

If this item is pulled from the consent agenda the following motion would be in order:

POSSIBLE MOTION

I MOVE TO approve the minutes of the May 6 and 11, 2010 Assembly Meetings.



CITY AND BOROUGH OF SITKA

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

Minutes - Draft City Assembly

MAYOR Scott McAdams
Jack Ozment, Deputy Mayor - Reber Stein, Vice Deputy Mayor
Cheryl Westover - Mim McConnell
Phyllis Hackett - Larry Crews

MUNICIPAL ADMINISTRATOR: Jim Dinley
MUNICIPAL ATTORNEY: Theresa Hillhouse
MUNICIPAL CLERK: Colleen Ingman, MMC

Thursday, May 6, 2010

6:00 PM

Assembly Chambers

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Present: 7 - McAdams, Ozment, Stein, Westover, Crews, Hackett, and McConnell

IV. EXECUTIVE SESSION - Dove Island Settlement Offer

Hillhouse explained an executive session is proposed. A settlement offer was received from Dove Island Lodge; by law it is confidential.

MOTION by McConnell to go into Executive Session to discuss confidential legal advice with the Municipal Attorney, regarding a confidential settlement offer made by Dove Island Lodge owners involving Dove Island Lodge v. City and Borough of Sitka, which may have immediate adverse legal and financial consequences for the City and Borough of Sitka and involve matters that are required by law to be confidential, and to invite the Municipal Administrator, Municipal Attorney, and the Planning Director to attend.

Yes: 7 - McAdams, Ozment, Stein, Westover, Crews, Hackett, and McConnell

RECONVENE AS THE ASSEMBLY

MOTION by Ozment to come out of Executive Session.

Motion PASSED by unanimous consent.

APPROVE SETTLEMENT OFFER

MOTION by Stein to approve the settlement offer as presented by Dove Island Lodge.

No: 7 - McAdams, Ozment, Stein, Westover, Crews, Hackett, and McConnell

APPROVE COUNTER OFFER

MOTION by Crews to approve the counter offer that was framed by Westover in Executive Session.

Yes: 5 - Ozment, Westover, Crews, Hackett, and McConnell

No: 2 - McAdams, and Stein

V. ADJOURNMENT

MOTION by Ozment to adjourn the meeting. The meeting adjourned at 7:25 PM by unanimous consent.

ATTEST:

Colleen Ingman, MMC
Municipal Clerk



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Tuesday, May 11, 2010

6:00 PM

Assembly Chambers

Worksession with LRPEDC beginning at 5:00 PM

REGULAR MEETING

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

Present: 7 - McAdams, Ozment, Stein, Westover, Crews, Hackett, and McConnell

IV. CORRESPONDENCE/AGENDA CHANGES

Stein brought up the Port and Harbors correspondence regarding sea lions. Harbormaster Eliason informed a pick up and disposal place on the floating breakwater just outside of Eliason Harbor is being implemented. Signage was installed last month. Westover inquired where the funding would come from. Eliason stated he is pursuing funding from the State. He stressed the sea lions have become more aggressive and it is now a safety issue.

Government-to-Government Update with Sitka Tribe of Alaska

None.

V. CEREMONIAL MATTERS

- A 10-094 Arbor Day Proclamation

Mayor McAdams read the Arbor Day Proclamation.

This item was HEARD.

VI. PERSONS TO BE HEARD

Lynette Moreno-Hinds, a former resident of Sitka expressed concern on the age of Baranof Elementary School.

Jim Case of the Sitka Historical Society spoke to a turn-of-the-century Chichagof mining display at First Bank. Case spoke of Goon Dip, whom Goon Dip Mountain, north of Klag Bay in West Chichagof was named. He was a prominent historic figure, entrepreneur, diplomat, and community leader.

VII. REPORTS**a. Mayor**

Reported Assembly members met with Senator Begich last week as well as the Chamber, SEDA, USCG and SJC, while he was involved in the Democratic Convention. There were many people from out of town who repeatedly spoke of how clean Sitka looks. McAdams thanked Administrator Dinley for his involvement with this.

b. Administrator

Offered an update on Public Works projects.

c. Attorney

Announced a settlement was reached on the Dove Island Lodge case. There will be a one-year review. Mayor had been questioned on the need for an executive session. Hillhouse explained settlement offers are required by law to be confidential and are not to be disclosed unless accepted. Negotiations on settlements are always handled in executive session.

d. Liaison Representatives

None.

e. Clerk

Reminded Assembly of Thursday night budget worksession and Kimsham Ballfield Dedication Saturday. The Assembly will play in a One Pitch softball game at 3:00 PM.

f. Other

None.

VIII. CONSENT AGENDA

- B 10-093 Approve the minutes of the April 27 Assembly meeting.

This matter was APPROVED ON THE CONSENT AGENDA

IX. UNFINISHED BUSINESS:

- C ORD 10-05 Amending SGC 21.52.130 entitled "Penalties and Remedies" to include the exemption under Alaska law related to governmental owned property and certain plat requirements.

Stein brought up procedural evaluation comes at the expense of expediency and there are issues with this. Hackett and Westover spoke in support of the earlier public process and noted the transparency this ordinance offers. Ozment pointed out investors can get an answer sooner. Hillhouse made it clear the only thing this does is get rid of the misdemeanor charge. This is still subject to Planning Commission approval.

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

Yes: 6 - McAdams, Ozment, Westover, Crews, Hackett, and McConnell

No: 1 - Stein

X. NEW BUSINESS:

New Business First Reading

- D ORD 10-04S Amending SGC at Chapter 9.20 entitled "Smoking in Public Places and Places of Employment" to prohibit smoking in bars and in private clubs licenses to sell food or alcoholic beverages, set a minimum reasonable distance for non-smoking outside public places, make additional enforcement requirements, provide for additional violation consequences, and make clarifying amendments, and containing a ballot measure for the October 5, 2010 Municipal Regular Election.

Mayor McAdams read the title.

Andrea Thomas recommended this be voted down because the next ordinance is more in-line with what they have in mind.

Hillhouse clarified this is identical to the one on the last three meeting agendas except this would put it on the ballot. Enforcement is clarified in this ordinance. The ordinance also adds bars and private clubs and clarifies enforcement. Hillhouse said it puts the obligation on the bar/club owner. Mayor McAdams mentioned someone he had spoke to said the enforcement piece would likely kill it in the electorate.

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

No: 7 - McAdams, Ozment, Stein, Westover, Crews, Hackett, and McConnell

- E ORD 10-09** Amending SGC at Chapter 9.20 entitled "Smoking in Public Places and Places of Employment" to prohibit smoking in bars and in private clubs licensed to sell food or alcoholic beverages, set a minimum reasonable distance for non-smoking outside public places, provide for additional violation consequences, and make clarifying admendments, and containing a ballot measure for the October 5, 2010 Municipal Regular Election.

Steve Warren thanked the Assembly for addressing this issue. Lynette Moreno-Hinds said Sitka is a place to show the world non-smoking is a good thing. Ryan Coffman spoke in support of the ordinance. He encouraged the Assembly to consider the language: "To ensure that most people are protected..." to reflect the intention. Andrea Thomas agreed. Westover spoke against the ordinance noting smokers would be out on the street and visitors would experience secondhand smoke. She feared if this passed there would next be a push to not allow smoking outside. Hackett spoke with folks in Washington and Anchorage and both said it was heavily debated, but they have observed it made little to no noticeable difference to the number of people smoking on the streets.

Andrea Thomas, Ryan Coffman, Steve Warren and Lynette Moreno-Hinds all supported McConnell's amendment. George Paul spoke against the amendment stating it should be by initiative process.

Crews believed Stein's amendment would soften what is trying to be said. Ozment agreed.

Ryan Coffman agreed with Hackett's amendment. Crews argued it should be in the purpose section, but not within the ballot question.

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

The ordinance was amended on first reading by adding language to the ballot question "to further protect people from the affects of secondhand smoke"- see Hackett's amendment.

Yes: 5 - McAdams, Ozment, Stein, Hackett, and McConnell

No: 2 - Westover, and Crews

A motion was made by McConnell that this Ordinance be AMENDED. The motion on McConnell's amendment FAILED by the following vote:

To amend on Line 29 of Page 7 to strike:" to prohibit smoking in" and replace with "to extend the Sitka Indoor Clean Air Law of 2005 at Sitka General Code 9.20.015 to include all..."

No: 7 - McAdams, Ozment, Stein, Westover, Crews, Hackett, and McConnell

A motion was made by Stein that this Ordinance be AMENDED. The motion FAILED by the following vote:

To amend by adding language following the word "amendments" - "to further protect people from the affects of secondhand smoke in public places and places of employment."

No: 7 - McAdams, Ozment, Stein, Westover, Crews, Hackett, and McConnell

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

To amend the ballot language to insert following the word "amendments" to read: "to further protect people from the affects of secondhand smoke?"

Yes: 4 - McAdams, Stein, Hackett, and McConnell

No: 3 - Ozment, Westover, and Crews

- F **ORD 10-11** Authorizing the sale of Lot 1B of the Little Critter Subdivision to Burgess Bauder and Victoria Vosburg for the purpose of constructing and operating a Veterinary Clinic

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

Yes: 7 - McAdams, Ozment, Stein, Westover, Crews, Hackett, and McConnell

Additional New Business Items

- G **10-092** Appoint one to a term on the Historic Preservation Commission 1) Patricia Eliason (incumbent), 2) James Kinsman

Both candidates James Kinsman and Patricia Eliason were nominated. Hackett mentioned Pat Eliason had been sitting on the Commission and had done a good job. She would be disappointed to lose her but on the other hand having someone on the Commission with experience in archeology and that fulfilled the seat as set out by ordinance would be a plus. They urged Eliason to apply for the board again.

Both candidates James Kinsman and Patricia Eliason were nominated. Kinsman received the majority of votes and was appointed.

XI. **PERSONS TO BE HEARD:**

None.

XII. **ADJOURNMENT**

A motion was made by Westover to adjourn the meeting at 7:43 PM. The motion PASSED by unanimous consent.

ATTEST:

Colleen Ingman, MMC
Municipal Clerk