



MUNICIPALITY OF SKAGWAY, ALASKA
REGULAR ASSEMBLY MEETING

April 20, 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

Absent:

[Clerk's Note: There is one vacant Assembly seat.]

3. Approval of Minutes:

A. March 16, 2023

Motion/Second: Henry/Potter

To approve the March 16, 2023 Assembly Meeting Minutes.

The Motion passed by roll call vote, 5 yes, 0 no, 0 absent.

4. Approval of Agenda:

Motion/Second: Henry/Hanson

To approve the agenda.

The Motion passed by roll call vote, 5 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.
- There was a site visit at the rockslide today with representatives from Senators Murkowski and Kiehl's office and representatives from Royal Caribbean.

B. Assembly Committee Reports:

A. Assemblymember Jay Burnham:

Motion/Second: Burnham/Henry to approve the check run dated April 20, 2023.

Motion passed by roll call vote, 5 yes, 0 no, 0 absent.

At its meeting of April 19, 2023, Finance Committee did the following:

- Reviewed Resolution 23-16R: Approving Unincorporated Communities and Their Respective Native Village Council for Participation in the FY24 Community Assistance Program
 - Finance recommends Assembly approval.
- Reviewed Resolution 23-17R: Committing and Restricting a Portion of CPV Excise Tax Funds to Serve as Matching Funds for a Maritime Administration PIDP Grant
 - Finance recommends Assembly approval.
- Reviewed the Ore Peninsula Redevelopment Project Piling Quote
 - Finance recommends Assembly approval.
- Reviewed procurement forms to utilize Title III National Forest Receipt Funds to purchase a police vehicle, upfitting for the vehicle, vehicle radios, and portable radios
 - Finance recommends Assembly approval.
- Approved two community funding grant applications:
 - KHNS in the amount of \$27,235
 - North Words Writers Symposium in the amount of \$25,000
- Reviewed the Rail Spur Easements
 - Finance had some questions and chose not to make a recommendation.

Assemblymember Potter indicated that Parks and Recreation met on April 12, 2023 and they discussed Ordinance 23-10 and recommend Assembly approval of the proposed changes in the packet.

Assemblymember Bass indicated that Public Safety will be having a meeting in the early part of May to discuss the Police Department audit, parking issues, and speed bumps.

Assemblymember Hanson indicated that Public Works has a meeting scheduled for April 26, 2023 with an agenda that includes the following:

- Review draft agreement for the franchise of AP&T
- Review of a draft Ordinance that addresses fats, oils, and grease to the sewer treatment plant
- Review of a draft MOU Kutí Project
- Review of draft resolutions to amend the water, sewer, and solid waste rates
- Review of Comprehensive Trail Plan

C. **Treasurer's Report:**

D. **Manager's Report:**

Manager Ryan indicated that:

- The first cruise ship to come in for the 2023 season was at max capacity and operations went smoothly but some improvements will be made before the next ship.
- The owners of Mo Mountain Mutts contacted him about finding the best place to conduct their dog walking business without impacting the people using trails and he will be working with them to find a way they can continue their service.
- The Skagway Public Library received a grant in the amount of \$28,000.
- The rec center provided correspondence with a recommendation to end the sea kayak rentals and he believes the Municipality should move forward with that.

- Ground work is being done to manage the future community garden with a proposal of two phases that would include making sure the soil is safe. In the meantime, the old community garden at the school will operate as normal through the summer.

6. Communications to the Assembly:

A. Correspondence:

Correspondence was received from:

- S. Burnham Jr. re: Assembly Agenda for April 20 Meeting
- S. Burnham Jr. re: Revised Assembly Agenda for April 20 Meeting
- A. Lawson re: Revised Assembly Agenda for April 20 Meeting
- A. Weddell re: Upcoming Assembly Seat Vacancy
- Skagway Recreation Advisory Board re: 2023 Update

B. Hear Citizens Present

Diane Taffroy indicated that:

- The buses at the Holland America bus wash seem to have outdated tags.
- She would like to see the year end audit for the Municipality.

Kate Kolodi indicated that:

- She would like to encourage the Assembly approve the busking ordinance, but she has some concerns that the language does not refer to visual artists.
 - She would like to see the two-hour time limit increased and she would like the ability to direct people to her social media accounts and tell them what stores sell her art.

Tyler Rose, White Pass & Yukon Route Railroad indicated that:

- He and Mark Taylor are present to answer any questions regarding the Rail Spur Easements.

Charity Pomeroy indicated that:

- Everyone should speak directly into their microphone.

Andrew Nadon indicated that:

- He supports Ordinance 23-10 and believes Skagway is a very artistic community and it will be a wonderful way to greet visitors.

Amber Koelsch, Holland America Princess indicated that:

- All of the Holland America vehicles are tagged properly; the only vehicles that do not have tags are being stored for use in a different location.

Senator Jesse Kiehl, Alaska State Legislature attended via Zoom and provided a legislative update, particularly regarding education funding, the Alaska Marine Highway, and other budget concerns.

7. Ordinances, Resolutions, & Proclamations:

A. Public Hearing, Second Reading, and Adoption of Ordinance No. 23-09: Amending the FY22 Budget

Public Hearing

The Public Hearing was closed with no comments.

Motion/Second: Bass/Hanson to adopt Ordinance 23-09.

The Motion passed by roll call vote, 5 yes, 0 no, 0 absent.

B. Public Hearing, Second Reading, and Adoption of Ordinance No. 23-10: Amending SMC to Allow Busking in Certain Locations

Main Motion/Second: Henry/Hanson to adopt Ordinance 23-10.

Public Hearing

John Hillis indicated that the two-hour time limit is too short and that he believes the performers should be able to share their information.

The Public Hearing was closed.

Secondary Motion/Second: Potter/Burnham to amend Ordinance 23-10 to the amended version included in the packet.

The Secondary Motion passed by roll call vote, 5 yes, 0 no, 0 absent.

Secondary Motion/Second: Hanson/Henry to amend section E2 to read "four consecutive hours per location. Breaks are also included within the four-hour limit."

The Secondary Motion passed by roll call vote, 5 yes, 0 no, 0 absent.

Primary Amendment/Second: Hanson/Potter to replace G9 with "The selling of merchandise on location is strictly prohibited. Networking of the busker's art or craft is allowed."

Secondary Amendment/Second: Bass/Hanson to amend the amendment to prohibit selling but allow networking for non-commercial purposes.

The Secondary Amendment passed by roll call vote, 5 yes, 0 no, 0 absent.

The Primary Amendment passed as amended by roll call vote, 5 yes, 0 no, 0 absent.

Secondary Motion/Second: Potter/Hanson to amend Ordinance 23-10 item B1 to include the language, "visual artist."

The Secondary Motion passed by roll call vote, 5 yes, 0 no, 0 absent.

Secondary Motion/Second: Potter/Bass to amend section H6 to read that the Borough Manager, or his designee, and/or Skagway Police Department has the authority to revoke the permit.

The Secondary Motion passed by roll call vote, 4 yes, 1 no, 0 absent; with Assemblymember Hanson dissenting.

The Main Motion passed as amended by roll call vote, 5 yes, 0 no, 0 absent.

- C. **Public Hearing and Adoption of Resolution No. 23-16R:** Approving Unincorporated Communities and Their Respective Native Village Council for Participation in the FY24 Community Assistance Program

Motion/Second: Henry/Hanson to adopt Resolution No. 23-16R.

Public Hearing

The Public Hearing was closed with no comments.

The Motion passed by roll call vote, 5 yes, 0 no, 0 absent.

- D. **Public Hearing and Adoption of Resolution No. 23-17R:** Committing and Restricting a Portion of CPV Excise Tax Funds to Serve as Matching Funds for a Maritime Administration PIDP Grant

Motion/Second: Henry/Potter to adopt Resolution No. 23-17R.

Public Hearing

The Public Hearing was closed with no comments.

The Motion passed by roll call vote, 5 yes, 0 no, 0 absent.

8. **Unfinished Business:**

- A. Approval of Ore Peninsula Redevelopment Project Piling Quote

[Clerk's Note: There is a live motion from the April 6, 2023 meeting to approve the ore dock redevelopment project piling quote in the amount of \$3.9 million]

Secondary Motion/Second: Bass/Hanson to amend the motion to approve the ore redevelopment project piling quote from \$3.9 million to \$4.7 million.

The Secondary Motion passed by roll call vote, 5 yes, 0 no, 0 absent.

The Main Motion passed by roll call vote as amended, 5 yes, 0 no, 0 absent.

9. **New Business:**

- A. Certification of April 18, 2023 Special Election Results

Motion/Second: Bass/Hanson to certify the special election results.

Assemblymember Hanson indicated his thanks the election board.

Clerk Burnham indicated that he would also like to thank the poll workers, election judges, and election chair, Donna Griffard, as well as the Haines Borough for loaning their polling equipment due to ours not taking ballots when tested, and manager Ryan for collecting that equipment on short notice.

The Motion passed by roll call vote, 5 yes, 0 no, 0 absent.

B. Appointment to Fill Vacancy on Assembly—Term Ending October 2023

Motion/Second: Potter/Henry to appoint Alex Weddell to the vacant Assembly seat.

The Motion passed by roll call vote, 5 yes, 0 no, 0 absent.

C. Consideration of Liquor License Renewal Applications
1. Skagway Brewing Company, Inc. dba The Smokehouse - License #5738

Motion/Second: Hanson/Henry to protest the renewal of The Smokehouse liquor license.

The Motion fails by roll call vote, 0 yes, 5 no, 0 absent.

D. Approval of Rail Spur Easements

Main Motion/Second: Potter/Henry to approve the Rail Spur Easements.

Assemblymember Burnham indicated that he had some questions and concerns regarding the easement because he believes the tracks belong to the Municipality and would not need an easement.

Manager Ryan indicated that he believes it is an easement, that he was directed by resolution to negotiate the easement, and he is ready to move forward with it. His interpretation is that the tracks and trestles are the responsibility of White Pass to maintain and operate. This agreement shows a coverage of \$5 million with the Municipality named as additionally insured and provides indemnification.

Assemblymember Burnham indicated if the tracks belong to the Municipality, then it should be stated in the agreement. He would like postpone in order to hear from an attorney to clarify.

Secondary Motion/Second: Bass/Hanson to set the item on the table.

The Secondary Motion passed by roll call vote, 5 yes, 0 no, 0 absent.

E. Approval of Amendment to Clinic Interim Executive Director Contract

Motion/Second: Bass/Burnham to amend the Clinic Interim Executive Director Contract to November 30, 2023.

The Motion passed by roll call vote, 5 yes, 0 no, 0 absent.

- F. Approval of Police Department Patrol Vehicle Sole Source Purchase (Title III Funds)

Main Motion/Second: Bass/Burnham to approve the Police Department patrol vehicle sole source purchase from Title III funds.

Secondary Motion/Second: Bass/Hanson to amend the motion to approve the Police Department patrol vehicle sole search purchase to also approve the purchase via Title III funds of the vehicle upfitting, the vehicle radios, and the portable radios.

The Secondary Motion passed by roll call vote, 5 yes, 0 no, 0 absent.

- G. Approval of Police Department Patrol Vehicle Upfitting Sole Source Purchase (Title III Funds)
- H. Approval of Police Department Patrol Vehicle Radios Sole Source Purchase (Title III Funds)
- I. Approval of Police Department Portable Radios Sole Source Purchase (Title III Funds)

The Main Motion passed as amended by roll call vote, 5 yes, 0 no, 0 absent.

- J. Consideration of Independence Day Theme

Motion/Second: Potter/Bass to approve the Independence Day Theme.

The Motion passed by roll call vote, 5 yes, 0 no, 0 absent.

- K. Approval of Clinic Janitorial Services Contract

Motion/Second: Potter/Henry to approve the Clinic Janitorial Services Contract to Clean Freak Custodial.

The Motion passed by roll call vote, 5 yes, 0 no, 0 absent.

- L. Approval of Additional Ore Dock Pile Splice and Delivery Proposal

Motion/Second: Bass/Hanson to approve the additional Ore Dock Pile Splice and Delivery Proposal amount.

The Motion passed by roll call vote, 5 yes, 0 no, 0 absent.

Mayor Cremata called a 13-minute recess.

Motion/Second: Potter/Bass to pick item 9D off of the table.

The Motion passed by roll call vote, 5 yes, 0 no, 0 absent.

D. Approval of Rail Spur Easements

[Clerk's Note: There is an active motion on the table to approve the Rail Spur Easements]

Manager Ryan indicated that he spoke to the attorney who said that code allows for an easement in the best interest of the Municipality as long as it is appraised for market.

Secondary Motion/Second: Burnham/Hanson to postpone to the next Assembly meeting and direct the manager to approve temporary use of the rails and schedule the attorney be present.

Assemblymember Potter indicated that the manager was directed by resolution to negotiate this easement and the attorney advises that the agreement meets code and recommends approval.

The Secondary Motion fails by roll call vote, 2 yes, 3 no, 0 absent; with Assemblymembers Bass, Potter, and Henry dissenting.

Mayor Cremata indicated that by definition an easement is to allow someone to use an owner's property. Indemnity is built into the agreement and it has been approved by the borough attorney twice; the Assembly unanimously voted to approve a resolution that authorized the manager to negotiate this agreement.

Assemblymember Bass indicated that he believes the agreement indicates that the existing and future improvements belong to White Pass.

The Main Motion passed by roll call vote, 4 yes, 1 no, 0 absent; with Assemblymember Burnham dissenting.

10. **Executive Session:**

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

Mayor Cremata indicated:

- Thank you to everyone who voted in the special election. It gave direction from the community that the Assembly should do whatever it has to do to fund the clinic and that will be the intent moving forward.
- There is no courthouse in Skagway after the fire and there needs to be some action to find state or federal funding to rebuild if we want a courthouse in Skagway. He will draft a letter that can be sent for more support.

12. **Adjournment:**

With no objection from the table, Mayor Cremata adjourned the regular Assembly meeting of April 20, 2023 at 9:45 p.m.

Andrew Cremata, Mayor

ATTEST:

Steve Burnham Jr., Borough Clerk
(SEAL)

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