



# CITY AND BOROUGH OF SITKA

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

## Minutes - Final

### City and Borough Assembly

*Mayor Steven Eisenbeisz*  
*Deputy Mayor Thor Christianson,*  
*Vice Deputy Mayor Valorie Nelson,*  
*Kevin Knox, Kevin Mosher, Crystal Duncan, Rebecca*  
*Himschoot*

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

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Tuesday, November 24, 2020

6:00 PM

Assembly Chambers

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#### REGULAR MEETING

#### I. CALL TO ORDER

#### II. FLAG SALUTE

#### III. ROLL CALL

Mayor Eisenbeisz attended in-person. All other members attended by videoconference.  
Nelson left the meeting at 8:45pm.

**Present:** 7 - Christianson, Knox, Mosher, Nelson, Eisenbeisz, Himschoot, and Duncan

#### IV. CORRESPONDENCE/AGENDA CHANGES

[20-234](#)

Reminders, Calendars, and General Correspondence

No agenda changes.

#### V. CEREMONIAL MATTERS

[20-227](#)

Proclamation - Small Business Saturday

Mayor Eisenbeisz read a proclamation proclaiming November 28 as Small Business Saturday.

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

School Board President Amy Morrison thanked the Assembly for approving Resolution 20-30 on November 10 encouraging people in Sitka to continue COVID-19 prevention efforts for keeping Sitka Schools open. She reported all schools were operating by

virtual instruction through December 4 with the exception of Baranof Elementary School.

Steve Bethune, Fish and Game Wildlife Management Biologist, provided an update on the current brown bear situation in Sitka. He reminded of the bear attraction nuisance ordinance and asked citizens to refrain from putting out trash until garbage pickup day.

[20-230](#)

Special Report: 1) Greater Sitka Chamber of Commerce / Visit Sitka, and, 2) CBS Electric Department

Rachel Roy, Executive Director of the Greater Sitka Chamber of Commerce, and Laurie Booyse, Director of Visit Sitka, provided a quarterly update to the Assembly: outlook for travel industry in 2021, marketing and promotion highlights for July through September, and a financial update.

Utility Director Scott Elder spoke to the work focus of the Electric Department: preventative maintenance and planning, contract management, recruitment and retention, technical information management, 10 year capital plan implementation, regulatory compliance, and a long-term load-based Generation Expansion Plan. In addition, Elder spoke to Department challenges: growing the Capital Fund, planning and funding future Capital projects, retirements and loss of knowledge/experience, reactive work due to old infrastructure, and SEARHC expansion and future load growth.

## VII. PERSONS TO BE HEARD

Garry White of the Sitka Economic Development Association spoke to the economic loss in Southeast Alaska due to the pandemic.

Richard Wein spoke to businesses closing, Electric Department deferred maintenance, increased shipping rates, the lack of affordable housing, and urged the assembly to have a hard conversation on the future for Sitka.

Rachel Roy, Executive Director of the Chamber of Commerce, provided an update on: recent events, virtual luncheons, collaboration with the Sitka COVID-19 Conscious Business program, holiday light contest, and reminded Sitkans to take advantage of tax free shopping days November 27 and 28.

Karen Lucas, on behalf of ANB and ANS, wished everyone a Happy Thanksgiving and reminded of the community takeout dinner happening at Harrigan Centennial Hall.

Kevin Mosher stated he wore a mask as a sign of respect and chose to do so while the community was at high alert and when 6 feet of distance couldn't be maintained.

## VIII. CONSENT AGENDA

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

**Yes:** 7 - Christianson, Knox, Mosher, Nelson, Eisenbeisz, Himschoot, and Duncan

**A** [20-229](#)

Approve the minutes of the November 10 assembly meeting

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

- B**     [20-231](#)     Approve a liquor license renewal application for Ernie's Bar Inc. dba Ernie's Bar at 130 Lincoln Street  
**This item was APPROVED ON THE CONSENT AGENDA.**
- C**     [20-228](#)     Approve the Acting Administrator list for 2021: Melissa Haley, Michael Harmon, Scott Elder, and Sara Peterson  
**This item was APPROVED ON THE CONSENT AGENDA.**

**IX.     BOARD, COMMISSION, COMMITTEE APPOINTMENTS**

None.

**X.     UNFINISHED BUSINESS:**

- D**     [ORD 20-52](#)     Amending Title 2 "Administration" of the Sitka General Code Chapter 2.04 "City and Borough Assembly" by amending Section 2.04.040 "Committees"  
**A motion was made by Knox that this Ordinance be APPROVED on SECOND AND FINAL READING. The motion PASSED by the following vote.**  
**Yes:**   7 -   Christianson, Knox, Mosher, Nelson, Eisenbeisz, Himschoot, and Duncan

**XI.    NEW BUSINESS:**

**New Business First Reading**

- E**     [ORD 20-55](#)     An emergency ordinance of the City and Borough of Sitka limiting capacity at all bars, restaurants and other large gathering places and providing guidance to mitigate the spread of COVID-19
- Public Testimony  
Those speaking in opposition to the ordinance were Jayleen Owen, Richard Wein, Stuart Pook, Darrell Windsor, Roxanne Newell, Marshall Albertson, Karen Lucas, Mary Todd Andersen, Amy Bethune, and Duane Lambeth. In support of the ordinance was Valorie Edwards and Coral Crenna.
- Assembly Discussion  
Nelson spoke in opposition, believed rights were being taken away, and businesses were suffering. Christianson wondered of legality issues. Municipal Attorney Brian Hanson didn't believe there to be any issues and felt it would survive a constitutional challenge if brought to court. Christianson spoke to the high case numbers and the need to not overwhelm the healthcare system. Mosher spoke in opposition and the need for businesses to remain open. Knox, a cosponsor, stated he didn't wish to see businesses close, however, some bars and restaurants were not taking precautions and this ordinance was brought forward as a tool to help. He reminded of the stress on the healthcare system and children unable to attend school. Duncan, a cosponsor, agreed and emphasized the goal wasn't a shutdown but yet a tool to provide support to businesses. Himschoot spoke to overwhelmed healthcare systems and noted the ordinance, if enacted, would help keep people safe. Eisenbeisz, while understanding of the good intent, feared the ordinance could cause greater divide within the community. Instead he encouraged citizens to be respectful of one another and continue practicing

preventative measures. Nelson left the videoconference at 8:45 p.m.

**A motion was made by Christianson that this Emergency Ordinance be APPROVED on FIRST READING. The motion FAILED by the following vote. (Note: Per Sitka Home Rule Charter Section 3.03, the affirmative votes of at least five assembly members shall be required for adoption of an emergency ordinance.)**

**Yes:** 4 - Christianson, Knox, Himschoot, and Duncan

**No:** 3 - Mosher, Nelson, and Eisenbeisz

**F**     [ORD 20-53](#)

Making supplemental appropriations for Fiscal year 2021 (*Brady Lift Station Rehab Project*)

Richard Wein spoke to supplemental appropriations and the need to know actual costs.

Public Works Director Michael Harmon stated the Brady Lift Station Rehab project was high priority due to the risk and implications of lift station failure. He relayed the project had been redesigned to maximize efficient use of funds. Eisenbeisz spoke to the consultant costs and wondered if they'd be needed with more engineering staff in-house. Harmon believed the City would be highly challenged to hire these areas of expertise. Staff instead was responsible for managing the project. Mosher wondered if an engineer was hired in-house whether consulting costs could be reduced. For this project, Harmon indicated the amount could be reduced by \$37,000.

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

**Yes:** 6 - Christianson, Knox, Mosher, Eisenbeisz, Himschoot, and Duncan

**Non-voting:** 1 - Nelson

**G**     [ORD 20-54](#)

Making supplemental appropriations for Fiscal Year 2021 (*Homeland Security Grant for Secure Access Upgrade*)

Municipal Administrator John Leach explained the ordinance was needed in order to spend the grant funds received.

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

**Yes:** 6 - Christianson, Knox, Mosher, Eisenbeisz, Himschoot, and Duncan

**Non-voting:** 1 - Nelson

**Additional New Business Items**

**H**     [20-232](#)

Discussion / Direction / Decision on Tract A11 Whitcomb Heights Subdivision RFP Response

Planning Director Amy Ainslie provided background and reminded on August 5 the Assembly had authorized an RFP for the land sale. Ainslie told of one response received. She explained the internal review team felt the response did not meet the

RFP requirements. Jill Hirai of Pioneer Land Development, LLC (PLD) stated PLD disagreed with the review team's assessment. She added from the start, approximately 15 months ago, affordable housing had always been the primary objective although there were challenges in meeting that goal with the subject property. Hirai reviewed PLD's RFP response, spoke to the high developable costs of the west parcel, and noted some of the land was undevelopable.

Christianson and Mosher believed accepting the PLD response was reasonable. Eisenbeisz wondered of placing development restrictions on the property. Himschoot struggled with the need for more information before making a decision, wondered of the overall plans for the Benchlands, and in the end stated she was more comfortable with an auction. Knox spoke to the enormity and challenges related to the subject of affordable housing. Duncan also felt more information was needed before making a decision.

From the public, Richard Wein commented if the City were to release the landslide risks maps it may take the subject property off the market. Wein recommended an auction process and the owner could then develop the land as appropriate.

**A motion was made by Christianson to accept the RFP response from Pioneer Land Development, LLC. The motion FAILED by the following vote.**

**Yes:** 2 - Christianson, and Mosher

**No:** 4 - Knox, Eisenbeisz, Himschoot, and Duncan

**Non-voting:** 1 - Nelson

- I     [RES 20-31](#)     Extending Resolution No. 2020-05 which continues the declaration by the Municipal Administrator of a local disaster emergency in response to COVID-19 and a request for State and Federal assistance

Richard Wein spoke in support of the resolution.

Municipal Administrator John Leach commented the resolution would be in effect through the end of the fiscal year or until there was no longer an emergency.

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

**Yes:** 6 - Christianson, Knox, Mosher, Eisenbeisz, Himschoot, and Duncan

**Non-voting:** 1 - Nelson

- J     [20-233](#)     Update / Discussion on the CARES Act Working Group progress (*public comment to be taken*)

Municipal Administrator John Leach noted 173 Phase 2 grant applications were received totaling approximately \$4 million. To date, 159 had been determined to be eligible and stated \$3 million was still available. Leach reminded the Sitka Housing Relief program was open through Alaska Housing Finance and told of a \$50,000 subrecipient grant with Sitka Tribe of Alaska.

## XII. PERSONS TO BE HEARD:

Richard Wein spoke to the RFP for Whitcomb Heights and urged the City to determine what they wished to do with the land.

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

Administrator - Leach thanked community members for continuing to practice COVID mitigation measures, told of preliminary discussions in the Sitka Emergency Operations Center related to vaccine point of distribution, reminded the COVID Conscious Business program would be launched soon, and told of correspondence from the U.S. Coast Guard indicating the fast response cutters were still planned for placement in Sitka and Seward.

Due to the mandatory adjournment time of 10:30 p.m., no other reports were heard.

**XIV. EXECUTIVE SESSION**

None.

**XV. ADJOURNMENT**

A motion was made by Christianson to ADJOURN. Hearing no objections, the meeting ADJOURNED at 10:28 p.m.

ATTEST: \_\_\_\_\_  
Sara Peterson, MMC  
Municipal Clerk