

CITY AND BOROUGH OF SITKA

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



Meeting Agenda

Tuesday, April 23, 2013

6:00 PM

Assembly Chambers

City and Borough Assembly

*Mayor Mim McConnell
Deputy Mayor Pete Esquiro,
Vice Deputy Mayor Thor Christianson,
Phyllis Hackett, Matthew Hunter, Mike Reif and Michelle Putz*

*Interim Municipal Administrator: John P. Sweeney III
Municipal Attorney: Robin L. Koutchak
Municipal Clerk: Colleen Ingman, MMC*

WORKSESSION: Destination Sitka Working Group and Tourism Commission 5:00-5:50 PM**REGULAR MEETING****I. CALL TO ORDER****II. FLAG SALUTE****III. ROLL CALL****IV. CORRESPONDENCE/AGENDA CHANGES**

[13-109](#) Correspondence Attachments

Attachments: [COR042313](#)

V. CEREMONIAL MATTERS**VI. SPECIAL REPORTS:****VII. PERSONS TO BE HEARD****VIII. REPORTS****a. Mayor, b. Administrator, c. Attorney, d. Liaison Representatives, e. Clerk, f. Other****IX. CONSENT AGENDA**

A [13-071](#) Approve the minutes of the April 9 and April 16 Assembly meetings

Attachments: [Minutes April 9 and 16](#)

B [13-068](#) Reappoint: 1) Richard Parmelee to a three-year term on the Planning Commission, and, 2) AnnaBel Lund to a three-year term on the Sitka Local Emergency Planning Committee

Attachments: [Reappointments](#)

C [13-077](#) Authorize the Municipal Administrator to amend a Professional Services Agreement between Currents Consulting and the City and Borough of Sitka for engineering services for the Takatz Lake Hydroelectric Feasibility project to include geotechnical assessment of the project site and development of the generating facilities arrangement plan

Attachments: [Amendment to Prof Serv Agreement Takatz](#)

D [13-069](#) Award a contract to CBC Construction in the amount of \$784,754.16 for

the Bid Alternate No. 2 (R-50 with 1/2" per foot slope) and Additive Alternates 3 and 4 for completion of the Sitka Community Hospital Roof Replacement project

Attachments: [Award SCH Roof](#)

- E [13-074](#) Award a contract to S&S General Contractors for completion of the Baranof Street Water & Sewer Improvements in the amount of \$1,712,916.00

Attachments: [Award Baranof St Water and Sewer](#)

- F [13-075](#) Award a contract to Island Enterprises Inc in the amount of \$399,806.00 for completion of the Swan Lake Restoration - Lake Dredging project

Attachments: [Award Swan Lake](#)

Reif asked where the dredging materials would be dumped and Harmon replied that it is up to the contractor.

X. **UNFINISHED BUSINESS:**

- G [ORD 13-14A](#) Amending SGC Title 22 Zoning to allow for and regulate Accessory Dwelling Units (ADUs)

Attachments: [Ord 2013-14A Accessory Dwelling Units](#)

[Ord 2013-14A Packet Materials](#)

[ORD 13-14A Passed](#)

Hunter questioned the rationale of limiting size. Planning Director, Wells Williams, offered an explanation and noted each request would be evaluated just like a building permit.

Garry White stated SEDA supported a higher density.

Eve Grutter who resides at 711 Etolin Street said her neighbors had a unit that would fall into this category and there was no extra parking. She urged the need for appropriate parking.

The Assembly discussed the ordinance should clearly read on lines 33 and 68 Accessory Dwelling Units must be detached. There were also problems on line 75 with the words "internal" and "attached."

Planning Director, Wells Williams, clarified zoning, defined setbacks and types of property.

Hunter expressed confusion with lines 104 and 105 noting it appeared the size of an ADU was being limited. Williams informed that this language came from the Planning

Commission.

Bridget Kauffman shared concerns about permitting Assessor Dwelling Units (ADU's) on Etolin Street as it will increase the parking problems. She urged side by side parking be addressed and an "as-built" be required.

Hackett wanted to confirm that if there was an existing as-built that the City would not require a new one for the ADU, Planning Director, Williams responded correct. Esquiro asked about housing numbers. Williams said the same standards will apply by an A or B designation. A is the primary or larger of the two and B the secondary. Esquiro asked if anyone has requested this and Williams said "No." Esquiro is still opposed to the concept and believes it invites clutter. We might be creating more problems he cautioned.

Some clarifying edits were also made. 1) To specify "exclusive of MH and MHP." and to replace the word structures with parcels.

- H** [ORD 13-15](#) Amending SGC Title 13 at Chapter 13.06.010 entitled "Moorage Charges and Fees" at Section(s) G. Tour Ship Lightering Fees, and I. Summer Recreational Vehicle/Boat Trailer Parking Fee

Attachments: [ORD 2013-15](#)

[ORD 13-15 Passed](#)

Hunter mentioned the Port and Harbors Commission supported both of these increases.

Reif inquired about tendering and going alongside the pier rates wondering how the rates compared to other communities. Harbormaster, Stan Eliason, commented Sitka's rates are low.

Hunter mentioned this had been vetted and approved by the Ports and Harbors Commission.

- I** [ORD 13-18](#) Amending SGC Section 23.30.020 entitled "Conditions for Use of Park and Recreation Facilities" by adding provisions to prohibit non-service dogs from being on certain designated sport fields and municipal playground and subjecting the dog keeper and or custodian to a fine

Attachments: [ORD 2013-18](#)

[ORD 13-18 Passed](#)

Assembly members expressed appreciation to those who worked on the two ordinances and were happy with the collaborative process.

Reif wondered how many fines had been issued. Police Chief Schmitt stated between 200-225 tickets were written a year. The more common ticket issued was running at large. Tamara Scallion had a questioned on the amount of the fines.

Parks and Recreation Manager Brandon informed that they plan to do some public education beginning with a brochure that goes

out with dog licenses and it includes maps and rules. They have also put information together for the website. There will be signage at each field that will state the rules. The turnaround dog park will be enlarged next fall.

- J** [ORD 13-19](#) Amending SGC Chapter 8.04 entitled "Animal Protection and Control" by amending 8.04.010 entitled "Definitions" defining "Competent Voice Control;" amending 8.04.032 to provide additional off-leash areas by adding Field One at Kimsham Complex, Keet Gooshi Heen, Vilandre Ball Fields during hours when sports or school use or events are not occurring and the Cross Trail; inserting "Off-Leash Area" rules of use and adding a provision for fines and penalties for those who fail to remove all fecal matter at those designated off-leash areas

Attachments: [ORD 2013-19](#)

[ORD 13-19 Passed](#)

Hackett expressed concern with the words "voice control". She mentioned just because the owner knows their dog will listen, the approaching person does not and it could be terrifying.

- K** [ORD 13-20](#) Adjusting the FY13 Third Quarter Budget

Attachments: [ORD 2013-20](#)

[ORD 13-20 Passed](#)

XI. NEW BUSINESS:

New Business First Reading

- L** [ORD 13-21](#) Amending Sitka General Code Title 13 entitled "Port and Harbors" to allow provisions for removal of persons violating City and Borough of Sitka Harbor Facilities Regulations

Attachments: [Ord 2013-21](#)

[ORD 13-21 Passed](#)

A few Eliason Harbor residents spoke in support. Tamara Scallion said it would be nice to have some security. Christianson has been on a number of EMS calls there and he is a little nervous because of a lack of an appeals process. Municipal Attorney Kouchak patterned this ordinance after Petersburg and state law. We wanted to include conduct that was falling through the cracks. We purposely left out the due process and administrative rights. She added that moorage is a privilege not a right.

Putz worried it might increase homelessness and queried whether to add time elements to the ordinance such as: 24 hours on first violation, 48 hours on 2nd violation and revoke their moorage on third violation. Mayor pointed out it says "may" so it is already discretionary. Christianson brought up that there is nothing that

precludes the harbormaster from saying you are going to have to leave the harbor for 24 hours or until you sober up for an example.

- M** [ORD 13-22](#) Amending Sitka General Code Title 18 Property Acquisition and Disposal to revise SGC 18.16.210 Class III - Annual Lease Payments and Terms for New Leases and Lease Renewals

Attachments: [Ord 2013-22 packet materials](#)

[ORD 2013-22 edited](#)

[ORD 13-22 Passed](#)

Planning Director Williams explained that we are facing "sticker shock" because many leases have been in place for so many years they have doubled or tripled from 50 years ago. Planner I Bosak pointed out that it follows National Code "the term of the existing lease is thirty years" this was left out but it is in the existing code and just got missed. Assessor Hughes offered we have 50 tidelands leases all written differently some with five, seven and even a 25 year clause. The majority of the leases are tied to the current rate. The ones that are expiring will be written to a different term. The ordinance is not tied to a market.

- N** [ORD 13-23](#) Amending Sitka General Code Title 2 entitled "Administration" to establish a Health Needs and Human Services Commission and establish organizational guidelines for such commission

Attachments: [Memo Ord 2013-23](#)

[Ord 2013-23](#)

Christianson applauded Hackett for all her work on this. Hackett apprized that the needs was brought to her by the social services community. There is no vehicle to identify these needs. Christianson supports the fact the commission will have direction and it is clearly laid out what they are doing year-to-year.

Additional New Business Items

- O** [13-070](#) Discussion/Decision on the request made by Alaska Pure Sea Salt Company to restructure its two outstanding Southeast Alaska Economic Development fund loans

Attachments: [Alaska Pure Sea Salt Loans](#)

Finance Director Sweeney said they currently have two loans: a long term and a short term. They requested to restructure the loans into one, which Sweeney recommends. Hackett brought up the possibility of a balloon payment. James Michener, owner of Alaska Pure Sea Salt Company expressed concerns with not knowing the future costs or source of utilities, which could make it difficult to pay off a balloon.

- P** [13-078](#) Approve advertising for bids for the ANB Harbor Replacement Procurement Contract

Attachments: [Bids for ANB Harbor Replacement Procurement Contract](#)

Shawn McFarland of Moffatt and Nichol gave a presentation for the ANB Harbor replacement and explained how it fits into the overall Harbor Master Plan.

- Q** [13-076](#) Approval of late file applications for the Senior Citizen Real Property Tax Exemption for Valerie Swendsen and Jane Barron to be taken up separately.

Attachments: [Late File Application Senior Citizen Real Prop Tax](#)

BARRON - Putz has an issue with this. Hackett believes that being busy or lack of knowledge doesn't fall under "good cause." Municipal Attorney Kouchak explained that being too busy is not usually good cause but the Assembly could go either way since it is in not defined in the code. Assessor Hughes says it was heavily advertised this year. It was also on the back of utility bills for four months and there was an article in the local newspaper that appeared just before the deadline.

SVENDSEN - Assessor Hughes explained that we have not defined "good cause" in our own code. These definitions are from other jurisdictions and are the ones most commonly used.

Assemblymembers felt Svendsen's reasons showed good cause.

- R** [13-073](#) Discussion of Contract Partnering presentation made by Bulk Water Subcommittee

Attachments: [Bulk Water](#)

- S** [13-072](#) Discussion regarding the scheduling of strategic planning times

- T** [13-079](#) Discussion on directional signage for downtown area

Attachments: [Directional signage](#)

XII. PERSONS TO BE HEARD:

XIII. EXECUTIVE SESSION

XIV. ADJOURNMENT