

CONSENT AGENDA

POSSIBLE MOTION

**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 11 and 25 Assembly meetings.



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 Kevin Mosher,
Kevin Knox, Dr. Richard Wein, Valorie Nelson, Thor
Christianson*

*Municipal Administrator: John Leach
Municipal Attorney: Brian Hanson
Municipal Clerk: Sara Peterson*

Tuesday, August 11, 2020

6:00 PM

Assembly Chambers

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



CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS
330 Harbor Drive
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Minutes - Draft

City and Borough Assembly

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Kevin Knox, Dr. Richard Wein, Valorie Nelson, Thor
Christianson*

*Municipal Administrator: John Leach
Municipal Attorney: Brian Hanson
Municipal Clerk: Sara Peterson*

Tuesday, August 25, 2020

6:00 PM

Assembly Chambers

WORK SESSION 5:00 P.M.

[20-166](#)

Work Session: Pre-Audit Orientation

Joy Merriner with BDO presented the overall audit strategy, planned scope, and timeline.

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Knox participated by videoconference.

Present: 5 - Knox, Wein, Paxton, Mosher, and Nelson

Absent: 2 - Christianson, and Eisenbeisz

IV. CORRESPONDENCE/AGENDA CHANGES

No agenda changes.

[20-172](#)

Reminders, Calendars, and General Correspondence

V. CEREMONIAL MATTERS

[20-167](#)

Service Award - Howie Pitts

Mayor Paxton read a service award honoring Howie Pitts for his personal time in

maintaining the grounds of the Animal Shelter. Wein thanked Pitts for his service.

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

Municipal Administrator John Leach spoke to the new reporting being used by Sitka Unified Command. Leach commented it was in alignment with the State's recommendations with emphasis on local mitigation. He stated a team from Sitka Unified Command was working to build a COVID-19 data dashboard with helpful information for the community. He noted the current alert level was at moderate.

VII. PERSONS TO BE HEARD

None.

VIII. CONSENT AGENDA - No items.

None.

IX. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

None.

X. UNFINISHED BUSINESS:

None.

XI. NEW BUSINESS:

New Business First Reading

A ORD 20-45 Amending the official zoning map to rezone Lot 2-2, Sheldon Jackson Campus Subdivision Number 2 from multifamily residential (R-2) to Cemetery (C)

Steve Hartford, Legal Director with Sitka Tribe of Alaska (STA), spoke in support stating STA saw the historic cemetery on Sawmill Creek Road as a cultural site. He told of graves there that were ancestors of tribal citizens along with orphans that were brought to Sitka of native origin and were buried there. He stated the new zoning designation allowed for maintaining or upgrading the property and would allow for grant funding.

Wein was in support of the rezoning. He recalled when the topic first came to Assembly's attention from a previous rezoning that included more commercial uses and within that rezoning was the cemetery area. He was happy it was removed from that original zoning request and felt it long overdue.

A motion was made by Mosher that this ordinance be APPROVED on FIRST READING. The motion PASSED by the following vote.

Yes: 5 - Knox, Wein, Paxton, Mosher, and Nelson

Absent: 2 - Christianson, and Eisenbeisz

B ORD 20-46

Making supplemental appropriations for fiscal year 2021 (FY2020 purchase orders)

Controller Melissa Haley explained the ordinance was needed to reduce FY2020 appropriations and move to FY2021 for expenditures in progress that had not been paid for. She gave the example of outstanding purchase orders and noted a significant portion were in Central Garage because of COVID-19 shutdowns and delays in procuring equipment.

A motion was made by Nelson that this ordinance be APPROVED on FIRST READING. The motion PASSED by the following vote.

Yes: 5 - Knox, Wein, Paxton, Mosher, and Nelson

Absent: 2 - Christianson, and Eisenbeisz

C ORD 20-47

Making supplemental appropriations for fiscal year 2020 and 2021 (re-appropriations and supplemental appropriations)

Controller Melissa Haley explained the recording of depreciation, the Fisheries Enhancement Fund overage, and reappropriating fixed assets based on grants for police equipment.

A motion was made by Nelson that this ordinance be APPROVED on FIRST READING. The motion PASSED by the following vote.

Yes: 5 - Knox, Wein, Paxton, Mosher, and Nelson

Absent: 2 - Christianson, and Eisenbeisz

D ORD 20-48

Making supplemental appropriations for fiscal year 2021 (Green Lake Phase I Supplemental Capital Appropriation)

Wein wondered why a \$1.3 million cash appropriation needed to be made, if the loan was guaranteed, and if not, what was plan B. He pointed out the \$2 million bracket in the Electric Department and wondered how it would shape up in context. Nelson stated her main concern going forward with a capital improvement was possible rate increases for the public.

Municipal Administrator John Leach noted that the Green Lake hydro rehab was past due and told of the risk. He explained the first phase of the three phase project was anticipated to be \$3 million through a USDA loan, that USDA was backlogged and was taking more time to get loan approval. He reiterated the risk of deferred maintenance and higher possibility of failure which have lead to discussions of possible rate increases with the insurance carrier. Controller Melissa Haley stated the hope of not having to use the appropriation, but that with it, it allowed awarding of the bid. She told of the refunded callable bonds that resulted in significant savings which allowed for working capital to be put towards the project. She stated that capital spending did not impact bond covenants. Utility Director Scott Elder noted because of the timeline, the project needed to get started and if it were delayed, it would cost the City time and money. He stated it was in the best fiscal interest to move forward in this manner.

A motion was made by Nelson that this ordinance be APPROVE on FIRST READING. The motion PASSED by the following vote.

Yes: 5 - Knox, Wein, Paxton, Mosher, and Nelson

Absent: 2 - Christianson, and Eisenbeisz

Additional New Business Items

E [20-169](#) Update / Discussion on the CARES Act Working Group progress (public comment to be taken)

Marshall Albertson spoke to his CARES Act funding grant applications stating his disapproval of being eligible for one grant, but that he had three essential businesses under one umbrella with separate sales tax accounts. He said that if he filed a lawsuit, it would delay the distribution of the funding to all applicants.

Assembly Discussion:

Nelson felt that if applicants had separate sales tax accounts, each of the accounts should qualify to receive funding. She stated the City shouldn't be making it harder for people and noted that many people had several businesses and separate sales tax accounts. Paxton noted the need to distribute the funding fairly to businesses and that this was for the benefit and survivability of Sitka. He stated if funding remained, then adjustments could be made and that it was a complex process. Wein asked of the decision making process and reasoning. He thought that the simplest way to distribute would be using the sales tax account number or EIN number. He felt that it should have been approved to allow for largest distribution. Mosher a member of the CARES Act Funding Working Group (WG) stated the decision made was to be as fair as possible, he was not in support of starting the process over, and noted that decisions could be made on how to distribute the remaining funds. Knox a WG member spoke to the discussion from the WG of going the route of using the EIN number. He told of the need to distribute to nonprofit organizations and other entities without sales tax account numbers. He stated it was a way to capture the validity of the organization as nonprofits had EIN. He anticipated having funds leftover and there could be another application period to provide funding, but that by using the EIN it was a way to get money out quickly then revisit in phase 2 as more targeted. He thought it important to point out that there wasn't a lot of guidance given by the Feds on how to spend the funding. Nelson preferred to continue the round as progress was being made and money disbursed, although noted there was room for improvement.

Municipal Administrator John Leach told of the process that began in March, the appeal process, and options noting the Assembly could decide on how to disburse the remaining funds. He relayed that the WG had begun discussions for the remaining funds. Leach explained that the WG realized there were a number of businesses without a sales tax account number. He reminded the application was presented to the Assembly in July. He provided an update on each of the funding categories. He gave final points: 1) it was important to understand the Grant Analyst was not the authority on whether the application was approved or denied, and 2) the citizens had been the top priority in distributing funds.

F [20-168](#) Discussion / Direction on the City and Borough of Sitka seal project

Knox introduced the item and went over the process of receiving feedback from boards/commissions/committees and in public sessions. He noted the interest in the ones that stood out and the idea of approaching the artists to make changes. He asked for direction from the Assembly suggesting to bring back the top three.

Members offered opinions on their preferences. Mosher suggested when the entries came back to the Assembly for review, that they be on letterhead as an example.

Planning Director Amy Ainslie shared data from the public outreach stating that the Sitka Tribe of Alaska had submitted feedback.

It was determined that the top five designed would be brought back in a month with modifications.

G [20-171](#)

Approve the promotion of Melissa Haley from Controller to Finance Director

Nelson told of her concerns with the starting rate of pay. Wein felt that Haley's credentials were sterling and looked forward to her ability to help steer the City in a good financial way. Mosher agreed stating that Haley was the person for the job and worth the pay. Paxton expressed his delight.

Municipal Administrator John Leach spoke that he made the offer based on her record and experience.

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

Yes: 5 - Knox, Wein, Paxton, Mosher, and Nelson

Absent: 2 - Christianson, and Eisenbeisz

H [20-170](#)

Approve the promotion of Antonio Rosas from Harrigan Centennial Hall Building Supervisor to Harrigan Centennial Hall Building Manager

Wein felt this was a great choice as Tony had been with the city for a long time and knew the job. He felt there would be a good transition. Paxton stated the City was lucky to have Tony and thanked Don Kluting for his job.

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

Yes: 5 - Knox, Wein, Paxton, Mosher, and Nelson

Absent: 2 - Christianson, and Eisenbeisz

XII. PERSONS TO BE HEARD:

None.

XIII. REPORTS

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

Administrator - Leach spoke to alert levels, urged citizens to apply for CARES Act grant funding, and temporary employee openings.

Liaison Representatives - Wein reported on the Tree and Landscape Committee and Health Needs and Human Services Commission. Nelson on the Local Emergency Planning Committee.

Clerk - Peterson reported on the upcoming October 6 Municipal Election and voting options. She reminded folks of the 2020 Census and read through vacancies for boards and commissions.

XIV. EXECUTIVE SESSION

None.

XV. ADJOURNMENT

A motion was made by Nelson to ADJOURN. Hearing no objections, the meeting ADJOURNED at 7:50 p.m.

ATTEST: _____
Melissa Henshaw, CMC
Deputy Clerk