



MUNICIPALITY OF SKAGWAY, ALASKA
REGULAR ASSEMBLY MEETING

July 6, 2023
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1. Call to Order:

Mayor Cremata called the meeting to order at 7:00 p.m.

Mayor Cremata formally acknowledged that the Assembly is gathered on the traditional land of the Tlingit people.

The pledge of allegiance was recited.

2. Roll Call:

Present: Mayor: Andrew Cremata **Assembly Members:** Deb Potter, Sam Bass, Orion Hanson, Dan Henry, Jay Burnham, Alex Weddell

Absent:

3. Approval of Minutes:

A. June 1, 2023

Motion/Second: Potter/Hanson

To approve the June 1, 2023 Assembly meeting minutes.

The Motion passed by roll call vote, 6 yes, 0 no, 0 absent.

4. Approval of Agenda:

Motion/Second: Hanson/Potter

To approve the agenda.

The Motion passed by roll call vote, 6 yes, 0 no, 0 absent.

5. Reports of Officials and Committees:

A. Mayor's Report:

Mayor Cremata indicated that:

- His written report is in the packet.

B. Assembly Committee Reports:

A. Assemblymember Jay Burnham:

Motion/Second: Burnham/Henry to approve the check run dated July 6, 2023 excluding check number 130453.

Motion passed by roll call vote, 6 yes, 0 no, 0 absent.

Assemblymember Burnham indicated that Finance met on July 5, 2023 and did the following:

- Reviewed Ordinance No. 23-17: Amending the FY23 Budget to Account for a School Budget Adjustment, West Creek Levee Design, and an Additional Police Officer.
 - Finance recommends Assembly approval.
- Reviewed FY24 Designated Legislative Grant for Rockslide Mitigation.
 - Finance recommends the Assembly direct staff to provide the grant administrator with a scope of work for this project and a completed signatory authority form.

Assemblymember Hanson indicated that the Public Works Committee reviewed the AP&T franchise agreement and the West Creek Levee Design and recommended Assembly approval of both.

Assemblymember Potter indicated that there will be a Parks and Recreation committee meeting on July 18, 2023 with an agenda to include new outhouse facilities at Nahku Bay, discussion of the A-frame, and the building of a cabin in the Lost Lake area.

C. Treasurer's Report:

D. Manager's Report:

Deputy Manager Deach indicated that:

- She has provided a report regarding where the Municipality stands with grants applied for.
- The Marine Highway ad hoc committee reviewed the letter of support template for the State's grant application for rural ferry service. The due date falls between meetings, so if the Assembly has no objection to her sending the letter, she will do so.

The Assembly had no objection to the Deputy Manager sending the letter of support.

Manager Ryan, via telephone, indicated that:

- He is having discussions about how to scope the ore peninsula project down to within the budget. He hopes to be back in Skagway tomorrow and intends to present options to the Assembly soon.

E. Clinic Board Report: Executive Director Search Update

Lisa Mandeville, Vice-President of Dahl Memorial Clinic Board indicated that:

- The Clinic board held a special meeting on January 9, 2023 and made a recommendation to the manager that he and his staff assist in hiring a clinic executive director.
- As of the May 24, 2023 Clinic Board of Directors meeting, no new applications were received. At this meeting, the board elected to schedule a special meeting to discuss options for an executive director search.
- At the June 6, 2023 special meeting, the board approved directing the executive committee to negotiate with Thomas Steiner for the executive director position and negotiate with COORS to buyout the current Interim Management Services contract.
- President Jeremy Simmons scheduled an executive committee meeting for June 13, 2023 with the intent of negotiating the terms of a draft contract with Mr. Steiner during an executive session. The attorney advised that no executive session could be scheduled and

that Mr. Steiner would need to follow the existing hiring process. Subsequently, the executive committee did not occur.

- Mr. Steiner’s MOS application for Executive Director was received by the hiring committee on July 5, 2023.
- Since June 6, 2023 a total of four applications have been received by the executive director hiring committee, including Mr. Steiner’s application. The hiring committee reviewed the first three applications and plans to move forward with one of those applications. The review of Mr. Steiner’s application will be completed soon.

Mayor Cremata indicated that:

- There are four distinct reasons that an executive session can be held and the attorney advised that holding one to privately make arrangements to get Mr. Steiner out of the COORS contract did not fit into any required executive session reasons.
- He would like to confirm that to get Mr. Steiner out of the contract requires an additional 28% of the first-year salary be paid to COORS.

Lisa Mandeville indicated that:

- The terms to remove Mr. Steiner from the existing contract do require an additional 28% be paid to COORS; however, they have received a written offer to cap the buyout cost at \$60,000.

Mayor Cremata indicated that:

- He would like to see that written offer to cap the buyout cost.

6. Communications to the Assembly:

A. **Correspondence:**

B. **Hear Citizens Present**

Michael Yee indicated that:

- He is confused about the origin and direction of Ordinance 23-18 and further indicated:
 - Dyea cannot be defined as a legal tract or parcel. If there does need to be a definition of Dyea, then there should be a discussion with the community and not a unilateral legal description.
 - The proposed changes to code restricts the Dyea Community Advisory Board’s voice and would allow the city to place and operate rental cabins without restrictions and be exempt from Title 19, all without public input.
 - The ordinance concerns two different topics and should be separated and vetted through committees, boards, and the public before reaching the Assembly.

Jessica Medlin indicated that regarding Ordinance 23-18:

- The Dyea Community Advisory Board has always advocated for the residents of Nahku Bay and West Creek, and if the Municipality takes that away then those communities will not have a board they can talk to about issues in those locations.

Mina Yee indicated that:

- The proposed ordinance regarding the Dyea Community Advisory Board takes away the representation for Nahku Bay and West Creek residents.

Jennifer Thuss indicated that:

- The new podcast format makes it easier for the citizens to stay engaged and she would like to thank the clerks and administration for the work required to make it happen.

Courtney Ellingson indicated that:

- As a resident of Dyea and a member of the Dyea Community Advisory Board, she is appreciative of the West Creek Levee design.
- She also appreciates the effort to define the boundaries of Dyea so that the board can advise more effectively.
- She has been on the board for over 10 years; however, based on the maps of the new boundaries, she would no longer be allowed on the board.
- She requests that Ordinance 23-18 come to the Dyea Community Advisory Board so that it can be a part of the public process.

Bruce Weber indicated that:

- If the Dyea Community Advisory Board had been consulted about the proposed ordinance, they could have helped to correct some inaccuracies in it, such as the mention of two commercial operators when there is only one commercial operator on the Dyea flats.
- It also restricts the Dyea Community Advisory Board to municipally owned lands, excluding the private lands where the residents live.
- He does not agree with eliminating the land disposal part of the board's functions and the Title 19 requirements.
- The Dyea Community Advisory Board has made two recommendations regarding Nahku Bay that were completed by the Municipality.

Cara Cosgrove indicated that:

- She hopes that the Assembly will send Ordinance 23-18 to be reviewed by the Dyea Community Advisory Board or another Assembly committee so that the public can be a part of the process.

7. Ordinances, Resolutions, & Proclamations:

A. **Public Hearing, Second Reading, and Adoption of Ordinance No. 23-15: Granting a Non-Exclusive Franchise Permit to Alaska Power and Telephone**

Motion/Second: Henry/Potter for the adoption of Ordinance No. 23-15.

Public Hearing

The Public Hearing was closed with no comments.

Motion passed by roll call vote, 6 yes, 0 no, 0 absent.

B. Public Hearing, Second Reading, and Adoption of Ordinance No. 23-16: Requiring Bulk Ore Shipment to be Containerized

Main Motion/Second: Henry/Hanson to adopt Ordinance No. 23-16.

Public Hearing

The Public Hearing was closed with no comments.

Assemblymember Potter indicated that her intent behind the amendment made last meeting was to help make Skagway a leader in a green port; however, it is important to get it right.

Secondary Motion/Second: Potter/Hanson to postpone indefinitely.

The Secondary Motion passed by roll call vote, 6 yes, 0 no, 0 absent.

C. Introduction and First Reading of Ordinance No. 23-11: Amending Code to Add a Secretary to the Skagway Visitor Advisory Board

[Clerk's Note: There is a live motion to approve the first reading of Ordinance No. 23-11 from the May 18, 2023 Assembly Meeting.]

Assemblymember Weddell indicated that this ordinance went to Civic Affairs and they proposed some modifications.

Assemblymember Hanson indicated that he did not see the amendments from Civic Affairs.

Clerk Burnham indicated that committees cannot amend documents that are already being considered by the Assembly.

Mayor Cremata indicated that the Assembly could pass the first reading and the Civic Affairs Chair can present the proposed changes to the clerk so it can be prepared for the Assembly to review.

The Motion passed by roll call vote, 6 yes, 0 no, 0 absent.

D. Introduction and First Reading of Ordinance No. 23-17: Amending the FY23 Budget to Account for a School Budget Adjustment, West Creek Levee Design, and an Additional Police Officer

Motion/Second: Henry/Potter for first reading of Ordinance No. 23-17.

The Motion passed by roll call vote, 6 yes, 0 no, 0 absent.

E. Introduction and First Reading of Ordinance No. 23-18: Amending SMC Chapters 3.15, 16.08, 16.10, 16.12, and 16.14 to Define Land Management Area Boundaries and Clarify the Applicability of These Chapters

Main Motion/Second: Henry/Potter for first reading of Ordinance No. 23-18.

Assemblymember Henry indicated that he is in agreement that this ordinance should be sent to the Dyea Community Advisory Board.

Mayor Cremata indicated that a few years ago the Dyea Community Advisory Board requested that the Assembly clearly define the boundaries of Dyea. When the chair recently brought this up again, he decided to request that the borough attorney research what defines Dyea, and this ordinance is the result of that. Additionally, the Municipality has been in a long litigation that is very related to Title 19 and some of these code changes are an effort to avoid lawsuits in the future that cost taxpayers hundreds of thousands of dollars.

Assemblymember Hanson indicated that the map is confusing. It would be illogical to have different management rules for adjoining properties. Assemblymember Hanson indicated that this item should be vetted through committees before being brought to the table.

Assemblymember Weddell indicated that this ordinance seems to be in conflict with the Assembly's decision to send the West Creek subdivision to Planning and Zoning.

Assemblymember Burnham indicated that he is in favor of defining Dyea and determining where Title 19 is implemented, but he does not believe that the Dyea Community Advisory Board should be limited on what areas they can advise on.

Assemblymember Bass indicated that he believes there is value in clear definitions of areas and authorities; however, he is concerned about the unintended consequences that may come from passing it without a more thorough vetting process.

Deputy Manager Deach indicated that when the Municipality went through the entitlement process to become a borough it requested certain state lands the Municipality was now entitled to. That is a very long process and over time portions of land were conveyed piece by piece, and the Municipality was managing the land without actually having the patent or deed to them. Now that all of the land has been conveyed, it seemed appropriate to use those plats to define areas based on what is legally documented.

Assemblymember Potter indicated that the code does need to be updated, that Dyea is not covered under Title 19, and that the ordinance should be reviewed by the Dyea Community Advisory Board.

Secondary Motion/Second: Hanson/Weddell to call the question.

The Secondary Motion passed by roll call vote, 4 yes, 2 no, 0 absent; with Assemblymembers Henry and Hanson dissenting.

The Main Motion failed by roll call vote, 1 yes, 5 no, 0 absent; with Assemblymembers Bass, Weddell, Henry, Burnham, and Hanson dissenting.

F. Public Hearing and Adoption of Resolution No. 23-26R: Approving “Analysis / Audit of the Police Department” as a Working Document and Supporting Its Application to Assist the Municipality in Making Decisions for Development of the Skagway Police Department

Motion/Second: Henry/Hanson to adopt Resolution 23-26R.

Police Chief Reddick indicated his thanks to the Assembly, Public Safety committee, and staff for the support moving forward.

Assemblymember Bass indicated that this audit has provided an outside perspective of what is needed to effectively run our police department and bring it to the level we need it to operate at.

The Motion passed by roll call vote, 6 yes, 0 no, 0 absent.

8. Unfinished Business:

- A. Approval of Solid Waste Transfer Station Construction Administration Proposal

Motion/Second: Hanson/Henry to approve the construction administration proposal for \$773,988.

Motion passed by roll call vote, 6 yes, 0 no, 0 absent.

9. New Business:

- A. Approving Receipt of FY24 Designated Legislative Grant for Rockslide Mitigation

Motion/Second: Burnham/Weddell to comply with the grant for the rockslide mitigation.

The Motion passed by roll call vote, 6 yes, 0 no, 0 absent.

- B. Approval of Port Berthing Agreement with Alaskan Dream Cruises

Motion/Second: Potter/Weddell to approve the port berthing agreement with Alaskan Dream Cruises.

The Motion passed by roll call vote, 6 yes, 0 no, 0 absent.

10. Mayor and Assembly Discussion Items:

- A. Discussion of Assembly Requests for Public Information

Mayor Cremata indicated that he did follow up with his promise to reach out to representatives from Alaska Municipal League regarding Assemblymembers’ requests for public information and he wrote a memo that is in the packet based on those conversations.

Assemblymember Burnham indicated that he sees a need for assemblymembers to be able to ask for information related to issues they are considering.

Mayor Cremata indicated that lengthy and time-consuming requests are unusual and it would be good to develop a policy that shows the Assembly is respectful of the Clerk’s time.

Assemblymember Hanson indicated that it is the duty of an Assemblyperson to find information to determine what is true and accurate so they can make an informed decision.

Assemblymember Weddell indicated that she had a public records request that took weeks to fulfill. Perhaps a policy should be developed; however, that could also have unintended consequences in the future. The Assembly is asked to make complex decisions on serious issues that affect the entire community. There are resources needed in order to do that effectively, and those resources are the management, staff, and the clerk's office.

Mayor Cremata indicated that code states Assemblymembers can only approach the manager and the clerk, not individual staff. If the Assembly wants to continue this conversation, a work session could be scheduled.

Assemblymember Burnham indicated that:

- He would still like the Dyea Community Advisory Board to review the Ordinance No. 23-18.

Assemblymember Weddell indicated:

- It is nice to see so many Dyea residents in the chambers and she appreciates hearing their opinions to help inform the Assembly.

Assemblymember Potter indicated that:

- She would like to remind the community that they can submit correspondence to citizencorrespondence@skagway.org.
- She would also like to see the Dyea Community Advisory Board review Ordinance No. 23-18 to address necessary code changes.
- The requests for a public safety facility in Dyea are not being ignored, things like that just take time.
- She encourages the youth to participate in local government.

Assemblymember Hanson indicated that:

- Skagway hosted a great international softball tournament over the weekend and he would like to thank the municipally contracted cleaners for keeping the bathrooms clean.
- The ore dock bid came in higher than budgeted for, which is a concern.
- As the summer progresses people tend to slack on safety protocols, particularly on the road.

Assemblymember Bass indicated that:

- He would like to have the title search results before scheduling a work session regarding Garden City RV Park.
- The Municipality may need to be flexible in the ore redevelopment project. He appreciates the manager going down to Seattle to figure that out and looks forward to what he comes back with.
- Thank you to the Dyea citizens that attended tonight's meeting and spoke; it does have an impact on the decisions he makes.

Assemblymember Henry indicated that:

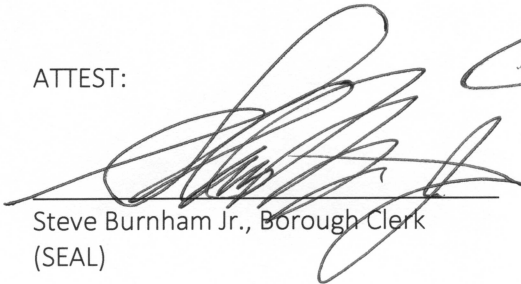
- He will try to design a public meeting schedule to discuss the pros and cons of increasing the sales tax to an appropriate level that could help pay for things like a public safety building in Dyea, hiring additional police officers, paying off the debt of building port infrastructure, and addressing the rockslide.

11. Executive Session:


12. Adjournment:

With no more business on the agenda and receiving no objection from the Assembly, Mayor Cremata adjourned the regular Assembly meeting of July 6, 2023 at 9:01 p.m.

ATTEST:



Steve Burnham Jr., Borough Clerk
(SEAL)



Andrew Cremata, Mayor

Approved: August 3, 2023

