



CITY AND BOROUGH OF SITKA

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

Minutes - Draft 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*

Tuesday, April 9, 2013

6:00 PM

Assembly Chambers

WORKSESSION - Quarterly Budget Review 5:00-5:50 PM

REGULAR MEETING

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

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

IV. CORRESPONDENCE/AGENDA CHANGES

None.

V. CEREMONIAL MATTERS: PROCLAMATIONS, PRESENTATIONS, AWARDS

1 13-064 Proclamations - Walk Friendly Community and AmeriCorps Day

Mayor read and presented a proclamation to Charles Bingham on behalf of Walk Friendly Community. Phyllis Hackett read the proclamation for AmeriCorps Day. It was presented and accepted by Faith Lee and a number of AmeriCorps members.

SPECIAL REPORTS: government-to-government, municipal boards/commissions, committees, municipal departments, school district, students and guests; time limits apply

- 2 13-066** Sitka Urban Forest Management Plan and Tree Inventory - Jim Flott - 10 minutes

Jim Flott presented a report on the Sitka Urban Forest Management Plan and Tree Inventory. The report inventoried, assessed condition and established a value for the municipality's trees.

VI. PERSONS TO BE HEARD

A member of the Tree and Landscape Committee Joe D'Arienzo, thanked those who worked on the tree inventory. D'Arienzo announced there would be a May workshop on assessment and planting of trees.

Chris Brewton, Utility Director, reminded there would be a public tour of the Blue Lake project May 9.

VII. REPORTS

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

Mayor - spoke at the Choose Respect March; participated in the community focus group on food; toured Blue Lake Hydro and testified on the Capital Budget.

Acting Administrator - Harmon provided an update on the numerous Public Works projects and noted Spring Clean Up would be held April 20-28. Free vehicle collection would be held through May 4.

Liaison - Assembly members Hackett and Hunter provided reports on their respective Board and Commission. Assistant Fire Chief Stevens received a report on the ORCA drill which went well.

Clerk - Noted the April 10 worksession with the School Board would be held at the School District Office.

Other - Reif commented Assembly members had received an anonymous letter from a member of the public and was destroying it because it was anonymous. Putz expressed people should feel free to come to the Assembly with concerns and noted she would keep confidential. Reif concurred.

VIII. CONSENT AGENDA

- A 13-062** Approve the minutes of the March 26, 2013 Assembly meeting.

- B 13-060** Appointment: 1) Tad Kisaka to a term on the Sitka Convention and Visitors Bureau.
- C ORD 13-20** Adjusting the FY13 Third Quarter Budget
- D 13-061** Approve a sole source purchase: Eaton Station Service Switchgear for the Blue Lake Expansion project - \$208,546.00

Items A, B, C, and D were **APPROVED ON THE CONSENT AGENDA**.

IX. UNFINISHED BUSINESS:

- E 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.

A motion was made by Hunter that this Item be RESCINDED. The motion to rescind the action taken on March 12th PASSED by the following vote.

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

Finance Director, Jay Sweeney, spoke about the substantial amount of back taxes (\$89,900) owed by this establishment to the City and Borough of Sitka. Christianson clarified the amount owed was sales and bed taxes collected but not passed on to the City. Hunter pointed out that there was a payment plan, however, Snyder had failed to meet it.

Liquor license owner, Shane Snyder, noted the hotel portion was closed but would reopen soon. He also stated this was a debt he didn't have a lot of money to put towards.

Municipal Attorney, Robin Koutchak, explained failure to pay taxes was one of the main reasons an assembly could protest the renewal of a liquor license. Koutchak stated a protest would also generate fines Snyder would have to pay.

Assembly Members were troubled by the fact Snyder collected taxes but did not pass the money on to the City.

A motion was made by Putz that this liquor license renewal be PROTESTED and to notify the ABC Board on April 19, 2013. The motion PASSED by the following vote.

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

No: 1 - Christianson

F ORD 13-14A Amending SGC Title 22 Zoning to allow for and regulate Accessory Dwelling Units (ADUs)

Eve Krueger who resides at 711 Etolin Street said her neighbors had a unit that would fall into this category and there was no extra parking. She urged the need for appropriate parking.

A motion was made by Christianson that this Ordinance be APPROVED FOR A THIRD READING as AMENDED. The motion PASSED by the following vote.

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

No: 1 - Esquiro

The Assembly discussed the ordinance should clearly read on lines 33 and 68 Accessory Dwelling Units must be detached. There were also problems on line 75 with the words "internal" and "attached."

A motion was made by Reif to clarify that Accessory Dwelling Units must be detached and to imply that to any other inconsistencies throughout the ordinance. The AMENDMENT PASSED on the following vote.

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

No: 1 - Christianson

Planning Director, Wells Williams, clarified zoning, defined setbacks and types of property.

Hunter expressed confusion with lines 104 and 105 noting it appeared the size of an ADU was being limited. Williams informed that this language came from the Planning Commission.

A motion was made by Hunter to AMEND by striking numbers 11 and 12 on page 3 as they currently appear on lines 104-109 and inserting a new 11 to read: ADU living area shall not exceed unit no larger than 800 square feet.

Yes: 6 - Christianson, Esquiro, Reif, Hunter, McConnell, and Hackett

No: 1 - Putz

G ORD 13-16 Amending SGC Chapter 2.04 "City and Borough Assembly" at Section 2.4.110 "Parliamentarian"

A motion was made by Hunter 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

H 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.

Putz mentioned comments received from Cheryl Westover. Christianson

and Hunter appreciated Westover's comments. Hunter noted he was comfortable with the ordinance being there was a concrete end date. Hackett spoke in opposition as she felt the conditional use permitting process should apply.

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

Yes: 6 - Christianson, Esquiro, Reif, Hunter, Putz, and McConnell

No: 1 - Hackett

X. NEW BUSINESS:

New Business First Reading

- I RES 13-07** Requesting that the State and Federal authorities work with impacted Southeast Alaska communities to develop a sound management plan for the sea otter population in Southeast Alaska and further request that they research ways to revive lost fisheries, lost economies, and subsistence lifestyles which has resulted from allowing the relocation and re-colonization of sea otter in Southeast Alaska without a management plan.

Reif asked to be recused due to his involvement with the dive fishery and financial conflict.

Eric Jordan, a lifetime resident of Southeast Alaska, spoke in support of this resolution. Although a long time conservationist, he believed it was a well worded and an appropriate resolution. He noted sea otters had devastated the commercial and recreational fisheries and urged the Assembly to support the proposed resolution.

Mike Reif, speaking as a citizen and commercial diver, believed this should be of interest to everyone to get sea otters under control. Reif mentioned Senator Stedman's Senate Bill 60. Reif stated the sea otter population was a serious threat due to their rapid growth and the fact they were not managed. He acknowledged that according to Larry Bell there was a 19 year old plan but it was only a guiding document and there was no requirement to have a management plan. With regard to the amendment reducing the number from 25,000 to 23,000 in the resolution he believe it is an estimate so he doesn't support.

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

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

Recused: 1 - Reif

With regard to the amendment reducing the number from 25,000 to 23,000 in the resolution Christianson and Esquiro believe it is an estimate

so they don't support the amendment.

A motion was made by Putz that this Resolution be AMENDED by striking 25,000 and inserting 23,000.. The motion to AMEND PASSED by the following vote.

Yes: 4 - Hunter, Putz, McConnell, and Hackett

No: 2 - Christianson, and Esquiro

Recused: 1 - Reif

Christianson thinks this amendment changes the tone dramatically if we just say current population it is not over population so he is strongly opposed.

Hunter brought up that everyone wants to see a sea otter, so they are an important piece but he does think there needs to be a management plan to define what population we want.

Esquiro mentioned that there are several places where there is an over population of sea otters; unfortunately, the people who know the facts are not able to talk publically about it. Not saying or doing anything is not a solution. Sea otters need to be managed.

A motion was made by Putz that this Resolution be AMENDED by striking "over" and inserting "increasing existing" before the population.. The motion to AMEND PASSED by the following vote.

Yes: 4 - Hunter, Putz, McConnell, and Hackett

No: 2 - Christianson, and Esquiro

Recused: 1 - Reif

Christianson reflected that he went diving and couldn't find any sea urchins and he looked hard and was shocked. Really having trouble finding abalone and spoke to the devastation in the last 10 years. A management plan is way over due. He wished the resolution was more strongly worded.

Hackett read the "Now Therefore be it Resolved..." section for the listening audience.

A motion was made by Esquiro that this Resolution be AMENDED by inserting "ever" before increasing and adding "unmanaged" before poputlation. The motion to AMEND PASSED by the following vote.

Yes: 5 - Christianson, Esquiro, Hunter, McConnell, and Hackett

No: 1 - Putz

Recused: 1 - Reif

J ORD 13-18

Amending SGC Section 23.30.020 entitled "Conditions for Use of Park and Recreation Facilities" by adding provision to prohibit non-service dogs from being on certain designated sport fields and municipal playground

and subjecting the dog keeper and or custodian to a fine

Assembly members expressed appreciation to those who worked on the two ordinances and were happy with the collaborative process.

Reif wondered how many fines had been issued. Police Chief Schmitt stated between 200-225 tickets were written a year. The more common ticket issued was running at large.

A motion was made by Putz 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

K ORD 13-19

Amending SGC Chapter 8.04 entitled "Animal Protection and Control" by amending 8.04.010 entitled "Definitions" defining "Competent Voice Control;" amending 8.04.032 to provide additional off-leash areas by adding Field One at Kimsham Complex, Keet Gooshi Heen, Vilandre Ball Fields during hours when sports or school use or events are not occurring and the Cross Trail; inserting "Off-Leash Area" rules of use and adding a provision for fines and penalties for those who fail to remove all fecal matter at those designated off-leash areas

Hackett expressed concern with the words "voice control". She mentioned just because the owner knows their dog will listen, the approaching person does not and it could be terrifying.

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

L ORD 13-15

Amending SGC Title 13 at Chapter 13.06.010 entitled "Moorage Charges and Fees" at Section(s) G. Tour Ship Lightering Fees, and I. Summer Recreational Vehicle/Boat Trailer Parking Fee.

Hunter mentioned the Port and Harbors Commission supported both of these increases.

Reif inquired about tendering and going alongside the pier rates wondering how the rates compared to other communities. Harbormaster, Stan Eliason, commented Sitka's rates are low.

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

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

A motion was made by Reif that this Ordinance be AMENDED by shortening the time for these rates to be in effect to the year 2015 opposed to 2016. The motion to AMEND PASSED by the following vote.

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

Additional New Business Items

- M 13-063** Discussion/Direction on Pedi Cab proposal submbitted by John Welsh
- Assembly members expressed their points of view.
- Hunter and Christianson agreed to work with the Municipal Attorney on drafting an ordinance that would allow for this type of activity.
- A motion was made by Christianson to direct the Municipal Attorney to bring forth an ordinance amending Sitka General Code Chapter 6.16 Sales on Public Property. The motion PASSED by the following vote.**
- Yes:** 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett
- N 13-065** Discussion/Authorize for the mayor to sign the International Charter for Walking
- Eric Jordan spoke in support of the signing.
- Esquiro clarified this was voluntary. Even those items listed under the Action items on page 4. Mayor McConnell informed everything listed in this charter was all voluntary; nothing mandatory.
- Hackett mentioned snow situations and dangers of sidewalk conditions during winter months.
- A motion was made by Putz that the Mayor be authorized to sign the International Charter for Walking. The motion PASSED by the following vote.**
- Yes:** 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett
- O 13-055** Discussion and/or adoption of a new vision statement for the City and Borough of Sitka proposed in 2010.
- Eric Jordan commented the statement was too wordy and needed to be stated in ten words or less.
- Christianson felt vision statements were outdated and a wasted effort. Putz felt the complete opposite. Hunter didn't like this particular statement.
- Acting Municipal Administrator, Michael Harmon, mentioned in his experience a vision statement should be no more than seven words and lead towards statements and deliverables. Harmon further added, a vision statement should be something you could have direct control over and be 100 percent attainable. He viewed the current statement more along the lines of a community vision and not something the City had control over.
- Hunter brought up that if we are to come up with a good vision statement

it is going to take some time just from observing how this is going and suggests we take it up at another time.

A motion to AMEND was made by Reif to delete the word [PROSPEROUS] and insert sustainable.

Reif's amendment PASSED on unanimous voice vote.

A motion to AMEND by Putz to strike the word [AND].

Putz's amendment PASSED on a unanimous voice vote.

A motion was made by Hackett to amend the vision statement to read: "The City and Borough of Sitka will be a sustainable, fiscally sound, family-oriented community with a full range of opportunities for residents and visitors." This amendment strikes [HOUSING, BUSINESS, CULTURAL AND RECREATIONAL OPPORTUNITIES IN A SAFE, HISTORICALLY RICH ENVIRONMENT FOR RESIDENTS AND VISITORS.]

Hackett's amendment PASSED on a 6-1 voice vote with Christianson in opposition.

A motion was made by Esquiro to amend the vision statement to read: "The City and Borough of Sitka will be sustainable, fiscally sound and family oriented community."

Esquiro's amendment PASSED on a 7-0 roll call vote.

The main motion to adopt the vision statement as amended FAILED on a 3-4.

XI. PERSONS TO BE HEARD:

None.

XII. EXECUTIVE SESSION

None.

XIII. ADJOURNMENT

A motion was made by Esquiro that this meeting be ADJOURNED . The motion PASSED by an unanimous vote and the meeting adjourned at 9:44 PM.

ATTEST: _____
Colleen Ingman, MMC
Municipal Clerk



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Tuesday, April 16, 2013

6:00 PM

City Hall - 3rd Floor Conference Room

SPECIAL MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Present: 6 - Christianson, Esquiro, Hunter, Putz, McConnell, and Hackett

Telephonic: 1 - Reif

IV. PERSONS TO BE HEARD

Ed Ronco of Raven Radio urged the Assembly to hold the Administrator's evaluation in public as opposed to Executive Session.

V. NEW BUSINESS:

13-067 Evaluation of the Municipal Administrator - (Executive Session anticipated)

A motion was made by Esquiro to go into Executive Session under the statutory categories of subjects that tend to prejudice the reputation and character of any person; for a candid discussion and review of the Municipal Administrator's strengths and weaknesses surrounding his performance as Municipal Administrator; and invite Jim Dinley in when ready. The motion PASSED by a unanimous voice vote.

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

Mayor McConnell read the following statement:

"We held an evaluation with Mr. Dinley and Assembly members addressed their particular views on his performance. Mr. Dinley was also afforded an opportunity to express his own points of view. We gave him an unsatisfactory evaluation. This matter will remain pending."

Assembly Member Reif asked for a vote to be taken on the above statement.

A motion was made by Putz to have the Assembly vote on the Mayor's statement. The motion PASSED by the following vote.

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

No: 1 - Reif

VI. ADJOURNMENT

A motion was made by Christianson that this meeting be ADJOURNED. The meeting ADJOURNED at 9:18 PM by a unanimous voice vote.

ATTEST: _____

**Sara Peterson, CMC
Acting Municipal Clerk**