

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
November 28th Assembly meeting.



CITY AND BOROUGH OF SITKA

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

Minutes - Draft

City and Borough Assembly

*Mayor Matthew Hunter
Deputy Mayor Steven Eisenbeisz,
Vice Deputy Mayor Bob Potrzuski,
Aaron Bean, Kevin Knox, Dr. Richard Wein,
Benjamin Miyasato*

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

Tuesday, November 28, 2017

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Present: 6 - Miyasato, Potrzuski, Hunter, Knox, Bean, and Wein

Absent: 1 - Eisenbeisz

IV. CORRESPONDENCE/AGENDA CHANGES

17-189 Reminders, Calendars and General Correspondence

No agenda changes.

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)

17-183 Special Report: Alaskan Command - Debrief of 2017 Northern Edge Exercise

CAPT Earl McDowell, ALCOM J5, Tim Croft, ALCOM J7, and Jon "Dock" Montague, Native Affairs gave an update on the May 2017 Northern Edge exercise and told of an Arctic Edge exercise slated for March 12 through 23, 2018. Croft responded that

monitoring devices and active management protocol were used and that further data would be released. McDowell stated that no bombs or missiles were used in the exercise from May 2017. Knox encouraged to have dialogue prior to the Northern Edge exercise in 2019 and told of potential impacts. Croft encouraged folks to send in data in order to mitigate impacts.

VII. PERSONS TO BE HEARD

Dr. Richard Wein, speaking as a member of the public, encouraged Sitka Community Hospital staff attend Assembly meetings to give updates to the Assembly.

VIII. REPORTS

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

Mayor - Hunter thanked Sitka Tribe and Sitka Veterans group for the parade to honor Veterans and Native American Heritage Month.

Administrator - Brady reported on the Alaska Managers Conference and Alaska Municipal League meetings and met with Lobbyist, Larry Markely. Brady told of his newly formed group to address economic development. Members include SEDA, STA, Chamber of Commerce, and USDA. He stated that Public Works was working with the contractor regarding recycling and encouraged the public to go to the city website as more information would be available when applicable. He mentioned an opportunity for non matching grants for TWIC readers, and reported on local purchasing.

Attorney - Hanson stated he had been and would be preparing for the December 5th Special Assembly Meeting regarding the RFP for Sitka Community Hospital.

Liaison - Miyasato reported on Investment Committee meeting. Wein reported on Local Emergency Planning Committee, Tree and Landscape Committee, Police and Fire Commission, and Health Needs and Human Services Commission. Bean stated quorum was not met for the Port and Harbors Commission. Knox reported on Parks and Recreation Committee, stated the Planning Commission had no quorum for the meeting, and of an aquaculture farm permit application comment period.

Clerk - Henshaw reiterated there was an informational update and discussion/direction of the Sitka Community Hospital RFP Special Assembly Meeting on December 5, 2017 at 6:00 p.m. in Harrigan Centennial Hall.

Other - Dr. Wein reported on the Alaska Municipal League Newly Elected Official training he attended. Bean mentioned he was unaware of the effort being made to seek a location and design for a new Police Department.

IX. CONSENT AGENDA

A 17-184 Approve the minutes of the November 7 Assembly meeting

Wein stated that Mr. Allen did not have his contract extended as it would need to be approved by the Assembly prior to the extension.

A motion was made by Miyasato that the Minutes from the November 7, 2017 be PASSED AS AMENDED. The motion passed by the following vote.

Yes: 6 - Miyasato, Potrzuski, Hunter, Knox, Bean, and Wein

Absent: 1 - Eisenbeisz

A motion was made by Wein that the November 7, 2017 minutes be AMENDED to delete, "...and informed the Assembly the Chief Executive Officer (CEO) contract had been extended through October 2018."

Yes: 6 - Miyasato, Potrzuski, Hunter, Knox, Bean, and Wein

Absent: 1 - Eisenbeisz

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

B 17-185 Appoint Shauna Thornton to an unexpired term on the Port and Harbors Commission

Miyasato thanked the applicant. Mayor Hunter was in support of the applicant.

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

Yes: 6 - Miyasato, Potrzuski, Hunter, Knox, Bean, and Wein

Absent: 1 - Eisenbeisz

XI. UNFINISHED BUSINESS:

C ORD 17-37 Adjusting the FY18 Budget (*Donation to St. Michael's Cathedral renovation project*)

Potrzuski thought the Ordinance may require specifying the intended use of funds.

Wein inquired of any legal issues of funds. Municipal Attorney, Brian Hanson told of donations by the municipality that fit under the establishment clause. Wein would like to be included in the conversation if able to and stated he had researched the establishment clause.

A motion was made by Potrzuski that this Ordinance be POSTPONED for second and final reading. The motion PASSED by the following vote.

Yes: 6 - Miyasato, Potrzuski, Hunter, Knox, Bean, and Wein

Absent: 1 - Eisenbeisz

D ORD 17-38 Adjusting the FY18 Budget (*Display cabinets for the William Stortz Gallery*)

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 - Miyasato, Potrzuski, Hunter, Knox, Bean, and Wein

Absent: 1 - Eisenbeisz

XII. NEW BUSINESS:

- E ORD 17-39S** Amending Sitka General Code Chapter 15.01 "Electric Utility Policies" at Section 15.01.020 "Electrical Rates" by adding Subsection P "Commercial Electric Rate Temporary Incentive Program" - *1st reading*
- Christopher Brewton thought much of the ordinance already existed in code and policies and encouraged the Assembly to put the information in the rate structure.

Wein told of revisions to the ordinance and stated it put the onus on the Administrator rather than the Assembly and did not state how the public would be noticed. Bean, although had concerns, was in support and thought there was transparency. Hunter was in support and stated it worked for current staff and efforts. Knox thought that codifying it was actively recruiting businesses and it could help grow economy.

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

Yes: 6 - Miyasato, Potrzuski, Hunter, Knox, Bean, and Wein

Absent: 1 - Eisenbeisz

- F ORD 17-40** Adjusting the FY18 Budget (Crescent Harbor Playground Project) - *1st reading*
- A motion was made by Potrzuski that this Ordinance be APPROVED ON FIRST READING. The motion PASSED by the following vote.**

Yes: 6 - Miyasato, Potrzuski, Hunter, Knox, Bean, and Wein

Absent: 1 - Eisenbeisz

- G ORD 17-42** Adding a new Title 24 "Non-Discrimination" and a new Chapter 24.05 "Non-Discrimination" - *1st reading*
- Wein was in support of the ordinance, although felt the wording was complicated. He would like to have a summary in the meeting packet materials, and invited the public to read the ordinance. Bean had concerns, echoed he was in support, and encouraged the public to review it.

Municipal Attorney, Brian Hanson confirmed he looked at City and Borough of Juneau's ordinance and that this ordinance had been investigated and examined extensively. Knox gave history with regards to the structure of the ordinance. He thought it fit in with Sitka's code and that it was important for Sitka. Potrzuski told of the municipal equality index with regards to how communities support the LGBTQ community and thought Sitka should. Hunter told of staff time that would be required to complete the survey from the municipal equality index and because Sitka did not respond, Sitka received a zero rating. Hunter spoke in support of the ordinance.

Bean inquired of line 300 of the ordinance for clarification. Hanson stated that 3.4 of the Personnel Policy was referenced as a protection however, did not change this ordinance. Bean stated he would like the public and private businesses to set the same standards. Wein mentioned that this ordinance was redundant, and that under federal and state statutes there was a non discrimination policy, however, this ordinance places it under city law. Bean referenced Alaska State Statute 18.80.200

and reminded of the commission dedicated to discriminatory matters. Knox mentioned this ordinance broadened the LGBTQ protections.

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

Yes: 6 - Miyasato, Potrzuski, Hunter, Knox, Bean, and Wein

Absent: 1 - Eisenbeisz

XIII. PERSONS TO BE HEARD:

None.

XIV. EXECUTIVE SESSION

H 17-186 Legal matter - claim on a contract

The Assembly met in executive session from 7:26 p.m. to 8:17 p.m.

A motion was made by Knox to go into Executive Session with the Municipal Attorney to discuss a legal matter affecting the municipality, as a result of a contract claim, the immediate knowledge of which would adversely affect the finances of the municipality, and invite in Utility Director Bryan Bertacchi.

Yes: 6 - Miyasato, Potrzuski, Hunter, Knox, Bean, and Wein

Absent: 1 - Eisenbeisz

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

A motion was made by Bean to APPROVE an appropriation in the amount of \$50,000.00 to Channel Construction of Juneau to settle a claim in exchange for release of liability and a nonadmission of liability. The motion PASSED by the following vote.

Yes: 5 - Potrzuski, Hunter, Knox, Bean, and Wein

No: 1 - Miyasato

Absent: 1 - Eisenbeisz

XV. ADJOURNMENT

A motion was made by Potrzuski to ADJOURN. Hearing no objections, the meeting ADJOURNED at 8:19 p.m.

ATTEST: _____
Melissa Henshaw, CMC
Acting Municipal Clerk