



# 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,  
Vice Deputy Mayor Thor Christianson,  
Phyllis Hackett, Matthew Hunter, Mike Reif and Michelle Putz*

*Municipal Administrator: Jim Dinley  
Municipal Attorney: Theresa Hillhouse  
Municipal Clerk: Colleen Ingman, MMC  
Deputy Clerk: Sara Peterson, CMC*

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Tuesday, November 27, 2012

6:00 PM

Assembly Chambers

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### WORK SESSION POLICE AND FIRE COMMISSION 5PM

#### REGULAR MEETING

- I. CALL TO ORDER
- II. FLAG SALUTE
- III. ROLL CALL

**Present:** 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

#### IV. CORRESPONDENCE/AGENDA CHANGES

#### V. PERSONS TO BE HEARD

None.

#### VI. REPORTS

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

Mayor - Attended the recent AML Conference in Anchorage and on the local front, the Port and Harbors user work session, LEPC, School District Strategic Planning and Homeless Summit.

Administrator - Announced during the AML Conference he was re-elected to the Board of Directors for City Managers. Attended a recent School Board meeting where they reviewed Title 19 implications with regard to baseball and softball. He will be on

leave from Dec. 17 until Jan. 7.

Attorney - Attended the Municipal Attorneys and AML Conferences.

Liaison Representatives - Christianson attended the Sawmill Cove Industrial Park Board meeting where they were getting ready for the dam construction folks. Hackett missed the Hospital Board meeting due to her attendance at AML. She had an opportunity to meet with Senator Stedman and Representative Elect Jonathan Kreiss-Tomkins and also attended the work session on the Port and Harbors user meeting and potential rate increases. Reif also attended Port and Harbors worksession. Investment Committee will be meeting in December. Reif noted he was working with the School District on goals etc. Putz attended AML. Hunter attended Port and Harbors meeting as well as the work session. He announced a harbor worksession would be held Nov 28 at 6 PM in Centennial Hall.

Clerk - Announced she would continue to serve as Treasurer for the Alaska Association of Municipal Clerks. Serves on the AML Assistance Committee as well as Co-Chair of the Education, Local Government and Public Service Committee.

Other - Reif mentioned the potential for harvesting timber at Blue Lake. Utility Director, Chris Brewton, explained it was of the utmost importance to protect Sitka's watershed.

## VII. CONSENT AGENDA

- A**     [12-162](#)     Approve the minutes of the November 6, 2012 Assembly meeting

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

- B**     [12-164](#)     Award Marine Service Center Refrigeration Controls project to Wyatt Refrigeration for \$61,745

Public Works Director, Michael Harmon, reported the energy savings would be substantial.

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

**Yes:** 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

## VIII. UNFINISHED BUSINESS:

- C**     [ORD 12-31A](#)     Amending SGC Title 21 Subdivision Code and Title 22 Zoning to clarify the zero lot line regulations and eliminate inconsistencies

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

**Yes:** 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

- D**     [ORD 12-38](#)     Amending SGC at Section 23.30.020 Entitled "Conditions for Use of

Parks and Recreation Facilities: to Prohibit Non-Service Dogs from being on Certain Designated Ball Fields and subjecting the dog owner to a fine

**A motion was made by Reif to POSTPONE until the Parks and Recreation Committee and Police and Fire Commission have reviewed and can bring back recommendations on all related ordinances. The motion to POSTPONE PASSED by the following vote.**

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

**No:** 1 - Putz

- E**      [ORD 12-40](#)      Amending SGC at Title 23, Chapter 20 entitled "Commercial Recreational Use of Municipal Lands and Facilities" to clarify Baranof Warm Springs and its Boardwalk and other municipal property beyond Sitka Road System is subject to Commercial Recreational Use Permit requirements

Public Works Director, Michael Harmon, explained the change originated with the Baranof Community Association. Use fees are routinely charged but had not been applied off the roadway system. Harmon noted as the City inherited ownership of the dock, more structure would need to be developed to make it self sustaining.

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

**Yes:** 6 - Christianson, Esquiro, Reif, Hunter, Putz, and McConnell

**No:** 1 - Hackett

- F**      [12-163](#)      Approve a Request for Proposals for Transit Services between Old Sitka Dock & Centennial Hall or O'Connell Bridge parking area

Administrator Dinley explained the City received \$5 per passenger, \$3 of the \$5 would be used for transit services. Chris McGraw of Halibut Point Marine Services, explained there was one cruise ship that docked at Old Sitka this past summer. They have negotiated with Oceania Cruise Lines, which plans to dock all their ships at Old Sitka in 2013 and 2014. McGraw also noted the Disney Cruise Line had signed a ship for 2014 and was actively looking at Sitka as a port.

**A motion was made by Hackett to amend the RFP by adding transit services funds will only be applicable to those cruise vessels that pay into the CPET (Commercial Passenger Excise Tax) Fund. The motion to amend FAILED by the following vote.**

**Yes:** 1 - Hackett

**No:** 6 - Christianson, Esquiro, Reif, Hunter, Putz, and McConnell

Christianson and Hunter spoke in opposition to the amendment. Finance Director, Jay Sweeney, informed that there was roughly \$2,000,000 in working capital at the present time, but all had been earmarked for specific projects with the vast majority going to Centennial Hall. Hackett supported the idea but wanted to support the City in the event the CPET funds went away.

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

**Yes:** 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

**IX. NEW BUSINESS:**

**New Business First Reading**

- G**     [ORD 12-41](#)     Amending SGC Subsection 9.24.010A which is the definition section for "Bear Attraction Nuisance"
- Chief Schmitt explained the ordinance. Phil Mooney of Fish and Game noted it was more a people issue than a bear issue: garbage, people and bears don't mix.
- A motion was made by Hunter that this Ordinance be PASSED ON FIRST READING. The motion PASSED by the following vote.**
- Yes:** 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett
- H**     [ORD 12-42](#)     Amending SGC at Section 23.30.020 entitled "Conditions for use of Park and Recreation Facilities" to prohibit non-service dogs from being inside the fenced Moller Park Ball Field and subjecting the owner of such a dog to a fine
- Hackett would like Municipal Attorney Hillhouse to wordsmith the ordinance to clearly define service dogs that are in service.
- A motion was made by Hunter that this Ordinance be PASSED ON FIRST READING. The motion PASSED by the following vote.**
- Yes:** 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett
- I**     [ORD 12-43A](#)     Amending SGC Title 19 entitled "Building and Construction" to update existing provisions
- Building Official, William Stortz, explained this was an update of the building, fire, mechanical and electrical codes.
- A motion was made by Hackett that this Ordinance be PASSED ON FIRST READING. The motion PASSED by the following vote.**
- Yes:** 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett
- J**     [ORD 12-44](#)     Amending the sublease with Ostrov Enterprises d/b/a Airport Gift Shop at the Sitka Rocky Gutierrez Airport Terminal Building to include additional space
- A motion was made by Reif that this Ordinance be PASSED ON FIRST READING. The motion PASSED by the following vote.**
- Yes:** 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

**Additional New Business Items****K**      [12-165](#)      Approve an amendment to True Alaska Bottling (TAB) Purchase Agreement for Raw Water in Bulk for Export

Dan Stockel spoke in support of the proposed amendment for True Alaska Bottling (TAB).

Terry Trapp, CEO of TAB, stated TAB has had a relationship with the City for the last ten years, had done what the City had asked, and paid required fees. Trapp noted Aqua Alaska had agreed to purchase one million gallons of water and TAB was asking for exclusivity for the shipping lines. Trapp requested Garry White, Sawmill Cove Industrial Park Manager, be able to serve as a liaison for the City.

Municipal Attorney Hillhouse remarked if TAB failed to take the full amount within the next few years the contract would terminate. The City has had contracts that deal with exclusivity - entitlement to a certain amount. It was clarified it would begin July 1, 2013.

Putz stated she was uncomfortable putting this resource all into one company's hands; more concessions were made than necessary. Hunter pointed out from a monetary standpoint, this was in the City's best interest and it made sense to sell. Reif stated he was supportive and excited for the potential. Christianson state it was imperative the City continue to protect its water rights so the State didn't take it over.

Though Black Hat Distribution Inc. was on the phone they offered no public testimony.

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

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

**No:** 1 - Putz

**L**      [12-166](#)      Discussion on reinstating the Advisory Commission on Health Needs

Hackett pointed out CBS did not provide social services. She believed there were numerous people willing to serve and grant moneys available. Putz wondered if reinstatement of the Commission was necessary. Reif shared some of the skepticism. Hackett said the Commission had been gone for two years and she was hearing a need for it to return. An ordinance would need to be proposed to reinstate the Commission. Hackett and Christianson noted they would sponsor such an ordinance.

**X.      PERSONS TO BE HEARD:**

Alexander Allison, urged the Assembly to provide a marine service(s) facility at Sawmill Cove Industrial Park. Allison stated Sitka was in need of a place for the commercial fleet to get serviced and tradesman to do work.

Phyllis Hackett speaking as a citizen cautioned the Assembly to be careful about saying the cruise ship industry doesn't like "us". She said Sitka had a lot to offer and they were doing a disservice to the City, the industry and corporations, by putting out a negative message.

**XI. ADJOURNMENT**

A motion was made by Christianson ADJOURN. The meeting ADJOURNED at 9:30 PM.

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