



# CITY AND BOROUGH OF SITKA

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

## Minutes - Final City and Borough Assembly

*Mayor Mim McConnell  
Deputy Mayor Matt Hunter  
Vice-Deputy Mayor Benjamin Miyasato  
Aaron Swanson, Steven Eisenbeisz  
Tristan Guevin, and Michelle Putz*

*Municipal Administrator: Mark Gorman  
Municipal Attorney: Robin L. Koutchak  
Municipal Clerk: Colleen Ingman, MMC*

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Tuesday, January 13, 2015

6:00 PM

Assembly Chambers

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### REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

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

IV. CORRESPONDENCE/AGENDA CHANGES

[14-253](#) Correspondence

V. CEREMONIAL MATTERS

None.

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

Lawrence SpottedBird, General Manager of STA, updated the Assembly on events and election of officers.

VII. PERSONS TO BE HEARD

Randy Hughes, Assessor, reminded the public the deadline for submitting exemption applications, boat surveys and property declaration forms was February 15.

Michelle Putz, speaking as a member of the public, invited the Assembly and the public to a presentation on Renewable Energy in Sitka January 21 at Harrigan Hall.

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

Mayor - Attended numerous meetings related to Sitka Community Hospital. Scheduled to talk on the phone with incoming Hospital Interim CEO Rob Allen and meet with him after he arrived. She looked forward to having him at his new post and there to help the Hospital staff and the community move forward in stabilizing the Hospital finances and continue to provide excellent health care services to the community. She noted change was hard but could bring good things and encouraged the Hospital employees and Sitkans to be patient during the transition. Attended the regular SEDA and SCVB meetings. Attended a Branding Steering Committee meeting: reviewed the results of the branding survey, expected outcomes of the project and ideas concerning how Sitka should be branded. A Wayfinding team member would be in Sitka later in the month and would meet to assess Sitka's wayfinding needs. Noted she would be attending the Mobilizing for Action through Planning and Partnerships training on January 20-21. She explained it was a broad community health assessment sponsored by the Health Needs and Human Services Commission and the Sitka Health Summit.

Administrator - Reported he and Jay Sweeney, Chief Finance and Administrative Officer (CFAO) had spent time assisting with Hospital matters, attended a joint worksession between the Gary Paxton Industrial Park Board and the Assembly, stated there would be a Town Hall meeting January 19 to hear ideas on how an ordinance should regulate and define marijuana public consumption. Jay Sweeney, CFAO, noted there was an opportunity to refinance General Obligation Bonds and a resolution would come forward at the January 27 meeting.

Attorney - Reported a majority of her time had been devoted to the Hospital issues, restated there would be a Town Hall meeting January 19 to discuss the issues with marijuana regulation, and noted she had been working with Delta Airlines regarding space at the airport.

Liaisons - Guevin reported on a School District Strategic Planning meeting he had attended, Hunter reported on a recent Port and Harbors Commission meeting and Miyasato reported on the Parks and Recreation Committee meeting.

Clerk - Reviewed Liaison assignments.

**IX. CONSENT AGENDA**

- A**     [14-248](#)     Approve the minutes from the December 23, 2014 and January 2, 2015 Assembly meetings

**This item was APPROVED on the Consent Agenda.**

- B**     [14-250](#)     Approve the Acting Municipal Administrator list for 2014

**This item was APPROVED on the Consent Agenda.**

**Approval of the Consent Agenda**

**A motion was made by Putz to APPROVE the Consent Agenda. The motion**

**PASSED by the following vote:**

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

**X. UNFINISHED BUSINESS:**

**C** [14-239](#)

Board of Adjustment: Approve a conditional use permit, with conditions, for a horse stable at 5304 Halibut Point Road, filed by David Allen. The property is owned by Allen Marina, LLC

**A motion was made by Hunter to convene as the Board of Adjustment. The motion PASSED by unanimous voice vote.**

Maegan Bosak, Planner I, provided a summary of the request and briefly reviewed the findings and conditions as proposed by the Planning Commission.

Putz noted the subject property was known to be heavily populated by bears and wondered if this had been discussed at the Planning Commission level. Bosak stated the owners were aware of the issue and would be removing the maneur on a regular basis.

Lonnie Greenough, representing Dave Allen, stated the property owners would look into electric fencing if an issue arose between the bears and horses.

**A motion was made by Hunter to APPROVE a conditional use permit request filed by David Allen on behalf of Allen Marine, LLC to build a horse stable with three stalls at 5304 Halibut Point Road under the following findings and conditions as proposed by the Planning Commission.**

**Findings:**

**The granting of the proposed conditional use permit will not:**

- 1a. 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, specifically:**
  - Section 2.3.1 To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations.**
  - Section 2.7.9 To assure that animal regulations in outlying areas and islands shall be as liberal as possible.**
- 3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced. Specifically, the four conditions that have been added to the conditional use permit.**
- 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 met the burden of proof.**

The request is supported by general approval criteria 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; specifically, that the proposed use is in a large lot with no downstream residential uses.
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.

The following criteria determining impacts of conditional uses have been considered.

- a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses.
- b. Amount of noise to be generated and its impacts on surrounding land uses.
- c. Odors to be generated by the use and their impacts.
- d. Hours of operation.
- e. Location along a major or collector street.
- f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario.
- g. Effects on vehicular and pedestrian safety.
- h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site.
- i. Logic of the internal traffic layout.
- j. Effects of signage on nearby uses.
- k. Presence of existing or proposed buffers on the site or immediately adjacent the site.
- l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan.
- m. Other criteria that surface through public comments or planning commission assembly review.

Conditions:

1. The facility shall be operated consistent with the application and plans that were submitted with the request.
2. The facility shall be operated in accordance with the narrative that was submitted with the application.
3. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first year of operation for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
4. Failure to comply with any of the conditions may result in revocation of the conditional use permit.

The motion **PASSED** by the following vote.

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

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

- D**     [ORD 14-41](#)     Amending SGC Section 2.04.020 to clarify who shall attend Assembly executive sessions
- A motion was made by Swanson 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

**XI. NEW BUSINESS:**

**New Business First Reading**

- E**     [ORD 15-01](#)     Authorizing a lease amendment to the tidelands lease in Alaska Tidelands Survey 1160 to Wade and Gretchen Parrish
- Attorney Robin Koutchak provided an explanation of the ordinance.
- Eisenbeisz thanked staff for finding a way to work with the applicant.
- A motion was made by Miyasato that this Ordinance be APPROVED on first reading. The motion PASSED by the following vote.**
- Yes:** 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Putz
- F**     [ORD 15-02](#)     Adjusting the FY15 Budget
- Jay Sweeney, CFAO, added there had been a cost savings to city enterprise funds and departments as a result of cutting back utility customer service office hours. He further explained the electric debt service increase was due to a fourth bonding for completion of the Blue Lake Expansion Project.
- A motion was made by Swanson that this Ordinance be APPROVED on first reading. The motion PASSED by the following vote.**
- Yes:** 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Putz
- G**     [ORD 15-03A](#)     Plans to issue a Request for Proposal(s) for an entity to take on the responsibilities for planning, coordinating, promoting and executing all phases of conventions, tourism and marketing for Sitka. Formally dissolving the Sitka Convention and Visitor's Bureau under the City's oversight once the Request for Proposal(s) is awarded. The CBS will provide a percentage of bed tax revenues for funding purposes
- Tonia Rioux, SCVB Director, spoke in support of the ordinance and noted SCVB was in the process of obtaining 501c3 status which was anticipated to take 2-6 months. Rioux explained the organization had changed over the years and operated more as a non-profit. Rioux as well as the SCVB Board were concerned about a potential gap

in marketing efforts during the transition.

Assembly members offered their opinions on the ordinance and discussed various options for amending the ordinance and alternative options. Evy Kinnear and Tonia Rioux spoke to the complexity of services provided by the SCVB and cautioned in delaying the ordinance. Concern was expressed with an effective date of July 1, 2015.

**A motion was made by Hunter to APPROVE this ordinance on first reading.**

**A motion was made by McConnell to amend line 33 and 34 to read, "...effective after an RFP has been awarded to an entity." The amendment PASSED by the following vote.**

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

**This item was PASSED ON FIRST READING AS AMENDED. The motion PASSED by the following vote.**

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

#### **Additional New Business Items**

- H**     [14-252](#)     Update on the Takatz Hydroelectric Feasibility Project
- Utility Director, Chris Brewton, provided an update on a final study addressing the feasibility and costs involved in the Takatz project. Brewton stated the project would not be pursued at this time.
- I**     [14-249](#)     Appoint Clay Davis to an unexpired term on the Port and Harbors Commission
- Assembly members thanked the applicant for his willingness to serve.
- A motion was made by Hunter to APPROVE this item. The motion PASSED by the following vote.**
- Yes:** 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Putz
- J**     [14-251](#)     Approve travel expenses for the Mayor to attend the Innovation Summit in Juneau on January 28 and 29
- A motion was made by Putz to APPROVE this item. The motion PASSED by the following vote.**
- Yes:** 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Putz

#### **XII. PERSONS TO BE HEARD:**

Utility Director, Chris Brewton, noted there had been 37 applications submitted for the heat pump rebate program.

**XIII. EXECUTIVE SESSION**

None.

**XIV. ADJOURNMENT**

A motion was made by Hunter to ADJOURN. Hearing no objection the meeting ADJOURNED at 8:00pm.

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