

# **ASSEMBLY MEETING MINUTES**

## **JANUARY 7, 2008**

- I. Call to Order:** The regular Assembly Meeting of January 7, 2008 was called to order by 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 and Carvel Zimin, Jr. Excused absence: Bill Hester.

Also Present: Mayor Daniel J. O'Hara, Borough Manager David Soulak and Clerk, Tami Johnson

- III. Consent Agenda:** CARVEL ZIMIN, JR. MOVED TO APPROVE THE CONSENT AGENDA AND IT WAS SECONDED BY J.C. TUDOR.

- A. Non-Action Agenda
1. Mayor
  2. Manager
  3. Police Department
  4. Fire/EMS Coordinator
  5. Lobbyist
  6. Pool
  7. Library
  8. Public Works Department
  9. Port Department
  10. Planning & Zoning
  11. Treasurer
  12. Other Reports

MOTION PASSED UNANIMOUSLY ON NON-ACTION CONSENT AGENDA.

- B. Action Items
1. Minutes of December 3, 2007 – Regular Assembly Meeting

J.C. TUDOR MADE A MOTION TO APPROVE THE MINUTES OF DECEMBER, 3, 2007, AS PRESENTED AND IT WAS SECONDED BY EDDIE CLARK. MOTION PASSED UNANIMOUSLY.

2. Finance report – Check Register – December 2007: EDDIE CLARK MADE A MOTION TO APPROVE THE FINANCE REPORT AND CHECK REGISTER FOR DECEMBER 2007. MOTION WAS SECONDED BY CARVEL ZIMIN, JR. AND IT PASSED UNANIMOUSLY.

**IV. Approval of Agenda:** Dan O’Hara wanted to add under VII, Item D. – Executive Session., for the purpose of discussing personnel matters. Also defer Ordinance No. 2007-12 until 2-4-08 at the Harbormasters request. Eddie Clark wants to add to, IX., New Business – item H. police officer. Eddie Clark also wants to add under Old Business – E - Drug Testing and F. Dogs. Dan O’Hara also stated there was another Gaming Permit from St. Theresa’s brought in and is added to the Agenda - IX., A #6. CARVEL ZIMIN MADE A MOTION TO APPROVE THE AGENDA AS AMENDED. SHELBY BOOTHE SECONDED. MOTION PASSED UNANIMOUSLY.

**V. Persons to be Heard:**

Russ & Rhonda Olsen Representing Bristol Bay Christian Learning Center – We have a formal request to make tonight and have a handout for the Assembly Members. Russ Olsen read the letter accompanied with the handout. Bristol Bay Christian Learning Center, a private religious exempt school, operated by Outpouring Ministries (Russell Olsen, President), requests your consideration and a decision for the following proposal.

BBCLC received a donation of two separate pieces of property in 2007. Both are located in the Naknek River Subdivision. However, one piece is located on Lynx Loop and the other is situated on Wolverine Drive.

Our desire is to build a new facility for BBCLC on the Lynx Loop commercial lot (Block 10, Lot 1). Block 10, Lot 2 is currently owned by the Bristol Bay Borough.

We propose a trade of the Wolverine Drive (Block 2, Lot 5) property for the Block 10, Lot 2 piece on Lynx Loop. This would give BBCLC over 10 acres together in one spot. The zoning for Lot 2 is multi-family and appropriate for the desired use. Both pieces are assessed for the same amount.

We desire to file our Site Development Permit Application the first week of February. However, a decision from the Borough is needed to properly place the new facility, water lines, and sewer system on the properties. Thank you for making BBCLC's request a priority.

The Assembly instructed Yvonne Kopy to call a Special meeting of the Planning & Zoning Commission concerning this matter, due to the meeting for January was cancelled and because of the timeline associated with permits and construction and any public comments associated with this matter.

**VI. Communications and Appearance Requests:**

- A. Letter from Chris Rudy, Auditor, Division of Financial Integrity, Office of Federal Assistance Management.
- B. Letter from A. Leonard Smith, Regional Director – EDA Award..

Mayor Daniel J. O'Hara stated that the above referenced letters were for information only and no action needed. No appearance requests had been submitted.

**VII. Hearings, Ordinances and Resolutions:**

A. Ordinance No. 2007-11, An Ordinance Amending Chapter 2.90 Road Maintenance of the Bristol Bay Borough Code By Adding a New Section 2.90.160 Entitled Load Limits Section 2.90.170 Maintenance During Construction. - Second Reading and Public Hearing. Mayor Daniel O'Hara opened up the floor for public hearing. There were no comments from the public and was closed. CARVEL ZIMIN, JR. MADE A MOTION TO ADOPT ORDINANCE NO. 2007-11, TO HAVE LOAD LIMITS. SHELBY BOOTHE SECONDED THE MOTION. Shelby Boothe instructed the Manager to make sure that the D.O.T. gets a copy of this Ordinance so they can include this in the bid packet for the upcoming work in King Salmon. MOTION PASSED UNANIMOUSLY.

B. Ordinance No. 2007-12, An Ordinance Establishing the Tariff for the Port of Bristol Bay. – Second Reading and Public Hearing. Mayor Daniel J. O'Hara stated a request from the Harbor Master had been made to delay this until the February meeting. J.C. TUDOR MADE A MOTION TO DEFER ORDINANCE NO. 2007-12 UNTIL THE FEBRUARY 4, 2008. MEETING. CARVEL ZIMIN, JR. SECONDED THE MOTION AND IT PASSED UNANIMOUSLY.

C. Ordinance No. 2008-01, An Ordinance Amending Ordinance 2007-03, for Year 2008 Budget – Introduction and First Reading. SHELBY BOOTHE MADE A MOTION TO INTRODUCE ORDINANCE NO. 2008-01 AND SET FOR PUBLIC HEARING AT THE FEBRUARY 4, 2008 MEETING. CARVEL ZIMIN, JR. SECONDED. Shelby Boothe stated that this is a housekeeping issue to take care of some expenses that have occurred over the previous six months of the budget cycle. MOTION PASSED UNANIMOUSLY.

D. Executive Session to Discuss Personnel: CARVEL ZIMIN, JR. MADE A MOTION TO GO INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL WITH THE BOROUGH MANAGER AT 7:56 P.M. EDDIE CLARK SECONDED. MOTION PASSES UNANIMOUSLY.

Mayor Daniel J. O'Hara called the meeting back to order from Executive Session at 8:04 p.m., stating that no action had been taken.

**VIII. Old Business:**

A. Job Descriptions: Dave Soulak stated the bottom line is that all job description changes need to be approved by the Assembly. Some jobs within the office have been changed around. The Treasurer job, Planning & Zoning, Tax Clerk and Clerk have all had changes made. Carvel Zimin, Jr. stated he was not up to speed on this issue. Carvel stated he would like to see old job descriptions, versus new job descriptions, for the jobs which have changed, to compare to, so that he is comfortable before we vote. Shelby Boothe stated that jobs are classified into a pay scale. It seems that we have consolidated jobs and are one less full time employee. A light discussion followed concerning job descriptions and duties. SHELBY BOOTHE MADE A MOTION TO POSTPONE THIS UNTIL THE FEBRUARY 4, 2008, MEETING. SECONDED BY EDDIE CLARK. MOTION PASSED UNANIMOUSLY. The manager was asked to write up a report on this so that they can see old & new job descriptions, with the changes that have been made, for the next meeting.

B. Final on FAA Well/Water System: Dave Soulak informed the Assembly that we did make it under the wire. The church is tied in, however, the parsonage is tied on to a different system. Dave informed the church that due to weather conditions, they should run a hose from the church to the parsonage until Spring, when something can be done about it.

C. Land Conveyance-Paug-Vik: Dave Soulak stated that this has been discussed now for a period of time. This is the third level for the dock and we

were supposed to get an appraisal on it from Mike Renfro & Arne but haven't heard anything yet. Dan O'Hara stated that this needs to be done and instructed the manager to get very aggressive so that something will be known for the February meeting. There was some discussion about this matter. Shelby Boothe stated we need to get the appraisal done, take a look at it and make an offer to purchase it.

D. Wastewater ERU's: Dave Soulak stated that at the last meeting we made a motion to forgive the people who left the community for an extended period of time, however after looking at some of the wastewater list of customers, there is a tendency for those people to leave the water running; thus water is going through our system. There have been people calling, who have rentals, informing us to not charge them because they don't have any renters. As you know, the system costs us about \$225,000.00 a year for the principal and interest payments. Last years audit showed we had \$308,000.00 in income. I would like to see us a little more self sufficient. Dave Soulak stated he thinks the Borough Assembly take a harder look at the ERU's and come up with a firm policy. J.C. Tudor asked how other places do it? Dave Soulak gave several examples, but stated there are no two towns the same. Shelby Boothe stated that we need to look particularly at the canneries, maybe negotiate an annual fee. It seems they are showing up in February or March now. I think we should charge an annual fee, like we do with the Air Force. The way it is, it puts a burden on the finance, billing department and the wastewater guys every month. The sewer should be an annual fee. Carvel Zimin, Jr. stated he would like to reclude himself from the discussion, due to him living and working for Trident Seafoods on the South side. A light discussion followed with the decision to come up with an annual flat fee for the February meeting.

E. Drug Testing: Eddie Clark stated that he thinks, anyone who gets a paycheck from the Borough, should be drug tested. Mayor Daniel J. O'Hara asked if we have a drug testing policy? Shelby Boothe informed the Mayor, yes of course we do. The only people not covered by the drug testing program is the Manager and the Assembly and the Mayor. Carvel Zimin, Jr. stated that Eddie Clark mentioned he had made a motion, so we should find the motion that was made, so we can read what ruled us. The decision to research and find the motion and bring it up at February's meeting.

F. Dogs: Eddie Clark stated he had hit 2 dogs in the last 3 days. We have a dog catcher, we have spent money on a facility, the problem is getting worse and worse. Dave Soulak informed the Assembly that there are a few problems with the facility and public works is working on it. Dan O'Hara stated that we will

Direct the Manager to come back with something positive for the February meeting.

**IX. New Business**

A. 2008 Gaming Permit Applications:

1. Nicholas Monsen Memorial Scholarship Fund
2. St. John's Orthodox Church
3. Naknek Native Village Council
4. Bristol Bay Winterfest
5. Nenana Ice Classic
6. St. Theresa Catholic Church

J.C. TUDOR MADE A MOTION TO APPROVE ALL THE APPLICATIONS. CARVEL ZIMIN, JR. SECONDED AND THE MOTION PASSED UNANIMOUSLY.

B. SWAMC Conference Registration: CARVEL ZIMIN, JR. MADE A MOTION TO SUSPEND THE RULES AND DESIGNATE A NEW DELEGATE FOR SWAMC. SHELBY BOOTHE SECONDED AND THE MOTION PASSED UNANIMOUSLY. Carvel Zimin, Jr., stated he is on the board with eight others from the whole region. We have a designated seat for the Bristol Bay Borough. Carvel informed the Assembly that there is a monthly teleconference and two meetings a year. SHELBY BOOTHE NOMINATED BILL HESTER SECONDED BY EDDIE CLARK. Carvel Zimin, Jr. stated that the meeting for the conference is coming up and he would like to attend. CARVEL ZIMIN, JR MADE A MOTION TO REGISTER FOR THE SWAMC CONFERENCE AND SHELBY BOOTHE SECONDED. MOTION PASSED UNANIMOUSLY

C. Arthur Alexander Property – Tax Lot #19-93-404: The Borough Manager Dave Soulak stated that on this particular piece of property, what has happened was there was an error made. The lot had been assessed at 2.26 acres, when in fact it actually is 1.266 acres. The property was bought in 1998 and they have continued to pay on 2 acres of land. The Appraisal Company has sent us a letter showing the error on the lot size and the overcharged amount of \$314.60 for the past year. CARVEL ZIMIN, JR. MADE A MOTION TO REIMBURSE ARTHUR ALEXANDER \$314.60. SHELBY BOOTHE SECONDED THE MOTION AND IT PASSED UNANIMOUSLY.

D. South Naknek School Gym Use Policy: Dave Soulak put this on the agenda because he has gotten requests off and on to use the school gym in South Naknek. He would like the Assembly to give him directions as to what he should tell the individuals. Maybe mothball the gym and cut down on fuel costs. Carvel Zimin, Jr. stated he had just attended the Christmas party over there and the gym does get quite a bit of use. There is gym work-out equipment in one of the rooms over there. The Assembly directed the Manager to give responses case by case for now. Carvel stated that if we decide to mothball the building some research should be looked into. The land and building are owned by the Bristol Bay Borough. Carvel is against mothballing the building for now, it's such a good facility. A light discussion followed.

E. Center of Attention: Dave Soulak stated that it's time for the Borough to divest itself from the Center of Attention. It is getting old and is going to need a lot of maintenance. The Borough Assembly should take a hard look at selling it. Dave will get the assessors to appraise it when they come here. Shelby Boothe made mention that the current lease holders should be made aware and be given the opportunity. J.C. TUDOR MADE A MOTION TO EXPLORE THE POSSIBILITIES OF THE SALE OF THE CENTER OF ATTENTION AND SECONDED BY SHELBY BOOTHE. MOTION PASSED UNANIMOUSLY.

F. Pathway Project: Dave Soulak stated that you have the memo from the Planning & Zoning Commission stating that they would like to see a pathway on the north side of the highway and the P&Z Commission would like it to be #2 on our capital projects list. A light discussion followed. Shelby Boothe suggested that maybe P&Z can get with the Naknek Native Village Council we could come up with a joint proposal, where we could pool all our resources and we may have a chance of getting something built. Shelby informed the Mayor that the old bike path went from Donna G subdivision to Fisherman's Bar and from Flat Nose Henry Road down on the river in King Salmon. Carvel Zimin, Jr. would like to add one thing, that one of the first things they talked about at the Denali Commission was ATV roads. This is a new concept due to many villages not having cars and can't qualify for federal highway dollars. So this gives them an avenue to qualify for federal dollars. What they are calling them are troads. This is new and might be something to consider along with the pathway for pedestrians. Troads may be on the horizon for the Bristol Bay Borough. The bridge to South Naknek is number two at this time and to move it to number three would jeopardize the project. Carvel Zimin, Jr. suggested the pathway be listed as number 3. Shelby Boothe stated that if we get money for the dock, we can move the pathway to number 2 and the bridge would become #1.

G. Joint Meeting Date with the School Board: The Superintendent did not show up so this will have to wait.

H. Police Officer: CARVEL ZIMIN, JR. MADE A MOTION TO CONSIDER HIRING AN ADDITIONAL POLICE OFFICER EDDIE CLARK SECONDED. Chief Jerry Castleberry was asked to speak to the Assembly. Jerry said he would like all the officers to be trained cross trained in dispatch. Eliminating a full time dispatcher and two part-time summer cops. J.C Tudor asked if eliminating 1 dispatcher and 2 part-time positions, does the money figure out the same? Jerry replied, "Yes." Carvel Zimin, Jr. stated that with the consideration of at least getting a police officer to South Naknek during the summer months or at least when the bar opens, probably around the 1<sup>st</sup> of June, is this going to cost you any extra money? Jerry Castleberry stated that insurance and PERS would probably make up what we have here, probably \$10,000.00 would cover it. Shelby Boothe stated he is in favor of an additional officer as long as we drop a dispatcher and all officers become dispatcher qualified because my understanding is, the problem with the staffing is with having to pay overtime to the dispatchers. I don't want any more summer over hires. SHELBY BOOTHE MADE A MOTION TO HIRE ONE FULL TIME POLICE OFFICER, DELETE ONE FULL TIME DISPATCHER, OFFICERS BECOME DISPATCH CERTIFIED, NO SUMMERTIME OFFICER AND ADD \$12500.00 TO THE POLICE DEPARTMENT THIS BUDGET CYCLE. CARVEL ZIMIN, JR. SECONDED AND MOTION PASSED UNANIMOUSLY.

**X. Assembly Member Comments:**

Shelby Boothe wanted to congratulate Carvel Zimin, Jr for being selected to the Denali Commission Transportation Commission.

Carvel Zimin, Jr. stated the reason we got the \$1,000,000.00 was the way Yvonne Kopy put the application together. He congratulated Yvonne for all her hard work and our application looked a lot better than any of the other applications.

Dan O'Hara instructed the Manager to write Yvonne a memo.

Carvel Zimin, Jr. also stated that the Denali Commission mentioned they want to see this project go forward, if they're going to put a million dollars into it. They have three different categories: a Blue Dot designates an application, a Red Dot designates a construction start and a Green Dot says it's finished. They want to see something done. They want another green dot right here in Bristol Bay.

Shelby Boothe stated that the Legislature and the Governor's office haven't contributed one penny to this project and we need to get some state support. They are going to start meetings in Juneau this next week to ten days and we need to pound on Lyman's and Sarah's desk until we get some results. Right now we're not in her budget and I didn't see anything in John Walsh's Federal appropriations. 13,000 earmarks, but not one of them for the Borough dock, so we have to get some money out of the state.

Dan O'Hara – We have a young man in our community named Damian Hill. He is ranked probably either two to about eighth in the nation in the triathlon. Right now he is doing amateur type competition with Western Washington State and he is very high up on the list and is someone to be watched, because when he turns pro, he is going to go for the gold medal. We have an opportunity to push salmon. Damian is very interested in salmon and he may need some help in his amateur work, for instance airline tickets, hotel or car rental. I had breakfast with him the other morning and I told him I would bring this to the Assembly. I wanted to bring this up and keep you informed. This is Pete and B.J. Hill's son. He is in the top ten in the nation and that is quite exceptional. He is a very fine young man.

- XI. Adjournment: SHELBY BOOTHE MADE A MOTION TO ADJOURN AT 9:16 P.M. EDDIE CLARK SECONDED THE MOTION AND IT PASSED UNANIMOUSLY.**

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Daniel J. O'Hara, Mayor

ATTEST:

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Tami M. Johnson, Borough Clerk