



CITY AND BOROUGH OF SITKA

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

Minutes - Final

City and Borough Assembly

*Mayor Steven Eisenbeisz,
Deputy Mayor Kevin Knox,
Vice Deputy Mayor Kevin Mosher,
Thor Christianson, Crystal Duncan, Rebecca Himschoot,
David Miller*

*Municipal Administrator: John Leach
Municipal Attorney: Brian Hanson
Municipal Clerk: Sara Peterson*

Tuesday, September 13, 2022

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. RECITAL OF LANDS ACKNOWLEDGEMENT

IV. ROLL CALL

Himschoot attended by Zoom from 6:00 p.m. to 7:45 p.m.

Present: 4 - Christianson, Knox, Mosher, and Miller

Absent: 2 - Eisenbeisz, and Duncan

Remote: 1 - Himschoot

V. CORRESPONDENCE/AGENDA CHANGES

No agenda changes.

[22-128](#)

Reminders, Calendars, and General Correspondence

VI. CEREMONIAL MATTERS

Deputy Mayor Knox paid tribute to former Mayor John Dapceovich and offered condolences to the Dapceovich family.

[22-124](#)

Service Awards- Climate Action Task Force Members

Deputy Mayor Knox presented service awards to Climate Action Task Force Members Elizabeth Bagley, Katie Riley, Kent Barkhou, Molly Gear, Elizabeth Borneman, Darby

Osborne, and Caitlin Woolsey.

VII. SPECIAL REPORTS: Government to Government, Municipal Boards/Commissions/Committees, Municipal Departments, School District, Students and Guests (five minute time limit)

Planning and Community Development Director Amy Ainslie announced the Department would issue an end of season tourism survey and told of a joint tourism work session with the Planning Commission/Assembly on October 27.

[22-125](#)

- 1) Climate Action Task Force Final Report
- 2) Sitka Rocky Gutierrez Airport Terminal Improvements Project Update

Climate Action Task Force Chair and Vice Chair, Elizabeth Bagley and Katie Riley, summarized the work of the Task Force, thanked members and staff, and told of the soon to be formed Sustainability Commission.

Public Works Director and Municipal Engineer, Michael Harmon and Mike Schmetzer, shared an update on the Rocky Gutierrez Airport Terminal Improvements Project.

VIII. PERSONS TO BE HEARD

Richard Wein spoke about fossil fuels, the Dow Jones, Consumer Price Index, and gasoline prices, stated Sitka was economically sensitive, and tourism was a luxury item.

IX. CONSENT AGENDA

A motion was made by Mosher that the Consent Agenda consisting of Item A be APPROVED. The motion PASSED by the following vote.

Yes: 5 - Christianson, Knox, Mosher, Himschoot, and Miller

Absent: 2 - Eisenbeisz, and Duncan

A [22-126](#)

Approve the August 18 and August 23 Assembly meeting minutes

This item was APPROVED ON THE CONSENT AGENDA.

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

None.

XI. UNFINISHED BUSINESS:

B [ORD 22-16S](#)

Amending Title 2 "Administration" of the Sitka General Code by adding Chapter 2.15 "Sustainability Commission"

Richard Wein said the creation of a Commission was good and stated the importance of capping growth in a meaningful way.

Mosher and Christianson applauded the Task Force for their work.

A motion was made by Christianson that this Ordinance be APPROVED on SECOND AND FINAL READING. The motion PASSED by the following vote.

Yes: 5 - Christianson, Knox, Mosher, Himschoot, and Miller

Absent: 2 - Eisenbeisz, and Duncan

- C** [ORD 22-20](#) Updating Title 19 “Building and Construction” of the Sitka General Code by adding a new chapter and modifying and amending the majority of all other chapters within this Title

A motion was made by Mosher that this Ordinance be APPROVED on SECOND AND FINAL READING. The motion PASSED by the following vote.

Yes: 5 - Christianson, Knox, Mosher, Himschoot, and Miller

Absent: 2 - Eisenbeisz, and Duncan

- D** [ORD 22-21](#) Amending Title 22 “Zoning” of the Sitka General Code by updating Chapter 22.08 “Definitions” and Chapter 22.24 “Special Use Permits” (Short-Term Rentals)

From the public, Keith Brady, Richard Wein, Tory O’Connell Curran, Anne Pollnow, Wendy Alderson, Teal West, Katie Riley, and Maureen O’Hanlon testified. Brady, Wein, Pollnow, and West encouraged the Assembly to vote no. O’Connell Curran, Alderson, Riley, and O’Hanlon spoke in support of the ordinance.

Assembly members commented the ordinance was a good starting place for addressing the housing crisis in Sitka.

A motion was made by Miller that this Ordinance be APPROVED on SECOND AND FINAL READING. The motion PASSED by the following vote.

Yes: 5 - Christianson, Knox, Mosher, Himschoot, and Miller

Absent: 2 - Eisenbeisz, and Duncan

- E** [ORD 22-22](#) Making supplemental appropriations for fiscal years 2022 and 2023 (Re-appropriations and Supplemental Appropriations)

Richard Wein reminded of the \$254k appropriation related to the former Sitka Community Hospital CERNER health records project.

A motion was made by Christianson that this Ordinance be APPROVED on SECOND AND FINAL READING. The motion PASSED by the following vote.

Yes: 4 - Christianson, Knox, Mosher, and Miller

Absent: 3 - Eisenbeisz, Himschoot, and Duncan

XII. NEW BUSINESS:

New Business First Reading

- F** [ORD 22-23](#) Amending Title 4 “Revenue and Finance” of the Sitka General Code by

amending chapter 4.12 "Property Tax" Section 4.12.025 "Exemptions"

Assessing Director Larry Reeder said in the past the February 15 deadline had confused some applicants. He proposed moving the application to the end of February and stated the new deadline would not impact the ability to meet Value Notice mailings on March 15.

A motion was made by Mosher that this Ordinance be APPROVED on FIRST READING. The motion PASSED by the following vote.

Yes: 4 - Christianson, Knox, Mosher, and Miller

Absent: 3 - Eisenbeisz, Himschoot, and Duncan

G [ORD 22-24](#)

Updating Title 9 "Health and Sanitation" of the Sitka General Code by modifying chapter 9.16 "Ambulance Service"

Fire Chief Craig Warren explained current Code stated ambulance service only existed until a private ambulance service could provide emergency medical response in Sitka. Warren noted Code language predated the creation of Emergency Medical Services (EMS) in the State of Alaska and was now obsolete due to the state certification processes for EMS. The Fire Department EMS division currently provided ambulance services to Sitka residents. Warren said there could come a time when a private ambulance service was established in Sitka. The ordinance would ensure consistent emergent response and stabilization of medical patients, by the Fire Department EMS division, regardless of the organization providing transport. The proposed code change would also allow the Fire Department to a bill to the current allowable rates set by the Centers for Medicare/Medicaid Services (CMS) without having to go back to the Assembly on an annual basis.

Richard Wein voiced support.

Christianson noted the change was long overdue.

A motion was made by Mosher that this Ordinance be APPROVED on FIRST READING. The motion PASSED by the following vote.

Yes: 4 - Christianson, Knox, Mosher, and Miller

Absent: 3 - Eisenbeisz, Himschoot, and Duncan

H [ORD 22-25](#)

Making supplemental appropriations for fiscal year 2023 (Crescent Harbor Finger Repair)

Harbormaster Stan Eliason told of substantial fire damage in Crescent Harbor that had occurred in May. While a firm estimate for full repair had not been secured, he did not expect it to exceed the requested appropriation of \$250k. Police Chief Robert Baty reminded damage was due to a criminal act and restitution would be sought.

Richard Wein noted the City didn't have insurance on the harbors and wondered where the money would come from for repairs.

Christianson wondered about restitution amounts. Municipal Attorney Hanson reminded the alleged perpetrators were juveniles and restitution remained to be seen. Knox commented harbor users and the community would share the burden of repair costs.

A motion was made by Miller that this Ordinance be APPROVED on FIRST READING. The motion PASSED by the following vote.

Yes: 4 - Christianson, Knox, Mosher, and Miller

Absent: 3 - Eisenbeisz, Himschoot, and Duncan

Additional New Business Items

- I [RES 22-24](#) Authorizing an application to the Edward Byrne Memorial Justice Assistance Grant (JAG) program for a pass-through grant with the State of Alaska Department of Public Safety Division of Administrative Services Grants Office

Police Chief Robert Baty provided an overview of the grant opportunity that would pay for one police position to perform drug investigative work. Knox wondered what happened at the end of the grant term. Baty said the Police Department would continue to perform drug investigative work.

A motion was made by Christianson that this Resolution be APPROVED on FIRST AND FINAL READING. The motion PASSED by the following vote.

Yes: 4 - Christianson, Knox, Mosher, and Miller

Absent: 3 - Eisenbeisz, Himschoot, and Duncan

- J [RES 22-25](#) Authorizing the Municipal Administrator to apply for and execute a grant with the National Oceanic and Atmospheric Administration (NOAA) restoring fish passage through barrier removal notice of funding opportunity for \$1,853,390 to support the Wachusett Storm Sewer Rehabilitation Project

Public Works Director Michael Harmon said this was the sister project to the Peterson Street project and reminded the grant was a good opportunity to solidify remaining funding for the project. He added the project was well positioned to be shovel ready in November.

Knox disclosed he lived downstream from the project but didn't believe there to be a conflict of interest. There were no objections from the Assembly.

Richard Wein wondered if there was follow up with fish studies to determine whether the barrier was successful. He reminded of the importance of tracking matching funds and the overall impacts on the General Fund.

A motion was made by Mosher that this Resolution be APPROVED on FIRST AND FINAL READING. The motion PASSED by the following vote.

Yes: 4 - Christianson, Knox, Mosher, and Miller

Absent: 3 - Eisenbeisz, Himschoot, and Duncan

- K [22-127](#) Decision on whether to allow sales tax free day(s) following the Thanksgiving holiday and set date(s)

Finance Director Melissa Haley relayed that based on the analysis of last year's returns, it was anticipated a minimum of \$500,000 in exempt local sales would be

made. At this level, the cost in sales tax revenue of two sales-tax free days following the Thanksgiving holiday would be at least \$25,000. She reminded if a seller erroneously collected sales tax, and wasn't able to issue a refund, they were obligated to remit it.

From the public, Richard Wein spoke favorably of sales-tax free days. He wondered about notification to the Remote Sellers Commission, what the Commission was doing to inform remote sellers, and the legal obligation to do so.

A motion was made by Christianson to authorize November 25 and November 26 as Sales Tax Free days for 2022 noting the sales tax free day(s) will not be applicable to any sale of fuel, alcoholic beverages, tobacco products, and marijuana, nor affect any sale which is part of a continuing obligation of the buyer to pay the seller over time. The motion PASSED by the following vote.

Yes: 4 - Christianson, Knox, Mosher, and Miller

Absent: 3 - Eisenbeisz, Himschoot, and Duncan

XIII. PERSONS TO BE HEARD:

Richard Wein spoke about the passing of former Mayor John Dapcevich, stated Abby's Reflection was closing, and said COVID vaccines for young people were unethically justified.

XIV. REPORTS

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

Liaison Representatives - Knox reported on the Parks and Recreation Committee meeting.

Clerk - Peterson reviewed voting options for the October 4 Regular Municipal Election and read through the board/commission vacancy list.

Other - Miller thanked individuals involved in the National Night Out and Coast Guard appreciation events.

XV. EXECUTIVE SESSION

None.

XVI. ADJOURNMENT

A motion was made by Christianson to ADJOURN. Hearing no objections, the meeting ADJOURNED at 8:48pm.

ATTEST: _____
Sara Peterson, MMC
Municipal Clerk