

## **CONSENT AGENDA**

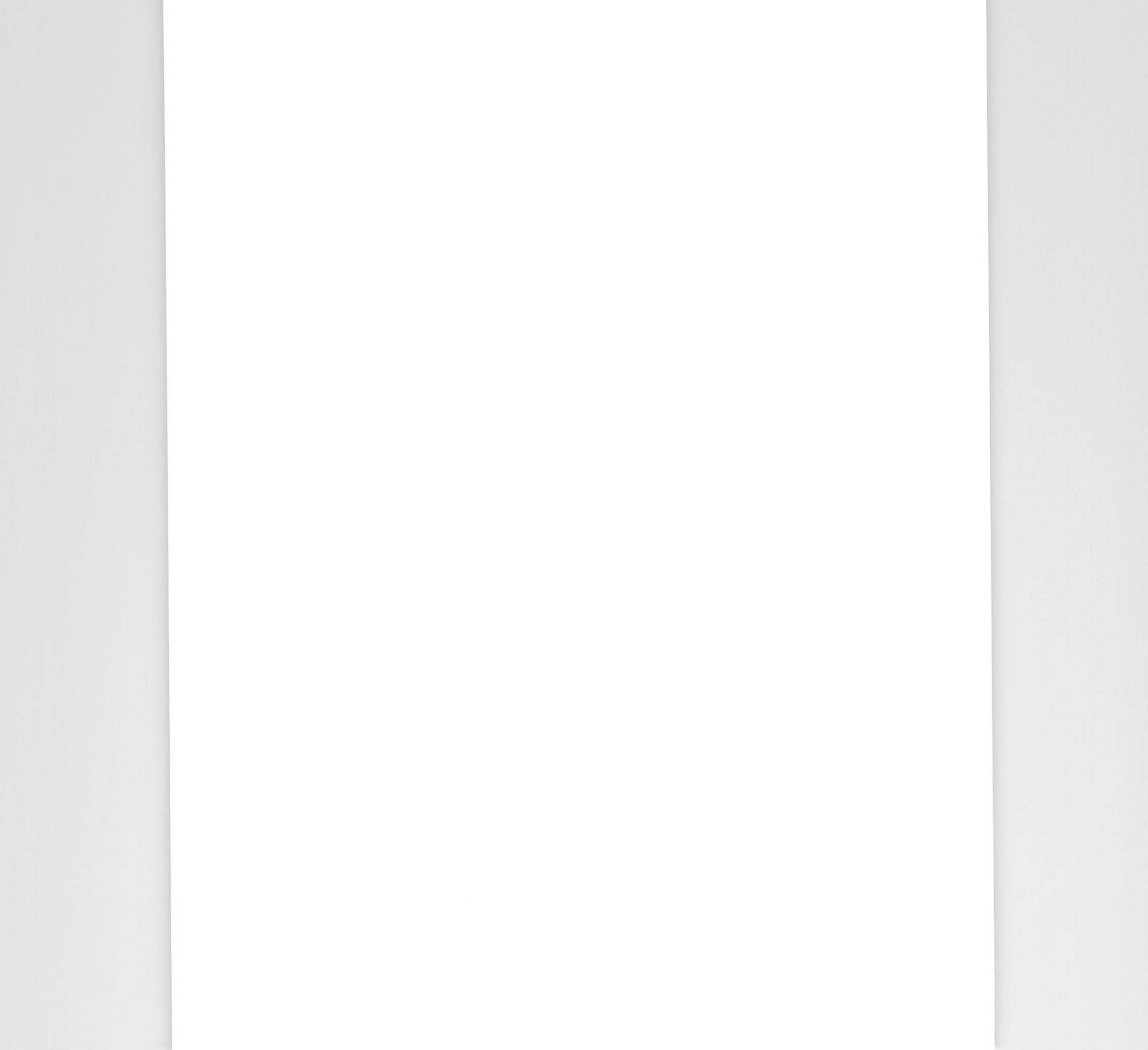
### **POSSIBLE MOTION**

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

**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 27, 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*

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Tuesday, October 27, 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 Potrzuski

#### IV. CORRESPONDENCE/AGENDA CHANGES

The Extra Mile Day Proclamation was pulled from the agenda.

15-212 Reminders, Calendars and General Correspondence

#### V. CEREMONIAL MATTERS

15-204 Proclamations - Veterans' Day and Extra Mile Day

Mayor McConnell read a proclamation in honor of Veteran's Day.

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

Tim Fulton, President of the Sitka School Board, reviewed the 2015-2016 Board goals, announced the contract for Community Schools had been awarded to Sitka Community Schools, LLC, and spoke of two awards the District had recently received.

Sitka Tribe of Alaska General Manager, Lawrence SpottedBird, read a resolution passed by the Tribal Council supporting an increase in Alaska Marine Highway

System service to Sitka. SpottedBird suggested the idea of exploring a public/private partnership to provide an independent ferry service for Sitkans.

## VII. PERSONS TO BE HEARD

Doug Osborne, Director of Health Promotion at Sitka Community Hospital, spoke of the "Be Bright at Night" campaign.

## VIII. REPORTS

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

Mayor - Attended the Alaska Day Ball with the Russian Deputy Consul General Khalit Aisin, interviewed for a Russian program speaking about Sitka's economy, weather, history of the Alaska Day Festival, and the Orthodox Church's place in our culture, attended traditional events on Alaska Day, listened in on the SE Conference Transportation Committee teleconference, attending a SEARHC reception later in the week and the Veteran's Dinner on November 7th.

Administrator - Attended meetings with officials regarding ferry service, toured Library and Harrigan Centennial Hall projects, attended the Citizens' Taskforce meeting and joint Assembly/School Board worksession to discuss Legislative Priorities.

Attorney - Attended Marijuana Advisory Committee meetings.

Liaison Representatives - Miyasato reported there were vacancies on the Parks and Recreation Committee, Eisenbeisz provided an update of the Marijuana Advisory Committee meetings and Guevin spoke to the recent Citizens' Taskforce meeting.

Clerk - Peterson alerted the Assembly of tentative plans for a Government to Government Dinner and read the list of vacancies on City and Borough of Sitka Boards, Commissions, and Committees.

## IX. CONSENT AGENDA

- A 15-206** Approve the minutes of the October 13, 2015 Assembly meeting  
**This Item was APPROVED on the Consent Agenda.**
- B RES 15-20** In support of the Sitka Trail Works, Inc. grant application to the State of Alaska Recreational Trails Program to repair damage to the Mosquito Cove Trail  
**This Item was APPROVED on the Consent Agenda.**
- C RES 15-21** Requesting the Alaska Marine Highway System maintain core service levels, including equitable summer 2016 service for Sitka  
Miyasato spoke to the need for support from other communities and organizations.  
**A motion was made by Miyasato that this Item be APPROVED. The motion PASSED by the following vote.**  
**Yes: 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Potrzuski**

**D    ORD 15-52**      Amending the official Sitka Zoning Map to rezone Tract M of U.S. Survey 3555 from GI (General Island) to LI (Large Island) *(first reading)*

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

**E    ORD 15-53**      Adjusting the FY16 Budget

Municipal Administrator, Mark Gorman, clarified the increase to the personnel budget in the Public Works Department for the second Contract Coordinator.

Police Chief, Sheldon Schmitt, provided history of the Pet Adoption Fund.

**A motion was made by Guevin that this Ordinance be APPROVED on first reading. The motion PASSED by the following vote.**

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

**F    ORD 15-54**      Repealing Sitka General Code at Chapter 2.66 entitled "Tourism Commission" *(first reading)*

Assembly members discussed the idea of repealing the Commission. Some expressed reservations with dissolving the Commission and suggested revising the establishing Ordinance to better define the duties of the Commission. Others shared history of the Commission and suggested a short-term taskforce for specific tourism related issues as a better option. Municipal Administrator, Mark Gorman, offered that Boards and Commissions tend to languish unless they had authority or purpose.

**A motion was made by Hunter that this Ordinance be APPROVED on first reading. The motion PASSED by the following vote.**

**Yes:** 4 - McConnell, Hunter, Swanson, and Miyasato

**No:** 3 - Eisenbeisz, Guevin, and Potrzuski

**G    ORD 15-55**      Repealing Sitka General Code at Chapter 2.32 entitled "Strategic Planning Commission" *(first reading)*

Assembly members agreed there was no longer a need for the Commission and were pleased to hear the Planning Commission was eager to be involved in the Comprehensive Plan update. Planning and Community Development Coordinator, Maegan Bosak, hoped to give an update on the process to the Assembly in the near future.

**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 Potrzuski

**X.    BOARD, COMMISSION, COMMITTEE APPOINTMENTS**

**H    15-207**      Reappoint Dan Jones to a two-year term on the Gary Paxton Industrial Park Board, appoint Eric Skousen to a three-year term on the Port and Harbors Commission, and appoint Tamie Parker Song to an unexpired

term on the Planning Commission.

Mayor McConnell thanked Jones, Skousen, and Parker Song for applying.

**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 Potrzuski

## **XI. UNFINISHED BUSINESS:**

- I 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"

Hugh Bevan noted the passage of Item L would leave the raw water sale fund with a balance of at least \$1 million. Bevan encouraged the Assembly to use raw water sale funds to benefit the entire Sitka economy.

Eisenbeisz asked Municipal Administrator, Mark Gorman, for clarification on the intent of lines 44-46 of the Ordinance. Gorman explained he had authorization to move up to \$50,000 from one fund to another and report back to the Assembly.

Garry White, Director of the Gary Paxton Industrial Park, explained the Code as currently written was cumbersome and inefficient. He noted in other funds the Administrator had the ability to move \$50,000.

Eisenbeisz noted the intent of the proposed amendment only affected section 103 - Expenditure of net assets of the raw water sale fund. It would prevent the Administrator from using the funds to balance the General Fund budget without Assembly approval.

Gorman stated the intent was not to bring minutiae back to the Assembly but rather maximize efficiency and was consistent with the management of other funds.

A majority of members felt it was not the place of the Assembly to micromanage. Municipal Attorney, Robin Koutchak, offered the discussion was a non-issue and reiterated the Assembly ultimately gave final approval of any transfers of which they deemed appropriate.

**A motion was made by Eisenbeisz to AMEND the Ordinance by removing the words "administrator or" from line 44. The motion FAILED by the following vote.**

**Yes:** 1 - Eisenbeisz

**No:** 6 - McConnell, Hunter, Swanson, Miyasato, Guevin, and Potrzuski

**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 Potrzuski

No: 1 - Eisenbeisz

- J     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 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 Potrzuski

- K     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 the Planning Commission for their work and noted the Ordinance gave the Planning Commission the authority to grant routine conditional use permits; any appeals would come before the Assembly.

**A motion was made by Hunter 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 Potrzuski

## **XII.   NEW BUSINESS:**

- L     15-208**     Approve Amendment No. 6 to the Alaska Bulk Water, Inc. bulk water purchase agreement

Garry White, Director of the Gary Paxton Industrial Park Board, and Terry Trapp, CEO of Alaska Bulk Water Inc. (ABWI), addressed the Assembly. White provided history of the original contract and the amendments to date. He explained substantial changes in this amendment included the authorization of an additional 36 month extension and the decrease in water allocation. White reviewed the conditions and provisions contained in the amendment. Trapp explained while significant progress had been made the reality was moving water was difficult. There were complexities with shipping and infrastructure. Trapp shared with the Assembly work that had been thus far and noted ABWI was doing everything possible to make the venture a reality.

Potrzuski expressed concerns with exclusivity and suggested exploring a contract for significantly less water and one that would give others an opportunity. Trapp explained exclusivity was important. ABWI had made a \$1.5 million investment in a loading station and didn't believe there would be room for multiple loading stations in the current location if more than one company were to become involved. Trapp added if competition were introduced it would result in a downward pressure on price.

Overall, Assembly members believed this to be a great deal for the City and Borough of Sitka and thanked Trapp for his work and long-term investment in Sitka. Municipal Administrator, Mark Gorman, reminded the Assembly that if the amendment were approved a payment of \$1 million would be due by December 8 leaving a balance in the raw water fund of approximately \$2.3 million. The Assembly would then have the flexibility to possibly use that resource for other pressing needs.

**A motion was made by Miyasato that this Item be APPROVED. The motion**



**PASSED by the following vote.**

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

**M 15-211**

Approve a total authorized budget of \$1,500,000 for all costs related to the disaster declaration work and authorize the Administrator to award all bids and execute all contracts necessary to complete the remaining disaster remediation work with a total not to exceed budget of \$1,500,000

Municipal Administrator, Mark Gorman, stated he was comfortable the \$1.5 million would be reimbursed as long as there was compliance with State procurement guidelines. Gorman and Public Works Director, Michael Harmon, noted the work needed to be done regardless of reimbursement from the State. Eisenbeisz requested that the Assembly receive regular updates throughout the process.

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

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

**N 15-210**

Award a contract to Alaska Pacific Environmental Services (APES) for all aspects of the Solid Waste Management Services and authorize the Municipal Administrator to execute a contract with Alaska Pacific Environmental Services

Don Anderson of APES urged the Assembly to approve the contract.

In response to a question by Potrzuski; Public Works Director, Michael Harmon, spoke to the recycling line item in the budget. Harmon explained there was a cost and revenue side. Overall, recycling costs were neutral. Harmon also answered questions related to transfer station hours of operation.

Some Assembly members expressed concern that approval of the contract would mean a 21% increase to consumers. Hunter reminded solid waste rates hadn't been raised in 10 years and the increase amounted to 1.9% each year. Guevin stressed the need for a more equitable tax structure and finding ways to make the community more affordable for low and middle income families.

Municipal Administrator, Mark Gorman, noted an ordinance would be coming forward in the near future to increase the solid waste rates. He added if the Assembly chose not to approve the ordinance it would be possible to continue for a year or 18 months without a rate increase before the enterprise fund was depleted.

**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 Potrzuski

**O 15-205**

Approve Mayor McConnell signing a coalition letter to President Barack Obama in support of continued climate action

Mayor McConnell stated it was important to do what we could to protect our climate. Eisenbeisz wondered if there was any further obligation to the City by signing the letter. Mayor McConnell responded no.

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

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

No: 1 - Eisenbeisz

**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 8:43pm.

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