



MUNICIPALITY OF SKAGWAY, ALASKA
REGULAR ASSEMBLY MEETING

April 6, 2023
Page 1 of 9

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 (via telephone), Reba Hylton (via telephone)

Absent:

3. **Approval of Minutes:**

A. March 2, 2023

Motion/Second: Henry/Potter

To approve the March 2, 2023 Assembly Meeting Minutes.

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

4. **Approval of Agenda:**

Main Motion/Second: Henry/Potter

To approve the agenda.

Secondary Motion/Second: Hanson/Bass to amend the motion to approve the agenda to include permit number 5560 under item 9C 1.

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

The Main Motion passed as amended 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.
- He advocates for the Assembly's approval of the resolution regarding correspondence.

B. **Assembly Committee Reports:**

A. **Assemblymember Jay Burnham:**

Motion/Second: Burnham/Hanson to approve the check run dated April 6, 2023.

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

Assemblymember Henry indicated that the Historic District Commission is working hard to review applications so that businesses can get prepared for the upcoming season.

Assemblymember Hylton indicated that Civic Affairs met on April 5, 2023 and they did the following:

- Reviewed Resolution 23-15R; Civic Affairs recommends Assembly approval with amendments.
- Reviewed Ordinance 23-10: Amending SMC to Allow Busking in Certain Locations; Civic Affairs had a few amendments and recommends approval of the first reading.
- Discussion of short-term rentals.

C. Treasurer's Report:

D. Manager's Report :

Manager Ryan highlighted items from the written Manager's Update in the packet.

6. Communications to the Assembly:

A. Correspondence:

Correspondence was received from:

- S. Kinjo-Hischer re: Resolution 23-15R
- L. Lavoie re: Resolution 23-15R
- J. Walsh, MOS Lobbyist re: Legislative Report
- Skagway Visitor Advisory Board re: Independence Day Theme
- Dahl Memorial Clinic Board re: Clinic Board Report

B. Hear Citizens Present

Tim Cochran, of Petro Marine indicated that:

- A meeting was held to discuss arranging field barge arrivals on two ship days.
- He is concerned about the amount of money the Municipality is spending.
- He requested that check runs be posted to the website earlier for public review.

Liz Lavoie, Ports & Harbors Advisory Board Chair indicated that:

- Ports & Harbors Advisory Board held a meeting on March 22, 2023 to review the proposed tariff No. 3. The Board voted to recommend Assembly approval.

Nan Saldi indicated that:

- She has been a small boat harbor user since 1985 and she opposes the parking fees being proposed in Tariff No. 3. It would be difficult for harbor staff to implement and enforce such fees and she requests that the Assembly vote against it.

Mark Saldi indicated that:

- He has had a boat in the small boat harbor since 1985 and he is against the parking fees. He would like to know why the Municipality is charging for parking only at the small boat harbor and none of the other city owned parking lots.
- The proposed transportation plan would be a long walk for some visitors.
- He agrees with putting a limit on the number of cruise ship passengers allowed in town.

Jeff Brady indicated that:

- He is against parking fees for small boat harbor users.

Charity Pomeroy indicated that:

- It is sometimes difficult to hear what Assemblymembers are saying. She requests that Assemblymembers speak directly into their microphones.

7. Ordinances, Resolutions, & Proclamations:

- A. Public Hearing, Second Reading, and Adoption of Ordinance No. 23-08:** Amending SMC 12.01.070 Port Fund

Public Hearing

The Public Hearing was closed with no comments.

Motion/Second: Henry/Bass to adopt Ordinance 23-08.

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

- B. Introduction and First Reading of Ordinance No. 23-09:** Amending the FY22 Budget

Motion/Second: Henry/Burnham to adopt Ordinance 23-09.

Assemblymember Burnham indicated that this is to amend the FY22 budget to reflect actual expenses incurred in 2022.

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

- C. Introduction and First Reading of Ordinance No. 23-10:** Amending SMC to Allow Busking in Certain Locations

Motion/Second: Henry/Hanson to approve the first reading of Ordinance No. 23-10.

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

- D. Public Hearing and Adoption of Resolution No. 23-14R:** Amending Port of Skagway Tariff No. 3

Public Hearing

The Public Hearing was closed with no comments.

Main Motion/Second: Henry/Hanson to adopt Resolution No. 23-14R.

Manager Ryan indicated that he requests an amendment to remove the daily parking fees and seasonal parking permits for the small boat harbor.

Secondary Motion/Second: Hanson/Henry to amend Resolution No. 23-14R to get rid of the parking fees.

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

Secondary Motion/Second: Burnham/Henry to amend Resolution 23-14R to change the dates from April 1st to October 31st.

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

Secondary Motion/Second: Burnham/ to remove “maximum stay of 24 hours”.

The Secondary Motion fails due to lack of second.

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

- E. **Public Hearing and Adoption of Resolution No. 23-15R:** Amending the Assembly Rules of Procedure to Provide for Written Public Comments

Main Motion/Second: Henry/Potter to adopt Resolution No. 23-15R.

Public Hearing

Jeff Brady indicated that he is speaking in support of Resolution 23-15R.

Jan Wrentmore indicated that she supports this resolution as it honors an old tradition in the community.

Jaime Bricker indicated that in order for board members, commissioners, and voters to be completely informed they should have access to the correspondence sent to the Assembly.

Melinda Munson indicated that if a member of the public does not want their correspondence being read by the rest of the public, then they should consider having a spoken conversation.

The Public Hearing was closed.

Secondary Motion/Second: Potter/Hanson to amend Resolution No. 23-15R as presented in the packet.

Assemblymember Potter indicated that the amendment helps to keep correspondence relevant to the meeting for which it is published and requires that it be submitted up to 48-hours before the meeting.

Assebmlymember Burnham indicated that he has concerns regarding a citizen not wanting their correspondence to be put in the packet or not knowing that it will be published on the website.

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

Assemblymember Bass indicated that he has concerns about the municipality becoming a publisher and the burden of responsibility that comes with that. He is also concerned that the Clerk's office will be required to decide what is published with vague definitions of what is not allowed.

Secondary Motion/Second: Bass/Burnham to refer Resolution 23-15R to the attorney to clearly define terms in section E3.

Assemblymember Potter indicated that she believes the Clerk's office possesses the intelligence to determine what fits within the parameters.

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

Secondary Motion/Second: Burnham/Bass to add the sentence, "and requesting it be in the packet" to be added to item E1.

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

The Main Motion passed as amended by roll call vote, 4 yes, 2 no, 0 absent; with Assemblymembers Bass and Burnham dissenting.

8. Unfinished Business:

Mayor Cremata declared a five-minute recess.

9. New Business:

- A. Approval of Assembly Assignments: Finance Committee

Motion/Second: Hanson/Potter to approve the removal of Reba Hylton from the finance committee and appoint Sam Bass.

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

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

Motion/Second: Potter/Hanson to confirm the appointment of Charity Pomeroy to an alternate seat on the Skagway Visitor Advisory Board.

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

- C. Consideration of Liquor License Renewal Applications
 - 1. Skagway Brewing Company, Inc. License #5739 & 5560

Motion/Second: Hanson/Henry to protest the renewal of the Skagway Brewing Company's liquor licenses.

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

- D. Approval of Rockslide Instrumentation and Monitoring Plan Development Proposal

Motion/Second: Potter/Hanson to approve the Rockslide Instrumentation and Monitoring Plan Development Proposal for \$110,246.

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

- E. Approval of Rockslide Spotters and Slope Instrumentation and Monitoring Proposal

Motion/Second: Potter/Bass to approve the Rockslide Spotter Slope Instrumentation Monitoring Proposal.

Manager Ryan indicated that the proposal from Shannon and Wilson to provide staff to monitor the rockslide was approximately \$800,000. He and the Deputy Manager worked on providing this alternate plan with contract employees that will only cost the Municipality approximately \$250,000.

Assemblymember Burnham indicated that he has an interest in applying for the position and he requests to recuse himself from voting.

There was no objection to Assemblymember Burnham's recusal.

The Motion passed by roll call vote, 5 yes, 0 no, 0 absent; with Assemblymember Burnham recused.

- F. Approval of Pile Driving Testing Program Proposal

Motion/Second: Potter/Hanson to approve the Pile Driving Testing Program Proposal.

Manager Ryan indicated that this will help to understand how much pile will need to be spliced together to drive into the deeper water. This will make sure as much information as possible is gathered to help reduce the cost of the project.

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

- G. Approval of Submarine Power Cable Locate Survey Estimate

Motion/Second: Henry/Bass to approve the cable locate survey estimate.

Assemblymember Hanson indicated that he encourages AP&T to share the cost of this survey if they want to keep the cable active.

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

H. Approval of Ore Redevelopment Project Design Review Proposal

Motion/Second: Potter/Henry to approve the Ore Redevelopment Project Design Review Proposal.

Manager Ryan indicated that this is a secondary review of the bid specifications to make sure the bid documents are complete and as accurate as possible before the bid is awarded.

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

I. Approval of Ore Redevelopment Project Upland Environmental Proposal

J. Approval of Change Order re: Ore Dock Redevelopment Project Environmental, Construction Management

K. Pile Weld Inspections and Construction Management Proposal

Motion/Second: Hanson/Bass to approve items 9I, 9J, and 9K in the amount of \$406, 913.

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

L. Approval of Ore Dock Transformers Quote

Motion/Second: Bass/Hanson to approve the Ore Dock Transformer Quote up to \$250,000.

Manager Ryan indicated that it is not his preference to have the Municipality pre-purchasing supplies and equipment for a project; however, there are long lead times on some of the materials needed for this project and he does not want the project to be delayed.

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

M. Approval of Ore Redevelopment Project Piling Quote

Motion/Second: Potter/ to approve the Ore Redevelopment Project Piling Quote in the amount of \$250,000.

The Motion fails due to lack of second.

Motion/Second: Bass/Hanson to approve the piling quote in the amount of \$3.9 million.

Assemblymember Hanson indicated that he is alarmed at the lack of information provided with the quote.

Manager Ryan indicated that the item could be postponed while more information is gathered.

Secondary Motion/Second: Hanson/Henry to postpone the pilling quote approval to the next Assembly meeting.

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

- N. Approval of Initiating the Use of Title III Forest Receipt Funds on Law Enforcement Patrol Equipment

Motion/Second: Bass/Henry to approve the use of Title III Forest Funds on law enforcement equipment.

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

10. **Executive Session:**

11. **Mayor and Assembly Discussion Items:**

Assemblymember Burnham indicated that:

- He voted “no” on the correspondence resolution because he believes people have a right to privacy.
- The special election is coming up and he asks if you are undecided on the tax proposition that you vote “yes” because an increase in revenue makes a difference in quality of life for residents.

Assemblymember Hylton indicated that:

- She moved to Haines over a week ago, but she appreciates her time in Skagway, and especially her time serving on the Assembly.

Assemblymember Potter indicated:

- At Seatrade, almost all the cruise line representatives said that Skagway is their favorite stop.
- April is sexual assault awareness month, and a busy season brings the possibility of violence by unknown people so look out for your friends. There is a new mental health provider and she has expressed working with the Municipality to bring some sexual assault training.
- Thank you to Assemblymember Hylton for bringing her experience as a single mother to the Assembly. She hopes that more women will be inspired to follow because there are benefits to equal representation.

Assemblymember Hanson indicated:

- He will be at the forum on April 12 with Clinic Board president jeremy simmons and a representative from SEARHC. He encourages the community to participate.
- He would like to see the method of filling the vacant assembly seat to involve allowing interested parties to speak at a meeting and the Assembly ask questions regarding topics they are addressing.

Motion/Second: Hanson/Bass to ask that persons interested in the Assembly seat write a letter of interest and come to the next Assembly meeting to potentially present themselves.

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

Assemblymember Bass indicated:

- His thanks to Assemblyperson Hylton for her work and dedication.
- Thank you to the manager and his staff for their work on the port development project.
- Skagway lost Howard Mallory, a prolific political contributor and writer who would end his communications with the sign off, "Yours in Freedom."

Assemblymember Henry indicated that:

- The sales tax vote is coming up and taking control of the port is going to have a lot of big expenses and the Municipality will need to subsidize the needs of our industry.

Mayor Cremata indicated that:

- The special election will also have the two ballot initiatives regarding SEARHC and it is important to educate yourself so that you know how to vote to get the result you want.
- Travel for municipal business is very expensive and he would like to cut some of those costs.
- Thanks to Reba for doing a magnificent job in representing this community.

12. Adjournment:

Motion/Second: Hanson/Bass to adjourn the meeting.

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

Mayor Cremata adjourned the regular Assembly meeting of April 6, 2023 at 10:22 p.m.

Andrew Cremata, Mayor

ATTEST:

Steve Burnham Jr., Borough Clerk
(SEAL)