

Aleutians East Borough Assembly Minutes
December 10, 2015

CALL TO ORDER

Mayor Mack called the Regular Assembly meeting to order by teleconference in each community on December 10, 2015 at 2:00 p.m.

ROLL CALL

Mayor Stanley Mack	Present
Chris Babcock	Present
Carol Foster	Present
Warren Wilson	Present
Alvin D. Osterback	Present
Ken McHugh	Present
Joe Bereskin, Sr.	Absent-Excused
Brenda Wilson	Present

Advisory Members:

Nikki Hoblet, False Pass	Resigned
Paul Schaack, Cold Bay	Absent
Justine Gundersen, Nelson Lagoon	Present

A quorum was present.

Staff Present:

Rick Gifford, Administrator
Roxann Newman, Finance Director
Tina Anderson, Clerk
Anne Bailey, Administrator Assistant
Laura Tanis, Communications Director

Adoption of the Agenda:

Addition: November Investment Report
MOTION

Chris moved to adopt the agenda with the addition and second by Ken. Hearing no objections MOTION PASSED.

Community Roll Call and Public Comments on Agenda Items:

The communities of King Cove, False Pass, Sand Point, and the Anchorage office were participating.

Paul Gronholdt, from the public, noted the Executive Session regarding the appeal of King Cove Access Road. He voiced his concern with the King Cove Work Group making decisions outside of the public process and feels the Assembly should discuss how the group is making decisions.

Gronholdt added that he feels it is important that the AEB consider a feasibility study on a King Cove/Cold Bay road route through state and private lands as discussed in previous meetings instead of spending funds on appealing the latest King Cove road denial decision. He also suggested having Dan Rowley address the Assembly on his opinion on the route.

Minutes, November 12, 2015 Minutes:

MOTION

Alvin moved to approve the November 12, 2015 Assembly Meeting Minutes and second by Carol. Hearing no more, the minutes are approved as presented.

Financial Report, November, 2015:

MOTION

Warren moved to approve the November Financial Report and second by Ken.

DISCUSSION

The Finance Director said the budget is tracking along as it should be. The Administrator added the budget is at 41% through the year, all tracking normal.

ROLL CALL

Carol-yes, Ken-yes, Chris-yes, Alvin-yes, Warren-yes. Advisory: Justine-yes. **MOTION PASSED.**

Investment Reports, October, November:

Alaska Permanent Capital Management (APCM) provided a presentation at the workshop on AEB investments.

CONSENT AGENDA

- Resolution 16-10, a resolution authorizing the Mayor to negotiate and execute a contract with Unit Company for the King Cove School Repairs Project in an amount not to exceed \$2,679,655.00.
- Resolution 16-11, a resolution of the Aleutians East Borough authorizing the Mayor to negotiate and enter into a long-term lease with APICDA Joint Venture.

MOTION

Alvin moved to approve the Consent Agenda and second Ken.

ROLL CALL

Alvin-yes, Chris-yes, Ken-yes, Warren-yes, Carol-yes. Advisory: Justine-yes. **MOTION PASSED.**

PUBLIC HEARING

Public Hearing Ordinance 16-03, amending Title 6, Chapter 6.04, Section 6.04.041, Subsection (F) of the Aleutians East Borough Code of Ordinance:

MOTION

Chris moved to approve Ordinance 16-03 and second by Ken.

Mayor Mack opened for Public Hearing. Hearing none, Public Hearing closed.

DISCUSSION

The Administrator said Jason Roth from APCM is here to answer any questions regarding recommended changes in the ordinance. There were no further questions.

ROLL CALL

Ken-yes, Alvin-yes, Warren, Chris-yes, Carol-yes. Advisory: Justine-yes. MOTION PASSED.

OLD BUSINESS None

NEW BUSINESS

2016 Advisory Appointments:

Communities without a voting Assembly seat will have an appointed Advisory Member annually.

The communities of False Pass, Cold Bay, and Nelson Lagoon submitted recommendations for Advisory Members to be considered by the Assembly. The names recommended are below:

Nelson Lagoon – Justine Gundersen
False Pass-Chris Emrich
Cold Bay – Angela Simpson

MOTION

Alvin moved to accept the recommendations for 2016 Advisory appointments from the communities of Nelson Lagoon, False Pass, and Cold Bay. Second by Ken.
Hearing no objection MOTION PASSED.

(Brenda arrived.)

False Pass Capital Project Funding Request-Hydro Assessment of Unga Man and Waterfall Creek:

Mayor Mack said amount requested from the City of False Pass is between \$5-10,000 for a hydro project. He recommended a resolution be placed before the Assembly at the next meeting recommending funding the project with guidelines.

MOTION

Alvin moved to fund the False Pass request up to \$10,000 upon receipt of the invoice.
Second by Chris.

ROLL CALL

Ken-yes, Alvin-yes, Warren-yes, Carol-yes Chris-yes, Brenda-yes. Advisory: Justine-yes.
MOTION PASSED.

REPORTS AND UPDATES In packet.

ASSEMBLY COMMENTS None

PUBLIC COMMENTS None

EXECUTIVE SESSION

MOTION

Alvin moved to go into Executive Session to discuss litigation tactics and strategies with our attorneys regarding the following cases:

- (1) Aleutians East Borough v. ASRC SKW Eskimos, Inc., Safeco Insurance Co. and Kumin Associates, Inc., Case No. 3AN-13-06305CI re: King Cove High School Construction Litigation.
- (2) Appeal of Kelly-Ryan, Inc., ASBCA No. 57168 re: False Pass Navigational Improvements claim for equitable adjustment.
- (3) Appeal of Decision in AGDASAGUX Tribe of King Cove and State of Alaska v. Sally Jewell and Friends of Alaska National Wildlife Refuges, No. 3:14-cv-0110-HRH re: King Cove Access Road denial; and

Allow Administrator Assistant, Anne Bailey, and Advisory Member, Justine Gundersen, to remain in Executive Session; and

Allow City of King Cove Administrator, Gary Hennigh, to participate during the King Cove Access Road portion of Executive Session.

Second by Brenda. The Assembly went into Executive Session at 2:30 p.m.

Chris moved to come out of Executive Session at 4:26 p.m. and second by Brenda.

Mayor Mack said during the Executive Session, the Borough Assembly received and accepted updates on litigation tactics and strategies provided by the Borough's attorneys on the cases above.

