



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*

Tuesday, September 27, 2022

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. RECITAL OF LANDS ACKNOWLEDGEMENT

IV. ROLL CALL

V. CORRESPONDENCE/AGENDA CHANGES

[22-137](#) Reminders, Calendars, and General Correspondence

Attachments: [Reminders and Calendars](#)

[Sitka Tourism Feedback Report 9-7-20-22](#)

VI. CEREMONIAL MATTERS

[22-130](#) Certificate of Appreciation - Dan Etulain

Attachments: [Certificate of Appreciation Dan Etulain](#)

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

[22-132](#)

- 1) Sitka Tribe of Alaska, Chairman
- 2) Tourism Survey - Planning and Community Development Director
- 3) Demonstration of Open Finance - Municipal Administrator
- 4) Sitka Seaplane Base 30% Design Update - Public Works Director

Attachments: [Special Reports](#)

[Seaplane Base - Assembly Project Status Briefing 09.22.22](#)

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 [22-131](#)

Approve the September 13 Assembly meeting minutes

Attachments: [Consent and Minutes](#)

B [22-133](#)

Approve the following liquor license documents: 1) a liquor license transfer of ownership/location application, restaurant designation permit application, and premises diagram application submitted by DPJT, Inc. dba Nugget Restaurant at 600 Airport Rd, Ste. A, and HPR Group, Inc. dba Halibut Point Crab and Chowder at 4513 Halibut Point Road, Suite 102, and 2) a new liquor license application, restaurant designation permit application, and premises diagram application submitted by DPJT, Inc. dba Nugget Restaurant at 600 Airport Road, Ste. A

Attachments: [Motion and Memos](#)

[#790 Transfer LGB Notice and Documents](#)

[#6067 New LGB Notice and Documents](#)

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

None.

XI. UNFINISHED BUSINESS:

C [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 Ord 2022-23](#)

[Memo Ord 2022-23](#)

[Ord 2022-23](#)

- D** [ORD 22-24](#) Updating Title 9 “Health and Sanitation” of the Sitka General Code by modifying chapter 9.16 “Ambulance Service”
 Attachments: [Motion Ord 2022-24](#)
 [Memo Ord 2022-24](#)
 [Ord 2022-24](#)
- E** [ORD 22-25](#) Making supplemental appropriations for fiscal year 2023 (Crescent Harbor Finger Repair)
 Attachments: [Motion Ord 2022-25](#)
 [Signed Memo and Ord 2022-25](#)
- XII. NEW BUSINESS:**
- F** [RES 22-26](#) Adopting the document named the Sitka 2022-2027 Strategic Plan (1st and final reading)
 Attachments: [Motion Memo Res 2022-26](#)
 [Sitka SP Draft.9.21.22](#)
- G** [22-134](#) Board of Adjustment: Consideration of an appeal filed by Larry T. Calvin, Kris Calvin, Eric Calvin, Leif Calvin, and Karen Calvin-Woodard for the Planning Commission's approval of a variance request for 1415 Davidoff Street. The applicant is Sam Smith, and Hardrock Construction, LLC is the owner of record.
 Attachments: [Procedure and Motions](#)
 [CBS Submittal](#)
 [Calvin Submittal](#)
- H** [22-135](#) Discussion / Direction / Decision of the Municipal Administrator's annual recommended transfer to the Public Infrastructure Sinking Fund
 Attachments: [Motion and Memo PISF transfer](#)
- I** [RES 22-27](#) Reaffirming the second Monday in October as Indigenous People's Day (1st and final reading)
 Attachments: [Motion and Res 2022-27](#)
- J** [22-136](#) Discussion / Decision to extend the duration of the Sitka Bear Task Force through January 2023 and reduce the number of members, if needed
 Attachments: [Bear Task Force](#)
- 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 and Special 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 23*



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 22-137 **Version:** 1 **Name:**
Type: Correspondence **Status:** AGENDA READY
File created: 9/21/2022 **In control:** City and Borough Assembly
On agenda: 9/27/2022 **Final action:**
Title: Reminders, Calendars, and General Correspondence
Sponsors:
Indexes:
Code sections:
Attachments: [Reminders and Calendars](#)
[Sitka Tourism Feedback Report 9-7-20-22](#)

Date	Ver.	Action By	Action	Result
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REMINDERS

<u>DATE</u>	<u>EVENT</u>	<u>TIME</u>
Tuesday, September 27	Regular Meeting	6:00 PM
Tuesday, October 11	Regular Meeting	6:00 PM



MUNICIPAL ELECTION

Tuesday, September 27	Last day to request absentee by mail ballot
Monday, October 3	Last day of Absentee/Advanced in-person voting at Harrigan Centennial Hall
Tuesday, October 4	Municipal Election- Polls Open from 7 a.m.-8 p.m.

Expiring Terms:

Assembly
Steven Eisenbeisz
Kevin Knox
Thor Christianson

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

September 2022

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

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> 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> 6:00pm <u>Regular Assembly Mtg</u>	5:00pm <u>Tree & Landscape - Liaison Himschoot</u> 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 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 Topic: Short-Term Tourism Plan Review and 2023 Season Planning			
30		31	1	2	3	4	5	
Miller	Miller	Miller		Miller 6:00pm <u>School Board - Liaison Himschoot</u> 7:00pm Planning Commission- Liaison Christianson	Miller 12:00pm Sitka Bear Task Force			

**LINCOLN
STREET**

CLOSURES

2022 Sitka Tourism Feedback Tracking

September 7-20, 2022

Date	Source	Concern Type	Submitter Type	Recipient	Summary
9/7/2022	Feedback Line	Taxi Company	Cruise Ship Visitor	VS Laurie Booyse	Visitor relayed a negative experience with a Taxi Company on a recent visit to Sitka.
9/7/2022	VS email	General Tourism	Resident	VS Sandy White	Resident asked the question: So how come visitors are standing in the rain waiting for the busses rather than under Centennial porch roof.
9/13/2022	Visit Center walk in visitor	General Tourism	Cruise Ship Visitor	VS Sandy White	A cruiseship visitor and her husband arrived on the cruiseship Eclipse on the morning of 9/13/22. As she and her husband were traveling thru the terminal to get in line for the free shuttle when they witnessed, who they assumed was an employee, at the line up for the shuttle, talking in a very condesenting manner toward the elderly and wheel-chair bound visitors who were attempting to get in the line. She got very upset when she saw this happening and told the employee that he had no right to speak to the visitors that way, to which he replied he was tired of tourists.



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 22-130 Version: 1 Name:

Type: Ceremonial Status: AGENDA READY

File created: 9/21/2022 In control: City and Borough Assembly

On agenda: 9/27/2022 Final action:

Title: Certificate of Appreciation - Dan Etulain

Sponsors:

Indexes:

Code sections:

Attachments: [Certificate of Appreciation Dan Etulain](#)

Date	Ver.	Action By	Action	Result
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Certificate of Appreciation

is hereby presented to


Dan Etulain

*The City & Borough of Sitka hereby recognizes Dan Etulain for over 27 years of service
providing live video broadcasts of Assembly meetings to Sitka.*

With our sincere gratitude.

Signed and sealed this 27th day of September, 2022





Steven Eisenbeisz, Mayor

ATTEST:



Sara Peterson, MMC
Municipal Clerk



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 22-132 Version: 1 Name:
Type: Special Report Status: AGENDA READY
File created: 9/21/2022 In control: City and Borough Assembly
On agenda: 9/27/2022 Final action:

Title: 1) Sitka Tribe of Alaska, Chairman
2) Tourism Survey - Planning and Community Development Director
3) Demonstration of Open Finance - Municipal Administrator
4) Sitka Seaplane Base 30% Design Update - Public Works Director

Sponsors:

Indexes:

Code sections:

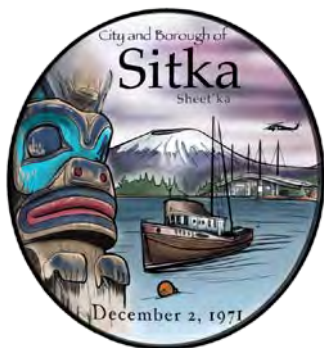
Attachments: [Special Reports](#)
[Seaplane Base - Assembly Project Status Briefing 09.22.22](#)

Date	Ver.	Action By	Action	Result
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Special Reports

1. **Sitka Tribe of Alaska**, Chairman
2. Tourism Survey, Planning and Community Development Director
3. **Demonstration of Open Finance**, Municipal Administrator
4. **Sitka Seaplane Base 30% Design Update**, Public Works Director



CITY AND BOROUGH OF SITKA
A COAST GUARD CITY

Sitka Seaplane Base

CBS Assembly

Project Status Briefing

September 27, 2022

Presentation Overview

1. Project Timeline – Where We Started, Design Progression, Where We Are Now, Public Involvement
2. Engineering Design and Construction Cost Estimating
3. Re-Evaluation of EA/FONSI
4. Land Acquisition
5. Project Schedule
6. Next Steps



Project Timeline

2000: CBS started evaluating new sites for possible SPB.

2002: Siting studies completed, Japonski Island Site selected as preferred option, SPB Master Plan completed.

2016: January storm damage temporarily closes existing and aging SPB. Recognizing limited lifespan, poor condition, minimal amenities and site constraints, CBS updated Japonski Island SPB Siting Analysis, Layout and Features.

2018: Land Acquisition for discussions commence for Japonski Island SPB Site.

August – Assembly Meeting identified development of a new seaplane base as a priority and supported acquisition of the upland parcel via Resolution 2018-22

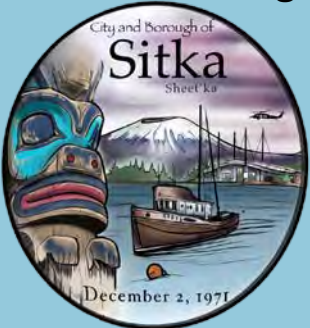
2019: CBS conducts Public Meeting/Agency Scoping for New SPB at Harrigan Centennial Hall in May.

September – Assembly Meeting approved execution of EA/Planning Grant and match via Ordinance 2019-37

2021: Final Environmental Assessment (EA) and Finding Of No Significant Impacts (FONSI) in June.

September – Assembly Meeting approved continued base development, land acquisition, and execution of Design and Land Acquisition Grant; Resolution 2021-18

2022: Engineering Design Commences in January.



Public Involvement between Preliminary and 35% Design

Meeting Date	Topic	Audience
December 11, 2019	Project Scoping (Planning/Environmental Review)	Aviation Stakeholders
December 11, 2019	Project Scoping (Planning/Environmental Review)	General Public
December 12, 2019	Project Scoping (Planning/Environmental Review)	Agencies – ADEED, NOAA, USACOE, MEHS, DNR, FAA, USCG
June 24, 2020	Review Proposed Concepts & Prioritize Amenities	Aviation Stakeholders
February 17, 2021	Draft Environmental Assessment	General Public
March 19, 2021	Tribal Council Consultation	Sitka Tribe of Alaska (STA), SEARHC, FAA
April 16, 2021	Environmental Consultation	STA
May 4, 2022	Preliminary Design	Aviation Stakeholders
June 28, 2022	35% Design Review	Aviation Stakeholders
July 20, 2022	Continued 35% Design Review	Aviation Stakeholders

Other Outreach:
DOWL hosted project website

CBS hosted project website



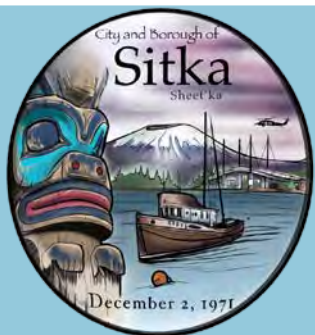
Existing Seaplane Base

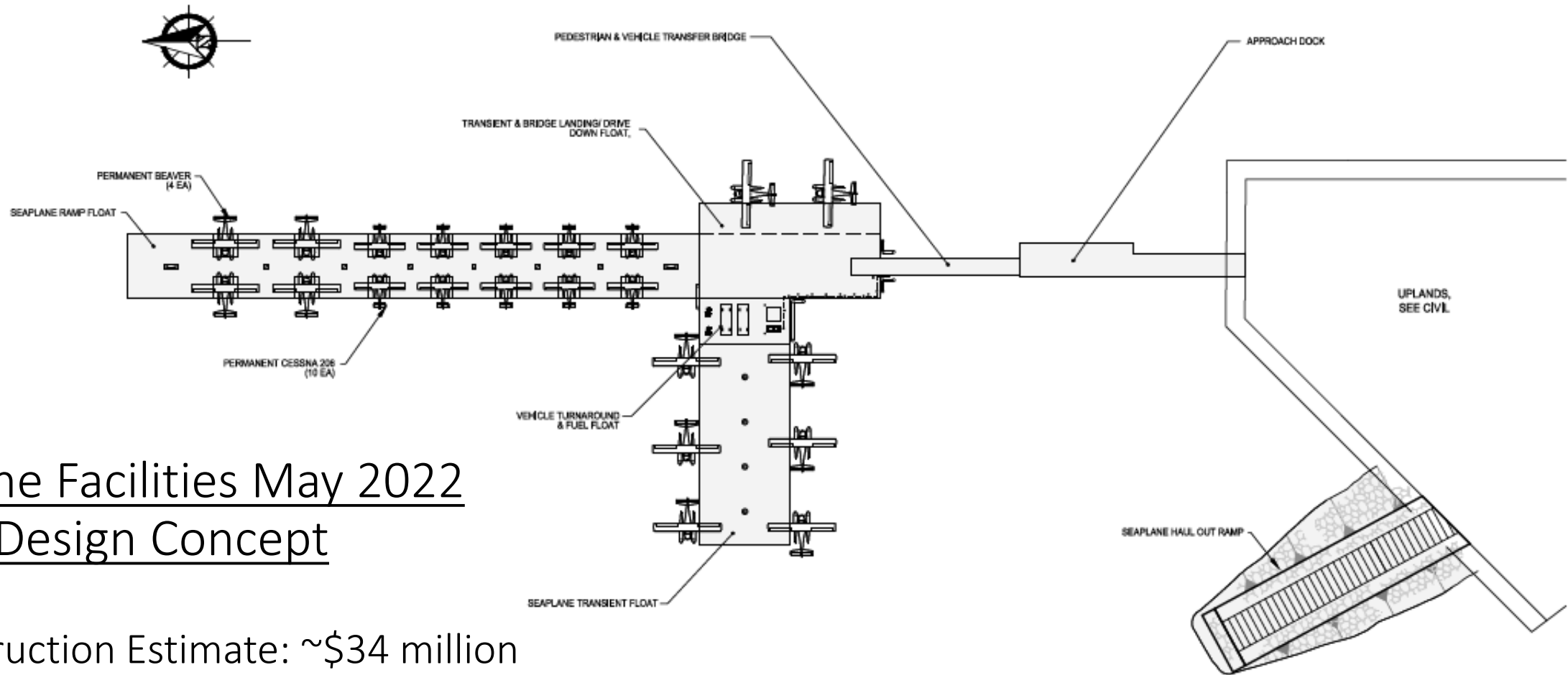
Features:

- 8 Float slips (4 not accessible at low tide)
- Access floats from Katlian St by elevated gangway/ramp
- Parking for 2 vehicles on Katlian St

Deficiencies:

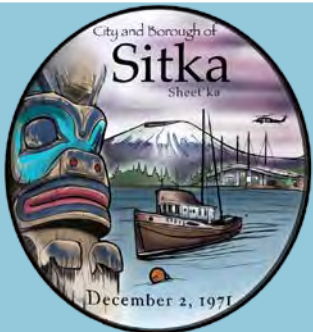
- At end of useful life/expensive to maintain
- Insufficient parking for aircraft/vehicles
- No on-site fueling, aircraft maintenance area, or aircraft pull out ramp
- Conflicts with boat traffic in narrow channel
- Conflicts and bird hazards from adjacent seafood processing facility





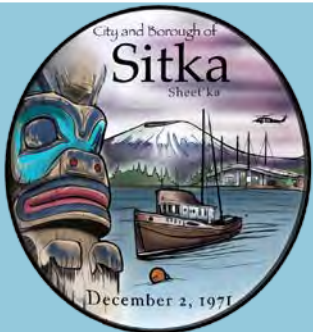
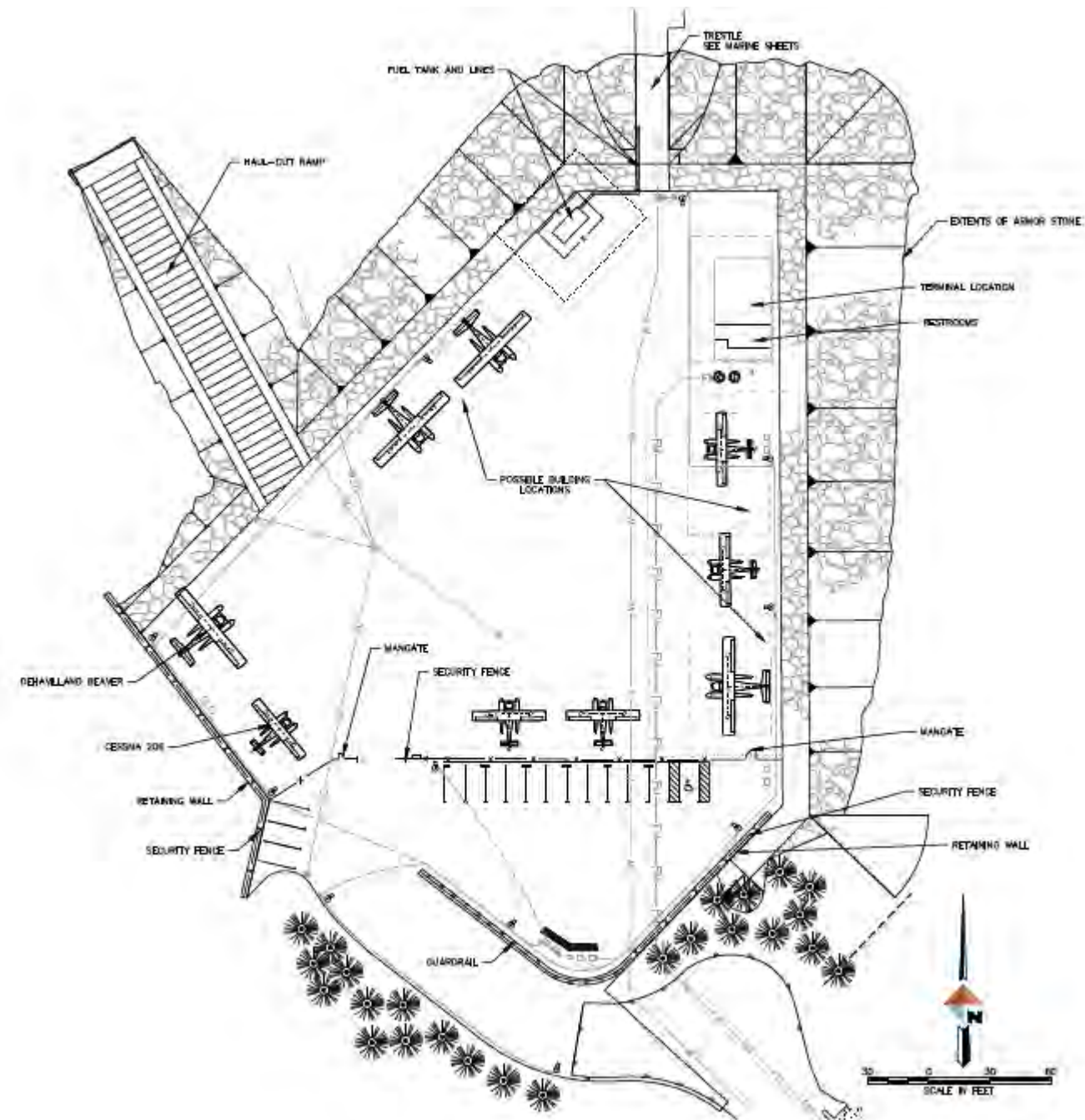
Marine Facilities May 2022 35% Design Concept

Construction Estimate: ~\$34 million
CBS Match: ~\$2.1 million



Upland Facilities May 2022 35% Design Concept

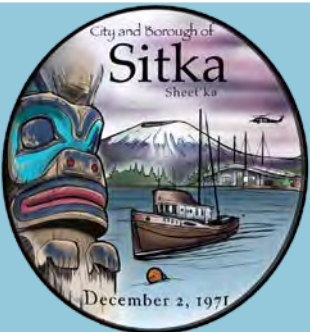
Construction Estimate: ~\$34 million
CBS Match: ~\$2.1 million

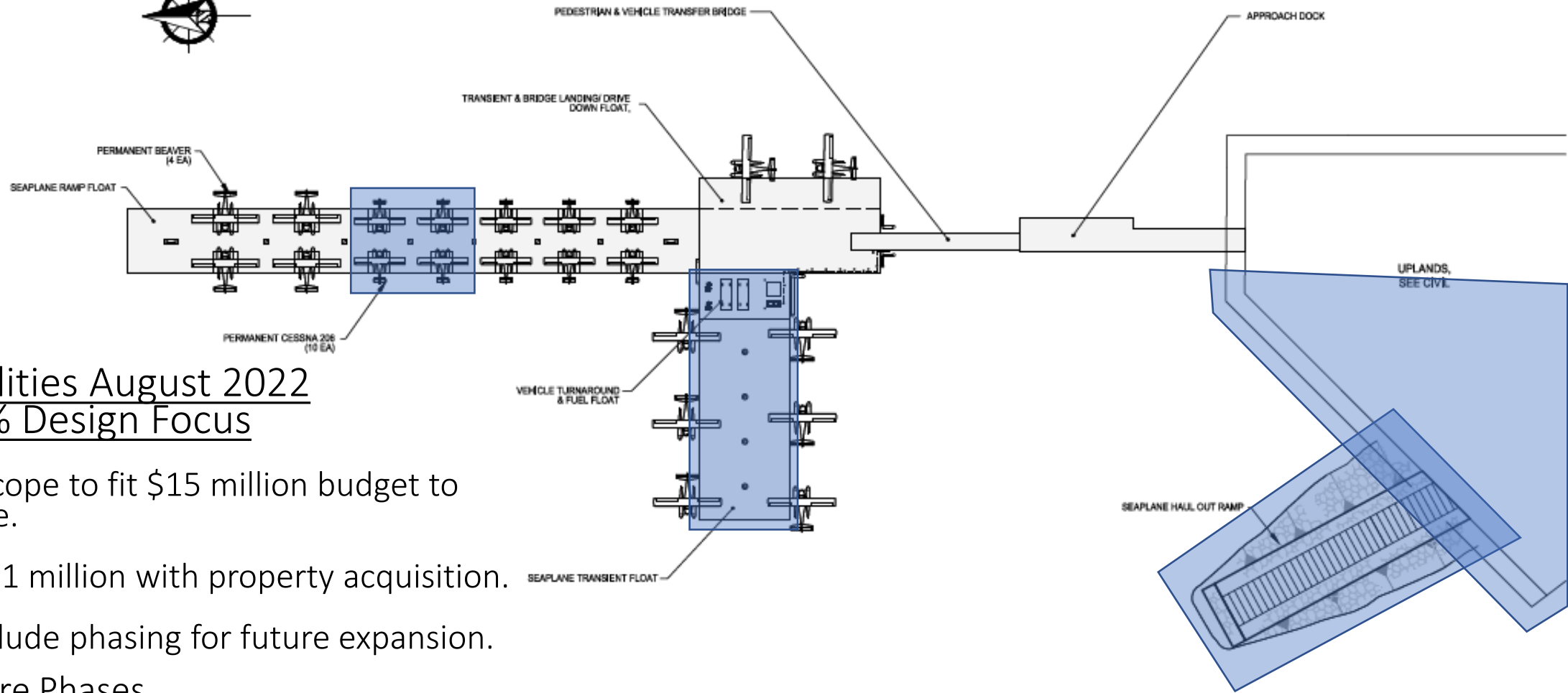


Summary of Differences

Preferred Concept (2020) \$15M to 35% Design Concept (2022) \$34M

- Increased marine facilities – longer permanent slip float, larger transient float (increase in 3 transient slips), expanded vehicle turnaround to include fuel area.
- Inclusion of restrooms, small terminal building, and security fencing.
- More accurate cost estimate for the utilities.
- Refined design and cost estimating.
 - Preliminary concept was made before any real information about the site, water depth and wave action was prepared; such as site topo survey, bathymetric survey, wind and wave study, wetland delineation, cultural & historical study, etc.
- Increased material costs due to the ongoing COVID pandemic and inflation.





Marine Facilities August 2022 Revised 35% Design Focus

Scaling back scope to fit \$15 million budget to extent possible.

CBS Match: ~\$1 million with property acquisition.

Design will include phasing for future expansion.



Future Phases




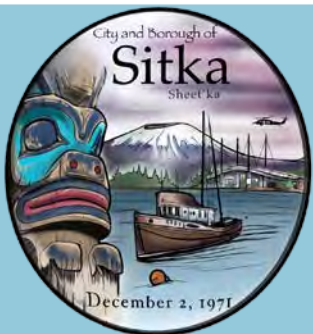
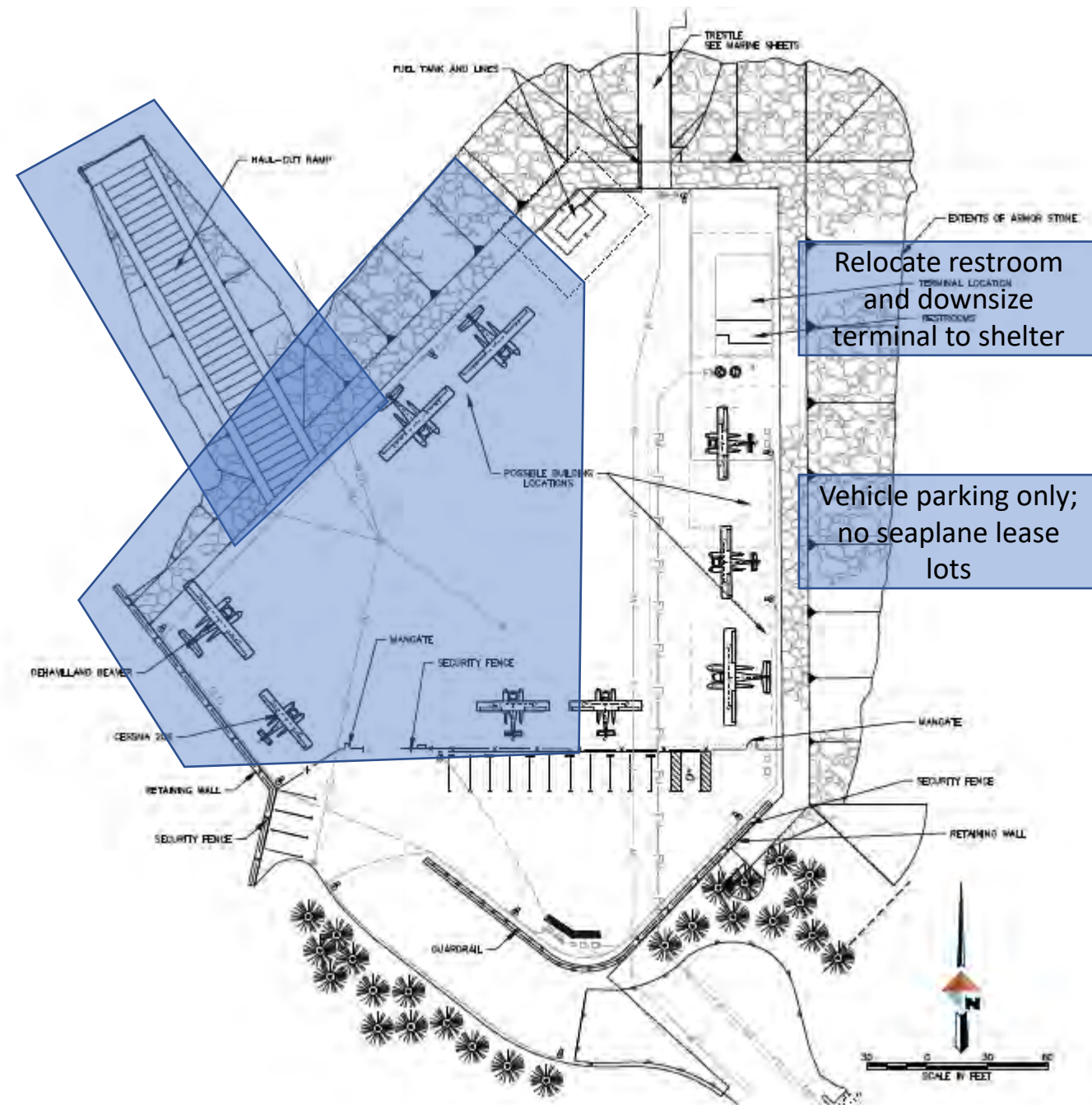
Upland Facilities August 2022 Revised 35% Design Focus

Scaling back scope to fit \$15 million budget to extent possible.

CBS Match: ~\$1 million with property acquisition

Design will include phasing for future expansion.

 Future Phases



Financial Analysis

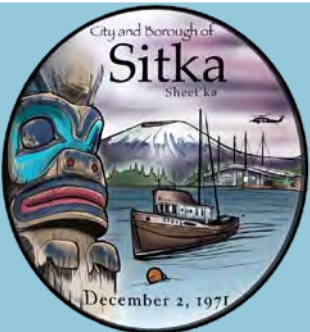
Existing Costs

Phase	Expended	Encumbered	Secured Grant Funding
EA/Planning	\$842,629	\$0	\$842,629 (6.25% or \$52,664 CBS match)
Design	\$844,323	\$1,622,746	\$3,208,066 (no match)
<i>Subtotal</i>	<i>\$3,309,689</i>		<i>\$4,050,695</i>

Funds Needed Based on Current Design

Phase	Estimated Remaining Costs	Est. CBS Match @6.25%
Land Acquisition	\$753,125	\$47,070
Construction	\$34,000,000	\$2,125,000
<i>Subtotal</i>	<i>\$34,753,125</i>	<i>\$2,172,070</i>

Est. Project Totals	\$38,062,814	Total Match	\$2,224,734 (including EA/planning)
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EA/FONSI Reassessment Timeline

2021: June: Final Environmental Assessment (EA) and Finding Of No Significant Impacts (FONSI).

June-October: Concerns from STA regarding components of the EA process (noise and traffic, subsistence, location selection).

October: G2G meeting between FAA and Sitka Tribe of Alaska (STA) to address concerns.

2022: January: Engineering Design Commences in January.

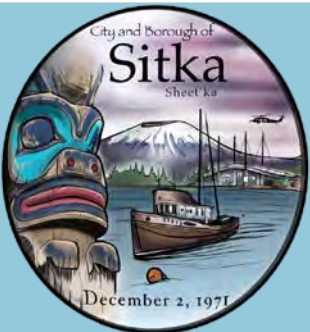
April: FAA responds to STA saying CBS will relook at siting analyses. CBS was not notified.

September 8: CBS was notified and instructed to revisit the siting analyses.

September 16: CBS provided letter revisiting the site analysis; No reason exists for sites other than the preferred to be re-considered based.

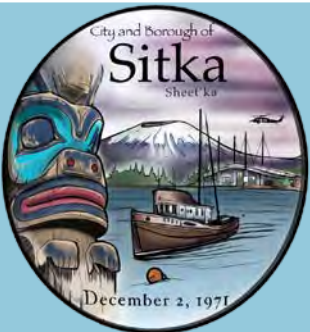
September 22: CBS and consultants met with the FAA to discuss the siting.

On-going: The reassessment has currently delayed project funding one (1) year. CBS will continue coordinating with FAA to ensure the environmental process continues with minimal additional delay to the project schedule.

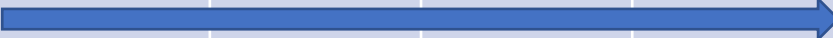








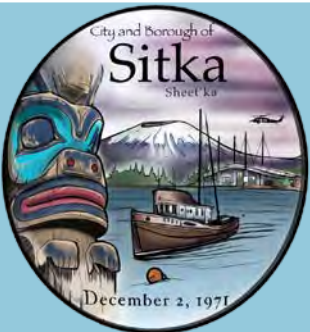
Land Acquisition Timeline

- 2018:** Land Acquisition for discussions commence for Japonski Island SPB Site.
- 2019:** Completed Fair Market Value Appraisal for parcel.
- 2021:** CBS and DEED negotiate binding commitment for sale of the land for \$753,125. Sale must be completed by December 31, 2022 or else DEED can renegotiate the purchase price.
- 2022:** March 4: CBS paid \$10,000 in Earnest Money.
- August 10: CBS coordinated with USCG, DEED, and FAA about continued pursuit of land acquisition.
- September 14: CBS notified by FAA that Grant Funding for either Land Acquisition or Construction moved to FY24. Per FAA, if CBS purchases the land prior to the grant all costs will be reimbursable under the grant.
- On-going: Continued coordination with DEED, USCG, and FAA for subdivision and purchase of the parcel.
- December 31:** Deadline for purchase of parcel *without reassessing land value.*



Overall Project Schedule

Milestone	2019	2020	2021	2022	2023	2024	2025	2026	2027
EA/FONSI						??			
Airport Planning									
Seaplane Base Layout Plan									
Design									
Land Acquisition Grant									
Construction									
Operation									



Next Steps

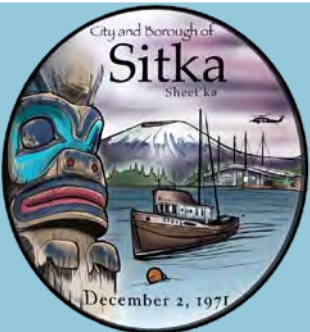
- Continue progressing with scaled-back design; develop optional design elements and associated costs for inclusion.

Engage Assembly to select additional design elements and approve required match.

- Proceed with Land Acquisition in 2022 (Subdivision of Land with USCG and Purchase of Property from DEED).

Request Assembly (October) to appropriate funds for land acquisition this year.

- Continue coordination with FAA Environmental on the EA/FONSI Reassessment.
- Continue strategizing additional funding opportunities.





CITY AND BOROUGH OF SITKA

Legislation Details

File #: 22-131 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 9/21/2022 In control: City and Borough Assembly

On agenda: 9/27/2022 Final action:

Title: Approve the September 13 Assembly meeting minutes

Sponsors:

Indexes:

Code sections:

Attachments: [Consent and Minutes](#)

Date	Ver.	Action By	Action	Result
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CONSENT AGENDA

POSSIBLE MOTION

**I MOVE TO APPROVE THE CONSENT AGENDA
CONSISTING OF ITEMS A & B.**

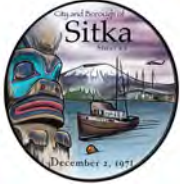
I wish to remove Item(s) _____

**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 September 13
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*

Tuesday, September 13, 2022

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. RECITAL OF LANDS ACKNOWLEDGEMENT

IV. ROLL CALL

Himschoot attended by Zoom from 6:00 p.m. to 7:45 p.m.

Present: 4 - Christianson, Knox, Mosher, and Miller

Absent: 2 - Eisenbeisz, and Duncan

Remote: 1 - Himschoot

V. CORRESPONDENCE/AGENDA CHANGES

No agenda changes.

[22-128](#)

Reminders, Calendars, and General Correspondence

VI. CEREMONIAL MATTERS

Deputy Mayor Knox paid tribute to former Mayor John Dapceovich and offered condolences to the Dapceovich family.

[22-124](#)

Service Awards- Climate Action Task Force Members

Deputy Mayor Knox presented service awards to Climate Action Task Force Members Elizabeth Bagley, Katie Riley, Kent Barkhou, Molly Gear, Elizabeth Borneman, Darby

Osborne, and Caitlin Woolsey.

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

Planning and Community Development Director Amy Ainslie announced the Department would issue an end of season tourism survey and told of a joint tourism work session with the Planning Commission/Assembly on October 27.

[22-125](#)

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

Climate Action Task Force Chair and Vice Chair, Elizabeth Bagley and Katie Riley, summarized the work of the Task Force, thanked members and staff, and told of the soon to be formed Sustainability Commission.

Public Works Director and Municipal Engineer, Michael Harmon and Mike Schmetzer, shared an update on the Rocky Gutierrez Airport Terminal Improvements Project.

VIII. PERSONS TO BE HEARD

Richard Wein spoke about fossil fuels, the Dow Jones, Consumer Price Index, and gasoline prices, stated Sitka was economically sensitive, and tourism was a luxury item.

IX. CONSENT AGENDA

A motion was made by Mosher that the Consent Agenda consisting of Item A be APPROVED. The motion PASSED by the following vote.

Yes: 5 - Christianson, Knox, Mosher, Himschoot, and Miller

Absent: 2 - Eisenbeisz, and Duncan

- A** [22-126](#) Approve the August 18 and August 23 Assembly meeting minutes

This item was APPROVED ON THE CONSENT AGENDA.

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"

Richard Wein said the creation of a Commission was good and stated the importance of capping growth in a meaningful way.

Mosher and Christianson applauded the Task Force for their work.

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

Yes: 5 - Christianson, Knox, Mosher, Himschoot, and Miller

Absent: 2 - Eisenbeisz, and Duncan

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

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

Yes: 5 - Christianson, Knox, Mosher, Himschoot, and Miller

Absent: 2 - Eisenbeisz, and Duncan

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)

From the public, Keith Brady, Richard Wein, Tory O’Connell Curran, Anne Pollnow, Wendy Alderson, Teal West, Katie Riley, and Maureen O’Hanlon testified. Brady, Wein, Pollnow, and West encouraged the Assembly to vote no. O’Connell Curran, Alderson, Riley, and O’Hanlon spoke in support of the ordinance.

Assembly members commented the ordinance was a good starting place for addressing the housing crisis in Sitka.

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

Yes: 5 - Christianson, Knox, Mosher, Himschoot, and Miller

Absent: 2 - Eisenbeisz, and Duncan

E [ORD 22-22](#)

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

Richard Wein reminded of the \$254k appropriation related to the former Sitka Community Hospital CERNER health records project.

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

Yes: 4 - Christianson, Knox, Mosher, and Miller

Absent: 3 - Eisenbeisz, Himschoot, and Duncan

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"

Assessing Director Larry Reeder said in the past the February 15 deadline had confused some applicants. He proposed moving the application to the end of February and stated the new deadline would not impact the ability to meet Value Notice mailings on March 15.

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

Yes: 4 - Christianson, Knox, Mosher, and Miller

Absent: 3 - Eisenbeisz, Himschoot, and Duncan

G [ORD 22-24](#)

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

Fire Chief Craig Warren explained current Code stated ambulance service only existed until a private ambulance service could provide emergency medical response in Sitka. Warren noted Code language predated the creation of Emergency Medical Services (EMS) in the State of Alaska and was now obsolete due to the state certification processes for EMS. The Fire Department EMS division currently provided ambulance services to Sitka residents. Warren said there could come a time when a private ambulance service was established in Sitka. The ordinance would ensure consistent emergent response and stabilization of medical patients, by the Fire Department EMS division, regardless of the organization providing transport. The proposed code change would also allow the Fire Department to a bill to the current allowable rates set by the Centers for Medicare/Medicaid Services (CMS) without having to go back to the Assembly on an annual basis.

Richard Wein voiced support.

Christianson noted the change was long overdue.

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

Yes: 4 - Christianson, Knox, Mosher, and Miller

Absent: 3 - Eisenbeisz, Himschoot, and Duncan

H [ORD 22-25](#)

Making supplemental appropriations for fiscal year 2023 (Crescent Harbor Finger Repair)

Harbormaster Stan Eliason told of substantial fire damage in Crescent Harbor that had occurred in May. While a firm estimate for full repair had not been secured, he did not expect it to exceed the requested appropriation of \$250k. Police Chief Robert Baty reminded damage was due to a criminal act and restitution would be sought.

Richard Wein noted the City didn't have insurance on the harbors and wondered where the money would come from for repairs.

Christianson wondered about restitution amounts. Municipal Attorney Hanson reminded the alleged perpetrators were juveniles and restitution remained to be seen. Knox commented harbor users and the community would share the burden of repair costs.

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

Yes: 4 - Christianson, Knox, Mosher, and Miller

Absent: 3 - Eisenbeisz, Himschoot, and Duncan

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

Police Chief Robert Baty provided an overview of the grant opportunity that would pay for one police position to perform drug investigative work. Knox wondered what happened at the end of the grant term. Baty said the Police Department would continue to perform drug investigative work.

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

Yes: 4 - Christianson, Knox, Mosher, and Miller

Absent: 3 - Eisenbeisz, Himschoot, and Duncan

- 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 Wachusett Storm Sewer Rehabilitation Project

Public Works Director Michael Harmon said this was the sister project to the Peterson Street project and reminded the grant was a good opportunity to solidify remaining funding for the project. He added the project was well positioned to be shovel ready in November.

Knox disclosed he lived downstream from the project but didn't believe there to be a conflict of interest. There were no objections from the Assembly.

Richard Wein wondered if there was follow up with fish studies to determine whether the barrier was successful. He reminded of the importance of tracking matching funds and the overall impacts on the General Fund.

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

Yes: 4 - Christianson, Knox, Mosher, and Miller

Absent: 3 - Eisenbeisz, Himschoot, and Duncan

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

Finance Director Melissa Haley relayed that based on the analysis of last year's returns, it was anticipated a minimum of \$500,000 in exempt local sales would 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. She reminded if a seller erroneously collected sales tax, and wasn't able to issue a refund, they were obligated to remit it.

From the public, Richard Wein spoke favorably of sales-tax free days. He wondered about notification to the Remote Sellers Commission, what the Commission was doing to inform remote sellers, and the legal obligation to do so.

A motion was made by Christianson to authorize November 25 and November 26 as Sales Tax Free days 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. The motion PASSED by the following vote.

Yes: 4 - Christianson, Knox, Mosher, and Miller

Absent: 3 - Eisenbeisz, Himschoot, and Duncan

XIII. PERSONS TO BE HEARD:

Richard Wein spoke about the passing of former Mayor John Dapcevich, stated Abby's Reflection was closing, and said COVID vaccines for young people were unethically justified.

XIV. REPORTS

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

Liaison Representatives - Knox reported on the Parks and Recreation Committee meeting.

Clerk - Peterson reviewed voting options for the October 4 Regular Municipal Election and read through the board/commission vacancy list.

Other - Miller thanked individuals involved in the National Night Out and Coast Guard appreciation events.

XV. EXECUTIVE SESSION

None.

XVI. ADJOURNMENT

A motion was made by Christianson to ADJOURN. Hearing no objections, the meeting ADJOURNED at 8:48pm.

ATTEST: _____
Sara Peterson, MMC
Municipal Clerk



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 22-133 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 9/21/2022 In control: City and Borough Assembly

On agenda: 9/27/2022 Final action:

Title: Approve the following liquor license documents: 1) a liquor license transfer of ownership/location application, restaurant designation permit application, and premises diagram application submitted by DPJT, Inc. dba Nugget Restaurant at 600 Airport Rd, Ste. A, and HPR Group, Inc. dba Halibut Point Crab and Chowder at 4513 Halibut Point Road, Suite 102, and 2) a new liquor license application, restaurant designation permit application, and premises diagram application submitted by DPJT, Inc. dba Nugget Restaurant at 600 Airport Road, Ste. A

Sponsors:

Indexes:

Code sections:

Attachments: [Motion and Memos](#)
[#790 Transfer LGB Notice and Documents](#)
[#6067 New LGB Notice and Documents](#)

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

POSSIBLE MOTION

I MOVE TO approve the following liquor license documents and forward to the Alcoholic Beverage Control Board without objection:

- a liquor license transfer of ownership/location application, restaurant designation permit application, and premises diagram application submitted by DPJT, Inc. dba Nugget Restaurant at 600 Airport Rd, Ste. A, and HPR Group, Inc. dba Halibut Point Crab and Chowder at 4513 Halibut Point Road, Suite 102, and
- a new liquor license application, restaurant designation permit application, and premises diagram application submitted by DPJT, Inc. dba Nugget Restaurant at 600 Airport Road, Ste. A.



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members

Thru: John Leach, Municipal Administrator

From: Sara Peterson, Municipal Clerk

Date: September 19, 2022

Subject: Liquor License Applications

The Municipal Clerk's Office has received notification from the Alcohol and Marijuana Control Office of:

- 1) a liquor license transfer of ownership/location application, restaurant designation permit application, and premises diagram application submitted by DPJT, Inc dba Nugget Restaurant at 600 Airport Rd, Ste. A to HPR Group, Inc dba Halibut Point Crab and Chowder at 4513 Halibut Point Road, Suite 102, and
- 2) a new liquor license, restaurant designation permit, and premises diagram applications submitted by DPJT, Inc dba Nugget Restaurant at 600 Airport Rd, Ste. A.

Transfer of Ownership/Location

Transfer From

License Type:	Beverage Dispensary
Licensee:	DPJT, Inc
License #:	790
DBA:	Nugget Restaurant
Premises Address:	600 Airport Rd, Ste. A

Transfer To

Licensee:	HPR Group, Inc
Designated Licensee:	Benjamin Hilberg
DBA:	Halibut Point Crab and Chowder
Premises Address:	4513 Halibut Point Road, Suite 102

Restaurant Designation Permit Application

License #: 790
DBA: Halibut Point Crab and Chowder
License Type: Beverage Dispensary
Licensee: HPR Group, Inc
Premises Address: 4513 Halibut Point Road, Suite 102

This request is for the request of designation as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049, and for the request of the following designations:

- Dining after standard closing hours: AS 04.16.010(c)
- Dining by persons 16-20 year of age: AS 04.16.049(a)(2)
- Dining by persons under the age of 16 years, accompanied by a person over the age of 21: AS 04.16.049(a)(3)
- Employment for persons 16 or 17 years of age: AS 04.16.049(c)

Premises Diagram

License #: 790
DBA: Halibut Point Crab and Chowder
License Type: Beverage Dispensary
Licensee: HPR Group, Inc
Premises Address: 4513 Halibut Point Road, Suite 102

New License

License #: 6067
Licensee: DPJT, Inc
Designated Licensee: Tim Holder
License Type: Beverage Dispensary Tourism
DBA: Nugget Restaurant
Premises Address: 600 Airport Road Suite A

Restaurant Designation Permit Application

License #: 6067
DBA: Nugget Restaurant
License Type: Beverage Dispensary Tourism
Licensee: DPJT, Inc
Premises Address: 600 Airport Road Suite A

This request is for the request of designation as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049, and for the request of the following designations:

- Dining by persons 16-20 year of age: AS 04.16.049(a)(2)
- Dining by persons under the age of 16 years, accompanied by a person over the age of 21: AS 04.16.049(a)(3)
- Employment for persons 16 or 17 years of age: AS 04.16.049(c)

Premises Diagram

License #: 6067
DBA: Nugget Restaurant
License Type: Beverage Dispensary Tourism
Licensee: DPJT, Inc
Premises Address: 600 Airport Road Suite A

Memos were circulated to the various departments who may have a reason to protest these requests. No departmental objections were received.

Recommendation:

Approve the following liquor license documents and forward to the Alcoholic Beverage Control Board without objection: 1) a liquor license transfer of ownership/location application, restaurant designation permit application, and premises diagram application submitted by DPJT, Inc. dba Nugget Restaurant at 600 Airport Rd, Ste. A, and HPR Group, Inc. dba Halibut Point Crab and Chowder at 4513 Halibut Point Road, Suite 102, and 2) a new liquor license application, restaurant designation permit application, and premises diagram application submitted by DPJT, Inc. dba Nugget Restaurant at 600 Airport Road, Ste. A.



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Utility Billing Clerk – Erica
Collections - Carolyn
Municipal Billings – Erica
Sales Tax/Property Tax - Justin
Fire Department
Police Department
Building Official(s)

From: Sara Peterson, Municipal Clerk

Date: September 14, 2022

Subject: Liquor License Applications

The Municipal Clerk's Office has been notified by the Alcohol and Marijuana Control Office of:

- 1) a liquor license transfer of ownership/location, restaurant designation permit, and premises diagram applications submitted by DPJT, Inc dba Nugget Restaurant at 600 Airport Rd, Ste. A to HPR Group, Inc dba Halibut Point Crab and Chowder at 4513 Halibut Point Road, Suite 102, and
- 2) a new liquor license, restaurant designation permit, and premises diagram applications submitted by DPJT, Inc dba Nugget Restaurant at 600 Airport Rd, Ste. A.

Transfer of Ownership/Location

Transfer From

License Type:	Beverage Dispensary
Licensee:	DPJT, Inc
License #:	790
DBA:	Nugget Restaurant
Premises Address:	600 Airport Rd, Ste. A

Transfer To

Licensee:	HPR Group, Inc
Designated Licensee:	Benjamin Hilberg
DBA:	Halibut Point Crab and Chowder
Premises Address:	4513 Halibut Point Road, Suite 102

Restaurant Designation Permit Application

License #: 790
DBA: Halibut Point Crab and Chowder
License Type: Beverage Dispensary
Licensee: HPR Group, Inc
Premises Address: 4513 Halibut Point Road, Suite 102

This request is for the request of designation as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049, and for the request of the following designations:

- Dining after standard closing hours: AS 04.16.010(c)
- Dining by persons 16-20 year of age: AS 04.16.049(a)(2)
- Dining by persons under the age of 16 years, accompanied by a person over the age of 21: AS 04.16.049(a)(3)
- Employment for persons 16 or 17 years of age: AS 04.16.049(c)

Premises Diagram

License #: 790
DBA: Halibut Point Crab and Chowder
License Type: Beverage Dispensary
Licensee: HPR Group, Inc
Premises Address: 4513 Halibut Point Road, Suite 102

New License

License #: 6067
Licensee: DPJT, Inc
Designated Licensee: Tim Holder
License Type: Beverage Dispensary Tourism
DBA: Nugget Restaurant
Premises Address: 600 Airport Road Suite A

Restaurant Designation Permit Application

License #: 6067
DBA: Nugget Restaurant
License Type: Beverage Dispensary Tourism
Licensee: DPJT, Inc
Premises Address: 600 Airport Road Suite A

This request is for the request of designation as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049, and for the request of the following designations:

- Dining by persons 16-20 year of age: AS 04.16.049(a)(2)

- Dining by persons under the age of 16 years, accompanied by a person over the age of 21: AS 04.16.049(a)(3)
- Employment for persons 16 or 17 years of age: AS 04.16.049(c)

Premises Diagram

License #:	6067
DBA:	Nugget Restaurant
License Type:	Beverage Dispensary Tourism
Licensee:	DPJT, Inc
Premises Address:	600 Airport Road Suite A

Please notify no later than **noon on Tuesday, September 20** of any reason to protest these requests which are scheduled to go before the Assembly on September 27.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

September 8, 2022

City and Borough of Sitka

VIA Email: sara.peterson@cityofsitka.org; jessica.earnshaw@cityofsitka.org

License Type:	Beverage Dispensary	License Number:	790
Licensee:	HPR Group Inc		
Doing Business As:	Halibut Point Crab and Chowder		
Premises Address	4513 Halibut Point Road Suite 102		

☐ New Application

☒ Transfer of Location Application

☒ Transfer of Ownership Application

☐ Transfer of Controlling Interest Application

We have received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. To protest the application referenced above, please submit your protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant's proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Joan Wilson, Director

amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

What is this form?

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review Title 04 of Alaska Statutes and Chapter 304 of the Alaska Administrative Code. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.

Section 1 – Transferor Information

Enter information for the *current* licensee and licensed establishment.

Licensee:	DPJT, Inc.	License #:	790		
License Type:	Beverage Dispensary	Statutory Reference:	04.11.090		
Doing Business As:	Nugget Restaurant				
Premises Address:	600 Airport Rd, Ste. A				
City:	Sitka	State:	AK	ZIP:	99835
Local Governing Body:	Sitka				

Transfer Type:

- ☒ Regular transfer
☐ Transfer with security interest
☐ Involuntary retransfer

OFFICE USE ONLY

Complete Date:	9/8/2022	Transaction #:	100373783
Board Meeting Date:	9/20/2022	License Years:	22-23
Issue Date:		BRE:	KRS



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 2 – Transferee Information

Enter information for the **new** applicant and/or location seeking to be licensed.

Licensee:	HPR Group, Inc				
Doing Business As:	Halibut Point Crab and Chowder				
Premises Address:	4513 Halibut Point Road, Suite 102				
City:	Sitka	State:	AK	ZIP:	99835
Community Council:					

Mailing Address:	P.O. Box 816				
City:	Sitka	State:	AK	ZIP:	99835

Designated Licensee:	Benjamin Hilberg				
Contact Phone:	253-405-0389	Business Phone:	253-405-0389		
Contact Email:	bhilberg@msn.com				

Seasonal License? ☐ Yes ☒ No If "Yes", write your six-month operating period: _____

Section 3 – Premises Information

Premises to be licensed is:

☒ an existing facility ☐ a new building ☐ a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

4.0 Miles

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

3.7 Miles



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application**Section 4 – Sole Proprietor Ownership Information**

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5.

If more space is needed, please attach a separate sheet with the required information.

The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	

Section 5 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6.

If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a corporation, the following information must be completed for each *stockholder who owns 10% or more* of the stock in the corporation, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Entity Official:	Andrew Friske				
Title(s):	Director, SH	Phone:	907 738 3141	% Owned:	25
Address:	420 Kramer Ave.				
City:	Sitka	State:	AK	ZIP:	99835



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Entity Official:	Rebecca Friske				
Title(s):	Sec., SH, Treas.	Phone:	907 738 3811	% Owned:	25
Address:	420 Kramer Ave.				
City:	Sitka	State:	AK	ZIP:	99835

Entity Official:	Benjamin Hilberg				
Title(s):	President, SH	Phone:	253-405-0389	% Owned:	50
Address:	1840 Edgecumbe Drive				
City:	Sitka	State:	AK	ZIP:	99835

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	10038782	AK Formed Date:	5/25/2016	Home State:	AK
Registered Agent:	Rebecca Friske	Agent's Phone:	907-738-3811		
Agent's Mailing Address:	420 Kramer Ave.				
City:	Sitka	State:	AK	ZIP:	99835

Residency of Agent:

Yes No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?





Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 6 - Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

Yes No

Does any representative or owner named as a transferee in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

☐ ☒

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

Rest Eating Place #5510 Halibut Point Crab & Brew, for which this application will replace this license Benjamin Hilberg owns & operates this license under "Trinity Business Services, LLC".

Section 7 - Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

☒ ☐

If "Yes", disclose the name of the individual and the reason for this authorization:

The Law Offices of Ernout & Coffey, P.C. is assisting with the transfer app

AMCO

APR 26 2022



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section B - Transferor Certifications

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

I declare under penalty of perjury that the undersigned represents a controlling interest of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

Signature of transferor
Timothy Holder

Printed name of transferor

Subscribed and sworn to before me this 15 day of April, 2022


Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 9-17-23

Signature of transferor

Printed name of transferor

Subscribed and sworn to before me this _____ day of _____, 20____

Signature of Notary Public

Notary Public in and for the State of _____

My commission expires: _____



Alcohol and Marijuana Control Office

550 W 7th Avenue, Suite 1600

Anchorage, AK 99501

alcohol.licensing@alaska.gov

<https://www.commerce.alaska.gov/web/amco>

Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 9 – Transferee Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.



I certify that all proposed licensees have been listed with the Division of Corporations.



I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.



I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.



I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.



As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

Benjamin Hilberg

Signature of transferee

Benjamin Hilberg

Printed name

Subscribed and sworn to before me this 18th day of April, 2022.



Donnalyn C. Chong

Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 12-08-2024



Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram

What is this form?

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The second page of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.



Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	HPR Group, Inc	License Number:	790		
License Type:	Beverage Dispensary				
Doing Business As:	Halibut Point Crab and Chowder				
Premises Address:	4513 Halibut Point Road, Suite 102				
City:	Sitka	State:	AK	ZIP:	99835

AMCO

APR 26 2022



Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram

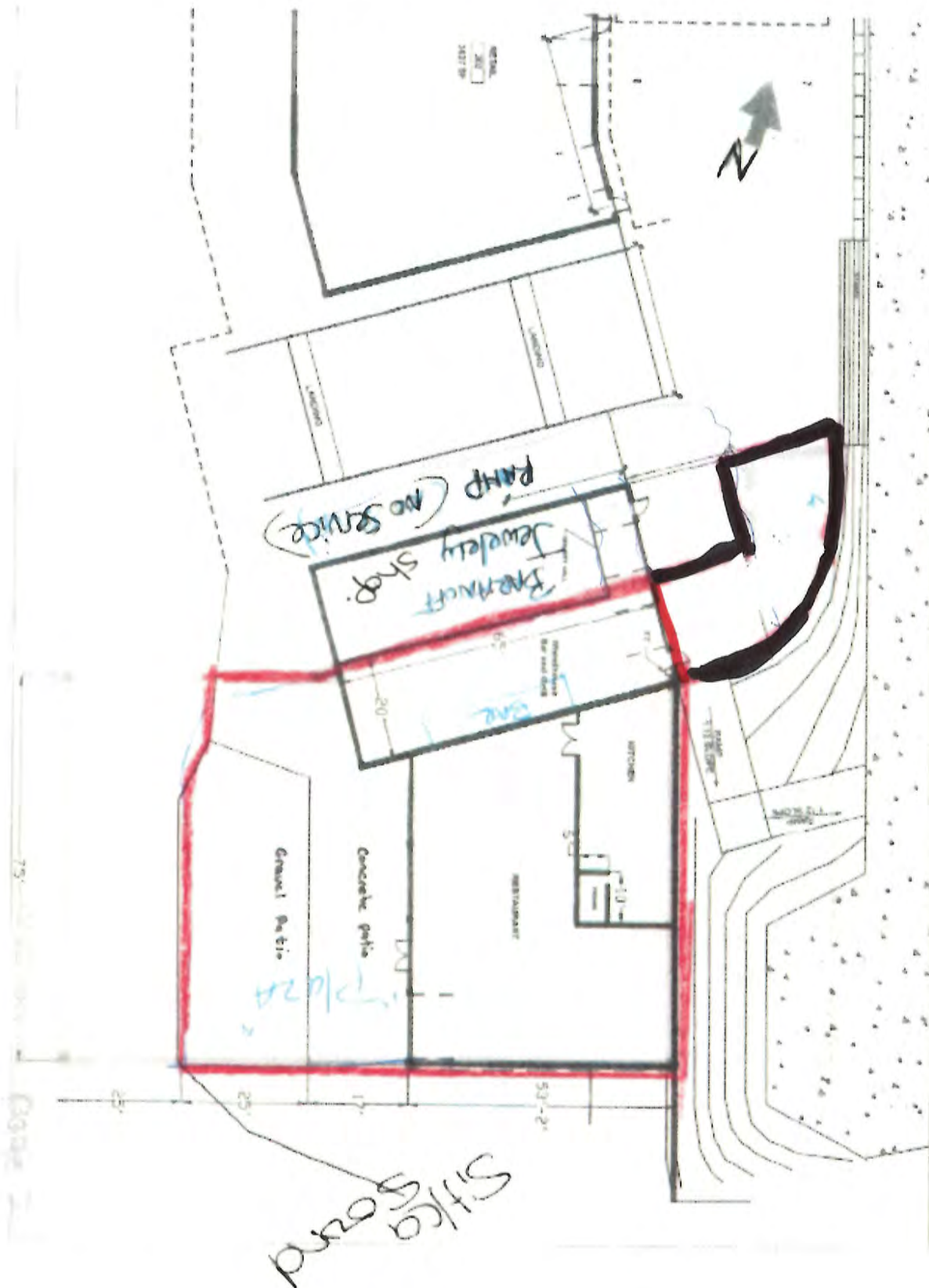
Section 2 – Detailed Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances and exits, walls, bars, and fixtures, and outline in red the perimeter of the areas designated for alcohol storage, service, consumption, and manufacturing. Include dimensions, cross-streets, and points of reference in your drawing. You may attach blueprints or other detailed drawings that meet the requirements of this form.

AMCO

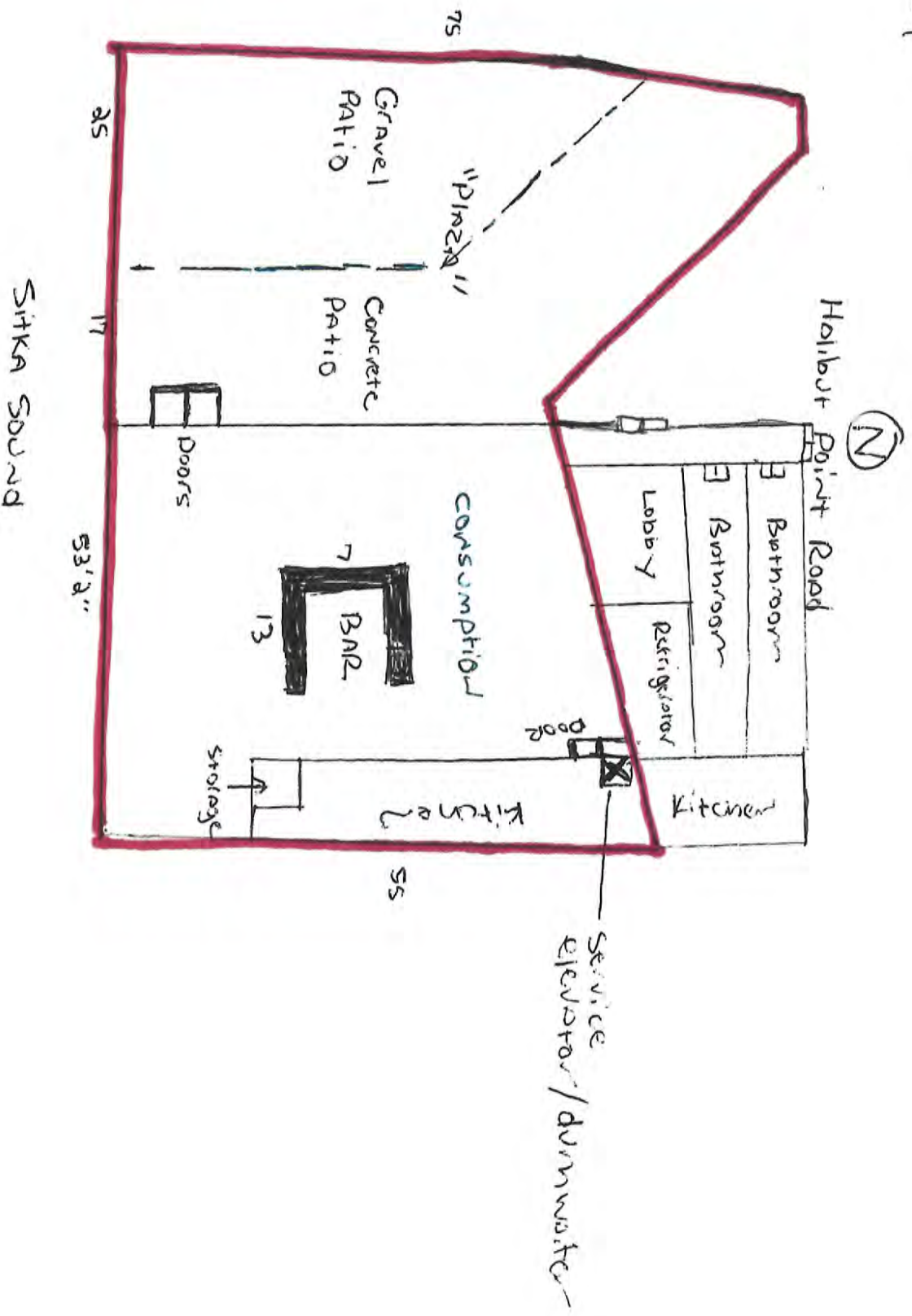
APR 26 2022

Halbut Point Rd.



Floor 1

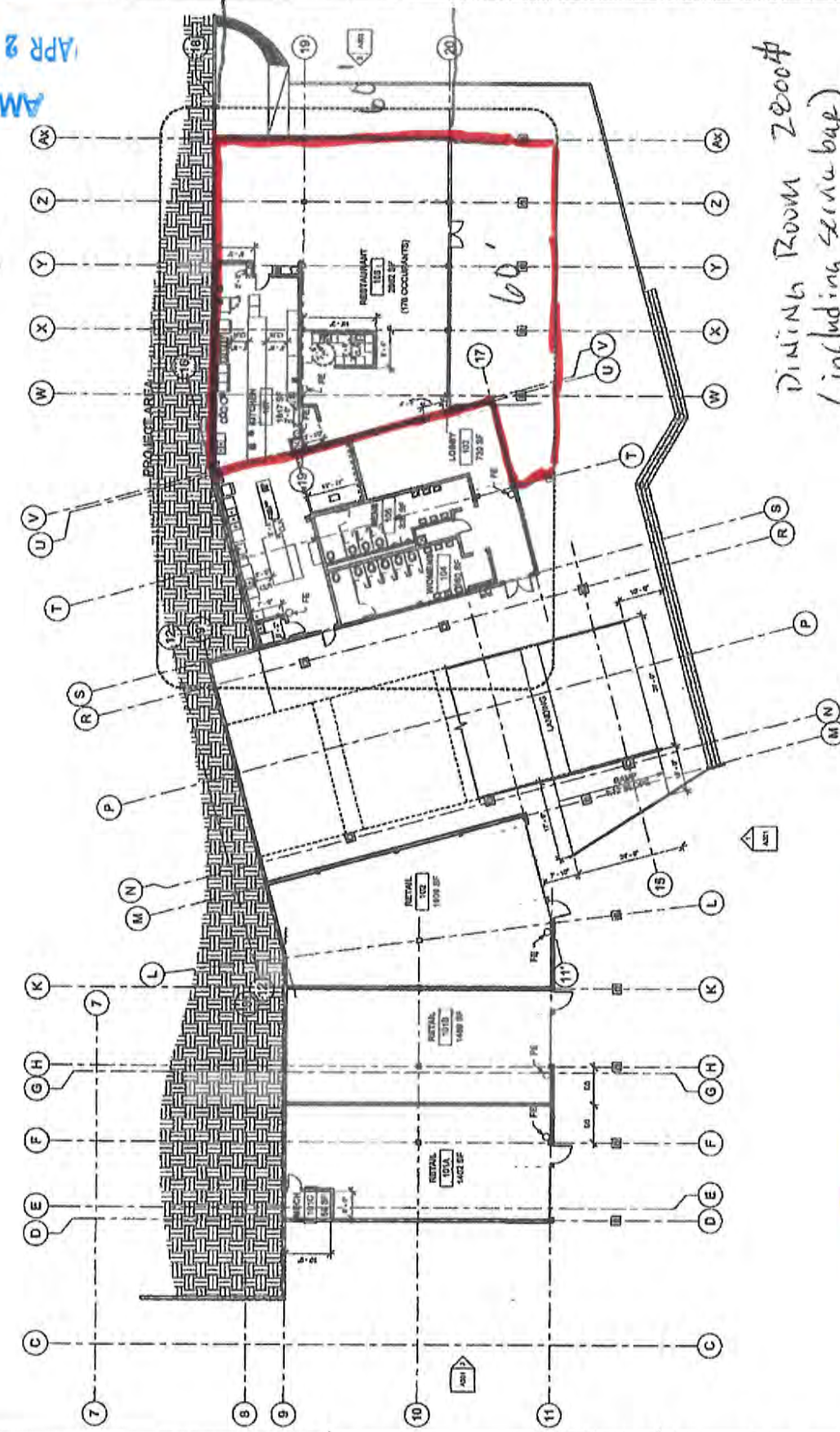
Halibut Point Crab/Crusher
Restaurant



APR 26 2022

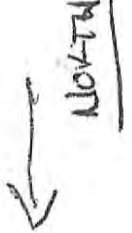
AMCO

1 20' 1



1 FIRST FLOOR PLAN - LEVEL 'A' & 'B'

Dining Room 2000#
(including service bar)



NORTH

Jensen Yorba Wall Inc.
200 West 10th Street
Sitka, Alaska 99701
907.335.1111
jensenyorba.com



MC6 CONSTRUCTION
HALIBUT POINT MARINE
BAR & RESTAURANT 11
Sitka, Alaska

PROJECT TITLE
FIRST FLOOR PLAN -
LEVEL 'A' & 'B'

DATE: 04.26.22
BY: [Signature]
A201

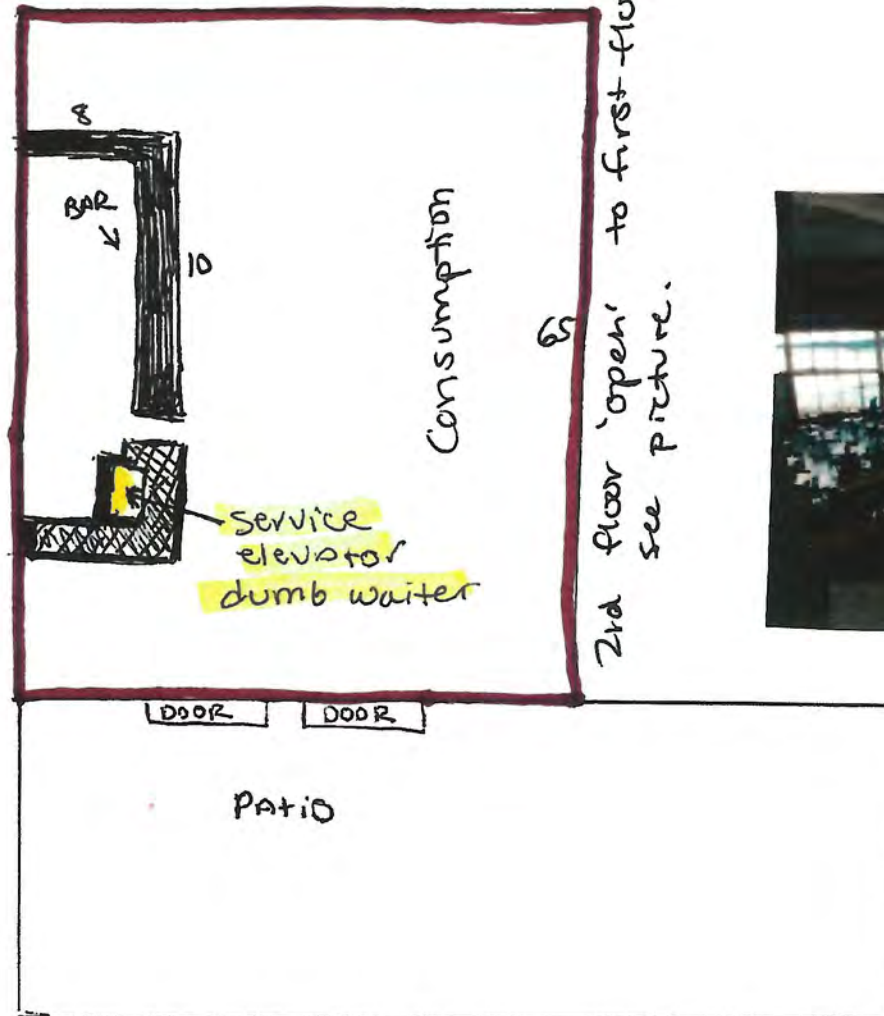
Floor 2 Detail

Wheelhouse Bar & Grille at Halibut Point

Halibut Point Road

20

(N)



Sitka Sound

Services by common kitchen, dispensing facilities, etc located on 1st floor

The Beer is pumped to bar from Kitchen area and food is sent up on dumbwaiter

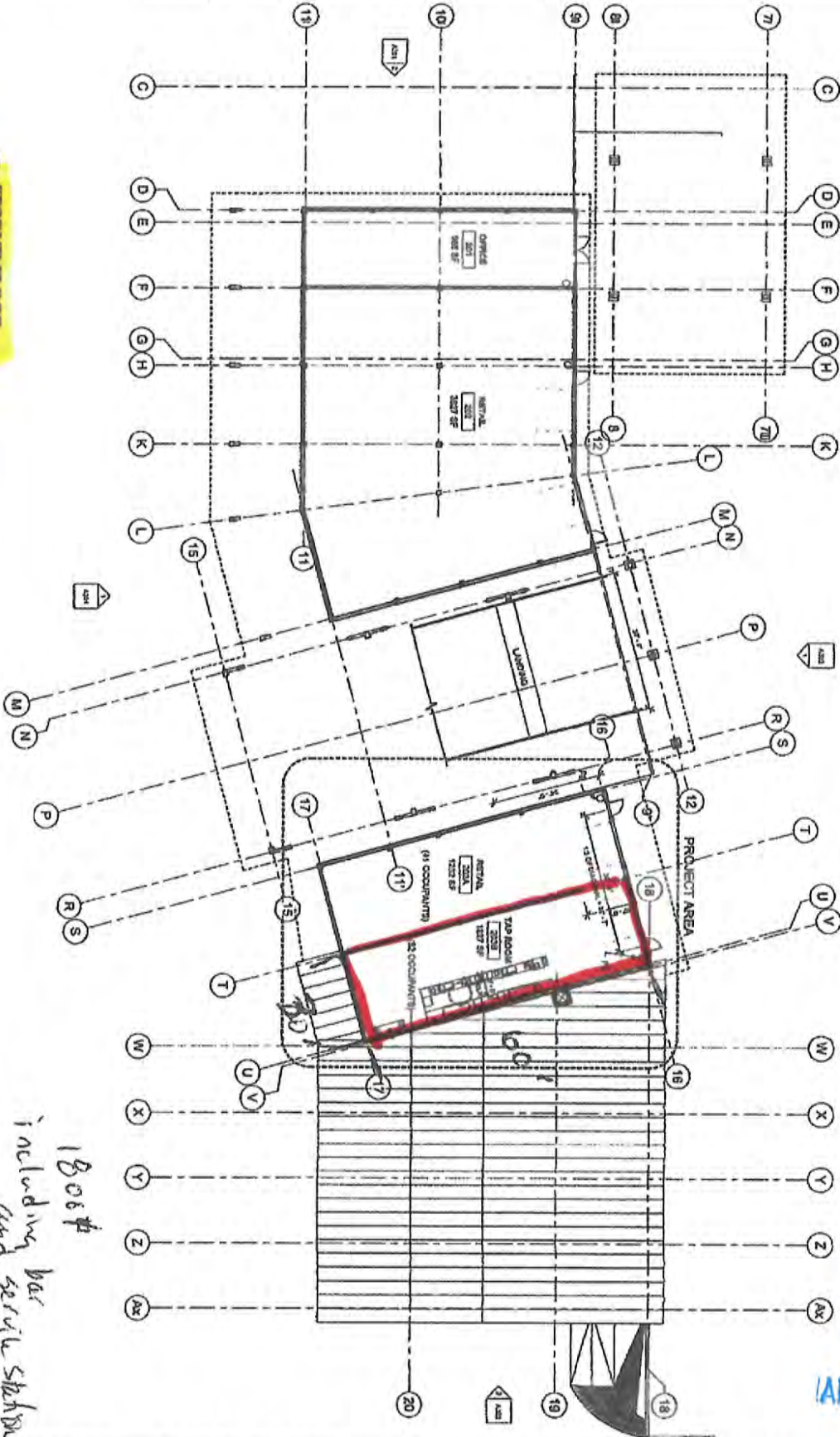
AMCO Received 9/6/2022

1 SECOND FLOOR
Overview

← NORTH

1806#
including bar
and service station

SCALE: 1/8" = 1'-0"



AMCO

APR 26 2022

A202

DATE: 2/21/21

REVISIONS

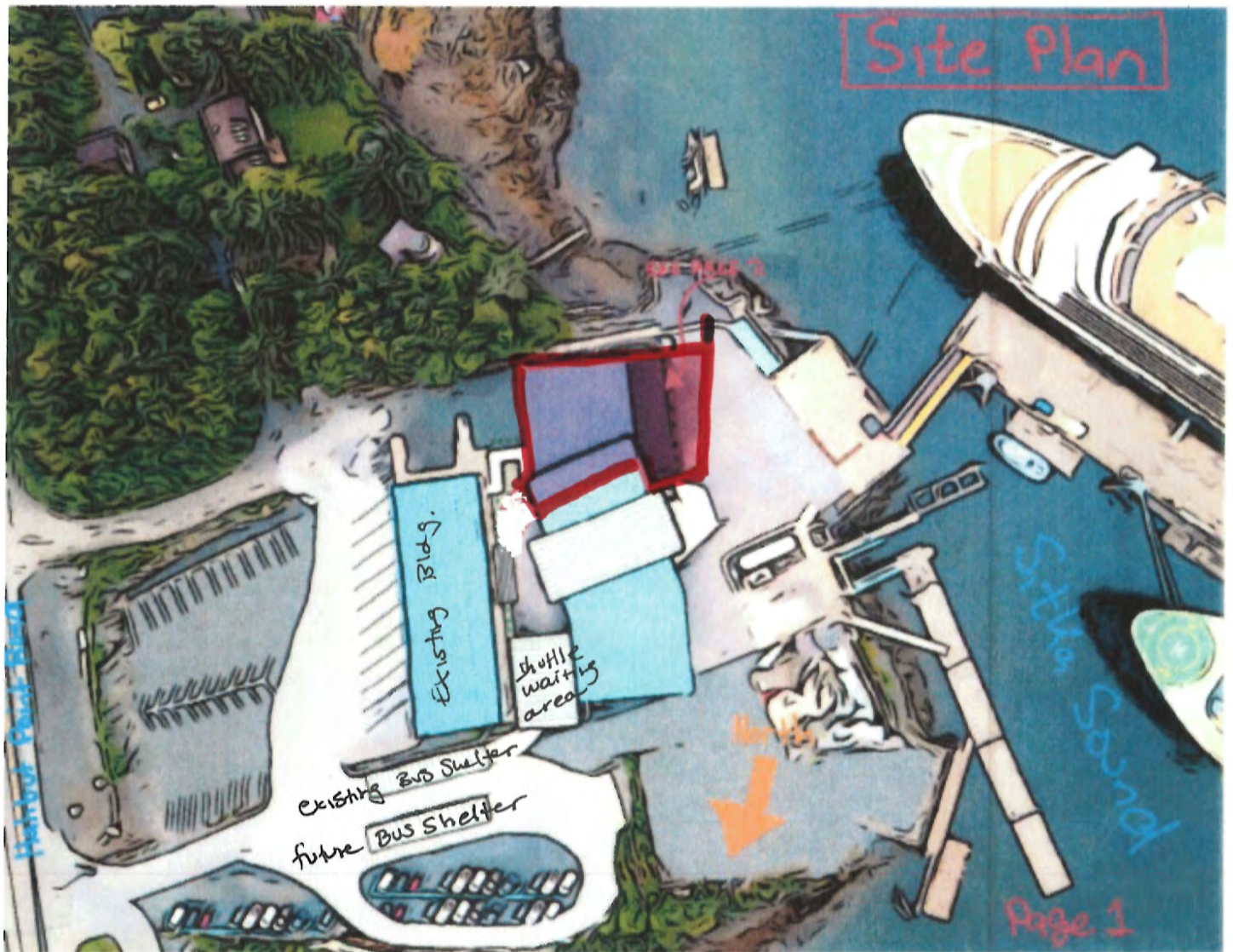
1 SECOND FLOOR

MCS CONSTRUCTION
HALIBUT POINT MARINE
BAR & RESTAURANT TI
Sitka, Alaska



Jensen
Yorba
Wall Inc.





Halibut Point Crab and Chowder Restaurant

Outdoor Area Security Plan

Guests that order alcohol will be required to present valid ID prior to the purchase of alcoholic beverages. Staff will monitor the outdoor premise to ensure that the attempt of any adult to pass any sort of beverage to a minor will lead to the appropriate authorities being notified, and the patron being escorted out of the premise and prosecuted to the fullest extent of the law.

These rules, along with all the mandated signs will be posted outside the entrance to our establishment. They will be clearly visible to any customer prior to being able to place any order for food, drinks or otherwise.

There is a fence around the outside patio/plaza area that is roughly 42 inches high to enclose the area so no-one can exit with alcohol. There is also a 5 ft straight drop retaining wall on the south side and portions of the north and west sides of the patios.

All servers are TAP certified and will monitor the service area at all times. Besides emergency exit gates along the fence, all patrons will have to enter the outdoor area via the front door, requiring them to walk through the interior of our premise, where we'll have additional staff monitoring the patrons.

The outside ^{patio} deck will operate the summer months typically between May and September weather permitting.

Plaza/Patio: (deck)

Customers will be permitted in this area during operating hours (daylight)
The entire service area will be clearly marked by a barrier that will clearly define the area and be signed clearly that Alcohol is not permitted beyond the barriers

Ramp Areas:

Alcohol not permitted on any of the walkway or entry way ramps.



Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
Phone: 907 269 0350

Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

What is this form?

A restaurant designation permit application is required for a licensee desiring designation under 3 AAC 304.715 – 3 AAC 304.795 as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049. Designation will be granted only to a holder of a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license, and only if the requirements of 3 AAC 304.305, 3 AAC 304.725, and 3 AAC 304.745, as applicable, are met. A menu or expected menu listing the meals, including entrees prepared onsite and offered to patrons, and copy of the DEC Food Service Permit (or corresponding DHHS documentation for licenses located in the Municipality of Anchorage) must accompany this form. Applicants should review AS 04.16.049 – AS 04.16.052 and 3 AAC 304.715 – 3 AAC 304.795. All fields of this form must be completed. The required \$50 permit fee may be made by credit card, check, or money order.

Section 1 – Establishment Information

Enter information for licensed establishment

Licensee:	HPR Group, Inc		
License Type:	Beverage Dispensary	License Number:	790
Doing Business As:	Halibut Point Crab and Chowder		
Premises Address:	4513 Halibut Point Road, Suite 102		
City:	Sitka	State:	AK ZIP: 99835
Contact Name:	Benjamin Hilberg	Contact Phone:	253-405-0389

Section 2 – Type of Designation Requested

This application is for the request of designation as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049, and for the request of the following designation(s) (check all that apply):

- ☒ Dining after standard closing hours: AS 04.16.010(c)
- ☒ Dining by persons 16 – 20 years of age: AS 04.16.049(a)(2)
- ☒ Dining by persons under the age of 16 years, accompanied by a person over the age of 21: AS 04.16.049(a)(3)
- ☒ Employment for persons 16 or 17 years of age: AS 04.16.049(c)
NOTE: Under AS 04.16.049(d), this permit is not required to employ a person 18 - 20 years of age.

OFFICE USE ONLY	
Transaction #:	Initials:

AMCC

APR 18 2022



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 3 – Minor Access

Review AS 04.16.049(a)(2); AS 04.16.049(a)(3); AS 04.16.049(c)

List where within the premises minors are anticipated to have access in the course of either dining or employment as designated in Section 2. (Example: Minors will only be allowed in the dining area. OR Minors will only be employed and present in the Kitchen.)

Minor customers will only be permitted in the dining area, outside deck area and restroom areas. Minor employees are permitted in the dining area, outside deck area, restroom area, and kitchen areas. They are not permitted behind the bar.

Describe the policies, practices and procedures that will be in place to ensure that minors do not gain access to alcohol while dining or employed at your premises.

Storage: All alcohol will be locked in secure storage. This will only be accessible by the restaurant owners, general manager and bar tender. Each of these individuals will be at least 21 years old and will hold on their persons a current TAP or eTIP card verifying that they have been trained to control the distribution and service of alcoholic beverages in Alaska.

Access/Service: There will be delivery of alcohol on the deck area outside only and it is a fenced off area. Dining guests must walk in and out the same door, which controls the transfer of alcohol. An owner or manager is always on site and monitors the consumption of alcohol.

Is an owner, manager, or assistant manager who is 21 years of age or older always present on the premises during business hours?

Yes No



Section 4 – DEC Food Service Permit

Per 3 AAC 304.910 for an establishment to qualify as a Bona Fide Restaurant, a Food Service Permit or (for licenses within the Municipality of Anchorage) corresponding Department of Health and Human Services documentation is required.

Please follow this link to the DEC Food Safety Website: <http://dec.alaska.gov/eh/fss/food/>

Please follow this link to the Municipality Food Safety Website:

<http://www.muni.org/Departments/health/Admin/environment/FSS/Pages/fssfood.aspx>

IF you are unable to certify the below statement, please discuss the matter with the AMCO office:

Initials

I have attached a copy of the current food service permit for this premises OR the plan review approval.



*Please note, if a plan review approval is submitted, a final permit will be required before finalization of any permit or license application.



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 5 – Hours of Operation

Review AS 04.16.010(c).

Enter all hours that your establishment intends to be open. Include variances in weekend/weekday hours, and indicate am/pm:

Monday through Sunday: 7am to 10pm

Section 6 – Entertainment & Service

Review AS 04.11.100(g)(2)

Are any forms of entertainment offered or available within the licensed business or within the proposed licensed premises?

Yes

No

☐☒

If "Yes", describe the entertainment offered or available and the hours in which the entertainment may occur:

Food and beverage service offered or anticipated is:

☒

table service

☐

buffet service

☒

counter service

☐

other

If "other", describe the manner of food and beverage service offered or anticipated:

AMCO

APR 26 2022



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 7 – Certifications and Approvals

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

There are tables or counters at my establishment for consuming food in a dining area on the premises.

☐

I have included with this form a menu, or an expected menu, listing the meals to be offered to patrons.
This menu includes entrees that are regularly sold and prepared by the licensee at the licensed premises.

☐

I certify that the license for which I am requesting designation is either a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license.

☐

I have included with this application a copy of the most recent AB-02 or AB-14 for the premises to be permitted.
(AB-03 applications that accompany a new or transfer license application will not be required to submit an additional copy of their premises diagram.)

☐

I declare under penalty of perjury that this form, including all attachments and accompanying schedules and statements, is true, correct, and complete.

Signature of licensee

Benjamin Hilberg

Printed name of licensee

Signature of Notary Public

Notary Public in and for the State of

My commission expires:

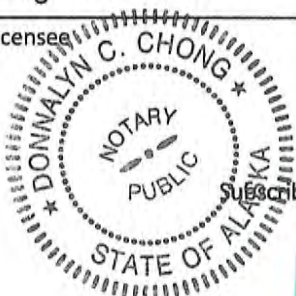
Subscribed and sworn to before me this

18

day of

April

2022



Local Government Review (to be completed by)

Signature of local government official

Printed name of local government official

Approved

Denied

☐☐

See auto addth page for initials in box.



Alcohol and Marijuana Control Office
444 W 7th Avenue, Suite 1600
Anchorage, AK 99501
Email: alac@alaska.gov
<http://alaska.gov/web/alac>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 7 – Certifications and Approvals

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

There are tables or counters at my establishment for consuming food in a dining area on the premises.

I have included with this form a menu, or an expected menu, listing the meals to be offered to patrons. This menu includes entrees that are regularly sold and prepared by the licensee at the licensed premises.

I certify that the license for which I am requesting designation is either a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license.

I have included with this application a copy of the most recent AB-02 or AB-14 for the premises to be permitted.
(AB-03 applications that accompany a new or transfer license application will not be required to submit an additional copy of their premises diagram.)

I declare under penalty of perjury that this form, including all attachments and accompanying schedules and statements, is true, correct, and complete.

Signature of licensee

Benjamin Hilberg

Printed name of licensee

Signature of Notary Public

Notary Public in and for the State of

My commission expires

Subscribed and sworn to before me this day of



Local Government Review (to be completed by an appropriate local government official):

Approved Denied

☐☐

Signature of local government official

Date

Printed name of local government official

Title



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

AMCO Enforcement Review:

Enforcement Recommendation:

Approve

Deny

☐☐

Signature of AMCO Enforcement Supervisor

Printed name of AMCO Enforcement Supervisor

Date

Enforcement Recommendations:

AMCO Director Review:

Approved

Denied

☐☐

Signature of AMCO Director

Printed name of AMCO Director

Date

Limitations:

AMCO
APR 26 2023

CRAB SHACK 2022 MENU

APPETIZERS

MODIFER 1

MODIFER 2

MODIFER 3

ADD \$

- **Crab Cocktail**
Dungeness crab served with coleslaw
Cocktail sauce
Fresh lemon
Fresh Dungeness Crab meat on a bed of our house made slaw with cocktail sauce and a lemon Wedge
- **Prawn Cocktail**
Prawns served with zesty broth
Avocado
Lemon
Crackers
Locally Harvested Alaska Spot prawns served in a zesty cold broth with celery, fresh avocado, lemon and specialty cracker
- **Chowder**
Homemade Bread Bowl Bowl Cup
Our own special, and secret, recipe developed 45 years ago. A Favorite!

SEAFOOD

- **Halibut & Chips**
Fries
Our Halibut is harvested right here in our "front yard" lightly breaded, and served with our own Alaskan Sourdough Fritters or French Fries, Housemade Cole Slaw, Fresh Lemon and our own tarter sauce
- **Cod & Chips**
Fries
Plagiaries from above
- **Black & Chips**
Fries
Plagiaries from above
- **Salmon & Chips**
Fries
same
- **Fish Sampler**
1 piece of each fish
A portion of Halibut, Cod, Salmon and Black Cod served with your choice of our own Alaskan Sourdough Fritters or Fries, Housemade Cole Slaw, Fresh Lemon and our own tarter sauces
- **Rock Fish Tacos**
3 fish tacos
Locally caught Rock Fish is seasoned and sauteed, served on a bed of cabbage with our own Pico de Gallo
- **Salmon Burger**
Coho Filet
Thanks to our local fisherman we are provided with the freshest and best Coho Salmon, served on a toasted Bun with your French Fries, Lettuce, Tomato, Onion, Pickles and condiments on the side
- **Miso Black Cod**
Marinated Black Cod Sub fries for rice Sub fries for veg
Pilaf
Vegetables
Locally Harvested Black Cod is marinated in our own creation, served with Rice Pilaf and Fresh Vegetable Medley
- **Herbed Halibut**
Oven baked with fresh herbs Sub fries for rice Sub fries for veg
Pilaf
Vegetables
Local Halibut lightly seasoned with our own blend and baked to perfection. Served with rice Pilaf and Fresh Vegetable Medley

AMCO

APR 26 2022

- **Halibut Oly**
 Oly Sauce Sub fries for rice Sub fries for veg
 Mushrooms & capers
 Pilaf
 Vegetables
A local favorite. A generous halibut portion is pan seared and topped with our Olympia sauce and finished in the oven. Served with Rice Pilaf and Fresh Vegetable Medley
- **Halibut Sitka**
 Filet No avocado
 Prawns
 Avocado
Our own creation, we top a Halibut Filet with Alaska Spot prawn, Fresh Avacado and a light white wine cream sauce. Served with Rice Pilaf and Fre.....
- **Alaska Crab Combo**
 Fritters Sub fries for fritters
 Slaw
Welcome to the Crab Capital of the World. Our combo is a half of a fresh Dungeness Crab and a King Crap leg. That's not it....Alaskan Sourdough Fritters, Coles Slaw, warm butter and a Bib
- **Whole Dungee**
 Fritters Sub fries for fritters
 Slaw
A whole Fresh Dungeness Crab, cleaned and cooked to optimum temperature, preserving its natural sweetness. It come with Housemade cole slaw and our famous Alaskan Sourdough Corn Fritters
- **Half Dungee**
 Fritters Sub fries for fritters
 Slaw
- **Asian Style**
 White rice Sub fries for fritters
The whole Fresh Dungeness Crab is cooked in its entirety. We remove the back shell and serve it over a generous portion of Calrose rice. A delicacy!
- **Ceaser Salad**
Freshly prepared hearts of roamine are mixed with our signatur Ceasar Dressing, Alaskan Sourdough Croutons, Shaved Parmeseamn Cheese, and a Lemon Wedge. Accompanied by a piece of Alaskan Sourdough Garlic Bread
- **Burger**
 L/T/O on side
 Fries Rare/Med/Well Sub fritter for fries \$ Bacon
A blended 1/2 pound burger of choice cuts is broiled open flame and served on atoasted Bun. French Fries, and Lettuce, Tomatoe, Onions , Pickles, and condiments are on the side
- **Bacon Cheeseburger**
 Rare/Med/Well Sub fritter for fries
 L/T/O on side
 Fries
Same with Aged Cheddar Cheese or Open Eye Swiss Cheese
Add Cheeseburger
- **Top Sirloin**
 Rare/Med/Well Sub fritter for fries Sub fritter for veg
 Fries (baker in PM)

AMCC

APR 26 2021

Veggies

- NY Strip
Fries (baker in PM)
Veggies

Rare/Med/Well

Sub fritter for fries Sub fritter for veg

BEVERAGES

- Coke
- Diet Coke
- Sprite
- Orange
- Root Beer
- Ginger Ale
- Bottled Water
- Sparkling Water

No ice

No ice

No ice

No ice

No ice

No ice

BEER/WINE

- Baranof Beer

Pint

Mug

Schooner

- Alaskan Beer

Pint

Mug

Schooner

- Bottled Beer
Names of beer

- Premium Beer
Names of beer

- House Wine

Chard/Gris/Pinot/Cab Sav/Blend

- Premium Wine
Names of wine

COCKTAILS

- Screwdriver
- Bloody Mary
- Bloody Baranof
- Margarita
- Cuba Libre
- Gin & Tonic
- Gin & Sprite
- Vodka Tonic

AMCO

APR 26 2022



Alaska Food Code 2022 Establishment Permit

Division of Environmental Health
Food Safety & Sanitation Program

Permit Number: 11646
Issued to: **HPR GROUP INC.**
For: **Halibut Point Crab and Chowder**
For Operation of: **FF-6 Deli/Takeout/Drive-in Food Service**
Located at: **4513 Halibut Point RD Sitka, AK 99835**

This permit, issued under the provisions of 18 AAC 31, is valid until the noted expiration date or unless suspended or revoked by the department.

This permit is not transferable for change of ownership, facility location, or type of operation. It must be posted in plain view in the establishment and is the property of the State of Alaska.

Expiration Date:
December 31, 2022

Program Manager:

A handwritten signature in black ink, appearing to read "Kimberly S. O'Neil", is written over a horizontal line.

**If you have questions or concerns regarding
safe food handling practices call toll free:**

1-87-SAFE-FOOD

(in Anchorage call 334-2560)



AMCO Received 6/22/2022



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

September 8, 2022

City and Borough of Sitka

VIA Email: sara.peterson@cityofsitka.org; jessica.earnshaw@cityofsitka.org

License Type:	Beverage Dispensary-Tourism	License Number:	6067
Licensee:	DPJT Inc		
Doing Business As:	Nugget Restaurant		
Premises Address	600 Airport Road Suite A		

☒ **New Application**

☐ **Transfer of Location Application**

☐ **Transfer of Ownership Application**

☐ **Transfer of Controlling Interest Application**

We have received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. To protest the application referenced above, please submit your protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant's proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Joan Wilson, Director

amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application**What is this form?**

This new license application form is required for all individuals or entities seeking to apply for a new liquor license. Applicants should review Title 04 of Alaska Statutes and Chapter 304 of the Alaska Administrative Code. All fields of this form must be completed, per AS 04.11.260 and 3 AAC 304.105.

This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to be licensed.

Licensee:	DPJT, Inc.		
License Type:	Beverage Dispensary Tourism	Statutory Reference:	04.11.400(d)
Doing Business As:	Nugget Restaurant		
Premises Address:	600 Airport Road Suite A		
City:	Sitka	State:	AK
		ZIP:	99835
Local Governing Body:	City & Borough Sitka		
Community Council:			

Mailing Address:	600 Airport Road Suite A		
City:	Sitka	State:	AK
		ZIP:	99835

Designated Licensee:	Tim Holder		
Contact Phone:	907-738-3640	Business Phone:	907-738-3640
Contact Email:	timothyholder7@icloud.com		

Seasonal License? ☐ Yes ☒ No ☐ If "Yes", write your six-month operating period: _____

OFFICE USE ONLY			
Complete Date:	9/8/2022	License Years:	License #: 6067
Board Meeting Date:	9/20/2022	Transaction #:	KRS
Issue Date:		BRE:	100373793



Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

Section 2 – Premises Information

Premises to be licensed is:



an existing facility



a new building



a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

1.1 miles

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

1.9 Miles

Section 3 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 4.

If more space is needed, please attach a separate sheet with the required information.

The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	



Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

Section 4 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 5.

If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a corporation, the following information must be completed for each stockholder who owns 10% or more of the stock in the corporation, and for each president, vice-president, secretary, and managing officer.
- If the applicant is a limited liability organization, the following information must be completed for each member with an ownership interest of 10% or more, and for each manager.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each partner with an interest of 10% or more, and for each general partner.

Entity Official:	Timothy Holder				
Title(s):	Pres., SH, Treas, Dir, Sec	Phone:	907-738-3640	% Owned:	100
Address:	600 Airport Road Suite A				
City:	Sitka	State:	AK	ZIP:	99835

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	



Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	80462D	AK Formed Date:	7/16/03	Home State:	AK
Registered Agent:	Tim Holder	Agent's Phone:	907-738-3640		
Agent's Mailing Address:	600 Airport Road Suite A				
City:	Sitka	State:	AK	ZIP:	99835

Residency of Agent:

Yes No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?

☒ ☐

Section 5 – Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

Yes No

Does any representative or owner named in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

☒ ☐

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

BDL #790 which is being transferred from the facility simultaneously with this application.

Section 6 – Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

☒ ☐

If "Yes", disclose the name of the individual and the reason for this authorization:

The Law Offices of Ernouf & Coffey, P.C. is assisting with the process.



Alaska Alcoholic Beverage Control Board Form AB-00: New License Application

Section 7 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.



I certify that all proposed licensees have been listed with the Division of Corporations.



I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.



I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.

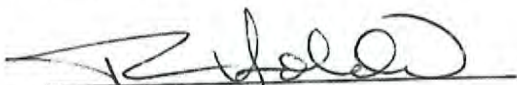


I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.



As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and that this application, including all accompanying schedules and statements, is true, correct, and complete.




Signature of licensee

Signature of Notary Public

Timothy Holder

Notary Public in and for the State of _____

Printed name of licensee

My commission expires: _____

Subscribed and sworn to before me this _____ day of _____, 20____.



HAZEL HERRERA TREJOS. NOTARIA PÚBLICA DE LA CIUDAD DE GUANACASTE, CARNET VEINTINUE MIL DOSCIENTOS VEINTINUE: I. CERTIFICO: Que la firma del documento adjunto titulado en inglés "Form AB-00: New License Application" es original y fue puesta en mi presencia en este acto por el señor TIMOTHY MARK (nombres) HOLDER (apellido) de un solo apellido en razón de su nacionalidad estadounidense, mayor, soltero, empresario, vecino de dos mil ochocientos tres, Halibut Point Rd, Sitka Alaska, noventa y nueve mil ochocientos treinta y cinco, Estados Unidos de América y portador de pasaporte vigente de su país número cinco tres uno nueve cuatro seis seis uno siete. II. En aplicación de las facultades establecidas en el artículo ciento nueve del Código Notarial y por el conocimiento que tengo de ese idioma, traduzco al inglés la anterior certificación de la siguiente manera: "CERTIFICATION NUMBER ONE - TWO THOUSAND AND TWENTY TWO. HAZEL HERRERA TREJOS. NOTARY PUBLIC OF THE CITY OF GUANACASTE, CODE NUMBER TWENTY-NINE THOUSAND TWO HUNDRED AND TWENTY-NINE: I. CERTIFY: That the signature of the attached document titled in English Form AB-00: New License Application is original and was presented before me in this act by Mr. TIMOTHY MARK (names) HOLDER (last name) of a single last name by reason of his United States nationality, of legal age, single, businessman, resident of two thousand eight hundred and three, Halibut Point Rd, Sitka Alaska, ninety-nine thousand eight hundred and thirty-five, United States and bearer of the valid passport of his country number five three one nine four six six one seven." Es Todo. Se expide en la ciudad de Guanacaste a solicitud del firmante a efecto de ser utilizada en Estados Unidos de América, a las dieciséis horas del cuatro de marzo del año dos mil veintidós. CONSECUTIVO NÚMERO UNO - DOS MIL VEINTIDÓS. AGREGO Y CANCELO LOS TIMBRES DE LEY.



AMCO

APR 26 2022



Pago de Tasación

Cuenta: CR44015202001311526511 - Colones
Dueño: HAZEL HERRERA TREJOS
Monto del débito: 376.00 Colones
Concepto:
Tasación: 451670159

Detalle de la tasación

Número de entero: 445280735 Registro: ENTERO DE TIMBRES
Boleta de seguridad: Acto: AUTENTICACION DE FIRMAS
Monto tasado: 400.00 Estado: PAGADO

Timbre	Descripción	Monto Original	Descuento	Monto Total
005	TIMBRE FISCAL	125.00	7.50	117.50
008	TIMBRE COLEGIO DE ABOGADOS	275.00	16.50	258.50
	TOTALES	400.00	24.00	376.00

BCR 04/03/2022 15:57:01



AMCO

APR 26 2022



Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram

What is this form?

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The second page of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.



Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	DPJT, Inc.	License Number:	
License Type:	Beverage Dispensary Tourism		
Doing Business As:	Nugget Restaurant		
Premises Address:	600 Airport Road Suite A		
City:	Sitka	State:	AK
		ZIP:	99835

AMCO

APR 26 2022



Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram

Section 2 – Detailed Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances and exits, walls, bars, and fixtures, and outline in red the perimeter of the areas designated for alcohol storage, service, consumption, and manufacturing. Include dimensions, cross-streets, and points of reference in your drawing. You may attach blueprints or other detailed drawings that meet the requirements of this form.

AMCO

APR 26 2022

Alcohol is served
@ the bar counter -
no minors allowed

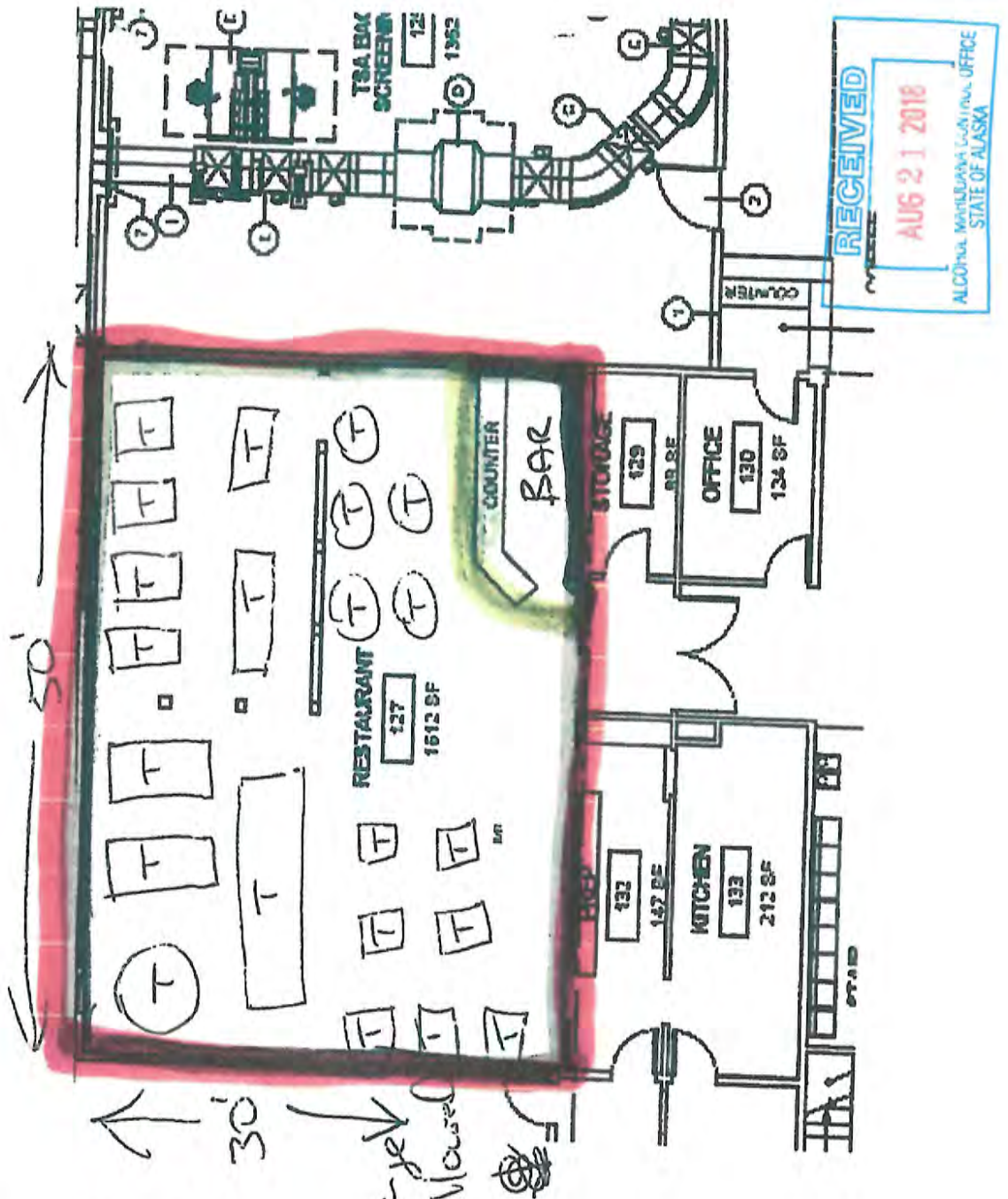
Alcohol is also served
@ all tables - minors are
allowed @ the tables

There is no alcohol in the
prep or kitchen areas

T = TABLES

Bar =

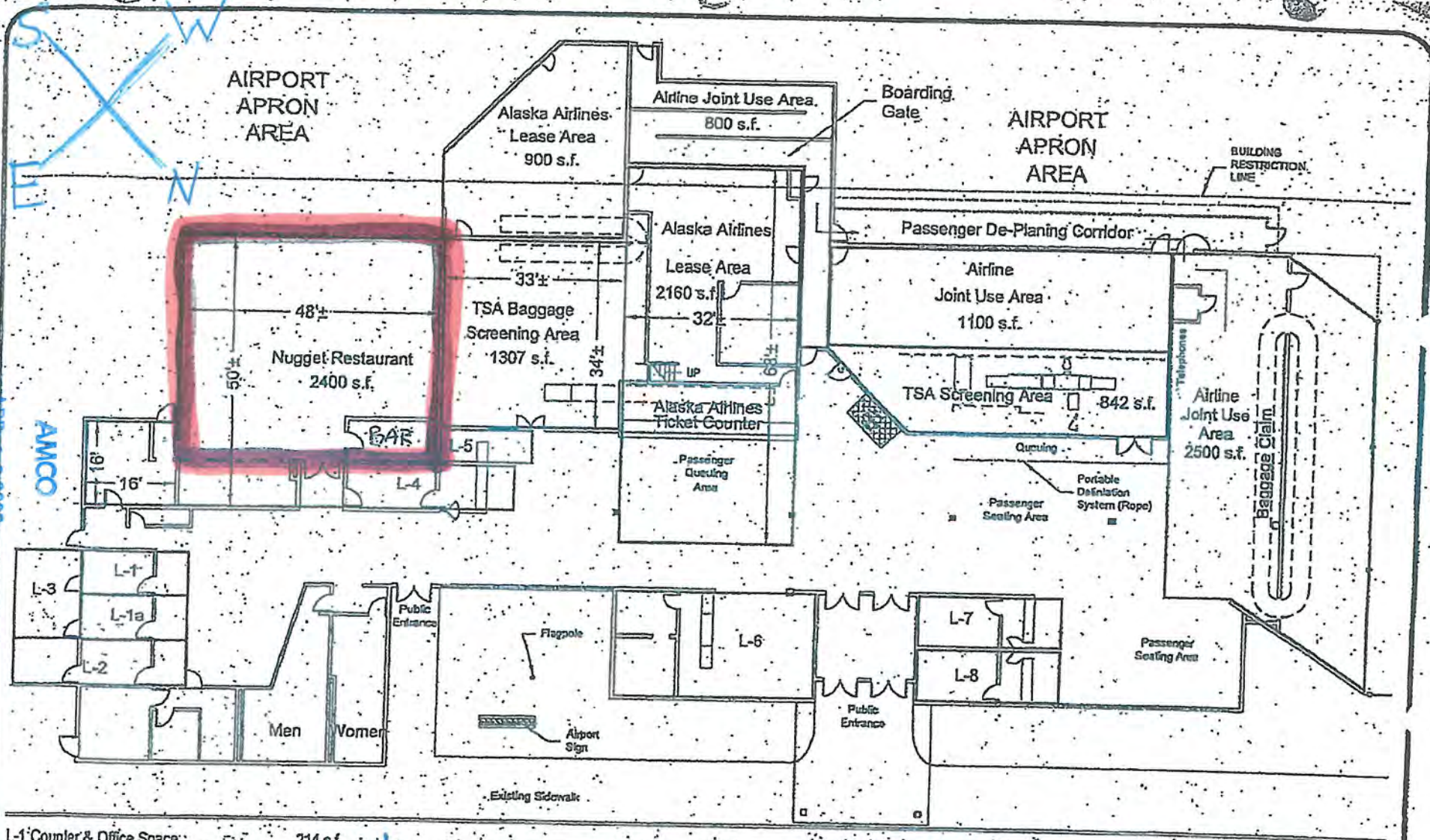
Alcohol stored
NO - MINORS ALLOWED



AMCO

APR 26 2022

OCEAN



- L-1 Counter & Office Space 214 s.f.
- L-1a Counter & Office Space 214 s.f.
- L-2 Counter, Office & Outside Storage Space 260 s.f.
- L-3 Outside Storage Space 194 s.f.
- L-4 Counter & Office Space 255 s.f.
- L-5 Counter Space 114 s.f.
- L-6 Counter, Office & Storage Space 798 s.f.
- L-7 Counter & Office Space 243 s.f.
- L-8 Counter & Office Space 249 s.f.



City and Borough of Sitka
DEPARTMENT OF PUBLIC WORKS
100 LINCOLN STREET • SITKA, ALASKA 99835
TEL (907) 747-1804 FAX (907) 747-3158

SITKA-R.G. AIRPORT
SUBLESSEE
USE AREAS

DRAWN: PAR/TAD	SCALE: N.T.S.
CHECKED: RAR	DATE: 10Feb05
DRAWING NAME: Leases Feb 05	
SHEET NO. 1 / 1	

AIRPORT RD

PARKING LOT

AIRPORT RD



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

What is this form?

A restaurant designation permit application is required for a licensee desiring designation under 3 AAC 304.715 – 3 AAC 304.795 as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049. Designation will be granted only to a holder of a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license, and only if the requirements of 3 AAC 304.305, 3 AAC 304.725, and 3 AAC 304.745, as applicable, are met. A menu or expected menu listing the meals, including entrees prepared onsite and offered to patrons, and copy of the DEC Food Service Permit (or corresponding DHHS documentation for licenses located in the Municipality of Anchorage) must accompany this form. Applicants should review AS 04.16.049 – AS 04.16.052 and 3 AAC 304.715 – 3 AAC 304.795. All fields of this form must be completed. The required \$50 permit fee may be made by credit card, check, or money order.

Section 1 – Establishment Information

Enter information for licensed establishment.

Licensee:	DPJT, Inc.				
License Type:	Beverage Dispensary Tourism	License Number:			
Doing Business As:	Nugget Restaurant				
Premises Address:	600 Airport Road Suite A				
City:	Sitka	State:	AK	ZIP:	99835
Contact Name:	Tim Holder	Contact Phone:	907-738-3640		

Section 2 – Type of Designation Requested

This application is for the request of designation as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049, and for the request of the following designation(s) (check all that apply):

- ☐ Dining after standard closing hours: AS 04.16.010(c)
- ☒ Dining by persons 16 – 20 years of age: AS 04.16.049(a)(2)
- ☒ Dining by persons under the age of 16 years, accompanied by a person over the age of 21: AS 04.16.049(a)(3)
- ☒ Employment for persons 16 or 17 years of age: AS 04.16.049(c)
NOTE: Under AS 04.16.049(d), this permit is not required to employ a person 18 - 20 years of age.

OFFICE USE ONLY	
Transaction #:	100373793
Initials:	



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 3 – Minor Access

Review AS 04.16.049(a)(2); AS 04.16.049(a)(3); AS 04.16.049(c)

List where within the premises minors are anticipated to have access in the course of either dining or employment as designated in Section 2. (Example: Minors will only be allowed in the dining area. OR Minors will only be employed and present in the Kitchen.)

Minor customers will only be permitted in the dining area, restroom areas.
Minor employees will only be permitted in the dining area, kitchen area, and restrooms.

Describe the policies, practices and procedures that will be in place to ensure that minors do not gain access to alcohol while dining or employed at your premises.

Storage: All alcohol will be locked in secure storage. This will only be accessible by the restaurant owners, general manager and bar tender. Each of these individuals will be at least 21 years old and will hold on their persons a current TAP or eTIP card verifying that they have been trained to control the distribution and service of alcoholic beverages in Alaska.

Access/Service: There will be no service of alcohol outside the building walls. Dining guests must walk in and out the same door, which controls the transfer of alcohol. An owner or manager is always on site and monitors the consumption of alcohol.

Is an owner, manager, or assistant manager who is 21 years of age or older always present on the premises during business hours?

Yes ☒ No ☐

Section 4 – DEC Food Service Permit

Per 3 AAC 304.910 for an establishment to qualify as a Bona Fide Restaurant, a Food Service Permit or (for licenses within the Municipality of Anchorage) corresponding Department of Health and Human Services documentation is required.

Please follow this link to the DEC Food Safety Website: <http://dec.alaska.gov/eh/fss/food/>

Please follow this link to the Municipality Food Safety Website:

<http://www.muni.org/Departments/health/Admin/environment/FSS/Pages/fssfood.aspx>

If you are unable to certify the below statement, please discuss the matter with the AMCO office:

I have attached a copy of the current food service permit for this premises OR the plan review approval.

Initials

*Please note, if a plan review approval is submitted, a final permit will be required before finalization of any permit or license application.



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 5 – Hours of Operation

Review AS 04.16.010(c).

Enter all hours that your establishment intends to be open. Include variances in weekend/weekday hours, and indicate am/pm:

Monday through Sunday 8am - 8pm.

Section 6 – Entertainment & Service

Review AS 04.11.100(g)(2)

Are any forms of entertainment offered or available within the licensed business or within the proposed licensed premises?

Yes

☐

No

☒

If "Yes", describe the entertainment offered or available and the hours in which the entertainment may occur:

Food and beverage service offered or anticipated is:

☒

table service

☐

buffet service

☒

counter service

☐

other

If "other", describe the manner of food and beverage service offered or anticipated:



Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 7 – Certifications and Approvals

Initials

Read each line below, and then sign your initials in the box to the right of each statement:

There are tables or counters at my establishment for consuming food in a dining area on the premises.



I have included with this form a menu, or an expected menu, listing the meals to be offered to patrons.
This menu includes entrees that are regularly sold and prepared by the licensee at the licensed premises.



I certify that the license for which I am requesting designation is either a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license.



I have included with this application a copy of the most recent AB-02 or AB-14 for the premises to be permitted.
(AB-03 applications that accompany a new or transfer license application will not be required to submit an additional copy of their premises diagram.)



I declare under penalty of perjury that this form, including all attachments and accompanying schedules and statements, is correct, and complete.



Signature of licensee

Signature of Notary Public

Timothy Holder

Notary Public in and for the State of _____

Printed name of licensee

My commission expires: _____

Subscribed and sworn to before me this _____ day of _____, 20____.

Local Government Review (to be completed by an appropriate local government official):

Approved

Denied



Signature of local government official

Date

Printed name of local government official

Title

AMCO

APR 26 2022



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

AMCO Enforcement Review:

Enforcement Recommendation:

Approve

Deny

☐☐

Signature of AMCO Enforcement Supervisor

Printed name of AMCO Enforcement Supervisor

Date

Enforcement Recommendations:

AMCO Director Review:

Approved

Denied

☐☐

Signature of AMCO Director

Printed name of AMCO Director

Date

Limitations:



HAZEL HERRERA TREJOS. NOTARIA PÚBLICA DE LA CIUDAD DE GUANACASTE,
CARNET VEINTINUE MIL DOSCIENTOS VEINTINUE: I. CERTIFICO: Que la firma
del documento adjunto titulado en inglés "Form AB-03: Restaurant Designation Permit
Application" es original y fue puesta en mi presencia en este acto por el señor TIMOTHY MARK
(nombres) HOLDER (apellido) de un solo apellido en razón de su nacionalidad estadounidense,
mayor, soltero, empresario, vecino de dos mil ochocientos tres, Halibut Point Rd, Sitka Alaska,
noventa y nueve mil ochocientos treinta y cinco, Estados Unidos de América, portador de
pasaporte vigente de su país número cinco tres uno nueve cuatro seis seis uno siete. II. En
aplicación de las facultades establecidas en el artículo ciento nueve del Código Notarial y por el
conocimiento que tengo de ese idioma, traduzco al inglés la anterior certificación de la siguiente
manera: "CERTIFICATION NUMBER ONE - TWO THOUSAND AND TWENTY TWO.
HAZEL HERRERA TREJOS. NOTARY PUBLIC OF THE CITY OF GUANACASTE,
CODE NUMBER TWENTY-NINE THOUSAND TWO HUNDRED AND TWENTY-NINE:
I. CERTIFY: That the signature of the attached document titled in English *Form AB-03: Restaurant
Designation Permit Application* is original and was presented before me in this act by Mr. TIMOTHY
MARK (names) HOLDER (last name) of a single last name by reason of his United States
nationality, of legal age, single, businessman, resident of two thousand eight hundred and three,
Halibut Point Rd, Sitka Alaska, ninety-nine thousand eight hundred and thirty-five, United States,
and bearer of the valid passport of his country number five three one nine four six six one seven."
Es Todo. Se expide en la ciudad de Guanacaste a solicitud del firmante a efecto de ser utilizada en
Estados Unidos de América, a las dieciséis horas del cuatro de marzo del año dos mil veintidós.
CONSECUTIVO NÚMERO DOS - DOS MIL VEINTIDÓS. AGREGO Y CANCELO LOS
TIMBRES DE LEY.

AMCO

APR 26 2022



Pago de Tasación

Cuenta: CR44015202001311526511 - Colones
Dueño: HAZEL HERRERA TREJOS
Monto del débito: 376.00 Colones
Concepto:
Tasación: 451669630

Detalle de la tasación

Número de entero: 445280212 Registro: ENTERO DE TIMBRES
Boleta de seguridad: Acto: AUTENTICACION DE FIRMAS
Monto tasado: 400.00 Estado: PAGADO

Tímbr	Descripción	Monto Original	Descuento	Monto Total
005	TIMBRE FISCAL	125.00	7.50	117.50
008	TIMBRE COLEGIO DE ABOGADOS	275.00	16.50	258.50
	TOTALES	400.00	24.00	376.00

BCR 04/03/2022 15:52:21



AMCO

APR 26 2022



BREAKFAST

Served All Day

Open Daily
Starting at 8 a.m.

907•966•2480

3 EGG OMELETS

Served with Hash Browns and Toast

Vegetarian (broccoli, peppers, onion, mushrooms, tomato and cheddar cheese) 14.50.

Meat Lover (ham, bacon, sausage and cheddar cheese) 14.50.

Alaskan Denver (shrimp, peppers, onion and cheddar cheese) 14.50.

Combo (ham, tomato, onion, peppers and cheddar cheese) 14.50.

Denver (ham, peppers, onion and cheddar cheese) 13.50.

Spanish (mushrooms, peppers, onions and cheese with salsa on top) 13.50.

California (bacon, onion, peppers, tomato and cheddar cheese) 13.50.

Ham or Bacon or Sausage and Cheese Omelet 13.50.

Make Your Own Omelet with cheese 12.50; each additional ingredient 1.50.

Swiss cheese, cheddar cheese, American cheese, ham, sausage, bacon, peppers, onions, mushrooms, shrimp, sour cream, jalapenos.

* **Steak & Eggs** (8 oz.) 19.

* **Nugget Breakfast** (2 bacon, 2 links, 1 patty, ham and eggs) 18.

* **Chicken Fried Steak & Eggs** 16.

* **Eggs Benedict** 16.

* **Bacon, Links, Patties or Ham & Eggs** 13.

* **Corned Beef Hash & Eggs** 13.

* **2 Eggs Any Way** 11.

* **Biscuits & Gravy & Eggs** 12.

All of the above served with hash browns and toast

Bread Choices:

White, Wheat, Sour Dough, Rye, Texas Toast, English Muffin or Biscuit

ON THE GRIDDLE

Served Until Noon ...

French Toast 9.

Belgian Waffle 9.

Pancakes - (1) 5. (2) 7.50 (3) 10.

add chocolate chips, blueberries, strawberries or bacon for 1.50

add whipped cream .50

Oatmeal 6.50

Handmade w/milk

add Raisins, Brown Sugar .50 • Banana 1. • Blueberries 1.

SIDES

Bacon, Ham, Sausage, Corned Beef Hash, Chicken Fried Steak or

Biscuits & Gravy 5.50

Hash Browns 5.50. Toast 2.

Egg 2 each

Breakfast Burrito with eggs, peppers, onions and cheese 11
Add bacon, sausage or ham 1;
chorizo 2.

Egg Mac (breakfast sandwich on English muffin with a fried egg, ham, bacon or sausage patty and cheese) 6.50

DRINKS

All Drinks 2.75

Juice

(Orange, Apple, Cranberry, Grapefruit, Tomato)

Milk, Hot Chocolate, Ice Tea or Lemonade Soda

(Coke, Diet Coke, Cherry Coke, Sprite, Root Beer, Dr. Pepper)

Coffee or Hot Tea

Soda, Coffee, and Ice Tea
Refills Free

AMCO

THE **NUGGET** RESTAURANT

600 AIRPORT ROAD
SITKA, AK 99835

907•966•2480

APR 26 2022



BREAKFAST

Open Daily
Starting at 8 a.m.

Served All Day

3 EGG OMELETS

Served with Hash Browns and Toast

Vegetarian (broccoli, peppers, onion, mushrooms, tomato and cheddar cheese) **15.50**

Meat Lover (ham, bacon, sausage and cheddar cheese) **15.50.**

Alaskan Denver (shrimp, peppers, onion and cheddar cheese) **15.50**

Combo (ham, tomato, onion, peppers and cheddar cheese) **15.50**

Denver (ham, peppers, onion and cheddar cheese) **14.50**

Spanish (mushrooms, peppers, onions and cheese with salsa on top) **14.50**

California (bacon, onion, peppers, tomato and cheddar cheese) **14.50**

Make Your Own Omelet with cheese **13.50**
each additional ingredient **1.50**

Swiss cheese, cheddar cheese, American cheese, ham, sausage, bacon, peppers, onions, mushrooms, shrimp, sour cream, jalapenos.

* **Steak & Eggs** (8 oz.) **22.**

* **Nugget Breakfast** (2 bacon, 2 links, 1 patty, ham and eggs) **20.**

* **Chicken Fried Steak & Eggs** **18.**

* **Eggs Benedict** **18.**

* **Bacon, Links, Patties or Ham & Eggs** **14.50**

* **Corned Beef Hash & Eggs** **15.**

* **2 Eggs Any Way** **13.**

* **Biscuits & Gravy & Eggs** **13.50**

All of the above served with hash browns and toast

Bread Choices:

White, Wheat, Sour Dough, Rye, Texas Toast, English Muffin or Biscuit

ON THE GRIDDLE

Served Until Noon ...

French Toast **10.50**

Belgian Waffle **10.50**

Pancakes – (1) **6.** (2) **8.50** (3) **12.**

add chocolate chips, blueberries, strawberries or bacon for **1.50**

add whipped cream **.50**

Oatmeal **7.**

Handmade w/milk

add Raisins, Brown Sugar **.50** • Banana **1.** • Blueberries **1.**

SIDES

Corned Beef Hash **7.**

Chicken Fried Steak **7.**

Bacon, Ham, Sausage **6.**

Biscuits & Gravy **6.**

Hash Browns **5.50** Toast **2.50**

1 Egg **2.** 2 Eggs **3.50**

Breakfast Burrito with eggs, peppers, onions and cheese **12.**
Add bacon, sausage or ham **1.**
chorizo **2.**

Egg Mac (breakfast sandwich on English muffin with a fried egg, ham, bacon or sausage patty and cheese) **6.50**

DRINKS

All Drinks **3.25**

Juice

(Orange, Apple, Cranberry, Grapefruit, Tomato)

Milk, Hot Chocolate, Ice Tea or Lemonade

Soda

(Coke, Diet Coke, Cherry Coke, Sprite, Root Beer, Dr. Pepper)

Coffee or Hot Tea

Soda, Coffee, and Ice Tea

Refills Free

THE
NUGGET
RESTAURANT

600 Airport Road
Sitka, Ak 99835

907-966-2480

AMCO Received 6/21/22



LUNCH

Served All Day

THE NUGGET

All lunches served with your choice of fries, onion rings, salad or a cup of soup

CHARBROILED BURGERS

(All Burgers come with Mayo, Lettuce, Tomato, Pickle)

Nugget (2 patties, American, Swiss cheese, ham, turkey, bacon) 17.75

Diablo (1 Patty, pepperjack, bacon, jalapeno and buffalo ranch sauce) 16.75

Patty Melt (2 burger patties, grilled onions, Swiss cheese on rye) 16.75

Hawaiian Burger (1 patty, Swiss cheese, pineapple, ham) 15.75

Mushroom Burger (1 patty, Swiss cheese, mushrooms) 14.75

Alaskan Burger (1 patty, American, Swiss cheese & ham) 15.75

Bacon Cheeseburger 15.75 • **Cheeseburger** 13.75

• **Hamburger** 12.75

CHICKEN

Chicken Burger (grilled chicken breast with lettuce, tomato, mayo on a bun) 14.75

Teriyaki Chicken Burger (grilled chicken breast with pineapple, teriyaki, Swiss and tomato) 14.75

Fried Chicken Burger (breaded & deep fried with mayo, lettuce, and tomato) 14.75

Chicken Tenders (fried chicken strips with homemade ranch) 14.75

Chicken Low-Cal (grilled chicken, tomato, cottage cheese, pineapple and a side salad) 14.75

FISH AND SEAFOOD

Fried Halibut Burger (hand breaded local halibut, lettuce, tomato & pepper jack cheese) 21.50

Alaskan Halibut Burger (grilled, lettuce, tomato, mayo on bun) 21.50

Rockfish Basket (Locally caught rockfish) 18.50

Fried Rockfish Burger (Locally caught rockfish) Hand breaded, Pepperjack lettuce and tomato 18.50

Clam Basket (fried clam strips with homemade tartar sauce) 14.75

Prawn Basket (breaded fried prawns with homemade tartar sauce) 14.75

King Salmon Burger (grilled fillet, lettuce, tomato, mayo on a bun) 21.

DRESSINGS .75

Honey Mustard
Ranch, Buffalo Ranch,
Blue Cheese,
Thousand Island,
Balsamic Vinaigrette,
Italian, Oil & Vinegar

SAUCES 1.

Hollandaise
Country Gravy
Brown Gravy
Au Jus
Sour Cream
Salsa

GRILLED SANDWICHES

Prime Melt (sliced prime rib, onions, mushrooms and Swiss cheese on a French roll with au jus) 16.75

Reuben (pastrami, sauerkraut and Swiss cheese on rye with thousand island) 14.75

Chicken or Beef Philly (onions, peppers, Swiss cheese on French roll) 14.75

Irish (house roast beef, onions, tomatoes and Swiss cheese on sourdough) 14.75

Turkey Melt (sliced turkey, grilled onions, Swiss cheese on rye) 14.75

French Dip (house slow cooked roast beef with Au Jus on a French roll) 14.75

Tuna Melt (grilled tuna fish and melted American cheese on Texas toast) 14.75

Grilled Cheese on Texas Toast 9.50. Add Ham 11.75

COLD SANDWICHES

(All come with Mayo, Lettuce, Tomato, and Pickle on Texas Toast)

Clubhouse (bacon, ham, turkey, American & Swiss) 16.

BLT 11. • **Beef, Tuna, Ham or Turkey** 12.75

SALADS

Extra Dressing .75

Chef 17. -Turkey, ham, cheddar, Swiss olives, pickles, tomatoes & egg

Shrimp Louie 17. -Shrimp, egg, tomatoes, olives, pickles

Caesar Salad 10.50

Add Chicken 6. • Halibut or Salmon 11.

WRAPS

Comes with a side.

Fried Rock Fish Wrap 17.25

Locally caught rock fish with lettuce, tomato, cheddar cheese & thousand island.

Coast Guard Wrap 16.50

Chicken tenders, lettuce, tomato, cheddar cheese & buffalo sauce

SIDES 6.50

• **Homemade Soup Cup**

• **Fries • Onion Rings • Green Salad**

• **Bowl 8. • Caesar Salad 8.**

AMCO Received 6/21/22

* Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs, may increase your risk of foodborne illness

THE NUGGET RESTAURANT

DINNER

600 Airport Road
Sitka, Ak 99835
907-966-2480

Served with your choice of:
mashed potatoes, fries, onion rings, baked potato (with cheese & bacon add 2.)
and dinner salad or a cup of homemade soup

FISH AND SEAFOOD

- Alaskan Halibut** (beer battered or sautéed halibut fillet) 34.
Alaskan Halibut and Prawns Combo (beer battered or sautéed) 34.
Alaskan King Salmon (grilled king salmon fillet) 31.
Coconut Prawns (coconut coated prawns served with sweet-n-sour sauce) 28.
Wild Caught Prawns (beer battered or sautéed) 27.
Seafood Caesar Salad (sautéed prawns, halibut and king salmon, a meal in itself) 29.

STEAKS

- Angus Rib Eye Steak*** (12 oz. premium cut, charbroiled to your preference) 31.
Angus New York Steak* (10 oz. premium cut, charbroiled to your preference) 30.
Homemade Hamburger Steak* (12 oz. ground Black Angus beef covered
with sautéed mushrooms, onions and brown gravy) 25.
Country Fried Steak 22.
(breaded sirloin steak smothered in brown gravy)

CHICKEN

- Chicken Cordon Blue** Hand breaded, deep fried chicken topped with ham
and Swiss cheese and smothered with hollandaise 24.

FRIDAY NIGHT PRIME RIB

4 p.m. – 8 p.m.

8 oz. – 24. • 12 oz. – 29. • 16 oz. – 35.



* Consuming raw or undercooked meats, poultry, seafood,
shellfish or eggs may increase your risk of food borne illness

THANK YOU FOR CHOOSING THE NUGGET

AMCO Received 6/21/22



Alaska Food Code 2022 Establishment Permit

Division of Environmental Health
Food Safety & Sanitation Program

Permit Number: 1838
Issued to: **DPJT INC.**
For: **Nugget Bar**
For Operation of: **FN-4 Tavern/Bar**
Located at: **600 Airport RD Sitka, AK 99835**

This permit, issued under the provisions of 18 AAC 31, is valid until the noted expiration date or unless suspended or revoked by the department.

This permit is not transferable for change of ownership, facility location, or type of operation. It must be posted in plain view in the establishment and is the property of the State of Alaska.

Expiration Date:
December 31, 2022

Program Manager:

A handwritten signature in black ink, appearing to read "Kimberly S. O'Neil", is written over a horizontal line.

**If you have questions or concerns regarding
safe food handling practices call toll free:**

1-87-SAFE-FOOD

(in Anchorage call 334-2560)



AMCO Received 6/22/2022



Alaska Food Code 2022 Establishment Permit

Division of Environmental Health
Food Safety & Sanitation Program

Permit Number: 1837
Issued to: **DPJT INC.**
For: **Nugget Restaurant**
For Operation of: **FF-1 Food Service**
Located at: **600 Airport RD Sitka, AK 99835**

This permit, issued under the provisions of 18 AAC 31, is valid until the noted expiration date or unless suspended or revoked by the department.

This permit is not transferable for change of ownership, facility location, or type of operation. It must be posted in plain view in the establishment and is the property of the State of Alaska.

Expiration Date:
December 31, 2022

Program Manager:

A handwritten signature in black ink, appearing to read "Kimberly S. O'Neil", is written over a horizontal line.

**If you have questions or concerns regarding
safe food handling practices call toll free:**

1-87-SAFE-FOOD

(in Anchorage call 334-2560)



AMCO Received 6/22/2022



CITY AND BOROUGH OF SITKA

Legislation Details

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: 9/27/2022 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 Ord 2022-23](#)
[Memo Ord 2022-23](#)
[Ord 2022-23](#)

Date	Ver.	Action By	Action	Result
9/13/2022	1	City and Borough Assembly		

POSSIBLE MOTION


I MOVE TO approve Ordinance 2022-23 on second and final 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 15th 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 15th.

Fiscal Note

This change will not have a financial impact to CBS.

Recommendation

I propose moving the application deadline from February 15th 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 15th~~ 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 27th day of September, 2022.

Steven Eisenbeisz, Mayor

ATTEST:

Sara Peterson, MMC
Municipal Clerk

1st reading: 9/13/2022

2nd 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: 9/27/2022 Final action:
Title: Updating Title 9 "Health and Sanitation" of the Sitka General Code by modifying chapter 9.16
"Ambulance Service"

Sponsors:

Indexes:

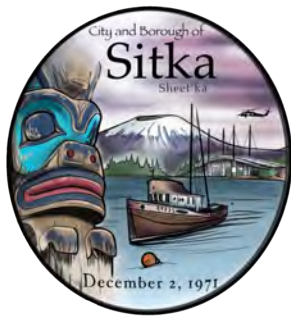
Code sections:

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

Date	Ver.	Action By	Action	Result
9/13/2022	1	City and Borough Assembly		

POSSIBLE MOTION

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

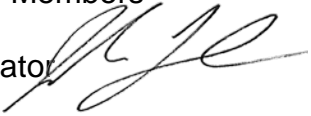


CITY AND BOROUGH OF SITKA

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 / 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 27th day of September, 2022.

Steven Eisenbeisz, Mayor

ATTEST:

Sara Peterson, MMC
Municipal Clerk

1st reading: 9/13/2022

2nd and final reading: 9/27/2022

Sponsor: Administrator



CITY AND BOROUGH OF SITKA

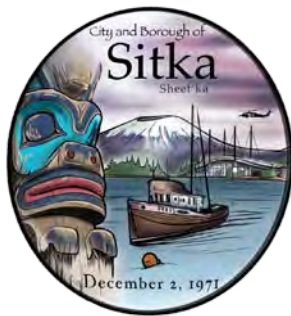
Legislation Details

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: 9/27/2022 Final action:
Title: Making supplemental appropriations for fiscal year 2023 (Crescent Harbor Finger Repair)
Sponsors:
Indexes:
Code sections:
Attachments: [Motion Ord 2022-25](#)
[Signed Memo and Ord 2022-25](#)

Date	Ver.	Action By	Action	Result
9/13/2022	1	City and Borough Assembly		

POSSIBLE MOTION

I MOVE TO approve Ordinance 2022-25 on second and final 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

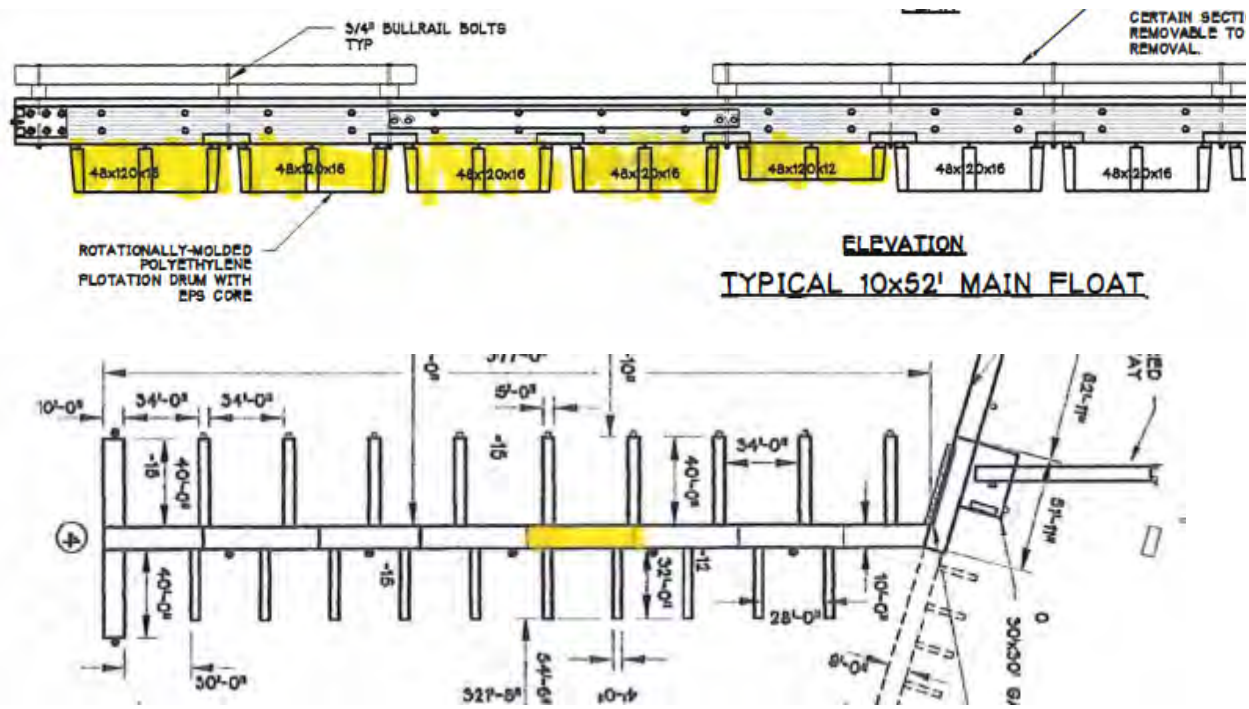
Subject: Crescent Harbor Vandalism Repair

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.

:

<u>FISCAL YEAR 2023 EXPENDITURE BUDGETS</u>
CAPITAL PROJECTS
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.

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

1st reading: 9/13/2022

2nd and final reading: 9/27/2022

Sponsor: Administrator



CITY AND BOROUGH OF SITKA

Legislation Details

File #: RES 22-26 Version: 1 Name:

Type: Resolution Status: AGENDA READY

File created: 9/21/2022 In control: City and Borough Assembly

On agenda: 9/27/2022 Final action:

Title: Adopting the document named the Sitka 2022-2027 Strategic Plan (1st and final reading)

Sponsors:

Indexes:

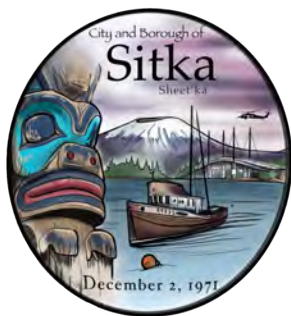
Code sections:

Attachments: [Motion Memo Res 2022-26](#)
[Sitka SP Draft.9.21.22](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE TO approve Resolution 2022-26 on first and final reading adopting the document named the Sitka 2022-2027 Strategic Plan.




CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members

Thru: John Leach, Municipal Administrator 

From: Melissa Henshaw, Public and Government Relations Director

Date: September 21, 2022

Subject: Approval of the Sitka 2022-2027 Strategic Plan

Background

The Sitka 2022-2027 Strategic Plan is on the Assembly agenda for consideration and approval. This plan will serve as staff's five-year road map to guide the organization as we pursue the mission, vision, values, goals, and actions reflective of the current community and organizational needs to improve services to our community.

We highly value our community and want CBS services to be responsive to the needs of all Sitkans. The strategic planning process has been an opportunity to engage the Assembly, community, partners, and staff to decide the future direction of our community. While we can't focus on every issue simultaneously, this is a way to understand the community's highest priorities for the next five years and guide the organization in addressing those needs by setting up goals and objectives in a systematic, incremental manner.

The plan includes an implementation structure to promote accountability and transparency as we pursue the goals and actions. Additionally, the implementation structure supports regular updates to keep the plan relevant and responsive to community and organizational needs. The process builds on the input collected from the comprehensive planning effort in 2018 and includes a significant outreach effort in 2022 gathering input from the community, its partners, and the organization.

Our community is facing complex challenges, such as housing needs, growth in tourism, cost of living affordability, infrastructure, food security, and supporting our local economy. To address these issues, it will require focused efforts, collaboration with community and regional partners, and strategically aligning our community resources to create positive change.

The planning process began in February 2022 with a Steering Committee comprised of 12 representatives from CBS Departments and two members of the Assembly. This group provided input on the strategic planning process design. A full-day workshop was conducted with the

Steering Committee and full Assembly in March 2022 to discuss how the team will work together to advance a strategic plan, gather input on the current challenges and opportunities, and identify engagement goals for the strategic planning process. Using this input, the engagement process was designed and resulted in broad participation from the community, Assembly, CBS boards and commissions, and staff. Thousands of community comments were gathered using inclusive engagement tools including an online survey, community presentations, community leader interviews, and focus groups. A staff survey was conducted, and engagement opportunities were provided at various department meetings.

As the strategic plan outreach themes emerged, a workshop with the Steering Committee was hosted on August 30 to refine the mission, vision, goals and actions. Following the committee's input, a draft plan was developed and presented to the Assembly at a Work Session on September 1. The draft plan was made available online and at City Hall for community review and comment. The public comment period resulted in 21 submittals. The plan Appendix has been updated to include a summary of these comments. The input included specific implementation suggestions that relate to the goals and actions and will be considered by staff as they work to implement the goals. Other comments alluded to specific capital investments that were not specifically identified in the plan. Staff is proposing one addition to goal 4 as follows:

4.4 Collaborate with public land management agencies and stakeholders to maintain and develop sustainable active transportation infrastructure, including parks, fields, cabins, trails, and water access.

Other capital investments identified in these comments and through the strategic plan outreach process will be considered through CBS's Capital Improvement Planning and the annual budget process.

Fiscal Note

While there is not a direct cost to the approval of the strategic plan, there are likely to be resources required to achieve some of the goals and actions outlined in the plan. Once the strategic plan is approved, any new initiatives, new resources, or significant changes to status quo budget will be tied to goals in the strategic plan to ensure that any expenditures are in line with the approved goals. While the CBS will still face the same revenue constraints, the strategic plan will help prioritize what available resources are spent on, ensuring that those expenditures are in line with the approved plan.

Recommendation

Approve this resolution adopting the Sitka 2022-2027 Strategic Plan.

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 2022-26

**A RESOLUTION BY THE CITY AND BOROUGH OF SITKA
ADOPTING THE DOCUMENT NAMED THE SITKA 2022-2027 STRATEGIC PLAN**

WHEREAS, the Assembly has endorsed the development of a strategic plan and engaged all Assembly members, the community, and employees in presenting issues and ideas relevant to strategic plan development since February 2022; and

WHEREAS, through public participation of an online survey, focus groups, community leader meetings, participation of the Assembly through workshops and special meetings, and a staff survey a mission, vision, values, and goals for the community and workforce were established; and

WHEREAS, five strategic goals were identified, which are:

1. Preserve the quality of life for all Sitkans.
2. Improve communications and strengthen relationships within the community and organization.
3. Align resources and financial and economic policies for a sustainable community.
4. Plan and invest in sustainable infrastructure for future generations.
5. CBS is recognized as being a great place to work and excellent service provider to the community.

WHEREAS, the mission, vision, values, and goals of the strategies are memorialized in a five-year strategic plan; and

WHEREAS, the strategic plan will guide financial, operational, and policy decisions starting now and through 2027 with oversight by the Assembly; and

WHEREAS, the strategic plan will serve as a guide to all future Assembly action; and

WHEREAS, the Assembly of the City and Borough of Sitka has carefully reviewed the plan, and considered public testimony; and

WHEREAS, the Assembly of the City and Borough of Sitka is committed to using the plan and its summary materials, and is committed to a periodic review and update of the plan.

NOW, THEREFORE, BE IT RESOLVED that the Assembly of the City and Borough of Sitka hereby adopts the Sitka 2022-2027 Strategic Plan as the official Strategic Plan of the City and Borough of Sitka.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 27th day of September.

Steven Eisenbeisz, Mayor

ATTEST:

Sara Peterson, MMC
Municipal Clerk

1st and final reading: 9/27/2022
Sponsor: Administrator



Sitka 2022-2027 Strategic Plan

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Draft Plan Updated
September 21, 2022



SSW CONSULTING



A Message From the Steering Committee

In Sitka, we value community and quality of life. We are known for our natural beauty, rich history, and cultural heritage. We have a small-town atmosphere where neighbors know each other and are willing to lend a helping hand. Over the past several decades, Sitka has grown from a quiet logging and fishing town to a bustling tourism destination and a thriving maritime industry. This growth has given way to additional developments, such as a vibrant downtown showcasing locally owned businesses, growing regional community healthcare system, and expanded government services to support the community.

With growth comes change, but also the opportunity to chart our own course for the future. Our community has weathered a lot over the past few years – a global pandemic, record-high inflation, and political polarization, to name a few. Additionally, we are facing complex challenges, such as increased demand for housing options, record levels of tourism, food security, rising costs and demands for infrastructure maintenance, and changing needs to support today's workforce.

While we have a lot of priorities in our community, the reality is we, as the local government entity, cannot focus on everything at the same time. As we look ahead to the future of our community, we have the opportunity to collectively decide the direction in which we want to go. Equally important, we must be strategic about our resources and the decisions we make to ensure we arrive at our desired destination.

Our core purpose is to provide public services that support a livable community for all. For this reason, we pursued the development of a strategic plan in early 2022. This plan is a five-year road map to guide our organization in achieving our shared vision. Rooted in a substantial outreach effort to gather input from the Assembly, community members, local partner organizations, and the CBS organization, the strategic plan is focused on goals and tactical actions for the CBS to achieve the community's highest priorities over the next five years. The planning process also accounts for the significant input gathered during the recent Comprehensive Plan update process as well as an analysis of current community conditions and trends.

Over the past year, we have engaged hundreds of community members and collected thousands of comments to make Sitka a sustainable and livable community for all. We are grateful to everyone who shared their ideas through the community survey, interviews, community group conversations, and focus groups. Thank you for your investment in the future of Sitka!

We will use this plan to chart the course for the CBS organization and seek out the partnerships that will bring our goals to life. We will regularly communicate our progress and keep this plan updated to maintain its responsiveness and relevance to our community. Our team looks forward to growing the future together.

”

Alone we can do so little;
together we can do so much.

- Helen Keller

“

Acknowledgments

ASSEMBLY

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

STEERING COMMITTEE

Steven Eisenbeisz, Mayor
Rebecca Himschoot, Assembly Member
John Leach, Municipal Administrator
Melissa Henshaw, Public & Government Relations Director
Amy Ainslie, Planning Director
Robert Baty, Police Chief
Scott Elder, Electric Utility Director
Melissa Haley, Finance Director
Michael Harmon, Public Works Director
Jess Ieremia, Library Director
Valerie Ruff, Human Resources Director
Ron Vinson, Asset Manager

CONSULTING TEAM

Sara Wilson, Owner/Principal
Ashley Sonoff, Associate



SSW CONSULTING



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”

In the face of uncertainties,
planning defines the particular
place you want to be and how
you intend to get there.

- Peter Drucker

“

Introduction

WE ARE GROWING THE FUTURE TOGETHER!

Sitka is known for its small-town friendly atmosphere, vibrant local economy, and stunning natural beauty. We want to preserve what residents love about Sitka while ensuring our community is a livable place for all Sitkans for years to come.

The CBS Strategic Plan is our five-year road map to guide the organization as we pursue the vision and goals reflective of the current community and organizational needs.

WHAT IS A STRATEGIC PLAN?

The Strategic Plan is an opportunity for the community to reflect on the current state of our community and organization, determine what we want Sitka to be in the future, and ultimately define how the organization will drive this vision forward in alignment with our mission and values.

A strategic plan acts as a compass. It helps our organization focus on a set of shared goals and guide it toward achieving them. The strategic plan provides defined goals and actions, rooted in community-identified priorities and informed by an understanding of current trends, along with an action plan and key performance indicators to measure progress over time. Furthermore, it fosters a culture of strategic management for the organization by serving as a resource to guide both long-term planning as well as daily decisions concerning the organization's delivery of services and the community's future.

The Strategic Plan will guide the work of the CBS organization over the next five years through the development of a mission, vision,

values, goals, and actions that will help improve the services we provide to our community. The plan includes an implementation structure to promote accountability and transparency as we pursue our goals and actions. Additionally, the implementation structure supports regular updates to keep the plan relevant and responsive to community and organizational needs. The process builds on the input collected from the comprehensive planning effort in 2018 and includes a significant outreach effort in 2022 to gather input from the community, its partners, and the organization.

WHY NOW?

The City and Borough of Sitka (CBS) organization has weathered many changes over the last few years. This period of transition is a great opportunity to refocus with the development of a mission, vision, goals, and how to strategically align the resources to best serve our community over the next five years. Our community is facing complex challenges, such as housing needs, growth in tourism, cost of living affordability, infrastructure, food security, and supporting our local economy. To address these issues, it will require focused efforts, collaboration with community and regional partners, and strategically aligning our community resources to create positive change.

We highly value our community and want CBS services to be responsive to the needs of all Sitkans. The strategic planning effort has been an opportunity to come together to decide the future direction of our community. While we can't focus on every issue simultaneously, this is a way to understand the community's highest priorities for the next five years and guide the organization in addressing those needs.

Strategic Plan

Goals + Process

We set out to achieve the following goals during this process:

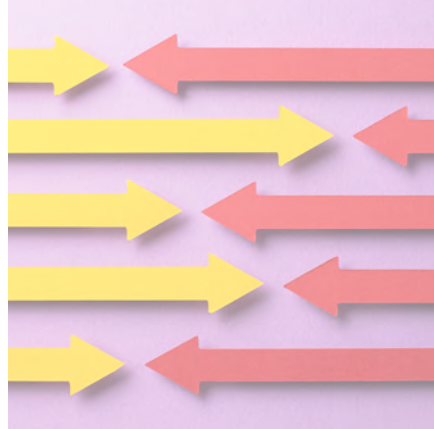
- » Build a plan to guide Sitka over the next five years
- » Develop a plan informed by the public engagement gathered through the Comprehensive Plan update and through additional targeted outreach
- » Identify the vision and values, critical strategic initiatives, high-level goals, and a reporting framework to guide the City's work

WHAT IS THE DIFFERENCE BETWEEN A COMPREHENSIVE PLAN AND A STRATEGIC PLAN?

Sitka's Comprehensive Plan is a long-term (10+ years) guide for policy decisions related to community land use and development. The City and Borough of Sitka's Comprehensive Plan has been in existence since 1976 with regular reviews and updates, the most recent being May 2018. In contrast, the Strategic Plan takes a shorter-term look (5 years) and is focused on the delivery of services to the Sitka community. The strategic plan will help us focus on our goals and guide us toward achieving them with tactical action items.

Strategic Plan

- » Shorter-term (5 years)
- » Strategic management to guide delivery of services
- » Focused on setting goals for organization and tactical actions to achieve them



Comprehensive Plan

- » Long-term (usually 10+ years)
- » Guides land use policy and development
- » Focused on land-use, development, transportation, and infrastructure

STRATEGIC PLAN PROCESS

Community and organizational engagement is the foundation of the strategic planning process. Building on the results of the large-scale community engagement conducted during the Comprehensive Plan update process in 2015-2018, the strategic plan community engagement focused on facilitating inclusive opportunities to ensure the vision and values are reflective of all people in Sitka. CBS staff was also engaged in the process to provide input and direction on operational improvements for the organization.

GROWING THE FUTURE TOGETHER WAS ORGANIZED INTO THREE PHASES

1. Gathering Community Ideas

2. Developing the Strategic Plan

3. Plan Plan Review + Adoption

PHASE 1: GATHERING COMMUNITY IDEAS

After kicking off the project in February 2022, the Steering Committee, comprised of 12 representatives from CBS Departments and the Assembly, developed a Communications and Engagement Plan to assist with gathering ideas. The Steering Committee committed to an inclusive process that sought to include the input of all voices, whether through previous engagement in the Comprehensive Plan update process or through new outreach opportunities for the strategic plan. Additionally, the Steering Committee prioritized process integrity throughout the outreach efforts to build relationships and create trust that enables reliable government activity in a transparent environment.

The Steering Committee guided the process and designed multiple opportunities and tools to engage the community and organization in the Strategic Plan development, including:

- » Strategic planning workshop
- » Community survey
- » Presentations and outreach to Boards, Commissions, + Community Groups
- » Community leader interviews
- » CBS staff survey
- » Focus groups
- » Utility bill insert
- » Fact sheet
- » Social media, media release, and radio
- » Project website

Communication + Engagement Goals

The following goals and values guided the team's engagement efforts:

- » Engage targeted stakeholders to develop a five-year strategic plan that will guide CBS
- » Build on the results of the broad community engagement conducted for the comprehensive planning process
- » Create project awareness across the community and organization and facilitate inclusive outreach opportunities to ensure the vision and values are reflective of Sitka

Communication + Engagement Values

INCLUSIVE: this will be an inclusive process that seeks to include the input of all voices - whether through their previous engagement in the comprehensive plan process or through new outreach opportunities for the strategic plan. The process will seek to be inclusive and accessible to foster trust and build relationships to help achieve the resulting goals and actions.

INTEGRITY: We will ensure process integrity through our outreach efforts. Process integrity is the ability to build relationships and create trust that enable reliable government activity in a transparent environment.



STRATEGIC PLAN Engagement Calendar

TASK / PROCESS

MAR

APR

MAY

JUN

JUL

AUG

SEP

Strategic Planning Workshop

Community Survey

Community Presentations

Community Leader Interviews

CBS Staff Survey

Focus Groups

Community Review

Website, Social Media, Radio, News

Utility Bill Insert

Video

sitkagrowingthefuturetogether.org

ENGAGEMENT BY THE #'S

11 COMMUNITY GROUP PRESENTATIONS

8 COMMUNITY LEADER INTERVIEWS

635 SURVEY RESPONDENTS

35 FOCUS GROUP PARTICIPANTS

646 AVERAGE REACHED THROUGH SOCIAL MEDIA

912 UNIQUE WEBSITE VISITORS

PHASE 2: DEVELOPING THE STRATEGIC PLAN

The project team carefully analyzed the thousands of community comments gathered through the outreach activities to identify common ideas, comments, and trends. Following the analysis, the project team organized the information into six outreach themes representing community priorities as shown below.



PHASE 3: ADOPTING THE STRATEGIC PLAN

The project team presented the draft strategic plan to the Sitka Assembly on September 1st to gather feedback. The project team incorporated the Assembly’s comments into the revised draft strategic plan and invited community members to review the revised draft online and provide comments. The project team incorporated the community comments to develop a final version of the strategic plan, which was presented to the Assembly for adoption on September 27th.

Mission, Vision Values + Goals



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Mission

WHY WE EXIST

Provide public services for Sitka that support a livable community for all.

Vision

OUR DESIRED FUTURE STATE

CBS is an organization that values everyone and proactively works together to serve the community. We are fiscally sustainable, supporting a diverse economy and well-managed infrastructure. We are innovative in seeking ways to protect and preserve Sitka's natural environment. We are a respected employer where people enjoy their work and provide valued public services.

Values

WHAT GUIDES US



PEOPLE

People are our greatest asset. We value all people including our community, employees, and visitors. We appreciate the diversity of Sitka, and we respect and celebrate all people. We foster a safe and welcoming environment for all.



INNOVATION

Innovation supports a proactive approach to fulfilling our mission. We are forward thinking and continuously working to improve our processes and our people to provide efficient and effective services to our community.



INTEGRITY

Integrity guides our service delivery, processes, and communication. We are accountable to the Sitka community, and we provide services in a transparent, honest, and ethical manner.



SUSTAINABLE

Sustainability ensures we plan and deliver services with the future in mind. We are good stewards of taxpayer resources as well as our natural environment.



SERVICE

Serving the community is our job. We provide service with compassion, kindness, and excellence. We care about our community and organization, and this is reflected in our service levels.

Goals

WHAT ARE OUR DESIRED OUTCOMES FOR OUR COMMUNITY AND ORGANIZATION?



Quality of Life

Preserve the quality of life and affordability for all Sitkans

Communication

Improve communications and strengthen relationships within the community and organization



Sustainable

Align resources and financial and economic policies with CBS' goals for a sustainable community

Infrastructure

Plan and invest in sustainable infrastructure for future generations



Service

CBS is recognized as being a great place to work and excellent service provider to the community

Action Plan

The Action Plan contains the policies, programs, and projects CBS will implement to fulfill the organization's mission and achieve the five-year vision and supporting goals.

WHAT IS AN ACTION?

The actions represent a policy, program, or project. The actions are organized by goal areas and support the overall organization mission and vision. The actions were informed directly by the ideas and priorities shared by community members and CBS employees during the strategic plan outreach process.

The scope and timeline of the actions vary. Some actions are significant undertakings and will require multiple years to achieve, while others are smaller in nature and can be achieved in a shorter time frame. Regardless of size and scope, all actions play a critical role in improving the delivery of services to the community.

WHO IS RESPONSIBLE FOR IMPLEMENTING THESE ACTIONS?

The actions of the strategic plan are internally focused with the CBS organization responsible for implementing these actions. Each action will be assigned to a project lead and team of CBS employees. While CBS plays a critical role in achieving these actions, the organization, and ultimately the community, will be most successful through working together with community partners to implement the plan.

"Execution is the ability to mesh strategy with reality, align people with goals, and achieve the promised results."

-Larry Bossidy

Goal 1:

Preserve the quality of life for all Sitkans

1.1 Convene community partners to develop a community-wide strategy to improve access to childcare

1.2 Develop a plan to improve housing options for all in Sitka

1.3 Identify opportunities to relieve the burden of utility costs

1.4 Review the impacts and benefits of tourism, and develop policies that prioritize the quality of life for all Sitkans

1.5 Convene community partners to develop an action plan that will address the challenges of food security



Goal 2:

Improve communications and strengthen relationships within the community and organization

2.1 Develop a communication and engagement plan to increase engagement and participation through storytelling and enhancing Sitka's communication tools and networks

2.2 Identify opportunities to foster relationships with underrepresented groups/populations in the community and implement findings to improve service delivery to these groups

2.3 Annually convene non-profits, CBS boards and commissions, and other community groups for a summit to discuss community challenges, updates, and opportunities for collaboration

Goal 3:

Align resources and financial and economic policies for a sustainable community

3.1 Develop a fiscal policy that includes guidelines for areas of fiscal operations such as debt management, infrastructure replacement, metrics for fiscal health of funds, reserves, and other areas.

3.2 Prepare financial forecasts and life cycle models for all assets to bring resources in alignment with the City's top priority needs

3.3 Convene economic partners to explore the addition of business support services and employment training programs

3.4 Identify and implement policies that will balance the economic benefits of tourism with the impacts on Sitkan's quality of life

Goal 4:

Plan and invest in sustainable infrastructure for future generations

4.1 Identify and pursue funding to address existing capital needs and deferred maintenance

4.2 Develop asset management plans for future capital investments



4.3 Identify the levels of service for CBS's infrastructure and identify the resources needed to support these levels

4.4 Collaborate with public land management agencies and stakeholders to maintain and develop sustainable active transportation infrastructure, including parks, fields, cabins, trails, and water access

Goal 5:

CBS is recognized as being a great place to work and excellent service provider to the community

5.1 Develop a workforce development plan that outlines clear policies for staff training and professional development

5.2 Prepare a succession plan that addresses development of the current workforce and future workforce recruitment and retention strategies

5.3 Improve customer service levels and evaluate process improvements for service delivery

5.4 Identify and develop necessary standard policies and procedures to promote organization-wide stability and service-level consistency

5.5 Develop an internal communication and engagement plan and policies to improve the flow of information in the organization and increase employee engagement

Plan Implementation

STRATEGIC PLAN NEXT STEPS

Following the Assembly's adoption of the strategic plan, CBS staff will use input and direction from the Assembly to prioritize the actions for implementation based on staff capacity and available resources. CBS staff will identify leads for each action. These leads will be responsible for the following:

- » Overseeing the implementation of the action
- » Developing a project charter (will identify the project team, stakeholders, timeline, key performance indicators, etc.)
- » Identifying resources for implementation
- » Engaging and updating the Assembly, Boards/Commissions, Organization, and the Community as needed
- » Reporting progress, challenges, and opportunities to consider during implementation
- » Recommending updates to the action if needed

Once the action leads have been assigned and the work has been prioritized, the actions prioritized for implementation will be considered in the budget development process. This will help in identifying resources for the action implementation if needed.

At the end of 2023, CBS staff will coordinate an annual progress report for the strategic plan. The progress report will document progress, challenges, opportunities, and potential updates to the actions as needed. This report will serve as a communication tool back to the Assembly and the community to maintain accountability in implementing the vision and goals.

FOSTERING A CULTURE OF STRATEGIC MANAGEMENT

While this is the first iteration of this strategic plan, it is intended to foster a culture of strategic management and guide the organization in developing a more efficient, effective, and transparent system of providing public services. The process below describes the recommended system for implementing the plan and making regular annual updates to it to ensure it remains relevant in meeting current community and organizational needs.

Regular engagement from the community, the Assembly, Boards/Commissions, and the organization are essential to fostering a system that is responsive and accountable. The graphic below illustrates what the annual process will look like going forward to maintain alignment between the strategic plan, the budget, and the departments' work plans. It also highlights where the engagement will take place, so the community, elected officials, and staff understand when and how to participate and get involved in this process.

It is recommended the strategic plan undergo a complete update every five years to conduct more comprehensive engagement, review the mission, vision, and values, and examine the broader community context. These major updates will ensure the five-year vision continues to serve as a North Star in guiding the community and organization. These community engagement efforts also help to foster strong relationships with Sitka's community and its partners and build support for implementing the goals.



Appendix

The appendix provides more detailed engagement results gathered through the strategic planning process. These details provide additional context for the vision, goals, and actions in the strategic plan.

COMMUNITY SURVEY

Building off the community engagement data gathered as part of the Comprehensive Plan update process, the community survey aimed to capture what community members enjoy most about Sitka, how Sitka can be a better place for residents, what areas CBS should prioritize in the next five years, and their communication preferences for receiving information from CBS. The project team promoted the community survey using both traditional and digital methods, including an insert in the utility bill mailings, press release, promotion on local radio stations, CBS website, and social media channels.

The community survey resulted in the most significant community response (689 respondents) of all outreach activities. To support our goal of inclusivity and include perspectives from all groups in our community, the survey included an optional question to collect respondents' demographic information. The following chart displays the demographic information provided by respondents who chose to answer the optional questions.

The project team carefully reviewed thousands of comments to identify common themes and trends that would lay the groundwork for the strategic plan goal areas.

	Number of Respondents	Percentage of Respondents	Sitka Demographics*
Total Population	635	7.7%	8,257
Gender			
Male	193	30.4%	51.4%
Female	363	57.2%	48.6%
Prefer not to say	4	0.6%	-
Other	26	4.1%	-
Did not respond	49	7.7%	-
Age			
18 and under	12	1.9%	23.6%
18-24	55	8.7%	5.3%
25-34	117	18.4%	14.3%
35-44	114	18.0%	14.5%
45-54	90	14.2%	12.7%
55-64	98	15.4%	14.5%
65+	99	15.6%	15.1%
Did not respond	50	7.9%	-
Race/Ethnicity*			
White	445	70.1%	61.2%
Hispanic, Latino, or Spanish origin	29	4.6%	5.9%
Black or African-American	12	1.9%	0.4%
Asian	22	3.5%	6.8%
American Indian or Alaskan Native	77	12.1%	14.8%
Native Hawaiian or Other Pacific Islander	16	2.5%	0.2%
Middle Eastern or North African	2	0.3%	-
Other (please specify)***	37	5.8%	16.7%
Did not respond	62	9.8%	-

*Source: American Community Survey 5-Year Estimates Data Profiles, U.S. Census Bureau, 2019

**Sum of responses is greater than 635 as some respondents made more than one selection.

***Includes ACS categories "Some other race" and "Two or more races"

Share what you like most about Sitka that we should we preserve into the future?



What is the most important thing Sitka should focus on in the next five years?



The Strategic Plan Steering Committee and Assembly completed stakeholder exercises to help the project team identify the groups and people for focused engagement through interviews and presentations. The project team met with 11 groups, including CBS volunteer boards/commissions as well as community organizations. The presentations included an overview of the strategic planning process and a discussion of what the group loves about Sitka, upcoming challenges, and how CBS should address those challenges. The community leader interviews included representatives from various community organizations throughout Sitka and gathered information related to what they love about Sitka, significant changes and/or trends, opportunities on the horizon, the community's most pressing challenges, priorities for the strategic plan, and recommendations for communications and engagement.

The stakeholder exercises identified the Sitka Tribe of Alaska and Filipino community for targeted engagement in the for the strategic plan community outreach and the project team prioritized reaching these groups. While representatives from these groups participated in the outreach activities, there is an opportunity for more dialogue. Ongoing engagement will be important in strengthening relationships with these groups for more effective outreach in the future.

FOCUS GROUPS

The project team invited interested community members to participate in a series of three focus groups during the first week in August to discuss the following topics:

- Key themes from community engagement survey
- Tourism + Economic Development
- Food Security

The first focus group discussed the key themes that emerged from the community survey, community leader interviews, and presentations to Boards, Commissions, and community groups. These topics included housing, cost of living, tourism, sustainability, infrastructure, financial stewardship, economic development, and communications and engagement. The second focus group included representatives from the local business community and discussed tourism and economic development specifically, as well as the relationship between tourism and quality of life. The third focus group included representatives from the Sitka Local Foods Network, Alaska Food Policy Council, food banks, grocery stores, local food producers, and other community organizations. This group discussed food security and explored opportunities to alleviate high cost of food, increase access to fresh produce, improve environmental sustainability, and support disaster preparedness.

Participants were encouraged to share their experiences, develop ideas, and discuss the role CBS should take in addressing these community priorities. The themes that emerged from the focus groups were consistent with the community input gathered in the survey, interviews, and presentations. The discussions helped guide the project team in finetuning the goals and actions to support community priorities.

OUTREACH SUMMARY

The project team provided opportunities throughout the process for the community to learn about the strategic planning process and provide input on the strategic plan. The following matrix outlines the themes from each outreach activity.

Outreach Activity	Date	Participants	Themes
Strategic Planning Workshop	March	18	<ul style="list-style-type: none"> • Cost of Living/Quality of Life • Fiscal Sustainability • Communications + Engagement • Organizational Development • Infrastructure • Economic Development
Community Group Presentations	March-July	11 groups	<ul style="list-style-type: none"> • Love the community feel and access to nature • Affordability – housing, food, cost of living • Growing retiree population/workforce shortage • Isolated economy/not enough services to support residents • Infrastructure maintenance • Encourage/support youth to stay in community • Housing • Support economic development • Workforce development
Community Survey	May - July	635	<ul style="list-style-type: none"> • Cost of living • Housing • Food security • Cost of utilities • Childcare • Tourism • Quality of life • Economic development • Education
Community Leader Interviews	June - July	8	<ul style="list-style-type: none"> • Love the community, nature, and quality of life • Housing – need more availability, concern about high cost • Balancing tourism with protecting quality of life • Cost of living – people are being pushed out • Lack of childcare • Housing - More efficient land use, open up new land, multi-family • Food – remove sales tax on food • Continued relationship with the Sitka Tribe of Alaska • Continued community engagement effort by City to build trust and positive relationship with community.
Staff Survey	June-August	56	<ul style="list-style-type: none"> • Opportunity to improve communication and engagement with employees • More employee support programs are needed • Employee pay should be evaluated • More access to professional development • Shared vision and goals for the team • Imbalance of workloads for departments • Need for customer service training • Cost of living has a major impact on staff
Focus Groups	June - August	35	<ul style="list-style-type: none"> • Housing availability and affordability • Economic development • Tourism • Fiscal sustainability • Community engagement • Food security

The community outreach process gathered thousands of comments from community members for the strategic plan. The chart below provides a matrix of the goals and actions with comments gathered during the community engagement activities to provide context for action implementation.

Goal		Action	Community Engagement Notes
1. Preserve the quality of life for all Sitkans	1.1	Convene community partners to develop a community-wide strategy to improve access to childcare	Work with Sitka School District and other organizations to develop options for more before/after school care for school-aged children and daycare for infants/toddlers.
	1.2	Develop a plan to improve housing options for all in Sitka	Apply for grants and/or other funding options to develop permanent affordable housing units. Open additional land for development. Change building code to allow for higher-density housing. Designate CBS employee to coordinate efforts, write grants, and work with community organizations. Workforce housing.
	1.3	Identify opportunities to relieve the burden of utility costs	Explore utility bill credit program for sustainability measures taken on property.
	1.4	Review the impacts and benefits of tourism, and develop policies that prioritize the quality of life for all Sitkans	Limit the days and numbers of cruise ships. Consider only allowing cruise ships on weekdays. Create policies that support locally-owned downtown storefronts, including the transfer of ownership/management. Planning for the boom and bust cycles of tourism and revenue. Allow one-way street option on cruise ship days to allow local access while giving tourists enough space. More opportunities for year-round employment. Branding and wayfinding to support town identity and consistent look and feel of community. Shop local first efforts. Convene local business owners to hear directly from their experience in summer 2022 season.
	1.5	Convene community partners to develop an action plan that will address the challenges of food security	Sitka Assembly declare food security a priority. Secure land for community gardens. Designate CBS employee to support community garden coordination, gardening labor, grant writing and other funding opportunities to support efforts, establishing and coordinating neighborhood resiliency districts for community disaster preparedness. Remove the tax on food. Agricultural zoning to allow lower tax rate for people growing food. Lower utility rate for vertical gardening. Improve access to fresh produce. Vertical indoor gardening to provide year-round produce. Support soil health through composting. Prioritize edible landscaping over ornamental on public land. Potential partners: Sitka Tribe of Alaska, University of Alaska, Sitka School District, local radio stations, Alaska Longline Fishermen's Association (ALFA), local grocery stores, etc. Town hall meeting with community members to discuss food security. Conduct a citywide emergency food drill. Educational programming for emergency food storage. Establish neighborhood resiliency districts to support emergency food preparedness. Work with fishing industry partners to donate seafood to food insecure community members. Create a pool of funds to support processing of seafood, storage, and distribution.

2. Improve communications and strengthen relationships within the community and organization	2.1	Develop a communication and engagement plan to increase engagement and participation through storytelling and enhancing Sitka's communication tools and networks	Town hall meetings with trained moderators. Social media. Local media (newspapers, radio, etc.) Update CBS website. Public education on role of taxes, how money is allocated, etc.
	2.2	Identify opportunities to foster relationships with underrepresented groups/populations in the community and implement findings to improve service delivery to these groups	Sitka Tribe of Alaska Filipino community
	2.3	Annually convene non-profits, CBS boards and commissions, and other community groups for a community summit to discuss community challenges, updates, and opportunities for collaboration	
3. Align resources and financial and economic policies for a sustainable community	3.1	Develop a fiscal policy that includes guidelines for areas of fiscal operations such as debt management, infrastructure replacement, metrics for fiscal health of funds, reserves, and other areas	
	3.2	Prepare financial forecasts and life cycle models for all assets to bring resources in alignment with the City's top priority needs	
	3.3	Convene economic partners to explore the addition of business support services and employment training programs	Internships and mentorships with local businesses. Align industries with courses offered at high school so graduates are more prepared for available jobs. Foster partnerships between business community and Sitka School District. Support working waterfront, fix seawall, affordable harbor rates
	3.4	Identify and implement policies that will balance the economic benefits of tourism with the impacts on Sitka's quality of life	

4. Plan and invest in sustainable infrastructure for future generations	4.1	Identify and pursue funding to address existing capital needs and deferred maintenance	Higher property tax for non-residents. Progressive income tax. Revisit property tax and sales tax exemptions for senior residents.
	4.2	Develop asset management plans for future capital investments	
	4.3	Identify the levels of service for CBS's infrastructure and identify the resources needed to support these levels	
	4.4	Collaborate with public land management agencies and stakeholders to maintain and develop sustainable active transportation infrastructure, including parks, fields, cabins, trails, and water access	
5. CBS is recognized as being a great place to work and excellent service provider to the community	5.1	Develop a workforce development plan that outlines clear policies for staff training and professional development	Training varies greatly by department - communicate opportunities and make it accessible to all
	5.2	Prepare a succession plan that addresses development of the current workforce and future workforce recruitment and retention strategies	Conduct a salary survey. Evaluate employee support and wellness programs. Develop internship opportunities targeted for Sitka students.
	5.3	Improve customer service levels and evaluate process improvements for service delivery	Provide customer service training for employees. Bring more services online to allow people to do business with CBS outside of business hours. Evaluate improvements to trash service and receptacles.
	5.4	Identify and develop necessary standard policies and procedures to promote organization-wide stability and service-level consistency	
	5.5	Develop an internal communication and engagement plan and policies to improve the flow of information in the organization and increase employee engagement	

SUMMARY OF COMMENTS RECEIVED SEPT. 5-19 ON THE STRATEGIC PLAN

The draft strategic plan was presented to the Assembly on September 1, 2022. Following the presentation, the plan was posted online with a community comment form to submit feedback on the draft plan. Twenty one comments were submitted, and a summary of those comments are provided below:

Do you feel the CBS Strategic Plan reflects your priorities for the next five years?

21 Responses:

- » 13 - No
- » 5 - Y
- » 3 - Somewhat

Comments:

- » Doesn't include access to nature
- » Doesn't include commercial fishing industry - shipyard
- » Want more separation from U.S. Forest Service
- » No mention of active transportation (walking and biking)
- » No mention of trails, parks, or recreation, access to nature
- » No boat haul-out
- » No sure it is feasible for Sitka to limit # tourists
- » Get buses off road
- » Make arts a priority
- » Keep quality of schools
- » Substance abuse/domestic violence
- » It does not require robust financial analysis, quantitative analysis, and marketing research to support key resource allocation decisions.
- » Does not include aging school infrastructure or plans for replacement
- » Concern that succession planning will never happen

What would you add, remove, or change?

- » Tourism
- » Financial transparency and stewardship with infrastructure, utilities
- » Access to nature/trails, cabins, etc.

Comments:

- » Work with other agencies to support trail and cabin system (Sitka Trail Works)
- » Wants transparency on enterprise fund and electrical infrastructure upgrades
- » More time for public comment - difficult for commercial fishing industry to weigh in
- » Work with other agencies to develop an off-road trail system
- » Work with legal team to remove fees the U.S Forest Service charges the community of Sitka
- » I would like to see more attention given to
- » size and shape of tourism and the benefits vs. the impact on quality of life for residents
- » tax structure for seasonal residents, especially as it relates to income producing operations and property ownership
- » sustainability and support of our substantial fishing industry, which also strongly supports our quality of life
- » Look at financial models for utility master plans
- » Under the infrastructure topic we need to closely evaluate the assumptions that engineering planners use to develop our utility Master Plans to ensure we are not inflating future costs unnecessarily.
- » Second, we need to closely evaluate the financial models used by Finance to make sure we are not duplicating and thus compounding inflation factors that may already be embedded in the utility Master Plans.
- » The community should consider a local annual dividend payment for residents, so we feel we are sharing in the financial windfall from the cruise income.
- » I would add improvements for walkers and bikers. Young and many older people cannot drive.
- » If CBS is to support the essential service of walking and biking facilities, CBS staff need to actively collaborate with other public land management agencies and stakeholders to maintain and develop shared infrastructure. Sitka Trail Works recommends an action, under Goal 1 or Goal 4, that encourages improved planning and coordination. 4.4 Collaborate with public land management agencies and stakeholders to maintain and develop sustainable active transportation infrastructure, including parks, fields, cabins, trails, and water access.
- » As the only non-profit dedicated solely to improving Sitka's outdoor recreation infrastructure, Sitka Trail Works is currently leading a multi-jurisdictional trail planning process. Our public engagement process has reached over 800 Sitkans, including 787 who responded to the 2022 Trail Plan Survey, 94% of whom reported using the trails at least several times a year.
- » Eliminate the "sustainability" effort. This is simply virtue signaling and a waste of time, effort, and money. Simply focus on delivering services as cheaply and efficiently as possible. Get out of the way of private industry and let market forces take care of affordability and availability.
- » One area I do applaud this effort is the area of tourism and quality of life. I am suspicious that the effort will be not focused on quality of life, but on the almighty tourist dollar...at the expense of quality of life. This past summer the unrestricted onslaught of cruise ship passengers definitely lowered the quality of life for residents. There has to be a balance and a serious discussion about this. Independent travelers had no chance to go visit the many sites around Sitka because of the crush of humanity.

Residents couldn't enjoy them either. The number of ships needs to be restricted with a few days a week with none so residents and independent travelers have opportunities. If part of this effort is to help local businesses why not focus on businesses that stay open all year and not shut down when the tourist season is over.

- » Fewer visitors
- » 1.3 Identify opportunities to relieve the burden of utility costs Explore utility bill credit program for sustainability measures taken on Property —this sounds like it would only benefit property owners. What about renters? People who rent have no control over the sustainability measures that a building owner might take. How can utility costs be made more manageable for renters?
- » I personally was less invested in the communication and the City employee development aspects.
- » There is focus on affordable housing and utilities. However, there are parts talking about income tax, reduction of sales tax exemptions, etc. sustainability includes taxes. Saving money from utilities to only increase taxes is a fools errand. The city needs to leverage new revenue streams not from residents. Invest that into the community and stop increasing taxes. There is a breaking point. Also, limiting tourism due to a minority of the population is foolish. Sitka's growing tourism industry is the only growing economic industry, other than government. Don't stop this growth, as this is the future of our economy.
- » Add: let residents be financially secure and use their homes the way they want, short term rentals.
- » Engage with former employees to learn from their experiences, pass on institutional knowledge, etc.
- » Set up system to tie strategic plan and budget so as to not inadvertently fund anything that is not in the strategic plan
- » Healthcare services + costs
- » Staff communication with the public + customer service
- » Prioritize cultural equity



City and Borough of Sitka
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CITY AND BOROUGH OF SITKA

Legislation Details

File #: 22-134 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 9/21/2022 In control: City and Borough Assembly

On agenda: 9/27/2022 Final action:

Title: Board of Adjustment: Consideration of an appeal filed by Larry T. Calvin, Kris Calvin, Eric Calvin, Leif Calvin, and Karen Calvin-Woodard for the Planning Commission's approval of a variance request for 1415 Davidoff Street. The applicant is Sam Smith, and Hardrock Construction, LLC is the owner of record.

Sponsors:

Indexes:

Code sections:

Attachments: [Procedure and Motions](#)
[CBS Submittal](#)
[Calvin Submittal](#)

Date	Ver.	Action By	Action	Result
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Step 1

I MOVE TO convene as the Board of Adjustment*.

***22.30.060 Board of adjustment.**

The assembly of the city and borough shall function as the board of adjustment with the authority to:

- A. Consider appeals of variances or conditional use permits.
- B. Hear appeals of administrative approvals or denials.

Step 2

Hearing procedures per SGC 22.30.180 and 22.30.170(B)(2)

- A. Staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.
- B. Appellant presentation, including submittal of any materials. Members of the hearing body may ask questions of the appellant.
- C. Testimony or comments by the public germane to the matter. Questions directed to the staff or the appellant shall be posed by the chair at its discretion.
- D. Rebuttal, response or clarifying statements by the staff and the appellant.
- E. Appellant response or clarifying statement.
- F. The evidentiary portion of the public hearing shall be closed and the hearing body shall deliberate on the matter before it.

Step 3

POSSIBLE MOTIONS

Grant the appeal in whole or in part (**overturning the variance**):

“I MOVE TO grant the appeal filed by Larry Calvin, Kris Calvin, Eric Calvin, Leif Calvin, and Karen Calvin-Woodard of the Planning Commission’s decision made August 3, 2022, regarding case file V 22-14, a request to reduce the front setback from 14’ to 0’ at 1415 Davidoff Street as filed by Sam Smith.”

Deny appeal in whole or in part (**upholding the variance**):

“I MOVE TO deny the appeal filed by Larry Calvin, Kris Calvin, Eric Calvin, Leif Calvin, and Karen Calvin-Woodard of the Planning Commission’s decision made August 3, 2022, regarding case file V 22-14, a request to reduce the front setback from 14’ to 0’ at 1415 Davidoff Street as filed by Sam Smith.”

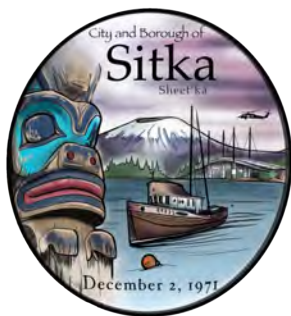
Remand for further proceedings:

“I MOVE TO remand this matter back to the Planning Commission with additional considerations made for:

_____.”

Step 4

I MOVE TO reconvene as the Assembly in regular session.





CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members

Thru: John Leach, Municipal Administrator 

From: Amy Ainslie, Planning & Community Development Director 

Date: September 21, 2022

Subject: Appeal of V 22-14

Background

On August 3, 2022, the Planning Commission heard case file V 22-14, a request to reduce the front setback from 14' to 0' at 1415 Davidoff Street ("subject property"). The applicant is Sam Smith ("applicant"), and Hardrock Construction, LLC is the owner of record. The specifics of the proposal can be found in the Planning Commission packet materials enclosed. Staff recommended approval of the request, and the commission voted 5-0 to approve the request.

Larry Calvin, represented by his family Kris Calvin, Eric Calvin, Leif Calvin, and Karen Calvin-Woodard, is an adjacent property owner with lots on the opposite side of Davidoff Street from the subject property. The primary bases of the Calvin's ("the appellant") objections are:

1. The setback reduction increases the allowable height of the structure based on the view from "street level" which will adversely impact their property.
2. The plans submitted with the request were insufficiently detailed.
3. The variance was granted solely to relieve financial hardship or inconvenience.

Analysis

1. Building Height: The appellant's comments regarding building height were read during the public testimony portion of the Planning Commission's hearing. The applicant responded that regardless of the setback reduction, there may be some element of view impact given that the subject property has been vacant. There was no further comment on this point by Commissioners.

Staff comment: If there is an impact on view sheds, this generally will factor into

staff's analysis of a proposal. However, these comments were not elucidated in the staff report for these reasons:

- The zoning code calculation for calculating maximum building height is based on the average finished grade on which the building sits. As the applicant's development plans are dependent on the variance decision, a final grading plan from which to calculate maximum height is not yet completed; this sequence in development planning is not uncommon. Further, the setback reduction does not necessarily impact building height from street level, as the applicant could add fill in the lot to bring up the finished grade irrespective of the setback line/reduction.
 - Prior to the Planning Commission hearing, staff asked if the appellants could provide photos of their view shed from Mr. Calvin's home to help demonstrate a negative impact on view; it was then clarified that no existing view sheds would be impacted, but rather the potential views from the appellant's vacant lots fronting Davidoff Street could be impacted. Without a tangible impact to report on or analyze, staff did not feel this was an impact that could be appropriately weighed in the staff report.
2. Plan Detail: There was discussion amongst Commissioners regarding the plans submitted, and it was noted that there was not a complete topographic map of the entire lot. There was also discussion on the level of detail for the house plans, as there was some confusion regarding the size of the proposed structure. Staff clarified for Commissioners that while the plans were general at this stage, any significant deviations would require additional Commission review. Ultimately, the Commission felt that the applicant's professional expertise and consultation with a geotechnical engineer, the available plans and photos depicting the site conditions, and the opportunity to re-review the proposal if significant changes were made to the plans provided enough information and assurance to approve the request.

Staff comment: While a topographical map of the entire lot was not provided, the site plan did depict topographic lines at the front of the lot where building would take place. Photos of the lot and surrounding area were also provided to help Commissioners visualize the site conditions.

3. Basis of Decision: The appellant is correct that Alaska Statute does prohibit the granting of a variance solely to relieve financial hardship or inconvenience. Commissioner discussion of the decision included safety considerations for landslide potential, the challenging nature of the lot, and previous precedent set for 0' setbacks along this undeveloped portion of Davidoff Street.

Staff comment: A required finding in the zoning code for variance requests is that *"there are special circumstances to the intended use that do not apply generally to other properties. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels...."*. There is long-standing precedent for variances to be granted on parcels with challenging

slopes/topography. Further, all required findings were adopted and approved. The applicant also clarified that the basis of his request was not solely financial given the safety/slope stability considerations.

Recommendation

First, the chair of the board should set time limits for presentations (staff and appellant) and for rebuttal (staff and appellant). If other members of the board would like to challenge the time limits, a motion should be made specifying the desired time limits, and if it passes, the time limits specified in the motion will be used.

The recommended process for this hearing is outlined in SGC 22.30.180:

1. Staff presentation. Members of the hearing body may ask questions.
2. Applicant presentation. Members of the hearing body may ask questions.
3. Testimony or comments by the public germane to the matter. Questions directed to staff or the applicant shall be posed by the chair at its discretion.
4. Rebuttal, response or clarifying statements by the staff and the applicant.
5. Evidentiary portion of the hearing closed.
6. Board deliberation and decision.

Per SGC 22.30.170, the Assembly must take one of the following actions:

- **Grant the appeal in whole or in part (overturning the variance):**

"I move to grant the appeal filed by Larry Calvin, Kris Calvin, Eric Calvin, Leif Calvin, and Karen Calvin-Woodard of the Planning Commission's decision made August 3, 2022, regarding case file V 22-14, a request to reduce the front setback from 14' to 0' at 1415 Davidoff Street as filed by Sam Smith."

- **Deny appeal in whole or in part (upholding the variance):**

"I move to deny the appeal filed by Larry Calvin, Kris Calvin, Eric Calvin, Leif Calvin, and Karen Calvin-Woodard of the Planning Commission's decision made August 3, 2022, regarding case file V 22-14, a request to reduce the front setback from 14' to 0' at 1415 Davidoff Street as filed by Sam Smith."

- **Remand for further proceedings:**

"I move to remand this matter back to the Planning Commission with additional considerations made for: _____."

Encl: Appellant Materials
Planning Commission Minutes & Packet

**VI. REPORTS****VII. THE EVENING BUSINESS****B** [VAR 22-14](#)

Public hearing and consideration of a variance to reduce the front setback from 14' to 0' at 1415 Davidoff Street in the R-1 single family and duplex residential district. The property is also known as Lot 3, Clyde Franks Subdivision. The request is field by Sam Smith. The owner of record is Hard Rock Construction, LLC.

Staff report: Ainslie introduced the variance to reduce the front setback from 14 feet to 0 feet at 1415 Davidoff Street. The lot was currently undeveloped and was located along the undeveloped portion of the Davidoff Street right-of-way (ROW). The section of the ROW had very dense vegetation and uneven topography even for pedestrian use. The ROW was platted as 60 feet wide. The applicant would like to construct a single-family home on the property. The property had landslide history and steep topography particularly towards the rear of the lot. The applicant had completed study work to determine the best path forward and had concluded keeping the structure towards the front of the lot was the best and safest option to complete construction. The site plan shows the proposed boundary line adjustment from the Sitka Community Land Trust subdivision; the ceded portion to 1415 Davidoff provided another 50 feet of frontage along Davidoff Street, which created a larger setback to the common property line with 1417 Davidoff. It also allowed for more off-street parking on the property. The variance itself would not increase traffic, density, or other impacts beyond regular residential use under the R-1 zone. It was in line with the comprehensive plan objectives on housing development and the topography challenges qualified as special circumstance warranting a variance. Staff recommended approval. Alderson asked staff about the current owner of the portion from the Sitka Community Land Trust Subdivision. Staff responded the SCLT currently owned the portion, and the new boundary line would be recorded on the final plat for the subdivision.

The applicant Sam Smith was present. He stated to keep the project safe and affordable, he would like to move the house forward towards Davidoff Street and away from the steep hillside. The hillside had been reviewed by a local engineer, who suggested that moving the house closer to Davidoff Street was the best option for constructability. A mitigation study had been done by R&M engineering and provided options to help mitigate possible landslide risk. A local engineer who was assisting with the design had been adamant that the applicant drill into rock and not build on ash. Drilling rebar into the bedrock and adding a retaining wall would shore up the hillside. The footprint of the house was roughly 35 feet by 50 feet. The footprint included the cantilever floor portion out from the foundation using steel beams. Smith stated it was possible to build without a variance, but the house would be wider and not as deep. He was asking for the consideration with the understanding Davidoff Street was considered a dead-end. The height of the building was limited to 35 feet per the zoning code. Smith also stated he believed other developments nearby had been granted the 0' variance by the Commission and would like that to be considered.

Public comment: Eric Calvin, representing his father Larry Calvin, disagreed with the findings of the area not being developed. E. Calvin stated the properties across the street would be developed in the future. If granted the variance would create a parking problem. He asked that the variance application be denied.

Ainslie read a letter objecting to the variance from Kris Calvin, Eric Calvin, Leif Calvin, and Karen Calvin-Woodard on behalf of Larry Calvin (Calvin). Calvin owned four neighboring properties; 210 and 214 Neva Street, 1410 Davidoff Street, and 1409 Edgecumbe Drive. The letter asserted that if granted, the variance would have a detrimental effect on their surrounding properties and public safety in the area. They also felt that the variance was not warranted because the issues regarding the topography and buildability of the lot could be addressed with enough time and financial resources, and that variances may not be granted solely to relieve financial hardship or inconvenience. The detrimental effect to Calvin's property included a greater view obstruction as the structure would be built on a higher elevation as a result of the variance. Public safety considerations included soil disturbance and long-term erosion in an already unstable landslide zone.

Ainslie read a letter from Beverly Caldwell. Caldwell resided at 1503 Halibut Point Road. She stated she had concerns about potential landslides happening between 1511 and 1417 Halibut Point Road, particularly due to trees on the hillside that could uproot.

Smith responded to public comment. Understands the concerns but even without the variance he would be able to build a house on the property. Without the variance he would have to make the house wider which would probably block the view more. He stated landslides in the area were caused by the way the lots in the area were developed. He would be de-loading the lot by pulling trees and stumps to make the hillside stable for building. Geotechnical engineers have assessed the hillside and provided ways to make it safer. He believes even without the variance view blocking would occur.

Commission discussion: Windsor stated he felt the 0-foot variance would be safer for preventing landslides, and there was a precedent with the Sitka Community Land Trust property below being granting a 0-foot setback for those properties that abutted the undeveloped portion of Davidoff Street, but he understood the neighbors point of view. Riley was unsure given that there could be alternate building plans made, and reinforced that variances were not granted solely due to inconvenience. Alderson had questions and concerns regarding how the building plans could change after the variance was granted, but generally understood why it made sense to build that close to Davidoff Street. Alderson also felt that with the additional 32 feet on the side adjacent to 1417 Davidoff, and a two-car garage there seemed to be enough parking. Ainslie clarified the building plans submitted under a building permit would need to be consistent with those submitted in the variance application, and if plans changed too much then it would come back to the commission for reconsideration. Spivey stated the footprint had to stay the same, but the building design was able to change. Ainslie reminded Commissioners they could add conditions if necessary. Spivey believed that the development of this portion of the right-of-way undertaken by the applicant would ultimately be a benefit to the property owners across the street. Spivey stated he did not see a reason for denial, and they have set precedent of approving 0-foot setbacks to this portion of the Davidoff Street right-of-way in the past.

M/Mudry-S/Windsor moved to approve the zoning variance for a reduction to the front setback to 0' at 1415 Davidoff Street in the R-1 single family and

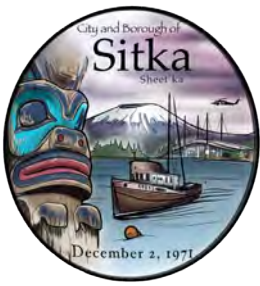
M/Mudry-S/Windsor moved to adopt and approve the required findings for variances involving major structures or expansions as listed in the staff report. Motion passed 5-0 by voice vote.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: VAR 22-14
Proposal: Reduce front setback from 14' to 0'
Applicant: Sam Smith
Owner: Hard Rock Construction, LLC
Location: 1415 Davidoff Street
Legal: Lot 3, Clyde Franks Subdivision
Zone: R-1 Single-Family and Duplex Residential District
Size: 8,263 square feet
Parcel ID: 1-5780-000
Existing Use: Vacant/Under development
Adjacent Use: Residential
Utilities: Existing
Access: Davidoff Street

KEY POINTS AND CONCERNS

- New construction of a single-family home is proposed on this currently vacant lot
- The lot has significantly topographical challenges, with significant grade change in the southeast portion of the lot
- This portion of Davidoff Street is undeveloped. It is heavily vegetated and topography makes even pedestrian use impractical.

RECOMMENDATION

Staff recommends that the Planning Commission approve the zoning variance for the front setback reduction.

BACKGROUND/PROJECT DESCRIPTION

The property at 1415 Davidoff Street is currently undeveloped, with plans for development of a single-family home. The southeastern portion of the lot has a significant slope, leaving little developable space towards the front of the lot.

This lot is also part of the Sitka Community Land Trust's planned unit development in the area, as one element is a boundary line adjustment that will add a wedge-shaped piece of land along east side. This will add an additional 50' of frontage along the right-of-way. This addition will allow the house to have an approximately 32.5' side setback to the west property line which abuts the other developed property, 1417 Davidoff Street. This wider setback helps to mitigate any crowding that may be felt with the requested 0' front setback, and also preserves accessible, off-street parking.

This portion of Davidoff Street is undeveloped. Due to the density of vegetation and changes in topography, this portion of the right-of-way is not passable even to pedestrians. It is also platted as 60' wide; were there to be interest in developing the right-of-way, there is space to account for built structures and not impede development.

ANALYSIS

Setback requirements

The Sitka General Code requires 14-foot front setbacks in the R-1 zone¹.

22.20.040 Yards and setbacks.

A. Projections into Required Yards. Where yards are required as setbacks, they shall be open and unobstructed by any structure or portion of a structure from thirty inches above the general ground level of the graded lot upward.

Alaska Statute 29.40.040(b)(3) states that a variance may not be granted solely to relieve financial hardship or inconvenience. A required finding for variances involving major structures or expansions in the Sitka General Code is "That there are special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner". The topography of the lot in this case does warrant special consideration given the limitations on building space it creates.

Potential Impacts

The granting of the variance does not increase traffic, density, or other impacts beyond the residential use that was intended for the lot. Therefore, staff believes potential adverse impacts to

¹ SGC Table 22.20-1

neighborhood harmony and public health and safety are minimal, and the proposal is consistent with the character of the neighborhood.

Comprehensive Plan Guidance

This proposal is consistent with one of the land use and future growth actions in the Sitka Comprehensive Plan 2030; LU 8.2 “Amend development standards to promote affordable development including increasing height, decreasing minimum lot size and width, establishing lot and structure maximums in specific zones, and reducing parking requirements as appropriate”.

RECOMMENDATION

Staff recommends approval of the front setback reduction. This proposal opens up possibility for development of a small residential structure on an underutilized lot. Vegetation and topography mitigate potential for visual or traffic impacts.

ATTACHMENTS

- Attachment A: Aerial
- Attachment B: Site Plan
- Attachment C: Elevation & Floor Plan
- Attachment D: 1417 Davidoff Street As-Built
- Attachment E: Photos
- Attachment F: Applicant Materials
- Attachment G: Public Comment

MOTIONS TO APPROVE THE ZONING VARIANCE

- 1) **I move to approve the zoning variance for a reduction to the front setback at 1415 Davidoff Street in the R-1 single family and duplex residential district subject to the attached conditions of approval. The property is also known as Lot 3, Clyde Franks Subdivision. The request is filed by Sam Smith. The owner of record is Hard Rock Construction, LLC.**

Conditions of Approval:

- a. The front setback will be decreased from 14 feet to 0'. There shall be no encroachments over the property line.
- b. Building plans shall remain consistent with the narrative and plans provided by the applicant for this request. Any major changes (as determined by staff) to the plan will require additional Planning Commission review.

- c. Substantial construction progress must be made on the project 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 Director if a request is filed within eleven months of the initial approval.

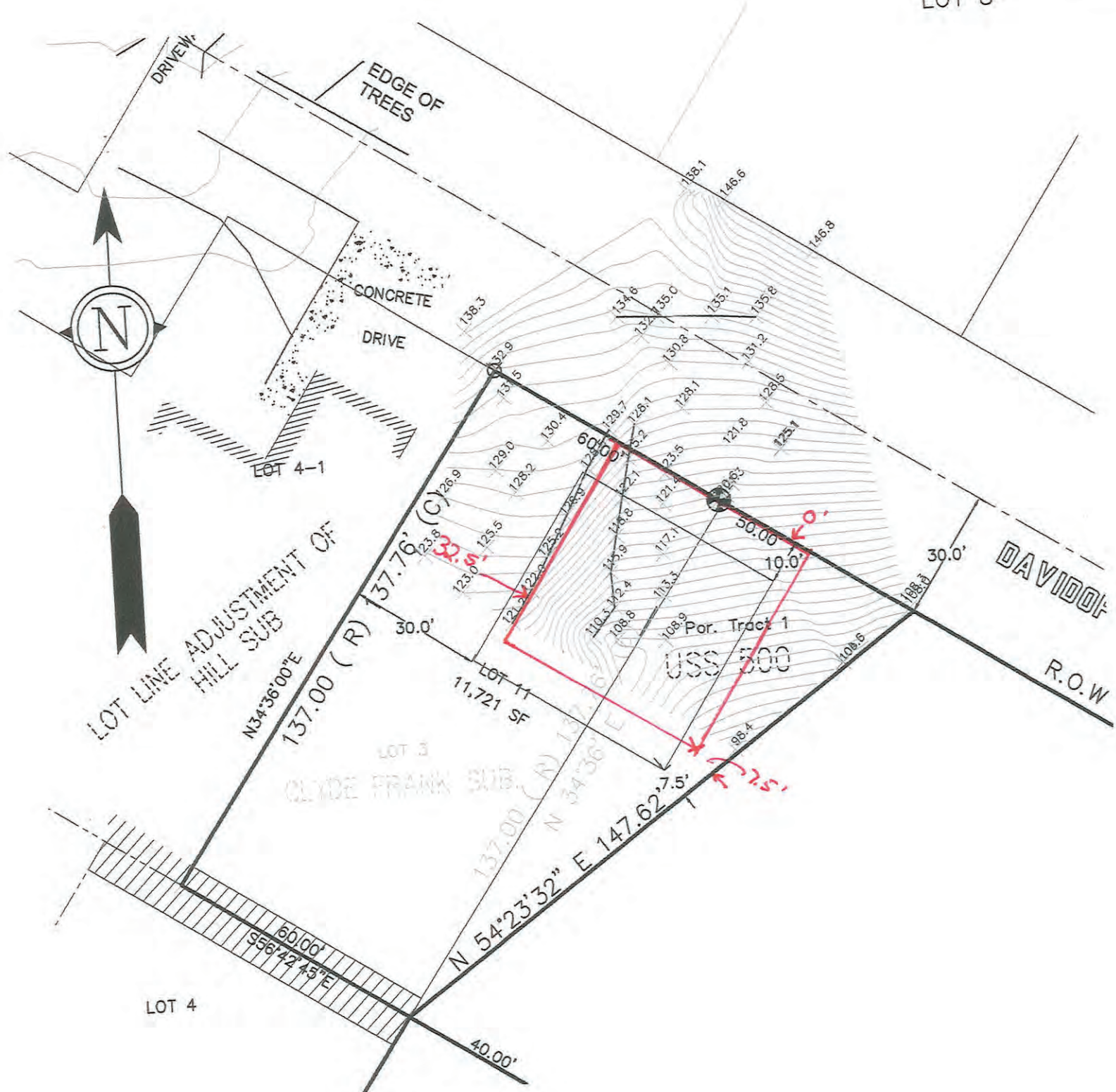
2) I move to adopt and approve the required findings for variances involving major structures or expansions as listed in the staff report.

Before any variance is granted, it shall be shown²:

- a. That there are special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner;
- b. The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied to this parcel; such uses may include the placement of garages or the expansion of structures that are commonly constructed on other parcels in the vicinity;
- c. That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels or public infrastructure;
- d. That the granting of such a variance will not adversely affect the comprehensive plan.

² Section 22.30.160(D)(1)—Required Findings for Major Variances

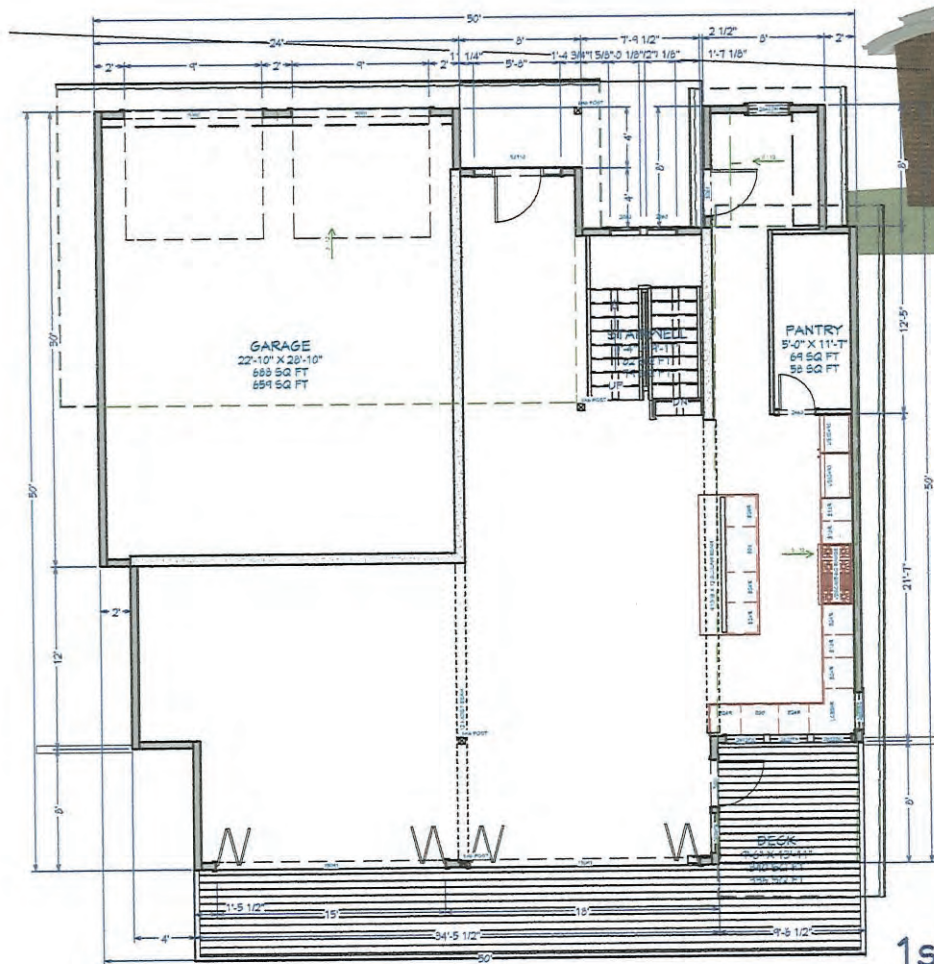




LOT 8

1415 DAVIDOFF ST.

7/18/22



REVISION	DATE	DESCRIPTION

DRAWINGS PROVIDED BY:
Jill Hirai

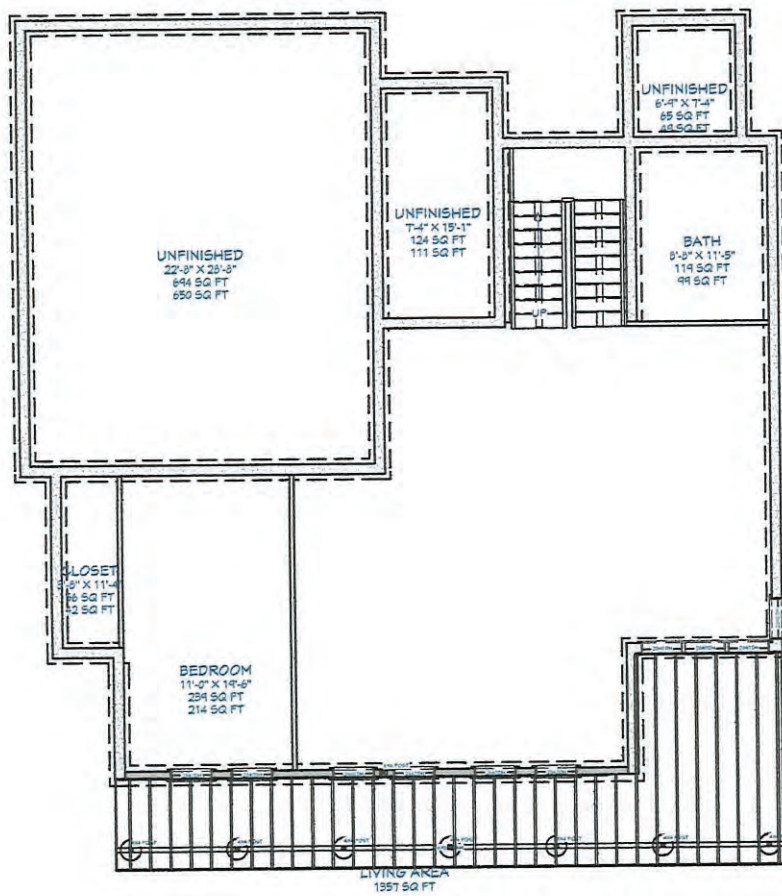
DATE:

6/19/22

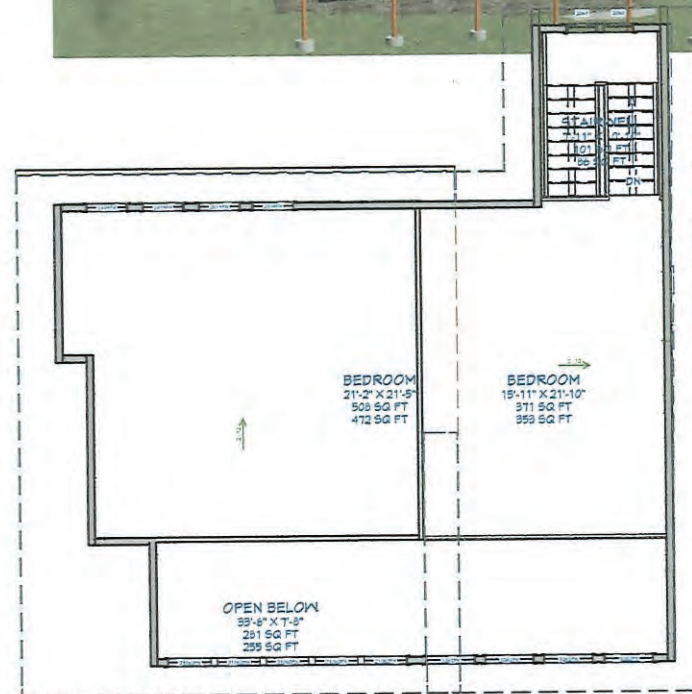
SCALE:

SHEET:

1



Foundation



2nd Floor



REVISION DATE	REVISION DESCRIPTION

DRAWINGS PROVIDED BY:
Jill Hirai

DATE:

6/19/22

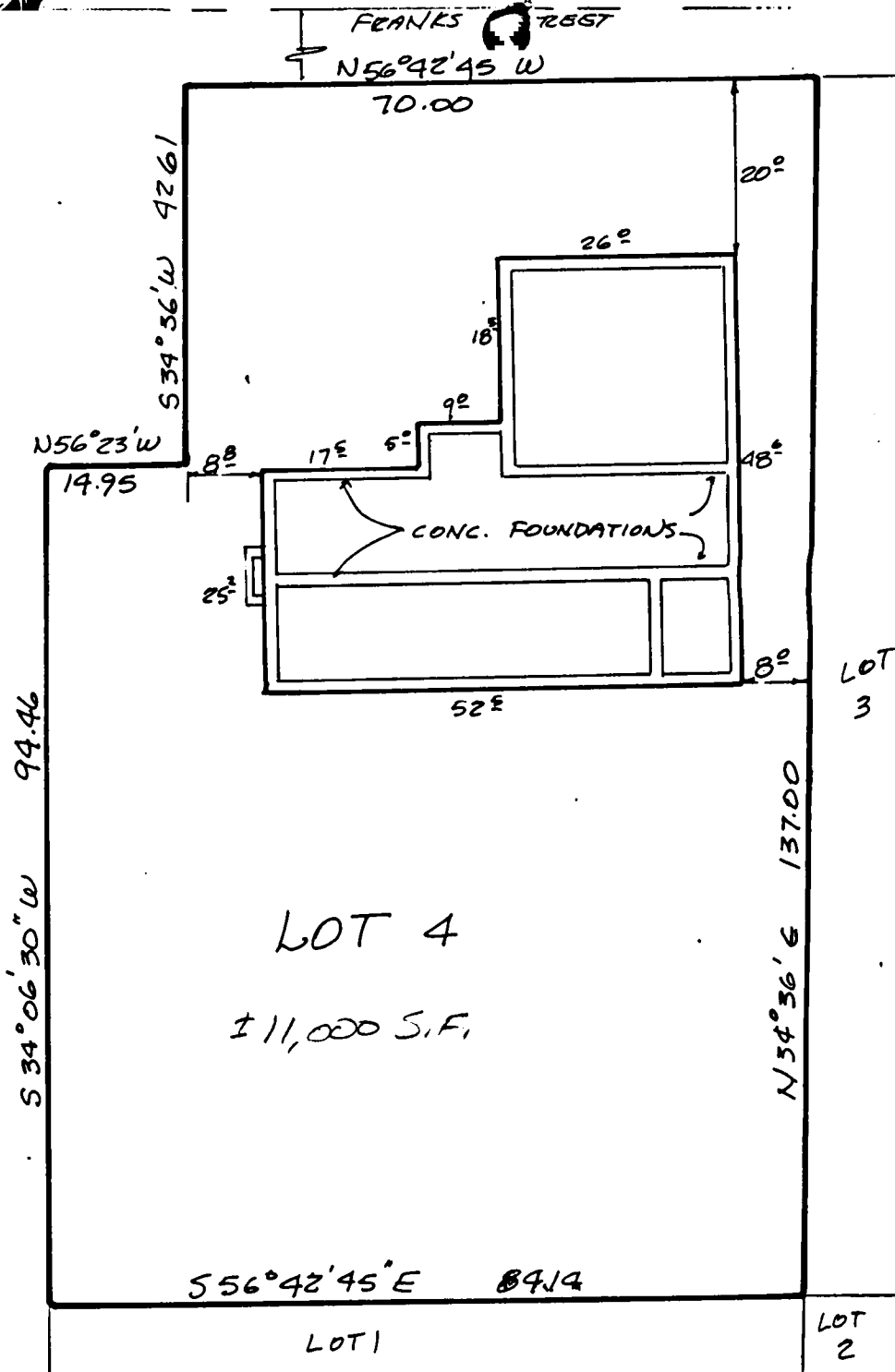
SCALE:

SHEET:

2

DAVIDOFF ST.

NEVA ST.



I hereby certify that I have inspected the following described property: Lot 4 Clyde Franks Subdivision, Sitka Recording District, Alaska, and that the improvements situated thereon are within the property lines and do not overlap or encroach on the property adjacent thereto, that no improvements on the property lying adjacent thereto encroach on the premises in question and that there are no roadways, transmission lines or other visible easements on said property, except as noted hereon. It is the owner's responsibility to determine the existence of any easements, covenants, or restrictions which do not appear on the recorded subdivision plat. Under no circumstances should any data shown hereon be used for construction or for establishing boundary or fence lines. Dated at Sitka, Alaska this 4 day of JUNE 1992.

David F. Stragier Surveyor

AS-BUILT PLOT PLAN

LOT 4

Clyde Franks Subdivision

STRAGIER
ENGINEERING SERVICES, INC.

504 DeGroff St.

SITKA, ALASKA 99835

(907) 747-5833

AS-BUILT PLOT PLAN

Scale 1" = 20'

Job No. 1293

Date 6.4.90

Field Book 84-68

PREPARED FOR:

MR. ED VENNEBERG

1114 EDGE CUMBE DR

SITKA, ALASKA 99835







CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION

- Applications must be deemed complete at least TWENTY-ONE (21) days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out completely. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

APPLICATION FOR:

☒ VARIANCE☐ CONDITIONAL USE☐ ZONING AMENDMENT☐ PLAT/SUBDIVISION

BRIEF DESCRIPTION OF REQUEST: SAM SMITH IS REQUESTING THE FRONT SET BACK BE
CHANGED FROM 14' TO 0'. DUE TO THE CHALLENGING TOPOGRAPHY OF THE PROPERTY MOVING
THE HOUSE TOWARDS DAVIDOFF WOULD MAKE CONSTRUCTION SAFER AND MORE
AFFORDABLE.

PROPERTY INFORMATION:

CURRENT ZONING: ? PROPOSED ZONING (if applicable): _____

CURRENT LAND USE(S): RESIDENTIAL PROPOSED LAND USES (if changing): _____

APPLICANT INFORMATION:

PROPERTY OWNER: SAM SMITH / GRAN ROCK CONSTRUCTION, LLC

PROPERTY OWNER ADDRESS: PO BOX 1451 SITKA, AK 99835

STREET ADDRESS OF PROPERTY: 1415 DAVIDOFF ST.

APPLICANT'S NAME: SAM SMITH

MAILING ADDRESS: PO BOX 1451 SITKA AK 99835

EMAIL ADDRESS: GRANROCK@HOTMAIL.COM DAYTIME PHONE: (907) 738-7882

REQUIRED SUPPLEMENTAL INFORMATION:

For All Applications:

- ☐ Completed General Application form
- ☐ Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- ☐ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☐ Floor Plan for all structures and showing use of those structures
- ☐ Proof of filing fee payment
- ☐ Other: _____

For Marijuana Enterprise Conditional Use Permits Only:

- ☐ AMCO Application

For Short-Term Rentals and B&Bs:

- ☐ Renter Informational Handout (directions to rental, garbage instructions, etc.)

CERTIFICATION:

I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. I understand that attendance at the Planning Commission meeting is required for the application to be considered for approval. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.



Owner

7/29/22
Date

Owner

Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request.

Applicant (If different than owner)

Date

Last Name

Date Submitted

Project Address



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT SUPPLEMENTAL APPLICATION FORM VARIANCE

APPLICATION FOR

- ☐ ZONING VARIANCE – MINOR EXPANSIONS, SMALL STRUCTURES, FENCES, SIGNS
- ☒ ZONING VARIANCE – MAJOR STRUCTURES OR EXPANSIONS
- ☐ PLATTING VARIANCE – WHEN SUBDIVIDING

RATIONALE - Alaska Statute 29.40.040(b)3 states that a variance may not be granted solely to relieve financial hardship or inconvenience. Explain why a variance is required for your project.

DUE TO THE CHALLENGING TERRAIN MOVING THE HOUSE TOWARDS DAVIDOFF ST. WOULD
MAKE THE CONSTRUCTION OF THE HOUSE SAFER AND AFFORDABLE.

POTENTIAL IMPACTS (Please address each item in regard to your proposal)

- **TRAFFIC** THERE WOULD BE MINIMAL IMPACT TO TRAFFIC AS DAVIDOFF ST. DEAD
ENDS AT 1415 DAVIDOFF ST.
- **PARKING** THERE WOULD BE 4 PARKING SPOTS AT 1415 DAVIDOFF ST. 2 ON
THE NORTH SIDE OF HOUSE AND 2 INSIDE GARAGE.
- **NOISE** NO IMPACT
- **PUBLIC HEALTH AND SAFETY** PUBLIC HEALTH AND SAFETY WOULD IMPROVE AS THE
RISK FOR POTENTIAL LAND SLIDE IS MITIGATED FROM MOVING THE HOUSE TOWARDS
DAVIDOFF.
- **HABITAT** NO IMPACT
- **PROPERTY VALUE/NEIGHBORHOOD HARMONY** NO IMPACT
- **COMPREHENSIVE PLAN**

REQUIRED FINDINGS (Choose **ONE** applicable type and explain how your project meets these criterion):

Major Zoning Variance (Sitka General Code 22.30.160(D)1)

Required Findings for Variances Involving Major Structures or Expansions. Before any variance is granted, it shall be shown:

- a. That there are special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner. **Explain the special circumstances:**

^{STEEP}
DUE TO THE TOPOGRAPHY OF THE PROPERTY I WOULD LIKE TO MOVE THE PROPOSED STRUCTURE AS CLOSE TO DAVIDOFF AS POSSIBLE. IT WILL MAKE CONSTRUCTION SAFER AND WILL HELP KEEP THE PROJECT AFFORDABLE.

- b. The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied to this parcel; such uses may include the placement of garages or the expansion of structures that are commonly constructed on other parcels in the vicinity. **Explain the use/ enjoyment this variance enables:** _____

- c. The granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels or public infrastructure. **Initial Here** SOS

Minor Zoning Variance (Sitka General Code 22.30.160(D)2)

Required Findings for Minor Expansions, Small Structures, Fences, and Signs.

- a. The municipality finds that the necessary threshold for granting this variance should be lower than thresholds for variances involving major structures or major expansions. **My request should be considered a minor zoning variance because:** _____

- b. The granting of the variance furthers an appropriate use of the property. **Explain the use or enjoyment this variance enables:** _____

- c. The granting of the variance is not injurious to nearby properties or improvements. **Initial Here** _____

Platting Variance (Sitka General Code 21.48.010)

- a. A variance from the requirements of this title may be granted only if the planning commission finds that the tract to be subdivided is of such unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property. Explain the conditions of the lot that warrant a variance: _____
- _____
- _____
- b. The granting of a platting variance will not be detrimental to the public safety, or welfare, or injurious to adjacent property. Initial Here _____

ANY ADDITIONAL COMMENTS _____

Applicant

SS

Date

7/18/22

Last Name

Date Submitted

Project Address

Amy Ainslie

From: Janet Keck Love <bjmelove@gci.net>
Sent: Wednesday, July 27, 2022 9:46 AM
To: Planning Department
Subject: Variance V22-14

Planning Commission and Staff,

We live at 1503 Davidoff two lots down from 1415 Davidoff where this reduction of setback is being requested. We feel this reduction of setback is an unwise move for our area. Between the the issues we face in the Davidoff neighborhood of steep grades and congestion, we believe the setbacks in place are necessary and should be enforced.

Sincerely,
Bob and Jan Love
1503 Davidoff St
Sitka, AK

August 2, 2022

City and Borough of Sitka Community Planning Dept.
Sitka, Alaska

To Whom It May Concern,

Re: V 22-14

Our father, Larry T Calvin is the owner of 4 neighboring properties to 1415 Davidoff St, These are known as property numbers 210, 1410, 214 and 1409 bordered by Davidoff St., Neva St. and Mt. Edgecumbe Drive. Our father is unable to adequately represent himself in this matter due to mental and health related difficulties.

We believe the proposed setback variance V 22-14 application, if granted, would have a materially detrimental and injurious effect on our father's properties, other neighboring properties and public safety.

The City is under no legal or social obligation to change code requirements that would make a difficult lot less difficult at the expense of neighbors and the general public. Setback and code requirements were not imposed retroactively on this property investor/developer. The cost to comply with code requirements is not a legitimate rational to waive or dismiss the purpose for which they were originally established. There is also a concern in setting a precedent in compensating a speculative investor via a code variance, especially when it comes at a cost to others.

Code interpretations state that a “variance may not be granted solely to relieve financial hardship or inconvenience.” And yet applicant states the variance is “required” in order to make “the construction of the house safer and affordable”.

As a family of contractors and builders, we know all about construction safety. Construction safety is mandated by OSHA and merely requires additional effort and expense to comply with safety standards. A precipitous job site is only unsafe if proper protections are not followed. Proper protections can be expensive but they are achievable even on the most treacherous of job sites.

This is not a job site to attempt to build “affordable housing” Affordable housing in Sitka does not have or require commanding views of Sitka Sound.

A key rational for recommending this application be approved by staff was due to the fact that “the topography is challenging”. Many construction projects are challenging but with the application of enough resources, challenges are almost always resolved. The “challenge” on this project is an aversion to commit resources, NOT the topography.

Any development on this property increases the risk to the public due to soil disturbance and long-term erosion in an already unstable and notorious landslide zone. Encouraging development through the use of set back waivers on the face of this landslide-prone area may expose the City to costly litigation.

With no setback to provide for adequate separation between street and structure, and the likelihood that Davidoff will remain an uncompleted thorough street, street parking will definitely become a burden on neighboring properties. A zero lot line variance will mean vehicles will most certainly not be parked in front of the proposed structure. Rather, they will end up being parked along neighboring properties that have not been given the benefit of a zero lot line variance.

A variance from the code required 14' setback would result in a structure that is much higher relative to a fixed elevation point. See attached illustration. Code standard allows for a maximum building height of 35' above "Average Finished Grade". On a steeply sloped hillside the average grade measurement point will almost certainly be lower if the measurement control points were required to start at 14' off the street lot line. Conversely, a zero lot line structure would allow for a retaining wall and back fill that could raise the down slope grade measurement point as high as street level, allowing for a structure that is 35' above street level. Please see attached illustration.

Any variance to the 14' setback logically results in a structure with an absolute elevation higher than what would occur through cost-benefit application of current code. Therefore a variance to the setback creates an significant adverse affect on several neighboring properties, especially those owned by Larry Calvin. Water views are highly valued . Obstructed views have less value. If the set-back waiver by default results in a structure with a higher absolute elevation than would be rationally built under existing code, neighboring properties would in fact be injuriously affected.

We strongly recommend that variance application V22-14 be denied.

Respectfully submitted,

Kris Calvin
Eric Calvin
Leif Calvin
Karen Calvin-Woodard

on behalf of Larry T Calvin

August 15, 2022

City of Sitka Planning Dept.
Sitka, AK 99835

Re: Appeal of Planning Commission approval of Case VAR 22-14

Appellant: Larry T. Calvin and Family
214 Neva St.
Sitka, Alaska 99835

Interests in matter: Larry Calvin owns four upland properties from applicant's property which would be unreasonably impacted by a structure that is allowed to be built significantly higher than if applicable codes were followed without a set-back variance. An appeal of the City of Sitka Planning commission decision relating to Case VAR 22-14 is warranted due to incomplete plans submitted and commissions failure to recognize the injurious effect on neighboring properties, especially as it relates to structure height. Furthermore, approval was largely based on relieving financial hardship and inconvenience, without regard for Required Findings for Major Variances.

Municipal Code 22.30.160(D)(1) Before any variance is granted, it shall be shown:

c. That the “granting of such a variance will not be materially detrimental to the public welfare **or injurious to** the property, **nearby parcels** or public infrastructure.” (bold added)

Alaska Statute 29.40.040(b)(3) states that “a variance may not be granted solely to relieve financial hardship or inconvenience...” Staff notes that “The topography of the lot in this case does warrant special consideration given the **limitations on building space it creates.**” (bold added)

Discussion:

Staff recommended the variance be approved in part because of the “limitations on building space it creates.” And yet, as you will see below, this is not in any way accurate. Applicant himself acknowledges that the lot is build-able without the variance—the only real limitation being his personal preferences.

Commission discussion focused on the issue of building footprint and size of structure, paying virtually no attention to the fact that granting the zero lot line variance would allow the structure to be much higher than would otherwise be built with 14' setback as specified in the code.

Key Fact: Allowing a structure to be built closer to the crest of a hillside increases the elevation of the measurement point (average finished grade) for structure height of 35' as specified in the code. Planning commissioners failed to recognize, discuss or appreciate that in granting a zero lot line variance they were in effect also creating a variance on the structure's overall height. Why was this not addressed by any commissioners, despite the fact it was a key point of contention in our letter to them?

Raising the “average finished grade” on a steep hillside via a retaining wall and back fill can be prohibitively costly. Applicant has stated a desire to make the project “affordable”. The fact is, it is often much more cost effective and structurally stable to construct a stepped foundation—which follows the natural slope and by definition results in a lower average finished grade measurement point. Without a variance, a more sensible hillside-hugging stepped foundation is almost inevitable for this property—and would likely result a one-story, not two-story, street-facing project elevation due to applicable code height restrictions and applicants oft-stated goal of project “affordability”.

Commission members briefly mentioned and elevation sketches provided show a two-story street-facing elevation. No discussion was made of what the actual height (in feet) above street this structure would be between the two contrasting scenarios. Rudimentary images submitted did not provide a section view of the existing property topography which would make this point abundantly clear. Commissioner's own comments below illustrate the lack of plan detail that accompanied this application.

Key quotes from planning commission hearing extracted verbatim from city audio recording:

Applicant: “Keep project safe and affordable” ... “It can be built with proper setbacks but will limit the ability to build the house I am looking to build. And the further toward the highway you go, the steeper it gets. A local engineer agreed that moving it toward Davidoff would be the best option for construct-ability”.

Comment: Engineers report was not included in application packet. Do the local and state code provisions cited above provide allowances for “best option for “construct-ability”?

Planning Director: “Applicant has conducted studies and concluded that keeping the structure to the front of the lot is the best and safest option for construction”.

Comment: None of these studies were provided in the application packet.

Commissioner: “Does the applicant have an elevation map of this lot?”

Planning Director: “No. I don't have a more detailed elevation map.”

Commissioner: “The thing that I'm really torn on is that we are being asked for a variance and we do not have a plan. We have a maybe. In the past we have two plans. Now we are being asked to give a variance and we don't even know for sure what he is going to build.”

Commissioner: “I would second that—lack of plans. What's concerning me is the inconvenience part, with Alaska statute saying that variances can't be granted solely for conveniences. But applicant asserts he can build this house without a variance. It seems like an inconvenience and we're not really allowed to give variances for inconveniences.”

Comment: Brilliant.

Commissioner: “This is a 6,000 sf house.”....” One of my thoughts when thinking about a variance for such a large house, if it were just a very small house that needed a variance to be built on the lot at all, but it seems that perhaps a variance to build a very large house on a compromised lot, I'm struggling with that just a little bit with that.”

Planning Director: “Looks to be like a fairly standard-size single-family home—for some on the larger size”.

Applicant: “It is not 6,000 square feet”.....

Commissioner: “The plans shown here add up to about that don't they? I've done the math.”

Applicant: “It is possible, I haven't even looked at it.”..... “This is all very preliminary in terms of design. My wife has not gotten involved yet so this isn't even close to what it is going to be. Eventually we will figure it out.” “This is just a starting point for me. This could be a whole different structure.”

Commissioner: “Applicant has stated that if he go further into the lot he would have to go wider.”

Comment: The foundation lines as drawn with the zero lot line variance indicate the house to be already encroaching on an angled side property line setback to the south. With the house “further into the lot” at a narrower area of the property, and the north side setback established to provide code-required off-street parking, how exactly can the house “go wider”? No commissioners addressed this obvious discrepancy in testimony and submitted drawings.

Commissioner: “The applicant would be doing the uphill property owners a favor by punching in more road to access their own lot. So I see that as a positive for the uphill neighbors. I don't see a reason to deny it because they are doing... that's the way I see it.”

Comment: The existing road was “punched in” by Larry Calvin about 30 years ago to provide access to storage on his property. The applicant is not doing the upland property owners any favors by claiming to construct a road that he already built and by proposing a structure much higher than what code and site realities would allow without the set-back variance.

Furthermore, the phrasing “I don't see a reason to deny it..” indicates a bias toward changing the code rather than preserving well-established code standards. The more appropriate question for a planning commission charged with upholding the development code is, “What compelling evidence is there in this application that would justify a variance to code standard that is also consistent with state and municipal rules addressing code variances. “ None of that was provided in testimony, commissioner discussion or engineering reports.

Commissioner: “I could see with zero set back variance, Davidoff St. could easily become that property's personal private parking.”

Comment: No rebuttals or discussion was forthcoming on this relevant observation.

Summary comments:

This application for a zero set-back variance was made to increase the convenience, lower the cost of construction and capitalize on hill-crest commanding views of Sitka Sound at the expense of neighboring property owners. While these reasons may “make sense” to some commissioners, they are specifically disallowed by local code and state statute.

Planning commissioners acknowledged that submitted plans were remarkably deficient, but yet still moved forward with approval, without addressing or even understanding the harm done to neighboring properties. To simplify and provide a visual understanding of the difference between zero setback and 14' setback, a zero setback would allow for at least a two-story house at the crest of the steep hillside—which we believe is the applicant's primary hidden agenda in applying for this code variance. A 14' code-specified setback would, given the slope of the hillside and the applicants fixation on affordability, result in a one-story street facade with multiple levels allowed below—an outcome which is much more palatable to neighbors and more cost-conforming to the natural slope of the hillside, but perhaps not “the house (he is) looking to build.”

Engineering could and should be done to tie the foundation into bedrock as stated by the applicant under both scenarios. Applicant testifies a house could be built with or without the set-back variance. It is however, more convenient and less expensive for “construct-ability” to do this further up the hillside which coincidentally also improves his ocean views. None of these justifications are allowed by code or statute. Real harm is being done to neighboring properties by providing code exceptions that allow for a two-story street side facade, when only a one-story street-side facade would be built if code provisions were adhered to. Providing exceptions so that an applicant can “build the house I am looking to build.” is both illegal and wrong. The lack of a plan detail showing hillside topography in cross-section, and the proposed alternative building profiles on that hillside cross-section is inexcusable. Cross-section topography drawings are required for engineering regardless of a pending variance. Lack of plan detail provided was intentional as it would show the great height differential between the two options, which would increase the chances of legitimate public scrutiny and criticism.

The correct action is to reverse the planning commission's decision and reinstate a 14' code-required setback. However, should the assembly uncover actual compelling reasons to justify a zero set-back variance, compliant with code and statute, then the applicant should be constrained to build a structure no higher than that which would be built without the variance. Applicant should be obligated to have a proper slope survey conducted and following reasonable interpretations of the building height code, a maximum roof peak height above street level would be established. Street level should not be controlled by the applicant, as Larry Calvin has already “punched in” the existing roadway to a very functional height.

Respectfully submitted,

Kris Calvin
Eric Calvin
Leif Calvin
Karen Calvin-Woodard

on behalf of Larry T. Calvin

Date: 9-15-22

RE: Appeal of V22-14, Variance Application by Sam Smith, Hardrock Construction LLC

Variance Application V22-14, application by Sam Smith of Hardrock Construction, should be denied due to violation of the standards outlined in *Corkery v. Municipality of Anchorage*, **426 P.3d 1078 (2018)**, as the Commission:

- 1) FAILED TO MAKE FINDINGS ON EACH OF THE VARIANCE STANDARDS OF THE APPLICATION; and
- 2) FAILED TO MAKE FINDINGS BASED ON SUBSTANTIAL EVIDENCE OR ARE AMBIGUOUS TO THEIR SIGNIFICANCE.

Corkery v. Municipality of Anchorage – Requisite Findings

The Alaska Supreme Court case of *Corkery v. Municipality of Anchorage*, 426 P.3d 1078, (2018), holds that municipal codes governing variances require property owners to substantially satisfy *each one* of its standards to obtain a zoning variance (emphasis added). *Id. at 1087*. Corkery mandates that the Board then "shall conduct an inquiry designed to find whether *all the standards* for issuance of the variance have been *substantially* met." *Id.*

Corkery further discussed the issue that many applicants have significant legal grounding for successful appeal, should the municipality fail to make these findings. This is exactly the circumstance that occurred with the above variance application.

The Sitka Municipal Code: 22.30.160(D)(1), findings for Variances, are as follows:

- a. That there are special circumstances to the intended use that do not apply generally to the other properties;
- b. The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied to this parcel;
- c. That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels or public infrastructure; and
- d. That the granting of such a variance will not adversely affect the comprehensive plan (see AS 29.40.040(b)(3) – that such application is not based solely to relieve economic hardship or inconvenience).

The record of the Commission's approval of the above variance shows **no evidence that the Commission made any findings at all**, but merely discussed a few of the above standards and accepted the applicant's ambiguous application at face value. The Commission failed to evaluate the evidence presented and give or reject its weight as to circumstances, necessity, detriment or the statutory findings regarding economic hardship or mere inconvenience. The

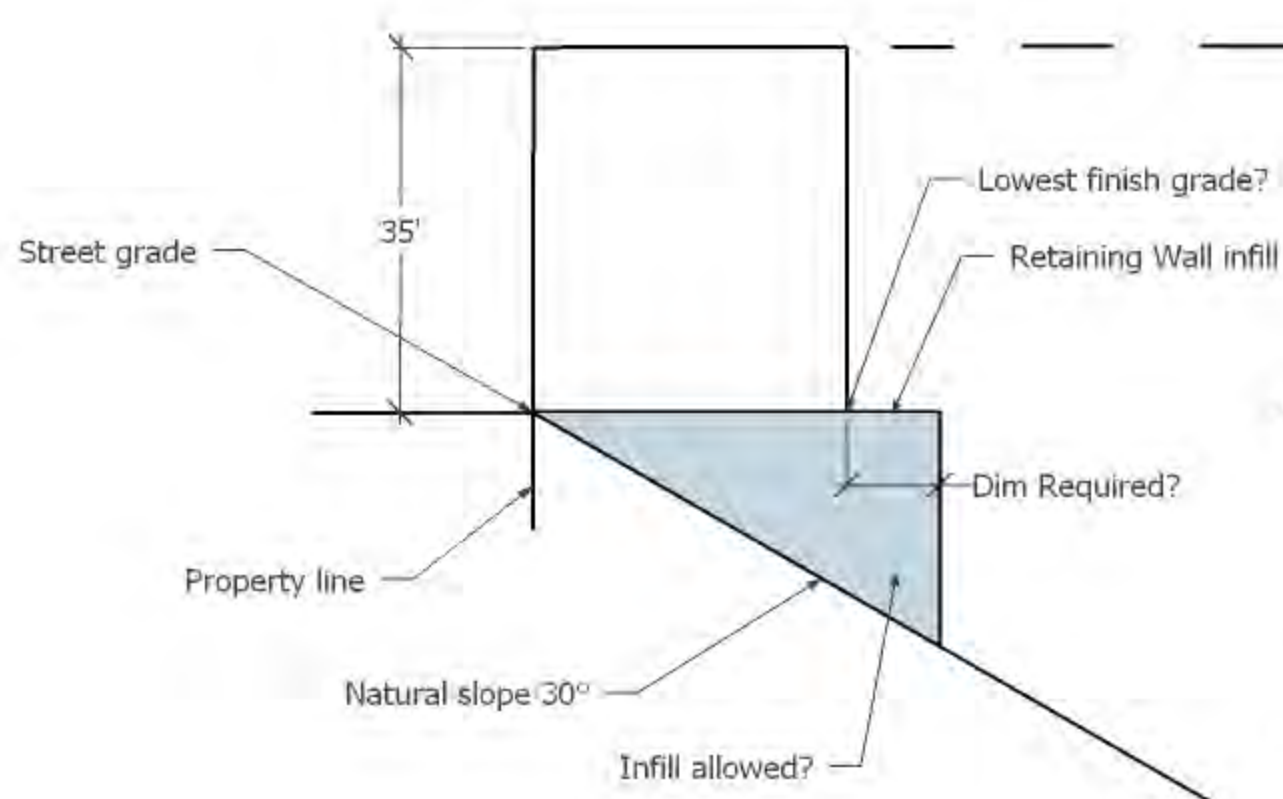
Commission **lacked any substantial evidence and was vague in the evidentiary process**, and appears merely approved the application after a cursory discussion of the application and the applicant's vague assertions.

Additional Relevant Variance Caselaw:

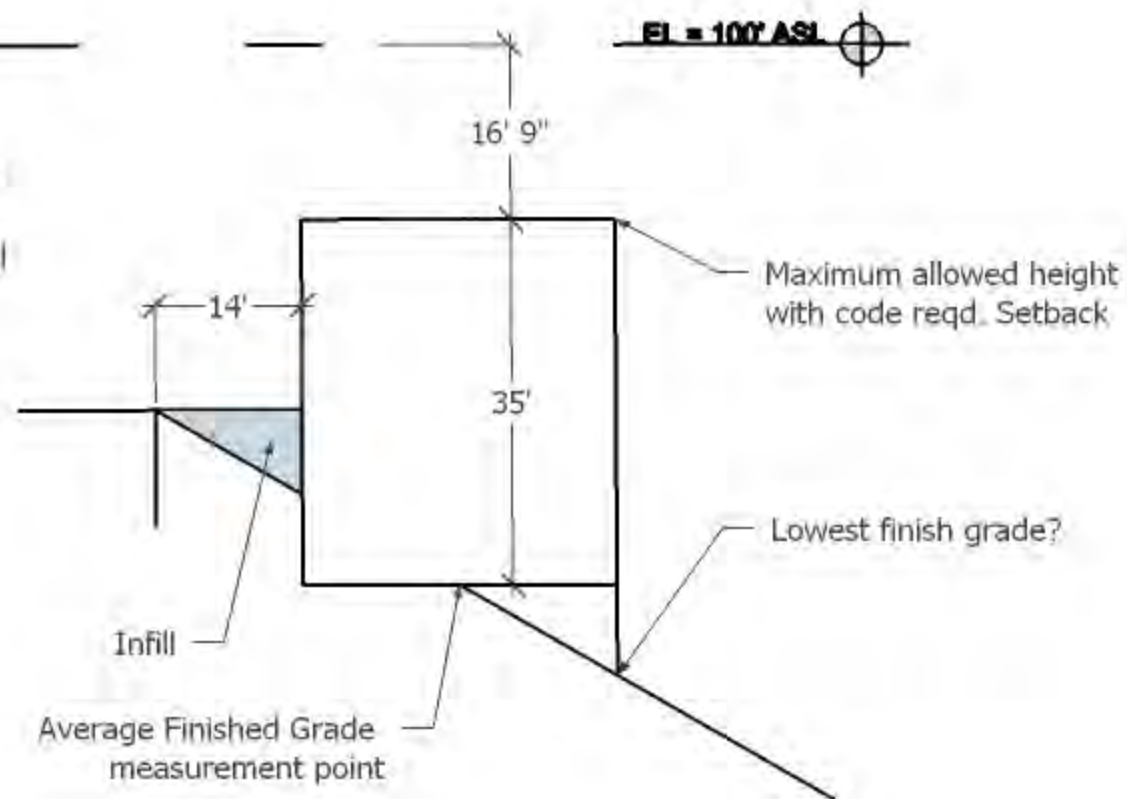
City and Borough of Juneau v. Thibodeau, 595 P.2d 626 (Alaska 1979) – overturned on other grounds - More profitable use of land is not a basis for a variance, and **findings required for variance approval**. This case also holds that applicants must show **the denial of the variance would leave them with no other reasonable use** of the property and that no reasonable return could be made on the property.

E&F v. Zoning Board of Appeals of the Town of Fairfield 320 Conn. 9 (Connecticut 2015) (bad measurement put building addition into the setback) – Cited by Alaska courts and board of Adjustments for the premise that artificial or self-created hardship is not enough (See ITMO Appeal of Thomas Wagner v. City of Kenai, BA-16-01). “Financial considerations are relevant only if the application of the regulation or ordinance practically destroys the value of the property for any use to which it may be put and the regulation or ordinance as applied to the subject property bears little relationship to the purpose of the zoning plan”. Courts have stated that a “zoning regulation that prevents land from being used for its greatest economic potential does not create the exceptions kind of financial hardship” that Courts have deemed to have a “confiscatory or arbitrary effect”. Several courts have stated “hardship alone is not sufficient” and **variances** from the terms of the zoning ordinance **should be permitted “only under peculiar and exceptional circumstances.”**

And finally, *Fields v. Kodiak City Council*, 628 P.2d 927, 931, (Alaska 1981) holding that the **burden is on the Applicant to prove the requirements are met**, not the Board with its own inquiry or information, the City itself, or any other party.



Zero Setback



14' Code Setback



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 22-135 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 9/21/2022 In control: City and Borough Assembly

On agenda: 9/27/2022 Final action:

Title: Discussion / Direction / Decision of the Municipal Administrator's annual recommended transfer to the Public Infrastructure Sinking Fund

Sponsors:

Indexes:

Code sections:

Attachments: [Motion and Memo PISF transfer](#)

Date	Ver.	Action By	Action	Result
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Step 1

Discussion / Direction / Decision
of the Municipal Administrator's annual recommended transfer to the Public Infrastructure Sinking Fund.

Step 2

I MOVE TO transfer \$5,000,000 to the Public Infrastructure Sinking Fund and make this transfer effective June 30, 2022.




CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members

From: John Leach, Municipal Administrator 

Date: September 15, 2022

Subject: Recommendation for transfer to the Public Infrastructure Sinking Fund

Background

Per the Sitka General Code 4.45.020 the Administrator must make a recommendation to the assembly on an amount to transfer to the Public Infrastructure Sinking fund for future appropriation to infrastructure projects:

Within ninety days after the start of each fiscal year, the administrator shall prepare an analysis of the general fund balance with an accompanying recommendation as to an amount of the general fund balance available for potential transfer to the public infrastructure sinking fund. This analysis shall first take into account any portions of the general fund restricted by Chapter 4.44A before recommending any further amounts for potential transfer to the public infrastructure sinking fund. (Ord. 12-30 § 4 (part), 2012.).

Analysis

June 30 of each year normally represents the cyclical period of lowest cash balances for the General Fund. For this reason, we base the recommendation for transfer to the Public Infrastructure Sinking fund on our financial position as of June 30.

As of June 30th, 2022, the preliminary undesignated fund balance of the General Fund has improved significantly from the prior year. This is due to a number of factors, including:

- Pandemic relief funding that was able to be dedicated to revenue replacement (allowing for the flexibility to use surpluses for capital without the federal funding restrictions).
- Sales tax revenues have rebounded and exceeded historic highs.
- Through FY2022 only minimal appropriations have been made for general governmental infrastructure.

Ultimately the fact that we have carefully monitored the growth of our fund balance, while prioritizing investment in our town's infrastructure means that we have been able

to maintain required liquidity while providing the core services expected of the municipality during a major economic downturn. However, doing so has further increased our deferred maintenance of our streets, buildings, and other governmental infrastructure. With pandemic relief funding ending, this is likely the last year of a higher proposed transfer to the Public Infrastructure Sinking Fund, and it should largely be seen as providing an opportunity to make up for severely reduced investments during the pandemic.

Fiscal Note

The proposed transfer would bring the unassigned balance of the General Fund to \$9M, allowing flexibility to appropriate funds early in FY2023 to provide critical matches for federal funding (which, if appropriated, would bring the unassigned fund balance down to \$6.5M).

Recommendation

Approve the transfer of \$5 million to the Public Infrastructure Sinking Fund effective June 30, 2022.

Calculation of cash/equivalent required liquidity balance per SCG 4.44A.010		
	Budgeted Expenditures FY22 (less Transfers)	Divided by 4 = minimum required liquidity
Total Budgeted Expenses:	\$31,664,490	
Encumbrances rolling to FY23	\$(246,155)	
Less Interfund Transfers	\$(2,800,700)	
	\$28,617,635	\$7,154,409
Total General Fund analysis of adjusted net assets		
Total Assets		\$28,168,683
Liabilities		\$(1,843,310)
Preliminary 6/30/2022 total Net Assets/Fund Balance		\$26,325,373
Fund balance committed-liquidity		\$7,154,409
Non spendable (advances to other funds)		\$3,126,672
Fund balance made up of receivables		\$4,771,814
Fund balance committed for emergency purposes		\$2,000,000
Assets available for potential transfer into PISF		\$9,272,478
Fund Balance June 30, 2022		\$21,428,443
Change June 30, 2021 to June 30, 2022		\$4,896,930
Unassigned fund balance June 30, 2019		\$5,716,004
Unassigned fund balance June 30, 2020		\$3,827,823
Unassigned fund balance June 30, 2021		\$7,893,414
Preliminary unassigned fund balance June 30, 2022 (prior to PISF transfer)		\$14,044,292

Other considerations:

Match for leveraging federal grants, including the RAISE grant for the Marine Service Center Bulkhead Wall, anticipated FAA funding for the Seaplane Base, potential grant funding for the marine haul out, or other project funded through the bipartisan infrastructure bill.

\$2,500,000**Recommended transfer to Public Infrastructure Sinking Fund 6/30/2022:****\$5,000,000****Preliminary unassigned fund balance at 6/30/2022 after transfer****\$9,044,292**



CITY AND BOROUGH OF SITKA

Legislation Details

File #: RES 22-27 Version: 1 Name:

Type: Resolution Status: AGENDA READY

File created: 9/21/2022 In control: City and Borough Assembly

On agenda: 9/27/2022 Final action:

Title: Reaffirming the second Monday in October as Indigenous People's Day (1st and final reading)

Sponsors:

Indexes:

Code sections:

Attachments: [Motion and Res 2022-27](#)

Date	Ver.	Action By	Action	Result
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Sponsors: Knox / Eisenbeisz

POSSIBLE MOTION

I MOVE TO approve Resolution 2022-27 on first and final reading reaffirming the second Monday in October as Indigenous People's Day.

**CITY AND BOROUGH OF SITKA
RESOLUTION NO. 2022-27**

**A RESOLUTION OF THE CITY AND BOROUGH OF SITKA REAFFIRMING THE SECOND
MONDAY IN OCTOBER AS INDIGENOUS PEOPLE'S DAY**

WHEREAS, the City and Borough of Sitka recognizes that the Indigenous Peoples of the lands that would later become known as the Americas have occupied these lands since time immemorial; and

WHEREAS, the City recognizes the fact that Sitka is built upon the homelands and villages of the Tlingit people, who have occupied this land they called Sheet'ka since time immemorial, and without whom the building of the City would not have been possible; and

WHEREAS, the City values the many contributions made to our community through Indigenous Peoples' knowledge, labor, technology, science, philosophy, arts and the deep cultural contribution that has substantially shaped the character of the City and Borough of Sitka; and

WHEREAS, the City and Borough of Sitka has a responsibility to oppose the systematic racism towards Indigenous people in the United States and the City and Borough of Sitka, which perpetuates high rates of poverty and income inequality, exacerbating disproportionate health, education, and social crises; and

WHEREAS, the City strives to promote the closing of the equity gap for Indigenous Peoples through policies and practices that reflect the experiences of Indigenous Peoples, ensure greater access and opportunity, and honor our community's indigenous roots, history, and contributions; and

WHEREAS, in 2017, the Assembly of the City and Borough Sitka passed Resolution 2017-20 recognizing Indigenous Peoples' Day.

NOW, THEREFORE, BE IT RESOLVED that the Assembly of City and Borough of Sitka reaffirms the importance of this Day, declares the second Monday in October as Indigenous Peoples' Day in the City and Borough of Sitka, firmly commits to continue its efforts to promote the well-being and growth of Sitka's Alaska Native, American Indian and Indigenous community, and encourages other businesses, organizations, and public institutions to recognize Indigenous Peoples' Day.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska, on this 27th day of September, 2022.

Steven Eisenbeisz, Mayor

ATTEST:

Sara Peterson, MMC
Municipal Clerk

1st and final reading: 9/27/2022

Sponsors: Knox / Eisenbeisz



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 22-136 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 9/21/2022 In control: City and Borough Assembly

On agenda: 9/27/2022 Final action:

Title: Discussion / Decision to extend the duration of the Sitka Bear Task Force through January 2023 and reduce the number of members, if needed

Sponsors:

Indexes:

Code sections:

Attachments: [Bear Task Force](#)

Date	Ver.	Action By	Action	Result
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Sponsors: Himschoot / Duncan

Discussion / Decision to extend the duration of the Sitka Bear Task Force through January 2023 and reduce the number of members, if needed.