



# 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*

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Tuesday, January 25, 2022

6:00 PM

Assembly Chambers

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#### WORK SESSION 5:00 PM

#### **22-013** SSSC Work Session Materials

Sitka Sound Science Center provided an update on the Sitka Landslide Warning System.

#### REGULAR MEETING

#### **I. CALL TO ORDER**

#### **II. FLAG SALUTE**

#### **III. RECITAL OF LANDS ACKNOWLEDGEMENT**

#### **IV. ROLL CALL**

**Present:** 5 - Knox, Mosher, Eisenbeisz, Himschoot, and Duncan

**Telephonic:** 2 - Christianson, and Miller

#### **V. CORRESPONDENCE/AGENDA CHANGES**

[22-014](#) 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, told of the Council's recent business. Clerk of the School Board, Paul Rioux, provided an update on school activities and Board work.

**VIII. PERSONS TO BE HEARD**

Richard Wein spoke about vaccination in children 18 years of age and younger. He said the risk-benefit was unknown. Brett Wilcox spoke in opposition to vaccination.

**IX. CONSENT AGENDA**

None.

**A**     [22-009](#)     Approve the minutes of the January 11 Assembly meeting

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

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

**B**     [RES 22-02](#)     Submitting City and Borough of Sitka FY 2023 State Legislative Priorities to State of Alaska and 2022 Legislature

Richard Wein spoke to the legislative priorities.

Knox, Himschoot, Mosher, Duncan, and Eisenbeisz noted the importance of the projects and expressed appreciation for the inclusion of unfunded mandates, a new addition to the document. Himschoot told of communication with Alaska Longline Fisherman's Association Director Linda Behnken who expressed support for a boat haulout.

**A motion was made by Knox that this Resolution be APPROVED on FIRST AND FINAL READING. The motion PASSED by the following vote.**

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

**X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS**

**C**     [22-011](#)     Appoint Ellie Lo Re to an unexpired term on the Health Needs and Human Services Commission

**A motion was made by Mosher 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:**

None.

**XII. NEW BUSINESS:****D**     [RES 22-03](#)     Authorizing a grant application to the Federal Emergency Management Agency FY23-25 SAFER Grant

Municipal Administrator, John Leach, explained the 3-year grant was funded partially by the Federal Emergency Management Agency. He stated the grant did not cover standby pay or overtime costs. If the grant was approved, an appropriation requesting full funding of the position would come forward and exceed the grant amount by \$33,333/year.

From the public, Richard Wein wondered if the request was for a new position or an existing position and spoke to the additional costs.

Fire Chief, Craig Warren, explained the need for an additional engineer position had been identified and added into the FY23 budget preliminarily. He noted the Assistant Fire Chief discovered a grant opportunity that would pay for 3 years (100% of base salary and benefits). Warren said this position would increase staffing efficiencies and reduce overtime costs. If the position was to continue after 3 years, it would need to be brought back to the Assembly for approval.

Knox spoke in support, said the number of volunteers had decreased, and the capacity to deal with emergencies had been diminished. Duncan wondered about overtime costs and ways to increase volunteerism. Eisenbeisz expressed concern the position may not sunset after 3 years. Christianson and Mosher spoke in support.

**A motion was made by Himschoot that this Resolution be APPROVED on FIRST AND FINAL READING. The motion PASSED by the following vote.**

**Yes:** 5 - Christianson, Knox, Mosher, Himschoot, and Miller

**No:** 2 - Eisenbeisz, and Duncan

**E**     [22-010](#)     Board of Adjustment: Consideration of an appeal filed by Ben Timby and Tiffany Justice for the Planning Commission's denial of a short-term rental conditional use permit for 717 Sawmill Creek Road

**A motion was made by Mosher to convene as the Board of Adjustment. The motion PASSED by the following vote.**

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

Eisenbeisz read the procedural outline. Christianson disclosed he was the liaison for the Planning Commission and was unsure if he should participate. Eisenbeisz stated the Planning Commissions were public, all Assembly members had access to the minutes and video, and said the appellants weren't trying to influence Christianson specifically.

Staff presentation

Planning Director Amy Ainslie stated the appellant had gone before the Planning Commission to request a short-term rental permit for their single-family home. The Planning Commission denied the request mainly because of a lack of parking. Ainslie explained parking requirements and reviewed the appellant's claims. Municipal Attorney Brian Hanson spoke to his assessments on references to legal standards,

due process, full faith and credit, and equal protection.

Appellant presentation

Ben Timby stated he had hired legal representation. He said there had never been parking issues and believed the parking concerns were unwarranted. Timby believed the Planning Commission's decision was based on speculation and called attention to the fact that the Planning Department had recommended the permit be approved. In addition, he said no neighbors had come forward in opposition.

Public testimony

Richard Wein, Owen Kindig, and Brendan Jones spoke in support of granting the permit. Wendy Alderson, a Planning Commission member, spoke in support of her fellow Commissioners. While not at the Planning Commission meeting in which Timby's permit was denied, she said the Commission had valid concerns.

Rebuttal by staff

Ainslie told of a discussion by the Planning Commission on the difference in parking impacts of a short-term rental versus a long-term rental. Hanson reminded the Assembly decided whether the facts supported the decision made by the Planning Commission.

Rebuttal by appellant

Timby restated the Planning Commission made the decision based on speculation. He added he was open to having conditions placed on the permit - e.g. no cars allowed, one car allowed, or bicycles provided.

Evidentiary portion of the public hearing closed and deliberation

Assembly members spoke to the facts that had been presented and asked questions of staff and the appellant. Knox inquired of code enforcement which was said to be complaint-based. He had concerns with placing conditions due to the lack of enforcement or monitoring. Himschoot wondered if code amendments were needed to allow for allowances in high-density areas and what the process would look like for the appellant to reapply. Duncan requested an explanation of the findings, in particular parking.

**A motion was made by Mosher to DENY the appeal of the Planning Commission's decision to deny CUP 21-19, a request for a short-term rental at 717 Sawmill Creek Road filed by Benjamin Timby. The owners of record are Benjamin Timby and Tiffany Justice. The motion PASSED by the following vote.**

**Yes:** 5 - Mosher, Knox, Christianson, Eisenbeisz, and Himschoot

**No:** 2 - Miller, and Duncan

**A motion was made to reconvene as the Assembly in regular session. The motion PASSED by unanimous voice vote.**

**F**      [22-008](#)

Discussion / Direction on the Short-Term Tourism Plan

From the public, Jim Michener spoke in support of a full closure of Lincoln Street for the summer months. Shauna Thorton and William Jacobs spoke in opposition. Karl Potts spoke in favor of partial closure. Richard Wein expressed frustration at the huge influx of cruise passengers and what he perceived to be poor planning. Wendy

Alderson thanked staff and the Planning Commission for their work. Laurie Booyse noted the importance of a long-term tourism plan.

A discussion of the Assembly ensued. Mosher disclosed his employer was Shee Atika. Mayor Eisenbeisz ruled no conflict. Christianson acknowledged the work of the Planning Commission, Planning Director Amy Ainslie, and Planner I Ben Mejia. He stated the Commission put much thought into mitigating the effects of a busy tourist season on Sitkans. He reminded once the plan was implemented minor changes could be made if needed. Mosher while supportive of the plan overall was concerned about banks on Lincoln Street not being able to conduct drive-thru business. For safety reasons, he supported a complete closure of Lincoln Street. Administrator Leach reminded the City had an obligation to help mitigate issues preventing businesses from operating. Duncan spoke to the chronic parking issues in the downtown area and voiced concern of full closure. Himschoot wondered of the RIDE location which Ainslie said the short-term plan did not address. Himschoot also requested a phone hotline be created for people to call if items in the plan weren't working. Miller commented a solution for the one-lane portion of Katlian Street was needed, spoke in support of full closure, and wondered what the plan was for vehicles parked on Lincoln Street at the time of street closure. Ainslie reminded this would be a learning process for all, signage would be explored, and involvement of the operational team was needed. Eisenbeisz expressed concern that the full closure option may not accomplish what was intended.

The short-term plan was scheduled to come back to the Assembly for approval on February 8.

**G**      [ORD 22-01](#)

**Making supplemental appropriations for fiscal year 2022 (expenses related to increase in cruise passengers for 2022)**

Administrator Leach summarized the ordinance and said the calculations were based on discussions from the January 13 work session. He reminded the appropriation did not include expenses related to the Lincoln Street closure option.

From the public, Richard Wein commented a comprehensive introduction was needed and said the short-term plan was not well thought out. Rachel Roy spoke in support of the ordinance.

A discussion ensued. Regarding the ATV ambulance, Himschoot said a plan for upkeep and care was important. Christianson voiced support for the targeted use of CPET funds and reminded with any large industry there were costs. Eisenbeisz mentioned there would be additional charges related to increased garbage production.

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

**Yes:** 6 - Christianson, Knox, Mosher, Himschoot, Duncan, and Miller

**No:** 1 - Eisenbeisz

**H**      [22-012](#)

**Appoint an Assembly Member(s) to the City and Borough of Sitka Strategic Plan Team**

Mayor Eisenbeisz and Assembly Member Himschoot were nominated and appointed by general consensus.

**XIII. PERSONS TO BE HEARD:**

Rachel Roy asked the Assembly to consider televising work sessions. Richard Wein agreed with Roy, reiterated poor planning of increased cruise ship visits, and encouraged the Assembly to rescind the mask ordinance. Brett Wilcox told of the negative effects of the COVID-19 vaccine.

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

Mayor - Eisenbeisz reported on the recent Tribal Council meeting.

Administrator - Leach reminded of the January 27 General Fund budget meeting.

Liaison Representatives - Duncan told of the January 26 Police and Fire Commission meeting which would include a draft ordinance on all purpose vehicle use. She told of vacancies on the Police and Fire Commission and the Health Needs and Human Services Commission.

Other - Knox announced Sitka was hosting its first state championship swim meet January 28-30. He noted Olympic gold medalist Lydia Jacoby was participating.

**XV. EXECUTIVE SESSION**

None.

**XVI. ADJOURNMENT**

A motion was made by Mosher to ADJOURN. Hearing no objections, the meeting ADJOURNED at 10:28pm.

ATTEST: \_\_\_\_\_  
Sara Peterson, Municipal Clerk