



CITY AND BOROUGH OF SITKA

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

Minutes - Final City Assembly

MAYOR Scott McAdams
Jack Ozment, Deputy Mayor - Reber Stein, Vice Deputy Mayor
Cheryl Westover - Mim McConnell
Phyllis Hackett - Larry Crews

MUNICIPAL ADMINISTRATOR: Jim Dinley
MUNICIPAL ATTORNEY: Theresa Hillhouse
MUNICIPAL CLERK: Colleen Ingman, MMC

Tuesday, April 27, 2010

6:00 PM

Assembly Chambers

South Benchlands Land Planning Worksession 5:00 - 6:00 PM

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Present: 7 - McAdams, Ozment, Stein, Westover, Crews, Hackett, and McConnell

IV. CORRESPONDENCE/AGENDA CHANGES

A motion was made by Ozment to postpone Items L, M, and N to the first regular Assembly meeting in July. The motion PASSED by the following vote:

Yes: 5 - McAdams, Ozment, Stein, Hackett, and McConnell

No: 2 - Westover, and Crews

V. CEREMONIAL MATTERS

A [10-067](#) Mt. Edgecumbe High School Girls Basketball Team Awards

A proclamation was read and presented along with Certificates of Athletic Achievement to the Lady Braves Basketball Team.

B [10-066](#) Sitka High School Girls Basketball Team Awards

A proclamation was read and presented along with Certificates of Athletic Achievement to the Lady Wolves Basketball Team.

VI. PERSONS TO BE HEARD

None.

VII. REPORTS

a. Mayor

Postponed his report until next meeting.

b. Administrator

Postponed his report until next meeting.

c. Attorney

Thanked the public for their participation and support in Law Day.

d. Liaison Representatives

Postponed their reports until the next meeting.

e. Clerk

Mentioned there would be no Board of Equalization meeting May 3 and that Dove Island would be taken up at a special meeting following the 2nd Budget Worksession scheduled for May 6, 2010.

f. Other

None.

VIII. CONSENT AGENDA

C [10-079](#) Approve the minutes of the April 13 and 20, 2010 Assembly meetings.

This matter was APPROVED ON THE CONSENT AGENDA

D [10-080](#) Reappoint Richard Parmelee to a term on the Planning and Zoning Commission.

The Assembly thanked Richard for his service. In response to a question by Hackett, the Clerk responded a Chair should be elected annually among the membership, or when a signative change in membership takes place.

A motion was made by Stein that this Appointment be APPROVED. The motion PASSED on a unanimous voice vote.

E [10-083](#) Approve liquor license renewal for Kelly's Sports Pub.

This matter was APPROVED ON THE CONSENT AGENDA

- F [RES 10-14](#) RES 2010-14 authorizing the use of Title III funds to cover the costs of easement documentation for the City and Borough of Sitka's portion of the Herring Cove - Beaver Lake Trail.

Gerald Gangle noted that while he supports trails he did not support this method of funding. He is concerned with protecting the Search and Rescue funding source. Deborah Lyons of Sitka Trail Works explained the grant funding available cannot be used for this type of expense. Finance Director Dave Wolff reported the 2009 balance is \$634,821 and that the funds were established for different areas such as Search and Rescue and easements. The new rules went into affect 2 years ago. Wolff stated the funds decrease approximately \$60-\$70k a year. McConnell confirmed these are the Resource Advisory Committee (RAC) funds the USFS refers to.

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

Yes: 7 - McAdams, Ozment, Stein, Westover, Crews, Hackett, and McConnell

- G [10-081](#) Authorize moving \$9,000 from the Centennial Bldg. UST replacement project into a project budget for replacing the kitchen hood suppression system.

This matter was APPROVED ON THE CONSENT AGENDA

IX. **UNFINISHED BUSINESS:**

X. **NEW BUSINESS:**

New Business First Reading

- K [ORD 10-05](#) ORD 2010-05: Amending SGC 21.52.130 entitled "Penalties and Remedies" to include the exemption under Alaska law related to governmental owned property and certain plat requirements.

Garry White, Sawmill Cove Industrial Park Director, explained this ordinance resulted out of a motion from the Sawmill Cove Industrial Park Board. There have been three property sales at the park. It is the Board's desire to have the Assembly involved earlier in the process.

Municipal Attorney Hillhouse explained if parties start negotiating before a final plat is done they could be guilty of a misdemeanor. This provision would incorporate a provision that is in State law. McConnell and Hackett were both pleased that this had been brought forward. Hackett reminded there are many lots out there for lease or sale and urged citizens to see Garry White.

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

Yes: 7 - McAdams, Ozment, Stein, Westover, Crews, Hackett, and McConnell

- L [ORD 10-06](#) ORD 2010-06: An ordinance authorizing the issuance of General Obligation Bonds in the amount not to exceed fifteen million dollars to finance the purchase of and capital improvements to the Hames Center, and providing for the submission of the proposition approving this ordinance and ratifying the authorization of the bonds to the qualified voters of the CBS at the regular election to be held on October 5, 2010.

This matter was POSTPONED

- I [ORD 10-04A](#) Amending SGC at Chapter 9.20 entitled "Smoking in Public Places and Places of Employment" to prohibit Smoking in Bars and in Private Clubs licensed to sell food or alcoholic beverages, set a minimum reasonable distance for non-smoking outside public places, make additional enforcement requirements, and make clarifying amendments.

Sponsors: McAdams and Stein

Eleven people testified in favor of passing the ordinance. They offered scenarios of days past when smoking was allowed in hospitals and on airplanes.

Twenty people testified against passage of the ordinance. They argued it is a voter's rights and liberty issue and were adamant that the Assembly should not have the power to implement this law on their own. It should go to a vote of the people as had been done twice before in the past. Stan Filler, Ernie's Bar owner, presented a petition to the Assembly with 470 (unverified) signatures of citizens opposing passage of this ordinance and requesting it to go to a vote of the people.

Assembly Deliberation

Crews did not does agree with the Assembly making the decision. These are private citizens, and private business decisions. McConnell said she would continue to vote in favor of the ordinance stating it was her duty. Westover commented she would like this on the ballot. Stein commented while it is a complex issue he believes there is a consensus to take it to a vote. Ozment defined it as a right's issue and would like to see it brought to a vote. Hackett has listened to all and appreciates the respectful comments. She added this is a government decision however since the issue had gone to voters in the past she believed it should go to a vote of the people again. Mayor McAdams offered if it went to a vote that it would be an affirmative vote. He supported this ordinance.

Six people testified on the amendment and supported taking the issue to a vote. One requested that the Municipal Attorney assure the ballot question not be ambiguous and the ballot language be clear.

A motion was made by Westover to APPROVE this Ordinance on third and final reading.

A motion was made by Stein to AMEND this ordinance by requesting that the Municipal Attorney take Ordinance 2010-04 and prepare it as a ballot question.

The amendment PASSED on a 6-1 roll call vote with Crews opposed.

The main motion as amended PASSED by the following vote:

Yes: 6 - McAdams, Ozment, Stein, Westover, Hackett, and McConnell

No: 1 - Crews

- M [ORD 10-07](#) ORD 2010-07: An ordinance placing a ballot question on the regular election on October 5, 2010 to amend the Home Rule Charter of the CBS at Article 13.03 entitled "Property Tax Limit" to increase the millage rate limit by one and one-half tenths of one percent (.0015) which would be seven and one-half tenths (.0075), or seven and one half (7.5) mills.

This matter was POSTPONED

- N [ORD 10-08](#) ORD 2010-08: An ordinance of the CBS placing a ballot question on the October 5, 2010 regular election to allow, but not require, the Sitka Assembly to pass a

resolution annually for the next 20 years in accordance with SGC 4.12.110A to set the millage rate at seven and one half (7.5) mills to pay for general obligation bonds not to exceed \$15,000,000 to be issued for purchase of and capital improvements to the Hames Center, and to pay for the Hames Center unfunded operating costs.

This matter was POSTPONED

Additional New Business Items

- Q** [10-085](#) Authorize the Municipal Administrator to sign a Professional Services Agreement with Currents Consulting to provide engineering services for the Blue Lake Hydroelectric Expansion and Takatz Lake Feasibility Projects.
- Utility Director, Chris Brewton, explained this contract is for an engineer to assist staff to make sure the best value is received for our utility dollars. It is absolutely imperative, CBS cannot afford to make a mistake or go backwards.*
- A motion was made by McConnell that this Item be APPROVED. The motion PASSED by the following vote:**
- Yes:** 7 - McAdams, Ozment, Stein, Westover, Crews, Hackett, and McConnell
- R** [10-087](#) Authorize the transfer of \$200K from the Water Fund working capital and amend the contract with CH2MHill to complete the preliminary design of the UV facility.
- McConnell referred to a recent conversation where it sounded like Sitka could get a waiver. Stein reported when he was in Petersburg he had asked Congressman Young about a waiver and learned that he was introducing language to exempt cities like Cordova and Sitka. Environmental Superintendent, Mark Buggins, had not heard about a waiver. It is a federal law that was passed several years ago however he would follow up on it. Buggins stressed the design needs to get going in order to obtain funding. Both the Administrator and Buggins were left with the understanding that the paperwork should begin, but that the City was not necessarily committing to spending the \$200,000 if it did not need to.*
- A motion was made by Westover that this Item be APPROVED. The motion PASSED by the following vote:**
- Yes:** 7 - McAdams, Ozment, Stein, Westover, Crews, Hackett, and McConnell
- S** [10-089](#) Approve the hire offer of Gary Baugher as the Operations Manager.
- A motion was made by McConnell that this Item be APPROVED. The motion PASSED by the following vote:**
- Yes:** 7 - McAdams, Ozment, Stein, Westover, Crews, Hackett, and McConnell
- T** [10-090](#) Approve soliciting for bids for Phase I of the Crescent Harbor Seawalk Project and schedule a worksession for June 22 on the project.
- Scott Brylinsky explained the decision to "chunk out" portions of the project that didn't appear to be controversial. Hackett would like to see the bus shelter done early on and would also like the community ride bus shelter to blend with the existing structures. Crews brought up some additional maintenance issues with the unit pavers. McConnell hoped the benches would be in the sun opposed to the shaded area under the shelter.*
- Brylinsky offered Phase II and beyond would be discussed at the June 22 worksession. Ozment was concerned with the proper sequence of putting out a bid*

when sidewalk size may not be consistent. Hackett brought up that she had heard several times cedar benches would be wonderful and didn't want those options lost. Brylinsky concurred they are aesthetically pleasing but unfortunately not practical nor a good investment. Crews liked the idea of plastic benches.

A motion was made by Stein to APPROVE going out for bid for Phase I of the Crescent Harbor Seawalk project as shown in the attached drawings and allocate an additional \$39,220 to project account 80224-2010 and further request a worksession of the Assembly on June 22nd to address the most central design elements of the project.

A motion was made by Hackett to POSTPONE until the Tree and Landscape Committee and Parks and Recreation Committee had made recommendations. Motion on the postponement FAILED on a 2-5 roll call vote with McAdams and Ozment in favor and McConnell, Westover, Stein, Hackett and Crews opposed.

Brylinsky noted the Parks and Recreation Committee had been involved and had seen the plan.

A motion was made by Hackett to POSTPONE until after the worksession of June 22nd.

Motion on this postponement PASSED on a 4-3 roll call vote with McAdams, Hackett, McConnell and Ozment in favor and Westover, Stein and Crews opposed.

The main motion will be brought forward at the meeting of June 22, 2010 following the worksession.

- U** [10-084](#) Authorize the Municipal Administrator to sign a professional services agreement with C. Mike Prewitt, PhD, Sole Proprietor to provide technical services for the Takatz Lake Hydroelectric Feasibility Project.

Brewton stated Mr. Prewitt is well qualified and out of nine responses, Mr. Prewitt offered a very low rate for completion of the CBS feasibility study.

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

Yes: 7 - McAdams, Ozment, Stein, Westover, Crews, Hackett, and McConnell

- V** [10-086](#) Approve the award of Task Orders #2 and #3 in the amount of \$3,841,388 to Hatch Acres Corporation, and establish a contingency of \$768,277; and authorize the Administrator to execute obligating project funds from Blue Lake Third Turbine and Dam Upgrade Capital Project 90594

Utility Director Chris Brewton indicated this was broken down in small components for evaluation purposes. Brewton commented CBS was pleased with Hatch Acres.

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

Yes: 7 - McAdams, Ozment, Stein, Westover, Crews, Hackett, and McConnell

- W** [10-088](#) Appoint Judy Ozment to a seat on the Historic Preservation Commission.

Ozment recused himself because of his relationship with the applicant.

A motion was made by McConnell that this Appointment be APPROVED. The

motion PASSED by the following vote:

Yes: 6 - McAdams, Stein, Westover, Crews, Hackett, and McConnell

Recused: 1 - Ozment

XI. PERSONS TO BE HEARD:

Megan Pasternak spoke to the ballot ordinances that were proposed surrounding Hames Wellness Center. She was glad to see an interest from Assembly members. She informed her group submitted an initiative petition that would tax sugar sweetened beverages and are awaiting a response. They have spent the last 3 years looking at all the options.

XII. EXECUTIVE SESSION - Dove Island.

POSTPONED until May 6, 2010.

XIII. ADJOURNMENT

MOTION by Crews to adjourn the meeting. The meeting adjourned at 10:23 PM by unanimous consent.

ATTEST:

**Colleen Ingman, MMC
Municipal Clerk**