



# CITY AND BOROUGH OF SITKA

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

## Minutes - Final

### 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*

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Tuesday, August 11, 2020

6:00 PM

Assembly Chambers

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#### REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Knox participated by videoconference.

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

IV. CORRESPONDENCE/AGENDA CHANGES

[20-165](#)

Reminders, Calendars, and General Correspondence

Administrator Leach reviewed the correspondence documents.

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)**

[20-156](#)

Special Report: CBS Police Chief Robert Baty

Police Chief Robert Baty addressed the Assembly. He spoke of the recent letters and newspaper articles accusing the Sitka Police Department of sexism, racism, and having a culture of excessive force. Baty reminded the letters and newspaper articles spoke to issues from the past, long before his administration and tenure. Baty spoke

to his goals and vision for the Department and spoke to the professionalism of the Department. In closing, Baty told of the August 11 press release announcing closure to the murder of Jessica Baggen in 1996. Baty shared that through tireless effort and the work of many investigators, the Alaska State Troopers, and the advancement of DNA technology sequencing, the cold case had been solved.

## VII. PERSONS TO BE HEARD

David Nelson, Sitka Chapter President of the Public Safety Employees Association (PSEA), spoke to recent media reports on the Sitka Police Department. He stated the reports were not representative of PSEA, were inflammatory, and unhelpful to the community. Nelson stated officers of the Sitka Police Department act with dignity and honor.

Richard Wein spoke to the Baggen murder case, reminded closure was difficult, and extended his thoughts to the family. In addition, he spoke to the economic downturn in the state, poor fishing seasons, the soon to expire year long employment guarantee under the SEARHC/SCH Asset Purchase Agreement, and recommended not delaying dentist and medical checkups despite COVID-19.

## VIII. CONSENT AGENDA

- A [20-158](#) Approve the minutes of the July 28 Assembly meeting

**A motion was made by Mosher that this Item be APPROVED. The motion PASSED by unanimous voice vote.**

- B [20-157](#) Approve the following marijuana license renewal applications for licensee Northern Lights Indoor Gardens, LLC at 1321 Sawmill Creek Road Suites M, N, O, and P: 1) retail marijuana store, and, 2) standard marijuana cultivation facility

Eisenbeisz disclosed his business had a business relationship with Northern Lights Indoor Gardens. He was recused. Nelson disclosed she provided accounting services for the entity who owned Sawmill Creek Plaza. There was no conflict.

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

**Yes:** 6 - Christianson, Knox, Wein, Paxton, Mosher, and Nelson

**Recused:** 1 - Eisenbeisz

## IX. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

- C [20-159](#) Appoint Jamal Floate to an unexpired term on the GPIIP Board of Directors in the category of At-Large

Wein noted Floate was the owner of the Admin Building at GPIIP and was curious what plans Floate had for the property.

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

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

**D**     [20-160](#)             Reappoint Darrell Windsor to a three-year term on the Planning Commission

Wein thanked Windsor for reapplying.

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

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

**X.     UNFINISHED BUSINESS:**

**E**     [ORD 20-43](#)             Making supplemental appropriations for fiscal year 2021 (*GPIP Haulout*)

Wein commented the appropriation was for consultant fees of \$100,000 and reminded considerable money had already been spent. Christianson, offering an alternative view, stated it was more for engineering services - a distinct product that needed to be done.

**A motion was made by Christianson 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

**XI.    NEW BUSINESS:**

**New Business First Reading**

**F**     [ORD 20-44](#)             An Emergency Ordinance of the City and Borough of Sitka temporarily authorizing the Mayor to modify and/or waive various sections of the Sitka General Code dealing with public meetings and teleconference participation in those public meetings in order to protect the life, health, welfare, and property of elected and appointed officials, staff, and the public during the government declared COVID-19 public health emergency

Marshall Albertson hoped this ordinance wouldn't give the Mayor additional power.

Municipal Attorney Hanson explained this was a housekeeping ordinance. He noted as a result of the COVID-19 public health emergency in March 2020, the Assembly had conducted public meetings that were not always strictly in compliance with Sitka General Code (SGC). Hanson cited telephonic participation as one example and listed others. Per SGC, telephonic participation was limited for each Assembly Member and the Mayor to four times a year (October to October). Due to the pandemic, that number had been exceeded for some members. Hanson relayed the issues had been discussed with the Clerk and they believed in an effort to be transparent it was best to bring the ordinance forward that would allow for the Mayor to modify/waive respective sections of SGC, have staff develop a list of the retroactive issues generated by the pandemic, and bring back for the Mayor's consideration.

Nelson said she wasn't a fan of retroactive ordinances, reminded the ordinance wasn't specific to telephonic participation and referenced Sections 4(A) and 4(B) of the

ordinance. Christianson reminded the pandemic had widely changed the landscape for meetings and the way meetings were conducted - e.g. Zoom. Wein reminded, per Charter, the Mayor was given certain authority and this ordinance gave him additional power. He spoke in opposition and suggested an ordinance come back that dealt solely with the telephonic participation matter. Paxton clarified he fully understood he was one of seven members, understood his responsibility, and noted he did not wish to have additional power. Mosher reminded the emergency ordinance would expire in 61 days. Eisenbeisz said he was a stickler for following the SGC, understood the need for further refinement, and in the meantime this emergency ordinance would allow for Code compliance. Hanson suggested the Assembly have a discussion at a future meeting to discuss how to deal with certain items in the event of an emergency. He told of other municipalities taking similar action.

**A motion was made by Mosher that this Emergency Ordinance be POSTPONED to the August 25 regular meeting. The motion FAILED by the following vote.**

**Yes: 3** - Wein, Nelson, and Mosher

**No: 4** - Eisenbeisz, Paxton, Christianson, and Knox

Marshall Albertson spoke in support of postponing the ordinance.

**A motion was made by Mosher that this Emergency Ordinance be APPROVED ON FIRST READING. The motion PASSED by the following vote.**

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

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

### **Additional New Business Items**

**G**     [20-162](#)     Approve the Request for Proposal for the sale and development of Tract A11, Whitcomb Heights Subdivision

Planning Director Amy Ainslie explained a private entity had submitted a proposal to purchase a portion of Tract A11 of the Whitcomb Heights Subdivision. Ainslie noted the Tract was over 4 acres in size and reminded of the direction given at the June 23 Assembly meeting requesting the Administrator prepare an RFP for the sale of the entire Tract.

Wein spoke to the Shannon and Wilson, Inc. South Kramer Landslide Runout Analysis and Debris Flow Report. He also expressed a desire for the release of the landslide report, however, noted the release was delayed by the State.

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

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

**H**     [20-163](#)     Approve the Request for Proposal for the lease of a portion of Tract C, ASLS 79-4 on Harbor Mountain Bypass Road for the purposes of a cell tower site

Planning Director Amy Ainslie explained New Horizons LLC was contracted by Verizon Wireless to locate parcels in Sitka for cell tower development. The only areas found suitable were municipal holdings. Ainslie said she had informed the applicant of the

need for a competitive bid process. Wein noted the land was zoned R-1, spoke to diminished property values in the Lower 48 within close proximity of cell towers, spoke to the need for parity with previous cell tower leases on power poles, and the failure to mention G5 in the RFP. He stated it was important to know what their plans were for advanced technology relating to cell towers.

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

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

**I**      [20-164](#)

Discussion / Direction on what level of information the Assembly would like to see before the Administrator enters any CARES Act contracts or subrecipient agreements

Administrator Leach relayed the Cares Act Working Group had been meeting twice a week and provided a status report on the categories. Leach wished to receive clarification from the Assembly on what level of information they would like to receive before he entered into contracts or subrecipient agreements. Mosher preferred the contracts/agreements not have to come back to the Assembly. Christianson wished to be informed of the overall highlights, not specifics. Paxton concurred. Wein requested as much information as possible. Nelson agreed and suggested a regular item be added to future agendas for an update. Wein concurred and requested public comment be taken.

**J**      [20-161](#)

Appoint two Assembly members to serve on the Haulout Task Force

Paxton relayed he'd received comments that Knox and Christianson be appointed. Assembly Member Nelson also wished to be considered. Knox, Christianson, and Nelson provided statements on why they should be considered.

George Paul expressed the importance of the entire community being represented.

Members stated who they wished to be appointed:

Mosher - Nelson and Christianson  
 Eisenbeisz - Christianson and Knox  
 Paxton - Nelson and Christianson  
 Nelson - Nelson and Knox  
 Wein - Nelson and Knox  
 Christianson - Christianson and Knox  
 Knox - Christianson and Knox

Christianson and Knox each received 5 votes and Nelson received 4 votes.

**XII. PERSONS TO BE HEARD:**

George Paul stated the community and world was in a kick them down mentality, spoke to the recent media report relating to the Sitka Police Department, and encouraged the Assembly to refrain from bringing divisive issues forward.

Marshall Albertson urged the Assembly to reflect on the number of businesses closing and stated Sitka was not business friendly.

Richard Wein spoke to a recent economic report and noted Sitka had the highest rent.

**XIII. REPORTS**

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

Mayor - Paxton spoke to Governor Dunleavy's press conference and the clear recognition of the impact of the virus across Alaska, spoke to the change in airport testing, and told of a teleconference with Senator Lisa Murkowski.

Administrator - Leach reminded of the CARES Act funding opportunities for nonprofits and businesses, housing support, and food programs. Leach commended Chief Finance and Administrative Officer Jay Sweeney for his work with FEMA reimbursement.

Attorney - Hanson provided an update on the following cases: Ferguson, Sulzbach, Rutter, and Gleason.

Liaison Representatives - Wein reported on the Planning Commission, EOC meeting, and Sitka Infectious Disease Taskforce.

Clerk - Peterson reminded of the upcoming election, urged the public to respond to the 2020 Census, and reviewed vacancies on CBS Boards/Commissions.

**XIV. EXECUTIVE SESSION**

None.

**XV. ADJOURNMENT**

**A motion was made by Mosher to ADJOURN. Hearing no objections, the meeting ADJOURNED at 8:38 p.m.**

**ATTEST: \_\_\_\_\_**  
**Sara Peterson, MMC**  
**Municipal Clerk**