

ASSEMBLY MEETING MINUTES
SEPTEMBER 1, 2009

- I. **Call to Order:** The regular Assembly meeting of September 1, 2009, was called to order by the Mayor Daniel 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, Bill Hester and Mayor Daniel O'Hara.

Excused Absence: Carvel Zimin, Jr.

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

III. **Consent Agenda**

A. Non-Action Agenda: SHELBY BOOTHE MADE A MOTION TO APPROVE THE CONSENT AGENDA AND SECONDED BY J.C. TUDOR. Shelby Boothe stated that in the Manager's report, Marv had spoken to Mike McKinnon about road money, any prospects? Shelby also notice the beach access road was being worked on. Shelby just came from the Southside and we could use some road money over in the village. Marv Smith stated he plans on bringing the roads up at the Planning & Zoning meeting next week. MOTION PASSED UNANIMOUSLY.

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 August 3, 2009-Regular Assembly Meeting: BILL HESTER MADE A MOTION TO ACCEPT THE MINUTES AS PRESENTED AND SECONDED BY J.C. TUDOR. MOTION PASSED UNANIMOUSLY.
 2. Finance Report – Check Register – July 2009: J.C. TUDOR MADE A MOTION TO ACCEPT THE CHECK REGISTER FOR JULY 2009 AND SECONDED BY BIL HESTER. Eddie Clark stated he couldn't find the accounts receivables, he is concerned, he doesn't want it to get too high, he wants to know before it gets to \$400,000.00. Eddie realizes a lot of the tax money is not in yet, he would like to be made aware before we have to start posting in the newspapers and threatening foreclosure. MOTION PASSED UNANIMOUSLY.

IV. Approval of the Agenda

Marv Smith stated under New Business, we wanted to add BBEDC visit to the community, item C and item D. Possible purchase of Ivanoff BIA property. Mayor Daniel O'Hara stated adding to the BBEDC visit also BBNC joint meeting. The Mayor also stated item E. 25 mile an hour school speed zone by the little red school house, perhaps direct the Manager to speak with D.O.T. Marv Smith brought up the AML conference and Dan stated he was going to the Mayors Conference. Shelby said to put this on the agenda and we can talk about it, item F. QUESTION WAS CALLED, MOTION TO APPROVE THE AGENDA AS AMENDED WAS UNANIMOUS.

V. Persons to be Heard

None

VI. Communications and Appearance Requests

- A. Letter from Colonel Robyn Burk – Concerning RAB
- B. Letter from Tom Geibel – ISO Classification
- C. Thank You Letter from Elks

VII. Hearings, Ordinances and Resolutions

A. Ordinance No. 2009-10, An Ordinance Amending Chapter 3.34, Section 3.34.010 and Section 3.34.020 of the Bristol Bay Borough Code Services; Interest on Delinquent Accounts; Second Reading and Public Hearing: The change being: in addition to the 15% interest rate per annum on all delinquent accounts, a \$25.00 monthly service charge on all delinquent accounts will be applied. Mayor Daniel O'Hara opened up the meeting for public comment. Hearing none, the public comment portion was closed. SHELBY BOOTHE MADE A MOTION TO APPROVE ORDINANCE NO. 2009-10 AND SECONDED BY J.C. TUDOR. Shelby Boothe had one comment, stating that assembly member Clark suggested that we have around \$400,000.00 in receivables out there and this may induce people to pay up their delinquent accounts. There was a short discussion. QUESTION WAS CALLED 3 YES AND 1 NO VOTE, MOTION PASSED.

B. Resolution No. 2009-21, A Resolution Amending Chapter 5.0 of the Personnel Policy by Amending Chapter 5.0 Employee Benefits By Amending Section 5.02 Holidays: One Additional Day for an Annual Physical: There was a short discussion. SHELBY BOOTHE MADE A MOTION TO APPROVE RESOLUTION NO. 2009-21 AND SECONDED BY J.C. TUDOR. MOTION PASSED UNANIMOUSLY.

C. Resolution No. 2009-23, A Resolution Establishing the Wastewater User Fee Rate as of October 1, 2009: J.C. TUDOR MADE A MOTION TO APPROVE RESOLUTION NO. 2009-23 AND SECONDED BY EDDIE CLARK. MOTION PASSED UNANIMOUSLY.

D. Resolution No. 2009-24, A Resolution Authorizing the Borough to Acquire Credit Cards from First National Bank of Alaska (FNBA) for the Purpose of Conducting Borough Financial Business: There was a short discussion. J.C. TUDOR MADE A MOTION TO APPROVE RESOLUTION NO. 2009-24 AND BILL HESTER SECONDED. MOTION PASSED UNANIMOUSLY.

E. Resolution No. 2009-25, A Resolution Changing the Bristol Bay Borough Health Insurance Broker of Record from Mercer Health & Benefits, LLC to The Brown Agency: J.C. TUDOR MADE A MOTION TO APPROVE RESOLUTION NO. 2009-25 AND SECONDED BY BILL HESTER. MOTION PASSED UNANIMOUSLY.

F. Resolution No. 2009-26, A Resolution Authorizing The Borough Manager to Enter into an Agreement with a Third Party Health Administrator for the Purpose of Administering the Borough's Health Insurance Claims and Administering the Borough's Self Insured Portion of the Health Care Insurance Plan: J.C. TUDOR MADE A MOTION TO APPROVE RESOLUTION NO. 2009-26 AND SECONDED BY BILL HESTER. MOTION PASSED UNANIMOUSLY.

VIII. Old Business

A. Port of Bristol Bay Update: Marv Smith stated that B.C. Contractors is here tonight and Marv proceeded to give the Assembly an update on the port and informed them that B.C. has a new management team and Swalling Construction is in on site as a subcontractor driving sheet pile and vibracompaction. Mr. Bob Williams came before the Assembly and stated he is the CEO as of July with B.C. Contractors. Mr. Williams stated he has been working with Marv and Marv is one of the toughest negotiators he has dealt with. He gave an update of what is going on down at the dock. Mr. Williams spoke about some of the issues in the contract concerning some of the retainage of funds. Mr. Williams stated he would like to respectfully request that the Assembly might release \$100,000.00 of the retainage that the Borough currently has from the total of \$473,000.00. There was a short discussion. EDDIE CLARK MADE A MOTION TO DIRECT THE MANAGER TO RELEASE \$100,000.00 RETAINAGE TO B.C. CONTRACTORS AND SECONDED BY BILL HESTER. MOTION PASSED UNANIMOUSLY.

B. Health Insurance: Marv Smith stated that this is an error.

C. N.E.A. Waiver - Re-Vote or Rescind: BILL HESTER MADE A MOTION TO RESCIND AND RE-VOTE ON THE N.E.A. WAIVER AND SECONDED BY J.C. TUDOR. There was a short discussion. QUESTION WAS CALLED 3 YES AND 1 NO VOTE, MOTION PASSED.

D. Jib Crane: Marv Smith stated that the jib crane was back in our possession and wanted to know how they want to dispose of it. Marv stated that according to the attorney, even if we sign an indemnification, we can still be liable. Marv stated that anybody with \$150.00 and an attorney can sue somebody. There was a short discussion. It was decided to salvage what can be used and scrap the rest and take to the dump.

E. Alaska Statewide Transportation Improvement Program: AK Peninsula Hwy.: Marv stated that all we got on the STIP is road improvement. There was a short discussion. Marv stated that we need to comment back to them that we want the bridges done. Marv stated that under the comment section where it says may, it should be changed to will be done. There was a short discussion. Shelby stated we want 3 new bridges and a bike path alongside. The Manager stated he would get it back to the state with our requirements and get with our Lobbyist also.

F. Nanci Morris-Lyon/Brian Kraft – Tax Penalty AK Sportsman’s Bear Trail Lodge: Marv Smith stated that John Dixon has done an excellent job on summarizing where we are on this. In addition Marv took this to the attorney and according to the attorney we cannot relieve this. There were three entities involved and we had to self file for all three. They have paid their taxes but not the penalties. There was a short discussion. **BILL HESTER MADE A MOTION TO FORGIVE THE PENALTIES AND SECONDED BY SHELBY BOOTHE. QUESTION WAS CALLED 1 YES AND 3 NO VOTES. MOTION FAILED.**

IX. New Business

A. Donation to Lu Young Charity in Lieu of Flowers: **J.C. TUDOR MADE A MOTION TO SEND A DONATION IN LIEU OF FLOWERS TO THE LU YOUNG FUND FOR CHILDREN OF FAMILIES FIGHTING CANCER IN THE AMOUNT OF \$250.00 AND SECONDED BY SHELBY BOOTHE. MOTION PASSED UNANIMOUSLY.**

B. Spill Response Boats: Marv asked to remove this from the agenda.

C. BBEDC & BBNC Joint Meeting: Marv stated there was a calendar in the packet and Dan asked Marv to check and maybe set up a meeting. Maybe having a joint meeting in conjunction with the Lake & Peninsula meeting, in November.

D. Possible Purchase of Ivanoff BIA Property: Marv stated he had been approached on this piece of property as to whether the Borough would like to purchase. The BIA lease is up and the land is for sale. There was a brief discussion. **BILL HESTER MADE A MOTION TO HAVE THE MANAGER NEGOTIATE THE PURCHASE AND**

MAKE A WRITTEN OFFER AND GET THE BEST DEAL WE CAN AND
SECONDED BY SHELBY BOOTHE. MOTION PASSED UNANIMOUSLY.

E. School Zone: There was a brief discussion to see about getting a sign for the Christian School. Dan asked if the Assembly would have any objections to him and Marv speaking to D.O.T. According to Rodney the Police Chief, you can only reduce speed limits in 10 mile an hour increments and right there is where it changes from 35 to 45 miles per hour. There was a brief discussion.

F. AML/SWAMC Mayors Conference: Marv asked if any Assembly members were interested in attending. It was decided to ask again after the election, to see if the newly elected official would like to attend

X. Managers Comments

Marv stated that a finance person to interview would be arriving on September 16th for 3 days. He also has interviewed five possible candidates for the planning position, there will be one more in the morning. There were 26-27 applicants for the planning position.

XI. Assembly Member Comments

Bill Hester stated that the landfill has been going great and appreciates their efforts.

Shelby Boothe stated that the Borough Building for the most part has been painted and it looks really nice. Secondly, concerning utilities easements, there have been two roads built that the plats have been done years ago and the utilities went in before the road did. Both projects have encroachment on the existing utilities where the road prism should have been. On the site development permits, the easements; utilities need to stay on their authorized corridor because we can't build a road properly if there's a power pole or a guide wire or a phone pedestal in the way. Marv stated this is on the agenda for the next planning & zoning meeting.

XII. Adjournment

BY GENERAL CONSENSUS THE MEETING WAS ADJOURNED AT 8:59 P.M.

ATTEST:

Daniel O'Hara, Mayor

Tami Johnson, Clerk