

CONSENT AGENDA

POSSIBLE MOTION

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

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
October 8 Assembly meeting.



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 Valorie Nelson,
Aaron Bean, Kevin Knox, Dr. Richard Wein, Kevin Mosher

Interim Municipal Administrator: Michael Harmon
Municipal Attorney: Brian Hanson
Municipal Clerk: Sara Peterson

Tuesday, October 8, 2019

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Outgoing Assembly members Bean and Knox were to preside through Unfinished Business. Assembly members Knox (re-elected) and Christianson were sworn in at the beginning of New Business and presided through the remainder of the meeting.

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

Absent: 1 - Bean

IV. CORRESPONDENCE/AGENDA CHANGES

19-229 Reminders, Calendar, and General Correspondence

No agenda changes.

V. CEREMONIAL MATTERS

19-216 Ceremonial: 1) Proclamation - Indigenous Peoples' Day, and, 2) Service Award - Woody Widmark

Mayor Paxton read and presented a proclamation for Indigenous Peoples' Day to Sitka Tribe of Alaska General Manager Lisa Gassman.

Mayor Paxton read and presented an award to Woody Widmark for his years of service on the Parks and Recreation Commission.

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

None.

VII. PERSONS TO BE HEARD

None.

VIII. REPORTS

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

Interim Administrator - Harmon thanked staff for their support while serving as Interim Administrator. He provided updates on the Wastewater Treatment Plant project, Critical Secondary Water project, the recruitment for a Planning Director and Human Resources Director, and told of the new traffic pattern for DeGroff Street.

Attorney - Hanson reported on his work product and noted he would be on vacation October 8 through October 16.

Liaison Representatives - Knox provided an update on the Parks and Recreation Committee meeting, Wein spoke to the Library Commission, and Mosher reported on his attendance at the School Board meeting.

Clerk - Peterson read through the list of vacancies on Boards and Commissions.

IX. CONSENT AGENDA

A 19-215 Approve the minutes of the September 24 and 27 Assembly meetings

A motion was made by Mosher that this Item be APPROVED. The motion PASSED by unanimous consent.

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

See item H.

XI. UNFINISHED BUSINESS:

B 19-224 Approve the Purchase and Sale Agreement, and related documents, for the utility dock transaction between the City and Borough of Sitka and Hanson Maritime Company (*possible executive session*)

Municipal Attorney Brian Hanson recommended the Assembly go into executive session to discuss the terms of the agreement. Shannon Haugland of the Daily Sitka Sentinel reminded a copy of the agreement had not been made public. Wein, for transparency, wished to hold the discussion in public. He also stressed the importance of having a negotiated product when coming before the Assembly. Mosher preferred to speak to the item in executive session and provide a summary for the public

afterwards. Eisenbeisz wondered what items could not be disclosed in public. Municipal Attorney Hanson clarified while he was aware that Lee Hanson had concerns, he was not aware of the specifics.

A motion was made by Knox to go into executive session with the Municipal Attorney, and outside legal counsel Clay Keene, to discuss communications regarding a legal matter affecting the municipality, specifically the purchase and sale agreement for the utility dock transaction between the City and Borough of Sitka and Hanson Maritime Company, and invite in, if and when ready, Garry White and Lee Hanson. The motion FAILED by the following vote.

Yes: 3 - Knox, Mosher, and Eisenbeisz

No: 3 - Paxton, Wein, and Nelson

Absent: 1- Bean

Non-voting: 1 - Christianson

Eisenbeisz and Nelson suggested postponing the item until there was a better understanding of the issues and noted it was difficult for the Assembly to give guidance without knowing the concerns. Lee Hanson highlighted his concerns with the moorage easement. Outside legal counsel Clay Keene spoke to the reasons for the easement. Keene stated these discussions would typically be part of negotiations as opposed to occurring at the Assembly level. Eisenbeisz questioned the high number of covenant agreements in the document. Wein stated it was important for Lee Hanson to enter the contract knowing he could perform his business. Nelson commented that while the City's interests should be protected, Lee Hanson needed unrestricted access. Municipal Attorney Brian Hanson stated it was his charge to protect the City's interest with regard to the uses on the waterside. He noted selling a piece of property that had CBS tidelands that restricted the potential use on adjacent property; if there were no covenants and restrictions, then there was the possibility those activities may not be able to be properly performed. He added that the drawings in the agreement came with the project and were renderings of possibilities for the future. Lee Hanson clarified the drawing with the cruise ship came from staff. Michael Harmon, Interim Administrator, corrected Lee Hanson and stated all the drawings were commissioned by the Gary Paxton Industrial Park (GPIP) Board of Directors and reminded there had been changes in membership over the years. The GPIP Board had an option to build a marine haulout focused facility or a deepwater port and the Board at the time chose a deepwater port. As members changed on the Board so had the focus which had created confusion. Consensus was for the item to come back after both parties had an opportunity to further negotiate.

C 19-225

Approve the Employment Agreement between the City and Borough of Sitka and John Leach as Municipal Administrator

Nelson noted the lack of information in the packet. Wein didn't feel there was a need for executive session. Municipal Attorney Hanson recommended the employment agreement be discussed in executive session.

A motion was made by Mosher to go into executive session to discuss legal matters affecting the municipality with respect to the employment agreement between the City and Borough of Sitka and John Leach as Municipal Administrator. The motion PASSED by the following vote.

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

No: 2 - Wein and Nelson

Absent: 1 - Bean

Non-voting: 1 - Christianson

The Assembly was in executive session from 7:10 p.m. to 7:45 p.m.

A motion was made by Knox to reconvene in regular session. The motion PASSED by unanimous consent.

A motion was made by Mosher to direct the Municipal Attorney to prepare revisions for the final contract to be approved at the October 22 Assembly meeting. The motion PASSED by the following vote.

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

Absent: 1 - Bean

Non-voting: 1 - Christianson

D 19-217 Approve the Municipal Clerk's Certificate of Election

Municipal Clerk Sara Peterson reviewed the certificate of election noting 2307 ballots were issued, 44 were not counted (not registered, registered elsewhere, not returned, spoiled), for a total number of ballots counted to be 2263. Kevin Knox and Thor Christianson were elected to three-year terms on the Assembly, Paul Rioux to a three-year term on the School Board, and proposition no. 1, prohibiting a retail seller from providing or distributing disposable plastic shopping bags, enacting a fee for alternative bags and establishing a fine schedule for violations, failed.

A motion was made by Nelson to formally accept the Certification of Election for the October 1, 2019 Regular Municipal Election according to the results set forth in the attached election certification prepared by the Municipal Clerk and request that the official tally be included in the minutes as part of the permanent record. The motion PASSED by the following vote.

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

Absent: 1 - Bean

Non-voting: 1 - Christianson

E 19-218 Recognize outgoing Assembly Members - followed by a short recess

Mayor Paxton recognized Aaron Bean for his service.

XII. NEW BUSINESS:

F 19-219 Oath of Office - Newly Elected Officials

Kevin Knox and Thor Christianson were sworn in as Assembly members for three-year terms.

G 19-228 Approve the Assembly Position Subcommittee recommendation from the September 30 meeting regarding the position of Assessor

A motion was made by Mosher to approve the recommendation* of the Assembly Position Subcommittee as outlined in the draft meeting minutes of September 30, 2019 and forward to the Interim Municipal Administrator.

***Recommend to accept Wendy Lawrence's suggestion to continue as Assessor and do so remotely as needed to complete her tax valuations but also afford her the opportunity to contract with the City when this task is done should she so desire. The subcommittee was in support of advertising the position of Assessor, however, they recommended the position not be filled until Wendy Lawrence had solidified her long-term plan.**

The motion PASSED by the following vote.

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

Absent: 1 - Bean

H 19-220 Appoint five members to the SEARHC Sitka Community Health Council: 1) Keith Brady, 2) Mary Ann Hall, 3) David Lam, 4) David Miller, 5) Jay Sweeney, and, 6) Richard Wein

Municipal Clerk Sara Peterson reviewed the SEARHC Sitka Community Health Council Charter.

Knox stated he wished to learn more of Ms. Hall's desire to serve. Wein spoke in support of appointing Dr. Lam.

A motion was made by Mosher to nominate Mary Ann Hall to serve a two-year term on the SEARHC Sitka Community Health Council under the category of former Sitka Community Hospital Board member. The motion PASSED by the following vote.

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

No: 2 - Knox and Eisenbeisz

Absent: 1 - Bean

A motion was made by Mosher to nominate David Lam to serve a three-year term on the SEARHC Sitka Community Health Council under the category of former Sitka Community Hospital Board member. The motion PASSED by the following vote.

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

Absent: 1 - Bean

A motion was made by Mosher to nominate Jay Sweeney to serve a one-year term on the SEARHC Sitka Community Health Council under the category of At-Large. The motion PASSED by the following vote.

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

Absent: 1 - Bean

Maggie Gallin expressed concern over Richard Wein's past history of working at SEARHC and if any disclosures were needed regarding his departure from SEARHC. Wein stated he and SEARHC had signed a non disclosure agreement, however, was happy to speak to it if relieved of any legal liability. He stated he was supportive of the community, had medical expertise, and would be an asset to the Council.

A motion was made by Mosher to nominate Richard Wein to serve a two-year term on the SEARHC Sitka Community Health Council under the category of At-Large. The motion PASSED by the following vote.

Yes: 5 - Paxton, Wein, Nelson, Eisenbeisz, Christianson, and Mosher

No: 1 - Knox

Recused: 1 - Wein

Absent: 1 - Bean

A motion was made by Christianson to nominate David Miller to serve a one-year term on the SEARHC Sitka Community Health Council under the category of At-Large. The motion PASSED by the following vote.

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

Absent: 1 - Bean

- I 19-221** Discussion / Direction on the possibility of Closed Captioning for Assembly meetings
- Mosher stated he had been approached by a citizen who was hearing impaired and had wondered if it was possible for closed captioning to be provided at Assembly meetings. IT Director, Grant Turner, explained the options with varying degrees of cost and effectiveness. To begin with he recommended the text to speech app. Eisenbeisz wondered if closed captioning was available on the local tv channel - Dan Etulain stated it was not. Wein wondered what the ADA requirements were that the City was required to observe for closed captioning. Municipal Attorney Brian Hanson stated he would be prepared with that answer for the October 22 meeting.
- J 19-227** Approve Jeff Wheeler as the Interim Electric Utility Director
- Nelson disclosed Jeff Wheeler was her brother. Wein thanked Wheeler for taking on the responsibility.
- A motion was made by Knox that this Item be APPROVED. The motion PASSED by the following vote.**
- Yes:** 7 - Christianson, Eisenbeisz, Knox, Wein, Paxton, Mosher, and Nelson
- Absent:** 1 - Bean
- K 19-222** Discussion / Direction / Decision on Hugh Bevan as a long-term Interim Administrator

Christianson, Nelson, and Wein spoke in support of Bevan. Knox invited Bevan to share his ideas of what the next six months would look like. Bevan stated he hoped to create a well organized soft landing for Leach. He spoke to some of his goals: hire approved positions, progress on Assembly action plans, improve employee morale, create a framework for the FY21 budget, continue work on the Cross Trail project, GPIIP projects, the new Police Department building, and develop an internal task force to identify the top 10 city projects. Eisenbeisz wondered if Bevan would be willing to stay on for a month after Leach arrived to help with transition. Bevan said he would be willing, however, would leave that decision to Leach.

Speaking from the public, Shirley Robards spoke in support of Bevan.

A motion was made by Mosher to appoint Bevan as Interim Municipal Administrator, start with one week of annual leave, and salary equal to rate of last permanent Administrator. The motion PASSED by the following vote.

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

Absent: 1 - Bean

L 19-223 Assignments: Deputy Mayor, Vice-Deputy Mayor and Assembly Liaisons

Steven Eisenbeisz, Kevin Mosher, and Kevin Knox were nominated for Deputy Mayor. Knox wished to see Eisenbeisz continue as Deputy and declined the nomination. A roll call vote was taken. Voting for Eisenbeisz: Knox, Christianson, Paxton, and Eisenbeisz. Voting for Mosher: Nelson, Wein, and Mosher. Eisenbeisz prevailed with 4 votes.

Kevin Mosher, Kevin Knox, and Valorie Nelson were nominated for Vice-Deputy Mayor. A roll call vote was taken. Voting for Mosher: Wein, Nelson, Mosher, and Paxton. Voting for Knox: Christianson, Knox, and Eisenbeisz. Mosher prevailed with 4 votes.

The following liaison appointments were made:

Gary Paxton Industrial Park Board - Christianson / Eisenbeisz
Health Needs and Human Services Commission - Wein / Knox
Historic Preservation Commission - Mosher
Investment Committee - Christianson
Library Commission - Christianson
Local Emergency Planning Commission - Nelson
Parks & Recreation Committee - Knox
Planning Commission - Mosher / Knox
Police & Fire Commission - Nelson / Christianson
Port & Harbors Commission - Knox
Tree & Landscape Committee - Wein
SEDA - Paxton / Mosher
Sitka Tribe of Alaska - Christianson / Eisenbeisz
School Board - Mosher / Nelson

XIII. PERSONS TO BE HEARD:

Nancy Yaw Davis thanked staff for providing a paper copy of the Assembly packet at the Sitka Public Library. She spoke to the challenges of a digitized world. Davis thanked the Assembly for their service and the difference they make.

XIV. EXECUTIVE SESSION

M 19-226 Financial Matter: Baranof Island Brewing Company debt collection

A motion was made by Christianson to go into executive session with Chief Finance and Administrative Officer Jay Sweeney to discuss matters related to Baranof Island Brewing Company debt collection, the immediate knowledge of which would adversely affect the finances of the City and Borough of Sitka. The motion PASSED by the following vote.

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

No: 1 - Wein

Absent: 1- Bean

The Assembly was in executive session from 9:10 p.m. to 9:28 p.m.

A motion was made by Knox to reconvene as the Assembly in regular session. The motion PASSED by unanimous consent.

XV. ADJOURNMENT

A motion was made by Mosher to ADJOURN. Hearing no objections, the meeting ADJOURNED at 9:28 p.m.

ATTEST: _____
Sara Peterson, MMC
Municipal Clerk