



CITY AND BOROUGH OF SITKA

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

Meeting Agenda City and Borough Assembly

*Mayor Mim McConnell
Deputy Mayor Pete Esquiro,
Vice Deputy Mayor Thor Christianson,
Phyllis Hackett, Matthew Hunter, Mike Reif and Michelle Putz*

*Interim Municipal Administrator: John P. Sweeney III
Municipal Attorney: Robin L. Koutchak
Municipal Clerk: Colleen Ingman, MMC*

Tuesday, July 9, 2013

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

IV. CORRESPONDENCE/AGENDA CHANGES

[13-141](#) Correspondence

Attachments: [Correspondence](#)

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

VI. PERSONS TO BE HEARD

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

VII. REPORTS

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

VIII. CONSENT AGENDA

All matters under Item VIII 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 [13-138](#) Appointment: Reappoint Chris Fondell to a term on the Sawmill Cove Industrial Park Board

Attachments: [Motion Sheet SCIP Board reappointment](#)

B [13-134](#) Award Aggregate Construction Inc. a contract to mill and overlay Erler and Spruce Streets and authorize project fund transfers to complete - \$148,152

Attachments: [Erler Spruce Sts paving](#)

IX. **UNFINISHED BUSINESS:**

X. **NEW BUSINESS:**

New Business First Reading

C [RES 13-11](#) Approving submittal and execution of a Municipal Harbor Facility Grant application to the State of Alaska, Department of Transportation and Public Facilities (ADOT&PF) in the amount of \$2,700,000 for the project entitled Sitka Transient Float

Attachments: [Resolution 2013-11](#)

D [ORD 13-29](#) Amending SGC Chapter 4.12 entitled "Property Tax" by adding Subsection K to SGC 4.12.025 entitled "Exemptions" regarding optional exemption; amending SGC 4.12.030 entitled "Assessor's Duties" by removing Subsection D.4; amending SGC 4.12.050 entitled "Property Owner's Returns" by amending Subsection C and removing criminal penalties defined under Subsection D for failing to file assessment returns and/or refusal to give information; adding SGC 4.12.055 entitled "Failure to File Return - Fee - Penalty" to assess penalties for failing to file a property return or knowingly make a false affidavit to property returns and amending SGC 4.12.110 entitled "Tax Levy Fixed by Assembly" to properly reflect mailing of tax statements by the Finance Director

Attachments: [Ord 2013-29](#)

[Ord 2013-29 materials](#)

E [ORD 13-30](#) Amending Title 15 of the SGC to increase sewer, water and wastewater rates at Sections 15.04.320 entitled "Rates and Fees" and 15.05.625 entitled "Wastewater Service - Sawmill Cove Industrial Park" and add RV spaces with utility hookups in the rate structures

Attachments: [Ord 2013-30](#)

[Ord 2013-30 materials](#)

- F [ORD 13-31](#) Amending chapter 11.40 of the SGC entitled "Stopping Standing and Parking" to provide for civil administration process for parking offenses under this chapter

Attachments: [Ord 2013-31](#)

[Ord 2013-31 materials](#)

Additional New Business Items

- G [13-136](#) Approve Sitka Counseling and Prevention Services Expansion of a Quasi Institutional Use Conditional Use Permit - 701 Indian River Road

Attachments: [SCPS Motion and BOA Outline](#)

[SCPS cup](#)

- H [13-140](#) Approve request by Lydia McGraw to forgive remaining balance due on property tax bill

Attachments: [McGraw prop tax bill request](#)

- I [13-135](#) Authorize the Sitka Police Department to reinstate a Patrol Officer, Dispatch and Records Clerk, temporary Traffic Officer, and to partially fund the facility planning study using the Jail Contract increase and unfilled MSO position as the primary funding sources

Attachments: [SPD positions](#)

- J [13-139](#) Discussion/Direction/Decision of temporary Deputy Administrator to assist in new Administrator transition

Attachments: [temporary Deputy Administrator](#)

XI. PERSONS TO BE HEARD:

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

XII. EXECUTIVE SESSION

XIII. ADJOURNMENT

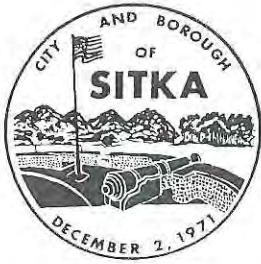
*Sara Peterson, CMC
Acting Municipal Clerk
Publish: July 5*



Legislation Details

File #: 13-141 **Version:** 1 **Name:**
Type: Item **Status:** AGENDA READY
File created: 7/3/2013 **In control:** City and Borough Assembly
On agenda: 7/9/2013 **Final action:**
Title: Correspondence
Sponsors:
Indexes:
Code sections:
Attachments: [Correspondence](#)

Date	Ver.	Action By	Action	Result
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City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

July 2, 2013

Mr. Ralph Moll
223 Observatory Street
Sitka, Alaska 99835

Dear Mr. Moll,

I wish to respond to your email of July 2 (enclosed) in which you summarized the conversation that took place in our meeting in my office on June 27, in which Mr. Wells Williams and Ms. Maegan Bosak from the Planning Department also attended.

I believe that your summarization is a mischaracterization of the meeting and of my comments. At the meeting, I first patiently listened to your concerns, then asked you what it was that you requested that I do as Administrator. Upon hearing your requests, I responded that I found no compelling facts or reasons to overturn the decisions previously made by the Planning Director in regards to your case. I stated that I supported his decisions and found them to be sound.

My response has not changed and the Municipality's position in regards to your concerns remains the same. A summarization of the Municipality's position is as follows:

- The Planning Office identified the physical boundaries of the Access and Utility Easement as those marked on plat 2001-19. This plat, as well as the Access and Utility Easement notes, was created at time of subdivision by parcel owner, not City and Borough of Sitka.
- The Sitka General Code (SGC) defines an easement as "Easement means an interest in land owned by another that entitles the easement holder to a specified limited use of said area of land." In this case the easement is for the exclusive use of the owners of Lots 1 and 2.
- The designated easement is both access and utility. There is no divide between services according to the plat. SGC states that access easements must be a minimum of 20 feet wide. It is clearly marked that the easement on Lot 1 and 3 is both access and utility easement.

- Maintenance of the easement, including water and sewer utilities, is the expense of the owners of Lot 2 as referenced on the plat.
- You contacted the Sitka Police Department (SPD) regarding parked vehicles on the easement. The SPD contacted the Planning Office for clarification of this particular easement in regards to type and use. The SPD determined that this was a civil issue as the easement is private property.
- The SGC states that easements shall be free of permanent structures.

I have asked the Chief of Police to separately look into the on-street parking issue that you raised and to have a member of the SPD contact you on this issue.

Unless new facts are presented in regards to this issue which bear consideration, my decision in regards to your concerns, that being to support the actions of the Planning Director, are final.

Sincerely,



John P. Sweeney III
Interim Municipal Administrator

Attachment as Stated

cc:

Mayor and Assembly Members
Robin Koutchak, Municipal Attorney
Wells Williams, Planning Director

Jay Sweeney

From: Ralph Moll [REDACTED]
Sent: Monday, July 01, 2013 1:28 PM
To: Jay Sweeney
Subject: Observatory Subdivision

Dear Mr. Sweeney;

In recapping our meeting, I understand that you refuse to:

- 1) identify the physical boundaries of the utility easement mentioned on plat 2001-19 (Observatory Subdivision).
- 2) acknowledge the status of the City of Sitka as the utility easement holder for lot #3
- 3) enforce trespassing, parking and access violations on the utility easement on said subdivision.
- 4) acknowledge any involvement of the City of Sitka in drafting or sanctioning the wording of the easement.
- 5) to articulate the respective (i.e., easement holder City of Sitka and easement property owner) obligations and rights regarding this utility easement in clear, unambiguous language.
- 6) provide a clear, unambiguous statement regarding the respective obligations and rights of the parties involved in the access and utility portions of this easement.
- 7) I provided documented evidence (the plat document) that the access and utility easements are separate. First, the plat document refers to the easements as the utility portion and the access portion, and secondly, the plat document shows that the easement owners and easement holders are different for each easement portion.
- 8) I further understand that the City of Sitka has made the upland owner of Lot 2 of the Observatory St. aware of the issues on hand and has advised the Sitka Police Dept. not to take action in this matter.
- 9) The utility easement owner is lot #3 and the easement holder is, according to you, not the City of Sitka and therefore unknown. You were only able to offer an unsupported opinion that these two easements are one and the same.
- 10) You have also said that you would look into the on street parking issues (blocked access to parking on my property by 2 vehicles parked on the road directly in front of my property) I had experienced. As of today, I have received no response to that complaint.

It is our position that:

The access easement owner is lot #1 and the easement holder is lot #2 (per Note #2 on the plat). The utility easement owner is lot #3 (as all utility lines are buried there), with the easement holder(s) undefined. Therefore, neither lot #1, nor lot #2 have access to the utility easement (with the exception of utility work carried out by the city of Sitka or a registered and licensed contractor) and are therefore trespassing when parking vehicles, depositing objects and traversing. Due to the continuous violation of the utility easement area, we will be erecting an removable barrier on the utility easement shortly.

Sincerely,
Ralph Moll

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"Democracy is when two wolfs and a sheep are voting on what's for dinner.... Liberty is when a well armed sheep is contesting the vote!"



WARRANTY DEED

THIS INDENTURE, made and entered into this 31.....day of January, 2012 by and between William W. Peterson and Rena M. Peterson, husband and wife whose mailing address is: 7475 Addenda Court, 99507 Anchorage, GRANTOR, and ~~RALPH MOLL~~ and CHOHLA A. MOLL, husband and wife, whose mailing address is: 214 Observatory Street, Sitka AK 99835, GRANTEES. *

Witnesseth:

That the said GRANTOR, for and in consideration of the sum of \$10.00 and other good and valuable consideration, does by these presents convey and warrant unto said GRANTEES, all of the following described property, to wit:

LOT Three (3), OBSERVATORY SUBDIVISION*, according to the plat thereof filed October 25, 2001 as Plat No. 2001-19, Sitka Recording District, First Judicial District, State of Alaska.

*A Subdivision of Lot 1, Armory Subdivision into Lots 1, 2 and 3.

SUBJECT TO covenants, conditions, easements, restrictions, reservations and rights-of-way of record, if any.

TO HAVE AND TO HOLD the premises, with the appurtenances unto the said GRANTEES, and to their heirs and assigns forever.

Dated: 2-3-2012

William W. Peterson

Rena M. Peterson

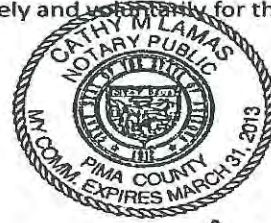
William W. Peterson

Rena M. Peterson

State of ^{Ariz}Alaska)
Pima County) SS.
First Judicial District)

On this day personally appeared before me: William W. Peterson and Rena M. Peterson to me known to be the individual(s) described in and who executed the above and foregoing instrument, and acknowledged to me that they signed the same freely and voluntarily for the use and purpose therein mentioned.

Witness my hand and official seal this 3 ^{February} of ~~January~~ 2012.



Cathy Mlamas

Notary in and for the State of ^{Ariz}Alaska
My commission expires:

*Returned Grantee **

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY AGREE TO THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE: 10/22/01
 SIGNATURE: [Signature]
 TITLE: OWNER

NOTARY'S ACKNOWLEDGMENT

STATE OF ALASKA
 CITY & BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS 22 DAY OF OCTOBER, 2001, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED William W. Peterson, known to me to be the identical individual(s) mentioned and who executed the SAME WITHIN PLAT AND ~~THEY~~ ACKNOWLEDGED TO ME THAT ~~THEY~~ SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESS MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.

MY COMMISSION EXPIRES Nov. 18, 2001

STATE OF ALASKA
 NOTARY PUBLIC
 EDWINA BARNETT SIMMONS
 My Commission Expires Nov. 18, 2001.

CERTIFICATE OF APPROVAL BY THE BOARD

CITY & BOROUGH OF SITKA

1. I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA ASSEMBLY AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED BY THE BOARD OF PLANNING AND ZONING OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE: 10/22/01
 SIGNATURE: [Signature]
 TITLE: CITY AND BOROUGH CLERK

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

1. I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA ASSEMBLY AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED BY THE BOARD OF PLANNING AND ZONING OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE: 10-24-01
 SIGNATURE: [Signature]
 TITLE: COURT CLERK

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

1. THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCE DIRECTOR FOR THE CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING RECORDED PROPERTY IS CARRIED ON THE RECORDS OF THE CITY & BOROUGH OF SITKA, ALASKA, AS FOLLOWS:

ALL LANDS ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS 22 DAY OF OCTOBER, 2001, AT SITKA, ALASKA.

SIGNATURE: [Signature]
 TITLE: CITY & BOROUGH CLERK

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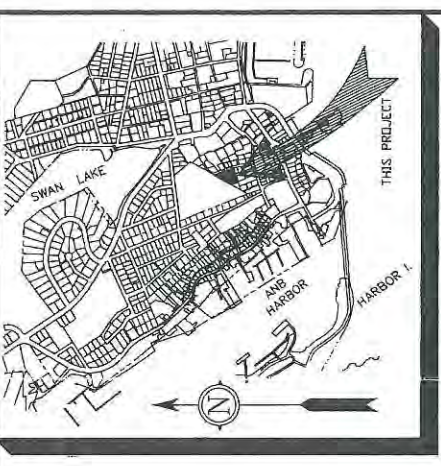
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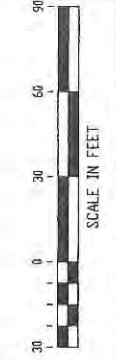


VICINITY MAP
 SCALE 1"=1,000'

- LEGEND**
- ⊕ PRIMARY CONTROL MONUMENT RECOVERED (BRASS CAP)
 - ⊕ BURNED/OLD PRIMARY BRASS CAP (RECOVERED)
 - x CHISELED x IN STONE
 - SECONDARY MONUMENT (SET)
 - SECONDARY MONUMENT (RECOVERED)
 - (R) RECORDED DATA
 - (C) COMPUTED DATA
 - (M) MEASURED DATA

NOTES:

1. THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE LOT 1, ARMOY, SUBDIVISION INTO THREE LOTS.
2. THE ACCESS PORTION OF THE ACCESS AND UTILITY EASEMENT CROSSING LOTS 1 AND 2 IS TO BE USED FOR THE USE OF THE OWNERS OF LOTS 1 AND 2.
3. MAINTENANCE OF THE DRIVEWAY AND WATER AND SEWER UTILITIES WITHIN THE DESIGNATED ACCESS AND UTILITY EASEMENT WILL BE AT THE EXPENSE OF THE OWNERS OF LOT 2.
4. ANY STRUCTURES BUILT ON LOT 1 ARE LIMITED TO A MAXIMUM HEIGHT OF 24 FEET.

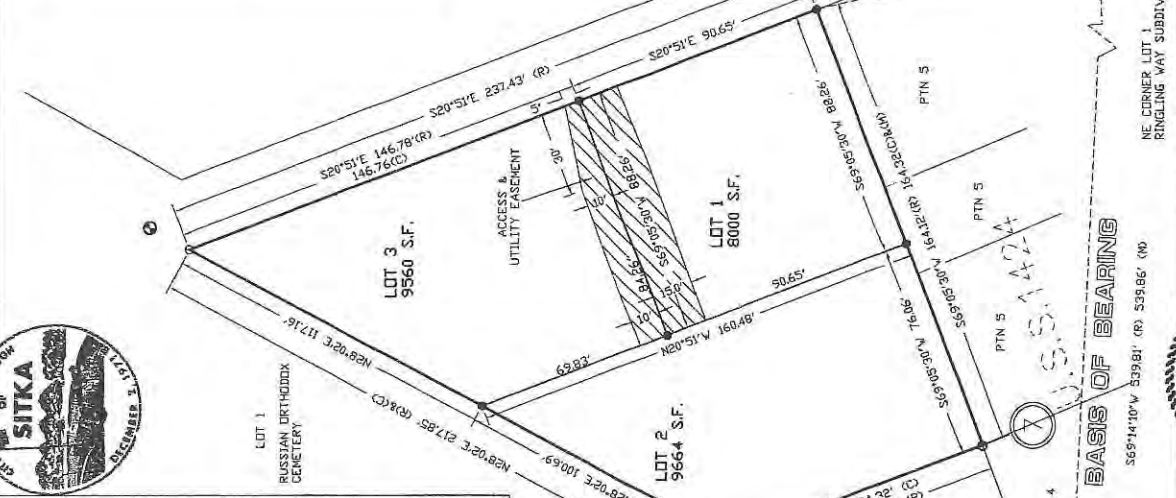


OBSERVATORY SUBDIVISION

LOT 1

ARMORY SUBDIVISION

CLIENT: Bill Peterson



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT I, Patrick J. O'Neill, A SURVEYOR OF THE STATE OF ALASKA, HAVE PREPARED THIS PLAT AND AGREE TO BE BOUND BY THE FIELD NOTES OF SAID SURVEY, AND THAT ALL MEASUREMENTS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

DATE: 10/17/01
 SIGNATURE: [Signature]
 TITLE: SURVEYOR

49th

ALASKA SURVEYORS ASSOCIATION

REGISTERED SURVEYOR

NO. 1000

DATE OF EXPIRATION: 12/31/01

REGISTERED SURVEYOR	BRAND	DATE OF EXPIRATION
CHISELED IN STONE	SCALE	PROJECT NO.
RECORDED	DESCRIPTION OF CHANGE	30323-01-10
RECORDED	REVISIONS	

O'NEILL

SURVEYING AND ENGINEERING

BOX 1849 SITKA, ALASKA 99835
 PHONE: (907) 747-6700
 FAX: (907) 747-7590
 EMAIL: bill@ooneillsurvey.com

Public Works Assembly Update 7-03-13

***Centennial Hall & Library Site Parking Lot Development:**

- Phase IV concrete pedestrian plaza is currently under construction and will be substantially complete by July 5, 2013.
- Phase III parking lot to begin in July, 2013.
- Topsoil and plants for the landscaping has been delivered and the planting is underway.
- Revised schedule for the Crescent Harbor Parking Lot is being developed to limit parking losses during construction.

The project includes the complete reconstruction of the Centennial Hall Parking Lot and Crescent Harbor Parking lot. The improvements include storm drain, water, sewer, curb and gutter, paving, lighting, pedestrian plaza and landscaping.

S&S General Contractors was awarded the construction contract in the amount of \$2,613,651. The total project budget is \$3,950,000. Substantial completion is required by September 30, 2013.

***Baranof Street Water and Sewer Improvements:**

- AC pavement removal is complete between Baranof Street and Oja Street
- Sewer main and storm drain main are complete between Baranof Street and Oja Street
- Baranof Street and Oja Street water Line main installation began June 25, 2013
- Water and sewer connections to Pacific High School underway

The project includes water, sewer, storm drain, curb and gutter, sidewalk and pavement improvements and has a total funding of \$2,672,500.00 including Alaska Department of Environmental Conservation (ADEC) Municipal Matching Grant and Loan funds.

The Assembly awarded the construction contract to S&S General Contractors on the April 23, 2013 Assembly meeting, in the amount of \$1,712,916.00. The total estimated project cost is \$2,232,000.00. Substantial completion is required by August 28, 2013.

***ANB Harbor Replacement:**

- On June 25, 2013, the Assembly approved award of the Procurement Contract to Transpac Marinas, Inc. for \$2,698,870.00 which is ~\$230,000 lower than the Engineer's Estimate.

- Public Works received the 65% submittal for the Installation Contract on June 18, 2013 and submitted comments back to Moffatt & Nichol. The cost estimate increased for the Installation Contract due to a US Army Corps of Engineers permit requirement that the floats must be disposed of in an approved uplands landfill. This requirement is due to an invasive tunicate growth on the ANB Floats that must not be allowed to spread. Since the Contractor cannot give the floats away per the permit special conditions, the disposal costs are passed along to the City and Borough. Staff is working with the Corps to determine what other options might be available. The total project cost is now estimated at \$8,500,000.
- The anticipated bid opening date for the Installation Contract is October 4, 2013.

CBS received a FY13 State of Alaska Municipal Harbor Facility Matching Grant, for the ANB Harbor Replacement Project, which will cover 50% of eligible construction costs not to exceed \$4,250,000 in match funding. CBS has received bond proceeds from the Alaska Municipal Bond Bank in the amount of \$4,600,000 for this project. On January 10, 2013, the Assembly awarded a Professional Services Contract to Moffatt & Nichol for the ANB Harbor Replacement Project. The rough order of magnitude cost estimate for ANB Harbor (to include design, permitting, construction, and contingency) is approximately \$8.25 million. The estimate will be revisited and refined at each project milestone.

***Sitka Community Hospital Roof Replacement:**

- Public Works is awaiting several submittals from the Contractor.
- Public Works anticipates construction beginning after July 4, 2013, however is awaiting a formal project schedule from the Contractor.

The Assembly approved award of a construction contract to CBC Construction, Inc. in the amount of \$784,754.16 for the Sitka Community Hospital Roof Replacement project on April 23, 2013. Due to the very competitive bid received, a change order to the contract was approved to upgrade the insulation to a better product (polyiso instead of EPS). The project is funded through a \$1,200,000 FY2013 State Legislative Grant. Substantial Completion is required by August 31, 2013.

***Swan Lake Restoration / Dredging Project (Project # 90747):**

- Public Works met with the Contractor to discuss his plan to defer the start of dredging until 2014. The Contractor submitted a revised work plan and is considering beginning dredging in Fall 2013 pending approval of the grant agency.
- Public Works and the Contractor are working on different scenarios to increase productivity to allow most, if not all of the dredging to be completed by late 2014.
- Purchase of a refurbished aquatic weed harvester was included in the grant funding. These floating machines cut and remove the vegetation to improve

recreational opportunities and water flow through the lake. The search for a suitable harvester is on-going with several suppliers.

The Assembly approved award of a construction contract to Island Enterprises, Inc. in the amount of \$399,806.00 for the Swan Lake Restoration – Lake Dredging project on April 23, 2013. The project includes dredging prioritized selected locations to improve water flow through the lake, winter habitat for fish, access and recreation in general. The City and Borough of Sitka received \$771,236.00 in Federal funds through the Coastal Impact Assistance Program (CIAP) for this restoration project on Swan Lake. The grant is administered through the Wildlife and Sport Fish Restoration Program, CIAP Branch and runs through December 2015.

Edgecumbe Drive Street Reconstruction:

The project is funded through a \$2,900,000 FY2013 State Legislative Grant (Paving Failed Collector Streets – Edgecumbe Drive and Jeff Davis Street). Budgetary cost estimates were completed to help scope the project based on funds available. That estimate indicates approximately \$5.5 million would be required to completely rebuild Edgecumbe Drive from Kimsham to Cascade Creek to include paving, curb and gutter, sidewalk, and storm drain (budget shortfall of \$3.25 million); approximately \$3.5 million would be required to rebuild Edgecumbe Drive from Kimsham to Cascade Creek to include paving and storm drain only (budget shortfall of \$1.25 million); and approximately \$2.5 million would be required to rebuild Edgecumbe Drive from Kimsham to Cascade Creek to include paving the drive lanes (not shoulders) and storm drain (budget shortfall of \$250,000). Public Works staff has begun planning level work for this project. Test borings were completed along Edgecumbe Drive in areas of suspected subgrade failure and in other areas of interest on March 4-5, 2013. This information will assist in the design of the improvements. Public Works anticipates construction during the summer of 2014.

Centennial Hall Renovation:

- The design consultant, McCool Carlson Green, is incorporating the comments from the public meeting into the exterior building design concepts.

The current total estimated cost for this project is \$15.2 million including the new museum wing. Current grant funding allocated specifically to the project is only \$8,230,000. A \$2,000,000 FY10 Legislative Grant designated for a lightering facility visitor's center (previously planned for under the O'Connell Bridge), is eligible to be used for this project since Centennial Hall serves as a visitor center for the Crescent Harbor Lightering Facility. A FY14 Legislative Priority Request was submitted consisting of \$4,200,000 for the Centennial Hall building improvements and \$3,341,000 for combined Library/Centennial Hall heating system improvements; however it does not appear that either request will be funded at this time. Additionally, approximately \$2,000,000 is available in the Marine Passenger Fee Fund that could be used for this project. If additional funds are not secured, the scope of the project will need to be scaled back or phased with additional museum and meeting space expansion planned for the future when funding becomes available.

Ultra Violet (UV) Disinfection Facility:

The Blue Lake drinking water system is a surface water system, which must comply with the EPA Enhanced Surface Water Treatment Rules (ESWTRs). The subject UV Disinfection Facility will provide the additional microbial and disinfection controls required under the ESWTRs.

The current project cost estimate is \$8,966,000. Funding for this project is provided by State of Alaska Department of Environmental Conservation (ADEC) loans and grants:

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

The grants and loans indicated as pending are grants and loans listed on the Alaska Drinking Water Fund intended use plans, for which CBS has submitted appropriate paper work to have the grant or loan finalized.

***Library Development Planning:**

- The design team was on site June 18 and 19, 2013, to begin the Facility Needs Assessment and asbuilts. The Facility Needs Assessment will be completed while the FEMA information is finalized.

The design phase is expected to take 12 months at a minimum with the earliest advertisement for construction planned for late summer/fall 2014. The project construction may be completed in 2015, depending on the phasing plan that is developed.

The State funding of \$5.7 million awarded to CBS is a direct appropriation with no funding match requirements. A private donation of \$400,000 has also been given to the project by the John J. and Eleanor Brust Family. \$350,000.00 of the budget was allocated to the Centennial Hall Parking Lot Project to relocate the Swan Lake storm drain, leaving a current project budget of \$5.75 million for the expansion and renovation of the Library.

***Storm Water Master Plan Phase II:**

- The final report was received June 26, 2013.
- The GIS data set was received the first week in June, 2013.

The first phase of the Storm Water Master Plan was completed in late June 2012 with Tetra Tech Alaska, LLC gathering existing infrastructure data and condition inventory to

include in our GIS system along with precipitation analysis and drainage basin delineation as part of the first phase of the project. The second year grant funding (FY13) was approved by the Alaska Department of Environmental Conservation and the grant agreement was authorized by the Assembly in July 2012. The grant amount of \$43,388 requires a forty percent CBS match of \$28,925.

*** Alternative Water Source Investigation Filtration (Blue Lake Project):**

- The consultant has prepared the draft RFP for the leasing of the water filter units. The guarantee that the units will be available for installation when needed is under evaluation.

The proposed schedule has the design completed in October 2013, ADEC permitting completed in March of 2014, construction of the piping and pumping completed in April 2014 and final installation of the filter units in June 2014 for operation in July 2014. The preliminary design cost estimate has a projected design and construction cost of \$3,000,000. Due to the lack of well potential in the Indian River Valley, temporary surface water filtration will need to be utilized during the Blue Lake Project outage. Award of the design contract to CH2MHILL, was approved by the Assembly on February 12, 2013.

*** Blatchley Middle School:**

The current status of the project includes the following items:

- School ended May 30, 2013, so the contractors have unrestricted access to remaining work. There is a full painting crew along with a small carpentry and flooring crew proceeding with remaining work.
- Painters are currently re-finishing and painting remaining metal frames, prepping and painting the MPR and Gym Locker Rooms, to be followed by painting the Pool Locker Rooms and touch up of the rest of the school.
- Carpenters are finishing the chair rail, wainscot, and trim details- a lot of miscellaneous items throughout the school, including the outdoor unit(s) fencing repairs.
- Electricians are working out the bugs in the lighting control system and finishing miscellaneous details.
- Mechanical are finishing miscellaneous details and preparing for the building commissioning, which is scheduled for July 14-17, 2013.
- The new Desert Aire pool heat pump is experiencing re-occurring problems on one of its two circuits. The manufacturer has tested a similar unit in its plant where they were able to recreate the problem and have identified a solution.

The project budget is \$12.475 million. The contract required substantial completion date is August 1, 2013, which we expect to make with the exception of the door correction (installation), which will have its own completion date. The project is approximately 95% complete.

***Pacific High School:**

The current status of the project includes the following items:

- The roof and exterior wall siding is nearly complete.
- Interior sheetrock is installed finished and painted.
- Ceiling grid is installed.
- Mechanical and electrical systems are roughed in and trim & fixture installation is in progress.
- Building utilities are being tied in with the Baranof Street Project.
- Outdoor concrete preparation and landscaping is scheduled to begin within the next two weeks.
- Students will begin the school year at the Voc Center, allowing for the completion of the building, its furnishing and the grounds and landscaping prior to the school being occupied by the students.

The project budget is \$2.671 million and the project is within its budget. The contract required substantial completion date is December 1, 2013.

Water Operators Gear Up for Indian River Sampling:

This summer special sampling of Indian River raw water will be performed in preparation for the summer of 2014 when the Blue Lake Supply will be out of service as part of the Blue Lake Dam expansion. Water quality changes seasonally so operators will collect and analyze samples this summer to help finalize treatment processes that will be needed to produce adequate potable water for the community next year from Indian River. Operators are currently researching lab and shipping fees and will soon select the most cost effective commercial lab to send the samples to, for analyses that our lab is not certified to perform.

Old Sitka Dock Water Line:

Water operators have been working closely with the McGraw dock where they are installing a 4" water line to provide water to ships at the dock. There are many intricacies involved in system to serve potable water to a vessel; disinfection and testing of the new line, testing for leaks, flow metering and protecting the municipal system with proper back flow protection to prevent any possibility of back siphoning from the ship's tanks.

***Water Service Calls; Leaks/Locates/Routine Repairs & Maintenance:**

During the last two weeks, the Water Division responded to 15 customer/contractor call-outs: four for locates – private and contractors, five for service leaks – all leaks were on the customer side of the service lines, two to turn on water services, one household reporting strong chlorine smell in the water and one large leak caused by a blast by QAP the contractor on the SMC Rd. project – this blast/leak generated many dirty water complaints Saturday night, June 22 and Sunday the 23rd as a cloud of dirty water moved through the system. Based on timing this cloud was caused by the blast shaking

up the 30" transmission main that brings the water from Blue Lake Water Plant to town. Water operators worked through Saturday night assisting and monitoring QAP's repair of the 12" distribution main that brings water back from town to SMCIP which was damaged by the blast.

Water operators also continue working with DOT's HPR Rd sub-contractor performing locates near their storm drain crossing locations. Water operators replaced three problematic broken valve box tops in Edgumbe Dr. Once a valve box top is sufficiently worn the lid can be flipped out of the box by passing vehicle tires. Replacement requires cutting pavement and installing a new valve box top with matching lid then replacing the asphalt with cold patch, asphalt or concrete.

Water operators have begun the annual fire hydrant 'weed whacking' and painting program. With about 400 hydrants to maintain it is our goal to get around 75 repainted each year – a five year cycle.

***Connections to Transmission Main for Future UV Facility:**

Testing was completed on the valves and T's in the 30" transmission main and 24" extensions across SMC Rd, that were installed during the second week of June 2013. These 24" mains will eventually be used to deliver water to the UV facility and back into the transmission main after UV treatment. It was important to get this portion of the piping installed before DOT repaves SMC Rd.

***Annual Lead and Copper Sampling:**

Water operators are preparing for the annual Lead and Copper sampling which takes place at the household tap inside 40 specifically selected homes during July 2013. These are the only compliance water samples that are collected inside homes, as required by DEC/EPA. Letters will be sent July 8, 2013, to the participating customers; sample bottle drop off/pick up will be coordinated with the residents who collect the "first draw" samples after the water has stood in the faucet and piping a minimum of six hours; typically overnight. Sampling is scheduled for July 23, 2013. Results of lead and copper testing guide our corrosion control program and the addition of soda ash solution to the transmission main before the water gets to town. Addition of soda ash solution to our water increases the alkalinity and pH, reducing the amount of corrosion to household plumbing, resulting in lower levels of copper and lead which come from the household piping and faucets.

***Water Division Works on ANB Harbor Renovation & new Service Line to Crescent Harbor:**

Water operators continue working w/ Engineering and the design consultant on the new water service to and potable/fire system for ANB Harbor. We are currently assisting the consultant with the DEC approval to construct and plan submittal. The Water Division also assisted Engineering and the Harbor Dept. in selection of materials for replacing the short water service line from Lincoln St. to Crescent Harbor. Materials have been

ordered. Water Operators will likely install the new line next month before the Sea walk project installs a new sidewalk past the area of the water service crossing.

***WW Division Routine Maintenance:**

Wastewater operators also continue working with DOT's HPR Rd sub-contractor performing locates near their storm drain crossing locations as they make their way towards town. During the last two weeks of June WW operators have dealt with control problems at the Lake and Lincoln Lift Station (LS). These problems are now understood to have been caused by higher than normal amount of sand and rocks in the wet well jostling the level transducer causing rapid/false level changes which in turn causes the pumps to operate rather wildly. Following the second evening call-out the potential problem was reduced and three WW operators worked during the evening with the 'camel' to vacuum out much of the debris in the wet well. Additional and more thorough cleaning is planned for the first week in July. A level transducer failed at the Halibut Point LS and was replaced; it is unusual for these reliable pressure sensing devices to fail. The DC drive on the sludge press failed and was replaced with the spare; this failure delayed the weekly 'sludge run' which is closely coordinated with equipment operators from the PW Shop who cover the lime stabilized WW sludge at the Sitka Landfill monofill site.

During the last week of June, following our Storm Water Permit requirements, quarterly samples were collected and analyses performed on the water leaving our settling pond system at Granite Creek pit-run site.

***W/WW Laboratory:**

The W/WW lab has been busy analyzing many additional samples from the various construction projects, special samples of Indian River water, samples required by minor turbidity spikes caused by the dam construction project as well as the routine monitoring. During the last week of June our lab received state certification for drinking water microbiological analysis for the upcoming fiscal year. Operating a state certified lab is a tedious process requiring a seemingly endless amount of quality control and record keeping but having a local certified lab saves us thousands of dollars annually. The lab also generates some income by performing sample analysis for other entities such as contractors, the USFS, local seafood processors, etc...

***Baranof St. Utilities Project (Prj # 90710):**

Water and WW Divisions are working closely w/ our project manager, inspector and the contractor on this project which will replace water, sewer, storm drain, sidewalks and road surface on Baranof St. between Lincoln St and SMC Rd. The utilities will connect with mains that were installed last year across SMC Rd. prior to the DOT paving project. Additional temporary water services have been installed near Market Center which will allow installation of a new section of water main on Oja St. eventually connecting with the new main that will be installed on Baranof St. Sanitary and storm sewers have

been installed between Lincoln and Etoin Streets with that section of water main being installed during the last week of June.

Federal Land Access Program (FLAP) Grant:

The City and Borough of Sitka has been awarded a \$916,897 MAP-21 Federal Lands Access Program (FLAP) Grant for Phase 5 Cross Trail multimodal pathway (Cross TMP), Baranof Street and Yaw Drive connectors, by Western Federal Lands (WFL). The Assembly approved submission of the grant in Resolution 2013 - 03 in February 2013.

Phase 4 of the project, pathway reconstruction and re-routing from Yaw Drive to the CBS property, was funded by the Department of Transportation in the STIP in 2009. DOT planners, with the concurrence with Western Federal Lands (WFL) and CBS, initiated action to combine the two projects as a single 1.8 million dollar grant and have the project managed by Western Federal Lands for greater efficiency and cost savings.

Alaska Community Forestry CBS Inventory:

CBS Parks and Recreation staff is working with the Alaska Community Forestry Program to complete a Community Forest Management Plan and survey for urban trees in park areas owned by CBS. This plan includes a tree ordinance that is being worked on by the Tree and Landscape Committee. The project is funded with a \$26,000 grant from the Alaska Community Forestry Program. The draft plan was presented at the April 9, 2013 Assembly meeting. Alaska Community Forestry staff is in the process of making final revisions and the plan will be to try and present to the Assembly for approval in June.

*** Access Walkway by Brenner's:**

John Rennie has completed the access ramp work beside Brenner's. A red herringbone pattern in concrete has been placed and looks very good. Lee's Fabrication, fabricated and installed the aluminum railings and the project is complete.

Drop off Recycle Center:

Beginning July 1, 2013 Community Schools will no longer have the contract for operating the recycle center. In anticipation of this CBS Public Works Department will be taking over the operation of the recycle center. Public Works has already made some major changes at the center to help with the transition. Roll off containers have been set in place of the handling system that was designed for plastics in the past. This will allow for a more efficient way of handling the plastics and for a cleaner recycle center. The containers have been moved and cleaned under. The barracuda's building has been moved back beside the collection area for aluminum cans for accessibility. The aluminum can roll off container has been moved back beside the barracuda's area for cleaning the cans for ease of accessing the container.

***Erler Street Mill and Overlay**

This project consists of milling and paving approximately 920 Linear Feet from HPR to Marine Street on Erler Street. Erler Street was heavily utilized as a detour route when a main water line broke in January of 2012. The project also consists of milling and overlaying approximately 660 Linear Feet from HPR to Erler Street. Both Erler Street and Spruce Street have an RSL (Remaining Service Life) = 2 based on the 2009 survey from our pavement management system. Initially it was not anticipated to complete both Erler and Spruce Streets. Erler Street from HPR to Marine Street was slated to complete in FY13 and some sections of Spruce Street due to a storm water line that failed near the Intersection of Spruce and HPR (dentist office). In reviewing the RSL of Spruce Street and the intent of completing sections verses completing whole road sections it was decided to add a little more additional funding and complete Spruce Street from HPR to Erler Street.



BLUE LAKE EXPANSION PROJECT

MONTHLY UPDATE FOR CITY ASSEMBLY

Report No. 7

Month ending June 30, 2013

SCOPE

- 83 ft dam raise with modified tunnel system and new 15.9 MW powerhouse (\$89 million)
- Eight supply contracts for Owner-Furnished equipment and materials (\$16 million)

PROJECT HIGHLIGHTS DURING THIS MONTH

- Excavation work in the powerhouse area continued all month with additional work shifts added. Schedule is still of significant concern for the City; however, some schedule gains have occurred and are planned for the coming weeks.
- The City's Resident Project Representative (RPR) and Barnard executed a change order to address nine change items in contract scope as described below. The RPR and contractor continue to discuss an additional group of changes, which we hope to resolve in July. Change items include: powerhouse stairway changes for code compliance; changes in the powerhouse concrete outline, powerhouse miscellaneous metal modifications; powerhouse rebar changes; powerhouse interior windows with 1-hr fire ratings; a new culvert required under the powerhouse access road; and addition of a security gate at the entrance to the drainage tunnel at the dam.
- June 11-The executive level partnering meeting was conducted. The executive partners agreed that project schedule is behind and it was agreed that Barnard would take a larger role in working with and assisting their subcontractors to complete the work on schedule.
- June 19- Blue Lake Tunnelers completed the left abutment thrust block excavation.
- June 20- Board of Consultant meeting No. 10 was conducted in Sitka. The primary purpose of the meeting was to have the BOC inspect the rock conditions at the left abutment thrust block prior to concrete placement. Based on the observations the BOC agreed that the rock was adequate to begin concrete placement and that further rock anchors and drains may be removed from the design.
- June 20- The Dam release valve (Howell Bunger valve) was opened to 90 cfs in an effort to manage the lake level and allow Blue Lake Tunnelers to complete the intake tunnel and gate shaft this season.
- June 20- Barnard submitted a powerhouse work plan.
- June 28- A meeting with Barnard was conducted to discuss the powerhouse work plan, powerhouse cofferdam and powerhouse schedule.
- Multiple Factory Acceptance Tests were witnessed in Canada and Oregon for the turbine generators by McMillen or City staff prior to shipment of the equipment to Sitka.

COST SUMMARY - updated 6/28/13

Project Element	Current Contract Total or Projected Amount	Remaining Contingency incl. Site Representatives	Payments	
			Paid this Month	Paid to Date*
Supply Contracts				
Contract 1 - Turbine Generator Equipment	\$11,573,707	\$1,342,020	\$0	\$5,586,730
Contract 2 - Switchgear	\$629,980	\$81,122	\$0	\$64,581
Contract 2A - SS Switchgear	\$300,000	\$0		\$0
Contract 3 - Gates and Hoist	\$780,185	\$37,505	\$295,795	\$586,349
Contract 4 - Penstock	\$836,315	\$91,660		\$753,962
Contract 5 - 69 kV Transformers	\$592,584	\$26,900		\$1,204
Contract 6 - Bridge Crane Equipment	\$270,518	\$18,170		\$245,246
Contract 7 - Steel Building	\$1,138,918	\$46,730		\$118,607
Contract 8, Debris Management	\$1,530,000	\$0		\$0
Contract 9, General Construction	\$88,054,075	\$4,640,225	\$1,860,117	\$27,886,229
Diesel Fuel	\$1,260,000	\$0		\$0
Temporary Filtration**	\$3,000,000	\$0		\$0
Remaining Project Costs		(\$302,541)		
License Amendment	\$1,150,000	\$0	\$7,259	\$1,122,492
Engineering	\$10,850,000	\$0	\$7,941	\$11,418,153
Construction Management	\$6,974,594	\$0	\$494,527	\$2,513,701
City Performed Work	\$1,495,000	\$0	\$345,342	\$1,203,547
Incentive Payment	\$1,600,000	\$0		\$0
Cost of Insurance/Reserve Account	\$3,500,000	\$0	\$0	\$0
TOTALS	\$135,535,876	\$5,981,791	\$3,010,981	\$51,500,801
ESTIMATED TOTAL PROJECT COST		\$141,517,667		

*Paid to Date includes unpaid retainage

**Temporary Filtration budget updated. Assembly approval will be requested at a later date for the overrun.

COST CHANGES THIS MONTH

- There were no change orders in June for the supply contracts that affected the total price of the Owner supplied materials and equipment. One change order on Contract 7 allowed the building supplier to receive partial progress payments for the building wall panels, in exchange for delaying delivery of the panels to the site.
- We do expect a series of change orders for the supply contracts for the purchase of additional spare parts (Contracts 1, 2, and 6) and for additional current transformer devices on Contract 2, over the next two months.
- Change order 3 was signed for the amount of \$133,585.89 for the general construction contract (Contract 9) in June. The change items include: powerhouse stairway changes for code compliance; changes in the powerhouse concrete outline, powerhouse miscellaneous metal modifications; powerhouse rebar changes; powerhouse interior windows with 1-hr fire ratings; a new culvert required under the powerhouse access road; and addition of a security gate at the entrance to the drainage tunnel at the dam.
- We expect to agree on contract 9, change order 4 during the month of July.

CONSTRUCTION SCHEDULE MILESTONES: PLANNED/ACTUAL

Construction Start	11-20-2012/ 12-3-2012	Sub. Compl. BLU #5	10-24-2014/
Drainage Tunnel Comp.	7-1-2013/ 05-05-2013	Sub. Comp. FVU	11-12-2014/
Drainage Tunnel Comp.	7-1-2013/ 5-1-2013	Sub. Comp. BLU#4	11-22-2014/
Intake complete	8-19-2013/		

Ready for Gen. Outage	8-24-2014/	Substantial Completion	2-1-2015/
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NOTES ON PROJECT SCHEDULE

- Construction at the intake tunnel is nearing completion.
- The Gate shaft raise will begin the first week in July and is expected to be complete prior to August 2nd.
- The first concrete pour on the dam occurred in late June and consisted of the right abutment keyway (9 CY).
- The most recent schedule submitted by Barnard shows the following upcoming target dates:
 - a. Continuation of construction on the Dam raise.
 - b. July 8 – Completion of Powerhouse Cofferdam
 - c. July 12 – Completion of Powerhouse Excavation
 - d. July 18 – Consolidation Grouting on Left and Right Abutments
- Delivery schedules for the supply contracts continue to be acceptable– all show arrival of goods and equipment on site in adequate time. The powerhouse crane and penstock materials are now on site. The turbine generators will ship in July. This is still a very adequate schedule as the start of installation of these items is planned for January, 2014.
- The Contract 3 intake gate and hoist arrived June 28th.
- Contract 7 Metal building fabrication is complete and was inspected at the factory in late June. The building materials are now scheduled for delivery in early July through September, 2013
- The CM team and Electric Department continue working on the City-performed work tasks to ensure these activities get done on time. About half of these work items are now complete. Continued good progress is needed through July to make sure we do not impact the construction schedule. An outage of Blue Lake is planned for July 16-19 to install new circuit breakers in the Blue Lake switchyard.

PROJECT RISK PROFILE

A discussion of the major risk areas follows below. As a general rule risks are measured as follows:

LOW: Probability of less than 10%, or mitigation cost less than \$1 million.

MODERATE: Probability of more than 30%, or mitigation cost up to \$5 million.

HIGH: Probability of more than 60%, or mitigation cost likely more than \$5 million.

The City's project team believes the following risk areas will dominate the potential for increases in overall Project cost. We also believe these areas pose the greatest risk for schedule delays.

Construction Schedule: In Barnard's most recent (June 28, 2013) schedule, they provide a plan to help recover from the late completion of the powerhouse excavation work. The Barnard plan now shows the critical start of the 2014 Generation Outage starting on August 22, 2014, on schedule

CURRENT RISK: MODERATE

Weather and Lake levels: Warm weather is driving an earlier than usual snowmelt in the Blue Lake and Green Lake basins. On June 23, Blue Lake level was 13 feet above its rule curve and Green Lake was 48 feet high relative to its curve. . We opened the big release valve at the dam (the Howell Bunger valve) on June 20 to help keep the lake level low enough for the contractor to finish the intake tunnel excavation. The attached lake level report shows a simulation of how low we could drive the lake with the Howell Bunger valve if needed to support construction. We will use this big valve at the dam to try to maintain lake levels that meet the Contractor's needs and our Contract obligations. We continue to expect the 2013 construction window will be met without problems, see the attached Lake Level Reports.

CURRENT RISK: LOW TO MODERATE

Rock Conditions: Contract 9 includes an allowance of \$2,702,000 for rock support in the Project tunnels, shafts and excavations. This rock support is a combination of rock bolts, shotcrete, and steel arch supports. Based on the excavation work during June it appears that rock support will cost less than expected at the powerhouse, adit and surge shaft, intake tunnel and drainage tunnel. It will cost more in the intake portal and gate shaft areas. Project-wide the total underground excavation work is now about 80% complete.

Additional rock support will be required at the intake area. We have also determined that the rock conditions are not as good as expected on the dam right abutment where the reservoir access road and gate house are located. Realignment of the reservoir access road and a deeper foundation excavation for the gate house are currently being developed. These changes will result in added cost to the City and will consume part of our rock support allowance. This issue remains from April and a final reservoir access road alignment has not yet been defined.

Excavation of the left abutment is substantially complete. Rock conditions appear to be better than anticipated. FERC requested additional analysis of the abutment at elevation 390'. Once we resolve this left abutment analysis and the intake gate shaft is excavated we will know most all of the rock conditions on the project.

Right now the overall allowance for rock support on the project looks to be significantly more than adequate and we should expect an under-run on rock support quantities.

CURRENT RISK: LOW

City Performed Work, for Contract 9: The City has elected to self-perform some work associated with the Project's general construction. This work includes: procurement, installation and field wiring of a switchyard control building; installation and connection of fiber-optic cables from the powerhouse to the dam; control wiring of the Fish Valve Unit generator; and design and installation of the SCADA system. The bulk of this work is either under design or is underway at the Project. We are currently making good progress in this work and we are on schedule.

CURRENT RISK: LOW. [See Appendix 1-Action Plan at the end of this monthly update, for the status of this self-performed work].

Temporary Water Filtration Plant: During the August through September 2014 outage of the Blue Lake tunnel, the City will need to get its drinking water from a temporary water supply. This temporary system needs to be designed, purchased and installed at Indian River. This system must be in place and fully operational before the Blue Lake tunnel can be shut down to connect the new powerhouse. Any delay in the filtration plant beyond August 1, 2014, will delay the hydro expansion Project. Currently a \$2 million cost allowance is being maintained in the Blue Lake Expansion Project funds for the filtration plant. CH2 MHILL estimates \$3.0 million. This \$1.0 million dollar increase has been added to the project cash flow spreadsheet using contingency funds which have now been consumed. The filtration project is being managed by the City's Public Works department.

CURRENT RISK: MODERATE [The current status of the filtration system design and planned construction is described in Appendix 2. If the filtration system is constructed as planned, we will be ok for the Expansion Project.]

Other: This is a broad combination of bad things that might happen such as: earthquake; construction site accidents; equipment damage during shipping; floods; extreme winter weather; fire; labor unrest; etc. We expect that many of these risks would be covered by insurance at least in part.

CURRENT RISK: LOW

PROJECT PHOTO RECORD THIS MONTH

Photos are taken of each work area each month from a fixed location to document construction progress by work area. Relevant photos of the project for this month are provided on the following pages.



Figure 1. Dam and Left Abutment Area, Blue Lake Tunnelers completed the left abutment thrust block excavation. Work on the keyway began and the first concrete pour was completed on the dam.



Figure 2. Drainage Tunnel and Scour Wall, the Howell Bunger valve was opened to 10% to control the rising lake level.



Figure 3. Intake Portal and Right Abutment, Blue Lake Tunnelers have completed 700 of 829 feet of the intake tunnel.



Figure 4. Gate House Location, No change this month.



Figure 5. Dam Staging area, The 600 ton crane boom was disassembled to add an additional 40 feet of boom and a new counter weight carriage.



Figure 6. Surge Chamber Top Portal, The small structure over the surge shaft is complete.



Figure 7. Lower Portal Area, No change this month.



Figure 8. Powerhouse Site, Excavation work in the powerhouse area continued all month with additional work shifts added.



Figure 8. Lower Project Site, Excavation of the new powerhouse site is ongoing.

LAKE LEVEL WINDOW FORECAST
Blue Lake Expansion Project
Contract 9 – General Construction

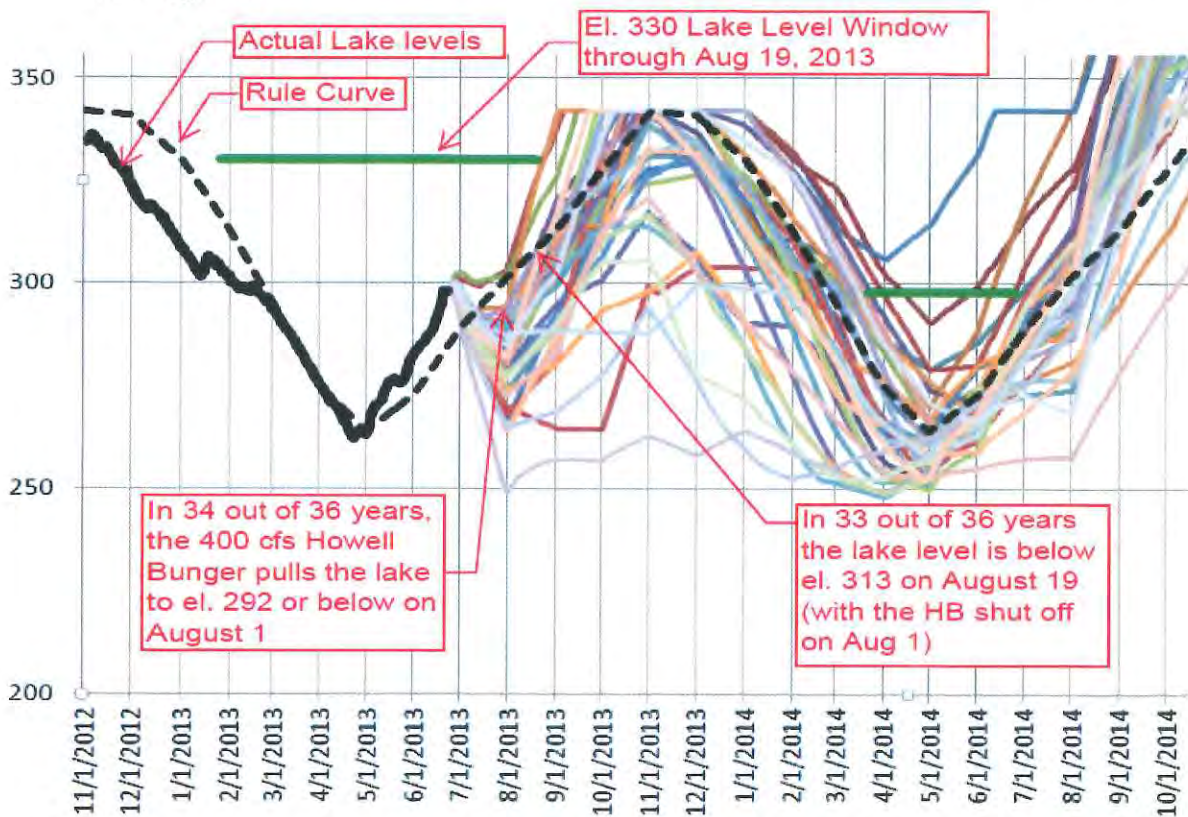
Forecast Date: June 24, 2013

Blue Lake WSEL: 298.3 on June 23, 2013

2013 Lake Level Window: At or below WSEL 330 from January 26 to August 19, 2013

Highlights:

1. This model run simulates opening of the Howell Bunger valve to 400 cfs starting June 27 and holding this flow for 34 days till July 31. The simulated flow releases in this run include the following:
 - a. 140 cfs flow at campground (FVU turbine 70 cfs plus 70 cfs in bypass valve)
 - b. 400 cfs Howell Bunger valve flow from June 27 to July 31
 - c. 102 cfs at PMFU powerhouse (60 cfs turbine and 42 cfs bypass valves).
2. With this increased flow from the dam, the probability of August 19 lake levels are as follows:
 - a. Above el. 330 on August 19 = 0/36 years, or 0%
 - b. Above el. 313 on August 19 = 3/36 years, or 8%
3. With this simulation of running the HB valve during July we would have a 47% chance (17 years out of 36) that Blue Lake will spill this fall, 2013. In other words, there would be a 53% chance the lake would not refill fully, if a “full generation” policy is followed for Blue Lake after August 19.



Appendix 1 to Monthly Update for City Assembly

*June 28, 2013
ACTION PLAN
City Performed Work, for Contract 9*

The following table presents the Project Team’s plan, staffing assignments and schedule to ensure that these owner-furnished design, fabrication and construction elements of the Expansion Project do not delay the construction contractor or result in additional costs.

Blue shaded boxes indicate completed work items.
Yellow shaded boxes indicate items of concern.

Project Element	Design Phase		Fabrication, Delivery and Construction		
	Lead	Date planned/ complete	Lead	Date Complete	Notes
PH Plant Function PLC panel, with BOM	S. Kim	4/30/2013/	B. Belley	Jul-13	Small communication and PLC panels, to be “owner furnished” to Barnard
Industrial water pump panel (outside south wall of PH)	S. Kim	5/15/2013/	B. Belley	Jun-13	Small communication and PLC panels, to be “owner furnished” to Barnard
Industrial water pump VFD cabinet (inside east wall of PH--S.E. corner)	S. Kim	7/15/2013	B. Belley		Seung to update design. Specs are 80% complete.
Fish Valve Unit as-builts	R. Dryden	4/18/2013/			Not critical path. Switchyard to be done first.
Fish Valve Unit interconnection wiring design, diagrams	R. Dryden	6/1/2013/	B. Belley	Oct-14	Install wiring and start up FVU after Generation Outage
Switchyard control panels – First Priority for Bob	R. Dryden	3/15/13, now 4/15/13/	B. Belley	Sep-13	Boreal controls will supply the Hoffman boxes. Seung will provide model numbers for relays. CBS will purchase relays. Bruce Belley will build the panel and install in building.
Switchyard control enclosure (building)	R. Dryden	4/20/2013/	Parkline	After June 15, 2013	Dean ordered the building from Parkline. Bob will do the foundation design after we receive shop drawings
Work in the more distant future:					
SCADA system design and supply	T. Honadel, D. Orbison	Nov-13	T. Honadel, B. Belley	3/1/2014	CBS furnish and install a complete SCADA system. Tal needs the UEE tags to proceed.
PH interconnection diagrams	S. Kim	12/1/2013			Design of interconnects needed to quantify cable schedules. Barnard needs for install in 2014. Seung needs UEE interconnect to complete.
Relay Coordination and Ground Fault Study	EPS Corp.	2/1/2014	EPS	6/1/2014	These are settings for the protective relays and controls
Station interface with old Blue Lake PH	B. Dryden	1/15/2014	J. Wheeler	Nov-14	Re-power existing PH as a shop area, after Generation Outage.

Appendix 1 to Monthly Update for City Assembly – continued

Project Element	Design Phase		Fabrication, Delivery and Construction		
	Lead	Date planned/ complete	Lead	Date Complete	Notes
Completed work:					
Water Treatment Plant phone and fiber	J. Wheeler	Feb 2013/ 3/28/2013	Chatham Electric	Mar-13	Chatham on site now, expects to finish on March 29, 2013
PMFU demolition of conduit, pole, UG cables – telephone line as well	J. Wheeler	Mar 2013/ 3/25/2013	J. Wheeler	Apr-13	Need before Barnard excavates for penstock. Chatham on-site now for this work. May be complete. Will update on Apr 19, 2013.
Gate house comm/level monitoring panel, (modification of C9 dwgs to suit revised panel.)	S. Kim	4/20/2013/ 4/12/2013	B. Belley	May-13	Small communication and PLC panels, to be "owner furnished" to Barnard. Fabrication is complete. McMillen (Joe) to provide memo that we are combining 2 panels. Memo should show revised conduit.
Low Voltage Switchgear (contract 2A) (Eaton Corporation is selected vendor.)	S. Kim	3/15/2013/ 3/28/2013	D. Orbison	6/1/2013	PO to be issued to Eaton Corp. following Assembly approval at April 9, 2013 Assembly meeting.
Switchyard control conduit & cable schedule – Second Priority for Bob	R. Dryden	4/1/2013, now 4/20 /	D. Orbison	Oct-13	Jeff has information. He is updating.
Shunt trip for standby generator logic, New panel SSP2A	S. Kim	4/16/2013	Barnard (under C9)	--	Ask Jeff Coleman if this is a good idea, Jeff did all the electrical load calcs. (Jeff approves.)
Standby Generator internal controls – PH design for startup, shutdown of standby generator	S. Kim	Mar 2013/ 3/20/2013	Barnard	4/1/2014	Shunt trip devices now provided in switchgear. PLC programming remains as only City-furnished item. ASRC supply will be sufficient.
Blue Lake Expansion conduit for fiber-optic runs	B. Dryden	3/1/2013/ 3/15/2013	Barnard	6/1/2014	Design for embed conduit, by 3/1/2013—finished. Remaining design, and check of conduit, needed 6/1/2013. Install 2014
Low voltage transformers T4, SST1, SST2, and WPTX (Owner furnished transformers in C9 contract).	R. Dryden	5/15/2013/	D. Orbison		Purchase contract documents. CBS will procure via PO. Owner-furnished to Barnard
Replace Switchyard 22 and 55 Circuit Breakers,	B. Belley	Complete	J. Wheeler, B. Belley	May-13	CBS will install breakers with j-boxes for terminating to new substation control conduit. Jeff W. to do this July 16-18. Dean scheduled ABB.
Terminate Fiber-optic for Blue Lake Expansion	J. Wheeler, B. Belley	Design Complete, mid March	Chatham	6/1/2014	Fiber must be terminated at the following locations: Gate house, FVU, Switchyard control building, BLU SCADA, B-3, B-4, B-5

Appendix 2 to Monthly Update for City Assembly

June 30, 2013

**Summary of Temporary Filtration Project Status
as Provided by Public Works Department**

Alternative Water Source Investigation Filtration (Blue Lake Project):

We held a kick-off meeting with the consultant to discuss schedule and methods of procurement of the pumps, temporary water contact tanks and filter units. The proposed schedule has the design completed in October 2013, Alaska Department of Environmental Conservation permitting completed in March of 2014, construction of the piping and pumping completed in April 2014 and final installation of the filter units in June 2014 for operation in July 2014. The preliminary design has a projected design and construction cost of \$3,000,000. Due to the lack of well potential in the Indian River Valley, temporary surface water filtration will need to be utilized during the Blue Lake Project outage. Award of the design contract was approved by the Assembly on February 12, 2013.

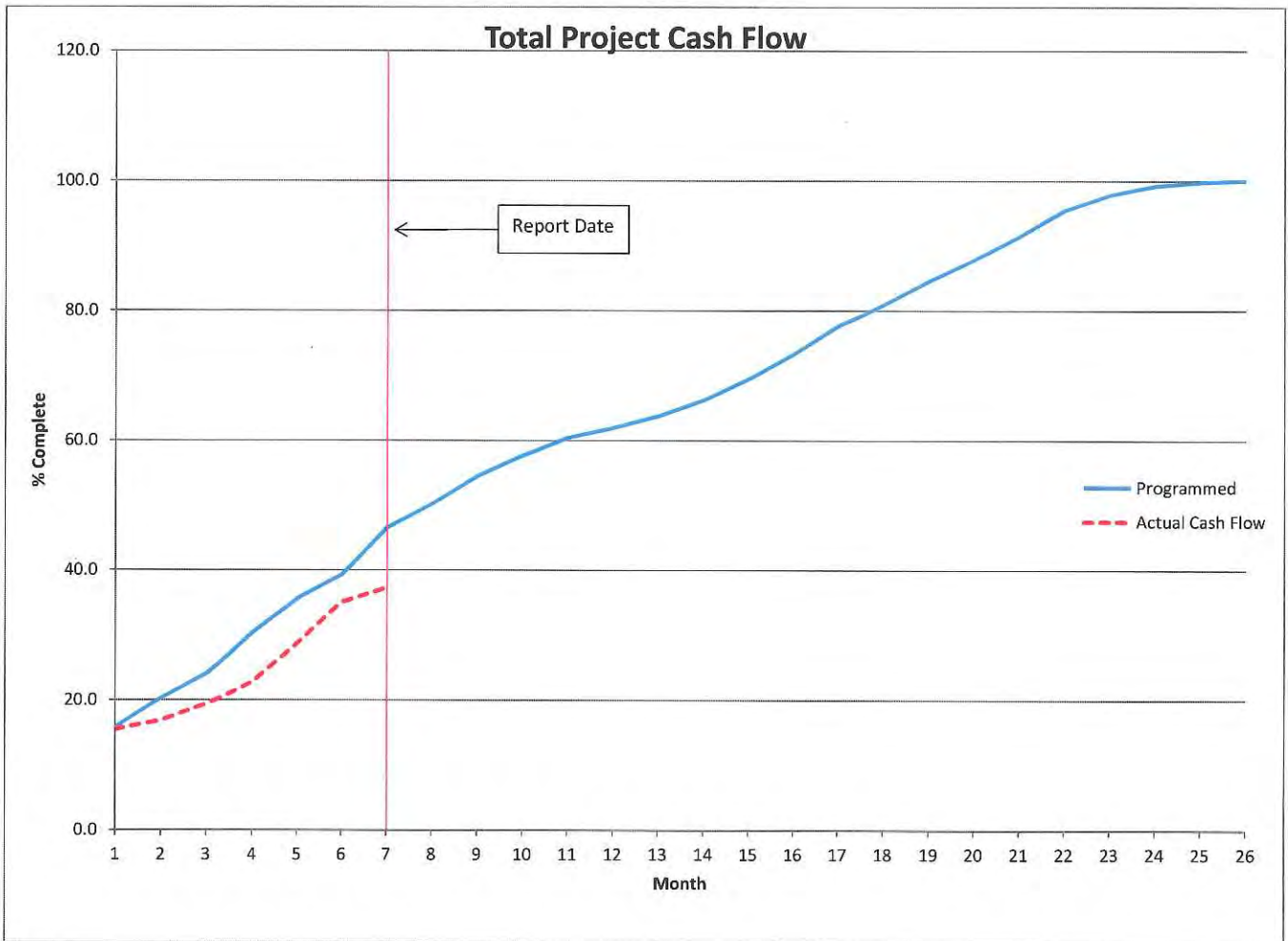
Installation of Titan 130 Turbine for Standby Generation:

Following is the project status:

- Agreement with Solar was signed and a down payment of \$1,700,000 was made for the turbine generator package. Delivery of the turbine generator is scheduled for March 5 2014.
- 69kV main transformer has been awarded to CG Power Systems.
- 69kV Switchgear have been purchased to duplicate the breakers purchased for the Blue Lake Expansion.
- Fuel tanks bids are due July 15, 2013.
- Site rock removal is scheduled to be complete in August 2013. The rock removal is the critical path for project at this time. Support from all City Staff in getting the rock out of the way of construction will be helpful. If the rock removal is not completed until December (as S&S has requested) the Titan Turbine installation will most likely not be completed as planned, which is prior to the Generation Outage.
- Concrete pours are scheduled for August 2013.

Jack West is herding this project along but he can't remove the rock.

Total Project Cash Flow



BLUE LAKE EXPANSION PROJECT MONTHLY CONSTRUCTION REPORT

For Period Ending: JUNE 30, 2013

Prepared by: BARNARD CONSTRUCTION COMPANY, INC.

1. Progress of work

Environmental Protection

Barnard continues to install erosion and sediment control measures as required at the dam site, storage yard at Sawmill Cove Industrial Park and powerhouse area as ground disturbing activities continue. BMP maintenance and repair is ongoing as needed throughout the project site.

Intake Tunnel Excavation/Gate Shaft Excavation

Blue Lake Tunnelers have completed approximately 650 LF of tunnel excavation (through June 26) and should complete the intake tunnel in early July. Once the tunnel is complete, BLT will setup the Alimak Mechanized Raise Climber and complete the gate shaft excavation.

Dam Raise

Barnard crews have completed the demolition of existing dam concrete features on the right abutment. We have also completed the concrete keyway required on the right abutment. We have also begun concrete demolition activities on the existing left abutment concrete.

Left Abutment Excavation

Blue Lake Tunnelers completed the left abutment excavation in June. The Board of Consultants was onsite June to evaluate the rock conditions at the left abutment prior to grouting and concrete placements. We anticipate consolidation grouting activities to begin in early July on the left abutment.

Adit Tunnel/Surge Shaft

Blue Lake Tunnelers have completed installation of the surge shaft top structure steel can and "birdcage". They are currently installing the permanent barrier fence and demobilizing equipment from the mountain. The work in this area will be complete in early July. Barnard crews completed the concrete stem wall in the adit tunnel around the tie-in location to the existing tunnel.

Powerhouse

ASRC McGraw and Southeast Earthmovers have continued the rock excavation required for the powerhouse construction. A dewatering system and larger cofferdam is currently being installed to maintain a dry working environment for the lower level powerhouse concrete activities.

2. Status of Construction

Status of Ongoing Major Construction Activities

- Dam Staging Area – Complete, except for final cleanup at project completion

BLUE LAKE EXPANSION PROJECT MONTHLY CONSTRUCTION REPORT

For Period Ending: JUNE 30, 2013

Prepared by: BARNARD CONSTRUCTION COMPANY, INC.

- Powerhouse Excavation – 65% complete
- Gate House Access Road – 95% Complete
- Reservoir Access Road – Complete, for first season construction activities.
- Intake Tunnel Excavation – 75% complete.
- Left Abutment Rock Excavation – Complete
- Dam Parapet Wall Demo – 75% complete

See Section 1 above for construction work completed in June 2013.

3. Construction Issues

Powerhouse excavation activities remain behind the critical path schedule. June Progress at the intake tunnel has regained the negative float on the schedule relative to Milestone #2. We expect to complete the intake and gate shaft excavation ahead of the August 19, 2013 milestone date.

4. Contract Status

Barnard's key subcontractors for the Blue Lake Project are as follows:

Name	Scope
ASRC McGraw Constructors, LLC	Powerhouse Construction
Southeast Earthmovers, Inc.	Excavation
Blue Lake Tunnelers	Underground Construction
Crux Subsurface	Foundation Grouting, Micropiles, PRW's
O'Neill Surveying and Engineering	Land Survey
Baranof Materials Test Lab	Quality Control
NAES Power Contractors	Turbine-Generator Installation/Electrical

Barnard's key material suppliers for the Blue Lake Project are as follows:

Name	Scope
ASRC McGraw Constructors, LLC	Concrete Supply
Gerdau Reinforcing Steel	Concrete Reinforcing Steel
Haskell Corporation	Misc. Metal Fabrication

5. Critical Events and Dates

Please see attached summary progress schedule updated June 26, 2013.

Critical Dates for the Blue Lake Project are as follows:

Milestone	Date	Required Status of Construction
1	07/01/2013	Drainage Tunnel Complete – Completed May 6, 2013
2	08/19/2013	Initial Intake Excavation Complete
3	06/04/2014	Intake Structure Complete
4	08/24/2014	Ready for Generation Outage

BLUE LAKE EXPANSION PROJECT MONTHLY CONSTRUCTION REPORT

For Period Ending: JUNE 30, 2013

Prepared by: BARNARD CONSTRUCTION COMPANY, INC.

5	61 days after start of Generation Outage	Substantial Completion of 1 st Blue Lake Turbine Generator
6	91 days after start of Generation Outage	Substantial Completion of 2 nd Blue Lake Turbine Generator
7	80 days after start of Generation Outage	Substantial Completion of Fish Valve Unit

6. Reservoir Filling

Not applicable for this report

7. Foundations

Not applicable for this report.

8. Sources of Major Construction Material

The City and Borough of Sitka will be providing most of the major construction materials for this project. Please see list below.

Contract No.	Vendor	Scope of Supply
1	Gilbert Gilkes and Gordon, Ltd.	Turbines and Generators
2	Myers	12.47 kV Switchgear
3	Linita Design and Manufacturing	Bulkhead Gate, Fixed Wheel Gate and Hoist
4	T Bailey, Inc.	Penstock and Manifold
5	WEG Electric	69kV Transformers
6	Benchmark Industrial Services	Powerhouse Bridge Crane
7	CHG Building Systems	Powerhouse Building

Materials Received this Period:

Rebar – Barnard has been receiving reinforcing steel for the powerhouse and dam throughout the month of June.

Misc. Metals - Barnard has been receiving misc. metals for various project features throughout the month of June.

9. Material Testing and Results

ASRC McGraw has continued with trial batching onsite with satisfactory results for all mix designs. Additional lab testing is ongoing on a potential alternate mix design for the mass concrete in the dam.

BLUE LAKE EXPANSION PROJECT MONTHLY CONSTRUCTION REPORT

For Period Ending: JUNE 30, 2013

Prepared by: BARNARD CONSTRUCTION COMPANY, INC.

Barnard completed two concrete pours in June. 7 day breaks have been completed on the Adit Tunnel stem wall with average break strength of approximately 6000 psi. We have not received any break data on the keyway concrete pour to date.

10. Instrumentation

Not applicable for this report.

11. Photographs



Figure 1: Left Abutment Excavation

BLUE LAKE EXPANSION PROJECT MONTHLY CONSTRUCTION REPORT

For Period Ending: JUNE 30, 2013

Prepared by: BARNARD CONSTRUCTION COMPANY, INC.



Figure 2: Aerial View of Intake Tunnel Portal



Figure 3: Surge Shaft Top Structure

BLUE LAKE EXPANSION PROJECT MONTHLY CONSTRUCTION REPORT

For Period Ending: JUNE 30, 2013

Prepared by: BARNARD CONSTRUCTION COMPANY, INC.



Figure 4: Powerhouse Excavation



Figure 5: Keyway Concrete Pour

12. Erosion Control and Other Environmental Issues

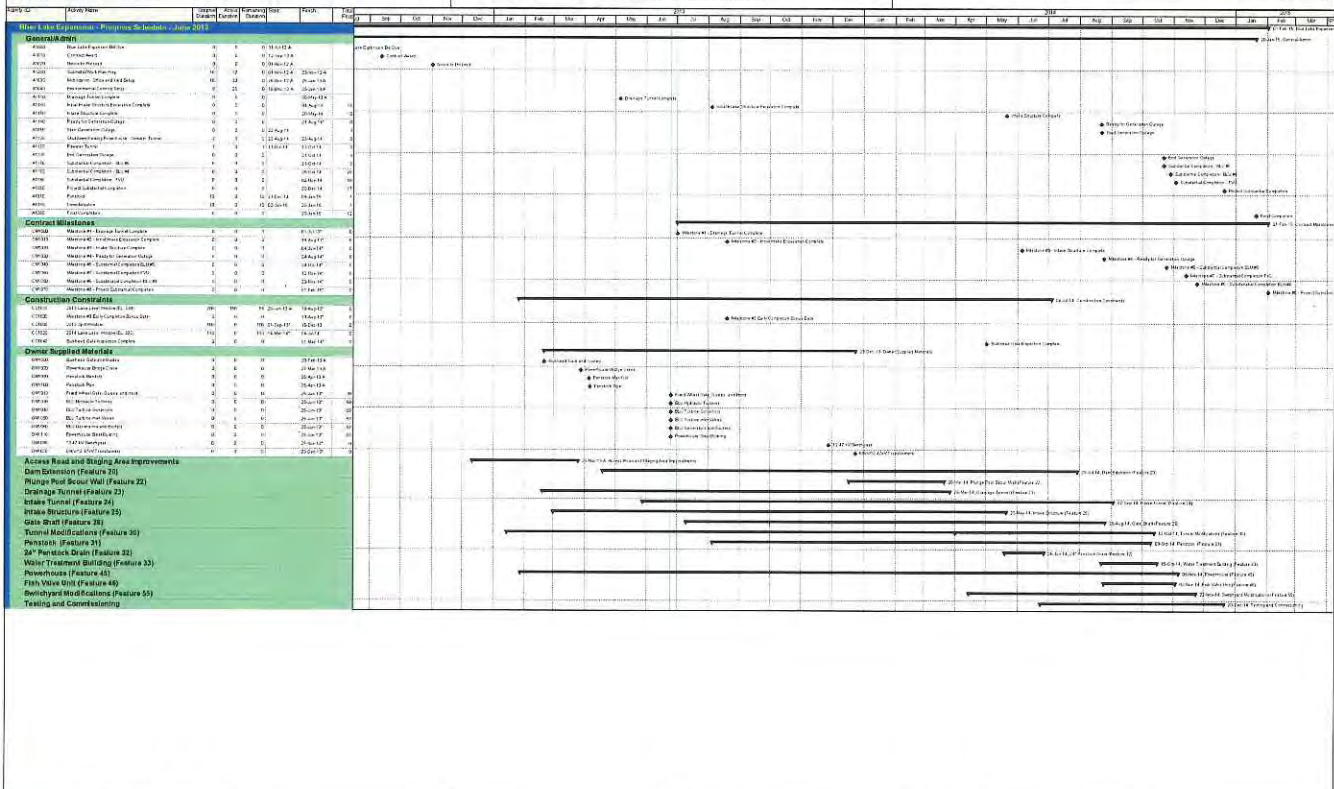
BLUE LAKE EXPANSION PROJECT MONTHLY CONSTRUCTION REPORT

For Period Ending: JUNE 30, 2013

Prepared by: BARNARD CONSTRUCTION COMPANY, INC.

Barnard is continuing to install the required environmental protection measures on the project site ahead of ground disturbing activities. Ongoing maintenance of dewatering system at powerhouse excavation site will be required to maintain water quality in Sawmill Creek.

13. Other Items of Interest





Legislation Details

File #: 13-138 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 7/1/2013 In control: City and Borough Assembly

On agenda: 7/9/2013 Final action:

Title: Appointment: Reappoint Chris Fondell to a term on the Sawmill Cove Industrial Park Board

Sponsors:

Indexes:

Code sections:

Attachments: [Motion Sheet SCIP Board reappointment](#)

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

POSSIBLE MOTION

I MOVE TO reappoint Christopher Fondell to a two-year term on the Sawmill Cove Industrial Park Board of Directors

Note: Applications are available for review at the Municipal Clerk's Office.



Legislation Details

File #: 13-134 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 7/1/2013 In control: City and Borough Assembly

On agenda: 7/9/2013 Final action:

Title: Award Aggregate Construction Inc. a contract to mill and overlay Erler and Spruce Streets and authorize project fund transfers to complete - \$148,152

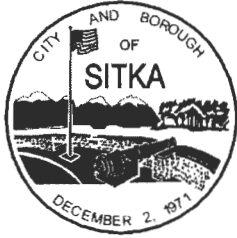
Sponsors:

Indexes:

Code sections:

Attachments: [Erler Spruce Sts paving](#)

Date	Ver.	Action By	Action	Result
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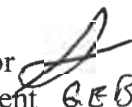

City and Borough of Sitka


PUBLIC WORKS

113 JARVIS STREET • SITKA, ALASKA 99835
PHONE (907) 747-4041 • FAX (907) 747-7668

MEMO

To: Mayor McConnell and Assembly Members
Jay Sweeney, Interim Administrator

From: Stephen Weatherman, Acting Public Works Director 
Gary Baugher Jr., Public Works M&O Superintendent 

cc: Michael Middleton, Interim Finance Director 

Date: June 27, 2013

Subject: Procurement Approval: Erler Street and Spruce Street Paving

Project History

Both Erler Street and Spruce Street are residential road systems. Erler Street was heavily used as a detour route during the main waterline break in January of 2012 on Halibut Point Road (HPR). Erler Street and Spruce Street have a Remaining Service Life of (2 years) on a scale from 0-20 years. There is a lot of alligator cracking on both streets.

Project Information

This project consists of milling and paving approximately 920 Linear Feet of Erler Street from HPR to Marine Street. The project also consists of milling and overlaying approximately 660 Linear Feet of Spruce Street from HPR to Erler Street. Initially it was not anticipated to complete both Erler and Spruce Streets. Erler Street from HPR to Marine Street was slated to complete in FY13 and some sections of Spruce Street due to a storm water line that failed near the Intersection of Spruce and HPR (dentist office). In reviewing the RSL of Spruce Street and the intent of completing sections verses completing whole road sections it was decided to add additional funding and complete Spruce Street from HPR to Erler Street. This project has a substantial completion by August 31, 2013 with 30 days for Final Completion.

Financial Note

There is \$105,000 in the FY13 Capital Projects Budget; additional funding in the amount of \$90,000 was added to the FY14 budget and an additional \$124,000 is needed to complete the whole project. We have received a sole source bid from Aggregate Construction Inc. for \$148,152.

Recommendation

Award ACI with a contract for \$148,152 to mill and overlay Erler Street and Spruce Street. Project number 700-90729. Transfer \$124,000 from Street Repair G/L 100-530-033-812-5212.000 to the project account number 700-90729 to complete both Erler Street and Spruce Street project.

STATEMENT OF PROBABLE COSTS

Project Name: **Erlers and Spruce Street: Mill and Overlay**

Date: 28-Jun-13

Prepared By: Gary B.

Project Number(s): 700-90729

ESTIMATED PROJECT COSTS

1. Construction Costs:

A. Construction Cost	73.82 SY	3160 SY	\$233,271.20
B. Construction Contingency:	30%		\$69,981.36
<i>Total Construction Costs:</i>			<u>\$303,252.56</u>

2. Other Project Costs:

A. A/E Design Fees	0.00%		\$0
B. Design Survey	0.00%		\$0
C. CA / CM		5.0%	\$15,163
D. Permits			
E. Advertising			
<i>Total Other Project Costs:</i>			<u>\$15,162.63</u>

3. Total Project Costs: \$318,415.19

* Substantial completion by August 31, 2013 with 30 days for Final Completion.

City of Sitka, AK - Spruce and Erler



- PhotoLinks
- Zoning
- SitkaBorough
- Address
- ParcelID
- Area
- Floats
- EdgeOfWater
- Runways
- Streets
- Streams
- LakesPonds
- Buildings
- Driveways
- Easements
- Parcels
- Parcels_II
- state



1 in = 169.98 ft

Printed:
7/1/2013





Legislation Details

File #: RES 13-11 Version: 1 Name:

Type: Resolution Status: AGENDA READY

File created: 7/2/2013 In control: City and Borough Assembly

On agenda: 7/9/2013 Final action:

Title: Approving submittal and execution of a Municipal Harbor Facility Grant application to the State of Alaska, Department of Transportation and Public Facilities (ADOT&PF) in the amount of \$2,700,000 for the project entitled Sitka Transient Float

Sponsors:

Indexes:

Code sections:

Attachments: [Resolution 2013-11](#)

Date	Ver.	Action By	Action	Result
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RESOLUTION NO. 2013-11

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF SITKA, APPROVING SUBMITTAL AND EXECUTION OF A MUNICIPAL HARBOR FACILITY GRANT APPLICATION TO THE STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES (ADOT&PF) IN THE AMOUNT OF \$2,700,000 FOR THE PROJECT ENTITLED SITKA TRANSIENT FLOAT

WHEREAS, the State of Alaska, Department of Transportation and Public Facilities administers the Municipal Harbor Facility Grant program; and

WHEREAS, the City and Borough of Sitka owns and maintains the Sitka Transient Float and the Sitka Transient Float is eligible for a Municipal Harbor Facility Grant which, if awarded, will pay 50 percent of the eligible construction costs of this project; and

WHEREAS, the City and Borough of Sitka will provide the required 50 percent in local matching funds for reconstruction of the Sitka Transient Float per the Municipal Harbor Facility Grant program; and

WHEREAS, the City and Borough of Sitka is capable of completing the Sitka Transient Float within eighteen (18) months after award of a Municipal Harbor Facility Grant; and

WHEREAS, the Sitka Transient Float is critical to the City and Borough of Sitka to provide greatly needed year-round transient vessel moorage;

NOW, THEREFORE, BE IT RESOLVED by the Assembly of the City and Borough of Sitka that the City and Borough of Sitka supports the project entitled Sitka Transient Float and agrees, subject to available Alaska Legislative funding and selection by ADOT&PF, to enter into a grant agreement with the State of Alaska, Department of Transportation and Public Facilities for a Municipal Harbor Facility Grant;

AND BE FURTHER RESOLVED by the Assembly that the Administrator is authorized to apply for the grant and to execute the grant if received.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska on this 9th day of July, 2013.

Mimi McConnell, Mayor

ATTEST:

Sara Peterson, CMC
Acting Municipal Clerk

MEMORANDUM

To: Mayor McConnell and Assembly Members
Jay Sweeney, Interim Municipal Administrator

From: Michael Harmon, P.E., Public Works Director *SH*
Dan Tadic, P.E., Senior Engineer, *DT*
Stan Eliason, Harbormaster *SE*

Cc: Mike Middleton, Interim Finance Director *MM*
Stephen Weatherman, P.E., Municipal Engineer *SW*
Mellissa Cervera-Bean, Contract Coordinator, *MC*

Date: July 3, 2013

Subject: ADOT&PF Municipal Harbor Facility Tier I Grant Application
Sitka Transient Float

Background

The Sitka Transient Float (STF), formerly known as Thomsen Harbor Floating Breakwater, was designed and constructed by the State of Alaska, Department of Transportation and Public Facilities (ADOT&PF) in 1973. The STF was reoriented in 1996 during the construction of Eliason Harbor, after construction of the rubble mound breakwater in 1994. Prior to this point two breakwater segments ran perpendicular to each other and provided shelter for Thomsen Harbor. The float segments were reoriented to their current location which runs northwest along Sitka Channel. In 1998 the float was decked over with timber framing. The float no longer serves as a wave attenuator, however currently provides valuable transient moorage space in the harbor system.

The STF has undergone many repair projects in the past 40 years. Substantial repair projects occurred in 1983 and 1989. In 2011 and again in 2012, emergency repairs were made to float connection hardware, transverse thru-rods, and anchor chains after significant structural deficiencies were noted. The facility is near the end of its safe and useable life and must be replaced in its entirety.

The STF was evaluated as a part of the Harbor System Master Plan in late 2011 and was included in the Capital Improvement Project (CIP) Plan with an anticipated replacement date of 2015. The facility was evaluated again in 2013 by Moffatt & Nichol (M&N) under a small contract to support the ADOT&PF Municipal Harbor Facility Grant Application. In both cases the consultants noted that the facility was aged and had already experienced failures of critical components. It was estimated to have a remaining safe and useable life of less than 3-4 years. A replacement cost estimate completed in 2013 by M&N estimated the replacement cost of the STF to be approximately \$5,323,000 (2014 dollars). Adjusting for inflation and assuming that construction would not occur before 2015; Staff increased the cost estimate to \$5,400,000. The replacement costs are based on an assumption that this facility will continue to operate as a transient moorage facility rather than function as a floating wave attenuator. Note: the Harbor System Master Plan and associated moorage rate recommendations are currently under review

by Staff at the direction of the Assembly based on the recommendation of the Harbor Working Group.

Analysis

The Alaska Legislature established the State of Alaska Municipal Harbor Facility 50/50 Grant Program in 2006 to provide financial assistance up to \$5,000,000 per project for municipally-owned harbor facilities. The grant program is funded on an annual basis at the discretion of the Governor and Legislature. Applications for the grant program are competitively scored based on nine weighted criteria. CBS submitted an application for the STF in 2012. The STF scored in third place out of four applications submitted with only the top two projects receiving funding.

The 50/50 Grant Program is comprised of two tiers: Tier I applications are for repair/replacement of formerly State-owned facilities and Tier II applications are for expansion, new construction, or repair/replacement of facilities that were not formerly State-owned. Tier I applications are given the higher priority whereas Tier II applications are seldom funded. Since the STF was at one time State-owned, it is eligible for a Tier I grant. However, the way the program works is each facility is allowed only one Tier I grant after which time, any further repairs or replacements would fall under a Tier II application and would thus be much more difficult to obtain funding. In last year's application, Staff presented the case that the STF was a standalone facility and not a part of Thomsen Harbor. The State reviewers did not agree with that assertion, therefore if this grant is awarded it will likely mean that Thomsen Harbor is ineligible for a future Tier I grant when it is due for replacement around 2047.

The STF is the next grant-eligible project for the CBS Harbor Department under the Harbor System Master Plan CIP and the urgency for replacing this facility has been heightened due to the recent costly emergency repairs that have been completed. Securing grant funding for this project would allow the City and Borough to replace this aging facility for half the cost of a new facility before it fails completely. A resolution of support from the Assembly is not required for the application, however would provide the City and Borough the best possible chance of securing funding for this project.

Fiscal Note

Replacement of the STF is a scheduled improvement contained within the Sitka Harbor Master Plan (2012). Replacement of the STF was planned to be accomplished in 2015, but is becoming more critical due to the rapidly deteriorating condition of the present float.

Funding of the 50% local match to the grant, if approved, would be provided for by either undesignated working capital of the Harbor Fund, or if such working capital is insufficient or earmarked for other projects, by the proceeds of loans or bonding. The Harbor Master Plan anticipates such bonding in 2013, 2015 and 2017.

In order to finance the required match through either working capital or debt, implementation of the proposed multi-year moorage rate increase is necessary; otherwise, subsidization by the General Fund may become necessary.

Recommendation

Authorize the Interim Administrator to submit an ADOT&PF Municipal Harbor Facility Tier I Grant Application for the replacement of the Sitka Transient Float and execute the grant if received.



Legislation Details

File #: ORD 13-29 Version: 1 Name:

Type: Ordinance Status: AGENDA READY

File created: 7/2/2013 In control: City and Borough Assembly

On agenda: 7/9/2013 Final action:

Title: Amending SGC Chapter 4.12 entitled "Property Tax" by adding Subsection K to SGC 4.12.025 entitled "Exemptions" regarding optional exemption; amending SGC 4.12.030 entitled "Assessor's Duties" by removing Subsection D.4; amending SGC 4.12.050 entitled "Property Owner's Returns" by amending Subsection C and removing criminal penalties defined under Subsection D for failing to file assessment returns and/or refusal to give information; adding SGC 4.12.055 entitled "Failure to File Return - Fee - Penalty" to assess penalties for failing to file a property return or knowingly make a false affidavit to property returns and amending SGC 4.12.110 entitled "Tax Levy Fixed by Assembly" to properly reflect mailing of tax statements by the Finance Director

Sponsors:

Indexes:

Code sections:

Attachments: [Ord 2013-29](#)
[Ord 2013-29 materials](#)

Date	Ver.	Action By	Action	Result
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CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2013-29

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING SITKA GENERAL CODE CHAPTER 4.12 ENTITLED "PROPERTY TAX" BY ADDING SUBSECTION K TO SGC 4.12.025 ENTITLED "EXEMPTIONS" REGARDING OPTIONAL EXEMPTION; AMENDING SGC 4.12.030 ENTITLED "ASSESSOR'S DUTIES" BY REMOVING SUBSECTION D.4; AMENDING SGC 4.12.050 ENTITLED "PROPERTY OWNER'S RETURNS" BY AMENDING SUBSECTION C AND REMOVING CRIMINAL PENALTIES DEFINED UNDER SUBSECTION D FOR FAILING TO FILE ASSESSMENT RETURNS AND/OR REFUSAL TO GIVE INFORMATION; ADDING SGC 4.12.055 ENTITLED "FAILURE TO FILE RETURN – FEE – PENALTY" TO ASSESS PENALTIES FOR FAILING TO FILE A PROPERTY RETURN OR KNOWINGLY MAKE A FALSE AFFIDAVIT TO PROPERTY RETURNS AND AMENDING SGC 4.12.110 ENTITLED "TAX LEVY FIXED BY ASSEMBLY" TO PROPERLY REFLECT MAILING OF TAX STATEMENTS BY FINANCE DIRECTOR

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

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

3. **PURPOSE.** The purpose of this ordinance is to amend SGC 4.12 entitled "Property Tax" by amending SGC 4.12.025 entitled "Exemptions" to add Subsection K regarding optional exemptions; removing subsection D.4 of SGC 4.030 entitled "Assessor's Duties;" amending Subsection C and removing criminal penalties defined under Subsection D of SGC 4.12.050 entitled "Property Owner's Returns;" adding SGC4.12.055 entitled "Failure to File Return – Fee – Penalty" to provide assessor's preparation fees to property owners who fail to file assessment returns; and to assess penalties on a person or entity that knowingly makes a false affidavit to personal property returns; and amending SGC 4.12.110 entitled "Tax Levy Fixed By Assembly" by amending subsection B to correctly reflect tax statements made by finance director.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that SGC 4.12 entitled "Property tax" is amended as follows (new language underlined; deleted language stricken):

**Chapter 4.12
PROPERTY TAX**

Sections:

- 4.12.010 Definitions.**
- 4.12.020 Property subject to tax.**
- 4.12.025 Exemptions.**
- 4.12.030 Assessor’s duties.**
- 4.12.040 Assessment of property at full and true value.**
- 4.12.050 Property owners’ returns.**
- 4.12.055 Failure to file return – Fee – Penalty.**
- 4.12.060 Report of property acquisition by owner.**
- 4.12.070 Assessment notice.**
- 4.12.080 Board of equalization.**
- 4.12.090 Assembly clerk ex officio clerk of board.**
- 4.12.100 Appeal to board of equalization.**
- 4.12.110 Tax levy fixed by assembly.**

* * *

4.12.025 Exemptions.

* * *

K. A taxpayer who files a timely business property return with the assessor, shall be exempted the first \$25,000 of assessed value of business property owned by each taxpayer from taxation as an optional exemption as set forth in AS 29.45.050(c). For taxpayers with multiple business property accounts, the optional exemption will be distributed among all of the accounts pro rata, based on the proportion of the assessed value in each account to the total assessed value of taxpayer’s business property. This exemption shall not apply to personal property affixed to land or improvements to land, boats, aircraft, float houses, nor to motor vehicles subject to a registration tax under AS 28.10.431 and as such statute may be hereafter amended, revised, or replaced.

* * *

4.12.030 Assessor’s duties.

* * *

D. Content of Assessment Roll. The assessor shall prepare an annual assessment roll in duplicate, after consideration of all returns made to him pursuant to this chapter, and after careful inquiry from such sources as he may deem reliable. On the roll he shall enter the following particulars:

1. The names and last known addresses of all persons with property liable to assessment and taxation;
2. A description of all taxable property;
3. The assessed value, quantity, or amount of the property;
4. ~~The arrears of taxes, if any, owing by any persons.~~

* * *

92 **4.12.050 Property owners' returns.**

93 * * *

94
95 C. Additional Information. The assessor may, by notice in writing to any person by whom a
96 return has been made, require from him a further return containing additional details and
97 more explicit particulars and upon receipt of the notice, that person shall comply fully with
98 its requirements within fourteen ~~thirty~~ days.

99
100 ~~D. Criminal Penalty for Failure to Comply. Failure to file assessment returns as required and~~
101 ~~within the time provided above or refusal to give other information as required herein shall~~
102 ~~be a misdemeanor and, upon conviction, shall subject the violator to penalty as provided in~~
103 ~~Chapter 1.12.~~

104 * * *

105
106 **4.12.055 Failure to file return – Fee – Penalty.**

107
108 A. A taxpayer who fails to file a return as provided in SGC 4.12.050A shall be subject to a
109 fee of \$100.00 for the cost of the assessor's preparation of a valuation based on information
110 available or obtained by the assessor for the taxable property as allowed under SGC 4.12.030
111 (also referred to as "forced filing"). The taxpayer shall be notified of the fee as of the date
112 of mailing of business property and personal property assessment notices.

113 B. A person or entity that knowingly makes a false affidavit to a business property or
114 personal property return required by this section relative to the amount, location, kind or
115 value of property subject to taxation with the intent to evade the taxation, is guilty of a
116 violation. Upon conviction, the violator shall be subject to penalty as provided in SGC
117 1.12.010.

118 * * *

119 **4.12.110 Tax levy fixed by assembly.**

120 * * *

121
122 B. Mailing Tax Statements – Billing Date. When the assembly has levied the tax, the
123 finance director ~~assessor~~ of the city and borough shall prepare tax statements to be mailed to
124 the persons listed as the owners on the tax rolls, all of the tax statements shall be mailed on
125 the same day. This day shall be known as the billing date. The finance director of the city and
126 borough shall cause to be published in a newspaper having a general circulation within the
127 city and borough, a notice that the tax statements have been mailed and the date upon which
128 they are mailed as well as the date which has been determined to be the billing date.

129 * * *

130
131
132 5. **EFFECTIVE DATE.** This ordinance upon its passage shall become effective
133 for the tax year beginning January 1, 2014.

134
135

136 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of
137 Sitka, Alaska this 23rd day of July, 2013.

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Mim McConnell, Mayor

141

142 **ATTEST:**

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Colleen Ingman, MMC

146 Municipal Clerk

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Memorandum

TO: Jay Sweeney, Interim Municipal Administrator
Mayor Mim McConnell and Members of the Assembly

FROM: Randy Hughes, Assessing Director

SUBJECT: Amendments to the Property Tax Provisions at SGC Chapter 4.12
Entitled "Property Tax"

DATE: July 9th 2013

The proposed changes to SGC 4.12 are intended to improve the efficiency and quality of business personal property assessments and more accurately define the duties of the assessor.

Improving the personal property program is an ongoing process. In 2011 the department implemented new depreciation tables, instructions and examples of taxable personal property. As a result, business property valuations have significantly increased.

One area of concern is the amount of personal property returns that are not submitted and businesses that have never filed. For 2013 only 431 (85%) of the business personal property and 1099 (55%) of the personal property returns that were mailed to taxpayers were returned. Currently the City has 504 business personal property accounts compared to 1667 active sales tax accounts.

The proposed exemption provides the greatest benefit to small businesses. This ordinance changes the assessment and taxation of business personal property by making the first \$25,000 of property value exempt. Using the numbers from 2013, the \$25,000 exemption level would have reduced the number of taxable accounts by over 76%, but decreased the taxable BPP base by less than 10%. The average tax bill for each of the 384 exempted accounts would have been \$32.95.

The amount for the exemption level was established with the intent of maintaining 90% of the BPP taxable base. Arguments could be easily made to increase or decrease this amount. For instance a \$10,000 level exemption would reduce the taxable accounts by over 64% and only reduce the taxable base 5.5%. Going the other direction, a \$100,000 level exemption would reduce the taxable accounts by over 90% and still retain over 80% of the taxable BPP base

A complete table of the exemption levels and results as follows:

<u>BPP EXEMPTION</u>	<u>2013 BPP VALUE</u>	<u>BILLING COUNT</u>	<u>COUNT CHANGE</u>	<u>VALUE CHANGE</u>	<u>REVENUE</u>	<u>LOST REVENUE</u>
\$0	\$53,337,326	504	0.0%	0.0%	\$320,024	\$0
\$10,000	\$50,425,424	181	64.1%	5.5%	\$302,553	\$17,471
\$15,000	\$49,600,490	152	69.8%	7.0%	\$297,603	\$22,421
\$20,000	\$48,880,830	135	73.2%	8.4%	\$293,285	\$26,739
\$25,000	\$48,253,516	120	76.2%	9.5%	\$289,521	\$30,503
\$30,000	\$47,683,501	106	79.0%	10.6%	\$286,101	\$33,923
\$50,000	\$45,963,133	72	85.7%	13.8%	\$275,779	\$44,245
\$75,000	\$44,402,128	54	89.3%	16.8%	\$266,413	\$53,611
\$100,000	\$42,748,473	44	91.3%	19.9%	\$256,491	\$63,533

Many jurisdictions throughout the state have adopted a partial business personal property exemption with levels ranging from \$20,000 to \$100,000.

- Ketchikan \$25,000
- Juneau \$100,000
- Kenai \$100,000
- Kodiak \$20,000
- Anchorage \$25,000

The Municipality of Anchorage enacted their partial exemption for the 2005 tax year. In the following years, the number of accounts decreased by over 50% and yet the value of the BPP tax base actually increased more than 20% since the department was then able to properly monitor the program.

More recently, the City of Ketchikan adopted their partial exemption for 2012 and is experiencing similar results. For 2013 the taxable accounts show a reduction of over 66% and an increase in the BPP tax base of 27%.

The City and Borough of Sitka Assessor has a duty to produce a Business Personal Property roll that is equitable and relevant to actual market value. Given the current level of staffing and technology, producing such a BPP roll has been difficult. The adoption of such an exemption would be a major step forward in alleviating this situation.

Potential Benefits:

- The reduction in the number of accounts would obviously translate to a significant reduction in the amount of labor and expense required in preparing the business personal tax roll. While business personal filings would still be

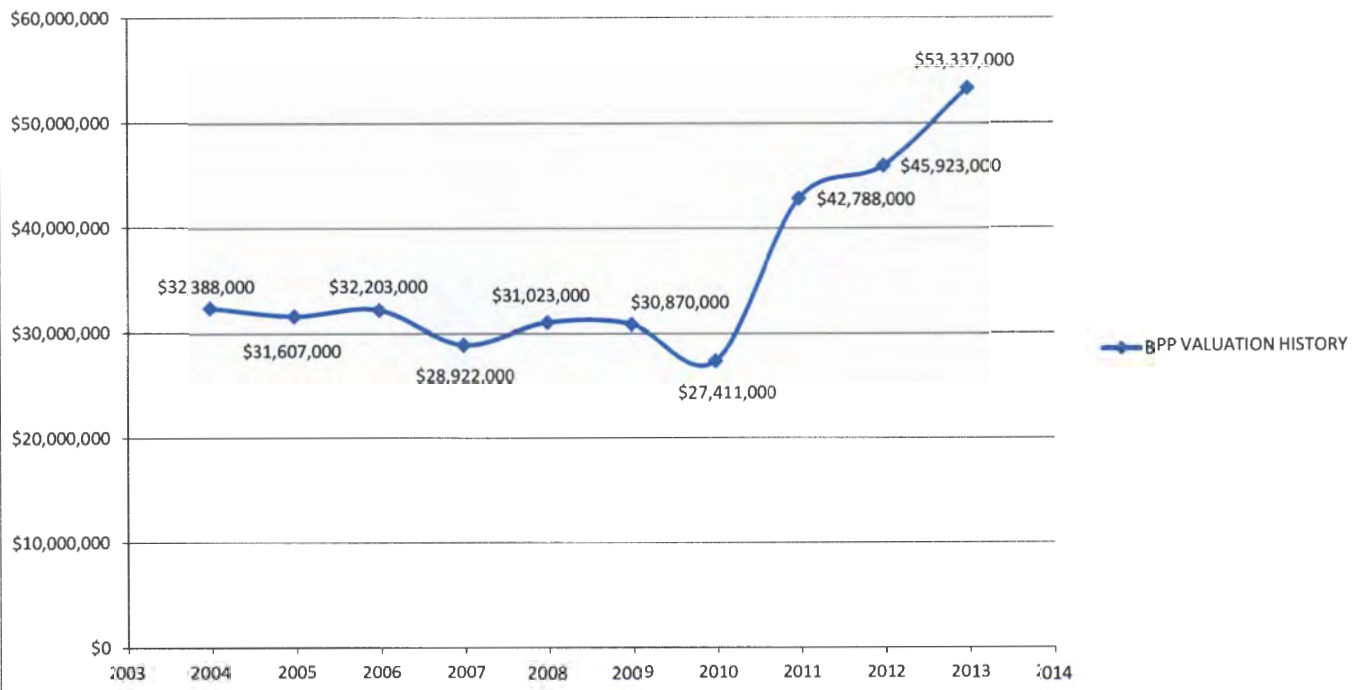
required, the number of accounts that would actually generate a taxable value assessment and tax billing would be greatly reduced. Processing time, postage, labor, materials and other expenses would all be reduced.

- Probably the most significant benefit is that state-wide experience has shown that personal property staff spends an inordinate amount of time on small value accounts. Low value accounts are typically the accounts with the highest level of failures to report. These accounts must then be “force filed”, which simply means that staff must prepare an estimate for the business as the business owner has failed to submit a report themselves. Obviously, this requires considerably more staff time and generates a much higher degree of inquiries and appeals when that assessment is issued.
- The perception that personal property taxes are detrimental to business start-ups would also be addressed. The typical small business start-ups begin with a relatively small investment. Using a partial property tax exemption, such new businesses would have no personal property tax bill or at least a small one. The amount of the actual bill would be dependent upon what level of exemption is chosen. And, since all businesses would receive the benefit of the exemption amount, even those businesses who would still pay the tax, receive the benefit of the same exemption.
- The financial impact to business personal property tax revenues would be minimal. Again, the size of the financial impact would be dependent upon the exemption level chosen. However, the majority of revenues would be retained while achieving the reductions in expenses and providing a property tax reduction to the commercial community.

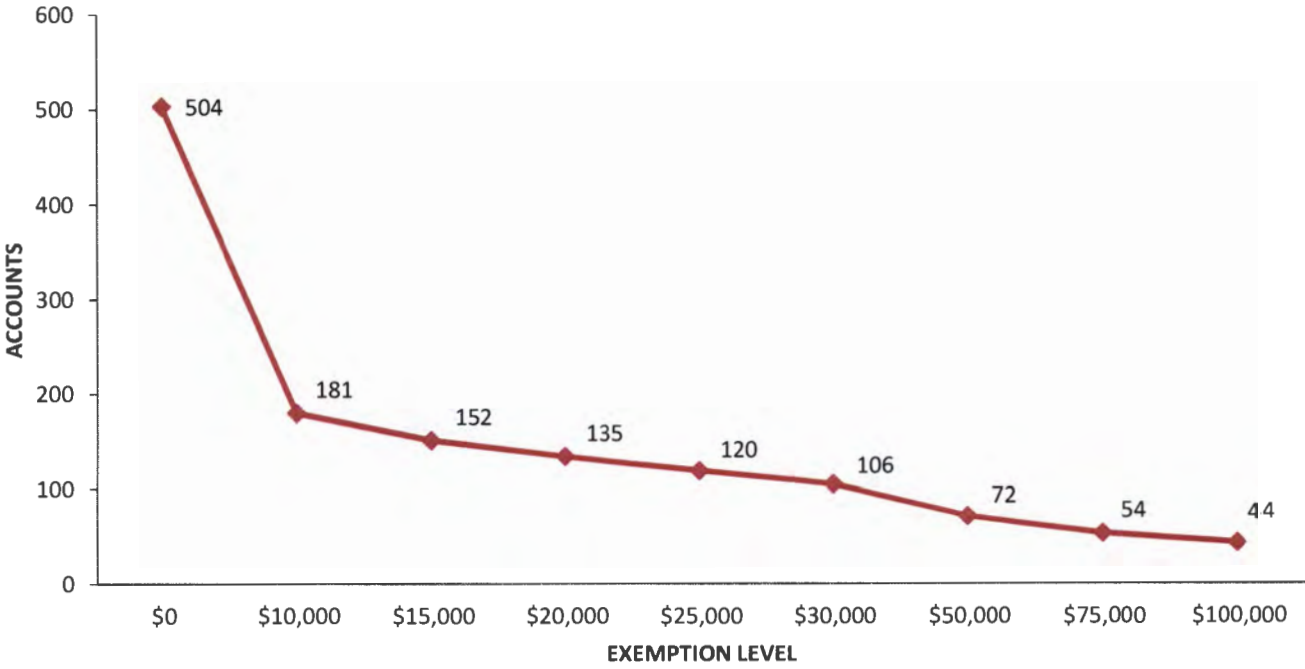
Implementation Procedures:

- The Assessor’s Office would like to propose a fresh start for all personal property accounts by granting amnesty for any fees, penalties and interest associated with previously unreported assets. The amnesty period is limited to the 2014 reporting period, and only those assets self-declared by the taxpayer.
- New return forms are to be created. It is our intent to have the business property return also available online in Excel format that could be completed electronically and filed via e-mail. The form automatically calculates depreciation and auto-fills the totals to reduce the workload of business personal filers.
- Explanation letter and forms to be sent out to all active sales tax account owners and current business property account taxpayers.
- Multiple public service announcements to make the public aware of the filing requirements for 2014.

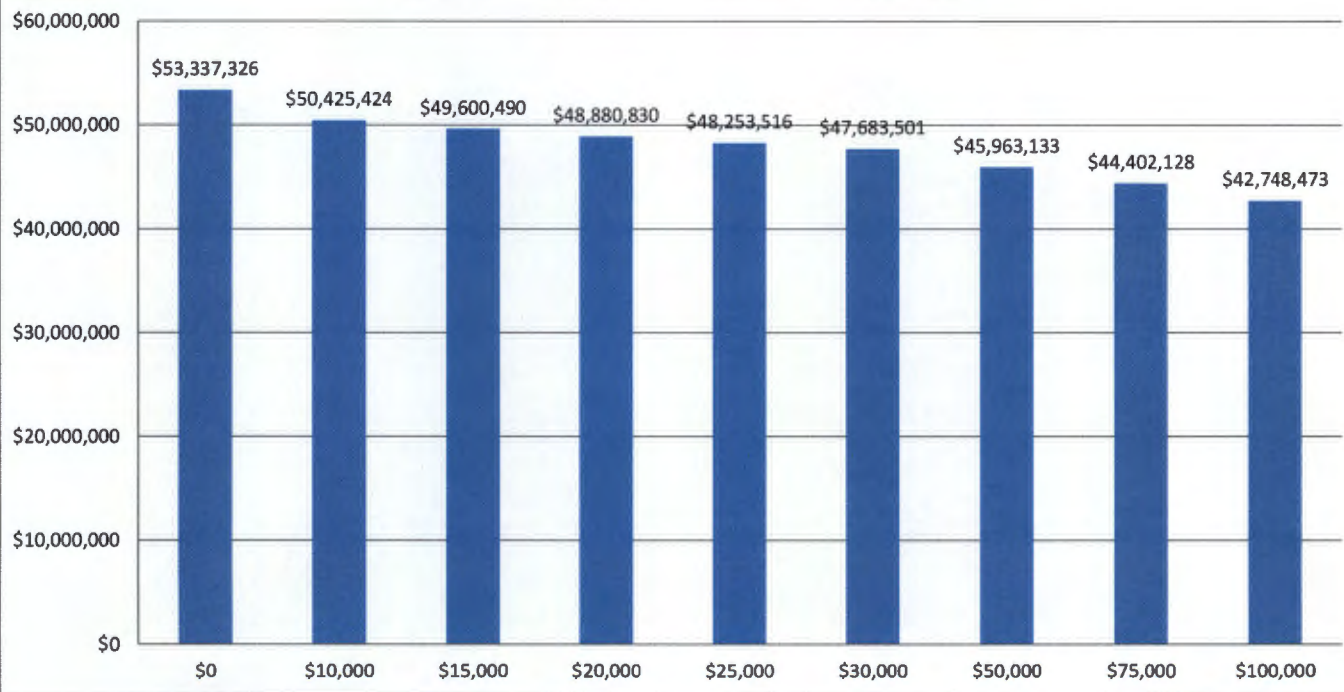
BUSINESS PROPERTY VALUATION HISTORY



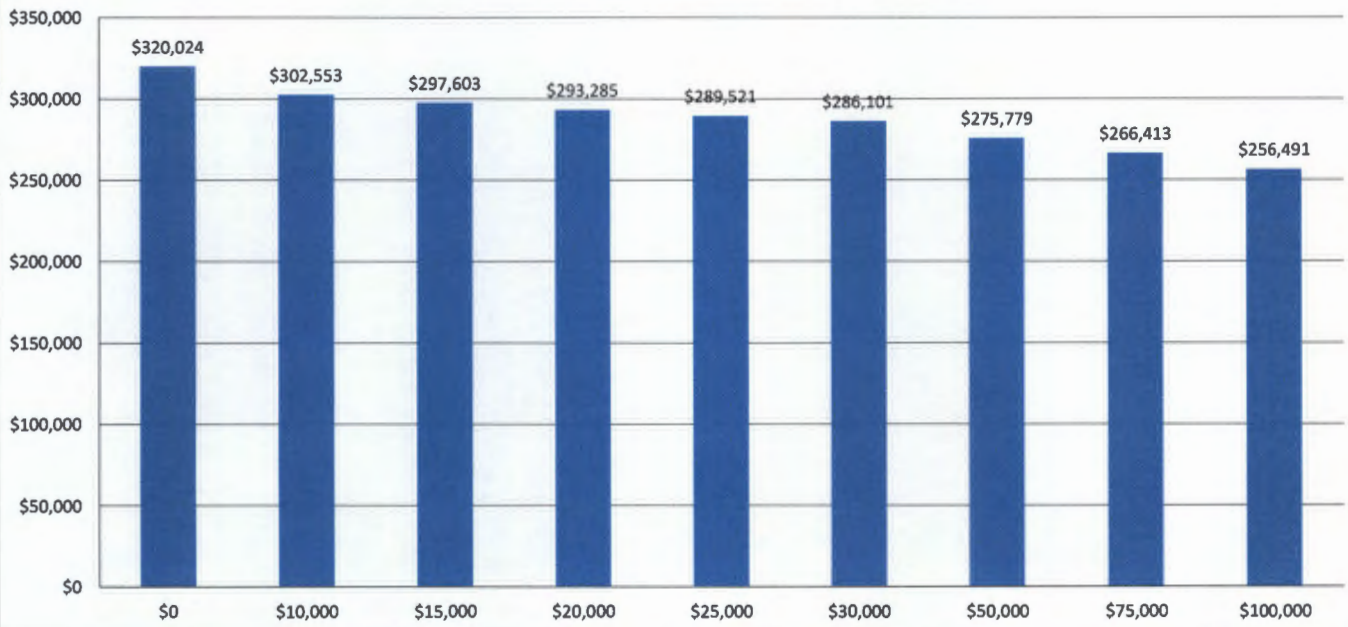
NUMBER OF TAXABLE ACCOUNTS



TAXABLE VALUE BY EXEMPTION LEVEL



ANTICIPATED REVENUE BY EXEMPTION LEVEL





CITY AND BOROUGH OF SITKA

Assessor's Office, 100 Lincoln St., Room 106, Sitka, AK 99835

Phone: 907-747-1822 Fax: 907-747-6138 Email: ruth@cityofsitka.com

Business Property Return is also available for electronic filing (Excel) at www.cityofsitka.com

2014 - BUSINESS PROPERTY RETURN

THIS FORM IS TO BE FILED ON OR BEFORE FEBRUARY 15th 2014.

Account Number:	Type of Business:
Owner Name:	Business Name & Subsidiary/Alias (If Applicable):
Mailing Address:	Location/Address of Property:

Person to Contact Concerning This Report	
Name:	Title:
Phone:	E-Mail:

Instructions for filing Business Property Return: This return should be used for any retail, wholesale, industrial, hotel, service, professional or other enterprises. Commercially used aircraft are to be declared on this return. Property that is temporarily out of the City & Borough of Sitka on January 1st is taxable. Licensed vehicles, boats, float houses and personal aircraft are not to be declared on this form. Include a leased equipment listing, so that the lessor may be contacted.

Fair market value should be given for each category of assets listed. IRS depreciation is not acceptable. Depreciation table instructions and examples of machinery and equipment year life tables can be found on pages 9 through 12. Note separately any assets sold or discarded during the preceding year. All returns are subject to the Assessor's Office review and/or revision. Incomplete forms may be returned to taxpayer.

ITEMIZATION IS REQUIRED; A PRINTOUT OF ASSETS MAY BE ATTACHED TO THIS FORM.

Who must file? Every person, association, corporation or firm (regardless of residency) who owns or controls business property which is not specifically exempt in the City & Borough of Sitka.	What must be listed? All business property located in the City & Borough of Sitka that was in the control of, or use by, the taxpayer on January 1. This includes assets owned, leased by, loaned to, or borrowed by the taxpayer.
How Do I File? Complete this report by reviewing steps 1 through 8 on the BP Summary page. The electronic form will self calculate depreciation and market value for assets.	Can't make the February 15 filing deadline? Upon formal request by the taxpayer prior to the February 15 deadline, the Assessor may grant an extension of up to 29 days.
The Assessor's Office will declare a value for returns not received by the due date and the property assessment will be based upon the Assessor's declared value.	

SGC 4.12.055. Failure to file return - Fee - Penalty.

(A) A taxpayer who fails to file a return as provided in SGC 4.12.50A shall be subject to a fee of \$100.00 for the cost of the assessor's preparation of a valuation based on information available or obtained by the assessor for the taxable property as allowed under SGC 4.12.030 (also referred to as "forced filing"). The taxpayer shall be notified of the fee as of the date of mailing of business property and personal property assessment notices.

(B) A person or entity that knowingly makes a false affidavit to a business property or personal property return required by this section relative to the amount, location, kind or value of property subject to taxation with the intent to evade the taxation, is guilty of a violation. Upon conviction, the violator shall be subject to penalty as provided in SGC 1.12.010.



CITY AND BOROUGH OF SITKA

Assessor's Office, 100 Lincoln St., Room 106, Sitka, AK 99835
 Phone: 907-747-1822 Fax: 907-747-6138 Email: ruth@cityofsitka.com

Business Property Return is also available for electronic filing (Excel) at www.cityofsitka.com

2014 BUSINESS PROPERTY RETURN

I HEREBY DECLARE OWNERSHIP OR CONTROL OF THE FOLLOWING TAXABLE BUSINESS PROPERTY

NO CHANGE FROM PREVIOUS YEAR?	(Enter "No Change" at right, sign & date return)	NOT APPLICABLE FOR 2014
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NO LONGER IN BUSINESS?	(Complete lines 1,2,&3 below, sign & date return)
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1 When did your business close or cease conducting business in the City & Borough of Sitka:

2 Did you sell your business:

3 If so, who is the new owner:

ASSETS

	ACQUISITION COST	ACCRUED DEPRECIATION	MARKET VALUE	FOR OFFICE USE ONLY
<u>Pages 3 & 4</u> OFFICE EQUIPMENT AND COMPUTERS				
<u>Page 5</u> FURNITURE, FIXTURES AND LEASEHOLD				
<u>Page 6</u> MACHINERY AND EQUIPMENT				
TOTAL (RND \$100)				
<u>Page 7</u> LEASED ASSETS	SEE PAGE 7			
<u>Page 7</u> SOLD OR DISPOSED ASSETS	SEE PAGE 7			

AIRCRAFT & HELICOPTERS

<u>Page 8</u>	AIRCRAFT	—————→	MARKET VALUE
	SOLD AIRCRAFT		
	TRANSFER PRICE (AIRCRAFT)	BUYERS NAME	
	TRANSFER DATE	MAILING ADDRESS	

SIGNATURE/TITLE OF PERSON PREPARING RETURN _____

DATE _____

Please print name(s) here so that we may correctly identify the contact person for this report if needed.

COMPUTERS & SOFTWARE

ITEM DESCRIPTION	ACQUISITION COST	YEAR ACQUIRED	ECONOMIC LIFE	ACCRUED DEPRECIATION	MARKET VALUE
			4		
			4		

Page 3

OFFICE EQUIPMENT

ITEM DESCRIPTION	ACQUISITION COST	YEAR ACQUIRED	ECONOMIC LIFE	ACCRUED DEPRECIATION	MARKET VALUE
			5		
			5		

Page 4

FURNITURE, FIXTURES & LEASEHOLD

ITEM DESCRIPTION	ACQUISITION COST	YEAR ACQUIRED	ECONOMIC LIFE	ACCRUED DEPRECIATION	MARKET VALUE
			10		
			10		

Page 5

MACHINERY & EQUIPMENT

ITEM DESCRIPTION	ACQUISITION COST	YEAR ACQUIRED	ECONOMIC LIFE	ACCRUED DEPRECIATION	MARKET VALUE
			10-15-20		
			10-15-20		

Page 6

LEASED AND SOLD ASSETS

LEASED / SOLD ITEM DESCRIPTION	LEASE (L) SOLD (S)	LESSOR / BUYER	ADDRESS

Page 7

AIRCRAFT AND HELICOPTERS

REG. NUMBER	ACQUISITION COST	YEAR ACQUIRED	YEAR BUILT	MAKE / MODEL	MARKET VALUE

Page 8

**CITY AND BOROUGH OF SITKA ASSESSOR'S OFFICE
JANUARY 1, 2014 BUSINESS PERSONAL PROPERTY
VALUE TABLES**

Computers		Machinery and Equipment *									
4-Year Life		5-Year Life		10-Year Life		15-Year Life		20-Year Life			
Year	Factor	Year	Factor	Year	Factor	Year	Factor	Year	Factor	Year	Factor
2013	80%	2013	85%	2013	92%	2013	95%	2013	97%		
2012	60%	2012	69%	2012	84%	2012	90%	2012	93%		
2011	40%	2011	52%	2011	76%	2011	85%	2011	90%		
2010	20%	2010	34%	2010	67%	2010	79%	2010	86%		
Prior	10%	2009	23%	2009	58%	2009	73%	2009	82%		
		Prior	20%	2008	49%	2008	68%	2008	78%		
				2007	39%	2007	62%	2007	74%		
				2006	30%	2006	55%	2006	70%		
				2005	24%	2005	49%	2005	65%		
				2004	21%	2004	43%	2004	60%		
				Prior	20%	2003	37%	2003	55%		
						2002	31%	2002	50%		
						2001	26%	2001	45%		
						2000	23%	2000	40%		
						1999	21%	1999	35%		
						Prior	20%	1998	31%		
								1997	27%		
								1996	24%		
								1995	22%		
								1994	21%		
								Prior	20%		

* Examples of Machinery and Equipment corresponding to the 5,10,15 and 20-year life tables can be found on our website.

IRS Depreciation Is Not Acceptable

Use this Column for Furniture & Fixtures

Calculation Instructions

Select the table to use (i.e.: 5-years, 10-years, etc). Scan down the table until you find the year you purchased the personal property.

The percentage next to the year of purchase should be used to value the personal property. For example, using the 15-year table, property acquired in 2012 at an original cost of \$5,000 would be valued at 90% of cost. The amount to be declared would be calculated as follows: **\$5,000 X 90% = \$4,500**

Note: Artwork is to be reported a original cost.

This document is updated annually. If you have any questions as to the filing of your statement, please do not hesitate to contact the Assessing Department at (907) 747-1822.



Assessing Department
City and Borough of Sitka
100 Lincoln Street, Sitka, AK 99835

DEPRECIATION SCHEDULE

2010	2009	2008	2007	2006	2005
100%	85%	70%	55%	40%	35%

COMPUTER DEPRECIATION SCHEDULE

2010	2009	2008	2007	2006	2005
100%	75%	60%	45%	30%	20%



Legislation Details

File #: ORD 13-30 Version: 1 Name:

Type: Ordinance Status: AGENDA READY

File created: 7/2/2013 In control: City and Borough Assembly

On agenda: 7/9/2013 Final action:

Title: Amending Title 15 of the SGC to increase sewer, water and wastewater rates at Sections 15.04.320 entitled "Rates and Fees" and 15.05.625 entitled "Wastewater Service - Sawmill Cove Industrial Park" and add RV spaces with utility hookups in the rate structures

Sponsors:

Indexes:

Code sections:

Attachments: [Ord 2013-30](#)
[Ord 2013-30 materials](#)

Date	Ver.	Action By	Action	Result
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CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2013-30

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING TITLE 15 OF THE SITKA GENERAL CODE TO INCREASE SEWER, WATER AND WASTEWATER RATES AT SECTIONS 15.04.320 ENTITLED “RATES AND FEES” AND 15.05.625 ENTITLED “WASTEWATER SERVICE – SAWMILL COVE INDUSTRIAL PARK” AND ADD RV SPACES WITH UTILITY HOOKUPS IN THE RATE STRUCTURES

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

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

3. PURPOSE. This ordinance will increase rates for sewer service by amending SGC 15.04.320 entitled “Rates and Fees” and by adding RV spaces and parking with utility hookups as follows:

- Subsection A entitled “Base Rate,” from \$42.19 to \$46.20 per unit per month and adding RV spaces and parking with utility hookups to the rate structure
- Subsection B entitled “Sewer Service in Conjunction with Metered Water,” from one times the unmetered sewer base rate plus \$2.31 rather than plus \$2.11 per one thousand metered gallons

In addition, this ordinance adds RV spaces and parking with utility hookups to the rate structure in SGC 15.05.620 entitled “Rates and Fees.”

Finally, this ordinance also increases wastewater rates at Sawmill Cove Industrial Park by amending SGC 15.05.625A and B entitled “Wastewater Service – Sawmill Cove Industrial Park” as follows:

- Subsection B.1 entitled “Unmetered wastewater, domestic” from \$42.19 to \$46.20 per month
- Subsection B.2 entitled “Treated wastewater, metered” from \$2.49 to \$2.73 per one thousand gallons water use

The additional funds are needed to cover the operating costs and infrastructure replacements in the Wastewater Fund and fund the Capital Improvement Projects Plan in accordance with the Sewer System Master Plan. These additional charges follow the schedule in

46 the Sewer System Master Plan and the presentation by FCS Group – Solutions Oriented
47 Consulting, which is for a 9.5% rate increases per year through Fiscal Year 2018.

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49 **4. ENACTMENT, NOW, THEREFORE, BE IT ENACTED** by the Assembly of the
50 City and Borough of Sitka that SGC 15.04.320 and SGC 15.05.625B are amended to read as
51 follows (new language underlined; deleted language stricken):

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15.04.320 Rates and Fees.

A. Base rate: forty six ~~two~~ dollars and twenty ~~nineteen~~ 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
Hotel, motel ⁽⁴⁾	bed or room	0.3
Dormitory, boardinghouse ⁽⁴⁾	bed or room	0.3
<u>RV park⁽⁴⁾⁽⁶⁾</u>	<u>RV space</u>	<u>0.3</u>
Bed and breakfast ⁽⁴⁾	bed or room	0.15
Commercial laundry	wet machine	8.0
Launderette	wet machine	1.0

UNIT DESCRIPTION		UNIT
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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Notes:

⁽¹⁾ Including apartments and trailers, per each. (Apartments shall be assessed as if on a separate meter.)

⁽²⁾ Base rate.

⁽³⁾ Business in homes shall be assessed for the additional appropriate commercial rate.

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

⁽⁵⁾ Approximate enrollment—may be reviewed annually.

⁽⁶⁾ RV parks have all mobile units able to be underway on the road with a minimal amount of time and not require special permits to drive on the road. Underway can be under its own power, pulled by a vehicle or in the bed of a pickup. Rental rates are based on the day and utilities are included.

B. Sewer Service in Conjunction with Metered Water. Minimum charge: One times the unmetered sewer base rate plus two dollars and thirty-one eleven cents per one thousand metered gallons.

* * *

15.05.620 Rates and fees.

A. Unmetered Water. Base rate: twenty-seven dollars and two 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		
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

UNIT DESCRIPTION		UNIT
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⁾	bed or room	0.3
Dormitory, boardinghouse ⁽⁴⁾	bed or room	0.3
<u>RV park⁽⁴⁾⁽⁶⁾</u>	<u>RV space</u>	<u>0.3</u>
Bed and breakfast ⁽⁴⁾	bed or 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

Notes:

⁽¹⁾ Including apartments and trailers, per each. (Apartments shall be assessed as if on a separate meter.)

⁽²⁾ Base rate.

⁽³⁾ Business in homes shall be assessed for the additional appropriate commercial rate.

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

⁽⁵⁾ Approximate enrollment—may be reviewed annually.

⁽⁶⁾ RV parks have all mobile units able to be underway on the road with a minimal amount of time and not require special permits to drive on the road. Underway can be under its own power, pulled by a vehicle or in the bed of a pickup. Rental rates are based on the day and utilities are included.

* * *

15.05.625 Water and wastewater rates—Sawmill Cove Industrial Park.

* * *

B. Wastewater Service—Sawmill Cove Industrial Park.

1. Unmetered wastewater, domestic: forty-six ~~two~~ dollars and twenty ~~nineteen~~ cents per month.

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2. Treated wastewater, metered: one hundred dollars per month minimum.

a. Treated wastewater, metered: two dollars and seventy-three ~~forty-nine~~ cents per one thousand gallons water use.

* * *

5. EFFECTIVE DATE. This ordinance shall become effective within 30 days after passage by the Assembly of the City and Borough of Sitka.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 23 day of July, 2013


Mim McConnell, Mayor

ATTEST:

Colleen Ingman, MMC
Municipal Clerk

MEMORANDUM

To: Mayor McConnell and Members of the Assembly
Jay Sweeney, Interim Municipal Administrator

From: Stephen Weatherman, P.E., Municipal Engineer 

Cc: Mark Buggins, Environmental Superintendent

Date: July 2, 2013

Subject: Ordinance 2013-30 - Increase in Rates/Fees for Sewer Service

Background:

On July 12, 2011 the Assembly approved award of a professional services contract to DOWL HKM to complete the Sewer System Master Plan. The purpose of this study is to serve as a guideline to help prioritize and budget for upgrading and/or reconstructing the existing sewer system infrastructure and installing new infrastructure. The Master Plan will also be used as a factual basis for securing local, state, and federal funding for the required improvements.

Analysis

A thorough and comprehensive analysis of the condition of the Municipal Sewer System has been completed with this Master Plan. The results of the analysis have identified essential repairs and replacements of wastewater infrastructure, time frames in which the repairs need to be accomplished and projected costs for the repairs.

The proposed sewer rate/fee increases are necessary to ensure that there is sufficient cash flow to fund operations and debt service associated with the Sewer System Capital Improvement Plan (CIP) in accordance with the Sewer Master Plan. Rate increases for Fiscal Year 2011 and 2012 were increased by 13.33% with projected increases of 13.33% through Fiscal Year 2015 to coincide with CBS water rate increases. The financial analysis associated with this Master Plan (10-year rate schedule) recommends a yearly rate/fee increase of 9.5% through Fiscal Year 2018 and then lowering the increase to 6.5% through Fiscal Year 2022.

Fiscal Note

A key element of the Municipal Wastewater Treatment Master Plan is an in-depth pro forma financial analysis and rate forecast, performed by the FCS Group in conjunction with DOWL HKM.

In the course of preparing the financial analysis and rate forecast, the FCS Group engaged in extensive financial modeling in order to prepare prospective financial statements showing the effects of different financial variables such as borrowing rates, expense inflation rates, and different capital structures. The modeling was thorough, detailed and well executed, constituting some of the best independent work the CBS staff has seen.

Our Finance Department independently prepared its own high level financial analysis in order to vet the analyses of the FCS Group. The Finance Department verified that the rate increases indicated by the FCS Group analyses are indeed appropriate and necessary to fund the wastewater capital improvement plan, while at the same time not setting user fees higher than required.

Recommendation:

Approve Ordinance 2013-30 amending Sitka General Code at Chapter 15.04 entitled “Sewer System” at Subsection 15.04.320 entitled “Rates and Fees” and at Chapter 15.05 entitled “Water System” at Subsection 15.05.625, entitled “Wastewater Service – Sawmill Cove Industrial Park” to adjust the rates for sewer service in accordance with the Sewer System Master Plan to fund the Capital Improvement Projects Plan. Also add RV spaces Utility Hookup in the Rate Structure.

Memo

To: Mayor McConnell and Assembly Members

Via: Jay Sweeney, Interim City Administrator

From: Mike Middleton, Interim Finance Director

CC: Michael Harmon, Public Works Director
Wells Williams, Planning Director
Mark Buggins, Environmental Superintendent
Gary Baugher, Maintenance and Operations Superintendent

Date: 6/17/13

Re: RV Park Utilities

Currently, RV parks have been treated the same as a mobile home park, where full services are charged to each occupied space. This does not seem to be an equitable option and additionally is difficult for the City and Borough to track.

The attached proposed amendment to the SGC will allow an RV park to be billed for sewer, water and trash as a hotel, in essence paying a lesser amount for each unit and not treating each as a separate residential dwelling.

The units have a daily rate, like a hotel. The landlord covers all utilities for the customer out of the rent, there is no separate account set up with the CBS. Some do stay for extended periods, but some don't.

The water usage – water and wastewater – is considerably less than a residential dwelling typically. There is typically no bathtub, no dishwasher and no washing machine.

The level of solid waste generated tends to be low, with the landlord required to provide more capacity than is used.

When put together, an RV appears to be short term housing without many of the amenities many people are used to accessing in long term housing. It has more in common with a hotel than a mobile home park.

Water, wastewater and solid waste service agree this is a valid and equitable way to charge the RV park accounts. There will be no change on how electrical usage is charged, so there is no impact on the electrical charge. The identification of RV parks for utility charges does not conflict with Planning which groups RV parks with Mobile Home Parks for planning purposes.

Memo

To: Jay Sweeney, Michael Harmon, Wells Williams, Mark Buggins, Gary Baugher
From: Mike Middleton
Date: 7/2/2013
Re: RV Park utilities

I believe the RV park utility rates are not categorized correctly. Currently, an RV park is treated the same as a trailer (or mobile home) park for utility billing. The difference is an RV park tenant is very temporary by nature. The parks charge rates by the day and this includes the utility service.

When this is contrasted with the trailer parks, the differences become apparent. Temporary vs long term; mobile vs fixed; utilities included vs separate accounts. This became clear after contemplating discussions with the representative of the Golf Course, Sitka Sportsman Association and the Crescent Harbor Park.

When I look at the traits of a pure RV park, it resembles a hotel much more than a trailer (mobile home) park. I propose to change the utility billing treatment to reflect a new category for RV parks with several specific requirements.

1. The park has to exclusively have mobile units. A mobile unit is a unit able to be underway on the road in a minimal amount of time or special permits to drive on the road. Underway can be under its own power, pulled behind a vehicle or in the bed of a pickup.
2. Utility services are not billed separately to units; rather it is included in the rent.
3. If the above conditions are not met, the park should be treated as a trailer (mobile home) park.

The question here is should the room count (the driver for hotels) be based on the number of spaces or on the number of filled spaces? At this point, I believe the number of spaces with utilities as the determining factor. Not all spaces are filled, but neither are all hotel rooms.

The park will be subject to 15.06.005 – Frequency of Collection meaning if more than weekly collection is required, additional amounts will be charged.

This will have no impact on how electric usage is charged.

I do intend for this to have any sort of impact on zoning or permitted uses, this is meant to be an adjustment to the billing rate for a category of business.

Applying this change will result in a significant change in the amount billed to the RV parks. Currently only the three meet the requirements. As an example, here is the change as it impacts Sitka Golf Course:

<u>Utility</u>	<u>Old rate</u>	<u>New rate</u>	<u>Change</u>
Water (\$27.02/unit)	162.12 (6 units)	72.96 (0.3*9 units)	-89.16
Sewer (\$42.19/unit)	253.14 (6 units)	113.92 (0.3*9 units)	-139.22
Garbage (350 gal)	228.00 (6 @ \$38)	170.00 (1 pickup/wk)	-58.00

Sales Tax (5%)	32.17	17.85	-14.32
Total	675.43	374.73	-300.70

The cleanest way to make this change is to add a category for RV park to the SGC in sections 15.04.320 and 15.05.620 Rates and fees for Sewer and Water charges.

Please review proposal in this memo and the attached documents for the proposed SGC amendments. The proposed amendments are underlined.



Legislation Details

File #: ORD 13-31 Version: 1 Name:

Type: Ordinance Status: AGENDA READY

File created: 7/2/2013 In control: City and Borough Assembly

On agenda: 7/9/2013 Final action:

Title: Amending chapter 11.40 of the SGC entitled "Stopping Standing and Parking" to provide for civil administration process for parking offenses under this chapter

Sponsors:

Indexes:

Code sections:

Attachments: [Ord 2013-31](#)
[Ord 2013-31 materials](#)

Date	Ver.	Action By	Action	Result
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CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2013-31

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING CHAPTER 11.40 OF THE SITKA GENERAL CODE ENTITLED "STOPPING STANDING AND PARKING" TO PROVIDE FOR CIVIL ADMINISTRATION PROCESS FOR PARKING OFFENSES UNDER THIS CHAPTER

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

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

3. PURPOSE. The purpose of this ordinance would amend and add new sections to SGC Chapter 11.40 to allow civil fines and establish an administrative process for parking offenses subject to the provisions under this chapter to comply with current state legislative amendments that were effective April 15, 2013. This ordinance has been reviewed by the Police and Fire Commission and would become effective 30 days after date of passage.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that SGC Chapter 11.40.170 entitled "Violation notice" be amended and Section 11.40.175 entitled "Violation; Responsibility and penalty," SGC 11.40.176 entitled "Violations hearing officer," and SGC 11.40.177 entitled "Administrative appeal" be added as follows (new language underlined; deleted language stricken):

Chapter 11.40
STOPPING STANDING AND PARKING

Sections:

- 11.40.010 Permit for loading or unloading at angle to curb.
11.40.020 Parking in alleys.
11.40.030 Parking adjacent to schools.
11.40.040 Parking prohibited on narrow streets or highways.
11.40.050 Standing or parking on one-way streets or highways.
11.40.060 Standing or parking on one-way roadways.
11.40.070 Stopping, standing or parking near hazardous or congested places.
11.40.080 Parking prohibited during certain hours.
11.40.090 Parking time limited.
11.40.100 Parking prohibited for extended time period.
11.40.110 Parking of trailers restricted.
11.40.120 Application of Sections 11.40.020 through 11.40.110.
11.40.130 Public carrier stops and stands.
11.40.140 Stopping, standing and parking of buses and taxicabs.

- 49 11.40.150 Parking on private property prohibited.
- 50 11.40.160 Blocking ingress or egress to private property prohibited.
- 51 11.40.165 Parking vehicles with suspended, revoked, or expired registration on streets,
- 52 highways, or roadways, or in public parking lots.
- 53 11.40.170 Violation civil fines notice.
- 54 11.40.175 Violation; responsibility and penalty.
- 55 11.40.176 Violations hearing officer.
- 56 11.40.177 Administrative appeal.
- 57 11.40.180 Penalties for illegal parking.
- 58 11.40.190 Permits for oversize or overweight vehicles.
- 59 11.40.200 Application for permits.
- 60 11.40.210 Fees for permits.
- 61 11.40.220 Disabled parking.
- 62 11.40.230 Parking method.
- 63 11.40.240 Long-term parking areas designated.

64
65 * * *

66 **11.40.170 Violation civil fines notice.**

67
68 A. Notwithstanding any provision of the SGC, all parking offenses shall be considered
69 violations subject to civil fine not to exceed the amount set forth below; payment of the civil
70 fine shall be accepted in satisfaction of the violation; and the violation shall be subject to the
71 procedure set forth in SGC 11.40.175. Prior to filing a formal citation and issuing a summons, a
72 notice may be issued for parking violations. The notice may be left on a vehicle, noting the
73 observed violation and providing for the payment of a penalty. The registered owner of the
74 vehicle shall be responsible for payment of parking violations, unless the registered owner
75 meets the burden of proof that the vehicle was used without the owner's consent.

76
77 B. Unless otherwise provided in this section, the state bail schedule adopted by the Alaska
78 Supreme Court for similar state offenses covered by this chapter shall apply.

79
80 C. The fine bail schedule for all offenses under this chapter not covered by the state bail
81 schedule or otherwise provided for within this chapter shall be determined by the chief of police
82 in consultation with the police and fire commission, twenty-five dollars.

83
84 D. The fine bail schedule for parking violations is as follows:

85 1. The fine bail schedule for parking in areas restricted during the hours four a.m. to seven
86 a.m. shall be twenty-five dollars.

87 2. The fine bail schedule for parking over the seventy-two-hour limit in posted areas shall be
88 twenty-five dollars.

89 3. The fine bail schedule for overtime parking violations for less than seventy-two hours,
90 other than those listed in subsection (D)(4) of this section, shall be twenty-five dollars, with a
91 limit of four tickets in any twenty-four-hour period.

92 4. The fine bail schedule for ~~overtime~~ parking violations at the airport and in harbor areas
93 shall be based on the following number of violations within a one-year period:

94

- a. First violation \$ 25.00
- b. Second violation \$ 50.00
- c. Third violation \$100.00
- d. Fourth violation \$200.00
- e. Fifth violation \$300.00

95

96

5. The fine schedule for violation of Section 11.40.140(A) regarding parking or stopping of buses on certain sections of Lincoln Street shall be fifty dollars. If the bail amount for any parking citation is not paid within seventy-two hours following the issuance of the citation but prior to issuance of a summons, the bail amount shall be double the original penalty amount.

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6. The fine schedule for violation of Section 11.40.165 for parking vehicles with suspended, revoked, or expired registration on streets, highways, or roadways, or in public parking lots shall be fifty dollars.

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E. In addition to the civil fines described above, the violator or presumed violator shall pay all collection and legal costs incurred for the collection of a civil fine exclusive of the costs of the administrative appeal described in SGC 11.40.177 and the costs of mailing the notice described. If the bail amount is not paid within ten days, the citation can be filed with the court alleging a violation and a summons issued. If the citation is filed and the person is found guilty, the fine shall be double the original bail amount.

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F. The bail schedule shall be a fine of fifty dollars for violation of Section 11.40.140(A) regarding parking or stopping of buses on certain sections of Lake Street.

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115

116

G. The bail schedule shall be a fine of fifty dollars for a violation of Section 11.40.165, Parking vehicles with suspended, revoked, or expired registration on streets, highways, or roadways, or in public parking lots.

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F. Collection of civil fines and costs. Anyone violating any of the provisions in this chapter who has failed to pay all applicable fines, late payment fees, and costs described in this section shall, upon the expiration of any time for appeal, be indebted to the city and borough in the amount of such fines, late payment fees, and costs. In addition to or in lieu of any other provision for collection of such fines, late payment fees, and costs, the city and borough may collect these amounts as a debt and may use collection services as determined by the finance director.

126

127

11.40.175 Violation; responsibility and penalty.

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131

A. Penalty for violation. Concurrent with SGC 11.12.070, any person, firm, or corporation who violates this chapter shall be guilty of a violation, and upon conviction thereof, shall be punished by a civil fine as listed.

132 B. Notices of violation. Code enforcement officers are authorized to give notice to persons
133 accused of violating this chapter by delivering notice of violation to such persons or, in cases
134 where vehicles without drivers are parked or stopped in violation of SGC, by affixing a notice of
135 violation to the vehicles, usually on the windshield or some other conspicuous place on the
136 vehicle, or delivering the notice by certified mail. The notices of violation shall include at least
137 the following:

- 138
- 139 1. A brief description of the violation;
- 140 2. The registration number and/or other identification of the vehicle, if available;
- 141 3. The approximate time and place of the violation;
- 142 4. The civil fine for the violation;
- 143 5. The city and borough of Sitka office and address where the civil fine must be paid;
- 144 6. A statement that unless an appeal is filed or the civil fine is paid within thirty (30) days of
145 the notice of the violation an additional fee of fifteen dollars (\$15.00) will be imposed;
- 146 7. A brief description of the procedure for appealing the notice of violation, the office where
147 such appeal must be filed and the time for filing an appeal;
- 148 8. A notice that failure to timely and properly file an appeal or pay the civil fine will be
149 deemed an admission of the violation, will waive all rights to appeal or contest the notice of
150 violation or civil fine, will cause the civil fine and late payment fee to become immediately due
151 and payable, and will subject the person to additional collection costs if the civil fine and fee are
152 not paid; and
- 153 9. Such other information as the municipal administrator may require.

154

155 C. Timely payment of the civil fine will waive all rights to appeal or contest the notice of
156 violation or civil fine. Failure to timely pay the civil fine or failure to timely and properly
157 appeal the notice of violation, shall constitute a waiver of all right to appeal the notice of
158 violation, shall be deemed an admission of the violation and shall cause the civil fine and late
159 payment fee to become immediately due and payable.

160

161 D. Additional notice. If the civil fines set forth in SGC 11.40.170 has not been paid within at
162 least thirty (30) days from the date the notice of violation was issued and if an appeal has not
163 been filed, an additional notice shall be sent to the person alleged to have been in violation. The
164 notice shall contain:

- 165
 - 166 1. A brief description of the violation;
 - 167 2. The registration number and/or other identification of the vehicle if available;
 - 168 3. The approximate time and place of the violation;
 - 169 4. A statement that the civil fine and additional fee of fifteen dollars (\$15.00) is due;
 - 170 5. A statement that the time for appeal has passed;
 - 171 6. A brief statement of the procedure for appealing and the office where such appeal must be
172 filed;
 - 173 7. The city and borough of Sitka office and address where the civil fine and fees may be
174 paid; and
 - 175 8. Such other information as the municipal administrator may require.
- 176

177 **11.40.176 Violations hearing officer.**

178 The function of violations hearing officer ("hearing officer") is hereby created. The hearing
179 officer shall be the municipal administrator, or such person as the municipal administrator may
180 designate. The hearing officer shall have authority and jurisdiction to dispose of cases arising
181 out of violations of SGC 11.40.170.

182
183 **11.40.177 Administrative appeal.**

184 Right to appeal notice of violation. Any person to whom a notice of violation has been issued,
185 and/or any person who is the registered owner of a vehicle to which a notice of violation was
186 affixed, may appeal the notice of violation in the manner set forth below:

187
188 A. Time for appeal. An appeal shall be filed within 30 days of receipt of notification of
189 violation. Notification will be deemed given at the time of affixing a citation on a vehicle, or if
190 notice is given by certified mail, at time of receipt. Any appeal shall be in writing and delivered
191 to the address provided in the notice. Misdelayed appeals may be considered untimely.
192 Failure to file a written appeal within the time limits shall waive any right to appeal or contest
193 the violation, notice, penalties, costs and fees.

194
195 B. Contents of written appeal. The written appeal shall state:

196
197 1. The name, mailing address, email address (if one available) and telephone number of the
198 appellant; the citation number located in the upper right portion of the citation or other sufficient
199 identification on the notice of violation;

200 2. A description of the vehicle;

201 3. Any facts, documents, photographs, witness statements or other evidence supporting the
202 appeal;

203 4. A statement of the reasons for the appeal;

204 5. A statement as to whether the appellant requests a hearing before a hearing officer or
205 desires to have the hearing officer decide the matter without a hearing;

206 6. The signature of the appellant and the date of signing; and

207 7. Such other information as the hearing officer may require. The hearing officer shall
208 prepare appeal forms which appellant may use, and will be made available at the municipal
209 clerk's office or police department.

210
211 C. Hearing procedures.

212
213 1. Date. Unless otherwise agreed by the appellant and the hearing officer, for good cause
214 shown by either party, any hearing requested pursuant to this section shall take place no later
215 than thirty (30) days from the date the written notice of appeal is filed with the hearing officer.
216 No party shall be allowed more than one continuance.

217 2. Procedure. The hearing shall be conducted informally and may be governed by such
218 rules and procedures as the hearing officer may choose to establish, except that:

219 a. Unless a hearing is requested, the appellant's rights to a hearing, to be represented by
220 counsel at appellant's cost, and the opportunity to present evidence and to examine and cross-
221 examine witnesses will be waived. If the appellant waives the hearing, the hearing officer may

222 determine the case based upon the written statements of the appellant, the issuing officer and
223 any witnesses and upon the hearing officer's own observations;

224 b. Parties, if they so choose to appear at the hearing, may appear in person or through
225 counsel (at their own expense);

226 c. Parties may present witnesses and evidence on their own behalf;

227 d. Parties or their counsel may cross-examine opposing witnesses on matters relevant to
228 the issues, impeach witnesses regardless of which party first called the witness to testify, and
229 rebut evidence against them;

230 e. Relevant evidence shall be admitted if it is the sort of evidence on which responsible
231 persons are accustomed to rely in the conduct of serious affairs. Hearsay evidence may be
232 considered provided there are guarantees of its trustworthiness and that it is more probative
233 on the point for which it is offered than any other evidence the proponent can procure by
234 reasonable efforts.

235 f. All parties shall have the right to subpoena witnesses and documents using a form
236 provided by the municipal clerk and submitted to the clerk for issuance at least five (5)
237 working days before the date of the hearing;

238 g. The hearing shall be memorialized by an electronic recording or a stenographic
239 record; and

240 h. Failure of an appellant to appear at a hearing, absent good cause, when such hearing
241 has been requested by appellant, shall waive all right to a hearing and shall render the
242 amount of the fines, penalties and costs due and owing.

243
244 D. Scope of review. The hearing officer's decisions shall be based solely upon the law and the
245 facts applicable to the case. If a violation is legally determined to have occurred, the hearing
246 officer shall not substitute his or her judgment for that of the enforcement officer or parking
247 enforcement officer as to whether a notice of violation should have been issued. If a violation is
248 legally determined to have occurred, the hearing officer shall not substitute his or her judgment
249 for the assembly, municipal administrator, municipal attorney or other parking authority which
250 enacted the regulation or ordinance and shall not reduce the civil fine below that provided for
251 under SGC 11.40.170D.

252
253 E. Decision. No later than fifteen (15) days following the hearing, the hearing officer shall issue
254 a written decision based on findings and conclusions adopted by the hearing officer. Such
255 findings must be in writing and must be reasonably specific so as to provide interested persons,
256 and where appropriate, reviewing authorities, a clear and precise understanding of the reasons
257 for the decision entered. The decision, findings of fact and conclusions of law shall be
258 forwarded to all parties to the appeal.

259
260 F. Payment. If the hearing officer upholds the notice of violation the appellant shall pay the civil
261 fine, any applicable late fees that were not previously waived, and costs of collection, if
262 applicable.

263
264 G. Reconsideration and rehearing. The decision of the hearing officer reached at the conclusion
265 of a quasi-judicial proceeding or administrative hearing may be reconsidered or reheard only if:

266 1. There was substantial procedural error in the original proceedings;

- 267 2. The hearing officer acted without jurisdiction; or
- 268 3. The original decision was based on fraud or misrepresentation.

269

270 Any person seeking reconsideration or rehearing must file a request with the municipal clerk
271 together with the materials supporting one or more of the grounds stated above within fifteen
272 (15) days of the decision for which reconsideration or rehearing is requested. A rehearing, if
273 granted, shall be conducted in the same manner as the original proceeding including any
274 requests for continuances by either party.

275

276 I. The decision of the hearing officer may be appealed to the superior court pursuant to Alaska
277 Statute 22.10.020(d), Alaska Rules of Court, Appellate Rule 602(b)(2) which require such
278 appeal to be filed within thirty (30) days of the issuance of the decision.

279

280 **5. EFFECTIVE DATE.** This ordinance shall become effective 30 days after the date of
281 this passage.

282

283 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of
284 Sitka, Alaska this 23rd day of July, 2013.

285

286

287 _____
Mim McConnell, Mayor

288 **ATTEST:**

289

290 _____
291 Colleen Ingman, MMC
292 Municipal Clerk

P O L I C E

DEPARTMENT

MEMO

City and Borough of Sitka

To:	City Administrator Jay Sweeney
From:	Chief Sheldon Schmitt <i>SS</i>
Subject:	Parking Ordinance- Civil Process
Date:	June 16, 2013

Background

The Alaska Court System made some changes earlier this year that have had a sweeping impact. This is reflected in the attached documents, Administrative Bulletin 83 and a memo from the Alaska Courts System addressing the change to Minor Offense Rule 3(g). Among the many impacts was the new rule that all citations must be personally served by the issuing officer. This specifically affected parking citations. They can no longer be filed in court if they are left on a vehicle. The court system advised that communities adopt ordinances allowing for civil penalties and set up a process for challenging the citations within the City or issuing agency.

Analysis

Other communities were similarly impacted as Sitka. We looked at what they were doing to address the problem of parking citations. Most were planning to change their parking ordinances to set up a civil process. Some communities already had a civil process in place. A couple communities were simply not going to write parking citations or only write those that could be personally served.

We anticipated that the community would want to continue parking enforcement, so we looked for the best, cleanest civil parking ordinance we could find. Juneau's new ordinance was selected as an appropriate model. We crafted an amendment to the parking portion of Sitka General Code Chapter 11, "Standing Stopping and Parking". This amendment allows for civil fines and creates an administrative appeal process for parking violations.

Fiscal note

There is no fiscal impact in adopting the amended parking ordinance to create a civil process. However, if we choose not to amend the parking ordinance there would be approximately \$20,000 in lost revenue from parking enforcement.

Recommendation

My recommendation is to present to the Assembly for their approval, an amended parking ordinance that establishes civil penalties and an administrative appeal process for people who want to challenge a parking citation.

Cc; Robin Koutchak

11.12.070 Registered owner responsible for illegal parking and nonmoving violations.

 SHARE    

Every person in whose name a vehicle is registered (licensed) shall be responsible for any parking or angle parking of the vehicles and for all offenses other than moving violations. It shall be no defense to a charge that the vehicle was used by another, unless it is shown that at such time such vehicle was being used without the consent of the registered (licensed) owner thereof. (Ord. 73-64 § 3 (part), 1973.)

MEMORANDUM

Alaska Court System
Office of Administration

To: See Distribution List

Date: March 19, 2013

From: Susan Miller and
Charlene Dolphin

Subject: Personal Service Requirement
for Minor Offense Citations

Beginning April 15, officers must use new citation forms that meet the requirements of the new [minor offense rules](#) (link) and [Administrative Bulletin 83](#) (link). As required by AS 12.25.175(a)(2), the new citation forms require the officer to certify under penalty of perjury that the officer "personally served this citation on the defendant."

Minor Offense Rule 3(g) further provides:

"In this rule, personal service means the officer must deliver the citation to the defendant personally in accordance with AS 12.25.175-190."

This means that:

1. Citations may NOT be served:

- by certified mail, or
- by being left on a vehicle or the door of a house, or
- by an officer other than the issuing officer, or
- by a process server.

The court system recognizes that this may cause problems or additional work for agencies and cities, but the statutes do not currently authorize other methods of serving citations. If a citation cannot be personally served, the officer may file a complaint or the prosecutor may file an information under Minor Offense Rule 4. The court may then issue a summons, if the judicial officer finds probable cause. The summons may be served using one of the methods described in Rule 4(e), which includes certified mail and other methods.

2. Parking citations left on vehicles **CANNOT** be filed with the court. However, if a parking citation is personally served, it can be filed with the court.

Cities and state agencies that issue parking citations may want to consider an alternative procedure. Instead of making these offenses "minor offenses, cities and agencies could instead enact ordinances or regulations establishing civil penalties for parking offenses, allowing service by leaving the citation on a vehicle, and establishing a process for defendants to challenge these parking citations within the city or agency.

Distribution:

Christine Johnson
Presiding Judges
District Court Judges
Magistrate Judges
Clerks of Court
Area Court Administrators
Rural Court Training Assistants
Senior Staff
CMS Team
Helen Sharratt
Diane Schenker
Richard Svobodny, Deputy Attorney General, Criminal Division
Municipal Prosecutors
Col. Keith Mallard, Director, Alaska State Troopers
Lt. Kat Peterson, Alaska State Troopers
Chiefs of Police
Lucretia Woods, Dept. of Law, Anchorage
Scott Brandt-Erichsen, Ketchikan Gateway Borough
Cassandra Tilly, Fairbanks North Star Borough
Nicholas Spiropoulos, Mat-Su Borough
Richard B. Thompson, Southcentral Regional Manager, Div. of Mining, Land & Water
Clair LeClair, Deputy Director, Div. of Parks and Outdoor Recreation
Adam Smith, Div. of Mining, Land & Water
Douglas Deiman, Weights and Measures Div., DOT
Justin Doll, Anchorage Police Dept.

ALASKA COURT SYSTEM
OFFICE OF THE ADMINISTRATIVE DIRECTOR
ADMINISTRATIVE BULLETIN NO. 83

TO: ALL HOLDERS OF ADMINISTRATIVE BULLETIN SETS:

All Justices	Senior Staff
All Judges	Court Analysts
Area Court Administrators	Central Services Supervisor
Clerk of the Appellate Courts	Judicial Services
Rural Court Training Assistants	APD Warrants
All Clerks of Court	
All Magistrates	
Law Libraries at Anchorage, Barrow, Bethel, Dillingham, Fairbanks, Homer, Juneau, Kenai, Ketchikan, Kodiak, Kotzebue, Nome, Palmer, Petersburg, Sitka, Valdez & Wrangell	

OTHERS: Department of Public Safety, Department of Law Criminal Division, Municipal Police Chiefs, and Municipal Prosecutors

SUBJECT: Minor Offense Citation – Required Contents

This bulletin is issued pursuant to Minor Offense Rule 3(c). The term "minor offense" is defined in Minor Offense Rule 2. Because misdemeanors may also be charged on a citation, the form of the citation described in this bulletin includes fields necessary when misdemeanors are charged on a citation.

Dated: March 7, 2013
Effective Date: April 15, 2013

/S/
Christine E. Johnson
Administrative Director

Bulletin History: Originally issued March 7, 2013

A. Format

1. Paper Citations.

Paper citations must be printed on 8.5" x 11" paper and must look exactly like the paper citation form approved by the Alaska Court System (ACS) for the Department of Public Safety (DPS). The approved citation is shown in Appendix A. The Alaska Uniform Citation published by the DPS is available without charge to all agencies authorized to issue citations.

2. Electronic Citations.

Agencies that want to file minor offense citations electronically with the court system must comply with Minor Offense Rule 22. Agencies may either use the TraCS electronic citation software and hardware available from DPS or develop their own electronic citation solution. Agencies must contact the court system's Information Services Department for the required technical specifications. The printed version of electronic citations must look exactly like the printed version of the TraCS electronic citation approved by the ACS.

B. Required Contents

1. Defendant and Offense

- a. Each citation may name only one defendant and only one offense. Minor Offense Rule 3(a).
- b. Except as provided in (c), a citation must name an individual as the defendant and must list the following:
 - (1) the defendant's full name, including middle name or initial, if known;
 - (2) the defendant's date of birth, if known;
 - (3) the defendant's driver's license number or state identification number, if known, including the issuing state and whether the license is a commercial driver's license;
 - (4) the defendant's mailing and residence address and defendant's phone numbers, if known;
 - (5) the defendant's APSIN ID, if known.

- c. Businesses, corporations, limited liability companies and other entities. Minor Offense Rule 3(h).
 - (1) Sole Proprietorship. A citation issued to a sole proprietorship must name the owner of the business as the defendant and provide the information in b above. The name of the business must be listed in the description of the offense. The citation must be personally served on the owner of the business as provided in 7 below.
 - (2) Corporation and Limited Liability Company. A citation issued to a corporation or limited liability company must name the corporation or company as the defendant. The mailing address for the entity must be listed on the citation. The officer must personally serve the citation on the on-site manager, a managing member, an officer, a managing or general agent, or on any other agent authorized by appointment or by law to receive service of process. If personal service cannot be made on one of the above in Alaska, service may be made as provided in AS 10.06.175(b) or 10.50.065(b).
 - (3) Partnership, Unincorporated Association or Other Entity. A citation issued to a partnership, unincorporated association or other entity must name the entity as the defendant and must be served on a person designated for that entity in Civil Rule 4. The mailing address for the entity must be listed on the citation.

- d. Classification of Offense
 - (1) The citation must state whether the offense is being charged as a minor offense under the Minor Offense Rules or as a misdemeanor or AS 04.16.050(b) & (c).¹
 - (2) For fish and game offenses, the citation must indicate whether the offense is being charged as a strict liability violation.²

¹ Minor Consuming Alcohol (AS 04.16.050(b) and Repeat Minor Consuming (AS 04.16.050(c)) are neither minor offenses nor misdemeanors. They are unclassified offenses, so they must be listed separately on the citation form.

² Since most fish & game offenses may be charged as either a misdemeanor or a strict liability violation (minor offense), the officer must indicate on the citation how the offense is being charged.

(3) Citations must indicate if an offense is a commercial fishing offense.

e. State Laws Adopted by Reference by Municipalities

If a municipality has adopted state statutes or regulations by reference, the citation must list the statute or regulation being charged and indicate that it was adopted by reference.

2. Uniform Table of Minor Offenses

The citation must include the statute, regulation or ordinance that the defendant is alleged to have violated as identified in the uniform table of minor offenses maintained by the court system. Minor Offense Rule 3(b). Both the number and the description must match the number and description listed in the table.

3. Rule Requirements

As stated in Minor Offense 3(c), citations must include:

- a. The essential facts constituting the offense charged. If necessary, the offense description field should be used to list any additional facts not provided in other fields that are necessary to establish the essential facts.
- b. Notice of the defendant's rights listed in AS 12.25.200, as shown in the approved DPS citation form in Appendix A.
- c. The procedure for responding to the citation, as shown in the approved DPS citation form in Appendix A, including whether the offense is a mandatory court appearance offense, optional appearance offense, or a correctable offense.
- d. The consequences of a failure to respond, as shown in the approved DPS citation form in Appendix A.
- e. If forfeiture of seized items is authorized by statute or ordinance, the citation must list the seized items and state that they will be forfeited if defendant waives appearance by entering a no contest plea or if a default judgment is entered.

4. Penalty Information

The citation must inform the defendant of the following:

- a. any applicable bail forfeiture amount established by the supreme court or scheduled fine amount established by municipal ordinance;
- b. any applicable surcharge amount required by law;
- c. the number of driver license points that will be assessed if the defendant is convicted of the alleged offense; and
- d. if the offense is an optional court appearance offense, the total amount due.

5. DPS Requirements

In addition to meeting the requirements of this bulletin, all citations filed with the court must comply with any standards adopted by DPS under AS 12.25.175. Minor Offense Rule 3(d).

6. Social Security Number – Must Not Appear

The defendant's social security number must not appear on a citation. Minor Offense Rule 3(e).

7. Probable Cause and Personal Service

The officer must state on the citation that the officer has probable cause to believe the defendant committed the offense but need not state the grounds for the probable cause determination beyond the essential facts. The officer must certify, under penalty of perjury, that the information in the citation is true and that the officer personally served the citation on the defendant. Minor Offense Rule 3(f). As provided in Minor Offense Rule 3(g), personal service means the officer must deliver the citation to the defendant personally in accordance with AS 12.25.175-190.

8. Offenses Committed in Traffic Safety Corridors and Highway Work Zones

If a motor vehicle offense is charged, the citation must indicate if the offense occurred in a traffic safety corridor or a highway work zone as provided in AS 28.90.030.

9. Offenses Involving Motor Vehicle Accidents. If an offense involves a motor vehicle accident, the citation must indicate whether the **accident** resulted in the **death** of a person.³

10. Commercial Driver's License and Commercial Motor Vehicles Offenses

If the offense involves a motor vehicle and if the defendant holds a commercial driver's license (CDL) or is driving a commercial motor vehicle (CMV), the citation must indicate whether the **offense** resulted in **physical injury to a person**;⁴

11. Commercial Motor Vehicle Offenses

If an offense involves the use of a commercial motor vehicle as defined in AS 28.90.990(a)(2), the citation must indicate if the motor vehicle is:

- a. over 10,000 lbs,
- b. over 26,000 lbs,
- c. designed to transport more than 15 passengers, or
- d. used in the transportation of hazardous materials.⁵

³ AS 28.05.151(e) states: "The supreme court, in establishing scheduled amounts of bail under this section, and each municipality that establishes or has established a fine schedule under this section may not allow for the disposition of an offense without court appearance for a person who is cited for violation of the traffic laws in connection with a motor vehicle accident if the accident resulted in the death of a person. In this subsection, 'traffic laws' has the meaning given in AS 28.15.261." Also see AS 28.33.140(a)(10) about possible disqualification of CDL by the Division of Motor Vehicles if negligent operation of a CMV causes a fatality.

⁴ AS 28.33.140 states: "Conviction resulting in disqualification from driving commercial vehicle.
(a) In addition to any court action or administrative action in this or any other jurisdiction, conviction of a person who holds or is required to have a commercial driver's license of any of the following offenses is grounds for immediate disqualification from driving a commercial motor vehicle for the periods set out in this section: ... (6) a serious traffic violation." The term "serious traffic violation" is defined in AS 28.33.190(16)(D): "violation of a law or ordinance relating to traffic control, which was determined by the court by a preponderance of the evidence to have been a factor in causing physical injury to a person;"

⁵ "Lbs." means the "gross vehicle weight rating or gross combination weight rating."
AS 19.10.399, AS 28.40.100, and 17 AAC 25.250.

The regulations in 13 AAC 03 apply to any vehicle or combination which (1) has a gross vehicle weight rating or gross combination weight rating greater than **26,000 pounds**, or (2) is designed to transport more than 15 passengers, including the driver, or (3) is used to transport hazardous materials. See AS 28.40.100(a)(2) for a more complete definition of "commercial motor vehicle" as applied to the offenses in chapter 03 of 13 AAC. This definition applies to all the statutes in Title 28 and all the regulations adopted under Title 28. Note that this definition does not apply to the statutes in AS 19.20.300-.399 (Commercial Motor Vehicle Requirements) or to the regulations in 17 AAC 25 (Commercial Vehicle Motor Vehicles).

The regulations in 17 AAC 25 apply to any vehicle or any combination which either (1) has a gross vehicle weight rating or gross combination vehicle weight rating greater than **10,000 pounds**, or (2) is designed

12. Game Restitution

If a mandatory court appearance offense involves the unlawful taking of an animal listed in AS 16.05.925(b), the citation must name the animal taken and list the restitution amount listed in the statute.

APPENDIX A – PAPER CITATION

Paper citations must be printed on 8.5" x 11" paper in at least four-part sets, as follows:

- Original to be filed with the court or the city (printed on white paper)
- One copy for the agency (printed on pink paper)
- One copy for the defendant to keep (printed on green paper)
- One copy for the defendant to mail with response (printed on white paper)

Paper citations must look exactly like the paper citation form approved by the Alaska Court System (ACS) for the Department of Public Safety (DPS). The front of the citation and the back of each of the four copies are shown below.

Front of Citation	See page 9
Back of Original Citation	See page 10
Back of Agency Copy	See page 11 (This wording is optional.)
Back of Defendant's Copy to Keep	See page 12 This page must be printed in Arial 10 font.
Back of Defendant's Copy to Mail	This copy is identical to the back of the defendant's copy to keep on page 12, except in the bottom right corner, the word's "Defendant Copy to Keep" should be replaced with "Defendant Copy to Mail."

The Alaska Uniform Citation published by the DPS is available without charge to all agencies authorized to issue citations.

CITATION #

Defendant _____ Agency ID **P** _____
Last First Middle Suffix

Plaintiff _____ Agency _____ Agency case # _____

CITATION FOR MINOR OFFENSE MISDEMEANOR AS 04.16.050(b) & (c) Minor Consuming
 F&G Offense charged as strict liability violation Yes No

District Court at _____ Judicial District: _____ Court Case# _____

DEFENDANT

DOB _____ Age _____ Driver's Lic _____ State _____ Class _____ APSIN ID _____
 Hair _____ Eyes _____ Race _____ Sex _____ Ht _____ Wt _____ Ph _____ Wk Ph _____
 Res Addr _____
 Mail Addr Same _____ Employer _____

VEHICLE

Lic/Reg _____ St _____ Expires _____ Yr _____ Make _____ Model _____ Color _____ ADF&G _____
 Commercial: Over 10,000 lbs Over 26,000 lbs Over 15 psngr HazMat DOT INSP# _____ USDOT# _____

OFFENSE

Date _____ Time _____ ATN _____ CTN _____ Code _____
 Location _____ Loc. Code _____ Hwy Work Zone Safety Corridor
 Statute Regulation Ordinance Adopted by reference Section _____
 Offense: _____
 Over Limit _____ MPH in a _____ MPH Zone Damage Only Injury Fatality Commercial Fishing

Item(s) Seized that can be forfeited per AS 16.05.190, AS 04.16.205 or other statute/ordinance (list other statute/ordinance: _____):

Game Restitution amount for _____ taken illegally: \$ _____ AS 16.05.925(b) for mandatory appearance offense only.

PENALTY Driver License Points _____ Bail/Fine \$ _____ Surcharge \$ _____ Total Due \$ _____

I have probable cause to believe the defendant committed the above offense. I certify under penalty of perjury that the above information is true and that I **personally** served this citation on the defendant.

Officer's Signature Officer's Printed Name ID Date Served on Defendant

REQUIRED RESPONSE

MANDATORY COURT APPEARANCE. You must appear on _____ at _____ AM/PM.
If you fail to appear: For a misdemeanor or a minor consuming alcohol charge, a warrant will be issued for your arrest. For a minor offense, a default judgment will be entered against you as explained on the back of this citation.

Court's Physical Address: _____

CORRECTABLE. This citation will be dismissed if, **within 30 days**, you:
 Correct the defect and present the vehicle for inspection
 Show proof of a valid license
 Show proof of valid insurance
 at any Alaska State Trooper Post or _____
 If you do not, you must pay online or fill out the back of this form and mail it **within 30 days** to: (court or city)

OPTIONAL COURT APPEARANCE. **Within 30 days** you must pay online or fill out the back of this form and mail it to:
 (court or city mailing address) _____

JUDGE'S NOTES FOR MINOR OFFENSE JUDGMENT
(Electronic record in CMS is the official judgment. MO Rule 20(a))

Default Judgment because defendant failed to appear for trial.

Plea: No Contest Guilty

Trial: Not Guilty Guilty

Dismissed by: Prosecution

Court because:

unnecessary delay in bringing defendant to trial

prosecution or representative failed to appear for trial

defendant was not the person whom the prosecution intended to charge

in furtherance of justice because _____

SENTENCE

Date: _____

Fine: \$ _____ Due Date: _____

Surcharge: \$ _____ Due Date: _____

Restitution Ordered:¹ [Can be ordered only for mandatory court appearance offenses. MO Rule 10(d).

CR-465 Restitution Judgment must be entered when restitution is ordered.]:

Game Restitution: \$ _____ Other Restitution: \$ _____ for _____

Forfeiture.² The following items are ordered forfeited:

Seized items required by statute/ordinance to be forfeited: _____

Items authorized (but not required) to be forfeited by statute/ordinance: _____

All fish, or its fair market value, taken or retained as a result of a strict liability commercial fishing violation as provided in AS 16.05.722(b).

Court Costs: \$25 (if default judgment)

Collection Costs: \$25 (if transferred for collection)

¹ Minor Offense Rule 10(d) **Restitution.** If the offense is a mandatory appearance offense, the court may order restitution as provided in AS 16.05.925(b) or any other statute or ordinance authorizing restitution. If the offense is a mandatory appearance offense, any default judgment entered must order payment of any applicable restitution listed in AS 16.05.925(b). As provided in AS 16.05.165(d), restitution under AS 16.05.925(b) may not be ordered for offenses for which bail has been forfeited under AS 16.05.165(c).

² Minor Offense Rule 10(c) **Forfeiture.**

(1) A default judgment or a judgment entered on a no contest plea must order forfeiture of any seized items listed on the citation or other charging document.

(2) All other judgments of conviction must order forfeiture of:

(A) all fish and game seized under AS 16.05.190 and listed on the citation or other charging document,

(B) all fish, or its fair market value, taken or retained as a result of a strict liability commercial fishing violation as provided in AS 16.05.722(b),

(C) any seized items listed on the citation or other charging document if a statute or ordinance requires the item to be forfeited upon conviction, and

(D) any other items ordered by the court to be forfeited when forfeiture is authorized by statute or ordinance.

(3) Forfeited items shall be disposed of at the discretion of the prosecuting authority, unless otherwise ordered by the court.

OPTIONAL COURT APPEARANCE INSTRUCTIONS

Check one of the boxes below and provide the requested information. Within 30 days, mail this response to the address listed on the front.

NOTE: If you plead NO CONTEST, you may be able to pay on line at: www.courtrecords.alaska.gov. If you pay online, you do not need to fill out or mail/deliver this form to the address on front.

DEFENDANT'S RESPONSE

- I plead NO CONTEST. I am enclosing a check or money order payable to the plaintiff for the total due. (Do not send cash.) I understand that
1. I am giving up my right to a trial and the other rights listed below.
2. A judgment of conviction will be entered against me.
3. The number of points shown on the front will be assessed against my driver's license.
4. Any seized item listed on the front of this citation will be forfeited.
5. If this is my second or subsequent conviction for an optional appearance fish and game offense in the last two years, an action may be filed to revoke my license under AS 16.05.410(g).
6. If this is a commercial fishing offense, points may be assessed against my fishing permit.
I plead NOT GUILTY and request a trial. I have read and understand my rights listed below. (Do not send money. The court will send you a notice of the trial date.)
I do not wish to enter a plea at this time. I want to appear in court to have a judge explain the charges and my rights to me before I enter a plea. (The clerk will give you a date and time to appear. This is NOT a trial.)

Signature Printed Name Date
Mailing Address Day Phone Cell

CONSEQUENCES FOR FAILURE TO RESPOND TO MINOR OFFENSE CITATION

- If you fail to respond within 30 days, a default judgment will be entered against you for:
A fine in the amount shown on the front or, for mandatory appearance offenses, the maximum fine permitted by law (To find out the maximum fine, (1) contact the clerk of court; or (2) look at the CourtView docket at: www.courtrecords.alaska.gov), AND
\$50 in court and collection costs, AND
Restitution if required by law, AND
Forfeiture of any seized item listed on the front of this citation, AND
If your fine is \$30 or more, you will also be assessed surcharge(s) required by statute, AND
If this offense involves a moving motor vehicle, points will be assessed against your driver's license.
If this is a commercial fishing offense, points may be assessed against your fishing permit.

Efforts to collect this judgment will include attachment of your Permanent Fund Dividend.

FOR A MINOR OFFENSE, YOU HAVE THE RIGHT TO

- 1. A trial;
2. Hire a lawyer to represent you in court;
3. Confront and question witnesses;
4. Testify; and
5. Have subpoenas issued to compel witnesses to appear on your behalf.



Legislation Details

File #: 13-136 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 7/1/2013 In control: City and Borough Assembly

On agenda: 7/9/2013 Final action:

Title: Approve Sitka Counseling and Prevention Services Expansion of a Quasi Institutional Use Conditional Use Permit - 701 Indian River Road

Sponsors:

Indexes:

Code sections:

Attachments: [SCPS Motion and BOA Outline](#)
[SCPS cup](#)

Date	Ver.	Action By	Action	Result
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1.
MOTION
BOARD OF ADJUSTMENT

I MOVE to convene as the Board of Adjustment

2.
MOTION

I MOVE TO APPROVE a conditional use permit request filed by Sitka Counseling and Prevention Services Inc. for expansion of a quasi institutional use at 701 Indian River Road to increase the maximum number of clients from 8 to 16 and approve the findings of the Planning Commission by reference.

3.
MOTION
RECONVENE

I MOVE to reconvene as the Assembly in regular session.

BOA – HEARING OUTLINE
Conditional Use Permit

- I. **Board of Adjustment** (BOA) - Assembly (*SGC 22.30.060A*)
- A. Quasi-judicial – avoid *ex parte* contacts
 - B. Authority to approve or deny conditional use permits -*SGC 22.30.060A*¹
 - C. Assembly’s Other Options - *SGC 22.30.170B.1*²
 - 1. Approve Planning Comm’n recommendation
 - 2. Approve with additional conditions
 - 3. Modify with or without applicant’s consent (some limitations)
 - 4. Deny application
 - 5. Remand –
 - a. Issues not covered
 - b. Procedural due process problems (new pertinent evidence)
- II. **Review Criteria**
- A. Assembly reviews Planning Comm’n recommended decision regarding conditional use permit applications – *SGC 22.30.050F*³

¹ *SGC 22.30.060 Board of adjustment.*

The assembly of the city and borough shall function as the board of adjustment with the authority to:

- A. *Approve or deny conditional use permits.*

* * *

² *SGC 22.30.170 Assembly actions.* (emphasis added)

* * *

B. *Decisions. The assembly shall make its decision by motion or ordinance as appropriate.*

1. An assembly decision on a planning commission recommendation or following a public hearing shall include one of the following actions:

a. Approve as recommended.

b. Approve with additional conditions.

c. Modify, with or without the applicant’s concurrence; provided, that the modifications do not:

i. Enlarge the area or scope of the project.

ii. Increase the density or proposed building size.

iii. Significantly increase adverse environmental impacts as determined by the responsible official.

d. Deny (reapplication or resubmittal is permitted).

e. Deny with prejudice (reapplication or resubmittal is not allowed for one year).

f. Remand for further proceedings.

³ *SGC 22.30.050 Planning commission.*

The planning commission shall be constituted in accordance with Chapter 2.18 of this code and the Sitka Home Rule Charter and shall have the responsibility of reviewing and acting on the following:

* * *

B. Planning Comm'n decision and recommendation in this case regarding conditional use permit applications subject to Assembly review

C. Nature of the review by Assembly – review recommended Findings of Fact and General Approval Criteria Considerations and proposed conditions made by Planning Commission regarding each conditional use permit application

1. **FF criteria– All criteria must be met (SGC 22.30.160C)**

- a. Not detrimental to public health, safety, general welfare;
- b. Not adversely affect established character of surrounding vicinity;
- c. Not injurious to uses, property or improvements adjacent to or in vicinity;
- d. Not inconsistent with Comprehensive Plan;
- e. Conditions to lessen impacts are monitorable & enforceable
- f. No hazardous conditions that cannot be mitigated regarding adjacent & vicinity properties ; and
- g. Not adversely affect public facilities & services, or imposed conditions mitigate impact.

2. **General Approval Criteria Considerations (SGC 22.20.160C)**

- a. Effects of the conditional use on site (topography, slope and soil stability) and geophysical hazards (flooding, surface and subsurface drainage, water quality);
- b. Utilities and service requirements (sewers, storm drainage, water, fire protection, access and electrical power);
- c. Lot or tract characteristics (lot size, yard requirements, lot coverage and height of structures);
- d. Use characteristics that affect adjacent uses and districts (operating hours; number of persons, traffic, parking and loading, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements); and
- e. Community appearance (landscaping, fencing, screening).

3. **Proposed Conditions**

F. Recommendations on conditional use permit applications.

* * *

4. SGC 22.30.160C – Planning Comm’n decision requirements⁴

⁴ SGC 22.30.160 *Planning commission review and recommendation.* (emphasis added)

Planning commission decision and action authority is defined in Section 22.30.050.

* * *

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

1. *The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:*

- a. *Be detrimental to the public health, safety, and general welfare;*
- b. *Adversely affect the established character of the surrounding vicinity; nor*
- c. *Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.*

2. *The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation.*

3. *All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.*

4. *The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.*

5. *The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.*

6. *Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.*

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

1. *Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;*

2. *Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;*

3. *Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;*

4. *Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking*

III. BOA Procedure

A. Packet Review

1. Planning Comm'n FF and motions
2. Planning Comm'n minutes
3. Planning Comm'n record (written submissions)

B. Hearing (SGC 22.30.180)⁵

1. Follow Assembly procedures
2. Order
 - a. Staff
 - b. Applicant
 - c. Public
 - d. Rebuttal
 - i. Staff
 - ii. Applicant
 - e. Close evidentiary hearing – Deliberate
 - f. Make Findings of Fact & Decision
 - i. Planning Comm'n recommended Findings of Fact and conditions
 - ii. Modify FF and conditions (use *SGC 22.30.160C* criteria)

C. Burden of proof on Applicant (SGC 22.30.160C.6)⁶

and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;

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

⁵ *SGC 22.30.180 Procedures for public hearings.* (emphasis added)

Public hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to create or supplement an evidentiary record upon which the body will base its decision. The chair shall open the public hearing and, in general, observe the following sequence of events:

A. *Staff presentation*, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.

B. *Applicant presentation*, including submittal of any materials. Members of the hearing body may ask questions of the applicant.

C. *Testimony or comments by the public* germane to the matter. Questions directed to the staff or the applicant shall be posed by the chair at its discretion.

D. *Rebuttal, response or clarifying statements by the staff and the applicant.*

E. *The evidentiary portion of the public hearing shall be closed and the hearing body shall deliberate* on the matter before it.

⁶ *SGC 22.30.160 Planning commission review and recommendation.* (emphasis added)

* * *

D. Assembly Options – See Section I.B above

IV. Actions after Assembly Decision

A. Remand - *SGC 22.30.200*⁷

B. Reconsideration - *SGC 22.30.190*⁸

C. Judicial Appeal (Superior Court – Sitka) - *SGC 22.30240A*⁹

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

** * **

6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

⁷ *SGC 22.30.200 Remand.*

In the event the assembly determines that the public hearing record or record on appeal is insufficient or otherwise flawed, the assembly may remand the matter back to the hearing body. The assembly shall specify the items or issues to be considered and the time frame for completing the additional work. The assembly may hold a public hearing on a closed record appeal only for the limited purposes identified in the remand.

⁸ *SGC 22.30.190 Reconsideration.*

A party to a public hearing or closed record appeal may seek reconsideration only of a final decision by filing a written request for reconsideration with the administrator within fourteen calendar days of the oral announcement of the final decision. The assembly shall consider the request at its next regularly scheduled meeting. If the request is denied, the previous action shall become final. If the request is granted, the assembly body may immediately revise and reissue its decision or may call for argument in accordance with the procedures for closed record appeals.


⁹ *SGC 22.30.240 Judicial appeal.*

A. Appeals from the final decision of the assembly, or other city board or body involving Title 21 SGC, and for which all other appeals specifically authorized have been timely exhausted, shall be made to superior court within thirty days of the date the decision or action became final, unless another time period is established by state law or local ordinance.

** * **

MEMORANDUM

To: Jay Sweeney, Interim Municipal Administrator
Mayor McConnell and Members of the Assembly

From: Maegan Bosak, Planner I 

Subject: Sitka Counseling and Prevention Services Expansion of Quasi Institutional Use
Conditional Use Permit

Date: June 28, 2013

The Planning Commission is recommending approval of a conditional use permit request for expansion of quasi institutional use for Sitka Counseling and Prevention Services at 701 Indian River Road. Action on this item was taken at the June 18, 2013 Planning Commission meeting. The recommendation to approve the request passed 4-0. A detailed set of findings were made by the board.

The applicant currently has a conditional use permit for quasi institutional use (issued for this location in 2004) on the 2nd floor of the facility, meeting the needs of 8 male clients. This new permit will enable expansion of services to the 1st floor, changing the use from office space to quasi institutional, and allowing 8 additional female clients. The new conditional use permit will allow a residential quasi institutional use on both floors of the facility and up to 16 clients.

The expanded residential use will operate all day, everyday and will be staffed accordingly. The applicant anticipates that this expansion will have little to no effect on the surrounding neighborhoods, except the possibility of decreasing traffic as most clients do not drive.

The Planning Commission was in support of the request and noted the need in the community for these services as the Bill Brady Healing House has closed. It was the view of the applicant, the Planning Office and the Planning Commission, that the residential use on the first floor would have smaller potential impacts from the offices that are currently permitted. Sitka Counseling and Prevention Services will immediately begin this new program.

Prior Sitka Counseling conditional use permits received significant public scrutiny. One of those requests was the subject of litigation. However, the Planning Office has not received any comments on this request.

Recommendation:

Approve the request and approve the findings of the Planning Commission by reference.

Staff recommended the following findings in support of the approved request:

MOTION: M/S WESTOVER/SPIVEY moved to approve the following findings in support of the recommended approval:

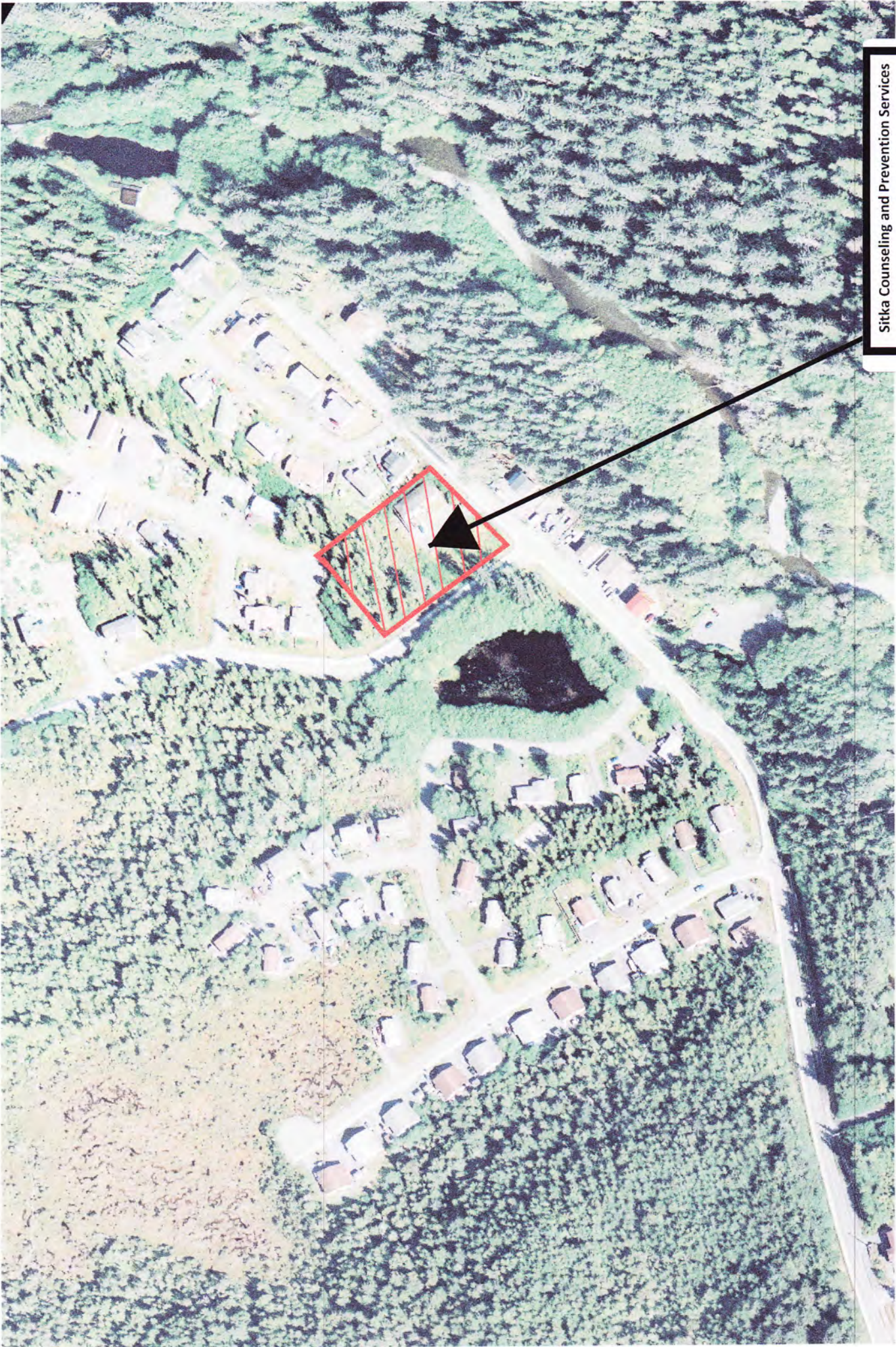
1. That the conditional use permit will not be detrimental to public health, safety, and general welfare;
2. That the facility will not adversely affect the established character of the surrounding vicinity;
3. Nor be injurious to the uses, properties, or improvements adjacent to the operation;
4. That the granting of the proposed conditional use permit is consistent with Comprehensive Plan policies 2.1.1 Contribute to a stable, long-term, local economic base, 2.1.5 Protect the health and well-being of the people and their surroundings, and 2.3.1 To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations without infringing on the rights of private landowners;
5. The Planning Commission finds that all conditions necessary to lessen the impact of the proposed use can be monitored and enforced;
6. That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties in the vicinity and public health, safety, and welfare of the community;
7. That the conditional use permit is supported and will not adversely affect adequate public facilities and services and that conditions have been imposed to lessen any impact on any such facilities;
8. The applicant has met the burden of proof;
9. The Planning Commission has determined that the project can be supported by the site topography and there are no geophysical hazards present;
10. That the project is adequately served by utilities, fire protection and access to electrical power;
11. That the lot characteristics are adequate to support the proposed conditional use permit;
12. That the Planning Commission has evaluated the conditional use permit with regards to impact on adjacent uses and districts and has evaluated it with regard to hours of operation, numbers of clients, and off street parking;
13. That the Planning Commission has reviewed the presence of landscaping and buffers;
14. The Planning Commission has evaluated the proposed use in relationship to the amount of vehicular traffic to be generated and impacts on the adjacent properties and has not made any determination that traffic is an issue;
15. The Planning Commission has evaluated the conditional use permit with regards to noise and has not made any determination that noise is an issue;
16. The Planning Commission has determined that odors are not an issue and has not been raised as such during public testimony;
17. The Planning Commission through the conditions specific to hours of operation have evaluated and not made any determination that hours of operation are an issue as the facility will be staffed at all times;
18. The facility is along two major collector streets;
19. The uses for a cut through street traffic are considered not applicable as there is no access on substandard streets;

20. The Planning Commission has evaluated the conditional use permit with regards to vehicular and pedestrian safety and has not made any determination that vehicular and pedestrian safety effects are an issue;
21. There is adequate opportunity for police, fire, and EMS personnel to respond to emergency calls;
22. The Planning Commission has evaluated the conditional use permit with regards to internal traffic layout and has not made any determination that internal traffic layout is an issue as it is not changing;
23. The effects of signs on nearby uses is not considered an issue as signage is covered elsewhere in the Sitka General Code and signage is not proposed for the use;
24. Buffers to adjacent property owner(s) have been evaluated only in so far as necessary with regards to the buffer along the rear of site in the large trees;
25. The relationship to the comprehensive plan has been evaluated and referenced; and
26. The Planning Commission has evaluated and made conditions in response to public comments that have surfaced through the course of the extensive review of this process.

ACTION: Motion **PASSED unanimously** on a voice vote.



Sitka Counseling and Prevention Services
Conditional Use Permit
701 Indian River Road



Sitka Counseling and Prevention Services
Conditional Use Permit
701 Indian River Road

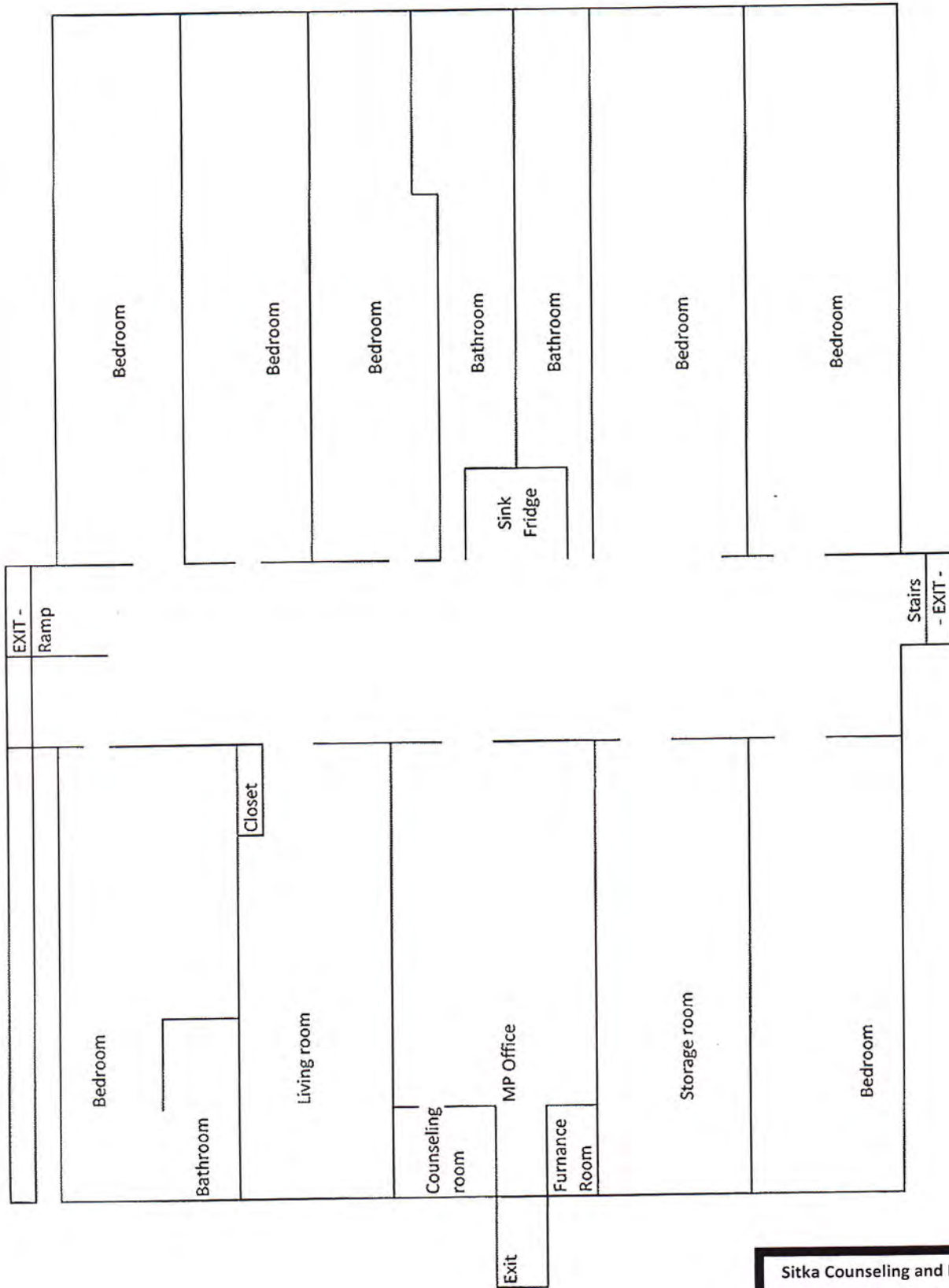


Sitka Counseling and Prevention Services
Conditional Use Permit
701 Indian River Road



Sitka Counseling and Prevention Services
Conditional Use Permit
701 Indian River Road

Indian River Emergency Escape Route
1st floor



Sitka Counseling and Prevention Services
Conditional Use Permit
701 Indian River Road

*Meet at designated assembly point: Across parking lot

CITY AND BOROUGH OF SITKA
PLANNING DEPARTMENT
CONDITIONAL USE PERMIT APPLICATION

Conditional Use Permit FEE \$100.00
plus current city sales tax

APPLICANT'S NAME: Sitka Counseling and Prevention Services, Inc
PHONE NUMBER: 907-747-1417
MAILING ADDRESS: 113 Metlakatla St, Sitka, AK 99835

OWNER'S NAME: _____
(If different from applicant)
PHONE NUMBER: _____
MAILING ADDRESS: _____

PROJECT ADDRESS: 701 Indian River Rd.
LEGAL DESCRIPTION Lot: _____ Block: _____
Subdivision: _____
U.S. Survey: _____ Zoning Classification: _____

List specific request: Increase maximum number of Residential clients from 8 to 16.

State all reasons for justifying request: See attached

List all features and details of request: See attached

State the schedule and timing of request: See attached

Please attach drawings, maps, and additional narrative as appropriate.

The applicant must verify, to the satisfaction of the Public Works Department, that utility lines and services are not under proposed structures.

In applying for and signing this application, the property owner hereby grants permission to Municipal staff to access the property before and after Planning Commission's review for the purposes of inspecting the proposed and/or approved structures.

SIGNATURE OF APPLICANT: [Signature] Date: 5/24/13
SIGNATURE OF OWNER: _____ Date: _____
(If different from the applicant)

Approval will be based on plans submitted or approved by the Planning Commission or Assem

Sitka Counseling and Prevention Services
Conditional Use Permit
701 Indian River Road

Sitka Counseling and Prevention Services, Inc.
113 Metlakatla St., Sitka AK 99835
Conditional Use Permit Application Attachment

List specific request: Increase maximum number of clients from 8 to 16

State all reasons for justifying request:

- 1) The need for this program is great, and region wide. With the recent closure of the Bill Brady residential program, demand for our residential services has increased. The current wait time for another residential treatment program in southeast Alaska is two months.
- 2) This increased capacity will restore utilization of our facility to 100%. We currently only use one floor for service delivery.
- 3) Residential services will not have a noticeable increase in traffic to the building. (Providers only, clients do not typically have a vehicle)

List all features and details of request:

- 1) Men's program will remain on the second floor
- 2) Women's program will be on the first floor
- 3) Current office spaces will be furnished as bedrooms similar to the upstairs program.
- 4) Therapeutic individual and group services will be provided for residential clients only.
- 5) The existing Aurora's Watch Men's program will continue to be staffed 24/7, and the new program will have the same coverage.

State the schedule and timing of request.

We would like to implement this program as soon as possible.

Sitka Counseling and Prevention Services
Conditional Use Permit
701 Indian River Road

**CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
June 18, 2013**

Present: Jeremy Twaddle (Chair), Darrell Windsor (Member), Cheryl Westover (Member), Chris Spivey (Member), Wells Williams (Planning Director), Maegan Bosak (Planner I)

Members of the Public: Stephen Weatherman (CBS Municipal Engineer), Bart Meyer (BIHA), Cliff Richter (BIHA), Shannon Haugland (Sitka Setinel), Betty Richter, Nancy Yaw Davis, Joy Davis, Nancy Leclerc-Davidson, Amy Zanuzoski

Chair Twaddle called the meeting to order at 7:03 p.m.

Roll Call:

PRESENT: 4 – Twaddle, Windsor, Westover, Spivey

Consideration of the Minutes from the June 4, 2013 meeting:

MOTION: M/S SPIVEY/WESTOVER moved to approve the meeting minutes for June 4, 2013

ACTION: Motion **PASSED unanimously** on a voice vote.

The evening business:

**ZONING MAP AMENDMENT
PORTION OF LOT 5C, DEPARTMENT OF PUBLIC SAFETY SUBDIVISION USS 407, TRACT B
BARANOF ISLAND HOUSING AUTHORITY**

Public hearing and consideration of a proposed zoning map amendment to rezone a portion of Lot 5C, Department of Public Safety Subdivision US Survey 407, Tract B from R-2 MHP multifamily and mobile home district to I industrial district. This request is filed by Baranof Island Housing Authority. The property is located at the end of Yaw Drive.

Planning Director Williams describes scope of the project and process of public hearings. Staff is encouraging the Commission to take as many meetings as possible to make sure public has the opportunity to respond. Williams suggests the final hearing be August 6th and the Commission come to a motion and findings on August 20th.

APPLICANT: Bart Meyer, Executive Director, and Cliff Richter, Development Coordinator, with BIHA come forward to report on project changes. No changes for zoning increase. Commissioner Westover, after visiting the quarry, thinks the applicant should ask for more quarry land as the need for rock is so high. Meyer doesn't anticipate a surplus of rock and thinks there is an opportunity for expansion. The proximity of quarry could be a cost advantage for a multitude of projects going on in community. Intention is to rezone the final quarry back to R-2 MHP. BIHA hasn't talked to staff regarding asking for more rezoning but wonders if it would be

easier to do it all at once. Williams advises that a motion could include possibility of expansion – that way no one would be surprised if additional expansion is requested.

Stephen Weatherman, Municipal Engineer, reviews the plan and comments on the reclamation plan. Weatherman states the expansion meets all the requirements.

PUBLIC COMMENT: Nancy Yaw Davis comes forward encouraging Commissioners to look beyond the rock. Davis expresses concerns over the public process. She does not approve of plans as they stand now and does it think it is the best use of the land.

**CONDITIONAL USE PERMIT FOR NATURAL RESOURCE EXTRACTION
PORTION OF LOT 5C, DEPARTMENT OF PUBLIC SAFETY SUBDIVISION USS 407, TRACT
B
BARANOF ISLAND HOUSING AUTHORITY**

Public hearing and consideration of a conditional use permit request for natural resource extraction (rock quarry) & mining support facilities. The conditional use permit would allow for the expansion of the existing quarry at the end of Yaw Drive. The location area is 36 acres of land also known as Lot 5C, Department of Public Safety Subdivision US Survey 407, Tract B. This request is filed by Baranof Island Housing Authority.

Planning Director Williams reviews permit request and informs Commission that he spoke with BIHA and explained that the current request does not include a rock crusher on site.

Planner Bosak read letter from BIHA amending Conditional Use Permit to include potential use of a rock crusher. The letter reflects limited hours of operation specific to the rock crusher: Monday through Friday 8 am to 5 pm.

Williams says that rock crusher request will now be included on agenda.

APPLICANT: Meyer and Richter come forward again to answer questions. Crusher will move backward in quarry as progression happens, gradually decreasing noise impact to surrounding property owners. Chair Twaddle confirms that rock crushing would not happen in buffer zone. BIHA plans buffer zone to be a screen and provide noise abatement. Commissioner Westover questions drainage runoff. Not a fixed standard.

Municipal Engineer Weatherman states that this plan meets all requirements and that a rock crusher is a typical request.

Chair Twaddle reads public comment included in Commissioners packets. 1 letter in support of rezone/expansion and 1 against

Commissioner Spivey asks for the distance from the quarry to an actual residence. Williams responds "at least a couple thousand feet."

PUBLIC COMMENT: No public comment.

Commissioners are happy new additions are being caught at early stage. Request will be back before the board on August 6th for an additional public comment opportunity.

**FINAL REPLAT
417 KATLIAN AVENUE**

SCOTT SALINE

Public hearing and consideration of a replat to combine Lot 31, Block 5, USS 2542 with adjacent deeded tidelands. The property is also known as 417 Katlian Avenue. The owner of record is Scott Saline.

Planner Bosak reviewed the history of the final plat. Plat combines deeded tidelands and recently purchased property into one lot. Williams adds leased tidelands not included in plat as Saline testified that he is not going to proceed with that aspect of the project.

APPLICANT: No applicant present.

PUBLIC COMMENT: No public comment.

MOTION: M/S SPIVEY/WESTOVER moved to approve the public hearing and consideration of a replat to combine Lot 31, Block 5, USS 2542 with adjacent deeded tidelands. The property is also known as 417 Katlian Avenue. The owner of record is Scott Saline.

ACTION: Motion **PASSED** unanimously on a voice vote.

**CONDITIONAL USE PERMIT FOR QUASI INSTITUTIONAL USE
701 INDIAN RIVER ROAD
SITKA COUNSELING AND PREVENTION SERVICES**

Public hearing and consideration of a conditional use permit for a quasi institutional use by Sitka Counseling and Prevention Services Inc. The conditional use permit would allow for the expansion of services by turning the 1st floor from office space to residential space and increase the maximum number of residents from eight to sixteen at 701 Indian River Road. The location area is Lot 8 Sheldon Jackson Subdivision and a Portion of Lot 2 USS 3695. The owner is Baranof Island Housing Authority and City and Borough of Sitka.

Planning Director describes split property pointing out that BIHA owns Lease Tract 1 and CBS owns Lease Tract 2. Both lease to SCPS. Building will not be changed. Current conditional use permit is for Men’s program on the 2nd floor and office space on the 1st floor. Use is changing therefore a new conditional use permit is required. SCPS will convert the 1st floor office space into residential use for a women’s program. Total number of patients will expand from 8 to 16.

APPLICANT: Amy Zanuzoski, Executive Director and Nancy Leclerc-Davidson, Controller, come forward to address request. Leclerc-Davidson points out that this request will reduce impact on the surrounding community as there will be less traffic. There will be staff on both floors at all times. A change from outpatient to residential care as patients may stay for extended months. BIHA is agreeable with request.

COMMISSIONER DELIBERATION: Westover states that the community has a huge need for these services since Bill Brady Healing House closed. Concern over males and females cohabiting in same building. SCPS reminds the Commission that staff will be present at all times.

PUBLIC COMMENT: No public comment.

MOTION: M/S WESTOVER/SPIVEY moved to recommend to the Assembly a motion to approve the conditional use permit provided an interior site plan is included prior to Assembly review.

ACTION: Motion **PASSED** unanimously on a voice vote.

Staff recommended the following findings in support of the approved request:

MOTION: M/S WESTOVER/SPIVEY moved to approve the following findings in support of the recommended approval:

1. That the conditional use permit will not be detrimental to public health, safety, and general welfare;
2. That the facility will not adversely affect the established character of the surrounding vicinity;
3. Nor be injurious to the uses, properties, or improvements adjacent to the operation;
4. That the granting of the proposed conditional use permit is consistent with Comprehensive Plan policies 2.3.4 To minimize and resolve conflicts, between residential, commercial, recreational and industrial land uses;
5. The Planning Commission finds that all conditions necessary to lessen the impact of the proposed use can be monitored and enforced;
6. That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties in the vicinity and public health, safety, and welfare of the community;
7. That the conditional use permit is supported and will not adversely affect adequate public facilities and services and that conditions have been imposed to lessen any impact on any such facilities;
8. The applicant has met the burden of proof;
9. The Planning Commission has determined that the project can be supported by the site topography and there are no geophysical hazards present;
10. That the project is adequately served by utilities, fire protection and access to electrical power;
11. That the lot characteristics are adequate to support the proposed conditional use permit;
12. That the Planning Commission has evaluated the conditional use permit with regards to impact on adjacent uses and districts and has evaluated it with regard to hours of operation, numbers of clients, and off street parking;
13. That the Planning Commission has reviewed the presence of landscaping and buffers;
14. The Planning Commission has evaluated the proposed use in relationship to the amount of vehicular traffic to be generated and impacts on the adjacent properties and has not made any determination that traffic is an issue;
15. The Planning Commission has evaluated the conditional use permit with regards to noise and has not made any determination that noise is an issue;
16. The Planning Commission has determined that odors are not an issue and has not been raised as such during public testimony;

17. The Planning Commission through the conditions specific to hours of operation have evaluated and not made any determination that hours of operation are an issue as the facility will be staffed at all times;
18. The facility is along two major collector streets;
19. The uses for a cut through street traffic are considered not applicable as there is no access on substandard streets;
20. The Planning Commission has evaluated the conditional use permit with regards to vehicular and pedestrian safety and has not made any determination that vehicular and pedestrian safety effects are an issue;
21. There is adequate opportunity for police, fire, and EMS personnel to respond to emergency calls;
22. The Planning Commission has evaluated the conditional use permit with regards to internal traffic layout and has not made any determination that internal traffic layout is an issue as it is not changing;
23. The effects of signs on nearby uses is not considered an issue as signage is covered elsewhere in the Sitka General Code and signage is not proposed for the use;
24. Buffers to adjacent property owner(s) have been evaluated only in so far as necessary with regards to the buffer along the rear of site in the large trees;
25. The relationship to the comprehensive plan has been evaluated and referenced; and
26. The Planning Commission has evaluated and made conditions in response to public comments that have surfaced through the course of the extensive review of this process.

ACTION: Motion **PASSED unanimously** on a voice vote.

PLANNING DIRECTOR'S REPORT: July 2nd meeting is cancelled. South Benchlands RFP worksession, next Tuesday at 5 pm, featuring Adhoc group recommendations and Sound Development, LLC. representatives. Discussion regarding naming of Mountain View Subdivision right of way after Officer Barber. Barber was only officer in Sitka's history to be killed in the line of duty. Officer Barber naming will be recommended to Historic Preservation Commission for review. Vote on new Planning Commission Chair. Vice chair will be organized at next meeting.

MOTION: M/S WINDSOR/SPIVEY moved to appoint Richard Parmelee as chair of Planning Commission.

ACTION: Motion **PASSED unanimously** on a voice vote.

ADJOURNMENT:

MOTION: M/S SPIVEY/WESTOVER moved to adjourn at 8:34 pm.

ACTION: Motion **PASSED unanimously** on a voice vote.

Jeremy Twaddle, Chair

Maegan Bosak, Secretary

S.P.A.T.S.
S.P.A.T.S. LEASEHOLD
S.P.A.T.S.
701 INDIAN RIVER RD
SITKA AK 99835

FRANK/SHARON JOSEPH
JOSEPH, FRANK & SHARON
108 CHARLIE JOSEPH ST.
SITKA AK 99835

KENNETH/ALICE CAMERON
CAMERON, KENNETH & ALICE
4307 HALIBUT POINT RD
SITKA AK 99835

ROBERT/ROSE GAMBLE
GAMBLE, ROBERT/ROSE
6511 SE COUGAR MOUNTAIN WAY
BELLEVUE WA 98006

CODY/MARLIE LOOMIS
LOOMIS, CODY/MARLIE
P.O. BOX 2222
SITKA AK 99835

KELLY/RACHAEL KIRBY
KIRBY, KELLY/RACHAEL
P.O. BOX 6555
SITKA AK 99835

EDWARD/SALLY KIMMEL
KIMMEL, EDWARD/SALLY
P.O. BOX 1881
SITKA AK 99835

JEREMY/DIANA TWADDLE
TWADDLE, JEREMY/DIANA
P.O. BOX 3075
SITKA AK 99835

EDWIN NEWBERG
NEWBERG, EDWIN, C.
P.O. BOX 3046
SITKA AK 99835

TAD/JILL KISAKA
TAD & JILL KISAKA
P.O. BOX 6398
SITKA AK 99835

JEROME MAHOSKEY
MAHOSKEY, JEROME
P.O. BOX 573
SITKA AK 99835

BRENT/KARIN CUNNINGHAM
CUNNINGHAM, BRENT & KARIN
337 ELIASON LOOP
SITKA AK 99835

DANIEL LANDRY
LANDRY, DANIEL
BOX 875
SITKA AK 99835

PATRICK CLIFTON
CLIFTON, PATRICK
P.O. BOX 225
SITKA AK 99835

RICHELLE WHITSON
WHITSON, RICHELLE
694 INDIAN RIVER RD
SITKA AK 99835

IAN/SKYE WORKMAN
WORKMAN, IAN & SKYE
716 INDIAN RIVER RD
SITKA AK 99835

TIMOTHY BERNARD
BERNARD, TIMOTHY
P.O. BOX 711
SITKA AK 99835

LLOYD SWANSON
SWANSON, LLOYD
P.O. BOX 485
ASHLAND WI 54891

LIEUEDELL/CARMIL GOLDSBERRY
GOLDSBERRY, LIEUEDELL/CARMIL
P.O. BOX 1462
SITKA AK 99835

**First Mailing:
June 7, 2013**

Sitka Counseling and Prevention Services
Conditional Use Permit
701 Indian River Road

S.P.A.T.S.
S.P.A.T.S. LEASEHOLD
S.P.A.T.S.
701 INDIAN RIVER RD
SITKA AK 99835

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SITKA AK 99835

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CLIFTON, PATRICK
P.O. BOX 225
SITKA AK 99835

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WHITSON, RICHELLE
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P.O. BOX 485
ASHLAND WI 54891

LIEUDELL/CARMIL GOLDSBERRY
GOLDSBERRY, LIEUDELL/CARMILL
P.O. BOX 1462
SITKA AK 99835

**Assembly Notice Mailing:
June 28, 2013**

Sitka Counseling and Prevention Services
Conditional Use Permit
701 Indian River Road

**Table 22.16.015-1
Residential Land Uses**

Zones	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD (11, 12)	C-1 (11)	C-2 (11)	WD (2, 11)	I	GI (3, 10)	LI(3)	R	OS	SC (13)
RESIDENTIAL																		
• Single-family detached		P	P	P(4)	P(4)	P(4)	P(4)	P(4)		P	P	P		P	P	P	P	
• Townhouse				C(5)	C(5)	C(5)	C(5)	C(5)	C	P	P	P		C	C			
• Duplex				P	P		P	P		P	P	P		P	P			
• Residential zero lot line				P	P	P	P	P		P	P	P						
• Multiple-family				C(5)	C(5)	C(5)	P(5)	P(5)	P(5,8)	P(5)	P(5)	P(5)		C	C			
• Single manufactured home on an individual lot					P	P		P			P			C	C			
• Mobile home park								P			P	P						
GROUP RESIDENCES																		
• Assisted living	C						C	C						C	C			
• Bunkhouse for transient workers							C	C				C		C				
• Dormitory	C(4)						C	C										
• Quasi-institutional	C			C	C	C	C	C						C	C			
TEMPORARY LODGING																		
• Hostel							C	C		P	P	P						
• Hotel/motel									P	P	P	P		PU/CS	C	C		
• Bed and breakfast				C(7)	C(7)	C(7)	C(8)	C(8)	P	P	P	P		P	C			
• Short-term rental				C	C	C	C	C	P	P(9)	P(9)	P(9)		P	C	P(9)		
• Rooming house							C	C	C	P	P	P		C	C			
• Lodge										P	P	P		PU/CS	C			
• Limited storage				C(6)	C(6)	C(6)	C(6)	C(6)						P	C			

P: Public Lands District

SF: Single-Family District

SFLD: Single-Family Low Density District

R-1: Single-Family/Duplex District

R-1 MH: Single-Family/Duplex/Manufactured Home District

R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts

R-2: Multifamily District

R-2 MHP: Multifamily/Mobile Home District

CBD: Central Business District

C-1/C-2: General Commercial and General Commercial/Mobile Home Districts

WD: Waterfront District

I: Industrial District

GI: General Island District

LI: Large Island District

R: Recreational District

OS: Open Space District

SC: Sawmill Cove Special District

P—Permitted

C—Conditional Use Permit Required

PU/CS—Permitted on Unsubdivided Islands and Conditional Use on Subdivided Islands

C. Residential Uses Table 22.16.015-1 Footnotes.

- Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public

interest; all reasonable safeguards are to be employed to protect the surrounding area; and that there are no reasonable alternative locations for the use.

- All uses in the waterfront district are intended to be water-related or water-

- dependent except that upland uses may be non-water-related.
3. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
 4. Including zero lot developments.
 5. Townhouse, cluster housing developments and planned unit developments are conditional uses subject to this title and Title 21 of this code, Subdivisions.
 6. On-site storage of commercial fishing vessels, fishing equipment and other small business equipment is a permitted conditional use so long as such storage does not occupy more than four hundred square feet.
 7. Bed and breakfast establishments are limited to three guest rooms in the R-1, R-1 MH, and R-1 LD districts as conditional uses only when no other rental such as apartments is in operation on the same lot.
 8. Bed and breakfast establishments are limited to five guest rooms in the R-2, R-2 MHP districts as conditional uses only when no other rental such as apartments is in operation on the same lot.
 9. Short-term rentals including legal nonconforming uses shall provide two off-street parking spaces per unit, comply with the municipal fire code, and comply with the requirements of the building department based on a life safety inspection.
 10. Hotels, motels, lodges, boarding houses and bed and breakfasts capable of accommodating a maximum of six guests plus one guest for each one-half acre or fraction thereof above one acre on unsubdivided islands are permitted principal uses. Hotels, motels, lodges, boarding houses and bed and breakfasts, on unsubdivided islands that exceed this maximum, are conditional uses. Bed and breakfast establishments, boarding houses, hotels, motels and lodges are conditional uses on subdivided islands.
 11. Many of the permitted and conditional uses in the CBD, C-1, C-2, and WD zones generate traffic, noise, odor, and general impacts to a higher level and greater degree than permitted and conditional uses in residential districts. Owners of residential uses in the CBD, C-1, C-2 and WD districts must be aware of and accepting of all the permitted uses in these districts.
 12. Single or multiple apartments shall only be permitted on the first floor of structures in the CBD district if approved through the conditional use process. Single and multiple apartments are permitted uses on upper floors of structures in the CBD district.
 13. Any uses, except retail and business uses, and natural resource extraction and mining support facilities uses may be approved in accordance with Section 2.38.080.

Table 22.16.015-2
Cultural/Recreational Uses

ZONES	P(1)	SF (7)	SFLD (7)	R-1 (7)	R-1 MH (7)	R-1 LDMH (7)	R-2 (7)	R-2 MHP (7)	CBD	C-1	C-2	WD(2)	I	GI(3)	LI(3)	R	OS	SC (9)
CULTURAL																		
• Library	P								P	P	P			P	P			
• Museum	P								P	P	P			P	P			
• Conference center							C	C	P	P	P			C	C			
• Church		C	C	C	C	C	C	C	P	P	P			PU/CS	C			
• Art gallery	P			C(4)	C(4)	C(4)	C(4)	C(4)	P	P	P	C		C	C			
• Radio station												P						
RECREATIONAL																		
• Park and recreation														P	P			
• Park	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	
• Trails	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	
• Campground	P													C	C		P	
• Resort										P	P			C	C	P		
• Marina	P									P	P	P		C	C	C	P	
• Travel trailer/recreational vehicle park	C									P	P	C		C	C			
• Ballpark/athletic field	P	C	C	C	C	C	C	C		P	P	P	P	P	C	P		
• Amusement and entertainment														PU/CS	C			
• Theater									P	P	P			C	C			
• Theater, drive-in										P	P			C	C			
• Outdoor amphitheater	P								P	P	P			PU/CS	C		P	
• Bowling center									P	P	P			C	C			
• Sports club and yacht club	C									P	P	P		C	C		C (5)	
• Golf facility	P									P	P			C	C			
• Shooting range—indoor	C									C	C			PU/CS				
• Shooting range—outdoor										C	C			PU/CS				
• Arcades									P	P	P			C	C			
• Community center	C						C	C	P					C	C			
• Personal use docks—accommodating waterborne aircraft		C(6)	C(6)	C(6)	C(6)	C(6)	C(6)	C(6)				P		P(8)	P(8)	P(8)	P(8)	
• Personal use docks—perimeter of dock and float exceed 300 linear feet		C	C	C	C	C	C	C				P		P(8)	P(8)	P(8)	P(8)	
• Personal use docks—one lease slip, float houses permitted in accordance with the Sitka Coastal Management Program, no linear perimeter restriction, allowing liveboards, and allowing float planes												P		P(8)	P(8)	P(8)	P(8)	

**Table 22.16.015-2
Cultural/Recreational Uses (Continued)**

ZONES	P(1)	SF (7)	SFLD (7)	R-1 (7)	R-1 MH (7)	R-1 LDMH (7)	R-2 (7)	R-2 MHP (7)	CBD	C-1	C-2	WD(2)	I	GI(3)	LI(3)	R	OS	SC (9)
• Personal use docks—no perimeter restrictions, no restrictions on liveaboards and float planes. Float houses allowed if permitted in accordance with Sitka Coastal Management Program										P	P	P	P	P(8)	P(8)	P(8)	P(8)	
• Personal use docks—one nonfee liveaboard		P	P	P	P	P						P		P(8)	P(8)	P(8)	P(8)	
• Personal use docks—liveaboards, no more than 300-foot perimeter							P	P				P		P(8)	P(8)	P(8)	P(8)	
• Community personal use docks		C	C	C	C	C	C	C				P		P(8)	P(8)	P(8)	P(8)	
• Commercial use docks										P	P	P	P	C	C	C	C	

P: Public Lands District

SF: Single-Family District

SFLD: Single-Family Low Density District

R-1: Single-Family/Duplex District

R-1 MH: Single-Family/Duplex/Manufactured Home District

R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts

R-2: Multifamily District

R-2 MHP: Multifamily/Mobile Home District

CBD: Central Business District

C-1/C-2: General Commercial and General Commercial/Mobile Home Districts

WD: Waterfront District

I: Industrial District

GI: General Island District

LI: Large Island District

R: Recreational District

OS: Open Space District

SC: Sawmill Cove Special District

P—Permitted

C—Conditional Use Permit Required

PU/CS—Permitted on Unsubdivided Islands and Conditional Use on Subdivided Islands

D. Cultural/Recreational Uses Table 22.16.015-2
Footnotes.

1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable alternative locations for the use.
2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
3. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
4. When operated as a home occupation.
5. Sport fishing lodges.
6. Any waterborne aircraft approved through the conditional use process shall be restricted to those owned by the upland property owner or long-term lessee that are not used for commercial purposes. Waterborne aircraft shall also only be allowed on docks in a secure environment.
7. The city requires liveaboards in R-1, R-2, SF, and related zones to meet the relevant liveaboard regulations that are required in the municipal harbor regulations under "liveaboards."
8. Waterborne aircraft that moor on docks on an ongoing basis are allowed as a permitted use on personal use and community personal use docks if they are solely used by the owners of the property and are solely used for noncommercial purposes. All non-private use of waterborne aircraft would require conditional use approval.
9. Any uses except retail and business uses and natural resource extraction and mining support facilities uses may be approved in accordance with Section 2.38.080.

**Table 22.16.015-3
General Services Uses**

ZONES	P(1)	SF	SFLD	R-1 (6)	R-1 MH (6)	R-1 LDMH (6)	R-2	R-2 MHP	CBD	C-1	C-2	WD (2)	I	GI(3)	LI(3)	R	OS	SC (8)
PERSONAL SERVICES																		
• General services									P	P	P			C				
• Dry cleaning									P	P	P							
• Industrial laundry										C	C		P					
• Funeral home/crematorium									C	P	P			C				
• Cemeteries/mausoleum	P													C	C			
• Day care/kindergartens	P			P(6)	P(6)	P(6)	P(5)	P(5)	C	P(5)	P(5)			P	P			
• Veterinary clinic							(7)		C	C	C		P	C				
• Automotive repair									C	P	P	P	P	C				
• Automotive service									C	P	P	P	P	C				
• Miscellaneous repair									P	P	P	P	P	C	C			
• Social service agencies									P	P	P	C		CU/*S	C			
• Stable	C									C	C			PU/CS		C		
• Kennel										C	C		C	P				
• Bank							C	C	P	P	P			C	C			
• Credit union							C	C	P	P	P			C	C			
• Massage treatments																C		
HEALTH SERVICES																		
• Offices/outpatient clinic							C	C	P	P	P			C	C			
• Hospital	C(4)								C	P	P			C	C			
• Medical/dental laboratory							C	C	P	P	P		P	C	C			
• Miscellaneous health facility							C	C	C	C	C			C	C			
EDUCATIONAL SERVICES																		
• Elementary school	P						C	C	C	C	C			C	C			
• Middle/junior high school	P						C	C	C	C	C			C	C			
• Secondary/high school	P						C	C	C	C	C			C	C			
• Vocational school	P						C	C	C	C	C			C	C			
• Specialized instruction school	P						C	C	C	C	C			C	C			
• College/university	P								C	C	C			C	C			
• School district support facility (excluding bus barns)	P						C	C	C	P	P		P	C	C			
• Auditorium	P																	

P: Public Lands District
 SF: Single-Family District
 SFLD: Single-Family Low Density District
 R-1: Single-Family/Duplex District
 R-1 MH: Single-Family/Duplex/Manufactured Home District
 R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts
 R-2: Multifamily District
 R-2 MHP: Multifamily/Mobile Home District
 CBD: Central Business District

C-1/C-2: General Commercial and General Commercial/Mobile Home Districts
 WD: Waterfront District
 I: Industrial District
 GI: General Island District
 LI: Large Island District
 R: Recreational District
 OS: Open Space District
 SC: Sawmill Cove Special District

P—Permitted
 C—Conditional Use Permit Required
 PU/CS—Permitted on Unsubdivided Islands and Conditional Use on Subdivided Islands
 CU/*S—Conditional Use on Unsubdivided Islands and Prohibited on Subdivided Islands

E. General Services Uses Table 22.16.015-3 Footnotes.

1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable alternative locations for the use.
2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
3. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
4. Hospital buildings shall be set back a minimum of ten feet from all property lines.
5. Establishments accommodating five or more children require state licenses and are conditional uses.
6. Day cares with four children or less not related to the provider are a permitted use in owner occupied detached single-family dwellings in the R-1 and related zones.

Day cares with four children or less not related to the provider are a conditional use in residential zero lot line dwellings in the R-1 and related zones. Day cares with four children or less not related to the provider are also a conditional use in two-family dwellings, that are constructed as duplexes where each unit is of similar size, in the R-1 and related zones.

Day cares are not allowed in apartments or similar dwelling units in R-1 or related zones.

Day cares with five children or more not related to the provider are a conditional use, in owner occupied detached single-family dwellings only, in the R-1 and related zones.

7. A replacement vet clinic in the 1200 block of Halibut Point Road as a substitute for the long standing historical use in the area is expressly authorized and shall be the only vet clinic allowed in an R-2 zone.
8. Any uses, except retail and business uses, and natural resource extraction and mining support facilities uses may be approved in accordance with Section 2.38.080.

**Table 22.16.015-4
Public Facilities Uses**

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD (2)	I	GI(3)	LI(3)	R	OS	SC (6)
GOVERNMENT SERVICES																		
• Public agency or utility office	P								P	C				PU/CS	C			
• Public agency or utility service yard	P									C		P	P	C	C			
• Public agency warehouse	P									C		P	P	C	C			
PUBLIC SERVICES																		
Courts	P								P					C	C			
Police station	P								P	P	P			C	C			
Fire station	P			C	C	C	C	C	P	P	P	C	C	PU/CS	C	C		
Utility facilities (transformers, pump stations, etc.)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Solid waste transfer facility	C(4)									C	C	C	C	C	C			
Landfill	P												C	C	C	C		
Land clearing landfills	C												C					
Wastewater treatment plant	C									C	C	P	P	C	C			
Public water supply facility	P									P	P	P	P	C	C	P		

**Table 22.16.015-4
Public Facilities Uses (Continued)**

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD (2)	I	GI(3)	LI(3)	R	OS	SC (6)
Public transportation facility/airport	C								C	C	C	P(5)	P	C				
Animal shelter	P									C	C		C	C				
Recycling facility	C																	
Housing support facility (7)							C	C										

P: Public Lands District

SF: Single-Family District

SFLD: Single-Family Low Density District

R-1: Single-Family/Duplex District

R-1 MH: Single-Family/Duplex/Manufactured Home District

R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts

R-2: Multifamily District

R-2 MHP: Multifamily/Mobile Home District

CBD: Central Business District

C-1/C-2: General Commercial and General Commercial/Mobile Home Districts

WD: Waterfront District

I: Industrial District

GI: General Island District

LI: Large Island District

R: Recreational District

OS: Open Space District

SC: Sawmill Cove Special District

P—Permitted

C—Conditional Use Permit Required

PU/CS—Permitted on Unsubdivided Islands and Conditional Use on Subdivided Islands

F. Public Facilities Uses Table 22.16.015-4 Footnotes.

1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable alternative locations for the use.
2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
3. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
4. Minimum site area is twenty acres.
5. Ferry terminals, barge freight terminals, docks, and harbor facilities including float plane facilities, fueling piers and tank farms, and other port facilities are permitted

- principal uses subject to planning commission review and public hearing and assembly approval of a binding site plan.
6. Any uses, except retail and business uses, and natural resource extraction and mining support facilities uses may be approved in accordance with Section 2.38.080.
7. In which the primary purpose of the support facility is to support and maintain housing-related programs in the immediate area.

**Table 22.16.015-5
Manufacturing/Storage Uses**

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	SC (7)
MANUFACTURING																		
• Food products include seafood processing										C	C	P	P	C	C	C		
• Mariculture												P		C	C			
• Winery/brewery, small scale									C	C	C	P	P	C	C			
• Textile mill products										C	C	P	P	C	C			
• Apparel and textile products										C	C	P	P	C	C			
• Wood products, except furniture										C	C	P	P	PU/CS	C			
• Furniture and fixtures										P	P	P	P	P	C			
• Paper and allied products										C	C	P	P	C	C			
• Petroleum refining and related products										C	C	P	P					
• Rubber and plastics products										C	C	P	P					
• Leather and leather goods										P	P	P	P	C	C			
• Tannery										C	C							
• Stone, clay, glass and concrete products										C	C	P	P	C	C			
• Primary metal products										C	C	P	P	C	C			
• Fabricated metal products										C	C	P	P	C				
• Industrial and commercial machinery										C	C	P	P					
• Heavy machinery and equipment										C	C	P	P					
• Computer and office equipment										P	P	P	P	C	C			
• Electronic and electric equipment										P	P	P	P	PU/CS	C			
• Miscellaneous vehicle manufacturing										C	C	P	P	C				
• Boat building										C	C	P(5)	P	C				
• Tire retreading										C	C	P	P					
• Other manufacturing										C	C	P	P(6)	C	C			
STORAGE AND WAREHOUSING																		
• Marine equipment/ commercial fishing gear/material storage										P	P	P	P	PU/CS	C			
• Boat storage										P	P	P	P					
• Construction materials storage									P	P	P	P	P	C	C	C		
• Trucking, courier and taxi service facilities									P	P	P	P(5)	P	C	C			
• Warehousing and wholesale trade									P	P	P	P(5)	P	C				

DISTRICT REGULATIONS

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	SC (7)
• Self-service storage									P	P	P	P	P	C				
• Log storage	C									C	C	P	P	C		P		
• Freight and cargo services									P	P	P	P(5)	P	C				
• Equipment rental services									P	C	C	P	P	C				
• Vehicle rental services									P	P	P	P	P	C				
• Natural resource extraction and mining support facilities												C	C	C	C			C
• Storage of explosives													C					
• Bulk fuel storage												C						

P: Public Lands District

SF: Single-Family District

SFLD: Single-Family Low Density District

R-1: Single-Family/Duplex District

R-1 MH: Single-Family/Duplex/Manufactured Home District

R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts

R-2: Multifamily District

R-2 MHP: Multifamily/Mobile Home District

CBD: Central Business District

C-1/C-2: General Commercial and General Commercial/Mobile Home Districts

WD: Waterfront District

I: Industrial District

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R: Recreational District

OS: Open Space District

SC: Sawmill Cove Special District

P—Permitted

C—Conditional Use Permit Required

PU/CS—Permitted on Unsubdivided Islands and Conditional Use on Subdivided Islands

G. Manufacturing/Storage Uses Table 22.16.015-5
Footnotes.

1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable alternative locations for the use.
2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
3. No industrial use shall be of a nature which is noxious or injurious to nearby properties by reason of smoke, emission of dust,

refuse matter, odor, gases, fumes, noise, vibration or similar conditions.

4. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
5. Ferry terminals, barge freight terminals, docks and harbor facilities including float plane facilities, fueling piers and tank farms and other port facilities are permitted principal uses subject to planning commission review and public hearing and assembly approval of a binding site plan.
6. Automobile wrecking yards, salvage yards, and junkyards are conditional uses and shall be set back a minimum of twenty feet from property lines and be enclosed by fences a minimum of eight feet in height. The set-back area may be used for customer parking but not for vehicle storage.

7. Any uses, except retail and business uses, and natural resource extraction and mining support facilities uses may be approved in accordance with Section 2.38.080.

**Table 22.24.010-1
Conditional Use Permit Application Requirements**

Conditional Uses	Bed and Breakfast Conditional Uses	Short-Term Rental Conditional Uses	Island Conditional Uses
<p>The applicant may be required to consult with agencies that are responsible for certain portions of the project review. These agencies may include but not be limited to public works and engineering for sewer/water utilities; state DOT/PF; State Department of Environmental Conservation; Army Corps of Engineers; Sitka fire department; local telephone utility; cable television utility; electric department.</p> <p><u>Written Documentation</u></p> <ul style="list-style-type: none"> • Legal description of all properties involved in the project; • Statement of the objectives expected to be achieved by the project; • Detailed description of all aspects of the project, including land use, building types and sizes, population density, parking and traffic circulation, building coverage and other information which the applicant feels would assist in decision making; • All comments received from each of the agencies and utilities reviewing the project and a statement by the applicant on how the applicant will resolve or meet any problems or anticipated adverse conditions noted by the utility or agency, the statement to list any unresolved problems or adverse conditions. <p><u>Site Plan and Supporting Drawings</u></p> <ul style="list-style-type: none"> • As determined by the administration, details of the proposed project showing land use layout, building locations, vehicular and pedestrian circulation, open space and recreation areas, parking layout, schematic water and sewer layout, and any other information necessary to adequately describe the project; • Preliminary subdivision plat layout if required; • Site grading and drainage plan including present and proposed topography; • Conceptual drawings of proposed buildings, signs, and other features that may be required by the administrator. 	<p><u>Written Documentation</u></p> <ul style="list-style-type: none"> • Legal description of all property involved in the project; • Statement of the objectives expected to be achieved by the project. <p><u>Site Plan and Supporting Drawings</u></p> <ul style="list-style-type: none"> • As determined by the administration, details of the proposed project showing building locations, vehicular and pedestrian circulation, parking layout, and any other information necessary to adequately describe the project; conceptual drawings of proposed buildings or renovations, signs, and other features that may be required by the administrator. 	<p><u>Written Documentation</u></p> <ul style="list-style-type: none"> • Legal description of all property involved in the project; • Statement of the objectives expected to be achieved by the project. <p><u>Site Plan and Supporting Drawings</u></p> <ul style="list-style-type: none"> • As determined by the administration, details of the proposed project showing building locations, vehicular and pedestrian circulation, parking layout, and any other information necessary to adequately describe the project; conceptual drawings of proposed buildings or renovations, signs, and other features that may be required by the administrator. 	<p><u>Written Documentation</u></p> <ul style="list-style-type: none"> • Legal description of all properties involved in the project; • Statement of the objectives expected to be achieved by the project; • Detailed description of all aspects of the project, including land use, building types and sizes, population density, building coverage, waterfront use, clearing, changes to existing visual appearance, and other information which the applicant feels would assist in decision making; • All comments received from each of the agencies and utilities reviewing the project and a statement by the applicant on how the applicant will resolve or meet any problems or anticipated adverse conditions noted by the utility or agency, the statement to list any unresolved problems or adverse conditions. <p><u>Site Plan and Supporting Drawings</u></p> <ul style="list-style-type: none"> • As determined by the administration, details of the proposed project showing land use layout, building locations, open space and recreation areas, waterfront development, clearing, schematic water and sewer layout, and any other information necessary to adequately describe the project; • Preliminary subdivision plat layout if required; • Site grading and drainage plan including present and proposed topography; conceptual drawings of proposed buildings, and other features that may be required by the administrator.

1. Conditional use permit application initiation periods and termination periods are outlined in Table 22.24.010-2.

**Table 22.24.010-2
Initiation and Termination Periods**

	Short-Term Rental Conditional Use Permits	Bed and Breakfast Conditional Use Permits	Interim Mobile Homes Conditional Use	All Other Conditional Use Permits
Period in which the permit must be activated following assembly approval or permit becomes void	One year	One year	One year	Two years
If permit is not used during period, permit becomes void after activation	One year	One year	One year	Two years
Mandatory review period ¹	Set by assembly at time of approval	Set by assembly at time of approval	Set by assembly at time of approval	Set by assembly at time of approval
Number of years after approval that permit sunsets	Set by assembly at time of approval	Set by assembly at time of approval	Set by assembly at time of approval	Set by assembly at time of approval
<p>Note (1): It shall be the responsibility of the applicant to submit materials one month prior to the end of any review period. Failure to submit materials within the time specified shall automatically void the approval.</p> <p>Note (2): It is recognized in land use case law that conditional use permits are grants to a property and run with the parcel and not the owner.</p> <p>Note (3): Substantial construction progress must be made on a project approved through the variance process within one year of the date of the variance approval or the approval becomes void. In the event it can be documented that other substantial progress has been made, a one-year extension may be granted by the planning commission if a request is filed within eleven months of the initial approval.</p>				

B. Conditional Use Permit Provisions for Bed and Breakfasts.

1. The information and assurances filed by the applicant for a bed and breakfast conditional use at the time of application shall be binding on all current and future owners of the facility.
2. There shall be no expansion in the number of guest rooms beyond the number approved.
3. The number of bed and breakfast sleeping rooms per residence shall be limited to three rooms in an R-1 or related zone and five rooms in an R-2 or related zone.

4. In no case shall a bed and breakfast be operated in any residence other than an owner-occupied dwelling.
5. The owner of the residence shall operate the bed and breakfast at all times and shall not contract out the day-to-day management of the operation. In the event the operation or management of the bed and breakfast is conducted by a tenant or party other than the owner who lives in the residence, the conditional use permit shall automatically become void.
6. Bed and breakfast guestrooms are intended to be spare or surplus guestrooms in owner-occupied single-family dwellings that are

- not needed by the owner of the structure for household activities.
7. Bed and breakfast conditional use requests shall not be considered, reviewed, or approved for single-family structures that have contained an apartment, or additional dwelling unit at any time during a three-year period prior to the submittal of the application for a bed and breakfast conditional use permit. The burden of proof that this requirement has been complied with lies with the applicant.
 8. A bed and breakfast establishment shall not be approved if an apartment or other rental is also being operated in the structure or on the same lot. Any apartment rental in the structure or on a lot where a bed and breakfast is operating will automatically void the conditional use permit for bed and breakfast.
 9. Permits shall lapse and become void if the bed and breakfast ceases operation for twelve consecutive months.
 10. There shall be no more than one exterior sign. The sign shall not exceed four square feet.
 11. There shall be a minimum of one off-street parking space for every three guestrooms in bed and breakfast establishments located in single-family residential zones.
 12. Existing bed and breakfasts which do not conform to these rules shall be considered nonconforming uses and subject to the rules relating to nonconforming uses.
 13. It is the intent of the assembly that the provisions of these requirements be strictly followed. However, exceptions may be granted in cases of extreme need or extreme personal or financial hardship. The limitation on the number of the rooms and the use of single-family occupied structures will not be eligible for hardship relief.
 14. For establishment of a bed and breakfast establishment in an existing structure in an R-1 zone, only existing bedrooms may be used for guest rooms.
 15. Limited cooking facilities shall only be allowed inside guestrooms, or inside other rooms that are used solely by the bed and breakfast, such as small toaster ovens, microwaves, and refrigerators.
 16. Timely payment of sales taxes shall be one of the primary indicators of compliance with this section.
 17. When the assembly approves a permit with the condition referring to the number of children in the facility, the term "children" shall refer to individuals who are fifteen years old or younger.
- C. Conditional Use Permit Provisions for Short-Term Rentals.
1. Short-term rental establishments as described in subsection F of this section shall be approved as conditional uses in the R-1, R-1 MH, R-1 LD, R-1 LDMH, R-2, and R-2 MHP zoning districts with the following conditions:
 - a. Existing short-term rentals operating in conformance with all other applicable regulations prior to the effective date of the ordinance codified in this section may continue operating as non-conforming uses so long as payments of bed taxes and any other fees are current.
 - b. The permit application and process will be the same as that required for bed and breakfasts, including submission and review of both interior and exterior site plans.
 - c. Increase in density and other impacts on the immediate surrounding neighborhood which would occur as a result of approval of short-term rentals may be a consideration in the granting of the permit.
 - d. Cessation of an approved short-term rental operation for twelve consecutive months shall result in revocation of the permit and require reapplication and approval of a new conditional use per-

- mit. Timely payment of sales taxes shall be one of the primary indicators of compliance with this section.
- e. When the assembly approves a permit with the condition referring to the number of children in the facility, the term "children" shall refer to individuals who are fifteen years old or younger.
2. Short-term rentals shall be allowed in the other zoning districts subject to the following general rules:
 - a. There shall be two parking spaces per dwelling unit.
 - b. The number of persons per sleeping area shall comply with the municipal fire code.
 - c. Upon filing for sales tax and bed tax accounts, an owner shall obtain a life safety inspection by the building department and shall comply with the requirements proposed by the department.
 - d. Legal nonconforming short-term rentals shall comply with these general rules within two years.
 - e. Short-term rentals may only be approved for mobile homes that are located along streets maintained by the city and borough or the state of Alaska.
- D. Conditional Use Permit Provisions for Mobile Homes on an Interim Basis in the R-1, R-2 and Related Zones.
1. The city and borough of Sitka, through the conditional use permit process, may issue a permit for a single-family mobile home or travel trailer on a residential lot in an area not otherwise allowing mobile homes on an interim basis for the purposes of facilitating home construction.
 2. The maximum term of the permit is twelve months with a possible six-month extension.
 3. Full utilities must be installed for the mobile home or travel trailer.
 4. Conditions attached to the approval shall include but are not limited to (a) a pledge of the travel trailer, mobile home, or cash of equivalent value as collateral, and (b) in the event a travel trailer or mobile home is pledged as collateral, fund sufficient to cover the cost of removal and disposal of the unit, and (c) the trailer is for the sole occupancy of the lot owner and neither unit shall be occupied by any other party. Other conditions may include requirements of fencing or landscaping.
- 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.

F. Evaluation and Approval or Denial of Conditional Use Applications for Island Properties. It is the intent of this code to recognize the unique qualities of islands within Sitka Sound and the substantial differences that exist between individual islands and island groups.

Specific conditional uses may be fully appropriate in certain circumstances and on specific parcels. Uses that are well designed and/or have low impact may enhance surrounding properties and may not create any impacts. Examples may include structures that are built on larger lots away from exterior property lines, uses that are placed in the middle of parcels, uses that do not materially increase activity on easements or moorage, uses where there is a significant vegetative or terrain buffer between properties, and islands that are separated by substantial distances. In these cases, conditional use requests can and should be handled expeditiously.

Conditional uses on other properties may be totally inappropriate due to the concerns such as impacts on adjacent properties, lack of vegetative or distance buffers, noise generation, unmitigated increased usage of access easements, available moorage, location on parcels, and design.

- l. Items to be considered in evaluating island conditional use permits include, but are not limited to, the following:
 - a. Location on the lot or island.
 - b. Generation of noise.
 - c. Numbers of guests and employees.
 - d. Visibility from adjacent uses including waterborne traffic.
 - e. Use of common access easements.
 - f. Availability of necessary moorage.
 - g. Use of natural or manmade screening or buffers.

- h. Availability of municipal power.
- i. Distance from adjacent parcels or islands.
- j. Removal of excessive amounts of vegetation.

It is recognized that many applications may be strongly supported after using the criteria above. If adequate mitigation cannot be accomplished or items such as necessary infrastructure are not available, applications may be denied.

(Ord. 06-16 § 4, 2006; Ord. 05-16 § 4(O), (P), 2005; Ord. 04-60 § 4(F), (G), (U), 2004; Ord. 02-1683 § 4 (part), 2002.)

22.24.020 Variances.

The purpose of this section is to provide a means of altering the requirements of this code in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties with the identical regulatory zone because of special features or constraints unique to the property involved. The city shall have the authority to grant a variance from the provisions of this code when, in the opinion of the planning commission, the conditions as set forth in Section 22.30.160(D) have been found to exist. In such cases a variance may be granted which is in harmony with the general purpose and intent of this code so that the spirit of this code shall be observed, public safety and welfare secured, and substantial justice done.

A. Application Requirements. The application shall contain the following data:

- 1. Legal description of the property affected;
- 2. Plot plan showing the location of all existing and proposed buildings or alterations of such buildings, dimensions to the property lines on all sides from the building(s) and clearly showing the specific relief requested in accordance with the provisions of Chapter 22.30, Zoning Code Administration.

(Ord. 02-1683 § 4 (part), 2002.)



Legislation Details

File #: 13-140 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 7/2/2013 In control: City and Borough Assembly

On agenda: 7/9/2013 Final action:

Title: Approve request by Lydia McGraw to forgive remaining balance due on property tax bill

Sponsors:

Indexes:

Code sections:

Attachments: [McGraw prop tax bill request](#)

Date	Ver.	Action By	Action	Result
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Memo

To: Mayor McConnell and Assembly Members
Via: Jay Sweeney, Interim City Administrator
From: Mike Middleton, Interim Finance Director
Date: 7/2/2013
Re: Lydia and Timothy McGraw Property Tax remaining debt

Lydia McGraw came to the Assembly on 6/25/13 and during "Persons to be heard" asked to have her remaining property tax bill forgiven. The Assembly directed staff to prepare this for the next Assembly Agenda.

Staff called Mrs. McGraw to request a letter or email with her request. Due to differing schedules, staff had received no such request by the deadline for the Assembly agenda.

Currently the property tax account for Lydia and Timothy McGraw owes \$96.00. The original property tax due was \$504.00 and the amount was due on 8/31/12. The property tax amount was not paid until 12/6/12. Sitka General Code (SGC) section 4.12.130 sets the due date and determines any not paid by the due date are delinquent. SGC section 4.12.150 sets the rates of penalty and interest and the priority for crediting payments. The penalty is 3% after the due date, another 7% after 30 days and an additional 5% after 60 days. The interest is 12% annually on all unpaid taxes after the due date until paid in full. Under the SGC, all payments are applied to penalty, interest, past due taxes and then current taxes. The relevant SGC sections are reprinted on page 2.

When the payment was processed on 12/6/12, staff correctly applied SGC 4.12.50 and applied the payment to penalty, interest and the balance to the past due taxes. This left a balance due of \$90.72 in delinquent property tax in December. Interest from December to June was \$5.46 for a current due of \$96.18.

This account has a history of late payments since 2009. The penalty charged totals \$219.46 and interest is \$35.70 for a total of \$255.16. See included schedule on page 2.

Staff recommendation

As the Finance Director, I do not recommend forgiving the property tax due. This is a pattern of late payments for which the SGC provides clear direction. Staff correctly followed the process applied to all property tax accounts and no unusual circumstances have been brought to Management's attention as a justification for forgiving the bill.

4.12.130 Due date.

A. All property taxes become due sixty days after the billing date, unless that date falls on a Saturday, Sunday or holiday, in which case the taxes shall be due on the next business day. The date of payment shall be the date of actual receipt by the municipality or the postmark date, whichever is earlier.

B. Those taxes not paid by the due date are delinquent.

(Ord. 89-896 § 4(A), 1989.)

4.12.150 Rates of penalty and interest—Priority for crediting payments.

If the taxes are not paid when due and become delinquent, (a) a penalty of three percent of the total tax for the current year shall be added; (b) an additional penalty of seven percent shall be added to any tax more than thirty days delinquent; and (c) an additional penalty of five percent will be added to any tax amount remaining delinquent after sixty days. Interest at a rate of twelve percent per year shall be charged on all of the unpaid taxes, not including the penalties, from the due date until paid in full. All payments made for taxes, penalty and interest on any one piece of property shall be credited first to the penalty, then to the interest, then to the past due taxes, and then to the current taxes, in that order. (Ord. 07-22 § 4 (part), 2007; Ord. 99-1554 § 4, 1999; Ord. 97-1469 § 4, 1997.)

HISTORY

Prop#..: 16380000000000	School Dist.: Sitka S.D.
Owner..: TIMOTHY/LYDIA MCGRAW	
Address: 288 KOGWANTON ST	Payoff Date.: 7/02/2013
Mail To: MCGRAW, TIMOTHY/LYDIA	Total Billed: 7,607.95
288 KOGWANTON ST	Total Dscnt.: .00
SITKA AK 99835	Total Paid..: 7,007.77
Phone..:	Total Due...: 600.18

		Enter Option: ___								
F3=Exit	F8=Summary	F22=Add'l Info		Remaining						
X	Year	Perd	Type	Bill#	Tax	Pen	Int	Collected	w/Discount	Remaining
—	2013	A	R	201371023	504.00	.00	.00	.00	.00	504.00
—	2012	A	R	201271004	504.00	75.60	20.58	504.00		96.18
—	2011	A	R	201170995	504.00	50.40	5.04	559.44		.00
—	2010	A	R	201070994	504.00	43.06	.00	547.06		.00
—	2009	A	R	200970993	504.00	50.40	10.08	564.48		.00
—	2008	A	R	200870995	504.00	.00	.00	504.00		.00
—	2007	A	R	200770993	504.00	.00	.00	504.00		.00
—	2006	A	R	020060991	459.00	.00	.00	459.00		.00



Legislation Details

File #: 13-135 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 7/1/2013 In control: City and Borough Assembly

On agenda: 7/9/2013 Final action:

Title: Authorize the Sitka Police Department to reinstate a Patrol Officer, Dispatch and Records Clerk, temporary Traffic Officer, and to partially fund the facility planning study using the Jail Contract increase and unfilled MSO position as the primary funding sources

Sponsors:

Indexes:

Code sections:

Attachments: [SPD positions](#)

Date	Ver.	Action By	Action	Result
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POLICE

DEPARTMENT**MEMO**City and Borough of Sitka

To: City Administrator Jay Sweeney
From: Chief Sheldon Schmitt
Subject: 2014 Additional Funds- Department Needs
Date: July 1, 2013

Background:

The Police Department has undergone significant cuts during the previous five years, primarily due to economic reasons. The cuts have inhibited the Department's ability to complete its mission and provide services as in the past. A recent work session was held with the Assembly to discuss the staffing concerns. The Assembly voiced support to increase staffing at the Police Department if funds could be located or were available.

An additional, substantial source of revenue has been realized since the budget was constructed and since the meeting with the Assembly. The contract for the Community Jail has traditionally been underfunded, with the City lobbying for an increase via a legislative priority. This year the contract was adjusted to closer match our expenses. The increase is from \$419,450 to \$694,660, or an increase of \$275,210. The unfilled MSO half time position is another source of revenue. Funds from this position could be used more cost effectively to fill a part time Temporary Traffic Officer, as we have done in the past. These funds could be used to help with the Department staffing issues:

• Increase in Jail Contract	\$275,210
• Unfilled part time MSO position	\$63,340
Total	\$338,550

Analysis:

The additional revenue could be used to allow the Police Department to fund several areas of immediate need, as well as addressing the long term need to begin planning for a new facility. This is an opportunity to reestablish the Department's capacity to perform our basic functions, as well as planning for the future. Below are the recommended Department needs that could be addressed:

• Reinstatement a Patrol Officer position	\$91,700
• Reinstatement a Dispatch and Records Clerk position	\$68,500
• Partially fund facility planning study	\$75,000
• Reinstatement the Temporary Traffic Officer position	\$20,000
Total	\$255,200

Attached are the cover pages of the last two Community Jail Contracts and the CBS legislative Priorities for the Community Jail and the Justice Center.

Fiscal Note:

The changes requested can be funded with some room to spare from the funding sources listed. This would allow the Department to address the various needs but still allow for budget flexibility.

Recommendations:

I recommend we make the indicated changes at the PD, using the Jail Contract increase and unfilled MSO position as the primary funding sources.

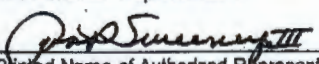
Cc:

STANDARD AGREEMENT FORM FOR PROFESSIONAL SERVICES

1. Agency Contract Number 2031011	2. ASPS Number	3. Financial Coding 20665500-15905-76900012-73076	4. Agency Assigned Encumbrance 2031011
5. Vendor Number CIS84599	6. Project/Case Number Community Jail: Sitka		7. Alaska Business License Number not applicable
This contract is between the State of Alaska,			
8. Department of Corrections		Division Probation and Parole	hereafter the State, and
9. Contractor City of Sitka, Police Department			hereafter the Contractor
Mailing Address 304 Lake Street	Street or P.O. Box	City Sitka	State AK
			ZIP+4 99835
<p>10. ARTICLE 1. Appendices: Appendices referred to in this contract and attached to it are considered part of it.</p> <p>ARTICLE 2. Performance of Service:</p> <p>2.1 Appendix A (General Provisions), Articles 1 through 14, governs the performance of services under this contract.</p> <p>2.2 Appendix B sets forth the liability and insurance provisions of this contract. See Appendix C for indemnity and insurance related language.</p> <p>2.3 Appendix C sets forth the services to be performed by the contractor.</p> <p>ARTICLE 3. Period of Performance: The period of performance for this contract begins <u>July 1, 2012</u>, and ends <u>June 30, 2013</u>.</p> <p>ARTICLE 4. Considerations:</p> <p>4.1 In full consideration of the contractor's performance under this contract, the State shall pay the contractor a sum not to exceed <u>\$ 419,450.00</u> in accordance with the provisions of Appendix D.</p> <p>4.2 When billing the State, the contractor shall refer to the Authority Number or the Agency Contract Number and send the billing to:</p>			
11. Department of Corrections		Attention: Division of Administrative Services; Accounting	
Mailing Address PO Box 112000, Juneau, AK 99811-2000		Attention: Devra Hayes (ph. 907-465-3478)	
12. CONTRACTOR		14. CERTIFICATION: I certify that the facts herein and on supporting documents are correct, that this voucher constitutes a legal charge against funds and appropriations cited, that sufficient funds are encumbered to pay this obligation, or that there is a sufficient balance in the appropriation cited to cover this obligation. I am aware that to knowingly make or allow false entries or alterations on a public record, or knowingly destroy, mutilate, suppress, conceal, remove or otherwise impair the verity, legibility or availability of a public record constitutes tampering with public records punishable under AS 11.56.815-.820. Other disciplinary action may be taken up to and including dismissal.	
Name of Firm City of Sitka			
Signature of Authorized Representative	Date		
Typed or Printed Name of Authorized Representative James Dinley			
Title City Administrator (ph. 907-747-3349; fax 907-747-1075)			
13. CONTRACTING AGENCY		Signature of Head of Contracting Agency or Designee	Date
Department/Division Corrections / Probation & Parole	Date		
Signature of Project Director		Typed or Printed Name John Schauwecker CPPB, C.P.M	
Typed or Printed Name of Project Director Ron Taylor		Title Procurement Manager	
Title Director, Probation & Parole (ph. 907-269-7367)		Dept. of Corrections Juneau Procurement Section	

NOTICE: This contract has no effect until signed by the head of contracting agency or designee.

STANDARD AGREEMENT FORM FOR PROFESSIONAL SERVICES

1. Agency Contract Number 2041011	2. ASPS Number	3. Financial Coding 20865500-15905-78900012-73078	4. Agency Assigned Encumbrance
5. Vendor Number CIS84599	6. Project/Case Number Regional and Community Jail: Sitka		7. Alaska Business License Number not applicable
This contract is between the State of Alaska,			
8. Department of Corrections		Division Probation and Parole	hereafter the State, and
9. Contractor City of Sitka, Police Department		hereafter the Contractor	
Mailing Address 304 Lake Street	Street or P.O. Box	City Sitka	State AK ZIP+4 99835
<p>10. ARTICLE 1. Appendices: Appendices referred to in this contract and attached to it are considered part of it.</p> <p>ARTICLE 2. Performance of Service:</p> <p>2.1 Appendix A (General Provisions), Articles 1 through 14, governs the performance of services under this contract.</p> <p>2.2 Appendix C sets forth the services, liability and insurance provision of this contract to be performed by the contractor.</p> <p>ARTICLE 3. Period of Performance: The period of performance for this contract begins <u>July 1, 2013</u>, and ends <u>June 30, 2018</u>.</p> <p>ARTICLE 4. Considerations:</p> <p>4.1 In full consideration of the contractor's performance under this contract, the State shall pay the contractor a sum not to exceed <u>\$694,660.00</u> in accordance with the provisions of Appendix D.</p> <p>4.2 When billing the State, the contractor shall refer to the Authority Number or the Agency Contract Number and send the billing to:</p>			
11. Department of Corrections		Attention: Division of Administrative Services, Accounting	
Mailing Address PO Box 112000, Juneau, AK 99811-2000		Attention: Devra Hayes (ph. 907-465-3478)	
<p>12. CONTRACTOR</p> <p>Name of Firm City of Sitka</p> <p>Signature of Authorized Representative  Date 12 June 13</p> <p>Typed or Printed Name of Authorized Representative James Dinley Jay Sweeney</p> <p>Title City Administrator (ph. 907-747-3349; fax 907-747-1075)</p>		<p>14. CERTIFICATION: I certify that the facts herein and on supporting documents are correct, that this voucher constitutes a legal charge against funds and appropriations cited, that sufficient funds are encumbered to pay this obligation, or that there is a sufficient balance in the appropriation cited to cover this obligation. I am aware that to knowingly make or allow false entries or alterations on a public record, or knowingly destroy, mutilate, suppress, conceal, remove or otherwise impair the verity, legibility or availability of a public record constitutes tampering with public records punishable under AS 11.56.815-.820. Other disciplinary action may be taken up to and including dismissal.</p>	
<p>13. CONTRACTING AGENCY</p> <p>Department/Division Corrections / Probation and Parole</p> <p>Signature of Project Director</p>		Signature of Head of Contracting Agency or Designee	Date
<p>Typed or Printed Name of Project Director Carrie Belden</p> <p>Title Procurement Manager CPPB, C.P.M.</p>		<p>Typed or Printed Name John Schauwecker</p>	
<p>Title Director, Probation and Parole (ph. 907-269-7367)</p>		<p>Dept. of Corrections Juneau Procurement Officer (907-465-3399)</p>	

NOTICE: This contract has no effect until signed by the head of contracting agency or designee.

FY 2014 CBS REQUEST FOR STATE FUNDING FOR STATE FACILITIES

Project Title: COMPENSATION FOR STATE SERVICES AT SITKA JAIL FACILITIES

More than 80 percent of the inmates held in the Sitka Jail Facility are held on State charges. By law, the State is responsible for caring for persons charged under State law. The City and Borough of Sitka is willing to provide a professional, cost-effective service to house and care for the State's prisoners in Sitka, but the State must reimburse the Municipality for these services. Each year, CBS pays more to manage the Community Jail Contract than the State will compensate. Costs for personnel, food services, and laundry services have all risen sharply. In FY 2012, Sitka's contract cost City and Borough of Sitka more than \$504,000 to provide State jail services, but the State only provided \$419,450, the same amount as in FY 2009, 2010, and 2011. CBS requests the jail contract be increased by \$84,550 to fully fund providing these State services.

The community jails program administered by the Department of Corrections (DOC) provides funding to 15 communities, including Sitka, for the short-term confinement of persons detained under State law. A Division of Legislative Audit 2007 Community Jails Program audit concluded "Most communities report that state funding is still insufficient to cover operating costs; the extent of the funding shortfall varies substantially between communities; the current funding process does not require reporting or review of actual local jail operating expenditures; and reimbursement for jail operating costs are not related to actual local operating costs...The current allocation of funding for the community jail program is based on decades-old financial information, resulting in an unequal distribution of funding to communities operating jails. DOC should develop allowable standardized costs for jail operations."

In the last two years, DOC has been gathering more accurate information but has not yet updated its reimbursement formula. The outside study conducted by Maximus in 2008 reflected a total cost of \$727,787 to operate the Sitka Community Jail. Sitka Police Department officers are an intricate part of the movement of adult prisoners back and forth between Lemon Creek Correctional Center and the Sitka Jail Facility. The officers also assist the Division of Juvenile Justice with the movement of juvenile offenders between Juneau and Sitka. The Sitka Police Department is not reimbursed the manpower costs of these transports. The State is requested to fully fund the Community Jail Contract.

Non-Criminal Detoxification (Title 47) has great liability and is staff intensive because of the frequent checks required. In FY2010, the Sitka Jail took 202 people into protective custody under Title 47 but received no reimbursement from the State. The State does receive revenues from State excise tax on alcohol. CBS requests a portion of these funds be passed on to CBS, which provides frequent services to those incapacitated by alcohol, to help defray the direct costs associated with their care, through the Community Jail Contract.

Juveniles: Under the Juvenile Detention Protective Act (JDPA), adult jails may not house juveniles. The Sitka Police Department has worked well with the State Office of Children's Services, Division of Juvenile Justice and the Court to provide secure housing for juveniles but has borne the cost and liability of this housing without reimbursement. The lack of an appropriate lock-down facility in Sitka for "at risk" juveniles creates a serious problem for the Department as well as the community. The City and Borough of Sitka requests the State Office of Children's Services provide funding for alternative secure housing for "at risk" juveniles, to include appropriate "lock down" quarters, as part of the Community Jail Contract.

The State needs to pay its share of Sitka jail, detoxification, and juvenile services costs now constituting an unfunded mandate burden for State services borne by the Sitka Police Department.

FY 2014 CBS REQUEST FOR STATE FUNDING FOR STATE FACILITIES

Project Title: CO-FUNDING FOR CITY/STATE/TRIBAL JUSTICE CENTER PLANNING STUDY

Total Project Cost:	\$ 150,000 (100%)
Funding Already Secured (CBS):	\$ 75,000 (50%)
FY 2014 State Funding Request:	\$ 75,000 (50%)
City and Borough of Sitka Federal Tax ID Number:	92-0041163

The City and Borough of Sitka requests that the State of Alaska partner with CBS to fund a planning study in the amount of \$75,000 each to develop a concept plan for a new facility co-locating State, CBS and Tribal justice-related services in Sitka.

State and Municipal justice facilities in Sitka are antiquated and inadequate to serve current needs. Most are housed in the nearly 40 year-old State/City Building. The City and Borough of Sitka and Sitka Tribe of Alaska are collaborating with other key stakeholders, including State agencies, to plan a "one stop shopping center" housing a broad range of justice-related services. The new facility could potentially house the offices of Sitka Police Department and Community Jail and Sitka Tribe of Alaska Social Services, plus several State facilities: Alaska Assistant District Attorney, Alaska Children's Services, Alaska Department of Corrections/Division of Probation and Parole, Alaska Division of Juvenile Justice, and Alaska District Court, none of which have adequate or secure facilities.

The City/State Office building is old and in need of replacement. In addition to the Police Department, it also houses a number of State offices. The Police Department has long since outgrown its space. Many of the jail supplies are kept at offsite rented storage facilities. The Jail Facility is never going to be able to hold inmates longer than the current 10-day maximum without a new facility. Also the Department is currently involved in the Electronic Monitoring Program. The State of Alaska is requested to partner with CBS to improve the Sitka Community Jail and other services by sharing planning and design costs for a new City/State/Tribal Justice Center.

This Planning Study will result in a concept plan, including cost estimates, feasibility and concept design. The new multi-use State/City facility could include a new larger and longer-term Community Jail to ease the overall stress on the Department of Corrections Lemon Creek Facility in Juneau. It may also be possible to initiate and implement an electronic monitoring program for the region.



Legislation Details

File #: 13-139 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 7/2/2013 In control: City and Borough Assembly

On agenda: 7/9/2013 Final action:

Title: Discussion/Direction/Decision of temporary Deputy Administrator to assist in new Administrator transition

Sponsors:

Indexes:

Code sections:

Attachments: [temporary Deputy Administrator](#)

Date	Ver.	Action By	Action	Result
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Memo

To: City and Borough of Sitka Assembly
From: Jay Sweeney, Interim Municipal Administrator
Date: July 2, 2013
Re: Proposal For Temporary Deputy Administrator To Assist in New Administrator Transition

Mayor McConnell and Assembly Members,

As the recruitment process of a new Administrator is drawing to a close, I want to thank you for the opportunity you have provided me to serve in an interim role. I have found the role both satisfying and professionally challenging, and I believe the knowledge and experience I have gained over the last several months will help me to continue to serve Sitka well into the future.

As we discussed at the previous Assembly visioning session, one a new Administrator has been hired, I am willing and interested in serving in a temporary role as Deputy Administrator during the transition period, as opposed to reverting immediately back to my prior position of Finance Director. I believe that I can be of maximum benefit to the Municipality during the upcoming transition period by assisting the new Administrator with management of day-to-day business, liaison assistance, and advice as is appropriate.

My proposal for assisting in this fashion would consist of the following points:

- My assumption of the Deputy Administrator role would be at the solely discretion of the new Administrator;
- My commitment would be for 90 days, after which the new Administrator could choose to make the role permanent if desired.
- My duties would continue to include executive-level financial responsibilities, such as financial reporting, institutional investing, and financial analysis;
- The role would be at the same grade and salary I would earn if I reverted back to being Finance Director; i.e., the role would not add any additional salary expense to the Municipality;
- The new Administrator could end the role early at any time, if he or she chooses;
- If the role were to be ended, I would revert back to my old position as Finance Director; and,
- While I serve in such a Deputy Administrator role, Mr. Middleton would continue to serve as Acting Finance Director.

My thought is that by approving this proposal in concept, the Assembly will be in a position to advise the next Administrator during the interview process of the availability of a dedicated Deputy for the first couple of months of his or her tenure. This may be an important intangible benefit a new Administrator may desire, providing her/him with a level of comfort in accepting the position, if offered.

Thank you for your consideration of this proposal.