

City of Coffman Cove
Regular City Council Meeting
Thursday, August 15th, 2019
6:30 PM at City Hall

PUBLIC HEARING at 6:15 PM: Ordinance 20 01 (2nd Reading): ATV Usage on Public Roadways

Public comment during hearing of second reading of Ordinance 20 01 ATV Usage on Public Roadways:

Community: Does this include side-by-sides?

Council: The Ordinance is not an ATV Ordinance, it is an off-road vehicle ordinance, and it includes all off-road vehicles. (A copy of the ordinance was handed out)

Community: Mentioned that the old Ordinance was still posted at the Post Office, suggestion to take it down so others do not get confused.

Council: Most of what is in the new ordinance is taken out of State Statues or Administrative Code.

Community: Does this mean the new ordinance is treating Off-road vehicles the same as automobiles?

Council: No, state law says you cannot ride an off-highway vehicle on a public road, but in the administrative code it states that if a municipality allows it people can. The new Ordinance is saying that we **will** allow it. The new Ordinance also adds in state law that the city cannot change; licensing, insurance requirements, obeying laws, and age requirements. The old ordinance was a little misleading, there was a parental permission slip for underaged riders which may have led people to believe that children under the age of 16 could ride if parents/guardians signed off on it. This put the City at risk for problems, that part of the ordinance is gone. The other part of the ordinance gone is the requirement for the orange flag, this is not a state law it was a local requirement. The city has no way to enforce the flag requirement due to it not being state law.

Community: When this ordinance was first written it was a requirement because people were not paying attention, and the flag made people on ATVs more visible.

What is the enforcement arm of this ordinance? Is it the State Troopers?

Council: Yes, the only enforcement for the City of Coffman Cove is the State Troopers, potentially the Forest Ranger could have enforcement as well. Enforcement Officers could ticket anyone they see breaking the law.

Community: Wants people riding to stop at the stop signs, our children are watching you ride your four-wheelers, I see cars stopping not four-wheelers.

Council: That is not specifically in the ordinance, but it is a law and all state laws should be followed while riding. If a trooper were to see you ride through a stop sign, the trooper can pull you over and ticket you like he/she would if were in a car.

Community: If you are 16 or older you would qualify for a class R license, correct?

Council: 16-18, and the parent has to sign a state permission slip to get that. I would like to know how we are going to enforce this? I am not opposed or avidly for it, my concern is if we adopt this and cannot enforce it, we are then liable. I don't want to pick on the kids this is part of life here.

Community: When we did the ordinance before it was with the Troopers knowledge that the city wanted this ordinance. It was said that they would let it go, but if things get out of hand, laws would be enforced. I sit on the corner; it is more adults doing this than the kids, times are changing and we are not going to be able to police ourselves much longer. I am comfortable pulling the kids aside and saying something, but as for the adults it is not my place. Others feel they would say something to anyone driving unsafely.

Council: My point is how do we enforce this? That is what I want the correction on.

Community: I think that if everyone knows that the Troopers would be watching it could change everything. I disagree because people have known all along that the Troopers are watching; troopers have come in and told us if you want us to do anything people need to pick up the phone and call. Tell us know who's driving what the situation is etc., then we (troopers) will come and take care of it.

Council: This will actually give us some teeth with the Troopers, now the Troopers know we have an ordinance in place that does not make expectations clear. This will help when we do call.

Community: Can't we do a citizen's arrest?

Council: I don't know if you can do that. To answer the question about the old ordinance, I feel it exposed us to a liability because we were signing off on things that were illegal, for example the parental permission slip. The point of this was to:

- 1.) Explicitly authorize Off-road vehicle use in Coffman Cove, but we needed to do that as a City Council. That way the Troopers cannot just pull anyone over within the city just because they are riding.
- 2.) The laws were added to make people aware, and to have a local source to understand what the law is.
- 3.) Now when a Trooper pulls into town, he/she won't just pull anyone over, but if the law is being broken, they can ticket or issue a warning.

Suggestion was made for office staff to send all the people with Off-road vehicles the ordinance. The ordinance is posted at the Post Office, and other places for people to read.

My only concern is that if we adopt policy and we do not enforce it. What liability do we have? In my opinion we do not have liability because we do not have our own enforcement arm. A concern is that the laws as they are written in this new ordinance can change on a state level, and we can or cannot update these things to keep them current. The suggestion was made to only adopt the first two sections, and cut the rest out. It is up to the person to know the laws, and the laws change.

Call to Order: Mayor Olson calls meeting to order at 6:35pm

Roll Call: Mike Underwood, present, Joel Buchanan, present, Yvonne Drozdowicz-Somfleth, present, Brian Wilson, present, Perry Olson, present, Bridget Wright, present.

Pledge of Allegiance: Yes

Public Comment: Roxy Wilson: As some of you may know our nephew Tyler passed away, he loved kids. One of the churches in our community has given us a sizable donation, and others would like to contribute so we discussed how this money would be spent. Our family would like to; with permission from the City, revamp the little park. Buying some new equipment, fill in holes, and we wanted to come to the City first because it is City land. Council suggests a proposal, and adding this to the next agenda.

Linda Webster: The Arts & Seafood Festival committee got together and would like to ask the City's permission to leave the stage setup at the Ferry Terminal. The reason they would like to leave it is every time the stage is moved, pieces break off; it is a continual mess. If the city approves this, we will also be putting a stain on it or painting it to help with the weather damage. Mayor Olson suggests adding this to the agenda under new business so council can make a decision tonight.

Michelle Page: The American flags that are hanging, the one at the ballpark looks like it is at half-mast and feels it needs to be pulled up more. She has tried to fix it, but it needs to come all the way down and be repaired. The Flag at the Post Office needs be raised higher. She would also like the city to consider changing the speed limits on side roads from 25mph to 15mph. She feels that 25mph is too fast, other community members present at the meeting agreed. Others felt that 25mph was too fast for the road in front of City Office, and up towards the school. Mayor Olson suggests adding this to agenda for Council to make a decision on as well, Yvonne agrees.

Approval of Agenda: Mayor Olson makes motion to approve agenda, with the addition of Appointing Seat C, DOT Letter, Art's Festival Stage request, and Speed Limit change request, Bridget Wright 2nd. **All in favor, none opposed, motion to approve agenda with additions passes.**

Persons to be Heard: None

Consent Agenda: Mayor Olson makes motion to approve the consent agenda, Bridget Wright 2nd. **All in favor, none opposed, motion to approve consent agenda passes.**

Bridget added that she appreciated the addition of what reports were/were not in council packets.

1. Mayor Report	6. Projects/Grants Report	11. Water/Sewer Report
2. Minutes	7. Financial Report	12. Fire Dept. Report
3. Watershed Report	8. Post Office Report	13. EMS Report
4. CQE Report	9. Parks/Rec/Maintenance	14. Library Report
5. Special Events Report	10. IFA Report	15. NEFA Report
16. Loggers Lane/Luck Lake Paving Project		

(14.) Library Report not given, (16.) Loggers Lane/Luck Lake Paving Project Report given orally.

Correspondence/Information: None

Resolutions & Ordinances:

1. **Ordinance 20 01: ATV Usage on Public Roadways (2nd Reading):** Mayor Olson makes a motion to approve Ordinance 20 01 at this second reading, Jackie Sunde 2nd.

Discussion: Joel Buchanan would like to amend by removing all sections below 8.03.020 (see attached Ordinance), Mike Underwood 2nd. **Jacki Sunde, yes, Yvonne Drozdowicz-Somfleth, no, Brian Wilson, no, Perry Olson, no, Bridget Wright, yes, Mike Underwood, yes, Joel Buchanan, yes. 4 council members in favor, 3 council members opposed, motion to remove Sections 8.03.030-8.03.110 passes.** This is the second reading and under our ordinance, if the changes to the ordinance are major at a second reading then a second first reading is needed, this meeting would be the first reading again then the second, second reading would be the next meeting. Mayor Olson reads ordinance procedure, vote needed on this being the new first reading of Ordinance 20 01. **Yvonne Drozdowicz-Somfleth, yes, Brian Wilson, yes, Perry Olson, yes, Bridget Wright, yes, Mike Underwood, yes, Joel Buchanan, yes, Jacki Sunde, yes. All in favor, none opposed, motion to approve first reading passes.**

This will be scheduled for another second reading at the next Council Meeting.

2. **Ordinance 20 02: Platting Board - Creation and Membership (1st Reading):**

The idea here is to add another member to the Platting Board, would like to have a representative of the local power company on the board to be able to have input from them, we have had a letter of interest turned in. We only have 5 spaces on the board and wish to add another. Mayor Olson makes a motion to accept Ordinance 20 02, Yvonne Drozdowicz-Somfleth 2nd.

Discussion: Joel would like to know if we are adding this position just to have a representative of the power company or adding a 6th resident. He has concern if we are adding just for a utility.

Terra Green adds: we would like to add another community member, because of the letter of interest with no available spots, this would still go through the process of being posted, and the Platting Board would take letters of interest from other

community members. The City Council would then decide on who would be on the platting board.

Council is not comfortable with this, Mayor Olson calls to question. **Brian Wilson, no, Perry Olson, no, Bridget Wright, no, Mike Underwood, no, Joel Buchanan, no, Jacki Sunde, no, Yvonne Drozdowicz-Somfleth, no, all opposed, motion fails.**

Unfinished Business:

1. **ROW Firewood Permit Policy:** Mayor Olson requests tabling, Brian Wilson
- 2nd. **All in favor, none opposed, motion to table passes.**

New Business:

1. **Appointing Seat C:** We have two letters of interest, the idea that office staff and Mayor Olson came up with due to having two people wanting the same seat. I would like to pass out ballots to the council members to do a silent vote, council will clearly mark one of the boxes for the person they would like on council. Council will hand them directly to Gina, then Gina and Terra will collate them if there is a clear majority, I (Mayor Olson) will nominate that person. This appointment is only until October when the Seat will come up for election to fill the rest of Randy Wright Jr.'s term. No objections to this. Community members in audience wanted to know who were interested in the Seat-Sara Yockey, and Jacki Sunde. It was a tie, if no one changes their vote the seat will not be able to be filled at this meeting. Council member states that according to Robert's Rules the Mayor would be the deciding vote. Mayor Olson opted out of making the final vote, Mayor Olson was open to ideas of how to resolve this. Council decided to have the interested parties tell us why they wanted to be on council, and to open it up for questions.

Mayor Olson suggests that the interested parties tell people why they want to be on council and what they hope to achieve.

Jacki Sunde: hopes to see the City move forward prosperously, Jacki has been a resident since 1995 over the years she has seen many changes. Jacki has many ideas of where she would like to city to go, and wants to be a part of it.

Sara Yockey: has been absent from the community for a long time, she was highly involved in local government before her return to Kassan, and would like to become involved again. Sara would like to promote economic development so she can actually have a job in Coffman Cove, would like to be involved, is not about her ideas, she is about the ideas of the people.

Council Questions: Have either of you been on the City Council before?

Sara Yockey has been on council in the past, and Jacki Sunde has never been on council. Mayor Olson lets public present at meeting ask 2 questions of each candidate.

Public Questions: Have either of you been on POWCAC, North End Ferry board, committees or something similar that deals with our government?

Jacki Sunde was more active in the city when she lived in town, she has not been since her move across the bay, she has always made an effort to be informed on what was happening in the city.

Sara Yockey is on several committees in her current position, was on the Platting Board when working for City of Coffman Cove, School ASC.

Would the two of you like to see the City of Coffman Cove become more active in the other cities and committees that they have like POWCAC?

Jacki Sunde would like to see our City stand out and lead by example, she does not feel that some of the other cities are going in the right direction.

Sara Yockey, POWCAC is an island-wide community organization, and would like to see Coffman Cove participate more with POWCAC. Sara attends the meetings regularly in a different capacity, and does not see representation from Coffman Cove. Sara would like for Coffman Cove to have a say in those meetings and the only way to do that is to be there, would like Coffman Cove to be the force it used to be when she worked here before.

Mayor Olson would like to know if any council members are willing to change their vote, council members were unwilling to change any vote. Sara Yockey decided to step down to allow Jacki Sunde to take Seat C. Jacki Sunde is then nominated by Mayor Olson to fill Seat C until the election in October, Brian Wilson 2nd. **Joel Buchanan, yes, Yvonne Drozdowicz-Somfleth, yes, Brian Wilson, yes, Perry Olson, yes, Bridget Wright, yes, Mike Underwood, yes. All in favor, none opposed, motion to appoint Jacki Sunde to Seat C passes. Jackie Sunde is sworn in to Seat C.**

2. EMS Transport Vehicle Repair Invoice: Received invoice from Tracy's shop in Thorne Bay for front end repair. Mayor Olson makes motion to approve the invoice for payment and repair. Discussion: Brian wanted to make sure there was money in the budget, Mayor Olson reminded council that there will be a budget amendment in December, there are charitable contributions in the budget that will cover the repairs.

Perry Olson, yes, Bridget Wright, yes, Mike Underwood, yes, Joel Buchanan, yes, Jacki Sunde, yes, Yvonne Drozdowicz-Somfleth, yes, Brian Wilson, yes. All in favor, none opposed, motion to approve EMS vehicle repair passes.

3. City Right of Way Issues: Related to this is also the letter from the State DOT because the signs in the ROW, and the personal property in the ROW all comes together. This will cover the addition of the State DOT letter to the agenda. DOT Property Manager Michael Shuler has communicated with me over the last couple of months about the sign in State ROW, reminder for council and public there is a State Law that says you cannot have a sign within 660 feet of a State ROW, nor can you put up signage that is visible outside of that ROW. Coffman Road is a state ROW Michael has been working with Steve Beilgard for months. Steve was sent a letter, and the City of Coffman Cove will be receiving one because we are the property owners, and it will demand that the sign come down. The State Statues say that the letter will be sent certified to the property owner, and the property owner will have 30 days to remove the sign. The City will not be removing Steve Beilgard's sign, the State of Alaska DOT can do that. See attached letter. Mayor Olson would like to know council's opinion on whether or not to pass the potential charges for the removal of the sign onto Steve Beilgard because he has refused to take the sign down. Council agrees that the charges should be passed to Steve Beilgard. We

do currently have a ROW Policy in place which covers construction of roads, and other things. There is personal property stored in the ROW all over town, Mayor Olson would like some direction from the council on what they would like to see in the Policy. Everyone has to be treated the same, either everyone needs to remove their personal property from ROW or everyone gets to leave their personal property in the ROW. Council was in favor of ALL personal property being removed from City ROW. Mayor Olson clarifies that the Council would like the Mayor and City Staff to start working on getting everyone's personal property out of City ROW. This would include vehicles, signs, trailers, construction equipment, boats. Council member states that this will also affect the ROW that has been leased to a business owner for boat storage for years. We have a one-year agreement with the Bunkhouse to put three boats in front of their business. This would mean that all items would need to be removed and it is the same for everyone, business owner or not. The plan is to get a ROW Ordinance in place then it can be better enforced, this will replace the policy.

4. Arts and Seafood Festival Stage: Linda had left, council had a question about where the stage was set, on the grass or the concrete? The stage is on the concrete, would anyone like to make a motion on this. Yvonne Drozdowicz-Somfleth makes motion to approve leaving the stage at the Ferry Terminal, Mayor Olson 2nd. Discussion: Council member was not in favor of leaving the stage there, also voiced concern that again this year there was no cut in and cut out for the meter, there were extension cords laying all over and it was raining, feels the city could be liable if there is injury. Wanted to know how we square up for the electricity used by the Festival, feels if these things are not addressed then the Festival needs to find a new venue. Council member does support the Arts Festival, but it is a matter of contacting utilities and switching for a fee of \$75 after the meter is switched, then Festival would be liable. Council members agree and would like to see a certificate of insurance before renting Ferry Terminal. Council would like to know what this has to do with the stage, there is a suggestion made that next year when the proposal is brought before council that all of this will be covered. Concern is that the liability needs to go to Arts Festival, this will help alleviate liability to the City. Council is in support of the festival; a lot of people show up, it promotes Coffman Cove all for that. Council would just like to see it done better. Leaving the stage in place is also a liability to the city. **Bridget Wright, no, Mike Underwood, yes, Joel Buchanan, no, Jacki Sunde, no, Yvonne Drozdowicz-Somfleth, yes, Brian Wilson, no, Perry Olson, no. 2 council members in favor, 5 council members opposed, motion to leave stage fails.**

Bridget would like to know if we are going to follow up on the electricity issues, Mayor Olson will contact Heather about it. Suggestion is made to council member that works with the Arts and Seafood Festival to keep an eye on that down there, Mike Underwood agrees to do so. Suggestion was made to do a rental agreement for people interested in putting on events like this to follow requests of council.

5. Speed Limit Change to 15mph: Jacki Sunde would like to make a motion to change speed limit from 25mph to 15mph on all city roads, except the road leading out to Luck Lake, motion dies for lack of a 2nd.

Yvonne Drozdowicz-Somfleth makes a motion to reduce speed limit to 15mph on all residential roads, except in front of storage lot, motion dies for lack of a 2nd.

Public/Council Comment: Michelle would like to know why the council does not want to reduce the speed limit, some of the council do want them reduced, but not just some of them ALL of them. There is mention of summer time months with all the people speeding around that don't understand our lifestyle the kids, dogs, bikes, deer, etc.

Council: there is no way for the city to enforce the 25mph let alone 15mph. To some 25mph is pretty slow, have never hit a deer or had one jump in front of vehicle, again there is not enforcement for this. People would like to know what to do if they see someone flying by, suggestion is made to take a video and call Troopers to start a history, then Troopers will be here more to enforce these things. All we have as a city to enforce is the people who live here policing themselves.

Brian gives an update on the Loggers Lane/Luck Lake Paving project, we have been approved, got shovel ready after six months, one more certificate needs turning in. I will be speaking with Samantha on Monday about it, and we will have until 2021. It looks like there will be no paving on the island, so we may not start until next fall which may benefit us. We have core engineers, fish and game permits done. Public wanted to know what the amount is? \$765,000.00, we have racks, there was some added cost to get shovel ready, we might run it through RAC. Public wanted to know what the match percentage was. Match is just over 7%, we are about \$56,000 if I remember correctly. It looks like the state may have some paving happening next year, which will be good for us if we start in the fall 2021. Brian let us know that it is 120,000.00 to move one of the paving units onto the island which would be all at our expense if no one else is paving, that is a minimum. It could be as much as \$250,000 to set up a paving plant and a crusher. Mayor Olson had a comment to council about the ordinances being sent out prior to the meeting for any changes and then no one responding until the meeting, and having to then start all over. Mayor Olson would like to see council respond before the meeting so we are not wasting time starting all over again on an ordinance that could have been corrected before a meeting.

Brian Wilson IFA report new GM, Ron Clark has a great resumé, VP of Mrs. Fields Cookie Co. brought it to mainstream, has been working on the boat for the last week. The 250,000 grant was approved that helps keep it going. Looking at partnering with businesses, if there were 4-5 more riders a day then IFA may not need grant.

Adjourn: Mayor Olson moved to adjourn, Brian Wilson 2nd. **All in favor, none opposed, motion to adjourn passes.**

Passed and approved this _____ day of _____, 2019.

Mayor

Clerk