



CITY COUNCIL MEETING AGENDA

GENERAL MEETING

MAY 9, 2013 - THURSDAY

7:00PM @ CITY HALL

Lou Cacioppo

Mayor

lou.cacioppo@gustavus-ak.gov

Mayor Term Expires 2013

Council Seat Term Expires 2013

Noël Farevaag

Vice Mayor

noel.farevaag@gustavus-ak.gov

Term Expires 2014

Morgan DeBoer

Council Member

morgan.deboer@gustavus-ak.gov

Appointed Until October 2013

Term Expires October 2013

Phil Hawley

Council Member

phil.hawley@gustavus-ak.gov

Term Expires 2015

Jim Mackovjak

Council Member

jim.mackovjak@gustavus-ak.gov

Term Expires 2013

Sandi Marchbanks

Council Member

sandi.marchbanks@gustavus-ak.gov

Term Expires 2014

Tim Sunday

Council Member

tim.sunday@gustavus-ak.gov

Term Expires 2015

COUNCIL MEETINGS:

Work Sessions:

1st & 3rd Thursdays

General Meeting:

2nd Thursday

1. Call to Order
2. Roll Call
3. Approval of Minutes:
 - A. April 11, 2013 General Meeting
 - B. April 22, 2013 Special Meeting
4. Mayor's Request for Agenda Changes:
5. Committee Reports:
 - A. GCN
 - B. Marine Facilities
6. Public Comment on Non-Agenda Items
7. Consent Agenda:
 - A. Appoint Noel Farevaag to Marine Facilities Committee
 - B. Resolution 2013-13 A Resolution to Provide Guidance Regarding Committee Membership
 - C. Resolution 2013-14 Sense of Council Resolution Regarding Gustavus Bulk Fuel Facility
 - D. FY13-17NCO Amendment of Administration Budget — Publish
 - E. FY13-18NCO Amendment of Gustavus Volunteer Fire Department (GVFD) Budget — Publish
 - F. FY13-20 Adopting a Major Revision for Title 8 — Marine Facilities — Publish
8. Ordinance for Public Hearing:
 - A. FY13-15NCO — Amending Road Budget
 - B. FY13-16NCO — Amending Disposal & Recycling Center (DRC) Budget
9. Unfinished Business:
10. New Business:
 - A. FY13-19NCO Fiscal Year 2014 Budget — Publish
 - B. Motion to Proceed with an Audit of City Finances
 - C. Letters of Appreciation to Steve and Kapryce Manchester
11. Staff Reports:
 - Volunteer Fire Chief
12. City Council Reports
 - A. Mayor's report
 - B. City Clerk report
13. City Council Questions and Comments
14. Public Comments on Non-Agenda Items
15. Executive Session
16. Adjournment

**City Council General Meeting
April 11, 2013**

1. Call to Order: A General Meeting of the Gustavus City Council was held on April 11, 2013 at 7:00PM.

Mayor Cacioppo called the meeting to order at 7:00PM.

2. Roll Call:

Comprising a quorum of the Council the following were present:

Mayor Cacioppo
Vice Mayor Farevaag
Council Member DeBoer
Council Member Hawley
Council Member Mackovjak
Council Member Marchbanks
Council Member Sunday

3. Approval of Minutes

A. March 12, 2013 Special Meeting

Minutes of the March 12, 2013 meeting were approved by unanimous consent.

B. March 14, 2013 General Meeting

Minutes of the March 14, 2013 meeting were approved by unanimous consent.

4. Mayor's Request For Agenda Changes: None

5. Committee Reports:

A. Lands Committee report given by Ken Klawunder and Hayden Kaden.

6. Public Comment On Non-Agenda Items:

1. Pep Scott
2. Hayden Kaden
3. Diane Klawunder

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City Council Minutes
City of Gustavus, Alaska

7. Consent Agenda:

- A. Appoint John Savage to Road Committee
- ~~B. Appoint Brad Rider to Marine Facilities~~
- ~~C. Appoint Phillip Hawley to Marine Facilities~~
- ~~D. Appoint Phillip Hawley Chairperson Marine Facilities~~
- ~~E. Appoint Donald Duke to Marine Facilities~~
- ~~F. Appoint Joe Vanderzanden to Marine Facilities~~
- ~~G. Appoint Morgan DeBoer to Marine Facilities~~
- H. Resolution 2013-10 PILT
- I. Resolution 2013-11 Certified Financial Statement
- J. FY13-15NCO—Amending Road Budget- Publish
- K. FY13-16NCO—Amending DRC Budget-Publish

(Clerk's Note: Consent Agenda items B, C, D, E, F, and G were requested to be removed and are now on New Business as agenda items E, F, G, H, I, and J. Resolution 2013-10 and Resolution 2013-11 were read by Vice Mayor Farevaag.)

Motion:	Vice Mayor Farevaag moved we adopt FY13-13NCO as amended.
Seconded by:	Council Member Marchbanks

ROLL CALL VOTE ON MOTION:

Yes: Cacioppo, DeBoer, Farevaag, Hawley, Mackovjak, Marchbanks, Sunday

No: None

Motion Passes 7/0

8. Ordinances for Public Hearing:

- A. FY13-13NCO-Amending Library Budget

Public Hearing: With no one who wished to be heard the public hearing was closed.

Motion:	Vice Mayor Farevaag moved we adopt FY13-13NCO amending the Library budget.
Seconded by:	Council Member Hawley

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ROLL CALL VOTE ON MOTION:

Yes: Cacioppo, DeBoer, Farevaag, Hawley, Mackovjak, Marchbanks,
Sunday

No: None

Motion Passes 7/0

B. FY13-14-Amending Title 4.13

Public Hearing: With no one who wished to be heard the public hearing was closed.

Motion: Vice Mayor Farevaag moved we adopt FY13-14
amending Title 4.13.

Seconded by: Council Member Hawley

ROLL CALL VOTE ON MOTION:

Yes: Cacioppo, DeBoer, Farevaag, Hawley, Mackovjak, Marchbanks,
Sunday

No: None

Motion Passes 7/0

9. Unfinished Business: None

10. New Business:

A. Resolution 2013-12 Endowment Fund Authorized Investments

(Clerk's Note: Resolution 2013-12 was read by Noel Farevaag.)

Public Comment: None

Motion: Vice Mayor Farevaag moved we adopt Resolution
2013-12 endowment fund authorized investments.

Seconded by: Council Member DeBoer

ROLL CALL VOTE ON MOTION:

Yes: Cacioppo, DeBoer, Farevaag, Hawley, Mackovjak, Marchbanks,
Sunday

No: None

Motion Passes 7/0

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City of Gustavus, Alaska

B. ABC License Renewal—Glacier Bay Country Inn

Public Comment: None

Motion:	Vice Mayor Farevaag moved we protest the ABC renewal for Glacier Bay Country Inn.
Seconded by:	Council Member Mackovjak

ROLL CALL VOTE ON MOTION:

Yes: Cacioppo, DeBoer, Farevaag, Hawley, Mackovjak, Marchbanks, Sunday

No: None

Motion Passes 7/0

C. Approval of Job Description– City Clerk/Treasurer

Public Comment:

1. Paul Berry

CONFLICT OF INTERESTS: Vice Mayor Farevaag declared a conflict of interest due to the fact that she might apply for the job.

RULING: Mayor Cacioppo declared that there was a conflict of interest.

Motion To Overturn Ruling:	Council Member Marchbanks moved that the Mayor's ruling of the conflict of interest on Noel Farevaag be overturned.
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Seconded by:	Council Member Mackovjak
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ROLL CALL VOTE ON MOTION TO OVERTURN:

Yes: Cacioppo, Mackovjak, Marchbanks, Sunday

No: DeBoer, Hawley

Motion Passes 4/2

Motion:	Council Member DeBoer moved the City Clerk job description be adopted.
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Seconded by:	Vice Mayor Farevaag
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Motion To Amend:	Vice Mayor Farevaag moved we add the word desired after Certified Municipal Clerk (CMC) or Master Municipal Clerk (MMC).
Seconded by:	None –Motion Lacked A Second And Fell To The Floor

ROLL CALL VOTE ON MOTION:

Yes:	Cacioppo, DeBoer, Farevaag, Hawley, Mackovjak, Marchbanks, Sunday
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No:	None
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Motion Passes 7/0

D. Approval of Job Description- Fire Chief (Regular)

Public Comment: None

Motion:	Vice Mayor Farevaag moved to postpone 10D job description Fire Chief until a work session where it can be discussed.
Seconded by:	Council Member Hawley

ROLL CALL VOTE ON MOTION:

Yes:	Cacioppo, DeBoer, Farevaag, Hawley, Mackovjak, Marchbanks, Sunday
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No:	None
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Motion Passes 7/0

(Clerk's Note: Paul Berry of the DRC gave a Staff Report after agenda item 10D and prior to 10E.)

E. Appoint Brad Rider to Marine Facilities

Public Comment:

1. Diane Klawunder
2. Ken Klawunder

Motion:	Council Member Mackovjak moved to appoint Brad Rider to Marine Facilities Committee.
Seconded by:	Council Member Sunday

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ROLL CALL VOTE ON MOTION:

Yes: Cacioppo, DeBoer, Farevaag, Hawley, Mackovjak, Marchbanks,
Sunday

No: None

Motion Passes 7/0

F. Appoint Phillip Hawley to Marine Facilities

Motion: Council Member Farevaag moved we appoint Phil
Hawley to the Marine Facilities Committee.

Seconded by: Council Member DeBoer

ROLL CALL VOTE ON MOTION:

Yes: Hawley, Marchbanks, DeBoer, Cacioppo, Farevaag, Mackovjak,
Sunday

No: None

Motion Passes 7/0

G. Appoint Phillip Hawley Chairperson Marine Facilities

Public Comment:

1. Hayden Kaden

Motion: Council Member Farevaag moved we appoint Phil
Hawley as the Chairperson of the [Marine Facilities]
Committee

Seconded by: Council Member DeBoer

Motion: Council Member Hawley moved to postpone the
appointment of Phil Hawley as Chair of the Marine
Facilities Committee until there is a [Marine Facilities]
Committee meeting.

Seconded by: Council Member Farevaag

ROLL CALL VOTE ON MOTION:

Yes: Hawley, DeBoer, Marchbanks, Cacioppo, Mackovjak, Farevaag,
Sunday

No: None

Motion Passes 7/0

H. Appoint Donald Duke to Marine Facilities

Motion:	Council Member Mackovjak moved we appoint Don Duke to the Marine Facilities Committee
Seconded by:	Council Member Farevaag

ROLL CALL VOTE ON MOTION:

Yes: Mackovjak, Sunday, Cacioppo, DeBoer, Hawley, Farevaag, Marchbanks
No: None

Motion Passes 7/0

I. Appoint Joe Vanderzanden to Marine Facilities

Public Comment:

1. Ken Klawunder

Motion:	Council Member Sunday moved we appoint Joe Vanderzanden to the Marine Facilities Committee.
Seconded by:	Council Member Mackovjak

ROLL CALL VOTE ON MOTION:

Yes: Hawley, Cacioppo, Marchbanks, Farevaag, Sunday, DeBoer, Mackovjak
No: None

Motion Passes X/X or Motion Defeated X/X

J. Appoint Morgan DeBoer to Marine Facilities

Motion:	Council Member Farevaag moved we remove Morgan DeBoer's application to the Marine Facilities [Committee] due to the fact that there are two council members [already] on the Committee
Seconded by:	Council Member Mackovjak

ROLL CALL VOTE ON MOTION:

Yes: Hawley, Mackovjak, Cacioppo, Sunday, Marchbanks, Farevaag

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No: DeBoer

Motion Passes 6/0

11. Staff Reports:

(Clerk's Note: Paul Berry of the DRC gave a Staff Report after agenda item 10D and prior to 10E.)

12. City Council Reports

A. Mayor's Report

The Mayor stated that he had toured the gravel pits.

B. City Clerk's Report:

[The Clerk's report is] in packets.

13. City Council Questions & Comments

Council Member Mackovjak discussed an audit.

Council Member Marchbanks discussed an audit.

Motion:	Council Member Marchbanks moved that conducting an audit of the City books in the year 2013 be placed on the agenda under New Business for the May General meeting
Seconded by:	Council Member Mackovjak

Motion:	Council Member Marchbanks moved that an invitation to DCCED to this class [the rules and responsibility class for the Council] be placed on the May General Meeting and that Councilman Mackovjak write the letter.
Seconded by:	Council Member Mackovjak

Interim Clerk's notes: The Mayor ruled that it [a vote] could not be done since it [the object of the motion] is not on the agenda. In consequence, no vote was taken.

14. Public Comment on Non-Agenda Items:

1. Greg Streveler

15. Executive Session

None

16. Adjournment:

With no further business before the Council the meeting was adjourned at 9:27PM.

1. Call to Order: A General Meeting of the Gustavus City Council was held on April 22, 2013 at 6:00PM.
Mayor Cacioppo called the meeting to order at 6:00PM.

2. Roll Call:

Comprising a quorum of the Council the following were present:

Mayor Cacioppo
Vice Mayor Farevaag
Council Member DeBoer
Council Member Hawley
Council Member Mackovjak
Council Member Marchbanks
Council Member Sunday

3. Approval of Minutes: None

4. Mayor's Request for Agenda Changes: Mayor Cacioppo requests to move Mayor's report under unfinished business.

5. Committee Reports: None

6. Public Comment on Non-Agenda Items: None

7. Consent Agenda: None

8. Ordinances for Public Hearing: None

9. Unfinished Business:

A. Mayor's report:

1. Mayor Cacioppo spoke to the situation of crisis management. Councilmember Marchbanks and Vice-Mayor Farevaag have QuickBooks experience, and have agreed to help the interim Clerk when possible.

Motion: Councilmember Sunday moves to rescind his original motion.

Motion: Councilmember Mackovjak moves to authorize the payment of overtime to Paul Berry from the administrative account for total combined hours exceeding 40 hours per week.

Seconded by: Councilmember Sunday

ROLL CALL VOTE ON MOTION:

Yes: Marchbanks, DeBoer, Hawley, Farevaag, Sunday, Mackovjak, Cacioppo

No: None

Motion Passes 7/0

11. Staff Reports: None

12. City Council Reports

A. Mayor's Report: The Mayor moved his report to unfinished business.

B. City Clerk's Report: None

13. City Council Questions & Comments: None

14. Public Comment on Non-Agenda Items:

1. Joann Lesh

15. Executive Session: None

16. Adjournment:

With no further business before the Council the meeting was adjourned at 7:02PM.

Committee Report
to the City Council
Gustavus Community Network – May 9, 2013

1.) Summary of Committee Activities for the Past 4 Months

The GCN board met in January and March.

- Drafted language revising section 4.01.010 of city code to allow contracts with terms longer than one year, recommended action by city council.
- Worked on funding strategy for design and construction of broadband plan. Our project is not in the state capital budget. We are working with our technical consultant on alternate funding sources; currently EDA is the most promising federal source but requires a 20% match (city pledged a 5% match).
- Developed and submitted GCN budget for FY14. The budget includes a 5% match for broadband design and construction, includes a second T1 circuit to accommodate serving the Gustavus Public Library again, and incorporates a reduction in the management fees.
- Board member Patrick Chipley resigned. Abigail Calkin volunteered to succeed him and has been appointed by the city council.

2.) Summary of Proposed Activities for the Next 4 Months

- Continue working on broadband funding strategy.
- Publish RFP for system manager

3.) Budget Update

- Books are closed on FY12. That was a bad year due to loss of the library as an anchor customer and expenses associated with changing Internet providers. The net loss of \$8,148.17 was within one dollar of the revised budget and reduced GCN reserves to \$3,865.99.

4.) Recommended Council Action

The GCN Board requests that the council revise section 4.01.010 of city code to allow contracts with terms longer than one year.

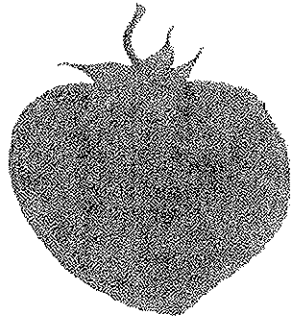
City of Gustavus
Profit & Loss Budget vs. Actual
July 2011 through June 2012

	Jul '11 - Jun 12	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
Encumbered Comm. Funds	0.00	8,051.00	-8,051.00	0.0%
GCN Income	43,204.05	46,683.00	-3,478.95	92.5%
Grant CIP Grant	31,022.28	72,035.00	-41,012.72	43.1%
Total Income	74,226.33	126,769.00	-52,542.67	58.6%
Gross Profit	74,226.33	126,769.00	-52,542.67	58.6%
Expense				
Advertising	129.40	240.00	-110.60	53.9%
Bank Charges	2,458.13	2,757.00	-298.87	89.2%
Capital Expense	1,786.00	2,206.00	-420.00	81.0%
Contractual Services	42,369.27	84,386.00	-42,016.73	50.2%
Encumbered Committee Funds	0.00	52.00	-52.00	0.0%
Equipment	430.80	500.00	-69.20	86.2%
Insurance	0.00	0.00	0.00	0.0%
Payroll Expenses	320.69	1,200.00	-879.31	26.7%
Postage & Shipping	95.19	266.00	-200.81	32.2%
Professional Services	1,800.00	1,800.00	0.00	100.0%
Supplies - General	0.00	100.00	-100.00	0.0%
Telephone, Internet, Broadband	32,985.02	33,231.00	-245.98	99.3%
Total Expense	82,374.50	126,768.00	-44,393.50	65.0%
Net Ordinary Income	-8,148.17	1.00	-8,149.17	-814,817.0%
Net Income	-8,148.17	1.00	-8,149.17	-814,817.0%

FX13

City of Gustavus
Profit & Loss Budget vs. Actual
July 2012 through March 2013

	Jul '12 - Mar '13	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
GCN Income	21,258.59	43,491.00	-22,232.41	48.9%
Grant CIP Grant	141,457.78	203,678.00	-62,220.22	69.5%
Total Income	162,716.37	247,169.00	-84,452.63	65.8%
Gross Profit	162,716.37	247,169.00	-84,452.63	65.8%
Expense				
Advertising	0.00	0.00	0.00	0.0%
Bank Charges	1,473.74	2,811.00	-1,337.26	52.4%
Capital Expense	140,569.00	202,999.00	-62,430.00	69.2%
Contractual Services	13,850.75	18,733.00	-4,882.25	73.9%
Equipment	0.00	1,000.00	-1,000.00	0.0%
Payroll Expenses	0.00	679.00	-679.00	0.0%
Postage & Shipping	0.00	0.00	0.00	0.0%
Professional Services	400.00	0.00	400.00	100.0%
Telephone, Internet, Broadband	16,214.80	20,947.00	-4,732.20	77.4%
Total Expense	172,508.29	247,169.00	-74,660.71	69.8%
Net Ordinary Income	-9,791.92	0.00	-9,791.92	100.0%
Net Income	-9,791.92	0.00	-9,791.92	100.0%



Date Received:

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

Board/Committee Name: Marine Facilities Position: Seat 1 or 2

Name: Farevaag Noel A
Last First MI

Residence Address: PO Box 134 , 9 SANDIANCE LN.

Mailing Address: ↓

Cell Home Phone: 907 - 209 - 4343

E-Mail Address: nfarevaag@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: Vice Mayor, City Council

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

Reason for interest in committee/board membership: Secretary - I think I can help new members & protocol

Brief background of experience that would qualify you for the position: City Council

nfarevaag
Signature

Noel A. Farevaag
Printed Name

4.16.13
Date

**CITY OF GUSTAVUS, ALASKA
RESOLUTION 2013-13**

**A RESOLUTION TO PROVIDE GUIDANCE REGARDING
COMMITTEE MEMBERSHIP**

WHEREAS, the Gustavus City Council adopted Title 6, Boards and Commissions ordinance, during 2004; and,

WHEREAS, the City Council values the input of the various city advisory committees and the work they perform; and

WHEREAS, the various advisory committees currently employ different methods for the recruitment and retention of the committee members; and

WHEREAS, there was not established a standard method to determine the term limits of committee members; and

WHEREAS, the expiration and method of renewal of committee membership (the committee membership application and its implementation), has recently come into question; and

WHEREAS, the City Council recognizes that it is in the best interest of the Council and the committees that members of the City Council may serve on committees, but members of the City Council ~~should not~~ ^{are encouraged} to serve as the chairperson of a committee; and

WHEREAS, committees that do not have a quorum of members due to the resignation of a member(s), absence of a member(s) of longer than six (6) months from the community of Gustavus, or a member(s) missing three (3) regularly scheduled meetings in the course of one (1) year, shall revert back to the direction of the City Council until such time as the committee may again convene with a full membership; and

NOW THEREFORE BE IT RESOLVED THAT: those committee members who have served from April 1, 2004 through April 1, 2013, should be recognized for their selfless dedication but shall be required to submit committee application forms if they choose to continue to serve on their respective committees when their present term is up; and

**CITY OF GUSTAVUS, ALASKA
RESOLUTION 2013-14**

**SENSE OF COUNCIL RESOLUTION REGARDING GUSTAVUS BULK FUEL
FACILITY**

WHEREAS, the Gustavus Bulk Fuel Facility (Tank Farm) was constructed using public money for the benefit of the people of Gustavus; and,

WHEREAS, a provision for use of the facility by multiple bulk fuel users/distributors would provide for more efficient use of the Tank Farm as well as opportunities for competition in fuel sales in Gustavus; and,

WHEREAS, Denali Commission Inspector General Mike Marsh stated in his April 15, 2013 report on the Tank Farm that the "100-year lease was invalid from the start due to legal irregularities"^A; and,

WHEREAS, it is the sense of the Council, in concurrence with Inspector General Mike Marsh, that the 100-year Tank Farm "lease" is "void and unenforceable"^B; and,

WHEREAS, the Council believes public interest requires the 100-year "lease" be replaced with a shorter-term lease at the symbolic price of one dollar per year, and include provisions guaranteeing maintenance and transparency of repair and replacement (R&R) and operations and maintenance (O&M) accounts and indemnification and environmental protection for the City; and,

WHEREAS, the Denali Commission has not complied with its responsibilities in the Gustavus Bulk Fuel Facility Business Operating Plan regarding oversight of Tank Farm operations,^C and

NOW BE IT THEREFORE RESOLVED, THAT the City Council desires the 100-year "lease" on the Gustavus Bulk Fuel Facility be replaced with one or more shorter term leases , at the symbolic price of one dollar per year, that includes provisions guaranteeing maintenance and transparency of repair and replacement (R&R) and operations and maintenance (O&M) accounts; and,

BE IT FURTHER RESOLVED, THAT after the expiration of the abovementioned lease(s), a subsequent lease or leases—containing the abovementioned R&R and O&M provisions, as well as provisions to provide for access to the facility by other bulk fuel users/distributors—be advertised and let through a competitive bid process; and,

BE IT FURTHER RESOLVED, THAT the Gustavus City Council insists that the Denali Commission comply with the Gustavus Bulk Fuel Facility Business Operating Plan regarding oversight of Tank Farm operations. END

City of Gustavus, Alaska
Ordinance No. FY13-17NCO

**AN ORDINANCE FOR THE CITY OF GUSTAVUS PROVIDING FOR THE AMENDMENT OF
ADMINISTRATION BUDGET FOR FISCAL YEAR 2013**

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 2013, 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:

Budget Category	Amounts		
	Original Budget	Amended Budget	Change
EXPENSE			
Capital Expense	\$ 86,400.00	\$ 65,519.74	+\$ 20,880.26
Payroll	\$ 89,280.00	\$ 110,160.26	-\$ 20,880.26

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: May 9, 2013

DATE OF PUBLIC HEARING: June 13, 2013

PASSED and APPROVED by the Gustavus City Council this _____ day of _____, 2013.

Lou Cacioppo
Mayor

Attest: Paul Berry
Interim City Clerk

City of Gustavus, Alaska
Ordinance No. FY13-18NCO

**AN ORDINANCE FOR THE CITY OF GUSTAVUS PROVIDING FOR THE AMENDMENT OF
GUSTAVUS VOLUNTEER FIRE DEPARTMENT (GVFD) BUDGET FOR FISCAL YEAR 2013**

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 2013, 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:

Budget Category	Amounts		
	Original Budget	Amended Budget	Change
EXPENSE			
Fundraising	\$ 4,000.00	\$ 6,500.00	+\$ 2,500.00
Maintenance & Repair	\$ 1,000.00	\$ 2,000.00	+\$ 1,000.00
Payroll	\$ 95,235.00	\$ 84,735.00	-\$ 10,500.00
Supplies - Fire	\$ 1,000.00	\$ 3,000.00	+\$ 2,000.00
Telephone, Internet, Broadband	\$ 1,800.00	\$ 3,800.00	+\$ 2,000.00
Training	\$ 11,500.00	\$ 14,500.00	+\$ 3,000.00

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: May 9, 2013

DATE OF PUBLIC HEARING: June 13, 2013

PASSED and APPROVED by the Gustavus City Council this _____ day of _____, 2013.

Lou Cacioppo
Mayor

Attest: Paul Berry
Interim City Clerk

**CITY OF GUSTAVUS, ALASKA
ORDINANCE FY13-20**

**AN ORDINANCE FOR THE CITY OF GUSTAVUS ADOPTING A MAJOR
REVISION FOR TITLE 8 MARINE 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 section or subsection of this title is determined to be illegal or unenforceable, the remaining provisions shall not be affected, but remain valid and enforceable to the extent permitted by law.
- Section 3. Enactment Now therefore, be it enacted by the Gustavus City Council that this major revision of Title 8 deletes Title 8 in its entirety and adopts a new Title 8 that reads as follows:

TITLE 8

MARINE FACILITIES

Chapters:

- | | |
|-------------|--|
| 8.01 | General Provisions |
| 8.02 | Administration |
| 8.03 | Registration and Fee Transaction |
| 8.04 | Rules for Use of the Gustavus Harbor Facilities |
| 8.05 | Prohibited Acts |
| 8.06 | Gustavus Multi-Modal Marine Facility and
Small Vessel Float System |
| 8.07 | Salmon River Small Boat Harbor |
| 8.08 | Control of Nuisance and Derelict Vessels,
Impoundment Procedure and Hearing Procedure |

Sections:

- | | |
|-------------|---|
| 8.01 | General Provisions |
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8.08 Control of Nuisance and Derelict Vessel and/or Property, Impoundment Procedure, Hearing Procedure

8.08.01	Nuisances Declared
8.08.02	Abatement of Nuisances
8.08.03	Vessel and/or Property That May be Impounded
8.08.04	Notice of Intent to Impound
8.08.05	Hearing
8.08.06	Decision
8.08.07	Impoundment
8.08.08	Notice of Sale
8.08.09	Sale

Chapter 8.01
General Provisions

Section:

8.01.01	Purpose
8.01.02	Implied Agreement for Use of Facilities; City Liability Denied
8.01.03	Definitions

8.01.01 Purpose. The purpose of this title is:

- (a) To provide for the safe and efficient use, and orderly management and control of all harbor facilities owned, managed or operated by the City of Gustavus ("City"), including but not limited to the Small Vessel Float System and its interface with the State of Alaska-owned Gustavus Multi-Modal Marine Facility, and the City of Gustavus-owned Salmon River Small Boat Harbor Facility.
- (b) To protect and preserve the lives, health, safety and well-being of persons who use, work or maintain property at the City-owned and maintained harbor facilities;
- (c) To protect public property;
- (d) To prevent fire or health hazards and abate nuisances;
- (e) To prevent the use of the harbor facilities for derelict vessels and property;
- (f) To ensure adequate financial resources are available to acquire, plan, design, construct, equip, operate, maintain or replace harbor facilities through the assessment of user fees or through other means.

- (i) **Dump.** To discharge, deposit, dump, spill, leak, inject, or place matter into or on any land or water so that such matter or any constituent part thereof enters the waters of the Gustavus Multi-Modal Marine Facility, Small Vessel Float System or Salmon River Small Boat Harbor
- (j) **Emergency.** A condition of a vessel that the City determines evidences imminent or proximate danger to life or property in which time is of the essence.
- (k) **Facility.** The Gustavus Multi-Modal Marine Facility ("Facility") is owned, operated, and maintained by the State of Alaska Department of Transportation and Public Facilities. The Facility includes the dock and its associated approach, mooring, and transfer structures, the Staging Area Island, and the shore-side infrastructure providing the facility via Dock Road in Gustavus.
- (l) **Floats.** All City-owned and maintained floating walkways located within harbor facilities and designated for vessel moorage or for parking skiffs or kayaks. The City's floats include:
 - (1) Boat launch ramp float. The City-owned and maintained floating walkway used in conjunction with the Salmon River boat launch ramp.
 - (2) Mooring float. Any City-owned and maintained floating walkway attached to the Gustavus Multi-modal Marine Facility, and designated by signage or otherwise for mooring vessels.
 - (3) Tender mooring space. That portion of the mooring float used for short-term moorage of tenders.
 - (4) Skiff and kayak float. That portion of the Small Vessel Float System that includes the temporary parking of skiffs, kayaks, or canoes on an out-of-water inclined surface.
- (m) **The Gustavus Multi-Modal Marine Facility.** Owned, operated, and maintained by the State of Alaska Department of Transportation and Public Facilities, the Facility includes the dock and its associated approach, mooring, and transfer structures, the Staging Area Island, and the shore-side infrastructure providing access to the facility via Dock Road in Gustavus, Alaska
- (n) **Harbor Appeal Panel.** A group of two council members and one public member appointed by the Mayor and ratified by the City Council to hear appeals from citations issued by the Harbormaster for violations of this Title.
- (o) **Harbor facilities.** Harbor facilities includes all mooring devices, including but not limited to floats, fingers and stalls, grid irons, and other appurtenances located in the small boat harbor, the float system, boat launching ramps, land storage areas and loading areas under the jurisdiction of the City for health, safety or convenience of the public, including the following harbor facilities, or any other harbor facilities later established:
 - (1) The Small Vessel Float System (Floats). All City-owned and maintained floating walkways that are designated for mooring

to constitute a fire hazard, or a vessel that is sunken or in imminent danger of sinking.

- (bb) **Public Vessel.** A watercraft that is owned, operated, or chartered by the United States, the State of Alaska, or a political subdivision thereof.
- (cc) **Staging Area Island.** The man-made island lying between the shore and the Gustavus Multi-Modal Marine Facility and connected to the shore and the Gustavus Multi-Modal Marine Facility by a steel approach trestle.
- (dd) **Steel Breakwater Float.** A barrier that breaks the force of waves, attached to the Gustavus Multi-Modal Marine Facility that extends two hundred feet (200') east of the dock face.
- (ee) **Transfer of cargo.** All types of loading, unloading, transfer and/or containerization, or other intermodal handling of any kind of cargo.
- (ff) **Transient.** Transient means using open mooring areas on a temporary basis. The transient areas are available on a "first-come, first served" basis.
- (gg) **Transient Vessel.** A vessel using an open moorage space. Transient vessels include, but are not limited to: vessels seeking a harbor of refuge, day use, or overnight use of a moorage space, as determined by the Harbormaster.
- (hh) **Vessel.** Any watercraft of every kind and description, including but not limited to vessels, ships, boats, skiffs, tenders, barges, dredges or watercraft of any description.
- (ii) **Vessel Operator.** The master, managing agent, person in navigational control of, or other person responsible for the operation of the vessel.
- (jj) **Vessel Owner.** The documented or registered owner of the vessel.
- (kk) **Vessel Seaworthiness.** A state of readiness and safety which each vessel moored or docked in the harbor facilities must meet, including being capable of getting underway under its own power at all times. In order to be deemed seaworthy, a vessel must be constructed and maintained for the primary purpose of navigating the waterways. The Harbormaster may require any vessel to demonstrate seaworthiness by starting its engine or other means of propulsion, navigating away from the dock, and returning to the dock in a safe manner. Any vessel not demonstrating basic seaworthiness in the Harbormaster's judgment may be barred or removed from harbor facilities.

Chapter 8.02

Administration

Section:

- 8.02.01 Harbor Facilities Department, Harbormaster**
- 8.02.02 Powers and Duties**
- 8.02.03 Disclaimer of Liability**
- 8.02.04 Marine Facilities Committee**

8.02.01 Harbor Facilities Department, Harbormaster.

There shall be a Harbor Facilities Department, the head of which shall be the Harbormaster, appointed by the Mayor and ratified by the City Council for an indefinite term.

- (2) Marine Facilities Advisory Committee member(s) physically absent from Gustavus may participate by teleconference for no more than four (4) meetings per year, beginning the date of their appointment.
- (3) If the Marine Facilities Advisory Committee fails to meet for sixty (60) days, the Gustavus City Council shall declare the positions vacant and assume the responsibilities of the committee while recruiting members.
- (d) Duties. The Marine Facilities Advisory Committee shall review with the Harbormaster harbor facility operations, management, administration, ordinances, policies, fees and charges, and shall recommend changes to the Harbormaster and City Council as necessary or appropriate. The Chair of the Marine Facilities Advisory Committee shall report to the Gustavus City Council as necessary, but not less than once each calendar quarter.
- (e) Vacancies. A vacancy in the Marine Facilities Advisory Committee shall exist under the following conditions:
 - (1) If a person appointed to membership fails to qualify and take office within thirty (30) days of appointment;
 - (2) If a member departs from the City of Gustavus with the intent to remain away for a period of one hundred twenty (120) or more days;
 - (3) If a member submits his or her resignation to the Gustavus City Clerk;
 - (4) If a member fails to attend three (3) consecutive Marine Facilities Committee meetings.
- (f) Vacancies declared and filled by Council. A vacancy shall be declared if one of the conditions in (e) prevails. The vacancy shall be filled according to provisions in Title 2.

Chapter 8.03 **Registration and Fee Transaction**

Section:

- 8.03.01 Registration Required**
- 8.03.02 Harbor Use Fees, Charges and Penalties**
- 8.03.03 Fee Collection and Lien**
- 8.03.04 Reserved**

8.03.01 Registration Required.

- (a) The owner or operator of each vessel using the Gustavus harbor facilities shall register each vessel with the Harbormaster or the City Clerk on forms prescribed by the Harbormaster or City Clerk. The vessel registration form shall require all information deemed pertinent by the Harbormaster or City Clerk.
- (b) Any vessel not currently registered with the City of Gustavus or the Harbormaster may be moved at any time by the Harbormaster, with or without notice to the vessel owner or operator, and the vessel owner or operator shall be charged the applicable fee as set out in the Gustavus Harbor Fee Schedule.

Chapter 8.04
Rules for Use of the Gustavus Harbor Facilities

Section:

- 8.04.01 Conduct in Harbor Facilities – General Rules**
- 8.04.02 Condition of Facilities, Generally**
- 8.04.03 Failure of Owner, Master, Agent or Occupant to Allow Harbormaster to Board Vessel**
- 8.04.04 Persons to Comply with Harbormaster's Communications**
- 8.04.05 Persons to Obey Lawful Regulations and Meet Accepted Safety Standards**

8.04.01 Conduct in Harbor Facilities – General Rules.

- (a) Vessels moored within the harbor facilities shall be capable of meeting the provisions of 8.07.07 Underway Requirements at all times, unless specifically authorized by the Harbormaster.
- (b) Vessels, when unattended, shall be securely moored with lines, adequate in size and number for the boat, and suitable for weather and other conditions. Lines shall be easily removed by hand.
- (c) Vessels moored within the harbor facilities shall, at all times, be seaworthy and ready for immediate or emergency departure into local waters. At no time may a vessel be chained or locked to any float or other component or structure of the harbor facilities.
- (d) All moorage of vessels in the harbor facilities shall be in accordance with posted signs or as otherwise directed by the Harbormaster or the City of Gustavus.
- (e) All vessels and vehicles in, at or on the harbor facilities shall be parked, moored and maneuvered in a safe and orderly manner.

8.04.02 Condition of Facilities, Generally

Vessel owners or operators using the harbor facilities shall keep vessels, equipment, gear, piers, or floats in the vicinity of their vessels in a neat, clean and orderly condition.

8.04.03 Failure of Vessel Owner, Vessel Operator or Occupant to allow Harbormaster to Board Vessel

Failure of a vessel owner, operator or occupant to allow the Harbormaster to board a vessel pursuant to 8.02.02(b) shall be deemed a violation of this chapter.

8.04.04 Persons to Comply with Harbormaster's Communications

Any person using the harbor facilities or any harbor facility equipment shall comply with all verbal or written communications of the Harbormaster.

- (3) hazardous substance(s) including but not limited to solvents, antifreeze, paint (including paint chips, flakes and debris), and detergents or cleaners containing hazardous substance(s); or
- (4) fuel, or any other petroleum product;
- (5) refuse;
- (6) garbage; or
- (7) other pollutants.
- (h) Unattended Cargo or Freight. No person shall depositor leave any cargo, merchandise, supplies, freight, articles or other objects upon any float, ramp, decline, walk, or other public place at the harbor facilities. Free and unencumbered access to and within the harbor facilities must be maintained at all times.
- (i) Control of Animals. All dogs or other animals shall at all times be under the physical control of the owner or person in charge of the animal. Owners will be responsible for cleaning up after their pets. It is unlawful to leave pet feces on any harbor facility. The owner or caretaker of any pet who violates this section is responsible for the resulting fine.
- (j) 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. All unauthorized signs shall be removed by the Harbormaster. Written or printed matter authorized by the Harbormaster may remain in place for no more than seven (7) consecutive days. It is unlawful to remove, deface or destroy any sign or printed matter placed by the Harbormaster.
- (k) Improper Petroleum Product Disposal. No person shall release any fuel, oil, their derivatives, wastes or by-products, or other petroleum products into the waters or onto the lands of the harbor facilities.
- (l) Improper Fuel Dispensing. Fueling of vessels shall occur only at a location designated by the State of Alaska Fire Marshal and in accordance with a procedure approved by the State of Alaska Fire Marshal.
- (m) Conducting Commercially-oriented Business. There will be no leased or rented commercial uses of any portion of the land under the State of Alaska Cooperative Resource Management Agreement ADL107456.
- (n) Unlawful Construction. No person shall alter terrain at, or engage in building or construction at any City harbor facilities without the consent of the City Council.

8.05.02 Harbor Facilities Offenses Fine Schedule.

- (a) All fines established under this Title are civil penalties. Proof of liability for any penalty is sufficient if the Harbormaster proves by a preponderance of the evidence that the alleged offense was committed. There shall be no right to a jury trial or appointed counsel to defend against any citation brought under this Title.
- (b) If a fine amount is set for an offense arising under this chapter, a person charged with that offense can dispose of the charge (by mail or in person) by paying the fine amount plus any surcharge required to be imposed by AS 29.25.075 and checking the "no contest plea" box on the back of the

- (6) hours prior to arrival. Other vessels using the dock will be cleared thirty (30) minutes prior to arrival of the AMHS ferry.
- (c) Any vessel moored in such a manner that it could potentially interfere with the docking of any AMHS vessel shall at all times have onboard competent crew that is capable of moving the vessel away from the dock within fifteen (15) minutes of notice by the Harbormaster.

8.06.02 Security Rules Applicable During Alaska Marine Highway Service Ferry Operations

The following security rules apply to the dock facility south of the man-made island including the Small Vessel Float System, during AMHS vessel operations beginning thirty (30) minutes prior to the vessel's actual arrival and until thirty (30) minutes after its actual departure from the main dock moorage. During that time:

- (a) Only ticketed AMHS passengers, AMHS crew, or others authorized or directed by AMHS employees will be allowed access to and/or from the vessel using the transfer bridge or covered pedestrian walkway on the west side of the transfer bridge.
- (b) Only embarking or disembarking passengers, and commercial or service vehicles authorized or directed by AMHS employees, will be allowed access to or from the vessel using the transfer bridge.
- (c) Access to and from the Small Vessel Float System for authorized small boat harbor users will be limited to pedestrian traffic only via the open pedestrian walkway on the Small Vessel Float System side of the transfer bridge. Users of this access system must follow the directions of the AMHS ferry crew or authorized shoreside personnel directing pedestrian and vehicle traffic to and from the vessel.
- (d) Vehicles parked along the Gustavus Multi-Modal Marine Facility dock face shall be moved to the Staging Area Island or land side (north) of the trestle approach prior to AMHS docking.
- (e) In the case of emergency, authorized law enforcement or emergency response personnel and vehicles will be allowed access to the area south of the man-made island as required.

8.06.03 Navigation Clear Zone around Gustavus Multi-Modal Marine Facility

- (a) The U.S. Army Corps of Engineers and/or the U.S. Coast Guard may establish clear zones at or in the vicinity of the dock area to promote safety for vessels approaching and departing the dock facility.
- (b) Vessels underway to or from the Small Vessel Float System shall remain outside any established clear zone areas and the ferry vessel approach and departure paths to and from the dock.

8.06.04 Unauthorized Vessels Prohibited from Using Floating Support of AMHS Transfer Bridge

All of the approaches and designated areas of any float, when posted and marked, are to be used by the general public, without charge, for the purpose of active loading and unloading of supplies, equipment and stores. Use of the Loading Areas is limited to 2 hours in any 24 hour period.

Chapter 8.07
Salmon River Small Boat Harbor

Section:

- 8.07.01 Salmon River Small Boat Harbor Zones**
- 8.07.02 Freight Staging Zone**
- 8.07.03 Long-term Storage Zone**
- 8.07.04 Launching Zone**
- 8.07.05 Vehicle/Trailer Parking Zone**
- 8.07.06 Residential**
- 8.07.07 Historical Wooden Floats**
- 8.07.08 New Construction**
- 8.07.09 Underway Requirements**
- 8.07.10 Accident Report**
- 8.07.11 Duties of Owners/Operators**

8.07.01 Salmon River Small Boat Harbor ("small boat harbor") Zones.

The Salmon River Small Boat Harbor is comprised of four zones: Launching, Freight Staging, Long-term Storage, and Boat Trailer/Vehicle Parking.

8.07.02 Freight Staging Zone.

Incoming and outgoing cargo and commodities of a size and type not suitable for containerized storage may be neatly stored in areas designated for this purpose.

- (a) Location. Transfer of cargo shall occur only at designated staging zones. In special situations, the location may be extended by the Harbormaster.
- (b) Notification. Cargo carriers shall notify the Harbormaster prior to entering the small boat harbor. All hazardous materials shall be clearly marked and labeled in accordance with state and federal regulations.
- (c) Cargo Transfer Duration. The time for cargo transfer in the Staging Zone shall be limited to the actual transferring of/or loading of cargo.
- (d) Liability and Indemnity. All risk of loss from theft, fire, or other casualty to cargo shall be assumed by the party owning the cargo and the cargo carrier, and not by the City of Gustavus. The cargo carrier loading, transporting and unloading cargo shall defend, indemnify, and hold the City of Gustavus harmless from all claims arising from cargo transfer.
- (e) Cargo Area Cleanup. Cargo carriers shall keep the Staging Zone clean and free of trash, pallets, packaging material, dunnage, or operational equipment associated with cargo service.

Harbormaster may require that this navigation be accomplished at a time when the Harbormaster is available to view it.

8.07.10 Accident Report. Any person utilizing the small boat harbor who is involved in an accident resulting in a serious injury or death of any person, or damage to property in excess of five hundred dollars (\$500.00), shall, in addition to any other notices required by law, immediately give oral notice of the accident to the Harbormaster. In addition, the aforementioned person shall, within twenty-four (24) hours after the accident, file a written report with the Harbormaster.

8.07.11 Duties of Vessel Owners/Operators. In addition to the duties of registration and identification, every vessel owner or vessel operator using the facilities of the small boat harbor shall keep the vessel securely moored with lines, fenders and chafing gear of sufficient size, condition and number; sufficiently pumped out at all times to keep the vessel afloat; and to otherwise attend the needs of the vessel to avoid need for attention by the Harbormaster.

Chapter 8.08

Control of Nuisance and Derelict Vessel and/or Property, Impoundment Procedure, and Hearing Procedure

Section:

8.08.01	Nuisances Declared
8.08.02	Abatement of Nuisances
8.08.03	Vessel and/or Property That May Be Impounded
8.08.04	Notice of Intent to Impound
8.08.05	Hearing
8.08.05	Decision
8.08.07	Impoundment
8.08.08	Notice of Sale
8.08.09	Sale

8.08.01 Nuisances declared.

- (a) Derelicts. For the purposes of this title and to protect the public health, safety and welfare, and in the interest of assuring the safe and full use of the harbor facilities by the general public, the City may declare any vessel in the harbor facilities to be a public nuisance if that vessel displays any one or more of the following conditions: The vessel
- (1) is or appears to be derelict, unfit or unseaworthy, abandoned or;
 - (2) is or appears to be maintained in such condition or in such manner as to render it subject to sinking or;
 - (3) has or appears to have insufficient motor or sail power to permit the vessel to be maneuvered and controlled safely in and out of the harbor facilities under wind and water conditions that are not unusual and do not constitute a hazard to vessels or;
 - (4) has been refused moorage privileges by the Harbormaster or;

- (a) Any vessel, object or obstruction declared a public nuisance under section 8.08.01 is subject to impoundment, removal, and disposal pursuant to sections 8.08.04 through 8.08.09.
- (b) Property of any sort found upon a float, dock, ramp, or approach may be impounded by the Harbormaster. Impounded items will be released upon proof of ownership and payment of any impounding or storage fees established in this title. Such disposition by the Harbormaster shall be without liability to the City for any damage done by virtue of the removal or for any consequences of such action by the City, including for loss of use or profits, or other consequential, direct or indirect, damages.
- (c) Moorage for vessels declared to be public nuisances under section 8.08.01 shall be subject to termination at the discretion of the Harbormaster and, if not removed from the harbor facilities in accordance with the Harbormaster's notice of termination of moorage, the vessel may be impounded, removed, and disposed of pursuant to sections 8.08.04 through 8.08.09.
- (d) Any person causing or permitting public nuisances to be placed as aforesaid shall remove the same, and upon failure to do so, the same may be removed or caused to be removed by the Harbormaster. When the Harbormaster has authorized such nuisances to be removed or stored commercially, all costs of such removal or storage shall be paid by and are recoverable from the person creating or allowing such public nuisance. The abatement of any such public nuisances shall not excuse the person responsible from prosecution hereunder.
- (e) The Harbormaster shall give written notice of the impoundment to the owner of the property if the owner is known, and shall maintain a list in the Harbormaster's office of all property impounded and the date of impoundment. Property that is not claimed within sixty (60) days shall be forfeited to the City and may be sold pursuant to procedures regulating the disposition of other City property.

8.08.03 Vessels and/or Property That May Be Impounded.

The Harbormaster is authorized to impound a vessel and/or property under any of the following circumstances:

- (a) The vessel or property is within the harbor facilities and has been declared to be a public nuisance under this title;
- (b) The vessel or property is located at the harbor facilities and is in violation of this title;
- (c) Any and all property including but not limited to engines, machinery, equipment, nets, line, skiffs, gear, buoys, or all other personal property that the City has determined to be or appears to be abandoned at any of the harbor facilities.

8.08.04 Notice of Intent to Impound

The Panel shall only determine that as to the vessel and/or property in question either that there is probable cause to impound the vessel and/or property or that there is no such probable cause. In the event that the Panel determines that there is no probable cause, the Panel shall prepare and date a Certificate of No Probable Cause, copies of which shall be provided to the owner or operator and to the Harbormaster. Upon receipt of a Certificate of Probable Cause, the Harbormaster may proceed with impoundment and disposition of the vessel and/or property by removal, sale, disposal, or destruction as authorized by this title.

At the conclusion of the hearing, the Panel shall prepare a written decision. A copy of the decision shall be provided to the person demanding the hearing and the owner of the vessel and/or property if the owner is not the person requesting the hearing. The Panel's decision in no way affects any criminal proceeding in connection with the impound in question, and any criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the Panel is final and may only be appealed to the Superior Court. Failure of the owner or operator to request or attend a scheduled pre-impoundment hearing shall be deemed a waiver of the right of such hearing.

8.08.07 Impoundment.

- (a) In the event the Panel determines there is cause to impound the vessel and/or property, the Harbormaster may proceed immediately with impoundment. The Harbormaster may impound the vessel and/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 the vessel and/or property. At any time, prior to the sale, disposal, or destruction of the vessel and/or property, the owner, operator, master or managing agent, or person in lawful possession of the vessel and/or property may redeem the vessel and/or property by a cash payment of all fees, including interest and costs.
- (b) The Notice of Public Nuisance in the Gustavus Harbor Facilities form shall be adopted by resolution of the Gustavus City Council.

8.08.08 Notice of Sale

- (a) Notification. Prior to the sale of any impounded vessel or property, the Harbormaster 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 and/or property;
 - (2) the date, time and place of the sale;
 - (3) the fees, interest, and costs due against the vessel and/or property;
 - (4) the bidding terms provided by Section 8.08.09 of this title.

**City of Gustavus, Alaska
Ordinance No. FY13-15NCO**

**AN ORDINANCE FOR THE CITY OF GUSTAVUS PROVIDING FOR THE AMENDMENT OF
ROAD BUDGET FOR FISCAL YEAR 2013**

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 2013 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:

Budget Category	Amounts		
	Original Budget	Amended Budget	Change
INCOME			
Forest Service Receipt Money	\$ 0.00	\$ 118,471.20	+\$118,471.20
EXPENSE			
Encumbered Comm. Funds	\$ 0.00	\$ 118,471.20	+\$118,471.20

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: April 11, 2013

DATE OF PUBLIC HEARING: May 9, 2013

PASSED and APPROVED by the Gustavus City Council this _____ day of _____, 2013.

Lou Cacioppo
Mayor

Attest: Paul Berry
Interim City Clerk

**City of Gustavus, Alaska
Ordinance No. FY13-16NCO**

**AN ORDINANCE FOR THE CITY OF GUSTAVUS PROVIDING FOR THE AMENDMENT OF
THE DISPOSAL & RECYCLING CENTER (DRC) BUDGET FOR FISCAL YEAR 2013**

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 2013 estimated income and 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:

Budget Category	Amounts		
	Original Budget	Amended Budget	Change
INCOME			
DRC Income	\$ 61,792.00	\$ 63,792.00	+\$ 2,000.00
TOTAL	\$145,950.00	\$147,950.00	+\$ 2,000.00
EXPENSE			
Dues/ Fees	\$ 500.00	\$ 525.00	+\$ 25.00
Freight	\$ 11,000.00	\$ 13,400.00	+\$ 2,400.00
Postage & Shipping	\$ 100.00	\$ 175.00	+\$ 75.00
Training	\$ 500.00	\$ 250.00	-\$ 250.00
Travel	\$ 500.00	\$ 250.00	-\$ 250.00
TOTAL	\$145,950.00	\$147,950.00	+\$ 2,000.00

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: April 11, 2013

DATE OF PUBLIC HEARING: May 9, 2013

PASSED and APPROVED by the Gustavus City Council this ____ day of _____, 2013.

Lou Cacioppo
Mayor

Attest: Paul Berry
Interim City Clerk

**City of Gustavus, Alaska
Ordinance No. FY13-19NCO**

**AN ORDINANCE FOR THE CITY OF GUSTAVUS PROVIDING FOR THE
ESTABLISHMENT AND ADOPTION OF THE BUDGET FOR
FISCAL YEAR 2014**

BE IT ENACTED BY THE CITY OF GUSTAVUS

- Section 1.** Classification. This is a **Non-Code Ordinance**.
- Section 2.** General Provisions. The attached document is the authorized budget of revenues and expenditures for the period July 1 through June 30 and is made a matter of public record.
- Section 3.** Effective Date. This ordinance becomes effective upon its adoption by the City Council.

DATE OF PUBLICATION: May 9, 2013

DATE OF PUBLIC HEARING: June 13, 2013

PASSED and APPROVED by the Gustavus City Council this
_____ day of _____ 2013.

Lou Cacioppo
Mayor

Attest: Paul Berry
Interim City Clerk

Attachment: FY14 City of Gustavus Budget

City of Gustavus Municipal Budget FY14- PUBLISH

ADMINISTRATION

Income

Fisheries Business Tax Payment	\$ 500.00
Payment In Lieu of Taxes	\$ 75,000.00
Municipal Energy Grant Reserve	\$ 7,000.00
Encumbered Funds	\$ 20,000.00
Interest Income	\$ 50.00
Lease Income	\$ 10,600.00
Sales Tax Income	\$ 290,000.00
Tax Exempt Cards	\$ 80.00
Legislative Grant	\$ -
State Revenue Sharing	\$ 119,143.00
Business License Fees	\$ 2,500.00
Fish Box Tax Sticker Income	\$ 10,000.00
TOTAL INCOME	\$ 534,873.00

Expense

Advertising	\$ 2,000.00
Audit	\$ 30,000.00
Capital Expense	\$ -
Contractual Services	\$ 11,500.00
Donations Expense	\$ -
Dues/Fees	\$ 2,250.00
Equipment	\$ 6,500.00
Fish Box Tax Sticker Printing	\$ 1,000.00
Freight	\$ 500.00
GVA	\$ 18,000.00
Insurance	\$ 5,000.00
Maintenance & Repair	\$ 3,600.00
Muni Energy Grant Reserve Exp.	\$ -
Payroll Expenses	\$ 83,960.00
Postage & Shipping	\$ 2,000.00
Professional Services	\$ 75,000.00
Public Sanitation	\$ 5,100.00
Public Works	\$ 10,000.00
Reserve Funds	\$ 18,260.00
Supplies - Office	\$ 3,500.00
Telephone	\$ 3,000.00
Training	\$ 3,500.00
Travel	\$ 9,000.00
Utilities	\$ 7,000.00
TOTAL EXPENSE	\$300,670.00
Net Income -To City Committees	\$234,203.00

BOROUGH

Income

City Funds	\$ -
TOTAL INCOME	\$ -

Expense

Advertising	
Contractual Services	
Postage & Shipping	
Professional Service	
Supplies Office	
Telephone	
Travel	
TOTAL EXPENSE	\$ -

City of Gustavus Municipal Budget FY14

DRC

Income

City Funds	\$ 25,828.00
DRC Income	\$ 67,000.00
Encumbered Committee Funds	\$ -
Fundraising	\$ 500.00
Grants	\$ -
State CIP	\$ -
Interest Income	\$ 350.00
Municipal Energy Grant Reserve	\$ 3,000.00
TOTAL INCOME	\$ 96,678.00

Expense

Bank Fees	\$ 1,200.00
Capital Expense	\$ -
Contractual Services	\$ 3,000.00
Dues/Fees	\$ 450.00
Equipment	\$ 6,200.00
Freight	\$ 12,500.00
Fundraising Expense	\$ 500.00
Insurance	\$ 4,500.00
Landfill Closure Fund	\$ 350.00
Maintenance & Repair - Building	\$ 900.00
Payroll Expenses	\$ 57,587.00
Postage & Shipping	\$ 101.00
Professional Services	\$ -
Supplies - General	\$ 3,800.00
Telephone	\$ 1,290.00
Training	\$ 700.00
Travel	\$ 600.00
Utilities	\$ 3,000.00
TOTAL EXPENSE	\$ 96,678.00

BEACH

Income

City Funds	\$ 1,400.00
Encumbered Committee Funds	\$ -
TOTAL INCOME	\$ 1,400.00

Expense

Contractual Services	\$ -
Supplies - General	\$ 1,400.00
TOTAL EXPENSE	\$ 1,400.00

City of Gustavus Municipal Budget FY14

GCN

Income

Encumbered Committee Funds	
Grants	\$ 18,129.00
Subscriber Fees	\$ 45,580.00
TOTAL INCOME	\$ 63,709.00

Expense

Advertising	
Bank Charges	\$ 2,399.00
Capital Expense	\$ 15,789.00
Contractual Services	\$ 9,093.00
Encumbered Comm. Funds	\$ 241.00
Equipment	\$ 500.00
Insurance	
Payroll	\$ 2,340.00
Postage & Shipping	\$ -
Professional Services	\$ -
Supplies - General	\$ -
Telephone/Broadband/Satellite	\$ 33,347.00
Dial-up Lines	
Backhaul Provider	
Utilities	\$ -
TOTAL EXPENSE	\$ 63,709.00

GVFD

Income

City Funds	\$ 122,970.00
Encumbered Committee Funds	\$ -
Forest Service Receipt Money	\$ -
Fundraising	\$ 5,000.00
GVFD - ARFF Income	\$ -

Grants

SEREMS	
CIP Grant	
Municipal Energy Grant Reserve	\$ 10,000.00

TOTAL INCOME	\$ 137,970.00
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Expense

Capital Expense	
Contractual Services	
Dues/Fees	\$ 1,000.00
Equipment	\$ 2,379.00
Fundraising Expense	\$ 4,612.00 1,612
Freight	
Insurance	\$ 7,385.00
Maintenance & Repairs Building	
Payroll Expense	\$ 71,000.00 77,760
Postage & Shipping	\$ 244.00 200
Professional Services	
Supplies - EMS	\$ 20,000.00 17,000
Supplies - General	
Supplies - Office	\$ 850.00
Supplies - Fire	\$ 2,000.00
Telephone & Internet	\$ 3,500.00 2,784
Training	\$ 15,000.00
-EMS	
-Fire	
Travel	
Utilities	\$ 10,000.00
TOTAL EXPENSE	\$ 137,970.00

City of Gustavus Municipal Budget FY14

LANDS COMMITTEE

Income

City Funds	\$ -
Gravel Sales Income	\$ 20,000.00
TOTAL INCOME	\$ 20,000.00

Expense

Advertising	\$ -
Contractual Services	\$ -
Encumbered Comm. Funds	\$ -
Postage & Shipping	\$ -
Professional Services	\$ 20,000.00
Supplies - Office	\$ -
Telephone	\$ -
TOTAL EXPENSE	\$ 20,000.00

LIBRARY

Income

City Funds	\$ 46,676.00
Donations	\$ 750.00
Fundraising	\$ 500.00
Grants	
Public Library Assistance	\$ 6,500.00
Summer Reading	
Continuing Ed	\$ 1,000.00
Library Income	
E-Rate	
General Revenue	\$ 1,350.00
Municipal Energy Grant Reserve	\$ 10,000.00
TOTAL INCOME	\$ 66,776.00

Expense

Contractual Services	\$ 3,631.00
Dues/Fees	\$ 143.00
Equipment	\$ 150.00
Freight	\$ 25.00
Fundraising Expenses	\$ 150.00
Insurance	\$ 2,400.00
Library Materials	\$ 5,000.00
Maintenance & Repair Building	\$ 2,566.00
Payroll Expense	\$ 36,805.00
Postage & Shipping	\$ 150.00
Supplies - General	\$ 1,500.00
Telephone	\$ 2,716.00
Training	\$ 320.00
Travel	\$ 1,220.00
Utilities	\$ 10,000.00
TOTAL EXPENSE	\$ 66,776.00

City of Gustavus Municipal Budget FY14

MARINE FACILITIES

Income

City Funds	\$	37,329.00
Grants		
City Reserve		
Facilities Usage Fees	\$	15,000.00
TOTAL INCOME	\$	52,329.00

Expense

Contractual Services		
Encumbered Committee Funds	\$	17,329.00
Equipment	\$	5,000.00
Insurance	\$	5,000.00
Maintenance & Operation		
Payroll	\$	23,000.00
Professional Services	\$	1,500.00
Postage		
Supplies - General		
Supplies - Office	\$	500.00
Telephone		
TOTAL EXPENSE	\$	52,329.00

PLANNING

Income

City Funds	\$	-
Grant		
EDA		
TOTAL INCOME	\$	-

Expense

Supplies - General		
Contractual Services		
Postage & Shipping		
TOTAL EXPENSE	\$	-

City of Gustavus Municipal Budget FY14

ROAD MAINTENANCE

Income

City Funds	\$ -
Encumbered Committee Funds	\$ 110,100.00
Grant	\$ -
TOTAL INCOME	\$ 110,100.00

Expense

Contractual Services	\$ -
Equipment Maintenance & Repair	\$ 5,000.00
Freight	\$ -
Professional Services	\$ -
Road Maintenance	\$ 65,000.00
Snow Plowing	\$ 40,000.00
Supplies - General	\$ -
Telephone	\$ 100.00
TOTAL EXPENSE	\$ 110,100.00

Septage

Income

City Funds	\$ -
TOTAL INCOME	\$ -

Expense

Dues/Fees	\$ -
Postage & Shipping	\$ -
Supplies - General	\$ -
Supplies - Office	\$ -
Telephone	\$ -
Training	\$ -
Travel	\$ -
TOTAL EXPENSE	\$ -

CITY FUNDS
TO COMMITTIES
\$ 234,203.00

TOTAL CITY INCOME	\$851,276.00
TOTAL CITY EXPENSE	\$851,276.00