



# CITY AND BOROUGH OF SITKA

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

## Minutes - Final-revised 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: Robin L. Koutchak  
Municipal Clerk: Colleen Ingman, MMC*

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Tuesday, March 26, 2013

6:00 PM

Assembly Chambers

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### WORKSESSION - HARBORS UPDATE 5:00 PM - 5:50 PM

### REGULAR MEETING

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

Christianson arrived at 6:18 PM. Reif was not able to attend on March 28 when the meeting was reconvened.

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

### IV. CORRESPONDENCE/AGENDA CHANGES

### V. Special reports: government-to-government, municipal boards/commissions, committees, municipal departments, school district, students and guests

Sitka Tribe of Alaska Vice Chairman Benjamin Miyasato relayed the Tribe opposed both SB60 and HB145. Miyasato noted while SitkaTribe had concerns about the effects of the growing sea otter population, a bounty was not in-keeping with traditional tribal resource protection and environmental management practices. They also opposed HB80 an Act relating to the regulation of wastewater discharge from commercial passenger vessels in state waters.

**VI. PERSONS TO BE HEARD**

Chief Schmitt informed the "Choose Respect March" would be held March 28. He announced parking hours had been reduced to 72 hours at Crescent Harbor parking lot during the construction period.

Valorie Nelson read a prepared statement. She spoke to the City allowing S&S to take over the site and pay the monies owed to the City by McGraw Construction. She doesn't believe that Acquisition and Disposal as it appears in Title 3 and 18 of the Sitka General Code was followed. She also mentioned conflicting comments regarding the use of the City's need for the rock and that the clearing and grubbing that took place was a separate expense outside of the \$107,375.21. Nelson added that she believes the administration and the assembly are in violation of the Charter and Sitka General Code.

Tonia Rioux announced the Alaska Tourism Industry Association would hold their annual convention in Sitka October 8-10, 2013.

Ben Miyasato informed the Eagle and Raven poles carved by Tommy Jospeh had been unveiled at the new BIHA site on Katlian Street.

Nancy Yaw Davis thanked the City for providing a waiver to allow archeologists and her to dig at the construction site for Pacific High School.

Garry White announced the Sitka Economic Development Commission would hold an Economic Forum on Tuesday, April 16th in the auditorium of Centennial Hall.

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

Mayor - Provided an update on her recent trip to Miami for the Cruise Ship Expo and to Washington DC for lobbying. She testified via teleconference on the State's operating budget.

Department of Transportation: Al Clough, Southeast Regional Director, explained project plans for the Airport, Sawmill Creek Road and Halibut Point Road.

Hazardous Materials Exercises: Fire Chief Dave Miller introduced Lt. Colonel Steven Wilson. Miller stated there would be 26 different groups from city, state, and federal agencies with over 100 people participating. Most of the exercises were scheduled to occur at the Causeway.

Liaisons - Putz attended the Sitka Tribal Reception along with Utility

Director Chris Brewton. Brewton presented an update on the Blue Lake Dam Expansion project.

Clerk - Drew the Assembly's attention to the number of scheduled sessions in the month of April requesting the Assembly to review and mark their calendars.

Other - Mayor requested an Assembly member work on the task force with Sitka Tribe of Alaska for a teen center. Reif participated in the Blue Lake tour March 17th. Hackett mentioned the "Chill it's a Drill" statewide tsunami testing that was to take place March 27.

#### VIII. CONSENT AGENDA

- A**     [13-049](#)     Approve the minutes of the February 26 and March 9 & 12, 2013 Assembly meetings.
- Mayor McConnell wished to abstain from voting on the March 12th minutes as she was not in attendance.
- A motion was made by Hackett to approve the minutes of February 26 and March 9, 2013. The motion PASSED on a unanimous voice vote.**
- A motion was made by Hackett to approve the minutes of March 12, 2013. The motion PASSED by a 6-1 vote with McConnell abstaining.**
- B**     [13-052](#)     Appointments: 1) Kristy Crews to a seat on the Tourism Commission; 2) Cindy Litman to a term on the Library Commission; and reappoint 3) Linda Speerstra to a term on the Sitka Convention and Visitors Bureau.
- There was a question as to how many vacancies there currently were on the Tourism Commission. The Clerk clarified there were a total of four vacancies and the Commission had not been able to meet due to a lack of a quorum.
- A motion was made by Hackett to divide the question. No objections were made and the question was divided.**
- A motion was made by Putz to appoint Cindy Litman to the Library Commission and reappoint Linda Speerstra to a term on the Sitka Convention and Visitors Bureau Board.**
- A motion was made by Hackett to appoint Kristy Crews to a seat on the Tourism Commission.**
- Both motions PASSED on the following vote.**
- Yes:** 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

**IX. UNFINISHED BUSINESS:**

- C**     [13-056](#)     Approve or protest renewal of a liquor license #3762 registered to Victoria's Pour House owner J&B North Inc. - request to rescind action taken on March 12, 2013.

**This item was PULLED prior to the meeting and was scheduled to be addressed at the April 9 meeting.**

- D**     [RES 13-06](#)     Approving submittal and execution of a Southeast Alaska Chinook Salmon Mitigation Infrastructure Grant of up to \$240,000 for Ice-Making and Storage Infrastructure Project providing service to the coastal area of Baranof Island - request to rescind action taken March 12, 2013.

**A motion was made by Hunter to rescind the motion that failed at the March 12 Assembly meeting to approve Resolution 2013-06 on first and final reading. The motion to RESCIND PASSED by the following vote.**

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

Jerry Lindvall, speaking on behalf of Sitka Sportsman Association, stated there were advantages to flaked ice over cubed.

Scott Saline spoke in support of the Sitka Sportsman Association but had concerns with maintenance and sustainability.

Harbormaster, Stan Eliason, noted if the machines were not sustainable they could be sold. Ron Pratt, Maintenance Supervisor, explained the grant would cover all costs resulting in no cost to the City. Eliason noted the machines would be placed at the Harbormaster Office area, Crescent Harbor or Sealing Cove Harbor.

Government Relations Director, Marlene Campbell, explained this was a unique granting opportunity and the likelihood of future grants was slim.

Esquiro has been involved with the salmon mitigation funds for years and this is not something the funds were intended for and therefore he can not support.

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

**Yes:** 5 - Christianson, Hunter, Putz, McConnell, and Hackett

**No:** 2 - Esquiro, and Reif

- E**     [ORD 13-11](#)     Amending SGC Section 15.01.060 Entitled "Rental Structures" and adding

SGC Sections 15.04.340, 15.05.640, 15.96.070 all Entitled "Rental Structures" to clarify "Owner Accounts" will be charged continuously (even when not rented), because Water, Sewer, and Solid Waste services remain available.

Sue Riggs, Connor Nelson, Valorie Nelson, and another citizen spoke in opposition to the ordinance.

Assembly members Christianson, Hunter, Reif, Hackett and Putz offered their opinions. A discussion among Assembly members followed regarding island dwellers and their ability to take bulk water.

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

**No:** 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

**F**     [ORD 13-12](#)

Amending SGC 9.08.025 Entitled "Garbage Service" to use terms consistent with SGC Section 15.06.025 entitled "Solid Waste Treatment and Refuse Collection," and make it clear businesses cannot opt out of garbage service

Connor Nelson and Valorie Nelson spoke in opposition to the ordinance.

Deputy Finance Director, Mike Middleton, explained the charge would not apply to storage units. He noted there were instances in which the landlord took care of garbage fees and in those cases the City wouldn't duplicate the charge.

**A motion was made by Hackett that this ordinance be PASSED ON SECOND READING. The motion PASSED by the following vote.**

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

**G**     [ORD 13-13](#)

Authorizing the sale of Lot 31 B Saline Subdivision

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

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

**X.     NEW BUSINESS:**

**New Business First Reading**

**H**     [ORD 13-14](#)

Amending SGC Title 22 Zoning to allow for and regulate Accessory Dwelling Units (ADUs)

Hunter questioned the rationale of limiting size. Planning Director, Wells Williams, offered an explanation and noted each request would be evaluated just like a building permit.

Garry White stated SEDA supported a higher density.

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

**Yes:** 6 - Christianson, Reif, Hunter, Putz, McConnell, and Hackett

**No:** 1 - Esquiro

**A motion was made by Reif that this Ordinance be AMENDED so that it was clear the secondary dwelling unit shall be detached from the primary dwelling unit. The motion on the amendment PASSED by the following vote.**

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

**I**      [ORD 13-16](#)

Amending SGC Chapter 2.04 "City and Borough Assembly" at Section 2.4.110 "Parliamentarian"

Hackett said one of the reasons she brought this forward was because the Clerk was required to attend meetings where the Attorney was not. Although CBS was not subject to Title 29, the title did support this change. Christianson mentioned the Assembly frequently sought the advice of the Clerk on parliamentary issues.

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

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

**J**      [ORD 13-17](#)

Amending SGC Title 22 Zoning to amend SGC Table 22.16.015-6 to allow Eating and Drinking places in the Sawmill Cove Special District as a permitted use on a temporary basis.

Southeast Economic Development Association (SEDA) supported this but Sawmill Cove Industrial Park (SCIP) had not reviewed yet. Joe Younack explained plans to offer canteen services closer to the dam construction site.

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

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

**A motion was made by Reif to AMEND Line 32 by striking "Life of the Blue Lake Dam project" and inserting completion of "Contract 9 of the Blue Lake Dam Upgrade project." The motion to amend PASSED by the following vote.**

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

**Additional New Business Items**

- K**     [13-051](#)     Approve Amendment No. 1 to the Barnard Construction Company Lease Agreement recommended by the Sawmill Cove Industrial Park Board.
- A motion was made by Hackett that this Item be APPROVED. The motion PASSED by the following vote.**
- Yes:** 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett
- L**     [13-054](#)     Approve the Tentative Agreement between PSEA and the City and Borough of Sitka for the "FY12 and FY13 Reopener Impasse" as executed by James Metcalf (on behalf of PSEA) and Kimberly Gearity (on behalf of CBS) on February 7, 2013.
- Reif expressed his appreciation of the work done by Mr. Dinley to reach this agreement.
- A motion was made by Hackett that this Item be APPROVED. The motion PASSED by the following vote.**
- Yes:** 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett
- M**     [13-053](#)     Appoint One to the Ports and Harbors Commission: 1) Ben Lawrie or 2) Michael Johnson
- A motion was made by Hunter to nominate both applicants for a term on the Ports and Harbor Board. Ben Lawrie received four votes and Mike Johnson received three. Ben Lawrie was appointed to fill the seat.**
- N**     [13-050](#)     Approve contracting with a search firm for a direct hire of up to three engineers in the Electrical Department.
- Thor Christianson asked to be recused stating it was possible his brother might apply for one of these positions and therefore he preferred not to participate.
- Mark Danielson, Human Resources Director, explained the City had spent \$10,000-\$15,000 advertising and thus far had not received any qualified applicants. With a search firm if a candidate was not hired there was no charge. Hackett was concerned with the dollar amount and wondered why no one in Alaska was interested. Utility Director, Chris Brewton, said there had been interest in Sitka but it had to do with the cost of living in Sitka; coupled with CBS wages being significantly below.
- 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

**Recused:** 1 - Christianson

Assembly members were not in agreement for hiring firms for up to "three" electrical engineers and amended the motion to read "two".

**A motion was made by Hackett to AMEND the main motion by deleting "three" and inserting "two". The motion to AMEND PASSED on the following vote.**

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

**Recused:** 1 - Christianson

- O**     [13-055](#)     Discussion and/or adoption of a new vision statement for the City and Borough of Sitka proposed in 2010.

**A motion was made by Hackett that this Item be POSTPONED until April 9. The motion to POSTPONE PASSED by a unanimous vote.**

**XI.     PERSONS TO BE HEARD:**

None.

**XII.     EXECUTIVE SESSION:**

- P**     **13-058**     To discuss with legal counsel, a personnel complaint and discuss options on how to proceed. All of which concerns matters, which the immediate knowledge may adversely affect the finances of the CBS, or subjects that tend to prejudice the reputation and character of any person; and involve communications with legal advisors and the Municipal Administrator concerning legal matters affecting the CBS.

**A motion was made by Hackett to go into Executive Session. The motion PASSED.**

**A motion was made by Reif to EXTEND the meeting until 11:00 PM. The motion required six votes and FAILED.**

**A motion was made by Christianson to come out of Executive Session and recess the meeting until March 27 at 4:45 PM. The motion PASSED by a unanimous voice vote.**

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

**Mayor McConnell called the meeting of March 26 back to order on March 28 at 4:45 PM.**

**A motion was made by Putz to go into executive session to discuss with legal counsel, a personnel complaint and discuss options on how to proceed; all of which concerns matters which the immediate knowledge may adversely affect**



the finances of the CBS, or subjects that tend to prejudice the reputation and character of any person and involve communications with legal advisors and the Municipal Administer concerning legal matters affecting the CBS. The motion **PASSED** by a unanimous voice vote.

A motion was made by Christianson to return to the Assembly in regular session. The motion **PASSED** by a unanimous voice vote.

A motion was made by Putz that based on a personnel complaint that was filed, and the resulting investigation, to suspend James Dinley for a two week period without pay as outlined in a disciplinary letter, authorized and to be signed by the Mayor, to be placed in his personnel file. The motion **PASSED** by the following vote.

**Yes:** 6 - Christianson, Esquiro, Hunter, Putz, McConnell, and Hackett

**Absent:** 1 - Reif

### **XIII. ADJOURNMENT**

A motion was made by Putz that this meeting be **ADJOURNED**. The motion **PASSED** by a unanimous vote and the meeting **ADJOURNED** at 5:58 PM on Thursday, March 28, 2013.

**ATTEST:** \_\_\_\_\_  
Colleen Ingman, MMC  
Municipal Clerk