



# CITY AND BOROUGH OF SITKA

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

## Minutes - Final

### City and Borough Assembly

*Mayor Matthew Hunter  
Deputy Mayor Steven Eisenbeisz,  
Vice Deputy Mayor Bob Potrzuski,  
Aaron Bean, Kevin Knox, Dr. Richard Wein,  
Benjamin Miyasato*

*Municipal Administrator: Keith Brady  
Municipal Attorney: Brian Hanson  
Municipal Clerk: Sara Peterson*

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Tuesday, September 11, 2018

6:00 PM

Assembly Chambers

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#### REGULAR MEETING

#### I. CALL TO ORDER

#### II. FLAG SALUTE

#### III. ROLL CALL

**Present:** 5 - Miyasato, Eisenbeisz, Hunter, Knox, and Bean

**Telephonic:** 2 - Potrzuski, and Wein

#### IV. CORRESPONDENCE/AGENDA CHANGES

[18-173](#) Reminders, Calendars and General Correspondence

#### V. CEREMONIAL MATTERS

[18-162](#) Service Award - Dale Williams

Mr. Williams was not present, however, Mayor Hunter thanked him for his service on the Police and Fire Commission.

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

[18-168](#) Sitka Community Hospital - Rob Allen, CEO

Chief Executive Officer Rob Allen informed the Assembly of the following: cash position, census, electronic health records project status, Dan Neumeister of SEARHC

spoke to staff, and Hospital Board accepted Allen's offer to stay on as interim CEO.

## VII. PERSONS TO BE HEARD

Stephanie Staley and Kent Barkhau spoke to the Sitka Idle Free Campaign. Alene Henning reminded cell phone use while driving was prohibited.

## VIII. REPORTS

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

Administrator - Brady reminded of the seasonal sales tax and residential utility rates. All kWh from the first billing cycle in October through the last billing cycle in March would be charged at \$0.120 per kWh. Sales tax was scheduled to decrease from 6% to 5% on October 1. In addition, Brady reminded the City was accepting applications for the Utility Cost Subsidization Program through October 31.

Liaison Representatives - Eisenbeisz spoke to the recent Hospital Board meeting, Knox reported on the Parks and Recreation Committee meeting, and Hunter on the Library Commission meeting.

Clerk - Peterson reminded of upcoming meeting, the Semi-Annual Government to Government dinner, and announced advanced/absentee voting for the Municipal Election would begin September 17 at City Hall.

Other - Bean reported he had an informal conversation with Chris McGraw at Old Sitka dock about selling electricity to cruise ships. Bean reported on a tour of the Police Department and encouraged others to do so.

## IX. CONSENT AGENDA

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

**Yes:** 7 - Miyasato, Eisenbeisz, Potrzuski, Hunter, Knox, Bean, and Wein

**A**     [18-163](#)     Approve the minutes of the August 14, 17, 30 Assembly meetings

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

**B**     [18-164](#)     Approve a liquor license transfer of ownership application from JD & PR Colton and JP & TE Colton dba Nugget Restaurant at 600 Airport Road Ste A to DPJT, Inc. dba Nugget Restaurant at 600 Airport Road Ste A

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

**C**     [18-172](#)     Approve a Standard Marijuana Cultivation Facility license renewal application

for Darren H Phillips dba Fiberlite at 120 Jarvis Street Unit C

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

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

None.

**XI. UNFINISHED BUSINESS:**

**D**     [ORD 18-42](#)     Making Supplemental Appropriations for Fiscal Year 2019 (FY2018 Purchase Orders)

Wein inquired of the expenditure detail of the outstanding purchase orders. Chief Finance and Administrative Officer Jay Sweeney offered to email the purchase orders as he did not have the information available. In addition, Sweeney explained, these were approved appropriations in FY18. Had the purchases been finalized by June 30, 2018, the agenda item would not have come forward. He clarified it was not additional expenditure requests.

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

**Yes:** 7 - Miyasato, Eisenbeisz, Potrzuski, Hunter, Knox, Bean, and Wein

**E**     [RES 18-13](#)     Increasing permanent and temporary moorage rates and other harbor fees and charges (*item was referred to the Port and Harbors Commission on June 26 for consideration*)

Alexander Allison spoke in opposition.

Assembly members discussed the merits of increasing harbor rates by 6%. It was noted this matter had been referred to the Port and Harbors Commission in June. The Commission met recently and had recommended approval of the increase although hesitant about the long-term sustainability. Stating the rate increases were unsustainable, Bean and Eisenbeisz suggested a need to revisit the harbor master plan. Hunter agreed increasing rates was unsustainable. Wein suggested the City explore self financing.

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

**Yes:** 4 - Miyasato, Potrzuski, Hunter, and Knox

**No:** 3 - Eisenbeisz, Bean, and Wein

**XII. NEW BUSINESS:**

**New Business First Reading**

**F**     [ORD 18-45](#)     Authorizing the issuance of an airport terminal revenue bond in a principal amount not to exceed \$4,500,000 to finance the cost of certain capital

improvements to the terminal building at the Sitka Rocky Gutierrez Airport; authorizing the sale of the bond to the Alaska Municipal Bond Bank on the terms and conditions provided in this ordinance and in a loan agreement authorized to be entered into with the Bond Bank; providing for the date, terms, and covenants of the bond; and providing the terms and conditions for issuing additional revenue bonds on a parity with the bond authorized by this ordinance *(second and final reading)*

Jay Sweeney, Chief Finance and Administrative Officer, and Bond Counsel, David Thompson, explained the bonding process and answered questions from Assembly members. It was reminded the project would be paid for by passenger facility charges.

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

**Yes:** 5 - Miyasato, Eisenbeisz, Potrzuski, Hunter, and Knox

**No:** 2 - Bean, and Wein

**G**     [ORD 18-46](#)

Authorizing the issuance of a harbor facilities revenue bond in a principal amount not to exceed \$8,600,000 to finance a portion of the cost of certain capital improvements to Sitka's harbor facilities; authorizing the sale of the bond to the Alaska Municipal Bond Bank on the terms and conditions provided in this ordinance and in a loan agreement authorized to be entered into with the Bond Bank; providing for the date, terms and covenants of the bond; and amending a provision of Ordinance No. 2013-01 *(second and final reading)*

Michelle Putz requested the Assembly stay on topic.

Jay Sweeney, Chief Finance and Administrative Officer, and Bond Counsel, David Thompson, explained the bonding process and answered questions from Assembly members.

Wein expressed concern with the amount of debt the City was taking on. Others expressed hesitancy as well. Hunter reminded of the project benefits.

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

**Yes:** 4 - Miyasato, Potrzuski, Hunter, and Knox

**No:** 3 - Eisenbeisz, Bean, and Wein

**H**     [ORD 18-47](#)

Amending Title 4 "Revenue and Finance" of the Sitka General Code by adding Chapter 4.15 "Single-Use Carryout Bag Fee", by charging a per-bag fee on single-use carryout bags provided by a vendor to a customer at a check-out stand or counter *(second and final reading)*

Potrzuski signed off at 9pm.

Public Testimony

Speaking in support of the ordinance were Beth Kindig, Jennifer Carter, Pat Kehoe, Doug Osborne, Esther Kennedy, Charles Bingham, Katie Riley, Leah Mason, Keith Nyitray, Naomi Bargman, Kathy Ingallinara, Perry Edwards, Judy Kearns-Stephen, Callie Simmons, Michelle Putz, Sheila Finkenbinder, Hannah Blanke, Blossom Twitchell, and Brinnen Carter. Bingham suggested the proposed fees be lowered. Bingham, Bargman, and Nyitray suggested the collected fees be placed in the Electric

Fund as opposed to the General Fund.

Assembly Deliberation

Eisenbeisz disclosed he was a business owner and asked the Mayor to rule on any possible conflict of interest. It was determined Eisenbeisz was a member of a larger class and there was no conflict. Bean noted he would support a ban however not a fee. Ordinance sponsors Knox and Wein offered comments. Knox stated the ordinance was a compromise to a ban but more importantly to reduce usage. Wein agreed and noted it was a funding source. Eisenbeisz believed it was an unfunded mandate and noted potential costs to a small business owner. Miyasato suggested using the fees collected to buy reusable bags to sell back to citizens.

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

**Yes:** 4 - Miyasato, Hunter, Knox, and Wein

**No:** 2 - Eisenbeisz, and Bean

**Absent:** 1 - Potrzuski

**N**      [18-167](#)

Discussion / Direction on a mitigation proposal submitted by Andrew Friske and Scott McArthur for South Kramer Avenue (*possible executive session*)

Noting the time, the Assembly moved to item N.

Municipal Attorney Brian Hanson stated Scott McArthur and Andrew Friske were present to share an overview of their mitigation proposal. Hanson noted this was an opportunity for the Assembly and staff to understand the proposal and then allow staff to research and develop a position for a later date.

Scott McArthur, Andrew Friske, and Keith Mobley, a geotechnical engineer, addressed the Assembly. McArthur referenced the 2016 landslide risk map, 2017 City covenant, and the issues remaining. McArthur and Friske requested partnership in the construction of mitigation for South Kramer landslide on property owned by the City. McArthur spoke to the benefits to the home owners and the City.

**A motion was made by Bean to EXTEND to 11pm. The motion PASSED by the following vote.**

**Yes:** 6 - Knox, Hunter, Wein, Miyasato, Bean, Eisenbeisz

**Absent:** 1 - Potrzuski

Assembly members asked questions of McArthur, Friske, and Mobley. The three noted a significant amount of work needed to be done. Right now they were just asking for the Assembly to give the Administrator and Attorney direction to continue discussions with them and further research the possibility of mitigation on City property.

Keith Mobley and Brinnen Carter spoke in support of the motion.

**A motion was made by Bean to instruct the Municipal Administrator and Municipal Attorney to continue discussions with the land owners on South Kramer Avenue about the possibility of using City land for mitigation at their (property owners) own cost and hold the City harmless of any accrued cost as a**

**result of any actions taken as a result of those talks or discussions. The motion PASSED by the following vote.**

**Yes:** 6 - Miyasato, Eisenbeisz, Hunter, Knox, Bean, and Wein

**Absent:** 1 - Potrzuski

**M**     [18-166](#)

Approve a request filed by Allen Marine Tours, Inc. to proceed with an application for a Restaurant/Eating Place License Exemption with the Alcohol & Marijuana Control Office for lot 6 Finn Island

Eisenbeisz left at 10:50pm due to early morning travel plans.

**A motion was made by Knox to EXTEND to 11:15pm. The motion PASSED by the following vote.**

**Yes: 5 - Bean, Wein, Miyasato, Knox, Hunter**

**Absent: 2 - Eisenbeisz, and Potrzuski**

Jeremy Plank, Chief Financial Officer of Allen Marine Tours, explained the Company had purchased property on Finn Island. A lodge had been constructed and now they wished to obtain a liquor license to serve guests at the lodge. Their application had been denied by the Alcohol and Marijuana Control Office (AMCO) due to population limitations on the number of authorized liquor licenses for Sitka. Plank shared that based on the population of Sitka there are 6 Restaurant/Eating Place licenses and 7 licenses had been issued. Unfortunately, the lodge does not meet the requirements for other license criteria through AMCO. Plank shared one option available was to apply for a restaurant eating place license exemption following the criteria established in the AMCO regulations: 1) support from the governing body and 2) community support - a signed petition by a majority of the residents 21 years of age or over who reside within one mile of the proposed premises.

The Assembly thanked Allen Marine for bringing the request forward and spoke in support of economic development. Staff noted it was their understanding the application would come back to the Assembly for final approval.

**A motion was made by Miyasato to approve a request filed by Allen Marine Tours, Inc. to proceed with an application for a Restaurant/Eating Place License Exemption with the Alcohol & Marijuana Control Office for lot 6 Finn Island. The motion PASSED by the following vote.**

**Yes:** 5 - Miyasato, Hunter, Knox, Bean, and Wein

**Absent:** 2 - Eisenbeisz, and Potrzuski

**I**     [ORD 18-43](#)

Making Supplemental Appropriations for Fiscal Year 2018 (*Personnel PERS, Solid Waste Fund Operations, MIS Operations*) 1st reading

No action taken, item moved to September 25.

**J**     [ORD 18-44](#)

Making Supplemental Appropriations for Fiscal Year 2019 (*Legal Department - Legal Fees*) 1st reading

No action taken, item moved to September 25.

**Additional New Business Items**

- K**     [18-170](#)            Approve moving forward with the sale of Lot 23 (Administration Building) at the Gary Paxton Industrial Park by the invitation to bid process  
No action taken, item moved to September 25.
- L**     [18-171](#)            Approve the proposed adjustments to the Gary Paxton Industrial Park Port Tariff Fee Schedule (Port Tariff #3)  
No action taken, item moved to September 25.
- O**     [18-165](#)            Decision on whether to allow sales tax free day(s) following the Thanksgiving holiday and set date(s)  
No action taken, item moved to September 25.

**XIII.    PERSONS TO BE HEARD:**

None.

**XIV.    EXECUTIVE SESSION**

None.

**XV.    ADJOURNMENT**

A motion was made by Knox to ADJOURN. Hearing no objections, the meeting adjourned at 11:05pm.

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

Sara Peterson, MMC  
Municipal Clerk