



CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS
1332 Seward Ave.
Room 229
Sitka, AK
(907)747-1811

Meeting Agenda City and Borough Assembly

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

*Municipal Administrator: Mark Gorman
Municipal Attorney: Robin L. Koutchak
Municipal Clerk: Sara Peterson, CMC*

Tuesday, July 28, 2015

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

IV. CORRESPONDENCE/AGENDA CHANGES

[15-135](#) Reminders and Calendars

Attachments: [Reminders and Calendars](#)

V. CEREMONIAL MATTERS

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

Attachments: [US Coast Guard Day](#)

[DiGennaro service award](#)

[Orbison service award](#)

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

[15-121](#) Alaska Joint Library Consortium - Robb Farmer, Library Director

VII. PERSONS TO BE HEARD

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

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

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

- A** [15-119](#) Approve the minutes of the July 14 Assembly meeting
Attachments: [Consent and Minutes](#)
- B** [ORD 15-40](#) Adjusting the FY15 and FY16 Budgets (first reading)
Attachments: [Ord 2015-40](#)
- C** [RES 15-14](#) Approving submittal and execution of a municipal harbor facility grant application to the State of Alaska, Department of Transportation and Public Facilities (ADOT&PF) in the amount of \$5,000,000 for the project entitled Crescent Harbor Float Replacement - Phase I
Attachments: [Res 2015-14](#)
- D** [15-122](#) Electric Department requests: 1) Approve the use of funds from Blue Lake proceeds in the amount of \$516,286.26 for Capital Project #90672 to complete replacement of Medvejie Substation and 2) Authorize the Municipal Administrator to execute a purchase order to ABB Inc. in the amount of \$82,500 for purchase and installation of a circuit breaker for the Medvejie Substation Project
Attachments: [Medvejie substation and circuit breaker](#)
- E** [15-123](#) Authorize the Municipal Administrator to execute a purchase order for a time and equipment contract not to exceed \$750,000 to Chatham Electric, Inc. to assist in Electric Department infrastructure improvement work on approved capital projects
Attachments: [Chatham Electric Inc.](#)
- F** [15-129](#) Authorize the Municipal Administrator to enter into an 8 year contract with ACS to provide the City and Borough of Sitka with campus network infrastructure
Attachments: [campus network infrastructure](#)

- G** [15-125](#) Approve the transfer of \$36,854 from the Bulk Water Fund to the Gary Paxton Industrial Park Fund for reimbursement of City and Borough of Sitka staff hours spent on raw water sales
Attachments: [Bulk Water Fund](#)
- X.** **BOARD, COMMISSION, COMMITTEE APPOINTMENTS**
- H** [15-130](#) Appoint Gayle Hammons to a three-year term on the Local Emergency Planning Committee
Attachments: [Hammons application](#)
- XI.** **UNFINISHED BUSINESS:**
- I** [ORD 15-36](#) Placing a Ballot Question on the Regular Election on October 6, 2015 to amend the Home Rule Charter of the City and Borough of Sitka at Article 13.03 entitled "Property Tax Limit" to increase the millage rate limit by one tenth of one percent (.001), which would be seven tenths of one percent (.007), or seven (7.0) mills to be used to support the Sitka School District
Attachments: [Ord 2015-36](#)
- J** [ORD 15-37A](#) Amending Section 2.12.010 City and Borough of Sitka Hospital Board and Section 2.12.070 Organization, formally dissolving the existing Sitka Community Hospital Board (SCH) and its framework and re-establishing and reorganizing membership under new criteria by decreasing voting membership from seven to five with the goal of providing financial welfare and economic financial stability to Sitka Community Hospital. The new membership will include one CBS standing seat (and alternate) appointed by the Municipal Administrator.
Attachments: [Ord 2015-37A](#)
- K** [ORD 15-39](#) Amending Sitka General Code Title 22 Zoning to allow Bed and Breakfast operations in owner-occupied single family or owner-occupied side of a two-family dwelling unit
Attachments: [Ord 2015-39](#)
- XII.** **NEW BUSINESS:**
- L** [15-124](#) Hearing of an appeal filed by Shirley Burkhart for a zoning violation at 101 Lance Drive
Attachments: [Appeal outline](#)
[Burkhart appeal letter](#)
[Planning Department submittal](#)

- M** [15-127](#) Discussion/Direction on an Advisory Committee for commercial marijuana regulation in Sitka
Attachments: [Advisory Committee](#)
- N** [15-131](#) Discussion/Direction on potential City and Borough of Sitka management of the Halibut Point Recreation Area
Attachments: [Halibut Point Rec Area](#)
- O** [15-132](#) Discussion/Direction on inflation proofing the Permanent Fund
Attachments: [Permanent Fund](#)
- P** [15-126](#) Discussion/Direction on extending an invitation to President Barack Obama to visit Sitka in August
Attachments: [invite](#)
- Q** [15-133](#) Appoint an Assembly Liaison for the Citizens' Taskforce
Attachments: [Liaison Citizens' Taskforce](#)
- R** [15-128](#) Discussion of the Mayor's upcoming travel plans to 1) attend the transboundary water quality meeting in Juneau on August 6 and 2) meet with the Mayor of Victoria BC and other officials in September
Attachments: [Travel](#)

XIII. PERSONS TO BE HEARD:

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

XIV. EXECUTIVE SESSION

- S** [15-134](#) Legal matter - potential lease dispute claim
Attachments: [Executive Session](#)

XV. ADJOURNMENT

*Sara Peterson, CMC
Municipal Clerk
Publish: July 24*



Legislation Details

File #: 15-135 **Version:** 1 **Name:**
Type: Item **Status:** AGENDA READY
File created: 7/23/2015 **In control:** City and Borough Assembly
On agenda: 7/28/2015 **Final action:**
Title: Reminders and Calendars
Sponsors:
Indexes:
Code sections:
Attachments: [Reminders and Calendars](#)

Date	Ver.	Action By	Action	Result
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REMINDERS

<u>DATE</u>	<u>EVENT</u>	<u>TIME</u>
Tuesday, July 28	Regular Meeting	6:00 PM
Tuesday, August 11	Regular Meeting	6:00 PM

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



Municipal Election Reminders

Tuesday, July 28	Last scheduled meeting to <u>introduce</u> ordinance charter changes and ballot measures
Friday, August 7	5pm deadline for filing candidate petitions
Tuesday, August 11	Last scheduled meeting to <u>adopt</u> ordinances for charter changes and ballot measures
Tuesday, October 6	Municipal Election

Expiring Terms:

Assembly
Matthew Hunter
Michelle Putz

School Board
Cass Pook
Jennifer Robinson

Assembly Calendar

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

July 2015

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

Assembly Calendar

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

August 2015

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



Legislation Details

File #: 15-120 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 7/22/2015 In control: City and Borough Assembly

On agenda: 7/28/2015 Final action:

Title: Citation honoring U.S. Coast Guard Day, Service Awards for employees Jim DiGennaro and Dean Orbison

Sponsors:

Indexes:

Code sections:

Attachments: [US Coast Guard Day](#)
[DiGennaro service award](#)
[Orbison service award](#)

Date	Ver.	Action By	Action	Result
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CITATION

HONORING U.S. COAST GUARD DAY

The City and Borough of Sitka recognizes August 4 as U.S. Coast Guard Day nationwide and especially wishes to honor all Sitka-based personnel of the U.S. Coast Guard.

WHEREAS, Sitka is a Coast Guard City, only the twelfth community in the nation to be so designated, and the City and Borough of Sitka and citizens take this responsibility seriously by making special efforts to acknowledge the professional work of the Sitka Coast Guard men and women and reaching out to these personnel and their families and “making them feel at home at their home away from home”; and

WHEREAS, August 4 is national U.S. Coast Guard Day, marking the birthday of the United States Coast Guard, which began in 1790 and received its present name in 1915 when Congress supported providing the nation with a single maritime service dedicated to saving life at sea and enforcing the nation’s maritime laws and later added maintaining the country’s aids to maritime navigation and other missions; and

WHEREAS, the City and Borough of Sitka and the community of Sitka continue to support and honor the five Sitka Coast Guard units: Air Station Sitka, Cutter Maple, Aids to Navigation Team Sitka, Marine Safety Detachment Sitka, and Electronic Support Detachment Detail Sitka as America’s guardians of the seas.

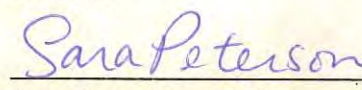
NOW, THEREFORE, the Assembly of the City and Borough of Sitka, in recognition of the 225th birthday of the U.S. Coast Guard and Sitka’s status as a Coast Guard City, does hereby recognize the professionalism, skill, and unwavering devotion to duty of all Sitka Coast Guard personnel to provide Sitka with the safety, security, and stewardship of our oceans in an often dangerous world. We thank you and your families for your service.

Signed and sealed this 28th day of July, 2015.




Mim McConnell, Mayor

ATTEST:


Sara Peterson, CMC
Municipal Clerk



Service Award

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


JIM DIGENNARO

for your outstanding diligence, dedication, and commitment to the City and Borough of Sitka as a valued employee for over twenty years. Your contributions have benefited this organization immensely. Congratulations on your retirement! With our sincere gratitude.






Mayor Mim McConnell



ATTEST: Municipal Clerk, Sara Peterson





Service Award

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

DEAN ORBISON

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



Mim McConnell

Mayor Mim McConnell

Sara Peterson

ATTEST: Municipal Clerk, Sara Peterson





Legislation Details

File #: 15-121 Version: 1 Name:
Type: Special Report Status: AGENDA READY
File created: 7/22/2015 In control: City and Borough Assembly
On agenda: 7/28/2015 Final action:
Title: Alaska Joint Library Consortium - Robb Farmer, Library Director
Sponsors:
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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Legislation Details

File #: 15-119 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 7/22/2015 In control: City and Borough Assembly
On agenda: 7/28/2015 Final action:
Title: Approve the minutes of the July 14 Assembly meeting
Sponsors:
Indexes:
Code sections:
Attachments: [Consent and Minutes](#)

Date	Ver.	Action By	Action	Result
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CONSENT AGENDA

POSSIBLE MOTION

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

I wish to remove Item(s) _____

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

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

POSSIBLE MOTION

I MOVE TO approve the minutes of the
July 14 Assembly meeting.



CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS
1332 Seward Ave.
Room 229
Sitka, AK
(907)747-1811

Minutes - Draft City and Borough Assembly

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

*Municipal Administrator: Mark Gorman
Municipal Attorney: Robin L. Koutchak
Municipal Clerk: Sara Peterson, CMC*

Tuesday, July 14, 2015

5:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

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

IV. CORRESPONDENCE/AGENDA CHANGES

15-117 Reminders, Calendars and General Correspondence

V. CEREMONIAL MATTERS

None.

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

Rob Allen, CEO of Sitka Community Hospital, provided an update. Allen stated the Hospital's current cash situation was stable and shared the Hospital's top priorities some of which included the electronic health records system, doctor staffing plans, strategic plan, collaboration of ob/gyn coverage/nutritional services with SEARHC, and working with Petersburg on tobacco cessation and diabetes consultation.

15-113 Special Report: Managing your utility account online - Ron Duvall, IS Director (<10 minutes)

Ron Duvall, IT Director, gave an overview of the new utility management portal and demonstrated how citizens could access their utility accounts online.

15-115 **Special Report: Update on activities of the Sitka Convention and Visitor Bureau - Tonia Rioux (<10 minutes)**

Tonia Rioux, Director of Sitka Convention and Visitors Bureau (SCVB), provided a summary of FY15 SCVB activities.

VII. PERSONS TO BE HEARD

Curt Ledford, Chairman of the Library Commission, shared the Library was conducting a survey to explore the interest in a possible name change for the Library. Ledford stated a recommendation from the Commission would come forward to the Assembly in the future.

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

Mayor - Reported she had attended the following: Chamber lunch where Senator Stedman gave a report on the end of the legislative session, Sitka Convention and Visitors Bureau meetings, Sitka Economic Development Association meeting, 150th Anniversary Commemorative meeting, and met with Garry White and Chris Lay regarding bottled water business. McConnell reported she and the Municipal Administrator had been interviewed by Raven Radio regarding the Citizens' Taskforce.

Administrator - Gorman stated Assembly meetings would be held at the University of Alaska Southeast beginning July 28 for the duration of the Harrigan Hall Renewal project, noted City Hall was taking a more active role in enforcement issues, shared that he, Marlene Campbell and Maegan Bosak would be meeting with Baranof Warm Springs residents July 19 to talk about concepts for a dock management plan, looking at options for a City relationship with the State on obtaining management of the Halibut Point Recreation Area, announced there was an active radar sign on Kaagwaantaan Street to encourage citizens to comply with speed limits.

Attorney - Koutchak reported she had hired outside legal counsel to work on high level collection issues.

Liaisons - Guevin reported on the recent Health Needs and Human Services Commission meeting, Eisenbeisz on the Hospital Board meeting, and Miyasato on the Library Commission and Parks and Recreation meetings.

Clerk - Peterson announced the candidate filing period for the 2015 Municipal Election was July 20 through August 7 at 5pm. Vacancies noted were two Assembly seats and two School Board seats.

Other - Hunter noted the Senior Sales Tax ordinance had been postponed and would come back at a future date.

IX. CONSENT AGENDA**A 15-110** **Approve the minutes of the June 9 and June 23 Assembly meetings**

This item was APPROVED ON THE CONSENT AGENDA.

B RES 15-13 Supporting expanding recreational and tourism related activities in the Tongass National Forest

Putz recused herself due to employment with the Tongass Recreation Department.

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

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

Recused: 1 - Putz

C 15-109 Authorize the Municipal Administrator to issue a purchase order in the amount of \$88,000 to MWH Americas, Inc. for the Tenth Independent Consultant's Safety Inspection and Dam Break Analysis of the Blue Lake Dam and further authorize the expenditure of contingency funds in the amount of \$8,800 to address additional communication or reporting to FERC

This item was APPROVED ON THE CONSENT AGENDA.

D 15-108 Approve a request to create a Jarvis Bulk Tank Improvement Project for repairs in the amount of \$250,000 utilizing existing Blue Lake Bond Fund proceeds

This item was APPROVED ON THE CONSENT AGENDA.

E 15-106 Approve a purchase contract through KCDA Purchasing in the amount of \$115,941 for providing and installing the furniture for the Kettleon Memorial Library Expansion Project

In response to a question from Eisenbeisz, Administrator Gorman noted this was a separate contract from what was already budgeted and exceeded his approval limits thus the reason it was before the Assembly for approval.

A motion was made by Swanson to APPROVE this item. The motion PASSED by the following vote.

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

F 15-104 Approve the sublease agreement between the City and Borough of Sitka and Runway 29 LLC (Airport Gift Shop)

Attorney Robin Koutchak stated she had reviewed the contract and noted there was a 60-day notice clause in place.

Public Works Maintenance and Operations Superintendent, Gary Baugher, explained the commercial rate of a \$1.70/square foot rate was calculated by the Assessor's Office. Baugher noted the CPI adjustment was the responsibility of the tenant and a standard clause in CBS leases. Baugher added it was his understanding the Finance

Department followed up with each tenant to ensure there was a CPI adjustment.

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

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

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

G 15-112 Reappoint Alice Johnstone to a three-year term on the Library Commission

Miyasato thanked Alice for her service.

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

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

H 15-114 Appoint seven members to the Citizens' Taskforce on City Services, Revenues and Fees - applicants are: 1) Rob Allen, 2) Ralph Ash, 3) Dyan Bessette, 4) Jeff Feldpausch, 5) Cynthia Gibson, 6) Alene Henning, 7) Donald Jones, 8) Mary Magnuson, 9) Jack Ozment, 10) Maxwell Rule and 11) Lawrence SpottedBird

Dorik Mechau urged the Assembly to carefully consider the composition of the Taskforce.

Jack Ozment provided the Assembly with an overview of his qualifications.

Ralph Ash summarized his letter of intent for the Assembly.

Putz stated it was important to her for there to be a mix of men and women on the Taskforce and that the group work in an environment of unbiased creativity and not preconceived notions.

A vote of the Assembly was taken. The top seven vote getters were: Cynthia Gibson, Jack Ozment, Max Rule, Lawrence SpottedBird, Rob Allen, Donald Jones and Mary Magnuson.

Administrator Gorman announced the first meeting would be held mid-August at which time a Chair and Vice-Chair would be selected and expectations for the group would be set. Gorman stated the intent was for the process to be completed within a six month timeframe with a final report presented to the Assembly.

This item was APPROVED.

XI. UNFINISHED BUSINESS:

I ORD 15-30A Proposing to amend Title 4, Revenue and Finance, of the SGC by amending Section 4.09.010, Levy of Sales Tax, to raise the sales tax in the April through September period from six percent to seven percent; proposing to amend the Home Rule Charter of the City and Borough of Sitka to create a dedicated fund for Sitka School District and place in that dedicated fund any revenues gained from that

seasonal increase in the sales tax from six to seven percent; and submitting to the voters these amendments for ratification - Ballot Proposition

Putz, Miyasato, Eisenbeisz, and Guevin offered they would like to see other revenue generating ideas explored and looked forward to hearing recommendations from the Citizens' Taskforce.

A motion was made by Putz that this Ordinance be POSTPONED INDEFINITELY. The motion PASSED by the following vote.

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

- J ORD 15-38** Amending Sitka General Code Section 4.28.110 "Suitable and Authorized Investments for the Permanent Fund" by adding Exchange Traded Funds as an authorized investment for the Sitka Permanent Fund

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

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

XII. NEW BUSINESS:

New Business First Reading

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

Ann Wilkinson, Chair of the Hospital Board, expressed frustration and asked for clarification of the process. Wilkinson suggested the Assembly delay in making a decision and an open conversation take place between the Hospital Board and Assembly.

Hunter, co-sponsor of the ordinance, thanked the current Hospital Board members, recognized their integrity and good faith efforts to make Sitka Community Hospital successful. Hunter shared that over the last fifteen years, on average, the Hospital had asked the City for an emergency line of credit every two years and stated the City and Borough of Sitka (CBS) ultimately had fiduciary responsibility for the Hospital and added the current system was broken. Hunter provided an overview of the proposed Board composition citing one member would be CBS staff.

Attorney Robin Koutchak clarified that employees of Sitka Community Hospital could not be members of the Hospital Board.

Eisenbeisz cautioned the Assembly on placing too many restrictions on applicants. He further expressed concern on a senior member of CBS staff holding a seat on the

Board and stated there could be an intimidation factor. He instead offered the idea of an ex-officio member.

Gorman noted it was important to have City staff more actively involved in what was happening at the Hospital.

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, Swanson, Miyasato, Guevin, and Putz

No: 1 - Eisenbeisz

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

Putz stated the ordinance provided flexibility for property owners and did so without making long-term housing more expensive. Guevin thanked staff for their work in providing more affordable housing options for Sitkans.

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

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

Additional New Business Items

- M 15-111** Board of Adjustment: Approve a conditional use permit request for operation of an outdoor restaurant/portable structure at 200 Lincoln Street filed by Ayla Stromquist

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

Maegan Bosak, Planning and Community Development Director, provided an overview of the conditional use permit request and issues that had been previously discussed at the Planning Commission. In addition, Bosak reviewed the conditions set forth by the Planning Commission. Further, Bosak reminded the Assembly that the Central Business District (CBD) aimed to promote business and that if the conditional use permit was not approved, the applicant could legally operate as a mobile food cart, a permitted use in the CBD. Bosak clarified that a conditional use permit ran with the property based on the plans submitted.

Applicant, Ayla Stromquist, shared an overview of her operations. Stromquist explained actions had been taken to lessen the noise from two on site generators. Stromquist noted 90% of her business was between midnight and 2am and she was off site by 2:30-2:45am.

Norm Staton, part owner of the adjacent Tilson Building, stated his tenant had been disturbed by the applicant's business operations. Staton believed the applicant had not met the required findings and requested the applicant be required to hook up to electricity to mitigate noise concerns. In addition, Staton expressed concerns of smoking around the building, no garbage can nor plan for dumping wastewater. Stromquist stated there was a garbage can and wastewater tank on site.

Charles Bingham spoke in support of the conditional use permit request.

Attorney, Robin Koutchak, asked Bosak to explain noise complaints. Bosak reported the noise complaints that had been received were unfounded.

Eisenbeisz said he understood the noise concerns however noted the CBD was designed for business operations.

Guevin stated he was comfortable with the recommendations set forth by the Planning Commission. Putz agreed.

A motion was made by Miyasato to APPROVE a conditional use permit request for operation of an outdoor restaurant/portable structure at 200 Lincoln Street filed by Ayla Stromquist, and further, adopt the conditions and findings as recommended by the Planning Commission and request that they be listed in their entirety as part of the official record.

Required Findings

- 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, specifically the business will add to the downtown area and eating options in Sitka;**
 - c. Nor be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located; specifically that the late hours are an inconvenience to some residential renters but should not stop a commercial use which is primary to the Central Business District.**
- 2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation; specifically 2.5.2 To encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas.**
- 3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced; specifically with reference to the condition that the planning commission can call a public hearing to mitigate concerns.**
- 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, specifically that the food stand is heating up pre-cooked food, and complies with all DEC requirements.**
- 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 general approval criteria are as follows:

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

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

3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements; specifically that the CBD is intended to have commercial activity and this request is in line with other businesses such as bars and restaurants which have late hours in the same area.
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

Conditions

1. The facility shall be operated consistent with the application and plans that were submitted with the request including the location.
2. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first year of operation for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
3. Failure to comply with any of the conditions may result in revocation of the conditional use permit.
4. Must gain all necessary agency permits.
5. Must have on site a 5-lb ABC-rated fire extinguisher.
6. Will build a sound-muffling box over the generator.

The motion PASSED by the following vote.

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

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

Di 15-103

Discussion/Direction/Decision on the future direction of the Sitka Convention and Visitors Bureau (possible executive session)

Hunter stated that after much thought, and public comment received, he was opposed to bringing SCVB services in house and offered a motion to direct the Municipal Administrator to negotiate with potential local contractors to provide comprehensive convention and visitor services and report back to the Assembly. The intent being for the Administrator to advertise for these services and report back to the Assembly with a recommendation. In the interim, the current services would be performed by the SCVB. Gorman stated the SCVB would be one of the local entities to be contacted.

Evy Kinnear, Ann Bills, and Sherry Aitken spoke in support of the current Sitka Convention and Visitors Bureau.

Mary Goddard with Oliver Media spoke in support of the motion and urged the Assembly to find new strategies.

Assembly members spoke to the current operating structure not working and it was time to explore other options.

Gorman stated he would define a process to move forward, solicit proposals, and then make a recommendation to the Assembly for consideration and approval. This would include working with the SCVB.

A motion was made by Hunter to direct the Municipal Administrator to negotiate with potential local contractors to provide comprehensive convention and visitor services and to report back to the Assembly. The motion PASSED by the following vote.

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

- O 15-105 Approve the FY16 application materials for non-profit organizations to apply for funding from the General Fund

Gorman said the revised application provided some flexibility for the Assembly.

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

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

- P 15-107 Discussion of Alaska Municipal League's policies

Assembly members had no objection to the proposed policies.

XIII. PERSONS TO BE HEARD:

Shirley Robards thanked the Assembly for taking some additional time to reconsider the senior tax rebate program.

Ann Wilkinson announced the Sitka Seafood Festival would be held August 7 and 8 and encouraged the public to attend.

XIV. EXECUTIVE SESSION

None.

XV. ADJOURNMENT

A motion was made by Miyasato to ADJOURN. Hearing no objections, the meeting ADJOURNED at 8:43pm.

ATTEST: _____
Sara Peterson, CMC
Municipal Clerk



Legislation Details

File #: ORD 15-40 Version: 1 Name:
Type: Ordinance Status: AGENDA READY
File created: 7/22/2015 In control: City and Borough Assembly
On agenda: 7/28/2015 Final action:
Title: Adjusting the FY15 and FY16 Budgets (first reading)
Sponsors:
Indexes:
Code sections:
Attachments: [Ord 2015-40](#)

Date	Ver.	Action By	Action	Result
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Should this item be pulled from the Consent Agenda the following motion is suggested:

POSSIBLE MOTION

I MOVE TO approve Ordinance 2015-40 on
first reading.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-40

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

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

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

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

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

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

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

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

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

30 In accordance with Section 11.10(a) of the Charter of the City and Borough of Sitka, Alaska, the
 31 budget for the fiscal period beginning July 1, 2015 and ending June 30, 2016 is hereby adjusted as
 32 follows:
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Account Number	Account	Increase	Decrease
FISCAL YEAR 2016 EXPENDITURE BUDGET			
GENERAL FUND			
General Fund:			
100-500-008-5228.000	Donations		\$25,000
100-530-033-815-5206.000	Streets – Snow Removal Supplies		\$30,000
100-520-022-807-5208.000	Bldg Repair & Maintenance		\$90,000
100-520-021-803-5110.001	Wages		\$24,895
100-520-021-803-5120.002	SBS		\$1,526
100-520-021-803-5120.003	Medicare		\$360
100-520-021-803-5120.004	PERS		\$5,476
100-520-021-803-5120.005	Health Ins		\$10,202
100-520-021-803-5120.006	Life Ins		\$8
100-520-021-803-5120.007	Worker’s Comp		\$1,046
100-540-043-5110.001	Wages		\$14,735
100-520-021-805-5208.000	Bldg Repair & Maintenance		\$83,000
100-500-001-5289.000	Mayor’s Contingency		\$2,000
100-500-001-5288.000	Administrator’s Contingency		\$2,000
100-500-001-5206.000	Supplies		\$1,500
100-500-001-5212.000	Contracted / Purchased Services		\$10,000
100-500-001-5226.000	Advertising		\$4,500
100-500-001-5290.000	Other Expenses		\$12,000
100-540-041-5110.010	Temp Wages		15,000
100-300-390-3950.400	Transfer in Permanent Fund	\$302,218	
100-550-660-953-5290.000	GF Other Expenses		\$256,000
100-520-021-806-5212.000	Contracted/Purchased Services		\$20,000
100-500-001-5201.000	Travel & Training		\$6,423
100-500-002-5201.000	Travel & Training		\$1,372
100-500-003-5201.000	Travel & Training		\$1,513
100-500-004-5201.000	Travel & Training		\$4,663

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

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

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

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EXPLANATION

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

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

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

ATTEST:

Mim McConnell, Mayor

Sara Peterson, CMC
Municipal Clerk



Legislation Details

File #: RES 15-14 Version: 1 Name:
Type: Resolution Status: AGENDA READY
File created: 7/22/2015 In control: City and Borough Assembly
On agenda: 7/28/2015 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 \$5,000,000 for the project entitled Crescent Harbor Float Replacement - Phase I

Sponsors:

Indexes:

Code sections:

Attachments: [Res 2015-14](#)

Date	Ver.	Action By	Action	Result
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Should this item be pulled from the Consent Agenda the following motion is suggested:

POSSIBLE MOTION

I MOVE TO approve Resolution 2015-14 on first and final reading.

MEMORANDUM

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

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

Reviewed: Michael Harmon, P.E., Public Works Director *MH*
Jay Sweeney, Chief Finance and Administrative Officer *JS*

Date: July 22, 2015

Subject: ADOT&PF Municipal Harbor Facility Tier I Grant Application
Crescent Harbor Float Replacement – Phase I

Background

Crescent Harbor was designed and constructed by the State of Alaska, Department of Transportation and Public Facilities (ADOT&PF) in several phases, beginning in 1965. The first phase of construction consisted of floats 1 and 2 and a portion of the headwalk float. A second construction phase occurred in 1966 which included construction of floats 3 and 4 and additional headwalk float. In 1969, the third phase of construction included installation of the gangway access to float 4 and construction of concrete floats 5 and 6 and corresponding additional headwalk float. The final expansion took place in 1970 consisting of installation of float 7 and its access from float 6.

Crescent Harbor has undergone numerous repair projects in the past 50 years. Approximately 50 percent of the timber finger floats on floats 1, 2 and 3 were replaced in 2002. The electrical system was renovated in 2005. In spite of these repair projects, the facility is near the end of its safe and useable life.

Crescent Harbor 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 a proposed two-phase replacement. The Master Plan concluded that due to the numerous repair and expansion phases that the harbor has undergone during its lifespan, some components are in fair to good condition. However, the majority of the facility, and many critical structural components, has exceeded its life expectancy and is in need of replacement. The Master Plan went on to state that the 1965 harbor facilities (i.e. concrete floats) have a remaining safe and useable service life of approximately 5 years and that the 2002 improvements (i.e. timber floats) have a safe and useable life of approximately 15 years.

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 ten weighted criteria.

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. Each

eligible facility is permitted only one Tier I grant after which time, any further repairs or replacements would fall under a Tier II application. Since Crescent Harbor was at one time State-owned, it is eligible for a Tier I grant.

The updated cost estimate puts the replacement cost of the entire facility to be approximately \$17,415,000 (2016 dollars). Under the Master Plan, the concrete floats (floats 5, 6 and 7) at Crescent Harbor were to be replaced in 2016 with a second phase consisting of replacement of the timber floats occurring in 2026. However, Harbor Staff has concerns with this plan and feels that it is more critical to replace the timber floats now as opposed to the concrete floats. While supplemental floatation can be added to the concrete floats to extend their service life, once the timbers floats rot, the addition of supplemental floatation can force the floatation up through the rotten timber damaging the float and cable tray. Following that line of thinking, Public Works and Harbor Staff modified the CIP to include a more robust Crescent Harbor project for 2017 to include replacement of the timber floats or as much scope as can be accomplished for \$13,000,000 total project cost. A \$13,000,000 project will maximize the value of the one-time Tier I grant. Since the program covers only up to \$5,000,000 in eligible construction costs, the City and Borough cost of the project would be \$8,000,000 to cover the remainder of construction and design, permitting, management and contingencies. It is assumed that a future Phase II project will replace the remainder of the harbor (i.e. concrete floats) in 2026.

Crescent Harbor is the next grant-eligible project for the CBS Harbor Department under the Harbor System Master Plan CIP. Staff applied for this grant for FY16 and the project funding was included in several iterations of the draft State budget, however funding was pulled in the final few days of the legislative session. Securing grant funding for this project would allow the City and Borough to replace a portion of this aging facility with a significant subsidy from the State. Furthermore, modifying the scope identified in the Master Plan as proposed by Staff will allow the City and Borough to fully optimize its one chance at a Tier I grant for Crescent Harbor. 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 Crescent Harbor is a scheduled improvement contained within the Sitka Harbor Master Plan (2012). The City's portion of the project funding, if approved, would be provided for by some combination of undesignated working capital of the Harbor Fund and/or by the proceeds of loans or bonding. The Harbor Master Plan anticipated bonding for this project.

In order to finance the required match through either working capital or debt, implementation of multi-year moorage rate increases is necessary.

Recommendation

Approve Resolution 2015-14 and authorize the Administrator to submit an ADOT&PF Municipal Harbor Facility Tier I Grant Application for the Crescent Harbor Float Replacement – Phase I project and to execute the grant if received.

RESOLUTION NO. 2015-14

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 \$5,000,000 FOR THE PROJECT ENTITLED CRESCENT HARBOR FLOAT REPLACEMENT - PHASE I

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 Crescent Harbor and Crescent Harbor 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 construction of the Crescent Harbor Float Replacement – Phase I project per the Municipal Harbor Facility Grant program; and

WHEREAS, the City and Borough of Sitka is capable of completing the Crescent Harbor Float Replacement – Phase I project within eighteen (18) months after award of a Municipal Harbor Facility Grant; and

WHEREAS, Crescent Harbor is critical to the City and Borough of Sitka;

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 Crescent Harbor Float Replacement – Phase I 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 of the City and Borough of Sitka 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 28th day of July, 2015.

Mim McConnell, Mayor

ATTEST:

Sara Peterson, CMC
Municipal Clerk



Legislation Details

File #: 15-122 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 7/22/2015 In control: City and Borough Assembly

On agenda: 7/28/2015 Final action:

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

Sponsors:

Indexes:

Code sections:

Attachments: [Medvejie substation and circuit breaker](#)

Date	Ver.	Action By	Action	Result
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Should this item be pulled from the Consent Agenda the following motion is suggested:

POSSIBLE MOTION

I MOVE TO 1) approve the use of funds from Blue Lake proceeds in the amount of \$516,286.26 for Capital Project #90672 to complete the replacement of Medvejie Substation and 2) authorize the Municipal Administrator to execute a purchase order to ABB Inc. in the amount of \$82,500 for purchase and installation of a circuit breaker for the Medvejie Substation Project.



Memorandum

July 18, 2015

To: Mark Gorman, Municipal Administrator
From: Jeff Wheeler, Acting Utility Director - Electric Department
Tony Bird, T&D System Manager – Electric Department
Subject: Transfer of Funds to Complete Medvejie Substation

Request

The City and Borough of Sitka Electric Department requests additional appropriation in the amount of \$516,286.26 for Capital Project #90672 – Medvejie Substation.

Purpose:

This request would transfer funding to the complete replacement of a critical part of our infrastructure and insure the continued reliable supply of electricity to a significant component of our local economy.

Background:

Medvejie Substation which supplies power to the NSRAA hatchery in Bear Cove has been designated a priority for replacement to replace its failing electrical equipment and to update environmental compliance issues. A replacement power transformer was purchased 5 years ago and put in storage while other vital infrastructure improvements were transpiring and until we could identify a funding source. We have estimated total costs to complete this work to be \$594,748.10.

Recommendation:

Recommend Assembly approve the use of funds from Blue Lake Bond proceeds in the amount of \$516,286.26 for Capital Project #90672 to complete replacement of Medvejie Substation. The appropriation increase is included in the budget ordinance.

Cc: Jay Sweeney, CFAO
Sara Peterson, Municipal Clerk

Sara Peterson

Subject: FW: Medevejie estimate for completion

From: Anthony [<mailto:anthonym@cityofsitka.com>]
Sent: Tuesday, June 23, 2015 10:12 AM
To: jeffw@cityofsitka.com
Cc: 'Andy Eggen'; retha@cityofsitka.com; 'Erin Clay'
Subject: Medevejie estimate for completion

Jeff,

The completion of the Medevejie substation will require the materials quote provided by Mr. Carson of Northstar Engineering, as well as labor for installation of the new apparatus and associated materials. The labor costs must also include removal of the old substation and associated structures made obsolete by the new facility. We will also require a crane to be on site for transformer setting in the containment. This crane will not be available in Sitka and must be brought in from Juneau. At this time it appears labor will be the number one cost associated with this project. I have listed below the estimated costs for completion.

MATERIALS ESTIMATE

1. The estimated costs to finish the design and provide engineering support during construction are as follows:

May and June Engineering Services Presently Not Billed- \$13,500

Fence and Grounding Plan and Details- \$2,200

Addition of Station Service Transformer, 100 A Pad Switch with CTs, and 480 V Transformer to Plans- \$2,200

Site Visit and Grounding Study- \$4,400

Transformer and AC Station Service Wiring Diagrams- \$3,300

Engineering Support during Construction and Testing- \$4,400

TOTAL \$29,500

2. The estimated costs of major equipment that is required for the project are:

Turner Three Way 69 kV Switches- Already Purchased

ABB 72PM31-12 Circuit Breaker with SEL 787 Relay- \$72,000

69 kV Voltage Transformer- Existing Trench VT removed from Jarvis Street

69 kV V Type Disconnect Switches- \$8,900

125 VDC Battery Power System- \$8500

63SP Sudden Pressure Relief Device with Seal-In Relay and Tank Cover Installation- \$5,000

900/910 rapid pressure rise relay with the 909 seal-in relay for this application. relays and the new tank cover would be about \$4,000

100 A Three Phase Pad Mounted 15 kV Switch with CTs- \$22,000 (Stainless Steel Enclosure)

Station Service and Three Phase 480 V Power Transformers- \$3,293.52 + \$15,429.90

100 A AC Panel with Outdoor Enclosure- \$1,000

Sump Pump, Piping and Valves- \$1,000

Oil Stop Valve System- \$4,000 (I will send some sales literature)

TOTAL \$145,123.42

3. The grand total for remaining major equipment and engineering services is estimated to be:

GRAND TOTAL \$174,623.42

LABOR ESTIMATE

6 weeks for installation of new substation and removal of old substation and associated structures. \$240,000

CRANE ESTIMATE

Crane to be mobilized from Juneau, \$28,000

FENCING

Fencing to include associated gates signage and grounding \$32,000

WASHED ROCK

Rock used for containment and pad 6" thick to 3' outside perimeter of substation fence. \$21,000

CONTINGENCY 20%

TOTAL ESTIMATE \$594,748.10

Anthony Bird

T&D System Manager

City of Sitka,

105 Jarvis St.

Sitka, AK 99835

anthonym@cityofsitka.com

907-747-4008



Memorandum

July 18, 2015

To: Mark Gorman, Municipal Administrator
From: Jeff Wheeler, Acting Utility Director - Electric Department
Tony Bird, T&D System Manager – Electric Department
Subject: Circuit Breaker – Medvejie Substation (90672)

Request:

In accordance with SGC 3.16.060(I) the City and Borough of Sitka Electric Department requests approval to purchase a 69,000 volt circuit breaker from ABB Inc. We have received budgetary pricing for a 72PM31-12 C100 breaker in the amount of \$72,000. I further request a contingency of \$10,500 to cover shipping, installation and commissioning assistance. Total cost, including contingency is \$82,500. The lead time for this equipment is 5 to 6 months.

Purpose:

This high voltage breaker is specialized equipment for our Medvejie Substation Project and is a standardized component of our enhanced and more reliable substations. The upgraded control and coordination between our various substations is achievable with this specific manufacturer's equipment and the other relaying and control apparatus that we will be installing with it. The acquisition of this critical component is necessary for the completion of this project.

Background:

Medvejie Substation which supplies power to the NSRAA hatchery in Bear Cove has been designated a priority for replacement to replace its failing electrical equipment and to update environmental compliance issues.

Fiscal Note:

Sufficient funds are available in the Medvejie Substation project 90672 pending approval of additional funding requested.

Recommendation:

Recommend Assembly authorize the Municipal Administrator to execute a purchase order on behalf of the Assembly to ABB for breaker type 72PM31-12 C100 in the amount of \$82,500 for the Medvejie Substation Project.



Legislation Details

File #: 15-123 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 7/22/2015 In control: City and Borough Assembly

On agenda: 7/28/2015 Final action:

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

Sponsors:

Indexes:

Code sections:

Attachments: [Chatham Electric Inc.](#)

Date	Ver.	Action By	Action	Result
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Should this item be pulled from the Consent Agenda the following motion is suggested:

POSSIBLE MOTION

I MOVE TO authorize the Municipal Administrator to execute a purchase order for a time and equipment contract not to exceed \$750,000 to Chatham Electric, Inc. to assist in Electric Department infrastructure improvement work to include the capital projects listed below:

- No. 90645 Kramer to Granite Creek distribution line rebuild,
- No. 80003 feeder improvements,
- No. 90611 Blue Lake to Green Lake fiber optic cable for SCADA improvements,
- No. 90562 Green Lake Power Plant improvements
- No. 90594 Blue Lake Project
- No. 90672 Medvejie transformer and substation replacement
- No. 90410 SCADA system enhancements



Memorandum

July 21, 2015

To: Mark Gorman, Municipal Administrator
From: Jeff Wheeler, Acting Utility Director - Electric Department
Subject: Time and Equipment Contract – Chatham Electric, Inc.

Request:

This is to request Assembly approval of a time and equipment contract, not to exceed \$750,000 for Chatham Electric Inc. to assist in Electric Department infrastructure improvement work on capital projects No. 90645 - Kramer to Granite Creek Distribution Line Rebuild, No. 80003 - Feeder Improvements, No. 90611 – Blue Lake to Green Lake Fiber Optic Cable for SCADA Improvements, No. 90562 - Green Lake Power Plant Improvements, No. 90594 - Blue Lake Project, No. 90672 - Medvejie Transformer and Substation Replacement, and No. 90410 SCADA System Enhancements. This request is in accordance with SGC 3.16.060 “Exceptions to the competitive bidding requirements” (D) and (I), “Procurement of consultant and technical services” and “Specialized equipment for enterprise funds where standardization is a primary criteria.”

Purpose:

The capital projects were approved in the FY2016 capital projects budget. Some of the more significant benefits of rebuilding or upgrading our power delivery components are improved system reliability, correcting existing National Electric Safety Code violations, and enhancing public safety.

Chatham Electric currently has a crew and equipment in town assisting our crew to finish work on the Blue Lake Expansion Project. Augmentation of our line crew with Chatham Electric’s line crews, stockpiling of all needed materials prior to commencing work, in-house innovative engineering design, and judicious use and supervision of their services will result in very important projects getting completed on time and significantly under budget.

Funding:

We currently have over \$5 million in approved capital projects for Fiscal year 2016 (not including the Blue Lake Expansion Project). It is our intent to utilize a time and equipment based contract to assist our crews in completing these tasks during the FY2016 construction season. All required materials and supplies will be provided by the Electric Department.

Utilizing the Chatham Electric line crew in conjunction with our department line crew will provide the capability to finish the most critical line work at a reasonable cost. Chatham Electric’s current rate sheet is attached. Work accomplished by Chatham Electric will be charged to the appropriate capital account.

Recommendation:

Recommend the Assembly approve a Purchase Order for a time and equipment contract, not to exceed \$750,000 to Chatham Electric Inc. to supplement the Electric Department line crew for work on the aforementioned capital projects and to authorize the Municipal Administrator to execute a Purchase Order on behalf of the Assembly.



Legislation Details

File #: 15-129 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 7/22/2015 In control: City and Borough Assembly

On agenda: 7/28/2015 Final action:

Title: Authorize the Municipal Administrator to enter into an 8 year contract with ACS to provide the City and Borough of Sitka with campus network infrastructure

Sponsors:

Indexes:

Code sections:

Attachments: [campus network infrastructure](#)


Date	Ver.	Action By	Action	Result
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Should this item be pulled from the Consent Agenda the following motion is suggested:

POSSIBLE MOTION


I MOVE TO authorize the Municipal Administrator to enter into an 8 year contract with ACS to provide the City and Borough of Sitka with campus network infrastructure.

TO: MAYOR McCONNELL AND ASSEMBLY MEMBERS
MARK GORMAN, MUNICIPAL ADMINISTRATOR

FROM: RON DUVAL, INFORMATION TECHNOLOGY DIRECTOR 

SUBJECT: NETWORK REDESIGN PROJECT - CAMPUS NETWORK
PHASE

DATE: JULY 22, 2015

CC: JAY SWEENEY, CHIEF FINANCE AND ADMINISTRATIVE
OFFICER 

Background

The City and Borough of Sitka (CBS) currently manages over 35 different telecommunication accounts for telephone and internet services between Alaska Communications (ACS), General Communication Inc (GCI), and some fiber optics cables that CBS has installed (Customer Owned). These accounts represent the backbone of CBS telecommunications and includes building life safety (fire alarms, elevators, and HVAC), network connectivity between CBS buildings (Campus Network), telephone (local, long distance, FAX, and conferencing), and internet connectivity. With the complications and complexities associated with managing all the CBS telephone and internet accounts the IT Department outlined solutions as part of the Network Redesign Project approved by the Assembly for the FY 2016 budget and the Municipal Solutions Report received in 2014. This projects outlines improvements to the CBS Campus Network and consolidation of telephone and internet services. We are now seeking your approval for the CBS Campus Network phase of the Network Redesign Project.

Goals of this phase of the Network Redesign Project:

- Provide infrastructure for interconnectivity between CBS locations
- Centralize and streamline billing
- Provide a centralized and secure board to the internet

To achieve the goals of the Network Redesign Project we have analyzed three options.

Customer Owned

GCI

ACS

Analysis

There are advantages and disadvantages for each option. With the first three options there are significant infrastructure improvements that need to be done which includes fiber optic network cabling needing to be installed for the CBS Campus Network connection to the Police Station, Fire Hall, City Hall, Waste Water Treatment Plant, City Hall, City Shops at Jarvis Street, Kettleston Memorial Library, Harrigan Centennial Hall, and Sawmill Creek Industrial Park.

Customer Owned

- **Highly flexible**
- **Best for available capacity**
- **High upfront capital cost**
- **High circuit management cost**

GCI

- **No upfront capital cost**
- **No circuit management cost**
- **24/7 Technical Support**
- **Can only service an Administrative CBS Campus Network**
- **Monthly Recurring Costs**
- **7 Year contractual commitment**

ACS

- **No upfront capital cost**
- **No circuit management cost**
- **24/7 Technical Support**
- **Total integration of all CBS networks**
- **Total integration of CBS phone system**
- **Monthly Recurring Costs**
- **8 Year contractual commitment**

The current month cost for the CBS telephone and internet service is about \$23,000. This can fluctuate with overage charges, long distance charges, taxes, and fees. Option two and three monthly cost for the CBS telephone and internet service could be about \$28,000. This increase in costs to CBS will not occur all at once, but will take a couple of years as the project scales up. While this project does increase the monthly cost to CBS, savings and efficiencies will be realized in centralizing network security and routing equipment, increase in critical services being provided, and a robust connection to the new CBS Data Center.

To enter into a contract with an Internet Service Provider, the Assembly must pass a motion in accordance with Sitka General Code 3.16.020.

Fiscal Note

Monthly cost increases associated with this project for FY16 have already been allocated as part of the Network Redesign Project. Beginning in the FY17 budget cycle the centralization of billing will begin by adding telephone and internet charges to the MIS interdepartmental service fee.

Recommendation

ACS provides the best option to consolidate all CBS networks and telephone systems and billing which is in line with the Municipal Solutions Report from 2014. When comparing ACS and GCI directly, ACS can also provide the CBS administrative network for less than GCI can. Therefore, it is my recommendation is to enter into an 8 year contract with ACS to provide CBS with the infrastructure necessary to support our Campus Network.



Legislation Details

File #: 15-125 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 7/22/2015 In control: City and Borough Assembly

On agenda: 7/28/2015 Final action:

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

Sponsors:

Indexes:

Code sections:

Attachments: [Bulk Water Fund](#)

Date	Ver.	Action By	Action	Result
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Should this item be pulled from the Consent Agenda the following motion is suggested:

POSSIBLE MOTION

I MOVE TO approve the transfer of \$36,854 from the Bulk Water Fund to the Gary Paxton Industrial Park Fund for reimbursement of CBS staff hours spent on raw water sales.



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

Monday, July 20, 2015

MEMORANDUM

To: Mark Gorman – CBS Administrator
From: Garry White, Director
Subject: Raw Water Sales Fund - Reimbursement Request

Introduction

The Gary Paxton Industrial Park (GPIP) Board of Directors is requesting funds be reimbursed to the GPIP Enterprise Fund from the Raw Water Sales Fund. The Board met in March 2015 and approved the following motion:

MOTION: M/S McConnell/Horan moved to request that the Assembly approve transferring \$36,854 from the Raw Water Sale Fund as a credit to the GPIP Enterprise Fund as reimbursement for staff hours spent working on raw water sales for FY2015 and requests the Assembly include \$31,154 as a budget item for FY2016 for the same purpose.

ACTION: Motion PASSED 3/0 on a roll-call vote.

Yeas: Horan, McConnell, Jones,

Nays: NONE

Absent: Miller, Wagner

Background

The CBS Assembly repealed Sitka General Code (SGC) 4.06 entitled “allocation of revenues from the sale of water” and approved a new chapter of 4.06 entitled “Proceeds from raw water sale contracts” in July 2014. The new ordinance establishes a new fund to receive proceeds from raw water sales and contractual mandated deposits.

Section 4.06.102 of the revised code allows reimbursement for expenditures made by other funds related to the sale of raw water. Please see attached SGC 4.06.

The Gary Paxton Industrial Park Board (GPIP) of Directors met on August 28, 2014 to discuss and approve a recommendation that the Assembly allocated funds from the newly established Raw Water Sales Fund to the GPIP Enterprise Fund for expenses incurred to facilitate the sale of raw water.

The GPIP Board’s recommendation was presented to the CBS Assembly at their September 9th, 2014 meeting. The Assembly chose not to hear the Board’s recommendation based on the recommendation from CBS Administration that the request be heard at the end of the current fiscal year.

The GPIIP Board requested that this item be brought back to the board for consideration at their February 2015 meeting during FY2016 budget discussion.

Proceeds from raw water sale contracts

- Staff time spent on the facilitation of raw water sales has generated \$1,365,000 over the past 6 years in contractual mandated deposits that have been collected by the CBS related to the sale of raw water.
- Section 4.06.103 defines contractual mandated deposits as deposits only until either earned through application towards future water sales or through the expiration of the time period to exercise such rights.
 - \$1mm of the deposits expires 12/8/2015.
 - \$15,000 of the deposits expires 07/01/2016.

Bulk Water Management

SEDA Management

The CBS enters into a service contract with SEDA each year to provide marketing and management services for GPIIP. The Executive Director of SEDA performs the duties and functions of the GPIIP Director. The GPIIP Director is the primary contact in marketing, management and support of the bulk water sales venture. The GPIIP Director spends on average 60 hours per month working with various entities to bring the venture to fruition. The service contract between the CBS and SEDA for marketing and management of the GPIIP and management of the bulk water sales venture is \$90,000 annually. These funds are expended from the Enterprise Fund of the Gary Paxton Industrial Park.

- Based on 2080 hours annually expended by SEDA staff, the organization's hourly rate would be \$43.27/hr.
- 720 annual hours estimated spent on bulk water @ \$43.27/hr = \$31,154 annually

GPIIP Site Manager

Funds to pay the GPIIP Site Manager also come from the Enterprise Fund of the Gary Paxton Industrial Park. The GPIIP Site Manager provides technical and engineering support for the bulk water sales venture. The past GPIIP Site Manager hourly rate was \$57/hr.

FY2014 – 69.5 actual annual hours spent on bulk water @ \$57/hr = \$3,962

FY2015 – 100 hours is estimated to be spent on bulk water @ \$57/hr = \$5,700.

FY2016 budget amount- unknown

Additional Information

The GPIIP Director requests that SGC 4.06 be adjusted to allow for the CBS Administrator to have authority to approve reimbursement requests of GPIIP and other CBS Departments up to \$50,000, similar to the SGC 3.16 Procurement Policy limitations.

Action Requested

- Assembly approval of GPIIP Board recommendation

Chapter 4.06 PROCEEDS FROM RAW WATER SALE CONTRACTS

Sections:

- [4.06.101](#) Establishment of raw water sale fund.
- [4.06.102](#) Reimbursing expenditures from other funds relating to the sale of raw water, maintenance of raw water distribution infrastructure, or retention of water rights.
- [4.06.103](#) Expenditure of net assets of the raw water sale fund.
- [4.06.104](#) Allocation of revenues from sales of raw water at Gary Paxton Industrial Park.

4.06.101 Establishment of raw water sale fund.

There shall be established a new fund within the fund system of the city and borough of Sitka entitled the raw water sale fund. The purpose of the raw water sale fund shall be to receive all proceeds from bulk water sales contracts, to hold such deposits, and, to reimburse expenditures made by other funds relating to the sale of bulk water, maintenance of bulk water distribution infrastructure, or retention of water rights. (Ord. 14-24 § 4 (part), 2014.)

4.06.102 Reimbursing expenditures from other funds relating to the sale of raw water, maintenance of raw water distribution infrastructure, or retention of water rights.

Any fund of the city and borough of Sitka which expends funds in order to facilitate the sale of raw water, negotiate raw water sale contracts, construct or maintain raw water distribution infrastructure, or pursue legal or regulatory action to maintain water rights may request of the assembly that such expenditures be reimbursed out of the assets of the raw water sale fund. Upon approval of the request, such reimbursements will be accomplished by the finance department. Such requests may be made whenever appropriate, but shall not be made on a basis more often than quarterly. The assembly will consider recommendations from the GPIIP board prior to disbursing funds. (Ord. 14-24 § 4 (part), 2014.)

4.06.103 Expenditure of net assets of the raw water sale fund.

At any time, the assembly of the city and borough of Sitka may authorize the transfer of the net assets of the raw water sale fund to any other fund within the city and borough of Sitka to be used for expenditures deemed appropriate by the assembly. The assembly will consider recommendations from the GPIIP board prior to transferring raw water sale fund assets. For purposes of this section, net assets shall be defined as the assets of the raw water sale fund, less any liabilities. Any contractually mandated deposits for exclusive rights to purchase raw water from the city and borough of Sitka shall be defined as deposits until such deposits are either earned through application towards future water sales or through the expiration of the time period to exercise such rights. (Ord. 14-24 § 4 (part), 2014.)

4.06.104 Allocation of revenues from sales of raw water at Gary Paxton Industrial Park.

In the allocation of revenues from the raw water sale fund, the assembly will strive to ensure that the GPIIP has adequate resources to market, manage and administer the assets of the park with the goal of maximizing economic returns to the community. Further, the assembly will allocate funds as it deems appropriate to other departments of the CBS. (Ord. 14-24 § 4 (part), 2014.)

The Sitka General Code is current through Ordinance 15-31, passed May 27, 2015.

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

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Legislation Details

File #: 15-130 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 7/22/2015 In control: City and Borough Assembly

On agenda: 7/28/2015 Final action:

Title: Appoint Gayle Hammons to a three-year term on the Local Emergency Planning Committee

Sponsors:

Indexes:

Code sections:

Attachments: [Hammons application](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE TO appoint Gayle Hammons to a three-year term on the Local Emergency Planning Committee.

State of Alaska
LOCAL EMERGENCY PLANNING COMMITTEE
INDIVIDUAL APPLICATION FORM FOR MEMBERSHIP ON LEPC

LEPC name: Sitka Local Emergency Planning Committee

Applicant name: Gayle H. Hammons

Mailing address: 210 Kruse St; Sitka, AK 99835

Residence address: (same as above)

Day phone: 907 738 3018 Home Phone (optional): _____

Where employed: VAF Job title: Adjunct Faculty - English

LEPC category/seat that applicant seeks: #3/6/7 - recommend category #3

Categories: 1) Elected local officials, 2) Law Enforcement, Civil Defense, Fire Fighting, First Aid, Local Env't/Hospital, and Transportation Personnel, 3) Media/Broadcast, 4) Community Groups, 5) Owners/Operators of Facilities, 6) Members of the Public, 7) LEPC Information Coordinator/SERC liaison

New applicant Renewal _____ Regular member _____ Alternate member _____

Qualifications for this category: I was in charge of all news releases for 7HS gradeable classes throughout the state; taught Journalism @ SHS / published Pushout for 20+ years; As Senior Project Coordinator for 13 years, I dealt with public, held public meetings, organized all aspects of the Project, & managed all of this as well, including setting up Senior Boards involving hundreds of Sitka citizens; made presentations before Sitka School Board on many occasions; acted administrator in public notices; been a calm participant / person in charge in real emergencies here & abroad.

Organizations in which applicant participates (that are pertinent to the application): VAF; Alaska Day Greater; lifelong educator of adults & teens; Past State President of Alaska's DKG organization (a world organization - in 19 countries)

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

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

Gayle H. Hammons July 21, 2015
Signature Date

To be considered, your application must be complete AND be accompanied by either a letter of interest or resume. Return to:

Melissa Henshaw, Deputy Clerk/Records Specialist
100 Lincoln Street
Fax: 907-747-7403
Email: melissa@cityofsitka.com

Gayle L. Hammons

210 Kruzof St.
Sitka, Alaska 99835
907 747 7746

Position Sought: Member of Sitka's Emergency Planning Committee

Strengths: ability to think critically; deal with members of the public, of all ages; write to inform and teach; keep a clear head when in an emergency situation, both here and abroad; ability to keep calm when attacked verbally; desire to give back to this community I love

Relevant Experience

- Serving as Sitka High School's Senior Project Coordinator (1992-2003)
- Alaska Day Greeter, 2003—present
- Writing complete reading curriculum for 9th and 10th grade, Lower Kuskokwim School District, 2004
- Serving as Adjunct English and Education faculty, UAS-Sitka and UA-Fairbanks (2003-current), composition and literature
- Planned, arranged, and chaperoned 100+ high school students on four separate European tours, visiting 14 countries, and planning for and dealing with emergencies on EVERY trip
- Unofficial editor for Sitka High School official publications for 27 years
- Serving as dual enrollment English instructor for UAS at SHS (1993-2013) (literature and composition)
- Teaching secondary English, (literature and composition) at both high school and college level, for 40 years (Fall 2015)
- Winning UAS Adjunct Teacher of the Year, 2006; Sitka School District Teacher of the Year, 2003;
- Serving as UAS English 111 Writing Portfolio Coordinator (2004)

- Serving on Alaska's English/Language Arts Content Standards Committee from onset
- Serving on Alaska's English/Language Arts Standards Frameworks Committee from onset
- Serving on Alaska's Teacher Certification/Re-Certification Committee from onset
- Serving on Alaska's English/Language Arts Reading Performance Standards Committee from onset
- Serving on Alaska's HSGQE English/Language Arts Cut Scores Committee from onset
- Serving on Alaska's HSGQE English/Language Arts Question Relevancy Committee from onset
- Serving as Sitka School District's teacher representative to the first Governor's Education Summit, Alyeska, Alaska
- Serving on Alaska's Writing Cut Score Committee for HSGQE
- Serving on Sitka School District's Professional Development Committee (from inception until 1996)
- Teaching graduate level courses for UAF, UAS, University of San Diego, Western Oregon University, including "Using Standards in the Classroom," (1997-2003)
- Serving as Teacher trainer for Performance Learning Systems for such courses as "Project TEACH," "Teaching Through Learning Channels," and "Keys to Motivation" (1985 to 2001)
- Training teachers on behalf of the State of Alaska, in the use of the Analytic Writing Rubric since early 80's, all around the state of Alaska
- Serving on Alaska's Writing Prompt Committee for state-wide writing assessment held in Anchorage, since 1980's until recent years
- Serving as trainer and scorer at Alaska's statewide writing assessment of 10th graders since inception, (1980's-1990's)

Education

1969-1973 Humboldt State University, Arcata, CA
B.A. English

1975-1977 University of Alaska-Juneau, Juneau, AK
M.A.T. English, Secondary

Over 100 hours of graduate level courses beyond Master's
degree

18 hours of graduate level English courses, NWSULA, 2010-
2013

References

Matt Hunter, former student, Sitka Assembly, Deputy Mayor,
EMS Volunteer, 907-747-6851

John Holst, Education Consultant, former Supt. of Schools
907-747-7935 holstj@gci.net

Emily Demmert, teacher, SSD, former English adjunct with
UAS Sitka, 907-747-9352, 907-752-0353

Randy Hawk, former Superintendent, Mt. Edgecumbe HS,
Sitka, AK 907-747-5328

Jeff Johnston, Director, UAS
1332 Seward Ave., Sitka AK 99835
UAS Sitka, 907-747-7700
jeff.johnston@uas.alaska.edu



LOCAL EMERGENCY PLANNING COMMITTEE

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

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

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

Meeting: Second Thursday, noon – Fire Hall

Categories as follows: 1) Elected local officials 2) Law Enforcement, Civil Defense, Fire Fighting, First Aid, Local Environmental/Hospital, and Transportation Personnel

3) Media/ Broadcast 4) Community Groups 5) Owners/Operators of Facilities 6) Members of the Public 7) LEPC Information Coordinator/ SERC liaison

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

Revised: March 25, 2015



Legislation Details

File #: ORD 15-36 Version: 1 Name:
Type: Ordinance Status: AGENDA READY
File created: 5/20/2015 In control: City and Borough Assembly
On agenda: 7/28/2015 Final action:
Title: Placing a Ballot Question on the Regular Election on October 6, 2015 to amend the Home Rule Charter of the City and Borough of Sitka at Article 13.03 entitled "Property Tax Limit" to increase the millage rate limit by one tenth of one percent (.001), which would be seven tenths of one percent (.007), or seven (7.0) mills to be used to support the Sitka School District

Sponsors:

Indexes:

Code sections:

Attachments: [Ord 2015-36](#)

Date	Ver.	Action By	Action	Result
6/9/2015	1	City and Borough Assembly	POSTPONED	Pass
5/27/2015	1	City and Borough Assembly	PASSED ON FIRST READING	Pass

POSSIBLE MOTION

I MOVE TO approve Ordinance 2015-36 on second and final reading.

Note: A motion was approved at the Assembly meeting of June 9th for this ordinance to come back before you for second reading on July 28th.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-36

BALLOT PROPOSITION OCTOBER 2015

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA PLACING A
BALLOT QUESTION ON THE REGULAR ELECTION ON OCTOBER 6, 2015
TO AMEND THE HOME RULE CHARTER OF THE CITY AND BOROUGH OF
SITKA AT ARTICLE 13.03 ENTITLED "PROPERTY TAX LIMIT" TO
INCREASE THE MILLAGE RATE LIMIT BY ONE TENTH OF ONE PERCENT
(.001), WHICH WOULD BE SEVEN TENTHS OF ONE PERCENT (.007), OR
SEVEN (7.0) MILLS TO BE USED TO SUPPORT THE SITKA SCHOOL
DISTRICT

1. **CLASSIFICATION.** All sections of this ordinance, except section 5 regarding the ballot proposition, are of a permanent nature, with section 4 intended to become a part of the Home Rule Charter of the City and Borough of Sitka ("Charter") if approved by the qualified voters at the October 6, 2015 Regular Election.

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

3. **PURPOSE.** This ordinance amends the Charter at Article 13.03 entitled "Property Tax Limit," by raising the property tax millage rate limit of 6 mills by 1 mill, to 7 mills.

The City and Borough of Sitka ("Sitka") Assembly intends to use the revenues gained from such an increased property tax millage rate to support the Sitka School District.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Sitka Assembly that the Sitka Home Rule Charter at Article 13.03, entitled "Property Tax Limit," is amended to read as follows (new language underlined; deleted language stricken):

Section 13.03 Property Tax Limit

The property tax levy shall not exceed ~~six tenths (0.006)~~ seven tenths (0.007) of one per cent (~~6 mill~~)(7 mills) of the assessed valuation of the property to be

45 taxed. The voters may raise this limit by an affirmative vote of the majority of
46 the voters participating in a special or regular election.

47
48 This section shall not in any way limit the ability of the municipality to meet
49 its bonded obligations and in no event shall the property tax levy during a year
50 exceed three percent (thirty mills) of the assessed value of the property in the
51 municipality.

52
53 5. **BALLOT QUESTION.** The following question shall be placed before the
54 voters at the general election to be held on October 6, 2015:

55
56 Shall the City and Borough of Sitka Charter at Article 13.03, entitled
57 "Property Tax Limit," be amended to increase the property tax levy limit by
58 1.0 mill, thus not to exceed seven tenths (.007) of one per cent (7.0 mills) of
59 the assessed valuation of taxable property, to support the Sitka School
60 District?

61
62 YES NO

63
64 **Informational:** An affirmative vote on this question would amend the City
65 and Borough of Sitka Charter at Article 13.03 by increasing the allowable
66 millage rate limit by 1.0 mill, to 7.0 mills.

67
68 6. **EFFECTIVE DATE.** This ordinance shall become effective on the day
69 after the date of its passage. The amendment to the Home Rule Charter of the City and
70 Borough of Sitka set out in Subsection 4 shall only become effective if a majority of the
71 voters voting on this ordinance at the election on October 6, 2015 approve this ordinance,
72 and if a majority of voters so approve then this amendment set out in Subsection 4 shall
73 become effective the day after the election is certified.

74
75 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and
76 Borough of Sitka, Alaska this 9th day of June, 2015.

77
78
79
80 _____
Mim McConnell, Mayor

81 ATTEST:

82 _____
83 Sara Peterson
84 Municipal Clerk



Legislation Details

File #: ORD 15-37A Version: 1 Name:

Type: Ordinance Status: AGENDA READY

File created: 6/2/2015 In control: City and Borough Assembly

On agenda: 7/28/2015 Final action:

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

Sponsors:

Indexes:

Code sections:

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

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

POSSIBLE MOTION

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

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-37A

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

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

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

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

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

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

50
51 Additionally, this ordinance gives the required fifteen day notice to existing board
52 members of their removal, which is appealable to the Assembly. All existing board
53 members will have the opportunity to reapply for any seat in which they qualify.
54

55
56 4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of
57 the City and Borough of Sitka that SGC Chapter 2.12 is amended (old language
58 stricken, new language underlined) as follows:
59

60 **Chapter 2.12**
61 **CITY AND BOROUGH OF SITKA HOSPITAL BOARD**

62
63 **Section 2.12.010 City and Borough of Sitka Hospital Board**

64
65 ~~There shall be a board known as the city and borough of Sitka hospital board which~~
66 ~~shall consist of nine members: seven regular members, one of whom shall be a~~
67 ~~physician unless a physician does not apply within sixty days of a seat becoming open~~
68 ~~when no other physician is a regular member of the board, who shall serve three year~~
69 ~~terms; and two nonvoting members who shall serve one year terms. One ex officio~~
70 ~~member shall be a member of the assembly and the other shall be a member of the~~
71 ~~medical staff. All members shall be approved by the assembly.~~

72
73 There shall be a board known as the City and Borough of Sitka Hospital Board which
74 shall consist of five voting members none of whom will be employees of Sitka
75 Community Hospital:

76
77 A. The City and Borough of Sitka Municipal Administrator will appoint a member of the
78 CBS senior staff as well as an alternate. This person will not hold any board office,
79 such as chair or secretary. This term will not expire.

80
81 B. A person having professional financial experience such as a certified public
82 accountant, auditor, or financial analyst. This is a three year term.

83
84 C. A person having professional healthcare experience, such as a physician, nurse,
85 physical therapist or close equivalent. This is a three year term.

86
87 D. Two people from the community at-large. These are two year terms.

88
89 There shall also be two non-voting, ex-officio members:

90
91 A. A member of the Sitka Community Hospital chief medical staff will be elected each
92 December by SCH medical staff.

93
94 B. An Assembly member who will serve as liaison. Appointed each October.
95 All Sitka Community Hospital Board voting members will be approved by the Assembly.
96

* * *

Section 2.12.070 Organization

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

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

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

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

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

* * *

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

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

Mim McConnell, Mayor

ATTEST:

Sara Peterson, CMC
Municipal Clerk

1st reading postponed 6/9/15

1st reading 7/14/15



Legislation Details

File #: ORD 15-39 Version: 1 Name:

Type: Ordinance Status: AGENDA READY

File created: 7/8/2015 In control: City and Borough Assembly

On agenda: 7/28/2015 Final action:

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

Sponsors:

Indexes:

Code sections:

Attachments: [Ord 2015-39](#)

Date	Ver.	Action By	Action	Result
7/14/2015	1	City and Borough Assembly		

POSSIBLE MOTION

I MOVE TO approve Ordinance 2015-39 on second and final reading.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

MEMORANDUM

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

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

Subject: Ordinance 2015-39 Amending B&B regulations to allow in single family dwelling or owner occupied unit of a two-family dwelling with conditional use permit

Date: June 29, 2015

The Planning Commission is recommending approval of a zoning text amendment on bed and breakfasts (B&Bs) SGC 22.24.010 B to allow B&Bs to be located in an owner occupied single-family dwelling or in an owner occupied unit of a two-family dwelling (duplex) with a conditional use permit. The proposal is designed to create additional bed and breakfast opportunities. The request is filed by the City and Borough of Sitka. Action on this item was taken at the June 2, 2015 Planning Commission meeting. The recommendation to approve the request passed unanimously 4-0.

Numerous citizens have expressed the need for additional short-term rental opportunities in Sitka. With new home sharing sites, such as air bnb and couch surfer, accommodation requirements are changing. This zoning text change would allow property owners of duplexes to also be permitted to operate a bed and breakfast with an approved conditional use permit.

The Planning Commission and the Planning and Community Development Department are continuing to search for ways to accommodate additional short-term rentals without taking long term rentals off the market. This is a small but important step as it can help gauge the community's response to future B&B/short term rental changes. Our goal is to loosen some regulations and allow people the opportunity to create additional income if desired.

Spurred by one applicant's request to operate an air bnb, this important subject has been thoroughly discussed. The Planning Office has received letters of support, which are included in your packets.

The proposed zoning text amendment is consistent with Comprehensive Plan Section 2.2.6 *Complement existing economic activities and strive to increase economic diversity.*

Recommendation: Approve the ordinance.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-39

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING SITKA GENERAL CODE TITLE 22 ZONING TO ALLOW BED AND BREAKFAST OPERATIONS IN OWNER-OCCUPIED SINGLE FAMILY OR OWNER-OCCUPIED SIDE OF A TWO-FAMILY DWELLING UNIT

1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to be a part of the Sitka General Code of the City and Borough of Sitka, Alaska.

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

3. PURPOSE. The purposes of this ordinance is to 1) allow bed & breakfast establishments in both an owner occupied single-family dwelling and owner occupied unit of a two-family (duplex) dwelling and 2) clarify internally inconsistent provisions in the bed and breakfast regulations. The purposes are achieved by adding zoning code language to the bed and breakfast definition and clarifying the conditional use permit provisions for bed and breakfasts.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough to revise the following sections of SGC Title 22 as listed below:

Title 22
Zoning

22.08.090 Bed and breakfast definition.

"Bed and breakfast"-means a lodging use, where rooms within a single dwelling unit or owner-occupied side of a two-family unit are provided to transient guests by a resident operator for a fee by pre-arrangement on a daily or short-term basis. A breakfast meal and/or light snacks may be served to those guests renting rooms. Only limited cooking facilities, if any, may be provided in the guest rooms. Extensive stays are not encouraged by the owners and are not considered appropriate. Bed and breakfasts require a building official and fire official certification that the residence complies with life and fire safety aspects. (Ord. 02-1683 § 4 (part), 2002.)

22.24.010 Conditional Uses.

B. Conditional Use Permit Provisions for Bed and Breakfasts.

45 1. The information and assurances filed by the applicant for a bed and breakfast
46 conditional use permit at the time of application shall be binding on all future owners of the
47 facility.

48 2. There shall be no expansion in the number of guest rooms beyond the number
49 approved.

50 3. The number of bed and breakfast sleeping rooms per residence shall be limited to
51 three rooms in an R-1 or related zone and five rooms in an R-2 or related zone.

52 4. In no case shall a bed and breakfast be operated in any residence other than an
53 owner-occupied dwelling.

54 5. The owner of the residence shall operate the bed and breakfast at all times and shall
55 not contract out the day-to-day management of the operation. In the event the operation or
56 management of the bed and breakfast is conducted by a tenant or party other than the owner
57 who lives in the residence, the conditional use permit shall automatically become void.

58 6. Bed and breakfast guestrooms are intended to be spare or surplus guestrooms in
59 owner-occupied single-family dwellings or an owner-occupied unit of a two-family dwelling that
60 are not needed by the owner of the structure for household activities.

61 ~~7. Bed and breakfast conditional use requests shall not be considered, reviewed, or~~
62 ~~approved for single family structures that have contained an apartment, or additional dwelling~~
63 ~~unit at any time during a three year period prior to the submittal of the application for a bed and~~
64 ~~breakfast conditional use permit. The burden of proof that this requirement has been complied~~
65 ~~with lies with the applicant.~~

66 ~~8. A bed and breakfast establishment shall not be approved if an apartment of other~~
67 ~~rental is also being operated in the structure or on the same lot. Any apartment rental in the~~
68 ~~structure or on a lot where a bed and breakfast is operating will automatically void the~~
69 ~~conditional use permit for bed and breakfast.~~

70 ~~9.7.~~ Permits shall lapse and become void if the bed and breakfast ceases operation for
71 twelve consecutive months.

72 ~~10.8.~~ There shall be no more than one exterior sign. The sign shall not exceed four
73 square feet.

74 ~~11.9.~~ There shall be a minimum of one off-street parking space for every three
75 guestrooms in bed and breakfast establishments located in ~~single-family~~ residential zones.

76 ~~12.10.~~ Existing bed and breakfasts which do not conform to these rules shall be
77 considered nonconforming uses and subject to the rules relating to nonconforming uses.

78 ~~13.11.~~ It is the intent of the assembly that the provisions of these requirements be strictly
79 followed. However, exceptions may be granted in cases of extreme need or extreme personal or
80 financial hardship. The limitation on the number of the rooms and the use of owner-occupied

81 single-family or owner-occupied side of two-family unit structures will not be eligible for hardship
82 relief.

83
84 ~~14.12.~~ For establishment of a bed and breakfast establishment in an existing structure in
85 an R-1 zone, only existing bedrooms may be used for guest rooms.

86
87 ~~15.13.~~ Limited cooking facilities shall only be allowed inside guestrooms, or inside other
88 rooms that are used solely by the bed and breakfast, such as small toaster ovens, microwaves,
89 and refrigerators.

90
91 ~~16.14.~~ Timely payment of sales taxes shall be one of the primary indicators of
92 compliance with this section.

93
94 ~~17.15.~~ When the assembly approves a permit with the condition referring to the number
95 of children in the facility, the term "children" shall refer to individuals who are fifteen years old or
96 younger.

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

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

101 _____
102 Mim McConnell, Mayor

103 ATTEST:

104 _____
105
106 Sara Peterson, CMC
107 Municipal Clerk



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: 5/26/15

From: Maegan Bosak, Planning and Community Development Director

To: Planning Commission

Re: ZTC 15-03 To allow B&Bs in an owner-occupied portion of a duplex

GENERAL INFORMATION

Applicant: City and Borough of Sitka

Property Owner: ZTC would apply broadly

Property Address: N/A

Legal Description: N/A

Parcel ID Number: N/A

Size of Existing Lot: N/A

Zoning: All zones where B and B's may be permitted

Existing Land Use: Residential

Utilities: N/A

Access: Varies

Surrounding Land Use: Various

ATTACHMENTS

Attachment A: Application

Attachment B: SGC 22.24.010 B

Attachment C: Public Comments

MEETING FLOW

- Report from Staff
- Applicant comes forward
- Applicant identifies him/herself – provides comments
- Commissioners ask applicant questions
- Staff asks applicant any questions
- Floor opened up for Public Comment
- Applicant has opportunity to clarify or provide additional information
- Comment period closed - brought back to the board
- Findings
- Motion of recommendation

PROJECT DESCRIPTION

Request is a zoning text change to alleviate the prohibition against B and B's where there is an existing rental on the property. This change would continue to allow for a bed and breakfast to be located in an owner-occupied single-family dwelling, adding the additional language "or in an owner-occupied unit of a two family dwelling". This change would allow B&Bs in duplexes that are currently not permitted.

Concern has been raised over the amount of units being turned into short term rentals therefore leaving the long term rental market. This ZTC is a step to allow more short term housing options in owner occupied residences.

BACKGROUND

This request came about because a citizen has an interest in operating an "Air BnB" from her property. ("AirBnB" is a marketing website for vacation rentals and are regulated the same as any other B and B under Sitka's zoning code.) During the application process it was learned that there is an existing long-term rental on the property. The existing zoning code very specifically prohibits a B and B from operating if there is, in addition to the primary dwelling, an existing apartment or long term rental on the property.

AirBnB's are a new and growing segment of the travel industry. They are distinguished by a particular on-line marketing presence, and, in some cases, by offering couches or hide-a-beds for sleeping rather than a separate room.

ANALYSIS

SGC 22.24.010 B. broadly sets out the conditional use permit provisions for B and B's (attached). The proposed ZTC would require multiple changes to code and to the bed and breakfast definition. We will review all the changes at Tuesday's meeting.

Project Site: varies

Project Design: varies

Traffic: Could create an increase in traffic to residential zones.

Parking: The intent and framework of the proposed zoning text change would increase vehicle requirements, up to that currently allowed by two dwelling units plus a B&B.

Noise: Three "activities" on a lot (two dwelling units and B and B operation) would increase noise proportionally.

Public Health or Safety

Habitat

Property Value or Neighborhood Harmony

Conformity with Comprehensive Plan: The proposed ZTC would be consistent with the Comprehensive Plan, section 2.2.6, "Complement existing economic activities and strive to increase economic diversity."

FINDINGS

None.

RECOMMENDATION

The "sharing economy" is becoming more evident as citizens continue to search for innovative ways to create extra income. Staff supports discussion and would encourage the Commission to be proactive as many of our zoning codes were not designed to promote this style.

It is recommended that the Planning Commission adopt the Director's analysis and grant the requested zoning text change.

Maegan Bosak

From: Tonia Rioux <director@sitka.org>
Sent: Wednesday, May 13, 2015 1:55 PM
To: Maegan Bosak
Subject: Planning Commission - Shortage of Summer Lodging

Good afternoon Maegan,

I understand that there is a special Planning Commission meeting tonight to discuss short-term permits for B&Bs in their homes during peak times or special events. I wanted to submit a comment to the commission, and I was hoping you could forward it to them.

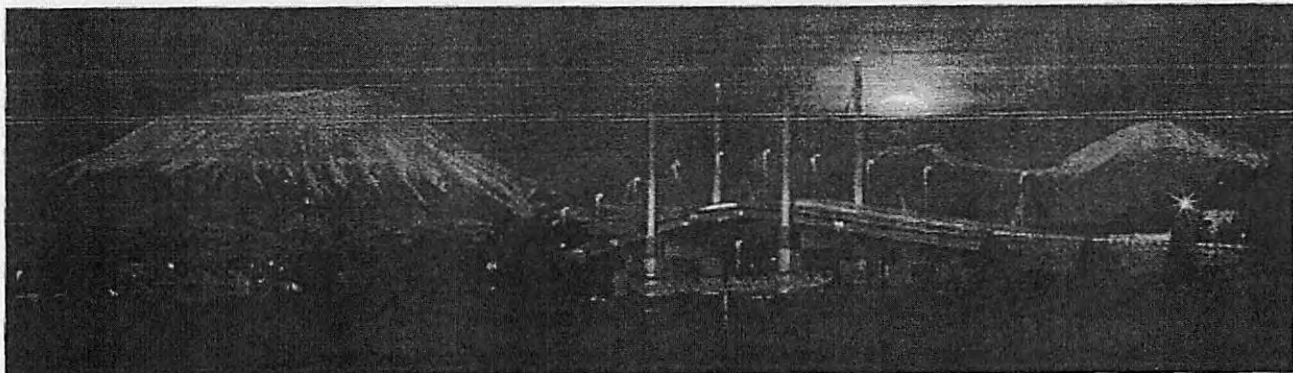
Both last summer and this summer, we regularly received calls from people who were unable to find lodging, especially in the month of June. So far this summer, we've had approximately 10 independent travelers call and say they wouldn't be able to visit Sitka, because they couldn't find anywhere to stay. This year, it has primarily been late May & June. However, we may see more for July as the season progresses.

Please let me know if you have any questions or need clarification on anything!

Thanks,

~Tonia

Tonia Rioux
Executive Director, Sitka Convention & Visitors Bureau
Ph: [907.747.5940](tel:907.747.5940) | Fax: [907.747.3739](tel:907.747.3739) | www.sitka.org



Sitka, Alaska | Mt. Edgecumbe Volcano & O'Connell Bridge | Photo by William Greer

Carole Gibb

From: jbarmoy@acsalaska.net
Sent: Tuesday, June 02, 2015 9:15 AM
To: carole@cityofsitka.com
Subject: B&B amendment

I am in favor of an amendment that would allow an individual to have a B & B located in a single family dwelling which is the fourth item in the agenda for Tuesday evenings' meeting. I believe this will only be a benefit to the community and those who wish to participate in this endeavor. As Sitka faces more financial problems it is important to start releasing some of the reigns held on those in the community who wish to start businesses that may be considered "new" to our town. This is a step in the right direction to bring more \$\$\$ to the community as a whole. Loosen up the regulations please.

Thank you,

Jackie Barmoy and Michael Knauss
1715 Sawmill Creek RD

CITY AND BOROUGH OF SITKA
PLANNING DEPARTMENT
ZONE CHANGE APPLICATION

ZONE MAP AMENDMENT FEE	\$100.00
ZONE TEXT AMENDMENT FEE	\$100.00
<i>Plus current city sales tax</i>	

Applicant's Name: City and Borough of Sitka

Phone Number: _____

Mailing Address: _____

Applicant's Signature: Muzn Bozink Date Submitted 5/18/15

Provide information or data, as necessary, to fully outline the reasons and justifications for the request. Attach additional sheets as necessary.

- For official map amendments, the application shall contain:
1. A legal description of *each* subject property along with the owner's name, address, and contact person for *each* subject property;
 2. An analysis showing the public benefit of the proposed amendment;
 3. An analysis showing the proposal's consistency with the Comprehensive Plan;
 4. A map of the area to be rezoned.

LIST SPECIFIC REQUEST: Modifying SGC Ch. 22.24.010 B allowing for a bed and breakfast to be located only in an owner-occupied single-family dwelling or in an owner-occupied unit of a two-family dwelling.

EXPLANATION OF REQUEST:

Sitka has a need for additional short term housing options without removing dwelling units from the long term rental market.

A citizen posed this discussion to the Planning Commission and after lengthy debate, staff brought forward a solution that continues to allow a bed and breakfast in an owner occupied single family dwelling but will expand to allow for a b+b in an owner-occupied unit of a duplex dwelling with a conditional use permit.

After the application and supporting materials has been determined to be complete by the Planning Office, the request will be placed on the next available Planning Commission agenda.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Sitka Planning Commission Agenda

Tuesday, June 2, 2015

Held at the Sitka Fire Hall
209 Lake Street, Sitka, Alaska
7:00pm

- I. CALL TO ORDER AND ROLL CALL
- II. CONSIDERATION OF THE AGENDA
- III. CONSIDERATION OF THE MINUTES FROM May 19, 2015
- IV. THE EVENING BUSINESS
 - A. Public hearing and consideration of an appeal of a proposed tidelands sale 263 Katlian Street. The proposed sale is for 2160 square feet of tidelands adjacent to the back portion of the existing lot. The property is also known as Lot 14, Block 5, Sitka Indian Village, U.S. Survey No. 2542. The request is filed by Forrest Dodson and Mary J. Holzman. The owners of record are Forrest Dodson and Mary J. Holzman.
 - B. Public hearing and consideration of a minor subdivision of Lot A, Bahovec Addition No. 1, Baranof Warm Springs. The request is filed by Christine Lundstedt. The owner of record is Christine Lundstedt.
 - C. Public hearing and consideration of an Accessory Dwelling Unit conditional use permit at 1301 Edgecumbe Drive. The property is also known as Lot 1 of the Old City Shops Subdivision. The request is filed by Robert Woolsey. The owner of record is Robert Woolsey.
 - D. Public hearing and consideration of a proposed zoning text amendment to modify SGC Ch 22.24.010 B allowing for a bed and breakfast to be located only in an owner-occupied single-family dwelling or in an owner-occupied unit of a two-family dwelling. The request is filed by the City and Borough of Sitka.**
 - E. Public hearing and consideration of a concept plat for a minor subdivision at 180 Price Street. The property is also known as Tract 1, Mountainview Subdivision. The request is filed by Jeremy Twaddle. The owner of record is Mountainview Estates, LLC.
- V. PLANNING DIRECTOR'S REPORT
- VI. PUBLIC BUSINESS FROM THE FLOOR
- VII. ADJOURNMENT

NOTE: Individuals having concerns or comments on any item are encouraged to provide written comments to the Planning Office or make comments at the Planning Commission meeting. Written comments may be dropped off at the Planning Office in City Hall, emailed to carole@cityofsitka.com, or faxed to (907) 747-6138. Those with questions may call (907) 747-1814.

Publish: May 26 and May 28

**CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
June 2, 2015**

Present: Chris Spivey (Vice Chair); Debra Pohlman (Member); Darrell Windsor (Member), Randy Hughey (Member), Carole Gibb (Planner I), Maegan Bosak (Planning & Community Development Director)

Absent: Richard Parmelee (Chair)

Members of the Public: Sheila Finkenbinder, Robert Woolsey, Jeremy Twaddle, Pat O'Neill, John Stein, Forrest Dodson, Mary J. Holzman, Andrew Thoms, Bruce Pauley, Jerald Neel, city staff Will Stortz, (Building Official) Dave Miller, (Fire Chief) Dale Goerner (Electric Department Acting Director).

Acting Chair Spivey called the meeting to order at 7:02 p.m.

Roll Call:

PRESENT: 4 –Spivey, Windsor, Hughey, Pohlman (arrived at 7:03)

Consideration of the Minutes from the May 13 and May 19, 2015 meetings:

MOTION: M/S WINDSOR/HUGHEY moved to approve the meeting minutes for May 13 and May 19, 2015.

ACTION: Motion **PASSED unanimously 3-0** on a voice vote.

The evening business:

**TIDELANDS SALE
263 KATLIAN STREET
FORREST DODSON AND MARY J. HOLZMAN**

Public hearing and consideration of an appeal of a proposed tidelands sale 263 Katlian Street. The proposed sale is for 2160 square feet of tidelands adjacent to the back portion of the existing lot. The property is also known as Lot 14, Block 5, Sitka Indian Village, U.S. Survey No. 2542. The request is filed by Forrest Dodson and Mary J. Holzman. The owners of record are Forrest Dodson and Mary J. Holzman.

STAFF REPORT: Bosak outlined the project and read recently-submitted staff comments in favor of the sale from Stan Eliason, Harbormaster, and Dale Goerner, Acting Electric Department Director. She reported that Mr. Dodson's intent was to reconstruct the house on the tidelands behind the current house site, and then create parking and a yard adjacent to Katlian Street in the area currently occupied by the house. Mr. Dodson had mentioned possibly trying to purchase a portion of the tidelands which is not directly behind the house to allow him to shift

the house to the north, but Bosak stated she wouldn't recommend that lateral shift because it moved the house closer to the municipal boat grid.

APPLICANT: Forrest Dodson described the intent to restore the historic house, and pointed out that his plan was to develop the tidelands parcel similar to the adjacent property, owned by BIHA. He also stated that it would be an improvement to the parcel, and to the Katlian neighborhood, which is currently undergoing a revitalization effort.

COMMISSIONER DELIBERATION: Commissioner Windsor asked Bosak what objections the city has or had regarding the sale of tidelands. Bosak said with any tidelands sale, it is helpful to weigh whether the city is giving up valuable public access to the waterfront, or selling an asset that is expected to appreciate substantially in the future, but the most recent comments from city staff suggest this sale is justified, especially considering the similar development on the neighboring property (BIHA), and because the proposed tidelands are directly behind and adjacent to the house, so they wouldn't be considered valuable in terms of public access. Windsor mentioned that the project creates additional parking, and more parking in that neighborhood is a good thing. Spivey observed that this purchase would generate income for the city. Hughey agreed that it made sense to sell the tidelands as long as the area sold was directly behind, and in line with the house, rather than allowing a lateral shift.

PUBLIC COMMENT: John Stein, former City Administrator spoke in favor of selling the proposed tidelands.

MOTION: M/S HUGHEY/WINDSOR moved to recommend approval of the concept tidelands sale at 263 Katlian Street. The proposed sale is for 2,160 square feet of tidelands adjacent to the back portion of the existing lot. The property is also known as Lot 14, Block 5, Sitka Indian Village, U.S. Survey No. 2542. The request is filed by Forrest Dodson and Mary J. Holzman. The owners of record are Forrest Dodson and Mary J. Holzman.

ACTION: Motion **PASSED unanimously 4-0** on a voice vote.

**MINOR SUBDIVISION
LOT A, BAHOVEC ADDITION NO. 1, BARANOF WARM SPRINGS
CHRISTINE LUNDSTEDT**

Public hearing and consideration of a concept plat for a minor subdivision of Lot A, Bahovec Addition No. 1, Baranof Warm Springs. The request is filed by Christine Lundstedt. The owner of record is Christine Lundstedt.

STAFF REPORT: Bosak described the project.

APPLICANT: Pat O'Neill spoke on behalf of Christine Lundstedt, explaining that the applicant had agreed to sell a small portion of her land to a neighbor. He said it was a small, but level site, conducive to building a small cabin.

COMMISSIONER DELIBERATION: Commissioner Hughey confirmed that in a Recreational Zone, there is no minimum lot size. Bosak confirmed that there were no comments received from neighbors.

PUBLIC COMMENT: No public comment.

MOTION: M/S POHLMAN/WINDSOR moved to recommend approval of a concept plat for minor subdivision of Lot A, Bahovec Addition No. 1, Baranof Warm Springs. The request is filed by Christine Lundstedt. The owner of record is Christine Lundstedt.

ACTION: Motion **PASSED unanimously 4-0** on a voice vote.

**ACCESSORY DWELLING UNIT
1301 EDGE CUMBE DRIVE
ROBERT WOOLSEY**

Public hearing and consideration of an Accessory Dwelling Unit conditional use permit at 1301 Edgescumbe Drive. The property is also known as Lot 1 of the Old City Shops Subdivision. The request is filed by Robert Woolsey. The owner of record is Robert Woolsey.

STAFF REPORT: Bosak explained the proposed ADU is a 120 sq. ft. structure is on a chassis which would have a permanent hook up to city utilities on a large R1 lot on Edgescumbe Drive. She described questions this project raises regarding ADUs, RVs as homes, tiny homes on wheels, concerns regarding building code, and related issues.

APPLICANT: Robert Woolsey said the structure was built through a partnership with the Sitka Conservation Society, the high school career and tech program, and the U.S. Forest Service. His home is on a 18,000 sq. ft. lot, with a separate driveway built to the site for the ADU. He had an open house to answer questions from neighbors. He said although the structure is on a trailer, it is not built or conceived as an RV. It is stick-built and substantive, and is designed as housing, rather than as a RV.

COMMISSIONER DELIBERATION: Commissioners asked for comments from the Building Official and Fire Chief.

Fire Chief Dave Miller commented that he is in support of small homes, but his concern is with a structure that doesn't meet building code, and especially egress. He described a sprinkler test conducted by his department and described his own experience regarding recent deaths caused by fire in Sitka. His conclusion was that if a fire starts in a small structure like this one, especially by the door, and there isn't another way out, that creates a serious hazard to life and safety.

William Stortz stated that a 120 sq. ft. structure would not meet code as a dwelling in multiple ways, including but not limited to egress. He explained that building code sets interior space minimums for habitable rooms, and mentioned that, for example, kitchen counters require 30 inches of clear space in front of them. To meet such codes, a one-bedroom house would be a minimum of about 350 sq. ft. and an efficiency would come to approximately 250 square feet.

He said in the case of RV's, a RV is required to meet standards involving egress capacity, plumbing, wiring, life safety issues. Stortz said if the structure qualified as an RV—which it does not—Sitka General Code 6.12 allows an RV to be inhabited as a dwelling for a maximum of 180 days.

PUBLIC COMMENT: Bruce Pauley, a neighbor, considers this structure a travel trailer because it has wheels, a chassis, a tongue and a hitch, and he said he doesn't believe it should be allowable housing in a R1 zone.

Sheila Finkenbinder said she likes the idea, and the structure looks like a house, not an RV. Andrew Thoms explained that the structure is a stick frame house that is built on a trailer not for the purposes of recreational travel, but to allow it to be moved to a permanent location. The structure itself fits in with the character of a residential neighborhood, as it is built with young growth spruce, and sheathed with cedar shingle siding.

Woolsey stated that the structure is not a travel trailer, but is built with materials and based on design plans for a home that will stay in place, rather than as a mobile home or RV.

COMMISSIONER DELIBERATION: Commissioners said they were not in favor of permitting something that does not meet code for safety, and also felt reluctant to consider permitting something that isn't an actual dwelling under city building code.

Commissioner Hughey said with reference to the structure being on a chassis, this tiny home is built in a way that distinguishes it from a travel trailer or RV and he feels it does fit into the character and look of a residential area, which is a relevant zoning concern. He said to address these building code issues, the high school could develop their program so that they are constructing tiny homes that meet code.



**ZONING TEXT CHANGE 22.24.010 B
ALLOWING B&BS IN AN OWNER-OCCUPIED UNIT OF TWO-FAMILY DWELLING
CITY AND BOROUGH OF SITKA**

Public hearing and consideration of a proposed zoning text amendment to modify SGC Ch 22.24.010 B allowing for a bed and breakfast to be located only in an owner-occupied single-family dwelling or in an owner-occupied unit of a two-family dwelling. The request is filed by the City and Borough of Sitka.

STAFF REPORT: Bosak gave background on the proposed zoning text change and shared that the department had received two letters in support of the change.

COMMISSIONER DELIBERATION: Commissioners discussed the merits of the proposal.

PUBLIC COMMENT: John Stein spoke in support of liberalizing B&Bs. Sheila Finkenbinder had applied for the zoning text change which preceded this one. She stated that she appreciated the city's efforts, and feels that if B&Bs were allowed in the owner-occupied portion of a duplex, it would encourage small-scale home sharing.

MOTION: M/S HUGHEY/POHLMAN moved to recommend approval of a proposed zoning text amendment to modify SGC Ch 22.24.010 B allowing for a bed and breakfast to be located only in an owner-occupied single-family dwelling or in an owner-occupied unit of a two-family dwelling. The request is filed by the City and Borough of Sitka.

ACTION: Motion **PASSED unanimously 4-0** on a voice vote.

**MINOR SUBDIVISION
MOUNTAINVIEW SUBDIVISION 180 PRICE STREET
MOUNTAINVIEW ESTATES, LLC**

Public hearing and consideration of a concept plat for a minor subdivision at 180 Price Street. The property is also known as Tract 1, Mountainview Subdivision. The request is filed by Jeremy Twaddle. The owner of record is Mountainview Estates, LLC.

STAFF REPORT: Bosak described the project.

APPLICANT: Jeremy Twaddle confirmed that he is planning to build a shop where he can store equipment, and have some bays to rent out for others to use. Discussion commenced regarding site features and access.

COMMISSIONER DELIBERATION: Commissioners had no further questions.

PUBLIC COMMENT: No public comment.

MOTION: M/S WINDSOR/POHLMAN moved to recommend approval of a concept plat for a minor subdivision at 180 Price Street. The property is also known as Tract 1, Mountainview Subdivision. The request is filed by Jeremy Twaddle. The owner of record is Mountainview Estates, LLC.

ACTION: Motion **PASSED unanimously 4-0** on a voice vote.

DIRECTORS REPORT: Bosak gave a brief report on planning office matters including B&B zoning text change research, interest in and inquiries regarding tiny home, and enforcement issues.

PUBLIC COMMENT: No public comment.

MOTION: M/S HUGHEY/WINDSOR moved to adjourn at 8:48 pm.

ACTION: Motion **PASSED unanimously 4-0** on a voice vote.

Chris Spivey, Acting Chair

Carole Gibb, Secretary



Legislation Details

File #: 15-124 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 7/22/2015 In control: City and Borough Assembly

On agenda: 7/28/2015 Final action:

Title: Hearing of an appeal filed by Shirley Burkhart for a zoning violation at 101 Lance Drive

Sponsors:

Indexes:

Code sections:

Attachments: [Appeal outline](#)
[Burkhart appeal letter](#)
[Planning Department submittal](#)

Date	Ver.	Action By	Action	Result
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Planning and Zoning Violation Appeal Outline

Non-Specific

SGC 22.30.180

1. Staff presents case for violation – assembly may ask questions
2. Complainant presents case – assembly may ask questions
3. Any public comment
4. Staff presents rebuttal if necessary – questions may be asked by assembly
5. Applicant presents rebuttal if necessary – questions may be asked by assembly
6. Close evidentiary hearing – Deliberate and consider penalties if violation found (see b. below).
7. Findings
 - a. State findings, to wit, whether or not appellant has violated SGC 20.16.015 by using the property in a way not consistent with the zoned area in ways that are detrimental to the health, safety and welfare of the neighborhood.
 - b. If appellant is found in violation – Determine a non-punitive fine taking into consideration the factors in SGC 22.30.290 A. 1, 2 & 3. See below.
 - c. Final step: Inform complainant that they can ask for Reconsideration, in writing, within 14 days of oral announcement of decision.

22.30.290 Civil action for violation—Damages.

A. A person who violates or causes or permits to be violated a provision of this title or a regulation, a lawful order of the department, or a permit, approval or term or condition of a permit or approval issued under this title is liable, in a civil action, to the municipality for a sum to be assessed by the court of not less than twenty-five dollars nor more than one thousand dollars for the initial violation, nor more than five hundred dollars for each day thereafter on which the violation continues; or in the case of operating without an appropriate notice, permit, or for violations which are related to public health, safety and welfare, or cause substantial adverse effects on the environment, not less than five hundred dollars nor more than five thousand dollars for the initial violation nor more than two thousand dollars for each day thereafter on which the violation continues and which, in either case, shall reflect, when applicable:

1. Reasonable compensation in the nature of liquidated damages for any adverse public health, safety, welfare or environmental effects caused by the violation, which shall be determined by the court according to the sensitivity of the receiving property, neighborhood or environment and the degree to which the violation degrades existing neighborhood environmental quality;

2. Reasonable costs incurred by the municipality in detection, investigation and attempted correction of the violations; and

3. The economic savings realized by the person in not complying with the requirement for which a violation is charged.

B. Actions under this section may not be used for punitive purposes, and sums assessed by the court must be compensatory and remedial in nature.

C. The court, upon motion of the department or upon its own motion, may defer assessment of all or part of that portion of the sum imposed upon a person under this section conditioned upon the person complying, within the shortest feasible time, with the requirement for which a violation is shown.

D. As used in this section, "economic savings" means that sum which a person would be required to expend for the planning, acquisition, siting, construction, installation and operation of the facilities necessary to effect compliance with the standard violated.

(Ord. 02-1683 § 4 (part), 2002.)

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

July 9, 2015

RE: Notice of Violation and Order to Correct

101 Lance Drive

Attention Municipal Clerk:

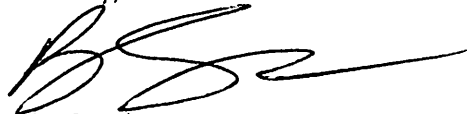
I am the attorney-in-fact for Ms. Shirley Burkhardt. This letter will serve as an appeal to the Notice of Violation dated July 1, 2015.

Ms. Burkhardt is celebrating her 80th birthday, and is quite distressed to be receiving this confusing and unfounded correspondence regarding her property.

The Notice of Violation states that a conditional use permit is required for manufacturing of fabricated metal products, industrial and commercial machinery, heavy machinery and equipment. While that may be the case, there is no commercial activity of this type on the property. While Ms. Burkhardt's family occasionally uses the property for his or her own personal benefit, there is no commercial manufacturing taking place and thus there is no basis for a conditional use permit, let alone a fine for this activity.

Please update the City Records to reflect this fact and further remove the unfounded fine for violation.

Sincerely,



Brita Speck

cc: Burkhardt



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

July 1, 2015

Shirley Burkhart
1613 Sawmill Creek Road
Sitka, AK 99835

COPY

**RE: NOTICE OF VIOLATION AND ORDER TO CORRECT
ZONING VIOLATION: 101 LANCE DRIVE, SITKA, ALASKA**

Dear Ms. Burkhart,

As you have been previously notified, the use of the property at 101 Lance Drive appears to be in violation of CBS Code Title 22 Zoning District Regulations.

Fabricated metal products or Industrial and commercial machinery or Heavy machinery and equipment all require a conditional use permit in the commercial (C-1) zone per CBS Table 22.16.015-5 Manufacturing/Storage Uses.

DATE OF OFFENSE: July 1, 2015

PROPERTY OWNER: Shirley Burkhart

FINE: \$500

The fine is due and payable immediately, checks payable to City and Borough of Sitka, Planning Dept., see note other below.

APPEAL: Any person having record title or legal interest in this property may appeal this notice and order in writing. Every appeal to the planning commission shall be filed with the municipal clerk within ten (10) days of the date of the recommendation or decision of the matter being appealed. Appeals of enforcement actions by the administrator shall be made directly to the assembly.

OTHER: Fine may be suspended if complete application for conditional use permit for fabricated metal products/ Industrial and commercial machinery/ Heavy machinery and equipment is received by the Planning Department no later than noon on July 7, 2015, scheduling public hearing for consideration on July 21, 2015.

Thank you,

Maegan Bosak
Planning and Community Development Department
City and Borough of Sitka
907-747-1824

Cc: Municipal Attorney Robin Koutchak
Municipal Administrator Mark Gorman




City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

MEMORANDUM

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

From: Maegan Bosak, Planning and Community Development Director 

Subject: Burkhart appeal of zoning violation fine- 101 Lance Drive

Date: July 22, 2015

The Planning and Community Development Department issued a notice of violation and order to correct a zoning violation at 101 Lance Drive to property owner Ms. Shirley Burkhart. Shortly thereafter an appeal was submitted on behalf of the property owner by Attorney Brita Speck.

After a thorough analysis and long enforcement process, including meetings with the property owner and representatives, it was determined that the use of the property at 101 Lance Drive continues to be a zoning violation. The commercial activity identified in the property meeting on March 30, 2015 was best determined to be welding/metal fabrication use which requires a conditional use permit in the C-1 commercial zone per SGC Table 22.16.015-5.

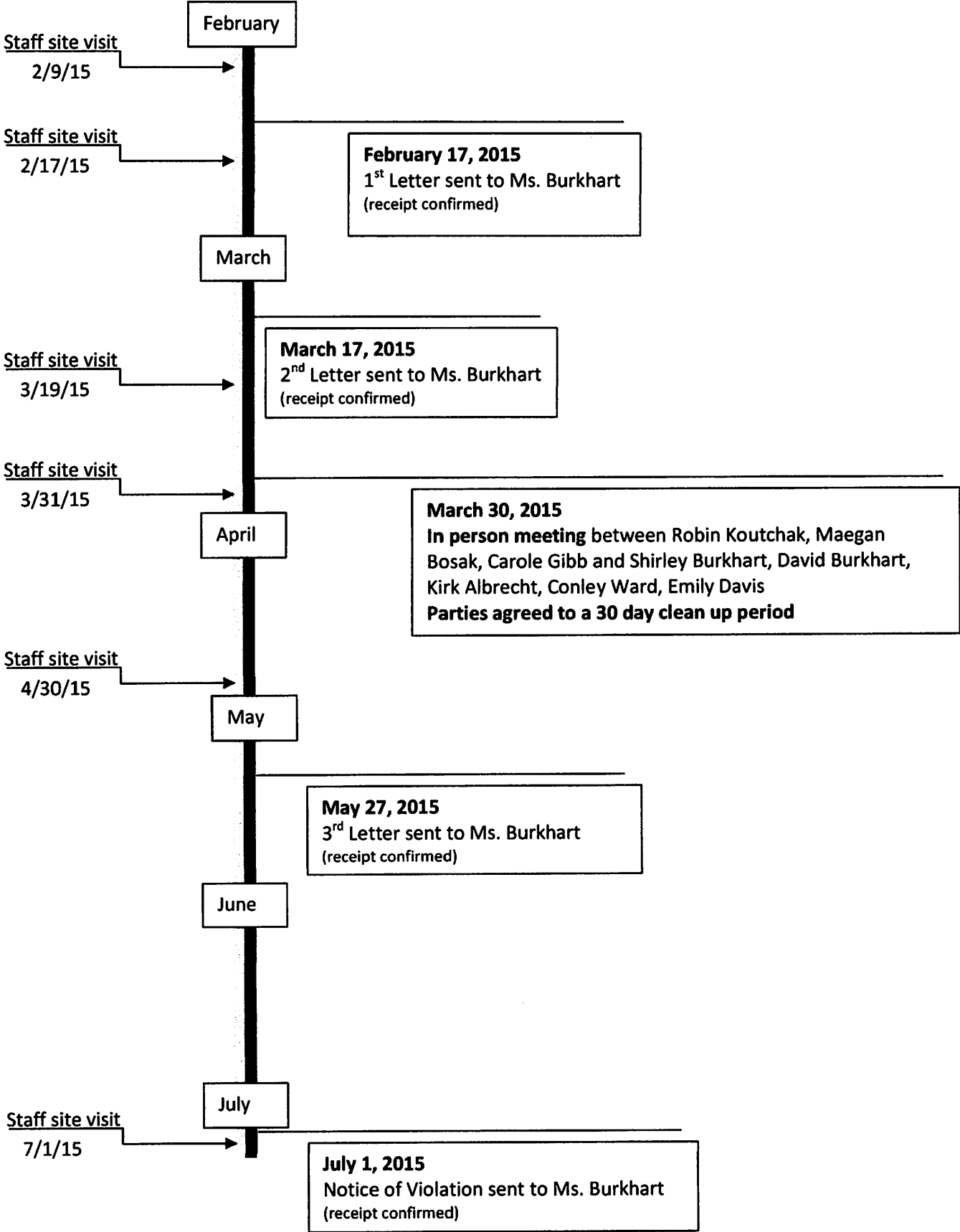
Throughout discussion with the property owner and representatives, staff has stated multiple times that we would be available to assist them through the conditional use permit process and see it as the best opportunity to mitigate concerns from surrounding neighbors. Conditions could be placed that provide a visual buffer, noise buffer or possibly a limitation on hours, all of which would allow the business activity to prosper without infringing on the neighborhood feel and safety.

The C-1 general commercial district is intended to be served by major essential utilities and to include those areas which are heavily dependent upon vehicular access. The district is intended for those areas surrounding major intersections where personal services, convenience goods and auto-related service facilities are desirable and appropriate land uses. The extension of the general commercial district along the roads in a strip fashion is to be discouraged.

Included in your packet is the staff analysis of the complaint, copies of correspondence, neighborhood complaints and pictures of the property throughout the enforcement process.

Staff's end goal is that this owner be able to use her property to the greatest extent possible, in line with CBS code, while the residential nature of the surrounding zone be protected.

**101 Lance Drive
Zoning Violation
Timeline**



Maegan Bosak

From: Melissa Henshaw <melissa.henshaw@cityofsitka.org>
Sent: Thursday, July 09, 2015 2:02 PM
To: 'Maegan Bosak' (maegan@cityofsitka.com); Carole Gibb (carole@cityofsitka.com); Robin Koutchak; Reuben Yerkes
Cc: Sara Peterson
Subject: Appeal from Burkhart for Notice of Violation
Attachments: 20150709134134653.pdf

Good afternoon,

The Clerk's Office just received the attached letter from Brita Speck for Shirley Burkhart as an appeal for the Notice of Violation I am assuming that Planning sent. Please advise if the Clerk's Office needs to do anything further or what steps happen now.

Have a great rest of your day,

Melissa Henshaw

Deputy Clerk/Records Specialist
City and Borough of Sitka
100 Lincoln Street
Sitka, AK 99835
[907-747-1826](tel:907-747-1826)
FAX [907-747-7403](tel:907-747-7403)

Messages to and from this email address may be available to the public under Alaska Public Records Law.

From: noreply@cityofsitka.org [<mailto:noreply@cityofsitka.org>]
Sent: Thursday, July 09, 2015 9:42 AM
To: Melissa Henshaw
Subject: Scanned Images from Admin Savin 9080

P.O. Box 6458, Sitka AK 99835

BRITA SPECK

LAW OFFICE, LLC

(907) 747-3750 Fax: (907) 747-3750

264 Katlian Street

specklaw@ptialaska.net

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

July 9, 2015

RE: Notice of Violation and Order to Correct

101 Lance Drive

Attention Municipal Clerk:

I am the attorney-in-fact for Ms. Shirley Burkhart. This letter will serve as an appeal to the Notice of Violation dated July 1, 2015.

Ms. Burkhart is celebrating her 80th birthday, and is quite distressed to be receiving this confusing and unfounded correspondence regarding her property.

The Notice of Violation states that a conditional use permit is required for manufacturing of fabricated metal products, industrial and commercial machinery, heavy machinery and equipment. While that may be the case, there is no commercial activity of this type on the property. While Ms. Burkhart's family occasionally uses the property for his or her own personal benefit, there is no commercial manufacturing taking place and thus there is no basis for a conditional use permit, let alone a fine for this activity.

Please update the City Records to reflect this fact and further remove the unfounded fine for violation.

Sincerely,



Brita Speck

cc: Burkhart



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

July 1, 2015

Shirley Burkhart
1613 Sawmill Creek Road
Sitka, AK 99835

COPY

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PROPERTY OWNER: Shirley Burkhart

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Thank you,

Maegan Bosak
Planning and Community Development Department
City and Borough of Sitka
907-747-1824

Cc: Municipal Attorney Robin Koutchak
Municipal Administrator Mark Gorman



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

MEMORANDUM- COMPLIANCE ORDER

To: File

From: Maegan Bosak, Planning and Community Development Director

Subject: Zoning/Junkyard/Litter Violation, 101 Lance Drive

Date: June 1, 2015

Multiple (6) residential neighbors have filed complaints against Shirley Burkhart, owner of 101 Lance Drive. The neighbors have expressed repeated concerns that the property, 101 Lance Drive, is becoming a junkyard and a zoning violation. The neighbors also expressed concern over the amount of litter, debris and junk cars that have accumulated on property.

Staff first wrote to Ms. Burkhart on February 17, 2015 requesting that she call the office to discuss this complaint. Staff researched the complaints, and determined that garbage, junk and equipment on the lot and spilling into the right of way was in excess of what was allowable per the CBS Junkyards Ch 6.08, Litter Ch 9.12 and Zoning Ch 22. There was no response from the property owner.

Staff proceeded with the enforcement process, as complaints were continuing to come in. The second letter was sent to Ms. Burkhart on March 17, 2015. This letter again spoke to the junk cars, equipment and other debris including wrecked/scrapped materials such as machinery and metal. The letter gave notice to clean up within seven days of receipt and asked the party to contact the Planning and Community Development Department to assist them in applying for the proper permits to come into compliance. The property owner received the letter and after phone calls with Ms. Burkhart and drop in visits from multiple property representatives, a meeting was set for March 30 between Municipal Attorney Robin Koutchak, PCDD Maegan Bosak, Planner I Carole Gibb and all parties involved in the said property.

On March 30, 2015, Shirley Burkhart, David Burkhart, Kirk Albrecht, Conley Ward and Emily Lewis met with City Staff to discuss the activity on the property. The party stated that the property they were previously operating on (102 and 104 Burkhart) was quickly sold and everything had to be removed from the lot and transferred to 101 Lance Drive. We reviewed the complaints and discussed the plan going forward which was to use the commercial C-1 lot in a commercial use specifically for Kirk Albrecht's welding fabrication business Albrecht –Ent. Representatives stated that nothing on the lot was junk or litter but valuable materials. They intend to construct a building on the lot and use for commercial purposes. Parties agreed to significant clean-up over the next 30 days. Staff also discussed uses that

require a conditional use permit. Staff recognized the need for the business in Sitka as much of the work is done repairing boats. We encouraged applicants that we could help guide them through the public process.

Staff documented property with pictures on March 31, 2015 as agreed with property owner at meeting, to gauge progress after the 30 day clean up period.

Staff documented the clean up effort on April 30, 2015. Some clean up had taken place. Analysis determines that the activity on the lot is primarily junk cars and zoning violation.

Amidst additional complaints received, regarding the noise, late working hours and additional materials being accumulated on site, the third and final letter prior to citation, was sent to Ms. Burkhart on May 27, 2015. The letter acknowledges that some cleanup has occurred but not enough to bring the property into compliance with code.

The general commercial district is intended to be served by major essential utilities and to include those areas which are heavily dependent upon vehicular access. The district is intended for those areas surrounding major intersections where personal services, convenience goods and auto-related service facilities are desirable and appropriate land uses. The extension of the general commercial district along the roads in a strip fashion is to be discouraged.

SGC Table 22.16.015-5 Manufacturing /Storage Uses lists primary metal products, fabricated metal products, Industrial and commercial machinery, and heavy machinery and equipment as conditional uses in the C-1 zone. Staff is unsure of the official final business intent of the property but considering the materials staged and representatives saying the property is home to Albrecht-Ent. at the March 30 meeting, staff concludes that the business activity on the lot is currently in violation.

Staff site visits, photo documentation, and analysis support the finding that there is a zoning violation at the property. Some clean up has occurred and staff is hoping to work with the property owners, assisting them with a conditional use permit application process, adding conditions to mitigate neighborhood concerns, while allowing for business activity.

July 1, 2015 Update:

No response from the property owner regarding the May 27, 2015 letter. Staff site visit shows no additional clean up or effort to come into compliance. Issuing zoning violation with the caveat that if a complete conditional use permit is received for the next Planning Commission meeting the fee may be waived.

July 9, 2015 Update:

Appeal of fine received from Brita Speck, representing Shirley Burkhart. Appeal will be heard at upcoming Assembly meeting.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

May 27, 2015

Shirley Burkhart
1613 Sawmill Creek Road
Sitka, AK 99835

COPY

RE: 101 Lance Drive

Dear Ms. Burkhart,

As you were previously notified in writing on 2/17/15 and 3/17/15 as well as in our meeting on 3/30/15, multiple complaints have been received by the City of Sitka Planning Office concerning the amount of litter, debris and wrecked/scrapped materials such as machinery and metal on your property at 101 Lance Drive.

The junk cars, equipment and other material appear to be contrary to the Litter Chapter in Section 9.12 of the Sitka General Code. A copy of the litter ordinance is enclosed. Additionally the activity on the lot, which appears to include fabricated metal products, requires a conditional use permit per Sitka General Code 22.16.015-5. In our meeting on 3/30/15, both parties agreed to significant clean up within 30 days. To date, it appears that this has not happened. We observed the area yesterday and although we can see movement, not nearly enough has taken place in the allotted time.

Sitka General Code Section 1.12.010 states "Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the city and borough is guilty of a violation...the offense shall be punishable by a fine of not more than five hundred dollars each and every day during any portion of which a violation or failure to comply is committed." The next step will be a citation.

If you believe that this notice is in error, contact our office within 7 days of receipt of this notice. Our office will assist in finding ways to bring the activity on the lot into compliance with Sitka General Code.

Sincerely,


Maegan Bosak
Planning and Community Development Director

Cc: Mark Gorman, Municipal Administrator
Robin Koutchak, Municipal Attorney



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

March 17, 2015

Shirley Burkhart
1613 Sawmill Creek Road
Sitka, AK 99835

COPY

RE: 101 Lance Drive

Dear Ms. Burkhart,

As you were previously notified in writing on 2/17/15, multiple complaints have been received by the City of Sitka Planning Office concerning the amount of litter, debris and wrecked/scrapped materials such as machinery and metal on your property at 101 Lance Drive.

The junk cars, equipment and other material appear to be contrary to the Litter Chapter in Section 9.12 of the Sitka General Code. A copy of the litter ordinance is enclosed. To date it appears you have not corrected the issue. You were also advised of the junkyard permit process and have not applied for one. Additionally the activity on the lot, which appears to include fabricated metal products, requires a conditional use permit per Sitka General Code 22.16.015-5.

You are hereby given notice to correct the problem within 7 days of receipt of this letter. Sitka General Code Section 1.12.010 states "Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the city and borough is guilty of a violation...the offense shall be punishable by a fine of not more than five hundred dollars each and every day during any portion of which a violation or failure to comply is committed."

If you believe that this complaint is in error, contact our office within 7 days of receipt of this notice. Our office will assist in finding ways to bring the activity on the lot into compliance with Sitka General Code.

Information regarding Spring Clean-up 2015, April 18th-26th, for free refuse disposal at the Jarvis Street Transfer Station is enclosed.

Sincerely,

Maegan Bosak

Planning and Community Development Director

Cc: Mark Gorman, Municipal Administrator

Robin Koutchak, Municipal Attorney

Providing for today ... preparing for tomorrow



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

February 17, 2015

Lewis E. Burkhart Heirs
1613 Sawmill Creek Rd.
Sitka, AK 99835

COPY

RE: 101 Lance Drive

Dear Lewis E. Burkhart Heirs,

The City of Sitka Planning and Community Development Office has been notified by several individuals concerned with the amount of equipment and debris on your property at 101 Lance Drive. The garbage/junk/equipment appears to be contrary to the Junkyards Chapter Section 6.08 and Litter Chapter 9.12 of the Sitka General Code.

A copy of the junkyard and litter ordinance is enclosed.

Please contact our office to discuss obtaining the required annual Junkyard certificate of approval for the location. The fee for a certificate of approval is ten dollars per year.

Please take appropriate action to comply within 20 days of this notice. According to code "the maximum penalty for a violation of Section 9.12.010 is a fine of two hundred fifty dollars, with each day the violation continues constituting a separate offense."

Thank you for your attention to this matter.

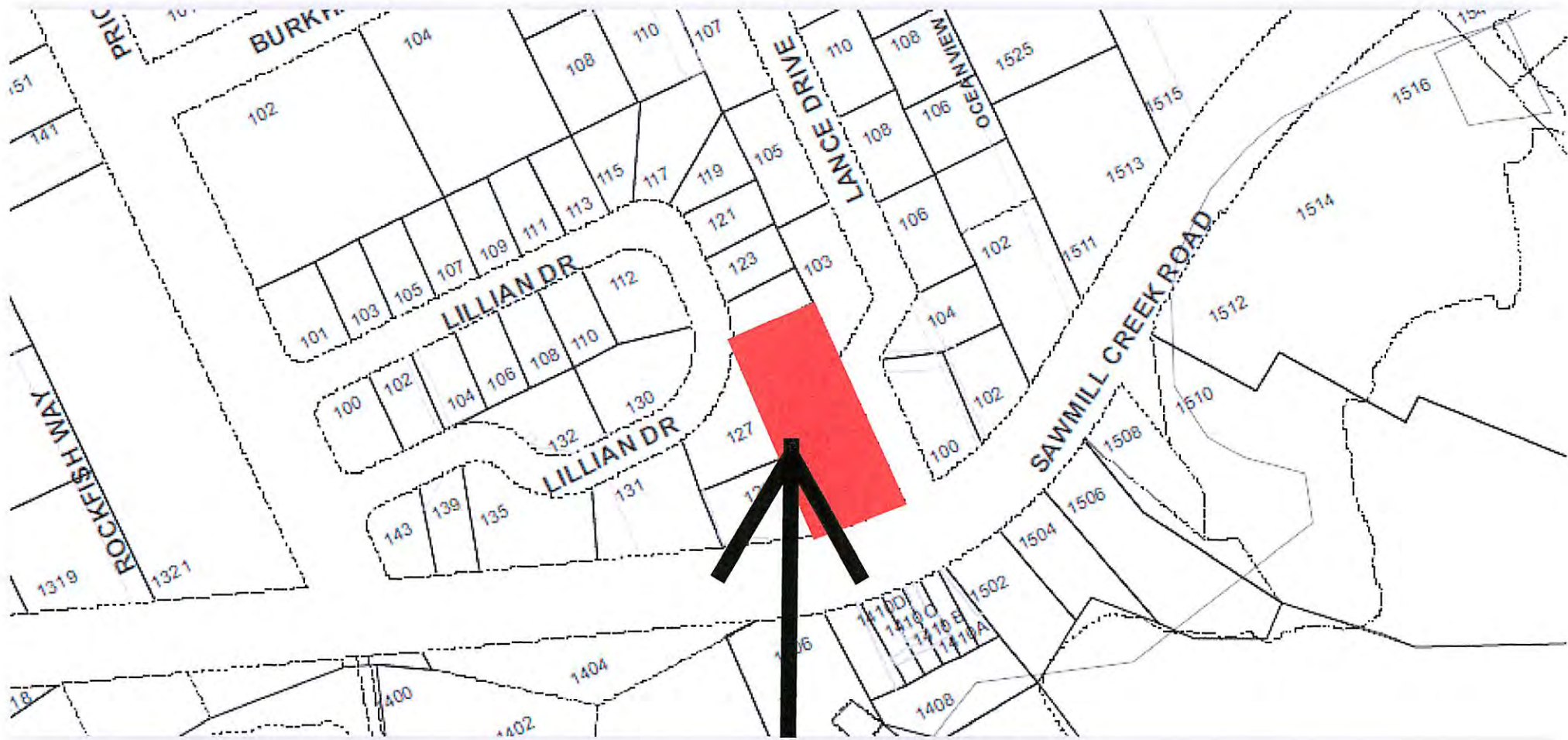
Sincerely,

Maegan Bosak
Planning and Community Development Director
907-747-1824

Cc:

Mark Gorman, Municipal Administrator
Robin Koutchak, Municipal Attorney

Providing for today ... preparing for tomorrow



Burkhardt
Zoning Violation
101 Lance Drive



Burkhardt
Zoning Violation
101 Lance Drive



ce

ALASKA

2015-000222-0

Recording District 103 Sitka

03/04/2015 02:40 PM Page 1 of 1



PERSONAL REPRESENTATIVE'S DEED

The Grantor, Shirley L. Burkhart, 1613 Sawmill Creek Road, Sitka, Alaska 99835, who is the Personal Representative of the Estate of Lewis E. Burkhart in Case No. 1SI-15-14 PR before the Superior Court for the State of Alaska, First Judicial District at Sitka, and who is the sole heir of Lewis E. Burkhart under his Last Will and Testament dated August 3, 1984, for valuable consideration, conveys and grants to the Grantee, Shirley L. Burkhart, 1613 Sawmill Creek Road, Sitka, Alaska 99835, individually, all right, title and interest in the following described real estate:

Lot Thirteen (13), Turney Burkhart Planned Unit Development, according to the plat thereof recorded March 1, 2001, as Plat 2001-1, Sitka Recording District, First Judicial District, State of Alaska.

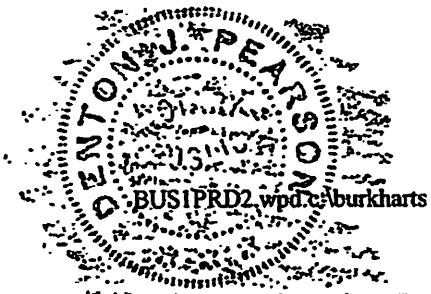
DATED this 4th day of March, 2015.

Shirley L. Burkhart
Shirley L. Burkhart, Personal Representative of
the Estate of Lewis E. Burkhart and sole heir of
Lewis E. Burkhart

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) ss:

The foregoing instrument was acknowledged before me this 4 day of March 2015, by Shirley L. Burkhart, Personal Representative the Estate of Lewis E. Burkhart.

[Signature]
Notary Public for Alaska
My commission expires: 1-1-16



After Recording Return to:
Shirley L. Burkhart
1613 Sawmill Creek Road, Sitka, Alaska 99835

Panhandle Law Center, LLC
Denton J. Pearson, Attorney
713-B Sawmill Creek Boulevard
Sitka, Alaska 99835
(907) 752-5001 (phone) (907) 747-4977 (fax)



City and Borough of Sitka

100 Lincoln Street
Ph: 747-1808

Sitka, Alaska 99835
Fax: 747-7403

RECEIVED MAR 10 2015
PL/Comm Dev

PUBLIC COMMENT FORM

Compliment

Comment

Complaint

Date: 2-3-15

Name: Gina Stearman, Nathan Stearman

Address: 102 Lance Drive

Phone: 316-644-6489

Statement: The trash and junk yard piled next to our home is disruptive and ugly. The area has become dangerous because of piles of junk and heavy equipment making it unsafe for my children to ride their bikes and play. Please do something to ensure our quiet residential area does not continue becoming a junk yard.

For Office Use Only	Referred to: _____
	Department: _____
	Signed by: _____
Response/date provided (forward to Administrator): _____	



City and Borough of Sitka

100 Lincoln Street
Ph: 747-1808

Sitka, Alaska 99835
Fax: 747-7403

PUBLIC COMMENT FORM

Compliment

Comment

Complaint

Date: Feb 2, 2015

*Rec'd in Planning
2-5-15*

Name: Kelly + Todd Gebler

Address: 104 Lance Dr

Phone: 407-267-3486

Statement: Please see attached about
the complaint of the junkyard
at 101 Lance Dr. This complaint
is

For Office Use Only	Referred to: _____
	Department: _____
	Signed by: _____

Response/date provided (forward to Administrator): _____

To whom it may concern,

Feb 2, 2015

I would like to send a request for your review of the enforcement of specific General Code violations that greatly affect my property and those of my neighbors.

The property located at 101 Lance Drive has become a significant public nuisance and a point of conflict in the neighborhood. This is a longstanding issue where this vacant lot has become a depository for a variety of junked vehicles, parts, fluids, and general metal scraps and containers. There has been a dramatic increase in the amount of junk being deposited and is now overflowing onto the street pavement. This property is extremely dangerous and I fear for the safety of neighborhood children including my own toddler.

I hope that you will take the time to really look into this matter personally.

Additionally, we would ask that we (neighbors) remain anonymous in this matter as relationships in this small neighborhood are already strained and the personalities involved have yet to be civil in their responses.

Thank you for your time and consideration and I look forward to hearing from you soon. Please feel free to contact me via email or telephone.

Kelly and Todd Gebler

104 Lance Dr

ktgebler@hotmail.com

cell 407-267-3486 or 407-267-4425





City and Borough of Sitka

100 Lincoln Street
Ph: 747-1808

Sitka, Alaska 99835
Fax: 747-7403

PUBLIC COMMENT FORM

Compliment

Comment

Complaint

Date: _____

Name: Mary Jane Messinger

Address: 100 LAUCE Dr.

Phone: 907 752-5207

Statement:

Please see attached paperwork
for my complaint about the
Junkyard at 101 Lauce Drive

*Rec'd in
Planning Dept
2-5-65*

For Office Use Only	Referred to: _____
	Department: _____
	Signed by: _____

Response/date provided (forward to Administrator): _____

To whomever can help,

I tried to research the requirements for a Junkyard, Scrap yard, Metal Recycler, or Auto Salvage yard on the City website. I have used excerpts of various ordinances I found that will help explain my complaint that the junk yard located at 101 Lance Drive may not be in compliance with City codes. (See attached)

What prompts my complaint at this time is that there has been a dramatic increase in the amount of junk being deposited on the property and it is now overflowing onto the street pavement.

I believe this property is an attractive nuisance to children and extremely hazardous. I am curious about several items deposited in there and how safely are they being kept. I also have concerns about the horrific, if not toxic, smoke and fumes that come from burning. Along with these grievances, there is the matter of noise mostly from heavy equipment. It can be any day of the week and diminishing daylight doesn't always end it. I would like to know if the scrap/junk/rubbish being stored there is properly done and what kind of oversight is there for this kind of operation?

I wasn't able to determine conclusively how the property is zoned. Regardless of what it might be it seems an inappropriate place for such an activity as residential property surrounds it. Even the city has a property on Lillian Drive that is adjacent to this junkyard. If this Junkyard has to exist, then the very minimum it requires is a fence and some oversight.

I appreciate my concerns being addressed and am anticipating a speedy resolution to this situation.

Thank you for your attention.



Emjay Messinger

PO Box 1864

Sitka, AK 99835

its4emjay@yahoo.com

(907) 752-5207

Definitions.

A. "Junk" means any secondhand and used machinery, scrap iron, copper, lead, zinc, aluminum, or other metals and includes wrecked automobiles, tools, implements, rags, used building materials, rubber and paper; and

B. "Junkyard" means a location where junk is gathered together and stored for a commercial or public purpose.

A. "Litter" means garbage, refuse and rubbish as defined in this chapter and all waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

B. "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

C. "Refuse" means all putrescible and nonputrescible solid wastes (except human body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned vehicles, solid market and industrial wastes, and used motor oils or fuel.

D. "Rubbish" means nonputrescible solid wastes consisting of both combustible and incombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin and aluminum cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

E. "Vehicle" means boats, boat trailers, any form of motor vehicle, whether it be four-wheel, two-wheel, three-wheel, or otherwise, and any other mode of transportation which would normally come under such a definition.

A. "Industrial" means a use engaged in the manufacture of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.

B. "Industrial" shall not include occupations conducted only by residents of the property without outside employees, such as pottery, weaving, woodworking and the like.

C. This definition of "industrial" shall not authorize uses of property which are prohibited by other ordinances in the same zone.

"Automobile wrecking yard" means any lot or portion of a lot used for the purpose of dismantling used motor vehicles or trailers or the storage or sale of parts from dismantled or partially dismantled obsolete or wrecked vehicles.

Chapter 9.12 LITTER

9.12.010 Unlawful acts

It is unlawful for any person to do any of the following:

- A. Cause or allow litter to be collected, deposited or to remain in any place under his control;
- B. Throw or deposit litter in or upon any street, **abandoned vehicles and other debris on street** sidewalk or other public place except in public receptacles or containers, in authorized private receptacles or containers for collection, or in disposal areas designated by the municipality;
- C. Sweep into, or deposit in, any gutter, street or other public place the accumulation of litter from any residence, building, or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter;
- D. Drive or move any vehicle which is carelessly loaded, or not constructed to prevent its load, or litter on it, from falling upon any street, alley or public place; **Often delivers junk unsecured using a forklift or pay-loader driven down the street.**
- E. Distribute any handbills without either securing them to the building or vehicle to which they are being distributed, or handing them directly to a person willing to accept them;
- F. Throw or deposit litter on any private property, whether owned by the person or not;
- G. Keep, maintain, or deposit an abandoned or junked vehicle on private or public property within the public view.
 1. A vehicle shall be deemed abandoned or junked under the following circumstances:
 - a. If the vehicle has obvious physical deterioration, such as broken or smashed windows, wheels and tires missing, portions of the body dented or rusted out to a large degree and any other physical evidence showing neglect; or
 - b. If the vehicle lacks current vehicle registration and license, unless neatly stored and covered with a tarp or other method to clearly show the intent for storage for future use;

Chapter 6.08
JUNKYARDS²

6.08.010 Definitions.

In this chapter, unless the context otherwise requires:

- A. "Junk" means any secondhand and used machinery, scrap iron, copper, lead, zinc, aluminum, or other metals and includes wrecked automobiles, tools, implements, rags, used building materials, rubber and paper; and
- B. "Junkyard" means a location where junk is gathered together and stored for a commercial or public purpose.

(B.C.S. § 8.04.010.)

6.08.020 Regulations.

The planning commission may make reasonable regulations concerning the establishment, operation and maintenance of junkyards. (B.C.S. § 8.04.020.)

6.08.030 Chapter compliance required.

No person may establish, operate or maintain a commercial or public junkyard without complying with the provisions of this chapter. (B.C.S. § 8.04.030.)

6.08.040 Storage and fencing.

- A. Material shall be stored in as orderly a manner as its nature permits **Not too bad further back/Roadside not good**
- B. Each junkyard shall be fenced sufficiently to conceal from public view the material in the junkyard. **NO FENCE!!**

(B.C.S. § 8.04.040.)

6.08.050 Certificate of approval for location—Fee. Is there one for this location?

- A. A person using or proposing to use a location for a commercial or public junkyard must annually obtain a certificate of approval for the location from the administrator. If the administrator denies an application for a certificate of approval, or if an interested party objects to the granting of a certificate of approval, the applicant or interested party may appeal the decision of the administrator to the assembly.

- B. In determining whether to issue or deny a certificate of approval, the administrator shall consider the following:

1. The nature and development of surrounding property; **Residential / public housing**

2. The need to protect the local economy, adjacent land owners, **PEDESTRIANS** and the motoring public from economically depressing and unsightly roadside locations;

3. The proximity of churches, schools, hospitals, public buildings, recreation areas, or other places of public gathering;

4. The sufficiency in number of other similar business establishments in the vicinity;

5. The adequacy of fences and other types of enclosures to prevent the unsightly display of any **junkyard**: **NO FENCE!**

6. The health, safety and general welfare of the public; and

7. The suitability of the applicant to establish, maintain or operate the **junkyard**.

C. The fee for a certificate of approval is ten dollars per year.

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. **Is it ok for a junk or scrap yard to do ?**

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 **setback** area may be used for customer parking but not for vehicle storage. **The junk is overflowing the property - no fencing - no setbacks.**

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**.

ZONING

22.16.040 R-1 single-family and duplex residential district.

A. Intent. The R-1 district is intended to include lands suited by topography and other natural conditions for urban development and which are provided with a full range of public utilities including sewer, water, electricity and storm drains or are intended to be provided with such utilities in the near future.





1. This district is intended primarily for single-family or duplex [residential](#) dwellings at moderate [densities](#), but [structures](#) and uses required to serve recreational and other public needs of [residential](#) areas are allowed as [conditional uses](#) subject to restrictions intended to preserve the [residential](#) character of the R-1 district.

2. The R-1 district, as it is a very restrictive district, may also be utilized as a holding district for lands which are located within the urban area but are not presently served by access or utilities until such time as a full-scale development plan can be adopted to allow a more permanent zoning district designation.

B. Signs may be allowed in conjunction with any permitted use subject to the provisions of Chapter [22.20](#) of this title.

(Ord. 02-1683 § 4 (part), 2002.)

22.16.080 C-1 general commercial district or C-2 general commercial mobile home district.

 SHARE    ...

A. Intent. The general [commercial](#) district is intended to be served by major essential utilities and to include those areas which are heavily dependent upon vehicular access. The district is intended for those areas surrounding major intersections where [personal services](#), convenience goods and auto-related service facilities are desirable and appropriate land uses. The extension of the general [commercial](#) district along the roads in a strip fashion is to be discouraged.

B. All provisions of the C-1 district apply in the C-2 district, except that permitted uses also include [manufactured homes](#) on single [lots](#) and [manufactured home](#) parks.

22.16.110 I industrial district.

A. Intent. The [industrial](#) district is intended for [industrial](#) or heavier [commercial](#) uses including warehousing, wholesale and distribution operations, manufacturing, [natural resource extraction](#), contractors' yards and other such uses that require larger property or larger water and sewer services.





Maegan Bosak

From: Emjay Messinger <its4emjay@yahoo.com>
Sent: Thursday, February 12, 2015 1:23 PM
To: Mark Gorman
Cc: Maegan Bosak
Subject: Re: Junk Yard @ 101 Lance Drive

Dear Mr. Gorman.

Thank you for your quick response to my concerns. It is comforting to know that the conditions that my neighbors and I are living with, have the joint resources of our city working toward a timely resolution.

I am grateful for the offer and will be most appreciative if I can be kept up to date with how this situation is to be handled.

Thanks again kindly,

Emjay Messinger

On Thursday, February 12, 2015 9:49 AM, Mark Gorman <markgorman@cityofsitka.com> wrote:

Dear Ms. Messinger,

Thank you for your email.

Earlier this week, the Planning Department brought the written complaints to my attention, We are currently working on an enforcement plan specific to this parcel. Staff is reviewing various sections of CBS code to determine which violations are applicable and enforcement strategies.

I understand your concern and apologize that the owner of 101 Lance Drive is allowing so much material to accumulate on the property.

We will keep you informed as events warrant.

Sincerely,

Mark

From: Emjay Messinger [<mailto:its4emjay@yahoo.com>]
Sent: Wednesday, February 11, 2015 3:28 PM
To: Mark Gorman
Subject: Junk Yard @ 101 Lance Drive

Dear Mr. Gorman,

I am dealing with an issue concerning the Junkyard at 101 Lance Drive. The city Planning Department is aware of it, as written complaints have been filed. They have been very prompt

about attending to this issue but their process is a very slow, time consuming one and one without any known action (other than a letter from the Planning Dept.) or end result. (Please see my complaint letter to them attached).

While researching the legalities of a Junkyard I discovered in the Alaska State Statute: AS 08.60.050 Articles 01 ("Regulations for Junk Yards and Scrap Metal Dealers") as well as in our Sitka Municipal Code (6.08.050 "Certificate of approval for location" that to operate a Junk Yard legally, it must have a certificate of approval for the location from the administrator on an annual basis. It also states that an interested party may object to the granting of a certificate of approval. I definitely and strongly object. If there is an official form necessary to accomplish my objection I would appreciate if you could respond with where to obtain it. Hopefully this letter is sufficient.

I am also hoping that your office can verify for me if the property owner (Mr. Burkhardt I believe) is in compliance with this certificate and all other city ordinances. By all the definitions on the City's website this is a Junk Yard. My interpretation of Sitka's Code in this matter, is that the owner of this property is woefully delinquent in fulfilling the obligations of a Junk Yard... at a minimum is the lack of fencing and setbacks. If I am inquiring in the wrong place then I hope you can direct me to the appropriate one.

This is something that needs a timely remedy. The most recent influx of junk along with the noise and commotion has had a very negative impact on our neighborhood.

I appreciate your attention in this matter and anticipate your informative response.

Thank You Kindly,

Emjay Messinger
PO Box 1864
Sitka, AK 99835
its4emjay@yahoo.com
(907) 752-5207

Maegan Bosak

From: Emjay Messinger <its4emjay@yahoo.com>
Sent: Wednesday, March 04, 2015 11:18 PM
To: maegan@cityofsitka.com
Subject: Look what arrived this evening
Attachments: 20150304_190149.jpg

I can't believe it Megan but he's adding to it!!!!

... do you have a time estimate on when we won't have to deal with this anymore? it is been far too long already ... how much longer do we have to endure this?...This hasn't been easy to live next to. the noise of their trucks and equipment ... it's just ridiculous... You know the story.

Thanks

Emjay

Sent from Yahoo Mail



**101 Lance Drive
Picture email attachment
from Emjay Messinger
3/4/15**

RECEIVED MAR 10 2015
PLANNING + CD

Hi

I AM WRITING TO YOU IN REGARDS TO THE
PROPERTY AT THE END OF LANCE DRIVE (SOUTH END)
BURKHART PROPERTY. YOU HAVE TO LOOK AT IT, IT IS A
AWFUL SITE. LOOKS LIKE A JUNK YARD - EQUIPMENT
(JUNK) ALL OVER THE PLACE. EVEN ON THE ROAD, AND
SEEMS LIKE THEY HAVI MORE IN EACH DAY.
MY NEIGHBORS AND MYSELF ARE TIRED OF LOOKING
AT THIS MESS - WOULD YOU PLEASE DO SOMETHING
ABOUT THIS

THANK YOU
A CONCERNED CITIZEN

PLEASE

Maegan Bosak

From: Emjay Messinger <its4emjay@yahoo.com>
Sent: Friday, April 24, 2015 10:27 AM
To: maegan@cityofsitka.com
Cc: Mark Gorman
Subject: Out of the box solution suggestion for Lance Dr. Junk yard

Hi Maegan,

Our Junk yard, it seems, is not to be going anywhere any time soon. As a matter of fact it seems that he is clearing more area perhaps..????

Anyway, the real reason I am contacting you is that I spoke with your assistant last week to get an update and mentioned this idea... She was of the mind set that it could not possibly work. I think it deserves your consideration especially after reading in the paper that the assembly was opening up to out of the box thinking... (I hope that is true). I have no way of knowing if it was passed on as I requested or not.

I aim for win/win outcomes. To that end I would like to propose a concept that might just solve everyone's problems and needs. I suggest that the city evenly exchange more appropriate city owned property (ex: GPIIP??) for his cleaned up Lance Dr. property. The city would then be able to rezone that vacated area. Since it adjoins an already city-owned lot that is slated for affordable housing it might be in the city's interest to look at cluster housing of smaller individual homes possibly sharing one parking area. I do digress... the main idea is to relocate his Junk Yard.

Maegan... this is no longer merely a commercial enterprise. It is way beyond that. The noise alone is of an industrial nature... some days it is non stop!! One day last week I had a strong smell of propane/gas in my house... I do not use propane! I went outside to find the source but what ever caused it had stopped so I did not call the fire dept. I concluded that one of the cylinders over there failed right across from my heat pump which then drew it into my house. It didn't linger long. Does anyone know for sure if those cylinders are pressurized and if so with what? I have asked this question before and never received an answer. Is there some one else I should be asking? Who is responsible for overseeing that place?

Seriously, I **AM** trying to be patient but I am running thin. Out of sheer frustration, I am trying to discover what, if any, other options I may have (legally, editorially??). This situation is deplorable as are the city's ordinances. This is, in my opinion, gone on far too long all ready and I am repeatedly told to just be patient!!!

I know you are doing your utmost. If there is anything that I can do to move this along just please communicate it to me.

Thanks again for doing your part,

Emjay Messinger

Maegan Bosak

From: Emjay Messinger <its4emjay@yahoo.com>
Sent: Tuesday, April 28, 2015 12:06 PM
To: Maegan Bosak
Subject: correction of update on Junk.. just FYI

Hey Maegan,

I suspect you now have a worse issue headache than I do....I read last nights paper.. I wish you (collectively) a speedy resolution.

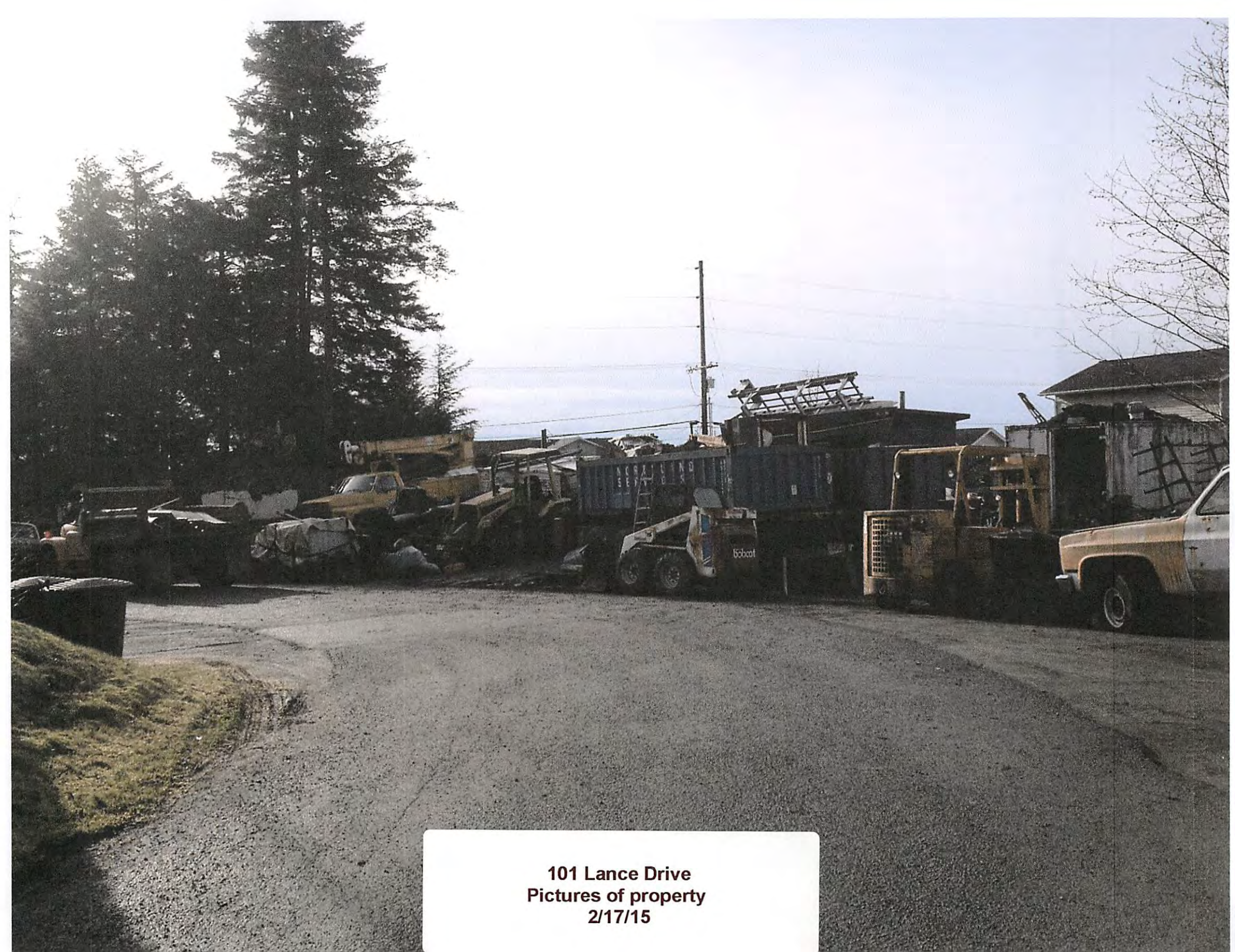
Just FYI:

Actually the junk yard seems to be making progress... I was mistaken about the digging. When I walked over I could actually see that it was the foundation of the new house. (That is awesome that it is being built!) Some of the larger items along the the front have been removed so one can see further back into the mess. Things seem to be leaving and (Knock wood) there does not seem to be anything new added... Dare I say things may be progressing.?

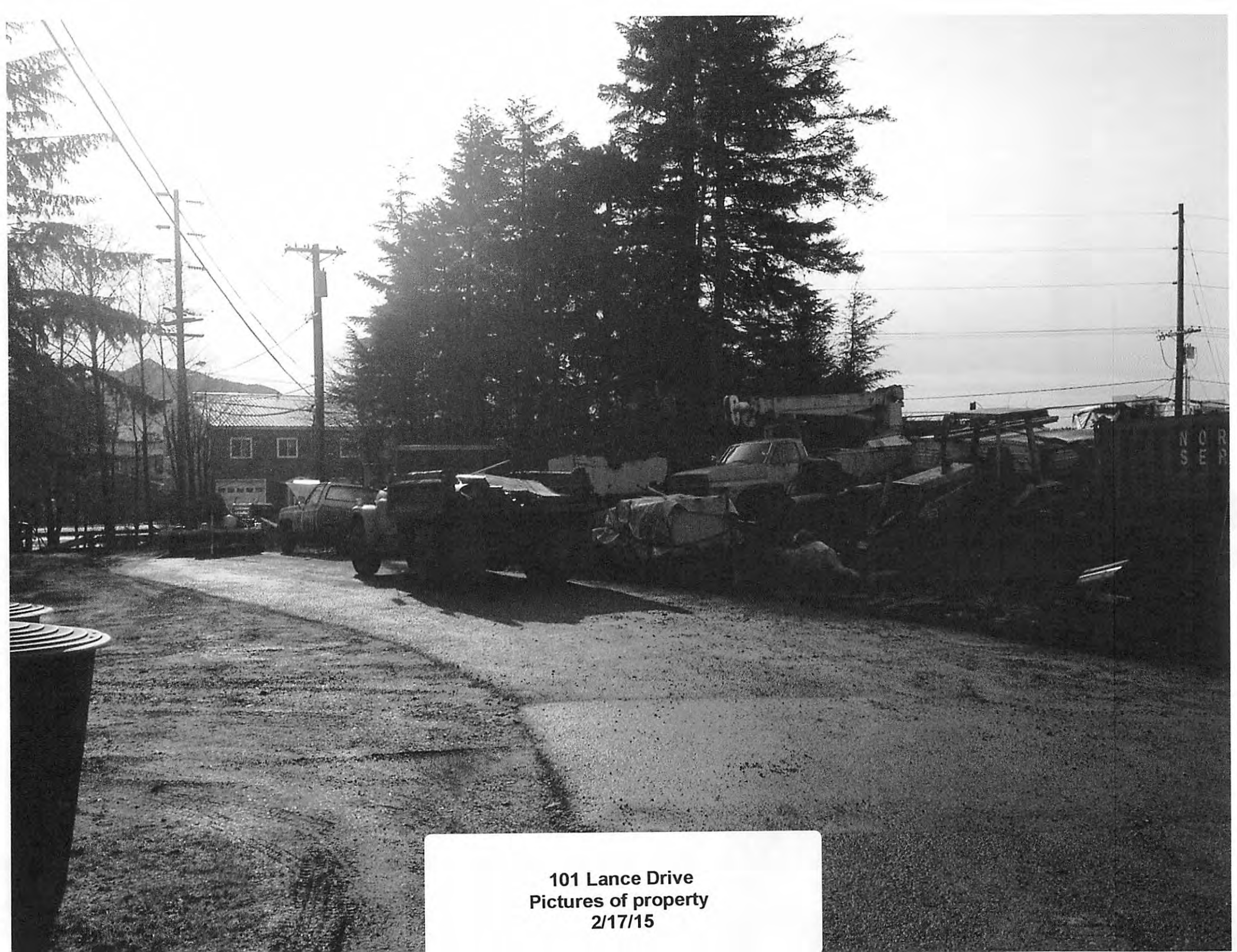
I suspect this will be put on the back burner which I can understand. I would still like to be in the loop should anything of consequence happen.

Thank You and Good Luck

Emjay



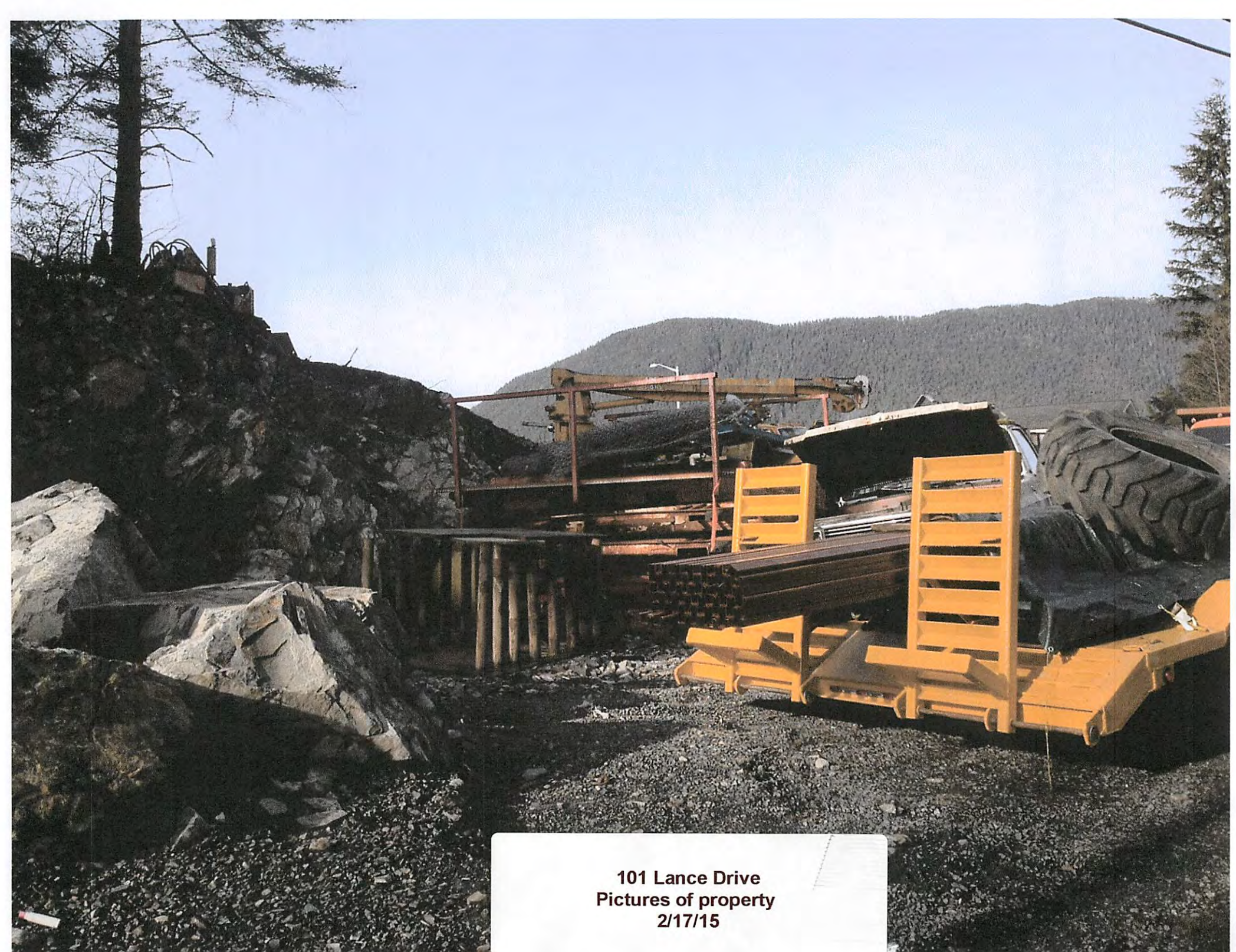
101 Lance Drive
Pictures of property
2/17/15



101 Lance Drive
Pictures of property
2/17/15



101 Lance Drive
Pictures of property
2/17/15



**101 Lance Drive
Pictures of property
2/17/15**



101 Lance Drive
Pictures of property
3/31/15



101 Lance Drive
Pictures of property
3/31/15



101 Lance Drive
Pictures of property
3/31/15



101 Lance Drive
Pictures of property
4/30/15



101 Lance Drive
Pictures of property
4/30/15



**101 Lance Drive
Pictures of property
7/1/15**



101 Lance Drive
Pictures of property
7/1/15



101 Lance Drive
Pictures of property
7/1/15

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



(907) 747-1840 Phone
 (907) 747-0536 Fax
 www.cityofsitka.com

BUSINESS REGISTRATION APPLICATION

Business Identification	Is this a: <input checked="" type="checkbox"/> New Business () Change in Ownership () *Complete Previous Owner section below		
	Business Name <u>ALBRECHT - EWT</u>		
	Line of Business <u>WELDING FAB</u>		
Contact Information	Alaska Business License No.		EIN or Social Security Number <u>395-60-4160</u>
	Sales Tax Contact Information		
	Mailing Address <u>SITKA PO BOX 1853 ELGIN COVE 100 BOX 55</u>		
	City <u>SITKA OR ELGIN COVE</u>	State <u>ALASKA</u>	Zip <u>99825-99825</u>
Other Business Info	Contact Name & Title <u>ALBRECHT - EWT Kirk or Shelby/Emily</u>		
	Physical Address <u>PORTABLE</u>		
	Business Phone No.	Cell: <u>907 738-2269</u>	Fax:
	Start Date of Business Activity in CBS (itinerants-list start and end date) <u>Feb 7 on in Sitka</u>		
	Type of Organization: <input checked="" type="checkbox"/> Sole Proprietorship () Partnership () Corporation () Other ()		
Previous Owner	Is it a Lodging Facility? Hotel/Motel () Bed & Breakfast () Short-Term Rental () Long Term Rental ()		
	Total # of units/rooms available for rent?	Please provide the physical locations of all rentals on the back of this form.	
	Previous Owner Name <u>N/A</u>	Previous Owner Address	
	City	State	Zip

I attest that to the best of my knowledge that the information provided on this application is true and correct.

Shelby J. Albrecht
 Signature

5-12-06
 Date

SHELBY J ALBRECHT

Printed Name

If this business is a corporation, an officer or director of the corporation must sign this form.



Continued on the back of this form. Applicants must complete both sides.

CBS USE ONLY

Sales Tax Account No. _____
 Date _____ SIC# _____
 Reviewed by: _____

Deposit _____
 (100-2100-001)
 Itinerant Fee _____
 (100-300-320-3201-007)

Planning Dept. Clearance:

ZONE: _____ DATE: _____ Approved by: _____

*The Planning Dept. must be notified if nature or location of business changes.

Individual information is required on all owners of the business **			
Owner Information	Last Name	SHELBY	First Name SHELBY
	Mailing Address	PO Box 1853	
	City	SITKA	State AK
	Physical Address	3850 HPR	
	City	SITKA	State AK
	Work Phone	907 738 2269	Social Security No. 395-60-4160
	Home Phone	907 747 3482	Drivers License No. 6930130
	Office or Title	OWNER	Date of Birth A / 27 / 54
Individual information is required on all owners of the business **			
Owner Information	Last Name	Albuquerque	First Name Kiki
	Mailing Address	PO Box 33	
	City		State
	Physical Address		
	City		State
	Work Phone		Social Security No.
	Home Phone		Drivers License No.
	Office or Title		Date of Birth
Individual information is required on all owners of the business **			
Owner Information	Last Name		First Name
	Mailing Address		
	City		State
	Physical Address		
	City		State
	Work Phone		Social Security No.
	Home Phone		Drivers License No.
	Office or Title		Date of Birth
All physical locations of business operations must be listed (including rentals)			
Additional business Physical locations	Physical Address		
	Physical Address		
	Physical Address		
	Physical Address		
	Physical Address		
	Physical Address		
	Physical Address		

** Attach additional owner or physical location information if necessary.

Shirley Burkhardt: 747-8225

Date	Time	Who	Comments
3/11		M.J.	Called to say more junk was piling up on property -- BUS
3/13	3pm	M.J.	More junk being brought in
3/13	3:45	Todd Gebler	Called for status update - more junk
3/17			2nd violation served
3/19	1:33	Shirley Burkhardt	Planning Dept. received VM and forwarded on to Assembly.
3/20	12:30	Emity Mrs. Albrecht	Came in as representative to find out what needs to be done; Advised COP, ZMA or move to industrial property. Told her to put extension request in writing.
3/20	3:45	Shirley Burkhardt	Left VM - returning call.
3/23	10:30am	Frank Burkhardt	stopped in - requested response from city to talk about fine/101 L.O.
3/23	2:15	Kirk Albrecht David Burkhardt Conley Ward	Stopped in Ward to meet to discuss progress made on cleanup and claim neighbors love what they are accomplishing
3/23	8:57 AM	Shirley Burkhardt	left VM 4 Margaret asking to make an appt.
3/24	2:30 PM	CGibb	left msg w/ Shirley Burkhardt to set up mtg for Margaret Robin w/ Shirley on Mon 3/30 @ 2pm
3/25	8:50 AM	Shirley Burkhardt	called + spoke w/ CG to confirm mtg @ city Hall, Monday 3/30 @ 2pm
3/30	2pm	All -	Met to review complaints and intent going forward. Owner committed to more cleanup over the next 30 days and fence in the future. Meeting will happen tomorrow at 2:30 and the 5/1.
4/28	10 AM		
4/28	10 AM	David Burkhardt	Came in b/c concerned that the house being built on pocket park is encroaching on setbacks



Legislation Details

File #: 15-127 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 7/22/2015 In control: City and Borough Assembly
On agenda: 7/28/2015 Final action:
Title: Discussion/Direction on an Advisory Committee for commercial marijuana regulation in Sitka
Sponsors:
Indexes:
Code sections:
Attachments: [Advisory Committee](#)

Date	Ver.	Action By	Action	Result
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**Discussion/Direction on an Advisory
Committee for commercial marijuana
regulation in Sitka**

POSSIBLE MOTION

I MOVE TO designate the Planning Commission as the primary entity for studying what commercial marijuana activity should look like in Sitka.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Memorandum

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

Through: Maegan Bosak, Planning and Community Development Director *MB*

From: Scott Brylinsky, Temporary Planner *[Signature]*

Subject: Cannabis legalization – recommendation on Advisory Committee

Date: July 16, 2015

As you may recall, in my report to the Assembly on cannabis legalization last month, I recommended that an Advisory Committee be formed, or an existing group be assigned the role, to study issues and make recommendations for what legal commercial cannabis activity should look like in Sitka. After reviewing the most recent 50-page set of draft regulations that came out in early July, and after discussion with the Administrator, it seems the most efficient approach would probably be to use existing groups rather than create a new entity.

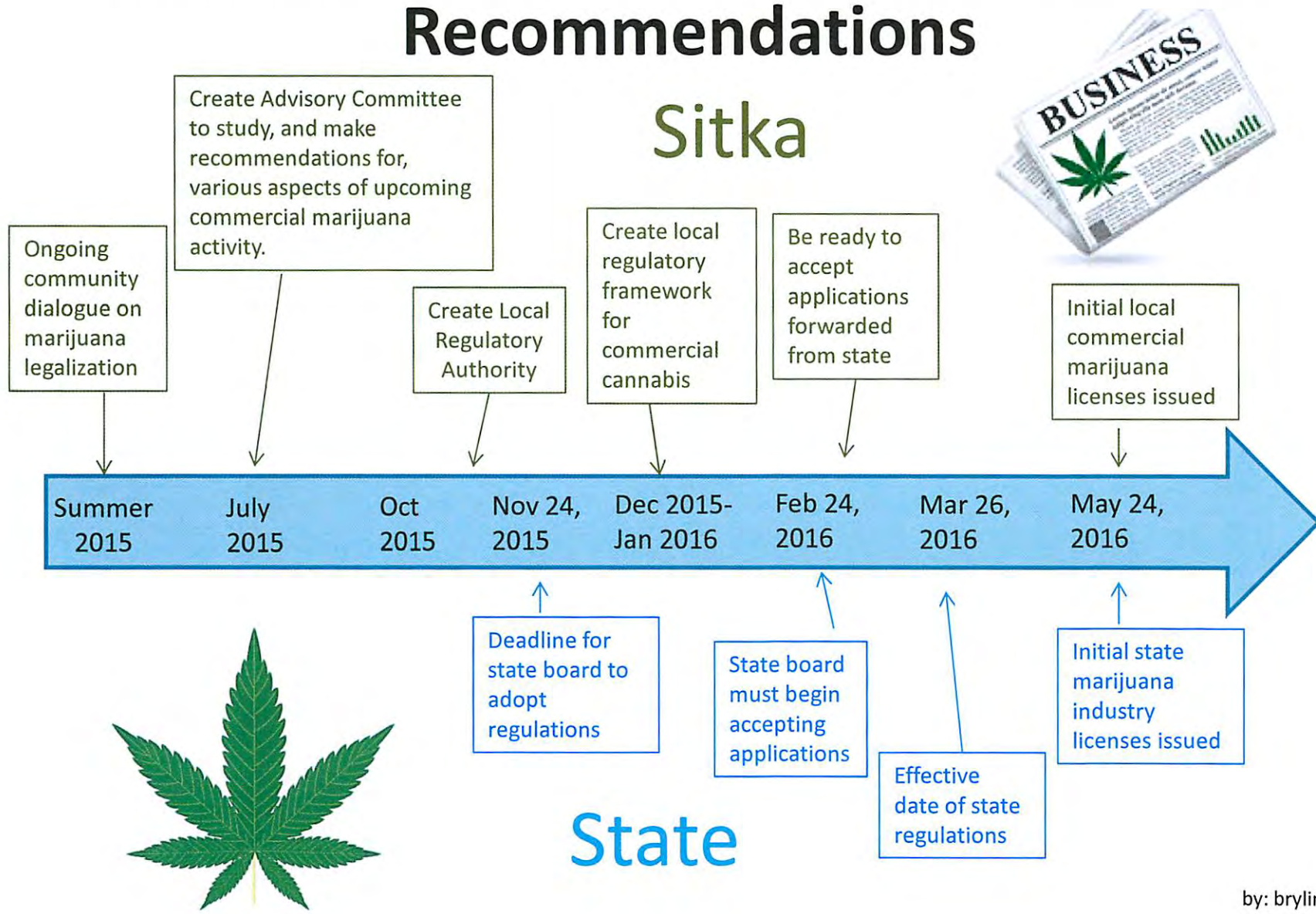
The zoning code is the community's primary tool for regulating businesses of all types. With that in mind, I suggest the Planning Commission take on the principal role of evaluating the questions of "time, place, manner, and number" for commercial marijuana businesses.

As questions and concerns come up that may be outside the purview of Planning, such as public health, or fire/life safety, those areas could be addressed by existing groups such as the Health Needs and Services Commission or the Police and Fire Commission.

Recommendation: Designate the Planning Commission as the primary entity for studying what commercial marijuana activity should look like in Sitka.

The Planning Commission's responsibility to review and make recommendations to zoning regulations is already set out in existing code - it requires no special imprimatur by the Assembly. But given the substantial public interest in this topic, and the as yet unforeseen questions which may arise going forward, it seems worthwhile to formally identify the process by which the city will study the issues and provide an opportunity to hear from the public.

Marijuana Legalization Timelines and Recommendations



Cannabis Legalization: Recommendations with suggested timeframes

by: Brylinsky
June 16, 2015

- 1. Recommendation:** Create Advisory Committee on cannabis legalization. One possible composition might be: two Assembly members, two Planning Commission members, the Police Chief, a School Board member, and three members of the public. Alternately, an Advisory Committee role could be assigned to an existing body, such as the Health Needs and Human Services Commission.
Staff support would be provided by the Legal Department and the Planning and Community Development Department, and other departments as needed.
Who: Assembly.
Purpose: Study and make recommendations for policy direction for local regulation development in areas including but not limited to, zoning, public safety, permitting and taxation, and composition of the Local Regulatory Authority.
When: July 2015.

Background: Several communities have created Advisory committees including Anchorage, Juneau, Ketchikan, and Petersburg. There are many areas to explore and discuss for policy and regulation development, such as number of licenses of each type to issue, where businesses should be permitted, buffers from schools, churches, and other businesses, etc. Working through such details is suited to a working committee format. Juneau's committee includes four Assembly members and three Planning Commissioners. Ketchikan's is two Borough Assembly members, five city Council members, and a School Board member. Petersburg's is seventeen members, and according to their Clerk includes all community members who expressed an interest.

- 2. Recommendation:** Create Local Regulatory Authority

Who: Assembly. Options include, but are not limited to:

- a. Create new commission.
- b. Planning Commission or other existing commission (Police and Fire?)
- c. Assembly
- d. Administrator

When: October 2015. Local Regulatory Authority should be in place to participate in development of regulations under next item.

Background: The state law anticipates a local regulatory process (AS 17.38.100) which complements the state regulatory process. State licenses will be issued in the areas of cultivation, testing, processing, and retail sales. A Local Regulatory Authority to review and approve license applications forwarded from the state is a necessary component of a local regulatory process.

3. **Recommendation:** Develop and adopt local regulatory framework for cannabis legalization.

Who:

- a. Planning Department – zoning code amendments
- b. Building Dept – building and fire code amendments
- c. Police Dept – update local criminal and misdemeanor laws to complement state laws, if necessary
- d. Other?

When: December 2015 to January 2016.

Background: November 24, 2015 is the date when the state ABC board must adopt regulations. Developing local regulations after that date would give opportunity for local review of the final state regulations and opportunity to assure that locally drafted regulations complement, and coordinate with, the state regulations. Could begin this step earlier if state regulations are available sooner.

4. **What:** Begin accepting applications for commercial activity, forwarded from state board.

Who: Local Regulatory Authority

When: February 24, 2016.

Background: This is the date when the state marijuana board will begin accepting applications. Should that board elect to immediately forward applications to local jurisdictions, it would be prudent to have a local review process in place.

5. **What:** Initial marijuana businesses approved to operate by state, and potentially by Sitka.

Who: “Certificates to Operate” issued by Local Regularity Authority.

When: May 24, 2016. (Consistent with state regulations.)

Schedule for State from ABC website:

<http://commerce.state.ak.us/dnn/abc/resources/MarijuanaInitiativeFAQs.aspx>

November 4, 2014 – Statewide election held. Ballot Measure 2 passes 53% to 47%.

November 24, 2014 – Vote certified by Division of Elections. Statutes will be enacted by operation of law 90 days later.

January 20, 2015 – Legislature gavels in. Multiple bills related to the marijuana industry are anticipated.

February 24, 2015 – Statutes are enacted. The nine month deadline for developing regulations begins.

April 19, 2015 – Legislature scheduled to adjourn.

November 24, 2015 – Deadline for the board to adopt regulations; if not adopted by this date, local governments have the option of establishing their own regulations. Final regulations package submitted to the Governor’s Office and Department of Law for review and approval.

February 24, 2016 – Board must start accepting applications and must act on them within 90 days of receipt of application. If the board has not adopted regulations, applications may be submitted directly to local regulatory authorities.

March 26, 2016 – Tentative effective date of regulations; effective date will be 30 days after the Lt. Governor’s Office files the approved regulations.

May 24, 2016 – Initial marijuana industry licenses expected to be awarded.



Legislation Details

File #: 15-131 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 7/22/2015 In control: City and Borough Assembly

On agenda: 7/28/2015 Final action:

Title: Discussion/Direction on potential City and Borough of Sitka management of the Halibut Point Recreation Area

Sponsors:

Indexes:

Code sections:

Attachments: [Halibut Point Rec Area](#)

Date	Ver.	Action By	Action	Result
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**Discussion/Direction on potential
City and Borough of Sitka
management of the
Halibut Point Recreation Area**





Legislation Details

File #: 15-132 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 7/22/2015 In control: City and Borough Assembly
On agenda: 7/28/2015 Final action:
Title: Discussion/Direction on inflation proofing the Permanent Fund
Sponsors:
Indexes:
Code sections:
Attachments: [Permanent Fund](#)

Date	Ver.	Action By	Action	Result
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Discussion/Direction on inflation proofing the Permanent Fund

POSSIBLE MOTION

I MOVE TO direct the Administrator to place a high priority on using any FY16 general fund budget surplus for inflation proofing the Sitka Permanent Fund.



Legislation Details

File #: 15-126 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 7/22/2015 In control: City and Borough Assembly

On agenda: 7/28/2015 Final action:

Title: Discussion/Direction on extending an invitation to President Barack Obama to visit Sitka in August

Sponsors:

Indexes:

Code sections:

Attachments: [invite](#)

Date	Ver.	Action By	Action	Result
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Discussion/Direction on extending an invitation to President Barack Obama to visit Sitka in August



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

President Barack Obama
The White House
1600 Pennsylvania Avenue
Washington D.C.

Dear President Obama,

We are excited that you will be visiting our great State on August 31 to address the State Department hosted climate-change conference of Arctic country foreign ministers in Anchorage. As Mayor of the City and Borough of Sitka Alaska, I have the honor of extending an invitation to you to visit Sitka while you are in Alaska, a community you recognized in November 2014 at your White House summit on technology and education for our leadership in bringing technology to our schools.

Our island town of 9,000 residents is of historical and cultural importance to Alaska and the Nation. Once known as the Russian Capitol of Russian America, it was here in 1867 that Alaska was transferred to the United States. We will celebrate the 150th anniversary of this event in 2017.

A quarter of our population is Alaska Native. We know that your administration has put a high priority on increasing services and representation to American Indians and Alaska Natives. One of the cornerstones of our economy is our fishing industry. Most every household is touched by it. It is integral to our sustainability. To this end, there is increasing concerns and evidence that as our oceans warm and climate impacts manifest themselves that this way of life and economic life blood of our community may be under threat.

We know if your schedule permits that a visit to our wonderful community would be of tremendous value to you to see a unique place in America, and it would be an event of historical importance to Sitka Alaska.

Most Sincerely,

Mayor Mim McConnell



Legislation Details

File #: 15-133 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 7/23/2015 In control: City and Borough Assembly

On agenda: 7/28/2015 Final action:

Title: Appoint an Assembly Liaison for the Citizens' Taskforce

Sponsors:

Indexes:

Code sections:

Attachments: [Liaison Citizens' Taskforce](#)

Date	Ver.	Action By	Action	Result
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Appoint an Assembly Liaison for the Citizens' Taskforce



Legislation Details

File #: 15-128 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 7/22/2015 In control: City and Borough Assembly

On agenda: 7/28/2015 Final action:

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

Sponsors:

Indexes:

Code sections:

Attachments: [Travel](#)

Date	Ver.	Action By	Action	Result
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Discussion of the Mayor's upcoming travel plans to 1) attend the transboundary water quality meeting in Juneau on August 6 and 2) meet with the Mayor of Victoria BC and other officials in September



Lieutenant Governor Byron Mallott
STATE OF ALASKA

July 15, 2015

Dear Transboundary Partner,

I cordially invite you to join me in Juneau at the Elizabeth Peratrovich Hall August 6 from 8:30AM to 4:30PM as we listen and learn from you and other Alaskans and seek your voice in transboundary water quality and environmental integrity issues going forward.

Cabinet members from the departments of Fish and Game, Natural Resources and Environmental Conservation and senior staff will be on hand to present information and listen to you as the discussion unfolds throughout the day. This is an opportunity for us to learn from your knowledge, history and thoughts on the overall water quality, habitat integrity and resource sustainability of these rivers.

We want you and other Alaskans to help shape the policy agenda going forward. I hope you can join us and then continue the discussion back home.

Please let us know by Friday, July 31st if you will be attending the event. This invitation is specific to your organization. We are asking for one representative per invitation. Once you RSVP, we will provide you an information packet regarding event details.

To RSVP or find out more please contact Special Assistant Barbara Blake, at (907) 465-3520 or barbara.blake@alaska.gov.

Sincerely,

A handwritten signature in blue ink that reads "Byron L. Mallott".

Byron Mallott
Lieutenant Governor

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 2014-16

A RESOLUTION OF THE CITY AND BOROUGH OF SITKA URGING THE US GOVERNMENT TO WORK WITH THE INTERNATIONAL JOINT COMMISSION (IJC) AND THE ALASKA/BRITISH COLUMBIA (BC) TRANSBOUNDARY REGION AND TO UTILIZE ANY AND ALL POWERS UNDER THE BOUNDARY WATERS TREATY TO ENSURE THAT ALASKA RESOURCES ARE NOT HARMED BY UPSTREAM DEVELOPMENT IN BC

WHEREAS, The transboundary rivers of the Northwest British Columbia/Southeast Alaska region, including the Taku, Stikine and Unuk rivers, are of tremendous and unique economic, ecological, cultural and recreational value. The clean water and intact habitat of these river systems make them some of the most productive wild salmon rivers on the entire west coast of North America; and

WHEREAS, With the BC Northwest Power Line bringing in power, these rivers and their tributaries are facing a significant increase in new, large-scale development and industrialization that will transform the area and impact these rivers. Several open-pit mine projects, in known acid-generating ore bodies, along with associated waste rock piles, tailings dams, energy projects, and roads, all threaten the productivity of the rivers and health of the region. Major threats to water quality, salmon and wildlife include accidents and spills, tailings dam breaches, long-term acid mine drainage, and habitat fragmentation; and

WHEREAS, the proposed mines include Tulsequah Chief in the Taku watershed; Galore Creek, Red Chris and Schaft Creek in the Stikine watershed; and the Kerr-Sulphurets-Mitchell (KSM) project in the headwaters of the Unuk River; and

WHEREAS, Some of these mines would require an unprecedented level of water treatment and could pose the threat of acid mine drainage for centuries, if not in perpetuity; and

WHEREAS, There has been little transparent dialogue between the Canadian and U.S. governments regarding the proposed projects and specific ways to ensure our interests are protected; and

WHEREAS environmental laws and permitting processes in BC and Canada have been weakened over the past decade. The ongoing acid mine drainage from the Tulsequah Chief mine and the tailings dam failure at the Mt. Polley mine demonstrate weaknesses in monitoring and enforcement; and

WHEREAS Commercial fishermen, subsistence and recreational users, local communities, elected leaders and native tribes on both sides of the Canadian/U.S. border have all raised concerns about the pace and scope of the proposed industrial development in British Columbia and the potential for harm to water quality, fish and wildlife, and local economies; and

WHEREAS A major part of Sitka's economic base is commercial and sport charter ocean fishing with 570 resident commercial permit and 536 crew license holders, that deliver salmon, halibut, and black cod to three major processing plants employing 769 processing jobs, with a first wholesale value of \$167 million in 2012, and

WHEREAS maintaining and protecting healthy wild salmon populations throughout these river systems must be a priority. The concerns of local communities, individuals and user groups downstream from these projects must be integral to any transboundary watershed development decisions making; and

WHEREAS The Canadian and BC permitting processes have not been adequate to address our concerns; and

WHEREAS the Boundary Waters Treaty states "waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other" and provides a mechanism to address transboundary river concerns known as the International Joint Commission.

THEREFORE, BE IT RESOLVED, that the Assembly of the City and Borough of Sitka strongly urge the government of the United States to work with the government of Canada to refer the issue of transboundary development in the BC and Alaska region to the International Joint Commission and to utilize any and all powers under the Boundary Waters Treaty to ensure that Alaska resources are not harmed by upstream development in BC; and


BE IT FURTHER REOLVED, that affected communities and governments be consulted with and represented in any policy discussion related to impacts to these watersheds.

PASSED, APPROVED AND ADOPTED by the assembly of the City and Borough of Sitka, Alaska on this 14th day of October 2014.



Mim McConnell, Mayor

ATTEST:



Colleen Ingman, MMC
Municipal Clerk



Legislation Details

File #: 15-134 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 7/23/2015 In control: City and Borough Assembly
On agenda: 7/28/2015 Final action:
Title: Legal matter - potential lease dispute claim
Sponsors:
Indexes:
Code sections:
Attachments: [Executive Session](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTIONS

EXECUTIVE SESSION

I MOVE to go into Executive Session with the Municipal Attorney under the category of discussing communications with the Municipal Attorney concerning a legal matter affecting the Municipality in a potential lease dispute claim.

I MOVE to reconvene as the Assembly in regular session