

APPROVED
City Council Minutes
City of Gustavus, Alaska

City Council General Meeting
June 13, 2013

1. Call to Order: A General Meeting of the Gustavus City Council was held on June 13, 2013 at 7:00PM.
Mayor Cacioppo called the meeting to order at 7:01PM.

2. Roll Call:

Comprising a quorum of the Council the following were present:

Mayor Cacioppo
Vice Mayor Farevaag (via teleconference)
Council Member DeBoer
Council Member Mackovjak (via teleconference)
Council Member Marchbanks
Council Member Hawley

Absent: Council Member Sunday

3. Approval of Minutes

A. May 9th, 2013 General Meeting Minutes

Motion:	Council Member Marchbanks moved that minutes be accepted as presented
Seconded by:	Council Member Hawley

ROLL CALL VOTE ON MOTION:

Yes: Cacioppo, Farevaag, DeBoer, Marchbanks, Hawley
No: Mackovjak

Motion Passes 5/1

4. Mayor's Request For Agenda Changes: None

5. Committee Reports:

- A. Marine Facilities Committee report given by Joe Vanderzanden.
- B. Gustavus Public Library – no report given

6. Public Comment On Non-Agenda Items:

- 1. Robynn Jones
- 2. Pep Scott

7. Consent Agenda:

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- A. Resolution 2013-15 A Resolution of the City of Gustavus Adopting a Policy and Procedure for Temporary Positions
- B. Resolution 2013-16 A Resolution of the City of Gustavus Adopting a Policy and Procedure for Regular Positions
- C. Resolution 2013-17 A Resolution Establishing Language for the Notice of Public Nuisance in the Gustavus Harbor Facilities
- ~~D. Resolution 2013-18 A Resolution Establishing Gustavus Harbor Facilities' Offenses Fines~~
- E. FY13-21 An Ordinance for the City of Gustavus Providing for the Amendment of City Ordinance 4.01.010 City Obligations
- F. Amendment of City Clerk / Treasurer Job Description

(Clerk's Note: Resolution 2013-15 was read aloud by Mayor Cacioppo, Resolution 2013-16 was read aloud by Council Member DeBoer, Resolution 2013-17 was read aloud by Councilmember Hawley.)

(Clerk's Note: Consent Agenda D was requested to be removed from the Consent Agenda and was moved to New Business as agenda A.)

(Clerk's Note: Council Member Mackovjak ended his phone connection at 7:29 PM)

Motion:	Vice Mayor Farevaag moved we adopt the Consent Agenda.
Seconded by:	Council Member DeBoer

ROLL CALL VOTE ON MOTION:	
Yes:	Farevaag, Cacioppo, DeBoer, Marchbanks, Hawley
No:	None
Motion Passes 5/0	

8. Ordinances for Public Hearing:

- A. FY13-16NCO Amending Disposal & Recycling Center (DRC) Budget
- Public Hearing: With no one who wished to be heard the public hearing was closed.

Motion:	Council Member Marchbanks moved we accept the ordinance [FY13-16NCO] amending the [DRC] budget.
Seconded by:	Council Member Hawley

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ROLL CALL VOTE ON MOTION:

Yes: Marchbanks, Farevaag, Cacioppo, DeBoer, Hawley

No: None

Motion Passes 5/0

B. FY13-17NCO Amendment of Administration Budget

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

Motion: Council Member Hawley moved that we adopt ordinance FY13-17NCO

Seconded by: Council Member DeBoer

ROLL CALL VOTE ON MOTION:

Yes: Hawley, DeBoer, Cacioppo, Marchbanks, Farevaag

No: None

Motion Passes 5/0

C. FY13-18NCO Amendment of Gustavus Volunteer Fire Department (GVFD) Budget

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

Motion: Council Member DeBoer moved that we adopt ordinance number FY13-18NCO

Seconded by: Council Member Hawley

ROLL CALL VOTE ON MOTION:

Yes: DeBoer, Hawley, Farevaag, Marchbanks, Cacioppo

No: None

Motion Passes 5/0

D. FY13-19NCO Fiscal Year 2014 Budget

Public Hearing: With no one who wished to be heard the public hearing

was closed.

Motion:	Council Member DeBoer moved that we adopt ordinance number FY13-19NCO
Seconded by:	Council Member Hawley

ROLL CALL VOTE ON MOTION: Yes: Hawley, Marchbanks, Cacioppo, DeBoer, Farevaag No: None Motion Passes 5/0

(Clerk's note: Mayor Cacioppo called a three minute recess from 7:39 – 7:41PM)

E. FY13-20 Adopting a Major Revision for Title 8 – Marine Facilities

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

Motion:	Council Member Marchbanks moved that we adopt title 8
Seconded by:	None

(Clerk's note: There was no second of Title 8 so the motion fell to the floor. The Council did not realize at the time that Vice Mayor Farevaag had lost her telephone connection and was unable to make a second. See the notes following agenda item 10. A.)

9. Unfinished Business: None

10. New Business:

A. Resolution 2013-18 A Resolution Establishing Gustavus Harbor Facilities' Offenses Fines

(Clerk's note: This item was moved from the consent agenda.)

Public Comment: Pep Scott, Robynn Jones, Karen Taylor, Colleen Stansbury

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Motion:	Council Member Marchbanks moved to table Resolution 2013-18
Seconded by:	Council Member Hawley

ROLL CALL VOTE ON MOTION: Yes: DeBoer, Hawley, Marchbanks, Farevaag, Cacioppo No: None Motion Passes 5/0

Reconsideration of Agenda Item 8. E. FY13-20 Adopting a Major Revision for Title 8 – Marine Facilities

(Clerk's note: Vice Mayor Farevaag was disconnected from the meeting during agenda item 8E. After she was reconnected she noted that she would second the item. The Council discussed the matter and agreed to reconsider the agenda item – however no motion to reconsider was held.)

Motion:	Council Member Marchbanks moved that we adopt Title 8
Seconded by:	Vice Mayor Farevaag

Amendment One to Agenda Item 8E

Motion:	Motion by Vice Mayor Farevaag to add (g) to "maintain a user friendly facility" to section 8.01.01
Seconded by:	Council Member DeBoer

ROLL CALL VOTE ON AMENDMENT ONE: Yes: DeBoer, Cacioppo, Farevaag, Hawley No: Marchbanks Motion passes 4/1
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Amendment Two to Agenda Item 8E

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Motion:	Council Member Hawley moved that we delete "or if the property registration vessel property numbers are expired" [from section 8.01.03(a)]
Seconded by:	Council Member DeBoer

ROLL CALL VOTE ON AMENDMENT TWO:

Yes: Cacioppo, Farevaag, Hawley, DeBoer

No: Marchbanks

Motion passes 4/1

Amendment Three to Agenda Item 8E

Motion:	Council Member DeBoer moved to strike [the words] <u>shall</u> from the language of 8.02.02 Powers and Duties and use the word <u>may</u> [two uses]
Seconded by:	Council Member Hawley

ROLL CALL VOTE ON AMENDMENT THREE:

Yes: Hawley, DeBoer

No: Cacioppo, Marchbanks, Farevaag

Motion fails 2/3

(Clerk's note: The Mayor allowed for public comment from 8:32 to 8:37 on this amendment and previous amendments)

Public comment: Greg Streveler, Ken Klawunder, Robyn Jones

Amendment Four to Agenda Item 8E

Motion:	Council Member DeBoer moved to amend section 8.02.04(C)(3) to read "... fails to meet for <u>90</u> days..."
Seconded by:	Council Member Hawley

ROLL CALL VOTE ON AMENDMENT FOUR:

Yes: DeBoer, Farevaag

No: Cacioppo, Marchbanks, Hawley

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Motion fails 2/3

Amendment Five to Agenda Item 8E

Motion:	Vice Mayor Farevaag moved to amend section 8.02.04(C) to read "The Marine Facilities Advisory Committee shall meet at least six times a year"
Seconded by:	None

(Clerk's note: without a second the motion fell to the floor)

Amendment Six to Agenda Item 8E

Motion:	Council Member Hawley moved that section 8.04.02 be amended to read "... clean, orderly, and safe condition."
Seconded by:	Council Member DeBoer

ROLL CALL VOTE ON AMENDMENT SIX:
Yes: Farevaag, Marchbanks, Hawley, Cacioppo, DeBoer
No: None

Motion passes 5/0

Amendment Seven to Agenda Item 8E

Motion:	Council Member Hawley moved to delete "...fish waste or parts" [from section 8.05.01(f)]
Seconded by:	Council Member DeBoer

ROLL CALL VOTE ON AMENDMENT SEVEN:
Yes: Hawley, DeBoer
No: Cacioppo, Marchbanks, Farevaag

Motion fails 2/3

Amendment Eight to Agenda Item 8E

Motion:	Council Member DeBoer moved to strike the word "physical" from section 8.05.01(i)
Seconded by:	Vice Mayor Farevaag

ROLL CALL VOTE ON AMENDMENT EIGHT:

Yes: Farevaag, Hawley, DeBoer

No: Marchbanks, Cacioppo

Motion fails 3/2

Secondary Amendment the Amendment Eight

Motion:	Council Member DeBoer moved to [insert language] to differentiate the Small Boat Harbor from the floats for this amendment
Seconded by:	None

(Clerk's note: without a second, the motion to amend the amendment fell to the floor.)

Amendment Nine to Agenda Item 8E

Motion:	Council Member Hawley moved to change the length in section 8.06.05(a) from 40' to 50'
Seconded by:	Council Member DeBoer

(Clerk's note: the motion was withdrawn by Council Member Hawley with the concurrence of Council member DeBoer)

Amendment Ten to Agenda Item 8E

Motion:	Council Member Hawley moved that we accept the new wording [as submitted by the Marine facilities Committee for section 8.08.07 so that it reads "... may
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be used by vessel owners and shall be maintained safe and responsible manner. Floats that constitute a safety hazard as determined by the Harbormaster shall be repaired or dismantled at the operator/users expense."

Seconded by: Vice Mayor Farevaag

ROLL CALL VOTE ON AMENDMENT TEN:

Yes: Cacioppo, Farevaag, Hawley, DeBoer

No: Marchbanks

Motion passes 4/1

Motion to suspend the rules and stay in session beyond 10PM

Motion: Council Member Marchbanks moved to suspend the rules

Seconded by: Council Member DeBoer

ROLL CALL VOTE ON SUSPENDING THE RULES:

Yes: Cacioppo, Marchbanks, Farevaag, Hawley, DeBoer

No: None

Motion passes 5/0

Amendment Eleven to Agenda Item 8E

Motion: Council Member DeBoer moved to strike section 8.07.09 Underway Requirements

Seconded by: Vice Mayor Farevaag

ROLL CALL VOTE ON AMENDMENT ELEVEN:

Yes: Farevaag, Hawley, DeBoer

No: Marchbanks, Cacioppo

Motion fails 3/2

Amendment Twelve to Agenda Item 8E

Motion: Council Member Hawley moved to amend 8.07.10 Accident Report, so that it reads "... or damage to property <u>excluding personal property</u> in excess of <u>two hundred fifty dollars (\$250)</u> , shall... Seconded by: MOTION WAS NOT SECONDED

ROLL CALL VOTE ON AMENDMENT TWELVE: Yes: Marchbanks, Hawley, Farevaag, Cacioppo, DeBoer No: None Motion passes 5/0

(Clerks note: in listening to the recording of this meeting I could not find where this motion was seconded)

Reconsideration of agenda item 8.E. Adopting the original motion the original motion with the 12 amendments

ROLL CALL VOTE ON THE RECONSIDERATION OF AGENDA ITEM 8.E – MOTION BY SANDI SECONDED BY NOEL - ADOPTING WITH THOSE AMENDMENTS Yes: Marchbanks, Farevaag, Cacioppo, Hawley DeBoer No: None Motion passes 5/0

11. Staff Reports:

None

12. City Council Reports

A. Mayor's Report

B. City Clerk's Report:

13. City Council Questions & Comments

Report will be submitted by e-mail

14. Public Comment on Non-Agenda Items:

1. Colleen Stansbury

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- 2. Karen Taylor
 - 3. Diane Klawunder

15. Executive Session

(Clerk's note: Vice Mayor Farevaag's cellphone battery died prior to the executive session)

Motion:	Council Member DeBoer moved to go into executive session
Seconded by:	Council Member Hawley

ROLL CALL VOTE ON GOING INTO EXECUTIVE SESSION:

Yes: Marchbanks, Cacioppo, DeBoer, Hawley

No: None

Motion passes 4/0

Motion:	Council Member DeBoer moved to return to regular session
Seconded by:	Council Member Marchbanks

ROLL CALL VOTE ON RETURNING TO REGULAR SESSION:

Yes: Hawley, DeBoer, Cacioppo, Marchbanks

No: None

Motion passes 4/0

16. Adjournment:

With no further business before the Council the meeting was adjourned at 10:25PM.

Lou Cacioppo, Mayor

ATTEST: _____
Paul Berry, Interim City Clerk