



CITY AND BOROUGH OF SITKA

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

Minutes - Draft City and Borough Assembly

*Mayor Mim McConnell
Deputy Mayor Pete Esquiro,
Vice Deputy Mayor Thor Christianson,
Phyllis Hackett, Matthew Hunter, Mike Reif and Michelle Putz*

*Interim Municipal Administrator: John P. Sweeney III
Municipal Attorney: Robin L. Koutchak
Municipal Clerk: Colleen Ingman, MMC*

Monday, August 26, 2013

6:00 PM

Assembly Chambers

SPECIAL MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Present: 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

IV. PERSONS TO BE HEARD

V. UNFINISHED BUSINESS:

A 13-169 Selection of a Municipal Administrator for the City and Borough of Sitka - executive session anticipated and requested.

Mayor thanked the staff for an exceptional job with the hiring process adding there were some excellent final candidates.

Jennifer Robinson, Executive Director of the Chamber of Commerce, and Tom Hesse of Sitka Sentinel encouraged the Assembly to hold as much of their discussion in public as possible. Ed Ronco of Raven Radio echoed their statements.

Following the executive session the Mayor made a statement that there were strong opinions for various candidates and after a lengthy debate added Jay Sweeney's name to the list of potential candidates. The Assembly would continue their discussion Tuesday evening.

A motion was made by Christianson to go into executive session under the statutory category of discussing subjects that tend to prejudice the reputation and character of any person for a candid discussion and review of the CBS Municipal Administrator candidates(s): Mark Gorman, Cynna Gubatayao, Jim Pascale and Pam Caskie who recently interviewed.

Following the executive session Hunter moved to reconvene in regular session. That motion CARRIED unanimously.

Yes: 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

VI. EXECUTIVE SESSION

A motion was made by Hackett to go into executive session to discuss confidential legal advice with the Municipal Attorney and outside Counsel Michael Gatti on Sitkans for Responsible Government V. City and Borough of Sitka, which may have immediate adverse legal and financial consequences for the CBS and involve matters that are required by law to be confidential.

Following the executive session Hackett moved to reconvene in regular session. That motion CARRIED unanimously.

The Mayor stated the Assembly had given the Municipal Attorney direction on the matter.

Yes: 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

VII. ADJOURNMENT

A motion was made by Christianson that this meeting be ADJOURNED. No objections were heard and the meeting adjourned at 8:27 PM.

ATTEST: _____
Colleen Ingman, MMC
Municipal Clerk



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Tuesday, August 27, 2013

6:00 PM

Assembly Chambers

REGULAR MEETING

Present: 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

IV. CORRESPONDENCE/AGENDA CHANGES

A 13-168 Correspondence

Hackett read a comment from an Anchorage baseball coach who decided to extend their stay in Sitka this summer saying: "Why would we leave this place? We have a great place to stay (Sitka Fine Arts Camp), and we get to practice on the beautiful feild every day. Sitka is my new favorite place. Sitka rocks!" Hackett noted the potential solution for a temporary filtration plant could be the State purchasing the plant and the City in turn leasing from the State. Reif mentioned using ocean transporters as our water source during the interim.

V. CEREMONIAL MATTERS

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

Government-to-Government - Ben Miyasato, Vice Chair of STA, read a letter from STA Deputy General Manager and Tribal Planner, Tristan Guevin, supporting the development of the Long Range Strategic Planning Commission and added "STA is firmly committed to working with the City to play an active and constructive role in the development of long-range plans and strategies to make our community a better

place for all Sitkans.”

Sitka School District - Chair of the Sitka School Board, Lon Garrison, announced school would start August 28 and noted there were a number of new teachers and staff in the District.

VII. PERSONS TO BE HEARD

VIII. REPORTS

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

Interim Administrator - reported on his recent visit with Deven Mitchell of the Alaska Municipal Bond Bank. Mitchell visited Sitka to see the Blue Lake Dam project and discuss the next bond sale slated for this fall.

Attorney - Stated she was working on rewriting Title 13 of SGC which currently contained antiquated terms and illegal items. She noted the Legal Department had hired, with support from the Harbor Department, outside counsel to assist in the rewrite.

Liaisons - Putz reported on the STA Council meeting and Hackett followed with a report on a recent Tourism Commission meeting. Hackett mentioned Sitka Community Hospital (SCH) CEO, Hugh Hallgren, had written a letter to Senator Begich regarding the possibility of SCH losing their critical access status, which would be very detrimental for Sitka. Christianson encouraged Mayor McConnell to write a similar letter to Senator Begich; no objections were heard.

Clerk - Mentioned the request to move the first meeting in October by one day to accommodate the Alaska Tourism Conference opening ceremony. The Assembly decided on Monday, October 7. She informed that normally the Administrator and Mayor attend Southeast Conference. However, this year it is being held in Sitka so others may be interested and if so to get in touch with the clerk's office.

IX. CONSENT AGENDA

- A 13-166** Approve the minutes of the August 5, 6, 7 & 13, 2013 Assembly meetings.

A motion was made by Hunter that this Minutes be APPROVED. The motion PASSED by an unanimous vote.

X. UNFINISHED BUSINESS:

- B ORD 13-33** Reenacting Sitka General Code at Chapter 2.32 entitled "Long-Range Strategic Planning Commission"

John Holst mentioned CBS had a contractual agreement with Sitka Economic Development Association (SEDA) and asked SEDA to conduct meetings and look at

issues that were raised by the public and to allow the formation of an ad-hoc committee to deal with specific issues.

Putz noted the Ordinance revisions: reduced number of members from seven to five and changed the term of service from three years to two. Hunter added he saw the role of this Commission to be along the lines of problem solving versus economic development.

A motion was made by Hackett that this Ordinance be PASSED ON FIRST READING. The motion PASSED by the following vote.

Yes: 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

XI. NEW BUSINESS:

New Business First Reading

C ORD 13-34 Amending SGC Title 22 Zoning to revise SGC 22.20.038 Residential Demolition Guarantee.

Reif questioned the caveat of one year. Planning Director, Wells Williams, mentioned the applicant of record was Barnaby Dow and explained the timeframe was actually two years since the Code allowed for a one year extension. Williams stated there was no requirement that it be completed in one, two or three years. Hackett expressed concern with the language or lack thereof in the notice.

A motion was made by Reif that this Ordinance be PASSED ON FIRST READING. The motion PASSED by the following vote.

Yes: 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

D ORD 13-35 Authorizing the sale of municipal benchland property identified as Tract A14-III in Whitcomb Heights III and Tracts A13, A12-III and Blocks 8 and 9 in Whitcomb Heights Subdivision - passage will include approval of associated Purchase Agreement and Warranty Deeds.

Christianson expressed appreciation to Municipal Attorney, Robin Koutchak, for her work on this. Interim Administrator, Jay Sweeney, read a statement that spoke to the many passions, opinions and concerns both for and against, he had heard on the issue.

Putz spoke to the waiver, time of performance, and timeframe. Koutchak spoke to the elimination of the reverter clause and explained the waiver.

Reif asked for a definition of "total build up" - Todd Fleming and Jeremy Twaddle of Sound Development explained. They also reiterated they will be providing lots, not building homes.

The Assembly noted this sale only represented 10% of the Benchlands property. Assembly members urged other interested parties to come forward with an RFP. Mayor McConnell noted she had received a call about enough easements for the Cross Trail. Twaddle stated there was no intention to move or remove the Cross Trail.

He noted there was a partial easement through one lot at this time and that notation had been made in the agreement.

Esquiro wondered about a green strip between Sand Dollar Drive and Parcel C. Planning Director, Wells Williams, didn't recall anything specific or remember any Assembly action in regards to a green strip. Williams noted before Tract C was developed the project would come before the Assembly at a worksession. The Mayor added she also requested the future worksession to address her concerns of affordable housing.

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

Yes: 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

Additional New Business Items

- E 13-165** Approve a non-monetary sponsorship for Sitka Sound Science Center's application to the Alaska Energy Authority for a salt water heat pump.

Sitka Sound Science Center Executive Director, Lisa Busch, and Lon Garrison, Aquaculture Director, addressed the Assembly. Garrison noted it was fortunate the Center had a sea water intake and added funding was recently received to upgrade it.

Garrison explained the Center had the opportunity to tie into a deep well which would allow for connection to a heat exchange system. This in turn could supply a local heating district. For example, Sheldon Jackson Fine Arts Camp and other nearby neighbors could tap into the heat via a heat pump.

Esquiro didn't want to see this project costing the City. Interim Administrator, Jay Sweeney, said the City would serve as the grantee. There would be an administration burden and a nominal amount would be asked for from Sitka Sound Science Center to cover that. Busch and Garrison noted they were comfortable with the fee.

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

Yes: 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

XII. PERSONS TO BE HEARD:

Lon Garrison addressed the Assembly. Garrison said he held Mr. Sweeney in very high regard and appreciated his work, however, adding Mr. Sweeney to the list of Administrator candidates now could cast into question the transparency and equity amongst the other members applying for the Administrator position.

Human Resources Director, Mark Danielson, thanked the Assembly for going through a thoughtful process, however, Monday night's conversation of potentially adding Sweeney had placed a cloud over the process. "I've heard the term 'backdoor deal' at least a dozen times today," he said.

XIII. EXECUTIVE SESSION**F 13-170 Selection of Municipal Administrator continued from 8-26-13.**

Tom Hesse, Sitka Sentinel reporter, urged the Assembly to hold as much of their discussion in public as possible. Ed Ronco of Raven Radio echoed Tom's comments.

Sweeney paraphrased an email he sent to the Assembly. Sweeney thanked Assembly members for considering him; however, he did not have aspirations for becoming the Administrator right now. It would be a good fit for him someday. Only if the Assembly were to end up hopelessly deadlocked would he be willing to serve in a temporary or permanent position out of a sense of obligation and duty. Sweeney also stated he was concerned about public perception - of being selected without having earned it and going through the process and he did not want his consideration to be a sense of controversy.

Mayor McConnell added the Assembly had been through a long transparent process and needed to complete the process. She summarized the previous night's actions and explained when Jay Sweeney's name was mentioned he was excused from the room and the executive session concluded.

Christianson noted he was the one that brought up Jay's name he was one that was flopping around. He didn't have a strong opinion. Jay met most of the things he wanted to see in a candidate. He wanted to find the best candidate for the job and fairness wasn't the leading issue for him, finding the best candidate was.

Putz proclaimed the Assembly did follow the public process and the Alaska Open Meeting Act correctly. Hackett was proud of the Assembly for the process thus far. She stated she was a process person and adding a fifth name now would be detrimental to the process. She believed the incident last night was seen as a misconception and unfortunately eroded some trust within the community.

Hunter believed Sweeney would someday make a fine Administrator but to consider him now was not proper. Reif stated the possibility the Assembly may have damaged the relationship with some of the other candidates. Esquiro didn't have a problem leaving off where the meeting ended the previous night and added it was unfortunate Sweeney's name was brought up. Both he and Reif suggested if the Assembly could not come to a consensus on a candidate that the process start over.

Ultimately the Assembly decided not to include Sweeney's name or consider him as a candidate.

Motion was made by Hunter to go into Executive Session under the statutory category of discussing subjects that tend to prejudice the reputation and character of any person. For a candid discussion and review of the CBS Municipal Administrator candidates: Mark Gorman, Cynna Gubatayao, Jim Pascale and Pam Caskie who recently interviewed and further discuss salary that may have an immediate impact on the finances of the CBS and exclude Municipal Attorney Robin Koutchak and Interim Municipal Administrator Jay Sweeney and include Human Resources Director Mark Danielson.

Yes: 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

Motion by Reif to amend by only inviting in the Human Resource Director and Municipal Attorney as needed. The Amendment FAILED.

Yes: 3 - Christianson, Esquiro, and Reif

No: 4 - Hunter, Putz, McConnell, and Hackett

A motion was made by Hunter to reconvene in regular session. That motion PASSED unanimously.

A motion was made by Christianson that the vote on the appointment of municipal administrator be RECONSIDERED. The motion to reconsider PASSED by the following vote.

Yes: 5 - Christianson, Reif, Hunter, Putz, and Hackett

No: 2 - Esquiro, and McConnell

Hunter nominated Mark Gorman and Reif nominated Cynna Gubatayao. Both candidates received support. That action was followed by a vote for reconsideration. The official vote was unanimous for Gorman. Following the vote the Municipal Administrator salary and benefits were brought up.

A motion was made by Hackett to offer Mark Gorman the position of Municipal Administrator for the CBS at a starting salary of \$125,000 with a moving allowance of up to \$15,000 (if applicable), and a beginning leave accrual of 12.67 hours with two weeks leave deposition in the leave bank.

Yes: 7 - Christianson, Esquiro, Reif, Hunter, Putz, McConnell, and Hackett

XIV. ADJOURNMENT

A motion was made by Christianson to adjourn. No objections were heard and the meeting adjourned at 10:20 PM.