

Seward City Council Agenda Packet



Photo by Kris Peck

Monday, April 15, 2024

City Council Chambers

Beginning at 7:00 p.m.

1963 1965 2005



The City of Seward, Alaska

CITY COUNCIL MEETING AGENDA

City Council Chambers, 410 Adams Street



Please silence all cell phones and devices during the meeting

Mayor Sue McClure
Vice Mayor John Osenga
Council Member Mike Calhoon
Council Member Randy Wells

Council Member Kevin Finch
Council Member Robert Barnwell
Council Member Julie Crites

City Manager Kat Sorensen
Deputy City Manager Jason Bickling
City Clerk Kris Peck
City Attorney Sam Severin

Monday, April 15 at 7:00 p.m.

- 1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. CITIZEN COMMENTS ON ANY SUBJECT EXCEPT THOSE ITEMS SCHEDULED FOR PUBLIC HEARING
5. APPROVAL OF AGENDA AND CONSENT AGENDA
6. SPECIAL ORDERS, PRESENTATIONS, AND REPORTS
7. CONSENT AGENDA

B. Introduction of Ordinances

- 1)* **Introduction of Ordinance 2024-005:** Approving The Land Use Amendment To Rezone Fort Raymond Subdivision, Replat Number 7, Lot 10A-2, Located At 905 Sea Lion Ave, From An Institutional (Ins) Zoning District To An Auto Commercial (AC) Zoning District.....Pg. 22
- 2)* **Introduction of Ordinance 2024-006:** Approving The Land Use Amendment to Rezone Seward Townsite Marathon Addition, Lot 29, Located At 537 First Ave, From A Single-Family Residential (R1) Zoning District To a Park (P) Zoning District, As Recommended In The Municipal Lands Inventory And Management Plan.....Pg. 29
- 3)* **Introduction of Ordinance 2024-007:** Approving The Land Use Amendment To Rezone Gateway Subdivision Addition No. 2 Tracts C4, C5, C6 & C7, Tract C-6, Located At 2301 Crabapple Street, From A Single-Family Residential (R1) Zoning District To An Institutional (Ins) Zoning District, As Recommended In The Municipal Lands Inventory And Management PlanPg. 36

C. Resolutions

- 1)* **Resolution 2024-025:** Approving Amendment #1 to the Employment Agreement with the City Clerk.....Pg. 44
- 2)* **Resolution 2024-026:** Authorizing The City Manager To Modify The Contract With Seward City Tours For The Operation Of The Seasonal Shuttle Transportation Services For The 2024 Season In A Total Amount Not To Exceed \$18,275.00 And Appropriating Funds.....Pg. 52
- 3)* **Resolution 2024-027:** Authorizing The City Manager To Accepting The 2024 Volunteer Fire Capacity (VFC) Grant In The Amount Of \$6,303.67.....Pg. 73

D. Other Items

- 1)* Appoint Becky Dunn to PACAB with a term set to expire July 2024.....Pg. 81
- 2)* Appoint John Howard to PACAB with a term set to expire July 2024.....Pg. 82

8. PUBLIC HEARINGS-None

9. UNFINISHED BUSINESS -None

10. NEW BUSINESS -None

11. INFORMATIONAL ITEMS AND REPORTS *(No action required.)*

A. Boards and Commissions Minutes

- 1) Approved February 6, 2024 Planning & Zoning Minutes.....Pg. 83
- 2) Approved March 6, 2024 PACAB Minutes.....Pg. 86

B. Other Items

1) Upcoming City Council Meetings

- a. Monday, April 29, 2024 Work Session at 5:30 p.m. Topic: Providence Update
- b. Monday, April 29, 2024 Regular Meeting at 7:00 p.m. (Rescheduled from April 22, 2024)

12. CITIZEN COMMENTS *(There is no sign in for this comment period. Time is limited to five (5) minutes per speaker.)*

13. COUNCIL AND ADMINISTRATION COMMENTS AND RESPONSES TO CITIZEN COMMENTS

14. EXECUTIVE SESSION

- A. Provide direction to attorney and receive advice on potential litigation regarding a land use matter and Case No. 3SW-23-00046CI.

These are matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity and which by law, municipal Charter, or ordinances are required to be confidential. [Per Seward City Code 2.10.033E (1)(3)]

15. ADJOURNMENT

Hello from Washington D.C.,

I'm currently in the midst of a trip to D.C. with Harbormaster Regis and Council member Bob Barnwell. I'm looking forward to updating you all about the trip when I return. Below are some updates from back in Seward:

Library HVAC Repairs: Doug and Jason are working with CRW to work on a plan for the major repairs on the Library HVAC system. It will be done in incremental stages to make sure that we have the least impact to library operations.

Heat Loop Project: As part of the Heat Loop Project Grant, we are partnering with AVTEC to develop training for Heat Pump installation and maintenance as a way to understand the concepts so that they can be trained to work on Heat Loop System once it is installed. (pictures)

GFOA Training: Jason attended a Government Finance Officer training (the same one that Kat did a few months ago) in Minnesota April 9th – 12th.

KPEDD: The Kenai Peninsula Economic Development District Industry Outlook Forum is on April 25th from 8:30-4:30 at the Soldotna Sports Complex. For registration and more information, go to their website www.kpedd.org.

South Harbor Uplands: We are working with the Electric Department and Community Development Department on the tasks requested for the electric lines to be moved and to draft a new plat for the area. We will bring that before PACAB and then onto council for discussion.

AKRR Dock Project: The City of Seward and the Alaska Railroad are working together on a grant that will pay for infrastructure to provide shorepower for the Dock Project.

Tsunami Operations Workshop: Jason attended the the State Tsunami Operations Workshop along with other City of Seward and Borough Staff that was hosted here in Seward.

Hazard Mitigation Plan: We are working with the Borough on a joint Hazard Mitigation Plan.

Railbelt Reliability Council: I attended the Railbelt Reliability Council Worksession and Meetings all day on April 1st. Brian Hickey is the primary representative for our seat and I'm the secondary representative. He was not able to attend the meeting on that day due to other obligations.

Thanks,

Kat

| Department | Order Date | Vendor | Description | Amount |
|--------------------|------------|----------------------------------|---|-----------|
| HARBOR 50-TON LIFT | 3/29/2024 | KENDRICK EQUIPMENT LTD | Purchase wire rope for 50 ton Travelift. Cable made in USA and meets safety standards for replacement. Kendrick is the dealer for Marine Travelift. | 6,513.59 |
| ELECTRIC ADMIN | 3/19/2024 | ALPHA AVIATION, LLC | FY 23: Fly Services for Seward’s transmission line on an outage from November, 2023 (WO#4260) | 7,506.50 |
| ELECTRIC ADMIN | 3/19/2024 | ANIXTER INC | 100 amp Load Break Cutouts | 9,789.00 |
| SEWER | 3/18/2024 | ALASKA GARDEN AND PET SUPPLY INC | Lowell Point Wastewater Treatment - Sole Source Annual amount Calcium Nitrate 15.5-0-0 soluble 50lb bags x 10 pallets (Lead Time 2 weeks out) | 21,564.44 |

IT Department

- We are finalizing the network upgrades in the Police Department datacenter this week and hope to start migrating systems to the new servers over the next few weeks. When that project is complete, we will continue work on network upgrades on the City datacenter side of City Hall.
- We worked with the harbormaster to complete an onsite Coast Guard review of our harbor specific cyber security plan.
- The Director attended a Cyber Security Proactive Defense training from the Criminal Justice Institute and FEMA on April 8-12. This course covered cyber-attack simulations and taught penetration testing skills, defense analysis and real-time response and mitigations steps.
- Tech Tip - Bring Back that Tab You Accidentally Closed. If you close a tab by mistake, don’t worry, you can bring it back by simply pressing Ctrl + Shift + T and get back to what you were doing. You can press Cmd + Shift + T to bring back a closed tab if you’re on Mac.

Fire Department

- Chief Crites, Chief McCoy, and Fire Marshal Mallory attended the State of Alaska Tsunami Operations Workshop that we hosted here in Seward. Special thank you to Mayor McClure for giving the welcoming and a brief story of her experience.

- There are twelve building permits issued and we have responded to 107 calls for service year to date.
- Our Fire Explorers became “Stop the Bleed” Certified and will take CPR this week.

Seward Community Library and Museum

As you may recall, the city library faced numerous challenges towards the end of 2023, including reduced operating hours, unscheduled closings, and high staff turnover which decreased patronage confidence. However, I am pleased to report that through dedicated efforts, we have successfully turned the tide.

Over the last 4 months, we have rebuilt the staff with community-minded individuals, given them intensive training over this short period and although it is fair to say training continues, they are growing daily by leaps and bounds. They have a can-do positive attitude with customer service in the forefront.

We work as a team and every member has contributions and their opinions are valued and heard.

Through notification from the Alaska Library Catalog (ALC) we identified areas where we were not fully compliant with Alaska Library Law, particularly concerning the book borrowing program. Together, we tackled this challenge head-on, undergoing the necessary training from ALC staff to reintroduce the program and ensure compliance with all relevant regulations. To follow, we took proactive steps to improve library operations, such as implementing measures to protect both patrons and library materials during check-out. We would like to thank patrons for supporting these efforts by bringing their library card or photo ID with them at check out.

We also initiated several community-focused programs to reestablish our presence and relevance within Seward and surrounding areas. For instance, the ResBay Chapbooks Series, conceived by local authors and supported as a program by the library, has provided a platform for showcasing regional literary talent. Additionally, our Community Mapping program, developed in partnership with the Sealife Center, aims to identify and address underserved populations in our community. The work on this is just beginning, but the goal is to streamline the organizational efforts to serve all the demographics of Seward and surrounding communities.

The 2024 Summer Reading Program is focused on our Coastal Community and networks with businesses and organizations not previously utilized. Additionally, we are bringing in the middle school population for the program, expanding our outreach and impact.

The library is also excited to announce that we are partnering with Seward Seniors Center to provide library materials to patrons who have accessibility issues and otherwise not able to check out library materials. We do what we can to bring the library to you!

Most importantly, our collective efforts have reinstated the library and museum as a welcoming and indispensable community asset. In times of crisis, such as the recent overdose incident, we

have rallied together, supporting one another, and reaffirming our commitment to serving the needs of our patrons and community at large.

Sue Drover, Deputy Director Library/Museum

Museum Updates

March Attendance: 141

- The museum has welcomed visitors from all over this month:
 - Alaska: Seward, Anchorage, Valdez, Palmer, Homer
 - United States: Texas, Utah, New Mexico, Minnesota
 - International: Ecuador, Chile.

Hours

Museum Winter Admission Hours are Friday & Saturday, 12 pm to 5 pm.

Museum Summer Admission Hours begin May 1. Tuesday – Saturday: 9am to 6pm. Cost: \$5

Exhibitions

The Exhibits Committee met on March 28 to discuss updating the Jesse Lee Home exhibit. Based on evaluation and feedback received from the community and visitors, we are planning to implement the following recommendations for future exhibits:

Enhance interactive elements tailored for younger audiences.

Making available multi-lingual exhibit text for international visitors.

Continue to collaborate with community partners to develop engaging programs for diverse audiences.

When you stop by the museum, you will notice some rearranging. We apologize but great things are coming soon!

Community Development

- The Community Development staff presented at the April 4th Seward Chamber of Commerce luncheon. The presentation discussed the functions of the Community Development Office, current projects being worked on and ways businesses in town can partner with our office.
- The Planning and Zoning Commission added a 6th member to the Commission. Congratulations to Rhonda Hubbard for being approved by City Council. That leaves one vacant position on the Commission. The Information Session on the Planning and Zoning Commission presented by the Community Development staff is up on the City of Seward's Youtube page as well as the Community Development website for anyone interested in learning more about the position.
- The Planning and Zoning Commission held their annual elections at the April 2nd meeting. Congratulations to Carol Griswold for being elected the new P&Z chair and to Brenan Hornseth for being elected the new P&Z vice-chair.

- At the last Planning and Zoning Commission Meeting, the following resolutions were passed:
 - Resolution 2024-008: Recommending City Council Approval of the Land Use Amendment to Rezone Fort Raymond Subdivision, Replat No. 7, Lot 10A-2, Located at 905 Sea Lion Ave, from an Institutional (Ins) Zoning District to an Auto Commercial (AC) Zoning District (*Substitute Version of 2024-008*)
 - Resolution 2024-009: Recommending City Council Approval Of The Land Use Amendment To Rezone Two City Owned Properties Located At 2301 Crabapple



Street And 537 First Ave, To The Recommended Zoning Stated In The Municipal Lands Inventory And Management Plan (*Substitute Version of 2024-009*)

- The upcoming April 16th Planning and Zoning Commission work session will include the topic of updating Seward Code in regard to sign usage and continuing the conversation from the previous work session on Title 16 Subdivisions.
- Finally and most importantly, the Community Development staff took home the Gold and Bronze medals in the 16-person spring competitive racquetball league end of season tournament. Congratulations Courtney for bringing home the gold for the City!

Police Department and Animal Control

- The police department has a temporary hire rejoining us for the summer. Vic Aye has been hired as patrol officer to temporarily fill staffing needs for the summer months. Vic is a retired Alaska State Trooper and brings with him more than 25 years of experience. He worked as a temporary officer for us in 2019 and we are happy to have him back with us even if it is only for a few months.
- Gerald Orton has finished his last week with the police department and is moving the harbor department. He has worked in the jail for more than 8 years. He has been a fantastic employee of the police department and are saddened to see him go.
- We will be having a booth at the upcoming annual health fair held in the AVTEC gym on April 13th. Please stop by and see us while you are participating in the fair.

Seward Parks and Recreation Department

Our hikers haiku challenge ended with over 12 teams hiking around Seward participating!



- Stitched by Elizabella was a huge success - with such high demand we decided to put on a second course in April!
- Our best ever racquetball league wrapped up with amazing championship - these games have been so much fun they became our most spectated sport!
- While our Easter Field Games were cancelled due to weather we decided to do an impromptu Easter Skate Night which over 50 kids enjoyed - - and I think all the parents were happy to have something for kids to do in the bad weather
- Archery Season has officially ended with 4 classes taught and over 100 people attending all together
- Finally, spread the word of our big events coming up. Kite Festival April 21st. Seward Alaska Ventures Volleyball Tournament (April 26-27). Pink Cheeks Triathlon (May 4th). Super Saturday/Bike Rodeo (May 11th). Exit Glacier Race (May 18th)

Campgrounds:

- Anxiously waiting for the snow to melt to continue Campground resurfacing
- Prep for Camping season
- Painting and numbering Parking bumpers.
- Assembling/Staining Picnic tables for the upcoming season.

Park Maintenance:

- Plumbing work, maintenance and cleaning in preparation to open public restrooms
- Work on shower house, installation of new control box, pump station, water heater and replacement of plumbing hardware.

Parking

- Continued staff training on the Upsafety software.
- Parking operations planning.
- Updating Parking pay station setup & staff recruitment

Finance:

- Finance is working on the preparation for our annual audit performing for Altman Rodgers and Co. Audit firm. Auditors will be on the site on 4/8/24- 4/12/24.
- Report on worked calls (customer service) from UA:

City of Seward Call Flow Report OEB

3/1/2024 3/29/2024

Business Hours 8:00am to 5:00pm (AKDT)

| Type | Total Calls | Total Answered Calls | Abandoned < 30 | Abandoned > 30 | Answered < 30 | Answered > 30 | % Answered | % Answered < 30 Sec |
|--------------|-------------|----------------------|----------------|----------------|---------------|---------------|-------------|---------------------|
| Call Flow | 284 | 244 | 10 | 30 | 211 | 33 | 86 % | 86 % |
| Total | 284 | 244 | 10 | 30 | 211 | 33 | 86 % | 86 % |



Harbor

- We started spring gravel pick up within the harbor.
- March had a total of 4 ea. 50 Ton Travelifts.
- Blake Wooton accepted the Harbor Office Executive Assistant and started on 4/2/2024
- Gerald Orton will be transferring internally and will be starting on 4/8/2024 as a Harbor Worker II
- We are terminating our agreement with Dockwa and will revisit a software update in the fall
- Continuing to working with PND and attending grant Webinar(s) as a possible funding source for 50 ton Washdown pad.
- We enter into agreement with Alaska Harbor Consulting to start the process for Z – float Expansion.
- Number of boats pumped (saved)/lost. 3/0.
- Tony Sieminski and Ryan Anger attended a Tsunami Operations Workshop held in Seward on 4/2 – 4/4/24
- Updated schedule on the Coast Guard vessel schedule: Nothing new as of 3/14/2024
- March had a total of 7 ea. 300 ton Travelifts.
- Seeing increased activity for 2024 season for North Dock and some calls for 2025.

- Continuing to work with Vendors on new power pedestals for additional power throughout the SMIC boat yard.
-

Public Works



With two hopeful early spring warmups in the last month, we once again were greeted with snow. Winter hasn't released its grip on us quite yet. The sunny days and longer hours are sure nice when we get them.

Hopefully the snow won't last much longer, and we'll move on to street sweeping and water turn-on for seasonal people starting to arrive very soon.



The Spring 2024 Tsunami Operations Workshop was hosted here in Seward this year. Several City Departments attended the three-day workshop along with representatives from various communities around the state. Multiple subjects were discussed ranging from tsunamis, earthquakes, and floods. DEC, State and KPB Emergency Management, Red Cross, and National Weather Service were among the scheduled speakers. It was a very informative workshop.

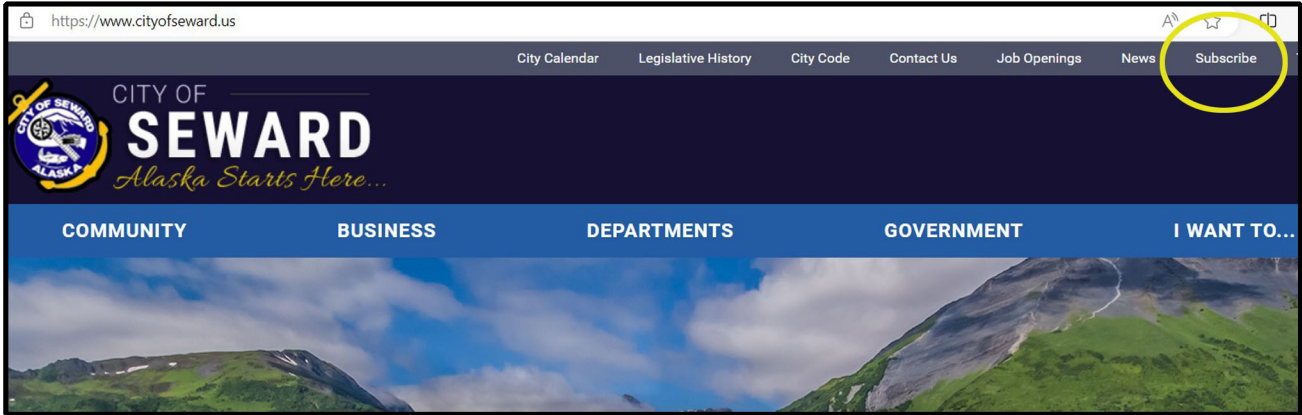
Recently, the USACE and City Admin with Public Works, have been holding separate meetings with stakeholders near the Lowell Creek Tunnel. We are working with each of the stakeholder groups to ascertain their specific concerns with the project and construction issues.

These meetings have been very successful. We intend to continue quarterly discussions with them and are planning some public meetings soon to provide current information updates and scheduling to all interested parties.

City Clerk Report

Kris Peck April 15, 2024

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- City Manager**
 - City Manager
- Council, Boards, and Commissions**
 - Council Calendar
 - City Council
 - Historic Preservation Committee
 - Planning and Zoning Commission
 - Port and Commerce Advisory Board
- Emergency Alerts**
 - Emergency Alerts
- Job Postings**
 - Job Postings
- Library and Museum**
 - Library and Museum
- RFPs and Bids**
 - RFP and Bids

Submit

Cancel

City Clerk Report

Kris Peck April 15, 2024

Page 2 of 2



LEFT:

The clerk's office received a cool magazine commemorating the Sister City 55th Anniversary visits with Obihiro, Japan. We have a few extra copies on hand if you would like one!

BELOW:

There are two clerk's offices on the second floor of City Hall. I had some signs made up to help point people in the right direction.



CHANDLER, FALCONER, MUNSON & CACCIOLA, LLP

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April 9, 2024

Seward City Council
City of Seward
PO Box 167
Seward, AK 99664

Re: March Status Report

Dear City Council:

This is our status report covering activity on legal matters worked on during March 2024.

General Matters:

We provided advice regarding the annual financial disclosure forms for officials. We advised regarding business license exceptions for businesses operating only intermittently for short periods of time. We submitted the annual letter to the city's auditors. We advised on a contract extension for portable toilet service. We assisted the fire department with an enforcement matter, including drafting a letter to the party's attorneys to request compliance with the fire code. We prepared a proposed ordinance regarding marijuana establishment licensing.

Electric Utility:

We continued work on the CEA rate case, most notably filing our expert report with the Commission. We also served a discovery request on the University of Alaska Anchorage, responded to CEA's first discovery request on the City, and are preparing a separate response to CEA's second discovery request. We continue to monitor productions of other parties and prepare for trial this summer.

Personnel:

We advised on several ongoing personnel issues.

Planning:

We continue to litigate the McDonald matter.

Port and Harbor

We advised on a question regarding application of the 2024 tariff. We continued negotiations with the owner of an abandoned vessel. We advised on assignment of a lease.

You can expect to receive our next status report by May 7.

Very truly yours,

CHANDLER, FALCONER, MUNSON &
CACCIOLA, LLP



Samuel C. Severin

CALL TO ORDER

The March 26, 2024, regular meeting of the Seward City Council was called to order at 7:00 p.m. by Mayor Sue McClure.

OPENING CEREMONY

Deputy Police Chief Karl Schaefermeyer led the Pledge of Allegiance to the flag.

ROLL CALL

There were present:

Sue McClure, presiding, and
John Osenga
~~Randy Wells~~
Robert Barnwell

Mike Calhoon
~~Kevin Finch~~
Julie Crites

comprising a quorum of the Council; and

Kat Sorensen, City Manager
Jason Bickling, Deputy City Manager
Kris Peck, City Clerk

Excused – Finch, Wells

Absent – None

CITIZEN COMMENTS ON ANY SUBJECT EXCEPT THOSE ITEMS SCHEDULED FOR PUBLIC HEARING

Dan Seavey, outside city limits, provided an update on the Lee Poleske memorial statue that was in progress through the Iditarod Trailblazers. He encouraged people to spread the word and help with the fundraising campaign.

Joe Tougas, inside city limits, gave an update on the Hilltop Subdivision development project. He said the individual properties were now for sale. Tougas provided a breakdown of the R1, R2, and R3 zoning for all the newly created lots.

Rhonda Hubbard, inside city limits, introduced herself as the applicant for the Planning & Zoning Commission. She had recently attended Community Development's open house for potential P&Z applicants. Hubbard said she was interested in studying plats and delving into the Comprehensive Plan. On another note, Hubbard gave a shout out to Shelli McDowell and Animal Control for the recent spay and neuter clinic. Hubbard said the clinic provided service to 406 cats and dogs from Thursday through Saturday.

Tim McDonald, inside city limits, read from a prepared statement regarding the lack of a hydropower in the proposed Lowell Canyon Diversion Tunnel. McDonald distributed a written

copy of his letter to the clerk and council members. He felt this was a missed opportunity for Seward to benefit from hydropower.

APPROVAL OF AGENDA AND CONSENT AGENDA

Motion (Osenga/Calhoon)

Approval of Agenda and Consent Agenda

Calhoon removed Resolution 2024-024 from the consent agenda.

Motion Passed

Unanimous

The clerk read the following approved consent agenda items:

Approval of the March 11, 2024, City Council Meeting Minutes

Resolution 2024-022: Authorizing The City Manager To Enter Into An Agreement With Alaska Harbor Consulting For The Security Z Float Expansion Project In The Amount Of \$14,842.00 And Appropriating Funds

Resolution 2024-023: Allowing Ocean Beauty Icicle (OBI) Seafoods To Occupy Their Employee Campground From April 1, 2024 Through October 1, 2024

No Grounds For Protest To The Transfer Of Ownership From Juris Mindenbergs To Colby Lawrence For The Breeze Inn Liquor License #177, And Approval Of The Restaurant Endorsement For Breeze Inn, LLC

Appoint Rhonda Hubbard To The Planning & Zoning Commission With A Term Set To Expire February 2025

SPECIAL ORDERS, PRESENTATIONS, AND REPORTS

Proclamations and Awards

Seward's Day Proclamation was read by Vice Mayor Osenga.

Dallas Seavey Iditarod Winner Proclamation was read by Mayor McClure and accepted by Dan Seavey.

City Manager Report

City Manager Kat Sorensen said Matanuska Electric Association (MEA) would be starting next week with their contract in Seward. Sorensen also provided an update on the Clean Ports project and bringing shore power to the planned cruise ship dock.

Deputy City Manager Jason Bickling thanked Joe Tougas for the update on Hilltop Subdivision.

City Clerk Report

City Clerk Kris Peck described a glitch with the columns on the Legislative History website. This clerk's report provided a work-around to help navigate the website and expand the column width to make the document names readable.

City Attorney Report - None

Other Reports and Announcements

Presentations - None

PUBLIC HEARINGS – None

UNFINISHED BUSINESS - None

NEW BUSINESS

Resolution 2024-024: Amending The 2024 Fee Schedule For Parking Fees And Seasonal Parking Permits

Motion (Osenga/Calhoon)

Approve 2024-024

Sorensen said the recent changes made to the parking fee schedule had created some challenges for enforcement and she hoped to revert to the prices from last year. The constant variables would make it easier to compare the effectiveness of the enforcement capabilities this summer. In addition to the prices being reverted, there would be a new seasonal parking pass offered for Seward residents at the same \$50 rate as Slip Holder Permits and Harbor Area Employee Permits.

Calhoon noted that the Seward Resident Parking Permit was for designed for residents inside city limits, and he wanted to open that up to residents in the Seward area.

City Council discussed what would define a Seward resident and how people would prove their residency when applying for the parking permit.

Resolution 2024-024 was amended in Section 5. To be eligible for this discounted resident permit, the applicant must provide proof of residence ~~inside Seward city limits.~~ in the Seward area.

Motion As Amended Passed

Unanimous

Other New Business -None

INFORMATIONAL ITEMS AND REPORTS

February 7, 2024, Port & Commerce Advisory Board Minutes

Upcoming City Council Meetings – Monday, April 15, 2024, Regular Meeting (Rescheduled from April 8, 2024)

CITIZEN COMMENTS

Becky Dunn, inside city limits, read a portion of Resolution 2018-019 which designated KIBH 91.7 as the designated official City of Seward radio channel. She wanted to offer the services of the radio station and said they made public service announcements.

Norm Regis, outside city limits, spoke to the executive session being held tonight. Regis said the City Clerk and the City Manager were both doing a great job.

Tim McDonald, inside city limits, spoke to PACAB tackling alternative energy topics. McDonald addressed wind generators and the difficulties of hooking them up to the electric grid. He wanted Seward to be prepared for emergencies by utilizing alternative energy.

Rhonda Hubbard, inside city limits, spoke to the seafood processing plant near the proposed Lowell Creek tunnel project. She was concerned about the fate of the plant with the big tunnel project going in so close to the facility.

COUNCIL AND ADMINISTRATION COMMENTS & RESPONSE TO CITIZEN COMMENTS

Sorensen said the U.S. Army Corps of Engineers would be visiting Seward this week. She said the Lowell Point Community Council had more information on the visit.

Barnwell said everyone should have an interest in this Lowell Creek tunnel project. If the current diversion tunnel failed, the river would go right by the hospital and into the center of town. Barnwell agreed with Mr. McDonald about the future of alternative energy and hoped to see more specific data. Barnwell congratulated Rhonda Hubbard for being appointed to P&Z. Barnwell thanked Joe Tougas for the update on Hilltop Subdivision. Lastly, Barnwell congratulated the Seward High School boys basketball team for a great season.

Calhoon thanked the citizens for the comments and thanked Rhonda for stepping up to P&Z. He thanked Joe Tougas for his report on Hilltop Subdivision. Calhoon wished everyone a blessed Easter week.

Crites said she had been researching alternative energy. She said Anchorage and the Mat-Su Borough had passed ordinances for commercial businesses to be part of an alternative energy program. Crites thanked Mr. Seavey for his comments and congratulated Dallas Seavey for the Iditarod win. Crites thanked Tougas for the update on Hilltop Subdivision. She also congratulated Rhonda Hubbard on being appointed to P&Z. Lastly, Crites said the new tsunami signs featured 91.7 as the designated radio station.

Osenga echoed previous comments.

Mayor McClure echoed all previous congratulations. McClure said tomorrow would be the 60th anniversary of the earthquake. Tomorrow night at the library there was going to be a story sharing event about the 1964 earthquake. McClure also provided updates on the upcoming Community Choir concert, Good Friday events, and various Easter egg hunts.

Calhoon asked if there was a cutoff time for making donations to the Lee Poleske statue. McClure said donations were always welcome at any time and the statue was going up no-matter-what.

EXECUTIVE SESSION

Per Seward City Code 2.10.033(E)(2): Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion – City Manager Initial Evaluation and City Clerk Annual Evaluation

Motion (McClure/Calhoon)

Go into Executive Session City Manager Initial Evaluation and City Clerk Annual Evaluation

Motion Passed

Unanimous

City Clerk Kris Peck invited City Manager Kat Sorensen to stay.

City Manager Kat Sorensen invited City Clerk Kris Peck to stay.

Council went into Executive Session at 8:00 p.m.

Council came out of Executive Session at 9:22 p.m.

McClure said they held an executive session and were now giving direction to the City Clerk to bring a resolution to amend the city clerk contract to reflect a \$90,000 annual salary. There was no objection from council.

ADJOURNMENT

The meeting was adjourned at 9:22 p.m.

Kris Peck
City Clerk

Sue McClure
Mayor

(City Seal)



Ordinance 2024-005

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF SEWARD, ALASKA,
APPROVING THE LAND USE AMENDMENT
TO REZONE FORT RAYMOND
SUBDIVISION, REPLAT NUMBER 7, LOT
10A-2, LOCATED AT 905 SEA LION AVE,
FROM AN INSTITUTIONAL (INS) ZONING
DISTRICT TO AN AUTO COMMERCIAL (AC)
ZONING DISTRICT

Documents:

- Agenda Statement
- Ordinance 2024-005
- Attachments:
 - Fort Raymond Subdivision, Replat No. 7, Lot 10A-2
 - Property Map
 - Current Zoning Map



City Council Agenda Statement

Meeting Date: April 15, 2024

To: City Council

Through: Kat Sorensen, City Manager

From: Daniel Meuninck, Community Development Director

Subject: Ordinance 2024-005; Approving The Land Use Amendment To Rezone Fort Raymond Subdivision, Replat Number 7, Lot 10A-2, Located At 905 Sea Lion Ave, From An Institutional (Ins) Zoning District To An Auto Commercial (AC) Zoning District

Background and justification:

On February 12, 2024, the City Council passed Ordinance 2024-001, which approved the rezone of Fort Raymond Subdivision, Replat No. 7, Lot 10A-1, from an Institutional zoning district to an Auto-Commercial zoning district. This rezone left Lot 10A-2, a 0.716-acre lot adjacent to the south, zoned Institutional. Lot 10A-2 is owned by the City of Seward and has a 100' wide utility easement running east to west through the Lot. To reconcile the spot zoning that was created when Lot 10A-1 was rezoned to Auto-Commercial, Community Development staff brought forward the recommendation to rezone Lot 10A-2 from an Institutional zoning district to an Auto-Commercial zoning district to the Planning and Zoning Commission.

On April 2, 2024, the Planning and Zoning Commission approved Resolution 2024-008, recommending the City Council approve the land use amendment to rezone Lot 10A-2.

The public notification process was complied with and the appropriate public hearing, as required by Seward City Code §15.01.040.

Comprehensive and Strategic Plan Consistency Information

This legislation is consistent with (citation listed):

| | |
|---------------------|----------------------------|
| Comprehensive Plan: | <u>N/A</u> |
| Strategic Plan: | <u>N/A</u> |
| Other: | <u>SCC 15.01.035(B)(3)</u> |

Certification of Funds

Total amount of funds listed in this legislation: \$ 0

This legislation (✓):

| | | |
|-------------------------------------|-------------------------------------|----------|
| <input type="checkbox"/> | Creates revenue in the amount of: | \$ _____ |
| <input type="checkbox"/> | Creates expenditure in amount of: | \$ _____ |
| <input type="checkbox"/> | Creates a savings in the amount of: | \$ _____ |
| <input checked="" type="checkbox"/> | Has no fiscal impact | |

Funds are (✓):

| | | |
|-------------------------------------|----------------|---------------------|
| <input type="checkbox"/> | Budgeted | Line item(s): _____ |
| <input type="checkbox"/> | Not budgeted | _____ |
| <input checked="" type="checkbox"/> | Not applicable | |

Fund Balance Information

Affected Fund (✓):

| | | | | | | | |
|--------------------------|-------------|--------------------------|---------|--------------------------|----------|--------------------------|------------|
| <input type="checkbox"/> | General | <input type="checkbox"/> | SMIC | <input type="checkbox"/> | Electric | <input type="checkbox"/> | Wastewater |
| <input type="checkbox"/> | Boat Harbor | <input type="checkbox"/> | Parking | <input type="checkbox"/> | Water | <input type="checkbox"/> | Healthcare |
| <input type="checkbox"/> | Motor Pool | <input type="checkbox"/> | Other | _____ | | | |

Note: amounts are unaudited

Fund Balance \$ _____

Finance Director Signature: _____

Attorney Review

| | | |
|-------------------------------------|----------------|--|
| <input checked="" type="checkbox"/> | Yes | Attorney Signature: /s Kody George _____ |
| <input type="checkbox"/> | Not applicable | Comments: _____ |
| | | _____ |

Administration Recommendation

| | |
|-------------------------------------|-----------------|
| <input checked="" type="checkbox"/> | Adopt Ordinance |
| <input type="checkbox"/> | Other: _____ |

Sponsored by: Sorensen
Introduction Date: April 15, 2024
Public Hearing Date: April 29, 2024
Enactment Date: April 29, 2024

**CITY OF SEWARD, ALASKA
ORDINANCE 2024-005**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEWARD,
ALASKA, APPROVING THE LAND USE AMENDMENT TO REZONE
FORT RAYMOND SUBDIVISION, REPLAT NUMBER 7, LOT 10A-2,
LOCATED AT 905 SEA LION AVE, FROM AN INSTITUTIONAL (INS)
ZONING DISTRICT TO AN AUTO COMMERCIAL (AC) ZONING
DISTRICT**

WHEREAS, on February 12, 2024, the City Council approved Ordinance 2024-001, which approved the rezone of Fort Raymond Subdivision, Replat No. 7, Lot 10A-1 from Institutional to Auto Commercial; and

WHEREAS, the rezoning of Lot 10A-1 left Lot 10A-2 spot-zoned Institutional; and

WHEREAS, all of the surrounding properties are zoned Auto Commercial; and

WHEREAS, Lot 10A-2 will be incorporated, in part, with the future replat for the future public works building site, Fort Raymond Subdivision, Replat No. 1, 2022 Addition, Lot 7A-1; and

WHEREAS, the future public works building site is currently zoned Auto Commercial; and

WHEREAS, to prevent further spot-zoning in the upcoming replat of the future public works site and Lot 10A-2 it is advisable to rezone Lot 10A-2 to the same zoning district as the public works site; and

WHEREAS, the current use of Lot 10A-2 as a 100' utility easement for overhead power lines greatly limits the land uses for the property despite the zoning district designation; and

WHEREAS, on April 2, 2024, the Planning and Zoning Commission approved Resolution 2024-008 recommending City Council approval to rezone Lot 10A-2; and

WHEREAS, the public notification process was complied with, and the appropriate public hearing as required by Seward City Code §15.01.040.

NOW, THEREFORE, THE CITY OF SEWARD ORDAINS, that:

Section 1. Seward City Council hereby approves the Land Use Amendment to rezone Fort Raymond Subdivision, Replat Number 7, Lot 10A-2, located at 905 Sea Lion Ave, from an Institutional (Ins) zoning district to an Auto Commercial (AC) zoning district.

**CITY OF SEWARD, ALASKA
ORDINANCE 2024-005**

Page 2 of 2

Section 2. This ordinance shall take effect ten (10) days upon enactment.

ENACTED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA this
29th day of April 2024.

THE CITY OF SEWARD, ALASKA

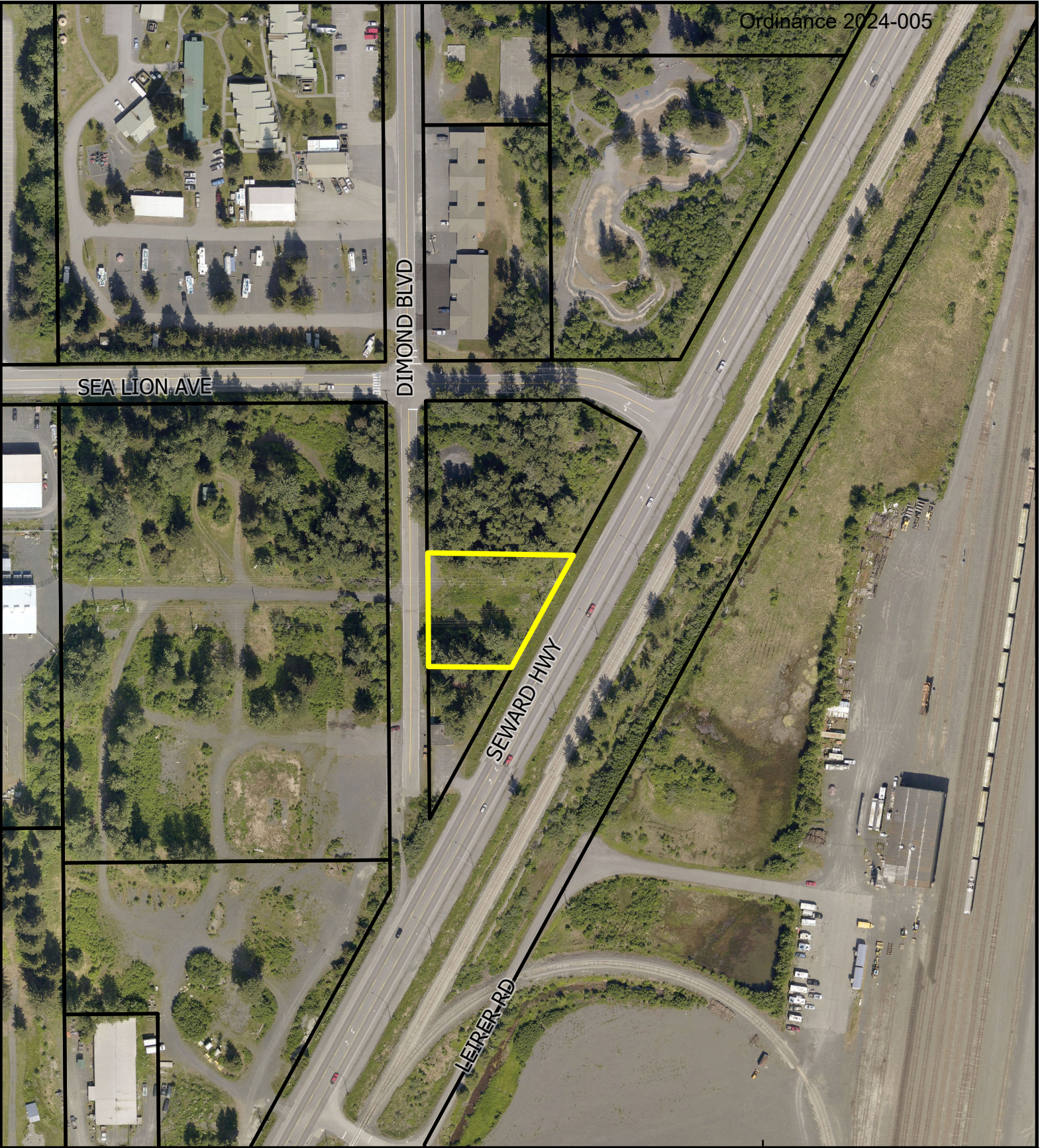
Sue McClure, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Kris Peck
City Clerk

(City Seal)



**Rezone of Fort Raymond Subdivision, Replat No. 7,
 Lot 10A-2 from Institutional (INS) to Auto
 Commercial (AC)**

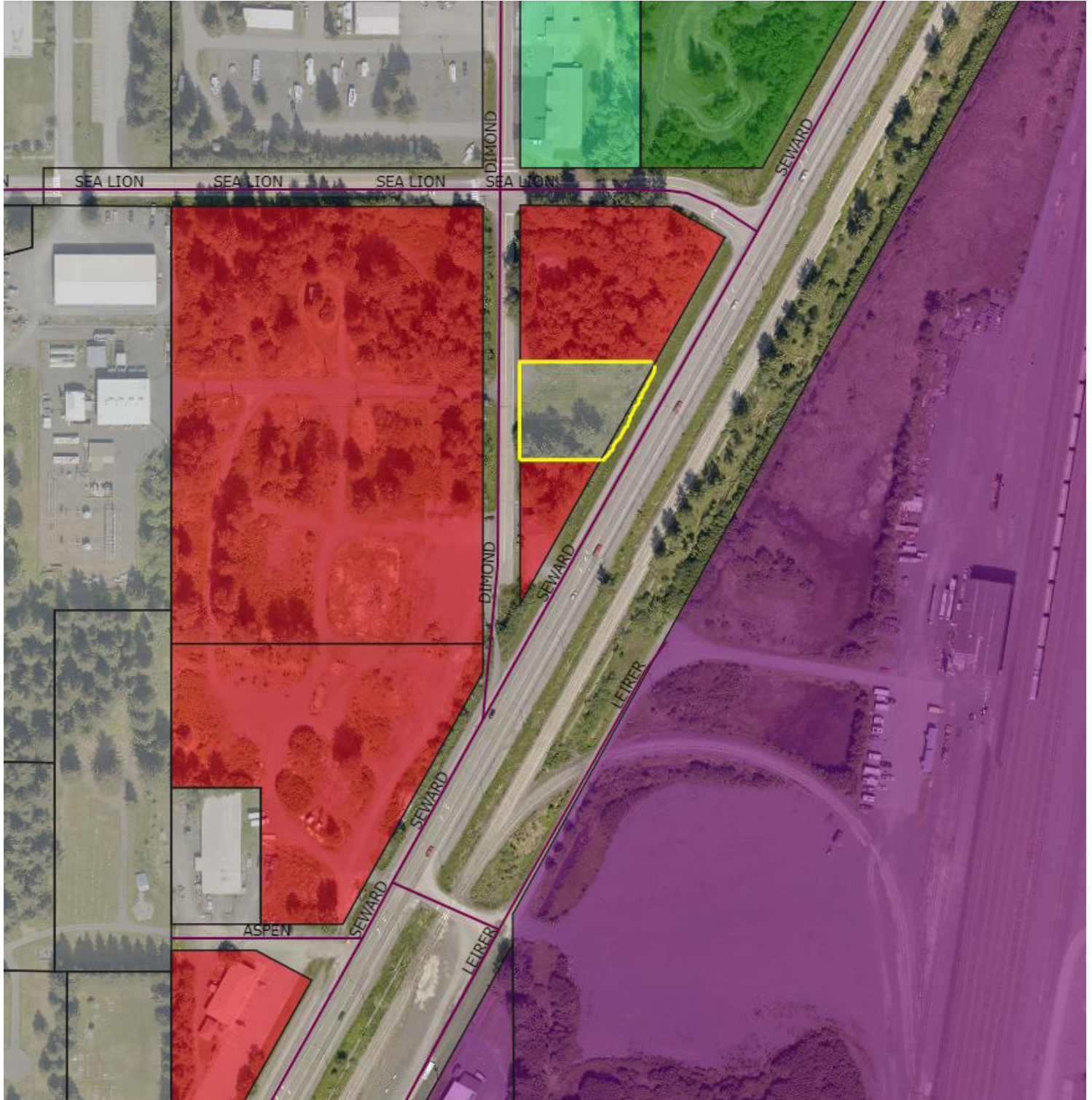


| | | | |
|-------------------------|------|--------------------|----------|
| 905 Sea Lion Ave | | | |
| Drawn By: | | Selena Soto | |
| 0 | 62.5 | 125 | 250 Feet |

Due to different data sources property lines and aerial imagery do not overlay correctly. Map is to be used for orientation and reference purposes only.

Current Zoning

Ordinance 2024-005



Address: 905 Sea Lion Ave

Proposed Zoning: Auto Commercial

Current Use: vacant; utility easement



Ordinance 2024-006

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF SEWARD, ALASKA,
APPROVING THE LAND USE AMENDMENT
TO REZONE SEWARD TOWNSITE
MARATHON ADDITION, LOT 29, LOCATED
AT 537 FIRST AVE, FROM A SINGLE-
FAMILY RESIDENTIAL (R1) ZONING
DISTRICT TO A PARK (P) ZONING
DISTRICT, AS RECOMMENDED IN THE
MUNICIPAL LANDS INVENTORY AND
MANAGEMENT PLAN

Documents:

- Agenda Statement
- Ordinance 2024-006
- Attachments:
 - 537 First Ave – Property Map
 - 537 First Ave – Current Zoning Map



City Council Agenda Statement

Meeting Date: April 15, 2024

To: City Council

Through: Kat Sorensen, City Manager

From: Daniel Meuninck, Community Development Director

Subject: Ordinance 2024-006; Approving the Land Use Amendment To Rezone Seward Townsite Marathon Addition, Lot 29, Located At 537 First Ave, From A Single-Family Residential (R1) Zoning District To A Park (P) Zoning District, As Recommended In The Municipal Lands Inventory And Management Plan

Background and justification:

On November 27, 2023, the City Council approved Resolution 2023-132 update to the Municipal Lands Inventory and Management Plan (MLIMP) that was recommended to them by the Planning and Zoning Commission. This plan identifies municipal owned lands, explains the current use of each land, and provides recommendations for the future management of the lands. Certain properties within the plan were recommended by the Planning and Zoning Commission to be rezoned. This Ordinance addresses one of those properties.

Page 87-88 of the MLIMP identifies the location of the Mt Marathon Hiking Trailhead. It is located on parcel 14803004 or 537 First Avenue. The parcel is currently zoned Single-Family Residential. The parcel will never be developed for housing, but rather has indefinite plans to continue its use as a trailhead and emergency vehicle access to Mt Marathon. The Commission has recommended that the parcel be rezoned from Single-Family Residential to Park.

On April 2, 2024, the Planning and Zoning Commission approved Resolution 2024-009, recommending City Council approve the land use amendment to rezone 537 First Ave.

The public notification process was complied with and the appropriate public hearing, as required by Seward City Code §15.01.040.

| |
|---|
| Comprehensive and Strategic Plan Consistency Information |
|---|

This legislation is consistent with (citation listed):

Comprehensive Plan: Vol 1, Chapter 3.6.1.1 “Improve existing and develop additional recreational infrastructure.”

- Identify, protect, and preserve scenic and natural areas for recreational enjoyment.”

Vol 1, Chapter 3.6.1.2

- Ensure that Municipal land acquired for or converted to long-term or permanent-park or recreational uses are officially dedicated as park land.

Strategic Plan: N/A

Other: Municipal Lands Inventory and Management Plan

Certification of Funds

Total amount of funds listed in this legislation: \$ 0

This legislation (✓):

- Creates revenue in the amount of: \$ _____
- Creates expenditure in amount of: \$ _____
- Creates a savings in the amount of: \$ _____
- Has no fiscal impact

Funds are (✓):

- Budgeted Line item(s): _____
- Not budgeted _____
- Not applicable

Fund Balance Information

Affected Fund (✓):

- | | | | |
|--------------------------------------|----------------------------------|-----------------------------------|-------------------------------------|
| <input type="checkbox"/> General | <input type="checkbox"/> SMIC | <input type="checkbox"/> Electric | <input type="checkbox"/> Wastewater |
| <input type="checkbox"/> Boat Harbor | <input type="checkbox"/> Parking | <input type="checkbox"/> Water | <input type="checkbox"/> Healthcare |
| <input type="checkbox"/> Motor Pool | <input type="checkbox"/> Other | _____ | |

Note: amounts are unaudited

Fund Balance \$ _____

Finance Director Signature: _____

Attorney Review

- Yes Attorney Signature: /s Kody George
- Not applicable Comments: _____

Administration Recommendation

- Adopt Ordinance
- Other: _____

Sponsored by: Sorensen
Introduction Date: April 15, 2024
Public Hearing Date: April 29, 2024
Enactment Date: April 29, 2024

**CITY OF SEWARD, ALASKA
ORDINANCE 2024-006**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, APPROVING THE LAND USE AMENDMENT TO REZONE SEWARD TOWNSITE MARATHON ADDITION, LOT 29, LOCATED AT 537 FIRST AVE, FROM A SINGLE-FAMILY RESIDENTIAL (R1) ZONING DISTRICT TO A PARK (P) ZONING DISTRICT, AS RECOMMENDED IN THE MUNICIPAL LANDS INVENTORY AND MANAGEMENT PLAN

WHEREAS, on November 27, 2023, the City Council approved Resolution 2023-132 update to the Municipal Lands Inventory and Management Plan; and

WHEREAS, the Municipal Lands Inventory and Management Plan contains recommendations for each of the city owned properties; and

WHEREAS, for certain properties, the Planning and Zoning Commission recommended that the zoning be changed to more accurately reflect the land uses taking place on the property; and

WHEREAS, the Mt Marathon hiking trailhead is located at 537 First Ave, which is currently zoned Single-Family Residential; and

WHEREAS, the traditional and current use of the property is as the trailhead to the Mt Marathon Hiking Trail and to provide emergency access to Mt Marathon; and

WHEREAS, the traditional and current use of the trailhead property will not change in the foreseeable future; and

WHEREAS, it is in the public's benefit to protect the property with an appropriate zoning designation that represents the recreational and emergency access use; and

WHEREAS, the proposed zoning for 537 First Ave is Park; and

WHEREAS, on April 2, 2024, the Planning and Zoning Commission approved Resolution 2024-009 recommending the City Council approve a rezone of 537 First Ave to be Park zoning designation; and

WHEREAS, the public notification process was complied with, and the appropriate public hearing as required by Seward City Code §15.01.040.

NOW, THEREFORE, THE CITY OF SEWARD ORDAINS, that:

**CITY OF SEWARD, ALASKA
ORDINANCE 2024-006**

Page 2 of 2

Section 1. Seward City Council hereby approves the Land Use Amendment to rezone Seward Townsite Marathon Addition, Lot 29, located at 537 First Ave from a Single-Family Residential (R1) zoning district to a Park (P) zoning district.

Section 2. Seward City Council hereby approves updating the Municipal Land Inventory and Management Plan page 88, changing the zoning from Single-Family Residential to Park.

Section 3. Seward City Council hereby approves updating the current and future Land Use Maps from Single-Family Residential to Park.

Section 4. This ordinance shall take effect ten (10) days upon enactment.

ENACTED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA this 29th day of April 2024.

THE CITY OF SEWARD, ALASKA

Sue McClure, Mayor

AYES:

NOES:

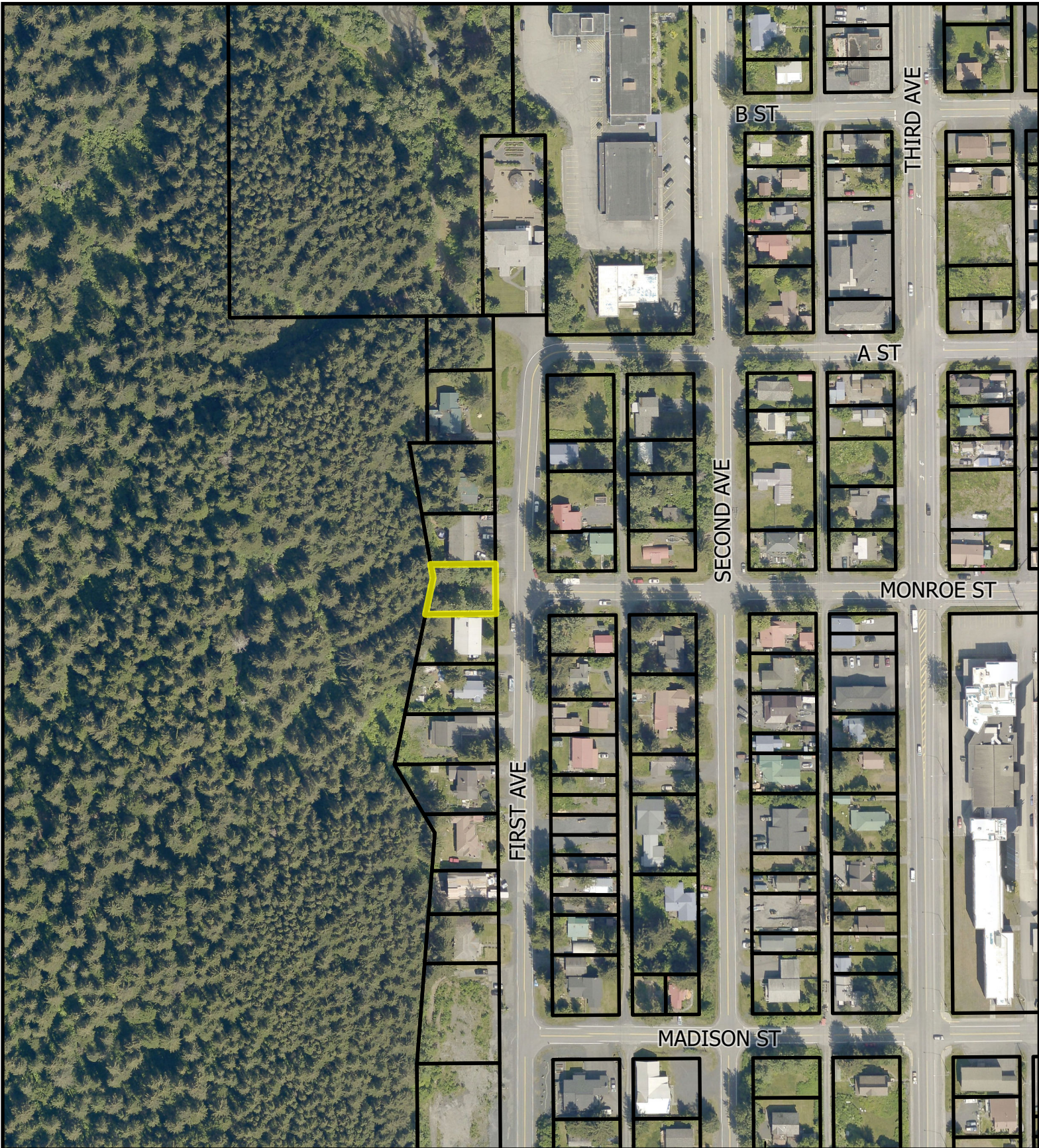
ABSENT:

ABSTAIN:

ATTEST:

Kris Peck
City Clerk

(City Seal)



**Rezone of Seward Townsite Marathon Addition
 Lot 29 from Single Family Residential (R1)
 to Park (P)**



| | | | |
|----------------------|------|--------------------|----------|
| 537 First Ave | | | |
| Drawn By: | | Selena Soto | |
| 0 | 62.5 | 125 | 250 Feet |

Due to different data sources property lines and aerial imagery do not overlay correctly. Map is to be used for orientation and reference purposes only.

Current Zoning

Ordinance 2024-006



Address: 537 First Ave

Proposed Zoning: Park

Current Use: Mt Marathon Jeep³⁵Trail Trailhead



Ordinance 2024-007

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF SEWARD, ALASKA,
APPROVING THE LAND USE AMENDMENT
TO REZONE GATEWAY SUBDIVISION
ADDITION NO. 2 TRACTS C4, C5, C6 & C7,
TRACT C-6, LOCATED AT 2301 CRABAPPLE
STREET, FROM A SINGLE-FAMILY
RESIDENTIAL (R1) ZONING DISTRICT TO
AN INSTITUTIONAL (INS) ZONING
DISTRICT, AS RECOMMENDED IN THE
MUNICIPAL LANDS INVENTORY AND
MANAGEMENT PLAN

Documents:

- Agenda Statement
- Ordinance 2024-007
- Attachments:
 - 2301 Crabapple St – Property Map
 - 2301 Crabapple St – Current Zoning Map



City Council Agenda Statement

Meeting Date: April 15, 2024

To: City Council

Through: Kat Sorensen, City Manager

From: Daniel Meuninck, Community Development Director

Subject: Ordinance 2024-007; Approving The Land Use Amendment To Rezone Gateway Subdivision Addition No. 2 Tracts C4, C5, C6 & C7, Tract C-6, Located At 2301 Crabapple Street, From A Single-Family Residential (R1) Zoning District To An Institutional (Ins) Zoning District, As Recommended In The Municipal Lands Inventory And Management Plan

Background and justification:

On November 27, 2023, the City Council approved Resolution 2023-132 update to the Municipal Lands Inventory and Management Plan (MLIMP) that was recommended to them by the Planning and Zoning Commission. This plan identifies municipal owned lands, explains the current use of each land, and provides recommendations for the future management of the lands. Certain properties within the plan were recommended by the Planning and Zoning Commission to be rezoned. This Ordinance addresses one of those properties.

Page 57-58 of the MLIMP identifies the location of the North Water Tank and Pumping Facility on parcel 14535153 (2301 Crabapple Street). The parcel is currently zoned single-family residential. A public utility facility requires a conditional use permit (CUP) within a single-family residential zoning district. This facility received a CUP in 2015 by Resolution 2015-002. The CUP will remain in effect regardless of the change in zoning and the following conditions should be retained for the life and use of the structure to protect the facility and adjacent properties:

1. The applicant shall provide safety and security fencing for the project.
2. The applicant shall install security lighting to reflect away from adjacent residential areas.
3. Any proposed modification plans shall be subject to the public notice and public hearing requirements of law, which shall occur only after payment of the filing fee established by resolution of the City Council.
4. The water storage tank shall be a non-white color that blends with the environment.

An institutional zoning district allows a public utility facility outright. Since the area will never be developed for housing, and is larger than one acre, the Commission has recommended that it be rezoned from single-family residential to institutional.

On April 2, 2024, the Planning and Zoning Commission approved Resolution 2024-009, recommending City Council approve the land use amendment to rezone 2301 Crabapple Street.

The public notification process was complied with and the appropriate public hearing, as required by Seward City Code §15.01.040.

Comprehensive and Strategic Plan Consistency Information

This legislation is consistent with (citation listed):

Comprehensive Plan: _____
 Strategic Plan: N/A
 Other: Municipal Lands Inventory and Management Plan; SCC 15.01.035(B)(3)

Certification of Funds

Total amount of funds listed in this legislation: \$ 0

This legislation (✓):

- Creates revenue in the amount of: \$ _____
- Creates expenditure in amount of: \$ _____
- Creates a savings in the amount of: \$ _____
- Has no fiscal impact

Funds are (✓):

- Budgeted Line item(s): _____
- Not budgeted _____
- Not applicable

Fund Balance Information

Affected Fund (✓):

- | | | | |
|--------------------------------------|----------------------------------|-----------------------------------|-------------------------------------|
| <input type="checkbox"/> General | <input type="checkbox"/> SMIC | <input type="checkbox"/> Electric | <input type="checkbox"/> Wastewater |
| <input type="checkbox"/> Boat Harbor | <input type="checkbox"/> Parking | <input type="checkbox"/> Water | <input type="checkbox"/> Healthcare |
| <input type="checkbox"/> Motor Pool | <input type="checkbox"/> Other | _____ | |

Note: amounts are unaudited

Fund Balance \$ _____

Finance Director Signature: _____

Attorney Review

Yes Attorney Signature: /s Kody George
 Not applicable Comments: _____

Administration Recommendation

Adopt Ordinance
 Other:

Sponsored by: Sorensen
Introduction Date: April 15, 2024
Public Hearing Date: April 29, 2024
Enactment Date: April 29, 2024

**CITY OF SEWARD, ALASKA
ORDINANCE 2024-007**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, APPROVING THE LAND USE AMENDMENT TO REZONE GATEWAY SUBDIVISION ADDITION NO. 2 TRACTS C4, C5, C6 & C7, TRACT C-6, LOCATED AT 2301 CRABAPPLE STREET, FROM A SINGLE-FAMILY RESIDENTIAL (R1) ZONING DISTRICT TO AN INSTITUTIONAL (INS) ZONING DISTRICT, AS RECOMMENDED IN THE MUNICIPAL LANDS INVENTORY AND MANAGEMENT PLAN

WHEREAS, on November 27, 2023, the City Council approved the Resolution 2023-132 update to the Municipal Lands Inventory and Management Plan; and

WHEREAS, the Municipal Lands Inventory and Management Plan contains recommendations for each of the city owned properties; and

WHEREAS, for certain properties, the Planning and Zoning Commission recommended that the zoning be changed to more accurately reflect the land uses taking place on the property; and

WHEREAS, the north water tank and pumping facility is located at 2301 Crabapple Street, which is currently zoned Single-Family Residential; and

WHEREAS, this facility received a Conditional Use Permit (CUP) in 2015 by Resolution 2015-002 for the construction and operation of a 600,000-gallon water storage tank; and

WHEREAS, the CUP conditions recommended by staff and the public in Resolution 2015-002 will remain in effect and should be retained to protect the facility and adjacent properties; and

WHEREAS, the parcel is over one acre and the proposed zoning for 2301 Crabapple Street is Institutional; and

WHEREAS, a public utility facility is allowed outright in an Institutional zoning district; and

WHEREAS, on April 2, 2024, the Planning and Zoning Commission approved Resolution 2024-009 recommending City Council approval to rezone 2301 Crabapple Street; and

WHEREAS, the public notification process was complied with, and the appropriate public hearing as required by Seward City Code §15.01.040.

NOW, THEREFORE, THE CITY OF SEWARD ORDAINS, that:

**CITY OF SEWARD, ALASKA
ORDINANCE 2024-007**

Page 2 of 2

Section 1. Seward City Council hereby approves the Land Use Amendment to rezone Gateway Subdivision Addition No. 2 Tracts C4, C5, C6 & C7, Tract C-6, Located at 2301 Crabapple Street from a Single-Family Residential (R1) zoning district to an Institutional (I) zoning district.

Section 2. Seward City Council hereby approves keeping the conditions contained in the CUP approved by Resolution 2015-002 in effect on the property.

Section 3. Seward City Council hereby approves updating the Municipal Land Inventory and Management Plan page 58, changing the zoning from Single-Family Residential to Institutional.

Section 4. Seward City Council hereby approves updating the current and future Land Use Maps from Single-Family Residential to Institutional.

Section 5. This ordinance shall take effect ten (10) days upon enactment.

ENACTED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA this 29th day of April 2024.

THE CITY OF SEWARD, ALASKA

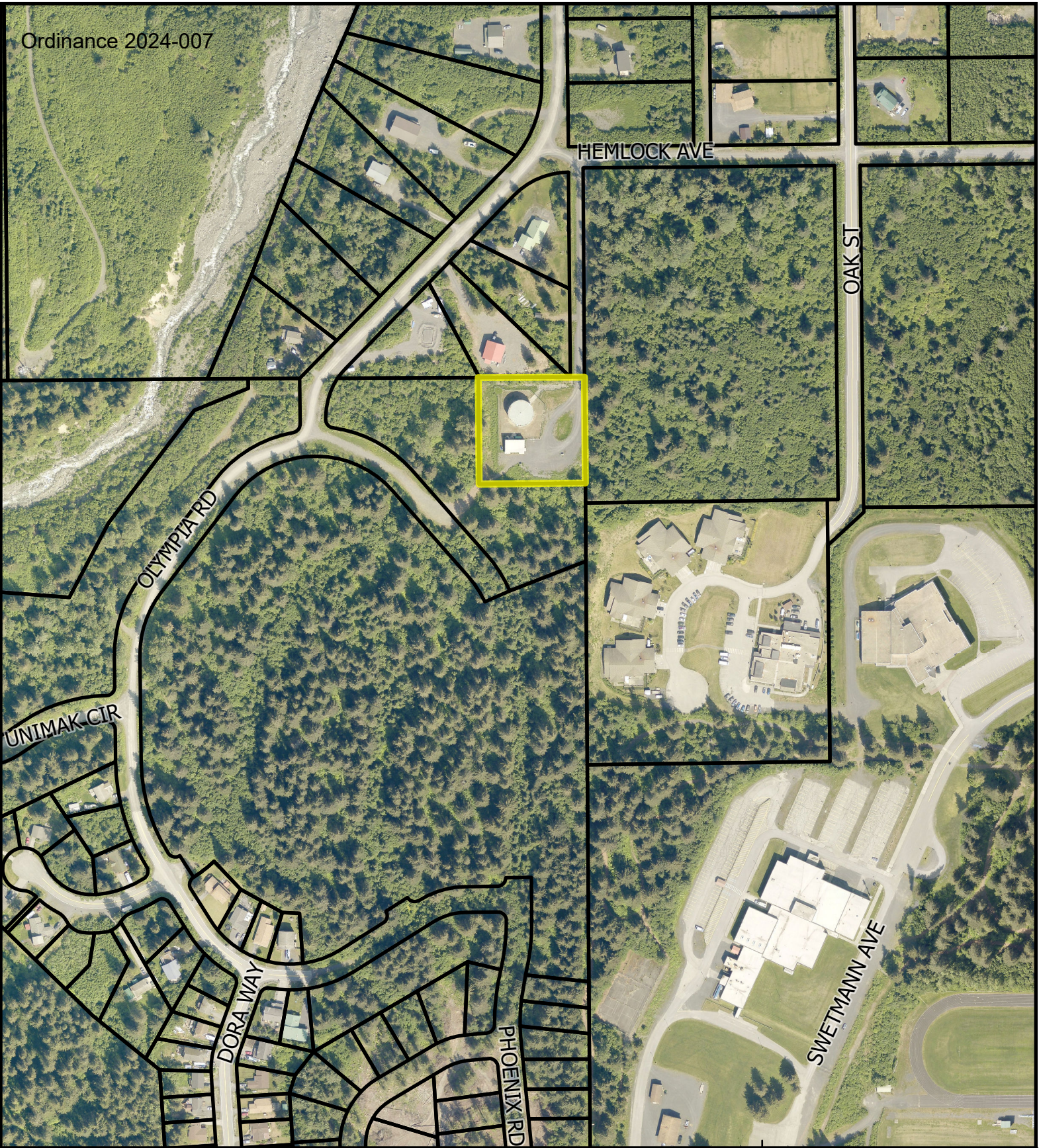
Sue McClure, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Kris Peck
City Clerk

(City Seal)



**Rezone of Gateway Subdivision Addition No. 2
Tract C-6 from Single Family Residential (R1) to
Institutional (INS)**

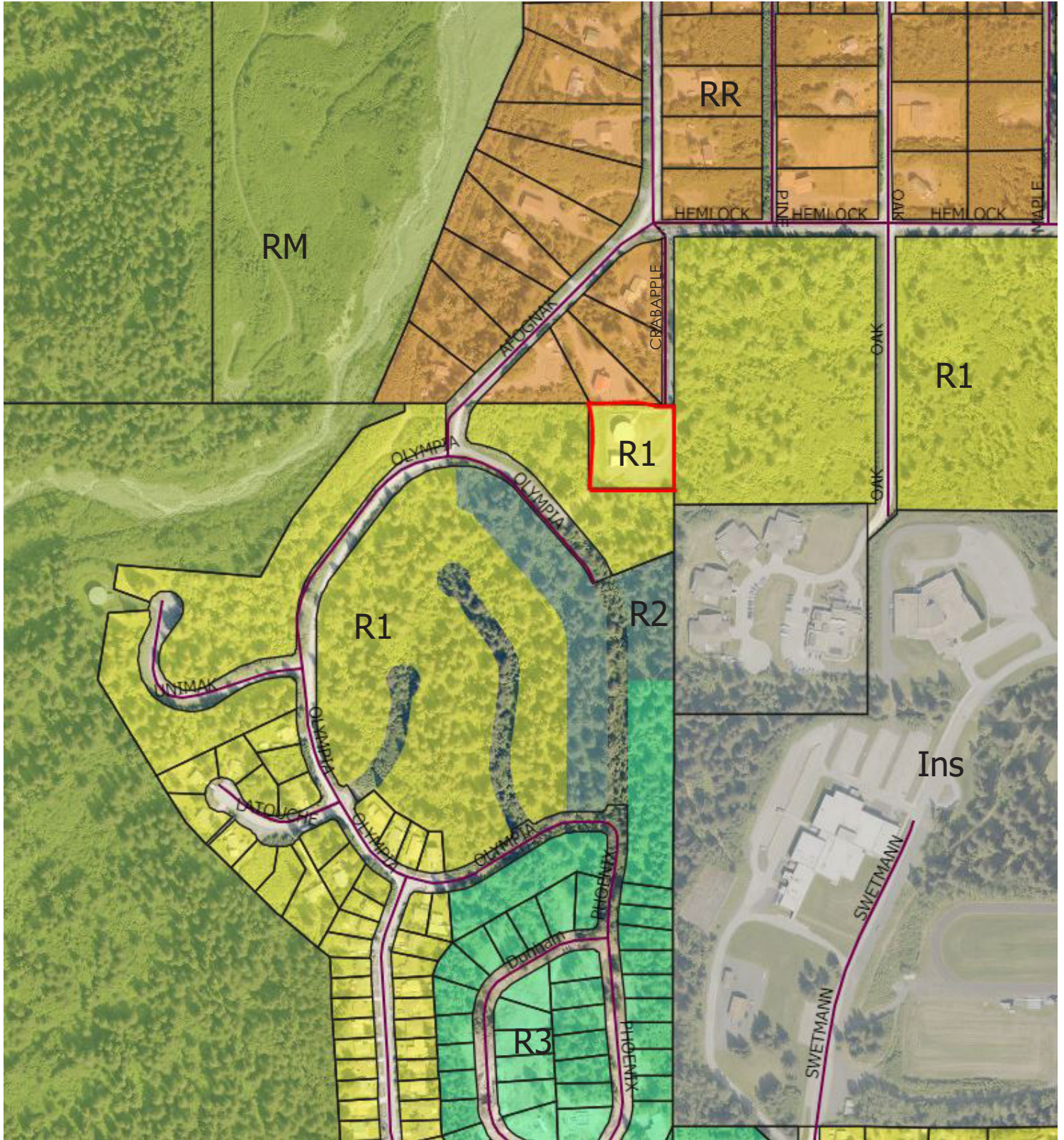


| | |
|--------------------------|--------------------|
| 2301 Crabapple St | |
| Drawn By: | Selena Soto |
| | |

Due to different data sources property lines and aerial imagery do not overlay correctly. Map is to be used for orientation and reference purposes only.

Current Zoning

Ordinance 2024-007



Address: 2301 Crabapple Street

Current Zoning: Single-Family Residential

Current Use: North water tank and pumping facility

Proposed Zoning: Institutional 43



Resolution 2024-025

Approving Amendment #1 to the Employment Agreement with the City Clerk

Documents:

- Agenda Statement
- Resolution 2024-025
- Employment Agreement with amendment



City Council Agenda Statement

Meeting Date: April 15, 2024

To: City Council

From: Kris Peck, City Clerk

Subject: Resolution 2024-025: Approving Amendment #1 to the Employment Agreement with the City Clerk

Background and justification:

Kris Peck has worked in the City Clerk’s office since December 2021. Peck entered into a contract with the City Council for City Clerk services with a start date of May 23, 2023.

The city clerk does not participate in standard employee step increases or cost of living adjustments (COLA) as outlined in the Seward City Code, and any increase in pay must be by an amendment to the employment agreement via council resolution.

The attached resolution would increase the City Clerk’s current salary from \$75,000 to \$90,000 as the outcome of the City Clerk’s annual evaluation by the Seward City Council, which took place on March 26, 2024.

Certification of Funds

Total amount of funds listed in this legislation: \$ 15,000

This legislation (✓):

- Creates revenue in the amount of: \$ _____
- Creates expenditure in amount of: \$ 15,000
- Creates a savings in the amount of: \$ _____
- Has no fiscal impact

Funds are (✓):

- Budgeted Line item(s): 01000-1110-6000
- Not budgeted _____
- Not applicable

Fund Balance Information

Affected Fund (✓):

- | | | | |
|--------------------------------------|----------------------------------|-----------------------------------|-------------------------------------|
| <input type="checkbox"/> General | <input type="checkbox"/> SMIC | <input type="checkbox"/> Electric | <input type="checkbox"/> Wastewater |
| <input type="checkbox"/> Boat Harbor | <input type="checkbox"/> Parking | <input type="checkbox"/> Water | <input type="checkbox"/> Healthcare |
| <input type="checkbox"/> Motor Pool | <input type="checkbox"/> Other | _____ | |

Note: amounts are unaudited

Available Fund Balance \$ _____

Finance Director Signature: Sully Jusino

Attorney Review

Yes
 Not applicable
Attorney Signature: _____
Comments: _____

Administration Recommendation

Adopt Resolution
 Other: _____

Sponsored by: City Clerk

**CITY OF SEWARD, ALASKA
RESOLUTION 2024-025**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD,
ALASKA, APPROVING AMENDMENT #1 TO THE EMPLOYMENT
AGREEMENT WITH THE CITY CLERK**

WHEREAS, Kris Peck has been employed by the Seward City Council as the City Clerk since May 23, 2023; and

WHEREAS, the City Clerk is an at-will contract employee of the City Council, and as such, does not participate in standard employee step increases or cost of living adjustments (COLA) as outlined in the Seward City Code, unless approved via resolution as an amendment to the employment agreement; and

WHEREAS, the employment agreement states the City Council agrees to review the City Clerk's performance and contract annually, and may consider a salary increase or other amendment(s) to this contract upon favorable review; and

WHEREAS, the City Clerk's initial salary was \$75,000; and

WHEREAS, on March 26, 2024, the City Council evaluated the City Clerk and the results were highly satisfactory; and

WHEREAS, this resolution will amend the employment agreement to increase the annual salary to \$90,000, representing a 20% salary increase.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, that:

Section 1. The Seward City Council hereby approves Amendment # 1 to the City Clerk's employment agreement to change the annual base salary to \$90,000.

Section 2. Funding in the amount of \$15,000 is budgeted in line item 01000-1110-6000.

Section 3. This resolution shall take effect immediately upon adoption.

PASSED AND APPROVED by the City Council of the City of Seward, Alaska this 15^h day of April, 2024.

THE CITY OF SEWARD, ALASKA

Sue McClure, Mayor

**CITY OF SEWARD, ALASKA
RESOLUTION 2024-025**

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Kris Peck
City Clerk

(City Seal)



CITY CLERK EMPLOYMENT AGREEMENT AMENDMENT #1

This Employment Agreement ("Agreement"), effective as of May 23, 2023, ("Effective Date"), and amended April 15, 2024, is between the City of Seward, Alaska ("City") and Kris Peck ("City Clerk")

This agreement shall continue indefinitely under the following terms:

1. The City acknowledges that City Clerk is committed to the ideals of the International Institute of Municipal Clerks ("IIMC"), and both parties mutually desire that City Clerk be subject to and comply with the IIMC Code of Ethics. The City agrees that no member of City Council or any employee of the City may give any order, direction, or make any request that would require the City Clerk to violate the IIMC Code of Ethics.
2. Professional growth and continuing education and obtaining and maintaining clerk certifications through training and education, is allowed and encouraged for City Clerk and the staff of the clerk's office.
3. City Clerk is encouraged to participate in community and civic affairs.
4. Travel by the City Clerk shall be in accordance with City Code 3.60.025. Reimbursement for expenditures on behalf of the City shall not be paid unless reimbursement is sought in accordance with standard City procedures, including receipts, and supporting material.
5. City Clerk shall accrue annual leave and holidays in accordance with Chapter 3.45 and 3.50 of the Seward City Code. City Clerk shall be covered by the standard City health insurance and retirement plans.
6. The provisions of Title 3 of the Seward City Code shall not apply to this agreement with the following exceptions, which may be amended from time to time in the city code:
 - A. 3.15.085. Longevity Bonus.
 - B. 3.15.090. Retirement.
 - C. 3.15.095. Insurance and medical benefits.
 - D. 3.35. Employee Development. City Clerk will have collateral responsibility for employee development within the City Clerk Department.
 - E. 3.45. Annual Leave. The City Council will administer Annual Leave policy for the City Clerk. This includes FMLA (3.45.095) and bereavement leave (3.45.040 f).
 - F. 3.50. Holidays.
 - G. 3.60. Special Provisions.
 - H. 3.70. Standards Relating to Drugs and Alcohol.
 - I. 3.75. Standards Relating to Employee Conduct.
 - J. 3.80. Worker's Compensation.



7. Because of the peculiar nature of the City Clerk position, it is agreed that the City's business can only succeed if the City Clerk and the City Council enjoy a working relationship based on mutual respect, trust and positive attitudes. It may, therefore, be impossible to quantify "poor performance" or "just cause" for termination given these complexities which often involve personality factors as opposed to legal or contractual factors. It is therefore the intent of both the City and City Clerk, to provide for termination by either the City or City Clerk without resort to any determination of cause or any necessary explanation by the City.

Accordingly, this agreement may be terminated as follows:

- A. By City Clerk, for any reason or no stated reason, upon giving sixty (60) days written notice to the City. Upon receipt of notice, the City may immediately terminate the relationship, or may require City Clerk to continue for a period not to exceed sixty (60) days at their regular rate of pay from the date of receipt of the notice. The City shall make the election promptly and within fourteen (14) days of the receipt of notice, and the City's failure to make an election shall be deemed as election to terminate the relationship sixty (60) days from the date of receipt of the notice. If the relationship is so terminated, the City shall not be responsible for any severance or termination pay, and City Clerk shall be entitled to any annual leave balance to the date of termination.
 - B. By the City Council for any reason or no stated reason upon giving written notice to City Clerk. The City Council may, at its option, terminate the relationship immediately and provide City Clerk with ninety (90) days' pay in lieu of notice, or, the City Council may require City Clerk to continue service at their regular rate of pay for a period of ninety (90) days. City Clerk shall be entitled to their annual leave balance at the date of termination.
 - C. If the City Clerk retires from full-time public service with the City, City Clerk will provide six (6) months' notice, and the actual retirement date will be mutually established.
 - D. The City shall defend, indemnify, and hold the City Clerk harmless for claims against City Clerk for acts or omissions resulting from their employment by the City and within the scope of the duties as City Clerk pursuant to Chapter 2.35 of the Seward City Code.
8. The City Council shall provide the City Clerk with an Initial Evaluation, 180 calendar days from the date of hire, to re-evaluate the City Clerk's goals and provide supportive direction. Following this Initial Evaluation, the City Clerk's evaluation will fall in line with the regular schedule as outlined in the City Council Rules of Procedure, Rule 16.
 9. City Clerk shall be paid at the rate of ~~\$75,000~~ **\$90,000** per year. The City Council agrees to review the City Clerk's performance and contract annually and may consider a salary increase or other amendment(s) to this contract upon favorable review.



This agreement is the entire agreement and wherever approval of the City is required, it is understood that such approval will be by the City Council of the City of Seward. This agreement supersedes any previous agreement and may be modified only in writing, signed by each of the parties. This agreement will be interpreted and enforced in Alaska in accordance with the laws of the State of Alaska and is subject to all applicable Charter and ordinance provisions of the City of Seward.

CITY OF SEWARD, ALASKA

Kris Peck, City Clerk

Date

Sue McClure, Mayor

Date

Kat Sorensen, City Manager

Date

Attest

Date

(city seal)



Resolution 2024-026:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, AUTHORIZING THE CITY MANAGER TO MODIFY THE CONTRACT WITH SEWARD CITY TOURS FOR THE OPERATION OF THE SEASONAL SHUTTLE TRANSPORTATION SERVICES FOR THE 2024 SEASON, IN A TOTAL AMOUNT NOT TO EXCEED \$18,275, AND APPROPRIATING FUNDS.

Documents:

- Agenda Statement
- Resolution 2024-026
- Resolution 2023-066
- Seward City Tours Service Agreement
- Seward City Tours Invoice ADZC-150923 2023 Extension Cost
- Seward City Tours Invoice NJTB-220324 2024 Shoulder Season Cost



City Council Agenda Statement

Meeting Date: April 15, 2024

To: City Council

Through: Kat Sorensen, City Manager

From: Jason Bickling, Deputy City Manager

Subject: Resolution 2024-026: Authorizing The City Manager To Modify The Contract With Seward City Tours For The Operation Of The Seasonal Shuttle Transportation Services For The 2024 Season, In A Total Amount Not To Exceed \$18,275, And Appropriating Funds.

Background and justification:

The summer shuttle transportation contract is based on a specific window of operation for estimated cruise ship schedules, which are subject to change. The season essentially starts on May 6 with a full week of ships. This is earlier than in previous years, but it was budgeted for in the current contract. The cruise ship schedule has changed fairly significantly (an even earlier start), and we need to adjust the contract and payment to make transportation available for this new window.

This resolution would provide additional funding from April 22nd to May 5th - 14 days of additional funding. Three of those days have large capacity cruise ships requiring 3 buses starting at 8am.

April 25 – Luminosa & Seven Seas Exp
 April 27 – Norwegian Jewel
 May 1 – Carnival Spirit

The rest of the days only require one bus and 9 hours of service a day. The total hours would be approximately 183 hours of additional funding. The rate reflected in the contract is \$85 an hour for services needed outside of the contract. Seward City Tours shaved off service hours when ships leave early and decreased buses later in the evening to reduce costs.

In previous years, requests like this were approved internally by administration.

Because there were 2 years without any cruise ships, we didn't receive CPV (Commercial Passenger Vessel Excise Tax Receipts) funds for two years and have currently spent all of the CPV funds. \$2,720 additional funds need to be appropriated in addition to the \$15,555 booking invoice, for a total of \$18,275.

Comprehensive and Strategic Plan Consistency Information

This legislation is consistent with (citation listed):

Comprehensive Plan: 3.4.1 Provide safe and efficient vehicular transportation facilities that meet the needs of the community.

Strategic Plan: _____

Other: _____

Certification of Funds

Total amount of funds listed in this legislation: \$ 18,275

This legislation (✓):

- Creates revenue in the amount of: \$ _____
- Creates expenditure in amount of: \$ 18,275
- Creates a savings in the amount of: \$ _____
- Has no fiscal impact

Funds are (✓):

- Budgeted Line item(s): _____
- Not budgeted _____
- Not applicable _____

Fund Balance Information

Affected Fund (✓):

- | | | | |
|--------------------------------------|---|-----------------------------------|-------------------------------------|
| <input type="checkbox"/> General | <input type="checkbox"/> SMIC | <input type="checkbox"/> Electric | <input type="checkbox"/> Wastewater |
| <input type="checkbox"/> Boat Harbor | <input type="checkbox"/> Parking | <input type="checkbox"/> Water | <input type="checkbox"/> Healthcare |
| <input type="checkbox"/> Motor Pool | <input checked="" type="checkbox"/> Other | <u>CPV State</u> | |

Note: amounts are unaudited

Fund Balance/ Net Assets \$ 1,709,818

Finance Director Signature: *Sully Jusino*

Attorney Review

- Yes Attorney Signature: _____
- Not applicable Comments: _____

Administration Recommendation

- Adopt Resolution
- Other: _____

Sponsored by: Sorensen

**CITY OF SEWARD, ALASKA
RESOLUTION 2024-026**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, AUTHORIZING THE CITY MANAGER TO MODIFY THE CONTRACT WITH SEWARD CITY TOURS FOR THE OPERATION OF THE SEASONAL SHUTTLE TRANSPORTATION SERVICES FOR THE 2024 SEASON, IN A TOTAL AMOUNT NOT TO EXCEED \$18,275, AND APPROPRIATING FUNDS.

WHEREAS, The Summer Shuttle is a great benefit not only to cruise ship passengers but also to local businesses, seasonal workers, and Seward residents; and

WHEREAS, the service has proved beneficial to the economic wellbeing of our community and is valued by the cruise ship industry; and

WHEREAS, the shuttle service is funded from the Commercial Passenger Vessel Excise Tax receipts and this use is an appropriate use of funds; and

WHEREAS, the awarded contract is based on the estimated cruise ship schedule; and

WHEREAS, services required outside of the contract are paid based upon an agreed rate in the contract.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA that:

Section 1. The City Manager is hereby authorized to modify the contract between Seward City Tours and the City of Seward for the 2024 season in an amount not to exceed \$18,275.

Section 2. The Seward City Council hereby appropriates the amount of \$18,275 from the Commercial Passenger Vessel State Fund account no. 11103-0000-3710-30051 to the Bus Transportation Contracted Services Account no. 30051-0000-7009.

Section 3. This resolution shall take effect immediately upon adoption.

PASSED AND APPROVED by the City Council of the City of Seward, Alaska, this 15 day of April 2024.

**CITY OF SEWARD, ALASKA
RESOLUTION 2024-026**

THE CITY OF SEWARD, ALASKA

Sue McClure, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Kris Peck
City Clerk

(City Seal)

Sponsored by: Regis

**CITY OF SEWARD, ALASKA
RESOLUTION 2023-066**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SEWARD CITY TOURS FOR THE OPERATION OF THE SEASONAL SHUTTLE TRANSPORTATION SERVICES FOR THE 2024, 2025, AND 2026 SEASONS, IN A TOTAL AMOUNT NOT TO EXCEED \$827,820, AND APPROPRIATING FUNDS

WHEREAS, in 2010 Seward began providing a shuttle bus service between the cruise ship terminal, the harbor, and downtown Seward; and

WHEREAS, the service has proved beneficial to the economic wellbeing of our community and is valued by the cruise ship industry; and

WHEREAS, in accordance with Seward City Code 6.10.310 the City of Seward released a request for proposals on March 7, 2023, to include all the cost associated with providing services; and

WHEREAS, Seward City Tours was the successful proposer; and

WHEREAS, this resolution approves a contract between the City of Seward and Seward City Tours with a duration of 3 years with the option of two, 3-year extensions; and

WHEREAS, the shuttle service is funded from the Commercial Passenger Vessel Excise Tax receipts and this use is an appropriate use of funds; and

WHEREAS, the Summer Shuttle is a great benefit, not only to cruise ship passengers, but also to local businesses, seasonal workers, and Seward residents.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA that:

Section 1. The City Manager is hereby authorized to enter into a contract between Seward City Tours and the City of Seward for the 2024, 2025, and 2026 seasons, with the option of two (2), three-year extensions.

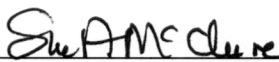
Section 2. The Seward City Council hereby appropriates the amount of \$827,280 to be transferred from the commercial passenger vessel proceeds fund account no. 11113-0000-3071-0000-30051 to the Bus Transportation Contracted Services Account no. 30051-0000-7009.

**CITY OF SEWARD, ALASKA
RESOLUTION 2023-066**

Section 3. This resolution shall take effect immediately upon adoption.

PASSED AND APPROVED by the City Council of the City of Seward, Alaska, this 22nd day of May, 2023.


THE CITY OF SEWARD, ALASKA



Sue McClure, Mayor

AYES: Osenga, DeMoss, Calhoon, Wells, Finch, Barnwell, McClure
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



Kris Peck
Deputy City Clerk

(City Seal)



City Council Agenda Statement



Meeting Date: May 22, 2023

To: City Council

From: Norm Regis, Acting City Manager

Subject: Resolution 2023-066: Authorizing The City Manager To Enter Into A Contract With Seward City Tours For The Operation Of The Seasonal Shuttle Transportation Services For The 2024, 2025, And 2026 Seasons, In A Total Amount Not To Exceed \$827,280, And Appropriating Funds

Background and justification:

Since 2010, the City of Seward has contracted out the Seasonal Summer Transportation shuttle service. It primarily benefits cruise ship passengers but also benefits independent travelers, seasonal workers, and Seward residents. The service has been paid for with Commercial Passenger Vessel Excise Tax receipts (CPV funds).

In accordance with City Code, the City put out a Request for proposals on March 7, 2023, for the operation of summer shuttle transportation services for the 2024, 2025, and 2026 seasons. There were three inquiries for information but only one respondent to the RFP. The evaluation committee reviewed the proposal and deemed the proposal criteria were met.

The draft contract is attached. Financial details have been included below.

The length of this contract would be 3 years with the option of two 3-year extensions.

3-year contract total is \$827,280.00. (If broken down on a year-by-year basis, this would be \$275,760 per year).

Payment Terms: 25% of total proposal price (\$206,820) due Oct 1, 2023 (Invoiced 30 days prior).

The remaining balance (\$620,460) to be billed in four installments (\$51,705.00/payment) during operating months (June, July, August, September) of each contract year (2024, 2025, 2026).

If additional hours are required, or the cruise ship schedule has unexpected changes, additional charges will be incurred at a rate of \$80/hr.

Seward City Tours Reasons for a deposit prior to contract commencement:

Guarantee of service in order to hire drivers - we can pay them a stipend if for some unforeseen reason the contract gets canceled unexpectedly - Drivers are paid \$22-27hr we have to pay this to get appropriate level of professionalism here. \$11, 520 is payroll for two weeks that we would have to cover if the city pulled the contract due to various reasons like sudden change in funding.

Maintenance and repairs prior to the season. In 6 years of operation, we have not had

one day of disrupted service. This is largely due to extensive maintenance on the vehicles prior to the season beginning. In 2022 we spent \$70K on repairs and maintenance on the fleet, on average maintenance during the winter is 20K

We are committed to adding an ADA vehicle to the fleet for this contract. This way all vehicles regularly servicing the Free Shuttle Contract will be ADA vehicles. Inventory is extremely limited and if we find the right vehicle, we will have to move on it before the start of the season. Currently buses of a comparable quality of the current fleet is approximately \$55-65K, inventory is extremely limited so if we see a vehicle come up, we have to take advantage right away.

For 2024 we will be updating our service to have the current QR code show guests in real time where the buses are - this is something the shuttle service has never been able to provide to riders during the summer months. We do not require an app download to do this. Development of the software and program require months of work prior to launch to ensure functionality. Payment for these developments will come from the funds provided by the down payment - Development has to start in the fall of 2023 so that it is ready by early spring 2024 and we can test and trial before the season starts. The total cost will be close to \$75K and it is something that will remain with the city even after our contract ends whether that is 3 years from now or 9 years. This is a huge upfront cost but will be minimal to maintain since it is not an App, and the Software can directed to whomever takes over the free shuttle if and when SewardCityTours is no longer providing service.

Our winters are spent actively improving our fleet and services. Service contracts for the Free Shuttle are greatly improved when we are able to have additional funds from an upcoming contract to help facilitate these improvements.

Comprehensive and Strategic Plan Consistency Information

This legislation is consistent with (citation listed):

Comprehensive Plan: 3.4.1 Provide safe and efficient vehicular transportation facilities that meet the needs of the community.

Strategic Plan: _____

Other: _____

Certification of Funds

Total amount of funds listed in this legislation: \$ 827,280

This legislation (✓):

Creates revenue in the amount of: \$ _____

Creates expenditure in amount of: \$ 827,280

Creates a savings in the amount of: \$ _____

Has no fiscal impact

Funds are (✓):

Budgeted Line 11113-0000-3710-0000-30051, 30051-0000-70009

**Professional Services Agreement with
Seward City Tours, LLC
for Seasonal Transportation Services and Related Services**

This AGREEMENT, made and entered into this 22th day of May, 2023 by and between the CITY OF SEWARD, a home rule municipal corporation located within the Kenai Peninsula Borough and organized under the laws of the State of Alaska, hereinafter referred to as the "City" and Seward City Tours, a limited liability corporation authorized to do business in Alaska, with offices located at 32981 Myrtlewood Circle, Seward, Alaska, hereinafter referred to as the "Contractor."

WITNESSETH

WHEREAS, the City of Seward wishes to enter into a contract with an independent contractor to provide transportation services for cruise ship passengers and other visitors, between the Seward Cruise Ship Port, the Alaska Railroad Seward Depot, the downtown business district and the Seward boat harbor in Seward, Alaska; and

WHEREAS, in response to a request for proposals, Seward City Tours, LLC submitted a proposal asserting it is qualified to perform these services and able to do so in a timely manner;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1.0 DEFINITIONS

1.1 "Agreement" shall mean this Professional Services Agreement, including:

Exhibit A – Seward City Tours, LLC proposal

Exhibit B – City's request for proposals dated March 7, 2023 (collectively, "RFP").

1.2 "Change Order" is an addition to, or reduction of, or other revision approved by the City in the scope, complexity, character, or duration of the services or other provisions of this Agreement.

1.3 "City" shall all mean the City of Seward, Alaska.

1.4 "Contracting Officer" shall mean Assistant City Manager, and include any successor or authorized representative.

1.5 "Project" shall mean the transportation and other tasks related to the transportation of cruise ship passengers, crew and other visitors, between the Seward Cruise Ship Port, the Alaska Railroad Seward Depot, the downtown business district and the Seward boat harbor in Seward, Alaska as further described in the RFP issued by the City of Seward on March 7, 2023.

2.0 **TERM OF AGREEMENT.** This Agreement shall take effect upon execution. This Agreement shall remain in full force and effect until the Project has been completed and further, until all claims and disputes have been concluded. The work is considered complete when the City has received and found acceptable the finished product of all work described in 4.0 Scope of Services or changes thereto. This date is not necessarily the Completion Date as described in 5.0 Completion Date. This Agreement may be amended only in writing and upon compliance with all applicable statutes, ordinances, and regulations.

3.0 **FEES.**

3 year contract total is \$827,280.00 (\$275,760 per year)

Payment Terms:

25% of total proposal price (\$206,820) due October 1, 2023.

The remaining balance (\$620,460) to be billed in four installments (\$155,115.00/payment) during operating months (June, July, August, September) of each contract year (2024, 2025, 2026).

If additional hours are required, or the cruise ship schedule has unexpected changes, additional charges will be incurred at a rate of \$80/hr.

4.0 **SCOPE OF SERVICES.** The City and Contractor have agreed upon a scope of work described in the Contractor's proposal, in response to the RFP issued by City dated March 7, 2023 to provide professional services based on approved standards and instructions as specifically described in the same RFP.

This Scope of Services can only be changed in writing pursuant to Section 26.0 of this Agreement.

5.0 **SCHEDULE FOR COMPLETION.** The schedule for completion for all services described herein shall be as follows:

Beginning early May 2024, and running the entire 2024, 2025, and 2026 tourist seasons (May 1 – September 30), concluding at the end of the tourist season 2026 cruise ship schedule, or other date agreed to by both parties pursuant to section 26.2 of this agreement.

6.0 PERSONNEL/ORGANIZATION

6.1 Key Personnel. Work and services provided by the Contractor will be performed by: **Jonah Swiderski and Yen Ly**

6.2 Changes in Key Personnel. The Contractor shall give the City reasonable advance notice of any necessary substitution or change of key personnel and shall submit justification therefore in sufficient detail to permit the City to evaluate the impact of such substitution on this Agreement. No substitutions or other changes shall be made without the written consent of the City.

7.0 **STANDARD OF PERFORMANCE.** The Contractor agrees to provide all required professional services to complete the project and any additions or changes thereto. The Contractor accepts the relationship of trust and confidence established between it and the City by this Agreement. The Contractor covenants with the City to furnish its best skill and judgment, and to further the interest of the City at all times through efficient business administration and management. The Contractor shall provide all services in a competent manner. It is understood that some of the services to be rendered hereunder required professional judgment and skill. In those cases, the Contractor agrees to adhere to the standards of the applicable profession.

8.0 **TIMELINESS OF PERFORMANCE.** Time is of the essence in this Agreement. Contractor's failure to meet any such deadlines or required performance may adversely imperil other contractual obligations of the City. If the Contractor fails to deliver the services by the first cruise ship docking, 2024, Contractor shall pay as liquidated damages and not as penalty \$ 500 per day for each day after the first cruise ship docking, 2024 the services are not delivered.

9.0 **COMPLIANCE WITH LAWS.** The Contractor shall be familiar with and at all times comply with and observe all applicable federal, state and local laws, ordinances, rules, regulations, and executive orders, all applicable safety orders, all orders or decrees of administrative agencies, courts, or other legally constituted authorities having jurisdiction or authority over the Contractor, the City, or the service which may be in effect now or during performance of the services. Contractor shall have a Seward and State of Alaska Business License.

10.0 **INDEMNITY.** The Contractor shall indemnify, defend, and hold and save the City, its officers, agents and employees harmless from any claims or liability of any nature or kind including costs and expenses (including attorneys' fees), for or on account of any and all legal actions or claims of any character whatsoever alleged to have resulted from injuries or damages sustained by any person or persons or property (including contract rights or intangible assets) and arising from, or in connection with, performance of this Agreement, and caused in whole or in part by

any negligent act or omission of the Contractor; provided, however, that this paragraph shall not be construed so as to require indemnification of the City from such claims, damages, losses, or expenses caused by or resulting from the negligence of the City.

11.0 INSURANCE. The Contractor understands that no City insurance coverage, including Workers' Compensation, are extended to the Contractor while completing the terms of this Agreement. The Contractor shall carry adequate (commercially reasonable coverage levels) insurance covering Workers' Compensation, general commercial liability, automobile liability, professional liability, and property damage including a contractual liability endorsement covering the liability created or assumed under this Agreement. The Contractor shall not commence work under this Agreement or any work on any phase of the Project until the Contractor provides the City with certificates of insurance evidencing that all required insurance has been obtained. These insurance policies and any extension or renewals thereof must contain the following provisions or endorsements:

- a. City is an additional insured thereunder as respects liability arising out of or from the work performed by Contractor of City of Seward. The Contractor shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "occurrence basis" with limits of liability not less than \$ 2 Million per occurrence and \$ 2 Million aggregate combined single limit, personal injury, bodily injury and property damage.
- b. Contractor shall procure and maintain during the life of this Agreement Professional Liability- Errors and Omissions Insurance on an "occurrence basis" with limits of liability not less than \$1,000,000 per occurrence.
- c. Contractor shall procure and maintain during the life of this agreement, Motor Vehicle Liability Insurance, including no-fault coverage with limits of liability not less than \$1,000,000 per occurrence combined with single limit Bodily Injury and Property Damage.
- d. Insurer waives all rights of subrogation against City of Seward and its employees or elected officials.
- e. The insurance coverage is primary to any comparable liability insurance carried by the City of Seward.
- f. The following shall be Additionally Insureds, The City of Seward, including all elected and appointed officials, commissioners and employees.

- g. City will be given thirty (30) days prior notice of cancellation or material alteration of any of the insurance policies specified in the certificate.

Upon request, Contractor shall permit the City to examine any of the insurance policies specified herein. Any deductibles or exclusions in coverage will be assumed by the Contractor, for account of, and at the sole risk of the Contractor.

The minimum amount and types of insurance provided by the contractor shall be as set forth in the RFP issued by the City on March 7, 2023, subject to revision at the City's request in order to provide continuously throughout the term of the Agreement a level of protection consistent with good business practice and accepted standard of the industry.

- 12.0 GOVERNING LAW.** The laws of Alaska will determine the interpretation, performance and enforcement of this Agreement.
- 13.0 OWNERSHIP OF WORK PRODUCTS.** Payment to the Contractor for services hereunder include full compensation for all work products and other materials produced by the Contractor and its subcontractors pertaining to this Agreement.
- 14.0 PATENTS, TRADEMARKS, AND COPYRIGHTS.** The Contractor agrees to defend, indemnify, and save the City harmless from and against any and all claims, costs, royalties, damages and expenses of any kind of nature whatsoever (including attorneys' fees) which may arise out of or result from or be reasonably incurred in contesting any claim that the methods, processes, or acts employed by the Contractor or its employees in connection with the performance of services hereunder infringes or contributes to the infringement of any letter patent, trademark, or copyright. In case such methods, processes, or acts are in suit held to constitute infringement and use is enjoined, the Contractor, within reasonable time and at its own expense, will either secure a suspension of the injunction by procuring for the City a license or otherwise, or replace such method, process, etc., with one of equal efficiency.
- 15.0 NONWAIVER.** No failure of the City or Contractor to insist upon the strict performance by the other of any of the terms of this Agreement or to exercise any right or remedy herein conferred shall constitute a waiver or relinquishment to any extent of its rights to rely upon such terms or rights on any future occasion. Each and every term, right, or remedy of this Agreement shall continue in full force and effect.
- 16.0 SAFETY/PERFORMANCE.** The Contractor shall perform the work in a safe and workmanlike manner. The Contractor shall comply with all federal and state statutes, ordinances, orders, rules, and regulations pertaining to the protection of workers and the public from injury or damage, and shall take all other reasonable precautions to protect workers and the public from injury or damage.

17.0 SUSPENSION OR TERMINATION.

17.1 Fault Termination or Suspension. This Agreement may be terminated by either party upon ten (10) days written notice if the other party fails substantially to perform in accordance with its terms. If the City terminates this Agreement it will pay the Contractor a sum equal to the percentage of work completed and accepted by the City that can be substantiated by the Contractor and the City, offset by any amounts owed to the City. However, within the ten (10) day Notice of Intent to terminate the party in default shall be given an opportunity to present a plan to correct its failure.

17.2 Convenience Suspension or Termination. The City may at any time terminate or suspend this Agreement for any reason including its own needs or convenience. In the event of a convenience termination or suspension for more than six (6) months, the Contractor will be compensated for authorized services and authorized expenditures performed to the date of receipt of written notice of termination or suspension. No fee or other compensation for the uncompleted portion of the services will be paid, except for already incurred indirect costs which the Contractor can establish and which would have been compensated but because of the termination or suspension would have to be absorbed by the Contractor without further compensation.

17.3 Activities Subsequent to Receipt of Notice of Termination or Suspension. Immediately upon receipt of a Notice of Termination or suspension and except as otherwise directed by the City or its Representative, the Contractor shall:

- a. stop work performed under this Agreement on the date and to the extent specified in the Notice; and
- b. transfer title to the City (to the extent that title has not already been transferred) and deliver in the manner, at the times, and to the extent directed by the City's representative, work in progress, completed work, supplies, and other material produced as a part of, or acquired in respect of the performance of the work terminated or suspended by the Notice.

18.0 EQUAL EMPLOYMENT OPPORTUNITY. The Contractor shall not discriminate against any employee or applicant for employment because of race, religion, color, national origin, or because of age, physical handicap, sex, marital status, change in marital status, pregnancy, or parenthood when the reasonable demands of the position do not require distinction on the basis of age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood. The Contractor shall take affirmative action required by law to ensure that applicants are employed and that employees are treated during employment without regard

to their race, color, religion, national origin, ancestry, age, or marital status.

- 19.0 NO ASSIGNMENT OR DELEGATION.** The Contractor may not assign, subcontract or delegate this Agreement, or any part of it, or any right to any of the money to be paid under it without written consent of the Contracting Officer.
- 20.0 INDEPENDENT CONTRACTOR.** The Contractor shall be an independent contractor in the performance of the work under this Agreement, and shall not be an employee or agent of the City.
- 21.0 PAYMENT OF TAXES.** As a condition of performance of this Agreement, the Contractor shall pay all federal, state and local taxes incurred by the Contractor and shall require their payment by any other persons in the performance of this Agreement.
- 22.0 PRECEDENCE AND DIVISIBILITY.** The provisions of this Agreement shall fully govern the services performed by the Contractor. If any term, condition, or provision of this Agreement is declared void or unenforceable, or limited in its application or effect, such event shall not affect any other provisions hereof and all other provisions shall remain fully enforceable.
- 23.0 ENTIRE AGREEMENT.** This Agreement contains the entire agreement between the parties as to the services to be rendered by the Contractor. All previous or concurrent agreements, representations, warranties, promises, and conditions relating to the subject matter of this Agreement are superseded by this Agreement.
- 24.0 COMPLETION OF WORK, TERM OF AGREEMENT.** The Contractor shall perform all work in a timely fashion, and in accordance with the schedules included in this Agreement and Exhibits.
- 25.0 CLAIMS AND DISPUTES.** Venue for all claims and disputes under this Agreement, if not otherwise resolved by the parties, shall be in the appropriate Alaska State court in Anchorage, Alaska.
- 26.0 CHANGES IN SCOPE OF WORK.**
- 26.1 General. No claim for additional services not specifically provided in this Agreement will be allowed, nor may the Contractor do any work or furnish any materials not covered by the Agreement unless the work or material is ordered in writing by the Contracting Officer. Preparation of Change Orders and design changes, due to errors and/or omissions by the Contractor, will be done at the sole expense of the Contractor.
- 26.2 Changes in Scope of Work. The City or its representative may, at any time, by a written Change Order delivered to the Contractor, make changes to the scope of work, or authorize additional work outside the scope of work,

or the schedule for completion.

26.3 Compensation to the Contractor. If any Change Order for which compensation is allowed under this Article causes an increase or decrease in the estimated cost of, or time required for, the performance of any part of the work under this Agreement, or if such change otherwise affects other provisions of this Agreement, an equitable adjustment will be negotiated. Such an adjustment may be:

- a. in the estimated cost or completion schedule, or both;
- b. in the amount of fee to be paid; and
- c. in such other provisions of the Agreement as may be affected, and the Agreement shall be modified in writing accordingly.

26.4 Any claim by the Contractor for adjustment under this section must be asserted within fifteen (15) days from the day of receipt by the Contractor of the notification of change; provided, however, that the City or its representative, deciding that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this Agreement. Failure to agree to any adjustment shall be a dispute within the meaning of Section 25.0 of this Agreement.

27.0 LIMITATION OF FUNDS.

27.1 At no time will any provision of this Agreement make the City or its representative liable for payment for performance of work under this Agreement in excess of the amount that has been appropriated by the City Council and obligated for expenditure for purposes of this Agreement.

27.2 Change orders issued pursuant to Section 26 of this Agreement shall not be considered an authorization to the Contractor to exceed the amount allotted in the absence of a statement in the change order, or other modification increasing the amount allotted.

27.3 Nothing in this Section shall affect the right of the City under Section 17 to terminate this Agreement.

28.0 PRIOR WORK. For the purposes of this Agreement, work done at the request of the City or its representative before execution of this Agreement shall be deemed to be work done after its execution and shall be subject to all the conditions contained herein.

29.0 NOTICES. Any notices, bills, invoices, or reports required by the Agreement shall

be sufficient if sent by the parties in the United States mail, postage paid, to the address noted below:

City of Seward
City Manager
PO Box 167
Seward, Alaska 99664-0167

30.0 PERSONAL GUARANTEE. The proposal was submitted by, and this contract is with, Seward City Tours, LLC. By submission of the Single Member LLC Authorization Resolution, Jonah Swiderski warranted that he had authority to bind the limited liability company. In consideration for the initial payment, prior to performance, of \$206,820, by initialing this paragraph and signing below, Mr. Swiderski personally guarantees performance of this contract and bears responsibility for breach of the Agreement. Mr. Swiderski knowingly waives any common law or statutory defense that Seward City Tours, LLC, is the only responsible party in the event of breach and agrees to be personally liable for any debt or damages due to the City in the event of breach. The personal guarantee survives any dissolution or other change to the limited liability company and any assignment or transfer of this contract, unless the City expressly agrees, in writing, to release, amend or alter the personal guarantee.

Initial JS Date April 27, 2023

IN WITNESS WHEREOF, the parties have executed this Agreement.

City of Seward

Seward City Tours, LLC

[Signature]
By: Norm Régis
Title: *Acting* City Manager
Date: May 23, 2023

[Signature]
By: Jonah Swiderski
Title: Owner
Date: April 27, 2023

ATTEST:

[Signature]
Kris Peck
City Clerk



Booking Invoice

PENDING



SewardCityTours

PO Box 2031
Seward, AK
99664
907-231-5773

PO# 3068

City of Seward
sjusino@cityofseward.net
1 (907) 224-4048
P.O. Box 167
Seward, Alaska, 99664
United States

| | |
|----------------------|--------------------|
| Booking ID: | ADZC-150923 |
| Created: | September 15, 2023 |
| Booking Date: | September 2, 2023 |
| Total (USD): | \$2,720.00 |

| Item | Rate | Amount |
|---|-----------------------------------|-------------------|
| City of Seward Free Shuttle Contract Hourly Rate (14) Sat Sep 2, 2023 | Hourly Rates: 14 @ \$80.00 | \$1,120.00 |
| City of Seward Free Shuttle Contract Hourly Rate (14) Sun Sep 3, 2023 | Hourly Rates: 14 @ \$80.00 | \$1,120.00 |
| City of Seward Free Shuttle Contract Hourly Rate (6) Sat Sep 16, 2023 | Hourly Rates: 6 @ \$80.00 | \$480.00 |
| Sub-Total: | | \$2,720.00 |
| Total: | | \$2,720.00 |
| Amount Paid: | | \$0.00 |
| Balance Due: | | \$2,720.00 |

APPROVED FOR PAYMENT

CODE: 30051-67009

DATE: 9/25/23

SIGN: [Signature]

CPV FUNDS →

Yen: Additional Hours on the Free Shuttle for Radiance of the Seas guests staying in Seward past scheduled departure time



All private tours and shuttles must confirm pick up times 30 days prior to arrival. Cancellations or changes to private tour and shuttles must be made 30 days prior to departure. A \$25 transaction fee is applied to all private tours and shuttle refunds.

Seward Deluxe and Historical City Tours are refundable up to 14 days prior to arrival a \$5 processing fee will be applied. Please meet for your tour 15 minutes before departure time.

info@sewardcitytours.com

RECEIVED
9.25.

Booking Invoice

PENDING



SewardCityTours

PO Box 2031
Seward, AK
99664
907-231-5773

City of Seward

sjusino@cityofseward.net
1 (907) 224-4048
P.O. Box 167
Seward, Alaska, 99664
United States

| | |
|----------------------|--------------------|
| Booking ID: | NJTB-220324 |
| Created: | March 22, 2024 |
| Booking Date: | April 22, 2024 |
| Total (USD): | \$15,555.00 |

| Item | Rate | Amount |
|---|--------------------------------------|--------------------|
| City of Seward Free Shuttle Contract Hourly Rate (30) Mon Apr 22, 2024 | Hourly Rates: 30 @ \$85.00 | \$2,550.00 |
| City of Seward Free Shuttle Contract Hourly Rate (18) Tue Apr 23 2024 - Wed Apr 24 2024 | Hourly Rates: 18 @ \$85.00 | \$1,530.00 |
| City of Seward Free Shuttle Contract Hourly Rate (27) Thu Apr 25, 2024 | Hourly Rates: 27 @ \$85.00 | \$2,295.00 |
| City of Seward Free Shuttle Contract Hourly Rate (45) Fri Apr 26 2024 - Tue Apr 30 2024 | Hourly Rates: 45 @ \$85.00 | \$3,825.00 |
| City of Seward Free Shuttle Contract Hourly Rate (27) Wed May 1, 2024 | Hourly Rates: 27 @ \$85.00 | \$2,295.00 |
| City of Seward Free Shuttle Contract Hourly Rate (36) Thu May 2 2024 - Sun May 5 2024 | Hourly Rates: 36 @ \$85.00 | \$3,060.00 |
| | Sub-Total: | \$15,555.00 |
| | Total: | \$15,555.00 |
| | Amount Paid: | \$0.00 |
| | Balance Due: | \$15,555.00 |

Yen: April 27 Norwegian Jewel Departure is 7pm

April 25 Luminosa & Seven Seas Exp Departure 5pm

May 1 Carnival Spirit Departure is 7pm

Non - Cruise ship days service hours are 10am-7pm one bus for 9 hours.



Resolution 2024-027

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF SEWARD, ALASKA,
ACCEPTING THE 2024 VOLUNTERR FIRE
CAPACITY (VFC) GRANT IN THE AMOUNT
OF \$6303.67

Documents:

- Agenda Statement
- Resolution 2024-027
- Attachments:
 - Acceptance Letter for the VFA
 - Quote for VFA Grant Expenditures



City Council Agenda Statement

Meeting Date: April 15, 2024

To: City Council

Through: Kat Sorensen, City Manager

From: Clinton Crites, Fire Chief

Subject: Resolution 2024-027; Authorizing The City Manager To Accepting The 2024 Volunteer Fire Capacity (VFC) Grant In The Amount Of \$6303.67

Background and justification:

The Seward Fire Department applied for and has been awarded a 2024 Volunteer Fire Capacity (VFC) grant from the Alaska Department of Natural Resources in the amount of \$6,303.67. The City is required to provide a minimum of 10% cash match as a condition of the grant. Funding of \$700.41 has been identified as the proposed match amount within the current Fire Department Volunteer 2024 budget.

The total project value is \$7,004.08. The grant funds must be used for purchasing equipment identified in the grant application. This year, items requested are Wildland Nomex Fire Shirts and Pants, including shipping. These purchases will be used to help outfit our department emergency responders with wildland protective gear in case of a wildland/urban interface fire occurs in and around the Seward area. This gear will help protect the firefighters of Seward while combating grass, brush, and other vegetation fires and reduce the wear and tear on the more expensive structural firefighter gear they wear on more intense structural fires.

With the high cost of firefighting equipment, the Seward Fire Department continues to seek funding for equipment. Applications for the VFC grants are available annually, pending legislative approval. The City of Seward is fortunate to have these grants to help the rural fire departments and intend to apply whenever they are available.

Comprehensive and Strategic Plan Consistency Information

This legislation is consistent with (citation listed):

Comprehensive Plan: Volume 1-page 19, 3.8.2 Volume 2-page27, 12.1

Strategic Plan: Page 18

Other: 2024 Budget

Certification of Funds

Total amount of funds listed in this legislation: \$ 0

This legislation (✓):

- Creates revenue in the amount of: \$ _____
- Creates expenditure in amount of: \$ _____
- Creates a savings in the amount of: \$ _____
- Has no fiscal impact

Funds are (✓):

| | | | |
|-------------------------------------|----------------|---------------|-----------------------------|
| <input checked="" type="checkbox"/> | Budgeted | Line item(s): | <u>01000-1221-7217-0022</u> |
| <input type="checkbox"/> | Not budgeted | | _____ |
| <input type="checkbox"/> | Not applicable | | _____ |

Fund Balance Information

Affected Fund (✓):

| | | | | | | | |
|-------------------------------------|-------------|--------------------------|---------|--------------------------|----------|--------------------------|------------|
| <input checked="" type="checkbox"/> | General | <input type="checkbox"/> | SMIC | <input type="checkbox"/> | Electric | <input type="checkbox"/> | Wastewater |
| <input type="checkbox"/> | Boat Harbor | <input type="checkbox"/> | Parking | <input type="checkbox"/> | Water | <input type="checkbox"/> | Healthcare |
| <input type="checkbox"/> | Motor Pool | <input type="checkbox"/> | Other | _____ | | | |

Note: amounts are unaudited

Fund Balance \$ _____

Finance Director Signature: *Sully Jusino*

Attorney Review

| | | | |
|-------------------------------------|----------------|---------------------|-------|
| <input type="checkbox"/> | Yes | Attorney Signature: | _____ |
| <input checked="" type="checkbox"/> | Not applicable | Comments: | _____ |
| | | | _____ |

Administration Recommendation

| | |
|-------------------------------------|------------------|
| <input checked="" type="checkbox"/> | Adopt Resolution |
| <input type="checkbox"/> | Other: _____ |

Sponsored by: Sorensen

**CITY OF SEWARD, ALASKA
RESOLUTION 2024-027**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD,
ALASKA, ACCEPTING THE 2024 VOLUNTEER FIRE CAPACITY (VFC)
GRANT IN THE AMOUNT OF \$6303.67**

WHEREAS, the Seward Fire Department applied for, and received the 2024 Volunteer Fire Capacity Grant from the Alaska Department of Natural Resources (DNR) in the amount of \$6303.67; and

WHEREAS, the City of Seward is required to provide a minimum of 10% cash match as a condition of the grant. Funding of \$700.41 has been identified as the proposed match amount within the current Fire Department Volunteer 2024 budget; and

WHEREAS, the grant must be used for purchasing equipment identified in the grant application. The equipment requested was 16 Nomex Wildland Fire Shirts and 16 Wildland Pants, with shipping; and

WHEREAS, this wildland gear is more appropriate than our current structural gear when fighting wildland fires in and around the Seward area and allows our firefighters the ability to move around the terrain more freely while fighting wildfires and reduce wear and tear on the more expensive structural gear.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, that:

Section 1. The City Council hereby authorizes the City Manager to accept the 2024 Volunteer Fire Capacity Grant award in the amount of \$6,303.67 to grant revenue account no. 01000-1221-4251-0022.

Section 2. Matching funds in the amount of \$700.41 are included in the 2024 budget and are hereby appropriated to small tools & equipment expense account no. 01000-1221-7217-0022

Section 3. This resolution shall take effect immediately upon adoption.

PASSED AND APPROVED by the City Council of the City of Seward, Alaska this 15th day of April 2024.

**CITY OF SEWARD, ALASKA
RESOLUTION 2024-027**

THE CITY OF SEWARD, ALASKA

Sue McClure, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Kris Peck
City Clerk

(City Seal)



March 15th, 2024

To State of Alaska Fire Departments:

Thank you for applying for the 2024 Volunteer Fire Capacity (VFC) grants, formerly known as VFA. Forty-one (41) fire departments applied for a VFC grant requesting a total of \$266,198 in assistance. Forty (40) Alaska Fire Departments will receive up to \$7,000 per fire department. A total of **\$259,198** will be awarded. This is the letter of official notification.

The enclosed spreadsheet lists all applicants and the amount requested/amount awarded. If a fire department is awarded a grant, the amount awarded will be listed in the "Amount Awarded" column. If a VFD did not receive any funding or will receive a partial award, please contact your respective DOF Fire Management Officer (FMO) with any questions you may have.

- Checks will be distributed electronically by association with the VFD's SOA vendor number and the SOA electronic payment agreement. Electronic disbursements are expected by no later than May 2024.
- To be eligible for a 2025 VFC grant, compliance documentation, such as copies of receipts for 2024 grant expenditures, must be submitted to your nearest Forestry office before submitting a 2024 application.
- Volunteer Fire Capacity is an award of Federal Financial Assistance with funding from the USDA Forest Service. Prime and sub-recipients to this award are subject to OMB guidance in sub-parts A through F of 2 CFR Part 200 as adapted and supplemented by the USDA in 2 CFR Part 400. Adoption by USDA of the OMB guidance in 2 CFR 400 gives regulatory effect to OMB guidance in 2 CFR 200 where full text may be found.
- The brochure, Complying with Civil Rights, FS-850, can be found at www.fs.usda.gov/internet/fse_documents/fseprd526908.pdf
- The OMB Circulars are available on the internet at www.ecfr.gov

If an application is unsuccessful, do not be discouraged and continue to apply every year by submitting an online application package by the deadline.

Sincerely,

Sarah Saarloos, Fire Staff Officer

State of Alaska, DNR

Division of Forestry & Fire Protection

2024 VFA Grant Awards

| Fire Department | Amount Requested | Amount Awarded | Division of Forestry Office |
|---------------------------------------|---------------------|---------------------|---------------------------------|
| Delta Junction VFD | \$6,246.00 | \$6,246.00 | Delta Area Office |
| Rural Deltana VFD | \$7,000.00 | \$7,000.00 | Delta Area Office |
| Ester VFD | \$6,998.48 | \$6,998.48 | Fairbanks Area Office |
| McKinley VFD | \$6,993.00 | \$6,993.00 | Fairbanks Area Office |
| Nenana Fire/EMS Dept. | \$6,252.34 | \$6,252.34 | Fairbanks Area Office |
| North Pole FD | \$6,489.00 | \$6,489.00 | Fairbanks Area Office |
| North Star VFD | \$6,281.10 | \$6,281.10 | Fairbanks Area Office |
| Steese Area VFD | \$7,000.00 | \$7,000.00 | Fairbanks Area Office |
| Tri-Valley VFD | \$4,495.50 | \$4,495.50 | Fairbanks Area Office |
| Bayside Volunteer Fire Department | \$6,975.00 | \$6,975.00 | Kenai Kodiak Area Office |
| Bear Creek Fire/EMS Department | \$6,299.96 | \$6,299.96 | Kenai Kodiak Area Office |
| Central Emergency Services | \$6,520.50 | \$6,520.50 | Kenai Kodiak Area Office |
| City of Whittier Fire Department | \$6,231.50 | \$6,231.50 | Kenai Kodiak Area Office |
| Cooper Landing VFD | \$5,075.70 | \$5,075.70 | Kenai Kodiak Area Office |
| Homer VFD | \$6,098.77 | \$6,098.77 | Kenai Kodiak Area Office |
| Kachemak Emerg. Services | \$6,999.10 | \$6,999.10 | Kenai Kodiak Area Office |
| Kenai FD | \$5,588.73 | \$5,588.73 | Kenai Kodiak Area Office |
| Lowell Point VFD | \$7,000.00 | \$7,000.00 | Kenai Kodiak Area Office |
| Nikiski FD | \$5,808.60 | \$5,808.60 | Kenai Kodiak Area Office |
| Seward FD | \$6,303.67 | \$6,303.67 | Kenai Kodiak Area Office |
| Western Emergency Services Area | \$6,782.66 | \$6,782.66 | Kenai Kodiak Area Office |
| Womens Bay VFD | \$6,067.39 | \$6,067.39 | Kenai Kodiak Area Office |
| Caswell Lakes FSA #135 | \$6,912.27 | \$6,912.27 | Mat Su Area |
| Chickaloon Fire Service, Inc. | \$6,104.70 | \$6,104.70 | Mat Su Area |
| Chugiak Vol. Fire and Rescue Co. Inc. | \$7,000.00 | \$0.00 | Mat Su Area |
| Houston FD | \$6,840.00 | \$6,840.00 | Mat Su Area |
| Palmer Fire and Rescue | \$7,000.00 | \$7,000.00 | Mat Su Area |
| Talkeetna VFD | \$7,000.00 | \$7,000.00 | Mat Su Area |
| Willow VFD | \$6,261.91 | \$6,261.91 | Mat Su Area |
| Haines VFD | \$6,000.00 | \$6,000.00 | Southeast Alaska |
| Hyder VFD | \$6,696.00 | \$6,696.00 | Southeast Alaska |
| Sitka FD | \$6,233.40 | \$6,233.40 | Southeast Alaska |
| Saint Paul Dept. of Public Safety | \$7,000.00 | \$7,000.00 | Southwest District |
| Native Village of Eagle | \$6,999.63 | \$6,999.63 | State of Alaska Protection |
| Dot Lake VFD | \$6,750.00 | \$6,750.00 | Tok Area Office |
| Tok VFD | \$6,354.55 | \$6,354.55 | Tok Area Office |
| Gakona VFD | \$6,948.00 | \$6,948.00 | Valdez-Copper River Area Office |
| GlennRich Fire Rescue | \$6,999.65 | \$6,999.65 | Valdez-Copper River Area Office |
| Kennicott/McCarthy VFD | \$6,291.00 | \$6,291.00 | Valdez-Copper River Area Office |
| Kenny Lake VFD | \$7,000.00 | \$7,000.00 | Valdez-Copper River Area Office |
| Valdez FD | \$6,300.00 | \$6,300.00 | Valdez-Copper River Area Office |
| GRAND TOTAL | \$266,198.11 | \$259,198.11 | |



(877) 637-3473

Quote # QT1775655
 Date 01/09/2024
 Expires 01/24/2024
 Sales Rep Weber, Christy
 PO # Lakeland Wildland Coat, Shirt, Pant
 Shipping Method FedEx 2Day®
 Customer SEWARD FIRE DEPT (AK)
 Customer # C38552

Bill To
 SEWARD FIRE DEPARTMENT
 PO BOX 167
 SEWARD AK 99664-0167

Ship To
 SEWARD FIRE DEPARTMENT
 316 FOURTH AVENUE
 SEWARD AK 99664
 United States

| Item | Alt Item # | Units | Description | Qty | Unit Price | Amount |
|--------------------|------------|-------|--|-----|------------|------------|
| WLSHN26-XL | | | Wildland Fire Shirt - Yellow (26) - 6 oz. Yellow fabric made with Nomex® | 3 | \$185.58 | \$556.74 |
| WLSHN26-L | | | Wildland Fire Shirt - Yellow (26) - 6 oz. Yellow fabric made with Nomex® | 6 | \$185.58 | \$1,113.48 |
| WLSHN26-M | | | Wildland Fire Shirt - Yellow (26) - 6 oz. Yellow fabric made with Nomex® | 5 | \$185.58 | \$927.90 |
| WLSHN26-S | | | Wildland Fire Shirt - Yellow (26) - 6 oz. Yellow fabric made with Nomex® | 2 | \$185.58 | \$371.16 |
| WLPTN19-X-Large-34 | | | Wildland Fire Pants-Pant Brush Wildland Nomex | 3 | \$242.55 | \$727.65 |
| WLPTN19-Large-32 | | | Wildland Fire Pants-Pant Brush Wildland Nomex | 3 | \$242.55 | \$727.65 |
| WLPTN19-Large-34 | | | Wildland Fire Pants-Pant Brush Wildland Nomex | 3 | \$242.55 | \$727.65 |
| WLPTN19-Medium-32 | | | Wildland Fire Pants-Pant Brush Wildland Nomex | 3 | \$242.55 | \$727.65 |
| WLPTN19-Medium-30 | | | Wildland Fire Pants-Pant Brush Wildland Nomex | 2 | \$242.55 | \$485.10 |
| WLPTN19-Small-30 | | | Wildland Fire Pants-Pant Brush Wildland Nomex | 2 | \$242.55 | \$485.10 |

Subtotal \$6,850.08
Shipping Cost \$154.00
Tax Total \$0.00
Total \$7,004.08

This Quotation is subject to any applicable sales tax and shipping and handling charges that may apply. Tax and shipping charges are considered estimated and will be recalculated at the time of shipment to ensure they take into account the most current information.

All returns must be processed within 30 days of receipt and require a return authorization number and are subject to a restocking fee.

Custom orders are not returnable. Effective tax rate will be applicable at the time of invoice.



RECEIVED

Agenda Item: Appoint Becky Dunn to PACAB with a term set to expire July 2024



MAR 20 2024

OFFICE OF THE CITY CLERK

PORT AND COMMERCE ADVISORY BOARD (PACAB) APPLICATION

NAME: Elizabeth Dunn (Becky)
 STREET ADDRESS: 2508 Dimond
 MAILING ADDRESS: P.O. Box 1823
 HOME TELEPHONE: 907-362-1471 BUSINESS PHONE: same
 EMAIL: beckydunn907@gmail.com
 LENGTH OF RESIDENCY IN THE SEWARD AREA: 40+ years

PRESENTLY EMPLOYED AS: OWNER of Knots So Fast country Store

List any special training, education or background you have which may help you as a member of the Board: I have years of experience working in the marine field. Want to help our community.

Have you ever been involved in port operations? If so, briefly describe your involvement: Worked for Alaska Marine Highway, SERVES and have been shipping Full containers through the docks for years

I am specifically interested in serving on the Port and Commerce Advisory Board because: I feel this is the board I am best qualified in serving.

Have you ever served on a similar board elsewhere? Yes No
 If yes, where? _____ When? _____

Clerk's Note - Applicant has been notified of correct meeting schedule. Form has been updated.

Are you available for meetings at noon (second Wednesday of each month)? Yes No

If appointed, are you willing to travel occasionally? Yes No

Elizabeth Dunn
SIGNATURE

3/20/2024
DATE

Agenda Item: Appoint John Howard to PACAB
with a term set to expire July 2024

RECEIVED

MAR 26 2024



PORT AND COMMERCE ADVISORY BOARD (PACAB)
APPLICATION

OFFICE OF THE
CITY CLERK

NAME: John Howard
STREET ADDRESS: 1616 Phoenix Rd #11 Seward AK 99664
MAILING ADDRESS: P.O. Box 1278 Seward AK 99664
HOME TELEPHONE: N/A BUSINESS PHONE: 907 957 8585
EMAIL: husicent@gmail.com
LENGTH OF RESIDENCY IN THE SEWARD AREA: 9/2023

PRESENTLY EMPLOYED AS: HVAC & R Contractor

List any special training, education or background you have which may help you as a member of the Board: 10 yrs self employed 21 yrs in HVAC & R industry

Have you ever been involved in port operations? If so, briefly describe your involvement: worked on boats, cruise ship support companies

I am specifically interested in serving on the Port and Commerce Advisory Board because: New Business to the area & my business is a support service for the port & port commerce

Have you ever served on a similar board elsewhere? Yes No
If yes, where? _____ When? _____

Clerk's Note - Applicant has been notified of correct meeting schedule. Form has been updated.

Are you available for meetings at noon (second Wednesday of each month)? Yes No

If appointed, are you willing to travel occasionally)? Yes No

[Signature]
SIGNATURE
3/21/2024
DATE

CALL TO ORDER

The February 6, 2024 regular meeting of the Seward Planning & Zoning Commission was called to order at 7:00 p.m. by Chair Clare Sullivan.

OPENING CEREMONY

Commissioner Charbonneau led the Pledge of Allegiance to the flag.

ROLL CALL

There were present:

Clare Sullivan presiding, and
Vanessa Verhey
Brenan Hornseth

Nathaniel Charbonneau
Sean Ulman

Comprising a quorum of the Commission; and

Courtney Bringhurst, Acting Community Development Director
Kris Peck, City Clerk

Excused – None

Absent – None

Vacancies- Two

CITIZEN COMMENTS ON ANY SUBJECT EXCEPT THOSE ITEMS SCHEDULED FOR PUBLIC HEARING – None

APPROVAL OF AGENDA AND CONSENT AGENDA

Motion (Charbonneau/Verhey)

Approval of Agenda and Consent Agenda

Motion Passed

Unanimous

The clerk read the following approved consent agenda items:

Approval of the January 9, 2024 Planning and Zoning Commission Meeting Minutes

SPECIAL ORDERS, PRESENTATIONS AND REPORTS

Proclamations and Awards – None

City Administration Report.

Acting Community Development Director Courtney Bringhurst noted the Community Development office had been re-arranged and had a new main entrance. The new Community

Development Director Daniel Meuninck would be starting next Monday and he would attend the next Planning & Zoning meeting.

Other Reports and Announcements – None

Presentations – None

PUBLIC HEARINGS -None

UNFINISHED BUSINESS

Resolution 2024-004, of the Planning and Zoning Commission of the City of Seward, Alaska, Granting a Conditional Use Permit to Resurrection Bay Investments LLC to Implement a Planned Unit Development, Including the Development of Streets, Utilities, Dwellings, and Residential Docks, on Lots 1-11 and Tracts B-D, Mount Alice Estates Planned Unit Development, Phase 1; Within a Multi-Family Residential (R3) Zoning District

(This resolution was amended and Postponed on the January 9, 2024 Meeting)

Motion (Hornseth/Charbonneau)

Approve Substitute Resolution 2024-004 provided as a Laydown

The substitute Resolution 2024-004 was amended in Section F number 11 to read: All street lighting must provide direct downward illumination.

A motion to postpone Resolution 2024-004 to April 2, 2024 failed.

Main Motion as Amended Passed

Unanimous

NEW BUSINESS

Other New Business Items

Discuss work session topic for February 20, 2024

The work session topic would be a discussion of the Comprehensive Plan.

Following the work session there would be an Appeal Hearing for Bear's Den Alaska Lodging at 7:30 p.m.

INFORMATIONAL ITEMS AND REPORTS

- 1) Work session on February 20, 2024 at 6:00 p.m.
- 2) Regular Meeting on March 5, 2024

CITIZEN COMMENTS – None

COMMISSION AND ADMINISTRATION COMMENTS AND RESPONSES TO CITIZEN COMMENTS

Bringhurst said thanked the commission for their work and felt that hard questions led to a better product in the end.

Hornseth thanked the commissioners for their work on Resolution 2024-004.

Ulman thanked his fellow commissioners and administration. He appreciated everyone coming to the meetings with an open mind.

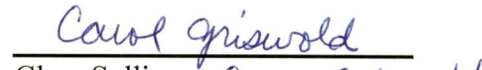
Sullivan thanked everybody for all their hard work. Making these tough decisions was a balancing act of benefiting the community and benefiting the individual. The Planning & Zoning Commission was breaking into a lot of new territory lately. Sullivan also thanked the clerk's office for assistance with questions.

ADJOURNMENT

The meeting was adjourned at 7:37 p.m.



Kris Peck
City Clerk


~~Clare Sullivan~~ Carol Griswold
Chair

(City Seal)



CALL TO ORDER

The March 6, 2024, regular meeting of the Port and Commerce Advisory Board was called to order at 12:00 p.m. by Chair Bruce Jaffa.

OPENING CEREMONY

Harbormaster Tony Sieminski led the Pledge of Allegiance to the flag.

ROLL CALL

There were present:

Bruce Jaffa, presiding, and
Benjamin Smith
Tom Miller

Dwayne Atwood
Melissa Schutter

comprising a quorum of the Board; and

Jason Bickling, Assistant City Manager
Tony Sieminski, Harbormaster
Jodi Kurtz, Deputy City Clerk

Excused – None

Absent – None

Vacant - Two

CITIZEN COMMENTS ON ANY SUBJECT - None

APPROVAL OF AGENDA AND CONSENT AGENDA

Motion (Atwood/Smith)

Approval of Agenda and Consent Agenda

Motion Passed

Unanimous

The clerk read the following approved consent agenda items:

Approve February 7, 2024, Port and Commerce Advisory Board Meeting Minutes.

SPECIAL ORDERS, PRESENTATION, AND REPORTS

Proclamations and Awards – None

City Administration Report

Assistant City Manager Jason Bickling referred to his report in packet. He provided an update on the city's contract agreement with Matanuska Electric Association. Bickling also

provided information on the new Public Works building design. He stated that when the plans get to 65% design phase it will go to City Council with a presentation before moving on to the 95% design.

Schutter asked if the Police Dispatch was closing and outsourcing the dispatch services to Soldotna. Bickling responded that the Seward Police Dispatch had no plans to close.

Harbormaster Tony Sieminski referred to his written report in the packet. The Harbor Department was conducting interviews for the Deputy Harbormaster position. Sieminski also provided updates on the U.S. Coast Guard land acquisition and replacement of certain docks.

Other Reports and Announcements

Alaska Railroad Report

Seward Port Manager Dwayne Atwood referred to his report in the packet. Atwood commented that the main rail line was still closed due to the maintenance at Trail River and Falls Creek. The 2024 cruise ship schedule was currently up to a 92-ship season (104 docking days). Atwood also provided updates on capital projects and the removal of the blue coal terminal.

Presentations – None

UNFINISHED BUSINESS - None

NEW BUSINESS- None

Resolutions - None

Other New Business

Discuss SMIC Development Plan

Sieminski said he was available to answer specific questions from the board. He noted that everything on the current SMIC Development Plan was completed, with the exception of installing more power pedestals throughout the yard and adding sewer and water in that area.

PACAB and city administration discussed public restrooms and other facilities being installed as the area was developed. There was also discussion on the Fourth of July Beach parking situation, flooding, and JAG expansion.

Discuss Housing

Jaffa provided background on the various housing issues and how PACAB was involved. Jaffa referred to the housing information in the PACAB Packet as well as a laydown.

PACAB and city administration discussed affordable housing, employee housing, family housing and other issues regarding the housing issues in Seward.

Jaffa questioned if PACAB still wanted to continue pursuing the housing issue. The board said they were still interested in housing and requested to see more presentations from Seward realtors.

INFORMATIONAL ITEMS AND REPORTS

Reminder of Meetings-Work Session meeting Wednesday, March 20, 2024. Topic: South Harbor Uplands/New Harbormaster Building

Regular Meeting on Wednesday, April 3, 2024.

CITIZEN COMMENTS

Casie Warner, inside city limits, was excited about more discussion on housing issues. Warner updated the board on the childcare situation in Seward in regard to licensed childcare providers.

BOARD AND ADMINISTRATION COMMENTS & RESPONSE TO CITIZEN COMMENTS

Bickling said he appreciated Casie Warner's work in the field of childcare. He noted in his experience hotels were becoming more affordable than bed & breakfasts. He hoped solutions could be found for more affordable housing and childcare.

Sieminski said there were a lot of complex housing issues and there was no simple cookie-cutter solution. He looked forward to the next meeting.

Schutter thanked Casie Warner for her comments and updates on childcare both inside and outside city limits. She said PACAB was having great conversations that would benefit the Seward community.

Atwood thanked PACAB for the excellent conversation on complex issues such as housing in Seward. He said that finding an easy solution to the complex problem was not realistic. Atwood thanked Casie Warner for the information on childcare.

Smith thanked Casie Warner for her comments. Smith commented on Alaska's electric rates in regard to other states. As the rates go up, Smith encouraged others to find ways to economize and save money. He said PACAB had great discussions and was glad there was a public board to air these issues.

Jaffa thanked the board members for their attendance. Jaffa believed PACAB made valuable contributions to the community and encouraged others to join the board. He looked

forward to more discussion on childcare and housing. Jaffa was optimistic that positive change lay ahead for the Seward community.

ADJOURNMENT

The meeting was adjourned at 1:49 p.m.

Jodi Kurtz
Deputy City Clerk

Bruce Jaffa
Chair

(City Seal)

April 2024

April 2024

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May 2024

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| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--------|---|--|--|---------------------------|--------|----------|
| Mar 31 | Apr 1 | 2 7:00pm P&Z Meeting | 3 12:00pm PACAB Mtg | 4 | 5 | 6 |
| 7 | 8 7:00pm Rescheduled CC Mtg (Council Chambers) | 9 | 10 | 11 5:30pm HPC WS & Mtg | 12 | 13 |
| 14 | 15 7:00pm CC Mtg | 16 6:00pm P&Z Work Session (Council Chambers) | 17 12:00pm PACAB WS | 18 | 19 | 20 |
| 21 | 22 7:00pm Rescheduled CC Mtg (Chambers) | 23 | 24 2:00pm PACAB Ad Hoc Heat Loop Mtg (Seward Community Library & Museum (239 6th Ave. | 25 | 26 | 27 |
| 28 | 29 5:30pm CC Work Session (Providence Update) 7:00pm CC Mtg | 30 | May 1 | 2 | 3 | 4 |

May 2024

| May 2024 | | | | | | | June 2024 | | | | | | |
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| 19 | 20 | 21 | 22 | 23 | 24 | 25 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 26 | 27 | 28 | 29 | 30 | 31 | | 23 | 24 | 25 | 26 | 27 | 28 | 29 |
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| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--------|--|--|---|----------|--------|----------|
| Apr 28 | 29 | 30 | May 1 12:00pm PACAB Mtg | 2 | 3 | 4 |
| 5 | 6 | 7 7:00pm P&Z Meeting | 8 | 9 | 10 | 11 |
| 12 | 13 7:00pm CC Mtg (Council Chambers) | 14 | 15 12:00pm PACAB WS 2:00pm PACAB Ad Hoc Heat Loop Mtg (Seward Community Library &) | 16 | 17 | 18 |
| 19 | 20 | 21 6:00pm P&Z Work Session (Council Chambers) | 22 | 23 | 24 | 25 |
| 26 | 27 Memorial Day | 28 7:00pm CC Mtg | 29 | 30 | 31 | Jun 1 |

June 2024

| June 2024 | | | | | | | July 2024 | | | | | | |
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| 16 | 17 | 18 | 19 | 20 | 21 | 22 | 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 | 28 | 29 | 30 | 31 | | | |
| 30 | | | | | | | | | | | | | |

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--------|--|--|---|----------|--------|----------|
| May 26 | 27 | 28 | 29 | 30 | 31 | Jun 1 |
| 2 | 3 | 4 7:00pm P&Z Meeting | 5 | 6 | 7 | 8 |
| 9 | 10 7:00pm CC Mtg (Council Chambers) | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 6:00pm P&Z Work Session (Council Chambers) | 19 2:00pm PACAB Ad Hoc Heat Loop Mtg (Seward Community Library & Museum (239 | 20 | 21 | 22 |
| 23 | 24 7:00pm CC Mtg (Chambers) | 25 | 26 | 27 | 28 | 29 |
| 30 | Jul 1 | 2 | 3 | 4 | 5 | 6 |