

CONSENT AGENDA

POSSIBLE MOTION

**I MOVE TO APPROVE THE CONSENT AGENDA
CONSISTING OF ITEMS A, B, C & D**

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
March 5, 10, 13, 16, and 24
Assembly meetings.



CITY AND BOROUGH OF SITKA

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

Minutes - Draft

City and Borough Assembly

*Mayor Gary Paxton
Deputy Mayor Steven Eisenbeisz,
Vice Deputy Mayor Kevin Mosher,
Kevin Knox, Dr. Richard Wein, Valorie Nelson, Thor Christianson*

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

Thursday, March 5, 2020

6:00 PM

Assembly Chambers

SPECIAL MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Present: 6 - Christianson, Knox, Wein, Paxton, Mosher, and Nelson

Absent: 1 - Eisenbeisz

IV. PERSONS TO BE HEARD

None.

V. NEW BUSINESS:

A 20-057

Discussion / Direction / Decision for the FY2021 Municipal Budget with focus on the General Fund

Controller Melissa Haley reviewed the process to date and presented on the General Fund. Haley spoke to available resources to fund general governmental operations and infrastructure repairs, trends in federal and state funding, and noted reduced state and federal funding meant more reliance on local revenue streams. Haley reminded staff was directed to keep services/staffing at the same level with the following exceptions: salary for Library Director increased, Assistant Controller position for succession planning for one year, Community Affairs Director position budgeted, no funding for lobbyists, no rehire of vacant Engineer position, subsidy to Electric Fund to cover USDA loan for Green Lake, and signing bonuses for police officers not budgeted.

A motion was made by Mosher to fund lobbyists Larry Markley (\$25,000) and Blank Rome (\$120,000) in the FY2021 budget. The motion PASSED by the following vote.

Yes: 4 - Paxton, Christianson, Mosher, and Nelson

No: 2 - Knox and Wein

Absent: 1 - Eisenbeisz

Mosher spoke in support of lobbyist funding reminding the City had only started working with Blank Rome. Wein spoke in support of Blank Rome and wished to see regular updates from the firm. He wondered if this funding request was in addition to the Community Affairs Director position or in place of. Nelson reminded she was initially in support of funding Blank Rome if the Community Affairs Director position were eliminated. Knox spoke to the need for a Community Affairs Director. Christianson suggested it be placed in the budget and reminded of the ability to adjust the budget as needed.

Public Works Engineer Position

Christianson requested the Administrator report back to the Assembly if and when a future adjustment was needed. Wein spoke to temporary employees and overtime amounts in the budget.

Signing Bonuses for Police Department

A motion was made by Christianson to include a total of \$15,000 for Sitka Police Department signing bonuses in the FY2021 budget. The motion PASSED by the following vote.

Yes: 5 - Knox, Paxton, Wein, Mosher, and Christianson

No: 1 - Nelson

Absent: 1 - Eisenbeisz

Nelson voiced opposition and stated there were still problems in the Police Department. Wein said while it was unknown if signing bonuses would attract prospective employees it was a small amount and not unreasonable. Mosher concurred. Paxton spoke in support noting the shortage of officers on a local, state, and nationwide level. Knox said it was a small token on an issue that would be need to be addressed in multiple ways.

Haley continued with the remainder of the presentation. She told of government services expenses and factors impacting those expenses - e.g. health insurance rates, implementation of the Building Maintenance Fund, PERS, and a temporary increase in Finance FTE. Haley spoke to local funding for education and school building depreciation, school bond debt service, and reminded no funding was secured for future school building renovations. Knox proposed the idea of creating a sinking fund for school building maintenance.

Capital project funding was discussed with specific attention to the Peterson Storm Sewer Rehabilitation Project, Knutson Drive Critical Repairs, Katlian Avenue Paving Project, and Crescent Harbor Restrooms. Public Works Director Michael Harmon answered questions related to each project.

Wein complimented staff on the presentation and suggested it would be helpful for department heads to write a paragraph explaining their budget and any differences.

VI. PERSONS TO BE HEARD:

None.

VII. EXECUTIVE SESSION

None.

VIII. ADJOURNMENT

A motion was made by Nelson to ADJOURN. Hearing no objections, the meeting ADJOURNED at 7:42 p.m.

ATTEST: _____

Sara Peterson, MMC
Municipal Clerk



CITY AND BOROUGH OF SITKA

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

Minutes - Draft

City and Borough Assembly

Mayor Gary Paxton
Deputy Mayor Steven Eisenbeisz,
Vice Deputy Mayor Kevin Mosher,
Kevin Knox, Dr. Richard Wein, Valorie Nelson, Thor Christianson

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

Tuesday, March 10, 2020

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Mayor Paxton expressed best wishes and prayers to the Allen family.

Present: 6 - Christianson, Eisenbeisz, Knox, Wein, Paxton, and Mosher

Absent: 1 - Nelson

IV. CORRESPONDENCE/AGENDA CHANGES

No agenda changes.

20-068 Reminders, Calendars, and General Correspondence

V. CEREMONIAL MATTERS

20-061 Awards - Sitka High School Drama, Debate, and Forensics Team

Mayor Paxton and Municipal Administrator John Leach presented certificates to the the Sitka High School Drama, Debate, and Forensics students and coaches.

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

20-062 SEARHC President Charles Clement: Sitka's Integrated Health Care System

- 6 Month Report

SEARHC President Charles Clement gave a six month report on Sitka's Integrated Health Care System. He noted the committed high quality of care, increase access and satisfaction, striving to be Sitka's employer of choice, and to be a financially sustainable system that would continue to look into the future. Some Assembly members made comments and asked questions.

VII. PERSONS TO BE HEARD

Michelle Putz President of the Sitka Community Land Trust told of the housing fair and open house recently held and encouraged the Assembly to support affordable housing. Connor Nelson told of a PUD at the Burkhardt subdivision with regards to a pocket park that was removed for affordable housing. Michael Mayo gave suggestions with regards to the COVID-19 virus. Richard Wein told of the complications with the COVID-19 virus in Sitka and reminded of where to find information.

VIII. REPORTS

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

Administrator - Leach reported on meetings and mitigation the city was involved in with regards to the COVID-19 virus. He stated he was 8 days on the job and had been busy. He reported interviews would be held soon for Human Resources Director and Fire Chief and there was a visiting Utility Director applicant. He told of the offer by the State Department of Transportation of possible ferry service with costs and capacity asking if there was interest in this service to contact city hall.

Attorney - Hanson reported on various legal department priorities.

Liaison Representatives - Knox reported on Parks and Recreation Committee, Wein on the Planning Commission and Local Emergency Planning Committee.

Clerk - Henshaw reminded of online participation in the 2020 Census and the City Seal contest remained open until March 31 at 4:00 p.m.

IX. CONSENT AGENDA

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

Yes: 6 - Christianson, Eisenbeisz, Knox, Wein, Paxton, and Mosher

Absent: 1 - Nelson

A 20-060 Approve the minutes of the February 20 and February 25 Assembly meetings
This item was APPROVED ON THE CONSENT AGENDA.

B 20-059 Approve a liquor license renewal application for Beak LLC dba Beak Restaurant at 2 Lincoln Street, Suite 1A
This item was APPROVED ON THE CONSENT AGENDA.

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

C 20-063 Reappoint Nicole Filipek to a three-year term on the Library Commission

Wein thanked Filipek for reapplying.

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

Yes: 6 - Christianson, Eisenbeisz, Knox, Wein, Paxton, and Mosher

Absent: 1 - Nelson

D 20-064 Appoint Nalani Natise-Durden James to an unexpired term on the Library Commission

A motion was made by Knox that this item be APPROVED. The motion PASSED by the following vote.

Yes: 6 - Christianson, Eisenbeisz, Knox, Wein, Paxton, and Mosher

Absent: 1 - Nelson

E 20-067 Appoint Jennifer Klejka to a three-year term on the Local Emergency Planning Committee under Category 2 (Law Enforcement, Civil Defense, Fire Fighting, First Aid, Local Evnt/Hospital, and Transportation Personnel)

Wein told of Klejka's history of attendance in meetings and was thankful she was applying to be a member.

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

Yes: 6 - Christianson, Eisenbeisz, Knox, Wein, Paxton, and Mosher

Absent: 1 - Nelson

XI. UNFINISHED BUSINESS:

F ORD 20-02S(A) Amending Title 6 "Business Licenses And Regulations", Title 19 "Building and Construction", and Title 22 "Zoning" of the Sitka General Code by modifying Chapter 6.12 "Mobile and Manufactured Homes and Mobile and Manufactured Home Parks", Chapter 19.09 "Residential Code", Chapter 22.08 "Definitions", Chapter 22.16 "District Regulations", Chapter 22.24 "Special Use Permits" and adding Sections 6.12.205 "Construction Requirements For Tiny Houses and Tiny Houses On Chassis", Section 22.08.798 "Tiny House", and Section 22.08.799 "Tiny Houses On Chassis" *(2nd and final reading)*

Wein noted that adjustments could be made in the future if need be. He stated he would like to see a quarterly report from the Planning Department.

Helen Craig told of complications with tiny homes and suggested more investigation prior to voting.

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

Yes: 6 - Christianson, Eisenbeisz, Knox, Wein, Paxton, and Mosher

Absent: 1 - Nelson

XII. NEW BUSINESS:

New Business First Reading

G ORD 20-07 Making supplemental appropriations for Fiscal Year 2020 (Sitka Police Department Legal Expenses)

Municipal Attorney Brian Hanson suggested executive session. Mosher confirmed bills were already incurred. Wein noted the importance of process and would like to hear additional information. Hanson noted incurred defense costs with reasons to not disclose with the litigation that was in process.

A motion was made by Knox to go into executive session to discuss legal matters with the Municipal Attorney affecting the municipality regarding the Sitka Police Department lawsuits and the related defense costs, matters the immediate knowledge of which would adversely affect the finances of the municipality. The motion PASSED by the following vote.

Yes: 6 - Christianson, Eisenbeisz, Knox, Wein, Paxton, and Mosher

Absent: 1 - Nelson

The Assembly was in executive session from 7:07 to 7:18 p.m.

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

A motion was made by Knox that this ordinance be APPROVED ON FIRST READING. The motion PASSED by the following vote.

Yes: 5 - Christianson, Eisenbeisz, Knox, Paxton, and Mosher

No: 1 - Wein

Absent: 1 - Nelson

H ORD 20-08 Making supplemental appropriations for Fiscal Year 2020 (Crescent Harbor Lightering Float Repairs)

Wein was not in support and told of concern for tender dock repair. He stated he supported it in principal but does not support policy for how the bids were sought. He said procurement was important as a fair process in order to get the best bid and wondered why this had not been put through the bid website. Municipal Administrator John Leach told of advertising and the procurement process. He noted the assessment report which estimated the total repair of \$240,000 however, staff went through the costs for what was necessary, what could be deferred, as well as unnecessary repairs. He stated if expanded it would cost more and create more staff time. Harbormaster

Stan Eliason stated he followed the procedures as outlined in the procurement policy. He noted the need for these repairs in FY2020 rather than waiting until FY2021 and preferred to have the work done prior to the first tender that would use the dock noting it was for repairs and maintenance. Eliason estimated the revenue at \$35,000 yearly in tender fees collected. He relayed the process had three responses. Eisenbeisz had concerns of a maintaining facilities that do not generate revenue. Mosher was in support and suggested the procurement policy be reviewed. Municipal Attorney Brian Hanson noted that procurement process and policy needed to be looked at but in the meantime RFP's and contracts needed to go out. Knox clarified that some of the repair work would be done by harbor department staff. Knox stated the process was followed.

A motion was made by Christianson that this ordinance be APPROVED ON FIRST READING. The motion PASSED by the following vote.

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

No: 2 - Eisenbeisz, and Wein

Absent: 1 - Nelson

I ORD 20-09

Amending Title 22 "Zoning" of the Sitka General Code by modifying Chapter 22.08 "Definitions" and Chapter 22.16 "District Regulations", and adding Section 22.08.162 "Bulk Retail"

Planning Director Amy Ainslie stated code lacked a definition of bulk retail and was not allowed in an industrial zone. She felt bulk retail was a natural extension of retail which was allowed in most industrial zoning. She stated it would be allowed as a conditional use to avoid over saturation of retail in the industrial zone. Ainslie relayed that it was reviewed by the Planning Commission and had passed unanimously.

Wein believed that by enhancing economic diversity, it allowed for a cheaper and better product. He felt the changes were appropriate. Eisenbeisz wondered if the business license was issued to this business prior to. Ainslie noted that the State of Alaska required business license, not the city however, it was found that it was unallowable through the filing of the sales tax account. She stated that enforcement would not be pursued while going through the code change process. Eisenbeisz was in support of the definition, however had concerns with allowing the business to operate without proper approval first as it set a bad presendence. Christinason was in support, felt that it was easy for this situation to occur, and that everyone was working in good faith.

A motion was made by Knox that this ordinance be APPROVED ON FIRST READING. The motion PASSED by the following vote.

Yes: 6 - Christianson, Eisenbeisz, Knox, Wein, Paxton, and Mosher

Absent: 1 - Nelson

Additional New Business Items

J 20-058

Discussion / Direction of the City and Borough of Sitka's response to climate change and next steps

Municipal Administrator John Leach explained the intent of this discussion was a high overview of the item, and stated it was not meant to form or create a resolution. He told of possible resolution options: 2008 forming the Climate Action Task Force, one from high school students, and another drafted by Assembly member Nelson. He stated he was looking for guidance.

Mosher said he read the resolutions, was in support of both, and did not want to put more burden on staff. He was in support of creating a task force with members of the public to make recommendations to the Assembly. Mayor Paxton stated he had met with high school students who wrote a resolution and noted the similarities between that and the one drafted by Nelson. He was in support of creating a climate task force. Christianson said he liked the resolution that came before the body previously. He had concerns with recreating the task force, felt there were things the city could enact and save money while reducing the carbon footprint. Eisenbeisz would like a resolution that took action. He thought that the Assembly could task current boards, committees, and commissions to vet ideas to mitigate climate change and increase the sustainability of Sitka. He stated these resident experts were underutilized, and thought this the perfect opportunity for them in which they could report back within a timeframe. Knox reminded what the Administrator was looking for stating it was through sponsors not through administration. He noted Nelson's resolution needed a co-sponsor and then it could be brought forward. Wein felt the task force should be reactivated. Mosher would be willing to co-sponsor Nelson's resolution for the next regular meeting. Christianson felt the task force would be more community related, but that the Assembly could only control what the city does.

Mel Gibson spoke in support of accountability for mitigating impacts of climate change, start a task force for a resolution to factor climate change into policy, and have coordinated state interaction. Darby Osborne spoke as a member of Youth for Sustainable Futures that a student voice was needed on the task force. Dave Nichol recommended joining the go100 percent.org movement to aim to lower the carbon footprint. Scott Saline stated that the dam was supposed to allow for electric cop cars and gave suggestions for the task force with regards to BTU's. Cora Dow member of Youth for Sustainable Futures thanked the Assembly for the conversation and encouraged them to continue moving forward with committing to action by mitigating the impacts of climate change. Andrew Thoms Director of the Sitka Conservation Society was in support of creating a task force and relayed state and federal government information. Juel Fowler was in support of a climate change task force and would like to have youths included.

K 20-065

Approve a Request for Proposal for the construction and operation of a marine haul out and shipyard at the Gary Paxton Industrial Park

Municipal Administrator John Leach gave history that the RFP was drafted, had gone through the Gary Paxton Industrial Park (GPIP) Board of Directors which created a change and questions. He felt it needed to be vetted through the Assembly again. He stated the need to incentivize building a haulout to be up and running by next summer. GPIP Director Garry White agreed.

Jeff Farvour gave ideas of improvement for the RFP. He recommended the city take a bigger ownership stake and encouraged the development of a master plan. Michael Nurco suggested leasing the land.

Christianson pointed out negotiation was needed, agreed with leasing the property, and felt the RFP needed to go out now. Wein stated the city needed to be the tip of the spear on this and to begin to develop a master plan. He felt there was wasted time on the RFP. He noted the proposals were costly and felt negotiation would lead a developer to come in. He spoke to how valuable the land was. Mosher agreed with Christianson that the RFP needed to go out, to lease not sell the property, and that there was room for negotiation.

A motion was made by Christianson to approve a Request for Proposal for the construction and operation of a marine haul out and shipyard at the Gary Paxton Industrial Park by the following vote.

Yes: 5 - Christianson, Eisenbeisz, Knox, Paxton, and Mosher

No: 1 - Wein

Absent: 1 - Nelson

XIII. PERSONS TO BE HEARD:

None.

XIV. EXECUTIVE SESSION

L 20-066

Legal / Financial Matters: SCH / SEARHC Affiliation - U.S. Office of Inspector General Liability

A motion was made by Knox to go into executive session* to discuss communications with the Municipal Attorney and Chief Finance and Administrative Officer Jay Sweeney to discuss a legal matter affecting the municipality regarding the Sitka Community Hospital / SEARHC affiliation and the related settlement of CBS' self-disclosure to the U.S. Office of Inspector General, matters the immediate knowledge of which would adversely affect the finances of the municipality. The motion PASSED by unanimous voice vote.

The Assembly was in executive session from 8:29 to 9:15 p.m.

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

A motion was made by Christianson to approve an advance of escrow funds from the General Fund to Sitka Community Hospital Dedicated Fund to be repaid from future revenues, direct the administrator to expend escrow funds from Sitka Community Hospital Dedicated Fund to settle OIG Stark / Anit Kickback / liability, and direct the Administrator to sign the settlement agreement. The motion PASSED by the following vote.

Yes: 5- Christianson, Eisenbeisz, Knox, Paxton, and Mosher

No: 1- Wein

Absent: 1- Nelson

Municipal Administrator John Leach read the following statement:

Approval and authority to sign the Settlement Agreement with OIG has been obtained from the Assembly;

* For the Stark / AKB liability

* For Physician compensation violations

* Amount of \$4.125 Million

* Paid from City funded Escrow Account established in APA with corpus of \$4.5 Million

* Liability stems from SCH overcompensating physicians in violation of Stark / AKB

laws

SEARHC has cooperated, collaborated, and consented to the release of the \$4.125 Million from the City Funded Escrow Account to the OIG as required by the Settlement Agreement and in accordance with the APA.

CBS staff will continue to work with SEARHC by providing written assurances and plans which implement the Settlement Agreement as required and contemplated by the APA.

Remember, the Escrow account was intended to provide for all liabilities which CBS has retained and is obligated to pay under the APA. If there is a shortfall in escrow funds, which we believe is very unlikely, CBS is obligated to appropriate and pay that short fall.

We are confident we'll be able to continue to successfully collaborate with SEARHC in implementing the APA.

XV. ADJOURNMENT

A motion was made by Christianson to ADJOURN. Hearing no objections, the meeting ADJOURNED at 9:20 p.m.

ATTEST: _____
Melissa Henshaw, CMC
Deputy Clerk



CITY AND BOROUGH OF SITKA

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

Minutes - Draft

City and Borough Assembly

Mayor Gary Paxton
Deputy Mayor Steven Eisenbeisz,
Vice Deputy Mayor Kevin Mosher,
Kevin Knox, Dr. Richard Wein, Valorie Nelson, Thor Christianson

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

Friday, March 13, 2020

3:00 PM

Assembly Chambers

SPECIAL MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Present: 6 - Christianson, Eisenbeisz, Knox, Wein, Paxton, and Mosher

Telephonic: 1 - Nelson

IV. CORRESPONDENCE/AGENDA CHANGES

None.

XII. NEW BUSINESS:

A 20-070

Overview from the Municipal Administrator of plans and procedures in place for COVID-19

Administrator John Leach provided an overview of CBS preparedness. He noted one case had been confirmed in Anchorage and there were no known cases in Sitka. Leach stated the Emergency Operations Center had been opened, city offices would remain open, large events at Harrigan Centennial Hall would be canceled, and requested staff limit travel to only essential travel. He reminded citizens to stay informed and follow the guidance of the Centers for Disease Control and Prevention, the World Health Organization, and the Alaska Department of Health and Social Services.

SEARHC Vice President and Chief Medical Officer Dr. Elliot Bruhl addressed the Assembly. He shared SEARHC had been working for the last month to ensure the organization was prepared for whatever challenges COVID-19 presented and was confident the organization was prepared to care for the communities it serves. In addition, he reviewed the screening and testing processes and reminded the screening

process had changed over time. Testing was limited, however, increased numbers of testing kits were anticipated. Bruhl shared a drive-thru testing area would soon be available although reminded there would be rigid screening criteria. Bruhl reinforced the importance of social distancing and staying at home when sick.

Assembly members asked questions related to testing availability, staff safety, availability of ICU beds, availability of personal protective equipment, and the policies in place for allowing employees to work from home.

The following provided updates on their plans and response to the COVID-19 pandemic: Sitka School District, Mt. Edgecumbe High School, Sitka Tribe of Alaska, Chamber of Commerce/Visit Sitka, Sitka Fire Department, and EMS.

XIII. PERSONS TO BE HEARD:

Visit Sitka Director Laurie Booyse told of Canada's travel ban, the affects on the cruise industry, and reminded community members to shop local.

Father Dwight Hoeberechts of St. Gregory's Catholic Church assured parishoners the church was open and services were scheduled.

Keith Nyitray spoke to the need to use Harrigan Centennial Hall for distribution of food through the Sitka Co-Op.

XIV. EXECUTIVE SESSION

None.

XV. ADJOURNMENT

A motion was made by Mosher to ADJOURN. Hearing no objection, the meeting ADJOURNED at 4:15 p.m.

ATTEST: _____
Sara Peterson, MMC
Municipal Clerk



CITY AND BOROUGH OF SITKA

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

Minutes - Draft

City and Borough Assembly

Mayor Gary Paxton
Deputy Mayor Steven Eisenbeisz,
Vice Deputy Mayor Kevin Mosher,
Kevin Knox, Dr. Richard Wein, Valorie Nelson, Thor Christianson

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

Monday, March 16, 2020

6:00 PM

Assembly Chambers

EMERGENCY MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Present: 6 - Christianson, Eisenbeisz, Knox, Wein, Paxton, and Mosher

Telephonic: 1 - Nelson

IV. NEW BUSINESS:

A RES 20-05 Continuing the Declaration by the Municipal Administrator of a Local Disaster Emergency in response to COVID-19 and a request for State and Federal assistance

Municipal Administrator John Leach stated on March 15 he had declared a local disaster emergency and asked SEARHC Vice President and Chief Medical Officer Dr. Elliot Bruhl to provide an update. Bruhl urged Alaskans to comply with the State of Alaska Health Alert regarding travel. Bruhl noted SEARHC continued efforts to limit entry to its facilities for the safety of patients and staff, was conducting staff drills to ensure staff was familiar with personal protective equipment, and was encouraging staff to stay home if ill. He noted there was an increase in supplies, shared the number for the SEARHC hotline, and nurse advice line. Bruhl said SEARHC was participating in the unified command structure with CBS and EMS. He reminded citizens of their part in this response - cooperate with public health requests, wash hands often, cover coughs and sneezes, maintain social distancing, have extra prescriptions, a 14 day food supply, take care of each other, and be kind to each other.

Leach stated the Unified Command was meeting once a week to ensure efforts were aligned. He stated city offices were closed March 16 except for essential governmental functions. He reminded cooperation from the community was essential in helping to

flatten the curve.

Wein reminded someone could be asymptomatic but still be a vector for the disease and urged compliance with basic public health rules. Nelson cautioned folks to refrain from overreacting. Christianson, referring to calls and emails he had received and reminded the city could not declare martial law. Knox reminded the City did not have the authority to shut down the airport, the building could be closed but planes would still come.

Discussion of the resolution at hand ensued. Wein and Nelson voiced concern over the stated time length of the emergency, November 24 and suggested it be shortened.

A motion was made by Wein to AMEND the resolution to be in effect for 60 days and then bring back to the body for further consideration. The amendment FAILED by the following vote.

Yes: 2 - Wein and Nelson

No: 5 - Knox, Paxton, Mosher, Christianson, and Eisenbeisz

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

Yes: 7 - Christianson, Eisenbeisz, Knox, Wein, Paxton, Mosher, and Nelson

B ORD 20-10

An Emergency Ordinance of the City and Borough of Sitka making a supplemental appropriation to the FY2020 budget per Section 11.10(a) of the Home Rule Charter of the City and Borough of Sitka

It was reminded Section 3.03 of the Home Rule Charter required the affirmative votes of at least five assembly members for adoption of an emergency ordinance.

Eisenbeisz understood the appropriation for additional personnel however wondered of the explanation of supplies. Municipal Administrator John Leach stated the ordinance was a best guess and that overtime wages may need to be paid, help may be needed with public relations, emergency supplies, and contract services. He states the \$500,000 appropriation would come from the \$2 million emergency reserve fund in the General Fund. Wein requested a further breakdown of costs. Leach reiterated the numbers were an estimate, the city would be prudent in its spending, and would look for state and federal funding sources. Nelson spoke in opposition without having an opportunity to assess needs. Mosher expressed confidence in Leach and believed Leach would be prudent with the funds.

A motion was made by Knox that this Emergency Ordinance be APPROVED on FIRST READING. The motion PASSED by the following vote. * Note: Re-enactment/Second Reading pre-scheduled for 5/12/2020 to address and extend the 61-day expiration to the end of the Fiscal Year budget June 30, 2020.

Yes: 6 - Christianson, Eisenbeisz, Knox, Wein, Paxton, and Mosher

No: 1 - Nelson

V. PERSONS TO BE HEARD:

Gayle Young of the Sitka Homeless Coalition expressed concern that all public restrooms were closed in the downtown area.

Charles Hart spoke to the homeless population and those who would be financially impacted and possibly need to close their businesses.

Keith Nyitray of the Sitka Food Co-Op urged the City to create a program for Sitkans to collaborate and provide food.

Assembly Member Mosher reminded everyone was concerned of the economic impacts and hoped the lobbyists were exploring options for Sitka. Assembly Member Christianson reminded of small business administration loans available.

VI. EXECUTIVE SESSION

None.

VII. ADJOURNMENT

A motion was made by Christianson to ADJOURN. Hearing no objections, the meeting ADJOURNED at 7:02 p.m.

ATTEST: _____
Sara Peterson, MMC
Municipal Clerk



CITY AND BOROUGH OF SITKA

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

Minutes - Draft

City and Borough Assembly

Mayor Gary Paxton
Deputy Mayor Steven Eisenbeisz,
Vice Deputy Mayor Kevin Mosher,
Kevin Knox, Dr. Richard Wein, Valorie Nelson, Thor Christianson

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

Tuesday, March 24, 2020

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Members participated by videoconference.

Telephonic: 7 - Christianson, Eisenbeisz, Knox, Wein, Paxton, Mosher, and Nelson

IV. CORRESPONDENCE/AGENDA CHANGES

No agenda changes.

20-075 Reminders, Calendars, and General Correspondence

V. CEREMONIAL MATTERS

None.

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

School Board Vice Chair Amy Morrison reported on the Sitka School District. She stated that Governor Dunleavy had closed all schools and extracurricular activities in Alaska through May 1. She told that staff was preparing a way to offer online delivery to students. She reminded that staff was distributing breakfast and lunch available for pick up and told of other resources for students and families.

VII. PERSONS TO BE HEARD

Municipal Clerk Sara Peterson read into the record public comment from Ben Lawrie of his concerns and disappointment in the lack of action to prevent the spread of the COVID-19 virus. He felt Sitka should have been leading other communities and that education could and would help. He informed when he submitted his comments, the phone call received by Municipal Administrator John Leach, and noted the use of a shared printer in which comments may be intercepted.

Fire Chief Dave Miller thanked municipal staff and staff at the Emergency Operations Center. He stated that locking/shutting down the airport was not a legal option. He thanked all of the businesses in town that were taking precautions and gave suggestions to prevent the spread of COVID-19.

Executive Director for Center for Community Bryan O'Callaghan told of the services for the demographic most susceptible to COVID-19 and of the federal laws implemented for the Center for Community.

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

Mayor - Paxton thanked the organizations that were helping Sitkans in need. He thanked the leadership of the EOC and urged citizens to do their part and take precautions with regards to the COVID-19 virus.

Administrator - Leach told of the shelter in place that was implemented and that the decision was not made easily. He reported on the first meeting with SEDA for the Economic Resiliency Task Force today. He thanked staff especially IT Director Grant Turner, those that were doing their part in stopping the spread of the virus, the non-profits, and volunteers.

Liaison Representatives - Wein reported on the Local Emergency Planning Commission meeting from March 12, 2020 and the Health Needs and Human Services Commission meeting. Knox reported on the Port and Harbors meeting.

Clerk - Peterson reminded of the 2020 Census being conducted and online option.

IX. CONSENT AGENDA

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

Yes: 7 - Christianson, Eisenbeisz, Knox, Wein, Paxton, Mosher, and Nelson

A 20-071 Approve a liquor license renewal application for American Legion Post #13 at 205 Lincoln Street

This item was APPROVED ON THE CONSENT AGENDA.

B 20-072 Approve 1) a transfer of controlling interest application for Northern Lights Indoor Gardens Retail Marijuana Store at 1321 Sawmill Creek Road Suites N, O, and P, and 2) a transfer of controlling interest application for Northern

Lights Indoor Gardens Standard Marijuana Cultivation Facility at 1321 Sawmill Creek Road Suites M, N, O, and P

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

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

- C 20-073** Appointments: 1) Reappoint George D. Bennett Jr. to a three-year term on the Local Emergency Planning Committee in the category of 2 - Law Enforcement, Civil Defense, Fire Fighting, First Aid, Local Env't/Hospital, and Transportation Personnel, and, 2) Appoint Robert Hattle to a three-year term on the Local Emergency Planning Committee in the category of 6 - Members of the Public, and, 3) Appoint Mim McConnell to a three-year term on the Local Emergency Planning Committee in the category of 4 - Community Groups

Christianson and Knox thanked the applicants.

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

Yes: 7 - Christianson, Eisenbeisz, Knox, Wein, Paxton, Mosher, and Nelson

XI. UNFINISHED BUSINESS:

- D ORD 20-07** Making supplemental appropriations for Fiscal Year 2020 (Sitka Police Department Legal Expenses)

Wein was not in support and suggested to look for a different firm to represent the city. Christianson felt there was no choice but to pay. Nelson was not in support.

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, Eisenbeisz, Knox, Paxton, and Mosher

No: 2 - Wein, and Nelson

- E ORD 20-08** Making supplemental appropriations for Fiscal Year 2020 (Crescent Harbor Lightering Float Repairs)

Christianson felt that the repairs should be postponed and wondered if these were necessary in the light of the (COVID-19) situation and the upcoming season. Municipal Administrator John Leach commented that code was followed in the bid process. Mosher was in support but felt the process should be reviewed. Wein noted his questions raised previously and stated just because the project could be done didn't mean it should be. He suggested considering city talent and skills first and encouraged support of local vendors. Eisenbeisz was in support of maintenance of facilities, however in light of the (COVID-19) situation, he did not feel the repairs were life safety and he had concerns with funding. Paxton agreed that the procurement process needed to be improved. Nelson was not in support and told of complications with the procurement process. Leach agreed that there was room for improvement with the procurement process. He noted if and/or when federal or state monies for recovery came in for reimbursement through grants and loans, there may be restrictions on how they were bid out and that should be taken into consideration.

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

No: 7 - Christianson, Eisenbeisz, Knox, Wein, Paxton, Mosher, and Nelson

F ORD 20-09

Amending Title 22 "Zoning" of the Sitka General Code by modifying Chapter 22.08 "Definitions" and Chapter 22.16 "District Regulations", and adding Section 22.08.162 "Bulk Retail"

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

Yes: 7 - Christianson, Eisenbeisz, Knox, Wein, Paxton, Mosher, and Nelson

XII. NEW BUSINESS:

G 20-074

Approve employee benefits that may vary from those set out in Section 6.14 of the City and Borough of Sitka Personnel Policies Handbook; specifically authorizing and ratifying up to 14 days of paid administrative leave per the Municipal Administrator's flowchart in response to COVID-19 essential operations

Christianson was in support of the two weeks paid administrative leave and didn't feel it would change the budget. He thought it would help the economy. Wein stated the fiscal note did not state the cost and how many employees were involved. He wondered what would happen after the 14 days and the trajectory of administrative staff. He was in support but felt that more information was needed. Nelson had concerns of the Permanent Fund but stated she was in support in the short-term. Municipal Administrator John Leach stated the cost would not be over the FTE budgeted amount. He noted that administrative leave was the last resort. Municipal Attorney Brian Hanson noted that if the administrative leave would go beyond the 14 days, it would need to come back before the Assembly. Mosher stated he could support the benefits for two weeks.

A motion was made by Christianson to approve employee benefits that may vary from those set out in Section 6.14 of the City and Borough of Sitka Personnel Policies Handbook; specifically authorizing and ratifying up to 14 days of paid administrative leave per the Municipal Administrator's flowchart in response to COVID-19 essential operations. The motion PASSED by the following vote.

Yes: 7 - Christianson, Eisenbeisz, Knox, Wein, Paxton, Mosher, and Nelson

H RES 20-06

Ordering people in the City and Borough of Sitka hunker down related to COVID-19

Executive Director of Center for Community Bryan O'Callaghan implored the Assembly to include in home or home based services. He noted that the services they offered

were not critical services nor were they medical providers, but it kept those most at risk in their own homes and out of institutions as long as possible.

Christianson clarified that the resolution did include home based services. He was in support and said that this was similar to the state's recommendation. He was hoping for an outcome of no confirmed cases. He noted the need to keep from spreading the virus and continue distancing. Nelson had concerns with the pressure to react, the lack of public notice, and cutting off every person that was trying to survive economically. Wein felt the resolution was not new, was basic public health, and not mandatory. Wein stated it economically bifurcating and that it was necessary to recognize the economic issues. Paxton agreed. Knox felt that by bringing this forward it was echoing the need to practice public health and to take it seriously. Mosher pointed out the April 14 end date. Eisenbeisz felt that the resolution followed what the Administrator and the EOC recommendations were with better definition and detail; it gave guidelines and a grievance process.

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

Yes: 6 - Christianson, Eisenbeisz, Knox, Wein, Paxton, and Mosher

No: 1 - Nelson

I 20-076

Discussion / Direction for Assembly communication with the Municipal Administrator and Municipal Attorney to discuss response powers of the Municipal Administrator during emergency declaration and clarification of items in the "shelter in place" news release

Municipal Administrator John Leach stated he would like an open dialogue for the following topics: airport closure, mandatory screening at the airport, definition of essential versus non-essential business, and mandatory quarantine and enforcement. Knox also suggested how to alleviate the stress that citizens were under with utility bills and late fees. Eisenbeisz stated he was working on the topic of foregoing late fees, penalties, interest, and disconnects for a period time until the state of emergency is over. Mosher agreed with giving a break but advised that it should be a case-by-case basis. He stated he would like to help those in need, but that there was also a fiscal responsibility with regards to bond debt. Paxton agreed on the as needed basis. Wein told of the difficulties with screening for COVID-19 and lack of ability to be able to screen using fast tests and stated the best thing was to shelter at home. He stated that the budget needed to be considered and how to deal with shortfall. Nelson gave kudos to the Municipal Administrator for managing the emergency. She felt she was informed and thanked Leach and Dave Miller. She wondered how to reach out to those that don't have internet. Paxton and Christianson thanked staff, SEARHC, and volunteers.

Municipal Attorney Brian Hanson stated with regards to fiscal matters, the Administrator had authority under the emergency declaration, code, and statutes to make decisions in the fiscal arena that affected the health and safety of the citizens e.g., electric disconnection or collection actions. He told on the issue of waiving penalties and interest that he felt it was premature at this point but that staff should assess those and determine if it fit within the Administrator's power, and if it didn't fit it would come before the Assembly. He pointed out the hunker down resolution should be compared with what the Governor had required of the mandatory quarantine for 14 day after travel which was enforceable for criminal charges.

Leach stated that the city owned the airport building, but that the city did not own the

airport itself. Wein noted that Alaska Airlines had cut flights and felt they would be responsible for the reduction in passenger flow.

XIII. PERSONS TO BE HEARD:

Executive Director Byran O'Callaghan thanked the Assembly for not dithering.

XIV. EXECUTIVE SESSION

None.

XV. ADJOURNMENT

A motion was made by Mosher to ADJOURN. Hearing no objections, the meeting ADJOURNED at 7:33 p.m.

ATTEST: _____
Melissa Henshaw, CMC
Deputy Clerk