

CONSENT AGENDA

POSSIBLE MOTION

**I MOVE TO APPROVE THE CONSENT AGENDA
CONSISTING OF ITEMS**

A, B, C, D, E, F & G

or

I wish to remove Item(s) ___, ___, ___,

for discussion purposes.

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 2, 16 and 24 Assembly Meetings.



CITY AND BOROUGH OF SITKA

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

Minutes - Draft City Assembly – Board of Equalization

*Mayor Cheryl Westover
Deputy Mayor Larry Crews
Vice Deputy Mayor Mim McConnell
Assembly Member Phyllis Hackett
Assembly Member Terry Blake
Assembly Member Thor Christianson
Assembly Member Pete Esquiro*

*Municipal Administrator: Jim Dinley
Municipal Attorney: Theresa Hillhouse
Municipal Clerk: Colleen Ingman, MMC*

Monday, May 2 & 16, 2011

6:00 PM

Assembly Chambers

BOARD OF EQUALIZATION

May 2, 2011 attendance.

Present: 4 - Westover, McConnell, Christianson, and Esquiro

Absent: 3 - Crews, Hackett, and Blake

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

May 16, 2011 attendance.

Present: 6 - Westover, Crews, McConnell, Hackett, Blake, and Christianson

Absent: 1 - Esquiro

IV. NEW BUSINESS:

On May 2, 2011 the Assembly convened as the Board of Equalization. Due to conflicts of interest it was determined attendance was insufficient to make a decision on either matter.

MOTION by Christianson to recess until May 16. The motion PASSED on a unanimous vote. The meeting RECESSED until 6:00 PM on May 16, 2011.

A 11-96

Consider a Community Purpose Exemption for Sitka Counseling and Prevention Services Inc.

McConnell recused herself due to a conflict of interest.

Assessor Hughes explained how these exemptions occurred and the cost to the

municipality.

Father Gordon Blue explained the behavioral health services Sitka Counseling and Prevention Services provides for the community of Sitka. He noted some services are similar to other providers while some are not and are essential to the community.

MOTION by Christianson to approve the community purpose exemption application for Sitka Counseling and Prevention Services, Inc. The motion PASSED by the following vote.

Yes: 5 - Westover, Crews, Hackett, Blake, and Christianson

Absent: 1 - Esquiro

Recused: 1 - McConnell

Assembly determined that SCAPs qualifies for the non-mandatory property tax community exemption under SGC 4.12.025E. Additionally, the Assembly made the following Findings of Fact in accordance with SGC 4.12.025E., that SCAPS:

- 1. Benefits a significant portion of the public; and*
- 2. Not profit persons other than employees; and*
- 3. Qualify for a federal income tax exemption under 26 USC 501.*

This Findings of Fact and Decision constitutes the final decision of the Assembly acting as a BOE under SGC 4.12.025E.

A MOTION was made by Crews that the Findings of Fact be approved. They were APPROVED on the following vote.

Yes: 5 - Westover, Crews, Hackett, Blake, and Christianson

Absent: 1 - Esquiro

Recused: 1 - McConnell

B 11-97 Consider a Community Purpose Exemption filed by Sheldon Jackson Child Care Center

Christianson recused himself due to a conflict of interest.

Assessor Hughes explained the application as presented and stated SJCCC did not qualify for the exemption.

Laura Kronsperger, SJCCC Board President, Allison Fredrickson, Treasurer of SJCCC and Director Lovina Miller addressed the Assembly. They stated SJCCC is a non-profit and 100% of their facility is used for early childhood education/care and asked to be compared with similar institutions such as Betty Eliason Day Care Center or SEARHC Day Care.

Assembly members further discussed and offered their opinions.

A motion was made by Hackett to approve the community purpose exemption application for Sheldon Jackson Child Care. The motion FAILED by the following vote.

Yes: 3 - Crews, McConnell, and Hackett

No: 2 - Westover, and Blake

Absent: 1 - Esquiro

Recused: 1 - Christianson

V. ADJOURNMENT

MOTION by McConnell to adjourn the meeting, the meeting ADJOURNED at 8:00 PM.

ATTEST: _____
Colleen Ingman, MMC
Municipal Clerk



CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS
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Minutes - Draft

City Assembly

*Mayor Cheryl Westover
Deputy Mayor Larry Crews
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Assembly Member Thor Christianson
Assembly Member Pete Esquiro*

*Municipal Administrator: Jim Dinley
Municipal Attorney: Theresa Hillhouse
Municipal Clerk: Colleen Ingman, MMC*

Tuesday, May 24, 2011

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Present: 7 - Westover, Crews, McConnell, Hackett, Blake, Christianson, and Esquiro

IV. CORRESPONDENCE/AGENDA CHANGES

V. CEREMONIAL MATTERS

A 11-111 Proclamation - Homeownership Month June 2011

A proclamation was read on Homeownership Month and presented to Tambi Calvert of US Rural Development.

B 11-112 Certificate of Appreciation - AmeriCorps Volunteers

The Mayor presented AmeriCorps volunteers with Certificates of Appreciation.

VI. PERSONS TO BE HEARD

Thomas Reinholdt inquired about the length of the Blatchley Middle School Pool closure. Public Works Director, Michael Harmon, informed the work is extensive and includes replacement of all mechanical equipment and concrete work.

VII. REPORTS - Utility Director potential fuel charge update

Utility Director, Chris Brewton, spoke to the possibility of a Fuel Surcharge; worst case scenario beginning in 2014. Acting Finance Director, Jay Sweeney, mentioned there are some revenues allocated in the Community Revenue Sharing fund to offset the fuel costs.

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

Mayor - Attended recent Sawmill Cove Industrial Park Board meeting.

Administrator – Provided an update on various Public Works projects.

Other – Mayor thanked everyone involved in placing the score board at Moller Field.

VIII. CONSENT AGENDA

- C 11-109 Approve the minutes of the May 5, 10, and 12 Assembly meetings.**
- This item was APPROVED on the Consent Agenda.**
- D 11-108 Appoint Alice Marcus to an unexpired term on the Parks and Recreation Committee.**
- This item was APPROVED on the Consent Agenda.**
- E RES 11-12 Setting the millage rates for the Fiscal Year July 1, 2011 through June 30, 2012.**
- This item was APPROVED on the Consent Agenda.**

IX. UNFINISHED BUSINESS:

- F ORD 11-18 Amending Chapter 2.19 Police and Fire Commission at Section 2.19.080 Organization to make this code section consistent with the Police and Fire Commission Bylaws.**
- A motion was made by Crews that this Ordinance be APPROVED. The motion PASSED by the following vote.**
- Yes: 7 - Westover, Crews, McConnell, Hackett, Blake, Christianson, and Esquiro**
- G ORD 11-19 Selling a portion of municipal property at Lot 1, Block 15 located on Oja Street.**
- A motion was made by McConnell that this Ordinance be PASSED ON SECOND READING. The motion PASSED by the following vote.**
- Yes: 7 - Westover, Crews, McConnell, Hackett, Blake, Christianson, and Esquiro**

X. NEW BUSINESS:

New Business First Reading

- H ORD 11-21 Authorizing the sale of municipal tidelands in North Pacific Seafoods Subdivision.**

This item was pulled from the agenda prior to the meeting.

- I ORD 11-20 Adopting Budgets for the Fiscal Year July 1, 2011 through June 30, 2012.**

Christianson stated the budget process this year was strained. Hackett encouraged a worksession format versus special meetings in the future.

Acting Finance Director Jay Sweeney urged the Assembly to consider multiple year budgeting.

Hackett would like to see a permanent sinking fund for infrastructure maintenance. Sweeney indicated earnings of the working capital could be used or leave the existing working capital as is, and increase revenues; either way the earnings would fund maintenance.

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

Yes: 7 - Westover, Crews, McConnell, Hackett, Blake, Christianson, and Esquiro

Additional New Business Items

- J 11-110 Authorize the Police Department to apply for a COPS grant.**

Chief Schmitt explained these grants had recently been reconfigured. Administrator Dinley mentioned typically the Police Department has a police officer vacancy, and predicts they will have a funded vacancy to cover the fourth year requirement of the Cop Grant when the time comes.

A motion was made by Christianson that this Grant be APPROVED. The motion PASSED by the following vote.

Yes: 7 - Westover, Crews, McConnell, Hackett, Blake, Christianson, and Esquiro

- K 11-113 Negotiate a land transfer and/or municipal projects as part of the PM&E measures for the Blue Lake Hydroelectric Project.**

Utility Director, Chris Brewton, advised no fisheries impacts are foreseen; however there would be impacts relative to loss of land, recreation, and wetlands etc. The strategy would be to focus on environmental protection. The most important requirement would be to protect the drinking water.

Brewton reviewed some of the projects on the table. The existing FERC license has 12 mandatory conditions. Other than that, the City would need to decide what is a fair trade.

A discussion ensued regarding the possible trade of city owned acreage on Chichagof. Municipal Attorney, Theresa Hillhouse, pointed out that the city can only transfer property by ordinance. Government Relations Coordinator, Marlene Campbell, recalled the Chichagof property has a significant amount of gold and silver deposits. It is an area of great mining potential. On the other hand, it is surrounded by National Wilderness, which would severely constrain mining operations.

Christianson mentioned if the "deal is not sweet enough" he doubts there would be four votes. Crews didn't agree with tying all these projects to it. He would like to walk away from the entire deal and not be supportive of any of them. Both Christianson

and Crews were agitated by the number of stakeholder requests of the City, they seemed very unreasonable.

A survey of the Chichagof property was urged, especially because of potential election impacts -- if valued at \$500,000 or more.

Motion by McConnell to approve the Utility Director Chris Brewton negotiate a land and/or municipal projects as part of the PM&E measures for the Blue Lake Hydroelectric Project based on the direction from the CBS Assembly at May 24 meeting. The motion PASSED on the following vote.

Yes: 7 - Westover, Crews, McConnell, Hackett, Blake, Christianson, and Esquiro

L RES 11-13

Opposing proposed federal legislation related to Sealaska Corporation ANCSA land selection to the extent the bills privatize valuable and popular public lands with outstanding subsistence, recreation and economic value located in or near City and Borough of Sitka, and render those lands inaccessible to a vast majority of Sitka's citizenry.

Esquiro announced that he is a Sealaska shareholder. Attorney Hillhouse explained that since shareholders represent a large portion of the population it would not rule him out of participation.

A motion was made by Crews to amend by striking the "Whereas, once these lands are conveyed into private ownership to Sealaska, they could be transferred by Sealaska to a private party, either voluntarily through sale, or involuntarily through bankruptcy;" The amendment to strike PASSED by the following vote.

Yes: 7 - Westover, Crews, McConnell, Hackett, Blake, Christianson, and Esquiro

Christianson stated the resolution would do nothing but divide the community. Six people spoke in support of postponement. Eight people spoke in opposition.

Hackett was disappointed there was not time to discuss the resolution with Sealaska. A disservice was done in not having options brought forward. She has had calls from Native shareholders that oppose these selections too, but won't come forward to testify.

McConnell was not in favor of postponement and agreed with Hackett's comments. Christianson contended if the Assembly passed a resolution, it gave the impression a significant portion of the population felt one way or another; he doesn't feel that is the case. Blake noted the citizens of Sitka had been good stewards of the Redoubt property and believed the resolution should be voted on tonight.

A motion was made by Christianson that this Resolution be POSTPONED INDEFINITELY. The motion failed by the following vote.

Yes: 2 - Christianson, and Esquiro

No: 5 - Westover, Crews, McConnell, Hackett, and Blake

Extend the meeting.

A motion was made by Crews to EXTEND the meeting until 11:00 PM. The motion PASSED by the following vote.

Yes: 7 - Westover, Crews, McConnell, Hackett, Blake, Christianson, and Esquiro

A motion was made by Christianson that this Resolution be further AMENDED by 1) First Whereas - striking "DOES NOT" and replacing it with has concerns, 2) Third Whereas - striking "while Sealaska and its shareholders will have full access to these lands if they remain in public ownership, and striking "will NOT" and replacing it with may not, 3) Fourth Whereas - strike "does not" and replace with we ask for, 4) Fifth Whereas - strike "the only way" and replace with we ask, and 5) Now, therefore, be it resolved...strike opposes and replace with has concerns about. These AMENDMENTS PASSED by the following vote.

Yes: 7 - Westover, Crews, McConnell, Hackett, Blake, Christianson, and Esquiro

Further public testimony: Davey Lubin preferred the resolution as written. Bob Medinger believed there was a false sense of urgency on the matter; the Legislature doesn't move fast. Sealaska Land Manager, Jodi Mitchell, pointed out that access is in the law and that all of their lands are open to the public, no permits are required except for commercial use. She urged the Assembly to not vote on the bill if they don't understand it. Pat Kehoe, cautioned the Assembly to be aware that local communities have concerns with the bill. Stacey Woolsey stated this is an effort to water it down. Cass Pook stated the Assembly does not understand. Wilbur Brown supports taking some of the language out. He also supports coming back and having Sealaska talk with Sitkans.

With regard to the resolution as initially presented (without amendments) - 20 people spoke in opposition to the resolution, many representing Sealaska. They spoke primarily to their rights of entitlement and that they would be good stewards; the land would remain accessible. Their Lands Manager clarified they are not able to sell ANSCA land. 21 people spoke in support of the resolution. Local Sitkans who fish, hunt or recreate in the Redoubt area expressed concerns surrounding access and fisheries.

Mayor Westover said she had been at the table when Sealaska had brought the subject of land selections forward and there were plans for Sealaska to come back, that piece didn't happen. Mayor stressed that Sealaska should be working with a group of Sitkans prior to making their selections. The whole community uses Redoubt.

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

Yes: 7 - Westover, Crews, McConnell, Hackett, Blake, Christianson, and Esquiro

XI. PERSONS TO BE HEARD:

None.

XII. ADJOURNMENT

A motion was made by McConnell that this meeting be ADJOURNED. The meeting adjourned at 10:58 PM. The motion PASSED by a unanimous vote.

ATTEST:

Colleen Ingman, MMC
Municipal Clerk