



CITY AND BOROUGH OF SITKA

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

Minutes - Final

City and Borough Assembly

*Mayor Steven Eisenbeisz,
Deputy Mayor Kevin Knox,
Vice Deputy Mayor Kevin Mosher,
Thor Christianson, Crystal Duncan, Rebecca Himschoot,
David Miller*

*Municipal Administrator: John Leach
Municipal Attorney: Brian Hanson
Municipal Clerk: Sara Peterson*

Tuesday, March 22, 2022

6:00 PM

Assembly Chambers

WORK SESSION 5:00 PM

[22-050](#)

Work session materials

Visit Sitka met with the Assembly to discuss their marketing plan and additional FY23 budgetary request of \$275k.

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. RECITAL OF LANDS ACKNOWLEDGEMENT

IV. ROLL CALL

Present: 7 - Christianson, Knox, Mosher, Eisenbeisz, Himschoot, Duncan, and Miller

V. CORRESPONDENCE/AGENDA CHANGES

No agenda changes.

[22-051](#)

Reminders, Calendars, and General Correspondence

VI. CEREMONIAL MATTERS

None.

VII. SPECIAL REPORTS: Government to Government, Municipal Boards/Commissions/Committees, Municipal Departments, School District, Students and Guests (five minute time limit)

Sitka Tribe of Alaska Tribal Chairman, Woody Widmark, reported on recent Tribal Council business.

[22-048](#)

Police and Fire Commission, Chair Gregg Olson

Chair Gregg Olson provided an overview of the Commission's duties and recent work.

VIII. PERSONS TO BE HEARD

Valorie Nelson spoke to funds spent on legal opinions regarding recent recall applications. Johnny Elliot told of a barbecue fundraiser slated for April 2 to benefit the Sitka Homeless Coalition. John Dunlap, Brian Cozzens, Paul Kortemeier, and Connor Ward of Sitka Sound Ocean Adventures expressed concern with vendor changes at Harrigan Centennial Hall (HCH) for the summer season. Don Kluting spoke in opposition to moving vendors behind HCH noting the location would preclude the use of the boat launch. SEARHC Chief Medical Officer Dr. Elliot Bruhl provided an update on expanded services and COVID-19 mitigation. Nick McGraw spoke about the concern of increased garbage production during the coming summer. Richard Wein read a statement from a recent recall petition application and acknowledged the passing of Carol Williamson.

IX. CONSENT AGENDA

A motion was made by Knox that the Consent Agenda consisting of Items A & B be APPROVED. The motion PASSED by the following vote.

Yes: 7 - Christianson, Knox, Mosher, Eisenbeisz, Himschoot, Duncan, and Miller

A [22-044](#)

Approve the minutes of the March 3 and March 8 Assembly meetings

This item was APPROVED ON THE CONSENT AGENDA.

B [22-045](#)

Approve liquor license renewal applications for the following: 1) The Longliner Lodge and Suites at 485 Katlian Street, 2) Beak, LLC dba Beak Restaurant at 2 Lincoln Street Suite 1A, 3) SOE, LLC dba Asian Palace at 327 Seward Street #1, and 4) SOE, LLC dba Little Tokyo at 315 Lincoln Street #112

This item was APPROVED ON THE CONSENT AGENDA.

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

C [22-046](#)

Reappoint Mike Johnson to a two-year term on the Gary Paxton Industrial Park Board

Richard Wein thanked Johnson for reapplying.

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

Yes: 7 - Christianson, Knox, Mosher, Eisenbeisz, Himschoot, Duncan, and Miller

D [22-049](#)

Appoint 1) Sandra Fontaine to a three-year term on the Library Commission, and 2) Dan Littlefield to a three-year term on the Building Department Appeals Board

Richard Wein thanked the individuals for reapplying. Margie Esquiro spoke in support of Fontaine.

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

Yes: 7 - Christianson, Knox, Mosher, Eisenbeisz, Himschoot, Duncan, and Miller

XI. UNFINISHED BUSINESS:

E [ORD 22-04S](#)

Amending Title 11 "Vehicles and Traffic" of the Sitka General Code by updating Chapter 11.75 "All-Purpose Vehicles" by amending Section 11.75.040 "Operations of APVs on Public Roadways within the City and Borough"

Eisenbeisz clarified this was a substitute ordinance for first reading.

Those from the public speaking in opposition were Valorie Nelson, Mike Finn, Taylor Schmidt, Nick McGraw, Maxine Duncan, Andy Nye, Logan Kluting, and Richard Wein.

Cosponsors Knox and Mosher explained their intent was to restrict an all-purpose vehicle (APV) for hire citing concerns over use by visitors unfamiliar with Sitka roads. Knox said he had been approached by a number of constituents who were concerned about tourism growth and the possibility of APV rentals.

Christianson noted the significant difference between an all-terrain vehicle (ATV) and a utility terrain vehicle (UTV). Some members were comfortable allowing rental of a UTV, others weren't comfortable with rental of either, and some suggested revisiting the topic of rentals at a later date.

A motion was made by Christianson to AMEND Section I of the ordinance substituting all instances of APV with ATV:

I. Commercial uses prohibition. When driving on public roadways within the city and borough, APVs may not be used for commercial uses that involve hire of an APV, including, but not limited to, renting/leasing for driving, tours, passenger carrying, load carrying, freight carrying, pushing or towing. This prohibition does not apply to uses of an APV for a business activity or employment activity when the APV is not under hire, including, but not limited to, driving to and from the business/employment or load carrying for the business/employment. **The amendment FAILED by the following vote:**

Yes: 3 - Eisenbeisz, Duncan, and Christianson

No: 4 - Miller, Mosher, Himschoot, and Knox

From the public, Richard Wein and Nick McGraw spoke in opposition to the amendment. Mike Finn and Valorie Nelson spoke in support.

A motion was made by Mosher that this Ordinance be APPROVED on FIRST READING. The motion PASSED by the following vote.

Yes: 4 - Knox, Mosher, Himschoot, and Duncan

No: 3 - Christianson, Eisenbeisz, and Miller

F [ORD 22-05](#)

Instating a temporary moratorium on the issuance of conditional use permits for short-term rentals in the R-1 or related zones and R-2 or related zones

Speaking in opposition to the ordinance were Randy Hughey, Rachel Jones, Valorie Nelson, Dani Snyder, Jacquie Foss, Scott Saline, and Richard Wein. Those in support were Wendy Alderson, Katie Riley, and Rebecca Poulson. Rachel Roy stated there was a need to address workforce housing.

Cosponsors Mosher and Knox spoke about the importance of reassessing short-term rental regulations to minimize negative impacts on available housing while also maintaining economic opportunities. Members agreed there was a lack of housing, however, some wondered if a solution could be arrived at without a moratorium. There was support for a group to convene and explore possible solutions.

A motion was made by Mosher that this Ordinance be APPROVED on SECOND AND FINAL READING. The motion FAILED by the following vote.

Yes: 3 - Knox, Mosher, and Himschoot

No: 4 - Christianson, Eisenbeisz, Duncan, and Miller

XII. NEW BUSINESS:

G [22-047](#)

Discussion/Decision of a Class IIB tidelands permit for a community personal use dock at 1401 and 1403 Halibut Point Road

Planning Director Amy Ainslie reviewed the personal use dock request and explained the Class IIB permit definition and requirements. She explained the term for a Class IIB facility was an initial 10-year period with two automatic five-year renewals. Ainslie further added the difference between a lease and a permit was a lease generally gave broader allowance for use within the lease area, whereas the permit only allowed the construction and use of the dock as approved in the permit. She noted the request had been reviewed and approved by the Port and Harbors Commission. Regarding the annual permit fee, Ainslie said the fee was \$200 with an adjustment every 5 years. However, the fee could be higher if the Assembly felt there was justification by the area of tidelands involved. The applicants had proposed an annual permit fee of \$1500. Ainslie noted the applicants would need to obtain a conditional use permit.

In response to the motion, Richard Wein spoke in opposition.

A motion was made by Christianson to APPROVE an exclusive transferable permit for a period of ten years for a Class IIB tidelands permit for development of a personal use dock seaward of 1401 Halibut Point Road and 1403 Halibut Point Road. A condition is placed on this approval that the applicants must receive approval for a conditional use permit for a personal use dock – perimeter of dock and float exceed 300 linear feet before the municipality will issue the Class IIB tidelands permit and find that higher fees are justified by area of the tidelands that are involved. The annual permit fee

shall be \$1500 adjusted every five years based on the aggregate rate of inflation for the previous five-year period. The motion PASSED by the following vote.

Yes: 7 - Christianson, Knox, Mosher, Eisenbeisz, Himschoot, Duncan, and Miller

H [ORD 22-07](#)

Authorizing the lease of Granite Creek Industrial Site Lease Areas 2 and 3, a 12.7 acre parcel, for material extraction and sale

From the public, Richard Wein spoke in support.

A motion was made by Knox that this Ordinance be APPROVED on FIRST READING. The motion PASSED by the following vote.

Yes: 7 - Christianson, Knox, Mosher, Eisenbeisz, Himschoot, Duncan, and Miller

I [ORD 22-06](#)

Amending Title 2 "Administration" of the Sitka General Code by updating Chapter 2.40 "Elections"

Municipal Clerk Sara Peterson explained the purpose of the ordinance was to align the deadline for submittal of candidate biographical information with the withdrawal of candidate nomination deadline. In addition, the ordinance would allow the election supervisor to appoint one or more students to serve as election officials if they met the requirements of the Youth Vote Ambassador Program outlined in AS.15.10.108.

From the public, Richard Wein spoke in opposition.

Himschoot and Knox expressed support.

A motion was made by Himschoot that this Ordinance be APPROVED on FIRST READING. The motion PASSED by the following vote.

Yes: 7 - Christianson, Knox, Mosher, Eisenbeisz, Himschoot, Duncan, and Miller

XIII. PERSONS TO BE HEARD:

A motion was made by Knox to EXTEND to 10:40pm. The motion PASSED by the following vote.

Yes: 6 - Miller, Mosher, Eisenbeisz, Duncan, Himschoot, and Knox

No: 1 - Christianson

Scott Saline stated there was a lack of balance between his neighborhood located off of Katlian Street and the City. Rachel Jones wished to be involved in the short-term rental review process. Richard Wein spoke to the increase in tourism, rise in inflation, and lack of housing. He noted short-term rentals were the wrong target.

XIV. REPORTS

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

Administrator - Leach told of the new financial transparency tools on the City website - "Balancing Act" and "Your Taxpayer Receipt."

Clerk - Peterson reviewed the board/commission/committee vacancy list and told of upcoming meetings.

XV. EXECUTIVE SESSION

None.

XVI. ADJOURNMENT

A motion was made by Christianson to ADJOURN. Hearing no objections, the meeting ADJOURNED at 10:36pm.

ATTEST: _____
Sara Peterson, MMC
Municipal Clerk