



City of Hoonah

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## COMMITTEE AS A WHOLE

April 3, 2018 at 7:00pm  
In Council Chambers

### Agenda:

- I. **Call to Order**—7:03pm
- II. **Roll Call**—A. Wilson- (present telephonically), J. Murray-present, S. McConnell-present, G. Skaflestad-present, E. Phillips-present, S. Savland-present. Mayor Byers, Administrator Gray, Asst. City Planner Harrison and members of the community also present.
- III. **Agenda Revisions**—none
- IV. **Items of Business:**
  - a) **City Business License**— Administrator Gray provided a memo from James Sheehan, City Attorney (dated 4/3/2018) with the recommendation that requiring a City Business license is not necessary and to not add a self-help provision to our Code that will allow us to have the Chief of Police shut-down or bar doors of Businesses for not having a City Business License on file.  
Discussion: Councilmembers are in agreement with Mr. Sheehan's recommendation to not require a City Business license. However, Councilmember McConnell suggests to perhaps require a City Business License on file to require entities to register that they are doing business in Hoonah but without the Business license fee. Councilmember Murray asked what the exact process is for the City knowing who all is actually doing business in town? Currently, it is City administration staff seeing and approaching folks informing them of their requirement to notify this office of their business activity. We don't have a City assessor or a City Sales tax assessor to enforce keeping track of all business entities. There are signs posted down at the Harbor that notifies those coming in to do business at the docks that they are required to notify the City Administration and Finance department that they are conducting business in town. Councilmember McConnell spoke on the fact that there are often non-marine related business activities that take place in Hoonah—how do we ensure we are capturing that revenue? Committee discussed what qualifies as exemptions for projects vs. contracting services in regard to Sales tax requirements? Currently, we do not have day-use fee at the Harbor that requires them to register their coming into our Harbor and doing business.
    1. Public Comment—NoneThis item dies in Committee. Committee recommendation to Administration for increased use of cameras and staff awareness and inter-departmental communication of business activities.
  - b) **Sales Tax Code Update**— Administrator Gray provided a memo from James Sheehan, City Attorney (dated 4/3/2018) with the recommendation that Administration & Finance enforce the current City Code which allows us to take legal action, if necessary, upon those Businesses that are consistently delinquent on their Sales Tax. We can modify existing Code and sections of the Sales Tax form that will enforce filing requirements to ensure personal guarantees. For example,

if a Business owner files as a LLC or as the Chairman or President of the LLC, that they are *personally* liable for the amount due. This would possibly help speed up the collection of Sales Tax but it would also still require a lawsuit to allow us to do that. In summary, we have enough tools in our toolbox to enforce our collection of Sales tax, but we need to make an example of one (1)-two (2) rate payers that are delinquent.

Discussion: Councilmember McConnell reiterated that we have a couple of Businesses that are currently well past the 90-days delinquent and we have probable cause to go after them immediately with legal action and is in agreement to the recommendation from Mr. Sheehan that within our current code that we should make an example of them with every possible effort to go after them with litigation to get the money that is owed. Administrator Gray stated that Mr. Sheehan said that the litigation may cost us more than the actual amount of delinquency of one particular business in town, but it will demonstrate that we are serious about maintaining the integrity of our Sales Tax collections. Councilmember McConnell is in favor of this approach and making it public record as we have EMS personnel and infrastructure services that are dependent upon the collection of Sales tax from entities that are required to do their civil duty to collect the Sales tax and remit it to the City to provide these services.

1. Public Comment—None

Moved by S. McConnell, Seconded by J. Murray to move this item to Council to allow Administration/Legal Counsel to pursue legal action/litigation of the most egregious offenders with delinquent Sales tax remittance.

- c) **Foundation Repair at Police Department**—Administrator Gray stated that this is a placeholder to keep this item before the Committee. There are a number of projects in the queue ahead of this but do not want to lose track of it.

Discussion: Councilmember Savland asked for clarification from Acting Chief Mills of any ongoing issues with the doors opening/closing in the building? Acting Chief Mills stated that those issues have been fixed. Councilmember Murray inquired about the status of the building making it through the next winter and the heating bill? Acting Chief Mills states that the building is secure and that the heating bill should go down quite a bit.

1. Public Comment—none

No action necessary on this agenda item at this time.

- d) **Cannery Road Patch Repair**—Administrator Gray stated that we missed scheduling with the State to come in to do the repairs as they will be in Petersburg and Wrangell all summer, so we plan on getting on next year's planning cycle but for now are in the investigative stages of having a local contractor to do a cold patch repair.

Discussion: Councilmembers discussed various repair options and their associated costs at length. Councilmember Skaflestad stated that the DOT will be doing work this summer and suggests that we look at working together on crack seal repairs. Mayor Byers encouraged Councilmembers to look at Western Asphalt based in Manitoba, Canada website <http://westernasphalt.ca/>

1. Public Comment –None

No action necessary on this agenda item at this time. Mayor Byers and Administrator Gray will bring updates on this item back to Committee.

- e) **Lobbyist; Larry Markley**— Administrator Gray requested that Committee recommend hiring Larry Markley to lobby both Federal and State funding opportunities on behalf of Hoonah. Mr. Markley has worked with the City of Hoonah for nearly 15 years and has offered to do the balance of the 2018 calendar year for \$25K where normally his fee is \$40K per year. Administrator Gray is requesting to petition the Council that the City reallocate the \$30K that was established for bathroom repairs in City Hall to State Lobbyist to cover the fee to hire Mr. Markley so as to not impact the Budget.
- Bill Thomas had also solicited to lobby for the City of Hoonah, but his fee is \$35K and he *only* lobby's

on the State level.

Discussion: Councilmember McConnell inquired about which specific projects will Mr. Markley be lobbying for us? Administrator Gray shared that examples of projects he would lobby for would be the Capital Improvement Projects – Top 5 (the Pass/Pass Freight Facility that will be coming up in the President's budget where 5.5M was allocated), Renewal of Rural Schools grants and several long-term funding requests at the Federal level.

Councilmember Murray asked Administration to direct Mr. Markley to specifically seek funding opportunities and/or point us in the direction of where to seek funding for the much-needed repairs of the Public Safety building.

Councilmember Skaflestad expresses the need for local involvement and presence along with our Lobbyist. We need to make sure he has specific local knowledge to those items he will be lobbying on our behalf.

Councilmembers request that there are clear goals and expectations, improved communications between Mr. Markley and the Council to include consistent *monthly* updates from both him and Administrator reports to avoid issues that had occurred in the past.

Councilmember Phillips stated he would like a procurement RFP process with a letter of interest for future selection(s) of hiring a lobbyist on behalf of the City. Councilmember Skaflestad and Savland are in agreement that perhaps next year we solicit for lobbyist.

1. Public Comment—None

Moved by S. McConnell, Seconded by G. Skaflestad to forward this to Council agenda to approve hiring Larry Markley as lobbyist for the balance of the 2018 year.

**f) Coutlee Land Trade for Work Float**—Administrator Gray states that this a clean-up of a land-trade project that former Mayor Skaflestad had engaged in with Tim Coutlee. It involved doing a land trade of the Right-Of-Way (ROW) just south of Lot 16 where the Coutlee apartments are in exchange for the Work Float. Planning & Zoning Commission discussed this item and approved to move this to Committee with the recommendation to vacate  $\frac{1}{2}$  of the ROW. The Commission also asked that the other half of the ROW be offered as available to purchase to the land owners of the Betty Murphy estate (Lot 17).

Discussion: Councilmember McConnell questioned the length of the ROW being discussed to make sure that Lot 18 doesn't get land-locked.

The full ROW is 30 ft wide. Half of the ROW is 15 ft wide. Lot 16 (Coutlee's) is 60 ft in length. So  $15 \times 60 = 900$  sq. ft.

Committee discussed that instead of hiring an appraiser to determine the price of the ROW, that we can determine its value by using average estimate of fair market value of other similar lot prices in that area which is \$4.00 per sq. ft.  $\times 900$  sq. ft. = \$3,600 for the other half of the ROW. Committee recommendation to Council is that if the Betty Murphy estate declines to purchase the other half of the ROW, rather than offer the sale to Lot 16 owners (Coutlee) the option to purchase it at the estimated cost, it is the recommendation of this Committee that the City *retain* the second  $\frac{1}{2}$  of the ROW.

1. Public Comment—None

Moved by S. McConnell, Seconded by E. Phillips to vacate the half of the right of way in trade for the Work float but with the understanding that there will be a specific motion to offer the sale the other half of the ROW to Lot 17 owners, Betty Murphy estate, that includes an actual set price per square feet documented when it is actually offered for purchase.

**g) Ordinance 18-03-08 Amending Title 17**—At the March 13, 2018 Council Meeting, Councilmember Skaflestad had requested this return to Committee for additional discussion and clarification of terminology as it relates to Title 29. He did research and provided the Committee with a document that provides clarification from Title 29 in respect to the two branches of government which are the Council and Administration. Clarification of the Mayor's role as Chief Administrator is made clear. Councilmember Skaflestad commends the P&Z Commission for

thoroughly reviewing their Code and ensuring it is updated.

Discussion: Councilmember McConnell clarified the difference between Administrator as a verb (Chief Administrator of the City is Mayor) and Administrator as a noun (Dennis's title as City Administrator).

1. Public Comment—none

Moved by S. McConnell, Seconded by G. Skaflestad to move Ordinance 18-03-08 to Council for approval.

**h) Capital Improvement Projects**—Administrator Gray provided the Planning & Zoning Commission advancement and recommendation of the 2018 Top 5 Capital Improvement Projects for adoption.

Discussion: The P & Z Commission has approximately 90-100 items on their project list but these are considered to be the priority of the Commission. Councilmember Murray questioned why the Bruin or Subdivisions are on this list since we currently have funding and are currently working on these projects already. Administrator Gray explained that we have the funds available for the Water services project but we do not have the funding for the Sewer portion of the development completion. It is on this list to focus on identifying and seeking multiple possible funding sources. Councilmember Skaflestad stated that having a variety of projects on this list is what we hope that Larry Markley will assist in helping us to identify the various funding sources.

Councilmembers Phillips and Savland requested that the larger project list be made available to Committee and/or to Mr. Markley on occasion for updates on opportunities.

1. Public Comment—None

Moved by S. McConnell, Seconded by E. Phillips to forward the Top 5 Capital Improvement Projects to Council agenda for approval.

**i) 24 hour-Dispatch**—Mayor Byers stated that in the past Council had been adamant about having 24-hour dispatch service for the Community. He shared that the current status is that there is difficulty in fulfilling this obligation due to a severe shortage of staff and lack of wages to maintain personnel.

Discussion: Acting Chief Mills shared that he is losing dispatcher staff and has low staff morale due to the fact that there is a lack of funding to adequately maintain staff. The City currently has three (3) fulltime dispatchers and three (3) Police Officers. He also pointed out that the Department is unable to compete with other advertised positions, even seasonal temporary positions, because they are offering better salaries. He stated that the 3 full-time dispatchers work 8 hr. shifts Monday – Friday and so during the 48-hour weekend, calls are currently being dispatched by Police Officers. This creates a problem if the Officers are already on a current active callout, then it is likely that they are unable to accept any additional incoming calls. Councilmember Skaflestad and Murray acknowledge the deficiency of staff and the strict screening process of having qualified dispatchers. He further expressed how budget constraints impacts the Police Department's ability to meet the request of Council to maintain 24-hour dispatch service. Councilmember Murray asked if increasing the wage of dispatchers would help to ensure that we are able to maintain the Council's request to have 24-hour dispatch service. Councilmember Wilson is in support of raising the wage of the dispatcher positions. Administrator Gray stated that Mayor and Administration can adjust the salary wage but wanted to make the Committee and Council aware that it may impact budget.

1. Public Comment—None

No action necessary on this agenda item at this time. Mayor Byers wanted to make Committee and Council aware of the current situation.

**j) HIA Trade**—Administrator Gray provided a letter received from HIA on March 29, 2018, Proposal for Property Exchange between City of Hoonah and HIA. The proposed exchange is the tribal properties along front street by the municipality sponsored liquor store in exchange for tideland T-32 on the Tideland Addition to ATS 29 (Plat 87-21). Administrator Gray explained that there are eight partial (8) parcels of land that are about 8-10 feet wide.

Discussion: These lots were valued at \$61K. This allows us have untethered access to our dock we've owned since the 1940's and will allow for soul source waterfront development without having to have cooperative agreements. Committee members are in agreement of this exchange pending an official agreement.

Councilmember Savland expressed precautions on whether HIA has actual authority to prosecute such a land trade. Councilmember Skaflestad agreed and shared that ultimately HIA represents the tribe and they are making the decision on behalf of the shareholders to make this negotiation. Any shareholder/community disputes in regard to this trade would be directed to HIA and not the City.

We will pursue a Warranty deed (clear title) and not a Quit-claim deed.

1. Public Comment—

Moved by S. McConnell, Seconded by G. Skaflestad to forward this to Council agenda for approval of the property exchange *pending* receipt of an official formal agreement.

**k) Community/Council Comments**—Councilmember Skaflestad asked about the location of the Visitor Information kiosk so that we can better represent local businesses better and also having a sign on the shack. Administrator Gray stated that ISP is making a sign that will identify it is the City of Hoonah information booth. He also clarified that we can hang brochures in the kiosk from local businesses, but we cannot dispatch for businesses activities. Councilmember McConnell requests that this topic be on Council agenda for discussion of the of Visitor Information kiosk.

Councilmember Murray is requesting Administration allow more adequate time (2-3 months) to review and receive community input of projects *prior* to decision-making or approval of funding.

Acting Chief of Police Mills shared that he will be soliciting the Liquor Board for funding to purchase three (3) flag poles [1-US Flag, 2-Alaska Flag, 3-MIA Flag] as a memorial for the Veteran's Memorial Pathway and that he will inform Veterans or family members of the Community to purchase plaques that can be placed on the rock wall.

V. **Adjourn**—9:04 pm.