

# CITY OF GUSTAVUS CITY COUNCIL GENERAL MEETING

Monday, May 13, 2024 at 7:00 PM Gustavus City Hall

# **COUNCIL MEMBERS**

CITY HALL

Mayor Shelley Owens Vice Mayor Brian Taylor Council Members: Janene Driscoll, Rachel Patrick Jim Mackovjak, Kyle Bishop, Mike Taylor City Administrator – Kathy Leary
City Clerk – Liesl Barker
City Treasurer – Ben Sadler

Phone: 907-697-2451 | clerk@gustavus-ak.gov

# **AGENDA**

# VIRTUAL MEETING INFORMATION

https://us02web.zoom.us/j/5155019406?pwd=UjNNbjB0T0czdnNreUdWSE1DUHJUQT09& omn=82301710299

**ID:** 501 515 9406 **PASSCODE:** XXXXXXX **TEL:** 253-215-8782

#### **ROLL CALL**

# Reading of the City of Gustavus Vision Statement

#### APPROVAL OF MINUTES

- 1. 04-08-2024 General Meeting Minutes
- 2. 04-15-2024 Special Meeting Minutes
- 3. 04-24-2024 Special Meeting Minutes

#### MAYOR'S REQUEST FOR AGENDA CHANGES

# **COMMITTEE / STAFF REPORTS**

- 4. Guest Speakers PFAS
- 5. Disposal and Recycling Center Quarterly Report
- 6. Marine Facilities Quarterly Report
- 7. City Treasurer Monthly Report
- 8. City Administrator Monthly Report

#### PUBLIC COMMENT ON NON-AGENDA ITEMS

#### **CONSENT AGENDA**

# ORDINANCE FOR PUBLIC HEARING

- 9. FY24-12NCO Approve Capital Project Funding 2024 Salmon River Park Playground Equipment Expansion Project Phase 2 (Introduced 04/08/2024)
- 10. FY24-13NCO Approve Capital Project Funding 2024 for Landfill Expansion (Introduced 04/08/2024)
- 11. FY24-14NCO Approve Long-Term Capital Project Surplus to FNBA (Introduced 04-15-2024)

#### **UNFINISHED BUSINESS**

12. CY24-10 Resolution asserting unfettered public access to the Falls Creek lands via the Hydro Road

#### **NEW BUSINESS**

- 13. CY24-XX Resolution establishing a conservation lands advisory committee
- 14. FY24-XXNCO Budget for Fiscal Year 2025 (public hearing 06-10-2024)
- 15. FY24- XXNCO Amendment of Departmental Budgets in Fiscal Year 2024 (public hearing 06-10-2024)
- 16. FY24-XXNCO Same Old Road Drainage Improvement Project (public hearing 06-10-2024)

# CITY COUNCIL REPORTS

CITY COUNCIL QUESTIONS AND COMMENTS

PUBLIC COMMENT ON NON-AGENDA ITEMS

**EXECUTIVE SESSION** 

**ADJOURNMENT** 

**POSTED ON:** April 31, 2024 at P.O, Library, City Hall & https://cms.gustavus-ak.gov/

# **ADA NOTICE**

Any person with a disability who requires accommodations in order to participate in this meeting should telephone the City Clerk's office at (907) 697-2451, at least 48 hours prior to the meeting in order to make a request for a disability related modification or accommodation.

#### **VISION STATEMENT**

We envision a distinctive community:

- That prospers while and by protecting its natural resources;
- With a sustainable economy and infrastructure that assures public health and safety while promoting personal development and initiative; and
- Where all members take social responsibility and actively participate in decision making affecting growth, development, regulation and enforcement; and
- In which people retain a closeness with and caring for each other individually and collectively while working together to accomplish community goals and preserve community traditions.



# CITY OF GUSTAVUS CITY COUNCIL GENERAL MEETING

Monday, April 08, 2024 at 7:00 PM Gustavus City Hall

# **COUNCIL MEMBERS**

**CITY HALL** 

Mayor Shelley Owens Vice Mayor Brian Taylor Council Members: Janene Driscoll, Rachel Patrick Jim Mackovjak, Kyle Bishop, Mike Taylor City Administrator – Kathy Leary
City Clerk – Liesl Barker
City Treasurer – Ben Sadler

Phone: 907-697-2451 | clerk@gustavus-ak.gov

# **MINUTES - PENDING**

# VIRTUAL MEETING INFORMATION

https://us02web.zoom.us/j/5155019406?pwd=UjNNbjB0T0czdnNreUdWSE1DUHJUQT09& omn=83662967792

**ID:** 515 501 9406 **PASSCODE:** 2451 **TEL:** 253-215-8782

# **ROLL CALL** (11 Seconds)

**PRESENT** 

Mayor Shelley Owens
Vice Mayor Brian Taylor
Council Member Janene Driscoll
Council Member Rachel Patrick
Council Member Jim Mackovjak (via Zoom)
Council Member Kyle Bishop (via Zoom)
Council Member Mike Taylor

# Reading of the City of Gustavus Vision Statement (35 Seconds)

Council Member Driscoll read the City of Gustavus Vision Statement.

# **APPROVAL OF MINUTES** (1 Minute 35 Seconds)

1. 03-11-2024 General Meeting Minutes

Motion made by Council Member Patrick to approve by unanimous consent the 03-11-2024 Meeting Minutes.

Seconded by Council Member Mackovjak

Public Comment: None Council Comment: None

Hearing no objections, the 03-11-2024 General Meeting Minutes were approved by

unanimous consent.

City of Gustavus, Alaska City Council General Meeting Minutes - PENDING April 8<sup>th</sup>, 2024 Page 1 of 7

# MAYOR'S REQUEST FOR AGENDA CHANGES (2 Minute 50 Seconds)

Mayor Owens informed the council of her intent to postpone item #10 once council came to that item on the agenda.

There were no agenda changes.

Hearing no objections, Mayor Owens announced the agenda set as presented by unanimous consent.

# **COMMITTEE / STAFF REPORTS**

2. Gustavus Volunteer Fire Department Quarterly Report (3 Minute 38 Seconds)

Fire Chief, Sol Martinez submitted a written report and provided an oral summary.

Council Clarifying Questions:

Council Member Driscoll

3. City Clerk Quarterly Report (9 Minute 50 Seconds)

City Clerk, Liesl Barker submitted a written report and provided an oral summary.

Council Clarifying Questions:

None

4. City Treasurer Monthly Report (13 Minute 25 Seconds)

City of Gustavus City Treasurer, Ben Sadler provided monthly financial documents and gave an oral summary.

Council Clarifying Questions:

None

5. City Administrator Monthly Report (16 Minute 50 Seconds)

City of Gustavus City Administrator, Kathy Leary provided a written and oral report.

Council Clarifying Questions:

None

# PUBLIC COMMENT ON NON-AGENDA ITEMS (27 Minute 25 Seconds)

Susan Warner - Request to have City Administrator report in packet

James Kerns - Wave barrier in at the dock, pave Wilson Road, Hydro Rd.

Point of order by Clerk Barker – Falls Creek Hydro Road topic is on the agenda one needs to hold comments until that time – well taken

# **CONSENT AGENDA** (27 Minute 25 Seconds)

6. FY24-12NCO Introduction of Capital Project Funding 2024 Salmon River Park Playground Equipment Expansion Project Phase 2 (Public Hearing 05/13/2024)

City of Gustavus, Alaska

City Council General Meeting Minutes - PENDING

April 8th, 2024

Motion made by Vice Mayor B. Taylor to adopt the consent agenda by unanimous consent as presented.

Seconded by: Council Member M. Taylor Hearing no objections, the motion passed.

# ORDINANCE FOR PUBLIC HEARING

None

#### UNFINISHED BUSINESS

None

#### **NEW BUSINESS**

7. FY24-13NCO Introduction of Capital Project Funding 2024 for Landfill Expansion (Public Hearing 05/13/2024) (28 Minute 50 Seconds)

Motion Made by Council Member Bishop to introduce FY24-13NCO Introduction of Captial Project Funding 2024 for Landfill Expansion (Public Hearing 05-13-2024).

Seconded by: Vice Mayor B. Taylor

Public Comment: None Council Debate: None

Voting Yea: Mayor Owens, Vice Mayor Taylor, Council Member Driscoll, Council Member Patrick, Council Member Mackovjak, Council Member Bishop, Council

Member Taylor

Motion Passed

8. Approve CIP Project Development Form for Same Old Road (33 Minute 50 Seconds)

Council Member M. Taylor to approve CIP Project Devlopment Form for Same Old Road.

Seconded by: Vice Mayor B. Taylor

Public Comment: None

Council Debate:

Vice Mayor B. Taylor

City Treasurer Sadler

Council Member Driscoll

City Administrator Leary

Council Member M. Taylor

Voting Yea: Mayor Owens, Vice Mayor Taylor, Council Member Driscoll, Council Member Patrick, Council Member Mackovjak, Council Member Bishop, Council

Member Taylor

Motion Passed

9. Approve City of Gustavus Capital Improvement Plan for 2024-2028

(41 Minute 55 Seconds)

Motion made by Council Member Patrick to approve City of Gustavus Capital Improvement Plan for 2024-2028.

Seconded by: Vice Mayor Taylor

Public Comment: None

Council Debate:

Council Member Driscoll

DRC Manager/Operator Barrier

City Treasure Sadler

Council Member Patrick

City Administrator Leary

Voting Yea: Mayor Owens, Vice Mayor Taylor, Council Member Driscoll, Council Member Patrick, Council Member Mackovjak, Council Member Bishop, Council Member Taylor

**Motion Passed** 

10. CY24-10 Resolution assuring unfettered public access to the Falls Creek lands via the Hydro Road (52 Minute 10 Seconds)

Motion made by Mayor Owens to postpone item #10, to a time certain, at the May 13th, 2024, Gustavus City Council General Meeting.

Seconded by: Vice Mayor B. Taylor

Point of Order made by Council Member M. Taylor - no public comment on motion to postpone – well taken

Voting Yea: Mayor Owens, Vice Mayor Taylor, Council Member Driscoll, Council Member Patrick, Council Member Mackovjak, Council Member Bishop, Council Member Taylor

Motion Passed

11. Approve to accept the funding for the Cybersecurity Assessment Grant and approve the selected vendor, Structured Communication Systems (54 Minute 18 Seconds)

Motion made by Vice Mayor B. Taylor to approve to accept the funding for the Cybersecurity Assessment Grant and approve the selected vendor, Structured Communication Systems.

Seconded by: Council Member Patrick

Public Comment: None

Council Debate:

Council Member Driscoll

City Administrator Leary

Vice Mayor B. Taylor

City of Gustavus, Alaska City Council General Meeting Minutes - PENDING April 8<sup>th</sup>, 2024 Page 4 of 7

Item #1.

Voting Yea: Mayor Owens, Vice Mayor Taylor, Council Member Driscoll, Council Member Patrick, Council Member Mackovjak, Council Member Bishop, Council Member Taylor

Motion Passed

12. Alaska Technical Solutions Contract Extension (1 Hour 0 Minute 10 Seconds)

Motion made by Vice Mayor B. Taylor to approve CY24-11 Resolution to authorize an additional 1-year extension for managed IT services with Alaska Technical Solutions.

Seconded by: Council Member Patrick

Resolution read by: Vice Mayor B. Taylor

Public Comment: None

Council Debate:

Vice Mayor B. Taylor

Voting Yea: Mayor Owens, Vice Mayor Taylor, Council Member Driscoll, Council Member Patrick, Council Member Mackovjak, Council Member Bishop, Council Member Taylor

Motion Passed.

#### CITY COUNCIL REPORTS

13. Coffee with Council (1 Hour 4 Minute 30 Seconds)

Vice Mayor B. Taylor provided a brief update on March's Coffee with Council.

14. Bike Path / SS4A Grant (1 Hour 6 Minute 51 Seconds)

Council Member Mackovjak provided a brief update on the SS4A grant, Marine Debris Clean up grant, and Tongass Forest planning presentation.

Clarifying Questions:

Council Member Patrick

15. City Beautification Update (1 Hour 11 Minute 12 Seconds)

Council Member Driscoll provided a brief update.

Council Member M. Taylor provided a brief update about road Maintenace being provided in a new model. (1 Hour 13 Minute 34 Seconds)

Council Clarifying Questions:

Council Member Patrick

Council Member Mackovjak

Vice Mayor B. Taylor

Mayor Owens

Clerk Barker

Council Member Driscoll

City of Gustavus, Alaska City Council General Meeting Minutes - PENDING April 8<sup>th</sup>, 2024 Page 5 of 7 City Administrator

16. Mayor's Report (1 Hour 30 Minute 42 Seconds)

Mayor Owens submitted a written report and provided an oral summary.

# CITY COUNCIL QUESTIONS AND COMMENTS (1 Hour 34 Minute 10 Seconds)

Council Member Driscoll - David "Fritz" Koschomann offered to replace beach bench.

City Administrator - provided an update on beach bench replacement.

PUBLIC COMMENT ON NON-AGENDA ITEMS (1 Hour 37 Minute 18 Seconds)

None

**EXECUTIVE SESSION** 

None

**ADJOURNMENT** (1 Hour 37 Minute 32 Seconds)

With no further business and hearing no objections, the meeting was adjourned at 8:39PM

**POSTED ON:** April 3, 2024 at P.O, Library, City Hall & https://cms.gustavus-ak.gov/Council Member Driscoll read the City of Gustavus Vision Statement.

# **ADA NOTICE**

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#### **VISION STATEMENT**

We envision a distinctive community:

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# CITY OF GUSTAVUS CITY COUNCIL SPECIAL MEETING

Monday, April 15, 2024 at 6:00 PM Gustavus City Hall

# **COUNCIL MEMBERS**

CITY HALL

Mayor Shelley Owens Vice Mayor Brian Taylor Council Members: Janene Driscoll, Rachel Patrick Jim Mackovjak, Kyle Bishop, Mike Taylor

City Administrator – Kathy Leary City Clerk – Liesl Barker City Treasurer – Ben Sadler Phone: 907-697-2451 | clerk@gustavus-ak.gov

# **MINUTES - PENDING**

#### VIRTUAL MEETING INFORMATION

https://us02web.zoom.us/j/5155019406?pwd=UjNNbjB0T0czdnNreUdWSE1DUHJUQT09&o mn=82290684401

**ID:** 515 501 9406 **PASSCODE:** 2451 **TEL:** 253-215-8782

**ROLL CALL** (35 Seconds)

**PRESENT** 

Mayor Shelley Owens

Vice Mayor Brian Taylor

Council Member Janene Driscoll

Council Member Rachel Patrick

Council Member Jim Mackovjak

Council Member Kyle Bishop

Council Member Mike Taylor

# Reading of the City of Gustavus Vision Statement (1 Minute 9 Seconds)

Vision Statement read by Council Member Driscoll.

#### APPROVAL OF MINUTES

None

# MAYOR'S REQUEST FOR AGENDA CHANGES (1 Minute 50 Seconds)

Mayor Owens requested for

Item number 2 under new business is being changed to a discussion item.

Plan to discuss installing surveillance at the community chest under City Council Questions and Comments

Council Request for Changes: None

Hearing no objections, Mayor Owens announced the agenda set as presented by unanimous consent.

# **COMMITTEE / STAFF REPORTS**

None

# PUBLIC COMMENT ON NON-AGENDA ITEMS (2 Minute 27 Seconds)

None

#### **CONSENT AGENDA**

None

#### ORDINANCE FOR PUBLIC HEARING

None

#### UNFINISHED BUSINESS

None

#### **NEW BUSINESS**

1. FY24-14NCO Introduction of Long-Term Capital Project Surplus to FNBA (2 Minute 50 Seconds)

Motion made by Council Member Bishop to introduce FY24-14NCO Long-Term Capital Project Surplus to First National Bank of Alaska Checking.

Seconded by Vice Mayor B. Taylor.

Public Comment: None Council Debate: None

Voting Yea: Mayor Owens, Vice Mayor B. Taylor, Council Member Driscoll, Council Member Patrick, Council Member Mackovjak, Council Member Bishop, Council Member M. Taylor

Motion Passed.

2. Approve Request for Proposal for Management and Implementation of Road Maintenace Program for the City of Gustavus (6 Minute 30 Seconds)

Council Comment:

Council Member Patrick

Council Member M. Taylor

Mayor Owens

City Administrator

Council Member Driscoll

Vice Mayor B. Taylor

#### CITY COUNCIL REPORTS

None

# CITY COUNCIL QUESTIONS AND COMMENTS (20 Minute 50 Seconds)

Mayor Owens proposed placing security cameras (with proper signage) at the Community Chest due to people dumping "donations" that do not meet donation standards during non-business hours.

Council Comment:

Council Member Patrick

Council Member M. Taylor

Council Member Driscoll

Vice Mayor B. Taylor

Council Member Bishop

DRC Manager and Operator Barrier

PUBLIC COMMENT ON NON-AGENDA ITEMS (26 Minute 45 Seconds)

None

**EXECUTIVE SESSION** 

None

**ADJOURNMENT** (27 Minute 20 Seconds)

With no further business and hearing no objections, the meeting was adjourned at 6:30 PM.

**POSTED ON:** April 10, 2024 at P.O, Library, City Hall & https://cms.gustavus-ak.gov/None

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Shelley K. Owens, Mayor	_	Date	
Attest: Liesl M. Barker, City Clerk		Date	



# CITY OF GUSTAVUS CITY COUNCIL SPECIAL MEETING

Wednesday, April 24, 2024 at 6:00 PM Gustavus City Hall

#### COUNCIL MEMBERS

**CITY HALL** 

Mayor Shelley Owens Vice Mayor Brian Taylor Council Members: Janene Driscoll, Rachel Patrick Jim Mackovjak, Kyle Bishop, Mike Taylor City Administrator – Kathy Leary City Clerk – Liesl Barker City Treasurer – Ben Sadler

Phone: 907-697-2451 | clerk@gustavus-ak.gov

# **MINUTES - PENDING**

# VIRTUAL MEETING INFORMATION

https://us02web.zoom.us/j/5155019406?pwd=UjNNbjB0T0czdnNreUdWSE1DUHJUQT09& omn=81920725552

**ID:** 515 501 9406 **PASSCODE:** 2451 **TEL:** 253-215-8782

# ROLL CALL (41 Seconds)

PRESENT
Mayor Shelley Owens
Vice Mayor Brian Taylor
Council Member Janene Driscoll (via Zoom)
Council Member Rachel Patrick
Council Member Jim Mackovjak (via Zoom)
Council Member Kyle Bishop
Council Member Mike Taylor

# Reading of the City of Gustavus Vision Statement (1Minute 12 Seconds)

Vision Statement read by Council Member Patrick.

#### **NEW BUSINESS** (2 Minutes 15 Seconds)

1. Approve Project Scoping and Development Form for PIPD Planning Grant Motion made by Council Member Bishop to approve the project scoping and development form for PIPD Planning Grant.

Seconded by Council Member M. Taylor

Public Comment:

Jim Kerns - in support of this project.

Kim Landeen - Clarifying question, Cost of scoping document is an estimate of the cost of the project assessment.

Council comment:

Vice Mayor B. Taylor

City of Gustavus, Alaska City Council Special Meeting Minutes - PENDING April 24, 2024 Page 1 of 7 City Administrator Leary Council Member Driscol

Motion made by Council Member Bishop, Seconded by Council Member Taylor. Voting Yea: Mayor Owens, Vice Mayor Taylor, Council Member Driscoll, Council Member Patrick, Council Member Mackovjak, Council Member Bishop, Council Member Taylor

Motion Passed.

# PUBLIC COMMENT ON NON-AGENDA ITEMS (12Minutes 07 Seconds)

Jim Kearns - Wilson Road needs to be paved

# CITY COUNCIL QUESTIONS AND COMMENTS (13Minutes 48 Seconds)

None

**ADJOURNMENT** (14Minutes 02 Seconds)

With no further business and hearing no objections, the meeting was adjourned at 6:14pm.

**POSTED ON:** April 18, 2024 at P.O, Library, City Hall & https://cms.gustavus-ak.gov/

#### **ADA NOTICE**

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# **VISION STATEMENT**

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Shelley K. Owens, Mayor	Date
Attest: Liesl M. Barker, City Clerk	Date

City of Gustavus, Alaska City Council Special Meeting Minutes - PENDING April 24, 2024 Page 2 of 7

# CITY OF GUSTAVUS, ALASKA ORDINANCE FY24-12NCO

# AN ORDINANCE FOR THE CITY OF GUSTAVUS PROVIDING FOR THE AMENDMENT OF THE CITY HELD ACCOUNTS IN FISCAL YEAR 2024

#### BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS:

- Section 1. Classification. This is a Non-Code Ordinance
- **Section 2.** For the Fiscal Year of 2024, the following City held account balance transfers are to be made for the reasons stated.
- **Section 3.** For the current fiscal year, City held accounts are amended to reflect the changes as follows:

CITY HELD	ACCOUNTS	Amounts Account Balance* Approximate, this is a dynamic value			ended Balanc	e C	hange
SRP Playground Expan. Phase 2 \$ 19,980.00 \$ 27,980.00					\$	8,000.00	
AMLIP Capital Improv Long-Term \$ 969,806.54 \$ 961,806.54 *Approximate, this is a dynamic value.						< \$	8,000.00>
Total Change in City Held Account Balances						\$	0.00
<b>Section 4.</b> The City held accounts are hereby amended as indicated.							
<b>Section 5.</b> Effective Date. This ordinance becomes effective upon its adoption by the							

DATE INTRODUCED: April 8, 2024

Attest: Liesl M Barker, City Clerk

**DATE OF PUBLIC HEARING:** May 13,2024

Gustavus City Council.

**PASSED** and **APPROVED** by the Gustavus City Council this XX day of \_\_\_\_\_\_, 2024.

Shelley K Owens, Mayor	Attest: Ben Sadler, City Treasurer

# CITY OF GUSTAVUS, ALASKA ORDINANCE FY24-13NCO

# AN ORDINANCE FOR THE CITY OF GUSTAVUS PROVIDING FOR THE AMENDMENT OF THE CITY HELD ACCOUNTS IN FISCAL YEAR 2024

# BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS:

Section 1.	Classification. This is	Classification. This is a <b>Non-Code Ordinance</b>									
Section 2.	For the Fiscal Year of 2024, the following City held account balance transfers are to be made for the reasons stated.										
Section 3.	<b>13.</b> For the current fiscal year, City held accounts are amended to reflect the changes as follows:										
CITY HELD	ACCOUNTS	Accoun	ounts t Balance* is a dynamic value	An	nended Balance	e	Change				
	rent – CP24-01 DRC r CP24-01, Landfill Expansion Pr	\$ oject	0.00	\$	110,000.00	\$	110,000.00				
This transfer will mo	ect Long-term we funds from Capital Project Long-Term al Project CP24-01, Landfill Expansion Pr	to Capital Project	59,806.54 Current. These funds	\$ s may be	859,806.54 moved to FNBA Checking ij		110,000.00 led to cover costs of the				
Total Chang	ge in City Held Account	Balances				\$	0.00				
Section 4.	The City held account	s are herel	y amended	as in	dicated.						
<b>Section 5.</b> Effective Date. This ordinance becomes effective upon its adoption by the Gustavus City Council.											
DATE INTRODUCED: April 8, 2024 DATE OF PUBLIC HEARING: May 13,2024											
<b>PASSED</b> and <b>APPROVED</b> by the Gustavus City Council this XX day of, 2024.											
Shelley K O	wens, Mayor		Attest: Ben	Sadle	er, City Treasure	er					

Attest: Liesl M Barker, City Clerk

# CITY OF GUSTAVUS, ALASKA ORDINANCE FY24-14NCO

# AN ORDINANCE FOR THE CITY OF GUSTAVUS PROVIDING FOR THE AMENDMENT OF THE CITY HELD ACCOUNTS IN FISCAL YEAR 2024

# BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS:

Section 1.	Classification. This is a Non-Code Ordinance								
Section 2.	For the Fiscal Year of 2024, the following City held account balance transfers are to be made for the reasons stated.								
Section 3.	For the current fiscal year, City held accounts are amended to reflect the changes as follows:								
			Amounts						
CITY HELD	ACCOUNTS	A	ccount Balance*		Amended Balan	ce Cha	nge		
	king Account From Capital Improvement LT to FNBA to	\$ bec	104,524.46 ome compliant with unrestri	\$ icted f	254,524.46 Fund balance per Res. CY18		000.00		
AMLIP Reset		\$	998,052.22	\$	848,052.22	<\$ 150 <sub>1</sub>	<00.000,		
Total Chang	e in City Held Account E	Bala	nces			\$	0.00		
Section 4.	The City held accounts	are	e hereby amended	d as	indicated.				
Section 5.	Effective Date. This ore Gustavus City Council.		ance becomes effe	ectiv	ve upon its adopt	ion by the	ė		
	ODUCED: April 15, 2024 UBLIC HEARING: May 1		2024						
PASSED and	d <b>APPROVED</b> by the Gu	sta	vus City Council	this	XX day of	_, 2024.			
Shelley K Ov	wens, Mayor		Atte	st: l	Ben Sadler, City	Treasurer			
Attest: Liesl	M. Barker, City Clerk		-						

# CITY OF GUSTAVUS, ALASKA RESOLUTION CY24-10

# A RESOLUTION BY THE CITY OF GUSTAVUS ASSERTING THAT UNFETTERED PUBLIC ACCESS TO THE FALLS CREEK LANDS VIA THE HYDRO ROAD IS A PUBLIC RIGHT

**WHEREAS,** Falls Creek lands were transferred from Glacier Bay National Park to the State of Alaska to enable development of the Falls Creek Hydroelectric Facility with the express intention that the lands would remain open and accessible for public recreational use; and,

**WHEREAS**, the transferred lands are within the boundaries of the City of Gustavus; and,

**WHEREAS,** the Falls Creek Hydroelectric Project was developed in 2009 by Gustavus Electric Company, the utility then serving the City of Gustavus, and

**WHEREAS,** the legal basis for public access to and recreation in the Falls Creek Hydroelectric Project area is found in the Federal Power Act (FPA), Section 4e, requiring the Federal Energy Regulatory Commission (FERC) to give *equal consideration* to other beneficial public uses, including environmental and recreational concerns. This stipulation is reflected in the Final Environmental Impact Statement (FEIS) of June 17, 2004, and in the FERC License Order, Project No. 11659-002 of October 29, 2004. The FERC license requires the Project to have an approved Road Management Plan (Article 417) and a Public Access and Recreation Plan (Article 418); and,

**WHEREAS,** in 2005, the Gustavus Electric Company completed the Road Management Plan and the Public Access and Recreation Plan, and both were approved by FERC; and,

**WHEREAS,** in 2009, Gustavus Electric Company, as original owner of the Falls Creek hydroelectric facility, purchased and recorded the required access and utility easements along the route of the spur road, now known as the Hydro Road, from adjacent property owners The Olney Trust (Bear Track Inn), Roger Schnabel, and Glen T. Schrank conforming to the license order requirements. All parties knew, or should have known, that public access along the route was an essential element of the project; and,

**WHEREAS,** the Falls Creek Hydro Road construction was substantially publicly funded, and the road is now maintained by the utility with revenue derived from Gustavus ratepayers; and,

**WHEREAS,** the first 286 feet, or more, of the Hydro Road north of Rink Creek Road are entirely within the platted, dedicated, access and utility easement along the east edge of the Bear Track Ridge Subdivision, as indicated by the attached 2023 as-built survey by John Bean, RLS; and,

**WHEREAS,** since construction, the Hydro Road has been a popular hiking and recreation destination for Gustavus residents and visitors to the community; and,

**WHEREAS**, the Bear Track Inn website has for years advertised the Falls Creek hike as one of the "top hiking trails in Gustavus," acknowledging that "Falls Creek is part of a hydroelectric project created for the City of Gustavus." <a href="https://beartrackinn.com/blog/top-hiking-trails-in-gustavus/">https://beartrackinn.com/blog/top-hiking-trails-in-gustavus/</a> [Last accessed March 23, 2024]; and,

**WHEREAS,** Alaska Power and Telephone Company (AP&T) purchased Gustavus Electric Company, with the Falls Creek Hydroelectric facility, and the FERC license was transferred to Alaska Power Company (APC) a subsidiary of AP&T in 2014; and,

**WHEREAS,** in 2015, AP&T assessed conformance of the Falls Creek Hydro Project with the requirements of the Public Access and Recreation Plan, confirmed the rights of the public to access via the Hydro Road, and recommended minor amendments in the Plan, which were approved by FERC on March 2, 2016; and,

**WHEREAS,** AP&T has assured public access and recreation in accordance with the terms of the FERC license and the project Public Access and Recreation Plan as amended, providing recreational amenities such as signage, maintained overlooks, picnic tables, an informational booklet, and a website explaining: "As mitigation for constructing this project, recreation is allowed on project lands as well as providing access to National Park lands and Wilderness Areas around the project."; and,

**WHEREAS,** AP&T is the Hydro Road's responsible operating and maintenance authority and assures public access as required by the FERC License Order; and,

**WHEREAS,** from initial construction in 2009 until 2022, the public enjoyed unfettered access to the Falls Creek area via the Hydro Road as AP&T "grantees" or "invitees." This *open and notorious use* has occurred for 13 years with the full knowledge of adjacent property owners who had sold easements for the road; and,

**WHEREAS,** the Hydro Road hike is a vital location for healthy recreation and exercise for Gustavus residents and visitors; and,

**WHEREAS,** beginning in 2022, the new management of the Bear Track Inn, David and Michelle Olney, posted the Hydro Road entrance as a "Private Road" and began insisting the public using the road must now seek the Olney's permission, agree to limitations contrary to the Public Access and Recreation Plan and must sign agreements to use the road; and,

**WHEREAS,** the members of the public who use the road in accordance with provisions of the FERC license and the Public Access and Recreation Plan have since Summer 2022 been confronted and harassed by the Olney family to the extent that some no longer feel comfortable exercising their public right to travel on the road; and,

**WHEREAS,** the Olneys have expressed concern that they may be liable for claims made in the case of user accident or injury. However, in the easement that the Olneys sold for the project

the utility company indemnifies, saves the Bear Track Inn and the Olney Trust harmless, and is required to defend the Olney Trust for such claims; and,

**WHEREAS,** FERC representatives in a video conference meeting with the Olneys, AP&T, and the City of Gustavus on February 2, 2024, confirmed that AP&T must assure unfettered public access from Rink Creek Road via the Hydro Road in compliance with the license terms and that AP&T as project owner controls that access to the Falls Creek project area; and,

**WHEREAS**, the Olneys continue to assert that they control access to the Hydro Road.

**NOW THEREFORE BE IT RESOLVED** that the City Council of Gustavus, Alaska, for the reasons above and in defense of the public interest, declares that the public, including both Gustavus residents and visitors to the community, has the right of unfettered access to Falls Creek via the Hydro Road, in accordance with the terms of the FERC License order, the Road Management Plan, and the Public Access and Recreation Plan (as amended).

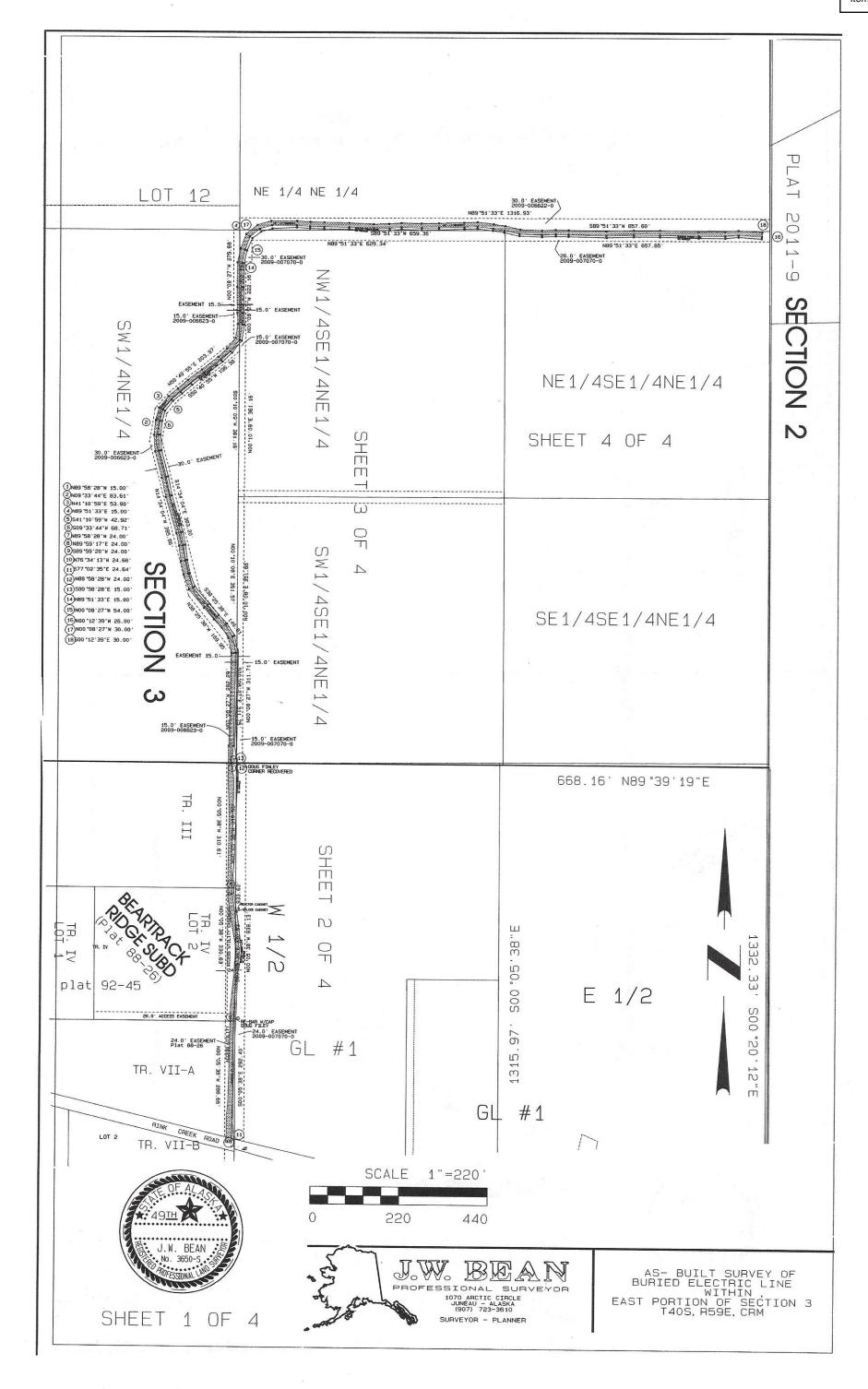
**NOW THEREFORE BE IT FURTHER RESOLVED** that the Gustavus City Council urges public travelers on Hydro Road from Rink Creek Road to the Project entry gate to respect private properties and operations along the road. Users should not stray from the graveled road, should drive responsibly, and avoid disturbances that may impact neighboring properties or occupants. Any excursions outside the road easements without permission of the private property owners may constitute trespass. Similar respect is also due the two posted, privately-owned, Native allotments beyond the gate within the State of Alaska lands.

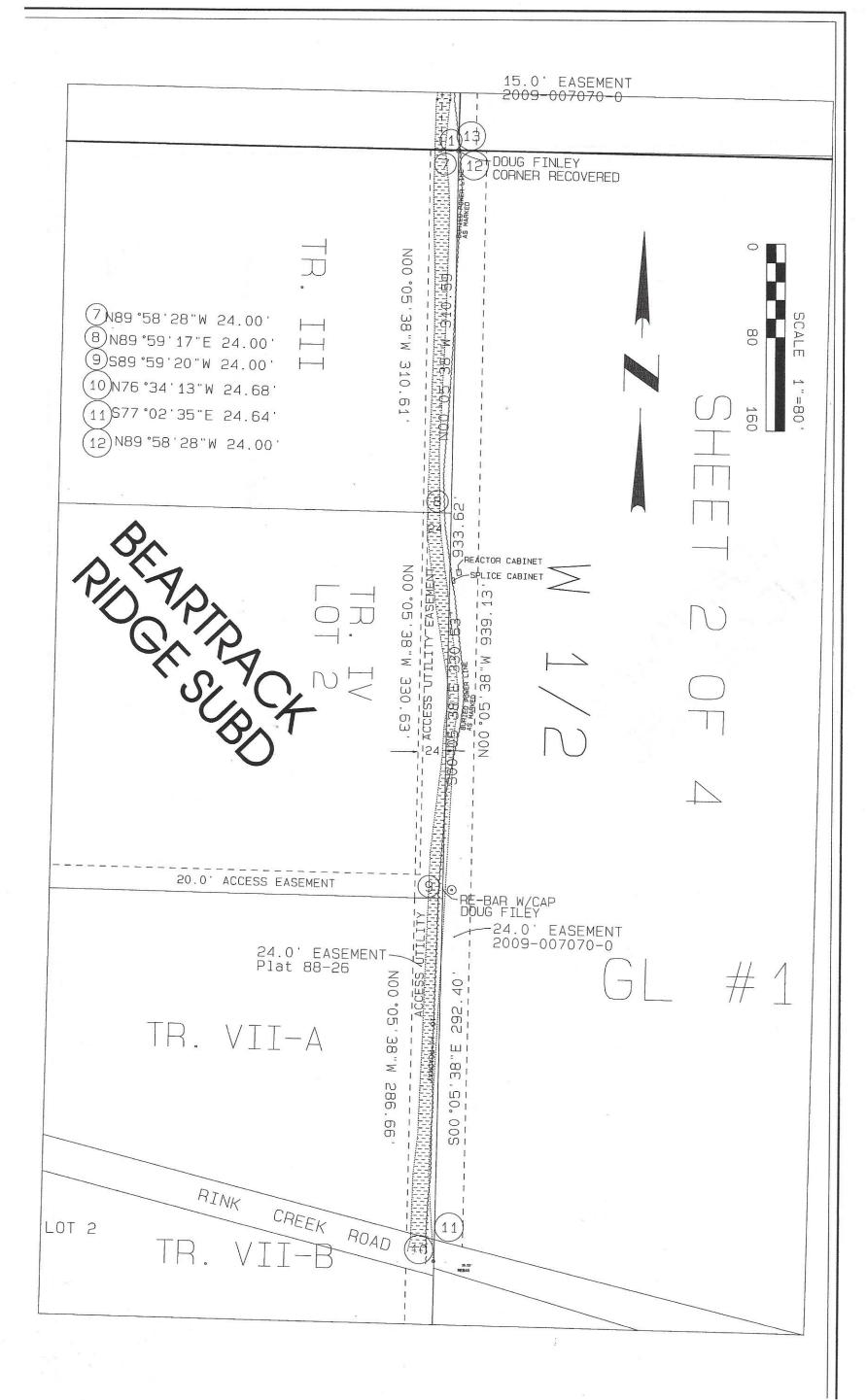
**NOW THEREFORE BE IT FURTHER RESOLVED** that the Gustavus City Council respectfully asks the Alaska Power and Telephone Company, as the Hydro Road operating authority, to take the following actions:

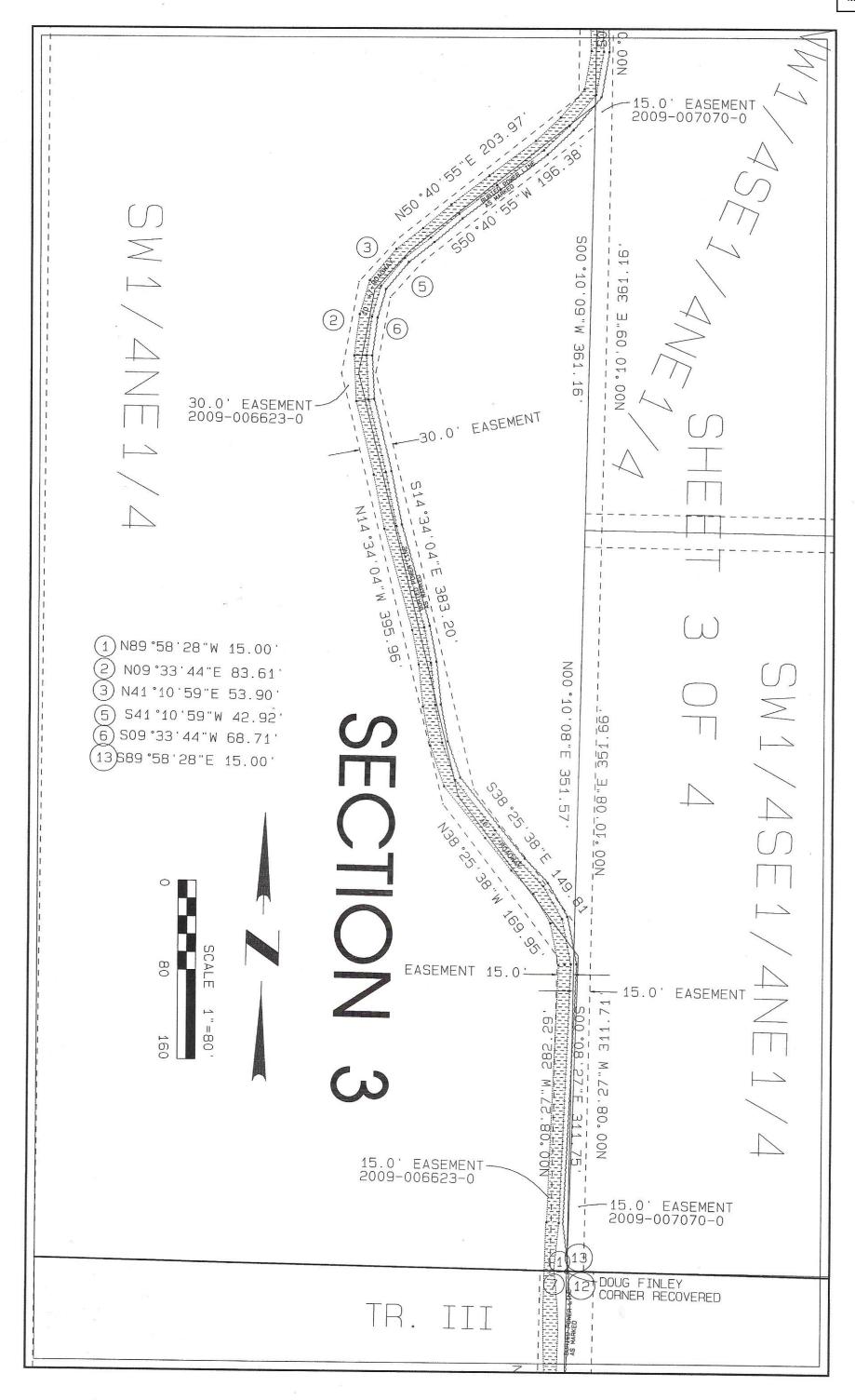
- Post a notice on the Gustavus Resources page of the AP&T website to this or similar effect: "AP&T as the operating authority of the Hydro Road, in accordance with the terms of its Federal license to operate the Falls Creek Hydroelectric Project, and with the access easements acquired by the utility for the project, is the sole authority controlling access and use of the Hydro Road outside the dedicated public easement along the Bear Track Ridge subdivision. Public access to the Falls Creek area and the National Park lands beyond via the Hydro Road is an absolute condition of the Federal license. To that end, AP&T invites the public to use the Hydro Road within the acquired easements from Rink Creek Road to the project entry gate as provided in the project's Public Access and Recreation Plan. Responsible transit with respect for private properties on both sides of the road is essential."
- Notify the owners of the Bear Track Inn that they may not interfere with public recreational use of the Hydro Road and ask them to remove all non-compliant signage within the Hydro Road easements.
- Consider installation of signage at the beginning of the road informing recreational users of the necessity for respectful and safe use of the Hydro Road as informed by the Road Management and Public Access and Recreation Plans.

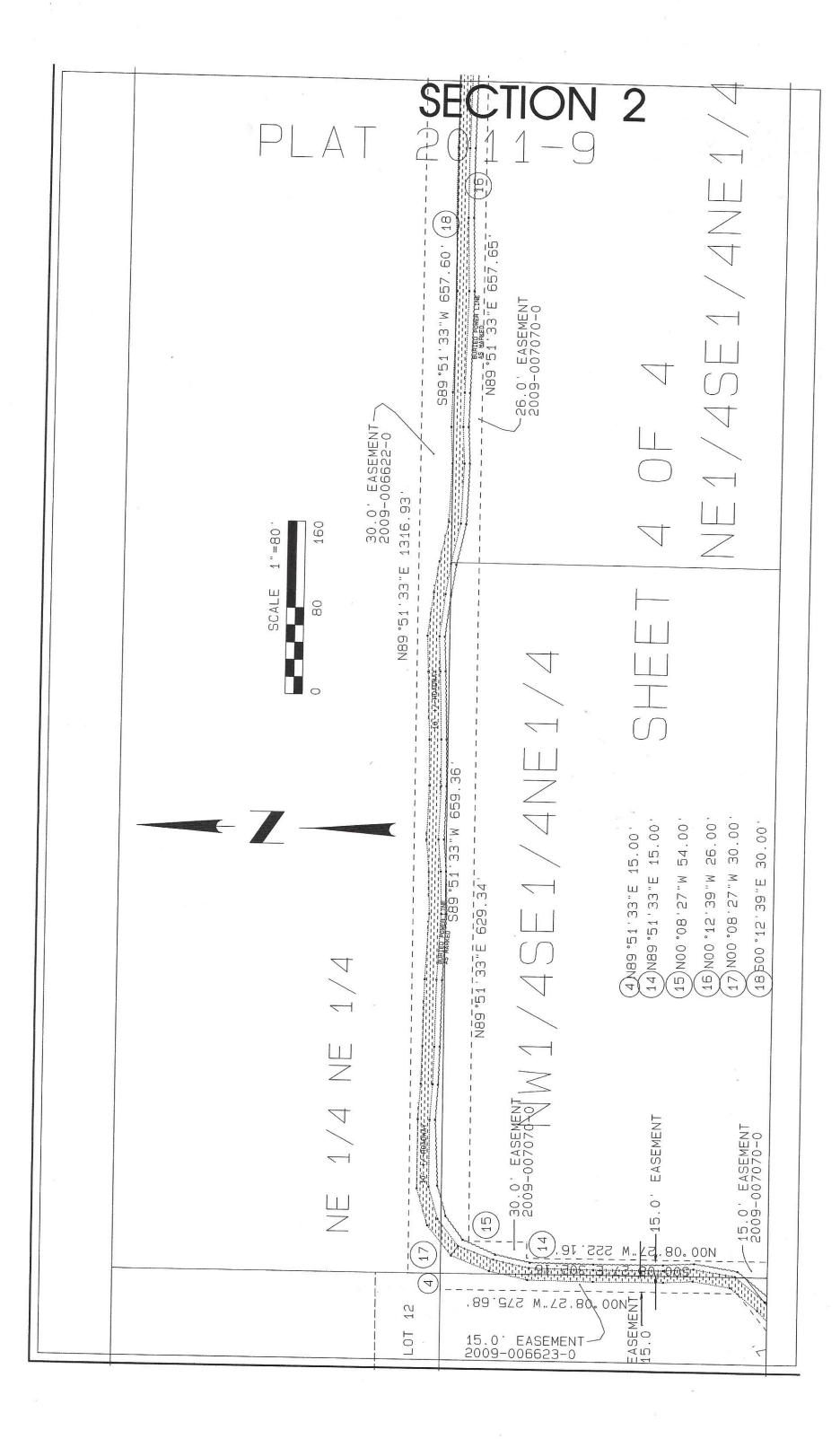
Item	#12
пен	#12.

<b>PASSED</b> and <b>APPROVED</b> by the Gustavus City Council this XX day of 2024, and effective upon adoption.							
Shelley K. Owens, Mayor	Attest: Liesl M. Barker, City Clerk						
Attachments: As-built survey							









# CITY OF GUSTAVUS, ALASKA RESOLUTION CY24-XX

# A RESOLUTION BY THE CITY OF GUSTAVUS ESTABLISHING A CONSERVATION LANDS ADVISORY COMMITTEE

**WHEREAS,** Gustavus has a long history of advocating for conservation of lands important for their natural values; and,

**WHEREAS**, today the town's settled area is bordered and interwoven with parcels in protected status and others of high conservation value; and,

**WHEREAS,** the Gustavus Forelands Preserve comprises seven highly-valued tracts, two of which are owned and managed by the State of Alaska, and five of which are owned and managed by The Nature Conservancy (TNC); and,

**WHEREAS,** the City of Gustavus, on behalf of its residents, has a stewardship responsibility to contribute to monitoring and resource management planning for the Gustavus Forelands Preserve and related tracts, as envisioned in TNC's Board of Governors Real Estate Project Abstract and Resolution of 2004; and,

**WHEREAS,** there may be opportunities to augment conservation lands at times through transfers of other tracts from willing sellers; and,

WHEREAS, The City has no paid staff assigned to manage city lands generally; and,

**WHEREAS**, City of Gustavus Code of Ordinances, Section 2.40.150 – Committees provides for the establishment of standing committees, which may advise the City or complete tasks in support of specific authorized City functions; and,

**WHEREAS,** the City foresees opportunities to influence and strengthen management of community lands through agreements with outside agencies.

**NOW THEREFORE BE IT RESOLVED** that the Gustavus City Council authorizes establishment of the City of Gustavus Conservation Lands Advisory Committee, a standing committee, comprising up to eight volunteer Gustavus residents nominated by the Mayor and ratified by the City Council. The Mayor shall strive to appoint members with an interest in conserving our resources for their traditional recreational and subsistence purposes, and may include members with ecological, resource management, governmental or non-governmental organization experience suitable for developing and implementing natural resource management plans. The Mayor shall nominate a committee member as chair subject to ratification by the Council. As an official advisory committee, the Conservation Lands Advisory Committee must comply with requirements of the Alaska Open Meetings Act, Gustavus Code of Ordinances Section 2.40.150, and Resolution CY19-20. The committee shall meet at least quarterly, and shall post a meeting schedule, achieve a quorum, record minutes, and report to the Council quarterly as scheduled by the City Clerk. The City Clerk shall support the committee administratively but need not attend meetings.

Attachment: (if any)

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Gustavus City Council sets forth the following mission, scope, and directives for the Committee:

**Mission:** Provide recommendations, strategies, and supporting documentation to the City on oversight and stewardship of conservation lands within the City boundaries.

**Scope:** The committee's efforts shall be limited to undeveloped lands recognized or formally-identified for their conservation values. Developed properties and City lands with industrial or intensive recreational uses are outside the committee's scope.

Activities may include:

- Develop a framework for Memoranda of Understanding (MOUs), comment on management plans, joint projects, and land title transfers with owners of conservation lands and the conservation easements on those lands;
- Help to develop formal deed instruments for full protection of all conservation lands;
- Participate in management planning on the City's behalf;
- Advise private owners in designing protections for the golf course area;
- Advise or facilitate transfer or association of private parcels to larger conservation units.

<b>PASSED</b> and <b>APPROVED</b> by the Gustavus City Council this XX <sup>th</sup> day of, 2024, and effective upon adoption.									
Shelley K. Owens, Mayor									
Attest: Liesl M. Barker, City Clerk									

	Actual	Actual	Actual	Actual	Actual	Budget
	Jul '19 - Jun 20	Jul '20 - Jun 21	Jul '21 - Jun 22	Jul '22 - Jun 23	FY24 to date	FY25
ry Income/Expense						
Income						
Admin Fees		0.00	11.75	0.00		0.00
Business License Fees	3,575.00	4,150.00	3,200.00	3,375.00	2,750.00	3,500.00
Donation - Inter-library Loans		20.00				
Donations	2,531.00	384.00	2,830.00	1,333.18	460.00	500.00
DRC Income						
Community Chest Sales	10,743.49	8,501.45	13,199.64	12,759.35	670.00	13,000.00
C Chest Sales @ City Hall					10,059.50	
Landfill Fees paid @ City Hall	30,052.18	14,478.75	38,784.36	31,203.79	40,810.18	0.00
Landfill Fees/Sales	46,595.27	54,013.65	57,616.60	61,591.19	41,742.21	100,000.00
Recyclable Material Sales	3,612.62	7,890.72	5,105.03	8,505.48	1,755.65	3,600.00
DRC Income - Other	0.00				0.00	0.00
Total DRC Income	91,003.56	84,884.57	114,705.63	114,059.81	95,037.54	116,600.00
Federal Revenue						
ARPA			102,543.96	65,189.08	33,904.06	0.00
Lost Rev ARPA				127,621.58	0.00	0.00
FEMA				220,016.00	5,459.67	0.00
Natl Forest Receipts-Encumbered	44,228.25	38,572.14	47,599.28	48,254.84		45,000.00
Payment In Lieu of Taxes	115,419.89	113,760.06	121,077.96	130,512.17	152,913.58	150,000.00
Total Federal Revenue	159,648.14	152,332.20	271,221.20	591,593.67	192,277.31	195,000.00
Fundraising	1,441.00	960.00	440.00	175.00	255.00	800.00
GVFD Income						
Ambulance Billing	9,964.55	7,237.45	7,313.60	13,196.10	460.93	9,000.00
ASP	805.00	1,420.00	1,235.61	1,650.00	1,045.00	1,000.00
Training	2,610.00	0.00	170.00	350.00	70.00	150.00
GVFD Income - Other			1,845.00	0.00		
Total GVFD Income	13,379.55	9,617.45	10,564.21	15,196.10	1,575.93	10,150.00
Interest Income	362.22	189.43	347.56	736.97	515.17	67,089.10
Lands Income	302.22	100110	011.00		0.0	0.,000.10
Gravel Pit Gravel Sales	17,552.00	27,354.00	27,690.00	44,640.00	39,936.00	40,000.00
Gravel Pit Bond	,552.55	27,00 1100	21,000.00	-1,800.00	0.00	10,000.00
Total Lands Income	17,552.00	27,354.00	27,690.00	42,840.00	39,936.00	40,000.00
Lease Income	13,125.67	13,125.67	14,011.93	14,268.47	9,190.32	16,000.00
						2,000.00
Library Income	727.60	521.50	2,583.50	1,162.00	1,043.50	
Grant Income						10,000.00
Marine Facilities Income	4.045.00	0.005.00	2 000 00	0.055.00	2 205 20	0.000.00
Facilities Usage Fees	1,845.00	2,635.00	3,000.00	2,955.00	2,295.00	2,600.00
Commercial Vessel Registration	8,275.00	18,000.00	15,530.00	12,300.00	1,520.00	12,500.00
Private Vessel Registration	5,095.00	5,505.00	5,290.00	5,730.00	2,485.00	5,000.00
Storage Area Fee	2,115.00	2,100.00	910.00	2,750.00	1,960.00	2,600.00
Marine Facilities Income - Other		0.00			0.00	
Total Marine Facilities Income	17,330.00	28,240.00	24,730.00	23,735.00	8,260.00	22,700.00
Other Income	3,777.00	0.00	7.00	0.00		
State Revenue						
Community Assistance Program	82,845.41	75,180.66	77,370.21	90,577.16	83,489.34	75,122.49
Liquor Share Tax						
Shared Fisheries Business Tax	541.68	1,045.27	896.34	484.52	503.10	258.69
Total State Revenue	83,387.09	76,225.93	78,266.55	91,061.68	83,992.44	75,381.18
Tax Income						
Retail Tax Income	375,941.24	245,690.61	431,644.90	455,011.12	392,757.34	440,000.00
Remote Sellers Retail Tax	12.49	17,803.44	47,042.78	65,704.18	67,313.34	75,000.00
Room Tax Income	78,574.79	24,926.88	81,730.82	109,714.97	91,512.57	100,000.00
Fish Box Tax	12,190.00	8,560.00	9,860.00	14,080.00	1,260.00	8,000.00
			0.407.00	4,592.58	1 221 05	2 000 00
Penalties & Interest	4,212.74	2,080.38	6,187.66	4,392.30	1,231.85	2,000.00

Seller's Compensation Discount						Ite
Total Sales Tax Income	471,181.26	299,341.31	576,756.16	649,442.85	554,335.10	625,300.00
Total Income	879,021.09	691,832.06	1,120,876.74	1,548,979.73	989,628.31	1,185,020.28
oss Profit	879,021.09	691,832.06	1,120,876.74	1,548,979.73	989,628.31	1,185,020.28
Expense						
Administrative Costs	2,013.88	2,133.70	1,340.40	9,206.56	52,581.46	0.00
Advertising	150.00	0.00	830.91	0.00	0.00	0.00
Bad Debt	2,598.10				4,332.00	
Bank Service Charges	2,973.90	3,901.08	6,541.54	5,865.26	8,713.61	13,050.00
Building						
Insurance	8,092.42	10,379.34	11,086.66	12,789.74	15,336.68	17,198.67
Maintenance & Repair	15,887.18	6,066.42	10,483.06	6,461.81	1,958.08	6,015.00
Total Building	23,979.60	16,445.76	21,569.72	19,251.55	17,294.76	23,213.67
Cash Short/Over						
Contractual Services		0.00				
Ambulance Billing Expense	1,340.34	722.55	373.30	1,027.27	444.66	1,300.00
City Engineer					5,319.60	10,000.00
Gravel Pit Survey	13,347.89	0.00				0.00
Managed IT Services	26,870.00	24,608.00	24,565.00	30,160.00	20,850.00	25,020.00
Contractual Services - Other	26,286.91	28,914.00	68,504.46	44,537.62	15,371.02	26,814.00
Total Contractual Services	67,845.14	54,244.55	93,442.76	75,724.89	41,985.28	63,134.00
Dues/Fees	7,637.99	7,910.38	9,333.55	12,211.29	11,560.91	15,087.78
<b>Economic Development Services</b>						
GVA	32,000.00	17,000.00	30,000.00	35,600.00	35,600.00	27,200.00
Total Economic Development Services	32,000.00	17,000.00	30,000.00	35,600.00	35,600.00	27,200.00
Election Expense	202.16	87.34	129.92	150.99	81.56	250.00
Emergency & Disaster						50,000.00
Equipment						
Equipment Fuel	1,467.32	1,211.88	2,387.54	3,113.31	2,129.22	2,200.00
Equipment Purchase	9,031.83	5,505.80	23,296.83	9,524.55	12,887.69	10,891.00
Insurance	234.24	242.49	237.99	317.77	298.09	342.80
Maintenance & Repair	3,288.32	6,914.64	4,717.89	388.63	6,825.51	4,400.00
Equipment - Other	6,471.60	0.00	-1,081.00	0.00		
Total Equipment	20,493.31	13,874.81	29,559.25	13,344.26	22,140.51	17,833.80
Events & Celebrations (inc. holiday gift)	3,852.85	3,587.70	3,570.51	4,294.03	3,853.18	4,700.00
Freight/Shipping	23,707.22	14,901.65	32,181.86	28,547.31	17,687.79	34,600.00
Fundraising Expenses	936.27	8.00	700.00	0.00	0.00	500.00
General Liability	10,890.44	11,575.44	20,444.25	17,776.53	15,513.93	17,841.00
Gravel Pit Fund		6,000.00	6,000.00	6,000.00	6,000.00	6,000.00
Library Materials	599.80	598.71	2,212.84	2,659.33	10,257.54	11,000.00
Marine Facilities						
Insurance	1,851.36	2,368.37	2,486.20	2,578.53	5,804.01	2,965.31
Maintenance & Repairs	27.40	3,787.33			0.00	0.00
Total Marine Facilities	1,878.76	6,155.70	2,486.20	2,578.53	5,804.01	2,965.31
Occupational Health	0.00	0.00			0.00	500.00
Payroll Expenses						
Wages	306,984.71	266,397.49	342,421.77	423,676.00	297,248.34	469,904.20
Payroll Taxes	29,098.50	27,311.14	33,090.96	40,887.75	29,398.34	41,622.74
Paid Time Off (PTO)	8,973.84	21,077.99	18,851.63	15,427.85	8,876.94	
Sick Leave		2,703.10	2,822.85	6,214.41	4,706.58	
Health Insurance (company paid)	13,755.50	5,466.72	3,847.96	21,602.70	28,638.46	23,645.52
Health Insurance Stipend	12,310.15	14,035.37	10,569.16	11,209.09	4,200.00	12,200.00
457(b) Employer Contribution	17,711.64	17,510.95	14,378.02	18,947.32	15,464.47	31,209.39
Workers Comp Insurance	7,900.59	5,643.60	8,927.58	6,165.44	6,218.05	10,325.96
Payroll Expenses - Other (inc. PTO a	8,329.28	-2,506.72	-3,331.17	4,392.95	-10,786.48	230.00
Total Payroll Expenses	405,064.21	357,639.64	431,578.76	548,523.51	383,964.70	589,137.81
Professional Services	14,570.00	15,801.65	11,527.50	8,675.00	3,070.00	15,000.00
		*	•	-	*	

Delegation			4.000.00	2.22		Item #14.
Relocation	05.054.00	04.770.40	1,000.00	0.00	40 545 74	40.554.04
Repair & Replacement Fund	25,354.66	24,772.13	16,545.71	16,545.71	16,545.71	18,554.91
Road Maintenance	05 540 50	0.00	100 701 11	404 500 00	50,000,50	0.00
Grading	35,512.50	35,160.50	103,761.44	101,580.20	56,906.56	0.00
Snow Plowing	35,061.55	29,775.10	72,814.50	65,000.00	67,855.40	65,000.00
Road Maintenance - Other	37,779.58	109,879.84	79,719.60	16,181.70	2,415.94	150,000.00
Total Road Maintenance	108,353.63	174,815.44	256,295.54	182,761.90	127,177.90	215,000.00
Social Services		0.00				
GCEP dba The Rookery	13,890.00				0.00	0.00
Total Social Services	13,890.00	0.00			0.00	0.00
Stipend		3,000.53	3,000.15	3,750.04	1,148.76	4,500.00
Supplies	14,934.01	11,245.58	24,891.71	23,665.48	13,932.53	20,000.00
Program - Library					1,020.75	2,050.00
Telecommunications	19,824.34	17,136.62	18,305.79	20,514.08	10,707.21	17,921.00
Training	8,422.94	1,971.00	10,929.20	6,888.26	4,211.14	13,200.00
Travel	7,816.87	0.00	796.00	13,536.36	20,644.81	19,700.00
Utilities						
Electricity	7,763.45	9,095.45	9,811.21	10,486.90	9,094.20	11,200.00
Fuel Oil	7,650.35	7,165.81	8,623.76	15,497.95	8,706.25	7,900.00
Total Utilities	15,413.80	16,261.26	18,434.97	25,984.85	17,800.45	19,100.00
Vehicle						
Fuel	341.77	490.99	416.51	1,016.41	383.48	1,200.00
Insurance	3,445.93	3,561.22	3,568.25	3,438.58	3,225.58	4,181.00
Maintenance & Repair	0.00	63.98	1,798.88	642.69	2,692.40	5,000.00
Mileage Reimbursement	1,301.75	1,843.46	1,944.76	1,162.81	682.00	1,900.00
Total Vehicle	5,089.45	5,959.65	7,728.40	6,260.49	6,983.46	12,281.00
Total Expense	840,705.07	787,343.18	1,061,377.44	1,091,215.21	861,189.53	1,235,020.28
Net Ordinary Income	38,316.02	-90,957.12	59,499.30	457,764.52	128,438.78	-50,000.00
Other Income/Expense						0.00
Other Income						
<b>Encumbered Funds for Road Maintenance</b>	60,303.38	62,118.87	115,000.00	115,000.00		
Other Savings for Road Maintenance		37,881.13				0.00
Prior-Year Cash Balance		0.00				50,000.00
Total Other Income	60,303.38	100,000.00	115,000.00	115,000.00	0.00	50,000.00
Net Other Income	60,303.38	100,000.00	115,000.00	115,000.00	0.00	50,000.00

9,042.88

174,499.30

572,764.52

128,438.78

0.00

98,619.40

Net Income