

ASSEMBLY MEETING MINUTES
FEBRUARY 1, 2010

I. Call to Order: The Regular Assembly meeting of February 1, 2010, was called to order by Assembly President Shelby Boothe at 7:03 p.m. The meeting was held in the Assembly Chamber of the Borough Building, Naknek, Alaska.

II. Roll Call: Present: Shelby Boothe, Eddie Clark, J.C. Tudor, Abe Williams and Carvel Zimin, Jr.

Absent: Mayor Daniel O'Hara

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

III. Consent Agenda:

A. Non-Action Agenda: NO COMMENTS OR QUESTIONS

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-Finance Department
12. Other Reports

B. Action Items

1. Minutes of January 4, 2010 – Regular Assembly Meeting: J.C. TUDOR MADE A MOTION TO APPROVE THE JANUARY 4, 2010 MINUTES AND SECONDED BY EDDIE CLARK. MOTION PASSED UNANIMOUSLY.

2. Minutes of January 8, 2010 – Special Assembly Meeting: J.C. TUDOR MADE A MOTION TO APPROVE THE MINUTES OF THE SPECIAL

JANUARY 8, 2010 MEETING AND SECONDED BY CARVEL ZIMIN, JR.
MOTION PASSED UNANIMOUSLY.

3. Finance Report – Check Register – December 2009: CARVEL ZIMIN, JR. MADE A MOTION TO APPROVE FINANCE REPORT AND CHECK REGISTER OF DECEMBER 2009 AND SECONDED BY J.C. TUDOR. Shelby Boothe asked the manager and treasurer about a check for \$4000.00, are we still paying for Fundware accounting? There was a brief discussion. MOTION PASSED UNANIMOUSLY.

IV. Approval of Agenda

The Manager wanted to add under New Business I. Letter of Support for Vince Webster Board of Fish and J. Letter of Support for SAVEC Grant. CARVEL ZIMIN, JR. MADE A MOTION TO ACCEPT THE AGENDA AS AMENDED AND SECONDED BY J.C. TUDOR. MOTION PASSED UNANIMOUSLY.

V. Persons to be Heard

Ed Spaunhurst from Northland Barge Company and stated his concerns with the dock. The facts are there's going to be a 400'x100' barge here approximately 4-28-10 with 10,000+ pounds of cargo and there's no way to bring the barge here to city dock and secure it safely. There will be large barges all season due to the volume. Need a solution to tie up securely and safely. He is not confident that the work that needs to be done will be completed in time. Marv stated he has a meeting this week with Garth of PND, Herky and Luke trying to come up with a solution.

Dave Lax stated that the plan is that some of the things discussed at the Task Force meeting be run by the Planning & Zoning and cleaned up and then by the Assembly on April 5th. There are some current concerns and he will voice them later on in the meeting.

VI. Communications and Appearance Requests

A. Donation Request from KAKN – Angels Basketball: CARVEL ZIMIN MADE A MOTION TO DONATE \$125.00 AND SECONDED BY J.C. TUDOR. There was a brief discussion. EDDIE CLARK MADE A MOTION TO AMEND THE MOTION TO DONATE \$500.00 AND SECONDED BY ABE WILLIAMS. THE VOTE ON THE

AMENDMENT WAS 3 YES 1 NO. MOTION CARRIED. VOTING ON THE MOTION AS AMENDED 3 YES AND 1 NO. MOTION CARRIED.

B. Bristol Bay Elks Lodge – Donation Request: EDDIE CLARK MADE A MOTION TO DONATE \$200.00 AND SECONDED BY CARVEL ZIMIN, JR. Brief Discussion. VOTE WAS 3 YES AND 1 NO. MOTION CARRIED.

C. Sockeye Swim League – Donation Request: CARVEL ZIMIN, JR. MADE A MOTION TO DONATE \$500.00 AND SECONDED BY ABE WILLIAMS. MOTION PASSED UNANIMOUSLY.

D. King Salmon Gym – Slim Morstad: There is a Pebble Grant coming up and wanted to get support from the Assembly to improve the energy efficiency of the building. Slim wants permission from the Bristol Bay Borough to upgrade and make improvements to the building and get a letter of support. J.C. TUDOR MADE A MOTION IN SUPPORT AND APPROVAL OF THE RE-MODEL OF THE KING SALMON GYM AND IN SUPPORT OF ANY GRANTS THE KING SALMON GYM MAY APPLY FOR AND SECONDED BY EDDIE CLARK. MOTION PASSED UNANIMOUSLY.

VII. Hearings, Ordinances and Resolutions

A. Ordinance No. 2010-01, An Ordinance Establishing the Tariff for the Port of Bristol Bay for Year 2010: Public Hearing and Second Reading: Ed Spaunhust stated some of his concerns with the port, age, product and weights being put across the dock. Ed also gave several suggestions. There was a lengthy discussion. Shelby Boothe closed the public hearing. It was decided to have a workshop on February 17th at 1:00 p.m.

B. Ordinance No. 2010-02, An Ordinance Amending Ordinance No. 2009-04 Budget 2009/2010; Introduction and First Reading: CARVEL ZIMIN, JR MADE A MOTION TO INTRODUCE ORDINANCE NO. 2010-02 AND SET FOR PUBLIC HEARING ON 3-1-10 AND SECONDED BY J.C. TUDOR. MOTION PASSED UNANIMOUSLY.

VIII. Unfinished Business

A. Request for Equitable Adjustment – B.C. Contractors: Marv Smith stated there is a meeting on Friday.

B. Contract Time Extension – B.C. Contractors: Marv Smith stated he does not recommend extending. CARVEL ZIMIN, JR. MADE A MOTION TO APPROVE THE EXTENSION FOR B.C. CONTRACTORS TO JULY 31, 2010 AND SECONDED BY J.C. TUDOR. QUESTION WAS CALLED: VOTE YES-0 NO-4 NO EXTENSION GRANTED.

C. Assessment of Liquidated Damages to B.C. Contractors for Dock Construction: Marv Smith stated he recommends holding off on billing them. Shelby stated we should let the manager handle this and was agreed by all Assembly members.

D. Community Streets-School Bus Routes Grant from Denali Commission: Carl Smith stated he needs to meet with public works and decide which streets are involved.

E. Port Task Force Update: Carl Smith stated they had their first meeting last week, it was a great meeting and a briefing was given. Carl's goal is to be able to present to the Assembly a body of thinking from the people who use the port. A lot of great ideas were brought up and is bringing them to the Planning & Zoning Commission. There was a brief discussion. Dave Lax is here to discuss some of the urgent concerns. Dave stated that Marv should address the tie up situation and dredging immediately. Ed Spaunhurst stated that if there is a catastrophic event, it will shut down the fishing within 24 hours. There was a lengthy discussion. Shelby asked when PND will be here, for an on-site visit to design something to be fabricated? Marv thanked Carl for being here and all his hard work.

F. Bristol Bay Borough Three Federal Earmarks: Marv gave a brief overview.

IX. New Business

A. Gaming Permit Renewal – Bristol Bay Winterfest: J.C. TUDOR MADE A MOTION TO RENEW THE GAMING PERMIT FOR BRISTOL BAY WINTERFEST AND SECONDED BY ABE WILLIAMS. MOTION PASSED UNANIMOUSLY.

B. Gaming Permit Renewal – Bristol Bay Elders Action Group: CARVEL ZIMIN, JR. MADE A MOTION TO APPROVE THE BRISTOL BAY ELDERS ACTION GROUP GAMING PERMIT RENEWAL AND SECONDED BY J.C. TUDOR. MOTION PASSED UNANIMOUSLY.

- C. New-Lodge Alcohol Permit Application – AK Sportsmans Bear Trail Lodge: There was a brief discussion. J.C. TUDOR MADE A MOTION TO APPROVE AND SECONDED BY CARVEL ZIMIN, JR. J.C. TUDOR WITHDREW HIS MOTION Discussion followed. This was postponed until clarification is obtained on the type of alcohol permit this is.
- D. Recommendations from Planning & Zoning – Ordinance Zoning Changes: Carl Smith gave a brief overview of what suggestions the Planning & Zoning Commission came up with. He thanked Tom Ferrazzi and Harold Allen for being here tonight. Carl stated this is on Ordinance No. 20.16 and before them is a strike through version for their approval. Carl explained all the changes recommended by the Planning & Zoning Commission. This will only apply to new applications all others are grandfathered in. There was discussion and objection to the ownership requirements.
- E. Site Development Permit Changes: Carl gave a brief overview of the changes recommended by the Planning & Zoning Commission. There was a lengthy discussion. J.C. TUDOR MADE A MOTION TO APPROVE THE CHANGES AS AMENDED AND SECONDED BY CARVEL ZIMIN, JR. MOTION PASSED UNANIMOUSLY. This will go into a formal ordinance amendment format for the next meeting.
- F. New Hire-Port: Shelby Boothe stated that this had come up a month ago, what has changed? There was a brief discussion. ABE WILLIAMS MADE A MOTON TO ADD CARGO EQUIPMENT OPERATOR/MECHANIC POSITION TO THE PORT AND SECONDED BY CARVEL ZIMIN, JR. Discussion followed. CARVEL ZIMIN, JR. MADE AN AMENDMENT TO ADD THE JOB TEMPORARILY UNTIL THE NEXT BUDGET CYCLE AND SECONDED BY ABE WILLIAMS. THE VOTE ON THE AMENDMENT 1 YES, 3 NO MOTION FAILED. VOTE ON THE MAIN MOTION: 2 YES AND 3 NO VOTES MOTION FAILED.
- G. Authorization to enter into Agreement with U.S. Dept. of Justice re: 09 Recovery Act Justice Assistance Grant Agreement: J.C. TUDOR MADE A MOTION TO AUTHORIZE TO ENTER IN AN AGREEMENT AS MENTIONED AND SECONDED BY CARVEL ZIMIN, JR. MOTION PASSED UNANIMOUSLY.
- H. Draft Audit Report: Brant Mursch gave a brief summary. Discussion followed.

I. Letter of Support for Vince Webster – Board of Fish: CARVEL ZIMIN, JR. MADE A MOTION TO APPROVE A LETTER OF SUPPORT FOR VINCE WEBSTER AND SECONDED BY J.C. TUDOR. MOTION PASSED UNANIMOUSLY.

J. Letter of Support for SAVEC Grant: CARVEL ZIMIN, JR. MADE A MOTION TO APPROVE A LETTER OF SUPPORT FOR SAVEC AND SECONDED BY J.C. TUDOR. MOTION PASSED UNANIMOUSLY.

X. **Executive Session to Discuss:** CARVEL ZIMIN, JR. MADE A MOTION TO GO INTO EXECUTIVE SESSION AT 10:24 P.M. AND SECONDED BY J.C. TUDOR.

A. Personnel – No Action Taken

B. Legal – No Action Taken

THE ASSEMBLY CAME OUT OF EXECUTIVE SESSION AT 10:59 P.M. WITH THE SAME MEMBERS IN ATTENDANCE.

J.C. TUDOR MADE A MOTION TO EXTEND THE MEETING UNTIL 11:30 P.M. AND SECONDED BY EDDIE CLARK. MOTION PASSED UNANIMOUSLY.

Direction was given to the Manager to 1: Direct the Attorney to file non-judicial foreclosure claim on Micelli for house and property and this year's taxes. 2. The Borough Clerk will file a warrant of distraint for personal property taxes for 2009. 3. Check with attorney on fish bond and also raw fish sales tax claim on Baywatch. J.C. TUDOR STATED HE SO MOVED AND SECONDED BY CARVEL ZIMIN, JR. MOTION PASSED UNANIMOUSLY.

XI. **Manager's Comments**

Marv thanked the Assembly

XII. **Assembly Member Comments**

Eddie Clark asked why the library internet is encrypted? Thought it was for the community.

Shelby Boothe stated it was an interesting trip to Washington D.C. Seems like everytime we go there our timing is off. This is going to be a very difficult season at the port.

Carvel Zimin, Jr. stated that we have got to get back to planning for the future and he realizes that Marv is struggling due to lack of personnel but at some point you will be able to delegate some of the duties. One thing Carvel would like to see is a five year plan, where we're going to go and what we're going to do next. Hopefully become proactive instead of reactive.

XIII. Adjournment

BY GENERAL CONSENSUS THE MEETING WAS ADJOURNED AT 11:05 P.M.

Shelby Boothe, Assembly President

ATTEST:

Tami Johnson, Clerk