



CITY AND BOROUGH OF SITKA

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

Meeting Agenda City and Borough Assembly

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

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

Tuesday, September 8, 2015

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

IV. [15-178](#) Correspondence

Attachments: [Reminders and Correspondence](#)

V. CEREMONIAL MATTERS

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

Attachments: [Service Awards](#)

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

[15-167](#) Sitka Community Development Corporation and the Community Land Trust proposal for the Old City Shops property (<20 minutes)

Attachments: [SCH CEO Report](#)

[15-168](#) Chief Finance and Administrative Officer update on emergency expenditures

Attachments: [CFAO Report Emergency Expenditures](#)

[15-176](#) Sitka Community Hospital report - Rob Allen, CEO

Attachments: [SCH CEO Report](#)

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

Attachments: [Consent and Minutes](#)

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

Attachments: [Resolution 2015-19](#)

C [ORD 15-45](#) Adjusting the FY16 Budget (first reading)

Attachments: [Ordinance 2015-45](#)

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

Attachments: [Ordinance 2015-46](#)

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

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

Attachments: [HPC Ozment PFC Baugher](#)

XI. UNFINISHED BUSINESS:

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

Attachments: [Chamber Contract](#)

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

Attachments: [Ordinance 2015-42](#)

XII. NEW BUSINESS:

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

Attachments: [Motion and ALPS CUP](#)

[Comments ALPS CUP](#)

[BOA Hearing Outline](#)

I [15-177](#) Decision on whether to allow any sales tax free day(s) following the Thanksgiving holiday and set day(s)

Attachments: [Sales Tax Free Days](#)

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

Attachments: [Grocery Bag Tax](#)

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

Attachments: [Halibut Point Rec](#)

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

Attachments: [Blue and Green Lake Road Repairs](#)

XIII. PERSONS TO BE HEARD:

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

XIV. EXECUTIVE SESSION

XV. ADJOURNMENT

*Melissa Henshaw
Deputy Clerk
Publish: September 4*



Legislation Details

File #: 15-178 **Version:** 1 **Name:**
Type: Item **Status:** AGENDA READY
File created: 9/4/2015 **In control:** City and Borough Assembly
On agenda: 9/8/2015 **Final action:**
Title: Correspondence
Sponsors:
Indexes:
Code sections:
Attachments: [Reminders and Correspondence](#)

Date	Ver.	Action By	Action	Result
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REMINDERS

<u>DATE</u>	<u>EVENT</u>	<u>TIME</u>
Tuesday, September 8	Regular Meeting	6:00 PM
Tuesday, September 22	Regular Meeting	6:00 PM

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



Municipal Election Reminders

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](#)
September 2015

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

Assembly Calendar

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

October 2015

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



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of
Environmental Conservation
DIVISION OF SPILL PREVENTION AND RESPONSE
Prevention, Preparedness and Response Program

Post Office Box 111800
410 Willoughby Avenue, Suite 305
Juneau, Alaska 99801-1800
Main: 907.465.5346
Fax: 907.465.2237
dec.alaska.gov

August 19, 2015

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

Attn: Municipal Administrator Mark Gorman

RE: Jarvis Power Plant Diesel Tank 1; Spill # 1511991522701

Dear Mr. Gorman:

This letter is to advise you that on or about August 15, 2015 a pollution incident occurred at your power generating facility located on Jarvis Street, Sitka, Alaska. You may be financially responsible for this incident. The spill occurred when an estimated 30,000 gallons of diesel fuel was released to the facility's secondary containment area. The valve on the secondary containment area failed and released as much as 7,000 gallons of diesel into the storm drain system which empties into Sitka Sound near the mouth of the Indian River.

Alaska Statute Title 46 authorizes the State to respond to this pollution incident and to take appropriate action to minimize damages to human health, safety or welfare or to the environment. Under Title 46, the owner or operator may be held financially responsible for any actions taken by the State. If you undertake response actions, they must be approved in advance by the Department under 18 AAC 75.300 - .396, and the adequacy of those actions will be evaluated by Allison Natcher, the Project Manager for this pollution incident. Response actions are adequate if they accord with state and federal law, including 18 AAC 75.

If you are taking adequate actions, State action will be limited to approving cleanup plans, monitoring the progress of cleanup activities and providing guidance as necessary. Alaska Statute 46.08.070 requires that recovery be sought for certain costs, including oversight activities, incurred by the State in responding to pollution incidents. If you are determined to be a responsible party, the State may bill you at a later date for State expenditures associated with this pollution incident. Billable State expenditures include the direct costs of State staff time and indirect State overhead costs, as well as contractual and materials costs. Billable State staff time includes all time spent on activities related to the incident, including site visits, response and report reviews, telephone conversations, meetings, legal services, and interest.

If you believe someone else may be responsible for this pollution incident or if you have any questions concerning this matter, please contact me either on my cell at (206)280-9012 or at my office at (907)465-5367.

Hand delivered

Date: 19 August, 2015

By: [Signature]

Received
by: [Signature]

Sincerely,

A handwritten signature in black ink, appearing to read "Allison A. Natcher". The signature is written in a cursive style.

Allison A. Natcher
Environmental Program Specialist
Project Manager

cc: Bob Mattson, SOSC
Cost Recovery, SPAR/RFA



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Transportation and Public Facilities

SOUTHCOAST REGION

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

August 28, 2015

Mark Gorman
100 Lincoln Street
Sitka, Alaska 99835

Dear Mr. Gorman,

This will reply to your letter dated August 26, 2015 regarding the Needs List, establishment of a Regional Transportation Planning Organization (RTPO), and aviation planning. This letter was nearly identical to the letter sent from CBS to our Department on May 15, 2015. Our response, dated June 15, is provided as Enclosure 1. Please refer to this letter for responses related to the RTPO and aviation planning.

For the topics related to the Needs List, please note that our Highway Planner, Marie Heidemann, has worked with Dan Tadic to complete this request. Enclosure 2 details the additions made to the Needs List in response to your August 26, 2015 letter.

We enjoyed meeting with you to discuss the STIP. Per our recent phone conversation, please let us know when you are available to discuss these issues further.

Sincerely,

A handwritten signature in blue ink that reads "Andy Hughes".

Andy Hughes
Southcoast Region Planning Chief

ENCL: (1)
(2)

cc:

Senator Bert Stedman
Representative Jonathan Kreiss-Tomkins
Rob Campbell, Southcoast Region Director
Michael Harmon, CBS Public Works Director

Marie Heidemann, Southcoast Region Highway Planner

Mike Lesmann, Legislative Liaison

Mayor McConnell and Assembly

Mike Vigue, Statewide Program Development Division Director



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Transportation and Public Facilities

SOUTHCOAST REGION PLANNING

6860 Glacier Highway
PO Box 112506
Juneau, Alaska 99811-2506
Phone: (907) 465-1776
Toll free: (800) 575-4540
Fax: (907) 465-2016
TTY-TDD: (800) 770-8973
dot.state.ak.us

Enclosure 1

June 15, 2015

Mark Gorman
100 Lincoln Street
Sitka, Alaska 99835

Dear Mr. Gorman,

This will reply to your letter dated May 15th, 2015 regarding the Needs List, establishment of a Regional Transportation Planning Organization, and aviation planning.

As you are aware from our March 16, 2015 letter, Southcoast Region is updating the Needs List. The Needs List is a list of many transportation needs that have been identified by staff, community representatives, and the general public. A project must be added to the Needs List before it can be included in the Statewide Transportation Improvement Program (STIP). However, there is no priority ranking in the Needs List and a project can be added at any time, even concurrently with a STIP request, therefore there is flexibility in managing the Needs List. For this update, Southcoast Region staff chose to review the list and remove those Needs which may be completed, outdated, or redundant to allow a cleaner and shorter list to be sent out for community review. This is likely why many of the projects from the City's Resolution 2010-22 were no longer on the Needs List that was sent for review. Our Highway Planner, Marie Heidemann, has contacted you to determine which projects from the Resolution 2010-22 the City would like to have re-activated in the Needs List. She will also add the FY2016 priorities that were sent and delete the two projects that are successfully moving forward. Thanks for helping us with this update of the Needs List.

In your letter you also re-iterated your request for establishment of a Regional Transportation Planning Organization (RTPO). The decision to establish an RTPO would not be made at the regional level and would require devoted planning funds. Such funds would come from the State's transportation allocation and would reduce the amount of funds going directly to projects. The Southcoast Region currently looks to several groups that help to facilitate an open forum for seeking and provision of advice regarding transportation in the region. These groups include the Marine Transportation Advisory Board (MTAB), Southeast Conference, Prince of Wales Community Advisory Council (POWCAC), Southwest Alaska Municipal Conference (SWAMC), and the Kodiak Archipelago Rural Regional Leadership Forum. We encourage the

City to stay involved and bring transportation needs and concerns to the appropriate groups for your area.

While this is not a decision that lies with Southcoast Region, I would like to touch on the subject and some of the complexities associated with such an action. In the lower 48, an RTPO's focus is typically on strategizing how to use funds on the established federal aid system which often connects the communities together. Therefore projects may provide a mutual benefit to all or many communities within the RTPO. In the Southcoast Region, with the exception of Prince of Wales Island, the only connecting highway between communities is the Alaska Marine Highway System (AMHS). As a result, transportation needs among communities, even for the AMHS, are often competing, rather than of mutual benefit. Furthermore, for an RTPO to effectively debate and prioritize project selection, a determined funding allocation would likely need to be established. Currently, Statewide Program Development does not set regional allocations and this has historically been beneficial to our region with lower population and total road miles. We are able to promote projects based on individual road pavement or traffic needs for the National Highway System or Alaska Highway System. For projects not on these systems (lower functional class and local roads), project nominations must go through a formal nomination process and be ranked by the Project Evaluation Board. This practice would likely continue despite the establishment of an RTPO because federal funded projects in Alaska are prioritized on a statewide basis.

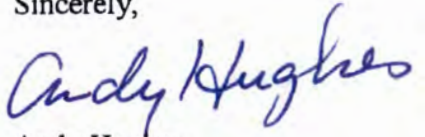
All of this said, we are concerned that you feel your communication with us is inadequate and that the City does not have a "seat at the table". We attempt to maintain positive and frequent communication with all communities within our region. To do this efficiently, we send out mass mailings for topics that affect the region at large and use personal emails and phone calls for community or project specific issues. Those project specific communications have been frequent in the past few years because of the multitude of active projects in your area. Please know that you are always welcome to call or email us with any concerns. Additionally, if the City would prefer regular scheduled teleconferences, we can set up such meetings per your desired frequency.

The city's concerns about development at Sitka Rocky Gutierrez Airport were discussed in recent meetings in your offices attended by staff from our Airport Leasing section and the Southcoast Planning section. The airport master plan, terminal area plan, airport parking, and lease lot development were covered in some detail. Additionally, Lynette Campbell, the Regional Leasing Chief provided a white paper concerning the management of parking on the airport – a subject that seems to be at the center of the city's concerns.

Unfortunately, while the City asserts the need to manage development in accordance with the airport master plan – which is always our intention – the most troublesome issue at present seems to be the potential loss of long-term parking on a trespass lot that is not part of the master plan. We have discussed a variety of solutions to the perceived parking problem that would be in accordance with the master plan, but none seem acceptable to the City. Because our mandate is to manage our airports for aviation uses, and because the currently proposed use for the lease lots in question is direct aviation, that use must take precedence over an ad hoc parking use. This is in accordance with the master plan. If the City has suggested changes to the airport master plan, we would be happy to consider them; however, the priority of aviation uses over all others, and the extremely limited amount of property available for development will continue to inform land use decisions in our planning process.

Thank you for taking the time to help us with our Needs List update and for relaying your City's transportation needs. I will follow up with a phone call to discuss the level and frequency of communication the City would like to have with Southcoast Region Planning and to schedule a meeting to discuss the Draft 2016-19 STIP which is expected to be posted for public notice within the next month.

Sincerely,



Andy Hughes
Southcoast Region Planning Chief

cc:

Rob Campbell, Southcoast Region Director

Marie Heidemann, Southcoast Region Highway Planner

Verne Skagerberg, Southcoast Region Aviation Planner

Mike Vigue, Statewide Program Development Division Director

Lynette Campbell, Southcoast Region Leasing Chief

Heidemann, Marie E (DOT)

From: Heidemann, Marie E (DOT)
Sent: Wednesday, July 08, 2015 3:18 PM
To: 'michael@cityofsitka.com'
Cc: Hughes, Andrew N (DOT)
Subject: Needs List Update

Enclosure 2

Michael,

This email is to inform you that the changes you requested to the Needs List have been completed. See list below for Need ID Numbers. Sorry for the delay; I had technical issues with access to the appropriate program that were resolved this week.

Need ID	Project Title
30289	Reconstruction of Sitka's Failing Paved Roads
30290	New Construction: Granite Creek to Starrigavan
30291	Lincoln Street Improvements: Harbor Way to Harbor Drive
28452	Cross Trail Multimodal Pathway
30292	Sawmill Creek Road Bypass Trail: National Historical Park to Raptor Center
10071	Harbor Drive Seawalk Construction (Sea Walk Phase II)

Additionally Need IDs 26108 and 26111 have been marked as completed in the Needs List.

You can search for these and other projects using this link:
<http://www.dot.state.ak.us/stwdplng/cip/stip/needslist/index.cfm>

Call or email if you have any questions.

Marie Heidemann
Transportation Planner
Southcoast Region, ADOT&PF
465-1775



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

August 26, 2015

Andy Hughes, Southcoast Region Planning Chief
Department of Transportation and Public Facilities
P.O. Box 112506
Juneau, AK 99811-2506

Dear Mr. Hughes:

Thank you for meeting with the City and Borough of Sitka staff and citizens. We appreciate the opportunity to discuss the STIP Needs List for Sitka. I would like to reiterate that the needs list did not include all the projects listed in City and Borough of Sitka Resolution 2010-22 that the Assembly requested be added to the Needs List (see copy enclosed), and others which were approved by the Assembly for submittal to the Alaska State Legislature and Department of Transportation and Public Facilities for FY'2016 (see enclosed project requests). Please add these projects to the STIP Needs List:

Road Projects

- Reconstruction of Sitka's Failing Paved Roads is included in the City and Borough of Sitka's FY'2016 Legislative Priorities. The following high-priority roads are included in this request:
 - DeGroff Street (\$1,890,000 – Full Reconstruction)
 - Lincoln Street – Harbor Drive to Metlakatla Street (\$2,600,000 – Full reconstruction)
 - Brady Street – Halibut Point Road to Gavan Street (\$410,000 – Full reconstruction)
 - Cathedral Way (\$150,000 – Full reconstruction)
 - Lake Street – Sawmill Creek Road to Peterson Street (\$3,600,000 – Full reconstruction)
 - American Street (\$250,000 – Full reconstruction)
 - Barracks Street – Seward Street to Race Street (\$140,000 – Full reconstruction)
 - Kashevaroff Street – Edgumbe Drive to Kimsham Street (\$210,000 – Repave)
 - Marine Street – Seward Street to New Archangel Street (\$1,900,000 – Full reconstruction)
- Road to Resources – Granite Creek to Starrigavan (\$7,400,000—New construction)
- Lincoln Street Improvements – Harbor Way to Harbor Drive (\$1,900,000)

Trails and Paths

- **Cross Trail Multimodal Pathway Project** – Please incorporate Phase 6 (Kramer Avenue to Starrigavan) to Need ID 28452. Phase 6 is funded for planning and design by a FLAP grant and should be reflected as a priority transportation project. This modified project can be titled Cross Trail Multimodal Pathway and eliminate the phase numbers and locations. The description could be “Design, complete environmental clearance, permit, and build remaining phases of the Cross Trail Multimodal Pathway.
- **The Sawmill Creek Road Bypass Trail, National Historical Park to Raptor Center**, which was included in 2010 CBS Resolution 2010-22, was apparently not added to the Needs List. It remains an active priority. This project entails resolving the safety issues with uncontrolled pedestrian crossings on Sawmill Creek Road where the National Historical Park pedestrian pathway crosses to the Raptor Rehabilitation Center, a major visitor destination. This project may qualify for FLAP funds. Please add this project to the Needs List.
- **Harbor Drive Seawalk Construction** (subsequently renamed Sea Walk Phase II) was also included in CBS Resolution 2010-22 but not added to the Needs List. This project is also an active priority. CBS obtained FLAP grant funds for design and planning for this project. Including this partially funded project in the Needs List helps secure additional FLAP grants. Please add this project to the Needs List.

City and Borough of Sitka also requests that DOTPF delete the Needs List ID 26108 Edgecumbe Drive Pavement Rehabilitation Project and Needs List ID 26111 Jeff Davis Street Reconstruction. These projects are funded and either in or planned for construction.

City and Borough of Sitka appreciates your notice that the Southeast Alaska region has been expanded and renamed. This is an excellent opportunity to reiterate our request as detailed in the December 29, 2010 comment on the DOTPF transportation planning process under the Non-Metropolitan Local Official Consultation Process (NMLOCP). CBS requested, at a minimum, that a Regional Transportation Planning Organization (RTPO) be established for the Southeast Alaska region. Although this recommendation was not favorably received, City and Borough of Sitka resubmits this request to give Southcoast communities a “seat at the table” with DOTPF and improve the inadequate two-way communication and cooperation that could greatly benefit the Southcoast region. Please see enclosed December 2010 comment letter for more information.

Finally, City and Borough of Sitka requests that DOTPF engage with CBS and Sitka Airport users in a meaningful planning process for the Sitka Airport, before any large-scale deviation from the Sitka Airport Master Plan occurs. Rather than dealing with each lease lot development application without regard to the impacts it will have on the entire airport including future lease lot and general aviation impacts, the City and Borough of Sitka requests to review the entire near-term Sitka Airport Master Plan development proposals. A detailed discussion is needed to determine how DOTPF and CBS, as well as airport users, can cooperate to ensure

that Sitka Airport development can proceed consistent with the Master Plan and will not cause adverse consequences for Sitka Airport and its users.

Thank you again for your recent visit and for the opportunity to discuss Sitka's transportation needs.

Sincerely,



Mark Gorman
Municipal Administrator

Enclosures

cc: Senator Bert Stedman
Representative Jonathan Kreiss-Tomkins
Verne Skagerberg, DOTPF
Mayor McConnell and Assembly
Michael Harmon, Public Works Director

CITY AND BOROUGH OF SITKA

RESOLUTION 2010-22

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF SITKA IN SUPPORT OF SITKA TRANSPORTATION PROJECTS FOR THE STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)

WHEREAS, the City and Borough of Sitka wishes to work with the State of Alaska to upgrade Sitka's streets, pedestrian facilities, utilities, harbors and docks, airports, trails, and other transportation facilities, regardless of ownership; and

WHEREAS, the Alaska Department of Transportation and Public Facilities (ADOT-PF) is beginning work on the 2012-2015 State Transportation Improvement Plan (STIP), a rolling three year plan for transportation projects utilizing State funds or Federal funds provided through the State; and

WHEREAS, the ADOT-PF has asked communities to nominate additional items for the STIP "Needs List", "a state-maintained list of transportation priorities for the State, including community nominated and community-owned and maintained infrastructure", and the deadline for nominations is September 13, 2010; and

WHEREAS, only projects on the Needs List can be considered for inclusion in the STIP;

NOW, THEREFORE, BE IT RESOLVED by the Assembly of the City and Borough of Sitka, Alaska, that the following projects are the Sitka City and Borough's STIP priorities (highest are prioritized) for the State Transportation Improvement Program, and the Assembly requests that they be included on the Needs List:

Priorit

- | <u>y</u> | <u>Project Name</u> |
|----------|--|
| 1 | Sitka: Halibut Point Road Pavement Rehabilitation |
| 2 | Sawmill Creek Road Reconstruction (Roundabout to Jeff Davis) |
| 3 | Paving Failed Collector Streets |
| 4 | Sawmill Creek Road Upgrade - Stage 3 (Whale Park to SCIP) |
| 5 | Paving Failed Arterial Streets |
| 6 | ANB Harbor Replacement |
| 7 | Intermodal and Harbor Systems Analysis |
| 8 | Airport Terminal Expansion |
| 9 | Seaplane Facility Relocation and Upgrade |
| 10 | Baranof Warm Springs State Dock Reconstruction |
| - | Nelson Logging Road Upgrade |
| - | Sawmill Cove Industrial Park Waterfront Development |
| - | Upgrade State Eagle Way and Old Harbor Mountain Road |
| - | Commercial Passenger Vessel Visitors Facilities Improvements |
| - | Granite Creek Road Improvements |
| - | Crescent Harbor Sidewalk Widening |
| - | Katlian Street Widening |

- Monastery Street Sidewalk Construction
- Baranof Street Sidewalk Construction
- Sawmill Creek Road Surface Treatment (Bridge to End of Route)
- Blue Lake Road Upgrades
- Green Lake Road Upgrades
- New Harbor Construction
- Parallel Taxiway, Phase I
- Parallel Taxiway, Phase II
- General Aviation Apron and Lease Lot Development, Phase I
- General Aviation Apron and Lease Lot Development, Phase II
- General Aviation Apron, Lease Lot Development, Phase III
- Terminal: Sitka FT Mooring Modifications
- Sitka Access EIS
- Sitka Community Ride
- Sitka, Alaska - Transit Needs
- Halibut Point Road Bridge Replacement
- Takatz Lake Road Construction
- Safe Routes to Schools Projects
- Lightering Facility Breakwater Construction
- Upgrade State Highway Sidewalks to ADA Requirements
- Mass Transit Bus Pullout Facilities on State Highways

Trails and Paths

- 1 Path Connection to Indian River Trail
- 2 Cross Trail Construction, Ferry Terminal to Harbor Mountain Road
- 3 Cross Trail Cascade Creek to Kramer Avenue
- Cross Trail Construction High School to Baranof, Charles, Yaw and Pherson
- 4 St.
- 5 Cross Trail Construction, Yaw Drive to Indian River Trailhead
- 6 Sitka: Halibut Point Road Multiuse Path
- 7 Cross Trail Pedestrian Access
- 8 Harbor Drive Seawalk Construction
- 9 Oja Way Path Upgrade
- 10 Japonski Island Walkway Construction
- 11 Moller Field to Lake Street Connection (Trail)
- 12 Cross Trail Construction, Indian River trailhead to Verstovia Trail
- Sawmill Road Bypass Trail, NHP to Raptor Center

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31 PASSED AND APPROVED by the Assembly of the City and Borough of Sitka, Alaska, on this 24th
 32 day of August, 2010.

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 Scott McAdams, Mayor

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ATTEST:

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 Colleen Ingman, MMC

39

Municipal Clerk

CBS HIGHEST MUNICIPAL PRIORITIES

PROJECT TITLE

Reconstruction of Sitka's Failing Paved Roads

Total Project Cost	\$11,000,000 (100%)
FY 2016 State Funding Request	\$11,000,000 (100%)
City and Borough of Sitka Federal Tax ID Number	92-0041163

City and Borough of Sitka (CBS) requests \$11,000,000 to reconstruct Sitka priority roads. Many of the Sitka's paved roads are failing. A sustainable road program would require up to \$2.7 million annually. Recognizing the critical nature of the issue and with no current local funding stream in place, the Sitka Assembly is considering a vehicle registration fee or other mechanisms to provide an estimated \$700,000 per year. Even with that level of funding, the local taxpayers need state participation in order to address the need and ensure that paved roads do not return to gravel out of necessity. The following high priority roads are included in this request:

- DeGroff Street (\$1,890,000 – Full Reconstruction)
- Lincoln Street – Harbor Drive to Metlakatla Street (\$2,600,000 – Full Reconstruction)
- Brady Street – Halibut Point Road to Gavan Street (\$410,000 – Full Reconstruction)
- Cathedral Way (\$150,000 – Full Reconstruction)
- Lake Street – Sawmill Creek Road to Peterson Street (\$3,600,000 – Full Reconstruction)
- American Street (\$250,000 – Full Reconstruction)
- Barracks Street – Seward Street to Race Street (\$140,000 – Full Reconstruction)
- Kashevaroff Street – Edgumbe Drive to Kimsham Street (\$210,000 – Repave)
- Marine Street – Seward Street to New Archangel Street (\$1,900,000 – Full Reconstruction)



An example of poor asphalt condition due to subgrade issues. This is indicative of the condition of many municipal roads in Sitka.

Cumulative Total RSL Cost
Total Road System



CBS LEGISLATIVE CAPITAL PROJECTS REQUESTS

PROJECT TITLE

**Road to Resources –
Granite Creek to Starrigavan**

Total Project Cost	\$7,400,000 (100%)
FY 2016 State Funding Request	\$7,400,000 (100%)
City and Borough of Sitka Federal Tax ID Number	92-0041163

Due in part to recent large construction projects – including the State Department of Transportation's (DOT) airport, Sawmill Creek Road and Halibut Point Road projects – City and Borough of Sitka (CBS) and privately owned rock quarries in Sitka are near the end of their productive lives. There do not appear to be many opportunities for additional private quarries, leaving CBS as the primary source of construction rock products in Sitka. If additional quarries are not developed, rock materials for future development projects may need to come from outside of Sitka, greatly driving up construction costs. CBS is proposing to build a "Road to Resources" to help us develop additional quarries.

Laboratory testing indicates that rock from No Name Mountain, which would be made accessible by the proposed road, is of superior quality. A comparison of material testing results on a 2012 sample taken from No Name Mountain to the 2004 Alaska DOT Standard Specifications for Highway Construction indicates that this rock, when crushed, may satisfy the conditions of the Superior Performing Asphalt Pavements ("Superpave") requirements. It is our understanding that no quarry in Southeast Alaska was able to provide Superpave-quality materials for the Halibut Point Road project, forcing the DOT to pay for aggregate imported from Washington State.

In addition, access to the Starrigavan Valley is required to develop a water well field which could provide an alternate source for drinking water for the community. Currently, CBS drinking water is provided from Blue Lake. Required maintenance at the penstock periodically causes this water source to be unavailable. The only other currently feasible source of drinking water is Indian River. This historical water source would require expensive filtration to meet current federal drinking water standards.

The requested funding would provide a road from the developed Granite Creek Rock Quarries area north to Nelson Logging Road, with a spur road north of No Name Mountain connecting to Halibut Point Road. This request would not only provide access to much-needed rock sources, but also provide a route for a future potable water supply line from Starrigavan Valley.

City and Borough of Sitka requests state assistance of \$7,400,000 to provide a Road to Resources to access additional rock for state, city, and private Sitka projects between Granite Creek and No Name Mountain. The project also would also provide an access route for a potable water transmission line from Starrigavan Valley to the community.

CBS LEGISLATIVE CAPITAL PROJECTS REQUESTS

PROJECT TITLE

Commercial Passenger Visitor Facilities – Lincoln Street Improvements

Total Project Cost	\$1,900,000 (100%)
FY 2016 State Funding Request	\$1,900,000 (100%)
City and Borough of Sitka Federal Tax ID Number	92-0041163

The City and Borough of Sitka requests \$1,900,000 funding from the State of Alaska to complete a capital project to enhance commercial passenger vessel services, enhance passenger safety, and support cruise ship visitor activities. Sitka has experienced a precipitous drop in cruise ship visitors from a high of 286,000 in 2006 to less than 100,000 in 2014. Efforts are underway to regain the visitor counts through dialogue with the cruise lines and investment in infrastructure which supports the visitor industry.

The 2012 Sitka Health Summit listed Downtown Revitalization as a top priority for the community. Lincoln

Street is the primary economic center for the cruise industry in Sitka. This project would replace the existing aging and failing asphalt, curb & gutter and sidewalk along the central business district of Lincoln Street from Harbor Way to Lake Street with new hardscape. Improvements will also include replacement of existing non-conforming wheelchair ramps with new Americans with Disabilities Act (ADA) wheelchair ramps and new enhanced pavement crosswalks. These improvements will support visitor activities within Sitka's downtown by improving the visitor experience and enhancing pedestrian safety and demonstrate to the cruise industry that Sitka is open for business.



An example of how new hardscape can enhance public space.



City and Borough of Sitka

PUBLIC WORKS

100 LINCOLN STREET • SITKA, ALASKA 99835
PHONE (907) 747-1804 • FAX (907) 747-3158

December 29th, 2010

Marcheta Moulton
DOT&PF – SWP Program Development
PO Box 112500
Juneau, AK 99811-2500

RE: Non-Metropolitan Local Official Consultation Process (NMLOCP)
Request for Comments by 12/30/2010

Dear Ms. Moulton:

The City and Borough of Sitka (CBS) appreciates the opportunity to comment on the State Department of Transportation (DOT) transportation planning process. There is no doubt that our community is seeking more input in the transportation planning process. Specifically, we are concerned about the lack of opportunities to improve this process to include non-metropolitan municipalities on a regional basis much like other states have been doing for over 20 years. Alaska is a young State with a relatively undeveloped transportation system making this planning process vitally important. However, it appears that our State may be taking a minimalist approach in allowing the lowest level of Federal requirements to drive the process.

It has been requested for our comments to consider the following basic essentials:

- How frequently community and borough officials are contacted
- What communication methods are used to work with local officials
- How transportation priorities are identified at the local and state levels
- If there is a clear way that projects are selected to be included on the state's priority list, and if the progress toward construction on those projects is transparent (for example, projects do not drop off the list after a period of time)
- Whether transportation decisions are linked with local efforts to create jobs or decisions about where community facilities like schools and health clinics are located

Unfortunately these basic essentials to transportation planning highlight the areas that are weak or nonexistent in regards to DOT's involvement in coordinating with the CBS. Our regional planning strategy is primarily run by email and postcard announcements requesting information such as comments, needs, or filling out STIP project applications. We are not aware of any organized regional transportation strategies developing the "Needs List" or what gets submitted to the STIP. The municipalities basically respond to the requested information, which is often unclear and then follow up to find out what decisions were made by DOT.

To create a strategic and transparent plan, CBS recommends implementing Regional Transportation Planning Organizations (RTPO). RTPO's can establish a consistent and meaningful method of making transportation decisions on a regional basis. Such a process could assure that all issues are brought out for open discussion and debated. This is an important element of the planning process that is currently absent in Alaska that could help determine the future direction and characteristics of each RTPO for years to come.

At a minimum, an RTPO should be established for Southeast Alaska. It would be important for the organization to embody some of the following basic essentials:

- An RTPO Organization should be a formal organization, with membership of boroughs, cities, and tribes within the region.
- The RTPO should determine its own structure to ensure equitable and acceptable representation by member governments.
- Once the RTPO is established, it should be subject to certification and consistency requirements.
- The RTPO should be established exclusively as a transportation planning organization.
- DOT would have an interlocal agreement that establishes the organization and defines duties and relationships.
- RTPO's would designate a Lead Planning Agency to staff the Regional Transportation Planning Program. The lead planning agency is the designated recipient for any regional transportation planning grants from DOT.
- DOT would develop a planning grant program to help support the RTPO's in developing comprehensive transportation plans and provide match money grants required for STIP projects.
- RTPO's would be responsible for developing and maintaining a Regional Transportation Plan that spans four years consistent with the STIP.
- RTPO's would also create a Transportation Policy Board, to provide policy advice to the RTPO. The RTPO would allow representatives of major employers, DOT, bus transit organizations, port districts/departments, tribal organizations, cities, and boroughs to participate in policy making. The Transportation Policy Board would provide a means of formal participation in the Regional Transportation Plan development for those not a member of the RTPO, but who have a major stake in regional transportation facilities.
- RTPO's would utilize the technical expertise of member jurisdictions and Transportation Policy Board members through technical advisory committees in the development and upkeep of the Regional Transportation Plan. A citizen participation process should be required as part of the Regional Transportation Plan Standards being developed for this program. RTPO's would provide for meaningful citizen participation at all stages in the regional transportation planning process.

It is difficult to decipher how Southeast Alaska's transportation priorities are being discussed and decided. Each jurisdiction should decide this for itself. The collective discussion of transportation issues under an RTPO process makes it easier to determine transportation costs and benefits leading to the adoption of effective strategies and policies. It should be the responsibility of each community to determine its regional vision, the transportation systems its citizens want to plan for, and the resources its citizens are willing to invest to achieve these goals.

For example, although our ferry service is a vital transportation rural highway that connects Southeast to the rest of the Nation, planning direction by DOT appears to be emphasizing ridership and revenue versus Level of Service (LOS). Highways commonly generate little to no revenue and are extremely expensive to operate and maintain. Transportation planning should be about maintaining or increasing the LOS, not based on revenue. Ridership should only dictate the size of the infrastructure needed to maintain a high LOS. Other States would never reduce the availability of their highways to increase the traffic volumes when the roads are open. Likewise, Alaska should not reduce the ferry availability to increase passenger volumes. A Southeast RTPO would better serve in developing such important planning policies and direction for the region.

CBS continues to strongly endorse a regional planning process that is about local citizens, private interests, public interests, elected officials, and resource agencies partnering to jointly determine a future for our local communities, boroughs, and regions. Starting on the required RTPO legislation should be a high priority for the State and DOT. The basic motivation for the planning process legislation should be driven by the need for a community/regional vision that supports how the community wants its transportation system to look and perform in the years ahead. CBS looks forward to cooperating with other Southeast Communities to implement this much needed Regional Transportation Planning Organization.

Sincerely,



Michael Harmon
Public Works Director

c: Senator Bert Stedman
Representative Peggy Wilson
Mike Korsmo, MTAB Chair
Shelly Wright, SE Conference
Kathie Wasserman, Alaska Municipal League
Jim Dinley, CBS Municipal Administrator
Marlene Campbell, CBS Government Relations Director

COUNCIL ANNETTE ISLANDS RESERVE

METLAKATLA INDIAN COMMUNITY

AUDREY M.L. HUDSON, MAYOR
JUDITH A. EATON, SECRETARY
NATHAN W. FAWCETT, TREASURER

ESTABLISHED 1887

POST OFFICE BOX 8
METLAKATLA, ALASKA 99926
PHONE (907) 886-4441
FAX (907) 886-7997

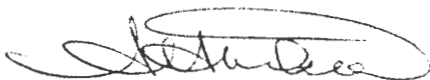
August 21, 2015

Mim McConnell
City & Borough of Sitka
100 Lincoln St.
Sitka, Alaska 99835

Dear Madam Mayor,

Words cannot express how deeply sorry I am to hear about your community's recent loss. I'm in shock to hear this news. Please know that you and the families that have lost their loved ones to this tragic natural disaster are in my thoughts and prayers.

Sincerely,



Audrey M. L. Hudson, Mayor
Metlakatla Indian Community



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

August 26, 2015

Ann Wilkinson
PO Box 174
Sitka AK 99835

Dear Ann,

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

The Assembly voted at their meeting on August 25, 2015 to formally dissolve the existing Sitka Community Hospital Board for the purpose of restructuring.

If you believe the Assembly was not authorized to restructure the board, you may appeal by submitting a letter to the assembly outlining why you feel the Assembly's action was not within their discretion. Such appeals shall be postmarked by September 9, 2015.

Your time as a board member was appreciated and we hope that you, too benefited from the experience.

Sincerely,

Melissa Henshaw
Deputy Clerk

**A letter and certificate were
sent to each
board member**

Service Award

The Assembly of the City and Borough of Sitka awards to

Ann Wilkinson

this expression of grateful acknowledgment for your valued service
rendered in the public interest while serving on the
Sitka Community Hospital Board.

Signed and sealed this 26th day of August, 2015

Attest:

Sara Peterson

Sara Peterson, CMC
Municipal Clerk





Hospital Board Roster

Board Member	Phone	Address, E-mail	Employer/ Occupation	First Appointed	Term Expires
Ann Wilkinson President	747-2707 h	PO Box 174 wilkinson99835@gmail.com	Self-Employed	6/28/11 6/24/14	6/30/14 6/30/17
Hans von Rekowski Vice-President	747-5419	3003 Mikele Street hvonn@acsalaska.net	Retired	3/25/14	6/30/17
Brooke Volschenk Secretary	208-283-0203	1805 B Alder Way bkvolschenk@uas.alaska.edu	Sitka Sound Science Center	2/10/15	6/30/15 <i>Hart's term</i>
Mary Ann Hall	747-7265 h	2037 Halibut Point Road ob1jry@gmail.com	Retired/Lab Technician	10/13/09	6/30/16
Paul Bahna, MD	747-7749 w 623-0945 h	600 DeGroff Street A bnbahna@uas.alaska.edu	Biology Professor	7/1/13	6/30/16
Gloria Hagerman	747-3656 h	347 Wortman Loop hags@gci.net	Retired	2/10/15	6/30/15 <i>Fredrickson's term</i>
<i>Celeste Tydingco</i>	<i>747-3621 h</i>	<i>118 Jacobs Circle sitkant@gmail.com</i>	<i>Homemaker</i>	<i>2/08/11</i>	<i>6/30/15 Resigned 4/14/15</i>
<u>Medical Staff Liaison*</u> Debra Pohlman, MD	747-3241 w	Sitka Community Hospital 209 Moller Avenue dpohlman@sitkahospital.org	Physician	Dec 31 each year
<u>Assembly Liaison*</u> Steven Eisenbeisz	738-9075 c	208 Lincoln Street assemblyeisenbeisz@cityofsitka.com			October (each year after election)
<u>Hospital Staff</u> Rob Allen Wendy Fowler	747-1738 747-1725	Interim CEO Exec Asst/Recording Secretary	rallen@sitkahospital.org wfowler@sitkahospital.org		

* Non-Voting

Hospital Board meets the **fourth Thursday of each month at 6:30 p.m.** in the Hospital Classroom.

- 6 Members from Public 3-year terms
- 1 Member a Physician 3-year term

*unless unable to fill in 60 days; a non-physician will be appointed

1 Member from the Assembly 1-year - non-voting

1 Member from Medical Staff 1-year - non-voting; recommended by medical staff, approved by Assembly

Established by Ordinance 73-55

OATH OF OFFICE REQUIRED

Revised: April 30, 2015

Due to the recent deadly event on Harbor Mountain, we the people in the affected areas would like to request a meeting with the city to discuss the safety of our families and homes. Many of us are rehashing that deadly event each night before we go to bed. We humbly feel that Fire Chief Miller and Assistant Fire Chief Al Stevens have tried to express what they know about the landslide. It was comforting, to a degree, to hear what they had to say.

However, it still does not alleviate the overriding concern that we all feel. Many of us have expressed our disapproval of building on the land directly behind our homes. In addition, we feel somehow misinformed because when we purchased our homes, we were told that the area was designated as a greenbelt.

Another area of concern is the drainage that was put in above our residences. In the past, we, as a constituency, have expressed at city meetings that it was substandard and lacked the necessary means to carry water away from our homes. A few years ago in the infancy of the Kramer subdivision, many of us were interviewed by a hydrologist. We told him what we had witnessed and expressed all of the recent problems that have been occurring due to the Kramer Subdivision. We were then led to believe that this gentleman would take the necessary steps to secure information to base his findings and report back to the city. When asked by a resident if he took any water or core samples or walked through the area, the hydrologist said he would base his findings on a previous city report. This leads us to believe that the whole area lacked appropriate direction and planning. Therefore, this put us in a deadly situation.

If you research landslides, you will find out that many have occurred due to recent construction, interference with or changes to natural drainage, modifications of slopes, excavation or displacement of rocks near the slope or toe, and deforestation. The amount of water that fell that day was staggering and caused an unfortunate event that took the lives of three fellow Sitkans. It could have been even more devastating.

The events of August 18 don't lessen the fact that the area directly behind us is not safe in its current state. We believe that because of this deadly event some remediation needs to occur and would hope that the city would listen and take into account our concerns.

Sincerely,

The residents of Sand Dollar Drive and Whale Watch

Tony Conforti 104 Sand Dollar
of Cindy Conforti
Israel Siskimo 109 Sand Dollar
Glenn Segheno 109 Sand Dollar
Dana Pitts 106 Sand Dollar Dr
Honie Pitts " " "
Ariel & Luke Starbuck 2168 HPR
Aidi Morrison 107 Sand Dollar
Vanessa 107 Sand Dollar
Pat & Marjorie Esquivos 108 Sand Dollar Dr.
Katie Kumeri - 7361283
Robert & MAIA Nerida 110 SAND DOLLAR
Gary & Shasta Smith 105 Sand Dollar
Chris Washles 110 Sand Dollar Dr #B
Nancy Wilson 111 Sand Dollar
Luella Wilson 2176 H.P.R. over ->

Busy Daily Per. 2180 HPR
Per. 2180 HPR



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

September 3, 2015

Dear Sand Dollar Drive and Whale Watch Drive Residents,

City Hall is in receipt of your letter regarding the neighborhood concerns about the August 18 landslide.

In the next weeks and months, we will be evaluating many of the elements that you identified in your letter. At this point in time, we have more questions than answers but are committing to an open and public process so we as a community can go forward with confidence that we are making the correct decisions regarding the landslide impacted areas as well as the future development of the Benchlands.

City staff would be pleased to have a meeting with the Sand Dollar Drive and Whale Watch Drive residents if that would be of help. If so, please identify the contact person, and we will work to schedule a time that is convenient for the neighborhood.

Sincerely,

Mark Gorman, Administrator

cc: Mayor McConnell and Members of the Assembly
Jay Sweeney, Chief Finance and Administrative Officer
Michael Harmon, Director of Public Works
Dave Miller, Fire Chief
Maegan Bosak, Planning and Community Development Director
Sara Peterson, Municipal Clerk



Legislation Details

File #: 15-166 Version: 1 Name:

Type: Ceremonial Status: AGENDA READY

File created: 9/1/2015 In control: City and Borough Assembly

On agenda: 9/8/2015 Final action:

Title: Service Award for Parks and Recreation Committee members Ken Corson and Hans von Rekowski

Sponsors:

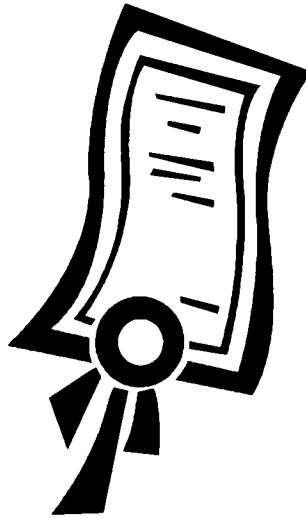
Indexes:

Code sections:

Attachments: [Service Awards](#)

Date	Ver.	Action By	Action	Result
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CEREMONIAL MATTERS



**Service Award for
Parks and Recreation Committee members
Ken Corson
and
Hans von Rekowski**

Service Award

The Assembly of the City and Borough of Sitka awards to

Hans von Rekowski

this expression of grateful acknowledgment for your twenty-five years of valued service rendered in the public interest while serving on the Parks and Recreation Committee.

Signed and sealed this 8th day of September 2015

Attest:

Sara Peterson

Sara Peterson, CMC
Municipal Clerk



Service Award

The Assembly of the City and Borough of Sitka awards to

Ken Corson

this expression of grateful acknowledgment for your nine years of valued service rendered in the public interest while serving on the Parks and Recreation Committee.

Signed and sealed this 8th day of September 2015

Attest:

Sara Peterson

Sara Peterson, CMC
Municipal Clerk





Legislation Details

File #: 15-167 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 9/1/2015 In control: City and Borough Assembly

On agenda: 9/8/2015 Final action:

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

Sponsors:

Indexes:

Code sections:

Attachments: [SCH CEO Report](#)

Date	Ver.	Action By	Action	Result
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Special Reports



- Sitka Community Hospital report by Rob Allen, CEO



Legislation Details

File #: 15-168 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 9/1/2015 In control: City and Borough Assembly
On agenda: 9/8/2015 Final action:
Title: Chief Finance and Administrative Officer update on emergency expenditures
Sponsors:
Indexes:
Code sections:
Attachments: [CFAO Report Emergency Expenditures](#)

Date	Ver.	Action By	Action	Result
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Special Reports

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

Memo

Thru: Mark Gorman, Administrator

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

From: Jay Sweeney, Chief Financial and Administrative Officer 

Date: September 3, 2015

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

Mayor McConnell and fellow Assembly Members,

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

Emergency Response:

Kramer Avenue - \$130,246.95

SMCR / GPIP - \$32,519.59

All other sites - \$32,668.14

Total, Emergency Response - \$195,434.68

Diesel Spill:

All aspects - \$32,283.59

Total: \$227,718.27

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

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



Legislation Details

File #: 15-176 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 9/3/2015 In control: City and Borough Assembly
On agenda: 9/8/2015 Final action:
Title: Sitka Community Hospital report - Rob Allen, CEO
Sponsors:
Indexes:
Code sections:
Attachments: [SCH CEO Report](#)

Date	Ver.	Action By	Action	Result
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Legislation Details

File #: 15-164 Version: 1 Name:
Type: Minutes Status: AGENDA READY
File created: 8/31/2015 In control: City and Borough Assembly
On agenda: 9/8/2015 Final action:
Title: Approve the minutes of the August 11, 21 and 25 Assembly meetings
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**

I wish to remove Item(s) _____

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

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

POSSIBLE MOTION

I MOVE TO approve the minutes of the August 11, 21 and 25, 2015 Assembly meetings.



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, August 11, 2015

6:00 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

15-139 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 (SCH), reported cash was stable, staff was continuing to work on the electronic health records program, announced a \$50,000 challenge grant had been offered by Ral West and John Hardwick to be used for capital projects, and shared the Hospital Board had approved SCH a tobacco free campus effective August 24.

15-138 Sitka Community Development Corporation - Randy Hughey

Sitka Transient Float Project Update - PND Engineers, Inc.

It was announced the Sitka Community Development Corporation would provide a report at a future Assembly meeting.

Dick Somerville of PND Engineers, Inc. provided an overview of the Sitka Transient Float project scope and budget, wave conditions, float design criteria, and project completion schedule.

VII. PERSONS TO BE HEARD

Suzan Hess, President of the Greater Sitka Chamber of Commerce, distributed a resolution in support of utilizing bed tax collected by the City and Borough of Sitka for the purpose of marketing Sitka as a destination.

Doug Osborne announced there would be a meeting August 11 to discuss the overall benefits of electric vehicles.

Kevin Knox, President of Baranof Barracudas Swim Club and race director of Change Your Latitude open water swim, congratulated all those who swam and thanked local business sponsors.

Evy Kinnear, President of the Sitka Convention and Visitors Bureau (SCVB) and co-founder of Fortress of the Bear, urged the Assembly to allow SCVB to continue providing visitor services to Sitka.

Kathy Jones, Executive Chef of Westmark and Totem Square, spoke to the utilization of collected bed tax and urged the Assembly to support the Sitka Convention and Visitors Bureau.

General Manager, Joe List of Westmark urged the Assembly to support the Sitka Convention and Visitors Bureau.

Robb Farmer, Library Director, publically thanked participants of the summer reading program and those volunteers who helped make the program a success.

VIII. REPORTS

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

Mayor - McConnell noted she had attended the Coast Guard Day picnic at Keet, which had a great turnout. She reported on the State of Alaska's Transboundary Partner Dialogue in Juneau last week. The subtext was: Respect, Candor, Results. This meeting was an opportunity for the Lt. Governor and three cabinet members (ADF&G, DNR, DEC) to provide information, and to listen and learn from the invited Alaskans on their knowledge, history and thoughts on the overall water quality, habitat integrity and resource sustainability of our transboundary rivers, specifically the Taku, Stikine and Unuk. Other Sitkans attending included three Sitka Tribal Council members Wilbur Brown, Michael Baines and Bob Sam, and Waterkeeper representative, Guy Archibald. Attendees were directed to assigned seats at round tables for the day's discussions, which were set up to answer three questions, with answers reported back to all the attendees. The questions were: 1) Baseline Data - What is needed in information and science? 2) Participation & Collaboration - Whose issue is it? How can we work together? 3) Communication & Resources - Can we share and learn from one another? What resources and structure is needed going forward? The Lt. Governor repeatedly stated his interest in using a collaborative process to make decisions for the state. This Dialogue was an example of what he had in mind. McConnell learned the following: there is interest in having the Alaska

tribes convene with the 1st Nation tribes to address common concerns and issues; time is not on our side as the Canadian government is expediting the permitting process for the BC mines; a heightened response from Alaskans and US citizens is needed to raise this to the US State Department level, from whom a response is needed to show that the US is taking this seriously; any agreement with Canada concerning this issue is useless without a way to enforce it. At the end of the event, the Lt. Governor asked for volunteers to form a smaller group which could work with the Transboundary Working Group, which consists of Mallott and the 3 cabinet members, as they move forward. I volunteered for this committee. And finally, here in Sitka, at the conclusion of the Sitka Seafood Festival, I was on a Transboundary panel after the showing of the movie, "The Breach".

Administrator - Gorman noted continued discussions with the State regarding possible City and Borough of Sitka management of Halibut Point Recreation Area, reported four statements of interest had been received for providing visitor services and indicated contract negotiations had begun with the Chamber of Commerce. Gorman noted the Aspen Hotel was in the process of purchasing property at 210 Lake Street to build a five story hotel.

Liaison Representatives - Miyasato attended the Library Commission meeting and reported the Commission had voted to change the name of the Library to Sitka Public Library.

IX. CONSENT AGENDA

A 15-140 Approve the minutes of the July 28 Assembly meeting

This item was APPROVED ON THE CONSENT AGENDA.

B 15-141 Approve a liquor license ownership transfer and restaurant designation permit for GraCED, Inc dba The Larkspur Cafe at 2A Lincoln Street Suite 1A

This item was APPROVED ON THE CONSENT AGENDA.

C RES 15-15 Authorizing the application for loans to the Alaska Department of Environmental Conservation under the Alaska Drinking Water Fund for Marine Street water improvements and a water storage study, and under the Alaska Clean Water Fund for Marine Street sewer improvements, Crescent lift station replacement and wastewater treatment plant HVAC improvements

Hugh Bevan raised questions as to the level of CBS debt and wondered how much citizens could bear.

Michael Harmon, Public Works Director, provided clarification on the Wastewater Treatment Plant HVAC Improvements project.

Chief Finance and Administrative Officer, Jay Sweeney, spoke to the fiscal note provided to the Assembly and ongoing annual demands for expensive infrastructure replacement. Sweeney stated sustained rate increases were needed.

Eisenbeisz encouraged a public information campaign to help citizens understand the condition of infrastructure.

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

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

No: 2 - Swanson, and Eisenbeisz

- D RES 15-16** Designating the Municipal Administrator and the Chief Finance and Administrative Officer as authorized officials to execute all documents necessary to sell all financial holdings held in accounts in the name of the City and Borough of Sitka with Putnam Investments, and, to authorize the liquidation of such accounts

This item was APPROVED ON THE CONSENT AGENDA.

- E 15-143** Authorize awarding a sole source contract with WS Construction on an emergency basis for a lump sum of \$84,800 for replacement of failing floatation at the West Transient Dock

This item was APPROVED ON THE CONSENT AGENDA.

- F 15-145** Approve award of contracts to the following for Electric Department consulting/technical services: 1) Northstar Power Engineering, the amount not to exceed \$300,000 for FY16, 2) Electric Power Systems, Inc., the amount not to exceed \$700,000 for FY16, and 3) Design Southeast, the amount not to exceed \$200,000 for FY16

Administrator Gorman confirmed these contracts fell under the guidelines of sole source justification. Acting Utility Director, Jeff Wheeler, explained the need for each contract and services to be provided.

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

- G 15-146** Approve award of contracts to the following for Electric Department consulting/technical services in FY15: 1) Electric Power Systems, Inc. in the amount of \$476,850.80 and 2) Northstar Power Engineering in the amount of \$57,955.10

This item was APPROVED ON THE CONSENT AGENDA.

- H 15-147** Approve award of a contract to Northern Construction Service in the amount of \$4,986,329 for completion of the Sitka Transient Float Replacement project

This item was APPROVED ON THE CONSENT AGENDA.

- I 15-148 Approve Amendment No. 5 to Alaska Bulk Water, Inc.'s bulk water export contract

Putz wondered if there was a deposit outside the contract value that would cover removal costs. Garry White, Gary Paxton Industrial Park Board Director, stated there were not other funds outside the contract and further explained the details of the agreement. If the infrastructure was not removed it would become the property of the City and Borough of Sitka (CBS). White offered the amendment was brought forth by the Park Board and was of benefit to CBS.

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

- J 15-142 Reappoint Carol Berge to a three-year term on the Local Emergency Planning Commission

Assembly members thanked Berge for her service.

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

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

XI. UNFINISHED BUSINESS:

- 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 non-voting, ex-officio CBS standing seat (and alternate) appointed by the Municipal Administrator

Putz suggested in the future it would be wise to take ideas to the respective Board if changes were needed. Hunter felt the ordinance provided movement in the right direction, however, felt the process could have been handled better. McConnell and Guevin agreed. Guevin recognized the need for change and a solid operational plan. Eisenbeisz cautioned the Assembly on having a high level CBS staff person on the Board and offered instead that the CBS staff person be a non-voting, ex-officio member.

A motion was made by Eisenbeisz to AMEND the Ordinance to have the CBS staff member be an ex-officio seat and add one more at large seat to maintain the 5 member board. The AMENDMENT PASSED by the following vote.

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

No: 3 - McConnell, Hunter, and Miyasato

Assembly members offered opinions on the amendment.

It was noted the Ordinance would need to come back before the Assembly for a final reading as the amendment was of a substantive nature.

A motion was made by Hunter to APPROVE this Ordinance as AMENDED. The motion PASSED by the following vote.

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

No: 1 - Putz

L ORD 15-40 Adjusting the FY15 and FY16 Budgets

Eisenbeisz asked for clarification on the vote-by-mail line item. Municipal Clerk, Sara Peterson, explained that her predecessor, Colleen Ingman, had started researching vote-by-mail before retiring and although Peterson had decided not to pursue vote-by-mail for the 2015 election she felt it would be beneficial to continue building the framework so that in the event the municipality chose to move in this direction a solid framework was in place.

A motion was made by Hunter 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:

M 15-149 Discussion/Decision regarding complaints filed by Marko Dapceвич regarding a water line fee and water and sewer charges for 104 Remington Way

Assembly member Hunter stated he was a neighbor of Marko Dapceвич and had paid the contractor to do work on his property in conjunction with this project. Hunter added he had previously talked with Dapceвич about these issues. However, felt he could be objective. The Assembly did not feel it was necessary for Hunter to recuse himself.

Dapceвич provided a summary of the issues before the Assembly and spoke to the memo provided by Attorney Robin Koutchak. Dapceвич requested that the Assembly divide the motion as they were two separate issues.

Gorman summarized the two requests before the Assembly and gave an overview of staff's interpretation. He further stated it was necessary for revisions to be made to the Code to provide better clarification regarding owner accounts and vacation rates.

Assembly members Hunter and Eisenbeisz offered their opinions on the two issues.

Attorney Robin Koutchak spoke to the memo she wrote.

A motion was made by Eisenbeisz to split the proposed motion into two separate motions because they were two separate issues. The motion PASSED

by the following vote.

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

A motion was made by Putz to APPROVE the request filed by Marko Dapceвич for the reimbursement of a water line connection fee in the amount of \$731.00. The motion FAILED by the following vote.

No: 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Putz

A motion was made by Putz to APPROVE the request filed by Marko Dapceвич for the reimbursement of water and sewer service fees in the amount of \$310.41 that were collected during the time Marko Dapceвич was disconnected from the municipal water system. The motion FAILED by the following vote.

Yes: 2 - Swanson, and Miyasato

No: 5 - McConnell, Hunter, Eisenbeisz, Guevin, and Putz

N 15-150

Conceptual approval of a proposal to add City and Borough of Sitka property to the Gary Paxton Industrial Park for development opportunities

Garry White, Director of the Gary Paxton Industrial Park (GPIP) Board, provided an overview of the subject property and noted there had been a demand for property and business development at the Park. White did not envision that there would be property available at the Park that would meet the \$500,000 mark requiring a vote of the people. White indicated the area would need to be rezoned and future development proposals would be brought forward to the GPIP Board for its recommendation to the Assembly.

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

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

No: 1 - Guevin

O ORD 15-41

Amending Sitka General Code Chapter 4.09 "Sales Tax" by adding a new Section 4.09.050 "Non-Profit Activities Enhancement Fund," modifying Section 4.09.100L "Exemptions" by clarifying sales made by nonprofit charitable organizations; amending Section 4.09.420 "Definitions" by modifying Subsection "I." to include outcry, silent auctions, and admission fees as sales and adding Subsections "O" "Donation", and "P" "Admission Fee" (*first reading*)

Mayor McConnell and Assembly member Putz recused themselves because of employment with nonprofits.

Putz, speaking as a member of the public, cautioned the Assembly that the following agenda item was related to this ordinance.

Ann Wilkinson, Erika Knox, John Welsh, Lisa Busch, and Mim McConnell spoke in opposition to the ordinance.

Chief Finance and Administrative Officer, Jay Sweeney, read an email to the

Assembly dated June 9, 2015 regarding current provisions of the Sitka General Code pertaining to the taxability of sales by non-profit entities.

Sweeney stated the additional taxation brought in by the passage of this ordinance would be approximately \$100,000. He added there was difficulty with enforcement and with individuals understanding the current exemptions. This ordinance would provide some clarity.

Guevin and Hunter spoke in opposition to the ordinance. Miyasato spoke in support of the ordinance and reminded the public and Assembly that it encouraged compliance. Hunter offered that this might be an issue for the Citizens' Taskforce to look at.

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

Yes: 1 - Miyasato

No: 4 - Hunter, Swanson, Eisenbeisz, and Guevin

Recused: 2 - McConnell, and Putz

P 15-144 ~~Approve the removal of the Finance Director's existing sales tax interpretation regarding taxability of fundraisers~~ PULLED

A motion was made by Eisenbeisz to POSTPONE this item to the August 25, 2015 Assembly meeting. The motion PASSED by the following vote.

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

Q 15-151 Appoint two Assembly members to serve on the Marijuana Advisory Committee

Assembly members Eisenbeisz and Putz offered to serve on the Marijuana Advisory Committee.

XIII. PERSONS TO BE HEARD:

Charles McGill announced he had started a new business in Sitka providing dog waste removal and disposal.

XIV. EXECUTIVE SESSION

XV. ADJOURNMENT

A motion was made by Hunter to ADJOURN. Hearing no objections, the meeting ADJOURNED at 10:20pm.

ATTEST: _____
Sara Peterson, CMC
Municipal Clerk



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

Friday, August 21, 2015

8:00 PM

Assembly Chambers

EMERGENCY MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Present: 6 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, and Putz

Absent: 1 - Guevin

IV. REPORTS:

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

Municipal Administrator, Mark Gorman, provided an update on the continued recovery efforts of the day. He reported operations were suspended for the weekend due to heavy rains and would resume Monday.

V. NEW BUSINESS:

A ORD 15-44 Local Government Disaster Declaration

Planning and Community Development Director, Maegan Bosak, outlined the local government disaster declaration and summarized the State assistance programs that may be available including public assistance, individual assistance, Small Business Administration, and temporary housing as appropriate.

Jay Sweeney spoke to Section 11.10 (b) of the Charter addressing emergency appropriations and Section 3.03 Emergency Ordinances.

Mayor McConnell thanked Assembly members and staff for their hard work.

A motion was made by Miyasato to APPROVE emergency Ordinance 2015-44.

The motion PASSED by the following vote.

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

Absent: 1 - Guevin

VI. PERSONS TO BE HEARD:

None.

VII. EXECUTIVE SESSION

None.

VIII. ADJOURNMENT

A motion was made by Miyasato to ADJOURN. Hearing no objections, the meeting ADJOURNED at 8:15pm.

ATTEST: _____
Sara Peterson, CMC
Municipal Clerk



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, August 25, 2015

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

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

Absent: 1 - Guevin

Telephonic: 1 - McConnell

IV. CORRESPONDENCE/AGENDA CHANGES

Putz called attention to the Baranof Warm Springs Infrastructure Management Plan and comment period through September 30.

15-163

Reminders, Calendars and General Correspondence

V. CEREMONIAL MATTERS

15-152

Proclamation - Childhood Cancer Awareness Month

Deputy Mayor Hunter read the proclamation for Childhood Cancer Awareness Month.

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

15-161

Update on diesel spill at Jarvis Street Diesel Plant - Bryan Bertacchi, Utility Director

Municipal Administrator Mark Gorman introduced Bryan Bertacchi, Utility Director. Bertacchi gave an update on the diesel spill at the Jarvis Street Diesel Plant stating there was a net 2,500 gallons of unaccounted diesel based on inspections. He noted they were still monitoring, gave mention to Erin Clay, Project and Regulatory Engineer who had recently rewrote and updated the spill plan, and stated there would be recovery costs from other entities but had not been notified of direct fines associated with the spill.

VII. PERSONS TO BE HEARD

Margie Esquiro, a Sand Dollar Drive resident spoke to the events of last week. She praised Fire, Police, EMS, Salvation Army, Grace Harbor Church, State Troopers, Coast Guard, city workers, Assembly, and the community. Pete Esquiro expressed continued concerns and hoped the Assembly would guide a process for more information to avoid future issues. Dave Miller, Fire Chief told of community support and thanked the community from the past weeks disaster and thanked Al Stevens, Assistant Fire Chief. Miyasato spoke on behalf of Sitka Tribe of Alaska (STA). He thanked those who gave STA an update at their meeting.

VIII. REPORTS

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

Mayor - The only city activities she had been involved with since the last Assembly meeting had been related to the recent landslides. Her activities had been pretty well-covered in print, radio and TV media. She spent most of last week at Incident Command and at the North and South branches of the Kramer Avenue landslide. She met with Governor Walker during his visit and accompanied him while in Sitka. She was impressed with the outpouring of love for our community that had come from residents and those outside of Sitka. People had found ways to give that had met so many needs. As we grieved over the loss of Elmer and Uli Diaz and city employee William Stortz, we were buoyed up by those that supported us. Generous hearts and actions would help us heal. Thank you to those volunteers, contractors, local, state and federal employees, families and friends that had been so focused on recovering our loved ones and cleaning up the debris that spilled into our city and lives so abruptly. Thank you for caring.

Administrator - Mark Gorman stood and addressed the community that he held in the highest regard. He spoke to the heros among the community. Praised the strength, courage, and humility of the community which would continue to be strong.

Municipal Attorney - Robin Koutchak spoke to the past week disaster and thanked employees.

Liaison Representatives - Miyasato attended the Park and Recreation Committee meeting and told there would be ongoing discussions regarding Halibut Point Park. Putz reported from the Tree and Landscape Committee meeting by thanking Lynne Brandon, Parks and Recreation Manager's work, read a letter from the Chair thanking Brandon, and the importance of that position.

IX. CONSENT AGENDA

- A RES 15-17** Approving the City and Borough of Sitka to submit an Alaska Energy Authority Renewable Energy Grant application for a heat pump project at the Wastewater Treatment Plant

This item was APPROVED ON THE CONSENT AGENDA.

B RES 15-18

Authorizing application of a grant to the Federal Aviation Administration for the Sitka Seaplane Base

Senior Engineer, Dan Tadic clarified there was up to \$250,000 in grant funding available every year for maintenance of Airport Improvement Funds. This project was in the Harbor Master Plan. Eisenbeisz had concerns with maintenance in the future.

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

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

Absent: 1 - Guevin

C 15-153

Approve the transfer of up to \$7,000 from the Raw Water Sale Fund to the Gary Paxton Industrial Park Enterprise Fund to pay for a comprehensive water analysis of raw water from Blue Lake

Chair of Gary Paxton Industrial Park Board, Grant Miller stated that this type of analysis had been done in the past and it would be made available to perspective buyers. Gorman clarified for Putz of a greater spending authority, as he anticipated continued requests for reimbursement and told that an ordinance could come forward for a cap. Eisenbeisz was in support of an ordinance as such and voiced allowing a review, second or appeal process.

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

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

Absent: 1 - Guevin

D 15-154

~~Authorize the Municipal Administrator to execute a purchase order not to exceed \$60,000 to ABB Inc. for the procurement of a 2000kVA small power transformer~~ PULLED

This item was PULLED from the agenda prior to the start of the meeting. No action was taken.

E ORD 15-42

Amending Sitka General Code Title 22 Zoning to allow asphalt plants and concrete batch plants as a conditional use in the Industrial zone

This item was APPROVED ON THE CONSENT AGENDA.

F ORD 15-43

Making a supplemental appropriation to the FY16 budget per section 11.10 (a) of the Home Rule Charter of the City and Borough of Sitka (*first reading - emergency ordinance*)

This item was APPROVED ON THE CONSENT AGENDA.

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

G 15-155 Appoint Dyan Bessette or Alene Henning to the Citizens' Taskforce

Putz commented on the importance of the Taskforce and encouraged the public to participate.

A vote of the Assembly was taken. The top vote getter was: Dyan Bessette.

This item was APPROVED.

H 15-156 Appoint Loyd Platson to an unexpired term on the Health Needs and Human Services Commission

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

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

Absent: 1 - Guevin

XI. UNFINISHED BUSINESS:**I 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 non-voting, ex-officio CBS standing seat (and alternate) appointed by the Municipal Administrator

Putz appreciated the addition of staff as ex-officio. Eisenbeisz questioned functions with regards to the number of members. Rob Allen, CEO of Sitka Community Hospital explained that there were two official committees requiring Hospital Board members, the Finance Committee and Strategic Planning Committee. Members in the past had participated in the medical staff monthly meeting and on the foundation. Eisenbeisz hoped that board members would continue on the other committees. Hunter appreciated the current board members stating that the system needed changing to be successful.

A motion was made by Miyasato that this Ordinance by PASSED ON THIRD AND FINAL READING. The motion PASSED by the following vote.

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

No: 1 - Putz

Absent: 1 - Guevin

XII. NEW BUSINESS:**J 15-157** Award a contract to the Greater Sitka Chamber of Commerce to provide convention and visitor services

Evy Kinnear, President of the Sitka Convention and Visitors Bureau (SCVB) spoke in opposition stating the community could not function without it. John Welsh spoke in support of this item. Municipal Administrator, Mark Gorman provided an updated and noted that staff was close to a final contract, told of concerns with safeguarding assets, mentioned that the SCVB was going to be issued a penalty for lack of payment for workers compensation, stated management concerns, and stressed the importance of protecting the City and Borough of Sitka. McConnell asked for clarification and Gorman answered the intent was not to award the contract at this meeting as staff needed to finalize the contract, and it would then come back before the Assembly for approval. Municipal Attorney, Robin Koutchak clarified that the contract was in legal review and a mediation clause was being developed. Jay Sweeney, Chief Finance and Administrative Officer expanded on needing as much time for transition as possible for ongoing projects and whether or not the assets would go to the gaining organization. Sweeney had concerns with governance of accountability and stressed the need of authority on bank accounts and assets.

A motion was made by Swanson to authorize the Municipal Administrator to take action to ensure that the City and Borough of Sitka obligations, liabilities and assets that are associated with the transition of services from the Sitka Convention and Visitors Bureau are addressed. The motion PASSED by the following vote.

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

Absent: 1 - Guevin

Koutchak stated she would send the contract to staff once she had completed her legal review, it would then be given to the Chamber of Commerce for review, and lastly go before the Assembly.

A motion was made by Putz to POSTPONE awarding a contract for the Greater Sitka Chamber of Commerce to provide convention and visitor services to the next regular meeting on September 8. The motion PASSED by the following vote.

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

Absent: 1 - Guevin

K 15-158

Board of Adjustment: Approve a conditional use permit request filed by Sheila Finkenbinder for a one guest-room bed and breakfast at 415 DeArmond Street

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

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

Absent: 1 - Guevin

Maegan Bosak, Planning and Community Development Director introduced Michael Scarcelli, Senior Planner and gave a report stating the Planning Commission recommended approval of the item. Bosak clarified the number of parking spaces required and confirmed that the property met the needs of long term and short term rentals for the community.

Applicant, Sheila Finkenbinder thanked staff for the allowable language which would be more welcoming for visitors to Sitka and offered to answer questions.

There was no public comment.

Hunter, McConnell, and Putz spoke in support of this item.

A motion was made by Putz to **APPROVE** a conditional use permit request filed by Sheila Finkenbinder for a one guest-room bed and breakfast at 415 DeArmond Street, and further, adopt the findings and conditions as recommended by the Planning Commission and request that they are listed in their entirety as they appear attached hereto 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; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation; specifically 2.1.1: Encourage the development of facilities to accommodate visitors without significant impacts on residential properties.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. **Burden of Proof.** The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

General approval criteria are as follows:

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

dependent upon the specific use and its visual impacts.

Conditions

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.
4. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end of the reporting period.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first nine months of operations for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with any of the conditions may result in revocation of the conditional use permit.

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

Absent: 1 - Guevin

L 15-159

Board of Adjustment: Approve a conditional use permit request filed by Deanna Moore for a short-term rental at 703 Biorka Street

Maegan Bosak, Planning and Community Development Director provided an overview stating the Planning Commission recommended approval. In addition, regarding the Comprehensive Plan, it balanced the need for long term and short term rentals. Bosak clarified that a conditional use permit for short term rentals and B&B's, if not used in 12 month period, was null and void, and that a conditional use permit ran with the property based on the plans submitted.

Applicant, Deanna Moore stated that she may only use this once, and realized that it would sunset if not used in a 12 month period.

There was no public comment.

Hunter stated that this type of conditional use permit was a great opportunity for home owners.

A motion was made by Miyasato to APPROVE a conditional use permit request filed by Deanna Moore for a short-term rental at 703 Biorka Street, and further, adopt the findings and conditions as recommended by the Planning Commission and request that they are listed in their entirety as they appear hereto 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; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the

- vicinity of, the site upon which the proposed use is to be located.
- 2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation; specifically 2.1.1: Encourage the development of facilities to accommodate visitors without significant impacts on residential properties.
- 3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
- 4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.
- 5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
- 6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

General approval criteria are as follows:

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

Conditions

- 1. Contingent upon a completed satisfactory life safety inspection.
- 2. The facility shall be operated consistent with the application and plans that were submitted with the request.
- 3. The facility shall be operated in accordance with the narrative that was submitted with the application.
- 4. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end of the reporting period.
- 5. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first nine months of operations for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.

6. Failure to comply with any of the conditions may result in revocation of the conditional use permit.

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

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

Absent: 1 - Guevin

M 15-160

Discussion/Direction on the Sitka Community Development Corporation conceptual design for the Old City Shops property (Sponsors: Putz/Miyasato)

Putz explained that the Sitka Community Development Corporation (SCDC) had conceptual designs for the Old City Shops property for low cost housing proposing the City would provide the property. SCDC would like to give a report to the Assembly. Miyasato stated that the SCDC would like to use the property for an affordable housing project which would require Assembly approval. Eisenbeisz and Hunter were intrigued with how the process would proceed and what the cost would be. McConnell talked to the process stating that SCDC would be presenting to the Planning Commission on September 1 with a proposal to the Assembly September 22. Eisenbeisz told of his preference of this being an agenda item. Hunter mentioned it as a special report. Miyasato told of the benefit of a worksession. It was suggested that a 20 minute report be placed on the next agenda.

McConnell spoke as a member of the public in favor of a worksession rather than a report.

N 15-144

~~Approve the removal of the Finance Director's existing sales tax interpretation regarding taxability of fundraisers~~ PULLED

This item was PULLED from the agenda prior to the start of the meeting. No action was taken.

O 15-162

Discussion/Direction on utility vacation rates and owner account status

Jay Sweeney, Chief Finance and Administrative Officer spoke to codifying utility vacation rates and owner account status. Sweeney clarified that water was not metered, therefore the city was not charging for consumption of water. Sweeney stated he would need to research other cities as unmetered water at the residential level was unusual. Sweeney told of the process of owner status, final billing, and use. Miyasato asked Sweeney to read from his memo regarding amounts for FY2015 of unbilled revenue to dwellings in owner account status. Hunter suggested having two sponsors for an ordinance. Gorman suggested that this go before the Citizens' Taskforce with public engagement and education prior to an ordinance. Putz was in favor of an ordinance rather than it going to the Taskforce. Hunter spoke to vacation rates, use, renters, and owner accounts and would co-sponsor an ordinance. Gorman suggested two separate ordinances.

XIII. PERSONS TO BE HEARD:

John Welsh spoke to the Chamber contract. He requested a matrix be established of accountability.

XIV. EXECUTIVE SESSION

None.

XV. ADJOURNMENT

A motion was made by Hunter to ADJOURN at 8:35pm. The motion passed on the following vote.

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

Absent: 1 - Guevin

ATTEST: _____
Melissa Henshaw
Acting Municipal Clerk



Legislation Details

File #: RES 15-19 Version: 1 Name:
Type: Resolution Status: AGENDA READY
File created: 9/2/2015 In control: City and Borough Assembly
On agenda: 9/8/2015 Final action:
Title: Supporting the Sitka Pioneer Home
Sponsors:
Indexes:
Code sections:
Attachments: [Resolution 2015-19](#)

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 2015-19 on first and final reading.

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 2015-19

A RESOLUTION OF THE CITY AND BOROUGH OF SITKA, SUPPORTING THE SITKA PIONEER HOME

WHEREAS, the Sitka Pioneer Home, serving Alaskans since 1913, is a licensed assisted living care program for Alaska elders age 65 and older; and

WHEREAS, the Sitka Pioneer Home is the only assisted living home in Sitka; and

WHEREAS, the Sitka Pioneer Home offers care at three different levels including independent, basic assistance and 24-hour care for persons with Alzheimer’s disease, related disorders and comprehensive services; and

WHEREAS, the Sitka Pioneer Home is staffed by a caring and compassionate team of local Sitkans providing a valuable service to Alaskan elders in need of care they are unable to receive in their homes; and

WHEREAS, the mission of the Sitka Pioneer Home is to assist older Alaskans to have the highest quality of life by providing assisted living in a safe home setting which promotes positive relationships, meaningful activities and physical, emotional and spiritual growth.

NOW, THEREFORE, BE IT RESOLVED the Assembly of the City and Borough of Sitka, Alaska, supports the Sitka Pioneer Home and the services it provides to Alaskans statewide.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska on this 8th day of September, 2015.

Matthew Hunter, Deputy Mayor

ATTEST:

Sara Peterson, CMC
Municipal Clerk



Legislation Details

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

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 2015-45 on
first reading.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-45

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

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

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

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

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

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

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

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

In accordance with Section 11.10(a) of the Charter of the City and Borough of Sitka, Alaska, the budget for the fiscal period beginning July 1, 2015 and ending June 30, 2016 is hereby adjusted as follows for the purchase orders open as of June 30, 2015.

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

EXPLANATION

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

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

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

ATTEST:

Mim McConnell, Mayor

Sara Peterson, Municipal Clerk

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Legislation Details

File #: ORD 15-46 Version: 1 Name:

Type: Ordinance Status: AGENDA READY

File created: 9/2/2015 In control: City and Borough Assembly

On agenda: 9/8/2015 Final action:

Title: Amending Sitka General Code to remove vacation rates at Chapter 15.04 "Sewer System," Chapter 15.05 "Water System," Chapter 15.06 "Solid Waste Treatment and Refuse Collection" and removing reference to vacation rates in footnotes in Section 15 of the Sitka General Code (first reading)

Sponsors:

Indexes:

Code sections:

Attachments: [Ordinance 2015-46](#)

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 2015-46 on
first reading.



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

Memo

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

From: Michelle Putz, Assembly Member

Date: September 2, 2015

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

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

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

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

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

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-46

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

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

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

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

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

Chapter 15.04
SEWER SYSTEM

~~15.04.330—Vacation rates.~~

~~15.04.330 Vacation rates.~~

~~There shall be a vacation rate of one-quarter the normal billing rate applied to qualifying utility accounts. A vacation rate is a Sitka resident's exemption from payment of residential sewer utility fees while on vacation and/or on absence from residence due to medical reasons or movement to the Pioneers' Home. Vacation and/or absence period must equal or exceed thirty continuous days and is limited to four months credit. Only one period of vacation rates per customer in any period of twelve consecutive months is allowed. The period of twelve consecutive months starts on the first day vacation rates apply. The residence must not be occupied during this period to which vacation rates apply. The resident must apply in writing prior to vacation and/or absence from residence to receive vacation rates. When the credit is applied at the end of the period, resident's~~

47 account will be assessed a ten-dollar fee. Commercial accounts are not eligible for vacation rates.
48 Notwithstanding the twelve consecutive-month restriction described above, the municipal
49 administrator will have the authority to allow extension of vacation rates on a case-by-case basis for
50 medical absences upon application by the resident. Notwithstanding the requirement of prior
51 application described above, preapplication may be waived by the municipal administrator for
52 emergency medical absences. (Ord. 05-15 § 4(B) (part), 2005.)
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55 Chapter 15.05
56 WATER SYSTEM

57 ***

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59 15.05.630—Vacation rates.
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61 ~~15.05.630 Vacation rates.~~

62 There shall be a vacation rate of one-quarter the normal billing rate applied to qualifying utility
63 accounts. A vacation rate is a Sitka resident's exemption from payment of residential water utility
64 fees while on vacation and/or on absence from residence due to medical reasons or movement to
65 the Pioneers' Home. Vacation and/or absence period must equal or exceed thirty continuous days
66 and is limited to four months credit. Only one period of vacation rates per customer in any period
67 of twelve consecutive months is allowed. The period of twelve consecutive months starts on the
68 first day vacation rates apply. The residence must not be occupied during this period to which
69 vacation rates apply. The resident must apply in writing prior to vacation and/or absence from
70 residence to receive vacation rates. When the credit is applied at the end of the period, resident's
71 account will be assessed a ten-dollar fee. Commercial accounts are not eligible for vacation rates.
72 Notwithstanding the twelve consecutive-month restriction described above, the municipal
73 administrator will have the authority to allow extension of vacation rates on a case-by-case basis for
74 medical absences upon application by the resident. Notwithstanding the requirement of prior
75 application described above, preapplication may be waived by the municipal administrator for
76 emergency medical absences. (Ord. 05-15 § 4(C) (part), 2005.)
77

78 Chapter 15.06
79 SOLID WASTE TREATMENT AND REFUSE COLLECTION

80 ***

81 15.06.060—Vacation rates.

82 ~~15.06.060 Vacation rates.~~

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

Ordinance 2015-XX

Page 3

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

100 15.04.320 Rates and fees.

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

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

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

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

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

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B. Sewer Service in Conjunction with Metered Water.

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

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

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111

15.05.620 Rates and fees.

112

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

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

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

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

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

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

Mim McConnell, Mayor

ATTEST:

Sara Peterson, CMC
Municipal Clerk



Legislation Details

File #: 15-169 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 9/1/2015 In control: City and Borough Assembly

On agenda: 9/8/2015 Final action:

Title: Reappoint Judith Ozment to a three-year term on the Historic Preservation Commission and reappoint Lisa Baugher to a three-year term on the Police and Fire Commission

Sponsors:

Indexes:

Code sections:

Attachments: [HPC Ozment PFC Baugher](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE to reappoint: Judith Ozment to a three-year seat on the Historic Preservation Commission; and Lisa Baugher to a three-year term on the Police and Fire Commission



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

Board/Commission/Committee: Sitka Historic Preservation Commission

Name: Judith Ozment

Daytime Phone: 966-2231

Address: 2028 Halibut Point Rd

Evening Phone: "

Email Address: jozment@gci.net

Fax Number: _____

Length of Residence in Sitka: 18+ yrs
_____ No

Registered to vote in Sitka? yes Yes

Employer: retired

Organizations you belong to or participate in:

Sitka Historical Society & Museum; SJC Preservation; Sitka Conservation Society; Sitka Food Network; Easter Group Homeless & Food Projects and numerous additional non-profit organizations supporting local arts and humanitarian activities

Explain your main reason for applying:

I believe that I have the experience, commitment and knowledge gained during my previous three year term to effectively contribute to the work of the SHP Commission and also the Society/Museum

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

My personal background is: library science, teaching and curator rare and special collections, owner of historic 1820 home in Virginia, work preserving historic trails, roads and waterways as well as buildings and artifacts. Attended additional college classes. extended learning, workshops and conferences in conservation and preservation. Please note attached letter from the Sitka Historical Society and Museum in support of this application

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

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

Date: August 24, 2015
~~Sept 4, 2012~~

Signature: Judith Ozment

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

Executive Director - Hal Spackman
Curator - Kristy Griffin

Board of Directors

Ernestine Massey - President
John Stein - Vice-president
Sabra Jenkins - Secretary
Sheila Finkenbinder - Treasurer
Pat Alexander
Chris Kowalczewski
Jack Ozment
Linda Trierschild



Mission: To preserve and promote the events, stories and artifacts of the human history of Sitka, as part of the Pacific Northwest coast of North America, to inspire, educate and benefit the Public and future generations.

Sitka Historical Society & Museum

210 Seward St.
Sitka, Alaska 99835
907-747-6455
907-747-6588 FAX

www.sitkahistory.org



August 21, 2015

To: Sitka Historical Preservation Commission

This letter is to confirm our recommendation for Judith Ozment to continue to represent the Sitka Historical Society as a member of the Sitka Historical Preservation committee.

Judith has the experience and dedication to both organizations to continue in the position. The board is extremely grateful to Judith for her service.

Executive Director Hal Spackman said, "Judith Ozment has been an enthusiastic advocate for the preservation and celebration of local history. She is always receptive to ideas that insure our historic resources are saved for future generations. She communicates very well with the public and members of the Sitka Historical Society. I am proud to give our strong support for her candidacy to remain in her position on the SHP team."

Sincerely,

Ernestine Massey
President, Sitka Historical Society



HISTORIC PRESERVATION COMMISSION

NAME	CONTACT NUMBERS	TERM STARTS	EXPIRES	CATEGORY
PETER GORMAN 103 Rands Dr.	747-5553 pcgorman@gmail.com	12/23/03 1/9/07 12/22/09 1/8/13	12/23/06 1/9/10 12/22/12 1/8/16	CHAIR At-large
ANNE POLLNOW PO Box 6326	738-0794 sealevelanne@gmail.com	4/28/15	4/22/17	VICE-CHAIR At Large
ROBERTA LITTLEFIELD 4102 Halibut Point Road	738-4004 c 747-6866 h roblylittlefield@gci.net	7/13/10 4/24/12 5/27/15	01/27/12 4/24/15 5/27/18	SECRETARY Native community
JUDITH OZMENT 2028 Halibut Point Road	738-7811 jozment@gci.net	4/27/10 9/11/12	9/22/12 9/11/15	Historical Society
JAMES POULSON 1610 Sawmill Creek Rd	747-3219 w 747-6567 h sitka@operamail.com	2/22/11 2/25/14	2/22/14 2/25/17	At large
ANA DITTMAR 407 Hemlock St	623-7537 anadittmar1@hotmail.com	4/10/12 5/27/15	4/10/15 5/27/18	At large
ROBERT SAM 448 Katlian Street	623-7097 bob.sam@sitkatriben-sn.gov	2/24/15	2/24/18	STA
MIKE MILLER 448 Katlian Street	752-0423 mike.miller@sitkatriben-sn.gov	2/24/15	2/24/18	STA (alternate)
Planner I	747-1814			Staff Liaison/ Secretary
Aaron Swanson 1410 C Sawmill Creek Rd	747-5499 h 623-7869 c assemblyswanson@cityofsitka.com			Assembly Liaison

Established by Ordinance 02-1683

7 members from selected categories 3-year terms

Sitka Historical Society (1), Native Community (2 - one representing Sitka Tribe of Alaska), At-Large (4)

Established by Ordinance 92-1075

Second Wednesday, 6 p.m. – Harrigan Centennial Hall

Quorum is met when 4 Commission members are present

Revised: September 1, 2015



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

Board/Commission/Committee: Police / Fire
Name: Lisa Baugher Daytime Phone: 620-441-7322
Address: 1711 SMC Evening Phone: same
Email Address: lisa@longhornsalepen.com Fax Number: _____
Length of Residence in Sitka: 5 years Registered to vote in Sitka? Yes No
Employer: Self

Organizations you belong to or participate in:

Sitka Police/Fire Commission Sitka Assembly of God Worship Team
Sitka Little League Sitka Assembly of God Ladies Group
Sitka Homeschoolers AK State Troopers DV training
Explain your main reason for applying: Sitka Vol. Fire Dept. Aux.

Continue serving on Police/Fire Commission

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

currently on board
see attached resumé

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

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

Date: 8/28/15 Signature: Lisa Baugher

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

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

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

Lisa J. Baugher

1711 Sawmill Creek Rd. 620-441-7322
Sitka, AK 99835 lisa@longhornsalepen.com

Education:

Missouri Western State College, St. Joseph, MO – B.S. Music Education –Vocal – 1986
Missouri Western State College, St. Joseph, MO – B.S. Leisure Management – Outdoor – 1987
Johnson County Community College, Overland Park, KS – Law Enforcement Academy – 1987 – Valedictorian

Achievements:

City of Sitka – Police & Fire Commission Member – September 2014 - Present
Sitka Plexus – Silver Ambassador – April 2015 - Present
Alaska Concealed Handgun Permit – 2015
FEMA – Emergency Management Institute – NIMS – IS 700 - 2013
FEMA – Emergency Management Institute – ICS – IS 100 - 2013
Anderson County KS Volunteer Fire Department – 1999 – 2002
Kansas University Fire Service – Fire Fighter I Certification – 2001
Best of the Trails Texas Longhorn Affiliate – Secretary – 1994 - 1997
JCCC – State of Kansas Law Enforcement Commission Academy – 1987
Missouri Teaching Certificate K-12 – Lifetime – 1986

Experience:

Web Designer/Owner **Longhorn Designs**
Sitka, AK **2005 – Present**

- Consult with client and discuss issues related to betterment of website, target audience and about leading competitors in the field.
- Plan look and feel of the site with client to capture their personality and business needs.
- Design an attractive, user friendly website using Dreamweaver MX 2004 software utilizing HTML, CSS and Cold Fusion.
- Train client in use of site and administration functions.
- Create and process bookkeeping records such as invoicing, payments, receipts and tax records.
- Develop print ads and marketing of websites.

Teacher **Bluebird Ridge Christian Academy**
Sitka, AK **1998 – Present**

- Selects all curriculum, teaching reading, language arts, social studies, mathematics, science, art, health, foreign language, physical education, music, etc.
- Instructs students in citizenship and basic subject matter.
- Develops instructional materials and provides individualized and small group instruction in order to adapt the curriculum to the needs of each student.
- Establishes and maintains standards of student behavior needed to achieve a functional learning atmosphere.
- Evaluates students` academic and social growth and keeps appropriate records.
- Participates in local homeschool group events to provide social stimulation and skills.

Ranch Owner/Operator **Bluebird Ridge Registered Texas Longhorns**
Maple City, Kansas **1991 – 2013**

- Co-owned a herd approximately 60 head of Registered Texas Longhorn cattle.
-

- Responsible for birth records, management records, veterinarian records, brand numbers, registration applications, horn measurements, tax reports, etc.
- Marketed our ranch breeding program as well as individual animals.
- Prepared annual herd inventory report and price list as a marketing tool.
- Videoed, edited and mailed VHS and DVD pasture tour videos to inquiries and prospective clients.
- Contacted prospective clients and responded to sales inquiries via phone, email and hard copy.
- Developed and implemented an advertising campaign via print, email and website.
- Assisted in range management controlled burn procedures and safety practices, fire suppression techniques.
- Assisted in all other aspects of the ranch; veterinary, cattle management, fencing, etc.

**Municipal Court Clerk
Paola, KS**

**City of Paola, KS
1989 – 1993**

- Greeted and assisted the public with Municipal Court questions.
- Prepared tickets and citations for prosecution.
- Conducted Municipal Court proceedings, entered data and maintained docket books.
- Scheduled court dates and cases with officers, prosecutor, defense attorneys and defendants.
- Presented prosecutor with appropriate files and notes.
- Processed utility bills and filled in during absences of the Utility Billing Clerk and City Clerk.
- Compiled and prepared annual state and city reports.
- Filled in for dispatcher in Police Department as needed.

**Park Ranger
Shawnee Mission, KS**

**Johnson County Park & Recreation District
1987 – 1989**

- Ensured compliance with local and state laws and regulations using techniques extending from verbal or written warnings through citation and physical custody arrest.
- Performed all law enforcement duties to include road patrol, traffic enforcement and investigation of motor vehicle accidents.
- Issued citations, responded to emergency calls and took initial action necessary to preserve the peace, resolve problems and protect visitors and park resources.
- Served as interpreter and/or educator responsible for researching, preparing, and presenting formal interpretive and educational programs.
- Conducted interpretive programs to include; evening campfire programs, guided walks, demonstration talks, living history programs, life-time activity trips and school programs.
- Staffed nature center, completed sales transactions, provided informal interpretive contacts and assisted with interpretive projects.
- Conducted patrols via vehicle, horseback and on foot; Enforced creel and length limits of park waters
- Sold local fishing and boating permits and state fishing licenses.

**Park Ranger
Pomona, Kansas**

**U.S. Army Corps of Engineers, Pomona Project,
Summer 1986, 1987**

- Conducted special and scheduled patrol of project land and water areas including parks, campgrounds, beach, dam, leases, and lake.
- Responded to public inquiries and assisted park patrons in the use of the project.
- Collected campground user fees.
- Read weather instruments and recorded data in an appropriate format.
- Provided assigned maintenance on Project Lands.
- Collected survey information from park visitors as directed.
- Collected sign survey data for the entire project, including mapping and descriptions.
- Responded to emergency calls and assisted local law enforcement and ambulance personnel.



POLICE AND FIRE COMMISSION

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

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

OATH OF OFFICE REQUIRED

Revised: January 19, 2015



Legislation Details

File #: 15-175 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 9/3/2015 In control: City and Borough Assembly

On agenda: 9/8/2015 Final action:

Title: Award a contract to the Greater Sitka Chamber of Commerce to provide convention and visitor services (executive session anticipated)

Sponsors:

Indexes:

Code sections:

Attachments: [Chamber Contract](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTIONS

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

I MOVE to reconvene as the Assembly in regular session.

AND

I MOVE to award a contract to the Greater Sitka Chamber of Commerce to provide convention and visitor services.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Memo

To: City and Borough of Sitka Assembly
From: Mark Gorman, Administrator
Re: Selection of Sitka Convention and Visitor Services Contractor
Date: August 18, 2015

In response to the issuance of the Statement of Interest to Provide Convention and Visitor Services in Sitka, CBS received four proposals. The applicants were: the Sitka Convention and Visitors Bureau (SCVB), the Greater Sitka Chamber of Commerce (Chamber) the Sitka Economic Development Association (SEDA), and Matthew Turner, a private contractor.

A review committee comprised of the Administrator, Jay Sweeney, and Don Kluting reviewed the statements of interest. The committee focused on management ability and governance capacity.

In the initial review, it was determined that SEDA requested funding above the Assembly allocated amount of \$300,000 which was also identified in the Statement of Interest issuance. The applicant was given the opportunity to reduce this sum to the appropriated amount. SEDA chose to maintain its original request and was informed that the Administrator did not have the authority to negotiate on this amount.

The review committee met with the three other applicants. Through this process, it was determined that the Chamber of Commerce proposal was the strongest in terms of governance and potential to deliver quality visitor and convention services to our community. Although at this time, the Chamber does not have an executive director, the board members who met with the review committee indicated that they had a strong candidate to fill this position. Of note, the model of Chambers of Commerce providing convention and visitor services is used in Homer, Seward, Kenai, Cordova, Girdwood, Talkeetna, Petersburg, Nome and Soldotna.

The SCVB proposal was well developed and presented. Through the interview process, the review committee identified concerns about both the management and governance capabilities of the SCVB.

Matthew Turner's proposal was innovative and well-articulated. Mr. Turner presented the review committee with a creative vision of how he would move Sitka convention and visitor services forward in Sitka. The fact that he is a sole proprietor without a board or governance structure was of concern to the review committee.

It is recommended that the Assembly approve a contract with the Greater Sitka Chamber of Commerce effective October 1, 2016. All effort will be placed on minimizing disruption and diminishment of convention and visitor services in our community during this period of transition. To this end, I recommend that the Assembly authorize the Administrator to take action to ensure that the CBS obligations, liabilities and assets that are associated with the transition of services from the SCVB to the Chamber are addressed.

Exhibit B

Compensation and Payment – Greater Sitka Chamber of Commerce

In consideration of Contractor's responsibilities under this agreement, Owner (also referred to herein as "CBS") agrees to pay Contractor according to the payment schedule provided below:

Remainder of Fiscal Year 2016 (October 1, 2015 – June 30, 2016)

Upon full execution of contract \$100,000

Jan 1, 2016 contract \$75,000

April 1, 2016 contract \$75,000

For all subsequent Fiscal Years, twenty five percent of the Fiscal Year Contract Amount (defined below) will be paid
at the start of each fiscal quarter.

For the 2017 Fiscal Year all Subsequent Fiscal Years

July 10 – 25% of the Fiscal Year Contract Amount

October 1 – 25% of the Fiscal Year Contract Amount

January 1 – 25% of the Fiscal Year Contract Amount

April 1 – 25% of the Fiscal Year Contract Amount

The Fiscal Year is that of Owner and commences on July 1 of the year and ends on June 30 of the following year. The "Fiscal Year Contract Amount" shall have the following meaning and shall be calculated as follows:

The dollar amount that is 92% of the 3 year rolling average of each fiscal year of the amount of Bed Tax (defined below) collected in the three previous Fiscal Years or \$300,000, whichever is greater. CBS staff will, in collaboration with the Assembly and the Chamber, review increasing this Bed Tax set aside. The three year average will be adjusted to the amount negotiated.

"Bed Tax" shall mean all taxes, fees, collected by CBS for hotel, motel, bed and breakfast, transient room rentals, to which such tax is applicable, pursuant to Chapter 4.24 of the Sitka General Code, and any amendment thereto and/or recodification thereof.

**CONTRACT BETWEEN OWNER AND CONTRACTOR
TO PROVIDE CONVENTION AND VISITORS BUREAU SERVICES
TO THE CITY AND BOROUGH OF SITKA, ALASKA**

City and Borough of Sitka (“Owner” or “CBS”) desires the GREATER SITKA CHAMBER OF COMMERCE, INC., (“Contractor”) to Provide Convention and Visitors Bureau Services. This Contract to Provide Convention and Visitors Bureau Services (together with all exhibits and attachments hereto to and all amendments and modification to such contract or exhibits, collectively the “Contract”) to the City and Borough of Sitka is made and entered into by and between Owner and Contractor in consideration of the mutual promises contained in this Contract.

This Contract also consists of the following which are incorporated into and made a part of the Contract

- Statement of Interest – reference Organizational Governance and Structure
- Exhibit A - Scope of Services (3 pages)
- Exhibit B – Compensation and Payment (1 page)

SECTION 1. DEFINITIONS

For the purpose of this Contract, the terms used in this Contract shall have the following meaning:

- A. “Owner” shall mean the CITY AND BOROUGH OF SITKA, Alaska.
- B. “Contractor” shall mean the GREATER SITKA CHAMBER OF COMMERCE, INC, an Alaska non-profit corporation, and any **partner, associate**, or any other person acting for and/or in behalf of the GREATER SITKA CHAMBER OF COMMERCE, INC.
- C. “Owner’s authorized representative” shall mean the person set forth in Section 21 (B)(2) of this Contract.
- D. “Days” shall mean calendar days.

SECTION 2. CONTRACT TIME

- A. This Contract becomes effective when signed and dated by both Parties.
- B. Contractor shall commence performance of the work identified in Section 4 immediately following receipt of the Notice to Proceed.

- C. The first eighteen (18) months of this contract shall be deemed a service transition period, in accordance with the Contractor's Statement of Interest. The Contractor's progress shall be determined in accordance with the schedule in the Statement of Interest document.
- D. Except as expressly allowed under this Contract, Owner need not grant Contractor any extension in the time provided to complete the work under this Contract. If Contractor's progress falls behind the project schedule, Contractor shall commit additional resources to the prosecution of the work, or take such other additional steps as are reasonably necessary to assure the completion of the work on schedule, all at no additional cost to Owner.

SECTION 3. CONTRACTOR QUALIFICATIONS

- A. The Contractor expressly represents and warrants it is now and shall continue to be at all times during the performance of this Contract, the holder of all required or necessary professional, business or other licenses or permits and is qualified and capable of performing all of the work covered or called for by this Contract and is presently ready, able and willing to undertake and perform all of such work and services, and to supply all necessary materials and equipment at the times, and in a professional and workmanlike manner and pursuant to the terms, conditions and provisions, and for the compensation and payments as herein provided.
- B. All actions taken by Contractor under this Contract shall comply with all applicable statutes, ordinances, rules and regulations. Contractor shall timely pay all federal, state and local sales, excise or other taxes or assessments incurred by the Contractor.

SECTION 4. SCOPE OF SERVICE

- A. The services to be performed by Contractor shall include all services required to complete the tasks set forth and described on Exhibit A, and shall be in accordance with all applicable statutes, Sitka General Code provisions, ordinances, rules, and regulations.
- B. The Statement of Interest provided by the Contractor, and incorporated into this Contract, shall be treated as a broad general intent of Contractor as to how the Scope of Services under this Contract shall be performed, and, Contractor shall not be held to strict performance of elements of the Statement of Interest which are not specifically contained within Exhibit A. Both parties mutually agree, however, that a gross deviation by the Contractor from the intent set forth in the Statement of Interest, especially in regards to governance and management accountability, shall potentially form the basis of a dispute, subject to the dispute resolution procedures outlined in Section 6 and, potentially, a reason for Termination for Cause as outlined in Section 7.

SECTION 5. TERM

- A. The term of this Contract shall commence on **October 1, 2015** and end at the end of the business day **June 30, 2018**.
- B. Contractor shall be afforded the period September 15, 2015 – September 30, 2015 as a mobilization period to prepare to execute services required by the Scope of Service, and, shall be required to begin executing such services on October 1, 2015.

SECTION 6. DISPUTE RESOLUTION AND MEDIATION

- A. **Informal Resolution**. Both Parties mutually agree to undertake a good faith effort to resolve disputes associated with the performance of both Parties under this contract through collaborative problem solving, beginning at the lowest levels of management and only escalating to higher levels, including the City Administrator and Chamber President, if satisfactory resolution cannot be achieved.
- B. **Mediation**. The parties further agree that if their respective good faith participation in lower level problem solving does not work to the satisfaction of either party, non-binding, third party mediation is a condition precedent to pursuing any other available legal or equitable remedy, including litigation.
 - 1. Either party may commence the mediation process by providing to the other party written notice, setting forth the subject of the dispute, claim or controversy and the relief requested. Within five (5) business days after the receipt of the foregoing notice, the other party shall deliver a written response to the initiating party's notice.
 - 2. The President of the Chamber of Commerce and the Administrator for the City and Borough of Sitka, shall be the signators of the dispute or reply and will have the authority to make or respond to disputes on behalf of their entities.
 - 3. A mediator will be selected in the following way: Each party will submit a list of names of three mediators, all of whom must have a valid Alaska business license, within 3 business days of the response of the non-initiating party. This list and process will be handled by the clerk's office of the City and Borough of Sitka. The parties will select a mediator by the "strike method". The initiating party will strike the first name from the list of six (6) and the non-initiating party will then

strike a name and so on: this will continue until there is one name left. Both parties will make sure that the mediator candidates they submit for the list will be available to handle the issue in the time period set out above. The initial mediation session shall be held within forty five days (45) days after the initiating notice. Any amount of time may be changed or extended by written agreement and waiver of the parties except the mediation process cannot exceed 60 days total regardless of waiving time of other deadlines.

4. The parties agree to share equally the costs and expenses of the mediation (which shall not include the expenses incurred by each party for its own legal representation in connection with the mediation). The parties further agree to abide by the instructions, rules and process which will be utilized by the selected mediator.
5. All mediation proceedings will occur in Sitka, Alaska.
6. The parties further acknowledge and agree that mediation proceedings are settlement negotiations, and that, to the extent allowed by applicable law, all offers, promises, conduct and statements, whether oral or written, made in the course of the mediation by any of the parties or their agents shall be confidential and inadmissible in any legal proceeding involving the parties; provided, however, that evidence which is otherwise admissible or discoverable shall not be rendered inadmissible or non-discoverable as a result of its use in the mediation. Since the mediation result is non-binding, each party is free to pursue their own legal rights and remedies under law should a satisfactory result not occur.

C. Requirements. If either party requests informal, non-binding third party mediation, neither Party may initiate action to terminate this Contract for cause, or undertake formal litigation action concerning this Contract until after the completion of informal, non-binding third party mediation.

SECTION 7. TERMINATION

After the 18 month service transition period, this Contract may be terminated:

- A. By mutual consent of the Parties.

- B. For the convenience of Owner or Contractor, provided that Owner or Contractor notifies the other of its intent to terminate under this paragraph at least 60 days prior to the effective date of the termination.
- C. For cause, by either Party where the other Party fails in any material way to perform its obligation under this Contract; provided, however, that as a condition of the exercise of its right of termination under this subsection the terminating Party shall notify the other Party of its intent to terminate this Contract and state with reasonable specificity the grounds, and the defaulting Party shall have failed, within 60 days of receiving the notice, to cure the default, or the Parties have failed to resolve the matter pursuant to the Dispute Resolution provisions under Section 6 of this Contract.
- D. Termination pursuant to this section shall not affect the Parties' continuing obligations under this Contract.

SECTION 8. DUTIES UPON TERMINATION

- A. If either Owner or Contractor terminates this Contract for convenience, either shall pay the other, the reasonable value of all services rendered prior to termination. Payment under this section shall never exceed the total compensation possible under Section 10. All finished and unfinished reports and materials prepared by Contractor shall become the property of Owner.
- B. If this Contract is terminated for cause, Owner shall pay Contractor reasonable value of the services satisfactorily rendered prior to termination less any damages suffered by Owner because of Contractor's failure to perform its contractual obligations. Any finished or unfinished documents or materials shall become the property of Owner at its option. Under no circumstances shall payment under this section exceed the percentage value of work completed as defined by Contractor's Fee Proposal and under Section 10. Under no circumstances shall payment under this section exceed the total compensation possible under Section 10. The determination under this Section 8 of the reasonable value of the services for which Contractor shall be paid and /or of any damages suffered by Owner are subject to the Dispute Resolution procedures under Section 6 of this Contract.
- C. If Contractor has received payments prior to termination in excess of the amount to which it is entitled under Subsection A or B of this section, Contractor shall remit such excess to Owner within 60 days after receipt of notice to that effect.
- D. Contractor shall not be entitled to compensation under this section until Contractor has delivered to Owner all documents, records, work products, materials, and equipment owned by City and Borough of Sitka, related to this Contract and requested by Owner.
- E. If Contractor's services are terminated, for whatever reason, Contractor may not claim any compensation under this Contract other than allowed under this section.

- F. The Owner need not recognize any claim by Contractor for reimbursable expenses or costs incurred after the 60 day notice of termination period under section 7C.

SECTION 9. INDEMNIFICATION

- A. Each Party (the “Indemnitor Party”) shall indemnify, defend, save, and hold the other Party (the “Indemnitee Party”) harmless from any claims, lawsuits, or liability, including attorney’s fees and costs, arising from any wrongful or negligent act, error or omission of the Indemnitor Party occurring during the course of or as a result of the Indemnitor Party’s performance pursuant to this Contract.
- B. The Indemnitor Party shall is required to indemnify, defend, save, and hold the Indemnitee Party harmless from any claims, lawsuits, liability, or attorney’s fees and costs, arising in wrongful or negligent acts, errors or omissions solely of the Indemnitee Party occurring during the course of or as a result of the performance of this Contract.
- C. Where claims, lawsuits, or liability, including attorney’s fees and costs, arise from wrongful or negligent acts of both Parties, Contractor shall indemnify, defend, save and hold Owner harmless from only that portion of claims, lawsuits or liability, including attorney’s fees and costs, which result from Contractor’s wrongful or negligent acts occurring during the course of or as a result of Contractor’s performance pursuant to this Contract.

SECTION 10. PAYMENT

- A. For Contractor’s Contract Services and Expenses, as described in Section 4 of this Contract, compensation will be paid as set forth and described on Exhibit B, subject to Contractor’s satisfactory performance, unless mutually agreed upon by both Parties prior to commencing additional work.
- B. Either party to this contract may request that the compensation to Contractor be renegotiated. Such a request must be made in writing by March 31st of each year to be effective for the Owner’s next fiscal year (July 1 to June 30). Any renegotiated contract amount must be approved by the Assembly of the City and Borough of Sitka. If a request for renegotiation is not initiated by either party, the existing contract compensation amount and payment schedule shall remain in place.
- C. Contractor shall submit invoice(s) to Owner’s authorized representative, as set forth and described on Exhibit B. Invoices shall be as set forth and described on Exhibit B.
- D. Owner shall make payment on invoices as set forth and described on Exhibit B with approval by Owner’s authorized representative.
- E. Contractor shall be entitled to no compensation under this Contract beyond the

amount of Owner's express obligation under subsection A above.

- F. The amount to be paid for additional services, at the option of Owner, shall be negotiated by the Parties prior to the execution of amendments to this Contract for this work.

SECTION 11. AUDIT; ACCESS TO RECORDS

- A. Contractor shall maintain records of performances, communications, documents, correspondence and costs pertinent to this Contract. The Owner's authorized representatives shall have the right to examine such records and accounting procedures and practices.
- B. The Owner's authorized representative shall have the right to examine all books, records, documents and other data of Contractor related to the pricing and performance of the Contract, and any change or modification for the purpose of evaluating the accuracy, completeness, and currency of the data submitted. The right of examination shall extend to all documents necessary to permit adequate evaluation of the data, computations, and projections used.
- C. The materials described in this section shall be made available at the business office of Contractor at all reasonable times for inspection, audit or reproduction, for a minimum of 3 years from the date of final payment under this Contract and for such longer period, if any, as may be required by applicable statute or other provisions of this Contract.
- D. Records which relate to claims or litigation or the settlement of claims arising out of the performance of this Contract shall be made available to Owner by Contractor until such claims or litigation have been concluded.

SECTION 12. INDEPENDENT CONTRACTOR

- A. The parties hereto expressly agree that the Contractor shall be and is an independent contractor and is not an employee or agent of the Owner and is, therefore, entitled to no insurance coverage, whether worker's compensation or otherwise and no other benefits accorded to Owner's employees. No withholding, FICA or other taxes (whether income, sales or otherwise) or other amounts will be withheld from the payments due to the Contractor, it being understood that the Contractor is solely responsible therefore, provided Owner shall be entitled to withhold such retainage or other amounts from any progress or other payments as have been provided for elsewhere in this Contract.
- B. Contractor shall perform its obligations under this Contract as an independent Contractor of Owner. Owner may administer the Contract and monitor Contractor's compliance with its obligations. Owner shall not supervise or direct Contractor as

provided in this section.

- C. The parties hereto agree that the Contractor is not and shall not be construed to be a partner, joint venture, employee or agent of the Owner, and shall not and is not authorized to enter into or make any contracts, agreements to enter into any understanding with any other person, corporation, partnership, joint venture or other entity, in the name of or for the benefit of the Owner.

SECTION 13. CONTRACTOR RESPONSIBLE FOR PERSONNEL

The Contractor has or will secure, all personnel required to perform this Contract in a timely and proper manner. The parties hereto agree and understand that such personnel shall in no event be deemed to be and are not employees, agents, or representatives of the Owner, and the Owner shall have no responsibility or liability whatsoever to any of said persons or for the acts or omissions of any such persons.

SECTION 14. ASSIGNMENTS

Unless otherwise allowed by this Contract or in writing by Owner, any assignment by Contractor of its interest in any part of this Contract shall be void.

SECTION 15. CONFLICT OF INTEREST

The Contractor covenants, warrants and represents that the Contractor has no interest and shall not acquire any interest, direct or indirect which would conflict in any manner with the subject matter or the performance of this Contract. The Contractor further covenants, warrants and represents that in the performance of this Contract, no person having any such interest shall be employed.

SECTION 16. NONDISCRIMINATION

- A. Contractor may not discriminate against any employee or applicant for employment because of race, religion, color, national origin, age, disability, sex, marital status, changes in marital status, pregnancy, or parenthood. The Contractor shall post in a conspicuous place, available to employees and applicants for employment, a notice setting out the provisions of this paragraph.
- B. Contractor shall state, in all solicitations or advertisements for employees to work on jobs relating to this Contract, that all qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, age, disability, sex, marital status, changes in marital status, pregnancy, or parenthood.
- C. Contractor shall include the provisions of Subsection A in every subcontract or purchase order under this Contract, so as to be binding upon every such subcontractor or vendor of Contractor under this Contract.

- D. Contractor shall comply with all applicable Federal, State and City laws concerning the prohibition of discrimination.

SECTION 17. COPYRIGHTS AND RIGHTS IN DATA

- A. All documents produced under this Contract are the property of Owner, including notes, drawings, reports and other technical information referred to as work products, except items which have pre-existing copyrights. Payments to Contractor for services include full compensation for all work products produced by Contractor and its subcontractors.
- B. All such subject data furnished by Contractor pursuant to this Contract are instruments of its services in respect to this particular project. It is understood that Contractor does not represent such subject data to be suitable for reuse on any other project or for any other purpose. If Owner reuses the subject data without Contractor's specific written verification of adaption, such reuse will be at the risk of Owner, without liability to Contractor. Any such verification of adaption requested in writing by Owner at Owner's sole option will entitle Contractor to further compensation at rates agreed upon by the Parties.

SECTION 18. NOTICES

A. Regular Communications. For communications between the Parties on personnel issues or on matters of a confidential nature the Parties' respective points of contact shall exclusively be the Municipal Administrator of CBS and the President of Contractor, or their respective designees. For all other regular or routine communications with respect to this Contract the Parties designate the following persons as their respective primary points of contact:

OWNER Point of Contact:

Name: Don Kluting
Telephone: 1.907.747.3225
Email: don.kluting@cityofsitka.org

CONTRACTOR Point of Contact :

Name: Executive Director- The Greater Sitka Chamber of Commerce
Telephone: 1.907.747.8604
Email: eddirector@sitkachamber.org

B. Formal Notices. Any notice required under this Contract shall be in writing and either personally delivered or mailed by prepaid, first class, registered or certified mail, return receipt requested, to the following addresses:

OWNER:

City and Borough of Sitka

Harrigan Centennial Hall

Attn: Don Kluting

100 Lincoln Street

Sitka, AK 99835

CONTRACTOR:

GREATER SITKA CHAMBER OF COMMERCE,
INC.

Attn: Board President

PO Box 638

Sitka, AK 99835

SECTION 19. CLAIMS AND DISPUTES

If Contractor becomes aware, or reasonably should have become aware, of any act or occurrence which may form the basis of a Claim outside of this contract by a third party or outside entity, Contractor shall immediately notify in writing Owner's authorized representative. If the matter cannot be resolved within seven (7) days, Contractor shall, within the next fourteen (14) days, submit a written notice of the Claim. Contractor shall, in presenting the Claim, include the facts and circumstances surrounding the claim, the specific relief requested including any additional compensation claimed and the basis upon which it was calculated, and the provisions of this Contract under which the Claim is made.

SECTION 20. SUCCESSORS AND ASSIGNS

The Parties bind themselves, partners, successors, assigns and legal representatives to the other Party to this Contract and to partners, affiliates, successors, assigns and legal representatives of such other Party with respect to all covenants of this Contract.

SECTION 21. AMENDMENT

- A. This Contract shall only be amended, modified or changed by a written amendment, executed by authorized representatives of the Parties, and such amendment shall be attached to this Contract as an appendix.
- B. For the purposes of any amendment, modifications or change to the terms and conditions of this Contract, the only authorized representatives of the Parties are:
 1. President of the Board - For Contractor
 2. Mark Gorman, CBS Municipal Administrator - For Owner
- C. Any attempt to amend, modify or change this Contract by either an unauthorized representative or unauthorized means, shall be void.

SECTION 22. INSURANCE

- A. Contractor shall at all times during the term of this Contract, maintain in good standing the insurance described in Subsection B. Before rendering any services

under this Contract, Contractor shall furnish Owner with proof of insurance in accordance with Subsection B in a form acceptable to the Risk Manager for Owner; such proof of insurance shall be incorporated into this Contract.

B. Type of coverage:

- | | |
|---|------------------|
| 1. <u>Comprehensive General Liability</u> | |
| Occurrence Limit | \$1,000,000 |
| Products and Completed Operations Aggregate | \$2,000,000 |
| General Aggregate | \$2,000,000 |
| 2. Workman's Compensation | Alaska Statutory |
| Employers Liability | |
| 3. Comprehensive Automobile Liability | \$1,000,000 |
| Including all owned, hired and non-owned vehicles | |

C. Insurance Notes

1. Owner shall be named as an additional named insured on the required general liability and automobile insurance policies. The Owner shall also be granted a full waiver of any rights of subrogation by endorsement under all required policies with the exception of Professional Errors and Omissions. These requirements extend to all subcontractors.
2. Contractor is required to notify Owner if any policy is to be canceled, materially changed, or renewed, at least thirty days prior, by written notice sent by certified mail.

SECTION 23. CHANGES OR MODIFICATIONS

Any change in any regulations or requirements applicable to the work called for herein, made, caused or imposed by, or as a result of the action of any state, federal or other governmental agency that has or will provide all or any portion of any funds for payment for the work or project which is the subject of this agreement, shall automatically become a part of, and amendment to this agreement and the Contractor shall comply therewith.

SECTION 24. NON-WAIVER

The failure of either Party at any time to enforce a provision of this Contract shall in no way constitute a waiver of the provision, nor in any way affect the validity of this Contract or any part, or the right of such Party to enforce each and every provision.

SECTION 25. SEVERABILITY

Any provision of this Contract deemed invalid by a court of competent jurisdiction shall

not invalidate the remaining provisions of the Contract.

SECTION 26. JURISDICTION - CHOICE OF LAW

Any civil action rising from this Contract shall be brought in the Alaska Superior Court at Sitka. The laws of the State of Alaska shall govern the rights and obligations of the Parties under this Contract.

SECTION 27. INTEGRATION

This instrument and all appendices and amendments embody the entire Contract of the Parties. There are no promises, terms, conditions or obligations other than those contained in this Contract. This Contract shall supersede all previous communications, representations, or Contracts, either oral or written, between the Parties.

IN WITNESS, the parties execute this agreement through their duly authorized representatives, and represent that their duly authorized representatives are authorized to sign this agreement between Owner and Contractor to provide Convention and Visitor Bureau Services to the City and Borough of Sitka, on behalf of the party they represent.

CITY AND BOROUGH OF SITKA

GREATER SITKA CHAMBER OF COMMERCE. INC.

Municipal Administrator

President of the Board

Date: _____

Date: _____

IRS TAX I.D. NO. _____

ATTEST:

REVIEW:

LEGAL

Municipal Clerk

Municipal Attorney

Date: _____

Date: _____

ACKNOWLEDGMENTS

STATE OF ALASKA)
)ss.
FIRST JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this _____ day of _____ 20____ by _____, **Municipal Administrator** of the City and Borough of Sitka, an Alaska municipal corporation, for the corporation on behalf of the corporation.

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

(SEAL)

Notary Public for State of Alaska
My Commission Expires: _____

STATE OF ALASKA)
)ss.
FIRST JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this _____ day of _____ 20____ by _____, the **(title of office)** _____ of **(name of organization)** _____ for and on behalf of the organization.

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

(SEAL)

Notary Public for State of Alaska
My Commission Expires: _____

Exhibit A

Scope of Work – Greater Sitka Chamber of Commerce

The Greater Sitka Chamber of Commerce will be responsible for providing all Convention and Visitor Bureau services for the municipality as follows:

1) Marketing and Promotion:

- a) Develop and implement a marketing plan and associated budget to effectively increase the number of revenue generating functions, increase the number of independent travelers visiting, and support the growth of the cruise industry in Sitka. The plan will be continually evaluated for success and strategized for updates and revisions to keep up with the quickly evolving technological world.
- b) Collaborate with State and local tourism related groups, committee's, and commissions.
- c) Design and publish annual visitors guide, place ads online and in print media.
- d) Maintain promotional social media pages.
- e) Develop and maintain a promotional website.
- f) Host media members and group tour operators, cruise line visits and public relations.

2) Visitor Services:

- a) Provide telephone and email contacts for information requests and inquiries by the public.
- b) Provide timely and accessible visitor bureau services which address the informational needs of visitors via first person assistance, telephone, and internet access. First person assistance to be limited to normal business hours at the office and at the kiosk during the hours a cruise ship is in port.
- c) Provide an accessible and visible office in Sitka's central business district
- d) Respond to visitor inquiries in a variety of mediums, including staffing visitor information desks at both lightering facilities during cruise days
- e) Create and distribute printed information pieces for use by visitors while in Sitka.
- f) Provide information and/or brochures about lodging, restaurants, excursion's, tours, fishing charters, wildlife tours, trips and other attractions in the Sitka area.
- g) Provide knowledgeable information about local goods and services, as well as cultural and historical information about Sitka thru both internet based portals, as well as physical information rack(s) located at strategic locations within Sitka.

3) Convention Sales and Services:

- a) Market Sitka as a year round meeting, conference, and convention destination. Highlight Sitka's marketable features and services in publications, by direct mail and on websites to attract groups.
- b) Collaborate and strategize with venue managers and the business community to attract conventions.
- c) Assist groups with conference planning (securing locales and assist with contracts, bids, printed collateral, etc.)

- d) Provide information on all support services offered in the community, create and distribute convention delegate welcome folders and welcome signs in downtown businesses.
- e) Follow up with groups, and venue and service providers to ensure customer satisfaction.

4) **Reporting**

- a) Provide quarterly, a staff prepared narrative summary describing activities from the quarter and a financial report prepared by an external bookkeeper. Reports should be submitted within 60 days of the quarter's completion.
- b) Provide an annual State of the Sitka Convention and Visitor Industry report to the Assembly.

5) **Other Services:**

- a) Regularly update a marketing and promotional website and the annual visitor guide, as well as brochure displays.
- b) Develop and regularly email newsletters to visitor industry businesses and providers in Sitka.
- c) Research cruise industry information and maintain an up-to-date summer cruise ship calendar on the promotional website.
- d) Manage additional contracts for the CBS as negotiated.

6) **Metrics:**

The performance of the contractor shall be based on its effectiveness to reach potential visitors, secure convention bookings, and increase tourism in Sitka. In measuring performance of marketing efforts, there is no single statistic that can be utilized to determine the effectiveness, however looking at the trends of a wide range of metrics on an annual basis can provide information regarding marketing efforts and the effectiveness of those efforts. The following metrics shall be tracked on an annual basis with FY17 being the baseline year.

- a) **Convention Metrics** – These metrics will track the contractor's effectiveness at generating interest for conventions in Sitka and its ability to sell organizations on Sitka as a convention destination.
 - 1. Convention Inquiries
 - 2. Convention Bookings
 - 3. Total Number of Convention Attendees
 - 4. Ratio of Convention Inquiries to Bookings
- b) **Visitor Inquiries** – The goal of visitor marketing is to generate interest in Sitka. Effective marketing campaigns should generate additional inquiries. In addition, by tracking the number of inquires as a ratio to marketing costs, it will provide an indicator of performance vs. cost.
 - 1. Number of E-mail Inquiries
 - 2. Number of Telephone Inquiries
 - 3. Number of Unique Website Visits
 - 4. Ratio of total number of inquires to direct and indirect visitor services marketing costs

- c) Economic Indicators – Increased tourism will benefit the economy of Sitka. The key economic indicators will show the financial impact of increased tourism. However, global factors not relating to marketing performance can also affect the visitor industry. For this reason, the economic indicators can give an indication of tourism trends in Sitka, however, these statistics alone cannot be utilized to determine marketing performance.
1. Bed Tax Revenue
 2. Ratio of Bed Tax Revenue to Previous Year Total Visitor Inquiries
 3. Fish Box Tax Revenue
 4. Total Cruise Ship Visitors
 5. Qtr 2 and Qtr 3 Sales Tax Revenue

Exhibit B

Compensation and Payment – Greater Sitka Chamber of Commerce

In consideration of Contractor's responsibilities under this agreement, Owner (also referred to herein as "CBS") agrees to pay Contractor according to the payment schedule provided below:

Remainder of Fiscal Year 2016 (October 1, 2015 – June 30, 2016)

Upon full execution of contract \$100,000
Jan 1, 2016 contract \$75,000
April 1, 2016 contract \$50,000

For all subsequent Fiscal Years, twenty five percent of the Fiscal Year Contract Amount (defined below) will be paid at the start of each fiscal quarter.

For the 2017 Fiscal Year all Subsequent Fiscal Years

July 10 – 25% of the Fiscal Year Contract Amount
October 1 – 25% of the Fiscal Year Contract Amount
January 1 – 25% of the Fiscal Year Contract Amount
April 1 – 25% of the Fiscal Year Contract Amount

The Fiscal Year is that of Owner and commences on July 1 of the year and ends on June 30 of the following year. The "Fiscal Year Contract Amount" shall have the following meaning and shall be calculated as follows:

The dollar amount that is 92% of the 3 year rolling average of each fiscal year of the amount of Bed Tax (defined below) collected in the three previous Fiscal Years or \$300,000, whichever is greater. CBS staff will, in collaboration with the Assembly and the Chamber, review increasing this Bed Tax set aside. The three year average will be adjusted to the amount negotiated.

"Bed Tax" shall mean all taxes, fees, collected by CBS for hotel, motel, bed and breakfast, transient room rentals, to which such tax is applicable, pursuant to Chapter 4.24 of the Sitka General Code, and any amendment thereto and/or recodification thereof.

CBS agrees to allow Contractor use of all physical and intellectual property (currently being used by the SCVB) related to providing convention and visitor services and marketing for the term of the contract period.



Legislation Details

File #: ORD 15-42 Version: 1 Name:

Type: Ordinance Status: AGENDA READY

File created: 8/20/2015 In control: City and Borough Assembly

On agenda: 9/8/2015 Final action:

Title: Amending Sitka General Code Title 22 Zoning to allow asphalt plants and concrete batch plants as a conditional use in the Industrial zone

Sponsors:

Indexes:

Code sections:

Attachments: [Ordinance 2015-42](#)

Date	Ver.	Action By	Action	Result
8/25/2015	1	City and Borough Assembly		

Suggested Motion

I MOVE TO approve Ordinance 2015-42 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: Michael Scarcelli, Senior Planner *MS*

Subject: Ordinance 2015-42 Amending Industrial District regulations to allow under conditional uses an Asphalt Plant and Concrete batch Plant.

Date: August 17, 2015

The Planning Commission is recommending approval of a zoning text amendment to modify SGC Table 22.16.015-5 to allow for conditional use permits for Asphalt Plants and Concrete Batch Plants located in Industrial zoning districts.¹

The proposal is designed to decrease project costs, provide for more efficient supply of building materials, reduce building costs, and to increase City resources towards other matters. The request is filed by the City and Borough of Sitka. Action on this item was taken at the August 4, 2015 Planning Commission meeting. The recommendation to approve the request passed unanimously 4-0.

The Public Works and Planning and Community Development Staff support the zoning text amendment. No other comment was received.

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.

¹ Section 22.40.140 Provides for Board of Adjustment to approve temporary use permits for such plants on a per-project basis. In addition to the proposed amendment of the use table, this section will be removed.

CITY AND BOROUGH OF SITKA
ORDINANCE NO. 2015-42

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING SITKA
GENERAL CODE TITLE 22 ZONING TO ALLOW ASPHALT PLANTS AND CONCRETE
BATCH PLANTS AS A CONDITIONAL USE IN THE INDUSTRIAL ZONE

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

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 asphalt plants and concrete batch plants as a conditional use in the industrial zone and 2) removing 22.20.140 Asphalt plants and concrete batch plants. The intent is to permit asphalt plants and concrete batch plants on more than a temporary basis.
4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough to revise the following sections of SGC Titles 22 as listed below (new language underlined; deleted language stricken):

Table 22.16.015-5 Manufacturing/Storage Uses.

Table 22.16.015-5
Manufacturing/Storage Uses

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP (7)
MANUFACTURING																		
• Food products include seafood processing										C	C	P	P	C	C	C		
• Mariculture												P		C	C			
• Winery/brewery, small scale									C	C	C	P	P	C	C			
• Textile mill products										C	C	P	P	C	C			
• Apparel and textile products										C	C	P	P	C	C			
• Wood products, except furniture										C	C	P	P	PU/CS	C			
• Furniture and fixtures										P	P	P	P	P	C			
• Paper and allied products										C	C	P	P	C	C			
• Petroleum refining and related products										C	C	P	P					

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

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP (7)
• Rubber and plastics products										C	C	P	P					
• Leather and leather goods										P	P	P	P	C	C			
• Tannery										C	C							
• Stone, clay, glass and concrete products										C	C	P	P	C	C			
• Primary metal products										C	C	P	P	C	C			
• <u>Asphalt plant/concrete batch plant</u>													C					
• Fabricated metal products										C	C	P	P	C				
• Industrial and commercial machinery										C	C	P	P					
• Heavy machinery and equipment										C	C	P	P					
• Computer and office equipment										P	P	P	P	C	C			
• Electronic and electric equipment										P	P	P	P	PU/CS	C			
• Miscellaneous vehicle manufacturing										C	C	P	P	C				
• Boat building										C	C	P(5)	P	C				
• Tire retreading										C	C	P	P					
• Other manufacturing										C	C	P	P(6)	C	C			
STORAGE AND WAREHOUSING													P					
• Marine equipment/commercial fishing gear/material storage										P	P	P	P	PU/CS	C			
• Boat storage										P	P	P	P					
• Construction materials storage									P	P	P	P	P	C	C	C		
• Trucking, courier and taxi service facilities									P	P	P	P(5)	P	C	C			
• Warehousing and wholesale trade									P	P	P	P(5)	P	C				
• Self-service storage									P	P	P	P	P	C				
• Log storage	C									C	C	P	P	C		P		
• Freight and cargo services									P	P	P	P(5)	P	C				
• Equipment rental services									P	C	C	P	P	C				
• Vehicle rental services									P	P	P	P	P	C				

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

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP (7)
• Natural resource extraction and mining support facilities												C	C	C	C			C
• Storage of explosives													C					
• Bulk fuel storage												C						

P: Public Lands District

SF: Single-Family District

SFLD: Single-Family Low Density District

R-1: Single-Family/Duplex District

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

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

R-2: Multifamily District

R-2 MHP: Multifamily/Mobile Home District

CBD: Central Business District

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

WD: Waterfront District

I: Industrial District

GI: General Island District

LI: Large Island District

R: Recreational District

OS: Open Space District

GP: Gary Paxton Special District

29 P—Permitted

30 C—Conditional Use Permit Required

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

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

33 1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission
34 recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all
35 reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable
36 alternative locations for the use.

37 2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland
38 uses may be non-water-related.

39 3. No industrial use shall be of a nature which is noxious or injurious to nearby properties by reason of
40 smoke, emission of dust, refuse matter, odor, gases, fumes, noise, vibration or similar conditions.

41 4. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved,
42 on a case-by-case basis.

43 5. Ferry terminals, barge freight terminals, docks and harbor facilities including float plane facilities, fueling
44 piers and tank farms and other port facilities are permitted principal uses subject to planning commission
45 review and public hearing and assembly approval of a binding site plan.

46 6. Automobile wrecking yards, salvage yards, and junkyards are conditional uses and shall be set back a
47 minimum of twenty feet from property lines and be enclosed by fences a minimum of eight feet in height.
48 The setback area may be used for customer parking but not for vehicle storage.

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

51 ***

52 ~~22.20.140 Asphalt plants and concrete batch plants.~~

53 ~~A. The board of adjustment may issue temporary permits for asphalt and concrete batch plants,~~
54 ~~for specific named projects, in public lands and industrial districts except on park, school or~~
55 ~~hospital grounds. Such permits shall be for up to five months or the length of the project~~
56 ~~whichever is longer and may be renewed only once in any given calendar year.~~

57 ~~B. The plant shall be removed upon completion of the project or within thirty days of the~~
58 ~~expiration of the permit.~~

59 ~~C. Applicants shall address in their application neighborhood composition, traffic to and from the~~
60 ~~site, noise, dust, and stipulated hours of operation. A site plan shall also be provided.~~

61 ***

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

64 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka,
65 Alaska this 8th day of September 2015.

66 _____
67 Mim McConnell, Mayor

68 ATTEST:
69 _____
70 Sara Peterson, CMC
71 Municipal Clerk
72



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: 8/4/15

From: Maegan Bosak, PCDD

To: Planning Commission

Re: ZTC 15-05 To allow asphalt plants/concrete batch plants in Industrial zone with conditional use permit

GENERAL INFORMATION

Applicant: City and Borough of Sitka

Property Owner: ZTC would apply to I Industrial zone

Property Address: N/A

Legal Description: N/A

Parcel ID Number: N/A

Size of Existing Lot: N/A

Zoning: Industrial

Existing Land Use: Industrial

Utilities: N/A

Access: Varies

Surrounding Land Use: Various

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

ATTACHMENTS

Attachment A: Application

Attachment B: SGC 22.24.010 B

Attachment C: Public Comments

PROJECT DESCRIPTION

Request is a zoning text change to allow asphalt plants and concrete batch plants in the I Industrial zone with a conditional use permit. This change would allow an asphalt plant or concrete batch plant to stay on a property in Sitka permanently with a conditional use permit.

Asphalt and concrete are a need at all times not just for specific projects as currently permitted with a temporary use permit. Allowing an asphalt plant or concrete batch plant with an approved conditional use permit could fill this need on a permanent basis.

Staff sees this code change being implemented primarily in the Granite Creek area which is accustomed to intensive industrial uses.

BACKGROUND AND ANALYSIS

SGC 22.20.140 currently states that:

A. The board of adjustment may issue temporary permits for asphalt and concrete batch plants, for specific projects, in public lands and industrial districts except on park, school or hospital grounds. Such permits shall be for up to five months or the length of the project whichever is longer and may be renewed only once in any given calendar year.

B. The plant shall be removed upon completion of the project or within thirty days of the expiration of the permit.

C. Applicants shall address in their application neighborhood composition, traffic to and from the site, noise, dust, and stipulated hours of operation. A site plan shall also be provided.

Project Site: varies

Project Design: varies

Traffic: Could create an increase in traffic, specifically truck traffic, in Industrial zones.

Parking: No change to parking.

Noise: Could be a substantial increase in noise dependent upon lot characteristics and hours of operation.

Public Health or Safety: Public health factor in that asphalt/concrete plants do put out emissions and noise.

Habitat: Could impact habitat in immediate area.

Property Value or Neighborhood Harmony: Substantial use such as a asphalt plant could put a strain on neighborhood harmony due to noise created and increased truck traffic.

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

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

CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
August 4, 2015

Present: Chris Spivey (Acting Chair), Debra Pohlman (Member), Darrell Windsor (Member)
Randy Hughey (Member), Michael Scarcelli (Senior Planner), Maegan Bosak
(Planning & Community Development Director)

Absent: Richard Parmelee (Chair)

Members of the Public: John Totten, Kristy Kissinger Totten, Jim Steffen, Judy Steffen, Dan
Jones, Jane Eidler, Sheila Finkenbinder

Vice Chair Spivey called the meeting to order at 7:00 p.m.

Roll Call:

PRESENT: 4 – Spivey, Pohlman, Windsor, Hughey. Note: Acting Chair Chris Spivey
recused himself from items B and C due to a business association with Alps Credit
Union, the owner of the property. Darrell Windsor agreed to serve as chair for this
case in his stead.

Consideration of the Agenda:

Staff informed the commission that item A was pulled from this meeting's agenda.

Consideration of the Minutes from the July 21, 2015 meeting:

MOTION: M/S WINDSOR / POHLMAN moved to approve the meeting minutes for July
21, 2015.

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

The evening business:

CONDITIONAL USE PERMIT
401 AND 407 HALIBUT POINT ROAD
DANIEL JONES FOR ALPS CREDIT UNION

*Public hearing and consideration of an expansion of a credit union conditional use permit at
401 and 407 Halibut Point Road. The property is also known as Lots A and B, Block 24, U.S.
Survey 1474-A and Lot A, Burgess Estates. The request is filed by Daniel G. Jones, P.E, LLC.
The owner of record is ALPS Federal Credit Union.*

STAFF REPORT: Bosak described the project, a request for an expansion of the conditional use
permit held by Alps Credit Union in an R-2 zone. The conditional use permit was approved by the
Assembly in 1998 with these conditions: 1. The traffic flow and off-street parking arrangement
conforms with the recommendation of the Planning Commission. 2. That staff review the lighting

situation to reduce the negative effects of lighting on adjacent residential properties incorporating additional lighting benefits to Erler Street if practical. 3. The storm drainage is to be contained and be directed subsurface into existing storm drainage system. 4. No water is to be allowed to be directed onto Halibut Point Road or Erler Street. Bosak noted that the expansion would involve a second lot that has already been in use for commercial purposes, at 407 Halibut Point Road. She shared comments which have come in from neighbors voicing opposition to this request. The Department of Transportation also provided a comment that the applicant would need to consult with DOT regarding their plan for a third driveway onto the property. Staff didn't perceive that this request would cause noticeable additional traffic, or noise, but did request further clarification from the applicant regarding the parking plan in terms of total number of spaces -- code allows nothing smaller than spaces measuring 9' x 18' and the application shows some spaces denoted as "small car" parking. Staff also encouraged further clarification regarding signage, setbacks and the bank edging the property.

APPLICANT: Dan Jones clarified the site plan including the location and flow of the drive-thru. He also discussed parking, and ways that compliance could be met on parking and on signage. Bosak asked what the impetus was for this request and Jones said he didn't know for sure but his guess is that it is a need for additional office space to support additional branches that have opened.

PUBLIC COMMENT: Residents spoke in opposition to the request due to concerns about the effect on neighbors' views, citing commercial "creep," as well as traffic and parking issues. Chris Spivey spoke as a member of the public suggesting that the applicant consider the possibility of keeping the drive-thru directing traffic onto Erler Street.

COMMISSIONER DELIBERATION: Commissioners were against increasing the impact on the value of the Totten's property as well as impacts on the residential nature of the area. Pohlman expressed concern about the size of the parking spaces, and public safety concerns with regard to the bike lane. There was discussion around denying or postponing this request to open the way for a future possible plan for a one-story building. Staff reminded commissioners that in a R-2 zone, buildings can be up to 40 feet in height, and impacts on neighbors' views or values are not taken into account.

MOTION: M/S HUGHEY/ POHLMAN moved to deny the following findings:

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

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare; *specifically residential neighbors in the adjacent area.*
 - b. Adversely affect the established character of the surrounding vicinity; *specifically, the residential nature of the R2 zone, nor*
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located, *specifically adjacent property values.*

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.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The general approval criteria are as follows:

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

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

MOTION: M/S HUGHEY/POHLMAN moved to recommend denial of an expansion of a credit union conditional use permit at 401 and 407 Halibut Point Road based on the findings, due to concerns for the residential quality of the neighborhood, and concerns about traffic flow, public safety, and parking. The property is also known as Lots A and B, Block 24, U.S. Survey 1474-A and Lot A, Burgess Estates. The request is filed by Daniel G. Jones, P.E, LLC. The owner of record is ALPS Federal Credit Union.

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

**RE-PLAT
401 AND 407 HALIBUT POINT ROAD
DAN JONES FOR ALPS CREDIT UNION**

Public hearing and consideration of a replat at 401 and 407 Halibut Point Road filed by Daniel G. Jones, P.E, LLC. The replat will remove the center lot line and merge two lots into one. The property is also known as Lots A and B, Block 24, U.S. Survey 1474-A and Lot A, Burgess Estates. The owner of record is ALPS Federal Credit Union.

STAFF REPORT: Bosak explained that this re-plat is an option which the applicant will hold in reserve for now as it would negate the existing conditional use permit, and a new permit would have to be approved based on the expanded site plan.

APPLICANT: Dan Jones said he was available to answer any questions.

COMMISSIONER DELIBERATION: There was no commissioner deliberation.

PUBLIC COMMENT: No public comment.

MOTION: M/S POHLMAN/HUGHEY moved to approve a replat at 401 and 407 Halibut Point Road filed by Daniel G. Jones, P.E, LLC. The replat will remove the center lot line and merge two lots into one. The property is also known as Lots A and B, Block 24, U.S. Survey 1474-A and Lot A, Burgess Estates. The owner of record is ALPS Federal Credit Union.

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

**ZONING TEXT AMENDMENT
ASPHALT PLANTS IN INDUSTRIAL ZONES WITH CUP
CITY AND BOROUGH OF SITKA**

Public hearing and consideration of a proposed zoning text amendment to modify SGC Table 22.16.015-5 Manufacturing/Storage Uses to allow asphalt plants and concrete batch plants in an Industrial Zone with a conditional use permit. The request is filed by the City and Borough of Sitka.

STAFF REPORT: Bosak explained that currently asphalt plants are only allowed in Sitka under a temporary use permit. The need for asphalt is an essential one to Sitka, and is recurring, and under the temporary use permit, equipment has to be brought in from out of town, rather than remaining on a site, greatly increasing costs to the city and to residents needing asphalt work. This request would allow an asphalt plant to operate in an Industrial zone under a conditional use permit.

COMMISSIONER DELIBERATION: Commissioners clarified their understanding of the request.

PUBLIC COMMENT: No public comment.

COMMISSIONER DELIBERATION: Commissioners had no further questions.

MOTION: M/S POHLMAN/HUGHEY moved to recommend approval of a proposed zoning text amendment to modify SGC Table 22.16.015-5 Manufacturing/Storage Uses to allow asphalt plants and concrete batch plants in an Industrial Zone with a conditional use permit. The request is filed by the City and Borough of Sitka.

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

**CONDITIONAL USE PERMIT
415 DEARMOND STREET
SHEILA FINKENBINDER**

Public hearing and consideration of a B&B conditional use permit at 415 DeArmond Street. The property is also known as Lot 12 and a portion of Lot 11, Block 26 of the Spruce Glen Subdivision. The request is filed by Sheila Finkenbinder. The owner of record is Sheila Finkenbinder

STAFF REPORT: Bosak described the long process leading up to this point involving many meetings, and ultimately a zoning text change allowing for a B&B to operate in the owner-occupied side of a duplex. This request is for a conditional use permit to operate a B&B for single guests during mostly the summer months. The dwelling is 984 square feet, and is a one-story, two-bedroom, one bath house with an attached cottage that acts as a long-term rental. The site has in excess of five parking spots.

APPLICANT: Sheila Finkenbinder expressed happiness that this was now an option for people in Sitka trying to generate some income through home sharing. Staff asked if food would be served and the applicant said perhaps simple fare, but she just bought a sign that said: Bed and Breakfast: You Make Both.

COMMISSIONER DELIBERATION: Pohlman said some visitors had come into her place of work and they were asking about B&B lodging because everything they had looked at was full.

PUBLIC COMMENT: No public comment.

MOTION: M/S WINDSOR/POHLMAN moved to approve the following findings:

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

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located,
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan, *specifically 2.1.1. Encourage the development of facilities to accommodate visitors without significant impacts on residential properties.*

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The general approval criteria are as follows:

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

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

MOTION: M/S SPIVEY/WINDSOR moved to recommend approval of a bed and breakfast conditional use permit at 415 DeArmond Street. The property is also known as Lot 12 and a portion of Lot 11, Block 26 of the Spruce Glen Subdivision. The request is filed by Sheila Finkenbinder. The owner of record is Sheila Finkenbinder

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

DIRECTORS REPORT: Bosak introduced new Senior Planner Michael Scarcelli.

PUBLIC COMMENT: No public comment was offered.

MOTION: M/S WINDSOR/SPIVEY moved to adjourn at 9:12 pm.

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

Chris Spivey, Vice Chair

Maegan Bosak, Acting Secretary

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: CBS
Phone Number: _____
Mailing Address: _____
Applicant's Signature: _____ Date Submitted: _____

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: ZFC to Allow ASPHALT Plant in Industrial Zone with a conditional use permit.

EXPLANATION OF REQUEST:

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.

Carole Gibb

From: Dan Tadic
Sent: Wednesday, July 29, 2015 11:54 AM
To: Carole Gibb
Cc: Maegan Bosak; Stephen Weatherman; Ted Laufenberg
Subject: Aug 4-5 Planning Commission Agenda - PW Comments

Hi Carole,

I will be out of town on Aug 4-5 so unable to attend the Planning Commission meetings. Stephen Weatherman will be acting Municipal Engineer in my absence, but I don't feel it necessary that he attend these meetings. Please let us know if you feel otherwise. I offer the following comments on the agendas:

Tues, Aug 4

Item D: Public Works fully supports the proposed zoning text amendment to allow asphalt and concrete batch plants in an Industrial Zone with a conditional use permit. Barging plants to Sitka for small projects is untenable. Having local asphalt and concrete plants is in the City's best interest for both public and private projects to keep costs reasonable. This text change would also allow for a public process prior to setting up a new plant to ensure visibility and accountability.

Wed, Aug 5

Item A: Public Works sees issues with the parking plan as shown. Due to the nature of this lot location (at the confluence of three non-perpendicular streets - New Archangel, Spruce and HPR), this parking plan would create traffic safety issues. Drivers would be forced to back out of the parking spaces into the Right-of-Way (ROW) with limited visibility for oncoming drivers due to the proximity of the parking spaces to the intersection and the presence of adjacent parked vehicles obstructing their view. Furthermore, CBS typically restricts driveways to 20' wide max (residential) or 30' wide max (commercial) as opposed to allowing full lot frontage driveways. The idea is to restrict ingress/egress in to the ROW to a single safe location. That location is typically required to be a minimum of 6' from a property line. In this particular situation, the property line abuts a three-way intersection presenting an unsafe location.

Item E: Ted Laufenberg will represent CBS on this item as he is the Project Manager on this project. He will be present our request and be prepared to answer any questions.

Thanks,

Dan Tadic, P.E.
Municipal Engineer
City and Borough of Sitka
Department of Public Works
100 Lincoln Street
Sitka, AK 99835
P (907) 747-1807
F (907) 747-3158
dan.tadic@cityofsitka.org

****PLEASE UPDATE YOUR ADDRESS BOOK TO REFLECT MY NEW EMAIL ADDRESS****



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Notice of Public Hearings

The Assembly of the City and Borough of Sitka will hold a public hearing during a regular meeting scheduled Tuesday, August 25, 2015 on the following items:

- A. Ordinance 2015- 42 Public hearing and consideration of a proposed zoning text amendment to modify SGC Table 22.16.015-5 Manufacturing/Storage Uses to allow asphalt plants and concrete batch plants in an Industrial Zone with a conditional use permit. The request is filed by the City and Borough of Sitka.
- B. Public hearing and consideration of a B&B conditional use permit at 415 DeArmond Street. The property is also known as Lot 12 and a portion of Lot 11, Block 26 of the Spruce Glen Subdivision. The request is filed by Sheila Finkenbinder. The owner of record is Sheila Finkenbinder.
- C. Public hearing and consideration of a conditional use permit for a short-term rental at 703 Biorka Street. The property is also known as Lot 11, Block 23, Sitka Townsite, U.S. Survey 1474. The request is filed by Deanna Moore. The owner of record is Deanna Moore.

The Assembly may take action on August 25, 2015. The Assembly meeting will begin at 6:00 pm at University of Alaska Southeast 1332 Seward Avenue Room 229 in Sitka.

Interested residents are encouraged to make comments during the meeting and written comments can be submitted to the Municipal Clerk at 100 Lincoln Street.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Sitka Planning Commission Agenda

Tuesday, August 4, 2015

Held at Sealing Cove Business Center

601 Alice Loop, Sitka, Alaska

7:00pm

- I. CALL TO ORDER AND ROLL CALL
- II. CONSIDERATION OF THE AGENDA
- III. CONSIDERATION OF THE MINUTES FROM July 21, 2015
- IV. THE EVENING BUSINESS
 - A. Public hearing and consideration of a zoning map amendment at 1004 Halibut Point Road and 205 Kimsham Street to change the zoning from R-1 Single Family and Duplex Residential District to C-1 General Commercial District. The property is also known as Lots 3 & 4, U.S. Survey 3303. The request is filed by Trudy Prewitt. The owner of record is The Prewitt Family Trust.
 - B. Public hearing and consideration of an expansion of a credit union conditional use permit at 401 and 407 Halibut Point Road. The property is also known as Lots A and B, Block 24, U.S. Survey 1474-A and Lot A, Burgess Estates. The request is filed by Daniel G. Jones, P.E, LLC. The owner of record is ALPS Federal Credit Union.
 - C. Public hearing and consideration of a replat at 401 and 407 Halibut Point Road filed by Daniel G. Jones, P.E, LLC. The replat will remove the center lot line and merge two lots into one. The property is also known as Lots A and B, Block 24, U.S. Survey 1474-A and Lot A, Burgess Estates. The owner of record is ALPS Federal Credit Union.
 - D. Public hearing and consideration of a proposed zoning text amendment to modify SGC Table 22.16.015-5 Manufacturing/Storage Uses to allow asphalt plants and concrete batch plants in an Industrial Zone with a conditional use permit. The request is filed by the City and Borough of Sitka.**
 - E. Public hearing and consideration of a B&B conditional use permit at 415 DeArmond Street. The property is also known as Lot 12 and a portion of Lot 11, Block 26 of the Spruce Glen Subdivision. The request is filed by Sheila Finkenbinder. The owner of record is Sheila Finkenbinder.
- 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: July 27 and 29

Providing for today...preparing for tomorrow



Legislation Details

File #: 15-170 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 9/1/2015 In control: City and Borough Assembly

On agenda: 9/8/2015 Final action:

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

Sponsors:

Indexes:

Code sections:

Attachments: [Motion and ALPS CUP](#)
[Comments ALPS CUP](#)
[BOA Hearing Outline](#)

Date	Ver.	Action By	Action	Result
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BOARD OF ADJUSTMENT

1)

I MOVE TO CONVENE AS THE BOARD OF ADJUSTMENT

2)

HEARING NOW TAKES PLACE

3)

The BOA has the ability to approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit.

One possible motion as recommended by Planning Commission -

I MOVE TO deny a conditional use permit for the expansion of a credit union at 401 and 407 Halibut Point Road. The request is filed by Daniel G. Jones, P.E., LLC. Owner of record is ALPS Federal Credit Union. Denial was recommended by the Planning Commission as the following findings could not be met in accordance with the Planning Commission. Further, in accordance with Sitka General Code the Planning Commission shall not recommend approval of a proposed development unless it can first meet the following findings, conditions and conclusions. The Planning Commission further recommended denial of the conditional use permit due to concerns with the residential quality of the neighborhood, concerns about traffic flow, public safety, and parking. The Board of Adjustment supports the Planning Commission's decision and denies the conditional use permit; and request that they be made a part of the final decision of record: **(No need to read the actual findings if this motion is approved they will be included as part of the official record.)**

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

1. a. be detrimental to the public health, safety, and general welfare; *specifically residential neighbors in the adjacent area.*

b. not adversely affect the established character of the surrounding vicinity; the R-1 single-family and duplex residential district is intended primarily for single-family or duplex residential dwellings at moderate densities; *specifically, the residential nature of the R2 zone, nor*

c. not be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located, *specifically adjacent property values.*

2. That the granting of the proposed Conditional Use Permit is consistent and compatible with the intent of the goals, objectives and policies of the Comprehensive Plan and any implementing regulation, *specifically 2.5.2: to encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas.*

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

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

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

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

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

The general approval criteria are as follows:

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

Conditional uses.

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

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

- a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses.
- b. Amount of noise to be generated and its impacts on surrounding land uses.
- c. Odors to be generated by the use and their impacts.
- d. Hours of operation.
- e. Location along a major or collector street.
- f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario.
- g. Effects on vehicular and pedestrian safety.
- h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site.
- i. Logic of the internal traffic layout.
- j. Effects of signage on nearby uses.
- k. Presence of existing or proposed buffers on the site or immediately adjacent the site.
- l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan.
- m. Other criteria that surface through public comments or planning commission assembly review.

Actions after BOA Decision

REMAND – RECONSIDERATION – JUDICIAL APPEAL

**I MOVE TO RECONVENE⁴⁾ AS THE ASSEMBLY IN
REGULAR SESSION**



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: Michael Scarcelli, Senior Planner *(MS)*

Subject: Conditional Use Permit Request by ALPS Federal Credit Union for 401 and 407 Halibut Point Road for Expansion in R-2 Zone.

Date: August 31, 2015

The Planning Commission is recommending denial of an expansion of a conditional use permit for a credit union at 401 and 407 Halibut Point Road based upon the findings, due to concerns for the residential quality of the neighborhood, concerns about traffic flow, public safety, and parking. Action on this item was taken at the August 4, 2015 Planning Commission meeting. The action for recommendation of denial of the request passed unanimously 3-0.¹

Daniel G. Jones, P.E., LLC filed the application for property owner, ALPS Federal Credit Union, and is requesting a conditional use permit for expansion of an existing conditional use at 401 Halibut Point Road in a R-2 zone to also include 407 Halibut Point Road.² Currently, 407 Halibut Point Road is also used for commercial purposes by Northern Credit Service. ALPS can continue in their 401 location and additionally at their separate 407 location under their original CUP and existing use, respectively.

The proposal, which ran concurrent with a Planning Commission consideration of a subdivision replat,³ proposes to enlarge the existing square footage of the two-story structure from 4,754 square feet to 8,038 square feet. In addition, the proposal would expand the lot size to 23,566 square feet and add an additional drive-way, which the DOT commented would require their approval as well.

The concerns of staff included the proposed "small car parking," which is not provided for in code, and also how to the bank edged the property and setbacks. Staff also had a discussion regarding signage.

¹ Commissioner Chris Spivey recused himself due to his employment with a competing bank in the local economy.

² The existing CUP was effective January 27, 1998.

³ Subdivision Replat if recorded would negate extinguish current CUP and applicants have indicated they will hold approval in reserve until this request is finalized. The Planning Commission has approved the replat, which in essence merges two adjoining lots at 401 and 407 HPR.

The applicant did not provide details about the impetus for the expansion or details about the operational characteristics. However, he did provide clarification of the flow of the drive-thru, and how signage and parking would meet code requirements.

The public comment received was in opposition to approval due to concerns about effects on neighbor's views, citing commercial "creep", as well as traffic and parking issues. Chris Spivey spoke suggesting a rearrangement of the traffic flow onto Erler Street.

The Commissioners deliberated, focusing on impacts to the adjacent residential property owned by the Totten's, impacts on the residential nature of the area, concerns about parking spaces, and public safety, specifically, the bike lane. There was some partial discussion about postponing the vote of recommendation to reconsider a new, smaller-scale one-story proposal. Staff reminded the Commission that buildings in the R-2 zone can be up to 40 feet and that impacts on neighbor's views are not taken into account, but that impacts on property values can be.

MOTION: M/S HUGHEY/ POHLMAN moved to deny the following findings:

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

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare; *specifically residential neighbors in the adjacent area.*
 - b. Adversely affect the established character of the surrounding vicinity; *specifically, the residential nature of the R2 zone, nor*
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located, *specifically adjacent property values.*
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.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The general approval criteria are as follows:

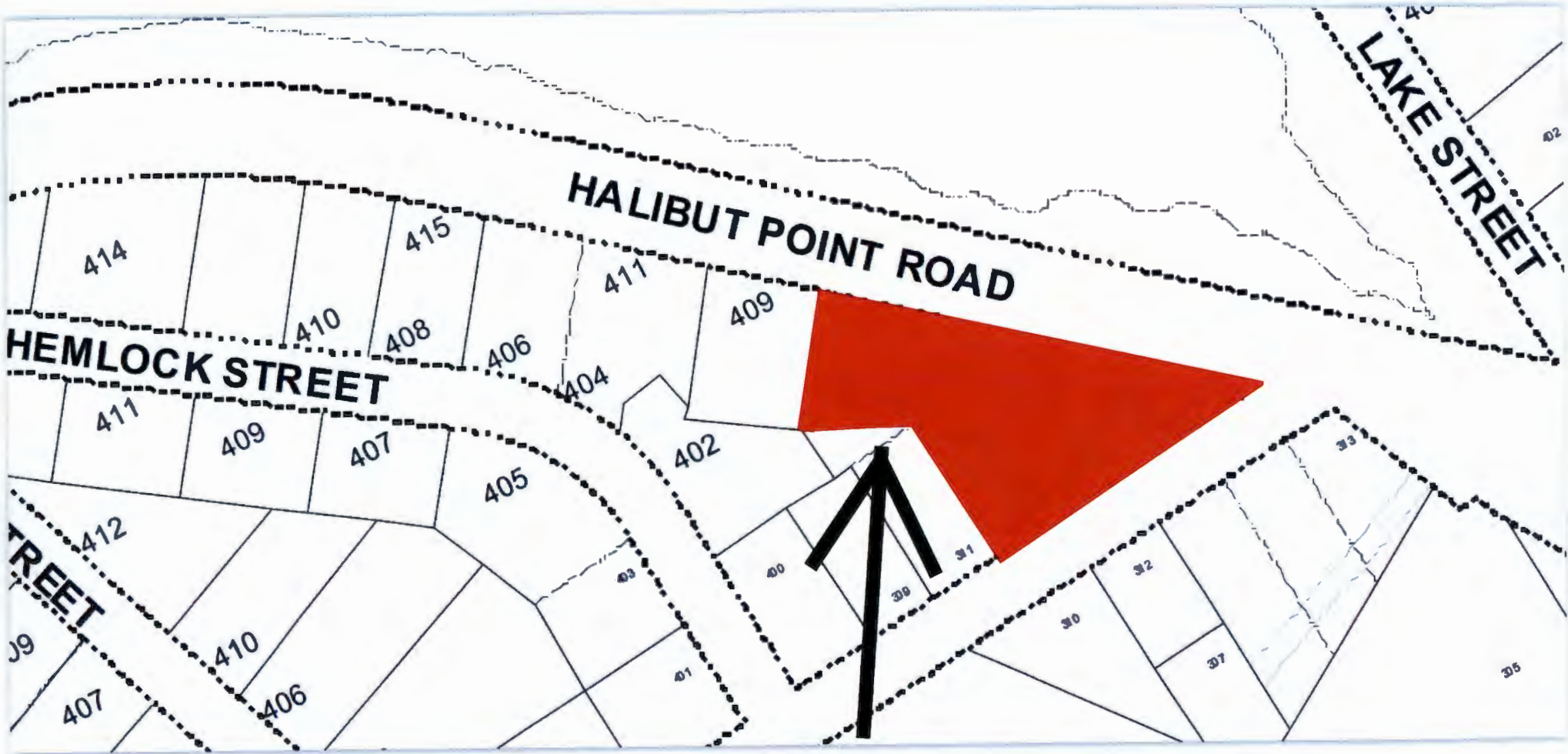
1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers,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

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

MOTION: M/S HUGHEY/POHLMAN moved to recommend denial of an expansion of a credit union conditional use permit at 401 and 407 Halibut Point Road based on the findings, due to concerns for the residential quality of the neighborhood, and concerns about traffic flow, public safety, and parking. The property is also known as Lots A and B, Block 24, U.S. Survey 1474-A and Lot A, Burgess Estates. The request is filed by Daniel G. Jones, P.E, LLC. The owner of record is ALPS Federal Credit Union.

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

Recommendation: The Planning Commission recommends to deny the request for a Conditional Use Permit for the expansion of a credit union located at 401 & 407 Halibut Point Road. Staff recommends the applicant provides a reduced building in height and size enabling them to meet parking and setback requirements, while also offering the opportunity to mitigate traffic impacts.

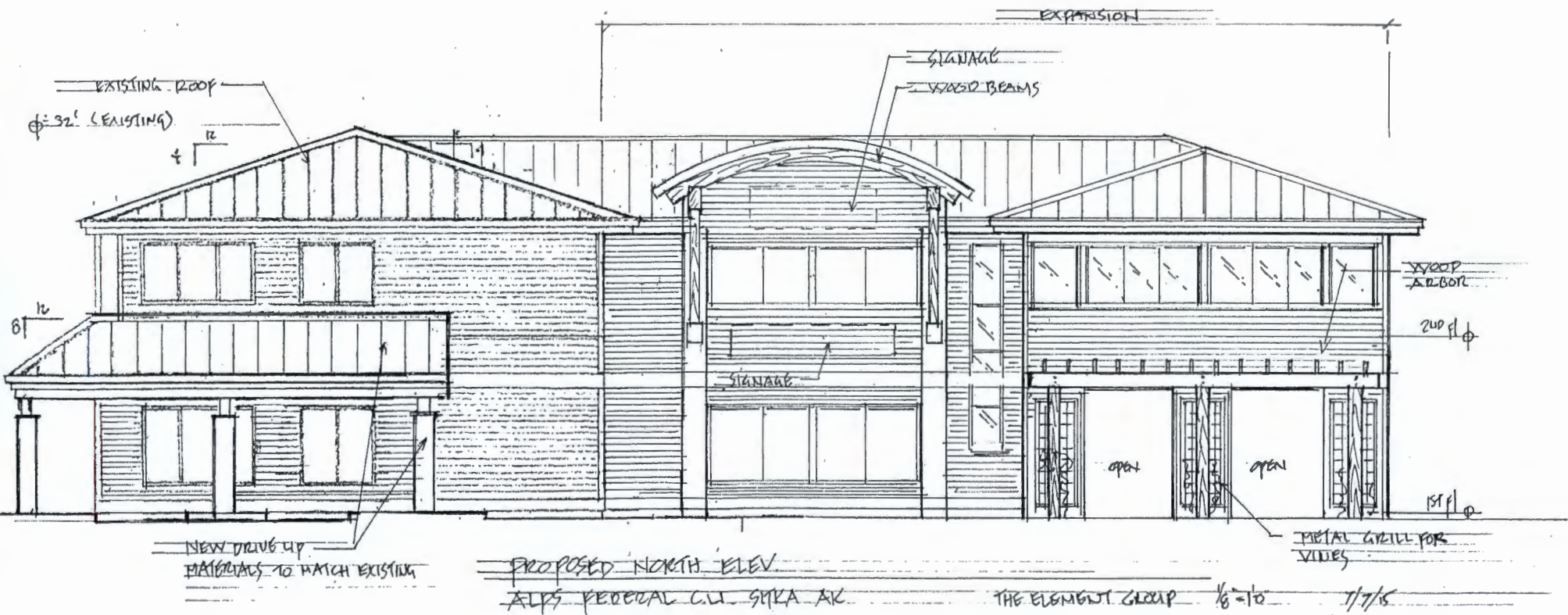


Alps Federal Credit Union
Subdivision RePlat
401 and 407 Halibut Point Road

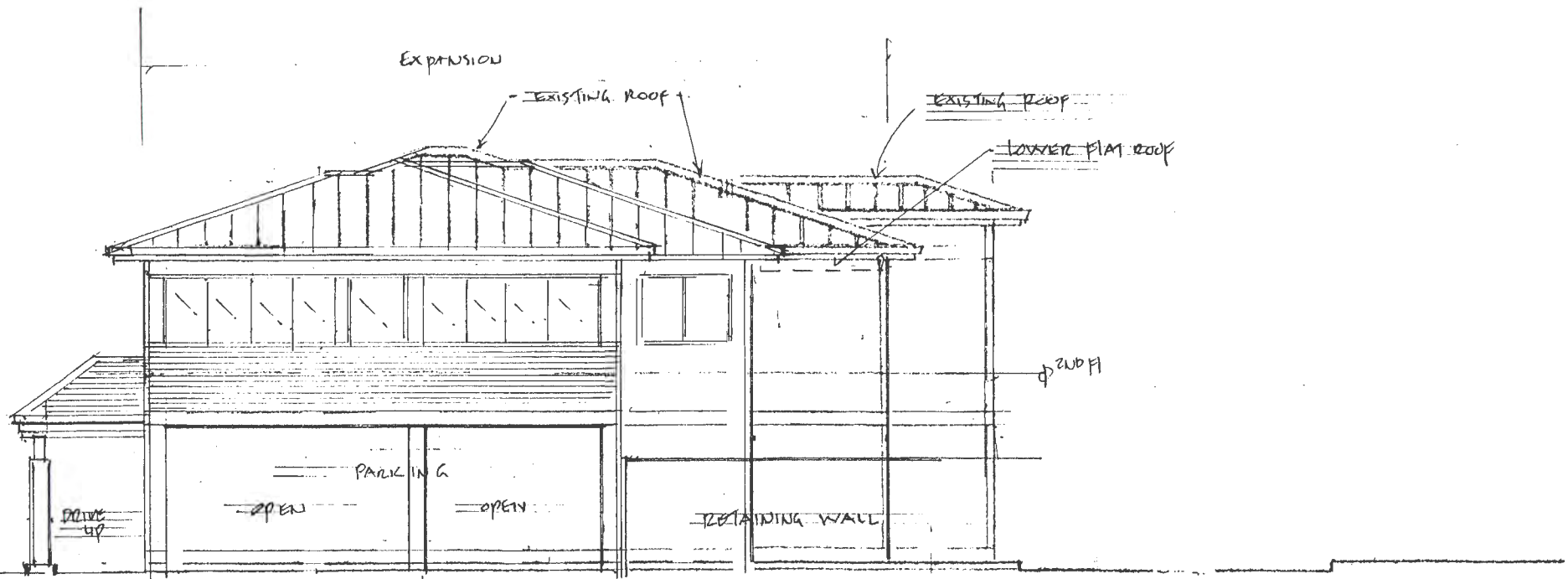


Alps Federal Credit Union
Subdivision RePlat & CUP Expansion
401 and 407 Halibut Point Road





Alps Federal Credit Union
 Subdivision RePlat & CUP Expansion
 401 and 407 Halibut Point Road



PROPOSED WEST ELEV.
ALPS FEDERAL CU. SITICA AK

THE ELEMENT GROUP 1/8 7/7/15

CITY AND BOROUGH OF SITKA
PLANNING DEPARTMENT
CONDITIONAL USE PERMIT APPLICATION

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

APPLICANT'S NAME: Daniel G. Jones, P.E., LLC, Attn: Dan Jones
PHONE NUMBER: 907-738-6998
MAILING ADDRESS: 719 Sirstad Street, Sitka, Alaska 99835

OWNER'S NAME: ALPS Federal Credit Union, Attn: John O'Brien
(If different from applicant)
PHONE NUMBER: 907-747-6261
MAILING ADDRESS: 401 Halibut Point Road, Sitka, Alaska 99835

PROJECT ADDRESS: 401 and 407 Halibut Point Road
LEGAL DESCRIPTION Lot: Block:
Subdivision: ALPS Subdivision (Lots A&B, Blk 24, USS 1474-A and Lot A, Burgess Estates)
U.S. Survey: 1474 Zoning Classification: R-2

List specific request: Grant a CU Permit for operation of a Credit Union on the single lot created by the proposed ALPS Subdivision

State all reasons for justifying request: If approved, the proposed ALPS Subdivision, which will remove the lot line between 401 and 407 Halibut Point Road, will invalidate the CU Permit for operation of the ALPS Federal Credit Union on just 401 Halibut Point Road. The purpose of the ALPS Subdivision is to create a single lot that the Credit Union can use to expand their building size. Because the use on the new larger single lot will be the same as on 401 Halibut Point Road, and similar to the current use on 407 Halibut Point Road, a new CU Permit would not permit a more intensive use of the area than the current use.


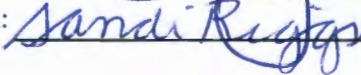
List all features and details of request: The expanded building proposed will reduce traffic on Erler Street, and will reduce the size of the driveway now at 407 Halibut Point Road, better managing traffic flow in and out of that portion of the proposed single lot. A copy of the preliminary ALPS Subdivision plat, and the current conceptual design for the new expanded building, are attached to this application.

State the schedule and timing of request: Because the conceptual design requires completion of the proposed subdivision and new CU Permit, we request that this CU Permit application be included on the next Planning Commission agenda.

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

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

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

SIGNATURE OF APPLICANT:  Date: 19 September 2014
SIGNATURE OF OWNER:  Date: 9/19/14
(If different from the applicant)

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

Daniel G. Jones, P.E., LLC
719 Sirstad Street
Sitka, Alaska 99835
907-738-6998
danielgjonespe@gci.net

7 July 2015

Ms. Maegan Bosak, Planning and Community Development Director
City and Borough of Sitka
100 Lincoln Street
Sitka, Alaska 99835

Subject: Conditional Use Permit Application
ALPS Federal Credit Union Project

Ms. Bosak, *MAEGAN*

Attached please find a revised concept site plan, and building elevations, for the Conditional Use Permit Application we made in September of 2014, for the subject project. We request that this Permit application be pursued in parallel with the replat request for this project, also applied for in September 2014.

As indicated previously, we will act as ALPS's agent for the Permit process, under our contract with ALPS's architect, The Element Group. As also indicated, ALPS CEO Mr. John O'Brien will make himself available at any point that you or the Planning Commission feels his presence is needed.

We remain confident that ALPS's expanded use is consistent with the current uses of the two lots and that a new Conditional Use Permit can be granted. We look forward to working with you and the Commission in this effort.

Best Regards,

- Dan

Daniel Jones

attachments

cc: John O'Brien, ALPS FCU
Bill Bauer, The Element Group

file: 2014-015

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

DATE _____ OWNER _____ CO-SIGNATURES _____
 DATE _____ OWNER _____ CO-SIGNATURES _____

NOTARY'S ACKNOWLEDGMENT
 US OF AMERICA
 STATE OF ALASKA
 CITY & BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____ 20____ BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED:

TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND _____ ACKNOWLEDGED TO ME THAT _____ SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

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

MY COMMISSION EXPIRES _____

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

CERTIFICATE OF PAYMENT OF TAXES (STATE OF ALASKA) (FIRST JUDICIAL DISTRICT)
 I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ASSESSOR FOR THE CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS IN THE NAME OF _____

AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR 20____ WILL BE DUE ON OR BEFORE _____

DATED THIS _____ DAY OF _____ AT SITKA, ALASKA

ASSESSOR, CITY AND BOROUGH OF SITKA

CERTIFICATE OF APPROVAL BY THE BOARD
 I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA PLATING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. _____ DATED _____ 20____, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, SITKA, ALASKA.

DATE _____ CHAIRMAN, PLATING BOARD
 SECRETARY _____

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT
 I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCE DIRECTOR FOR THE CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF _____

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

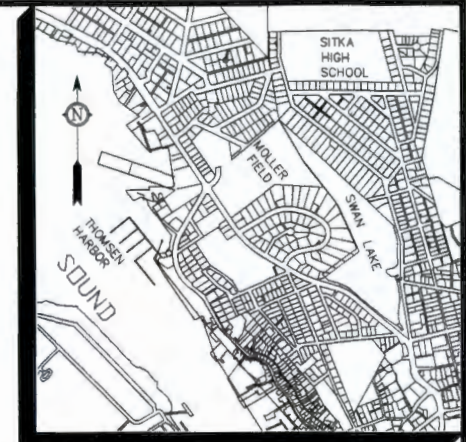
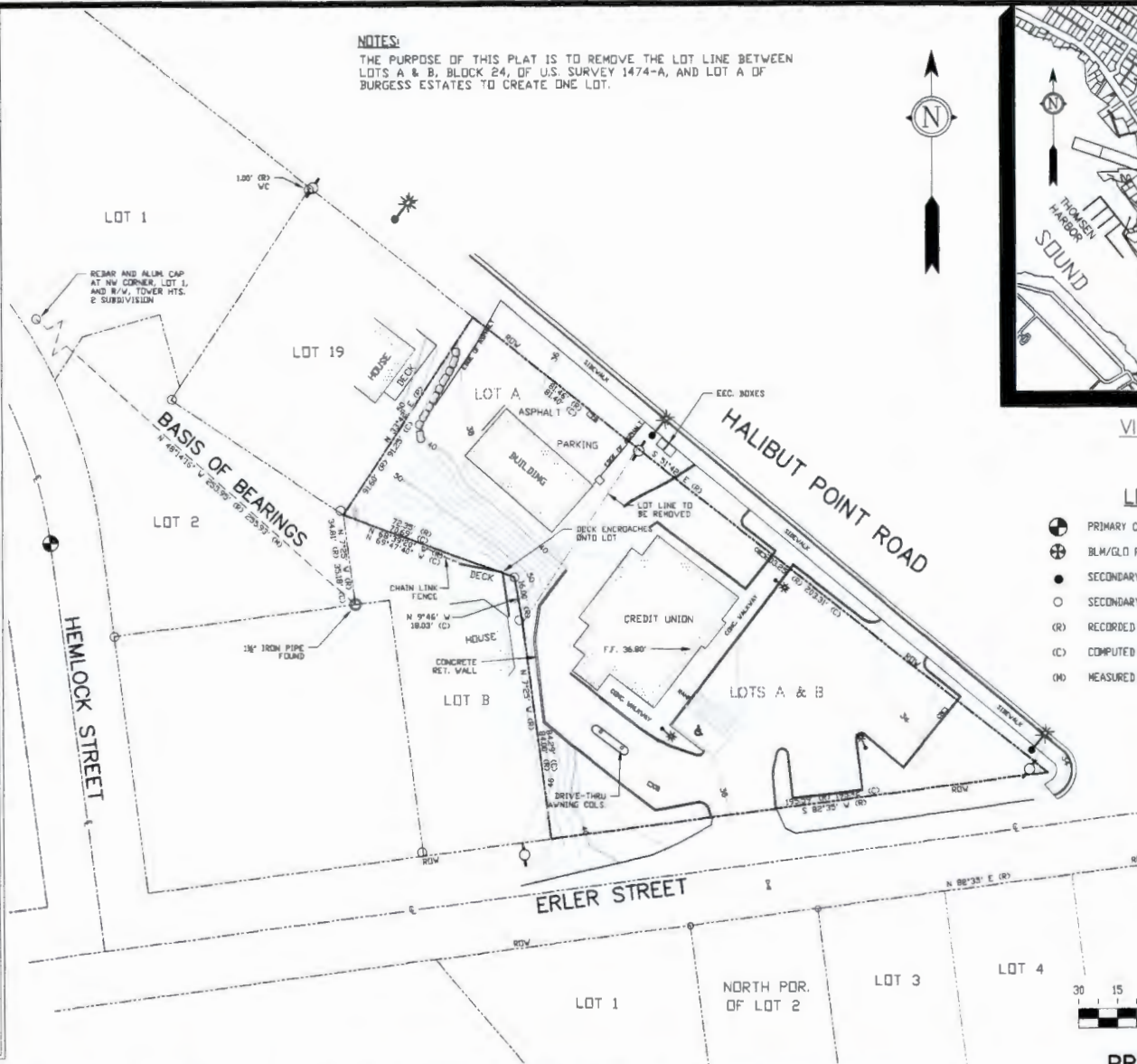
DATED THIS _____ DAY OF _____ AT SITKA, ALASKA

FINANCE DIRECTOR
 CITY & BOROUGH OF SITKA

CERTIFICATE OF APPROVAL BY THE ASSEMBLY
 I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA ASSEMBLY AS RECORDED IN MINUTE BOOK _____ PAGE _____ DATED _____ 20____

AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX-OFFICIO RECORDER, SITKA, ALASKA.

DATE _____ mayor
 CITY AND BOROUGH CLERK _____



- LEGEND**
- ⊕ PRIMARY CONTROL MONUMENT RECOVERED (BRASS CAP)
 - ⊕ BLU/GLD PRIMARY BRASS CAP (RECOVERED)
 - SECONDARY MONUMENT (SET)
 - SECONDARY MONUMENT (RECOVERED)
 - (R) RECORDED DATA
 - (C) COMPUTED DATA
 - (M) MEASURED DATA



O'NEILL
 SURVEYING AND ENGINEERING

BOX 1849 SITKA, ALASKA 99835



DESIGNED: P. O'NEILL
 DRAWN: K. O'NEILL
 CHECKED: P. O'NEILL
 DATE OF PLAT: 16.2018 10/30/2017
 SCALE: 1" = 30'
 DRAWING NAME: 30008-19

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN _____ A SURVEY OF THE HEREIN DESCRIBED LANDS HAS COMPLETED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

PROJECT NO. 30008-19-00
 DATE _____ PATRICK K. O'NEILL, L.S. 6304

ALPS SUBDIVISION
 LOTS A AND B, BLOCK 24, USS 1474-A;
 AND LOT A, BURGESS ESTATES

CLIENT: DANIEL G. JONES, PE, LLC

Alps Federal Credit Union
 Subdivision Re-Plat & CUP Expansion
 401 and 407 Halibut Point Road

DESCRIPTION OF CHANGE	
REVISIONS	

1 OF 1 SHEET



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: 7/21/15

From: Maegan Bosak, PCDD

To: Planning Commission

Re: CUP 14-04 ALPS Update to Conditional Use Permit resulting in expansion of property
401 and 407 Halibut Point Road - lots will be combined and replat created

GENERAL INFORMATION

Applicant: Dan Jones
719 Sirstad Street
Sitka, AK 99835

Property Owner: ALPS Federal Credit Union

Property Address: 401 and 407 Halibut Point Road

Legal Description: Lots A & B, Block 24, U.S. Survey 1474-A
and Lot A, Burgess Estates.

Parcel ID Number: 13400000 and 13475000

Size of Existing Lot: 23,566 square feet (after replat)

Zoning: R-2

Existing Land Use: Commercial

Utilities: City water, sewer, electric

Access: Access from both Erler Street and Halibut Point Road.

Surrounding Land Use: Business and residential

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

ATTACHMENTS

Attachment A: Vicinity Map
Attachment B: Aerial Vicinity Map
Attachment C: Parcel Pictures
Attachment D: Application
Attachment E: Site Plan
Attachment F: Public Comment
Attachment G: Subdivision Re-Plat
Attachment H: Current Subdivision Plat
Attachment I: Zoning Map
Attachment J: Mailing List
Attachment K: Proof of Payment
Attachment L: Warranty Deed

PROJECT DESCRIPTION

The applicant has filed a conditional use permit for expansion of a credit union in an R-2 zone. The request is being filed concurrently with the Planning Commission consideration of a subdivision replat combining 401 and 407 Halibut Point Road. The new larger lot will be used to expand the building size. The building will continue to be two-story (same height) but enlarge from 4754 square feet to 8038 square feet. Conceptual drawings are included in your packets.

Currently both lots are used for commercial purposes.

If this expansion is not approved, ALPS can continue in this location under their original CUP.

BACKGROUND

ALPS Federal Credit Union received a conditional use permit for a credit union facility at 401 Halibut Point Road on January 27, 1998. Conditions on the approval included traffic flow and parking arrangements, review of the lighting situation to reduce effects on residential properties, storm drainage containment and no water onto Eler Street or Halibut Point Road (Please see the approval letter in your packets).

Representative Dan Jones approached the Planning Office with plans to enlarge and it was determined that a new conditional use permit would need to be sought.

ANALYSIS

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

The proposed lot is located in a R-2 zone. Lot standard size is 8,000 sq. ft.

This district is intended primarily for single-family and multiple-family residences at moderately high population densities. Structures required to serve governmental, educational, recreational, religious and limited professional office needs are allowed subject to permitted or conditional use restrictions intended

- a. **Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses.** Area is already highly-trafficked; some increase in traffic may occur in conjunction with the increase in lot size / structure. Concern over amount of parking spaces and size. CBS 22.20.100 designates a minimum parking space size of 9x18. According to code, this large of a building should have 28 spaces available-1 handicap space.
- b. **Amount of noise to be generated and its impacts on surrounding land uses.** Some additional noise may occur in conjunction with the increase in the structure/lot size.
- c. **Odors to be generated by the use and their impacts.** No odors expected.
- d. **Hours of operation.** No change in hours of operation. Currently Monday- Friday 8-5:30, Saturday 10-2.
- e. **Location along a major or collector street.** Directly on Halibut Point Road, with additional access on Erler Street.
- f. **Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario.** Adjacent area is residential and cut through traffic is possible.
- g. **Effects on vehicular and pedestrian safety.**
- h. **Ability of the police, fire, and EMS personnel to respond to emergency calls on the site.** Same ability as other property owners in the area.
- i. **Logic of the internal traffic layout.** New internal traffic layout moves the drive through to the front of the property adjacent HPR.
- j. **Effects of signage on nearby uses.** Site plan shows new signage will be added to the site.
- k. **Presence of existing or proposed buffers on the site or immediately adjacent the site.** Building will be built into bank. Somewhat of a natural divide between the site and residences due to topography.
- l. **Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan.** 2.5.2 To encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas.
- m. **Other criteria that surface through public comments or planning commission assembly review.** Concerns over commercial activity in residential zone and enlarged building blocking the view.

FINDINGS

22.30.160 Planning commission review and recommendation.

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

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation, *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.

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

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

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

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

The general approval criteria are as follows:

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

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

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

4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;

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

RECOMMENDATION

This request for conditional use permit merits deep thought from Commissioners. It is recommended that thorough public comment be taken and concerns discussed prior to taking action. CBS Code states *“limited professional office needs are allowed subject to permitted or conditional use restrictions intended to preserve and protect the residential character of the R-2 district.”* Protecting the residential character should be a priority.

Suggested conditions:

1. The facility shall be operated consistent with the application and plans that were submitted with the request.

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. Detailed signage plan meeting code requirements must be submitted.
5. Detailed parking plan meeting code requirements must be submitted.

DOT COMMENTS

Carole Gibb

From: Heidemann, Marie E (DOT) <marie.heidemann@alaska.gov>
Sent: Wednesday, July 22, 2015 2:29 PM
To: Gibb, Carole (DNR sponsored)
Cc: Epstein, David B (DOT); Carroll, Lawrence P (DOT); Haynes, Emily R (DOT); Gray, Scott J (DOT); Schmidt, Joanne M (DOT); Hughes, Andrew N (DOT); Buck, Joseph T (DOT)
Subject: RE: Sitka HPR Planning Commission items

Carole,

I have some comments from ADOT&PF, Southcoast Region. I realize these are a day late for the meeting, but the applicants will still want to be aware of potential access implications. Thank you.

Prewitt Case: No objection to the current proposal, but subject to further review should traffic generation parameters associated with new development cause significant change. No additional access to HPR or modification to the existing access will be granted. Any increase in vehicle traffic to the lot will need to be accessed by Peterson and/or Kimsham.

ALPS Case:

There is some concern from our Department regarding the proposal for three driveways onto Halibut Point Road. The applicant should be made aware that new access permits will be required for the modifications. It is not clear at this time whether the permit would be granted.

Page 3, item g. "Effects on vehicular and pedestrian safety" has no entry. Either state "No impacts anticipated" or identify them if they are expected. It will be difficult to control vehicles that aren't small from parking in the small-car parking spaces. At the very least, the small car spaces should be conspicuously signed. Proponent should provide autoturn drawings to show vehicles can safely maneuver.

From: Carole Gibb [mailto:carole@cityofsitka.com]
Sent: Friday, July 17, 2015 12:20 PM
To: Heidemann, Marie E (DOT)
Subject: Sitka HPR Planning Commission items

Hello Marie,
Here are the files you requested.
Thank you,

Carole Gibb

Planner

Department of Planning and Community Development

City and Borough of Sitka

carole@cityofsitka.com

907-747-1814

Sitka Planning Commission
Attn: Carole Gibb, Planner
100 Lincoln Street
Sitka, AK 99835

Kristy Kissinger-Totten
311 Erler Street- PO Box 6009
Sitka, AK 99835

July 14, 2015

RE: ALPS Federal Credit Union
Subdivision Re-plat & CUP Expansion
401 and 407 Halibut Point Road

The proposed ALPS Federal Credit Union CUP Expansion and Re-plat will have a significantly negative impact on our residence at 311 Erler Street, which is located immediately adjacent to both of these properties. The current commercial bank, dba: ALPS Federal Credit Union, although previously allowed because of its "credit union" status, is for all practices and purposes a fully functioning commercial financial institution. Their current structure, despite their previous promises of a low-profile structure, different location on the lot and consideration for our views, has blocked our living/dining room views by replacing the mountains with a blue metal roof. This BANK has invaded our privacy and right of enjoyment to our home, created dangerously increased traffic flow on Erler Street, and significantly reduced the value of our residence. Our home was built with a full three stories of view windows meant to bring the outdoor beauty of the trees and mountains inside – a sort of indoor/outdoor terrarium living. ALPS has already, forever, destroyed this beautiful aspect of the home we purchased. Now they wish to amputate what views and beauty we have left!

According to Zoning Regulation 22.08.210, "Conditional use" means a provision which allows for flexibility within the zoning title by permitting certain specified uses in zoning districts where said uses could be considered appropriate, **but only after additional conditions and safeguards are applied to insure their compatibility with permitted principal uses.** This is intended to include sight and sound buffers, and protection of natural resources of value to the community. Under Title 22E, "In evaluating the inputs of a proposed conditional use permit, the municipality may consider a commercial conditional use to be **inappropriate for residential neighbors.**

Under Zoning Regulation 22.08.190 "**Commercial**" means activities involving sales or rental of any article, substance or commodity and the **provision of all commercial services including financial institutions and personal services.** (Ord. 02-1683 § 4 (part), 2002.)

These requests by ALPS Federal Credit Union/ doing business as a Commercial Financial Institution (commonly referred to as a bank,) are totally incompatible with our residential community. What once was a peaceful and lovely residential location, must be allowed to retain what is left. If it is more room that ALPS needs, perhaps they should move and rebuild in an appropriate commercial/industrial district. I urge you to deny the ALPS request to update and extend their conditional use permit(s) with 401 and 407 HPR. I urge you to deny ALPS request to Re-Plat and expand their current bank across the entire expanse of our view, thus dominating this R-2 corner with an even busier commercial financial center. 401 and 407 HPR are RESIDENTIALLY ZONED- ALPS is a COMMERCIAL enterprise.

Sincerely,

Kristy Kissinger-Totten, Adjacent Neighbor

Alps Federal Credit Union
Preliminary Re-Plat / CUP
401 and 407 Halibut Point Road

Alps Federal Credit Union
Preliminary Re-Plat / CUP
401 and 407 Halibut Point Road

Sitka Planning Commission
Attn: Carole Gibb
100 Lincoln Street
Sitka, AK 99835

John Totten
311 Erler Street
Sitka, AK 99835
July 16, 2015

RE: ALPS Federal Credit Union
Subdivision Re-plat & CUP Expansion
401 and 407 HPR/ Lot A Burgess Estates

Commissioners:-

I believe the request to extend the CUP should be denied because ALPS use of their current and future properties is inconsistent with the Principal Use of R2 zoning:-

22.08.190 "Definitions -"Commercial" means - the provision of all commercial services INCLUDING FINANCIAL INSTITUTIONS"

22.08.210, "Definitions.. "Conditional use" means safeguards are applied to insure their compatibility with permitted PRINCIPAL USES."

ALPS serves clients 24 * 7 with resulting noise, lights and traffic throughout the night.

Will consume at least 27 parking spaces of residential land which is not the highest and best use.

CBS is losing tax revenue by allowing R2 zoning of this extensive business enterprise

Property Values have been substantially reduced by current CUP.

I have additional concerns:-

Inadequate parking:-

Under **22.20.100**, parking for a 8902 sqft building requires 30 stalls, 16 for the existing building and 14 for the proposed extension. The Proposed Site Plan has 16 OnSite stalls adjacent to the existing structure. Only 15 are above minimums for Sitka Code, the remainder is designated 'Small Car Parking'.

For the building extension, ALPS proposes to use leased parking across the street (5 stalls) and an On Site lot, some of which provides parking below minimum requirements.

See attached sketch indicating the application of standard parking dimensions to the submitted plan. Sitka City Zoning ordinance requires 10 x 20' stalls. Minimum parking allowances of 9 x 18 should not be an issue in an R2 zoned area but if applied, then there is still a shortfall of sufficient parking. ALPS CUP Application designates 5 stalls as 'Small Car Parking'(SCP) and one as 'Back Up Area'(BUA). SCP and BUA do not appear in City Code and do not meet Code requirements.

The result is that ALPS total parking consists of 20 fully compliant stalls, 5 Off Site stalls and seven non compliant stalls - 6 'small car' and one 'back-up area'. Since it is in an R2 zoned area, ALPS needs to provide 30 fully compliant stalls. The Proposed Site Plan leaves it 10 stalls short.

22.20.100 also requires adequacy of center isle for access and ease of maneuvering. This should be 24'. Current plan is 21' 10 1/2". This issue will have to be referred to the Municipal Admin (as provided under current city code) for a variance since it is likely to significantly compromise access for ADA compliant vehicles and full sized 4x4 pickup trucks. The safety concerns related to this are

addressed below.

Note that traffic planners INCREASE the aisle width as the stall sizes decrease because otherwise these vehicles cannot access the minimal stalls.

Safety

The modified sidewalks and separated traffic flow resulting from the need for parking spaces labelled 27 and 26 in the attached sketch significantly encumber pedestrians, produce conflicting traffic flows and inhibit turning vehicles and flowing traffic which is particularly heavy in this exact location. These two parking stalls need to be deleted and the separating sidewalk cut-out deleted to merge two approach and departure driveways into one.

There is a real hazard from vehicles backing into traffic on HPR (1) ADA Vans or Full sized Pick-Up 4x4's entering the parking lot and finding no suitable spaces for their size. (2) Vehicles being trapped by other oversize vehicles using 'Small Car' stalls and the 'Backup Area'.

This area of the main road provides no pull out lane for left turning traffic. Elsewhere in the town, this has produced high traffic accident rates and the need for major upgrade of public roads. The parking lot will reduce traffic hazards

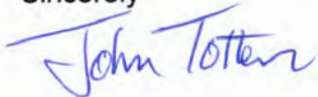
Setbacks

The submitted Proposed Site Plan is too small and illegible to allow evaluation of setback criteria. As the adjoining property owner, I request a detailed and accurate representation of the planned extension complete with roof overhangs and gutters. The roofing and attachments of the planned extension should not encroach within 10 feet of our property.

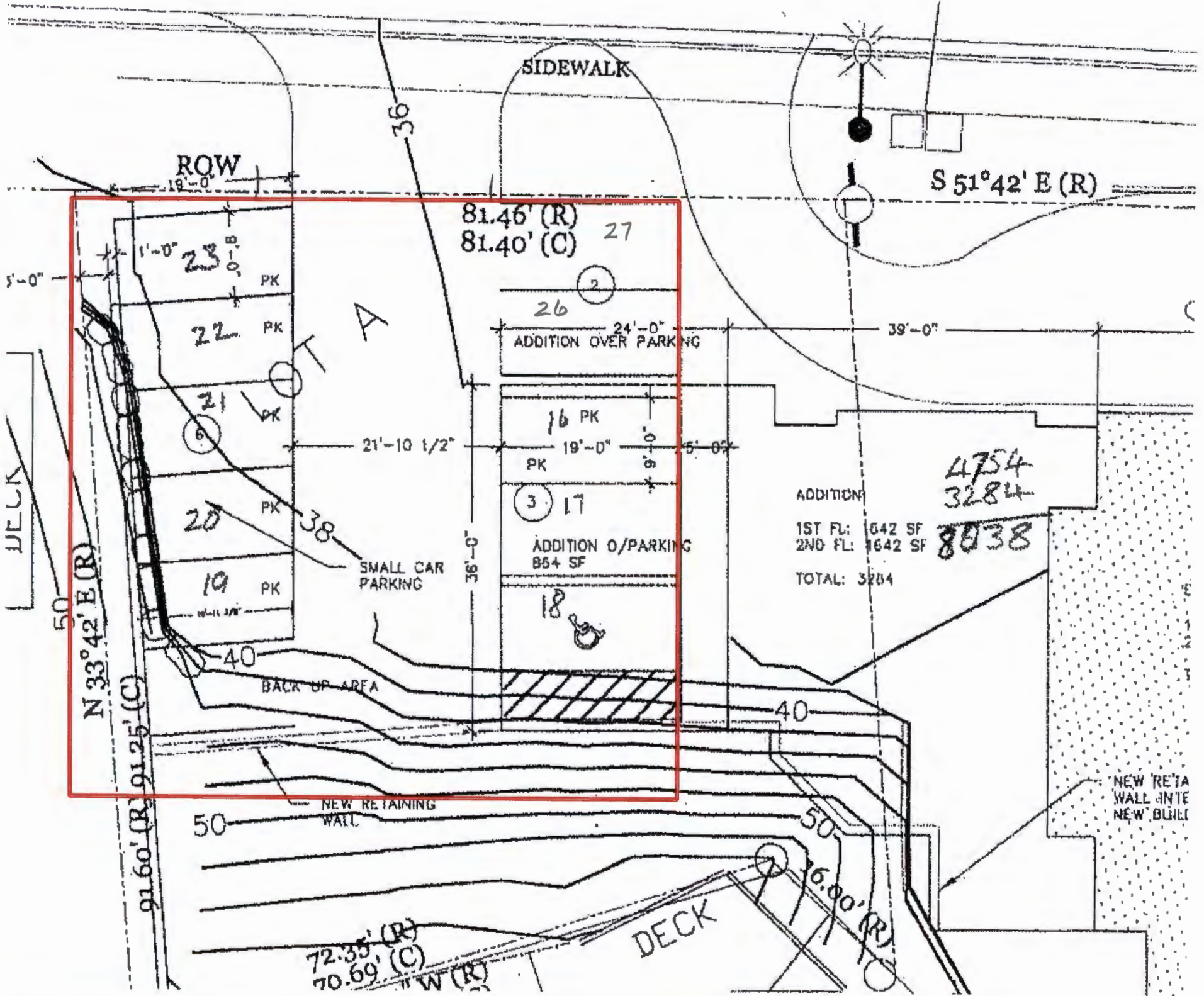
Recommendations

- 1) Commission should deny extension of CUP to LOT A Burgess Estates since Banking and especially 24 x 7 is not compatible with the Principal Use of R2 zoning.
- 2) Should the Commission wish to support the applicant, then prior to voting they should receive:-
 - (A) Legible, unaltered, detailed and readable presentation of a parking plan that meets statutory requirements.
 - (B) Detailed drawings to document compliance with setback requirements.

Sincerely



John Totten MD FRCS



ADDITION	4754
	3284
1ST FL:	642 SF
2ND FL:	642 SF
TOTAL:	3284
	8038

7/21/15

Sitka Planning Commission

Regarding: ALPS Federal Credit Union Expansion

I am writing as a concerned neighbor of ALPS expansion. I strongly oppose this change to our neighborhood. Several years ago the neighborhood was approached regarding a new building for that lot, no one apposed it because what we were presented with was a drawing of a single story building on the outside of the lot. What they built was a large two story building on the inside of the lot. I felt very deceived and saddened as this does not keep the street with the appearance of a residential area. Yes we do have other commercial buildings in the area but they are all low key and blend in with the residential area.

Much of the value of our homes comes from the views and to have a home in a residential area and then suddenly be looking at the back side of a commercial building not only is esthetically poor it is also a loss of our investment.

I would maybe reconsider my thoughts if ALPS were willing to pay Tottens the asking price on their home and use it as a rental or resell it. Even at that I would not be sure the additional traffic on Earler St and "turning traffic" on HPR is advisable.

So to repeat, my vote is a very strong NO for this expansion.

Marjorie Parmelee

405 Hemlock St



Alps Federal Credit Union
Preliminary Re-Plat / CUP
401 and 407 Halibut Point Road

City and Borough of Sitka
PLANNING OFFICE
100 Lincoln Street
Sitka, Alaska

July 21, 2015

To: City of Sitka Planning Commission and Assembly Members

Re: The Public Hearing and Consideration of a replat of two lots into one, and an expansion of the ALPS FCU conditional use permit at 401 and 407 Halibut Point Road.

As a neighboring property owner at 310 Eler Street, I have had the opportunity to witness the negative effects of having allowed the ALPS FCU to operate as a commercial enterprise in and R-2 zone. Please do not compound the existing problems even further; please deny the replat and expansion of the conditional use permit which would thus expand commercial enterprise further into the R-2 zone negatively affecting the residential quality of the area.

My opposition to this proposal is primarily on two grounds, first the encroachment of a commercial enterprise into a residential area, and second, the lack of appropriate parking according to the bank's proposal.

22.16.050 R-2 multifamily residential district.  SHARE    

A. Intent. The R-2 residential district is intended to include lands suited by topography and other natural conditions for urban development and which are provided with the full range of public utilities, including sewers, water, electricity, and storm drains or are intended to be provided with such utilities in the near future. This district is intended primarily for single-family and multiple-family residences at moderately high population densities. **Structures required to serve governmental, educational, recreational, religious and limited professional office needs are allowed subject to permitted or conditional use restrictions intended to preserve and protect the residential character of the R-2 district.**

This is a residential area which has not had its residential character preserved, it has in fact already suffered loss of residential property values by the uphill properties due to the large two-story bank building encroaching on their views. In addition, the drive-thru area of the bank in particular is an **attractive nuisance where people park out of the rain and out of the view of traffic on HPR, rev their engines and smoke and drink in the evening. This is obviously a hazard to the security of the area as well as a source of the **loss of quiet enjoyment of their properties** by area residents. I imagine John and Kristy Totten are the most affected by this as their living area windows open directly over the drive-thru.**

Alps Federal Credit Union
Subdivision Re-Plat & CUP Expansion
401 and 407 Halibut Point Road

22.20.100 Off-street parking requirements.

4. Banks, office buildings, professional offices or clinics: one public parking space per each three hundred square feet of gross floor area

2) This site plan does not meet minimum parking requirements. According to the Sitka General Code (SGC), banks are to provide one public parking space per each three hundred square feet of gross floor area. This site plan and its proposed building encompass more than 8000 sq. ft., which requires 27 parking spaces. Several of these proposed spaces are small car spaces in a town of 4x4 trucks, and one of the 27 parking spaces is also marked "back up area." A parking space cannot be both a space and a turnaround. This parking lot plan only meets minimum requirements if one is willing to overlook some serious potential issues. The limited size of the lot will prohibit large vehicles from turning around just as the Crescent Harbor 2 hour lots are known to do on Lincoln St. This is a far greater hazard on the busier state highway. Clearly, the Commission will recognize that this is NOT AN ACCEPTABLE ARRANGEMENT and does not conform to the SGC. However, a one story addition would solve the parking issue, and may be more acceptable to the uphill neighbors.

In addition, according to the Sitka General Code (the SGC):

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

The extension of the general commercial district along the roads in a strip fashion is to be discouraged.

The ALPS Federal Credit Union replat and expansion of its conditional use permit can only be viewed as "the extension of a commercial enterprise along the road in a strip like fashion." I wish ALPS all the best in its business affairs and am glad to see a growing enterprise in Sitka. However, this enterprise is not suited for expansion in this neighborhood. If ALPS would like to expand, there is property available within the commercial zones in Sitka which is currently going vacant. One property that comes to mind is the Moore Cinic building. If ALPS were to purchase this property, there would be no zoning conflicts within the C1 district, and perhaps it might even serve as a gesture to neighbors to help mend the damage already done.

Thank you for your time and consideration.

Sincerely,

Karen Zamzow, DC

**CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
August 4, 2015**

Present: Chris Spivey (Acting Chair), Debra Pohlman (Member), Darrell Windsor (Member)
Randy Hughey (Member), Michael Scarcelli (Senior Planner), Maegan Bosak
(Planning & Community Development Director)

Absent: Richard Parmelee (Chair)

Members of the Public: John Totten, Kristy Kissinger Totten, Jim Steffen, Judy Steffen, Dan
Jones, Jane Eidler, Sheila Finkenbinder

Vice Chair Spivey called the meeting to order at 7:00 p.m.

Roll Call:

PRESENT: 4 – Spivey, Pohlman, Windsor, Hughey. Note: Acting Chair Chris Spivey
recused himself from items B and C due to a business association with Alps Credit
Union, the owner of the property. Darrell Windsor agreed to serve as chair for this
case in his stead.

Consideration of the Agenda:

Staff informed the commission that item A was pulled from this meeting's agenda.

Consideration of the Minutes from the July 21, 2015 meeting:

MOTION: M/S WINDSOR / POHLMAN moved to approve the meeting minutes for July
21, 2015.

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

The evening business:

**CONDITIONAL USE PERMIT
401 AND 407 HALIBUT POINT ROAD
DANIEL JONES FOR ALPS CREDIT UNION**

*Public hearing and consideration of an expansion of a credit union conditional use permit at
401 and 407 Halibut Point Road. The property is also known as Lots A and B, Block 24, U.S.
Survey 1474-A and Lot A, Burgess Estates. The request is filed by Daniel G. Jones, P.E, LLC.
The owner of record is ALPS Federal Credit Union.*

STAFF REPORT: Bosak described the project, a request for an expansion of the conditional use
permit held by Alps Credit Union in an R-2 zone. The conditional use permit was approved by the
Assembly in 1998 with these conditions: 1. The traffic flow and off-street parking arrangement
conforms with the recommendation of the Planning Commission. 2. That staff review the lighting

situation to reduce the negative effects of lighting on adjacent residential properties incorporating additional lighting benefits to Erler Street if practical. 3. The storm drainage is to be contained and be directed subsurface into existing storm drainage system. 4. No water is to be allowed to be directed onto Halibut Point Road or Erler Street. Bosak noted that the expansion would involve a second lot that has already been in use for commercial purposes, at 407 Halibut Point Road. She shared comments which have come in from neighbors voicing opposition to this request. The Department of Transportation also provided a comment that the applicant would need to consult with DOT regarding their plan for a third driveway onto the property. Staff didn't perceive that this request would cause noticeable additional traffic, or noise, but did request further clarification from the applicant regarding the parking plan in terms of total number of spaces -- code allows nothing smaller than spaces measuring 9' x 18' and the application shows some spaces denoted as "small car" parking. Staff also encouraged further clarification regarding signage, setbacks and the bank edging the property.

APPLICANT: Dan Jones clarified the site plan including the location and flow of the drive-thru. He also discussed parking, and ways that compliance could be met on parking and on signage. Bosak asked what the impetus was for this request and Jones said he didn't know for sure but his guess is that it is a need for additional office space to support additional branches that have opened.

PUBLIC COMMENT: Residents spoke in opposition to the request due to concerns about the effect on neighbors' views, citing commercial "creep," as well as traffic and parking issues. Chris Spivey spoke as a member of the public suggesting that the applicant consider the possibility of keeping the drive-thru directing traffic onto Erler Street.

COMMISSIONER DELIBERATION: Commissioners were against increasing the impact on the value of the Totten's property as well as impacts on the residential nature of the area. Pohlman expressed concern about the size of the parking spaces, and public safety concerns with regard to the bike lane. There was discussion around denying or postponing this request to open the way for a future possible plan for a one-story building. Staff reminded commissioners that in a R-2 zone, buildings can be up to 40 feet in height, and impacts on neighbors' views are not taken into account.

MOTION: M/S HUGHEY/ POHLMAN moved to deny the following findings:

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

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare; *specifically residential neighbors in the adjacent area.*
 - b. Adversely affect the established character of the surrounding vicinity; *specifically, the residential nature of the R-2 zone, nor*
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located, *specifically adjacent property values.*

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.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The general approval criteria are as follows:

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

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

MOTION: M/S HUGHEY/POHLMAN moved to recommend denial of an expansion of a credit union conditional use permit at 401 and 407 Halibut Point Road based on the findings, due to concerns for the residential quality of the neighborhood, and concerns about traffic flow, public safety, and parking. The property is also known as Lots A and B, Block 24, U.S. Survey 1474-A and Lot A, Burgess Estates. The request is filed by Daniel G. Jones, P.E, LLC. The owner of record is ALPS Federal Credit Union.

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

**RE-PLAT
401 AND 407 HALIBUT POINT ROAD
DAN JONES FOR ALPS CREDIT UNION**

Public hearing and consideration of a replat at 401 and 407 Halibut Point Road filed by Daniel G. Jones, P.E, LLC. The replat will remove the center lot line and merge two lots into one. The property is also known as Lots A and B, Block 24, U.S. Survey 1474-A and Lot A, Burgess Estates. The owner of record is ALPS Federal Credit Union.

STAFF REPORT: Bosak explained that this re-plat is an option which the applicant will hold in reserve for now as it would negate the existing conditional use permit, and a new permit would have to be approved based on the expanded site plan.

APPLICANT: Dan Jones said he was available to answer any questions.

COMMISSIONER DELIBERATION: There was no commissioner deliberation.

PUBLIC COMMENT: No public comment.

MOTION: M/S POHLMAN/HUGHEY moved to approve a replat at 401 and 407 Halibut Point Road filed by Daniel G. Jones, P.E, LLC. The replat will remove the center lot line and merge two lots into one. The property is also known as Lots A and B, Block 24, U.S. Survey 1474-A and Lot A, Burgess Estates. The owner of record is ALPS Federal Credit Union.

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

**ZONING TEXT AMENDMENT
ASPHALT PLANTS IN INDUSTRIAL ZONES WITH CUP
CITY AND BOROUGH OF SITKA**

Public hearing and consideration of a proposed zoning text amendment to modify SGC Table 22.16.015-5 Manufacturing/Storage Uses to allow asphalt plants and concrete batch plants in an Industrial Zone with a conditional use permit. The request is filed by the City and Borough of Sitka.

STAFF REPORT: Bosak explained that currently asphalt plants are only allowed in Sitka under a temporary use permit. The need for asphalt is an essential one to Sitka, and is recurring, and under the temporary use permit, equipment has to be brought in from out of town, rather than remaining on a site, greatly increasing costs to the city and to residents needing asphalt work. This request would allow an asphalt plant to operate in an Industrial zone under a conditional use permit.

COMMISSIONER DELIBERATION: Commissioners clarified their understanding of the request.

PUBLIC COMMENT: No public comment.

COMMISSIONER DELIBERATION: Commissioners had no further questions.

MOTION: M/S POHLMAN/HUGHEY moved to recommend approval of a proposed zoning text amendment to modify SGC Table 22.16.015-5 Manufacturing/Storage Uses to allow asphalt plants and concrete batch plants in an Industrial Zone with a conditional use permit. The request is filed by the City and Borough of Sitka.

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

**CONDITIONAL USE PERMIT
415 DEARMOND STREET
SHEILA FINKENBINDER**

Public hearing and consideration of a B&B conditional use permit at 415 DeArmond Street. The property is also known as Lot 12 and a portion of Lot 11, Block 26 of the Spruce Glen Subdivision. The request is filed by Sheila Finkenbinder. The owner of record is Sheila Finkenbinder

STAFF REPORT: Bosak described the long process leading up to this point involving many meetings, and ultimately a zoning text change allowing for a B&B to operate in the owner-occupied side of a duplex. This request is for a conditional use permit to operate a B&B for single guests during mostly the summer months. The dwelling is 984 square feet, and is a one-story, two-bedroom, one bath house with an attached cottage that acts as a long-term rental. The site has in excess of five parking spots.

APPLICANT: Sheila Finkenbinder expressed happiness that this was now an option for people in Sitka trying to generate some income through home sharing. Staff asked if food would be served and the applicant said perhaps simple fare, but she just bought a sign that said: Bed and Breakfast: You Make Both.

COMMISSIONER DELIBERATION: Pohlman said some visitors had come into her place of work and they were asking about B&B lodging because everything they had looked at was full.

PUBLIC COMMENT: No public comment.

MOTION: M/S WINDSOR/POHLMAN moved to approve the following findings:

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

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located,
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan, *specifically 2.1.1. Encourage the development of facilities to accommodate visitors without significant impacts on residential properties.*

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The general approval criteria are as follows:

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

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

MOTION: M/S SPIVEY/WINDSOR moved to recommend approval of a bed and breakfast conditional use permit at 415 DeArmond Street. The property is also known as Lot 12 and a portion of Lot 11, Block 26 of the Spruce Glen Subdivision. The request is filed by Sheila Finkenbinder. The owner of record is Sheila Finkenbinder

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

DIRECTORS REPORT: Bosak introduced new Senior Planner Michael Scarcelli.

PUBLIC COMMENT: No public comment was offered.

MOTION: M/S WINDSOR/SPIVEY moved to adjourn at 9:12 pm.

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

Chris Spivey, Vice Chair

Carole Gibb, Contract Secretary



1 in = 45.58 ft

Printed on 7/10/2015

Last update: Property information Daily, GIS parcel lines 9/1/2014

This map is for informational purposes only. It is not for appraisal of, description of, or conveyance of land. The City and Borough of Sitka, Alaska and MainStreetGIS assume no legal responsibility for the information contained herein.

Alps Federal Credit Union
 Subdivision Re-Plat & CUP Expansion
 401 and 407 Halibut Point Road



City and Borough of Sitka

100 LINCOLN STREET • SITKA, ALASKA 99835

February 4, 1998

Gary Sterton, President
ALPS Federal Credit Union
PO Box 1889
Sitka AK 99835


Dear Gary:

This letter is to inform you that the City and Borough Assembly **approved** your conditional use permit request for a credit union facility located at 401 Halibut Point Road. This approval was granted **at their January 27, 1998** meeting with the following conditions:

1. That traffic flow and off street parking arrangement conforms with the recommendations of the Planning Commission.
2. That staff review the lighting situation to reduce the negative effects of lights on adjacent residential properties, incorporating additional lighting benefits to Erler Street if practical.
3. The storm drainage is to be contained and be directed sub-surface into the existing storm drainage system.
4. No water is to be allowed to be directed onto Halibut Point Road or Erler Street.

Thank you for working with us on this matter.

Sincerely,


Wells Williams
Planning Director

c: Mike and Judy Hagan

YAWP51WELLSHAGANALP

Alps Federal Credit Union
Subdivision Re-Plat & CUP Expansion
401 and 407 Halibut Point Road

ORDER NO 98-S-4710

EXHIBIT " A "

LEGAL DESCRIPTIONS

PARCEL # 1 - That portion of Block Twenty-Four (24) of U.S. Survey 1474, Tract A, the Subdivision of the Townsite of Sitka, Alaska, more fully described as follows: Beginning at the Southeast corner of said Block 24 as Corner No. 1; thence S 82 degrees 35 minutes W 120.0 feet to Corner No. 2; thence N 07 degrees 25 minutes W 35.0 feet to Corner No. 3; thence N 48 degrees 12 minutes E 54.9 feet to Corner No. 4 a point on the Northeast boundary of said Block 24; thence S 56 degrees 18 minutes E along the said Northeast boundary of Block 24 100.0 feet to Corner No. 1 and point of beginning. Sitka Recording District, First Judicial District, State of Alaska.

PARCEL # 2 - A portion of Block Twenty-Four (24) of U.S. Survey 1474, Tract A, the Subdivision of the Townsite of Sitka, Alaska, more particularly described as follows: Beginning at a point 100.0 feet N 56 degrees 18 minutes W of the Southeast corner of said Block 24 as Corner No. 1; thence continuing N 56 degrees 18 minutes W 120 feet to Corner No. 2; thence S 33 degrees 42 minutes W 82.0 feet to Corner No. 3; thence S 07 degrees 25 minutes E 84.0 feet to Corner No. 4; thence N 82 degrees 35 minutes E along the North side of "F" (now Erler Street) 100.0 feet to Corner No. 5; thence N 07 degrees 25 minutes W 35.0 feet to Corner No. 6; thence N 48 degrees 12 minutes E 54.9 feet, more or less, but in any event to the point of beginning. Sitka Recording District, First Judicial District, State of Alaska.

EXCEPTING THEREFROM FROM PARCELS # 1 AND # 2 that portion to the State of Alaska in the Declaration of Taking, Filed September 13, 1968 Juneau Recording District, in Book 89, Pages 418 thru 422.

END OF LEGAL DESCRIPTIONS

629

cc	Sitka	REC. DIST.
DATE	3-31	19 98
TIME	1:44	P.M.
Requested By	STAI	
Address		

cc

2013-000874-0

ALASKA

Recording District 103 Sitka

06/26/2013 12:50 PM Page 1 of 1



407 HPR

WHEN RECORDED RETURN TO:

Name: ALPS Federal Credit Union
Address: 401 Halibut Point Road
Sitka, Alaska 99835

WARRANTY DEED

THIS INDENTURE, made and entered into this 25th day of June, 2013 by and between

Northern Credit Services, Inc.

whose mailing address is: 407 Halibut Point Road, Sitka, AK 99835, **GRANTOR**, and

ALPS Federal Credit Union

whose mailing address is: 401 Halibut Point Road, Sitka, AK 99835, **GRANTEE**,

WITNESSETH:

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

Lot A Burgess Estates, according to the plat thereof filed February 24, 1981 as Plat No. 81-9. Sitka Recording District, First Judicial District, State of Alaska.

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

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

Dated: June 25, 2013

Northern Credit Services, Inc.

BY: James S. Phillips
James S. Phillips, CEO, by

BY: _____

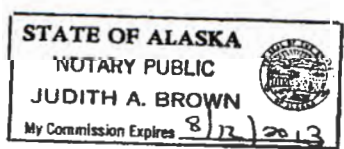
Sharon Bergman, his attorney in fact

Sharon Bergman his attorney in fact

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

On this day personally appeared before me: James S. Phillips, CEO of Northern Credit Services, Inc. by Sharon Bergman, his attorney in fact to me known to be the individual(s) described in and who executed the above and foregoing instrument, and acknowledged to me that they signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal this 25th day of June, 2013.



J. A. Brown
Notary Public in and for the State of Alaska
My commission expires August 12, 2013

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 9/22/14

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

Date: 09/22/2014
Receipt: 2015-00002292
Cashier: Front Counter
Received From: dan jones

PLAN - Planning Permits/Zoning	100.00
ST1 - Sales Tax 3rd quarter CY	6.00
-----	-----
Receipt Total	106.00
Total Check	106.00
Total Remitted	106.00
Total Received	106.00

Dan Jones
PS Federal Credit Union

ACCOUNT # 100-300-320-3201.002
PLANNING & ZONING

Variance.....	_____
Conditional Use Permit.....	<u>100.00</u>
Minor Subdivision.....	_____
Major Subdivision.....	_____
Zoning Map Change.....	_____
Zoning Text Change.....	_____
Lot Merger.....	_____
Boundary Line Adjustment.....	_____
General Permit.....	_____
Appeal of Enforcement Action (Pending).....	_____
Other.....	_____
Sales Tax.....	<u>6.00</u>
TOTAL.....	<u>106.00</u>

Thank you

PAID
SEP 22 2014
CITY & BOROUGH OF SITKA



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Notice of Public Hearings

The Assembly of the City and Borough of Sitka will hold a public hearing during a regular meeting scheduled Tuesday, September 8, 2015 on the following items:

- A. **Public hearing and consideration of an expansion of a credit union conditional use permit at 401 and 407 Halibut Point Road. The property is also known as Lots A and B, Block 24, U.S. Survey 1474-A and Lot A, Burgess Estates. The request is filed by Daniel G. Jones, P.E, LLC. The owner of record is ALPS Federal Credit Union.**

The Assembly may take action on September 8, 2015. The Assembly meeting will begin at 6:00 pm at University of Alaska Southeast 1332 Seward Avenue Room 229 in Sitka.

Interested residents are encouraged to make comments during the meeting and written comments can be submitted to the Municipal Clerk at 100 Lincoln Street.

Conditional Use Permit at 401 and 407 Halibut Point Road:

ALPS Federal Credit Union is proposing an expansion of use and building onto 407 Halibut Point Road. Currently there is a conditional use permit for a credit union at 401 Halibut Point Road located in the R-2 zone. ALPS recently purchased the adjacent lot, where Northern Credit Services is located. The applicant has stated the addition will be for professional office space. The site plan showcases a building expansion from the current 4754 square feet to 8038 square feet.

Parcel ID: 10715001
**ORTHODOX CHURCH OF AMERICA
 ORTHODOX CHURCH OF AMERICA
 P.O.BOX 210569
 ANCHORAGE AK 99521**

Parcel ID: 12475000
**ABBAY RAIN HOLDINGS, LLC
 ABBEY RAIN HOLDINGS, LLC
 1009 HALIBUT POINT RD
 SITKA AK 99835**

Parcel ID: 12500000
**MT. VERSTOVIA BUILDING
 MT. VERSTOVIA BUILDING
 313-B LAKE ST
 SITKA AK 99835**

Parcel ID: 12505000
**HAGAN PETER
 HAGAN, PETER, F.
 P.O. BOX 1705
 SITKA AK 99835-1705**

Parcel ID: 12515000
**HAGAN MICHAEL/JUDY
 HAGAN, MICHAEL, K./JUDY, L.
 312-A ERLER DR.
 SITKA AK 99835**

Parcel ID: 13400000
**ALPS FEDERAL CREDIT U
 ALPS FEDERAL CREDIT U
 401 HALIBUT POINT RD
 SITKA AK 99835**

Parcel ID: 13405000
**TOTTEN JOHN/KRISTY
 TOTTEN, JOHN, W./KRISTY, L.
 P.O. BOX 6009
 SITKA AK 99835-6009**

Parcel ID: 13410000
**MULLINS JIMMY/KARIN
 MULLINS, JIMMY, A./KARIN, P.
 309 ERLER ST, #A
 SITKA AK 99835**

Parcel ID: 13412000
**WALTER ANN
 WALTER, ANN, FORSYTHE
 2008 HALIBUT POINT RD
 SITKA AK 99835**

Parcel ID: 13415000
**SMITH GARY
 SMITH, GARY
 105 SAND DOLLAR DR
 SITKA AK 99835**

Parcel ID: 13417000
**FLOOD JAMES
 FLOOD, JAMES, H.
 406-A SPRUCE ST
 SITKA AK 99835-7340**

Parcel ID: 13420000
**MCGRAW MARIE
 MCGRAW, MARIE
 P.O. BOX 718
 SITKA AK 99835-0718**

Parcel ID: 13432000
**ADICKES WILLIAM/CARIN
 ADICKES, WILLIAM/CARIN
 1401 EDGE CUMBE DR
 SITKA AK 99835**

Parcel ID: 13440000
**PARMELEE RICHARD/MARJORI
 PARMELEE, RICHARD/MARJORIE
 405 HEMLOCK ST.
 SITKA AK 99835**

Parcel ID: 13455000
**NICOLAS DAN/SUSIE
 NICOLAS, DAN, J./SUSIE, I
 303 ERLER ST
 SITKA AK 99835**

Parcel ID: 13460000
**DUNSING TRUST DANIEL/LURA
 DUNSING TRUST, DANIEL, D./LURA MAE
 P.O. BOX 12
 SITKA AK 99835-0012**

Parcel ID: 13465000
**LODHI MOHAMMED/SHAHID
 LODHI, MOHAMMED & SHAHIDA
 400 HEMLOCK DR.
 SITKA AK 99835**

Parcel ID: 13470000
**CROPLEY ALTON/JOELLIN
 CROPLEY, ALTON/JOELLI
 406 HEMLOCK ST
 SITKA AK 99835**

Parcel ID: 13475000
**ALPS FEDERAL CREDIT UNION
 ALPS FEDERAL CREDIT UNION
 401 HALIBUT POINT RD
 SITKA AK 99835**

Parcel ID: 13480000
**RILEY TIMOTHY
 RILEY, TIMOTHY, W.
 1220 GLACIER AVE, #C-310
 JUNEAU AK 99801-1501**

Parcel ID: 13490000
**CROPLEY ALTON/JOELLIN
 CROPLEY, ALTON & JOEL
 406 HEMLOCK ST
 SITKA AK 99835**

Parcel ID: 13510000
**GAGE STEVEN/AMELIA
 GAGE, STEVEN & AMELIA
 409 HEMLOCK ST
 SITKA AK 99835**

Parcel ID: 13515000
**FITZSIMMONS LARRY/JULIANA
 FITZSIMMONS, LARRY/JULIANA
 408 HEMLOCK DR.
 SITKA AK 99835**

Parcel ID: 17374000
**CITY & BOROUGH OF SITH
 SWAN LAKE
 C/B OF SITKA
 100 LINCOLN ST
 SITKA AK 99835**

Parcel ID: 10715001
 ORTHODOX CHURCH OF AMERICA
 ORTHODOX CHURCH OF AMERICA
 P.O. BOX 210569
 ANCHORAGE AK 99521

Parcel ID: 12320000
 SITKA SUPER 8 MOTEL, INC.
 SITKA SUPER 8 MOTEL, INC.
 P.O. BOX 4850
 ABERDEEN SD 57402-4850

Parcel ID: 12330000
 SITKA SUPER 8 MOTEL
 SITKA SUPER 8 MOTEL, IN
 P.O. BOX 4850
 ABERDEEN SD 57402-4850

Parcel ID: 12475000
 ABBEY RAIN HOLDINGS, LLC
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 1009 HALIBUT POINT RD
 SITKA AK 99835

Parcel ID: 12500000
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Parcel ID: 12501000
 CITY & BOROUGH OF SITK
 SWAN CRK. PARK RESER'
 C/B OF SITKA
 100 LINCOLN ST
 SITKA AK 99835

Parcel ID: 12505000
 HAGAN PETER
 HAGAN, PETER, F.
 P.O. BOX 1705
 SITKA AK 99835-1705

Parcel ID: 12515000
 HAGAN MICHAEL/JUDY
 HAGAN, MICHAEL, K./JUDY, L.
 312-A ERLER DR.
 SITKA AK 99835

Parcel ID: 12520000
 CHURCH OF THE NAZARE
 CHURCH OF THE NAZARE
 305 LAKE ST
 SITKA AK 99835

Parcel ID: 12650000
 GRAHAM DAVID
 GRAHAM, DAVID, A.
 408 LAKE ST
 SITKA AK 99835

Parcel ID: 12695000
 SALVATION ARMY THE
 SALVATION ARMY
 P.O. BOX 454
 SITKA AK 99835-0454

Parcel ID: 12700001
 ALASKA HOUSING FINAN
 ALASKA HOUSING FINAN
 P.O. BOX 80
 ANCHORGE AK 99510

Parcel ID: 12700002
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Parcel ID: 13460000
 DUNSING TRUST DANIEL/I
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City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Sitka Planning Commission Agenda

Tuesday, August 4, 2015

Held at Sealing Cove Business Center

601 Alice Loop, Sitka, Alaska

7:00pm

- I. CALL TO ORDER AND ROLL CALL
- II. CONSIDERATION OF THE AGENDA
- III. CONSIDERATION OF THE MINUTES FROM July 21, 2015
- IV. THE EVENING BUSINESS
 - A. Public hearing and consideration of a zoning map amendment at 1004 Halibut Point Road and 205 Kimsham Street to change the zoning from R-1 Single Family and Duplex Residential District to C-1 General Commercial District. The property is also known as Lots 3 & 4, U.S. Survey 3303. The request is filed by Trudy Prewitt. The owner of record is The Prewitt Family Trust.
 - B. Public hearing and consideration of an expansion of a credit union conditional use permit at 401 and 407 Halibut Point Road. The property is also known as Lots A and B, Block 24, U.S. Survey 1474-A and Lot A, Burgess Estates. The request is filed by Daniel G. Jones, P.E, LLC. The owner of record is ALPS Federal Credit Union.**
 - C. Public hearing and consideration of a replat at 401 and 407 Halibut Point Road filed by Daniel G. Jones, P.E, LLC. The replat will remove the center lot line and merge two lots into one. The property is also known as Lots A and B, Block 24, U.S. Survey 1474-A and Lot A, Burgess Estates. The owner of record is ALPS Federal Credit Union.
 - D. Public hearing and consideration of a proposed zoning text amendment to modify SGC Table 22.16.015-5 Manufacturing/Storage Uses to allow asphalt plants and concrete batch plants in an Industrial Zone with a conditional use permit. The request is filed by the City and Borough of Sitka.
 - E. Public hearing and consideration of a B&B conditional use permit at 415 DeArmond Street. The property is also known as Lot 12 and a portion of Lot 11, Block 26 of the Spruce Glen Subdivision. The request is filed by Sheila Finkenbinder. The owner of record is Sheila Finkenbinder.
- 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: July 27 and 29

Providing for today...preparing for tomorrow

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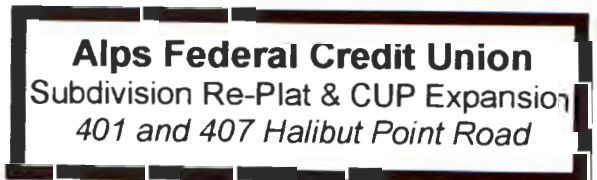
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**P & Z Mailing
Sent 7/10/15**

<http://www.r>



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 MULLINS JIMMY/KARIN
 MULLINS, JIMMY, A./KARIN, P.
 309 ERLER ST, #A
 SITKA AK 99835

Parcel ID: 13412000
 WALTER ANN
 WALTER, ANN, FORSYTHE
 2008 HALIBUT POINT RD
 SITKA AK 99835

Parcel ID: 13415000
 SMITH GARY
 SMITH, GARY
 105 SAND DOLLAR DR
 SITKA AK 99835

Parcel ID: 13417000
 FLOOD JAMES
 FLOOD, JAMES, H.
 406-A SPRUCE ST
 SITKA AK 99835-7340

Parcel ID: 13420000
 MCGRAW MARIE
 MCGRAW, MARIE
 P.O. BOX 718
 SITKA AK 99835-0718

Parcel ID: 13432000
 ADICKES WILLIAM/CARIN
 ADICKES, WILLIAM/CARIN
 1401 EDGE CUMBE DR
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 GAGE STEVEN/AMELIA
 GAGE, STEVEN & AMELIA
 409 HEMLOCK ST
 SITKA AK 99835

Parcel ID: 13515000
 FITZSIMMONS LARRY/JULIANA
 FITZSIMMONS, LARRY/JULIANA
 408 HEMLOCK DR.
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Parcel ID: 17374000
 CITY & BOROUGH OF SITKA
 SWAN LAKE
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ADJACENT LANDOWNERS
JOHN & KRISTY TOTTEN'S

SUBMISSION OF OPPOSITION

Conditional Use Permit Request: ALPS Federal Credit Union, dba: Commercial Bank
Assembly of the City & Borough Of Sitka Meeting: September 8, 2015

We **OPPOSE** the expansion of the ALPS credit union conditional use permit at 401 and 407 Halibut Point Road for the following reasons:

- **SAFETY CONCERNS** (*Illustration- #1*)
 - 120 vehicle entry and exit of ALPS property per work day
 - Additional Traffic through Drive-through .
 - Half of these will be LEFT TURNS that require both lanes of traffic to stop since there is NO TURNING LANE.
 - TINY CAR PARKING and BELOW MINIMUM AISLE WIDTH will result in pickup trucks BACKING OUT INTO HPR.
 - Traffic congestion will dangerously block bike lanes and pedestrians.

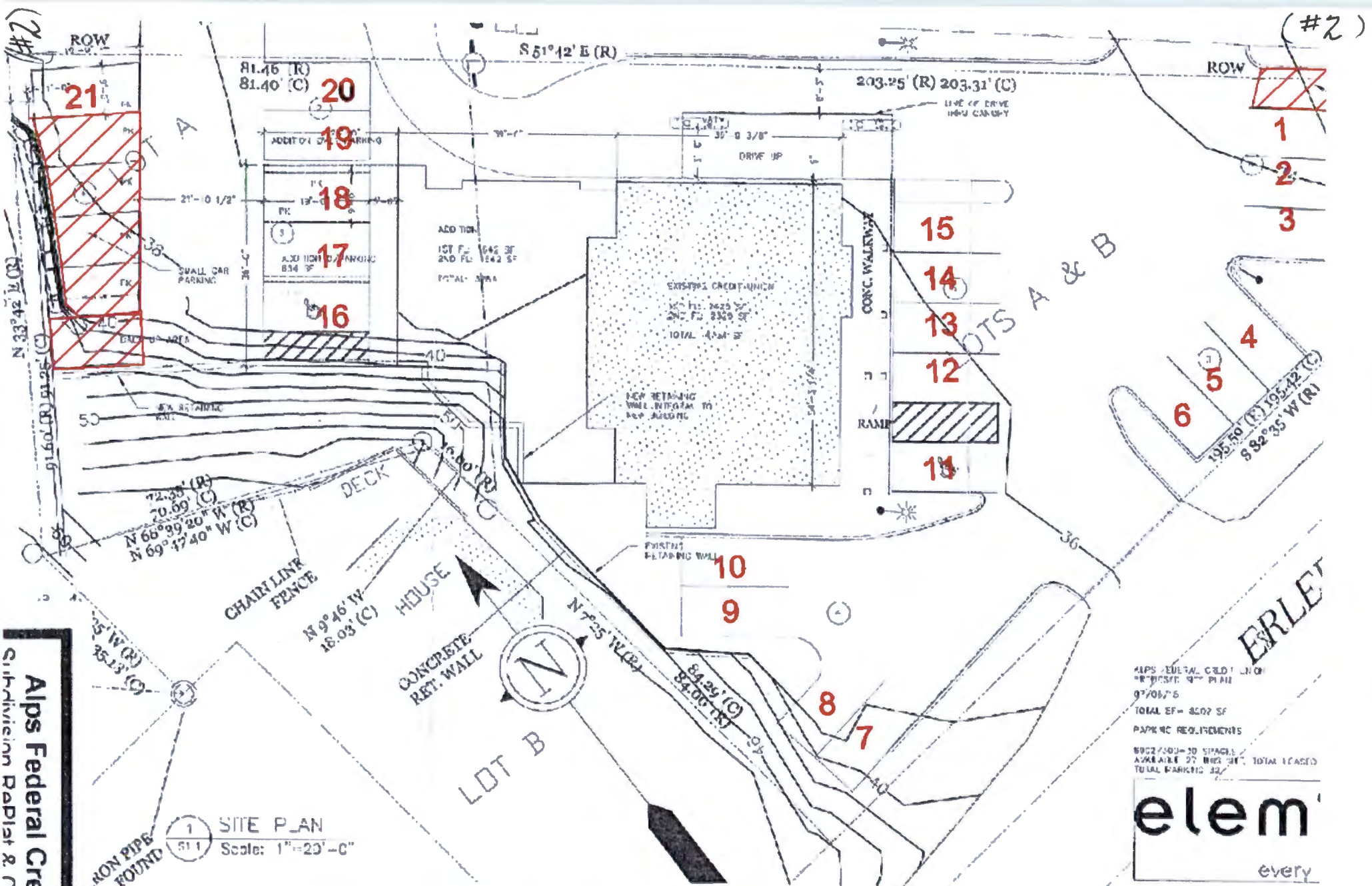
- **DOES NOT MEET SITKA COMPREHENSIVE PLAN**
2.4.2 to make land use decisions in compliance with all applicable land use laws and policies.
 - **INADEQUATE PARKING** (*Illustrations - #2 & #3*)
 - **30 spots required for building size, but only 21 code compliant**
 - LEASED PARKING should require an irrevocable 30-year lease.

 - **BELOW MINIMUM SET BACKS** (*Illustrations - #4, #5 & #6*)
 - Proposed Extension is built to 1996 setbacks (5'). 2010 setbacks now require 10'

- **RESIDENTIAL ZONE** –Expansion of this commercial business does not 'Preserve the PRINCIPAL USE of the Zone'. Sitka Code 22.16

PRESENTED BY:

John Totten & Kristy Kissinger-Totten
Owners of Residence at 311 Erler Street, Sitka



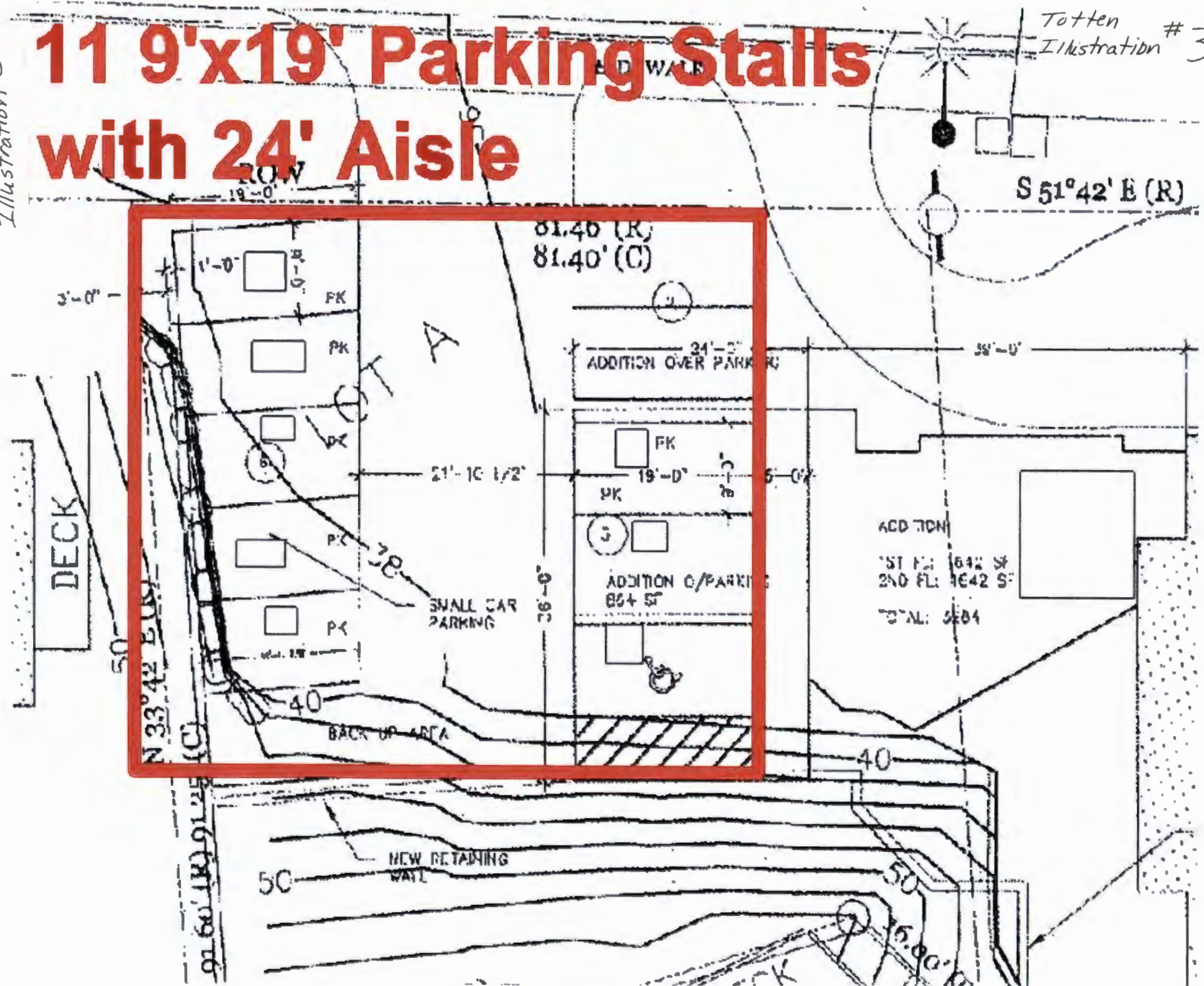
Parking Required = 8902 / 300 = 30 spots
Planned = 21 OnSite (? 5 leased)
9 short and without adequate Aisle

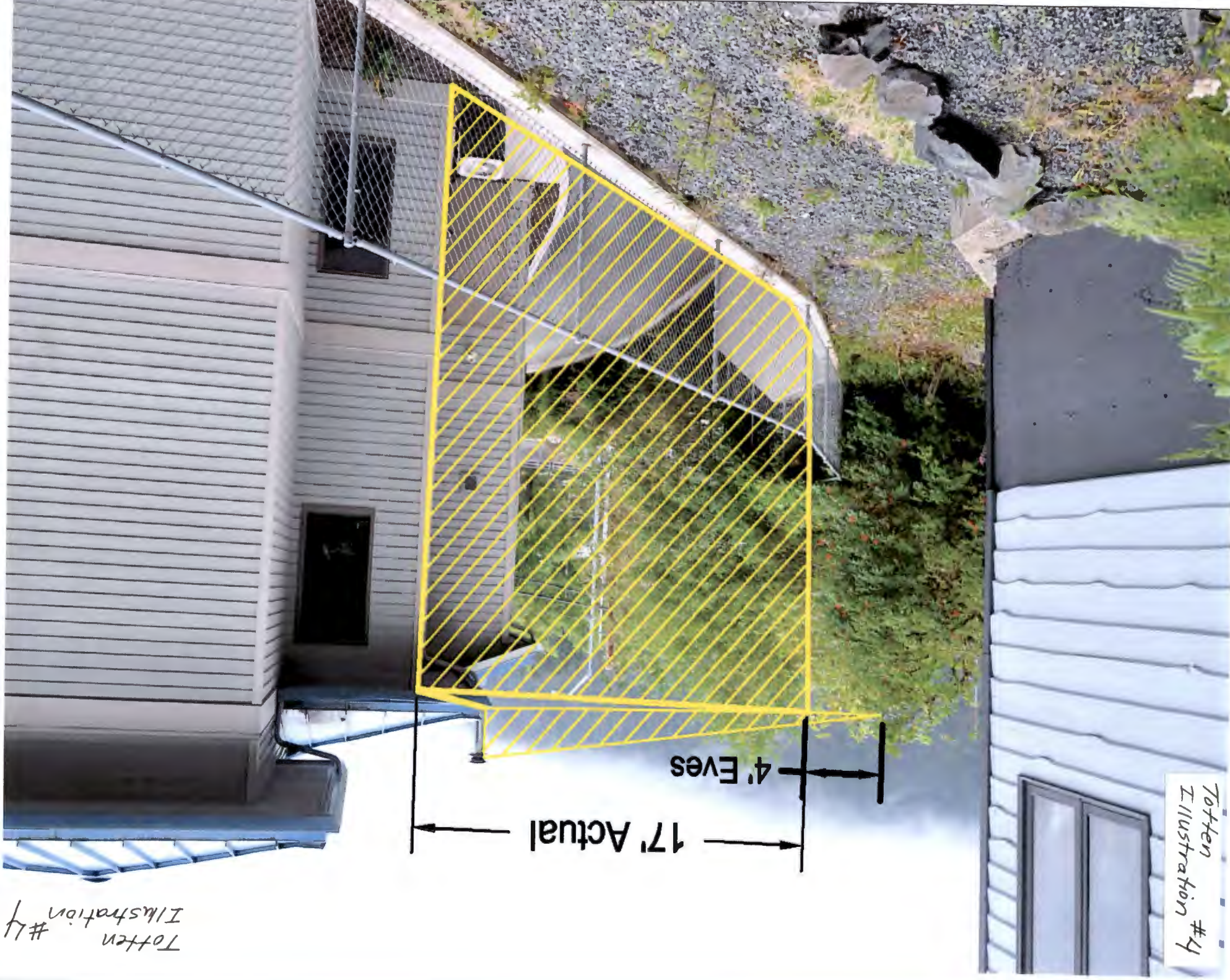
Totten
 Illustration #2

Totten #3
Illustration

Totten #3
Illustration

11 9'x19' Parking Stalls with 24' Aisle





Totten
Illustration #4

Totten
#14
Illustration 1

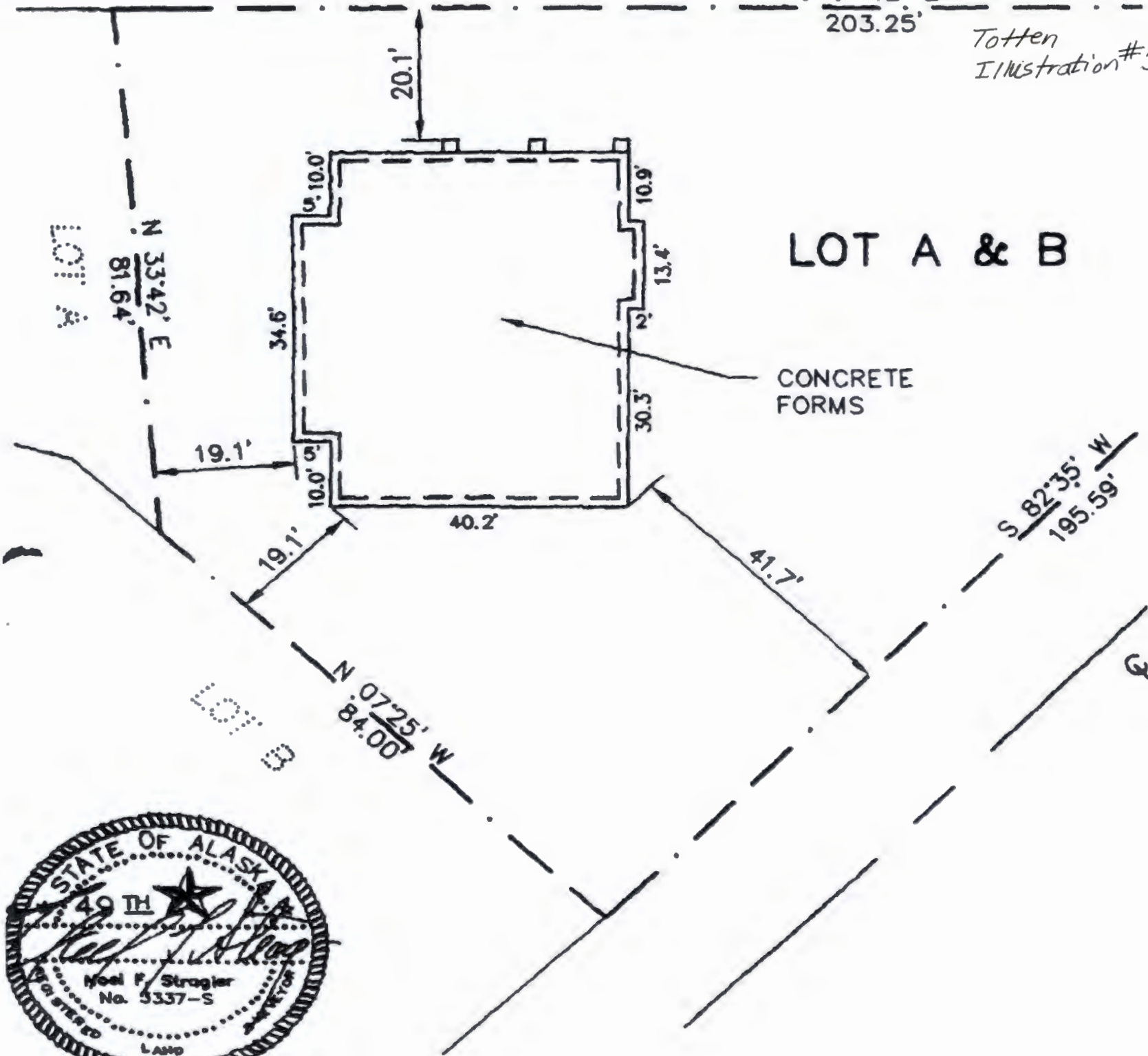
17' Actual

4' Eaves

Totten Illustration #5

203.25'

Totten
Illustration #5



Totten Illustration #6

Totten
Illustration #6

R2 Minimum Lot 8000 SF

Lot 16,000 SF

ALPS
Building
4754 SF

Lot 6520 SF

Buildable
~5000 SF



City and Borough of Sitka
100 Lincoln Street
Sitka, Alaska

September 1, 2015

To: City of Sitka Assembly Members

Re: The Public Hearing and Consideration of an expansion of the ALPS FCU conditional use permit at 401 and 407 Halibut Point Road.

ALPS Federal Credit Union's plan runs counter to the Sitka Comprehensive Plan.

At a recent planning commission meeting I listened to comments from community members referring to Sitka's Comprehensive Plan (SCP). My curiosity piqued, I went home and reviewed the Plan. What I discovered is that **not only does the ALPS plan for expansion run counter to the Sitka General Code, it also is in opposition to the Sitka Comprehensive Plan.**

As members of the Assembly you are no doubt aware that the Sitka Comprehensive Plan is a document which is specifically intended to guide public servants in this type of decision-making process.

Here is what the SCP has to say about ALPS Federal Credit Union's proposed expansion:

2.4.19.

B. Rezoning may be considered in areas where excessive need exists for conditional uses, variances and/or relief from existing requirements.

No "excessive need" exists for this proposed expansion and relief from existing requirements. There are numerous commercial properties available in Sitka which would adequately suit ALPS' needs without needing to expand further into an R-2 zone. This type of zoning creep is a slippery slope and to be avoided.

D. Zoning and parking requirements/regulations shall be consistently followed and enforced. Relief from requirements to provide parking spaces shall be granted only in exceptional cases.

My letter regarding the Sitka General Code clearly states my concern that the proposed parking lot is unsafe and does not meet minimum city requirements. This is no exceptional case.

2.4.24. Carefully consider the views of property owners in residential areas before introducing commercial uses in the areas.

Upon reading this, I was flummoxed as to how the ALPS FCU was ever permitted to build a 2 story building in an R-2 zone which clearly has compromised the previously delightful views of its uphill neighbors. It is easy to see that John and Kristy Totten at in particular had all but their 3rd story views completely obliterated by ALPS' blue 2 story roof. If allowed to build as proposed, the remaining view from the Totten's deck would also be taken from them, and this is clearly proscribed by the Sitka Comprehensive Plan. **This should not be allowed.**

Please deny the ALPS expansion project as currently proposed.

Sincerely,

Karen Zamzow, DC 310 Eler Street

RECEIVED

SEP - 2 2015

City & Borough of Sitka-
Clerk's Office

City and Borough of Sitka
100 Lincoln Street
Sitka, Alaska

1 September 2015

To: City of Sitka Assembly Members

Re: The Public Hearing and Consideration of an expansion of the ALPS FCU conditional use permit at 401 and 407 Halibut Point Road.

ALPS Federal Credit Union's plan runs counter to the Sitka General Code.

As a neighboring property owner at 310 Erler Street, I have had the opportunity to witness the negative effects of having allowed the ALPS FCU to operate as a commercial enterprise in an R-2 zone. Please do not compound the existing problems even further; please deny the replat and expansion of the conditional use permit which would allow expansion of a commercial enterprise further into the R-2 zone negatively affecting the residential quality of the area.

My opposition to this proposal is twofold: first, the encroachment of a commercial enterprise into a residential area; and second, the lack of appropriate parking according to the bank's proposal.

22.16.050 R-2 multifamily residential district. 

A. Intent. The R-2 residential district is intended to include lands suited by topography and other natural conditions for urban development and which are provided with the full range of public utilities, including sewers, water, electricity, and storm drains or are intended to be provided with such utilities in the near future. **This district is intended primarily for single-family and multiple-family residences at moderately high population densities. Structures required to serve governmental, educational, recreational, religious and limited professional office needs are allowed subject to permitted or conditional use restrictions intended to preserve and protect the residential character of the R-2 district.**

This is a residential area which has not had its residential character preserved, it has in fact already suffered loss of residential property values by the uphill properties due to the large two-story bank building encroaching on their views. In addition, the drive-thru area of the bank in particular is an attractive nuisance where people park out of the rain and out of the view of traffic on HPR, rev their engines and smoke and drink in the evening. This is obviously a hazard to the security of the area as well as a source of the loss of quiet enjoyment of their properties by area residents.

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SEP - 2 2015

City & Borough of Sitka
Clerk's Office

22.20.100 Off-street parking requirements.

4. Banks, office buildings, professional offices or clinics: one public parking space per each three hundred square feet of gross floor area

2) This site plan does not meet minimum parking requirements. According to the Sitka General Code (SGC), banks are to provide one public parking space per each three hundred square feet of gross floor area. **This site plan does not have enough parking to meet city code.** Several of the proposed spaces are small car spaces in a town of 4x4 trucks, and one of the 27 parking spaces is also marked "back up area." **A parking space cannot be both a space and a "back up area".** This parking lot plan only meets minimum requirements if one is willing to overlook some serious geometry and mathematics issues. The limited size of the lot will prohibit large vehicles from turning around just as the Crescent Harbor 2 hour lots are known to do on Lincoln St. Vehicles will be forced to back onto HPR due to the lack of sufficient space to maneuver. This is a far greater hazard on the busier state highway. Clearly, the Assembly will recognize that this is NOT AN ACCEPTABLE ARRANGEMENT and does not conform to the SGC. However, a one story addition would solve the parking issue, and may be more acceptable to the uphill neighbors.

In addition, according to the Sitka General Code (the SGC):

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

The extension of the general commercial district along the roads in a strip fashion is to be discouraged.

The ALPS Federal Credit Union replat and expansion of its conditional use permit can only be viewed as "the extension of a commercial enterprise along the road in a strip like fashion."

I agree with the Sitka General Code in opposing this type of zoning creep.

I wish ALPS all the best in its business affairs and am glad to see a growing enterprise in Sitka. However, **this enterprise is not suited for expansion in this neighborhood.** If ALPS requires additional space, there is property located within commercial zones in Sitka which is currently going vacant. ALPS could purchase one of these available properties and move the operation there. There is therefore **no compelling reason to allow for this expansion of the ALPS FCU conditional use permit.**

Thank you for your time and consideration.

Sincerely,

Karen Zamzow, DC 310 Erler Street

BOA – HEARING OUTLINE
Conditional Use Permit

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

¹ *SGC 22.30.060 Board of adjustment.*

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

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

* * *

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

* * *

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

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

a. Approve as recommended.

b. Approve with additional conditions.

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

i. Enlarge the area or scope of the project.

ii. Increase the density or proposed building size.

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

d. Deny (reapplication or resubmittal is permitted).

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

f. Remand for further proceedings.

³ *SGC 22.30.050 Planning commission.*

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

* * *

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

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

1. **FF criteria– All criteria must be met (SGC 22.30.160C)**
 - a. Not detrimental to public health, safety, general welfare;
 - b. Not adversely affect established character of surrounding vicinity;
 - c. Not injurious to uses, property or improvements adjacent to or in vicinity;
 - d. Not inconsistent with Comprehensive Plan;
 - e. Conditions to lessen impacts are monitorable & enforceable
 - f. No hazardous conditions that cannot be mitigated regarding adjacent & vicinity properties ; and
 - g. Not adversely affect public facilities & services, or imposed conditions mitigate impact.

2. **General Approval Criteria Considerations (SGC 22.20.160C)**
 - a. Effects of the conditional use on site (topography, slope and soil stability) and geophysical hazards (flooding, surface and subsurface drainage, water quality);
 - b. Utilities and service requirements (sewers, storm drainage, water, fire protection, access and electrical power);
 - c. Lot or tract characteristics (lot size, yard requirements, lot coverage and height of structures);
 - d. Use characteristics that affect adjacent uses and districts (operating hours; number of persons, traffic, parking and loading, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements); and
 - e. Community appearance (landscaping, fencing, screening).

3. **Proposed Conditions**

F. Recommendations on conditional use permit applications.

* * *

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

⁴ SGC 22.30.160 *Planning commission review and recommendation.* (emphasis added)
Planning commission decision and action authority is defined in Section 22.30.050.

* * *

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

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

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

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

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

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

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

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

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

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

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

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

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

III. BOA Procedure

A. Packet Review

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

B. Hearing (SGC 22.30.180)⁵

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

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

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

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

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

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

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

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

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

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

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

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

* * *

D. Assembly Options – See Section I.B above

IV. Actions after Assembly Decision

A. Remand - *SGC 22.30.200*⁷

B. Reconsideration - *SGC 22.30.190*⁸

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

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

** * **

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

⁷ *SGC 22.30.200 Remand.*

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

⁸ *SGC 22.30.190 Reconsideration.*

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

⁹ *SGC 22.30.240 Judicial appeal.*

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

** * **



Legislation Details

File #: 15-177 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 9/3/2015 In control: City and Borough Assembly

On agenda: 9/8/2015 Final action:

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

Sponsors:

Indexes:

Code sections:

Attachments: [Sales Tax Free Days](#)

Date	Ver.	Action By	Action	Result
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Potential Sales Tax Free Days for 2015

Friday, November 27

Saturday, November 28

I MOVE to authorize _____ as Sales Tax Free day(s) for 2015 noting the sales tax free day(s) will not be applicable to any sale of fuel, nor affect any sale which is part of a continuing obligation of the buyer to pay the seller over time.

4.09.020 Collection of tax.

A. The tax described in Section 4.09.010(A) is imposed on the purchaser and must be collected by the seller and paid to the city and borough of Sitka by the seller as provided in Section 4.09.270. The seller holds all taxes collected in trust for the city and borough of Sitka. The tax must be applied to the sales price.

B. The assembly at their first meeting of September each year shall consider whether to authorize any sales tax free day(s) that have historically followed Thanksgiving. If authorized the sales tax free day(s) will not be applicable to any sale of fuel, nor affect any sale which is part of a continuing obligation of the buyer to pay the seller over time.

4.09.010 Levy of sales tax.

A. There is levied a consumer's sales tax on sales, rents, and leases made in the city and borough of Sitka. This tax applies to sales, rentals, and leases of tangible personal property; sales of services sold within the city and borough of Sitka; sales of services performed wholly or partially within the city and borough of Sitka when the provision of such services originates or terminates within the city and borough of Sitka; and rentals and leases of real property located within the city and borough of Sitka. Notwithstanding any provision of law, air or sea charter services, provided a person or entity in the business of providing such charter services, are exempt from sales tax by the city and borough of Sitka if the charter does not commence and end within the city and borough of Sitka.

B. The rate of levy of the sales tax levied under subsection A of this section is five percent on sales made during the months of October, November, December, January, February, and March. The rate of levy of the sales tax levied under subsection A of this section is six percent on sales made during the months of April, May, June, July, August, and September.¹

C. A flat rate of ten dollars per fish box shall be levied on the packaged fish and/or seafood caught or taken and retained by fish charter customers as part of the fish charter. This tax shall be paid by the fish charter customer, collected by whoever packages the fish and/or seafood caught or taken by the fish charter customer, and is in addition to any sales tax paid based on the cost of the charter. This tax is effective January 1, 2007. For purposes of this subsection, a "fish box" means any packaging by a fish charter operator or processor of fish and/or seafood caught or taken as part of the charter by a fish charter customer. The sales tax collected from this levy on fish boxes shall be deposited by the finance director in the following funds in the following ratios:

1. Thirty percent in the harbor fund;
2. Thirty percent in a fisheries enhancement fund, available to be used for any fisheries enhancement proposal upon approval of the proposal by the assembly; and
3. Forty percent in the general fund.

D. Except as provided in subsection C of this section, all moneys accumulated under the terms of this chapter shall be deposited by the finance director in the general fund of the city and borough of Sitka and shall be used for the general operating expenses of the city and borough of Sitka in such a proportion as deemed advisable from time to time by the assembly.



Legislation Details

File #: 15-171 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 9/1/2015 In control: City and Borough Assembly
On agenda: 9/8/2015 Final action:
Title: Discussion on the concept of a grocery bag tax
Sponsors:
Indexes:
Code sections:
Attachments: [Grocery Bag Tax](#)

Date	Ver.	Action By	Action	Result
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DISCUSSION on the concept of a grocery bag tax





Legislation Details

File #: 15-172 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 9/1/2015 In control: City and Borough Assembly
On agenda: 9/8/2015 Final action:
Title: Discussion on Halibut Point Rec public process and Assembly direction
Sponsors:
Indexes:
Code sections:
Attachments: [Halibut Point Rec](#)

Date	Ver.	Action By	Action	Result
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DISCUSSION on Halibut Point Rec public process
and Assembly direction



City and Borough of Sitka

Parks & Recreation • 100 Lincoln Street • Sitka, Alaska 99835
ph: • 907.747.1852 • fax • 907.747.7668 • parks@cityofsitka.com

Date: 9/3/2015

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

From: Michael Harmon, Public Works Director
Gary Baugher, Maintenance and Operations Superintendent
Lynne Brandon, Parks and Recreation Manager

Subject: Halibut Point Park Management

Background: Halibut Point Park is an important community asset and valued for waterfront, family recreation. Without an official State staff presence in the park there is a high potential for problems with bears, parties, illicit activity and vandalism. By default any issues that arise in the Park impact the City.

State Parks does not foresee returning their operations to Sitka. MOU's for management authority for Old Sitka State Historic Park, the interpretive area, and Castle Hill State Historic Site, have been signed with the National Park Service. These agreements will be in place through October.

The Administrator has had initial conversations with the Alaska State Parks Southeast Regional Superintendent, Mike Eberhardt, regarding options for the City to enter into a management agreement for Halibut Point Park. He is also trying to determine if it's possible to transfer the title to the land.

Additionally, Mark is exploring creative approaches to management of Halibut Point State Recreation Site that are revenue neutral for the City. He is interested in exploring a collaborative relationship with a non-profit or other entity that would run the volunteer maintenance program, collect and keep fees. Additional revenue generation options will be explored.

The Assembly requested that the Administrator consult with the Parks and Recreation Committee and hold a public meeting to determine publicly acceptable options for the management of Halibut Point State Recreation Site

Analysis: At the regularly scheduled Parks and Recreation Committee monthly meeting on August 13 and at a Parks and Recreation Committee hosted public meeting on August 26, management options for Halibut Point Park were discussed with the public. See attached summary and meeting minutes.

The Parks and Recreation meeting on August 13 was a general discussion and established the range of opinions regarding options for management of Halibut Point Park. Subsequently, staff synthesized the Committee meeting responses into two decision points with a range of

alternatives for the public to respond to at the public meeting. Public input on two discussion items:

- 1) What is the goal for the public use of the park?
- 2) What is a publicly acceptable direction for the management of Halibut Point Park?

The public meeting on August 26 resulted in the following general consensus:

- Although the status quo, with State management, is the preferred alternative this is not likely in the next few years.
- Overnight use in the park is acceptable but further public process as overnight use options are considered.
- The public prefers that CBS take over management authority for a limited amount of time, five years, but not transfer the title at this time. The arrangement can then be re-evaluated after five years.
- After CBS takes over management authority, there is support for exploration of other collaborative efforts to see if management by a non-profit or other entity is viable. This can occur over the next few months in time for the summer season and should involve a separate public process.
- It is a priority to get a host in the cabin.

Attachments

- Sitka Parks and Recreation Committee August 2015 draft minutes (not yet approved)
- August 26 Public Meeting Notes

Notes from Halibut Point Recreation Park Management Meeting Discussion
August 26, 2015 Sealing Cove Business Center, 6 p.m.

ATTENDEES: Michelle Putz, Perry Edwards, Don Kluting, Jeff Feldpausch and Kay Turner from Parks and Rec, Lynne Brandon, Mike Scarcelli, Mike Eberhardt. Penny Brown, Brownie Thomsen, Marge Ward, Kara Knox, Ann Marie LaPalme, Sabra Jenkins, Marge Steward
Scribe: Michael Scarcelli

1. Public Use Options Intro

- a. Status Quo – day use
- b. Day Use Plus
- c. Limited Overnight use (cabin, shelter, tent)

2. Discussion on Public Use Options

- a. Straight into fee structure (\$35, \$50, over 50 \$200, \$2500 with old system from picnic sites); will need re-evaluation
- b. Overnight would impact day use, some against that but general consensus that overnight would be acceptable. Should be a public process involved a determining the type of overnight use, where it would be located and the fees.
- c. Is there an outstanding need for more campsites? Is Starrigavan at capacity?
- d. Area for tenting considered but not as popular due to rainy climate
- e. Other camping opportunities and hike-in and cabin opportunities on road system listed as priorities in Sitka Outdoor Recreation Plan.
- f. Mosquito cove as alternative hike-in cabin site
- g. State Mike: When you put public use next to road system you could high use, and vandalism low
- h. Mosquito Cove has been considered for cabin concerns about vandalism
- i. Oversight of cabins is the main issue:
 - i. Heat option – propane vs. oil; have to provide firewood so trees don't get cut down
 - ii. Clean-up between groups
- j. Eagle Beach of good example of high use example and keeping management simple
- k. Seasonal Host or Live-in host keeps Starrigavan cabin functional
- l. Starrigavan Cabin 10K a year (260 days rented); \$157,000 investment.
- m. Overnight cabin sites at Eagle Beach: rented 340 days a year
- n. Increased fee for overnight-use and cabin (Michele)
- o. RV/Tent/Tiny Home (Michele)
- p. Could one of the low use picnic shelters be converted to a camp site?
- q. What is revenue cost ratio of tent or shelter (Revenue 300 x 50 =15k), is that worth investment
- r. Parks and rec: already deferred maintenance list, don't want more costs of maintenance
- s. Vaulted restroom needs replacement. It is 25 years old.

3. Management Options Intro

- a. Status Quo
- b. Management Agreement for Term of Years – limited
- c. Land Title Transfer
- d. CBS pursues management authority and coordinates with non-profit or other entity

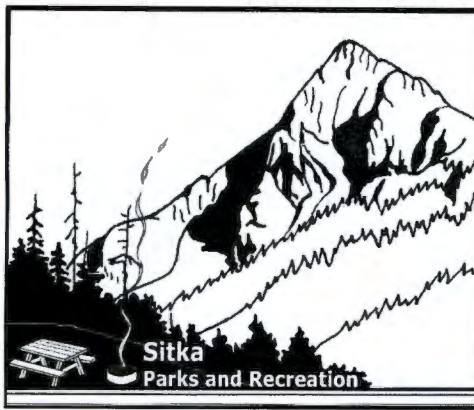
4. Discussion on Management Option:

- a. Multi non-profit management of HPR (e.g. Sitka Trails, Moose/Elks, Sitka Sound Science Center) but need someone to coordinate
- b. Major Maintenance issues: who is responsible (how would bridge repair work?)
 - i. Legislative Process of Request by City
 - ii. Already long-list of deferred items
- c. With MOU with other entity questions arose: concerns about liability, cost, maintenance, insurance, shorter term to test water.
- d. Group didn't support Title Transfer
- e. Other State Park Opportunities (Castle Hill, Boat Launch)
- f. Try to Get PT State Park Ranger
- g. Don't prevent State from coming back to take over (i.e. take title)
- h. High Priority for City to use
- i. Look at Alternatives (Boat Launch, Starr, Castle Hill, Mosquito Cove)
 - i. Nobody stepped up at RFP step for Boat Launch
- j. Revenue for Boat Launch was \$15k
- k. State: needs to shut down infrastructure, only way to save it, is to lean on City for help and use.
 - i. Rent Salmon House
 - ii. HPR host? (probably not rent)
- l. Discussion Needs to have more concrete format of ideas with details to move forward on them (costs, revenue structure)
- m. To allow for broader discussion of public need more time/notice due to past week events
 - i. Wait one month
 - ii. Multimedia Notice: Use web, sentinel, radio, and social media to advertise to public
- n. Management Agreement with State:
 - i. Mike E., supports a loose agreement for term 1-5 years and can provide up to 40K
 - ii. Can happen quickly
 - iii. State in time crunch
 - 1. Deadline: freeze date to turn off water, etc.
 - 2. Process for Shutting down Salmon House and HPR
- o. General Support for Moving Forward towards Management Agreement
- p. State Parks Advisory Board
 - i. Prefers state remain as management
 - ii. But if not, then remain open
- q. Concerns About Fate of other sites and facilities (Castle Hill example)
- r. Discussion Again about limited Term Management Agreement to allow State to Return as preferred
- s. Host in Cabin to Preserve Structure and also allow passive management
- t. Formalize these different ideas, with details, and terms to present to public as ideal
- u. State wants to move forward with a management agreement and is open to giving loose terms and money (up to \$40,000) for 1- 5 years.

Summary

The consensus of the group was as follows:

- 1) Discussion supported limited, trial, shorter term management agreement
- 2) Low to no asset investment
- 3) Utilize non-profit(s) or quid-pro-quo host to manage
- 4) Get a host in place as soon as possible
- 5) Formulate more detailed options/ideas/funding plan for presentation to public for consensus
- 6) Consider CBS management of Boat Launch and Starrigavan trails as well.



City and Borough of Sitka

Parks & Recreation Division • 100 Lincoln Street •

Sitka, Alaska 99835 • ph: 907.747.1852

SITKA PARKS AND RECREATION COMMITTEE

August 13, 2015 Meeting Minutes

Third Floor Conference Room, City Hall

Present: Chris Whitehead, Jeff Mossige, Jeff Feldpausch, Clara Whitehead, Kay Turner

Excused: Hans vonRekowski

Absent:

Ex Officio:

Staff: Lynne Brandon, Gary Baugher, Dan Tadic, Mark Gorman

Others: Ben Miyasato (Assembly Liaison), Brownie Thomsen, Marge Ward, Rebecca Himshoot, Kara Knox, Ann Marie LaPalme, Eve Grutter, Bob Hunley, Penny Brown, Barb Morse

Approval of Minutes: *(Motion: Whitehead): Approve June 2015 minutes. Passed unanimously.*

Changes to the Agenda: None.

Correspondence: None.

Persons to be Heard: None.

Unfinished Business:

New Business:

Election of Chair: *(Motion: Mossige): Nominate Jeff Feldpausch as Chair until the next election in January. Passed unanimously.*

Discussion:

Mark Gorman opened by saying that HP Rec is an important community asset and valued for waterfront, family recreation. After the State's de-funding of the local parks, the lack of staff presence City Hall has received calls problems in the park. Without an official presence in the park there is a high potential for for problems with bears, parties, illicit activity, vandalism exist. By default any issues that arise in the Park impact the City.

He updated the Committee members on the status of discussions that he has had with State Parks regarding potential for CBS taking over management authority for Halibut Point Park. The Starrigavan boat launch and trails are not currently a part of the discussion.

State Parks is willing to sign over management authority immediately and may include \$40,000 in funding for a public use cabin and will transfer a park vehicle. Mark said that he is proceeding cautiously and is investigating title transfer as well. To have the management remain revenue neutral for the City he is exploring collaborative relationships with a non-profit. SCS may be interested. One concept is to work with SCS who would collect fees would be collected, oversee the volunteers along with a volunteer host in the cabin and tiny RV homes would be built at the entrance for intern housing or revenue generation. Building a public use cabin in the park is

another idea for a revenue source. The goal is to establish a collaborative approach to keep park open and to enhance.

The Administrator would like to get feedback from SPRC members and also hold a public meeting before formalizing a proposal.

The following comments were made:

- The terrain and proximity to the highway make overnight use inappropriate
- Overnight use is incompatible with the day use
- There needs to be a discussion of cost of any new developments vs. the amount of fees generated (a business plan) to see if it is possible to be revenue neutral. Public use cabins are expensive to put in.
- What about restrooms?
- Questions regarding liability and insurance. Will the non-profit need liability insurance?
- Parking is already a problem
- Opposed to taking on additional infrastructure when the City isn't funding parks deferred maintenance projects and there's talk about closing playgrounds. The infrastructure sinking fund, although set up to include parks, isn't utilized for parks infrastructure maintenance.
- May be in favor of short term management authority with active SCS management May through September.
- Concerns expressed that the takeover may give State Parks a reason not to return.

Mark commented that service organizations may be able to take care of infrastructure by obtaining grants for the replacement.

- There needs to be a solid plan for how the park maintenance and infrastructure are going to be funded, including possible revenue sources, grants for infrastructure and how to manage more efficiently.
- Setting a precedent for State Parks to shed parks in other communities.
- Encourage State kick in "X" amount annually
- Don't transfer the title and make the management authority short term
- Increase fees
- Volunteers need to have oversight. Something needs to happen.

Although Committee member Hans vonRekowski was unable to attend the meeting he submitted the following comments:

As you know I will be out of town for our August meeting. I did however want to provide the members with some of my thoughts on the HPR Rec site proposal you sent out. Most of the ideas presented I think are fine but I wouldn't want to agree to manage the site unless the State agrees to provide the city title to the property. I think that providing housing in the existing house to a volunteer who could help operate and maintain the site is smart. I do not however feel that we should construct a cabin for public use. Halibut Point Recreation facility is a day use site and not a campground. I do not think camping here is compatible with the existing day use. Building a recreation cabin here would be expensive and the operation and maintenance of a recreation cabin is an expensive proposition. If the city is seriously thinking about doing this you should talk with Annemarie LaPalme at the Sitka Ranger District to get an idea what the expenses and challenges are with a recreation cabin so close to town. I also do not think it would be good idea for the city to compete with the private sector by with any type of short term rentals.

Reports:

- P & R Manager's Report –Tony Hrebar project was completed July 23. The end berms for the 100 and 200 and side berms between the 100 and 200 and the pistol range and the 200 are now full height. After removing the vegetation the inadequate height was obvious and it is really positive to rectify the problem. There is still money available to do some more drainage work and perhaps replace the shooting benches.
- Trails – Cross 4 & 5: STW is working on the Baranof Street connector, about 200 yards remain until the cemetery section is connected with the Pherson neighborhood connector. Herring Beaver: Herring Beaver repairs are complete. A lot of drainage work was done, a reroute at the waterfall bridge and the bridge was raised 3'. We have been working on a signage plan for the Cross Trail since all the mileages have to be updated on the mileage signs.
- Ballfields, Parks and Green Space Update – Jeff Cranson, Parks and Ballfields Specialist, has been doing a tremendous job keeping the ballfields in great condition. Sand has been added to Krueger and the turf is finally building up. More work is planned for the Men's Field at Kimsham to help with drainage. That project will occur after Mudball. No high school football this year. Community Schools - The School District didn't get any responses to the RFP for Community Schools.

Comments: None.

Adjournment: Meeting adjourned at 1:25 PM

Next meeting: **Thursday, September 10 at City Hall.**



Legislation Details

File #: 15-173 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 9/1/2015 In control: City and Borough Assembly

On agenda: 9/8/2015 Final action:

Title: Discussion/Direction on utilizing existing appropriations to pay for Blue Lake Road and Green Lake Road repairs

Sponsors:

Indexes:

Code sections:

Attachments: [Blue and Green Lake Road Repairs](#)


Date	Ver.	Action By	Action	Result
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DISCUSSION / DIRECTION on utilizing existing appropriations to pay for Blue Lake Road and Green Lake Road repairs

Memo

Thru: Mark Gorman, Administrator

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

From: Jay Sweeney, Chief Finance and Administrative Officer 

Date: September 2, 2015

Re: Discussion/Direction on Use of Emergency Ordinance Appropriations to Repair Blue Lake and Green Lake Roads

As you have already been informed, the recent landslide emergency caused extensive damage to both Blue Lake and Green Lake roads. This damage will require expensive repairs as well as rapid response.

Both Blue Lake road and Green Lake road are used by Electric Utility personnel to access Electric Utility infrastructure. In the case of an outage or other service disruption, utility crews will need to be able to traverse these roads as well as, potentially, move heavy equipment along them. At the present time, unless repaired, these roads can't provide access for heavy equipment, potentially placing utility service and infrastructure at risk.

Historically, the cost of all repairs to these roads has been an Electric Department responsibility. In some cases, the Forest Service has contributed financially to repair and maintenance of the roads.

Bryan Bertacchi, Electric Utility Director has requested authority to initiate repairs as well as supplemental appropriations to pay for the repairs. The existing emergency appropriation in the General Fund, however, could serve as authority to spend public funds to initiate repairs.

Were the Assembly to elect to allow public funds from the General Fund to be used to pay for these repairs, the Assembly could either direct that expenditures be reimbursed from the Electric Fund, or, that General Fund appropriations pay for repair costs.

Furthermore, although insurance will not reimburse for repair costs, public assistance from the State of Alaska in conjunction with the Emergency Declaration may. Thus, the decision the Assembly makes will have an impact on how potential public assistance is accounted for. Or, in other words, if General Fund appropriations are used which are not reimbursed by the Electric Fund, any reimbursements from State of Alaska Public Assistance will accrue to the General Fund, not the Electric Fund.

If the Assembly directs that General Fund appropriations NOT be used to pay for these road repairs in any fashion, the Electric Fund will require Assembly approval to initiate the repairs in a timely fashion. The Electric Fund could use existing appropriations, earmarked for other purposes in the annual budget, then approach the Assembly at a subsequent Assembly meeting for a supplemental appropriation to restore its budget. Such a course of action is less efficient, however, and CBS Staff recommends that the existing General Fund emergency appropriation be used to pay for repair costs.