

## **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  
August 13 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: Dave Miller  
Municipal Attorney: Brian Hanson  
Municipal Clerk: Sara Peterson*

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Tuesday, August 13, 2019

6:00 PM

Assembly Chambers

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#### REGULAR MEETING

#### I. CALL TO ORDER

#### II. FLAG SALUTE

#### III. ROLL CALL

Bean arrived at 6:55 p.m.

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

**Telephonic:** 1 - Nelson

#### IV. CORRESPONDENCE/AGENDA CHANGES

None.

**19-174** Reminders, Calendars and General Correspondence

#### V. CEREMONIAL MATTERS

**19-173** Athletic Awards - Sitka Little League Majors Baseball and Softball All-Star Teams

Mayor Paxton and Interim Administrator Dave Miller read and presented athletic awards to coaches and members of the Sitka Little League Majors Baseball and Softball All-Star teams.

#### VI. SPECIAL REPORTS: Government to Government, Municipal Boards/Commissions/Committees, Sitka Community Hospital, 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**

Mayor - Paxton thanked staff for their work.

Interim Administrator - Miller thanked Michael Harmon and Jay Sweeney for stepping in as Acting Administrator while he was on medical leave. Miller announced the City had submitted a grant application for the Peterson Street Storm Project, stated the NSRAA water agreement was moving forward, and remarked the Seaplane Base grant process was progressing as was the Cross Trail project. He reported on his attendance at the Police and Fire Commission meeting, final Sitka Community Hospital Board meeting and announced Dr. Vega was the new Medical Director at the Fire Hall. He stated the Tax Specialist had given notice, the position was being advertised, and would go forward to the Assembly Position Subcommittee.

Attorney - Hanson noted since the hospital transaction had been finalized, he had more time to dedicate to other projects.

Liaison Representatives - Knox reported on the Parks and Recreation Committee meeting, Wein spoke to his attendance at the Police and Fire Commission meeting, the final Sitka Community Hospital Board meeting, Library Commission meeting, and Health Needs and Human Services Commission meeting.

**IX. CONSENT AGENDA**

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

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

Absent: 1 - Bean

**A 19-168** Approve the minutes of the July 23 Assembly meeting

This item was APPROVED ON THE CONSENT AGENDA.

**B 19-169** Approve an application for the renewal of a standard marijuana cultivation facility license for Darren H. Phillips dba Fiberflite at 120 Jarvis Street Unit C

This item was APPROVED ON THE CONSENT AGENDA.

**C RES 19-23** Authorizing a \$33,000 grant reallocation application to the Department of Homeland Security and Emergency Management (DHS & EM)

This item was APPROVED ON THE CONSENT AGENDA.

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

- D 19-175** Appoint Candace Rutledge to an unexpired term on the Historic Preservation Commission in the category of At-Large

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

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

**Absent:** 1 - Bean

**XI. UNFINISHED BUSINESS:**

- E ORD 19-33** Amending Chapter 2.38 "Gary Paxton Industrial Park" of the Sitka General Code, at Section 2.38.010 "Designation", by removing Lot 17, Lot 18, and 7,496 square feet of the easement adjacent to Lot 17 from the site designated as the Gary Paxton Industrial Park

Wein reminded passage of the ordinance turned over lots 17, 18 and easement work to the City. He stated the Gary Paxton Industrial Park (GPIP) was acquired for economic development and disposal, not governmental purposes. He spoke in opposition to the Ordinance as he believed future uses for the land had not been considered. Paxton commented the project represented two years of work by staff for secondary water and sustainability. Eisenbeisz shared concerns over the location, however, said other areas for the project had proven to be cost prohibitive. He urged staff to take into consideration that the land would not be for future economic development and thanked staff for coming up with an economic alternative. Nelson believed the ordinance should be modified to transfer \$113,000 (lot 17 market value) to the GPIP Fund.

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

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

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

**Absent:** 1 - Bean

- F 19-066** Discussion / Direction / Decision on the selection of a Police Department third party investigator (postponed from the April 23 meeting)

Mayor Paxton reminded this item had been postponed at the April 23 meeting. Wein requested an update from Police Chief Baty and said the decision to investigate depended upon the state of the Department and what additional resources would be needed moving forward. Baty stated the Department was operating well and had a bright future. Staff appeared to be happy and satisfied. He noted he had addressed every issue that had arisen and been proactive. Baty did not believe an investigation to be necessary. Baty relayed he conducted a consistent and regular training program with the sergeants and that information was disseminated down to staff.

**No action was taken.**

**XII. NEW BUSINESS:**



**New Business First Reading****G     ORD 19-34     Making supplemental appropriations for FY2019 and FY2020**

Chief Finance and Administrative Officer Jay Sweeney stated the Sitka Home Rule Charter provided for two types of appropriations - operating and capital. Operating appropriations lapsed on June 30 unless funds were encumbered while capital appropriations never lapsed. If there was an appropriation that was unencumbered and department heads wished to continue to use the funds, they were asked to provide documentation to the administrator and then a supplemental appropriation was brought forward to the Assembly for consideration.

Assembly members asked questions related to the ordinance. Eisenbeisz wondered if the proposed telephone system was the best use of money and still relevant. IT Director Grant Turner commented it was the best plan moving forward. He told of the old system, inability to find repair parts, and added the new system would provide improved communications. Wein questioned Turner as to whether additional funds would be needed beyond what had been budgeted. Turner didn't believe so.

Wein asked if the funds had been received by the City or if the City was advancing funds. Sweeney replied the City always advanced funds on historic preservation grants. He explained there was a subgrant agreement with the subrecipient. The subrecipient submitted a reimbursement request to the City, the City reimbursed, and in turn submitted a reimbursement request to the State.

**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, Wein, Paxton, Mosher, and Nelson

**Absent:** 1 - Bean

**Additional New Business Items****H     19-166     Approve the 2019-2022 International Brotherhood of Electrical Workers (IBEW), Local 1547 Collective Bargaining Agreement**

Utility Director Bryan Bertacchi and outside counsel Kimberly Gearity addressed the Assembly. Gearity explained the collective bargaining agreement was negotiated every three years. She relayed the parties had negotiated in July and believed a wage package had been agreed upon that was reasonable, fair, and would fall within the parameters of the Assembly.

Mosher while supportive, expressed concern of costs. Wein requested Gearity explain the financial implications prepared by Chief Finance and Administrative Officer Jay Sweeney. Gearity stated #1 identified cumulative over current costs and relayed the total cost for three years was roughly \$498,000. The cost included hourly rates, PERS, SBS, and Medicare. #2 identified a total percentage increase of 8.4% over three years. #3 provided a comparison of what a 1% wage increase would look like; a total of \$160,000 over three years. Nelson disclosed she had a family member who worked at the Electric Department. The Mayor ruled there was no conflict. Nelson expressed concern of the \$500,000 cost over a three-year period.

Wein paged through the agreement, read excerpts for the public and asked questions related to apprentice work, shift differential cost, on-call pay and the testing of marijuana for employment drug testing.

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

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

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

**I 19-170**

Approve the Assembly Position Subcommittee recommendations from the August 5 meeting for the following positions: Library Assistant, Scanner/Records Destruction Clerk (temporary), Customer Service Representative (temporary), Police Officers, Dispatch and Records Clerk

Knox asked Baty to come forward and explain the original request for four police officer positions. Knox expressed concern that the Department was down a significant number of officers and wondered of the effects of the subcommittee's recommendation for only two hires. Baty stated the Department was down five positions, however, there were no prospective candidates and he was comfortable with the two that had been recommended to be filled. Nelson stated she could only support two and reminded Chief Baty was still a temporary employee, litigation was pending with two employees and wondered if their litigation were to prevail and the City were ordered to bring them back to work, if there would be available positions. Wein reminded the Library position was a rehire and reviewed the other recommendations. Bean recalled Sitka Tribe of Alaska (STA) had received grant money for an officer position. Baty said until recently the position had been in limbo, however, billing had started and essentially STA was paying for an officer. Baty clarified that a position was not being added.

**A motion was made by Mosher to approve the recommendations of the Assembly Position Subcommittee as outlined in the draft meeting minutes of August 5, 2019 and forward to the Interim Municipal Administrator:**

- 1) Recommend a Library Assistant position be filled**
- 2) Recommend a Scanner/Records Destruction Clerk (temporary employee) position be filled - not to exceed six months and not to exceed the budget of \$20,000**
- 3) Recommend a Customer Service Representative (temporary employee) position be filled until mid-October or until the employee on family leave returns**
- 4) Recommend two Police Officers be hired**
- 5) Recommend the hire of Dispatch/Records Clerks up to the authorized strength and exempt the position from the hiring freeze**

**The motion PASSED by the following vote.**

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

**J 19-171**

Discussion / Decision of Assembly Member Nelson's attendance at the White House Office of Intergovernmental Affairs State Leadership Day events on September 10

Mayor Paxton suggested the City pay for a portion of the trip for Ms. Nelson. Nelson declined and said she did not bring the request forward for that reason. Assembly members thanked Nelson for her willingness to attend on her own accord.

**K 19-172**

Update and discussion / direction on next steps for the Municipal Administrator recruitment process and discussion of memo from Interim Municipal Administrator Dave Miller

Interim Administrator Dave Miller distributed applications to the Assembly. Members scheduled a special meeting for August 22 at 6:00 p.m. to develop a list of applicants to interview. Miller summarized his job proposition to assume the role of Assistant Administrator/PIO after an Administrator was hired. He stated he planned to retire soon and this would be a role in which he could help the new Administrator and new Fire Chief transition successfully.

**XIII. PERSONS TO BE HEARD:**

Jackie Ojala, Sitka Police Department employee, urged the Assembly to remember the reasons employees had requested an investigation in the first place. While pleased the Department was moving forward, she expressed disappointment in the investigation being put off and swept under the rug.

Shannon Haugland of the Daily Sitka Sentinel requested a list of individuals who had applied for the Municipal Administrator position.

Dave Miller invited the public to attend a birthday party for Smokey Bear at the Blue Lake Campground August 17.

**XIV. EXECUTIVE SESSION**

None.

**XV. ADJOURNMENT**

A motion was made by Mosher to ADJOURN. Hearing no objections, the meeting ADJOURNED at 7:43 p.m.

ATTEST:

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Sara Peterson, MMC  
Municipal Clerk