



CITY AND BOROUGH OF SITKA

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

Minutes - Final City and Borough Assembly

Mayor Mim McConnell
Deputy Mayor Matt Hunter
Vice-Deputy Mayor Phyllis Hackett, Pete Esquiro, Mike Reif,
Benjamin Miyasato and Aaron Swanson

Municipal Administrator: Mark Gorman
Municipal Attorney: Robin L. Koutchak
Municipal Clerk: Colleen Ingman, MMC

Tuesday, March 25, 2014

6:00 PM

Assembly Chambers

Worksession 5:00 - 5:50 PM

1. [14-054](#) City and Borough of Sitka Audit - Update

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Present: 6 - McConnell, Hunter, Esquiro, Reif, Swanson, and Miyasato

Excused: 1 - Hackett

IV. CORRESPONDENCE/AGENDA CHANGES

Items D and H were PULLED prior to the meeting and will not be taken up tonight.

2. [14-059](#) Reminders and Calendars

V. CEREMONIAL MATTERS

3. [14-051](#) Proclamations: 1) AmeriCorps Day, and 2) St. Baldrick's Foundation + shaving of heads

1) Mayor read a proclamation honoring AmeriCorp volunteers. 2) St. Baldwicks Foundation Day proclamation was read. Two high school students had their heads shaved during the meeting Rosie Palof and Salma Zakiyah (an exchange student from Indonesia).

The meeting went into a short Recess.

Meeting Reconvened

VI. SPECIAL REPORTS: Government to Government, Municipal Boards/Commissions/Committees, Municipal Departments, School District, Students and Guests (time limits apply)

4. [14-060](#) Representative Jonathan Kreiss-Tomkins correspondence

Representative Jonathan Kreiss-Tomkins addressed three issues: 1) Legislature plans to zero out municipal revenue sharing by 2020; 2) Unfunded liability has increased from 22-24%; and 3) A Board of Fish nominee is to be announced soon, appointed by the Governor it is a Southeast Alaska seat.

VII. PERSONS TO BE HEARD

Municipal Assessor Hughes announced assessments were mailed out March 12 and the deadline to appeal is April 11. Postcard format saved the city approximately \$1,400. He also asked the Assembly to consider waiving the \$100 personal property non-filing late fee for 2014 at their next meeting. There were many changes this year and the fee was one of them.

VIII. REPORTS

a. Mayor, b. Administrator, c. Attorney, d. Liaison Representatives, e. Clerk, f. Other

Mayor spent a day in Washington, DC with our lobbyist, Larry Markley, with whom she visited our Congressional delegation and staff at the Governor's office. She spoke of the need for funds to complete the Blue Lake project and were given some possible avenues to pursue for Federal funding. She addressed the great need to complete the bulkhead project at SCIP. All offices were intrigued with the idea of possible bulk water sales in the future. They distributed the pamphlet on our hydroelectric dam being a renewable resource and received assurance that this issue is being pursued. The need for long-term funding of PILT and SRS was talked about. Thanked the congressional delegation for the Army Corps of Engineers funds to work on the breakwater and asked for support on funding the Tribal Transportation Program.

Cruise Shipping Miami was also a productive time. She was able to talk with Royal Caribbean staff concerning a scouting trip to Alaska; they had not intended to visit Sitka but the Mayor encouraged them to include us on their trip this summer, told them about the new dock, and introduced them to Chris McGraw. She also had conversations with Norwegian staff that plan shore excursions. She noted that many people expressed surprise when they learned that the Mayor was attending this event. This is not a common occurrence.

She also attended SCVB meeting and reported that the Board will not be pursuing a 501(c)(3) status but would like an updated ordinance. They are supportive of the idea of having a Tourism Summit with an invitation only visitor industry organizations and working groups.

Deputy Administrator Sweeney - Attended a number of events including Southeast Conference. Sawmill Creek Industrial Park Board heard a presentation from another water bottling operation. The municipal budget is in its final stages. He will be attending the Chamber of Commerce Banquet.

Attorney - Spoke to the handling of minor criminal matters. We were able to derive a new hourly rate of \$85/hr, which is comparable to the state. There was no interest from local attorneys. She announced that she and Esquiro will be sitting on a panel Esquiro in his Tribal Judge role and her as a representative of the CBS. It will not be an additional expense.

Liaisons - Swanson announced that at the STA meeting they are still looking for tribal members for the Historic Preservation Commission. Hunter mentioned that the Assembly will see the results of what the Ports and Harbors Commission and staff have been working on tonight.

Clerk - Mentioned that she handed out Evaluation Forms that should be completed prior to their April 15th meeting.

IX. CONSENT AGENDA

Motion by Hunter to Adopt the Consent Agenda consisting of Items A, C, E, and F. Item D was pulled prior to the meeting and Items B&G were pulled off the Consent by Reif for discussion purposes. A separate vote will be taken on those items. The motion PASSED on the following vote.

Yes: 6 - McConnell, Hunter, Esquiro, Reif, Swanson, and Miyasato

- A** [14-049](#) Approve the minutes of the February 25, & March 11, 2014 Assembly meetings
This item was APPROVED on the CONSENT AGENDA.
- C** [14-053](#) Approve the following liquor license renewals: 1) Bayview Restaurant, 2) Loyal Order of the Moose #1350, 3) Pilot House, 4) Little Tokyo, 5) Talon Lodge, 6) Asian Palace, 6) Homeport Eatery, and 7) Larkspur Cafe
This item was APPROVED on the CONSENT AGENDA.
- E** [RES 14-03](#) Supporting Permanent Funding of the Alaska Farm to School and the Nutritional Alaska Foods for Schools Programs by the Alaska State Legislature
This item was APPROVED on the CONSENT AGENDA.
- F** [14-055](#) Approve Amendment No.3 to the Granite Creek Lease of lot #4 between CBS and Tisher Construction in accordance to the existing lease
This item was APPROVED on the CONSENT AGENDA.
- D** [14-057](#) ~~Approve the Health Needs and Human Services Commission moving forward with the development of a Community Health Needs Assessment and Enumeration of Services.~~
This item was PULLED prior to the meeting at the request of the Commission Chair.
- B** [14-052](#) Appointment: 1) Appoint Hans vonRekowski to a term on the Sitka Community Hospital Board
Reif wanted to extend his appreciation to Hans for his continued service to the municipality.

Motion by Reif to appoint Hans vonRekowski to a term on the Sitka Community Hospital Board.

Yes: 6 - McConnell, Hunter, Esquiro, Reif, Swanson, and Miyasato

G [14-058](#)

Approve a transfer of up to \$150,000 from the Commercial Passenger Excise Tax Funds to the Sea Walk Capital Project to install a safety railing along the board walk

Both Reif and Esquiro are not willing to support at this time.

Harmon recommended that this portion of the Sea Walk should have railings. Mayor agreed. Municipal Attorney said the insurance company letter didn't define standards. We followed our own standards and specifications. We need to take into consideration the average age of cruise ship passengers and the fact many are not mobile and use walkers and canes. It's rocky and steep and there is potential for people to get hurt and we tried to balance that.

Sweeney surmized the issue is one of safety for individuals opposed to the letter from the underwriter. Harmon said there are certain standards that have to be met. He doesn't support a railing on the inner boardwalk. Feels the liability and risk is too high to ignore. He would like to see it addressed before cruise ships arrive if possible. Reif submitted that \$150,000 for 630' of guardrail is too expensive.

Motion by Reif to approve this item. The motion FAILED on the following vote.

Yes: 2 - McConnell, and Miyasato

No: 4 - Hunter, Esquiro, Reif, and Swanson

X. UNFINISHED BUSINESS:

H [ORD 14-02](#)

Amending Sitka General Code at Chapter 9.20 entitled "Smoking in Public Places and Places of Employment" to modify Section 9.20.035 regarding prohibition of children in places where smoking is permitted

This item was PULLED prior to the meeting as there was not seven members present to take it up, which was one of the requirements of the postponement.

I [ORD 14-05](#)

Amending SGC at Chapter 15.05 entitled "Water System" at Subsection 15.05.625 entitled "Water and Wastewater Rates - Sawmill Cove Industrial Park" to further define water volumes and address tote/container water sales for bulk water

A motion was made by Hunter that this Ordinance be PASSED ON SECOND READING. The motion PASSED by the following vote.

Yes: 6 - McConnell, Hunter, Esquiro, Reif, Swanson, and Miyasato

XI. NEW BUSINESS:

New Business First Reading

- J** [ORD 14-07](#) Amending SGC Title 13 entitled "Port and Harbors" by Repealing and Reenacting certain sections to substantially update the laws governing the conduct and use of Sitka Municipal Harbor Facilities by adopting clear requirements for vessel maintenance and care and procedures for impounding nuisance vessels

Harbormaster Eliason mentioned that Ports and Harbors supports approval. Hunter said they have gone line by line through this ordinance. Reif offered a few clarifying points. The Municipal Attorney will make those edits prior to the next reading .

A motion was made by Reif that this Ordinance be PASSED ON FIRST READING. The motion PASSED by the following vote.

Yes: 6 - McConnell, Hunter, Esquiro, Reif, Swanson, and Miyasato

- K** [ORD 14-08](#) Revising Chapter 4.09 of the SGC, at Subsection 4.09.110 entitled "Residence Construction Tax Refund" to extend the time period for applying for the refund to two years after the issuance of the building permit, and, to clarify that only one refund per building permit will be issued

Reif recused himself as he is in the process of personal construction of a new house.

Mike Reif speaking from the public questioned the fairness of this for owner/builders they have to pay far more than the contractor. He made a suggestion to clarify the language with regard to the sales tax charges of \$90 as it is dependent on which month the sales tax is paid.

Currently, if you take longer than a year you do not get a refund. Sweeny explained that they are recommending extending it to two years with the builder choosing when that calendar starts.

A motion was made by Hunter that this Ordinance be PASSED ON FIRST READING. The motion PASSED by the following vote.

Yes: 5 - McConnell, Hunter, Esquiro, Swanson, and Miyasato

Recused: 1 - Reif

Additional New Business Items

- L** [14-056](#) Re-Appointment/Appointments: 1) Jennifer Robinson; 2) Mary Stephenson; and 3) Judith Johnstone to terms on the Tourism Commission

Mayor McConnell recused herself because her daughter was one of the applicants.

Mim McConnell, speaking as a citizen mentioned that after she met with the Visitor's Bureau today it seems time for the community to re-address the tourism and visitor industry. The Sitka Convention and Visitor's Bureau is going through some changes right now and wanting a new ordinance. Therefore, she felt a summit was appropriate.

Mary Stephenson, one of the applicants believes that the members of the Tourism Commission should be a part of any meeting.

Deputy Mayor Hunter sees this as a worksession between the various boards/commission and the Assembly as a whole that would be facilitated. He mentioned Doug Osborne as a possible facilitator. Suggesting this take place prior to taking up any new appointments.

Mary Stephenson wondered about the general public's role a proposed Tourism Summit. She alluded that currently members are not available, and therefore, they cannot meet quorum requirements to hold a meeting. She and Judy Johnstone are present and willing to volunteer their time and efforts. She doesn't agree with deferring the appointments tonight.

Reif supports the applicants, but if the boards/commissions are reshuffled somehow then he would want to consider the appointments at that time and not now.

Deputy Mayor Hunter appreciates all the volunteers and applicants and suggested a strategic planning session on tourism. He doesn't support making appointments tonight as he doesn't want people to be assigned to do work that perhaps we don't support as an Assembly.

Motion by Reif to defer these appointments until meetings can be held where the City re-evaluates our various boards and commissions as they relate to the tourism industry. Suggesting that the initial evaluations should include direction from the Municipal Administrator, related commission members and representatives of the Assembly.

Yes: 5 - Hunter, Esquiro, Reif, Swanson, and Miyasato

Excused: 1 - Hackett

Recused: 1 - McConnell

XII. PERSONS TO BE HEARD:

Mary Stephenson offered some history on the Tourism Commission. Alleging that seven meetings out of 15 have gone unattended. She is very frustrated.

Steve Warren, who previously worked on the "Smoke Free Work Place" spoke. As the American Legion folks pointed out there a number of violations; one that surfaces for him personally is a store within the building. It has been determined that the language is not clear. He thought the initial ordinance was very clear and in his opinion passed by a landslide. The Municipal Attorney at that time chose not to have sections implemented. He would like to see the current Municipal Attorney review the initial ordinance and implement it.

XIII. ADJOURNMENT

A motion was made by Swanson that this meeting be ADJOURNED. With no further business nor objections the meeting ADJOURNED at 8:10 PM.

ATTEST:

**Colleen Ingman, MMC
Municipal Clerk**