

**ASSEMBLY MEETING MINUTES**  
**FEBRUARY 6, 2006**

- I. Call to Order: The regular Assembly Meeting of February 6, 2006 was called to order at 7:35 p.m. by Mayor Michael S. Swain, Sr. The meeting was held in the Borough Assembly Chambers of the Borough Building, Naknek, Alaska.
- II. Roll Call: Present: Assembly Members Shelby Boothe, Russell Phelps, and Mel Coghill, Jr. Carvel Zimin, Jr. arrived at 7:40 p.m. Absent: Eddie Clark who was out of town.

Also present: Mayor Michael Swain, Sr., Borough Clerk Betty Bonin, Borough Manager Fred Pike and Borough Attorney Tim Verrett.

- III. Consent Agenda: MEL COGHILL, JR. MADE A MOTION TO APPROVE THE CONSENT AGENDA AND IT WAS SECONDED BY SHELBY BOOTHE.

A. Non-Action Items

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. Health Commission
13. Other Reports

B. Action Items:

1. Assembly Meeting Minutes – Shelby Boothe would like to strike the first line from the Youth Vision Statement of the Comprehensive Plan, where it stated, “Bristol Bay Borough is a safe, quiet community where its youth are anxiously awaiting their opportunity for escape.”

2. Finance Report-Check Register: Shelby Boothe stated he has been reading the Borough reports for 14 years and these last 2 years have not been very user friendly or understandable. There are no expenditures for the Pool for 7 months and he knows that is not true. There is so much information that it doesn't make sense. With the old system, at least you can get reports that were easy to understand and let you know where you are within your budget.

Shelby Boothe stated that according to these reports, the dock has generated 1 million dollars since July. That's hard to believe. He would like to go back to the old reports. As for Profit & Loss reports, we are not in the business for profit and loss. He challenges anyone to tell him what is going on.

Carvel Zimin, Jr. asked Fred Pike if the Department Heads are having problems understanding the reports. Fred Pike stated that no one has complained to him.

Mel Coghill, Jr. stated it was nice to see the payroll lumped together on the check register without names and amounts.

Shelby Boothe stated he never heard of anyone changing systems in the middle of the fiscal year.

MOTION PASSED UNANIMOUSLY.

IV. Approval of Agenda: Mayor Mike Swain stated he had a letter from Krista Williams to be added to Communications re: Community Network; Add to New Business, Item H: Naknek Village Council re: BIA Roads & Maintenance Agreement; Mel Coghill, Jr. would like to add to New Business, Item I: Executive Session to discuss pending Legal issues. MEL COGHILL, JR. MADE A MOTION TO APPROVE THE AGENDA AS AMENDED. CARVEL ZIMIN, JR. SECONDED THE MOTION AND IT PASSED UNANIMOUSLY.

V. Persons to be Heard:

Lucy Aspelund – She wanted to address the pet ordinance. Since the Borough is going to be implementing dog/cat licenses, each pet would have to have a license. She would like to assist poor people by having their pets spade or neutered.

Sandy Bryant – regarding the Center of Attention. She has put a lot into her business and that is her only business here. It is an attempt to bring wellness and health into the community and she hopes that will have some bearing on the water situation. The church people are not here but they would like to keep water at their establishments also.

Matt Niedermeyer – The Center of Attention is a great service to the community. He would like to suggest that the Borough get a heavy metals test on the FAA well if the Borough is thinking about taking it over. There has been three wells abandoned in that area.

VI. Communications and appearance requests:

- A. AML/JIA Letter-Notice of intent to withdraw
- B. Winterfest Letter-Reply to donation request
- C. Krista Williams – Community Network - Sent letter, she was unable to attend. Shelby Boothe stated this should be put before the Chamber of Commerce.

No further comments.

VII. Hearings, Ordinances & Resolutions:

A. Ordinance No. 2006-01 – Amending Ordinance 90-15, Section 4.2G: Application and Fee-Second Reading and Public Hearing: Mayor Swain opened it up for public comments. There were no comments from the public so the public hearing was closed. Russell Phelps asked Yvonne Kopy why the fees are being increased? Yvonne Kopy stated the fees have been \$25 for years. Russell Phelps doesn't see a need to increase fees.

Shelby Boothe thinks this is too complicated and would take an engineer to figure everything out. He stated the purpose of a site development permit was to 1) identify what's going on in the Borough and 2) being legal with set backs, etc.

MEL COGHILL, JR. MADE A MOTION TO ADOPT ORDINANCE NO. 2006-01 AND IT WAS SECONDED BY RUSSELL PHELPS.

There was a discussion about the fee increase and site development permit. CARVEL ZIMIN, JR. MADE A MOTION TO AMEND SECTION G. OF THE ORDINANCE SECOND SENTENCE FROM \$50 TO \$25 FOR RESIDENTIAL, MULTI AND SINGLE FAMILY DWELLINGS. MEL COGHILL, JR. SECONDED THE MOTION AND IT PASSED UNANIMOUSLY. MOTION PASSED UNANIMOUSLY.

CARVEL ZIMIN, JR. MADE AN AMENDMENT TO THE SAME SECTION G ON LINE 3 CHANGING \$100 TO \$50 FOR COMMERCIAL, INDUSTRIAL, AND UNRESTRICTED STRUCTURES. RUSSELL PHELPS SECONDED THE MOTION AND IT PASSED 3-1 WITH SHELBY BOOTHE BEING OPPOSED.

VOTING ON THE MAIN ORDINANCE AS AMENDED, MOTION PASSED 3-1 WITH SHELBY BOOTHE BEING OPPOSED.

B Ordinance No. 2006-02 – Tariff – Second Reading and Public Hearing: Mayor Swain stated this was the second reading and public hearing and opened it up for public comments.

Joe Harris, Port Administrator was present. He got a request from Northland about 6:50

p.m. this evening regarding the vessel dockage rates. (Copy attached). Our rates are considerable higher than other ports but it's based on a 24 hour period. The other ports are based on ½ day or 12 hours. He described a situation where a Northland barge was at our dock for 5 days due to weather and other distress they had to take care. Their dockage bill ended up to be \$4200+ but it's not our fault with the circumstances. He also had comments about 070 of the Tariff.

Carvel Zimin, Jr. asked Joe Harris if he can get the wording for the next public hearing? Joe Harris stated that he will.

Hearing no further public comments, the public hearing was closed. Mayor Swain stated the next and final public hearing will be on March 6, 2006.

C. Ordinance No. 2006-03 – Amended Pet Ordinance – Introduction and First Reading: MEL COGHILL, JR. MOVED TO INTRODUCE ORDINANCE 2006-03 AND TO SET FOR PUBLIC HEARING ON MARCH 6, 2006. CARVEL ZIMIN, JR. SECONDED THE MOTION. Carvel Zimin, Jr. stated we struggled with this before and we don't have a dog catcher or an animal shelter. Fred Pike stated his intention for the upcoming budget was to allocate funds to get the animal shelter up and running and to hire a part-time dog catcher/maintenance helper. Shelby Booth cautioned the Assembly that dogs have rights too. MOTION PASSED UNANIMOUSLY.

D. Resolution No. 2006-01 – ADF&G Philosophy/Genetic Project: CARVEL ZIMIN, JR. MADE A MOTION TO ADOPT RESOLUTION NO. 2006-01 AND IT WAS SECONDED BY MEL COGHILL, JR. MOTION PASSED UNANIMOUSLY.

#### VIII. Old Business:

A. School Project Phase II: Fred Pike stated he found a letter in the files and put it in the packet. The letter stated, "the Assembly voted unanimously to approve the allocation of \$539,410.47 from the Borough's Capital Improvement Fund. This is part of the matching fund requirement, toward the Bristol Bay Borough's School District Sprinkler System and Renovation Project."

Richard Hebhardt stated he has discussed this with the State. He has a letter from Eddie Jenes stating to have leverage or obtain use of those funds, the Borough would have to contribute a 35% match.

There was a discussion about the grant and the projects. The Assembly wants to see specific numbers for the Sprinkler System and Library/Computer Room. The Assembly agreed they will discuss this during the budget process. They have until May 2008 to get it completed.

B. FAA Well/Center of Attention: Manager Fred Pike stated that if we charge ourselves, we can generate \$7200. It will cost \$11,200 for Equipment, Maintenance, repair, Electricity, Lease and Insurance.

There was discussion about the well situation at the Center of Attention. Fred Pike stated In 1991 the rental rate was \$1.00 per square foot, the Center is 2500 square feet. This is

a loss to the Borough.

Matt Neidermeyer stated if you did a heavy metals test that would cost another \$3600.

Fred Pike asked the Assembly if he can negotiate with Sandy Bryant on a month by month lease since her lease is up in March. The Assembly stated that was fine until we figure out what they are going to do. They would like Fred Pike to put a proposal together to see how much it would cost to dig a new well. Fred Pike will get that done.

IX. New Business:

A. Borough RFP for Legal Representation: Fred Pike stated all Assembly Members had a copy of the RFP's and they have narrowed it down. He recommended that we would be best served if we stay with our present Attorney since he has the history with the Borough.

Carvel Zimin, Jr. stated he liked Tim Verrett's proposal. Mel Coghill, Jr. agrees and he's glad the numbers came in as they did.

Tim Verrett stated he never did have a "contract" but for the Bar Association, they like to have some sort of Structure Agreement in place. MEL COGHILL, JR. MADE A MOTION TO AUTHORIZE MANAGER FRED PIKE TO ENTER INTO AN AGREEMENT WITH TIM VERRETT. CARVEL ZIMIN, JR. SECONDED THE MOTION AND IT PASSED UNANIMOUSLY.

B. Bristol Bay Borough Snow Removal Guidelines: Manager Fred Pike stated these were guidelines for snow removal. Some residents are demanding to have their driveways plowed and he wanted to have something in place. This was for the Assembly's information.

C. Planning Commission request for a Borough Clean up Week: Yvonne Kopy s stated the Planning Commission wanted to have a clean up week. Betty Bonin stated in the past, we've always had one the first part of May. There was a discussion about a clean up week. The Assembly has no problem with that.

D. Planning Commission Federal Projects List: Yvonne Kopy stated that per John Walsh, the CIP list can not be the same used to request assistance from Washington, D.C. We need to have a specific Federal Projects List. Currently there are 3 projects which qualify: Port Expansion; Naknek River Bridge and Lake Camp Road. We can ask for more money on Lake Camp Road but the Borough must provide a match which currently stands at \$297,000. If you ask for more, the Borough's match will grow proportionately. The other options are energy or a different transportation project.

Carvel Zimin, Jr. stated between Yvonne Kopy, Fred Pike and John Walsh they can put it together. Russell Phelps would like to add alternate energy and a new grader for Lake Camp Road.

E. Planning Commission – Use of Transient Occupancy Tax: The Planning Commission would like to set aside 20% of the Transient Occupancy Tax to be used for promoting the Borough.

Mel Coghill, Jr. felt that we have a lot of free advertising already with Katmai National Park and the lodges in our area. Mayor Swain suggested we look at this during the budget process.

F. Request for Donation – High School Regional Basketball Tournament – Teresa Coghill: Teresa Coghill was present and making this request. The regional basketball tournament will be here in March. This is a very large event bringing a lot of teams, fans, parents into our area and it will benefit our economy. They have worked very hard collecting aluminum earning \$9000 there. Some canneries have made donation and they are seeking more. They need at least \$9000.

CARVEL ZIMIN, JR. MADE A MOTION TO DONATE \$9000 FROM COMMUNITY SUPPORT FUND. RUSSELL PHELPS SECONDED THE MOTION. Fred Pike stated The Community Support Fund does not have \$9000 since they had to pay \$48000 for South Naknek Heating fuel. There was a light discussion. Fred Pike recommended taking the funds out of Legislative Miscellaneous 6901. SHELBY BOOTHE MADE A MOTION TO AMEND THE MOTION AND APPROPRIATE \$9000 OUT OF LEGISLATIVE 6901 FOR THE REGIONAL BASKETBALL TOURNAMENT. CARVEL ZIMIN, JR. SECONDED THE MOTION AND IT PASSED UNANIMOUSLY.

VOTING ON THE MAIN MOTION, IT PASSED UNANIMOUSLY.

G. Hideko Inouye Graves-Salvatore DiMaggio-Request for forgiveness on Property Taxes: Mr. DiMaggio was requesting forgiveness on these taxes since his boat burned in the fire at PAF in 2001. There was a light discussion since this request is 5 years later. CARVEL ZIMIN, JR. MADE A MOTION TO FORGIVE SALVATORE DIMAGGIO FOR 2001 PENALTIES IN THE AMOUNT OF \$349.17 AND REQUIRE THE BALANCE BE PAID IMMEDIATELY TO CORNERSTONE CREDIT. MEL COGHILL, JR. SECONDED THE MOTION. MOTION FAILED UNANIMOUSLY WITH EVERYONE OPPOSED.

H. Naknek Village Council: Naknek Village Council their Resolution No. 2006-03 Concerning the BIA Transportation road shares for Naknek Native Village for Both FY05 and FY06 from the US Department of the Interior, BIA. Carvel Zimin, Jr. stated he would like to Borough to also have their own resolution.

CARVEL ZIMIN, JR. MADE A MOTION TO ENTER INTO A MAINTENANCE AGREEMENT WITH NAKNEK NATIVE VILLAGE ON THE ROADS PROJECT. MEL COGHILL, JR. SECONDED THE MOTION AND IT PASSED UNANIMOUSLY. (Signed Copy Attached)

I. Executive Session – Pending Legal Issues: CARVEL ZIMIN, JR. MADE A MOTION TO GO INTO EXECUTIVE SESSION TO DISCUSS LEGAL ISSUES AND REQUEST THE BOROUGH ATTORNEY AND POLICE CHIEF TO GO WITH THEM. MEL COGHILL, JR. SECONDED THE MOTION AND IT PASSED UNANIMOUSLY. They went into Executive Session at 10:23 p.m. The meeting was reconvened at 10:50 p.m. Mayor Swain stated they discussed legal issues and NO ACTION WAS TAKEN.

X. Assembly Member Comments:

Carvel Zimin, Jr. – keep in mind what John Walsh was saying about the bridge.

Mel Coghill, Jr. – on behalf of the School and basketball team, they would like to thank the Borough for their contribution.

Russell Phelps – Appreciates Fred Pike for doing a good job.

Shelby Boothe – they had a SAVEC meeting by teleconference the other day and It lasted 3 hours. They are thinking of going a new route and put SAVEC under the State. They are also looking for a \$14000 local contribution.

Shelby Boothe – The drug tests have been happening for a year now. He would Like to see how many drug tests were done both baseline & randomly by DOT, and the results, without any names.

XI. Adjournment: The meeting adjourned by general consensus at 10:55 p.m.

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Mayor

ATTEST:

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Borough Clerk