



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

Tuesday, March 24, 2020

6:00 PM

Assembly Chambers

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Members participated by videoconference.

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

IV. CORRESPONDENCE/AGENDA CHANGES

No agenda changes.

[20-075](#)

Reminders, Calendars, and General Correspondence

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)**

School Board Vice Chair Amy Morrison reported on the Sitka School District. She stated that Governor Dunleavy had closed all schools and extracurricular activities in Alaska through May 1. She told that staff was preparing a way to offer online delivery to students. She reminded that staff was distributing breakfast and lunch available for pick up and told of other resources for students and families.

VII. PERSONS TO BE HEARD

Municipal Clerk Sara Peterson read into the record public comment from Ben Lawrie of his concerns and disappointment in the lack of action to prevent the spread of the COVID-19 virus. He felt Sitka should have been leading other communities and that education could and would help. He informed when he submitted his comments, the phone call received by Municipal Administrator John Leach, and noted the use of a shared printer in which comments may be intercepted.

Fire Chief Dave Miller thanked municipal staff and staff at the Emergency Operations Center. He stated that locking/shutting down the airport was not a legal option. He thanked all of the businesses in town that were taking precautions and gave suggestions to prevent the spread of COVID-19.

Executive Director for Center for Community Bryan O'Callaghan told of the services for the demographic most susceptible to COVID-19 and of the federal laws implemented for the Center for Community.

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

Mayor - Paxton thanked the organizations that were helping Sitkans in need. He thanked the leadership of the EOC and urged citizens to do their part and take precautions with regards to the COVID-19 virus.

Administrator - Leach told of the shelter in place that was implemented and that the decision was not made easily. He reported on the first meeting with SEDA for the Economic Resiliency Task Force today. He thanked staff especially IT Director Grant Turner, those that were doing their part in stopping the spread of the virus, the non-profits, and volunteers.

Liaison Representatives - Wein reported on the Local Emergency Planning Commission meeting from March 12, 2020 and the Health Needs and Human Services Commission meeting. Knox reported on the Port and Harbors meeting.

Clerk - Peterson reminded of the 2020 Census being conducted and online option.

IX. CONSENT AGENDA

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

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

A [20-071](#) Approve a liquor license renewal application for American Legion Post #13 at 205 Lincoln Street

This item was APPROVED ON THE CONSENT AGENDA.

B [20-072](#) Approve 1) a transfer of controlling interest application for Northern Lights Indoor Gardens Retail Marijuana Store at 1321 Sawmill Creek Road Suites N, O, and P, and 2) a transfer of controlling interest application for Northern

Lights Indoor Gardens Standard Marijuana Cultivation Facility at 1321 Sawmill Creek Road Suites M, N, O, and P

This item was APPROVED ON THE CONSENT AGENDA.

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

- C** [20-073](#) Appointments: 1) Reappoint George D. Bennett Jr. to a three-year term on the Local Emergency Planning Committee in the category of 2 - Law Enforcement, Civil Defense, Fire Fighting, First Aid, Local Env't/Hospital, and Transportation Personnel, and, 2) Appoint Robert Hattle to a three-year term on the Local Emergency Planning Committee in the category of 6 - Members of the Public, and, 3) Appoint Mim McConnell to a three-year term on the Local Emergency Planning Committee in the category of 4 - Community Groups

Christianson and Knox thanked the applicants.

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

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

XI. UNFINISHED BUSINESS:

- D** [ORD 20-07](#) Making supplemental appropriations for Fiscal Year 2020 (Sitka Police Department Legal Expenses)
- Wein was not in support and suggested to look for a different firm to represent the city. Christianson felt there was no choice but to pay. Nelson was not in support.

A motion was made by Mosher 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

- E** [ORD 20-08](#) Making supplemental appropriations for Fiscal Year 2020 (Crescent Harbor Lightering Float Repairs)

Christianson felt that the repairs should be postponed and wondered if these were necessary in the light of the (COVID-19) situation and the upcoming season. Municipal Administrator John Leach commented that code was followed in the bid process. Mosher was in support but felt the process should be reviewed. Wein noted his questions raised previously and stated just because the project could be done didn't mean it should be. He suggested considering city talent and skills first and encouraged support of local vendors. Eisenbeisz was in support of maintenance of facilities, however in light of the (COVID-19) situation, he did not feel the repairs were life safety and he had concerns with funding. Paxton agreed that the procurement process needed to be improved. Nelson was not in support and told of complications with the procurement process. Leach agreed that there was room for improvement with the procurement process. He noted if and/or when federal or state monies for recovery came in for reimbursement through grants and loans, there may be restrictions on how they were bid out and that should be taken into consideration.

A motion was made by Knox that this ordinance be APPROVED on SECOND

AND FINAL READING. The motion FAILED by the following vote.

No: 7 - Christianson, Eisenbeisz, Knox, Wein, Paxton, Mosher, and Nelson

F [ORD 20-09](#)

Amending Title 22 "Zoning" of the Sitka General Code by modifying Chapter 22.08 "Definitions" and Chapter 22.16 "District Regulations", and adding Section 22.08.162 "Bulk Retail"

A motion was made by Christianson that this ordinance be APPROVED on SECOND AND FINAL READING. The motion PASSED by the following vote.

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

XII. NEW BUSINESS:**G** [20-074](#)

Approve employee benefits that may vary from those set out in Section 6.14 of the City and Borough of Sitka Personnel Policies Handbook; specifically authorizing and ratifying up to 14 days of paid administrative leave per the Municipal Administrator's flowchart in response to COVID-19 essential operations

Christianson was in support of the two weeks paid administrative leave and didn't feel it would change the budget. He thought it would help the economy. Wein stated the fiscal note did not state the cost and how many employees were involved. He wondered what would happen after the 14 days and the trajectory of administrative staff. He was in support but felt that more information was needed. Nelson had concerns of the Permanent Fund but stated she was in support in the short-term. Municipal Administrator John Leach stated the cost would not be over the FTE budgeted amount. He noted that administrative leave was the last resort. Municipal Attorney Brian Hanson noted that if the administrative leave would go beyond the 14 days, it would need to come back before the Assembly. Mosher stated he could support the benefits for two weeks.

A motion was made by Christianson to approve employee benefits that may vary from those set out in Section 6.14 of the City and Borough of Sitka Personnel Policies Handbook; specifically authorizing and ratifying up to 14 days of paid administrative leave per the Municipal Administrator's flowchart in response to COVID-19 essential operations. The motion PASSED by the following vote.

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

H [RES 20-06](#)

Ordering people in the City and Borough of Sitka hunker down related to COVID-19

Executive Director of Center for Community Bryan O'Callaghan implored the Assembly to include in home or home based services. He noted that the services they offered were not critical services nor were they medical providers, but it kept those most at

risk in their own homes and out of institutions as long as possible.

Christianson clarified that the resolution did include home based services. He was in support and said that this was similar to the state's recommendation. He was hoping for an outcome of no confirmed cases. He noted the need to keep from spreading the virus and continue distancing. Nelson had concerns with the pressure to react, the lack of public notice, and cutting off every person that was trying to survive economically. Wein felt the resolution was not new, was basic public health, and not mandatory. Wein stated it economically bifurcating and that it was necessary to recognize the economic issues. Paxton agreed. Knox felt that by bringing this forward it was echoing the need to practice public health and to take it seriously. Mosher pointed out the April 14 end date. Eisenbeisz felt that the resolution followed what the Administrator and the EOC recommendations were with better definition and detail; it gave guidelines and a grievance process.

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

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

No: 1 - Nelson

I [20-076](#)

Discussion / Direction for Assembly communication with the Municipal Administrator and Municipal Attorney to discuss response powers of the Municipal Administrator during emergency declaration and clarification of items in the "shelter in place" news release

Municipal Administrator John Leach stated he would like an open dialogue for the following topics: airport closure, mandatory screening at the airport, definition of essential versus non-essential business, and mandatory quarantine and enforcement. Knox also suggested how to alleviate the stress that citizens were under with utility bills and late fees. Eisenbeisz stated he was working on the topic of foregoing late fees, penalties, interest, and disconnects for a period time until the state of emergency is over. Mosher agreed with giving a break but advised that it should be a case-by-case basis. He stated he would like to help those in need, but that there was also a fiscal responsibility with regards to bond debt. Paxton agreed on the as needed basis. Wein told of the difficulties with screening for COVID-19 and lack of ability to be able to screen using fast tests and stated the best thing was to shelter at home. He stated that the budget needed to be considered and how to deal with shortfall. Nelson gave kudos to the Municipal Administrator for managing the emergency. She felt she was informed and thanked Leach and Dave Miller. She wondered how to reach out to those that don't have internet. Paxton and Christianson thanked staff, SEARHC, and volunteers.

Municipal Attorney Brian Hanson stated with regards to fiscal matters, the Administrator had authority under the emergency declaration, code, and statutes to make decisions in the fiscal arena that affected the health and safety of the citizens e.g., electric disconnection or collection actions. He told on the issue of waiving penalties and interest that he felt it was premature at this point but that staff should assess those and determine if it fit within the Administrator's power, and if it didn't fit it would come before the Assembly. He pointed out the hunker down resolution should be compared with what the Governor had required of the mandatory quarantine for 14 day after travel which was enforceable for criminal charges.

Leach stated that the city owned the airport building, but that the city did not own the airport itself. Wein noted that Alaska Airlines had cut flights and felt they would be

responsible for the reduction in passenger flow.

XIII. PERSONS TO BE HEARD:

Executive Director Byran O'Callaghan thanked the Assembly for not dithering.

XIV. EXECUTIVE SESSION

None.

XV. ADJOURNMENT

A motion was made by Mosher to ADJOURN. Hearing no objections, the meeting ADJOURNED at 7:33 p.m.

ATTEST: _____
Melissa Henshaw, CMC
Deputy Clerk