



# CITY AND BOROUGH OF SITKA

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

## Minutes - Final City Assembly

**Mayor Cheryl Westover**

**Assemblymembers: Terry Blake, Thor Christianson, Pete Esquiro, Phyllis Hackett, Mim McConnell, and Mike Reif**

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

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Tuesday, October 25, 2011

6:00 PM

Assembly Chambers

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### REGULAR MEETING

#### I. CALL TO ORDER

#### II. FLAG SALUTE

#### III. ROLL CALL

**Present:** 4 - Westover, Christianson, Esquiro, and Hackett

**Telephonic:** 3 - McConnell, Blake, and Reif

#### IV. CORRESPONDENCE/AGENDA CHANGES

*Due to the length of the agenda the Mayor asked that "Reports" be moved to the end.  
No objections were heard.*

#### V. CEREMONIAL MATTERS

*Mayor Westover read the Extra Mile Proclamation encouraging citizens to maximize their contributions and thanked the many Sitkans who already go the extra mile for the benefit of us all.*

### Sitka School District Update

*Tim Fulton, School Board member, provided an update to the Assembly.*

### **SPECIAL MUNICIPAL/COMMITTEE/COMMISSION REPORTS:**

- 1) Local Emergency Planning Committee members Ken Fate, Annabel Lund, Donna Callistisi, Al Stevens and Fire Chief Dave Miller reported on the progress made by LEPC. They reported the Committee was very active.
- 2) Representatives from Forakers, the Library Feasibility Team, and Library Director, Sarah Bell, gave an update on the status of plans for expansion of the current library or a new library with 50% funding coming from the State of Alaska.
- 3) Public Works Director, Michael Harmon, showed the latest plans for Harrigan Centennial Hall renovations.

**VI. PERSONS TO BE HEARD**

*Karen Martinsen spoke to "Energize! Sitka". Elizabeth Balducci "Bitty" announced workshops would be held at UAS November 2-4: Building Energy Efficiency Standards and Advanced Cold Climate. November 5 & 6 workshops would be held on Homeowner Energy Efficiency.*

*Nancy Yaw Davis – Spoke to a minor subdivision going before the Planning Commission which she felt would have a major impact on Sitkans.*

*Peter Apathy, the new president of Alaska Arts Southeast, announced citizens were enthusiastic about their project. Allen Memorial folks received enough donation money to purchase the green space near the tennis courts; property to be transferred over to Alaska Arts Southeast.*

*Bob Medinger of Sitka Historical Society invited the Assembly to Dale DeArmond's Art Acquisition exhibit, reception, and fundraiser.*

*Duck Didrickson spoke to Redoubt and Sealaska. He stated Redoubt belonged to the people of Sitka- " It has always been our land and opened to all people Native and non-Native to fish and enjoy".*

**VIII. CONSENT AGENDA**

- A**     [11-212](#)     Approve the minutes of the September 27, 2011 assembly meeting.

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

**IX. UNFINISHED BUSINESS:**

- B**     [ORD 11-39](#)     Authorizing the sale of Lots 1 through 9 in Whitcomb Heights III Subdivision along Jacobs Circle.
- On first reading of this ordinance the motion included the following language: "to direct the administrator to bring forth a plan for the proper distribution of the revenue generated by these land sales".*

*Municipal Attorney, Theresa Hillhouse, explained the Charter defined this action. The Assembly requested an agenda item on this topic no later than the November 29 meeting.*

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

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

**New Business First Reading**

- C**     [RES 11-27](#)     Authorizing the application for a loan from the ADEC under the Clean Water Fund for Baranof Street Sewer Replacement.
- Mayor Westover mentioned her mother owned property on this street and recused herself. Christianson volunteered to serve as Deputy Mayor to preside over the matter. No objections were heard.*

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

**Yes:** 6 - McConnell, Blake, Christianson, Esquiro, Reif, and Hackett

**Recused:** 1 - Westover

**D**      [RES 11-28](#)

Authorizing the application for a loan from the ADEC under the Alaska Drinking Water Fund for UV Disinfection Facility

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

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

**E**      [RES 11-29](#)

Authorizing participation in the Library Construction and Major Expansion Matching Grant Program.

*McConnell voiced her support but said it would be a matter of priorities. Westover expressed her disappointment the project was presented as a tear down of the building. Public Works Director, Michael Harmon, stated it would cost \$125,000 to demolish the current building. He added CBS could look at keeping the existing building in place and go for a 30% expansion. Harmon commented if this were passed, CBS would still have the ability to downsize the project. He also noted this was a legislative priority.*

**A motion was made by Reif to amend the first whereas to read: "The City and Borough of Sitka (CBS) believes there is a majority of community support for the expansion of Kettleson Memorial Library for use in the community and therefore the Assembly supports this resolution; and". The motion to AMEND PASSED by the following vote.**

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

*Library Director, Sarah Bell, thanked Foraker publically for their help which she equated to \$70,000 worth of professional services at no cost to the City.*

*Christianson, Reif, Esquiro, and Hackett expressed their opinions.*

*Public Works Director, Michael Harmon and Building Maintenance Superintendent, Chris Wilbur, spoke to the maintenance and condition of the existing building. Simplistic maintenance over the next five plus years was estimated to cost \$800,000. It was noted there were no structural problems with the building.*

*If the legislature were to approve this there would be about five years before the funding would dissolve. Foraker was unsure how long funding for this program would exist and delaying it would incur escalated costs between 4-5%.*

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

**Yes:** 4 - McConnell, Christianson, Reif, and Hackett

**No:** 3 - Westover, Blake, and Esquiro

**F**      [RES 11-24](#)

Supporting Sitka Summer Music Festival's grant funding application from the FY12 Historic Preservation Fund to Certified Local Governments.

*McConnell was recused because of her client relationship.*

*Jay Sweeney, Finance Director, pointed out if the City were going to support these grant applications the City should be paid for the work that the grant applications generate for the Finance Department. The City should be able to bill the grantee an administrative charge.*

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

**Yes:** 6 - Westover, Blake, Christianson, Esquiro, Reif, and Hackett

**Recused:** 1 - McConnell

**G**      [RES 11-25](#)

Supporting Alaska Arts Southeast, Inc. grant funding application from the FY12 Historic Preservation Fund to Certified Local Governments.

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

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

**H**      [RES 11-26](#)

Supporting ANB, ANS, ANB Hall grant funding application from the FY12 Historic Preservation Fund to Certified Local Governments.

*Robert Medinger, representing the Sitka Historical Society, said they serve as the fiscal agency for this grant. They plan to have panels designed for the ANB/ANS Building in recognition of their 100th Anniversary which will bring many people to Sitka next October.*

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

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

**I**      [ORD 11-40](#)

Adjusting the FY10 and FY11 Budgets for changes identified during the Fourth Quarter FY10 Formal Budget Execution Review.

*Finance Director, Jay Sweeney, explained a number of departments were over budget due to previous leave amounts being recorded insufficiently.*

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

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

**J**      [ORD 11-41](#)

Amending the official Sitka Zoning Map to Rezone Lot 25 Block 1 of Sitka Indian Village, USS 2542 A & B from R-1 Single Family and Duplex district to CBD Central Business District.

**A motion was made by Esquiro that this Ordinance be POSTPONED until the first meeting in January. The motion PASSED by the following vote.**

**Yes:** 6 - Westover, Blake, Christianson, Esquiro, Reif, and Hackett

**No:** 1 - McConnell

**K**      [ORD 11-42](#)

Amending Section 4.09.100 of SGC to identify possible sales tax holiday for certain sales in 2011 - December 10.

*Shirley Robards, owner of Stereo North, and Jennifer Robinson of the Greater Sitka Chamber of Commerce spoke in support of the Friday and Saturday after Thanksgiving as sales tax free days.*

*Blake spoke in support of two days. In response to a question by Reif, Sweeney estimated \$30,000 a day would be lost during sales tax free days. Esquiro supported leaving it status quo for this year.*

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

**No:** 7 - Westover, McConnell, Blake, Christianson, Esquiro, Reif, and Hackett

**L**      [ORD 11-43](#)

Amending SGC Section 4.09.100 to identify possible sales tax holiday for certain sales in 2011 - November 26.

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

**Yes:** 1 - McConnell

**No:** 6 - Westover, Blake, Christianson, Esquiro, Reif, and Hackett

**M**      [ORD 11-44](#)

Amending Section 4.09.100 of SGC to identify possible sales tax holiday for certain sales in 2011 - November 23.

**No action taken.**

**N**      [ORD 11-45](#)

Amending SGC Section 4.09.100 to identify possible sales tax holidays for certain sales in 2011 - November 25 & 26.

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

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

**X.      NEW BUSINESS:**

**O**      [11-213](#)

Approve Conditional Use Permit for a short-term rental submitted by Lou and Gail Roderick at 802 Sirstad

**A motion was made by Hackett to convene as the Board of Adjustment. The motion PASSED on the following vote.**

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

**A motion was made by Christianson to approve a conditional use permit request submitted by Lou and Gail Roderick for a short-term rental at 802 Sirstad Street as recommended by the Planning Commission; concurring with their following findings and condition.**

**Findings:**

- 1. Will not be detrimental to the public health, safety and welfare;**
- 2. Will not adversely affect the established character of the surrounding vicinity;**
- 3. Will not be injurious to the uses, property, or improvements adjacent to or in the immediate vicinity of the location;**
- 4. The granting of the proposed conditional use permit is consistent and compatible with the goals and objectives of the comprehensive plan in regards to 2.1.1 and 2.5.2 I;**
- 5. The proposed conditional use permit request will not introduce hazardous**

- conditions at the site that cannot be mitigated;  
6. The conditional use will be supported by and not adversely affect adequate public facilities and services; and  
7. The applicant has met the burden of proof.

**Condition:** This request be brought back before the Planning Commission if events warrant.

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

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

**P**      [11-211](#)

Appeal of the Planning Commission's decision filed by Marco Hernandez to deny a variance reduction of a front setback from 20' to 10' at 1955 Anna Circle

**A motion was made by Hackett that this Item be REFERRED to the Planning Commission. The motion FAILED on the following vote.**

**Yes:** 3 - McConnell, Reif, and Hackett

**No:** 4 - Westover, Blake, Christianson, and Esquiro

*Planning Director, Wells Williams, spoke to the neighborhood and its history; the Planning Commission felt the 10' setback was too close. In response to a question by Blake, Williams responded the setback would not obstruct anything or compromise the utilities.*

*Applicant, Marco Hernandez, pleaded his case and spoke of his disagreement with the Planning Commission's decision to deny his variance setback reduction from 20' to 10'. He appealed the action for the following reasons:*

- 1. Characteristics of the property*
- 2. Other requests granted in the past*
- 3. Reduction of living square footage*
- 4. Peaceful enjoyment*

*His testimony focused primarily on a similar request submitted by his neighbor that was granted and the fact that the Planning Director and a Planning Commission member were on record noting the neighborhood was poorly planned and a mess in terms of setbacks.*

**A motion was made by Christianson to grant the appeal of Marco Hernandez for a variance reduction of the front setback from 20' to 10' at 1955 Anna Circle based on the following Findings of Fact and Condition:**

**Findings:**

- 1. Will not be detrimental to the public health, safety and welfare;**
- 2. Will not adversely affect the established character of the surrounding vicinity;**
- 3. Will not be injurious to the uses, property, or improvements adjacent to or in the immediate vicinity of the location;**
- 4. The granting of the proposed variance is consistent and compatible with the goals and objectives of the comprehensive plan in regards to 2.1.1 and 2.5.2 I;**
- 5. The proposed variance request will not introduce hazardous conditions at the site that cannot be mitigated;**
- 6. The variance will be supported by and not adversely affect adequate public facilities and services; and**
- 7. The applicant has met the burden of proof that:**
  - A similar variance setback was issued to the adjoining neighbor at 1945 Anna Circle,**

- That variance was found consistent with the general neighborhood, and,
- No adverse affects have been reported from the granting of that similar variance.

Condition: This variance be brought back before the Planning Commission if events warrant.

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

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

## Extend the Meeting

A motion was made by Christianson to extend the meeting until 10:45 PM. The motion **PASSED** on a 7-0 roll call vote.

## Reconvene as the Assembly

A motion was made by Hackett to Reconvene as the Assembly in regular session. The motion **PASSED** by a unanimous vote.

Q [11-214](#)

Award a professional services contract to PND Engineers Inc. for the Sitka Harbor System Master Plan not to exceed \$131,507.

*Public Works Director, Michael Harmon, explained the need for the City to plan ahead so that the rate increases could be tailored over a long period of time.*

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

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

## Extend the Meeting

A motion was made by Hackett to extend the meeting until 11:00 PM. The motion **PASSED** on a 7-0 roll call vote.

R [11-210](#)

Authorize Notice of Award to clarify and confirm a final price and enter into an agreement for Contract No. 4 - the supply of Penstock and manifold for Blue Lake Expansion Project \$927,975.00.

*Electric Department Generation Engineer, Dean Orbison, explained the City was to purchase a piece of pipe that fit the turbines. The pipe would be nine feet in diameter, approximately 400' in length and was estimated to last over 100 years.*

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

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

S [11-215](#)

- 1) Deputy Mayor and Vice-Deputy Mayor Appointments
- 2) Liaisons Appointments

Due to time constraints no action was taken on this item. This item would be moved to the next regular meeting.

**VII. REPORTS**

Due to time constraints this item was not taken up.

**XI. PERSONS TO BE HEARD:**

None.

**XIII. ADJOURNMENT**

With no further extensions, the meeting automatically adjourned at 11:00 PM.

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