



**City of Gustavus**  
P.O. Box 1  
Gustavus, AK 99826  
Phone: (907) 697-2451

**COUNCIL PACKET**  
**December 12, 2009 GENERAL MEETING**



**CITY COUNCIL MEETING AGENDA**  
**GENERAL MEETING**  
**DECEMBER 10, 2009**  
**7:00PM @ CITY HALL**

**Paul Berry**

**Mayor**

**mayor@gustavus-ak.gov**

**Term Expires 2010**

**John Nixon**

**Vice Mayor**

**john.nixon@gustavus-ak.gov**

**Term Expires 2011**

**Allison Banks**

**Council Member**

**allison.banks@gustavus-ak.gov**

**Term Expires 2012**

**Melanie Lesh**

**Council Member**

**melanie.lesh@gustavus-ak.gov**

**Term Expires 2012**

**Joe Lassiter**

**Council Member**

**joe.lassiter@gustavus-ak.gov**

**Term Expires 2011**

**Tim Sunday**

**Council Member**

**tim.sunday@gustavus-ak.gov**

**Term Expires 2012**

**Vacant**

**Council Member**

**@gustavus-ak.gov**

**Term Expires 2010**

**Council Email:**

**council@gustavus-ak.gov**

**COUNCIL MEETINGS:**

**Work Sessions:**

**1st & 3rd Thursdays**

1. Call to Order
2. Roll Call
3. Approval of Minutes
  - A. November 12, 2009 General Meeting
4. Mayor's Request for Agenda Changes
5. Committee Reports
  - A. Gustavus Volunteer Fire Department
  - B. Lands
  - C. Library
  - D. Gustavus Visitors Association
6. Consent Agenda
  - A. Resolution 2009-29 A Resolution of the City of Gustavus providing for a map attachment for title 8.04.3 Harbor Zones
  - B. FY10-11 An Ordinance of the City of Gustavus: Amending City Ordinance Section 06.02.010 - Fire Chief
  - C. Appointment of Artemis Bona Dea to Library Board
  - D. Appointment of Eileen Clark to Library Board
  - E. Appointment of Mike Taylor to GVFD Committee
7. Ordinance for Publication
8. Ordinance for Public Hearing
  - A. Ordinance FY10-08NCO An Ordinance of the City of Gustavus: Amending the Gustavus Public Library Budget
  - B. Ordinance FY10-09 An Ordinance of the City of Gustavus: Adding City Ordinance Section 2.10.090 – Provisions for Employment of the Mayor
  - C. Ordinance FY10-10 An Ordinance of the City of Gustavus Amending City Ordinance section 2.40.030 – Order of Business
9. Unfinished Business
  - A. FY10-07 An Ordinance Amending Title 8 – Harbor Facilities
10. New Business
  - A. Accept Planning Committee proposal to hire Northern Consulting for grant writer services per RFP 2009-01. Approve expenditure of up to \$17,829.00
  - B. Excursion Restaurant LLC application for liquor license renewal with Alcohol Beverage Control Board
  - C. Resolution 2009-30 A Resolution by the City of Gustavus regarding the location of a ferry terminal building in Gustavus
11. Staff Reports
12. City Council Reports
  - A. Mayor's report
  - B. Committee reports
  - C. City Clerk report
13. City Council questions and comments
14. Public Comments on Non Agenda Items
15. Executive Session
16. Adjournment

**NOT YET APPROVED**  
**City Council Minutes**  
**City of Gustavus, Alaska**

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**City Council General Meeting**  
**November 12, 2009**

- 1. Call to Order:** A General Meeting of the Gustavus City Council was held on November 12, 2009 at 7:00PM.  
Mayor Berry called the meeting to order at 7:03PM.

**2. Roll Call:**

Comprising a quorum of the Council the following were present:

Mayor Berry	
Vice Mayor Nixon	
Council Member Banks	
Council Member Lassiter	
Council Member Lesh	Via Teleconference
Council Member Sunday	

Council Members not in attendance:

Council Member Unkel	-Absent
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**3. Reading & Approval of Minutes**

- A.** Minutes from the October 8, 2009 General Meeting.

Adopted by unanimous consent.

- B.** Minutes from the October 12, 2009 Special Meeting.

Adopted by unanimous consent

**4. Mayor's Request for Agenda Changes:**

- A.** Correction on the number for Resolution 2009-27 which is an agenda item under New Business. The number should read 2009-28.

**5. Committee Reports:**

- A.** Disposal & Recycling Center Committee report given by Paul Berry.  
**B.** Road Committee report given by Joe Lassiter.  
**C.** Gustavus Visitors Association no report given.  
**D.** Borough Committee report concerning annexation was given by Mike Taylor.

**6. Consent Agenda:**

**NOT YET APPROVED  
City Council Minutes  
City of Gustavus, Alaska**

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- A.** Resolution 2009-27 FY10 Shared Fisheries Business Tax  
(Mayor's Recommendation: Resolution 2009-27 be adopted.)
  - B.** Ordinance FY10-08NCO An Ordinance of the City of Gustavus:  
Amending the Gustavus Public Library Budget.  
(Mayor's Recommendation: FY10-08NCO be accepted for  
publication.)
  - C.** Ordinance FY10-09 An Ordinance of the City of Gustavus:  
Adding City Ordinance Section 2.10.090-Provisions for  
Employment of the Mayor.  
(Mayor's Recommendation: FY10-09 be accepted for  
publication.)
  - D.** Ordinance FY10-10 An Ordinance of the City of Gustavus  
Amending City Ordinance 2.40.030-Order of Business  
(Mayor's Recommendation: FY10-10 be accepted for  
publication.)
  - E.** Appointment of John Nixon to GVFD Committee  
(Mayor's Recommendation: John Nixon be appointed to the  
GVFD Committee as a liaison.)
  - F.** Appointment of Melanie Lesh to Lands Committee  
(Mayor's Recommendation: Melanie Lesh be appointed to  
to the Lands Committee as a member.)
  - G.** Re-Appointment of Nate Borson to Planning Committee  
(Mayor's Recommendation: Nate Borson be re-appointed  
to the Planning Committee as a member and as chair.)
  - H.** ~~Award of Salmon River Concrete Ramp Extension Contract~~  
(Mayor's Recommendation: That the lowest responsive,  
responsible bidder, Fairweather Construction, be awarded  
the contract and that the Council authorize the Mayor to  
sign the contract award.)

Council Member Nixon read Resolution 2009-27.

Council Member Lassiter requested that Item H be removed from the Consent Agenda. Item H was moved to New Business Item E.

Motion:	Council Member Nixon moved we approve the consent agenda.
Seconded by:	Council Member Lassiter

ROLL CALL VOTE ON MOTION:	
Yes:	Banks, Berry, Lassiter, Lesh, Nixon, Sunday
No:	None
Motion Passes 6/0	

**7. Ordinances for Publication:** None

**8. Ordinances for Public Hearing:**

**A. FY10-05NCO** An Ordinance Amending the Administration Budget.

Public Hearing: With no one wishing to be heard the Public Hearing was closed.

Motion:	Council Member Banks moved that we adopt the ordinance to amend the City Ordinance.
Seconded by:	Council Member Lesh

ROLL CALL VOTE ON MOTION: Yes: Banks, Berry, Lassiter, Lesh, Nixon, Sunday No: None  Motion Passes 6/0
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**B. FY10-06** An Ordinance Amending Title 2.40.140 --Telephonic Participation.

Public Hearing: With no one wishing to be heard the Public Hearing was closed.

Motion:	Council Member Lassiter moved to adopt FY10-06 an ordinance amending Title 2.40.140 Telephonic Participation.
Seconded by:	Council Member Sunday

Council discussion followed.

ROLL CALL VOTE ON MOTION: Yes: Banks, Berry, Lassiter, Lesh, Nixon, Sunday No: None  Motion Passes 6/0
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**C. FY10-07** An Ordinance Amending Title 8 --Harbor Facilities.

Public Hearing: Charlie Rice

**NOT YET APPROVED  
City Council Minutes  
City of Gustavus, Alaska**

Motion:	Council Member Sunday moved that ordinance FY10-07 be postponed until the December General Meeting.
Seconded by:	Council Member Lassiter

Council discussion followed.

ROLL CALL VOTE ON MOTION:	
Yes:	Banks, Berry, Lassiter, Lesh, Nixon, Sunday
No:	None
Motion Passes 6/0	

**9. Unfinished Business:** None

**10. New Business:**

**A. Resignation of Council Member William Unkel**

Public Comment: None

Motion:	Council Member Sunday moved that the Council accept Councilman Unkel's resignation.
Seconded by:	Council Member Lassiter

ROLL CALL VOTE ON MOTION:	
Yes:	Banks, Berry, Lassiter, Lesh, Nixon, Sunday
No:	None
Motion Passes 6/0	

**B. Resolution 2009-26** A Resolution by the City of Gustavus in Support of Posting AS11.61.195 Misconduct Involving Weapons in the Second Degree and AS11.61.210 Misconduct Involving Weapons in the Fourth Degree.

Public Comment: Karen Taylor

Council Member Banks read Resolution 2009-26.

Motion:	Council Member Nixon moved that we adopt Resolution 2009-26.
Seconded by:	Council Member Sunday

**NOT YET APPROVED**  
**City Council Minutes**  
**City of Gustavus, Alaska**

Council discussion followed.

Motion to Amend: Council Member Lassiter moved to amend by removing the word moose from the fourth whereas.  
Seconded by: Council Member Lesh

ROLL CALL VOTE ON MOTION TO AMEND:  
Yes: Banks, Berry, Lassiter, Lesh, Nixon, Sunday  
No: None  
Motion to Amend Passes 6/0

Motion to Amend: Council Member Banks moved to remove hunting from the last whereas.  
Seconded by: Council Member Lassiter

ROLL CALL VOTE ON MOTION TO AMEND:  
Yes: Banks, Berry, Lassiter, Lesh, Nixon, Sunday  
No: None  
Motion to Amend Passes: 6/0

ROLL CALL VOTE ON AMENDED MAIN MOTION:  
Yes: Banks, Berry, Lassiter, Lesh, Nixon, Sunday  
No: None  
Motion Passes 6/0

**C. Resolution 2009-28** A Resolution by the City of Gustavus Recognizing the Importance of the Gustavus Volunteer Fire Department (GVFD) and Mutual Aid MOU With the National Park Service.

Resolution 2009-28 was read by Council Member Nixon.

Public Comment: Karen Taylor

Motion: Council Member Nixon moved that we adopt Resolution 2009-28.  
Seconded by: Council Member Banks

ROLL CALL VOTE ON MOTION:  
Yes: Banks, Berry, Lassiter, Lesh, Nixon, Sunday  
No: None  
Motion Passes 6/0

**D. Salmon River Sheet Pile Removal RFQ**

Mayor Berry asked Kim Ney to explain this agenda item.

Motion:	Council Member Nixon moved that we approve the RFQ for the Salmon River Sheet Pile Removal Project.
Seconded by:	Council Member Sunday

ROLL CALL VOTE ON MOTION:	
Yes:	Banks, Berry, Lassiter, Lesh, Nixon, Sunday
No:	None
Motion Passes 6/0	

**E. Award of Salmon River Concrete Ramp Extension**

Motion:	Council Member Nixon moved that we award the Salmon River Concrete Ramp Extension Project to Fairweather Construction and authorize the mayor to sign the award.
Seconded by:	Council Member Banks

ROLL CALL VOTE ON MOTION:	
Yes:	Banks, Berry, Lesh, Nixon, Sunday
No:	Lassiter
Motion Passes 5/1	

**11. Staff Reports:** None

**12. City Council Reports:**

**A. Mayor's Report**

1. Special Meeting December 3<sup>rd</sup>.
2. 2 items for work session
3. Will be leaving Sunday for AML Conference. Vice Mayor Nixon will be the acting Mayor.

**B. Committee Reports:** None

**C. City Clerk Reports**

1. Scheduled Council Meetings are a Special Meeting on December 3<sup>rd</sup> and the General Meeting on December 10<sup>th</sup>.

**NOT YET APPROVED**  
**City Council Minutes**  
**City of Gustavus, Alaska**

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**City Council Questions & Comments**

- A. Council Member Lesh asked if a GVA report could be on the December General Meeting.

**Public Comment on Non-Agenda Items:**

Public Comment was received from the following:  
Charlie Rice

**Adjournment:**

With no further business before the Council the meeting was adjourned at 8:18PM.

**GUSTAVUS PUBLIC LIBRARY  
TRI-ANNUAL REPORT  
JUNE 30<sup>th</sup> – NOVEMBER 1st, 2009**

**LIBRARY PROGRAMS:**

- Banjo Sessions and Piano Lessons have been held at the library with instruction from Kate, Rita and Ellie. A piano is now housed in the meeting room of the library for lessons and practice.
- Book Group meets every other Saturday. Books are provided by the Alaska State Library Inter-library loan program.
- Quilt of the month display by various quilters in the community.
- Mom's and Kids weekly reading program.
- Weekly school library classes from grades K-5<sup>th</sup>.
- Halloween storyhour was held on Oct. 31<sup>st</sup>.
- Special Programs occurred throughout the Summer and Fall. These included:
  - Music "jams" and a dance class; Showing of the Ken Burns preview film of the National Parks PBS Series; Dena Matkins Whale program; Jim Mackovjak's Tongass Forest history; Judy Brakel's gardening workshop;; Katie Unertl's Fairweather Climbing slide show; Extension Service Program, Fish and Game moose video and the Glacier Bay End of Year slide show.

**Summer Reading and Reading Buddy** program ran from June – August under the excellent coordination of Eileen Clark and Heather Sellards. Story hours were held every week. Thanks to the NPS naturalists who provided many of those programs. 43 kids signed up and 36 kids completed the summer reading program with 33 adults and teens volunteering. The Reading Buddy program served 33 kids, with 30 adults and teens volunteering to read with a buddy at least 1 hour a week throughout the summer. Everyone celebrated a summer of reading with a pizza party in August and a Labor Day presentation of Grand Prize books and root beer floats by Mary Hervin.

**FUNDRAISING:**

The quilt raffle netted approx. \$4600.00 from ticket sales.

Cookbook Sales netted \$397.00.

More fundraisers are being planned for the future.

**GRANTS:**

Sylvia has received a \$1500.00 grant from the Alaska State Library to attend the Public Library Association conference in Portland, OR in March, 2010.

**STATISTICS:**

There were a total of 3,237 visits to the library between July 1 and October 31<sup>st</sup>. That includes regular library hours, programs, summer reading and the election.

Items checked out from the library during this reporting period were: 1017 books and 870 media items (DVD's, Videos, CD's and cassettes).

**VOLUNTEERS:**

THANKS to all the community folks who have volunteered to sit the desk, catalog the books, clean the library and provide routine maintenance. 21 adults and teens have stepped forward during this reporting period. (Adrianna Cahill, Eileen Clark, Adrienne Bosworth, John Hawley, Bobbie Loomis, Charlene Morda, Sol Martinez, Meadow Brook, Ceclia Fortino, Heather Sellards, Rita Wilson, Allison Banks, Lori Trummer, Carolyn Elder, Carole Baker, Lynne Jensen, George Jensen, Rusty Yerxa, Penny Woodall, Betty McCormick, Emma Johnson, and Gus Martinez).

### **LIBRARY MAINTENANCE:**

- A new server is being installed and we are waiting for the installation of 2 new computers, one of which has been donated by Bill Eichenlaub. There will then be 1 computer in excess, too old to sale.
- Mark Berry and Larry Platt have completed the Fall Maintenance check and winterization for the library building.
- Snow Shed Roofing Project: The City of Gustavus is following through with engineer reports and plans and will keep us posted on progress. This project will not be completed for this winter, so the library will need to plan for timely snow removal.

### **LIBRARY EMPLOYEES:**

Kate has taken a job in Juneau for the winter. She will continue to work for the library every first and third Saturday, as well as write up reports and grants. Sylvia has taken on more hours and responsibility for community programming at the library. During the summer months Kate will take on more hours and responsibility for library management and summer reading. Sylvia will continue tracking the budget, working 1 day a week.

### **LIBRARY BOARD:**

Thank you to Eileen Clark and Artemis BonaDea, who have submitted their applications to fill the two vacancies on the library board.



**kids programs**



**Quilt makers**



### **Upcoming Activities & Projects**

- Sign Language Class taught by volunteer
- Piano, banjo and reading group continued
- PBS National Park Programs DVDs (6 Wednesdays) hosted by NPS
- Craft Night Social on Sunday afternoons
- Tai Chi beginners class taught by volunteer
- The Library's Technology Plan is due for renewal in 2010.

**Mayor's report and recommendations for items on the December 10<sup>th</sup>, 2009 consent agenda.**

**A. Resolution 2009-29 A Resolution of the City of Gustavus providing for a map attachment for Title 8.04.3 Harbor Zones**

Description: This resolution supplies a map attachment for Title 8.04.3.

Harbor Zones. City ordinance is made up of text and numbers and as such cannot contain drawings, photographs or maps. A resolution is used to "attach" a map to City ordinance.

Mayor's recommendation: That this item be adopted with the consent agenda.

**B. FY10-11 An Ordinance of the City of Gustavus: Amending City Ordinance Section 06.02.010 - Fire Chief**

Description: Presently the chief is chosen from candidates recommended from members of the fire department. This change states that the fire chief is chosen from candidates recommended by the Gustavus Volunteer Fire Department Committee members.

Mayor's recommendation: That this item be adopted with the consent agenda.

**C. Appointment of Artemis BonaDea to Library Board**

Description: Appointment of Artemis BonaDea to the Library Board

Mayor's recommendation: That Artemis BonaDea be appointed to the Library Board.

**D. Appointment of Eileen Clark to Library Board**

Description: Appointment of Eileen Clark to the Library Board

Mayor's recommendation: That Eileen Clark be appointed to the Library Board.

**E. Appointment of Mike Taylor to GVFD Committee**

Description: Appointment of Mike Taylor to the Gustavus Volunteer Fire Department Committee.

Mayor's recommendation: That Mike Taylor be appointed to the Gustavus Volunteer Fire Department Committee.

**CITY OF GUSTAVUS, ALASKA  
RESOLUTION 2009-29**

**A RESOLUTION OF THE CITY OF GUSTAVUS PROVIDING FOR A MAP  
ATTACHMENT FOR TITLE 8.04.3 HARBOR ZONES**

**WHEREAS**, the Salmon River Boat Launch is operated and maintained by the City of Gustavus, and;

**WHEREAS**, section 8.04.3 Harbor Zones refers to a map, SRBH-1, for the purpose of identifying loading zone, staging area, boat launch areas and storage area(s).

**AND NOW THEREFORE BE IT RESOLVED** the Gustavus City Council adopts this resolution to provide for map SRBH-1 to be used with Title 8.

PASSED and APPROVED by the Gustavus City Council, this 10<sup>th</sup> day of December, 2009.

\_\_\_\_\_  
Paul Berry, Mayor

\_\_\_\_\_  
John Nixon, Vice Mayor

\_\_\_\_\_  
Allison Banks, Council Member

\_\_\_\_\_  
Melanie Lesh, Council Member

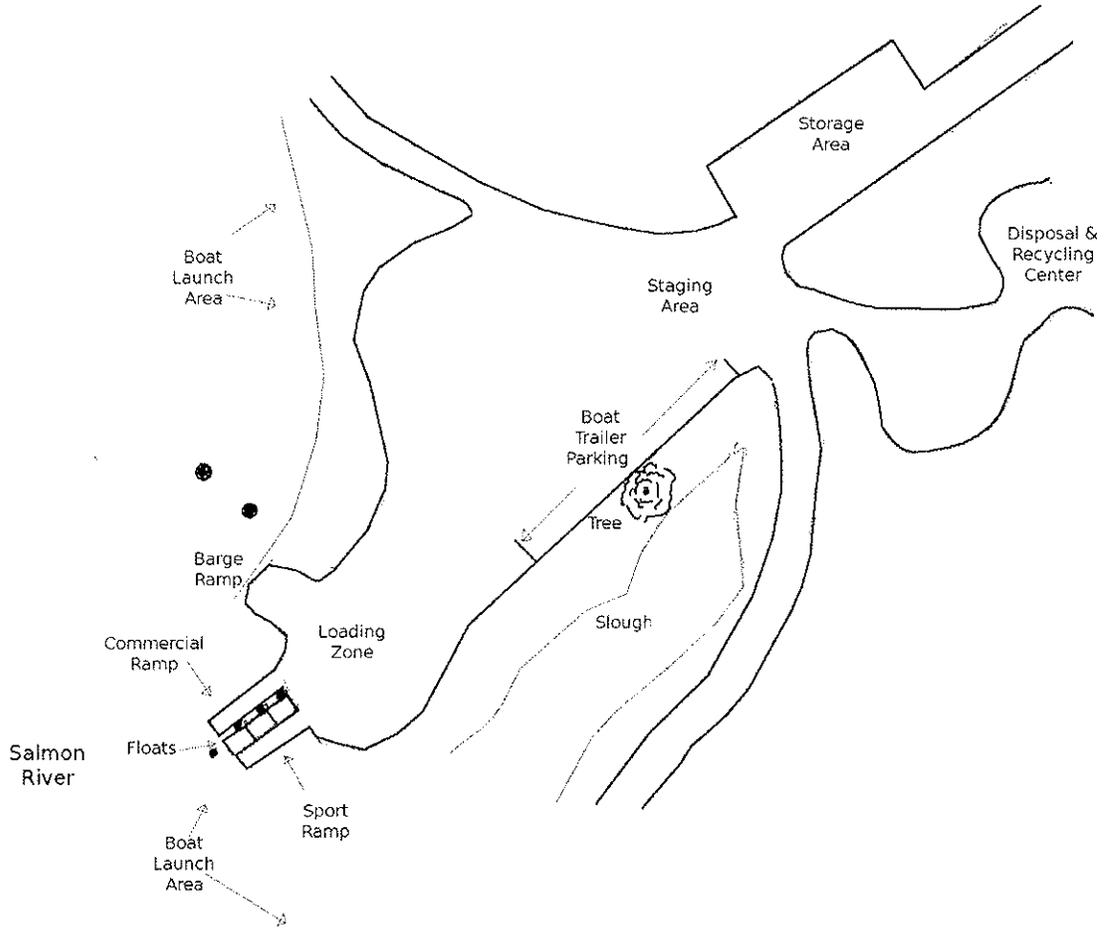
\_\_\_\_\_  
Joe Lassiter, Council Member

\_\_\_\_\_  
Tim Sunday, Council Member

\_\_\_\_\_  
Jim Mackovjak, Council Member

\_\_\_\_\_  
Attest: Kapryce Manchester,  
City Clerk

**CITY OF GUSTAVUS  
SALMON RIVER BOAT LAUNCH FACILITY  
SRBH-1 MAP ATTACHMENT EXHIBIT 1**



**City of Gustavus, Alaska  
Ordinance No. FY10-11**

**AN ORDINANCE OF THE CITY OF GUSTAVUS AMENDING CITY ORDINANCE  
SECTION 6.02.30 FIRE CHIEF**

**BE IT ENACTED BY THE CITY OF GUSTAVUS CITY COUNCIL AS FOLLOWS:**

**Section 1.** Classification: This ordinance is of a permanent nature and is intended to be part of the Gustavus municipal code.

**Section 2.** Severability: If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and its application shall not be affected thereby.

**Section 3.** Enactment: Now therefore be it enacted by the Gustavus City Council that Section 6.02.30 (a) shall be amended as follows. **Bolded/Underlined** items are additions and ~~striketroughs~~ are deletions.

6.02.30 Fire Chief

- a. The department shall be supervised by the Fire Chief who shall be appointed by the Mayor with confirmation by the City Council from candidates recommended by the **Gustavus** Volunteer Fire Department-**Committee members**. The Fire Chief shall be a person who is technically qualified by training and experience and has the ability to administer and command the Fire Department.

**Section 4.** Effective Date: This ordinance becomes effective upon its adoption by the Gustavus City Council.

**DATE OF PUBLICATION:** December 10<sup>th</sup>, 2009

**DATE OF PUBLIC HEARING:** January 14<sup>th</sup>, 2009

PASSED and APPROVED by the Gustavus City Council this 14<sup>th</sup> day of January, 2010.

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Paul Berry, Mayor

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Attest: Kapryce Manchester  
City Clerk



Date Received: **RECEIVED**  
DEC 01 2009

BY:.....

APPLICATION FOR APPOINTMENT/REAPPOINTMENT TO BOARDS & COMMITTEES  
CITY OF GUSTAVUS

Board/Committee Name: FIRE CMTTE Position: \_\_\_\_\_

Name: TAYLOR MIKE S  
Last First MI

Residence Address: ~~RD 1~~ 80 TONG RD

Mailing Address: PO BOX 85

Home Phone: 697-2273

E-Mail Address: MIKE AND KAREN@SHIZENDOU.NET

Can you regularly attend meetings?  YES  NO  
(Committee and Board by-laws may have attendance requirements)  
Are you currently affiliated with the City in any way? (For example emergency responder, employee)  
 YES  NO  
If yes, please list positions: BOURGH CMTTE

Have you been a member of this board/committee before? NO

Reason for interest in committee/board membership: FIRE DEPT QUALITY IS ESSENTIAL TO SUSTAINABLE/SUCCESSFUL COMMUNITY

Brief background of experience that would qualify you for the position: 13 YEARS AS

SAFETY/IN OFFICER FOR BP PULASKI BAY ERT  
BOARD CERTIFIED INDUSTRIAL HYGIENIST IN COMPREHENSIVE  
REACTIVE

Michael S. Taylor MICHAEL S. TAYLOR 10/11/09  
Signature Printed Name Date

ALASKA REGISTERED PROFESSIONAL ENGINEER



**Date Received:**

APPLICATION FOR APPOINTMENT/REAPPOINTMENT TO BOARDS & COMMITTEES  
CITY OF GUSTAVUS

Board/Committee Name: LIBRARY BOARD Position: MEMBER

Name: BONA DEA ARTEMIS  
Last First MI

Residence Address: 63 Good River Road

Mailing Address: Box 58 Gustavus AK 99826

Home Phone: 697-2224

E-Mail Address: 63goodriver@gmail.com

Can you regularly attend meetings?  YES  NO  
(Committee and Board by-laws may have attendance requirements)

Are you currently affiliated with the City in any way? (For example emergency responder, employee)  
 YES  NO

If yes, please list positions: \_\_\_\_\_

Have you been a member of this board/committee before? NO

Reason for interest in committee/board membership: I have a life-long interest in public libraries and a desire to do service at the city level.

Brief background of experience that would qualify you for the position: I worked at the AK State library for 8 years, I ran a book repair business for 7 years I am a life-long reader & public library user

Bona Dea Artemis Bona Dea Nov. 6, 2009  
Signature Printed Name Date



Date Received:

APPLICATION FOR APPOINTMENT/REAPPOINTMENT TO BOARDS & COMMITTEES  
CITY OF GUSTAVUS

Board/Committee Name: Library Board Position: Member

Name: CLARK Eileen M  
Last First MI

Residence Address: 5011 Rink Creek Road (Gustavus, AK)

Mailing Address: PO Box 164 Gustavus, AK 99826

Home Phone: 907-697-2335

E-Mail Address: rinkcreekrowdy@yahoo.com

Can you regularly attend meetings?  YES  NO  
(Committee and Board by-laws may have attendance requirements)  
Are you currently affiliated with the City in any way? (For example emergency responder, employee)  
 YES  NO

If yes, please list positions: Gustavus School Advisory School Council

Have you been a member of this board/committee before? NO

Reason for interest in committee/board membership: Promote literacy in community through support of library

Brief background of experience that would qualify you for the position: retired school teacher, long-time Gustavus resident, library volunteer, SRP Program Coordinator 2009

Eileen Clark Eileen M. Clark 11/16/09  
Signature Printed Name Date

**City of Gustavus, Alaska  
Ordinance No. FY10-08NCO**

**AN ORDINANCE FOR THE CITY OF GUSTAVUS PROVIDING FOR THE AMENDMENT OF  
LIBRARY BUDGET FOR FISCAL YEAR 2010**

**BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS:**

**Section 1.** Classification. This is a **Non-Code Ordinance**

**Section 2.** For the Fiscal Year of 2010 estimated expenditures have changed from the estimates in the approved budget.

**Section 3.** For the current fiscal year the budget is amended to reflect the changed estimates as follows:

<b>Budget Category</b>	<b>Amounts</b>		
	Original Budget	Amended Budget	Change
<b>INCOME</b>			
Fundraising	\$8,000.00	\$2,602.00	-\$5,398.00
Donation	\$500.00	\$1,300.00	+\$800.00
Gaming Income	\$0.00	\$4,598.00	+\$4,598.00
Grants (PLA(IMLS))	\$0.00	\$1,500.00	+\$1,500.00
<b>TOTAL INCOME</b>	<b>\$68,200.00</b>	<b>\$69,700.00</b>	<b>+\$1,500.00</b>
<b>EXPENSE</b>			
Library Materials	\$6,500.00	\$5,700.00	-\$800.00
Library Materials - Books	\$0.00	\$800.00	+\$800.00
Training	\$540.00	\$990.00	+\$450.00
Travel	\$3,116.00	\$4,166.00	+\$1,050.00
<b>TOTAL EXPENSE</b>	<b>\$68,200.00</b>	<b>\$69,700.00</b>	<b>+\$1,500.00</b>

**Section 4.** The budget is hereby amended as indicated and any portion of the approved budget inconsistent with this amendment is repealed.

**Section 5.** Effective Date. This ordinance becomes effective upon its adoption by the Gustavus City Council.

**DATE INTRODUCED:** November 12, 2009

**DATE OF PUBLIC HEARING:** December 10, 2009

PASSED and APPROVED by the Gustavus City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
, Mayor

\_\_\_\_\_  
Attest: Kapryce Manchester  
City Clerk

**City of Gustavus, Alaska  
Ordinance No. FY10-09**

**AN ORDINANCE OF THE CITY OF GUSTAVUS ADDING CITY ORDINANCE  
SECTION 2.10.090 – PROVISIONS FOR EMPLOYMENT OF THE MAYOR**

**BE IT ENACTED BY THE CITY OF GUSTAVUS CITY COUNCIL AS FOLLOWS:**

- Section 1.** Classification: This ordinance is of a permanent nature and is intended to be part of the Gustavus municipal code.
- Section 2.** Severability: If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and its application shall not be affected thereby.
- Section 3.** Enactment: Now therefore be it enacted by the Gustavus City Council that Section 2.10.090 shall be added to City ordinance. **Bolded/Underlined** items are additions.

**Section 2.10.090 Provisions of Employment for the Mayor**

**The Mayor may be employed by the City of Gustavus, but only as provided:**

- a. The Vice-Mayor shall act as the supervising authority of the Mayor in regards to the Mayor's position as a city employee.**

**Section 4.** Effective Date: This ordinance becomes effective upon its adoption by the Gustavus City Council.

**DATE OF PUBLICATION:** November 12<sup>th</sup>, 2009

**DATE OF PUBLIC HEARING:** December 10<sup>th</sup>, 2009

PASSED and APPROVED by the Gustavus City Council this 10<sup>th</sup> day of December, 2009.

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Paul Berry, Mayor

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Attest: Kapryce Manchester  
City Clerk

**City of Gustavus, Alaska  
Ordinance No. FY10-10**

**AN ORDINANCE OF THE CITY OF GUSTAVUS AMENDING CITY ORDINANCE  
SECTION 2.40.030 – ORDER OF BUSINESS**

**BE IT ENACTED BY THE CITY OF GUSTAVUS CITY COUNCIL AS FOLLOWS:**

- Section 1.** Classification: This ordinance is of a permanent nature and is intended to be part of the Gustavus municipal code.
- Section 2.** Severability: If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and its application shall not be affected thereby.
- Section 3.** Enactment: Now therefore be it enacted by the Gustavus City Council that Section 2.40.030 Order of Business shall be amended. **Boldfaced/Underlined** items are additions, ~~strikethroughs~~ are deletions.

Section 2.40.030 Order of Business

- (a) At all regular meetings the order of business shall be:
- (1) Call to order
  - (2) Roll call
  - (3) ~~Reading and~~ Approval of minutes
  - (4) Mayor's request for agenda changes
  - (5) Committee Reports
  - (6) Public Comment on non-Agenda Items**
  - ~~(7) (6)~~ Consent agenda
    - (A) Public requests for consent agenda changes, other than ordinances for introduction
    - (B) City Council requests for consent agenda changes
    - (C) City Council action
  - (8) (7)** Ordinances for public hearing
    - (A) Administrative or committee reports
    - (B) Public hearing
    - (C) City Council action

- (9) ~~(8)~~ Unfinished business
  - (A) Administrative or committee reports
  - (B) Public hearing
  - (C) City Council action
- (10) ~~(9)~~ New business
  - (A) Administrative or committee reports
  - (B) Public hearing
  - (C) City Council action
- (11) ~~(10)~~ Staff reports
- (12) ~~(11)~~ City Council reports
  - (A) Mayor's report
  - ~~(B) Committee reports~~
  - (B)** ~~(C)~~ City Clerk reports
- (13) ~~(12)~~ City Council questions and comments
- ~~(13) Public Comment on non-agenda items~~
- (14) Executive session
- (15) Adjournment

**Section 4.** Effective Date: This ordinance becomes effective upon its adoption by the Gustavus City Council.

**DATE OF PUBLICATION:** November 12<sup>th</sup>, 2009  
**DATE OF PUBLIC HEARING:** December 10<sup>th</sup>, 2009

PASSED and APPROVED by the Gustavus City Council this 10<sup>th</sup> day of December, 2009.

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Paul Berry, Mayor

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Attest: Kapryce Manchester  
City Clerk



**CITY OF GUSTAVUS, ALASKA  
ORDINANCE FY10-07**

**AN ORDINANCE FOR THE CITY OF GUSTAVUS AMENDING TITLE 8  
HARBOR FACILITIES**

**BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS:**

- Section 1. Classification This ordinance is of general and permanent nature and shall become a part of the City of Gustavus Municipal Code.
- Section 2. Severability If any provisions of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and its application to other persons, or circumstances shall not be affected thereby.
- Section 3. Enactment Now therefore, be it enacted by the Gustavus City Council that Title 8 be amended as follows.  
**Bolded** items are additions, ~~strickthroughs~~ are deletions.

**TITLE 8**

**HARBOR FACILITIES**

**Chapters:**

- 8.01 General Provisions**  
**8.02 Administration**  
**8.03 Moorage**  
**8.04 Transfer of Cargo, Storage and Other Activity**  
**8.05 Duties of Boat/Skiff/Landing Craft/Barge Owners**  
**8.06 Prohibited Practices**  
**8.07 Fees and Penalties**  
**8.08 Impoundment.**

**Sections:**

**8.01 General Provisions.**

- 8.01.1 Purpose  
8.01.2 Interpretation  
8.01.3 Implied Agreement from Use of Facilities  
8.01.4 Tariff for Use by Common Carriers  
8.01.5 Definitions.

**8.02 Administration.**

- 8.02.1 Harbormaster
- 8.02.2 Disclaimer of Liability
- 8.02.3 The Marine Facilities Committee
- 8.02.4 Commission Duties
- 8.02.5 Commission Procedure

**8.03 Moorage.**

- 8.03.1 Registration Required
- 8.03.2 (Reserved) Transient Moorage
- 8.03.3 (Reserved)
- 8.03.4 (Reserved) Reserved Moorage
- 8.03.5 Moorage Conditions and Restrictions
- 8.03.6 Refusal of Moorage
- 8.03.7 (Reserved) Required Equipment
- 8.03.8 (Reserved) Utilities
- 8.03.9 Authority of Harbormaster to Board and Move Vessel
- 8.03.10 Forfeiture of Space

**8.04 Transfer of Cargo, Storage and Other Activity**

- 8.04.1 Transfer of Cargo
- 8.04.2 Storage
- 8.04.3 ~~(Reserved)~~ **Harbor Zones**
- 8.04.4 (Reserved) Repairs

8.04.5 Launching

- 8.04.6 (Reserved) Floatplanes
- 8.04.7 Restricted Areas
- 8.04.8 Parking
- 8.04.9 Residential Use
- 8.04.10 Signs
- 8.04.11 Accident Report

**8.05 Duties of Boat/Skiff/Landing Craft/Barge Owners**

**8.06 Prohibited Practices**

- 8.06.1 Speeding
- 8.06.2 Operating Under the Influence
- 8.06.3 Improper Boat Operation
- 8.06.4 Hazard to Navigation
- 8.06.5 Failure to Register
- 8.06.6 Improper Moorage
- 8.06.7 Reserved
- 8.06.8 Improper Use of Facilities
- 8.06.9 Improper Waste Disposal
- 8.06.10 Reserved
- 8.06.11 Unattended Cargo or Freight
- 8.06.12 Improper Petroleum Products Disposal

- 8.06.13 Improper Care and Control of Animals
- 8.06.14 Posting Written or Printed Material
- 8.06.15 Reserved
- 8.06.16 Reserved
- 8.06.17 Failure to Report

**8.07 Fees and Penalties**

- 8.07.1 Fee Schedule (by resolution)
- 8.07.2 Fee Collection and Lien
- 8.07.3 Penalties

**8.08 Impoundment**

- 8.08.1 Vessels and/or Property Which May Be Impounded
- 8.08.2 Notice to Owner
- 8.08.3 Hearing
- 8.08.4 Decision
- 8.08.5 Impoundment
- 8.08.6 Notice of Sale
- 8.08.7 Sale

**TITLE 8**

**HARBOR FACILITIES**

**Chapter 8.01**

**General Provisions**

**Section:**

- 8.01.1 Purpose**
- 8.01.2 Interpretation**
- 8.01.3 Implied Agreement for Use of Facilities**
- 8.01.4 Tariff for Use by Common Carriers**
- 8.01.5 Definitions**

**8.01.1 Purpose.** The purpose of this title is:

- (a) To provide for the safe and efficient use of Salmon River harbor facilities and all dock and float facilities, including those in Icy Passage managed by the City of Gustavus.
- (b) To provide for the orderly management, development, and control of the harbor facilities;

- (c) To protect and preserve the lives, health, safety and well-being of persons who use, work or maintain property at the harbor facilities;
- (d) To protect public property;
- (e) To prevent fire or health hazards and abate nuisances;
- (f) To prevent and discourage the use of the harbor facilities for derelict vessels and property
- (g) To insure adequate financial resources are available for upkeep and eventual replacement of the harbor facilities by the assessment of reasonable user fees or through other means; and
- (h) To conform with State of Alaska standards regarding ordinances for harbor facilities.

**8.01.2 Interpretation.** This title shall be construed to the greatest extent reasonable, in such a manner as to be consistent with applicable federal and state law, regulation, and any conveyances or agreements from or with the State of Alaska pertaining to harbor facilities.

**8.01.3 Implied Agreement for Use of Facilities.** The use of the harbor facilities or the presence of a vessel therein shall constitute an agreement by the owner, operator, master and managing agent to conform to the provisions of this title and any rule, regulation or order made pursuant thereto and to pay all fees and charges provided by this title. The City of Gustavus does not assume responsibility or liability for loss or damage to property, or injury to persons within or upon its harbor facilities. All persons visiting or using harbor facilities do so at their own risk.

**8.01.4 RESERVED**

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## Chapter 8.02

### Administration

**Section:**

- 8.02.1 Harbormaster**
- 8.02.2 Disclaimer of Liability**
- 8.02.3 Marine Facilities Committee**
- 8.02.4 Committee Duties**

## 8.02.5 Committee Procedure

**8.02.1 Harbormaster.** The Mayor may appoint a Harbormaster who shall administer harbor facilities with the powers provided by this title. The Harbormaster, working with the Mayor and/or Gustavus City Council and Marine Facilities Committee, may issue regulations not inconsistent with this title for the operation and use of the harbor facilities. Regulations shall be in writing and posted for public view at the in three public places for 30 days prior to becoming effective. Thereafter, they shall be available for public distribution at the Gustavus City Clerk's office.

**8.02.2 Disclaimer of Liability.** The authority granted to the Harbormaster shall not create an obligation or duty requiring the Harbormaster to take any action to protect or preserve any vessel or property located at or within the harbor facilities, or utilizing the harbor facilities. The City of Gustavus shall not be liable for any loss or damage to real or personal property at the harbor facilities resulting from fire or other casualty, theft, or vandalism.

**8.02.3 Marine Facilities Committee.** The Marine Facilities Committee shall be appointed and function as a standing committee in accordance with Gustavus City Ordinance Section 2.40.150 for standing committees. The Harbormaster shall not be a voting member of the Marine Facilities Committee, but will serve the Committee in an advisory role.

**8.02.4 Committee Duties.** The Committee shall advise the Mayor and Council on all matters regarding supervision and control of the harbor facilities. The Committee shall supervise the Harbormaster and recommend regulations for the use of the harbor facilities to the Council. The Council may adopt or disregard the Committee's recommendations.

**8.01.5 Definitions.** Whenever the words, terms, phrases and their derivations set forth in this section are used in this title, they shall have the meaning set forth in this section.

- ~~(e)~~ **(a)** Anchor. "Anchor" means to secure a vessel to the bed of a body of water by dropping an anchor or anchors or by using a buoy or other ground tackle
- ~~(p)~~ **(b)** Cargo/Freight. **For the purposes of this section, cargo/freight will by defined as goods or materials that are loaded or off-loaded by a commercial vessel**
- ~~(d)~~ **(c)** Derelect. "Derelect" means any vessel or property which is or reasonably appears to be forsaken, abandoned, deserted, cast away, unsound, unseaworthy, or unfit for its trade or occupation.
- ~~(e)~~ **(d)** Distress. "Distress" means a state of disability or a present or obvious imminent danger which if unduly prolonged could endanger life and/or property.

- ~~(f)~~ **(e)** Emergency. "Emergency" means a state of imminent or proximate danger to life or property in which time is of the essence.
- ~~(b)~~ **(f)** Floats. "Floats" hereafter refers to the gangway and floats attached to the main Gustavus dock.
- ~~(a)~~ **(g)** Harbor. "Harbor" hereafter refers to the Salmon River Boat Harbor area and facility.
- ~~(g)~~ **(h)** Harbor facilities. "Harbor facilities" includes the Salmon River Boat Harbor area and facility, the Gustavus Dock Facility, its dock and bridge, the gangway and floats attached thereto, all water, tidal areas, adjacent upland areas, floats, pilings, docks, moorings, buoys, stalls, vehicle parking area, structures, or other harbor improvements constructed, maintained, owned, or leased by the City, together with any and all facilities of a port or maritime nature either publicly or privately owned that are primarily used by or for the service of vessels, including docks, floats, pilings, ramps, hoists, parking areas, leased water areas, concessions and/or service facilities located within the area defined herein and more particularly described as follows:

The Salmon River Boat Harbor area and facility:

Means all the land within ~~Parcel #3~~ **Tract B**, Government lot 6, the Salmon River Boat Harbor area (35.65 acres minus the 12 acres subdivided from the parcel and dedicated to the Gustavus Disposal and Recycling Center), Section 8 of Township 40 S., Range 59 E., Copper River Meridian.

The Gustavus Dock facility:

This facility begins within the uplands of the N.E. ¼ of Section 19 of Township 40 S., Range 59 E, Copper River Meridian and proceeds south across the tidelands into Icy Passage waters according to current tideland surveys.

Those structures included in the facility are the dock and approach, the gangway, floats and all tidelands and waters 300 feet on either side of the bridge to include a "navigation clear zone" off the south face of the main Gustavus Dock as indicated on the attached map. In addition to the "navigation clear zone," a "navigation approach zone" SW off the main Gustavus dock is provided to assure safe and clear passage for ships and barges as they approach the main dock face

- ~~(h)~~ **(i)** Harbormaster. "Harbormaster" means the individual described in Section 08.02.01 and any assistant Harbormaster or other person designated by the Harbormaster/Gustavus City Council/Mayor to act in his/her place.
- ~~(i)~~ **(j)** Moor. "Moor" means to secure a vessel other than by anchoring.
- ~~(j)~~ **(k)** Moorage. "Moorage" means the process of mooring or the state of being moored and, when the context requires, the fees for such acts imposed by this title.
- ~~(k)~~ **(l)** Nuisance. "Nuisance" means derelict private property including a vessel, a vessel which is not kept and/or regularly pumped free of excess water inside its hull, or is submerged, or which constitutes a fire, health, safety or navigation hazard. A vessel may be presumed to constitute a nuisance if:
  1. The vessel is sunk or in immediate danger of sinking, or is obstructing a waterway, or is endangering life or property

- and has been left unattended for a continuous period of twenty-four (24) hours; or
2. The vessel has been moored or otherwise left at a harbor facility; and
    - A. The vessel's owner no longer resides at the address listed in the vessel registration with the City of Gustavus; or
    - B. The last registered owner of record disclaims ownership and the current owner's name or address cannot be determined, or the vessel identification number or other means of identification have been obliterated or removed in a manner that nullifies or precludes efforts to locate or identify the owners; or
    - C. The City has no record of the vessel ever having been registered with the City and the owner's name cannot be determined; or
  3. The vessel does not clear the harbor facilities at least one (1) time per year.
- (h) **(m)** Person. "Person" means any natural person, partnership, corporation, or governmental agency. A natural person and a corporation may be considered the same if the former has control over the latter.
- (i) **(n)** Qualifying Interest. "Qualifying Interest" in a vessel means the interest of a person who owns the vessel or under the provisions of written charter or lease has exclusive control over the operation and navigation of the vessel. The person who transfers title to a vessel or enters into a charter or lease of the vessel, and thereby relinquishes his exclusive control over the use and operation of the vessel, ceases to have a qualifying interest in the vessel
- (j) **(o)** Transfer of Cargo. "Transfer of cargo" means all types of loading, unloading, transfer and/or containerization of any kind of cargo.
- (k) **(p)** Vessel. "Vessel" means any ship, boat, skiff, barge, dredge, and/or craft of every kind and description, whether used for pleasure or commercial purposes, which is designed to be used as a means of transportation on or through the water, but excluding seaplanes.

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## Chapter 8.03

### Moorage

#### Section:

#### 8.03.1

#### Registration Required

- 8.03.2                    **Transient Moorage**
- 8.03.3                    **(Reserved)**
- 8.03.4                    **(Reserved) Reserved Moorage**
- 8.03.5                    **(Reserved) Moorage Conditions and Restrictions**
- 8.03.6                    **(Reserved) Refusal of Moorage**
- 8.03.7                    **(Reserved) Required Equipment**
- 8.03.8                    **(Reserved) Utilities**
- 8.03.9                    **Authority of Harbormaster to Board and Move Vessel**
- 8.03.10                  **(Reserved) Forfeiture of Space**

**8.03.1                  Registration Required.**

Each owner, master or managing agent of a vessel using the harbor facilities is required to register the person's name, address and telephone number, and the vessel's name, with the Harbormaster/City and will be required to sign a user agreement. Registration forms will be available at the harbor sites. Said owner, master or managing agent shall promptly notify the Harbormaster/City of Gustavus of any changes in registration information.

**8.03.2                  Transient Moorage.** Moorage at the Gustavus Dock facility shall not exceed the times as posted on signage at the dock to be established by resolution.

**8.03.3                  (Reserved)**

**8.03.4                  (Reserved) Reserved Moorage**

**8.03.5                  (Reserved) Moorage Conditions and Restrictions**

**8.03.6                  (Reserved) Refusal of Moorage.**

**8.03.7                  (Reserved) Required Equipment.**

**8.03.8                  (Reserved) Utilities**

**8.03.9                  Authority of Harbormaster to Board and Move Vessel.**

In the event of a fire or other emergency affecting the safety of persons and property in the harbor facilities, the Harbormaster may board, move, replace inadequate mooring lines on, remove snow from, pump water from, and take any other action to prevent loss of life or property with respect to any vessel in the harbor facilities.

**8.03.10                (Reserved) Forfeiture of Space**

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**Chapter 8.04**

**Transfer of Cargo, Storage and Other Activity**

**Section:**

- 8.04.1 **Transfer of Cargo**
- 8.04.2 **Storage**
- 8.04.3 **Reserved Harbor Zones**
- 8.04.4 **(Reserved) Repairs**
- 8.04.5 **Launching**
- 8.04.6 **(Reserved) Floatplanes**
- 8.04.7 **Restricted Areas**
- 8.04.8 **Parking**
- 8.04.9 **Residential Use**
- 8.04.10 **Signs**
- 8.04.11 **Accident Report**

- 8.04.1 Transfer of Cargo.** These provisions are intended to govern common carrier cargo operations and sale or transfer of seafood products at harbor facilities.
- (a) Location. Transfer of cargo may occur only at designated loading zones within the harbor facilities. Loading zones shall be adequately marked with time limits at the discretion of the Harbormaster/City. **Freight not delivered or removed within from the loading zone within twenty-four (24) hours shall moved to the freight staging area by the freight agent.**
  - (b) Notification. Cargo carriers ~~should~~ **will** coordinate their entrance into the harbor facilities ~~at the discretion~~ **under the direction of** the Harbormaster/City prior to use. All hazardous materials shall be clearly marked and labeled in accordance with state and federal regulations.
  - ~~(c)~~
  - ~~(c)~~ Freight Transfer Duration. Freight transfer time at the facility is limited to:
    - 1. The transferring of/or loading of materials only. In special situations these times may be extended by the Harbormaster/City.
  - ~~(d)~~ Liability and Indemnity. All risk of loss from theft, fire, or other casualty to cargo shall be assumed by the parties to the shipping agreement and not the City of Gustavus. The person loading/unloading cargo shall defend, indemnify, and hold the City of Gustavus harmless from all claims arising from the cargo transfer at the harbor facilities.
  - ~~(e)~~ Cargo Area Cleanup. Cargo carriers will keep the cargo transfer area clean and free of trash, pallets or operational equipment associated with freight service. Failure to comply may result in a refusal of facility use for the carrier.

**8.04.2 Storage.**

- (a) Availability. Storage space may be available at the harbor facilities in designated areas. A person may apply to use storage space at the harbor facilities by contacting Harbormaster/City.

- (b) Assignment of Storage Space. Storage space will be let by a first-come first-serve basis.
- (c) Use Period. ~~Items may be placed in the designated storage area for up to two weeks without charge or longer by special arrangement.~~  
**Refer to Resolution 2009-25 Exhibit 1**
- (d) Items stored outside the designated storage area will be considered a nuisance.
- (e) Specific Types of Storage. The following requirements apply to the kind of storage indicated:

- 1. Boats and boat trailers. Boats and boat trailers may be stored, provided they do not create a safety hazard to persons or property and are readily moveable and stored only in the designated storage area if such area exists.
- ~~2.~~ **(2)** Vessels. Vessels may be stored without trailers, but must be blocked and properly supported so as not to create a safety hazard and located in a place designated for such storage by the City.
- ~~3.~~ **(3)** Other Cargo. Incoming and outgoing cargo and commodities of a size and type not suitable for containerized storage may be neatly stored in the open in areas designated by the Harbormaster/City.

- ~~5.~~ Markings. ~~Items placed in a storage area, including goods on pallets, shall be clearly marked with the name of the owner or responsible person, mailing address, telephone number.~~
- ~~6.~~ Liability and Indemnity. ~~The user of storage space in the harbor facilities assumes all risk of loss from theft, fire or other casualty. Storage areas in the harbor facilities may not be guarded or enclosed. The user shall defend, indemnify, and hold the City of Gustavus harmless from all claims arising from storage at the harbor facilities.~~

**(f) Staging Areas**

**The staging area is for the storage of any freight actively involved in transfer.**

**(g) Storage area**

**The storage area is for marine-related items, boats and boat trailers. Fees for storage shall be set forth in Resolution.**

- 1. **Individuals or businesses may lease some or all of the storage area. Buildings should be moveable—on skids. Fee rate shall be based on a per square foot basis established by resolution.**
- ~~5.2.~~ Markings. Items placed in a storage area, including goods on pallets, shall be clearly marked with the

name of the owner or responsible person, mailing address, telephone number.

6. **3. Liability and Indemnity.** The user of storage space in the harbor facilities assumes all risk of loss from theft, fire or other casualty. Storage areas in the harbor facilities may not be guarded or enclosed. The user shall defend, indemnify, and hold the City of Gustavus harmless from all claims arising from storage at the harbor facilities.
4. **The City requires that boats parked permanently on boat harbor property in various areas be moved to the storage area or removed by the owner from the property. This does not apply to vessels below mean high tide. REFERS TO: 8.01.5 Definitions.**

#### **8.04.3 RESERVED Harbor Zones**

**Harbor zones consist of the loading zone, staging area, boat launch areas and storage and are delineated in the map attachment.**

#### **8.04.4 RESERVED**

**8.04.5 Launching.** Launching motorized vessels through use of a trailer shall be restricted to launch ramps. Vessels shall be continuously engaged in launching or haul out and shall not be left unattended while in the launching area. ~~The vessel launching fee shall be paid prior to the vessel entering the launching area.~~ **The fees for launching will be set forth in resolution.**

#### **8.04.6 (Reserved) Floatplanes**

**8.04.7 Restricted Areas.** The Harbormaster/City may by regulation restrict areas of the harbor facilities from use by one or more classes of vessels, for certain activities and for longer than specified periods.

**8.04.8 Parking.** The council may establish by resolution designated parking areas and rules for users of the harbor facilities.

**8.04.9 Residential Use.** No portion of the harbor facilities or cargo within the harbor facilities shall be used for residential purposes. Vessels within the harbor facilities shall not be used for residential purposes. Camping is not allowed in the Salmon River Boat Harbor area or facility.

**8.04.10 Signs.** Signs or other printed material shall not be placed on any part of the harbor facilities without prior approval by the Harbormaster/City.

**8.04.11 Accident Report.** Any person utilizing the harbor facilities involved in an accident resulting in the death or serious injury of any person or

damage to property shall, in addition to any other notices required by law, immediately give oral notice of the accident to the Harbormaster/City. In addition, the person shall, within twenty-four (24) hours after the accident, file a written report with the Harbormaster on such form as the Harbormaster/City may provide.

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## **Chapter 8.05**

### **Duties of Boat/Skiff/Landing Craft/Barge Owners**

#### **Section:**

**8.05.1** In addition to the duties of registration and identification as herein provided, every owner, master, operator or managing agent of any boat using the mooring and/or other facilities of the harbor shall be obliged to use due diligence in performing the following requirements:

- (a) Use all reasonable effort and precautions in keeping the boat in his or her charge well secured, securely moored with lines in reasonably fit condition, sufficiently pumped out at all times to keep the boat afloat, and to otherwise attend the needs of the boat to avoid need for attention by the Harbormaster/City.
- (b) To promptly pay all charges and taxes assessed or levied according to law either against the boat or its owner.
- (c) Supply and use adequate fenders to safeguard floats and vessels from chafing and other damages.

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## **Chapter 8.06**

### **Prohibited Practices**

#### **Section:**

- 8.06.1** Speeding
- 8.06.2** Operating Under the Influence
- 8.06.3** Improper Boat Operation
- 8.06.4** Hazard to Navigation
- 8.06.5** Failure to Register
- 8.06.6** Improper Mooring
- 8.06.7** (Reserved)
- 8.06.8** Improper Use of Facilities
- 8.06.9** Improper Waste Disposal
- 8.06.10** Improper Dumping or Discarding of Property
- 8.06.11** Unattended Cargo or Freight
- 8.06.12** Improper Petroleum Product Disposal
- 8.06.13** Control of Animals
- 8.06.14** Posting Written or Printed Matter

- 8.06.15 (Reserved) Water Sports**
- 8.06.16 (Reserved) Conducting Commercially Oriented Business**
- 8.06.17 Failure to Report**

**8.06.1 Speeding.** To operate or cause to be operated any water craft at a speed in excess of five (5) nautical miles per hour or at any speed which causes an excessive wake.

**8.06.2 Operating Under the Influence.** No person may operate a vessel within the harbor facilities area described in 8.06.01, while under the influence of alcohol or other drugs to the extent that it would be unlawful to operate a motor vehicle under state law in such conditions.

**8.06.3 Improper Boat Operation.** No person shall operate or cause to be operated any boat or watercraft in a reckless/negligent manner and in willful and wanton disregard for the safety of persons or property within the limits of the boat harbor facilities

No person shall operate any boat or watercraft in a manner that shall unreasonably or unnecessarily interfere with other watercraft or vessels or with the free and proper navigation of the waterways of the harbor facilities.

**8.06.4 Hazard to Navigation.** No person shall create or fail to remove, after request from the Harbormaster/City, a hazard to navigation within the area described in 8.01.5 part g, known as the harbor facilities.

**8.06.5 Failure to Register.** No owner/operator of a vessel shall fail to register a vessel operated by that person with the Harbormaster/City.

**8.06.6 Improper Mooring.** No person shall moor a vessel or anchor any boat, vessel or other floating structure;

- (a) in such a manner as to obstruct access to the float or harbor facilities;
- (b) within the navigation clear zone or the navigation approach zone in Icy Passage.

**8.06.7 (Reserved) Inadequate Equipment.**

**8.06.8 Improper Use of Facilities.** No person may use portions of the harbor facilities for purposes or in a manner contrary to Title 8 of this ordinance.

**8.06.9 Improper Waste Disposal.** No person shall dispose of trash, garbage, refuse, human, or any similar substance into the water at the harbor facilities. Disposal of seafood wastes may occur from the Gustavus Dock and floats. Only small amounts of seafood waste should be disposed of at the Salmon River Boat Harbor facility.

**8.06.10 Improper Dumping or Discarding of Property.** No person shall dump or discard tangible property at or on the Salmon River boat harbor facility.

**8.06.11 Unattended Cargo or Freight.** No person shall deposit, place or leave any cargo, merchandise, supplies, freight, articles or other objects upon any float, ramp, decline, walk or other public place at the harbor facilities excepting at such places as may be designated as loading and unloading zone by the Harbormaster/City. Free and unencumbered access must be maintained at all times to the public facilities.

**8.06.12 Improper Petroleum Product Disposal.** No person shall release any fuel, oil, their derivatives, wastes or by-products, or other petroleum products in the water at the harbor facilities.

**8.06.13 Control of Animals.** Owners will be responsible for cleaning up after their pets.

**8.06.14 Posting Written or Printed Matter.** No person shall erect, place, write, post or maintain any written or printed matter, advertising matter or sign at the harbor facilities without having first obtained permission of the Harbormaster/City. All unauthorized signs shall be removed by the Harbormaster/City.

No person shall disregard, deface, remove, tamper with or damage any sign or notice posted or erected by the Harbormaster/City relating to the use of mooring areas or other uses of the harbor facilities. Signs shall be placed at normal height requirements at the harbor facilities.

**8.06.15 (Reserved) Water Sports**

**8.06.16 (Reserved) Conducting Commercially-Oriented Business.**

**8.06.17 Failure to Report.** No person shall fail to report accidents required by Section 8.04.11 of this title.

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## **Chapter 8.07**

### **Fees and Penalties**

**Section:**

- 8.07.1 Fee Schedule**
- 8.07.2 Fee Collection and Lien**
- 8.07.3 Penalties**

**8.07.1 Fee Schedule.** A fee schedule will be set forth in resolution

**8.07.2 Fee Collection and Lien**

- but
- (a) Invoicing. Invoices may be delivered personally or mailed when due as set forth in resolution.
  - (b) Delinquent Fees and Fines. Fees are delinquent when they are more than thirty (30) days past due. Fines are delinquent on the day after they are issued by the City. The Harbormaster/City may, need not, give notice of any delinquent fees or fines.
  - (c) Interest on Delinquent Fees and Fines. Delinquent fees and fines under this title shall accrue interest at the rate of one and one-half percent (1.5%) per month from the date they were due until paid in full.
  - (d) Collection Action. The Mayor is authorized to commence suit or exercise any other legal remedy to collect any delinquent fee or fine. In the event such suit is commenced, the person obligated to pay the fee or fine shall, in addition to any other liability imposed by this title, be liable for the City of Gustavus' actual, reasonable attorney's fees and costs associated with the collection.
  - (e) Lien for Unpaid Fees. In addition to all other remedies available by law, the City shall have a lien for any fees, interest and costs of collection, including attorney's fees, provided by this title, upon any vessel (including all equipment, tackle, and gear) cargo and property giving rise to such fees. The lien may be enforced by any procedure otherwise provided by law and by the procedure set forth in 8.08 of this title.

**8.07.3 Penalties.**

- (a) Every act prohibited by this title is unlawful and may be enjoined by judicial order. The list of prohibited practices listed in Chapter 8.06 may be subject to civil penalties, in amounts to be established by resolution of the City Council, not to exceed three (\$300) per violation. Each act or violation and every day upon which a violation occurs or continues constitutes a separate offence.
- (b) Citation: A person committing a violation of this title shall be issued a citation, unless otherwise required by law or the immediate circumstances. If the violation for which the citation is issued is one which does not require a mandatory appearance, the person to whom it is issued may plead no contest or guilty to the offense without a court appearance by signing the appropriate blank on the citation and paying the specified fine in person or by mail within five (5) days of the date of the citation, to the City Clerk at The City of Gustavus, P.O. Box 1, Gustavus, Alaska 99826. Acceptance of payment of the prescribed fine is complete satisfaction for the violation, and the offender shall be given a receipt which so states, if requested.
  - 1. Mail-In Fine Procedure. If the violation for which the citation is issued is one for which only a fine may be

imposed, the person to whom it is issued may plead no contest or guilty to the offense without a court appearance by signing the appropriate blank on the citation and paying the specified fine. Acceptance of payment of the prescribed fine is complete satisfaction for the violation, and the offender shall be given a receipt that so states, if requested.

- (c) **Promise to Appear.** The citation form shall contain a place for the accused to sign acknowledging receipt of the citation and if the person refuses to accept the citation or refuses to sign acknowledgement of receipt and promise to appear, the Harbormaster/City shall proceed in the manner provided by law for violations. If the accused accepts the notice but fails to pay the fine or appear in court as required, the citation shall be considered a summons for the charge of the violation and the accused shall be proceeded against in a manner prescribed by law.

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## **Chapter 8.08**

### **Impoundment**

#### **Section:**

- 8.08.1 Vessels and/or Property Which May be Impounded**
- 8.08.2 Notice to Owner**
- 8.08.3 Hearing**
- 8.08.4 Decision**
- 8.08.5 Impoundment**
- 8.08.6 Notice of Sale**
- 8.08.7 Sale**

**8.08.1 Vessels and/or Property Which May be Impounded.** The Harbormaster/City is authorized to impound a vessel or property under any of the following circumstances:

- (a) The vessel or property is within the harbor facilities and is a derelict or a nuisance as defined by this title;
- (b) The fees for which the City of Gustavus has a lien on the vessel are delinquent;
- (c) The vessel or property is located at the harbor facilities and is in violation of this title, a regulation of the harbor facilities, or a state or federal law.

**8.08.2 Notice to Owner.**

- (a) Contents. Prior to impounding any vessel or property, the Harbormaster/City shall prepare a written notice of intent to impound the vessel/property. The notice shall contain:
  - 1. The name and/or official number or state registration number of the vessel;
  - 2. The name and address, if known, of the owner, operator, master or managing agent, the location of the vessel or property;
  - 3. The basis or reason for impoundment; and
  - 4. The moorage space, if any, which will be forfeited if the vessel is impounded.
- (b) Distribution. The notice of intent to impound shall be at least sixty (60) days before impoundment.
  - 1. Mailed by certified mail, return receipt requested, to the last known owner, master, or managing agent of the vessel or property at his last known address; and
  - 2. Posted on the vessel or property and in three public places.

**8.08.3 Hearing.**

- (a) Demand for Hearing. The owner, master or managing agent or any other person in lawful possession of a vessel or property proposed for impoundment has the right to a pre-impoundment administrative hearing to determine whether there is cause to impound the vessel or property. Any such person desiring a hearing shall file a written demand with the City of Gustavus Clerk within ten (10) days after mailing and posting of the notice of intent to impound.
- (b) Hearing Procedure. The hearing shall be conducted within seventy-two (72) hours of receipt of a written demand therefore from the person seeking the hearing, unless such person waives the right to a speedy hearing. Saturdays, Sundays and City of Gustavus holidays are to be excused from the calculation of the seventy-two (72) hour period. The hearing officer shall be designated by the Mayor and shall be someone other than the Harbormaster. The sole issue before the hearing officer shall be whether there is cause to impound the vessel or property in question. "Cause to impound" shall mean such a state of facts as would lead a reasonable person exercising ordinary prudence to believe there are grounds for impounding the vessel or property. The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall have the burden of establishing that he has the right to possession of the vessel or property. The Harbormaster/City shall have the burden of establishing if there is cause to impound the vessel or property. Failure of the owner, operator, master or managing agent to

request or attend a scheduled pre-impoundment hearing shall be deemed a waiver of the right to such a hearing.

**8.08.4 Decision.** At the conclusion of the hearing, the hearing officer shall prepare a written decision. The hearing officer shall only determine that, as to the vessel or property in question, either that there is cause to impound the vessel or property or that there is no such cause. A copy of the decision shall be provided to the person demanding the hearing, and the owner of the vessel or property, if the owner is not the person requesting the hearing. The hearing officer's decision shall in no way affect any criminal proceedings in connection with the impoundment in question, and any criminal charges involved in such proceedings may only be challenged in the appropriate court. The decision of the hearing officer is final.

**8.08.5 Impoundment.** In the event the hearing officer determines there is cause to impound the vessel/property, the Harbormaster/City may proceed immediately with impoundment. The Harbormaster/City may impound the vessel or property by immobilizing it, removing it or having it removed from the water or land and placing it in public or commercial storage, with all expenses of haul out and storage and an impound fee to be borne by the owner of such vessel or property. At any time, prior to the sale of the vessel or property, the owner, operator, master or managing agent, or person in lawful possession of the vessel/property may redeem the vessel by a cash payment of all fees against the vessel/property, including interest and costs.

**8.08.6 Notice of Sale.**

- (a) Contents. Prior to the sale of any impounded vessel or property, the Harbormaster/City shall prepare a written notice of sale of the vessel or property. The notice shall contain:
  - 1. The name and/or official number or state registration number of the vessel;
  - 2. The date, time and place of the sale; and
  - 3. The fees, interest, and costs which are due against the vessel or property and the bidding terms provided by Section 8.07 of this title.
- (b) Distribution. The notice of sale shall be, at least thirty (30) days before the sale:
  - 1. Mailed by certified mail, return receipt requested, to the last known owner, master, or managing agent of the vessel or property at his last known address.
  - 2. Posted on the vessel or property, in three public places, a notice of such action to be taken; and

3. Published in a newspaper of general circulation in Gustavus, Alaska, if such a publication exists, at least once.

**8.08.7 Sale.**

(a) Bids. The minimum acceptable bid shall be a sum equal to the fees against the vessel or property, including interest and costs to be paid in cash at the time of sale or within twenty-four (24) hours thereafter. The proceeds of such sale shall be first applied to the cost of the sale, then to interest, then to fees accrued, and the balance, if any, shall be held in trust by the City of Gustavus for the owner of the vessel or property to claim. If such balance is not claimed within six (6) months, the balance shall be forfeited to the City of Gustavus. Upon sale being made, the City of Gustavus shall make and deliver its bill of sale, without warranty, conveying the vessel or property to the buyer.

(b) No Bids. If at the public sale there are no acceptable bids for the vessel or property, the City of Gustavus may destroy, sell at a private sale, or otherwise dispose of the vessel/property. Such disposition shall be without liability to the owner, master or managing agent, person in possession of the vessel or property, or lien holder of the vessel or property.

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Section 4. Effective Date This ordinance becomes effective upon adoption by the Gustavus City Council.

**Date of introduction and Publication: October 8, 2009**  
**Date of Public Hearing: November 12, 2009**

**Passed and Approved by the Gustavus City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2009.**

\_\_\_\_\_  
**, Mayor**

\_\_\_\_\_  
**Attest: Kapryce Manchester**  
**City Clerk**

**Kapryce Manchester**

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**From:** Nathan Borson  
**Sent:** Monday, November 02, 2009 11:05 PM  
**To:** CityCouncil  
**Cc:** CityPlanners  
**Subject:** Planning committee request for agenda item

**Committee Request for Agenda Item  
City of Gustavus**

**Committee Name:** Strategic Planning Committee

**Motion from Committee Meeting :**      **Meeting Date:** 11/2/09

That the council accept the proposal for grant writer services from Jane \_\_\_\_\_ from Palmer.

**Request for council work session attention:** Month December 2009  
1<sup>st</sup> Thursday work session  or 3<sup>rd</sup> Thursday work session \_\_\_\_\_

**City council action requested by the Committee:** Accept proposal for services as submitted. Approve expenditure of \$17,829.00 per approved planning committee budget. Issue purchase order.

**Date of City Council General Meeting at which Committee requests action to be taken:** 12/12/09

**Supporting Documents attached:**                      **NO**

**If supporting documents are not attached, supply date documents will be supplied. (Deadline is Monday before General Meetings)**

Kapryce has the proposal.  
The city received, and the planning committee opened and reviewed, three responses to its request for proposals for grant writer services. We rejected one of the proposals because it did not comply with the RFP (there was no signed addendum). We were pleased with the quality of both remaining applications and judged them both to be responsive and would have been satisfied contracting with either applicant. We felt the technical and municipal experience of the Palmer applicant was more in line with our infrastructure needs than the service and state experience of the Juneau applicant despite her stronger ties to the Gustavus community. We did not check references or interview the applicants.

**Contact Person:** Nathan Borson, Chair, Strategic Planning Committee

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**Kapryce Manchester**

**From:** Holland-Williams, Dawn R (DPS) [dawn.holland-williams@alaska.gov]  
**Sent:** Tuesday, November 17, 2009 11:44 AM  
**To:** Kapryce Manchester  
**Subject:** Renewal Notification  
**Follow Up Flag:** Follow up  
**Flag Status:** Blue

<b>Borough/City</b>	<b>Unorganized Borough - Gustavus</b>
<b>Type:</b>	Restaurant/Eating Place-Seasonal AS 04.11.400(d)
<b>License #:</b>	3794
<b>DBA:</b>	Excursion Restaurant
<b>Location:</b>	255 Rink Creek RD - GUSTAVUS LGB
<b>Owner:</b>	Excursion Restaurant LLC
<b>Mailing address:</b>	PO Box 255, Gustavus, AK 99826
<b>Phone:</b>	(907) 697-3017

We have received application(s) for renewal of liquor license(s) listed licensees within your jurisdiction. You are being notified as required by AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board and the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

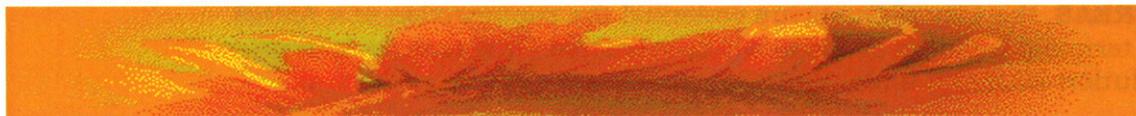
Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 13 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 13 AAC 104.335(a)(3), AS 04.11.090(e), and 13 AAC 104.660(e) must be approved by the governing body.

*Dawn Holland-Williams*  
*Licensing Supervisor*  
*ABC Board*  
*Dept. of Public Safety*  
*State of Alaska*  
*907-269-0350 - Main Line*  
*907-272-9412 - Fax*



**CITY OF GUSTAVUS, ALASKA  
RESOLUTION 2009-30**

**A RESOLUTION BY THE CITY OF GUSTAVUS REGARDING THE  
LOCATION OF A FERRY TERMINAL BUILDING IN GUSTAVUS**

**WHEREAS**, the City of Gustavus endorsed the construction of a AMHS ferry terminal building at the newly constructed Gustavus dock in prior Resolution 2009-23, and;

**WHEREAS**, the DOT/PF, AMHS will upon completion of construction of the Causeway Replacement project anticipate the future incorporation of a port stop in Gustavus within the itinerary of state ferry service, which may require a terminal facility, and;

**WHEREAS**, the City of Gustavus prefers a land-based location for construction of a terminal facility which would alleviate potential adverse public access, congestion, and security issues, and would maximize available freight staging areas, and;

**WHEREAS**, the City of Gustavus will work with the parties of the covenant controlling Tract B to help in the process of making the area available for ferry terminal construction;

**AND NOW THEREFORE BE IT RESOLVED**, the Gustavus City Council's first choice for the location of construction of a Gustavus ferry terminal building is within the area of 'Tract B', upon agreement and signing of a Memorandum of Agreement between the City of Gustavus, and the Alaska Department of Transportation and Public Facilities.

Passed and approved by the Gustavus City Council this 10th day of December, 2009.

\_\_\_\_\_  
Paul Berry, Mayor

\_\_\_\_\_  
John Nixon, Vice Mayor

\_\_\_\_\_  
Tim Sunday, Council Member

\_\_\_\_\_  
Joe Lassiter, Council Member

\_\_\_\_\_  
Melanie Lesh, Council Member

\_\_\_\_\_  
Jim Mackovjak, Council Member

\_\_\_\_\_  
Allison Banks, Council Member

\_\_\_\_\_  
Attest: Kapryce Manchester,  
City Clerk