



CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS
1332 Seward Ave.
Room 229
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: Sara Peterson, CMC*

Tuesday, August 11, 2015

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

IV. CORRESPONDENCE/AGENDA CHANGES

[15-139](#) Reminders, Calendars and General Correspondence

Attachments: [Reminders and Calendars](#)

[Public Works Update](#)

V. CEREMONIAL MATTERS

None anticipated.

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

[15-138](#) Sitka Community Development Corporation - Randy Hughey

Sitka Transient Float Project Update - PND Engineers, Inc.

VII. PERSONS TO BE HEARD

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

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

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

- A** [15-140](#) Approve the minutes of the July 28 Assembly meeting

 Attachments: [Consent and Minutes](#)
- B** [15-141](#) Approve a liquor license ownership transfer and restaurant designation permit for GraCED, Inc dba The Larkspur Cafe at 2A Lincoln Street Suite 1A

 Attachments: [Memo liquor license](#)
 [ABC Board docs liquor license](#)
- C** [RES 15-15](#) Authorizing the application for loans to the Alaska Department of Environmental Conservation under the Alaska Drinking Water Fund for Marine Street water improvements and a water storage study, and under the Alaska Clean Water Fund for Marine Street sewer improvements, Crescent lift station replacement and wastewater treatment plant HVAC improvements

 Attachments: [Res 2015-15](#)
- D** [RES 15-16](#) Designating the Municipal Administrator and the Chief Finance and Administrative Officer as authorized officials to execute all documents necessary to sell all financial holdings held in accounts in the name of the City and Borough of Sitka with Putnam Investments, and, to authorize the liquidation of such accounts

 Attachments: [Res 2015-16](#)
- E** [15-143](#) Authorize awarding a sole source contract with WS Construction on an emergency basis for a lump sum of \$84,800 for replacement of failing floatation at the West Transient Dock

 Attachments: [WS Construction](#)
- F** [15-145](#) Approve award of contracts to the following for Electric Department consulting/technical services: 1) Northstar Power Engineering, the amount not to exceed \$300,000 for FY16, 2) Electric Power Systems, Inc., the amount not to exceed \$700,000 for FY16, and 3) Design Southeast, the amount not to exceed \$200,000 for FY16

 Attachments: [FY16 consulting contracts](#)

- G** [15-146](#) Approve award of contracts to the following for Electric Department consulting/technical services in FY15: 1) Electric Power Systems, Inc. in the amount of \$476,850.80 and 2) Northstar Power Engineering in the amount of \$57,955.10

Attachments: [FY15 consulting contracts](#)

- H** [15-147](#) Approve award of a contract to Northern Construction Service in the amount of \$4,986,329 for completion of the Sitka Transient Float Replacement project

Attachments: [Sitka Transient Float Replacement Project](#)

- I** [15-148](#) Approve Amendment No. 5 to Alaska Bulk Water, Inc.'s bulk water export contract

Attachments: [ABWI Amendment No 5](#)

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

- J** [15-142](#) Reappoint Carol Berge to a three-year term on the Local Emergency Planning Commission

Attachments: [LEPC Berge](#)

XI. UNFINISHED BUSINESS:

- K** [ORD 15-37A](#) Amending Section 2.12.010 City and Borough of Sitka Hospital Board and Section 2.12.070 Organization, formally dissolving the existing Sitka Community Hospital Board (SCH) and its framework and re-establishing and reorganizing membership under new criteria by decreasing voting membership from seven to five with the goal of providing financial welfare and economic financial stability to Sitka Community Hospital. The new membership will include one CBS standing seat (and alternate) appointed by the Municipal Administrator.

Attachments: [Ord 2015-37A](#)

- L** [ORD 15-40](#) Adjusting the FY15 and FY16 Budgets

Attachments: [Ord 2015-40](#)

XII. NEW BUSINESS:

- M** [15-149](#) Discussion/Decision regarding complaints filed by Marko Dapceovich regarding a water line fee and water and sewer charges for 104 Remington Way

Attachments: [CBS Attorney memo](#)

[Dapceovich submittal](#)

- N** [15-150](#) Conceptual approval of a proposal to add City and Borough of Sitka property to the Gary Paxton Industrial Park for development opportunities
Attachments: [Conceptual approval GPIIP](#)
- O** [ORD 15-41](#) Amending Sitka General Code Chapter 4.09 "Sales Tax" by adding a new Section 4.09.050 "Non-Profit Activities Enhancement Fund," modifying Section 4.09.100L "Exemptions" by clarifying sales made by nonprofit charitable organizations; amending Section 4.09.420 "Definitions" by modifying Subsection "I." to include outcry, silent auctions, and admission fees as sales and adding Subsections "O" "Donation", and "P" "Admission Fee" (first reading)
Attachments: [Ord 2015-41](#)
- P** [15-144](#) Approve the removal of the Finance Director's existing sales tax interpretation regarding taxability of fundraisers
Attachments: [Sales Tax interpretation](#)
- Q** [15-151](#) Appoint two Assembly members to serve on the Marijuana Advisory Committee
Attachments: [Advisory Committee](#)

XIII. PERSONS TO BE HEARD:

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

XIV. EXECUTIVE SESSION**XV. ADJOURNMENT**

*Sara Peterson, CMC
Municipal Clerk
Publish: August 7*



Legislation Details

File #: 15-139 **Version:** 1 **Name:**
Type: Item **Status:** AGENDA READY
File created: 8/4/2015 **In control:** City and Borough Assembly
On agenda: 8/11/2015 **Final action:**
Title: Reminders, Calendars and General Correspondence
Sponsors:
Indexes:
Code sections:
Attachments: [Reminders and Calendars](#)
[Public Works Update](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

REMINDERS

| <u>DATE</u> | <u>EVENT</u> | <u>TIME</u> |
|--------------------|-----------------|-------------|
| Tuesday, August 11 | Regular Meeting | 6:00 PM |
| Tuesday, August 25 | Regular Meeting | 6:00 PM |

****Assembly Meetings are being held at UAS – Room 229****



Municipal Election Reminders

| | |
|--------------------|---|
| Friday, August 7 | 5pm deadline for filing candidate petitions |
| Tuesday, August 11 | Last scheduled meeting to <u>adopt</u> ordinances for charter changes and ballot measures |
| Friday, August 21 | Last day for candidate to withdraw nomination |
| Tuesday, October 6 | Municipal Election |

Expiring Terms:

Assembly
Matthew Hunter
Michelle Putz

School Board
Cass Pook
Jennifer Robinson

Assembly Calendar

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

August 2015

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|---------------------|---------------------|--|---|--|---------------------|---------------------|
| 26 <u>Jul</u> | 27 | 28 | 29 | 30 | 31 | 1 <u>Aug</u> |
| | | Guevin 1:00pm SCVB Board 6:00pm <u>Regular Assembly Mtg</u> | Guevin | Guevin | Guevin | Guevin |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Guevin | Guevin | Guevin 7:00pm Planning | Guevin 7:00pm Library Board | Guevin McConnell 12:00pm - 1:30pm SEDA Board Meeting | Guevin | Guevin |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| Guevin Putz | Guevin Putz | 12:00pm Health Needs & Human Services Guevin - calling in 6:00pm <u>Reg Assembly Mtg</u> | Guevin 6:00pm Historic Preservation | Guevin 12:00pm LEPC 12:00pm <u>Parks & Rec</u> | Guevin | Guevin |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| Guevin | Guevin | Guevin McConnell 12:00pm <u>Tree/Landscape</u> 7:00pm <u>Planning</u> | Guevin McConnell | Guevin McConnell | Guevin McConnell | Guevin |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| Guevin | Guevin | Guevin McConnell 1:00pm SCVB Board 6:00pm <u>Regular Assembly Mtg</u> | Guevin McConnell 6:00pm Police and Fire | Guevin McConnell | Guevin McConnell | Guevin McConnell |
| 30 | 31 | 1 | 2 | 3 | 4 | 5 |
| Guevin McConnell | Guevin McConnell | McConnell 7:00pm Planning | McConnell 7:00pm Library Board | McConnell 12:00pm - 1:30pm SEDA Board Meeting | McConnell | McConnell |

Assembly Calendar

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

September 2015

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|---------------------|---------------------|---|--|--|-----------|-----------|
| 30 Aug | 31 | 1 Sep | 2 | 3 | 4 | 5 |
| Guevin McConnell | Guevin McConnell | McConnell 7:00pm Planning | McConnell 7:00pm Library Board | McConnell 12:00pm - 1:30pm SEDA Board Meeting | McConnell | McConnell |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| McConnell | McConnell | McConnell 12:00pm Health Needs & Human Services Commission 6:00pm Reg Assembly Mtg | McConnell Putz 6:00pm Historic Preservation | McConnell Putz 12:00pm LEPC 12:00pm Parks & Rec | McConnell | McConnell |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| McConnell | McConnell | McConnell 12:00pm Tree/Landscape 7:00pm Planning | McConnell | McConnell | McConnell | McConnell |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| McConnell | | 6:00pm Regular Assembly Mtg | 6:00pm Police and Fire Commission - Fire Hall | | | |
| 27 | 28 | 29 | 30 | 1 Oct | 2 | 3 |
| | | 1:00pm SCVB Board | | 12:00pm - 1:30pm SEDA Board Meeting | | |

PUBLIC WORKS ASSEMBLY UPDATE - WORK COMPLETED IN JULY, 2015

Kattleson Memorial Library Expansion:

Milestones this period

- All structural design issues have been resolved and the required changes are being incorporated into the work.
- Mechanical, Plumbing and Electrical Rough-In Started.
- Structural Framing Complete.
- Roof Framing Complete. Wall framing 75% complete.
- Roof Installation started.
- Windows, Siding and Roofing Materials arrived.

Future Milestones

- Exterior to be weather-tight September 2015.
- Exterior site work to be complete September 2015.
- Construction is anticipated to be complete in late November 2015.

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

- HCH Staff has relocated their office to the Sealing Cove Business Center, 601 Alice Loop Road (Alice Island), where they also have two meeting rooms for the city meetings. They have held the first Assembly Meeting at UAS, where they will continue to be held during the construction of HCH.
- HCH Staff sorted, sold, returned, or packed and stored all of the furnishings, equipment, animals, etc., that filled the building. A huge endeavor that has been well organized and orchestrated.
- The Sitka Historical Society (Museum) has likewise packed, sorted, stored and relocated their office to the White House, 210 Seward Street.
- Phase 1, 'Staging and Submittals' completion July 31, 2015. Submittals and material orders are well underway.
- Building closure and Phase 2, NTP, construction August 1, 2015. Fencing, demolition, and abatement of hazardous materials begin Monday August 3, 2015.

Future Milestones

- Substantial completion anticipated on or before December 20, 2016.

Background

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.

Baranof Warm Springs Dock Replacement:

Milestones This Period

- Alaska Department of Transportation (ADOT) advertised the project for construction beginning on July 23, 2015.

Future Milestones

- Contract award in August 2015.
- Construction completion spring 2016.

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.

Sitka Transient Float Replacement:

Milestones This Period

- Public Works advertised the project for construction beginning on July 6, 2015.
- Submittal of tunicate eradication plan to United States Army Corps of Engineers, by University of Alaska Southeast faculty and a local Contractor, which could allow the floats to be repurposed rather than demolished and disposed of at a landfill in the lower 48.
- Received USACE Nationwide Permit and Alaska Department of Environmental Conservation Approval to Construct for project.

Future Milestones

- Bid opening August 4, 2015.
- Request Assembly approval of construction contract on August 11, 2015.
- Construction is anticipated to begin in fall 2015 with Substantial Completion required by March 15, 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, ~\$198,000 from unspent ANB Harbor bond proceeds, and \$500,000 from the CBS Electric Fund for the project for a total budget of \$6,848,000.

Edgecumbe Drive Street Reconstruction:

Milestones This Period

- Public Works and design-builder hosted a construction progress public meeting on July 8, 2015. The next one is scheduled for August 13 at 7 p.m. at Keet Gooshi Heen.
- Design-builder completed the following work:
 - Removed pavement from Kashevaroff to Cascade Creek Road.

- Continued work on curb, gutter and sidewalk; concrete work nearly done from Kimsham to Cascade Creek Road.
- Installed storm drainage structures and pipe. Structures complete from Kimsham to Cascade Creek Road.
- Shipped and began setup of paving plant to S&S pit at Granite Creek.

Future Milestones

- Paving of the travel lanes scheduled for August 2015.
- Substantial completion date is October 21, 2015. Final completion date is December 30, 2015.

Background

The project includes drainage, sidewalk, curb and gutter, road subgrade and pavement improvements on Edgumbe 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.

Airport Terminal Upgrades:

Milestones This Period

- Delta Airlines installed baggage make-up area improvements allowing them and Alaska Airlines to share area; Delta, Alaska and CBS will share cost of improvements (\$84K total) equally.

Future Milestones

- CBS has received passenger-flow improvement concepts from our consultant, McCool Carlson Green (MCG). When the concepts are fully developed, MCG 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

- Installation of curb, gutter and sidewalk on Hollywood Way (90% complete).
- Installation of curb and gutter on New Archangel (100% complete).

Future Milestones

- Paving for both roads scheduled for early August 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

- Prepared bid package for installation of Cured-In-Place Pipe (CIPP) liner.

Future Milestones

- Select local contractor to assist and oversee CIPP liner installation, obtain Assembly approval to award contract in September 2015.
- Install CIPP liner prior to March 15, 2016.
- 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).

Ultra Violet (UV) Disinfection Facility:

Milestones This Period

- Facility is functional and operational with punch list items remaining.
- Certificate of Occupation inspection completed and conditional approval given by Building Department.
- Substantial Completion inspection and certification.

Future Milestones

- Final Punch List items completed August 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

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

Milestones This Period

- 65% plans received from consultant.

Future Milestones

- 65% plans review August 2015.
- Public meeting to present project scope.
- Final design is expected in 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

- Conceptual routes shown on aerial photography to allow review and selection.
- Preliminary cost estimates developed.
- Bridge surveys completed.

Future Milestones

- Finalize bridge survey report.
- Phase One, Route Planning of the project is expected to be completed August 2015.
- Meetings with Forest Service and State of Alaska Department of Natural Resources.
- 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.

Monastery and Baranof Water and Sewer Project:

Milestones This Period

- Baranof Street - Road 80% complete; sewer, water and storm drain 95% complete.
- Monastery Street - Excavation 20% complete.

Future Milestones

- Baranof curb, gutter and sidewalk and paving to be completed in August 2015.
- Monastery excavation, water, sewer, storm, curb, gutter and sidewalk and paving to be completed in August 2015.
- Substantially completion late August 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 and Monastery Street between Sawmill Creek Road and DeGroff 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 has been completed.
- Baranof Street Trailhead Access has been completed.

- The construction crew has started on the Pherson Street access point and will continue with the trail to the Baranof Street access point.
- As-built surveying is currently in progress for the Yaw Drive through the Mental Health Land Trust property.

Future Milestones

- Trailhead planning: bollards, trailhead signage, kiosks, and multiuse trail signage.
- 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 by Western Federal Lands and CBS.

Future Milestones

- Started working on a reimbursable agreement. This is the next step in the process. Should have agreement by the end of August.
- 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

- Bell and Associates, and the CBS evaluated the request for proposals (RFP) that were submitted by contractors on the Municipal Solid Waste Management Services.
- A letter of intent to award went out to Alaska Pacific Environmental Services (APES).
- The Municipal Solid Waste team has finalized negotiations with APES.
- The Municipal Solid Waste team is finalizing the development of spreadsheets comparing CBS current rates to proposed rates.

Future Milestones

- SWAC meeting will be scheduled for the middle of August 2015.
- Assembly contract award is projected around September 1, 2015

Background

In July of 2014, the City and Borough of Sitka completed 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.

Hrebar Rifle Range: (Shooting Range Improvements)

Milestones this period

- Four bids were reviewed. Island Enterprise was awarded the contract for a not to exceed amount of \$6,900.
- Notice to proceed was given, and insurance documents were secured.
- Awarding the bid for construction to fix the end berm height for the 100 and 200 yard ranges and to bring the heights of the medians up to a consistent height in between the 100 yd. and the 200 yd. ranges.
- Construction started July 6th, 2015 and was scheduled to be completed by July 14, 2015.
- Change order #1;
 - 1) Add additional height to the 200 yd. side of the berm between the 100 yd. and 200 yd. range.
 - 2) Add more time to the final completion with the new date set at July 24, 2015.
 - 3) In addition to adding the end berm and side berm between the pistol range and the 200 yd. range for a total project amount of \$22,900.

Future Milestones:

- Final Completion of the project was July 24th, 2015.

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.

Jarvis Control and Crescent Harbor Shelter Re-roofing:

Milestones This Period

- Over-roofing structure completed at Jarvis Control.

Future Milestones

- Additional protection from water intrusion was needed at the building entries. A setback variance is being requested at the Planning Commission on August 11, 2015 to complete these shed roof canopies and thence complete the gable-end metal siding.
- Substantial completion of Jarvis Control Building August 2015.

Background

The Crescent Harbor Shelter roof is the original from the 1985 construction of the Shelter and was failing. It was replaced with architectural shingles to match the roofs planned for Harrigan Centennial Hall and Kettleon 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 \$111,993 from the Harbor Fund and \$120,000 from the Electric Fund for a total approved budget of \$231,993.

Jeff Davis Street Water and Sewer Improvements:

Milestones This Period

- None, insufficient resources to move forward at this time.

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.

Gary Paxton Industrial Park Dock:

Gary Paxton Industrial Park Dock:

Milestones this Period

- In scope development with R&M Engineering – Ketchikan and Moffatt & Nichol to study the feasibility of a floating dock.

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 GPIP 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 haul out 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, Division 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.

Seaplane Base:

Milestones This Period

- None due to insufficient resources at present time.

Future Milestones

- 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.

WATER

Water operators responded to six customer water leak calls. There were no city-side water leaks. The water division continues to perform locates for the DOT ditching work. The work along Sawmill Creek Rd. is complete and they have now moved onto HPR. Locates have also been performed for Chatham Electric along HPR. Water staff have been inspecting the Baranof Street project on a daily basis.

Callouts and flow control issues occurred due to the plugging of the strainers on the new pressure reducing valves at the BLWP. Maintenance staff built brackets and installed new, larger strainers which appear to have remedied the issue.

The Emergency Response and Vulnerability Assessment Plans were updated and sent as required to the EPA and DEC.

One of the reactor's at the new UV facility has been experiencing issues with the wiper getting stuck which ultimately has resulted in the plant shutting down. These wipers automatically clean the quartz sleeves that protect the UV light tubes. It appears this reactor will need to be dismantled to determine the cause of the malfunction. Engineering and CH2M are working with Trojan (manufacturer) to determine if this falls under warranty work/who should do the work, etc.

The water division is recruiting for temporary/seasonal help to power wash and paint hydrants and clear brush around the storage tanks, etc.

The Storm Water Pollution Prevention Plans for the Granite Creek Industrial Area Pit Run Site and The Sawmill Cove Industrial Recycling Center have been finalized and new discharge permits were issued by the Alaska Department of Environmental Conservation.

WASTEWATER

Wastewater staff performed a number of CCTV inspections of wastewater collection system mains and storm culverts-

- Storm drain culverts at the intersection of Edgecumbe Drive and Charteris were inspected to determine their integrity and expected remaining life.
- Sewer main CCTV inspection at the Sitka Fine Arts Campus was performed for Pacific Services for the installation of a new sewer service.
- CCTV inspection and cleaning with the high pressure jet/vacuum truck, "the Camel" was performed at Schaffers Trailer Court for Pacific Services due to a plugged private sewer main.
- The sewer service at the Presbyterian Church on Baranof St. was televised and dye testing was performed on the rain gutters to check for a direct connection to the sewer system. Roof drains were found to be connected to the sanitary sewer. This connection will be removed by the church and connected to the new storm service provided as part of the Baranof Construction project.
- A homeowner on Marine St. called about sewer backing into his basement. The Camel was used to flush the main which contained some gravel. The main was CCTV inspected a few days later and no obvious defects were noted.
- A line on Kramer Ave. was CCTV inspected for Crescent plumbing due to a plugged sewer service.

A repair was made on a 4 inch sewer service on HPR that was damaged by Chatham Electric during the installation of a power pole. A sewer locate was performed on Rands Drive for Chatham Electric prior to the installation of a power pole.

Semi-annual water quality sampling in and around the mixing zone for the wastewater discharge was performed. The results were all within the allowable ranges.

Wastewater staff have begun replacement of two original sump pumps in the plant. These pumps were listed on the Master Plan as needing to be replaced/rebuilt in 2015. This is a significant project since parts and direct replacement pumps are not available, and require modifications in the suction and discharge valves and piping. The hour meter at the Thompson Lift Station dimminutor was replaced. The dimmunitor is a grinding device that grinds large debris before pumping across the channel to the WWTP. A new dehumidifier was installed at the Sandy Beach lift station.



Legislation Details

File #: 15-138 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 8/4/2015 In control: City and Borough Assembly
On agenda: 8/11/2015 Final action:
Title: Sitka Community Development Corporation - Randy Hughey
Sitka Transient Float Project Update - PND Engineers, Inc.

Sponsors:

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|



Legislation Details

File #: 15-140 Version: 1 Name:

Type: Minutes Status: AGENDA READY

File created: 8/4/2015 In control: City and Borough Assembly

On agenda: 8/11/2015 Final action:

Title: Approve the minutes of the July 28 Assembly meeting

Sponsors:

Indexes:

Code sections:

Attachments: [Consent and Minutes](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

CONSENT AGENDA

POSSIBLE MOTION

**I MOVE TO APPROVE THE CONSENT AGENDA
CONSISTING OF ITEMS, A, B, C, D, E, F, G, H & I**

I wish to remove Item(s) _____

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

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

POSSIBLE MOTION

I MOVE TO approve the minutes of the
July 28 Assembly meeting.



CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS
1332 Seward Ave.
Room 229
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: Sara Peterson, CMC*

Tuesday, July 28, 2015

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

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

Absent: 1 - Guevin

IV. CORRESPONDENCE/AGENDA CHANGES

15-135 Reminders and Calendars

V. CEREMONIAL MATTERS

15-120 Citation honoring U.S. Coast Guard Day, Service Awards for employees Jim DiGennaro and Dean Orbison

Mayor McConnell read a proclamation honoring U.S. Coast Guard Day, presented CBS employee, Dean Orbison with a Service Award for over 15 years of service and read a service award honoring Jim DiGennaro for over 20 years of service.

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

15-121 Alaska Joint Library Consortium - Robb Farmer, Library Director

Library Director, Robb Farmer, provided an overview of the online features of the Alaska Joint Library Consortium.

VII. PERSONS TO BE HEARD

Don Jones spoke to the senior citizen tax exemption.

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

Mayor - McConnell noted she had attended the Sitka Tribe of Alaska Community Picnic and exchanged inaugural plaques recently with the Captain of the L'Austral.

Administrator - Gorman reported on the recent visit to Baranof Warm Springs to discuss management plans for the boardwalk and dock, announced the first meeting of the Citizens' Taskforce would be held August 18, and alerted the Assembly the Finance Department was closing out FY15, in particular the Blue Lake Project. Gorman stated while there was a cost overrun on the Jarvis Street project of about \$500,000, overall with regards to the Blue Lake Project, CBS had underspent the bonds by approximately 7 million.

Liaisons - Putz reported on the July 21 Tree and Landscape Committee meeting and thanked staff for landscaping efforts throughout Sitka.

Clerk - Peterson announced the candidate filing period for the upcoming Municipal Election was open through August 7.

Other - Mayor McConnell reported their had been positive feedback from staff and citizens regarding the 5pm start time of the July 14 Assembly meeting and wondered how Assembly members might feel about permanently changing the start time of meetings to 5pm. The consensus among Assembly members was to keep the start time at 6pm.

IX. CONSENT AGENDA

A 15-119 Approve the minutes of the July 14 Assembly meeting

This item was APPROVED ON THE CONSENT AGENDA.

B ORD 15-40 Adjusting the FY15 and FY16 Budgets (first reading)

This item was APPROVED ON THE CONSENT AGENDA.

C RES 15-14 Approving submittal and execution of a municipal harbor facility grant application to the State of Alaska, Department of Transportation and Public Facilities (ADOT&PF) in the amount of \$5,000,000 for the project entitled Crescent Harbor Float Replacement - Phase I

Putz wondered how the harbors could be downsized if funding was not received. Gorman noted if funding was not received adjustments would need to be made to the Master Plan.

A motion was made by Putz to APPROVE this Resolution on first and final reading. The motion PASSED by the following vote.

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

Absent: 1 - Guevin

- D 15-122** Electric Department requests: 1) Approve the use of funds from Blue Lake proceeds in the amount of \$516,286.26 for Capital Project #90672 to complete replacement of Medvejie Substation and 2) Authorize the Municipal Administrator to execute a purchase order to ABB Inc. in the amount of \$82,500 for purchase and installation of a circuit breaker for the Medvejie Substation Project

This item was APPROVED ON THE CONSENT AGENDA.

- E 15-123** Authorize the Municipal Administrator to execute a purchase order for a time and equipment contract not to exceed \$750,000 to Chatham Electric, Inc. to assist in Electric Department infrastructure improvement work on approved capital projects

Gorman clarified the request was in accordance with Sitka General Code 3.16.060 (D) and (I). Jeff Wheeler, Acting Utility Director, spoke to the technical complexities of the Contract and prior working relationship with Chatham Electric, Inc.

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

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

Absent: 1 - Guevin

- F 15-129** Authorize the Municipal Administrator to enter into an 8 year contract with ACS to provide the City and Borough of Sitka with campus network infrastructure

Ron Duvall, IT Director, explained his recommendation on the 8 year contract was based on the price reduction the City and Borough of Sitka would receive over time.

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

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

No: 1 - Eisenbeisz

Absent: 1 - Guevin

- G 15-125** Approve the transfer of \$36,854 from the Bulk Water Fund to the Gary Paxton Industrial Park Fund for reimbursement of City and Borough of Sitka staff hours spent on raw water sales

This item was APPROVED ON THE CONSENT AGENDA.

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS**H 15-130** Appoint Gayle Hammons to a three-year term on the Local Emergency Planning Committee

The Assembly thanked Hammons for her willingness to serve.

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

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

Absent: 1 - Guevin

XI. UNFINISHED BUSINESS:**I ORD 15-36** Placing a Ballot Question on the Regular Election on October 6, 2015 to amend the Home Rule Charter of the City and Borough of Sitka at Article 13.03 entitled "Property Tax Limit" to increase the millage rate limit by one tenth of one percent (.001), which would be seven tenths of one percent (.007), or seven (7.0) mills to be used to support the Sitka School District

Putz and Eisenbeisz spoke in opposition to the ordinance and expressed a desire to see what recommendations came forward from the Citizens' Taskforce.

A motion was made by Putz to APPROVE this Ordinance on second and final reading. The motion FAILED by the following vote.

Yes: 1 - Miyasato

No: 5 - McConnell, Hunter, Swanson, Eisenbeisz, and Putz

Absent: 1 - Guevin

J ORD 15-37A Amending Section 2.12.010 City and Borough of Sitka Hospital Board and Section 2.12.070 Organization, formally dissolving the existing Sitka Community Hospital Board (SCH) and its framework and re-establishing and reorganizing membership under new criteria by decreasing voting membership from seven to five with the goal of providing financial welfare and economic financial stability to Sitka Community Hospital. The new membership will include one CBS standing seat (and alternate) appointed by the Municipal Administrator.

Ann Wilkinson, current Hospital Board member, expressed her frustration with the process.

Gary Oines wondered what the reasoning was for reducing the number of Board members from seven to five.

Lee Bennett, former Chief Financial Officer of Sitka Community Hospital (SCH), provided past history and suggestions for improved communication between SCH and the City and Borough of Sitka.

Board member, Dr. Bahna, offered opinions on restructuring of the Hospital Board.

Speaking on the motion to postpone, Rob Allen, CEO of SCH, stated the Hospital hoped to begin their strategic planning process soon. Delaying action of the proposed ordinance would in turn delay the planning process.

Hunter reiterated this ordinance was not to be seen as a removal for cause and thanked current Board members for their work.

A motion was made by Eisenbeisz that this Ordinance be POSTPONED to the August 11 Assembly meeting for second and final reading. The motion PASSED by the following vote.

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

Absent: 1 - Guevin

- K ORD 15-39** Amending Sitka General Code Title 22 Zoning to allow Bed and Breakfast operations in owner-occupied single family or owner-occupied side of a two-family dwelling unit

Putz thanked staff and the Planning Commission for their work.

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 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, and Putz

Absent: 1 - Guevin

XII. NEW BUSINESS:

- L 15-124** Hearing of an appeal filed by Shirley Burkhart for a zoning violation at 101 Lance Drive

Mayor McConnell recused herself due to her involvement with the Sitka Community Development Corporation (SCDC) and a dispute SCDC had with the applicant.

A motion was made by Putz to CONVENE as the Board of Adjustment. The motion PASSED by a unanimous voice vote.

Maegan Bosak, Planning and Community Development Director, provided a summary of the zoning violation at 101 Lance Drive and reviewed a timeline of events. Bosak stated fabricated metal products, industrial and commercial machinery and heavy machinery and equipment all require a conditional use permit. Bosak reported the Planning Department had received numerous complaints from neighbors regarding noise, smells, and increased traffic. Bosak noted staff's end goal was for the owner to be able to use her property to the greatest extent possible, in line with Code, while protecting the residential nature of the surrounding area.

Shirley Burkhart, owner of the property, addressed the Assembly. Burkhart indicated metal fabrication was not occurring on the property and that work stopped by 6pm each day. She further added, that she, too, wished to have the property cleaned up but didn't have the means to do so.

Todd Gebler of 104 Lance Drive, spoke in support of the zoning violation at 101 Lance Drive. Gebler noted an increase in traffic, noise and smell. He further suggested that whatever use occurred on the property was done so within the

guidelines of the City.

Mary Jane Messinger, living at 100 Lance Drive, also spoke in support of the zoning violation. She noted an increase in noise, toxic smells, and traffic.

Assembly deliberation:

Eisenbeisz believed a violation had occurred and encouraged the property owner to apply for the necessary permits. He added a fence surrounding the perimeter of the property would address safety concerns. Putz stated the process was clearly outlined, however, not followed by the property owner. Hunter noted the zoning violation could be addressed through the conditional use permit process. Swanson expressed a desire for the conditional use permit process to be followed and if not, a fine be implemented.

A motion was made by Eisenbeisz that the Assembly finds the appellant has violated SGC 20.16.015 by using the property in a way not consistent with the zoned area in ways that are detrimental to the health, safety, and welfare of the neighborhood and take appropriate action. The motion PASSED by the following vote.

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

Absent: 1 - Guevin

Discussion regarding non-punitive fine:

Eisenbeisz desired for the property owner to go through the conditional use permit process. Swanson suggested the Assembly give the property owner 30 days to initiate the conditional use process and if she failed to do so a fine would be implemented. Putz felt it appropriate for a fine to be implemented that would cover a fence and staff time.

Bosak estimated 40 hours of staff time had been put into this case. She estimated fence costs to be approximately \$3,000.

A motion was made by Putz to levy a fine of \$6000, with \$5500 suspended, as long as the applicant files for a conditional use permit(s) within 30 days and follows the conditions and recommendations of the Planning Commission and Planning Director to secure a conditional use permit(s). The motion PASSED by the following vote.

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

Absent: 1 - Guevin

Deputy Mayor Hunter informed the property owner a fine of \$6,000 had been assessed, of which \$5,500 would be suspended if the conditional use process was initiated within the next 30 days. Hunter also added the property owner could ask for reconsideration of the Assembly's decision if done so in writing within 14 days. Hunter further noted, the appellant had 30 days to pay the \$500 fine.

A motion was made by Eisenbeisz to CONVENE as the Assembly in regular session. The motion PASSED by a unanimous voice vote.

- M 15-127** Discussion/Direction on an Advisory Committee for commercial marijuana regulation in Sitka
- Scott Brylinsky, interim Planner, summarized the formation of an Advisory Committee and the motion before the Assembly. Brylinsky noted a local regulatory authority would be created at a later time.
- A motion was made by Miyasato that an Advisory Committee be formed to study, and make recommendations for, policy and local regulation development pertaining to commercial cannabis legalization. Areas to be considered include, but are not limited to: zoning, public safety, public health, and taxation. Membership of the nine member committee could include: two Assembly members, one Planning Commission member, one Police and Fire Commission member, one Health Needs and Human Services Commission member, one School Board member or representative of the Superintendent's staff, and three members of the public. Other details to include are: staff support will be provided by the Legal Department, the Committee will select a Chair, and the Committee will sunset on February 24, 2016 unless the Assembly moves to extend its term. The motion PASSED by the following vote.**
- Yes:** 6 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, and Putz
- Absent:** 1 - Guevin
- N 15-131** Discussion/Direction on potential City and Borough of Sitka management of the Halibut Point Recreation Area
- Gorman shared his thoughts for possible management of Halibut Point Recreation Area and offered the State had expressed interest in the City and Borough of Sitka (CBS) taking over management of the Park. It was noted the State was willing to entertain discussions on transferring title to the City and possibly provide start up funding of \$40,000 to CBS. Gorman believed there was the possibility for collaboration with local entities in assisting with management - e.g. Sitka Conservation Society and Sitka Trail Works.
- Miyasato offered the Parks and Recreation Committee had discussed this idea at a past meeting and asked that the Committee be included in the process. Given recent budget cuts before the Assembly, Miyasato expressed frustration with the State for "walking away" from their property, in turn costing the CBS money. Eisenbeisz agreed and offered that if CBS was going to be putting money into the Park then he would like to see obtaining the title pursued. Putz also expressed her displeasure with the State's actions and appreciated Gorman's creativeness for keeping the Park open. Mayor McConnell stated she would like to see a public meeting held.
- Direction was given to the Municipal Administrator to enter into conditional discussions with DNR for management authority, pursue title to the Park, and hold a public meeting in the future.
- O 15-132** Discussion/Direction on inflation proofing the Permanent Fund
- Gorman explained it was felt that the Permanent Fund had not been adequately inflation proofed. The Investment Committee had been discussing the issue and hoped to have a ballot proposition prepared for the 2016 Municipal Election.

A motion was made by Miyasato to direct the Administrator to place a high priority on using any FY16 general fund budget surplus for inflation proofing the Sitka Permanent Fund. The motion PASSED by the following vote.

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

Absent: 1 - Guevin

P 15-126 Discussion/Direction on extending an invitation to President Barack Obama to visit Sitka in August

Putz offered comments on her reasons for bringing this forward.

Consensus among the Assembly was to send the invite to President Obama.

Q 15-133 Appoint an Assembly Liaison for the Citizens' Taskforce

Although absent, Guevin had contacted the Municipal Clerk and Assembly Member Eisenbeisz noting he was interested in serving as liaison to the Taskforce.

The Assembly selected Guevin to be the primary liaison and Eisenbeisz as the alternate.

R 15-128 Discussion of the Mayor's upcoming travel plans to 1) attend the transboundary water quality meeting in Juneau on August 6 and 2) meet with the Mayor of Victoria BC and other officials in September

Assembly members agreed it was important for the City and Borough of Sitka to be represented at the meeting on transboundary water and environmental integrity issues in Juneau and approved of her travel. McConnell also shared that she would be attending Southeast Conference in Prince Rupert BC in September and as a side trip would be meeting with the Mayor of Victoria BC and other officials. The Mayor stated she would use her Mayor's Contingency Fund to cover the Juneau and Victoria BC travel costs.

XIII. PERSONS TO BE HEARD:

None.

XIV. EXECUTIVE SESSION

S 15-134 Legal matter - potential lease dispute claim

A motion was made by Hunter to go into executive session with the Municipal Attorney under the category of discussing communications with the Municipal Attorney concerning a legal matter affecting the Municipality in a potential lease dispute claim. The motion PASSED by a unanimous voice vote.

A motion was made by Hunter to reconvene as the Assembly in regular session. The motion PASSED by a unanimous voice vote.

Mayor McConnell indicated the Assembly had advised the Municipal Attorney on how to move forward on a legal matter affecting the municipality in a

potential lease dispute claim.

XV. ADJOURNMENT

A motion was made by Hunter to ADJOURN. Hearing no objection, the meeting ADJOURNED at 10:15pm.

ATTEST: _____

**Sara Peterson, CMC
Municipal Clerk**



Legislation Details

File #: 15-141 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 8/4/2015 In control: City and Borough Assembly

On agenda: 8/11/2015 Final action:

Title: Approve a liquor license ownership transfer and restaurant designation permit for GraCED, Inc dba The Larkspur Cafe at 2A Lincoln Street Suite 1A

Sponsors:

Indexes:

Code sections:

Attachments: [Memo liquor license](#)
[ABC Board docs liquor license](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

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

POSSIBLE MOTION


I MOVE TO approve a liquor license ownership transfer and restaurant designation permit for GraCED, Inc dba The Larkspur Café at 2A Lincoln Street Suite 1A and forward this approval to the Alcoholic Beverage Control Board without objection.



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
From: Sara Peterson, Municipal Clerk 
Date: August 5, 2015
Subject: Liquor License Ownership Transfer (#4971) and
Application for Restaurant Designation Permit

This office has received notification of the following liquor license ownership transfer:

Type: Restaurant/Eating Place
Owner: Amy Kane
DBA: The Larkspur Cafe
Location: 2A Lincoln Street Suite 1A

To: GraCED, Inc.
DBA: The Larkspur Cafe
Location: 2A Lincoln Street Suite 1A

This office has also received a restaurant designation permit application for:

Licensee: GraCED, Inc.
DBA: The Larkspur Cafe
Location: 2A Lincoln Street Suite 1A

The granting of this permit allows:

- Persons 16-20 years of age may dine unaccompanied
- Persons under 16 may dine accompanied by a person 21 years of age or older
- Persons between 16 and 20 years of age may be employed

A notice was published in the local newspaper and posted to the establishment as required by Sitka General Code. A memo was circulated to the various departments who may have a reason to protest. To date, no protests have been received.

Recommendation: Approve the liquor license ownership transfer and restaurant designation permit.

OFFICE OF THE MUNICIPAL CLERK

July 20, 2015

TO:

Property Clerk – Ruth Joens
Collections - Mary Martin
Municipal Billings – Mike Middleton
Sales Tax – Hardik Patel
Utility Billing Clerk – Bev Brill

Fire Department
Police Department
Building Official

FROM: Sara Peterson, Municipal Clerk

SUBJECT: **Liquor License Transfer (#4971) and
Application for Restaurant Designation Permit**

This office has received notification of the following liquor license transfer:

Type: Restaurant/Eating Place
Owner: Amy Kane
DBA: The Larkspur Cafe
Location: 2A Lincoln Street Suite 1A

To: GraCED, Inc.
DBA: The Larkspur Cafe
Location: 2A Lincoln Street Suite 1A

This office has also received a restaurant designation permit application for:

Licensee: GraCED, Inc.
DBA: The Larkspur Cafe
Location: 2A Lincoln Street Suite 1A

The granting of this permit allows:

- Persons 16-20 years of age may dine unaccompanied
- Persons under 16 may dine accompanied by a person 21 years of age or older
- Persons between 16 and 20 years of age may be employed

Please notify no later than **5pm August 3** of any reason to protest these requests.

Thank you.

**LEGAL NOTICE
LIQUOR LICENSE OWNERSHIP TRANSFER**

The City and Borough of Sitka has received a request for an ownership transfer of liquor license #4971 (License Type: Restaurant/Eating Place) from Amy Kane to GraCED, Inc. dba The Larkspur Café at 2A Lincoln Street Suite 1A; Sitka, AK.

The City and Borough of Sitka will consider this application for an ownership transfer at the Assembly Meeting of August 11, 2015 at 6:00 p.m. at 1332 Seward Avenue – University of Alaska Southeast. Any protest may be lodged either prior to or at that time.

Sara Peterson, CMC, Municipal Clerk

POST TO PREMISE on 07/20/2015

Publish: 07/24/2015

Sara Peterson

From: Andrews, Maxine R (CED) <maxine.andrews@alaska.gov>
Sent: Tuesday, July 14, 2015 12:40 PM
To: Sara Peterson; Melissa Henshaw
Subject: Transfer Restaurant / Eating Place Liquor License #4971
Attachments: 4971 LGB.pdf; 4971 application diagram menu.pdf

Sara,

Attached is your notification of the pending transfer of Restaurant / Eating Place Liquor License #4971.

Please respond approved or protest this application within 60 days.

Please cc our licensing email with any correspondence, it is: alcohol.licensing@alaska.gov

Maxine Andrews

Business Registration Examiner | Dept. of Commerce and Economic Development | Alcoholic Beverage & Marijuana Control Boards
550 W. 7th Ave. Ste. 1600 Anchorage, AK 99501 | 907.269.0358 | fax 907.334.2285



Please consider the environment before printing this e-mail.

Less paper is better for us and our environment.



THE STATE
of ALASKA

GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

550 West 7th Ave. Ste. 1600
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

July 14, 2015

City and Borough of Sitka

Attn: Sara Peterson and Melissa Henshaw

VIA EMAIL: sara@cityofsitka.com; melissa@cityofsitka.com

GraCED, Inc. d.b.a. The Larkspur Cafe – License #4971

New Application Transfer of Ownership Transfer of Location
 Restaurant Designation Permit DBA Name Change

We have received an application for the above listed licenses (see attached application documents) within your jurisdiction. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

We have received an application for the above listed licenses (see attached application documents) within your jurisdiction. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 3 AAC 304.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 3 AAC 304.335(a)(3), AS 04.11.090(e), and 3 AAC 304.660(e) must be approved by the governing body.



Maxine Andrews
Business Registration Examiner
Direct line: 907-269-0358
Email: maxine.andrews@alaska.gov

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 3 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 3 AAC 304.335(a)(3), AS 04.11.090(e), and 3 AAC 304.660(e) must be approved by the governing body.



Maxine Andrews
Business Registration Examiner
Direct line: 907-269-0358
Email: maxine.andrews@alaska.gov

Transfer Liquor License

License is: Full Year OR Seasonal List Dates of Operation: _____

| SECTION A - LICENSE INFORMATION | | | FEES | |
|--|--|---|--------------------------------------|----------|
| License Year 2015 | License Type RESTAURANT/EATING PLACE | Statute Reference Sec. 04.11.100 | 12661 | 12662 |
| License # 4971 | Local Governing Body: (City, Borough or Unorganized) City and Borough of Sitka | Community Council Name(s) & Mailing Address: N/A | Filing Fee | \$100.00 |
| Name of Applicant (Corp./LLC/PLLC/Individual/Partnership) Graced, Inc. | Doing Business As (Business Name) The Larkspur Cafe | Business Telephone Number (907) 966-2326 | Rec'd Design Permit Fee: (2008.09) | \$50 |
| Mailing Address: 1411 Georgeson Loop Sitka, AK 99835 | Street Address or Location of Premises: 2A Lincoln St Suite 1A Sitka, AK 99835 | Fax Number: N/A | Fingerprint: (\$49.75 per person) | \$99.50 |
| Is any shareholder related to the current owner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | Email Address: grace@larkspur.com | TOTAL | 249.50 |
| If "yes" please state the relationship: _____ | | | | |

SECTION B - TRANSFER INFORMATION

| | |
|--|---|
| <input checked="" type="checkbox"/> Regular Transfer <input type="checkbox"/> Transfer with security interest: Any instrument executed under AS 04.11.670 for purposes of applying AS 04.11.360(a)(b) in a later involuntary transfer, must be filed with this Application. Real or personal property conveyed with this transfer must be described. Provide security interest documents. <input type="checkbox"/> Involuntary Transfer. Attach documents which evidence default under AS 04.11.670. | Name and Mailing Address of CURRENT licensee Amy Kane 705 Sawmill Creek Rd Sitka, AK 99835 |
| | Business Name (dba) BEFORE transfer The Larkspur Cafe Street Address or Location BEFORE transfer: 2A Lincoln St Sitka, AK 99835 |

SECTION C - PREMISES TO BE LICENSED

| | | |
|---|--|---|
| Distance to closest school grounds 0.5 mile or 2640ft | Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No | <input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input checked="" type="checkbox"/> Not applicable |
| Distance to closest church 0.3 mile or 1584ft | Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No | |
| Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building | | <input type="checkbox"/> Plans submitted to Fire Marshal (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached |

Transfer Liquor License

SECTION D - LICENSEE INFORMATION

1. Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

Yes No If Yes, complete the following. Attach additional sheets if necessary.

| Name | Name of Business | Type of License | Business Street Address | State |
|------|------------------|-----------------|-------------------------|-------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

2. Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

Yes No If Yes, attach written explanation.

SECTION E - OWNERSHIP INFORMATION - CORPORATION

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.

| | | | |
|--|--|--|---------------------------|
| Name of Entity (Corporation/LLC/LLP) (or N/A if an individual ownership): Gra CED, INC. | | Telephone Number: 907 738-2818 | Fax Number: |
| Corporate Mailing Address: 1411 GEORGESON LOOP | City: SITKA | State: AK | Zip Code: 99835 |
| Name, Mailing Address and Telephone Number of Registered Agent: Grace Roller 1411 GEORGESON LOOP SITKA, AK 99835 | Date of Incorporation OR Certification with DCFD: 707 738 2815 | State of Incorporation: AK | |
| Is the Entity in "Good Standing" with the Alaska Division of Corporations? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, attach written explanation. Your entity must be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee. | | | |

| Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%) | | | | | |
|---|------------------|-----------|---|-----------------------|----------------|
| Name | Title | % | Home Address & Telephone Number | Work Telephone Number | Date of Birth |
| Gra CED Inc 401K Plan | FIRFO | 98 | (907) 738-2815 1411 Georgeyson Loop Sitka AK 99835 | (907) 738-2818 | N/A |
| Grace Roller | President | 2 | 1411 GEORGESON LOOP SITKA, AK 99835 | (907) 738-2818 | 2/28/70 |
| " | Secretary | " | " | " | " |
| " | Treasurer | " | " | " | " |
| " | VicePres | " | " | " | " |
| " | Manager | " | " | " | " |
| David Nelson | Trustee | 0 | 1411 Georgeyson Loop SITKA AK | (907) 747 - | 3/5/72 |

NOTE: If you need additional space, please attach a separate sheet.

SECTION F – OWNERSHIP INFORMATION – SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

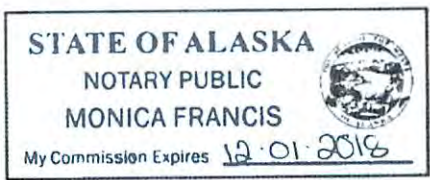
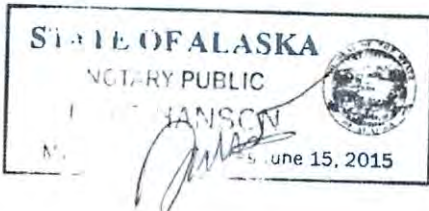
Individual Licensees/Affiliates (The ABC Board defines an “Affiliate” as the spouse or significant other of a licensee. Each Affiliate must be listed.)

| | | | |
|---|---|---|--|
| Name: <u>David W. Nelson</u> Address: <u>1411 Georgy Sun Loop</u> <u>Sitka AK 99835</u> Home Phone: <u>907-738-4149</u> Work Phone: <u>907-747-3245</u> | Applicant <input type="checkbox"/> Affiliate <input checked="" type="checkbox"/> | Name: Address: Home Phone: Work Phone: | Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> |
| | Date of Birth: <u>3/5/72</u> | | Date of Birth: |
| Name: Address: Home Phone: Work Phone: | Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> | Name: Address: Home Phone: Work Phone: | Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> |
| | Date of Birth: | | Date of Birth: |

Declaration

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

| | |
|---|---|
| Signature of Current Licensee(s) Signature: <u>[Signature]</u> | Signature of Transferee(s) Signature: <u>[Signature]</u> |
| Signature: <u>[Signature]</u> | Signature: <u>[Signature]</u> |
| Name & Title (Please Print) <u>Dale Hanson / 13/15 / Corrections Officer</u> | Name & Title (Please Print) |
| Subscribed and sworn to before me this <u>13</u> day of <u>May</u> <u>2015</u> | Subscribed and sworn to before me this <u>12</u> day of <u>May</u> <u>2015</u> |
| Notary Public in and for the State of Alaska <u>[Signature]</u> <u>June 15 / 2015</u> | Notary Public in and for the State of Alaska <u>[Signature]</u> <u>12-01-2018</u> |
| My commission expires: <u>June 15 / 2015</u> | My commission expires: <u>12-01-2018</u> |



STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD
APPLICATION FOR RESTAURANT DESIGNATION PERMIT
AS 04.16.049 & 3 AAC 304.715 - 794

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and persons between the ages of 16 - 20 for employment. If for employment, please indicate in detail what the employment duties will be in question #3.

License Number: 4971 Type: Restaurant / Eating Place

This application is for designation of premises where (Please check the appropriate items below.)

- 1. Bona fide restaurant pursuant to 3 AAC 304.305 & 3 AAC 304.715-794.
- 2. Persons 16 - 20 years of age may dine unaccompanied.
- 3. Persons under 16 may dine accompanied by a person 21 years of age or older.
- 4. Persons between 16 - 20 years of age may be employed. *(See note below)

Licensee's Name: Graced, Inc.

Name of Business: The Larkspur Cafe

Business Address: 24 Lincoln St Suite 1A City Sitka, AK

1. Hours of operation See attached to Telephone Number: (907) 966-2324

2. Have police been called to your premises for any reason? Yes No
(If you answered yes, please explain below)

See attached

3. * Duties of employment: Bussing tables, Dishwashing, Stocking

4. Are video games available to the public on your premises? Yes No

5. Do you provide live entertainment, such as live music, pool tables, karaoke, dancing, sports or pin-ball?
 Yes No

6. How is food served? Table Service Buffet Service Counter Service Other

7. Is an owner, manager or supervisor 21 years of age or older always present during business hours? Yes No

*** A MENU AND DETAILED PREMISES DIAGRAM MUST ACCOMPANY THIS APPLICATION ***

*Employees 16 and 17 years of age must have a valid work permit and a letter maintained in your files from a parent or guardian authorizing employment at your establishment.

**Please attach additional sheets of paper if more space is needed to describe food service, entertainment, etc.

Grace E. For
Licensee Signature

Local Governing Body Approval

Subscribed and sworn to before me this 13th day of JULY 2015

Date

Bea A. G.
Notary Public in and for Alaska

My Commission expires: 11/01/17

Director, ABC Board

Date

The Larkspur Café Hours of Operation:

**Winter: Tuesday-Saturday 11am-9pm
Sunday 9am-2pm**

**Summer: Tuesday-Saturday 8am-10pm
Sunday 9am-2pm**

7/13/15
16:33:15

SunGard CAD
CAD CALL INFORMATION

PAGE 1
122010013

Call Number: 122010013 Call Type.: 014 BURGLARY Police
Entry Day/Tm: 7/19/12 2:12:27 003 911 NON-EMERGENCY Police

CmnN: LARKSPUR CAFE Agency.....: 001 Sitka Police Depa
Location....: 2 LINCOLN ST Apt:
City.....: SITKA Block#: 1 Loc ID: C Mapr: 10C1
Intersectn.: HARBOR

Caller Name: Last:MACKIE First:TYLER Mid:G See Caller:
Address....: Phone#: 907-752-7467 Apt:
City/State: Source: 911

Call Taker.: 133 DUNLAP MICHAELA DISPL
Dispatcher.: 133 DUNLAP MICHAELA DISPL

N A R R A T I V E

CLASS: WRLS TELCO: ATTMO LAT: 057.047217 LON: 135.353129 2:12:27

Call change from 911 to BURG BY DISPL P 01 0000000133 2:15:34

An employee from the Larkspur reported a burglary there. He 2:17:37
said that he had seen someone run out of the building and 2:20:51
went to check. The door was open and the tip jar was 2:20:51
missingthe place it is kept having been pryed open. Sgt 2:20:51
JOHNSON andOfc WHEELER responded to the Larkspur and met 2:20:51
with the complainant who was on scene. Ofc DAVIS reported 2:20:51
having seen a group of four males and one female leaving the 3:17:43
area on foot a few minutes previous and met with the 3:17:43
individuals at Eliason Harbor. The case is under 3:18:58
investigation. 3:18:58

P E R S O N I N F O

Person Type: SUSP Suspect User ID: MICHAELA
Race.: Sex: Age: Hgt: Wgt: Person #: 1
Weapon: Build.: Hair...: Eyes:
Hat...: Jacket: Shirt...: Pants:
Shoes: Facial: Glasses: SSN: 0

Flight Dir: Mode: OL#: ON: K4494-39517-75202
Name: L: WARBURTON F: JAMES M: ARTHUR DOB: 10061978
Addr: 0 Apt: 7/20/12
City: ON Phone#: () Last Changed: 5:09:32

Additional: OUT OF CANADA
Person Type: SUSP Suspect User ID: MICHAELA
Race.: Sex: Age: Hgt: Wgt: Person #: 2
Weapon: Build.: Hair...: Eyes:
Hat...: Jacket: Shirt...: Pants:
Shoes: Facial: Glasses: SSN: 0

Flight Dir: Mode: OL#: BC: 8096334
Name: L: TAVISH F: LEE M: J DOB: 5011989
Addr: 0 Apt: 7/20/12
City: BC Phone#: () Last Changed: 5:10:52
Additional: OUT OF CANADA

7/13/15
16:34:48

SunGard CAD
CAD CALL INFORMATION

PAGE 1
112240124

Call Number: 112240124 SI Call Type.: 018 DISTURBANCE Police
Entry Day/Tm: 8/12/11 21:57:58 513 TELEPHONE MESSAGE Police

CmnN: LARKSPUR CAFE Agency.....: 001 Sitka Police Depa
Location....: 2 LINCOLN ST Apt:
City.....: SITKA Block#: 1 Loc ID: C Mapr: 10C1
Intersectn.: HARBOR

Caller Name: Last:MORRISON First:JOHN Mid:C See Caller:
Address....: Apt:
City/State: Phone#: 907-747-1020 Source: SI

Call Taker.: 64 SMITH TARA DISPL
Dispatcher.: 64 SMITH TARA DISPL

N A R R A T I V E

Call change from FC to DIST BY DISPL P 01 0000000064 22:00:26

Caller reported that the Larkspur Cafe had loud music 22:01:50
playing and it was preventing sleep. 22:01:57
Officers were advised and responded to the area. 22:21:51
Sgt JOHNSON advised the staff of the complaint. They said 22:21:51
the music was done for the night. They were advised the 22:21:51
patrons were still making a lot of noise out back. 22:21:51
See X128 also. 22:21:51

A13 Unit Status History Information

| | | | |
|------------------|-------------------------|----|-----------------|
| 8/12/11 22:11:28 | 4 Dispatched | D | 30 JOHNSON, DAV |
| 8/12/11 22:11:30 | 32 Enroute To Scene | ES | |
| 8/12/11 22:12:48 | 6 At Scene | AS | |
| 8/12/11 22:13:05 | 9 Started Self-Initiat | SC | |
| 8/12/11 22:20:57 | 10 Ended Self-Initiated | EC | |
| 8/12/11 22:22:00 | 20 Available | AV | |

A16 Unit Status History Information

| | | | |
|------------------|-------------------------|----|-------------------|
| 8/12/11 22:11:25 | 4 Dispatched | D | 108 OVERTURF, PAU |
| 8/12/11 22:11:25 | 11 Assigned as Primary | PR | |
| 8/12/11 22:11:30 | 32 Enroute To Scene | ES | |
| 8/12/11 22:13:37 | 9 Started Self-Initiat | SC | |
| 8/12/11 22:18:43 | 10 Ended Self-Initiated | EC | |
| 8/12/11 22:22:00 | 20 Available | AV | |

D1 Unit Status History Information

| | | | |
|------------------|-------------------------|----|--|
| 8/12/11 21:57:59 | 4 Dispatched | D | |
| 8/12/11 21:57:59 | 6 At Scene | AS | |
| 8/12/11 21:57:59 | 11 Assigned as Primary | PR | |
| 8/12/11 22:04:26 | 9 Started Self-Initiat | SC | |
| 8/12/11 22:10:52 | 10 Ended Self-Initiated | EC | |

STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below; show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

DBA: The Larkspur Cafe

PREMISES LOCATION: 2 Lincoln Street, Suite 1A

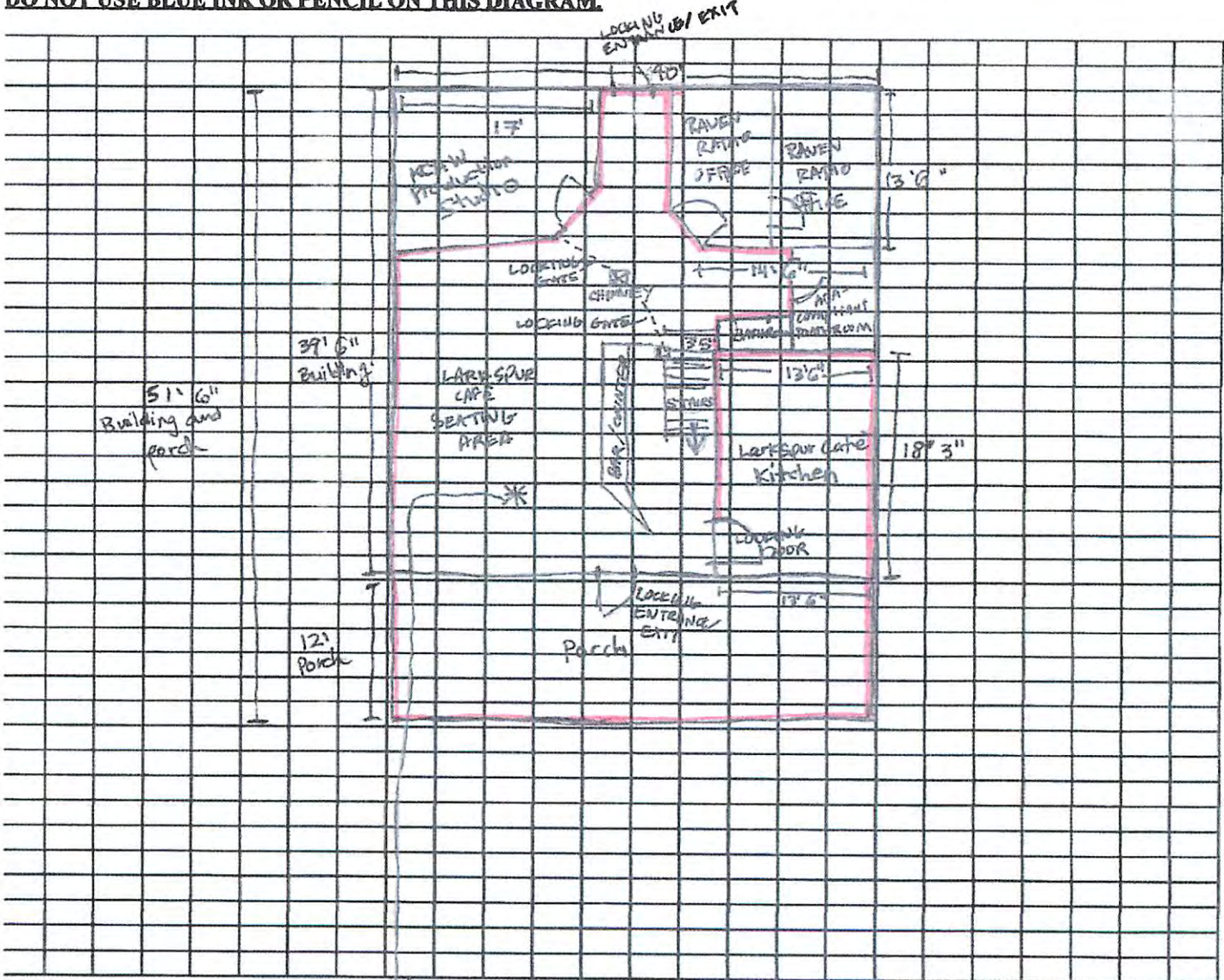
Indicate scale by x after appropriate statement or show length and width of premises. _____ 1 SQ. = 4 FT.

SCALE A: _____ 1 SQ. = 1 FT. SCALE B: _____

Length and width of premises in feet:



Outline the area to be designated for sale, service, storage, and consumption of alcoholic beverages in red.
DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.



* PLEASE SEE ATTACHED DETAILED ARCHITECTURAL DRAWING OF LARKSPUR SEATING AREA & BAR (1/4" = 1.0' SCALE)

39' 6"

Dark Squar
Seating
area

10 Key
Kitchen

Covered
Porch

12'

40'

* This section of the
Cable House premises is
walkway and lawn,
and is a potential
outdoor performance
and seating area.
We would like to
encompass this area
in our application
if possible.

22'

Garage

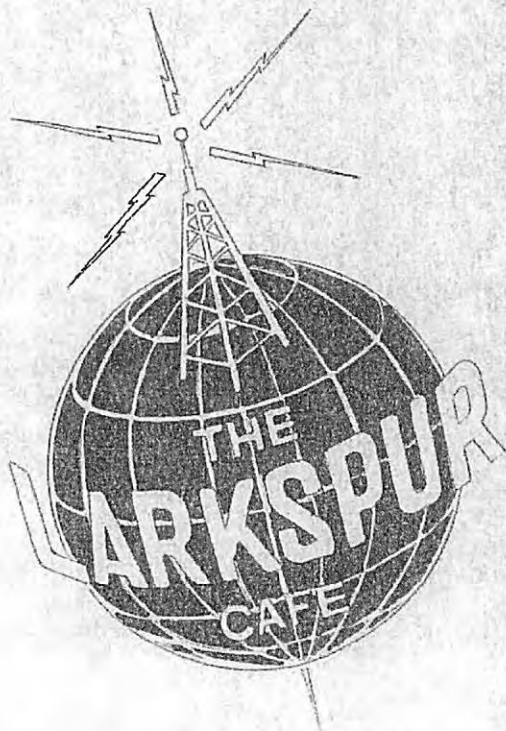
24'

* WE PROPOSE TO USE A PORTION OF THE LOCKED
GARAGE TO STORE BEER AND WINE. THE ONLY
KEY-HOLDERS THE CO-OWNERS AND
THE LANDLORD

Check out our dessert
board for our latest

Larkspur

Homemade Desserts



The
Larkspur

Cafe



Our Summer Hours

To-go morning items & coffee 8am-11am

Tuesday - Saturday 11am - 10 pm

Sunday Brunch 9am - 2pm

Monday Closed

*Join us Tuesday nights for some old
world tunes from the Balkan
Conspirators!*

*Check our facebook page for updates
on other events!*

Our seafood is always local. Our eggs are free range.

Soups served with homemade focaccia
Check out our chalkboard for today's
selections. *cup 6/bowl 9*

- **Edamame** steamed in pod 3
- **Fondue** four cheese fondue served with andouille sausage, broccoli florets, apple slices, and focaccia for dipping. 12
- **Mediterranean Board** with homemade hummus, carrots, celery, kalamata olives, feta, spiced nuts, & pita. 10
- **Savory Board** with prosciutto & salami, gorgonzola, spiced nuts, kalamata olives, apples, and focaccia. 15
- **Fruit & Cheese Board** with manchego, brie, apple, dark chocolate, spiced nuts, and homemade focaccia. 12
- **Lox** local cold smoked lox on rye with cream cheese, red onion, capers, and black pepper. 7

Greek Salad mixed and organic greens with cucumber, roma tomatoes, red onion, feta, kalamata olives, olive oil, balsamic reduction, salt and pepper. Served with homemade focaccia. *half 7/whole 13*
Add local coho 6 / local king 7

Larkspur Reuben grilled pastrami on rye with russian dressing, sauerkraut, & swiss. Served with a side of greens tossed in russian dressing. 15

Quesadilla with pico de gallo, chipotle aioli, and mozzarella. 7
Add chorizo, pulled pork, or smoked salmon 2

Panini with basil pesto aioli, hothouse tomatoes, red onion, and choice of roast turkey breast, black forest ham, prosciutto, salami, or pastrami and choice of cheddar, smoked gouda, brie, chevre, swiss, or mozzarella. 12

Pulled Pork Sandwich slow cooked pork topped with homemade barbecue sauce & served on grilled focaccia with a side of potato salad, greens, & a pickle. 15

Grilled Fish Sandwich pan seared local salmon on a ciabatta roll with basil pesto, tomatoes, and spinach. Served with a side of mixed greens with olive oil & balsamic vinaigrette. **local coho 16**
local king 20

Tacos three corn tortillas stuffed with *spicy rockfish, slow cooked pork, chorizo, or beans & corn* and topped with mozzarella, pico de gallo, spicy aioli, & cilantro. Served with a side of cabbage and side of sour cream. 15

Bahn Mi vietnamese meatball sandwich served on a grilled roll with siracha mayo, carrot, cilantro, and jalapeños. Served with a side of greens tossed in sesame vinaigrette. 16

Roasted Red Bell Pasta cavatappi pasta tossed in a homemade creamy roasted red bell pepper sauce with organic baby spinach, roasted red bell peppers, broccoli, *andouille sausage, or local smoked salmon*. Topped with parmesan. 16

Thai Curry choice of yellow, red, or green coconut curry with carrots, onions, bok choy, red & yellow bell peppers, snow peas, and pan seared *salmon or black cod tips*. Served over jasmine rice and topped with fresh basil & cilantro. 17

Fried Rice jasmine rice with sweet bell peppers, onion, celery, edamame, carrot, eggs, and black cod tips. 16

Salmon Patties local coho salmon pattie topped with green chili aioli & served on bed of mixed greens tossed in sesame vinaigrette & served with focaccia. 16

Spicy Peanut Noodles soba noodles tossed in a spicy peanut sauce with teriyaki black cod tips, baby bok choy, broccoli, edamame, green onion, & sesame seeds. 16

Larkspur

Homemade Desserts

Check out our dessert
board for our latest

The

Larkspur

Cafe



Our Summer Hours

To-go morning items & coffee 8am - 11am

Tuesday - Saturday 11am - 10pm

Sunday Brunch 9am - 2pm

Monday Closed

our dinner service starts at 6pm

*Join us Tuesday nights for some old
world tunes from the Balkan
Conspirators!*

*Check our facebook page for updates on other
events!*

Our fish is always local. Our eggs are free range.

Lunch Special: panini & cup of soup
or half salad for \$15

Our Homemade Soups we have homemade soups every day. Check out the current list on the blackboard. Soups served with homemade focaccia.
cup 6/bowl 9

Fruit & Cheese Board with manchego, brie, apple, dark chocolate, spiced nuts, and homemade focaccia.
12

Mediterranean Board with homemade hummus, carrots, celery, kalamata olives, feta, spiced nuts, & pita.
10

Savory Board with gorgonzola, prosciutto & salami, spiced nuts, kalamata olives, green apple, and focaccia. 15

Sockeye Lox appetizer portion of cold smoked sockeye lox from Petersburg on rye toast with cream cheese, tomatoes, red onion, capers, and black pepper. 7

Greek Salad mixed and organic greens with cucumber, roma tomatoes, red onion, feta, kalamata olives, olive oil, balsamic reduction, salt and pepper. Served with homemade focaccia. half 7/whole 13
Add pan seared local sockeye salmon 5
local king salmon 7

Quesadilla with pico de gallo, chipotle aioli, and mozzarella. 7
Add chorizo, smoked salmon or pork 2

Burrito with black beans & corn, pico de gallo, chipotle aioli, green onions, and cheddar served with side of greens, lime, and sour cream. 13
Add chorizo or pulled pork 2

Bahn Mi vietnamese meatball sandwich served on a grilled roll with siracha mayo, pickled carrot, cilantro, and jalapeños. Served with a side of greens tossed in sesame vinaigrette. 16

Tacos three corn tortillas stuffed with spicy rockfish, beans & corn, pulled pork, or chorizo and topped with mozzarella, pico de gallo, & cilantro. Served with a side of cabbage, lime, & sour cream. 15

Grilled Fish Sandwich pan seared local salmon on a ciabatta roll with homemade basil pesto, tomatoes, and spinach. Served with a side of mixed greens with olive oil & balsamic vinaigrette. local sockeye 16
local king 20

Larkspur Reuben grilled pastrami on rye with russian dressing, sauerkraut, & swiss. Served with a side of greens tossed in russian dressing. 15

Panini on homemade focaccia with fresh homemade basil pesto aioli, hothouse tomatoes, red onion, choice of roast turkey breast, pastrami, prosciutto, salami, or ham and choice of cheddar, smoked gouda, brie, chevre, swiss, or mozzarella. 12

BLT crispy pepper bacon on toasted wheat with mayo, romaine, and roma tomatoes. Served with a side of mixed greens tossed in russian dressing. 12

Pulled Pork Sandwich slow cooked pork topped with homemade barbecue sauce & served on grilled focaccia with a side of potato salad, greens, & a pickle. 15

Cubano Sandwich grilled cuban pork, ham, swiss cheese, mustard and pickles on grilled bread. Served with a side of slaw & greens. 15

The *Larkspur* Cafe

Sunday Brunch



Panini with fresh basil pesto aioli, tomato, red onion, and choice of cheddar, mozzarella, smoked gouda, brie, or swiss and choice of pastrami, prosciutto, black forest ham, or roast turkey breast on focaccia. 12

Quesadilla with pico de gallo, chipotle aioli, green onion, & mozzarella. 7
Add chorizo, pulled pork, or smoked salmon 2

Greek Salad with organic spinach & mixed greens with red onion, cucumbers, tomatoes, feta, kalamata olives, olive oil, balsamic reduction, kosher salt and cracked pepper. Served with homemade focaccia. half 7/whole 13 Add coho salmon 4 Add king salmon 6

Tacos three corn tortillas stuffed with spicy rockfish, chorizo, or beans & corn topped with mozzarella, pico de gallo, & cilantro. Served with a side of greens, lime, and sour cream. 15

Fish Sandwich pan seared local salmon served on grilled focaccia with homemade pesto, spinach, tomato, and red onion. Served with a side of greens tossed in olive oil & balsamic reduction. local Coho Salmon 15 King Salmon 17

BLT crispy pepper bacon on toasted wheat with mayo, romaine, and roma tomatoes. Served with a side of mixed greens tossed in russian dressing. 12 Top it with an egg! 13

Cinnamon Rolls homemade cinnamon rolls topped with frosting. Check the chalkboard for today's flavor! 3

Side of Bacon 3
Side of Andouille Sausage 3

Check out the chalkboard for a list of our homemade desserts

Try a Mimosa! or a Red Beer!

Our fish is always local. Our eggs are always free range.





The *Larkspur* Cafe
Sunday Brunch

Pesto Scramble with roasted red bell peppers, organic baby spinach, homemade basil pesto, with choice of cheddar, smoked gouda, brie, gorgonzola, or swiss and choice of chorizo, prosciutto, smoked salmon, or andouille sausage. Served with potatoes, buttermilk biscuit, butter, & jam. 13

Pico de Gallo Scramble with pico de gallo, chipotle, and cheddar with choice of chorizo, prosciutto, smoked salmon, or andouille sausage. Served with potatoes, buttermilk biscuit, butter and jam. 13

Smoked Salmon Scramble with fresh dill, cream cheese, and smoked salmon. Served with potatoes, buttermilk biscuit, butter, and jam. 13

Buttermilk pancakes with apples, bananas, bacon, or blueberries. Topped with toasted almonds, butter, and cinnamon sugar. Served with a side of maple syrup. single 5/stack 10

French Toast three pieces of multigrain bread topped with toasted almonds, bananas, chocolate hazelnut spread, whipped cream and powdered sugar. Served with a side of maple syrup. 13

Breakfast Burrito scrambled eggs, potatoes, chipotle aioli, & cheddar wrapped in a tortilla. Served with side of pico de gallo & sour cream. 12
Add chorizo, smoked salmon, pulled pork, bacon, or andouille 2

Croque Monsieur or Madame ham and gruyere sandwich on rustic bread brushed with mustard and a cheesy béchamel. Baked until toasty. *Madame* topped with a fried egg. Served with a side of greens with olive oil & balsamic reduction. 15

Biscuits & Gravy two buttermilk biscuits topped with homemade sausage & bacon gravy. 9
Add a side of potatoes & two sunny side up eggs 13

The Elvis grilled bread with peanut butter, bacon, and banana slices. Just as good as it sounds. Served with a side of maple syrup & spuds. 12



Legislation Details

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

Type: Resolution Status: AGENDA READY

File created: 8/4/2015 In control: City and Borough Assembly

On agenda: 8/11/2015 Final action:

Title: Authorizing the application for loans to the Alaska Department of Environmental Conservation under the Alaska Drinking Water Fund for Marine Street water improvements and a water storage study, and under the Alaska Clean Water Fund for Marine Street sewer improvements, Crescent lift station replacement and wastewater treatment plant HVAC improvements

Sponsors:

Indexes:

Code sections:

Attachments: [Res 2015-15](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Should this item be pulled from the consent agenda the following motion is suggested:

POSSIBLE MOTION

I MOVE TO approve Resolution 2015-15 on first and final reading.

MEMORANDUM

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

From: Michael Harmon, P.E., Public Works Director *MH*
David Longtin, P.E., Senior Engineer *DL*

Reviewed: Jay Sweeney, Chief Finance and Administrative Officer *J*
Mark Buggins, Environmental Superintendent *MB*
Dan Tadic, P.E., Municipal Engineer
Tori Fleming, Contract Coordinator *TF*

Date: August 4, 2015

Subject: Alaska Department of Environmental Conservation
FY16 Municipal Loan Applications

Background:

Each year, staff submits loan questionnaires to the Alaska Department of Environmental Conservation's Municipal Grants and Loans (MGL) Program for priority water and sewer infrastructure projects. Questionnaires are competitively scored and ranked against other applicants statewide. For FY2015, one City and Borough of Sitka (CBS) project scored well enough to be listed on the Priority Funding List (Marine Street Sewer Improvements), and five other projects (shown below) scored well enough to be eligible for funding, if available. The likelihood that funding will be made available for the non-priority list projects is high.

| Project | Loan Amount |
|--|-------------|
| Marine Street Sewer Improvements | \$1,352,100 |
| Marine Street Water Improvements | \$1,463,700 |
| Crescent Lift Station Replacement | \$502,500 |
| Wastewater Treatment Plant HVAC Improvements | \$2,832,500 |
| WWTP Building Envelope Improvements | \$1,825,000 |
| Water Storage Planning, Surveying and Design | \$250,000 |

For the loans CBS chooses to pursue, the next step is to complete loan applications, which requires Assembly approval.

Analysis:

Justification for the projects recommended for loan applications follows.

Marine Street Water and Sewer Improvements (two separate loans): The utilities in Marine Street have shown signs of rapid deterioration in the past few years. The water main has broken twice since 2012, and sewage has backed up into a home on Marine Street three times, most recently in July 2015. This project is slated for Fiscal Year 2017 construction.

Crescent Lift Station Replacement: This lift station, located near the Sitka Sound Science Center, requires inordinate staff effort to maintain and operate. Additionally, the obsolete pumps are inefficient and spare parts are not available. Replacement of this lift station was recommended in the 2012 Sewer Master Plan.

WWTP HVAC Improvements: This project is centered on the replacement of oil-fired boilers with water-to-air heat pumps that utilize treated effluent as a heat source. This action would save CBS \$43,000 in operating costs annually (2013 dollars), according to a 2012 Feasibility Study.

Water Storage Planning, Surveying and Design: There are no water storage tanks east of the roundabout, a shortcoming identified in both the 2009 Water Master Plan and a 2014 Water Modeling Report. This lack of storage capacity limits CBS's options to develop a promising secondary (backup) water source.

Public Works does not recommend applying for the WWTP Building Envelope Improvements loan. We intend to complete the HVAC improvements first, and MGL likes to see loans at least partially spent within two years of award. We will re-apply for WWTP building envelope improvements funding when the project is closer to beginning.

MGL also offers grant funding for water and sewer projects. Grants have to be matched with a 30 percent municipal contribution, which can be covered by the loans. Standard practice is to not begin a water and sewer "street" project until both grant and loan funding have been obtained, such as was done on the recent Monastery & Baranof and Hollywood & New Archangel projects. Public Works submitted grant questionnaires for five projects this July. If funded, that money would be available no sooner than July 1, 2016.

If the State of Alaska awards a loan, CBS is not obligated to draw any loan funds. MGL has historically awarded significant additional "points" on the grant questionnaires for projects that have sufficient funding, including loan funding.

Fiscal Note:

The Long Range Cash Flow, Working Capital, and Debt Models (the "Financial Models") for the Water and Wastewater Funds has been updated to reflect the five projects being proposed for DEC loans and grants. If the grants and loans, as reflected in the Financial Models, are obtained in the amounts and at the times forecasted, the Funds will have sufficient cash flow from operations to pay the additional debt service, provided that sustained annual rate increases are implemented. For the Wastewater Fund, the necessary annual rate increase is a minimum 4.9% annual rate increase. For the Water Fund, the required necessary annual rate increase is a minimum 6.2% annual rate increase.

The Financial Models project \$1,868,090 in grant funds being received in the Wastewater Treatment Fund for the named projects that are wastewater related. If such grants are not received and additional debt is taken on instead, the required annual rate increases necessary to pay for increased debt service in the Wastewater Fund will increase.

Also, it is anticipated that the State of Alaska agencies administering the grants will add stipulations to future low interest low agreements requiring that both debt reserves and emergency repair and maintenance reserves be established. Recent Financial Capacity reports from the Department of Community and Regional Affairs, analyzing the capacity of the Water and Wastewater Funds to take on additional debt, have made such recommendations. If such stipulations are added to grant agreements, required incremental annual rate increases to meet additional debt service related to the subject projects may also be necessary.

Recommendation:

Approve Resolution 2015-15 authorizing CBS to apply for and execute five loans to the Alaska Department of Environmental Conservation's MG&L Program as indicated above. The loans are for Marine Street Sewer Improvements, Marine Street Water Improvements, Crescent Lift Station Replacement, WWTP HVAC Improvements and Water Storage Planning, Survey and Design.

Sponsor: Administration

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 2015-15

A RESOLUTION OF THE CITY AND BOROUGH OF SITKA, AUTHORIZING THE APPLICATION FOR LOANS TO THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION UNDER THE ALASKA DRINKING WATER FUND FOR MARINE STREET WATER IMPROVEMENTS AND A WATER STORAGE STUDY, AND UNDER THE ALASKA CLEAN WATER FUND FOR MARINE STREET SEWER IMPROVEMENTS, CRESCENT LIFT STATION REPLACEMENT AND WASTEWATER TREATMENT PLANT HVAC IMPROVEMENTS

WHEREAS, the City and Borough of Sitka (CBS) seeks to obtain the necessary financial assistance to construct water and wastewater improvements; and

WHEREAS, the State of Alaska Department of Environmental Conservation is able to offer funding through the Alaska Drinking Water Fund and Alaska Clean Water Fund; and

WHEREAS, the Municipality wishes to apply for loans for these important capital projects.

NOW, THEREFORE, BE IT RESOLVED by the Assembly of the City and Borough of Sitka that the Municipal Administrator is authorized to apply to the Alaska Department of Environmental Conservation for loans from the Alaska Drinking Water Fund and Alaska Clean Water Fund for planning, design, and construction of the above referenced water and sewer projects and to execute the loan agreements if the projects are funded.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska on this 11th day of August, 2015.

Mayor Mim McConnell

ATTEST:

Sara Peterson, CMC
Municipal Clerk



Legislation Details

File #: RES 15-16 Version: 1 Name:
Type: Resolution Status: AGENDA READY
File created: 8/4/2015 In control: City and Borough Assembly
On agenda: 8/11/2015 Final action:
Title: Designating the Municipal Administrator and the Chief Finance and Administrative Officer as authorized officials to execute all documents necessary to sell all financial holdings held in accounts in the name of the City and Borough of Sitka with Putnam Investments, and, to authorize the liquidation of such accounts

Sponsors:

Indexes:

Code sections:

Attachments: [Res 2015-16](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Should this item be pulled from the consent agenda the following motion is suggested:

POSSIBLE MOTION

I MOVE TO approve Resolution 2015-16 on first and final reading.

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 2015-16

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF SITKA, DESIGNATING THE MUNICIPAL ADMINISTRATOR AND THE CHIEF FINANCE AND ADMINISTRATIVE OFFICER AS AUTHORIZED OFFICIALS TO EXECUTE ALL DOCUMENTS NECESSARY TO SELL ALL FINANCIAL HOLDINGS HELD IN ACCOUNTS IN THE NAME OF THE CITY AND BOROUGH OF SITKA WITH PUTNAM INVESTMENTS, AND, TO AUTHORIZE THE LIQUIDATION OF SUCH ACCOUNTS

WHEREAS, the City and Borough of Sitka has a mutual fund investment with Putnam Investments that is held in a non-retirement account in the name of the Municipality with Putnam Investments; and

WHEREAS, the City and Borough of Sitka has engaged Alaska Permanent Capital as an external investment manager; and

WHEREAS, Alaska Permanent Capital has recommended that the City and Borough of Sitka liquidate its mutual fund holdings with Putnam Investments; and

WHEREAS, Putnam Investments has indicated that both a Municipal Resolution both resolving to liquidate such investments and appointing municipal officials authorized to execute all documents necessary to accomplish such a liquidation is required.

NOW, THEREFORE, BE IT RESOLVED by the Assembly of the City and Borough of Sitka that all mutual fund investments held in account with Putnam Funds are to be sold and the proceeds remitted to the Municipality; and

BE IT FURTHER RESOLVED by the Assembly of the City and Borough of Sitka that the Municipal Administrator, Mark Gorman, and the Chief Finance and Administrative Officer, John P. Sweeney III, are hereby designated as authorized officials to execute all documents necessary to accomplish the sale and liquidation of the Municipality’s mutual fund investments with Putnam Funds.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska on this 11th day of August, 2015.

Mim McConnell, Mayor

ATTEST:

Sara Peterson, CMC
Municipal Clerk



Legislation Details

File #: 15-143 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 8/4/2015 In control: City and Borough Assembly

On agenda: 8/11/2015 Final action:

Title: Authorize awarding a sole source contract with WS Construction on an emergency basis for a lump sum of \$84,800 for replacement of failing floatation at the West Transient Dock

Sponsors:

Indexes:

Code sections:

Attachments: [WS Construction](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

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

POSSIBLE MOTION

I MOVE TO authorize awarding a sole source contract with WS Construction on an emergency basis for a lump sum of \$84,800 for replacement of failing floatation at the West Transient Dock.

MEMORANDUM

To: Mayor McConnell and Members of the Assembly
Cc: Mark Gorman, Administrator
From: Stan Eliason, Harbormaster
Subject: Funding Approval - Eliason Harbor, West Transient Dock Floatation Upgrades
Date: August 4, 2015

Background

Eliason Harbor, once referred to as New Thomsen Harbor, was designed by the State of Alaska, Department of Transportation and Public Facilities (ADOT&PF) and constructed in two phases. Phase I construction began in 1996 and Phase II construction was completed in 1999.

Eliason Harbor was evaluated as a part of the Harbor System Master Plan in late 2011. While the overall harbor facility was deemed in good condition with a remaining safe and useable life of 20 years, at that time the consultants noted issues with freeboard on the main floats and the log reinforced breakwater floats (5, 6 and West Transient).

The term "freeboard" in relation to float design refers to the height of the top of the deck boards above the water surface. Eliason Harbor design freeboard under dead loading was approximately 17.5 - 18 inches. For perspective, design freeboard for more recent projects at Thomsen Harbor (2006) and ANB Harbor (2013) under dead load was 20 inches and 22 inches respectively. Freeboard measurements obtained by Harbor Staff at Eliason Harbor prior to any floatation upgrades ranged from 14 - 18 inches. A freeboard measurement of just 15 inches places the lower timber sill at the water surface.

Analysis

Floatation upgrades at Eliason Harbor have been budgeted as Capital Projects under the Harbor Fund in FY12, FY13 and again in FY14 and FY15. CBS attempted to secure State of Alaska Municipal Matching Grant Funding for this project in 2013; however the project was not selected for funding. It is imperative to get the timber elements out of the water in an effort to prevent rapid deterioration and ensure that the floats last another 20+ years.

CBS Harbor Department wishes to award a sole source contract with WS Construction on an emergency basis to complete the necessary repairs before the float deterioration rapidly accelerates. WS Construction is very familiar with the infrastructure, and is the only locally available marine contractor at this time.

Final phase for this harbor (\$84,800.00) consists of removing and replacing failing floatation at the West Transient Dock.

The old floatation will be replaced with encapsulated foam tubs; this floatation system has been used successfully for both Thomsen Harbor and ANB Harbor rebuilds.

Fiscal Note

The floatation upgrades at Eliason Harbor were not a scheduled improvement contained within the Sitka Harbor Master Plan CIP (2012). Despite this absence, upgrading the floatation at Eliason has been a high priority for the Harbor Department since the issue was first discovered in late 2010. The Harbor Department has spent nearly \$500,000 since 2011 adding floatation tubs to the floats at Eliason Harbor.

\$125,000 has been budgeted in FY16 for floatation upgrades to the West Transient Dock.

Recommendation

Authorize awarding a sole source contract with WS Construction on an emergency basis for lump sum of \$84,800.00 for replacement of failing floatation at the West Transient Dock.



Legislation Details

File #: 15-145 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 8/5/2015 In control: City and Borough Assembly

On agenda: 8/11/2015 Final action:

Title: Approve award of contracts to the following for Electric Department consulting/technical services: 1) Northstar Power Engineering, the amount not to exceed \$300,000 for FY16, 2) Electric Power Systems, Inc., the amount not to exceed \$700,000 for FY16, and 3) Design Southeast, the amount not to exceed \$200,000 for FY16

Sponsors:

Indexes:

Code sections:

Attachments: [FY16 consulting contracts](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

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

POSSIBLE MOTION

I MOVE TO approve award of contracts to the following for Electric Department consulting/technical services:

- 1) Northstar Power Engineering, the amount not to exceed \$300,000 for FY16
- 2) Electric Power Systems, Inc., the amount not to exceed \$700,000 for FY16
- 3) Design Southeast, the amount not to exceed \$200,000 for FY16



City & Borough of Sitka
Electric Department

105 Jarvis Street, Sitka AK. 99835
Telephone: 907-747-4000 Fax: 907-747-3208



Memorandum

July 31, 2015

To: Mark Gorman, Municipal Administrator
From: Jeff Wheeler, Acting Utility Director - Electric Department
Subject: Consulting/Technical Services Contracts

Request:

In accordance with SGC 3.16.060(D), the City and Borough of Sitka Electric Department requests Assembly approval to procure consulting and technical services through separate contracts with Northstar Power Engineering, Electric Power systems(EPS), and Design Southeast.

Purpose:

The Electric Department requires consulting and technical services to assist in efficiently continuing the implementation of these projects going forward. Our electric ratepayers have benefitted significantly by this department's selective utilization of the services that these companies deliver. They have been involved with our system upgrades related to interconnection and commissioning of key electric system components for many years now. They are predominantly familiar with our generation and power delivery infrastructure and have provided consulting for system control and other professionally designed systems for our department while helping us to achieve impressive accomplishments.

Funding:

Fiscal Year 2016 has over \$12,000,000.00 in funding available in Electric Department capital improvements projects. These contracts are equal to 10% of the total FY 2016 capital projects budgeted and this is a typically a standard formula in estimating costs related to these divisions of professional services. Tasks completed by these consultants will be charged to the applicable capitol project account. With diligent application of these services we will undoubtedly be under these requested "not to exceed" amounts at the end of the fiscal year.

Recommendation:

Recommend the Assembly approve consulting/technical services contracts in the not to exceed amounts documented in each contract to acquire the services of these professionals.

cc: Jay Sweeney, CFAO
Sara Peterson, Municipal Clerk

CONSULTANT CONTRACT

Northstar Power Engineering and The City and Borough of Sitka, Alaska

This professional services agreement is entered into between the City and Borough of Sitka, 100 Lincoln Street, Sitka, Alaska 99835 herein referred to as C&B of Sitka and Mike Carson of Northstar Power Engineering, herein referred to as Consultant.

Whereas C&B of Sitka has need of professional services in the operation and maintenance of its electric utility system; and,
Whereas, Consultant is capable of performing those services;

C&B of Sitka and Consultant hereby agree as follows:

1. **The Work.** The Consultant shall provide C&B of Sitka with services that may be requested from time to time by C&B of Sitka's Utility Director or his designee to assist the Sitka Electric Department staff in the operation and maintenance of the C&B of Sitka's electric utility system. This work will typically involve engineering analysis and developing recommendations as requested for specific utility system operating and maintenance functions such as the Transmission and Distribution system operations and maintenance.

C&B of Sitka shall provide a scope of work for specific tasks to the Consultant and the Consultant shall then provide a detailed estimate of the costs to perform those tasks. C&B of Sitka shall then issue purchase orders for specific tasks as appropriate. No work shall commence without a purchase order detailing the scope of work, a figure that the cost shall not exceed, and time frame for the work as appropriate.

2. **Payment.** Consultant shall be paid as follows for his:

| | |
|----------------------|-------------------|
| Engineering Services | \$110.00 per hour |
|----------------------|-------------------|

Expenses shall include transportation, subsistence, phone calls, printing and copying costs and other miscellaneous costs to complete the work. Expenses shall be documented before any payment is made for expenses.

Consultant shall be paid monthly upon presentation of proper invoices.

Consultant's invoice will identify invoiced cost by project and assigned purchase order number. This contract will not exceed \$300,000.00 per fiscal year.

3. **Documents.** All plans, drawings, calculations, correspondence, supporting data and specifications, originals and tracings, and all electronic files produced under this contract shall become the property of C&B of Sitka. Said documents shall be transmitted to the C&B of Sitka's Utility Director or his designee prior to the time of final payment for any specific task under this contract.
4. **General Conditions.** Consultant shall not subcontract or assign any of the work without C&B of Sitka's approval. C&B of Sitka will supply Consultant with copies of available plans, specifications, and data in its possession needed for the work.

CONSULTANT CONTRACT

Northstar Power Engineering and The City and Borough of Sitka, Alaska

5. **Insurance.** Consultant shall provide general liability insurance in the amount of \$1,000,000.00 and workman's compensation insurance. C&B of Sitka shall be named as additional insured on such insurance policies and Consultant shall provide to C&B of Sitka evidence of such policies no later than thirty days after both parties execute this agreement.
6. **Liability.** The Consultant shall provide professional liability insurance for errors and omissions in the amount of \$500,000.00
7. **Consultant's Accounting Records.** Records of Consultant's services and reimbursable expenses pertaining to the work shall be kept on a recognized accounting basis acceptable to C&B of Sitka and shall be available to C&B of Sitka or its authorized representative at mutually convenient times.
8. **Governing Law, Forum, and Venue.** Unless otherwise specified, this agreement shall be governed by the laws of the State of Alaska. Forum and venue for any interpretation, construction, or dispute over this agreement shall lie exclusively in the Courts of State of Alaska sitting in Sitka, Alaska.
9. **Termination.** Either party giving thirty days written notice and specifying an effective date may terminate this agreement.
10. **Completion.** The completion date for this work will be June 30 2016. This contract may be extended for a period of two years after the date of expiration with the mutual consent of both parties.

In witness whereof, the parties have executed this agreement in duplicate on the date shown below.

City & Borough of Sitka _____

Mark Gorman, City Administrator

Date: _____,

Date: _____,

IRS Tax I.D. No. _____

CONSULTANT CONTRACT

Electric Power Systems, Inc.(EPS) also doing business as Electric Power Constructors, Inc.,(EPC) and The City and Borough of Sitka, Alaska

This professional services agreement is entered into between the City and Borough of Sitka, 100 Lincoln Street, Sitka, Alaska 99835 herein referred to as C&B of Sitka and David Burlingame of Electric Power Systems, Inc., also doing business as Electric Power Constructors Inc., herein referred to as Consultant.

Whereas C&B of Sitka has need of professional services in the operation and maintenance of its electric utility system; and,

Whereas, Consultant is capable of performing those services;

C&B of Sitka and Consultant hereby agree as follows:

- The Work.** The Consultant shall provide C&B of Sitka with services that may be requested from time to time by C&B of Sitka's Utility Director or his designee to assist the Sitka Electric Department staff in the operation and maintenance of the C&B of Sitka's electric utility system. This work will typically involve engineering analysis and developing recommendations as requested for specific utility system operating and maintenance functions such as the Transmission and Distribution system operations as well as maintenance and engineering analysis and recommendations associated with the hydroelectric and diesel generating plant electrical systems.

C&B of Sitka shall provide a scope of work for specific tasks to the Consultant and the Consultant shall then provide a detailed estimate of the costs to perform those tasks. C&B of Sitka shall then issue purchase orders for specific tasks as appropriate. No work shall commence without a purchase order detailing the scope of work, a figure that the cost shall not exceed, and time frame for the work as appropriate.
- Payment.** Consultant shall be paid as follows for his services:
See Attached rate sheets (2) EPS and EPC
Expenses shall include transportation, subsistence, phone calls, printing and copying costs and other miscellaneous costs to complete the work. Expenses shall be documented before any payment is made for expenses.
Consultant shall be paid monthly upon presentation of proper invoices.
Consultant's invoice will identify invoiced cost by project and assigned purchase order number. This contract will not exceed \$700,000.00 per fiscal year.
- Documents.** All plans, drawings, calculations, correspondence, supporting data and specifications, originals and tracings, and all electronic files produced under this contract shall become the property of C&B of Sitka. Said documents shall be transmitted to the C&B of Sitka's Utility Director or his designee prior to the time of final payment for any specific task under this contract.
- General Conditions.** Consultant shall not subcontract or assign any of the work without C&B of Sitka's approval. C&B of Sitka will supply Consultant with copies of available plans, specifications, and data in its possession needed for the work.

CONSULTANT CONTRACT

Electric Power Systems, Inc.(EPS) also doing business as Electric Power Constructors, Inc.,(EPC) and The City and Borough of Sitka, Alaska

5. **Insurance.** Consultant shall provide general liability insurance in the amount of \$2,000,000.00 and workman's compensation insurance. C&B of Sitka shall be named as additional insured on such insurance policies and Consultant shall provide to C&B of Sitka evidence of such policies no later than thirty days after both parties execute this agreement.
6. **Liability.** The Consultant shall provide professional liability insurance for errors and omissions in the amount of \$2,000,000.00.
7. **Consultant's Accounting Records.** Records of Consultant's services and reimbursable expenses pertaining to the work shall be kept on a recognized accounting basis acceptable to C&B of Sitka and shall be available to C&B of Sitka or its authorized representative at mutually convenient times.
8. **Governing Law, Forum, and Venue.** Unless otherwise specified, this agreement shall be governed by the laws of the State of Alaska. Forum and venue for any interpretation, construction, or dispute over this agreement shall lie exclusively in the Courts of State of Alaska sitting in Sitka, Alaska.
9. **Termination.** Either party giving thirty days written notice and specifying an effective date may terminate this agreement.
10. **Completion.** The completion date for this work will be June 30 2016. This contract may be extended for two years after expiration with mutual consent of both parties.

In witness whereof, the parties have executed this agreement in duplicate on the date shown below.

City & Borough of Sitka

Mark Gorman, City Administrator

Date: _____, Date: _____, IRS Tax I.D. No. _____



Electric Power Systems, Inc. Fee Schedule

Valid through 12/31/15

| | |
|--------------------------------------|--------------------------|
| Testimony, deposition/expert witness | \$406.00 |
| Engineer XII | \$216.00 |
| Engineer XI | \$200.00 |
| Engineer X | \$185.00 |
| Engineer IX | \$170.00 |
| Engineer VIII | \$163.00 |
| Engineer VII | \$156.00 |
| Engineer VI | \$150.00 |
| Engineer V | \$144.00 |
| Engineer IV | \$136.00 |
| Engineer III | \$121.00 |
| Engineer II | \$108.00 |
| Engineer I | \$100.00 |
| Project Manager VI | \$200.00 |
| Project Manager V | \$185.00 |
| Project Manager IV | \$170.00 |
| Project Manager III | \$163.00 |
| Project Manager II | \$156.00 |
| Project Manager I | \$150.00 |
| Engineer Tech VI | \$163.00 |
| Engineer Tech V | \$150.00 |
| Engineer Tech IV | \$130.00 |
| Engineer Tech III | \$112.00 |
| Engineer Tech II | \$99.00 |
| Engineer Tech I | \$84.00 |
| ROW Manager | \$166.00 |
| ROW Senior Agent | \$143.00 |
| ROW Agent | \$103.00 |
| ROW Assistant | \$76.00 |
| Professional Land Surveyor | \$155.00 |
| Expeditor | \$84.00 ST / \$110.00 OT |
| Clerical | \$58.00 |
| Office Manager | \$71.00 |

1. The above listed rates are per hour.
2. The fee schedule is subject to review on January 1, 2016, and on January 1 of each year thereafter.
3. Expenses incurred, as necessary part of engineering services under this contract will be billed at cost plus 10%. Incidental expenses, such as computer usage, local phone service, and copying are included in the above rates. If Per Diem is utilized (vs. expenses and markup), it will be at the Federal Rates.
4. Services and materials purchased by Electric Power Systems, Inc. at the request of the owner will be billed at cost plus 10%.
5. Services and materials provided by other Engineered Solutions Group, Inc. companies will not be subject to intra-company markup, and are subject to the above fee schedule.
6. Interest at the rate of 1.5% per month (less, if restricted by law) may be charged for invoices greater than 60 days past due.

Electric Power Systems, Inc.

A division of Engineered Solutions Group, Inc.

3305 Arctic Blvd., Suite 201, Anchorage, AK 99503

Phone (907) 522-1953, Fax (907) 522-1182, www.esgrp.net



Electric Power Constructors, Inc.

Fee Schedule

Valid April 1, 2015 through March 31, 2016

| <u>Classification</u> | <u>Straight Time</u> | <u>Overtime</u> | <u>Double-Time</u> |
|-----------------------|----------------------|-----------------|--------------------|
| Project Manager VI | \$200.00 | \$194.00 | N/A |
| Project Manager V | \$185.00 | \$180.00 | N/A |
| Project Manager IV | \$170.00 | \$165.00 | N/A |
| Project Manager III | \$163.00 | \$158.00 | N/A |
| Project Manager II | \$156.00 | \$151.00 | N/A |
| Project Manager I | \$150.00 | \$146.00 | N/A |
| Lineman V | \$169.00 | \$202.00 | \$228.00 |
| Lineman IV | \$164.00 | \$196.00 | \$220.00 |
| Lineman III | \$152.00 | \$181.00 | \$204.00 |
| Lineman II | \$144.00 | \$170.00 | \$192.00 |
| Lineman I | \$136.00 | \$162.00 | \$183.00 |
| Wireman V | \$110.36 | \$148.51 | \$186.65 |
| Wireman IV | \$108.05 | \$145.09 | \$182.14 |
| Wireman III | \$102.03 | \$136.22 | \$170.40 |
| Wireman II | \$86.38 | \$115.42 | \$144.48 |
| Wireman I | \$75.60 | \$99.53 | \$123.46 |
| Sub Tech VI | \$156.22 | \$203.92 | \$251.62 |
| Sub Tech V | \$151.80 | \$197.72 | \$243.65 |
| Sub Tech IV | \$145.17 | \$188.43 | \$231.69 |
| Sub Tech III | \$119.92 | \$154.40 | \$188.28 |
| Sub Tech II | \$114.12 | \$148.30 | \$182.48 |
| Sub Tech I | \$102.04 | \$132.80 | \$163.57 |
| Expeditor | \$84.00 | \$110.00 | N/A |
| Clerical | \$58.00 | N/A | N/A |
| Office Manager | \$71.00 | N/A | N/A |

1. The above listed rates are per hour.
2. The fee schedule is subject to review on April 1, 2016, and on April 1 of each year thereafter.
3. Expenses incurred, as necessary part of engineering services under this contract will be billed at cost plus 10%. Incidental expenses, such as computer usage, local phone service, and copying are included in the above rates. If Per Diem is utilized (vs. expenses and markup), it will be at the Federal Rates.
4. Services and materials purchased by Electric Power Constructors, Inc. at the request of the owner will be billed at cost plus 10%.
5. Services and materials provided by other Engineered Solutions Group, Inc. companies will not be subject to intra-company markup, and are subject to the above fee schedule.
6. Interest at the rate of 1.5% per month (less, if restricted by law) may be charged for invoices greater than 60 days past due.

Electric Power Constructors, Inc.

A division of Engineered Solutions Group, Inc.

3305 Arctic Blvd., Suite 201, Anchorage, AK 99503

Phone (907) 522-1953, Fax (907) 522-1182, www.esgrp.net

CONSULTANT CONTRACT

Design Southeast and The City and Borough of Sitka, Alaska

This professional services agreement is entered into between the City and Borough of Sitka, 100 Lincoln Street, Sitka, Alaska 99835 herein referred to as C&B of Sitka and Ryan Wilson of Design Southeast, herein referred to as Consultant.

Whereas C&B of Sitka has need of professional services in the operation and maintenance of its electric utility system; and,

Whereas, Consultant is capable of performing those services;

C&B of Sitka and Consultant hereby agree as follows:

1. **The Work.** The Consultant shall provide C&B of Sitka with services that may be requested from time to time by C&B of Sitka's Utility Director or his designee to assist the Sitka Electric Department staff in the structural design of C&B of Sitka's electric utility system infrastructure. This work will typically involve engineering analysis and developing recommendations as requested for specific utility system structures such as substation and building structures, retaining walls, foundations, steel assemblies, and other related edifices. C&B of Sitka shall provide a scope of work for specific tasks to the Consultant and the Consultant shall then provide a detailed estimate of the costs to perform those tasks. C&B of Sitka shall then issue purchase orders for specific tasks as appropriate. No work shall commence without a purchase order detailing the scope of work, a figure that the cost shall not exceed, and time frame for the work as appropriate.

2. **Payment.** Consultant shall be paid as follows for his:

| | |
|----------------------|--------------------|
| Engineering Services | \$ 145.00 per hour |
|----------------------|--------------------|

Expenses shall include transportation, subsistence, phone calls, printing and copying costs and other miscellaneous costs to complete the work. Expenses shall be documented before any payment is made for expenses.

Consultant shall be paid monthly upon presentation of proper invoices.

Consultant's invoice will identify invoiced cost by project and assigned purchase order number. The not to exceed amount of this contract will be \$200,000.00 per fiscal year.

3. **Documents.** All plans, drawings, calculations, correspondence, supporting data and specifications, originals and tracings, and all electronic files produced under this contract shall become the property of C&B of Sitka. Said documents shall be transmitted to the C&B of Sitka's Utility Director or his designee prior to the time of final payment for any specific task under this contract.
4. **General Conditions.** Consultant shall not subcontract or assign any of the work without C&B of Sitka's approval. C&B of Sitka will supply Consultant with copies of available plans, specifications, and data in its possession needed for the work.

CONSULTANT CONTRACT

Design Southeast and The City and Borough of Sitka, Alaska

5. **Insurance.** Consultant shall provide general liability insurance in the amount of \$1,000,000.00 and workman's compensation insurance. C&B of Sitka shall be named as additional insured on such insurance policies and Consultant shall provide to C&B of Sitka evidence of such policies no later than thirty days after both parties execute this agreement.
6. **Liability.** The Consultant shall provide professional liability insurance for errors and omissions in the amount of \$2,000,000.00
7. **Consultant's Accounting Records.** Records of Consultant's services and reimbursable expenses pertaining to the work shall be kept on a recognized accounting basis acceptable to C&B of Sitka and shall be available to C&B of Sitka or its authorized representative at mutually convenient times.
8. **Governing Law, Forum, and Venue.** Unless otherwise specified, this agreement shall be governed by the laws of the State of Alaska. Forum and venue for any interpretation, construction, or dispute over this agreement shall lie exclusively in the Courts of State of Alaska sitting in Sitka, Alaska.
9. **Termination.** Either party giving thirty days written notice and specifying an effective date may terminate this agreement.
10. **Completion.** The completion date for this work will be June 30 2016. This contract may be extended for a period of two years after the date of expiration with the mutual consent of both parties.

In witness whereof, the parties have executed this agreement in duplicate on the date shown below.

City & Borough of Sitka _____

Mark Gorman, City Administrator

Date: _____,

Date: _____,

IRS Tax I.D. No. _____



Legislation Details

File #: 15-146 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 8/5/2015 In control: City and Borough Assembly
On agenda: 8/11/2015 Final action:
Title: Approve award of contracts to the following for Electric Department consulting/technical services in FY15: 1) Electric Power Systems, Inc. in the amount of \$476,850.80 and 2) Northstar Power Engineering in the amount of \$57,955.10

Sponsors:

Indexes:

Code sections:

Attachments: [FY15 consulting contracts](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

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

POSSIBLE MOTION

I MOVE TO approve award of contracts to the following for Electric Department consulting/technical services in FY15:

- 1) Electric Power Systems, Inc., also doing business as Electric Power Constructors, in the amount of \$476,850.80
- 2) Northstar Power Engineering in the amount of \$57,955.10




City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

8/4/2015

To: Mayor and Assembly Members
Mark Gorman, Municipal Administrator

CC: Jeff Wheeler, Acting Electric Superintendent
John P. "Jay" Sweeney, Chief Finance and Administrative Officer 

From: Mike Middleton, Deputy Finance Director

Re: FY15 Contracts not issued

Mayor and Assembly Members,

In reviewing the financial records for fiscal year 2015, a discrepancy was identified with the assistance of the Electric Department. This discrepancy was identified while checking records to indicate we do not have a repeat of the prior audit finding from the fiscal year 2014 audit.

The Electric Department had a long history of working with three specific vendors and the practice of using a Purchase Order (PO) instead of having a specific contract was the norm. This was changed by the fiscal year 2014 audit finding. However, before this was issued, the practice had already impacted fiscal year 2015. After the finding was addressed, this was not repeated. The issue is State and Federal grants require a contract in many instances. Before going on, it is also important to note this process has been in compliance with SGC 3.16.020.A:

- The administrator may not make an acquisition or contract authorized by 3.16.010 if the value of the property or contract exceeds fifty thousand dollars without first obtaining assembly approval of the appropriation. Such approval can occur either through the listing of the property, service, or contract in the annual budget as adopted by the assembly or by passage of a motion by the assembly.

None of the expense were in excess of the assembly approved budgets on the projects and services.

Due to the prior practice, there is an issue to address with Electric Power Systems (also under the name Electric Power Constructors) and Northstar Power Engineers.

1. Electric Power Systems (Electric Power Constructors)
 - a. Project 90594 – Blue Lake Third Turbine & Dam Upgrade spent \$253,397.65 without a current contract in place.
 - b. Project 90646 – Jarvis St Diesel Capacity Increase spent \$131,942.18 without a current contract in place.
 - c. Project 90757 – Sitka Transient Float Replacement spent \$896.50 without a current contract. This is not a problem alone, but is included to provide a complete picture.
 - d. Not on a project – Using standard operating costs, \$72,261.12 was spent without a current contract in place.
2. Northstar Power Engineering


Providing for today...preparing for tomorrow

- a. Project 90646 – Jarvis St Diesel Capacity Increase spent \$29,490.10 without a current contract in place.
- b. Project 90757 – Sitka Transient Float Replacement spent \$770.00 without a current contract.
- c. Project 90611 – Microwave or Optic Fiber spent \$2,607.50 without a current contract.
- d. Project 90648 – Transmission & 1220 Upgrade spent \$9,160.00 without a current contract.
- e. Project 90672 – Medvejie Hatchery transformer Replacement spent \$18,927.50 without a current contract.

It is important to note these costs were all within the approved budget of the projects and fund. The problem is the lack of a current contract for either vendor.

To prevent a potential finding in the audit, the spending needs to be approved at the Assembly level as this was not done, other than the overall budget.

Requested Action

Approve the award of a contract to Electric Power Systems, also doing business as Electric Power Constructors, for a total of \$476,850.80 for fiscal year 2015.

Approve the award of a contract to Northstar Power Engineering for a total of \$57,955.10 for fiscal year 2015.

CONSULTANT CONTRACT

Electric Power Systems, Inc.(EPS) and The City and Borough of Sitka, Alaska

This professional services agreement is entered into between the City and Borough of Sitka, 100 Lincoln Street, Sitka, Alaska 99835 herein referred to as C&B of Sitka and David Burlingame of Electric Power Systems, Inc., herein referred to as Consultant.

Whereas C&B of Sitka has need of professional services in the operation and maintenance of its electric utility system; and,
Whereas, Consultant is capable of performing those services;

C&B of Sitka and Consultant hereby agree as follows:

1. **The Work.** The Consultant shall provide C&B of Sitka with services that may be requested from time to time by C&B of Sitka's Utility Director or his designee to assist the Sitka Electric Department staff in the operation and maintenance of the C&B of Sitka's electric utility system. This work will typically involve engineering analysis and developing recommendations as requested for specific utility system operating and maintenance functions such as the Transmission and Distribution system operations as well as maintenance and engineering analysis and recommendations associated with the hydroelectric and diesel generating plant electrical systems.

C&B of Sitka shall provide a scope of work for specific tasks to the Consultant and the Consultant shall then provide a detailed estimate of the costs to perform those tasks. C&B of Sitka shall then issue purchase orders for specific tasks as appropriate. No work shall commence without a purchase order detailing the scope of work, a figure that the cost shall not exceed, and time frame for the work as appropriate.

2. **Payment.** Consultant shall be paid as follows for his services:
Electrical Consulting Services per attached rate schedule. Expenses shall include transportation, subsistence, phone calls, printing and copying costs and other miscellaneous costs to complete the work. Expenses shall be documented before any payment is made for expenses. Consultant shall be paid monthly upon presentation of proper invoices. Consultant's invoice will identify invoiced cost by project and assigned purchase order number. This contract will not exceed \$476,850.80 for fiscal year 2015. These payments have already been made.
3. **Documents.** All plans, drawings, calculations, correspondence, supporting data and specifications, originals and tracings, and all electronic files produced under this contract shall become the property of C&B of Sitka. Said documents shall be transmitted to the C&B of Sitka's Utility Director or his designee prior to the time of final payment for any specific task under this contract.
4. **General Conditions.** Consultant shall not subcontract or assign any of the work without C&B of Sitka's approval. C&B of Sitka will supply Consultant with copies of available plans, specifications, and data in its possession needed for the work.

CONSULTANT CONTRACT

Electric Power Systems, Inc.(EPS) and The City and Borough of Sitka, Alaska

5. **Insurance.** Consultant shall provide general liability insurance in the amount of \$2,000,000.00 and workman's compensation insurance. C&B of Sitka shall be named as additional insured on such insurance policies and Consultant shall provide to C&B of Sitka evidence of such policies no later than thirty days after both parties execute this agreement.
6. **Liability.** The Consultant shall provide professional liability insurance for errors and omissions in the amount of \$2,000,000.00.
7. **Consultant's Accounting Records.** Records of Consultant's services and reimbursable expenses pertaining to the work shall be kept on a recognized accounting basis acceptable to C&B of Sitka and shall be available to C&B of Sitka or its authorized representative at mutually convenient times.
8. **Governing Law, Forum, and Venue.** Unless otherwise specified, this agreement shall be governed by the laws of the State of Alaska. Forum and venue for any interpretation, construction, or dispute over this agreement shall lie exclusively in the Courts of State of Alaska sitting in Sitka, Alaska.
9. **Termination.** Either party giving thirty days written notice and specifying an effective date may terminate this agreement.
10. **Completion.** The completion date for this work will be June 30 2015. This contract is to document the agreement assumed to be in effect for fiscal year 2015 by both parties. A new contract will be created for any work in fiscal year 2016 and beyond. This contract is not subject to renewal.

In witness whereof, the parties have executed this agreement in duplicate on the date shown below.

City & Borough of Sitka

Mark Gorman, City Administrator

Date: _____, Date: _____, IRS Tax I.D. No. _____

CONSULTANT CONTRACT

Northstar Power Engineering and The City and Borough of Sitka, Alaska

This professional services agreement is entered into between the City and Borough of Sitka, 100 Lincoln Street, Sitka, Alaska 99835 herein referred to as C&B of Sitka and Mike Carson of Northstar Power Engineering, herein referred to as Consultant.

Whereas C&B of Sitka has need of professional services in the operation and maintenance of its electric utility system; and,
Whereas, Consultant is capable of performing those services;

C&B of Sitka and Consultant hereby agree as follows:

1. **The Work.** The Consultant shall provide C&B of Sitka with services that may be requested from time to time by C&B of Sitka's Utility Director or his designee to assist the Sitka Electric Department staff in the operation and maintenance of the C&B of Sitka's electric utility system. This work will typically involve engineering analysis and developing recommendations as requested for specific utility system operating and maintenance functions such as the Transmission and Distribution system operations and maintenance.

C&B of Sitka shall provide a scope of work for specific tasks to the Consultant and the Consultant shall then provide a detailed estimate of the costs to perform those tasks. C&B of Sitka shall then issue purchase orders for specific tasks as appropriate. No work shall commence without a purchase order detailing the scope of work, a figure that the cost shall not exceed, and time frame for the work as appropriate.

2. **Payment.** Consultant shall be paid as follows for his:

| | |
|----------------------|-------------------|
| Engineering Services | \$110.00 per hour |
|----------------------|-------------------|

Expenses shall include transportation, subsistence, phone calls, printing and copying costs and other miscellaneous costs to complete the work. Expenses shall be documented before any payment is made for expenses.

Consultant shall be paid monthly upon presentation of proper invoices.

Consultant's invoice will identify invoiced cost by project and assigned purchase order number. This contract will not exceed \$57,955.10 for fiscal year 2015.

3. **Documents.** All plans, drawings, calculations, correspondence, supporting data and specifications, originals and tracings, and all electronic files produced under this contract shall become the property of C&B of Sitka. Said documents shall be transmitted to the C&B of Sitka's Utility Director or his designee prior to the time of final payment for any specific task under this contract.
4. **General Conditions.** Consultant shall not subcontract or assign any of the work without C&B of Sitka's approval. C&B of Sitka will supply Consultant with

CONSULTANT CONTRACT

Northstar Power Engineering and The City and Borough of Sitka, Alaska

copies of available plans, specifications, and data in its possession needed for the work.

5. **Insurance.** Consultant shall provide general liability insurance in the amount of \$1,000,000.00 and workman's compensation insurance. C&B of Sitka shall be named as additional insured on such insurance policies and Consultant shall provide to C&B of Sitka evidence of such policies no later than thirty days after both parties execute this agreement.
6. **Liability.** The Consultant shall provide professional liability insurance for errors and omissions in the amount of \$500,000.00
7. **Consultant's Accounting Records.** Records of Consultant's services and reimbursable expenses pertaining to the work shall be kept on a recognized accounting basis acceptable to C&B of Sitka and shall be available to C&B of Sitka or its authorized representative at mutually convenient times.
8. **Governing Law, Forum, and Venue.** Unless otherwise specified, this agreement shall be governed by the laws of the State of Alaska. Forum and venue for any interpretation, construction, or dispute over this agreement shall lie exclusively in the Courts of State of Alaska sitting in Sitka, Alaska.
9. **Termination.** Either party giving thirty days written notice and specifying an effective date may terminate this agreement.
10. **Completion.** The completion date for this work will be June 30 2015. This contract is to document the agreement assumed to be in effect for fiscal year 2015 by both parties. A new contract will be created for any work in fiscal year 2016 and beyond. This contract is not subject to renewal.

In witness whereof, the parties have executed this agreement in duplicate on the date shown below.

City & Borough of Sitka _____

Mark Gorman, City Administrator

Date: _____,

Date: _____,

IRS Tax I.D. No. _____



Legislation Details

File #: 15-147 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 8/5/2015 In control: City and Borough Assembly

On agenda: 8/11/2015 Final action:

Title: Approve award of a contract to Northern Construction Service in the amount of \$4,986,329 for completion of the Sitka Transient Float Replacement project

Sponsors:

Indexes:

Code sections:

Attachments: [Sitka Transient Float Replacement Project](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

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

POSSIBLE MOTION

I MOVE TO approve award of a contract to Northern Construction Service in the amount of \$4,986,329 for completion of the Sitka Transient Float Replacement project base bid and additive alternates A, B, C, D and E.

MEMORANDUM

To: Mayor McConnell and Assembly Members
Mark Gorman, Municipal Administrator

From: Dan Tadic, P.E., Municipal Engineer *DT*
Stan Eliason, Harbormaster *SE*

Reviewed: Jay Sweeney, Chief Finance and Administrative Office *JS*
Michael Harmon, P.E., Public Works Director *MH*
Tori Fleming, Contract Coordinator *TF*

Date: August 5, 2015

Subject: **Sitka Transient Float Replacement
Approval to Award Construction Contract**

Background

The Public Works Department advertised an Invitation to Bid for the Sitka Transient Float (STF) Replacement project in accordance with City and Borough of Sitka procurement policies. Bids were opened for this project on August 4, 2015. Four (4) responsive and responsible bids were received, as indicated in the following table.

| | Northern Construction Service | Turnagain Marine | Pacific Pile & Marine, L.P. | Dawson Construction, Inc. | Engineer's Estimate |
|--|-------------------------------------|------------------|--------------------------------|------------------------------|------------------------|
| Base Bid | \$4,195,063 | \$4,477,300 | \$4,612,994 | \$5,386,200 | \$4,406,380 |
| Additive Alternate A – Limited Power Pedestals for Inside Berth | \$40,005 | \$44,100 | \$42,300 | \$40,000 | \$88,000 |
| Additive Alternate B – 16x60 Float Module | \$173,874 | \$198,900 | \$195,640 | \$225,000 | \$258,280 |
| Additive Alternate C – Pile Anodes | \$144,005 | \$161,100 | \$145,720 | \$205,000 | \$165,880 |
| Additive Alternate D – Remaining Power Pedestals | \$237,222 | \$262,600 | \$251,000 | \$239,000 | \$385,000 |
| Additive Alternate E – Existing Transient Float Demolition and Disposal | \$196,160 | \$425,100 | \$522,500 | \$415,000 | \$770,000 |
| TOTAL | \$4,986,329 | \$5,569,100 | \$5,770,154 | \$6,510,200 | \$6,073,540 |

Analysis

Northern Construction Service (NCS) is a general contractor based out of Coos Bay, Oregon. NCS recently successfully completed the ~\$10,000,000 Aurora Harbor Project in Juneau, Alaska. For the STF project, NCS will fabricate, assemble and install the floats on site. NCS will contract with Tamico, Inc. out of Petersburg to install the piling.

This STF project bid documents stipulated upland disposal of all materials being replaced in accordance with the United State Army Corps of Engineers (USACE) Permit due to the presence of an invasive tunicate on them. However, a potential eradication plan has been developed jointly by a local Contractor and University of Alaska Southeast faculty with input from the Smithsonian Institute, Alaska Department of Fish and Game, among other agencies which may allow the floats to be repurposed for private use. While the demolition and disposal cost in this bid are favorable, NCS has stated that they will explore the eradication plan option.

Public Works anticipates demolition of the existing harbor beginning in late 2015 with installation of the new floats beginning in early 2016. Substantial Completion is required by March 15, 2016.

Fiscal Note

The Sitka Transient Float Replacement project is funded by way of the following:

- FY 2015 State of Alaska Municipal Harbor Facility Matching Grant \$2,700,000
- CBS Harbor Enterprise Fund (FY2015) \$3,450,000
- ANB Harbor Bond Proceeds \$198,000
- CBS Electric Enterprise Fund (FY2016) \$500,000
- Total Project Funding \$6,848,000

The estimated total cost for the Sitka Transient Float Replacement project (to include design, permitting, project/construction management, inspection, construction, and contingency) is approximately \$6,500,000.

Recommendation:

Approve award of a contract to Northern Construction Service in the amount of \$4,986,329.00 for completion of the Sitka Transient Float Replacement project base bid and additive alternates A, B, C, D and E.



Legislation Details

File #: 15-148 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 8/5/2015 In control: City and Borough Assembly
On agenda: 8/11/2015 Final action:
Title: Approve Amendment No. 5 to Alaska Bulk Water, Inc.'s bulk water export contract
Sponsors:
Indexes:
Code sections:
Attachments: [ABWI Amendment No 5](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

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

POSSIBLE MOTION

I MOVE TO approve Amendment No. 5 to Alaska Bulk Water, Inc.'s bulk water export contract and authorize the Municipal Administrator to execute the document.

Tuesday, August 4th, 2015

MEMORANDUM

To: Mark Gorman – CBS Administrator
From: Garry White, Director
Subject: Alaska Bulk Water Inc. Amendment #5

Introduction

Alaska Bulk Water Inc. (ABWI) has moved forward with the construction of additional water distribution infrastructure to delivery water to a tanker ship. The GPIIP Director is recommending that an amendment to the Purchase Agreement for Raw Water in Bulk for Export between the CBS and ABWI be executed to address issue with the ABWI connecting to CBS infrastructure.

The GPIIP Board at its June 2015 meeting recommended that the CBS Assembly approve a lease between ABWI and the CBS to meet contractual obligations and define removal of ABWI infrastructure in the event that the water purchase agreement is terminated. Upon further legal review, it has been recommended that an amendment to the original purchase agreement would be a better agreement to accomplish the above than a lease.

The GPIIP Board met again on August 4th and approved the following motion:

MOTION: Jones/McConnell moved to recommend that the Assembly approve Amendment No. 5 to Alaska Bulk Water, Inc.'s bulk water export contract as per the memo dated August 3, 2015.

ACTION: Motion passed 4/0 on a voice vote.

Background

ABWI (formerly True Alaska Bottling) has an agreement with the CBS to export 27,773 acre-feet annually of raw water. Per the agreement between the CBS and ABWI, ABWI is solely responsible for the acquisition, construction, and installation of infrastructure to export water. The CBS has constructed a 36" raw water export pipeline to the edge of the shore of Sawmill Cove. ABWI is working towards the development of a marine raw water export pipeline and loading station.

The CBS has granted ABWI four previous amendments to the Purchase Agreement for Raw Water in Bulk for Export in the past. The main purpose of the previous amendments was to adjust the length of time ABWI had contractual to export water.

Amendment #5

Amendment #5 (please see attached) accomplishes the following:

- It amends Section 10.1 (new language underlined, deleted language bracketed). The language deleted, currently has the GPIB Board and Assembly approving the connection of infrastructure to the CBS water pipeline. It is recommended that CBS PW staff approve the connections as they will be the most knowledgeable of what will work and be safe and have a better working knowledge of local, state and federal laws. Both GPIB Board and Assembly will still review ABWI plans.
- Section 10.7 is a new addition to purchase agreement. This section outlines the requirements for ABWI to remove its infrastructure from the end of the CBS pipeline in the event that the purchase agreement is terminate. .

Action

- Assembly approval of Amendment No. 5 to the Purchase Agreement for Raw Water in Bulk for Export.

**AMENDMENT NO. 5 TO
ALASKA BULK WATER, INC.
FOR RAW WATER IN BULK FOR EXPORT**

The City and Borough of Sitka (hereinafter "Sitka") and Alaska Bulk Water Company, Inc. (hereinafter "ABWI"), the successor in interest to True Alaska Bottling Company, collectively referred to as "the Parties," agree to this Amendment No. 5 to the October 10, 2006 "True Alaska Bottling Company Purchase Agreement for Raw Water in Bulk for Export" (hereinafter "the Agreement"), which is entered into as of this ___ day of July 2015 pursuant to the terms and conditions set forth herein.

WHEREAS, the Parties have amended the Agreement on four previous times and agree to amend it further by Amendment No.5 as set forth herein;

WHEREAS Amendment No.5 is necessary to ratify and set the terms and conditions for use and removal of a pipeline and other facilities for loading water constructed by ABWI pursuant to Paragraph 10.1 of the Agreement without the necessary authorizations from Sitka; and

WHEREAS a license from Sitka is needed to grant ABWI authority during the term of this Agreement to use the pipeline and other facilities for loading water which ABWI has constructed over Sitka's property.

NOW THEREFORE In consideration of the premises and the mutual agreements herein contained and for other good and valuable consideration, the parties hereto hereby agree to Amend the Agreement (new language underlined; deleted language bracketed) as provided by Paragraph 20 as follows:

- 10.1 The parties agree that ABWI shall be solely responsible for the cost of acquisition, construction, and installation of any structure, facility or vessel which it determines to be required or convenient for the loading and transportation of bulk water delivered to it by Sitka, and for initiating and completing any such acquisition, construction and installation. All structures and facilities and all structures and facilities constructed pursuant to this paragraph, must comply with all federal, state and local law, including zoning requirements. [and must be reviewed by SMCIP Board for its recommendation to Assembly, subject to assembly approval before construction.]

- 10.7 Sitka hereby grants a license to ABWI to use the pipeline and other facilities for loading water which ABWI has constructed over a portion of Block 4, Lot 9A consisting of approximately 1,875 square feet as pictorially depicted on Exhibit A in accordance with the following terms and conditions:
 - a. In order to bring itself into compliance with paragraph 10.1, within 30 days of the execution of this amendment ABWI shall apply for and diligently pursue

approval of all of the permits and authorizations required by this Agreement to construct and operate the pipeline and other facilities for loading bulk water which it has already constructed within the license area shown on Exhibit A.

- b. The license granted herein is revocable at Sitka's sole discretion, is not assignable, and shall terminate upon the earlier of completion of the work described in subparagraphs c. and d. or termination of this Agreement.
- c. ABWI shall completely remove the pipeline and other facilities for loading bulk water, which it has constructed within the license area as depicted on exhibit A, within 6 months of the termination of this Agreement. Any such materials not removed from the license area within 6 months shall be deemed abandoned and become Sitka's property at Sitka's option.
- d. ABWI shall completely restore the license area as depicted on exhibit A to its original, preconstruction condition to Sitka's sole satisfaction within 6 months of the termination of this Agreement. Should ABWI failed to restore the license area to Sitka's satisfaction, Sitka may contract with third parties to perform the work and ABWI shall pay Sitka for all costs of restoration required to restore the license area to Sitka's satisfaction.
- e. Should ABWI fail to complete the work described in subparagraphs c. and d. above by the fifth month after termination, it shall provide Sitka a written report describing the work that remains to be done and ABWI's plan for completing that work within the next 30 days.

Nothing in this Amendment No.5 supersedes, voids, or modifies this Agreement except as provided in this Amendment No.5.

ALASKA BULK WATER, INC. AND

CITY AND BOROUGH OF SITKA

Terrence Trapp, CEO

Mark Gorman, Municipal Administrator

STATE OF ALASKA)
) **ss**
FIRST JUDICIAL DISTRICT)

On this ____ day of _____, 2015, Terrence Trapp of Alaska Bulk Water, Inc., whose identity is personally known to me or proved to me on the basis of satisfactory evidence, signs this Lease Agreement on behalf of Alaska Bulk Water, Inc. and affirms by signing this document to be authorized to sign on behalf of Alaska Bulk Water, Inc. and does so freely and voluntarily.

Notary Public for Alaska

My Commission Expires: _____

STATE OF ALASKA)
) **ss**
FIRST JUDICIAL DISTRICT)

On this ____ day of _____, 2015, MARK GORMAN, MUNICIPAL ADMINISTRATOR of the City and Borough of Sitka, Alaska, a municipal corporation organized under the laws of the State of Alaska, signs this Lease Agreement on its behalf, and affirms by signing this document to be authorized to sign on its behalf, and does so freely and voluntarily.

Notary Public for Alaska

My Commission Expires: _____



Legislation Details

File #: 15-142 Version: 1 Name:

Type: Appointment Status: AGENDA READY

File created: 8/4/2015 In control: City and Borough Assembly

On agenda: 8/11/2015 Final action:

Title: Reappoint Carol Berge to a three-year term on the Local Emergency Planning Commission

Sponsors:

Indexes:

Code sections:

Attachments: [LEPC Berge](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

POSSIBLE MOTION

I MOVE TO reappoint Carol Berge to a three-year term on the Local Emergency Planning Committee.

LOCAL EMERGENCY PLANNING COMMITTEE
INDIVIDUAL APPLICATION FORM FOR MEMBERSHIP ON LEPC
(Please type or print legibly)

LEPC name: **SITKA LOCAL EMERGENCY PLANNING COMMITTEE**

Name f. Carol Berge Daytime Phone 907-747-3636

Address 315 Wachusett St, Sitka AK 99836 Home Phone 907-738-3433

Fax number 907-747-5316 E-mail address clundy@sopsak.org

Where Employed? Sitka Counseling Job Title: Clinical Case Manager

LEPC category/seat that applicant seeks: Regular Member - volunteer 4

New applicant Renewal Regular member Alternate Member

Qualifications for this category: ICS, NIMS intro training
Currently serving as LEPC member
prior Disaster Services volunteer with Red Cross
prior volunteer, Graford (Tx) Volunteer Fire Dept
Credentialed counselor in Alaska
CCSM trained
Emergency Services: Crisis Team case manager

Organizations you belong to or participate in (that are pertinent to the application):
Sitka Counseling Case Manager + Liason to other agencies in town.
LEPC Behavioral Health Team Liason

(Please provide enough information to demonstrate an applicant's eligibility or suitability for a particular seat on the LEPC. For the Public At Large position, please state whether an applicant qualifies for any other category on the LEPC.)

I hereby certify that the above information is correct and that I have not misrepresented myself.

Date 7-15-15 Signature f. Carol Berge

The State of Alaska requires your signature.
Thus, it cannot be submitted by email, unless completed form is scanned into PDF.
Please submit by fax to 907-747-7403
or by mail or in person to
Municipal Clerk
100 Lincoln St. Sitka, AK 99835



LOCAL EMERGENCY PLANNING COMMITTEE

| NAME | CONTACT NUMBERS | CONTACT NUMBERS | TERM STARTS | EXPIRES | CATEGORY |
|---|-------------------------------|-----------------------------------|-------------------------------|-------------------------------|----------|
| DAVE MILLER, CHAIR | 747-1860 | davem@cityofsitka.com | Permanent | Fire Chief* | 2 |
| KEN FATE 115 Somer Dr. | 747-5877 w 747-7410 h | ken@kcaw.org | 2/13/07 2/9/10 2/12/13 | 2/13/10 2/9/13 2/12/16 | 3 |
| DONNA CALLISTINI 106 Naomi Kanosh Lane | 747-7107 w 747-5494 | donna.callistini@yahoo.com | 10/26/10 11/12/13 | 10/26/13 11/12/16 | 3 |
| ANNABEL LUND PO Box 1616 | 623-0996 h | alund1123@yahoo.com | 4/13/10 4/23/13 | 4/13/13 4/23/16 | 4 |
| CAROL BERGE 315 Wachusett Street | 747-3636 w 738-3433 | clundy@scpsak.org | 8/14/12 | 8/14/15 | 4 |
| TRISH WHITE 117 Granite Creek Road | 747-8006X202 w, 747-5976 h | trish@whitesalaska.com | 3/10/09 3/13/12 3/24/15 | 3/10/12 3/15/15 3/24/18 | 5 |
| CHARLES HOWLETT 209 Moller Ave. | 747-0303 w 738-4440 c | bmet@sitkahospital.org | 3/9/10 6/11/13 | 3/9/13 6/11/16 | 5 |
| MARY ANN HALL 2037 Halibut Point Road | 747-7265 | hall.jerry63@yahoo.com | 8/23/11 8/12/14 | 8/23/14 8/12/17 | 6 |
| BOB GORMAN PO Box 6477 | 747-9412 w 747-5158 h | bgorman@ptialaska.net | 12/11/12 | 12/11/15 | 6 |
| VALERIE HERRERA 222 Tongass Dr. | 966-8511 w 738-5962 c | vherrera@searhc.org | 3/12/13 | 3/12/16 | 2 |
| DONALD JONES PO Box 6205 | 623-0431 | d_caldwell_j@hotmail.com | 8/13/13 | 8/13/16 | 6 |
| SCOTT WAGNER 304 Nicole Dr. | 747-3791 h 738-2729 c | scott_wagner@nsraa.org | 11/12/13 | 11/12/16 | 5 |
| GAYLE HAMMONS 210 Kruzof Street | 738-3028 c | kghammons@gmail.com | 7/28/15 | 7/28/18 | 3 |
| JEFF ANKERFELT | 747-3245 | jeffa@sitkapd.com | Permanent | Lieutenant* | 2 |
| AL STEVENS | 747-3233 | als@cityofsitka.com | Permanent | Acting LEPC Coordinator* | 7 |
| Mim McConnell | 747-2860 h 738-2888 c | assemblymcconnell@cityofsitka.com | Non-Voting | Assembly Liaison | 1 |
| Gail Johansen Peterson 3511 Halibut Point Road | 747-7646 | scribeinkservices@gmail.com | | Secretary | |

*The police and fire chiefs and the LEPC Coordinator are permanent appointments; whoever is serving in that capacity will be appointed to the commission.

Minimum of seven members, 3-year terms; Established by Resolution 89-406; Amended by Resolution 89-441; Further amended by Resolution 99-727

Meeting: Second Thursday, noon – Fire Hall

Categories as follows: 1) Elected local officials 2) Law Enforcement, Civil Defense, Fire Fighting, First Aid, Local Environmental/Hospital, and Transportation Personnel
3) Media/ Broadcast 4) Community Groups 5) Owners/Operators of Facilities 6) Members of the Public 7) LEPC Information Coordinator/ SERC liaison

Quorum Requirement: At least one member from four different categories must be present.

Revised: July 29, 2015



Legislation Details

File #: ORD 15-37A Version: 1 Name:
Type: Ordinance Status: AGENDA READY
File created: 6/2/2015 In control: City and Borough Assembly
On agenda: 8/11/2015 Final action:
Title: Amending Section 2.12.010 City and Borough of Sitka Hospital Board and Section 2.12.070 Organization, formally dissolving the existing Sitka Community Hospital Board (SCH) and its framework and re-establishing and reorganizing membership under new criteria by decreasing voting membership from seven to five with the goal of providing financial welfare and economic financial stability to Sitka Community Hospital. The new membership will include one CBS standing seat (and alternate) appointed by the Municipal Administrator.

Sponsors:

Indexes:

Code sections:

Attachments: [Ord 2015-37A](#)

| Date | Ver. | Action By | Action | Result |
|-----------|------|---------------------------|-----------|--------|
| 7/28/2015 | 1 | City and Borough Assembly | | |
| 7/14/2015 | 1 | City and Borough Assembly | APPROVED | Pass |
| 6/9/2015 | 1 | City and Borough Assembly | POSTPONED | Pass |

POSSIBLE MOTION

I MOVE TO approve Ordinance 2015-37A on second and final reading.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-37A

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA (CBS), ALASKA AMENDING SECTION 2.12.010 CITY AND BOROUGH OF SITKA HOSPITAL BOARD AND SECTION 2.12.070 ORGANIZATION, FORMALLY DISSOLVING THE EXISTING SITKA COMMUNITY HOSPITAL BOARD (SCH) AND ITS FRAMEWORK AND RE-ESTABLISHING AND REORGANIZING MEMBERSHIP UNDER NEW CRITERIA BY DECREASING VOTING MEMBERSHIP FROM SEVEN TO FIVE WITH THE GOAL OF PROVIDING FINANCIAL WELFARE AND ECONOMIC FINANCIAL STABILITY TO SITKA COMMUNITY HOSPITAL. THE NEW MEMBERSHIP WILL INCLUDE ONE CBS STANDING SEAT (AND ALTERNATE) APPOINTED BY THE MUNICIPAL ADMINISTRATOR.

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 Assembly, through passage of this ordinance, has determined that Sitka Community Hospital will be better served by dissolving the existing board and its current membership structure and re-creating a new board structure that establishes new criteria and board membership. The new board will consist of five members, none of whom will be employees of SCH. The composition of the board is as follows:

- One CBS standing board member (senior staff) and an alternate will be appointed by the Municipal Administrator due to CBS's fiduciary responsibility for the Sitka Community Hospital finances. This position will be approved by the Assembly. This position will be a full voting seat, will not hold any board office (e.g. chair, secretary), and will not be subject to term expiration.
• At least one additional board seat will be filled by a person with professional financial experience such as a certified public accountant, auditor, or financial analyst.
• One seat shall be filled by a person with professional healthcare experience such as a physician, nurse, physical therapist or close equivalent.
• The remaining two voting seats will be at-large.
• Membership will also include two ex-officio, non-voting seats consisting of a member of Sitka Community Hospital chief medical staff (elected by SCH medical staff in December of each year) and an Assembly Member who will serve as liaison.

All voting members will be approved by the City and Borough Assembly. In October of each year an assembly liaison will be appointed to serve as a conduit between the Sitka Community Hospital Board and CBS Assembly.

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Additionally, this ordinance gives the required fifteen day notice to existing board members of their removal, which is appealable to the Assembly. All existing board members will have the opportunity to reapply for any seat in which they qualify.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that SGC Chapter 2.12 is amended (old language stricken, new language underlined) as follows:

**Chapter 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 known as the city and borough of Sitka hospital board which shall consist of nine members: seven regular members, one of whom shall be a physician unless a physician does not apply within sixty days of a seat becoming open when no other physician is a regular member of the board, who shall serve three year terms; and two nonvoting members who shall serve one year terms. One ex officio member shall be a member of the assembly and the other shall be a member of the medical staff. All members shall be approved by the assembly.~~

There shall be a board known as the City and Borough of Sitka Hospital Board which shall consist of five voting members none of whom will be employees of Sitka Community Hospital:

A. The City and Borough of Sitka Municipal Administrator will appoint a member of the CBS senior staff as well as an alternate. This person will not hold any board office, such as chair or secretary. This term will not expire.

B. A person having professional financial experience such as a certified public accountant, auditor, or financial analyst. This is a three year term.

C. A person having professional healthcare experience, such as a physician, nurse, physical therapist or close equivalent. This is a three year term.

D. Two people from the community at-large. These are two year terms.

There shall also be two non-voting, ex-officio members:

A. A member of the Sitka Community Hospital chief medical staff will be elected each December by SCH medical staff.

B. An Assembly member who will serve as liaison. Appointed each October. All Sitka Community Hospital Board voting members will be approved by the Assembly.

* * *

Section 2.12.070 Organization

The board shall organize itself by electing a chairman and secretary who shall hold their offices as provided by hospital board by-laws.

A. The board shall adopt by-laws for the conduct of its business; provided, that ~~four~~ **three voting** members of the board shall constitute a quorum for the transaction of business, and ~~four~~ **three** affirmative votes shall be necessary to carry any questions;

B. Board meetings shall be held in the city and borough at least once each month;

C. The board shall cause a record of proceedings to be kept. A copy of that record shall be delivered to the assembly in a timely manner;

D. All meetings are subject to the Alaska Open Meetings Act. All meetings shall be open to the public. No member of the Assembly, ~~or municipal administrator~~ wishing to attend shall be excluded from an executive session.

* * *

5. **EFFECTIVE DATE.** Upon the dissolution of the current board, the SCH Hospital Administrator will appoint a "Responsible Individual," as allowed in the Medicare Conditions of Participation Regulations for Critical Access Hospital C-0240 §485.627(a), to carry out the requisite Governing Body (Hospital Board) functions. The Responsible Individual will serve in this role until the new Hospital Board has been seated by the Assembly. During this period of transition, the Sitka Community Hospital Administrator will report to the Municipal Administrator. Once the new Hospital Board is seated, the SCH Administrator will report to this body. 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 July, 2015.

Mim McConnell, Mayor

ATTEST:

Sara Peterson, CMC
Municipal Clerk

1st reading postponed 6/9/15
1st reading 7/14/15



Legislation Details

File #: ORD 15-40 Version: 1 Name:
Type: Ordinance Status: AGENDA READY
File created: 7/22/2015 In control: City and Borough Assembly
On agenda: 8/11/2015 Final action:
Title: Adjusting the FY15 and FY16 Budgets
Sponsors:
Indexes:
Code sections:
Attachments: [Ord 2015-40](#)

| Date | Ver. | Action By | Action | Result |
|-----------|------|---------------------------|--------|--------|
| 7/28/2015 | 1 | City and Borough Assembly | | |

POSSIBLE MOTION

I MOVE TO approve Ordinance 2015-40 on second and final reading.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-40

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA
ADJUSTING THE FY15 AND FY16 BUDGETS

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

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

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

3. **PURPOSE.** The purpose of this ordinance is to adjust the FY15 AND FY16 budgets for known changes.

4. **ENACTMENT.** The Assembly of the City and Borough of Sitka hereby adjusts the FY15 and FY16 Budgets for known changes. In accordance with Section 11.10(a) of the Charter of the City and Borough of Sitka, Alaska, the budget for the fiscal period beginning July 1, 2014 and ending June 30, 2015 is hereby adjusted as follows:

| <u>Account Number</u> | <u>Account</u> | <u>Increase</u> | <u>Decrease</u> |
|---|--------------------------------|-----------------|-----------------|
| <u>FISCAL YEAR 2015 EXPENDITURE BUDGETS</u> | | | |
| GENERAL FUND | | | |
| Fire Department – Operations | | | |
| 100-300-310-3101.005 | Grant Revenue | \$9,000 | |
| 100-2910.120 | Designated Future Expenditures | \$9,000 | |
| Recognize a State of Alaska 2015 Volunteer Fire Assistance Grant and to rollover funds into FY16 for expenditures. | | | |
| Clerk Department – Operations: | | | |
| 100-500-003-5212.000 | Contracted/Purchased Services | | \$10,000 |
| 100-2910.120 | Designated Future Expenditures | \$10,000 | |
| The Municipal Clerk has requested to rollover funds from FY15 to FY16 to develop procedures for the All-Vote-by-Mail election. | | | |
| Police Department- Operations: | | | |
| 100-520-021-800-5212.000 | Contracted/Purchased Services | | \$74,755 |
| 100-2910.120 | Designated Future Expenditures | \$74,755 | |
| Rollover funds from FY15 to FY16 for Justice Center Design. | | | |
| Recreation Department – Operations: | | | |
| 100-530-034-817-5207.000 | Repairs and Maintenance | | \$4,500 |
| 100-2910.120 | Designated Future Expenditures | \$4,500 | |
| Rollover of funds from FY15 to FY16 for Baranof Warm Springs Shelter Maintenance. | | | |

| <u>Account Number</u> | <u>Account</u> | <u>Increase</u> | <u>Decrease</u> |
|---|--------------------------------|-----------------|-----------------|
| ENTERPRISE AND INTERNAL SERVICE FUNDS | | | |
| Water Fund – Operations: | | | |
| 210-600-605-5212.000 | Contracted/Purchased Services | | \$13,787 |
| 210-2910.140 | Designated Future Expenditures | \$13,787 | |
| Rollover funds from FY15 to FY16 for Hydrant Replacement. | | | |
| Harbor Fund – Operations: | | | |
| 240-600-630-5212.000 | Contracted/Purchased Services | | \$136,147 |
| 240-2910.140 | Designated Future Expenditures | \$136,147 | |
| Rollover of funds from FY15 to FY16 for Seaplane Base Study. | | | |
| Wastewater Fund – Fixed Assets: | | | |
| 220-600-670-7106.000 | Fixed Assets/Equipment | | \$12,900 |
| 220-2910.140 | Designated Future Expenditures | \$12,900 | |
| Rollover of Funds from FY15 to FY16 for Lift Station Pump replacements. | | | |
| Water Fund – Operations: | | | |
| 210-600-605-5212.000 | Contracted/Purchased Services | | \$65,000 |
| 210-2910.140 | Designated Future Expenditures | \$65,000 | |
| Rollover of funds from FY15 to FY16 for the Water Master Plan. | | | |
| Building Maintenance Fund – Operations: | | | |
| 320-600-630-5212.000 | Contracted/Purchased Services | | \$106,000 |
| 320-2910.140 | Designated Future Expenditures | \$106,000 | |
| Rollover of funds from FY15 to FY16 for: City Hall exterior paint (\$65,000); Senior Center rear deck repair (\$5,000); Senior Center Exterior Paint (\$16,000); Senior Center front door and coverings (\$20,000). | | | |
| Building Maintenance Fund – Operations: | | | |
| 320-600-630-5212.000 | Contracted/Purchased Services | | \$168,650 |
| 320-2910.140 | Designated/Future Expenditures | \$168,650 | |
| 260-600-630-5208.000 | Blding Repairs & Maintenance | | \$56,150 |
| 260-2910.140 | Designated/Future Expenditures | \$56,150 | |
| 200-600-601-5208.000 | Blding Repairs & Maintenance | | \$13,000 |
| 200-2910.140 | Designated Future Expenditures | \$13,000 | |
| 100-520-021-805-5208.000 | Blding Repairs & Maintenance | | \$14,000 |

| <u>Account Number</u> | <u>Account</u> | <u>Increase</u> | <u>Decrease</u> |
|--|--------------------------------|-----------------|-----------------|
| ENTERPRISE AND INTERNAL SERVICE FUNDS (cont.) | | | |
| 100-520-022-807-5208.000 | Blding Repairs & Maintenance | | \$5,000 |
| 100-500-007-801-5208.000 | Blding Repairs & Maintenance | | \$25,000 |
| 100-540-047-800-5208.000 | Blding Repairs & Maintenance | | \$5,500 |
| 100-2910.120 | Designated Future Expenditures | \$49,500 | |
| 220-600-601-5208.000 | Blding Repairs & Maintenance | | \$50,000 |
| 220-2910.140 | Designated Future Expenditures | \$50,000 | |
| Rollover of funds from FY15 to FY16 for: MSC Shutdown (\$32,950); MSC Replace exterior doors (\$19,000); MSC replace compressor (\$4,200); Blue Lake Water Plant Replace doors (\$13,000); replace boiler and hot water heater at Animal Shelter (\$14,000); Paint Soffits at Fire Hall (\$5,000); Dryvit repair at City Hall (\$25,000); install toilet supports at Senior Center (\$5,500); repainting thickener room ceiling & girders at Wastewater Treatment Plant (\$50,000) | | | |
| MIS – Fixed Assets | | | |
| 300-600-670-7106.000 | Fixed Assets/Equipment | | \$20,000 |
| 300-2910.140 | Designated Future Expenditures | \$20,000 | |
| Rollover of funds from FY15 to FY16 for City Hall automated backup system | | | |
| CAPITAL PROJECTS | | | |
| GPIP Lot 16 Paving Project #80319: | | | |
| 400-600-680-7200.000 | Interfund Transfer Out | \$32,400 | |
| 780-300-370-3701.400 | Interfund Transfer In | \$32,400 | |
| 780-600-630-5212.000 | Contracted/Purchased Services | \$32,400 | |
| When lot 16 of the GPIP was sold, the Assembly agreed that the cost of paving to the lot line (to provide access to adjoining lots) was to be considered a cost of the sale in determining the net proceeds for transfer to the Permanent Fund. As the sale proceeded the paving, which is to be accomplished this Summer, the full amount of sales proceeds was transferred to the Permanent Fund. Now, the cost of the paving is be transferred back to pay for the services in the GPIP Fund. | | | |
| Jarvis St. Control Building Roof Replacement Project #90765: | | | |
| 200-600-603-851-5212.000 | Contracted/Purchased Services | | \$8,500 |
| 200-600-680-7200.000 | Interfund Transfers Out | \$8,500 | |
| 710-300-371-3701.200 | Interfund Transfers In | \$8,500 | |
| 710-600-630-5212.000 | Contracted/Purchased Services | \$8,500 | |
| At the June 9, 2015 meeting, the Assembly approved to transfer \$8,500 from the Electric Department Operating Fund to the Jarvis Control Building Re-Roof project #90765 and authorize the expenditures of these funds. | | | |
| At the June 23, 2015 meeting, the Assembly approved transfer of: \$50,000 from the Blue Lake Substation Maintenance Project #90716 to Transmission & 1220 Upgrade Project #90648; \$57,423 from Blue Lake Power House Improvements Project #63003 to Medvejie Hatchery Transformer Replacement Project #90672; and \$85,817 from Building Electric Heat Conversions Project #63005 to Electric Heating Systems/Dual Fuel Interruptible Power Project #90791. This is for informational purpose only. | | | |

30 In accordance with Section 11.10(a) of the Charter of the City and Borough of Sitka, Alaska, the
 31 budget for the fiscal period beginning July 1, 2015 and ending June 30, 2016 is hereby adjusted as
 32 follows:
 33

| Account Number | Account | Increase | Decrease |
|--|---------------------------------|-----------|-----------|
| FISCAL YEAR 2016 EXPENDITURE BUDGET | | | |
| GENERAL FUND | | | |
| General Fund: | | | |
| 100-500-008-5228.000 | Donations | | \$25,000 |
| 100-530-033-815-5206.000 | Streets – Snow Removal Supplies | | \$30,000 |
| 100-520-022-807-5208.000 | Bldg Repair & Maintenance | | \$90,000 |
| 100-520-021-803-5110.001 | Wages | | \$24,895 |
| 100-520-021-803-5120.002 | SBS | | \$1,526 |
| 100-520-021-803-5120.003 | Medicare | | \$360 |
| 100-520-021-803-5120.004 | PERS | | \$5,476 |
| 100-520-021-803-5120.005 | Health Ins | | \$10,202 |
| 100-520-021-803-5120.006 | Life Ins | | \$8 |
| 100-520-021-803-5120.007 | Worker’s Comp | | \$1,046 |
| 100-540-043-5110.001 | Wages | | \$14,735 |
| 100-520-021-805-5208.000 | Bldg Repair & Maintenance | | \$83,000 |
| 100-500-001-5289.000 | Mayor’s Contingency | | \$2,000 |
| 100-500-001-5288.000 | Administrator’s Contingency | | \$2,000 |
| 100-500-001-5206.000 | Supplies | | \$1,500 |
| 100-500-001-5212.000 | Contracted / Purchased Services | | \$10,000 |
| 100-500-001-5226.000 | Advertising | | \$4,500 |
| 100-500-001-5290.000 | Other Expenses | | \$12,000 |
| 100-540-041-5110.010 | Temp Wages | | 15,000 |
| 100-300-390-3950.400 | Transfer in Permanent Fund | \$302,218 | |
| 100-550-660-953-5290.000 | GF Other Expenses | | \$256,000 |
| 100-520-021-806-5212.000 | Contracted/Purchased Services | | \$20,000 |
| 100-500-001-5201.000 | Travel & Training | | \$6,423 |
| 100-500-002-5201.000 | Travel & Training | | \$1,372 |
| 100-500-003-5201.000 | Travel & Training | | \$1,513 |
| 100-500-004-5201.000 | Travel & Training | | \$4,663 |

| Account Number | Account | Increase | Decrease |
|---|--------------------------------|----------|-----------|
| GENERAL FUND (cont) | | | |
| 100-500-005-5201.000 | Travel & Training | | \$1,250 |
| 100-500-006-5201.000 | Travel & Training | | \$1,219 |
| 100-520-021-5201.000 | Travel & Training | | \$9,447 |
| 100-520-022-5201.000 | Travel & Training | | \$8,306 |
| 100-540-041-5201.000 | Travel & Training | | \$610 |
| 100-530-031-5201.000 | Travel & Training | | \$1,207 |
| 100-530-032-5201.000 | Travel & Training | | \$1,064 |
| 100-530-033-800-5201.000 | Travel & Training | | \$1,330 |
| 100-530-034-800-5201.000 | Travel & Training | | \$1,064 |
| 100-530-035-800-5201.000 | Travel & Training | | \$532 |
| 320-300-340-3491.000 | Jobbing – Labor | | \$173,000 |
| 320-600-630-5212.000 | Contracted/Purchased Services | | \$173,000 |
| At the June 9, 2015 meeting, the Assembly approved the Administrator’s recommended reductions to the FY16 Budget, and changing the \$100, 000 reduction for Non-Profits to \$25,000. | | | |
| Fire Department – Operations: | | | |
| 100-2910.120 | Designated Future Expenditures | | \$9,000 |
| 100-520-022-800-5223.000 | Tools & Small Equipment | \$9,000 | |
| Funds received in FY15 for expenditures hitting in FY16. \$9,000 from the State of Alaska to provide 5 sets of turnout gear. | | | |
| Clerk Department – Operations: | | | |
| 100-2910.120 | Designated Future Expenditures | | \$10,000 |
| 100-500-003-5212.000 | Contracted/Purchased Services | \$10,000 | |
| Funds moved from FY 15 to FY16 to develop the procedures for an All-Vote-by-Mail election. | | | |
| Police Department – Operations: | | | |
| 100-2910.120 | Designated Future Expenditures | | \$74,755 |
| 100-520-021-800-5212.000 | Contracted/Purchased Services | \$74,755 | |
| Funds from FY15 for the Justice Center Design. | | | |
| Recreation Department – Operations: | | | |
| 100-2910.120 | Designated Future Expenditures | | \$4,500 |
| 100-530-034-817-5207.000 | Repairs & Maintenance | \$4,500 | |
| Funds from FY15 for Baranof Warm Springs Shelter Maintenance | | | |

| Account Number | Account | Increase | Decrease |
|---|--------------------------------|-----------|-----------|
| ENTERPRISE AND INTERNAL SERVICE FUNDS | | | |
| Water Fund – Operations: | | | |
| 210-2910.140 | Designated Future Expenditures | | \$13,787 |
| 210-600-605-5212.000 | Contracted/Purchased Services | \$13,787 | |
| Funds from FY15 for Hydrant Replacements. | | | |
| Harbor Fund – Operations: | | | |
| 240-2910.140 | Designated Future Expenditures | | \$136,147 |
| 240-600-630-5212.000 | Contracted/Purchased Services | \$136,147 | |
| Funds from FY15 for Seaplane Base Study. | | | |
| Wastewater Fund – Fixed Assets: | | | |
| 220-2910.140 | Designated Future Expenditures | | \$12,900 |
| 220-600-670-7106.000 | Fixed Assets/Equipment | \$12,900 | |
| Funds from FY15 for Lift Station Pump replacements. | | | |
| Water Fund – Operations: | | | |
| 210-2910.140 | Designated Future Expenditures | | \$65,000 |
| 210-600-605-5212.000 | Contracted/Purchased Services | \$65,000 | |
| Funds from FY15 for Water Master Plan. | | | |
| Building Maintenance Fund – Operations: | | | |
| 320-2910.140 | Designated Future Expenditures | | \$106,000 |
| 320-600-630-5212.000 | Contracted/Purchased Services | \$106,000 | |
| Funds from FY15 for: City Hall exterior paint (\$65,000); Senior Center rear deck repair (\$5,000); Senior Center Exterior Paint (\$16,000); Senior Center front door and coverings (\$20,000). | | | |
| Building Maintenance Fund – Operations: | | | |
| 320-2910.140 | Designated Future Expenditures | | \$168,650 |
| 320-600-630-5212.000 | Contracted/Purchased Services | \$168,650 | |
| 260-2910.140 | Designated Future Expenditures | | \$56,150 |
| 260-600-630-5208.000 | Bldg Repairs& Maintenance | \$56,150 | |
| 200-2910.140 | Designated Future Expenditures | | \$13,000 |
| 200-600-601-5208.000 | Bldg Repairs& Maintenance | \$13,000 | |
| 100-2910.120 | Designated Future Expenditures | | \$49,500 |
| 100-520-021-805-5208.000 | Bldg Repairs& Maintenance | \$14,000 | |

| Account Number | Account | Increase | Decrease |
|--|--------------------------------|-----------|----------|
| ENTERPRISE AND INTERNAL SERVICE FUNDS (cont.) | | | |
| 100-520-022-807-5208.000 | Bldg Repairs& Maintenance | \$5,000 | |
| 100-500-007-801-5208.000 | Bldg Repairs& Maintenance | \$25,000 | |
| 100-540-047-800-5208.000 | Bldg Repairs& Maintenance | \$5,500 | |
| 220-2910.140 | Designated Future Expenditures | | \$50,000 |
| 220-600-601-5208.000 | Bldg Repairs& Maintenance | \$50,000 | |
| Funds from FY15 for: MSC Shutdown (\$32,950); MSC Replace exterior doors (\$19,000); MSC replace compressor (\$4,200); Blue Lake Water Plant Replace doors (\$13,000); replace boiler and hot water heater at Animal Shelter (\$14,000); Paint Soffits at Fire Hall (\$5,000); Dryvit repair at City Hall (\$25,000); install toilet supports at Senior Center (\$5,500); repainting thickener room ceiling & girders at Wastewater Treatment Plant (\$50,000) | | | |
| MIS – Fixed Assets: | | | |
| 300-2910.140 | Designated Future Expenditures | | \$20,000 |
| 300-600-670-7106.000 | Fixed Assets/Equipment | \$20,000 | |
| Funds from FY15 for the City hall automated backup system. | | | |
| Electric Department: | | | |
| 710-300-371-3701.200 | Interfund Transfers In | \$516,287 | |
| 710-600-630-5212.000 | Contracted/Purchased Services | \$516,287 | |
| 714-600-680-7200.000 | Interfund Transfers Out | \$516,287 | |
| Increase the appropriation for the Medvejie Substation – project # 90672 – by \$516,287 using unspent Blue Lake Bond Funds | | | |
| SPECIAL REVENUE FUNDS | | | |
| Tobacco Excise Tax Fund: | | | |
| 190-300-305-3051.001 | Cigarette Tax | \$256,000 | |
| 190-600-601-5290.000 | Other Expenses | \$256,000 | |
| At the June 9, 2015 meeting, the Assembly approved an Ordinance amending Title 4 Revenue and Finance at Chapter 4.26 excise tax on cigarettes and tobacco products. | | | |
| Permanent Fund – Operations: | | | |
| 400-600-680-7200.000 | Interfund Transfer Out | \$302,218 | |
| At the June 9, 2015 meeting, the Assembly approved the Administrator’s recommended reductions to the FY16 Budget, in which part was changing the Permanent Fund draw from 4.5% to 6%. | | | |

34 **EXPLANATION**

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Necessary revisions in the FY2016 budget were identified. These changes involve the increase of expenditure accounts and causes decreased cash flows to the fund balance of various funds. A short explanation of each budget revision is included. A short explanation of each budget revision is included. The revisions for the Open Purchase orders have been rounded up to the nearest dollar.

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

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49 **PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka,**
50 **Alaska this 11th day of August, 2015.**

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ATTEST:

Mim McConnell, Mayor

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Sara Peterson, CMC
Municipal Clerk

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Legislation Details

File #: 15-149 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 8/5/2015 In control: City and Borough Assembly

On agenda: 8/11/2015 Final action:

Title: Discussion/Decision regarding complaints filed by Marko Dapcevich regarding a water line fee and water and sewer charges for 104 Remington Way

Sponsors:

Indexes:

Code sections:

Attachments: [CBS Attorney memo](#)
[Dapcevich submittal](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Discussion/Decision regarding complaints filed by Marko Dapceвич regarding a water line fee and water and sewer charges for 104 Remington Way.

POSSIBLE MOTION after Assembly discussion:

I MOVE TO approve the requests filed by Marko Dapceвич for the reimbursement of a water line connection fee in the amount of \$_____ and reimbursement of water and sewer service fees in the amount of \$_____ that were collected during the time Marko Dapceвич was disconnected from the municipal water system.

Memorandum

To: Assembly
From: Robin Koutchak, CBS Attorney
Date: August 5, 2015
Re: Dapceвич Claim and Complaint

Marko Dapceвич has filed a formal complaint with the Administrator regarding monetary damages he has claimed to have suffered on two water issues.

They are chiefly as follows:

1. Waiver from having to pay the water line hook up fee.

Dapceвич's neighbor, Jacoby, installed a driveway (in 2004, over ten years ago) partially over the top of the Dapceвич utility easement. Dapceвич claims that because of this he was unable to access the easement to repair his water line. CBS claims that because utility easements are private in this subdivision, and the Harborview Subdivision agreement states that it is the responsibility of the owner of the lot, on which the easement is located, to maintain the easement and not construct or place material on top of the easement, the fact that Jacoby was allowed to install his driveway on top of the easement is not CBS's fault. Dapceвич counters that CBS did enforce the code against him when he tried to build his garage on top of this easement, a few months before the Jacoby permit in 2004, so he opines "why didn't CBS stop Jacoby from putting in the driveway on the easement".

The city did approve a grading plan in 2004 for the home and driveway at 104 Rands Drive (Jacoby) which is only partially over the Dapceвич utility easement. CBS Building Department enforces building codes, not subdivision covenants or dictating where driveways go. Driveways and fences can be torn up or dug up, whereas buildings cannot be torn down as easily. The general policy of CBS is that you can't build or put a building on an access or utility easement but you are allowed to place a fence or a driveway on top of said easement. Indeed, had CBS granted Dapceвич his permit, he might have had to remove his garage to fix his water line.

In 2006, Dapceвич did in fact receive a similar permit to construct a rock wall or rock fill placement which abutted the property line of Jacoby and another resident which appears to also be on top of the utility easement.

Legal opinion is that Dapceвич has no colorable claim for his water line failure and his inability to access the water line. He did have the ability to access the old water line and could have done so at Jacoby's expense. CBS is not at fault on this issue. The hook up fee is codified (SGC 15.05.240) and the administrator does not have the authority to waive this.

2. Waiver of payment of water and sewer fees during the period in which Dapceвич had his water shut off.

Dapceвич claims that because he had a water failure last year and had his water turned off in October, and it remained turned off from October to June, essentially with a couple more shut offs and turns on during construction, he should not be required to pay water or sewer bills.

Dapceovich's turn off fee in October, 2014 and turn on fee in May, 2015 have been waived. They amount to \$50 each. He was also given the City vacation credit of \$313 per SGC 15.05.630 which allows for ¼ discount of the bill for 4 months, and can be extended with approval from the Administrator. However, he is responsible for paying water and sewer bills during the remaining time, whether or not his water was turned off.

Nothing in the code states that a resident must pay for water and sewer if it is turned off. Nor does it state that the fee is waived. The argument from staff for the constant fee is that water and sewer is not metered. You do not pay for the "use" *per se*, but you pay for the infrastructure in place and the ability to access that infrastructure. The public policy behind this is that CBS does not want to encourage people to dig their own wells or install septic tanks, CBS wants them to be "connected" to the infrastructure for health and safety issues.

Currently the exceptions to this are the vacation rate, which is set forth in the SGC 15.05.630 and the "owner accounts" which are not in the code but instead are utility billing "policy" which allow landlords to not be charged for water and sewer when their rentals are vacant. This shows an inconsistency in policy and code.

Dapceovich engaged the Administrator in email and discussions and the Administrator and staff remained steadfast that Mr. Dapceovich was without a claim of monetary damages. Nonetheless, an offer by the Administrator to "find a middle ground" was rejected. Dapceovich believes he has a right to a formal appeal process before the assembly. He points to a Water System Customer Service Policy manual at section at 15.05.160, for that proposition, along with the general idea that any decision an Administrator makes can be "appealed" to the Assembly. This section however is clearly only an appeal for Granting or Denial of a Permit. He believes the granting of the permit by CBS to Jacoby to build a driveway makes this section, which is not a city code but merely a Customer Service Policy, applicable to him. The granting of the permit to Jacoby is over 10 years old and Dapceovich has failed to show the granting of this permit has caused his water line to fail, nor has he shown that he would not have been able to access or dig up the waterline under Jacoby's driveway (which would have been a viable claim by Dapceovich against Jacoby, most likely.) The denial of the building permit to Dapceovich to build his garage on top of his water easement, appears to not be contested by Dapceovich and had probably worked to Dapceovich's advantage in that he may have had to destroy or remove his own garage from the easement in this instance due to the failure of his water line, had he been allowed to construct it as applied for in 2004.

In any event, legal analysis is that the Charter, at Section 17.10, controls this complaint in a more direct way than a reference to a city policy for customer service. The charter states that *a person who has suffered a personal or property injury due to negligence or gross negligence of the CBS would set forth the nature and extent of the claim (it says under oath) to the administrator and he would then present this claim to the assembly.* Although portions of this section are clearly outdated and adverse to the law (for instance, you must state the claim within 4 months or it is barred, clearly in contravention of a two year statute of limitations imposed by law), the general procedures would be applicable in this complaint. Dapceovich asserts a property injury (the break in the water line) and a personal injury (having to pay for the connection and service fees) and he is asserting that we are negligent in assessing those fees, etc.

Section 17.10

Claims for Injuries

(a) **Notice of Injury.** The municipality shall not be liable in damages for injury to person or property by reason of negligence or gross negligence unless, within four months after the injury occurs, the person damaged or his representative serves written notice to an officer upon whom process may be served. The notice shall state that the person intends to hold the municipality liable for damages and shall set forth with clarity the time and place of the injury, the manner in which it occurred, the nature of the act or defect complained of, the extent of the injury so far as known, and the names and addresses of witnesses known to the claimant. (b) **Presentation of Claim.** No person may bring an action against the municipality for damages to person or property by reason of negligence or gross negligence unless the action is brought within the period prescribed by law and he or she has first presented to the administrator a claim in writing under oath setting forth specifically the nature and extent of the injury and the amount of damages claimed. The administrator shall promptly present the claim to the assembly for action.

(c) **Failure Bars Action.** Failure to give notice of injury or to present a claim within the time and in the manner provided shall bar an action upon the claim.

(d) **Defense of Immunity.** This section does not waive any defense of immunity which the municipality may have from claims for damages to persons or property.

Accordingly, this dispute comes before the Assembly for you to discuss and decide.

Mr. Dapceвич has provided documentation and will be available to speak. The Mayor can decide a reasonable amount of time for him to speak – ten minutes or less would be deemed reasonable. Staff will be available as well to answer questions. Mr. Dapceвич may then be given a few minutes for any rebuttal he wishes to present, then the Assembly will be free to discuss and decide whether or not he presents a colorable claim. If so, the Assembly can then direct the Administrator to adjust his bill (s) accordingly if it so desires, balancing the need for fairness and equity among all users and rate payers and being mindful of possible undesired precedent or claims of arbitrary and capricious treatment.

.....

In addition, Mark Buggins as provided the following synopsis and CBS analysis which may be helpful to the Assembly as decision makers.

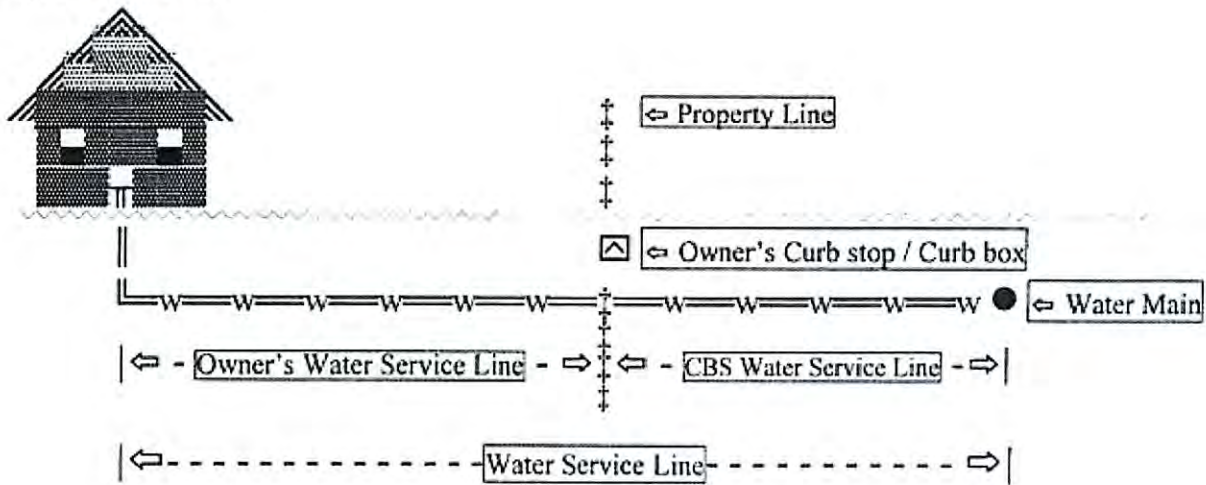
“The water service for Marko’s house on Remington Way runs from the city main in Rands Drive which is down grade from Remington Way. Remington Way is an easement, not a city ROW that does not have water or sewer utilities. The lots on Remington are served through the lots that front Rands Dr. via private easements; this is how the original subdivision was constructed over 30 years ago. There is a curb stop for Marko’s water line at the Rands Drive ROW before the line enters the private easement. This curb stop location is correct and typical for a water service that runs through an easement and basically follows the definition from the SGC below with the addition of the private lots and easement in between the ROW and the subject property.

Marko has made statements that he does not have a curb stop and there should be one at his property line, suggesting that section of his water service that runs through the easement should be the city’s

responsibility. This is clearly not the case; the city's responsibility stops at the curb stop at the Rands Drive ROW and does not enter private property.
 From Sitka General Code 15.05.010

Graphical Representation Of:

- Owner's Water Service Line
- CBS Water Service Line
- Water Service Line



Marko's water service has been leaking for some time. It is difficult to locate the leak through the easement, but by closing the curb valve at the Rands ROW is it clear the leak is on the owner's water service line section. At least one other Remington way property owner has replaced their water service up the steep hill from Rands Drive, this took place several years ago. Marko choose to install a new water service down the Remington Way easement rather than repair/replace his service line up the steep hill from Rands Dr. Marko is contesting the connection fee charged (and paid by him) for this new service location. The SGC is clear that when changing location of a service line the fee is charged. Further, the SGC is clear the costs of installation from the city main (in this case Shotgun Alley) are the responsibility of the customer. See current SGC references below (note the fee has increased since Marco's permit was issued):

V 15.05.240 Service connection charge. Revised 7/15 ...

A. At the time the applicant files for a connection permit where no service previously existed; or, if the applicant is filing for a change in service location, or size, or to serve a new structure, the applicant shall submit with this application the service connection charge of seven hundred twenty-five dollars. This charge is to cover permit fees, inspection and administrative costs.

A. The property owner is responsible for all costs for installation of a service line or fire line from the water main to the structure. Only a licensed contractor qualified to install municipal water systems and approved by the public works director shall perform the installation of the water service line from the water main to the structure being served. All installations shall be made according to the Uniform Plumbing Code adopted by the state of Alaska and the CBS, and as shown on the applicable standard details of the CBSS. The property owner shall obtain a permit from the CBS prior to installation.

It is noteworthy that during the city's project several years ago we installed a 4" water stub out off the Shotgun Alley water main for potential future use along the Remington Way easement. The connection permit issued for Marko's new connection and service line allowed connection to this stub out. Utilizing this stub out rather than having to go into the Shotgun Alley ROW/pavement and tap the main resulted in a very significant savings to Marko's project, estimated upwards to \$10,000 range.

Additional info:

The permit requested and issued for this new water service was for a 1" line serving Marko's house. When Marko's contractor actually installed the new line, a 2" was installed, extended and connected to the lot at the end of Remington Way. This modification was not requested nor approved nor was an additional connection fee paid for the change in service location for that residence at the end of Remington Way. "

Public Works has presented a breakdown of the costs and fees as follows:

Marko Dapcevich Claim

Money paid by Marko to CBS PW

\$731.00 Utility connection permit May 29, 2015

Things done for Marko by the water department, but not charged

\$50.00 Water turned off October 20, 2014

\$50.00 Water turned on May 27, 2015

Credits given

\$313.79 Vacation credit from utility department

Please see attached for breakdown of water, sewer, and garbage charges

Materials purchased and charged to Jerome Mahoskey for project

Note - this has been billed, and will be paid by Jerome Mahoskey.

\$456.88 6/18/2015

Water and sewer rates charged for the period of October 20, 2014 - May 27, 2015

\$724.20

Water charged at 35.42 a month

Sewer charged at 50.59 a month

Sales tax 5% Oct-March, 6% April -May

Staff Hours spent on the claim

Dan Tadic 6

Dave Longtin 2

RECEIVED

AUG - 4 2015

City & Borough of Sitka-
Clerk's Office

MEMO

Most of the information regarding these two appeals is contained in the e-mails that Mr. Gordon said he would submit to the assembly.

There are two issues before the assembly. I assume they will be handled as separate items. I will address both separately in this memo.

WATER LINE FEE

I don't know if all the correspondence was submitted by Mr. Gorman in your packet. To not overwhelm you with information I will summarize instead:

In April of this year I started the process with the city in both emails and phone calls to restore water service to my home. I had several questions relating to the issue of relocating my water line because of the issues involved. Specifically where does my responsibility for my water line begin and the city's end? Also, since the original easement is no longer viable will I have to pay the \$700.00 fee to relocate. Time continued to drag on and I did not get answers. On May 16th, in an email to the public works department, I addressed it again. As of May 29th I had still not received a definitive answer and was forced to pay the fee to get the permit to start work. On June, 24th, still not receiving an answer, I asked for a meeting with the administrator. It was after that, after the project was complete, that I got my answer that I would have to pay 700 and that CBS was accepting no responsibility.

I applied for a building permit to build a garage in May of 04. At that time I was told by the city that I could not build my garage on the east end of my property due to an easement (that easement actually overlays the utility easement in question). In May of 04 I also applied for and received a variance to build my garage on the west end of the property because of the CBS's decision. Now, in 2015 the city is telling me that they don't have any responsibility in allowing my neighbor to build over two easements (the utility easement as well as the same drainage easement the city would not allow me to build over. Please see PDF Jacoby's 04 permit. This permit was applied for three months after mine in 2004. Both permits were processed by the same building official. To see the easements please see "plat with easements" file.

Clearly the city have accepted responsibility to protect easements in this subdivision. Aside from CBS's action, please see attached SGC 11.40.030 "Generally. Municipality shall be party to all easements. All easements shall be recorded and no changes shall occur without municipal approval"

This being said, it is clear that the city allowed Mr. Jacoby to build over the top of an easement rendering it useless to me. Please note in Jacoby's permit application it clearly shows the intent to build over the easement, and the city's approval of it.

Because of this driveway it was not viable for me to repair, or replace my damaged water line within the same easement. Instead of a straight run of 160 feet I was forced to relocate the line a distance of 440 feet. I also had to chisel through bed rock and re-tie into the city system. According to SGC I am required to pay a fee to relocate my water service. This is appealable to the assembly under 15.05.160. See memo attached from the onset of this policy to reinforce that. It's hard to quantify the additional cost to relocate the line. However, I would estimate it to be between \$5,000.00 and \$8,000.00. The total cost of the project was just under \$14,000.00. At the assembly level, I am only asking for the \$700.00 fee back. No other damages.

I have included photo's 1-8 to show the impact of the driveway on the accessibility of the easement. Photo 3 shows the issue well. The water valve is located directly behind the red post you can see at the forefront of the photo. The arm of the backhoe at the top of the photo is very close to the property line or middle of the easement.

Any of you are welcome to access my property to get a better look at the issue. Between the photos and the file "City GIS" it is very clear to see the encumbrance allowed by the city.

WATER AND SEWER CHARGES

My water was physically shut off at the city main in the end of October last year. I had contacted the water department about my concerns of a loss of water pressure. Joe, from the water department, went out to the main and said he could hear water running through the line even though there was no usage at the house. It became clear at that time there was a failure of the water line. I asked him at that time to shut off the water. He did. Due to delays and inactivity by the city I was forced in June to have the water turned back on because the house was occupied. It was then shortly shut off again as the new line was installed. There is a \$50.00 fee associated with each off/on. I have agreed to pay the first one, but not the subsequent two. I don't believe I have been charged any of these on/off fees at this time.

My original request for a credit/refund on my water and sewer bills went to the utility counter. I was told there is nothing in the code that would allow for that. I was told to contact the administrator. I was told the same thing by him.

It's a pretty simple case to make. There is nothing in the code that does NOT allow for it. There are instances where this has already done. I have asked the administrator to research Donald "Duck" Didrickson's case from when I was mayor. He received the same treatment/answer from the city. I brought it to the Assembly and he was approved a refund of thousands of dollars.

Recently the city double charged several accounts for their utilities (water and sewer included). That money was refunded or credited.

The code requires that anyone with a meter is required to pay for garbage service (SGC 9.08.025). There is no such requirement for water or sewer service. As a matter of fact there are provisions in the code that allow for not having city water and sewer service.

This week I was told by the utility department that standard procedure in the past has been that the water department would notify the finance department when the valve was shut. They would in turn notify the utility department, who would then suspend charges for water and sewer.

Aside from all of this, it simply is not right to charge for a service that is not being provided. If it is the city's intent to charge people in an instance like this, they should address it by ordinance. At this time, there is nothing that allows for the city to keep my money.

sent:

7 existing trees with

107.00'

TOP OF CUT SLOPES WILL BE AS NEARER PROPERTY LINES THAN 1/5 THE HEIGHT OF CUT, 2' MINIMUM.

TOE OF FILL SLOPES WILL BE AS NEARER PROPERTY LINES THAN 1/2 HEIGHT OF SLOPE, 2' MINIMUM.

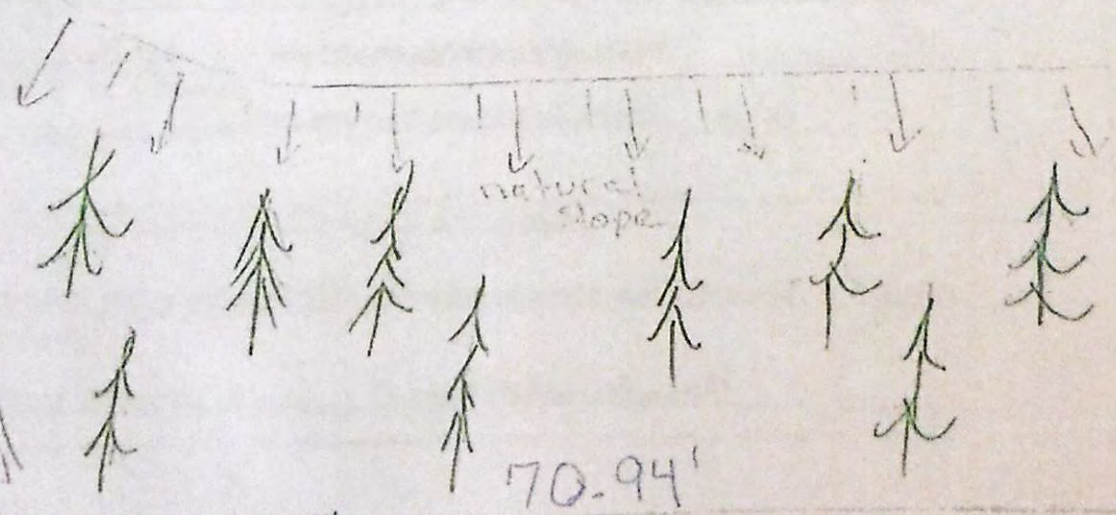
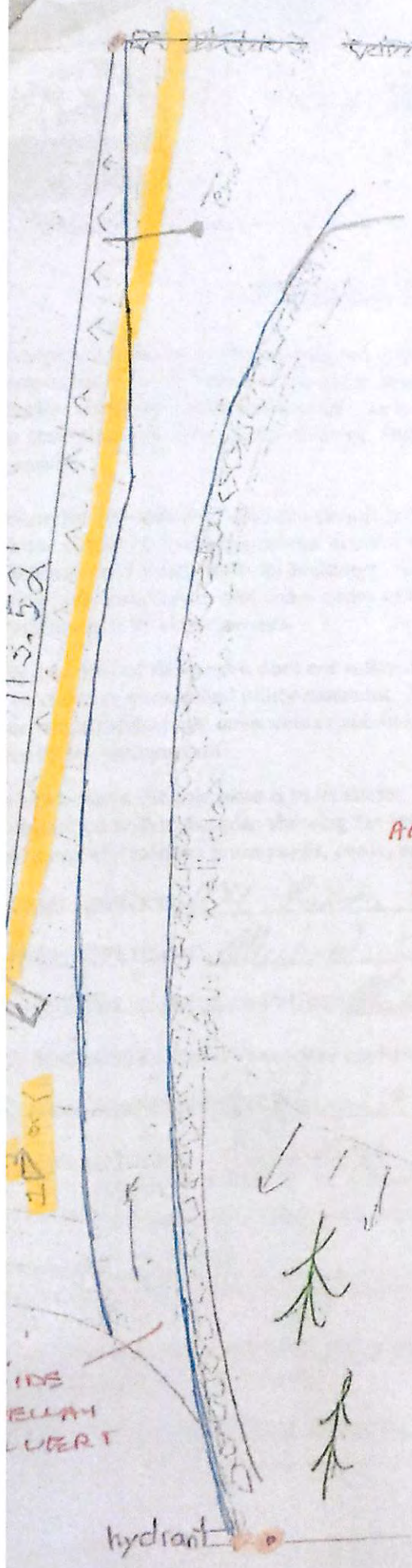
137.00'

104'

ALL CHANGES TO THIS APPROVED PLAN MUST RECEIVE PRE-APPROVAL FROM BUILDING DEPARTMENT

APPROVED FOR CONSTRUCTION

M. J. Kelly
BUILDING OFFICIAL



70.94'

(Rands Drive)

BUILDING PERMIT

FEE RECEIPT NO. _____

PERMIT NO. 04269 G

PLEASE FILL OUT COMPLETELY

| | | |
|--|---------------------------------------|---|
| OWNER <u>Michael Jacoby</u> | MAILING ADDRESS <u>Pobox 281</u> | <u>SITKA AK</u> |
| PROJECT ADDRESS <u>104 Rands Drive</u> | ZONING <u>SFCD</u> | OCCUPANCY <u>R-3</u> |
| CONTRACTORS: GENERAL <u>OWNER</u> | PLUMBING _____ | ELECTRICAL _____ |
| LICENSE _____ | LICENSE _____ | LICENSE _____ |
| BUILDING <input type="checkbox"/> | ELECTRICAL <input type="checkbox"/> | PLUMBING <input type="checkbox"/> |
| | DEMOLITION <input type="checkbox"/> | GRADING <input checked="" type="checkbox"/> |
| TOTAL SQUARE FOOTAGE: _____ | ELECTRICAL SERVICE AMPERAGE: _____ | |
| PROJECT VALUE: _____ | CONTACT PHONE NUMBER: <u>738-2624</u> | |

THE OWNER OR APPLICANT IS RESPONSIBLE FOR:

1. As Built Survey prior to framing.
2. Corps of Engineers Permit for all construction on tidelands or wetlands.
3. Application for Sanitary Waste Disposal Permit (Dept. of Environmental Conservation).
4. State of Alaska Highway Driveway Permit.
5. Compliance, if applicable, with National Flood Insurance Program.
6. Driveway culvert, corrugated metal pipe, 12" min. dia. 20' min. to 40' max. length.
7. All multi-family, commercial or industrial structures must have an approved automatic fire suppression system per Sitka General Code, Ordinance 88-795.

IMPORTANT: ALL WORK MUST BE INSPECTED PRIOR TO CONCEALMENT. THE BUILDING OFFICIAL REQUIRES A MINIMUM ONE WORKING DAYS NOTICE PRIOR TO ALL INSPECTIONS.

I HEREBY ACKNOWLEDGE that I have read this application, and state the above is correct and agree to comply with all State laws and Codes and Ordinances of the City and Borough of Sitka.

Owner's/Applicant's Signature Michael Jacoby Date Aug 30, 2004

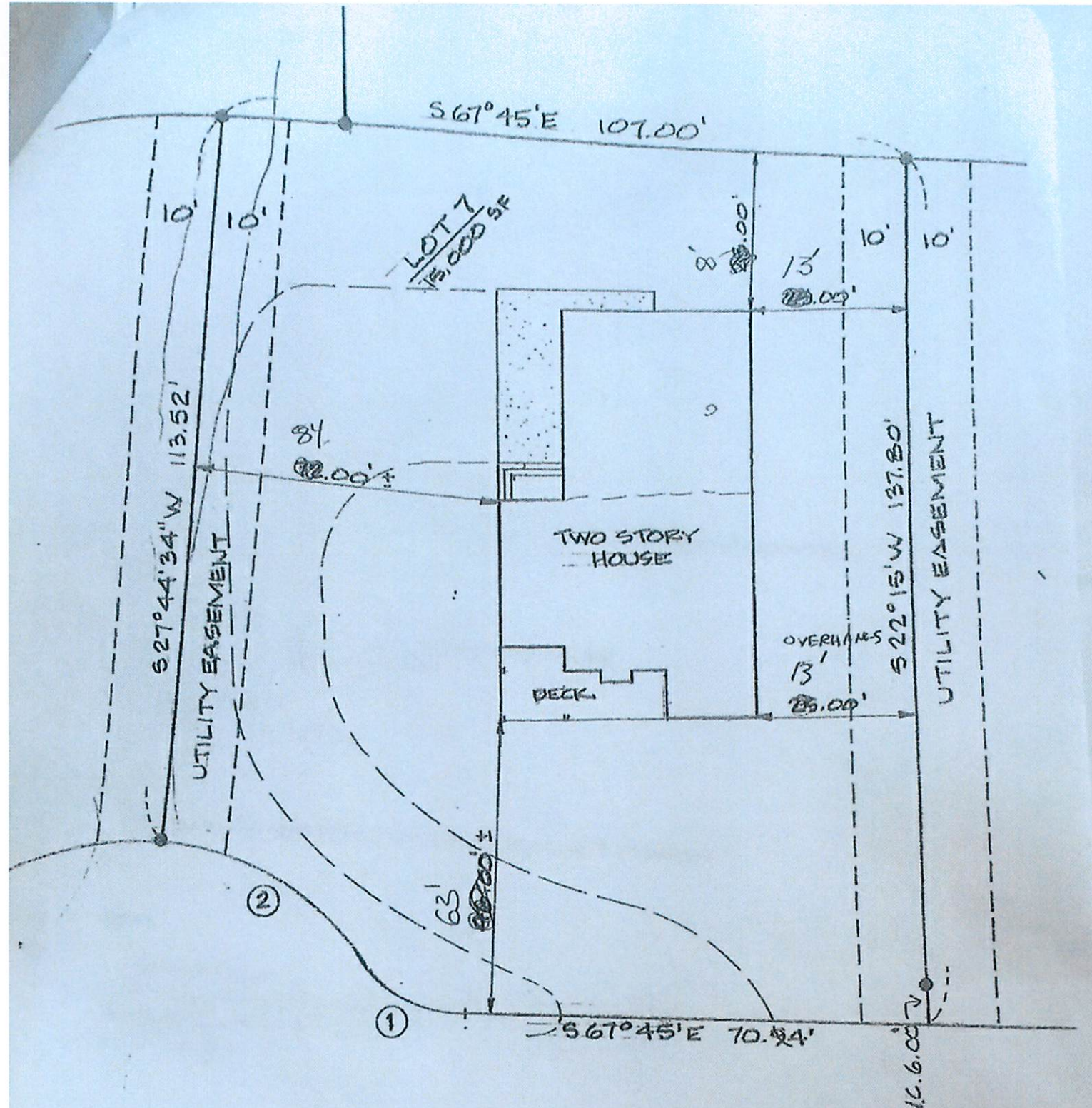
*****OFFICE USE ONLY*****

Administrator _____ Corps of Engineer's No. _____ D.E.C. No. _____ Electrical _____
 Planning 9/2/04 Public Works _____ State or City Fire Marshal _____

COMMENTS: Project is zoned SFCD
* RESIDENTIAL GRADING, LOT PREP + DRIVEWAY
PER APPROVED PLAN

ORIGINAL

APPROVED FOR CONSTRUCTION
Mr White
 BUILDING OFFICIAL



SITE PLAN

LEGAL:
 LOT 7, HARI
 SUBDIVISION





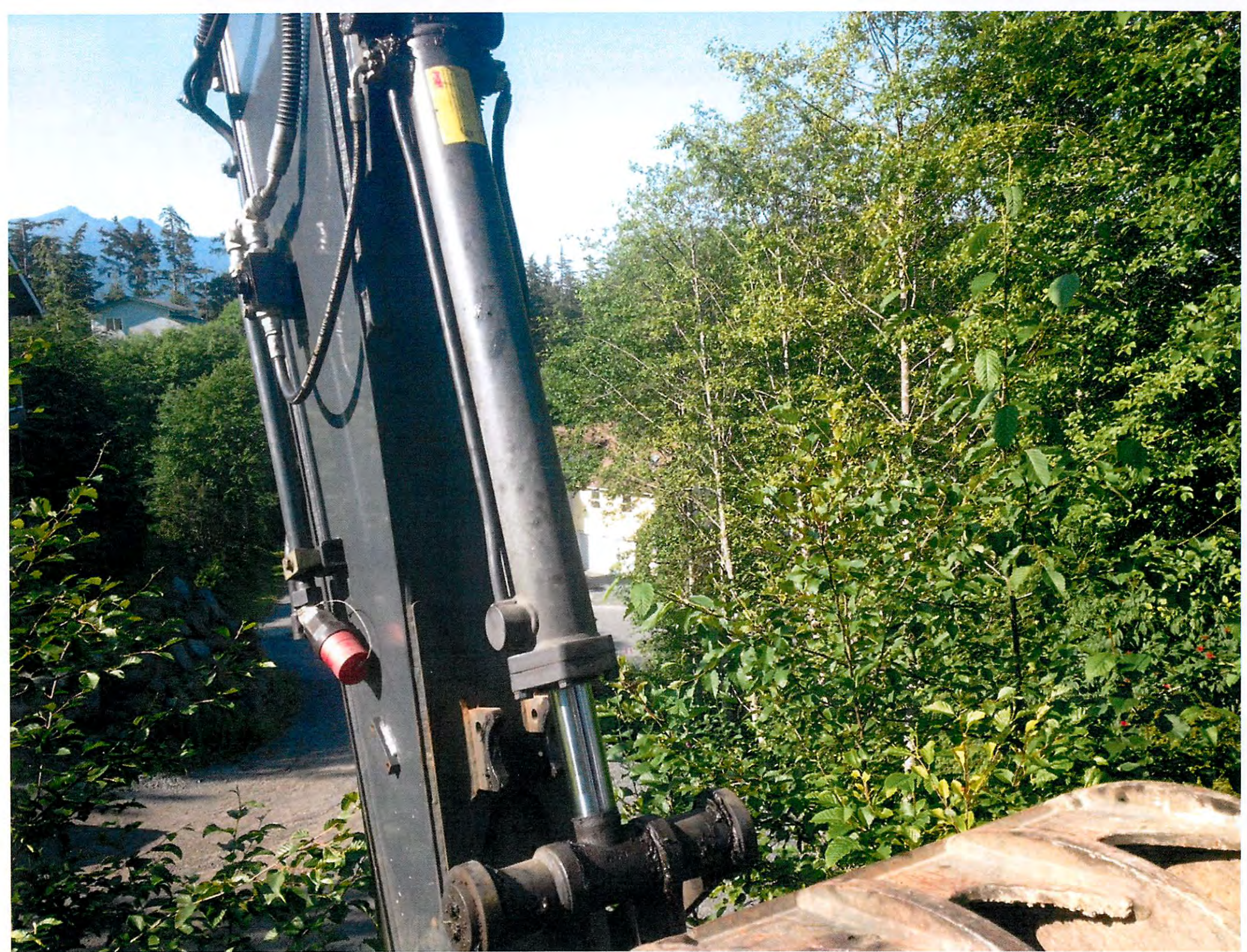












agreement between the city and borough of Sitka and the property owner. (Ord. 03-1729 § 4 (part), 2003.)

21.40.030 Easements.

A. Generally. Municipality shall be party to all easements. All easements shall be recorded and no changes shall occur without municipal approval.

B. Utility Easements. Utility easements at least five feet wide along the front property lines of lots shall be provided where necessary for public utilities. An anchor pole easement ten feet wide, twenty-five feet deep, appropriately placed, together with the right of access shall be provided where necessary for pole-mounted public utilities. Buried electrical and telecommunication utilities are recommended wherever possible. No more than four lots shall be served by private utility easements.

C. Access Easements.

1. No more than four lots shall utilize a single common access road that is constructed to less than the regular municipal street standard. For minor subdivisions of two or three lots with access easements rather than public street access, said easements shall be constructed in accordance with city standards.

2. All access easements serving more than two lots shall be named and all lots shall be assigned physical street addresses.

3. In the event that a minor subdivision is proposed adjacent to a subdivision that contains an access easement, the municipality may require that the access easements be adjacent each other. The minimum square footage of the lots in the second subdivision shall not include the easements. The municipality may also require that a road be built to municipal standards within the two twenty-foot easements. The adjoining property owners shall equally share the cost of the construction of the road.

4. Establishment of Maximum Access Easement Grade. During the subdivision plat approval process, a maximum developed grade shall be established for each access easement. This grade shall not exceed twenty percent in any case and shall exceed fifteen percent in only exceptional cases.

5. Access Easement Grade Verification. Prior to the issuance of a building permit on a lot in a minor subdivision served by an access easement, the lot owner shall provide verification from a registered land surveyor of the grade of the access easement and a statement that the grade does not exceed the maximum grade approved for the access easement.

D. Drainage Easements.

1. Drainage easements conforming substantially to the exterior boundaries of on-site watercourses, drainage ways, channels, or streams as determined by the city public works director shall be provided. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. Ten-foot wide easements, or wider, may be required on both sides of any year around

CITY AND BOROUGH OF SITKA
PLANNING DEPARTMENT
VARIANCE APPLICATION

| | |
|-----------------------------|---------|
| VARIANCE FEE | \$75.00 |
| Plus current city sales tax | |

APPLICANT'S NAME: Marko Dapcevic
PHONE NUMBER: 738-5199 747-5199
MAILING ADDRESS: Box 1234 Sitka

OWNER'S NAME: SAME
(if different from applicant)
PHONE NUMBER: _____
MAILING ADDRESS: _____
PROJECT ADDRESS: 104 Remington Way
LEGAL DESCRIPTION: Lot: 3 Block: _____ Subdivision: Harbor view

SPECIFIC REQUEST:
(e.g. Reduction of front setback to 15' for a porch)
Reduction of side setback to 5' for a garage

REASON REQUEST IS BEING SUBMITTED:
(e.g. Existing porch is too small to provide adequate access) my lot is riddled with easements and unusual terrain which makes the proposed location for a garage the only practical one

DIMENSIONS OF NEW CONSTRUCTION:
(Width, Length, Height above grade) 18'w 24' L ± 14'h



City of Sitka, Alaska
Web GIS Maps and Online Property Information

[City Website](#) [Feedback](#) [User Guide](#)

Search: [Address](#) [Owner](#) [Parcel ID](#)

Street: Address: Search

[GIS Map](#) [Property Details](#) [PDF Maps](#) [Download GIS Data](#) [Borough GIS Map](#)



Select a Property 1 in = 74.43 ft



- Road Names
- Address Numbers
- Parcel ID Text
- Zoning
- Flood Zones
- No Disturbance Zone
- Trails
- Parcels
- Sitka 2012
- Sitka 2007
- Digital Globe 2010
- Digital Globe 2010 Expanded
- Forest Service b/w - (Hi-Res)
- Nautical Charts
- Lake Diana
- Flood Map
- USGS Composite
- Satellite - True Color
- 2003 Sitka Sound (Hi-Res)
- 2003 Road System (Hi-Res)
- 2003 Road System (Lo-Res)



City and Borough of Sitka

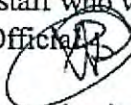
PUBLIC SERVICES

100 LINCOLN STREET • SITKA, ALASKA 99835

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

Policy #04-01

MEMO

To: Public Works and Finance staff who work with development fees, see Distribution
From: Scott Brylinsky, Building Official 
Date: January 14, 2004
Subject: Procedure for water/wastewater hook-up fees under new customer service policies

Page 1 of 1

Effective today the city is operating under new water and wastewater customer service policies. These policies include fees of \$600 for each new building hookup to the city water system, and \$600 for each new building hookup to the city wastewater system.

Procedure: The Building Department will routinely assess these fees at the time of building permit issuance for each new building served by city utilities. They will be bundled with building permit and plan review fees for purposes of calculating sales tax.

The fees will not be assessed customers who submitted before January 14, 2004 a signed and dated 1) application for utilities connection, 2) foundation permit application, or 3) building permit application.

Appeals: If for any reason a customer feels the fees are not applicable the initial appeal is to the Public Works Director. Further appeal is through the standard administrative appeal process outlined in the Customer Service Policy.

Distribution:

Rich Riggs, Public Works Director
Dave Wolff, Finance Director
Mark Buggins, Environmental Superintendent
Bev Brill, Utilities
O'Dina Frank, Public Works
Tammy O'Neill, Public Works
Building Department Policy File

Sara Peterson

From: Marko Dapcevich <mdapcevich@interstaterestoration.com>
Sent: Saturday, July 18, 2015 5:58 PM
To: Mark Gorman
Cc: Michael Harmon; Sara Peterson; Robin Koutchak
Subject: Re: 104 Remington way middle ground

Yes sir.

Marko Dapcevich
Project Manager

INTERSTATE
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800-622-6433 24 Hour Emergency Service

Sent from my wireless device

On Jul 18, 2015, at 6:56 PM, "Mark Gorman" <mark.gorman@cityofsitka.org> wrote:

Mr Dapcevich

Thanks for this response to our conversation.

If I understand your offer you would settle for the city covering one third of the water hook up fee but want to pursue full reimbursement for fees charged while your water was shut off. Is that correct?

Thx

Sent from my iPhone

On Jul 18, 2015, at 5:24 PM, Marko Dapcevich <mdapcevich@interstaterestoration.com> wrote:

Mr. Gorman,

Thank you for the call this week. It was nice to hear from you. I appreciate your willingness to work with me on this.

Here's my take on this:

I'm confident that I will prevail on the refund/credit on my water and sewer bill. Even if the assembly doesn't agree, the small claims court surely would. There is nothing in the code that would allow the city to keep that money and there is plenty in the code that gives my argument credence.

I think my chances are 50-50 on the relocation fee. Clearly the code is on the side of the city. However, there is some responsibility on the city with the projects the city

permitted and allowed. I'm willing to, for the sake of settling this, to ask for 1/3 of the fee paid.

I understand that you wish to consult with the city attorney. Take your time. Get back to me whenever it's convenient for you.

Thanks for your time,

MARKO DAPCEVICH
Project Manager

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<image001.gif> <image002.gif> <image003.gif>

<image004.gif>

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Sara Peterson

From: Marko Dapceвич <mdapceвич@interstaterestoration.com>
Sent: Sunday, July 12, 2015 10:57 AM
To: Mark Gorman
Cc: Mark Buggins; Michael Harmon; Dan Tadic; Maegan Bosak; Sara Peterson; Jay Sweeney; Chaix Johnson
Subject: RE: Waiver of Fees
Attachments: FW: 104 Remington way; RE: Ready!

Thank you for the thorough response from our meeting.

I will address both issues separately in this response. As we discussed, I will be appealing your administrative decision to the Assembly. This letter will serve both as that notice of appeal and serve as my position on that appeal.

Let's start with the easy one, the relocation fee.

That fee is in the code. That is not something that the administrator has the authority to waive.

The bottom line on this issue is the city did in fact allow Mr. Jacoby to construct a driveway, in part, over the easement. The easement is clearly visible on the plats and the city should not have allowed that to happen.

In May of 2004 I applied for and received a building permit to construct a garage on my property. During that process I was explicitly told I could not build my garage over the drainage easement on my property. I had to relocate the proposed location and apply for a variance from the Assembly to build my garage. There was never any mention made of covenants, committees, or anything else. I don't see how the city can have it both ways.

Any HOA, covenant, or other agreement between property owners is not relevant to any type of due diligence or enforcement from the city.

To suggest that repairing or replacing my water line in the existing location is still a viable option is laughable. The driveway infringes on the easement and approaches 30 feet above grade. There is no viable way to excavate in that area. To express that it is my responsibility to express concerns over a permit the city issued and that I have no control over is equally laughable. It's not right to shift the responsibility of issuing a permit from the city to adjoining property owners. Not including your fee, the relocation of this water line cost me in the neighborhood of \$5,000.00.

Regardless of all that, I was asking questions for weeks to make a more informed decision on my part. Please see attached 5-8 email, one of many. Most of my questions went unaddressed until our meeting. There were also many unanswered phone calls and voicemails. I had expressed several times that it was my intent to resolve these issues before construction began. The city essentially backed me into a corner by not getting back to me.

I first involved you on 5-29 when I copied you on an email to Chaix. That email is also attached. My next e-mail was on 6-24 to you requesting a meeting stating it's been over three weeks with no answer.

It's safe to say I was as thorough and as proactive as I could have been to try and get answers and weigh options. The lack of customer service from the city put me in the situation where I had to make a decision uninformed.

In regards to the water and sewer charges:

My water was physically shut off at the city main in the end of October last year. It was done as soon as we discovered that the line had failed. I did not have water service for seven months. I have asked for a credit or refund on my water bill. I was told no, and that there is nothing in the code that allows for it. It is a weak argument from the administration.

I would simply argue that there is nothing in the code that prohibits it. While anyone in the city and borough with a meter is required to pay for garbage service, there is no such provision for water or sewer. As a matter of fact there are provisions that allow for customers to NOT have water or sewer service.

In regards to the shut off/turn on fees. I am happy to pay the 50 dollar fee to have my water shut off. I never asked for that not to happen. Apparently that was an oversight on the city to not charge me. However, the subsequent on and off fees I will dispute if the city wishes to assess them. If the city had been responsive to my calls and emails it would have never gotten to the point where it would have had to be turned back on and off again.

You reference the vacation rate in your email. I am very familiar with that. My signature is on the bottom of that ordinance. That is only relevant in the fact to determine what the credit or refund amount would be. The fact that I exercise this option has no other bearing. To question my eligibility for the rate and further question my residency is inappropriate. When a citizen comes to the city for a reasonable request the knee jerk reaction should not be to go after that citizen. Let's focus on the issues at hand. Tomorrow will be the 46th anniversary of my residency in Sitka. To also raise concerns with the DEC is inappropriate. I will take care of those issues. They are not the concern or business of the city.

When I was mayor we discovered the city charged Duck Didrikson for sewer service for decades. The city never provided that service. He was repaid for those services. It was done in that instance and can be done here as well.

Neither one of my requests is unreasonable. While I know the service location issue is addressed in code, there is nothing that would prohibit fair and reasonable treatment by refunding or crediting me the money I am owed for a service I never received.

I request the credit for my water and sewer for seven months beginning the 1st of November, - \$50.00 fee for shutting off the water. If the administration is not willing to reconsider, please schedule me on the assembly agenda for an appeal.

Please schedule me on the assembly agenda for to waive my fee to relocate my water line.

Please notify me when I will be before the Assembly. I will provide further documentation at that time.

Thank you,

MARKO DAPCEVICH
Project Manager

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From: Mark Gorman [mailto:mark.gorman@cityofsitka.org]

Sent: Friday, July 3, 2015 11:16 AM

To: Marko Dapceвич

Cc: Mark Buggins; Michael Harmon; Dan Tadic; Maegan Bosak; Sara Peterson; Jay Sweeney (jay@cityofsitka.com); chaix@cityofsitka.com

Subject: Waiver of Fees

Good morning Marko,

It was good to meet with you this week and hear your concerns face to face. During our meeting you made two requests: waiver from having to pay the hook up fee when you tied into the water main at Shotgun Alley from Remington Way, and waiver of payment of water fees for water and sewer during the period that you disconnected from the municipal water system.

Staff has reviewed and researched your requests and I have reached the following conclusions:

Waiver from having to pay the water line hook up fee

It is clear from both the plat and the subdivision covenants that the utility easements are private (see Harborview Sub Agreement, page 2, item 4). The document states that it is the responsibility of the owner of the lot, on which the easement is located, to maintain the easement and not construct or place material on top of the easement. It also states that a committee (essentially a homeowner's association) can approve or disapprove of any construction within the subdivision whether it adheres to the covenants or not. It is unclear whether that committee actually exists and/or whether they approved the installation of Mr. Jacoby's driveway. Per these covenants, they would have been within their rights to do so.

The City did approve a grading plan in 2004 for the home and driveway at 104 Rands Drive (Michael Jacoby) which is partially constructed over the utility easement to your lot. However, CBS Building Department enforces building code, not subdivision covenants. Although while Mr. Jacoby did add fill over your water service, that easement was still a viable location for the new water service (albeit at a shallower depth). Further, It is the City's understanding that you were the owner your house at the time that Mr. Jacoby undertook his driveway work on the easement and thus had the right and responsibility at that time to express any concerns that you may have had that his work would impact your sewer and water service.

As stated previously in an email to you from Mark Buggins, the permit authorized the installation of a 1" service to a single residence. However, what was constructed was a 2" service with tees to allow connection for up to two other residences. We have been informed that one of these other residences did indeed connect to the new 2" line. The 2" line now constitutes a main line per the Alaska Department of Environmental Conservation (ADEC) which requires engineer stamped plans and ADEC plan review. Had the new plan been brought to us before it was constructed, we would have been able to inform the property owner of these ADEC requirements and make recommendations for a shared services agreement.

Also noted in Mark Buggins' email, your costs were greatly reduced by the fact that the City had the foresight to install a water stub to Remington during the Shotgun Alley project. Otherwise, this connection would have required asphalt demo/replacement and a hot tap of the water main. As considerable costs to you.

I see no justification in the Sitka General Code (SGC) or in the history of the subdivision that supports CBS waiving the hook up fee. You elected to reroute your water line through a new easement.

Waiver of payment of water and sewer fees during the period your water was shut off

There is no provision in the SGC to waive payment of water and sewer fees during times that residents elect to be shut off from service. As you are aware, the SGC **15.06.630 Vacation rates** allows a reduction in fees. It states:

15.05.630 Vacation rates.  [SHARE](#)    ...

There shall be a vacation rate of one-quarter the normal billing rate applied to qualifying utility accounts. A vacation rate is a Sitka resident's exemption from payment of residential water utility fees while on vacation and/or on absence from residence due to medical reasons or movement to the Pioneers' Home. Vacation and/or absence period must equal or exceed thirty continuous days and is limited to four months credit. Only one period of vacation rates per customer in any period of twelve consecutive months is allowed. The period of twelve consecutive months starts on the first day vacation rates apply. The residence must not be occupied during this period to which vacation rates apply. The resident must apply in writing prior to vacation and/or absence from residence to receive vacation rates. When the credit is applied at the end of the period, resident's account will be assessed a ten-dollar fee. Commercial accounts are not eligible for vacation rates. Notwithstanding the twelve-consecutive-month restriction described above, the municipal administrator will have the authority to allow extension of vacation rates on a case-by-case basis for medical absences upon application by the resident. Notwithstanding the requirement of prior application described above, preapplication may be waived by the municipal administrator for emergency medical absences. (Ord. 05-15 § 4(C) (part), 2005.)

Our records indicate that you exercised this option and received a \$313.79 credit (see Dapcevich Vacation Credit PFD). As the Code states, this credit is intended for use by Sitka Residents. My understanding from our discussion this week is that your primary residence is no longer in Sitka. Whether you are even eligible to receive the vacation rate is in question. Additionally, I am told that the water department turned your water off and on and waived the \$50 fee both times, saving you \$100. Thus, your water and sewer fee saving is \$414. Accordingly, I see no justification to provide additional relief for your water and sewer fees.

I believe this response will be disappointing to you. I would encourage you to work with the Assembly if you feel current SGC should be amended so it is more supportive of the outcomes that you are seeking.

If you have additional questions, I am available to meet.

Sincerely,

Mark Gorman

Sara Peterson

From: Marko Dapceвич <mdapceвич@interstaterestoration.com>
Sent: Friday, May 08, 2015 5:32 AM
To: 'markb@cityofsitka.com'
Subject: FW: 104 Remington way

Mark,
Can you please address the issues below, or direct me to who can?

Thank you,

MARKO DAPCEVICH
Project Manager


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From: Marko Dapceвич
Sent: Monday, April 27, 2015 7:44 PM
To: 'Mark Buggins'
Subject: RE: 104 Remington way

Mark,

Sorry for taking so long to get back to you. I've been on the road for the last couple of days.

I'm sorry for your illness on vacation. That always sucks.

I'll call Chaix tomorrow and have her send me the form tomorrow. For whatever reason Jerome wants me to pull the permit.

I've forwarded the info to Jerome on the patch. That is what he thought, but we both wanted to confirm.

I'll stand by on what is under that road, and where. I think Joe and Jerome have been talking, but I want to be kept in the loop.

My subdivision was done in the mid 80's. I believe it was Roger who did it. My home is a modular that is an 85 so I would guess the subdivision was 84ish. That being said, it brings issues to my mind. Like, why is there not a curb box? I think, during the time frame this was done, I should be responsible from the property line (curb box) and the city the rest. I have no idea what is under there. I can't be sure, but I'm sure the issue is beyond my property line. Given the work that has gone on there in the last few years (jacoby's excavation, Hunters excavation, and the cities excavation).

While the code is somewhat ambiguous, it seems that I'm responsible from the property line.

To complicate things more, is my project new service? Clearly it's a new water line to an existing service. Remington way is a more viable option then coming up from Rand Drive. If my responsibility is from the property line then I clearly have no interest in running the line down Remington.

Mainly I need to know what, if any, is the city's obligation here? Is this a question for you or the PW director?

In terms of the latecomers thing, no thank you. I don't see any advantage to that at all.

Thanks for your help, It's appreciated.

MARKO DAPCEVICH
Project Manager


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From: Mark Buggins [<mailto:markb@cityofsitka.com>]
Sent: Sunday, April 26, 2015 10:55 PM
To: Marko Dapcevich
Subject: Re: 104 Remington way

Hey Marco
Good to email

I am on vacation visiting my mom in OR - and ended up sick Friday and Saturday (missed the wedding that brought me here) anyway feeling better now. I'll be back at work on Wednesday

Yes you need a permit

I can email the form when I get back or you can call Chaix at the pw office 747-1806 and she can send you one. If you are still planning on Jerome he knows that drill well - very simple form and sketch needed

Streets guys make the call on the patch

But last few years they have wanted asphalt - last year Jerome was doing small patches, purchasing material from ACS. Also this year S&S says they will have a plant in town so worth price checking. I can ask them for you.

I know joe was investigating the shotgun alley main more. But I've not discussed that with him.

I'll send him an email tonight asking them to locate and tell me what they find. (They probably already have and just have not discussed it with me)

The city does not install to the property line for new services to property unless it is a complete rehab of a system like we have done in the old part of town amusing state grants or if a subdivision was developed with an LID. For example if you had an undeveloped lot And a city main went past the property the owner would be responsible for all the costs to tap the main and install the service w/in the row and the curb valve at the property line

If the main and service stub are installed to our standards and inspected by us and on a road we maintain then we take the maintenance responsibility w/in the row to the curb box not including the valve - that belongs to the customer

I really can't speak to your subdivision. That is a different one that I believe roger did before my time.

We don't have much for drawings that I've ever seen.

Did you want to investigate the "late comers" ordinance that details how the installer can get reimbursed if other property owners connect to the main they install?

Mark Buggins

On Apr 24, 2015, at 4:30 PM, Marko Dapceвич <mdapceвич@interstaterestoration.com> wrote:

Mark,

I have a few questions for you about the replacement water line into my residence at 104 Remington Way.

1. Will I need a permit to install? If so, who do I contact for that?
2. My contractor wants to know if he needs to put in an asphalt patch or if he can use concrete if needed.
3. Do we have any idea of what is at shotgun alley to tie into? Joe thought there might be a stub out to the Remington way side. Do we know where the main is?
4. It was always my understanding that the city was responsible to my property line and me from there. Why is there no curb box there? And why isn't it the city's responsibility to supply to the property line?

Please let me know about the above items as soon as you can get to it. We are getting ready to move on this. Feel free to give me a call if that's easiest for you. I know you are a busy guy so I thought I'd send an email.

Thanks,

MARKO DAPCEVICH
Project Manager

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Sara Peterson

From: Marko Dapceвич <mdapceвич@interstaterestoration.com>
Sent: Friday, May 29, 2015 3:47 PM
To: Chaix Johnson
Cc: markgorman@cityofsitka.com
Subject: RE: Ready!

Chaix,

I just tried to call with no answer so here is the info on the payment. It's a visa card 4147342019935792 expires August this year and the code is 175.

That being said, I need to know my next step in terms of the assessment on what my responsibility is and the city's. I disagree that it's my responsibility from the city main all the way to my house. Maybe this can be explained better with more information. Or maybe it needs to be appealed. I can't seem to find anything in SGC that clarifies this. There are references to curb stops at property lines but nothing further. What is my next step in challenging this assessment?

Second, while I recognize that SGC requires the relocation of a water service line to pay this fee, in this case I don't think that is appropriate for several reasons. mostly, the city allowed a substandard service to be installed and allowed development on top that made it unviable to repair or reinstall that water line. Since this is SGC, does this go through an administrative appeal? Or straight to the Assembly?

Finally, My water has been turned off for seven months yet I have been continued to be charged for both water and sewer. The response I received from the utility department was that nothing in SGC allowed for me to receive a refund or credit for the charges. I have not found anything in SGC that prohibits it. Garbage service yes, other utilities no. Is this also an administrative appeal?

Go ahead and charge my credit card now so I can move on with this project. Since the city has taken weeks to get me to this point, I can't wait any longer. We can sort out the rest at a later time.

I've copied the administrator on this as I'm sure at least some part of this is going to land on his desk.

Please e-mail or fax to 888-399-1802 the invoice and receipt for the above transaction.

Thank you,

MARKO DAPCEVICH
Project Manager

INTERSTATE

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From: Chaix Johnson [<mailto:chaix@cityofsitka.com>]

Sent: Friday, May 29, 2015 3:56 PM

To: Marko Dapceвич

Subject: Ready!

Hi Marko!

I have your water connection permit here. It will be \$731. You can call me at 907-747-1806 with your credit card information, and then I will call Jerome to pick it up.

Thanks

Chaix Johnson

Assistant Contract Coordinator/Office Manager

City and Borough of Sitka – Public Works

100 Lincoln Street, Sitka, Alaska 99835

Ph: 907-747-1806 Fax: 907-747-3158

www.cityofsitka.com



Legislation Details

File #: 15-150 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 8/5/2015 In control: City and Borough Assembly

On agenda: 8/11/2015 Final action:

Title: Conceptual approval of a proposal to add City and Borough of Sitka property to the Gary Paxton Industrial Park for development opportunities

Sponsors:

Indexes:

Code sections:

Attachments: [Conceptual approval GPIIP](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

POSSIBLE MOTION

I MOVE TO grant conceptual approval of a proposal to add City and Borough of Sitka property to the Gary Paxton Industrial Park for development opportunities.



329 Harbor Drive, Suite 212
Sitka, AK 99835
Phone: 907-747-2660

Tuesday, August 04, 2015

MEMORANDUM

To: Mark Gorman – CBS Administrator
From: Garry White, Director
Subject: CBS Land Development Request

Introduction

The Gary Paxton Industrial Park (GPIP) Board of Directors met on August 4, 2015 to discuss a request that the City and Borough (CBS) Assembly consider including additional property to the authority of the GPIP Board for development opportunities. The Board approved the following motion:

MOTION: McConnell/Jones moved to recommend to the Assembly that the subject property, per the memo dated August 3, 2015, become a part of the Gary Paxton Industrial Park for the purpose of marketing and sales for business and economic development.

ACTION: Motion passed 4/0 on a voice vote.

Background

The GPIP Director has received multiple inquires for additional property to establish business opportunities at the GPIP. Currently two entities have requested at least 10 acres each to construct water bottling plants. Additional groups have also requested property for development.

The demand for property and business development has grown stronger than the remaining properties available for development at the GPIP.

Existing GPIP Property Available for Development

The GPIP has 9.55 acres available for future development inside the core park property. (Please see GPIP Property synopsis attached.) The GPIP board is currently either working with various entities for the development of the core park properties or committed the property to be developed via the RFP process.

Various entities have investigated the development of lots outside the core park property. These parcels pose development challenges.

- Lot 1, Block 2 consists of steep terrain. A portion of the property contains an old APC landfill.

- Lot 1, Block 4 consists of mainly an old APC landfill. The landfill is capped with crushed concrete and vegetation impeding the ability to construct buildings on the property.
- Lots 2 & 3, Block 3 consist of steep terrain.

Subject Property

The subject property area is located to the east-southeast of Lot 1, Block 2. Please see attached map.

The subject area consists of roughly 450 feet of road frontage outside the GPIIP property boundary. The property depth would be variable to take advantage of natural property features, such as flat to mild slope topography.

The subject property has been identified as possible property for future development due to superior terrain features compared to the remaining perimeter GPIIP properties.

The property does have development challenges due to the following:

- Utilities are not near the property, utilities will need to be extended to the area.
 - Currently utilities terminate near the Sawmill Creek Bridge.
- The property has no site development and is wooded.

Additional Information

The request to zone this subject property as GPIIP zoning is conceptual at this time. The zoning request is asking for the Assembly for its preliminary approval to market this subject area for economic development purposes under the current GPIIP guidelines.

If Assembly approves of a preliminary zoning change, future development proposals will be brought forward to the GPIIP board for its recommendation to the Assembly, following current procedures.

The area will then be surveyed, actual acreage will be determined, and subject property will be brought to the Planning and Zoning Commission for its approval of zoning and subdivision change. If approved by Planning and Zoning, then the subject property will be brought back to Assembly for final approval.

Action

- Assembly approval of GPIIP Board's recommendation to allow marketing and property development on subject property.

GPIP Property

Total Area = 71.64 Acres (3,121,074 SF)

Perimeter Property

Perimeter property mainly consists of raw land with limited utilities.

Total Area = or 42.99 Acres (1,872,644 SF) (Including ~7 acres of capped landfill)

Tenants: Fortress of the Bear (118,320 SF), CBS scrap yard and impound lot.

Core Property

Core properties are those properties between SMC and the Sawmill Cove water body. Utilities and roadway upgrades have been completed.

Total Area = 28.66 Acres (1,248,430 SF)

Sold Properties/Unavailable

14.51 Acres (632,491 SF)

- 10.73 acres: pulp dock and tidelands, Lots 10, 11, 12A, 13, 16A, and 22 Silver Bay Seafoods purchased
- .39 acres of uplands (lot 17) Monarch Tannery pending purchase
- .39 acres Lot 18 UV plant CBS Electric Department
- 3.0 acres Lot 5 Cove Partners – water bottling plant

Current leased raw properties/Unavailable

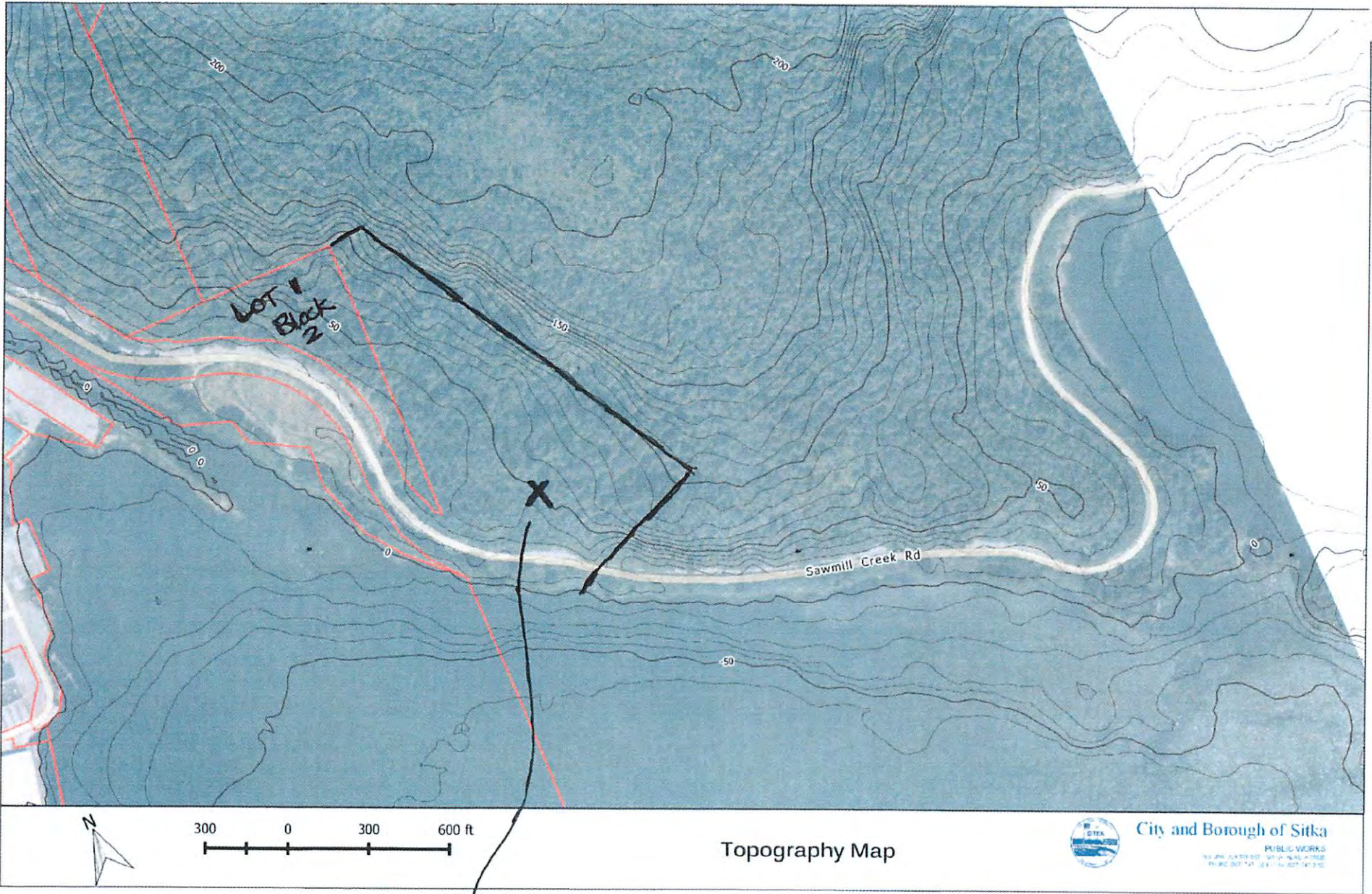
4.59 Acres (199,940 SF)

- 1.38 acres to NSRAA
- 2.47 acres leased to I Water (potential sale when performance benchmarks are met) – includes lease of cul-de-sac area of .38 acres)
- 0.74 acres of property (plus tidelands) leased to Alaska & Pacific Packing (potential sale when performance benchmarks are met)

Available for future development

9.55 Acres (415,998 SF)

- 1.05 acres - Proposed RFP for Lots 19, 16B, and 20
- 2.6 acres - Upland property – Lot 15
- 4.45 acres - Waterfront Properties Lots 9A, 9B, and 9 C
- 0.60 acres – Lot 4 with 6k SF building – Direct waterfront access
- 0.85 acres – Lot 23 with Administration Building

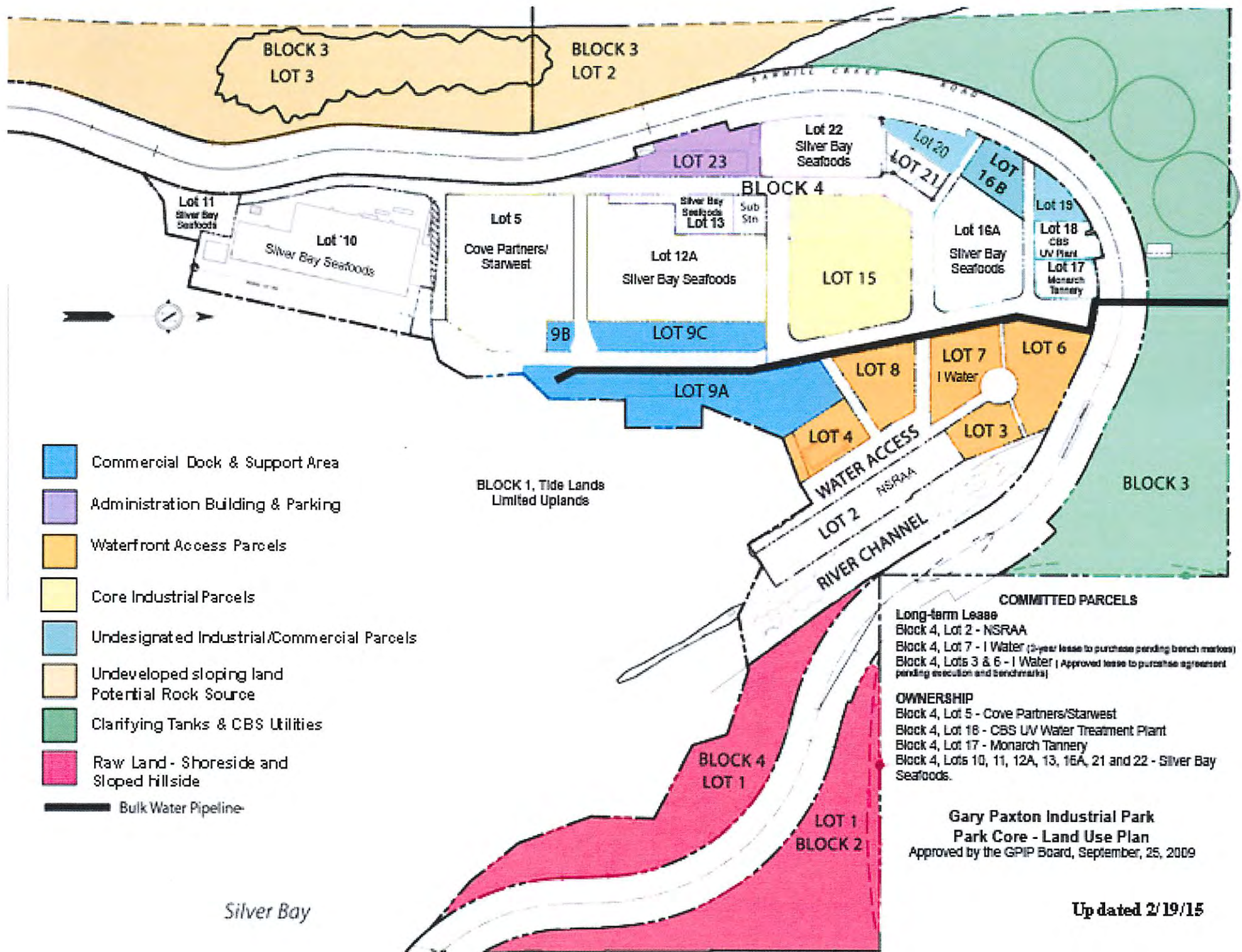


Subject AREA



City and Borough of Sitka

PUBLIC WORKS
100 JUNE 2015 0000 0000 0000 0000
PUBLIC WORKS DIVISION



- Commercial Dock & Support Area
- Administration Building & Parking
- Waterfront Access Parcels
- Core Industrial Parcels
- Undesignated Industrial/Commercial Parcels
- Undeveloped sloping land
Potential Rock Source
- Clarifying Tanks & CBS Utilities
- Raw Land - Shoreside and
Sloped hillside
- Bulk Water Pipeline

COMMITTED PARCELS

Long-term Lease
 Block 4, Lot 2 - NSRAA
 Block 4, Lot 7 - I Water (3-year lease to purchase pending bench marks)
 Block 4, Lots 3 & 6 - I Water (Approved lease to purchase agreement pending execution and benchmarks)

OWNERSHIP
 Block 4, Lot 5 - Cove Partners/Starwest
 Block 4, Lot 18 - CBS UV Water Treatment Plant
 Block 4, Lot 17 - Monarch Tannery
 Block 4, Lots 10, 11, 12A, 13, 16A, 21 and 22 - Silver Bay Seafoods.

**Gary Paxton Industrial Park
 Park Core - Land Use Plan**
 Approved by the GPIB Board, September, 25, 2009

Up dated 2/19/15



Legislation Details

File #: ORD 15-41 Version: 1 Name:

Type: Ordinance Status: AGENDA READY

File created: 8/4/2015 In control: City and Borough Assembly

On agenda: 8/11/2015 Final action:

Title: Amending Sitka General Code Chapter 4.09 "Sales Tax" by adding a new Section 4.09.050 "Non-Profit Activities Enhancement Fund," modifying Section 4.09.100L "Exemptions" by clarifying sales made by nonprofit charitable organizations; amending Section 4.09.420 "Definitions" by modifying Subsection "I." to include outcry, silent auctions, and admission fees as sales and adding Subsections "O" "Donation", and "P" "Admission Fee" (first reading)

Sponsors:

Indexes:

Code sections:

Attachments: [Ord 2015-41](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

POSSIBLE MOTION

I MOVE TO approve Ordinance 2015-41 on
first reading.

Memo

To: Mayor McConnell and Assembly Members

From: Michelle Putz and Ben Miyasato

Date: July 25, 2015

Re: Not-for-profit Ordinance

The concept behind this ordinance is that currently-existing taxes on sales by Sitka's not-for-profit organizations would help to fund Sitka's not-for-profit organizations in the future.

This ordinance would create a dedicated fund for not-for-profit organizations in Sitka. This ordinance has been put forward as means:

- to provide a source of sustainable funding to the grant fund for not-for-profit organizations in Sitka,
- to clarify and appropriately expand our code, and
- to reduce costs for those who can least afford to live in Sitka.

With the tight budget year, the City is looking to reduce costs and increase revenue – both through taxes and increased business opportunities. At the same time, many people in Sitka are struggling to make ends meet and are having difficulty paying for housing, food, and utilities and cannot afford increases in taxes.

This ordinance attempts to use and slightly modify the current tax code to meet many needs in Sitka:

Reduce the costs of funding not-for-profit grants to the City...currently not-for-profit funding is part of our general budget. As set up, this fund would collect those taxes that are additional to the funds previously collected and would disperse 95% of those additional taxes to not-for-profit groups. This fund is not meant to be additional to general budget funds, but replace part or all of that funding. If taxes raised are enough, it may even increase the level of funding going to not-for-profit groups.

Continue to support not-for-profit organizations by providing grants using a dedicated fund for not-for-profits...we have heard from numerous not-for-profit groups how important it is for them to show City support when they apply for other funds and grants. By setting up this fund, we and they will be assured of a pot of money available through the City despite the City's (and the State's) future budget conditions. As stated above, if taxes raised are enough, it may even increase the level of funding going to not-for-profit groups because 95% of those taxes would be dedicated to these organizations.

Provide a means of taxation which is considered “progressive”...this tax would be levied on such items as concert tickets, auction items, and admission fees. This tax would not affect necessities. Instead it would tax items such as entertainment and optional items.

While there are some groups who are opposed to sales by not-for-profits being taxed, it is important to clarify: **collecting Sales tax from not-for-profit groups is not a new concept and has been a part of Sitka General Code for many years** (SGC 4.09.100 L) (June 9, 2015 email to the Assembly from Jay Sweeney) .*** Recently, compliance with the existing law has been examined and enforced, as appropriate. This ordinance is not setting up a new tax on not-for-profits. Instead, it seeks to use funds from the existing tax in a way that supports not-for-profits in their efforts to support the community of Sitka.

June 9, 2015 email to the Assembly from Jay Sweeney

***I believe it is critical and essential to separate compliance with current law, as currently contained in the Sitka General Code, from sales taxation policy, which is the purview of the Assembly. There is misunderstanding, especially within the non-profit community, as to current law which sets forth the responsibility to collect and remit sales taxes. As I explain below, non-profit entities are not uniformly exempted by law from the responsibility of collecting and remitting sales tax. Many non-profits have historically collected and remitted sales tax and are in full compliance with the Sitka General Code.

Title 4 of the Sitka General Code⁴ (SGC 4.09.030) sets forth the overall concept that all sales in the Municipality are presumed to be taxable, unless otherwise exempted by some other section of the Sitka General Code. Thus, for a sale by any entity to be exempt from taxation, there must be another section of law specifically exempting the sale.

In regards to sales by non-profit entities, the Sitka General Code states that such sales from taxation are exempt if (1) the non-profit entity has no paid employees, and, (2) the non-profit entity does not have regular business hours (SGC 4.09.100 L). If a non-profit meets these two criteria, then its sales are taxable unless otherwise exempted by some other portion of the Sitka General Code.

Please note that exemption from the requirement by non-profits to pay sales taxes is different from the requirement to collect and remit sales taxes. They are two separate and distinct requirements.

In specific regard to ticket sales, no section of the Sitka General Code exempts the sales of tickets to entertainment events from sales taxation. Thus, if a non-profit meets the dual criteria of having at least one paid employee and regular office hours, ticket sales to entertainment events sold by that non-profit are taxable under current law, as reflected by the Sitka General Code.

This is a critical point - no new law has been passed. Rather, compliance with the existing law is being examined and enforced, as appropriate.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-41

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING SITKA GENERAL CODE CHAPTER 4.09 "SALES TAX" BY ADDING A NEW SECTION 4.09.050 "NON-PROFIT ACTIVITIES ENHANCEMENT FUND," MODIFYING SECTION 4.09.100L "EXEMPTIONS" BY CLARIFYING SALES MADE BY NONPROFIT CHARITABLE ORGANIZATIONS; AMENDING SECTION 4.09.420 "DEFINITIONS" BY MODIFYING SUBSECTION "I." TO INCLUDE OUTCRY, SILENT AUCTIONS, AND ADMISSION FEES AS SALES AND ADDING SUBSECTIONS "O" "DONATION", AND "P" "ADMISSION FEE"

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 circumstance shall not be affected.

3. PURPOSE. The purpose of this ordinance is to establish a Non-Profit Activities Enhancement Fund, modify exemption of sales made by nonprofit charitable organizations from the collection and remittance of sales tax, add terms "donation" and "admission fee" to the list of applicable definitions in Section 4.09.420 of Sitka General Code and include outcry, silent auctions, and admission fees as sales.

4. ENACTMENT, NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka a new section 4.09.050 is created; sections 4.09.100 "L" is amended, 4.09.420 "I," is amended, and 4.09.420 "O" and "P" are added to read as follows (new language underlined; deleted language stricken):

Chapter 4.09
Sales Tax

Sections:

- 4.09.010 Levy of sales tax.
4.09.020 Collection of tax.
4.09.030 Presumption of taxability—Sales price and purchase price.
4.09.040 Separate statement of tax—No advertising to absorb or refund tax.
4.09.050 Non-Profit Activities Enhancement Fund

4.09.050

NON-PROFIT ACTIVITIES ENHANCEMENT FUND

43 A. A new special revenue fund of the City and Borough of Sitka, entitled the Non-Profit
44 Activities Enhancement Fund, is henceforth created. The purpose of the Non-Profit Activities
45 Enhancement Fund shall be to serve as a depository for a portion of sales taxes collected and
46 remitted by non-profit entities until such funds are appropriated for non-profit enhancement
47 purposes.

48 B. On a quarterly basis, 95% of all sales taxes collected from not-for-profit entities for the
49 prior quarter which are in excess of the amount collected in Fiscal Year 2015 for the same
50 quarter, henceforth referred to as the “baseline quarters”, shall be transferred into the Non-profit
51 Activities Enhancement Fund.

52 C. The Administrator, through the preparation of the Annual Consolidated Operating Budget
53 of the Municipality, shall plan for the appropriation of funds contained in the Non-Profit
54 Activities Enhancement Fund. If appropriations are required above the amount authorized in the
55 Annual Consolidated Operating Budget of the Municipality, the Administrator shall bring forth
56 supplemental appropriation ordinances, in accordance with the Home Rule Charter of the City
57 and Borough of Sitka.

58 D. The proceeds contained in the Non-Profit Activities Enhancement Fund may be
59 appropriated by the Assembly for any purpose related to the enhancement of non-profit activities
60 in the Municipality. All such procurements shall be subject to Municipal procurement
61 regulations in accordance with Title 3 of the Sitka General Code.

62 E. If at any such time the Non-Profit Activities Enhancement Fund is dissolved, the net
63 proceeds of the Fund will revert back to the General Fund.

64 F. Any investment earnings on the unspent proceeds contained in the Non-Profit Activities
65 Enhancement Fund shall be added to the corpus of the Fund and will be available for
66 appropriation by the Assembly.

67 ***

68 **4.09.100 Exemptions**

69 L. Nonprofit Charitable Organizations. Sales made by nonprofit charitable organizations
70 which do not have paid employees or engage contractors for services basic or fundamental to the
71 service or product they offer and which do not ~~keep normal business hours~~ have either a physical
72 address, mailing address, or a physical presence within the City and Borough of Sitka are
73 exempt. The existence of an internet web site which advertises and promotes the activities of the
74 nonprofit organization within the City and Borough of Sitka shall be considered as maintaining a
75 physical presence within the City and Borough of Sitka for purposes of this chapter. To qualify
76 under this exemption, a nonprofit organization must meet the definition of charitable

77 organization as set forth in IRS Code 7.25.3.5, apply annually for an exemption, and include in
78 the application how the purpose of the nonprofit organization meets the definition of a charitable
79 organization as set forth in the IRS code. Any organization completely exempted from the
80 collection and remittance of sales taxes under this Section will still be required to prepare and
81 submit sales tax returns under the provisions of this Chapter reporting the total amount of sales
82 exempted from taxation.

83 ***

84 **4.09.420 Definitions**

85 I. “Sale”, “selling” or “purchasing” means the transfer of property for consideration or the
86 performance of a service for consideration. The transfer of property via an outcry or silent
87 auction shall be considered a sale for purposes of sales taxability. Admission fees shall also be
88 considered as sales for the purposes of sales taxability.

89 ***

90 O. “Donation” means the gift of money, personal property for which no return consideration is
91 received. Admission fees or ticket sales for admission to events are considered sales and not
92 donations if the admission to the event for the general public can only be gained by purchase of a
93 ticket or payment of an admission fee.

94 P. “Admission Fee” means the fee charged to the general public for admission to an event. For
95 purposes of this chapter, the definition of “Admission Fee” shall also include the terms
96 “admission ticket”, “hand stamp” and “cover charge”.

97 ***

98 **5. EFFECTIVE DATE. This ordinance shall become effective October 1, 2015.**

99 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of
100 Sitka, Alaska this 25th day of August, 2015.

101
102
103 ATTEST:
104
105 _____
106 Sara Peterson, CMC
107 Municipal Clerk

Mim McConnell, Mayor



Legislation Details

File #: 15-144 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 8/5/2015 In control: City and Borough Assembly

On agenda: 8/11/2015 Final action:

Title: Approve the removal of the Finance Director's existing sales tax interpretation regarding taxability of fundraisers

Sponsors:

Indexes:

Code sections:

Attachments: [Sales Tax interpretation](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

POSSIBLE MOTION

I MOVE TO rescind
Sales Tax Interpretation 11-04.

Memo

Thru: Mark Gorman, Municipal Administrator

To: City and Borough of Sitka Assembly

From: Jay Sweeney, CFAO

Date: August 5, 2015

Re: Rescission Of Sales Tax Interpretation 11-04 Regarding Sales Taxability of Fund Raisers

Mayor McConnell and Assembly Members,

In 2012, I issued a Sales Tax Interpretation under the auspices of SGC 4.09.400 in regards to the sales taxability of "fund raisers" by non-profit entities.

Under Title 4 of the Sitka General Code, sales made by non-profit entities are taxable unless exempted by one of the 28 existing exemptions under SGC 4.09.100. A common exemption is 4.09.100 L, which exempts sales by non-profits which do not have regular business hours and paid employees. Many larger non-profits do currently collect and remit taxes on their sales.

In the past, the question of what exactly constitutes a sale by a non-profit was raised, in regards to annual fund raising events. At such events, tickets are sold and merchandise may be sold or auctioned. At the same time, such events are often designed to raise funds for the non-profit, to help pay for programs and administrative costs. As result of some ambiguity as to what exactly constitutes a sale by a non-profit, Sales Tax Interpretation 11-04 was issued in 2012 (attached).

The line has become blurred, however, as some non-profits have advanced the argument that everything the sell in regards to services, etc. is a fund raiser and, thus, not subject to taxation.

Thus, if the proposed ordinance establishing a new Non-profit Activities Fund is passed by the Assembly, a potential loophole may exist in Sales Tax Interpretation 11-04 unless it is either rescinded or clarified.

In light of the proposed ordinance establishing the Non-Profit Activities Fund, I recommend that the Assembly rescind Sales Tax Interpretation 11-04, making fund-raisers by non-profits subject to sales taxation. If the Assembly is not in favor of this recommendation, then I would alternatively recommend that the Assembly direct staff to revise Sales Tax Interpretation 11-04 to more precisely clarify exactly what a non-profit fund raiser is and how often such events can be conducted without sales tax.



City and Borough of Sitka

100 LINCOLN STREET • SITKA, ALASKA 99835

Sales Tax Interpretation 11-04

Definition of Casual Sales for Non-Profit Organizations

Per the City and Borough of Sitka General Code 4.09.010 Levy of sales tax...

A. There is levied a consumer's sales tax on sales, rents, and leases made in the city and borough of Sitka. This tax applies to sales, rentals, and leases of tangible personal property; sales of services sold within the city and borough of Sitka; sales of services performed wholly or partially within the city and borough of Sitka when the provision of such services originates or terminates within the city and borough of Sitka; and rentals and leases of real property located within the city and borough of Sitka.

Since all sales/services, rents, and leases are subject to the sales tax then first one must determine if the non-profit is exempt from collecting sales tax. SGC 4.09.100 (L) states...

L. Nonprofit Charitable Organizations. Sales made by nonprofit charitable organizations which do not have paid employees and which do not keep normal business hours are exempt.

If the non-profit charitable organization keeps regular business hours or has any paid employees, then this organization is required to levy sales tax. If the non-profit charitable organization is a business required to levy sales tax, then one must look at the sales transaction to determine if it is exempt from sales tax. SGC 4.09.100(A) states...

A. Casual Sales. A casual and isolated sale not made in the regular course of business is exempt from the levy of sales tax imposed by Section 4.09.010(A).

And finally the Free Dictionary.com defines fundraiser as...

The organized activity or an instance of soliciting money or pledges, as for charitable organizations or political campaigns.

Thus, it is the City and Borough of Sitka's determination that a fund-raiser for a non-profit organization, that meets the qualifications to levy sales tax, is not subject to sales tax if it is a one time occurrence per year. This organized activity selling goods/services must not be a regular ongoing business activity to qualify for a casual sale exemption. Therefore, an annual fundraising banquet would not be subject to sales tax.

February 28, 2012

Prepared by: Brenda Calkins, Sales Tax Auditor

Approved by: John P. (Jay) Sweeney III, Finance Director

CC: Marjorie Parmelee, Sales Tax Clerk
Interpretation 11-04

Page 1 of 1



Legislation Details

File #: 15-151 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 8/5/2015 In control: City and Borough Assembly
On agenda: 8/11/2015 Final action:
Title: Appoint two Assembly members to serve on the Marijuana Advisory Committee
Sponsors:
Indexes:
Code sections:
Attachments: [Advisory Committee](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

**Appoint two Assembly members to
serve on the Marijuana Advisory
Committee**