerous when there's a reduced setback.

MOTION: M/S POHLMAN/HUGHEY moved to postpone consideration of agenda item until the next meeting.

ACTION: Motion PASSED unanimously 3-0 on a voice vote.

**CONDITIONAL USE PERMIT - SHORT TERM RENTAL
Lot 15, BLOCK 1 MIDDLE ISLAND SUBDIVISION
KRISTOPHER AND ERICA PEARSON**

Public hearing and consideration of a short term rental conditional use permit requested by Kristopher and Erica Pearson at Lot 15, Block 1, Middle Island Subdivision.

STAFF REPORT: Brylinsky stated that because Planning Director Maegan Bosak is away for training, he is acting as Planning Director on her behalf, but wanted the record to reflect he is also a neighbor with a comment to submit regarding this case, and will step to the comment table at the appropriate time.

Applicant is requesting a conditional use permit to operate a year round short term rental. Target audience is out-of-towners as well as locals. Guests will provide their own transportation and meals. A dock is available for the use of guests. At least one other property in the general vicinity operates a short term rental.

Brylinsky stated that this is a straightforward conditional use application, and very reasonable given factors such as the neighborhood, topography, build-out on the island.

APPLICANT: Kris Pearson wanted to add that they are putting in a new dock in May. Their Army Corp of Engineers permit is approved.

Erica Pearson explained that it will be mostly for family use but wanted the option to rent it out, though it probably won't be very often.

PUBLIC COMMENT: Scott Brylinsky stepped out of his role as Planning Director and went to the comment table to state that as a nearby property owner he is looking forward to having the

Pearson's as neighbors. He submitted in a letter two main concerns. The first is that he and his wife have heard a fair amount of gunfire nearby, and sometimes close to dark when visibility is poor. They called out to let the shooters know they were close by, and never heard any response. They have felt unsafe as a result. Visitors to the island may not be aware how close the neighbors are, and so gun safety is a concern. The other concern is that visitors may also like to go exploring around and hopes that visitors are briefed on the importance of not trespassing on neighboring properties.

COMMISSIONER DELIBERATION: Pohlman asked if the Pearson's knew who was shooting off guns at night. Kris Pearson said they've never spent a night there so he doesn't know.

MOTION: M/S POHLMAN/HUGHEY moved to approve the following findings:

C. Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located;
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation, specifically 2.7.1 *To maintain the superlative visual character of Sitka Sound and the City and Borough of Sitka as an overriding goal* and 2.7.2 *C Efforts shall be taken to ensure that commercial uses are well planned and have minimal impacts on nearby residential properties;*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced;
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard;
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services;
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence

may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

F. Evaluation and Approval or Denial of Conditional Use Applications for Island Properties. It is the intent of this code to recognize the unique qualities of islands within Sitka Sound and the substantial differences that exist between individual islands and island groups.

Specific conditional uses may be fully appropriate in certain circumstances and on specific parcels. Uses that are well designed and/or have low impact may enhance surrounding properties and may not create any impacts. Examples may include structures that are built on larger lots away from exterior property lines, uses that are placed in the middle of parcels, uses that do not materially increase activity on easements or moorage, uses where there is a significant vegetative or terrain buffer between properties, and islands that are separated by substantial distances. In these cases, conditional use requests can and should be handled expeditiously.

Conditional uses on other properties may be totally inappropriate due to the concerns such as impacts on adjacent properties, lack of vegetative or distance buffers, noise generation, unmitigated increased usage of access easements, available moorage, location on parcels, and design.

1. Items to be considered in evaluating island conditional use permits include, but are not limited to, the following:
 - a. Location on the lot or island.
 - b. Generation of noise.
 - c. Numbers of guests and employees.
 - d. Visibility from adjacent uses including waterborne traffic.
 - e. Use of common access easements.
 - f. Availability of necessary moorage.
 - g. Use of natural or manmade screening or buffers.
 - h. Availability of municipal power.
 - i. Distance from adjacent parcels or islands.
 - j. Removal of excessive amounts of vegetation.

ACTION: Motion **PASSED unanimously 3-0** on a voice vote.

MOTION: M/S **POHLMAN/HUGHEY** moved to recommend approval to the Assembly of a short-term stay conditional use permit requested by Kris and Erica Pearson for the property: Lot 15, Block 1 Middle Island Subdivision with the following conditions:

1. Applicant will maintain a DEC approved wastewater system.
2. There will be a one-year review before the Planning Commission.
3. Applicant will obtain a satisfactory Fire and Life Safety inspection from the Building Department prior to use as a rental.

ACTION: Motion **PASSED unanimously 3-0** on a voice vote.

**CONSIDERATION OF THE NOMINATION OF LINCOLN STREET FOR THE NATIONAL REGISTER OF HISTORIC PLACES
TRUE NORTH SUSTAINABLE DEVELOPMENT SOLUTIONS, LLC
REPRESENTED BY ANNE POLLNOW.**

Public hearing and consideration of the proposed Historic Structures Survey Report and National Register of Historic Places Nomination Narrative for Lincoln Street, Sitka, Alaska, by True North Sustainable Development Solutions, LLC

STAFF REPORT: Brylinsky stated that Maegan Bosak has been the liaison on this but she was away for training. Anne Pollnow, grant administrator for the project, was there to represent True North.

APPLICANT: Anne Pollnow described this as an economic tool. True North contracted with the city to do a historic structures survey for the nomination, and to produce a nomination report for the potential Historic District. The report has been vetted by the City Historic Preservation Commission, plus the State's Office of History and Archeology. The district is Lincoln Street, from Petro Marine to St. Michaels Cathedral and it is historic in representing the build-up of Sitka's downtown business district in the post-World War II period.

Spivey asked how is this going to help Sitka.

Pollnow said it would help property owners attract grant money and also to create mitigation funding should there be state or federal projects that affect the historic district.

Brylinsky asked if Sitka residents will be faced with any mandatory requirements, architectural or otherwise, under this designation.

Pollnow said no, but if someone sees a neighbor destroying beautiful historic property, there could be pressure from the neighbors, because of the decrease in property value.

She explained that this district would be symbolic in nature, but it is the first stepping stone into creating design guidelines. Juneau for example, after getting this on this National Register of Historic Places, established local guidelines by city ordinance. So when anyone within the district does work on their property, they are required to comply with those guidelines.

Brylinsky said the report described 17 major buildings with architectural features that helped create the look for the district, and asked if an owner of one of those properties wanted to tear their façade down and change the look of their formally-designated historic building, would there be any prohibition?

Pollnow stated no, but the designation was based on having the majority of buildings in within the boundary on Lincoln St. from Metro Marine to St. Michael's Cathedral meet the criteria, so there was a threshold number of qualifying structures needed.

Brylinsky asked Pollnow to explain her earlier reference with regard to mitigation.

Pollnow said if there is an effect on a historic property by on the federal or state level – not at the city level – the government would have to do something to mitigate the effects. For example, if they change the view, they would have to mitigate. Sometimes that might be signage, or conservation easements.

Brylinsky reported that Maegan Bosak, as liaison, is in support of this nomination process.

A motion was initiated at this point but Thad Poulson pointed out the need to allow for public comment.

PUBLIC COMMENT: Thad Poulson, editor of the paper, attended as a reporter the paper and asked what the historic significance of this district would be. He observed that the discussion went into great detail on the economic benefits, but this is a nomination for a historic district, not an economic development project.

Pollnow responded that the lengthy report produced by True North goes into the details on the historic aspects, and how the district represents Sitka's downtown business district building up after World War II.

Spivey asked where the report was available to the public, and Pollnow said she believed it was at the city and at the library.

MOTION: M/S POHLMAN/HUGHEY moved to recommend the assembly approve the nomination.

ACTION: Motion PASSED unanimously 3-0 on a voice vote.

**CONCEPT PLAT FOR ZERO LOT LINE SUBDIVISION
720 INDIAN RIVER ROAD
TIMOTHY BERNARD**

The applicant was not in attendance, and staff and the commission agreed to postpone the item until the applicant is present.

**CONDITIONAL USE PERMIT – GARDEN STAND
815 CHARLES ST.
TOM HART AND LISA SADLIER-HART**

STAFF REPORT: Brylinsky noted that this application was a pleasing result of a process that began back in September when the commission was first considering the ordinance to allow garden stands as a conditional use permits. One unique aspect of this conditional use permit is that it does not go to the Assembly for approval, but rather, the permit is approved by the Planning Commission. It takes two meetings. This (first) meeting, was for public hearing and review of the application, and the findings and motions will come before the commission in the second meeting. This application does meet the criteria under the ordinance and staff position is favorable toward it.

APPLICANTS: Lisa Sadlier-Hart said she had a conversation with neighbors who got the packet, and their feedback was favorable. They expected to operate even fewer hours than they'd put in their application, at least at first.

COMMISSIONER DELIBERATION: Spivey said it was good that the neighbors appear to have a positive reaction to it. Brylinsky offered that the planning office has received no comments. Spivey further noted that the layout of the neighborhood is helpful to allow traffic flow.

Hughey commented that he likes that it is scheduled for a review in a year; his expectation is that it will be a positive thing.

PUBLIC COMMENT: None

PLANNING DIRECTOR'S REPORT: Brylinsky said Bosak is in Anchorage for flood plain training, and will be a certified flood plain manager when she gets back. He said there are three items for the March 17 meeting, the Chinalski property variance, a variance application for Lake St., and the second and final review of the garden stand conditional use permit.

Also, Maegan revised the staff report format, and seeks feedback on that from commissioners.

Spivey confirmed that the March 17 meeting would also include the two items from the applications weren't present that evening.

PUBLIC COMMENT: None.

MOTION: M/S POHLMAN/HUGHEY moved to adjourn at 8:45 pm.

ACTION: Motion PASSED unanimously 3-0 on a voice vote.

Chris Spivey, Acting Chair

Carole Gibb, Secretary



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Notice of Public Hearings

The Assembly of the City and Borough of Sitka will hold a public hearing during a regular meeting scheduled Tuesday, April 14, 2015 on the following items:

Public hearing and consideration of a short term rental conditional use permit requested by Kris and Erica Pearson at Lot 15, Block 1 Middle Island Subdivision. The owner of record is Kris and Erica Pearson.

The Assembly may take action on April 14, 2015. The Assembly meeting will begin at 6:00 pm in Harrigan Centennial Hall at 330 Harbor Drive in Sitka.

Interested residents are encouraged to make comments during the meeting and written comments can be submitted to the Municipal Clerk at 100 Lincoln Street.

Short-Term Rental Conditional Use Permit on Lot 15, Block 1 Middle Island

The applicants are requesting a conditional use permit to operate a year round short-term rental on Lot 15, Block 1 Middle Island. Target market is out-of-towners as well as locals. Guests will provide their own transportation and meals. A dock is available for guests to use. A short-term rental is defined as stays of fourteen days or less.

RICHARD/MARJORI PARMELEE
HIS CABIN RETREAT, LLC
405 HEMLOCK DR
SITKA AK 99835

ROBERT/VIKKI HANLEY
HANLEY, ROBERT & VIKKI
104 HOOMES CIR
BOWLING GREEN VA 22427

KRISTOPHER/ERIC PEARSON
PEARSON, KRISTOPHER & ERICA
P.O. BOX 2421
SITKA AK 99835-2421

PAUL/LAMOYNE SMITH TRUST
SMITH TRUST, PAUL/LAMOYNE, K.
P.O. BOX 1006
SITKA AK 99835

KENNETH ELDER
ELDER, JR., KENNETH
19787 WILDWOOD DR
WEST LINN OR 97068

STEPHEN/RACHEL LEWIS/MYRON
MYRON, RACHEL/LEWIS, STEPHEN, W.
P.O. BOX 53
TENAKEE SPRINGS AK 99841

LAMAR/SUSAN JONSSON
JONSSON, LAMAR, P./SUSAN, H.
2406 EAST DELIA DR.
SALT LAKE CITY UT 84109

BOB GORMAN
GORMAN, BOB
P.O. BOX 6477
SITKA AK 99835

CG marked on 4/3/15

G

Pearson
CUP- Island Short-term Rental
Lot 15, Block 1 Middle Island Sub

BOA – HEARING OUTLINE
Conditional Use Permit

- I. **Board of Adjustment** (BOA) - Assembly (*SGC 22.30.060A*)
 - A. Quasi-judicial – avoid *ex parte* contacts
 - B. Authority to approve or deny conditional use permits -*SGC 22.30.060A*¹
 - C. Assembly’s Other Options - *SGC 22.30.170B.1*²
 - 1. Approve Planning Comm’n recommendation
 - 2. Approve with additional conditions
 - 3. Modify with or without applicant’s consent (some limitations)
 - 4. Deny application
 - 5. Remand –
 - a. Issues not covered
 - b. Procedural due process problems (new pertinent evidence)
- II. **Review Criteria**
 - A. Assembly reviews Planning Comm’n recommended decision regarding conditional use permit applications – *SGC 22.30.050F*³

¹ *SGC 22.30.060 Board of adjustment.*

The assembly of the city and borough shall function as the board of adjustment with the authority to:

- A. *Approve or deny conditional use permits.*

* * *

² *SGC 22.30.170 Assembly actions.* (emphasis added)

* * *

B. *Decisions. The assembly shall make its decision by motion or ordinance as appropriate.*

1. An assembly decision on a planning commission recommendation or following a public hearing shall include one of the following actions:

- a. Approve as recommended.*
- b. Approve with additional conditions.*
- c. Modify, with or without the applicant’s concurrence; provided, that the modifications do not:*
 - i. Enlarge the area or scope of the project.*
 - ii. Increase the density or proposed building size.*
 - iii. Significantly increase adverse environmental impacts as determined by the responsible official.*
- d. Deny (reapplication or resubmittal is permitted).*
- e. Deny with prejudice (reapplication or resubmittal is not allowed for one year).*
- f. Remand for further proceedings.*

³ *SGC 22.30.050 Planning commission.*

The planning commission shall be constituted in accordance with Chapter 2.18 of this code and the Sitka Home Rule Charter and shall have the responsibility of reviewing and acting on the following:

* * *

B. Planning Comm'n decision and recommendation in this case regarding conditional use permit applications subject to Assembly review

C. Nature of the review by Assembly – review recommended Findings of Fact and General Approval Criteria Considerations and proposed conditions made by Planning Commission regarding each conditional use permit application

1. **FF criteria– All criteria must be met (SGC 22.30.160C)**
 - a. Not detrimental to public health, safety, general welfare;
 - b. Not adversely affect established character of surrounding vicinity;
 - c. Not injurious to uses, property or improvements adjacent to or in vicinity;
 - d. Not inconsistent with Comprehensive Plan;
 - e. Conditions to lessen impacts are monitorable & enforceable
 - f. No hazardous conditions that cannot be mitigated regarding adjacent & vicinity properties ; and
 - g. Not adversely affect public facilities & services, or imposed conditions mitigate impact.

2. **General Approval Criteria Considerations (SGC 22.20.160C)**
 - a. Effects of the conditional use on site (topography, slope and soil stability) and geophysical hazards (flooding, surface and subsurface drainage, water quality);
 - b. Utilities and service requirements (sewers, storm drainage, water, fire protection, access and electrical power);
 - c. Lot or tract characteristics (lot size, yard requirements, lot coverage and height of structures);
 - d. Use characteristics that affect adjacent uses and districts (operating hours; number of persons, traffic, parking and loading, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements); and
 - e. Community appearance (landscaping, fencing, screening).

3. **Proposed Conditions**

F. Recommendations on conditional use permit applications.

* * *

4. SGC 22.30.160C – Planning Comm’n decision requirements⁴

⁴ SGC 22.30.160 *Planning commission review and recommendation.* (emphasis added)
Planning commission decision and action authority is defined in Section 22.30.050.

* * *

C. *Required Findings for Conditional Use Permits.* The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:

- a. *Be detrimental to the public health, safety, and general welfare;*
- b. *Adversely affect the established character of the surrounding vicinity; nor*
- c. *Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.*

2. *The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation.*

3. *All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.*

4. *The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.*

5. *The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.*

6. *Burden of Proof.* The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. *Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;*

2. *Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;*

3. *Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;*

4. *Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking*

III. BOA Procedure

A. Packet Review

1. Planning Comm'n FF and motions
2. Planning Comm'n minutes
3. Planning Comm'n record (written submissions)

B. Hearing (SGC 22.30.180)⁵

1. Follow Assembly procedures
2. Order
 - a. Staff
 - b. Applicant
 - c. Public
 - d. Rebuttal
 - i. Staff
 - ii. Applicant
 - e. Close evidentiary hearing – Deliberate
 - f. Make Findings of Fact & Decision
 - i. Planning Comm'n recommended Findings of Fact and conditions
 - ii. Modify FF and conditions (use *SGC 22.30.160C* criteria)

C. Burden of proof on Applicant (SGC 22.30.160C.6)⁶

and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;

5. *Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.*

⁵ *SGC 22.30.180 Procedures for public hearings.* (emphasis added)

Public hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to create or supplement an evidentiary record upon which the body will base its decision. The chair shall open the public hearing and, in general, observe the following sequence of events:

A. Staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.

B. Applicant presentation, including submittal of any materials. Members of the hearing body may ask questions of the applicant.

C. Testimony or comments by the public germane to the matter. Questions directed to the staff or the applicant shall be posed by the chair at its discretion.

D. Rebuttal, response or clarifying statements by the staff and the applicant.

E. The evidentiary portion of the public hearing shall be closed and the hearing body shall deliberate on the matter before it.

⁶ *SGC 22.30.160 Planning commission review and recommendation.* (emphasis added)

* * *

D. Assembly Options – See Section I.B above

IV. Actions after Assembly Decision

A. Remand - SGC 22.30.200⁷

B. Reconsideration - SGC 22.30.190⁸

C. Judicial Appeal (Superior Court – Sitka) - SGC 22.30240A⁹

C. *Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:*

* * *

6. *Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.*

⁷ *SGC 22.30.200 Remand.*

In the event the assembly determines that the public hearing record or record on appeal is insufficient or otherwise flawed, the assembly may remand the matter back to the hearing body. The assembly shall specify the items or issues to be considered and the time frame for completing the additional work. The assembly may hold a public hearing on a closed record appeal only for the limited purposes identified in the remand.

⁸ *SGC 22.30.190 Reconsideration.*

A party to a public hearing or closed record appeal may seek reconsideration only of a final decision by filing a written request for reconsideration with the administrator within fourteen calendar days of the oral announcement of the final decision. The assembly shall consider the request at its next regularly scheduled meeting. If the request is denied, the previous action shall become final. If the request is granted, the assembly body may immediately revise and reissue its decision or may call for argument in accordance with the procedures for closed record appeals.

⁹ *SGC 22.30.240 Judicial appeal.*

A. *Appeals from the final decision of the assembly, or other city board or body involving Title 21 SGC, and for which all other appeals specifically authorized have been timely exhausted, shall be made to superior court within thirty days of the date the decision or action became final, unless another time period is established by state law or local ordinance.*

* * *



Legislation Details

File #: 15-048 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 4/7/2015 In control: City and Borough Assembly

On agenda: 4/14/2015 Final action:

Title: Discussion/Direction on the methods of publishing Assembly and other municipal agendas

Sponsors:

Indexes:

Code sections:

Attachments: [Discussion Decision Agenda Publishing](#)
[Example of publishing an agenda](#)

Date	Ver.	Action By	Action	Result
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DISCUSSION / DECISION on experimenting for a month of two on not publishing the entire assembly agenda in the newspaper to gain feedback

Discussion



Are there any objections for trying this?



City & Borough of Sitka
Municipal Clerk's Office
100 Lincoln Street, Sitka AK 99835
Telephone: 907-747-1811 Fax: 907-747-4004



Memorandum

To: Mayor and Assembly Members
Cc: Thru Municipal Administrator Mark Gorman 
From: Colleen Ingman, Municipal Clerk 
Date: April 6, 2015
Subject: Publishing of Entire Assembly Agenda in Local Newspaper

In an effort to find areas where the municipality could save money I would like to experiment over the next month or two (depending on how it goes), by not publishing your entire assembly agendas in the newspaper. The agendas would be sent to the radio stations, available on the municipality's website, public library, posted at city hall and available on meeting night. The complete assembly packet is available on the city's web site and at the library.

The only requirement the municipality currently has is to publish the title of ordinances for public hearing (2nd reading) and the time and place of meeting(s). As time has progressed other avenues of publishing the agenda have been made available and are utilized.

Many Alaska clerks are facing budget shortfalls and are looking at ways to save dollars and would like to move in this direction. Fairbanks Borough spends in excess of \$100,000 a year in publishing agendas, and Juneau around \$50,000. Not directly related, but along this line... HB 68 (which is the House Version of SB 36) regarding electronic publication of certain municipal notices (taxpayer notices, foreclosures, etc.) seems to be moving through the House – it was referred to the Rules Committee. It would be a considerable cost savings to municipalities if passed.

Personally, I have no way of knowing how many citizens actually look to their local newspaper for what is on your agenda, or the number that instead rely on radio or go to our web site for that information. Therefore, I suggest an experiment of not publishing the entire agenda in the newspaper as one way of finding out how much citizen's either appreciate it and are willing to continue to pay for it, or how many would rather save the municipality thousands in advertising dollars by getting the information elsewhere.

Attachments

Sitka General Code

1.08.010 Codes of technical regulations.

Upon introduction of an ordinance adopting any standard **published** code of technical regulations, the assembly promptly shall cause at least five copies to be made available for public inspection and shall cause to be **published**, by means indicated in Charter Section 3.02, and together with the notice of hearing, a notice setting out the purpose of the ordinance and the time and place at which it is available for public inspection. No other publication is necessary before adoption, unless after the hearing the ordinance is amended as to its substance. If it is so amended, and also in the event of any later amendment before adoption, the amended sections shall be made available for inspection and notice **published** as earlier provided, and the ordinance as amended shall be subjected to hearing and to all other procedures as though newly introduced. Neither the ordinance nor any of its amendments need be distributed to the public or read in full at the hearings thereon. Publication after adoption shall be by notice declaring such adoption as **published**. The adopted code shall be sold to the public in such form and at such reasonable price as the assembly may direct.

Sitka Home Rule Charter

Section 3.02 Ordinances in General. (Excerpt)

* * *

After an ordinance has been introduced, and unless it is rejected at the same meeting by the affirmative votes of not less than a majority of the assembly members, the assembly shall promptly cause the ordinance to be published, together with a notice setting out the time and place for a public hearing on the ordinance and for its consideration by the assembly.

* * *

(c) **Meaning of "Publish."** As used in this section, the term "published" means that:

(1) At least the title, which shall be a brief summary of the ordinance or sections concerned, together with any required notice, has been published in one or more newspapers of general circulation in the municipality;

(2) Copies of the ordinance or sections concerned, together with any required notice, have been mailed or faxed to the same newspapers and, in accordance with assembly regulations, to additional newspapers of general circulation in the municipality;

(3) Copies of the ordinance or section concerned, together with any required notice, have been posted conspicuously for public inspection.

* * *

REPRESENTATIVE JONATHAN KREISS-TOMKINS

(907) 465-3732 | State Capitol Building, Room 426 | <http://www.repjkt.com>

HB68

 [Statement PDF](#) | [Sponsor's BILL Listing](#)

Sponsor**Statement****House Bill 68: Paper Reduction Act**

This bill will cut spending and conserve resources by reducing the number of reports printed by government agencies.

The state spends an estimated \$530,000 a year on designing, printing, and publishing agency reports, an expensive habit that has held over from the times when print circulation was the only available option.

Times have changed. This bill requires that state agencies publish their reports on the Alaska Online Public Notice System instead of printing them, and prohibits them from contracting out to graphic designers when there are state employees with the necessary skills available.

Exempt copies that may still be provided when required by federal law, for the state library system, or when designated by the head of an agency. But the changes proposed in this bill will ensure that reports are circulated efficiently and cheaply; are environmentally friendly; don't take up physical space; and can be accessed instantaneously by Alaskans from Nome to Thorne Bay.

This bill will reduce paper consumption and excise waste spending while simultaneously improving Alaskans' access to information.

A handwritten signature in black ink, appearing to read "JKT".

REPRESENTATIVE JONATHAN KREISS-TOMKINS

CS FOR HOUSE BILL NO. 68(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/1/15
Referred: Rules

Sponsor(s): REPRESENTATIVES KREISS-TOMKINS, Gara, Stutes

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the preparation, electronic distribution, and posting of reports by
2 state agencies."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 14.56.120(a) is amended to read:

5 (a) Each state agency shall deposit, upon release, at least five [FOUR] copies
6 of each of its state publications in the center. Additional copies of each publication
7 may be requested by the center for deposit in quantities necessary to meet the needs of
8 the depository library system and to provide inter-library service to those libraries not
9 having depository status.

10 * **Sec. 2.** AS 14.56.170 is amended to read:

11 **Sec. 14.56.170. Distribution of state publications and research data.** The
12 center may not engage in general public distribution of either (1) state publications or
13 lists of publications or (2) the index of publications and research data. However,
14 unless expressly prohibited by law, the center shall make available to any person, upon

1 request and under procedures established by it, publications, summaries, research data,
 2 indices, and other materials in its possession. **Except as provided in AS 44.99.260,**
 3 **reasonable** [REASONABLE] fees for reproduction or printing costs and for mailing
 4 and distribution of materials may be charged by the center.

5 * **Sec. 3.** AS 44.62.175(a) is amended to read:

6 (a) The lieutenant governor shall develop and supervise the Alaska Online
 7 Public Notice System, to be maintained on the state's site on the Internet. The
 8 lieutenant governor shall prescribe the form of notices posted on the system by state
 9 agencies. The Alaska Online Public Notice System must include

10 (1) notices of proposed actions given under AS 44.62.190(a);

11 (2) notices of state agency meetings required under AS 44.62.310(e),
 12 even if the meeting has been held;

13 (3) notices of solicitations to bid issued under AS 36.30.130;

14 (4) notices of state agency requests for proposals issued under
 15 AS 18.55.255, 18.55.320; AS 36.30.210; AS 37.05.316; AS 38.05.120; and
 16 AS 43.40.010;

17 (5) executive orders and administrative orders issued by the governor;

18 (6) written delegations of authority made by the governor or the head of
 19 a principal department under AS 44.17.010;

20 (7) the text or a summary of the text of a regulation or order of repeal
 21 of a regulation for which notice is given under AS 44.62.190(a), including an
 22 emergency regulation or repeal regardless of whether it has taken effect;

23 (8) notices required by AS 44.62.245(b) regarding an amended version
 24 of a document or other material incorporated by reference in a regulation;

25 (9) a summary of the text of recently issued published opinions of the
 26 attorney general;

27 (10) a list of vacancies on boards, commissions, and other bodies
 28 whose members are appointed by the governor;

29 (11) in accordance with AS 39.52.240(h), advisory opinions of the
 30 attorney general; [AND]

31 (12) notices required by AS 26.30.010(d) and (e) regarding applications

1 for military facility zones; and

2 (13) reports of state agencies, if required under AS 44.99.250.

3 * **Sec. 4.** AS 44.99 is amended by adding new sections to read:

4 **Article 3A. Distribution of Agency Reports.**

5 **Sec. 44.99.250. Electronic distribution and posting.** (a) A state agency that
6 produces and distributes a report shall, if the agency has the technological capability to
7 do so, provide copies electronically and post the report on the Alaska Online Public
8 Notice System (AS 44.62.175). An agency may not produce print copies of reports
9 except as

10 (1) required

11 (A) under AS 14.56.120;

12 (B) by agreement; or

13 (C) by federal law; or

14 (2) requested under AS 44.99.260 or specifically approved by the head
15 of a state agency or the head's designee.

16 (b) A report produced and distributed by a state agency shall prominently state
17 the Internet website where a digital copy and the physical address where a print copy
18 of the report may be found.

19 (c) Except as provided in (a) of this section, electronic distribution and
20 electronic posting on the Alaska Online Public Notice System (AS 44.62.175) fulfills
21 any obligation in state law to publish, prepare, or present a report, and electronic
22 distribution fulfills any obligation in state law to submit a report.

23 **Sec. 44.99.260. Print copy requests.** A person may obtain, at no charge, up to
24 two print copies of reports from the state library distribution and data access center
25 under AS 14.56.170 each day. A person may obtain additional print copies of reports
26 from the state library distribution and data access center for a reasonable fee under
27 AS 14.56.170.

28 **Sec. 44.99.270. Graphic design for reports.** Notwithstanding AS 44.99.200,
29 when preparing reports, a state agency may not hire contractors to provide
30 photographs or graphics unless

31 (1) no agency employee qualified to perform the work is available; or

1 (2) the agency would use fewer state resources by hiring a contractor.

2 **Sec. 44.99.290. Definitions.** In AS 44.99.250 - 44.99.290,

3 (1) "report" means an official document that a state agency is required
4 by law to prepare and distribute to the legislature or the public without a specific
5 request;

6 (2) "state agency" means a department, institution, board, commission,
7 division, authority, public corporation, committee, or other administrative unit of the
8 executive branch of state government, including the University of Alaska, the Alaska
9 Railroad Corporation, the Alaska Permanent Fund Corporation, and the Alaska
10 Housing Finance Corporation.

SENATE BILL NO. 36

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY SENATOR GIESSEL

Introduced: 2/2/15

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to electronic publication of certain municipal notices and to
2 publication and electronic distribution of reports by state agencies."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * Section 1. AS 29.45.020(a) is amended to read:

5 (a) If a municipality levies and collects property taxes, the governing body
6 shall provide the following notice:

"NOTICE TO TAXPAYER

7
8 For the current fiscal year the (city)(borough) has been allocated the
9 following amount of state aid for school and municipal purposes under
10 the applicable financial assistance Acts:

11	PUBLIC SCHOOL FUNDING PROGRAM (AS 14.17)	\$
12	STATE AID FOR RETIREMENT OF SCHOOL	\$
13	CONSTRUCTION DEBT (AS 14.11.100)	
14	COMMUNITY REVENUE SHARING PROGRAM	\$

(AS 29.60.850 - 29.60.879)

TOTAL AID \$

The millage equivalent of this state aid, based on the dollar value of a mill in the municipality during the current assessment year and for the preceding assessment year, is:

	MILLAGE EQUIVALENT PREVIOUS YEAR	THIS YEAR
PUBLIC SCHOOL FUNDING	...MILLS	...MILLS
PROGRAM ASSISTANCE		
STATE AID FOR RETIREMENT	...MILLS	...MILLS
OF SCHOOL CONSTRUCTION		
DEBT		
COMMUNITY REVENUE	...MILLS	...MILLS
SHARING PROGRAM		
TOTAL MILLAGE EQUIVALENT	...MILLS	...MILLS"

Notice shall be provided by

(1) furnishing a copy of the notice with tax statements mailed for the fiscal year for which aid is received; or

(2) publishing in a newspaper of general circulation in the municipality a copy of the notice once each week for a period of three successive weeks, with publication to occur not later than 45 days after the final adoption of the municipality's budget; instead of newspaper publication, a municipality may by ordinance provide for electronic publication by posting the notice for three consecutive weeks on a municipal Internet website accessible to the public.

* Sec. 2. AS 29.45.330(a) is amended to read:

(a) A municipality shall

(1) annually present a petition for judgment and a certified copy of the foreclosure list for the previous year's delinquent taxes in the superior court for judgment;

(2) publish the foreclosure list for four consecutive weeks in a newspaper of general circulation distributed in the municipality, on a municipal

1 **Internet website accessible to the public**, or, if there is no newspaper of general
2 circulation distributed in the municipality **and no municipal Internet website**, post
3 the list at three public places for at least 30 days;

4 (3) within 10 days after the first publication or posting, mail to the last
5 known owner of each property as the owner's name and address appear on the list a
6 notice advising of the foreclosure proceeding in which a petition for judgment of
7 foreclosure has been filed and describing the property and the amount due as stated on
8 the list.

9 * **Sec. 3.** AS 29.45.440(a) is amended to read:

10 (a) At least 30 days before the expiration of the redemption period the clerk or
11 the clerk's designee shall publish a redemption period expiration notice. The notice
12 must contain the date of judgment, the date of expiration of the period of redemption,
13 and a warning that all properties ordered sold under the judgment, unless redeemed,
14 shall be deeded to the municipality immediately on expiration of the period of
15 redemption and that every right or interest of a person in the properties will be
16 forfeited forever to the municipality. The notice appears once a week for four
17 consecutive weeks in a newspaper of general circulation distributed in the
18 municipality **or on a municipal Internet website accessible to the public**. If there is
19 no newspaper of general circulation distributed in the municipality **and no municipal**
20 **Internet website**, the notice is posted in three public places for at least four
21 consecutive weeks. The clerk shall send a copy of the notice by certified mail to each
22 record owner of property against which a judgment of foreclosure has been taken and,
23 if the assessed value of the property is more than \$10,000, to all holders of mortgages
24 or other liens of record on the property. The notice shall be mailed within five days
25 after the first publication. The mailing shall be sufficient if mailed to the property
26 owner and to the holder of a mortgage or recorded lien at the last address of record.

27 * **Sec. 4.** AS 44.62.175(a) is amended to read:

28 (a) The lieutenant governor shall develop and supervise the Alaska Online
29 Public Notice System, to be maintained on the state's site on the Internet. The
30 lieutenant governor shall prescribe the form of notices posted on the system by state
31 agencies. The Alaska Online Public Notice System must include

- 1 (1) notices of proposed actions given under AS 44.62.190(a);
- 2 (2) notices of state agency meetings required under AS 44.62.310(e),
3 even if the meeting has been held;
- 4 (3) notices of solicitations to bid issued under AS 36.30.130;
- 5 (4) notices of state agency requests for proposals issued under
6 AS 18.55.255, 18.55.320; AS 36.30.210; AS 37.05.316; AS 38.05.120; and
7 AS 43.40.010;
- 8 (5) executive orders and administrative orders issued by the governor;
- 9 (6) written delegations of authority made by the governor or the head of
10 a principal department under AS 44.17.010;
- 11 (7) the text or a summary of the text of a regulation or order of repeal
12 of a regulation for which notice is given under AS 44.62.190(a), including an
13 emergency regulation or repeal regardless of whether it has taken effect;
- 14 (8) notices required by AS 44.62.245(b) regarding an amended version
15 of a document or other material incorporated by reference in a regulation;
- 16 (9) a summary of the text of recently issued published opinions of the
17 attorney general;
- 18 (10) a list of vacancies on boards, commissions, and other bodies
19 whose members are appointed by the governor;
- 20 (11) in accordance with AS 39.52.240(h), advisory opinions of the
21 attorney general; [AND]
- 22 (12) notices required by AS 26.30.010(d) and (e) regarding applications
23 for military facility zones; and
- 24 (13) reports of state agencies, if required under AS 44.99.250.

25 * **Sec. 5.** AS 44.99 is amended by adding new sections to read:

26 **Article 3A. Distribution of Agency Reports.**

27 **Sec. 44.99.250. Electronic distribution and posting.** (a) A state agency that
28 produces and distributes a report shall, if the agency has the technological capability to
29 do so, provide copies electronically and post the report on the Alaska Online Public
30 Notice System (AS 44.62.175). An agency may not produce print copies of reports
31 except as

1 (1) required

2 (A) under AS 14.56.120;

3 (B) by agreement; or

4 (C) by federal law; or

5 (2) requested under AS 44.99.260 or specifically approved by the head
6 of a state agency or the head's designee.

7 (b) Except as provided in (a) of this section, electronic distribution and
8 electronic posting on the Alaska Online Public Notice System (AS 44.62.175) fulfills
9 any obligation in state law to publish, prepare, or present a report, and electronic
10 distribution fulfills any obligation in state law to submit a report.

11 **Sec. 44.99.260. Print copy requests.** A person may obtain a print copy of a
12 report from the state library distribution and data access center under AS 14.56.170.

13 **Sec. 44.99.270. Graphic design for reports.** Notwithstanding AS 44.99.200,
14 when preparing reports, a state agency may not hire contractors to provide
15 photographs or graphics unless

16 (1) no agency employee qualified to perform the work is available; or

17 (2) the agency would use fewer state resources by hiring a contractor.

18 **Sec. 44.99.290. Definitions.** In AS 44.99.250 - 44.99.290,

19 (1) "report" means an official document that a state agency is required
20 by law to prepare and distribute to the legislature or the public;

21 (2) "state agency" means a department, institution, board, commission,
22 division, authority, public corporation, committee, or other administrative unit of the
23 executive branch of state government, including the University of Alaska, the Alaska
24 Railroad Corporation, the Alaska Permanent Fund Corporation, and the Alaska
25 Housing Finance Corporation.

CITY & BOROUGH OF SITKA

PUBLIC NOTICE Harbor Department

The South grid timbers (ANB Harbor side) will be replaced this Saturday, March 21st

All boats must be off by the 2:02am Saturday tide

Sorry for the inconvenience

Published: March 20, 2015

PUBLIC NOTICE

Sitka Community Hospital Board Work Session

The Sitka Community Hospital Board will meet for a work session meeting on Monday, March 23, 2015, at 6:00 pm for Financial Packet Review. The meeting will be held in the Hospital Classroom and is open to the public. For further information, please contact Wendy at 747-1725.

Published: March 20, 2015

PUBLIC NOTICE

The City and Borough of Sitka will soon be transitioning to www.bidexpress.com for all solicitations. All potential bidders must first register at www.bidexpress.com and create an Info Tech Digital ID to review and download bid documents. FREE training will be provided: Tuesday, March 24, 2015 at 10 am in the 3rd floor conference room at City Hall, 100 Lincoln Street. Questions or to register for the training call 747-1882 or email retha@cityofsitka.com.

Published: March 6, 18, 20, 2015

PUBLIC NOTICE

Gary Paxton Industrial Park Board of Directors

The Gary Paxton Industrial Park Board of Directors will meet on Wednesday, March 25th at 6:00 p.m. in the Maksoutoff Room of Harrigan Centennial Hall. Agenda items are: GPIIP Strategic Planning, GPIIP Multi-purpose Dock Discussion, Alaska & Pacific Packing lease request, Silver Bay Seafoods land purchase request, Raw Water Sales Fund reimbursement request.

There is always a time set aside on the agenda for Persons To Be Heard

Anyone with development ideas for the Industrial Park is encouraged to attend and can address the Board,

The public is always welcome to attend!

For more information, please call 747-2660

GPIIP website at: www.sawmillcove.com

Published: March 20, 23, 24, 2015

PUBLIC NOTICE

COMPLETION OF ASSESSMENT ROLLS NOTICE OF MAILING

The City and Borough of Sitka hereby announces that the 2015 Property Assessments have been completed and mailed March 11, 2015. Every owner of real or personal property should receive an assessment notice indicating the 2015 values. It is the duty of every person receiving a notice to advise the Assessor of any errors or omissions observed in the assessment of the property.

The property owner has thirty (30) days from the mailing of notices in which to appeal the 2015 values to the Assessor. If relief from an alleged error in valuation is not adjusted by the Assessor to the taxpayer's satisfaction, the appellant may appeal to the Board of Equalization.

The Board of Equalization will meet in Harrigan Centennial Hall at 6:00 p.m. May 4, 2015.

Appeals to the Board must be filed directly and in writing to the Assessor no later than Friday

April 10, 2015.

Forms for appeal to the Board of Equalization are available at cityofsitka.com on the Assessing department page under forms, or from the Assessor at 100 Lincoln Street, room 106.

City and Borough of Sitka

Randy Hughes

Assessor

Published: March 20, 27, 2015

PUBLIC NOTICE

City and Borough Assembly CITY AND BOROUGH OF SITKA

Meeting Agenda ASSEMBLY CHAMBERS

330 Harbor Drive

006:00 PM

Tuesday, March 24, 2015

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

IV. CORRESPONDENCE/AGENDA CHANGES

A Reminders Calendar Correspondence

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. Approve the minutes of the March 10, 2015 Assembly meeting

B. Reappoint Charles Horan (temporarily) to a seat on the Gary Paxton Industrial Park Board; 2) Kevin Knox to the Port and Harbor Commission; and 3) Trish White on the Local Emergency Planning Commission

C. ORD 15-14: Proposing to clarify the SGC by Amending Section 13.13.025 Emission of Soot from an Oil Stove In a Vessel, Section 14.04.020 Ice and Snow Removal, Section 15.05.400 Cross-Connections, Sections 18.04.010 (I) Personal Property Definition and Title 18 Footnote 2 to Correct Statute References, Section 19.01.013 Adoption of Excavation and Grading Standards, Section 19.01.020 Building Permits Fees, Section 19.08.040 Definition Of "Islands," Section 22.08.585 Manufactured Home, and Section 22.08.590 Mobile Home

Clarifying CODE ordinance - first reading

D. ORD 15-15: Proposing to clarify the Sitka General Code by Amending Sections 1.01.010 Adoption, and 1.01.030 Codification Authority to update Alaska Statute References, Sections 2.04.010 Agenda Testimony Time, 2.04.170, Assembly Meeting Time, 02.12.010 Clarifying Physician Members on Hospital Board, 2.40.100 Acceptance of Nomination, 2.40.290 Election Supplies and Equipment, 2.40.300 Instructions to Voters, 2.40.410 Preservation of Ballot After Counting, 3.16.030 Open Market Procedures, 3.16.060 Exceptions to Competitive Bidding Requirements, 3.16.080 Procurement Monitoring, Title 4, Revenue and Finance in Sections 4.26.165 (A) and 4.26.165 (E) to clarify Alaska Appellate Court Name, in Section 4.28.040 (C) to update the best practices recommendation, in Section 4.44a.010 (B) to remove an incorrectly placed word, and Section 6.19.030 (E) Commercial Operations Permit to clarify fee expense

Clarifying CODE ordinance - first reading

E. ORD 15-16: Proposing to clarify the SGC by amending Sections 8.04.020 Licensing (Animals), 8.04.080 Objectionable Animals, and 10.52.010 Unlawful Acts (Dangerous Dog)

Clarifying CODE ordinance - first reading

F. ORD 15-18: Proposing to clarify the SGC by amending Chapter 10.40 Gambling, Section 10.40.010 Prohibited and Loitering Sections, 10.76.020 Definition and 10.76.030 Prohibited Operations

Clarifying CODE ordinance - first reading

G. ORD 15-19: Proposing to clarify the SGC by amending Title 10 Public Peace, Safety and Morals at Sections 10.44.010 Liquor Regulations Definition A, 10.44.020 Scopes of Provisions, 10.44.030 License Required, 10.44.060 Persons Forbidden to Have Liquor, and 10.84.010 Definitions

Clarifying CODE ordinance - first reading

H. ORD 15-20: Proposing to clarify the SGC by Amending Sections 11.17.25.010 Prohibited Vehicles and Loads, Section 11.17.25.020 Width of Vehicles, Section 11.28.010 Traffic Code-Adoption of State Traffic Laws, and Sections 15.05.590 and 15.05.600 Fire Protection Services and Systems

Clarifying CODE ordinance - first reading

X. UNFINISHED BUSINESS:

I. ORD 15-13: Adjusting the FY15 Budget

J. ORD 15-11: Proposing to clarify the SGC by amending the footnote in Title 9 Health and Sanitation, by amending Sections 10.24.050 Fireworks Permissible Sales and Uses and 10.24 reference note, Section 10.44.070 (c) Common Carrier Definition, by repealing without replacement Section 10.48.030 Evidence, by amending Section 10.72.070 Juvenile Curfew Penalties, by repealing Section 10.84.020 Grandfather Clause for Liquor Sales Age, by amending Section 11.04.110 Public Holidays List, Section 11.40.230 Parking Reference, Section 11.56.100 for correct reference for Taxicab Medical Requirements, by repealing Section 11.64.010 Pedestrian Rules, and by amending Section 11.70.010 to remove outdated Helmet Standard Reference

Clarifying CODE ordinance - second reading

K. ORD 15-12: Proposing to clarify SGC by amending Title 6 Business License and Regulations at Section 6.04.080 Bond

Clarifying CODE ordinance - second reading

XI. NEW BUSINESS:

New Business First Reading

L. ORD 15-17: Utility Director/Acting Administrator to give an overview 1st

Amending Subsection 15.01.020 of SGC Electrical Rates by increasing electric rates to fund approved Electrical Utility Capital Projects including the Blue Lake Hydroelectric Expansion Project and establishing an Energy Assistance Fund

Additional New Business Items

M. Approve an Operating and Terminal Building Sublease Agreement between City and Borough of Sitka and Delta Airlines subject to Department of Transportation and Public Facilities approval

N. Approve award Jarvis Bulk Fuel Tank API-653 Inspection Contract Award \$80,000 - Blue Lake Bonding



Legislation Details

File #: 15-046 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 4/7/2015 In control: City and Borough Assembly
On agenda: 4/14/2015 Final action:
Title: Discussion/Direction on the City and Borough of Sitka Budget Balancing Options
Sponsors:
Indexes:
Code sections:
Attachments: [CBS Budget Balancing Options](#)

Date	Ver.	Action By	Action	Result
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Discussion/Direction
CBS
Budget Balancing Options



**City and Borough of Sitka
Budget Balancing Options**

Possible Increased Revenue Streams - \$1,000,000 achieved through increased tax collections

Increase taxable transaction limit from \$1,500 to \$3,000. Estimated additional tax collections: \$400,000.

Remove senior citizen sales tax exemption and replace it with rebate system. Rebate for senior citizens would be \$400 for an individual senior living alone, \$450 for a household containing two or more seniors, equivalent of rebating sales taxes paid on food and utilities. Approximate increased sales tax: \$638,000, less rebate of \$160,000, new taxes \$478,000.

Eliminate long term rental sales tax exemption. Approximate increased sales tax: \$657,671.

Double tobacco tax. Estimated additional tax collections: \$250,000.

Vehicle Registration Fee. Estimated tax collections \$400,000

Annualize sales tax at 6%, with winter sales tax collections flowing to Municipality completely. Approximate increased sales tax - \$672,000.

Increase the millage rate (effective FY2017) - \$1,064,000/mill

A road maintenance fee as a monthly utility charge

Possible Expenditure reductions. \$1,000,000 achieved through expenditure cuts

Sale of Senior Center and elimination of municipal support. Estimated savings: \$100,000 annually.

Reduction of Library operating hours to coincide with Municipal Solutions recommended nationwide average. Estimated savings: \$25,000

Elimination of snow plowing and road treatment outside major snow events.

Reduction of size and content of newspaper advertising. Estimated savings: \$20,000

Non personnel efficiencies. Estimated savings - \$16,000

Eliminate in-house animal control and traffic enforcement positions. Replace with contracted services. Estimated savings - \$100,000

Do not refill Governmental Relations position. Contract out significant aspects. Estimated savings \$55,000.

Reduce additional support commitment to the Sitka School District.

April 9, 2015