



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 Mosher,
Vice Deputy Mayor Crystal Duncan,
Thor Christianson, Rebecca Himschoot,
Chris Ystad, Timothy Pike*

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

Tuesday, November 22, 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

[22-173](#) Reminders, Calendars, and General Correspondence

Attachments: [Calendars and Reminders](#)

VI. CEREMONIAL MATTERS

[22-167](#) Proclamation - Honoring Posthumously Mike Motti

Attachments: [Proclamation](#)

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

[22-172](#) Special Reports: 1) Sitka Tribal Chairman Lawrence Widmark, and 2) Police and Fire Commission Report, Chair Gregg Olson and Commissioner Loyd Platson

Attachments: [01 Police and Fire Commission Snow Removal Memo Final](#)

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** [22-168](#) Approve the November 8 Assembly meeting minutes

Attachments: [01 CONSENT](#)
 [02 Motion Minutes](#)

- B** [22-169](#) Approve a liquor license renewal application for Ernie's Bar Inc. dba Ernie's Bar at 130 Lincoln Street

Attachments: [01 Motion Liquor License Ernie's](#)
 [02 Assembly Memo Ernie's Bar Renewal](#)
 [03 Internal Memo Ernies Bar Renewal](#)
 [04 #373 Ernie's Bar documents](#)

XI. UNFINISHED BUSINESS:

- C** [ORD 22-28](#) Making supplemental appropriations for fiscal year 2023 (Seaplane Base Project)

Attachments: [01 Motion Ord 2022-28](#)
 [02 SPB Memo Nov 8 2022.](#)
 [Ord 2022-28 Seaplane Base Project](#)
 [04 SPB - Assembly Project Status Briefing 11.08.22](#)

- D** [ORD 22-29](#) Making supplemental appropriations for fiscal year 2023 (Marine Vessel Haul Out and Shipyard)

Attachments: [01 Motion Ord 2022-29](#)
 [02 Memo GPIIP Capital Appropriation - Haul Out](#)
 [03 Ord 22-29 Marine Vessel Haulout and Shipyard](#)

XII. NEW BUSINESS:**New Business First Reading**

- E [ORD 22-30](#) Updating Title 6 “Business Licenses and Regulations” of the Sitka General Code by revising Chapter 6.19 “Regulation of Commercial Operators Selling Organized Excursions or Renting Equipment for Organized Excursions”
- Attachments:** [01 Motion Ord 2022-30](#)
 [02 Assembly Memo - 6.19](#)
 [03 Ord. 2022-30](#)
 [04 Application-Permit for Commercial Operations HCH Plaza Vendor Space Fir](#)
 [05 Application-Permit for Commercial Operations HCH Outfitter Space Final](#)
 [06 Application-Permit for Vehicle Loading-Unloading Final](#)

Additional New Business Items

- F [22-170](#) Discussion/ Direction/ Decision on sending the Municipal Administrator and the Mayor to the SeaTrade Cruise Global event in Fort Lauderdale, Florida over the week of March 27-30
- Attachments:** [01 Motion Discussion Direction Decision](#)
 [02 Memo - SeaTrade 2023](#)
- G [22-171](#) Formally accept the resignation of Assembly Member Rebecca Himschoot and determine the procedure for filling the vacant seat
- Attachments:** [01 Motion accepting resignation](#)
 [02 Himschoot Resignation Letter](#)
 [03 Draft Notice Vacant Assembly Seat Nov 2022](#)

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.

*Jessica Earnshaw, Acting Municipal Clerk
Publish: November 18*



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 22-173 **Version:** 1 **Name:**

Type: Item **Status:** AGENDA READY

File created: 11/15/2022 **In control:** City and Borough Assembly

On agenda: 11/22/2022 **Final action:**

Title: Reminders, Calendars, and General Correspondence

Sponsors:

Indexes:

Code sections:

Attachments: [Calendars and Reminders](#)

Date	Ver.	Action By	Action	Result
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REMINDERS

DATE

EVENT

TIME

Tuesday, December 13

Regular Meeting

6:00 PM

Tuesday, December 27

Regular Meeting

6:00 PM



November 2022

Sunday		Monday	Tuesday		Wednesday	Thursday		Friday	Saturday
30	Oct	31	1	Nov	2	3		4	5
					6:00pm <u>Library Commission-Liaison Duncan</u> 6:00pm <u>School Board - Liaison Himschoot</u> 7:00pm <u>Planning Commission-Liaison Christianson</u>	12:00pm Sitka Bear Task Force			
6		7	8		9	10		11	12
			12:00pm <u>Parks and Recreation Committee-Liaison Duncan</u> 6:00pm <u>Regular Assembly Mtg</u>		6:00pm <u>Historic Preservation Commission-Liaison Himschoot</u> 6:00pm <u>Port & Harbors Commission-Liaison Ystad</u>	12:00pm <u>LEPC-Liaison Mosher</u>		HOLIDAY observed by CBS	
13		14	15		16	17		18	19
		6:00pm <u>Sustainability Commission-Liaison Mosher</u>			12:00pm <u>Health Needs and Human Services Commission-Liaison Duncan</u> 5:30pm <u>Police and Fire Commission - Liaison Himschoot</u> 7:00pm <u>Planning Commission - Liaison Christianson</u>	3:00am <u>Investment Committee-Liaison Christianson</u>			
20		21	22		23	24		25	26
			6:00pm <u>Regular Assembly Mtg</u>			HOLIDAY observed by CBS			
27		28	29		30	1	Dec	2	3

December 2022

Sunday		Monday	Tuesday	Wednesday	Thursday		Friday	Saturday
27	Nov	28	29	30	1	Dec	2	3
4		5	6	7	8		9	10
				6:00pm <u>Library Commission-Liaison Duncan</u> 6:00pm <u>School Board - Liaison Himschoot</u> 7:00pm <u>Planning Commission-Liaison Christianson</u>	12:00pm <u>LEPC-Liaison Mosher</u> 12:00pm <u>Bear Task Force</u>			
11		12	13	14	15		16	17
		6:30pm <u>Sustainability Commission-Liaison Mosher</u>	12:00pm <u>Parks and Recreation Committee-Liaison Duncan</u> 6:00pm <u>Regular Assembly Mtg</u>	6:00pm <u>Historic Preservation Commission-Himschoot</u> 6:00pm <u>Port & Harbors Commission-Liaison Ystad</u>				
18		19	20	21	22		23	24
				12:00pm <u>Health Needs and Human Services Commission-Liaison Duncan</u> 7:00pm <u>Planning Commission - Liaison Christianson</u>				
25		26	27	28	29		30	31
		HOLIDAY observed by CBS	Duncan 6:00pm <u>Regular Assembly Mtg</u>	5:30pm <u>Police and Fire Commission-Liaison Himschoot</u>			Jan	



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 22-167 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 11/14/2022 In control: City and Borough Assembly

On agenda: 11/22/2022 Final action:

Title: Proclamation - Honoring Posthumously Mike Motti

Sponsors:

Indexes:

Code sections:

Attachments: [Proclamation](#)

Date	Ver.	Action By	Action	Result
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OFFICE OF THE MAYOR
City & Borough of Sitka

Proclamation

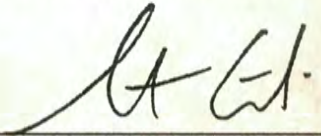
HONORING
POSTHUMOUSLY

Michael "Mike" Motti

- WHEREAS,** Mike Motti served honorably in the United States Marine Corps from August of 1966 to August of 1968, and the Marine Corps reserves until 1972; and
- WHEREAS,** Mike worked for the Alyeska Ski Patrol providing aid and assistance to people on the slopes for 6 years earning the Outstanding Ski Patroller title twice; and
- WHEREAS,** Mike moved to Sitka in 1980 to work for the United States Forest Service as the Chatham Area Helicopter Specialist and area Safety Technician; and
- WHEREAS,** Mike joined the Sitka Fire Department in February 1983 and served in many capacities in both the EMS and SAR Divisions. Mike was an EMT 3, EMS Lieutenant, EMT instructor, SAR member, Search and Rescue Instructor, K9 handler, Incident Management Team Lieutenant, and more. The thousands of hours of training and response that Mike accumulated in his service to Sitka cannot be calculated; and
- WHEREAS,** Mike worked for SEARHC from 1986 until his retirement in 2012 as the SEARHC EMS Coordinator, Instructor, and was instrumental in developing the SEARHC Medevac program that flew sick and injured patients from the villages around Southeast Alaska to Sitka and Anchorage; and
- WHEREAS,** Mike held membership in many professional organizations including National Search and Rescue Association, Mountain Rescue Association, Alaska Incident Management Team, Southeast Region EMS, and Wilderness Medical Associates; and
- WHEREAS,** Mike held many professional certifications, most of which were obtained through his volunteer service and desire to help his fellow man. Mike knew that every certification he earned made him more of an asset to the SAR team and helped with the management of the mission; and
- WHEREAS,** Mike was an avid outdoorsman that could be found on many of Sitka's trails almost daily and was doing what he loved until his very last day.

NOW, THEREFORE, BE IT RESOLVED, that the Assembly of the City and Borough of Sitka joins all Sitkans in extending our condolences to Susan Royce, her adult children Karen and Daryl, and their families, and in expressing our profound appreciation for Michael Motti's service to our community. In his long life, Mike always led by example and kept a sense of service to his family, community, and his fellow man.

Signed and sealed on this 22nd day of November 2022.


Steven Eisenbeisz, Mayor

ATTEST:


Jessica Earnshaw
Acting Municipal Clerk





CITY AND BOROUGH OF SITKA

Legislation Details

File #: 22-172 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 11/14/2022 In control: City and Borough Assembly

On agenda: 11/22/2022 Final action:

Title: Special Reports: 1) Sitka Tribal Chairman Lawrence Widmark, and 2) Police and Fire Commission Report, Chair Gregg Olson and Commissioner Loyd Platson

Sponsors:

Indexes:

Code sections:

Attachments: [01 Police and Fire Commission Snow Removal Memo Final](#)

Date	Ver.	Action By	Action	Result
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TO: Sitka City and Borough Assembly

THRU: SCB Clerk

CC: City Administrator; Health Needs and Human Services Commission

RE: Report on Assembly's Request for Commission to address snow removal issues

Introduction:

On April 5, 2022, the Police and Fire Commission received a written request from the Assembly to investigate snow removal issues. The request specifically stated:

Snow removal: Sitka's winters have become unpredictable and current code does not adequately address the need for snow removal around the community. While there is likely room for improvement in the code using other communities as models, there is a longstanding tradition of volunteerism among many Sitka organizations (Boy Scouts, ATV riders, Rotary, high school sports teams, etc). Along with suggesting updates to the code perhaps a coalition of volunteers to assist elders and the disabled with snow removal would help solve the problems for future winters.

The request was directed to both the Police and Fire Commission and the Health Needs and Human Services Commission. That written request is attached to this report.

The Assembly sponsor of the request seemed to focus primarily on the lack of snow removal on city sidewalks, the danger it causes, and ways in which to enforce and effectuate that snow removal. The full assembly expanded the request to cover snow removal on both streets and sidewalks.

The Assembly request was placed on the next scheduled meeting; April 27, 2022. At that meeting the commission discussed how to proceed and tried to figure out what it was the Assembly was looking for the commission to accomplish.

The snow removal issue was on the agenda at three consecutive meetings: 5/25, 6/22, and 7/27.

5/25/2022 Meeting

The chair researched ordinances from other Alaska communities (Anchorage, Juneau, Ketchikan, Kodiak, Petersburg) regarding snow removal from sidewalks. Sitka's ordinance requires property owners to clear snow off adjacent sidewalks, unless the snow is placed on the sidewalks by the government plowing the snow. The ordinance authorizes Public Works or the Police Department to pay to have the snow removed and for the city to bill the property owner and place a lien on the property until the bill is paid. Most ordinances require the property owner to shovel the adjacent sidewalks. The enforcement mechanism varies between a ticket being issued or the government shoveling the snow and billing the owner.

The commissioners had general discussions about the previous winter snow season and problems that the snow created. One commissioner noted that he regularly shoveled and put down ice-melt/salt to keep the sidewalk clean and safe for pedestrians and that the City regularly plowed snow back up on the section of sidewalk that he'd already shoveled. This resulted in a fair level of frustration, waste of time/energy and the money to purchase the ice-melt/salt.

Other commissioners noted that the winter snowfall varied, some winters almost no snow, other winters a considerable amount. There was really no consistency as to what might occur.

At least once commissioner opined that snowfall in Alaska went with the territory and was generally to be expected, but that Sitka's snowfall was minimal compared to other areas of the State.

Another commissioner noted that some communities remove the snow and don't just plow it to the sides of the road; but different equipment was generally used.

6/22/2022 Meeting

Merrill Rice, with the State Department of Transportation, discussed State snow removal in Sitka. The State is responsible for HPR, Sawmill Creek Road and the road over to the airport, plus plowing the runway. He shared how and when DOT clears the highway of snow. Typically, they clear what they can along the highways for the school busses then proceed to the airport where the runway is their priority. DOT only has snowplows, no snow removal vehicles. DOT also does not have equipment to remove snow from the sidewalks.

Harry Greene, Public Works Maintenance and Operations Superintendent, shared how the city clears the city streets on snowy days. Public Works is working on a new snow removal plan as there isn't anywhere for the snow to go when it is just plowed and not removed. The city also does not have either the equipment or manpower to remove snow from sidewalks.

While both the State and City try not to plow snow onto the sidewalks, both indicate that it happens and that they don't return to clear those sidewalks that had snow pushed onto them as they have neither the manpower nor the equipment.

7/27/2022 Meeting

Mike Finn, with Sitka All-Terrain Riders, spoke at this meeting. He indicated that members of his group have ATV's and are willing to help with snow removal. The group was talking about creating a plan to assign routes to different riders when sidewalk snow removal was needed. This potential "solution" carries with it some potential concerns such as liability issues if someone's property gets damaged. If the city sanctions this, does the city become liable for any damages? Also, who coordinates these efforts? Another question becomes where does the snow being plowed, end up? Answers to these questions would best be considered by the city attorney.

Opinions and Conclusions of Commission:

1. The current code DOES adequately address the need for snow removal around the community. The problem isn't the code. The code doesn't direct how snow is to be removed; that is a decision left to Public Works. The code does provide a means to enforce sidewalk snow removal by adjacent property owners; however, that is likely unenforceable because the entities ploughing snow cannot provide assurances that their plowing did push the snow onto the sidewalks. If aspects of the code are unenforceable, maybe they need to be removed from the code. In addition, the code seems never to have been enforced and as such has little use in mitigating snow related issues/problems

2. Coordination of volunteers to shovel/remove snow from sidewalks seems like a great idea. Some entity within the city should be directed to develop that volunteer group and establish the procedure for their use. That coordination work should begin in early fall to assure that the plan is in place when the snow flies. As mentioned above, liability concerns should be considered as well as what entity takes on this coordination and what are the risks the coordinating entity would be exposed to.

3. The use of temporary “city” employees, is another option to consider. Temps are utilized in the summer to help maintain buildings and grounds. Winter temps could be utilized for sidewalk clearing/snow removal. This would necessitate additional funds and other budgetary considerations as well as staff to coordinate/oversee these workers.

4. In areas where possible, could the snow be plowed from the sidewalk side of the street to the “non-sidewalk” side. A good example is Lincoln Street by Crescent Harbor. If plows started on the sidewalk side of the street, they could plow all the snow onto the greenbelt area. There are numerous locations in the city where this same concept could be applied. This would take some training by Public Works to make sure all plowing staff know of this procedure. There may be other considerations as well.

5. To fully address the snow problem, removing the snow from the roadway, rather than just plowing it, is the most effective solution. This already takes place in some areas such as the downtown commercial area. That said, new/additional equipment and more manpower would be required as neither the City or the State has the necessary equipment to fully implement this solution. That creates a budget issue, but would only cover the City’s equipment and manpower, but not the States.

An additional concern for this option is where to put the removed snow. Are there areas where the snow could be dumped. Is it permissible to push/dump the snow into the ocean? Can the area around the ballfields be used?

6. Not every year is a heavy snow year and predicting when we might have a heavy snow year is next to impossible. Further, decisions for budget expenditures that may not be used some years is a matter for the Assembly.

Underlying all considerations is the safety of the public and safe accessibility to locations and services such as mailboxes, stores, etc.. This includes both vehicular AND pedestrian safety. There may be a greater focus on vehicular safety/accessibility over pedestrian. Sitka has been designated as a walk friendly community. In winter, one must especially question this designation. Decisions are based on priorities and the Assembly is encouraged to discuss and decide what those priorities are related to snow plowing and removal.

Clear communication around snow related priorities/procedures are also encouraged. There appears to be set priorities as to what gets plowed first second and so on (i.e. bus routes, commercial areas, other priority areas). Clearly communicating this and other plowing related aspects would help the public understand the snow plowing process and hopefully reduce any frustration they may experience. This however does not address the sidewalk issue. Additionally, clearly articulating which streets/roads are the city’s responsibility and which ones are the state’s responsibility would be helpful.

From a philosophical point of view, it seems wise to consider what really is the underlying reason for a snow removal code???? Is it to ensure safety and accessibility for residents? One can meet the legality of the existing code OR one can meet the intent of the code which, supposedly, is to provide clean, snow/ice free sidewalks on which pedestrians can safely travel. These are the questions which may need to be answered first, before considering how to go about dealing with snow on our streets and sidewalks.

If the Police and Fire Commission can be of further assistance on this issue, please let us know.



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 22-168 Version: 1 Name:
Type: Item Status: AGENDA READY
File created: 11/14/2022 In control: City and Borough Assembly
On agenda: 11/22/2022 Final action:
Title: Approve the November 8 Assembly meeting minutes
Sponsors:
Indexes:
Code sections:
Attachments: [01 CONSENT](#)
[02 Motion 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 November 8 Assembly meeting minutes.



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 22-169 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 11/14/2022 In control: City and Borough Assembly

On agenda: 11/22/2022 Final action:

Title: Approve a liquor license renewal application for Ernie's Bar Inc. dba Ernie's Bar at 130 Lincoln Street

Sponsors:

Indexes:

Code sections:

Attachments: [01 Motion Liquor License Ernie's](#)
[02 Assembly Memo Ernie's Bar Renewal](#)
[03 Internal Memo Ernie's Bar Renewal](#)
[04 #373 Ernie's Bar 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 a liquor license renewal application for Ernie's Bar Inc. dba Ernie's Bar at 130 Lincoln Street and forward this approval to the Alcoholic Beverage Control Board without objection.



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members
Thru: John Leach, Municipal Administrator 
From: Jessica Earnshaw, Deputy Clerk
Date: November 8, 2022
Subject: Liquor License Applications – Ernie's Bar Inc

Our office has received notification of the following liquor license renewal application submitted by:

Lic #: 373
DBA: Ernie's Bar
License Type: Beverage Dispensary
Licensee: Ernie's Bar Inc
Premises Address: 130 Lincoln Street

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

Recommendation:

Approve a liquor license renewal application for Ernie's Bar Inc dba Ernie's Bar at 130 Lincoln Street and forward this approval to the Alcoholic Beverage Control Board without objection.



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: Jessica Earnshaw, Deputy Clerk

Date: November 8, 2022

Subject: Liquor License Renewal – Ernie's Bar Inc

The Municipal Clerk's Office has been notified by the Alcohol and Marijuana Control Office of the following liquor license renewal application submitted by:

Lic #: **373**
DBA: Ernie's Bar
License Type: Beverage Dispensary
Licensee: Ernie's Bar Inc
Premises Address: 130 Lincoln Street

Please notify no later than **noon on November 16** of any reason to protest. These requests are scheduled to go before the Assembly on November 22.

Thank you.



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

November 7, 2022

City and Borough of Sitka

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

Re: Notice of 2023/2024 Liquor License Renewal Application

License Type:	Beverage Dispensary	License Number:	373
Licensee:	Ernie's Bar Inc		
Doing Business As:	Ernie's Bar		

We have received a completed renewal 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 written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

A handwritten signature in cursive script that reads "Joan M. Wilson".

Joan Wilson, Director

amco.localgovernmentonly@alaska.gov

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED

11/07/2022

ABC BOARD

LIQUOR LICENSE

2023 - 2024

TEMPORARY

373

LICENSE RENEWAL APPLICATION DUE
DECEMBER 31, 2024 (AS 04.11.270(b))

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2025 UNLESS DATED BELOW

TYPE OF LICENSE: Beverage Dispenser

LICENSE FEE: \$2,500.00

1104

CITY / BOROUGH: Sitka
Sitka

D/B/A: Ernie's Bar
130 Lincoln Street

Mail Address:
Ernie's Bar Inc
PO Box 777
Sitka, AK 99835

This license cannot be transferred without permission
of the Alcoholic Beverage Control Board

[] Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD

DIRECTOR

04-900 (REV 10/20/22)

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED

11/07/2022

ABC BOARD

LIQUOR LICENSE

2023 - 2024

TEMPORARY

373

LICENSE RENEWAL APPLICATION DUE
DECEMBER 31, 2024 (AS 04.11.270(b))

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2025 UNLESS DATED BELOW

TYPE OF LICENSE: Beverage Dispenser

LICENSE FEE: \$2,500.00

CITY / BOROUGH: Sitka
Sitka

This license cannot be transferred without permission
of the Alcoholic Beverage Control Board

[] Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD

COPY

DIRECTOR

D/B/A: Ernie's Bar
130 Lincoln Street

Mailing Address:
Ernie's Bar Inc
PO Box 777
Sitka, AK 99835

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

04-900 (REV 5/9/22)



Alaska Alcoholic Beverage Control Board

AB-17: 2023/2024 License Renewal Application

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-17: 2023/2024 General Renewal Application

- This form and any required supplemental forms must be completed, signed by the licensee, and postmarked no later than 12/31/2022 per AS 04.11.270, 3 AAC 304.160, with all required fees paid in full, or a non-refundable \$500.00 late fee applies.
- Any application for renewal or any fees for renewal that have not been postmarked by 2/28/2023 will be expired per AS 04.11.540, 3 AAC 304.160(e).
- All fields of this application must be deemed complete by AMCO staff and must be accompanied by the required fees and all documents required, or the application will be returned without being processed, per AS 04.11.270, 3 AAC 304.105
- Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees in any way that an application will be deemed complete, renewed, or that it will be scheduled for the next ABC Board meeting.

Section 1 - Establishment Contact Information

Licensee (Owner):	Ernie's Bar Inc	License #:	373
License Type:	Beverage Dispensary		
Doing Business As:	Ernie's Bar		
Local Governing Body:	Sitka		
Community Council:			

If your mailing address has changed, write the NEW address below:

Mailing Address:			
City:		State:	
		ZIP:	

Section 2 - Licensee Contact Information

Contact Licensee: The individual listed below must be part of the ownership structure of the licensee listed in Section 1. This person will be the designated point of contact regarding this license, unless the Optional contact is completed.

Contact Licensee:	Stanley Filler	Contact Phone:	907-747-8815
Contact Email:	Stanfillersr@outlook.com		

Optional: If you wish for AMCO staff to communicate with anyone other than the Contact Licensee (such as legal counsel) about your license, list their information below:

Name of Contact:	Patricia MacPike	Contact Phone:	907-742-6918
Contact Email:	enrolledagentsitka@gmail.com		

Section 3 - for Package Stores ONLY: Written Order Information

Do you intend to sell alcoholic beverages and ship them to another location in response to written solicitation in calendar years 2022 and/or 2023?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
---	---------------------------------	--------------------------------



Alaska Alcoholic Beverage Control Board

Form AB-17: 2023/2024 License Renewal Application

Section 4 – Ownership Structure Certification

YES

☐

NO

☒

Did the ownership structure of the licensed business change in 2021/2022?

If Yes, and you have **NOT** notified AMCO, list the updated information on form AB-39: Change of Officers and submit with your renewal application.

If No, certify the statement below by initialing the box to the right of the statement.

I certify that the ownership structure of the business who owns this alcohol license did not change in any way during the calendar years 2021 or 2022.

[Signature]

Section 5 – License Operation

Check **ONE BOX** for **EACH CALENDAR YEAR** that best describes how this liquor license was operated:

2021

2022

1. The license was **operated for more than 240 hours** throughout each year. (Year-round)

☒
☒

2. The license was **only operated during a specified time** each year. (Not to exceed 6 months per year)

☐
☐

If your operation dates have changed, list them below:

to

3. The license was only operated to meet the minimum requirement of 240 total hours each calendar year.

☐
☐

A complete AB-30: Proof of Minimum Operation Checklist, and all documentation must be provided with this form.

4. The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both calendar years. *A complete Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated.*

☐
☐

If you have not met the minimum number of hours of operation in 2021, you are not required to pay the fees, however a complete AB-29 is required with Section 2 marked "Other" and COVID is listed as the reason.

Section 6 - Violations and Convictions

YES

NO

Have **ANY** Notices of Violation been issued for this license?

☐
☒

Has **ANY** person or entity in this application been convicted of a violation of Title 04, 3AAC 304 or a local ordinance adopted under AS 04.21.010 in 2021 or 2022?

☐
☒

If you checked YES, you MUST attach a list of all Notices of Violation and/or Convictions per AS 04.11.270(a)(2)

If you are unsure if you have received any Notices of Violation, contact the office before submitting this form.

Section 7 – Certifications

As an applicant for a liquor license renewal, 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, are true, correct, and complete.

- I agree to provide all information required by the Alcoholic Beverage Control Board or requested by AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned and the license being potentially expired if I do not comply with statutory or regulatory requirements.
- I certify that in accordance with AS 04.11.450, no one other than the licensee(s), as defined in AS 04.11.260, has a direct or indirect financial interest in the licensed business.
- I certify that this entity is in good standing with Corporations, Business and Professional Licensing (CBPL) and that all entity officials and stakeholders are current and I have provided AMCO with all required changes of the ownership structure of the business license, and have provided all required documents for any new or changes of officers.

AMCO

OCT 24 2023



Alaska Alcoholic Beverage Control Board

Form AB-17: 2023/2024 License Renewal Application

- I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of patrons have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, if applicable for this license type as set forth in AS 04.21.025 and 3 AAC 304.465.

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

[Signature]

Signature of licensee

[Signature]

Signature of Notary Public

Stanley J Filler

Printed name of licensee

STATE OF ALASKA

Notary Public

S. ROYCE

Comm. expires: 6-20-25

Notary Public in and for the State of Alaska

My commission expires: 6/20/25

Subscribed and sworn to before me this 17th day of October, 2022.

Restaurant and Eating Place applications must include a completed AB-33: Restaurant Receipts Affidavit

Recreational Site applications must include a completed AB-36: Recreational Site Statement

Tourism applications must include a completed AB-37: Tourism Statement

Wholesale applications must include a completed AB-25: Supplier Certification

Common Carrier applications must include a current safety inspection certificate

All renewal and supplemental forms are available online:

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

\$2,500 Rec#100479367

\$300 Rec#100479371

FOR OFFICE USE ONLY

License Fee:	\$2500	Application Fee:	\$ 300.00	Misc. Fee:	\$
Total Fees Due:					\$2800

Department of Commerce, Community, and Economic Development

DIVISION OF CORPORATIONS, BUSINESS & PROFESSIONAL LICENSING

State of Alaska / Commerce / Corporations, Business, and Professional Licensing / Search & Database Download / Business License / License #310466

LICENSE DETAILS

License #: 310466

Print Business License

Business Name: ERNIES BAR, INC

Status: Active

Issue Date: 04/14/2005

Expiration Date: 12/31/2024

Mailing Address: P. O. BOX 777
SITKA, AK 99835

Physical Address: 130 LINCOLN STREET
SITKA, AK 99835

Owners

ERNIES BAR, INC.

Activities

Line of Business	NAICS	Professional License #
72 - Accommodation and Food Services	722410 - DRINKING PLACES (ALCOHOLIC BEVERAGES)	

Endorsements

End #	Issue	Renew	Expiration	Action End	Action Note	Address
1	10/3/2018	10/17/2022	12/31/2024			130 LINCOLN STREET, SITKA, AK 99835

License Lapse(s)

If this business license lapsed within the last four years the lapsed periods will appear below. Lapsed periods are the unlicensed period between an expiration date and renewal date.

Department of Commerce, Community, and Economic Development

CORPORATIONS, BUSINESS & PROFESSIONAL

LICENSING

State of Alaska / Commerce / Corporations, Business, and Professional Licensing / Search & Database Download / Corporations / Entity Details

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	ERNIE'S BAR, INC.

Entity Type: Business Corporation

Entity #: 44680D

Status: Good Standing

AK Formed Date: 10/13/1989

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2025

Entity Mailing Address: PO BOX 777, SITKA, AK 99835

Entity Physical Address: 130 LINCOLN ST, SITKA, AK 99835

Registered Agent

Agent Name: STANLEY FILLER

Registered Mailing Address: BOX 777, SITKA, AK 99835

Registered Physical Address: 130 LINCOLN ST, SITKA, AK 99835

Officials

AK Entity #	Name	Titles	<input type="checkbox"/> Show Former
			Owned
	Stan Filler	President, Treasurer, Director, Secretary, Shareholder	100.00

Filed Documents

Date Filed	Type	Filing	Certificate
10/13/1989	Creation Filing		
6/04/1990	Biennial Report		
12/26/1990	Biennial Report		
2/03/1993	Biennial Report	Click to View	
12/22/1994	Biennial Report	Click to View	
12/20/1996	Biennial Report	Click to View	
12/24/1998	Biennial Report	Click to View	
2/01/2001	Biennial Report	Click to View	
6/09/2003	Election or Resolution to Dissolve	Click to View	
6/30/2003	Biennial Report	Click to View	
6/30/2003	Agent Change	Click to View	
6/30/2003	Agent Change	Click to View	
1/03/2005	Biennial Report	Click to View	
10/03/2006	Biennial Report	Click to View	
11/14/2008	Biennial Report	Click to View	
10/07/2010	Biennial Report	Click to View	
10/29/2012	Biennial Report	Click to View	
10/14/2014	Biennial Report	Click to View	
11/03/2016	Biennial Report	Click to View	
10/03/2018	Biennial Report	Click to View	
10/12/2020	Biennial Report	Click to View	
10/19/2022	Biennial Report	Click to View	



CITY AND BOROUGH OF SITKA

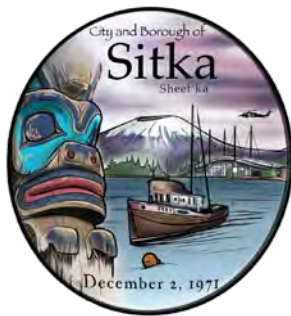
Legislation Details

File #: ORD 22-28 Version: 1 Name:
Type: Ordinance Status: AGENDA READY
File created: 11/1/2022 In control: City and Borough Assembly
On agenda: 11/8/2022 Final action:
Title: Making supplemental appropriations for fiscal year 2023 (Seaplane Base Project)
Sponsors:
Indexes:
Code sections:
Attachments: [01 Motion Ord 2022-28](#)
[02 SPB Memo Nov 8 2022.](#)
[Ord 2022-28 Seaplane Base Project](#)
[04 SPB - Assembly Project Status Briefing 11.08.22](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE TO approve Ordinance 2022-28 on second and final reading appropriating \$2,175,000 to acquire the land needed for the seaplane base project and to proceed forward with the full build-out concept as presented.





CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Steven Eisenbeisz and Assembly Members

Thru: John Leach, City Administrator 

From: Michael Harmon, P.E. 

Date: November 2, 2022

Subject: Sitka Sea Plane Base Direction Decision Point

Background

The existing Sitka Seaplane Base (SPB) has been operating for more than 65 years and is at the end of its useful life. Planning for its replacement began in 2000 with the preparation of a 'Facility Needs Assessment' where capacity, safety, and facility deficiencies were identified.

The following work has been completed to date:

- **2002 Master Plan:** This plan was prepared by HDR Engineers, which studied twelve alternate locations for the development of a new SPB including the amenities missing at the existing base.
- **2012 Siting Study:** This study was conducted by DOWL HKM Engineers examined the three remaining sites that were not eliminated in the Master Plan due to fatal flaws, which made the sites unworkable from environmental, capacity, or because the sites could not provide a safe operating or docking environment.
- **2016 Updated Siting Study:** This study by DOWL Engineers, further evaluated the preferred location and included an Economic Impact Study showing positive economic impacts to the community. This report identified a projected need to accommodate 14 planes.
- **Resolution 2018-22:** In 2018 the Assembly identified the development of a new public use SPB as a priority and passed Resolution 2018-22 supporting the

acquisition of an upland parcel at 1190 Seward Avenue, Sitka, AK, from the Department of Education and Early Development (ADEED) and directed staff to prioritize acquiring Federal funding for the project. Discussions were held with ADEED regarding sale of the parcel. Staff also submitted an application to the Department of Natural Resources (DNR) for conveyance of adjacent tide and submerged lands.

- **Sitka Comprehensive Plan 2030 (completed 2018):** Two actions related to the Seaplane Base were included in the Comprehensive Plan: Transportation 2.1.c, “Replace Sitka’s deteriorating seaplane base to maintain the economic and transportation benefits Sitka residents, businesses, and visitors depend on,” and Parks, Trails, and Recreation 3.8, “Pursue funding and grant opportunities for development of a new seaplane base.”
- **2019 Phase I FAA Airport Improvement Grant:** In 2019 the Assembly approved and accepted an FAA AIP Grant for Aviation Facility Planning and an Environmental Assessment (EA). A Planning Level Facility Layout for the project was developed with stakeholder participation. An Airport Layout Plan (ALP) was developed and registered with the FAA. A SPB Airport Capital Improvement Program (ACIP) was developed and submitted to the FAA. This plan programs 5 years of capital improvement projects that receive \$150,000 FAA Annual Entitlement Funding. These funds can be banked for up to 5 years and merged to complete a larger project.
- **Environmental Assessment:** In June 2021, the FAA issued a ‘Conditional Finding of No Significant Impacts’ (Conditional-FONSI) for the EA, which enabled the CBS to apply for FAA AIP Grants for the Land Acquisition and Design phases of the project. In October 2021, the Sitka Tribe of Alaska (STA) requested additional information and consultation with the FAA regarding the project. The FAA and the STA are current involved in Government-to-Government (G2G) coordination to resolve outstanding issues. The EA is expected to be finalized with completion of the 65% level Engineering Design scheduled for early 2023.
- **Land Acquisition:** Acquisition discussions began between ADEED and CBS in 2018. A fair market value appraisal was completed in 2019 valuing the subject property at \$749,894, and a Purchase and Sale Agreement (PSA) signed between the two entities in 2021. The PSA is valid through December 31, 2022; if the transaction is not completed by this date, ADEED may re-market and reappraise the property. CBS, ADEED, and the US Coast Guard have been working steadily over the course of 2021-2022 to resolve title issues on the property to meet FAA requirements for reimbursement. When the FAA notified CBS that grant funding for land acquisition and construction would not be available until FY24, they did confirm that CBS would be reimbursed for the acquisition if we move forward prior to grant award.

- **Engineering Design:** The Engineering Design is currently at a Revised 35% Design that includes two concept options for further development to the 65% Design Level; a “Full Build-Out” Concept and that meets all FAA and Pilot User Group requirements, and a “Minimal” Concept that meets the minimum FAA requirements and does not satisfy many of the requirements demonstrated by the Pilot User Group.

Analysis

At the September 27th, 2022, Assembly Meeting the Public Works Department provided an update detailing the cost escalation related to the “Full Build-Out” and committed to come back to the Assembly with more details on a “Minimal Concept” closer aligned with prior budget projections. The fiscal impacts of these two concepts are presented below. Public Works has also prepared a presentation to go over the details of these two options and discuss next steps as it relates to purchasing the upland property from the State before the end of the year.

Fiscal Note

The projected costs for the project have escalated significantly as outlined in the September 27th, 2022, presentation to the Assembly. We are at critical point now where decisions on the scale of the project need to be made. At a minimum, given time constraints, an appropriation of \$800,000 in working capital for land acquisition is needed at this time for the project to proceed.

Below are the appropriation amounts that could be made to give staff direction and commit matching funds to proceed with design and seeking grant funding.

	Option	Match (6.25%)	Future grant funding (93.75%)	Working capital appropriation needed now
1	Land Acquisition only (grant funding will reimburse after-the-fact)	\$ 50,000	\$ 750,000	\$ 800,000
2	“Minimal” Concept (including land acquisition)	\$ 1,500,000	\$ 24,000,000	\$ 1,550,000
3	“Full Build-Out Concept” (Including land acquisition)	\$ 2,125,000	\$ 34,000,000	\$ 2,172,000

Please note:

- While we need working capital now to purchase the land, we have a commitment that 93.75% will be reimbursed, so what we use now to purchase the land will ultimately serve as a match for whichever concept is chosen.

- All matching funds will come from the General Fund. Ultimately, funding this project will come from the unassigned fund balance of the General fund, which will ultimately mean there is less funding for FY2023 transfer to the Public Infrastructure Sinking Fund, which will fund our infrastructure repair projects.
- Using General Fund Working capital to fund matching grants was anticipated for FY2023.

Recommendation

Option 1 - Land acquisition only (for now): Appropriating \$800,000 to acquire the land needed for the seaplane base project prior to the end of the calendar year. Staff recommends moving forward with the land acquisition under the PSA terms and timeline. Delaying land acquisition risks reappraisal which could add significant costs to the project and risks the property acquisition itself if opened back up to marketing/bids.

Sea Plane Base Preferred Concept Selection:

Staff also recommends that the Assembly provide preferred direction between the minimal concept design or full build-out concept design to keep the project on track. CBS Staff recommends the Assembly choose, by motion, one of the two Concepts to carry forward as the Sea Plane Base progresses to 65% and 95% Design Phases and ultimately 100% Final Construction Bid Documents:

Option 2 - Move forward with minimal concept: Appropriating \$1,550,000 to acquire the land needed for the seaplane base project and to proceed forward with the minimal concept as presented.

Option 3 - Move forward with full build-out concept: Appropriating \$2,175,000 to acquire the land needed for the seaplane base project and to proceed forward with the full build-out concept as presented.

Selection of either concept will result in very different methodology for completing the project. Thus, selection of one of the proposed concepts at this time will allow staff to provide clear direction to the Environmental Analysts and Engineers for moving the project forward through completion.

Encl: - Seaplane Project Update Power Point Presentation
- Budget Adjustment Ordinance

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2022-28
AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA MAKING SUPPLEMENTAL
APPROPRIATIONS FOR FISCAL YEAR 2023
(Seaplane Base Project)

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 – Seaplane Base Project: Increase appropriations in the amount of \$2,175,000 for the Seaplane Base Project. These funds will be transferred from the General Fund to the Harbor Fund.

EXPLANATION

This appropriation is to support the development of the new seaplane base, the scope of which will be determined by the assembly and will include funding of land acquisition as well as some level of grant match commitment for the construction phase of the project. At the 11/8/2022 meeting, the Assembly decided to appropriate \$2,175,000 to acquire the land needed for the seaplane base project and to proceed with the full build-out concept as presented.

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

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 22nd day of November 2022.

ATTEST:

Steven Eisenbeisz, Mayor

Sara Peterson, MMC
Municipal Clerk

1st reading: 11/8/2022
2nd and final reading: 11/22/2022

Sponsor: Administrator



CITY AND BOROUGH OF SITKA
A COAST GUARD CITY

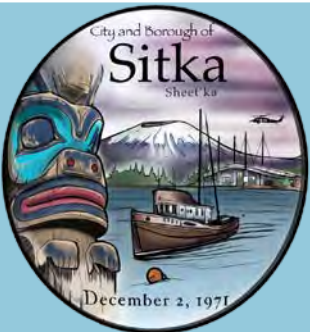
Sitka Seaplane Base

CBS Assembly Status Update & Assembly Action Request

November 8, 2022

Presentation Overview

1. Existing Seaplane Base - Features & Deficiencies
2. September 2021 – Planning Concept
3. Engineering Design and Construction Cost Estimating
 - October 2022 Revised “Minimal” and “Full Build-Out” Phased Concepts with Financial Analyses
3. Land Acquisition Update
4. Overall Project Schedule
5. Action Items



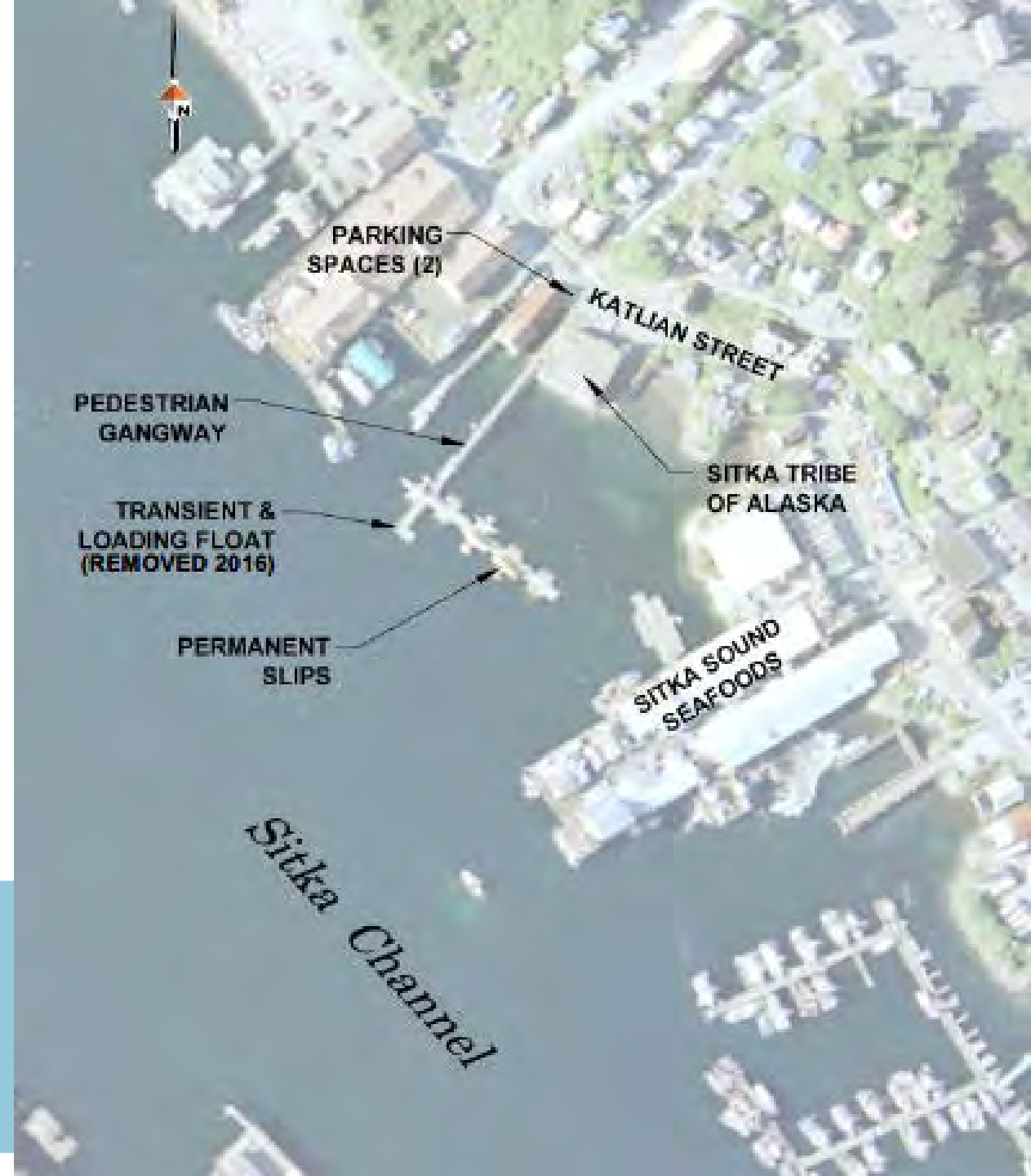
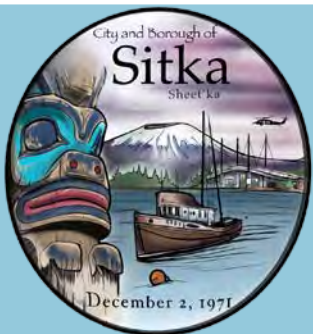
Existing Seaplane Base

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



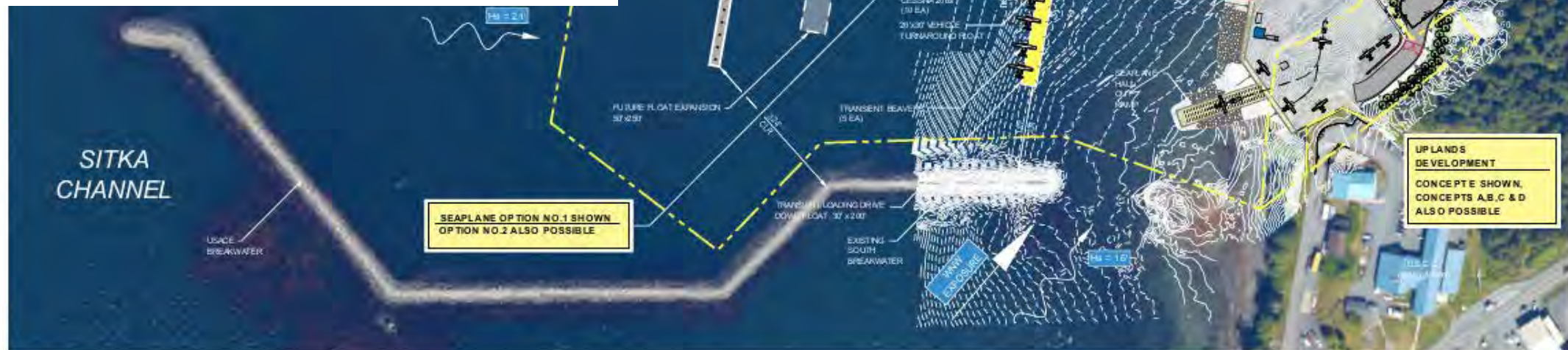
September 2021 Planning Concept

Construction Estimate*: ~\$15M

Land Acquisition: ~\$1M

CBS Total Match: ~\$1M

*Estimated Prior to Completion Tasks to develop facility planning concepts such as Topo & Bathymetric Surveys, Wind and Wave Studies, Wetlands Delineation, Cultural & Historical Studies.




NOTES:
 H_s = SIGNIFICANT WAVE HEIGHT 100 YEAR RETURN PERIOD
 $H_{1/10}$ = $\pm 1.7 \times H_s$



5940 Glenview Highway, Ste. 100
Beverly Hills, Alaska 99581
Phone: 907-586-2595
Fax: 907-586-2199
www.industrialalaska.com

DESIGN: CRS CHECKED: CRS
PJD CRS

SCALE: SCALE IN FEET


6/24/21

SITKA SEAPLANE BASE

SHEET TITLE: MARINE CONCEPT NO.7

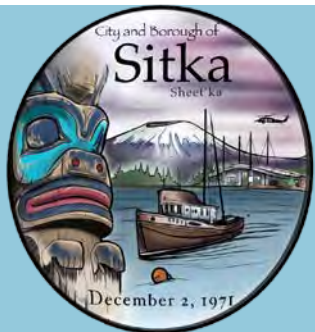
04/06/2009 10:01 AM - 192.168.2.11

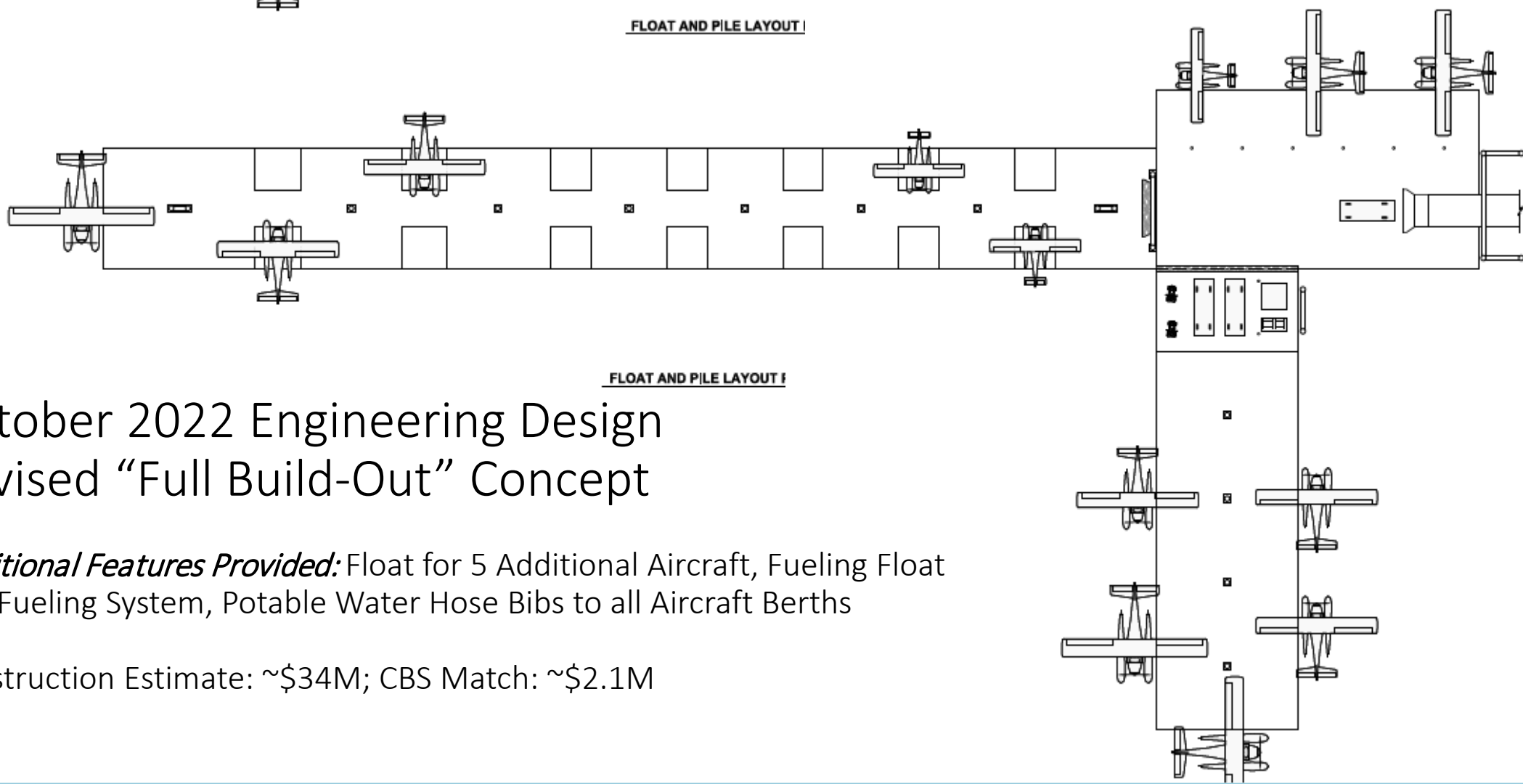
October 2022 Revised “Full Build-Out” Concept

Meets all requirements of the EA and ALP, and the meets the purpose and need demonstrated by the pilot user group

Meshes with “Minimalist” Concept by accommodating future phasing

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





October 2022 Engineering Design Revised “Full Build-Out” Concept

Additional Features Provided: Float for 5 Additional Aircraft, Fueling Float and Fueling System, Potable Water Hose Bibs to all Aircraft Berths

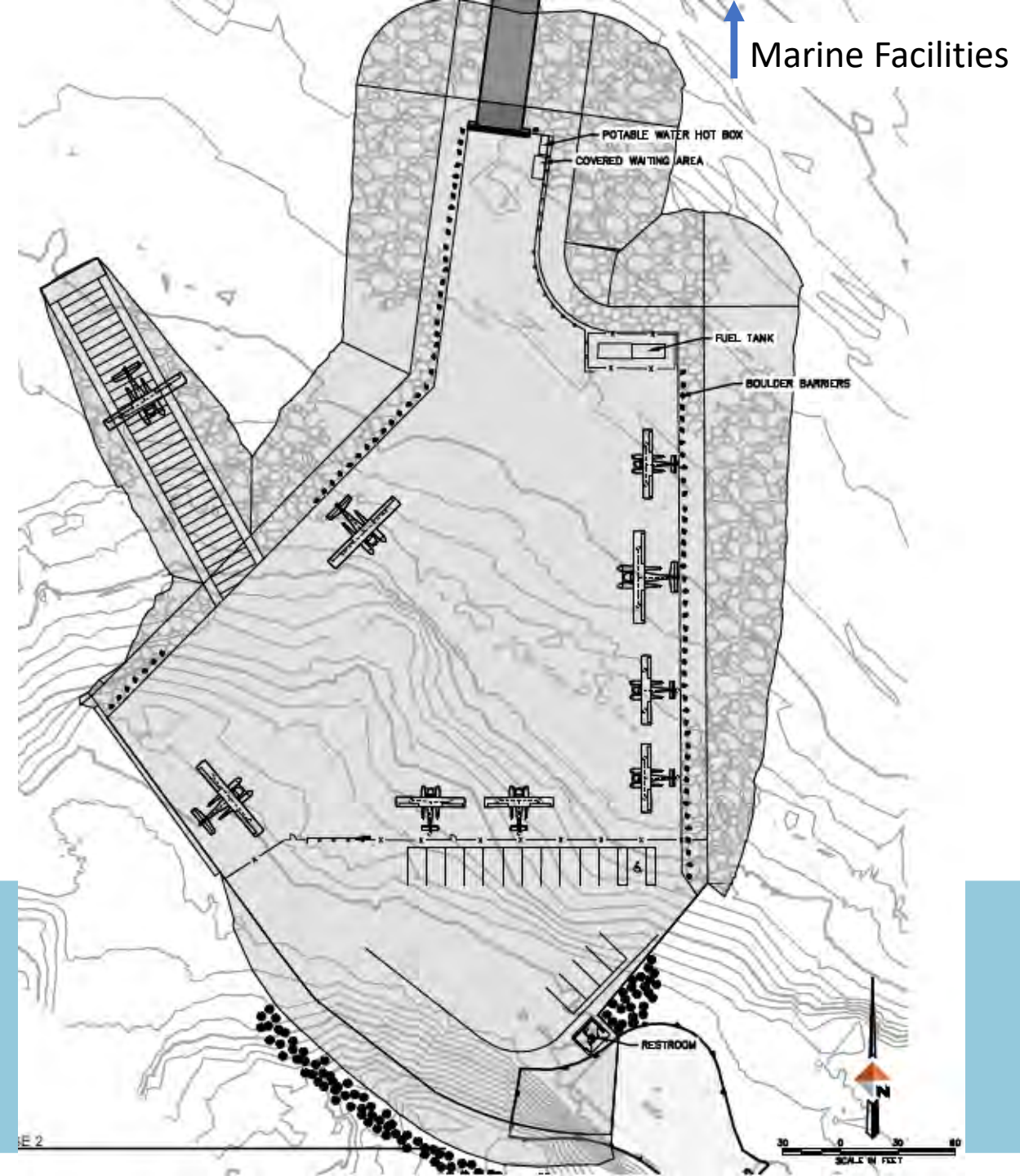
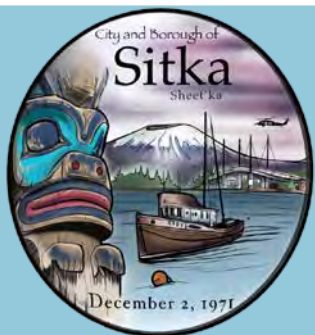
Construction Estimate: ~\$34M; CBS Match: ~\$2.1M



October 2022 Engineering Design Uplands Full Build-Out Revised Concept

Additional Features Provided: Gated security Fencing, Public Rest Room, Potable Water, Covered Passenger Waiting Area, Fueling System, Plane Haul Out Ramp, and Plane Parking/Maintenance Areas

Construction Estimate: ~\$34M; CBS Match: ~\$2.1M



Financial Analysis “Full Build-Out” Concept

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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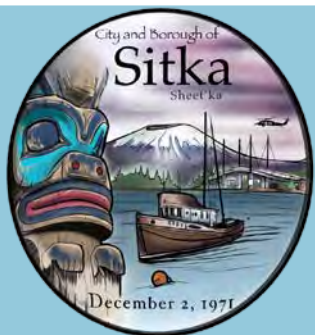
- There will be some minor additional expenses not included for processing the land acquisition that will be covered by the grant/match

October 2022 Engineering Design & Const. Cost Est. Revised “Minimal” Concept

Meets minimum requirements of the
Environmental Assessment and Airport Layout
Plan approved by FAA.

Designed so all future phases of expansion
are accommodated

Construction Est: ~\$24M; CBS Match: ~\$1.5M



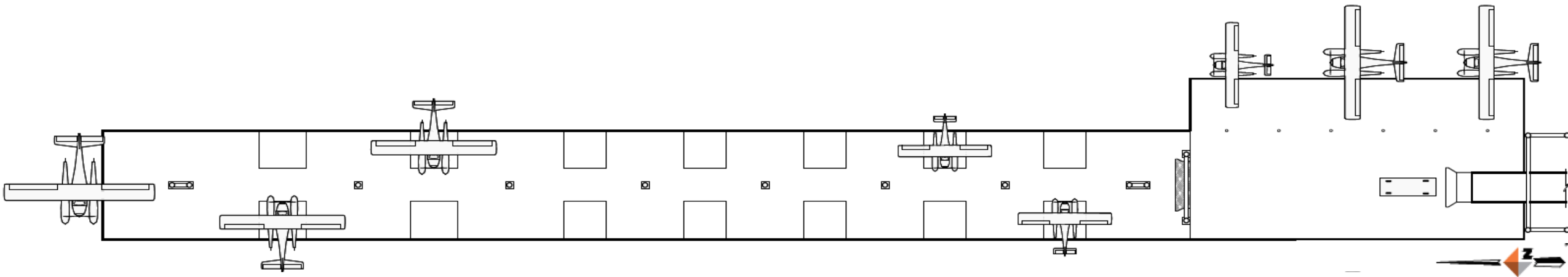
October 2022 Engineering Design & Const. Cost Estimating Marine – Revised “Minimal” Concept

Meets minimum requirements for EA and ALP for Permanent and Transient Airplane Berths

Does Not Provide: Fueling System and Dock, Transient Float with 5 Airplane Berths,
Potable Water to Aircraft Berths

Construction Estimate: ~\$24M; CBS Match: ~\$1.5M

Upland Area
→



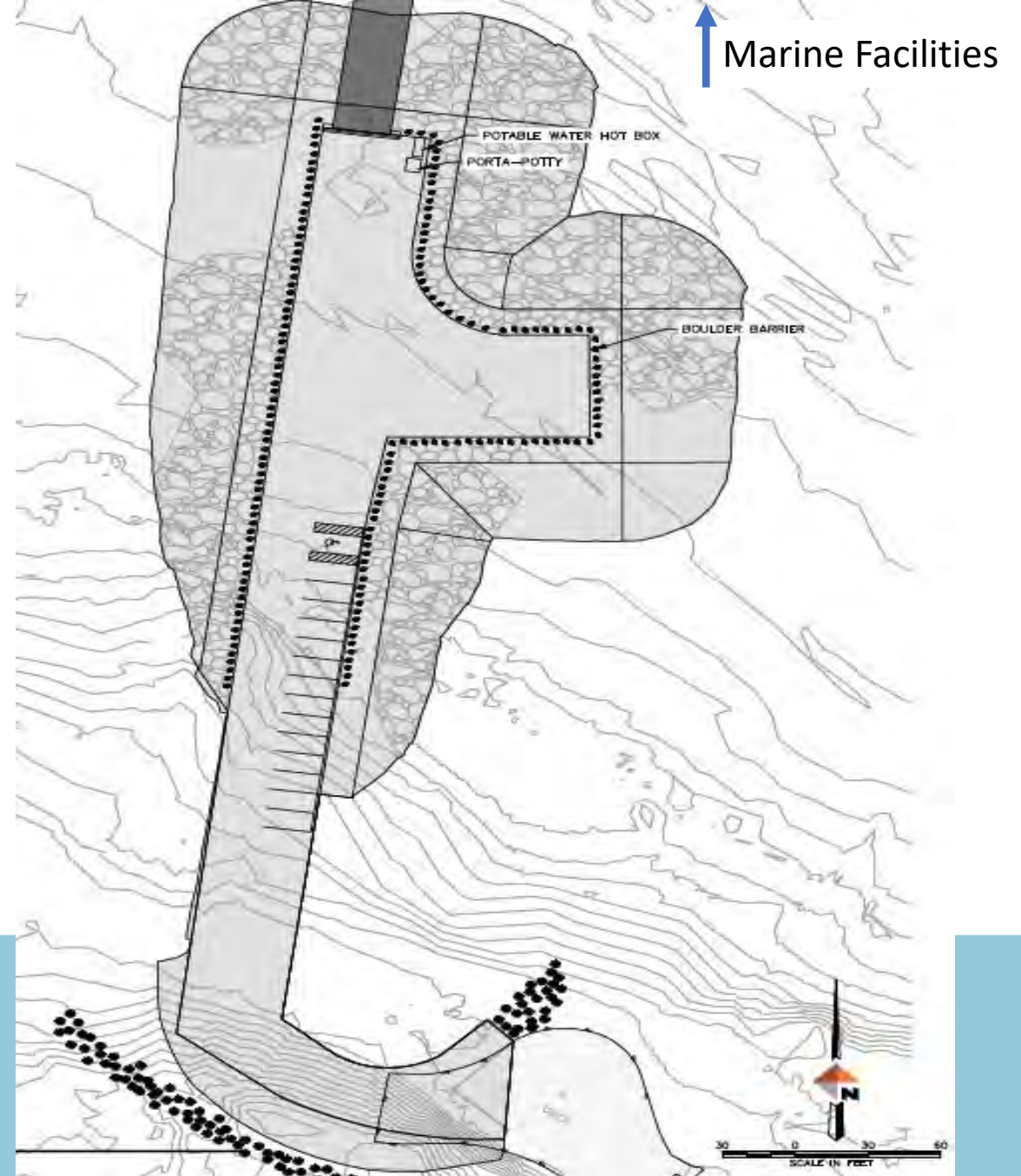
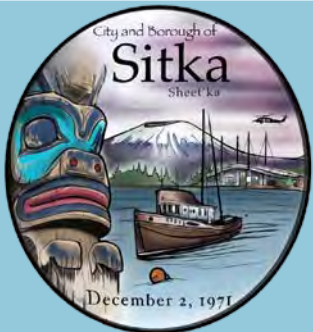
October 2022 Engineering Design & Const. Cost Estimating Uplands – Revised “Minimal” Concept

Provides “Economic Balance” of Cut and Fill Materials that can be expanded in future phases with minimal cost impacts

Meets ADA and Emergency Response Access Requirements

Does Not Provide: Gated security Fencing, Public Rest Room, Potable Water, Covered Passenger Waiting Area, Fueling System, Plane Haul Out Ramp, and Plane Parking/Maintenance Areas

Construction Estimate: ~\$24M; CBS Match: ~\$1.5M



Financial Analysis “Minimal” Concept

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	\$24,000,000	\$1,500,000
<i>Subtotal</i>	<i>\$24,753,125</i>	<i>\$1,547,070</i>

Est. Project Totals	\$28,062,814	Total Match	\$1,599,734 (incl. \$52,664 EA/planning)
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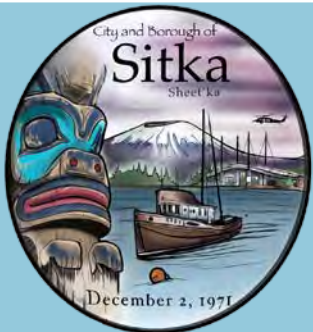


- There will be some minor additional expenses not included for processing the land acquisition that will be covered by the grant/match

Land Acquisition










- 1190 Seward Avenue, Public lands zoning district
- Land area ~1.8 acres
- FAA requires land to have clear title in order to be eligible for reimbursement
 - CBS, DEED, and USCG have been working in cooperation to resolve encroachments/entitlements
- After CBS was notified by FAA that grant funding moved to FY24, FAA confirmed CBS land purchase prior to grant award will be reimbursable under the grant once received
- Purchase & Sale Agreement (PSA) between CBS and DEED
 - Sale price \$753,125 per 2019 fair market value appraisal
 - PSA valid until December 31, 2022
 - If not completed by end date, DEED will re-market & reappraise property
 - Staff recommends moving forward with land acquisition under PSA terms and timeline



Land Acquisition Timeline

2018	2019	2021	2022
Land acquisition discussions commence	Fair market value appraisal completed	CBS & DEED enter into PSA -Sale price \$753,125 -Must be completed by Dec 31, 2022	Completing outstanding PSA requirements -Paid \$10,000 earnest money -Coordination between CBS, DEED, and USCG to clear title CBS notified by FAA that grant funding moved to FY24

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									



ASSEMBLY DIRECTION: What is Preferred Construction Concept/Match Contribution?

Action Items	Construction Cost Est.	CBS Match (6.25%)
Option 1: Land Acquisition*	\$800,000*	\$50,000*
Option 2: “Minimal” Concept**	\$24,000,000	\$1,500,000
Option 3: “Full Build-Out” Concept**	\$34,000,000	\$2,125,000

*To purchase land prior to the end of the year per the State agreement requires a budget appropriation of at least \$800,000. Once the property is purchased it will be reimbursable under the FAA grant program resulting in a grant match of \$50,000 from CBS.

**Selection of this option includes moving forward with purchasing the uplands prior to the end of the year.





CITY AND BOROUGH OF SITKA

Legislation Details

File #: ORD 22-29 Version: 1 Name:

Type: Ordinance Status: AGENDA READY

File created: 11/2/2022 In control: City and Borough Assembly

On agenda: 11/8/2022 Final action:

Title: Making supplemental appropriations for fiscal year 2023 (Marine Vessel Haul Out and Shipyard)

Sponsors:

Indexes:

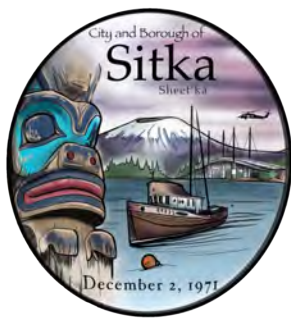
Code sections:

Attachments: [01 Motion Ord 2022-29](#)
[02 Memo GPIIP Capital Appropriation - Haul Out](#)
[03 Ord 22-29 Marine Vessel Haulout and Shipyard](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION

I MOVE TO approve Ordinance 2022-29 on second and final reading making supplemental appropriations for fiscal year 2023 (Marine Haul out Shipyard).




CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members

Thru: John Leach, Municipal Administrator 

From: Melissa Haley, Finance Director

Date: November 2, 2022

Subject: Capital Appropriation for the Construction of a Marine Haul Out and Shipyard at the Gary Paxton Industrial Park (GPIP)

Background

The purpose of this ordinance is to appropriate funds from the Sitka Permanent Fund to the Gary Paxton Industrial Park (GPIP) capital project fund to construct a marine haul out and shipyard at the GPIP as approved by the voters of Sitka.

Analysis

At the October 4, 2022 Regular Election, voters were presented with Proposition No. 2 which stated:

“Marine Vessel Haul Out (appropriate and distribute from the Sitka Permanent Fund an amount not to exceed \$8,181,040.28 which is the net proceeds received by the municipality from the sale of municipal real property known as the Sitka Community Hospital Site, for the purpose of constructing a marine vessel haul out and shipyard at the Gary Paxton Industrial Park).”

The election results were certified at the October 11, 2022 Assembly meeting, and Proposition No. 2 passed with 1921 votes (80.9%) in favor and 453 votes (19.1%) in opposition.

Fiscal Note

Upon the sale of the of the real property associated with the SCH Site, net proceeds of \$8,181,040.28 were transferred into the Sitka Permanent Fund as required by Charter. These funds will be transferred out of the Permanent Fund in to the GPIP capital project fund to fund the haul out and shipyard project.

Since the haul out and shipyard will be located at the GPIP it will become a GPIP Fund asset. A capital appropriation in this fund is necessary prior to expending any funds. The

appropriated funds will be used as working capital for the construction of a marine haul out and shipyard at the GPIIP.

Recommendation

Approve Ordinance 2022-29, appropriating \$8,181,040.28 of working capital to the GPIIP Fund from the Sitka Permanent Fund.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2022-29
AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA MAKING SUPPLEMENTAL
APPROPRIATIONS FOR FISCAL YEAR 2023
(Marine Vessel Haul Out and Shipyard)

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 780 – Marine Vessel Haul Out and Shipyard Project: Increase appropriations in the amount of \$8,181,040.28 for funding construction of a marine vessel haul out and shipyard at the Gary Paxton Industrial Park. These funds will come from the Sitka Permanent Fund.

EXPLANATION

In the October 4, 2022 election, ballot proposition No. 2 was passed, which approved the distribution from the Sitka Permanent Fund an amount not to exceed \$8,181,040.28, which is the net proceeds received by the municipality from the sale of the municipal real property known as the Sitka Community Hospital site, for the sole purpose of constructing a marine vessel haul out and shipyard at the Gary Paxton Industrial Park. These funds will be transferred to the GPIP capital project fund.

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

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 22nd day of November 2022.

ATTEST:

Steven Eisenbeisz, Mayor

Sara Peterson, MMC
Municipal Clerk

1st reading: 11/8/2022
2nd and final reading: 11/22/2022

Sponsor: Administrator



CITY AND BOROUGH OF SITKA

Legislation Details

File #: ORD 22-30 Version: 2 Name:

Type: Ordinance Status: AGENDA READY

File created: 11/16/2022 In control: City and Borough Assembly

On agenda: 11/22/2022 Final action:

Title: Updating Title 6 "Business Licenses and Regulations" of the Sitka General Code by revising Chapter 6.19 "Regulation of Commercial Operators Selling Organized Excursions or Renting Equipment for Organized Excursions"

Sponsors:

Indexes:

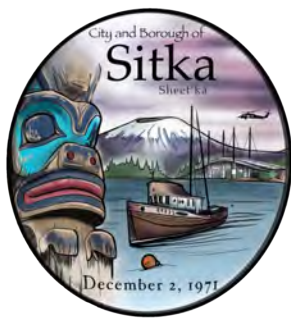
Code sections:

Attachments: [01 Motion Ord 2022-30](#)
[02 Assembly Memo - 6.19](#)
[03 Ord. 2022-30](#)
[04 Application-Permit for Commercial Operations HCH Plaza Vendor Space Final](#)
[05 Application-Permit for Commercial Operations HCH Outfitter Space Final](#)
[06 Application-Permit for Vehicle Loading-Unloading Final](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTION


I MOVE TO approve Ordinance 2022-30 on first reading updating Title 6 “Business Licenses and Regulations” of the Sitka General Code by revising Chapter 6.19 “Regulation of Commercial Operators Selling Organized Excursions or Renting Equipment for Organized Excursions”



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members
Thru: John Leach, Municipal Administrator 
From: Antonio Rosas, Harrigan Centennial Hall Manager
Date: November 16, 2022
Subject: Tourism Permitting for Harrigan Centennial Hall

Background

Harrigan Centennial Hall has long served as our main “hub” for cruise ship passengers given its proximity to Crescent Harbor (which was the main lightering facility when ships largely anchored offshore) and its use as a visitor center. Since the development of SSCT, HCH has continued to serve as a hub for cruise passengers, shifting its function to become, in part, a shuttle bus terminal. Its downtown location, space for vendors, visitor services, and large public restrooms make HCH a critical and inimitable facility to support cruise passenger visitation in Sitka. Therefore, careful consideration of use at this facility is necessary to achieve more efficient flow, effective passenger dispersion, high quality visitor experience, and equitable access for tour operators/vendors of all sizes.

In 2019, approximately 200,000-250,000 tourists visited Sitka making this one of Sitka’s busier summer seasons. By comparison, in 2022, approximately 350,000-400,000 tourists visited, making this year the busiest year ever for the tourism industry here in Sitka. Next year’s summer expectations far surpass that of this year for both passengers as well as for tour and excursion operators.

This influx of passengers will demand more support staff at HCH, at least on a seasonal basis, and will place more pressure on space at HCH and at Crescent Harbor. Also, to disperse passengers throughout town, more attractions/excursions will be needed. New permitting structures will be needed to adequately manage the operational and financial demands this level of activity brings.

For all of 2019, the supplies and expenses for Harrigan Centennial Hall was just shy of \$20,000 with the expenses for summer operations totaling around \$8,500. These expenses included cleaning supplies and other seasonal related products that had directly supported tourism. In 2022, approximately 350,000-400,000 tourists visited Sitka with the summer operational expenses thus far at around \$14,000 for the same types of supplies. Next year we can possibly see a 10-15 percent increase in vehicle and tourist traffic during peak summer months.

The City and Borough of Sitka offers 14 types of commercial vendor and youth permits to the public to conduct summer tourism operations at Harrigan Centennial Hall and O'Connell Bridge Lightering Facility. CBS is offering ten (10), one-year, HCH Plaza Space permits for the 2023 season. HCH Plaza Space permits allow for the sale of tours and excursions in designated areas at Harrigan Centennial Hall and O'Connell Bridge Tendering Facility. CBS also offers five (5), one-year, HCH Outfitter Space permits for the 2023 season. HCH Outfitter space allows for the purposes of accommodating vehicles that are necessary for customer outfitting and rental of equipment to be used on a trip or tour in designated areas at Harrigan Centennial Hall. A Loading/Unloading permit will be offered next summer for the purpose of identifying commercial vehicle traffic on CBS properties.

There were 11 plaza, 4 outfitter and 2 taxi permits issued in 2022 for summer commercial operations for Harrigan Centennial Hall. Thirteen (13) of the permits were issued at \$400 (Plaza Sales/Taxi) and 4 were issued at \$500 (Outfitter Space). The total for all permits issued in 2022 was \$7,200.

For the summer of 2022 all vendor/outfitter space permits were issued as "first come, first served" which is a system that will not be possible to accommodate all potential commercial vendors in subsequent years. Harrigan Centennial Hall and The Professional Development Company (contractor) have developed a new bidding process for permitting that is a common practice for most tourism municipalities in Alaska and down south. This bidding process for issuing permits will allow for a small revenue to return to the city to help with infrastructure as well as making the issuing process fairer for returning and new commercial tourism vendors.

Analysis

After more than 20 years, summer vendor permits for Harrigan Centennial Hall require updates to better restructure and organize the already existing permitting system. With the growing number of commercial tour operators and the lack of space to accommodate, an update of the current permitting system will be needed

Fiscal Note

Permit restructure will include a small revenue to help support city infrastructure due to added usage to facilities and roads. If all permits are issued at the minimum bid price for

plaza spaces (vendors and outfitters), the CBS could see revenues of \$45K per year. More revenue will be earned as vehicles are sold permits for unloading/loading of passengers at HCH.

Recommendation

Remove and replace existing summer vendor permits with updated (bid) permits to allow for future growth.

Encl: ORD 2022-30

Application – Permit for HCH Plaza Vendor Space

Application – Permit for HCH Outfitter Space

Application – Permit for Vehicle Loading/Unloading

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2022-30

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA UPDATING TITLE 6
“BUSINESS LICENSES AND REGULATIONS” OF THE SITKA GENERAL CODE BY
REVISING CHAPTER 6.19 “REGULATION OF COMMERCIAL OPERATORS SELLING
ORGANIZED EXCURSIONS OR RENTING EQUIPMENT FOR ORGANIZED
EXCURSIONS”**

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 make a comprehensive revision of Chapter 6.19 of the Sitka General Code in accordance with administration and staff recommendations formulated from an extensive review of practices and procedures, with the intent to align the regulations with best practices and procedures that benefit the city and borough and the commercial operators affected by the regulations.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 6, Chapter 6.19, is revised to read as follows (deleted language stricken, new language underlined):

**Title 6
BUSINESS LICENSES AND REGULATIONS**

Chapters:

- 6.04 Nonresident Business License**
- 6.08 Junkyards**
- 6.12 Mobile and Manufactured Homes and Mobile and Manufactured Home Park**
- 6.16 Sales on Public Property**
- 6.19 Regulation of Commercial Operators Selling Organized Excursions or
Renting Equipment for Organized Excursions and Loading/Unloading
Commercial Vehicles**
- 6.20 Pawnbrokers**

* * *

**Chapter 6.19
REGULATION OF COMMERCIAL OPERATORS SELLING ORGANIZED EXCURSIONS
OR RENTING EQUIPMENT FOR ORGANIZED EXCURSIONS AND
LOADING/UNLOADING COMMERCIAL VEHICLES**

Sections:

- 6.19.010 Introduction.**
- 6.19.020 Definitions.**

6.19.030 Permit required for commercial operations involving organized excursions in areas subject to this chapter when such operations occur in certain areas.

6.19.040 Permit required for loading/unloading commercial vehicles in certain areas.

~~6.19.040 Regulation of visitor-related activities on public property located at tendering facilities and adjoining parking lots.~~

6.19.050 Penalties.

6.19.060 Prohibition of distribution of cCommercial handbills and, leaflets and placement of commercial advertisement signs permit.

* * *

6.19.010 Introduction.

Crescent Harbor is owned by the state of Alaska and the city and borough of ~~Sitka~~ and operated by the city and borough of ~~Sitka~~. The city and borough of ~~Sitka~~ owns property near Crescent Harbor including the tendering facilities, dock, ramps, shelters, and adjoining parking lots. The city and borough also owns Harrigan Centennial Hall (HCH) including the adjoining plaza Building, the dock and shelter, and the adjoining parking lots. The city and borough of ~~Sitka~~ also owns the dock known as the O'Connell Bridge Tendering Facility including the ramp and adjoining parking lots. The lands and facilities described in this section are the areas subject to this chapter. In adopting this chapter, the city and borough of ~~Sitka~~ is exercising its proprietary interests as an owner and operator on all city and borough-owned property, including future tendering facilities, as well as its police powers in the interest of public safety and order. Nothing in this chapter, however, limits the city and borough's ~~of Sitka's~~ ability to further exercise its proprietary powers as it deems necessary to protect its interests or those of the public.

6.19.020 Definitions.

The following words and phrases, when used in this chapter, have the following meanings:

A. "Commercial operations involving organized excursions" means any business, commercial entity, or for-profit enterprise offering: tours on foot; tours or trips by a wheeled vehicle, vessel, aircraft, or watercraft propelled by animal power, human power, engines, motors, or other motive power; any trip or tour involving the taking of one or more passengers for hire for the purpose of sightseeing, fishing, hunting, visits to natural and cultural displays; any other tour as may be offered by a business operating within the city and borough of Sitka, Alaska; or the rental or sale of any equipment to be used in any trip or tour described in this sentence, whether or not that trip is guided. Methods of transportation used in commercial operations involving organized excursions include but are not limited to: buses, aircraft, vans, pedicabs, bicycles, carriages, kayaks, boats, or walking tours. The rules of conduct and the permit requirements set out in this chapter apply to taxicabs that conduct tours.

B. "Commercial vehicle loading/unloading" means the loading and/or unloading of a vehicle used by commercial operations involving organized excursions in the areas subject to this chapter.

C. "HCH manager" means the city and borough employee who is the manager of Harrigan Centennial Hall and the adjoining plaza, and designated to administer this chapter.

D. "HCH plaza" means the property owned by the city and borough adjoining HCH made up of decorative walkways and gathering places between HCH, and the adjoining parking lots and waterfront.

E. “Permittee” and “permit holder” mean the business entity or its authorized representative conducting commercial operations involving organized excursions or conducting commercial vehicle loading/unloading.

F. “Person” means a natural person, partnership, corporation, limited liability company, association, or other entity organized for a common purpose.

~~GB.~~ “The city and borough” means the city and borough of Sitka, Alaska.

H. “Vehicle” means a device in, upon or by which a person or property may be transported or drawn including devices moved by human, animal, mechanical or other power source.

6.19.030 Permit required for commercial operations involving organized excursions in areas subject to this chapter when such operations occur in certain areas.

A. General. No person shall sell, offer to sell, solicit to sell, ~~or take orders to sell, or conduct~~ commercial operations involving organized excursions ~~in the areas subject to this chapter on~~ tendering facilities or adjoining parking lots owned or operated by the city and borough except as authorized by a valid permit obtained from the city and borough pursuant to this chapter. A permit issued pursuant to this section chapter shall be called a “commercial operations permit.” A permit issued pursuant to this section may contain conditions reasonably required for the protection and use of the city and borough land and facilities for which the permit is granted, including limitations as to time, area, equipment, user loading, traffic, parking, discharges, noise, and other factors. Commercial operations involving organized excursions may only be conducted in spaces designated and assigned to commercial operations permit holders by the HCH manager in accordance with this chapter.

B. Terms.

~~1. An annual~~ 1. A commercial operations permit shall be valid for the period from May 1st of each calendar year through April 30th of the following calendar year April 1st through December 31st of the calendar year issued (the “permit term”), except permits issued under subpart (C)(7) in this section below which shall be valid from April 1st through October 15th, unless sooner suspended, revoked, or terminated.

2. Permits are not renewable. Issuance of a permit shall not entitle the permit holder to any priority or preferential consideration for subsequent, new, or additional permits for the same or related uses or areas. A new application must be submitted each year for each permit.

3. A commercial operations permit, or any rights or privileges thereunder, may not be assigned or transferred.

4. Acceptance of a permit by the permittee shall constitute an agreement and acknowledgment by such permittee that the permittee has no property right in the permit.

5. Acceptance of a permit by the permittee shall constitute an agreement and acknowledgment by such permittee that the permittee shall indemnify and hold the city and borough of Sitka, its elected and appointed officers, its employees, and its agents

harmless from and against any and all loss, damage or expense for any injury to or death of any person or persons, or for damage to property, resulting from or arising out of any act or omission of such permittee, or any of the permittees' employees, agents, representatives, customers, or contractors.

6. The city and borough of Sitka, its elected and appointed officers, its employees, and its agents make no representations concerning and assume no responsibility for or regarding any goods or services sold or activities by any permittee, or any of permittee's employees, agents, representatives, contractors, or customers.

C. Limitations.

1. To be eligible for a permit, an applicant must:

a. Hold a current Alaska business license;

b. Maintain a place of business under the name on the Alaska business license within the boundaries of the city and borough; and

c. Maintain a year-round place of business and mailing address in the city and borough, and must designate a single individual by physical address, mailing address and phone number in the city and borough upon whom service of notices and legal proceedings may be made. Service of any notice concerning the permit to that person shall be legal and sufficient notice to any of the holders, owners or any other with an interest in the permit. The HCH manager must be notified in writing no less than ten days before there is a change in the name, address, or phone number of the designated person for a permit. Failure to timely notify the HCH manager shall be considered a violation of the permit.

2. A person with an overdue debt with the city and borough, of any kind whatsoever, is ineligible for a permit.

3. No permit may be issued under this section to a person whose last permit issued under this section was revoked within two calendar years before April 1st of the current permit term, unless upon appeal issued by the city and borough administrator for good cause shown by the applicant with no further administrative appeal available by the city and borough.

4-4. Permittees may conduct business during the permit term, except during special events when prior notice is given to the permittees by the city and borough year-round, including days on which special events may be scheduled.

2-5. Signs:

a. Any signs, vehicles and vessels used by permittees in an area regulated by this chapter must be in compliance with the law.

b. All signs must be freestanding, portable or mobile. Freestanding, portable or mobile signs are limited to one per permittee at each location, and shall not be more

than three feet wide and four feet from the ground, and shall only be posted in the
“designated area.” assigned space.

c. All vehicles ~~and vessels~~ must be operational at all times.

d. Unless otherwise permitted, all signs, vehicles, and vessels equipment must be removed from any area for which the city and borough is responsible at the end of each business day.

6. Commercial solicitation/sales spaces. Spaces within the HCH plaza may be designated and assigned to commercial operations permit holders, during the permit term, to accommodate the solicitation and sale of excursions offered by the permit holders. These spaces will be designated and assigned by the HCH manager to the highest bidders in accordance with sealed bid procedures established by the HCH manager and approved by the city and borough administrator. The minimum bid is \$2,500, which must be deposited with the sealed bid and will only be returned if the bid is unsuccessful. Businesses permitted to occupy these spaces will be allowed to apply for and obtain a permit for a space under subpart (C)(7) of this section and must pay the required fees for any space assigned.

~~3-7. Commercial outfitter spaces. Parking s~~Spaces within the HCH plaza Harrigan Centennial Hall/Crescent Harbor parking area may be designated and assigned to commercial operations permit holders, from May 1st through September 30th April 1st through October 15th of the permit term a calendar year, to accommodate vehicles, equipment, and operations that are necessary for customer outfitting and rental of equipment to be used in a trip or tour an excursion offered by a permittee or used by a customer. Contingent on a permit application being accepted and fees paid, t~~These spaces will be designated and assigned by the HCH Harrigan Centennial Hall manager to the highest bidders in accordance with sealed bid procedures established by the HCH manager and approved by the city and borough administrator. The minimum bid is \$5,000, which must be deposited with the sealed bid and will only be returned if the bid is unsuccessful. Manager based on historic use, with the remaining spaces assigned, as needed, up to a six-space maximum limit. Vehicles used by the permittee in the assigned space permitted under this special use designation may remain overnight from May 1st through September 30th April 1st through October 15th of the permit term a calendar year, but must be moved upon prior notice by request of the city and borough for special events. Businesses permitted to occupy these spaces will not be allowed to apply for and obtain a permit for a sidewalk space under subpart (C)(6) of this section and must pay the required fees for any space assigned. At Harrigan Centennial Hall/Crescent Harbor for solicitation or freestanding, portable or mobile signs. Additional parking fees of five hundred dollars per parking space will be assessed to those businesses receiving designated space permits under this subsection.~~

4. ~~Designated space permits are available on a first come, first served basis.~~

D. Fees. There is no fee for applying for a permit. However, the applicant shall pay all costs and expenses required by or related to its application, which are non-refundable by the city and borough whether the permit is denied or granted. If the permit is granted, the permittee shall pay a permit fee for the space assigned to the permittee in accordance with this section before

business can be conducted under the permit, but payment shall be made before the permit is issued and no longer than ten days after the permit is granted, or the permit shall be forfeited. In addition to the applicable permit fee required by this section, the permittee shall pay a permit fee required by section 6.19.040 for each vehicle loading/unloading for the permitted business. Each applicant for a permit issued under this chapter shall pay a nonrefundable application fee of four hundred dollars each year. In addition to the annual application fee of four hundred dollars, each applicant shall pay a ten dollar inspection fee each year for each motorized vehicle or motorized vessel used in a commercial operation involving organized excursions. Any person or company that has not obtained a required permit shall pay the four hundred dollar permit fee and any applicable inspection fee, in addition to any penalties assessed under Section 6.19.050.

E. Application. A person or ~~company~~ business entity seeking a permit shall file a written application on a form provided by the city and borough, and follow the application procedures established by the HCH manager and approved by the city and borough administrator. The application shall contain the following information:

1. Name, address, ~~and telephone number~~ and email address of the applicant and all principals of the business;
2. Name, address, telephone number, and email address of contact person for the business of operations manager, emergency contact phone, and local home address;
3. The experience of the applicant in the transportation of passengers;
4. A list of vehicles and description by year, make, model, color, license number and registration number (DMV) ~~and/or vessels or watercraft with current state of Alaska registration numbers~~, to be operated or controlled by the applicant ~~and the location of the proposed depots and terminals, if any~~;
5. ~~The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant, and license number and length of vehicle(s). Each vehicle must meet state vehicle safety codes, and each vessel or watercraft must meet U.S. Coast Guard safety codes. The state of Alaska registration sticker must be displayed in a conspicuous place according to law, or the vessel must have proper U.S. Coast Guard documentation. Each aircraft must be FAA certified;~~
56. A statement, from the state of Alaska, that the applicant has not been convicted of any felony or the following misdemeanor offenses within the preceding five years:
 - a. Prostitution or the promotion of prostitution;
 - b. Sale, transportation, possession, or use of any controlled substance as defined in Sections 11.71.140 through 11.71.190 of the Alaska Statutes;
 - c. Any offense which includes as an element the use or threat of force upon a person;
 - d. Burglary, theft, fraud, or embezzlement;

e. Any sexual offenses;

~~67. Description of commercial operations Type of tour, trip, or excursion to be sold; and~~

~~78. An acknowledgment by the applicant that applicant agrees to be bound by all of the terms, conditions and provisions set forth in this chapter, and such additional terms and conditions as may be set forth in the permit application process or by the HCH manager city and borough staff.~~

F. Insurance and Indemnification.

1. Prior to issuance of a permit, the permittee must provide the HCH manager with a broker's certificate of insurance showing that the permittee has obtained public liability insurance in the amount and for the risks determined by the city and borough for the proposed use. The certificate must establish that the city and borough is named as additional insured on the policy and that the insurer shall notify the city and borough within thirty days if the policy is modified, canceled, or terminated.

2. Permittees, upon acceptance of a permit, shall execute an instrument under the terms of which the permittee shall agree to indemnify, defend, and hold harmless the city and borough from any and all claims for injury or damage to persons or property suffered in connection with the permittee's activities unless such injury or damage is caused by the intentional misconduct or gross negligence of the city of borough.

~~4. General Liability Insurance. Subject to the special provision for commercial operators offering walking tours exclusively set out in the last sentence of this subsection, each permittee shall at all times during the period of operations maintain a current commercial general liability insurance policy in the amount of not less than one million dollars combined single limit, which policy shall name the city and borough of Sitka, its officers, its employees, and its agents as additional insured. The policy shall not contain any self-insured retention, and shall include a provision requiring written notification to be given to the city and borough of Sitka by the insurance company not less than thirty days before the policy is canceled, modified, or terminated for any reason. Permittees shall submit a copy of the policy, or, at the option of the city and borough of Sitka prior to beginning any setting up of operations, or operations under the permit. Commercial operators who offer walking tours exclusively shall be required to maintain a current commercial general liability insurance policy in the amount of not less than one hundred thousand dollars combined single limit.~~

~~2. Motor Vehicle Liability Insurance. Subject to the special provision for commercial operators offering walking tours exclusively set out in the last sentence of this subsection, no permit shall be issued or continued in effect unless there is in full force and effect a motor vehicle liability insurance policy issued by an insurance company authorized to do business in the state of Alaska. The limits of coverage provided shall be not less than one million dollars for each occurrence (combined single limit for bodily injury and property damage). The policy shall contain a provision for notification to the city and borough of Sitka of cancellation thirty days prior to such cancellation. No motor vehicle liability~~

insurance shall be required under this permit if the commercial operator does not transport customers or clients in a vehicle, vessel, or watercraft.

3.—Boat Operators Watercraft Liability. No permit shall be issued or continued in effect for any permittee who uses any vessel or watercraft in conducting a trip or tour unless there is in full force and effect a watercraft liability insurance policy issued by an insurance company authorized to do business in the state of Alaska. The limits of coverage provided shall be not less than one million dollars for each occurrence (combined single limit for bodily injury and property damage). Watercraft liability insurance is required for boating activities covered under permits issued pursuant to this chapter when such activities occur on waters within the city and borough. Depending on the sizes, ownership and use of the vessel or watercraft, such coverage may be provided either by a protection and indemnity (P&I) liability policy or by a comprehensive general liability policy. The determination of which policy is applicable depends on the size, ownership, and use of the watercraft. If a watercraft or vessel under twenty-six feet long is covered under a general liability policy, the Insurance certificate must include a statement that "watercraft liability is included" or similar documentation. The policy shall contain a provision for notification to the city and borough of Sitka of cancellation thirty days prior to such cancellation.

4.—Aircraft Liability. No permit shall be issued or continued in effect for any permittee who uses any aircraft in conducting a trip or tour unless there is in full force and effect an aircraft liability insurance policy issued by an insurance company authorized to do business in the state of Alaska. The limits of coverage provided shall be not less than one million dollars for each occurrence (combined single limit for bodily injury and property damage). Aircraft liability insurance is required for flying activities covered under permits issued pursuant to this chapter when such activities occur on waters within the city and borough. Depending on the sizes, ownership and use of the aircraft, such coverage may be provided either by a protection and indemnity (P&I) liability policy or by a comprehensive general liability policy. The determination of which policy is applicable depends on the size, ownership, and use of the aircraft. The policy shall contain a provision for notification to the city and borough of Sitka of cancellation thirty days prior to such cancellation.

G. Issuance of Permit. After review of the application by the police chief or his/her written designee, the Harbormaster, and the Harrigan Centennial Hall the HCH manager or his/her written designee, the police department Harrigan Centennial Hall HCH manager or his/her written designee shall only grant the application upon finding that the applicant for the permit is fit, willing, and able to comply with the law and that granting the permit satisfies public convenience and necessity. The permit shall state the name and address of the applicant, the date of issuance, the class of motor vehicle to be operated, the number of vehicles, vessels, or watercraft authorized under the permit, the color scheme, or insignia to be used, and such additional terms, conditions, provisions and limitations deemed appropriate as the to general public health, safety, and welfare, morality and safety. No permit shall be considered to have been issued until it has been signed by the HCH manager police chief or his/her written designee. In making the above-mentioned findings of public convenience and necessity, the HCH manager city and borough shall take into consideration the character, experience, and responsibility of the applicant, and the public health, safety, and welfare. In order to add additional vehicle(s) or motorized watercraft(s) to the original application, the permit holder must submit proof of insurance for the additional vehicle(s) or watercraft(s), show that each vehicle meets state motor vehicle codes, or each watercraft satisfactorily meets U.S. Coast Guard

approval, and pay ten dollars per additional vehicle or watercraft, to the city and borough of Sitka. A decision to deny an application for a permit may be appealed by the applicant to the city and borough administrator no later than seven days after such notice of denial is delivered to the applicant. Notice A letter sent to the applicant's address stated in the application shall constitute delivery. The notice shall include a brief statement of facts giving reason for the denial. The applicant shall have an opportunity to be heard at an informal hearing and shall have the right to call or cross-examine witnesses. Relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of a common law or statutory rule that makes improper the admission of evidence over objection in a civil action. Hearsay evidence may be used to supplement or explain direct evidence, but is not sufficient by itself to support a finding unless it would be admissible over objection in a civil action. The administrator shall issue a written decision. An appeal from the decision of the city and borough administrator may be taken to the superior court for the state of Alaska no later than thirty days after the administrator sends notice of such denial to the applicant. ~~No refunds will be issued for vehicles or watercrafts that do not operate for the full year.~~

~~H. Terms of Renewal. Each permit issued under this chapter shall expire on the last day of April next following its issuance. Permits once issued and approved prior to start up of operations may be renewed and reissued by the city and borough of Sitka upon application to the city and borough of Sitka. All fees must be paid at time of permit issuance. Permits will not be renewed unless the finance department certifies that all sales taxes have been paid, and the police department certifies that all motorized vehicles, motorized vessels, or aircraft listed on the permit have passed required inspections. Any operator whose permit has been revoked during the course of the year may not be granted a permit renewal.~~

~~H.~~ H. Fraud. Misrepresentation or false advertising will not be tolerated. Any person issued a permit under this section who commits any act of fraud, cheating or misrepresentation, whether through the permittee or through an employee, agent, or representative thereof, while performing an activity provided for or authorized by ~~in~~ the permit, directly or indirectly, or who shall barter, sell, or peddle any goods, upon public property other than those specified and authorized in their permit, can face revocation as provided in subsection J of this section.

I. Suspension and Revocation. A permit may be suspended by the HCH manager without advance notice for a period not to exceed ten days if any activities conducted under the permit present an immediate danger to the public health, welfare, or safety. All other suspensions and revocations shall be handled by the city and borough administrator or his/her written designee. The city and borough administrator or his/her written designee may at any time suspend or ~~revoke~~ a permit issued under this section ~~chapter~~ for noncompliance with any term, condition, or provision of the permit, or violation of any provision of this section or other applicable local, state, or federal law, ordinance or regulation. The city and borough administrator or his/her written designee may also suspend or ~~revoke~~ such a permit upon a determination that the operation of the permittee is causing a hazard, or a disruption of pedestrian, vehicular, or watercraft traffic, or that the area affected by the permit is required for another public purpose, or for other reasons. The permittee shall be given prior written notice of the proposed suspension or revocation of the permit which includes written findings as to noncompliance with the permit. If so requested by such permittee, not later than five days after the date of the written notice of proposed suspension or revocation, the permittee may appeal the decision of the administrator or written designee to a hearing officer selected by the administrator. The

notice shall include a brief statement of the facts giving reason for the proposed suspension or revocation. The applicant shall have an opportunity to be heard at an informal hearing and shall have the right to call or cross-examine witnesses. Relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of a common law or statutory rule that makes improper the admission of evidence over objection in a civil action. Hearsay evidence may be used to supplement or explain direct evidence, but is not sufficient by itself to support a finding unless it would be admissible over objection in a civil action. The administrator shall issue a written decision. Appeal from a hearing officer's decision may be made no later than thirty days after such decision to the superior court for the state of Alaska sitting in Sitka. Justifications for revocation can include but are not limited to: verified complaints from customers in which services were verbally or otherwise contracted for, but not received from the permit holder or the permit holder's ~~business company~~; physical touching, grabbing, yelling, or shouting to a degree that would constitute disorderly conduct under AS 11.61.110, in an attempt to convince potential customers to purchase a ~~tour or services or equipment~~; ~~defamatory~~ interference with competing commercial operators, ~~Harrigan Centennial Hall~~ HCH staff, or harbor department staff; failure to comply with reasonable directions of ~~Harrigan Centennial Hall~~ the HCH manager or staff, the harbormaster or staff, or a police officer; or, conviction of any offense listed in subsection ~~4E~~(6) of this section. No permit may be issued to a person whose last permit issued under this section was revoked within two calendar years before April 1st of the current permit term, unless issued by the city and borough administrator for good cause shown by the applicant with no further administrative appeal available by the city and borough.

6.19.040 Permit required for commercial vehicles loading/unloading in certain areas.

A. General. No person shall operate, park, stand, or stop a commercial vehicle, or cause or direct the same, within the designated loading/unloading areas at the HCH plaza and the O'Connell Bridge Tendering Facility, except as authorized by a valid permit issued by the HCH manager or his/her written designee pursuant to this section. A permit issued pursuant to this section shall be called a "commercial vehicle loading/unloading permit." Permit holders may only use areas designated for commercial vehicle loading/unloading by the HCH manager, as approved by the city and borough administrator. The applicant must display a sticker issued by the HCH manager in the lower right corner of the front windshield of the vehicle, or as specified by the HCH manager.

B. Incorporation of applicable provisions from section 6.10.030. The following subparts of section 6.10.030, as they presently exist or as they may be revised in the future, are incorporated by reference in this section: subparts (B)(1) – (6) "Terms," subparts (C)(1) – (4) "Limitations," subparts (E)(1)-(7) "Application," subpart (F) "Insurance and Indemnification" (for motor vehicle liability insurance), subpart (G) "Issuance of Permit," subpart (H) "Fraud," and subpart (I) "Suspension and Revocation." The provisions hereby incorporated in this section shall be interpreted and applied to best accommodate and control the permitted motor vehicles loading/unloading in the designated areas.

C. Fees. There is no fee for applying for a permit. However, the applicant shall pay all costs and expenses required by or related to its application, which are non-refundable by the city and borough whether the permit is denied or granted. If the permit is granted, the permittee shall pay a permit fee for each vehicle as follows: under seven passengers \$250, seven to fifteen passengers \$500, sixteen to twenty-five passengers \$750, thirty or more passengers \$1,000. The permit fee shall be reduced by 50% for any vehicle powered by electricity.

Payment shall be made before the permit is issued or the permit shall be forfeited.

D. The staging of vehicles for commercial vehicle loading/unloading for commercial operations involving organized excursions is prohibited within Crescent Harbor and HCH Plaza parking lots and the O'Connell Bridge Tendering Facility parking lots. Such vehicles will only be allowed in when actively loading/unloading.

6.19.040 Regulation of visitor-related activities on public property located at tendering facilities and adjoining parking lots.

~~A.— Responsibility. The following municipal officials shall be responsible for enforcing existing regulations and setting limits and rules as necessary in the affected area. The Harrigan Centennial Hall manager will have authority over the Crescent Harbor parking lot and the Centennial Hall parking lot. The harbormaster will have authority over the Crescent Harbor dock, the lightering dock and ramps, the O'Connell Bridge Lightering dock and ramps, and other harbor parking lots. The police department shall handle violations of a criminal nature. The city and borough attorney shall receive referrals regarding any matters requiring civil action, including permit revocations.~~

~~B.— The Tendering Facilities, Ramps, and Covered Shelter.~~

~~1.— No person(s) selling organized excursions, tours, trips, or services; distributing handbills; or otherwise contacting visitors arriving from ships will be allowed within the designated security zone.~~

~~2.— The city and borough shall designate locations for activities. Any such activities within the areas regulated by this chapter must occur within those locations.~~

~~3.— In order to reduce congestion in the areas regulated by this chapter, the number of buses and vans at any given time will be limited. Buses servicing presold tours, trips and/or services shall be staged in designated areas established by the Harrigan Centennial Hall manager or the harbormaster. Drivers for each bus or van shall be present at all times.~~

~~4.— When the Harrigan Centennial Hall manager or the harbormaster has determined that demand is heavy, Each commercial operations permittee offering independent tours shall have no more than one vehicle and/or carriage for independent tours in any parking lot regulated under this chapter at the same time, unless space for more than that one vehicle is available. When such space is available, additional parking shall be done on a first come, first served basis. A driver for each vehicle used for an independent tour shall be present at all times. As vehicles leave the area, the permittee whose vehicle leaves may replace it. Extra parking will be established when space is available.~~

6.19.050 Penalties.

A. Conducting commercial operations involving organized excursions in violation of a permit issued under section 6.19.030 and loading/unloading a commercial vehicle in violation of a permit under section 6.19.040 are is punishable by a fine of one two hundred fifty dollars fine for a first offense and a fine of up to two five hundred fifty dollars for a second or subsequent offense. Such fines are separate from any suspension or revocation imposed pursuant to Section 6.19.030(JJ).

B. Conducting commercial operations involving organized excursions without a permit issued under section 6.19.030 and loading/unloading a commercial vehicle without a permit issued under section 6.19.040 ~~are is~~ punishable by a fine of ~~one~~ two hundred fifty dollars for a first offense. ~~Conducting commercial operations involving organized excursions without a permit is punishable by~~ and a fine of ~~two~~ five hundred fifty dollars for a second or subsequent offense. A second or subsequent offense ~~which~~ shall also bring the loss of the privilege of receiving such a permit for two calendar years.

6.19.060 Prohibition of distribution of cCommercial handbills, and leaflets and placement of commercial advertisement signs permit.

~~Any person or business intending to operate in an area subject to this chapter by distributing commercial handbills and leaflets, or by placing any commercial advertisement sign, is required to first obtain a permit. The annual cost of the nonrefundable permit is four hundred dollars, except for persons or businesses who have already obtained a permit under Section 6.19.030. All commercial advertisement signs must comply with the requirements in Section 6.19.030(C). Except as otherwise permitted by this chapter, no person may distribute commercial handbills or leaflets, or place commercial advertisement signs in the areas subject to this chapter.~~

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 13th day of December 2022.

Steven Eisenbeisz, Mayor

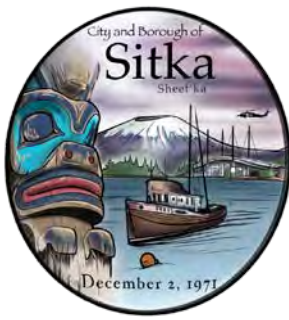
ATTEST:

Sara Peterson, MMC
Municipal Clerk

1st reading: 11/22/2022

2nd and final reading: 12/13/2022

Sponsor: Administrator



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

HARRIGAN CENTENNIAL HALL
330 Harbor Drive | Sitka, Alaska 99835
www.cityofsitka.org
HCH@cityofsitka.org
907-747-4090

APPLICATION **FOR A COMMERCIAL OPERATIONS PERMIT UNDER SGC 6.19.030(C)(6)** **FOR AN HCH PLAZA VENDOR SPACE IN [YEAR] (BY BID)**

Pursuant to Sitka General Code (SGC) Chapter 6.19, the City and Borough of Sitka (CBS), through its Harrigan Centennial Hall (HCH) Manager, will designate and assign ten (10) spaces in the HCH Plaza for vendors conducting commercial operations involving organized excursions in [YEAR].

A. Process and procedure:

1. An application will be accepted only from a person who has, or upon issuance of the permit, will have the legal authority to act in accordance with the permit. The application must be signed by the owners of the business to be subject to the permit. The HCH Manager may require an applicant to submit evidence of authority to apply for the permit.
2. An application must be on forms provided by the CBS which are available at the office of the HCH Manager at 330 Harbor Drive, Sitka, Alaska 99835. An application will not be considered unless it is complete, signed, accompanied by the applicable minimum bid, and filed together with any required attachments or exhibits at the office of the HCH Manager.
3. Applications for [YEAR] will be available by [DATE]. Applications must be filed on or before [DATE] for a [YEAR] permit.
4. Information required to be provided by applicant in application:
 - a. Name of each individual and/or business entity responsible for conducting business under the permit. Each person listed shall be jointly and individually responsible for compliance with the permit;
 - b. The permanent, temporary, local, and foreign residence and mailing address of each person responsible for conducting business under the permit;
 - c. Current phone numbers and email addresses of each person responsible for conducting business under the permit;
 - d. A copy of a current driver's license or other government identification card which includes a photograph, date of birth, and a written physical description of the applicant;
 - e. Physical descriptions and license numbers of each vehicle to be used in conducting business under the permit; and
 - f. A description of the commercial operations being conducted by the business.
5. Bid process and procedure:
 - a. Ten (10) spaces designated by the HCH Manager are available for assignment;
 - b. Applicants must submit a sealed bid to the HCH Manager with their application;

- c. The minimum bid is \$2,500, which must be submitted as a deposit with the application and will only be returned if the bid is unsuccessful, or the application is withdrawn before issuance of the permit;
- d. The application, sealed bid, and minimum bid (cashier's check, personal check, or credit card) must be filed by [DATE] at 4:30 p.m. at the office of the HCH Manager, and any noncompliant applications/bids will be rejected and returned within 48 hours with a written statement of reasons for rejection (which the applicant may cure, if submitted on or before the application deadline);
- e. The HCH Manager will open the accepted bids on [DATE] and the ten or less successful bidders will be notified and in order, highest to lowest, requested to select a space from those spaces designated by the HCH Manager, with the order for any bid tie(s) determined by random draw;
- f. The HCH Manager will assign spaces as selected by successful bidders for a term from April 1st through December 31st of the application year;
- g. Successful bidders must pay the balance of their bid (total bid minus the \$2,500 deposit) within ten (10) days of notice, or before issuance of the permit, whichever occurs first, or else the permit will be forfeited, and the space will be offered to the next highest unsuccessful bidder or rebid, if none; and
- h. Successful bidders must provide the HCH Manager with a broker's certificate of insurance showing that the applicant has obtained public liability insurance in the amount of \$1,000,000, in which the CBS is named as an additional insured and the insurer is required to notify the CBS if the policy is modified, canceled, or terminated, within ten (10) days of notice, or before issuance of the permit, whichever occurs first, or else the permit will be forfeited, and the space will be rebid.

B. Eligibility requirements – applicants must:

1. Pursuant to SGC 6.19.030(C)(1)(a), hold a current Alaska business license and submit a copy of the same with their application.
2. Pursuant to SGC 6.19.030(C)(1)(b), maintain a place of business under the name on the Alaska business license within the boundaries of the CBS.
3. Pursuant to SGC 6.19.030(C)(1)(c), maintain a year-round place of business and mailing address in the CBS, and must designate a single individual by physical address, mailing address, and phone number in the CBS upon whom service of notices and legal proceedings may be made.
4. Pursuant to SGC 6.19.030(C)(2), not have an overdue debt with the CBS, of any kind whatsoever, and submit written verification of the same from the CBS Finance Department with their application.
5. Pursuant to SGC 6.19.030(C)(3), not have a permit issued under SGC 6.19.030 revoked in the last two calendar years before April 1st of the permit year, unless upon appeal issued by the CBS Administrator for good cause shown by the applicant.
6. Pursuant to SGC 6.19.030(E)(6), not been convicted of a felony or certain misdemeanors listed and submit written proof from the State of Alaska of the same.

C. Applicant information (attach sheet, if necessary):

Applicant name (person or business)								
Contact person		Name						
		Address						
		Email						
		Phone(s)						
Business		Name						
		Address						
		Email						
		Phone(s)						
Agent for receiving service		Name						
		Address						
		Email						
		Phone(s)						
Description of commercial operation								
Vehicle(s)		Year	Make	Model	Color	License #	Registration #	
(attach sheet, if necessary)	(1)							
	(2)							
	(3)							
	(4)							
	(5)							

Checklist of documents to be included with application:

- ☐ Driver's license or other government identification card (copy).
- ☐ Certificate of Insurance (copy).
- ☐ Alaska business license (copy).
- ☐ Verification of no overdue debt with the CBS (from the CBS Finance Department) (original).
- ☐ Criminal history (from the State of Alaska) (copy).
- ☐ Sealed bid (signed and dated in sealed envelope) (original- form provided by HCH Manger).

D. Applicant acknowledgment:

By signing this application, applicant acknowledges, agrees, and certifies as follows:

1. To be bound to by all of the terms and conditions of the permit, if issued, and to abide by those terms and conditions and any other additional terms, conditions, provisions, limitations, rules (copy attached), and regulations established by the HCH Manager.
2. To be bound by all of the terms, conditions, and provisions set forth in SGC Chapter 6.19 (copy attached);
3. To indemnify, defend, and hold harmless the CBS from any and all claims for injury or damage to persons or property suffered in connection with it's activities unless such injury or damage is caused by the intentional misconduct or gross negligence of the CBS;
4. The permit may not be assigned or transferred;
5. The permittee has no property right in the permit; and
6. The CBS makes no representations concerning and assumes no responsibility for or regarding any goods or services sold or activities by permittee or any of permittee's employees, agents, representatives, contractors, or customers.

Applicant signature

Date

Owner signature
(if different than Applicant)

Date

Owner signature
(if different than Applicant)

Date

COMMERCIAL OPERATIONS PERMIT UNDER SGC 6.19.030(C)(6)
FOR AN HCH PLAZA VENDOR SPACE IN [YEAR] (BY BID)

The Applicant is hereby /granted/ denied/ (circle one) a Commercial Operations Permit for an HCH Plaza vendor space and, if granted, under the terms and conditions as follows:

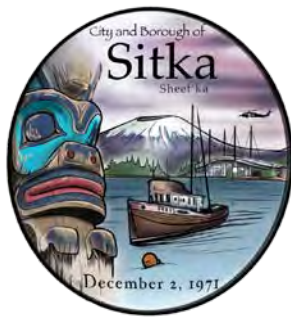
1. The space assigned is space number _____, as shown on the attached diagram.
2. The term of the permit is from April 1st through December 31st of [YEAR].
3. Commercial operations involving organized excursions may only be conducted in the space assigned.
4. This permit is not renewable. A new application must be submitted each year for each permit.
5. This permit may not be assigned or transferred.
6. Any signs used by permittee must comply with SGC Section 6.19.030(C)(5).
7. Any vehicle(s) used by permittee for loading/unloading within the designated loading areas at the HCH Plaza and the O'Connell Bridge Tendering Facility must have a Commercial Vehicle Loading/Unloading Permit under SGC Section 6.19.040.
8. Additional terms, conditions, provisions, and limitations (if any):

By signing the permit, the HCH Manager, acknowledges, agrees, and certifies as follows:

1. Applicant has submitted a compliant application;
2. Applicant is fit, willing, and able to comply with the permit and the law;
3. Granting the permit satisfies public convenience and necessity; and
4. Any additional terms, conditions, provisions, and limitations imposed in the permit are deemed appropriate as to public health, safety, and welfare.

HCH Manager signature

Date



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

HARRIGAN CENTENNIAL HALL

330 Harbor Drive | Sitka, Alaska 99835

www.cityofsitka.org

HCH@cityofsitka.org

907-747-4090

APPLICATION

FOR A COMMERCIAL OPERATIONS PERMIT UNDER SGC 6.19.030(C)(7) FOR AN HCH PLAZA OUTFITTER SPACE IN [YEAR] (BY BID)

Pursuant to Sitka General Code (SGC) Chapter 6.19, the City and Borough of Sitka (CBS), through its Harrigan Centennial Hall (HCH) Manager, will designate and assign five (5) spaces in the HCH Plaza for outfitters conducting commercial operations involving organized excursions, with the intent of accommodating vehicles necessary for customer outfitting and rental of equipment to be used on an excursion, in [YEAR].

A. Process and procedure:

1. An application will be accepted only from a person who has, or upon issuance of the permit, will have the legal authority to act in accordance with the permit. The application must be signed by the owners of the business to be subject to the permit. The HCH Manager may require an applicant to submit evidence of authority to apply for the permit.
2. An application must be on forms provided by the CBS which are available at the office of the HCH Manager at 330 Harbor Drive, Sitka, Alaska 99835. An application will not be considered unless it is complete, signed, accompanied by the applicable minimum bid, and filed together with any required attachments or exhibits at the office of the HCH Manager.
3. Applications for [YEAR] will be available by [DATE]. Applications must be filed on or before [DATE] for a [YEAR] permit.
4. Information required to be provided by applicant in application:
 - a. Name of each individual and/or business entity responsible for conducting business under the permit. Each person listed shall be jointly and individually responsible for compliance with the permit;
 - b. The permanent, temporary, local, and foreign residence and mailing address of each person responsible for conducting business under the permit;
 - c. Current phone numbers and email addresses of each person responsible for conducting business under the permit;
 - d. A copy of a current driver's license or other government identification card which includes a photograph, date of birth, and a written physical description of the applicant;
 - e. Physical descriptions and license numbers of each vehicle to be used in conducting business under the permit; and
 - f. A description of the commercial operations being conducted by the business.
5. Bid process and procedure:
 - a. Five (5) spaces designated by the HCH Manager are available for assignment;

- b. Designated spaces will be 25' long, 10' wide, and 9' high and may be marked by paint, with the trailer tongue and staged equipment required to be kept within the designated spaces;
- c. Applicants must submit a sealed bid to the HCH Manager with their application;
- d. The minimum bid is \$5,000, which must be submitted as a deposit with the application and will only be returned if the bid is unsuccessful, or the application is withdrawn before issuance of the permit;
- e. The application, sealed bid, and minimum bid (cashier's check, personal check, or credit card) must be filed by [DATE] at 4:30 p.m. at the office of the HCH Manager, and any noncompliant applications/bids will be rejected and returned within 48 hours with a written statement of reasons for rejection (which the applicant may cure, if submitted on or before the application deadline);
- f. The HCH Manager will open the accepted bids on [DATE] and the five or less successful bidders will be notified and assigned a space by the HCH Manager, in his/her sole discretion, based on vehicle and equipment needs of the permit holder, and only the HCH Manager may change assignments;
- g. The HCH Manager will assign spaces for a term from April 1st through October 15th of the application year;
- h. Successful bidders must pay the balance of their bid (total bid minus the \$5,000 deposit) within ten (10) days of notice, or before issuance of the permit, whichever occurs first, or else the permit will be forfeited, and the space will be offered to the next highest unsuccessful bidder or rebid, if none; and
- i. Successful bidders must provide the HCH Manager with a broker's certificate of insurance showing that the applicant has obtained public liability insurance in the amount of \$1,000,000, in which the CBS is named as an additional insured and the insurer is required to notify the CBS if the policy is modified, canceled, or terminated, within ten (10) days of notice, or before issuance of the permit, whichever occurs first, or else the permit will be forfeited, and the space will be rebid.

B. Eligibility requirements – applicants must:

- 1. Pursuant to SGC 6.19.030(C)(1)(a), hold a current Alaska business license and submit a copy of the same with their application.
- 2. Pursuant to SGC 6.19.030(C)(1)(b), maintain a place of business under the name on the Alaska business license within the boundaries of the CBS.
- 3. Pursuant to SGC 6.19.030(C)(1)(c), maintain a year-round place of business and mailing address in the CBS, and must designate a single individual by physical address, mailing address, and phone number in the CBS upon whom service of notices and legal proceedings may be made.
- 4. Pursuant to SGC 6.19.030(C)(2), not have an overdue debt with the CBS, of any kind whatsoever, and submit written verification of the same from the CBS Finance Department with their application.

5. Pursuant to SGC 6.19.030(C)(3), not have a permit issued under SGC 6.19.030 revoked in the last two calendar years before April 1st of the permit year, unless upon appeal issued by the CBS Administrator for good cause shown by the applicant.

6. Pursuant to SGC 6.19.030(E)(6), not been convicted of a felony or certain misdemeanors listed and submit written proof from the State of Alaska of the same.

C. Applicant information (attach sheet, if necessary):

Applicant name (person or business)							
Contact person		Name					
		Address					
		Email					
		Phone(s)					
Business		Name					
		Address					
		Email					
		Phone(s)					
Agent for receiving service		Name					
		Address					
		Email					
		Phone(s)					
Description of commercial operation							
Vehicle(s)		Year	Make	Model	Color	License #	Registration #
(attach sheet, if necessary)	(1)						
	(2)						
	(3)						
	(4)						
	(5)						

Checklist of documents to be included with application:

- ☐ Driver's license or other government identification card (copy).
- ☐ Certificate of Insurance (copy).
- ☐ Alaska business license (copy).
- ☐ Verification of no overdue debt with the CBS (from the CBS Finance Department) (original).
- ☐ Criminal history (from the State of Alaska) (copy).
- ☐ Sealed bid (signed and dated in sealed envelope) (original- form provided by HCH Manager).

D. Applicant acknowledgment:

By signing this application, applicant acknowledges, agrees, and certifies as follows:

1. To be bound to by all of the terms and conditions of the permit, if issued, and to abide by those terms and conditions and any other additional terms, conditions, provisions, limitations, rules (copy attached), and regulations established by the HCH Manager.
2. To be bound by all of the terms, conditions, and provisions set forth in SGC Chapter 6.19 (copy attached);
3. To indemnify, defend, and hold harmless the CBS from any and all claims for injury or damage to persons or property suffered in connection with it's activities unless such injury or damage is caused by the intentional misconduct or gross negligence of the CBS;
4. The permit may not be assigned or transferred;
5. The permittee has no property right in the permit; and
6. The CBS makes no representations concerning and assumes no responsibility for or regarding any goods or services sold or activities by permittee or any of permittee's employees, agents, representatives, contractors, or customers.

Applicant signature

Date

Owner signature
(if different than Applicant)

Date

Owner signature
(if different than Applicant)

Date

COMMERCIAL OPERATIONS PERMIT UNDER SGC 6.19.030(C)(7)
FOR AN HCH PLAZA OUTFITTER SPACE IN [YEAR] (BY BID)

The Applicant is hereby /granted/ denied/ (circle one) a Commercial Operations Permit for an HCH Plaza outfitter space and, if granted, under the terms and conditions as follows:

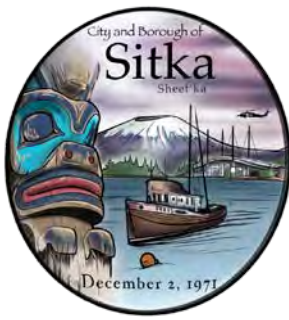
1. The space assigned is space number _____, as shown on the attached diagram.
2. The term of the permit is from April 1st through October 15th of [YEAR].
3. Commercial operations involving organized excursions may only be conducted in the space assigned.
4. This permit is not renewable. A new application must be submitted each year for each permit.
5. This permit may not be assigned or transferred.
6. Any signs used by permittee must comply with SGC Section 6.19.030(C)(5).
7. Any vehicle(s) used by permittee for loading/unloading within the designated loading areas at the HCH Plaza and the O'Connell Bridge Tendering Facility must have a Commercial Vehicle Loading/Unloading Permit under SGC Section 6.19.040.
8. Additional terms, conditions, provisions, and limitations (if any):

By signing this permit, the HCH Manager, acknowledges, agrees, and certifies as follows:

1. Applicant has submitted a compliant application;
2. Applicant is fit, willing, and able to comply with the permit and the law;
3. Granting the permit satisfies public convenience and necessity; and
4. Any additional terms, conditions, provisions, and limitations imposed in the permit are deemed appropriate as to public health, safety, and welfare.

HCH Manager signature

Date



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

HARRIGAN CENTENNIAL HALL
330 Harbor Drive | Sitka, Alaska 99835
www.cityofsitka.org
HCH@cityofsitka.org
907-747-4090

APPLICATION **FOR A COMMERCIAL VEHICLE LOADING/UNLOADING PERMIT** **UNDER SGC 6.19.040 IN [YEAR]**

Pursuant to Sitka General Code (SGC) Chapter 6.19, the City and Borough of Sitka (CBS), through its Harrigan Centennial Hall (HCH) Manager, will issue Commercial Vehicle Loading/Unloading Permits within designated loading/unloading areas at the HCH Plaza and the O'Connell Bridge Tending Facility in [YEAR].

A. Process and procedure:

1. An application will be accepted only from a person who has, or upon issuance of the permit, will have the legal authority to act in accordance with the permit. The application must be signed by the owners of the business to be subject to the permit. The HCH Manager may require an applicant to submit evidence of authority to apply for the permit.
2. An application must be on forms provided by the CBS which are available at the office of the HCH Manager at 330 Harbor Drive, Sitka, Alaska 99835. An application will not be considered unless it is complete, signed, and filed together with any required attachments or exhibits at the office of the HCH Manager.
3. Applications for [YEAR] will be available by [DATE]. Applications must be filed on or before [DATE] for a [YEAR] permit.
4. Information required to be provided by applicant in application:
 - a. Name of each individual and/or business entity responsible for conducting business under the permit, and each person listed shall be jointly and individually responsible for compliance with the permit;
 - b. The permanent, temporary, local, and foreign residence and mailing address of each person responsible for conducting business under the permit;
 - c. Current phone numbers and email addresses of each person responsible for conducting business under the permit;
 - d. A copy of a current driver's license or other government identification card which includes a photograph, date of birth, and a written physical description of the applicant;
 - e. Physical description, license number, and registration number (DMV) of each vehicle to be used in conducting business under the permit; and
 - f. A description of the commercial operations being conducted by the business.
5. Fees and insurance:
 - a. If the permit is granted, the permittee shall pay a permit fee for each vehicle as follows: under seven passengers \$250, seven to fifteen passengers \$500, sixteen to twenty-five

passengers \$750, thirty or more passengers \$1,000 and payment shall be made before the permit is issued or else the permit will be forfeited;

- b. The permit fee shall be reduced by 50% for any vehicle powered by electricity;
- c. Applicant must pay the total fees before issuance of the permit, or else the permit will be forfeited; and
- d. Applicant must provide the HCH Manager with a broker's certificate of insurance showing that the applicant has obtained motor vehicle liability insurance with limits of coverage provided of not less one million (\$1,000,000) dollars (combined single limit for bodily injury and property damage), in which the CBS is named as an additional insured and the insurer is required to notify the CBS if the policy is modified, canceled, terminated, or before issuance of the permit, or else the permit will be forfeited.

B. Eligibility requirements – applicant must, unless applicant holds a Commercial Operations Permit pursuant to SGC 6.19.030:

1. Pursuant to SGC 6.19.030(C)(1)(a), hold a current Alaska business license and submit a copy of the same with their application.
2. Pursuant to SGC 6.19.030(C)(1)(b), maintain a place of business under the name on the Alaska business license within the boundaries of the CBS.
3. Pursuant to SGC 6.19.030(C)(1)(c), maintain a year-round place of business and mailing address in the CBS, and must designate a single individual by physical address, mailing address, and phone number in the CBS upon whom service of notices and legal proceedings may be made.
4. Pursuant to SGC 6.19.030(C)(2), not have an overdue debt with the CBS, of any kind whatsoever, and submit written verification of the same from the CBS Finance Department with their application.
5. Pursuant to SGC 6.19.030(C)(3), not have a permit issued under SGC 6.19.030 revoked in the last two calendar years before April 1st of the permit year, unless upon appeal issued by the CBS Administrator for good cause shown by the applicant.
6. Pursuant to SGC 6.19.030(E)(6), not been convicted of a felony or certain misdemeanors listed and submit written proof from the State of Alaska of the same.

C. Applicant information (attach sheet if necessary):

Applicant name (person or business)							
Contact person		Name					
		Address					
		Email					
		Phone(s)					
Business		Name					
		Address					
		Email					
		Phone(s)					
Agent for receiving service		Name					
		Address					
		Email					
		Phone(s)					
Description of commercial operation							
Description of experience in the transportation of passengers							
Vehicle(s)		Year	Make	Model	Color	License #	Registration #
(attach sheet, if necessary)	(1)						
	(2)						
	(3)						
	(4)						
	(5)						
	(6)						
	(7)						
	(8)						
	(9)						
	(10)						

Checklist of documents to be included with application:

☐ Certificate of Insurance (motor vehicle liability) (copy).

Checklist of documents to be included with application, unless applicant holds a permit pursuant to SGC 6.19.030

☐ Driver's license or other government identification card (copy).

☐ Alaska business license (copy).

☐ Verification of no overdue debt with the CBS (from the CBS Finance Department) (original).

☐ Criminal history (from the State of Alaska) (copy).

D. Applicant acknowledgment:

By signing this application, applicant acknowledges, agrees, and certifies as follows:

1. To be bound to by all of the terms and conditions of the permit, if issued, and to abide by those terms and conditions and any other additional terms, conditions, provisions, limitations, rules (copy attached), and regulations established by the HCH Manager.
2. To be bound by all of the terms, conditions, and provisions set forth in SGC Chapter 6.19 (copy attached);
3. To indemnify, defend, and hold harmless the CBS from any and all claims for injury or damage to persons or property suffered in connection with it's activities unless such injury or damage is caused by the intentional misconduct or gross negligence of the CBS;
4. The permit may not be assigned or transferred;
5. The permittee has no property right in the permit; and
6. The CBS makes no representations concerning and assumes no responsibility for or regarding any goods or services sold or activities by permittee or any of permittee's employees, agents, representatives, contractors, or customers.

Applicant signature

Date

Owner signature
(if different than Applicant)

Date

Owner signature
(if different than Applicant)

Date

COMMERCIAL VEHICLE LOADING/UNLOADING PERMIT UNDER SGC 6.19.040

The Applicant is hereby /granted/ denied/ (circle one) a Vehicle Loading/Unloading Permit for the motor vehicles described in the application and, if granted, under the terms and conditions as follows:

1. The term of the permit is from April 1st through October 15th of [YEAR].
2. The designated areas are as shown on the attached diagram.
3. This permit is not renewable. A new application must be submitted each year for each permit.
4. This permit may not be assigned or transferred.
5. No signs are permitted within the designated areas.
6. All vehicles must be operational at all times when using the designated areas and must be removed from the designated areas by the end of the business day, but no later than 9:00pm.
7. Permittee must display a sticker issued by the HCH Manager on the passenger side bottom corner of the windshield of the permitted vehicle.
8. All permitted vehicles must be in compliance with federal, state, and local laws.
9. Additional terms, conditions, provisions, and limitations (if any):

By signing the permit, the HCH Manager, acknowledges, agrees, and certifies as follows:

1. Applicant has submitted a compliant application;
2. Applicant is fit, willing, and able to comply with the permit and the law;
3. Granting the permit satisfies public convenience and necessity; and
4. Any additional terms, conditions, provisions, and limitations imposed in the permit are deemed appropriate as to public health, safety, and welfare.

HCH Manager signature

Date



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 22-170 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 11/14/2022 In control: City and Borough Assembly

On agenda: 11/22/2022 Final action:

Title: Discussion/ Direction/ Decision on sending the Municipal Administrator and the Mayor to the SeaTrade Cruise Global event in Fort Lauderdale, Florida over the week of March 27-30

Sponsors:

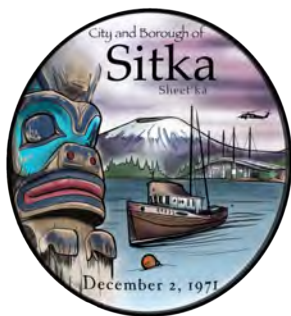
Indexes:

Code sections:

Attachments: [01 Motion Discussion Direction Decision](#)
[02 Memo - SeaTrade 2023](#)

Date	Ver.	Action By	Action	Result
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Discussion / Direction/ Decision on sending the
Municipal Administrator and the Mayor to the
SeaTrade Cruise Global event in
Fort Lauderdale, Florida over the week of March 27-31



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members

From: John Leach, Municipal Administrator

Date: November 10, 2022

Subject: Travel for SeaTrade Cruise Global

Background

The 2023 SeaTrade Cruise Global event will be held March 27 - 30 in Fort Lauderdale, Florida. Cruise line executives, buyers, and suppliers attend this annual event for a week of networking, sourcing, innovation, and education.

Sitka participants planning to attend are Sitka Chamber of Commerce Executive Director, Rachel Roy; Visit Sitka Director Laurie Booyse; and Chris McGraw on behalf of Sitka Cruise Terminal. Others from the Sitka visitor industry have also been invited.

Analysis

The City and Borough of Sitka (CBS) has sent an Assembly member to this event since 2012. Pete Esquiro attended in 2012, and Mim McConnell from 2013-2016. Steven Eisenbeisz attended in 2017, 2019, and 2022. Mr. Eisenbeisz planned to attend in 2018 however was unable due to circumstances beyond his control. We did not attend the event in 2020 or 2021 due to COVID travel restrictions.

Early registration before December 16th saves \$40 per registration for the Expo Pass (\$115 per person).

The trip will be as follows:

March 25, 2023 – Depart SIT to FLL (Fort Lauderdale, FL)

March 26, 2023 – Arrive FLL

March 27 - 30, 2023 – SeaTrade Global

March 31, 2023 – Depart FLL to SIT

Fiscal Note

Travel costs are anticipated to be approximately \$5500 and will be expensed from the Visitor Enhancement Fund. One of the intended uses of the Fund is to finance visitor enhancement related travel such as this. An appropriation of \$5,000 exists in the Fund for travel. Although the estimated travel costs slightly exceed the appropriation, there may be lower group travel rates available that were not factored into this estimate.

Should the travel exceed the amount budgeted in the Visitor Enhancement Fund, the General Fund will be charged for the differential.

Recommendation

Staff strongly recommends an Assembly member travel to SeaTrade Cruise Global to represent Sitka's interests in the local visitor industry.



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 22-171 Version: 1 Name:

Type: Item Status: AGENDA READY

File created: 11/14/2022 In control: City and Borough Assembly

On agenda: 11/22/2022 Final action:

Title: Formally accept the resignation of Assembly Member Rebecca Himschoot and determine the procedure for filling the vacant seat

Sponsors:

Indexes:

Code sections:

Attachments: [01 Motion accepting resignation](#)
[02 Himschoot Resignation Letter](#)
[03 Draft Notice Vacant Assembly Seat Nov 2022](#)

Date	Ver.	Action By	Action	Result
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Step 1

I MOVE TO formally accept the resignation of Assembly Member Rebecca Himschoot and determine the procedure for filling the vacant seat.

Step 2

Possible Motion

I MOVE TO request the Municipal Clerk, through the Municipal Administrator, to:

1. advertise for letters of interest November 23 through noon on December 12, and
2. place an item on the December 13 agenda to appoint an Assembly Member to fill the vacant seat until the next regular election.

Excerpts from Sitka Home Rule Charter and Sitka General Code regarding vacancies.

Sitka Home Rule Charter

Section 2.04 Qualifications

Only a qualified voter of the municipality who has been a resident of the municipality for a least one year immediately preceding his/her election or appointment to office shall be qualified for elective municipal office. A district assembly member shall be a resident of the district from which he/she is elected at the time of his/her election and during his/her term.

The assembly shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witness, administer oaths and require production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand. Decisions made by the assembly under this section shall be subject to review by the courts.

Section 2.05 Vacancies and Forfeiture of Office

The office of an elected municipal official shall become vacant upon death, resignation, removal from office in any manner authorized by law or by this charter, or by forfeiture of his/her office.

An elected municipal official shall forfeit his/her office if he/she:

1. Is convicted of a felony or crime involving moral turpitude.
2. Fails to comply with all qualifications prescribed by this Charter.
3. Knowingly violates any prohibitions of this charter.
4. Fails to attend three consecutive regular meetings of the assembly without being excused by the assembly.

The assembly shall by ordinance provide the procedures for filling of vacancies.

A vacancy shall be filled by the assembly which shall elect a qualified person within 20 days after the vacancy occurs to be acting Assembly member until the next regular election and until a successor is elected and qualified to fill the remainder of the unexpired term.

Sitka General Code

2.04.200 Vacancies.

The assembly shall, within twenty days after a vacancy occurs, select a qualified person to be an acting assembly member until the next regular election when a successor is elected and qualified to fill the remainder of the term. The qualifications shall be those set out in Section 2.04 of the Charter and in state law. (Ord. 04-55 § 4, 2004: Ord. 96-1379 § 4, 1996.)

From: [Rebecca Himschoot](#)
To: [Steven Eisenbeisz \(Assembly\)](#); [John Leach](#)
Subject: Resignation letter
Date: Thursday, November 17, 2022 6:40:21 AM

Effective Nov. 24 and pending the certification of the recent election for state house on November 23 I am resigning my seat on the Sitka Assembly.

It has been a tremendous honor to serve the community as an assembly member. I also appreciate the opportunity to have learned from both of you and other members of the Assembly.

While I understand that I will not have a vote in how to fill the seat left by my resignation, I hope the Assembly will follow a letter of interest process. As we have seen following Dave Miller's resignation, this process allows a number of Sitkans to apply for the seat.

While I will miss working with you on a day-to-day basis I feel assured I am leaving at a time when the City has excellent leadership. I look forward to advocating for Sitka in a new role. I hope and trust that I will hear from you on a regular basis.

Respectfully,
Rebecca

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PUBLIC NOTICE

VACANT ASSEMBLY SEAT

An Assembly Member has resigned from the City and Borough Assembly. The Assembly formally accepted that resignation on November 22, 2022. In accordance with Sitka's Home Rule Charter and Sitka General Code the vacancy shall be filled by the Assembly which shall appoint a qualified person within 20 days after the vacancy occurs to serve as acting Assembly Member until the next regular election.

Only a qualified voter of the municipality who has been a resident of the municipality for at least one year immediately preceding the appointment to office shall be eligible. **To be considered for this vacant seat please submit a letter of interest, signed Certificate of Applicant Qualifications, and a completed CBS Financial Disclosure Statement** to the Municipal Clerk's Office **no later than noon on Monday, December 12, 2022**. The appointment is scheduled to be made **at the Regular Assembly Meeting on Tuesday, December 13, 2022**.

For required documents and further information, please contact the Municipal Clerk at 907.747.1811 or clerk@cityofsitka.org.

Publish: November 28, 30, December 2, 7, 9