

-

**ASSEMBLY MEETING MINUTES**  
**OCTOBER 5, 2009**

- I. **Call to Order:** The regular Assembly meeting of October 5, 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, Carvel Zimin, Jr. and Mayor Daniel O’Hara.

Also Present: Marv Smith the Borough Manager and Tami Johnson the Borough Clerk.

- III. **Fire Fighter Swear-Ins:** Nathan Skinner the Fire Chief stated that there are different stages in which the volunteer go through and traditionally we swear them in when they have earned their badges. Tonight we have 5 faithful volunteers which have earned such recognition. The Mayor read the oath to each volunteer with an Assemblyman pinning on their badge:

**Ben Keller** was sworn in by Mayor Daniel O’Hara and Assemblyman Shelby Boothe pinned on his badge.

**Micah Estrada** was sworn in by Mayor Daniel O’Hara and Assemblyman Eddie Clark pinned on his badge.

**Samuel Jones** was sworn in by Mayor Daniel O’Hara and Assemblyman J.C. Tudor pinned on his badge.

**Maxim Wassillie** was sworn in by Mayor Daniel O’Hara and Assemblyman Bill Hester pinned on his badge.

**Jeff Swanson** was sworn in by Mayor Daniel O’Hara and Assemblyman Carvel Zimin, Jr. pinned on his badge.

**IV. Consent Agenda**

A. Non-Action Agenda: CARVEL ZIMIN, JR. MADE A MOTION TO APPROVE THE CONSENT AGENDA A. 1-12 AND SECONDED BY J.C. TUDOR. 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 September 1, 2009 – Regular Meeting: CARVEL ZIMIN, JR. MADE A MOTION TO APPROVE THE MINUTES OF SEPTEMBER 1, 2009 AND SECONDED BY J.C. TUDOR. MOTION PASSED UNANIMOUSLY.

2. Minutes of September 22, 2009 – Special Meeting: SHELBY BOOTHE MADE A MOTION TO APPROVE THE MINUTES OF SEPTEMBER 22, 2009 AND SECONDED BY CARVEL ZIMIN, JR. MOTION PASSED UNANIMOUSLY.

3. Minutes of September 25, 2009 – Special Meeting: CARVEL ZIMIN, JR. MADE A MOTION TO APPROVE THE MINUTES OF SEPTEMBER 25, 2009 AND SECONDED BY J.C. TUDOR. MOTION PASSED UNANIMOUSLY.

4. Finance Report – Check Register – August 2009: SHELBY BOOTHE MADE A MOTION TO APPROVE THE CHECK REGISTER FOR AUGUST 2009 AND SECONDED BY CARVEL ZIMIN, JR. MOTION PASSED UNANIMOUSLY.

**V. Approval of Agenda**

Marv Smith stated that on Section X. item E. needs to read BBEDC – Alaska Board of Fisheries Meeting and proposal #13. J.C. TUDOR MADE A MOTION TO APPROVE THE AGENDA AS AMENDED AND SECONDED BY EDDIE CLARK. MOTION PASSED UNANIMOUSLY.

**VI. Persons to be Heard**

None

**VII. Communications and Appearance Requests**

A. David Post – DOT Central Region Planning Manager – STIP & Funding of Bridges: Also via teleconference our lobbyist John Walsh attended. David Post introduced himself and also with him tonight is Jennifer Witt, Chief of Planning and Administration for Central Region. He explained some of the handouts he had, explaining STIP. Mr. Post gave a brief overview of the Alaska Hi-way system and the Alaska Peninsula Hwy and the criteria that is associated with the STIP, like safety and maintenance. There was a lengthy presentation and discussion, with many questions asked. There was a discussion explaining safe-tea-lu and earmarks with many questions. Mr. Post stated that Alaska has the lowest gas tax in the nation at .08 cents a gallon which was set in 1961. Mr. Post also stated that the current average for completing an EIS which is what we had envisioned if there was to be a South Naknek bridge is nationally about 6 years minimum at this time. David Post gave a lengthy presentation. Mr. Post stated that the Federal government does require if you initiate a project you basically fund the project to completion otherwise you are liable for repayment of all of the funds. Questions followed. Mr. Post also stated that the reconnaissance study **for the Naknek River Crossing** is not complete it is at 60% level right now. **Jennifer Witt informed the Assembly that the funding listed in the 2009-2013 STIP listed as DBF is Bridge Discretionary Funding and is funding originally identified for the Naknek River Crossing and was a suggestion by State DOT to move the funding to the Alaska Peninsula Highway for the 2009-2013 STIP. Bill Hester asked even if you didn't come out and say it; The bridge is not feasible nor will it happen in the foreseeable future because of the cost?** There was a lengthy discussion. It was decided to add this - topic to the Special Meeting on Wednesday, October 7, 2009 to draft a letter to DOT.

CARVEL ZIMIN, JR. MADE A MOTION TO SUSPEND THE RULES TO GO TO ITEM X. NEW BUSINESS E. BBEDC – ALASKA BOARD OF FISHERIES

MEETING AND SECONDED BY J.C. TUDOR. MOTION PASSED  
UNANIMOUSLY

**X. New Business**

E. BBEDC – Alaska Board of Fisheries Meeting: Robin Samuelson addressed the Assembly via teleconference stating that we've got to get our people there to testify. There was a brief discussion. Robin stated that approximately \$2500.00 per individual, is the cost needed to send someone in to Anchorage. There was a brief discussion. CARVEL ZIMIN, JR. MADE A MOTION TO SPEND \$10,000.00 TO BBEDC FOR THE EFFORT OF THE BOARD OF FISH AND TO SEND AT LEAST FOUR OF OUR MEMBERS FROM BRISTOL BAY BOROUGH AND SECONDED BY EDDIE CLARK. There was a brief discussion. QUESTION WAS CALLED 4 YES AND 1 NO VOTE. MOTION CARRIED.

**VII. Communications and Appearance Requests**

B. George Coyle – DHS &EM – Fall Sea Storm Preparation: Mr. Coyle thanked the Borough for having them here tonight. Mr. Coyle gave a brief explanation as to what sea storms are and preparation for. Mr. Coyle gave a brief presentation. Mr. Karl Edwards gave a PowerPoint presentation on emergency management and locals taking local control. Contact information was given with phone numbers and web sites.

**VIII. Hearings, Ordinances and Resolutions**

A. Resolution No. 2009-27: A Resolution by the Bristol Bay Borough Entering into a Memorandum of Understanding with the Bristol Bay Native Association Regarding Communication and Collaboration on Issues of Concern for the Region: SHELBY BOOTHE MADE A MOTION TO ADOPT RESOLUTION NO. 2009-27 AND SECONDED BY J.C. TUDOR. MOTION PASSED UNANIMOUSLY.

**IX. Old Business**

A. Title 6, Animals: Dan O'Hara asked Marv to put this on the agenda. Dan stated that you can't have a law on the books and totally ignore it as we have. Either fix it or take it off the books. There was a brief discussion. Dan stated that with the new planner coming perhaps they should tackle this aggressively. Within the next couple of months we should have some discussions with Marv.

B. Port Plan: Marv stated in your packets was something from Northern Economics. He had met with them to try to get an update to put into phases the port plan. PND has not come back with an estimate yet. Northern Economics quoted \$8,000. Marv stated that the new planner will be working on this. There was a brief discussion. SHELBY BOOTHE MADE A MOTION TO HAVE THE MANAGER IMPLEMENT THE STUDY AND FIND THE FUNDS WITHIN THE EXISTING PORT BUDGET AND SECONDED BY CARVEL ZIMIN, JR. MOTION PASSED UNANIMOUSLY.

C. Equipment for Dock – Financing: Marv stated that we were awarded 2.7 million dollars from EDA for the port crane and two forklifts, we just found out that we will not be allowed to borrow the \$550,000.00 due to them being the first lien holder. There was a brief discussion. J.C. TUDOR MADE A MOTION TO GO FORWARD WITH THE GRANT AND SECONDED BY CARVEL ZIMIN, JR. MOTION PASSED UNANIMOUSLY.

D. Borough Maintained Roads: Marv stated that before them was a list given to him by Public Works. This went before the Planning & Zoning to prioritize. The priorities should be the school bus routes. There was a brief discussion. Shelby stated that if there is a cap of a million dollars, we should identify 1-2 miles of our worst roads. Shelby stated the worst road is the beach access roads, and identify 5 miles of road.

**X. New Business**

A. AMMA – Required Local Contribution for Schools: Marv stated that there was a suggestion from Alaska Municipal League for us to support the state as to how the school formula is put together. Our assessed value for next year from Mr. Steve Van Sant of the state will be increased by 20.5%. We have an option to appeal this. There was a brief discussion. Shelby stated maybe we need to re-assess, and asked how we compare to the state? SHELBY BOOTHE STATED WE SHOULD CHALLENGE AND APPEAL THIS AND SECONDED BY J.C. TUDOR. THE ASSEMBLY MADE A MOTION DIRECTING THE MANAGER TO WRITE A RESOLUTION TO SENT TO AML ENCOURAGING THE ALASKA STATE LEGISLATURE TO CHANGE THE FORMULA USED TO CALCULATE THE REQUIRED 4 MILL SCHOOL PROPERTY TAX. MOTION PASSED UNANIMOUSLY.

B. RDC Sponsorship

C. Ambulance Fees: Marv stated this is money collected for ambulance fees by the clinic. The Fire Chief suggested that we try to take this money and allocate it on an annual basis to replace fire equipment. There was a brief discussion. It was decided to find out from our attorney to make sure we can legally appropriate the funds annually.

D. Ugashik Set Net LLC – Connexes: There was a brief discussion as to the connex that has been at the port for 3 years. The storage fees are approximately at \$9,000.00 plus. There was a brief discussion. J.C. TUDOR MADE A MOTION TO ACCEPT \$5,000.00 PAYMENT WITH THE STIPULATION THAT THEY WILL BE MOVED BY OCTOBER 31, 2009 AND SECONDED BY SHELBY BOOTHE. QUESTION WAS CALLED 3 YES AND 2 NO VOTES, MOTION CARRIED.

E. BBEDC – Alaska Board of Fisheries Meeting and Proposition 13: SHELBY BOOTHE MADE A MOTION TO WRITE A RESOLUTION NOT SUPPORTING PROPOSAL #13 AND SECONDED BY BILL HESTER. MOTION PASSED UNANIMOUSLY.

F. Bristol Bay Borough Sponsoring Fish Marketing Meeting: Dan O’Hara talked about last year’s fish conference and people are asking him about another one. Shelby stated we don’t have the staff to do this. There was a brief discussion.

**XI. Executive Session to Discuss Personnel**

CARVEL ZIMIN, JR. MADE A MOTION TO GO INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL AT 10:35 P.M. AND SECONDED BY SHELBY BOOTHE. MOTION PASSED UNANIMOUSLY.

THE ASSEMBLY CAME OUT OF EXECUTIVE SESSION AT 10:58 P.M. WITH NO ACTION TAKEN.

SHELBY BOOTHE MADE A MOTION TO EXTEND THE MEETING TO 11:30 P.M. AND SECONDED BY CARVEL ZIMIN, JR. MOTION PASSED UNANIMOUSLY.

J.C. TUDOR MADE A MOTION TO HIRE THE TREASURER WITH PAY UP TO K-11 PLUS MOVING EXPENSES TO BE NEGOTIATED BY THE MANAGER WITH PAY BACK IF NOT HERE FOR TWO YEARS AND SECONDED BY BILL HESTER. MOTION PASSED UNANIMOUSLY.

J.C. TUDOR MADE A MOTION TO ACCEPT THE MANAGER'S CONTRACT WITH A SCHEDULE OF SIX MONTHS UPON TERMINATION WITHOUT CAUSE AND AN EVALUATION WILL BE DONE IN NOVEMBER AND SECONDED BY CARVEL ZIMIN, JR. MOTION PASSED UNANIMOUSLY.

**XII. Manager's Comments**

**XIII. Assembly Member Comments**

Carvel Zimin, Jr. thanked Bill Hester for all his spirited talk and serving on the Assembly. Thanked Bill for doing a great job.

Shelby Boothe thanked Bill Hester for the job he did on the Assembly and also for the 18 years he served with the Bristol Bay Borough. Bill has always had the Borough's best interest at heart and he admires him for that.

Eddie Clark pointed out that there were 4 dog complaints on the police department report. We should turn this over to the police department and perhaps go and speak to the owners of these dogs.

**XIV. Adjournment**

BY GENERAL CONSENSUS THE MEETING WAS ADJOURNED AT 11:08 P.M.

---

Daniel J. O'Hara, Mayor

ATTEST:

---

Tami Johnson, Clerk