

# City of Valdez

212 Chenega Ave.  
Valdez, AK 99686



## Meeting Minutes - Final

**Monday, March 23, 2020**

**5:00 PM**

**Special Meeting**

**Council Chambers**

**City Council**

**REGULAR AGENDA - 5:00 PM****I. CALL TO ORDER**

Mayor Pro Tem Scheidt called the meeting to order at 5:03 p.m. in Valdez City Council Chambers.

**II. ROLL CALL**

Present: 6 - Mayor Pro Tem Sharon Scheidt  
Council Member Ron Ruff (*by telephone*)  
Council Member Christopher Moulton  
Council Member Darren Reese  
Council Member Dennis Fleming  
Council Member Alan Sorum (*by telephone*)

Excused: 1 - Mayor Jeremy O'Neil

Also Present: 7 - City Manager Mark Detter  
Assistant City Manager Nathan Duval  
Assistant City Manager Roxanne Murphy  
City Clerk Sheri Pierce  
Deputy City Clerk Allie Ferko (*by telephone*)  
Records Manager Shelley McMillen  
City Attorney Jake Staser (*by telephone*)

**III. UNFINISHED BUSINESS****1. Approval of City of Valdez COVID-19 Health Mandate #001**

MAIN MOTION ALREADY ON THE FLOOR.

Mayor Pro Tem Scheidt requested Mr. Staser outline what a travel restriction quarantine mandate involved, as well as Council's authority on the subject. Mr. Staser explained local government had strong legal ground to pass health mandates to protect their community.

Mr. Detter explained the Valdez Unified Command was in agreement the mandate should be passed. He explained the exemptions used in Anchorage were broader than federal exemptions. The federal exemption list was also large. He outlined some differences between the two. Mayor Pro Tem Scheidt asked if Unified Command had recommendations for exemptions. Mr. Detter stated the group was comfortable with the list of exemptions as presented.

Council Member Moulton verified the mandate did not close any local businesses and only affected those who traveled in and out of the community. He asked who the point of contact would be for those who felt they should be included on the exemption list. Mr. Duval recommended petitioning the city manager.

Mayor Pro Tem Scheidt requested Council's discussion of the mandate be limited to the actual mandate language. She read the mandate in its entirety.

Council Member Reese asked for clarification if "going into the public" included

outdoor space on private property. Mayor Pro Tem Scheidt requested postponing discussion on that particular point until later in the meeting.

Mayor Pro Tem Scheidt expressed her concern over the broad list of exemptions. Council Member Moulton explained the mandate only applied to those returning to the community. Council Member Fleming stated he felt the federal exemption list was appropriate.

**MOTION TO AMEND #1:** Council Member Fleming moved, seconded by Council Member Reese to amend Valdez Public Health Mandate 001 by adjusting the list of critical infrastructure to reflect the federal list outlined in the state of Alaska Health Alert dated March 20, 2020.

Council Member Sorum expressed concern over hotels not being included in the exemption list. Mayor Pro Tem Scheidt explained the mandate did not apply to hotel staff unless they had recently traveled.

**VOTE ON THE MOTION TO AMEND #1:**

**Yays:** 6 - Council Member Ruff, Council Member Moulton, Council Member Scheidt, Council Member Reese, Council Member Fleming and Council Member Sorum

**Excused:** 1 - Mayor O'Neil

**MOTION TO AMEND #1 CARRIED.**

**MOTION TO AMEND #2:** Council Member Moulton moved, seconded by Council Member Fleming, to amend Valdez Public Health Mandate 001 by adding the following sentence after the list of critical infrastructure exceptions: "If you work in an industry that is not listed above but believe that your position qualifies as a critical infrastructure position, you may petition the City Manager for a determination of whether you are bound by this mandate."

**VOTE ON THE MOTION TO AMEND #2:**

**Yays:** 6 - Council Member Ruff, Council Member Moulton, Council Member Scheidt, Council Member Reese, Council Member Fleming and Council Member Sorum

**Excused:** 1 - Mayor O'Neil

**MOTION TO AMEND #2 CARRIED.**

**MOTION TO AMEND #3:** Council Member Moulton moved, seconded by Council Member Fleming to amend Valdez Public Health Mandate 001 by establishing the effective date and time of the mandate as March 23, 2020 at 10:00 p.m.

**VOTE ON THE MOTION TO AMEND #3:**

**Yays:** 6 - Council Member Ruff, Council Member Moulton, Council Member Scheidt, Council Member Reese, Council Member Fleming and Council Member Sorum

**Excused:** 1 - Mayor O'Neil

**MOTION TO AMEND #3 CARRIED.**

MOTION TO AMEND #4: Council Member Reese moved, seconded by Council Member Fleming to amend Valdez Public Health Mandate 001 by adding the following as the last sentence of the mandate: "This mandate shall remain in effect until April 22, 2020 at noon unless otherwise rescinded by a vote of the City Council".

VOTE ON THE MOTION TO AMEND #4:

Yays: 6 - Council Member Ruff, Council Member Moulton, Council Member Scheidt, Council Member Reese, Council Member Fleming and Council Member Sorum

Excused: 1 - Mayor O'Neil

MOTION TO AMEND #4 CARRIED.

Council Member Reese asked for clarification on the phrase "out in public". Mr. Staser explained it was up to Council to define the phrase. Council Member Moulton stated he had only seen a definition provided in ordinances and did not feel it was necessary to include a definition in the mandate.

MOTION TO AMEND #5: Council Member Moulton moved, seconded by Council Member Reese to amend Valdez Public Health Mandate 001 by adjusting the second numbered paragraph to read: "2. Contact your employer and self-quarantine for the entirety of that 14-day period".

Ms. Rowena Palomar, Advocates for Victims of Violence executive director, asked if those being released from the hospital in Anchorage would be required to quarantine upon return to Valdez. Council Member Moulton confirmed they would be required to quarantine, but would be welcome to come home to Valdez.

VOTE ON THE MOTION TO AMEND #5:

Yays: 6 - Council Member Ruff, Council Member Moulton, Council Member Scheidt, Council Member Reese, Council Member Fleming and Council Member Sorum

Excused: 1 - Mayor O'Neil

MOTION TO AMEND #5 CARRIED.

Council Member Fleming asked if Mr. Detter had reached out to the fish processors, Alyeska, and similar companies. He encouraged the community to pay attention to local and state guidelines and requirements. Mr. Detter stated there was a conference call scheduled for March 24<sup>th</sup> with those companies and he would bring information back to Council.

MOTION TO AMEND #6: Council Member Reese moved, seconded by Council Member Moulton to amend Valdez Public Health Mandate 001 by adjusting the first numbered paragraph to read: "Self-quarantine and maintain appropriate social distance (about six feet) for 14-days from the date of your last arrival in Valdez.

Valdez Citizen Rich Long requested verification regarding the list of exemptions. Mayor Pro Tem Scheidt explained the expectations outlined in the mandate for employers on the exemption list to comply as much as they were able. Quarantine would still be required for employees on the exemption list during

their off-duty, non-work hours. Mr. Long shared his concern over a significant number of visiting skiers. Mayor Pro Tem Scheidt explained she expected all people coming into Valdez comply with the mandate.

Valdez resident Patty Relay asked if travel quarantine was on the honor system, or if there was a reporting element to the mandate. Mayor Pro Tem Scheidt said there was no reporting requirement for travelers entering the community. Council Member Moulton explained this was typical for similar mandates around the country during this pandemic.

**VOTE ON THE MOTION TO AMEND #6:**

Yays: 6 - Council Member Ruff, Council Member Moulton, Council Member Scheidt, Council Member Reese, Council Member Fleming and Council Member Sorum

Excused: 1 - Mayor O'Neil

**MOTION TO AMEND #6 CARRIED.**

**MOTION TO AMEND #7:** Council Member Reese moved to amend Valdez Public Health Mandate 001 by striking the word "prevent" from the opening sentence of the mandate.

**MOTION TO AMEND #7 FAILED DUE TO LACK OF A SECOND.**

Mayor Pro Tem Scheidt expressed concern over mandate language not specifically addressing those visiting the community. Council Member Moulton stated the mandate specified "all entering Valdez". Council Member Fleming suggested distribution of the mandate in different formats would help make the point clear that visitors were included in the mandate.

Valdez Police Chief Bart Hinkle explained voluntary compliance was the main goal to enforce the mandate. He stated a good public information campaign using all available sources led by the Unified Command public information team would be integral to the mandate's effectiveness.

Mr. Staser asked if travel by sea and travel by air would be treated the same. Council concurred. Mr. Staser asked how the mandate applied to those who had come into the community prior to the mandate's establishment, but within the last fourteen days. He explained he understood the document to read as expecting those people to quarantine for a fourteen day period beginning from the date they last arrived. He requested clarification from Council. Council concurred with Mr. Staser's interpretation.

Ms. Palomar asked if the city would be imposing a curfew. Mayor Pro Tem Scheidt explained it was not in the mandate.

Dr. Samuel Shirk, Providence Valdez Medical Center, stated he strongly supported the travel mandate.

Valdez Resident Sue Ellen Montes asked if employers would be held accountable for complying with the mandate. Council Member Moulton explained it was the expectation every attempt would be made to comply. Ms. Montes verified the mandate applied to visitors entering Valdez. Council confirmed all

people entering Valdez were subject to the mandate.

Valdez resident James Devens expressed his concern over the phrasing of “self-quarantine” not addressing the issue of physical surfaces in public spaces. He stated the virus causing COVID-19 was known to live on physical surfaces for a time. Dr. Shirk explained, from a medical standpoint, risk of exposure from physical surfaces was less than the risk to health caused by remaining home and not going outside to walk, exercise, or sit on a park bench.

Valdez resident Joe Prax shared his concern over community panic related to COVID-19.

Ms. Relay agreed with Mr. Prax, explaining the undercurrent of fear and finger pointing. She encouraged the robust public information campaign outlined by Chief Hinkle. Ms. Ferko updated Council announcements made during the Governor’s state press conference which occurred at the same time as the meeting. She read the two newly announced state health mandates into the record.

#### VOTE ON THE MAIN MOTION AS AMENDED:

Yays: 6 - Council Member Ruff, Council Member Moulton, Council Member Scheidt, Council Member Reese, Council Member Fleming and Council Member Sorum

Excused: 1 - Mayor O’Neil

MAIN MOTION AS AMENDED CARRIED.

## IV. NEW BUSINESS

### 1. Discussion Item: Stay At Home Mandate

Mayor Pro Tem Scheidt conveyed her interest in holding a discussion on a stay-at-home or shelter in place mandate in anticipation of needing to implement one in the near future.

Mr. Staser outlined stay-at-home mandates found in other locations, what would be entailed if Valdez chose to implement such a mandate, and the authority of a home rule municipality to these types of mandates restricting the movement of citizens.

Council Member Moulton asked how the mandate would affect a business’ ability to fill online orders. Mr. Staser explained businesses could not be open to the public. He stated businesses would still be able to fill online and curbside pick-up orders as long as their facility or storefront was not open to the public. Council Member Reese pointed out the Anchorage hunker down order specifically outlined businesses must function telephonically, with employees working from home whenever possible.

Council Member Fleming asked if there was federal funding for businesses forced to close their doors due to a stay-at-home mandate. He asked if the city would be financially obligated to provide funding to impacted businesses if a local stay-at-home mandate was passed. Mr. Staser stated although it could come up, he did not believe the city would be held liable. He said small business loans were available for those affected by COVID-19 and there was ongoing discussion

at the federal level on providing relief.

Council Member Moulton requested Council carefully consider exemptions and how to allow businesses to operate telephonically and online if a mandate was considered. Mr. Staser pointed out the Juneau hunker down mandate draft stated businesses had to close their doors to the public, which allowed for continued operation via other methods. Council Member Moulton agreed the wording in the Juneau mandate was clear and expressed concern over the economic impact of COVID-19.

Ms. Relay stated she was unclear how a hunker-down order would affect those working behind closed doors. Mayor Pro Tem Scheidt stated it would depend on what was classified as essential. Mr. Staser agreed it would depend on how Council drafted the mandate language. Council Member Reese and Mayor Pro Tem Scheidt reiterated this was a discussion topic only and Valdez was not currently passing a stay-at-home mandate.

Mr. Detter stated Unified Command would defer to the medical experts on the appropriate timing and need to implement a stay-at-home mandate.

Dr. Shirk explained from a medical standpoint, he would recommend changing from the travel mandate to a hunker-down mandate when Valdez began to see community spread. Council Member Reese asked if a fourteen day mandate would be appropriate. Dr. Shirk agreed it would be and explained why the fourteen day time period was important.

Council Member Reese asked if the Unified Command would draft a mandate for Council to review and have on hand for future use. Mr. Detter and Ms. Pierce explained a draft was included in the agenda packet for Council to review.

## **V. ORDINANCES**

### **1. #20-03 - Amending Chapter 9.36 Regarding Emergency Preparedness. Adoption.**

MOTION: Council Member Moulton moved, seconded by Council Member Fleming, to approve Ordinance #20-03. Adoption.

Mr. Staser outlined the revision to code outlined in the ordinance, stating it provided an enforcement mechanism for emergency orders, such as health mandates.

Council Member Reese asked what was in place before the ordinance. Mr. Staser explained the mayor had express authority to take action after the declaration of an emergency. In light of the current pandemic crisis, the charter and code would need some revision and clarification.

Council Member Moulton clarified the amendment applied to any future emergency order. He explained he was hoping for something more specific to the current crisis. He stated his intention was for this to be used in cases the police felt were an actual health risk. Chief Hinkle agreed his intention was to encourage compliance through education and warning prior to fines and court appearance. He explained if there was a need to readdress the amendment or give it more impact, he would return to Council with a recommendation.

Council Member Moulton verified Chief Hinkle would have to enforce state mandates as well. Chief Hinkle explained the ordinance would also apply to mandates or emergency orders at the state level.

Council Member Moulton stated a court appearance would allow for an explanation to be made by the offender. Chief Hinkle agreed if someone pleaded not guilty, a court appearance would allow them the opportunity to defend themselves. Ms. Pierce asked if Chief Hinkle was recommending removing the mandatory court appearance. Chief Hinkle explained he was comfortable with the ordinance as written. Mr. Staser explained there was a greater deterrent effect with a mandatory court appearance.

**VOTE ON THE MOTION:**

Yays: 6 - Council Member Ruff, Council Member Moulton, Council Member Scheidt, Council Member Reese, Council Member Fleming and Council Member Sorum

Excused: 1 - Mayor O'Neil

**MOTION CARRIED.**

**VI. REPORTS**

**1. ICS Briefing COVID-19**

Council Member Sorum departed the meeting at 7:05 p.m. to attend the Valdez Board of Education meeting.

Mr. Duval outlined the Unified Command structure and explained contact was being maintained with local high risk groups and organizations. He stated the main objectives of the Unified Command were to prevent local medical facilities from exceeding their capacity, flattening the curve, and ensure continuity of essential community services.

Mayor Pro Tem Scheidt asked who the Council should use as point of contact within Unified Command. Mr. Duval explained it was preferable for Council to reach out through Mr. Detter or Ms. Pierce.

Council Member Fleming asked if Council could be briefed by Unified Command on a daily basis. Mr. Detter agreed to meet with Ms. Pierce to discuss the best approach to providing Council briefings between meetings.

Council Member Reese asked how the city finance department was handling COVID-19 related expenses. Mr. Detter outlined the system Finance Director Brian Carlson had set in place to track expenses related to the pandemic. He agreed to keep Council up-to-date on any major expenditures. Mr. Duval pointed out the city was not funding all cost at this point.

Council Member Moulton shared his desire to receive all pertinent information as quickly as possible. Ms. Pierce agreed daily reports would be appropriate, but requested Council not begin a conversation via email in order to stay in compliance with the open meetings act.

Council Member Moulton asked how Council could volunteer their time to assist with tasks such as hanging flyers. Mr. Duval explained he appreciated the

willingness to volunteer, and when Unified Command was in need of those resources they would be in touch.

Mr. Detter expressed his desire to provide accurate information to Council.

Council Member Moulton asked how businesses or individuals could offer resources to support the response. Mr. Duval explained Mr. Stan Porritt, Unified Command logistics section chief, was available to assist with resources. However, the most efficient route to connect people with available resources to those in need was currently the Valdez Neighbors Facebook page. He requested those with medical credentials register thru the Alaska Respond program or reach out to anyone within the Unified Command or medical community, as their help would be needed.

Ms. Ferko provided a list of sources for both static and dynamic real time updates and information.

Mr. Detter requested to meet with Mayor Pro Tem Scheidt in regards to developing a unified strategy approach with other communities to respond the pandemic.

Mayor Pro Tem Scheidt thanked staff for their efforts. She reminded the community to only take what they need when shopping and to not hoard supplies.

## **VII. ADJOURNMENT**

There being no further business, Mayor Pro Tem Scheidt adjourned the meeting at 7:27 p.m.