



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

General Meeting Packet

January 13, 2020



GUSTAVUS CITY COUNCIL

GENERAL MEETING

JANUARY 13, 2020

7:00 PM AT CITY HALL

Gustavus City Council:

Mayor (Seat C):

Calvin Casipit
calvin.casipit@gustavus-ak.gov
Term Expires 2020

Vice Mayor (Seat F):

Brittney Cannamore
brittney.cannamore@gustavus-ak.gov
Term Expires 2021

Council Member (Seat G):

Susan Warner
susan.warner@gustavus-ak.gov
Term Expires 2021

Council Member (Seat A):

Joe Clark
joe.clark@gustavus-ak.gov
Term Expires 2022

Council Member (Seat B):

Joe Vanderzanden
joe.vanderzanden@gustavus-ak.gov
Term Expires 2022

Council Member (Seat D):

Mike Taylor
mike.taylor@gustavus-ak.gov
Term Expires 2020

Council Member (Seat E):

Shelley Owens
shelley.owens@gustavus-ak.gov
Term Expires 2021

Gustavus City Hall:

City Administrator-Tom Williams
administrator@gustavus-ak.gov

City Clerk, CMC-Karen Platt
clerk@gustavus-ak.gov

City Treasurer-Phoebe Vanselow
treasurer@gustavus-ak.gov

1. Call to Order
2. Roll Call
3. Approval of Minutes:
 - A. 12-09-2019 General Meeting
4. Mayor's Request for Agenda Changes:
5. Committee/Staff Reports:
 - A. Gustavus Public Library
 - B. Gustavus Volunteer Fire Dept.
 - C. Financial
 - D. City Administrator
6. Public Comment on Non-Agenda Items:
7. Consent Agenda:
 - A. Certificate of Records Destruction
8. Ordinance for Public Hearing:
9. Unfinished Business:
10. New Business:
 - A. Introduction of FY20-12 Title 8 Providing for the Revisions to City Ordinance Title 8
11. City Council Reports:
12. City Council Questions and Comments:
13. Public Comment on Non-Agenda Items:
14. Executive Session:
15. Adjournment



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Approval of Minutes

**GUSTAVUS CITY COUNCIL
GENERAL MEETING MINUTES
December 9, 2019**

1. CALL TO ORDER:

A General Meeting of the Gustavus City Council is called to order on December 9, 2019, at 7:00 pm by Mayor Casipit. There are nine (9) members of the public in attendance at Gustavus City Hall.

2. ROLL CALL:

Comprising a quorum of the City Council the following are present:

Mayor Casipit
Vice Mayor Cannamore
Council Member Clark
Council Member Vanderzanden
Council Member Warner
Council Member Taylor
Council Member Owens

There are 7 members present, and a quorum exists

3. APPROVAL OF MINUTES:

A. 11-12-2019 General Meeting

B. 12-02-2019 Special Meeting

MOTION: Council Member Clark moved to approve by unanimous consent the General Meeting Minutes from 11-12-2019 and Special Meeting Minutes from 12-02-2019

SECONDED BY: Vice Mayor Cannamore

PUBLIC COMMENT: None

COUNCIL COMMENT: None

Hearing no objections, Mayor Casipit announced the General Meeting Minutes from 11-12-2019 and Special Meeting Minutes from 12-02-2019 approved by unanimous consent

4. MAYOR'S REQUEST FOR AGENDA CHANGES:

Hearing no objections, Mayor Casipit announced the agenda as set

5. COMMITTEE REPORTS/STAFF REPORTS:

A. Financial-City Treasurer, Phoebe Vanselow provided monthly financials

B. City Administrator-City Administrator, Tom Williams provided a written and oral summary

6. PUBLIC COMMENT ON NON-AGENDA ITEMS: None

7. CONSENT AGENDA:

A. Certificate of Records Destruction

MOTION: Council Member Warner moves to adopt the consent agenda as presented

SECONDED BY: Vice Mayor Cannamore

PUBLIC COMMENT: None

COUNCIL COMMENT: None

Hearing no objections, the Consent Agenda is passed by unanimous consent

8. ORDINANCE FOR PUBLIC HEARING:

A. FY20-09NCO CP19-04 GVFD Closeout (Introduced 11-12-2019)

Mayor Casipit provided an introduction and opened the Public Hearing

PUBLIC HEARING: No Testimony from the public

MOTION: Vice Mayor Cannamore moved to approve FY20-09NCO CP19-04 GVFD Closeout (Introduced 11-12-2019)

SECONDED BY: Council Member Vanderzanden

COUNCIL COMMENT: None

ROLL CALL VOTE ON MOTION:

YES: Cannamore, Owens, Warner, Clark Vanderzanden, Taylor, Casipit

NO: 0

MOTION **PASSES**/FAILS **7/0**

B. FY20-10NCO Endowment Fund Grant Transfer (Introduced 11-12-2019)

Mayor Casipit provided an introduction and opened the Public Hearing

PUBLIC HEARING: No Testimony from the public

MOTION: Council Member Vanderzanden moved to approve FY20-10NCO Endowment Fund Grant Transfer (Introduced 11-12-2019)

SECONDED BY: Council Member Clark

COUNCIL COMMENT: None

ROLL CALL VOTE ON MOTION:

YES: Casipit, Owens, Clark, Vanderzanden, Warner, Taylor, Cannamore

NO: 0

MOTION **PASSES**/FAILS **7/0**

C. FY20-11NCO FY19 surplus to AMLIP Reserve (Introduced 11-12-2019)

Mayor Casipit provided an introduction and opened the Public Hearing

PUBLIC HEARING: No Testimony from the public

MOTION: Council Member Taylor moved to approve FY20-11NCO FY19 surplus to AMLIP Reserve (Introduced 11-12-2019)

SECONDED BY: Council Member Owens

COUNCIL COMMENT: None

ROLL CALL VOTE ON MOTION:

YES: Casipit, Owens, Clark, Vanderzanden, Warner, Taylor, Cannamore

NO: 0

MOTION **PASSES**/FAILS **7/0**

9. UNFINISHED BUSINESS

10. NEW BUSINESS:

A. GPAC Recognition

Mayor Casipit presented a letter, award certificate and strawberry lapel pin to Kelly McLaughlin in appreciation for her work with the community PFAS Crisis

B. CY19-21 Endowment Fund Grant Awards for 2020

MOTION: Vice Mayor Cannamore moved to approve CY19-21 Endowment Fund Grant Awards for 2020 to Gustavus Community Center in the amount of \$21,547.52 and the Gustavus PFAS Action Coalition in the amount of \$21,250.00

SECONDED BY: Council Member Owens

PUBLIC COMMENT:

- a) Tim Sunday
- b) Sean Neilson

COUNCIL COMMENT:

- a) Warner
- b) Vanderzanden
- c) Casipit

ROLL CALL VOTE ON MOTION:

YES: Taylor, Owens, Vanderzanden, Clark, Warner, Cannamore, Casipit

NO: 0

MOTION **PASSES**/FAILS 7/0

C. CY19-22 Shared Fisheries Business Tax for FY20

MOTION: Council Member Warner moved to approve CY19-22 Shared Fisheries Business Tax for FY20

SECONDED BY: Vice Mayor Cannamore

PUBLIC COMMENT: None

COUNCIL COMMENT:

- a) Casipit

ROLL CALL VOTE ON MOTION:

YES: Cannamore, Owens, Clark, Casipit, Vanderzanden, Taylor, Warner

NO: 0

MOTION **PASSES**/FAILS 7/0

D. CY19-23 Updating Marine Facilities User Fees

MOTION: Council Member Vanderzanden moved to approve CY19-23 Updating Marine Facilities User Fees

SECONDED BY: Council Member Warner

PUBLIC COMMENT: None

COUNCIL COMMENT: None

ROLL CALL VOTE ON MOTION:

YES: Casipit, Owens, Clark, Vanderzanden, Warner, Taylor, Cannamore

NO: 0

MOTION **PASSES**/FAILS 7/0

E. CY19-24 Local Hazard Mitigation Plan

MOTION: Council Member Clark moved to approve CY19-24 Local Hazard Mitigation Plan

SECONDED BY: Council Member Owens

PUBLIC COMMENT: None

COUNCIL COMMENT: None

ROLL CALL VOTE ON MOTION:

YES: Owens, Casipit, Vanderzanden, Warner, Clark, Taylor, Cannamore

NO: 0

MOTION **PASSES**/FAILS 7/0

11. CITY COUNCIL REPORTS:

A. Mayor Casipit-provided a written and oral report quarterly report

12. CITY COUNCIL QUESTIONS AND COMMENTS: None

13. PUBLIC COMMENT ON NON-AGENDA ITEMS: None

14. EXECUTIVE SESSION

15. ADJOURNMENT:

Hearing no objections, Mayor Casipit adjourns the meeting at 7:37 pm.



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Mayor's Request for Agenda Changes




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Committee/Staff Reports

QUARTERLY STAFF REPORT – DECEMBER 2019 **Gustavus Public Library**

1. General Library Statistics October-December 2019:

	Oct	Nov	Dec	
Library Visitors:	1625	874	1173	
Books Checked out:	554	556	561	
Movies Checked out:	416	386	419	
Events/Meetings Hosted at the Library:	55	39	51	

Fall 2019 Activities/Programs:

Yoga Classes	Public Assistance	Robotics Team
Class Visits	Book Club	Meetings
Library Band	Movie Showings	Boys/Girls on the Run
Test Proctoring	Figure Drawing	Battle of the Books
Board Meetings	Group	Summer Reading
Baby/Toddler Group	Visiting Author	Holiday Programs
Public Meetings	Art Workshops	Winter Reading
Homeschool/Study Sessions	Afterschool Programs	Events
Story Time		

Some of our highlights for this quarter were our Halloween programs, special guest events with Juneau author Linda Buckley, and our Winter Reading Program. For Halloween, we hosted 5 special events, including two movie showings, Halloween slime-making, creepy stories, and literary-themed trick-or-treating, with a total attendance of 195 people. We received a lot of positive feedback about this year's Halloween activities.

Author Linda Buckley visited for three days and participated in 6 events at the library while she was here, including read-alouds, a presentation, and art/writing programs. These events had a total attendance of 81 people, and gave our patrons the opportunity to learn from the knowledge and experience of someone from outside our community.

Over Winter Break, we hosted 9 special events, including paper-making, upcycling, legos, a holiday book exchange, winter story hour, marshmallow tower building, Noon Year's Eve, boot repair and decorating, and a winter film. These events had a total of 111 participants. Additionally, we had a Winter Bookmark Challenge, and had a total of 8 bookmarks completed. We had several repeat-attendees at our Winter Reading events, and believe that this program has been valuable for people in the community who were unable to travel over the holidays, and helped to build community and meet the social/recreational needs of our patrons.

Our library was heavily utilized after hours this quarter, with lots of requests for use of the space for board meetings, youth programs such as the Robotics Team, Battle of the

Books, Girls on the Run, and Boys on the Run. The newly developed Figure Drawing Group began meeting once a week at the library this quarter, and the Baby/Toddler Group met weekly as well in addition to the weekly band, and regularly scheduled yoga classes. With so many requests for after-hours use, we have made all efforts to support the community needs but have had to turn several requests down due to the space already being utilized.

Upcoming Programming:

The library will continue to offer regular programs including Story Time, movie nights, holiday programs, and book club meetings in the coming quarter. We will also continue to support weekly groups and classes, such as band, figure drawing group, yoga classes, special events and presentations, and accommodate group requests for after-hours use as we are able to.

We have had success in performing “library outreach” to the middle and high school, delivering new and age-appropriate materials to the English classroom about once per month for students to utilize, and are excited to have a chance to work with the 6th grade science class this coming quarter. While we realize sending a high volume of materials to the school may make it more difficult to keep track of these items and ensure they are returned on time, we have decided it is more important to get these materials into the hands of the young adults they are intended for, and want to reduce all barriers to teens/tweens accessing library books.

2. Status of Active or Upcoming Grants:

We unveiled the *1000 Books Before Kindergarten* program this quarter, and have already had four families sign up, as well as interest from others who are out of town. This program was funded through the Endowment Grant and is an incentive program to encourage caregivers to read with their young children. We tailored the program to our community by creating incentives that are Gustavus-specific (stickers in the shape of Alaskan animals, and a final prize of a Gustavus Public Library tote bag). We are excited to have this as an ongoing program which will continue to operate with very little support needed as new children enter the community.

We are halfway through our Public Library Assistance grant which began at \$7000 to spend on materials (books/dvds) for the library.

3. Status of Active or Upcoming Contracts:

The roof contract is always on our mind. Tom has been working hard keeping this going and is reporting frequently – thanks so much, Tom! Currently, we are waiting until Spring to reissue the RFP with hopes of receiving multiple responses within the scope of work proposed.

We had a successful first use of our cleaning contract. Sasha set a very high bar when it comes to working hard and tackling the big projects. She has moved on and we are now in the process of posting the contract again, we’ve already had people that are interested. Our library sees 40+ visitors on average per day, making our ability to hire a contracted janitor a wonderful addition to our library.

4. Existing projects:

- We are eager to move forward on the construction of a covered bike shed for the library. Bike storage has increasingly become an issue, as we see an influx of visitors with bikes who are reluctant to leave them on the uncovered rack. The result is that we often end up with multiple

bikes blocking the access to the back entrance and book drop. We would love to be able to offer our patrons a covered space for bicycles, as well as a covered area to sit outside soon!

- As limited space continues to be a challenge inside the library, we have continued to rearrange, weed out materials that are not being utilized as outlined by our weeding guidelines, and use alternative storage methods such as bins and floating shelves to maximize the space we have. We anticipate this will be an ongoing issue.
- Jen hosted a “Holiday Book and DVD Sale” on the Saturday of the annual Craft Fair. We sold t-shirts and bags as well as excess dvds and books, and raised \$161 dollars in the 4 hours the library was open!
- We are looking for someone in town who has the skills to stain/paint and seal our exposed cement in the bathroom. Bre has asked a couple of people with no luck. After finishing the floor, Mark Berry will come in and seal the bottom of the new toilet. This would complete the post-septic recovery from earlier in the year when we had to rip of the linoleum after the septic backed up. If anyone has ideas to share on this project, please let us know!

5. Past, Current & Upcoming Trainings:

- Jen received a travel grant, covering part of the cost to attend a workshop this March in Anchorage preparing librarians for this year’s Summer Reading Program theme, *Dig Deeper*. She is very much looking forward to learning from other librarians who will be developing similar programs, and employing techniques to make this year’s program even more successful.
- Bre will join Karen in March for the conference on Government Social Media in Seattle. This is in response to the public request for a City presence in social media in addition to following our policy on CY 19-17 Resolution to Improve the Practice of Active Outreach by the City of Gustavus Council Members.

6. Budget:

We are beginning talks with Tom and Phoebe on our upcoming fiscal year this month.

Thank you all for being such a great Council - we all appreciate your work!

Highlights from the Quarter



Gustavus Vol. Fire Department

Quarter 4 Highlights

24 volunteers in 3 divisions

238 total volunteered hours this quarter

1,124 total volunteered hours in 2019

62 total calls to date (48 EMS, 14 Fire)

(+13 calls from 2018)

October

- Calls: 8 EMS, 0 Fire
- Volunteer Hours: 100.5
- Working on where and how to place the Tsunami siren with State, DRC, and APT.
- USDAFS wildland season debrief meeting. We should be hosting a wildland class this spring again.
- Taught a CPR class for the Girls and Boys Run group.
- We held part 1 of 2 of fire prevention at the school. The elementary and preschool kids will get part 2 in the spring.

November

- Calls: 1 EMS, 0 Fire
- Volunteer Hours: 77.5
- We stripped all the firefighting equipment off Engine 27. Just a couple more things to pull off that require a couple people and tools. Should be done by the end of December.
- We had a live care fire drill. All went well and lot was learned seeing real flames and feeling some heat.
- Finishing up LHMP plan.
- Lots of winter cleaning going on.

December

- Calls: 2 EMS, 1 Fire
- Volunteer Hours: 60

- Local Hazard Mitigation Plan completed, and the council passed a resolution supporting it. Just waiting for the final copy from the to be sent our way. This opens up some FEMA grants that are only available with a current completed HMP.
- EMS supply inventory.
- Turned in new CIP's for a rain cistern/drinking water, engine 27 replacement and for a replacement with a new monitor/AED.
- Turned it the USDAFS Volunteer Fire Assistance Grant. I applied for a couple more pumps and suction hoses.
- Fire calls included:
 - 12/08/2019 Called to a house for a chimney fire. The fire was out upon arrival. The homeowner put a Chimfex in the stove after calling 911 and the fire started to go out on its own. There are various ways to clean chimneys the only way that really works is to use a stove brush. Adding any chemicals to the stove that say they help clean the pipes are basically creating a fire in the stack to clean it. If your stack is too dirty it will create a true chimney fire. Over time your stoves pipes weaken and get small holes in them, this happens by cleaning them and from the heat created by the fire. Holes allow CO to pass through, CO is a silent killer.

Future Items & Other Working Projects

- Gustavus Rookie Firefighter Academy. In development
- Emergency Planning Meeting will be someday, after completion of the SCERP plan.
- Working on some public relation and education projects. (Firewise, youth bike safety)
- **Fire Engine Operator Class coming in March.**
- I'm working on ideas for an offsite firefighting training complex. This will help real-life training tremendously.
- I'm always researching some tools and appliances that the volunteers need to safely complete the emergency task, while being minimally staffed and reducing the risks of being in hazardous positions. (thermal imaging camera, gas meters, hi-vis coats, extrication equipment)
- **Emergency Trauma Technician 40-hour class will be starting Feb 2. Flyers and info coming soon.**
- **Assistance to firefighter's grant should be coming out soon. With help I plan on applying for a firefighter 1 class and new fire gear to outfit the class.**
- Looking on how to replace engine 27.

**Fireman's Ball is happening
January 18th 2020 at the Firehall.**

City of Gustavus
Profit & Loss Budget vs. Actual COG Accrual
July through December 2019

	Jul - Dec 19	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
Prior-Year Cash Balance	0.00	73,223.51	-73,223.51	0.0%
Business License Fees	750.00	3,800.00	-3,050.00	19.7%
Donations	1,368.00	1,000.00	368.00	136.8%
DRC Income	64,521.15	90,480.00	-25,958.85	71.3%
Federal Revenue				
Payment In Lieu of Taxes	115,419.89	112,735.48	2,684.41	102.4%
Total Federal Revenue	115,419.89	112,735.48	2,684.41	102.4%
Fundraising	1,271.00	500.00	771.00	254.2%
GVFD Income	9,203.56	7,900.00	1,303.56	116.5%
Interest Income	217.39	300.00	-82.61	72.5%
Lands Income	13,544.00	22,000.00	-8,456.00	61.6%
Lease Income	6,562.32	12,720.35	-6,158.03	51.6%
Library Income	527.85	500.00	27.85	105.6%
Marine Facilities Income	3,440.00	15,700.00	-12,260.00	21.9%
Other Income	16,312.60	3,777.00	12,535.60	431.9%
State Revenue				
Community Assistance Program	82,845.41	82,845.41	0.00	100.0%
Shared Fisheries Business Tax	204.98	1,500.00	-1,295.02	13.7%
Total State Revenue	83,050.39	84,345.41	-1,295.02	98.5%
Tax Income				
Retail Tax Income	281,009.26	378,700.00	-97,690.74	74.2%
Room Tax Income	76,576.70	65,000.00	11,576.70	117.8%
Fish Box Tax	10,090.00	13,000.00	-2,910.00	77.6%
Penalties & Interest	1,920.76			
Tax Exempt Cards	30.00	200.00	-170.00	15.0%
Total Tax Income	369,626.72	456,900.00	-87,273.28	80.9%
Total Income	685,814.87	885,881.75	-200,066.88	77.4%
Gross Profit	685,814.87	885,881.75	-200,066.88	77.4%
Expense				
Administrative Costs	1,733.98	4,000.00	-2,266.02	43.3%
Advertising	75.00	100.00	-25.00	75.0%
Bank Service Charges	1,476.81	2,275.00	-798.19	64.9%
Building	21,991.89	27,707.42	-5,715.53	79.4%
Contractual Services	41,330.48	100,960.00	-59,629.52	40.9%
Dues/Fees	2,539.69	7,450.00	-4,910.31	34.1%
Economic Development Services				
GVA	32,000.00	32,000.00	0.00	100.0%
Total Economic Development Services	32,000.00	32,000.00	0.00	100.0%
Election Expense	202.16	250.00	-47.84	80.9%
Equipment	15,196.25	27,126.00	-11,929.75	56.0%
Events & Celebrations	3,633.39	4,350.00	-716.61	83.5%
Freight/Shipping	15,704.18	24,030.00	-8,325.82	65.4%
Fundraising Expenses	936.27	500.00	436.27	187.3%
General Liability	10,890.44	10,717.80	172.64	101.6%
Library Materials	-484.83	600.00	-1,084.83	-80.8%
Marine Facilities	1,878.76	4,851.36	-2,972.60	38.7%

City of Gustavus
Profit & Loss Budget vs. Actual COG Accrual
July through December 2019

	<u>Jul - Dec 19</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Occupational Health	0.00	500.00	-500.00	0.0%
Payroll Expenses	228,847.62	462,853.63	-234,006.01	49.4%
Professional Services	11,022.50	30,000.00	-18,977.50	36.7%
Public Relations	211.74	500.00	-288.26	42.3%
Repair & Replacement Fund	25,354.66	25,354.66	0.00	100.0%
Road Maintenance	47,402.58	85,000.00	-37,597.42	55.8%
Social Services				
GCEP dba The Rookery	13,890.00	13,890.00	0.00	100.0%
Total Social Services	13,890.00	13,890.00	0.00	100.0%
Supplies	5,095.73	19,315.00	-14,219.27	26.4%
Telecommunications	10,696.91	20,790.00	-10,093.09	51.5%
Training	5,368.13	10,400.00	-5,031.87	51.6%
Travel	7,445.51	29,365.00	-21,919.49	25.4%
Utilities	11,113.82	16,700.00	-5,586.18	66.5%
Vehicle	4,847.61	8,445.93	-3,598.32	57.4%
Total Expense	520,401.28	970,031.80	-449,630.52	53.6%
Net Ordinary Income	165,413.59	-84,150.05	249,563.64	-196.6%
Other Income/Expense				
Other Income				
Encumbered Funds	85,000.00	85,100.00	-100.00	99.9%
Total Other Income	85,000.00	85,100.00	-100.00	99.9%
Net Other Income	85,000.00	85,100.00	-100.00	99.9%
Net Income	<u>250,413.59</u>	<u>949.95</u>	<u>249,463.64</u>	<u>26,360.7%</u>

City of Gustavus
Balance Sheet
As of December 31, 2019

	Dec 31, 19
ASSETS	
Current Assets	
Checking/Savings	
AMLIP Capital Improv Current (0630598.1)	49,095.07
AMLIP Capital Improv Long-Term (0630598.2)	484,082.80
AMLIP Repair & Replacement (0630598.3)	285,848.48
AMLIP Road Maint - Unencumbered (0630598.4)	257,891.52
AMLIP Road Maint - Encumbered (0630598.8)	13,113.78
AMLIP Reserve (0630598.12)	879,792.78
APCM.Endowment Fund	1,468,487.49
FNBA - Checking	753,190.76
FNBA Endowment Fund - Checking	42,923.08
Petty Cash	79.43
Total Checking/Savings	4,234,505.19
Accounts Receivable	
Accounts Receivable	14,141.22
Total Accounts Receivable	14,141.22
Total Current Assets	4,248,646.41
TOTAL ASSETS	4,248,646.41
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Credit Cards	
Bank of America Alaska Air Visa	2,654.08
Total Credit Cards	2,654.08
Other Current Liabilities	
Deferred Income	2,320.00
Total Other Current Liabilities	2,320.00
Total Current Liabilities	4,974.08
Total Liabilities	4,974.08
Equity	
Fund Balance	3,022,644.70
Opening Bal Equity	1,084,743.57
Net Income	136,284.06
Total Equity	4,243,672.33
TOTAL LIABILITIES & EQUITY	4,248,646.41

Accounts Receivable Detail

As of 12/31/19

\$4,044.75	Delinquent Sales Tax
\$7,633.76	Ambulance Transport Billing - In Progress
\$2,320.00	Fish-Box Tax Deferred Income
\$142.71	Net of Other Customer Account Balances

\$14,141.22	Total
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FNBA Checking Account - Unrestricted Funds Balance

As of 12/31/19

FDIC: The standard deposit insurance coverage limit is \$250,000 per depositor, per FDIC-insured bank, per ownership category.

City of Gustavus has a tri-party agreement in place that collateralizes our account, providing protection for the full value of our account balances.

FNBA Checking Account Balance:	\$753,190.76
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Obligated Funds Currently in Checking Account:

MF	CP18-01 Salmon River Harbor	(\$19,856.96)
	CP18-04 LIDAR of Gustavus	(\$12,342.59)
DRC	CP18-05 DRC Pre-Processing	(\$55,868.00)
DRC	CP18-07 Household Haz Waste Fac.	(\$59,450.00)
DRC	CP19-02 Community Chest Maint.	(\$741.84)
Admin	CP19-03 Gustavus Beach Improv.	(\$36,752.93)
DRC	CP19-06 DRC Composting Facility	(\$111,585.00)
Library	CP19-08 Library Roof/Awning/Shed	(\$60,000.00)
Library	FY20 PLA Grant	(\$3,182.42)
Library	SoA OWL Internet Subsidy	(\$3,059.20)
Roads	FY20-02NCO FY20 encumbered road money	(\$37,597.42)
Roads	USFWS Chase Drvwy	(\$251.02)

Unrestricted Funds:	\$352,503.38
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Pending Transfers: None

Per the Unrestricted Fund Balance Policy (Res. CY18-18), the unrestricted fund balance should be 17-35% of the current fiscal year's operating expenses, with a target of 25%.

FY20 budgeted operating expenses:	\$958,560.20
25% =	\$239,640.05
17% =	\$162,955.23
35% =	\$335,496.07

Capital Projects 2019-2024

Capital Projects	Budget Requested	Amount Funded	Funded Project QuickBooks Class Name	Dept./ Committee	Short Form Complete	Full Scoping Document Submitted	Council Approval	Funded Date	Notes	Proposed Completion Date	Proposed Funding Source
Funded for 2018 (most by FY18-22NCO):											
Preprocessing Storage & Driveway:											
Storage Bins/Pallet Jack (\$18,000)	\$ 18,000.00	\$ 18,000.00	CP18-06 DRC Storage Bins - Jack	DRC	N/A	9/16/2016	9/16/2016	4/8/2019		done	AMLIP
Household Hazardous Waste Facility	\$ 59,450.00	\$ 59,450.00	CP18-07 Household Haz Waste Fac	DRC	N/A	12/5/2016	12/12/2016	5/13/2019		2020	CIP, or AMLIP
Salmon River Harbor Clean-up & Kiosk	\$ 27,000.00	\$ 27,000.00	CP18-01 Salmon River Harbor	MF	N/A	1/3/2017	1/9/2017	6/11/2018		in progress	AMLIP
Wilson Rd. - ditching, culverts	\$ 40,000.00	\$ 40,000.00	CP18-02 Wilson Rd Drainage	Roads	N/A	1/26/2018	5/14/2018	6/11/2018		on hold	AMLIP
LIDAR	\$ 28,400.00	\$ 28,400.00	CP18-04 LIDAR of Gustavus		4/5/2018	n/a	4/9/2018	6/11/2018		in progress	AMLIP
Community Chest facility maintenance	\$ 10,000.00	\$ 10,000.00	CP19-02 Community Chest Maint.	DRC	3/11/2019	N/A	3/11/2019	4/8/2019		in progress	AMLIP
Funded for 2019:											
Council Chambers Upgrade	\$ 5,250.00	\$ 5,250.00	CP19-01 Council Chambers	Admin	finite	finite	3/11/2019	3/11/2019		done	AMLIP
Library Bike Shelter/Shed	\$ 15,000.00	\$ 15,000.00	CP19-08 Library Roof/Shed/Awning	Library	N/A	7/22/2019; revised 8/5/19	7/22/2019; revised 8/5/19	8/12/2019	only \$10,000 moved 8/12/19; \$5000 still to transfer	on hold	AMLIP
Library Roof Repair	\$ 50,000.00	\$ 50,000.00	CP19-08 Library Roof/Shed/Awning	Library	N/A	7/22/2019; revised 8/5/19	7/22/2019; revised 8/5/19	8/12/2019		in progress	AMLIP R&R
Library Heating Control Upgrade	\$ 6,500.00	\$ 6,500.00	CP 19-05 Library Heating Upgrade	Library	4/8/2019	N/A	4/8/2019	4/8/2019		done	AMLIP R&R
Gustavus Beach Improvements: Phase 1	\$ 65,800.00	\$53,150.00	CP19-03 Gustavus Beach Improv.	Admin	N/A	3/11/2019	3/11/2019	4/8/2019	Phase 1	in progress	AMLIP
Compost Yard Improvement	\$ 111,585.00	\$ 111,585.00	CP19-06 DRC Composting Facility	DRC	N/A	1/2/2018, revised 3/11/19	1/15/2018, revised 3/11/19	5/13/2019	Phase 2	in progress	CIP, or AMLIP CP and R&R
GVFD Stryker Power Cot and Power Load	\$ 35,000.00	\$ 35,000.00	CP19-04 GVFD Stryker Power Cot	GVFD	3/11/2019	N/A	3/11/2019	4/8/2019	Total cost = \$42,000. Code Blue grant = \$7000	done	AMLIP
Gravel Pit Improvements	\$ 500,000.00		CP19-07 Gravel Extraction Improv.	Lands	N/A	4/25/2019	5/13/2019	postponed		2021?	AMLIP
Inflow Storage & HHW Facility Storage Area	\$26,400, then \$62,000	\$ 62,000.00	CP18-05 DRC Pre-Processing	DRC	N/A	9/16/2016, revised 3/11/19	9/16/2016, revised 3/11/19	5/13/2019	6/11/18 amended scoping document; 3/11/19 amended	2020	CIP, or AMLIP
Library Expansion - Architectural & Engineering	\$ 30,000.00	\$ -		Library	3/1/2018		2/11/2019			Mid-range	CIP
Roof/Building Expansion - Architectural & Engineering	\$ 30,000.00			GVFD	N/A	2/9/2018	2/12/2018			Mid-range	CIP
Lifepak15 Cardiac AED/Monitor	\$ 38,000.00			GVFD	2/1/2019					Mid-range	Code Blue & ?
Gustavus Beach Improvements: Parking Area	\$ 40,000.00			Admin	N/A	3/11/2019	3/11/2019		Phase 2	Mid-range	
Refurbish/Repurpose Composting Quonset	\$ 15,000.00	\$ -		DRC					Phase 3	Mid-range: 2020?	
Landscape Design consulting		\$ -		-split-	2/20/2018				Phase 1	Mid-range	
Utility Pick-up Truck		\$ -		GVFD	2/15/2018					Mid-range	
City Hall & Fire Hall Energy Audit Repairs				GVFD & Admin	3/1/2018	Res. CY18-12				Mid-range	
Roof/Building Expansion	\$700,000			GVFD	N/A	2/9/2018	2/12/2018, revised 2/11/2019			Long-range	CIP - state, federal grant
Driveway Relocation or River Bank Stabilization		\$ -		Admin	N/A				Phase 2	Long-range	AMLIP
City Hall front room - carpeting, painting, windows		\$ -		Admin	2/14/2018					Long-range	
Old P.O./Preschool building refurbish		\$ -		Admin	2/20/2018					Long-range	
Water Tender / Road Water Truck		\$ -		GVFD	2/15/2018					Long-range	
Edraulic Extrication Equipment	\$35,000			GVFD	2/15/2018					Long-range	AFG
911 System Upgrade		\$ -		GVFD						Long-range	
Library Expansion		\$ -		Library	3/1/2018					Long-range	
Grandpa's Farm Road Bridge & Culvert				Roads						Long-range	USFWS and/or AKSSF
Main Building Replacement	before landfill closes	\$ -		DRC	N/A	will be part of plan to be submitted in 2019				Long-range	
Landfill Closure 4-8 years	long-term	\$ -		DRC	N/A	will be part of plan to be submitted in 2019				Long-range	
Baler Purchase	long-term	\$ -		DRC	N/A	will be part of plan to be submitted in 2019				Long-range	
City Vehicle		\$ -		-split-	2/20/2018					Long-range	
Salmon River Harbor Waterless Restrooms				MF						Long-range	
Salmon River Harbor Public Floats				MF						Long-range	
Total Capital Projects	\$1,859,985.00	\$ 521,335.00									
CAPGIS 2018 submission											
CAPGIS 2019 submission											

Incoming Grants/Scholarships to City of Gustavus FY20

Dept.	Purpose	Date Received	Amount Awarded	QB Class Name	Amount Spent to Date	Remaining Funds	Notes
Library	Library Supplies	8/15/2019	\$7,000.00	FY20 PLA Grant	\$3,817.58	\$3,182.42	State of AK Public Library Assistance (PLA) grant for library materials
	Reading with Rachel	7/9/2019	\$554.00	Reading with Rachel	\$554.00	\$0.00	Grant from Jon & Julie Howell
	Library Internet	fall 2019	\$2,020.00	SoA OWL Internet Subsidy	\$0.00	\$2,020.00	Alaska Online with Libraries (OWL) internet re-installation subsidy
	Library Internet	fall 2019	\$2,078.40	SoA OWL Internet Subsidy	\$1,039.20	\$1,039.20	Alaska OWL monthly internet subsidy
	Library Equipment	11/21/2019	\$1,000.00	--	\$1,000.00	\$0.00	APEI Safety Grant used toward purchase of AED
GVFD	GVFD Equipment	Spring 2018	\$25,450.00	funds can be spent over 2 years	\$23,015.50	\$2,434.50	SEREMS Code Blue Grant 2018 - GVFD pays 10% match
	GVFD Supplies	3/25/2019	\$3,735.00	2019 VFA Grant	\$3,735.00	\$0.00	The Volunteer Fire Assistance (VFA) provides assistance in training, equipment purchases, and prevention activities, on a cost share basis.
	GVFD Equipment	FY20	\$36,000.00	Tsunami Siren Grant FY20	\$0.00	\$36,000.00	State of AK Div. of Homeland Sec. & Emergency Mgmt.
Admin	City Clerk Training	8/10/2019	\$1,550.00	(applied to FY19 expense)	\$1,550.00	\$0.00	AAMC scholarship for NW Clerks Institute June 2019
	City Clerk Training	8/6/2019	\$400.00	(applied to FY19 expense)	\$400.00	\$0.00	IIMC Foundation scholarship for IIMC institute Jun. 2019
	City Council Training	winter 2019	\$500.00		\$0.00	\$500.00	AML scholarship for Shelley Owens for Nov. 2019 Conf.
	City Clerk Training	winter 2019	\$500.00		\$0.00	\$500.00	AAMC scholarship for Nov. 2019 annual conference

\$80,787.40

Outgoing Grants from City of Gustavus - Endowment Fund Grant (EFG)

Resolution	Grantee	Date Awarded	Amount Awarded	QB Class Name	Amount Disbursed to Date	Remaining Funds	Notes
CY18-33	GCEP	12/10/2018	\$4,363.95	2019 EFG - GCEP	\$4,363.95	\$0.00	
CY18-33	GHAA	12/10/2018	\$3,424.00	2019 EFG - GHAA	\$3,424.00	\$0.00	
CY18-33	Gustavus Helping Hands	12/10/2018	\$4,540.00	2019 EFG - GHH	\$4,527.47	\$12.53	unused funds will be available for 2021 grant cycle
CY18-33	Gustavus Public Library	12/10/2018	\$2,902.60	2019 EFG - GPL	\$2,902.60	\$0.00	
CY18-33	Gustavus School	12/10/2018	\$9,606.75	2019 EFG - GST School	\$9,606.75	\$0.00	
CY19-01	Gustavus Community Center	1/14/2019	\$17,514.70	2019 EFG - GCC	\$17,514.70	\$0.00	
CY19-21	Gustavus Community Center	12/9/2019	\$21,547.52	2020 EFG - GCC	\$0.00	\$21,547.52	grant ends 12/10/20
CY19-21	Gustavus PFAS Action Coalition	12/9/2019	\$21,250.00	2020 EFG - GPAC	\$0.00	\$21,250.00	grant ends 12/10/20

CITY ADMINISTRATOR'S REPORT JANUARY GENERAL MEETING

BEACH

There will be a work session to discuss any changes to the CRMA and/or any improvements.



ROADS COMMITTEE

Attached is the draft Charges for the Roads Advisory Committee (RAC) and a draft RAC membership solicitation for comment.

CIP

A work session for reviewing the draft CIP Plan is scheduled for January 16th at 5:30

STEEL FLOAT

We have an estimate from a local business for moving the steel float of \$4,000 for each moving event and we supply the labor (e.g. Harbormaster plus any others needed.) Since ADOT will move the steel float after the bridge repairs, the first event we will need to cover will be in FY21. Items to consider include the condition of the float (will it need repairs, etc.), the anchoring system, or any other expenses we may not yet be aware of. ADOT will be beaching the float to clean and inspect the float during the State dock work this spring, that will give us a good idea of any additional costs.

STRATEGIC PLAN

The Strategic Plan work session to discuss the survey analysis and future survey's is scheduled for January 15 at 5:30.

DOING BUSINESS IN GUSTAVUS

The work session to discuss changes to Title 4 pertaining to the requirement for a City business license and the collection and payment of sales tax is scheduled for February 5th at 5:30.



MARINE FACILITIES ADVISORY COMMITTEE

The MFAC has met 3 times. The first meeting (Dec 18) covered organizational and procedural issues, and a brief discussion about the Facility Use Agreement and Fee Schedule. The second meeting (Dec 27) discussed the FUA and fees and determined that incorporating the core content into Title 8 may be a more effective way to accomplish the objectives. The third meeting (Jan 2) was a review of the draft Title 8 amendments, a draft resolution to amend the fee schedule, and a draft amended vessel registration. A copy of the documents was sent out on Jan 2 to the Council for consideration. Attached is the recommendation of the MFAC.

FERRY TERMINAL CLOSURE

REMINDER: The ferry terminal will be closed from March 3 – May 31, 2020 for work to improve the facility. **Note:** If the ferry is late coming out of the mandatory layup and misses the March 3 closure date there will not be another opportunity until the terminal work is complete.



City of Gustavus, Alaska
PO Box 1
Gustavus, Alaska 99826
Phone: 907.697.2451
Fax: 907.697.2136

Roads Advisory Committee (RAC)

Members Needed

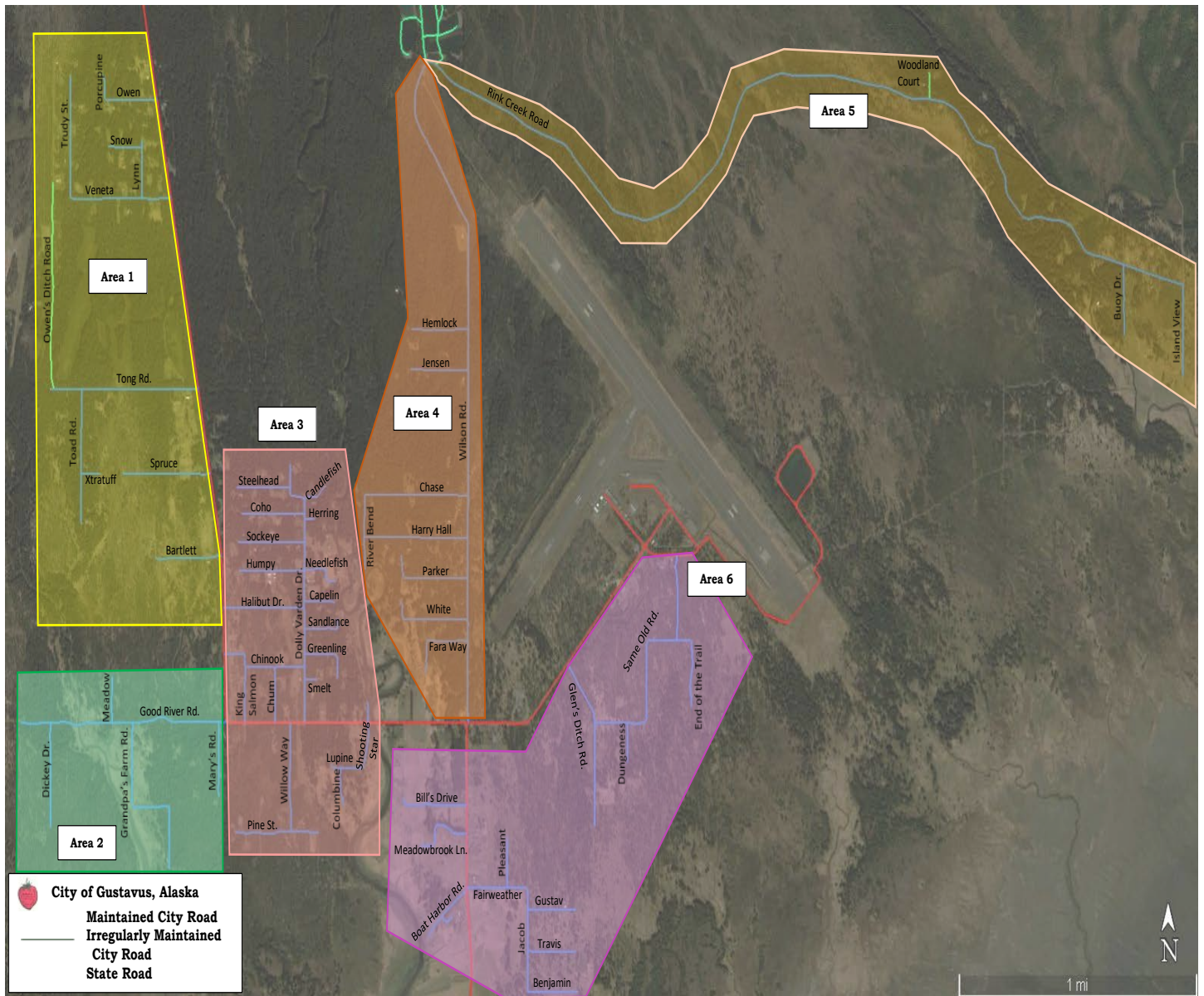
The City is looking for members to fill 6 Roads Advisory Committee seats in accordance with Section 6.04.030 Roads Advisory Committee. Appointments will be 3 years staggered terms of 2 or 3 years.

Initial tasks of the RAC will include:

- a. Review the draft Gustavus Road Plan and make recommendations to the city council
- b. Review the Capital Improvement Projects Plan and associated documents pertaining to city roads

Candidates must be a resident within the area appointed, a qualified voter residing in the City, and will to participate in monthly meetings.

Complete an attached application or find one on the City's Web Site at <https://cms.gustavus-ak.gov/bc/page/application-appointment-committee>
Submit application to City Hall no later than 4p.m. January 25, 2020 if interested.



CHARGES

- a. **Mission Statement.** The Roads Advisory Committee will create and submit to the city council a mission statement consistent with the charges for the creation of the committee.
- b. **Problem Statement.** The Roads Advisory Committee will develop a list of key problems and/or opportunities that address the charges of the committee.
- c. **Prioritized Goals.** The Roads Advisory Committee shall develop, in priority, a list of one to five goals that the committee will seek to attain. Some goals may be assigned by the city council.
- d. **Key Tasks.** The Roads Advisory Committee will develop key tasks to be completed during the term of the committee. The key tasks will identify how a goal will be completed. A key task may be assigned by the city council.
- e. **Updates.** The Roads Advisory Committee will provide progress updates to the city council at General Meetings under the General Meeting Agenda Item 5. "Committee/Staff Reports".

Pursuant to CYXX "A Resolution by the City of Gustavus to promulgate the establishment of the Gustavus Roads Advisory Committee (RAC)", the City has authorized the formation of the RAC to recommend to the City Council actions to:

- Identify and recommend actions that improve, maintain, and sustain city roads in the most cost effective and practical manner.
- Notify the city administrator, city council member appointed to the RAC, or the mayor of road condition status for the purposes of maintenance, emergency conditions, or other roads related subjects.

The RAC will be composed of 6 members, one from each of the designated areas of the attached map. In addition, the RAC will include a council member appointed to the RAC by the city council, city administrator, and the city clerk.

The RAC members will be as follows:

City Administrator: Tom Williams (non-voting member)

City Clerk: Karen Platt (non-voting member)

City Council Member:

Public Members:

- 1
- 2
- 3
- 4
- 5
- 6

Appointments will be 3 years staggered terms of 2 or 3 years.

Meetings will be once a month or as needed, determined by the RAC and approved by the city council. RAC meetings will be open to the public. Minutes will be taken for business meetings, not work sessions. Summary minutes in the form of meeting action outcomes

and relevant documents will be publicly available and archived to the City of Gustavus web site by the city clerk.

Initial tasks of the RAC will include:

- a. Review the draft Gustavus Road Plan and make recommendations to the city council
- b. Review the Capital Improvement Projects Plan and associated documents pertaining to city roads



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

Public Comment on Non-Agenda Items



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Phone: (907) 697-2451

Consent Agenda

CERTIFICATE OF RECORDS DESTRUCTION

This form documents the destruction of public records in accordance with Alaska Statute 40.25,
Gustavus Municipal Code 2.70.030 and City of Gustavus Policy and Procedure for Public Records Management

1. Agency/Locality City of Gustavus	2. Division/Department Desk of the Deputy City Clerk	3. Person Completing Form Sandi Marchbanks, Interim Deputy City Clerk
4. Address, City, State & Zip P.O. Box 1, Gustavus	5a. Telephone Number & Extension	5b. E-mail Address clerk@gustavus-ak.gov

6. Records to Be Destroyed

a) Schedule and Records Series Number	b) Records Series Title	c) Date Range (mo/yr)	d) Location	e) Volume	f) Destruction Method
A-4 4yrs	Account Pay/Rec	1995-08, 2010-15	City Hall	33 files	recycle
C-20, 5yrs	Committee Files	2008, 09, 11, 12	City Hall	5 File	Recycle/delete
F-4, 5 yrs	GFVD Septic System Permit	2014	City Hall	2 File	Recycle
E-2, 90 days	Transitory Correspondence	2012, 2013, 2015	City Hall	4 File	Recycle
F-16, 6yrs	Fire & EMS General	2008-10, 2013	City Hall	3 File	Shred
A-19, 4yrs	Surplus Property	2008	City Hall	1 File	Shred
A-D 1, Until need is met	General Admin	2019	City Hall	2 files	Recycle
C-17, 1 year	Public Records Request	2018	City Hall	1 File	Recycle
F-4, 5 years	School, other public & business building safety inspections	2008, 2015	City Hall	1 File	Recycle
PW-1, 4 years	Community Survey Proposals, Bids for Rink Creek Bridge Culvert, floats, SR launch & Landing, draft MF Sports Launch Ramp	2007, 2008, 2016, 2011, 2009	City Hall	5 File Folder	Recycle/Shred
C-21	Clerk-General	2012, 2013	Clerk Computer desktop	6 Electronic folders	Delete

DESTRUCTION APPROVALS

Note: Public records may not be destroyed without receiving prior authorization from the Mayor and/or City Council.

We certify that the records listed above have been retained for the scheduled retention period, as per the City of Gustavus Records Retention Schedule, required audits have been completed, and no pending or ongoing litigation or investigation involving these records is known to exist.

7. MAYOR _____ **DATE** _____

8. CITY CLERK/TREASURER _____ **DATE** _____

9. RECORDS DESTRUCTION
AFFIRMED BY: _____ **DATE** _____



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

Ordinance for Public Hearing



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

Unfinished Business



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

New Business

**CITY OF GUSTAVUS
ORDINANCE FY20-12**

**AN ORDINANCE FOR THE CITY OF GUSTAVUS PROVIDING FOR THE
AMENDMENT OF CITY ORDINANCE TITLE 8 MARINE FACILITIES
CHAPTER 8.01, SECTIONS 8.01.030, 8.01.040 f) and z), CHAPTER 8.02,
SECTIONS 8.02.020 (b) 6., 8.02.040 (a), (c), CHAPTER 8.04, Sections
8.04.010 a. through e., CHAPTER 8.05, SECTION 8.05.010 (f) and
CHAPTER 8.07, SECTION 8.07.030 (c)**

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, it is enacted by the Gustavus City Council that Title 8 Marine Facilities Chapter 8.01, Sections 8.01.030, 8.01.040 f) and z), Chapter 8.02, Sections 8.02.020 (b) 6., 8.02.040 (a), (c), Chapter 8.04, Sections 8.04.010 a. through e., Chapter 8.05, Section 8.05.010 (f) and Chapter 8.07, Section 8.07.030 (c) be amended as follows:

Bold and Underlined items are additions. ~~Strikeout~~-items are deletions.

Chapter 8.01 MARINE FACILITIES

Section 8.01.030 – Implied agreement for use of facilities; city liability denied

The use of city-owned and maintained harbor facilities constitutes an agreement by the owner, operator, master and/or managing agent of a vessel comply with this title and any regulation adopted by the City of Gustavus, and to pay all fees and charges provided by this title. The City of Gustavus shall not be liable for loss of or damage to property, or injury to persons within or upon its harbor facilities. **The owner, operator, master and/or managing agent of a vessel agrees to comply with all Federal, State of Alaska, and City of Gustavus laws, regulations, and policies. The agreement does not apply to State and Federal agency vessels, vessels conducting official business**

with the City of Gustavus, educational or scientific research purposes with prior approval by the City of Gustavus.

The owner, operator, master and/or managing agent of a vessel agrees to the following:

- a. Vessels moored within the harbor facilities shall be capable of meeting the provisions of Section 8.07.090, 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.

Section 8.01.040 - Definitions

- a) Commercial Fishing Vessel. A vessel engaged in any trade, business, or commercial activity
- z) Private Vessel. Any motor vessel that is not engaged in business (business includes, but is not limited to, transportation of passengers for hire or commercial fishing)

Chapter 8.02 - ADMINISTRATIONS

Section 8.02.020 – Powers and duties.

(b)

6. To report any suspected violation of Federal, State, or City of Gustavus laws, regulations, or policies to the Mayor or City Administrator.

Section 8.02.040 – Marine Facilities Advisory Committee

- (a) There is established the marine facilities advisory committee, which shall consist of at least ~~three (3)~~ **four (4)** members appointed by the Gustavus City Council. To the extent possible, appointments to the marine facilities

advisory committee shall include persons having marine, engineering, financial, and other skills relevant to harbor facility affairs. Appointments shall be for three (3) years, after which a former member is required to wait at least one (1) year before applying for re-appointment. Initial appointments shall be for staggered terms of two (2) and three (3) years.

~~(2) Marine Facilities advisory committee members(s) physically absent from Gustavus may participate by teleconference for no more than four (4) meetings per year, beginning the date of their appointment.~~

Chapter 8.04 – RULES FOR USE OF THE GUSTAVUS HARBOR FACILITIES

Section 8.04.010 – Conduct in harbor facilities-General Rules.

~~(a) Vessels moored within the harbor facilities shall be capable of meeting the provisions of [Section 8.07.090](#), 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.~~

a. Use of the floats is for purposes as posted.

b. Conduct of Captain and Crew, passengers, guests, and provisioners are the responsibility of the vessel owner and signatory. Interaction with other users of the City of Gustavus Marine Facilities must be friendly, accepting of the rights of other patrons to use the facilities. Any disagreements, confrontations, or combative instigation by other patrons should be documented and submitted to City Hall.

- c. Cleaning of fish on the float is prohibited. Discarding of fish carcasses or by-product must be done in accordance with Federal, State, and City of Gustavus laws and regulations. Including, feeding of marine mammals and birds for any purpose.
- d. Discarding of animal carcasses (e.g. fish, deer, etc.) is prohibited from the City's Marine Facilities. All dumping of animal carcasses must be beyond mid-channel.
- e. Storing of equipment or provisions or leaving trash for more than thirty (30) minutes without the vessel moored to the float, is prohibited.

Violation of any of these standards may result in the loss of use for a set period, a fine of \$1,000 per violation.

Chapter 8.05 – PROHIBITED ACTS

Section 8.05.010 – Prohibited acts

- (f) *Improper waste disposal.* It is unlawful for any person to dispose of trash, garbage, refuse, human waste, animal carcasses or parts, fish waste or parts, or any similar substance in or on the water or the land of the harbor facilities. Discarding of animal carcasses (e.g. fish, deer, etc.) is prohibited from the Cities Marine Facilities. All dumping of animal carcasses must be beyond mid-channel.

Chapter 8.07 – SALMON RIVER SMALL BOAT HARBOR

Section 8.07.030 – Long-term storage zone.

- (c) Vessels and boat trailers. Boat trailers may be stored in the designated storage zone. ~~Untrailerred Vessels~~ **Vessels not on a trailer** may be stored in the storage zone, but shall be blocked and supported by means and in a manner that does not create a hazard to persons or property and does not impede relocation if required by the harbormaster.

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

Date Introduced: January 13, 2020

Date of Public Hearing: February 10, 2020

PASSED and **APPROVED** by the Gustavus City Council this XXth day of XXXX, 20XX

Calvin Casipit, Mayor

Attest: Karen Platt CMC, City Clerk

Title 8 - MARINE FACILITIES^[1]

Chapters:

Footnotes:

--- (1) ---

Editor's note— [Ord. No. FY13-20, § 3, adopted July 11, 2013](#), repealed former Title 8, Chs. 8.01—8.08, in its entirety and enacted new provisions as herein set out. Former Title 8 pertained to similar subject matter.

Chapter 8.01 - GENERAL PROVISIONS

Section 8.01.010 - 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;
- (g) To maintain a user-friendly facility.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.01.020 - Jurisdiction.

The City of Gustavus assumes control and jurisdiction over the Small Vessel Float System and the City of Gustavus-owned Salmon River Small Boat Harbor Facility. The provisions of this title shall be construed to supplement federal laws and regulations, in cases of concurrent jurisdiction.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.01.030 - Implied agreement for use of facilities; city liability denied.

The use of city-owned and maintained harbor facilities constitutes an agreement by the owner, operator, master and/or managing agent of a vessel comply with this title and any regulation adopted by the City of Gustavus, and to pay all fees and charges provided by this title. The City of Gustavus shall not be liable for loss of or damage to property, or injury to persons within or upon its harbor facilities. [The owner, operator, master and/or managing agent of a vessel agrees to](#)

comply with all Federal, State of Alaska, and City of Gustavus laws, regulations, and policies. The agreement does not apply to State and Federal agency vessels, vessels conducting official business with the City of Gustavus, educational or scientific research purposes with prior approval by the City of Gustavus.

The owner, operator, master and/or managing agent of a vessel agrees to the following:

- a. Vessels moored within the harbor facilities shall be capable of meeting the provisions of Section 8.07.090, 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.

(Ord. No. FY13-20, § 3, 7-11-2013)

Section 8.01.040 - 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.

- a) *Abandoned vessel and/or property.* Any vessel whose last registered or documented owner has failed to contact or cannot be contacted by the harbormaster via the most recent contact information on file. A vessel is deemed abandoned if the last registered or documented owner disclaims ownership, or the owner cannot be determined, or other identification has been obliterated or removed in a manner that precludes identification.
- b) *Anchor.* To secure a vessel to the bed of a body of water by lowering an anchor or anchors or by using a buoy secured to the bed of a body of water, or by using other ground tackle.
- c) *Cargo.* Goods or materials that are loaded onto or off-loaded from a vessel.
- d) *Cargo carrier.* The vessel hired to carry goods or materials.
- e) *Charter vessel.* A vessel used to transport hunters, recreational saltwater or freshwater fishermen, whale watching or wildlife viewing individuals or groups, kayakers and/or kayak hauling for hire or any motor vessel measuring less than two hundred (200) tons gross and not more than twenty-four (24) meters (79 feet) in length engaged in transport of passengers.
- f) *Commercial Fishing Vessel. A vessel engaged in any trade, business, or commercial activity*
- g) *Derelict.* Any vessel or property that the city determines to be, or appears to be forsaken, abandoned, deserted, cast away, unsound, unseaworthy, or unfit for its trade or occupation.
- h) *Distress.* A condition of a vessel that the city determines evidences disability or a present or obvious imminent danger, which, if prolonged, could endanger life and/or property.
- 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. *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.
- l) *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
- m) *Harbor appeal panel*. A group of two (2) council members and one (1) 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.
- n) *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:
 - a. *The small vessel float system (floats)*. All city-owned and maintained floating walkways that are designated for mooring vessels and that are attached to the State of Alaska's Gustavus Multi-Modal Marine Facility, which Facility includes the dock and its associated approach, mooring, and transfer structures, the Staging Area Island, and all related shore-side infrastructure.
 - b. *The Salmon River Small Boat Harbor Facility (small boat harbor)*. Parcel No. 3, Government Lot 6, Section 8 of Township 40 S., Range 59 E., Copper River Meridian.
- o) *Harbor facilities use fees*. All facility use rates, storage fees, penalties and transactions.
- p) *Harbormaster*. The individual(s) appointed by the mayor and ratified by the city council to serve as harbormaster(s), and/or any deputy harbormaster or other city employee authorized by the mayor to assume harbormaster(s) duties. The harbormaster is authorized to manage and control the use of all harbor facilities, to enforce this title, and to issue citations to individuals who violate these ordinances, as set out more fully in Chapter 2 of this title.
- q) *Hazardous substance*.
 - c. An element or compound that, when it enters into the atmosphere or in or upon the water or surface or subsurface land, presents an imminent and substantial danger to the public health or welfare, including but not limited to fish, animals, vegetation, or any part of the natural habitat in which they are found;
 - d. A hazardous substance defined under 42 U.S.C.9601(14).

- r) *Loading areas.* All of the designated areas of any float, when suitably posted and marked, are to be used only by the general public, without charge, for the purpose of loading and unloading of supplies, equipment and stores. Use of the loading zones is limited to two (2) hours in any twenty-four-hour period.
- s) *Long-term storage zone.* An area designated by resolution of the Gustavus City Council for the non-permanent storage of marine-related equipment.
- t) *Moor.* To make a vessel fast to the shore or to an anchor.
- u) *Navigation clear zone.* A radius of three hundred feet (300'), or diameter of six hundred feet (600'), from the Gustavus Multi-modal Marine Facility dock face.
- v) *Oil.* A derivative of a liquid hydrocarbon and includes without limitation crude oil, lubricating oil, sludge, oil refuse, diesel fuel, gasoline or another petroleum-related product or by-product;
- w) *Open mooring space.* A space on the float system which is available on a first-come, first-served basis, used for temporary or short-term mooring. Rafting out might be necessary during peak terms of occupancy.
- x) *Person(s).* A natural person or a business, corporation, joint venture, partnership, association, organization, trust, society, or governmental agency.
- y) *Pollutant.* Any substance or material defined as a pollutant under 33 U.S.C. 1362(6).

z) *Private Vessel.* Any motor vessel that is not engaged in business (business includes, but is not limited to, transportation of passengers for hire or commercial fishing)

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- aa) *Public nuisance.* A vessel and/or property or other item that causes an obstruction to navigation, or that is abandoned or derelict or unfit or unseaworthy or that is unsafe or that is maintained in such a manner as 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.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Chapter 8.02 - ADMINISTRATION

Section 8.02.010 - 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.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.02.020 - Powers and duties.

- (a) *Scope of responsibility.* The harbormaster shall be responsible for the management and control, operation and maintenance of the city's harbor facilities. The Harbormaster shall stay in close communication with State of Alaska Department of Transportation and Public Facilities personnel regarding the coordination of access and the use of the state-owned and managed Gustavus Multi-Modal Marine Facility.
- (b) *Power and duties.* The harbormaster shall have the following authority:
 - 1. To board, inspect and move any vessel within the harbor facilities at any time to abate a nuisance, to protect life and property, and to otherwise enforce the provisions of this title.
 - 2. To replace defective mooring lines, secure any vessel and/or property with additional mooring lines, and pump vessels that are in a dangerous condition or pose danger to other nearby vessels or property.
 - 3. To post signs and notices that inform the public of authorized and prohibited uses of the harbor facilities.
 - 4. To issue notices of violation against any person who violates any provision of the Gustavus Municipal Code.
 - 5. To require the owner of any vessel to demonstrate that it is in a seaworthy condition as a condition of use of the harbor facilities.
 - 6. [To report any suspected violation of Federal, State, or City of Gustavus laws, regulations, or policies to the Mayor or City Administrator.](#)

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.02.030 - 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 vessels or personal property stored at the harbor facilities arising from any cause.

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([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.02.040 - Marine facilities advisory committee.

(a) There is established the marine facilities advisory committee, which shall consist of at least ~~four~~ (4) members appointed by the Gustavus City Council. To the extent possible, appointments to the marine facilities advisory committee shall include persons having marine, engineering, financial, and other skills relevant to harbor facility affairs. Appointments shall be for three (3) years, after which a former member is required to wait at least one (1) year before applying for re-appointment. Initial appointments shall be for staggered terms of two (2) and three (3) years.

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(b) Each committee member shall be a qualified voter residing in the City of Gustavus.

(c) The marine facilities advisory committee shall meet at least once each month.

(1) At least one (1) member of the marine facilities advisory committee shall be physically present at the designated meeting place in Gustavus for each meeting.

(2) 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.

Deleted: (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. ¶

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(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.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Chapter 8.03 - REGISTRATION AND FEE TRANSACTION

Section 8.03.010 - 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.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.03.020 - Harbor use fees, charges and penalties.

- (a) The Gustavus Harbor Fee Schedule shall be adopted, and may be amended from time to time, by the Gustavus City Council by resolution.
- (b) Payment of all harbor use fees, including open moorage, storage and other fees, charges, penalties or fines shall be made by check, cash or money order to the City of Gustavus. Use fees must be paid in advance.
- (c) Annual harbor use fees are non-refundable.
- (d) Users who fail to pay past-due harbor use fees, past-due sales tax or past-due fish box tax to the City of Gustavus will be denied use of facilities until paid in full, including any penalties, fees and interest. All delinquent fees, penalties, and interest operate as a lien against the vessel.
- (e) The charges for a cargo carrier for use of the Salmon River Small Boat Harbor must be remitted to the city within thirty (30) days of use and if not so remitted, such payment is delinquent. The postmark shall determine the date of filing payments. In addition, a late payment penalty of five (5) percent per month or any fraction thereof, not to exceed a total accrual of twenty-five (25) percent), shall be added to all delinquent fees, until such use fees, penalty and interest thereon have been paid. Such penalty shall be assessed and collected in the same manner as the fee is assessed and collected. In addition to these penalties, interest at the rate of fifteen (15) percent per year on the delinquent use fees is collected.
- (f) If the city clerk or harbormaster is unavailable, a temporary moorage form will be available at the small vessel float system. The user's fee shall be deposited in a drop box labeled for that purpose. Payment shall be by cash or cheque. Failure to register with the city clerk or harbormaster, or to deposit the required fee in the drop box within four (4) hours of arrival in the harbor facilities subjects the vessel owner and operator to a fine of twenty-five dollars (\$25.00). Such fines operate as a lien on the subject vessel.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.03.030 - Fee collection and lien.

- (a) Penalties for late user fees shall be established by resolution by the city council.
- (b) 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 penalty shall, in addition to any other liability imposed by this title, be liable for the city's actual, reasonable attorney's fees and costs associated with the collection.
- (c) 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, equipment, tackle, gear, cargo, vehicle and property giving rise to such fees. The lien may be enforced by any procedure otherwise provided by law.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.03.040 - Reserved.

Chapter 8.04 - RULES FOR USE OF THE GUSTAVUS HARBOR FACILITIES

Section 8.04.010 - Conduct in harbor facilities—General Rules.

[a. Use of the floats is for purposes as posted.](#) ▼

Deleted: Duration at the float is intended to provide for the loading and unloading of passengers, gear, and other items (i.e. loading/unloading of provisions, daily fish catch, etc.) associated with the execution of the activities common with a charter fishing, whale-watching, kayak sightseeing, boating, or other similar activities. ...

b. Conduct of Captain and Crew, passengers, guests, and provisioners are the responsibility of the vessel owner and signatory. Interaction with other users of the City of Gustavus Marine Facilities must be friendly, accepting of the rights of other patrons to use the facilities. Any disagreements, confrontations, or combative instigation by other patrons should be documented and submitted to City Hall.

Deleted: <#>Use of the floats is not permitted for vessel repair, overnight occupancy, or mooring in excess of two (2) hours during the permitted uses described above.¶

c. Cleaning of fish on the float is prohibited. Discarding of fish carcasses or by-product must be done in accordance with Federal, State, and City of Gustavus laws and regulations. Including, feeding of marine mammals and birds for any purpose.

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d. Discarding of animal carcasses (e.g. fish, deer, etc.) is prohibited from the City's Marine Facilities. All dumping of animal carcasses must be beyond mid-channel.

e. Storing of equipment or provisions or leaving trash for more than thirty (30) minutes without the vessel moored to the float, is prohibited.

Violation of any of these standards may result in the loss of use for a set period, a fine of \$1,000 per violation.

Deleted: , termination of the Facility Use Agreement, or any combination of these remedies...

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.04.020 - 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 clean, orderly and safe condition.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.04.030 - 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 Section 8.02.020(b) shall be deemed a violation of this chapter.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.04.040 - 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.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Chapter 8.05 - PROHIBITED ACTS

Section 8.05.010 - Prohibited acts.

It is unlawful for any person using the Gustavus harbor facilities to commit or allow any of the following prohibited acts:

- (a) *Improper vessel operation.* It is unlawful for a person to operate or cause to be operated any vessel or watercraft in a reckless or negligent manner or in disregard for the safety of person(s) or property within the limits of the harbor facilities.

It is unlawful for a person to operate any vessel or watercraft in a manner that unreasonably or unnecessarily interferes with other vessels or watercraft, or with the free and proper navigation of the waterways of the harbor facilities.

- (b) *Hazard to navigation.* No person shall create or fail to remove, after request from the harbormaster, a hazard to navigation within the harbor facilities.
- (c) *Improper mooring.* No person shall moor or anchor any boat, vessel or other floating structure:
- (1) In a manner which obstructs access to or use of the harbor facilities;
 - (2) In the clear zone of the Gustavus Multi-Modal Marine Facility per Section 8.06.030.
- (d) *Improper use of harbor facilities.* No person shall use the harbor facilities for purposes or in a manner contrary to Title 8 of this Code of Ordinances.
- (e) *Improper dressing and processing of fish.* It is unlawful to dress or process fish, including but not limited to gutting, filleting, fletching, smoking or steaking except aboard a vessel at the harbor facilities.
- (f) *Improper waste disposal.* It is unlawful for any person to dispose of trash, garbage, refuse, human waste, animal carcasses or parts, fish waste or parts, or any similar substance in or on the water or the land of the harbor facilities. [Discarding of animal carcasses \(e.g. fish, deer, etc.\) is prohibited from the Cities Marine Facilities. All dumping of animal carcasses must be beyond mid-channel.](#)
- (g) *Improper dumping or discarding of property.* It is unlawful for any person to discard, dump or otherwise place on or into the harbor facilities or any waterway:
- (1) Batteries;
 - (2) Oil;
 - (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);
 - (4) Fuel, or any other petroleum product;
 - (5) Refuse;
 - (6) Garbage; or
 - (7) Other pollutants.
- (h) *Unattended cargo or freight.* No person shall deposit 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. 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.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.05.020 - 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 citation. Alternatively, the person may choose to exercise the following appeal rights:
 - (1) The first level of appeal shall be to the harbor appeal panel. The question on appeal shall be whether the violation charged in the citation has been proven by the Harbormaster by a preponderance of the evidence.
 - (2) Any subsequent appeal shall be taken to the Superior Court of the State of Alaska at Juneau.
- (c) The fine amounts are set forth in resolution by the Gustavus City Council.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.05.030 - Repeat offenses.

Each repeat offense shall carry a fine double the amount of the previous offense. In the case of a repeat offense, at the recommendation of the harbormaster and confirmation of the city council, an individual or commercial entity responsible for said acts may be prohibited from using the facility for up to one (1) year.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.05.040 - Relationship to other laws.

- (a) In addition to the requirements set forth in this chapter, certain federal, state, local and international laws and regulations, including but not limited to environmental, health, safety and sanitation laws and regulations, are applicable to all Gustavus harbor facilities. All persons are hereby warned and placed on notice that they are responsible for determining their obligations under such laws and that

they may be subject to applicable penalties, fines, imprisonment, and other forms of liability for violation of such laws and regulations.

- (b) The dumping of any substance or material prohibited by this chapter shall not result in liability or penalties under this chapter if such dumping is authorized by and conducted in full compliance with applicable federal and state permits. The burden shall be on the alleged violator to establish, as an affirmative defense, that such conduct is authorized by and in full compliance with applicable federal and state permits.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Chapter 8.06 - GUSTAVUS MULTI-MODAL MARINE FACILITY AND SMALL VESSEL FLOAT SYSTEM

Section 8.06.010 - Preferential dock use at the Gustavus Multi-Modal Marine Facility ("facility").

- (a) Public vessels are entitled to priority use of the facility. In the event of conflicting use by public vessels, Alaska Marine Highway System (AMHS) ferries have first priority.
- (b) On the south face of the Gustavus Multi-Modal Marine Facility, preferential privileges are accorded to berth AMHS ferry vessels in accordance with the AMHS published schedule. Any variance in the AMHS schedule will be provided to the Harbormaster a minimum of six (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.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.06.020 - 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.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.06.030 - 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.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.06.040 - Unauthorized vessels prohibited from using floating support of AMHS transfer bridge.

No vessel shall be tied to or placed upon the blue floating structure that supports the AMHS transfer bridge.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.06.050 - Open moorage at small vessel float system.

- (a) Vessels using open moorage areas shall not exceed forty (40) feet in actual overall length, including all engines, bowsprits, anchors, dinghy davits, or other protruding structures.
- (b) All open mooring space is available to members of the public for temporary mooring, on a first-come, first-served basis.
- (c) No vessel owner or vessel operator shall have any exclusive right to open mooring space. Should any vessel moored at such mooring leave such space for any purpose, it shall have no exclusive right to return to the same space if, upon return, it is found that the space is occupied by another vessel.
- (d) Open moorage shall not exceed the times posted on signage at the floats, to be established by the Gustavus City Council by resolution.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.06.060 - Skiff and kayak float.

- (a) Vessels using the skiff and kayak floats shall not exceed eighteen (18) feet in actual length, excluding motor(s), and shall not weigh more than one thousand five hundred (1,500) pounds.
- (b) Open spaces on the skiff and kayak float shall be utilized on a "first-come, first-served" basis. No skiff or skiff owner or operator or kayak or kayak owner or operator, shall have any exclusive right to open skiff and kayak float space. Should any skiff or kayak stored in a skiff and kayak float space leave such space for any purpose, it shall have no exclusive right to return to the same space if, upon return, it is found that the space is occupied by another vessel.
- (c) Open moorage shall not exceed the times posted on signage at the floats, to be established by the Gustavus City Council by resolution.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.06.070 - Breakwater loading/unloading and moorage.

- (a) Vessels using the steel breakwater float shall not exceed seventy-five (75) feet in actual overall length, including all engines, bowsprits, anchors, dinghy davits, or other protruding structures.
- (b) Moorage at the steel breakwater float shall not exceed the times posted on signage at the floats, to be established by the Gustavus City Council by resolution.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.06.080 - Tender mooring.

Tenders may be moored bow-in for daily or overnight moorage on the west side of the inclined skiff/kayak float.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.06.090 - Loading areas.

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 two (2) hours in any twenty-four-hour period.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Chapter 8.07 - SALMON RIVER SMALL BOAT HARBOR

Section 8.07.010 - 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.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.07.020 - 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.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.07.030 - Long-term storage zone.

- (a) *Availability.* A person(s) may apply to lease an area of the long-term storage zone by contacting the harbor master or city clerk.
- (b) Any item(s) stored outside the designated storage area will be considered a public nuisance and subject to the provisions of Chapter 8.08.
- (c) *Vessels and boat trailers.* Boat trailers may be stored in the designated storage zone. [Vessels not on a trailer](#) may be stored in the storage zone, but shall be blocked and supported by means and in a manner that does not create a hazard to persons or property and does not impede relocation if required by the harbor master.
- (d) *Markings.* Items placed in the storage zone, including goods on pallets, shall be clearly marked with the name, mailing address and telephone number of the owner or other responsible person.
- (e) *Liability and indemnity.* The user of storage space in the storage zone assumes all risk of loss from theft, fire, or other casualty. Storage areas may not be guarded or enclosed. The user shall defend, indemnify, and hold the City of Gustavus harmless from any and all claims arising from such use of the storage zone.

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([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.07.040 - Launching zone.

The launching of vessels or loading or haul-out of cargo, lumber and logs shall be restricted to the gravel or concrete launch ramps, ramp-barge ramp, or barge ramps. Vessels shall be continuously engaged in launching or haul-out and shall not be left unattended while in the launching area.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.07.050 - Vehicle/trailer parking zone.

The vehicle/trailer parking zone(s) and time limits for use shall be set forth in resolution by the Gustavus City Council.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.07.060 - Residential use.

No portion of the small boat harbor shall be used for camping or residential purposes.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.07.070 - Historical wooden floats.

Any float or walkway constructed before 2007 may be used by vessel owners and shall be maintained in a safe and responsible manner. Floats that constitute a safety hazard, as determined by the harbor master, shall be repaired or dismantled at the owner/users' expense.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.07.080 - New construction.

There shall be no new construction of wooden or steel floats or walkways, piers, docks or structures on the submerged lands or uplands (State of Alaska Cooperative Resource Management Agreement ADL 107456) in the small boat harbor, unless authorized by the city council.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.07.090 - Underway requirements.

On at least two (2) days in each calendar year, separated by at least sixty (60) days, a vessel moored in the small boat harbor shall depart under its own power from the small boat harbor and travel beyond the navigation buoy at the mouth of the Salmon River before returning under its own power. The harbormaster may require that this navigation be accomplished at a time when the harbormaster is available to view it.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.07.100 - 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, excluding personal property, in excess of two hundred fifty dollars (\$250.00), 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.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.07.110 - 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.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Chapter 8.08 - CONTROL OF NUISANCE AND DERELICT VESSEL AND/OR PROPERTY, IMPOUNDMENT PROCEDURE, AND HEARING PROCEDURE

Section 8.08.010 - 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
 - (5) Is maintained in such condition or in such manner as to constitute a fire, health, safety, or navigation hazard; or
 - (6) Is sunken or in imminent danger of sinking.
- (b) *Obstructions.* Any vessel or object that stops, obstructs, interferes with, endangers, or impedes navigation, moored boats, harbor facilities traffic, that otherwise interferes with the normal public use of the harbor facilities, or that has been left unattended on any waterway in or about the harbor facilities in such manner as to stop, obstruct, interfere with, endanger, or impede harbor facilities traffic, or that otherwise interferes with the normal public use of the harbor facilities, is hereby declared to be a public nuisance and subject to abatement and removal from the harbor facilities by the harbormaster 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 loss of use or profits or other consequential, direct, or indirect damages. For purposes of this chapter, "obstruction" includes logs, log rafts, piling, building material, scows, barges, and any other matter, article or structure found located in, or being towed or adrift in or about the harbor facilities.
- (c) *Other nuisances.* 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 the following to be a public nuisance:
- (1) Refuse of any kind, structures; or
 - (2) Pieces of any structure, dock sweepings; or
 - (3) Dead animals or parts thereof; or
 - (4) Timber, logs, log rafts, lumber, boxes, paint, empty containers; or
 - (5) Nets, gear, cargo, merchandise, supplies or other items left on any float, ramp, decline, walk, or other public place at the harbor facilities for a period of longer than forty-eight (48) hours.
- (d) *Personal conduct.* The vessel owner or vessel operator shall be responsible for the conduct of those using or visiting the vessel. Behavior of the owner, operator or occupants of a vessel that disturbs or creates a nuisance for others in the harbor facilities is prohibited. Examples of conduct that constitutes a public nuisance and are therefore prohibited include but are not limited to:
- (1) Making, causing or allowing unreasonable noise so as to cause public inconvenience, annoyance or harm. Unreasonable noise means any excessive or unusually loud sound that disturbs the peace, comfort, or repose of a reasonable person of normal sensitivity;
 - (2) Causing, provoking or engaging in any fight, or to commit an act in a violent or reckless manner whereby the safety, life, or health of another is placed in immediate jeopardy;
 - (3) Operating a vessel or being found under the influence of alcoholic beverages or a controlled substance(s) in such a condition as to be unable to exercise care for their own safety or the safety of others.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.08.020 - Abatement of nuisances.

- (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.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.08.030 - 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.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.08.040 - Notice of intent to impound.

- (a) *Notification.* Prior to impounding any vessel or property, the harbormaster shall prepare a written notice of the intent to impound the vessel or 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;
 - (3) The location of the vessel or property;
 - (4) The basis or reason for impoundment.
- (b) *Distribution.* The notice of intent to impound shall be, at least fifteen (15) workdays before impoundment,

- (1) Mailed by USPS certified mail, return receipt requested, to the last known address of the last known owner, master, or managing agent of the vessel and/or property;
- (2) Posted on the vessel and/or property and in three public places, including the Gustavus City Hall and the Gustavus Public Library.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.08.050 - Hearing.

- (a) *Demand for hearing.* The vessel owner, the vessel operator, or any other person in lawful possession of a vessel or property proposed for impoundment has the right to a pre-impoundment hearing to determine if 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 City Clerk within fifteen (15) workdays following the date the city mailed and posted 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 from the person seeking the hearing, unless such person waives the right to a speedy hearing. Saturdays, Sundays, and City of Gustavus holidays shall not be included in the calculation of the seventy-two-hour period. The hearing shall be conducted by the harbor appeal panel. The sole issue before the panel shall be if there is probable cause to impound the vessel or property in question. "Probable cause to impound" shall mean such a state of facts as would lead a person of ordinary care and prudence to believe there was a breach of federal, state, or municipal law or regulations, or any agreement entered into pursuant thereto, rendering the vessel or property subject to impoundment. The panel shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vessel or property. The harbormaster shall carry the burden of establishing probable cause to impound the vessel or property in question.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.08.060 - Decision.

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.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.08.070 - 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.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.08.080 - 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.
- (b) *Distribution.* The notice of sale shall be, at least thirty (30) workdays before sale:
 - (1) Mailed by USPS certified mail, return receipt requested, to the last known address of the last known owner, master, or managing agent of the vessel and/or property.
 - (2) Posted on the vessel and/or property, and in three public places, including the Gustavus City Hall and Gustavus Public Library.
 - (3) Published in a newspaper of general circulation in Gustavus, Alaska, if such a publication exists, and/or the Juneau Empire, at least once.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

Section 8.08.090 - Sale.

The city may offer an impounded vessel and/or property for sale at public auction or by sealed competitive bid. Continued moorage of an impounded vessel at the city harbor facilities shall be at the discretion of the harbormaster. If the city intends to refuse further moorage of the vessel, the notice of sale shall so state, and the sale shall be conditioned upon the purchaser making satisfactory arrangements to remove the vessel from the harbor facilities, and providing the city with security acceptable to the harbormaster for the vessel's proper and timely removal. Upon sale being made, the City of Gustavus shall make and deliver its bill of sale, without warranty, conveying the vessel and/or property to the successful buyer. 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 and/or property to claim. If such balance is not claimed within six (6) months, the balance shall be forfeited to the City of Gustavus.

([Ord. No. FY13-20, § 3, 7-11-2013](#))

PORTION OF TITLE 8 – MARINE FACILITIES REGULATIONS

Section 8.01.030 - Implied agreement for use of facilities; city liability denied.

The use of city-owned and maintained harbor facilities constitutes an agreement by the owner, operator, master and/or managing agent of a vessel comply with this title and any regulation adopted by the City of Gustavus, and to pay all fees and charges provided by this title. The City of Gustavus shall not be liable for loss of or damage to property, or injury to persons within or upon its harbor facilities. The owner, operator, master and/or managing agent of a vessel agrees to comply with all Federal, State of Alaska, and City of Gustavus laws, regulations, and policies. The agreement does not apply to State and Federal agency vessels, vessels conducting official business with the City of Gustavus, educational or scientific research purposes with prior approval by the City of Gustavus.

The owner, operator, master and/or managing agent of a vessel agrees to the following:

- a. Vessels moored within the harbor facilities shall be capable of meeting the provisions of Section 8.07.090, 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.

Section 8.04.010 - Conduct in harbor facilities—General Rules.

- a. Use of the floats is for purposes as posted.
- b. Conduct of Captain and Crew, passengers, guests, and provisioners are the responsibility of the vessel owner and signatory. Interaction with other users of the City of Gustavus Marine Facilities must be friendly, accepting of the rights of other patrons to use the facilities. Any disagreements, confrontations, or combative instigation by other patrons should be documented and submitted to City Hall.
- c. Cleaning of fish on the float is prohibited. Discarding of fish carcasses or by-product must be done in accordance with Federal, State, and City of Gustavus laws and regulations. Including, feeding of marine mammals and birds for any purpose.
- d. Discarding of animal carcasses (e.g. fish, deer, etc.) is prohibited from the Cities Marine Facilities. All dumping of animal carcasses must be beyond mid-channel.
- e. Storing of equipment or provisions or leaving trash for more than thirty (30) minutes without the vessel moored to the float, is prohibited.

Violation of any of these standards may result in the loss of use for a set period, a fine of \$1,000 per violation.

Section 8.05.010 - Prohibited acts.

It is unlawful for any person using the Gustavus harbor facilities to commit or allow any of the following prohibited acts:

- (a) *Improper vessel operation.* It is unlawful for a person to operate or cause to be operated any vessel or watercraft in a reckless or negligent manner or in disregard for the safety of person(s) or property within the limits of the harbor facilities.

It is unlawful for a person to operate any vessel or watercraft in a manner that unreasonably or unnecessarily interferes with other vessels or watercraft, or with the free and proper navigation of the waterways of the harbor facilities.

- (b) *Hazard to navigation.* No person shall create or fail to remove, after request from the harbormaster, a hazard to navigation within the harbor facilities.
- (c) *Improper mooring.* No person shall moor or anchor any boat, vessel or other floating structure:
 - (1) In a manner which obstructs access to or use of the harbor facilities;
 - (2) In the clear zone of the Gustavus Multi-Modal Marine Facility per Section 8.06.030.
- (d) *Improper use of harbor facilities.* No person shall use the harbor facilities for purposes or in a manner contrary to Title 8 of this Code of Ordinances.
- (e) *Improper dressing and processing of fish.* It is unlawful to dress or process fish, including but not limited to gutting, filleting, fletching, smoking or steaking except aboard a vessel at the harbor facilities.
- (f) *Improper waste disposal.* It is unlawful for any person to dispose of trash, garbage, refuse, human waste, animal carcasses or parts, fish waste or parts, or any similar substance in or on the water or the land of the harbor facilities. Discarding of animal carcasses (e.g. fish, deer, etc.) is prohibited from the Cities Marine Facilities. All dumping of animal carcasses must be beyond mid-channel.
- (g) *Improper dumping or discarding of property.* It is unlawful for any person to discard, dump or otherwise place on or into the harbor facilities or any waterway:
 - (1) Batteries;
 - (2) Oil;
 - (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);
 - (4) Fuel, or any other petroleum product;
 - (5) Refuse;
 - (6) Garbage; or
 - (7) Other pollutants.
- (h) *Unattended cargo or freight.* No person shall deposit 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. 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.



CITY OF GUSTAVUS

P.O. Box 1, Gustavus, AK 99826 (907)697-2451

VESSEL REGISTRATION FORM

Gustavus Small Vessel Float System and Salmon River Boat Harbor Facility

Information Required for All Vessels			
Owner Name			
Owner Address			
Owner Home Phone		Owner Cell Phone	
Vessel Name			
Vessel #		Vessel Length	
Registration Type (Check One) Place sticker on starboard bow (right front side) of vessel		Private Kayak/Non-Motorized	\$10.00 (One Time Fee)
		Private Motorized	\$25.00 for Each
		\$50.00 Annually for 1st Vessel	Additional Vessel
		Commercial Kayak/ Non-Motorized	\$10.00 Annually
		Commercial/Charter Motorized	\$300.00 Annually
Additional Information for Tenders and Trailers			
Tender (Place sticker on starboard bow)		Up to 10', Provide ID	
Trailer (Place sticker on right side of trailer tongue)		Provide License Plate # or Other ID	
Additional Commercial/Charter Vessel Information			
Captain's Name (If Different from Owner)			
Captain's Home Phone		Captain's Cell Phone	
Additional Kayak/Non-Motorized Information			
Make/Model		Special Identifying Marks/Decals	
Number of Cockpits		Color	
Signature Required for All Vessels			
<p><i>The owner, operator, master and/or managing agent of a vessel agrees to comply with the City of Gustavus Code of Ordinances, Title 8; a copy is available at City Hall. Title 8 of the City of Gustavus Code of Ordinances can be found at https://library.municode.com/ak/gustavus/codes/code_of_ordinances. By the signature below, I attest that I have read and agree to abide by the contents of Title 8.</i></p>			
I agree to abide by the provisions of City of Gustavus Title 8, Marine Facilities Ordinance.			
Signature		Date	
For City Use Only			
Amount Paid	\$	Employee Initials:	<input type="checkbox"/> QB <input type="checkbox"/> Excel
Payment Method:		Stickers Issued:	
CASH / RECEIPT #		Vessel Sticker Number	
CHECK #		Trailer Sticker Number	
CC APPROVAL CODE		Tender Sticker Number	

Reference: Resolution CY19-23

City of Gustavus, Alaska
Vessel Registration



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

City Council Reports



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City Council Questions and Comments



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Public Comment on Non-Agenda Items



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Executive Session



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Adjournment