
**City Council General Meeting
July 10, 2008**

Call to Order: A General Meeting of the Gustavus City Council was held on July 10, 2008 at 7:00PM.

Mayor Klawunder called the meeting to order at 7:00PM.

Roll Call:

Comprising a quorum of the Council the following were present:

Mayor Klawunder
Vice Mayor Marchbanks
Council Member Atkins
Council Member Berry
Council Member Howell -Arrived before vote for 6-12-2008 minutes
Council Member Nixon
Council Member Unkel

Reading & Approval of Minutes

Minutes from the May 8, 2008 General Meeting.

Motion:	Council Member Unkel moved accept the minutes as read at the meeting.
Seconded by:	Council Member Berry

ROLL CALL VOTE ON MOTION:

Yes:	Atkins, Berry, Klawunder, Marchbanks, Nixon, Unkel
No:	None
Motion Passes 6/0	

Minutes from the June 12, 2008 General Meeting were read by the City Clerk.

Motion:	Vice Mayor Marchbanks moved to accept the minutes as amended.
Seconded by:	Council Member Unkel

ROLL CALL VOTE ON MOTION:

Yes:	Atkins, Berry, Howell, Klawunder, Marchbanks, Nixon, Unkel
No:	None
Motion Passes 7/0	

Minutes from the July 19, 2008 Special Meeting were read by the City Clerk.

Motion:	Council Member Unkel moved to accept the minutes for the June 19 th meeting.
Seconded by:	Council Member Berry

ROLL CALL VOTE ON MOTION:	
Yes:	Atkins, Berry, Howell, Klawunder, Marchbanks, Nixon, Unkel
No:	None
Motion Passes 7/0	

Mayor's Request For Agenda Changes: None

Committee Reports:

- DRC Committee report given by Greg Streveler.
- Road Committee report given by Joe Lassiter
- GVA report given by Rachael Parks.

Consent Agenda:

1. Accept application of Lynne Jensen to the Library Board.

Motion:	Vice Mayor Marchbanks moved to accept the consent agenda as published.
Seconded by:	Council Member Nixon

ROLL CALL VOTE ON MOTION:	
Yes:	Atkins, Berry, Howell, Klawunder, Marchbanks, Nixon, Unkel
No:	None
Motion Passes 7/0	

Ordinances for Publication:

- **2008-18NCO** An Ordinance for the City of Gustavus providing for the amendment to the Gustavus Public Library budget for Fiscal Year 2009.

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Vice Mayor Marchbanks explained the ordinance.

Motion:	Council Member Unkel moved that the Council accept Ordinance 2008-18NCO for publication.
Seconded by:	Council Member Howell

ROLL CALL VOTE ON MOTION:	
Yes:	Atkins, Berry, Howell, Klawunder, Marchbanks, Nixon, Unkel
No:	None
Motion Passes 7/0	

- **2008-19NCO** An Ordinance for the City of Gustavus providing for the amendment to the Gustavus Public Library Budget for Fiscal Year 2009.

Vice Mayor Marchbanks explained the ordinance.

Motion:	Council Member Berry moved that ordinance number 2008-19NCO a non code ordinance for the City of Gustavus providing for the amendment of the Gustavus Public Library budget for fiscal year 2009 be accepted for publication.
Seconded by:	Council Member Nixon

ROLL CALL VOTE ON MOTION:	
Yes:	Atkins, Berry, Howell, Klawunder, Marchbanks, Nixon, Unkel
No:	None
Motion Passes 7/0	

Ordinances for Public Hearing:

- **2008-16** An Ordinance for the City of Gustavus adopting Safety Regulation Title 11.
Ordinance 2008-16 was read by Council Member Atkins.

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Public Hearing: During the Public Hearing for Ordinance 2008-16
the following citizens gave comments:

Janet Lassiter
Steve Sellards
Chuck Burkheart

Motion:	Council Member Atkins moved that Ordinance 2008-16, an ordinance for the City of Gustavus adopting safety regulation Title 11, be adopted by the City of Gustavus.
Seconded by:	Council Member Nixon

Council discussion followed.

Motion:	Council Member Unkel moved to amend 11.01.020 Definitions, under (a) Big Game, amend that to read only "Big Game" refers to moose, black bear, brown bear and delete the rest of the sentence.
Seconded by:	Council Atkins

Council discussion followed.

ROLL CALL VOTE ON AMENDMENT:	
Yes:	Atkins, Berry, Howell, Klawunder, Marchbanks, Nixon Unkel
No:	None
Motion To Amend Passes 7/0	

Motion:	Council Member Atkins moved a change to title of Title 11 from Public Safety to read Public Health & Safety.
Seconded by:	Council Member Berry

Council discussion followed.

ROLL CALL VOTE ON AMENDMENT:	
Yes:	Atkins, Berry, Howell, Klawunder, Marchbanks, Nixon, Unkel
No:	None
Motion to Amend Passes 7/0	

Motion:	Council Member Unkel moved to amend 11.01.030 Regulation in that paragraph I would like to strike out the last sentence "It shall be a violation of this ordinance to hunt on private property without the expressed permission of the land owner".
Seconded by:	Council Member Atkins

Council discussion followed.

ROLL CALL VOTE ON AMENDMENT:	
Yes:	Atkins, Berry, Howell, Klawunder, Marchbanks, Nixon, Unkel
No:	None
Motion to Amend Passes 7/0	

Motion:	Council Member Unkel moved to amend 11.01.040 Exceptions to Regulations first sentence, Hunting or Taking of "big game animals" is prohibited within 300 feet, change it to designated roadways within the city limits of Gustavus.
Seconded by:	Council Member Howell

Council discussion followed.

POINT OF INFORMATION REQUEST: Vice Mayor Marchbanks inquired if this ordinance now has significant changes and should be republished.

RULING: Mayor Klawunder agrees that there have been significant changes and asked for motion to postpone.

Motion:	Council Member Unkel moved to postpone this ordinance until date certain of the next regularly scheduled council meeting.
Seconded by:	Council Member Atkins

Council discussion on postponement followed.

ROLL CALL VOTE ON MOTION TO POSTPONE:	
Yes:	Klawunder, Unkel
No:	Atkins, Berry, Howell, Marchbanks, Nixon
Motion defeated: 2/5	

Council discussion on amendment followed.

ROLL CALL VOTE ON AMENDMENT:

Yes: Howell, Klawunder, Marchbanks, Nixon, Unkel
No: Atkins, Berry

Motion Passes 5/2

Motion: Council Member Unkel moved to amend 11.01.030
Regulation third line to read within 300 feet of
designated roadways.

Seconded by: Council Member Nixon

ROLL CALL VOTE ON AMENDMENT:

Yes: Berry, Howell, Klawunder, Marchbanks, Nixon, Unkel
No: Atkins

Motion Passes 6/1

Council discussion followed on adopting this ordinance.

Motion: Council Member Berry moved to amend 11.01.020(b)
instead of roadway it should be designated roadway.

Seconded by: Council Member Nixon

Council discussion followed.

ROLL CALL VOTE ON AMENDMENT:

Yes: Berry, Howell, Klawunder, Nixon
No: Atkins, Marchbanks, Unkel

Motion Passes: 4/3

ROLL CALL VOTE ON AMENDED MAIN MOTION:

Yes: Berry, Howell, Klawunder, Nixon
No: Atkins, Marchbanks, Unkel

Motion Passes 4/3

- **2008-17** An Ordinance for the City of Gustavus amending City of Gustavus Ordinance 5.10.050 Special Elections. Mayor Klawunder gave an explanation of the ordinance. Ordinance 2008-17 was read by Council Member Howell.

Public Hearing: During the Public Hearing for Ordinance 2008-17 the following Citizens gave comments:

Janet Lassiter

Motion:	Council Member Howell moved to adopt the ordinance as presented.
Seconded by:	Vice Mayor Marchbanks

Council discussion followed.

ROLL CALL VOTE ON MOTION:	
Yes:	Atkins, Berry, Howell, Klawunder, Marchbanks, Nixon Unkel
No:	None
Motion Passes 7/0	

Resolutions:

- **Resolution 2008-11** A Resolution of the City of Gustavus adopting a dissolution clause for the disposition of net proceeds from charitable gaming activities. Resolution 2008-11 was read by Council Member Atkins. Public Comment: None

Motion:	Council Member Atkins moved that Resolution 2008-11, a resolution of the City of Gustavus adopting a dissolution clause for the disposition of net proceeds from charitable gaming activities be adopted by the City of Gustavus.
Seconded by:	Council Member Berry

ROLL CALL VOTE ON MOTION:	
Yes:	Atkins, Berry, Howell, Klawunder, Marchbanks, Nixon, Unkel

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No:	None
Motion Passes 7/0	

- **Resolution 2008-12** A Resolution by the City of Gustavus supporting Gustavus Electric Company's application for available grants to complete construction of and provide debt relief for the Falls Creek Hydroelectric Project.

Council Member Nixon read the resolution.

Public Comment: None

Motion:	Council Member Nixon moved the City Council adopt the resolution.
Seconded by:	Council Member Unkel

CONFLICT OF INTEREST: Vice Mayor Marchbanks asked if Council Member Nixon was still working on the Hydro Project and should he consider that he has a conflict of interest.

Response: Council Member Nixon responded that he is working up there, but he does not feel that he has a conflict of interest.

Discussion followed.

RULING: Mayor Klawunder ruled that Council Member Nixon does not have a significant conflict of interest.

Council discussion on resolution followed.

Motion:	Council Member Unkel moved to postpone to a date certain of the next regular meeting.
Seconded by:	Council Member Atkins

ROLL CALL VOTE ON MOTION:	
Yes:	Atkins, Berry, Howell, Klawunder, Marchbanks, Unkel
No:	Nixon

Motion Passes 6/1

SAGA Group Presentation:

-
- They are in town working at Glacier Bay National Park and will also be painting the Community Chest. The group offered their services if there were any other projects that needed to be completed. The also commented on how organized and involved the community is.

Policy & Procedures for Publication: None

Policies & Procedures for Public Hearing: None

Unfinished Business:

- **Accept Land Committee Recommendations to hire Craig Templin for survey of Municipal Lands for \$18,960.00.**

Mayor Klawunder gave comment that surveyors are professional services and not contractual services.

Public Comment: None

Motion:	Council Member Berry moved that the City Council accept the Lands Committees recommendation to appropriate \$18,960.00 of Lands Committee funds, to hire Templin Land Surveying to fulfill DNR's survey instructions for the Airport and Hi-Glen Municipal Entitlement properties.
Seconded by:	Vice Mayor Marchbanks

Council discussion followed.

ROLL CALL VOTE ON MOTION:

Yes: Atkins, Berry, Howell, Klawunder, Marchbanks, Nixon, Unkel

No: None

Motion Passes 7/0

New Business:

- **Accept Mayor recommendation to transfer funds for the Wilson/Rink Creek project to DOT for project completion.**

Public Comment: None

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Mayor Klawunder gave an explanation of the agenda item.

Motion:	Council Member Unkel moved that the council accept the Mayor's recommendation to transfer funds for the Wilson/Rink Creek project to DOT for project completion.
Seconded by:	Council Member Nixon

Council discussion followed.

CONFLICT OF INTEREST: Vice Mayor Marchbanks declared a conflict of interest.

RULING: Mayor Klawunder ruled that Vice Mayor Marchbanks does have a conflict of interest on this and the resolution.

ROLL CALL VOTE ON MOTION:	
Yes:	Atkins, Berry, Howell, Klawunder, Nixon, Unkel
No:	None
Recused:	Marchbanks
Motion Passes 6/0 with 1 recused	

- **Resolution 2008-10** A resolution by the Gustavus City Council requesting the transfer of Legislative grant funds to the Department of Transportation & Public Facilities.

Council Member Howell read Resolution 2008-10.

Public Comment:

Joe Lassiter

Motion:	Council Member Howell moved that we adopt Resolution 2008-10.
Seconded by:	Council Member Nixon

Council discussion followed.

ROLL CALL VOTE ON MOTION:	
Yes:	Atkins, Berry, Howell, Klawunder, Nixon, Unkel
No:	None

Recused: Marchbanks Motion Passes 6/0 with 1 recused

Mayor's Report:

- Election Review Committee will meet on the 11th.
- Inquired if there was a need for a special meeting concerning the Fish Box Tax.
- City of Hoonah has let the borough study to Sheinberg.
- DCCED Survey Meeting is on the 16th.
- Work Session is the 17th.
- Brian Lingle from Smith Barney will be at the work session on the 17th.
- Nate Borson will be at the work session on the 17th to discuss GCN.
- The Mayor is working with Kim Ney and DOT concerning the sheet piling in the Salmon River.
- The Mayor will write a letter to the Fairwether Report concerning the Fish Box Tax.

City Clerk's Report:

- Attendance Report
- Thanked the Election Judges and Election Judge Clerks for their work at the special election.

City Council Questions & Comments

- Council Member Nixon gave comment that the testing for contamination on Tract B will be done in August.
- Vice Mayor Marchbanks gave comment concerning changes that will need to be made to Title 4 Sales Tax.
- Council Member Howell requested to be excused from the next work session.
- Council Member Atkins gave comments concerning the gaming permit.

Public Comment on Non-Agenda Items:

Public Comment was received from:
Joe Lassiter

Executive Session: None

Adjournment:

With no further business before the Council the meeting was adjourned at 9:46PM.

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