

## **CONSENT AGENDA**

### **POSSIBLE MOTION**

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**I MOVE TO APPROVE THE CONSENT AGENDA  
CONSISTING OF ITEM A**

**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  
December 11 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*

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

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Tuesday, December 11, 2018

6:00 PM

Assembly Chambers

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#### REGULAR MEETING

#### I. CALL TO ORDER

#### II. FLAG SALUTE

#### III. ROLL CALL

**Present:** 6 - Eisenbeisz, Knox, Bean, Wein, Paxton, and Mosher

**Absent:** 1 - Nelson

#### IV. CORRESPONDENCE/AGENDA CHANGES

Mayor Paxton announced item M, an executive session, was not necessary. In addition, he requested item I be moved to the beginning of New Business.

**18-235** Calendars, Reminders and General Correspondence

#### V. CEREMONIAL MATTERS

None.

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

School Board member, Eric Van Cise, provided a board update.

**18-224** Special Report: SCH/SEARHC Strategic Affiliation Process - Steve Huebner

Steve Huebner provided a progress report on activity since the November 27 Assembly update.

**VII. PERSONS TO BE HEARD**

None.

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

Administrator - Brady reported on his attendance at recent hospital negotiations between CBS and SEARHC, served at the Honoring Tribal Elders Luncheon, met with Pioneer Home staff regarding the senior sales tax exemption, and in light of the recent earthquake in Anchorage, encouraged citizens to take precautions and be prepared for natural disasters.

Attorney - Hanson spoke to the recent CPET lawsuit ruling (Cruise Line Agencies v. City and Borough of Juneau) and how the ruling may affect CBS use of funds and projects.

Liaison Representatives - Mosher noted his attendance at the School Board meeting, Wein reported on the Police and Fire Commission meeting and Hospital Board meeting, and Bean spoke to the recent Planning Commission meeting.

Clerk - Peterson reviewed the vacancies of boards, commissions, and committees and reminded the December 25 regular meeting had been rescheduled to December 20.

**IX. CONSENT AGENDA**

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

**Yes:** 6 - Eisenbeisz, Knox, Bean, Wein, Paxton, and Mosher

**Absent:** 1 - Nelson

**A 18-227** Approve the minutes of the November 27 Assembly meeting

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

**B 18-225** Approve liquor license renewal applications for: 1) House of Liquors, Inc. dba Salty Sal's Liquor Cabinet at 321-B Lincoln Street and 2) Triple C Ventures, Inc. dba Cascade Convenience Center at 1211-A Sawmill Creek Road

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

- C 18-226** Approve an application for a new marijuana concentrate manufacturing facility license for Justin Brown dba AKO Farms, LLC at 1210 Beardslee Way

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

- D 18-229** Approve the Acting Administrator list for 2019

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

**Yes:** 5 - Eisenbeisz, Knox, Bean, Wein, and Paxton

**No:** 1 - Mosher

**Absent:** 1 - Nelson

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

- E 18-230** Appoint Becky Meiers to a three-year term on the Local Emergency Planning Commission

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

**Yes:** 6 - Eisenbeisz, Knox, Bean, Wein, Paxton, and Mosher

**Absent:** 1 - Nelson

**XI. UNFINISHED BUSINESS:**

- F ORD 18-52S** Amending Title 13 "Port and Harbors" of the Sitka General Code by adding Chapter 13.16 "Commercial Marine Trade Permit" and amending Chapter 13.04 "Definitions"

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

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

**No:** 1 - Bean

**Absent:** 1 - Nelson

- G ORD 18-54** Making supplemental appropriations for Fiscal Year 2019 (City Hall Customer Service Counter)

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

**Yes:** 6 - Eisenbeisz, Knox, Bean, Wein, Paxton, and Mosher

**Absent:** 1 - Nelson

## **XII. NEW BUSINESS:**

- I RES 18-25** Authorizing the City and Borough of Sitka Municipal Administrator to develop and execute a Compliance Order by Consent with the Alaska Department of Environmental Conservation (ADEC) to promote design and construction of a secondary water treatment plant

A discussion ensued among members. Some believed it important to move forward with the secondary water treatment plant, others believed it was not necessary at present time and further research was needed.

Public Works Director Michael Harmon and Environmental Superintendent Shilo Williams spoke to the project, recent turbidity levels, and the importance of retaining the filtration waiver for Blue Lake.

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

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

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

**Absent:** 1 - Nelson

### **New Business First Reading**

- H ORD 18-55** Making supplemental appropriations for Fiscal Year 2019 (*Senior Citizen Van Match Donation*)

Erin Walker-Tolles Executive Director of Catholic Community Services (CSS) and Board Member Charles Horan explained the match request to the Assembly. She noted, in partnership with the City, CSS provided transportation to Sitka seniors with limited access to personal transportation. Walker-Tolles stated the aging fleet consisted of four vans, three of which were operational. Assembly members spoke in support of the request and expressed appreciation to CSS for the services provided.

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

**Yes:** 6 - Eisenbeisz, Knox, Bean, Wein, Paxton, and Mosher

**Absent:** 1 - Nelson

### **Additional New Business Items**

- J 18-232** Approval of the 2019-2021 Sitka Fire Fighters Union, International Association of Fire Fighters, Local 5168 Collective Bargaining Agreement

Eisenbeisz disclosed he was a volunteer at the fire hall and had spoke with the Municipal Attorney to determine if there was a conflict of interest. It was determined there was not.

Jay Sweeney Chief Finance and Administrative Officer explained expenses (\$17,000)

resulting from implementation of the bargaining agreement would come from increased revenues or operational cuts.

Wein spoke to, and inquired of, Article 3 (Union Dues) and Article 10.03 (Indemnification). He wondered if it was possible to add further clarification stating if allegations were found to be true, the employee would be required to pay back the employer. Outside counsel, Kimberly Gearity, suggested an option would be to move forward with a Letter of Understanding with the union that clarified in the event any costs were incurred, and the allegations later found to be true, that the employee would be responsible for reimbursement of legal fees.

**A motion was made by Wein to direct the Administrator to request outside counsel Kimberly Gearity to craft a Letter of Understanding regarding wording in Article 10.03 Indemnification to assure that if allegations of misconduct are found to be true, and that the City has expended funds, the City would be reimbursed. The motion FAILED by the following vote.**

**Yes:** 3 - Bean, Wein, Paxton

**No:** 3 - Eisenbeisz, Knox, Mosher

**Absent:** 1 - Nelson

**A motion was made by Knox to APPROVE the 2019-2021 Collective Bargaining Agreement between the City and Borough of Sitka and the Sitka Fire Fighters Union, International Association of Fire Fighters, Local 5168 and authorize the Municipal Administrator to execute the document. The motion PASSED by the following vote.**

**Yes:** 4 - Eisenbeisz, Knox, Bean, and Paxton

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

**Absent:** 1 - Nelson

**K 18-233**

Discussion / Decision on sending an Assembly member or the Municipal Administrator to attend the Seatrade Cruise Global event in Miami, FL April 8-11

Rachel Roy, Executive Director of the Chamber of Commerce and Visit Sitka, voiced support for sending an Assembly member.

**A motion was made by Knox to APPROVE sending Assembly member Eisenbeisz to the Seatrade Cruise Global event in Miami, FL with expenses to be paid from the Visitor Activities Enhancement Fund. The motion PASSED by the following vote.**

**Yes:** 6 - Eisenbeisz, Knox, Bean, Wein, Paxton, and Mosher

**Absent:** 1 - Nelson

**L 18-234**

Update / Discussion on the December 8, 2018 Assembly Visioning Session and scheduling of next Visioning Session

Mayor Paxton provided an overview of the December 8 visioning session. He noted actions plans for the following were reviewed: No Name/Granite Creek Development Master Plan, Seaplane Base, lobbying plan for critical infrastructure, and affordable

housing.

A follow-up visioning session for January 3 at 6pm was scheduled.

**XIII. PERSONS TO BE HEARD:**

None.

**XIV. EXECUTIVE SESSION**

**M 18-231** Financial / Legal Matters - Phase 3 of the CBS / SCH-SEARHC Affiliation Process (if needed)

An executive session on this item was not needed.

**XV. ADJOURNMENT**

A motion was made by Bean to ADJOURN. Hearing no objections, the meeting ADJOURNED at 8:08pm.

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

Sara Peterson, MMC  
Municipal Clerk