

# *Seward City Council Agenda Packet*



*Photo by Kris Peck*

## *Monday, April 29, 2024*

City Council Chambers

Beginning at 7:00 p.m.

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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

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Mayor Sue McClure	Council Member Kevin Finch	City Manager Kat Sorensen
Vice Mayor John Osenga	Council Member Robert Barnwell	Deputy City Manager Jason Bickling
Council Member Mike Calhoon	Council Member Julie Crites	City Clerk Kris Peck
Council Member Randy Wells		City Attorney Sam Severin

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**Monday, April 29, 2024 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 *(Those who have signed in will be given the first opportunity to speak. Time is limited to 3 minutes per speaker and 36 minutes total time for this agenda item.)*
5. APPROVAL OF AGENDA AND CONSENT AGENDA *(Approval of Consent Agenda passes all routine items listed under Item 7. Consent Agenda items are not considered separately unless a council member requests an item be returned to the Regular Agenda.)*
6. SPECIAL ORDERS, PRESENTATIONS, AND REPORTS
  - A. Proclamations and Awards
    - 1) Recognition of Norm Regis’ Service to the City of Seward.....Pg. 5
    - 2) Recognition of Nort Adelman’s Service to the City of Seward.....Pg. 6
  - B. City Manager Report.....Pg. 7
  - C. City Clerk Report.....Pg. 15
  - D. City Attorney Report- None
  - E. Other Reports and Announcements
    - 1) Chamber of Commerce Report from Executive Director Sam Allen.....Pg. 16
  - F. Presentations- None
7. CONSENT AGENDA *(also marked with an asterisk \*)*
  - A. Minutes of Preceding Meeting
    - 1)\* Approve the April 15, 2024 City Council Meeting Minutes.....Pg. 18
  - B. Introduction of Ordinances

1)\* **Introduction of Ordinance 2024-008**: Amending Seward City Code 2.30.225 And 16.01, Responsibilities of the Planning and Zoning Commission.....Pg. 24

C. Resolutions -None

D. Other Items

1)\* No Grounds For Protest To The Liquor License Renewal For Zudy’s Café #5356.....Pg. 57

8. PUBLIC HEARINGS (*Public hearing comments are limited to five (5) minutes per person. After all speakers have spoken, a person may speak for a second time for no more than one (1) minute.*)

A. Ordinances for Enactment

1) **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. 61

2) **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. 68

3) **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.....Pg. 75

9. UNFINISHED BUSINESS -None

10. NEW BUSINESS

A. Other New Business

1) Discuss Parking Signs At The Mount Marathon Hiking Trailhead.....Pg. 83

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

A. Boards and Commissions Minutes

1) Approved January 11, 2024 Historic Preservation Commission Minutes.....Pg. 91

B. Other Items

1) Upcoming City Council Meetings

a. Regular Meeting on Monday, May 13, 2024 at 7:00 p.m.

2) City Clerk’s Memo Verifying Timely Receipt of Financial Disclosure Forms....Pg. 95

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 – None

15. ADJOURNMENT



# PROCLAMATION

**WHEREAS**, Norm Regis joined the City of Seward on June 12, 1994, and went on to serve the City of Seward for almost 30 years; and

**WHEREAS**, Norm started with the City of Seward as a temporary Correctional Officer; and

**WHEREAS**, in August of 1994, Norm became a fulltime Harbor Worker II, and in December 2007 was promoted to Harbor Worker III; and

**WHEREAS**, while working for the harbor, Norm served in the City of Seward Police Reserve Program from 2001-2004, which is just one of the many instances of his volunteerism and dedication to the community; and

**WHEREAS**, in January of 2011 Norm was promoted to Deputy Harbormaster; and

**WHEREAS**, in June of 2015 Norm was promoted to his current position as Harbormaster; and

**WHEREAS**, in 2018 Norm was awarded Harbormaster of the year by the Alaska Association of Harbormasters and Port Administrators; and

**WHEREAS**, Norm stepped up and filled the role of Acting City Manager several times over the course of his career; and

**WHEREAS**, Norm has played a huge part in the improvements and growth of our Seward Boat Harbor and the expansion of services in Seward Marine Industrial Center; and

**WHEREAS**, Norm is a strong team leader and respected colleague, he will be missed by everyone in the city.

**NOW, THEREFORE, I**, Sue McClure, Mayor of the City of Seward, Alaska, do hereby thank

## **Norm Regis**

for his many years of service and his numerous contributions to the City of Seward and wish him all the best in his retirement.



**Dated this 29<sup>th</sup> day of April 2024**

**THE CITY OF SEWARD, ALASKA**

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**Sue McClure, Mayor**

# PROCLAMATION

**WHEREAS**, Nort Adelman has devoted his career to serving the residents of Seward since 1993. He began working in the Harbor Department and after a little over three years made his way to the Water and Wastewater Department in 1997. This is where he shined, and he moved up the ladder within this department. His presence will be deeply missed by his colleagues and the entire City of Seward.

**WHEREAS**, Nort has diligently worked long hours collecting water samples, managing and training his team, and assisting the streets department during early mornings and evenings for snowstorms, flash floods, and rockslides.

**WHEREAS**, Nort is set to retire from the City of Seward on April 30th, 2024, and is looking forward to spending more time in this beautiful community, as well as taking some much-needed vacations to visit his grandchildren and family.

**WHEREAS**, we celebrate and congratulate Richard 'Nort' Adelman on his well-deserved retirement after dedicating over 30 years of outstanding service to the City of Seward, with remarkable contributions to the Public Works Department as the Water/Wastewater Foreman.

**NOW, THEREFORE**, I, Sue McClure, Mayor of the City of Seward, express my heartfelt appreciation to

## **Richard 'Nort' Adelman**

for his many years of service, unwavering dedication, and outstanding contributions to the City of Seward. I wish him all the best in his retirement.

**Dated this 29<sup>th</sup> day of April 2024**

**THE CITY OF SEWARD, ALASKA**



**Sue McClure, Mayor**

## April 29, 2024 City Manager Report

Good afternoon Council,

We've had some quintessential Seward spring weather since our last meeting, and I hope everyone is enjoying all the added sunshine. Since returning from Washington D.C. earlier this month, I've followed up from many of our meetings including the USCG and our D.C. representatives. Here are some additional updates from City Management.

Clean Ports Grant Workshop: We met with a working group of stakeholders and grant writers to begin the application for the Clean Ports grant, which is due at the end of March.

ASLC Board Meeting: I attended the Alaska SeaLife Center Board meeting, the first for their new director Wei Ying Wong. Congrats Wei Ying!

Borough Assembly Meeting: I attended the KPB Assembly meeting at the Seward Community Library and got to have a brief convo with our borough mayor and assembly members. The Seward Seahawks wrestling team was also recognized.

GFOA Training: Jason attended a Government Finance Officer training (the same one that Kat did a few months ago) in Minnesota from April 9<sup>th</sup> – 12<sup>th</sup>. It was good to see that many of the issues that we deal with are common to all municipalities. For our size of municipality, we have proportionally very large and complex budget due to the harbor and the electric utility. There were some good learnings and some areas that we can improve upon, which we will be working towards.

Heat Loop Project: Naneth and Jason are working on DOE and AEA grant reporting that is due at the end of the month. The project was recently given \$500,000 of federal funding through the Economic Development Initiative Grant. There was also an article recently published in the Alaska Business Magazine: <https://www.akbizmag.com/industry/energy/seward-heat-loop-project-includes-workforce-development-component/>

KPEDD: We attended the Economic Development District Industry Outlook Forum on April 25<sup>th</sup>

Jesse Lee Home: We recently heard back from ADEC regarding the testing results that were done last summer. Part of the delay is that they have had some turn over (two times) in the position that reviews our case – it looks like they are running with the baton again. They are getting some clarifications from our engineer. We are hopeful that in the not too distant future, we can be finished with the mitigation process.

And a big thank you to the public works team for getting our new City of Seward rug set up at the Utility Desk. It's such a nice welcome to City Hall!

Thanks, Kat





Department	Order Date	Vendor	Description	Amount
ROADS AND STREETS	4/15/2024	CONSTRUCTION MACHINERY INDUSTRIAL LLC	Sole Source Maintenance and Repair to Equipment #117 Volvo L90F Loader	\$14,061.77
POLICE	4/15/2024	STRUCTURED COMMUNICATION SYSTEMS INC	Cohesity - immutable storage device for onsite backups	\$29,916.67
POLICE	4/15/2024	DELL MARKETING LP	PowerEdge R450 Sever for PD to run backup software	\$7,658.94

**Fire Department - Chief Clinton Crites**

- Eight of our members took the State of Alaska Driver Operator’s test on April 28<sup>th</sup>.
- There are 15 building permits issued and we have responded to 117 calls for service year to date.
- The 12<sup>th</sup> Annual Phoenix Chapter Cruise will be May 25! Get your tickets now before they are sold out. This benefit cruise helps support Fire and EMS training on the Eastern side of the Peninsula. A huge shout out to all our supporters and donors especially Major Marine Tours for graciously donating their vessel and crew! Come by the station or call 224-3445 for your ticket today!
- May 11 during the Bike Rodeo, the Fire Station will have an open house with picture boards, turn out gear for kids, and Root Beer Floats!
- We are working with the KPB OEM to consolidate our Hazardous Mitigation Plan into one living document that will support mitigation projects collectively.



## Harbor Department - Tony Sieminski



- Season duties have begun but still monitoring the weather and well start turning on water as soon as temperature allows. Typically, this is the last week of April or first week of May.
- We are terminating our agreement with Dockwa and will revisit a software update in the fall
- Attended the last PIDP Grant (Port and Infrastructure Development Program) webinar on 4/3/24 as a possible funding source for the 50 ton Washdown pad. We are now updating information with PND for that grant submittal deadline at the end of May.

- Started working with Alaska Harbor Consulting for Z – float Expansion layout to optimize use of that area for our year-round Tenants as well as our seasonal Tenants.
- Vendors started staging freight within North Dock storage area with first scheduled vendor using 4/20, next on 4/28 and another on 5/8/24.
- Continuing to work with Vendors on new power pedestals for additional power throughout the SMIC boat yard. Vendor has follow up questions on Transformer size and layout before we can get a more detailed/accurate quote.
- Harbor Department is currently participating in the online portion to become certified in CPR and first aid.
- Misty Sewell was promoted to Harbor Office Manager on 4/19/24.

## Police Department - Chief Alan Nickell

The Police Department would like to make sure the public is aware of the extension for studded tires to May 15<sup>th</sup>. After this date, you will need to have your studded tires removed for the summer. We have some important events coming up for the community:

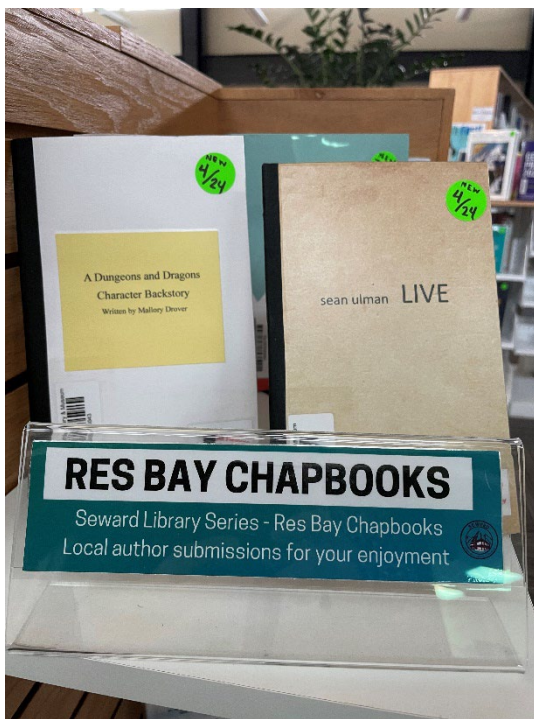
- May 11<sup>th</sup> is the Bike Rodeo. We hope for great weather and a greater turnout! As always, the PD will be rustlin' up some hotdogs for everyone.
- May 18<sup>th</sup> we will have the annual Torch Run in support of Special Olympics. Turnout has dwindled over the last several years and we hope to see people rally to support this worthy cause. Even if you come walk the course, the support is appreciated and its beautiful scenery along Herman Leirer Road. Participation is free, but if you choose to donate \$35 or more you will receive a t-shirt to commemorate the race.

## Seward Community Library & Museum - Sue Drover

- Summer hours begin May 1<sup>st</sup>. We will be open Tues – Fri 9-6, Sat 9-5

- (April 1-April 17): 12 working days, we served 3,979 patrons, averaging 332 visitors daily, that's an increase of approximately 45 additional visitors daily. Additionally, we facilitated 52 events during this period.
- Our newest passport agents are continuing to process passports with direct supervision. They are building their skills quickly and should be on their own soon.

**Programs:**



- The Adult Education/GED classes continue on Monday, Tuesday, and Wednesday through June.
- We have 2 Chapbooks published and on display. As this is an ongoing series submission will continue to be released.
- I have one more meeting with a few more non-profits for Mapping our Community Winter Programs and Events. The calendar is being established and data entered as we move forward.
- Summer Reading Program schedule is firming up and we will begin registration soon.
- With assistance from the Curator we have begun developing field trip opportunities, (in-person and virtual) for the 'American's and the Holocaust' traveling exhibit. We have reached out to community and state organizations for volunteers and programming development.

Additionally, I will be traveling to DC mid-May for additional training.

- We are working to start a book club for 8- to 12-year-olds. This is a staff/student combined effort, and more details will be forthcoming.
- We are partnering with Seward Seniors Center to begin a library resource delivery program in coordination with their Meals on Wheels program.
- Additionally, we have reached out to Spring Creek Correctional Center to see how we could assist them with library resources, possibly a book club.

**Inter-Library Loan:** We are still on track to begin reciprocating in this program again for the first time since November 2022. Next week we will go live and continue to work with ALC to keep this endeavor manageable.

***Museum Updates - Allison Stacy***

April Attendance: Only halfway through the month and the museum has received over 100 visitors!





### Hours

Museum Summer Admission Hours  
(May 1 to September 29)

Admission price is \$5.

Tuesday – Friday: 9am to 6pm

Saturday: 9am to 5pm

Sunday: 1pm to 4:30pm

Ongoing Exhibitions:

- First World Flight Centennial, 1924 – 2024 Window Display: Did you know that Seward was one of the stops in mankind's first-ever flight around the world? In collaboration with Friends of Magnuson Park in Seattle, we will mark the centennial of this historic achievement in aviation. *(On Display April 2 – June 1)*
- Celebrating Historic Preservation: Join us this May as we celebrate Historic Preservation Month with an exhibit that focuses on the places & sites listed on the National Register of Historic Places. *(On Display April 18 – June 1)*

### Upcoming Exhibitions:

- Jesse Lee Home: The museum team is working on enhancing this exhibit based on evaluation and feedback from the community and visitors. With new text panels ordered and an interactive touchscreen kiosk, we are contacting community members to record oral histories and provide many narratives to bring this historic place back to life.

**Collections:** As the collections grow here, we must keep in mind that storage is limited. Through careful consideration by the curatorial and collections committees, the team will continue its strategic efforts aimed at refining the collection, improving relevance, and optimizing resources. This upcoming June, the team will conduct a full 100% inventory of the Museum's collections. This will involve assessing the condition, historical significance, and alignment with the museum and partnerships' mission for each item.

### **Community Development - Danny Meuninck**

- The Community Development staff has begun holding weekly internal meetings to discuss and work on the Comprehensive Plan update. We are currently researching and reviewing the comprehensive plans of other cities. As we continue with this project, we will periodically bring our ideas up at future Planning and Zoning work sessions to get input from the Commission and the public.
- The Planning and Zoning Commission is still looking to fill their final seat on the Commission. A recorded informational session about the Commission is up on the Community Development website for any interested Seward citizens.
- Community Development is representing the City on the Steering Committee for the National Fish and Wildlife Foundation's Coastal Resiliency Grant. The project description of



this grant is to evaluate and prioritize projects into a comprehensive coastal resilience protection plan for Seward, Alaska, to restore floodplain function, fix degraded salmon habitat, and alleviate threats from flooding and erosion. The timeline for this plan includes community outreach which is scheduled to take place in the fall. We will continue to pass on updates as they occur.

### IT Department - Dustin Phillips

- Continued work on migrating systems in the PD datacenter to new hardware and upgrading systems as needed.
- Started planning and testing for network equipment replacement/upgrades in City Hall datacenter.
- Tech tip of the week – Use a password manager to help create complex passwords, and to reduce the number of reused passwords.

### Seward Parks and Recreation Department - Mel Hauze



- Kite Festival was held April 20th.
- Seward Alaska Ventures Volleyball Tournament was held April 27-28 that included 16 teams with 13 teams from out of town. Spring league party was held May 26<sup>th</sup>
- Sports and Rec is ramping up for our busy event season, in the meantime we've had some cool classes going on like Dance Cardio run by our own Megan Harwell.
- Embroidery class with Lizabella has been a huge success with 24 people

learning an awesome skill the past two months.

- Board Game night was a success at Millers Landing with around 15 participants.
- Basketball Championship was 4/18 followed by Volleyball championships 4/24. The favorites are The Runners in the basketball league and Pound It in the volleyball league.
- The following weeks we have the Pink Cheeks Triathlon (May 4th), Bike Rodeo/Super Saturday Cleanup (May 11th) and Exit Glacier 5K/10K (May 18th). Sign up at [runsignup.com](http://runsignup.com) or volunteer at [signupgenius.com](http://signupgenius.com).

#### Campgrounds:

- Campgrounds are now open for the Summer season. With the exception of Forest Acres and Boulder Campgrounds.
- Public Restrooms are getting ready to open around May 1<sup>st</sup> water will get turned on as soon as the temps do not dip below freezing overnight.
- Campground resurfacing took place the week of April 22<sup>nd</sup>.

#### Park Maintenance & Parking

- New plumbing parts replacement in public restrooms.

- Shower house control box is installed. Shower house new pump installation. New pipe replacement and new water heater is hooked up.
- Parking passes are now available for purchase at the Sports & Rec front desk at the AVTEC gym and online at [www.recdesk.com](http://www.recdesk.com)
- Parking lots are open May 1. We will be giving warnings for the first few weeks, but will be enforcing parking regulations in the lots this year!

### Finance - Sully Jusino

- Finance continues working with the auditors performing our annual audit.
- We are actively implementing a cross-training program, a strategic move that will enhance our team's versatility and efficiency in handling internal areas of our department.
- Finance is assisting Util. Assist with the collection procedures in preparation for the upcoming season of shutting off services for delinquent accounts.
- Finance congrats to our A/P, Karma Hibbets, on her first six months within the Finance Department. We hope that you keep up the good work for more months to come!
- Congratulations to our Senior Accountant, Naneth Ambrosiani, on her 12 years in the Finance Department. We know you have worked hard, and we appreciate your dedication.

### Public Works - Doug Schoessler



Springtime is really trying to show up. As much as we are all ready for warmer weather, It also comes with spring ground thaws that sometimes freeze water lines. Occasionally the frost is pushed deeper and can break a water line or main.

A broken main on Phoenix caused some light damage to pavement and roadside areas. The Water Department was able to isolate the break and keep all customers water on. Temporary damage measures were completed at the site. We will have to finish the repair in a few

weeks when the frost is gone, and new repair parts arrive. We have several other digs planned in the next few weeks to repair shut off valves and turn on seasonal services.

**City of Seward - Human Resources Manager Report  
Staffing Information**

Department	Job Title	# of Positions	Filled
<b>Administration</b>	City Manager	1	1
	Deputy City Manager	1	1
	Human Resources Manager	1	1
	Executive Assistant	1	1
	<b>TOTAL:</b>	<b>4</b>	<b>4</b>
<b>Finance</b>	Director	1	1
	Deputy Finance Director	1	1
	Senior Accountant	1	1
	Accounting Technician III	1	1
	Accounting Technician II	1	0
	Accounting Technician - Utilities	2	2
	Accounting Tech Payroll	1	0
	Accounting Tech Accounts Payable	1	1
<b>TOTAL:</b>	<b>9</b>	<b>7</b>	
<b>Public Works</b>	Director	1	1
	Street Foreman	1	1
	Maintenance Mechanic	3	3
	Public Works Technician	1	1
	Shop Foreman	1	1
	Water and Wastewater Foreman	1	1
	Water and Wastewater Operator	3	2
	Building Maintenance Technician	2	2
<b>TOTAL:</b>	<b>13</b>	<b>12</b>	
<b>Community Development</b>	Director	1	1
	Planner	1	1
	Executive Assistant	1	1
<b>TOTAL:</b>	<b>3</b>	<b>3</b>	
<b>Electric</b>	Director	1	0
	Operations Supervisor	1	0
	Field Engineer	1	1
	Executive Assistant	1	1
	Lineman	4	3
	Plant Operator	2	2
<b>TOTAL:</b>	<b>10</b>	<b>7</b>	
<b>Fire Department</b>	Chief	1	1
	Deputy Chief	1	1
	Executive Assistant	1	1
	Building Official	1	1
	Fire Marshal	1	1
	Firefighter/EMT	1	1
	Seasonal - Summer Laborer	1	0
	<b>TOTAL:</b>	<b>7</b>	<b>6</b>
<b>Harbor</b>	Harbor Master	1	1
	Deputy Harbor Master	1	1
	Office Manager	1	1
	Executive Assistant	2	1
	Harbor Worker II	6	6
	Harbor Worker III	1	1
	Seasonal - Summer Laborer Part-Time	1	0
	Seasonal - Summer Laborer Full-Time	1	1
<b>TOTAL:</b>	<b>14</b>	<b>12</b>	
<b>IT</b>	Director	1	1
	Senior IT Tech	1	1
	IT Technician	1	1
<b>TOTAL:</b>	<b>3</b>	<b>3</b>	
<b>Library</b>	Director	1	0
	Deputy Library Director	1	1
	Library Technician	1	1
	Curator	1	1
	Library Aide	1	1
	Seasonal - Aides	2	2
<b>TOTAL:</b>	<b>7</b>	<b>6</b>	
<b>Police</b>	Chief	1	1
	Deputy Chief	1	1
	Sergeant	1	1
	Patrol Officer	7	5
	Patrol Officer not funded	1	0
	Executive Assistant	1	1
	Corrections Sergeant	1	0
	Corrections Officer	4	0
	Corrections Officer not funded	1	0
	Dispatch Supervisor	1	1
	Dispatcher	5	5
	Animal Control Officer	1	1
	Animal Control Officer Assistant	1	1
	DMV Clerk	1	1
	<b>TOTAL:</b>	<b>27</b>	<b>18</b>
<b>Parks &amp; Recreation</b>	Director	1	1
	Deputy Director	1	1
	Executive Assistant	1	1
	Campground Coordinator	1	1
	Program Coordinator	1	1
	Recreational Assistant	1	1
	Maintenance Technician	1	1
	Seasonal - Summer	9	0
	Seasonal - Winter	8	8
	<b>TOTAL:</b>	<b>24</b>	<b>15</b>
<b>City Clerk's Office</b>	City Clerk	1	1
	Deputy City Clerk	1	1
	Executive Assistant	1	1
<b>TOTAL:</b>	<b>3</b>	<b>3</b>	

**Total number of authorized positions: 124**

**Total number of filled positions: 96**

City Clerk Report  
April 29, 2024  
Kris Peck

The city clerk's office received five applications for the 2024 high school student exchange program with Obihiro, Japan. One student withdrew her application which left us with four total. We interviewed all the students, and they are all outstanding candidates to represent Seward in the exchange.

On the roster to travel is:

Deputy City Clerk Jodi Kurtz and:

Makena

Olivia

Daniel

Hunter

This will be the first Seward group since 2019 so we are very excited to see this happening! The overall plan is to host the 4 Japanese students (plus Obihiro Chris) in early August and then our group will travel back with them to Japan. We are sending our Deputy City Clerk along with the group as an adult representative. Stay tuned for updates!

Karen's Corner:

2024 City of Seward Business Licenses issued since October 1, 2023:

Annual: 409

Seasonal: 74

Total Issued: 483

Still Pending: 101

584 applications fees at \$30 = \$17,520.00

Seward Chamber of Commerce  
Executive Director Report  
4/29/2024

Hello Madame Mayor, Administration, City Council,

I'm sorry I cannot join you for an in person report, but I am working with Race Director, Matias Saari, to execute the 2024 Mount Marathon Race online auction at the Chamber Building. Please see my report and reach out to [director@seward.com](mailto:director@seward.com) or call 907-224-8051 with any questions.

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Despite the weather, the summer season is trickling in and the Chamber is staying busy at the Visitor Center. The first cruise ship, Norwegian Jewel, brought a lot of unexpected visitors to town with a weather pattern that caused the ship to dock early. Many tour operators and local shops enjoyed the first influx! We will transition to opening seven days a week at the Visitor Center and the Harbor Derby Booth will be staffed every weekend following Memorial Day. The phones have been ringing off the hook and we're anticipating another busy summer. Our signature events, the Mount Marathon Race, the 4th of July Festival, and the Silver Salmon Derby are shaping up nicely.

Our Events and Sponsorships Coordinator, Karen Cooper McLoughlin is organizing for another record breaking 4th of July Festival! We're excited to celebrate this hometown favorite over July 2nd-4th. The boat and land parades, midnight fireworks display, family games on Church Street, new and returning vendors, and of course, the beloved Mount Marathon Race aren't as far away as they feel.

The Silver Salmon Derby is casting new prizes this year and already reeling in anglers with Early Bird Pricing. From August 10-18th, anglers will compete to bring in the heaviest silvers without forgetting the ultimate goal of the derby; to restore the Silver run in Resurrection Bay. We're bringing back the Silver Salmon Ball, offering new ways to win, and our Communications Coordinator, Ally Burdett, is organizing a photo contest.

The Chamber of Commerce continues striving to support the economic development of our community. We're happy to have welcomed 10 new member businesses this year including Keramiikka Ceramics Studio and Gallery, Seward Saunas, Seward Yoga, and DreamLand Books & Yarn. We've also celebrated the changing of ownership at The Breeze Inn, Bear Lake Lodgings, Communications North and Angel's Rest on Resurrection Bay -now Rustic Roots Cabins. The Alaska SBDC office continues to serve our local businesses as one of the most effective offices in Alaska. We look forward to attending the Pacific Marine Expo and organizing Alaska StartUp Week in the fall.

We are able to offer value to our members through new avenues, such as: a revamped leads generation program led by Member & Visitor Services Coordinator, Hunter Kratz, access to visitation data via our visitor analytics tool, and promotional and networking opportunities like the upcoming Double Scoops Job Fair & Ice Cream Social, and our Membership ABC's Event - a member appreciation night.

Please be sure to keep up with us on Facebook and Instagram and on [Seward.com/Events](https://seward.com/Events). It is a pleasure to Serve our community.

Best,  
Samantha Allen  
Executive Director  
Seward Chamber of Commerce

**Upcoming Chamber Events / Programs -**

April

1st: Micro Membership Scholarship Announced - \$500  
15th: MMR Roster announced  
22nd: Norwegian Jewel Cruise Ship  
25th: Membership ABC's

May

3rd: First, First Friday Art Walk  
**7th: Chamber After 5- AK RailRoad presentation on Passenger Dock Project**  
17-18th: Mermaid Festival  
19th: Double Scoops Job Fair & Ice Cream Social  
Visitor Center fully staffed at Derby Booth & Cruise Ship Terminal  
31st: Micro Membership Scholarship CLOSED  
31st-June 2nd: SeaBird Fest

June

7th: First Friday Art Walk

July

**2nd-4th: 4th of July Festival**  
**4th: Fireworks Show**  
**4th: Mount Marathon Race**  
5h: First Friday Art Walk

August

2nd: First Friday Art Walk  
**10th-18th Silver Salmon Derby**  
**16th: Silver Salmon Ball**  
**18th: Silver Salmon Derby Awards Ceremony**

September-

Chamber After 5  
Volunteer Appreciation cruise  
Winter Weekend

October-

Chamber Luncheon, The Breeze Inn  
AK StartUp Week  
Winter Weekend

November-

Chamber After 5, Seward Ale House  
Pacific Marine Expo

December -

Chamber Luncheon, The Breeze Inn

## CALL TO ORDER

The April 15, 2024, regular meeting of the Seward City Council was called to order at 7:00 p.m. by Mayor Sue McClure. (Rescheduled from April 8, 2024)

## 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  
Mike Calhoon  
Randy Wells  
Kevin Finch  
~~Robert Barnwell~~  
Julie Crites

comprising a quorum of the Council; and

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

Excused – Robert Barnwell  
Absent – None

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

**Chris Fletcher**, inside city limits, spoke as a city employee and provided an update on Parks & Recreation Department upcoming events and sports tournaments. Fletcher said they were still looking for volunteers for upcoming races.

**Tim McDonald**, inside city limits, said this past winter was the worst in terms of downtown businesses being open. He recalled Seward being a vibrant winter community when he was a kid. McDonald remained optimistic that the Lowell Creek Diversion Tunnel could be used for hydropower to help reduce costs for residents. Bringing the utility prices down would rejuvenate the whole town. He wanted the city to retain ownership of the tunnel and use it for hydropower.



## APPROVAL OF AGENDA AND CONSENT AGENDA

### Motion (Osenga/Calhoon)

### Approval of Agenda and Consent Agenda

Calhoon requested Resolution 2024-026 be removed from the consent agenda.

### Motion Passed

### Unanimous

The clerk read the following approved consent agenda items:

Approval of the March 26, 2024, City Council Minutes

**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

**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

**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 Plan

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

**Resolution 2024-027:** Authorizing The City Manager To Accepting The 2024 Volunteer Fire Capacity (VFC) Grant In The Amount Of \$6,303.67

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

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

## SPECIAL ORDERS, PRESENTATIONS, AND REPORTS

### Proclamations and Awards - None

### City Manager Report

**City Manager Kat Sorensen** said Brian Hickey from Matanuska Electric Association had started work managing the Seward Electric Department. Sorensen reported that several city staff had attended a tsunami workshop two weeks ago. Last week, Sorensen traveled to Washington D.C. along with Harbormaster Norm Regis and Council Member Bob Barnwell. The Seward group

met with the U.S Coast Guard, Army Corps of Engineers, and other senators and representatives. Overall, Sorensen said it was an exciting trip and as a bonus they were able to view the solar eclipse while in D.C.

**Deputy City Manager Jason Bickling** said he was thankful for the opportunity to attend the Government Finance Officer training in Minnesota.

### **City Clerk Report**

**City Clerk Kris Peck** summarized from his written report in the packet. Peck explained the new city e-notification system that would be replacing the bulk email lists. Peck also mentioned the commemorative magazine that the clerk's office received from Obihiro, Japan. Lastly, Peck said there were new signs installed on the second floor of city hall to point people in the right direction for the city clerk office and the court clerk office.

### **City Attorney Report**

**City Attorney Sam Severin** provided an update on an upcoming marijuana ordinance and noted it was largely a procedural matter to get into sync with current AMCO [Alcohol & Marijuana Control Office) regulations. Severin also noted he would be taking part in an executive session tonight with the council.

### **Other Reports and Announcements**

#### **Borough Assembly Report**

**Borough Assembly Representative Cindy Ecklund** provided an update on heat pumps on the Kenai Peninsula. Ecklund announced that tomorrow night the assembly meeting would be held right here in Seward and public comment was welcome. She provided a summary of various issues that the borough was working on, including the Seward High School Track. Ecklund said the assembly had halted their trips to Homer and Seward due to low attendance. She encouraged people to attend the assembly meeting tomorrow to show support.

**Presentations - None**

**PUBLIC HEARINGS - None**

**UNFINISHED BUSINESS - None**

#### **NEW BUSINESS**

**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

**Motion (Wells/Osenga)**

**Approve Resolution 2024-026**

Sorensen said this resolution was an adjustment to the free shuttle schedule due to cruise ships arriving earlier than expected. There would be additional funding needed for approximately 183 hours of shuttle service.

Calhoon said he removed the resolution from the consent agenda due to an error in the booking invoice. Calhoon said the the contract stated \$80 an hour for additional hours rather than the \$85 shown in the invoice.

**Finance Director Sully Jusino** said the CPV (Commercial Passenger Vessel) state funds were \$2.1 million after appropriation. Jusino said the funds were restricted and the city had to ask for council approval.

Calhoon felt the total amount for 2024 would cover all expenses and they could allocate more money in 2025 or 2026 as needed. Calhoon noted the corrected hourly amount on the booking invoice would be \$14,640 instead of \$15,555. Calhoon did not see the need for the additional \$2,720 booking invoice tonight when it could be looked at again in 2025.

Bickling explained details of the contract that allowed for adjustments to the rates.

Wells confirmed that Seward City Tours was aware of the error with the hourly rate of \$85 on the booking invoice.

**The resolution was amended to change the dollar amount from \$18,275 to \$14,640 throughout the resolution.**

**Motion as Amended Passed**

**Unanimous**

## **INFORMATIONAL ITEMS AND REPORTS**

### **Boards and Commissions Minutes**

Approved February 6, 2024, Planning & Zoning Minutes

Approved March 6, 2024, PACAB Minutes

### **Other Items**

### **Upcoming City Council Meetings**

Monday, April 29, 2024, Work Session at 5:30 p.m. Topic: Providence Update

Monday, April 29, 2024, Regular Meeting at 7:00 p.m. (Rescheduled from April 22, 2024)

## **CITIZEN COMMENTS**

**Cindy Ecklund**, inside city limits, said she had received feedback from local residents about a pier or dock being built at Lowell Point to offset road closures and tunnel construction.

Ecklund felt a water taxi service between Lowell Point and Seward was vital. Another comment she had received from the public pertained to the lost revenue for taxi companies in the wake of Seward City Tours free shuttle.

## **COUNCIL AND ADMINISTRATION COMMENTS & RESPONSE TO CITIZEN COMMENTS**

**Sorensen** said the U.S Army Corps of Engineers and City of Seward had met with Lowell Point Advisory Council regarding the traffic pattern during tunnel construction. On another topic, Sorensen said the Alice in Wonderland play at the high school was awesome.

**Crites** encouraged everyone to attend the borough assembly meeting at the library tomorrow night.

**Finch** echoed Crites' comments and thanked Ecklund for her comments tonight.

**Calhoon** appreciated the borough assembly report from Ecklund. He thanked everyone for their help in getting through a particularly snowy winter.

**Wells** thanked Ecklund for her borough assembly report and encouraged people to attend the assembly meeting tomorrow. He said Army Corps of Engineers gave a detailed presentation of the Lowell Point Road diversion plan in the prospective drawings. Wells spoke to the tunnel hydropower idea and encouraged Mr. McDonald to bring forward data to review.

**Osenga** thanked Sorensen, Barnwell, and Regis for traveling to D.C. to represent Seward. He said the Seward Community Band also had a concert on the same night as the borough assembly meeting.

**Mayor McClure** thanked Ecklund for her borough report. McClure noted that she greeted the tsunami workshop, and also got to speak about her 1964 earthquake experience. McClure congratulated the two newest PACAB members Dunn and Howard. McClure noted that Seward hosted the National Ocean Science Bowl in March and the Seward NOSB team came in third place. McClure said Alice and Wonderland play at the high school was spectacular. McClure said she had been meeting with Anchorage Mayor Bronsan's Energy Coalition to receive presentations about the natural gas issues. She would be providing a report in the near future on what she had learned from the energy group.

## **EXECUTIVE SESSION**

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)]

**Motion (McClure/Osenga)**

**Go Into Executive Session**

Those invited to stay were: City Manager Kat Sorensen, Deputy City Manager Jason Bickling, City Attorney Sam Severin, and City Clerk Kris Peck

Those joining telephonically were: City Attorney Alex Foote and City Attorney Kody George

**Motion Passed**

**Unanimous**

Council went into executive session at 7:47 p.m.  
Council came out of executive session at 8:35 p.m.

**ADJOURNMENT**

The meeting was adjourned at 8:35 p.m.

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Kris Peck  
City Clerk

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Sue McClure  
Mayor

(City Seal)



## Ordinance 2024-008

# AN ORDINANCE OF THE SEWARD CITY COUNCIL, AMENDING SEWARD CITY CODE 2.30.225 and 16.01, RESPONSIBILITIES OF THE PLANNING AND ZONING COMMISSION

### Documents:

- Agenda Statement
- Resolution 2024-008
- Attachments:
  - Subdivision Agreement



## City Council Agenda Statement

**Meeting Date:** April 29, 2024

**To:** City Council

**Through:** Kat Sorensen, City Manager

**From:** Jason Bickling, Deputy City Manager

**Subject:** Ordinance 2024-008: An Ordinance of the City Council of the City of Seward, Alaska, Amending Seward City Code 2.30.225 And 16.01, Responsibilities of the Planning and Zoning Commission

### Background and justification:

In Title 2 and Title 15, The Planning and Zoning Commission (“P&Z”) is tasked by council and explicitly given the authority to shape the city code for responsible and logical development within the city. Most of this takes place within Title 15: Planning and Land Use Regulations but there are also important pieces within Title 16: Subdivisions. Currently, there are two responsibilities of the P&Z in Title 16:

#### *16.05.010 – Required Public Improvements*

*2. Telephone and electric lines. All new telephone and electric lines shall be installed underground, unless found to be impractical by the city **planning and zoning commission** and affirmed by the city council, and in accordance with specifications of the appropriate utility companies and the city.*

*3. Water system. Where the city water system will service the area covered by the plat or proposed plat, the subdivider shall provide the water system in accordance with the specifications established by the city **planning and zoning commission** and affirmed by the city council. Fire hydrants shall be provided to standards established by the American Waterworks Association and shall be a brand specified by the city. The subdivider shall not be required to drill individual wells.*

The Subdivision Agreement is an agreement between any subdivider and the city that dictates specific requirements for the subdivision and improvements, which are laid out in Title 16.

There are other pieces of Title 16 and the Subdivision Agreement that fall under the category of responsible and logical development, including but not limited to roads, sidewalks, greenspace, streetlighting, right of ways, and easements.



This ordinance will add language to both Title 2 and Title 16 which give them explicit responsibility for the other portions of Title 16 that tie into their role in helping shape responsible and logical development of the community.

There is also additional language that will help with administrative interpretation and enforcement of those titles. Having P&Z input on the requirements of Title 16 and Subdivision Agreements will be very helpful to Community Development and Administration.

There is also the verbiage change of “telephone” lines to “communication” lines to bring the language up to speed in a technological sense.

**Comprehensive and Strategic Plan Consistency Information**

This legislation is consistent with (citation listed):

Comprehensive Plan: 3.2.2 Continue to support and improve the capacity of the office of Community Development  
 3.7.1.3 Continue to improve the quality and efficiency of city governmental services

Strategic Plan: \_\_\_\_\_

Other: \_\_\_\_\_

**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*

Available Fund Balance \$ \_\_\_\_\_

Finance Director Signature: Sully Jusino

**Attorney Review**

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

**Administration Recommendation**

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

**Sponsored by:** Administration  
**Introduction Date:** April 29, 2024  
**Public Hearing Date:** May 13, 2024  
**Enactment Date:** May 23, 2024

**CITY OF SEWARD, ALASKA  
ORDINANCE 2024-008**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEWARD,  
ALASKA, AMENDING SEWARD CITY CODE 2.30.225 AND 16.01,  
RESPONSIBILITIES OF THE PLANNING AND ZONING COMMISSION.**

**WHEREAS,** The Planning and Zoning Commission (“P&Z”) is tasked by council and given explicit powers to shape city code for responsible and logical development; and

**WHEREAS,** Title 16: Subdivisions and the Subdivision Agreements both help the City ensure responsible and logical development; and

**WHEREAS,** P&Z already has some responsibility over helping administer the requirements of Title 16; and

**WHEREAS,** the administrative official could benefit from a greater degree of review and input from P&Z on Title 16 matters.

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

**Section 1.** Seward City Code Titles 2 and 16 are hereby amended to read as follows (new language is in ***bolded italics and underlined*** and deleted language is ~~stricken~~):

**2.30.225 Powers and duties.<sup>1</sup>**

- A. The commission shall perform the following duties:
1. Interpret the provisions of this title and make compliance determinations when requested by the administrative official;
  2. Review and act upon requests for variance permits, conditional use permits, and other matters requiring consideration under the Seward Zoning Code;
  3. Review the City of Seward Comprehensive Plan on an annual basis and conduct a minimum of one public hearing. Said recommendations shall be forwarded to the council for consideration; and

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<sup>1</sup>Editor's note(s)—City Ord. No. 94-04 deleted historic preservation duties and created a separate historic preservation commission. See § 2.30.410 et seq.

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4. Promote public interest and understanding of comprehensive planning, platting, zoning, land management and other issues relating to community planning and development.
- B. The commission shall act in an advisory capacity to the city council regarding the Seward Zoning Code, Subdivisions, Seward Comprehensive Plan, Official Zoning Map, Official Land Use Plan Map, and other duties as requested by the city council.
- C. The commission shall act in an advisory capacity to the Kenai Peninsula Borough Planning Commission regarding the following matters:
1. Subdivision plat proposals;
  2. Right-of-way and easement vacation petitions;
  3. Kenai Peninsula Borough Comprehensive Plan and Coastal Zone Management Plan development, updates and amendments; and
  4. City of Seward Comprehensive Plan amendments not otherwise delegated to the City of Seward.
- D. The commission shall have no authority to solicit or commit city funds without first obtaining approval of the city council.

(Ord. 426, 1976; Ord. 438, 1977; Ord. 492, § 1, 1980; Ord. 626, § 2, 1989; Ord. 92-09; Ord. 94-04; Ord. No. 2022-004, § 1, 2-14-2022)

**16.01.010. Definitions.**

Lot. A measured portion of a parcel or tract of land which is described and fixed on a plat for record.

Parcel. An unsubdivided plot of land.

Person. A natural person, firm, association, partnership, corporation, governmental unit or combination of any of these entities.

Plat. A map or chart of a surveyed subdivision of land.

Resubdivision. The redelineation of an existing lot, block or tract of a previously recorded subdivision involving the change of property lines and/or, after vacation, the altering of dedicated streets, easements or public areas.

Street. A right-of-way which provides for vehicular and pedestrian access to abutting properties.

Subdivider, owner, proprietor or developer. A person, firm, association, partnership, corporation, governmental unit or combination of any of these which may hold any legal or equitable ownership interest in land being subdivided or which has been subdivided. The term shall also include all heirs, assigns, successors in interest, representatives or personal representatives of the subdivider, owner, proprietor or developer.

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Subdivision. The division of a tract or parcel of land into two or more lots, sites or other divisions for the purpose, whether immediate or future, of sale, lease or building development, including any resubdivision and, when appropriate to the context, the process of subdividing of the land subdivided.

Undeveloped lot. A lot on which no permanent dwelling unit or commercial structure is presently located and for which no building permit for the construction of a permanent dwelling unit or commercial structure has been requested as of October 1, 1977.

(Ord. 443, 1977)

**16.01.015. Conditions to plat approval.**

- A. No preliminary or final plat for the subdivision or resubdivision of land located within the city limits shall be approved by the city unless all of the required improvements set forth in section 16.05.010 are provided for by the subdivider, owner, proprietor or developer in the manner described in section 16.05.015.
- B. No preliminary plat of city-owned property may be submitted to the Kenai Peninsula Borough planning commission for approval without the prior consent of the city council.
- C. Public posting. The applicant shall post the property subject to the application with public notices as provided by the city at least ten days before the date of the required public hearing. Such notices shall be placed so as to be visible from each improved street adjacent to the property. The applicant is responsible for removing the posted notices within five days after the hearing is completed. Failure to properly post notices is grounds for deferral or denial of the application. No one except the applicant, an agent of the applicant, or the city shall remove or tamper with any such required posted notice during the period it is required to be maintained under this paragraph.
- D. Proof of posting. Before the public hearing, the applicant shall submit to the city an affidavit signed by the person who posted the notice or caused the posting to be done that the notice was posted as required by this section.
- E. Notification of neighboring property owners. A notice of preliminary plat review shall be mailed not less than ten days prior to the meeting review date to the owners of record on the Kenai Peninsula Borough assessor records of real property within 300 feet of the periphery of the parcel affected by the proposed plat.
- F. A plat submitted to create a single parcel through the vacation of interior lot lines shall be exempt from subsection (c), public posting, (d), proof of posting and (e), notification of neighboring property owners.

(Ord. 443, 1977; Ord. 580, 1986; Ord. 610, 1988; Ord. 97-01; Ord. 98-06)

**16.01.020. Conveyances restricted in present subdivisions.**

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Except as provided in section 16.05.030, no owner of record as of October 1, 1977, of undeveloped lots located within an area covered by a valid plat recorded prior to November 28, 1977, shall convey any such lots to any other person unless he first provides for such lots the public improvements required by section 16.05.010 in the manner described in section 16.05.015.

(Ord. 443, 1977; Ord. 610, 1988)16.01.025. Building permits restricted.

No building permit shall be issued for construction of a dwelling unit on an undeveloped lot located within an area covered by a valid plat recorded prior to November 28, 1977, until the owner thereof has provided for such lots the public improvements required by section 16.05.010 in the manner described in section 16.05.015.

(Ord. 443, 1977; Ord. 610, 1988)16.01.030. Exceptions.

The restrictions set forth in sections 16.01.020 and 16.01.025 are modified as follows:

1. Where the subdivider, owner, proprietor or developer owns not more than six undeveloped lots located within an area covered by a valid plat recorded prior to the effective date of this title, the restrictions of sections 16.01.020 and 16.01.025 shall not apply.
2. Where the subdivider, owner, proprietor or developer of the undeveloped lots conveys all of his lots to a single person in a bulk sale, the restrictions of sections 16.01.020 and 16.01.025 shall not apply to such conveyances; however, all such restrictions shall apply to the transferee of such lots.
3. Where the subdivider, owner, proprietor or developer of such undeveloped lots serves upon the city manager written notice of his intent to convey or construct, and the city manager certifies that the city cannot provide access to a particular public improvement required by section 16.05.010 within six months after receipt of notice of such intent, the subdivider, owner, proprietor or developer shall not be required to provide that particular improvement prior to the lawful conveyance of such lot or prior to the issuance of a building permit for the construction of a dwelling unit on such lot.

(Ord. 443, 1977; Ord. 610, 1988)

**16.01.035 Administrative official.**

**The City Manager or his designee is hereby named as the administrative official (hereinafter referred to as "administrative official") relating to all actions taken by the Seward planning and zoning commission. The City Manager or his designee shall be responsible for:**

- 1. Interpreting and enforcing this title;**
- 2. Maintaining records of all activity related to this title; and**

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3. Processing appeals consistent with this title.

16.01.040 Planning and zoning commission.

The Seward planning and zoning commission (hereinafter referred to as "commission") as established in section 2.30.210 is the body created to assist in the interpretation of this title.

Chapter 16.05. Improvements

Chapter 16.05. Improvements<sup>2</sup>

**16.05.010. Required public improvements.**

The term "required public improvements" shall mean the following:

1. Streets. All streets located within a subdivision subject to the requirements of this title shall be not less than 50 feet in width and shall be gravel-surfaced according to city specifications.
2. Telephone **Communication** and electric lines. All new ~~telephone~~ **communication** and electric lines shall be installed underground, unless found to be impractical by the ~~city planning and zoning~~ commission and affirmed by the city council, and in accordance with specifications of the appropriate utility companies and the city.
3. Water system. Where the city water system will service the area covered by the plat or proposed plat, the subdivider shall provide the water system in accordance with the specifications established by the ~~city planning and zoning~~ commission and affirmed by the city council. Fire hydrants shall be provided to standards established by the American Waterworks Association and shall be a brand specified by the city. The subdivider shall not be required to drill individual wells.
4. Sewer system. Where the city sewer system will service the area covered by the plat or proposed plat, the subdivider shall provide the sewer system in compliance with all applicable state and federal health and environmental laws and regulations.
5. Street lighting. Street lighting shall be installed in accordance with the requirements of the city.

(Ord. 443, 1977; Ord. 610, 1988)16.05.015. Compliance procedure.

- A. The subdivider, owner, proprietor or developer is deemed to have satisfied the requirements of this title when he has entered into the subdivision agreement with the city. The subdivision agreement shall be written to cover one or a combination of the following alternatives available to the subdivider:

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<sup>2</sup>See Sec. 14.15.535 as to electric service extensions to subdivisions.



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1. The subdivider may elect to complete all required public improvements prior to approval and recording of the final plat or prior to sale or issuance of a building permit, as the case may be. If this is done, the subdivision agreement, delineating the construction and inspection requirements for each improvement, shall be entered into prior to commencement of construction.
  2. The subdivider may elect to complete required improvements after approval and recording of the final plat, the conveyance or the issuance of the building permit. In this event, the subdivision agreement shall delineate:
    - a. The construction and inspection requirements of the appropriate governmental agency or city department concerning the required improvements;
    - b. The time schedule for completion of required improvements;
    - c. A method of insuring that such improvements shall be completed to the specifications required and in the time schedule agreed upon.
  3. The subdivider may elect to form a special assessment district prior to any sales, obligating all property owners in the subdivision to assume the costs of all required public improvements not previously installed.
- B. The improvements required under the terms of the subdivision agreement shall be fully completed within three years of the date of execution of the agreement, except if a special assessment district has been formed, in which case improvements will be installed when a sufficient demand is made of the city.
- C. The subdivision agreement shall provide for the apportionment of the costs of required public improvements between the city and the subdivider as provided in the special assessment district or as follows:
1. Administrative and recording costs relating to public improvements guarantees. The subdivider shall pay 100 percent of all costs incurred in supplying and administering any method of public improvement guarantees provided for in subsection (d) of this section;
  2. Inspection, surveillance and testing. The subdivider shall pay 100 percent of all costs relating to any inspection, surveillance and testing by the city necessary for final acceptance of any required public improvement. Costs of inspection, surveillance and testing shall be established in advance between the developer and the city upon the developer's request;
  3. Streets. The subdivider shall pay 100 percent of the cost of streets within the boundaries of the subdivision;
  4. Water improvements. The subdivider shall pay 100 percent of the cost of all water facilities constructed within the subdivision;
  5. Sewer system. The subdivider shall pay 100 percent of the sanitary sewer system installed within the subdivision;

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6. Electric and telephone. The subdivider shall pay 100 percent of the cost of installing electric lines with cost participation as provided in the current approved tariffs of the telephone company serving the subdivision;
7. Street lighting. The subdivider shall pay 100 percent of the cost of street lighting apparatus.
- D. To assure the installation of required public improvements which are not accepted at the time the final plat is filed, the subdivision agreement shall require the subdivider to guarantee the completion of all such improvements by one or more of the methods specified below. The means of a guarantee may be changed during the guarantee period through a written modification of the agreement. The amount of guarantee shall be determined on the basis of the subdivider's cost estimate. The guarantee shall remain in effect until final acceptance of the required public improvements. The engineer's cost estimate shall state the estimated cost of completion for each required public improvement. Cost estimates for each required public improvement must be approved by the city manager. For purposes of establishing the amount necessary for the guarantee of completion of public improvements, a percentage for overrun allowance shall be added to the total estimated cost of public improvements as follows:

Total Estimated Cost of Improvements	Percentage of Overrun Allowance
\$0.00 to \$500,000.00	20%
\$500,001.00 to \$1,000,000.00	15%
\$1,000,001.00 and over	10%

- E. The subdivision agreement shall include one or more of the following methods to guarantee the construction of required public improvements:
1. Performance bond. The subdivider may elect to provide a surety bond from a company authorized to do business in the state. The bond shall be in an amount equal to the estimated cost of all required public improvements plus an overrun allowance as provided above. The bond shall be payable to the city in the event that any required public improvements are not finally accepted in accordance with the provisions of this subdivision agreement and shall be posted by no person other than the subdivider.
  2. Deposit in escrow. The subdivider may elect to deposit a cash sum equal to the estimated cost of all required public improvements, plus overrun allowances as provided above, either with the city or in escrow with a responsible financial institution authorized to do business in the state. In case of an escrow account, the subdivider shall file with the city an escrow agreement which includes the following terms:
    - a. Funds of the escrow account shall be held in trust until released by the city and may not be used or pledged by the subdivider as security in any matter during that time other than payment for the improvements. The funds may be used for payment of improvements as made, except that the escrow holder shall withhold from disbursement

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so much of the funds as is estimated to be necessary to complete the construction and installation of such improvements, plus an overrun allowance as provided above.

- b. In the case of a failure on the part of the subdivider to complete any improvement within the required time period, the institution shall immediately make all funds in the account available to the city for use in the completion of those improvements.
3. Letter of credit. The subdivider may elect to provide from a bank or other responsible financial institution authorized to do such business in Alaska, an irrevocable letter of credit. Such letter shall be filed with the city and shall certify the following:
- a. That the creditor irrevocably guarantees funds in an amount equal to the estimated cost of all required public improvements plus overrun allowances as provided above for the completion of all such improvements;
  - b. That in case of failure on the part of the subdivider to complete any specified improvements within the required time period, the creditor shall pay to the city immediately, and without further action, such funds as are necessary to finance the completion of those improvements up to the limit of credit stated in the letter.
- (4) Special assessment district. The subdivider may elect to pay all required assessments levied against the property for the installation of public improvements. The city shall make every reasonable effort to obtain all grant money available for financing of the public improvements.

(Ord. 443, 1977; Ord. 610, 1988)

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

**ENACTED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA** this 13<sup>th</sup> day of May 2024.

**THE CITY OF SEWARD, ALASKA**

\_\_\_\_\_  
**Sue McClure, Mayor**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**ATTEST:**

\_\_\_\_\_

**CITY OF SEWARD, ALASKA**  
**ORDINANCE 2024-008**  
Page 9 of 9

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Kris Peck  
City Clerk

(City Seal)

CITY OF SEWARD  
P.O. BOX 167  
SEWARD, ALASKA 99664

STANDARD SUBDIVISION AGREEMENT

THE CITY OF SEWARD (hereinafter the "City"), an Alaska home rule city, and \_\_\_\_\_,  
(hereinafter the "Developer"), enter into the following Agreement this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_, executes this Agreement on behalf of the Developer \_\_\_\_\_  
warrants that they have authority to execute this Agreement on behalf of the Developer. The parties to  
this Agreement shall accept notices at the following addresses and telephone numbers:

OWNER/DEVELOPER

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CITY

City Manager  
City of Seward  
P.O. 167: 410 Adams Streets  
Seward, Alaska 99664

WHEREAS, Title 16, Chapter 16.05 , of the Seward City Code specifies certain improvements that must  
be provided by the sub divider, owner, proprietor or developer (collectively referred to in this Agreement  
as "Developer") prior to conveying platted lots to any other person; and

WHEREAS, such lots must be provided with streets, communication and electric lines, water systems,  
sewer systems and street lighting, (SCC § 16.05.010); and

WHEREAS, no building permit may be issued for construction of a dwelling unit on a platted lot until the  
owner thereof has provided the required improvements for such lots (SCC § 16.01.025); and

WHEREAS, The Developer seeks the City's agreement to enter into a Contract to construct and install the  
improvements described in Article IV of this Agreement in accordance with all the terms, covenants and  
conditions of this Agreement, described in Articles I through IV.

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

1. Property Subject to Agreement\*. The real property which is the subject of this Agreement  
(hereinafter the "Property") is located in the City of Seward and is described as:

\_\_\_\_\_ Subdivision according to Plat No \_\_\_\_\_, recorded on \_\_\_\_\_ in  
the records of the Seward Recording District, Third Judicial District, State of Alaska.

\*If Plat has not been finalized, a copy of the preliminary plat shall be provided as Exhibit D. Please  
indicate the date of approval by the Seward Planning and Zoning Commission: \_\_\_\_\_.

2. Estimated Cost of Improvements. The Developer shall construct and install the following improvements in accordance with the standards described herein at the estimated costs set forth below:

Streets	\$ _____	Electrical	\$ _____
Sidewalks	\$ _____	Survey Monumentation	\$ _____
Drainage Plan	\$ _____	Street lighting	\$ _____
Sanitary sewer	\$ _____	Water	\$ _____
Traffic control devices	\$ _____		
Communications	\$ _____	Other:	\$ _____

The Developer estimates the total cost of the improvements to be:

**ARTICLE I**

**GENERAL PROVISIONS**

**1.01 APPLICATION OF ARTICLE**

Unless this Agreement expressly provides otherwise, all provisions of this article apply to every part of this Agreement.

**1.02 PERMITS, LAWS, AND TAXES**

The Developer shall acquire and maintain in good standing all permits, licenses, platting approvals and other entitlements necessary to its performance under this Agreement. All actions taken by the Developer under this Agreement shall comply with all applicable permits, licenses, statutes, ordinances, rules, and regulations. The Developer shall pay all taxes pertaining to its performance under this Agreement.

**1.03 RELATIONSHIP OF PARTIES**

Neither by entering into this Agreement, nor by doing any act hereunder, may the Developer, the Developer's Engineer, or any contractor or subcontractor of the Developer, be deemed an agent, employee, or partner of the City, or otherwise associated with the City other than, in the case of Developer, as an independent contractor of the City. The Developer and its contractors and subcontractors shall not represent themselves to be agents, employees, or partners of the City, or otherwise associated with the City other than, in the case of the Developer, as an independent contractor of the City. The Developer shall notify all its contractors and subcontractors of the provisions of this section.

**1.04 DEVELOPER'S RESPONSIBILITY**

The Developer shall be solely responsible for the faithful performance of all terms, covenants, and conditions of this Agreement, notwithstanding the Developer's delegation to another of the actual performance of any term, covenant, or conditions hereof.

1.05 ALLOCATION OF LIABILITY

The Developer shall defend, indemnify and hold the City harmless from any claim, action, or demand arising from any act or omission of the Developer, its agents, employees, or contractors related to this Agreement. The liability assumed by the Developer pursuant to this section includes, but is not limited to claims for labor and materials furnished for the construction of the improvements.

1.06 DISCLAIMER OF WARRANTY

Notwithstanding this Agreement or any action taken by any person hereunder, neither the City nor any City Officer, agent, or employee warrants or represents the fitness, suitability, or merchantability of a property, plan, design, material, workmanship, or structure related to this Agreement for any purpose.

1.07 NON-DISCRIMINATION

- A. In performing its obligations under this Agreement, the Developer shall not discriminate against any person on the basis of race, creed, color, national origin, gender, marital status, or age.
- B. In selling property or improvements in the subdivision, the Developer shall not discriminate against any person on the basis of race, creed, color, national origin, gender, marital status, or age.

1.08 COST OF DOCUMENTS

All plans, reports, drawings, or other documents that this Agreement requires the Developer to provide the City shall be furnished at the Developer's expense.

1.09 PUBLIC UTILITIES

- A. Any public utility service contemplated by this Agreement need be provided only to areas where the service is allowed by the Regulatory Commission of Alaska and applicable law. All utility service shall conform to the rules, regulations, and tariffs of the Regulatory Commission of Alaska and the City of Seward to the extent they may apply.
- B. If the Regulatory Commission of Alaska disallows any utility service by the City of any utility following execution of this Agreement, the provisions of the disallowed service shall be deleted from the requirements of this Agreement without affecting any other part hereof. The disallowance shall not be grounds for any claim, action, or demand against the City.

1.10 TIME IS OF THE ESSENCE

Unless otherwise expressly provided herein, time is of the essence of each and every term, covenant, and condition of this Agreement.



1.11 ASSIGNMENTS

- A. Except insofar as subsection B of this section specifically permits assignments, any assignment by the Developer of its interest in any part of this Agreement or any delegation of duties under this Agreement shall be void, and any attempt by the Developer to assign any part of its interest or delegate any duty under this Agreement shall constitute a default entitling the City to invoke any remedy available to it under Section 1.13. Permitted assignment shall not release the Developer from any obligation or liability under this Agreement.
- B. The Developer may assign its interest or delegate its duties under this Agreement:
1. To contractors and subcontractors, subject to Section 1.05; or
  2. As expressly permitted in writing by the City.

1.12 DEFAULT - CITY'S REMEDIES

- A. The City may declare the Developer to be in default:
1. If the Developer is adjudged a bankrupt, makes a general assignment for the benefit of creditors, suffers a receiver to be appointed on account of insolvency, takes advantage of any Law for the benefit of insolvent debtors; or
  2. If the Developer has failed to perform its obligations under this Agreement, provided the City gives the Developer notice of the failure to perform and the Developer fails to correct the failure within thirty (30) days of receiving the notice; or if the failure requires more than thirty (30) days to cure, the Developer fails within thirty (30) days of receiving the notice to commence and proceed with diligence to cure the failure.
- B. Upon a declaration of default, the City may do any one or more of the following:
1. Terminate the Agreement without liability for any obligation maturing subsequent to the date of the termination.
  2. Perform any act required of the Developer under this Agreement, including constructing all or any part of the improvements after giving seven (7) days notice in writing to the Developer. The Developer shall be liable to the City for any costs thus incurred. The City may deduct any costs incurred from any payments then or thereafter due the Developer from the City whether under this Agreement or otherwise.
  3. Exercise its rights under any provision of this Agreement, or any bond or performance or warranty guaranty securing the Developer's obligations under this Agreement.
  4. Pursue any appropriate judicial remedy, including but not limited to an action for injunction and civil penalties.

1.13 NON-WAIVER

The failure of the City at any time to enforce a provision of this Agreement shall in no way constitute a waiver of the provision, nor in any way affect the validity of this Agreement or any part hereof, or the right of the City thereafter to enforce each and every provision hereof.

1.14 INTERPRETATION

- A. Each document incorporated by reference herein is an essential part of this Agreement, and any requirement, duty, or obligation stated in one document is as binding as if stated in all. All documents shall be construed to operate in a complementary manner and to provide for a complete project.
- B. If the terms of any of the documents and amendments thereto comprising this Agreement conflict, the conflict shall be resolved by giving the conflicting documents and amendments thereto the following order of preference:
  - 1. Documents or sections titled "Special Provisions."
  - 2. Article II of this Agreement titled "Improvement Construction Standards and Procedures," and Article III of this Agreement titled "Acceptance of Improvements."
  - 3. Article I of this Agreement titled "General Provisions."
  - 4. Documents incorporated under any Article of this Agreement.
  - 5. Article IV of this Agreement titled "Improvement Requirements."
  - 6. Any other document incorporated by reference herein.

1.15 EFFECT OF STANDARD SPECIFICATIONS

Applicable platting, subdivision and land use ordinances of any local authority, and the Kenai Peninsula Borough Road Standards are incorporated by reference herein as minimum standards for performance under this Agreement, except where this Agreement specifically provides otherwise.

1.16 AMENDMENT

The parties may amend this Agreement only by written agreement, signed by all parties which shall be attached as an appendix hereto.

1.17 JURISDICTION - CHOICE OF LAW

Any civil action arising from this Agreement shall be brought in the Superior Court for the Third Judicial District of the State of Alaska at Anchorage. The laws of the State of Alaska and the City of Seward and the Kenai Peninsula Borough shall govern the rights and duties of the parties under this Agreement

1.18 SEVERABILITY

Any provision of this Agreement that may be declared invalid or otherwise unenforceable by a court of competent jurisdiction shall be ineffective to the extent of such invalidity without invalidating the remaining provisions of the Agreement.

1.20 INTEGRATION

This instrument, and any writings incorporated by reference herein, embody the entire agreement of the parties. This Agreement shall supersede all previous communications, representations, or agreements, whether oral or written, between the parties hereto.

1.21 DEFINITIONS

Unless this Agreement expressly provides otherwise, the following definitions shall apply herein:

- A. "Improvements" means all work which the Developer is required to perform by this Agreement.
- B. "City Improvements" means improvements which are to be dedicated to the City, or which are to be operated and controlled by a City owned utility.
- C. "City," for the purpose of administering this Agreement, means the City Manager for the City of Seward, or his designee.
- D. "Acceptance" by the City means a determination that an improvement meets minimum standards and does not refer to accepting a dedication of the improvement by the Developer.

**ARTICLE II**

IMPROVEMENT CONSTRUCTION STANDARDS AND PROCEDURES

2.01 RECORDING OF FINAL PLAT

Developer shall be solely responsible for all platting of the property in compliance with ordinances of the Kenai Peninsula Borough and the City of Seward.

2.02 PREREQUISITES TO CONSTRUCTION

The Developer shall not obtain permits for the construction of improvements or commence the construction of improvements until the requirements of Sections 2.03 through 2.07 have been met.

2.03 PLANS AND SPECIFICATIONS

- A. Attached as Exhibits A, B, and C, are all of Developer's plans and specifications pertaining to the construction of the improvements, including stamped engineer drawings, submitted for the City's approval.
- B. If the City or a governmental entity or agency requires soil tests, or other tests pertaining to the design of improvements, the Developer shall submit reports of the test results with the plans and specifications.
- C. The City shall approve the plans and specifications as submitted, or indicate to the Developer how it may modify them to secure approval.

2.04 QUALITY CONTROL PROGRAM

- A. The Developer shall submit to the City, in such form as the City may specify, a quality control program for the construction of the improvements.
- B. The quality control program shall provide sufficient inspection and test procedures to determine compliance with all applicable plans, specifications, and safety requirements. The program shall include at least the following:
  - 1. The frequency and type of all tests to be performed.
  - 2. A list of all persons who will perform tests and inspections.
  - 3. Procedures for coordinating testing and inspections with the City and for providing advance notice to the City of all inspections and tests which the City may witness.
  - 4. Procedures for reporting quality control activities, including discoveries of deficiencies in the work.

2.05 WORK SCHEDULE

- A. Attached as Exhibit C is a work schedule submitted by the Developer.
- B. The work schedule shall include a progress chart of a suitable scale, indicating the approximate percentage of work scheduled for completion at any given time. For each improvement, the schedule shall indicate starting and completion dates for the following:
  - 1. Clearing, grubbing, and removal of overburden.
  - 2. Excavation, installation, backfill, and compaction for each utility to be installed by the Developer.
  - 3. Excavation, backfill, and compaction for street facilities other than paving.

2.06 MATERIALS

- A. The Developer shall submit, in such form as the City may specify, detailed information concerning all materials and equipment it proposes to incorporate into an improvement.
- B. Upon the City's request, the Developer shall submit samples of materials or equipment it proposes to incorporate into an improvement.

2.07 LIABILITY INSURANCE

The Developer shall provide proof that it has acquired the insurance required by the City of Seward in the form prescribed or, if the Developer has engaged a prime contractor has acquired such insurance, naming the Developer as an insured. [Insurance Broker to provide details.]

2.08 GENERAL STANDARD OF WORKMANSHIP

- A. The Developer shall construct all improvements in accordance with plans, specifications, and contracts approved by the City, and with the terms, covenants, and conditions of this Agreement. The Developer shall not incorporate any material or equipment into an improvement unless the City has approved its use. Unless the City specifically agrees otherwise in writing, all materials, supplies, and equipment incorporated into an improvement shall be new.
- B. If during the course of construction conditions appear which in the exercise of reasonable engineering judgment require a modification of, or substitution for, approved materials, equipment, plans, specifications, or contracts to meet a higher standard of performance, the Developer shall make the modifications or substitution. All such substitution shall be approved by the City.
- C. The Developer shall construct all facilities in the subdivision not otherwise subject to this Agreement in accordance with applicable statutes, ordinances, and specifications.

2.09 PLACEMENT OF UTILITIES

The Developer shall place all utilities underground, except where this requirement is specifically waived under Article IV of this Agreement.

2.10 WORK IN RIGHT-OF-WAY

The Developer shall comply with all ordinances and secure all necessary permits and authorizations pertaining to work in public rights-of-way. The Developer shall coordinate and supervise the installation and construction of all utility improvements, including those not otherwise covered by this Agreement, in a manner that will prevent delays in City construction or other damage to the City and that will permit the City to properly schedule work that it will perform.

2.11 SURVEYOR

All surveys required for the completion of improvements under this Agreement shall be made by a person registered as a professional land surveyor under the Laws of the State of Alaska.

2.12 REQUIRED REPORTING

- A. Quality Control: The Developer shall submit to the City regularly and promptly written reports describing the results of all tests and inspections required by the quality control program and all other tests and inspections which the Developer may make.
- B. Construction Progress: If actual progress indicates that the developer will not perform the work as scheduled, the Developer shall prepare and submit a revised schedule for the City's consideration.
- C. Surveys: The Developer shall furnish promptly to the City copies of all surveys required for the completion of the improvements.
- D. Express or implied approval by the City of any report or inspection shall not authorize any deviation from approved plans and specifications or from the terms of this Agreement.

2.13 PROGRESS PAYMENTS

The Developer shall pay its contractors all contract progress payments when due.

2.14 SURVEILLANCE

- A. The City may monitor the progress of the work and the Developer's compliance with this Agreement and perform any inspection or test which it deems necessary to determine whether the work conforms to this Agreement.
- B. If the Developer fails to notify the City of inspections, tests, and construction progress as required by Section 2.17, the City may require, at the Developer's expense, retesting, exposure of previous stages of construction, or any other steps which the City deems necessary to determine whether the work conforms to this Agreement.
- C. Any monitoring, tests, or inspections that the City orders or performs pursuant to this section are solely for the benefit of the City. The City does not undertake to test or inspect the work for the benefit of the Developer or any other person.

2.15 STOP WORK ORDERS

- A. If the City determines there is a substantial likelihood that the Developer will fail to comply, or if the Developer does fail to comply with this Agreement, the City may stop all further construction of improvements by posting a stop work order at the site of the nonconforming construction and notifying the Developer or its engineer of the order.
- B. A stop work order shall remain in effect until the City approves:
  1. Arrangements made by the Developer to remedy the nonconformity; and
  2. Assurances by the Developer that future nonconformities will not occur.

- C. The issuance of a stop work order under this section is solely for the benefit of the City. The City does not undertake to supervise the work for the benefit of the Developer or any other person. No suspension of work under this section shall be grounds for any action or claim against the City or for an extension of time to perform the work.
- D. The Developer shall include in all contracts for work to be performed, or materials to be used under this Agreement, the following provision:

The City of Seward, pursuant to a Subdivision Agreement on file with the City Clerk and incorporated by reference herein, has the authority to inspect all work or materials under this contract and to stop work in the event that the work performed under this Agreement fails to comply with any provision of the Subdivision Agreement. In the event that a stop work order is issued by the City, the contractor shall immediately cease all work and await further instructions from the Developer.

#### 2.16 ACCESS

The City shall have access to all parts of the subdivision necessary or convenient for monitoring the Developer's performance, inspecting, surveying, testing, or performing any other work.

#### 2.17 MAINTENANCE

- A. Until the City accepts the improvements, the Developer shall maintain all existing roads within the subdivision that are necessary for access. For the purposes of this subsection, existing roads are roads that physically exist, as distinguished from mere rights-of-ways dedicated for road purposes.
- B. The Developer shall repair or pay the cost of repairing damage to any improvement that occurs prior to the City's acceptance of the improvements, except for damage caused solely by the City, its agents, employees, or contractors. The Developer shall give reasonable notice to the City before undertaking the repair of the damaged improvement.

#### 2.18 OPERATION OF IMPROVEMENTS PRIOR TO ACCEPTANCE

- A. Before the City accepts the improvements, the City may enter upon, inspect, control, and operate any improvement if the City determines that such action is necessary to protect the public's health, safety, and welfare.
- B. The action described in subsection A of this section shall not constitute the acceptance of any improvement by the City, nor shall the action affect in any way the Developer's warranty under this Agreement.

#### 2.19 TIME

- A. All improvements required by this Agreement shall be completed in accordance with the schedule contained in Section 2.05 and Exhibit C of this Agreement.
- B. The Developer shall begin actual construction of improvements required under this Agreement in accordance with the Developer's work schedule as approved by the City and shall fully complete all required Improvements within 3 years from the date this Agreement is signed except if a special assessment district has been formed.



- C. If the Developer is delayed by an act or omission of the City not otherwise authorized under this Agreement, or by changes ordered in the work, labor disputes, fire, delays in transportation, casualties, or other causes beyond the Developer's control, or by any cause which the City in its discretion determines to be adequate to justify the delay, the time of completion of construction under this Agreement may be extended for a reasonable time, which shall be determined by the City. No extension shall be granted unless the Developer gives notice in writing to the City within ten (10) days after the occurrence of the cause for delay. In the case of a continuing delay, only one notice is required.

### ARTICLE III

#### ACCEPTANCE OF IMPROVEMENTS

##### 3.01 PREREQUISITES TO ACCEPTANCE

The City shall not accept the improvements until all the requirements of Sections 3.02 through 3.05 have been met. Improvements may be accepted in phases if agreed upon by both parties.

##### 3.02 MONUMENTS AND AS-BUILTS DRAWINGS

- A. Upon completing the improvements, the Developer shall replace lost lot corners and monuments and shall monument the center lines of all required paved streets with monuments of at least 30” of 5/8” rebar and 2” alcap at points of curvature, ends of curvature, intersections, and centers of cu-de-sacs in accordance with this Agreement and the terms of the City of Seward and Kenai Peninsula Borough code of ordinances and any standards established thereunder, which are incorporated herein by reference.
- B. No later than sixty (60) days after the final inspection and certification under Section 3.05 F, the Developer shall provide the City with one acceptable set of reproducible as-built drawings for each improvement. The as-built drawings shall be certified by a professional engineer registered under the laws of the State of Alaska to represent accurately the improvements as actually constructed.

##### 3.03 CERTIFICATE OF COMPLIANCE

The Developer shall furnish the City with a certificate of compliance for the work performed under this Agreement.

##### 3.04 CONVEYANCE OF EASEMENTS AND RIGHTS-OF-WAY TO CITY

The Developer shall convey to the City any easement, right-of-way, or other property interest necessary to allow access to the City improvements to operate, maintain, or repair the City improvements. The Developer may condition the conveyance upon the City's acceptance of the improvements.

### 3.05 INSPECTION

- A. Upon receiving notice that the Developer has completed the improvements, the City shall schedule inspections of the improvements. The City may inspect all improvements and any other work in dedicated easements or rights-of-way.
- B. A privately-owned utility may inspect any phase of work on an improvement of which it is to assume control.
- C. The City or appropriate privately-owned utility shall inform the Developer in writing of any deficiencies in the work found in the course of its inspection.
- D. The Developer shall, at its own expense, correct all deficiencies found by inspections under subsection A or B of this section. Upon receiving notice that the deficiencies have been corrected, the City or appropriate privately-owned utility shall reinspect the improvements.
- E. The City or appropriate privately-owned utility may continue to reinspect an improvement until the Developer has corrected all deficiencies in the improvement.
- F. After final inspection has revealed that all improvements and other work in dedicated easements and rights-of-way meet City standards, and each privately-owned utility which is to assume control of an improvement certifies that improvement or improvements are acceptable to it, and the Developer has furnished the as-built drawings required by Section 3.02 B, the City shall notify the Developer that all improvements have been accepted.

### 3.06 CONSEQUENCES OF ACCEPTANCE OF IMPROVEMENTS

- A. The City's final acceptance of the City improvements constitutes a grant to the City of all the Developer's right, title, and interest in and to the City improvements.
- B. By accepting the City improvements under this Agreement, the City does not undertake to maintain any such improvement, unless obligated to do so by applicable statute, ordinance, regulation, or tariff.

### 3.07 DEVELOPER'S WARRANTY

- A. The Developer shall warrant the design, construction materials, and workmanship of the improvements against any failure or defect in design, construction, material, or workmanship which is discovered no more than one year from the date the City notifies the Developer of the acceptance of the improvements. This warranty shall cover all direct and indirect costs of repair or replacement, and damage to the property, improvements, or facilities of the City or any other person, caused by such failure or defect or in the course of repairs thereof, and any increase in cost to the City of operating and maintaining a City improvement resulting from such failures, defects, or damages.
- B. The Developer's warranty shall not extend to any failure or defect caused solely by changes in design, construction, or materials required by the City

- C. Except as provided in subsection B of this section, the fact that the City takes any action, or omits to take any action authorized in this Agreement, including but not limited to operation or routine maintenance of the improvements prior to acceptance, or surveillance, inspections, review or approval of plans, tests, or reports, shall in no way limit the scope of the Developer's warranty.

### 3.08 CITY'S REMEDIES UNDER WARRANTY

- A. The City shall notify the Developer in writing upon its discovery of any failure or defect covered by the warranty in Section 3.07. The City shall notify the Developer before conducting any test or inspections to determine the cause of the failure or defect, and shall notify the Developer of the results of all such tests and inspections.
- B. The Developer shall correct any failure or defect covered by the warranty within thirty (30) days of receiving notice of the failure or defect from the City. The Developer shall correct the failure or defect at its own expense and to the satisfaction of the City.
- C. If the Developer fails to correct the failure or defects within the time allowed by subsection B of this section, the City may correct the failure or defect at the Developer's expense. If the Developer fails to pay the City for the corrective work within thirty (30) days of receiving the City's bill therefor, the City may pursue any remedy provided by law or this Agreement to recover the cost of the corrective work.

### 3.09 COMPLETION OF PERFORMANCE: RELEASE OF WARRANTY

- A. The City shall inspect the improvements at or before the end of the warranty period and before releasing any performance guaranty or warranty guaranty in effect. The Developer shall correct any failure or defect in the work revealed by the inspection as required by Section 3.09.
- B. On the Developer's satisfactory performance of all its obligations under this Agreement, the City shall execute a written statement acknowledging such performance and shall release any remaining security posted by the Developer under this Agreement.

## **ARTICLE IV**

### IMPROVEMENT REQUIREMENTS

#### 4.01 IMPROVEMENTS REQUIRED

- A. It is the intent of the City and Developer to provide for the orderly development of the property and to protect the investment of subsequent owners of the lots.
- B. Developer will pay 100% of all cost incurred for Administration, recording, inspection, surveillance and testing required or necessary to complete the City improvements.

4.02 STREET, ALLEYWAY, MONUMENTATION, WATERWAY, TRAFFIC CONTROL, STREET LIGHTING, STREET NAME SIGNING AND DRAINAGE IMPROVEMENTS

- A. All improvements to the property shall be provided and constructed in accordance with the approved plat and the Kenai Peninsula Borough subdivision and other standards.
- B. The City shall reimburse the Developer for its share, if any, for construction of improvements only after receipt from the Developer of invoices for such work and further in accordance with the provisions of Article III of this Agreement and the terms of any developer reimbursement agreement between City and Developer authorized by SCC Chapter 5.22.
- C. In accordance with SCC § 16.05.015(A)(3), the Developer may elect to form a special assessment district for street facilities prior to any sales, obligating all property owners in the subdivision to assume the costs of required streets not previously installed.
- D. The streets for which the Developer is not entitled to any reimbursement are estimated to cost \$\_\_\_\_\_ and include an additional 5' to the existing right of way on 3 of the 4 edges of the current lot.
- E. The Developer is not entitled to reimbursement for the cost of any walkways. The estimated cost of walkways is \$\_\_\_\_\_. Walkways include:
- F. If an erosion and/or sediment control plan is required the Developer will not be entitled to any reimbursement for such facilities.
- G. Drainage and waterway improvements shall be provided as necessary to the improvements within the subdivision, as well as to accommodate lateral and upstream contribution, as well as subsurface flows which are exposed during construction. There will be no reimbursement to the Developer for the cost of drainage and waterway improvements. The estimated cost of drainage and waterway improvements is \$\_\_\_\_\_.
- H. Traffic control devices, excluding electronically timed signals, shall be installed as directed and/or approved by the Public Works Director. The cost of these improvements is not reimbursable and is estimated to be \$\_\_\_\_\_. Traffic control devices include:
- I. Street lighting will be installed according to standards of the Seward Electric utility and as approved by the City Electric Engineer. The cost of street lighting is not reimbursable and is estimated to be \$\_\_\_\_\_.
- J. Monumentation shall be provided as shown on the approved Plat \_\_\_\_\_ Subdivision. The cost is not reimbursable and is estimated to be \$\_\_\_\_\_.
- K. Street name signs shall be provided at each intersection and equal the standards established in the City of Seward. The cost of these improvements is not reimbursable and is estimated to be \$\_\_\_\_\_.

4.03 SANITARY SEWER IMPROVEMENTS

- A. Sewer system improvements shall be designed and provided according to City of Seward Standards and Specifications, in compliance with applicable codes, and as approved by the Public Works Director and Alaska Department of Environmental Conservation to service all lots within the subdivision. The outfall(s) of the system will be as directed by the Public Works Director. There will be no reimbursement for any sewer system improvements, except as noted below or in accordance with the terms of any developer reimbursement agreement between City and Developer authorized by SCC Chapter 5.22.
- B. In accordance with SCC § 16.05.015(A)(3), the Developer may elect to form a special assessment district for sewer facilities prior to any sales, obligating all property owners in the subdivision to assume the costs of required sewer facilities not previously installed.
- C. The non-reimbursable cost of sanitary sewer improvement is estimated to be \$\_\_\_\_\_.

4.04 WATER SYSTEM REQUIREMENTS

- A. Water system improvements shall be provided and designed according to City of Seward Standards and Specifications, in compliance with applicable codes and as approved by the Public Works Director and Alaska Department of Environmental Conservation. Water service will be provided to all lots in the subdivision. Fire Hydrants shall be red in color. Spacing and minimum flow shall be according to the Seward Fire Code in effect on the date of construction. Hydrants shall have a minimum 4' wide flat grade from the street to the hydrant with appropriate bollards in place. The cost of improvements necessary to serve the subdivision shall be borne by the Developer and the Developer is not entitled to any reimbursement, except as noted below or by the terms of any developer reimbursement agreement between City and Developer authorized by SCC Chapter 5.22.
- B. In accordance with SCC § 16.05.015(A)(3), the Developer may elect to form a special assessment district for water facilities prior to any sales, obligating all property owners in the subdivision to assume the costs of required water facilities not previously installed.
- C. The cost of improvements required to serve the subdivision for which the sub-divider is not entitled reimbursement is estimated to be \$\_\_\_\_\_.

4.05 ELECTRICAL FACILITIES

- A. Electrical improvements shall be provided in accordance with an agreement with the City, incorporated by reference herein. The total cost of the electrical system serving the subdivision is estimated to be \$\_\_\_\_\_.
- B. In accordance with SCC § 16.05.015(A)(3), the Developer may elect to form a special assessment district for electrical facilities prior to any sales, obligating all property owners in the subdivision to assume the costs of required electrical facilities not previously installed.

**4.06 COMMUNICATIONS**

Communications improvements shall be provided in accordance with an agreement with \_\_\_\_\_Telalaska, GCI, or other provider incorporated by reference herein. The total cost of the communications system serving the subdivision is a nonreimbursable cost estimated to be \$\_\_\_\_\_.

The City and Developer agree to record a Subdivision Agreement Memorandum in the Seward Recording District within 10 days of the effective date of this Agreement with a notice that the Agreement is available for public inspection at the offices of the City Clerk. The Owner and Developer agree to include the following Notice in all agreements for sale of lots:

The issuance of a Building Permit by the City of Seward for any of the following lots is subject to the completion of public improvements to such lot in accordance with the Subdivision Agreement including any amendments, the City Code, regulations, and other applicable law. The lots may be subject to special assessments for certain improvements.

**ARTICLE V****DEVELOPER GUARANTEE**

- 5.01 Amount. The Developer shall provide one of the indicated guarantees in this Article in the amount of \_\_\_\_\_ thousand dollars within ten (10) business days of the date this agreement is signed.
- 5.02 Form. The developer guarantee shall be in the form of [NOTE CITY AND DEVELOPER AGREE ON ONE OF THE ALLOWED OPTIONS PRIOR TO SIGNING AGREEMENT FORMAT THE FORM AGREEMENT TO USE A CHECK THE BOX METHOD]
- A. Performance Bond. A surety bond from a company authorized to do business in Alaska for the amount identified in paragraph 5.01 identifying Developer as the principal and the City as obligee guaranteeing performance of all Developer's obligations under this Agreement.
- B. Deposit on Escrow. The Developer shall deposit in cash a sum in the amount identified in paragraph 5.01 either with the City or in escrow with a responsible financial institution authorized to do business in Alaska and provide City an escrow agreement which includes all terms required by SCC 16.05.015( e)(2).
- C. Letter of Credit. The Developer shall provide from a bank or other responsible financial institution authorized to do business in Alaska an irrevocable letter of credit in the amount identified in paragraph 5.01 containing the certifications required by SCC 16.05.015( e)(3).

**ARTICLE VI**

DEVELOPER REPAYMENT (FOR DRP)

- 6.01 Grace Period. The developer has six months after the completion of the utility installation to pay back the amount assessed to the properties without penalty.
- 6.02 Amount. The remaining balances after the six month grace period will be charged interest at prime + 4% annual interest.

.....

IN WITNESS WHEREOF, the parties hereto have set their hands on the date first set forth above.

CITY OF SEWARD, ALASKA

Developing Entity

BY: \_\_\_\_\_  
FName LName, City Manager

BY \_\_\_\_\_  
FName LName, Principal

ATTEST:

\_\_\_\_\_  
FName LName, City Clerk



EXHIBIT A  
Plans & Specifications (including stamped engineer drawings)

EXHIBIT B  
Plans and Specifications  
(detailed information including materials and equipment)

EXHIBIT C  
Work Schedule



# AGENDA STATEMENT

Meeting Date: April 29, 2024  
From: Jodi Kurtz, Deputy City Clerk  
Agenda Item: Liquor License Renewal

---

## BACKGROUND & JUSTIFICATION:

The City Council has an opportunity to object to the request for a liquor license renewal for the following business:

Name of Business:	Zudy's Cafe
Licensee:	Jan Odhner
Type of License:	Restaurant Eating Place/Public Convenience
License Number:	5356

The City of Seward Police Department, Fire Department, Finance Department have completed their compliance checks and have found no issues.

## FISCAL NOTE:

In the event the City of Seward chooses to file a protest for the above liquor license renewals, then under Alaska Statutes 04.11.480 the City of Seward will be required to assist in or undertake the defense of its protest.

---

## RECOMMENDATION:

No grounds for protest to the liquor license renewal for Zudy's Cafe, License #5356 Restaurant Eating Place/Public Convenience.



# MEMORANDUM

Date: March 14, 2024

To: John Rymer Finance/Public Utilities  
 Naneth Ambrosiani Finance/Leases  
 Chief Alan Nickell Police Department  
 Chief Clinton Crites Fire Department

From: Jodi, Deputy City Clerk

RE: Verifying compliance for the RENEWAL of a liquor license

The following business has applied for a liquor license renewal. Please review for compliance with all utilities, lease payments and assessments. Thank you.

Name of Business: Zudy's Café LLC

Licensee: Jan Odhner

Type of License: Restaurant / Eating Place

License Number: 5356

Department	Status	Initials	Date
Finance/ Utilities	Compliant	J	3/15/24
Finance/Leases	Compliant	N. Ambrosiani	3/15/24 1:55pm
Police Chief	Compliant	KCS	3/15/24 2:29pm
Fire Chief	Compliant	RCC	3/18/24
Business License	Compliant	JK	3/14/24

Deadline for protest: Sunday, May 12, 2024 (60 days from receipt of notification)

Last regular council meeting for approval: Monday, April 29, 2024

**PLEASE RETURN TO CITY CLERK no later than noon on Tuesday, April 23, 2024**



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE  
550 West 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
Main: 907.269.0350

March 13, 2024

From: [Alcohol.licensing@alaska.gov](mailto:Alcohol.licensing@alaska.gov) ; [amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)

Licensee: Zudy's Café LLC

DBA: Zudy's Cafe

VIA email: [janodhner@gmail.com](mailto:janodhner@gmail.com)

Local Government 1: Kenai Peninsula Borough

Local Government 2: Seward

Via Email: [micheleturner@kpb.us](mailto:micheleturner@kpb.us); [sessert@kpb.us](mailto:sessert@kpb.us); [mjenkins@kpb.us](mailto:mjenkins@kpb.us); [nscarlett@kpb.us](mailto:nscarlett@kpb.us);

[mboehmler@kpb.us](mailto:mboehmler@kpb.us); [rraidmae@kpb.us](mailto:rraidmae@kpb.us); [slopez@kpb.us](mailto:slopez@kpb.us); [bcarter@kpb.us](mailto:bcarter@kpb.us); [mquainton@kpb.us](mailto:mquainton@kpb.us);

[kpeck@cityofseward.net](mailto:kpeck@cityofseward.net); [clerk@cityofseward.net](mailto:clerk@cityofseward.net)

Community Council: N/A

Via Email: N/A

RE: Restaurant or Eating Place License #5356 Combined Renewal Notice

License Number:	5356
License Type:	Restaurant or Eating Place
Licensee:	Zudy's Café LLC
Doing Business As:	Zudy's Cafe
Physical Address:	501 Railway Avenue
Designated Licensee:	Jan Odhner
Phone Number:	907-240-4190
Email Address:	<a href="mailto:janodhner@gmail.com">janodhner@gmail.com</a>

License Renewal Application

Endorsement Renewal Application

**Dear Licensee:**

Our staff has reviewed your application after receiving your application and required fees. Your renewal documents appear to be in order, and I have determined that your application is complete for purposes of AS 04.11.510, and AS 04.11.520.

Your application is now considered complete and will be sent electronically to the local governing body(ies), your community council if your proposed premises is in Anchorage or certain locations in the Matanuska-Susitna Borough, and to any non-profit agencies who have requested notification of applications. The local governing body(ies) will have 60 days to protest the renewal of your license.

Your application will be scheduled for the **April 16<sup>th</sup>, 2024**, board meeting for Alcoholic Beverage Control Board consideration. The address and call-in number for the meeting will be posted on our home page. The board will not grant or deny your application at the meeting unless your local government waives its right to protest per AS 04.11.480(a).

Please feel free to contact us through the [Alcohol.licensing@alaska.gov](mailto:Alcohol.licensing@alaska.gov) email address if you have any questions.

**Dear Local Government:**

We have received completed renewal applications for the above listed licenses within your jurisdiction. This is the notice required under AS 04.11.480. A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license with one or more endorsement, or issuance of an endorsement by sending the director and the applicant a protest and the reasons for the protest in a clear and concise statement within 60 days of the date of the notice of filing of the application. A protest received after the 60-day period may not be accepted by the board, and no event may a protest cause the board to reconsider an approved renewal, relocation, or transfer.

To protest any application(s) referenced above, please submit your written protest for each within 60 days to AMCO and provide proof of service upon the applicant and proof that the applicant has had reasonable opportunity to defend the application before the meeting of the local governing body. If you have any questions, please email [amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov).

**Dear Community Council (Municipality of Anchorage and Mat-Su Borough only)**

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This letter serves to provide written notice to the above referenced entities regarding the above application, as required under AS 04.11.310(b) and AS 04.11.525.

Please contact the local governing body with jurisdiction over the proposed premises for information regarding review of this application. Comments or objections you may have about the application should first be presented to the local governing body. If you have any questions, please email [Alcohol.licensing@alaska.gov](mailto:Alcohol.licensing@alaska.gov)

Sincerely,



Joan M. Wilson, Director  
907-269-0350



## 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

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

**ENACTED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA** this  
29<sup>th</sup> day of April 2024.

**THE CITY OF SEWARD, ALASKA**

---

**Sue McClure, Mayor**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

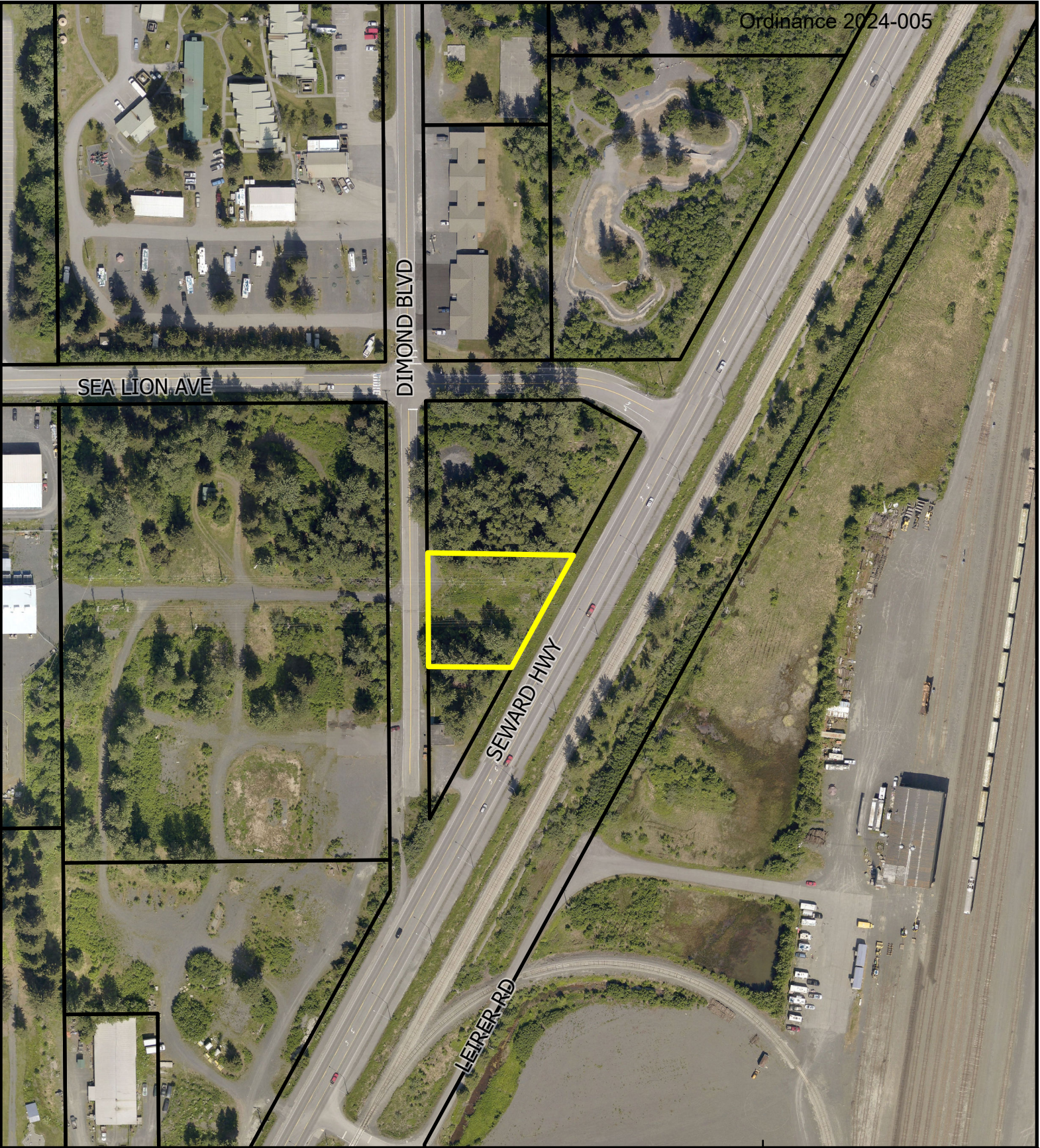
**ATTEST:**

---

Kris Peck  
City Clerk

(City Seal)





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



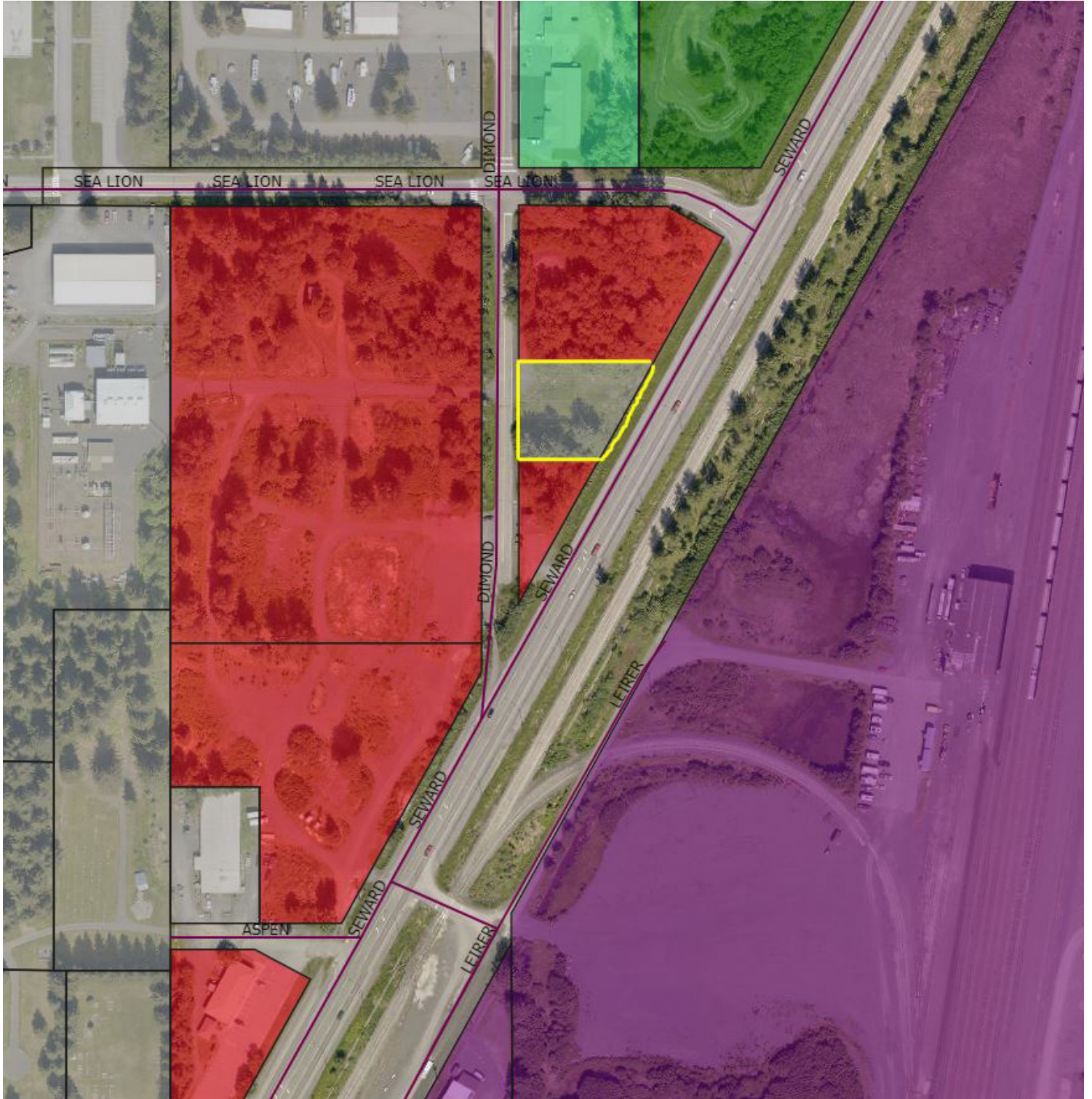
<b>905 Sea Lion Ave</b>			
Drawn By:		<b>Selena Soto</b>	
0	62.5	125	250 Feet

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.

<b>Comprehensive and Strategic Plan Consistency Information</b>
---

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 29<sup>th</sup> day of April 2024.

**THE CITY OF SEWARD, ALASKA**

\_\_\_\_\_  
**Sue McClure, Mayor**

AYES:

NOES:

ABSENT:

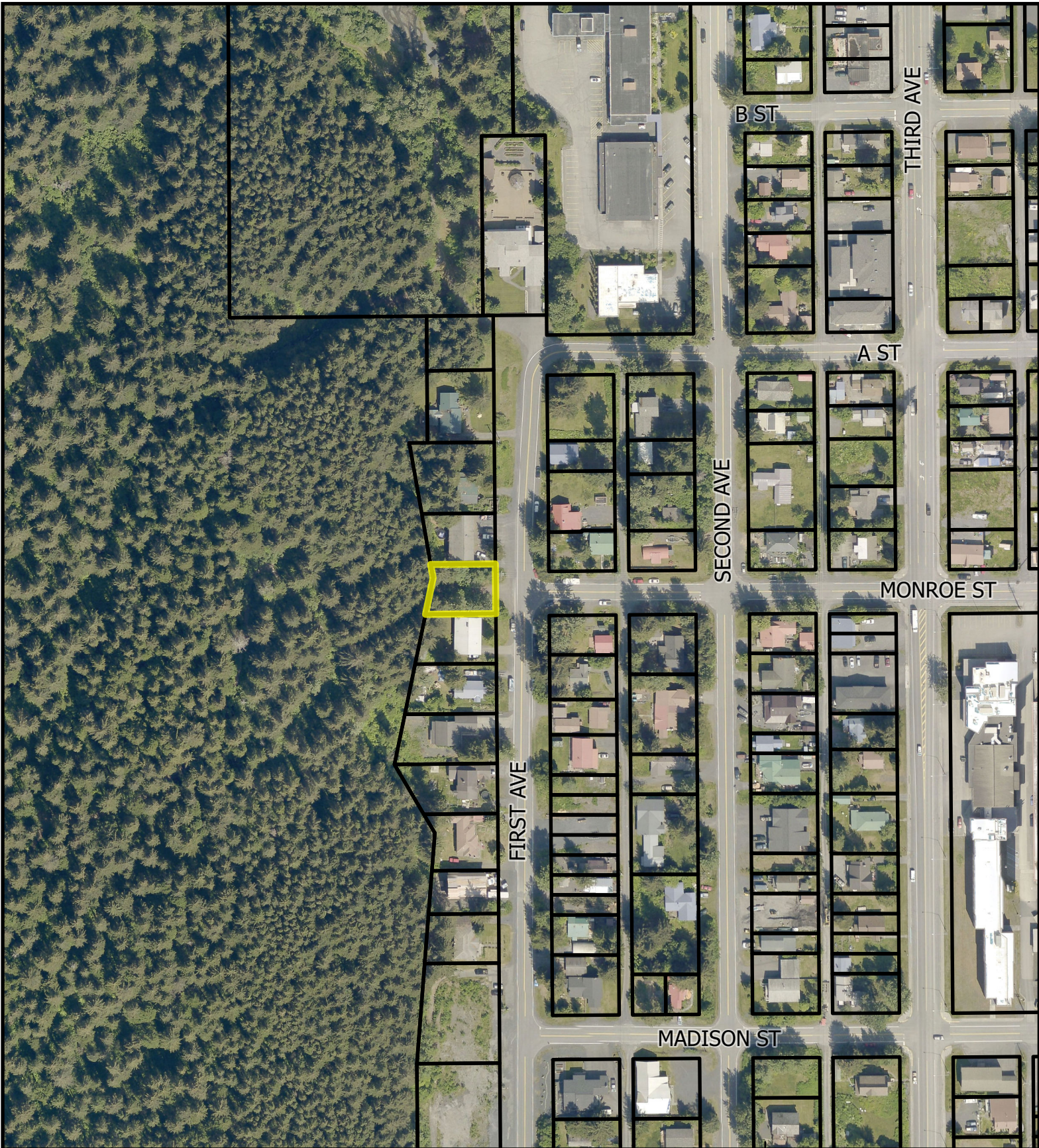
ABSTAIN:

**ATTEST:**

\_\_\_\_\_  
Kris Peck  
City Clerk

(City Seal)





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



<b>537 First Ave</b>			
Drawn By:		<b>Selena Soto</b>	
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 Jeep<sup>74</sup>Trail 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:

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**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 29<sup>th</sup> day of April 2024.

**THE CITY OF SEWARD, ALASKA**

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**Sue McClure, Mayor**

AYES:

NOES:

ABSENT:

ABSTAIN:

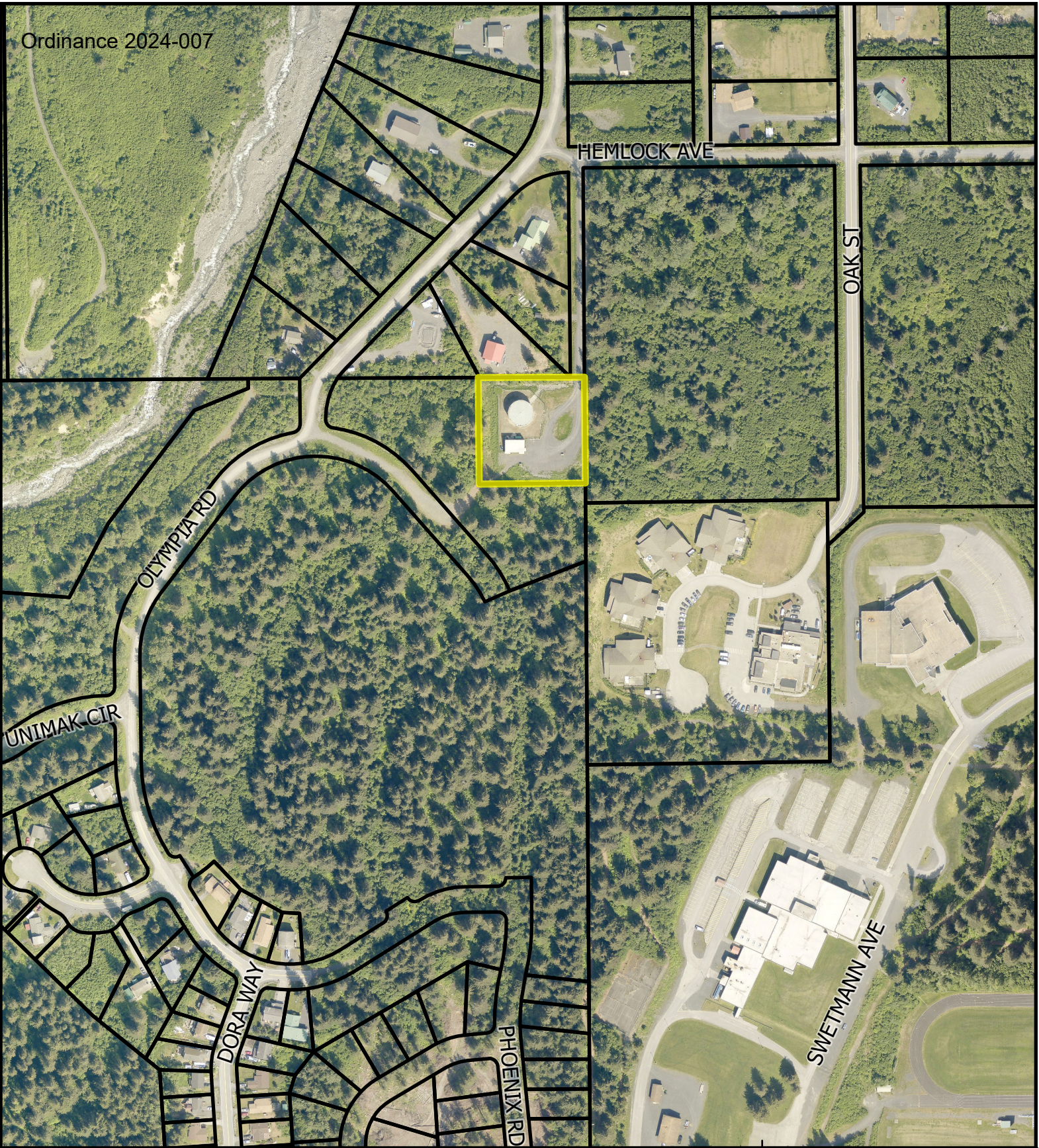
**ATTEST:**

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Kris Peck  
City Clerk

(City Seal)





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



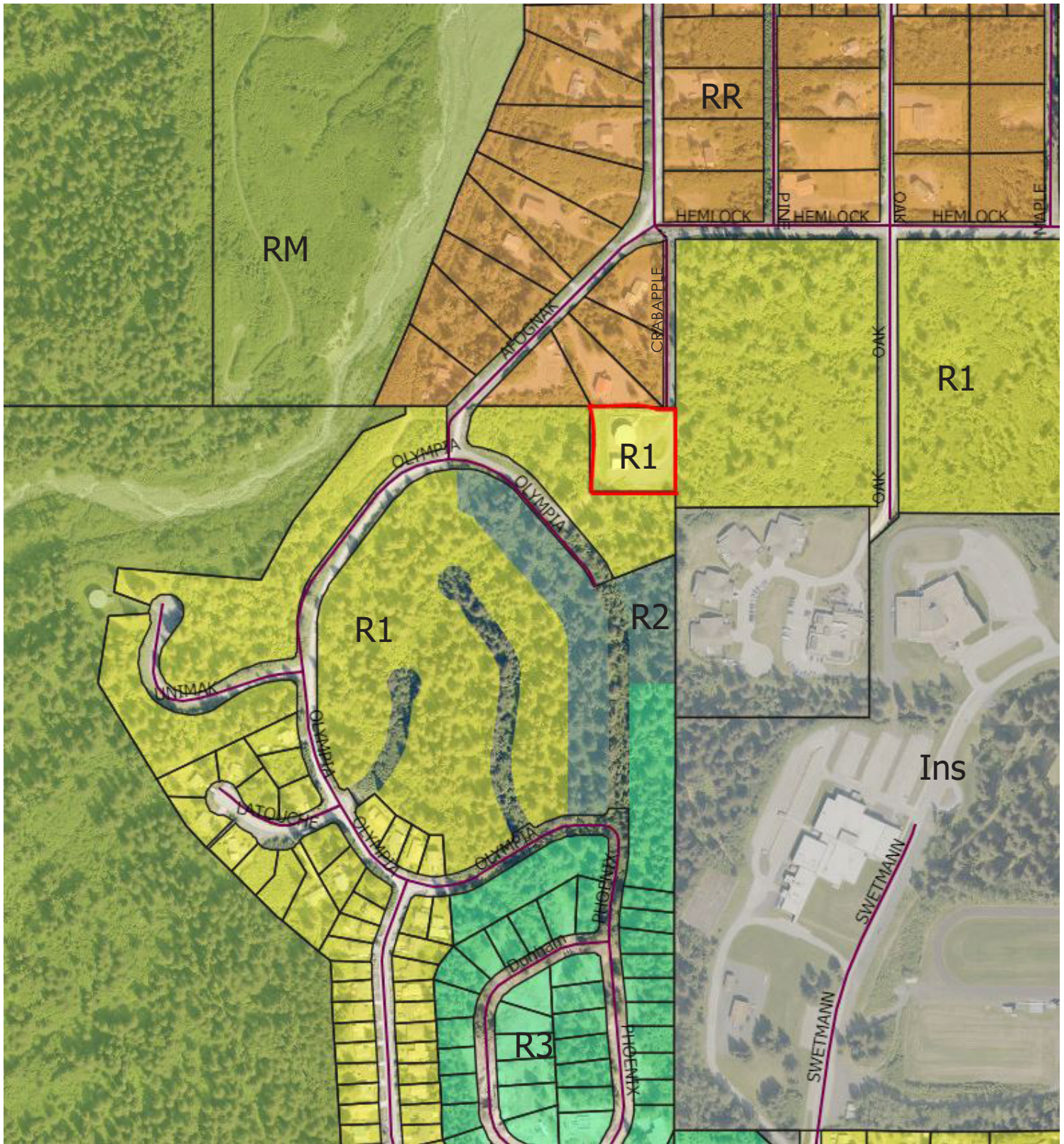
<b>2301 Crabapple St</b>	
Drawn By:	<b>Selena Soto</b>

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 82



## Parking Signs at the Mt. Marathon Hiking Trailhead

### Documents:

- Memorandum
- Attachments:
  - 537 First Ave Property Map
  - Graphic – Existing Parking Signs
  - Graphic – Sign Type Examples
  - Graphic – Sign Locations Examples





## City Council Memorandum

**Meeting Date:** April 29, 2024  
**To:** City Council  
**Through:** Kat Sorensen, City Manager  
**From:** Planning and Zoning Commission  
**Subject:** Parking signs at the Mt Marathon Hiking Trail Head

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### **Background and justification:**

On April 2, 2024, the Planning and Zoning Commission approved RES 2024-009. This Resolution addressed two rezone recommendations from the Municipal Lands Inventory and Management Plan. One of those rezones was for 537 First Ave, which is the Mt Marathon Hiking Trail head. The recommendation was to rezone the parcel from single-family residential to park.

Present at the meeting were the property owners of the lots adjacent to 537 First Ave. They were all in favor of the rezone to park to preserve the current use of the property as a trail head and emergency access to the Mt Marathon Hiking Trail.

However, they expressed the need for better signage in front of the trailhead prohibiting parking on 537 First Avenue that blocked the emergency access. They also requested signs be placed on the north and south sides of Monroe and First Avenue prohibiting parking directly on the corner of the street that blocked the view of traffic.

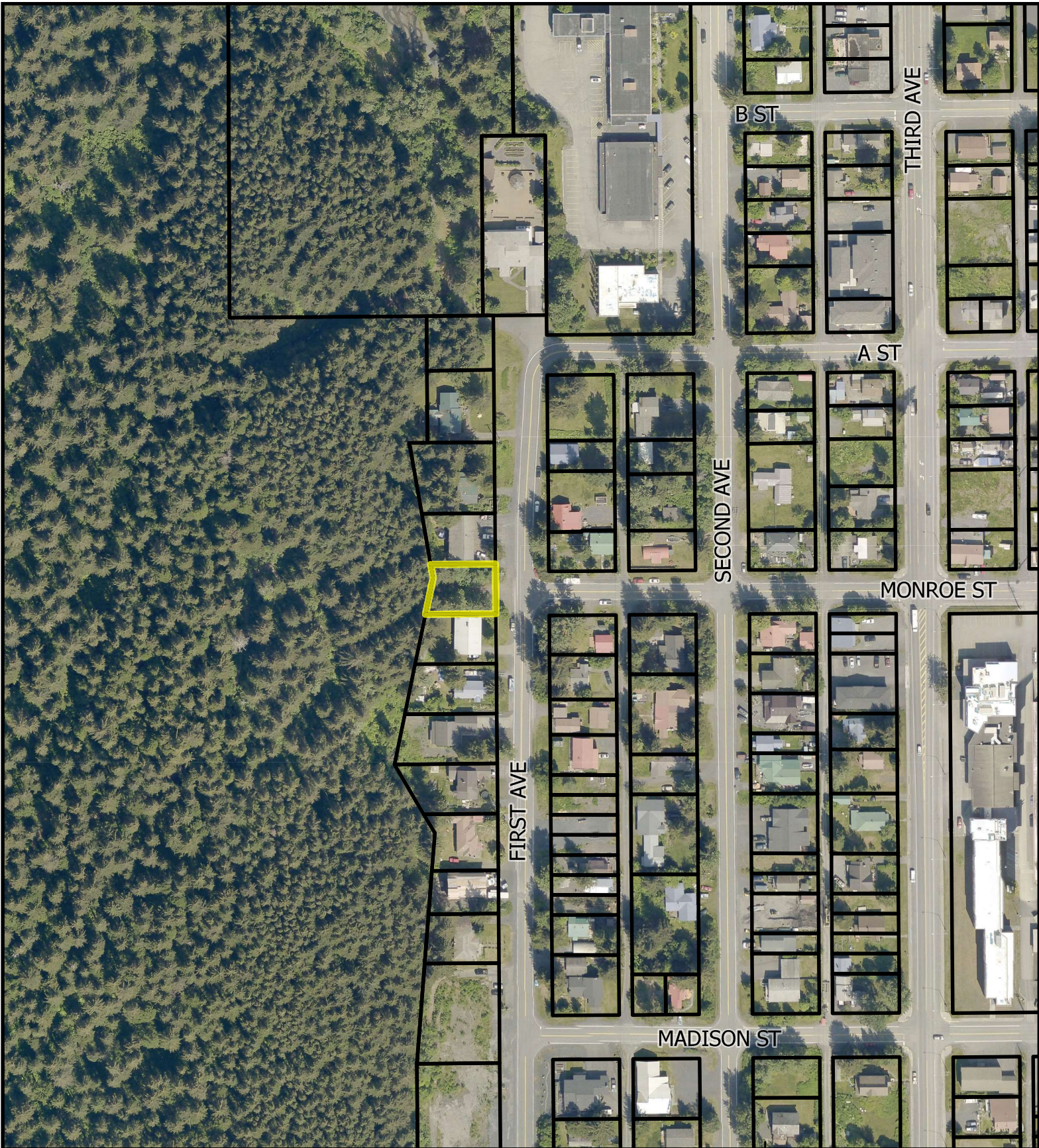
The Commission added these recommendations from the public to RES 2024-009 in two sections that state:

*The Planning and Zoning Commission recommends the City Council approve upgrading the signs at the trail head to a uniform height and larger size that say: "No Parking Emergency Access Only" with red arrows pointing towards the center.*

*The Planning and Zoning Commission recommends the City Council approve adding two signs on the north and south sides of Monroe and First Ave that say: "No Parking From Here to the Corner".*

These recommendations from the Planning and Zoning Commission are being brought forward to the City Council in this memorandum for discussion and direction on how City Council would like city administration to proceed.





**Mt Marathon Hiking Trail trail head**  
**Discussion: Parking signs**

**Address: 537 First Ave**  
**Legal: Seward Townsite Marathon Addition Lot 29**



<b>537 First Ave</b>			
Drawn By:		<b>Selena Soto</b>	
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.



# Existing Parking Signs at Trail Head





# Sign Examples:

Prohibiting parking in front of trail head



## Sign Examples:

Prohibiting parking on street corners





1st Ave

NO  
PARKING  
HERE  
TO  
CORNER



NO  
PARKING  
EMERGENCY  
ACCESS  
ONLY

NO  
PARKING  
EMERGENCY  
ACCESS  
ONLY

1st Ave

**CALL TO ORDER**

The January 11, 2024 regular meeting of the Historic Preservation Commission was called to order at 7:16 p.m. by Chair Tanguy Libbrecht.

**OPENING CEREMONY**

Tanguy Libbrecht led the Pledge of Allegiance to the flag.

**ROLL CALL**

There were present:

Tanguy Libbrecht presiding and  
~~Sue Ward~~  
Dona Walker  
Laura Erickson

Mary Ann Benoit  
Art LeMaster  
Todd Mashlan

comprising a quorum of the Commission; and

Kat Sorensen, City Manager  
Allison Stacy, Museum Curator  
Kris Peck, City Clerk  
Jodi Kurtz, Deputy City Clerk

Excused – Ward

Absent – None

Vacant – None

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

**APPROVAL OF AGENDA AND CONSENT AGENDA**

**Motion ()**

**Approval of Agenda and Consent Agenda**

**Motion Passed**

**Unanimous**

The clerk read the following approved consent agenda items:

There were no items on the consent agenda.

**SPECIAL ORDERS, PRESENTATIONS AND REPORTS**

**City Administration Report - None**





### **Approve Priority Order of Walking Tour Signs**

#### **Motion (Walker/LeMaster)**

#### **Approve Top 10 Priority Order of Walking Tour Signs As Listed**

- 304 Second Ave (1912 Erickson House)
- 437 Third Ave (Ballaine House)
- 411 Third Ave (Stewart House)
- 423 Third Ave (Romig/Cameron House)
- 504 Adams Street (I.O.O. F Building)
- 125 Third Avenue (Site of the Mary Lowell homesite and The Line)
- 1411 Chamberlain (Dairy Residence)
- 321 Third Ave (1920 site of the Walter Blue House)
- 300 First Avenue (1925 Overly's)
- Replacement Sign for 1111 Second Avenue (1916 Stucco Johnson Historic Homesite)

#### **Motion Passed**

#### **Unanimous**

### **Assign Commission Member to work with City Administrator to write Annual Report**

Libbrecht said he would reach out to Vice Chair Sue Ward.

### **Update Draft of Seward's Day Proclamation**

The clerk's office would update the Seward's Day Proclamation for the March 26, 2024 council meeting.

### **Discuss Public Noticing for Historic Preservation Award**

The clerk's office would update the Historic Preservation website.

## **INFORMATIONAL ITEMS AND REPORTS**

### **Regular Meeting and Work Session on April 11, 2024**

Historic Preservation Commission confirmed this date would work for their next meeting.

### **CLG Process Updates**

Libbrecht read a letter from Department of Natural Resources that said there was an application for certified local governments for 60/40 matching grant projects. This application was related specifically to the historic walking tour signage. Libbrecht said he would update an older application and have it submitted before the deadline of January 22, 2024.

### **Hoben Park Updates**

Benoit reported that the City of Seward Parks & Recreation Department would take over purchasing and planting flowers at Hoben Park. In the future, Benoit was interested in planting lilacs and white roses. Benoit also said an anonymous doner was going to purchase a memorial bench for Lee Poleske at Hoben Park.

### **Project – 1111 Second Avenue Updates**

Benoit told the story of the Sweatman House that slid down the side of the mountain and survived intact. Currently there were steps that led up the steep bank. Benoit said the City of Seward Parks & Recreation Department was interested in restoring the area and featuring a walking tour sign. This project could be a collaboration between the City of Seward, Historic Preservation Commission, and the Rotary Club.

**CITIZEN COMMENTS** – None

### **COMMISSION AND ADMINISTRATION COMMENTS & RESPONSE TO CITIZEN COMMENTS**

Sorensen said she was excited for the new Museum Curator Allison Stacy to be stepping into the position and to be working closely with the Historic Preservation Commission.

Libbrecht thanked city administration, museum curator, and the clerk’s office for their support. He said the new energy was contagious in a good way. Libbrecht noted many Seward houses had been renovated in the wake of the historic walking tour signs.

Erickson echoed the previous comments.

Benoit thanked Allison Stacy for her help with the Facebook page. Benoit said it was exciting to speak with people who were becoming interested in wanting a historic preservation sign featured on their property. She thanked all the people who were willing to share their history with the town.

Libbrecht thanked all the former Historic Preservation Commissioners for their hard work that was still relevant today.

### **ADJOURNMENT**

The meeting was adjourned at 7:56 p.m.

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Kris Peck  
City Clerk

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Tanguy Libbrecht  
Chair

(City Seal)

# MEMORANDUM



Meeting Date: April 29, 2024

From: Kris Peck, City Clerk

Agenda Item: Verifying Timely Receipt of Financial Disclosure Forms

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All Financial Disclosure forms for City Council, Planning and Zoning Commission, and the City Manager were received by the City Clerk's office by April 15, 2024. The Financial Disclosure Forms cover the calendar year from January 1 - December 31, 2023.

The City Clerk's office maintains the original forms on file for six years, per the city's records retention schedule.

# May 2024

May 2024

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June 2024

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

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 Bike Rodeo	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						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1		1	2	3	4	5	6
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
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

# July 2024

July 2024

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August 2024

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

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