

# CITY AND BOROUGH OF SITKA

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

## Meeting Agenda

### City and Borough Assembly

*Mayor Steven Eisenbeisz,  
Deputy Mayor Kevin Knox,  
Vice Deputy Mayor Kevin Mosher,  
Thor Christianson, Crystal Duncan, Rebecca Himschoot,  
David Miller*

*Municipal Administrator: John Leach  
Municipal Attorney: Brian Hanson  
Municipal Clerk: Sara Peterson*

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Tuesday, September 13, 2022

6:00 PM

Assembly Chambers

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#### **REGULAR MEETING**

**I. CALL TO ORDER**

**II. FLAG SALUTE**

**III. RECITAL OF LANDS ACKNOWLEDGEMENT**

**IV. ROLL CALL**

**V. CORRESPONDENCE/AGENDA CHANGES**

[22-128](#) Reminders, Calendars, and General Correspondence

**Attachments:** [Reminders and Calendars](#)

[Sitka Tourism Feedback Report 22.9.6](#)

**VI. CEREMONIAL MATTERS**

[22-124](#) Service Awards- Climate Action Task Force Members

**Attachments:** [Climate Action Task Force Certificates](#)

**VII. SPECIAL REPORTS: Government to Government, Municipal Boards/Commissions/Committees, Municipal Departments, School District, Students and Guests (five minute time limit)**

[22-125](#)

- 1) Climate Action Task Force Final Report
- 2) Sitka Rocky Gutierrez Airport Terminal Improvements Project Update

**Attachments:** [Special Reports](#)

[Climate Action Task Force Final Report](#)

[1. SIT-Assembly.Presentation.9.13.22 REVISED](#)

#### **VIII. 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.*

#### **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** [22-126](#)

Approve the August 18 and August 23 Assembly meeting minutes

**Attachments:** [Consent and Minutes](#)

#### **X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS**

*None.*

#### **XI. UNFINISHED BUSINESS:**

**B** [ORD 22-16S](#)

Amending Title 2 "Administration" of the Sitka General Code by adding Chapter 2.15 "Sustainability Commission"

**Attachments:** [Motion](#)

[Memo](#)

[Ord 2022-16S Substitute Ordinance](#)

**C** [ORD 22-20](#)

Updating Title 19 "Building and Construction" of the Sitka General Code by adding a new chapter and modifying and amending the majority of all other chapters within this Title

**Attachments:** [Motion Ord 2022-20](#)

[Memo Ord 2022-20](#)

[Ord 2022-20 Title 19 Building and Construction\\_Final](#)

- D      [ORD 22-21](#)      Amending Title 22 “Zoning” of the Sitka General Code by updating Chapter 22.08 “Definitions” and Chapter 22.24 “Special Use Permits” (Short-Term Rentals)

**Attachments:** [Motion Ord 2022-21](#)

[Ord 2022-21 Short Term Rental Code Update\\_Final](#)

[April 2022 Townhall Short-Term Rentals](#)

- E      [ORD 22-22](#)      Making supplemental appropriations for fiscal years 2022 and 2023 (Re-appropriations and Supplemental Appropriations)

**Attachments:** [Motion Ord 2022-22](#)

[Memo Ord 2022-22](#)

[Ord 2022-22](#)

## XII.      **NEW BUSINESS:**

### **New Business First Reading**

- F      [ORD 22-23](#)      Amending Title 4 “Revenue and Finance” of the Sitka General Code by amending chapter 4.12 “Property Tax” Section 4.12.025 “Exemptions”

**Attachments:** [Motion and Memo Ord 2022-23](#)

[Ord 2022-23](#)

- G      [ORD 22-24](#)      Updating Title 9 “Health and Sanitation” of the Sitka General Code by modifying chapter 9.16 “Ambulance Service”

**Attachments:** [Motion and Memo Ord 2022-24](#)

[Ord 2022-24](#)

- H      [ORD 22-25](#)      Making supplemental appropriations for fiscal year 2023 (Crescent Harbor Finger Repair)

**Attachments:** [Motion](#)

[Signed Memo and Ord 2022-25](#)

### **Additional New Business Items**

- I      [RES 22-24](#)      Authorizing an application to the Edward Byrne Memorial Justice Assistance Grant (JAG) program for a pass-through grant with the State of Alaska Department of Public Safety Division of Administrative Services Grants Office

**Attachments:** [Motion Res 2022-24](#)

[Signed Memo and Res 2022-24](#)

- J**      [RES 22-25](#)      Authorizing the Municipal Administrator to apply for and execute a grant with the National Oceanic and Atmospheric Administration (NOAA) restoring fish passage through barrier removal notice of funding opportunity for \$1,853,390 to support the Wachusetts Storm Sewer Rehabilitation Project

Attachments: [Motion](#)

[Signed Memo and Res 2022-25](#)

- K**      [22-127](#)      Decision on whether to allow sales tax free day(s) following the Thanksgiving holiday and set date(s)

Attachments: [Motion](#)

[Memo 2022 Sales tax free days](#)

**XIII.      PERSONS TO BE HEARD:**

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

**XIV.      REPORTS**

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

**XV.      EXECUTIVE SESSION**

*Not anticipated.*

**XVI.      ADJOURNMENT**

*Note: Detailed information on these agenda items can be found on the City website at <https://sitka.legistar.com/Calendar.aspx> or by contacting the Municipal Clerk's Office at City Hall, 100 Lincoln Street or 747-1811. A hard copy of the Assembly packet is available at the Sitka Public Library. Regular Assembly meetings are livestreamed through the City's website and YouTube channel, and aired live on KCAW FM 104.7. To receive Assembly agenda notifications, sign up with GovDelivery on the City website.*

*Sara Peterson, MMC, Municipal Clerk*

*Publish: September 9*



# CITY AND BOROUGH OF SITKA

## Legislation Details

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**File #:** 22-128      **Version:** 1      **Name:**

**Type:** Correspondence      **Status:** AGENDA READY

**File created:** 9/7/2022      **In control:** City and Borough Assembly

**On agenda:** 9/13/2022      **Final action:**

**Title:** Reminders, Calendars, and General Correspondence

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [Reminders and Calendars](#)  
[Sitka Tourism Feedback Report 22.9.6](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

# ***REMINDERS***

| <b><u>DATE</u></b>            | <b><u>EVENT</u></b>   | <b><u>TIME</u></b> |
|-------------------------------|---|--------------------|
| <b>Tuesday, September 13</b>  | <b>Regular Meeting</b>  | <b>6:00 PM</b>     |
| <b>Thursday, September 22</b> | <b>Special Meeting</b><br><i>Award of Annual<br/>General Fund<br/>Non-Profit Grants</i> | <b>6:00 PM</b>     |
| <b>Tuesday, September 27</b>  | <b>Regular Meeting</b>  | <b>6:00 PM</b>     |



## **MUNICIPAL ELECTION**

|                              |  |
|------------------------------|--|
| <b>Monday, September 19</b>  | <b>Absentee/Advanced in-person voting begins at<br/>Harrigan Centennial Hall 8:30 a.m. – 4:30 p.m.</b> |
| <b>Tuesday, September 27</b> | <b>Last day to request absentee by mail ballot</b>   |
| <b>Monday, October 3</b>     | <b>Last day of Absentee/Advanced in-person voting<br/>at Harrigan Centennial Hall</b>                  |
| <b>Tuesday, October 4</b>    | <b>Municipal Election- Polls Open from 7 a.m.-8 p.m.</b>   |

### **Expiring Terms:**

Assembly  
Steven Eisenbeisz  
Kevin Knox  
Thor Christianson

School Board  
Paul Rioux  
Amy Morrison (2 year term)  
Andrew Hames (1 year term)

# Assembly Calendar

2021 Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec 2023

September 2022

| Sunday     |     | Monday                     | Tuesday   | Wednesday   | Thursday  |     | Friday   | Saturday |
|------------|-----|----------------------------|---|---|---|-----|--|----------|
| 28         | Aug | 29                         | 30  | 31  | 1   | Sep | 2  | 3        |
| Eisenbeisz |     | Eisenbeisz                 | Eisenbeisz  | Eisenbeisz<br>12:00pm <u>Health Needs and Human Services Commission</u>   | Eisenbeisz<br>12:00pm Sitka Bear Task Force<br>6:00pm <u>Work Session: Strategic Planning</u> |     | Eisenbeisz   |          |
| 4          |     | 5                          | 6   | 7   | 8   |     | 9  | 10       |
|            |     | HOLIDAY<br>observed by CBS |   | 6:00pm <u>Library Commission- Liaison Miller</u><br>6:00pm <u>School Board - Liaison Himschoot</u>  | 12:00pm <u>Local Emergency Planning- Liaison Miller</u>                                       |     | 11:00am - 1:00pm A Coast Guard City Community Celebration - Kimsham Ballfields |          |
| 11         |     | 12                         | 13  | 14  | 15  |     | 16   | 17       |
|            |     | Eisenbeisz                 | Eisenbeisz<br>Duncan<br>12:00pm <u>Parks and Recreation Committee- Liaison Knox</u><br>6:00pm <u>Regular Assembly Mtg</u> | Eisenbeisz<br>5:00pm <u>Tree &amp; Landscape - Liaison Himschoot</u><br>6:00pm <u>Historic Preservation Commission- Liaison Miller</u><br>6:00pm <u>Ports &amp; Harbors- Liaison Knox</u> | Eisenbeisz  |     |  |          |
| 18         |     | 19                         | 20  | 21  | 22  |     | 23   | 24       |
|            |     |                            |   | 7:00pm <u>Planning Commission - Liaison Christianson</u>  | Himschoot<br>6:00pm <u>Special Meeting: Award of Annual General Fund Non-Profit Grants</u>    |     |  |          |
| 25         |     | 26                         | 27  | 28  | 29  |     | 30   | 1        |
|            |     |                            | 6:00pm <u>Regular Assembly Mtg</u>  | 5:30pm <u>Police and Fire Commission- Liaison Duncan</u>  |   |     |  | Oct      |

# Assembly Calendar

2021 Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec 2023

## October 2022

| Sunday |        | Monday | Tuesday   | Wednesday  | Thursday   | Friday | Saturday |     |
|--------|--------|--------|---|--|--|--------|----------|-----|
| 25     | Sep    | 26     | 27  | 28   | 29   | 30     | 1        | Oct |
|        |        |        | 6:00pm <u>Regular Assembly Mtg</u>  | 5:30pm <u>Police and Fire Commission- Liaison Duncan</u>   |  |        |          |     |
| 2      |        | 3      | 4   | 5  | 6  | 7      | 8        |     |
|        |        |        | Municipal Election  | 6:00pm <u>School Board - Liaison Himschoot</u><br>7:00pm Planning Commission- Liaison Christianson                       | 12:00pm Sitka Bear Task Force  |        |          |     |
| 9      |        | 10     | 11  | 12   | 13   | 14     | 15       |     |
|        |        |        | 12:00pm <u>Parks and Recreation Committee- Liaison Knox</u><br>6:00pm <u>Regular Assembly Mtg</u> | 5:00pm <u>Tree &amp; Landscape - Liaison Himschoot</u><br>6:00pm <u>Historic Preservation Commission- Liaison Miller</u> |  |        |          |     |
| 16     |        | 17     | 18  | 19   | 20   | 21     | 22       |     |
|        |        |        | HOLIDAY observed by CBS   | 12:00pm Health Needs and Human Services Commission<br>7:00pm <u>Planning Commission - Liaison Christianson</u>           |  |        |          |     |
| 23     |        | 24     | 25  | 26   | 27   | 28     | 29       |     |
|        |        |        | 6:00pm <u>Regular Assembly Mtg</u>  | 5:30pm <u>Police and Fire Commission- Liaison Duncan</u>   | 6:00pm Joint Special Meeting: Planning Commission/Assembly<br>Topic: Short-Term Tourism Plan Review and 2023 Season Planning |        |          |     |
| 30     |        | 31     | 1   | 2  | 3  | 4      | 5        |     |
| Miller | Miller | Miller |   | Miller<br>6:00pm <u>School Board - Liaison Himschoot</u><br>7:00pm Planning Commission- Liaison Christianson             | Miller<br>12:00pm Sitka Bear Task Force  | Miller | Miller   |     |



**LINCOLN  
STREET**

**CLOSURES**

## 2022 Sitka Tourism Feedback Tracking

**August 16- September 6, 2022**

| Date      | Source                       | Concern Type           | Submitter Type      | Recipient              | Summary   |
|-----------|------------------------------|------------------------|---------------------|------------------------|---|
| 8/31/2022 | CBS Admin phone line         | General Tourism        | Cruise Ship Visitor | CBS Holley<br>Dennison | Visitor complained about the length of time to get to Sitka, the long lines and the road construction.  |
| 8/31/2022 | Visit Center walk in visitor | Lincoln Street Closure | Cruise Ship Visitor | VS Laurie Booyse       | Visitor was concerned about the jaywalking happening on Harbor Drive in front of Harrigan Hall and made a few suggestions. She suggested having a crosswalk from the curb at Harrigan Hall, to have a left turn lane at the light and an all-walk light cycle for pedestrians at the light. |
|           |                              |                        |                     |                        |   |



# CITY AND BOROUGH OF SITKA

## Legislation Details

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File #: 22-124      Version: 1      Name:

Type: Ceremonial      Status: AGENDA READY

File created: 9/6/2022      In control: City and Borough Assembly

On agenda: 9/13/2022      Final action:

Title: Service Awards- Climate Action Task Force Members

Sponsors:

Indexes:

Code sections:

Attachments: [Climate Action Task Force Certificates](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

# Service Award


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

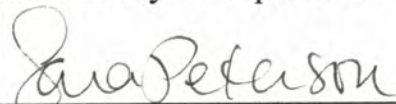
**Elizabeth Bagley**

*this expression of grateful acknowledgment for your valued services  
rendered in the public interest while serving on the  
Climate Action Task Force. Thank you!*

Signed and sealed this 13th day of September 2022



  
\_\_\_\_\_  
Deputy Mayor, Kevin Knox

  
\_\_\_\_\_  
ATTEST: Municipal Clerk, Sara Peterson


# Service Award

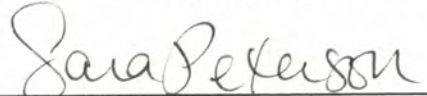
*On behalf of the City and Borough of Sitka is hereby awarded to*

**Catherine Riley**

*this expression of grateful acknowledgment for your valued services  
rendered in the public interest while serving on the  
Climate Action Task Force. Thank you!*

Signed and sealed this 13th day of September 2022

  
Deputy Mayor, Kevin Knox

  
ATTEST: Municipal Clerk, Sara Peterson





# Service Award

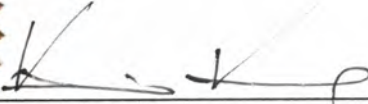
*On behalf of the City and Borough of Sitka is hereby awarded to*

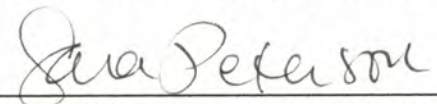
***Kent Barkhau***

*this expression of grateful acknowledgment for your valued services  
rendered in the public interest while serving on the  
Climate Action Task Force. Thank you!*

Signed and sealed this 13th day of September 2022



  
\_\_\_\_\_  
Deputy Mayor, Kevin Knox

  
\_\_\_\_\_  
ATTEST: Municipal Clerk, Sara Peterson

# Service Award

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

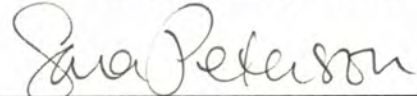
**Elizabeth Borneman**

*this expression of grateful acknowledgment for your valued services  
rendered in the public interest while serving on the  
Climate Action Task Force. Thank you!*

Signed and sealed this 13th day of September 2022



  
Deputy Mayor, Kevin Knox

  
ATTEST: Municipal Clerk, Sara Peterson



# Service Award


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


***Molly Grear***

*this expression of grateful acknowledgment for your valued services  
rendered in the public interest while serving on the  
Climate Action Task Force. Thank you!*

Signed and sealed this 13th day of September 2022



  
\_\_\_\_\_  
Deputy Mayor, Kevin Knox

  
\_\_\_\_\_  
ATTEST: Municipal Clerk, Sara Peterson

# Service Award

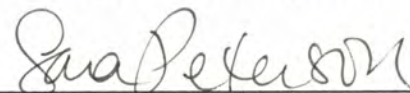
*On behalf of the City and Borough of Sitka is hereby awarded to*

**Darby Osborne**

*this expression of grateful acknowledgment for your valued services  
rendered in the public interest while serving on the  
Climate Action Task Force. Thank you!*

Signed and sealed this 13th day of September 2022

  
Deputy Mayor, Kevin Knox

  
ATTEST: Municipal Clerk, Sara Peterson






# Service Award


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

**Caitlin Woolsey**

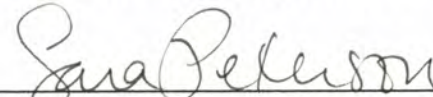
*this expression of grateful acknowledgment for your valued services  
rendered in the public interest while serving on the  
Climate Action Task Force. Thank you!*

Signed and sealed this 13th day of September 2022





Deputy Mayor, Kevin Knox



ATTEST: Municipal Clerk, Sara Peterson



# CITY AND BOROUGH OF SITKA

## Legislation Details

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File #: 22-125      Version: 1      Name:

Type: Special Report      Status: AGENDA READY

File created: 9/6/2022      In control: City and Borough Assembly

On agenda: 9/13/2022      Final action:

Title: 1) Climate Action Task Force Final Report  
2) Sitka Rocky Gutierrez Airport Terminal Improvements Project Update

Sponsors:

Indexes:

Code sections:

Attachments: [Special Reports](#)  
[Climate Action Task Force Final Report](#)  
[1. SIT-Assembly.Presentation.9.13.22 REVISED](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|



## **Special Reports**

1. Climate Action Task Force Final Report
2. Sitka Rocky Gutierrez Airport Terminal Improvements Project Update

# Climate Action Task Force Supplemental Handout

## Updates on Implementation of 2010 Climate Action Plan

| Initiative   | CAP Page | Department               | 2021 Updates   |
|--|----------|--------------------------|--|
| Energy Efficient Affordable Housing Funding                | 49       | Building                 | SCLT houses, independent project on land donated by city, utilizes highest energy efficiency measures. Most residential building that happens these days happens w/ highest energy standards already, even though it is not in code (various funding, like USDA RD loans, require it, contractors comply anyways)  |
| Home Rehabilitation Loan Program Adjustment                | 50       | Building                 | Not pursued.   |
| Green Building Education                                   | 49       | Building                 | The Sitka Building Department collaborates with builders, designers, and building science professionals to provide bi-annual construction education seminars, these seminars highlight the latest building practices including energy efficient construction techniques.   |
| Right Size City Vehicle Fleet                              | 31       | City Administrator       | Not pursued.   |
| Commuter Transit Reimbursement Program                     | 35       | City Administrator       | Not pursued.   |
| Conversion to Energy Efficient Streetlights (150 MI bulbs) | 27       | Electric                 | Completed!   |
| Diesel Generator Replacement                               | 26       | Electric                 | Completed! Diesel generators (n=3) were replaced after 2010.   |
| Energy and Fuel Saving Behavior Audits                     | 45       | Electric                 | The Electric Department does not normally perform energy audits for city buildings. We have in the past identified potential candidates for fuel oil to electric heat conversion.  |
| City Bldg. - Add Electric Heat                             | 23       | Electric<br>Public Works | 2 city buildings have electric boilers with interruptible rates. The city has identified 5 other buildings to convert to electric boiler/interruptible rate systems with a projected savings of 10%. The five buildings that the electric department has considered for heating upgrades are: The Airport, Fire Hall, Jarvis Offices, Animal Shelter, and the Wastewater |

|   |    |                      |   |
|---|----|----------------------|---|
|   |    |                      | Treatment Plant. The Wastewater Treatment Plant interruptible boiler installation is nearing completion.  |
| Employee Incentive Program for Saving Energy and Fuel | 46 | Finance              | Not pursued.  |
| Increase Fuel Efficiency                              | 33 | Fleet Manager        | Central Garages vehicle matrix has us replacing our vehicles every fifteen years, one hundred thousand miles or when they become a maintenance or safety problem. By doing this it also lowers our carbon footprint one by vehicles meet more stringent emissions regulation and they are more efficient in the amount of fuel they burn. Also, we have replaced some of our older equipment and this new equipment meets California emission standards which is also reducing CBS's carbon imprint.  |
| Reduce Vehicle Idling                                 | 34 | Fleet Manager        | <a href="#">Health Summit had anti-idling campaign in 2018. Signs were printed and distributed in front of buildings throughout town. No ordinances regarding idling.</a>   |
| Hybrid & Electric Vehicle Replacement                 | 32 | Fleet Manager        | This has not been done. There are known issues to consider, and we expect more opportunity to resolve these as the technology develops, becomes affordable and widespread. Public Works Response: The cost of developing charging stations is an issue to bear the cost of installing them when so few vehicles we have would be able to switch to electric. Most of our light duty vehicles are pick-ups and the green technology is not there for pick-ups right now and the projected cost for these vehicles is more than double what we can buy a gasoline driven pick-up. This is new technology, and our mechanics would have to be trained to maintain and repair these vehicles. |
| Maintain Parks with non-chemical inputs               | 40 | Parks and Recreation | Since 2017 a reduction from the 2010 in location of fertilizing and lime based off a retraction plan with introduction of meadow mixes in some locations. Chemicals are still imported and used in grounds maintenance.   |

|  |            |                                 |  |
|--|------------|---------------------------------|--|
| Adjust New Development Zoning                        | 52         | Planning                        | Some progress here. compact development: Lot sizes were reduced to 6000 sq ft, tiny home code established, PUDs like SCLT established with more on the way. Mixed-use zoning kind of backfired; residential creep into commercial areas led to situation of lack of much commercial land. Currently working on zoning use tables, could offer opportunity for more little stores in neighborhoods/increase walkability |
| Adjust Code for Solar Panels                         | 53         | Planning                        | Not pursued. Planning department response: Most properties that utilize solar panels are on island properties, and roof mounting has not been much of an issue from a zoning code perspective.   |
| City Bldg. Energy Audit Initiatives                  | 20, App. A | Public Works                    | Siemens conducted energy audits on some city buildings between 2013 and 2015 when it submitted a response to a city RFP, but don't know which buildings or results. Perhaps this is basis for ETIPP info that 5 City buildings need electric boilers   |
| Materials Reuse Center                               | 38         | Public Works                    | has been explored before in 2011 by Sitka Community Development Corporation (developed into SCLT); land was being explored out at GPIP. Hard to staff and low turnover of stuff led to closure of center.  |
| Curbside Recycling                                   | 37         | Public Works                    | Does not exist. Recycling program is currently managed by waste vendor.  |
| Ban Yard Waste from Garbage                          | 40         | Public Works                    | Not pursued. Staff mentioned difficulty in enforcement.  |
| Municipal Composting                                 | 39         | Public Works                    | did not happen. Past composting efforts had rat problems and there have been bear concerns. Need to help either private businesses fill niche (provide subsidized land?) or purchase equipment.  |
| Enforce/Strengthen Secondary Heat Source Requirement | 51         | Public Works Building Inspector | The requirement for a secondary heat source was revoked.   |
| Adjust Contract Bidding                              | 50         | Public Works                    | CBS will specify all items that will be included in the rehabilitation of a building. This occurs during the design phase of a project with a focus on energy efficient projects with longer lifecycles.   |
| Energy/Fuel Conservation Training                    | 44         | Recycling                       | Not pursued.   |
| Energy Efficient Remodel of Pacific High School      | 28         | School District                 | <a href="#">Remodel completed in 2014. Uses air source heat pump for heating. There probably is more that could be done, heat pump water heat, etc.</a>  |



|   |            |                              |  |
|---|------------|------------------------------|--|
| Serve Locally Caught Fish in Schools    | 42         | School District              | In non-pandemic years, nonprofits, fishermen, fish processors, and the school collaborate to serve locally caught and donated salmon and rockfish in all Sitka schools.  |
| Compost School Food Waste               | 42         | School District              | Composting at schools has been attempted. Rat infestation and problems with decomposition (did not reach industrial level of heat needed). Schools have expressed interest in purchasing an industrial composter to do this. |
| Schools - Add Electric Heat             | 24         | School District Electric     | Per ETIPP proposal, all 4 schools have electric boilers/heat pumps with interruptible rates.   |
| Blatchley M.S. Energy Audit Initiatives | 21, App. A | School District Public Works | The Electric department worked with Blatchley middle school to install the electric interruptible boiler circa 2015. We are currently unaware of any initiatives that resulted from an energy audit.                         |

## Grant Opportunities

We are currently aware of two different ways to reduce the costs for improving energy efficiency of commercial and school buildings.

C-PACE is a program authorized by the AK legislature in 2017 that any municipality conducting property assessments can use to allow commercial entities to finance energy improvements without upfront capital costs. Anchorage launched a program on April 1, structured to be revenue-neutral for the city. More information can be found here: <https://akcpace.wordpress.com/what-is-c-pace/>

An energy services company (ESCO) can conduct building audits, help obtain financing, and conduct upgrades with no up-front capital costs to the City. The energy savings pay for the work over several years. Mt. Edgecombe High School used this mechanism to accomplish upgrades in 2013-2014 by Siemens, one of 3 ESCO contractors approved by the state.

Anchorage sought targeted grant funding that has paid for a Sustainability Coordinator position to track opportunities that align departmental and community efforts to achieve common goals, including the procurement of funds.

## Local Policy Opportunities

Both the Electric Department and the Planning Department expressed an interest in collaborating on co-crafted policy. We asked 2 questions to city staff (below) and have included their responses in red.

- 1) Do CBS staff have any suggestions for initiatives, policies, code changes, or programs that could save the city money, increase efficient use of our hydropower resources, result in reducing our CO2 emissions, and/or increase the resiliency of our community?**

- a) Organized/city-wide composting initiative and/or initiatives to reduce food waste
- b) Community greenhouse/gardening
- c) Electric vehicle charging stations
- d) Emissions standards for vehicles
- e) Walkability/bike-ability improvements
- f) Incentive programs for residential installation and use of dog/pet septic systems (such as these: <https://doggiedooley.com/>), reducing dog/pet waste in the solid waste system
- g) Fix It Fairs/Repair Fairs – community gatherings with handymen, tailors/seamstresses/upholstery, welders/carpenters, hardware specialists, etc., to repair broken items that would otherwise be thrown away
- h) Land banking – monetizing municipal lands that are not prime for development for use as wetlands banks and/or carbon credits

**2) Does staff have any ideas or suggestions for where the CATF could add capacity, look for grants or funding resources, or suggest policy or code changes to the assembly that could be helpful to carry these ideas forward?**

- a) **Recycling needs a front-end person/line of control** to direct or distribute items so the most value can be achieved with least amount of contamination. Ideally all trash and recycling should be centralized in same location. Doing so has cost upfront but would allow for a better shipped product with less local handling and transport.
- b) **Business case and impact study analysis:** There often is a strong business case (i.e. savings, efficiencies, return on investment, etc. for CBS) to be made in deciding to make our policies/buying decisions/operations greener, but it can be difficult to find the time and data necessary to put together a business case to justify the change. Having more support available to do that type of analysis would be very helpful. Further, it would be helpful for us to have a better understanding of the environmental impact of certain actions – for example, since we can no longer recycle mixed paper, from an environmental perspective, is it better to incinerate these materials versus shipping them to a landfill? Better understanding of the full life cycle impact of goods and materials would aid decision-making.

## Upcoming State and Federal Policy Opportunities

*What is a Green Bank? A green bank is a financial institution, typically public or quasipublic, that uses innovative financing techniques and market development tools in partnership with the private sector to accelerate deployment of clean energy technologies. Green banks work with existing financial institutions to leverage public dollars to create more incentive for private investments.*

### State - SB123: Energy Independence Program and Fund

- Governor Dunleavy has introduced a bill, SB123, that would create a State green bank in Alaska, providing affordable financing for weatherization/energy improvements. This bill is necessary for us to take advantage of the green bank/funding that is being proposed at a national level (via HR806, below).

### Federal - HR806 Clean Energy and Sustainability Accelerator Act



- This bill would create a national Green Bank and a \$100 billion Fund to help capitalize state green banks. Alaska could receive as much as 130 million from this effort, according to Alaska Public Media. Representative Don Young is a co-sponsor of this bill.
- More information: <https://www.alaskapublic.org/2021/04/12/green-bank-for-sustainable-energy-projects-find-favor-with-dunleavy-and-young/>

## Federal - HR 2307: Energy Innovation and Carbon Dividend Act

- HR 2307 is the Energy Innovation and Carbon Dividend Act. The Sitka Assembly passed a resolution supporting carbon fee and dividend in February 2018 before legislation had been introduced in the Congress. The gist of this bill, which has more co-sponsors than any other fee and dividend bill is that a gradually increasing fee would be placed on fossil fuel producers at the source of production (mine, well head, refinery). The fees would go to the U.S. Treasury for distribution to all households on an equal basis determined by the number of adults and children. About  $\frac{2}{3}$  of households would break even or receive more money than they would spend on increased prices entailed by the increased fossil fuels costs embodied in purchased products. A border tariff would motivate other countries without comparable carbon pricing to take similar action. This bill would initiate payment for the societal costs of fossil fuels resulting in carbon dioxide emissions that contribute to global warming while creating jobs, improving health from air pollution, and lowering emissions by 40% by 2030, without affecting GDP.

## Support for creating a Federal Clean Energy Standard

- The Biden administration strongly supports the creation of a Clean Energy Standard (CES) as a cost-effective pathway to reduce emissions. CES is a mandatory national goal to force power plant carbon releases to zero on a timetable that would enable the U.S. economy to reach net-zero carbon emissions by no later than 2050.
- Essentially, a CES requires more electricity, over time, to be generated from renewable energy rather than fossil fuels. A CES broadens the list of energy resources (to include hydropower and nuclear, in addition to wind and solar) that are eligible under the standard.
- More information can be found here: <https://www.npr.org/2021/04/14/987099796/how-does-the-biden-administration-plan-to-reach-its-clean-energy-goal>

## Municipal greenhouse gas emissions documentation

To determine the city's greenhouse gas (GHG) emissions, the CATF requested city data for the purchase of diesel, unleaded, and fuel oil for 2021. These fuels are used for transportation and building heat. The city also provided a number for all gallons of fuel procured for the school district. It was assumed that these were used for heating the school buildings, as the school buses are contracted and that fuel consumption is not purchased by the city. Finally, the city's portion of emissions due to the electric department's diesel generation is assumed to be 15% of the electricity generated by diesel.

Year 2021's numbers may be different than other years due to COVID, and should be compared to future years as the numbers are available.

The emissions for each fuel type are estimated using the EPA's [GHG Emission Factors Hub](#), which provides GHG emissions calculations for typical sources. This calculation does not include any estimate of GHG emissions for wastewater or solid waste, as was the case in the 2006 report.

| Emission Source                        | Fuel in Gallons | kg CO2/ gallon | kg CO2      | percentage to city | Total Tons CO2 |
|--|-----------------|----------------|-------------|--------------------|----------------|
| Diesel Used for Electricity Generation | 14838           | 10.21          | 151495.98   | 0.15               | 22.724397      |
| Unleaded fuel for vehicles             | 31362.523       | 8.78           | 275362.9519 | 1                  | 275.3629519    |
| Diesel equipment fuel                  | 2459            | 10.21          | 25106.39    | 1                  | 25.10639       |
| Diesel highway fuel                    | 17703           | 10.21          | 180747.63   | 1                  | 180.74763      |
| Heating Oil                            | 36609           | 11.27          | 412583.43   | 1                  | 412.58343      |
| School District Fuels                  | 17966           | 11.27          | 202476.82   | 1                  | 202.47682      |

| Sector      | Tons CO2    | Percentage |
|-------------|-------------|------------|
| Vehicles    | 481.2169719 | 43.00%     |
| Buildings   | 615.06025   | 54.97%     |
| Electricity | 22.724397   | 2.03%      |

# Sitka Climate Action Task Force Final Report: August 20, 2022

**Summary:** This report is intended to provide a summary of the activities of the Climate Action Task Force from our convening in February 2021 to August 2022. The City and Borough of Sitka Assembly is considering an ordinance that would create a long-term Sustainability Commission that will continue to pursue emissions reductions, climate change mitigation and adaptation, and other sustainability initiatives. During the discussion at the first reading of the ordinance on July

26, 2022, Mayor Eisenbeiz requested a report from the CATF as part of wrapping up the task force's work. Due to the nature of climate change, we are unable to call the work of the task force 'finished'; rather, this is an ongoing, long-term crisis that our community (and world) will be dealing with the impacts of for generations to come. In the interest of continuing the municipality's work to address the impacts of climate change and take action to mitigate and adapt to them, the Climate Action Task Force recommends instituting a permanent body, i.e. a Sustainability Commission, to address these ongoing impacts and opportunities that arise. The intent to turn the Climate Action Task Force into a more permanent body was incorporated into the resolution that created the task force, Res. 2020-29A, and was presumably the intent of the assembly at the time that they passed the resolution.

The CATF convened for its first meeting in February 2021. The focus of the CATF in 2021 was gathering information and building relationships and trust with the CBS assembly and city staff. The first part of our information gathering looked at climate action across other Alaskan communities and communities across the US to find frameworks and ideas that we could model the task force's work after. We reached out to Juneau's Commission on Sustainability and have kept up semi-regular communications with them, as well as with the Alaska Municipal Climate Network, which is a group of municipal professionals and elected officials across the state that work on climate change adaptation and mitigation efforts. The AMCN meets monthly in the fall - spring to share learning and grant opportunities and hear about case studies and climate work being done across the state.

Next, we revisited the 2010 Climate Action Plan to see what worked, what did not, and why. We provided the assembly with an update on how that report was used and implemented. We reported on progress that had been made to the assembly during a joint work session on May 25th, 2021. (see appendix A: CALT Handout to Accompany Presentation). Throughout this process, we worked with city staff and community members to identify items that had been completed, how the work had been carried forward, what challenges had arisen, and why suggested actions were not pursued.

Also at this joint work session, we identified some priority goals and work areas for the next year. The accomplishments under these priority work areas are detailed below. The task force also assisted with development of job description for a sustainability coordinator, and language for a sustainability commission ordinance that could carry on the work of the task force.

- Priority: GHG Inventory
  - Updated the greenhouse gas emissions inventory for CBS (Appendix B: Description of city GHG emissions)

- Made recommendations on priorities for GHG reductions for CBS (vehicle fleet transition schedule; remaining city buildings electrified; pursuing installation of highly efficient heating infrastructure)
- Priority: Sustainable Tourism
  - Provided climate-focused feedback on short-term tourism plan
  - Research and outreach conducted regarding dock electrification
  - Provided a forum for community members to discuss impacts and concerns
- Priority: EVs/City Infrastructure
  - Researched and determined funding opportunities for purchasing EV charging infrastructure
  - Engaged in community outreach to assess interested parties for hosting the infrastructure
  - Assisted the Electric Department in submitting an RFI to the Alaska Energy Authority for the distribution of electric vehicle infrastructure formula funding from the Bipartisan Infrastructure Law
  - Supported grant applications through assistance with the decarbonization resolution
  - Continuously monitoring, researching, and engaging in discussions with representatives from appropriate agencies about accessing funding for electric vehicle charging infrastructure and electric vehicle conversions (busses)
  - Reported on further opportunities for policy advocacy and engagement
  - Made recommendations on grants to support renewable energy development; forwarded on to the Electric Department which further assessed the possibilities of applying for the USDA Rural Energy Pilot Program
  - Assisted with resolution for decarbonizing municipal operations
  - Put together a preliminary report on EV charging opportunities and infrastructure
  - Learned about and researched on-bill financing

Substantial progress was made on several of the priority work areas in the past year, and task force members have put countless hours of research and effort into addressing the climate emergency. The work continues, and a plethora of opportunities have opened up through new federal legislation for communities to tackle climate change, increase community resiliency, build up renewable energy infrastructure, and create more sustainable solid waste management practices and associated facilities. The city has repeatedly demonstrated its commitment to being a leader in climate action by passing resolutions, forming this task force, and most recently advertising and budgeting for a sustainability coordinator. According to members of the previous 2009-2010 Task Force, the main reason why the action plan was not implemented is because the task force disbanded after it completed the report, and there was no permanent body to follow up, provide accountability, and assist with implementation. The current assembly has the opportunity to ensure that Sitka's climate and sustainability legacy is continued by creating a permanent body that can continue working on this range of issues for years to come. The CATF stands ready to help this transition and continue our work in this new body.

# CITY AND BOROUGH OF SITKA

## Rocky Gutierrez Airport (SIT) Terminal Improvements Project



### Project Status Briefing – September 2022

- Project History
- Revised Design Renderings & Floor Plans
- Comparison of Revised to Previous Designs

## **Project History**

**2005:** Airport Master Plan

**2011:** Airport Terminal Master Plan – Short term, correct critical deficiencies & long term, plan and develop design & financial plan for a new airport terminal.

**2014:** Baggage Screening Study

**2015:** Delta Airlines starts service to Sitka

**2016:** TSA Grant for the design for the TSA Baggage Screening Area & Inline baggage screening equipment.

**2017:** SIT Terminal Improvements Concept Development & Funding Plan / Assembly Approval of Passenger Facility Charge (PFC) Application to FAA/State of Alaska / Preferred Conceptual Design Option Decision – Stakeholder/Assembly/Public Process.

**2018: FAA/ State Approval of PFC Collection for SIT Terminal Improvements Project** / Development of Schematic Design (35% Design milestone) Submitted to State Aviation With AIP Grant Funding Request / Assembly Approval for **\$4.25 Million Revenue Bond Funded With PFCs** / TSA Baggage Screening Schematic Design Submitted to TSA For Review & Approval.

**2019:** Project Delayed due to: Federal Government Shutdown, TSA Review & Approval of Schematic Design Submittal / Request For Additional TSA Grant Funding to Cover Delay and Design Extra Costs.

**2020:** Received TSA Conditional Approval of Schematic Baggage Screening Design & Additional Grant Funds / Review & Revisions to the Schematic Design for Project Start-up After Long Delay / Confirmation Terminal Improvements Project is in the State Of Alaska Aviation AIP Funding Plan for **\$7 Million in FY23**

**2021:** Developed and advertised RFP for a Construction Manager At Risk (CMAR) to join the team.

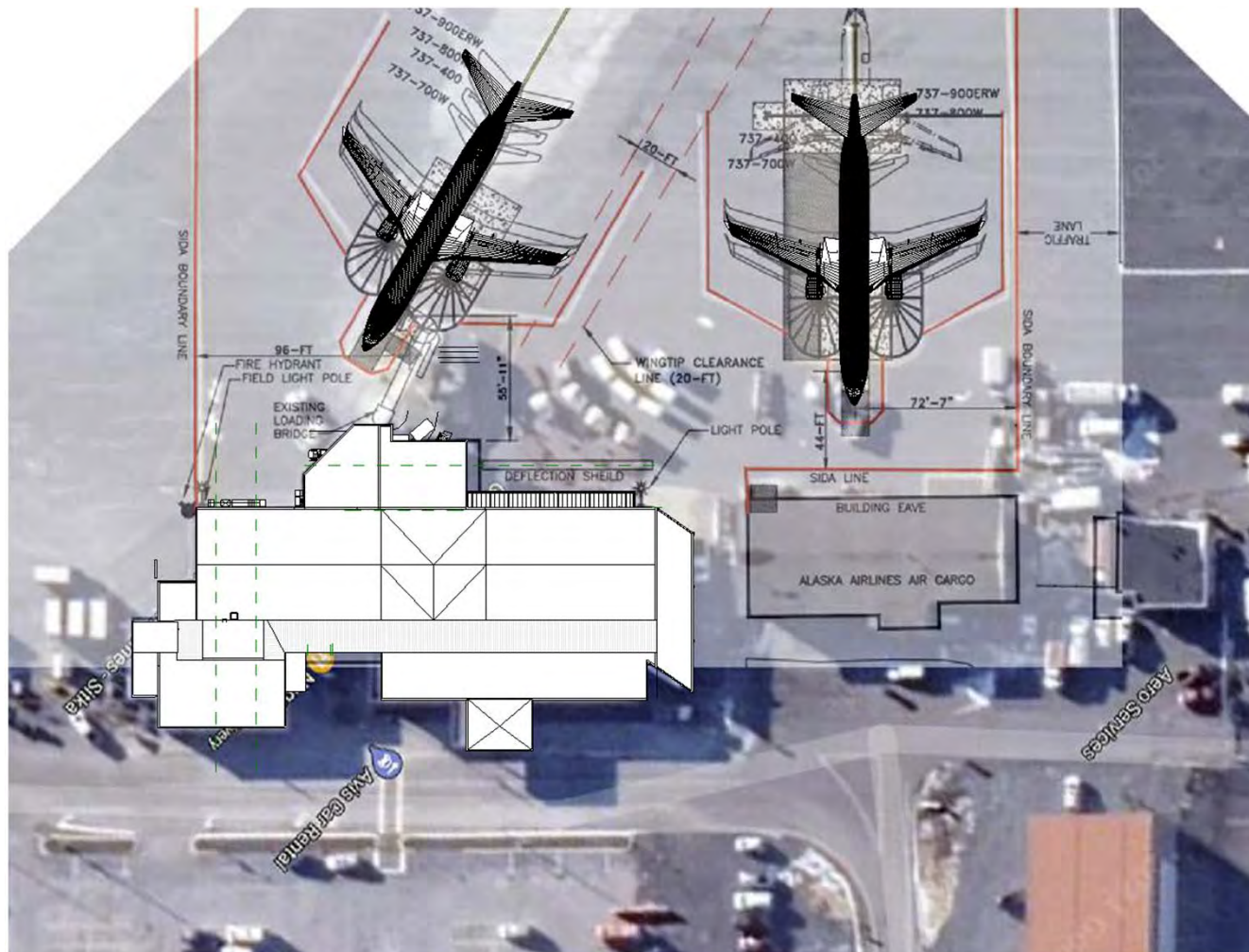
**2022:** Awarded CMAR contract bringing Dawson-McG Constructors JV onto the team/ Reconvened airline stakeholders to review designs/ completed 100% TSA baggage screening design documents and completed review process with TSA/ CMAR bid TSA scope/ Developed concept design ALT1 based on recommendations of the CMAR and stakeholder feedback



# SIT Terminal Critical Deficiencies Identified for Improvement – FAA Approved PFC Application

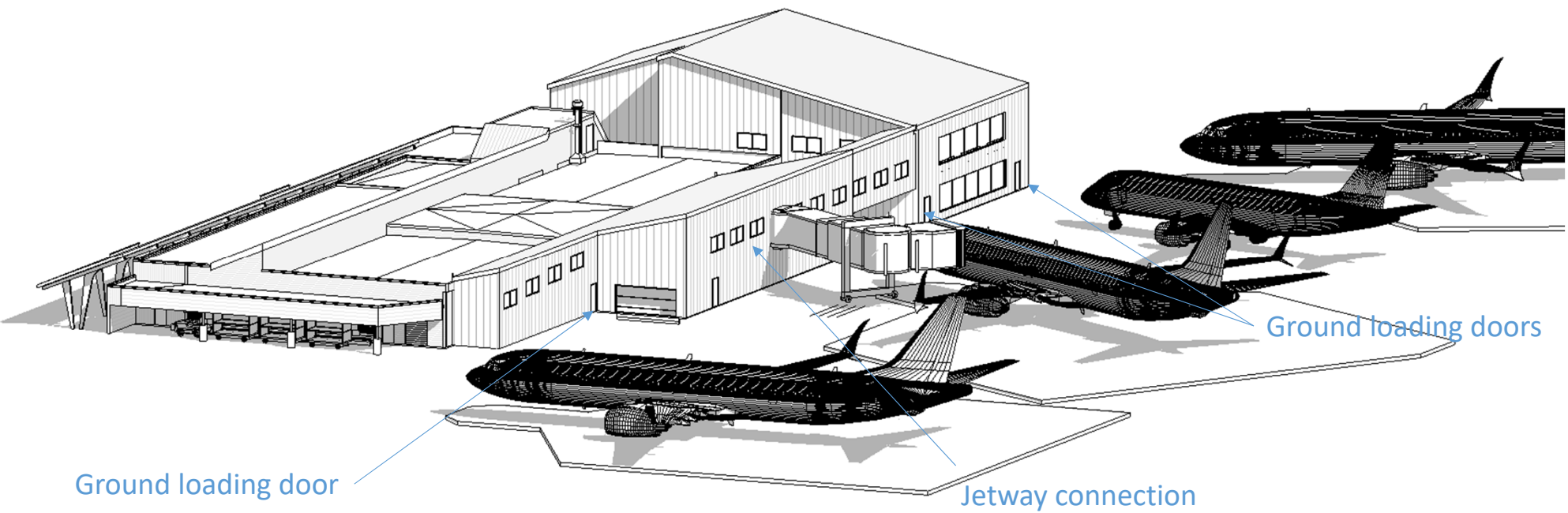
*Improvement of the critical deficiencies will add Airport Capacity, Improve Airport Security & Safety.*

- **Expansion of the Gate Departure Lounge/Hold Room:** Expand departure lounge to better accommodate full and multiple flights.
- **Expansion of the TSA Baggage Screening Area and the connected Baggage Makeup Area:** Improve flow and processing capacity of TSA baggage screening and airline baggage handling and loading.
- **Relocate Jet Bridge and Ramp:** Improve passenger flow and allow modifications the baggage screening and make-up areas.
- **Separate Terminal Building Entry and Exit points with a new direct Exit added from the Baggage Claim Area:** Improve passenger flow and decrease concourse congestion.
- **Modify Baggage Claim Area and Baggage Claim Belt:** Reduce congestion at baggage claim area and improve passenger flow.
- **Install new full length terminal building canopy:** Improve passenger flow and provide shelter from the elements for passenger departure and arrival and fish box staging.
- **Construct new fish box holding areas:** Improve passenger flow and decrease concourse congestion and improve baggage screening, processing, and handling.
- **Building Systems Upgrade/Replacement:** Reduce operating costs, modify/replace building mechanical, electrical, life safety systems, & network systems.

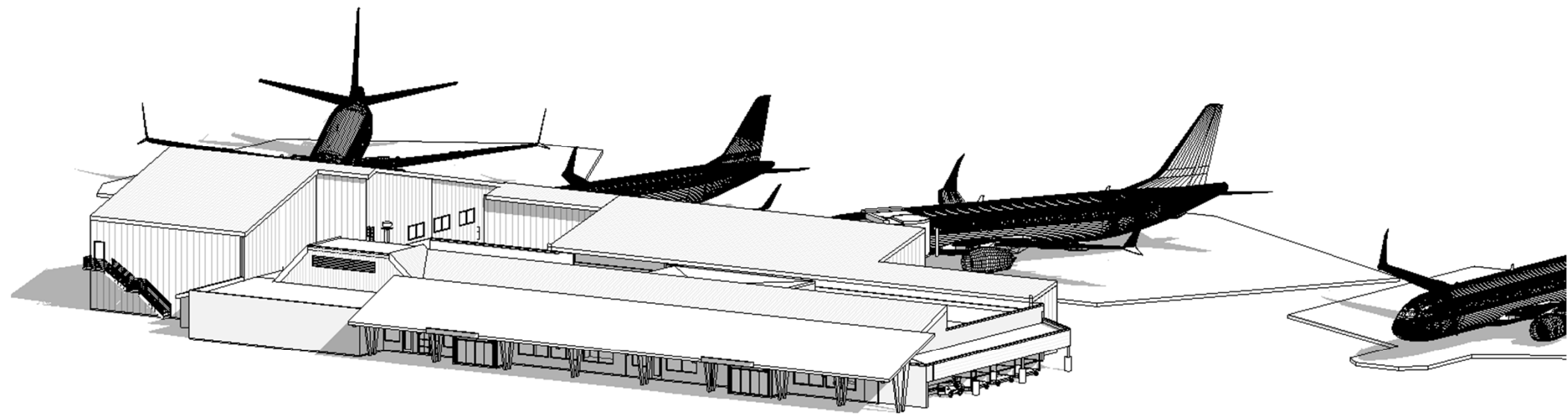


Existing Sitka Terminal and aircraft hardstands





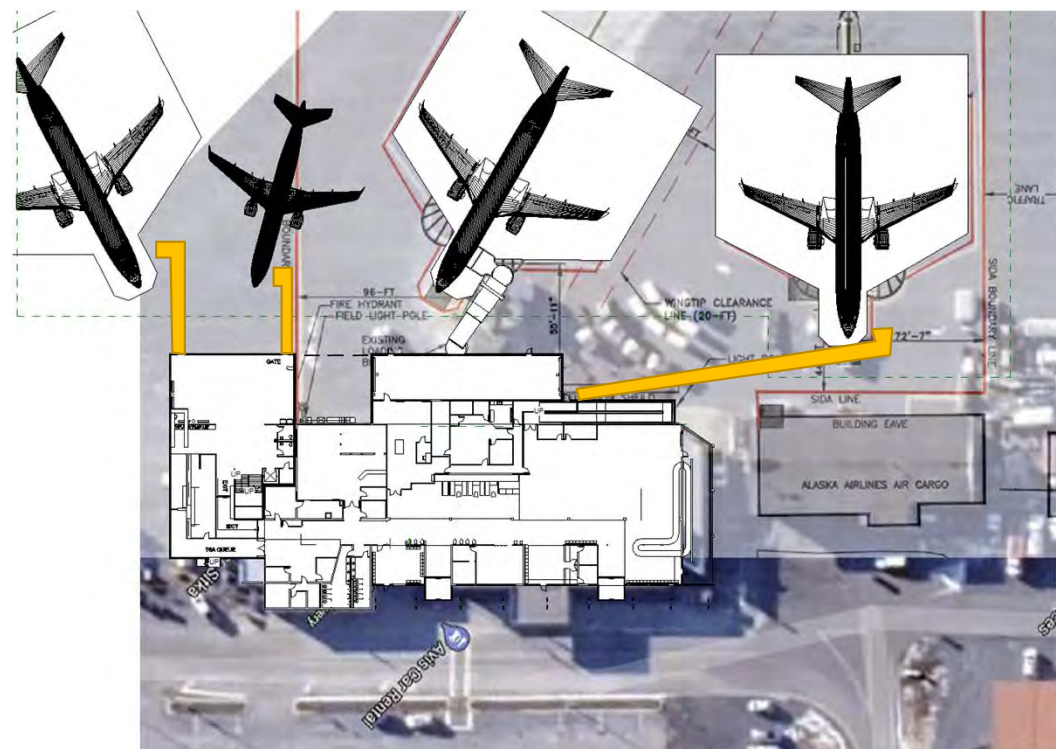
Airside 3D view of proposed Terminal expansion/ remodel



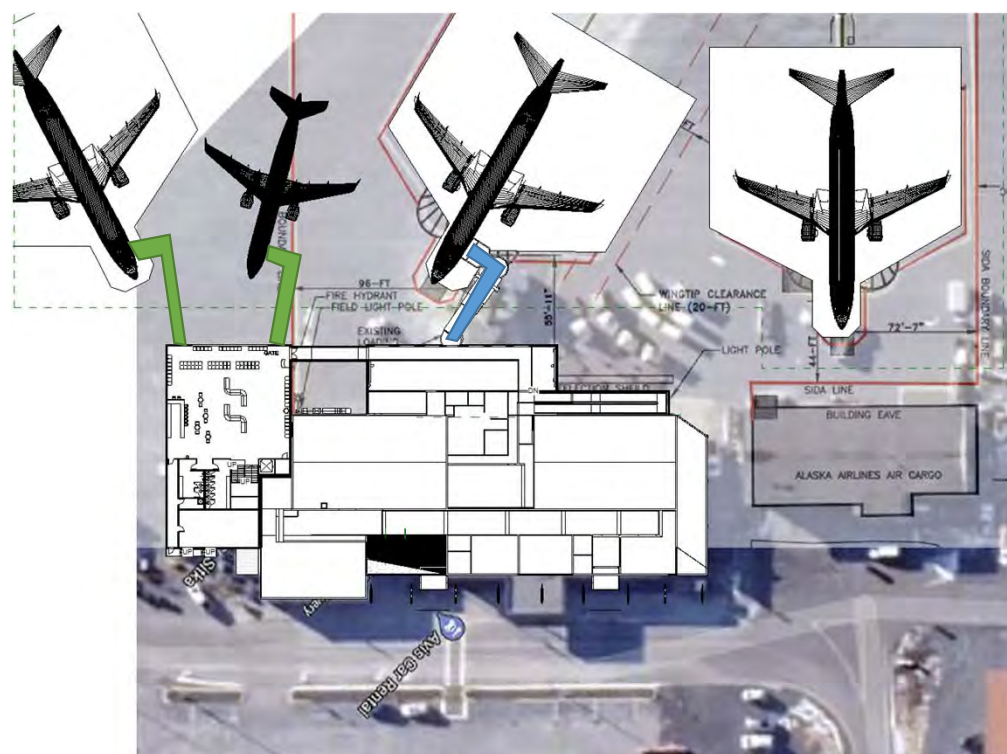
Landside 3D view of proposed Terminal expansion/ remodel



Curbside canopy concept

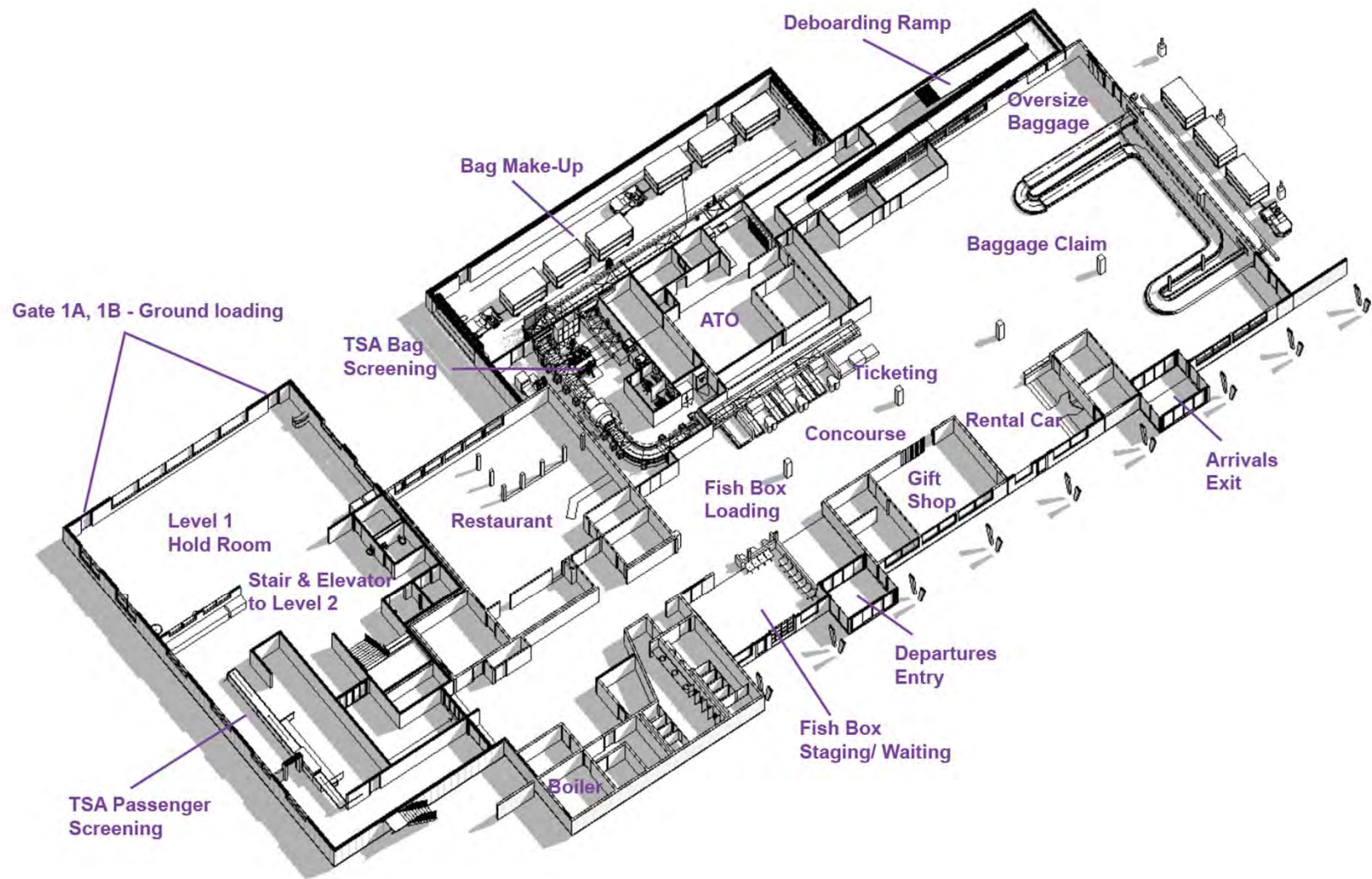


Level 1 - Gate 1 Ground Loading and Gate 2 Ground Loading via Jet Bridge and Ramp

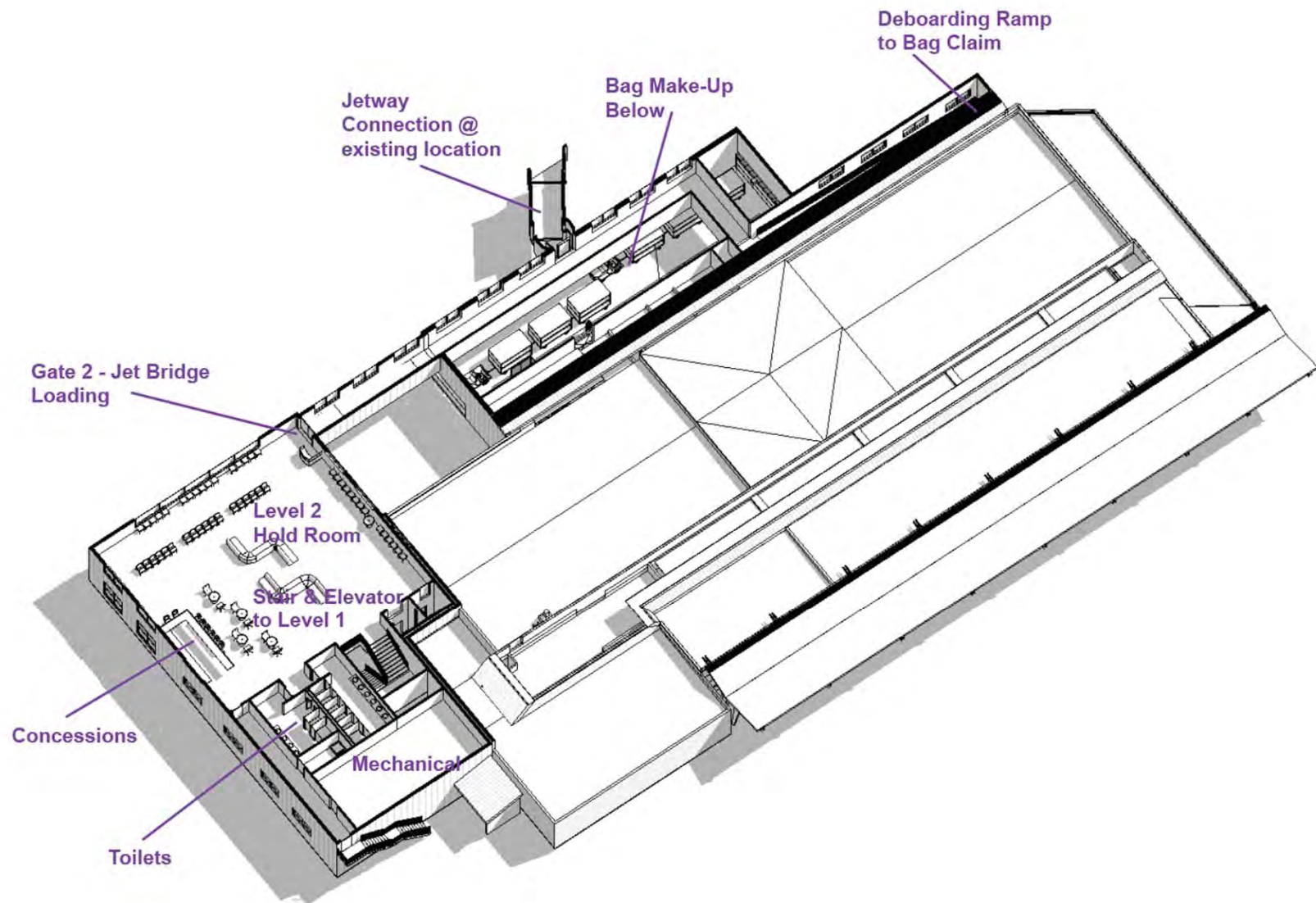


Level 2 - Gate 2 Jetway Loading from existing position (Green indicates potential future Jetways)





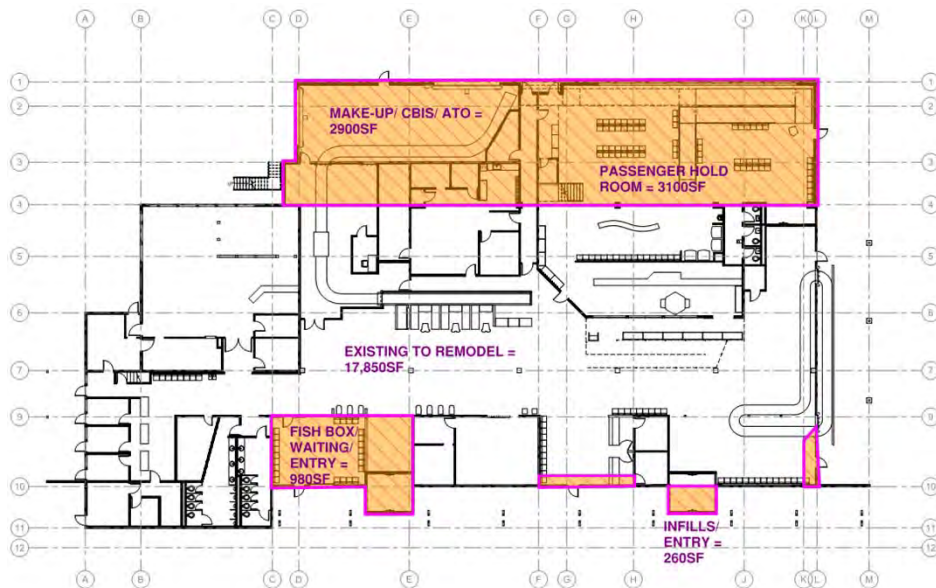
Level 1 Plan of proposed Terminal expansion/ remodel



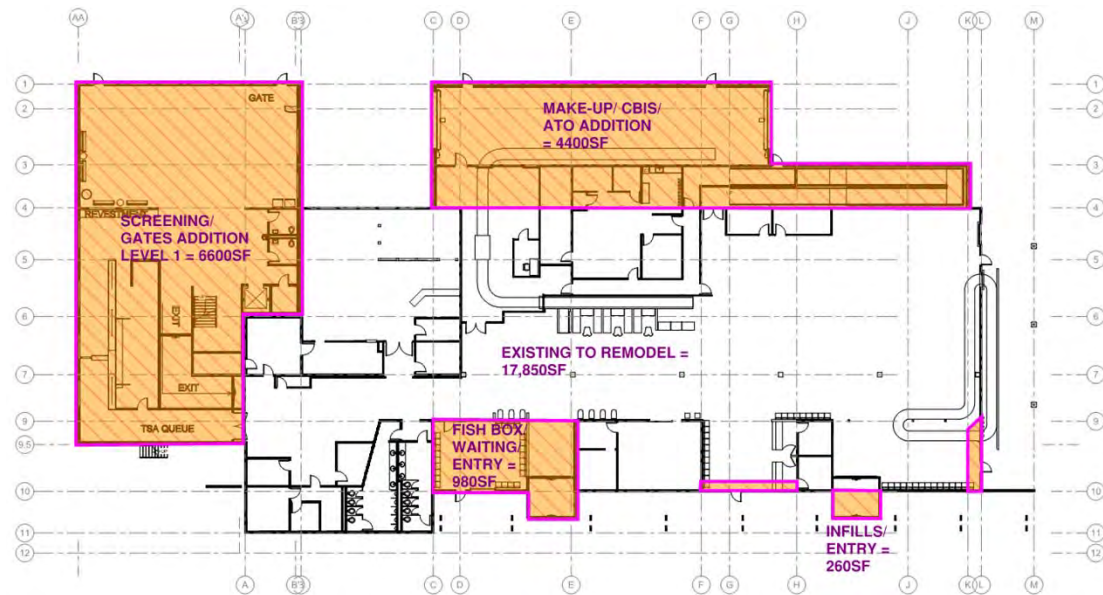
Level 2 Plan of proposed Terminal expansion/ remodel

## BUILDING AREAS

- Existing Terminal = 20,556sf
- Prior Design = 28,000sf
- Current Design = **35,000sf**
- Allows for less disruptive construction phasing while the terminal continues to operate.
- Optimized for constructability with input from Construction Manager (CMAR).
- Increased baggage claim area
- Insulated metal panel walls and roof allow for quicker construction and dry-in.



Prior Design - Level 1

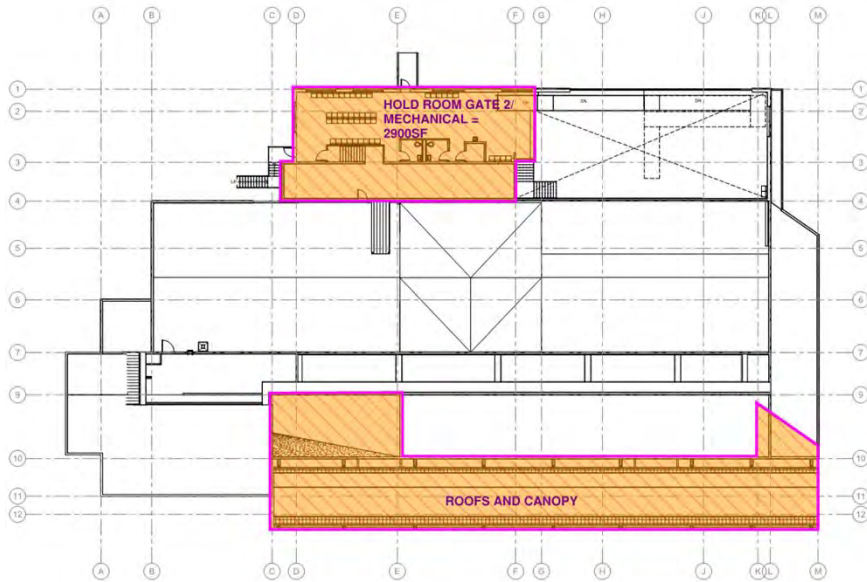


Current Design - Level 1

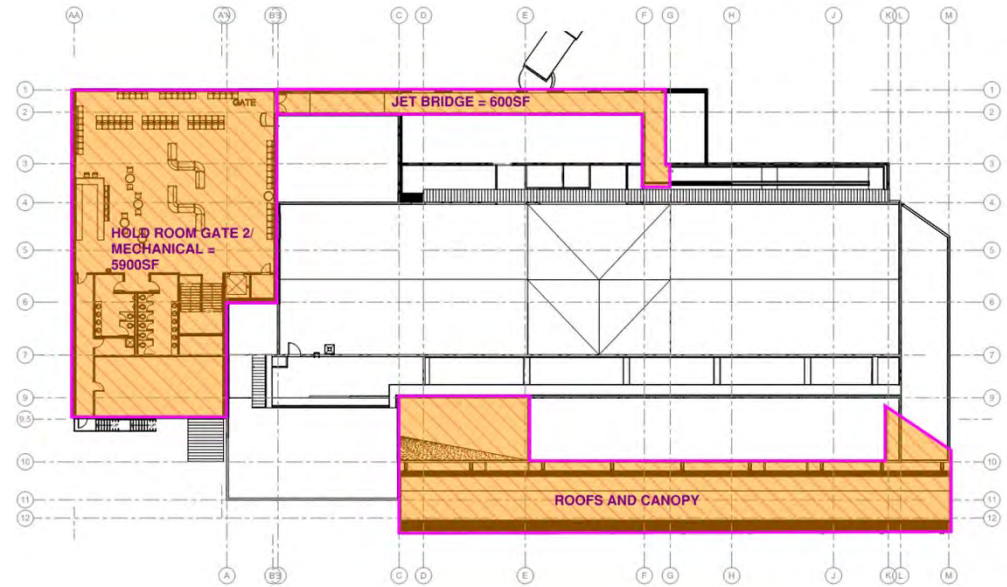


## BUILDING AREAS

- Existing Terminal = 20,556sf
- Prior Design = 28,000sf
- Current Design = **35,000sf**
- More spacious 2<sup>nd</sup> floor gate area with Concessions



Prior Design - Level 2

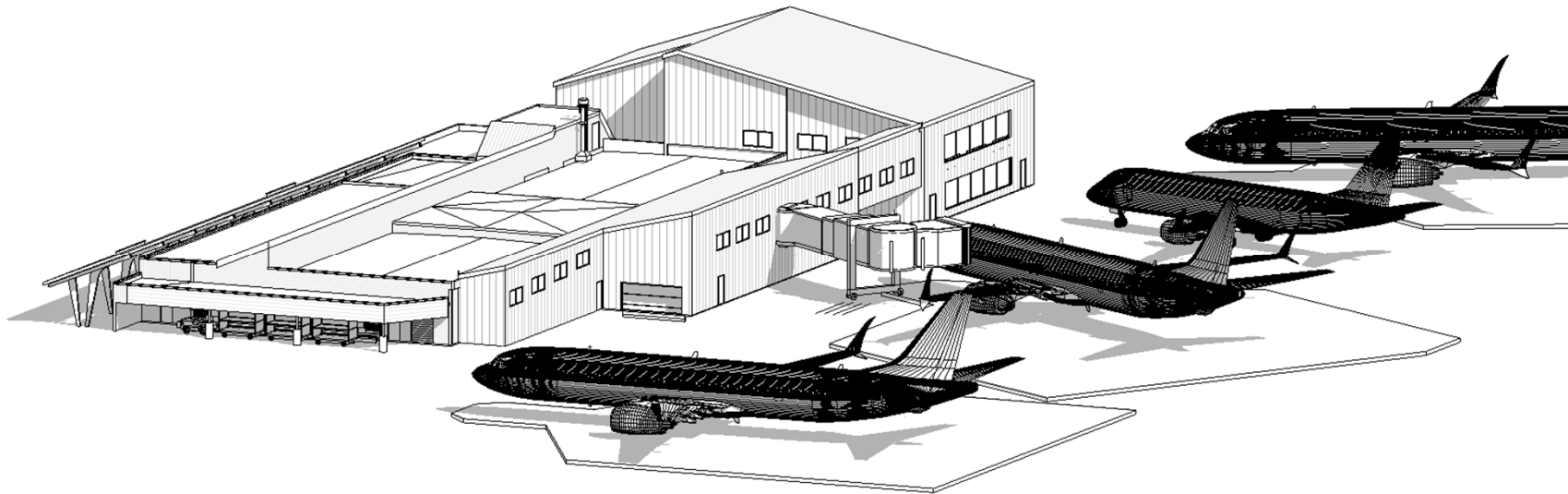


Current Design - Level 2



## Schedule Milestones

- Schematic Design – October 2022
- Phase 1 Design Complete – January 2023
- Phase 1 Construction – January 2023 – July 2024
- Phase 2 Design Complete – June 2023
- Phase 2 Construction – September 2024 – May 2025





## SIT Terminal Improvements Project Funding & Estimated Project Costs

Updated September 13, 2022

### **Secured Funding:**

|  |                    |              |
|--|--------------------|--------------|
| Revenue Bond funded with new PFCs ( Match Funds* )   | \$4,045,000        |              |
| TSA Design for Baggage Screening (5% Match \$13k)    | \$ 245,386         |              |
| TSA Construction Baggage Screening (5% Match \$279k) | <u>\$5,294,243</u> | Federal FY23 |
| <b>Sub-total</b>                                     | <b>\$9,584,629</b> |              |

### **Anticipated Funding:**

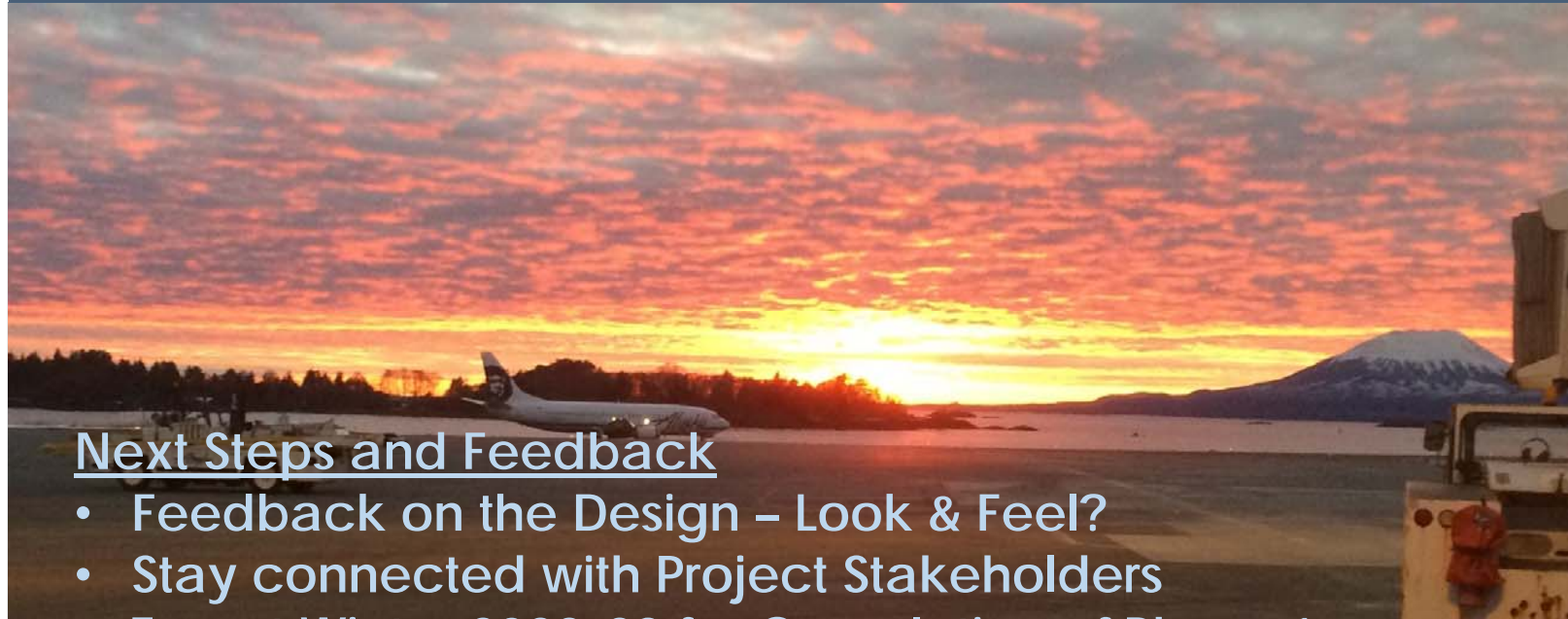
|                         |                             |                     |                 |
|-------------------------|-----------------------------|---------------------|-----------------|
| FAA/ADOT Aviation Grant | (6.25% Match \$1.567M)      | \$23,500,000        | Federal FY23/24 |
| <b>Totals</b>           | <b>(Match) \$1,858,226*</b> | <b>\$33,084,629</b> |                 |

**Estimated Project Cost \$33,000,000**

\* Required Match Funds to be taken from PFC Revenue Bond Fund Balance

# CITY AND BOROUGH OF SITKA

## Rocky Gutierrez Airport (SIT) Terminal Improvements Project



### Next Steps and Feedback

- Feedback on the Design – Look & Feel?
- Stay connected with Project Stakeholders
- Target Winter 2022-23 for Completion of Phase 1 Design
- Continue to Develop Cost Estimates / Funding Plan / Construction & Funding Phases



# CITY AND BOROUGH OF SITKA

## Legislation Details

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File #: 22-126      Version: 1      Name:

Type: Item      Status: AGENDA READY

File created: 9/6/2022      In control: City and Borough Assembly

On agenda: 9/13/2022      Final action:

Title: Approve the August 18 and August 23 Assembly meeting minutes

Sponsors:

Indexes:

Code sections:

Attachments: [Consent and Minutes](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

## **CONSENT AGENDA**

### **POSSIBLE MOTION**

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**I MOVE TO APPROVE THE CONSENT AGENDA  
CONSISTING OF ITEM A.**

**I wish to remove Item(s) \_\_\_\_\_**

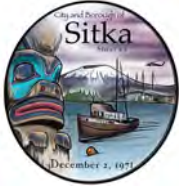
**REMINDER – When making the motion to approve the  
consent agenda, please read the title of each item  
being voted on that is included in the consent vote.**

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

## **POSSIBLE MOTION**

**I MOVE TO** approve the August 18 and August 23 Assembly meeting minutes.





# CITY AND BOROUGH OF SITKA

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

## Minutes - Draft

### City and Borough Assembly

*Mayor Steven Eisenbeisz,  
Deputy Mayor Kevin Knox,  
Vice Deputy Mayor Kevin Mosher,  
Thor Christianson, Crystal Duncan, Rebecca Himschoot,  
David Miller*

*Municipal Administrator: John Leach  
Municipal Attorney: Brian Hanson  
Municipal Clerk: Sara Peterson*

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Thursday, August 18, 2022

6:00 PM

Assembly Chambers

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#### SPECIAL MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. RECITAL OF LANDS ACKNOWLEDGEMENT

IV. ROLL CALL

**Present:** 6 - Christianson, Knox, Mosher, Himschoot, Duncan, and Miller

**Absent:** 1 - Eisenbeisz

V. CORRESPONDENCE/AGENDA CHANGES

None.

VI. PERSONS TO BE HEARD:

Shirley Robards called attention to the RIDE bus location across from the Bayview and requested the Assembly allow public parking after 7pm when the RIDE was finished operating for the day. Richard Wein encouraged the Assembly to approve a new resolution of support for the salmon fishery similar to Resolution 2020-19 and congratulated the City on being awarded a grant to repair the seawall.

VII. UNFINISHED BUSINESS:

- A [ORD 22-19](#) Making supplemental appropriations for fiscal year 2023 (Blatchley Middle School Heat Pumps) 1st reading approved on 8/9/22
- Municipal Administrator John Leach reviewed the ordinance.

From the public, Richard Wein spoke about the appropriation and the need to understand what caused failures.

Assembly members stressed the importance of preventative maintenance and suggested further discussions regarding funding school infrastructure.

**A motion was made by Mosher that this Ordinance be APPROVED on SECOND AND FINAL READING. The motion PASSED by the following vote.**

**Yes:** 6 - Christianson, Knox, Mosher, Himschoot, Duncan, and Miller

**Absent:** 1 - Eisenbeisz

## VIII. NEW BUSINESS:

### B [22-115](#)

Discussion/Direction on commercial operations at Harrigan Centennial Hall and other applicable City and Borough of Sitka facilities

Municipal Administrator Leach told of the need to address costs associated with tourism. Harrigan Centennial Hall (HCH) Building Manager, Tony Rosas, and consultant Lenise Henderson provided an overview of the proposed annual permits for unloading/loading vehicles, outfitter spaces, and plaza spaces. Rosas stated after more than 20 years, summer vendor permits for HCH required updates to better restructure and organize the existing permitting system.

Assembly Members discussed the proposed changes. Topics of discussion were permit length - e.g. one year vs. three years, subleasing of spaces, local preference to vendors, youth vendors, unloading/loading limits, and permitting costs. Municipal Attorney Brian Hanson reminded Sitka General Code Chapter 6.19 needed to be amended before proceeding with new changes.

From the public, Melissa Henricksen, Bruce Conine, Neil McDermott, Karen Mead, and Caleb Astle spoke about an increase in permitting fees. Richard Wein wondered about a head tax and suggested visitor capacity had been exceeded. Chris McGraw, Manager of Sitka Sound Cruise Terminal, reminded the City received \$5 for each cruise passenger from the State of Alaska as part of the commercial vessel passenger excise tax. John Dunlap hoped for a fair discussion and thanked Rosas for managing a complicated situation.

Overall, Assembly Members agreed the proposed changes were a good starting place. They reminded no decisions had been made and this meeting was the first of many conversations.

## IX. PERSONS TO BE HEARD:

Richard Wein wondered if Juneau had a separate head tax, wondered about the cost for a commercial electric bus, and spoke to the proposed permitting changes HCH. Bruce Conine stated Sitka was overcapacity for cruise passengers. With regards to the proposed permitting changes at HCH, he believed people trying to make a living were being penalized. Neil McDermott commented there would be no charge to online vendors.

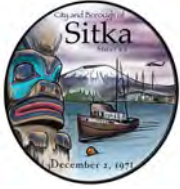
## X. EXECUTIVE SESSION

None.

**XI. ADJOURNMENT**

A motion was made by Christianson to ADJOURN. Hearing no objections, the meeting ADJOURNED at 8:18pm.

ATTEST: \_\_\_\_\_  
Sara Peterson, MMC  
Municipal Clerk



# CITY AND BOROUGH OF SITKA

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

## Minutes - Draft

### City and Borough Assembly

*Mayor Steven Eisenbeisz,  
Deputy Mayor Kevin Knox,  
Vice Deputy Mayor Kevin Mosher,  
Thor Christianson, Crystal Duncan, Rebecca Himschoot,  
David Miller*

*Municipal Administrator: John Leach  
Municipal Attorney: Brian Hanson  
Municipal Clerk: Sara Peterson*

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Tuesday, August 23, 2022

6:00 PM

Assembly Chambers

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#### REGULAR MEETING

#### I. CALL TO ORDER

#### II. FLAG SALUTE

#### III. RECITAL OF LANDS ACKNOWLEDGEMENT

#### IV. ROLL CALL

Knox participated by videoconference and left the meeting at 8:00 p.m. Miller arrived at 6:15 p.m.

**Present:** 6 - Christianson, Mosher, Eisenbeisz, Himschoot, Duncan, and Miller

**Remote:** 1 - Knox

#### V. CORRESPONDENCE/AGENDA CHANGES

Knox requested Item F be moved up in the order of business before Item D. There were no objections.

[22-120](#)

Reminders, Calendars, and General Correspondence

#### VI. CEREMONIAL MATTERS

None.

#### VII. SPECIAL REPORTS: Government to Government, Municipal Boards/Commissions/Committees, Municipal Departments, School District, Students and Guests (five minute time limit)

[22-121](#)

Introductions: AFS 2022-23 high school exchange students

Exchange students Sadija Masic, Imane Baghoury, Daniel Sah, and Una Gailite introduced themselves.

**VIII. PERSONS TO BE HEARD**

Lisa Busch spoke about the recent unveiling of the sitkalandslide.org warning system. Patrick Davis and Dawn Thompson commented on vendor permit changes at Harrigan Centennial Hall. Richard Wein spoke to Sitka's dependence on fossil fuels, Harrigan Centennial Hall vendor permit changes, and requested a status update on several City matters.

**IX. CONSENT AGENDA****A** [22-117](#)

Approve the August 9 Assembly meeting minutes

**A motion was made by Mosher that this Item be APPROVED ON THE CONSENT AGENDA. The motion PASSED by the following vote.**

**Yes:** 7 - Christianson, Knox, Mosher, Eisenbeisz, Himschoot, Duncan, and Miller

**X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS****B** [22-118](#)

Reappoint Stacy Mudry to a three-year term on the Planning Commission

From the public, Richard Wein thanked Mudry for reapplying.

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

**Yes:** 7 - Christianson, Knox, Mosher, Eisenbeisz, Himschoot, Duncan, and Miller

**XI. UNFINISHED BUSINESS:****C** [ORD 22-16S](#)

Amending Title 2 "Administration" of the Sitka General Code by adding Chapter 2.15 "Sustainability Commission"

Mosher relayed this was a substitute ordinance and reviewed the changes. He stated the purpose was to sunset the existing Climate Action Task Force and create a permanent Commission. Assembly Members thanked everyone for their work.

Speaking from the public, Richard Wein addressed various sections of the ordinance. Carol Voisin read recommended amendments from Kay Kreiss. Elizabeth Bagley and Katie Riley spoke in support of the ordinance.

**A motion was made by Himschoot that this substitute Ordinance be APPROVED on FIRST READING. The motion PASSED by the following vote.**

**Yes:** 7 - Christianson, Knox, Mosher, Eisenbeisz, Himschoot, Duncan, and Miller

**XII. NEW BUSINESS:**



**New Business First Reading**

- F**     [ORD 22-21](#)     Amending Title 22 “Zoning” of the Sitka General Code by updating Chapter 22.08 “Definitions” and Chapter 22.24 “Special Use Permits” (Short-Term Rentals)
- Those from the public speaking in support were Wendy Alderson, Maureen O'Hanlon, Randy Hughey, Katie Riley, and Tory O'Connell Curran. Richard Wein told of his questions and requested an explanation of the positive outcomes and possible inhibitions.
- Sponsors Knox and Mosher reviewed some of the proposed changes including the definition of a short-term rental, primary residence requirement, and reasons for a permit to become void. The Assembly discussed enforcement, the number of requests processed since March when the moratorium was considered, and evidence to support short-term rentals negative impact on the housing market in Sitka.
- A motion was made by Mosher that this Ordinance be APPROVED on FIRST READING. The motion PASSED by the following vote.**
- Yes:** 7 - Christianson, Knox, Mosher, Eisenbeisz, Himschoot, Duncan, and Miller
- D**     [ORD 22-22](#)     Making supplemental appropriations for fiscal years 2022 and 2023 (Re-appropriations and Supplemental Appropriations)
- Finance Director Melissa Haley provided an overview of the requested re-appropriations and stated staff was actively working on the projects but unable to finalize them before June 30, 2022.
- From the public, Richard Wein commented on the re-appropriations and the Sitka Community Hospital Dedicated Fund being over budget due to a missed payment on the CERNER health records project at the time of sale.
- A motion was made by Duncan that this Ordinance be APPROVED on FIRST READING. The motion PASSED by the following vote.**
- Yes:** 7 - Christianson, Knox, Mosher, Eisenbeisz, Himschoot, Duncan, and Miller
- E**     [ORD 22-20](#)     Updating Title 19 “Building and Construction” of the Sitka General Code by adding a new chapter and modifying and amending the majority of all other chapters within this Title
- Building Official Pat Swedeen stated there were two driving forces behind the update: maintaining the City's Building Code Effectiveness Grading Schedule classification through the Insurance Services Office and maintaining the City's deferral with the Alaska Fire Marshal's Office. Municipal Attorney Hanson thanked Swedeen and Legal Assistant Coral Crenna for their work.
- A motion was made by Christianson that this Ordinance be APPROVED on FIRST READING. The motion PASSED by the following vote.**
- Yes:** 6 - Christianson, Mosher, Eisenbeisz, Himschoot, Duncan, and Miller
- Absent:** 1 - Knox

**Additional New Business Items**

- G**     [RES 22-23](#)     Supporting Sitka Maritime Heritage Society's application under the FY22 Historic Preservation Fund Grant program for Certified Local Governments

Planning Director Amy Ainslie provided a summary of the Certified Local Government grant.

From the public, Richard Wein wondered about a single audit. Bruce Gazaway, a board member of the Sitka Maritime Heritage Society, told of the project scope.

**A motion was made by Himschoot that this Resolution be APPROVED on FIRST AND FINAL READING. The motion PASSED by the following vote.**

**Yes:** 6 - Christianson, Mosher, Eisenbeisz, Himschoot, Duncan, and Miller

**Absent:** 1 - Knox

- H**     [RES 22-22](#)     Authorizing the Municipal Administrator to apply for a Safe Streets for All (SS4A) Grant with the Department of Transportation (DOT) for \$550,000 with a \$150,000 match commitment to support development of a Comprehensive Safety Action Plan

Public & Government Relations Director Melissa Henshaw explained funding from the Safe Streets and Roads for All Grant would provide an opportunity for the development of an Action Plan, which would position the City to qualify for future infrastructure funding for roads. Henshaw relayed award announcements were expected to be at the beginning of 2023. A 12-24 month timeline was anticipated for the completion of the Plan.

From the public, Richard Wein requested more detail on the Action Plan. Scott Saline told of unsafe behavior he routinely witnessed on Katlian Street.

**A motion was made by Duncan that this Resolution be APPROVED on FIRST AND FINAL READING. The motion PASSED by the following vote.**

**Yes:** 6 - Christianson, Mosher, Eisenbeisz, Himschoot, Duncan, and Miller

**Absent:** 1 - Knox

- I**     [22-116](#)     Discussion / Direction / Decision on Secure Rural Schools Election Percentages

Finance Director Melissa Haley informed the Assembly for the first time since 2013, that the City was being required to elect an allocation for its FY23 Secure Rural Schools payment, as current allocations had expired. Haley reviewed the options and recommended the Assembly choose to maintain the status quo of 85% Title I funding and 15% Title II funding.

**A motion was made by Christianson to direct the Municipal Administrator to elect the allocation of 85% Title I funding and 15% Title II funding for all Secure Rural Schools payments until such time that a new allocation election is required. The motion PASSED by the following vote.**

**Yes:** 6 - Christianson, Mosher, Eisenbeisz, Himschoot, Duncan, and Miller

**Absent:** 1 - Knox

**XIII. PERSONS TO BE HEARD:**

Scott Saline commented on heat pumps. Richard Wein offered additional testimony on item I, the short-term rental ordinance.

**XIV. REPORTS**

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

Mayor - Eisenbeisz reported on the Summer Alaska Municipal League Conference held in Sitka.

Administrator - Leach said the FCC was in the process of updating their current broadband maps; he encouraged the public to take the speed test. In addition, he told of the Assembly work session on September 1 regarding the Strategic Plan.

**XV. EXECUTIVE SESSION**

None.

**XVI. ADJOURNMENT**

A motion was made by Christianson to ADJOURN. Hearing no objections, the meeting ADJOURNED at 9:05pm.

**ATTEST:** \_\_\_\_\_  
Sara Peterson, MMC  
Municipal Clerk



# CITY AND BOROUGH OF SITKA

## Legislation Details

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File #: ORD 22-16S    Version: 1    Name:

Type: Ordinance    Status: AGENDA READY

File created: 7/19/2022    In control: City and Borough Assembly

On agenda: 9/13/2022    Final action:

Title: Amending Title 2 "Administration" of the Sitka General Code by adding Chapter 2.15 "Sustainability Commission"

Sponsors:

Indexes:

Code sections:

Attachments: [Motion](#)  
[Memo](#)  
[Ord 2022-16S Substitute Ordinance](#)

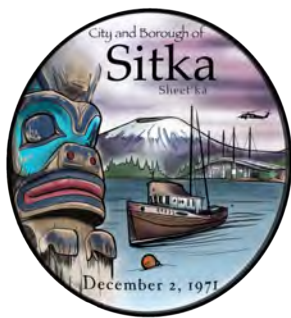
| Date      | Ver. | Action By                 | Action | Result |
|-----------|------|---------------------------|--------|--------|
| 8/23/2022 | 1    | City and Borough Assembly |        |        |

Sponsors: Mosher/ Himschoot

## **POSSIBLE MOTION**

**I MOVE TO** approve Ordinance 2022-16S on second and final reading amending Title 2 “Administration” of the Sitka General Code by adding Chapter 2.15 “Sustainability Commission.”






# CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

## MEMORANDUM

**To:** Mayor Eisenbeisz and Assembly Members

**Thru:** John Leach, Municipal Administrator 

**From:** Assemblymembers Himschoot and Mosher

**Date:** July 18, 2022

**Subject:** Establishment of a Sustainability Commission

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### **Background**

This Ordinance is meant to facilitate the establishment of a Sustainability Commission with a Sustainability Coordinator staff liaison who will report to the Planning and Community Development Director.

### **Analysis**

Established by Resolution 2020-29A on November 10, 2020, The Climate Action Task Force (CATF) is to be responsible for studying and making recommendations to the Sitka Assembly on ways to plan for and mitigate the impacts of climate change on the City and Borough of Sitka's economy, infrastructure and future development, and methods the City and Borough of Sitka can employ to reduce the emission of greenhouse gases.

They regularly meet the first Tuesday of the month, and the CATF initially consisted of nine members and currently has six members.

The CATF presented priorities to the Assembly, and the priorities were adopted on December 28, 2021. One of the adopted priorities was to establish a Sustainability Commission.

### **Fiscal Note**

There are no additional costs associated with establishing a Sustainability Commission.

### **Recommendation**

We recommend passing the Ordinance to establish a Sustainability Commission and directing the Municipal Administrator to assign the Sustainability Coordinator as the staff liaison to the Sustainability Commission.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2022- 16S

AN ORDINANCE OF CITY AND BOROUGH OF SITKA AMENDING TITLE 2  
“ADMINISTRATION” OF THE SITKA GENERAL CODE BY ADDING CHAPTER 2.15  
“SUSTAINABILITY COMMISSION”

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

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

**3. PURPOSE.** The purpose of this ordinance is to add a new chapter to SGC Title 2, entitled “Administration,” to create a sustainability commission and establish organizational guidelines for that commission. It is the intent of the commission to work towards catalyzing a healthy community now and in the future by proposing solutions to environmental, social, and economic concerns of the city and borough of Sitka, its partners, and community members.

**4. ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that Sitka General Code Title 2, entitled “Administration”, be amended by adding Chapter 2.15, entitled “Sustainability Commission,” to read as follows (deleted language stricken, new language underlined):

**Title 2  
ADMINISTRATION**

**Chapters:**

- 2.04 City and Borough Assembly**
- 2.08 City and Borough Departments**
- 2.10 Defense and Indemnification of Officers and Employees**
- 2.13 Health Needs and Human Services Commission**
- 2.15 Sustainability Commission**
- 2.16 Library Commission**

\* \* \*

**Chapter 2.15  
SUSTAINABILITY COMMISSION**

**Sections:**

- 2.15.010 Sustainability commission.**

2.15.020 Term.

2.15.030 Meetings.

2.15.040 Organization.

2.15.050 Resignation.

2.15.060 Powers and duties.

**2.15.010 Sustainability commission.**

There shall be a commission known as the sustainability commission, which shall be composed of seven members appointed by the assembly and, to the extent deemed advisable by the assembly and possible from the applicants, include at least one individual with background or training as a sustainability professional and at least one individual of Alaska Native heritage with understanding and appreciation of the historical importance of sustainability on Tlingit Aaní. All voting members of the commission shall be at-large members and representative of a diverse cross-section of the community. The sustainability coordinator within the planning and community development department or designee shall be an ex-officio member without a vote.

**2.15.020 Term.**

The term of a voting member shall be three years or until a successor is appointed. The first members appointed to the commission shall, upon appointment, determine the length of the terms so that the terms of three members shall be for one year and the terms of two members shall be for two years, and the terms of two members shall be for three years, resulting in staggered terms for members subsequently appointed. A vacancy on the commission shall be filled by appointment by the assembly for any remainder of an unexpired term.

**2.15.030 Meetings.**

A. Meet once per month at such time as the chair or, in their absence, the vice chair shall determine.

B. Give reasonable public notice of its meetings and comply in all respects with the Alaska Open Meetings Act.

**2.15.040 Organization.**

The commission shall organize itself by electing a chair, a vice chair and a secretary, each of whom shall be elected by the voting members of the commission at its first meeting and shall serve a term to expire upon election of officers at the first meeting of the following year. The secretary shall provide minutes of all meetings to the municipal clerk.

**2.15.050 Resignation.**

Should an officer resign from their position prior to expiration of their term, or otherwise is unable or unwilling to perform duties as required of the office, the commission may elect an officer to serve out the remainder of that term. In addition to the above officers, the commission, by a majority vote of its voting members, may designate and elect or appoint such other officers, assistant officers and agents as it deems necessary at such time, in such manner, and upon and for such terms as it shall prescribe. All officers and agents shall serve at the pleasure of the commission, whenever in its judgment the best interest of the commission will be served.

**2.15.060 Powers and duties.**

A. The commission will act as an advisory body to the assembly with the purpose of catalyzing and developing municipal and community-focused approaches that support the social, environmental, and economic sustainability of the city and borough. The commission will accomplish this by working towards the following actions described below.

B. Annually, the commission will develop, identify, and present goals to the assembly for approval. The approved goals shall be the commission's primary focus for the following year. Goals will generally be based on topics that may include:

1. Fossil energy use reduction and development of local, renewable energy sources;
2. Responsible use of natural resources;
3. Diminution of Sitka's supply-chain fragility;
4. Food security enhancement;
5. Sustainable transportation options that leverage Sitka's locally-generated, renewable energy sources;
6. Solid waste consumption, reduction, composting, recycling, and re-use;
7. Robust and healthy local ecosystems and natural communities; and,
8. Other matters as the assembly or commission may deem beneficial for the city and borough.

Concurrently with presenting goals to the assembly, the commission will submit a report to the assembly on progress towards the previous year's goals and other activities which were approved and directed by the assembly.

C. With the approval and direction of the assembly, the commission will work with designated staff to provide information and outreach to the public, in order to understand community priorities and develop community consensus on matters concerning sustainability. This effort may require the commission to invite participation and technical expertise from community partners and professionals (e.g. engineers, public administration experts, earth system scientists, business leaders, educators, community group leaders, etc). If city and borough funds are needed to facilitate participation and technical expertise from community partners and professionals, the commission shall obtain prior approval and the necessary appropriation from the assembly.

**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 13<sup>th</sup> day of September, 2022.

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ATTEST:

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Kevin Knox, Deputy Mayor

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Sara Peterson, MMC  
Municipal Clerk

1<sup>st</sup> reading: 7/26/2022  
1<sup>st</sup> reading – substitute ordinance: 8/23/2022  
2<sup>nd</sup> and final reading: 9/13/2022  
  
Sponsors: Mosher / Himschoot





# CITY AND BOROUGH OF SITKA

## Legislation Details

File #: ORD 22-20    Version: 1    Name:

Type: Ordinance    Status: AGENDA READY

File created: 8/17/2022    In control: City and Borough Assembly

On agenda: 9/13/2022    Final action:

Title: Updating Title 19 "Building and Construction" of the Sitka General Code by adding a new chapter and modifying and amending the majority of all other chapters within this Title

Sponsors:

Indexes:

Code sections:

Attachments: [Motion Ord 2022-20](#)  
[Memo Ord 2022-20](#)  
[Ord 2022-20 Title 19 Building and Construction\\_Final](#)

| Date      | Ver. | Action By                 | Action | Result |
|-----------|------|---------------------------|--------|--------|
| 8/23/2022 | 1    | City and Borough Assembly |        |        |

## **POSSIBLE MOTION**

**I MOVE TO** approve Ordinance 2022-20 on second and final reading updating Title 19 “Building and Construction” of the Sitka General Code by adding a new chapter and modifying and amending the majority of all other chapters within this Title.





# CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

## MEMORANDUM

**To:** Mayor Eisenbeisz and Assembly Members

**Thru:** John Leach, Municipal Administrator 

**From:** Patrick Swedeen, Building Official 

**Date:** August 2, 2022

**Subject:** Updating City and Borough of Sitka's adopted building codes.

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### Background

There are two main driving forces behind the decision to update the City and Borough of Sitka's (CBS) adopted building and life safety codes at this time: 1) the CBS's Building Code Effectiveness Grading Schedule classification through the Insurance Services Office and 2) maintaining the CBS's deferral from the Alaska Fire Marshal's Office.

### Analysis

- The Insurance Services Office (ISO) Building Code Effectiveness Grading Schedule (BCEGS) classification:

Studies have shown that municipalities with well-administered, up-to-date building and life safety codes typically experience lower rates of insurable damages. CBS's ISO rating through the BCEGS classification provides insurance providers with a measurable metric regarding building and life safety code adoption and administration that insurance companies can utilize when determining property insurance rates.

The ISO regularly assesses the nearly 20,000 jurisdictions that it covers to ensure appropriate BCEGS classification, the ISO contacted the CBS several months ago to initiate the next regularly scheduled reassessment of Sitka's BCEGS classification.

A few of the over 1,000 data points collected and measured by the ISO include: number of staff tasked with code administration, staff training and certifications, allocated budget, number of development permits issued, number of inspections performed, and the age of the building and life safety codes adopted by the jurisdiction.

The CBS scores well on most of the data points analyzed, however our currently adopted 2012 International Building Codes are so outdated in the eyes of the ISO that one data point alone will automatically default our BCEGS classification to the lowest possible rating. This could have a negative impact on the cost of insurance rates for property owners in Sitka, both private and commercial.

- **Alaska Fire Marshal's Office Deferral:**

The City and Borough of Sitka carries a deferral with the Alaska Fire Marshal's Office (AFMO) authorizing the CBS to perform in-house the state-required construction plan reviews along with building code-required permits and inspections for commercial development in Sitka (the AFMO provides plan review services only). This allows us to provide plan reviews and building code assistance to our developers in-person utilizing local knowledge and expertise, enabling us to serve the citizens of Sitka with qualified and professional service that is much more personable and accessible than would be available from the AFMO.

Sitka's deferral also authorizes CBS staff to perform state-required Fire and Life Safety Inspections of our commercial buildings and local fire protection systems. This allows us to provide open lines of communication and local understanding in the administration of these duties when working with Sitka's commercial property owners to address identified life safety issues.

In order to maintain Sitka's Alaska Fire Marshal's Office deferral the CBS must demonstrate that we are able and qualified to perform plan reviews and Fire and Life Safety Inspections for commercial construction in Sitka to at least the same level of expertise as the AFMO. We must also adopt and administer building and life safety codes that are not older or less restrictive than the codes adopted by the AFMO.

The AFMO is on-track to adopt the 2021 International Code cycle sometime in the next few months, in order to ensure our deferral is maintained in good standing the CBS should adopt these updated building and life safety codes in anticipation of the state's adoption.

In addition to adopting up-to-date building and life safety codes this proposed Ordinance includes general housekeeping measures to improve the clarity and readability of Chapter 19 and a few substantive amendments to the building and life safety codes as currently adopted. A narrative of substantive proposed code amendments is attached to this memorandum.

### **Fiscal Note**

The changes proposed by Ordinance 2022-20 do not include an increase to the CBS budget.

The administrative costs associated with this proposed ordinance are limited to the staff time that has been dedicated to drafting, reviewing, and editing these proposed code updates, memorandums, and narrative.

Maintaining Sitka's positive ISO classification and Alaska Fire Marshal deferral helps reduce the costs associated with property insurance, development plan reviews, and

required construction inspections thus benefitting Sitka's developers, business owners, and property owners.

**Recommendation**

It is recommended that the Assembly approve Ordinance 2022-20 to maintain our Insurance Services Office Building Code Effectiveness Grading Schedule classification and Alaska Fire Marshal's Office deferral.

Encl: Substantive Changes to Chapter 19 Narrative  
Ordinance 2022-20



## **Substantive Changes Proposed to Chapter 19 in 2022 Adoption**

In addition to adopting the most-current editions of the applicable building and life safety codes the adoption of this proposed Ordinance will also result in the following substantive changes to SGC Chapter 19:

### **International Building Code:**

- **Delete SGC Section 19.01.041.**
  - This deletion from the SGC removes an inconsistency in the adopted code.
  - Deletion of this section of SGC will allow the application of an exception in the IBC that provides less restrictive requirements regarding fire-resistive assemblies separating dwellings and/or sleeping units in apartment buildings and hotels that are protected by a full-coverage automatic fire sprinkler system.

### **International Existing Building Code:**

- **New SGC Chapter 19.01A, adoption of the International Existing Building Code.**
  - This is not technically a substantive change to the adopted code, but it may appear to be.
  - In the currently adopted edition of the IBC, Chapter 34 provides allowances and additional compliance options when performing alterations to existing buildings when a Building Permit is required. In the 2021 code cycle IBC Chapter 34 has been removed and the International Existing Building Code replaces it. The requirements and allowances provided by IBC Chapter 34 have not substantially changed, rather further clarification has been provided through the “new” separate International Existing Building Code.
  - The Alaska Fire Marshal’s Office will be adopting this code.
  - The amendments proposed in 19.01A are in line with and are intended to maintain the amendments of other adopted codes.

### **International Mechanical Code:**

- **New SGC Section 19.04.035, crawlspace return air openings.**
  - This amendment will remove from the IMC verbiage that allows openings between crawlspaces and occupied spaces in commercial buildings.
  - The code as written permits openings directly between crawlspaces and occupied spaces, traditionally for furnace room combustion air and in more recent code cycles also for alternate crawlspace ventilation.
  - This configuration is problematic in our climate and we have many buildings in Sitka that have issues due to poor air quality as a result.
  - Previous Building Officials have not allowed the use of this type of installation.

### **International Fire Code:**

- **New SGC Section 19.05.060, safety precautions and devices.**
  - This new section of code will provide us with straightforward language to clarify the requirement for 120-gallon “pickle barrel” liquid propane tanks to be secured against movement during an earthquake.
  - Restraint requirements for liquid propane tanks and compressed gasses in general are found in various separate sections of our adopted codes and referenced standards, these requirements vary based on size and use of the tank. Some of these requirements specific to LP cylinders less than 125-gallons in capacity include:
    - NFPA 58 requires such tanks to “be installed aboveground set upon a firm foundation or otherwise firmly secured” and to “not be in contact with soil”.
    - The IFC requires compressed cylinders to “be secured to prevent falling caused by contact, vibration, or seismic activity”.
  - We are often queried regarding requirements for anchoring these commonly-installed tanks and it is the intent of our adopted building and life safety codes to require them to be secured against seismic activity but unfortunately the code language isn’t as clear as it should be. This new section of SGC will help us answer these questions regarding securing of propane cylinders simply and clearly.

### **Uniform Code for the Abatement of Dangerous Buildings:**

- **Delete SGC Sections 19.06.020 and 19.06.030 amending the UCABD board of appeals.**
  - These SGC deletions will revert the UCABD Board of Appeals back to the building code-intended body of appointed members qualified by experience and training to pass upon matters pertaining to building construction as established by SGC 19.01.010.
  - The Assembly has the authority to grant a variance or waiver to actions performed under the UCADB through the application of SGC 19.01.015.

### **International Residential Code:**

- **New SGC Section 19.09.019, OSB sheathing.**
  - This amendment will provide additional clarification regarding the use of Oriented Strand Board (OSB).
  - In the 2018 update to SGC Chapter 19 it was the intent of the Building Official at the time to prohibit the use of OSB as structural sheathing in all new construction due to its inability to maintain structural integrity once wet through the adoption of SGC 19.01.110.
  - We have been administering the code as the 2018 amendment intended, however it has recently been brought to our attention that technically this requirement was not reflected in the International Residential Code as it should have been.

- **New SGC Section 19.09.027, garage egress door.**
  - This new section of code will provide us with language clarifying the requirement for a code-complaint egress door serving residential garages.
  - The IRC requires an appropriately-sized and installed egress door providing an appropriate means of egress from all occupiable spaces, however the wording in the IRC is not as clear as it should be regarding garages.
  - This is not a change in code requirements, rather this addition will provide clear language enabling us to appropriately administer the existing requirements of the IRC.
- **New SGC Section 19.09.067, crawlspace return air openings.**
  - This amendment will remove from the IRC verbiage that allows openings between crawlspaces and living spaces in one and two-family dwellings.
  - The code as written permits openings directly between crawlspaces and living spaces, traditionally for furnace room combustion air but more recently also for alternate crawlspace ventilation.
  - This configuration does not work well in our climate and we have many homes in Sitka that have health issues due to poor air quality as a result.
  - Previous Building Officials have not allowed the use of this type of installation.

#### **Mechanical Code for Islands:**

- **Amend SGC Section 19.11.010, adoption of Mechanical Code for islands.**
  - The IMC applies to commercial construction only and does not apply to one and two-family dwellings.
  - Per Alaska statute commercial construction must be reviewed to at least the standards adopted by the Alaska Fire Marshal's Office, to ensure our ability to do so we should adopt the IMC in a similar fashion for application to island construction.

#### **Building Code for Islands:**

- **Amend SGC 19.14.010, adoption of building code for islands.**
  - The IBC applies to commercial construction only and does not apply to one and two-family dwellings.
  - Per Alaska statute commercial construction must be reviewed to at least the standards adopted by the Alaska Fire Marshal's Office, to ensure our ability to do so we should adopt the IBC in a similar fashion for application to island construction.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2022-20

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA UPDATING TITLE 19  
“BUILDING AND CONSTRUCTION” OF THE SITKA GENERAL CODE BY ADDING A  
NEW CHAPTER AND MODIFYING AND AMENDING THE MAJORITY OF ALL OTHER  
CHAPTERS WITHIN THIS TITLE**

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

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

**3. PURPOSE.** The purpose of this ordinance is to update Sitka’s adopted building and life safety codes. Along with the inherent property and life safety benefits of keeping Sitka’s building codes current, updating at this time is also driven by two primary motives: (1) maintaining Sitka’s Insurance Services Office classification, which affects property insurance rates across the municipality; and (2) maintaining Sitka’s Fire Marshal deferral. This ordinance also addresses general housekeeping measures that will improve clarity and readability of the referenced adopted codes and amendments thereof.

**4. ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 19, entitled “Building and Construction”, be updated by adding Chapter 19.01A, entitled “Existing Building Code”, and modifying and amending Chapter 19.01, entitled “Building Code”, Chapter 19.02, entitled “Electrical Code”, Chapter 19.03, entitled “Plumbing Code”, Chapter 19.04, entitled “Mechanical Code”, Chapter 19.05, entitled “Fire Code”, Chapter 19.06, entitled “Uniform Code for Abatement of Dangerous Buildings”, Chapter 19.07, entitled “Excavation and Grading Code”, Chapter 19.08, entitled “Energy Conservation Code”, Chapter 19.09, entitled “Residential Code”, Chapter 19.10, entitled “Plumbing Code for Islands”, Chapter 19.11, entitled “Mechanical Code for Islands”, Chapter 19.12, entitled “Fire Code for Islands”, Chapter 19.13, entitled “Electrical Code for Islands”, Chapter 19.14, entitled “Building Code for Islands”, Chapter 19.15, entitled Building Code for Float Homes”, Chapter 19.16, entitled “Electrical Code for Float Homes”, Chapter 19.17, entitled “Plumbing Code for Float Homes”, Chapter 19.18, entitled “Code Applicability”, and Chapter 19.20, entitled “Fire Marshal Deferral Standards”, to read as follows (deleted language stricken, new language underlined):

**Title 19  
BUILDING AND CONSTRUCTION**

**Chapters:**

|               |                                      |
|---------------|--------------------------------------|
| <b>19.01</b>  | <b>Building Code</b>                 |
| <b>19.01A</b> | <b><u>Existing Building Code</u></b> |
| <b>19.02</b>  | <b>Electrical Code</b>               |
| <b>19.03</b>  | <b>Plumbing Code</b>                 |
| <b>19.04</b>  | <b>Mechanical Code</b>               |

|    |              |   |
|----|--------------|---|
| 53 | <b>19.05</b> | <b>Fire Code</b>  |
| 54 | <b>19.06</b> | <b>Uniform Code for Abatement of Dangerous Buildings</b>    |
| 55 | <b>19.07</b> | <b>Excavation and Grading code</b>                          |
| 56 | <b>19.08</b> | <b>Energy Conservation Code</b>                             |
| 57 | <b>19.09</b> | <b>Residential Code</b>                                     |
| 58 | <b>19.10</b> | <b>Plumbing Code for Islands</b>                            |
| 59 | <b>19.11</b> | <b>Mechanical Code for Islands</b>                          |
| 60 | <b>19.12</b> | <b>Fire Code for Islands</b>                                |
| 61 | <b>19.13</b> | <b>Electrical Code for Islands</b>                          |
| 62 | <b>19.14</b> | <b>Building Code for Islands</b>                            |
| 63 | <b>19.15</b> | <b>Building Code for Float Homes</b>                        |
| 64 | <b>19.16</b> | <b>Electrical Code for Float Homes</b>                      |
| 65 | <b>19.17</b> | <b>Plumbing Code for Float Homes</b>                        |
| 66 | <b>19.18</b> | <b>Code Applicability</b>                                   |
| 67 | <b>19.19</b> | <b>Demolition or Removal of Municipally Owned Buildings</b> |
| 68 | <b>19.20</b> | <b>Fire Marshal Deferral Standards</b>                      |

\* \* \*

## **Chapter 19.01 BUILDING CODE**

### **Sections:**

|     |                      |   |
|-----|----------------------|---|
| 76  | 19.01.010            | International Building Code (IBC) adoption by reference.                                |
| 77  | 19.01.015            | Power of assembly to grant a variance or waiver by motion.                              |
| 78  | 19.01.016            | <del>International Building Code IBC Chapter 1 - Scope and Administration,</del>        |
| 79  |                      | <del>amended.</del>   |
| 80  | 19.01.018            | <del>International Building Code IBC Chapter 2 - Definitions, amended.</del>            |
| 81  | 19.01.020            | <del>IBC Section 109.2 – Schedule of Permit Fees, amended.</del>                        |
| 82  | 19.01.021            | <del>International Building Code IBC Section 109.4 – Work Commencing Before</del>       |
| 83  |                      | <del>Permit Issuance, amended.</del>  |
| 84  | 19.01.030            | <del>International Building Code IBC Section 410.3.7, 110.3.9 - Energy Efficiency</del> |
| 85  |                      | <del>Inspections, is deleted.</del>   |
| 86  | 19.01.040            | <del>IBC Table 509 amended, Incidental Use Areas, amended.</del>                        |
| 87  | <del>19.01.041</del> | <del>International Building Code Section 708.3 amended – Fire resistance rating.</del>  |
| 88  | 19.01.065            | <del>International Building Code IBC Section 111 – Certificates of Occupancy,</del>     |
| 89  |                      | <del>amended modified to add new Section 111.2.1.</del>                                 |
| 90  | 19.01.070            | <del>International Building Code IBC Section 903.2 amended, Automatic Fire</del>        |
| 91  |                      | <del>suppression Sprinkler Systems – Where Required, modified.</del>                    |
| 92  | 19.01.071            | Waivers to Section 19.01.070.   |
| 93  | 19.01.072            | Administrative waivers to Section 19.01.070 for minor additions or structures.          |
| 94  | 19.01.088            | <del>International Building Code IBC Section 1003 amended, General Means of</del>       |
| 95  |                      | <del>e-Egress, modified.</del>  |
| 96  | 19.01.092            | Certificates of occupancy.  |
| 97  | 19.01.095            | <del>The International Building Code IBC Chapter 11 – Accessibility, amended.</del>     |
| 98  | 19.01.096            | <del>IBC Section 1202.4 - Under-Floor space Ventilation, amended. IBC Section</del>     |
| 99  |                      | <del>1203.3 modified.</del>   |
| 100 | 19.01.100            | <del>IBC Chapter 17 – Special Inspections, modified. amended – Earth support and</del>  |
| 101 |                      | <del>danger trees..</del>   |



19.01.110 ~~Chapter 23, IBC Section 2303.1.4, 2303.1.5 - Wood s-Structural p-Panels,~~  
amended.

19.01.125 ~~Chapter 31, IBC Section 3102, --~~ Membrane Structures, modified.

~~19.01.150 Chapter 34, Section 3401, Scope, modified.~~

~~19.01.155 Chapter 34, Section 3411, Accessibility for existing buildings, modified.~~

~~19.01.200 Chapter 35, Referenced Standards, modified.~~

**19.01.010 International Building Code (IBC) adoption by reference.**

The ~~2012-2021~~ International Building Code, written by the International Code Council, Chapters 1 through 12, 14 through 28, and 30 through 35, is adopted and ~~included~~ incorporated by reference, including the following appendices:

Appendix B—Board of a ~~Appeals~~, ~~modified~~ amended as follows:

B101.2(1) is modified to read, “One for 3 years, one for 2 years, and one for 1 year.”

B101.2(2) is modified to read, “Thereafter, each new member shall serve for 3 years or until a successor has been appointed.”

B101.2.1 is modified as follows: The last sentence shall read, “Alternate members shall possess the qualifications required for board membership and shall be appointed for three years, or until a successor has been appointed.”

B101.2.2, sentence one, is modified to read, “The board of appeals shall consist of three individuals, one from any of the following five professions or disciplines:”

B101.3 – Membership of Board, is amended as follows:

All references to five board members are amended to reference three board members.

Where Section B101.3 indicates [INSERT NUMBER OF YEARS] the number 3 is inserted specifying that standard terms for board members is 3 years.

~~B101.3.3~~ B101.5.3 – Postponed Hearing is ~~modified~~ amended to read:;

“When three members are not present to hear an appeal, either the appellant or the appellant’s representative shall have the right to request a postponement of the hearing.”

A new Section ~~B101.3.4~~ B101.5.4 – Filing Fee is added to read as follows:

“The cost of filing an appeal case to be considered by the Appeals Board is \$100.00 and must accompany the filing of the appeal. If the appeal is granted the application fee shall be refunded.”

Appendix C—Group U a-~~Agricultural~~ b-Buildings.

**19.01.015 Power of assembly to grant a variance or waiver by motion.**

The assembly shall have the power to grant by motion a variance or waiver from the requirements of the codes adopted in this chapter, provided such variance or waiver is not in

conflict with Alaska state adopted codes. The assembly shall take into consideration the recommendations of the building official and the fire chief in making the decision to grant such a variance or waiver.

**19.01.016 International Building Code IBC Chapter 1 - Scope and Administration, amended.**

A. ~~International Building Code IBC~~ Section 101.4 – Referenced Codes, is deleted.

B. ~~International Building Code IBC~~ Section 103.2 – Appointment, is amended to read: “The Building Official shall be appointed by the Municipal Administrator.”

~~C. International Building Code Section 103.3 is amended by deleting the last sentence of the section.~~

~~D C.~~ ~~International Building Code IBC~~ Section 104.1 – Duties and Powers of Building Official - General is amended as follows:

1. ~~By adding t~~ The following phrase is added to the end of sentence two: “... and to rule on applicability in the event of conflicting provisions with other codes.”

2. ~~By amending s~~ Sentence three is amended to read, “Such interpretations, rulings, policies and procedures shall be in compliance with the intent and purpose of this and related code.”

~~E D.~~ ~~International Building Code IBC~~ Sections 105.1.1 – Annual Permit and 105.1.2 – Annual Permit Records are deleted.

~~F E.~~ ~~International Building Code IBC~~ Section 105.2, – Work Exempt from Permit, is modified as follows:

1. ~~405.2~~ Item 2 is amended to read: “Fences not over 8 feet high.”

2. ~~405.2~~ Item 10 is amended to have an additional sentence which reads: “Private membrane structures used as ‘U’ occupancies which are not in excess of 240 square feet and have no electrical service. Such structures must be anchored in an approved manner.”

~~G F.~~ ~~International Building Code IBC~~ Section 107.5 – Retention of Construction Documents is deleted.

~~H G.~~ ~~International Building Code IBC~~ Section 102.6 – Existing Structures is amended by deleting the words, “International Property Maintenance Code.”

~~I H.~~ ~~International Building Code IBC~~ Section 110.3.3 – Lowest Floor Elevation, is amended to read:

“For structures located in flood hazard areas as identified in Chapter 20.04 – Floodplain Management, prior to issuing the Certificate of Occupancy required in Section 111, the elevation certification required in Section 1612.5 1612.4 or the IRC, as applicable, shall be submitted to the Building Official.”

**19.01.018 International Building Code-IBC Chapter 2 – Definitions, amended.**

~~International Building Code-IBC~~ Section 201.3 – Terms Defined in Other Codes, is amended by deleting the references to “International Fuel Gas Code” and “International Plumbing Code” and replacing with “Uniform Plumbing Code.”

**19.01.020 IBC Section 109.2 – Schedule of Permit Fees, amended.**

~~International Building Code-IBC~~ Section 109.2, – Schedule of Permit Fees, is amended by adding a second sentence and table to read:

“The following schedule is established:

Permit fees for A, B, E, F, H, I, M, R-I, R-2, R-4 and S occupancies shall be calculated using Table 1-A of the 1997 Uniform Building Code, and plan review fees shall be calculated as 65% of the permit fee. Permit fees for R-3 and U occupancies shall be calculated using the following table; plan review fees shall be calculated as 33% of the permit fee.”

The following Fee Table is inserted immediately subsequent to IBC Section 109.2:

**BUILDING PERMIT FEE SCHEDULE FOR R-3 AND U OCCUPANCIES**

| TOTAL VALUATION   | FEE   |
|---|---|
| \$1.00 to \$2,000.00  | \$46.35   |
| \$2,000.01 to \$25,000.00   | \$46.35 for the first \$2,000.00 plus \$9.27 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00         |
| \$25,000.01 to \$50,000.00  | \$259.56 for the first \$25,000.00 plus \$6.70 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00       |
| \$50,000.01 to \$100,000.00   | \$426.94 for the first \$50,000.00 plus \$4.64 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00      |
| \$100,000.01 to \$500,000.00  | \$658.69 for the first \$100,000.00 plus \$3.61 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00     |
| \$500,000.01 to \$1,000,000.00  | \$2,100.69 for the first \$500,000.00 plus \$3.10 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00 |
| \$1,000,000.01 and up   | \$3,645.69 for the first \$1,000,000.00 plus \$2.10 for each additional \$1,000.00 or fraction thereof                                |
| <b>Other Inspections and Fees:</b>  |   |
| 1. Inspections outside of normal business hours (Minimum charge – two hours) \$55.00 per hour*  |   |
| 2. Reinspection fees as determined by the building official 55.00 per hour*   |   |
| 3. Inspections for which no fee is specifically indicated<br>(Minimum charge – one half hour) 55.00 per hour*                               |   |
| 4. Additional plan review required by changes, additions or revisions to approved plans<br>(Minimum charge – one half hour) 55.00 per hour* |   |

**BUILDING PERMIT FEE SCHEDULE FOR R-3 AND U OCCUPANCIES**

| TOTAL VALUATION  | FEE |
|--|-----|
| 5. For use of outside consultants for plan checking, inspections, or professional assistance<br>Actual costs**   |     |
| *Or the total cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved. |     |
| **Actual costs include administrative, overhead, and handling charges.   |     |

**19.01.021 International Building Code IBC Section 109.4 – Work Commencing Before Permit Issuance, amended.**

~~International Building Code IBC Section 109.4 – Work Commencing Before Permit Issuance,~~ is amended to read:

“Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits may be subject to a fee established by the Building Official that shall be in addition to the required permit fees. The additional fee shall be equal to the amount of the permit fee required by this code, whether or not a permit is subsequently issued. A person who commences grading without a required permit shall be subject to, in addition to the regular grading permit fee, an additional permit fee of one hundred dollars for the first occurrence, two hundred fifty dollars for a second occurrence, and five hundred dollars for subsequent occurrences in any three-year period.”

**19.01.030 International Building Code IBC Section 410.3.7, 110.3.9 – Energy Efficiency Inspections, is deleted.**

~~International Building Code IBC Section 410.3.7, 110.3.9, – Energy Efficiency Inspections,~~ is deleted.

**19.01.040 IBC Table 509 amended – Incidental Use Areas, amended.**

~~International Building Code IBC Table 509 Amended – Incidental Use Areas,~~ is amended as follows:

Cell one in the table is amended to read: “All furnace or boiler rooms.”

Cell two in the table is amended to read: “1 hour.”

**19.01.041 International Building Code Section 708.3 amended – Fire resistance rating.**

~~International Building Code Section 708.3, Fire resistance rating, is amended by deleting exception 2.~~

**19.01.065 International Building Code IBC Section 111 – Certificates of Occupancy, amended modified to add new Section 111.2.1.**

~~The International Building Code IBC Section 111 – Certificates of Occupancy, is amended~~ modified by adding a new Section 111.2.1 – Street Address which reads:

“Before a Certificate of Occupancy is issued, approved numbers or addresses shall be provided in such a position as to be plainly visible and legible from the street or road fronting the property.”

**19.01.070 International Building Code IBC Section 903.2 amended – Automatic Fire suppression Sprinkler Systems – Where Required, modified.**

~~International Building Code IBC Section 903.2, Automatic Fire Suppression Sprinkler Systems – Where Required,~~ is modified by deleting the exception and adding the following paragraph(s) which read:

“A. All new buildings, and additions, having a new or existing fire area designated by the building official as occupancy classification A, B, Group E (excluding day-cares with an occupant load less than 50), Group F, H, I, M, R-I, and R-2’s which are 5-plex or larger or which have an occupant load greater than 10, R-4, or S occupancies and all new buildings over thirty-five (35) feet in height, shall be equipped throughout with an approved automatic fire suppression system.

B. Automatic ~~sprinkler fire suppression~~ systems required by this section, but which are not required by other provisions of the State or City and Borough building codes, do not require remote electric supervision or monitoring provided the system has fewer than 100 sprinkler heads.”

**19.01.071 Waivers to Section 19.01.070.**

If IBC Section 903.2 as amended by Section 19.01.070 results in a required automatic fire extinguishing system which would not otherwise have been required under the unamended building code, a waiver may be applied for. An application for such waiver shall be made in a form and manner as prescribed by the building department. The applicant must pay a fifty dollar fee for waiver applications to cover advertisement of the meeting. Application for waiver shall be considered by a committee consisting of the fire chief or designee, the building official or designee, and the chair of the police and fire commission or designee. The committee shall grant or deny the application for waiver. The committee’s decision shall be reviewed, and affirmed or rejected, by the municipal administrator. If the administrator fails to affirm the committee’s decision, the application for waiver shall go to the assembly for consideration. Decisions of the committee and administrator are appealable to the assembly under Section 19.01.015.

**19.01.072 Administrative waivers to Section 19.01.070 for minor additions or structures.**

The building official may administratively grant waivers to Section 19.01.070 for minor additions or structures under three hundred square feet which in the building official’s judgment present negligible hazard to persons or property. Records of such waivers shall be permanently maintained in the building department.

**19.01.088 International Building Code IBC Section 1003 amended – General Means of Egress, modified.**

~~International Building Code IBC Section 1003 – General Means of Egress,~~ is amended to include the following a new section which reads:



“1003.8 - Hazards from sliding snow from roofs. Means of egress discharge paths shall be protected from sliding snow from roofs by the use of snow stops or in an approved manner.”

**19.01.092 Certificates of occupancy.**

In new subdivisions, a certificate of occupancy shall not be issued for a dwelling or a building with water and sanitary plumbing facilities, unless that dwelling or building is connected to a city and borough accepted and Alaska Department of Environmental Conservation approved water and sanitary sewer system. In new subdivisions, a certificate of occupancy shall not be issued for a dwelling or a building unless all streets within the municipal right-of-way that serve the dwelling or building have been accepted by the city and borough.

**19.01.095 ~~The International Building Code~~ IBC Chapter 11 - Accessibility, amended.**

~~The International Building Code~~ IBC Section 1101.1 - Scope, is amended by adding to Chapter 11, Section 1101.1 of the IBC the following three sentences:

“This chapter is adopted as a design reference for accessibility and is not reviewed by the Sitka Building Department for compliance. Compliance with the requirements of this chapter and other provisions within this code for accessibility of physically disabled persons is the exclusive responsibility of the owner of the structure. An advisory plan review may be obtained regarding the design for accessibility of a structure from the Alaska State ADA Coordinator’s Office located at ~~801 West 10th Ave, Juneau, AK 99801, phone number 907-375-7705~~ 550 W. 7<sup>th</sup> Avenue, Suite 1960, Anchorage, AK 99501, phone number (907) 375-7716.”

**19.01.096 IBC Section 1202.4 – Under-f Floor space v Ventilation, amended.**

~~IBC Section 1203.3 modified.~~

~~International Building Code~~ IBC Section ~~1203.3~~1202.4, Under-Floor Ventilation, is modified amended by deleting sections 1202.4.1.2 and 1202.4.2. removing the reference to openings of one square foot per one thousand five hundred square feet of floor area.

**19.01.100 IBC Chapter 17 – Special Inspections, modified. amended–Earth support and danger trees.**

~~International Building Code~~ IBC Chapter 17, - Special Inspections, is modified by adding a new item Section 1712 - Earth Support and Danger Trees, to read as follows:

~~1712.~~ “The Building Official may cause to be inspected, any clearing, excavation or fill or construction project regulated by this code to identify risks to subject or adjacent property caused by damage to trees, their support systems, or disruption of the “forest canopy.”

The Building Official may revoke or withhold development permits until dangers identified by special inspection have been satisfactorily mitigated.

It is the intent of the Assembly that matters of concern under this subsection be handled as expeditiously as possible and that the Building Official handle them in-house whenever possible to avoid delay from frivolous complaints or concerns.”

**19.01.110 Chapter 23, IBC Section 2303.1.4, 2303.1.5 – Wood s-Structural p-Panels, amended.**

~~Amend IBC Section 2303.1.4. 2303.1.5 - Wood Structural Panels, is amended by adding the following sentence:~~

~~“Oriented strand board (OSB) shall not be used is not acceptable as sheathing for roofs, exterior walls, shear walls or floors.” OSB is acceptable as a component in engineered joists.~~

**19.01.125 Chapter 31, IBC Section 3102, – Membrane Structures, modified.**

~~IBC Section 3102.1 – Membrane Structures is amended~~ modified ~~by adding a~~ the following sentence:

“Membrane structures installed as of the date of the enactment of this ordinance are “grandfathered” and need meet no additional requirements or standards as a result of adoption of this code. If such a membrane structure undergoes a change in occupancy designation, it must meet requirements as for a new installation.”

An additional Section 3102.1.2 is added which reads:

“All non-heated, open on the interior, non-hazardous occupancies are exempt from Section 19.01.070 the requirements to install an automatic sprinkler system, provided they are used for storage of non-hazardous materials only.”

**19.01.150 Chapter 34, Section 3401, Scope, modified.**

~~IBC 3401.3 is amended to read:~~

~~Compliance with other codes. Alterations, repairs, additions, and changes of occupancy to existing structures must comply with the provisions for alterations, repairs, additions, and changes of occupancy in the International Fire Code as adopted; the International Mechanical Code as adopted; the Uniform Plumbing Code as adopted; and the National Electrical Code as adopted.~~

**19.01.155 Chapter 34, Section 3411, Accessibility for existing buildings, modified.**

~~IBC 3411.1, Scope, is amended to read:~~

~~This section is adopted as a design reference for accessibility and is not reviewed by the office of the state fire marshal for compliance. Compliance with the requirements of this chapter is the exclusive responsibility of the owner of the structure. An advisory plan review may be obtained regarding the design for accessibility of a structure from the office of the state coordinator for Americans with Disabilities Act at 801 West 10th Avenue, Suite A, Juneau, Alaska 99801, phone (907) 375-7705.~~

**19.01.200 Chapter 35, Referenced Standards, modified**

~~Chapter 35, Referenced Standards, of the IBC is revised by changing or adding the referenced standards from the publication date listed to the following edition, and the standards are adopted by reference:~~

~~N.F.P.A. 10-2013, Portable Fire Extinguishers;~~

~~N.F.P.A. 13-2016, Installation of Sprinkler Systems;~~  
~~N.F.P.A. 13D-2016, Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes;~~  
~~N.F.P.A. 13R-2016, Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height;~~  
~~N.F.P.A. 14-2016, Standpipe and Hose System;~~  
~~N.F.P.A. 20-2016, Installation of Stationary Pumps for Fire Protection;~~  
~~N.F.P.A. 72-2016, National Fire Alarm Code;~~  
~~N.F.P.A. 750-2015, Standards on Water Mist Fire Protection Systems.~~

## **Chapter 19.01A** **EXISTING BUILDING CODE**

### **Sections:**

- 19.01A.010 International Existing Building Code (IEBC) adoption by reference.
- 19.01A.020 Application for permit.
- 19.01A.030 IEBC Chapter 1 – Scope and Administration, amended.
- 19.01A.040 IEBC Section 201.3 – Terms Defined in Other Codes, amended.
- 19.01A.050 IEBC Section 302.2 – Additional Codes, amended.
- 19.01A.060 IEBC Section 306 – Accessibility for Existing Buildings - Scope, amended.

### **19.01A.010 International Existing Building Code (IEBC) adoption by reference.**

The 2021 International Existing Building Code, written by the International Code Council, is adopted and incorporated by reference.

### **19.01A.020 Application for permit.**

Fees for permits issued under the IEBC shall be calculated as defined in Section 19.01.020. Separate permits and fees are not required for work authorized by a valid building permit.

### **19.01A.030 IEBC Chapter 1 – Scope and Administration, amended.**

A. IEBC Section 101.4.2 – Buildings Previously Occupied, is amended by deleting reference to the International Property Maintenance Code.

B. IEBC Section 105.1.1 – Annual Permit, is deleted.

C. IEBC Section 105.1.2 – Annual Permit records, is deleted.

D. IEBC Section 105.2 – Work Exempt from Permit, is amended by deleting Item 5.

### **19.01A.040 IEBC Section 201.3 – Terms Defined in Other Codes, amended.**

IEBC Section 201.3 – Terms Defined in Other Codes, is amended by deleting the words “other international codes” and replacing them with “other adopted building codes”.

**19.01A.050 IEBC Section 302.2 – Additional Codes, amended.**

IEBC Section 302.2 – Additional Codes, is amended by deleting reference to the “International Fuel Gas Code”, “International Plumbing Code”, “International Private Sewage Disposal Code”, “International Energy Efficiency Code”, and “International Property Maintenance Code” and inserting “Uniform Plumbing Code”.

**19.01A.060 IEBC Section 306 – Accessibility for Existing Buildings - Scope, amended.**

IEBC Section 306.1 - Accessibility for Existing Buildings – Scope, is amended to read:

“This section is adopted as a design reference for accessibility and is not reviewed by the Sitka Building Department for compliance. Compliance with the requirements of this chapter and other provisions within this code for accessibility of physically disabled persons is the exclusive responsibility of the owner of the structure. An advisory plan review may be obtained regarding the design for accessibility of a structure from the Alaska State ADA Coordinator’s Office located at 550 W. 7<sup>th</sup> Avenue, Suite 1960, Anchorage, AK 99501, phone number (907) 375-7716.”

**Chapter 19.02  
ELECTRICAL CODE**

Sections:

19.02.010 National Electrical Code (NEC) adoption by reference.

19.02.020 Application for permit.

19.02.030 NEC Section 230-70(A)(1) amended—\_Service Equipment d-Disconnecting m Means—Location, amended.

**19.02.010 National Electrical Code (NEC) adoption by reference.**

The ~~2014-2020~~ Edition of the National Electrical Code, copyrighted by the National Fire Protection Association, is adopted and incorporated by reference.

**19.02.020 Application for permit.**

Fees for electrical permits issued under the NEC shall be calculated ~~using~~ as defined in Section 19.01.020. Separate electrical permits and fees are not required for work authorized by a valid building permit.

**19.02.030 NEC Section 230-70(A)(1) amended—\_Service Equipment d-Disconnecting m Means—Location, amended.**

~~National Electrical Code-NEC Article 230-VI, Service Equipment Disconnecting Means, Section 230-70(A)(1), Location, is amended by revising the wording to read as follows:~~

“The service disconnecting means shall be installed outside of a building or other structure at a location approved by the Building Official.

EXCEPTION: The Building Official may approve an interior disconnect means, provided a shunt trip or other approved equivalent device or method is used.”

**Chapter 19.03  
PLUMBING CODE**

Sections:

- 19.03.010 Uniform Plumbing Code (UPC) adoption by reference.
- 19.03.020 Application for permit.
- 19.03.025 UPC Table 422.1 - Minimum fixture requirements Plumbing Facilities, amended.
- 19.03.026 UPC Section 603.4.2 - Backflow p-Prevention d-Devices, deleted.
- 19.03.027 Uniform Building Code Section 1506 - Roof d-Drainage, adopted.
- 19.03.030 Amendments to cross references.

**19.03.010 Uniform Plumbing Code (UPC) adoption by reference.**

The ~~2015-2021~~ Edition of the Uniform Plumbing Code, ~~promulgated~~ written by the International Association of Plumbing and Mechanical Officials (IAPMO), is adopted and incorporated by reference, including the following appendices:

Appendix A, Recommended Rules for Sizing the Water Supply System.

Appendix B, Explanatory Notes on Combination Waste and Vent Systems.

Appendix E, Manufactured/Mobile Home Parks and Recreational Vehicle Parks.

Appendix I, Installation Standards.

Appendix H, Private Sewage Disposal Systems.

**19.03.020 Application for permit.**

Fees for ~~plumbing~~ permits issued under the UPC shall be calculated ~~using~~ as defined in Section 19.01.020. Separate plumbing permits and fees are not required for work authorized by a valid building permit.

**19.03.025 UPC Table 422.1 – Minimum fixture requirements Plumbing Facilities, amended.**

UPC Table 422.1 – Minimum Plumbing Facilities, is ~~deleted~~ and the 1997 Uniform Building Code Appendix Chapter 29 Table A-29-A - Minimum Plumbing Fixtures, is adopted as the minimum plumbing fixture requirements for new construction.

**19.03.026 UPC Section 603.4.2 - Backflow p-Prevention d-Devices, deleted.**

~~2015 Uniform Plumbing Code~~ UPC Section 603.4.2, requiring annual testing and certification of backflow prevention devices, is ~~deleted~~.

**19.03.027 Uniform Building Code Section 1506 - Roof d-Drainage, adopted.**

1997 Uniform Building Code Section 1506, - Roof Drainage, is adopted and incorporated herein by reference.

**19.03.030 Amendments to cross references.**

“The Uniform Plumbing Code,” adopted in Section 19.03.010, replaces all references to the “International Plumbing Code” and/or “International Fuel Gas Code” in any of the adopted building codes.

**Chapter 19.04  
MECHANICAL CODE**

Sections:

- 19.04.010 International Mechanical Code (IMC) adoption by reference.
- 19.04.020 Application for permit.
- 19.04.030 ~~Heat pump appliances~~ IMC Chapter 3 – General Regulations, modified.
- 19.04.035 IMC Section 601.5 – Return Air Openings, amended.

**19.04.010 International Mechanical Code (IMC) adoption by reference.**

The ~~2012-2021~~ Edition of the International Mechanical Code, ~~written promulgated~~ by the International Code Council, is adopted and ~~included~~ incorporated by reference, including the following appendices:

Appendix A, Chimney Connector Pass-Throughs.

**19.04.020 Application for permit.**

Fees for ~~mechanical~~ permits issued under the IMC shall be calculated ~~using~~ as defined in Section 19.01.020. Separate mechanical permits and fees are not required for work authorized by a valid building permit.

**19.04.030 ~~Heat pump appliances~~ IMC Chapter 3 – General Regulations, modified.**

The ~~International Mechanical Code~~ IMC is modified by including a new Section 313 – Prohibited Equipment, which reads:

~~Prohibited Equipment.~~ “The installation and use of open loop heat pumps connected to the municipal water system is prohibited.

- a) No open loop heat pump installed after June 1, 1997 will be provided municipal water.”

**19.04.035 IMC Section 601.5 – Return Air Openings, amended.**

IMC Section 601.5 – Return Air Openings, is amended by deleting the 2<sup>nd</sup> sentence of item #6.

**Chapter 19.05  
FIRE CODE**

Sections:

- 19.05.010 International Fire Code (IFC) adoption by reference.
- 19.05.020 Application for permit.
- 19.05.050 ~~Fire alarm design summary,~~ IFC Section 907.1.2 – Fire Alarm Shop Drawings, modified-amended.
- 19.05.060 IFC Section 6107 – Safety Precautions and Devices, modified.

**19.05.010 International Fire Code (IFC) adoption by reference.**

The ~~2012-2021~~ Edition of the International Fire Code, ~~as promulgated~~ written by the International Code Council, is adopted and ~~included~~ incorporated by reference.



**19.05.020 Application for permit.**

Fees for permits issued under the IFC shall be calculated as defined in Section 19.01.020.  
Separate permits and fees are not required for work authorized by a valid building permit.

**19.05.050 Fire alarm design summary, IFC Section 907.1.2 – Fire Alarm Shop Drawings, modified-amended.**

IFC Section 907.1.2 – Fire Alarm Shop Drawings, is amended-modified to include a second sentence that reads:

Item 14. A Fire alarm shop drawings shall be accompanied by a design summary including the following information: a) N.F.P.A. 72 edition under which the system is designed; b) the standard of coverage the system is designed to meet under N.F.P.A. 72 Chapter 5Chapter 7 – Documentation, whether total, partial, selective, or non-required; c) if associated with a preaction system, type of preaction system.

**19.05.060 IFC Section 6107 – Safety Precautions and Devices, modified.**

IFC Section 6107 – Safety Precautions and Devices, is modified by adding a new Section 6107.5 – Anchoring Against Seismic Activity, which reads:

“Liquid propane storage tanks shall be anchored against seismic activity an approved manner.”

**Chapter 19.06**

**UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS**

Sections:

- 19.06.010 Uniform Code for the Abatement of Dangerous Buildings (UCADB) A-adoption by reference.
- ~~19.06.020 Section 205 amended—Board of appeals.~~
- ~~19.06.030 Section 205 amended—Board of appeals.~~
- 19.06.040 UCADB Section 302 amended—\_Dangerous b\_Building, amended.
- 19.06.050 Amendments to cross references in other codes.

**19.06.010 Uniform Code of Abatement of Dangerous Buildings (UCADB) A-adoption by reference.**

The 1994 Edition of the Uniform Code for the Abatement of Dangerous Buildings, as promulgated written by the International Conference of Building Officials, is adopted and included-incorporated herein by reference.

**~~19.06.020 Section 205 amended—Board of appeals.~~**

~~Sentence 1 is amended as follows:~~

~~In order to provide for final interpretation of the provisions of this code and to hear appeals hereunder, there is established a board of appeals consisting of the municipal assembly members and the ex-officio, non-voting building official.~~

**~~19.06.030 Section 205 amended—Board of appeals.~~**

~~Sentences two and three are deleted.~~

**19.06.040 UCADB Section 302 amended – Dangerous Buildings, amended.**

The first sentence of UCADB Section 302 – Dangerous Building, is amended to read as follows:

“For the purpose of this code, any building, structure, or site which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered, or there exists a public nuisance as defined in section 18.04.010(J) of the Sitka General Code.”

**19.06.050 Amendments to cross references in other codes.**

“The Uniform Code for the Abatement of Dangerous Buildings,” as adopted in Section 19.06.010, replaces all references to the “International Property Maintenance Code:” in any of the adopted building codes.

**Chapter 19.07  
EXCAVATION AND GRADING CODE**

Sections:

19.07.010 Excavation and grading standards, adoption by reference.

19.07.020 Geotechnical reporting required for “pit run” fill material.

**19.07.010 Excavation and grading standards, adoption by reference.**

1997 Uniform Building Code (UBC)-Appendix Chapter 33, Excavation and Grading, as modified by the published building department policy, is adopted and ~~included~~ incorporated in the building code by reference.

**19.07.020 Geotechnical reporting required for “pit run” fill material.**

Where unclassified fill material (such as “pit run”) is proposed as structural fill, geotechnical investigations per IBC Chapter 18 are required. Special inspections must be completed during excavation and grading according to IBC Chapter 17.

**Chapter 19.08  
ENERGY CONSERVATION CODE**

Sections:

19.08.010 Energy Conservation Code adoption by reference.

**19.08.010 Energy Conservation Code adoption by reference.**

The energy code as defined by Alaska Housing Finance Corporation (AHFC) is adopted and ~~included~~ incorporated by reference. This is outlined in the 2014-~~2018~~ 2016 Building Energy Efficiency Standards (BEES). Thermal efficiency is defined by the 2012-~~2018~~ 2016 International Energy Conservation Code (IECC) and AHFC provides regionally appropriate Alaska-specific amendments. Ventilation standards are defined by the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Section 62.2-~~2010~~ 2016 and AHFC provides regionally appropriate Alaska-specific amendments. This standard is only adopted as a design reference for energy efficiency and is not reviewed by the Sitka building department for

compliance. Compliance with the requirements of this standard is the exclusive responsibility of the owner of the structure.

## **Chapter 19.09 RESIDENTIAL CODE**

### Sections:

- 19.09.010 International Residential Code (IRC) adoption by reference.
- 19.09.015 IRC Chapter 1 – Scope and a-Administration, IRC Chapter 1 amended.
- 19.09.017 Application for permit.
- 19.09.019 IRC Chapter 3 – Building Planning, modified.
- 19.09.020 IRC Table 302.6 - Dwelling/-g-Garage s-Separation, IRC Table R302.6 amended.
- 19.09.025 Grinder pumps to be accessible, IRC Section 306.3 – Sewage Disposal, amended-modified.
- 19.09.027 IRC Section R309 – Garages and Carports, modified.
- 19.09.030 Stairways, IRC Section 311 – Means of Egress, modified-amended.
- 19.09.035 IRC Section R313 – Automatic f-Fire s-Sprinkler s-Systems, IRC Section R313 deleted.
- 19.09.040 Garage smoke detector, IRC Section R314.3 – Smoke Alarms - Location, amended-modified.
- 19.09.045 Accessibility, IRC Section R320 – Accessibility, deleted.
- 19.09.050 IRC Section R408.2 – Openings for Under-f-Floor space v-Ventilation, amended-IRC Section R408 modified.
- 19.09.060 Seismic engineering not required, IRC Section R601.1 – Application, amended.
- 19.09.065 Gutters required, IRC Section R903 – Weather Protection, modified.
- 19.09.067 IRC Section 1602.2 – Return Air Openings, amended.
- 19.09.070 IRC Section E3601.6.2 – Service d-Disconnect, IRC Section E3601.6.2 modified-amended.

### **19.09.010 International Residential Code (IRC) adoption by reference.**

The 2012-2021 International Residential Code for One- and Two-Family Dwellings, written by the International Code Council, Chapters 1 through 10, 12 through 19, and 34 through 43, and the 2018 International Residential Code Appendix Q, Tiny Houses, are is adopted and included incorporated by reference, including Appendix AQ – Tiny Houses, deleting Section AQ106 – Energy Conservation.

### **19.09.015 IRC Chapter 1 – Scope and a-Administration, IRC Chapter 1 amended.**

A. ~~International Residential Code~~ IRC Section 104.1 is amended by adding the following phrase to the end of sentence two: "...and to rule on applicability in the event of conflicting provisions with other codes."

B. ~~International Residential Code~~ IRC Section 104.1 sentence three is amended to read: "Such interpretations, rulings, policies and procedures shall be in compliance with the intent and purpose of this and related codes."

C. ~~International Residential Code~~ IRC Section 105 is amended as follows:

1. R105.2 number 1 is amended to read: "One-story detached accessory structures, provided the floor area does not exceed 120 square feet."

2. R105.2 number 2 is amended to read: "Fences not over 8 feet high."

3. R105.2 number 9 is deleted.

**19.09.017 Application for permit.**

Fees for permits issued under the IRC shall be calculated as defined in Section 19.01.020. Separate permits and fees are not required for work authorized by a valid building permit.

**19.09.019 IRC Chapter 3 – Building Planning, modified.**

IRC Chapter 3 – Building Planning, is modified by adding a new section R301.9 – Wood Structural Panels which reads:

"Oriented strand board (OSB) shall not be used as sheathing for roofs, exterior walls, shear walls, or floors."

**19.09.020 IRC Table 302.6 - Dwelling/\_g Garage s Separation, IRC Table R302.6 amended.**

International Residential Code IRC Table R302.6 – Dwelling-Garage Separation, column two, is amended by deleting all references to "1/2 inch gypsum wall board" and replacing them with "5/8 inch type "x" gypsum wall board."

**19.09.025 Grinder pumps to be accessible, IRC Section R306.3 – Sewage Disposal, amended modified.**

International Residential Code IRC Section R306.3 – Sewage Disposal, is amended by adding the following sentence:

"Grinder pumps shall be installed outside the foundation perimeter of the structure or at an alternate accessible location approved by the building official."

**19.09.027 IRC Section R309 – Garages and Carports, modified.**

A new Section R309.6 - Garage Egress Door, is added which reads:

"Garages shall be served by at least one egress door as defined by IRC Section R311.2. An appropriate door connecting a garage to the dwelling it serves shall be acceptable for meeting this requirement."

**19.09.030 Stairways, IRC Section 311 – Means of Egress, modified-amended.**

A new Section R311.9 is added which reads:

"For cupolas and similar small, one-room spaces not more than 50 square feet in size and not to be used as sleeping spaces, the Building Official may approve permanent ladders as a means of access and egress."

**19.09.035 IRC Section R313 – Automatic f\_Fire s\_Sprinkler s\_Systems, IRC Section R313 deleted.**

International Residential Code IRC Section R313, -Automatic Fire Sprinkler Systems, is deleted.

**19.09.040 ~~Garage smoke detector~~, IRC Section R314.3 – Smoke Alarms – Location, amended modified.**

~~International Residential Code~~ IRC Section R314.3 – Smoke Alarms – Location is ~~amended~~ modified to include:

Item 4: The words “unless this would prevent placement of smoke alarm required by this section” is replaced with “unless the smoke alarm is listed for installation in close proximity to such locations”.

4-Item 6: Private garages and shops attached to residential structures and having heated or tempered interior spaces shall be equipped with smoke detectors hard wired with battery backup. The building official may require the gGarage smoke detector(s) to shall be intertwined with the associated dwellings’ smoke detection system, if interconnection to an existing dwelling would require the removal of wall and/or ceiling finishes stand-alone battery-operated smoke detectors are permitted.

**19.09.045 ~~Accessibility~~, IRC Section R320 – Accessibility, deleted.**

~~International Residential Code~~ IRC Section R320, – Accessibility, is deleted.

**19.09.050 IRC Section R408.2 – Openings for Under-fFloor space vVentilation, amended. ~~IRC Section R408 modified.~~**

~~International Residential Code~~ IRC Section R408, ~~Ventilation~~R408.2 – Openings for Under-Floor Ventilation, is ~~modified~~ amended by deleting exceptions 1 and 2, removing the reference to openings of one square foot per one thousand five hundred square feet of floor area.

**19.09.060 ~~Seismic engineering not required~~, IRC Section R601.1 – Application, amended.**

~~International Residential Code~~ IRC Section R601.1 – Application is ~~modified~~ amended by adding an additional sentence which reads:

“One and two family dwellings of conventional light frame construction are exempt from the seismic design requirements of this code.”

**19.09.065 ~~Gutters required~~, IRC Section R903 – Weather Protection, modified.**

~~International Residential Code~~ IRC Section R903 – Weather Protection, is modified by adding the following section:

“R903.5 - Gutters. Roofs shall be provided with gutters which discharge in an approved manner.”

**19.09.067 IRC Section 1602.2 – Return Air Openings, amended.**

IRC Section 1602.2 – Return Air Openings, is amended by deleting the 2<sup>nd</sup> sentence of Item 6.

**19.09.070 IRC Section E3601.6.2 - Service dDisconnect, ~~IRC Section E3601.6.2 modified~~ amended.**

~~The International Residential Code~~ IRC Section E3601.6.2 – Service Disconnect, is modified by revising the first sentence to read as follows:

“The service disconnecting means shall be installed outside of a building or other structure at a location approved by the Building Official.”

**Chapter 19.10**  
**PLUMBING CODE FOR ISLANDS**

Sections:

19.10.010 Uniform Plumbing Code (UPC) adoption by reference.

19.10.020 Application for permit.

**19.10.010 Uniform Plumbing Code (UPC) adoption by reference.**

Certain portions of the ~~2012-2021~~ Uniform Plumbing Code are adopted and ~~included~~ incorporated by reference. Adopted portions are: Chapters 1 (Administration), 2 (Definitions), 3 (General Regulations (as modified)), 12 (Fuel Piping), Appendix H (Private Sewage Disposal Systems).

**19.10.020 Application for permit.**

Fees for ~~plumbing~~ permits issued under the UPC for islands shall be calculated as defined in Section 19.01.020. Separate plumbing permits and fees are not required for work authorized by a valid building permit.

**Chapter 19.11**  
**MECHANICAL CODE FOR ISLANDS**

Sections:

19.11.010 International Mechanical Code (IMC) adoption by reference.

19.11.020 Application for permit.

**19.11.010 International Mechanical Code (IMC) adoption by reference.**

~~Certain portions of the 2012-2021~~ The 2021 International Mechanical Code ~~are is~~ adopted and ~~included~~ incorporated by reference, including Appendix A – Chimney connector pass-throughs. ~~Adopted portions are: Chapters 1 (Administration), 2 (Definitions), 3 (General Regulations), 4 (Ventilation), 7 (Combustion Air), 8 (Chimneys and Vents), 9 (Specific Appliances, Fireplaces, and Solid Fuel Burning Equipment), 10 (Boilers, Water Heaters, and Pressure Vessels), and 13 (Fuel Oil Piping and Storage).~~

**19.11.020 Application for permit.**

Fees for ~~mechanical~~ permits issued under the IMC for islands shall be calculated as defined in Section 19.01.020. Separate mechanical permits and fees are not required for work authorized by a valid building permit.

**Chapter 19.12**  
**FIRE CODE FOR ISLANDS**

Sections:

19.12.010 International Fire Code (IFC) adoption by reference.

19.12.020 Application for permit.

**19.12.010 International Fire Code (IFC) adoption by reference.**

Certain portions of the ~~2012-2021~~ International Fire Code are adopted and ~~included~~ incorporated by reference. Adopted portions are: Chapter 1 (Administration), Chapter 2



(Definitions and Abbreviations), Chapter 3 (~~General Precautions Against Fire Requirements~~),  
excluding Section 307 (Open ~~Burning~~, and Recreational Fires, and Portable Outdoor  
Fireplaces), and Chapters 50-67 (Hazardous Materials Storage and Handling).

**19.12.020 Application for permit.**

Fees for permits issued under the IFC for islands shall be calculated as defined in  
Section 19.01.020. Separate permits and fees are not required for work authorized by a valid  
building permit.

**Chapter 19.13  
ELECTRICAL CODE FOR ISLANDS**

Sections:

- 19.13.010 National Electrical Code (NEC) adoption by reference.
- 19.13.020 Application for permit.
- 19.13.030 Article 220, Branch-circuit, feeder and service calculations, Section 220.1,  
Scope.

**19.13.010 National Electrical Code (NEC) adoption by reference.**

The ~~2014-2020~~ Edition of the National Electrical Code, copyrighted by the National Fire  
Protection Association, as amended by Chapter 19.02 is adopted and incorporated by  
reference.

**9.13.020 Application for permit.**

Fees for ~~electrical~~ permits issued under the NEC for islands shall be calculated as defined in  
Section 19.01.020. Separate electrical permits and fees are not required for work authorized by  
a valid building permit.

**9.13.030 Article 220, Branch-circuit, feeder and service calculations, Section 220.1,  
Scope.**

The mandatory provisions of Article 220, as they apply to residential construction, are modified  
to be elective by adding a first paragraph as follows:

“The residential provisions of this article are elective rather than mandatory. The  
portions of this article that mandate branch-circuit numbers, sizes, or locations are  
modified to become optional. In dwellings or their accessory buildings supplied with  
branch-circuits, feeders, or services, those installations shall be designed and  
installed in compliance with the provisions of this article.”

**Chapter 19.14  
BUILDING CODE FOR ISLANDS**

Sections:

- 19.14.010 Adoption by reference of certain portions of International Building Code (IBC)  
as modified.
- 19.14.012 Adoption by reference of International Residential Code (IRC) for One- and  
Two-Family Dwellings.
- 19.14.013 Adoption of excavation and grading standards.
- 19.14.020 Application for permit.

**19.14.010 Adoption by reference of certain portions of International Building Code (IBC) as modified.**

Certain portions of the ~~2012~~ 2021 International Building Code published by the International Code Council, and as modified in other sections of this title, are adopted and ~~included~~ incorporated by reference. Adopted portions are: Chapters ~~1-8, 10, 12, 14-28, and 33~~ (Administration), 2 (Definitions), 3 (Use and Occupancy Classification), 5 (General Building Heights and Areas), ~~6~~ (Types of Construction), 7 (Fire and Smoke Protection Features), 8 (Interior Finishes), 10 (Means of Egress), 14 (Exterior Walls), 15 (Roof Assemblies and Rooftop Structures), 16 (Structural Design), 18 (Soil and Foundations), 19 (Concrete), 22 (Steel), 23 (Wood), 24 (Glass and Glazing), 25 (Gypsum Board and Plaster), 33 (Safeguards During Construction), including Appendix B, Board of Appeals, and Appendix C, Group U Agricultural Buildings.

**19.14.012 Adoption by reference of International Residential Code (IRC) for One- and Two-Family Dwellings.**

The ~~2012~~ 2021 International Residential Code for One- and Two-Family Dwellings by the International Code Council, including Appendix AQ – Tiny Houses, as modified in other sections of this title, is adopted and ~~included~~ incorporated by reference.

**19.14.013 Adoption of excavation and grading standards.**

1997 ~~UBC~~ Uniform Building Code Appendix Chapter 33, Excavation and Grading, as modified by published building department policy, is adopted and included in the building code by reference.

**19.14.020 Application for permit.**

Fees for permits issued under the IBC and IRC for islands shall be calculated as defined in Section 19.01.020.

**Chapter 19.15  
BUILDING CODE FOR FLOAT HOMES**

Sections:

19.15.010 Adoption by reference of certain portions of the International Residential Code (IRC) for One- and Two-Family Dwellings.

19.15.015 Application for permit.

19.15.020 Size of flotation system.

19.15.030 Flotation and stability.

19.15.040 Reserve buoyancy criteria.

19.15.050 Exiting and emergency egress.

19.15.060 Mooring.

19.15.070 Fire separation.

**19.15.010 Adoption by reference of certain portions of the International Residential Code (IRC) for One- and Two- Family Dwellings.**

The ~~2012~~ 2021 International Residential Code for One- and Two-Family Dwellings, published by the International Code Council, including Appendix AQ – Tiny Houses, as amended in

Chapter 19.09, is adopted and ~~included~~ incorporated by reference, with the following specific amendments and modifications ~~exceptions~~:

A. ~~Amend~~ Modify Chapter 2 and ~~add~~ by adding a new definition:

Float home – A single family dwelling unit attached to a flotation device, built to the minimum standards of the IRC and of this ordinance. Float homes are not boats and are subject to all the laws and regulations governing private dwelling units.

B. Chapter 4 of the IRC is deleted.

C. All references to garages are deleted.

D. Stairs providing a required means of egress from an area of not more than two hundred square feet shall have a minimum clear width of thirty inches. Maximum riser height shall be not more than eight inches and minimum tread depth shall be not less than nine and one-quarter inches.

E. Guards are not required where open decks, balconies, and walkways do not exceed thirty-six inches in height above the water line.

F. Fastenings in areas exposed to the elements shall be hot dipped galvanized steel, marine grade bronze, copper, stainless steel, or other corrosion resistant material suitable for marine use.

G. Boat wells under floating structures shall be separated from the dwelling unit, and from structural members supporting the dwelling unit, by a minimum of one layer of five-eighths-inch Type X, water resistant, gypsum wall board, or equivalent approved fire rated assembly. Boat wells shall provide adequate natural ventilation to prevent the buildup of flammable vapors.

H. All framing lumber in contact with the flotation device and all framing lumber within twelve inches of the water surface shall be factory preservative treated in accordance with AWPA- U1. Plywood shall be exterior grade and all plywood below the deck level shall be marine grade. Any other decay resistant materials shall be approved by the building official.

I. Roof coverings shall be fire-resistant or noncombustible.

J. The building official shall have the authority to rule on the applicability of this code as it applies to residential floating structures.

**19.15.015 Application for permit.**

Fees for permits issued under the IRC for float homes shall be calculated as defined in Section 19.01.020.

**19.15.020 Size of flotation system.**

The dimensions of the flotation system shall be not larger than twenty feet by forty feet.

**19.15.030 Flotation and stability.**

A. The flotation system shall be designed according to accepted marine engineering and naval architectural principles. The flotation devices shall be structurally sound and securely integrated with the framing for the attached structure. The design shall be approved and sealed by an appropriately licensed professional engineer qualified in such design and shall be submitted to the building official for approval.

B. The flotation device shall be watertight, durable and protected from deterioration by water, impact damage due to floating debris, electrolytic action, corrosion, water-borne solvents, organic infestation, chafing or physical abuse. Logs and unprotected plastic foam insulation are not approved flotation devices.

C. Where solid flotation devices are not used, hulls shall be fitted with longitudinal and/or transverse watertight bulkheads sufficient to keep the loaded hull afloat with positive stability with any one compartment flooded. No compartment shall compromise more than twenty percent of the total available flotation volume.

D. Where solid flotation devices are not used the flotation devices shall be constructed so that access to each compartment is readily available from the first floor level of the completed floating structure.

E. A float home with a flotation device other than solid flotation shall be equipped with bilge pumps and a bilge alarm system with detectors in each compartment with audible and visual alarm indicators in the float home. At least one visual indicator shall be located outside the float home in a place visible to passersby.

F. The overall buoyancy and stability of the flotation device and attached structure shall be designed to accommodate moving and launching, wave action, loads imposed by mooring, vessels and walkways moored to the structure, live and dead loads, and the design snow loads and wind loads in effect in the city and borough of Sitka.

G. The flotation device shall have sufficient stability in both the longitudinal and transverse directions to limit the amount of heel from the horizontal resulting from off-of-center live loading to a maximum of four degrees.

H. The flotation system and decking shall provide access to, and protection for, the sewage holding tank.

**19.15.040 Reserve buoyancy criteria.**

The flotation system shall have sufficient buoyancy to support the design weight of the float home plus the maximum combined weight of deadweight items and design snow load and maintain a minimum freeboard of fourteen inches. When design wind load is applied to the superstructure the amount of heel shall be not more than four degrees from horizontal or one half the freeboard, whichever is less. Freeboard is measured from the surface of the water to the bottom of the lowest floor or deck framing members.

**19.15.050 Exiting and emergency egress.**

In addition to the requirements of the IRC, including but not limited to Chapter 3, Section R311, floating homes shall have a twenty-four-inch minimum width open deck on all sides. Decks shall be constructed so as to prevent the ponding of water.

**19.15.060 Mooring.**

Cleats, bollards, bull rails or other such devices shall be sufficient in number and attached to the floating structure in such a way as to provide adequate mooring points to secure the float home in the highest design wind load. Mooring lines shall be kept in good condition, kept free of chafing, and shall be removable without the use of tools.

**19.15.070 Fire separation.**

A. ~~Where floating homes are provided with A-a~~ clear space of at least eight feet ~~shall be provided between adjacent structures measured from building wall line horizontal to adjacent building wall line-~~ and R-roof eave projections shall be are no closer than six feet-, Tables 302.1 (1) and (2) of the IRC shall not apply.

B. Where floating homes are placed closer than eight feet from building wall line horizontal to building wall line, walls, eaves and roofs shall be constructed in accordance with Tables 302.1 (1) and (2) of the IRC.

C. A clear space of four feet shall be provided between adjacent floats.

**Chapter 19.16  
ELECTRICAL CODE FOR FLOAT HOMES**

Sections:

19.16.01070 National Electrical Code (NEC) adoption by reference.

19.16.020 Application for permit.

**19.16.01070 National Electrical Code (NEC) adoption by reference.**

The 2044 2020 Edition of the National Electrical Code, copyrighted by the National Fire Protection Association, is adopted and incorporated by reference.

**19.16.020 Application for permit.**

Fees for permits issued under the NEC for float homes shall be calculated as defined in Section 19.01.020.

**Chapter 19.17  
PLUMBING CODE FOR FLOAT HOMES**

Sections:

19.17.010 Uniform Plumbing Code (UPC) adoption by reference.

19.17.015 Application for permit.

19.17.020 Sewage holding tank.

19.17.030 Sewage treatment.

19.17.040 Potable water.

**19.17.010 Uniform Plumbing Code (UPC) adoption by reference.**

The ~~2012-2021~~ Edition of the Uniform Plumbing Code, ~~promulgated-written~~ by the International Association of Plumbing and Mechanical Officials, is adopted and incorporated by reference, including the following appendices:

Appendix A, Recommended Rules for Sizing the Water Supply System.

Appendix B, Explanatory Notes on Combination Waste and Vent Systems.

Appendix I, Installation Standards.

Appendix H, Private Sewage Disposal Systems.

**19.17.015 Application for permit.**

Fees for permits issued under the UPC for float homes shall be calculated as defined in Section 19.01.020.

**19.17.020 Sewage holding tank.**

A. Sewage holding tanks for float homes shall be sized in accordance with Table H2.1, Appendix H of the Uniform Plumbing Code.

B. Sewage holding tanks shall be constructed of materials not subject to corrosion or decay and shall be watertight.

**19.17.030 Sewage treatment.**

Sewage, including greywater, shall be disposed of by pumping to a portable holding tank and delivering to an approved sewage pump-out facility. Alternatively, sewage may be treated with an approved sewage treatment system and discharged into the water. The owner is responsible for securing appropriate state and federal permits for such systems. Untreated sewage or greywater shall not be discharged into the water.

**19.17.040 Potable water.**

Connections to the municipal water system shall be of an approved method, shall include backflow prevention and shall be approved by the building official.

**Chapter 19.18  
CODE APPLICABILITY**

**Sections:**

19.18.010 Geographical limits.

19.18.020 Sitka road system.

19.18.025 ~~Docks and floating~~ Floating docks and buildings.

19.18.030 Islands.

19.18.040 Definition of "islands" for purposes of this title and ~~Title 22.~~

**19.18.010 Geographical limits.**

Except for the Uniform Code for the Abatement of Dangerous Buildings (which shall apply throughout the entire municipality), the provisions of this title apply as construction standards for



the areas of the municipality served by the Sitka road system only, except as modified by Chapters 19.10 through 19.17 (codes for islands and codes for float homes).

**19.18.020 Sitka road system.**

The Sitka road system shall be considered to include Halibut Point Road, Sawmill Creek Road, Harbor Drive, and all of their connecting roads, collectors, access roadways and easements.

**19.18.025 ~~Docks and floating~~ Floating docks and buildings.**

~~Docks and floating~~ Floating docks and buildings, with the exception of float homes as allowed in the Sitka harbor system and regulated by Chapters 13.15 and 19.15 through 19.17, require permitting and plan review for nonstructural fire and life safety project components only.

Section 19.01.070 does not apply to ~~docks and floating~~ docks and buildings.

**19.18.030 Islands.**

A. Application of Code to Islands. Chapters 19.10, 19.11, 19.12, 19.13 and 19.14 shall apply to structures on islands in the general island, large island and open space districts.

B. Site Plan and As-Built Requirements for Island Properties. To ensure compliance with this code, site plans are required for all structures and docks on islands within the open general and open residential low density zoning districts. Site plans and surveys shall be prepared in accordance with the requirements of the administrative official charged with the enforcement of Title 22.

C. Building codes apply to island construction projects as set out in this chapter irrespective of the start date of the island project, unless:

1. A person applies to the building department prior to March 1, 2005, to register the project as “grandfathered”; and
2. The applicant demonstrates to the satisfaction of the building official that substantial progress had been made on the project prior to the effective date of the island codes ordinance in July 1999.

D. Exemption for Private Recreational Cabins on Islands. The chapters of this code made applicable to structures on islands by this section shall not apply to private recreational cabins (as defined in this subsection) on islands (as defined in Section 19.18.040). The cabin must have no electrical system and any wastewater system must be approved by the State Department of Environmental Conservation. A building permit application, site plan, and construction drawings shall be submitted for the cabin, ~~but~~ If review of the proposed cabin determines that the project is eligible for this exception no fee shall be charged and no permit shall be issued. For the purpose of this section only, a “private recreational cabin” means a residential structure used for intermittent or temporary occupancy by nonpaying occupants, with a maximum total of four hundred square feet of living and sleeping areas.

**19.18.040 Definitions of “islands” for purposes of this title ~~and Title 22~~.**

~~For purposes of this title and Title 22,~~ the definition of “islands” will be the islands properties in Sitka Sound from the Siginaka Islands to Cape Burunof which are not on the Sitka road system.

**Chapter 19.19**

**DEMOLITION OR REMOVAL OF MUNICIPALLY OWNED BUILDINGS**

Sections:

- 19.19.010 Assembly authority.
- 19.19.020 Bidding.
- 19.19.030 Buildings considered personal property.
- 19.19.040 Authorization by ordinance.
- 19.19.050 Value determination.
- 19.19.060 Scope.

**19.19.010 Assembly authority.**

The assembly may by resolution or ordinance provide for the demolition or removal of municipally owned buildings. The assembly may use its discretion in deciding to demolish or remove any building. It may consider such facts and hire such experts as it may see fit.

**19.19.020 Bidding.**

Demolition or removal shall be by competitive bidding, or the assembly may authorize the administrator to have the building demolished or removed by municipal employees.

**19.19.030 Buildings considered personal property.**

For all purposes, any building being considered for demolition or removal from its site shall be considered to be personal property and not real property.

**19.19.040 Authorization by ordinance.**

If the value of the building exceeds twenty-five thousand dollars, its removal or demolition shall be authorized by ordinance. If the value is more than one hundred thousand dollars, the assembly may authorize an advisory vote at a general or special election and the assembly shall stay its decision pending outcome of the election.

**19.19.050 Value determination.**

Value shall be determined as the amount by which the salvage value of the building after removal, or the materials in it after removal, exceed the estimated cost of removal or demolition.

**19.19.060 Scope.**

This chapter and the procedures contained herein shall take precedence to and prevail over any other ordinances of the municipality passed prior to the ordinance codified in this chapter.

**Chapter 19.20**

**FIRE MARSHAL DEFERRAL STANDARDS**

Sections:

- 19.20.010 Plan review and state building code enforcement.
- 19.20.020 Enforcement of state fire statutes and regulations.
- 19.20.030 Fire and life safety inspection program.

**19.20.010 Plan review and state building code enforcement.**

As required by an exemption granted to the city and borough from the state fire marshal under the authority of 13\_AAC\_50.075, the city will perform nonstructural plan reviews and will approve construction plans and specifications as stipulated in 13\_AAC\_50.027. At a minimum, the

municipality will enforce the State Building Code, (13 AAC 50.010, and 13 AAC 50.020, 13 AAC 50.023, 13 AAC 50.024, and 13 AAC 50.025).

**19.20.020 Enforcement of state fire statutes and regulations.**

As required by an exemption granted to the city and borough from the state fire marshal under the authority of 13 AAC 50.075, the city will enforce applicable sections of AS 18.70, ~~and 13 AAC 50, 54,~~ and 13 AAC 55.

**19.20.030 Fire and life safety inspection program.**

As required by an exemption granted to the city and borough from the state fire marshal under the authority of 13 AAC 50.075, the city will conduct a building fire safety inspection program which meets or exceeds the standards of the program which would be conducted by the state fire marshal.

\* \* \*

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

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska, this 13<sup>th</sup> day of September, 2022.

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Kevin Knox, Deputy Mayor

ATTEST:

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Sara Peterson, MMC  
Municipal Clerk

1<sup>st</sup> reading: 8/23/2022

2<sup>nd</sup> and final reading: 9/13/2022

Sponsor: Administrator



# CITY AND BOROUGH OF SITKA

## Legislation Details

---

File #: ORD 22-21    Version: 1    Name:

Type: Ordinance    Status: AGENDA READY

File created: 8/17/2022    In control: City and Borough Assembly

On agenda: 9/13/2022    Final action:

Title: Amending Title 22 "Zoning" of the Sitka General Code by updating Chapter 22.08 "Definitions" and Chapter 22.24 "Special Use Permits" (Short-Term Rentals)

Sponsors:

Indexes:

Code sections:

Attachments: [Motion Ord 2022-21](#)  
[Ord 2022-21 Short Term Rental Code Update Final](#)  
[April 2022 Townhall Short-Term Rentals](#)

| Date      | Ver. | Action By                 | Action | Result |
|-----------|------|---------------------------|--------|--------|
| 8/23/2022 | 1    | City and Borough Assembly |        |        |

Sponsors: Knox / Mosher

## **POSSIBLE MOTION**

**I MOVE TO** approve Ordinance 2022-21 on second and final reading amending Title 22 “Zoning” of the Sitka General Code by updating Chapter 22.08 “Definitions” and Chapter 22.24 “Special Use Permits” (Short-Term Rentals).

**CITY AND BOROUGH OF SITKA**

**ORDINANCE NO. 2022-21**

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING TITLE 22  
“ZONING” OF THE SITKA GENERAL CODE BY UPDATING CHAPTER 22.08  
“DEFINITIONS” AND CHAPTER 22.24 “SPECIAL USE PERMITS”**

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

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

**3. PURPOSE.** The purpose of this ordinance is to update the allowance of a conditional use permit for short term rentals with regard to limiting the permanence of permits issued, residency requirements in the application for a permit, as well as addressing a gap in how short-term rentals and long term are defined.

**4. ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 22, entitled “Zoning”, be amended by updating Chapter 22.08, entitled “Definitions”, at section 22.08.735, entitled “Short-term rentals” and Chapter 22.24, entitled “Special Use Permits”, at section 22.24.010, entitled “Conditional uses” to read as follows (deleted language stricken, new language underlined):

**Title 22  
ZONING**

**Chapters:**

- 22.04 Introduction and General Provisions**
- 22.08 Definitions**
- 22.12 Zoning Maps and Boundaries**
- 22.16 District Regulations**
- 22.20 Supplemental District Regulations and Development Standards**
- 22.24 Special Use Permits**
- 22.30 Zoning Code Administration**

\* \* \*

**Chapter 22.08  
DEFINITIONS**

**Sections:**

\* \* \*

22.08.735 Short-term rentals.

\* \* \*

**22.08.735 Short-term rentals.**



“Short-term rentals” means rentals of single dwelling units for less than ~~fourteen~~ thirty consecutive days for money or other valuable consideration by one party which then occupies the dwelling.

\* \* \*

## Chapter 22.24 SPECIAL USE PERMITS

Sections:

22.24.005 General.

22.24.010 Conditional uses.

\* \* \*

**22.24.010 Conditional uses.**

\* \* \*

**Table 22.24.010-2**

### Initiation and Termination Periods

|  | <b>Short-Term<br/>Rental Conditional<br/>Use Permits</b> | <b>Bed and<br/>Breakfast Conditional<br/>Use Permits</b> | <b>Interim Mobile<br/>Homes Conditional<br/>Use</b> | <b>All<br/>Other Conditional<br/>Use Permits</b> |
|--|--|--|---|--|
| Period in which the permit must be activated following planning commission approval or permit becomes void | One year   | One year   | One year  | Two years  |
| If permit is not used during period, permit becomes void after activation                                  | One year   | One year   | One year  | Two years  |
| Mandatory review period <sup>1</sup>   | Set by planning commission at time of approval           | Set by planning commission at time of approval           | Set by planning commission at time of approval      | Set by planning commission at time of approval   |
| Number of years after approval that permit sunsets   | Set by planning commission at time of approval           | Set by planning commission at time of approval           | Set by planning commission at time of approval      | Set by planning commission at time of approval   |
| <u>Whether permit is transferrable upon sale or transfer of ownership of subject property</u>              | <u>No</u>  | <u>No</u>  | <u>Yes</u>  | <u>Yes</u>                                       |

Note (1): It shall be the responsibility of the applicant to submit materials one month prior to the end of any review period. Failure to submit materials within the time specified shall automatically void the approval.

**Table 22.24.010-2**

**Initiation and Termination Periods**

|   | <b>Short-Term<br/>Rental Conditional<br/>Use Permits</b> | <b>Bed and<br/>Breakfast Conditional<br/>Use Permits</b> | <b>Interim Mobile<br/>Homes Conditional<br/>Use</b> | <b>All<br/>Other Conditional<br/>Use Permits</b> |
|---|--|--|---|--|
| <p><del>Note (2): It is recognized in land use case law that conditional use permits are grants to a property and run with the parcel and not the owner.</del></p> <p>Note (32): Substantial construction progress must be made on a project approved through the variance process within one year of the date of the variance approval or the approval becomes void. In the event it can be documented that other substantial progress has been made, a one-year extension may be granted by the planning commission if a request is filed within eleven months of the initial approval.</p> |  |  |   |  |

\* \* \*

**C. Conditional Use Permit Provisions for Short-Term Rentals.**

1. Short-term rental establishments ~~as described in subsection F of this section~~ shall be approved as conditional uses in the R-1, R-1 MH, R-1 LD, R-1 LDMH, R-2, and R-2 MHP zoning districts with the following conditions:

- a. Existing short-term rentals operating in conformance with all other applicable regulations prior to the effective date of the ordinance codified in this section may continue operating as nonconforming uses so long as payments of bed taxes and any other fees are current.
- b. The permit application and process will be the same as that required for bed and breakfasts, including submission and review of both interior and exterior site plans.
- c. Increase in density and other impacts on the immediate surrounding neighborhood which would occur as a result of approval of short-term rentals may be a consideration in the granting of the permit.
- d. Cessation of an approved short-term rental operation for twelve consecutive months shall result in revocation of the permit and require reapplication and approval of a new conditional use permit. Timely payment of sales taxes shall be one of the primary indicators of compliance with this section.
- e. When the planning commission approves a permit with the condition referring to the number of children in the facility, the term "children" shall refer to individuals who are fifteen years old or younger.

f. Primary residence requirements. All short-term rentals approved on or after September 14, 2022, must comply with primary residence requirements as provided below.

- i. To be eligible to apply for a short-term rental, the property containing the short-term rental must also contain the applicant's primary residence. A primary residence is that which is occupied by the applicant as the applicant's principal place of residence at least 180 days out of the year as documented by motor vehicle registration, voter registration, and/or other such evidence determined to be conclusive by the planning commission. Applicants will be required to submit a sworn affidavit attesting that the property is their primary residence. An applicant cannot claim more than one property as their primary residence.
- ii. Dwelling units on the property eligible for a permit include a single-family home, a mobile or manufactured home, or the non-owner-occupied unit within a two-family or multi-family unit.
- iii. An approved permit shall automatically become void if the property is no longer the applicant's primary residence. Permits shall also become void immediately upon sale or transfer of the property. Permits are non-transferable between persons and locations.
- iv. It is the intent of subsection (C)(1)(f) of this section that the primary residence requirements be strictly followed. However, exceptions may be granted in cases of extreme personal hardship to the applicant determined by the planning commission. In these cases, the maximum term of the permit when an exception is granted is twelve months with one possible, six-month extension if granted upon further application. The applicant shall have the burden of proof to demonstrate the exception is warranted due to circumstances beyond their control such as the employment or health needs of the applicant's or a family member. Exceptions may not be granted solely to address financial considerations or inconvenience. The property must be the primary residence of the applicant at the time of application for an exception.

\* \* \*

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

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska, this 13<sup>th</sup> day of September, 2022.

---

Kevin Knox, Deputy Mayor

ATTEST:

---

Sara Peterson, MMC  
Municipal Clerk

1<sup>st</sup> reading: 8/23/2022

2<sup>nd</sup> and final reading: 9/13/2022

Sponsors: Knox/Mosher

**Townhall**  
**April 18, 2022**  
**Short-term Rental**  
**Comments**

**Parking Lot**

- We need more data  
STR in commercial areas  
Also like to know number of 2<sup>nd</sup> homes
- Are STR really the cause of lack LTR in Sitka?  
Maybe it's the cost of building and land.
- Know two families pushed out by COVID long term rentals reverting to long-term anecdotal
- We should keep an eye on companies like Picasa that act as middlemen for multiple owners to own a single home.
- Two-short rental categories 14 days and 14 days-6month
- Investigate commercial zone STR's: must this be?
- Rental by seasonal operators for employees
- How is our need vs supply of rentals overall? What data do we have on loss of housing opportunities for locals?
- Retirement and seasonal haven
- Aging mobile homes in low costs that could be bought and cleared
- Be flexible in zoning changes or adjustments to pots tally make more building lots available.
- Solutions for affordable housing in Sitka
- Expand definition of STR's to include rentals 1 year or perhaps those that don't extend through the summer season.
- What's the tax structure like for residences that aren't a person's primary (e.g. vacation or second + home)?
- Is it sufficiently progressive to offer the loss of a long-term residence?

- Allow the subdivision of existing lots to occur more easily and with fewer restrictions.
- Require advertising plans for us to record and report data
- Redefine STR to less than 28 days (state low 30-day rental as lease term)
- Housing shortages with increase with SEARHC growth and new USCG ship moving to Sitka
- How can the City or community incentivize long-term renting?
- Maybe we need to enforce regulations and laws with existing short-term rentals, before making more ordinances.
- Higher tax rates for non-primary residences (if it's not already the case) and tax go to affordable housing
- The need to increase long-term rentals. How can Sitka open and facilitate more long-term housing?
- Can we tax STR's in residential zones at a higher rate than STR's in the downtown/commercial zone
- Define short-term rental as up to 3 months (Better yet, 6 months)
- Limit short-term rentals in all zones. (It is Sitka's overall resident housing stock that matters)
- Seasonal vs Long-Term vs Short-Term- Seasonal demand created specific pressure at a focused time
- With increase in tourism, we need to be able to house our long-term seasonal workers to support the tourists. Otherwise, we create a bubble that will pop sooner than later

#### **What is your vision for short-term rentals in Sitka?**

- A small fraction of the housing stock that helps support our travel economy and visiting friends, and family.
- Finding and balance
- Find a way to balance folks to run a reasonable number of STR's while providing adequate housing for our long-term residents

- High quality experiences for various income levels, for visitors and locals not dominating neighborhoods
- Limited in people's home, to help families cover expenses
- A vibrant portion of the visitor community
- Must be a resident and to have STR
- Balance
- Specific criteria developed to address different kinds of STRs
- Alleviate pressure on limited hotel facilities. Limited rooms = Limited Tourism
- Owners and renters are respectful of the community and neighborhoods
- Consider the impact of the many STR in a neighborhood
- Seems like the latest trend is to build mini hotels in residential zones which flies in the face of zoning
- STR's should not be allowed to take over our housing stock at the expense of our residents
- No short-term rentals, B & B's only. We got by with no or few STR's until recent years
- We need data. How many STR's are purpose built? How many are converted from long-term rentals? How many go back and forth? How many of these rentals would not exist if not available for short-term rentals?
- Meet the needs of residents ([prioritize local people) over outside folks
- STR's in the summer, long-term rentals in the winter (flexibility)
- Allow families or individuals to make extra income while increasing the taxpayers for Sitkan's
- Short term rentals bring interesting diverse people to town
- Limit city involvement with telling people what they can do with their rental property
- Limit city involvement in STR market
- More short-term renters need more local service providers i.e. housekeepers etc.



- Meet new interesting people
- More short-term renters = more tax income for Sitka
- Allows families additional income in these inflationary times
- More short-term renters = more business for local's taxis restaurants retail
- Allows for people to have a rental who would not rent long-term or feel comfortable renting long-term
- We have a short-term rental we live in it about eight months when we travel it allows us to live in our house
- Can make a substantial more money on STR
- Nice houses to use for large family gatherings or staycations
- Places to have friends stay when visiting since I don't have much room for guests in my house
- Extra funds to pay high utility bills
- Allows families to cover cost for their home
- Can make money without year-round occupants
- Having an STR subsidized childcare cost in Sitka
- Subsidize my long-term tenants rent
- Visiting family has a place to stay
- We are in a commercial zone we use a portion of our house as an STR this offsets our living expenses
- They do not benefit anyone but the homeowner or company
- Mixed use beneficial to renter & rentee
- Short term rentals have been a negotiable benefit they increase house and rental prices

### **What are your concerned about short term rentals?**

- There is no enforcement for noncompliance of the CUP
- Equity issue folks non doing STR to max income and renting or buying a place taking that housing off market to
- Not having housing for our long-term residence teacher's tourism elected workers
- Many short-term rentals owned by one person properties that are ideal for long-term converted to short term
- Can really change the community part of a neighborhood
- Neighborhoods dominated by STR either empty a lot in the winter or lots of changing neighbors who don't care about neighbors
- Over density in neighborhood
- Owners of STR's are not present and do not monitor the behavior of the tenants this has negative impacts on the neighborhoods where they reside
- STR displaced locals here year-round and also seasonal workers
- People living in Sitka are regularly displaced
- People who went to buy a house have to compete with commercial buyer's house prices on affordable
- Regulation of a privately owned asset, fairness of permitting process
- Long term rentals scarce experience and unaffordable
- Neighborhoods are not neighborhoods anymore
- No real reason in place to decline a permit beyond parking
- No limit to how many exists in Sitka
- Certain property managers are managing extreme numbers of STR's, and I have experience lack of adequate service from such managers during family visits in which they rent a Sitka STR
- Outside investors buying a property to use exclusive STR's
- Driving up cost living so we lose young people and others on limited income
- Creating Neighborhoods with no long-term owner's renter's empty buildings in off-season

- There is an adequate housing for medical providers teachers and many other people who would benefit and are essential to the health of this community as well as many current residents.
- Changing communities' empty houses in the off-season
- Taking long-term rentals off the market
- Driving up the cost of buying a house
- Driving up the cost of rentals
- Systematic low wages is a real concern for many of these concerns needing to rent your apartment for higher rent not able to afford to buy a house
- Some of the housing shortages would be relieved if there were more long-term rentals
- The course of nature of turning beloved generous town into a primarily seasonal tourist trap and ignores their long-term good of the community
- People pushed out of housing
- Concerned about competition with long-term rentals increase rents and housing prices as it's happening in other communities
- I know young people who have left that cut because they cannot afford an apartment and never a house STR's drive up to cost of limited LTR's
- Some of the housing shortage would be relieved if there were more LTR's
- Drive cost up for everyone people born and raised here cannot afford to buy housing

**What actions would you like to see taking on permitting of short-term rentals?**

- Incentive for community participation
- Increase the defined maximum number of days from 14 to 30 days therefore a rental less than 30 days is a short-term rental
- Pass ordinance to 1. require permanent residence for STR CUP 2. Sunset CUP on property sale
- No intervention by city regulating who or how homeowners rent their property
- Zone a big part of town to only allow LTR's
- No more STR's in residential areas or only in the home the owner is living in
- Requirement to disclose when a STR is empty

- Need a comprehensive plan on action taken within a year many similar communities working on this issue
- Limit approval ADU's asked that are built and then use for STR and not long-term housing
- Minimize procedures and restrictions
- Citywide regulation number 1. remote properties no city hook ups STR OK 2. 1 to 3 units must be permanent resident proven with PFD address hunting license fraud reported to DA 3. 4+ units capped at 25%
- Uses resources for creating policy: Regulating short-term rentals: A Guidebook for Equitable Policy by the Sustainable Economics Law Center crash short term rental policies that generate inclusive properties for local wealth creation while balancing the needs of all members of the community. Should produce an equitable policy that protects public interest including housing affordability health and safety neighborhood quality and municipal revenues while retaining reasonable latitude for city residence to host in our money for short term guests.
- Increase tax find helping solve the problem directly Nantucket for example
- An annual fee or additional STR tax that would find affordable housing incentives
- A maximum number of allowed STR by percentage of housing stock permits are nontransferable must be reapplied for after a sale
- Require owner occupancy for at least nine months for most STR's
- No STR residential zones unless occupancy rate is below a certain percentage
- Require a minimum declaration of proof of full-time residency in Sitka 2+ years before granting STR
- Must be part of the primary residence
- Must be a resident
- Do not allow non-residents to apply for conditional use permits limit these two Sitka residents only
- Example of incentivizing LTR look at Summit County Colorado
- Cap number of STRS per neighborhood based on consensus of owners in that neighborhood
- Limit number STRS per neighborhood less neighborhood that are walking distance downtown
- Let me number of STRS per owner and household

- If landlords whole multiple units require a minimum percentage of long-term to short-term rentals units three to one for example
- Not allow CUP's to transfer with the sale of a house
- Distinguish between a STR and a mother-in-law apartments and full house apartment find ways to fairly minimize STR's from displacing long-term rentals
- Allow all platforms should require STR permit numbers and all STR should have permit regardless of zoning
- Consider requiring permits renewed annually pending a clean non-complaint record
- A permit requires the process that does not rely on feedback from neighbors
- Redefine STR to 28 days
- Permit for less than three years
- Do not transfer permits with house sale
- More options for refusing permits when planning commission members consider wrong
- Best practices in other places for coming to community is like ours for example Hawaii STR's in certain zones not others, examples in SELC document, second address report
- Density in commercial zones residential of neighborhood how is it determined and regulated and defined density usually done by zoning district and in the number of streets and area
- If we made code changes, make sure community is aware sale of property
- Tackle the issue in a structural manner zoning permitting standpoint personal decisions have bigger impacts zoning and permitting should balance collective good
- Density and commercial areas potential for a ride to impact look at both areas
- Report back how the CUP is used see how use changes over time

### **SURVEY RESULTS 2021**

- Developers get around this by forming LLC is registered with an attorney it's unforeseeable
- Citywide Distorts the value of pre-existing units that run within the land driving their value much higher
- No cap of number of LTR's don't treat them like I ask you that we were the first people and prevent others and latecomers from the opportunity to establish a STR

- Planning commission to drive three options with they go to help solve STR issue and broader affordable housing
- Incentivize long term rentals

### **Priorities**

- 1)Limits around number of units owner occupied.
- 2) transfer on sale of property
- 3) fee for dedicated support of affordable housing initiative
- 4) Incentive for creating and building LTR's at cons from additional fee on STR's 5) bed tax and code enforcement



# CITY AND BOROUGH OF SITKA

## Legislation Details

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File #: ORD 22-22    Version: 1    Name:

Type: Ordinance    Status: AGENDA READY

File created: 8/17/2022    In control: City and Borough Assembly

On agenda: 9/13/2022    Final action:

Title: Making supplemental appropriations for fiscal years 2022 and 2023 (Re-appropriations and Supplemental Appropriations)

Sponsors:

Indexes:

Code sections:

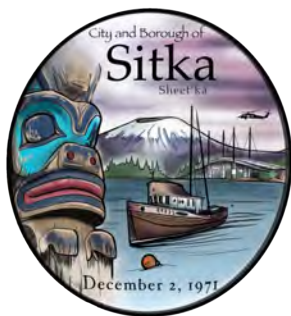
Attachments: [Motion Ord 2022-22](#)  
[Memo Ord 2022-22](#)  
[Ord 2022-22](#)

| Date      | Ver. | Action By                 | Action | Result |
|-----------|------|---------------------------|--------|--------|
| 8/23/2022 | 1    | City and Borough Assembly |        |        |

## **POSSIBLE MOTION**

**I MOVE TO** approve Ordinance 2022-22 on second and final reading making supplemental appropriations for fiscal years 2022 and 2023 (Re-appropriations and Supplemental Appropriations).






# CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

## MEMORANDUM

**To:** Mayor Eisenbeisz and Assembly Members

**Thru:** John Leach, Municipal Administrator 

**From:** Melissa Haley, Finance Director

**Date:** August 17, 2022

**Subject:** Re-appropriation of Unspent FY2022 Budget Items and Supplemental Appropriations for Funds that Exceeded FY2022 Budget

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### **Background**

While staff generally spend down or commit funds in the fiscal year in which they were budgeted, in some cases that is not possible. In FY2022, several challenges contributed to the need to re-appropriate funds from FY2022 for FY2023. The primary reasons for the re-appropriations requested are the inability to procure items due to supply chain issues as well as the significant time constraints to implement some of the items to address the increase in tourism.

It is also important to note that some efforts from FY2022 are underway and the portion of those funds that were committed but not yet spent automatically rolls over to FY2023. A summary of the unspent portion of those commitments which are committed via contract and/or purchase order (PO) is attached.

In addition, two funds, the Harbor Fund and the Sitka Community Hospital Dedicated Fund, were over budget for FY2022. The Harbor Fund ended the year over-budget due to increased costs of derelict vessel destruction and increased cost of accounting for bad debt (as required by governmental accounting standards). The Sitka Community Hospital Dedicated Fund was overbudget due to a payment on the CERNER health records project that had been missed at the time of the sale and was paid in FY2022.

### **Analysis**

The requested re-appropriations listed below are all critical expenditures that staff are actively working on but were unable to finalize before June 30, 2022. Mechanically, the FY2022 budgets are decreased and the FY2023 budgets are increased.

| Department          | Amount    | Description  |
|---------------------|-----------|--|
| Administration      | \$50,000  | Cost allocation study--approved as part of the tourism appropriation to ensure the municipality is capturing its true cost of tourists visiting Sitka and is able to use CPV funding to offset those costs |
| Capital (Fund 700)  | \$132,178 | Traffic study-this was originally budgeted as an operational expense, however, further investigation indicates that it should be capital   |
| Central Garage Fund | 149,025   | 2 vans for supporting tourism operations replacement of vehicle #380 Ford Transit Connect (all currently unavailable)  |

The proposed increases to FY2022 appropriations are as follows:

Harbor Fund: \$157,000

Sitka Community Hospital Dedicated Fund: \$254,000

### **Fiscal Note**

The total change (decrease to FY2022 budget and increase to FY2023 budget) for re-appropriating funding from FY2022 to FY2023 is \$331,203. The increased FY2022 appropriations to cover the two funds that are over budget is \$411,000 increase for FY2022 for Harbors and SCH Dedicated Fund.

### **Recommendation**

Approve ordinance 2022-22 amending the FY2022 and FY2023 appropriations.

Encl: Summary of FY2022 Open PO's for operating expenses

|      |                  | Estimate of funds<br>committed but |  |   |
|------|------------------|------------------------------------|--|---|
| Fund | Department       | unspent in FY2022                  | Notes on significant uses (POs>\$10,000) |   |
| 100  | Administration   | \$                                 | 26,156                                   | Mostly for strategic planning   |
| 100  | Attorney         | \$                                 | 41,506                                   | Code review and airport lease review  |
| 100  | Clerk            | \$                                 | 7,400                                    |   |
| 100  | Finance          | \$                                 | 33,754                                   | Mostly prior year SEMT cost report preparation  |
| 100  | Police           | \$                                 | 3,819                                    |   |
| 100  | Fire             | \$                                 | 13,256                                   |   |
| 100  | Ambulance/SAR    | \$                                 | 20,134                                   | Dive gear (12K)   |
| 100  | Public Works     | \$                                 | 48,745                                   | Engineerings support (\$34K)  |
| 100  | Streets          | \$                                 | 19,445                                   | HPR street repair   |
| 100  | Library          | \$                                 | 19,500                                   | Mostly furniture and supply order   |
| 100  | HCH              | \$                                 | 12,440                                   | A/V maintenance contract  |
| 200  | Electric         | \$                                 | 173,085                                  | FERC Compliance (\$74K), USFS SMC agreement (\$13.5K), diesel maintenance (\$22K), switchyard equipment (\$17K), metering-field collection system (\$12K) |
| 210  | Water            | \$                                 | 45,144                                   | Water treatment chemicals (\$19K)   |
| 220  | Wastewater       | \$                                 | 45,493                                   | WW discharge permit renewal (27K), SCADA on-call maintenance (\$10K)  |
| 230  | Solid Waste      | \$                                 | 17,430                                   | Methane monitoring (\$17K)  |
| 240  | Harbor Fund      | \$                                 | 8,153                                    |   |
| 250  | Airport Terminal | \$                                 | 9,217                                    |   |
| 300  | IT Fund          | \$                                 | 92,156                                   | Microsoft licensing (\$72K), Dell equipment (\$16K)   |
| 310  | Central Garage   | \$                                 | 218,735                                  | Vehicles (\$217K)   |
|      | TOTAL            | \$                                 | 855,568                                  |   |

## CITY AND BOROUGH OF SITKA

## ORDINANCE NO. 2022-22

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA  
MAKING SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEARS 2022 and 2023  
(Re-appropriations and Supplemental Appropriations)

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 make supplemental appropriations for Fiscal Year 2022.

4. **ENACTMENT.** In accordance with Section 11.10(a) of the Charter of the City and Borough of Sitka, Alaska, the Assembly hereby makes the following supplemental appropriations for the budget period beginning July 1, 2021, and ending June 30, 2022 is hereby adjusted as follows:

|  |
|--|
|  |
| <b><u>FISCAL YEAR 2022 EXPENDITURE BUDGETS</u></b>   |
| <b>GENERAL FUND</b>  |
|  |
| <b>Administration – Operations: Re-appropriate \$50,000 from FY22 to FY23 for the CPV Cost Allocation Study.</b>   |
|  |
| <b>Streets Department – Operations: Reduce FY2022 appropriations by \$132,178 for the traffic study involving the increase in cruise passengers (transfer from operations to capital).</b> |
|  |
| <b>Harbor Fund – Operations: Increase appropriations in the amount of \$157,000 to cover the overage in this fund.</b>   |
|  |
| <b>Central Garage Fund – Fixed Assets: Re-appropriate \$149,025 from FY22 to FY23 for the purchase of Vehicles/Equipment that were unable to be purchase in FY22.</b>                      |
|  |
| <b>SPECIAL REVENUE FUNDS</b>   |
|  |
| <b>Fund 190 – SCH Dedicated Fund – Operations: Increase appropriations in the amount of \$254,000 to cover the overage in this fund.</b>   |
|  |

In accordance with Section 11.10 (a) of the Charter of the City and Borough of Sitka, Alaska, the budget for the fiscal period July 1, 2022, and ending June 30, 2023 is hereby adjusted as follows:

| FISCAL YEAR 2023 EXPENDITURE BUDGETS   |
|--|
|  |
| GENERAL FUND   |
|  |
| Administration – Operations: Re-appropriate \$50,000 from FY22 to FY23 for the CPV Cost Allocation Study.  |
| CAPITAL PROJECTS   |
|  |
| Fund 700 – Downtown Traffic Study: Re-appropriate \$132,178 from FY22 to FY23 for the traffic study involving the increase in cruise passengers (transfer from operations to capital). |
|  |
| ENTERPRISE AND INTERNAL SERVICE FUNDS  |
|  |
| Central Garage Fund – Fixed Assets: Re-appropriate \$149,025 from FY22 to FY23 for the purchase of Vehicles/Equipment.   |
|  |
|  |

**EXPLANATION**

The Municipal Administrator has determined that various unexpended appropriations for Fiscal Year 2022, which lapsed on June 30, 2022, are essential to the Municipality. The Municipal Administrator, therefore, is recommending that the lapsed appropriations identified above be re-appropriated in Fiscal Year 2023 through supplemental appropriations as set forth in Section 11.10 (a) of the Charter. In addition, overages in some funds have been identified for fiscal year 2022 and supplemental appropriations are recommended. A short explanation of each supplemental appropriation 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 13th Day of September, 2022.

**ATTEST:**

\_\_\_\_\_  
Kevin Knox, Deputy Mayor

\_\_\_\_\_  
Sara Peterson, MMC  
Municipal Clerk

1<sup>st</sup> reading: 8/23/2022  
2<sup>nd</sup> and final reading: 9/13/2022

Sponsor: Administrator



# CITY AND BOROUGH OF SITKA

## Legislation Details

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File #: ORD 22-23    Version: 1    Name:

Type: Ordinance    Status: AGENDA READY

File created: 9/6/2022    In control: City and Borough Assembly

On agenda: 9/13/2022    Final action:

Title: Amending Title 4 "Revenue and Finance" of the Sitka General Code by amending chapter 4.12 "Property Tax" Section 4.12.025 "Exemptions"

Sponsors:

Indexes:

Code sections:

Attachments: [Motion and Memo Ord 2022-23](#)  
[Ord 2022-23](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

## **POSSIBLE MOTION**


**I MOVE TO** approve Ordinance 2022-23 on first reading amending Title 4 "Revenue and Finance" of the Sitka General Code by amending chapter 4.12 "Property Tax" Section 4.12.025 "Exemptions."



# CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

## MEMORANDUM

**To:** Mayor Eisenbeisz and Assembly Members  
**Thru:** John Leach, Municipal Administrator   
**From:** Larry Reeder, Assessing Director  
**Date:** August 31, 2022  
**Subject:** Senior Citizen and Disabled Veteran Exemption Application Deadline

---

### **Background**

Currently the CBS code concerning senior citizen and disabled veteran exemption applications reads:

*For all tax years beginning with the 2002 tax year, the senior citizen or disabled veteran required exemptions set forth in AS [29.45.030](#)(e) and (f) may not be granted except upon written application on a form provided by the assessor. A once qualified senior citizen or disabled veteran need not file the application for successive tax years but must notify the assessor of any change in ownership, residency, permanent place of abode or status of disability*

*Exemption application shall be filed by **February 15th** of each year.*

The February 15<sup>th</sup> deadline has caused confusion for some of the applicants.

### **Analysis**

Moving the application deadline to the end of February will help clear up the confusion and will not impact our ability to meet our Value Notice mailing deadline of March 15<sup>th</sup>.

### **Fiscal Note**

This change will not have a financial impact to CBS.

### **Recommendation**

I propose moving the application deadline from February 15<sup>th</sup> to the end of February to better serve our citizens.



CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2022-23

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING TITLE 4 "REVENUE AND FINANCE" OF THE SITKA GENERAL CODE BY AMENDING CHAPTER 4.12 "PROPERTY TAX" SECTION 4.12.025 "EXEMPTIONS"

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

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

**3. PURPOSE.** The purpose of this ordinance is to extend the application deadline for the Senior Citizen or Disabled Veteran property tax exemptions from February 15 to the last day of February.

**4. ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 4 "Revenue and Finance", Chapter 4.12 "Property Tax", Section 4.12.025 "Exemptions" is amended to read as follows (new language underlined):

**Title 4  
REVENUE AND FINANCE**

**Chapters:**

**4.12 Property Tax**

\* \* \*

\* \* \*

**Chapter 4.12  
PROPERTY TAX**

**Sections:**

**4.12.025 Exemptions.**

\* \* \*

\* \* \*

**4.12.025 Exemptions.**

\* \* \*

G. Exemption application shall be filed ~~by February 15<sup>th</sup>~~ no later than the last day of February of each year.

1. The assembly for good cause shown may waive the claimant's failure to make timely application and authorize the assessor to accept the application as if timely filed. "Good cause" shall mean:

a. Extraordinary circumstances beyond the control of the claimant, including but not limited to a medical condition or disability, impaired mental capacity, illiteracy, family emergency, death in the family, or other similar serious condition or event, that substantially impaired the claimant's ability to file a timely application.

b. Extraordinary circumstances for a finding of good cause do not include late filing due to the claimant's inadvertence, oversight, or lack of knowledge regarding the filing requirements or deadline, financial hardship or failure to pick up or read mail or to make arrangements for an appropriate and responsible person to pick up or read mail.

If a failure to timely file has been waived and the application approved, the amount of the tax that the claimant has already paid for the property exempted shall be refunded to the claimant.

2. The city and borough shall not accept a late application for an exemption under subsection A or B of this section that is filed more than ninety days after the date the application was due for the assessment year for which the exemption is sought, regardless of good cause.

\* \* \*

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

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska, this 27<sup>th</sup> day of September, 2022.

---

Steven Eisenbeisz, Mayor

ATTEST:

---

Sara Peterson, MMC  
Municipal Clerk

1<sup>st</sup> reading: 9/13/2022

2<sup>nd</sup> and final reading: 9/27/2022

Sponsor: Administrator



# CITY AND BOROUGH OF SITKA

## Legislation Details

---

File #: ORD 22-24    Version: 1    Name:

Type: Ordinance    Status: AGENDA READY

File created: 9/6/2022    In control: City and Borough Assembly

On agenda: 9/13/2022    Final action:

Title: Updating Title 9 "Health and Sanitation" of the Sitka General Code by modifying chapter 9.16  
"Ambulance Service"

Sponsors:

Indexes:

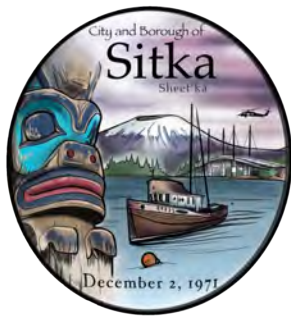
Code sections:

Attachments: [Motion and Memo Ord 2022-24](#)  
[Ord 2022-24](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

## **POSSIBLE MOTION**

**I MOVE TO** approve Ordinance 2022-24 on first reading updating Title 9 “Health and Sanitation” of the Sitka General Code by modifying chapter 9.16 “Ambulance Service.”

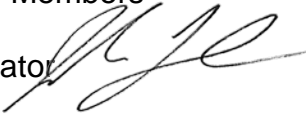


# CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

## MEMORANDUM

**To:** Mayor Eisenbeisz and Assembly Members

**Thru:** John Leach, Municipal Administrator 

**From:** Craig Warren, Fire Chief

**Date:** September 1, 2022

**Subject:** Update Sitka General Code Chapter 9.16 "Ambulance Service"

---

### **Background**

The current Sitka General Code (code) was established in 1973 and states that the Sitka Fire Department (SFD) of the City and Borough of Sitka (CBS) ambulance service only exists until a private ambulance service can provide emergency medical response in Sitka. This code predates the creation of Emergency Medical Services (EMS) in the State of Alaska and is now obsolete due to the state certification processes for EMS. The SFD EMS division currently provides ambulance services to Sitka residents. This code change will also allow the SFD to bill to the current allowable rates which are set by the Centers for Medicare/Medicaid Services (CMS) without having to go back to the Assembly on an annual basis.

### **Analysis**

There may come a time when a private ambulance service is established and provides service in Sitka, and this ordinance will allow for that. What this ordinance is designed to accomplish is to ensure consistent emergent response and stabilization of medical patients, by the SFD EMS division, for our residents, regardless of the organization that will provide transport.

This ordinance will also allow us to bill to the rate that Medicare deems as fair for the service provided.

### **Fiscal Note**

There are no new costs to CBS associated with this ordinance. There will be a small increase in the billable rates for ambulance services, but the increased billing will be

deemed allowable as CMS sets the rates and most other insurance companies will follow that rate. Find enclosed the current rates used and billed by CBS compared to the allowable rates set by CMS. If CBS were to charge at the CMS allowable rates, CBS would have a total revenue increase of \$53,266.74.

**Recommendation**

I recommend passing this ordinance to ensure timely and professional emergency response for healthcare needs in Sitka.

Encl: Enclosure 1 – Rate outline compiled by Rob Janik, EMS Captain

Chief,

Continuing with our discussion on EMS billing rates, it was my understanding, based on correspondence between me and the finance department from January 2009, that the CBS assembly had approved matching our rate to the CMS allowable rate (including applicable super rural premium) which is revised annually by Congress. It was also my understanding that our billing contractor would annually adjust our charges according to this schedule. Listed below are our current charges which seem to match the 2009 CMS super rural allowables, the 2022 CMS super rural allowables, the difference between the two and a hypothetical where FY2022 was billed at 2022 CMS allowable. Please let me know if more information is needed.

Rob

| CBS Current rates              | HCPCS | Rate     |
|--------------------------------|-------|----------|
| MILEAGE                        | A0425 | \$10.41  |
| Advanced Life Support          | A0426 | \$370.31 |
| Advanced Life Support Emergent | A0427 | \$586.32 |
| Basic Life Support             | A0428 | \$308.58 |
| Basic Life Support Emergent    | A0429 | \$493.75 |
| Advanced Life Support 2        | A0433 | \$848.62 |

| FY22 Billed                    | HCPCS | Number | Charges      |
|--------------------------------|-------|--------|--------------|
| MILEAGE                        | A0425 | 2818   | \$29,332.26  |
| Advanced Life Support          | A0426 | 4      | \$1,481.24   |
| Advanced Life Support Emergent | A0427 | 275    | \$161,238.00 |
| Basic Life Support             | A0428 | 320    | \$98,745.60  |
| Basic Life Support Emergent    | A0429 | 660    | \$325,875.00 |
| Advanced Life Support 2        | A0433 | 1      | \$848.62     |
| Total Overall Charges          |       | 4078   | \$617,520.72 |

| 2022 Medicare Allowable Rates                 | HCPCS | RURAL BASE RATE /<br>LOWEST QUARTILE |
|---|-------|--------------------------------------|
| RURAL GROUND MILES 1-17                       | A0425 | \$12.15                              |
| Advanced Life Support, non-emergency, Level 1 | A0426 | \$400.75                             |
| Advanced Life Support, emergency, Level 1     | A0427 | \$634.53                             |
| Basic Life Support, Non-emergency             | A0428 | \$333.96                             |
| Basic Life Support, emergency                 | A0429 | \$534.34                             |
| Advanced Life Support, Level 2                | A0433 | \$918.41                             |

| If FY2022 billed at 2022 CMS allowable | HCPCS | Charges      | % Change |
|--|-------|--------------|----------|
| MILEAGE                                | A0425 | \$34,238.70  | 17%      |
| Advanced Life Support                  | A0426 | \$1,603.00   | 8%       |
| Advanced Life Support Emergent         | A0427 | \$174,495.75 | 8%       |
| Basic Life Support                     | A0428 | \$106,867.20 | 8%       |
| Basic Life Support Emergent            | A0429 | \$352,664.40 | 8%       |
| Advanced Life Support 2                | A0433 | \$918.41     | 8%       |
| Total Overall Charges                  |       | \$670,787.46 | 9%       |



CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2022-24

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA UPDATING TITLE 9  
“HEALTH AND SANITATION” OF THE SITKA GENERAL CODE BY MODIFYING  
CHAPTER 9.16 “AMBULANCE SERVICE”**

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

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

**3. PURPOSE.** The purpose of this ordinance is to update SGC chapter 9.16 “Ambulance Service” to recognize the governance of Alaska law by the Emergency Medical Services (EMS) certification process and to remove the restriction that the authority for a municipal ambulance service would cease upon availability of a private ambulance service. The intent is to retain authority for a municipal ambulance service so long as it is certified under Alaska law. In addition, the purpose of this ordinance is to establish that charges for ambulance service would default to maximum rates allowable by the federal Medicare and Medicaid programs, unless higher rates are established by the assembly. The intent is to eliminate the need for seeking Assembly approval for variable Medicare and Medicaid rates.

**4. ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 9, entitled “Health and Sanitation”, be amended by updating Chapter 9.16, entitled “Ambulance Service,” to read as follows (deleted language stricken, new language underlined):

**Title 9  
HEALTH AND SANITATION**

**Chapters:**

**9.08 Refuse Collection and Disposal**  
**9.12 Litter**  
**9.16 Ambulance Service**

\* \* \*

**Chapter 9.16  
AMBULANCE SERVICE**

**Sections:**

**9.16.010 Authority.**  
**9.16.020 Charges.**  
**9.16.030 Emergency service.**

**19.16.010 Authority.**

The fire department of the city and borough of Sitka, emergency medical services (EMS) division, is authorized to provide emergency medical services, including ambulance service outside a hospital, if certified by the state of Alaska under applicable law (7 AAC 26.210-290). Until such time as a competent private commercial ambulance service is available to the general public, the police department and fire department of the municipality have the authority to use any of their vehicles for an ambulance for emergency purposes.

**9.16.020 Charges.**

Emergency medical services, including ambulance service, shall be charged at the maximum rates allowable by the federal Medicare and Medicaid programs as reported by the Centers for Medicare & Medicaid Services or at rates as tThe assembly shall may provide from time to time, whichever is higher for charges for such services.

**9.16.030 Emergency Services.**

The operation of the ambulance service by the municipality EMS division of the fire department is declared an emergency service to be performed by the municipality only because no private service is available. It is declared which is necessary for the public health and welfare of the city and borough of Sitka and is governed by the state of Alaska certification laws referenced in this chapter. that such ambulance service be available. The ambulance need not be staffed by a doctor, nurse or other medical personnel. No minimum facilities are required to be available in the ambulance. Except for gross negligence, all persons being transported ride at their own risk.

\* \* \*

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

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska, this 27<sup>th</sup> day of September, 2022.

\_\_\_\_\_  
Steven Eisenbeisz, Mayor

ATTEST:

\_\_\_\_\_  
Sara Peterson, MMC  
Municipal Clerk

1<sup>st</sup> reading: 9/13/2022

2<sup>nd</sup> and final reading: 9/27/2022

Sponsor: Administrator



# CITY AND BOROUGH OF SITKA

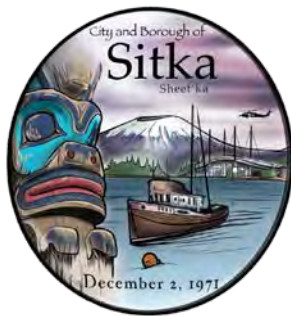
## Legislation Details

File #: ORD 22-25    Version: 1    Name:  
Type: Ordinance    Status: AGENDA READY  
File created: 9/7/2022    In control: City and Borough Assembly  
On agenda: 9/13/2022    Final action:  
Title: Making supplemental appropriations for fiscal year 2023 (Crescent Harbor Finger Repair)  
Sponsors:  
Indexes:  
Code sections:  
Attachments: [Motion](#)  
[Signed Memo and Ord 2022-25](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

## **POSSIBLE MOTION**

**I MOVE TO** approve Ordinance 2022-25 on first reading making supplemental appropriations for fiscal year 2023 (Crescent Harbor Finger Repair).




# CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

## MEMORANDUM

**To:** Mayor Eisenbeisz and Assembly Members

**Thru:** John Leach, Municipal Administrator 

**From:** Melissa Haley, Finance Director and Stan Eliason, Harbormaster

**Date:** September 7, 2022

**Subject:** Crescent Harbor Vandalism Repair

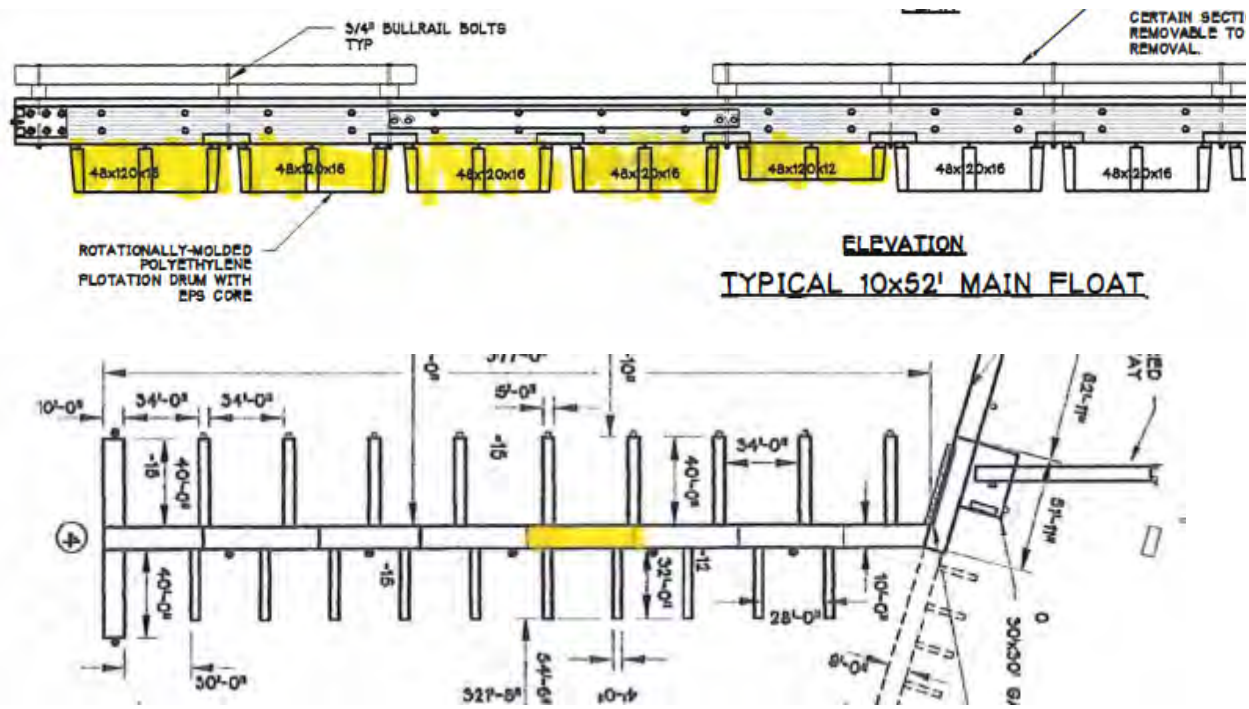
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### Background

On the evening of May 20, 2022, a fire was report at Crescent Harbor on finger 4. The fire was determined to be the result of arson and the damage to the burned area was extensive. This finger was one that was entirely replaced in the recent project to replace all of the harbor's wooden sections (completed in 2020). Upon investigation, it was determined that a fairly immediate repair is needed to ensure the damaged sections remain useable through the winter and cause no further damage to the rest of the dock. Given that the finger was so newly replaced, further work will be required to ensure that the original lifespan of the asset will be realized—the second phase of the repair is anticipated to take place in the fall of 2023.

To repair the float to its original integrity two of three longitudinal 53' Glulam beams must be replaced. The replacement of these beams may not be possible to do in the water. Therefore, an entire new 53' dock section may be a more feasible and economical repair as it can be floated into place and will not need heavy lifting equipment. Eight of eleven flotation tubs were damaged, five of which need to be replaced this fall. The fire burned these five float tubs to an extent that the foam inside the tubs is exposed and will absorb water and lose buoyancy. Once buoyancy is lost the float section will sag putting more strain on the connected float sections and finger floats. Electrical and water service will need to be disconnected and removed for repair, fused HDPE water line will have to be cut, removed, and re-fused in place during the repair, all of which adds to the cost.

The following drawing show the tubs that need to be replaced immediately replaced and the second graphic shows the full section of finger 4 that needs to be replaced.



## **Analysis**

It is critical that the repair to bring the damaged section of finger 4 back to its original integrity be undertaken before further damage to the newly replaced dock takes place. While the full cost has yet to be determined, it is important to fully fund the repair now so that the materials can be procured in time to make the final repair in 2023. The CBS harbor systems are not covered by property insurance. At today's rates, a rough estimate of the annual cost is \$40,000-\$50,000 and that assumes a \$100,000 deductible.

In such cases of vandalism, the City and Borough of Sitka does seek restitution and is doing so in this case. However, given that those charged in this case are juveniles, we deem it unlikely that any significant restitution will be received.

## **Fiscal Note**

While we do not yet have a firm estimate for full repair, we do not expect it to exceed the requested appropriation of \$250,000. The initial tub/floatation replacement is expected to be under \$40,000. This will be funded out of the Harbor Fund and, should any restitution be made, it would be allocated to the Harbor Fund to offset the cost of the repair.

## **Recommendation**

Approve Ordinance 2022-25 making a supplemental capital appropriation in the amount of \$250,000.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2022-25  
AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA MAKING SUPPLEMENTAL  
APPROPRIATIONS FOR FISCAL YEAR 2023  
(Crescent Harbor Finger Repair)

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 make a supplemental Capital appropriation for FY2023.

4. **ENACTMENT.** In accordance with Section 11.10 (a) of the Charter of the City and Borough of Sitka, Alaska, the Assembly hereby makes the following supplemental appropriation for the budget period beginning July 1, 2022 and ending June 30, 2023.

:

|   |
|---|
|   |
| <b><u>FISCAL YEAR 2023 EXPENDITURE BUDGETS</u></b>  |
| <b>CAPITAL PROJECTS</b>   |
|   |
| <b>Fund 750 – Crescent Harbor Finger Repair Project: Increase appropriations in the amount of \$250,000 for the Crescent Harbor Finger Repair. These funds will come from the Harbor Fund undesignated working capital.</b> |
|   |

**EXPLANATION**

This appropriation is to repair the section of Crescent Harbor finger 4 that damaged due to arson in May 2022.

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 27th day of September 2022.

ATTEST:

\_\_\_\_\_  
Steven Eisenbeisz, Mayor

\_\_\_\_\_  
Sara Peterson, MMC  
Municipal Clerk

1<sup>st</sup> reading: 9/13/2022

2<sup>nd</sup> and final reading: 9/27/2022

Sponsor: Administrator



# CITY AND BOROUGH OF SITKA

## Legislation Details

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File #: RES 22-24      Version: 1      Name:

Type: Resolution      Status: AGENDA READY

File created: 9/6/2022      In control: City and Borough Assembly

On agenda: 9/13/2022      Final action:

Title: Authorizing an application to the Edward Byrne Memorial Justice Assistance Grant (JAG) program for a pass-through grant with the State of Alaska Department of Public Safety Division of Administrative Services Grants Office

Sponsors:

Indexes:

Code sections:

Attachments: [Motion Res 2022-24](#)  
[Signed Memo and Res 2022-24](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|



## **POSSIBLE MOTION**

**I MOVE TO** approve Resolution 2022-24 on first and final reading authorizing an application to the Edward Byrne Memorial Justice Assistance Grant (JAG) program for a pass through grant with the State of Alaska Department of Public Safety Division of Administrative Services Grants Office.




# CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

## MEMORANDUM

**To:** Mayor Eisenbeisz and Assembly Members

**Thru:** John Leach, Municipal Administrator 

**From:** Robert Baty, Police Chief

**Date:** August 30, 2022

**Subject:** **Approval of Application for The FFY 2021 Edward Byrne Memorial Justice Assistance Grant (Jag) Program pass through grant with the State of Alaska Department of Public Safety Division of Administrative Services Grants Office.**

---

### Background

The Justice Assistance Grant (JAG) program provides grant funding that allows states and local governments to perform a broad range of enforcement activities to prevent and control crime. The grant funds provide states and agencies with the flexibility to prioritize and use the JAG funds where they are needed most. The State of Alaska and the Sitka Police Department have determined that these funds should be used to employ a Sitka Police Officer who will participate in the High Intensity Drug Trafficking Area program (HIDTA) and Southeast Alaska Cities against Drugs task force (SEACAD). Sitka has been using JAG funds for this purpose off and on for over a decade.

HIDTA, created by Congress with the Anti-Drug Abuse Act of 1988, provides assistance to Federal, state, local, and tribal law enforcement agencies operating in areas determined to be critical drug-trafficking regions of the United States.

SEACAD is a law enforcement and prosecution collaborative that shares the common goal of addressing drug and violent crime problems in in Southeast Alaska. SEACAD enhances the Sitka Police Departments ability to share intelligence and coordinate enforcement activities across jurisdictional boundaries resulting in the more efficient use of resources.

The Police Department was made aware of the grant by the State on 8/24/22 with the application due on 8/30/22. The Police Department submitted the grant application on 8/26/22 but can pull the application if the resolution to apply is not approved.

**Analysis**

This year's grant request of \$146,616.00 will pay the entire personnel cost of one Sitka Police Officer for a year. The Police Officer will be assigned to perform drug investigations in Sitka as part of HIDTA and SEACAD. These funds can be used to fund an unassigned officer position as the JAG drug officer position, without creating a new FTE.

**Fiscal Note**

This is a non-matching grant. The grant would pay for the base salary of the officer including all fringe benefits.

**Recommendation**

Approve this Resolution authorizing the Municipal Administrator to apply for this grant and execute it should it be awarded.

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 2022-24

**A RESOLUTION OF THE CITY AND BOROUGH OF SITKA AUTHORIZING AN APPLICATION TO THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR A PASS-THROUGH GRANT WITH THE STATE OF ALASKA DEPARTMENT OF PUBLIC SAFETY DIVISION OF ADMINISTRATIVE SERVICES GRANTS OFFICE**

**WHEREAS**, the Justice Assistance Grant program is an important source of revenue that has funded a Sitka Police Officer dedicated to addressing the manufacture, transportation, and sale of illegal drugs in Sitka and Southeast Alaska; and

**WHEREAS**, the City and Borough of Sitka Police Department seeks to again obtain financial assistance to fund the personnel costs of a Sitka Police Officer position to participate in the High Intensity Drug Trafficking Area program (HIDTA) and the Southeast Alaska Cities Against Drugs task force (SEACAD); and

**WHEREAS**, with this application, the JAG program will provide full funding for the personnel costs of a Sitka Police Officer to enforce laws related to the illegal manufacturing, distribution, and use of illegal drugs in Sitka.

**NOW, THEREFORE, BE IT RESOLVED** by the Assembly of the City and Borough of Sitka that the Administrator is authorized to apply for and execute the Edward Byrne Memorial Justice Assistance Grant Program pass-through grant with the State of Alaska Department of Public Safety Division of Administrative Services Grants Office.

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska on this 13<sup>th</sup> day of September, 2022.

\_\_\_\_\_  
Kevin Knox, Deputy Mayor

ATTEST:

\_\_\_\_\_  
Sara Peterson, MMC  
Municipal Clerk

1<sup>st</sup> and final reading: 9/13/2022

Sponsor: Administrator



# CITY AND BOROUGH OF SITKA

## Legislation Details

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File #: RES 22-25      Version: 1      Name:

Type: Resolution      Status: AGENDA READY

File created: 9/7/2022      In control: City and Borough Assembly

On agenda: 9/13/2022      Final action:

Title: Authorizing the Municipal Administrator to apply for and execute a grant with the National Oceanic and Atmospheric Administration (NOAA) restoring fish passage through barrier removal notice of funding opportunity for \$1,853,390 to support the Wachusett Storm Sewer Rehabilitation Project

Sponsors:

Indexes:

Code sections:

Attachments: [Motion](#)  
[Signed Memo and Res 2022-25](#)

| Date | Ver. | Action By | Action | Result |
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## **POSSIBLE MOTION**

**I MOVE TO** approve Resolution 2022-25 on first and final reading authorizing the Municipal Administrator to apply for and execute a grant with the National Oceanic and Atmospheric Administration (NOAA) restoring fish passage through barrier removal notice of funding opportunity for \$1,853,390 to support the Wachusetts Storm Sewer Rehabilitation Project.





# CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

## MEMORANDUM

**To:** Mayor Eisenbeisz and Assembly Members

**Thru:** John Leach, Municipal Administrator 

**From:** Michael Harmon, P.E., Public Works Director 

**Date:** August 29, 2022

**Subject:** Pursuit of Grant Funding for the Wachusett Street Storm Sewer Rehabilitation Project – National Oceanic and Atmospheric Administration (NOAA) Restoring Fish Passage through Barrier Removal Notice of Funding Opportunity

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### Background

Peterson Creek is a first order stream originating on Gavan Hill above Sitka. The headwaters of Peterson Creek are largely pristine, with the lower portions of the watershed flowing through urbanized areas and terminate in Sitka Sound north of Sitka Harbor. Peterson Creek supports approximately 1.93 km of anadromous fish habitat and supports populations of coho and pink salmon and Dolly Varden char.

The purpose of this project is to remove the two existing 48" CMP culverts carrying Peterson Creek under Wachusett Street and to replace them with a stream simulation design structure to restore fish passage and natural channel function. The existing crossing is undersized, structurally failing and acts as a partial to complete barrier to passage of salmon. The culvert blocks or impedes fish access to over half of the stream length of fish spawning and rearing habitat. The new culvert will accommodate a self-sustaining planform for the creek under the road-stream crossing and will better handle seasonal floods, lowering CBS maintenance efforts. Substrate in the culvert will be designed to mimic the natural bed and designed to the 100-year peak flow, and the aluminum structure will have an anticipated service life of greater than 50 years.

The design is currently at the 95% design level and actively moving forward. Bidding is anticipated in November 2023 and construction summer of 2024 funding dependent.

This project will remediate a high priority, 'red' rated fish passage barrier culvert on Peterson Creek with a stream simulation culvert design ready for construction in 2024. 'Red' is ADF&G's second most severe rating a crossing can have and indicates the crossing is assumed to be inadequate for juvenile fish passage. Culverts at the

Wachusett Street crossing block or impede fish access to over half of the stream length of fish spawning and rearing habitat.

The project is the sister project to Peterson Storm Sewer Rehabilitation project that was completed last year. Completing the replacement of the Wachusett culvert will open a total of 1.2 km of stream habitat for coho and pink salmon, and Dolly Varden char and decrease City and Borough of Sitka (CBS) maintenance efforts associated with the existing failing culvert.

This project has the support from and partnership with the US Fish and Wildlife Service (USFWS) in assisting with grant application and acquisition to augment working capital currently available for the construction of the Wachusett Street culvert replacement.

- CBS applied for a \$50,000 grant from the National Fish Habitat Action Plan, administered through the Southeast Alaska Fish Habitat Partnership (SEAKFHP). Though the application scored as the top project, this funding was not awarded to the project as the Steering Committee determined SEAKFHP funds would be better spent on non-infrastructure projects as the Infrastructure Bill funding may be more appropriate for this project.
- CBS applied for a \$100,000 grant through the USFWS National Fish Passage Program (NFPP) and similar to the SEAKFHP grant, this project scored high. However, USFWS plans to submit this project as their #1 project in Southeast for USFWS Infrastructure Bill money and determined using the NFPP funding would be duplicative.
- CBS applied for a grant through the Alaska Sustainable Salmon Fund (AKSSF) and is awaiting a decision. Grant decision is anticipated in October.

## **Analysis**

CBS is seeking to apply for a grant through the National Oceanic and Atmospheric Administration (NOAA) Restoring Fish Passage through Barrier Removal Notice of Funding Opportunity for \$1,853,390. Funding is required to be used within 5 years and will require semiannual financial and performance reporting. CBS anticipates the Wachusett Storm Sewer Rehabilitation project will be constructed and completed in summer of 2024 which is within the grant spending window and provides flexibility in case construction is delayed one year.

To ensure the CBS did not miss this opportunity, the grant application was submitted to NOAA as placeholders on August 12, 2022. If this Resolution is not approved by the Assembly, staff will pull the submitted grant applications from the NOAA review process.

CBS and USFWS anticipate applying for one additional grant through the USFWS Infrastructure Bill Funding (BIL), if needed. The application window for this grant is anticipated to open this fall or winter; the Assembly will see additional resolutions to apply for this grant in the upcoming months. This prospective grant also has a spending timeline between 3-5 years and will likely require reporting to various detail and at various intervals.



### **Fiscal Note**

The Wachusett project currently has ~\$224,000 in unencumbered General Funds. The 3 prospective grants total ~\$2,053,390, which, coupled with the existing General Funds is thought to be enough to complete the project. Obtaining grant funding would eliminate or minimize the amount of additional working capital needed.

There is sufficient funding in the project budget to provide the required match for all prospective grants. This NOAA grant does not require match but encourages it; providing match makes a project application competitive. The AKSSF fund requires a 35% match equating to \$70,000. The USFWS BIL does not require match. Accounting for the required match for the other grant, ~\$150,000 of General Funds could be used as match for the NOAA grant.

The below table summarizes the anticipated funding for this project.

| <b>Source</b>         | <b>Secured</b>                   | <b>Needed</b>            |
|-----------------------|----------------------------------|--------------------------|
| General Fund          | \$ 224,000 <sup>1</sup>          | TBD <sup>2</sup>         |
| AKSSF Grant           |                                  | \$200,000 <sup>3</sup>   |
| NOAA Grant            |                                  | \$1,853,390 <sup>4</sup> |
| USFWS BIL Grant       |                                  | \$ TBD <sup>5</sup>      |
| <b>TOTAL</b>          | <b>\$ 224,000</b>                | <b>\$ 2,053,390</b>      |
| <b>COMBINED TOTAL</b> | <b>\$ 2,277,390</b>              |                          |
| <b>EXPECTED COSTS</b> | <b>\$ 1,600,000 <sup>6</sup></b> |                          |

<sup>1</sup> Existing General funds.

<sup>2</sup> Additional capital funding needed if any. Capital funding, if any, will be requested in the FY24 budget.

<sup>3</sup> Grant application was approved at the Regular Assembly meeting April 12<sup>th</sup>, 2022 and the grant has been applied for.

<sup>4</sup> The subject of this memo.

<sup>5</sup> Additional grant opportunities offered by USFWS; Assembly requests for this grant is separate and upcoming.

<sup>6</sup> Project Manager's ROM estimate of Total Project Cost.

If AKSSF is awarded to the project, and the NOAA is awarded, CBS may negotiate the final NOAA grant amount to deduct the AKSSF award amount. The minimum NOAA award is \$1,000,000. The requested USFWS BIL Grant amount will be determined based on amounts awarded from AKSSF and NOAA Grants but no more than \$675,000. If any of the prospective grants are not awarded, if the full requested grant amount is not awarded, or if scope modifications needed during final design and construction occur, additional General Funds may be required to complete the project.

### **Recommendation**

Approve this resolution authorizing the CBS Municipal Administrator to apply for and execute a grant with the NOAA for \$1,853,390 to support the Wachusett Storm Sewer Rehabilitation project.

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 2022-25

**A RESOLUTION OF THE CITY AND BOROUGH OF SITKA (CBS) AUTHORIZING  
THE MUNICIPAL ADMINISTRATOR TO APPLY FOR AND EXECUTE A GRANT WITH  
THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) RESTORING FISH  
PASSAGE THROUGH BARRIER REMOVAL NOTICE OF FUNDING OPPORTUNITY FOR \$1,853,390  
TO SUPPORT THE WACHUSETTS STORM SEWER REHABILITATION PROJECT**

**WHEREAS**, the CBS-owned culverts conveying Peterson Creek under Wachusetts Street are badly corroded; and

**WHEREAS**, the culverts block or impede fish access to over half of the stream length of fish spawning and rearing habitat; and

**WHEREAS**, the NOAA is soliciting applications for projects to restore fish passage by removing barriers in Southeast Alaska; and

**WHEREAS**, the proposed culvert is being designed to improve the fish-passage characteristics of the existing, failing Wachusetts Street culverts.

**NOW, THEREFORE, BE IT RESOLVED** by the Assembly of the City and Borough of Sitka to authorize the CBS Municipal Administrator to apply for and execute a grant with the NOAA for \$1,853,390 to support the Wachusetts Storm Sewer Rehabilitation Project with no required match from CBS General Funds.

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska on this 13th day of September 2022.

\_\_\_\_\_  
Kevin Knox, Deputy Mayor

ATTEST:

\_\_\_\_\_  
Sara Peterson, MMC  
Municipal Clerk

1<sup>st</sup> and final reading 9/13/2022

Sponsor: Administrator



# CITY AND BOROUGH OF SITKA

## Legislation Details

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File #: 22-127      Version: 1      Name:

Type: Item      Status: AGENDA READY

File created: 9/6/2022      In control: City and Borough Assembly

On agenda: 9/13/2022      Final action:

Title: Decision on whether to allow sales tax free day(s) following the Thanksgiving holiday and set date(s)

Sponsors:

Indexes:

Code sections:

Attachments: [Motion](#)  
[Memo 2022 Sales tax free days](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
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# Potential Sales Tax Free Days for 2022

**Friday, November 25**

**Saturday, November 26**



**I MOVE** to authorize \_\_\_\_date(s)\_\_\_\_ as Sales Tax Free day(s) for 2022 noting the sales tax free day(s) will not be applicable to any sale of fuel, alcoholic beverages, tobacco products, and marijuana, 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, alcoholic beverages, tobacco products, and marijuana, as such are defined in this code, 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.**

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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.<sup>1</sup>

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.

#### **4.09.270 Returns—Payment—Authority of city and borough of Sitka.**

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A. A person who has a tax liability under Section [4.09.010](#) shall file a return on a form or in a format prescribed by the city and borough of Sitka and pay the tax due quarterly. The return shall be filed and the tax paid on or before the last day following the end of the period for which the tax is due. Each person engaged in business in the city and borough of Sitka subject to taxation under Section [4.09.010](#) shall file a return in accordance with the following:

1. Quarterly. Unless as otherwise provided for in this section, sellers shall on or before the last day of the month succeeding the end of each quarter year ending March 31st, June 30th, September 30th, and December 31st, prepare a return for the preceding quarter year. Returns shall be filed personally, with the finance department by 4:45 p.m., placed in the drop box located outside of City Hall, or postmarked on the last day of the month following the end of each quarter year. In the event the last day of the month falls on a legal holiday, Saturday, or Sunday, then the return may be filed on the first business day following.
2. Monthly. If a seller fails to file or is late in filing returns for two of the last four quarters, the finance director may require the seller to submit returns and payment each month.
3. Yearly. If a seller submits within the dates required for the four quarterly returns for a calendar year and the total amount collected and remitted to the city and borough of Sitka is two hundred dollars or less, seller may request in writing to the finance director, to file a sales tax return once a year for the previous calendar year. The yearly sales tax return is due on January 31st of each year. If total sales tax collected and/or remitted to the city and borough of Sitka exceeds two hundred dollars, seller may be required to file quarterly sales tax returns for future sales. If seller fails to file yearly sales tax return by due date, seller may be required to file and remit sales tax quarterly. If the seller fails to file yearly sales tax return and the amount of sales tax collected during the period of the return exceeds five hundred dollars, seller may be required to submit sales tax returns and remit sales tax to the city and borough of Sitka monthly for a minimum of one year.
4. Itinerant Seller. A person doing business within the city and borough of Sitka and liable for an itinerant nonresident business license on less than an annual basis shall file a sales tax return and remit in full the tax shown as due within twenty-four hours following the expiration of his license, but in any event prior to leaving the city and borough of Sitka.

5. Filing to be Continuous. A person who has filed a sales tax return will be presumed to be making sales in successive quarters unless the person files a return showing termination or sale of their business.

B. For the purposes of the sales tax, a return must be filed by the seller required to collect the tax.

C. Each return must be authenticated by the person filing the return or by the person's agent authorized in writing to file the return.



# CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

## MEMORANDUM

**To:** Mayor Eisenbeisz and Assembly Members

**Thru:** John Leach, Municipal Administrator

**From:** Melissa Haley, Finance Director

**Date:** September 7, 2022

**Subject:** FY2022 Sales Tax-Free shopping days

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### **Background**

Per SCG 4.09.020, each year the assembly must decide at the first meeting in September whether to authorize sale tax-free days (historically, the two days following Thanksgiving). The sales tax-free sales do not apply to fuel, alcohol, tobacco, or marijuana.

### **Analysis**

A complicating factor is that we are required to inform the Alaska Remote Sellers Sales Tax Commission (ARSSTC) of any sales tax-free days adopted by the Assembly, as we cannot treat remote sellers differently than local vendors. While it is likely that many remote sellers will be unable to implement this within their systems, some may be able to do so, and as software becomes more robust, the likelihood that remote sellers will implement the sales tax-free days increases.

### **Fiscal Note**

Based on analysis of last year's returns, we anticipate that a minimum of \$500,000 in exempt local sales will be made. At this level, the cost in sales tax revenue of two sales-tax free days following the Thanksgiving holiday would be at least \$25,000. We also plan to improve tracking within our software to ensure that we can provide a more precise estimate in the future.