

**ASSEMBLY MEETING MINUTES**  
**FEBRUARY 2, 2009**

- I. **Call to Order:** The regular Assembly Meeting of February 2, 2009, was called to order by the Mayor, Daniel J. O'Hara at 7:35 p.m. The meeting was held in the Assembly Chambers of the Borough Building, Naknek, Alaska.
- II. **Roll Call:** Mayor Daniel J. O'Hara stated that all members of the Assembly were in attendance, which included: Shelby Boothe, Eddie Clark, J.C. Tudor, Bill Hester and Carvel Zimin, Jr. Also in attendance were the Manager, Marv Smith and Clerk Tami Johnson.
- III. **Consent Agenda:** SHELBY BOOTHE MADE A MOTION TO APPROVE THE CONSENT AGENDA AND SECONDED BY J.C. TUDOR. Bill Hester asked the Manager that on the Planning Commission report for a while it has said: Grants Applied for or gotten: None. Not too long ago there was a discussion on the SCADA system for wastewater and he had mentioned that through BBEDC it would be quite easy to get a grant for that, and thought someone was going to look into that. Marv stated this is a very needed item and would have the Planner look into it. Marv Smith gave a brief report on the trip to Washington D.C. that he and the Mayor and our Lobbyist and Donna Vukich had gone to. Marv stated that it had been a very productive trip. Congressman Don Young was very supportive of our port project. Senator Murkowski was very receptive and very supportive, while Senator Begich understands where we are, since when he was Mayor of Anchorage, they were also updating their port. There was a brief discussion. 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 January 5, 2009 – Regular Assembly Meeting: J.C. TUDOR MADE A MOTION TO APPROVE THE MINUTES OF JANUARY 5, 2009 AND SECONDED BY BILL HESTER. Carvel Zimin, Jr. asked if the Manager had heard anything yet concerning page 5, under New Business, The Taxation of Parcels? Marv Smith stated that he had contacted the Assessors office and there is a list in the works. No numbers are here yet. MOTION PASSED UNANIMOUSLY.
  
2. Finance Report – Check Register – December 2008 & January 2009: SHELBY BOOTHE MADE A MOTION TO APPROVE THE DECEMBER 2008 CHECK REGISTER AND TO HOLD THE JANUARY REGISTER OF 2009 UNTIL THE MARCH MEETING IN ORDER TO REVIEW AND SECONDED BY CARVEL ZIMIN, JR.. MOTION PASSED UNANIMOUSLY.

IV. Approval of Agenda

Marv Smith wanted to add under New Business: I. Phase II Port Expansion and Fishermen's Dock – Workshop. J.C. TUDOR MADE A MOTION TO APPROVE THE AGENDA AS AMENDED AND SECONDED BY SHELBY BOOTHE. MOTION PASSED UNANIMOUSLY.

V. Persons to be Heard

Jack Walsh and Janet Monsen from Bristol Bay Borough School District: Mr. Walsh stated they were here tonight to update the Assembly on some grants they are applying for from the Pebble Project and hoping that the Borough would be in support of, in the form of a letter. Currently there are five applications from people connected with the School District. Briefly the five applications are: One is a request for \$45,000.00 to get the materials needed to level the fields behind the school for soccer, baseball and any other activities outside. The second grant that's been written is for \$25,000.00 to add to the library remodel to add some artwork and artifacts for display. The third request that you'll hear about is, the Booster Club is trying to get off the ground asking for money for activities and their request is in the ball park of around \$25,000.00. The fourth request you may have heard about. There are a group of students that are going to take a 1973 Volkswagen van, convert the engine and things in there to make it more efficient,

diesel or biodiesel. They will be asking for \$25,000.00. The ultimate goal is that the van to be converted from head to toe and eventually take it on the road and tour around the state and lower 48 and talk about the things they did to make it more energy efficient. Naknek Electric Coop has already given them \$5,000.00 to help with the project. The fifth one Janet will describe for you. These are due by February 27<sup>th</sup>. Janet Monsen stated the fifth one was an upgrade on the exercise room at the school. It is a \$25,000.00 proposal. We feel the current equipment is in need of an update. Some of it is apart and not fixable and plain worn out. Bill Hester asked Marv Smith to explain about the Pebble Project grant project. Marv stated he had gone to the Naknek Native Village Council meeting with Shelby last month. Shelby stated that Gene Sanderson had been very instrumental in the initial criteria and evaluation process. The bottom line is that there is an evaluation process and you get so many points for this, that and the other. There is a board that will meet and select the winners. There is a million dollars every year for five years. There are grants for projects for \$25,000.00 and under and for grants over \$25,000.00. Shelby Boothe stated that SAVEC has submitted to Pebble a grant for a driver's education program. Kids can take online and will also have an instructor on staff. The kids can take the course, get a license and get a discount on insurance for taking the class. Shelby asked Gene if it would be better if the Assembly submitted a Resolution in support, instead of just a letter. The answer was yes and the Assembly agreed to issue Resolutions in support of each project. The Assembly gave direction to the Manager to go ahead and issue Resolutions to the school as well as SAVEC in support of each of the schools 5 projects and SAVEC's one and they will sign them. SHELBY BOOTHE MADE A MOTION TO SUSPEND THE RULES AND ADD THIS TO THE AGENDA UNDER NEW BUSINESS ITEM J. TO ADD 6 RESOLUTIONS AND SECONDED BY CARVEL ZIMIN, JR. MOTION PASSED UNANIMOUSLY.

Gene Sanderson stated that any government agency or 501C3 can apply for these grants. Marv Smith stated that there is one that we could possibly apply for. We have a grant out there right now trying to do a feasibility study on fish waste and one of the categories under this grant is environmental water clean-up and fish waste is certainly going back into the river. Marv stated he had talked with Glen Reed at SWAMC, in Kodiak and Dutch Harbor, some of their processors have formed a co-op and that co-op takes all the fish waste and puts it all together and Dutch Harbor is taking cod oil to run engines, mixed with diesel. However, unfortunately the oil you get from reds is not that quality but there are other things you can do with it. There was a short discussion. Gene stated that one of the other things to keep in mind is, that there are two grant cycles this year and every year after that, there will be two grant cycles.

Abe Williams the current president of Paug Vik Corporation, wanted clarification on some of the discussion from the last meeting on taxation. He wanted to hear from the Assembly and was here tonight to answer any questions. There was a short discussion. Marv Smith is waiting on information from Steve Van Sant the state assessor. Bill Hester stated we only asked for information and we are just trying to be fair and equitable. Marv Smith stated that the direction he was going was including any and all corporations in Bristol Bay Borough, not singling any one out. Bill Hester stated that this kind of got convoluted. Roads are not an improvement, it is an access. Abe Williams also stated that if a resolution is needed in support of the Bristol Bay Borough dock, just let him know and one could be drafted up and thanked the Assembly.

**VI. Communications and Appearance Requests**

None

**VII. Hearings, Ordinances and Resolutions**

A. Ordinance No. 2009-01, An Ordinance of the Bristol Bay Borough Establishing the Tariff for the Port of Bristol Bay; Second Reading and Public Hearing. Dan O'Hara opened up the meeting to public comment. Joe Harris Port Foreman stated that basically the two major changes to the tariff this year; one is on page 23 and the 43 ton forklift was added, which is the new 925 that we got last year and he plugged in \$50.00/hour more than what the 41 ton forklift was. The 41 ton is a 1996 and it cost \$350,000. This is a 2008 and it was \$540,000. So Joe plugged in the \$50.00 an hour and that goes straight across the board and it is \$400.00 more a day than the 41 ton. The idea was to not only list it in the tariff as a piece of equipment we have at the port but also to set a fee for that, so Joe could charge appropriately. There are typo's throughout the tariff and have had trouble trying to open the document to change, but hope to have that cleared up by the next meeting. The other major change to it is on page eleven: No fishermen's dock on the west side or parking. No season passes. As long as they are pushing the 38,000 yards of dirt down over the old fishermen's dock and driving pilings and running equipment it will block access to the beach and eliminate all the parking at the fisherman's dock. Joe put into the tariff no season passes until further notice. The idea is if it is all done by this time next year we can add those words back in. If the main portion of this finishes up in December of next year and start the bull rails, ladders and fenders and everything else that it takes to make the dock useful for the fishermen and the grading is completed. If that starts in the spring of next year it might not even be ready by July. Joe thinks it best to put, "no access until further notice." Joe also stated that the boat ramp will

remain open and Joe will propose fishermen to use the face of the dock as much as possible, but of course when we've got barges coming and going or tenders coming and going then they might be limited to 15-20 minute intervals before high water or an hour or two before high water to get their groceries on or nets or ice. But once that barge is out on the face of the dock there will be no access on the down river side, because they'll be driving pilings or pushing dirt. We cannot mix the public and parking and D8 Cats. Marv Smith stated that we are going to try to provide ice. Joe stated that the ice will be brought out to the face of the dock or loaded into trucks. Marv and Joe have been discussing the possibility of down river, Paug Vik has a spot that maybe we may get some access through for the fishermen. Marv Smith stated that anything that we can brainstorm and come up with for the fishermen will be considered. The fishermen are a part of us. Shelby stated that maybe the lot we're in the process of purchasing could be used for parking.

Abe Williams stated he thinks it is very important to try to provide ice at least. There are some small local processors that somewhat rely on the ice machine that the Borough has to offer. Abe stated he is working with BBEDC to try to get the ice barge back in the river. Abe thinks a land based ice machine to be available. The other thing to try to keep in mind is, if the Department of Fish & Game moves the fishery into a special harvest area. That will be crucial for the set net operation in the dock area. Eddie Clark stated that Abe is the president of Paug Vik and perhaps he could talk to the board. Marv stated that perhaps Bristol Bay Borough and Paug Vik could work together to provide a way to the beach with a better road. Abe stated that it would certainly relieve pressure if there was an in river fishery. Carvel Zimin suggested maybe thinking about getting a barge. This would be a temporary facility until we're done with our dock. They would discuss this further at the workshop on Wednesday.

Dan O'Hara closed the public hearing. Shelby Boothe stated that the third and final reading and public hearing is scheduled for March 2, 2009.

B. Ordinance No. 2009-02, an Ordinance of the Bristol Bay Borough Amending Ordinance No. 2008-03, Introduction and First Reading: CARVEL ZIMIN, JR. MADE A MOTION TO INTRODUCE ORDINANCE NO. 2009-02, AN ORDINANCE OF THE BRISTOL BAY BOROUGH AMENDING ORDINANCE NO. 2008-03 AND SECOND READING AND PUBLIC HEARING SET FOR MARCH 2, 2009 AND SECONDED BY J.C. TUDOR. Shelby Boothe stated that this is just amending the budget to reflect current bookkeeping. Bill Hester asked if this is something that needs to be addressed in a workshop? Allan Ossakow approached the Assembly and stated that this is normally addressed in December of every year as an amendment and this is a little

late. This does not include anything on Public Works yet. If Public Works turns out to be material then there will be a third adjustment. This is the second adjustment. Allan stated that the purpose of this adjustment of fiscal year 2009 is what we're working on right now, has about 5 things in it. The general fund the purpose was to adjust a lot of the income figures; going up about \$780,000 over the original budget, primarily due to the fish taxes from the State, local fish tax, increase in funding from PILT, interest from a couple of other things. The bottom line is that the Borough has a lot more money than was budgeted. There was a short discussion. 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: Second Reading and Public Hearing: Dan O'Hara opened up the meeting for public comment. Hearing none, public comment was closed. CARVEL ZIMIN, JR. MADE A MOTION TO APPROVE ORDINANCE NO. 2009-03 AND SECONDED BY J.C. TUDOR. MOTION PASSED UNANIMOUSLY.

#### **VIII. Old Business**

A. Fish Grinder: Joe Harris stated he had a copy of the Notice of Violation from DEC. Basically, we are in violation of the clean water act, however, there are no permits available at this time. The penalty for an individual is \$10,000 and a year in jail. The penalty for a corporation or entity like the Borough is \$200,000/per occurrence, per day. However, no where in the letter does it say to stop grinding. What it does say on page 3, that the administrative violations are that we haven't kept records of the grind size and the amount. We started that last season. Item 2 says the Borough should apply for coverage and the appropriate waivers, once the Alaska shore base seafood processors general permit AKG52-000 is reissued. They're not available at this time, when they are we should apply. Information on the available waivers is found under parts 3.FN and 6C. Until the permit is reissued the facility should be maintained and operated consistent with the conditions of the expired permit. There was a short discussion. Joe Harris stated that we will make all corrections and will respond to their letter.

B. Treasurer Position: Marv Smith stated that he is actively pursuing a Treasurer position and has interviewed an individual who is in the audience tonight. The gentleman and his wife came out to look around our community.

C. Naknek River Subdivision Lottery – Workshop: Marv Smith stated that perhaps we could combine this along with the workshop for Phase II of the dock. PN&D will come out. It was scheduled for Wednesday, 2-4-09 at 7:00 p.m. and to invite P&Z and the public.

**IX. New Business**

A. 2009 Gaming Permit – Bristol Bay Winterfest: CARVEL ZIMIN, JR. MADE A MOTION TO APPROVE AND SECONDED BY J.C. TUDOR. MOTION PASSED UNANIMOUSLY.

B. Winterfest Donation Request: CARVEL ZIMIN, JR. MADE A MOTION TO DONATE \$500.00 TO WINTERFEST AND SECONDED BY BILL HESTER. MOTION PASSED UNANIMOUSLY.

C. Minerals Management Service – Leasing Activities Information: Marv Smith asked for some guidance on how the Assembly wishes to proceed. Carvel stated he thought a resolution had been passed. Marv stated we could comment on a letter or a resolution. Carvel stated, read the resolution and write a letter from that. Dan O’Hara stated it would be better if all the Assembly members signed it with him. We will probably do a memorandum of agreement with the city of Unalaska, Kodiak, Aleutians East, Lake & Peninsula and Bristol Bay Borough for North Aleutians. Dan stated we will take the lead on this.

D. Dock Bid #2 Extension – Opening: Marv Smith stated the 2<sup>nd</sup> bid is out on Phase I, and as you all know we can’t open because we need additional funding and we’ve extended it out until April 7, 2009.

E. Port of Bristol Bay Management by Federal D.O.T. – Marine Administration (MARAD): Marv stated he would like guidance from the Assembly to write up an agreement between MARAD and the Borough to manage the dock project. The Assembly was in favor of Marv investigating this.

F. State of Alaska Statewide Transportation Improvement Program (STIP): There was a short discussion. It was decided to discuss this in depth at the workshop scheduled for Wednesday, February 4, 2009.

G. Landfill – Letter from Alaska Wildlife Troopers: Marv Smith stated that Trooper Fay came to see him about the concern of the number of bears at the landfill and how the bearing of the baler attracts bears and people actually going to the landfill to view bears. Trooper Fay firmly believes as a biologist and an enforcement officer, if we put an electric fence around our landfill we’ll cut down

on the number of bears that live off the garbage. There was a short discussion. Marv stated that in time the bears will be trained, eventually to not come to the landfill. Bill Hester stated that this had been discussed a couple of years ago and the cost is very minimal. The Assembly instructed the Borough Manager to go ahead and get some cost ideas or grants available for the next meeting.

H. 2010 Legislative Appropriation Request: Marv stated that separate appropriation requests are needed for Begich, Murkowski and Young's offices by February 17, 2009. It was decided to include this for the workshop Wednesday night.

I. Phase II Port Expansion & Fisherman's Dock – workshop: Scheduled for Wednesday, February 4, 2009 at 7:00 p.m.

J. Resolutions: Jack Walsh the BBBSD Superintendant listed the five Resolutions needed from the Borough in order to send with grant requests.

1. To level and improve the fields behind the school \$45,000.00
2. \$25,000.00 In support to add art, artifacts and historic books and media to the library remodel.
3. \$25,000.00 Update our exercise room and equipment.
4. \$25,000.00 Booster Club to support student activity.
5. \$25,000.00 To support the Volkswagen Van Project, building an alternative energy vehicle.
6. SAVEC – Drivers Education program

Bill Hester asked Mr. Walsh to prioritize and get back to us. **BILL HESTER MADE A MOTION TO APPROVE AND ASSIGN RESOLUTION NUMBERS TO THE SIX ITEMS DISCUSSED AND SECONDED BY SHELBY BOOTHE. MOTION PASSED UNANIMOUSLY.**

**X. Executive Session To Discuss – Personnel**

Cancelled

**XI. Assembly Member Comments**

Eddie Clark asked who from the Borough is commenting on KDLG on the remediation and clean-up? There was a short discussion. Marv stated he had not authorized anything.

Shelby Boothe asked if there had been any luck on hiring an IT person? Marv stated he had received one resume, just recently.

Bill Hester wanted to let the Assembly members know that he had a copy of N.E.A.'s donation policy, if anyone wanted to see it. Bill also mentioned if everyone had gone through the survey from Robin Samuelson. Bill thought it was well done.

Marv Smith stated that the Borough surveys have started coming in and we will probably have a workshop in the future.

**XII. Adjournment**

BY GENERAL CONSENSUS THE MEETING WAS ADJOURNED AT 9:30 P.M.

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Daniel J. O'Hara, Mayor

ATTEST:

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Tami Johnson, Clerk