



MUNICIPALITY OF SKAGWAY, ALASKA
REGULAR ASSEMBLY MEETING

March 16, 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:** Orion Hanson, Sam Bass, Jay Burnham, Deb Potter, Reba Hylton (via telephone), Dan Henry (via telephone)

Absent:

3. **Approval of Minutes:**

A. February 16, 2023

Motion/Second: Potter/Hanson

To approve the February 16, 2023 minutes.

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

4. **Approval of Agenda:**

Main Motion/Second: Hanson/Potter

To approve the agenda.

Primary Amendment/Second: Bass/Potter

To remove item 9C from the agenda.

Manager Ryan indicated that he would prefer the Assembly reject all bids in relation to item 9C, rather than removing it from the agenda. The intent is to clarify issues and start a new bid process.

Secondary Motion/Second: Bass/Potter to rescind the motion to amend the agenda.

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

The Main 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 the written Mayor's report is in the packet, and added that the Municipality will take over the port in 53 hours and will commemorate this event with a dedication for the port of Skagway to the community on April 19 at 5 p.m.

B. Assembly Committee Reports:

A. Assemblymember Jay Burnham:

Motion/Second: Burnham/Bass

To approve the check run dated March 15, 2023, totaling: \$2,118,443.62.

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

At its meeting of March 15, 2023, Finance Committee did the following:

- Reviewed Ordinance 23-08 Amending SMC 12.01.070 Port Fund.
 - Finance recommends Assembly approval.
- Reviewed Resolution 23-10R Approving the Purchase of Property 5 Acres of U.S. Survey 176 Skagway Commercial Subdivision Lot 2.
 - Finance recommends Assembly approval.
- Reviewed Resolution 23-12R Adding a Port Facilities Manager Position to the Municipal Employee Ranking by Grade.
 - Finance recommends Assembly approval.
- Reviewed the Solid Waste Transfer Facility Construction Contract and Administrative Management Proposal.
 - Finance does not recommend awarding or moving forward with the management proposal at this time.
- Reviewed AP&T Line Extension Agreement for the Solid Waste Transfer Station.
 - Finance recommends Assembly approval.
- Reviewed Public Restrooms Janitorial Services Contract.
 - Finance recommends Assembly approval to award the Contract to Hosford Cleaning Services.
- Reviewed Interim Clinic Executive Director Contract Extension Agreement.
 - Finance recommends Assembly approval.
- Reviewed the KPFF Contract Amendment for Upland Development and Architectural Design Project, and the KPFF Contract Amendment for Marine Services Platform Final Design Proposal.
 - Finance recommends Assembly approval for both.

C. Treasurer's Report:

Mayor Cremata indicated that there the Assembly will be receiving monthly reports so there will be a treasurer's report at the next meeting.

D. Manager's Report:

Manager Ryan summarized his written report in the packet.

6. Communications to the Assembly:

A. Correspondence:

- From Assemblymember Hylton.

B. Hear Citizens Present

Tom Silva indicated that:

- He was the marine attendant last year and would like to share his opinion on the subject of using the boat harbor ramp to bring tourists into town.
- Some cruise lines were effective at organizing the situation, and others were not.
- The Municipality should have an effective plan that the cruise lines will adhere to so that it does not become a bigger issue.

Jaime Bricker, President of Skagway Traditional Council indicated that:

- The Skagway Traditional Council appreciates the consideration of Resolution 23-13R because they believe that it is an interest of the STC since its inception as a boarding school for Indian children.
- The interest of the STC is recognized by First American Title Insurance Company and their title search, and further recognized by the corporation of the Catholic Bishop of Juneau and the Municipality of Skagway Borough in the indemnity agreement signed by both parties on November 19, 2013.
- STC was not allowed to engage in the conversation prior to the purchase of the property and requests to stop the sale were not heeded by the Assembly at that time.

7. Ordinances, Resolutions, & Proclamations:

A. Introduction and First Reading of Ordinance No. 23-08: Amending SMC 12.01.070 Port Fund

Motion/Second: Potter/Hylton to adopt Ordinance No. 23-08 Amending Port Fund.

Assemblymember Hylton indicated that she brought this Ordinance forward to make it clear that the Municipality may use funds from the upland leases for the port fund or the general fund.

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

B. Public Hearing, Second Reading, and Adoption of Ordinance No. 23-03: Authorizing the Municipality of Skagway to Lease Tidelands Property to Alaska Marine Lines, Inc.

Main Motion/Second: Hanson/Bass to adopt Ordinance 23-03.

Public Hearing

The public hearing was closed with no comments.

Manager Ryan indicated that he would request that the Assembly amend the Ordinance to reflect the updated appraisal date.

Secondary Motion/Second: Hanson/Bass to amend Ordinance 23-03 as stated in the proposed amendments memo.

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

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

- C. **Public Hearing, Second Reading, and Adoption of Ordinance No. 23-04:** Authorizing the Municipality of Skagway to Lease Tidelands Property to Cruise Line Agencies Alaska.

Motion/Second: Bass/Burnham to adopt Ordinance No. 23-04.

Public Hearing

The public hearing was closed with no comments.

Secondary Motion/Second: Bass/Hanson to amend Ordinance 23-04 as outlined in the memo related to the Cruise Line Agency's Lease.

Manager Ryan indicated that the one year and eight-month lease duration was a product of discussions with CLAA, who requested two seasons. Having a lease that expires in March is difficult for a tourist-based cruise ship company. It also gives the Municipality an opportunity to have the lease end prior to March, giving a little more time to plan.

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

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

- D. **Public Hearing, Second Reading, and Adoption of Ordinance No. 23-05:** Authorizing the Municipality of Skagway to Lease Tidelands Property to TEMSCO Helicopters, Inc.

Motion/Second: Burnham/Potter to adopt Ordinance No. 23-05 including the amendments listed in the memo under the TEMSCO lease.

Public Hearing

The public hearing was closed with no comments.

Manager Ryan indicated that the four-year eight-month duration is to allow TEMSCO five full seasons while still allowing time for an easier transition at the end. There will also be a clause allowing the Municipality to give approximately one year and six months of notice in the event that the ferry peninsula project was expedited.

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

- E. **Public Hearing, Second Reading, and Adoption of Ordinance No. 23-06:** Authorizing the Municipality of Skagway to Lease Tidelands Property to Petro 49, Inc.

Main Motion/Second: Bass/Potter to adopt Ordinance 23-06.

Public Hearing

The public hearing was closed with no comments.

Secondary Motion/Second: Hanson/Bass to amend Ordinance 23-06 to note the appraisal date of March 18, 2023.

Manager Ryan indicated that this is an eight-month lease so to allow more time to draft a 35-year lease to be placed before the voters in October.

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

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

- F. **Public Hearing, Second Reading, and Adoption of Ordinance No. 23-07:** Transfer of Rapuzzi House

Motion/Second: Hanson/Burnham to adopt Ordinance 23-07.

Public Hearing

The public hearing was closed with no comments.

Assemblymember Hanson indicated that after the Rapuzzi house was gifted from the Rasmuson Foundation, the Municipality struggled to find a reasonable bid for restoring the home. The Friends of the Klondike Corridor, Inc. are fundraising to turn the house into an event space for the community, and a museum to display the other gifts from the Rasmuson Foundation.

Assemblymember Potter indicated that the Rapuzzi house cannot be used for housing, so this is an appropriate allowable use of the space.

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

- G. **Public Hearing and Adoption of Resolution No. 23-10R:** Approving the Purchase of Property 5 Acres of U.S. Survey Skagway Commercial Subdivision Lot 2

Motion/Second: Hanson/Burnham to adopt Resolution No. 23-10R.

Public Hearing

The public hearing was closed with no comments.

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

- H. **Public Hearing and Adoption of Resolution No. 23-11R:** Establishing a Municipal Policy for Electronic Mail

Main Motion/Second: Potter/Bass to adopt Resolution No. 23-11R Establishing a Municipal Policy for Electronic Mail.

Public Hearing

The public hearing was closed with no comments.

Mayor Cremata indicated that he brought this forward to protect volunteers from having personal devices be subject to scrutiny in the event of a public records request. He would entertain a motion to amend the resolution to remove all instances referring to staff, as manager Ryan should be able to establish his own policy in regard to staff.

Secondary Motion/Second: Hanson/Potter to amend Resolution No. 23-11R to remove both instances where it says municipal staff.

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

Assemblymember Burnham indicated that there is a third reference to municipal employees.

Secondary Motion/Second: Burnham/Hanson to remove the phrase “municipal employees” from Resolution 23-11R.

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

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

- I. **Public Hearing and Adoption of Resolution No. 23-12R: Adding a Port Facilities Manager Position to the Municipal Employee Ranking by Grade**

Motion/Second: Potter/Hanson to adopt Resolution No. 23-12R.

Public Hearing

The public hearing was closed with no comments.

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

- J. **Public Hearing and Adoption of Resolution No. 23-13R: Expressing Intent to Dispose of Garden City RV Property**

Motion/Second: Hylton/Potter to adopt Resolution 23-13R.

Public Hearing

The public hearing was closed with no comments.

Assemblymember Hylton indicated that this is a draft of a resolution she has been working on and she hopes it will be pursued after her resignation. The manager requested direction about what to do with the property and without direction, reservations to park RVs for the 2024 season will start coming in. She also wanted it on record that the title is not clear and how meetings regarding the purchase were held at the clinic and not in Assembly Chambers.

Secondary Motion/Second: Bass/Hanson to refer Resolution 23-13R to the Finance committee.

Assemblymember Potter indicated that she would like to see this go to the Civic Affairs committee before going to Finance.

Secondary Motion passed by roll call vote, 5 yes, 1 no, 0 absent; with Assemblymember Potter dissenting.

8. Unfinished Business:

9. New Business:

- A. Confirmation of Appointments to Boards, Commissions, and Committees

Motion/Second: Hanson/Bass to approve the Recreation Board appointment of Scott Raia.

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

- B. Award of Solid Waste Transfer Facility Construction Contract

Motion/Second: Bass/Burnham to reject the award of the Solid Waste Transfer Facility Contract.

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

- C. Approval of Solid Waste Transfer Facility Construction Administration/Management Proposal

Motion/Second: Potter/Burnham to reject the Solid Waste Transfer Facility Construction Proposal from RESPEC.

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

- D. Approval of AP&T Line Extension Agreement for Solid Waste Transfer Station

Motion/Second: Hanson/Burnham to approve the AP&T Line Extension Agreement in the amount of \$56,260.08.

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

- E. Award of Public Restroom Janitorial Services Contract

Motion/Second: Hanson/Burnham to award the Public Restroom Janitorial Services Contract to Hosford Cleaning Services.

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

- F. Approval of Interim Clinic Executive Director Contract Extension Amendment

Motion/Second: Burnham/Potter to approve the Interim Clinic Executive Director Contract Extension Agreement through April 30th.

Motion passed by roll call vote, 5 yes, 1 no, 0 absent; with Assemblymember Hylton dissenting.

- G. Approval of KPFF Contract Amendment: Upland Concept Development & Architectural Design Proposal

Motion/Second: Potter/Burnham to approve the KPFF Contract Amendment.

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

- H. Approval of KPFF Contract Amendment: Marine Services Platform Final Design Proposal

Motion/Second: Bass/Hanson to approve the KPFF Contract Amendment for the Marine Services Platform.

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

10. Executive Session:

11. Mayor and Assembly Discussion Items:

Assemblymember Hylton indicated that:

- She has submitted her resignation letter and her last meeting will be April 6, 2023.

Assemblymember Bass indicated:

- His thanks to Public Works for the hard work they have been doing with snow removal today.

Motion/Second: Hanson/Bass to approve the resignation of Assemblyperson Hylton effective April 7, 2023.

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

Assemblymember Hanson indicated:

- His thanks to Assemblymember Hylton for all her hard work.
- That the process for Planning and Zoning approval of conditional use permits and variances has been adjusted to be a clearer process according to code.
- His thanks to Public Works for their early snow removal to clear the drains and prevent flooding.
- He is hopeful that all the upland lease contracts will have long and successful relationships with the Municipality.

Assemblymember Potter indicated that:

- She attended the Buckwheat Ski Classic over the weekend and would like to thank the Log Cabin Ski Society for a successful international event.
- A reminder that voter registration deadlines are approaching for the April 18 vote; deadline to register is March 19 and the deadline to request an absentee ballot is April 7.

Assemblymember Burnham indicated:

- Thank you to Public Works and others working to remove snow.

Mayor Cremata indicated that:

- The process of filling a vacancy would be to appoint someone to the vacant seat within 30 days. If there are members of the public that are interested in filling the role, please reach out to an Assemblymember.
- The White Pass lease was beneficial to the community, but it is a historic occasion for the Municipality to be taking over the port for the first time in 55 years.

12. Adjournment:

Motion/Second: Potter/Hanson to adjourn.

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

With no more business on the agenda, Mayor Cremata adjourned the regular Assembly meeting of March 16, 2023 at 8:48 p.m.

ATTEST:

Andrew Cremata, Mayor

Steve Burnham Jr., Borough Clerk
(SEAL)