

# ASSEMBLY MEETING MINUTES

## SEPTEMBER 2, 2008

**I. Call to Order:** The regular Assembly Meeting of September 2, 2008, was called to order by Mayor Daniel J. O'Hara at 7:33 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 J. O'Hara.

Excused Absence: Carvel Zimin, Jr.

Also Present: Tami Johnson, Clerk.

**III. Consent Agenda:** SHELBY BOOTHE MADE A MOTION TO APPROVE THE CONSENT AGENDA AND SECONDED BY EDDIE CLARK. 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 August 4, 2008 – Regular Assembly Meeting: J.C. TUDOR MADE A MOTION TO APPROVE THE MINUTES OF AUGUST 4, 2008 REGULAR ASSEMBLY MEETING AND SECONDED BY BILL HESTER. MOTION PASSED UNANIMOUSLY.
  
2. Minutes of August 7, 2008 – Special Assembly Meeting: EDDIE CLARK MADE A MOTION TO APPROVE THE MINUTES OF

AUGUST 7, 2008 SPECIAL ASSEMBLY MEETING AND SECONDED BY J.C. TUDOR. MOTION PASSED UNANIMOUSLY.

3. Minutes of August 25, 2008 – Special Assembly Meeting: SHELBY BOOTHE MADE A MOTION TO APPROVE THE MINUTES OF AUGUST 25, 2008 SPECIAL ASSEMBLY MEETING AND SECONDED BY J.C. TUDOR. MOTION PASSED UNANIMOUSLY.

4. Finance Report – Check Register – August – 2008: Allan Ossakow informed the Assembly of problems with the conversion from Quickbooks to FundWare. Shelby Boothe asked to have the costs from last fiscal year and this year to-date of the conversion costs, for the next meeting. Shelby also stated that he is disappointed that the Assembly was not made aware of costs along the way. There was a lengthy discussion. J.C. TUDOR MADE A MOTION TO ACCEPT THE CHECK REGISTER OF AUGUST, 2008 AND SECONDED BY SHELBY BOOTHE. MOTION PASSED UNANIMOUSLY.

IV. **Approval of Agenda:** EDDIE CLARK MADE A MOTION TO ADD EXECUTIVE SESSION IN VIII. OLD BUSINESS A. AND MOVE ALL OTHERS DOWN ONE. SECONDED BY J.C. TUDOR MOTION PASSED UNANIMOUSLY.

V. **Persons to be Heard:**

Fred Hodge stated he is involved with the project down at Leader Creek Marina. The goal is to be able to pull large vessels out of the river and the primary customer is Crowley Maritime. Fred stated his primary purpose tonight is that they are ready to break ground and they have people lined up to do that. There has been a lot of thought and effort has been put into this. They have particularly tried to make an effort to make it possible to include everybody who may have input to be involved. Fred wanted to inform everyone tonight basically where they are in the project. He invited the Assembly to come and visit the site anytime. Shelby Boothe asked Mr. Hodge if they had a site development permit from the Borough? Fred stated he did not and thinks they are very close to be receiving it. They are in contact with engineers and Dave Soulak. Today some additional information has been received and left for Mr. Soulak to review tomorrow. Shelby Boothe stated that before you start digging, a permit is needed and needs to be approved. Fred Hodge stated they have done their best to comply. A permit was applied for about a year ago and have the application in hand and we are aware of the concerns the Borough has. It is before the Planning & Zoning Commission and are not doing anything until they have full acceptance.

Fred Hodge stated he is hoping to get started on this project as soon as they can. Hoping to start by this fall and proceed with bringing the hardware or carriage, up by this spring and assemble it in place.

Fred Pike – I'm concerned about the port of Bristol Bay expansion project and the lack of provisions being made for commercial fishermen and small processing operations. It is my understanding that the present bulkhead will not be able to be used next season. The new port expansion plans I have seen do not provide for the moving of the ice machine to the face of the dock and no power or water to the expansion portion of the dock. No jib crane and there's going to be rip rap placed on the entire Westside of the expanded dock. This makes an already fisherman unfriendly situation worse. Presently I purchase ice from the Borough ice machine and am able to increase the value of my harvest by 40%. This is additional money that the Borough receives through its raw fish sales tax. At a time when fishing is on the rebound with prices coming up, I would think that the Borough would be moving in a positive direction to promote increased revenue through these value added incentives. Not to plan for improving the commercial fisherman's situation at the port of Bristol Bay in phase I of the port expansion will be a detriment to the fishermen and the Borough coughers, not knowing when phase II will be funded leaves the fishermen in the lurch and does not do justice to those that the Borough depends on for revenue through personal property taxes and raw fish sales tax. I implore the Borough Assembly to reconsider this situation and provide these needed facilities in the phase I plan. The Borough has a jib crane at the landfill that could be placed at the face after the expansion along with water lines that could be run by the port staff. Rewiring of the ice machine once it has been moved would be an additional expense but maybe some present items in the plan could be reduced or cut. There was a short discussion.

Joe Harris stated that he didn't know that Fred Pike would be speaking here tonight and that Fred had covered a lot of his concerns. His main concern is, if a jib crane is used, we need policy and procedures in place to determine how that space is going to be used and how long it's going to be used. There has got to be some type of management in place to determine what can and can't be done as well as what type of power it's going to take to operate it. That is his concern even if the second phase is bid out immediately, so it's available at the end of next year and the following season, it's there, as it's presently drawn will it work? Will 30' on center piling work for a 32' boat? My experience says no, but I'm not a skipper. There is a reason why the dock was built with piling 5' on center, there's a reason why South Naknek was built 5' on center, there's a reason why every cannery along this river those pilings are 5' on center. We have pilings that are 30' on center and I know we were trying to get the price down, but with one

ladder in that two hundred foot section it means there is only one place for people to climb up at low water. I don't know if we have cut it down bare bones to where it's almost not usable when it's finished for 32', it will be fine for barges or large tenders, but I think we need to have a workshop, some planning to sit down and decide what we're going to do and how we're going to do it and the policy and procedure behind it.

**VI. Communications and Appearance Requests**

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

A. Ordinance No. 2008-08, An Ordinance Amending Chapter 3.16 Sales Tax on Raw Fish of the Borough Code by Amending Section 3.16.210, Investigations and Hearings Authorized, Second Reading and Public Hearing: Mayor Daniel J. O'Hara opened the meeting up for public hearing. Hearing none, Shelby Boothe stated there was a clerical error on the date of the Ordinance, it should read September 2, not September 3. SHELBY BOOTHE MADE A MOTION TO APPROVE ORDINANCE NO. 2008-08 AND SECONDED BY J.C. TUDOR. Shelby Boothe stated that all this does as he understands it, is that it allows for the Borough to hire professional people to research peoples books to make sure they are paying the correct amount of fish taxes. MOTION PASSED UNANIMOUSLY.

B. Ordinance No. 2007-10, An Ordinance Repealing Ordinance No. 2006-06, An Ordinance Establishing a Motor Vehicle Registration Tax Upon Registration: As Provided by AS.10.431. was put on hold from 2007: Shelby Boothe stated we need to get some information from the staff about how much money we lost when we went to this form of collection, letting the state collect it when vehicles are registered. He has not seen any information as to how much revenue we have lost. Allan Ossakow stated he will check with Tanya to get a comparison on the former way versus DMV collecting. Shelby Boothe stated one year the old system and one year the new system for the next meeting.

C. Resolution No. 2008-09, A Resolution Approving Unincorporated Communities for Participation in the FY 09 Community Revenue Sharing Program: J.C. TUDOR MADE A MOTION APPROVE RESOLUTION NO. 2008-09 AND SECONDED BY BILL HESTER. Eddie Clark noted that the local communities are having problems with the high cost of fuel and energy and this would help a lot. MOTION PASSED UNANIMOUSLY.

D. Resolution No. 2007-15, A Resolution of the Bristol Bay Borough Assembly Identifying and Establishing Capital Improvement Priorities for the Bristol Bay Borough for Fiscal Year 2009. Discussion to prioritize list for current Fiscal Year 2009/2010: Shelby Boothe stated this needed to go before the Planning & Zoning Commission first and then bring it back to the Assembly for the October meeting.

**VIII. Old Business:**

A. Executive Session: J.C. TUDOR MADE A MOTION TO GO INTO EXECUTIVE SESSION AT 8:40 P.M. TO DISCUSS MATTERS THAT MAY TEND TO PREDUDICE THE REPUTATION AND CHARACTER OF ANY PERSON AND SECONDED BY BILL HESTER. MOTION PASSED UNANIMOUSLY.

SHELBY BOOTHE STATED THAT AT 9:06 P.M. THE ASSEMBLY RETURNED BACK FROM EXECUTIVE SESSION WITH NO ACTION TAKEN.

B. Manager Position: J.C. TUDOR MADE A MOTION TO APPOINT MARV SMITH AS THE MANAGER WITH A ONE YEAR CONTRACT WITH DETAILS TO BE NEGOTIATED AND PRESENT AT THE NEXT MEETING SECONDED BY BILL HESTER. MOTION PASSED UNANIMOUSLY.

C. Estate of Charles Wamser – Property Tax: Bill Hester stated that according to our council we cannot do anything about this.

D. Adam Dubay Property Tax: J.C. Tudor had questions with the plat, how come it went from \$142,000 in 2007 to \$70,300 in 2008? There was a lengthy conversation between the Assembly and Adam Dubay. SHELBY BOOTHE RECOMMENDED THAT THIS BE SENT TO THE ASSESSOR WHO CAN GIVE US AN ACCURATE ASSESSMENT FROM 2002 TO THE PRESENT DAY, OF THE LAND AND IMPROVEMENTS AND SECONDED BY BILL HESTER. MOTION PASSED UNANIMOUSLY.

E. Denali Commission: Shelby Boothe stated that we met with portions of the commission as well as DOT. Bottom line was that we approached them for some additional help because they indicated they might have some money left over and they could increase the million dollar contribution on the dock project. We won't know until the bids come in on the deducts that are not on the street yet

by the way. They have to be advertised for 30 days. There was a short discussion.

F. Shell Oil and Minerals Management: Shelby Boothe stated Shell came to the area for public hearings and had a good turn out.

G. Fall Fisheries Conference – October: Daniel O’Hara stated Lake and Peninsula are having a workshop on the 15<sup>th</sup> of September and would like to sit down with this Assembly to discuss this fishery issue that we talked about in August. It may take maybe an hour on a Monday at the Lake & Peninsula building in King Salmon. Dan listed some things we should look at; Do you want to have it a day before the BBNC annual shareholders meeting at the school which is about October 2, a one day conference, sit down with the Lake & Peninsula for a fisheries conference? Who should we bring to that conference? It was suggested we have it in Anchorage around October 21, during AFN, we would have a larger audience? This is something we need to look into. There was a short discussion.

H. Historical Building: Bill Hester stated that Adelheid was hoping to be here with a request but she is not.

**IX. New Business**

A. Job Descriptions: SHELBY BOOTHE MADE A MOTION TO APPROVE THE JOB DESCRIPTION FOR PLANNING SPECIALIST/GRANT WRITER WITH ONE CORRECTION UNDER IMMEDIATE SUPERVISOR IT SAYS BOROUGH MANAGER AND TREASURER; DELETE TREASURER. BILL HESTER SECONDED THE MOTION AND MOTION PASSED UNANIMOUSLY.

B. Appraisals of Interested Properties: Shelby Boothe stated for the audience that this is properties the Borough is interested in for the port expansion project. Shelby Boothe stated that the appraisals seemed woefully inadequate. There was a short discussion.

C. South Naknek Sewer Rate Increase: There was a short discussion.

D. B.C. Contractors Extension: SHELBY BOOTHE MADE A MOTION TO EXTEND THE SUBSTANTIAL COMPLETION DATE FROM 1, NOVEMBER 2009 TO 31, DECEMBER 2009 SECONDED BY BILL HESTER MOTION PASSED UNANIMOUSLY.

**X. Assembly Member Comments:**

J.C. Tudor stated it was difficult decision for the Manager's position. We had some good candidates.

Shelby Boothe stated that the state tax was suspended as of 1, September and as soon as the old gas is sold, the price of gasoline should drop .08 a gallon.

**XI. Adjournment: BY GENERAL CONSENSUS THE MEETING WAS  
ADJOURNED AT 9:50 P.M.**

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Daniel J. O'Hara, Mayor

ATTEST:

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Tami M. Johnson, Clerk