

CITY OF CRAIG
COUNCIL AGENDA
JUNE 4, 2015
COUNCIL CHAMBERS 7:00 P.M

ROLL CALL

Mayor Dennis Watson, Hannah Bazinet, Greg Dahl, Jim See, Don Pierce, Mike Douville,
Jan Storbakken

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.

HEARING FROM THE PUBLIC

- Open for public comment
- Final Reading and Public Hearing of Ordinance 668, Changes to Title 1, Title 5, Title 7, Title 8, and Title 9.
- Final Reading and Public Hearing of Ordinance 669, Changes to Title 5 of Craig Municipal Code, Business Licenses and Regulations
- Final Reading and Public Hearing of Ordinance 670, Changes to Title 7 of Craig Municipal Code, Animals
- Final Reading and Public Hearing of Ordinance 671, Changes to Title 8 of Craig Municipal Code, Health and Welfare
- Final Reading and Public Hearing of Ordinance 672, Changes to Title 9 of Craig Municipal Code, Public Peace, Morals and Safety
- Final Reading and Public Hearing of Ordinance 674, Sale of City Property to John McCallum

REPORTS FROM CITY OFFICIALS

Mayor
Administrator
Treasurer
Aquatic Manager
City Clerk
City Planner
EMS Coordinator
Harbormaster
Library
Police Chief
Public Works
Parks and Rec
Parks and Public Facilities

READING OF CORRESPONDENCE

CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- Resolution 15-10, Kit Kraft Easement
- Resolution 15-11, PILT
- Ordinance 668, Changes to Title 1, Title 5, Title 7, Title 8, and Title 9.
- Ordinance 669, Changes to Title 5 of Craig Municipal Code, Business Licenses and Regulations
- Ordinance 670, Changes to Title 7 of Craig Municipal Code, Animals
- Ordinance 671, Changes to Title 8 of Craig Municipal Code, Health and Welfare
- 672, Changes to Title 9 of Craig Municipal Code, Public Peace, Morals and Safety
- Ordinance 674, Sale of City Property to John McCallum

UNFINISHED BUSINESS

- Marijuana Regulation Update

NEW BUSINESS

- Proposed Labor Cost Share Agreement with Seafood Producers Cooperative
- Salmonberry Subdivision-Easement Vacation

ADJOURNMENT

CITY OF CRAIG
ORDINANCE NO. 668

MAKING CHANGES TO THE CRAIG MUNICIPAL CODE, TITLE 1, CODE
ADOPTION, BY AMENDING 1.16.020 PENALTIES & REMEDIES, 1.16.030
SURCHARGE AND ADDING NEW OFFENSE SECTION 1.16.040 MINOR
OFFENSE FINE SCHEDULE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRAIG:

Section 1. Classification. This ordinance is of a general and permanent nature and the code sections adopted 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 become effective immediately upon adoption.

Section 4. Action. This ordinance amends Sections 1.16.020 and 1.16.030 and adds 1.16.040.

APPROVED _____

MAYOR DENNIS WATSON

ATTEST _____
KASSI BATEMAN, CITY CLERK

**CITY OF CRAIG
MEMORANDUM**



Date: May 12th, 2015
To: Honorable Dennis Watson, Craig City Council
Fr: RJ Ely, Chief of Police
Re: Ordinance Changes

RJ Ely

Attached you will find Ordinance No. 668. The ordinance makes changes to several sections of the Craig Municipal Code, including Title 1 (General Provisions), Title 5, (Business Licenses and Regulation), Title 7 (Animals), Title 8 (Littering), and Title 9 (Public Peace, Morals, and Safety).

Changes to 1.16.020 & 1.16.030

Due to court system updating their computer systems, recent court rulings and decisions that have been made, any city ordinance that has the language of “misdemeanor” or “civil” are not valid as “minor offenses” or “infractions”. As a result, the courts cannot open new case files, nor can they handle such matters in court hearings, per Alaska Statutes Section 29.25.195, Disposition of Scheduled Offenses. Penalty sections in the Craig Code of Ordinances, and ordinances with civil penalties or misdemeanor penalties cannot be “minor offenses” and therefore cannot be listed in the court system’s Uniform Minor Offense Table. Removing certain language (deletions are lined through) and adding new language (underlined) will bring Craig’s Municipal Code into compliance with State Law.

Change to 1.16.040

Adding this section clears up and simplifies penalty sections. If any section of city code/ordinance isn’t listed in this section, then a citation results in a mandatory court appearance.

The attached ordinance makes changes to each section and new language to be added.

I would ask that the Council adopt the attached additions and deletions to existing ordinances.

**Proposed Changes in Craig Code of Ordinances
Part 1 – Titles 1 to 9**

May 12, 2015

1. 1.16.020 ~~Criminal~~ Minor Offense penalties and remedies.

A. Unless otherwise specifically provided, any person violating any provisions or failing to comply with any of the mandatory requirements of any ordinance of the city is guilty of ~~a misdemeanor~~ an infraction. ~~Any person convicted of a misdemeanor under the ordinances of the city shall be punished~~ punishable by a fine of not to exceed \$300.00.

B. Each violation of any ordinance occurring on a separate day and each failure to comply with the mandatory requirements of an ordinance on separate days constitutes a separate offense and the person found guilty of such repeated offenses shall be punished accordingly.

~~C. In those stated instances where an ordinance calls for an offense to be handled as an infraction or a violation, the person accused of violating the provisions of the applicable ordinance shall be dealt with in accordance with Alaska State Statutes pertaining to infractions or violations. [Ord. 355 § 4, 1993.]~~

2. 1.16.030 Surcharge.

In addition to any penalty prescribed by law, a defendant convicted of violating a city ordinance shall pay the surcharge required under AS 12.55.039 and 29.25.074. All such surcharges collected shall be remitted to the State of Alaska as required by AS 29.25.074.

~~A. The city shall impose a surcharge, pursuant to AS 12.55.039, and in addition to any fines or penalties otherwise prescribed by law, on any defendant who pleads guilty or nolo contendere to, forfeits bail for, or is convicted of a:
1. Violation of a Craig Municipal Code ordinance comparable to a misdemeanor offense under AS 28.33.030, 28.33.031, 28.35.030, or 28.35.032~~

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and adopted under AS 28.01.010, in the amount of \$75.00;

2. Violation of a Craig Municipal Code ordinance that is not punishable by a sentence of incarceration but that does carry a possible fine or bail forfeiture in the amount of \$30.00 or more, in the amount of \$10.00.

B. The surcharge may not be waived, deferred, or suspended. A court may allow a defendant who is unable to pay the surcharge to perform community work service, as contemplated under AS 12.55.055(c) in lieu of the surcharge.

C. The surcharge shall be paid within 10 days of imposition or such shorter period of time as ordered by the court. Failure to pay the surcharge is punishable as contempt of court. Proceedings to collect the surcharge may be instituted by the state, city of Craig, or the court on its own motion. [Ord. 467 § 2, 1999.]

3. 1.16.040 Minor Offense Fine Schedule.

In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and AS 29.25.074. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below. If an offense is not listed on this fine schedule or another fine schedule, the defendant must appear in court to answer to the charges.

<u>Section</u>	<u>Offense Title</u>	<u>Fine Amount</u>
<u>5.04.050</u>	<u>Possession or Consumption Under Age 21 – 1st offense</u>	<u>\$50</u>
<u>5.04.050</u>	<u>Possession or Consumption Under Age 21 – 2nd offense</u>	<u>\$150</u>
<u>5.04.050</u>	<u>Possession or Consumption Under Age 21 – 3rd and subsequent offense</u>	<u>\$300</u>
<u>5.05.010</u>	<u>Open Container, Consumption and Possession in Public Places – 1st offense</u>	<u>\$50</u>
<u>5.05.010</u>	<u>Open Container, Consumption and Possession in Public Places – 2nd offense</u>	<u>\$150</u>

<u>5.05.010</u>	<u>Open Container, Consumption and Possession in Public Places – 3rd and subsequent offense</u>	<u>\$300</u>
<u>5.20.090</u>	<u>Display of License 1st Offense</u>	<u>\$50</u>
<u>5.20.090</u>	<u>Display of License 2nd Offense</u>	<u>\$100</u>
<u>5.20.090</u>	<u>Display of License 3rd Offense</u>	<u>\$300</u>
<u>7.04.010</u>	<u>Running at Large 1st Offense</u>	<u>\$25</u>
<u>7.04.010</u>	<u>Running at Large 2nd Offense</u>	<u>\$50</u>
<u>7.04.010</u>	<u>Running at Large 3rd Offense</u>	<u>\$100</u>
<u>7.04.020</u>	<u>Control of Dogs 1st Offense</u>	<u>\$25</u>
<u>7.04.020</u>	<u>Control of Dogs 2nd Offense</u>	<u>\$50</u>
<u>7.04.020</u>	<u>Control of Dogs 3rd Offense</u>	<u>\$100</u>
<u>7.04.025</u>	<u>Removal of Animal Excreta 1st Offense</u>	<u>\$25</u>
<u>7.04.025</u>	<u>Removal of Animal Excreta 2nd Offense</u>	<u>\$50</u>
<u>7.04.025</u>	<u>Removal of Animal Excreta 3rd Offense</u>	<u>\$100</u>
<u>7.06.010</u>	<u>Annual License Required 1st Offense</u>	<u>\$25</u>
<u>7.06.010</u>	<u>Annual License Required 2nd Offense</u>	<u>\$50</u>
<u>7.06.010</u>	<u>Annual License Required 3rd Offense</u>	<u>\$100</u>
<u>7.06.050</u>	<u>Dog Collar and License Tag 1st Offense</u>	<u>\$25</u>
<u>7.06.050</u>	<u>Dog Collar and License Tag 2nd Offense</u>	<u>\$50</u>
<u>7.06.050</u>	<u>Dog Collar and License Tag 3rd Offense</u>	<u>\$100</u>
<u>7.08.010(A)</u>	<u>Animal Care 1st Offense</u>	<u>\$50</u>
<u>7.08.010(A)</u>	<u>Animal Care 2nd Offense</u>	<u>\$100</u>
<u>7.08.010(A)</u>	<u>Animal Care 3rd Offense</u>	<u>\$300</u>
<u>7.08.010(B)</u>	<u>Animal Care 1st Offense</u>	<u>\$50</u>
<u>7.08.010(B)</u>	<u>Animal Care 2nd Offense</u>	<u>\$100</u>
<u>7.08.010(B)</u>	<u>Animal Care 3rd Offense</u>	<u>\$300</u>
<u>8.10.030</u>	<u>Litter in Public Places 1st Offense</u>	<u>\$50</u>
<u>8.10.030</u>	<u>Litter in Public Places 2nd Offense</u>	<u>\$100</u>
<u>8.10.030</u>	<u>Litter in Public Places 3rd Offense</u>	<u>\$300</u>
<u>8.10.040</u>	<u>Litter Thrown by Persons in Vehicle 1st Offense</u>	<u>\$50</u>
<u>8.10.040</u>	<u>Litter Thrown by Persons in Vehicle 2nd Offense</u>	<u>\$100</u>
<u>8.10.040</u>	<u>Litter Thrown by Persons in Vehicle 3rd Offense</u>	<u>\$300</u>
<u>8.10.050</u>	<u>Litter in Parks 1st Offense</u>	<u>\$50</u>
<u>8.10.050</u>	<u>Litter in Parks 2nd Offense</u>	<u>\$100</u>
<u>8.10.050</u>	<u>Litter in Parks 3rd Offense</u>	<u>\$300</u>
<u>9.24.030</u>	<u>Fireworks Violation 1st Offense</u>	<u>\$25</u>
<u>9.24.030</u>	<u>Fireworks Violation 2nd Offense</u>	<u>\$50</u>
<u>9.24.030</u>	<u>Fireworks Violation 3rd Offense</u>	<u>\$100</u>
<u>9.28.010</u>	<u>Obstruction Permit Required 1st Offense</u>	<u>\$50</u>
<u>9.28.010</u>	<u>Obstruction Permit Required 2nd Offense</u>	<u>\$100</u>
<u>9.28.010</u>	<u>Obstruction Permit Required 3rd Offense</u>	<u>\$300</u>

<u>9.38.010</u>	<u>Disorderly Conduct 1st Offense</u>	<u>\$100</u>
<u>9.38.010</u>	<u>Disorderly Conduct 2nd Offense</u>	<u>\$200</u>
<u>9.38.010</u>	<u>Disorderly Conduct 3rd Offense</u>	<u>\$300</u>
<u>9.38.020</u>	<u>Harassment 1st Offense</u>	<u>\$100</u>
<u>9.38.020</u>	<u>Harassment 2nd Offense</u>	<u>\$200</u>
<u>9.38.020</u>	<u>Harassment 3rd Offense</u>	<u>\$300</u>
<u>9.39.010</u>	<u>Eluding a Peace Officer 1st Offense</u>	<u>\$100</u>
<u>9.39.010</u>	<u>Eluding a Peace Officer 2nd Offense</u>	<u>\$200</u>
<u>9.39.010</u>	<u>Eluding a Peace Officer 3rd Offense</u>	<u>\$300</u>
<u>9.42.010</u>	<u>Unsworn Falsification 1st Offense</u>	<u>\$100</u>
<u>9.42.010</u>	<u>Unsworn Falsification 2nd Offense</u>	<u>\$200</u>
<u>9.42.010</u>	<u>Unsworn Falsification 3rd Offense</u>	<u>\$300</u>
<u>9.42.020</u>	<u>Making False Report 1st Offense</u>	<u>\$100</u>
<u>9.42.020</u>	<u>Making False Report 2nd Offense</u>	<u>\$200</u>
<u>9.42.020</u>	<u>Making False Report 3rd Offense</u>	<u>\$300</u>
<u>9.62.010</u>	<u>Theft in the Fourth Degree 1st Offense</u>	<u>\$100</u>
<u>9.62.010</u>	<u>Theft in the Fourth Degree 2nd Offense</u>	<u>\$200</u>
<u>9.62.010</u>	<u>Theft in the Fourth Degree 3rd Offense</u>	<u>\$300</u>
<u>9.62.020</u>	<u>Concealment of Merchandise 1st Offense</u>	<u>\$100</u>
<u>9.62.020</u>	<u>Concealment of Merchandise 2nd Offense</u>	<u>\$200</u>
<u>9.62.020</u>	<u>Concealment of Merchandise 3rd Offense</u>	<u>\$300</u>
<u>9.62.040</u>	<u>Criminal Mischief Third Degree 1st Offense</u>	<u>\$100</u>
<u>9.62.040</u>	<u>Criminal Mischief Third Degree 2nd Offense</u>	<u>\$200</u>
<u>9.62.040</u>	<u>Criminal Mischief Third Degree 3rd Offense</u>	<u>\$300</u>
<u>9.62.045</u>	<u>Criminal Mischief Fourth Degree 1st Offense</u>	<u>\$100</u>
<u>9.62.045</u>	<u>Criminal Mischief Fourth Degree 2nd Offense</u>	<u>\$200</u>
<u>9.62.045</u>	<u>Criminal Mischief Fourth Degree 3rd Offense</u>	<u>\$300</u>
<u>9.86.010</u>	<u>Misconduct Involving Weapons Fourth Degree 1st Offense</u>	<u>\$100</u>
<u>9.86.010</u>	<u>Misconduct Involving Weapons Fourth Degree 2nd Offense</u>	<u>\$200</u>
<u>9.86.010</u>	<u>Misconduct Involving Weapons Fourth Degree 3rd Offense</u>	<u>\$300</u>
<u>9.86.020</u>	<u>Misconduct Involving Weapons Fifth Degree 1st Offense</u>	<u>\$50</u>
<u>9.86.020</u>	<u>Misconduct Involving Weapons Fifth Degree 2nd Offense</u>	<u>\$150</u>
<u>9.86.020</u>	<u>Misconduct Involving Weapons Fifth Degree 3rd Offense</u>	<u>\$300</u>
<u>9.88.010</u>	<u>Discharging Firearms 1st Offense</u>	<u>\$100</u>
<u>9.88.010</u>	<u>Discharging Firearms 2nd Offense</u>	<u>\$200</u>
<u>9.88.010</u>	<u>Discharging Firearms 3rd Offense</u>	<u>\$300</u>

<u>9.88.020</u>	<u>Shooting Air Guns 1st Offense</u>	<u>\$25</u>
<u>9.88.020</u>	<u>Shooting Air Guns 2nd Offense</u>	<u>\$50</u>
<u>9.88.020</u>	<u>Shooting Air Guns 3rd Offense</u>	<u>\$100</u>
<u>9.88.030</u>	<u>Hunting within City Limits 1st Offense</u>	<u>\$100</u>
<u>9.88.030</u>	<u>Hunting within City Limits 2nd Offense</u>	<u>\$200</u>
<u>9.88.030</u>	<u>Hunting within City Limits 3rd Offense</u>	<u>\$300</u>
<u>9.90.010</u>	<u>Misconduct Involving a Controlled Substance Sixth Degree 1st Offense</u>	<u>\$100</u>
<u>9.90.010</u>	<u>Misconduct Involving a Controlled Substance Sixth Degree 2nd Offense</u>	<u>\$200</u>
<u>9.90.010</u>	<u>Misconduct Involving a Controlled Substance Sixth Degree 3rd Offense</u>	<u>\$300</u>
<u>9.90.020</u>	<u>Misconduct Involving a Controlled Substance Seventh Degree 1st Offense</u>	<u>\$100</u>
<u>9.90.020</u>	<u>Misconduct Involving a Controlled Substance Seventh Degree 2nd Offense</u>	<u>\$200</u>
<u>9.90.020</u>	<u>Misconduct Involving a Controlled Substance Seventh Degree 3rd Offense</u>	<u>\$300</u>

CITY OF CRAIG
ORDINANCE NO. 669

MAKING CHANGES TO THE CRAIG MUNICIPAL CODE, TITLE 5, BUSINESS
LICENSES AND REGULATIONS, CODE ADOPTION, BY AMENDING 5.04.210
PENALTIES FOR VIOLATION, 5.05.030 PENALTY, 5.08.080 PENALTY AND
5.20.210 VIOLATION - PENALTIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRAIG:

Section 1. Classification. This ordinance is of a general and permanent nature and the code sections adopted 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 become effective immediately upon adoption.

Section 4. Action. This ordinance amends Sections 5.04.210, 5.05.030, 5.08.080 AND 5.20.210.

APPROVED _____

MAYOR DENNIS WATSON

ATTEST _____
KASSI BATEMAN, CITY CLERK

**CITY OF CRAIG
MEMORANDUM**



Date: May 12th, 2015
To: Honorable Dennis Watson, Craig City Council
Fr: RJ Ely, Chief of Police
Re: Ordinance Changes

RJ Ely

Attached you will find Ordinance No. 669. This ordinance makes changes to Title 5 of the Craig Municipal Code, (Business Licenses & Regulations).

5.04.210 Penalties for Violations

By changing this wording, simplifies the fine amount and/or mandatory court appearance. Further, Section B is inaccurate (law changed from 5 days to 30 days) and not necessary, for it will be covered in 1.16.040 fine schedule.

5.05.030 Penalty

By changing this wording, clears up any confusion and person would only have to look in one location, not two.

5.05.080 Penalty

This section currently makes violations of Chapter 5.08 "misdemeanors", mandatory court and if defendant elected to contest the citation, city would have to provide legal representation, at city's expense. By changing this wording, violation of chapter would be punishable by fine established in 1.16.040 or mandatory court for infraction / minor offense and city wouldn't be required to provide legal representation.

Attached is changes to each section and new language to be added.

I would ask that the Council adopt the attached additions and deletions to existing ordinances.

Proposed Changes in Craig Code of Ordinances
Part 1 – Title 5

May 12, 2015

4. **5.04.210 Penalties for violations.**

A. Any ~~violation person violating any provision~~ of this chapter shall be punished by ~~a fine as follows: for a first violation of any provision of this chapter, \$50.00; for a second violation of the same provision, \$150.00; and for a third or subsequent violation of the same provision, \$300.00.~~ the fine established in 1.16.040 if the offense is listed in that fine schedule or by a fine of up to \$300 if the offense is not listed in the 1.16.040 fine schedule.

~~B. The city, in enforcing this chapter, will utilize written citations. The person to whom the citation is issued may plead no contest to the offense by signing an appropriate blank on the citation and paying the fine specified in the citation, either in person or by mail, within five days from the date of the citation, to the office of the city clerk. Acceptance and payment of the prescribed fine is a complete satisfaction for the offense. If the offender accepts the citation but fails to pay the fine or appear in court, the citation shall be considered a summons, and the offender shall be proceeded against in the manner prescribed by law. [Ord. 266 § 4, 1988.]~~

5. **5.05.030 Penalty.**

~~The same provisions apply as are contained in CMC 5.04.210 [Ord. 266 § 4, 1988.]~~

“Any violation of this chapter shall be punished by the fine established in 1.16.040”

6. **5.08.080 Penalty.**

~~Any person(s) violating any of the provisions of this chapter shall be guilty of a misdemeanor and will be punished as provided for misdemeanors in CMC 1.16.020. [Ord. 367 § 5, 1993.]~~

Any violation of this chapter shall be punished by the fine established in 1.16.040 if the offense is listed in that fine schedule or by a fine of up to \$300 if the offense is not listed in the 1.16.040 fine schedule.

7. Chapter 5.20. Vehicles for Hire.

5.20.210 Violation – Penalties.

~~Any person violating any of the provisions of this chapter is guilty of a violation or infraction and upon conviction thereof shall be subject to the penalties as set forth in~~

~~Table 5.20.210, entitled "Penalties for Violations." Each violation listed in Table 5.20.210 is amenable to disposition by the violator's payment of the fine, without court appearance.~~

~~**Table 5.20.210 — Penalties for Violations**~~

~~First offense in a calendar year \$50.00~~

~~Second offense in a calendar year \$100.00~~

~~Third and subsequent offenses in a calendar year \$300.00[Ord. 346 § 4, 1992.]~~

Any violation of this chapter shall be punished by the fine established in 1.16.040 if the offense is listed in that fine schedule or by a fine of up to \$300 if the offense is not listed in the 1.16.040 fine schedule.

CITY OF CRAIG
ORDINANCE NO. 670

MAKING CHANGES TO THE CRAIG MUNICIPAL CODE, TITLE 7, ANIMALS,
CODE ADOPTION, BY AMENDING 7.01.020 PENALTIES, 7.04.010 ANIMAL AT
LARGE, 7.04.050 IMPOUND FEES, 7.07.010 ENFORCEMENT OF RABIES
VACCINATION AND 7.08.010 ANIMAL CARE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRAIG:

Section 1. Classification. This ordinance is of a general and permanent nature and the code sections adopted 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 become effective immediately upon adoption.

Section 4. Action. This ordinance amends Sections 7.01.020, 7.04.010, 7.04.050, 7.07.010 and 7.08.010.

APPROVED _____

MAYOR DENNIS WATSON

ATTEST _____
KASSI BATEMAN, CITY CLERK

**CITY OF CRAIG
MEMORANDUM**



Date: May 12th, 2015
To: Honorable Dennis Watson, Craig City Council
Fr: RJ Ely, Chief of Police
Re: Ordinance Changes

RJ Ely

Attached you will find Ordinance No. 670. This ordinance makes changes to Title 7 of the Craig Municipal Code, (Animals).

7.01.020 Penalties

By changing this wording, simplifies the fine amount and/or mandatory court appearance.

7.04.010 Animal at Large

By changing this wording, simplifies the fine amount and/or mandatory court appearance. Plus it removes "civil penalties" from language.

7.04.050 Impound Fees

By changing this wording, simplifies the fine amount and/or mandatory court appearance.

7.07.010 Enforcement of Rabies Vaccination

By changing this wording, simplifies the fine amount and/or mandatory court appearance.

7.08.010 Animal Care

By changing this wording, simplifies the fine amount and/or mandatory court appearance.

Attached is changes to each section and new language to be added.

I would ask that the Council adopt the attached additions and deletions to existing ordinances.

*Proposed Changes in Craig Code of Ordinances
Part 1 – Title 7*

May 12, 2015

8. Title 7. Animals – 7.01.020 Penalties.

7.01.020 Penalties.

~~A. Except where a different penalty is specifically prescribed, a violation of any provision of this title shall be a noncriminal infraction, punishable by a civil penalty of not less than \$25.00 and not more than \$300.00 as further specified in subsection (C) of this section. Any violation of this title shall be punished by the fine established in 1.16.040 if the offense is listed in that fine schedule or by a fine of up to \$300 if the offense is not listed in the 1.16.040 fine schedule.~~

B. If a violation continues, each day's violation shall be deemed a separate violation.

~~C. The city, in enforcing this title, will utilize written citations and a system of graduated penalties, as follows:~~

- ~~1. For the first violation of any provision of this title: \$25.00 fine (court appearance not mandatory);~~
- ~~2. For the second violation of the same provision of this title: \$50.00 fine (court appearance not mandatory);~~
- ~~3. For the third violation of the same provision of this title: \$100.00 fine (court appearance not mandatory);~~
- ~~4. For the fourth (or subsequent) violation of this title: \$300.00 fine (court appearance mandatory).~~

~~The person to whom the citation is issued may plead no contest to the offense by signing an appropriate blank on the citation and paying the fine specified in the citation, either in person or by mail, within five days from the date of the citation, to the office of the city clerk. Acceptance and payment of the prescribed fine is a complete satisfaction for the offense. If the offender accepts the citation but fails to pay the fine or appear in court, the citation shall be considered a summons, and the offender shall be proceeded against in the manner prescribed by law.~~

DC. These penalties shall be separate from and in addition to any impound fees or other fees prescribed by this title. [Ord. 383 § 4, 1994; Ord. 267 § 4, 1988.]

9. **7.04.010 Animal at Large.**

D. It is unlawful for any unauthorized person who is not the owner or person in charge of an animal to intentionally untie or otherwise release a tied or confined animal, without the permission of the animal's owner, so as to allow the animal to run at large. If an unemancipated minor performs this prohibited act, the minor's parents or guardian shall be liable for payments of the ~~civil penalties~~ fines provided under CMC 7.01.020. If any destruction to property results from the animal's running at large, the minor's parents or guardian may also be held liable to the property owner under state law (AS 34.50.020).

10. 7.04.050 Impound Fees.

7.04.050 Impound fees.

A. For every animal taken and impounded or for which a notice of violation has been issued as provided in this chapter, any person desiring to redeem such animal shall pay the city the total of the following fees:

1. An impound fee of \$25.00 first offense for an unlicensed animal, \$10.00 for a licensed animal; \$50.00 second offense; and \$100.00 third offense; and \$300.00 fourth and every subsequent offense ~~plus a mandatory court appearance;~~

2. The cost of care and feeding of such animal at \$10.00 per day for dogs and cost plus \$10.00 per animal per day for livestock;

3. The cost of veterinary care incurred by the city (if any) for the animal during its impoundment, including costs of transportation to the veterinarian.

B. Payment of the fees provided in this section shall be exclusive of and in addition to any penalties imposed by reason of violation of any provision of this title. [Ord. 383 § 4, 1994; Ord. 245 § 4, 1985.]

11. 7.07.010 Enforcement of rabies vaccination.

7.07.010 Enforcement of rabies vaccination.

A. It is unlawful for any person to keep a dog within the city that does not have a current rabies

vaccination. Such vaccination shall be required at the first opportunity of a veterinarian being available in Craig or no longer than 90 days after acquiring ownership. A temporary license may be issued, good only for up to 90 days or until proof of vaccination is shown. Failure to provide the proof of vaccination makes the owner liable for fines and possible forfeiture of the animal.

B. Any dog found to have been in the city for over 90 days, either licensed or unlicensed, that does not have a current rabies vaccination shall cause its owner to be fined ~~\$50.00~~as provided in 1.16.040 in addition to any other costs due to other sections of this title. ~~If such condition is not corrected within 15 days, each additional day beyond that shall accrue a new penalty of \$25.00 per day.~~ [Ord. 383 § 5, 1994.]

12. 7.08.010 Animal care.

It is unlawful for any person to:

A. Knowingly fail to provide an animal owned or in the custody of such person with adequate food and water and shelter sufficient to the animal's needs. ~~First offense is \$50.00, second offense is \$100.00 and third offense is \$300.00 (citation bailable).~~

B. Knowingly abandon an animal which is owned or in the custody of such a person. ~~First offense is \$50.00, second offense is \$100.00 and third offense is \$300.00 (citation bailable).~~

C. Recklessly inflict severe and prolonged physical pain or suffering on an animal. ~~Minimum fine of \$100.00 and maximum of \$300.00 depending on the circumstances (mandatory court appearance).~~

D. Knowingly neglect an animal, thereby causing death or severe pain or suffering to the animal. ~~Minimum fine of \$100.00 and maximum of \$300.00 depending on the circumstances (mandatory court appearance).~~ [Ord. 383 § 5, 1994.]

CITY OF CRAIG
ORDINANCE NO. 671

MAKING CHANGES TO THE CRAIG MUNICIPAL CODE, TITLE 8, HEALTH AND WELFARE, CODE ADOPTION, BY AMENDING 8.04.150 GARBAGE AND REFUSE REGULATION, 8.10.220 PENALTIES AND 8.10.230 ENFORCEMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRAIG:

Section 1. Classification. This ordinance is of a general and permanent nature and the code sections adopted 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 become effective immediately upon adoption.

Section 4. Action. This ordinance amends Sections 8.04.150, 8.10.220 AND 8.10.220.

APPROVED _____

MAYOR DENNIS WATSON

ATTEST _____
KASSI BATEMAN, CITY CLERK

**CITY OF CRAIG
MEMORANDUM**



Date: May 11th, 2015
To: Honorable Dennis Watson, Craig City Council
Fr: RJ Ely, Chief of Police
Re: Ordinance Changes

RJ Ely

Attached you will find Ordinance No. 671. This ordinance makes changes to Title 8 of the Craig Municipal Code, (Health & Welfare).

8.04.150 Penalties for Violation

By changing this wording, simplifies the fine amount and/or mandatory court appearance.

8.10.220 Penalties

By changing this wording, simplifies the fine amount and/or mandatory court appearance.

8.10.230 Enforcement

Law changed, this section is inaccurate and with 1.16.040 no longer needed.

Attached is changes to each section and new language to be added.

I would ask that the Council adopt the attached additions and deletions to existing ordinances.

**Proposed Changes in Craig Code of Ordinances
Part 1 – Title 8**

May 12, 2015

13. Chapter 8.04 Garbage and Refuse Regulations

8.04.150 Penalties for violation.

Each violation of a legal duty imposed by this chapter is a noncriminal infraction, punishable by ~~a civil penalty as follows:~~

~~A. For the first violation in a calendar year,
\$100.00;~~

~~B. For the second and each subsequent violation
in a calendar year, \$100.00;~~

~~C. For willful violations or willful failure to pay previous penalties under this
chapter, \$300.00.~~

the fine established in 1.16.040 if the offense is listed in that fine schedule or by
a fine of up to \$300 if the offense is not listed in the 1.16.040 fine schedule.

[Ord. 530 § 4, 2004; Ord. 269 § 6, 1988.]

14. Chapter 8.10 Anti-Litter

8.10.220 Penalties.

~~A. Any violation of this chapter is an infraction and shall be punished by the fine
established in 1.16.040 Any person violating any of the provisions of this chapter
is guilty of a violation or infraction and upon conviction thereof shall be subject to
the penalty as set forth in Table 8.10.220(A)(1), entitled “Penalties for Minor
Littering Violations,” or in Table 8.10.220(A)(2), entitled “Penalties for All Other
Littering Violations.” Each violation listed in Table (A)(1) or Table (A)(2) of this
section is amenable to disposition by the violator’s payment of the fine, without
court appearance.~~

~~**Table 8.10.220(A)(1) – Penalties for Minor Littering Violations**~~

~~First offense in a calendar year \$10.00~~

~~Second offense in a calendar year \$25.00~~

~~Third and subsequent offenses in a calendar year \$100.00~~

~~**Table 8.10.220(A)(2) – Penalties for All Other Littering Violations**~~

~~First offense in a calendar year \$50.00~~

~~Second offense in a calendar year \$100.00~~

~~Third and subsequent offenses in a calendar year \$300.00~~

B. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

C. In lieu of such fines for any violation hereunder, the violator may agree, as a community service, to pick up litter at the rate of \$5.00 per hour until the cumulative value of such service equals the fine. [Ord. 338 § 5, 1992.]

8.10.230 Enforcement.

~~In addition to all other lawful procedures, police officers are authorized to serve notice on persons violating the provisions of this chapter by delivering a citation to the violator. The citation, among other things, shall indicate briefly the charge, the name of the violator, and shall direct the violator to present the citation at the police station or other designated place within five days or such other reasonable time as may be specified thereon, or if the violator wishes to contest the citation, to appear in court at the place and time indicated on the citation.~~
[Ord. 338 § 5, 1992.]

Comment: This section is inaccurate (inconsistent with state law) and appears unnecessary.

CITY OF CRAIG
ORDINANCE NO. 672

MAKING CHANGES TO THE CRAIG MUNICIPAL CODE, TITLE 9, PUBLIC PEACE, MORALS AND SAFETY, CODE ADOPTION, BY AMENDING 9.10.020 PENALTIES FOR VIOLATIONS, 9.10.030 DISPOSITION OF FINES, 9.10.040 FORM AND RECORDS, 9.10.050 PROCEDURE OF ISSUANCE, 9.10.060 DISPOSITION AND RECORD, 9.10.070 CITATION DEEMED COMPLAINT, 9.10.080 FAILURE TO OBEY, 9.10.090 WARRANT ISSUANCE, 9.24.030 VIOLATION – PENALTIES, 9.28.010 OBSTRUCTION PERMIT REQUIRED, 9.30.030 PENALTIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRAIG:

Section 1. Classification. This ordinance is of a general and permanent nature and the code sections adopted 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 become effective immediately upon adoption.

Section 4. Action. This ordinance amends Sections 9.10.020, 9.10.030, 9.10.040, 9.10.050, 9.10.060, 9.10.070, 9.10.080, 9.10.090, 9.24.030, 9.24.030, 9.28.010 AND 9.30.030.

APPROVED _____

MAYOR DENNIS WATSON

ATTEST _____
KASSI BATEMAN, CITY CLERK

**CITY OF CRAIG
MEMORANDUM**



Date: May 12th, 2015
To: Honorable Dennis Watson, Craig City Council
Fr: RJ Ely, Chief of Police
Re: Ordinance Changes

RJ Ely

Attached you will find Ordinance No. 672. This ordinance makes changes to Title 9 of the Craig Municipal Code, (Public Peace, Morals & Safety).

9.10.020 Penalties for Violation

By changing this wording, simplifies the fine amount and/or mandatory court appearance. Deleted paragraphs are based on old court rules that no longer apply.

9.10.030 Disposition of Fines

By changing this wording, simplifies the fine amount and/or mandatory court appearance. Further, there are no "bail forfeitures" in city minor offense cases.

9.10.040 Form and Records

District Court Criminal Rule 8 no longer applies, Minor Offense Rule 3 in the Alaska Rules of Court is current.

9.10.050 Procedure of Issuance

Current language is confusing, no longer accurate and is simplified and covered in 1.16.040.

9.10.060 Disposition and Record

Covers required surcharge, cleans up citation and expands authority by court.

9.10.070 Citation Deemed Complaint

After adoption of the Minor Offense Rules, this section is no longer needed.

9.10.080 Failure to Obey

Citations no longer require the defendant to give a written promise to appear.

9.10.090 Warrant Issuance

Minor Offense Rule 9(d) prohibits issuance of bench warrants for failure to respond or appear or for failure to satisfy the judgment in a minor offense case.

9.24.030 Violation – Penalties

Covered in 1.16.040

9.28.010 Obstruction Permit Required

Covered in 1.16.040

9.30.030 Penalties

Covered in 1.16.040 and brings section into compliance with Minor Offense Rules. Defendants are now given 30 days to respond to citations, not the prior 5 days.

Attached are changes to each section and new language to be added. I ask that the Council adopt the attached additions and deletions to existing ordinances.

Proposed Changes in Craig Code of Ordinances
Part 1 – Title 9

May 12, 2015

15. Title 9 Public Peace, Morals and Safety

9.10.020 Penalties for violations.

Violations of this title are infractions punishable by the fine established in 1.16.040 if the offense is listed in that fine schedule or by a fine of up to \$300 if the offense is not listed in the 1.16.040 fine schedule.

~~A. Every person who violates any provision of this title shall be subject to a fine not exceeding \$300.00. All violations of these provisions shall be considered misdemeanors for court and statistical reasons but shall be considered violations in terms of penalties. Violations of this chapter have a maximum fine of \$300.00 and no possibility of jail time. Therefore anyone contesting any arrest or citation does not have the right to trial by jury nor the right to counsel provided by the city. The accused does have the right to trial by magistrate and does have the right to obtain counsel at their own expense.~~

~~B. Certain offenses, as set forth in the table below, shall be amenable to disposition without court appearance upon payment and forfeiture of the bail amounts listed. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense shall not exceed the bail amount listed for that offense. An offense for which a bail forfeiture amount has been established shall be charged on a citation which meets the requirements of District Court Criminal Rule 8(c) and shall not be filed, numbered or processed as a criminal case.~~

~~C. Any person who fails or refuses to pay fines duly assessed against him for violations of this title, after the accumulated fines equal or exceed \$300.00, shall become subject to a mandatory court appearance for each subsequent violation of this title, until such time as the previously accumulated fines have been paid in full.~~

~~D. The following table lists (by Craig code section) those offenses in this title which shall be subject to disposition (at the option of the offender) by payment of the bail forfeiture amount as a fine; and lists the amount of penalty for each offense:~~

~~**Table 9.10.020 – Bail Forfeiture (Fine) Amount
Code Provision Violated First Offense Second Offense Third and Each
Subsequent Offense**~~

9.28.010	\$50.00	\$100.00	\$300.00
9.30.010	\$100.00	\$200.00	\$300.00
9.38.010	\$100.00	\$200.00	\$300.00
9.38.020	\$100.00	\$200.00	\$300.00
9.39.010	\$100.00	\$200.00	\$300.00

~~9.42.010 \$100.00 \$200.00 \$300.00
9.42.020 \$100.00 \$200.00 \$300.00
9.60.010 \$100.00 \$200.00 \$300.00
9.62.010 \$100.00 \$200.00 \$300.00
9.62.020 \$100.00 \$200.00 \$300.00
9.62.040 \$100.00 \$200.00 \$300.00
9.62.045 \$50.00 \$150.00 \$300.00
9.86.010 \$100.00 \$200.00 \$300.00
9.86.020 \$50.00 \$150.00 \$300.00
9.88.010 \$100.00 \$200.00 \$300.00
9.88.020 \$25.00 \$50.00 \$100.00
9.88.030 \$100.00 \$200.00 \$300.00
9.90.010 \$100.00 \$200.00 \$300.00
9.90.020 \$100.00 \$200.00 \$300.00~~

16. **9.10.030 Disposition of fines and forfeitures.**

~~All fines or forfeitures collected upon the payment of fines or the forfeiture of bail of any person charged with the violation of any of the provisions of this title shall be paid into the city treasury. [Ord. 263 § 5, 1988.]~~

17. **9.10.040 Form and records.**

The chief of police shall procure and provide books of citation forms which comply with the requirements of ~~District Court Criminal Rule 8(e)~~, Minor Offense Rule 3 in the Alaska Rules of Court, identify the offender and the offense, and meet the needs of public safety and the administration of justice. [Ord. 263 § 5, 1988.]

18. **9.10.050 Procedure of issuance.**

~~A. When a person is found violating any provision of this title, and the violation is one which is amenable to payment by fine without a court appearance, the arresting officer shall, except when required by law or the immediate circumstances, issue a citation to the offending person.~~

~~B. If the offense for which the citation is issued is one for which a fine may be paid without a court appearance, the person to whom it is issued may plead guilty to the offense by signing an appropriate blank on the citation and paying the fine specified on the citation, either in person or by mail within five days from the date of this citation, to the police department. Acceptance and payment of the prescribed fine is a complete satisfaction for the offense.~~

~~C. If the offender refuses to accept the citation or refuses to sign the acknowledgment of receipt and promise to appear, the officer shall proceed with the arrest in the manner otherwise provided by law. If the offender accepts the notice, but fails to pay the fine or appear in court as required, the citation shall be considered a summons as for a charge of a violation or infraction, and the offender shall be proceeded against in the manner prescribed by law. However, the maximum penalty which may be imposed for the original offense may not exceed the penalty corresponding to bail forfeiture.~~
~~D. If the violation is one which is not amenable to payment by fine without a court appearance, the arresting officer shall proceed with the arrest in the manner otherwise required by law. [Ord. 263 § 5, 1988.]~~

19. **9.10.060 Disposition and record.**

A. Every officer upon issuing a citation to an alleged violator of any provision of this title shall deposit the original of the citation with the chief of police.

B. Upon the filing of such original citation, said citation may be disposed of only by trial before the district court magistrate, by other official action by the magistrate court, by action of the chief of police where appropriate and necessary, ~~including forfeiture of bail or~~ by payment of a fine imposed by the court and any required surcharge, or by payment to the police department of the fine and surcharge specified on ~~the back of~~ the citation.

C. It is unlawful and official misconduct for any member of the department or for any other officer or public employee to dispose of, alter or deface a citation or any copy thereof, or the record of the issuance or disposition of any citation, complaint, or warrant in a manner other than as required by law. [Ord. 416 § 4, 1995; Ord. 263 § 5, 1988.]

20. **9.10.070 Citation deemed complaint.**

~~In the event the form of citation provided under CMC 9.10.040 includes information and is sworn to as required under the laws of the state in respect~~

~~to a complaint charging commission of the offense alleged in said citation to have been committed, then such citation when filed with a court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution under this title. [Ord. 263 § 5, 1988.]~~

21. **9.10.080 Failure to obey.**

~~It is unlawful for any person to violate his written promise to appear given to an officer upon the issuance of citation regardless of the disposition of the charge for which such citation was originally issued. [Ord. 263 § 5, 1988.]~~

22. **9.10.090 Warrant issuance.**

~~In the event any person fails to comply with a citation given to such person or fails to make appearance pursuant to a summons directing an appearance in the district court or if any person fails or refuses to deposit bail as required and within the time allowed, the magistrate, upon the request of any police officer, shall issue a warrant for the arrest of such person. [Ord. 263 § 5, 1988.]~~

23. Chapter 9.24 Fireworks

9.24.030 Violation – Penalties.

Any person violating any of the provisions of this chapter is guilty of ~~a violation or an~~ infraction punishable by the fine established in 1.16.040, and upon conviction thereof shall be subject to the penalty as set forth in Table 9.24.030, entitled “Penalties for Violations.” ~~Each violation listed in Table 9.24.030 is amenable to disposition by the violator’s payment of the fine, without court appearance.~~

Table 9.24.030 – Penalties for Violations

~~First offense in a calendar year \$25.00~~

~~Second offense in a calendar year \$50.00~~

~~Third and subsequent offenses in a calendar year \$100.00~~ [Ord. 340 § 4, 1992.]

24. Chapter 9.28 Obstructions to Streets and Sidewalks

9.28.010 Obstruction permit required.

It is unlawful for any person or persons to obstruct any sidewalk, street or alley with wood, lumber or with whatever materials, whether it be in the construction, erection or demolition or repairs of any building or otherwise, without first

having obtained a permit from the police chief of the city. ~~On~~ Failure to first obtain such permit is an infraction punishable by the fine established in 1.16.040. and upon trial and conviction thereof, the person or persons so offending shall be punished by a fine as set by bail schedule. [Ord. 416 § 4, 1995; Ord. 4 § 3, 1926.]

25. Chapter 9.30 Camping

9.30.030 Penalties.

~~Persons found c~~Camping in violation of this chapter is an infraction punishable by the fine established in 1.16.040. shall be subject to a civil penalty of no less than \$100.00 and no more than \$300.00. Each separate night shall be counted as a separate violation. ~~After notice and opportunity for a hearing before a magistrate, any person found in violation shall be required to pay the total civil penalty within 48 hours after the time set for hearing. Failure to make timely payment of civil penalties shall be grounds for the chief of police to expel a transient or temporary visitor, who has been found in violation of this chapter, from the city.~~ [Ord. 220 § 4, 1984.]

26. Chapter 9.38 Offenses Against Public Order
Chapter 9.39 Eluding a Peace Officer
Chapter 9.42 Offenses Against Public Administration
Chapter 9.60 Injuring Utilities
Chapter 9.62 Offenses Against Property
Chapter 9.86 Misconduct Involving Weapons
Chapter 9.88 Discharging Firearms
Chapter 9.90 Controlled Substances

CITY OF CRAIG MEMORANDUM

To: Craig Mayor and City Council
From: Brian Templin, City Planner
Date: May 28, 2015
RE: Application to Sell City Property to John McCallum – Ordinance 674 Final Reading

John McCallum owns lots 6 and 7, Port St. Nicholas Subdivision Number 3, located within the Craig City limits. This subdivision fronts on city owned tide and submerged lands. The city has already approved an easement to Mr. McCallum for his sewer outfall.

The council authorized staff to negotiate a lease of city owned tideland to John McCallum to allow for a personal use dock in front of Lot 6, Port St. Nicholas No. 3. Mr. McCallum has requested that we convert the lease to a sale of the tideland in front of his lot for the same purpose.

Mr. McCallum has applied to the city for a sale of a portion of Tract A, ATS 1410 abutting lots 6 and lot 7 for the purpose of constructing and maintaining a private dock associated with the residential structure being currently constructed on lot 7. Mr. McCallum has identified approximately 41,315 square feet of tide and submerged lands that he would like to purchase.

The sale notice was published per the Craig Municipal Code with the public hearing scheduled at the regular city council meeting on June 4, 2015.

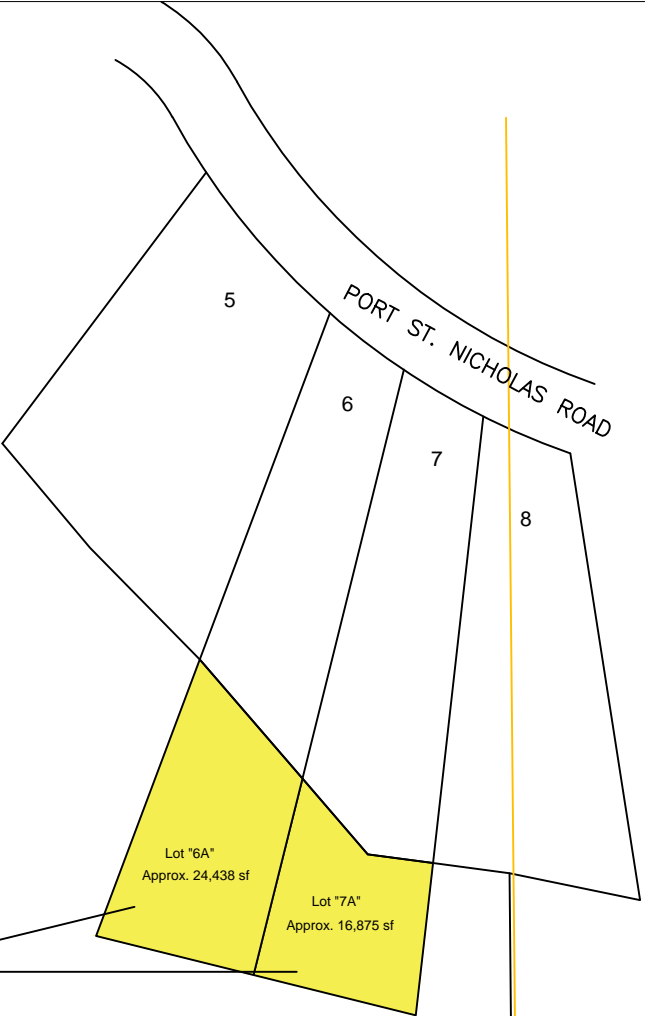
As part of the lease process the McCallums had Horan and Company appraise the property. The value of the tideland in that appraisal is \$2.25/sf. Using that appraisal would result in a final sale price of approximately \$93,000. Funds from this sale will be placed in the city's land development fund. The McCallums will be responsible for all survey costs related with the sale.

As with all sales of municipal lands, the final terms of the sale will be brought back before the council for approval.

Recommendation: Approve Ordinance 667, authorizing the city administrator to negotiate the sale of city owned property to Mr. John McCallum.

McCallum Tideland Sale Diagram

Proposed Sale Area
(Approx 41,315 sf total)



Tract A
ATS 1410

**CITY OF CRAIG
ORDINANCE No. 674**

AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE WITH JOHN AND
THREESA MCCALLUM, THE TERMS OF A SALE OF CITY OWNED TIDE AND
SUBMERGED LANDS AT TRACT A, ATS 1410

Section 1. Classification. This is a non-code ordinance.

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 immediately upon adoption.

Section 4. Action. This ordinance authorizes the City Administrator to negotiate the sale of approximately 41,315 square feet of city owned tide and submerged land, a portion of Tract A, ATS 1410. Final terms of said sale are subject to the approval of the Craig city council.

Passed and approved this 4th day of June 2015.

Mayor Dennis Watson

Attest _____
Kassi Bateman, City Clerk

CITY OF CRAIG MEMORANDUM

To: Craig City Council
From: Jon Bolling, City Administrator
Date: May 29, 2015
RE: June Staff Report

1. Legislative Update

There is absolutely nothing new to report to the council on this topic. The legislature, meeting in special session, in Anchorage, still has not adopted a fully funded budget to send to the governor for approval. Staff did receive a notice from the State of Alaska Department of Corrections showing funding levels for contract jail services. Like all other contract jails, the amount proposed for Craig for the coming fiscal year is less than the current year, but more than staff budgeted for in the city's coming fiscal year budget.

2. Mail Service

Today I received a response from the US Postal Service to our May letter regarding transport of First Class Mail. The response was, in a word, unresponsive. I will continue to work on this with other POW communities.

3. Ice House Update

Craig Harbormaster Michael Peel reports that both the production and delivery components of the ice house are operational. Some bit of work remains to be completed, and Mike has arranged for this work to be done by approximately June 15. That work will include a technician from North Star Refrigeration to visit Craig and make any final adjustments needed before the rush of the commercial fishing season.

4. Water Level at North Fork Lake

The water level at North Fork Lake is dropping at a rate of about 0.05" per day. At that rate, the water level at the dam will be at the rim of the intake of the city's raw water main in about 25 days. Beginning Monday, June 1, staff will begin water conservation measures, including notification to the public to conserve water, reducing water consumption at the Port St. Nicholas hatchery facility, and other measures. There is a chance of rain in next week's forecast, and if we receive rain that could eliminate the need for some of these measures. However, if the weather we received in May is indicative of how dry summer's weather will be, the public can expect a significant campaign encouraging conservation of drinking water.

5. Travel Schedule

Personal travel August 21-27.

If the council has questions regarding these items feel free to contact me anytime.

City Of Craig
Memorandum

To: Mayor Dennis Watson, and the Craig City Council

From: Jessica Holloway, Aquatic Manager

Date: May 28, 2015

RE: May report

May has been a month of craziness. We are at the end of the school year and almost completely done with school lessons. Every year at this time it seems to be a mad dash from all the schools to rent the pool for the last week of school. This year has not been any different. The bonus this year was that most of the teachers and schools did request pool time with a good amount of notice.

As you may have already heard the pool WILL NOT be closing down for construction this summer. After speaking with the architects Jon and Brian we have decided that it would be best to put the work off until next year. If we continued to do the work this year there would be a greater possibility of a longer shut down due to weather and other unforeseen circumstances. Starting the work next May gives us a better opportunity for the work to the building to be done with minimal obstructions to the upcoming school year and swim season. It was discussed that maybe we would break the work up into two separate phase for this year and next but that would also mean a longer shut down and not a guarantee that the work would be completed on time . It is in the best interest to put this off until next year when everything can be done in one shot and in prim construction season. As you can imagine this has wreaked havoc for staffing at the pool. Most of the staff has prepared and found summer employment since we were supposed to close. Now since that is not the case any longer the pool is working with a very limited staff. I have a June schedule made up and posted. The hours are limited but we are honestly going to be opened as much as possible. I have received a couple of applications but I am still looking into those and need a few more. I do not as of today have a schedule made for July and August. I am planning to close the facility the first week of July. Kristy is going to be starting her maternity leave the first week of July as well. As soon as I have more up to date information on staffing and a better idea of the schedule I will report it.

Matthew Tipton and Mitchell Reeves are graduating this year. Matt plans on stay employed with us for a while. Mitch is still unsure of his summer plans. He has enlisted into the Air Force and will be leaving for training in the fall. Zack Gardner has taken summer employment with Shelter Cove. He has yet to confirm or deny if he will be returning after the summer is over to work at the pool. I will update the council as soon as more information is available.

Please feel free to call or e-mail me with any questions at pool@craigak.com , 826-2794.

Enjoy the Weather!!

CITY OF CRAIG MEMORANDUM

To: Craig Mayor and City Council
From: Brian Templin, City Planner
Date: May 28, 2015
RE: Planning Department Staff Report – June 2015

1. Pool Improvements. As Jon reported at the May 21, 2015 council meeting it is not likely that a design, construction bidding and a contract will be in place to start work this year. We are working with the architect and plan on completing the design and bid specifications by the end of June but will likely not put the job out for bid until this winter with the intention of awarding a contract by the beginning of 2016. This will allow us to complete the contract, review submittals from the successful contractor, allow time for material ordering and set a start date for construction in mid-May 2016. It is our intent to complete construction by the end of August of next year with the pool closure being mid-May to the end of August 2016. We will continue to look at ways to make the existing roof more secure in the interim. We are also looking for a temporary boiler to replace the existing large pool heater. The existing heater is unlikely to pass inspection by the state inspector again and we will need a temporary replacement until the new system is put in place next year.
2. Tsunami Ready. The council will get a short presentation from the State Tsunami Program Manager and the National Weather Service making Craig a “Tsunami Ready Community”. This status is given to communities working with the National Weather Service/NOAA to ensure that the community has completed planning, has identified evacuation routes and has a public warning system. This project has included Tsunami response plans, the warning siren system, signage and public outreach.
3. Marijuana Legislation/Regulation. I have included an additional memo regarding draft regulations from the ABC Board on Marijuana issues.
4. Phoenix Logging “Camp Bear”. As the council is probably aware we recently issued a 12 month access permit to Phoenix Logging to moor a camp barge at the cannery site. Phoenix will operate the camp in support of logging activities in the Big Salt area. It is likely that Phoenix will come to the council within the next 12 months and request a 12 month extension to the access permit to keep the camp in place while they complete logging these areas. Under the Craig Municipal Code the city administrator can administratively grant an access permit for up to 12 months and the council can grant an access permit for up to 24 months. Phoenix is paying approximately \$6,000 per year and utilities to occupy the site.

**CITY OF CRAIG
MEMORANDUM**



Date: May 22nd, 2015
To: Honorable Dennis Watson, Craig City Council
Fr: RJ Ely, Police Chief
Re: Staff Report / May 2015

RJ Ely

ACTIVITY

Activity from April 30, 2015 through May 22, 2015. Dispatch Center took the following amount of calls for service:

Craig	610
Klawock	239
AST	14

DEPARTMENT OF MOTOR VEHICLES

Steps are being taken to schedule Linda Arrants replacement to get required DMV Training, in order to be able to take over as DMV Agent. Replacement is already going through TWIC, TSA & Hazmat Training.

DISPATCHER(S)

Advertising for Part Time / Fill In Dispatcher and Full Time Dispatcher. Applications are being picked up and I'm waiting for completed applications to be submitted.

OFFICER(S)

Sgt. Medina completed advanced interviewing / interrogation training.

Ofc. Page is continues with F.T.O.

OTHER

Staff is about ¾ completed with scanning old case files, booking, log's to digital and all paper records are being destroyed.

Am still working on other sections of City Ordinance's, to get amended to comply with new laws, court rules and directives.

Drug investigations are still ongoing and large amounts of drugs have been seized. Within the next few weeks, several indictments are expected.

All laptops for digital Accident Filing and Computer Citations have been configured, equipment installed in all police vehicles and I'm only waiting for certified TraCS Instructor to come to Craig, hold training and then officers will start using equipment.

CITY OF CRAIG RESOLUTION 15-10

A RESOLUTION GRANTING AN EASEMENT TO KIT KRAFT TO PLACE FILL AND A DECK ON CITY OWNED LAND ADJACENT TO LOT 6A, BLOCK 22A, USS 1430 CTA

WHEREAS, pursuant to Craig Municipal Code 16.04.010, Kit Kraft has requested an easement to place fill and a deck on City owned land adjacent to his property (Lot 6A, Block 22A, USS 1430 CTA); and,

WHEREAS, Mr. Kraft agrees that this easement is a non-exclusive use and that no other use of the easement is allowed; and,

WHEREAS, Mr. Kraft agrees to perform all installation, maintenance, operation and if required, removal of the fill, deck and associated construction at no cost to the City; and,

WHEREAS, this easement and the conditions contained herein shall be attached to the above described property for the purpose of sale or transfer; and,

WHEREAS, Section 16.04.010 of the Craig Municipal Code provides for approval of easements by City Council Resolution.

NOW, THEREFORE, BE IT RESOLVED that the City of Craig hereby directs the City Administrator to enter into negotiations for the exact location and execute an agreement with Kit Kraft for the aforementioned easement. The City Administrator shall ensure that all applicable sections of CMC 16.04.010 are met.

Adopted this 4th day of June, 2015.

Mayor Dennis Watson

ATTEST _____
Kassi Knock, City Clerk

**CITY OF CRAIG
MEMORANDUM**

To: Craig Mayor and City Council
From: Brian Templin, City Planner
Date: May 28, 2015
RE: Kit Kraft Easement

Kit Kraft owns the building at the intersection of 9th Street and Water Streets in Craig. This property is zoned marine industrial and was previously known as the “Harbor Store”. Mr. Kraft demolished a deck that connected the building to the sidewalk on Water Street and is seeking to rebuild the deck.

Mr. Kraft feels that the new deck likely will encroach onto the state right-of-way that is Water Street and has been working with the state to get an encroachment permit or easement. Due to the fact that this area is affected by a number of independent surveys the city owns a narrow strip (approximately 3.5’ wide) between the property line of Lot 6A, Block 22, USS 1430 CTA and the state owned right-of-way. This narrow strip will also be encroached by the new deck and makes the city the adjacent property owner to the right-of-way, not Mr. Kraft.

The easiest method of allowing Mr. Kraft to encroach on the city owned strip and secure a permit from the state to encroach on the state right-of-way is to grant an easement to Mr. Kraft by approving resolution 15-10.

Recommendation: Approve Craig Resolution 15-10, Granting an easement on city owned land adjacent to his property at Lot 6A, Block 22A, USS 1430 CTA.

**CITY OF CRAIG
RESOLUTION NO. 14-15**

**F/Y 2015 PAYMENT IN LIEU OF TAXES
FUNDING RESOLUTION**

A RESOLUTION REQUESTING FY 15 PAYMENT IN LIEU OF TAXES FUNDING FROM THE DEPARTMENT OF COMMERCE, COUMMUNITY, AND ECONOMIC DEVELOPMENT

WHEREAS, 3 AAC 152.100 requires the governing body of a city to adopt a resolution requesting funding from the Payment in Lieu of Taxes Program for cities in the unorganized borough and to submit the resolution to the Department of Commerce, Community, and Economic Development; and

WHEREAS, the city has conducted a regular election during the preceding state fiscal year and has reported the results of the election to the commissioner; and

WHEREAS, regular meetings of the governing body are held in the city and a record of the proceedings maintained; and

WHEREAS, ordinances adopted by the city have been codified in accordance with AS 29.25.05;

NOW THEREFORE BE IT RESOLVED THAT: The Craig city council by this resolution hereby requests distribution from the FY 15 Payment in Lieu Program by the Department of Commerce, Community, and Economic Development on the date required by law.

PASSED AND APPROVED by a duly constituted quorum of the city council June 5, 2014.

MAYOR DENNIS WATSON

ATTEST _____
KASSI BATEMAN, CITY CLERK

City of Craig Memorandum

Date: May 28, 2014

To: Mayor & City Council

From: Joyce Mason

Re: FY16 PILT Funding

Resolution 15-11 requests Payment in Lieu of Taxes funding for FY 16. The Department of Commerce, Community & Economic Development requires this resolution each year for this program.

This resolution is an item presented to the Council each year. As a reminder, the PILT program was reauthorized for one more year. If Congress fails to reauthorize PILT the payment we receive this summer will be our last payment under this program. Currently the city receives approximately \$220,000 each year.

Recommendation:

Approve Resolution 15-11, Requesting FY16- Payment in Lieu of Taxes funding.

CITY OF CRAIG MEMORANDUM

To: Craig Mayor and City Council
From: Brian Templin, City Planner
Date: May 28, 2015
RE: Marijuana Regulation Update

As the council is aware the state has been working on regulations to enact the legalization of recreational marijuana per Ballot Measure 2 passed last November. The only legislation that passed out of both the Senate and House this session was the bill to create the marijuana control board. The state is currently reviewing applications for board members.

None of the regulatory bills passed out of the legislature so the job of writing the regulations at the state level falls to the staff and board members for the Alcoholic Beverages Control (ABC) Board.

The board has decided to write the regulations in three sets to allow for writing, reviewing and finalizing to go on throughout the next several months in order to meet the deadline of November 24, 2015 for adoption by the board.

Set 1 of the marijuana regulations is now available for review. These proposed regulations relate to definitions, as well as local options for communities to “opt out” of having certain kinds of marijuana establishments. The proposed regulations, as well as the public notice form and additional notice information, are attached to this memo. Set 2 will be available following the July ABC board meeting; set 3 will be available following the September ABC board meeting. I will send these drafts out to the council as they are available.

Overall the state anticipates the following timeline for adoption of the regulations and implementation:

- **November 24, 2015** – Deadline for the board to adopt regulations; if not adopted by this date, local governments have the option of establishing their own regulations. Final regulations package will be submitted to the Governor’s Office and Department of Law for review and approval.
- **February 24, 2016** – ABC Board must start accepting applications and must act on them within 90 days of receipt of application. If the ABC board has not adopted regulations, applications may be submitted directly to local regulatory authorities.
- **March 26, 2016** – Tentative effective date of regulations; effective date will be 30 days after the Lt. Governor’s Office files the approved regulations.
- **May 24, 2016** – Initial marijuana industry licenses expected to be awarded.

It is anticipated that the city may also want to consider some changes to the municipal code to further regulate the “time, place and manner” of commercial marijuana regulations before licenses are accepted. Local regulation may include such items as:

- Appropriate zones for testing, processing, growing or retail sales.

- Exclusion zones from schools, daycares, churches and correctional facilities (the state may also create exclusion zones in their regulations).
- Signage, hours of operation or other appropriate regulation.

I will try to highlight the areas that the new regulations address and where the city may want to add regulation to the process prior to licensing.

The first set of regulations deals primarily with definitions and local options. The regulations clearly spell out the method for local governments to opt out of allowing some, or all types of commercial establishments.

The second and third set of regulations will deal with license types; the process for licensing; production; labeling; and other issues related to the commercial aspects of marijuana in Alaska.

It is important that the council review the regulations as they are sent out by the ABC board because each set will have a set comment deadline. The deadline for comments on the first set of regulations is June 24, 2015. Waiting until all of the regulations are published in November will preclude the city from making comments that will help shape the regulations.

Recommendation: Discuss the attached draft regulations and recommend comments (if any) that should be made by the city to the ABC board regarding these regulations.

NOTICE OF PROPOSED REGULATIONS
REGARDING MARIJUANA AND LOCAL OPTIONS.
ALCOHOLIC BEVERAGE CONTROL BOARD/MARIJUANA CONTROL BOARD

The Alcoholic Beverage Control Board proposes to adopt regulations to implement the marijuana law which was voted on as Ballot Measure 2 in November, 2014. These proposed regulations relate to definitions, as well as local options for communities to “opt out” of having certain kinds of marijuana establishments.

The Alcoholic Beverage Control Board proposes to adopt regulation changes in Title 3 of the Alaska Administrative Code, dealing with local option regulations and definitions relating to marijuana and marijuana establishments, including the following:

- (1) local option regulations are proposed as follows:

The regulations consist of a series of provisions establishing a local governing body’s ability, by ordinance or popular vote, to opt out of allowing marijuana establishments to operate in their jurisdiction. The proposed local option regulations are modeled on the local option statutes for liquor licensed establishments in AS 04.11. The proposed regulations include rules prescribing types of local options, a change of a local option, the removal of a local option, the effect on licenses of a prohibition on sale, the prohibition of importation or purchase after a local option election, the effect on licenses of a restriction on sale, licensing after a prohibition on sale except on premises operated by a municipality, the procedure for local option elections, the establishment of the perimeter of an established village, and notice of results of a local option election.

- (2) Definitions are proposed to be adopted, including the following:

Definitions of the terms “assist”, “personal cultivation”, “adulterated food or drink product”, “edible marijuana product”, “licensed premises”, “local governing body”, “marijuana concentrate”, “marijuana product”, “marijuana plant”, and “possess”.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to John Calder, Alcoholic Beverage Control Board at 550 W. 7th Ave, Suite 1600, Anchorage, AK 99501. Additionally, the Alcoholic Beverage Control Board will accept comments by electronic mail at john.calder@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the "comment" link. The comments must be received no later than 4:30 p.m. on June 20, 2015.

You may submit written questions relevant to the proposed action to John Calder by email and physical address. Please do not submit questions through the Alaska Online Public Notice System. The questions must be received at least 10 days before the end of the public comment period. The Alcoholic Beverage Control Board will aggregate its response to substantially similar questions and make the questions and response available on the Alcoholic Beverage Control Board website. The Alcoholic Beverage Control Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact John Calder at (907) 754-3427 no later than June 10, 2015 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and/or through the electronic link to the complete text on the Alaska Online Public Notice System and by contacting John Calder at 550 W. 7th Ste 1600, Anchorage, AK 99501.

A copy of material proposed for adoption by reference is available on the Alaska Online Public Notice System or through the electronic link to the complete text on the Alaska Online Public Notice System.

After the public comment period ends, the Alcoholic Beverage Control Board will either adopt the proposed regulations or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.**

Statutory Authority: AS 17.38090;

Statutes Being Implemented, Interpreted, or Made Specific: AS 17.38.100; AS 17.38.110

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: May 19, 2015

Cynthia A. Franklin, Director, Alcoholic Beverage
Control Board/Marijuana Control Board

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

- 1. Adopting agency: Alcoholic Beverage Control Board
- 2. General subject of regulation: Implementation of Marijuana Initiative
- 3. Citation of regulation (may be grouped): 3 AAC xxx.xxx
- 4. Department of Law file number, if any: _____

- 5. Reason for the proposed action:
 - () Compliance with federal law or action (identify): _____
 - (x) Compliance with new or changed state statute
 - () Compliance with Federal or state court decision (identify) _____
 - () Development of program standards
 - () Other (identify): _____

6. Appropriation/Allocation: 0

- 7. Estimated annual costs in the aggregate to comply with the proposed action to:
 - Private Persons: 0
 - Other State Agencies: 0
 - Municipalities: 0

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year	Subsequent
	FY <u>0</u>	Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ <u>0</u>	\$ <u>0</u>
1003 General fund match	\$ <u>0</u>	\$ <u>0</u>
1004 General fund	\$ <u>0</u>	\$ <u>0</u>
1005 General fund/ program	\$ <u>0</u>	\$ <u>0</u>
1037 General fund/ mental health	\$ <u>0</u>	\$ <u>0</u>
Other	\$ <u>0</u>	\$ <u>0</u>

- 9. The name of the contact person for the regulations:
 - Name: Cynthia A. Franklin
 - Title: Director, Alcoholic Beverage Control Board/Marijuana Control Board
 - Address: 550 W. 7th Avenue, Suite 1600
Anchorage, AK 99501

Telephone: (907)269-0350

E-mail address Cynthia.franklin@alaska.gov

10. The origin of the proposed action:

- Staff of state agency
- Federal government
- General public
- Petition for regulation change
- Other (identify) _____

11. Date: 05/19/2015

Prepared by: _____
[signature]

Name (printed): Cynthia A. Franklin

Title (printed): Director, Alcoholic Beverage Control
Board/Marijuana Control Board

Telephone: (907)269-0350

3 AAC is amended by adding a new chapter to read:

Section

200. Local options

210. Change of local option

220. Removal of local option

230. Procedure for local option election

240. Prohibition of importation or purchase after election

250. Effect on licenses of restriction on sale

260. Licensing after prohibition on sale except in premises operated by municipality

270. Notice of the results of a local option election

3 AAC 306.200. Local options. (a) If a majority of the persons voting on the question vote to approve the option, or if the assembly or city council passes an ordinance to the same effect, a municipality shall adopt a local option to prohibit

(1) the sale of marijuana and marijuana products;

(2) the operation of any marijuana establishment, including one or more of the

following license types:

(A) a marijuana cultivation facility or marijuana brokerage facility;

(B) a marijuana products manufacturing facility;

(C) a marijuana testing facility;

(D) a marijuana retail facility;

(3) the sale of marijuana and marijuana products except on premises operated by the municipality under a retail marijuana license; or

(4) the sale or importation for sale of marijuana and marijuana products.

(b) If a majority of the persons voting on the question vote to approve the option, or if the assembly or city council passes an ordinance to the same effect, an established village shall exercise a local option to prohibit

(1) the sale of marijuana and marijuana products;

(2) the operation of any marijuana establishment, including one or more of the following license types:

(A) a marijuana cultivation facility or marijuana brokerage facility;

(B) a marijuana products manufacturing facility;

(C) a marijuana testing facility;

(D) a marijuana retail facility; or

(3) the sale and importation for sale of marijuana and marijuana products.

(c) A ballot question to adopt a local option under this section must at least contain language substantially similar to: "Shall (name of municipality or village) adopt a local option to prohibit (local option under (a) or (b) of this section)? (yes or no)."

(d) The ballot for an election on the options set out in (a)(2) and (b)(2) of this section must include a brief explanation of the activity that each license type on the ballot may carry out.

(e) If a municipality dissolves under AS 29.06.450(a) or (b), a local option adopted by that municipality under (a) of this section shall continue in effect as the corresponding local option under (b) of this section for an established village having the same perimeter as the previous boundaries of the municipality. Any marijuana establishment license issued to a municipality under 3 AAC 306.____ expires when the municipality dissolves. Establishment of the perimeter of an established village for purposes of this section shall be governed by AS 04.11.508. (Eff. ___/___/____, Register ____)

Authority: AS 17.38.090 AS 17.38.110 AS 17.38.900

3 AAC 306.210. Change of local option. If a majority of persons voting on the question vote to approve a local option different from one previously adopted under this section and currently in effect, or if the assembly or city council passes an ordinance to the same effect, a municipality or established village shall change the local option to the newly approved option. A ballot question to change a local option under this section must at least contain language substantially similar to: "Shall (name of municipality or village) change the local option currently in effect, that prohibits (current local option), and adopt in its place a local option to prohibit (proposed local option)? (yes or no)." (Eff. ___/___/___, Register ___)

Authority: AS 17.38.090 AS 17.38.110 AS 17.38.900

3 AAC 306.220. Removal of local option. (a) If a majority of the persons voting on the question vote to remove a local option previously adopted under this section and currently in effect, or if the assembly or city council passes an ordinance to the same effect, that local option is repealed effective the first day of the month following certification of the results of the election. A ballot question to remove a local option under this section must at least contain language substantially similar to: "Shall (name of municipality or village) remove the local option currently in effect, that prohibits (current local option), so that no local option continues in effect? (yes or no)."

(b) When issuing a license in the municipality or established village that has removed a local option, the board will give priority to any formerly licensed applicant whose license was not renewed because of the results of the previous local option election. However, an applicant described in this subsection does not have a legal right to a license and the board is not required

to approve the application. (Eff. ___/___/___, Register ___)

Authority: AS 17.38.090 AS 17.38.110 AS 17.38.900

3 AAC 306.230. Procedure for local option election. (a) When the local governing body of a municipality receives a petition to adopt, change, or remove a local option, and the petition is signed by a number of registered voters equal to 35 percent or more of the number of votes cast at the last regular municipal election, the governing body shall place the issue that is the subject of the petition on a separate ballot at the next regular election, or hold a special election, The local governing body shall conduct the election under the election ordinance of the municipality.

(b) When the lieutenant governor receives a petition to adopt, change, or remove a local option, and the petition is signed by a number of registered voters equal to 35 percent or more of the registered voters residing in an established village, the lieutenant governor shall place the issue that is the subject of the petition upon a separate ballot at a special election conducted in compliance with AS 15.

(c) In a general law municipality, AS 29.26.110 - 29.26.160 apply to a petition under (a) of this section except that the

(1) the number of required signatures is determined under (a) of this section rather than under AS 29.26.130;

(2) an application filed under AS 29.26.110 must at least contain language substantially similar to the questions set out under 3 AAC 306.200(c), 3 AAC 306.210, or 3 AAC 306.220 rather than language of an ordinance or resolution;

(3) a petition must at least contain language substantially similar to the questions set out under 3AAC 306.200(c), 3 AAC 306.210, or 3 AAC 306.220 rather than material

required under AS 29.26.120 (a)(1) and (2).

(d) Notwithstanding any other provisions of law, a municipality or established village may not conduct an election to change to a less restrictive option under 3 AAC 306.210, or to remove a local option under 3 AAC 306.220, or pass an ordinance to the same effect, during the first 24 months after the local option was adopted or more than once in a 36-month period.

(e) Notwithstanding AS 29.26.140(a), after a petition has been certified as sufficient to meet the requirements of (a) or (b) of this section, no other petition may be filed or certified until after the question presented in the first petition has been voted on or pass an ordinance to the same effect,. Only one local option question may be presented in an election. (Eff. ___/___/___, Register ___)

Authority: AS 17.38.090 AS 17.38.110 AS 17.38.900

3 AAC 306.240. Prohibition of importation or purchase after election. (a) If a majority of the voters vote to prohibit the importation for sale of marijuana and marijuana products under 3 AAC 306.200(a)(4) or (b)(3), or if the assembly or city council passes an ordinance to the same effect, a person, beginning on the first day of the month following certification of the results of the election, may not knowingly send, transport, or bring marijuana or marijuana products into the municipality or established village.

(b) A person who resides in a municipality or established village that has adopted a local option under 3 AAC 306.200(a) or (b) may not purchase marijuana or marijuana products from another person who has sent, transported, or brought marijuana or marijuana products into the municipality or established village in violation of the local option.

(c) In this section,

(1) "bring" means to carry or convey or to attempt or solicit to carry or convey;

(2) "send" means to cause to be taken or distributed or to attempt or solicit to cause to be taken or distributed, and includes use of the United States Postal Service;

(3) "transport" means to ship by any method, and includes delivering or transferring or attempting or soliciting to deliver or transfer marijuana or marijuana products to be shipped to, delivered to, or left or held for pickup by any person. (Eff. ___/___/___, Register ___)

Authority: AS 17.38.090 AS 17.38.110 AS 17.38.900

3 AAC 306.250. Effect on licenses of restriction on sale. If a majority of the voters vote under 3 AAC 306.200(a) or (b) to prohibit sale of marijuana and marijuana products or the operation of marijuana establishments, or if the assembly or city council passes an ordinance to the same effect, the board may not issue, renew, or transfer between persons or locations a license for a marijuana establishment with premises located within the boundary of the municipality or in the unincorporated area within ten miles of the boundaries of the municipality, or within the perimeter of the established village. A license for a marijuana establishment within the boundary of the municipality or in the unincorporated area within ten miles of the boundary of the municipality, or within the perimeter of the established village, is void 90 days after the results of the election are certified. A license that expires during the 90 days after the results of a local option election are certified may be extended, until it is void under this section, by payment of a prorated portion of the annual license fee. (Eff. ___/___/___, Register ___)

Authority: AS 17.38.090 AS 17.38.110 AS 17.38.900

3 AAC 306.260. Licensing after prohibition on sale except in premises operated by municipality. (a) If a majority of the voters vote under 3 AAC 306.200(a)(3) to prohibit sale of marijuana and marijuana products except by the municipality, or operation of marijuana

establishments except marijuana establishments operated by the municipality, or if the assembly or city council passes an ordinance to the same effect, the board may not issue, renew, or transfer a marijuana establishment license in any other person's name within the boundaries of a municipality and in unincorporated areas within ten miles of the boundaries of the municipality. A license in effect is void 90 days after the results of the election are certified. A license that expires during the 90 days after the results of a local option election are certified may be extended, until it is void under this subsection, by payment of a prorated portion of the annual license fee.

(b) If a majority of the voters approve the sale of marijuana and marijuana products by the municipality, or the operation of a marijuana establishment by the municipality, the municipality's local governing body shall apply for a license to operate the type of marijuana establishment listed on the ballot and approved by a majority of the voters. The municipality shall operate the marijuana establishment subject to the conditions and fees applicable to the applicable type of license. Nothing in this section precludes a municipality from applying to be a licensee under other provisions of this title. (Eff. ___/___/___, Register ___)

Authority: AS 17.38.090 AS 17.38.110 AS 17.38.900

3 AAC 306.270. Notice of the results of a local option election. (a) If a majority of the voters vote to adopt, change, or remove a local option under 3 AAC 306.200-3 AAC 306.220 or if the assembly or city council passes an ordinance to the same effect,:

(1) the clerk of the municipality, or, if the election is in an established village, the lieutenant governor, shall notify the board of the results of the election or of the passage of the ordinance immediately after the results of the election are certified or the ordinance is formally adopted;

(2) the municipality or established village shall post public notice of the prohibition in a central location in the municipality or village before the date the prohibition becomes effective; and

(3) the board shall immediately notify the Department of Law and the Department of Public Safety of the results of the election. (Eff. ___/___/___, Register ___)

Authority: AS 17.38.090 AS 17.38.110 AS 17.38.900

In this section, “local governing body” means, as appropriate, a city council, a borough assembly, or a traditional village council, but does not include a corporation established under the Alaska Native Claims Settlement Act.

3 AAC 306.990. Definitions. (a) In AS 17.38,

(1) “assist” does not include

(A) using, displaying, purchasing, or transporting marijuana in excess of the amount allowed in AS 17.38.020;

(B) possessing, growing, processing, or transporting marijuana plants in excess of the amount allowed in AS 17.38.020;

(C) growing marijuana plants for another person in a place other than that other person's residence;

(2) “personal cultivation” does not include

(A) using, displaying, purchasing, or transporting marijuana in excess of the amount allowed in AS 17.38.020;

(B) possessing, growing, processing, or transporting marijuana plants in excess of the amount allowed in AS 17.38.020;

(C) growing marijuana plants for another person in a place other than that other person's residence.

(b) In AS 17.38 and this chapter, unless the context requires otherwise,

“adulterated food or drink product” means a product which is intended to be consumed orally and which existed without marijuana in a form ready for consumption to which marijuana was subsequently added by any process. Adulterated food or drink products do not include raw ingredients which are combined with marijuana in a manufacturing process;

“edible marijuana product” means any marijuana product which is intended to be consumed orally, including but not limited to, any type of food, or drink. Edible marijuana products do not include adulterated food or drink products;

“licensed premises” means any or all designated portions of a building or structure, rooms or enclosures in the building or structure, used, controlled, or operated by a licensee in the conduct of business for which the licensee is licensed by the board at the specific address for which the license is issued;

“local governing body” means, as appropriate, a city council, a borough assembly, or a traditional village council, but does not include a corporation established under the Alaska Native Claims Settlement Act;

“marijuana concentrate” means resin, oil, wax, or any other substance derived from the marijuana plant by any method which isolates the THC-bearing resins of the plant;

“marijuana product” means concentrated marijuana and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures;

“marijuana plant” means a living organism of genus *Cannabis* capable of absorbing water and inorganic substances through its roots, and synthesizing nutrients in its leaves by photosynthesis;

“possess” means having physical possession or the exercise of dominion or control over property. (Eff. ___/___/___, Register ___)

Authority: AS 17.38.090 AS 17.38.110 AS 17.38.900

**CITY OF CRAIG
MEMORANDUM**

To: Craig City Council
From: Jon Bolling, City Administrator
Date: May 22, 2015
RE: Proposed Labor Cost Share Agreement with Seafood Producers Cooperative

Attached is a draft agreement between the City of Craig and Seafood Producers Cooperative. The agreement governs the use of labor to staff the ice house between June 15 and September 14 of this year.

Several months ago the council discussed, in concept, the prospect of working with SPC to provide labor to staff the ice house in 2015. Following that discussion I met with SPC staff to discuss details of the arrangement. The attached draft agreement is the result of my discussions with SPC.

If the council approves the proposed agreement city staff and SPC will recruit a qualified individual to fill the proposed position. Among the qualifications I intend to include in the employment advertisement are several year's experience delivering ice to commercial vessels; and demonstrated ability and several year's work experience with operation and maintenance of ice delivery equipment, compressors, refrigerant, and other ice house components. The proposed position will report to Craig Harbormaster Mike Peel. Mike will direct the work hours and train the employee on ice house operations and make clear his expectations on performance of the employee.

The agreement includes a financial contribution from SPC for the position of up to \$27,999, and a commitment from the City of Craig of up to \$12,000.

In the wake of last year's chronic troubles with the ice house, having an ice house operator with ample experience in maintaining ice house equipment, including the drums, compressors, refrigerant, lines, and valves, will reduce the likelihood of ill-timed equipment failures and shutdown of the facility.

On a related note, SPC staff tells me that the company plans to install ice making equipment of its own here this summer, in a portable unit. The addition of this equipment locally will increase ice production capacity to help meet demand from SPC member fleet and in packing the fish for shipment in totes back to Sitka.

Recommendation

Approve the proposed labor cost share agreement between the City of Craig and SPC.

Recommended motion: I move to approve the proposed labor cost share agreement between the City of Craig and Seafood Producers Cooperative.

CONTRACT AGREEMENT CRAIG PUBLIC ICE HOUSE

A. Summary

This contract agreement, between the City of Craig, whose address is PO Box 725 Craig, AK 99921 (hereafter "City"), and Seafood Producers Cooperative, whose address is 507 Katlian Street - Sitka, AK 99835 (hereafter "SPC") sets out the terms of work described below, and constitutes a binding agreement between City and SPC.

B. Scope of Work

The following responsibilities will define the duties of the employee at the Craig Harbor Department who will staff the Craig Public Ice House. Employee's responsibilities include:

- delivering ice to all ice house customers;
- operation of ice drums, compressors, ice delivery, and other ice house equipment;
- regular maintenance of ice house equipment;
- recording all ice deliveries;
- recording all maintenance performed on ice house equipment;
- recording all repairs made to ice house equipment;
- recording operational status of ice making equipment;
- other (ice house related) incidental duties assigned by the Craig Harbormaster.

C. Start and Completion Date

This agreement begins June 15, 2015, and ends September 14, 2015. The term of this agreement is three months.

D. Status of Employee

The individual hired pursuant to this agreement becomes a full time salaried employee of the City of Craig for the duration of this agreement. The employee is subject to the workplace rules of the City of Craig as defined in the City of Craig employee handbook unless otherwise modified in a separate agreement between employee and City.

E. Payment Schedule

The position shall be compensated at a salaried rate of \$39,999 for the term of this agreement payable at \$13,999 per month for time needed to complete the scope of work. SPC agrees to pay the City of Craig a total of \$27,999 for the term of this agreement payable at \$9,333 per month.

F. Modification

This agreement may be modified only with the mutual consent of City and SPC, and only in writing.

G. Notification

Official notifications, correspondence, and payment shall be made to the contact names and addresses below.

For SPC: Mr. Craig Shoemaker
SPC
507 Katlian St.
Sitka, AK 99835

For City: Mr. Jon Bolling
City Administrator
City of Craig
PO Box 725
Craig, AK 99921

H. Signatures

By signing below, City and SPC agree to bind themselves in their official capacities to the terms of this agreement.

Craig Shoemaker, Seafood Producers Cooperative

Date

Jon Bolling, City of Craig

Date

CITY OF CRAIG MEMORANDUM

To: Craig Mayor and City Council
From: Brian Templin, City Planner
Date: May 28, 2015
RE: Salmonberry Subdivision – Easement Vacation

In 2013/2014 we sold five of the seven lots in Salmonberry Subdivision. Three of the lots that were sold (Lots 5 – 7) abut a city owned “access and utility easement” (approximately 14.5’ wide. The easement was originally included to allow for underground/overhead utilities to serve the lots and public access from the Port St. Nicholas road to the public beach abutting this subdivision.

When the subdivision was developed for sale all utilities were placed in the dedicated right-of-way labeled as Elizabeth Court. No easement is needed for utilities along the back side of the existing lots. It is still important that the city provide public access to the beach but would be served just as well by a 10’ public access easement along the same property line on lots 5-7.

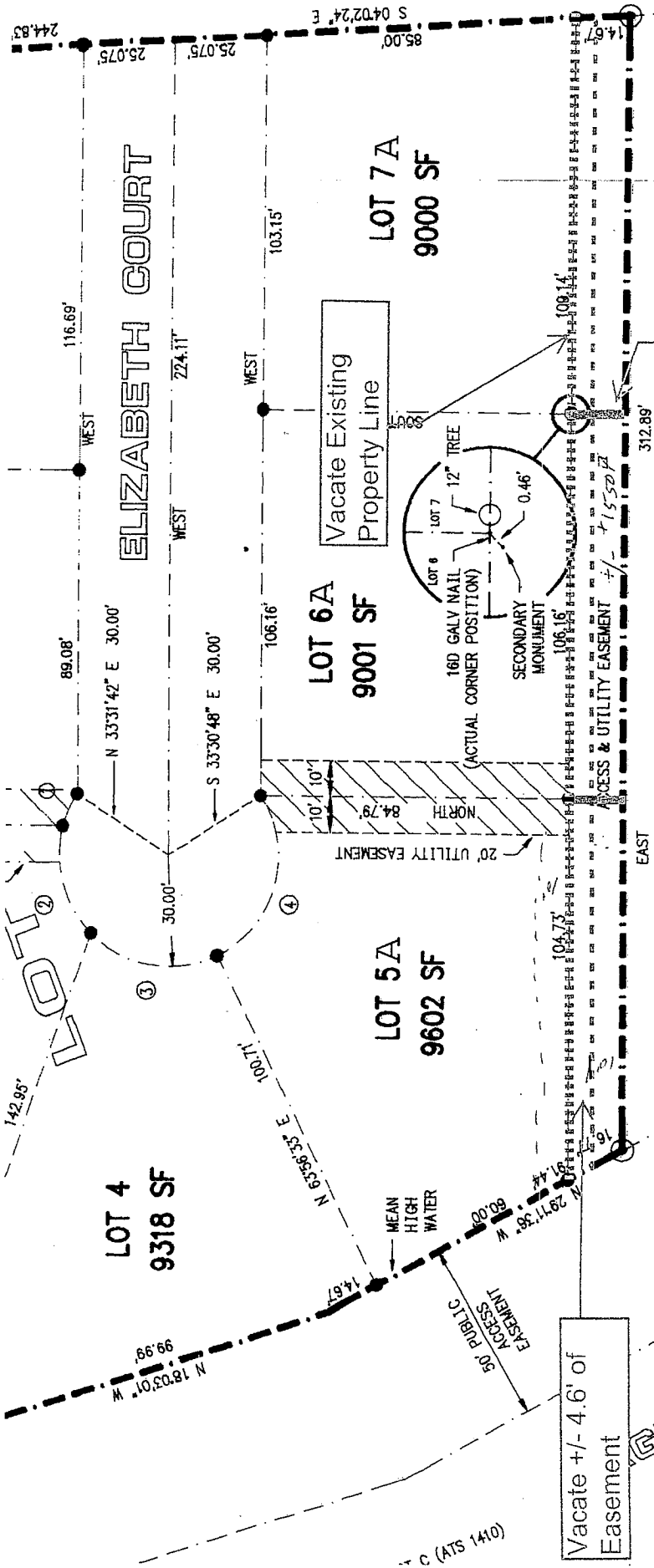
The owners of the lots have petitioned the city to vacate a portion of the easement and vacate the existing property line separating the easement from the properties. This will increase the square footage of the properties and will allow for construction closer to the southern property line while still allowing adequate public access.

The petitioners propose to vacate approximately 4.5’ of the access, vacate the property line and maintain a 10’ public access easement on their property. The petitioners will cover the cost of replatting the parcel. Per the municipal code the property would attach to the adjacent landowner at no sale cost. An appraisal of the property is not required. In addition to the 10’ public access easement maintained on the southern edge of these properties, an easement along the northwestern edge of Lot 5 (and eventually southern edge of Lot 4) will be established for the drainage structure that is placed there. This easement will allow additional public access.

This easement has been reviewed and public notices have been made as required by code. The final plat will come back to the council for approval.

Recommendation: Approve the vacation of a portion of the access and utility easement and a vacation of the property line separating that easement from Lots 5-7, Salmonberry Subdivision.

PORT ST. NICHOLAS
N 04°02'24" W (MEAN BEARING OF ROAD CENTRELINE)



Retain 10' Access Easement on Lots 5A, 6A and 7A

Vacate +/- 4.6' of Easement

PORTION OF SEC 8, T74S, R81E, COPPER RIVER MERIDIAN

C (ATS 1410)