

CONSENT AGENDA

POSSIBLE MOTION

**I MOVE TO APPROVE THE CONSENT AGENDA
CONSISTING OF ITEMS A, B, C, D, E, F & G**

I wish to remove Item(s) _____

**REMINDER – Read aloud a portion of each item being
voted on that is included in the consent vote.**

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 October 13, 2015 Assembly meeting.



CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS
1332 Seward Ave.
Room 229
Sitka, AK
(907)747-1811

Minutes - Draft

City and Borough Assembly

Mayor Mim McConnell
Deputy Mayor Matt Hunter
Vice-Deputy Mayor Benjamin Miyasato
Aaron Swanson, Steven Eisenbeisz
Tristan Guevin, and Bob Potrzuski

Municipal Administrator: Mark Gorman
Municipal Attorney: Robin L. Koutchak
Municipal Clerk: Sara Peterson, CMC

Tuesday, October 13, 2015

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Assembly member Putz presided through Unfinished Business. Assembly member Potrzuski was sworn in at the beginning of New Business and presided through the remainder of the meeting.

Present: 8 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, Putz, and Potrzuski

IV. CORRESPONDENCE/AGENDA CHANGES

15-203 Reminders, Calendars and General Correspondence

V. CEREMONIAL MATTERS

15-189 Service Award for Police and Fire Commissioner Joseph Reeves

Mayor McConnell presented a Service Award to Joseph Reeves for 8 years of service on the Police and Fire Commission.

VI. **SPECIAL REPORTS: Government to Government, Municipal Boards/Commissions/Committees, Sitka Community Hospital, Municipal Departments, School District, Students and Guests (time limits apply)**

None.

VII. PERSONS TO BE HEARD

Paula Martin, University of Alaska Southeast Sitka Campus Director, introduced herself and looked forward to a continued partnership with the City and Borough of Sitka.

Pamela Ash expressed confusion over why she was paying sales tax on her lot rental.

VIII. REPORTS

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

Mayor - Welcomed the Norwegian Jewel at the Old Sitka Dock, attended the Domestic Violence event at Crescent Harbor shelter, attended the Seafood Innovation Summit put on by SEDA, attended a meeting at City Hall to discuss the possibility of a Russian performing group traveling to Sitka, attended the Sitka Health Summit, and a MAPP survey results presentation at Sitka Community Hospital.

Administrator - Spoke to proposed reductions in Alaska Marine Highway System services, reviewed the Sitka Health Summit projects, spoke of a Russian delegation coming to Sitka for Alaska Day, reported on a recent trip to California to meet with Representatives regarding bulk water shipments and the existing barriers, and noted State representatives were in Sitka to assist and review bid paperwork regarding debris removal for the August landslide events. Jay Sweeney, Chief Finance and Administrative Officer, informed the cost incurred to date from clean up associated with the landslide events and diesel spill was \$572,366. Approximately \$479,000 was eligible for State reimbursement. He anticipated costs to exceed \$1,000,000 and noted costs could easily climb to \$2,000,000. Michael Harmon, Public Works Director, summarized plans for debris clean up efforts.

Attorney - Reported on a conference she attended last week, announced on October 16 at the Legislative Information Office there would be an opportunity for citizens to comment on the recently proposed State marijuana regulations.

Liaisons - Hunter announced the Port and Harbors Commission had vacant seats and urged interested citizens to apply, Miyasato informed there was an opportunity to visit the Library construction site during the week and congratulated the Sitka High School Wolves Boys Cross Country Team on their state championship. Guevin reported on the Health Needs and Human Services Commission meeting and School Board meeting.

IX. CONSENT AGENDA

A 15-190 Approve the minutes of the September 22 and 24 Assembly meetings

This item was APPROVED ON THE CONSENT AGENDA.

B 15-192 Award a contract in the amount of \$155,622 to Coastal Excavation, LLC for completion of the Lake Street Storm Drain Rehabilitation project

Eisenbeisz thanked staff for the inclusion of photos demonstrating the corrosion damage.

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

Yes: 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Putz

Non-voting: 1 - Potruski

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

- C 15-191** Appoint seven members to the Marijuana Advisory Committee - applicants are: 1) Darrell Windsor, 2) Don Jones, 3) Myron Fribush, 4) Levi Albertson, 5) Jeff Arndt, 6) Pamela Ash, 7) Jacklynn Barmoy, 8) Aaron Bean, 9) Joseph D'Arienzo, 10) Ronald Dick, 11) Andrew Hames, 12) Roberta Leichty, 13) Debra Militello, 14) Kitty Sopow, 15) Anna Michelle Turner, and 16) Ann Wilkinson

Eisenbeisz looked forward to the Committee forming. Hunter thanked those that had applied.

A motion was made by Putz to appoint Darrell Windsor (Planning Commission member), Don Jones (Police and Fire Commission member), and Myron Fribush (Health Needs and Human Services Commission member) to the Marijuana Advisory Committee. The motion PASSED by the following vote.

Yes: 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Putz

Non-voting: 1 - Potruski

A vote of the Assembly was taken for the four remaining seats. The top four vote getters were: Levi Albertson, Joseph D'Arienzo, Andrew Hames, and Kitty Sopow.

- D 15-202** Reappoint Randy Hughey to a three-year term on the Planning Commission

Mayor McConnell recused herself citing a conflict of interest as Executive Director of Sitka Community Development Corporation. Hunter thanked Hughey for his willingness to serve a three-year term.

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

Yes: 6 - Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Putz

Recused: 1 - McConnell

Non-voting: 1 - Potruski

XI. UNFINISHED BUSINESS:

- E ORD 15-43** Making a supplemental appropriation to the FY16 budget per section 11.10 (a) of the Home Rule Charter of the City and Borough of Sitka (*second reading - first reading of the emergency ordinance was approved August 25*)

A motion was made by Swanson that this Ordinance be APPROVED on second and final reading. The motion PASSED by the following vote.

Yes: 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Putz

Non-voting: 1 - Potrzuski

F ORD 15-47 Authorizing the lease of approximately 16,436 feet of submerged tidelands in Alaska Tidelands Survey 1189 and 1559 Tract A

Eisenbeisz stated the lease rate was too low and wondered if it would be worthwhile to look at the restructuring of lease rates. Assessor Wendy Lawrence indicated lease rates were typically 8-10% which was standard practice across the State.

A motion was made by Putz that this Ordinance be APPROVED on second and final reading. The motion PASSED by the following vote.

Yes: 6 - McConnell, Hunter, Swanson, Miyasato, Guevin, and Putz

No: 1 - Eisenbeisz

Non-voting: 1 - Potrzuski

G ORD 15-48 Authorizing the lease of approximately 8,832 feet of tidelands in Alaska Tidelands Survey 1189

A motion was made by Miyasato that this Ordinance be APPROVED on second and final reading. The motion PASSED by the following vote.

Yes: 6 - McConnell, Hunter, Swanson, Miyasato, Guevin, and Putz

No: 1 - Eisenbeisz

Non-voting: 1 - Potrzuski

H 15-193 Approve the Municipal Clerk's certification of election

A motion was made by Putz to formally accept the Certification of Election for the October 6, 2015 Regular Municipal Election according to the results set forth in the attached election certification prepared by the Municipal Clerk and request that the official tally be included in the minutes as part of the permanent record. The motion PASSED by the following vote.

Yes: 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Putz

Non-voting: 1 - Potrzuski

I 15-194 Recognize outgoing Assembly member Michelle Putz

Mayor McConnell presented a service award to outgoing Assembly member Putz. Putz thanked staff for their work, the Assembly for their trust, and the community for its support. Putz urged citizens to become involved in local government.

XII. NEW BUSINESS:

J 15-197 Swearing in of the newly elected officials

Matt Hunter and Bob Potrzuski were sworn in for three-year terms on the Assembly.

K 15-198

Board of Adjustment: Approve a conditional use permit request filed by Deanna Moore for a bed and breakfast at 703 Biorka Street

A motion was made by Hunter to CONVENE as the Board of Adjustment. The motion PASSED by unanimous consent.

Mike Scarcelli, Senior Planner, gave a summary of the bed and breakfast conditional use permit request filed by Deanna Moore. Scarcelli noted the applicant received an approved conditional use permit for a short-term rental in August. Scarcelli added the short-term rental would be operated in the summer months and the bed and breakfast would operate in the winter.

A motion was made by Hunter to APPROVE a conditional use permit request filed by Deanna Moore for a bed and breakfast at 703 Biorka Street, and further, adopt the findings and conditions as recommended by the Planning Commission and request that they are listed in their entirety as they appear attached hereto as part of the official record.

Required Findings:

- 1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;**
 - b. Adversely affect the established character of the surrounding vicinity; nor**
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located;****
- 2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation;**
- 3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced;**
- 4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard;**
- 5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services; and**
- 6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.**

General approval criteria are as follows:

- 1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;**
- 2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;**
- 3. Lot or tract characteristics, including lot size, yard requirements, lot**

coverage and height of structures;

4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;

5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

Conditions:

1. Contingent upon a completed satisfactory life safety inspection;

2. The facility shall be operated consistent with the application and plans that were submitted with the request;

3. The facility shall be operated in accordance with the narrative that was submitted with the application;

4. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end of the reporting period;

5. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first nine months of operations for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.

6. Failure to comply with any of the conditions may result in revocation of the conditional use permit;

7. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit; and

8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.

The motion PASSED by the following vote.

Yes: 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Potrzuski

Non-voting: 1 - Putz

L 15-199

Board of Adjustment: Approve a conditional use permit request filed by Peter Thielke for a short-term rental at 722 Biorka Street

Senior Planner, Mike Scarcelli, provided a summary of the short-term rental request filed for 722 Biorka Street. Guevin commented that the granting of the short-term rental permit would take a long-term rental off the market.

A motion was made by Hunter to APPROVE a conditional use permit request filed by Peter Thielke for a short-term rental at 722 Biorka Street, and further, adopt the findings and conditions as recommended by the Planning Commission and request that they are listed in their entirety as they appear attached hereto as part of the official record.

Required Findings:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:

- a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation;
 3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
 4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.
 5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
 6. **Burden of Proof.** The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

General approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

Conditions:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the request.
4. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end of the reporting period.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first nine months of operations for the purpose of resolving issues with the request and mitigating adverse impacts on nearby

properties.

6. Failure to comply with any of the conditions may result in revocation of the conditional use permit.

7. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit; and

8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.

The motion PASSED by the following vote.

Yes: 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Potrzuski

Non-voting: 1 - Putz

A motion was made by Hunter to RECONVENE as the Assembly in regular session. The motion PASSED by unanimous consent.

M ORD 15-49

Amending Sitka General Code Chapter 4.06 "Proceeds from Raw Water Sale Contracts" by modifying section 4.06.102 "Reimbursing expenditures from other funds relating to the sale of raw water, maintenance of raw water distribution infrastructure, or retention of water rights", section 4.06.103 "Expenditure of net assets of the raw water sale fund", and section 4.06.104 "Allocation of revenues from sales of raw water at Gary Paxton Industrial Park"

Municipal Administrator Mark Gorman explained the streamlined process and indicated transfers would occur by way of a budget adjustment ordinance.

A motion was made by Swanson to APPROVE this Ordinance on first reading. The motion PASSED by the following vote.

Yes: 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Potrzuski

Non-voting: 1 - Putz

N ORD 15-50

Amending the penalty section of Sitka General Code at Title 8, Chapter 4, entitled "Animal Protection and Control" that would allow individuals to dispose of animal control violations through a bailable fine schedule or have the option to appear before a judicial officer in a court proceeding

A motion was made by Miyasato to APPROVE this Ordinance on first reading. The motion PASSED by the following vote.

Yes: 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Potrzuski

Non-voting: 1 - Putz

O ORD 15-51

Amending Sitka General Code Title 22 Zoning to allow conditional use permits to be approved by the Planning Commission with appeal rights to the Assembly acting as the Board of Adjustment

Hunter thanked staff for bringing this ordinance forward and noted either party would still have the right to appeal to the Assembly. Planning and Community Development Director, Maegan Bosak, explained the intent of the code revision was to allow for a

concise, yet thorough, public review of conditional use permits at the Planning Commission level.

A motion was made by Swanson to APPROVE this Ordinance on first reading. The motion PASSED by the following vote.

Yes: 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Potrzuski

Non-voting: 1 - Putz

P 15-196 Update from the Citizens' Taskforce - possible discussion/direction from the Assembly

Guevin reported on the recent meetings of the Taskforce and shared its four goals: 1) recommend what core services CBS must maintain, 2) determine what funding is required to maintain these core services including depreciation and capital improvements, 3) recommend what revenue streams and fees are most equitable and sustainable in order to maintain these services into the future, and, 4), educate and engage citizens as to the financial challenges and seek their ideas for solutions. Hunter offered a future worksession with the Assembly would be helpful. Public engagement was noted to be key in the success of the Taskforce.

Q 15-195 Discussion/Direction on the FY17 City and Borough of Sitka Legislative Priorities

The Assembly thanked Planning and Community Development Director, Maegan Bosak, for her work and were complimentary of the overall content and layout. Suggested revisions to be made were: clarification on fuel and alcohol taxes, a paragraph to be added on transboundary issues, further definition of funding state parks, and the education piece placed in a more prominent spot in the document.

R 15-201 Discussion/Direction on dissolving the Tourism Commission and Strategic Planning Commission

Municipal Administrator Mark Gorman noted the two commissions had been dormant for the past two years. Assembly members offered their opinions on dissolving the commissions. Some felt it may be premature to deactivate the Tourism Commission given the recent changes with the Sitka Convention and Visitors Bureau. Others offered a Tourism Taskforce may be a more logical approach on an as needed basis. Staff was directed to bring two ordinances forward to repeal the commissions.

S 15-200 Assignments: Deputy Mayor, Vice-Deputy Mayor and Assembly Liaisons

Matt Hunter was nominated and appointed as Deputy Mayor. Ben Miyasato was nominated and appointed as Vice Deputy Mayor.

The following liaison appointments were made:

- Citizens' Taskforce - Guevin**
- Gary Paxton Industrial Park Board - Eisenbeisz**
- Health Needs and Human Services Commission - Guevin**
- Historic Preservation Commission - Swanson**
- Sitka Community Hospital Board of Directors- Eisenbeisz**
- Investment Committee - McConnell**
- Library Commission - Miyasato**

Local Emergency Planning Committee - McConnell
Marijuana Advisory Committee - Eisenbeisz and Potrzuski
Parks & Recreation Committee - Miyasato
Police & Fire Commission - Swanson
Port & Harbors Commission - Hunter
Tree & Landscape Committee - Guevin
SEDA - McConnell
Sitka Tribe of Alaska - Potrzuski
School Board - Potrzuski

Animal Hearing Board, Building Department Appeals Board, Employment Relations Board, Planning Commission, Strategic Planning Commission, and Tourism Commission were not assigned liaisons for various reasons. Hunter suggested the Boards, Commissions, and Committees that currently meet during the day consider meeting at night to allow for greater participation among citizens who would like to be a member but are unable to meet during the day.

XIII. PERSONS TO BE HEARD:

None.

XIV. EXECUTIVE SESSION

None.

XV. ADJOURNMENT

A motion was made by Miyasato to ADJOURN. Hearing no objections, the meeting ADJOURNED at 8:32pm.

ATTEST: _____
Sara Peterson, CMC
Municipal Clerk