



# CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS  
330 Harbor Drive  
Sitka, AK  
(907)747-1811

## Minutes - Final City Assembly

**MAYOR Scott McAdams**  
*Jack Ozment, Deputy Mayor - Reber Stein, Vice Deputy Mayor*  
*Cheryl Westover - Mim McConnell*  
*Phyllis Hackett - Larry Crews*

**MUNICIPAL ADMINISTRATOR: Jim Dinley**  
**MUNICIPAL ATTORNEY: Theresa Hillhouse**  
**MUNICIPAL CLERK: Colleen Ingman, MMC**

Tuesday, February 23, 2010

6:00 PM

Assembly Chambers

### REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

**Present:** 5 - Ozment, Stein, Westover, Crews, and Hackett

**Absent:** 2 - McAdams, and McConnell

IV. CORRESPONDENCE/AGENDA CHANGES

#### Government-to-Government Update with Sitka Tribe of Alaska

*Sitka Tribal Council Chairman, Lawrence "Woody" Widmark distributed the Tribe's newsletter and highlighted items from their last meeting. The Council reaffirmed its support for the Sealaska Land Selections within the "Sitka area." STA is looking at a lease agreement with Sheldon Jackson College for the Boys and Girls Club. Their legislative priorities have been adopted and ferry service or lack thereof tops the list.*

VII. A REPORTS

c. Attorney

*On March 18 an oral argument will be held regarding the Sawmill Cove Initiative. Also reported the Planning and Zoning Commission will be forwarding their recommendation(s) on Dove Island Lodge.*

d. Liaison Representatives

*Westover is chairing the Complete Count Committee. Within a week Census workers will be going door-to-door, delivering forms. Hackett announced that the Historic Preservation Commission has been busy reviewing requests for subdivisions on SJC properties. The Commission received a request letter for Historic Preservation Grant*

*funding and approved the grant application. Stein attended the last Tribal Council meeting.*

**e. Clerk**

*It's been advised that the Planning Commission recommendation regarding Dove Island be heard at a special meeting because of the number of parties involved and potential lengthy testimony. One date that has been suggested is Tuesday, March, 30 as there will be an additional week in between regular Assembly meetings. The proposed date met no objection and was scheduled.*

**VIII. CONSENT AGENDA**

**B 10-031** Approve the minutes of the February 9, 2010 Assembly meeting

**This matter was Approved on the Consent Agenda**

**C 10-030** Approve Extension of Agreement between Regional Disposal Company and City and Borough of Sitka regarding Transfer Station Operations and Solid Waste Transportation and Disposal Services

*Jay Stelzenmuller asked that differences in the lease be defined. Bruce Pauley asked about the possibility of reusing one of the recycling streams. He would like the ability to exempt cardboard from this waste stream. Public Works Director, Michael Harmon and Operations Manager, Scott Brylinsky answered questions from the Assembly. Brylinsky informed the initial contract allowed for several 5 year renewals. When there are no issues with the contract and the rates are favorable it's a good management decision to extend the contract. With regard to Pauley's question the recyclables are "break even" and cardboard could be exempt without penalty. Municipal Attorney Theresa Hillhouse clarified that there is potentially one more extension under the contract. Responding to Stelzenmuller's question, there are no changes to the contract.*

**A MOTION was made by Westover that this Contract/Agreement be APPROVED. The motion PASSED on the following vote.**

**Yes:** 5 - Ozment, Stein, Westover, Crews, and Hackett

**Absent:** 2 - McAdams, and McConnell

**D 10-028** Approve liquor license renewals for: 1) Westmark Sitka, 2) Ludvig's Bistro and 3) Talon Lodge

**This matter was Approved on the Consent Agenda**

**E 10-033** Reappoint Tim Ryan to a term on the Long Range Planning and Economic Development Commission and appoint Jud Kirkness to a term on the Tree and Landscape Committee.

**This matter was Approved on the Consent Agenda**

**F RES 10-07** A Resolution adopting the City and Borough of Sitka Local Multi-Hazard Mitigation Plan  
*Fire Chief Miller explained this plan is needed in order to apply for grants. The Local Emergency Planning Commission is currently rewriting plans. The plan is routinely reviewed every year and undergoes a major review every five years.*

**MOTION by Stein to approve Resolution 2010-07 adopting the CBS Local Multi-Hazard Mitigation Plan on first and final reading. The motion PASSED on the following vote.**

**Yes:** 5 - Ozment, Stein, Westover, Crews, and Hackett

**Absent:** 2 - McAdams, and McConnell

**X. NEW BUSINESS:**

**G 10-029**

Appoint one to a term on the Parks and Recreation Committee: 1) Michelle Gundaker or 2) Steven Eisenbeisz

*Hackett pointed out that Michelle Gundaker has a commercial business and may provide a different prospective.*

**Stein NOMINATED the two candidates Michelle Gundaker and Steven Eisenbeisz for the Parks and Recreation Committee vacancy. Gundaker was appointed on a majority vote.**

**H RES 10-06**

A Resolution of the City and Borough of Sitka requesting a public field hearing in Sitka on Sealaska's Land Selections as authorized by SB 881, some of which are within the Sitka Community Use Area

**Sponsors:** Ozment and McConnell

*Deputy Mayor Ozment announced public comment would be taken regarding the resolution or the motion and nothing else. The floor would not be open to discuss the pros and cons of SB 881. The town meeting on March 12th will be for that purpose.*

*Jaeleen Araujo, Vice President and general counsel for Sealaska noted that there had been discussions in the past and ongoing dialogue. She argued the resolution contained some incorrect statements which concerned her. She has worked on the bill for the last 10 years.*

*George Paul spoke against the resolution because of the rules imposed by Deputy Mayor Ozment concerning testimony. He supports a hearing in Sitka.*

*Roland Wirth supports our congressional representatives coming to Sitka.*

*Clara Gray would like to see the resolution amended before approval to make sure the language is correct. She also supports a local hearing.*

*Ann Wilkenson supports passage and a public process. A public process without the decision makers is not effective.*

*Matt Donohoe, a commercial fisherman, voiced concerns about streams that would or could be impacted. Supports the resolution in general.*

*Gerry Hope, of Alaska Native Brotherhood voiced support of Sealaska's transfer and supported the "Now, Therefore, be it Resolved..." clause. He stated it is critically important to make amendments and to possibly strike any predetermined decisions.*

*Andrew Thoms supported field hearings. He hoped folks could be brought together in order for success.*

*Jay Stelzenmuller and Steve Ash spoke in support.*

George and Jacklyn House spoke in opposition.

Testimony on the amendment followed:

Stein believed it might be too nuclear. Westover hated to pass a resolution with misinformation however supports the title.

George Paul spoke in favor of the amendment.

Jaeleen Araujo believed Sealaska would be OK with the amendment however expressed concern with the word privatized.

Roland With wondered if it would lessen the message by removing all the whereas's.

Andrew Thoms and Matt Donohoe both supported leaving in the third whereas.

Jaeleen Araujo had issues with the word privatization and noted the assumptions that it would impact public access were incorrect.

Hackett would like to know which Whereas's contain inaccuracies in Sealaska's view.

Gerald Hope is in favor of the amendment. It is clean and simple. The third Whereas being discussed can be debated at a public hearing.

Westover stated there needs to be dialogue first before addressing the merits and or inaccuracies of the Whereas's.

**MOTION by Crews to AMEND by striking the 3rd, 4th, 5th 6th and 7th Whereas's.**

**MOTION on the AMENDMENT PASSED on a 5-0 roll call vote.**

**MOTION by Westover to approve Resolution 2010-06 as amended requesting a field public hearing on Sealaska's Land selections in Sitka on first and final reading. This motion PASSED on the following vote:**

**Yes:** 4 Ozment, Westover, Crews, and Hackett

**No:** 1 Stein

**Absent:** 2 McAdams, and McConnell

I 10-032

Approve 2009 Homeland Security Grant Awards to upgrade Sitka's Emergency Warning System, install "Call Bursting" and install security cameras

**Sponsors:** Administrator's Office

Crews asked Chief Schmitt if the cameras were a necessity. Hackett expressed curiosity about the intent. Schmitt explained there would be a feed that could be monitored however continuous monitoring would not be done.

**MOTION by Hackett to strike the portion of the motion that adds security cameras and strike the portion of this award that accepts funding for the security cameras, the motion would read: To accept the 2009 Homeland Security Grant Awards to upgrade Sitka's Emergency Warning System, to provide "reverse 9-1-1"**

Jay Stelzenmuller supported the amendment. Jackie House did not.

**MOTION on the AMENDMENT FAILED on a 3-2 roll call vote with Stein,**

Westover and Hackett in favor and Ozment and Crews against.

**MOTION** by Stein to accept the 2009 Homeland Security Grant Awards to upgrade Sitka's Emergency Warning System, provide "reverse 9-1-1" and add security cameras to the Japonski Island antennae tower and City Hall. The motion **PASSED** on the following vote.

**Yes:** 4 - Ozment, Stein, Westover, and Crews

**No:** 1 - Hackett

**Absent:** 2 - McAdams, and McConnell

**J 10-034** Schedule Town Hall worksessions on Sales Tax Exemptions

**Sponsors:** Hackett, Stein and Ozment

*Hackett announced the 27 exemptions in the Sitka General Code need review and would like to engage the community in these discussions. The Mayor has offered to facilitate and called the worksessions. Hackett pointed out many of the existing exemptions will not require changes.*

**Schedule Town Hall worksessions on Sales Tax Exemptions.**

**SCHEDULED** for March 15, 17 & 19 from 6-9 PM by unanimous consent.

**XI. PERSONS TO BE HEARD:**

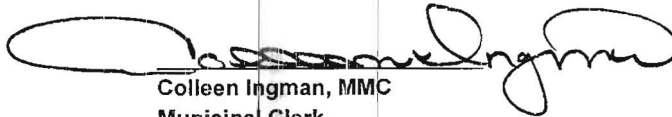
*Jackie House stated she has been waiting for forty years for a bill to get the same thing that everyone else in Sealaska got. She would like to see equality.*

*Jaeleen Araujo of Sealaska thanked the Assembly for allowing her to participate and voice her concerns. She would like to continue the dialogue with the Assembly and community.*

**XII. ADJOURNMENT**

**MOTION** by Westover to Adjourn. The meeting adjourned at 8:10 PM.

**ATTEST:**



Colleen Ingman, MMC  
Municipal Clerk