



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 Pete Esquiro,
Vice Deputy Mayor Thor Christianson,
Phyllis Hackett, Matthew Hunter, Mike Reif and Michelle Putz*

*Municipal Administrator: Jim Dinley
Municipal Attorney: Theresa Hillhouse
Municipal Clerk: Colleen Ingman, MMC
Deputy Clerk: Sara Peterson, CMC*

Tuesday, December 11, 2012

6:00 PM

Assembly Chambers

WORKSESSION: Electric Dept - Blue Lake Expansion Update 5pm

REGULAR MEETING

- I. CALL TO ORDER
- II. FLAG SALUTE
- III. ROLL CALL

Present: 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

IV. CORRESPONDENCE/AGENDA CHANGES

Mayor McConnell announced Item O was pulled from the agenda. Municipal Attorney Hillhouse stated this item would come back in a different format at the next meeting ; noting signed paperwork and payments had been received that day.

Utility Director, Chris Brewton, provided a brief summary of a letter sent to the Congressional Delegation regarding municipal bonding.

Mayor McConnell referenced a letter sent to USDA Forest Service Area Supervisor, Forrest Cole, which urged the Forest Service to keep positions in Sitka rather than relocate or eliminate.

Government-to-Government Update with Sitka Tribe of Alaska

V. CEREMONIAL MATTERS

Mayor McConnell read a proclamation for National Homeless Persons' Memorial Day and observed a moment of silence.

VI. PERSONS TO BE HEARD

Susan Yager and Matt Byers of the US Department of Veterans Affairs addressed the Assembly. Both were in Sitka to visit with Veterans and inform them of services.

VII. REPORTS

Lisa Sadleir-Hart provided a report on the Alaska Food Policy Council.

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

Mayor - attended recent STA reception for incoming and outgoing members; noted the Assembly held a visioning session December 8 with a continuation to be held in January.

Administrator - provided an update on Municipal projects. Dinley reported the State was scheduled to overlay the airport runway in early May. He was working with Alaska Airlines and local agencies to keep the inconvenience to Sitkans to a minimum.

Liaison Representatives - Esquiro attended recent Tourism Commission meeting. Hunter attended the recent Police & Fire Commission meeting. He stated the Commission encouraged the Assembly to pass the current version of the dog ordinance. Hunter noted the Port and Harbors Commission would meet December 12 to continue the discussion of harbor rates. Christianson informed a new liaison was needed for the Library Commission as he had a permanent conflict. Reif, Hackett, and Putz attended the STA reception as well. Hackett reported on the Tree and Landscape Committee's involvement in a local tree survey. Putz reported the next Park and Rec meeting would be December 13.

Clerk - Reminded the Assembly of the December 18 worksession with out of town Certified Land Trust Consultant Michael Brown. Mentioned the second Assembly meeting in December was rescheduled to the 26th.

Other - Reif asked Utility Director, Chris Brewton, to come forward and update the Assembly on the Energy Star Rebate Program.

VIII. CONSENT AGENDA

- A [12-168](#) Approve the minutes from the November 27, 2012 Assembly meeting.

This item was **APPROVED ON THE CONSENT AGENDA.**

- B [12-169](#) Appoint 1) Chris Spivey to an unexpired term on the Planning Commission, 2) Kay Turner to a three-year term on the Parks and

Recreation Committee, and 3) Bob Gorman to a three-year term on the Local Emergency Planning Committee under category 6 - members of the public.

Reif thanked the applicants for applying and for their service.

A motion was made by Hackett that this Appointment be APPROVED. The motion PASSED by the following vote.

Yes: 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

- C** [12-170](#) Approve a liquor license renewal application for Van Winkle and Sons - 205 Harbor Drive, License #2786.

This item was APPROVED ON THE CONSENT AGENDA.

- D** [12-172](#) Approve an application for a new liquor license for Pizza Express - 1321 Sawmill Creek Road Suite H & I.

This item was APPROVED ON THE CONSENT AGENDA.

IX. UNFINISHED BUSINESS:

- E** [ORD 12-41](#) Amending SGC Subsection 9.24.010A which is the definition section for "Bear Attraction Nuisance"

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

Yes: 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

- F** [ORD 12-42](#) Amending SGC at Section 23.30.020 entitled "Conditions for use of Park and Recreation Facilities" to prohibit non-service dogs from being inside the fenced Moller Park Ball Field and subjecting the owner of such a dog to a fine

David Durham spoke against passage of the Ordinance.

The Assembly emphasized the Ordinance applied only to upper Moller Field. The other fields would be discussed at a later date after the previously proposed ordinances had been reviewed by the Police and Fire Commission and the Parks and Recreation Committee.

A motion was made by Hackett that this Ordinance be APPROVED. The motion PASSED by the following vote.

Yes: 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

- G** [ORD 12-44](#) Amending the sublease with Ostrov Enterprises d/b/a Airport Gift Shop

at the Sitka Rocky Gutierrez Airport Terminal Building to include additional space

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

Yes: 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

A recess was taken from 6:56pm to 7:01pm. Assembly Member Christianson left for the evening as he wasn't feeling well.

X. NEW BUSINESS:

New Business First Reading

- H** [RES 12-29](#) Approving the sale of replatted Lot 16-A containing the former carpenter shop and mill garage/tire shop property at Sawmill Cove Industrial Park to Silver Bay Seafoods, LLC, and authorizing the Municipal Administrator to sign the agreement.

Garry White, Sawmill Cove Industrial Park Director, came forward to explain the details of the sale. White noted part of Lot 16 would be used for rock storage for the Blue Lake Dam Expansion Project. White added the remaining northwest portion of Lots 16, 18, and 19 relied on access through lot 16. White suggested some of the funds from the sale be used to create an access easement to the properties. With no physical access, these lots would not be able to be leased.

A motion was made by Reif that this Resolution be APPROVED. The motion PASSED by the following vote.

Yes: 6 - Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

Absent: 1 - Christianson

- I** [ORD 12-43A](#) Amending SGC Title 19 entitled "Building and Construction" to update existing provisions

Building Official, William Stortz, came forward to explain the Ordinance.

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

Yes: 6 - Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

Absent: 1 - Christianson

- J** [ORD 12-45](#) Updating Attachment A: Pay Matrix of the Personnel Policies Handbook

A motion was made by Hackett that this Ordinance be PASSED ON FIRST

READING. The motion PASSED by the following vote.

Yes: 6 - Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

Absent: 1 - Christianson

K [ORD 12-46A](#) Amending Sitka General Code Title 4, Chapter 9 entitled "Sales Tax" and making corresponding changes in Sitka General Code Title 4, Chapter 24 entitled "Hotel, Motel and Bed and Breakfast Transient Room Tax"

Finance Director, Jay Sweeney, explained the ordinance had been two years in the making and represented the Sales Tax Department's efforts to clean up inconsistencies in the Code, eliminate duplicated provisions, and help with clarification.

Assembly members asked questions of Sweeney on the following issues: sales of goods or services outside the City and Borough, annual reports filed by non-profit organizations, and improper use of purchase made with exemption certificate.

A motion to AMEND was made by Hunter to add back in the word "retired" where it had been previously stricken. The motion FAILED by the following vote.

Yes: 1 - Hunter

No: 5 - Esquiro, Reif, Putz, McConnell, and Hackett

Absent: 1 - Christianson

The Assembly further discussed issues such as seasonal sales tax, bonding, tax rates and exemptions, and the residential construction tax refund.

A motion to AMEND was made by Hackett for line 276 to read, "The organization files a biannual report setting out its qualifications". The current reading states the organization files an annual report. The motion to AMEND PASSED by the following vote.

Yes: 6 - Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

Absent: 1 - Christianson

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

Yes: 6 - Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

Absent: 1 - Christianson

A recess was taken from 8:06pm to 8:11pm.

Additional New Business Items

L [12-173](#) Authorize the Municipal Administrator to award a Professional Services Agreement with JWA, Inc. in a not to exceed amount of \$200,000 for the Jarvis Street Diesel Plant Capacity Addition Project.

Utility Director, Chris Brewton, explained the proposed Professional Services Agreement. He noted JWA, Inc. had extensive technical expertise and experience with design and construction of generation projects throughout Alaska.

A motion was made by Reif that this Item be APPROVED. The motion PASSED by the following vote.

Yes: 6 - Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

Absent: 1 - Christianson

M [12-176](#) Discussion/Direction on conditional use permits for Bed and Breakfasts and Short-term Rentals.

Planning Director, Wells Williams, provided an explanation of the Planning Office's recent analysis of short-term rental conditional use permits and bed and breakfast conditional use permits. He recommended a detailed reporting requirement be put into place for new bed and breakfasts and short-term rental conditional use permits and an analysis be completed the first three months of each calendar year for permits that had been inactive for a twelve month period. He proposed staff further review all the permits after the first of the year with the goal of identifying and deactivating permits that were no longer legally in effect and make the process an annual effort the first three months of each following year.

N [12-177](#) Approve a purchase agreement between the City and Borough of Sitka and Alaska Arts Southeast, Inc. regarding exercise equipment.

Assembly member Hackett recused herself stating she was the Director of the Hames Center.

Hackett testified on behalf of the Hames Center. She explained the equipment was currently under the ownership of the City and all parties involved were interested in turning ownership over to Alaska Arts Southeast.

A motion was made by Reif that this Item be APPROVED. The motion PASSED by the following vote.

Yes: 5 - Esquiro, Reif, Hunter, Putz, and McConnell

Absent: 1 - Christianson

Recused: 1 - Hackett

O [12-178](#) Terminate the "Agreement For Material Sale From Municipally Owned Property" executed February 2012 with Southeast Earthmovers.

This item was PULLED from the agenda. It was noted the item would come back before the Assembly at the next meeting in a different format.

P [12-175](#) Approve Acting Municipal Administrators list.

A motion was made by Putz that this Item be APPROVED. The motion PASSED by the following vote.

Yes: 6 - Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

No: 1 - Christianson

XI. PERSONS TO BE HEARD:

None.

XII. EXECUTIVE SESSION

XIII. ADJOURNMENT

Prior to adjourning, the Assembly scheduled the following: 1) Government to Government dinner January 17th, and, 2) the second half of the Assembly Visioning Session Saturday, January 26th, 8am-noon with the location to be determined.

A motion was made by Putz to ADJOURN. The meeting ADJOURNED at 8:55pm by unanimous voice vote.

ATTEST: _____

**Sara Peterson, CMC
Acting Municipal Clerk**