



MUNICIPALITY OF SKAGWAY, ALASKA
REGULAR ASSEMBLY MEETING

August 17, 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. July 18, 2023, Special
- B. July 20, 2023

Motion/Second: Potter/Bass

To approve the July 18, 2023 Special Assembly and July 20, 2023 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.
- It has been nice to see more tourists on the local trails.

B. **Assembly Committee Reports:**

A. Assemblymember Jay Burnham:

Motion/Second: Burnham/Potter to approve the check run in the amount of \$794,145.57.

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

Assemblymember Burnham indicated that Finance met on August 16, 2023 and did the following:

- Reviewed Resolution No. 23-29R: Committing Matching Funds for an FHWA PROTECT Grant for Rockslide Mitigation (Block 3 removal and excavation).
 - Finance recommends Assembly approval.
- Reviewed Resolution No. 23-30R: Expressing Intent to Dispose of Blocks 95 and 102, Known as the Garden City RV Park
 - Finance recommends Assembly approval with an amendment that is in the packet.
- Reviewed the Pullen Creek RV Park Restroom Design, Permitting, and Bid Services Fee.
 - Finance recommends Assembly approval.
- Reviewed the Bobcat Skid Steer Loader Purchase for the Incinerator/Transfer Facility
 - Finance recommends Assembly approval.
- Reviewed Incinerator Fire Pump and Controller Replacement Quote
 - Finance recommends Assembly approval.

Assemblymember Potter indicated that Parks and Recreation met on Tuesday, August 15 and discussed the following:

- Local students participating in creating anti-littering signs around town.
- The Matthew's Cabin A-frame in Nahku; more public input is requested.
- The remaining cabin kit being possibly built at Lost Lake.
- Kayak racks at Lower Lake.

Assemblymember Weddell indicated that that Civic Affairs met on August 10 and did the following:

- Reviewed Ordinance No. 23-21 and recommended Assembly approval.
- Reviewed Ordinance No. 23-22 and recommended Assembly approval of first reading and further discussion at committee level.
- Discussed the need to update the Municipal website and how to improve the public correspondence resolution.

Assemblymember Bass indicated that a Public Safety meeting would be scheduled for early September to discuss using the police audit as groundwork for moving forward.

C. **Treasurer's Report:**

D. **Manager's Report:**

Manager Ryan, indicated that:

- Second quarter sales tax came in higher than budgeted for at \$3.6 million.
- Town infrastructure needs will need to be discussed when considering the upcoming budget.
- The Yukon government is still interested in the Export Cooperation Agreement. He indicated there is a typo in his summary; the correct cost estimate is \$32.86 million. Before finalizing the agreement, he will need direction from the Assembly of whether or not the Municipality is willing to contribute if the project goes over the contingency.

6. Communications to the Assembly:

A. **Correspondence:**

Correspondence was received from:

- Skagway Traditional Council Members: Jaime Bricker, Andrew Beierly, Marla Belisle, Judean Gordon, and Savannah Ames re: Agenda Item 7F Resolution 23-30R

B. Hear Citizens Present

Lainey Papageorge indicated that:

- She is a former resident and Councilmember.
- Skagway should be a model for energy conservation by going electric.

Michael Yee indicated that:

- Recent fire events around the world have highlighted the need for a fire mitigation plan in Dyea; it is time to be proactive before a possible disaster. He urges the Assembly to instruct a committee to come up with a plan and to implement the plan with a deadline.
- Winter recreation is very important to year-round residents and having an ice rink is positive both mentally and physically for our youth. While the public works department did a fantastic job keeping it open this past winter, they could use equipment that would make it more efficient for them, such as a Zamboni to resurface the ice quickly.

Brita Fagerstrom indicated that:

- She would like to comment on Resolution No. 23-30R.
- The Municipality should support the Skagway Traditional Council in investigating the cultural significance of the property.
- One parcel for a memorial is not an appropriate amount of land to acknowledge the school's existence and the impact on the lives of indigenous peoples in Southeast Alaska.

Mavis Henrickson indicated that:

- She would like to compliment the Assembly on the Board of Appeals meeting in which they tried to be fair.
- The contaminated water from the streets flows into the creek and river, which is illegal. The Municipality has claimed that the issue cannot be addressed until Main Street is repaved.
- She is in agreement that there should be a fire mitigation plan for Dyea.
- The manager has taken away one of the ways of making a living by not allowing the Yukon to ship ore through our port and he should be fired for it.

Charity Pomeroy indicated that:

- She finds Resolution 23-30R to be problematic because the land once belonged to the tribe and a minimum of half should be returned to them.

There was no objection to Mayor Cremata declaring a 5-minute recess at 7:33 p.m.

7. Ordinances, Resolutions, & Proclamations:

- A. Introduction and First Reading of Ordinance No. 23-21: Amending Code to Clarify Skagway Visitor Advisory Board Functions and Remove Line Item Transfer Notification Requirements**

Motion/Second: Henry/Weddell for introduction and first reading of Ordinance No. 23-21.

Manager Ryan indicated that the notification of line-item transfers over \$500 is not something that is being done as a practice, so it does not make an impact to remove it.

Assemblymember Weddell indicated that these changes were recommended by the Tourism Director to clean up the Skagway Visitor Advisory Board code.

Assemblymember Burnham indicated that the board does not have a budget, so they would not have a line-item transfer to report.

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

B. Introduction and First Reading of Ordinance No. 23-22: Amending SMC 15.10 for Street Naming

Motion/Second: Henry/Weddell for the introduction and first reading of Ordinance No. 23-22.

Assemblymember Weddell indicated that this was brought to the attention of the Civic Affairs committee by the deputy manager as part of an action to increase public safety by having street names in the areas outside of the town site. This would aid dispatched safety personnel in finding Dyea residences. She does have some small concerns regarding the logistics of implementation, especially when it comes to residents bearing the cost of erecting signs on privately owned roads.

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

C. Public Hearing and Second Reading of Ordinance No. 23-20: Authorizing the Municipality of Skagway to Lease Tidelands Property to Petro 49, Inc., and Directing the Borough Clerk to Place a Proposition on the October 3, 2023 Regular Election Ballot for Ratification

Main Motion/Second: Henry/Hanson to approve Ordinance No. 23-20.

Public Hearing

The Public Hearing was closed with no comments.

Primary Amendment/Second: Hanson/Bass to change the ballot question to the one in the memo.

Assemblymember Hanson indicated that the ballot question is vague and he is concerned that the voters will not understand it.

Assemblymember Bass indicated that the offered amendment will clarify the ballot question for the voters.

Clerk Burnham indicated that the code refers to “market rent” not “fair market value.”

Secondary Amendment/Second: Hanson/Bass to strike the word “fair” and replace “value” with “rent.”

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

The Primary Amendment 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.

D. Public Hearing and Adoption of Resolution No. 23-28R: Amending Dyea Campground Rules

Main Motion/Second: Henry/Potter to adopt Resolution No. 23-28R.

Public Hearing

The Public Hearing was closed with no comments.

Assemblymember Potter indicated that these changes were recommended by the Dyea Community Advisory Board and then reviewed by the Parks and Recreation Committee, who recommended it for Assembly approval.

Manager Ryan indicated that he would like it to be specified that the 10-mph speed limit is restricted to within the campground.

Secondary Motion/Second: Weddell/Hanson to amend the final bullet point, last sentence, to read, "motorized vehicles shall not operate off of the established roads and paths within the campground."

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

Secondary Motion/Second: Bass/Weddell to eliminate the part of Resolution 23-28R that refers to fire buckets.

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

Assemblymember Potter indicated that people coming to camp do not look at local code and that she hopes the Municipality will follow up by posting these rules for visitors to see.

The Main Motion passed as amended by roll call vote, 5 yes, 1 no, 0 absent; with Assemblymember Weddell dissenting.

E. Public Hearing and Adoption of Resolution No. 23-29R: Committing Matching Funds for an FHWA PROTECT Grant for Rockslide Mitigation (Head Scarp Pinning, Block 3 Removal and Excavation)

Motion/Second: Henry/Hanson to adopt Resolution No. 23-29R.

Public Hearing

The Public Hearing was closed with no comments.

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

F. Public Hearing and Adoption of Resolution No. 23-30R: Expressing Intent to Dispose of Blocks 95 and 102. Known as the Garden City RV Park

Motion/Second: Henry/Bass to adopt Resolution No. 23-30R.

Public Hearing

The Public Hearing was closed with no comments.

Assemblymember Bass indicated that he brought this resolution forward to provide staff with a general direction regarding Garden City RV Park. It outlines the basic intent to sell it as lots and to provide for a memorial of Pious X Boarding School.

Assemblymember Potter indicated that she will not settle for anything less than returning a minimum of six lots to the tribe.

Mayor Cremata indicated that a rank-choice vote could be put before the public to decide what should be done with the property. He does not believe the Assembly should take any action until after the archeology report is approved. Additionally, the housing shortage is not going to be solved by selling lots that will inevitably be bought by property investors and not a young couple who wants to build their first home.

Manager Ryan indicated that the archeological assessment had been released and sent to the Assembly today. The title report was requested, but he is unsure if that has come back yet.

Assemblymember Hanson indicated that there could be a provision for HUD first time home buyers. He also agrees that the lots should not all be sold at once because that would devalue home prices. As it stands now, the RV park is in disrepair with failing utilities, and Manager Ryan requested to know if reservations should be allowed for 2024. Additionally, one lot is not large enough to create a memorial. This should be sent to another committee for further public input.

Mayor Cremata indicated that he hopes there will be criteria and restrictions put on the sale of the lots that will allow people who actually need a lot to buy them, and also a provision that elected officials cannot participate.

Assemblymember Potter indicated that some citizens have concern about re-opening 16th Street in such close proximity of the school.

Assemblymember Henry indicated that he is sure there is a clear title, as is necessary in any sale of property. It seems there is agreement that there should be buildable land available for individual families and that a portion should be for high-density housing. He thinks 12 lots should be sold immediately.

Manager Ryan indicated that the estimated cost to fix the utilities and install the infrastructure to sell individual lots would be \$5-10 million.

Secondary Motion/Second: Hanson/Potter to postpone the adoption of Resolution No. 23-30R until the title and archeological reports are available.

Assemblymember Weddell indicated that she believes this should go back to committee.

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

8. Unfinished Business:

9. New Business:

- A. Consideration of Liquor License Renewal Applications
 - 1. Historic Skagway Inn dba Olivia's at the Skagway Inn, Liquor License #3867 Renewal Application

Motion/Second: Henry/Hanson to protest liquor license #3867.

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

- B. Approval of Invoices for Rockslide Mitigation Barrier Materials/Installation

Motion/Second: Potter/Henry to approve the invoices for rockslide mitigation barrier materials/installation.

Manager Ryan indicated that this is the Municipality's portion of the ground protections.

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

- C. Approval of Pullen Creek RV Park Restroom Design, Permitting, and Bid Services Fee Proposal

Motion/Second: Potter/Henry to approve the Pullen Creek RV restroom design proposal.

Manager Ryan indicated that the bathrooms are due for replacement and ADA upgrades.

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

- D. Approval of Bobcat Skid Steer Loader Purchase for Incinerator/Transfer Facility

Motion/Second: Potter/Henry to approve the purchase of a Bobcat skid steer loader for the incinerator transfer facility.

Assemblymember Hanson indicated that that this is an essential piece of equipment for the operations of the transfer facility. Public Works has gotten good use out of the existing one and it is time for an upgrade.

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

- E. Approval of Incinerator Fire Pump and Controller Replacement Quote

Motion/Second: Potter/Henry to approve the quote for the incinerator fire pump.

Assemblymember Hanson indicated that this is a necessary fire suppression equipment replacement.

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

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

Assemblymember Burnham indicated:

- He will be calling in for the next meeting.
- Ordinance No. 23-22 should be reviewed by a committee before the second reading.
- More money should be spent on trails.
- Things mentioned in this meeting that show the need for a tax increase: trails, infrastructure for lots at Garden City, cabins for increased recreation, fire mitigation in Dyea, ice rink equipment, sewer treatment plant expansions, incinerator pump replacements, funds to match federal grants, rockslide mitigation, restrooms, and bobcats. The citizens of Skagway will not shoulder the burden; the visitors should pay for what they expect.

Assemblymember Weddell indicated that:

- Chief Reddick was the first to volunteer to take a pie to the face for the Health Fair fundraiser. She challenges the table and staff to volunteer as well.

Assemblymember Potter indicated that:

- Fire mitigation in Dyea is needed, especially in light of the recent fires in Hawaii and the fire that was in town this winter.
- She thanks Assemblymember Bass for bringing forward a resolution regarding Garden City RV Park. Even though she may not agree with it, she appreciates the effort to bring it to the forefront of conversations.
- If the STC has six to 12 lots they could be set up to act as a land trust or housing authority.
- Rank choice voting would be a good option to decide what to do with the Garden City RV Park land.

Mayor Cremata indicated that:

- Building a fire station in Dyea to protect the homes there would need a funding mechanism, and it would be appropriate to raise the 3.1 mill rate on Dyea properties to do that.
- There are lots of necessary expenditures and the Municipality is still in a state of financial recovery from the pandemic, which makes for a difficult upcoming budget cycle.
- He recommends budgeting for a new website and putting out an RFP to replace the existing antiquated website.
- The Municipality should figure out a way to fund repairs to the Nahku Bay A-frame and let the general public use it, not just non-profit organizations.
- The agreement with the Yukon government regarding the Marine Services Platform should be reviewed by the Assembly again.

11. **Executive Session:**

12. Adjournment:

With no more business on the agenda, and no objection from the table, Mayor Cremata adjourned the regular Assembly meeting of August 17, 2023 at 9:32 p.m.

ATTEST:

Andrew Cremata, Mayor

Steve Burnham Jr., Borough Clerk
(SEAL)

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