

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-09

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING SITKA GENERAL CODE CHAPTER 2.38 "GARY PAXTON INDUSTRIAL PARK BOARD" AT SECTION 2.38.080 A (7) (a) "GENERAL POWERS"

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

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

3. PURPOSE. The purpose of this ordinance is to clarify a conflicting statement in the Sitka General Code to require that approval of any sale, purchase, or trade of land other than a short term lease at the Gary Paxton Industrial Park Board be by ordinance. Currently, Chapter 2.38.080(A)(7) states that the method shall be by ordinance subject to limitations and further states that any sale, purchase, or trade of land other than short term lease (which may be approved by the municipal administrator) shall be subject to approval by the Assembly by resolution.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that Section 2.38.080 of the Sitka General Code is amended to read as follows:

Chapter 2.38
Gary Paxton Industrial Park Board

2.38.080 General Powers

A. Subject to state laws and municipal ordinances, the board of directors shall generally exercise all powers necessary and incidental to operation of all Gary Paxton industrial park facilities in the public interest and in a sound business manner. In particular, and without limitation on the foregoing, the board:

7. Shall administer and dispose of tideland, submerged land, and other land identified by the assembly by ordinance as subject to Gary Paxton Industrial Park administration, subject to the following limitations:

48 a. Any sale, purchase, or trade of land other than short term lease (which
49 may be approved by the municipal administrator) shall be subject to
50 approval by the assembly by ordinance resolution.

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

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58 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and
59 Borough of Sitka, Alaska this 10th day of March, 2015.

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63 Mim McConnell, Mayor

64 **ATTEST:**

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68 Colleen Ingman, MMC
69 Municipal Clerk
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To: Assembly

From: Robin L. Koutchak, Municipal Attorney

Date: February 10, 2015

Issue : Ordinance or Resolution for GPIIP

Attached are the pertinent portions of the Charter and of the Code for your review.

As you will see, most of the Code and Charter mandate that disposal or sale of land be done by ordinance. To be internally consistent, we could have every disposal or sale be done by ordinance. However, in the code dealing with GPIIP, 2.38.080 (7), we see that we shall dispose or administer land by ordinance.

Subsection a. of 2.38.080 (7) goes on to say however that the sale, purchase or trade of land (except short term leases which may be approved by the city administrator) shall be subject to approval by the assembly by resolution.

Although some have suggested this is a "conflict", the fact is under generally accepted principals of law, when it comes to interpreting statutes and language in the statute (or ordinance, code or charter) "the more specific governs the general", therefore, following the resolution mandate of subsection 7 (a) has been proper. Every transaction has been legal, and in fact, every transaction has followed a process of going before the GPIIP board with multiple, properly noticed public meetings before coming to the Assembly. The public process has never been side skirted whether the sale has been by resolution or ordinance. It's not so much what you call the process, as it is that the public is allowed to be part of the process, which it has been with notice given and an opportunity to be heard.

The discussion next raises the issue of changing 2.38.080(7)(a) to make it consistent within itself or within the code. Legally, it could be changed to say "resolution" in both sections or it could be changed to say "ordinance" in both sections. If it were changed to be by ordinance, it would be internally consistent with the entire city code and charter.

However, research and anecdotal thought on the topic points out that GPIIP was created to move at the speed of commercial business, not at the speed of government. That is, (a) was purposefully worded "by resolution" so that commercial business would be taken care of in less than two readings, as required by ordinance. So an equally good argument could be made for making both sections read "by resolution". The safeguard, in the event it is decided to clarify the ability to decide by resolution, is that the Assembly can always table a resolution if they feel that they need more time or input to make a decision or they can send it back to the GPIIP board if they want more information or are not satisfied with the business transaction. So in this regard, it makes no difference whether a decision is made by ordinance or resolution. Interested members of the public always have the opportunity to be engaged or heard at the GPIIP board meetings, as well as at the Assembly level.

B. An ordinance which by its terms is to take effect from and after a specified day takes effect at midnight of the day specified.

(B.C.S. § 1.16.100.)



1.08.070 Retrospective ordinances.

No ordinance is retrospective unless expressly declared therein. (B.C.S. § 1.16.120.)

The Sitka Municipal Code is current through Ordinance 14-41, passed January 13, 2014.

Disclaimer: The City and Borough Clerk's Office has the official version of the Sitka Municipal Code. Users should contact the City and Borough Clerk's Office for ordinances passed subsequent to the ordinance cited above.



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(d) **Boards and Commissions.** The assembly may appoint and establish by ordinance boards and commissions, which ordinance shall prescribe their duties, purpose and functions; also qualifications and condition of service of the appointed members. A quorum of any board or commission, and the number of members required to approve an action, shall be a majority of its membership.

(e) **Committee of the Whole.** By ordinance the assembly may create, or designate itself to be a board of review, adjustment or equalization.

Section 2.14 Auditor.

The assembly shall provide for an annual independent audit of the accounts and other evidences of financial transactions of the municipality and may provide for more frequent audits as it deems necessary.

The audit shall be made by a certified public accountant who has no personal interest, direct or indirect, in the fiscal affairs of the municipality or any of its departments.

The audit is the primary responsibility of the assembly, and this responsibility may not be delegated to the administrator/staff.

ARTICLE III LEGISLATION

Section 3.01 Action Requiring an Ordinance.

In addition to other acts required by law or by this charter to be done by ordinance, those acts of the assembly shall be done by ordinance, which:

(1) Adopt or amend an administrative code or establish, alter, or abolish any municipal department, office or agency.

(2) Provide for a fine or other penalty or establish a rule or regulation for the violation of which a fine or other penalty is imposed.

(3) Levy taxes or establish service areas.

(4) Grant, renew or extend a franchise.

(5) Regulate, not to exceed the amount permitted by state law, the rates charged by a municipal or other public utility.

(6) Authorize the borrowing of money.

(7) Convey or lease or authorize the conveyance or lease of any lands of the municipality.

(8) Propose amendments to this charter.

(9) Adopt with or without amendment ordinances proposed under initiative powers.

(10) Fix the compensation of members of the assembly.

(11) Make supplemental appropriations or transfer appropriations as provided in Sections 11.10 and 11.11.

(12) Adopt or modify the official map, platting, or subdivision controls or regulations, or the zoning plan.

(13) Amend or repeal any ordinance previously adopted except as otherwise provided in Section 6.01 with respect to repeal of ordinances reconsidered under the referendum power.

(14) Establish a formal procedure for acquisition from the

state of land or rights in land and disposal of those lands or rights in land.

Section 3.02 Ordinances in General.

(a) **Enactment Procedure.** Except as otherwise provided in this Article, the following procedure shall govern the enactment of all ordinances: An ordinance may be introduced by any member of committee of the assembly at any regular or special meeting of the assembly. Upon introduction of any ordinance, sufficient copies shall be furnished to the clerk in order for him/her to immediately distribute at least one copy each to the assembly members. After an ordinance has been introduced, and unless it is rejected at the same meeting by the affirmative votes of not less than a majority of the assembly members, the assembly shall promptly cause the ordinance to be published, together with a notice setting out the time and place for a public hearing on the ordinance and for its consideration by the assembly. The public hearing on any ordinance not rejected shall follow the required publication by at least seven days and it may be held separately or in connection with a regular or special assembly meeting and may be adjourned from time to time. At the public hearing held in accordance with the notice, copies of the ordinance shall be distributed to all persons present who request them, and the ordinance shall be read in full, if requested by an assembly member present at the meeting. All persons interested shall have an opportunity to be heard. After the hearing, the assembly shall consider the ordinance and may adopt it with or without amendment, or reject it. But if upon consideration, the assembly amends the ordinance as to its substance, it may not adopt the amended ordinance until the ordinance or its amended sections have been published and until the ordinance has been subjected to hearing and to all other procedures required in the case of a newly introduced ordinance. The same procedure shall govern if the amended ordinance is again amended as to its substance.

(b) **Effective Date.** Except as otherwise provided in this article, every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any date specified in the ordinance.

(c) **Meaning of "Publish."** As used in this section, the term "published" means that:

(1) At least the title, which shall be a brief summary of the ordinance or sections concerned, together with any required notice, has been published in one or more newspapers of general circulation in the municipality;

(2) Copies of the ordinance or sections concerned, together with any required notice, have been mailed or faxed to the same newspapers and, in accordance with assembly regulations, to additional newspapers of general circulation in the municipality;

(3) Copies of the ordinance or section concerned, together with any required notice, have been posted conspicuously for public inspection.

ARTICLE XI FINANCE

for:

- (1) Transfer of appropriations for debt service, support payments, fixed assets, or transfers to other funds.
- (2) Transfer of appropriations to or from personnel costs and travel/training costs.

All transfers of appropriations will be documented and submitted to the assembly by the next regular assembly meeting.

The assembly by ordinance may transfer part or all of any unencumbered balance from one division, department, or sub-department to another. No transfer may be made from appropriations for debt service.

Section 11.12 Lapse of Appropriations and Surpluses

Every unencumbered surplus of the general fund or a service area shall lapse at the close of the fiscal year to the general fund or service area, respectively. An appropriation for a capital improvement shall not lapse until its purpose has been accomplished or abandoned.

Section 11.13 Administration of Budget

(a) **Budget Authority.** The administrator shall be responsible for execution of the budget, with oversight by the assembly. No monies shall be spent other than as authorized by the budget or in excess of budgeted amounts unless specifically authorized by the assembly.

The administrator shall provide the assembly with detailed information on budget execution and the assembly shall have the power to change or revoke any authorization.

(b) **Signatures Required.** All checks and orders, except for those concerned with administration of the school budget, shall be signed by the mayor or other elected officer designated by the assembly, and the administrator, finance officer or other administrative officer designated by the assembly.

(c) Appropriations and Unencumbered Balance Required.

No payment may be made and no obligation incurred against the municipality except in accordance with appropriations duly made. No payment may be made and no obligations incurred against any appropriation unless the administrator ascertains that there is a sufficient unencumbered balance in the appropriation and that sufficient funds are or will be available to cover the obligation.

(d) **Illegal Acts.** Every obligation incurred and every authorization of payment in violation of this charter shall be void. Every payment made in violation of the provisions of this charter shall be illegal. All officers or employees of the municipality who authorize or make such payments shall be jointly and severally liable to the municipality for the full amount so paid. The administrator shall proceed forthwith to collect the indebtedness unless otherwise directed by the assembly.

(e) Notwithstanding Section 11.13(c) of this charter, the assembly by ordinance may authorize payment of funds in

later fiscal years for a contract, lease or federal or state program or grant that the municipality might not otherwise be able to participate in.

(f) **Central Treasury.** Except as otherwise provided by the assembly by ordinance, the assembly shall provide that all funds of the municipality from whatever source shall be deposited in a central treasury.

(g) **Centralized Accounting.** Except for the school accounting system and the Community Hospital accounting system, the assembly shall provide for centralized accounting for the municipality. However, at the request of the school board, the assembly shall incorporate the school accounts in the centralized system. The assembly may choose, upon request of the hospital board or upon its own motion to incorporate hospital accounts in the centralized system.

(h) **Centralized Purchasing.** The assembly may provide for centralized purchasing, storage, and distribution of any supplies, materials, and equipment for the municipality and its departments if the associated costs and related benefits warrant such procedures.

Section 11.14 Competitive Bidding

The assembly by ordinance shall provide for competitive bidding.

(a) **Purchases.** Contracts for public improvements and whenever practicable other purchase of supplies, materials, equipment and services, except professional services and services of officers and employees of the municipality, shall be by competitive bid and awarded to the lowest qualified bidder. All contracts and purchases exceeding an amount to be established by ordinance shall require prior assembly approval.

* (b) **Disposals.** The municipality may sell, lease, or otherwise dispose of municipal property. Such disposal shall be by competitive bid and awarded to the highest qualified bidder, unless the assembly finds that competitive bidding is inappropriate due to the nature of the property or the circumstances surrounding its disposal, to include possible unjust results with regard to adjacent or neighboring property owners. The assembly shall enact ordinances governing property disposals.

Section 11.15 Enterprise Funds

Revenues from a municipal enterprise whether established before or after the ratification of this charter shall be first used for debt retirement, construction, acquisition, operation, maintenance, repair and capital improvement of the enterprise. Other uses of such revenues shall be only as authorized by ordinance or by budgetary action.

Section 11.16 Sitka Permanent Fund

(a) **Purpose.** A permanent fund is hereby created from appropriations to be made by assembly by ordinance. The permanent fund shall be maintained separate and apart from all other funds and accounts of the City and Borough. The purpose is to grow the principal of the permanent fund to

Chapter 18.12 REAL PROPERTY DISPOSAL

Sections:

- 18.12.010 Real property disposal.
- 18.12.014 Requirement for a public vote and disclosure of information for land disposals related to a dock or vessel transfer facility that could be used by large cruise ships.
- 18.12.015 Street and public area vacations.

18.12.010 Real property disposal.

A. Real property, including tidelands, and land acquired from the state, may be sold or leased only when authorized by ordinance. Lease of space within municipal buildings that are of a value of less than one thousand dollars shall be treated as disposals of personal property without ordinance. All other leases of space within a municipal building shall be treated as disposal of real property under this chapter.

Note: The value of a lease shall be determined by multiplying the monthly rent by the term of the lease.

B. Upon sale or disposal of real property valued over five hundred thousand dollars, or upon lease of real property, including tidelands, of a value of more than seven hundred fifty thousand dollars, the ordinance authorizing the sale, lease, or disposition shall provide that the ordinance be ratified by a majority of the qualified voters voting at a general or special election. Any such sale, lease, or disposition shall be revocable pending the outcome of the election. This subsection shall not apply to leases at the former Alaska Pulp Corporation mill site, and the property leased under Ordinance 99-1539.

C. No election, ratification by the electorate, or competitive bid is required for exchange of municipal property, both real and personal, including tidelands, or any interest in property, with the United States, the state of Alaska, or a political subdivision.

Such disposals to other governmental units, shall be done by ordinance.

All leases of real property and tidelands approved by the assembly and signed by the lessee prior to the date of enactment of the ordinance codified in this title are confirmed and ratified and voter ratification is waived. (Enactment date September 27, 1983).

D. The lease of any municipal property on a temporary basis may be made by the administrator upon motion of the assembly without ordinance. Temporary shall be defined as any lease terminable at the will of the municipality where no more than thirty days prior notice of intent to terminate is required.

E. Sale or lease of municipal real property, including tidelands shall be by competitive bid, unless the assembly finds that competitive bidding is inappropriate, due to the size, shape, or location of the parcel, rendering it of true usefulness to only one party, or is waived by subsection C of this section. The assembly may also find that competitive bidding is inappropriate due to the nature of the property

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(Ord. 00-1568 § 4 (part), 2000.)

2.38.070 Membership in associations.

The board of directors may maintain membership in any local, state or national group or association organized and operated for the promotion, improvement, or assistance in the administration of port and harbor facilities, or industrial park facilities and, in connection therewith, pay dues and fees thereto. The assembly shall select one of its members to serve as the liaison to the board. (Ord. 00-1568 § 4 (part), 2000.)

2.38.080 General powers.

A. Subject to state laws and municipal ordinances, the board of directors shall generally exercise all powers necessary and incidental to operation of all Gary Paxton industrial park facilities in the public interest and in a sound business manner. In particular, and without limitation on the foregoing, the board:

1. Shall be responsible for the operation, maintenance, development, and marketing of the municipally owned and operated Gary Paxton industrial park, including such facilities as site development, docks, and facilities appurtenant thereto;
2. Shall approve annual budgets prepared by the industrial park director to be submitted to the assembly for final approval and adoption;
3. Shall formulate and prepare planning documents for the ongoing development of the industrial park;
4. Shall enforce all rules and regulations necessary for the administration of the facilities under its management. Such rules and regulations shall be prepared and amended by the board and subject to the final approval of the assembly before implementation;
5. Shall prescribe the terms under which persons and vessels may use the facilities and shall establish and enforce standards of operation, consistent with the prospective purchasers agreement and the state of Alaska Department of Environmental Conservation Management Plan and the conveyance agreement with Alaska Pulp Corporation;
6. Shall, within the industrial park appropriation and in general conformity with the rates of pay established for municipal positions of similar responsibility, establish and may amend, the pay plan for industrial park municipal employees;
- * 7. Shall administer and dispose of tideland, submerged land, and other land identified by the assembly by ordinance as subject to Gary Paxton industrial park administration, subject to the following limitations:
 - a. Any sale, purchase, or trade of land other than short term lease (which may be approved by the municipal administrator) shall be subject to approval by the assembly by resolution.

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b. All land transactions by the board in accordance with this section shall be governed by this chapter rather than Title 18 of this code, as follows:

- i. The long term leasing of all of the property at the Gary Paxton industrial park is authorized regardless of value.
- ii. Leases shall be granted to the highest responsible bidder unless the assembly determines that because of the nature of the trust to be leased, the nature of the business being sought for the lease or seeking a lease, or the number of jobs to be produced, that competitive bidding is inappropriate and the terms of the proposed lease, including price, should be negotiated. Applications for non-bid dispositions shall be referred to the board for recommendations;

8. May propose capital improvement projects to and apply for funding from state and federal agencies; provided, that such request shall be subject to prioritization by the assembly with other municipal capital improvement funding requests;

9. Shall, on behalf of the municipality, enter into memoranda of understanding, permit negotiations and similar agreements with public agencies for industrial park purposes. The board may negotiate and enter into contracts for goods and services pursuant to regulations set out in this chapter; provided, that all legal services shall be provided by or under the supervision of the municipal attorney. All services provided by a municipal agency other than the municipal attorney shall be pursuant to a memorandum of understanding or other instrument providing for payment or such other settlement as the municipal administrator and board may approve. Contracts for public improvements and, whenever practicable, other purchase of supplies, materials, equipment, and services, except professional services and services of officers and municipal employees, shall be by competitive bid and awarded to the lowest qualified bidder according to the procedures established in Title 18. All contracts and purchased items specifically identified within the Gary Paxton industrial park budget shall not require prior assembly approval. All contracts and purchases shall require municipal administrator approval.

(Ord. 14-21 § 4 (part), 2014; Ord. 00-1568 § 4 (part), 2000.)

2.38.090 Leasing powers.

All leases of land, whether uplands or tidelands, within the Gary Paxton industrial park are subject to the leasing provisions set forth in this chapter. (Ord. 14-21 § 4 (part), 2014; Ord. 00-1568 § 4 (part), 2000.)

2.38.100 Adoption of regulations.

The board of directors shall adopt regulations for the administration of the industrial park. The board shall submit regulations to the assembly for review prior to final adoption. (Ord. 00-1568 § 4 (part), 2000.)

2.38.110 Gary Paxton industrial park director designated appointment.

(6)

A. The director of the Gary Paxton industrial park shall be the director appointed by the assembly upon the affirmative recommendation of a majority of the entire board. The board shall interview and recommend candidates to assembly for final approval. The director serves at the pleasure of the board. For purposes of Title 2, the director shall have the status of a department head as defined in Chapter 2.08. The assembly shall establish the compensation and benefits to be provided to the director.

B. The assembly may alternatively elect to enter into a services contract with another entity to perform all duties and functions of the director of the Gary Paxton industrial park as described in Section 2.38.120.

(Ord. 14-21 § 4 (part), 2014; Ord. 00-1568 § 4 (part), 2000.)

2.38.120 Director duties and responsibilities.

A. The director is responsible for the overall supervision and direction of the affairs of the Gary Paxton industrial park. The authority and duties of the director shall include the following:

1. To be responsible for carrying out all applicable laws, ordinances, rules, and regulations;
2. To be responsible for carrying out policies established by the board of directors and assembly;
3. To prepare and submit to the board of directors for approval a plan of organization and a job classification plan for the personnel employed in the Gary Paxton industrial park;
4. To prepare an annual budget as required by municipal ordinance;
5. To select, employ, control, and discharge all Gary Paxton industrial park employees and such other employees as the assembly by ordinance hereafter places under the supervision of the director subject to the provisions of the municipal personnel policies, except that the director may recommend changes to the personnel plan to allow for the peculiarities of the operation of Gary Paxton industrial park;
6. To prepare such reports as may be required on any phase of industrial park activity;
7. To attend all meetings of the board of directors;
8. To perform any other duty that may be necessary in the interest of the industrial park area.

(Ord. 14-21 § 4 (part), 2014; Ord. 00-1568 § 4 (part), 2000.)

2.38.130 Schedule of fees and charges.

A. A schedule of fees and charges for use of the industrial park public dock and other industrial park facilities shall be submitted to the assembly annually or more often as deemed necessary, for approval.

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Regular Meeting Minutes
April 25, 2000
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M/S Pearson/Rogers to accept the bid of \$1,800 from Boyd Didrickson for Lot 4 of Block 2 USS 2542.

Motion CARRIED by a unanimous roll call vote.

Item D.
Ordinance 00-1568

AMENDING TITLE 2 OF THE SITKA GENERAL CODE ADDING CHAPTER 2.38, ESTABLISHING RULES AND PROCEDURES GOVERNING LEASES AND PROPERTY MANAGEMENT AT THE FORMER ALASKA PULP CORPORATION MILL SITE

M/S Rogers/Perkins to adopt Ordinance 00-1568 on second and final reading.

Mayor Filler read the Title, Purpose and Effective Date portions of the ordinance.

A/S Nelson/Rogers to amend Section 2.38.020 to require conflict of interest statements of the Sawmill Cover Industrial Park Board of Directors annually. Motion was withdrawn.

A/S Pearson/Nelson to require written disclosure by each Board member of ownership interests in lessees and applicants to be lessees be filed with the Municipal Clerk by March 15 annually.

Motion to amend CARRIED by unanimous voice vote.

A/S Pearson/Filler to delete "Board members shall serve at the pleasure of the assembly" in Section 2.38.020, then "No employee or the spouse..." would start a new paragraph.

Motion to amend CARRIED by unanimous voice vote.

A/S Rogers/Pearson to strike the first sentence of Section 2.38.080 (a) 8 plus "The Board" from the beginning of the second sentence.

Motion as amended CARRIED by unanimous roll call vote. Motion as amended CARRIED unanimously on roll call vote.

Item E.
Ordinance 00-1569

AMENDING SECTION 13.06.010 OF THE SITKA GENERAL CODE TO INCREASE PERMANENT AND TRANSIENT MOORAGE RATES

M/S Nelson/Roger to adopt Ordinance 00-1569 on second and final reading.

Mayor Filler read the ordinance in full.

Harbormaster Majesky clarified when a billing is required. Administrator Paxton explained how the revenue could go directly toward maintenance of the harbors, per the intent of the increase. He will make a note for the budget review. Majesky noted little opposition had been heard from boat owners because they realized the maintenance was needed. Financing the repairs will take all of the increased amount for several years to come.

CITY AND BOROUGH OF SITKA

REGULAR MEETING MINUTES
April 11, 2000

7 p.m.
Harrigan Centennial Hall

- PRESENT:** Mayor Stan Filler; Assembly members Rob Allen, Thor Christianson, Valorie Nelson, Denny Pearson, and Dennis Rogers
- Staff Members: Gary Paxton, Administrator; Theron Cole, Attorney; Clifford Groh, Municipal Attorney, Kathy Hope Erickson, Municipal Clerk; Linda Strickland, Acting Municipal Clerk; Paula Bush, Finance Director; Hugh Bevan, Public Works Director; Wells Williams, Planning Director; Randy Cornelius, Electrical Superintendent; Bill McLendon, Police Chief
- ABSENT:** Keith Perkins was absent and excused.
- CALL TO ORDER:** The meeting was called to order at 7:02 p.m. by Mayor Stan Filler.
- ROLL CALL:** Answering roll call were Allen, Christianson, Filler, Nelson, Pearson, and Rogers
- FLAG SALUTE:** All in attendance stood for the Pledge of Allegiance.
- PROCLAMATIONS:** Volunteer Week: Mayor Filler so declared the week of April 9.
- Volunteer of the Quarter: Christianson explained the program, recognized the nominees, and presented the award to Judy Christianson.
- PRESENTATIONS:** Municipal Clerk Erickson presented Jean Frank and De Inger with pins for their work with ANS.
- Citizens Police Academy: Police Chief McLendon described the Academy, then presented certificates to the first graduates.
- Employees: Mayor Filler introduced the new Municipal Attorney Cliff Groh. Assembly member Nelson presented Kathy Erickson with flowers and balloons, as she was leaving the position of Municipal Clerk.
- CONSENT AGENDA:** M/S Rogers/Allen to approve the Consent Agenda consisting of the following items:
- Item A.
Minutes Minutes of the Regular Assembly meeting of March 14 and 21, 2000
- Item B.
Liquor Licenses Liquor license renewals for the Pilot House and the Harbor Inn/Twin Dragon.
- Item C.
Ordinance 00-1568 AMENDING TITLE 2 OF THE SITKA GENERAL CODE ADDING CHAPTER 2.38, ESTABLISHING RULES AND PROCEDURES GOVERNING LEASES AND PROPERTY MANAGEMENT AT THE FORMER ALASKA PULP CORPORATION MILL SITE
- Item D.
Ordinance 00-1569 AMENDING SECTION 13.06.010 OF THE SITKA GENERAL CODE TO INCREASE PERMANENT AND TRANSIENT MOORAGE RATES

CITY AND BOROUGH OF SITKA
ORDINANCE NO. 00-1568

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING TITLE 2
OF THE SITKA GENERAL CODE ADDING CHAPTER 2.38, ESTABLISHING RULES AND
PROCEDURES GOVERNING LEASES AND PROPERTY MANAGEMENT AT THE FORMER
ALASKA PULP CORPORATION MILL SITE

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

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

3. **PURPOSE.** Unlike other property owned by the municipality, the former Alaska Pulp Corporation mill site was acquired not for governmental purposes from the state or federal government, but for economic development and disposal. In general, the property will not be used for public improvements. It will be leased or sold to individuals and corporations to develop business opportunities and provide jobs. For that reason, it is important to enact a procedure for property management and disposal at the site which more closely corresponds to private sector disposals.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that Title 2 of the Sitka General Code is amended to add Chapter 2.38, which shall read as follows:
 - A. Chapter 2.38 Sawmill Cove Industrial Site
 - 2.38.010 Designation
 - 2.38.020 Sawmill Cove Industrial Park Board of Directors
 - 2.38.030 Board of Directors organization
 - 2.38.040 Vacancies
 - 2.38.050 Meetings
 - 2.38.060 Coordination
 - 2.38.070 Membership in associations
 - 2.38.080 General powers
 - 2.38.090 Leasing powers
 - 2.38.100 Adoption of regulations
 - 2.38.110 Sawmill Cove Industrial Park Director designated appointment
 - 2.38.120 Director duties and responsibilities
 - 2.38.130 Schedule of fees and charges
 - 2.38.140 Industrial Park fees
 - 2.38.150 Preparation and submission of a budget
 - 2.38.160 Other fiscal matters
 - 2.38.170 Employee relations
 - 2.38.180 Definitions

2.38.010 Designation.

The former Alaska Pulp Corporation mill site is designated as the Sawmill Cove Industrial Park (Sawmill Cove). As described in Exhibit A, attached hereto and incorporated herein by reference. The Sawmill Cove Industrial Park is a municipal department subject to assembly general oversight.

2.38.020 Sawmill Cove Industrial Park Board of Directors.

There is established the board of directors of the City and Borough of Sitka, which shall be known as the City and Borough of Sitka Sawmill Cove Industrial Park Board of Directors. The Sawmill Cove Industrial Park Board shall consist of five members appointed by the assembly to serve without compensation for staggered two-year terms. Terms shall commence on June 1.

No employee or the spouse of an employee or a member of the immediate family or household of a member of the board of the Sawmill Cove Industrial Park may be a member of the board. To the extent possible, appointments to the board shall include persons having marine, engineering, financial, or other skills relevant to industrial park matters. One member of the board shall hold a seat at large. The Conflict of Interest provisions set out in this code and the Charter shall apply to actions of the Board of Directors. A written disclosure by each board member of his or her ownership interests in lessees and lessee applicants shall be filed with the municipal clerk by March 15th annually.

Members of the Board of Directors shall serve at the pleasure of the Assembly and may be removed by the Assembly at any time.

2.38.030 Board of Directors organization.

The board shall elect annually from its members a chair and vice chair and such other officers as it deems necessary.

2.38.040 Vacancies.

(a) A vacancy shall exist under the following conditions:

- (1) If a person appointed to membership fails to qualify and take office within thirty days of appointment;
- (2) If a member departs from the city and borough with the intent to remain away for a period of ninety or more days;
- (3) If a member submits his or her resignation to the assembly;
- (4) If a member is physically unable to attend board and standing committee meetings for a period of more than ninety days; or
- (5) If a member misses more than forty percent of the board and standing committee meetings in a twelve-month period.

(b) The chair of the board shall notify the assembly of any vacancy on the board. Upon notification, the assembly shall appoint a new member for the unexpired term.

2.38.050 Meetings.

The board shall meet at least once each month at a place and time to be designated by the chair. Meetings of the board or any duly constituted committee of the board shall be subject to the state and local open meeting laws.

2.38.060 Coordination.

2.38.060 Coordination.

The board shall submit to the assembly, at least quarterly, a report on Industrial Park operations and pending issues.

The Municipal Administrator or his designee shall be made an ex-officio member of the board.

The board shall adopt safety policies acceptable to the municipal risk manager or such other officer as the Director may designate.

In emergencies the Industrial Park shall, to the extent necessary to resolve the emergency, be under the control of the fire chief or such other officer as the Municipal Administrator may designate.

2.38.070 Membership in associations.

The Board of Directors may maintain membership in any local, state, or national group or association organized and operated for the promotion, improvement, or assistance in the administration of port and harbor facilities, or industrial park facilities and, in connection therewith, pay dues and fees thereto. The Assembly shall select one of its members to serve as the liaison to the Board.

2.38.080 General powers.

(a) Subject to state laws and municipal ordinances, the Board of Directors shall generally exercise all powers necessary and incidental to operation of all Sawmill Cove Industrial Park facilities in the public interest and in a sound business manner. In particular, and without limitation on the foregoing, the board:

1. Shall be responsible for the operation, maintenance, development, and marketing of the municipally owned and operated Sawmill Cove Industrial Park, including such facilities as site development, docks, and facilities appurtenant thereto.
2. Shall approve annual budgets prepared by the Industrial Park Director to be submitted to the assembly for final approval and adoption.
3. Shall formulate and prepare Planning Documents for the ongoing development of the Industrial Park.
4. Shall enforce all rules and regulations necessary for the administration of the facilities under its management. Said rules and regulations shall be prepared and amended by the Board and subject to the final approval of the assembly before implementation.
5. Shall prescribe the terms under which persons and vessels may use the facilities and shall establish and enforce standards of operation, consistent with the Prospective Purchasers Agreement and the State of Alaska Department of Environmental Conservation Management Plan and the Conveyance Agreement with Alaska Pulp Corporation.
6. Shall, within the Industrial Park appropriation and in general conformity with the rates of pay established for municipal positions of similar responsibility, establish, and may amend, the pay plan for Industrial Park municipal employees.
7. Shall administer and dispose of tideland, submerged land, and other land identified by the assembly by ordinance as subject to Sawmill Cove Industrial Park administration, subject to the following limitations:

(A) Any sale, purchase, or trade of land other than short term lease (which may be approved by the Municipal Administrator) shall be subject to approval by the assembly by resolution.

(B) All land transactions by the board in accordance with this section shall be governed by this chapter rather than Title 18 of this code, as follows:

1. The long term leasing of all of the property at the Sawmill Cove Industrial Park is hereby authorized regardless of value.
2. Leases shall be granted to the highest responsible bidder unless the assembly, determines that because of the nature of the trust to be leased, the nature of the business being sought for the lease (of seeking a lease) or the number of jobs to be produced, that competitive bidding is inappropriate and the terms of the proposed lease, including price, should be negotiated. Applications for non-bid dispositions shall be referred to the board for recommendations.

8. May propose capital improvement projects to and apply for funding from state and federal agencies; provided that such request shall be subject to prioritization by the assembly with other municipal capital improvement funding requests.

9. Shall, on behalf of the municipality, enter into memoranda of understanding, permit negotiations and similar agreements with public agencies for Industrial Park purposes. The board may negotiate and enter into contracts for goods and services pursuant to regulations set out in this ordinance; provided that all legal services shall be provided by or under the supervision of the Municipal Attorney. All services provided by a municipal agency other than the Municipal Attorney shall be pursuant to a memorandum of understanding or other instrument providing for payment or such other settlement as the Municipal Administrator and board may approve. Contracts for public improvements and, whenever practicable, other purchase of supplies, materials, equipment, and services, except professional services and services of officers and municipal employees, shall be by competitive bid and awarded to the lowest qualified bidder according to the procedures established in SGC Title 18. all contracts, and purchased items specifically identified within the Sawmill Cove Industrial Park budget shall not require prior assembly approval. All contracts and purchases shall require Municipal Administrator approval.

2.38.090 Leasing powers.

All leases of land, whether uplands or tidelands, within the Sawmill Cove Industrial Park are subject to the leasing provisions set forth in this chapter.

2.38.100 Adoption of regulations.

The Board of Directors shall adopt regulations for the administration of the industrial park. The Board shall submit regulations to the Assembly for review prior to final adoption.

2.38.110 Sawmill Cove Industrial Park Director designated appointment.

The Director of the Sawmill Cove Industrial Park shall be the Director appointed by the assembly upon the affirmative recommendation of a majority of the entire board. The board shall interview and recommend candidates to Assembly for final approval. The Director serves at the pleasure of the board. For purposes of SGC Title 2, the Director shall have the status of a department head as defined in SCG Chapter 2.08. The Assembly shall establish the compensation and benefits to be provided to the Director.

The Assembly may alternatively elect to enter into a services contract with another entity to perform all duties and functions of the Director of the Sawmill Cove Industrial Park as described in Section 2.38.110 below.

2.38.120 Director duties and responsibilities.

(a) The Director is responsible for the overall supervision and direction of the affairs of the Sawmill Cove Industrial Park. The authority and duties of the Director shall include the following:

1. To be responsible for carrying out all applicable laws, ordinances, rules, and regulations.
2. To be responsible for carrying out policies established by the Board of Directors and assembly.
3. To prepare and submit to the Board of Directors for approval, a plan of organization and a job classification plan for the personnel employed in the Sawmill Cove Industrial Park.
4. To prepare an annual budget as required by municipal ordinance.
5. To select, employ, control, and discharge all Sawmill Cove Industrial Park employees and such other employees as the Assembly by ordinance hereafter places under the supervision of the Director subject to the provisions of the municipal personnel policies, except that the Director may recommend changes to the personnel plan to allow for the peculiarities of the operation of Sawmill Cove Industrial Park.
6. To prepare such reports as may be required on any phase of Industrial Park activity.
7. To attend all meetings of the Board of Directors.
8. To perform any other duty that may be necessary in the interest of the Industrial Park area.

2.38.130 Schedule of fees and charges.

1. A schedule of fees and charges for use of the Industrial Park Public Dock and other Industrial Park facilities shall be submitted to the Assembly annually or more often as deemed necessary, for approval.
2. The Assembly, prior to imposing any fee on activities related principally to or property located in the Sawmill Cove Industrial Park, shall consider the extent to which such fee is necessary to support municipal services delivered by or facilities provided by the municipality.

2.38.140 Industrial Park fees.

(LEAVE BLANK FOR NOW. TO BE DETERMINED)

2.38.150 Preparation and submission of a budget.

The Director shall prepare the budget in accordance with approved city and borough procedure and format and shall submit it to the Board of Directors for approval and recommendation to the Assembly. The Board of Directors shall modify the budget as it deems necessary and forward it to the Municipal Administrator for transmittal to the Assembly. The board shall annually prepare and submit to the Municipal Administrator a proposed six-year capital improvements program for submittal to and consideration by the Assembly.

2.38.160 Other fiscal matters.

All other fiscal matters, including, but not limited to, custody of and expenditure of funds, accounting, and collection shall be governed by the municipal charter and ordinances.

2.38.170 Employee relations.

For purposes of that chapter, the Director is a municipal employee Department Head as defined in SGC 2. who formulates, determines, or effectuates management policies.

2.38.180 Definitions.

Whenever the following words and terms are used in this Title, they shall have the meaning ascribed to them in this Chapter, unless the context clearly indicates otherwise.

"Board" or "Board of Directors" means the Sawmill Cove Industrial Park Board.

"Boats" means all vessels, ships, boats, skiffs, and water craft of every kind and description, and aircraft using or present in the boat harbor. The essential element of a boat is that its purpose and use is navigation as a means of transportation.

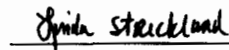
"city and borough" means the City and Borough of Sitka, Alaska.

5. EFFECTIVE DATE. This ordinance shall become effective on the day after the date of its passage and shall sunset on June 30, 2002 unless reenacted by the Assembly of the City & Borough of Sitka.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 25th day of April, 2000.


Stan J. Filler, Mayor

ATTEST:


Linda Strickland
Acting Municipal Clerk

Hackett agreed with Hunter. She added it was important to note this was not a "Cadillac pay scale" its target was 90% of mid-point not 100%. She was in support of the ordinance mainly because the plan compensated for performance and not longevity, was more sustainable than existing practices and within budget. Hackett mentioned this study was not about senior staff noting most of the increases were not supervisory people.

Esquiro appreciated Hunter's analogy, evaluating that this plan was good for the long run and the City would realize benefits. Miyasato noted this ordinance would make up for all the years CBS didn't have the study showing the inequities. Mayor McConnell stated it had to do with fairness and inequities. The represented employees had unions speaking for them whereas these employees didn't.

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

Yes: 6 - McConnell, Hunter, Hackett, Esquiro, Swanson, and Miyasato

Absent: 1 - Reif

XI. NEW BUSINESS:

New Business First Reading

J ORD 14-19 Amending Title 15 of the SGC to increase Water Rates at Sections 15.05.240 A entitled "Service Connection Charge", 15.05.560 entitled "Rates and Fees" and 15.05.625A entitled "Water Service-Sawmill Cove Industrial Park AKA Gary Paxton Industrial Park."

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

Yes: 6 - McConnell, Hunter, Hackett, Esquiro, Swanson, and Miyasato

Excused: 1 - Reif

K ORD 14-20 Amending Title 15 of SGC to increase wastewater rates at Sections 15.04.100 entitled "Service Connection Charge", 15.04.320 entitled "Rates and Fees" and 15.05.625 entitled "Wastewater Service - Sawmill Cove Industrial Park AKA Gary Paxton Industrial Park

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

Yes: 6 - McConnell, Hunter, Hackett, Esquiro, Swanson, and Miyasato

Excused: 1 - Reif

L ORD 14-21 Amending SGC to reflect the recent name change of Sawmill Cove Industrial Park to Gary Paxton Industrial park as approved by Resolution No. 2014-08

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

Yes: 6 - McConnell, Hunter, Hackett, Esquiro, Swanson, and Miyasato

Absent: 1 - Reif

M ORD 14-22

Modifying SGC Section 13.04 entitled "Definitions" to include Float Homes to definition of Float Houses and modifying Section 13.15 entitled "Reserved-Float House" to be entitled "Float Homes" and adding regulations for Floating Homes within the jurisdictional limits of the Harbor System as set forth in SGC 13.02.040

Gorman assured this would not displace any commercial vessels in the harbors. With the reconstruction of ANB two slips were identified as a pilot project and assured that DEC standards must be met.

Planning Director, Wells Williams, stated businesses would not be allowed only home offices.

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

Yes: 6 - McConnell, Hunter, Hackett, Esquiro, Swanson, and Miyasato

Absent: 1 - Reif

A motion was made by Hackett to amend Line 121 by inserting "at least 25". The motion to AMEND PASSED on the following vote.

Yes: 6 - McConnell, Hunter, Hackett, Esquiro, Swanson, and Miyasato

Excused: 1 - Reif

It was noted any business purpose needed to be identified in the Moorage Agreement.

Hunter liked that this would be handled at the Port and Harbors Commission level and not come back to the Assembly.

A motion was made by Hunter to Amend by adding "unless approved in the moorage agreement" at the end of Line 103. The motion to AMEND PASSED by the following vote.

Yes: 6 - McConnell, Hunter, Hackett, Esquiro, Swanson, and Miyasato

Excused: 1 - Reif

N ORD 14-23

Modifying SGC Title 19 entitled Building and Construction by adding language to exempt float homes within the jurisdictional limits of the harbor system under SGC 19.08.025 entitled "Docks and Buildings" and adding Chapter 19.15 entitled "Building Code for Float Homes," Chapter 19.16 entitled "Electrical Code for Float Homes," and Chapter 19.17 entitled "Plumbing Code for Float Homes"

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

Yes: 6 - McConnell, Hunter, Hackett, Esquiro, Swanson, and Miyasato

This item was APPROVED on the Consent Agenda.

- B 14-147 Appointments: Reappoint 1) Grant Miller & Steven Eisenbeisz - Gary Paxton Industrial Park, 2) Ann Wilkinson - Sitka Community Hospital Board, 3) Jane Eidler - Library Commission, 4) Bert Stedman - Sitka Investment Committee, 5) Darrell Windsor - Planning Commission, and Appoint 6) Terrance Seslar - Planning Commission

This item was APPROVED on the Consent Agenda.

Approval of the Consent Agenda

A motion was made to Approve the Consent Agenda. The motion Carried by the following vote:

Yes: 7 - McConnell, Hunter, Hackett, Esquiro, Reif, Swanson, and Miyasato

X. UNFINISHED BUSINESS:

- C ORD 14-19 Amending Title 15 of the SGC to increase Water Rates at Sections 15.05.240 A entitled "Service Connection Charge", 15.05.560 entitled "Rates and Fees" and 15.05.625A entitled "Water Service-Sawmill Cove Industrial Park AKA Gary Paxton Industrial Park."

A motion was made by Hackett to approve this ordinance on second and final reading. The motion PASSED on the following vote.

Yes: 7 - McConnell, Hunter, Hackett, Esquiro, Reif, Swanson, and Miyasato

- D ORD 14-20 Amending Title 15 of SGC to increase wastewater rates at Sections 15.04.100 entitled "Service Connection Charge", 15.04.320 entitled "Rates and Fees" and 15.05.625 entitled "Wastewater Service - Sawmill Cove Industrial Park AKA Gary Paxton Industrial Park

A motion was made by Swanson to approve this ordinance on second and final reading. The motion PASSED by the following vote.

Yes: 7 - McConnell, Hunter, Hackett, Esquiro, Reif, Swanson, and Miyasato

- E ORD 14-21 Amending SGC to reflect the recent name change of Sawmill Cove Industrial Park to Gary Paxton Industrial park as approved by Resolution No. 2014-08

Reif mentioned that he was pleased and proud of Paxton's service to his country and this community and noted this was a very deserving honor.

A motion was made by Hackett that this Ordinance be APPROVED . The motion PASSED by the following vote.

Yes: 7 - McConnell, Hunter, Hackett, Esquiro, Reif, Swanson, and Miyasato

- F ORD 14-22 Modifying SGC Section 13.04 entitled "Definitions" to include Float Homes to definition of Float Houses and modifying Section 13.15 entitled "Reserved-Float House" to be entitled "Float Homes" and adding

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2014-21

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING THE SITKA GENERAL CODE TO REFLECT THE RECENT NAME CHANGE OF SAWMILL COVE INDUSTRIAL PARK TO GARY PAXTON INDUSTRIAL PARK AS APPROVED BY RESOLUTION NO. 2014-08

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 change references within the SGC from Sawmill Cove Industrial Park (“SCIP”) to Gary Paxton Industrial Park (“GPIP”) as approved and passed by Resolution No. 2014-08 on May 27, 2014. Provisions of the SGC affected by Resolution 2014-08 under this ordinance are as follows:

- SGC Title 2 “Administration;”
- SGC Chapter 2.38, specifically sections 2.38.010 “Designation,” 2.38.020 “Sawmill Cove industrial park board of directors,” 2.38.080 “General powers,” 2.38.090 “Leasing powers,” 2.38.110 “Sawmill Cove industrial park director designated appointment,” 2.38.120 “Director duties and responsibilities,” 2.38.130 “Schedule of fees and charges,” and 2.38.180 “Definitions;”
- SGC 4.04.010 “Funds, divisions and departments;”
- SGC 4.06 “Allocation of Revenue From Sale of Water;”
- SGC 15.06.020 “Solid waste disposal policy and rates” in paragraphs A., D., G. and J.;
- SGC 22.12.010 “Districts established;”
- SGC Chapter 22.16 “District Regulations,” specifically sections 22.16.015B. “Permitted, conditional and prohibited uses” including Tables 22.16.015-1, 22.16.015-2, 22.16.015-3, 22.16.015-4, 22.16.015-5, and 22.16.015-6; and
- SGC 22.16.170 “SC Sawmill Cove special zone.

In addition, SGC 15.05.625 entitled “Water and wastewater rates – Sawmill Cove industrial park” will be deleted in its entirety in accordance with ordinance 2014-19.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that SGC Title 2 entitled “Administration,” SGC Chapter 2.38 entitled “Sawmill Cove Industrial Site,” SGC Chapter 4.04 entitled “Budgetary Organization,” SGC Chapter 4.06 entitled “Allocation of Revenues From Sale of Water,” SGC Chapter 15.05 entitled “Water System,” SGC Chapter 15.06 entitled “Solid Waste Treatment and Refuse Collection,” SGC Chapter 22.12 “Zoning Maps and Boundaries,” and SGC 22.16 entitled “District Regulations” is modified as follows (new language underlined; deleted language stricken):

**Title 2
ADMINISTRATION**

Chapters:

* * *

2.38 Gary Paxton Sawmill Cove Industrial Site

* * *

Chapter 2.38

GARY PAXTON SAWMILL COVE INDUSTRIAL PARK SITE

Sections:

- 2.38.010 Designation.**
- 2.38.020 Gary Paxton Sawmill Cove industrial park board of directors.**
- 2.38.030 Board of directors organization.**
- 2.38.040 Vacancies.**
- 2.38.050 Meetings.**
- 2.38.060 Coordination.**
- 2.38.070 Membership in associations.**
- 2.38.080 General powers.**
- 2.38.090 Leasing powers.**
- 2.38.100 Adoption of regulations.**
- 2.38.110 Gary Paxton Sawmill Cove industrial park director designated appointment.**

* * *

2.38.010 Designation.

The former Alaska Pulp Corporation mill site is designated as the Gary Paxton Sawmill Cove industrial park (GPIP Sawmill Cove). As described in Exhibit A, attached to the ordinance codified in this chapter and incorporated herein by reference. The Gary Paxton Sawmill Cove industrial park is a municipal department subject to assembly general oversight.

2.38.020 Gary Paxton Sawmill Cove industrial park board of directors.

A. There is established the board of directors of the city and borough of Sitka, which shall be known as the city and borough of Sitka Gary Paxton Sawmill Cove industrial park board of directors. The Gary Paxton Sawmill Cove industrial park board shall consist of five members appointed by the assembly to serve without compensation for staggered two-year terms. Terms shall commence on June 1st.

B. No employee or the spouse of an employee or a member of the immediate family or household of a member of the board of the Gary Paxton Sawmill Cove industrial park may be a member of the board. To the extent possible, appointments to the board shall include persons having marine, engineering, financial or other skills relevant to industrial park matters. One member of the board shall hold a seat at large. The conflict of interest provisions set out in this code and the Charter shall apply to actions of the board of directors. A written disclosure by each board member of his or her ownership interests in lessees and lessee applicants shall be filed with the municipal clerk by March 15th annually.

* * *

2.38.080 General powers.

A. Subject to state laws and municipal ordinances, the board of directors shall generally exercise all powers necessary and incidental to operation of all Gary Paxton Sawmill Cove industrial park facilities in the public interest and in a sound business manner. In particular, and without limitation on the foregoing, the board:

1. Shall be responsible for the operation, maintenance, development, and marketing of the municipally owned and operated Gary Paxton Sawmill Cove industrial park, including such facilities as site development, docks, and facilities appurtenant thereto;

* * *

7. Shall administer and dispose of tideland, submerged land, and other land identified by the assembly by ordinance as subject to Gary Paxton Sawmill Cove industrial park administration, subject to the following limitations:

* * *

b. All land transactions by the board in accordance with this section shall be governed by this chapter rather than Title 18 of this code, as follows:

- i. The long term leasing of all of the property at the Gary Paxton Sawmill Cove industrial park is authorized regardless of value.
- ii. Leases shall be granted to the highest responsible bidder unless the assembly determines that because of the nature of the trust to be leased, the nature of the business being sought for the lease or seeking a lease, or the number of jobs to be produced, that competitive bidding is inappropriate and the terms of the proposed lease, including price, should be negotiated. Applications for non-bid dispositions shall be referred to the board for recommendations;

* * *

9. Shall, on behalf of the municipality, enter into memoranda of understanding, permit negotiations and similar agreements with public agencies for industrial park purposes. The board may negotiate and enter into contracts for goods and services pursuant to regulations set out in this chapter; provided, that all legal services shall be provided by or under the supervision of the municipal attorney. All services provided by a municipal agency other than the municipal attorney shall be pursuant to a memorandum of understanding or other instrument providing for payment or such other settlement as the municipal administrator and board may approve. Contracts for public improvements and, whenever practicable, other purchase of supplies, materials, equipment, and services, except professional services and services of officers and municipal employees, shall be by competitive bid and awarded to the lowest qualified bidder according to the procedures established in Title 18. All contracts, and purchased items specifically identified within the Gary Paxton Sawmill Cove industrial park budget shall not require prior assembly approval. All contracts and purchases shall require municipal administrator approval.

2.38.090 Leasing powers.

All leases of land, whether uplands or tidelands, within the Gary Paxton Sawmill Cove industrial park are subject to the leasing provisions set forth in this chapter.

* * *

2.38.110 Gary Paxton Sawmill Cove industrial park director designated appointment.

A. The director of the Gary Paxton Sawmill Cove industrial park shall be the director appointed by the assembly upon the affirmative recommendation of a majority of the entire board. The board shall interview and recommend candidates to assembly for final approval. The director serves at the pleasure of the board. For purposes of Title 2, the director shall have the status of a department head as defined in Chapter 2.08. The assembly shall establish the compensation and benefits to be provided to the director.

B. The assembly may alternatively elect to enter into a services contract with another entity to perform all duties and functions of the director of the Gary Paxton Sawmill Cove industrial park as described in Section 2.38.120.

2.38.120 Director duties and responsibilities.

A. The director is responsible for the overall supervision and direction of the affairs of the Gary Paxton Sawmill Cove industrial park. The authority and duties of the director shall include the following:

* * *

3. To prepare and submit to the board of directors for approval, a plan of organization and a job classification plan for the personnel employed in the Gary Paxton Sawmill Cove industrial park;

* * *

5. To select, employ, control, and discharge all Gary Paxton Sawmill Cove industrial park employees and such other employees as the assembly by ordinance hereafter places under the supervision of the director subject to the provisions of the municipal personnel policies, except that the director may recommend changes to the personnel plan to allow for the peculiarities of the operation of Gary Paxton Sawmill Cove industrial park;

* * *

2.38.130 Schedule of fees and charges.

* * *

B. The assembly, prior to imposing any fee on activities related principally to or property located in the Gary Paxton Sawmill Cove industrial park, shall consider the extent to which such fee is necessary to support municipal services delivered by or facilities provided by the municipality.

* * *

2.38.180 Definitions.

Whenever the following words and terms are used in this title, they shall have the meaning ascribed to them in this chapter, unless the context clearly indicates otherwise.

“Board” or “board of directors” means the Gary Paxton Sawmill Cove industrial park board.

* * *

**Chapter 4.04
BUDGETARY ORGANIZATION**

Sections:

4.04.010 Funds, divisions and departments.

4.04.010 Funds, divisions and departments.

The following funds, divisions and departments of the city and borough are established:

FUND	DIVISION DEPARTMENT
* * *	
I. Gary Paxton Sawmill Cove Industrial Park	Operations

* * *

**Chapter 4.06
ALLOCATION OF REVENUES FROM SALE OF WATER**

Sections:

- 4.06.010 Allocation of revenues from bulk sales of water.**
- 4.06.020 Allocation of revenues from sales of raw water at Gary Paxton industrial park. ~~Sawmill Cove Industrial Park.~~**
- 4.06.025 Allocation of revenues from sales of water at Gary Paxton industrial park ~~Sawmill Cove Industrial Park~~ subject to the agreement to convey with Alaska Pulp Corporation.**
- 4.06.030 Allocation of revenues from sales of treated water at Gary Paxton industrial park. ~~Sawmill Cove Industrial Park.~~**

4.06.010 Allocation of revenues from bulk sales of water.

Twenty-five percent of the revenues received by Sitka from bulk sales of water shall be deposited into the general fund. Half of the remainder of the revenues received by Sitka from bulk sales of water shall be deposited into the electric fund, and the other half of the remainder of the revenues received by Sitka from bulk sales of water shall be deposited into the water fund. This section does not apply to sales of water at Gary Paxton industrial park. ~~Sawmill Cove Industrial Park.~~

4.06.020 Allocation of revenues from sales of raw water at Gary Paxton industrial park. ~~Sawmill Cove Industrial Park.~~

For five years starting on the effective date of the ordinance codified in this chapter, fifty percent of the revenues received by Sitka from the sales of raw water at Gary Paxton industrial park ~~Sawmill Cove Industrial Park~~ shall be deposited into the Gary Paxton industrial park ~~Sawmill Cove Industrial Park~~ enterprise fund and the remaining fifty percent of such revenues shall be deposited into the water fund. Upon the passage of five years the revenues received by Sitka from the sales of raw water at Gary Paxton industrial park ~~Sawmill Cove Industrial Park~~

shall be deposited equally into the general fund, the electric fund, the water fund, and the Gary Paxton Sawmill Cove Industrial Park enterprise fund.

4.06.025 Allocation of revenues from sales of water at Gary Paxton industrial park. Sawmill Cove Industrial Park subject to the agreement to convey with Alaska Pulp Corporation.

Notwithstanding any other provision of law, fifty percent of the revenues received before April 6, 2009 from sales of raw water subject to Section 9 of the Agreement to Convey between Sitka and Alaska Pulp Corporation shall be paid to Alaska Pulp Corporation. Seventy-five percent of the remainder of the revenues described in the previous sentence shall be deposited in the Gary Paxton industrial park Sawmill Cove Industrial Park enterprise fund, and twenty-five percent shall be deposited in the general fund. This section shall sunset and be of no further force and effect on April 6, 2009.

4.06.030 Allocation of revenues from sales of treated water at Gary Paxton industrial park. Sawmill Cove Industrial Park.

All of the revenues received from the sales of treated water at Gary Paxton industrial park. Sawmill Cove Industrial Park shall be deposited into the water fund.

* * *

Chapter 15.06

SOLID WASTE TREATMENT AND REFUSE COLLECTION

* * *

15.06.020 Solid waste disposal policy and rates.

A. Junk automobiles and small trucks (three-quarter ton or smaller) may be delivered to Gary Paxton Sawmill Cove industrial park (GPIP SMCIP) scrap yard at a rate of three cents per pound.

* * *

D. Fuel tanks must be cleaned and cut into pieces less than five feet by twelve feet prior to delivery to the GPIP SMCIP scrap yard.

* * *

G. Recyclables including mixed paper, cardboard, and newsprint that are delivered to the GPIP SMCIP-scrap yard shall be billed at a rate of four cents per pound.

H. Tires off of large trucks and heavy equipment may be delivered to the transfer station or GPIP SMCIP-scrap yard and shall be billed at a rate of twenty-five dollars each.

* * *

J. Household hazardous waste may be disposed of during normal business hours at the GPIP SMCIP-scrap yard. Commercially generated household hazardous waste will not be accepted at any time.

* * *

Chapter 22.12

ZONING MAPS AND BOUNDARIES

* * *

22.12.010 Districts established.

The city and borough is divided into districts as shown on the zoning maps of the city and borough which, together with all explanatory matter, are adopted by reference to be a part of this title. The districts shall be as follows:

* * *
GPSC Gary Paxton Sawmill Cove special district

* * *

**Chapter 22.16
DISTRICT REGULATIONS**

Sections:

* * *

22.16.170 GP Gary Paxton SC Sawmill Cove special zone.

* * *

22.16.015 Permitted, conditional and prohibited uses.

* * *

B. Any use which causes, or may be reasonably expected to cause, an excessive disturbance not in keeping with the character and stated intent of this district. "Excessive" is defined for these purposes as a degree exceeding that generated by uses permitted in the district in their customary manner of operation or to a degree injurious to the public safety, health, welfare or convenience.

If the letter "P" appears in the box, the use is permitted outright subject to the provisions of the code. If the letter "C" appears in the box, the use is a conditional use subject to review and approval including site plan approval. If the box contains a number, there will be a corresponding footnote further specifying the conditions applicable to the use in the zone.

With the exception of the Gary Paxton Sawmill Cove special district or as otherwise provided in this code, if the letter "P," "C," or another notation does not appear in the box, the use is prohibited.

The Gary Paxton Sawmill Cove special (GP/GPS SC/SCS) district was specifically developed to allow for a wide range of flexible uses on the site. When the site was acquired, it was recognized that a number of appropriate uses may surface that could not be anticipated. Appropriate and inappropriate uses could be regulated through lease agreements and sales agreements that must be approved by the municipality. As a result, the GP/GPS SC/SCS district use tables shall function differently from the manner outlined above.

Any uses, except retail and business uses, at Table 22.16.015-6, as well as natural resource extracting and mining support facilities uses within Table 22.16.015-5, may be approved in the GP/GPS SC/SCS district without a requirement of a zoning amendment in accordance with Section 2.38.080.

Retail and business uses in the GP/GPS SC/SCS district that are permitted uses, conditional uses, or prohibited uses on the site are governed by Table 22.16.015-6. Natural resource extractions and mining support facilities are conditional uses governed by Table 22.16.015-5 in

the GP/GPS SC/SCS district. These use tables are binding on the owners and the operators in the Gary Paxton industrial park. ~~Sawmill Cove Industrial Park~~. No changes to these tables shall be made without a zoning ordinance text amendment that follows the full procedures in Chapter 22.30, Zoning Code Administration, of this code.

**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 (3, 10)	LI(3)	R	OS	<u>GP SC</u> (13)

R-2 MHP: Multifamily/Mobile Home District GP: Gary Paxton SC: Sawmill Cove Special District

**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	<u>GPSC</u> (9)

R-2 MHP: Multifamily/Mobile Home District GP: Gary Paxton SC: Sawmill Cove Special District

**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	<u>GPSC</u> (8)

R-2 MHP: Multifamily/Mobile Home District GP: Gary Paxton SC: Sawmill Cove Special District

**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	<u>GPSC</u> (6)
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**Table 22.16.015-4
Public Facilities Uses**

ZONES	P(1)	SF	SFLD	R-1	R-1	R-1	R-2	R-2	CBD	C-1	C-2	WD	I	GI(3)	LI(3)	R	OS	GPSC (6)
* * *																		

R-2 MHP: Multifamily/Mobile Home District GP: Gary Paxton SC: Sawmill Cove Special District

* * *

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

ZONES	P(1)	SF	SFLD	R-1	R-1	R-1	R-2	R-2	CBD	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GPSC (7)
* * *																		

R-2 MHP: Multifamily/Mobile Home District GP: Gary Paxton SC: Sawmill Cove Special District

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**Table 22.16.015-6
Retail and Business Uses**

ZONES	P(1)	SF	SFLD	R-1	R-1	R-1	R-2	R-2	CBD	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GPSC
* * *																		
• Sales of goods that are wholly manufactured at Gary Paxton industrial park GPIIP Sawmill Cove Industrial Park SCIP																		P
• Sales of gifts, souvenirs and promotional materials that bear the logo or trade name of a GPIIP or SCIP permitted use business																		P
* * *																		

R-2 MHP: Multifamily/Mobile Home District GP: Gary Paxton SC: Sawmill Cove Special District

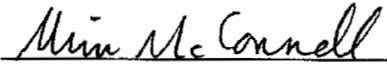
* * *

22.16.170 GP Gary Paxton SC Sawmill Cove special zone.

A. Intent. The Gary Paxton Sawmill Cove special zone is intended to apply to the Gary Paxton Sawmill Cove industrial park site and the associated tidelands portions and adjacent municipal tracts as defined by the zoning maps. It provides development flexibility for this unique site by allowing many uses that are permitted in both the waterfront and industrial zoning districts.

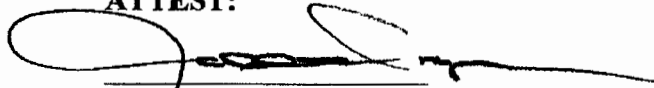
5. **EFFECTIVE DATE.** This ordinance shall become effective the day after its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 24th day of June, 2014.



Mim McConnell, Mayor

ATTEST:



Colleen Ingman, MMC
Municipal Clerk