

ASSEMBLY MEETING MINUTES
JANUARY 5, 2009

I. Call to Order: The regular Assembly Meeting of January 5, 2009, was called to order by the Mayor, Daniel J. O’Hara at 7:30 p.m. The meeting was held in the Assembly Chambers of the Borough Building, Naknek, Alaska.

II. Roll Call: Present: Shelby Boothe, Eddie Clark, J.C. Tudor, Carvel Zimin, Jr., Bill Hester and Mayor Daniel J. O’Hara.

Also Present: Manager, Marv Smith and Clerk, Tami Johnson

III. Consent Agenda: CARVEL ZIMIN, JR. MADE A MOTION TO APPROVE THE CONSENT AGENDA AND SECONDED BY J.C. TUDOR. MOTION PASSED UNANIMOUSLY.

A. Non-Action Agenda

1. Mayor
2. Manager
3. Police Department
4. Fire Department
5. Lobbyist
6. Pool
7. Library
8. Public Works Department
9. Port Department
10. Planning & Zoning
11. Treasurer
12. Other Reports

B. Action Items

1. Minutes of December 1, 2008 – Regular Assembly Meeting: CARVEL ZIMIN, JR. MADE A MOTION TO APPROVE THE MINUTES OF DECEMBER 1, 2008 AND SECONDED BY SHELBY BOOTHE. MOTION PASSED UNANIMOUSLY.

2. Finance Report - Check Register – November – 2008: SHELBY BOOTHE MADE A MOTION TO APPROVE THE FINANCE REPORT AND CHECK REGISTER FOR NOVEMBER 2008 AND SECONDED

BY J.C. TUDOR. Shelby Boothe stated there were a lot of columns for encumbrances and not one item has been encumbered and he finds it hard to believe we have gotten everything we have ever ordered. Obviously the new software is not operating the way we thought it would, and realizes we have a problem in that area right now, but wanted to point this out and will not be satisfied until we get back the way it was with encumbrances. Bill Hester agreed. MOTION PASSED UNANIMOUSLY.

IV. Approval of Agenda

Mayor Daniel O'Hara stated that there is one change under New Business, K. A waiver for new personnel hire. Carvel Zimin, Jr. stated he would like to declare a conflict, Shirley Zimin is his wife. CARVEL ZIMIN, JR. MADE A MOTION TO APPROVE THE AGENDA AS AMENDED AND J.C. TUDOR SECONDED. MOTION PASSED UNANIMOUSLY.

V. Persons to be Heard

Fred Pike wanted to address the letter he had written to the Assembly and Mayor dated December 3, 2008. Mr. Pike stated he would answer any questions they may have, but as you can see from the letter, he was pretty disgusted with the accusation. Carvel Zimin, Jr. asked Fred if he had read the response? Fred stated he had not received a response as of yet. Carvel stated the letter to Mr. Pike was dated December 31, 2008. A copy was given to Mr. Pike and this would be brought up again since it was on the agenda.

VI. Communications and Appearance Requests

A. Letter from the State of Alaska, D.E.C. re: July 16, 2008 Complaint Response Inspection Report and Notice of Violation: Marv Smith stated that the ability to apply for permits is not possible at this point due to the D.E.C. is in the process of rewriting the regulations and they are rewriting offshore regulations before rewriting onshore regulations. The question was asked if we would be done in time for next season? Marv stated no. Marv stated in the e-mail he received, that if we continue to operate with the standards as best as we can that the State will not bother us, however it doesn't mean that the E.P.A wouldn't. That is the issue. There was a short discussion. Marv stated that this has been sent to the Borough Attorney. Shelby Boothe stated that in our defense we should correct all deficiencies that were pointed out. Marv stated that when Joe returns he will go over to that and make sure we have corrected everything. There was a short discussion. Marv will get with Joe and come back with information at the February meeting.

B. Letter From Fred Pike re: Phase I of the port and jib crane: Mr. Pike stated that after reading the response, that it went back to 1993-1995 the only reason the crane was unsafe was the way it was set-up. If it were properly cemented into the ground or in the concrete base of the dock it would have worked, he believes. There was a discussion on the liability issue and the Assembly decided, because the Borough could be held liable for this crane if it failed, they wanted it to be returned to the Borough. The Borough Manager was instructed to contact the people who have possession, to get it returned. J.C. Tudor asked about a statute of limitations on this? There was a short discussion. Marv Smith will get in touch with the attorney to find out what to do.

C. Letter from Naknek Electric Association – Donation: There was a short discussion. EDDIE CLARK MADE A MOTION TO DONATE \$500 TO NEA FOR THE GEOTHERMAL PROJECT AND SECONDED BY CARVEL ZIMIN, JR. Eddie stated he felt it was important to show support and \$500 is the minimum for businesses and thinks it is a worthy cause. QUESTION WAS CALLED AND A ROLL CALL VOTE WAS TAKEN: SHELBY BOOTHE-NAY; EDDIE CLARK-YES; J.C. TUDOR-NAY; BILL HESTER-NAY; CARVEL ZIMIN, JR.-YES. MOTION FAILED. SHELBY BOOTHE MADE A MOTION TO GIVE N.E.A. \$250 AND SECONDED BY CARVEL ZIMIN, JR. QUESTION WAS CALLED 3 YES AND 2 NAY. MOTION PASSED.

D. Letter from Sockeye Swim League – Donation: Eddie Clark stated that these kids work really hard and really well. CARVEL ZIMIN, JR. MADE A MOTION TO DONATE \$500 TO SOCKEYE SWIM LEAGUE AND SECONDED BY SHELBY BOOTHE. MOTIN PASSED UNANIMOUSLY.

E. KAKN – Angel Basketball Broadcast Donation: There was a short discussion. EDDIE CLARK MADE A MOTION TO DONATE \$100.00 TO KAKN AND SECONDED BY SHELBY BOOTHE. QUESTION WAS CALLED; 4 YES AND 1 OPPOSED. MOTION PASSED.

F. Special Olympics Donation: There was a short discussion. Terri Storrs stated that her understanding is that she doesn't believe that we have sent anyone in the recent past to this. She has heard talk that there is a first grader that maybe in the future to send him. Shelby Boothe stated his recommendation is that we wait until a local kid needs our support.

VII. Hearings, Ordinances and Resolutions

A. Ordinance No. 2008-09, An Ordinance of the Bristol Bay Borough Amending Title 3, Sections 3.08.100 and 3.08.110 Providing Increased Exemptions for the Real Property Taxes for Full Time Citizens of the Borough: Introduction and First Reading. Marv Smith stated that he had spoken to the attorney stated that this has to go to a vote of the people to raise it from \$10,000 to \$20,000. CARVEL ZIMIN, JR. MADE A MOTION TO PUT IT ON THE BALLOT FOR THE FALL ELECTIONS AND SECONDED BY EDDIE CLARK. J.C. Tudor stated that he thinks the wording should be changed from; residents may not be absent from the Borough for more than 90 days; it should say “ 90 consecutive days, except for medical illness, military service, college or trade school.” J.C. TUDOR MADE A MOTION AS AMENDED AS STATED AND CARVEL ZIMIN, JR. SECONDED THE MOTION AS AMENDED TO PUT THIS ON THE OCTOBER BALLOT. MOTION PASSED UNANIMOUSLY.

B. Ordinance No. 2009-01, An Ordinance of the Bristol Bay Borough Establishing the Tariff for the Port of Bristol Bay: Introduction and First Reading: BILL HESTER MADE A MOTION TO INTRODUCE ORDINANCE NO. 2009-01; SECOND READING AND PUBLIC HEARING ON FEBRUARY 2, 2009 AND THIRD READING AND PUBLIC HEARING ON MARCH 2, 2009 AND SECONDED BY EDDIE CLARK. MOTION PASSED UNANIMOUSLY.

C. Ordinance No. 2009-03, An Ordinance of the Bristol Bay Borough Amending the Borough Utilities Sewage Code Chapter 14.06.050 and 14.06.055 Providing For Connect and Disconnect Fees for Sewage Service Establishing Annual Negotiated Rates for Large Sewage Users: Introduction and First Reading: CARVEL ZIMIN, JR. MADE A MOTION TO INTRODUCE AND FIRST READING OF ORDINANCE NO. 2009-03 ON JANUARY 5, 2009, SECOND READING AND PUBLIC HEARING ON FEBRUARY 2, 2009 AND SECONDED BY J.C. TUDOR. MOTION PASSED UNANIMOUSLY.

D. Resolution No. 2009-01, A Resolution Establishing a Policy for Air Travel, Lodging, Car Rentals and Per Diem for Meals, Phone Calls and Incidentals Increase: Marv Smith stated that the state pays higher and we need to at least be as high as the State. There was a short discussion. CARVEL ZIMIN, JR. MADE A MOTION TO APPROVE RESOLUTION NO. 2009-01 AND SECONDED BY BILL HESTER. MOTION PASSED UNANIMOUSLY.

VIII. Old Business

A. Internet Connectivity: Marv Smith stated he had tried on 10 separate occasions to contact Mr. Petersen. Mr. Smith sent a certified letter to Mr. Petersen and was signed by him with instructions to contact the Borough by today with his action plan. Dave Soulak never signed any contracts with Mr. Petersen and Marv's question is; if he can't get Mr. Petersen to respond to him and install the system and can't get him to return calls, if we had a problem, would he call him back? Marv Smith stated he has taken Mr. Petersen's proposal to a professional to see if this system would even work. There was a short discussion. J.C. TUDOR MADE A MOTION TO WITHDRAW THE PROPOSAL FROM NORTHERN SATELLITE SYSTEMS AND HAVE THE MANAGER ISSUE A REQUEST FOR BID OR (RFP) AND SECONDED BY BILL HESTER. MOTION PASSED UNANIMOUSLY.

B. Fish Processor Conference: Marv Smith stated there is a lot of interest in this upcoming event and there are a few slight alterations to the agenda. There was a short discussion.

IX. New Business

A. Tentative Budget Development Calendar 2009/2010: No action taken.

B. Taxation of Parcels: Marv Smith stated he had researched and got documents from the attorney dated 2007. What we need to seriously look at is that Paug Vik has leased properties that we're losing revenue on. There was a short discussion. Shelby Boothe stated that the key word is "developed", and he has asked the Borough Appraiser on several occasions, as to how much money we're talking about? We should ask the Bristol Bay Borough appraiser to give us a list of properties and estimated values on land and improvements. Marv Smith stated he will write a letter to the appraiser and ask for a list and estimated appraised value of each one of them and total it up and see where we're at.

C. How Are We Doing Questionnaires: Marv Smith stated that Eddie Clark had asked about this and suggestions came from all departments. A short discussion followed. BILL HESTER MADE A MOTION TO HAVE THE MANAGER PROCEED WITH THE QUESTIONNAIRES AND SECONDED BY J.C. TUDOR. MOTION PASSED UNANIMOUSLY.

D. Naknek River Subdivision Lottery: Marv Smith stated he was approached by someone wanting to buy this lot. The recommendation came from the Planning & Zoning Commission. J.C. Tudor stated he would not be voting on this due to conflict of interest. Carvel Zimin stated that we need to go back and see if lots 0, 1 and 2 were originally planned to be buffers and to have the manager research this and look into Ordinance change (take restrictions off in order to sell lots). There was a short discussion. Dan O'Hara suggested maybe having a workshop possibly.

E. Taxicab Permit Renewal – Redline: J.C. TUDOR MADE A MOTION TO APPROVE THE PERMIT RENEWAL AND SECONDED BY CARVEL ZIMIN, JR. MOTION PASSED UNANIMOUSLY.

F. 2009 Gaming Permit Renewals: CARVEL ZIMIN, JR. MADE A MOTION TO APPROVE GAMING PERMIT RENEWALS FOR 1-5 AND SECONDED BY J.C. TUDOR. MOTION PASSED UNANIMOUSLY.

1. St. Theresa Catholic Church
2. Naknek Native Village Council
3. Nenana Ice Classic
4. Bristol Bay Elders Action Group
5. St. John's Orthodox Church

G. 2009 Liquor License Renewals: CARVEL ZIMIN, JR. MADE A MOTION TO APPROVE LIQUOR LICENSE RENEWALS FOR 1-3 AND SECONDED BY J.C. TUDOR. MOTION PASSED UNANIMOUSLY.

1. The Bottle Stop
2. Naknek Red Dog
3. D & D Restaurant

H. Computer Information Technician – New Position Approval: Marv Smith stated that on the table there was a hand-out to create a part time position. We are spending a lot of money every month on an outside consultant firm and he would like to have someone here that could work on it daily. There was a short discussion. CARVEL ZIMIN, JR. MADE A MOTION TO APPROVE A NEW POSITION COMPUTER INFORMATION TECHNICIAN AT \$20.90 AN HOUR AND SECONDED BY BILL HESTER. Bill Hester asked the Manager to clarify part time. Marv Smith replied twenty hours a week and they would have flexible hours in the future. Right now there is so much to be done, he could keep the person gainfully employed full time and then part time. Bill Hester also stated that \$20.90 an hour is a steal. MOTION PASSED UNANIMOUSLY.

I. Rural Subcabinet – Advisory Group: Dan O’Hara stated that he had been talking to Sharon Leahy the lead press agent for the Governor and she had asked Dan to submit his resume and he had. Dan stated he thought every member of the Assembly should submit their resume. Carvel Zimin, Jr. stated he hoped Dan gets on.

J. Discussion of Restoration Advisory Board Meetings: Marv Smith stated that in his opinion the meetings are not being held the way they should be. Yvonne Kopy was asked to speak before the Assembly. Yvonne stated that before them was the resume of David Johnson, P.H.D., out of New York and he approached Yvonne about two months ago. He is a sport fisher that has been up here fishing in the Bay for several years. He is vested in the fishery and is concerned about the well being of the area, because of his sport fishing angle. He has offered to come to the Borough and wants to be an independent investigator. He doesn’t want to be paid by the Borough, just to have his expenses paid for to get here and he could stay at Johnson’s camp at a minimal cost, that he hopes we would pay for . He wants to be an independent investigator assessor and look at the results. He has already made some preliminary queries to fish and game. He has called Dillingham, he’s gotten a name of the person with ADF&G whose job it is to monitor the well being of the fish. Mr. Johnson has spoken to the health care field looking at toxins in people in the area. He wants to come out and assess and give the results to us, so we can make a decision to go forward. Yvonne stated she had gotten a call from USDA, who’s up here trying to help the base come up with a treatment program for their water. They are going to meet with Yvonne next week when they come out and she will show them the proposal that we have. The major concern of the USDA was that we have clean water to use. There was a brief discussion. The next RAB meeting is scheduled for April 21, 2009, and recommends that the Assembly and Planning & Zoning members attend. Eddie Clark suggested we ask the bank if any money would be loaned on any of the properties for sale in King Salmon. The manager was directed to make sure we get as many people to attend the meeting. The manager was directed to send a letter to USAF 611CSG, with the Borough’s concerns over the RAB and the future of the contamination problems in King Salmon.

K. A Waiver for New Personnel Hire: Marv Smith stated that Shirley Zimin has been hired as the Library Technician in South Naknek and a waiver is necessary due to her being Carvel’s wife. J.C. TUDOR MADE A MOTION TO APPROVE THE WAIVER FOR HIRING NEW PERSONNEL AND SECONDED BY BILL HESTER. MOTION PASSED UNANIMOUSLY WITH CARVEL ZIMIN, JR. NOT PRESENT DUE TO LEAVING EARLY AT 9:43 P.M.

X. Assembly Member Comments

Carvel Zimin, Jr. before he left wanted it to be known that the Denali Commission will be having a meeting here in town on May 19, 2009. They will be here to discuss future meeting agenda items and would like to get together with our community as well as Lake and Peninsula, Dillingham and Aleutians East. There will be approximately 20-30 people attending from the Denali Commission.

Shelby Boothe stated that he thinks when the Borough responds to input as a Borough on projects being done by the Village Council or the State or some other agency like that, it should come out under the signature of at least the Borough Manager. In particular if it were to be negative, it should come from the Mayor.

Eddie Clark asked how many more letters are out there?

Bill Hester stated that pertaining to Geothermal he had gotten his letter, asking for a donation stating that this project is going to cost over two hundred million and grants will only do a portion of it, which means the local people here are going to be responsible for a hundred million. His math says that every man, woman and child will be putting out \$75,000 each, every year for thirty years. Bill thinks that by giving them any money that we're throwing good money after bad, that we're throwing it down a rat hole and he opposed it from the beginning. It's a good idea, who wouldn't like geothermal? This isn't going to happen here, it's going to go so far and then we're going to end up indebting ourselves. The only way it can happen is if we go into the park and drill a hole. He opposes the donation adamantly.

XI. Adjournment

BY GENERAL CONSENSUS THE MEETING WAS ADJOURNED AT 9:50 P.M.

Daniel J. O'Hara, Mayor

ATTEST:

Tami Johnson, Clerk