



# 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 Phyllis Hackett, Pete Esquiro, Mike Reif,*  
*Benjamin Miyasato and Aaron Swanson*

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

---

Tuesday, November 12, 2013

6:00 PM

Assembly Chambers

---

### WORK SESSION 5:00 PM

A worksession on the Stormwater Master Plan was held prior to the regular meeting.

### REGULAR MEETING

#### I. CALL TO ORDER

#### II. FLAG SALUTE

#### III. ROLL CALL

**Present:** 6 - Esquiro, Reif, Hunter, Hackett, Swanson, and Miyasato

**Absent:** 1 - McConnell

#### IV. CORRESPONDENCE/AGENDA CHANGES

[13-215](#) Correspondence November 12, 2013

#### V. CEREMONIAL MATTERS - Proclamations

Deputy Mayor Hunter read a proclamation proclaiming the month of November as Diabetes Awareness Month and another proclaiming November 30 as Small Business Saturday.

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

Sitka Tribe of Alaska, Vice-Chair Ben Miyasato, updated the Assembly on Tribal events and reported Allen Bell was the interim manager. Miyasato also thanked veterans, past and present, for their service.

High School representative, Xeviar Lysons, reported on events at Sitka High School. Sitka School District Board member, Tim Fulton, provided a Board update to the Assembly.

## VII. PERSONS TO BE HEARD

Charles Bingham, representing Walk Sitka, announced Sitka had been designated a bronze level walk friendly community.

Madison Kosma, Sitka Sound Science Center Outreach Manger, thanked the Assembly for their support of WhaleFest. Kosma also extended thanks to the community noting this year WhaleFest had the highest level of attendance and included out of town visitors.

Mary Stephenson reported phase one of the Historic Art in Sitka project was complete and submitted a written report.

## VIII. REPORTS

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

Administrator - reported on key meetings from the last couple of weeks, indicated he had toured departments and met staff, and attended board/commission meetings.

Attorney - noted she would be attending the State Attorney's Conference in Anchorage.

Liaison Representatives - Assembly members Hackett, Miyasato and Hunter reported on their respective boards.

Clerk- rescheduled Strategic Planning meeting for December 17 at 6pm.

Other- Miyasato congratulated MEHS volleyball teams on their win, Reif asked for further clarification from Utility Director Chris Brewton to explain some points from the Blue Lake Report, and Hackett requested details on the water filtration plant. Reif encouraged Sitkans to reach out to the local Filipino community in the wake of the recent Philipines typhoon disaster.

## IX. CONSENT AGENDA

A [13-209](#) Approve the minutes of the October 22, 2013 Assembly meeting.

This item was **APPROVED ON THE CONSENT AGENDA.**

B [13-213](#) Reappointments: 1) PJ Ford Slack to Kettleson Library; 2) Lisa Moore and Joseph D'Arienzo to Tree & Landscape; 3) Donna Callistini to LEPC; and 4) Bruce Conine to Tourism Commission

This item was **APPROVED ON THE CONSENT AGENDA.**

- C [13-211](#) Approve Amendment(s) 1 and 2 extending the Barnard Construction Company Leases for the SCIP Administration Building and Ground Leases

**This item was APPROVED ON THE CONSENT AGENDA.**

X. **UNFINISHED BUSINESS:**

None.

XI. **NEW BUSINESS:**

**New Business First Reading**

- D [ORD 13-41](#) Amending Section 4.09.100 of the SGC to Identify Possible Sales Tax Holidays for Certain Sales in 2013 - proposed dates are November 29 & 30

Acting Finance Director, Mike Middleton, came forward to speak to the ordinance and noted data on sales tax receipts would be included in the next Assembly meeting packet.

The Assembly requested the 2014 sales tax free holiday ordinance come before the Assembly in October.

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

**Yes:** 6 - Esquiro, Reif, Hunter, Hackett, Swanson, and Miyasato

**Absent:** 1 - McConnell

- E [ORD 13-42](#) Authorizing the lease of approximately 9.58 Acres of Tidelands in Alaska Tidelands Survey 126 to Northern Southeast Regional Aquaculture Association Inc.

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

**Yes:** 6 - Esquiro, Reif, Hunter, Hackett, Swanson, and Miyasato

**Absent:** 1 - McConnell

A recess was taken from 7:00pm to 7:05pm.

**Additional New Business Items**

- F [13-212](#) Board of Adjustment - Approve a Conditional Use Permit filed by Dan and Janet Evans for a short-term rental at 612 Oja Street with conditions - Reconvene

**A motion was made by Reif to convene as the Board of Adjustment. The**

**motion PASSED by the following vote.**

**Yes:** 5 - Esquiro, Reif, Hunter, Swanson, and Miyasato

**Absent:** 1 - McConnell

**Recused:** 1 - Hackett

Reif disclosed he used short term rentals for charter clients and could possibly use this short term rental in the future.

Wells Williams, Planning Director, explained the request and provided additional clarification on the two required parking spaces.

Dan Evans, the applicant, came forward and explained his request. Evans noted his own home was adjacent to the rental property and therefore if any noise issues were to arise he would be close by to immediately address.

Williams explained this was the first short-term rental request for 2013 and verified it would need an annual report. Williams shared with the approval of this permit there would be 24 active short-term rentals in Sitka.

**A motion was made by Reif to add an additional condition: prior to activation of the conditional use permit, two off street parking spaces will be confirmed by the Planning Department. The motion PASSED by the following vote.**

**Yes:** 5 - Esquiro, Reif, Hunter, Swanson, and Miyasato

**Absent:** 1 - McConnell

**Recused:** 1 - Hackett

**A motion was made by Reif to vote on the main motion as amended:**

**Approve a conditional use permit filed by Dan and Janet Evans for a short-term rental at 612 Oja Street and further adopt the conditions and findings 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.**

**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, that summarizes the number of nights the facility has been 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. Prior to the activation of the conditional use permit, two off street parking spaces will be confirmed by the Planning Department.

**Findings:**

1. The Planning Commission finds that the recommended conditional use permit will not be detrimental to public health, safety or welfare;

2. Will not adversely affect the surrounding character;

3. Will not be injurious to uses or property in the immediate vicinity;

4. Is consistent with Comprehensive Plan Policy 2.5.2 (l) Encourage the development of facilities to accommodate visitors without significant impacts on residential properties;

5. That all conditions necessary to lessen impacts can be monitored and enforced;

6. Will not introduce hazardous conditions on the site;

7. Is adequately supported by public facilities and services;

8. The applicant has met the burden of proof; and

9. The Planning Commission finds that the general approval criteria have been met and the Planning Commission has evaluated the criteria set forth in 22.24.010 which is the criteria for conditional uses that deal with hours of operation and location along collector streets.

**The main motion as AMENDED PASSED by the following vote.**

**Yes:** 5 - Esquiro, Reif, Hunter, Swanson, and Miyasato

**Absent:** 1 - McConnell

**Recused:** 1 - Hackett

**A motion was made by Reif to reconvene as the Assembly in regular session.**

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

**Yes:** 5 - Esquiro, Reif, Hunter, Swanson, and Miyasato

**Absent:** 1 - McConnell

**Recused:** 1 - Hackett

**G**     [13-214](#)

Direct an ordinance be written to adopt the proposed changes to SGC at Section 15.05.625 on Water Service at Sawmill Cove Industrial Park as requested by the Sawmill Cove Industrial Park Board

Sawmill Cove Park Industrial Park Director, Garry White, came forward to explain. White noted the two previous bottling companies had asked for a guaranteed water allocation with a rate of 1 cent/gallon. The most recent group had asked for a break in the water rates with no guaranteed allocation. White added that True Alaska Bottling was looking for alternative ways to bottle water such as totes and containers up to 20 feet.

The Sawmill Cove Industrial Park Board, along with White, felt there needed to be clarification to Sitka General Code concerning water rates and container sizes.

The Assembly discussed the change of rates/container sizes and wondered of the affects on job creation and economic development opportunities.

**A motion was made by Hackett to AMEND the main motion to read: "Direct the Municipal Attorney to work with the Sawmill Cove Industrial Park Board to define bulk water in preparation for an ordinance on bulk water rates." The motion to AMEND PASSED by the following vote.**

**Yes:** 6 - Esquiro, Reif, Hunter, Hackett, Swanson, and Miyasato

**Absent:** 1 - McConnell

**The main motion as amended PASSED by the following vote.**

**Yes:** 6 - Esquiro, Reif, Hunter, Hackett, Swanson, and Miyasato

**Absent:** 1 - McConnell

- H**     [RES 13-17](#)     Requesting that the Governor and Alaska State Legislature fully consider the benefits to Alaska communities and their residents through the Expansion of Medicaid under the U.S. Affordable Care Act

Charles Bingham spoke in support of the resolution.

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

**Yes:** 6 - Esquiro, Reif, Hunter, Hackett, Swanson, and Miyasato

**Absent:** 1 - McConnell

- I**     [RES 13-18](#)     Requesting that the United States President and U.S. Congress restore continuing and realistic Capital and Operating Budgets in support of the United States Coast Guard

The Assembly noted the importance of the United States Coast Guard not only in Sitka but the Nation.

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

**Yes:** 6 - Esquiro, Reif, Hunter, Hackett, Swanson, and Miyasato

**Absent:** 1 - McConnell

- J**     [13-210](#)     Appointments: 1) Scott Wagner to a term on the LEPC; 2) Paul Bahna or Jeff Budd to a term on the Health Needs and Human Services Commission; and 3) John Welsh to a term on the Tourism Commission

**A motion was made by Hackett to appoint Scott Wagner to a term on the Local Emergency Planning Committee. The motion PASSED by the following vote.**

**Yes:** 6 - Esquiro, Reif, Hunter, Hackett, Swanson, and Miyasato

**Absent:** 1 - McConnell

Deputy Mayor Hunter noted Jeff Budd had withdrawn his application .

**A motion was made by Hackett to appoint Dr. Paul Bahna to the Health Needs and Human Services Commission. The motion PASSED by the following vote.**

**Yes:** 6 - Esquiro, Reif, Hunter, Hackett, Swanson, and Miyasato

**Absent:** 1 - McConnell

**A motion was made by Hackett to appoint John Welsh to the Tourism Commission. The motion FAILED by the following vote.**

**Yes:** 1 - Hackett

**No:** 5 - Esquiro, Reif, Hunter, Swanson, and Miyasato

**Absent:** 1 - McConnell

**XII. PERSONS TO BE HEARD:**

None.

**XIII. EXECUTIVE SESSION**

**XIV. ADJOURNMENT**

With no further business to be conducted the meeting **ADJOURNED** at 8:03pm.

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