



# 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*

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Tuesday, March 8, 2022

6:00 PM

Assembly Chambers

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#### REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. RECITAL OF LANDS ACKNOWLEDGEMENT

IV. ROLL CALL

**Present:** 6 - Knox, Mosher, Eisenbeisz, Himschoot, Duncan, and Miller

**Absent:** 1 - Christianson

V. CORRESPONDENCE/AGENDA CHANGES

None.

[22-041](#)

Reminders, Calendars, and General Correspondence

VI. CEREMONIAL MATTERS

None.

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

Sitka School Board President Amy Morrison gave an update on the strategic planning process and told of activities and events in the District.

[22-036](#)

Special Reports: 1) Historic Preservation Commission, Chair Roby

Littlefield, and 2) Alaska Department of Fish and Game - Stephen Bethune, Wildlife Biologist

Roby Littlefield, Chair of the Historic Preservation Commission, mentioned the duties of the Commission, told of the Certified Local Government programs and spoke to the local historic preservation plan.

Alaska Department of Fish and Game (ADF&G) Wildlife Biologist, Stephen Bethune, offered support for the re-establishment of the Sitka Bear Task Force (SBTF). He stated 2021 was an unprecedented year for bear activity in Sitka. Bethune said the reestablishment of the SBTF would provide a unified front. The policy of ADF&G was to prevent human injury, minimize loss of property and unnecessary loss of bears, and assist the public in avoiding and dealing with bear/human conflict while maintaining sustainable bear populations.

#### VIII. PERSONS TO BE HEARD

Brett Wilcox spoke in opposition to mask mandates and COVID-19 vaccinations. Richard Wein stated there was no real informed consent for vaccines, noted adverse side effects, and said there was no real advantage to young people receiving the COVID-19 vaccine.

#### IX. CONSENT AGENDA

**A motion was made by Knox that the Consent Agenda consisting of items A & B be APPROVED. The motion PASSED by the following vote.**

**Yes:** 6 - Knox, Mosher, Eisenbeisz, Himschoot, Duncan, and Miller

**Absent:** 1 - Christianson

**A**     [22-037](#)           Approve the minutes of the February 17 and 22 Assembly meetings

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

**B**     [22-038](#)           Approve a liquor license renewal application for Sitka Lodge No. #1350 Loyal Order of Moose dba Loyal Order of Moose #1350 at 337 Lincoln Street

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

#### X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

**C**     [22-039](#)           Reappoint Tamy Stevenson to a three-year term on the Port and Harbors Commission

Richard Wein thanked Stevenson for reapplying.

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

**Yes:** 6 - Knox, Mosher, Eisenbeisz, Himschoot, Duncan, and Miller

**Absent:** 1 - Christianson

**XI. UNFINISHED BUSINESS:**

- D**     [ORD 22-03](#)     Making supplemental appropriations for fiscal year 2022 (Lincoln Street Closure Expenses)

Richard Wein spoke in opposition.

**A motion was made by Mosher that this Ordinance be APPROVED on SECOND AND FINAL READING.**

**Yes:** 5 - Knox, Mosher, Himschoot, Duncan, and Miller

**No:** 1 - Eisenbeisz

**Absent:** 1 - Christianson

**XII. NEW BUSINESS:****New Business First Reading**

- E**     [ORD 22-04S](#)     Amending Title 11 "Vehicles and Traffic" of the Sitka General Code by updating Chapter 11.75 "All-Purpose Vehicles" by amending Section 11.75.040 "Operations of APVs on Public Roadways within the City and Borough" (1st reading - substitute ordinance)

A motion was made and seconded. After public testimony and discussion, the sponsors, Knox and Mosher, withdrew their motion. They said they'd be working with the Municipal Attorney to clarify the proposed code language.

From the public, Victor Littlefield, Richard Wein, Nicholas McGraw, Mike Finn, and Valorie Nelson spoke in opposition.

After public testimony, Municipal Attorney Hanson clarified the proposed code language intended was to prevent all-purpose vehicles (APV) from being hired - e.g. commercial tours. He stated it was not to prevent an APV from being used for business work purposes. Sponsors, Knox and Mosher, agreed and explained their concern was one of safety - a business being established for APV tours and renting to visitors who were unfamiliar with Sitka streets.

**A motion was made by Eisenbeisz to REFER the ordinance to the Police and Fire Commission for review. The motion FAILED by the following vote.**

**Yes:** 3 - Miller, Eisenbeisz, and Himschoot

**No:** 3 - Mosher, Duncan, and Knox

**Absent:** 1 - Christianson

From the public, Richard Wein spoke in opposition.

Duncan wondered if the Police and Fire Commission was the appropriate review body. Knox and Mosher expressed concern about delaying the process in the event

someone was considering substantial investment in APVs for tour use.

A discussion of the Assembly ensued. Miller stated he was more comfortable with a UTV (side-by-side) being used for tours as opposed to an ATV, citing inexperienced riders. Members Duncan and Himschoot expressed appreciation to the sponsors for bringing the ordinance forward and encouraged clarifying language.

**F**     [ORD 22-05](#)

Instating a temporary moratorium on the issuance of conditional use permits for short-term rentals in the R-1 or related zones and R-2 or related zones

Sponsors, Mosher and Knox, provided a summary of their intent behind bringing the item forward. They stated the importance of taking measures to protect the availability and affordability of housing in Sitka - something already in dire need. In anticipation of the rapid growth of tourism, they expected availability and affordability to further diminish. They both believed the decision of a moratorium was ultimately a policy decision of the Assembly, hence the reason for not taking it to the Planning Commission.

From the public, Wendy Alderson, Katie Riley, Ben Kinzer, and Tory O'Connell Curran spoke in support of the ordinance. Laurie Booyse stated lack of affordable housing was the crux of the problem. Jackie Foss reminded of the benefits of short-term rentals such as subsidized housing for long-term Sitka residents. Richard Wein said it was important to know the difference between affordable housing and acquirable housing.

Himschoot disclosed she operated a short-term rental. Eisenbeisz ruled there was no conflict. Assembly members discussed and many expressed a desire for data. Eisenbeisz wondered if the conditions for issuing short-term rentals should be reviewed. Himschoot agreed. Eisenbeisz reminded while the ordinance was directed at short-term rentals in residential zones, there were many short-term rentals in commercial, central business, and island districts; all allowed uses. He was disappointed the item hadn't been brought before the Planning Commission first. Knox reminded there was little data available - another reason to place a temporary pause on the issuance of permits. Duncan expressed the need for more information to make an informed decision. She also expressed a desire for Planning Commission input as did Miller. Himschoot reiterated there was a need for data and wondered if short-term rentals were the problem. Miller reemphasized there was a limited number of housing options in Sitka.

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

**Yes:** 5 - Knox, Mosher, Himschoot, Duncan, and Miller

**No:** 1 - Eisenbeisz

**Absent:** 1 - Christianson

**Additional New Business Items**

**G**     [RES 22-06](#)

Increasing cruise ship tender fees

Administrator Leach said cruise lines inquired each winter about tender fees for the upcoming season. Knox reminded the fees applied only for cruise ships tendering to city docks.

Richard Wein spoke in support of the resolution.

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

**Yes:** 6 - Knox, Mosher, Eisenbeisz, Himschoot, Duncan, and Miller

**Absent:** 1 - Christianson

**H**     [22-040](#)

**Discussion / Direction / Decision for the reorganization of the Sitka Bear Task Force**

Sponsors, Duncan and Himschoot, referenced the presentation by Alaska Department of Fish and Game biologist, Stephen Bethune. Speaking to the record number of human-bear interactions in 2021, Duncan and Himschoot hoped to reestablish the Sitka Bear Task Force (SBTF).

Administrator Leach emphasized this was a community issue and commitment was needed from all citizens. Assembly members agreed. Leach reminded bear-resistant cans had been recommended in the past, however, the solution was cost-prohibitive. The hope by reestablishing the SBTF was that there would be new recommendations, in addition to what the previous SBTF had determined. Eisenbeisz wondered about comprehensive trash ordinance and a bear population study. Bethune stated a population estimate that had never been conducted on Baranof Island. He also shared that Canmore, British Columbia, and Durango, Colorado had been successful in reducing human-bear interactions with the use of bear-resistant cans. He, too, reminded community collaboration was needed.

Andrew Thoms, a member of the former BTF, said the issue was learning to live with bears. Collaboration, education, and behavioral change were paramount to success.

**XIII. PERSONS TO BE HEARD:**

Richard Wein acknowledged the passing of Grace Larsen and Ethel Makinen. In addition he spoke about short-term rentals, COVID-19, bears, APVs, and COVID-19 vaccinations in children.

**XIV. REPORTS**

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

Administrator - Leach reported he was watching for updates on HB303.

Liasion Representatives - Knox reported on the Parks and Recreation Committee meeting. Himschoot reported on the work of the Tree and Landscape Committee.

**XV. EXECUTIVE SESSION**

**XVI. ADJOURNMENT**

**A motion was made by Knox to ADJOURN. Hearing no objections, the meeting ADJOURNED at 9:31pm.**

ATTEST: \_\_\_\_\_

Sara Peterson, MMC  
Municipal Clerk