

**City Council Minutes
City of Gustavus, Alaska**

**City Council General Meeting
April 8, 2010**

1. Call to Order: A General Meeting of the Gustavus City Council was held on April 8, 2010 at 7:00PM.

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

2. Roll Call:

Comprising a quorum of the Council the following were present:

Mayor Berry
Vice Mayor Nixon
Council Member Lassiter
Council Member Mackovjak
Council Member Sunday

Council Members not in attendance:

Council Member Banks -Absent From Council Table
Council Member Lesh -Absent

3. Approval of Minutes

A. March 11, 2010 General Meeting

Minutes of the March 11, 2010 meeting were approved by unanimous consent.

4. Mayor's Request For Agenda Changes: None

5. Committee Reports:

- A.** GVFD Committee report given by Wendy Bredow.
- B.** Lands Committee report given by Paul Berry.

6. Public Comment on Non-Agenda Items:

- 1. Allison Banks – As a citizen
- 2. Morgan DeBoer

7. Consent Agenda:

(Clerk's Note: Resolution 2010-10 was read by Council Member Lassiter and Resolution 2010-11 was read by Council Member Sunday.)

- A.** Resolution 2010-10 A Resolution Requesting FY10 Payment in Lieu of Taxes Funding From the Department of Commerce, Community, and Economic Development.
- B.** Resolution 2010-11 A Resolution by the Gustavus City Council Opposing "An Initiative Creating an Alaska Anti-

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Corruption Act” Which Will be on the 2010 Alaska
Primary Election Ballot.

- C.** Ordinance for Publication: FY10-24 An Ordinance for the City of Gustavus Amending Section 04.16.020, Purchases, of the Contracts and Purchasing Ordinance.
- D.** Ordinance for Publication: FY10-25 An Ordinance for the City of Gustavus Amending Section 03.02.050, Certification Statement, of the Recruitment Procedures Ordinance.
- E.** Temporary Use Permit Renewal for Community Garden on City land/ Former Bailey property by the Salmon River.

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| Motion: | Vice Mayor Nixon moved that we approve the consent agenda. |
| Seconded by: | Council Member Lassiter |

ROLL CALL VOTE ON MOTION:

Yes: Berry, Lassiter, Mackovjak, Nixon, Sunday
No: None

Motion Passes 5/0

8. Ordinances for Public Hearing:

- A.** FY10-18NCO An Ordinance for the City of Gustavus Providing for the Amendment of the Disposal & Recycling Center (DRC) Budget for the FY 2010.

Public Hearing: With no one wishing to be heard the public hearing was closed.

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| Motion: | Council Member Lassiter moved the Council adopt Ordinance FY10-18NCO |
| Seconded by: | Council Member Mackovjak |

CONFLICT OF HEARING:

Mayor Berry turned the meeting over to Vice Mayor Nixon and declared a conflict of interest due to payroll.

RULING:

Vice Mayor Nixon declared that there was a conflict and Mayor Berry shall abstain from voting.

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ROLL CALL VOTE ON MOTION:
Yes: Lassiter, Mackovjak, Nixon, Sunday
No: None
Recused: Berry

Motion Passes 4/0 with 1 recused

(Clerk's Note: After the vote on FY10-18NCO Vice Mayor Nixon turned to meeting over to Mayor Berry to preside.)

- B.** FY10-19NCO An Ordinance for the City of Gustavus Providing for the Amendment of the Gustavus Volunteer Fire Department (GVFD) Budget for Fiscal Year 2010.

Public Hearing: There being no one who wished to be heard the public hearing was closed.

Motion: Vice Mayor Nixon moved the City Council approve FY10-19NCO.
Seconded by: Council Member Lassiter

ROLL CALL VOTE ON MOTION:
Yes: Berry, Lassiter, Mackovjak, Nixon, Sunday
No: None

Motion Passes 5/0

- C.** FY10-20NCO An Ordinance for the City of Gustavus Providing for the Amendment of the Finance Committee Budget for Fiscal Year 2010.

Public Hearing: There being no one who wished to be heard the public hearing was closed.

Motion: Council Member Mackovjak moved the City Council approve ordinance FY10-20NCO.
Seconded by: Vice Mayor Nixon

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ROLL CALL VOTE ON MOTION:

Yes: Berry, Lassiter, Mackovjak, Nixon, Sunday

No: None

Motion Passes 5/0

- D.** FY10-21NCO An Ordinance for the City of Gustavus Providing for the Amendment of the Road Committee Budget for Fiscal Year 2010.

Public Hearing: There being no one who wished to be hear the public hearing was closed.

Motion: Council Member Lassiter moved the Council adopt Ordinance FY10-21NCO.

Seconded by: Council Member Mackovjak

ROLL CALL VOTE ON MOTION:

Yes: Berry, Lassiter, Mackovjak, Nixon, Sunday

No: None

Motion Passes 5/0

- E.** FY10-22NCO An Ordinance for the City of Gustavus Providing for the Amendment of the Lands Committee Budget for Fiscal Year 2010.

Public Hearing: There being no one who wished to heard the public hearing was closed.

Motion: Council Member Mackovjak moved the Council approve FY10-22NCO.

Seconded by: Vice Mayor Nixon

ROLL CALL VOTE ON MOTION:

Yes: Berry, Lassiter, Mackovjak, Nixon, Sunday

No: None

Motion Passes 5/0

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- F.** FY10-23NCO An Ordinance for the City of Gustavus Providing for the Amendment of the Library Budget for Fiscal Year 2010.

Public Hearing: There being no one who wished to be heard the public hearing was closed.

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| Motion: | Council Member Mackovjak moved the Council approve FY10-23NCO. |
| Seconded by: | Council Member Lassiter |

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| ROLL CALL VOTE ON MOTION: Yes: Berry, Lassiter, Mackovjak, Nixon, Sunday No: None Motion Passes 5/0 |
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9. Unfinished Business: None

10. New Business:

- A.** Resignation of Council Member Allison H. Banks.

Public Comment: None

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| Motion: | Vice Mayor Nixon moved the Council accept the resignation of Allison Banks. |
| Seconded by: | Council Member Sunday |

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| ROLL CALL VOTE ON MOTION: Yes: Berry, Lassiter, Mackovjak, Nixon, Sunday No: None Motion Passes 5/0 |
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- B.** Memorandum of Agreement Between Alaska DOT&PF and the City of Gustavus for the Gustavus Small Vessel Harbor System.

Public Comment:

1. Morgan DeBoer

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| Motion: | Council Member Sunday moved that the City Council accept the MOA between Alaska Department of Transportation and Public Facilities and the City of Gustavus for the Gustavus Small Vessel Harbor System. |
| Seconded by: | Vice Mayor Nixon |

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| ROLL CALL VOTE ON MOTION: |
| Yes: Berry, Lassiter, Mackovjak, Nixon, Sunday |
| No: None |
| Motion Passes 5/0 |

C. Bill of Sale Between Alaska DOT&PF and the City of Gustavus for the Gustavus Small Vessel Harbor System.

Public Comment:

1. Morgan DeBoer
2. Paul Barnes
3. Tom McLaughlin

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| Motion: | Council Member Sunday moved that we accept the Bill of Sale between DOT &PF and the City of Gustavus for the Gustavus Small Vessel Harbor System. |
| Seconded by: | Vice Mayor Nixon |

Council discussion followed.

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| ROLL CALL VOTE ON MOTION: |
| Yes: Berry, Lassiter, Mackovjak, Nixon, Sunday |
| No: None |
| Motion Passes 5/0 |

D. Memorandum of Understanding Between Alaska DOT&PF and the City of Gustavus for the Gustavus Multi-Modal Marine Facility.

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Public Comment: None

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| Motion: | Council Member Sunday moved the we accept the Memorandum of Understanding between State of Alaska Department of Transportation and Public Facilities Southeast Region, Alaska Marine Highway System and City of Gustavus and United States Department of Interior National Park regarding Gustavus Multi-Modal Marine Facility. |
| Seconded by: | Vice Mayor Nixon |

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| ROLL CALL VOTE ON MOTION: | |
| Yes: | Berry, Lassiter, Mackovjak, Nixon, Sunday |
| No: | None |
| Motion Passes 5/0 | |

E. Acceptance and Publishing of FY11 Road Maintenance RFQ.

Public Comment: None

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| Motion: | Council Member Lassiter moved that the Council accept and publish FY-11 Road Maintenance Contract. |
| Seconded by: | Vice Mayor Nixon |

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| ROLL CALL VOTE ON MOTION: | |
| Yes: | Berry, Lassiter, Mackovjak, Nixon, Sunday |
| No: | None |
| Motion Passes 5/0 | |

F. Approval of the Gravel Pit Clearing Contract to Fairweather Construction.

Public Comment: None

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| Motion: | Council Member Lassiter moved the Council accept the estimate from Fairweather Construction for Pit Clearing Contract and authorize the Mayor to sign. |
| Seconded by: | Vice Mayor Nixon |

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CONFLICT OF INTEREST: Council Member Mackovjak declared a conflict of interest due to the fact that his son may work with Fairweather Construction.

RULING: Mayor Berry ruled that a conflict does exist.

ROLL CALL VOTE ON MOTION:
Yes: Berry, Lassiter, Nixon, Sunday
No: None
Recused: Mackovjak

Motion Passes 4/0 with 1 recused

- G.** Resolution 2010-12 A Resolution to Form a City of Gustavus Special Committee to Address the Issue of Motorized Access to the Gustavus Beach Area Between the Salmon River on the West and the Donna DeBoer Property on the East.

(Clerk's Note: Resolution 2010-12 was read by Council Member Mackovjak)

Public Comment:

1. Morgan DeBoer

Motion: Council Member Mackovjak moved that the Council adopt Resolution 2010-12
Seconded by: Vice Mayor Nixon

Council discussion followed.

ROLL CALL VOTE ON MOTION:
Yes: Berry, Mackovjak, Nixon, Sunday
No: Lassiter

Motion Passes 4/1

- H.** Appointment of up to 8 members to the Resolution 2010-12 Special Committee.

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Public Comment:

1. Morgan DeBoer
2. Jim Lesh

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| Motion: | Council Member Nixon moved to accept the three individuals Morgan DeBoer, Lois Nixon, Kenneth J. Marchbanks to the special committee. |
| Seconded by: | Vice Mayor Nixon |

Council discussion followed.

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| ROLL CALL VOTE ON MOTION: | |
| Yes: | Berry, Mackovjak, Nixon, Sunday |
| No: | Lassiter |
| Motion Passes 4/1 | |

I. Appointment of Council Member Jim Mackovjak as the Special Committee Liaison.

Public Comment:

1. Jim Lesh

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| Motion: | Vice Mayor Nixon moved we appoint Council Member Mackovjak as the Beach Committee Liaison. |
| Seconded by: | Council Member Sunday |

Council discussion followed.

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| ROLL CALL VOTE ON MOTION: | |
| Yes: | Berry, Lassiter, Mackovjak, Nixon, Sunday |
| No: | None |
| Motion Passes 5/0 | |

J. Gustavus Power Plant Facility Lease Amendment.

Public Comment: None

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| Motion: | Vice Mayor Nixon moved we approve the new Power Plant Lease between the City of Gustavus and Gustavus Electric Inc. and authorize the Mayor to sign. |
| Seconded by: | Council Member Lassiter |

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| ROLL CALL VOTE ON MOTION: |
| Yes: Berry, Lassiter, Mackovjak, Nixon, Sunday |
| No: None |
| Motion Passes 5/0 |

K. Resolution 2010-13 A Resolution Setting Rates and Fees for the Salmon River Boat Launch.

Public Comment:

1. Paul Barnes
2. Justin Marchbanks

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| Motion: | Council Member Sunday we adopt Resolution 2010-13. |
| Seconded by: | Council Member Mackovjak |

Council discussion followed.

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| ROLL CALL VOTE ON MOTION: |
| Yes: Berry, Lassiter, Mackovjak, Nixon, Sunday |
| No: None |
| Motion Passes 5/0 |

11. Staff Reports: None

12. City Council Reports

A. Mayor's Report

1. Resignations to sign after meeting
2. Next week's work session is FY11 Budget
3. Special work session April 22nd.

B. City Clerk's Report: None

13. City Council Questions & Comments: None

14. Public Comment on Non-Agenda Items:

1. Ponch Marchbanks
2. Jim Lesh
3. Tim McLaughlin

15. Executive Session: None

16. Adjournment:

With no further business before the Council the meeting was adjourned at 8:57PM.