

## **CONSENT AGENDA**

### **POSSIBLE MOTION**

---

**I MOVE TO APPROVE THE CONSENT AGENDA  
CONSISTING OF ITEM A**

**I wish to remove Item(s) \_\_\_\_\_**

**REMINDER – Read aloud a portion of each item being  
voted on that is included in the consent vote.**

Should this item be pulled from the Consent Agenda the following motion is suggested:

## **POSSIBLE MOTION**

**I MOVE TO** approve the minutes of the November 5, 10 and 11 Assembly meetings.



# CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS  
1332 Seward Ave.  
Room 229  
Sitka, AK  
(907)747-1811

## Minutes - Draft City and Borough Assembly

*Mayor Mim McConnell  
Deputy Mayor Matt Hunter  
Vice-Deputy Mayor Benjamin Miyasato  
Aaron Swanson, Steven Eisenbeisz  
Tristan Guevin, and Bob Potrzuski*

*Municipal Administrator: Mark Gorman  
Municipal Attorney: Robin L. Koutchak  
Municipal Clerk: Sara Peterson, CMC*

---

Thursday, November 5, 2015

6:15 PM

Assembly Chambers

---

Meeting to be held at Sealing Cove Business Center 601 Alice Loop

### SPECIAL MEETING

#### I. CALL TO ORDER

#### II. FLAG SALUTE

#### III. ROLL CALL

Present: 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Potrzuski

#### IV. PERSONS TO BE HEARD

None.

#### V. NEW BUSINESS:

**15-225**

Confidential matters involving the Sitka Police Department (executive session anticipated)

A motion was made by Miyasato to go into executive session to discuss confidential matters involving the Sitka Police Department under the statutory categories of discussing subjects that tend to prejudice the reputation and character of any person and to discuss matters, the immediate knowledge of which would adversely affect the finances of the City and Borough of Sitka and invite in Police Chief, Sheldon Schmitt, Lieutenant Jeff Ankerfelt and Lieutenant Lance Ewers. The motion PASSED by a unanimous voice vote.

Shannon Haugland of the Daily Sitka Sentinel reminded the Assembly to stay on topic and speak to those items that only needed to be discussed in executive session.

A motion was made by Miyasato to reconvene as the Assembly in regular session. The motion PASSED by a unanimous voice vote.

The Assembly made the following statement, "The Assembly has heard the concerns of the community and met with the Police staff to ask questions and be briefed on the facts surrounding the case. An independent investigation was requested by Chief Schmitt this past Tuesday. The Assembly has complete confidence in our local Police force and appreciates all that they are doing for Sitka."

## **VI. ADJOURNMENT**

A motion was made by Miyasato to ADJOURN. Hearing no objections, the meeting ADJOURNED at 8:00pm.

ATTEST:

\_\_\_\_\_  
Sara Peterson, CMC  
Municipal Clerk



# CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS  
1332 Seward Ave.  
Room 229  
Sitka, AK  
(907)747-1811

## Minutes - Draft City and Borough Assembly

*Mayor Mim McConnell  
Deputy Mayor Matt Hunter  
Vice-Deputy Mayor Benjamin Miyasato  
Aaron Swanson, Steven Eisenbeisz  
Tristan Guevin, and Bob Potrzuski*

*Municipal Administrator: Mark Gorman  
Municipal Attorney: Robin L. Koutchak  
Municipal Clerk: Sara Peterson, CMC*

---

Tuesday, November 10, 2015

6:00 PM

Assembly Chambers

---

### REGULAR MEETING

#### I. CALL TO ORDER

#### II. FLAG SALUTE

#### III. ROLL CALL

**Present:** 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Potrzuski

#### IV. CORRESPONDENCE/AGENDA CHANGES

**15-223** Reminders, Calendars and General Correspondence

#### V. CEREMONIAL MATTERS

**15-214** Service Award for Richard Parmelee, Athletic Awards for SHS Cross Country Team, Proclamation for Small Business Saturday

Mayor McConnell read a service award thanking Richard Parmelee for his service on the Planning Commission, presented athletic awards to members and coaches of the Sitka High School Cross Country Team, and read a proclamation for Small Business Saturday.

#### VI. SPECIAL REPORTS: Government to Government, Municipal Boards/Commissions/Committees, Sitka Community Hospital, Municipal Departments, School District, Students and Guests (time limits apply)

Tim Fulton, President of the Sitka School Board, spoke to recent Board and District activities.

Bryan Bertacchi, Utility Director, told of the upcoming Marine Street substation maintenance and talked about the long-term replacement alternatives.

**15-213** Update on wayfinding/branding project - Greater Sitka Chamber of Commerce, Executive Director Rachel Roy

Rachel Roy, Executive Director of the Greater Sitka Chamber of Commerce, and Suzan Hess, President of the Greater Sitka Chamber of Commerce briefed the Assembly on the transition of visitor services to the Chamber. In addition, Roy provided an update and review of the major markers of the branding and wayfinding project.

**VII. PERSONS TO BE HEARD**

Dr. William E. Davis shared an update on the Greater Sitka Legacy Fund.

Library Director, Robb Farmer, offered library user statistics and reviewed upcoming events at the Library.

**VIII. REPORTS**

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

Mayor - McConnell announced The Island Institute was working alongside the Governor's Office to host a public dialogue about Alaska's fiscal future. Municipal Administrator, Mark Gorman, Assessor Wendy Lawrence, the Mayor, among others, attended a planning meeting for the upcoming event. McConnell attended the SEARHC 40th anniversary event to help celebrate this important milestone. Reported on the recent Investment Committee meeting and options related to inflation proofing Sitka's Permanent Fund. Attended the monthly SEDA meeting, the ANB/ANS Annual Meeting and Installation of Officers, walked in the Veteran's Day parade, attended the World War II Veterans Honoring Dinner and read the Assembly Veteran's Day Proclamation. Spent an evening driving with Lieutenant Lance Ewers of the Sitka Police Department. Announced she would be in Anchorage the week of November 16 attending the annual AML Conference.

Administrator - Stated an intent to award contract had been issued for the Kramer landslide area cleanup, noted the next Citizens' Taskforce meeting was scheduled for November 23, and provided an update on the Library, Harrigan Centennial Hall and Edgumbe Drive projects. Gorman noted he would be attending the annual AML Conference the week of November 16.

Liaison Reports - Hunter relayed the next Port and Harbors Commission meeting was November 12, Miyasato reported on the recent Library Commission meeting and noted there were vacancies on the Parks and Recreation Committee. Miyasato shared there were between 1100-1200 veterans in Sitka and thanked them for their service. Guevin reported on the recent Citizens' Taskforce meetings. Potrzuski encouraged citizen participation at the Marijuana Advisory Committee meetings.

Clerk - Peterson reminded the Assembly of the Special Meeting November 11.

**IX. CONSENT AGENDA**

**A 15-215** Approve the minutes of the October 27 Assembly meeting

This Item was APPROVED ON THE CONSENT AGENDA.

- B 15-216** Approve a liquor license renewal for the Bayview Restaurant, LLC dba Bayview Restaurant & Pub

This item was APPROVED ON THE CONSENT AGENDA.

- C 15-217** Approve a liquor license ownership transfer, restaurant designation permit, and dba name change for Bayview Pub, LLC dba Bayview Pub at 407 Lincoln Street

This item was APPROVED ON THE CONSENT AGENDA.

- D 15-218** Approve a liquor license ownership transfer, restaurant designation permit, and dba name change for Mean Queen, LLC dba Mean Queen at 205 Harbor Drive

This item was APPROVED ON THE CONSENT AGENDA.

- E 15-222** Approve a request to expand the Jarvis Bulk Tank Improvement Project scope of work to include additional Jarvis Fuel System Improvements identified as a result of the August 2015 diesel spill

This item was APPROVED ON THE CONSENT AGENDA.

- F RES 15-22** Submitting City and Borough of Sitka FY 2017 State Legislative Priorities to State of Alaska and 2016 Legislature

Eisenbeisz noted a wording error in the section speaking to the Senior Citizen's/Disabled Veteran's Property Tax exemption.

**A motion was made by Swanson that this Resolution be APPROVED on first and final reading. The motion PASSED by the following vote.**

**Yes:** 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Potrzuski

**X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS**

- G 15-220** Appoint Hugh Bevan to an unexpired term on the Citizens' Taskforce, appoint Michael Nurco to an unexpired term on the Port and Harbors Commission, and appoint Jeff Arndt to a three-year term on the Health Needs and Human Services Commission

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

**Yes:** 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Potrzuski

- H 15-221** Appoint one member to the Marijuana Advisory Committee - applicants are:  
1) Pamela Ash, 2) Aaron Bean, 3) Ronald Dick, 4) Debra Militello, 5) Royce Rath, 6) Jennifer Robinson, and 7) Jay Stelzenmuller

Jay Stelzenmuller asked that his application be removed for consideration and that the Assembly appoint Aaron Bean.

Kitty Sopow, a member of the Marijuana Advisory Committee, urged the Assembly to appoint another female.

Levi Albertson spoke in support of appointing Aaron Bean.

Attorney, Robin Koutchak, stated Bean would be a tremendous asset, however, there was a conflict of interest based on his plans to open a marijuana dispensary. Eisenbeisz and Guevin spoke in support of Bean, however, they too, stated Bean had a conflict.

**A motion was made by Miyasato to nominate Pamela Ash, Aaron Bean, Ronald Dick, Debra Militello, Royce Rath, Jennifer Robinson, and Jay Stelzenmuller to serve on the Marijuana Advisory Committee.**

**A vote of the Assembly was taken. The top vote getter was Pamela Ash.**

**XI. UNFINISHED BUSINESS:**

- I ORD 15-52** Amending the official Sitka Zoning Map to rezone Tract M of U.S. Survey 3555 from GI (General Island) to LI (Large Island)

**A motion was made by Hunter that this Ordinance be APPROVED on second and final reading. The motion PASSED by the following vote.**

**Yes:** 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Potrzuski

- J ORD 15-53** Adjusting the FY16 Budget

**A motion was made by Miyasato that this Ordinance be APPROVED on second and final reading. The motion PASSED by the following vote.**

**Yes:** 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Potrzuski

- K ORD 15-54** Repealing Sitka General Code at Chapter 2.66 entitled "Tourism Commission"

Eisenbeisz encouraged the use of Commissions on an as needed basis. He further added if a new Tourism Commission were formed that it be used proactively rather than reactively. Guevin suggested revising the Commission rather than dissolving. McConnell spoke in support of a Tourism Commission, however, noted things had changed so much over the last two years it would be good to start fresh and see how things developed under the direction of the Chamber.



**A motion was made by Hunter that this Ordinance be APPROVED on second and final reading. The motion PASSED by the following vote.**

**Yes:** 6 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, and Potrzuski

**No:** 1 - Guevin

**L     ORD 15-55**

**Repealing Sitka General Code at Chapter 2.32 entitled "Strategic Planning Commission"**

Guevin stated he was excited to see what ideas the Planning and Community Development Department had for the Comprehensive Plan Update.

**A motion was made by Swanson that this Ordinance be APPROVED on second and final reading. The motion PASSED by the following vote.**

**Yes:** 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Potrzuski

**XII.   NEW BUSINESS:**

**M     ORD 15-56**

**Authorizing the transfer/sale of a portion of City and Borough of Sitka's "Old City Shops" property located at 1306 Halibut Point Road for an affordable housing project that is not subject to competitive bid and is available to all regardless of ethnicity to the Sitka Community Development Corporation (SCDC)**

Mayor McConnell recused herself stating she was the Executive Director of the Sitka Community Development Corporation (SCDC).

Randy Hughey, President of SCDC, thanked the Assembly for their support and stressed the positive impact a community land trust would have on affordable housing in Sitka.

**A motion was made by Swanson to AMEND line 62 to insert the following language after Parcel 1306: subject to final platting of the lot to ensure no encroachment on city assets or existing utility easements. Section E would therefore read, "Upon payment of purchase price the administrator is authorized to execute documents necessary to convey Parcel 1306 subject to final platting of the lot to ensure no encroachment on city assets or existing utility easements." The motion to AMEND PASSED by the following vote.**

**Yes:** 6 - Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Potrzuski

**Recused:** 1 - McConnell

Senior Planner, Michael Scarcelli, explained if the ordinance was approved, the sale would occur first followed by a multi-step platting process for Parcel 1306.

The Assembly discussed whether or not the amendment was a material change.

**A vote was taken to determine if the Assembly felt the amendment resulted in a material change. A majority of the Assembly determined the amendment was not a material change.**

**No:** Swanson, Miyasato, Potrzuski, Guevin, Hunter

**Yes:** Eisenbeisz

**Recused:** McConnell

Miyasato and Potrzuski thanked the SCDC for bringing this project forward and expressed the need for affordable housing.

Eisenbeisz spoke in support of the project, however, wondered what protections there were if the land was not used for the purposes indicated. Municipal Attorney Robin Koutchak noted the protection was within the SCDC bylaws. Municipal Administrator, Mark Gorman, added that once the land was transferred to SCDC and if for some reason SCDC were to find a mechanism to put the land on the market to the highest bidder, the City would not have the ability to stop that. He reiterated, the protection against that happening resided in the SCDC bylaws.

Hunter stated in past worksessions with the community land trust consultant it was noted there would be a 99 year covenant on the property preventing anyone from selling for 99 years. The property would remain a part of the community land trust. When people sold their homes, the title to the land would remain in the trust enabling them to leverage their 25% gain in equity. The balance would go to the trust to ensure long-term affordability. Hunter spoke in favor of the progression of sales, felt it was a balanced risk and good partnership.

Koutchak added that the risk to the City was also minimized by selling only one parcel at a time, not all three.

Guevin viewed the project as a partnership between the City and SCDC and commented it was a mechanism by which Sitka might be able to create more affordable housing, including rentals.

Hughey noted SCDC was reliant on the financial support of the Rasmuson Foundation. He added the Foundation had offered to assist with completion of a grant application for the underground work associated with the project and felt there was continued support throughout the state for the success of a community land trust.

Hunter stated an email had been received from the veterinary clinic adjacent to the subject property offering their support for the project. He noted upland property owners had expressed concerns about hillside stabilization. Hunter spoke to past assurances that indicated any future plans would have engineered retaining walls to protect the hillside.

**A motion was made by Miyasato that this Ordinance be APPROVED on first reading as AMENDED. The motion PASSED by the following vote.**

**Yes:** 6 - Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Potrzuski

**Recused:** 1 - McConnell

**N     ORD 15-57**

Amending Title 7 of the Sitka General Code by creating a new chapter 7.20, entitled "Marijuana Advisory Committee" that would establish the Marijuana Advisory Committee to serve as a Local Regulatory Authority with staff support from the Office of Planning and Community Development starting immediately and ending February 24, 2016 or until a permanent body is designated

Levi Albertson urged the Assembly to support the ordinance and offered it was in the best interest of the municipality to designate the Marijuana Advisory Committee as the Local Regulatory Authority for the interim.

Suzan Hess encouraged the Assembly to carefully consider those individuals who served on the Committee and recommended choosing individuals who had an

investment in the industry.

Potrzuski explained the importance of having an interim Local Regulatory Authority in place.

**A motion was made by Hunter that this Ordinance be APPROVED on first reading. The motion PASSED by the following vote.**

**Yes:** 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Potrzuski

**O 15-219**

Approve Mayor McConnell signing a letter to Lt. Governor Mallott encouraging the International Joint Commission to fund and support comprehensive baseline water quality testing on transboundary rivers

Guy Archibald spoke in support of the letter and stressed the need for international involvement. In addition, he noted the importance of baseline water quality testing.

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

**Yes:** 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Potrzuski

**XIII. PERSONS TO BE HEARD:**

None.

**XIV. EXECUTIVE SESSION**

None.

**XV. ADJOURNMENT**

**A motion was made by Hunter to ADJOURN. Hearing no objections, the meeting ADJOURNED at 8:08pm.**

**ATTEST:**

\_\_\_\_\_  
**Sara Peterson, CMC  
Municipal Clerk**



# CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS  
1332 Seward Ave.  
Room 229  
Sitka, AK  
(907)747-1811

## Minutes - Draft City and Borough Assembly

*Mayor Mim McConnell  
Deputy Mayor Matt Hunter  
Vice-Deputy Mayor Benjamin Miyasato  
Aaron Swanson, Steven Eisenbeisz  
Tristan Guevin, and Bob Potrzuski*

*Municipal Administrator: Mark Gorman  
Municipal Attorney: Robin L. Koutchak  
Municipal Clerk: Sara Peterson, CMC*

---

Wednesday, November 11, 2015

6:00 PM

Assembly Chambers

---

Meeting to be held at Sealing Cove Business Center 601 Alice Loop

### SPECIAL MEETING

#### I. CALL TO ORDER

#### II. FLAG SALUTE

#### III. ROLL CALL

Present: 7 - McConnell, Hunter, Swanson, Miyasato, Eisenbeisz, Guevin, and Potrzuski

#### IV. PERSONS TO BE HEARD

None.

#### V. NEW BUSINESS:

**15-224**

Legal matter - August 18 landslide events (executive session)

A motion was made by Hunter to go into Executive Session to discuss communications with legal counsel, David Bruce, and geotechnical expert, Bill Laprade, regarding legal matters affecting the Municipality as a result of the August 18 landslide events and invite in Public Works Director, Michael Harmon, Chief Finance and Administrative Officer, Jay Sweeney and Planning and Community Development Director, Maegan Bosak (attending telephonically). The motion PASSED by a unanimous voice vote.

Shannon Haugland of the Daily Sitka Sentinel asked for clarification of what prompted the meeting. Mayor McConnell reiterated the motion.

A motion was made by Hunter to reconvene as the Assembly in regular session. The motion PASSED by a unanimous voice vote.

The following statement was made by the Assembly, "The Assembly received legal advice from David Bruce, Attorney, on possible legal claims for damages and on possible claims about permitting and land use issues relating to the Kramer Avenue landslide." No action was taken.

**VI. ADJOURNMENT**

A motion was made by Hunter to ADJOURN. Hearing no objections, the meeting ADJOURNED at 7:50pm.

ATTEST: \_\_\_\_\_  
Sara Peterson, CMC  
Municipal Clerk