

**APPROVED 9/11/2008**  
**City Council Minutes**  
**City of Gustavus, Alaska**

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**City Council General Meeting**  
**August 14, 2008**

**Call to Order:** A General Meeting of the Gustavus City Council was held on August 14, 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 – Arrived at 7:30PM  
Council Member Berry  
Council Member Howell  
Council Member Nixon  
Council Member Unkel

**Reading & Approval of Minutes**

Minutes from the July 10, 2008 General Meeting were read by the City Clerk.

Motion:	Council Member Unkel moved to accept the minutes read.
Seconded by:	Council Member Berry

**ROLL CALL VOTE ON MOTION:**

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

Minutes from the July 24, 2008 Special Meeting were read by the City Clerk.

Motion:	Council Member Nixon moved to accept the minutes as read.
Seconded by:	Council Member Unkel

**ROLL CALL VOTE ON MOTION:**

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

**Mayor's Request For Agenda Changes:**

- Move Ordinance 2008-23NCO to after New Business item A.

**Committee Reports:**

- GVFD Board report given by Mossy Mead.
- Lands Committee report given by Paul Berry.

**Consent Agenda:**

- a. Accept resignation of Jim Martell and Dan Zobrist from GCN Committee.
- b. Accept resignation of Kim Ney from Road Committee.

Motion:	Council Member Atkins moved to accept the consent agenda as read.
Seconded by:	Council Member Berry

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

**Ordinances for Publication:**

- **2008-21NCO** An Ordinance for the City of Gustavus providing for the amendment to the Gustavus Community Network budget for Fiscal Year 2009.

Council Member Berry explained the need for this amendment.

Public Comment: None

Motion:	Council Member Berry moved that ordinance 2008-21NCO an ordinance for the City of Gustavus providing for the amendment to the Gustavus Community Network for Fiscal Year 2009 be published.
Seconded by:	Council Member Howell

**APPROVED 9/11/2008**  
**City Council Minutes**  
**City of Gustavus, Alaska**

**ROLL CALL VOTE ON MOTION:**

Yes: Atkins, Berry, Howell, Klawunder, Marchbanks, Nixon,  
Unkel  
No: None

Motion Passes 7/0

- **2008-22NCO** An Ordinance for the City of Gustavus providing for the amendment to the Gustavus Community Network budget for Fiscal Year 2009.

Council Member Berry explained the non code ordinance.

Motion: Council Member Berry moved that ordinance 2008-22NCO an ordinance for the City of Gustavus providing for the amendment to the Gustavus Community Network for Fiscal Year 2009 be published.

Seconded by: Council Member Atkins

CONFLICT OF INTEREST: Council Member Nixon stated that he may have a conflict of interest because Corvid Computing rents office space from him.

RULING: Mayor Klawunder ruled that Council Member Nixon did not have a significant conflict of interest and should vote.

Council discussion followed.

Vice Mayor Marchbanks asked a point of information concerning whether this should be handled after agenda item H in New Business.

Council discussion followed concerning the proper location on the agenda for this item.

Motion: Council Member Howell moved to suspend the rules to make proper agenda adjustments.

Seconded by: Council Member Unkel

**ROLL CALL VOTE ON MOTION TO SUSPEND THE RULES:**

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

No: None

Motion Passes 7/0

*(Clerk's Note: Ordinance 2008-22NCO will be Item I under new business.)*

- **2008-23NCO** - Moved to New Business after item A during Mayor's Request for Agenda Changes.
- **2008-24NCO** – An ordinance for the City of Gustavus providing for the amendment of the Gustavus Marine Facilities Budget for Fiscal Year 2009.

Council Member Nixon explained the non code ordinance.

Public Comment: None

Motion: Council Member Nixon moved that the City Council submit ordinance number 2008-24NCO for publication.

Seconded by: Vice Mayor Marchbanks

**CONFLICT OF INTEREST:**

Council Member Berry requested that when the Public Hearing occurs he will bring forth the information that he is the employee that is doing the inspections and will request a ruling concerning conflict of interest.

**RULING:**

Will occur at September 11, 2008 General Meeting.

**APPROVED 9/11/2008**  
**City Council Minutes**  
**City of Gustavus, Alaska**

ROLL CALL VOTE ON MOTION:

Yes: Atkins, Berry, Howell, Klawunder, Marchbanks,  
Nixon, Unkel  
No: None

Motion Passes 7/0

**Ordinances for Public Hearing:**

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

Ordinance 2008-18NCO was read by Vice Mayor Marchbanks.

Public Hearing: With no one who wished to be heard the Public Hearing was closed.

Motion: Vice Mayor Marchbanks moved to adopt 2008-18NCO a non code ordinance providing for an amendment to the Gustavus Library Budget for the addition of the ILC grant in the sum of \$5,328.00.

Seconded by: Council Member Berry

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.

Ordinance 2008-19NCO was read by Vice Mayor Marchbanks.

Public Hearing: With no one who wished to be heard the Public Hearing was closed.

Motion: Vice Mayor Marchbanks moved to adopt 2008-19NCO an non code ordinance providing for an amendment to Gustavus Library Budget for the PLA Grant in the sum of \$350.00.

Seconded by: Council Member Atkins

ROLL CALL VOTE ON MOTION:

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

No: None

Motion Passes 7/0

**Resolutions:**

- **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.

Resolution 2008-12 was read by Council Member Nixon.

Public Comment:

Denise Healy  
Tim Gibson  
Pedr Turner  
Jim Lindblom  
Diane Klawunder

Motion:	Council Member Nixon moved that the City Council adopt Resolution number 2008-12 supporting debt relief for the Falls Creek Hydro Electric Project.
Seconded by:	Council Member Unkel

*(Clerk's Note: During the July 10, 2008 General Meeting a Conflict of Interest Hearing was held to determine if Council Member Nixon had a conflict of interest concerning Resolution 2008-12. Mayor Klawunder ruled that Council Member Nixon did not have a significant conflict of interest.)*

Council discussion followed concerning resolution.

**APPROVED 9/11/2008**  
**City Council Minutes**  
**City of Gustavus, Alaska**

Motion:	Council Member Unkel moved to amend this resolution to eliminate the words “to reduce the high cost of electricity for Gustavus Citizens”.
Seconded by:	None
Motion lacked a second and fell to the floor.	

Council Member Atkins requested that Resolution 2005-14 be read. Resolution 2005-14 was read by Council Member Atkins.

Council discussion followed concerning adopting a resolution on a subject when there is one that has been previously adopted. Discussion then continued to the Resolution before the council.

Council Member Nixon withdrew his motion.
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Motion:	Council Member Unkel moved to postpone discussion of the matter until the next work session of August 21.
Seconded by:	Council Member Berry

ROLL CALL VOTE ON MOTION TO POSTPONE:	
Yes:	Atkins, Berry, Howell, Klawunder, Marchbanks, Unkel
No:	Nixon
Motion Passes 6/1	

- **Resolution 2008-14** A Resolution by the City of Gustavus authorizing the City Clerk to establish an account with Alaska Municipal League Investment Pool.

Council Member Howell read Resolution 2008-14.

Public Comment: None

Motion:	Council Member Howell moved we adopt Resolution number 2008-14.
Seconded by:	Council Member Unkel

Council discussion followed.

**ROLL CALL VOTE ON MOTION:**

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

No: None

Motion Passes 7/0

- **Resolution 2008-13** A resolution by the City of Gustavus advising of the adverse health effects of improper and/or illegal burning of household and business waste, and urging residents and business operators to dispose of waste by non-polluting means that do not diegrade air, soil, or water quality, or cause a nuisance.

Council Member Berry read the resolution.

Public Comment:

Tim Gibson

Motion: Council Member Berry moved that Resolution 2008-13 a resolution by the City of Gustavus advising of the adverse health effects of improper and/or illegal burning of household waste, and urging residents and business operators to dispose of waste by non-polluting means that do not diegrade air, soil, or water quality, or cause a nuisance be adopted.

Seconded by: Council Member Howell

**APPROVED 9/11/2008**  
**City Council Minutes**  
**City of Gustavus, Alaska**

Motion:	Vice Mayor Marchbanks moved to amend the resolution and that it begin with the title that the language, and urging residents, from that point on be removed. That the third whereas be removed, that the forth whereas be removed. That the twelfth whereas be removed, and under be it resolved number thirteen, that the wording, meaning unbleached projects not containing mineral dyes be removed, and that the language, the last few words and without causing a smoke nuisance to neighbors be removed, and I ask that in number fourteen the last sentence, towards this end, the city welcomes constructive suggestions and volunteer involvement be removed.
Seconded by:	Council Member Unkel

Council discussion followed.

**ROLL CALL VOTE ON MOTION TO AMEND:**

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

Motion Passes 6/1

Motion:	Council Member Berry moved to amend the motion to be, I move that Resolution 2008-13 a resolution by the City of Gustavus advising of the adverse health effects of improper and/or illegal burning of household waste be adopted.
Seconded by:	Vice Mayor Marchbanks

**ROLL CALL VOTE ON MOTION:**

Yes:	Atkins, Berry, Howell, Klawunder, Marchbanks, Nixon, Unkel
No:	None

Motion Passes 7/0

Council discussion followed.

**ROLL CALL VOTE ON AMENDED MAIN MOTION:**

**APPROVED 9/11/2008**  
**City Council Minutes**  
**City of Gustavus, Alaska**

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

Motion Passes 5/2

**Policy for Publication:** None

**Policy for Public Hearing:** None

**Unfinished Business:** None

**New Business:**

- **MOA with DOT**

Mayor Klawunder explained the MOA with the DOT, the project and the Legislative Grant.

Public Comment: None

Motion:	Council Member Unkel moved that the Council accepts the memorandum of agreement between the DOT&PF and the City of Gustavus for design and construction services for DOT project #68503 which is the rink creek road at gravel pit drainage project.
Seconded by:	Council Member Nixon

Council discussion followed.

Motion:	Council Member Howell moved to postpone.
Seconded by:	Council Member Atkins

Council discussion followed concerning postponement.

**CONFLICT OF INTEREST:** Vice Mayor Marchbanks asked if she should recuse herself from this vote.

**RULING:** Mayor Klawunder ruled that the Vice Mayor did not need to be recused.

ROLL CALL VOTE ON MOTION TO POSTPONE:

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

Motion Passes 6/1

- **Ordinance 2008-23NCO** An Ordinance for the City of Gustavus providing for the amendment of the Gustavus Road Budget for Fiscal Year 2009.

Motion: Council Member Howell moved to postpone non code ordinance 2008-23NCO an ordinance for the amendment of the Gustavus Road Budget for Fiscal Year 2009 until the September meeting.

Seconded by: Council Member Berry

ROLL CALL VOTE ON MOTION TO POSTPONE

Yes: Atkins, Berry, Howell, Klawunder, Marchbanks, Nixon, Unkel  
No: None

Motion Passes 7/0

- **Motion to accept the EDA Performance Award**

Diane Klawunder gave an explanation of the agenda item.

Council comments and discussion followed.

Public Comment:

Nate Borson

Council discussion followed.

Motion: Vice Mayor Marchbanks moved that the City of Gustavus accept the EDA performance award for purchasing gravel for the boat harbor.

Seconded by: None

Motion lacked a second and fell to the floor.

**APPROVED 9/11/2008**  
**City Council Minutes**  
**City of Gustavus, Alaska**

Motion:	Vice Mayor Marchbanks moved that the City of Gustavus accept the EDA performance award for hiring a grant writer.
Seconded by:	Council Member Atkins

Motion:	Council Member Nixon moved to amend the motion to include the words for city or community projects.
Seconded by:	Council Member Unkel

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

Council discussion followed.

ROLL CALL VOTE ON AMENDED MAIN MOTION:	
Yes:	Atkins, Berry, Howell, Marchbanks, Nixon
No:	Klawunder, Unkel
Motion Passes 5/2	

▪ **Acceptance of Road Committee recommendation of RFQ**

Council Member Unkel explained the agenda item.

Public Comment: None

Motion:	Council Member Nixon moved to accept the Gustavus Road Committee recommendation for adopting the snow removal RFQ for the winter of 08-09.
Seconded by:	Council Member Unkel

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

RULING: Mayor Klawunder ruled that Vice Mayor Marchbanks does have a conflict.

**APPROVED 9/11/2008**  
**City Council Minutes**  
**City of Gustavus, Alaska**

**ROLL CALL VOTE ON MOTION:**

Yes: Atkins, Berry, Howell, Klawunder, Nixon, Unkel  
No: None  
Recused: Marchbanks

Motion Passes 6/0 with 1 recused

▪ **Release of RFQ Snow Plowing**

Council Member Unkel gave an explanation of the item.

Public Comment: None

Motion: Council Member Unkel moved that the Council release the bid document for snow removal RFQ for the winter 08-09.  
Seconded by: Council Member Nixon

CONFLICT OF INTEREST: Vice Mayor Marchbanks requested to be recused.

RULING: Mayor Klawunder ruled that the Vice Mayor should be recused.

Motion: Council Member Unkel moved to amend to the RFQ, the first amendment would be the correction to the days of City Hall operation to remove Monday, second correction would be the Road Committee Members be updated to reflect the current committee, the third correction would be the Road Service area be amended to read 2008, and that the forth that the opening date would be August 26<sup>th</sup> through September 11<sup>th</sup>, with the bid opening on the 11<sup>th</sup>.  
Seconded by: Council Member Nixon

**ROLL CALL VOTE ON MOTION TO AMEND:**

Yes: Atkins, Berry, Howell, Klawunder, Nixon, Unkel  
No: None  
Recused: Marchbanks

Motion Passes 6/0 with 1 recused

**ROLL CALL VOTE ON AMENDED MAIN MOTION:**

Yes: Atkins, Berry, Howell, Klawunder, Nixon, Unkel  
No: None  
Recused: Marchbanks

Motion Passes 6/0 with 1 recused

▪ **Motion to accept the recommendation by the Borough Special Committee**

Mayor Klawunder explained the agenda item.

Motion: Council Member Atkins moved to accept the recommendation by the Borough Special Committee for land annexing into the City of Gustavus and also to proceed with the Legislative Review Annexation process.  
Seconded by: Council Member Unkel

Council discussion followed.

Motion: Vice Mayor Marchbanks moved to postpone until we have more information to work with.  
Seconded by: Council Member Unkel

**ROLL CALL VOTE ON MOTION TO POSTPONE:**

Yes: Atkins, Berry, Howell, Klawunder, Marchbanks, Nixon, Unkel  
No: None

Motion Passes 7/0

▪ **Motion to Suspend the Rules**

Motion: Vice Mayor Marchbanks moved to suspend the rules as to the ordinance that says the meeting will end at 10:00PM.  
Seconded by: Council Member Unkel

**ROLL CALL VOTE ON MOTION TO SUSPEND THE RULES:**

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

No:	Unkel None
Motion Passes 7/0	

▪ **Motion to transfer funds from Smith Barney to AML Investment Pool**

Mayor Klawunder explained the item.

Council discussion followed.

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

▪ **Motion to approve contract with Corvid Computing to perform administrative functions for GCN**

Council Member Berry gave an explanation of the agenda item request.

Motion:	Council Member Atkins moved to accept GCN recommendation to have Corvid Computing administer GCN.
Seconded by:	Council Member Berry

Council discussion followed.

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

▪ **Motion to approve contract with Corvid Computing to perform administrative functions for GCN**

Council Member Berry explained the item.

Motion:	Council Member Berry moved that the Council accept Corvid Computing's proposal to provide GCN administrative services under the terms provided in the proposal.
Seconded by:	Council Member Unkel

Motion:	Council member Berry moved that Corvid Computing's proposal to provided GCN administrative services be amended as follows: <ol style="list-style-type: none"><li>1. First paragraph, change effective date from August 1, 2008 to September 1, 2008.</li><li>2. Append terms and conditions with:<ol style="list-style-type: none"><li>6. Corvid Computing agrees to a cap or maximum expenditure of three thousand dollars during the proposal time period for the GCN Administrator services.</li></ol></li></ol>
Seconded by:	Council Member Unkel

Council discussion followed.

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

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

- **2008-22NCO** An Ordinance for the City of Gustavus providing for the amendment to the Gustavus Community Network Budget for Fiscal Year 2009.

*(Clerk's Note: A motion and second had been made on 2008-22NCO previously in the meeting. A motion to suspend the rules and move 2008-22NCO to this portion of the meeting was passed by the council.)*

Council discussion followed.

**ROLL CALL VOTE ON MOTION:**

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

No: None

Motion Passes 7/0

**Recess occurred from 10:19PM to 10:24PM**

**Mayor Report**

- Fonsi EA
- Council Members who meet with Clinic to discuss that at work session.
- Council training in October with Lawrence Blood.
- LBC staff – Date for them to be in Gustavus.
- MOA with DOT for brush cutter.
- Gustavus Float design
- New RFQ for concrete slab for Sports Ramp to be discussed at work session.
- ARFF personal not showing up on August 12<sup>th</sup>.

**Clerk Report:** None

**Council Comments:** None

**Public Comment on Non Agenda Items:** None

**Executive Session – Clerk's Evaluation**

Motion: Council Member Unkel moved to go into executive session for personnel reasons.

Seconded by: Vice Mayor Marchbanks

**APPROVED 9/11/2008**  
**City Council Minutes**  
**City of Gustavus, Alaska**

**ROLL CALL VOTE ON MOTION:**

Yes: Atkins, Berry, Howell, Klawunder, Marchbanks, Nixon,  
Unkel  
No: None

Motion Passes 7/0

*(Clerk's Note: The City Council exited the Executive Session at 10:50PM)*

Motion: Vice Mayor Marchbanks moved that the City Clerk Kapryce Manchester be given the 60 cent per hour raise as per city policy and that it be retroactive to the date of her anniversary date of employment.

Seconded by: Council Member Nixon

**ROLL CALL VOTE:**

Yes: Atkins, Berry, Howell, Klawunder, Marchbanks, Nixon,  
Unkel  
No: None

Motion Passes 7/0

**Adjournment:**

With no further business before the council the meeting was adjourned with unanimous consent at 10:51PM.