



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, September 22, 2015

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

IV. CORRESPONDENCE/AGENDA CHANGES

[15-180](#) Reminders and Correspondence

Attachments: [Reminders and Calendar](#)
[Board and Commission Member Thank You Letters](#)
[Eidler Roundabout Letter and Response](#)
[Geophysical Hazards](#)
[Katlian Bay Road](#)
[Mayor Thank You](#)

V. CEREMONIAL MATTERS

[15-181](#) Certificate of Service for Lynne Brandon

Attachments: [Brandon Certificate](#)

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

[15-182](#) Meet five International Exchange Students

Attachments: [International Exchange Students](#)

[15-183](#) Chief Finance and Administrative Officer update on emergency expenditures

Attachments: [CFAO Report Emergency Expenditures](#)

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 [15-184](#) Approve the minutes from the September 8, 2015 Assembly meeting

Attachments: [2015-09-08 Draft Assembly Minutes](#)

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

B [15-185](#) Appoint Loyd Platson to a three-year term on the Police and Fire Commission

Attachments: [Police and Fire Platson](#)

XI. UNFINISHED BUSINESS:

D [ORD 15-45](#) Adjusting the FY16 Budget

Attachments: [Ordinance 2015-45](#)

E [ORD 15-46](#) Amending Sitka General Code to remove vacation rates at Chapter 15.04 "Sewer System," Chapter 15.05 "Water System," Chapter 15.06 "Solid Waste Treatment and Refuse Collection" and removing reference to vacation rates in footnotes in Section 15 of the Sitka General Code

Attachments: [Ordinance 2015-46](#)

New Business First Reading

F [ORD 15-47](#) Authorizing the lease of approximately 16,436 feet of submerged tidelands in Alaska Tidelands Survey 1189 and 1559 Tract A

Attachments: [Ordinance 2015-47](#)

G [ORD 15-48](#) Authorizing the lease of approximately 8,832 feet of tidelands in Alaska Tidelands Survey 1189

Attachments: [Ordinance 2015-48](#)

XII. **NEW BUSINESS:**

H [15-187](#) Approve the Administrator's annual recommended transfer to the Public Infrastructure Sinking Fund

Attachments: [Sinking Fund](#)

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: 9/18/2015*



Legislation Details

File #: 15-180 **Version:** 1 **Name:**
Type: Correspondence **Status:** AGENDA READY
File created: 9/16/2015 **In control:** City and Borough Assembly
On agenda: 9/22/2015 **Final action:**
Title: Reminders and Correspondence
Sponsors:
Indexes:
Code sections:
Attachments: [Reminders and Calendar](#)
[Board and Commission Member Thank You Letters](#)
[Eidler Roundabout Letter and Response](#)
[Geophysical Hazards](#)
[Katlian Bay Road](#)
[Mayor Thank You](#)

Date	Ver.	Action By	Action	Result
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REMINDERS

<u>DATE</u>	<u>EVENT</u>	<u>TIME</u>
Tuesday, September 22	Regular Meeting	6:00 PM
Thursday, September 24	Special Meeting	6:00 PM
Tuesday, October 13	Regular Meeting	6:00 PM

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

Municipal Election Reminders

Tuesday, October 6 from 7am to 8 pm Municipal Election

Expiring Terms:

Assembly
Matthew Hunter
Michelle Putz

School Board
Cass Pook
Jennifer Robinson

Polling Places - 2015

<u>Precinct Name</u>	<u>Location</u>
SITKA NO. 1 (35-765)	Grace Harbor Church – 1904 Halibut Point Road
SITKA NO. 2 (35-770)	St. Gregory Nazianzen Catholic Church – 605 Lincoln Street



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 Miyasato	McConnell Miyasato 12:00pm Health Needs & Human Services Commission 6:00pm <u>Reg Assembly Mtg</u>	McConnell Miyasato Putz 6:00pm Historic Preservation	McConnell Miyasato Putz 12:00pm LEPC 12:00pm <u>Parks & Rec</u>	McConnell Miyasato Putz	McConnell
13	14	15	16	17	18	19
McConnell	McConnell 6:00pm Citizens' Taskforce	McConnell 12:00pm Tree/Landscape 7:00pm <u>Planning</u>	McConnell	McConnell	McConnell	McConnell
20	21	22	23	24	25	26
McConnell		6:00pm <u>Regular Assembly Mtg</u>	6:00pm Police and Fire Commission - Fire Hall			
27	28	29	30	1 Oct	2	3
	6:00pm Citizens' Taskforce	1:00pm SCVB Board		12:00pm - 1:30pm SEDA Board Meeting		

Assembly Calendar

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

October 2015

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



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

September 9, 2015

Evy Kinnear
1720 Edgumbe Drive
Sitka, AK 99835

Dear Evy,

On behalf of the City and Borough of Sitka, I want to thank you for your personal contributions of time and service to our community.

The Assembly voted at their meeting on September 8, 2015 to award the convention and visitor services contract to another entity therefore formally dissolving the Board.

Your time and energy were appreciated and we hope that you, too benefited from the experience.

We wish you all the best!

Warmest wishes,

Melissa Henshaw
Deputy Clerk



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

September 9, 2015

Tad Kisaka
PO Box 6398
Sitka, AK 99835

Dear Tad,

On behalf of the City and Borough of Sitka, I want to thank you for your personal contributions of time and service to our community.

The Assembly voted at their meeting on September 8, 2015 to award the convention and visitor services contract to another entity therefore formally dissolving the Board.

Your time and energy were appreciated and we hope that you, too benefited from the experience.

We wish you all the best!

Warmest wishes,

Melissa Henshaw
Deputy Clerk



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

September 9, 2015

Rachel Moreno
1710 Edgecumbe Drive
Sitka, AK 99835

Dear Rachel,

On behalf of the City and Borough of Sitka, I want to thank you for your personal contributions of time and service to our community.

The Assembly voted at their meeting on September 8, 2015 to award the convention and visitor services contract to another entity therefore formally dissolving the Board.

Your time and energy were appreciated and we hope that you, too benefited from the experience.

We wish you all the best!

Warmest wishes,

Melissa Henshaw
Deputy Clerk



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

September 9, 2015

Mary Stensvold
PO Box 1042
Sitka, AK 99835

Dear Mary,

On behalf of the City and Borough of Sitka, I want to thank you for your personal contributions of time and service to our community.

The Assembly voted at their meeting on September 8, 2015 to award the convention and visitor services contract to another entity therefore formally dissolving the Board.

Your time and energy were appreciated and we hope that you, too benefited from the experience.

We wish you all the best!

Warmest wishes,

Melissa Henshaw
Deputy Clerk



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

September 9, 2015

Mike Johnson
2017 Cascade Creek Road
Sitka AK 99835

Dear Mike,

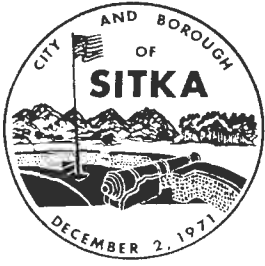
On behalf of the City and Borough of Sitka, I want to thank you for your contributions of time and service to our community.

The Port and Harbors Commission relies on the guidance and leadership of its members; your commitment and personal sacrifice on behalf of this commission has helped keep the Sitka harbor system on track. It has not been an easy job and we appreciate the time you have given.

We wish you all the best!

Warmest wishes,

Melissa Henshaw
Deputy Clerk



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

September 11, 2015

Stan Johnson
405 Louise Court
Sitka AK 99835

Dear Stan,

On behalf of the City and Borough of Sitka, I want to thank you for your contributions of time and service to our community.

The Port and Harbors Commission relies on the guidance and leadership of its members; your commitment and personal sacrifice on behalf of this commission has helped keep the Sitka harbor system on track. It has not been an easy job and we appreciate the time you have given.

We wish you all the best!

Warmest wishes,

Melissa Henshaw
Deputy Clerk

PO BOX 1673
Sitka, AK 99835-1673
2 September 2015

Office of the Municipal Administrator
City Hall, Third Floor
100 Lincoln Street
Sitka, AK 99835

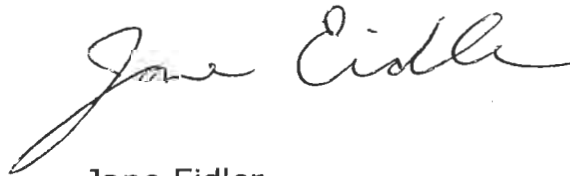
Dear Mark Gorman:

I live off Kimsham street and recently found out that the city plans to put a round about at the top of Kimsham off Edgumbe Drive. Having lived here for over ten years I would like to remind you that all winters are not like last winter and many cars going up Kimsham cannot stop or they will a slide down the hill and have no traction to get up the hill.

If the round about is empty there will be no problem, but I foresee problems if the round about is full and the Kimsham person in their car cannot get in or there are pedestrians or children trying to get to school walking across the road.

That is why in the ten years I have lived off Kimsham that they have the right of way because they are on a hill.

Sincerely,

A handwritten signature in black ink that reads "Jane Eidler". The signature is written in a cursive style with a long, sweeping tail on the "J".

Jane Eidler



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

September 8, 2015

Jane Eidler
P.O. Box 1673
Sitka, AK 99835

Dear ^{Jane}Ms. Eidler,

Thank you for sending your letter of concern regarding the new roundabout being constructed at the intersection of Edgecumbe Drive and Kimsham. We certainly recognize your concern and heard similar comments during the public meetings. However, due to current safety standards, it is not possible to leave this intersection uncontrolled for vehicles approaching uphill on Kimsham. This configuration has significant sight distance problems not being able to see the vehicles approaching on Kimsham. This makes it almost impossible to safely proceed into the intersection from the stop sign and be able to see oncoming traffic that does not have to stop. Likewise this poses an unsafe condition for pedestrians. These safety aspects are defined by national safety standards that dictate how engineers must design intersections and roads. To break away from these standards would yield significant liability for the City and Borough and the engineers responsible for the design.

We studied both a five-way stop and a roundabout in order to meet safety standards. Whether the intersection was going to be a traditional stop control configuration or a roundabout, the traffic approaching the intersection would be required to stop. We certainly understand the challenges of stopping on a hill especially during snow and ice conditions.

We have several intersections in Sitka with similar characteristics. We are committed to mitigate this concern by significantly increasing our snow and ice removal priority for this location. Through aggressive measures, we have found that this risk can be mitigated effectively especially given that the majority of the season does not yield icy conditions.

The roundabout was chosen due to the fact that it is the only intersection that meets all required safety elements for a five-way intersection. We did not want to remove any of the five intersecting streets to allow for a traditional stop control intersection. Roundabouts also have the advantage of being safer for both vehicles and pedestrians and given that they are yield control versus stop control, it reduces the requirement to stop.

I hope this information provides some clarity in terms of the selected roundabout configuration. If you need more information, I encourage you to visit with the Engineering Department.

Sincerely,



Mark Gorman
Municipal Administrator

cc: Michael Harmon, Director of Public Works

Mayor Mim McConnel
C/B Sitka
100 Lincoln Street
Sitka AK 99835

9/15/15

Dear Mim,

Re: Sitka's Natural Hazards

On 9/11/15 I sent you a fairly detailed letter concerning geophysical hazards in Sitka. As you know, it primarily focused on mass wasting (landslides and slumps), and included some discussion of flooding.

I have come to the realization that it was a mistake to include Granite Creek flooding, for several reasons: 1) my understanding of that development is not current, 2) I should not have raised the issue until I reviewed the updated Granite Creek master plan, and 3) it is an unnecessary distraction from the municipality's priority consideration of Sitka landslides.

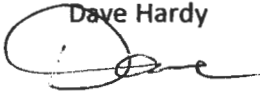
I have revised the letter to remove that portion. Please discard the original and substitute the 9/15 revision.

I have enclosed an extra set of the original attachments which concern mass wasting, and should be included with the revision.

I hope you will accept my apologies for any confusion.

Sincerely,

Dave Hardy



907-747-6525

Cc: Mark Gorman, Mike Scarcelli, Planning and Zoning Commission

Attachments:

9/15 letter re: Sitka's Natural Hazards
Dr. Dave Petley Landslide Evaluation
Golder Associates Test Pit layout map
Pit profile test pit 20

Mayor Mim McConnell
C/B Sitka
100 Lincoln St
Sitka AK 99835

9/15/2015

Dear Mim,

Re: Sitka's Natural Hazards

Like most residents of this caring community, I have been greatly distressed by the tragic landslide of August 18. In the weeks since, I have invested a fair amount of time in trying to understand 'why'.

I overheard someone at a grocery store describe the landslide as an act of God, but I know that geologists look at landslides as the result of natural processes occurring on a landscape scale and geological timeframe. The main difference seems to be one's perspective on processes and time. Mass wasting is predisposed by existing geophysical conditions, and can be triggered by earthquakes, heavy rainfall and wind, or manmade disturbance such as logging and road-building. The risk of mass wasting is greater in some areas than others, and scientific tools can help assess risk, but unfortunately with less spatial and temporal precision than you might hope for. Experts can advise you on the strengths, weaknesses, and costs of available tools, and what each method may contribute to forecast precision.

Sitka's benchlands development is the product of a long series of manmade processes, i.e. public, bureaucratic, planning and engineering processes defined by ordinance, SOPs, etc. and implemented by city staff with the aid of consultants. Hopefully, these processes included multiple safety gates where potential hazards such as landslides and floods were evaluated and addressed in project planning and design. I do not know where or when in the history of benchlands development specific decisions regarding the risk of landslides were made, or what evidence was considered. I would be especially interested in knowing what evidence supported the core decision to develop housing lots at the base of a landslide prone slope.

I undertook this superficial review of municipal standards, guidelines and processes for several reasons. I wanted to 1) learn more about the framework of municipal landslide safety decisions, 2) provide the assembly with background information that might not otherwise surface, and 3) make the complex web of municipal processes somewhat more transparent. If you find any errors of fact or have any questions, please give me a call.

The 1999 Sitka Comprehensive Plan (SCP) was generally silent on geophysical hazards, although section (2.1.9) directed the C/B of Sitka to, "seek, facilitate and maintain... safety from fire, flood and other disasters." That policy was retained in the 2007 SCP update. In November 2005 two slides between Davidoff Street and the City shop destroyed the DOT shop building and blocked HPR. The 2007 update addressed this on p.92 by asking that DOT/PF facilitate a slope stabilization project "along the entire slide prone hillside".

As evidence of the public's tendency to avoid thinking about natural hazards, in 2006 voters approved a proposal to dedicate the land to affordable housing. As you know, the planning and zoning commission is currently considering a 15 unit development. It places the communal parking area atop the previous slide path, presumably because drafters considered this the most likely place for the next wasting event to occur.

An article in the Sep.3, 2015 Sentinel reported that “Geologists are here to consult with city officials about future hazard mitigation that should be considered in plans for future building development.” Perhaps this small, accessible slide prone site could serve as a field test for geophysical experts working on the larger Sitka issues. Key questions include, where specifically and in what timeframe can we expect future mass wasting events? What if any slope stabilization measures should be applied to reduce risk, at what cost? Should we develop any, all or only a portion of this flat for housing? And if we do proceed with affordable housing development, what restrictions should be in project approvals?

The most detailed geophysical hazard guidance I found was in Sitka’s original Coastal Management Plan (SCMP), which was incorporated into the SCP by reference (SCP section 2.4.2.B.) The primary purpose of the CZM Program is to encourage cities to better plan for coastal development. The carrot is that an approved plan gives local communities some say in planning for development that affects their communities. This opportunity is not carte blanche; plans must jump through a number of hoops and agency approvals before adoption.

Sitka’s CMP included the goal, **“To protect the lives and property of the people of the C/B of Sitka from geophysical hazards.”** Enforceable Policy 2.1 said, **“Development in areas with known geophysical hazards shall not be approved by the appropriate local, state or federal authorities until siting, design and construction measures for minimizing property damage and protection against loss of life have been provided.”** 2.2 said, **“No building permit shall be issued by the municipal building official in any area containing any geophysical hazard... until the remedies for such hazards have been incorporated into project design documents.”** (emphasis added).

This goal clearly expresses the public trust responsibility of government to provide for public safety. These enforceable policies sound good on paper, but lack essential components. The main problem is that they only apply to places with known geophysical hazards. The 2.1 process does not indicate how such knowledge is to be acquired, or specify a site specific review if an overall hazard map is not available. 2.2 places too much responsibility on the shoulders of the building official to determine if an area contains any geophysical hazards, and then to deny a permit unless appropriate remedies have been incorporated. I ask you to consider whether, in the interplay of public authority and responsibility, that process is entirely appropriate or potentially effective.

I doubt that these policies were ever used. The apparently missing feedback loop would have asked, ‘Do these enforceable policies achieve the city’s goal?’ ‘And if not, why not?’ More effective policies would clearly define natural hazards and where specifically they apply. Such policies would also specify who has what duties to ensure that a project meets clearly stated hazard safety standards.

This version of the SCMP remained in effect until a passionately pro-development governor decided to bowdlerize or eliminate coastal plans, in order to prevent municipalities from impeding development. Sitka and some other communities chose to revise rather than drop their plans. Marlene Campbell can fill in the details about politics, process and outcome. The Sitka CMP was amended to the governor’s satisfaction in April of 2007.

Unfortunately the “Natural Hazards” section of the revised SCMP, pp37-40, is technically weak, and presents information and analyses that significantly understate the nature and severity of natural hazards to Sitkans. For example, “Slope Instability: Numerous landslides have occurred in the Sitka Area. The volcanic ash covering much of the area is prone to sliding and flowing, both naturally and

when artificially disturbed. Landslides do not currently affect developed areas. Many snow avalanches occur within the Borough area, but as with landslides, they do not impact presently inhabited areas". And, "Flooding: Future stream-flooding hazard can be reduced by floodplain management practices. There is some potential for local flooding, should an earthquake dislodge a snow or landslide that could give way, sending a wall of water downstream."

The amended SCMP identifies no natural hazard areas, and includes no enforceable policies. "Because the district is not proposing enforceable policies or designating natural hazard areas at this time, the application of enforceable policies is not addressed." "Without specific designation and mapping by the City and Borough of Sitka, the state standard 11AAC112.210 (see SCMP p.40) will be applied by the state agencies on a case by case basis" during ACMP consistency reviews." I would be greatly surprised if a state agency ever applied this standard to any Sitka project during an ACMP review. In sum, the State ordered revisions eliminated two local geophysical hazard policies, and substituted a state controlled process. I would emphasize that process does not guarantee an unbiased outcome.

I can't tell you much about the history of geotechnical work contracted for or conducted by the City during the long history of benchlands development. Sitka's web site makes publicly available a 2008 report by engineering subcontractor Golder and Associates, "Geotechnical Investigation Whitcomb Heights Subdivision, Sitka AK", which focuses primarily on subdivision construction features such as road and water tank siting and design.

The site investigation included 21 test pits excavated in and adjacent to the proposed subdivision. Of these 5 showed perched water tables associated with "ancient landslides". Pit 20 at proposed tank site 2 displayed "large volumes of ancient landslide and volcanic ash deposits." This pit was located about 200 feet uphill from the junction of Kramer Avenue and Emmons Street (see attached). The pit profile revealed three separate landslide strata composed of varying materials layered between 1 and 19 feet down. The 21 test pits were not designed to assess the frequency, timing and severity of past slides that reached this portion of Kramer Avenue, but they do provide concrete evidence. If desired, carbon dating could generate timelines for wasting events uncovered by test pits.

Attached is a photogrammetric analysis posted 30 August, 2015 on the American Geophysical Union blog site by Dr. Dave Petley of the University of East Anglia in the UK, titled "Sitka Landslide in Alaska – the potential power of simple geomorphic mapping." It includes a high resolution SPOT7 satellite image of the slide path, and commentary on the site's geomorphology as it relates to landslide risk. Comparing the satellite photo to the test pit map makes me wonder if test pit 20 was obliterated by the slide.

My first thought on seeing the satellite photo was how fortunate it was that the slide did not quite reach Sand Dollar Drive. My second thought was "What if the slide had slammed into the water tank and entrained 1 million gallons of water?" Experts can better answer that question than I, but I expect landslide damage would have continued a lot further downslope, perhaps all the way to the ocean.

The geotechnical analysis of water tank siting alternatives focused on substrate bearing capability; landslide risk was not discussed. It is indeed fortunate that landslide debris is an inadequate bearing surface, and sites with significant quantities of past landslide debris were rejected. I suggest that any Sitka landslide risk analysis pay particular attention to water tanks.

Dr. Petley noted: "To me as a geomorphologist, the presence of those gullies on the slope, and their shape is enough to ask serious questions about the site. Combined with ancient landslide deposits in the

vicinity of the houses themselves my concern would increase. And note that the ancient landslide deposits lie above glacial drift (i.e. the remains from a recent ice age), and ash from one or more volcanic eruptions. This suggests to me that these landslide deposits may not be very ancient in geological terms.”

The last major eruption of the Mount Edgecumbe Volcanic Field occurred 11,900 years ago, followed by two separate, relatively minor eruptions between 4000 and 5000 years ago. (USFS and USGS, 1996, *The Mount Edgecumbe Volcanic Field, A Geologic History*, pp. 23-24). Soil scientists who have studied the formation of SE AK soils can estimate the time required to produce approximately 1 foot of organic cap soil over a landslide debris field.

Whitcomb Heights’ location at the base of a steep, landslide prone slope prompted Dr. Petley to comment, “I have no idea whether a simple geomorphic analysis was undertaken of the slope, but I would be interested to find out.” The public record identifies at least one. Golder and Associates 2008 reported that, “Stereo pairs of aerial photos of the Whitcomb Heights Subdivision were examined to identify potential landslide paths and deposits.”

Unfortunately the risk of landslides was not discussed in the report, which prompts the questions: What did the consultants conclude? Were any findings or concerns reported to the primary contractor or to city staff? In the history of benchlands development, were any other formal or informal geophysical hazard analyses conducted, with what results?

Another municipal project involving mass wasting is the Gavan Hill Subdivision. Significant portions are characterized by a landslide debris field comprising the usual unconsolidated mass of trees, dirt and ash. As noted in the 2008 geotechnical investigation of Whitcomb Heights p.10, “Landslide deposits commonly exhibit characteristics of disturbed volcanic ash and are generally unsuitable as a bearing surface or for fill material.” Also (p.11) in the event of an earthquake, “It is expected that liquefaction is possible in large volumes of volcanic ash that have been excavated and reused as fill.” At the very least, it seems to me that landslide deposits present a technically challenging and expensive substrate on which to build hopefully stable home foundations.

No geophysical evaluation is required to know that this is a slide area; the slide path is visible uphill. Also the nature and distribution of the unconsolidated substrate would have been clearly delineated during road and utility construction, if not before. The questions I would ask are: Was a geophysical hazard analysis conducted for this development? What did it conclude, and was any mitigation applied? I was told that at least one lower lot purchaser did not know of the landslide debris when he bought the property. What efforts did the municipality make to inform prospective buyers of substrate characteristics?

Flooding is another common hazard in the rainforest environment of SE AK. A partial, one day listing of mass wasting and floods in the developed portions of Sitka will be provided by applications to the State for disaster relief from the August 18 slide and flood events.

Road and cross drain design and maintenance can have a significant effect on the location and severity of floods. Drainage issues regularly combine with mass wasting to cause problems with Blue Lake and Harbor Mountain roads. Perhaps you remember the Sawmill Creek Plaza flood engendered by an inadequate SMC road culvert partially plugged by flood debris. The Sitka Lutheran Church has flooded multiple times when high water and runoff combined with high tides to back up flows from an ocean

outlet, etc. A detailed public and private inventory would help clarify the nature and distribution of flooding events in Sitka. I believe you will find that flooding is quite common in Sitka, and predominantly characterized by relatively small scale events that cause some property damage, as opposed to major floods that threaten homes. Our short island streams carry substantially less water than larger, mainland systems.

On a related subject, I would like to commend the city's diligent efforts to upgrade Sitka's inflow and infiltration infrastructure to better handle storm water, and to better separate I&I from wastewater.

Staff can tell you more than I about municipal processes and guidelines, and the history of geophysical hazard analyses and decision making in city projects. Please understand that I did not evaluate municipal ordinances, codes, or administrative guidelines (SOPs), solicit detailed input from city staff, or attempt to access the wealth of information available in project files.

I can say however that Sitka's Comprehensive Plan and Coastal Zone Management Plan contain no effective standards and guidelines, and establish no clear administrative processes to evaluate geophysical hazards in the planning, development and disposition of municipal property. Sitka has no official natural hazard map to red flag projects, a long term deficiency that apparently rendered the original SCMP standards inoperative. It may be that a geophysical hazard risk assessment is not required for municipal project planning and development.

I have been told that the assembly at one time debated whether or not to accept federal funds to study Sitka's geophysical hazards, but decided to reject that opportunity. You'll have to review the minutes to understand what and why. I can't give you a date, but I believe that was back when Pete Esquiro was on the assembly; perhaps he can add his recollections to the discussion.

Please understand that my focus is on public property projects planned for and implemented by the city. On the other hand, mass wasting and floods pay no attention to property lines on a plat map. Sitka's responsibility to ensure public safety in developing private lands should not be overlooked.

Based on my limited understanding, I would say that "Why?" is a complex question that apparently involves long term shortcomings in municipal leadership, beginning with the assembly, and includes planning, project engineering and administration.

I do not know what specific mechanism the assembly will adopt to better meet the City's responsibilities, but I ask that it be effective, and not a placebo.

It seems likely that a comprehensive geophysical analysis will produce a set of hazard maps that identify other Sitka developments as situated in geophysical hazard areas. In that case, HPR residents will not be the only Sitka downslopers who feel exposed to landslide risk. Absent a major catastrophe, I presume that once an area is developed, it will remain dedicated to human use. In other words, it is waiting in geological time for the next event to arrive.

Dr. Petley concluded his review by saying, "... knowing that this is a slope that is prone to landslides does not necessarily preclude development of the benchlands area of Sitka, but appropriate mitigation would be essential." Until a comprehensive geophysical hazard review is undertaken, I recommend cancelling additional lot sales in Whitcomb Heights. The next one is scheduled for December 13.

I do not know the extent to which municipal staff complied with applicable standards, guidelines and processes during the long history of benchlands development. I presume that, absent a clearly mandated municipal process, the primary responsibility for geophysical hazard assessment and mitigation devolves to project engineer(s) assigned to design, develop and administer project construction.

I strongly support the city's efforts to consult with geotechnical experts and implement an effective process to ensure that this tragic occurrence is the last of its kind in Sitka.

I will say that, absolutely, the City should not develop or dispose of publicly owned lands in geophysical hazard areas.

Thank you for accepting the responsibility to make difficult decisions for the good of the community.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Hardy", is written over a circular scribble.

Dave Hardy
Box 6032
Sitka, AK 99835
Phone: 907-747-6525

Cc: Mark Gorman, Mike Scarcelli, Planning and Zoning Commission

Attachments:

Dr. Dave Petley Landslide Evaluation
Golder Associates Test Pit layout map
Pit profile, test pit 20

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ABOUT DAVE

Dave Petley is the Pro-Vice-Chancellor (Research and Enterprise) at the University of East Anglia in the United Kingdom.



His blog provides a commentary on landslide events occurring worldwide, including the landslides themselves, latest research, and conferences and meetings.

[Home](#) - [landslide report](#) - Sitka landslide in Alaska – the potential power of simple geomorphic mapping

30 AUGUST 2015

Sitka landslide in Alaska – the potential power of simple geomorphic mapping

Posted by [dr-dave](#)

G+1 3 Like 401 Tweet 56,14

Sitka landslide in Alaska

Heavy rainfall in Alaska on Tuesday 18th August triggered landslides in the town of Sitka in Alaska, the worst of which killed three men. The [Alaska Dispatch News](#) has the best image of the landslide that I've seen to date:



[Alaska Dispatch News](#)

It is clear that this is a flow type slide that has originated on the steep forested flanks of Harbor Mountain. The landslide tore through a new housing development on the so-called benchland area of Sitka, which it had been hoped would provide a solution to the housing problems faced by the town. There is a good account of the disaster declaration for the landslides in Sitka on [KTVA Alaska](#), and of the likely implications of the landslides in an article on the [Alaska Dispatch News website](#). Part of the development of the housing project included the construction of a water tower. The [geotechnical report for this project](#) is also available online and makes interesting reading. This is a part of the [documentation that was provided for the auction of lots in the housing subdivision](#).

The aftermath of the landslide itself has captured in a high resolution SPOT7 satellite image, and is available in annotated form on the [GeoNorth website](#):

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SPOT 7 via [Geonorth](#)

- Weare Cliffs in Dorset – rockfall video
- The West Salt Creek Landslide, Mesa County – implications for hazard management
- West Salt Creek Landslide: Colorado Geological Survey report

CATEGORIES

Categories

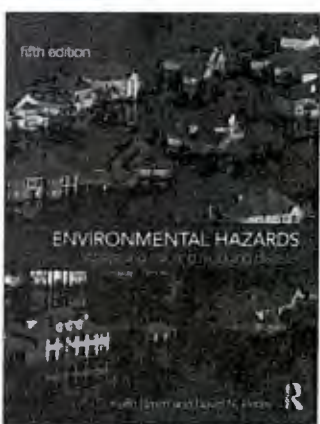
ARCHIVES

Archives

BLOGROLL

Durham University Tipping Points project
 The Institute of Hazard, Risk and Resilience Blog

MY BOOK



Smith and Petley (2009): Environmental Hazards - Assessing risk and reducing disaster is my new book - the 5th edition of this best selling text. The book is a highly accessible, undergraduate level text that provides an introduction to the natural, social and technological events that combine to cause disasters. It draws on the latest research findings to guide the reader from common problems, theories and policies to explore practical, real-world situations. In writing it we aimed to capture both the complexity and the dynamism of environmental hazards.

A few things to note here. First, it was lucky that the landslide didn't travel a little further. Second, and more importantly, the landslide started very close to a ridge in a forested section of the slope, possibly as a reasonably small landslide that appears to have entrained debris to become a high energy flow. Thirdly, the water tank is clearly visible on the image. And fourthly, the slope appears to have very interesting geomorphology, with multiple gullies. So let's take a look at the Google Earth image, which is of a high quality for this site:



Google Earth

It is clear that the slope is characterised by multiple incised channels, many of which extend from the ridgeline. Note that at least some have a broader crown area and then a narrow track. These look to me to be classic debris flow channels, at least some of which come extend down to the roads associated with potential housing developments. The Sitka landslide itself is very close to one of these channels, and may even have occupied one. And interestingly, the geotechnical report identifies "ancient landslide" deposits:

Ancient Landslide

This unit is composed of varying mixtures of volcanic ash, glacial drift, and organic materials. These deposits are typically reddish brown, moist to wet,

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compact to dense, and vary in thickness from 1.5 ft to 18.5 ft. The average moisture content was 27%. Landslide deposits commonly exhibit characteristics of disturbed volcanic ash and are generally unsuitable as a bearing surface or as fill material.

To me as a geomorphologist, the presence of those gullies on the slope, and their shape, is enough to ask serious questions about the site. Combined with ancient landslide deposits in the vicinity of the houses themselves, my concern would increase. And note that the ancient landslide deposits lie above glacial drift (i.e. the remains from a recent ice age), and ash from one or more volcanic eruptions. This suggests to me that these landslide deposits might not be very ancient in geological terms.

I have no idea whether a simple geomorphic analysis was undertaken of the slope but I would be interested to find out. Not unusually perhaps, it seems it wasn't part of the brief for the geotechnical report, which seems to me to be a perfectly competent document within the scope of such a study. O

I would also add that, of course, knowing that this is a slope that is prone to landslides does not necessarily preclude development of the benchland area of Sitka, but appropriate mitigation would be essential.

Simple engineering geomorphic mapping is a very powerful tool. It is used far too infrequently in my view. I have no idea how this slope was assessed. Was geomorphic mapping used here, and if so what did it show? If not, how have the hazards associated with this slope been assessed?

Posted in: [landslide report](#)

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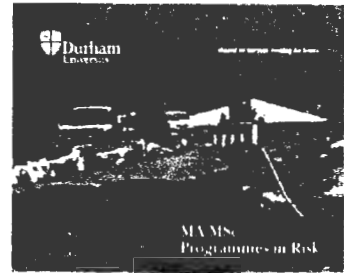
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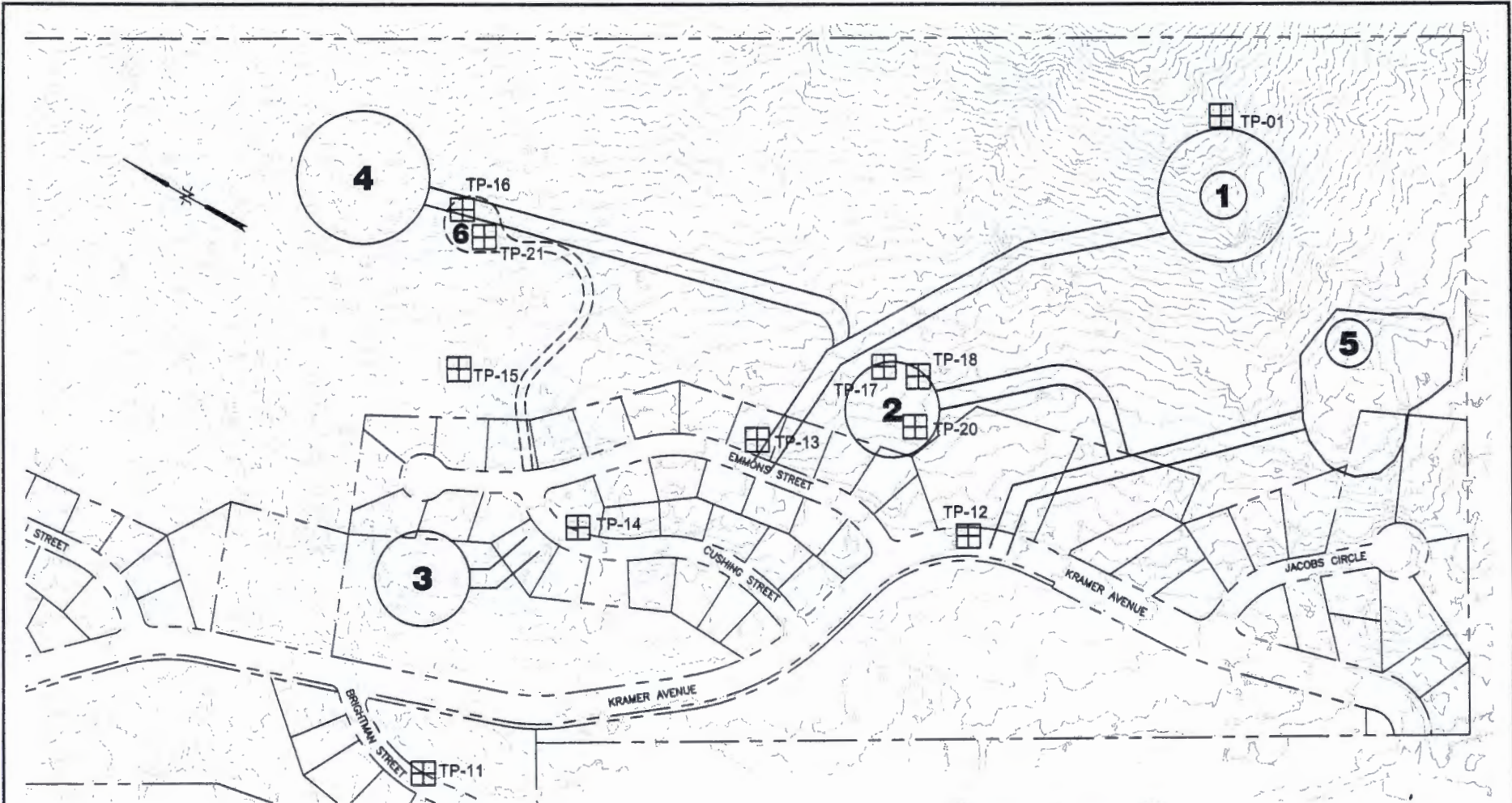
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My department is offering a new Masters (MA and MSc) programme in Risk, including an MSc in Risk and Environmental Hazards.




LEGEND

-  TP-01 TEST PIT LOCATION
-  PROPOSED WATER TANK LOCATION

NOTES

1. BASE DRAWINGS PROVIDED BY USKH.
2. TEST PIT TP-19 (NOT SHOWN) IS LOCATED ABOUT 50 FT SOUTHEAST OF TEST PIT TP-18.



 Golder Associates Anchorage, Alaska	SCALE AS SHOWN	TITLE	
	CADD	JAWIT	
	DATE	11/13/07	
	CHECK	SLA	
FILE No.	TPITLOCS_R1.DWG	DATE	01/31/08
PROJECT No.	073-95050	REV.	1
USKH / WHITCOMB HEIGHTS GEOTECH / AK		FIGURE 2	

TEST PIT LOCATIONS - SOUTH
 WHITCOMB HEIGHTS SUBDIVISION GEOTECH
 SITKA, ALASKA



PHOTO 1: Proposed Tank Site #2 is located in an area dominated by thick landslide and volcanic ash deposits. Trees in background of photo are unstable due to near saturated ground conditions.

0 ft to 1 ft:
Organics

1 ft to 5 ft:
Ancient Landslide,
rich in organics

5 ft to 11 ft:
Ancient Landslide,
rich in glacial till

11 ft to 19 ft:
Ancient Landslide,
dominantly volcanic ash

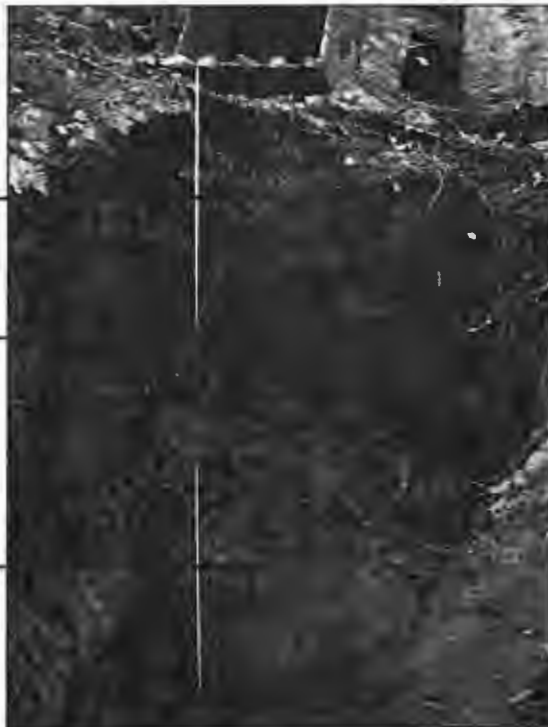


PHOTO 2: Test Pit TP-20 at proposed Tank Site #2. Three separate landslide strata are visible composed of varying materials. Glacial till encountered at 23 ft depth.



SCALE	NTS	WWS
OADD	SLA	
DATE	11/14/07	
CHECK	RGD	

TANK SITE #2 PHOTOGRAPHS
WHITCOMB HEIGHTS SUBDIVISION GEOTECH
SITKA, ALASKA

FILE No. TANK2PHOTO.CDR
PROJECT No. C73-95050

DATE	11/28/07
REV.	0

USKH / WHITCOMB HEIGHTS GEOTECH / AK

PRJDC. **6**



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Transportation and Public Facilities

SOUTHCOAST REGION
DESIGN & ENGINEERING SERVICES
Preconstruction

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

In Reply Refer To:
SIT Katlian Bay Road State Project # **Z676720000**
Finding: No Historic Properties Affected
September 3, 2015

James Kinsman, Chair
Sitka Historic Preservation Commission
c/o Municipal Clerks Office, City of Sitka
100 Lincoln Street
Sitka, AK 99835

Dear Mr. Kinsman:

The Alaska Department of Transportation and Public Facilities (DOT&PF) is proposing to construct a new road on Baranof Island in the vicinity of Katlian Bay, in the City and Borough of Sitka, Alaska. The project is within sections 2, 3, 34, 35, 25, and 25 of Sitka A-5 and sections 25, 30, 29, 20, 21, and 22 of Sitka A-4 in Township 54S, Range 64E, Township 54S, Range 65E, and Township 55S, Range 64E of the Copper River Meridian (Figure 1).

Pursuant to AS 41.35.070, Preservation of Historic, Prehistoric, and Archaeological Resources Threatened by Public Construction, DOT&PF finds that no historic properties would be affected by the proposed project.

Project Description

The Katlian Bay Road project would construct approximately 9 miles of new single-lane, unpaved road with bridge crossings. The project would begin at the northern end of Halibut Point Road, extend east along the south shoreline of Katlian Bay, cross the Katlian River, and end 4 miles east of the Katlian Bay estuary at the boundary between Shee Atika and U.S. Forest Service lands. The project is located on U.S. Forest Service (USFS), Shee Atika Corporation, State of Alaska lands, and adjacent to private land (Figure 2).

Area of Potential Effect

The area of potential effect (APE) for the project includes the approximate 9-mile road corridor plus approximately 25 to 40 feet (~7.5 to 12.25 meters) on both sides from the centerline of the proposed road (Figure 3). The APE includes areas for pullouts, grubbing, staging, access areas, and bridge emplacements as well as the existing USFS road which would provide temporary access during construction.

Identification Efforts

In September 2014, DOT&PF consulted the Alaska Heritage Resources Survey (AHRS) for cultural resource sites in the Katlian Bay area. The area was field surveyed in September, 2014 and again in March, 2015. The survey included areas of traditional land use and an investigation into the oral history.

In June 2015, a cultural resource report¹ was completed for the proposed project. This report determined the eligibility for the National Register of Historic Places (NRHP) for the four AHRs sites (listed below) in the project area. In July 2015, a supplemental survey and report²; was completed, addressing a portion of the temporary access road.

Four sites were documented and given AHRs numbers by the Office of History and Archeology (OHA). Two separate clusters of culturally modified trees (CMTs) were identified within the APE (**SIT-1012**, **SIT-1014**), and a homestead (**SIT-1016**), and a USFS Special Use Permit Cabin (**SIT-1017**) were found adjacent to the project area.

Gájaa Héen CMTs (SIT-1012) are all Sitka spruce trees with deep blaze scars dating to 200+ years. Oral history reports the Kiks.ádi Survival March route in this immediate area. No physical or archival evidence show that these trees are directly associated, so this evidence would be very difficult to obtain.

The Katlian Bay CMT (SIT-1014) cluster consists of seven cedar triangle bark striped culturally modified trees. These trees are approximately 984 feet (300 meters) above and behind SIT-237, the Mosquito Cove Shell Midden, previously identified by Archaeologist Madonna Moss. No direct evidence was noted relating these two sites.

Mary Dean Homestead (SIT-1016) a 1934 homestead was identified through the Bureau of Land Management's General Land Office records. Although fur pens are recognizable by their materials and a palisade-style foundation was noted among miscellaneous rubble, the house no longer exists and was likely washed out of the valley by a flooding episode.

The Mary Moore Cabin (SIT-1017) is the site of a 1948 USFS Special Use Permit recreational cabin. A boardwalk pathway with several log bridges leads from the bay to the remains of the cabin.. The concrete chimney is still erect amongst the overgrown Devil's Club and other vegetation. This cabin was altered with modern material and is in a collapsed state.

Finding of Effect

Sealevel Consulting recommends and DOT&PF agrees that the following sites are not eligible for listing in the NRHP:

- Gájaa Héen CMTs (SIT-1012)
- The Katlian Bay CMT (SIT-1014)
- Mary Dean Homestead (SIT-1016)
- The Mary Moore Cabin (SIT-1017)

Due to the fact that the four listed sites within and adjacent to the APE were not found eligible and that DOT&PF's supplemental field investigation did not encounter any cultural resources within the APE; DOT&PF finds that there would be no historic properties affected by the proposed project.

Although cultural resource investigations did not uncover physical remains of significant historic resources in the project APE, oral history accounts of resource extraction, of a Shaman burial, an association with the Kiks.ádi Survival March (SIT-778), and an isolated stone tool find (SIT-920) in the Coxe River of the Katlian Basin. DOT&PF proposes that an archaeological monitor be present (as will be set forth in an MOU with the Sitka Tribe of Alaska discussed in more detail in the Consulting Efforts section of this letter).

¹ *Katlian Bay Road Construction, Cultural Resources Inventory, NRHP Evaluations of Historic Properties, Sealevel Consulting for Amec-Foster-Wheeler & LEI Engineering, June 2015.*

² *Katlian Bay Road Construction Supplemental Field Survey, July 2015.*

Monitoring is proposed for any earth disturbing activities in Katlian Bay area at the beginning of the project to the mouth of Katlian Bay (Station 6+00 to Station 71+00) and along the south shore of Katlian Bay to the end of the project (Station 232+00 to Station 492+00), as well as in the vicinity of the Coxe River.

Archeological monitoring is not proposed for the project area between station 71+00 and 232+00, where there is low probability for cultural resources due to the steep nature of the terrain and the high altitude of the central portion of for this area. (See enclosed Figure 4).

Additionally, archeological monitoring is proposed for all wetland mitigation sites involving earth disturbing activities. These areas (not shown on the enclosed drawing) are adjacent to the proposed project and are proposed for new rearing ponds and connecting channels constructed as mitigation for unavoidable impacts to wetlands and other waters of the U.S.

Consultation Efforts

All of the following parties have been consulted in a March 4, 2015 Consultation-Initiation and are being notified of this finding

- Alaska Office of History and Archaeology (OHA)
- Sitka Tribe of Alaska
- Central Council Tlingit & Haida Indian Tribes of Alaska
- Shee Atika Incorporated
- Sealaska Corporation
- Sealaska Heritage Institute
- Sitka Historic Preservation Commission

Correspondence received from OHA indicated no objections to the proposed APE or proposed level of study effort. Faleene Worrell, a board member and shareholder of Shee Atika responded in support of the project because of the expanding tourist, rock source, and road opportunities.

Shee Atika Incorporated responded that the road would not impact places of traditional, religious, and cultural importance to Shee Atika.

On March 19, 2015, the Sitka Tribe of Alaska (STA) requested Government-to-Government Consultation between the State of Alaska and the Sitka Tribe of Alaska to discuss the proposed project's potential impacts to their culture and traditional subsistence usage of the forest and streams in the project area. DOT&PF staff traveled to Sitka and met with Tribal Council members as well as STA resource protection staff on April 8, 2015. Based on that meeting DOT&PF agreed to conduct archeological monitoring and to enter into a Memorandum of Understanding (MOU) with the STA to address monitoring during construction in previously undisturbed ground in areas that may contain artifacts or sites of traditional religious and cultural importance. DOT&PF has had additional conversations with the STA to further refine various stipulations, including treatment of human remains and how inadvertent discoveries would be addressed, should they be made, during construction.

If you wish to comment on this finding, I can be reached at the address above, by telephone at 907-465-4715, or by e-mail at e-mail at michael.kell@alaska.gov. However, please note that to receive consideration, your comments must be received within thirty days of your receipt of this correspondence.

Sincerely,



Michael Kell
Cultural Resources Specialist
DOT&PF Southcoast Region

Enclosures:

Figure 1 Katlian Bay Project Location Map

Figure 2 Katlian Bay Road Project Alternative Evaluations for Engineering and Environmental Constraints

Figure 3 Area of Potential Effect (APE)

Figure 4 Katlian Bay Road Project Recommended Monitoring

DRAFT Memorandum of Understanding Between the Alaska Department of Transportation and Public Facilities, Southcoast Region and the Sitka Tribe of Alaska for Archaeological Monitoring on the Katlian Bay Road, Project #67672 Recommended Archeological Monitoring Locations Drawing

cc w/ enclosures:

Ken Cameron, Shee Atika Incorporated

Richard Peterson, Central Council Tlingit & Haida Indian Tribes of Alaska

Michelle Metz, Sealaska Corporation

Michael Baines, Sitka Tribe of Alaska

Jeff Feldpausch, Sitka Tribe of Alaska

cc w/o enclosures:

Laurie Mulcahy, DOT&PF, Cultural Resources Manage

Keith Karpstein, P.E., Katlian Bay Road Project Manager, DOT&PF Southcoast Region

Jane Gendron, Regional Environmental Manager, DOT&PF Southcoast Region

Pam Gunther, Life Sciences Lead, Amec Foster Wheeler

MEMORANDUM OF UNDERSTANDING

Between the
Alaska Department of Transportation and Public Facilities, Southcoast Region
and the
Sitka Tribe of Alaska
for
Archaeological Monitoring on the

KATLIAN BAY ROAD PROJECT
PROJECT NO. 67672

THIS MEMORANDUM OF UNDERSTANDING (“MOU”), made and entered into this ___ day of _____, between the STATE of ALASKA, acting by and through its SOUTHCOAST REGION of the DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES (“DOT&PF”), and the SITKA TRIBE OF ALASKA (“STA”) hereby provides as follows:

WITNESSETH:

WHEREAS, the Southcoast Region of the Alaska Department of Transportation and Public Facilities (DOT&PF) proposes to construct the Katlian Bay Road Project; and

WHEREAS, the undertaking would construct approximately 9 miles (14.5 kilometers) of new single-lane, unpaved road with bridge crossings, beginning at the northern terminus of Halibut Point Road, extending east along the south shoreline of Katlian Bay to cross the Katlian River, and terminating 4 miles (6.4 km) east of the Katlian Bay estuary at the boundary between Shee Atika and U.S. Forest Service lands; and

WHEREAS, consultation pursuant to DOT&PF Policy and Procedure 01.03.010 regarding Government-To-Government Relations with the Federally-Recognized Tribes of Alaska for this project occurred in April, 2015 between the DOT&PF and the Sitka Tribe of Alaska (STA); and

WHEREAS, the STA has expressed concerns pursuant to the Alaska Historic Preservation Act, AS.41.35, Section .070 (Preservation of Historic, Prehistoric, and Archaeological Resources Threatened By Public Construction); and

WHEREAS, under the Alaska Native Claims Settlement Act of 1971 the Alaska Native corporations of Shee Atika (village) and Sealaska (regional) received title to properties within the project right of way; and

WHEREAS, STA’s traditional territory reflects the lands and waters historically and presently composed of the western side of Baranof Island, the greater reaches of Peril Strait, southwestern portions of Chichagof Island and the myriad of islands as well as the waters between these locations; and

WHEREAS, the STA has identified areas of traditional use as well as potential religious and cultural importance along the project’s proposed alignment; and

2. The Archaeological Monitor shall submit a Draft AMP to the DOT&PF and STA prior to construction to allow a minimum of thirty (30) days for review, comment, and final approval before any ground disturbance begins. Following submission of the Draft AMP, the Archaeological Monitor will revise the AMP as needed based on comments from DOT&PF and STA. The Final AMP will be approved by the DOT&PF Southcoast Region Cultural Resource Specialist prior to any ground disturbance from construction activities.
- E. The DOT&PF shall ensure that the SOI-qualified Archaeological Monitor(s) is on-site during all ground disturbing or earth-moving activities in the areas specified in Appendix A so that the Archaeological Monitor can observe the excavation and inspect new exposures and redeposited sediments as specified in the Archaeological Monitoring Plan. Additional SOI-qualified archaeological staff shall be provided should it be determined necessary by the on-site Archaeological Monitor or the DOT&PF to complete the task.
 - F. The on-site Archaeological Monitor or other SOI-qualified on-site archaeological staff shall be authorized to halt construction in a specific location if cultural resources are encountered during earth-moving activities.
 - G. In the event previously unidentified cultural resources are discovered during earth-moving activities, the Archaeological Monitor shall proceed in accordance with Stipulation V.
 - H. The Archaeologist(s) shall evaluate any previously unidentified cultural resources for eligibility to the NRHP using established NRHP criteria. The DOT&PF shall determine NRHP eligibility in consultation with the OHA, Tribes, and other Consulting Parties as identified. All NRHP evaluations will follow the *Secretary of Interior's Standards and Guidelines for Evaluation of Historic Properties* and 36 CFR § 800.4(c). Disputes concerning eligibility will be resolved by the Keeper of the National Register (Keeper) pursuant to 36 CFR § 800.4(c)(2).
 - I. The Archaeological Monitor shall provide a summary monitoring memo on a weekly basis to the DOT&PF Project Engineer who will forward a copy of the monitoring memo to the DOT&PF Southcoast Region Cultural Resource Specialist and the STA within one (1) day of its receipt.
 - J. If human remains are encountered, they shall be treated in accordance with Stipulation IV.
 - K. The Archaeological Monitor shall submit a draft Archaeological Monitoring Summary Report to the DOT&PF Southcoast Region Cultural Resource Specialist and the STA with ninety (90) days following completion of archaeological monitoring. The Signatories shall have thirty (30) days to review and comment. The Archaeological Monitor shall ensure that any comments received during the review period are addressed and that a final report addressing all comments is filed with the DOT&PF Southcoast Region Cultural Resource Specialist and the STA prior to the conclusion of this MOU.

unanticipated manner, the DOT&PF shall consult with the STA and the OHA, pursuant to AS.41.35.070 (d). The DOT&PF will ensure that work shall cease in the area of the discovery until the previously unidentified historic property or unanticipated effect can be evaluated, and an appropriate treatment plan consistent with the Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716) is developed and agreed upon by the OHA. The DOT&PF shall ensure that the treatment plan is implemented.

- B. An SOI-qualified Archaeologist(s) shall evaluate any previously-unidentified cultural resource encountered during construction for eligibility to the NRHP using established NRHP criteria. The DOT&PF shall determine NRHP eligibility in consultation with the OHA, STA, and other consulting parties, as appropriate. All NRHP evaluations will follow the *Secretary of Interior's Standards and Guidelines for Evaluation of Historic Properties* and 36 CFR §Part 800.4(c). Disputes concerning eligibility will be resolved by the Keeper of the National Register (Keeper) pursuant to 36 CFR § 800.4(c)(2).
- C. For those properties that are determined to be eligible for inclusion in the NRHP, the DOT&PF shall apply the appropriate criteria of effect in consultation with the OHA, STA, and other consulting parties. The views of other consulting parties will be sought through consultation as appropriate if there is a finding that the project activity will cause an adverse effect.
- D. Any associated or unassociated funerary objects, sacred objects, or objects of cultural patrimony as defined by NAGPRA discovered during construction on State or private lands will be repatriated to the appropriate lineal descendants or clans through STA. The State recognizes STA as the sole affiliated tribe with the authority to receive these items through repatriation.

VI. Curation

- A. In accordance with the Alaska Historic Preservation Act, Title to Historic, Prehistoric, and Archaeological Resources (Alaska Statute [AS] 41.35.020), "(a) The state reserves to itself title to all historic, prehistoric, and archaeological resources situated on land owned or controlled by the state..." Therefore, artifacts, faunal remains, and related materials recovered on land owned or controlled by the state, including DOT&PF Right of Way (ROW), will be accessioned to the University of Alaska Museum in Fairbanks. The Alaska Historic Preservation Act also recognizes the cultural rights of Tribal descendants for possession and use of their valued cultural resources. As allowed in AS 41.35.020(b) any historic, prehistoric or archaeological resources recovered during construction that are deemed Native in origin will be curated in Sitka at a local repository or museum that meet State standards..
- B. Historic, prehistoric, and archaeological resources recovered from land controlled by other private entities will be turned over to STA for curation in Sitka at a local repository or museum.

SITKA TRIBE OF ALASKA

By: _____
Michael A. Baines, Chairman, Sitka Tribe of Alaska Tribal Council

Date: _____

INVITED SIGNATORIES

SHEE ATIKA CORPORATION

By: _____
Kenneth Cameron, President and CEO, Shee Atika Corporation

Date: _____

SEALASKA CORPORATION

By: _____
Anthony Mallot, President and CEO, Sealaska Corporation

Date: _____

APPENDIX B

Katlian Bay Road Project

Project No. 67672

Contact Information for Agency and Tribal Officials Involved with Human Remains Consultation

DOT&PF, Southcoast Region:

Jane Gendron, Regional Environmental Manager
and Michael Kell, Cultural Resource Specialist
6860 Glacier Highway
Juneau, AK 99519
Phone: (907) 465-4499 / (907)465-4715
Fax: (907)2016

Office of History and Archaeology:

Judy Bittner, Chief
DNR Office of History and Archaeology
550 W. 7th Avenue, Suite 1310
Anchorage, AK 99501
Phone: (907) 269-8721
Fax: (907) 269-8908

State Medical Examiner:

Stephen Hoage, Operations Administrator
4500 S. Boniface Pkwy
Anchorage, Alaska 99508-1264
Phone: (907) 334-8643
Fax: (907) 334-2216

Alaska Bureau of Vital Statistics:

Phillip Mitchell, Section Chief
Supervisor of the Anchorage Bureau
Phone: (907) 465-8643
Fax: (907) 465-4689

Alaska State Troopers:

Missing Persons Bureau
Sergeant Kid Chan
5700 East Tudor
Anchorage, AK
Phone: (907) 269-5058
Fax: (907) 248-9834

AST Criminal Investigation Bureau:

Lieutenant Nils Monsen
Phone: (907) 745-2131
Investigator Dave Johnson
Phone: (907) 465-8643

Sitka Police Department:

304 Lake St. #102
Sitka, AK 99835
Police Dispatch (main): (907) 747-3245
Police Administration: (907) 747-3349

Sitka Tribe of Alaska:

Michael Baines, Chairman, Tribal Council
456 Katlian St
Sitka, Alaska 99835
Phone: (907) 747-3207

Lawrence SpottedBird, General Manager
Phone: (907) 747-7380

Jeff Feldpausch, Resource Protection Director
Phone: (907) 747-7469



**FIGURE 1
KATLIAN BAY
PROJECT LOCATION**



- Populated Place
- ▲ Campground
- Existing Road
- Proposed Katlian Bay Road



DRAWN BY: WR CHECKED BY: PG



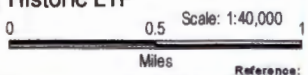
Copyright: © 2013 National Geographic Society, i-cubed

DRAWN BY: MR CHECKED BY: PG



FIGURE 2 KATLIAN BAY ROAD PROJECT PROPOSED ALIGNMENT

- | | | |
|------------------------|----------------------------------|-----------------------|
| Starrigavan Campsite | Mile Mark | Proposed Day Use Area |
| Public Road | Proposed Bridges | Proposed Viewpoint |
| USFS Road | Proposed Alignment | Existing Historic LTF |
| Abandoned Logging Road | Proposed OHV Trail | |
| Watercourse | Access Roads | |
| Ownership Boundary | Proposed New Access Road Segment | |



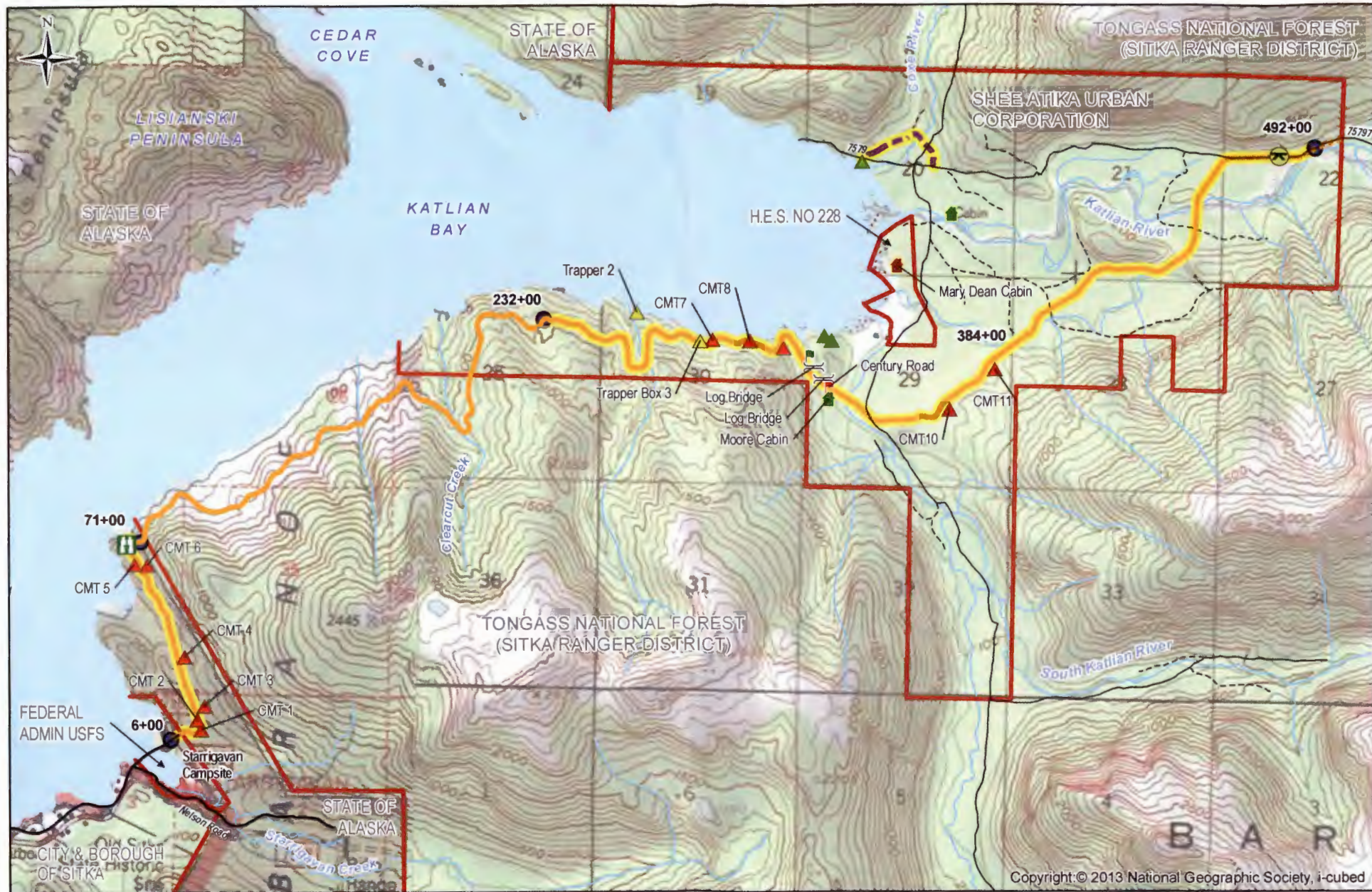
Reference:
Alaska State Geo-Spatial Data Clearinghouse
<http://www.asgic.state.ak.us>



Figure 2

T:\08\Projects\010107\01_Katlian_Road\Map\Map2_1.gxd, report.mxd 11-18-02, project_location_7000_0111.mxd Last updated by mlb/oa/rao/det





Katlian Bay Road Project Recommended Monitoring

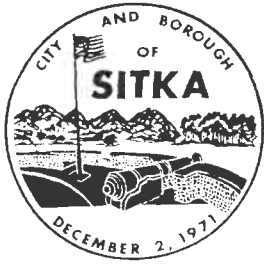
Public Road	Day Use Area	Historic Trapping Remains
USFS Road	Potential Viewpoint	Historic Logging Remains
Abandoned Logging Road	Monitoring Locations	Homestead
Proposed Route	Bridge	Road
ATV Trail	CMTs	Trail
Temporary Construction Road	Cabin	Road Stations
	Land Status	Recommended Monitoring



Figure 4

DRAWN BY: WRCHECKED BY: PG

T:\B\Projects\Water\015177819_Katlian_Bay\Map\map14_arb00000001_boc014-001-007_mon01r0g_v3.mxd Last updated by wrc on 06/11/2013



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

September 8, 2015

Audrey Hudson
Council Annette Islands Reserve
P.O. Box 8
Metlakatla, AK 99926

Dear Audrey,

Thank you so much for your kind letter and especially the personal phone call you made to me on Friday, August 21st. Your expressions of concern and compassion show what a small, close region we live in, in spite of the physical barriers of islands and ocean. Thank you for holding our community close in your thoughts and prayers, it's appreciated. We are made stronger and will heal better knowing you and the people of Metlakatla stand beside us.

Best wishes,

Mim McConnell, Mayor
City and Borough of Sitka

P.S. Please forgive the stamped signature. I'm with my family in Maine and so I can't personally sign the letter. I wanted to make sure I responded to your letter as soon as possible and so directed staff to use the stamp.



Legislation Details

File #: 15-181 Version: 1 Name:
Type: Ceremonial Status: AGENDA READY
File created: 9/16/2015 In control: City and Borough Assembly
On agenda: 9/22/2015 Final action:
Title: Certificate of Service for Lynne Brandon
Sponsors:
Indexes:
Code sections:
Attachments: [Brandon Certificate](#)

Date	Ver.	Action By	Action	Result
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Service Award

On behalf of the City and Borough of Sitka is hereby awarded to

Lynne Brandon

In grateful appreciation of over 13 years of dedicated service to the City and Borough of Sitka. Your contributions have benefited this organization immensely. With our sincere gratitude.

Mayor Mim McConnell

ATTEST: Municipal Clerk
Sara Peterson, CMC





Legislation Details

File #: 15-182 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 9/16/2015 In control: City and Borough Assembly
On agenda: 9/22/2015 Final action:
Title: Meet five International Exchange Students
Sponsors:
Indexes:
Code sections:
Attachments: [International Exchange Students](#)

Date	Ver.	Action By	Action	Result
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Meet five International Exchange Students



September 8, 2015

Mayor Mim McConnell and Assembly Members:

Please welcome Sitka's international exchange students representing the AFS and Rotary International exchange student programs. This year, we have students from Germany, Tajikistan, Thailand, Paraguay and Denmark living with host families.

2015-16 International Exchange Students

AFS- USA works toward a more just and peaceful world by providing international and intercultural learning experiences to individuals, families, schools, and communities through a global volunteer partnership in more than 40 countries and a network of volunteers. Students live with one family for the school year.

Student. Tessa Schindler, Germany

Host family. Karen, Ed, Carrie, and Minh Iwamoto

Tessa, 16, is a recipient of the Congress-Bundestag Youth Exchange Scholarship (CBYX), a program inaugurated in 1983 by the U.S. Congress and the German Bundestag. This public diplomacy initiative is designed to strengthen ties between the youth of Germany and the U.S. by facilitating international dialogue and cooperation. CBYX scholars return with an expanded global perspective and awareness of each other's culture, society, history and politics.

Tessa has joined the volleyball team and loves handball, plays the guitar and enjoys singing. She is considering 3 possible careers; diplomat, UNICEF, or a scientist. In any event, she wants to improve the world.

Student. Anisabonu (Anisa) Salieva, Tajikistan

Host family. Julie, Tim and Angelina Doggett

Anisa, 17, is a recipient of the FLEX scholarship (Future Leaders Exchange Program,) a US State Department funded program for students from the countries of the former Soviet Union, originating in 1992. FLEX students come from: Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan and the Ukraine.

Anisa loves spending time with her large, extended family. They often go on picnics. She loves to run and has joined cross-country. Anisa's name means "friend" and she is proud to say she has indeed a lot of friends.

Student. Palin (Khim) Boonma, Thailand

Host family. Melissa, Tom and Alyssa Henshaw

Khim enjoys drawing and painting and spending time at the library exploring books and comics. Palin is on the volleyball team. She wanted to come to the U.S. because she heard it is a land of equality and independent people. She wants to improve her English because she hopes to be a businesswoman. She likes to cook and hopes to do some kind of business related to food.

Student. Victor Hugo Quintana Ortega

Host family. Kelly, Chad and Josh Goeden

Victor, 17, comes from a family of AFS'ers. He enjoys math and wants to be an engineer like his father. In his spare time, he goes to the gym, plays soccer and trains in mixed martial arts. Victor plans on joining the wrestling and soccer teams.

Rotary Youth Exchange Since 1929, Rotary International has sent young people around the globe to experience new cultures. Currently, about 9,000 students are sponsored by Rotary clubs every year. Typically, students are sent to another country for a year-long stay, stay with multiple families and are supported by a local Rotary Club.

Student. Jes Waldemar, Denmark

Host family. Kris, Brett, David and Olivia Wilcox

Jes, 16, is from the Jutland (pronounced yutland) region in Denmark. He enjoys soccer in his home country, but is having fun trying out lots of new things in Sitka: kayaking, boating, fishing, cross-country, hiking, vegetarian dining and DDF so far. He saw his first whale from a kayak, with host dad, and has already climbed Mt. Edgecumbe.



Legislation Details

File #: 15-183 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 9/16/2015 In control: City and Borough Assembly

On agenda: 9/22/2015 Final action:

Title: Chief Finance and Administrative Officer update on emergency expenditures

Sponsors:

Indexes:

Code sections:

Attachments: [CFAO Report Emergency Expenditures](#)

Date	Ver.	Action By	Action	Result
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Special Reports

- Jay Sweeney, Chief Finance and Administrative Officer update on emergency expenditures

Memo

Thru: Mark Gorman, Administrator

To: Mayor McConnell and Assembly of the City and Borough of Sitka

From: Jay Sweeney, Chief Financial and Administrative Officer 

Date: September 3, 2015

Re: Municipal Expenditures to Date for Emergency Response and Diesel Fuel Spill

Mayor McConnell and fellow Assembly Members,

Municipal expenditures to date for the emergency response and diesel fuel spill are as follows:

Emergency Response:

Kramer Avenue - \$130,246.95

SMCR / GPIP - \$32,519.59

All other sites - \$32,668.14

Total, Emergency Response - \$195,434.68

Diesel Spill:

All aspects - \$32,283.59

Total: \$227,718.27

Total expenditures for both the emergency response and diesel fuel spill incidents are expected to be substantially higher than the amounts above. The Municipality will have ultimate responsibility for all Federal and State costs related to the diesel fuel spill.

Total expenditures for the emergency response will increase once debris clearing work resumes. The declaration of an emergency by the State of Alaska will result in most expenditures ultimately being reimbursed by the State, up to a total of \$1 million dollars. Reimbursement by the State may take up to 90 days to be received.



Legislation Details

File #: 15-184 Version: 1 Name:
Type: Minutes Status: AGENDA READY
File created: 9/16/2015 In control: City and Borough Assembly
On agenda: 9/22/2015 Final action:
Title: Approve the minutes from the September 8, 2015 Assembly meeting
Sponsors:
Indexes:
Code sections:
Attachments: [2015-09-08 Draft Assembly Minutes](#)

Date	Ver.	Action By	Action	Result
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CONSENT AGENDA

POSSIBLE MOTION

**I MOVE TO APPROVE THE CONSENT AGENDA
CONSISTING OF ITEM A**

I wish to remove Item(s) _____

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

If this item is pulled from the consent agenda the following motion would be in order:

POSSIBLE MOTION

I MOVE TO approve the minutes of the September 8, 2015 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, September 8, 2015

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Present: 5 - Hunter, Swanson, Eisenbeisz, Guevin, and Putz

Absent: 1 - Miyasato

Telephonic: 1 - McConnell

IV. CORRESPONDENCE/AGENDA CHANGES

[15-178](#) Correspondence

V. CEREMONIAL MATTERS

[15-166](#) Service Award for Parks and Recreation Committee members Ken Corson and Hans von Rekowski

Deputy Hunter read the awards and gave them to the recipients.

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

Tim Fulton, Sitka School Board Clerk gave a report regarding student numbers, talked of the celebration for Herman Davis, and shared that a segment would be aired on television. He reported on the School Board work session that was held on August 27, and the first board meeting in which they accepted Lon Garrison's resignation, thanked him for his service stating that no applications had been turned

in for his seat and encouraged the public to apply. He thanked the candidates that were running, told of the board goal setting that took place on August 27 and 28 and would report details back at a later date and mentioned Debbie Yearwood was the school rep for this school year.

[15-167](#)

Sitka Community Development Corporation and the Community Land Trust proposal for the Old City Shops property (<20 minutes)

McConnell recused herself. Randy Hughey with Sitka Community Development Corporation (SCDC) reported on the housing market, definition of an affordable amount, deeds, and the property. Caitlin Woolsey went over the proposed affordable cottage neighborhood project and showed drawings, aerials, and plat maps.

Hughey answered that they were interested in creating single family dwellings. Hunter told of neighbors concerned with building into the southern end of the property. Hughey answered that engineered retaining walls would be put in place if need be and that no history showed of no slides in the area. Eisenbeisz asked of shared spaces and whom would be responsible and thought of a home owner type situation. Hughey told of how they would select applicants and the process.

[15-168](#)

Chief Finance and Administrative Officer update on emergency expenditures

Jay Sweeney, Chief Finance and Administrative Officer spoke to a summary of costs associated with the landslide emergency response and future added anticipated costs.

[15-176](#)

Sitka Community Hospital report - Rob Allen, CEO

Rob Allen, CEO of Sitka Community Hospital gave an update stating an informational meeting would be held on Thursday, September 10 at the Hospital for anyone interested in being on the newly formed board. Told of financials from closing out the fiscal year. Reported on clearing up the credentialing issue, timeline of paying for the line of credit, and thanked staff.

VII. PERSONS TO BE HEARD

Robb Farmer, Library Director told of upcoming events.

Michael Winters stated that the Sitka Police Department should be prepared to help citizens with mental illnesses and suggested training would be helpful.

VIII. REPORTS

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

Mayor - None.

Municipal Administrator - Mark Gorman met with members of the landslide group and with the State emergency management team after the declaration from the State for financial relief. Told of possible exemptions on property taxes regarding the disaster. Reported after October 6, 2015 the sale of the Administration building at the Gary Paxton Industrial Park could take place. Sitka Hotel was close to a sale, the Harbor system was certified as a clean harbor by the Alaska Clean Harbor Advisory

committee, gave condolences to the family of Paulene Bergdoll, and the first Citizens' Taskforce meeting would be held September 14.

Liaison Representatives - Guevin told that the Health Needs and Human Services Commission recommended support of an ordinance of safe streets, it would go to Police and Fire Commission before coming to the Assembly and told of a Mental Health first aid training by Sitka Counseling September 29th.

Clerk - Reported on election dates, times, and locations of precincts; polled the Assembly for a special meeting date for the non-profit grant application allocation.

Other - None.

IX. CONSENT AGENDA

A [15-164](#) Approve the minutes of the August 11, 21 and 25 Assembly meetings

This item was APPROVED ON THE CONSENT AGENDA.

B [RES 15-19](#) Supporting the Sitka Pioneer Home

This item was APPROVED ON THE CONSENT AGENDA.

C **ORD 15-45** Adjusting the FY16 Budget

This item was APPROVED ON THE CONSENT AGENDA.

D **ORD 15-46** Amending Sitka General Code to remove vacation rates at Chapter 15.04 "Sewer System," Chapter 15.05 "Water System," Chapter 15.06 "Solid Waste Treatment and Refuse Collection" and removing reference to vacation rates in footnotes in Section 15 of the Sitka General Code

Hunter explained the funds had infrastructure needs, saving needed to take place for capital, and told that vacation rates dated back decades when the State gave money freely for infrastructure which was no longer the case. Putz spoke to shared cost amongst rate payers. Eisenbeisz encouraged other ideas from Assembly members. Jay Sweeney, Chief Finance and Administrative Officer told of statistics of fiscal year 2015 for the three funds, and the average credit. He broke out fund costs, told of growth, and cost of a small street replacement.

A motion was made by Putz that this Ordinance be PASSED ON FIRST READING. The motion PASSED by the following vote.

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

No: 1 - Eisenbeisz

Absent: 1 - Miyasato

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

- E [15-169](#) Reappoint Judith Ozment to a three-year term on the Historic Preservation Commission and reappoint Lisa Baugher to a three-year term on the Police and Fire Commission

Hunter thanked the applicants.

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

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

Absent: 1 - Miyasato

XI. UNFINISHED BUSINESS:

- F [15-175](#) Award a contract to the Greater Sitka Chamber of Commerce to provide convention and visitor services (executive session anticipated)

A motion was made by Putz to go into Executive Session to discuss communications with legal counsel, Brian Hanson, regarding the transition of services from the Sitka Convention and Visitors Bureau and invite in Chief Finance and Administrative Officer, Jay Sweeney, and Harrigan Centennial Hall Manager, Don Kluting.

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

Absent: 1 - Miyasato

A motion was made by Swanson to RECONVENE as the Assembly in regular session. The motion PASSED by the following vote.

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

Absent: 1 - Miyasato

Bonnie Richards expressed concerns with awarding the contract to the Chamber without a management plan.

Municipal Administrator, Mark Gorman spoke to the contract, stating the City had worked closely with the Chamber, it was a solid contract, and felt if it was not awarded, then to bring the services in house.

Suzan Hess, Board President of the Greater Sitka Chamber of Commerce and Ptarmica McConnell, board member stated several Chamber of Commerces in Alaska had cross over with visitor industry. Putz, Hunter, and Guevin had concerns with keeping the visitor services separate from other Chamber functions. Ptarmica McConnell told that controls would be put in place for visitor services, office space would be a shared cost, and they would have additional employees. Hess mentioned they would be moving to the Central Business District. Eisenbeisz shared concerns with the costs of employees. Hunter was in support of the contract, liked the goal of Chamber, and mentioned the similarity of Chamber and visitor services as a commonality. Mayor McConnell had been involved with the Chamber in the past, was impressed with the current Board, and was in support of the contract. Hess stated the board members. Mayor McConnell told of the importance of the visitor industry as a top priority, that the Chamber would have to report to the City and Assembly. Eisenbeisz had concerns with the gala event and restructuring of services. Ptarmica McConnell told of the Gala event and restructuring of services. Putz told she could no

longer support funding the Sitka Convention and Visitors Bureau (SCVB) and was in support of the Chamber contract. Eisenbeisz asked Gorman with concern of paying out of the General Fund. Gorman told of allowable changes of a new contract with negotiations. Hunter told of termination in the contract. Gorman stated that visitor enhancement funds may be available and of the contract date ending on June 30, 2018. Gorman told of the staff assessing the current assets which would transfer and the cash on hand would not be transferable. Guevin had concerns with lobbying of the Chamber, thought it would be contrary to visitor services and was in support of bringing it in house. Mayor McConnell thought bringing it in house would not be cost effective. Gorman spoke to the cost of bringing it in house.

A motion was made by Putz to award a contract to the Greater Sitka Chamber of Commerce to provide convention and visitor services. The motion PASSED by the following vote.

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

No: 1 - Guevin

Absent: 1 - Miyasato

G [ORD 15-42](#) Amending Sitka General Code Title 22 Zoning to allow asphalt plants and concrete batch plants as a conditional use in the Industrial zone

A motion was made by Putz that this Ordinance be PASSED ON SECOND AND FINAL READING. The motion passed by the following vote.

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

Absent: 1 - Miyasato

XII. NEW BUSINESS:

H [15-170](#) Board of Adjustment: Consideration of a conditional use permit for the expansion of a credit union at 401 and 407 Halibut Point Road filed by Daniel G. Jones, P.E., LLC previously denied by the Planning Commission. Owner of record is ALPS Federal Credit Union

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

Michael Scarcelli, Senior Planner gave a staff report stating that the Planning Commission recommended denial and requested it be remanded back to the Planning Commission if the applicant would scale back the expansion and comply with all concerns.

Applicant, Dan Jones spoke of the history of the 1998 approval with four conditions stating that both the Planning Commission and Assembly unanimous approved it. Jones added that ALPS had been compliant and there had not been concerns of traffic issues. John O'Brien, CEO of ALPS stated the credit union would like to optimize space by adding square footage to support the operations, for convenience, and mobile services. They would lease parking spaces at Mt. Verstovia Lodge on Erler Street. Jones went over the staff report stating that DOT would give requirements for traffic flow, thus it would take care of public safety. Jones stated they would comply with parking with the final design and would meet the code for setbacks. He told the height of 40 feet was allowed, read Sitka General Code section 2.24.010e, asked the Assembly for approval, and stated conditions which they would meet. O'Brien addressed total building height currently at 32 feet and told the addition

would continue. He told that the current building was built 16 years ago and they had out grown it. This addition would isolate traffic from the two properties and they were requesting approval. They currently lease five spaces across the street for employees.

Public Comment - Kristy Kissinger Totten, adjacent resident at 311 Eler Street spoke stating that this business should not be allowed in a residential zone, had safety concerns, inadequate parking, below minimum setbacks, and inadequate plans for containing the retaining wall. Hunter asked if a one-story addition would mitigate concerns. Ms. Totten stated that the height was not allowed as a concern per the Code, and that it could morph into more than one-story.

Dr. John Totten spoke in support of the denial of this conditional use permit asking the Assembly to request ALPS abide by the rules, that the burden of proof was upon them, thought that this was an inadequate proposal, had residential impacts, parking issues, and stated that ALPS needed to come back with a clean drawing. Asked the Assembly to deny the proposal with prejudice.

Dr. Karen Zamzow, resident at 310 Eler Street spoke in support of the denial of the conditional use permit as the site plan did not meet or follow the R-2 zoning requirements, Sitka General Code, or the Comprehensive Plan. Lease spaces should not be a part of the required Code and that a site plan should be submitted that would deal with issues first.

Staff Rebuttal - Scarcelli told that the burden of proof was on the applicant, and that the parking agreement did not carry over. Planning and Community Development Director, Maegan Bosak reminded the Assembly that conditional use permits were to be approved based upon plans submitted.

Applicant rebuttal - O'Brien asked for approval and clarified the Code should be met as the architect went over the plans with city staff. Told of the remote service option to minimize transactional traffic. Jones clarified that they were asking for a conditional use permit not a building permit and told it abuts an arterial road, asked if the Assembly would allow a credit union in an R-2 zone.

Deliberation - Putz told of her concerns with the location. Eisenbeisz told his concerns that this was not a complete plan and was in support of the denial and in support of resubmittal. Hunter spoke to the application, conditions, and suggested a remote site for a phone bank.

A motion was made by Guevin to deny a conditional use permit for the expansion of a credit union at 401 and 407 Halibut Point Road. The request is filed by Daniel G. Jones, P.E., LLC. Owner of record is ALPS Federal Credit Union. Denial was recommended by the Planning Commission as the following findings could not be met in accordance with the Planning Commission. Further, in accordance with Sitka General Code the Planning Commission shall not recommend approval of a proposed development unless it can first meet the following findings, conditions and conclusions. The Planning Commission further recommended denial of the conditional use permit due to concerns with the residential quality of the neighborhood, concerns about traffic flow, public safety, and parking. The Board of Adjustment supports the Planning Commission's decision and denies the conditional use permit; and request that they be made a part of the final decision of record.

Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. a. be detrimental to the public health, safety, and general welfare; specifically residential neighbors in the adjacent area.
- b. not adversely affect the established character of the surrounding vicinity; the R-1 single-family and duplex residential district is intended primarily for single-family or duplex residential dwellings at moderate densities; specifically, the residential nature of the R2 zone, nor
- c. not be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located, specifically adjacent property values.
2. That the granting of the proposed Conditional Use Permit is consistent and compatible with the intent of the goals, objectives and policies of the Comprehensive Plan and any implementing regulation, specifically 2.5.2: to encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas.
3. That all conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.
5. That the conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The City may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The City may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest.

The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;

5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

Conditional uses.

E. In evaluating the inputs of a proposed conditional use permit, the municipality may consider a commercial conditional use to be inappropriate for residential neighbors while the same conditional use may be acceptable when it is located along an arterial or collector street. The additional vehicular traffic generated by conditional uses, such as professional offices, may not be able to be adequately mitigated in residential areas.

1. Criteria to Be Used in Determining Impacts of Conditional Uses.

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses.

b. Amount of noise to be generated and its impacts on surrounding land uses.

c. Odors to be generated by the use and their impacts.

d. Hours of operation.

e. Location along a major or collector street.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario.

g. Effects on vehicular and pedestrian safety.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site.

i. Logic of the internal traffic layout.

j. Effects of signage on nearby uses.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan.

m. Other criteria that surface through public comments or planning commission assembly review.

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

Absent: 2 - McConnell, and Miyasato

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

A motion was made by Eisenbeisz to extend the meeting to 11:00pm. The motion PASSED by the following vote.

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

Absent: 2 - McConnell, and Miyasato

I [15-177](#)

Decision on whether to allow any sales tax free day(s) following the Thanksgiving holiday and set day(s)

Eisenbeisz recused himself stating he would benefit from the sales of these tax free day(s).

Putz told of history of support in the past. Hunter spoke in support stating it was a long standing tradition and regarded past testimony.

Steven Eisenbeisz spoke as a member of the public in support and noted the money would come back into the community and local businesses. Dr. Karen Zamzow spoke with concerns of fewer businesses and was in support.

A motion was made by Swanson to authorize Friday, November 27 and Saturday, November 28 as Sales Tax Free day(s) for 2015 noting the sales tax free day(s) will not be applicable to any sale of fuel, nor affect any sale which is part of a continuing obligation of the buyer to pay the seller over time.

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

Absent: 2 - McConnell, and Miyasato

Recused: 1 - Eisenbeisz

J [15-171](#) Discussion on the concept of a grocery bag tax

Putz told of her thoughts of an added excise tax on grocery bags. Hunter thought this should go to the Citizens' Taskforce. Guevin was in support and told of how other communities were doing it and thought it could be helpful for infrastructure funding. Putz would like to co-sponsor.

K [15-172](#) Discussion on Halibut Point Rec public process and Assembly direction

Municipal Administrator, Mark Gorman summarized the memo that was in the packet. At a previous Assembly meeting, Gorman was directed to determine the role that the City should have in Halibut Point Park. Two meetings were previously held to obtain public comment and stated there was concern with the management of Halibut Point Park and that he was looking for direction.

Public Comment - AnnMarie LaPalme a member from the Sitka State Parks Advisory Board read a letter from the Board that told of the history, wants, and recommendations with regards to the Park. Bonnie Richards spoke as a user of the Park and thought that it had not been managed properly and asked that decisions be postponed until the next legislative session to have the State support the park.

Putz had concerns regarding lack of public comment and the covenant.

Gorman informed the City did not have resources for this. He recommended the Assembly direct him to negotiate a five year agreement contingent that the state give \$50,000 per year to maintain and use other resources to manage it and would obtain Assembly approval prior to execution.

Eisenbeisz questioned the actual cost, how it would be paid for, and what parks were included. Putz had concerns with the costs of infrastructure.

Gorman was directed to bring back a comprehensive management proposal.

L [15-173](#) Discussion/Direction on utilizing existing appropriations to pay for Blue Lake Road and Green Lake Road repairs

Municipal Attorney, Robin Koutchak told of a forest road agreement between the US Department of Agriculture and the City and Borough of Sitka (CBS) for Blue Lake Road stating in the event of a natural disaster the CBS did not assume liability for repair.

Mark Gorman, Municipal Administrator told of a tripartite agreement and hoped that the State would cover the costs.

Eisenbeisz stated this was an emergency that needed to be mitigated, told of the need of access, and was in support of using the emergency funds.

Putz questioned if Blue Lake bonds could be used. Chief Finance and Administrative Officer, Jay Sweeney informed they could not. The Assembly was in support of using emergency funds.

XIII. PERSONS TO BE HEARD:

XIV. EXECUTIVE SESSION

XV. ADJOURNMENT

A motion was made by Hunter to ADJOURN the meeting. Hearing no objection the meeting ADJOURNED at 10:57pm.

ATTEST: _____
Melissa Henshaw
Deputy Clerk



Legislation Details

File #: 15-185 Version: 1 Name:

Type: Appointment Status: AGENDA READY

File created: 9/16/2015 In control: City and Borough Assembly

On agenda: 9/22/2015 Final action:

Title: Appoint Loyd Platson to a three-year term on the Police and Fire Commission

Sponsors:

Indexes:

Code sections:

Attachments: [Police and Fire Platson](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE to appoint Loyd Platson to a three-year seat on the Police and Fire Commission



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

Board/Commission/Committee: Police and Fire Commission

Name: Loyd Platson Daytime Phone: 907-747-3636 ext 224

Address: 805 Charles St. Sitka, Ak 99835 Evening Phone: 907-623-7560

Email Address: lplatson@scpsak.org Fax Number: 907-747-5316

Length of Residence in Sitka: 6 months Registered to vote in Sitka? Yes No

Employer: Sitka Counseling and Prevention Services Inc.

Organizations you belong to or participate in:

St. Peter's Episcopal Church, Health Needs and Human Services Commission, The Easter Group, Sitka Local Foods Network, Sitka Summer Music Festival. I am also working on developing a community task force/coalition to apply for a Drug Free Community grant to address youth substance use/abuse issues in our community through Sitka Counseling.

Explain your main reason for applying:

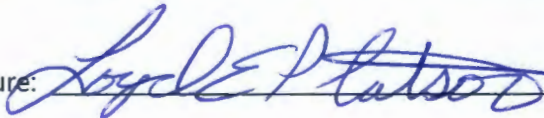
I want to integrate myself into the community and serve in various ways to help make the community a better place to live. I also want to do what I can to support our police and fire services personnel and organizations. Through service and collaboration we become more effective as a community.

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

I have over 40 years of experience in working with youth development and substance use/abuse prevention. I have a Masters Degree in Guidance and Counseling and have provided local, state and national trainings on wellness, organizational development, leadership enhancement and related areas. Please refer to my attached resume'.

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

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

Date: 9-10-2015 Signature: 

Your complete application and resume should be returned to the Municipal Clerk's Office by noon on the Wednesday prior to an advertised Assembly meeting. Applications received after the deadline will be considered but will not be included in the Assembly packets for review prior to appointment.

Appointments are normally made during open session of an Assembly meeting, however, Assembly members may vote to discuss applicant(s) in closed executive session. In this case, do you wish to be present when your application is discussed? Yes No

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

LOYD E. PLATSON

**805 Charles St.
Sitka AK, 99835**

**lplatson@scpsak.org
907-747-3636 ext 224**

HIGHLIGHTS OF PROFESSIONAL EXPERIENCE:

Employee Development Coordinator/Coalition Development Coordinator, Sitka Counseling and Prevention Services Inc., Sitka, Alaska, June 2015 to present.

Community Education/Coalition Building/Staff Development/Youth Development Director, NyE Communities Coalition, Pahrump, Nevada, April 2009 to April 2015.

CSAP Fellow-State of Nevada, United States Department of Health and Human Services, Center for Substance Abuse Prevention, Washington DC, March 2006 to March 2009.

Founder and Executive Director, Wind Raven Edventures, October, 1987 to Present.

Director, Experiential Learning Center, Stevens Point Area Public School District, Stevens Point, Wisconsin. February 1994 to June 1995.

Instructor, Off Campus Graduate Level Coursework, Aurora University, Aurora, Illinois. January 1989 to May 1994.

Prevention and Intervention Specialist, Community Alcohol and Drug Abuse Center, Stevens Point, Wisconsin. August 1990 to April 1992.

Director of Residence Life/Assistant to the Vice President of Student Services, Sheldon Jackson College, Sitka, Alaska. July 1984 to July 1987.

SKILLS AND EXPERIENCE (Annotated)

Developed and taught graduate level courses in the areas of: the development and perpetuation of addictive and compulsive behaviors, group development and facilitation, enhancing learning environments, adventure based counseling and education and personal healing. Provided Server/Seller Training to alcohol vendors. Also taught rock climbing, ropes course facilitation and low impact camping. Developed and provided DUI and Traffic Safety Schools for State of Nevada.

Presented at numerous local, state and national conferences including the International Wellness Conference in the areas of student assistance programs, leadership development, group facilitation, adventure based strategies, management enhancement and organizational development.

Provided "Core Team" training, Group Facilitation and "Advanced Core Team" training to School District staff and consultation to school districts wishing to develop and implement AODA and Student Assistance Programs.

Coordinated school and community AODA and Student Assistance Programs. Developed, implemented and facilitated numerous school and community AODA and personal awareness/growth workshops and presentations. Supervised and trained school district psychologists, social workers and school counselors.

Developed and managed all aspects of School District Experiential Learning Center including: budget, scheduling, facilitation, facilities inspection, use documentation and client recruitment as well as directing and facilitating a comprehensive adventure based counseling, activities and programs curriculum.

Designed and provided Management Enhancement, Leadership and Organizational Development programs for major corporations. (Miller Brewing Company, Heines VA, Deloitte and Touche Consulting, Arthur Anderson and Associates, Pennsylvania Energy Company, Commonwealth Edison , First Energy, Blistex, Baxter Health Care and others)

Facilitated programs for diverse student and non-student groups-including Special Education Students (Cognitively Disabled, Attention Deficit/Hyper Active Disorder, Students with physical disabilities and students enrolled in the Alternative High School Program.), Student Leadership, Native American Youth at Risk and more. Provided workforce development programs for at risk youth ages 14-21 through the Workforce Investment Act.

Adjudicated student misconduct cases for the University of Wisconsin System Schools and provided counseling services to students experiencing issues with alcohol and other drugs.

Directed the Residence Life Program for Sheldon Jackson College in Sitka Alaska. Hired, trained and supervised a staff of approximately 10-15 peer and professional staff members. Managed budget for Residence Life Division and College Nurse. Taught mountain hiking/camping and sea kayaking. Facilitated Early College Incentive Program.

EDUCATION

M.S. Guidance and Counseling, Alcohol and Other Drug Abuse and Family Systems Counseling, University of Wisconsin-Stout, Menomonie, Wisconsin. August 1984.

B.S. Sociology and Anthropology, University of Wisconsin-Stevens Point, Stevens Point, Wisconsin. June 1977.

CERTIFICATIONS/SKILLS

Certified Prevention Specialist
Internationally Certified Prevention Specialist
ServSafe Food Manager Certification
Certified Mental Health First Aid Instructor
Certified DUI School Instructor (Nevada)
Certified Traffic Safety School Instructor (Nevada)
Instructor Alcohol Server/Seller Training
Leadership Development
Organizational Development
Low and High Ropes Course Instructor
Rock Climbing
Kayaking

READY TO GO TRAINING

Mental Health First Aid (8 hours with certificate)
Understanding Addictive/Compulsive Behaviors
Working With At Risk Youth
Conflict Resolution
Group Development/Facilitation
Leadership Development



POLICE AND FIRE COMMISSION

NAME	CONTACT NUMBERS	TERM STARTS	EXPIRES	CATEGORY
JOSEPH REEVES PO Box 6155	738-8067 c jreevesfam@yahoo.com	1/9/07 1/26/10 2/12/13	1/9/10 1/26/13 2/12/16	CHAIR
DON JONES PO Box 6205	623-7066 c 623-0431 h d_caldwell_j@hotmail.com	8/28/12 10/7/13	10/26/13 10/7/16	VICE-CHAIR
GWEN LAZZARINI 503 Baranof Street	747-7884 foggylady@ak.net	9/23/14	9/23/17	
LISA BAUGHER 1711 Sawmill Creek Rd.	620-441-7322 lisa@longhornsalepen.com	9/23/14 9/8/15	8/28/15 9/8/18	
AARON WAMSLEY 205 Vitskari St.	738-8311 c tyrsis79@yahoo.com	2/12/13	3/13/15	<i>Bicker's term Resigned 11/20/14</i>
Sheldon Schmitt Police Chief	747-3349 sheldons@sitkapd.com			Staff Liaison
Dave Miller Fire Chief	747-1861 davem@cityofsitka.com			Staff Liaison
Aaron Swanson 1410 C Sawmill Crk Rd	747-5499 h 623-7869 c assemblyswanson@cityofsitka.com			Assembly Liaison
Serena Wild Police Dept. Staff	747-3349 serenaw@sitkapd.com			Secretary

Established by Ordinance 83-579
Meet fourth Wednesday of each month at 6 p.m. - Fire Hall
5 members from public 3-year terms

OATH OF OFFICE REQUIRED

Revised: September 11, 2015



Legislation Details

File #: ORD 15-45 Version: 1 Name:
Type: Ordinance Status: AGENDA READY
File created: 8/31/2015 In control: City and Borough Assembly
On agenda: 9/22/2015 Final action:
Title: Adjusting the FY16 Budget
Sponsors:
Indexes:
Code sections:
Attachments: [Ordinance 2015-45](#)

Date	Ver.	Action By	Action	Result
9/8/2015	1	City and Borough Assembly		

POSSIBLE MOTION

I MOVE TO approve Ordinance 2015-45 on
second and final reading.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-45

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA
ADJUSTING THE FY16 BUDGET

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

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

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

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

4. **ENACTMENT.** The Assembly of the City and Borough of Sitka hereby adjusts the FY16 budget for known changes. In accordance with Section 11.10(a) of the Charter of the City and Borough of Sitka, Alaska, the budget for the fiscal period beginning July 1, 2015 and ending June 30, 2016 is hereby adjusted as follows:

<u>Account Number</u>	<u>Account</u>	<u>Increase</u>	<u>Decrease</u>
<u>FISCAL YEAR 2016 EXPENDITURE BUDGETS</u>			
<u>ENTERPRISE AND INTERNAL SERVICE FUNDS</u>			
Electric Fund - Operations:			
200-600-603-851-5212.000	Contracted/Purchased Services	\$88,000	
At the July 14, 2015 meeting, the Assembly approved to authorize the Municipal Administrator to issue a purchase order in the amount of \$88,000 to MWH America's, Inc. for the Tenth Independent Consultant's Safety Inspection and Dam Break Analysis of the Blue Lake Dam.			
Gary Paxton Industrial Park Fund :			
540-600-680-7200.000	Interfund Transfers Out	\$36,854	
270-300-390-3950.540	Interfund Transfer In	\$36,854	
At the July 28, 2015, the Assembly approved to transfer \$36,854 from the Bulk Water Fund to the GPIP Fund for reimbursement of CBS staff hours spent on raw water sales.			
Central Garage Fund – Fixed Assets:			
200-600-680-7200.000	Interfund Transfer Out	\$36,000	
310-300-390-3950.200	Interfund Transfer In	\$36,000	
310-600-670-7107.000	Fixed Assets/Vehicles	\$36,000	
The acting Electric Department Superintendent has requested to purchase a forklift for the warehouse. The old one has become unsafe to operate.			
Airport Terminal Building Fund – Operations:			
250-600-630-5212.000	Contracted/Purchased Services	\$30,000	
To pay a Settlement Agreement with Mutual Release of Claims in the amount of \$30,000 to Island Girl Coffee regarding an early termination of a lease.			

<u>Account Number</u>	<u>Account</u>	<u>Increase</u>	<u>Decrease</u>
Capital Projects			
Jarvis Bulk Tank Project #90794:			
714-600-680-7200.000	Interfund Transfers Out	\$250,000	
710-300-390-3950-714	Interfund Transfers In	\$250,000	
710-600-630-5212.000	Contracted/Purchased Services	\$250,000	
At the July 14, 2015 meeting, the Assembly approved to create a Jarvis Bulk Tank Improvement Project utilizing the Blue Lake Bond Fund proceeds.			
Jarvis Street Improvements Project #90717: The Electric department has requested to transfer \$18,355 from the Blue Lake Third Turbine & Dam Upgrade Project #90594 to the Jarvis Street Improvement Project #90717. The additional unanticipated charges were due to safety improvements for the D4 building.			
Medvejie Transformer Replacement Project #90672: The Electric Department has requested to transfer \$11,752 from the Blue Lake Third Turbine & Dam Upgrade Project #90594 to the Medvejie Transformer Replacement Project #90672. The additional unanticipated charges were due to crane services to remove an old fuel tank.			

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, 2015 and ending June 30, 2016 is hereby adjusted as follows for the purchase orders open as of June 30, 2015.

General Fund		\$51,620	
Electric Fund		\$45,341	
Water Fund		\$5,306	
Wastewater Fund		\$17,589	
Solid Waste Fund		\$1,426	
Central Garage Fund		\$25,585	
Building Maintenance Fund		\$94,101	

EXPLANATION

Necessary revisions in the FY 2016 budget were identified. These changes involve the increase of expenditure accounts and causes decreased cash flows to the fund balance of various funds. A short explanation of each budget revision is included.

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

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 22nd Day of September, 2015.

ATTEST:

Mim McConnell, Mayor

Sara Peterson, Municipal Clerk

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Legislation Details

File #: ORD 15-46 Version: 1 Name:
Type: Ordinance Status: AGENDA READY
File created: 9/2/2015 In control: City and Borough Assembly
On agenda: 9/22/2015 Final action:
Title: Amending Sitka General Code to remove vacation rates at Chapter 15.04 "Sewer System," Chapter 15.05 "Water System," Chapter 15.06 "Solid Waste Treatment and Refuse Collection" and removing reference to vacation rates in footnotes in Section 15 of the Sitka General Code

Sponsors:

Indexes:

Code sections:

Attachments: [Ordinance 2015-46](#)

Date	Ver.	Action By	Action	Result
9/8/2015	1	City and Borough Assembly		

POSSIBLE MOTION

I MOVE TO approve Ordinance 2015-46 on
second and final reading.



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

Memo

To: Mayor McConnell and Assembly of the City and Borough of Sitka

From: Michelle Putz, Assembly Member

Date: September 2, 2015

Re: Ordinance to Repeal Vacation Rates / Discussion on Owner Status

Deputy Mayor Hunter and I are sponsoring the accompanying ordinance in order to initiate a discussion and possible change to the Sitka General Code regarding utility vacation rates. If passed in its current form, the attached ordinance would repeal all utility rates currently in effect for Municipal utilities.

At the present time, the Sitka General Code offers vacation rates for water, wastewater, and solid waste disposal. These rates are currently codified in three different Chapters within Title 15 of the Sitka General Code.

Deputy Mayor Hunter and I have decided to initiate a discussion and put forth the accompanying ordinance because we feel that vacation rates represent a form of a historic perquisite to our citizens. This historic entitlement, however, has the effect of lowering revenue, thus causing rate increases to be larger than otherwise required.

In regards to owner status, Matthew Hunter and I are not yet ready to put forward an ordinance for consideration. The issue is complicated and, while we have what we believe is a basic concept of what we wish to propose, not all of the details have been thoroughly coordinated with CBS Staff yet. In the course of the discussion on the accompanying ordinance, we may touch on some of the points we are considering vis-à-vis owner status.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-46

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING SITKA GENERAL CODE TO REMOVE VACATION RATES AT CHAPTER 15.04 "SEWER SYSTEM," CHAPTER 15.05 "WATER SYSTEM," CHAPTER 15.06 "SOLID WASTE TREATMENT AND REFUSE COLLECTION" AND REMOVING REFERENCE TO VACATION RATES IN FOOTNOTES IN SECTION 15 OF THE SITKA GENERAL CODE

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. This Ordinance amends Sitka General Code to remove vacation rates at Chapter 15.04 "Sewer System," Chapter 15.05 "Water System," Chapter 15.06 "Solid Waste Treatment and Refuse Collection" and removing reference to vacation rates in footnotes in Section 15 of the Sitka General Code. Due to budget concerns and the need for additional revenue, this exemption is being removed.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that Chapter 15.04 "Sewer System," Chapter 15.05 "Water System," Chapter 15.06 "Solid Waste Treatment and Refuse Collection" are amended to remove vacation rates and references to vacation rates in footnotes of Section 15 as follows:

Chapter 15.04
SEWER SYSTEM

~~15.04.330—Vacation rates.~~

~~15.04.330 Vacation rates.~~

~~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 sewer 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~~

47 ~~account will be assessed a ten-dollar fee. Commercial accounts are not eligible for vacation rates.~~
48 ~~Notwithstanding the twelve consecutive month restriction described above, the municipal~~
49 ~~administrator will have the authority to allow extension of vacation rates on a case-by-case basis for~~
50 ~~medical absences upon application by the resident. Notwithstanding the requirement of prior~~
51 ~~application described above, preapplication may be waived by the municipal administrator for~~
52 ~~emergency medical absences. (Ord. 05-15 § 4(B) (part), 2005.)~~

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55 **Chapter 15.05**
56 **WATER SYSTEM**

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59 ~~15.05.630—Vacation rates.~~

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61 ~~**15.05.630 Vacation rates.**~~

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

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78 **Chapter 15.06**
79 **SOLID WASTE TREATMENT AND REFUSE COLLECTION**

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81 ~~15.06.060—Vacation rates.~~

82 ~~**15.06.060 Vacation rates.**~~

83 ~~There shall be a vacation rate of one-quarter the normal billing rate applied to qualifying utility~~
84 ~~accounts. A vacation rate is a Sitka resident's exemption from payment of residential solid waste~~
85 ~~treatment and waste collection utility fees while on vacation and/or on absence from residence~~
86 ~~due to medical reasons, or movement to the Pioneers' Home. Vacation and/or absence period~~
87 ~~must equal or exceed thirty continuous days and is limited to four months credit. Only one period~~
88 ~~of vacation rates per customer in any period of twelve consecutive months is allowed. The period~~

Ordinance 2015-46

Page 3

89 of twelve consecutive months starts on the first day vacation rates apply. The residence must not be
 90 occupied during this period to which vacation rates apply. The resident must apply in writing prior
 91 to vacation and/or absence from residence to receive vacation rates. When the credit is applied at
 92 the end of the period, resident's account will be assessed a ten-dollar fee. Commercial accounts are
 93 not eligible for vacation rates. Notwithstanding the twelve consecutive month restriction described
 94 above, the municipal administrator will have the authority to allow extension of vacation rates on a
 95 case-by-case basis for medical absences upon application by the resident. Notwithstanding the
 96 requirement of prior application described above, preapplication may be waived by the municipal
 97 administrator for emergency medical absence. (Ord. 05-15 § 4(C) (part), 2005.)

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100 15.04.320 Rates and fees.

101 A. Base rate: fifty-three dollars and seven cents per unit per month.

UNIT DESCRIPTION	UNIT
Residential/Dwelling Unit⁽¹⁾	1.0 ⁽²⁾
Commercial (General, Miscellaneous)⁽³⁾	1.0
Clubs and lodges without bar or restaurant	
Garages, service stations	
Offices including medical (10 or less employees)	
Shops and stores without food processing	
Commercial Specifics⁽³⁾ (1 Minimum) Plus	Per Each
Bar, lounge, restaurant, snack bar	seat or stool 0.05
Barber, beauty shop (one station = 1.0)	station 0.6
Bowling alley	lane 1.0
Church	10 seats 0.1
Office/office space	over 10 employees 0.2
Hospital	bed 0.8
Meat market	3.0
Supermarket, grocery store with food process	8.0
Rest home	bed 0.2

UNIT DESCRIPTION		UNIT
Hotel, motel ⁽⁴⁾	room	0.3
Dormitory, boardinghouse ⁽⁴⁾	bed or room	0.3
RV park ⁽⁴⁾⁽⁶⁾	RV space	0.3
Bed and breakfast ⁽⁴⁾	room	0.15
Commercial laundry	wet machine	8.0
Launderette	wet machine	1.0
Schools, college, day care ⁽⁵⁾	10 students	0.4
Theater	10 seats	0.2
Car wash (no minimum)	stall	2.0

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⁽⁴⁾ Hotel, motel, B&B may count rooms only. Dormitory or boardinghouse must count beds or rooms. RV

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parks count RV spaces with utility hookups. (~~Vacation rates do not apply.~~)

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B. Sewer Service in Conjunction with Metered Water.

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c. Partial charges for services are prorated based on a thirty-day month. ~~Vacation~~

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~~credit(s) must be requested prior to departure.~~

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15.05.620 Rates and fees.

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A. Unmetered Water. Base rate: thirty-eight dollars and ninety-six cents per unit.

UNIT DESCRIPTION		UNIT
Residential/Dwelling Unit ⁽¹⁾		1.0 ⁽²⁾
Commercial (General, Miscellaneous) ⁽³⁾		1.0
Clubs and lodges without bar or restaurant		

UNIT DESCRIPTION	UNIT	
Garages, service stations		
Offices including medical (10 or less employees)		
Shops and stores without food processing		
Commercial Specifics⁽³⁾ (1 Minimum) Plus	Per Each	
Bar, lounge, restaurant, snack bar	seat or stool	0.05
Barber, beauty shop (one station = 1.0)	station	0.6
Bowling alley	lane	1.0
Church	10 seats	0.1
Office/office space	over 10 employees	0.2
Hospital	bed	0.8
Meat market		3.0
Supermarket, grocery store with food process		8.0
Rest home	bed	0.2
Hotel, motel ⁽⁴⁾	room	0.3
Dormitory, boardinghouse ⁽⁴⁾	bed or room	0.3
RV park ⁽⁴⁾⁽⁶⁾	RV space	0.3
Bed and breakfast ⁽⁴⁾	room	0.15
Commercial laundry	wet machine	8.0
Launderette	wet machine	1.0
Schools, college, day care ⁽⁵⁾	10 students	0.4
Theater	10 seats	0.2
Car wash (no minimum)	stall	2.0

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⁽⁴⁾ Hotel, motel, B&B may count rooms only. Dormitory or boardinghouse must count beds or rooms. RV parks count RV spaces with utility hookups. ~~(Vacation rates do not apply.)~~

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

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 22ND day of September, 2015.

Mim McConnell, Mayor

ATTEST:

Sara Peterson, CMC
Municipal Clerk



Legislation Details

File #: ORD 15-47 Version: 1 Name:

Type: Ordinance Status: AGENDA READY

File created: 9/16/2015 In control: City and Borough Assembly

On agenda: 9/22/2015 Final action:

Title: Authorizing the lease of approximately 16,436 feet of submerged tidelands in Alaska Tidelands Survey 1189 and 1559 Tract A

Sponsors:

Indexes:

Code sections:

Attachments: [Ordinance 2015-47](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE TO approve Ordinance 2015-47 on first reading.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

MEMORANDUM

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

From: Maegan Bosak, Planning and Community Development Director MB

Subject: Ordinance 2015-47 Authorizing the Lease renewal of Tidelands Lease Tract #2 to Cove Marina, Inc. at 4701 Halibut Point Road

Date: September 14, 2015

Multiple leases of the tidelands at Cove Marina, Inc., located at 4701 Halibut Point Road, are set to expire June 12, 2016. Ordinance 2015-47 is on the Assembly's agenda to authorize the issuance of a new five year lease for the lease tract #2.

The proposed market rent, based on the value established by the Assessor, will be \$3,300 a year. This new lease is based on the 9% lease rate for tidelands set by Wendy Lawrence, Assessing Director.

Lease area #2 is 16,436 square feet of submerged tidelands and was created in 2003. It is legally defined as a 16,436 square foot portion of Alaska Tidelands Survey 1559, Tract A and Alaska Tidelands Survey 1189. Both neighboring tracts are leased by Cove Marina, Inc.

The applicant is requesting the lease renewal to continue operations as Cove Marina, Inc. adding additional infrastructure as necessary.

There are four tideland lease areas associated with this property. The largest, which was acquired from the State of Alaska, expires in 2021. These associated leases will be set for a five year term, expiring at the same time, so that all leases can be incorporated into one new lease.

Following the passage of Ordinance 2015-47, a new lease for the tidelands will be prepared and executed.

RECOMMENDED ACTION: Approve the ordinance.

Sponsor: Administrator

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-47

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AUTHORIZING THE LEASE OF APPROXIMATELY 16,436 FEET OF SUBMERGED TIDELANDS IN ALASKA TIDELANDS SURVEY 1189 and 1559 TRACT A

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

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

3. **PURPOSE.** The purpose of this ordinance is to renew the existing tidelands lease and facilitate the construction of additional dock improvements.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka.

A. The leasing of approximately 16,436 square feet of Alaska Tideland Survey 1889 and Alaska Tidelands Survey 1559 Tract A is hereby authorized with the following terms:

- 1) The parcel is valued at \$37,000
- 2) The annual lease payments shall be 9% per year of the value of the tidelands.
- 3) The lease term is run concurrent with the existing Cove Marina lease that expires on June 12, 2021 and may be considered for renewal prior to the expiration.
- 4) Lease payments shall be adjusted per SGC 18.16.210.
- 5) Prior to execution of a lease, a lease plat must be prepared and approved by the Planning Office.

B. The administrator is authorized to execute a lease documents consistent with the terms of this ordinance, SGC Title 18 that governs tidelands leases, and, existing municipal policies and practices on tideland leases. The lease renewal clause shall be consistent with the existing Cove Marina tidelands lease.

C. The assembly determines that Sitka General Code 18.16.130 Preference Rights and Nonpreference Rights does not apply since the State of Alaska is the upland owner.

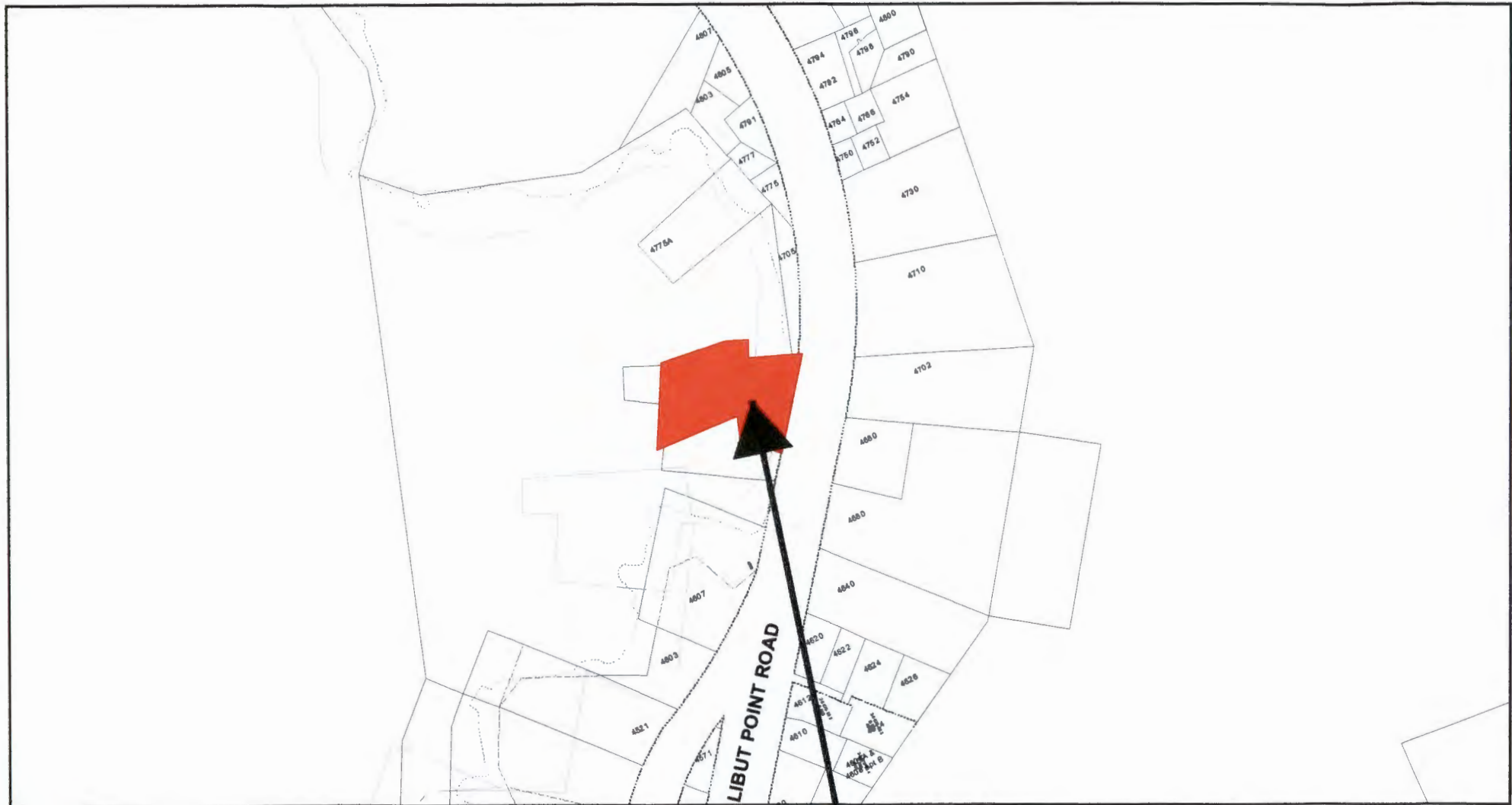
5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 13th day of October, 2015.

Mim McConnell, Mayor

ATTEST:

Sara Peterson, CMC
Municipal Clerk





Memorandum

To: Maegan Bosak, Planning and Community Development Director

From: Wendy Lawrence, Assessing Director

Re: Cove Marina, Inc. Lease Renewals

Date: September 14, 2015

The upland and submerged tidelands currently leased and/or occupied by Cove Marina, Inc. have been inspected for their lease renewal application. The site is located at 4701 Halibut Point Road, with northwest sloping adjacent tidelands. Access is attained from both HPR as well as via marine floats extending into the tidelands, with the depth of the water at about 5'-30' more or less. Utilities are all located in the right of way, and the upland site is zoned Industrial.

Based upon the most recent market data for this area, I have estimated the fee simple per square foot values of \$15.00 & \$2.25 for the upland/filled areas, and tideland areas, respectively. The current city tidelands lease rate is 9%.

Because this entire site and business operation encompasses three separate leases, and one currently unleased but fully utilized tideland area (referred to as Trespass Area on the attached exhibit), analysis of this site for both fee and lease values was a bit challenging. A proposal to lease the current trespass area was denied in 2003, but the area has continued to be occupied and utilized by the marina since the early 1990's. This site visit confirmed the location of a large 30'X58' boat shed and associated floats in this trespass area. The annual lease for this trespass area, as well as lease renewal rates for the other three lease areas, has been summarized in the attached exhibit.

Please feel free to contact me if you need additional information or have questions regarding this complex situation.

Respectfully,

Wendy

Lawrence

Wendy Lawrence, Assessing Director

Digitally signed by Wendy Lawrence
DN: cn=Wendy Lawrence, o=City and Borough of
Salem, ou=Assessing Department,
email=wendy.lawrence@cityofsalem.org, c=US
Date: 2015.09.14 16:04:59 -0800

2003-000733-0

Recording Dist: 103 - Sitka
3/24/2003 8:36 AM Pages: 1 of 6

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THIS COVER SHEET HAS BEEN ADDED TO THIS DOCUMENT TO PROVIDE SPACE FOR THE RECORDING DATA. THIS COVER SHEET APPEARS AS THE FIRST PAGE OF THE DOCUMENT IN THE OFFICIAL PUBLIC RECORD.

DO NOT DETACH

**COVE MARINA
TIDELANDS LEASE**

THIS LEASE, made and entered into this 4th day of February, 2003, by and between CITY AND BOROUGH OF SITKA, hereinafter referred to as the Lessor, and Cove Marina, Inc. hereinafter referred to as the Lessee,

WITNESSETH:

WHEREAS, the Lessor is the owner of certain tidelands in the Sitka Sound, seaward of 4701 Halibut Point Road, Sitka Alaska, described as a 16,436 square foot portion of Alaska Tidelands Survey (ATS) 1559, Tract A and Alaska Tidelands Survey (ATS) 1189. Said property is graphically represented on the copy of the attached plat provided as Exhibit A.

WHEREAS, Lessor has held an auction pursuant to Sitka General Code Chapter 18.16.110 to lease the described tidelands; and

WHEREAS, Lessee was the successful bidder,

NOW, THEREFORE, for and in consideration of the agreements hereinafter contained, Lessor and Lessee agree as follows:

1. Lessor hereby devises and leases unto the Lessee, the above described property for a term of approximately thirteen and one half (13 ½) years, beginning February, 4th, 2003 and ending June, 12, 2016.

2. Lessee, in consideration of lease from Lessor, agrees as follows:



(a) To pay rent therefore to Lessor the sum of \$1,380.64 annually on the first day of January of each year in advance. It is acknowledged that the first year's payment has been made. In addition to said rental, lessee shall pay to the City and Borough of Sitka, sales tax on the amount of each rental not exempt from such sales tax.

(b) The parties hereby agree that said annual rent is subject to adjustment on the seventh anniversary of the lease and each seven years thereafter, with the annual lease payment being changed by the percentage change in the amount established by dividing the grand total land value on the official municipal real property assessment roll for the tax year 2002, compared with a similar calculation using the figures seven years later. The base figure for the tax year 2002 is \$73,908.

(c) This lease may not be assigned or sublet by the Lessee without the consent of the Lessor.

(d) If the rent shall be in arrears, or Lessee, its representatives or assigns, do or shall neglect agreements herein contained which are to be performed and in the event Lessee fails to remedy default within thirty (30) days after receipt of written notice of any such rental arrears or neglect, the Lessor may immediately, or at any time thereafter, while such neglect or default continues, enter into and on the premises, or any part thereof terminate the lease and repossess the same as of their former estate, and expel Lessee and those claiming under it and remove its effects (forcefully if necessary) without being guilty of any trespass and without

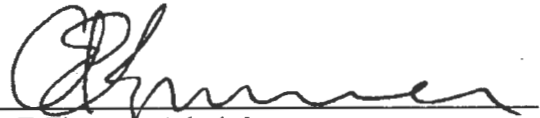
INITIAL
[Signature]

prejudice to any remedies which might otherwise be used for arrears or rent, or proceedings on breach of agreement.

(e) The Lessee herein agrees to pay any Local Improvement District assessments that may be levied against the property leased herein to the same extent and in the same amount as if the Lessee were the owner of the property leased herein which would be included in the Local Improvement District to be formed or contemplated. The Lessee shall share the Lessor's right as owner in all proceedings under the Local Improvement District (except for payment of assessments) in proportion that the remaining years of the lease bear to twenty (20). (For example: If the lease has five (5) years to run, the Lessee shall have the right to exercise 5/20ths of the Lessor's vote and the Lessor, 15/20ths.)

IT IS MUTUALLY AGREED AS FOLLOWS:

1. The terms and conditions herein contained shall apply to and bind the heirs, successors, and assigns of the respective parties.
2. Waiver by Lessor of any agreement or condition herein shall not be considered a waiver of any subsequent breach of said agreement or condition.
3. If Lessee occupies the premises after the expiration date of this lease without the consent of the Lessor, such possession shall be construed as an annual tenancy and Lessee shall pay Lessor the annual rent paid during the last year of said lease.
4. At any termination of said tenancy, all improvements placed on said property and attached to the land so as to become part of the real property by common law definition shall become the property of the Lessor.
5. Lessee agrees to save the Lessor harmless from any liability for property damage or personal injury to any person or persons on or about the premises and to carry liability insurance in such amounts as may be agreed to between the parties to cover such liability, with the Lessor as an additional named insured.
6. The lease may be renewed in a manner generally consistent with Paragraphs 22 and 23 of Tidelands Lease ADL #31926 which is attached as Exhibit B.



A.E. Zimmer, Administrator
CITY AND BOROUGH OF SITKA



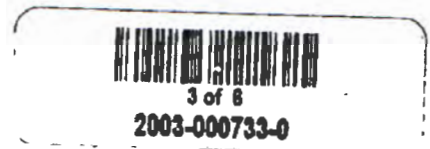
Mike Clementz, Cove Marina, Inc.

Sec. Treas

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<i>mjc</i>

(Notary Page Attached)



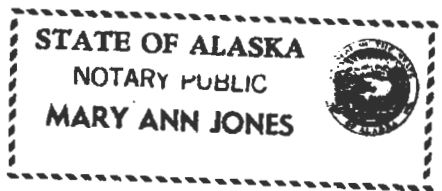
CBS/ 2003

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

MUNICIPAL ACKNOWLEDGMENT

THIS CERTIFIES that on this 4th day of February, 2003, before me, a Notary Public in and for the State of Alaska, personally appeared, A.E. ZIMMER, to me known and known to me to be the person whose name is subscribed to the foregoing lease and after being first duly sworn according to law, he stated to me under oath that he is the Administrator of the City and Borough of Sitka, Alaska, a corporation organized under the laws of the State of Alaska, that he has been authorized by said corporation to execute the foregoing lease on its behalf and he executed the same freely and voluntarily as the free act and deed of said corporation.

WITNESS my hand and official seal the day and year in this certificate first above written.



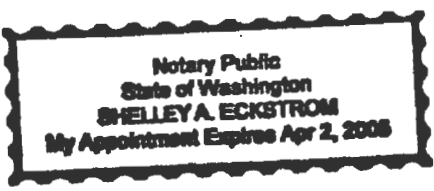
Mary Ann Jones
Notary Public for Alaska
My commission expires: 10/14/2006

STATE OF WASHINGTON)
) ss.
KITSAP COUNTY)

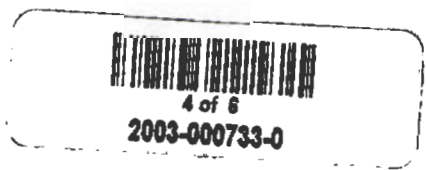
THIS IS TO CERTIFY that on this 10th day of February, 2003, before me the undersigned, a Notary Public in and for the State of Washington duly commissioned and sworn, personally appeared Michael J. Clementz, to me known to be the person who executed the above and foregoing instrument, and acknowledged to me that, _____ signed and sealed the same freely and voluntarily.

as the free act and deeds of said corporation. (S)

was authorized to execute the instrument and acknowledged it as the Secretary-Treasurer of Cove Marina, Inc., and he (S)

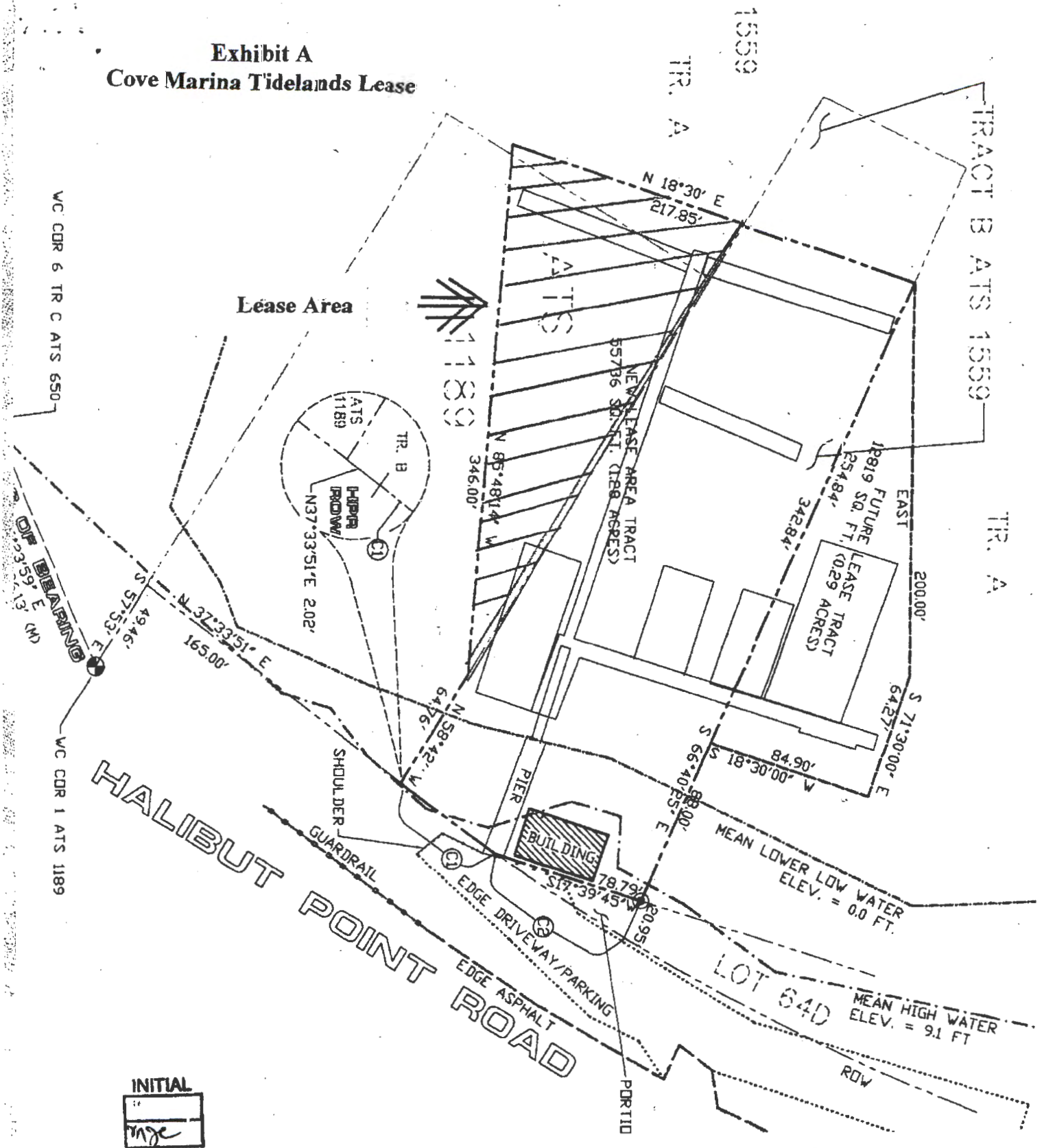


Shelley A. Eckstrom
Notary Public for Washington, residing at Kingst...
My commission expires: 4/2/05



CS 1-5-2003

Exhibit A
Cove Marina Tidelands Lease



WC CDR 6 TR C ATS 650

OF BEARING
 S 57°53' E 49.46'

WC CDR 1 ATS 1189

HALIBUT POINT ROAD

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 [Signature]

1559

TR. A

TRACT B ATS 1559

TR. A

LOT 64D



5 of 6
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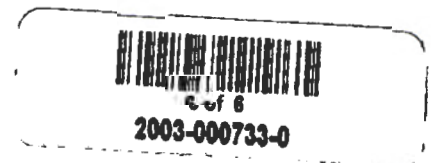
CB/S

LEGAL DESCRIPTION
COVE MARINA - NEW LEASE AREA

A parcel of Tide and Submerged Lands within Alaska Tideland survey 1559 Tracts A and B, filed as Plat 2000-4, and within Alaska Tideland survey 1189, filed as Plat 82-13, both filed in the Sitka Recording District, First Judicial District, State of Alaska, said parcel being more particularly described as follows:

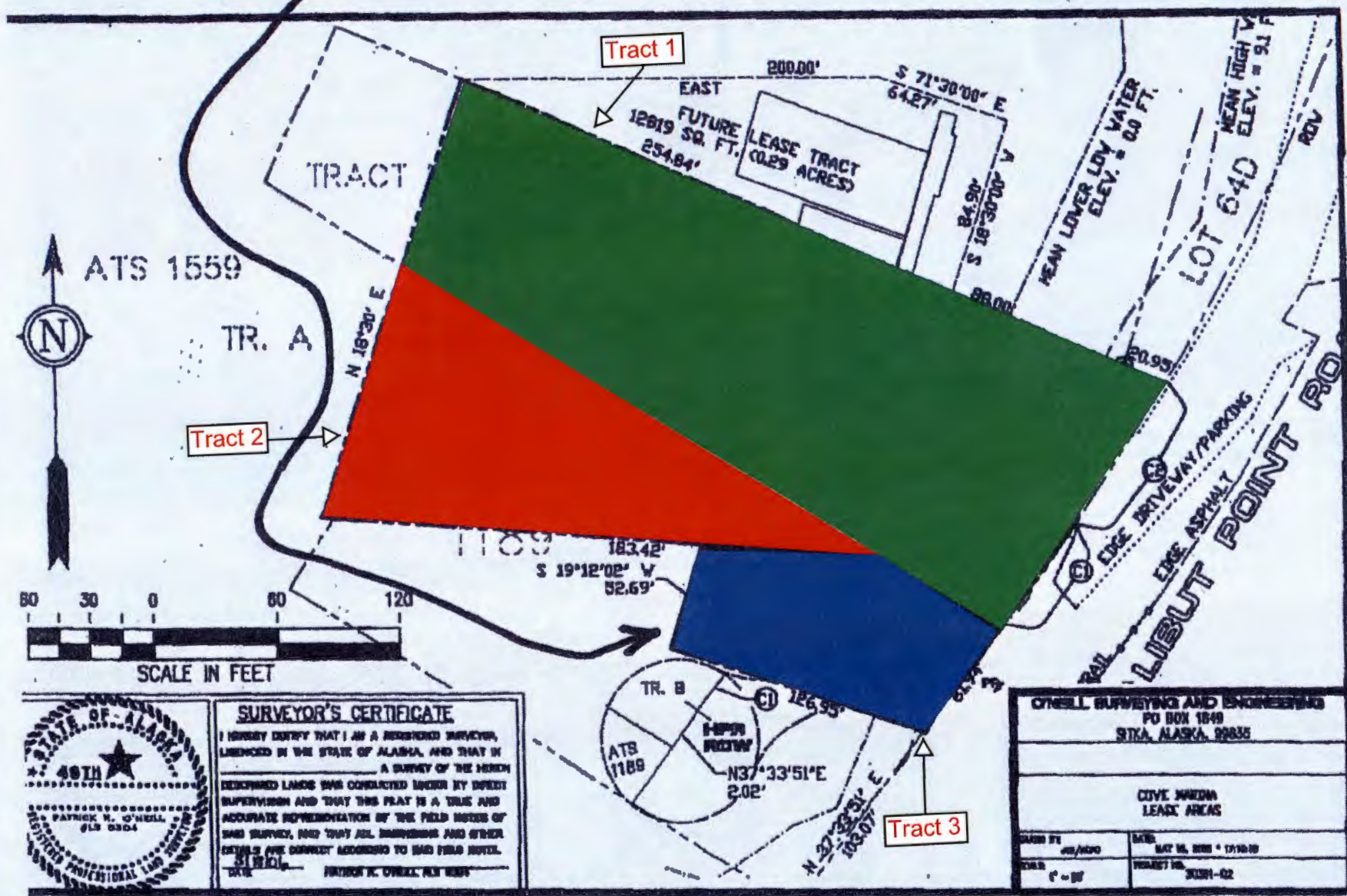
Beginning at a rebar and aluminum cap marking the most easterly corner of ATS 1559 Tract B, said point being identical with the southwest corner of Lot 64D, Hope Subdivision, and the northwest corner of Lot 63, U.S. Survey 3475, and also being the true point of beginning of this description; thence S17°39'45"W 78.79 feet along the easterly ATS 1559 Tract B boundary to a non-tangential curve concave to the west, having a radius of 1203.18 feet, chord bearing of S36°09'45"W and chord length of 58.86 feet; thence along said curve a distance of 58.86 feet; thence S37°33'51"W 2.02 feet; thence seaward N58°42'W 64.76 feet; thence N85°48'14"W 269.46 feet; thence N18°30'E 217.85 feet; thence S66°40'25"E 342.84 feet to the true point of beginning, containing 55,736 square feet, more or less.

Return To:
Cove Marina, Inc.
C/O Mike Clementz
7321 N.E. WILLIAM ROGERS ROAD
INDIANOLA, WA 98342



Cove Marina Lease of Tidelands

INITIAL



SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT I, AS A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAN IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL INSTRUMENTS AND OTHER DETAILS ARE CORRECTLY REFERRED TO SAID FIELD NOTES.
 DATE: 5/15/09
 SURVEYOR: PATRICK H. O'NEILL, RLS 9134



O'NEILL SURVEYING AND ENGINEERING
 PO BOX 1849
 SITKA, ALASKA, 99835

COVE MARINA LEASE AREAS

SCALE: 1" = 30'	DATE: MAY 15, 2009
PROJECT NO.: 30091-02	



6 of 6
 2007-001786-0

EXHIBIT A



Legislation Details

File #: ORD 15-48 Version: 1 Name:
Type: Ordinance Status: AGENDA READY
File created: 9/16/2015 In control: City and Borough Assembly
On agenda: 9/22/2015 Final action:
Title: Authorizing the lease of approximately 8,832 feet of tidelands in Alaska Tidelands Survey 1189
Sponsors:
Indexes:
Code sections:
Attachments: [Ordinance 2015-48](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE TO approve Ordinance 2015-48 on first reading.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

MEMORANDUM

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

From: Maegan Bosak, Planning and Community Development Director *(MB)*

Subject: Ordinance 2015-48 Authorizing the Lease renewal of Tidelands Lease Tract #3 to Cove Marina, Inc. at 4701 Halibut Point Road

Date: September 14, 2015

Multiple leases of the tidelands at Cove Marina, Inc., located at 4701 Halibut Point Road, are set to expire June 12, 2016. Ordinance 2015-48 is on the Assembly's agenda to authorize the issuance of a new five year lease for the lease tract #3.

The proposed market rent, based on the value established by the Assessor, will be \$5,900 a year. This new lease is based on the 9% lease rate for tidelands set by Wendy Lawrence, Assessing Director.

Lease area #3 is 8,832 square feet of submerged tidelands and was authorized to lease by the Assembly in 2006. It is legally defined as A 8,832 square foot portion of Alaska Tidelands Survey 1189. The State of Alaska is the upland property owner.

The applicant is requesting the lease renewal to continue operations as Cove Marina, Inc. adding additional infrastructure as necessary.

There are four tideland lease areas associated with this property. The largest, which was acquired from the State of Alaska, expires in 2021. These associated leases will be set for a five year term, expiring at the same time, so that all leases can be incorporated into one new lease.

Following the passage of Ordinance 2015-48, a new lease for the tidelands will be prepared and executed.

RECOMMENDED ACTION: Approve the ordinance.

Sponsor: Administrator

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-48

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AUTHORIZING THE
LEASE OF APPROXIMATELY 8,832 FEET OF TIDELANDS IN ALASKA TIDELANDS
SURVEY 1189

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

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

3. **PURPOSE.** The purpose of this ordinance is to renew the existing tidelands lease and facilitate the construction of additional dock improvements. There are multiple leases for Cove Marina and the expiration of this lease is the same as the other leases.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka.

A. The leasing of approximately 8,832 square feet of Alaska Tideland Survey 1889 is hereby authorized with the following terms:

- 1) The parcel is valued at \$65,800.
- 2) The annual lease payments shall be 9% per year of the value of the tidelands.
- 3) The lease term is run concurrent with the existing Cove Marina lease that expires on June 12, 2021 and may be considered for renewal prior to the expiration.
- 4) Lease payments shall be adjusted per SGC 18.16.210.
- 5) Prior to execution of a lease, a lease plat must be prepared and approved by the Planning Office.

B. The administrator is authorized to execute a lease documents consistent with the terms of this ordinance, SGC Title 18 that governs tidelands leases, and, existing municipal policies and practices on tideland leases. The lease renewal clause shall be consistent with the existing Cove Marina tidelands lease.

C. The assembly determines that Sitka General Code 18.16.130 Preference Rights and Nonpreference Rights does not apply since the State of Alaska is the upland owner.

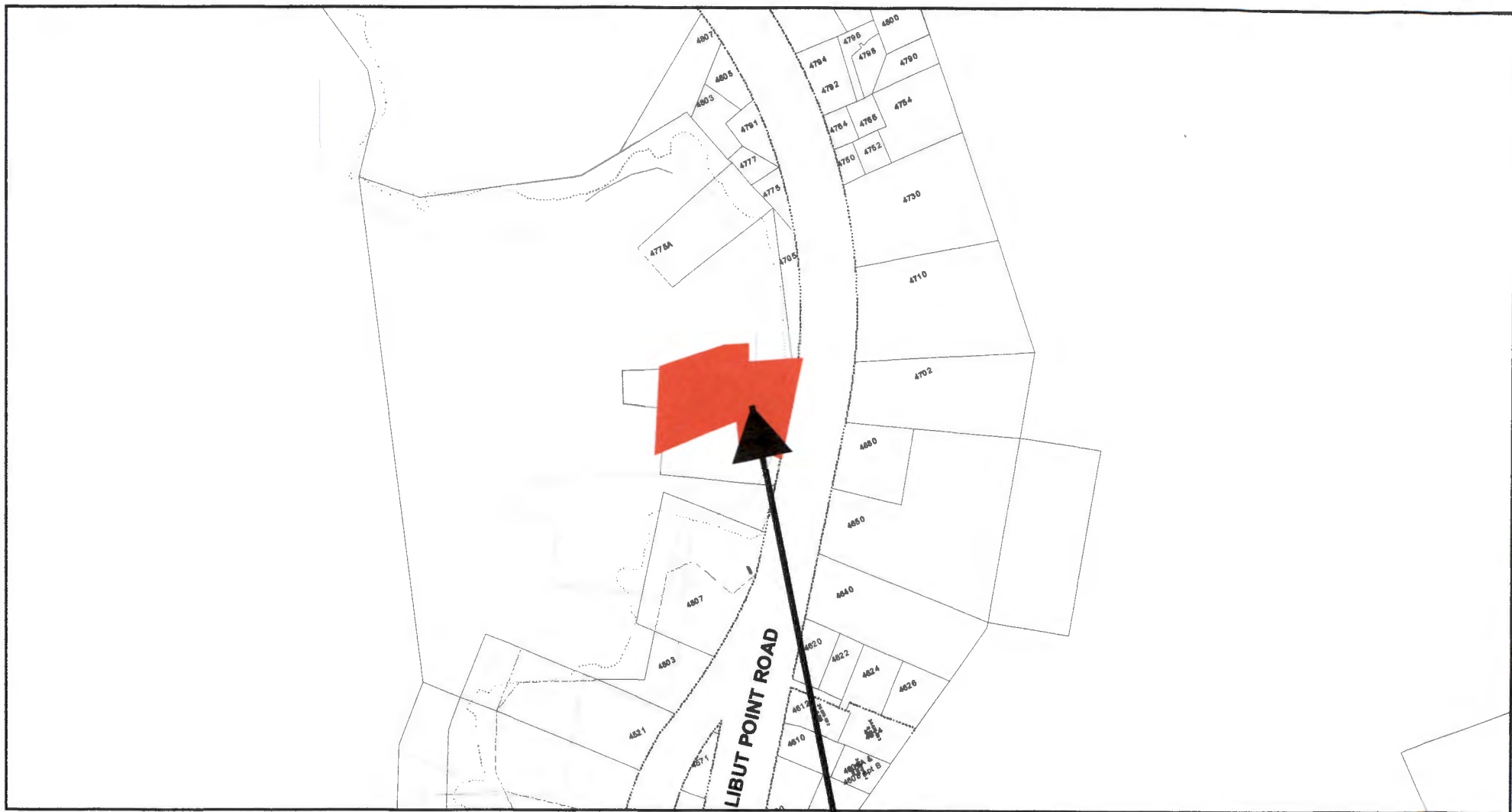
5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 13th day of October, 2015.

Mim McConnell, Mayor

ATTEST:

Sara Peterson, CMC
Municipal Clerk





Memorandum

To: Maegan Bosak, Planning and Community Development Director

From: Wendy Lawrence, Assessing Director

Re: Cove Marina, Inc. Lease Renewals

Date: September 14, 2015

The upland and submerged tidelands currently leased and/or occupied by Cove Marina, Inc. have been inspected for their lease renewal application. The site is located at 4701 Halibut Point Road, with northwest sloping adjacent tidelands. Access is attained from both HPR as well as via marine floats extending into the tidelands, with the depth of the water at about 5'-30' more or less. Utilities are all located in the right of way, and the upland site is zoned Industrial.

Based upon the most recent market data for this area, I have estimated the fee simple per square foot values of \$15.00 & \$2.25 for the upland/filled areas, and tideland areas, respectively. The current city tidelands lease rate is 9%.

Because this entire site and business operation encompasses three separate leases, and one currently unleased but fully utilized tideland area (referred to as Trespass Area on the attached exhibit), analysis of this site for both fee and lease values was a bit challenging. A proposal to lease the current trespass area was denied in 2003, but the area has continued to be occupied and utilized by the marina since the early 1990's. This site visit confirmed the location of a large 30' X 58' boat shed and associated floats in this trespass area. The annual lease for this trespass area, as well as lease renewal rates for the other three lease areas, has been summarized in the attached exhibit.

Please feel free to contact me if you need additional information or have questions regarding this complex situation.

Respectfully,

Wendy
Lawrence

Wendy Lawrence, Assessing Director

Digitally signed by Wendy Lawrence
DN: cn=Wendy Lawrence, o=City and Borough of
Sida, ou=Assessing Department,
email=wendy.lawrence@cityofsidra.org, c=US
Date: 2015.09.14 16:04:59 -0800

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2007-001786-0

Recording Dist: 103 - Sitka

11/8/2007 11:12 AM Pages: 1 of 6



cc

Return to:

City and Borough of Sitka
Attn: Assessing Dept
100 Lincoln St.
Sitka, AK 99835

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DO NOT DETACH

August 23, 2001

**COVE MARINA, INC.
TIDELANDS LEASE AGREEMENT**

The City and Borough of Sitka, hereafter referred to as the "Lessor," and Cove Marina, Inc., hereafter referred to as the "Lessee," collectively referred to as the "Parties," enter into this Cove Marina, Inc. Tidelands Lease Agreement, hereafter referred to as "Lease," based on the terms and conditions set out in this "Lease," and as approved by the City and Borough of Sitka Assembly in Ordinance 2006-37, effective August 22, 2006.


WHEREAS, the Lessor is the owner of certain tidelands seaward of Cove Marina, Inc. at 4701 Halibut Point Road, Sitka, Alaska, comprising approximately 8,832 square feet in Alaska Tideland Survey 1189, and graphically represented on the copy of the attached Exhibit A, hereafter referred to as the "Subject Property;" and

WHEREAS, the Assembly determines that the criteria in Sitka General Code 18.16.130 Preference Rights and Nonpreference Rights does not apply since the State of Alaska is the upland owner.

NOW THEREFORE, based on the consideration set out below, the Lessor and Lessee agree to the following terms and conditions:

1. Lessor leases to the Lessee the Subject Property described in attached Exhibit A, for a term of approximately ^{mje} ~~ten~~ ⁹ years, effective June 12, 200~~6~~ ⁷ and expiring June 12, 2016.
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2. Lessee, in consideration of this Lease, agrees as follows:
 - a. Lease payments shall be made annually to Lessor. For the first year, the amount of the lease payment shall be one thousand, eight hundred dollars and no cents (\$1,800.00), which is the equivalent of 9% of the value of the Subject Property, which is estimated to be twenty thousand dollars and no cents (\$20,000.00), calculated at two dollars and twenty five cents (\$2.25) per square foot. All subsequent annual lease payments shall be subject to adjustment in accordance with Sitka General Code ("SGC") Section 18.16.210, and any subsequent amendment to this code section.
 - b. The current version of SGC Section 18.16.210 subjects the annual lease payment to adjustment on the seventh anniversary of the lease and each seven years thereafter, with the annual lease payment being changed by the percentage change in the amount established by dividing the grand total of the land value on the official municipal real property assessment roll for the initial tax year, compared with similar calculation using the figures seven years later. The base figure the initial tax year is twenty thousand dollars and no cents (\$20,000.00). The Lessee shall be subject to any adjustment to rent as set out in any subsequent amendment to SGC Section 18.16.210.

INITIAL
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2 of 6
2007-001736-0

- c. Lessee shall pay sales tax to the City and Borough of Sitka, based on the amount of each annual lease payment.
- d. The first year's payment is due on the date the Lease is signed and executed by all of the parties to the Lease. All subsequent payments shall be made by that same date each year.
- e. The Lease may not be assigned or sublet by the Lessee without the consent of the Lessor.
- f. If the full lease payment is not timely paid, and Lessee fails to remedy default within thirty (30) days after receipt of written notice of any such lease payment arrears, the Lessor may immediately, or at any time thereafter while such default continues, terminate the lease, repossess the Subject Property, enter on Subject Property, expel Lessee and those claiming right to possession or to be on the Subject Property based on the rights of the Lessee, and remove Lessee's effects (forcefully if necessary) without being guilty of any trespass. These rights are in addition to any other rights and remedies, without prejudice, which might otherwise be used for arrears or lease payments, proceedings on breach of agreement, or collection on arrears.
- g. The Lessee agrees to pay any Local Improvement District assessments that may be levied against the Subject Property to the same extent and in the same amount as if the Lessee were the owner of the Subject Property which would be included in the Local Improvement District to be formed or contemplated. The Lessee shall share the Lessor's right as owner in all proceedings under the Local Improvement District (except for payment of assessments) in proportion that the remaining years of the lease bear to twenty (20). (For example: If the lease has five (5) years to run, the Lessee shall have the right to exercise 5/20ths of the Lessor's vote and the Lessor, 15/20ths.)

3. The Parties mutually agree as follows:

- a. The terms and conditions herein contained shall apply to and bind the heirs, successors, and agents of the respective Parties.
- b. Waiver by Lessor of any term or condition setout in this Lease shall not be considered a waiver of any subsequent breach of said term or condition.
- c. Lessee agrees to hold harmless, insure and indemnify the Lessor from any liability for property damage or personal injury to any person or persons on or about the Subject Property and to carry and provide proof of liability insurance in such amounts as may be agreed to between the parties to cover such liability, with the Lessor as an additional named insured.

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3 of 6

2007-001786-0

- d. The Lease may be renewed if upon the expiration of the Lease, the Lessee desires a renewal lease on the Subject Property or property interests covered herein. Lessee shall within thirty (30) days before the expiration of the Lease, make a written request to the Lessor for renewal of lease in which Lessor must certify under oath as to the character and value of all the improvements existing upon the land, the purpose for which Lessee desires a renewal, and such other information as may be required.
- e. If Lessee occupies the Subject Property after the expiration date of this Lease without the consent of the Lessor, such possession shall be construed as an annual tenancy and Lessee shall annually pay Lessor the amount of the rent paid during the last year of the Lease until the Lease is terminated by the Lessor.
- f. The Lessee may terminate the Lease upon giving the Lessor thirty (30) days prior written notice.
- g. At any termination of the Lease, all improvements placed on the Subject Property and attached to the land so as to become part of the real property by common law definition shall become the property of the Lessor.
- h. Each Party to the Lease represents that its representative or agent who signs and executes the Lease has been delegated and is authorized to legally bind each Party regarding this Lease.

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2007-001786-0

CITY AND BOROUGH OF SITKA

COVE MARINA, INC.

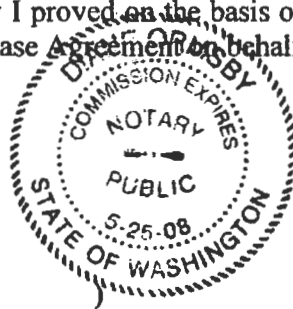
[Handwritten Signature]

Municipal Administrator

[Handwritten Signature]
Secretary

STATE OF ALASKA WA)
Kitsap County) ss.
FIRST JUDICIAL DISTRICT)

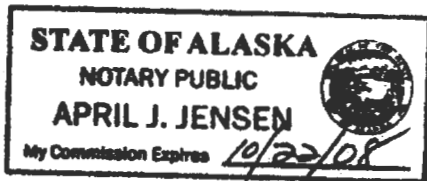
On this 18th day of Oct, 2007, Michael J. Clementz personally appeared before me, whose identity I proved on the basis of satisfactory evidence, and executed the Cove Marina, Inc. Tidelands Lease Agreement on behalf of Cove Marina, Inc.



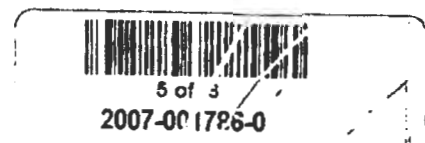
[Handwritten Signature]
Notary Public for ~~Alaska~~ Washington
My Commission Expires: 5-25-08

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

On this 27th day of September, 2007, John C. Stein personally appeared before me, whose identity I proved on the basis of satisfactory evidence, and he executed the Cove Marina, Inc. Lease Agreement on behalf of the City and Borough of Sitka.



[Handwritten Signature]
Notary Public for Alaska
My Commission Expires: 10/22/08



Cove Marina Lease of Tidelands

INITIAL
 [Handwritten initials]

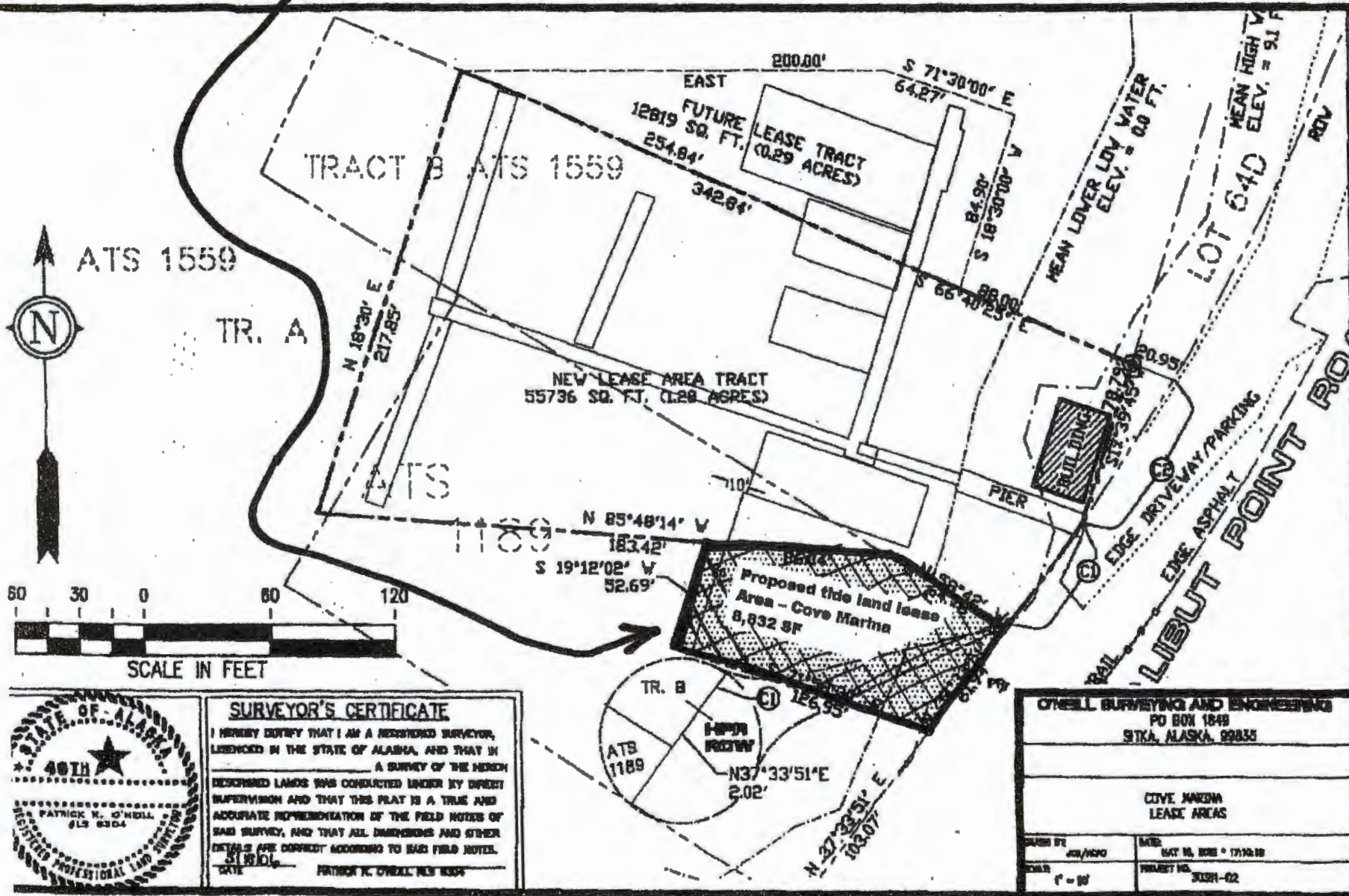


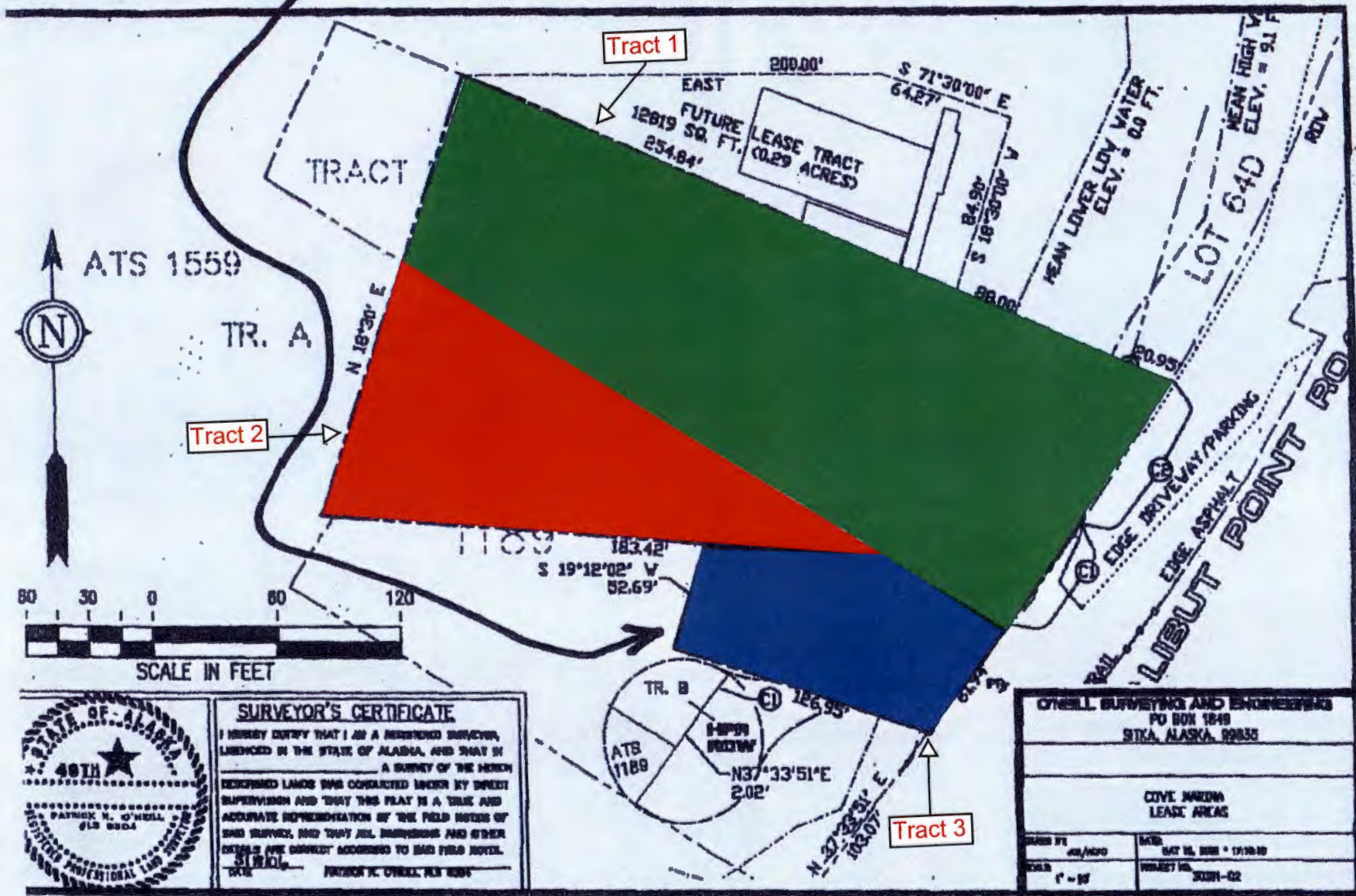
EXHIBIT A



6 of 6
 2007-001786-0

Cove Marina Lease of Tidelands

INITIAL *MO* *JD*



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAN IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

SIGNATURE: *Patrick K. O'Neill*
DATE: _____

O'NEILL SURVEYING AND ENGINEERING
PO BOX 1849
SIKA, ALASKA, 99830

COVE MARINA
LEASE AREAS

DATE: 04/14/02
SCALE: 1" = 10'

EXHIBIT A

6 of 6

2007-001786-0



Legislation Details

File #: 15-187 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 9/16/2015 In control: City and Borough Assembly

On agenda: 9/22/2015 Final action:

Title: Approve the Administrator's annual recommended transfer to the Public Infrastructure Sinking Fund

Sponsors:

Indexes:

Code sections:

Attachments: [Sinking Fund](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE TO transfer \$1,000,000 from the
FY2015 General Fund balance to the Public
Infrastructure Sinking Fund

Memo

Thru: Mark Gorman, Administrator

To: Assembly of the City and Borough of Sitka

From: Jay Sweeney, Chief Finance and Administrative Officer 

Date: September 10, 2015

Re: Administrator's Annual Recommended Transfer to the Public Infrastructure Sinking Fund

Per SGC 4.45.020, Determination of the required balance of the public infrastructure sinking fund, the following analysis must be accomplished annually:

“Within ninety days after the start of each fiscal year, the administrator shall prepare an analysis of the general fund balance with an accompanying recommendation as to an amount of the general fund balance available for potential transfer to the public infrastructure sinking fund. This analysis shall first take into account any portions of the general fund restricted by Chapter 4.44A before recommending any further amounts for potential transfer to the public infrastructure sinking fund. (Ord. 12-30 § 4 (part), 2012.)”

Per 4.45.030, Assembly action, actions resulting from the Administrator's recommendation and incumbent responsibilities are as follows:

“Within sixty days after presentation of the annual analysis by the administrator, the amount determined by the administrator shall automatically be transferred to the public infrastructure sinking fund, unless a super majority of the assembly votes to change the recommended amount. (Ord. 12-30 § 4 (part), 2012.)”

Thus, in accordance with SGC 4.45.020, the attached analysis of the amount of the General Fund balance has been prepared, and it indicates that an amount of \$1,000,000 is available for potential transfer to the Public Infrastructure Sinking Fund.

Other possible alternative actions that may be considered for the balance would be a transfer into the Permanent Fund, the replenishment of the Municipality's emergency reserve, or simply leaving the funds in the unrestricted balance of the General fund.

**City and Borough of Sitka
 Administrator's Recommendation of Assets Available For Transfer
 to the Public Infrastructure Sinking Fund**

FY14 Annual Operating Outlays Less Transfers	Divided By Four	
\$ 25,638,883	\$ 6,409,721	
 Assets available for transfer to the public infrastructure sinking fund are computed as follows:		
All assets	\$	17,127,605
Less receivables and taxes collected but not yet remitted:	\$	(3,491,105)
Less advances and amounts due from other funds and component units	\$	(1,479,095)
Less prepaid expenses:	\$	(164,327)
Less total Liabilities	\$	(1,762,305)
Less nonspendable and committed fund balances	\$	(1,670,136)
Less reserve for encumbrances	\$	(51,620)
Less 90 days operating expenses designated for liquidity (from above)	\$	(6,409,721)
Less designated catastrophic emergency response	\$	(1,000,000)
Less FY13 Budget Carryovers (approved ORD 2015-40)	\$	(98,255)
Less Transfer To Permanent Fund	\$	-
Potential Assets Available For Transfer (Includes FY14 Surplus):	\$	<u>1,001,041</u>
Administrator Recommended Transfer:	\$	<u>1,000,000</u>

Sitka Permanent Fund	
Value of Permanent Fund, 6/30/13	\$ 20,213,781
FY14 Inflation	<u>1.0187</u>
Inflated Value:	\$ 20,591,779
Market value of Permanent Fund, 6/30/13	<u>\$ 22,601,595</u>
Excess Value Gained, FY14	<u>\$ 2,009,816</u>