#### CITY OF CRAIG SPECIAL COUNCIL AGENDA DECEMBER 8, 2021 COUNCIL CHAMBERS 4:30 PM

#### **ROLL CALL**

Mayor Tim O'Connor, Hannah Bazinet, Jim See, Julie McDonald, Michael Kampnich, Chanel McKinley, Millie Schoonover

## **CONSENT AGENDA**

Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed and placed on the regular meeting agenda.

• City Council Meeting Minutes of November 18, 2021

## **HEARING FROM THE PUBLIC**

- Open for public comment
- Ordinance No. 743, Moratorium on All Purpose Vehicle Use

## **READING OF CORRESPONDENCE**

## CONSIDERATION OF RESOLUTIONS AND ORDINANCES

• Ordinance No. 743, Moratorium on All Purpose Vehicle Use

## **UNFINISHED BUSINESS**

• December 8, 2021, Murkowski Landless Selection Draft Letter

#### **NEW BUSINESS**

#### **COUNCIL COMMENTS**

## ADJOURNMENT

To provide public comment to the council remotely, contact the Craig City Clerk at <u>cityclerk@craigak.com</u>, before 5:00 p.m. by the day of the council meeting. City council meetings may be viewed at: <u>https://www.youtube.com/channel/UCTou8Pn03MIEjLLb9Em0Xrg</u>.

## **ROLL CALL**

Mayor Tim O'Connor called the meeting to order at 6:30 p.m. Present were Julie McDonald, Hannah Bazinet, Jim See, and Michael Kampnich. Chanel McKinley arrived at 6:05 pm and Millie Schoonover attended by telephone at 6:38 pm.

**<u>Staff present:</u>** Brian Templin, City Administrator Pilar Mas, Back-up City Clerk and RJ Ely, Chief of Police.

#### Audience present: None.

## **CONSENT AGENDA**

None.

#### **HEARING FROM THE PUBLIC**

Brian Templin relayed that Cheryl Fecko had submitted a comment letter regarding the burn pit. A copy of the letter was provided to the council members prior to the meeting. Brian updated the council that he has been answering Ms. Fecko's questions and is working with Chief Ely and Russell Dill on additional monitoring of the burn pit. The council directed staff to compose a letter to Shaan-Seet detailing permission requirements for open-pit fires outside of the burn pit.

## **READING OF CORRESPONDENCE**

- 1. October 29, 2021, Southeast Senior Services Thank You Letter
- 2. November 8, 2021, Bipartisan Infrastructure Bill Status Report Letter
- 3. November 11, 2021, United States Forest Service Update on Wolf Management

## CONSIDERATION OF RESOLUTIONS AND ORDINANCES

 Resolution 21-20, Authorizing Signatories for Accounts Held at First Bank SEE/KAMPNICH
 Moved to adopt Resolution 21-20, Authorizing Signatories for Accounts Held at

Authorizing Signatories for Accounts Held at First Bank. MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE

 2. Resolution 21-21, Alaska Dreamin', LLC-POWI Golf Two-Year Access Permit MCKINLEY/BAZINET
 Moved to adopt Resolution 21-21, Alaska Dreamin', LLC POWI, Colf, Two Year

Moved to adopt Resolution 21-21, Alaska Dreamin', LLC-POWI Golf Two-Year Access Permit. MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE Craig City Council Meeting Minutes of November 18, 2021 Page 2

## **UNFINISHED BUSINESS**

- <u>Consideration of Alaska Native Claims Settlement Act Landless Letter</u> Brian Templin drafted the draft letter to Senator Murkowsi per council instructions opposing the proposed Prince of Wales land selections. The council directed staff to extend the graphic line of the letterhead to include the 2<sup>nd</sup> page before submission and submit the letter to Senator Murkowski.
- 2. ATV/UTV Committee Appointment Discussion

Mayor O'Connor and the council would like to form a working group comprised of law enforcement, council members and the public to discuss and decide if all terrain vehicles (ATV) and utility task vehicles (UTV) should be driven on Craig roads with speed limits of 45 mph or less, in accordance with the state law recently passed. Chief Ely said that he is compiling information and ATV ordinances from other cities for the group to review. Councilman Kampnich expressed his interest in being a part of the working group. Brian Templin said that it would be considered an informal working group versus a committee because the group will contain persons outside the city limits.

The council directed staff to prepare either a resolution or ordinance placing a moratorium of all purpose vehicle (APV) usage on city streets effective January 1, 2022, until the working group can decide on either opting out or amending the statewide regulation.

3. Consideration of Adopted Redistricting Map

Brian Templin explained the redistricting proclamation and said that he believes this will be the final Southeast map unless new litigation is brought forward. Brian said that both the House Seat and Senate Seat will be up for our district this year. The council expressed regret that all the communities on Prince of Wales except Whale Pass and Coffman Cove are in Craig's district designated as 2A. The council worries that separating the two communities may set a precedent for future determinations.

The council directed staff to contact Whale Pass and Coffman Cove to find out their preferences on new district maps.

4. US Army Corps of Engineers and Craig Tribal Association Consultation Update Brian Templin updated the council that the United States Army Core of Engineers (USACE) shared Craig Tribal Association's (CTA) concerns which are outlined in his November 10, 2021, council memo and that the next step is for the USACE to set up staff level meetings between CTA and the city to discuss the tribe's concerns and that it is likely the first of these meetings will be scheduled in the second or third week of November 2021.

## **NEW BUSINESS**

1. <u>American Rescue Plan Act-Coronavirus Local Fiscal Recovery Fund (ARPA) Amendment</u> Brian Templin outlined the scope of the ARPA funding that may be used and is requesting the council to authorize the mayor to execute the grant amendment regarding the final dollar amount so the city can receive the first additional payment of about \$200,000 and direct staff to prepare final calculation to recover lost revenue but limit this draw on ARPA funds to Craig City Council Meeting Minutes of November 18, 2021 Page 3

\$100,000; prepare calculations to draw from ARPA funds to reimburse city costs for staff time eligible under ARPA; advise staff as to use of ARPA funds for water and sewer infrastructure; advise staff as to the use of ARPA funds for other projects or items of interest to the council.

The council directed staff to obtain a quote from Air Med Care (Guardian) for an additional year of medivac insurance and would like to make it clear to the public that the assistance would only be available due to ARPA funding and will not be something that the city is able to do regularly without those funds. The council discussed ARPA funding options, the shortage of workers and spaces for kids to do activities. Brian Templin will look into eligible payroll coverage, and various funding sources for the water treatment roof and gym parking area.

SEE/MCDONALD

Moved to Direct Staff and the Mayor to Execute the Amendment to the American Rescue Plan Act (ARPA) Coronavirus Local Fiscal Recovery Plan Fund Agreement with the State of Alaska. MOTION CARRIED UNANIMOUSLY

2. Craig Cannery Site and Harbor Concept Drawing SEE/BAZINET Moved to Adopt the Concept Drawing of the Craig Cannery Site and Harbor. MOTION CARRIED UNANIMOUSLY

3. Appropriation for Drainage Repairs at 1.3 Mile Port St. Nicholas Road SEE/BAZINET Moved to Appropriate \$6,915.00 From the city's General Fund to Restore Drainage to the Double Culvert as Originally Intended. MOTION CARRIED UNANIMOUSLY

**4.** <u>Setting December 2021, Council Meeting Dates</u> Councilman See inquired if a council meeting for the second reading of a possible new ordinance regarding the State of Alaska's all purpose vehicle road usage law that will take effect January 1, 2022, will be needed to meet that deadline.

The council directed staff to set the December 2, 2021, meeting as normal and agreed that if necessary, they could schedule either a second meeting, or a special meeting in the month of December to pass any ordinance.

## **COUNCIL COMMENTS**

Mayor O'Connor said there was no truth to the rumor that Madison Hardware would be taking over JS Hardware according to Jim Seley.

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Councilman Kampnich informed the council that he learned there would be no roads in Tongass National Forest under the roadless rule and that information is due to be announced tomorrow. Councilman Kampnich relayed that Governor Dunleavy is appointing an 11-member committee to review bycatch in federal waters.

Councilwoman McKinley remarked that the Christmas decorations need replacing and Brian Templin said that he would get with Sheri Purser and Russell Dill on this issue.

## ADJOURNMENT

SEE/MCKINLEY

Moved to adjourn at 8:45 p.m. MOTION CARRIED

APPROVED on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

ATTEST:

MAYOR TIMOTHY O'CONNOR

TRACEY JENSEN, CITY CLERK

# CITY OF CRAIG MEMORANDUM

To: Craig City Council
From: Brian Templin, City Administrator
Date: December 6, 2021
RE: Ordinance 743 – Moratorium on All Purpose Vehicle Use, Second Reading

As the council is aware, a new rule takes affect on January 1, 2022 that allows for All Purpose Vehicles (ATVs and UTVs) to be operated on roads in the state that are posted at 45 mph or less. Communities have the option to opt-out by prohibiting APV use on public streets and roadways within city limits.

At the council's direction we are working to establish a working group to discuss the issue. We are currently advertising for public members of the working group. The purpose of the working group is to discuss the issues related to allowing APV use on streets in the City of Craig. Staff will bring comments back to the council based on the discussions and public meetings held by the group.

In the meantime, if the council wants to pause the new rule change until the working group has had some chance to discuss the issue, and the council has had some chance to draft and adopt permanent regulations related to APV use in Craig, it should consider adopting a moratorium. If no action is taken by the city, the rules allowing APV usage will go into effect on January 1<sup>st</sup>.

The attached ordinance amends the current municipal code by prohibiting APV use on Craig streets and roadways until March 31, 2022. The length of the moratorium may be amended by resolution if the council wishes to shorten or lengthen it. I have asked the city attorney to review the ordinance. I will pass his comments along to the council when I get them.

Recommendation: Approve Ordinance 743

# **CITY OF CRAIG ORDINANCE No. 743**

## AMENDING SECTION 10.04 OF THE CRAIG MUNICIPAL CODE, ADDING SECTION 10.04.55 ESTABLISHING A MORATORIUM ON ALLOWING ALL PURPOSE VEHICLE USE ON STREETS WITHIN THE CITY OF CRAIG

Section 1. Classification. This ordinance is of a general and permanent nature and the code sections adopted hereby shall become a part of the code of the City of Craig, Alaska.

Section 2. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance shall be effective January 1, 2022.

Section 4. Findings. The Craig City Council finds the following:

- WHEREAS, on January 1, 2022, changes to portions of Section 13 of the Alaska Administrative Code go into effect allowing the use of all purpose vehicles on roadways in Alaska with posted speed limits of 45 miles per hour or less; and
- **WHEREAS**, the Craig City Council wishes to review the implications and processes related to this regulation change and increased use of all purpose vehicles on Craig streets; and
- WHEREAS, the City of Craig has formed a working group to discuss the issue and bring recommendations back to the city council for implementation; and
- WHEREAS, municipalities are authorized to "opt out" of allowing all purpose vehicles on roadways; and
- WHEREAS, the City of Craig is choosing to "opt out" for a period of time to allow a closer review of the issue and time to implement additional regulations regarding the use of all purpose vehicles on roadways in Craig.

Section 5. Action. This ordinance adds Section 10.04.55 to the Craig Municipal Code as detailed in Addendum A.

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2021.

Mayor Tim O'Connor

\_\_\_\_\_ Attest \_\_\_\_\_ Tracey Jensen, City Clerk

## ORDINANCE No. 743 ADDENDUM A

All references to Alaska Administrative Code made in this section refer to the amended regulations filed by Lt. Governor Kevin Meyer on October 14, 2021

Title 10 of the Craig Municipal Code is hereby amended by adopting a new Section 10.04.055 to read as follows:

# 10.04.55 MORATORIUM ON ALL PURPOSE VEHICLE USE ON CITY STREETS AND ROADWAYS

- A. For purposes of this section, vehicles will be considered All Purpose Vehicles as defined in 13AAC 40.010(a)(67).
- B. All Purpose Vehicles as defined above, and not specifically allowed under local, state, and federal regulation prior to January 1, 2022 are prohibited from operating on streets and roadways within the Craig city limits.
- C. This moratorium shall be in effect from January 1, 2022 through March 31, 2022.
- D. This moratorium may be extended by resolution by the Craig City Council.

# CITY OF CRAIG MEMORANDUM

To: Mayor and Craig City Council
From: City Administrator Brian Templin
Date: December 3, 2021
RE: Draft Letter to Senator Lisa Murkowski RE: Ketchikan and Wrangell Landless Selection

At the November 18, 2021 council meeting the council approved a letter commenting on some newly proposed land selections for the Ketchikan landless group. At that meeting the council reiterated its position that the city does not want to see any land selections from POW and asked staff to draft a letter with that comment. This letter was sent to Senator Murkowski.

Recently Steve Silver made me aware of new maps for all of the landless groups related to legislation that was recently submitted.

## **Recommendation:**

Review the letter and give staff direction as to any changes.

## **Recommended Motion:**

Move to direct staff to submit council comments on the landless group land selection.



December 8, 2021

Senator Lisa Murkowski United States Senate Washington, DC 20510

Dear Senator Murkowski:

The City of Craig has reviewed the Unrecognized Southeast Alaska native Communities Recognition and Compensation Act map version 1.0 dated November 18, 2021. Wrangell Selections Map 5 of 5 and Ketchikan Selection Map 1 of 4 show land selections on Prince of Wales Island. Wrangell Map 5 of 5 shows two parcels at Lake Bay Creek near Coffman Cove and Ketchikan Map 1 of 4 shows three parcels at Kitkun Cove near Cholmondeley Sound .

The City of Craig is thankful for your consideration and the potential removal of some of the land selections on Prince of Wales but renews its objection to land selections on Prince of Wales Island. In our November14, 2020 letter commenting on S4889, and again in our recent letter regarding draft maps of the Ketchikan Landless groups selections the city stated several objections, comments, and suggestions, including:

- The City of Craig objects to proposed Prince of Wales land selections (including islands to the west of Prince of Wales). The city finds it difficult to believe that suitable selections of land are not available to the proposed Ketchikan and Wrangell corporations at locations closer to those communities. A review of national forest land patterns shows hundreds of thousands of acres of national forest land in and near the proposed corporation home communities. Given that ANCSA land selections are meant to benefit community shareholders, the land selections are most properly made close to the community where the corporation is based.
- 2. When land is selected or exchanged out of the national forest system to a recipient such as an ANCSA corporation, the subject land loses its status under Title VIII of ANILCA. That change reduces the amount of land on POW managed for rural subsistence uses, and potentially also loss of the use of public roads, landings, and other features now available to subsistence users. While the city is aware that the legislation provides for continued noncommercial uses of the selected lands in Unit 2, the bill explicitly permits the denial of access to selected lands at the will of the recipient corporation subject to broadly worded justification.
- 3. Prior conveyances away from the national forest have not included easements sufficient to assure continued access to longstanding recreation and subsistence sites, including access to rivers, lakes, campsites, trails, and other areas used by the public.

(907) 826-3275 • Fax (907) 826-3278 • www.craigak.com • PO Box 725, Craig, Alaska 99921

City of Craig, Alaska Comments on Landless Selections December 8, 2021 - Page 2

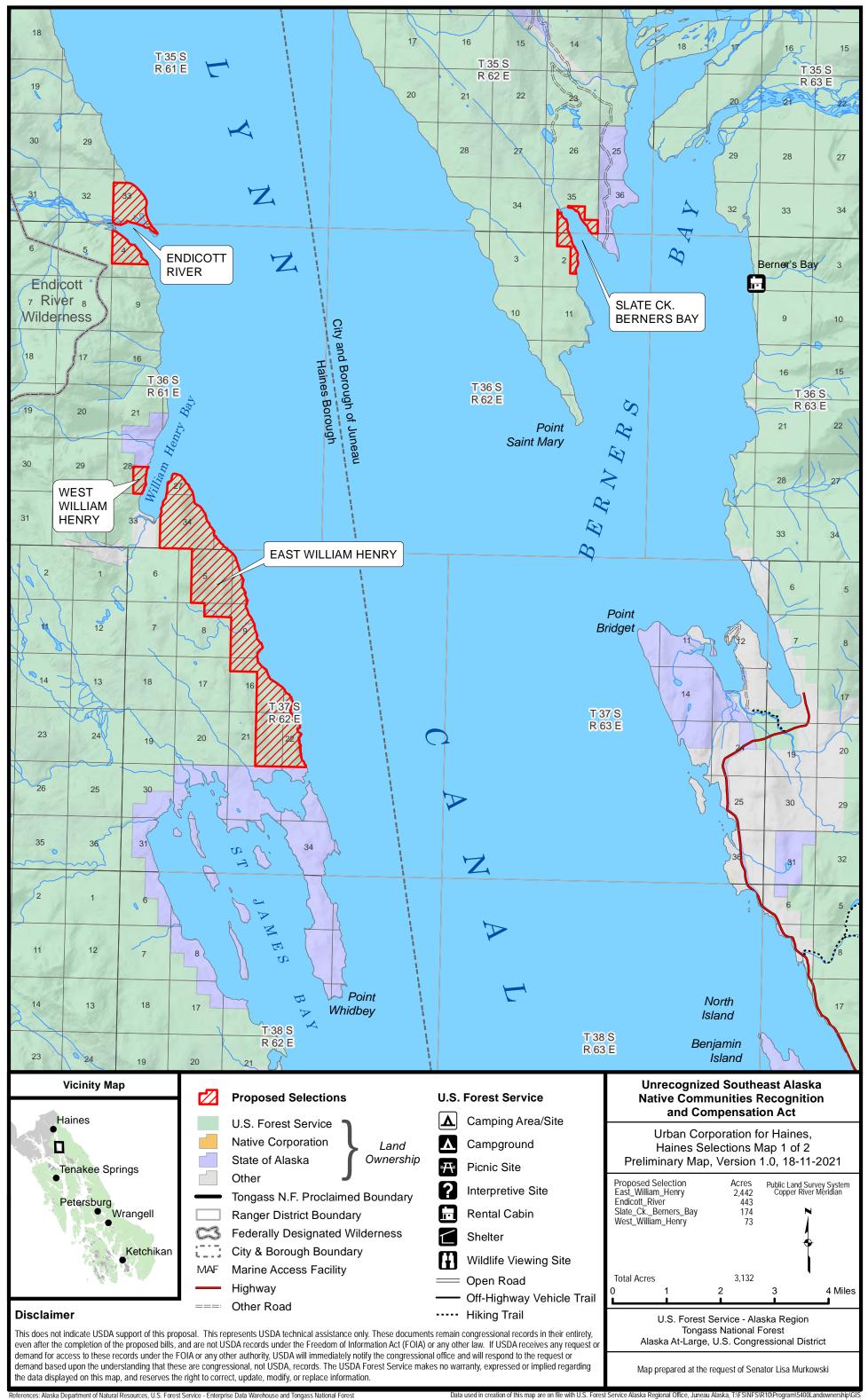
4. Unit 2 has been the focus of several new and large land selections over the past five years, most notably selections made by Sealaska and the Alaska Mental Health Trust Authority. These selections have made federal land management decisions on the island difficult due to the changing ownership patterns on the forest. The volume of additional land selections in the POW area resulting from S 4889 concerns the city.

The City of Craig renews its objection to land selections on Prince of Wales Island and asks that you to remove Prince of Wales Island selections from this draft map and future versions of land selection maps throughout this process.

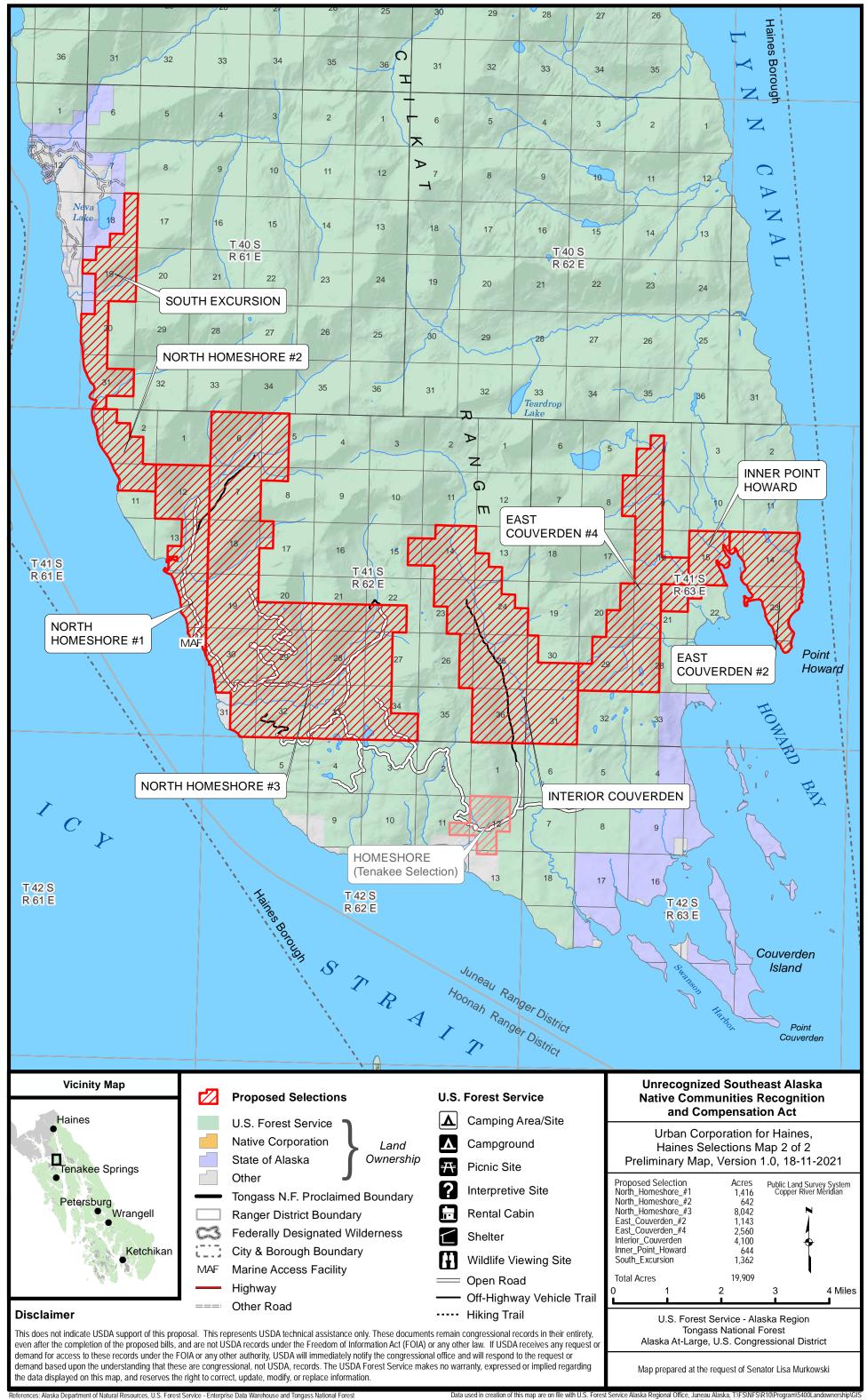
Thank you for considering the city's comments.

Sincerely,

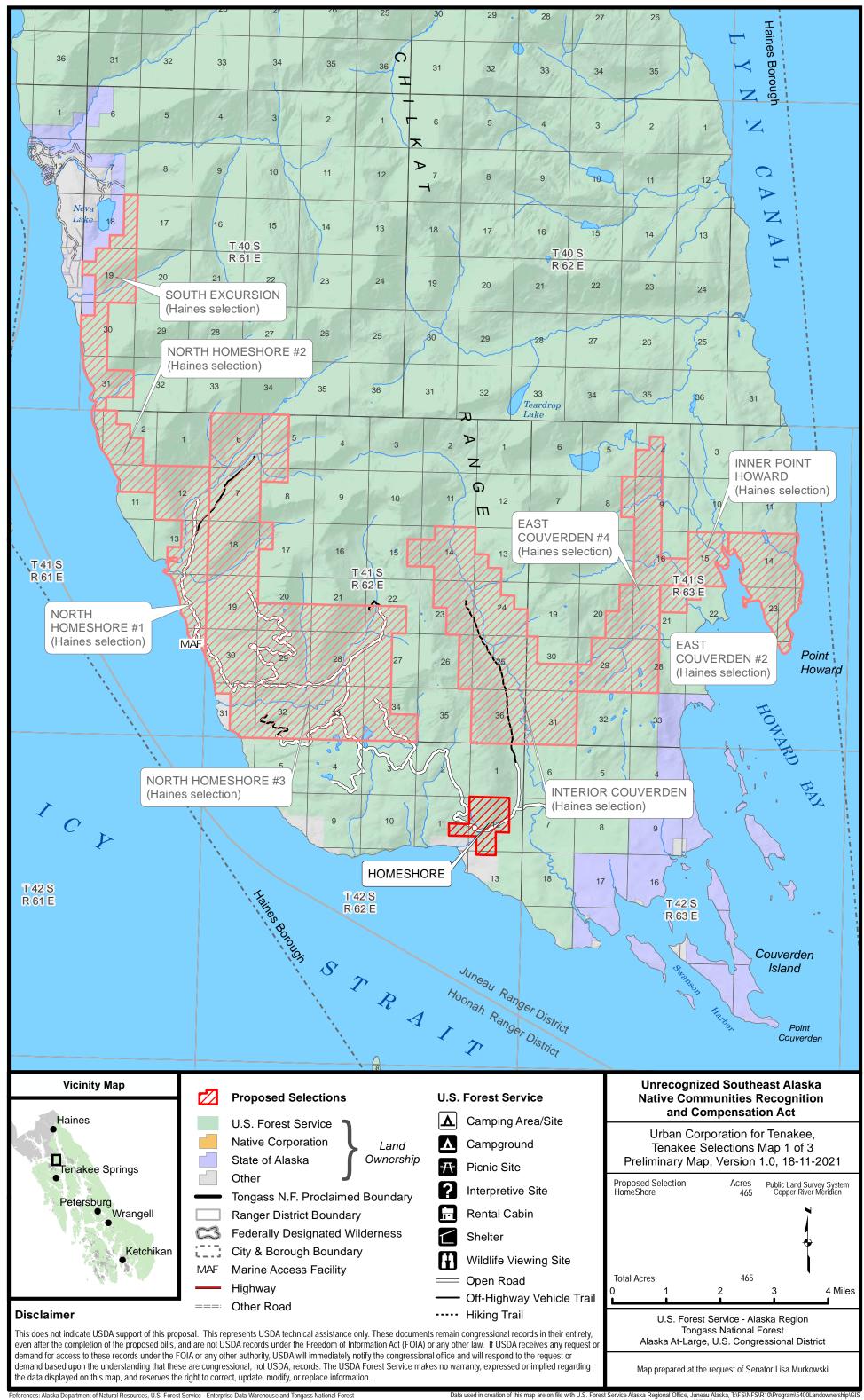
Mayor Tim O'Connor City of Craig



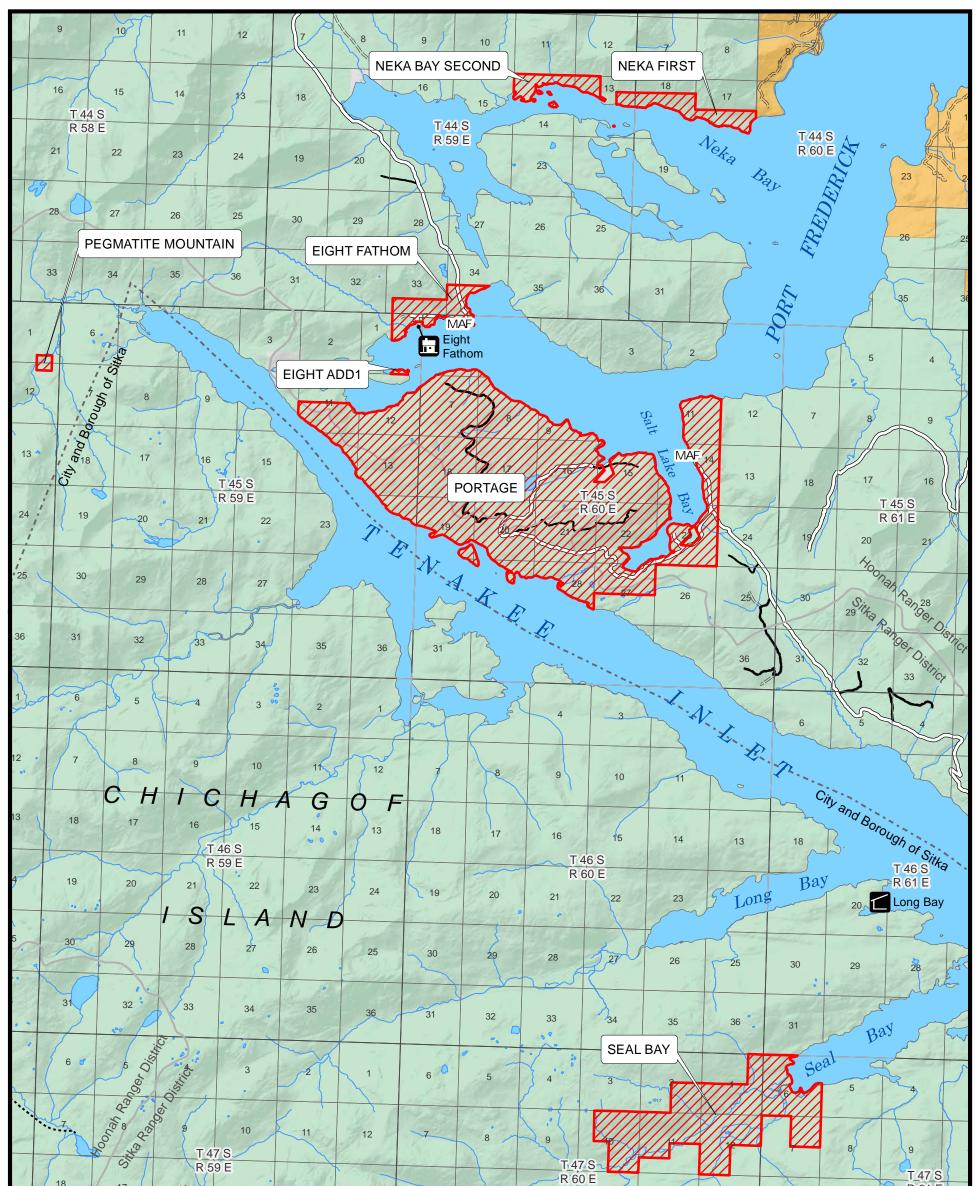
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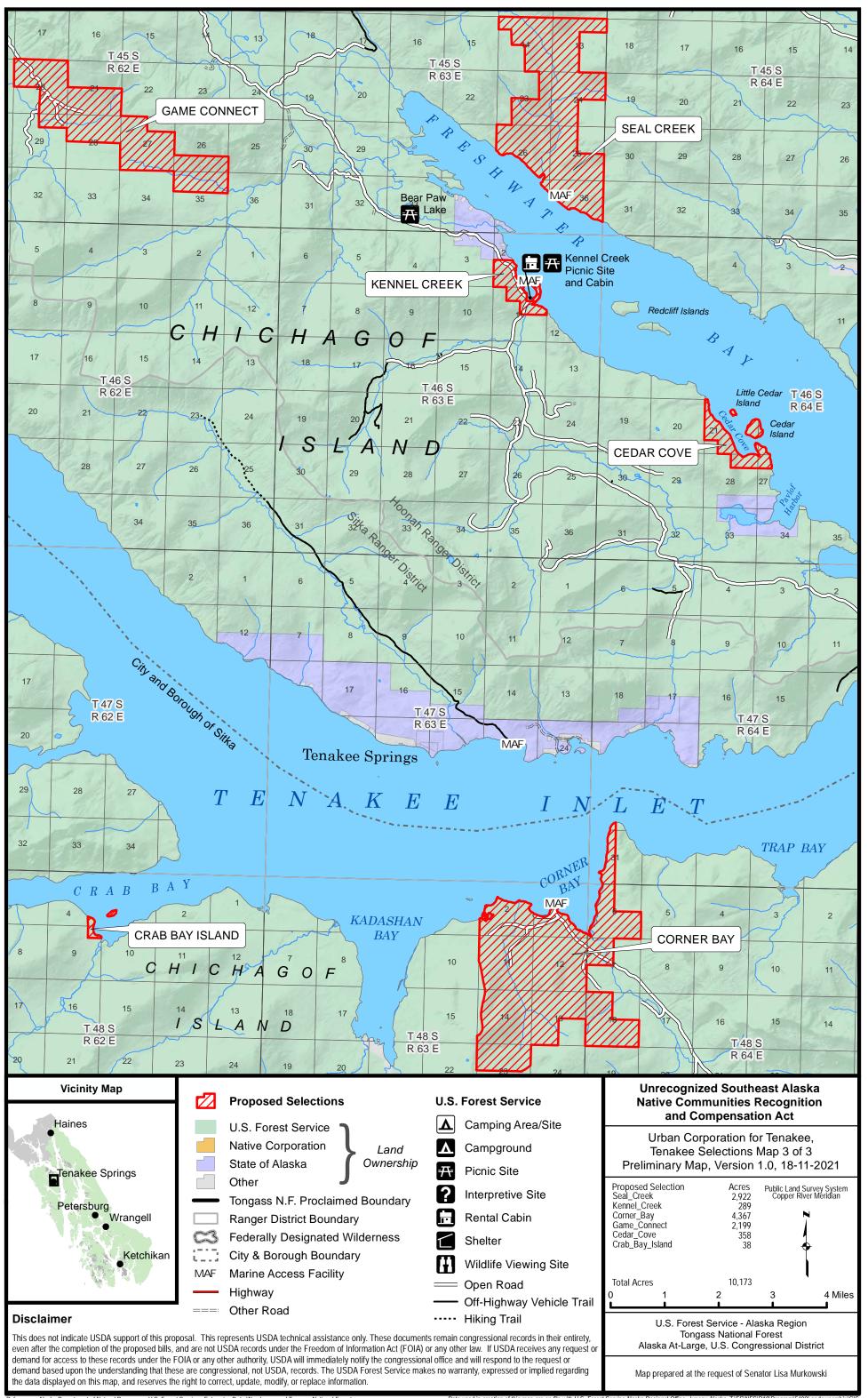


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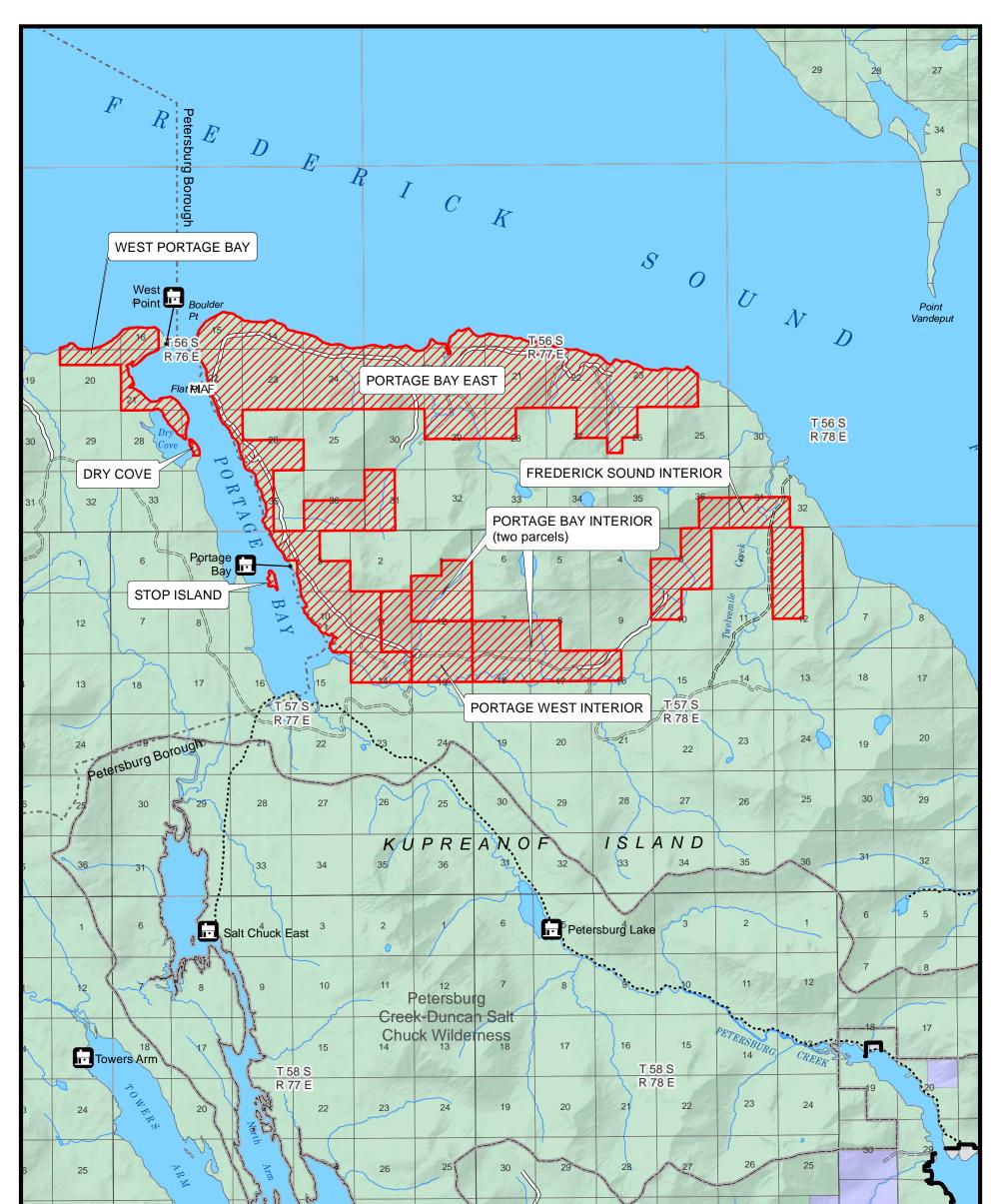


Vicinity Map Haines		Proposed Selections	U.S. Forest Service	Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act
Tenakee Springs Petersburg Wrangell Ketchikan	<ul> <li>Native Corporation</li> <li>State of Alaska</li> <li>Other</li> <li>Tongass N.F. Proclaimed</li> <li>Ranger District Boundary</li> </ul>	Land	Campground Picnic Site	Urban Corporation for Tenakee, Tenakee Selections Map 2 of 3 Preliminary Map, Version 1.0, 18-11-2021
		Other Tongass N.F. Proclaimed Boundary Ranger District Boundary Federally Designated Wilderness	<ul> <li>Interpretive Site</li> <li>Rental Cabin</li> <li>Shelter</li> </ul>	Proposed Selection     Acres     Public Land Survey Syste       Seal_Bay     2,436     Copper River Meridian       Portage     8,877     Eight_Fathom       Eight_Fathom     420     Neka_First       Pegmatite_Mountain     40       Neka_Bay_Second     246
	MAF		Wildlife Viewing Site Open Road Off-Highway Vehicle Trail	Total Acres         12,403           0         1         2         3         4 Mile
Disclaimer This does not indicate USDA support of this prop even after the completion of the proposed bills, a	U.S. Forest Service - Alaska Region Tongass National Forest Alaska At-Large, U.S. Congressional District			
demand for access to these records under the FO demand based upon the understanding that these the data displayed on this map, and reserves the	Map prepared at the request of Senator Lisa Murkowski			

Forest Service Alaska Regional Office, Juneau Alaska, T:\FS\NFS\R10\Program\5400Landownership\GIS 20211118\_PreliminaryMap\_UnrecognizedSEAKNativeCommunitiesRecognitionandCompensationAct.mxd

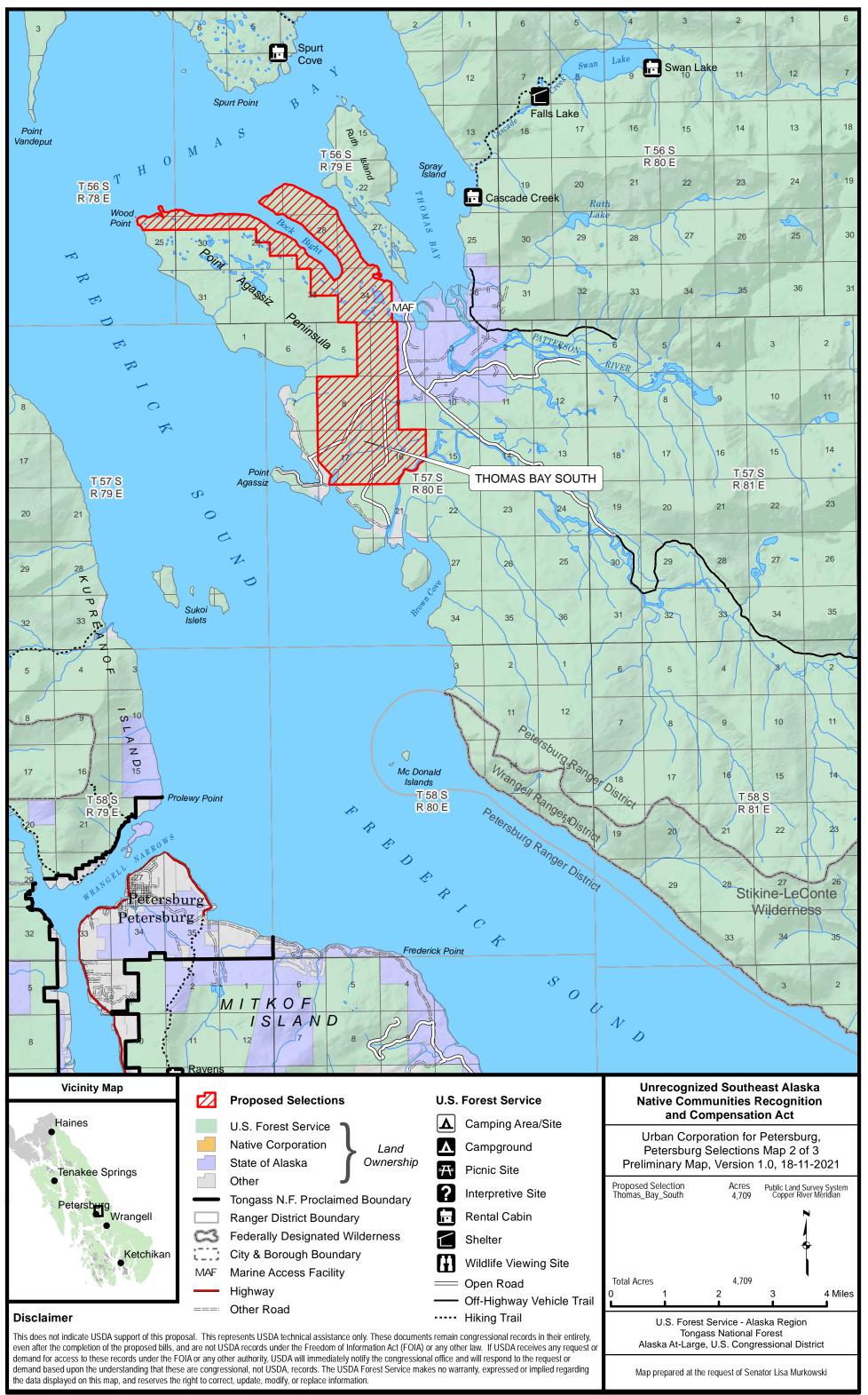


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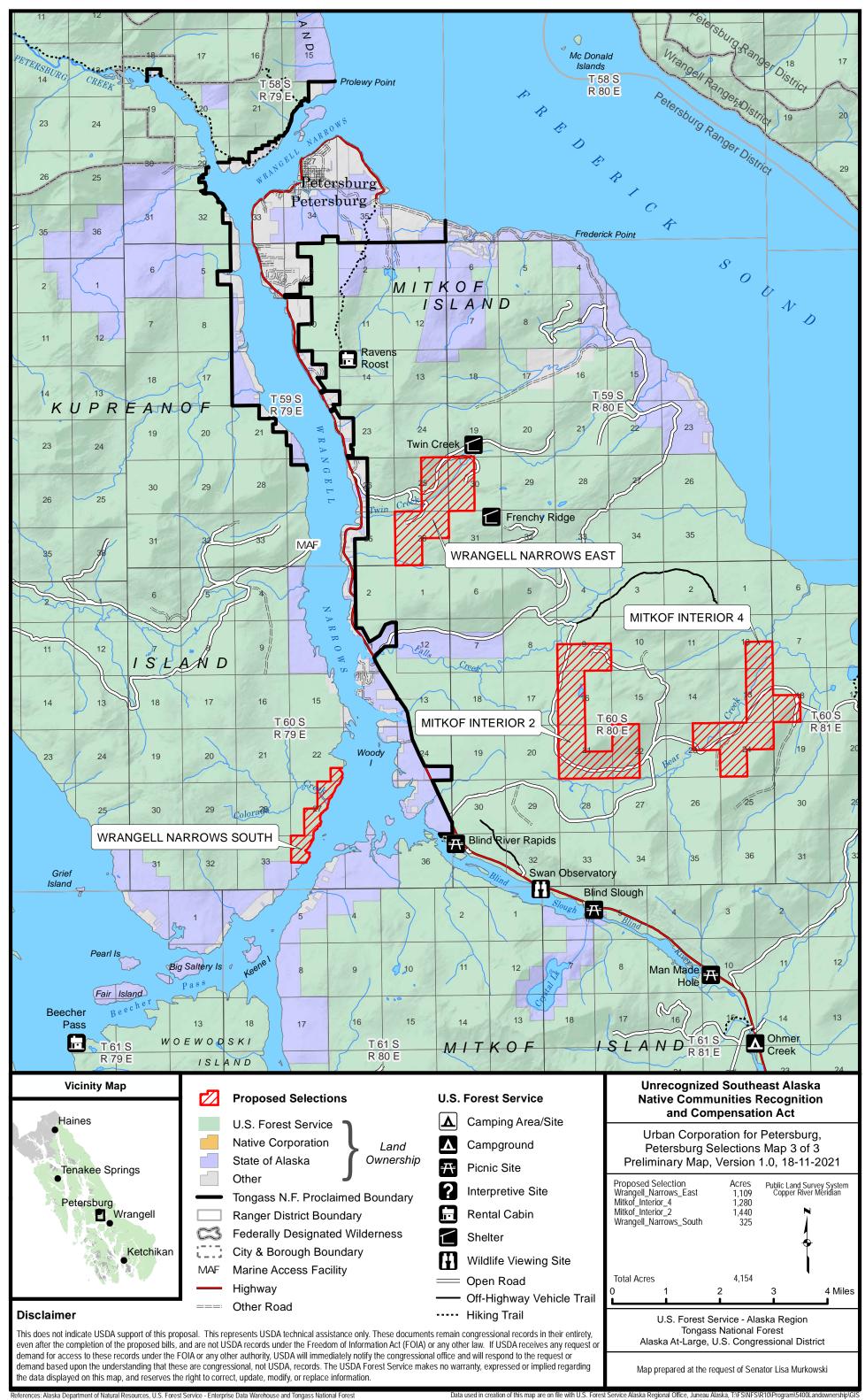


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Vicinity Map		Proposed Selections	U.S. Forest Service	Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act
Haines Tenakee Springs Petersburg Wrangell Ketchikan	Na St Of To Ca Ca Ci	U.S. Forest Service Native Corporation State of Alaska Other Tongass N.F. Proclaimed Boundary Ranger District Boundary Federally Designated Wilderness City & Borough Boundary Marine Access Facility Highway Other Road	<ul> <li>Camping Area/Site</li> <li>Campground</li> <li>Picnic Site</li> </ul>	Urban Corporation for Petersburg, Petersburg Selections Map 1 of 3 Preliminary Map, Version 1.0, 18-11-2021
			<ul> <li>Interpretive Site</li> <li>Rental Cabin</li> <li>Shelter</li> <li>Wildlife Viewing Site</li> </ul>	Proposed Selection       Acres       Public Land Survey System         Portage_Bay_East       9,092       Copper River Meridian         Frederick_Sound_Interior       1,600         Portage_Bay_Interior       1,807         West_Portage_Bay       685         Portage_West_Interior       960         Dry_Cove       17         Stop_Island       17
			<ul> <li>Open Road</li> <li>Off-Highway Vehicle Trail</li> <li>Hiking Trail</li> </ul>	Total Acres 14,178 0 1 2 3 4 Miles U.S. Forest Service - Alaska Region
This does not indicate USDA support of this prop even after the completion of the proposed bills, a	Tongass National Forest			
demand for access to these records under the Fu demand based upon the understanding that these the data displayed on this map, and reserves the	Map prepared at the request of Senator Lisa Murkowski			

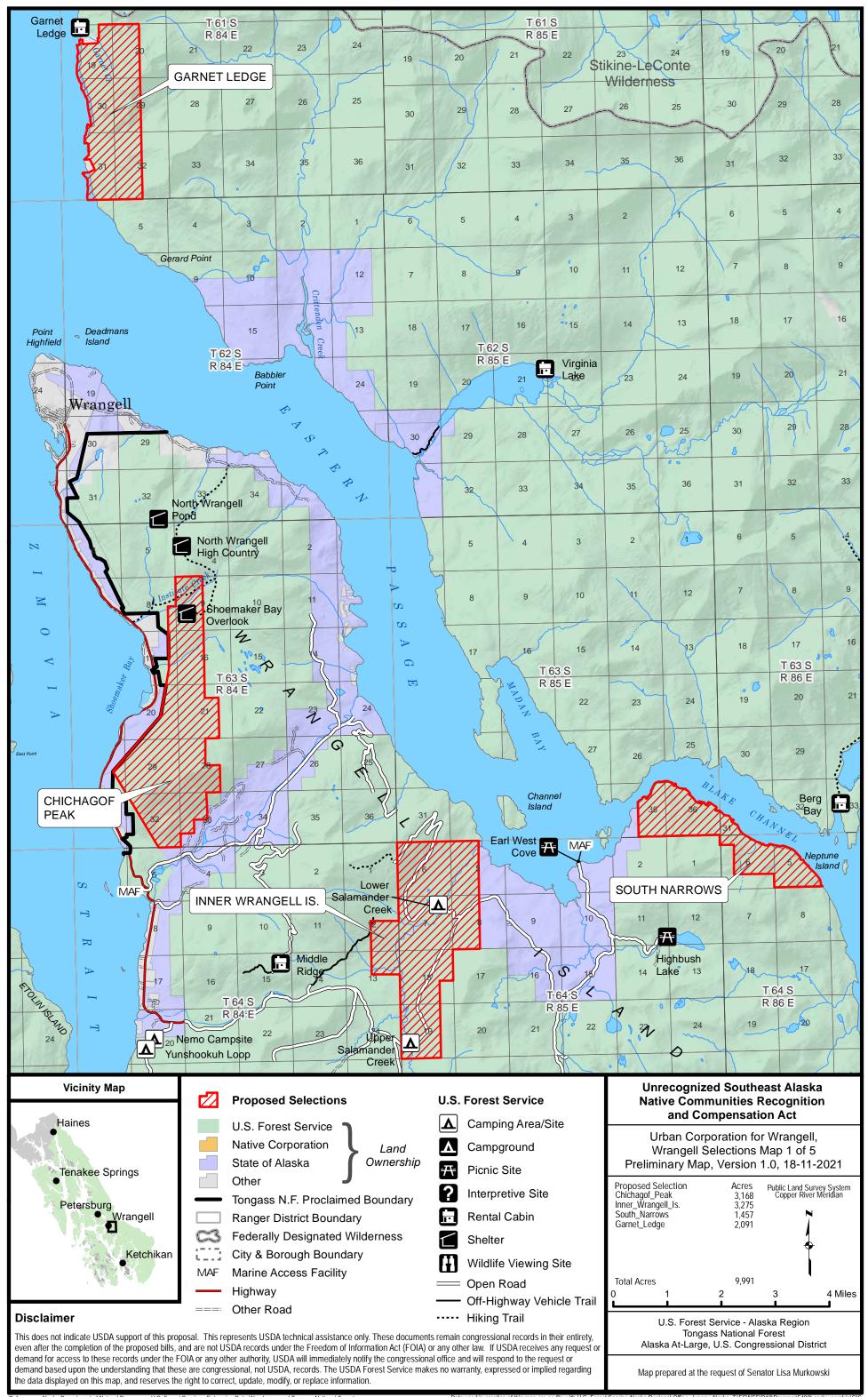
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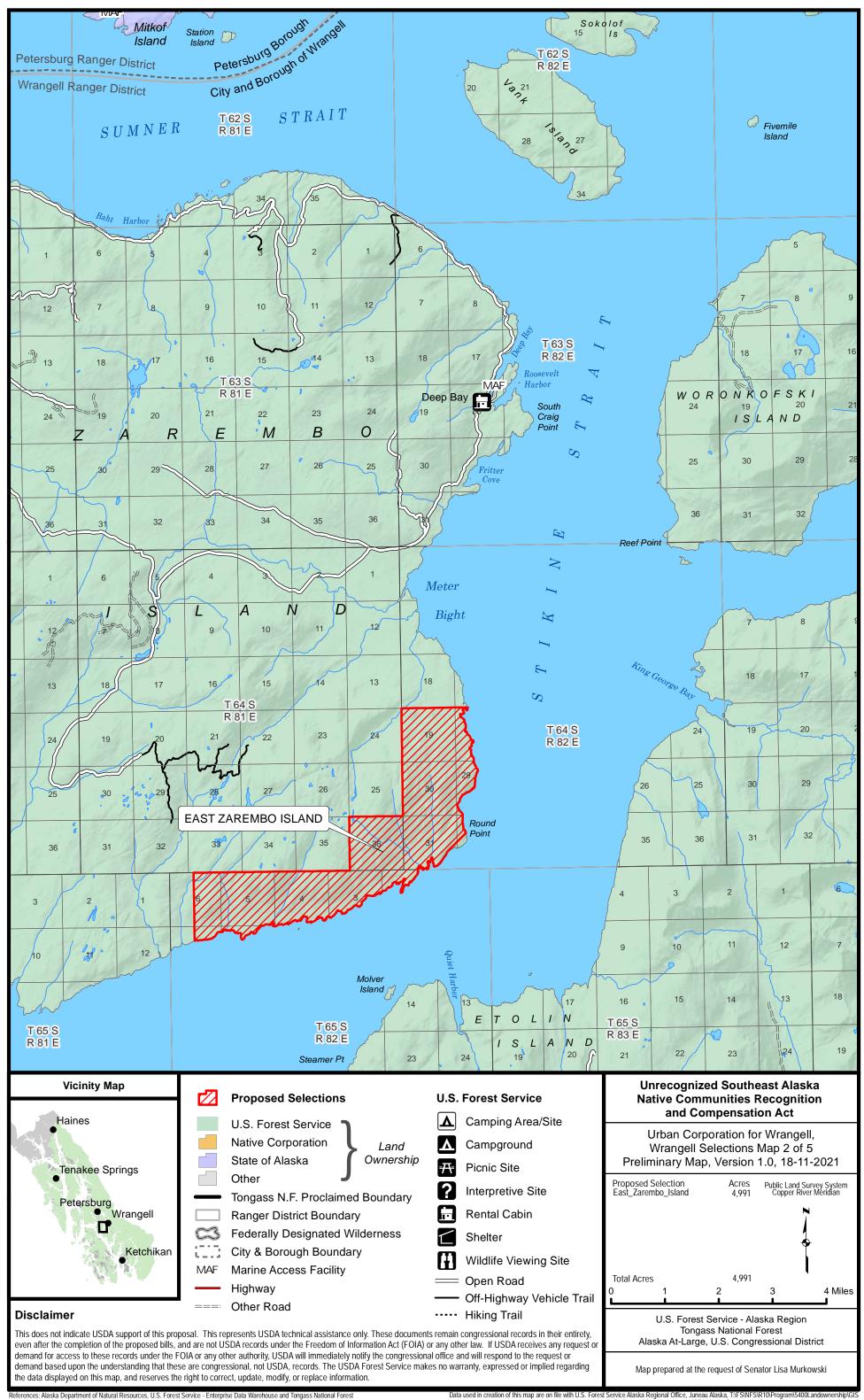
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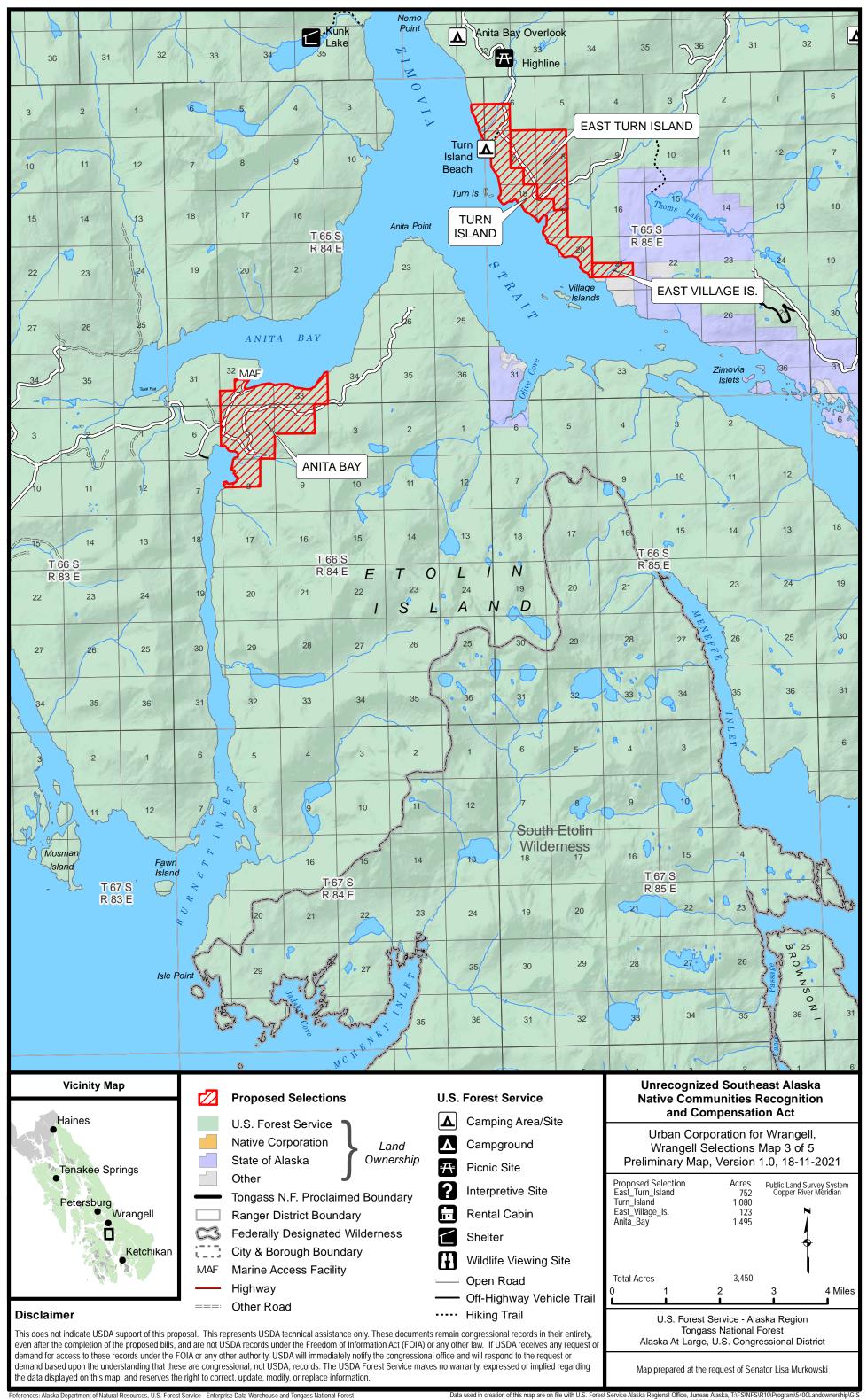
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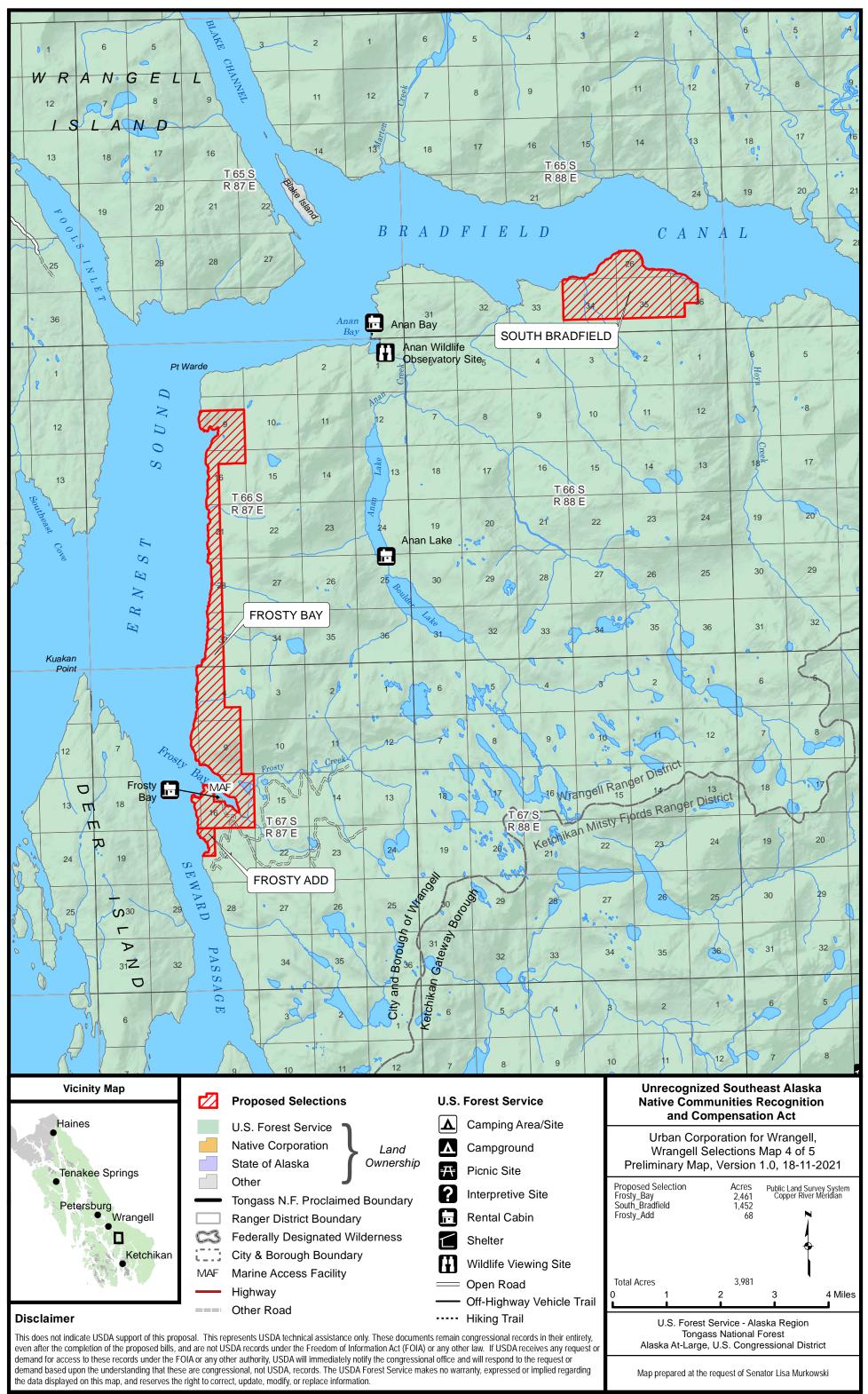
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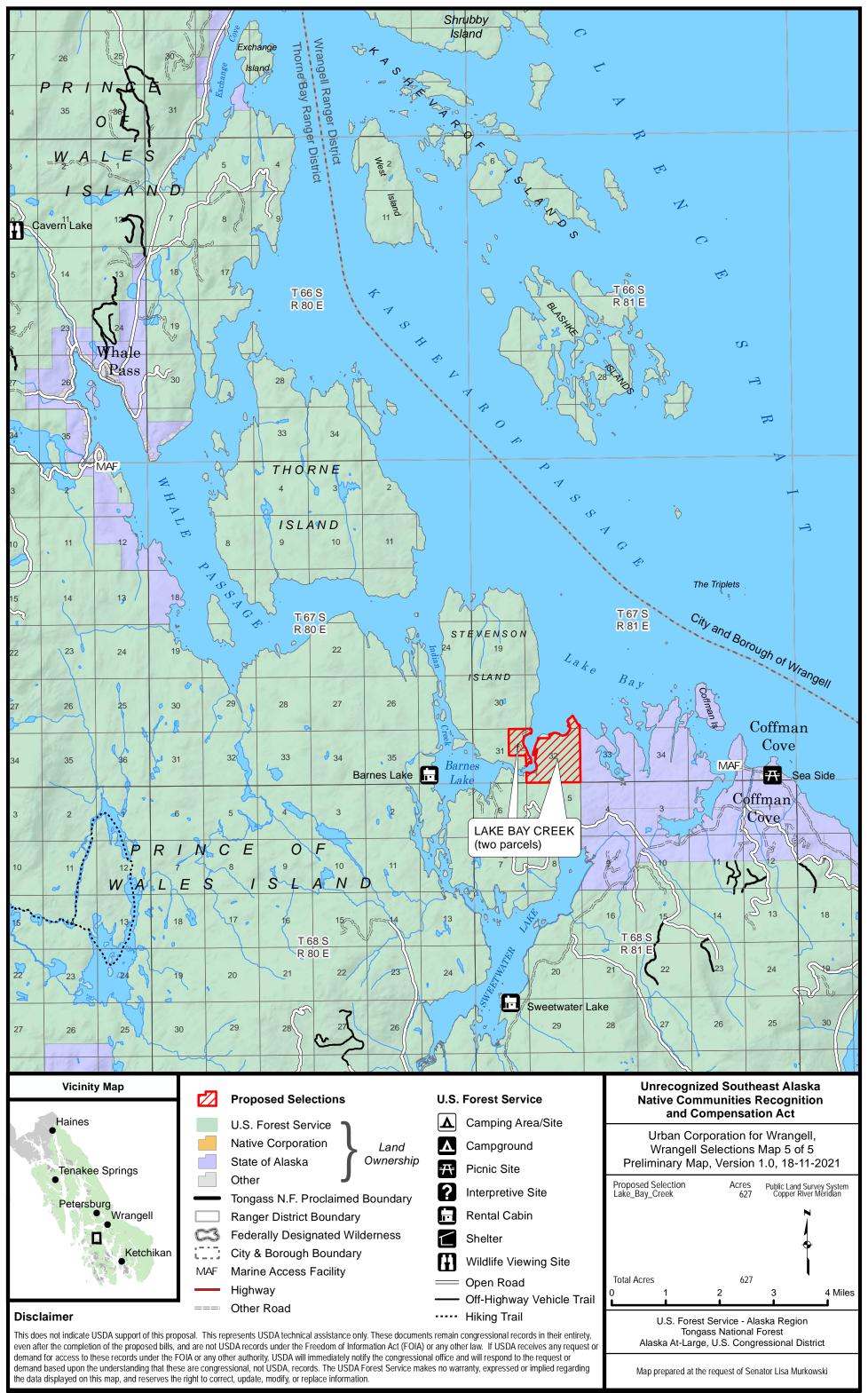
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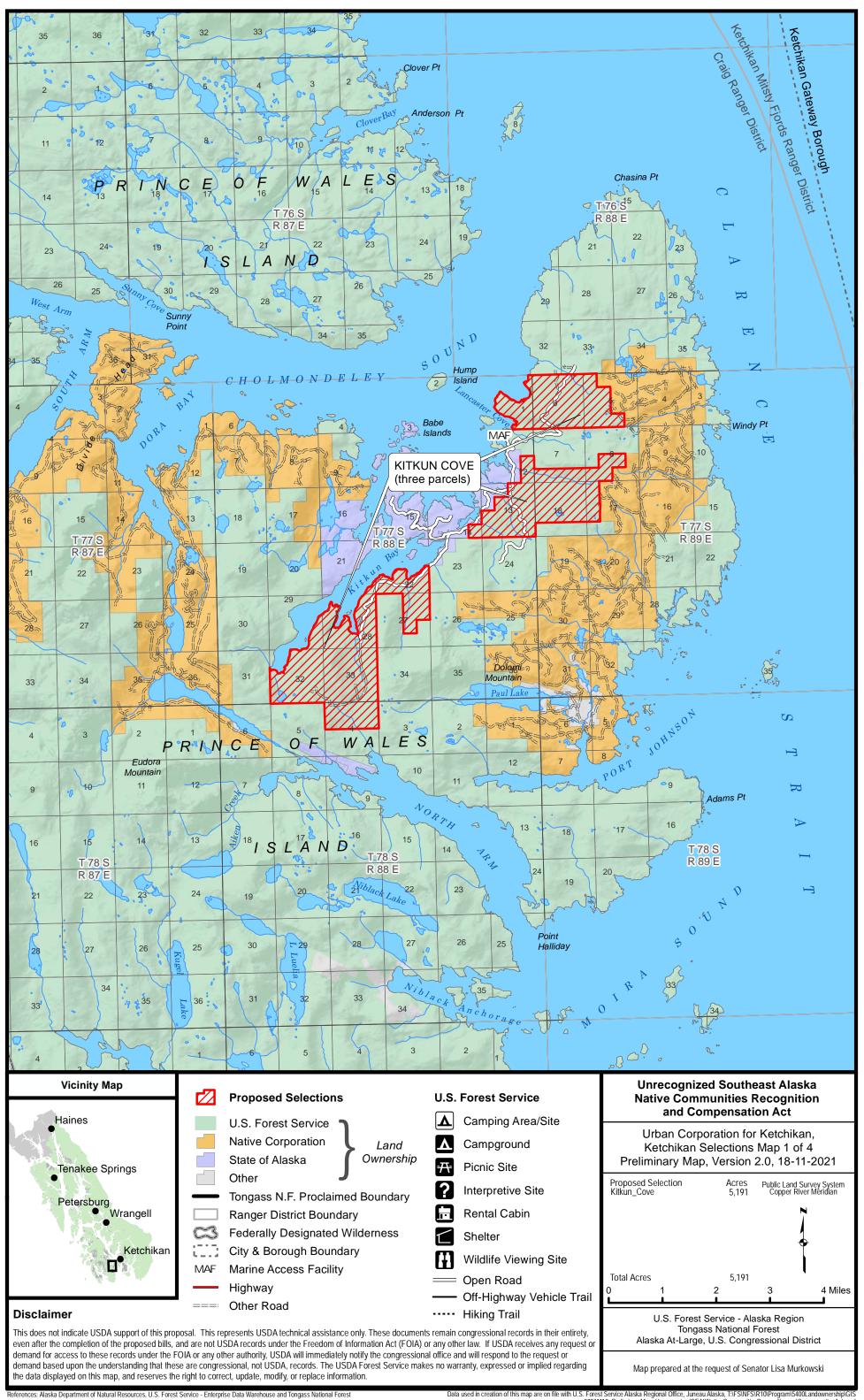
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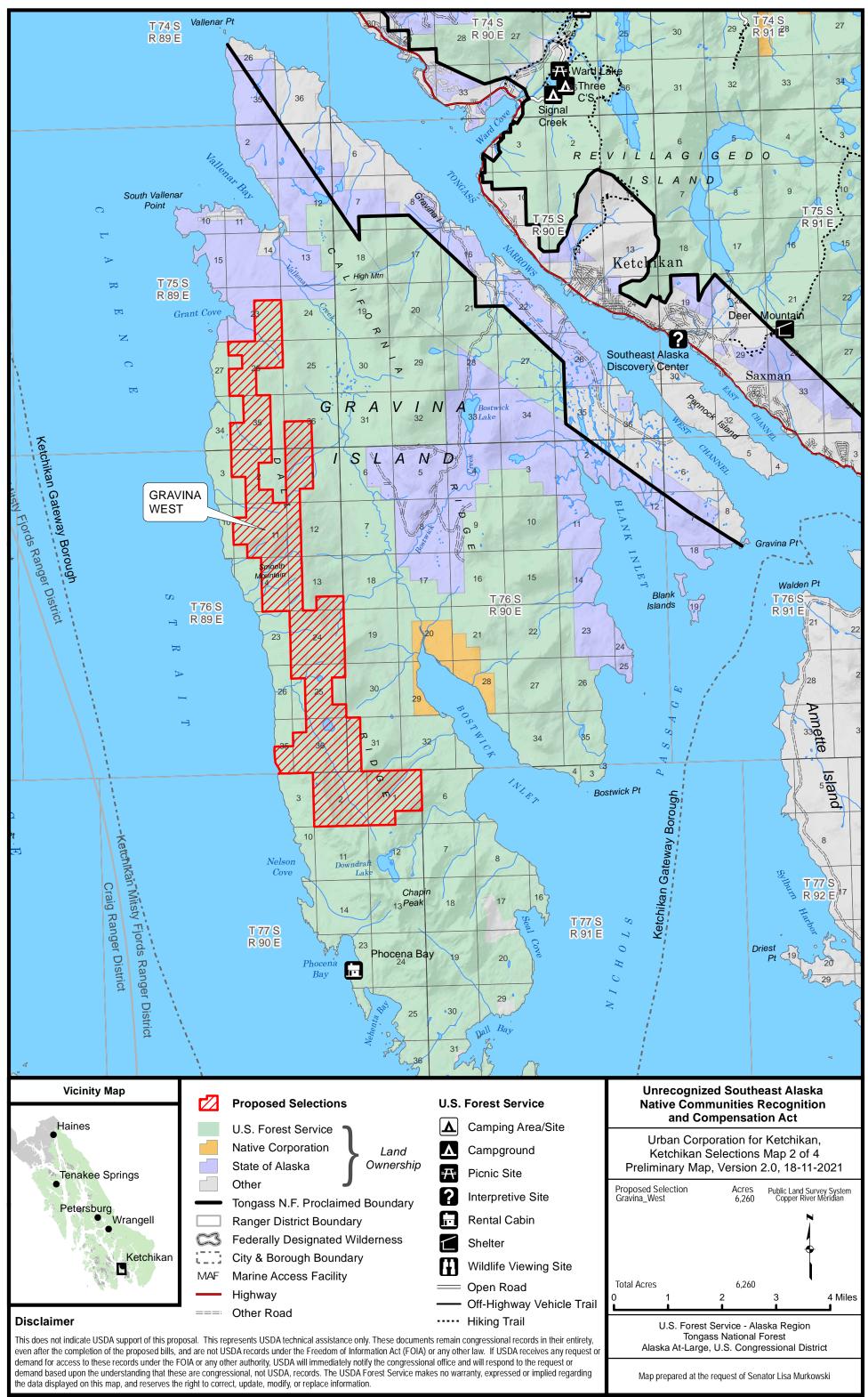
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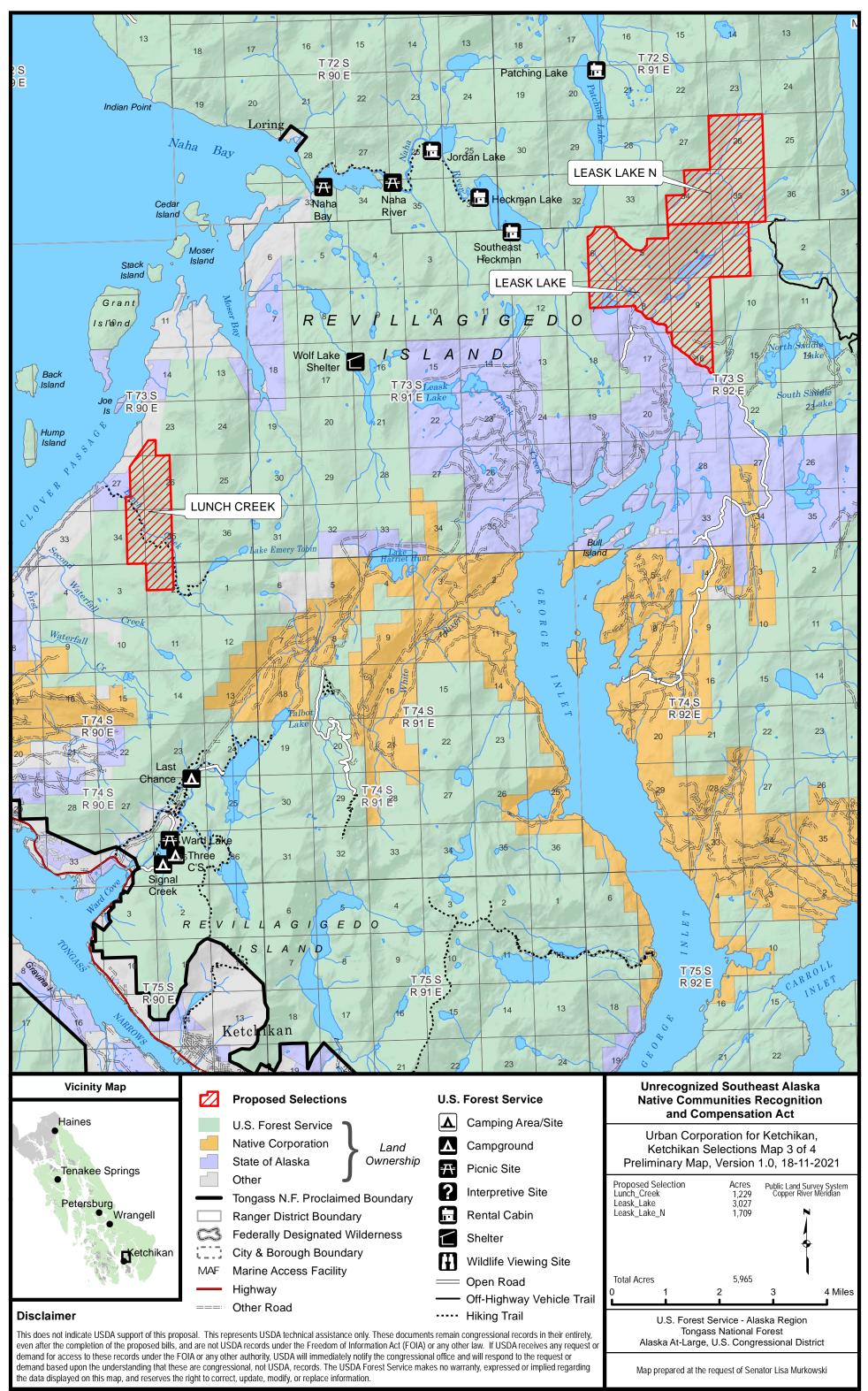
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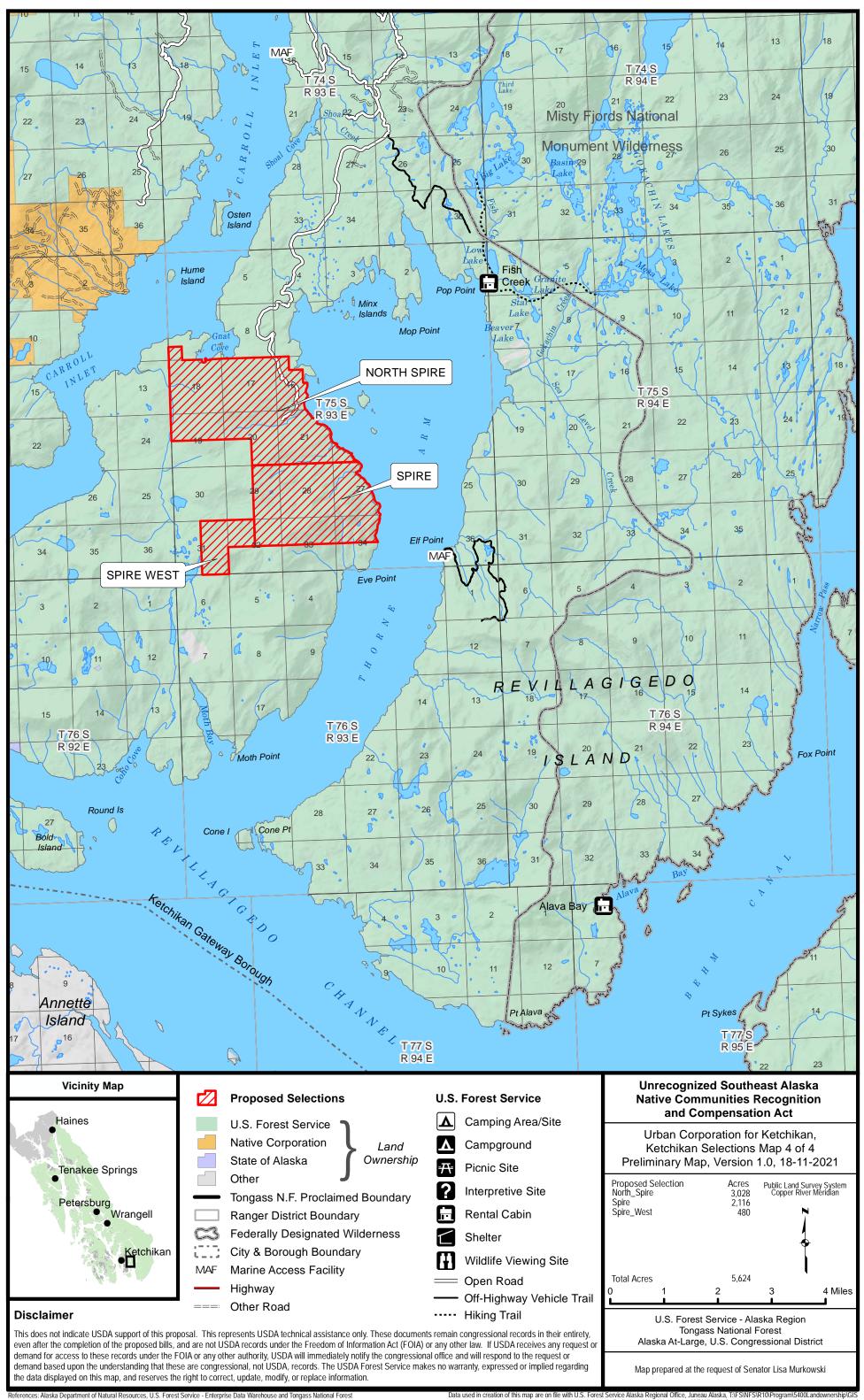
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