

RECEIVED

AUG - 4 2015

City & Borough of Sitka-
Clerk's Office

MEMO

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

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

WATER LINE FEE

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

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

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

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

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

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

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

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

WATER AND SEWER CHARGES

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

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

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

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

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

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

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

7 existing trees with

107.00'

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

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

137.00'

104'

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

APPROVED FOR CONSTRUCTION

M. J. Tolley
BUILDING OFFICIAL

13.52'

27.00'

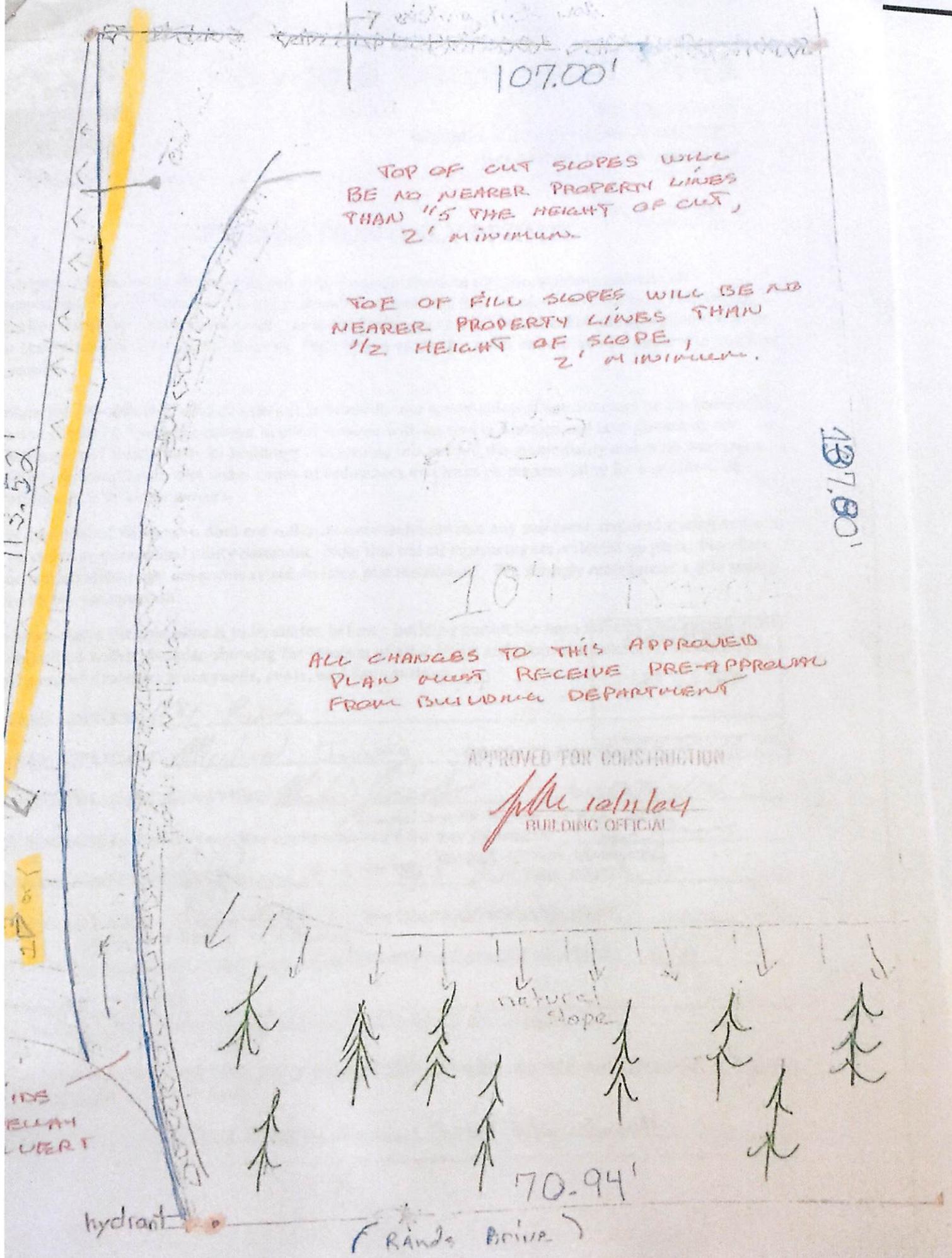
IDE
ELLAN
VERT

hydrant

natural slope

70.94'

(Randa Drive)



BUILDING PERMIT

FEE RECEIPT NO. _____

PERMIT NO. 04269 G

PLEASE FILL OUT COMPLETELY

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

THE OWNER OR APPLICANT IS RESPONSIBLE FOR:

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

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

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

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

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

Administrator _____ Corps of Engineer's No. _____ D.E.C. No. _____ Electrical _____
 Planning 9/22/04 Public Works _____ State or City Fire Marshal _____

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

ORIGINAL

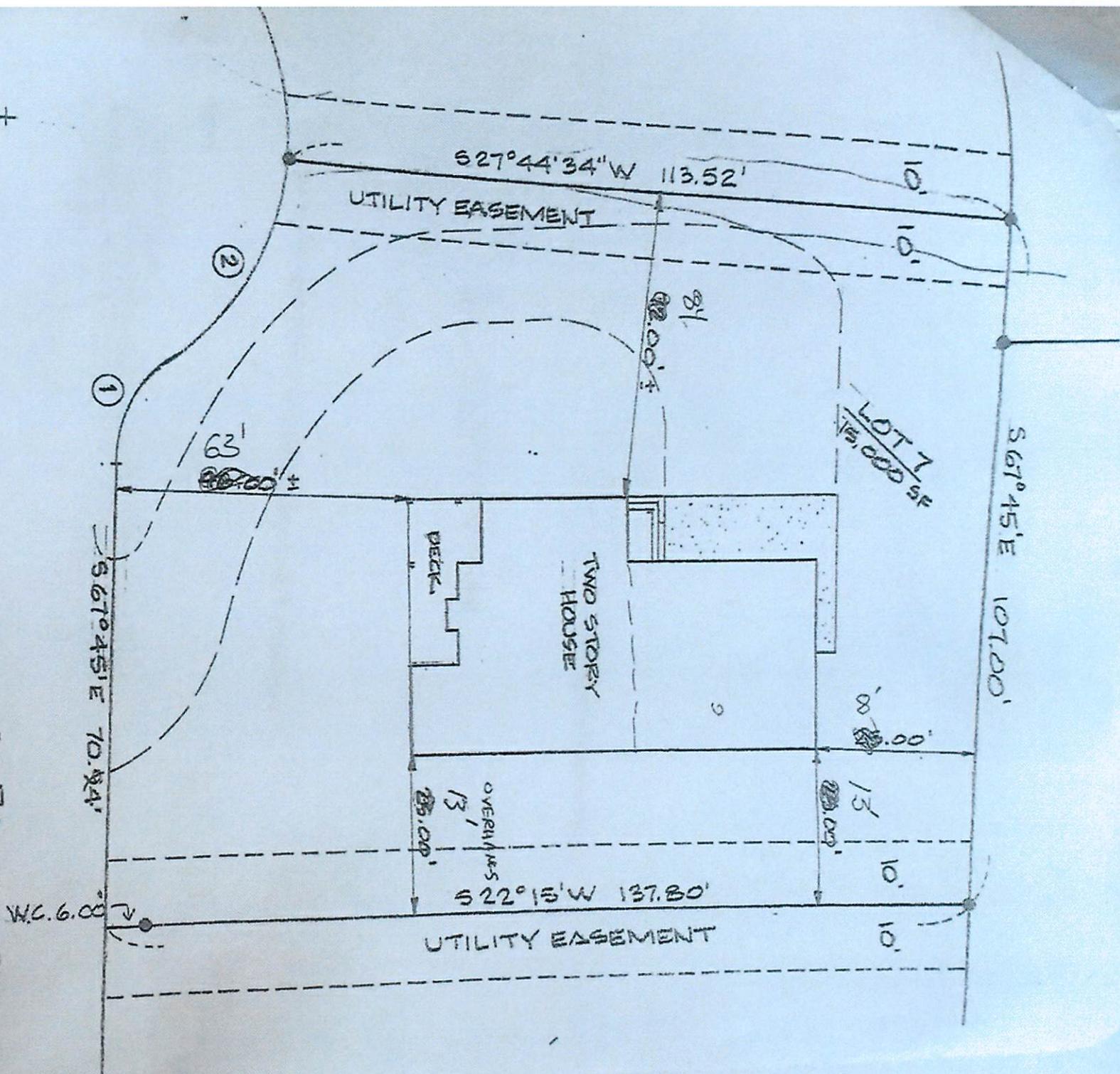
APPROVED FOR CONSTRUCTION
Mr White
 BUILDING OFFICIAL

SITE PLAN

LEGAL:
LOT 7, HARI
SUBDIVISIC

LEGAL:

RANDS DRIVE



















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

21.40.030 Easements.

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

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

C. Access Easements.

1. No more than four lots shall utilize a single common access road that is constructed to less than the regular municipal street standard. For minor subdivisions of two or three lots with access easements rather than public street access, said easements shall be constructed in accordance with city standards.
2. All access easements serving more than two lots shall be named and all lots shall be assigned physical street addresses.
3. In the event that a minor subdivision is proposed adjacent to a subdivision that contains an access easement, the municipality may require that the access easements be adjacent each other. The minimum square footage of the lots in the second subdivision shall not include the easements. The municipality may also require that a road be built to municipal standards within the two twenty-foot easements. The adjoining property owners shall equally share the cost of the construction of the road.
4. Establishment of Maximum Access Easement Grade. During the subdivision plat approval process, a maximum developed grade shall be established for each access easement. This grade shall not exceed twenty percent in any case and shall exceed fifteen percent in only exceptional cases.
5. Access Easement Grade Verification. Prior to the issuance of a building permit on a lot in a minor subdivision served by an access easement, the lot owner shall provide verification from a registered land surveyor of the grade of the access easement and a statement that the grade does not exceed the maximum grade approved for the access easement.

D. Drainage Easements.

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

CITY AND BOROUGH OF SITKA
PLANNING DEPARTMENT
VARIANCE APPLICATION

VARIANCE FEE	\$75.00
Plus current city sales tax	

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

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

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

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

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



City of Sitka, Alaska
 Web GIS Maps and Online Property Information
[City Website](#) [Feedback](#) [User Guide](#)

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

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



Select a Property 1 in = 74.43 ft



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

1 : 893.12 Last Update: Property Information - Daily, GIS Property Lines - 9/1/2014 By using this site, you agree to this Disclaimer

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City and Borough of Sitka

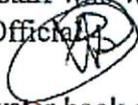
PUBLIC SERVICES

100 LINCOLN STREET • SITKA, ALASKA 99835

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

Policy #04-01

MEMO

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

Page 1 of 1

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

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

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

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

Distribution:

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

Sara Peterson

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

Yes sir.

Marko Dapcevich
Project Manager

INTERSTATE
503-956-6240 Cell Phone
800-622-6433 24 Hour Emergency Service

Sent from my wireless device

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

Mr Dapcevich

Thanks for this response to our conversation.

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

Thx

Sent from my iPhone

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

Mr. Gorman,

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

Here's my take on this:

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

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

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

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

Thanks for your time,

MARKO DAPCEVICH
Project Manager

INTERSTATE

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888-399-1802 **Fax**
800 622-6433 **24 Hour Emergency Service**

mdapcevich@interstaterestoration.com
www.interstaterestoration.com

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

<image004.gif>

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Sara Peterson

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

Thank you for the thorough response from our meeting.

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

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

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

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

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

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

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

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

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

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

In regards to the water and sewer charges:

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

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

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

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

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

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

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

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

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

Thank you,

MARKO DAPCEVICH
Project Manager

INTERSTATE

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mdapcevich@interstaterestoration.com
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From: Mark Gorman [mailto:mark.gorman@cityofsitka.org]
Sent: Friday, July 3, 2015 11:16 AM
To: Marko Dapceвич
Cc: Mark Buggins; Michael Harmon; Dan Tadic; Maegan Bosak; Sara Peterson; Jay Sweeney (jay@cityofsitka.com); chaix@cityofsitka.com
Subject: Waiver of Fees

Good morning Marko,

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

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

Waiver from having to pay the water line hook up fee

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

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

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

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

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

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

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

15.05.630 Vacation rates. SHARE ..

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

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

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

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

Sincerely,

Mark Gorman

Sara Peterson

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

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

Thank you,

MARKO DAPCEVICH
Project Manager

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

Mark,

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

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

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

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

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

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

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

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

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

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

Thanks for your help, It's appreciated.

MARKO DAPCEVICH
Project Manager

INTERSTATE

503-956-6240 **Cell Phone**
888-399-1802 **Fax**
800 622-6433 **24 Hour Emergency Service**

mdapcevich@interstaterestoration.com
www.interstaterestoration.com

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From: Mark Buggins [<mailto:markb@cityofsitka.com>]

Sent: Sunday, April 26, 2015 10:55 PM

To: Marko Dapceвич

Subject: Re: 104 Remington way

Hey Marco

Good to email

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

Yes you need a permit

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

Streets guys make the call on the patch

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

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

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

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

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

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

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

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

Mark Buggins

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

Mark,

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

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

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

Thanks,

MARKO DAPCEVICH
Project Manager

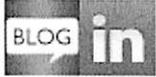
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Sara Peterson

From: Marko Dapcevic <mdapcevic@interstaterestoration.com>
Sent: [Friday, May 29, 2015 3:47 PM](#)
To: Chaix Johnson
Cc: markgorman@cityofsitka.com
Subject: RE: Ready!

Chaix,

I just tried to call with no answer so here is the info on the payment. It's a visa card

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

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

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

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

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

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

Thank you,

MARKO DAPCEVICH
Project Manager

INTERSTATE

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

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

To: Marko Dapceвич

Subject: Ready!

Hi Marko!

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

Thanks

Chaix Johnson

Assistant Contract Coordinator/Office Manager

City and Borough of Sitka – Public Works

100 Lincoln Street, Sitka, Alaska 99835

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

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