



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

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

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Monday, October 7, 2013

6:00 PM

Assembly Chambers

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### REGULAR MEETING

#### I. CALL TO ORDER

**Present:** 5 - Christianson, Hunter, McConnell, Miyasato, and Swanson

**Excused:** 3 - Esquiro, Reif, and Hackett

#### II. FLAG SALUTE

#### III. ROLL CALL

#### IV. CORRESPONDENCE/AGENDA CHANGES

[13-198](#) Correspondence 10072013 Packet

#### V. CEREMONIAL MATTERS

Mayor read Bullying Awareness Month Proclamation it was later presented to Betty Jo Moore.

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

Sitka High School students Debra Yearwood and Xeviar Lysons, and Ben Clark Student Counselor gave an update on the happenings at Sitka High.

Government-to-Government Vice Chairman of Sitka Tribe of Alaska noted that this would be his last time reporting on behalf of the Tribe as he will be seated to the Assembly. STA will hold their election November 12th. Still looking for a Transportation Committee member can be Tribal or non-Tribal. That committee meets again October 14th. He again expressed the Tribe's gratitude to Putz and Christianson.

**VII. PERSONS TO BE HEARD**

Utility Director Chris Brewton drew attention to the 3 D final Bathymetric Report for Takatz located in the back room and encouraged folks to look at it.

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

Mayor - Attended the AML Mayors teleconference to plan mayors panel with legislators in November in hopes to get them to better understand topics important to municipalities; the USCG Base pinning ceremony and learned how they are dealing with the government shut down. SARS will continue until further notice; the Chamber luncheon where Governor Sean Parnell spoke and then met with him and his Deputy Chief of Staff Sims immediately following. They discussed Sitka's request for 18.2 million for Blue Lake, the Alaska Marine Transpiration issues, and also drug use and sex trafficking. She also attended the Police & Fire Commission meeting re: Community Ride. In closing noted that Salvation Army needs help they have been serving over 50 people lunches recently.

Acting Administrator Harmon - Informed that the Sitka Fire Department responded to a boat fire at Eliason. The Police and Fire Commission are making a recommendation on Community Ride that will come forward to the Assembly. Ports & Harbors detailed discussion on the Sea Walk celebration on Alaska Day. Several projects are substantially complete Sea Walk, Pacific High School, Baranof Street, and Crescent Harbor.

Attorney - Koutchak attended the International Municipal Attorneys Law Conference where many legal updates were discussed. There is a requirement for attorneys to have continuing education. She also appreciated the opportunity to network with other municipal attorneys.

Liaisons - Hunter thanked Mayor for attending Police and Fire Commission meeting on his behalf. He attended the Port and Harbors and reported that Harmon, Tadic and Sweeney all went above and beyond on their presentations. Putz Parks and Recreation Committee, Sea Walk and Library. Historic Preservation needs one more person - a Tribal member.

Clerk - Mentioned that the Municipal Attorney and the Clerk's office will be putting on municipal board and committee training next Tuesday, October 15 at 5:30 PM.

Other - Christianson spent volunteer time at Hames Center trying to get ready for the ATIA conference.

**IX. CONSENT AGENDA**

A [13-189](#) Approve the Assembly minutes of the September 24, 2013 meeting

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

- B**     [13-192](#)           Appointments: 1) Appoint Clara Whitehead and Chris Whitehead to terms on the Parks and Recreation Committee, 2) Reappoint Don Jones to a term on the Police and Fire Commission, and 3) Appoint Mary Ann Peterson on a term on the Port and Harbors Commission

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

- C**     [13-187](#)           Authorize spending a portion of the Fire Departments fixed assets budget for: 1) Instruction Expenses; 2) Four Regulators; 3) Multi-Gas Monitors; and 4) Turnout Gear.

**A motion was made by Christianson to APPROVE the Consent Agenda consisting of Items A, B, & C. The motion CARRIED by a unanimous vote.**

**X. UNFINISHED BUSINESS:**

- D**     [13-178](#)           Discussion/Direction on "Buy Local" and Preferential Procurement Policies

Karen Parker of Alaska Computer Center and her husband Rob would like to see the city adopt "buy local" for smaller purchases say those under \$5,000 to benefit all Sitka Businesses. She added for significant purchases locals should have an opportunity to meet or beat. Additionally, they felt that local non-profit organizations applying for grants through the City should demonstrate local purchases.

Hunter and Mayor are willing to sponsor an Ordinance being drafted. Putz spoke to some sort of compromise similar to Madison, Wisconsin. Christianson passed on the convenience of local purchasing and that you get your products immediately.

- E**     [13-179](#)           Climate Action Plan Status and Future

Harmon gave an overview of where the City is to date with regard to this topic through various improvements to city's infrastructure.

- F**     [13-197](#)           Approve the Municipal Clerk's Certification of Election

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

**Yes:** 4 - Christianson, Hunter, Putz, and McConnell

**Non-voting:** 2 - Miyasato, and Swanson

- G**     [13-194](#)           Recognizing outgoing Assembly members - followed by a short recess

Thor Christianson and Michelle Putz were applauded for their service. Plaques were presented and cake served during a short recess to express the municipalities' gratitude. Both Christianson and Putz commented on their time on the Assembly and what it meant to them to serve.

**XI. NEW BUSINESS:**

**H**     [13-193](#)           Swearing in of Newly Elected Officials

Municipal Clerk Colleen Ingman swore in the newly elected officials Aaron Swanson and Benjamin Miyasato immediately following the swearing in they took seats at the Assembly table.

**I**     [ORD 13-40](#)           Amending SGC Title 11 entitled "Vehicles and Traffic" to repeal SGC 11.12.080 entitled "Fine Schedule and Required Appearances," repeal Chapter 11.13 entitled "Alaska Administrative Code Adopted" Chapter 11.28 entitled "Alaska Statutes Adopted," and Chapter 11.48 entitled "Miscellaneous Offenses," and re-enact SGC Chapter 11.28 to be entitled "State Traffic Laws Adopted," to make CBS traffic ordinances consistent with state traffic statutes and regulations and their penalties

Chief Schmitt gave an overview of the Ordinance. He went on to explain the State of Alaska is making some changes to the state law and they want the local municipality to adopt their codes rather than reflect their laws as it is today. There will not be a significant impact. Hunter further clarified that now the laws will get automatically updated.

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

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

**Non-voting:** 2 - Christianson, and Putz

**J**     [13-186](#)           Discussion/Direction concerning a potential Memorandum of Agreement with the Alaska Energy Authority - Wind Program for installation of a tower to provide assessments and potential for future utility-grade wind turbine installations.

Brewton explained that it may be a good resource consideration for Sitka and it might help to use the maximum capacity our hydro. It works as a turbo charger to maintain water in the lake. He envisions two to three towers near transmission facilities. Miyasato wondered if the company would share their data? Brewton responded "data yes, but not equipment." Putz encourages this renewable energy, yet cautioned that one also needs to look at the biological aspects. Hunter spoke to the successfulness of the wind tower erected for Mt. Edgecumbe High School adding there had not been any adverse impacts on birds.

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

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

**Non-voting:** 2 - Christianson, and Putz

- K**     [13-190](#)             Authorize the Interim Municipal Administrator to amend a Professional Services Agreement between Currents Consulting and the CBS for engineering services for the Takatz Lake Hydroelectric Feasibility project - \$50,000

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

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

**Non-voting:** 2 - Christianson, and Putz

- L**     [13-188](#)             Authorize the Interim Administrator to approve a Professional Services Agreement between TS&H Automation and the CBS for technical services for Blue Lake Hydroelectric Expansion Project, Jarvis St. Diesel Capacity Increase Project and other Supervisory Control and Data Acquisition Support - not to exceed \$150,000

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

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

**Non-voting:** 2 - Christianson, and Putz

- M**     [13-195](#)             Board of Adjustment: Bulk Fuel Facility operated by Delta Western Inc - 5309 Halibut Point Road

**A motion was made by Hunter that the Assembly convene as the Board of Adjustment. The motion PASSED by an unanimous vote.**

Hunter apprised that this seems like a straightforward request. Miyasto queried if they had a spill response plan and Mayor answered yes.

**A motion was made by Hunter to approve a Bulk Fuel Facility operated by Delta Western Inc. at 5309 Halibut Point Road 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. The project be completed in conformance with the plans submitted in the conditional use application to the Planning Commission;**
- 2. Prior to the activation of the conditional use permit, the operator of the facility shall certify to the Municipality, in writing, that all necessary permits have been received including but not limited to:**

- a. State of Alaska driveway permits for the configuration shown in the application;
- b. All Alaska Department of Environmental Conservation permits;
- c. State Fire Marshall approval;
- d. City and Borough of Sitka Building permits;
- e. Any other permits considered necessary by the Planning Department;
3. In addition, prior to the activation of the conditional use permit, the Planning Director shall indicate, in writing, that all permits have been received that the municipality considers necessary;
4. The applicant recognizes that other permits, not specifically mentioned by the municipality, may be required by state or federal agencies;
5. The applicant shall provide a narrative on the status of the operations nine months after the activation of the conditional use permit;
6. The Planning Commission has an annual review of the first nine to twelve months of operation of the facility within one year of the activation of the conditional use permit. The purpose of the annual review is to determine what, if any impacts of the operation need to be mitigated. The Planning Commission, by its own motion, may undertake a second annual review if the board considers it to be necessary;
7. The Assembly, at its discretion, may complete an annual review if any issues are not satisfactorily resolved at the Planning Commission level.
8. That the project will be completed in conformance to the plans submitted; and
9. That the project be operated in conformance with the narrative;
10. The applicant shall provide by September 27, 2013, a narrative that clarifies the request and includes; an updated timetable, list of the range of uses for the fuel facility, and amended to add that fuel distribution will be to a range of residential and commercial locations;
11. The municipality recognizes the offices for the facility will be shared with Samson Tug and Barge, Inc. in a facility that is not shown on the site plan.

**Findings:**

1. The Planning Commission finds that the site topography is suitable for the project as proposed and that the necessary slope and soil stability issues have or will be taken into account by the mandatory permitting;
  2. That the conditions are in place to ensure that adequate utilities for the proposed use will be in place;
  3. The lot characteristics including the size are suitable for the proposed conditional use permit;
  4. That the proposed operation of the facility will be sufficient to ensure that adjacent uses are adequately protected;
  5. Community appearance and screening is handled by the layout of the proposed use;
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1. That the proposed use will not be detrimental to public health or welfare;
    - a. That the proposed use will not adversely affect the established character of the surrounding vicinity;
    - b. That the proposed use will not be injurious to adjacent improvements;
    - c. That the granting of the proposed conditional use permit is consistent and compatible with the goals and policies of the Sitka 2007 comprehensive plan 2.1.1 The City and Borough of Sitka shall strive to contribute to a stable, long-term, local economic base and 2.5.2 That encourages commercial and

industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas and encourages sensitive master planning;

2. That all conditions necessary to lessen impacts of the conditional use are in the conditions and are monitored and forced specifically by permits by agencies that governs the use and the requirement for at least one annual review by the Planning Commission;

3. That the proposed use will not adversely affect hazardous conditions that cannot be mitigated and that those proposed conditions will be monitored through the Department of Environmental Conservation and other building codes;

4. That the conditional use will be supported by, and not adversely affect, adequate public facilities and services; specifically the presence of the proposed facility being adjacent to Halibut Point Road;

5. That the Applicant has met the burden of proof;

1. That the Planning Commission further finds that the following criteria have been considered in determining the impacts of the proposed bulk fuel facility on adjacent properties:

a. The Planning Commission has considered the amount of vehicular traffic to be generated and that amount of traffic was covered in the narrative;

b. The Planning Commission has considered the amount of noise to be generated and the impact of adjacent land uses and anticipates that amount of noise to be generated by the facility to be fairly moderate in to the adjacent waterfront uses;

c. The Planning Commission recognizes that some odors may be generated by the facility but that those will be regulated by the Alaska Department of Conservation and the building code;

d. The Planning Commission has recognized that the facility will be operated during business hours;

e. The Planning Commission has considered the location of the facility along a major collector street and has specifically required in the condition the driveway DOT permit;

f. The potential use is not adjacent to a substandard street;

g. It is not anticipated to have effect on vehicular or pedestrian safety;

h. It is the finding of the Planning Commission that there is adequate ability of the police, fire, EMS personnel to respond to emergency calls on site since the property is located adjacent to the State highway;

i. The Planning Commission has reviewed the traffic layout and considers it to be adequate;

j. The Planning Commission recognizes that the signs on the property comply with the sign ordinance section of the Sitka Zoning Code;

k. The Planning Commission recognizes that there are going to be buffers on site provided in the outline plan and described in the narrative;

l. The Planning Commission has previously addressed the relationship to the Comprehensive Plan in the conditional use permit and that there have not been any public comments that have surfaced.

The motion to include the condition and findings listed above PASSED on the following vote.

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

**Non-voting:** 2 - Christianson, and Putz

A motion was made by Hunter that the Board of Adjustment reconvene as the Assembly in regular session. The motion PASSED by an unanimous vote.

**XII. PERSONS TO BE HEARD:**

Shirley Robards attended the Police and Fire Commission meeting last Wednesday they seem to want to take the Harbor Drive side of Stereo North for Community Ride. She believes that it should be half the year on Harbor Drive and the other half of year by the shelter at Crescent Boat Harbor in the winter time.

**XIII. EXECUTIVE SESSION**

A motion was made by Swanson to ENTER EXECUTIVE SESSION to be advised by the Municipal Attorney regarding purported litigation regarding sales on municipal property which may have legal and financial impacts for the City and Borough of Sitka. The motion PASSED by the following vote.

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

Non-voting: 2 - Christianson, and Putz

**XIV. ADJOURNMENT**

A motion was made by Hunter to ADJOURN. The motion passed by a unanimous voice vote. The meeting ADJOURNED at 7:50 pm.

ATTEST: \_\_\_\_\_  
Colleen Ingman, MMC  
Municipal Clerk